

THE
Provincial Gazette
OF
KwaZulu-Natal

DIE
Provinsiale Koerant
VAN
KwaZulu-Natal

IGazethi
YESIFUNDAZWE
saKwaZulu-Natali

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Ishicilelwe ngegunya
(Irejistiwe njengephephandaba eposihhovisi)

No. 5406 ULWESINE, 3 FEBHUWARI 2000

Izaziso ezihunyushwe noma ezihlotwe uPhiko Lwemisebenzi yeziLimi zikhonjiswe ngaloluphawu †.

No. Ikhasi

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No. 5406 THURSDAY, 3 FEBRUARY 2000

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No. Bladsy

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PROVINCIAL NOTICES — PROVINSIALE KENNISGEWINGS — IZAZISO ZESIFUNDAZWE

THE following notices are published for general information.

O.E.H.M. NXUMALO
Director-General

Natalia
Longmarket Street
Pietermaritzburg
3 February 2000

ONDERSTAANDE kennisgewings word vir algemene inligting gepubliseer.

O.E.H.M. NXUMALO
Direkteur-generaal

Natalia
Langmarkstraat
Pietermaritzburg
3 Februarie 2000

IZAZISO ezilandelayo zikhishelwe ulwazi lwawonke uwonke.

O.E.H.M. NXUMALO
Umqondisi-Jikelele

Natalia
Longmarket Street
Pietermaritzburg
3 Febhuwari 2000

No. 30, 2000

3 February 2000

PROCLAMATION NO. 4 OF 2000: REPEAL

PROCLAMATION No. 4 of 2000, published on 20 January 2000, is hereby repealed.

No. 30, 2000

3 Februarie 2000

PROKLAMASIE NO. 4 VAN 2000: HERROEPING

PROKLAMASIE No. 4 van 2000, soos op 20 Januarie 2000 gepubliseer, word hierby herroep.

No. 31, 2000

3 February 2000

LOCAL BOARD FOR PROTECTED AREAS

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS

KwaZulu-Natal Nature Conservation Management Act No. 9 of 1997: Nomination of persons to be appointed to the local boards for:

Hluhluwe-Umfolozi Park (Mdletshe, Mpembeni, Hlabisa, Mpukunyoni, Zungu, Mandhlakazi, Ximba, Obuka, Somopho and Mhlana);
Tembe Elephant Park — Ndumo Game Reserve Complex and Sileza Forest Reserve (Tembe and Mathenjwa); and
Drakensberg Park Central Region (AmaNgwe, Mhungweni, AmaHlubi, Abambo, Insonga and Thendele).
Coastal Forest Reserve (Tembe and Nbila)

IN terms of regulations made by the Minister of Agriculture and Environmental Affairs published in Provincial Notice No. 339 dated 2 December 1999, I hereby invite nominations with motivation, from members of the public and the organisations mentioned in this invitation, of persons who could be considered for appointment to these local boards. Proposed persons must have demonstrated real influence in their communities, organisations or institutions and real interest in respect of the management of the particular protected area or areas. Candidates must be drawn from:

Formally constituted organisations/institutions

Traditional authorities

Formal agriculture

Regional tourism

Business sector

Regional and town councils

Local authorities

Environmental groups

Special interest groups

A person cannot be appointed as a local board member if such person is a member of the National or Provincial Parliaments, or an official or employee contemplated in the Public Service Act 1994; is an unrehabilitated insolvent; is declared to be of unsound mind by a court; or since the date on which the Constitution came into effect, has been convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine.

Information and nomination forms are available from Mrs C. Scheepers (Tel: 033-8451469) of the KwaZulu-Natal Nature Conservation Service, P O Box 13053, Cascades, 3202 and, on completion, these should be forwarded to Mr T. L. P. Kruger, Head of Department: Agriculture and Environmental Affairs, Private Bag X9059, Pietermaritzburg 3200 (Fax : 033-3559122)

Closing date: 3 March 2000

T. L. P. KRUGER
Head of Department : Agriculture and Environmental Affairs

No. 31, 2000

3 Februarie 2000

PLAASLIKE RAAD VIR BESKERMDE GEBIEDE

DEPARTEMENT VAN LANDBOU EN OMGEWINGSKE

KwaZulu-Natal Wet op Natuurbewaringsbestuur, No. 9 van 1997: Benoeming van persone wat aangestel gaan word in die plaaslike rade vir :

Hluhluwe-Umfolozipark (Mdletshe, Mpembeni, Hlabisa, Mpukunyoni, Zungu, Mandhlakazi, Ximba, Obuka, Somopho en Mhlana);

Tembe Olifantpark — Ndumo Natuurreservaatkompleks en Sileza Bosreservaat (Tembe en Mathenjwa); en
Drakensbergpark Sentrale Strek (AmaNgwe, Mhungweni, AmaHlubi, Abambo, Insonga en Thendele).
Kusbosbouservaat (Tembe en Nbila)

INGEVOLGE regulasies uitgevaardig deur die Minister van Landbou en Omgewingsake, soos gepubliseer in Provinsiale Kennisgewing no. 339 gedateer 2 Desember 1999, nooi ek hierby lede van die publiek en die organisasies vermeld in hierdie uitnodiging om benoemings, met motivering, voor te lê van persone wat vir aanstelling in hierdie plaaslike rade oorweeg kan word. Voorgestelde persone moet bewys gelever het van werklike invloed in hulle gemeenskappe, organisasies of instellings en werklike belangstelling toon in die bestuur van die bepaalde beskermde gebied of gebiede. Kandidate moet afkomstig wees uit:

Formeel saamgestelde organisasies/instellings

Tradisionele owerhede

Die formele landbou

Streekstoerisme

Sakesektor

Streeks- en dorpsrade

Plaaslike owerhede

Omgewingsgroepe

Spesiale belangegroepe

'n Persoon mag nie as 'n lid van 'n plaaslike raad aangestel word nie indien sodanige persoon 'n lid is van die Nasionale of Provinsiale Parlement of 'n beampte of werknemer is bedoel in die Staatsdienswet, 1994; 'n ongerehabiliteerde insolvente persoon is; deur 'n hof as kranksinnig verklaar is; of sedert die datum waarop die Grondwet in werking getree het, aan 'n misdryf skuldig bevind is en meer as 12 maande gevangenisstraf sonder die keuse van 'n boete opgelê is.

Aanmelding en benoemingsvorms is beskikbaar van mev. C. Scheepers (tel 033-8451469) of die KwaZulu-Natal Natuurbewaringsdiens, posbus 13053, Cascades 3202 en die ingevulde vorms moet gestuur word aan mnr T. L. P. Kruger, Departementshoof: Landbou en Omgewingsake, privaat sak X9059, Pietermaritzburg 3200 (faks 033-3559122).

Sluitingsdatum: 3 Maart 2000

T. L. P. KRUGER
Departementshoof: Landbou en Omgewingsake

No. 31, 2000

3 Febhuwari 2000

IBHODI LASEKHAYA LEZINDAWO EZIVIKELEKILE

UMNYANGO WEZOLIMO NEZEMVELO

UMthetho wokuPhathwa kweZokongiwa kweMvelo, No. 9 ka 1997: Ukukhethwa kwabantu abazobekwa kumabhodi asekhaya

Hluhluwe — Mfolozi Park (Mdletshe, Mpembeni, Hlabisa, Mpukunyoni, Zungu, Mandhlakazi, Ximba, Obuka, Somopho kanye naseMhlana);

Tembe Elephant Park — Ndumo Game Reserve Complex kanye neSileza Forest Reserve (Tembe kanye neMathenjwa); kanye

Nemaphakathi nesifunda sePaki lasoKhahlamba (Amangwe, Mhugweni, Amahlubi, Abambo, Insonga kanye neThendele).

Coastal Forest Reserve (Tembe no Nbila)

Ngokwemithetho ebekwe nguNgqongqoshe wezoLimo nezeMvelo ekhishwe njengesaziso kwiGazethi yesiFundazwe No. 339 ngomhlaka 2 Disemba 1999.

TGALOKHU ngimema amalungu omphakathi kanye nezinhlangano ezibalulwe kulesisimemo, ukuba niphakamise abantu abangabekwa njengamalungu amaBhodi eziNdawo. Abantu abaphakanyiswayo kufanele kube ngabantu asebekhombise ukubamba iqhaza ezinhlanganweni abangamalungu kuzo noma ezikhungweni kube ngabantu futhi abakhombise ukuba nothando ngokumayelana nokuphathwa kwendawo noma kwezindawo ezithile ezivikelekile. Labo abangenele ukhetho kufanele baqhamuke kulezizinhlangano ezilandelayo:

Izinhlangano ezisungulwe ngokomthetho/izikhungo

Omaziphathe bendabuko

Ezolimo ezimiswe ngokomthetho

Ezokuvakasha zesifunda

Ezamazibizini

IMikhandlu yamaKhansela amaDolobha kanye nawesifunda

Abaphathi bendawo

Amaqembu ezemvelo kanye

Namaqembu anothando lwalomsebenzi

Umuntu angeke akhethelwe ukuba abe ilungu leBhodi uma ngabe lowo muntu elilungu lePhalamende likaZwelonke noma elilungu lePhalamende lesifunda, noma lowo muntu ngokomthetho wezabasebenzi bomphakathi umthetho wangonyaka ka 1994; engumuntu obonakala engakaguquki osahluleka ukukhokha izikweletu zakhe; ngumuntu ngokwenkantolo ongaphilile kahle ekhanda; noma ngumuntu kusukela kwaqala ukuba kusebenze loMthethosisekelo waboshelwa ukwenza icala wagwetshwa isikhathi esingaphezu kwezinyanga eziyi-12 wanganikwa ithuba lokuba akhokhe inhlawulo.

Ulwazi mayelana nalokhu kanye namafomu okufaka iziphakamiso kungatholakala ku Nkosikazi C. Scheepers (Ucingo: 033-8451469), KwaZulu Natali Nature Conservation Service, P.O. Box 13053, Cascades, 3202 uma ngabe usuligcwalisile, kufanele lokhu kudluliselwe ku Mnumzane T. L. P. Kruger: Inhloko yoMnyango: EzoLimo nezeMvelo, Private Bag X9059, Pietermaritzburg 3200 (Fax: 033-3559122)

Usuku lokuvala: 3 Mashi 2000.

T. L. P. KRUGER
Inhloko yoMnyango: uMnyango wezoLimo nezeMvelo

No. 32, 2000

THE following descriptions of animals in the undermentioned pounds are hereby published in terms of section 33(1) of the Pound Ordinance, 1947 (Ordinance No. 32 of 1947), and it is hereby notified that the said animals will be sold at the said pounds by the poundkeepers thereof or by some one acting on their behalf at 10:00 on Wednesday, 16 February 2000, unless previously released.

Bridgewater Pound, District of Mount Currie

3 mixed cattle
1 bull

D. R. de Kock
Poundkeeper

Nooitgedacht Pound, District of Vryheid

1 black and white cow
1 black and white calf
1 black and white ox
1 black ox
5 black bullocks
1 brown cow
1 black calf

B. P. Theunissen
Poundkeeper

No. 32, 2000

3 Februarie 2000

ONDERSTAANDE beskrywings van diere in ondervermelde skutte word hierby ingevolge artikel 33(1) van die Skutordonnansie, 1947 (Ordonnansie No. 32 van 1947), gepubliseer en hierby word bekend gemaak dat genoemde diere by genoemde skutte deur die skutmeesters daarvan of deur iemand namens hulle om 10:00 op Woensdag, 16 Februarie 2000 verkoop sal word, tensy eerder gelos.

Bridgewater-skut, distrik Mount Currie

3 gemengde beeste
1 bul

D. R. de Kock
Skutmeester

Nooitgedacht-skut, distrik Vryheid

1 swartbont koei
1 swartbont kalf
1 swartbong os
1 swart os
5 swart jong osse
1 bruin koei
1 swart kalf

B. P. Theunissen
Skutmeester

No. 32, 2000

3 Febhuwari 2000

I ZINCAZELO ezilandelayo zezilwane kulezi zikidi ezishiwo ngezansi ngalokhu ziyakhishwa ngokuhambisana nesigaba 33(1) se-Odinensi yezikidi (Pound Ordinance No. 32 of 1947), futhi ngalokhu kuyaziswa ukuthi izilwane ezishiwo ziyothengiswa esikidi esishiwo ngumgcinisikidi noma ombambele ngo 10:00 ngoLwesithathu, mhlaka 16 Febhuwari 2000, ngaphandle uma zidedelwe ngaphambi kwalokho.

Bridgewater, isifunda saseMount Currie

izinkomo ezinhlobonhlobo ezi-3
inkabi eyodwa

D. R. de Kock
Umgcinisikidi

Nooitgedacht, isifunda saseVryheid

inkomazi enombala omhlophe nomnyama eyodwa
inkonyana elinombala omhlophe nomnyama elilodwa
inkunzi enombala omhlophe nomnyama eyodwa
inkunzi emnyama eyodwa
izinkunzi ezimnyama ezi-5
inkomazi ensundu eyodwa
inkonyana elimnyama elilodwa

B. P. Theunissen
Umgcinisikidi

No. 33, 2000

3 February 2000

DEPARTMENT OF HEALTH
TENDERS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Tenders must be on the official tender form which shall be completed in all respects and all information must be supplied as stipulated in the tender document.
- (ii) Tenders must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each tender.
- (iv) The envelope must be addressed to the Department of Health, Subdirectorates Provisioning Administration together with the tender number and closing date.
- (v) The name and address of the tenderer, must be endorsed on the back of the envelope.
- (vi) All Department of Health contract awards are subject to appeals being lodged (if any) and letters of acceptance being issued.

SUPPLY:

Tender number:

Closing date:

Time:

Documents available from:

Medical gas installation

ZNT 7090/2000 H

25 February 2000

11:00

Department of Health, Subdirectorates Provisioning Administration, 200 Mayors

Walk, Pietermaritzburg

Dereck Smith

Telephone: (033) 3946519

Facsimile: (033) 3453026

Mr R. Westwood

Telephone: (033) 3952256

Enquiries regarding specification:

No. 34, 2000

3 February 2000

KWAZULU-NATAL TENDER BOARD
TENDERS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE
PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

1. Please note that tender requests can be made via facsimile (viz. 033-3426737) for all documents available from the Procurement Administration Office: Pietermaritzburg as well as via e-mail. The e-mail address is as follows: **Internet: <zulug@finance.kzntl.gov.za>**
2. Tenders must be on the official tender form which shall be completed in all respects and all information must be supplied as stipulated in the tender document.
3. Tenders must be submitted in separate sealed envelopes.
4. Separate envelopes must be used for each tender invitation.
5. The address, tender number and closing date must be endorsed on the back of the envelope.
6. The name and address of the tenderer must be endorsed on the back of the envelope.
7. All Tender Board contract awards are subject to appeals being lodged (if any) and letters of acceptance being issued.

SUPPLY:

Tender number:

Closing date:

Time:

Documents available from:

Feeds, infant, paediatric and adult — eteral, modular, tube and other

ZNT 5205/2000 H

2000-03-01

11:00

Procurement Administration Office, 194 Longmarket Street, United Building,
4th Floor, Pietermaritzburg

Tel.: 033-3428191, Fax: 033-3426737

Gladys Zulu

OR

Procurement Administration Building, Ulundi, Ulundi Administrative Building,
1st Floor, Area No. 2

Monica Shange, Tel.: 035-8743146, Fax: 035-8743158

Mrs P. Campbell, Tel.: 033-3952642 or

Ms J. Downs, Tel.: 031-3603293/0

Contact person:

Contact person:

Enquiries:

SUPPLY:

Tender number:

Closing date:

Time:

Documents available from:

Instruments, surgical

ZNT 6345/2000 H

2000-03-01

11:00

Procurement Administration Office, 194 Longmarket Street, United Building,
4th Floor, Pietermaritzburg

Tel.: 033-3428191, Fax: 033-3426737

Gladys Zulu

OR

Procurement Administration Building, Ulundi, Ulundi Administrative Building,
1st Floor, Area No. 2

Monica Shange, Tel.: 035-8743146, Fax: 035-8743158

Mrs T. G. Mngadi, Tel.: 033-3952739

Contact person:

Contact person:

Enquiries:

SERVICE:

Tender number:

Closing date:

Time:

Documents available from:

Contact person:

Compulsory site inspection:

Time:

Date:

Venue:

Enquiries:

Vutshini Water Scheme: Supply, delivery and installation of the main pumping
line

ZNT 1207/99 A

2000-02-23

11:00

MBB Consulting Engineers Inc, 165 Boom Street, Pietermaritzburg, 3200

Mr E. Koch, Tel.: 033-3559336

11:00

2000-02-11

Ntingwe Tea Estate Offices, Ntingwe Tea Estate

Mr E. Koch

MUNICIPAL NOTICES — MUNISIPALE KENNISGEWINGS — IZAZISO ZIKAMASIPALA**M.N. 9, 2000**

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991), read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT
Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL**TARIFFS OF CHARGES: AMENDMENTS:****A. REFUSE TARIFFS:**

1. Refuse removal services, with the quantity of bins at the discretion of the Health Inspector:
 - (a) Residential
Per bin per month — removed twice per week.. R9,00
 - (b) Businesses
Per bin per month — removed daily R15,00
 - (c) Businesses at central point — removed weekly R22,50

B. ALL THE ABOVEMENTIONED TARIFFS IN RESPECT OF SERVICES RENDERED ARE SUBJECT TO VALUE-ADDED TAX AS DETERMINED FROM TIME TO TIME.**M.N. 10, 2000**

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991), read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT
Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL**TARIFFS OF CHARGES: AMENDMENTS:****ELECTRICITY:****A. BULK CONSUMERS:**

1. The following charges shall be payable per month or part thereof:
 - (a) Per kVA R35,00
 - (b) Per energy cost per kVA R0,10

B. COMMERCIAL & INDUSTRIAL CONSUMERS:

- (a) Fixed charge R30,00
- (b) Energy charge for the first 1000 kWh per kWh R0,20
- (c) Thereafter per kWh R0,14
- (d) Surcharge 12,00%

C. DOMESTIC CONSUMERS:

- (a) Fixed charge R10,00
- (b) Energy charge for the first 1 000 kWh per kWh R0,19
- (c) Thereafter per kWh R0,13
- (d) Surcharge 12,00%

D. RECONNECTION CHARGES:

- For the reconnection of the electricity supply after the supply has been discontinued for non-payment..... R45,00

M.K. 9, 2000

3 Februarie 2000

DIE Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT
Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD**KOSTETARIEWE: WYSIGINGS:****A. VULLISVERWYDERING:**

1. Vullisverwyderingsdiens: die hoeveelheid houters onderworpe aan die goeddunke van die Gesondheidsinspekteur:
 - (a) Huishoudelik
Per houer per maand — 2 keer per week verwyder R9,00
 - (b) Besigheid
Per houer per maand — daaglikse verwydering..... R15,00
 - (c) Besighede by sentrale plek
Weeklikse verwydering..... R22,50

B. AL DIE BOGENOEMDE TARIWE MET BETREKKING TOT DIENSTE GELEWER IS ONDERWORPE AAN BELASTING OP TOEGEVOEGDE WAARDE SOOS VAN TYD TOT TYD BEPAAL.**M.K. 10, 2000**

3 Februarie 2000

DIE Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering 1993 (Wet No. 209 van 1993) soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT
Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD**KOSTETARIEWE: WYSIGINGS:****ELEKTRISITEIT:****A. GROOTMAATVERBRUIKERS:**

1. Die volgende gelde is betaalbaar per maand of gedeelte daarvan:
 - (a) Per kVA R35,00
 - (b) Energieheffing per kVA R0,10

B. KOMMERSIËLE & INDUSTRIËLE VERBRUIKERS:

- (a) Basiese heffing R30,00
- (b) Vir die eerste 1000kWh per kWh R0,20
- (c) Per kWh daarna R0,14
- (d) Toeslag op energieverbruik 12,00%

C. HUISHOUDELIKE VERBRUIK:

- (a) Basiese heffing R10,00
- (b) Vir die eerste 1 000 kWh per kWh R0,19
- (c) Per kWh daarna R0,13
- (d) Toeslag op energieverbruik 12,00%

D. HERAANSLUITINGSKOSTE:

- Vir die heraansluiting van die Elektrisiteitstoever nadat dit weens betaalversuim afgesluit is..... R45,00

- E. ALL THE ABOVEMENTIONED TARIFFS IN RESPECT OF SERVICES RENDERED ARE SUBJECT TO VALUE-ADDED TAX AS DETERMINED FROM TIME TO TIME

M.N. 11, 2000

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991) read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT
Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL

AMENDMENT TO WATER SUPPLY BY-LAWS & TARIFF OF CHARGES

A. BASIC CHARGE:

- (a) Basic charge per stand which can be connected
To the main water supply
Per month..... R4,00

B. WATER CHARGES AS PER SCHEDULE:

- (a) For the first 25 kℓ of water per kℓ..... R0,90
(b) From 25 kℓ to 75 kℓ per kℓ..... R1,10
(c) From 76 kℓ and thereafter per kℓ..... R1,30

C. SUPPLY OF WATER TO CONSUMERS OUTSIDE THE TLC AREA:

- Per kℓ..... R1,30

D. WATER SUPPLY PER LOAD:

- Per load (maximum 5 kℓ)..... R20,00

- E. ALL THE ABOVEMENTIONED TARIFFS IN RESPECT OF SERVICES RENDERED ARE SUBJECT TO VALUE-ADDED TAX AS DETERMINED FROM TIME TO TIME

M.N. 12, 2000

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991) read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT
Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL

ASSESSMENT RATES — AMENDMENT

The following assessment rates are rateable for properties in the TLC area for the financial year 1 July 1997 to 30 June 1998

- 1a. An original rate of nine cents in the rand of the site value.
- 1b. On improvements..... R,001
cents
in the rand
- 1c. On agricultural land, the owner of which is in possession of a certificate issued in terms of section 153(5)(c) of Ordinance 25 of 1974..... 50% of
tariff
2. In terms of section 151(10) of the said Ordinance a rebate of between 20% and 40% will be granted where the registered owner is a pensioner of disabled person, (with a maximum annual income of R17 952).

Particulars are obtainable from Town Treasurer

The amount for rates as contemplated in section 167 of the said Ordinance is due on 1 July 1997 and can be payable in six equal

- E. AL DIE BOGENOEMDE TARIWE MET BETREKKING TOT DIENSTE GELEWER IS ONDERWORPE AAN BELASTING OP TOEGEVOEGDE WAARDE SOOS VAN TYD TOT TYD BEPAAL

M.K. 11, 2000

3 Februarie 2000

DIE Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering 1993 (Wet No. 209 van 1993), soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT
Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD

KOSTETARIEWE: WYSIGINGS: WATER VOORSIENINGSVERORDENINGE

A. BASIESE HEFFING:

- (a) Gelde betaalbaar per maand of 'n gedeelte of toevoer aange-sluit is al dan nie
Per maand..... R4,00

B. ALGEMENE VERBRUIKERS:

- (a) Vir die eerste 25 kℓ per kℓ..... R0,90
(b) Vanaf 25 kℓ tot 75 kℓ per kℓ..... R1,10
(c) Vanaf 76 kℓ en daarna per kℓ..... R1,30

C. VERBRUIKERS BUITE POR-GEBIED:

- Per kℓ..... R1,30

D. WATERVRAGTE:

- Per vrag (maksimum 5 kℓ)..... R20,00

- E. AL DIE BOGENOEMDE TARIWE MET BETREKKING TOT DIENSTE GELEWER IS ONDERWORPE AAN BELASTING OP TOEGEVOEGDE WAARDE SOOS VAN TYD TOT TYD BEPAAL

M.K. 12, 2000

3 Februarie 2000

DIE Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering 1993 (Wet No. 209 van 1993) soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT
Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD

BELASTINGTARIEWE — WYSIGING

Die volgende tarief is van toepassing op eiendom en verbeterings wat geleë is in die gebied van die Oorgangsraad vir die boekjaar van 1 Julie 1997 tot 30 Junie 1998

- 1a. 'n Oorspronklike belasting van nege sent in die rand op die terrein-waarde van grond.
- 1b. Op verbeterings..... R,001
sent in
die rand
- 1c. Op landbougrond waarvan die eienaar 'n sertifikaat besit wat ingevolge artikel 153(5)(c) van Ordonnansie No. 25 van 1974 uitgereik is..... 50% van
tarief
2. Ingevolge artikel 151(10) van voornoemde Ordonnansie sal 'n korting van tussen 20% en 40% toegestaan word in gevalle waar die geregistreerde eienaar 'n pensioenaris of ongeskikte persoon (met 'n maksimum jaarlikse inkomste van R17 952) is.
- Besonderhede kan van die Stadstoesourier verkry word.
- Die bedrag vir eiendomsbelasting soos in artikel 167 van voornoemde Ordonnansie beoog, is op 1 Julie 1997 verskuldig en kan in

monthly instalments before or on 31 April 1998.

Interest at a rate as determined in terms of sections 171, 172 and 175 of the Local Authorities Ordinance will be payable on all arrear amounts and defaulters are liable to legal proceedings for the recovery thereof. When a person's account is more than six overdue he will then be held responsible for the whole account in respect of the financial year.

M.N. 13, 2000

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991) read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT

Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL

CEMETERY FEES:

1. Ncotshane Graveyard:
 - 1.1 Per grave, residents of the TLC R15,00
 - 1.2 Non-residents per grave R200,00
2. Pongola Graveyard:
 - 2.1 Child burial - per grave R75,00
 - 2.2 Per grave, residents of TLC R300,00
 - 2.3 Non -residents per grave R500,00
 - 2.4 Double grave-non residents of Pongola TLC R450,00

ALL THE ABOVEMENTIONED TARIFFS IN RESPECT OF SERVICES RENDERED ARE SUBJECT TO VALUE-ADDED TAX AS DETERMINED FROM TIME TO TIME

M.N. 14, 2000

3 February 2000

THE Pongola Transitional Local Council, acting under the authority of section 6(1) of the Local Authorities Amendment Act, 1991 (Act No. 127 of 1991) read with section 10G(7) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), as amended, hereby publishes the consolidated tariffs of charges (as amended), which amendments came into operation on 1 July 1997.

W. H. PLANT

Acting Chief Executive/Town Clerk

PONGOLA TRANSITIONAL LOCAL COUNCIL

SEWAGE TARIFFS:

1. Removal of effluent waste (payable in advance)
 - (a) Tanker per load during working week days R18,00
 - (b)1 Outside Municipality borders — per load R43,00
 - (b)2 Outside Municipality borders per kilometre R5,00
 - (c) Removal on any other days than working week days per load R43,00
2. Internal sewage services
 - (a) Residential — basic tariff per month R22,50
 - (b) Business — 50% of water consumption used against R1.30
 - (c) Garages — per water closet R20,00
 - (d) Hotels — per point R350,00
3. Connection fees
 - (a) Per erf connection R350,00

ALL THE ABOVEMENTIONED TARIFFS IN RESPECT OF SERVICES RENDERED ARE SUBJECT TO VALUE-ADDED TAX AS DETERMINED FROM TIME TO TIME

ses gelyke maandelikse paaielemente betaal word voor of op 31 April 1998.

Rente teen 'n koers ingevolge artikels 171, 172 en 175 van die Ordonnansie op Plaaslike Owerhede vasgestel, sal gehef word op alle agterstallige bedrae en wanbetalers is onderhewig aan regsprose vir die invordering daarvan, met dien verstande dat indien meer as ses maandelikse paaielemente agterstallig is, hy verantwoordelik gehou sal word vir die totale rekening ten opsigte van die boekjaar.

M.K. 13, 2000

3 Februarie 2000

DIE Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering 1993 (Wet No. 209 van 1993) soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT

Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD

TERAARDEBESTELLINGSGELDE

1. Ncotshane Begraafplaas:
 - 1.1 Per graf- inwoner van POR R15,00
 - 1.2 Per graf- nie inwoner R200,00
2. Pongola Begraafplaas:
 - 2.1 Kindergraf-per graf R75,00
 - 2.2 Volwassenes- inwoner van POR R300,00
 - 2.3 Volwassenes- nie inwoner van POR R500,00
 - 2.4 Tweede teraardebestelling in selfde graf -nie inwoners R450,00

AL DIE BOGENOEMDE TARIWE MET BETREKKING TOT DIENSTE GELEWER IS ONDERWORPE AAN BELASTING OP TOEGEVOEGDE WAARDE SOOS VAN TYD TOT TYD BEPAAL

M.K. 14, 2000

3 Februarie 2000

Die Plaaslike Oorgangsraad van Pongola, handelende ooreenkomstig sy bevoegdheid ingevolge artikel 6(1) van die Wysigingswet op Plaaslike Owerhede, 1991 (Wet No. 127 van 1991), saamgelees met artikel 10 (G)(7) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993) soos gewysig, publiseer hiermee die gekonsolideerde kostetariewe (soos gewysig), welke wysigings op 1 Julie 1997 in werking getree het.

W. H. PLANT

Uitvoerende Hoof/Stadsklerk

PONGOLA PLAASLIKE OORGANGSRAAD

RIOOLTARIEWE

1. Verwydering van rioolafval (vooruitbetaalbaar)
 - (a) Tenkwa per vrage gedurende weekwerksdae R18,00
 - (b)1 Buite Oorgangsraadgrense — per vrag R43,00
 - (b)2 Buite Oorgangsraadgrense per kilometer R5,00
 - (c) Verwydering op ander dae as normale werksdae per vrag R43,00
2. Interne riooldienste
 - (a) Huishoudelik-basiese tarief per maand R22,50
 - (b) Besigheid — 50% van water verbruik teen R1.30 per kl
 - (c) Motorhawens-per spoelkloset R20,00
 - (d) Hotelle — per punt R350,00
3. Aansluitingsgeld
 - (a) Perseel per aansluiting R350,00

AL DIE BOGENOEMDE TARIWE MET BETREKKING TOT DIENSTE GELEWER IS ONDERWORPE AAN BELASTING OP TOEGEVOEGDE WAARDE SOOS VAN TYD TOT TYD BEPAAL

M.N. 15, 2000

3 February 2000

SOUTH LOCAL COUNCIL: POSTPONEMENT OF BY-ELECTIONS:
WARD B01

THE Minister of Traditional Affairs, Safety and Security and of Local Government, as competent authority, has, in terms of regulation 80, read with regulation 79(2) of the Regulations concerning By-elections and Voters' Rolls, published in Government Notice No. R1730 dated 19 December 1997, extended to a date no later than 30 November 1999, the period within which the South Local Council of the Durban Metropolitan Council may hold its by-elections in order to fill the vacancy for Ward B0, arising from the disqualification of Councillor M. P. Ngobese.

M.N. 16, 2000

3 February 2000

SOUTH CENTRAL LOCAL COUNCIL: WARD 3SC B6:
EXTENSION OF TIME FOR REPLACEMENT OF ELECTION
AGENT

THE Minister of Traditional Affairs, Safety and Security and of Local Government has, in terms of regulation 80 of the Regulations concerning By-elections and Voters' Rolls published under Government Notice No. R1730 dated 19 December 1997, altered the date and time prescribed in terms of regulation 29(2)(b) of the said Regulations to noon on by-election day in respect of the withdrawal and replacement of the name of any duly appointed agent of a candidate in the by-election in Ward 3SC B6 (Lamontville) held on 1 December 1999 in respect of the South Central Local Council in the Durban Metropolitan Area.

M.N. 17, 2000

UMKOMANZI/UMKOMAAS TRANSITIONAL LOCAL COUNCIL

REGULATIONS GOVERNING VEHICLES ON THE SEASHORE: CORRECTION

It is hereby notified for general information that Municipal Notice No. 96 of 1999, published on 23 December 1999, should be corrected by the insertion of the following after regulation 3.4:

"3.5 When any person applies for permission to introduce into or ride or drive any motor vehicle onto the seashore, such application shall be in writing on an application form, as prescribed by Council."

M.K. 15, 2000

3 Februarie 2000

SUIDELIKE PLAASLIKE RAAD: UITSTEL VAN TUSSEN-
VERKIESING: WYK B01

DIE Minister van Tradisionele Sake, Veiligheid en Sekuriteit en van Plaaslike Regering, as die bevoegde gesag, het ingevolge regulasie 80, saamgelees met regulasie 79(2) van die Regulasies betreffende Tussenverkiesings en Kieserslyste, gepubliseer in Goewermentskennisgewing No. R1730 gedateer 19 Desember 1997, die tydperk waarbinne die Suidelike Plaaslike Raad van die Durbanse Metropolitaanse Raad sy tussenverkiesing mag hou tot 'n datum nie later nie as 30 November 1999 verleng, ten einde die vakature vir wyk B01 te vul, as gevolg van raadslid M. P. Ngobese, wat onbevoeg geraak het.

M.K. 16, 2000

3 Februarie 2000

SUID-SENTRALE PLAASLIKE RAAD: WYK 3SC B6:
VERLENGING VAN TYD VIR DIE VERVANGING VAN
VERKIESINGSAGENT

Die Minister van Tradisionele Sake, Veiligheid en Sekuriteit van Plaaslike Regering het ingevolge regulasie 80 van die Regulasies betreffende Verkiesings en Kieserslyste, gepubliseer by Goewermentskennisgewing No. R1730 gedateer 19 Desember 1997, die dag en tyd wat ingevolge regulasie 29(2)(b) van voornoemde regulasies voorgeskryf word, tot 12:00 op die tussenverkiesingsdag verander ten opsigte van die terugtrekking en vervanging van die naam van enige behoorlik aangestelde agent van 'n kandidaat in die tussenverkiesing in wyk 3SC B6 (Lamontville) gehou op 1 Desember 1999 ten opsigte van die Suid-Sentrale Plaaslike Raad in die Durbanse Metropolitaanse Gebied.

3 February 2000

GENERAL NOTICE — ALGEMENE KENNISGEWING — ISAZISO KUWONKEWONKE**No. 1, 2000**

3 February 2000

KWAZULU-NATAL PROVINCIAL ROADS BILL, 2000**Notice in terms of the Standing Rules of the Provincial Legislature of KwaZulu-Natal**

NOTICE is hereby given in terms of rule 120 of the Standing Rules of the KwaZulu-Natal Provincial Legislature that the KwaZulu-Natal Provincial Roads Bill, 2000 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Transport Portfolio Committee. The public and other interest groups are invited to submit representations on the said Bill, which representations must be addressed to:

Attention: Miss N. P. Zuma
The Secretary
KwaZulu-Natal Legislature
Private Bag X9112
PIETERMARITZBURG
3200

so as to reach her not later than 24 February 2000

Copies of the Bill are available from the Legislature at Ulundi and Pietermaritzburg.

M. R. MZIMELA
Secretary to the KwaZulu-Natal Legislature

BILL

To provide for the transformation, restructuring, establishment and control of the KwaZulu-Natal provincial road network; to develop and implement provincial road policy, norms and standards; to provide for optimum road safety standards, efficient and cost-effective management of the provincial road network, the maintenance of provincial road assets and the provision and development of equitable road access to all communities within the Province, including previously disadvantaged communities; to provide for transparency in the development and implementation of provincial road network policies and practices; and to provide for all matters connected therewith.

TABLE OF CONTENTS**KWAZULU-NATAL PROVINCIAL ROADS BILL****Part I: Definitions and application of Act**

1. Definitions
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Part III: Provincial roads

4. Vesting control, establishment, administration and management of provincial roads
5. Establishment, control, implementation, administration and management of provincial road network
6. Determination of standards for provincial and public roads
7. Declaration and de-declaration of provincial roads
8. Assessment of existing roads within the Province
9. Construction and maintenance of provincial roads
10. Access to main roads and district roads and closure of provincial roads
11. Junctions between public roads or public rights-of-way and provincial roads
12. Control of stormwater and watercourses on provincial roads
13. Structures adjacent to and on provincial roads
14. Fencing on provincial roads
15. Prohibition on depositing or leaving of refuse within the boundaries of provincial roads and road reserves
16. Damaging provincial roads
17. Obstruction of Departmental officers or agents or interference with survey pegs
18. Trading on or adjacent to main roads or district roads

Part IV: Development affecting provincial road network

19. Development plans
20. Restriction on subdivision of land
21. Land use changes and development proposals
22. Amendment, rescission or lapsing of development proposals
23. Exemptions

Part V: Establishment, control and management of resting places for livestock

24. Declaration and de-declaration of a resting place
25. Minister not liable for claim
26. Prohibition of movement of livestock on public roads
27. Impounding uncontrolled livestock

Part VI: Acquisition and expropriation of land

28. Acquisition and expropriation of land, material on or in land and right to use land temporarily

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 removal of materials from land and compensation
 acquisition of land and vesting in a responsible authority or municipality
 acquisition of land and vesting in a responsible authority or municipality
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 public right-of-way
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 advertising on provincial roads
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 Departmental liability
 claims against Department
 unification
 Offences and penalties
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 offences
 service of notice
 service of notice
 service of notice
 repeal of prior statutes, regulations and ordinances and Interpretation of this Act
 repeal of prior statutes, regulations and ordinances and Interpretation of this Act
 repeal and amendment of laws and savings
 inconsistencies between different texts
 inconsistencies between different texts
 bound
 title and date of commencement

ENACTED by the Parliament of the Province of KwaZulu-Natal, as follows —

Part I

Definitions and application of Act

in this Act and unless the context indicates otherwise —

- “**entry**” means any manner by which persons, vehicles or livestock enter or exit from any property onto a provincial road;
- “**private road**” means a road other than a public road which affords access from a property to a public road;
- “**common boundary**” means properties or land sharing a common border;
- “**advertisement**” means a notice or sign intended to publicise any message or available goods or services and does not include road traffic signs or lights;
- “**Tribunal**” means the Appeal Tribunal established in terms of the KwaZulu-Natal Planning and Development Act, 1998;
- “**advisory or technical body**” means an advisory or technical body established in terms of section 38;
- “**engineering restriction area**” means the land adjacent to the boundary of any provincial road in which the erection of structures is controlled;
- “**Constitution**” means the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);
- “**construct**” means to build, alter, repair or maintain a road;
- “**consultation**” means the process by which comment is invited on departmental policy, procedures, regulations, proposals, plans or reports;
- “**subsidy**” means financial, technical or other assistance authorised by the Minister to achieve the purposes of this Act;
- “**court**” means any institution vested with judicial authority in terms of Chapter 8 of the Constitution;
- “**determine**” means a determination in terms of section 7 of this Act and “**declare**” shall have a corresponding meaning;

"deeds registry" means any deeds registry established in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"Department" means the KwaZulu-Natal Department of Transport;

"development" means the improvement of land, including but not limited to the erection or improvement of structures thereon;

"Development Facilitation Act" means the Development Facilitation Act, 1995 (Act No. 67 of 1995);

"development plan" means a plan referred to in section 25 of the KwaZulu-Natal Planning and Development Act, 1998, which plan also contains a transport plan, and includes the initial development plan and any amendment, extension or rescission of such development plan;

"direct access" means access obtained at a point on the boundary of any property abutting or fronting on a provincial road, which is common to the property and the road;

"district road" means any provincial road or section or deviation of a provincial road inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, and which is intended to link main roads to communities, resorts and farms and which has been declared a district road by the Minister in terms of section 7(2)(a) of this Act;

"encroach" means unlawfully to —

- (i) gain or attempt to gain entry to the lands or property of another;
- (ii) occupy or attempt to occupy the lands or property of another;
- (iii) invade or attempt to invade the lands or property of another; or
- (iv) intrude on property rights of others;

"Gazette" means the *Provincial Gazette* of the Province;

"Head of Department" means the public servant, as defined in the Public Service Act, 1994 (Proclamation 103 of 1994), who is the administrative head of the Department;

"improvement" means in respect of land anything which adds value to the land, excluding the land itself;

"KwaZulu-Natal Planning and Development Act, 1998" means the KwaZulu-Natal Planning and Development Act, 1998 (Act No. 5 of 1998);

"livestock" means cattle, sheep, horses, goats or any other hoofed animals which are bred, purchased, sold or retained as private property;

"local road" means any provincial road or section or deviation of a provincial road, inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, which links a main road or district road to local communities and farms and which has been declared a local road by the Minister in terms of section 7(2)(a) of this Act;

"main road" means any provincial road or section or deviation of a provincial road, inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, and which is intended for traffic purposes between other main roads, towns, and major agricultural areas and which has been declared a main road by the Minister in terms of section 7(2)(a) of this Act;

"maintenance" means the rendering of all reasonably necessary services and repairs, including improvements, required to provide roadworthy conditions on provincial roads and adjacent structures, including but not limited to bridges, ferries, drifts in the line of roads, road signs, approaches, excavations, embankments, subways, furrows, drains, dams, kerbs, fences, parapets, guard rails, drainage work within or outside such road and any other work or object forming part of or connected with or concerning such road;

"materials" means sand, stone, rock, gravel, clay, soil and any other materials to be removed from the land and required for road construction and maintenance;

"Minister" means the member of the KwaZulu-Natal Executive Council whose portfolio includes responsibility for roads in the Province;

"municipality" means any local government structure contemplated in terms of Chapter 7 of the Constitution, the Local Government Transition Act, 1993 (Act No. 209 of 1993), Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and any other applicable law;

"norm" means a principle to guide, control and regulate standards;

"occupier" means, in relation to land, any person who is in actual occupation of the land and, if no person is in actual occupation thereof, any person who whether as owner, lessee, licensee or otherwise, has for the time being control of the land;

"offence" means an act or omission punishable by law;

"official" means any person who is an employee or designated agent of the Department;

"policy" means the principles, including planning, general goals and objectives, which guide and determine ministerial and Departmental decisions;

"Premier" means the Premier of the Province of KwaZulu-Natal;

"prescribed" means prescribed by regulations made in terms of this Act;

"property" means movable and immovable property and includes a real right in or over property;

"Province" means the Province of KwaZulu-Natal;

"Provincial Revenue Fund" means the Provincial Revenue Fund contemplated in section 226 of the Constitution;

"provincial road" means any main road, district road or local road, including any deviation or portion or section of a provincial road, which has been declared a main road, district road or local road by the Minister in terms of section 7(2)(a) of this Act;

"provincial road network" means the provincial network incorporating main roads, district roads and local roads;

"provincial toll road" means any provincial road declared a toll road by the Minister;

"public right-of-way" means a right-of-way intended for use at all times by the public and shall include any right-of-way intended for use by pedestrians and livestock;

"public road" means a road or public right-of-way which the public has the right to use and includes the land of which the road consists or over which the road reserve extends, including property acquired for or as a consequence of the construction of a road or a section of a road and anything on that land forming part of, connected with or belonging to the road;

"register" means the registration of a public right-of-way in accordance with regulations promulgated under this Act;

"registrar of deeds" means a registrar of deeds appointed under the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"regulation" means any regulation promulgated under this Act;

"responsible authority" means any municipal government body contemplated in Chapter 7 of the Constitution, Local Government Transition Act, 1993 (Act No. 209 of 1993), Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and any other applicable law;

"resting place" means any land or portion of land declared by the Minister as a resting place for livestock;

"road reserve" means the full width of a road and includes the roadside and the roadway, in addition to any adjacent land specifically acquired for road purposes;

"roadside" means that portion of a road reserve not forming the roadway;

"roadway" means that part of a road reserve intended to be used by vehicles;

"standard" means the criteria against which goods, services and performance are measured;

"structure" means any structure, erection or other improvement, aboveground or underground, whether permanent or temporary and irrespective of its nature or size, including but not limited to advertisements, any enclosures, fences, driveways, garden walls, golf course fairways, loading areas, parking areas, patios, signs, swimming pools, tennis courts, thatched shelters or utility services;

"subdivide" means the division of a registered immovable property into two or more portions which are or could be registered in a Deeds Registry as separate entities;

"surveyor" means a person registered under the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (Act No. 40 of 1984);

"Surveyor-General" means the Surveyor General as defined in section 1 of the Land Survey Act, 1997 (Act No. 8 of 1997);

"this Act" includes any regulations made hereunder; and

"transport plan" means a plan developed for the regulation, provision and management of transport services and infrastructure, including but not limited to public transport, roads, rail, terminals and facilities.

Application of this Act

2. This Act shall apply throughout the Province and shall —

- (a) bind the state;
- (b) be applied in the development, declaration, implementation and administration of the provincial road network to facilitate the rational and equitable development of the provincial road network, including but not limited to the extension of the provincial road network to previously disadvantaged communities;
- (c) be implemented to facilitate the creation of employment and contracting opportunities for previously disadvantaged communities and persons;
- (d) apply whenever any person exercises any discretion or takes any decision or prescribes any regulation in terms of this Act or any other law in force in the Province and dealing with the provincial road network, including but not limited to any law dealing with planning and development, including any such law dealing with subdivision, use and planning of land; and
- (e) for the purposes of Part IV, apply in respect of all activities performed and decisions made in terms of this Part.

Part II

Ministerial powers

Ministerial powers

3. (1) The Minister shall develop, declare, implement, administer and promote the provincial road network in terms of effective, open, accountable and co-operative governance and in accordance with national and provincial norms, standards and practices to —
 - (a) achieve optimal road safety standards within the Province;
 - (b) protect and maintain provincial road network assets;
 - (c) achieve the progressive realisation of equitable road access to all communities within the Province;
 - (d) ensure efficient and cost-effective management and control of the provincial road network; and
 - (e) maintain and protect the environment.
- (2) The Minister shall, within the Province's available resources, be responsible for all aspects of management, control, implementation and administration of the provincial road network, including but not limited to —
 - (a) determining provincial road network priorities and allocations;
 - (b) providing technical and logistical support, financial management, monitoring and evaluation of the provincial road network and undertaking corrective action where required;
 - (c) coordinating, planning, developing, implementing, controlling, operating and maintaining the provincial road network;
 - (d) ensuring an equitable and appropriate allocation of funds for the provincial road network;
 - (e) declaring and de-declaring provincial roads;
 - (f) designing, constructing, maintaining, operating, managing, altering, deviating and closing provincial roads;
 - (g) acquiring property by lease, purchase or donation for and on behalf of the Department, including but not limited to authorising temporary occupation of private immovable property or expropriating property for transport development and ensuring the payment of just and equitable compensation for the taking of the land or property for public purposes or in the public interest in terms of the Expropriation Act, 1975 (Act No. 63 of 1975) and disposing of property for and on behalf of the Department in terms of the State Land Disposal Act, 1961 (Act No. 48 of 1961);
 - (h) controlling main and district road access;
 - (i) maintaining roadside control of the provincial road network;
 - (j) managing advertising on or adjacent to main roads and, where a safety hazard exists, on district roads and local roads;
 - (k) promulgating and enforcing road fencing regulations and fencing contribution regulations;
 - (l) regulating provincial road network contributions;
 - (m) authorising payments of grants-in-aid or ex gratia payments as required to achieve the objectives of this Act;
 - (n) entering into any agreement with a responsible authority, municipality, entity or person to provide for a contribution to secure the construction, reconstruction, improvement, repair or maintenance of any provincial road or to acquire or dispose of, by lease, purchase or donation, any property on or adjacent to an existing or proposed provincial road; and
 - (o) negotiating, entering into and signing contracts necessary to implement provincial road network policy, subject to applicable tendering and purchasing statutes and regulations.
- (3) The Minister shall apply uniform standards utilising objective criteria to all determinations of the status of any road within the provincial road network.
- (4) Where the National Department of Transport, responsible authority, municipality or any other entity or person requests that the Minister provides assistance with the construction and maintenance of roads which are not provincial roads, the Minister, where he or she deems it expedient to provide such assistance, shall enter into a written agreement with the National Department of Transport or relevant responsible authority or municipality to provide for the work to be undertaken and the payment of all costs for such roads.

- (5) The Minister may —
- (a) convene meetings, liaise and consult with national government, other provinces, municipalities, provincial departments, the private sector, non-governmental organisations, communities and constituencies served by the Department to achieve the objectives of this Act;
 - (b) establish, set the terms and conditions of reference and administer projects to promote the removal of refuse and rubbish and to contribute to the beautification of provincial roads;
 - (c) take out insurance against any risk, loss or damage concerning the exercise of his or her powers or the performance of his or her functions in terms of this Act;
 - (d) create technical and advisory and any other consultative structures required to implement provincial road network policy, establish terms and conditions of reference and conditions for appointment to such technical, advisory and other consultative structures and to make such appointments as may be necessary;
 - (e) initiate and coordinate accurate and relevant research as he or she considers advisable in the performance of departmental functions;
 - (f) make recommendations to all levels of government where he or she considers legislation or action advisable for the promotion of the provincial road network;
 - (g) propose enactment of legislation and regulations to implement and administer the provincial road network;
 - (h) delegate any authority in terms of this Act concerning a provincial road to a responsible authority or municipality and may also withdraw such delegation of authority at any time; and
 - (i) delegate any authority in terms of this Act to any officer within the Department and may also withdraw such delegation of authority at any time.
- (6) The Minister shall —
- (a) ensure that the Department exercises the highest professional standards in the promotion of the provincial road network, allocation and expenditure of funds and accounting for funds from national government, provincial government, or any other source; and
 - (b) undertake any other responsibilities and functions, as required by this Act or any other national or provincial law.

Part III

Provincial roads

Vesting control, establishment, administration and management of provincial roads

4. The control, establishment, administration and management of all provincial roads shall vest in the Minister.

Establishment, control, implementation, administration and management of provincial road network

5. (1) The Minister shall establish, control, implement, administer and manage the provincial road network, which shall be planned, declared and administered within a structured framework to provide equitable road access to address developmental needs in all communities within the Province.
- (2) The provincial road network shall consist of all declared main roads, district roads and local roads.
- (3) The Minister shall be entitled to access to any public road in the Province to provide planning, development, construction and maintenance services.
- (4) Legal responsibility and liability for work undertaken in connection with any road in terms of subsection (3) shall be limited solely to provincial roads within the provincial road network or roads on which the Minister has authorised construction or maintenance.
- (5) All roads within the provincial road network are public roads which the public is entitled to use, except where a road or a portion thereof has been temporarily or permanently closed or is being constructed, altered, repaired or maintained.

Determination of standards for provincial and public roads

6. (1) The Minister shall determine all standards and requirements for provincial roads and such standards and requirements shall be applicable to any responsible authority, municipality, entity or person with respect to the provincial road network.
- (2) Provincial standards and requirements relating to the provincial road network in terms of subsection (1) shall apply to —
- (a) access to and use of a main and district road;
 - (b) construction or maintenance of a provincial road;
 - (c) closure, alteration or deviation of a provincial road;
 - (d) stormwater and watercourses on a provincial road;
 - (e) structures on or adjacent to a provincial road;
 - (f) fencing adjacent to a provincial road;
 - (g) refuse on a provincial road;
 - (h) damage to a provincial road;
 - (i) trading on or adjacent to a main road or district road;
 - (j) advertising on or adjacent to main roads and, where there is a safety hazard, advertising on or adjacent to district roads and local roads; and
 - (k) any other standards and requirements relevant to the provincial road network.

Declaration and de-declaration of provincial roads

7. (1) The Minister shall make regulations to prescribe the requirements for the declaration and de-declaration of provincial roads, which may be main roads, district roads or local roads.
- (2) The Minister may, subject to subsections (4) and (7) and by notice in the *Gazette* —
- (a) declare that any road, section of a road or any route within the Province shall be a main road, district road or local road; or
 - (b) de-declare or modify a declaration related to an existing main road, district road or local road or section of a main road, district road or local road and declare that the status or nature of such road has changed and any one of the following may apply —
 - (i) the status of such main road, district road or local road or section of a main road, district road or local road shall be converted into another category of provincial road;
 - (ii) a relevant responsible authority, municipality, entity or person or the National Department of Transport shall assume control of and responsibility for such main road, district road or local road or section of a main road, district road or local road; or
 - (iii) such main road, district road or local road or section of a main road, district road or local road shall be closed.

- (3) If the Minister decides to proceed with the construction of a new provincial road or deviate any existing provincial road, the Minister shall, by notice in the *Gazette*, indicate the approximate route the proposed provincial road or deviation is to follow and shall declare such road a main road, district road or local road.
- (4) Where the Minister has determined that there is a need to declare or de-declare a main road, district road or local road, the Minister shall consult with the responsible authority or municipality to be affected by the proposed declaration or de-declaration of a main road, district road or local road.
- (5) The Minister shall enter into a written agreement with the relevant responsible authority or municipality, entity or person or National Department of Transport, which shall, in terms of subsection (2)(b)(ii), exercise control over and responsibility for a main road, district road or local road or section of a main road, district road or local road.
- (6) The Minister may, where appropriate and within the constraints of available financial resources, pay full or partial compensation to a relevant responsible authority or municipality, entity or person entering into a written agreement in terms of subsection (5).
- (7) In the event that the Minister and relevant responsible authority or municipality, entity or person can not reach agreement in terms of subsection (2)(b)(ii) on the control over and responsibility for a provincial road, such dispute shall be resolved in accordance with the Arbitration Act, 1965 (Act No. 42 of 1965), by an arbitrator agreed to by the parties and in the event of the parties failing to reach consensus on an arbitrator, the State Attorney shall appoint the arbitrator to resolve such dispute and —
 - (a) each party shall pay an equal share of all fees and costs related to such arbitration; and
 - (b) the decision of the arbitrator shall be final and binding on all parties.

Assessment of existing roads within the Province

8. (1) The control, administration and management of existing roads within the Province which fell under Schedule 1 of the Self-Governing Constitution Act, 1971 (Act No. 21 of 1971), and were administered by the former KwaZulu Government on 27 April 1994, and existing roads within the Province which fell under and were administered under the Roads Ordinance, 1968 (Ordinance No. 10 of 1968), by the former Natal Provincial Administration on 27 April 1994 shall vest in the Minister.
- (2) The Minister shall, within two years of this Act coming into effect, assess and determine the status of all roads and public rights-of-way within the provincial road network and effect any declaration or de-declaration which may be necessary to give effect to such assessment and determination.

Construction and maintenance of provincial roads

9. (1) The Minister shall, within available financial resources, be responsible for construction and maintenance of provincial roads and such other work as the Minister may deem desirable for the maintenance of provincial roads.
- (2) (a) In the event that a responsible authority, municipality or person wishes to undertake construction, maintenance or any other work on a provincial road on an agency or any other basis, such responsible authority, municipality or person shall obtain written approval from the Minister prior to undertaking such construction, maintenance or other work on a provincial road.
- (b) A responsible authority, municipality or person undertaking construction, maintenance or other work on a provincial road in terms of subsection (a) shall, in terms of section 6, adhere to provincial standards and requirements for roads comprising the provincial road network.
- (c) The Minister, where he or she has granted written approval to a responsible authority, municipality or person to undertake construction, maintenance or other work on a provincial road, shall specify the terms of reference and any payment for work to be undertaken in terms of his or her written approval.
- (3) The Minister shall not be liable for any claim or damages arising from the existence, construction, use or maintenance of any provincial road, except where the loss or damage was caused by the wilful or negligent act or omission of an official of the Department.

Access to main roads and district roads and closure of provincial roads

10. (1) No person shall —
 - (a) gain access to a main road or district road except at an entrance or exit authorised by the Minister and provided for that purpose;
 - (b) construct or otherwise use an access to an existing main road or district road without prior authorisation contemplated in subsection (2); or
 - (c) close or partially close any provincial road without prior written authorisation contemplated in subsection (2).
- (2) The Minister may —
 - (a) as he or she deems necessary, designate, authorise or otherwise provide for access to and from a main road or district road;
 - (b) upon application by a relevant responsible authority, municipality, entity or person, grant written authorisation for access to or from a main road or district road or closure of a provincial road and shall specify in such authorisation any conditions relating to such access or closure, including but not limited to the nature of access or closure and the place and manner in which such access or closure may be erected, constructed or otherwise provided for;
 - (c) upon application by a relevant responsible authority, municipality, entity or person, refuse to grant written authorisation for access to and from a main or district road, in the event of which the Minister-
 - (i) shall provide written reasons for any refusal to authorise access to and from a main road or district road; and
 - (ii) may indicate alternative or suggested adequate arrangements for such new access;
 - (d) at any time amend or cancel an authorisation issued in terms of this section; or
 - (e) temporarily close or partially close any provincial road for the execution of repairs or any other necessary purpose, provided that, except in the event of an emergency or urgent necessity, no provincial road shall be completely closed unless arrangements are made for the diversion of traffic.
- (3) Where the Minister determines that it is necessary to close, alter or deviate a provincial road, entrance, driveway or other means of access to a provincial road, the Minister may provide reasonable alternative access to the main road, district road, local road or affected property.
- (4) The Minister may, subject to the Department's available financial resources and with due regard to the lack or existence of alternative access to or from a main road, district road or local road which has been closed in terms of subsection (2)(e), compensate any person who had authorised access to such provincial road for direct loss suffered by him or her as a result of the closure of such provincial road.
- (5) Access in relation to a main road or district road in terms of this section shall include —
 - (a) any road, bridge, subway, gate, stile, passage or other means by which it is possible to gain access to a main road or district road;
 - (b) any new access required for any new building other than a building to replace, alter or extend an existing building which is erected on any property served by an existing direct access; or
 - (c) any new access required for any property which is served by an existing access and for which there is a plan to subdivide such property.

- (6) Access to or from a main road or district road, which immediately before the commencement of this Act was authorised by or under any other law, shall be deemed to be authorised under this Act.
- (7) A person shall be guilty of an offence and shall have no claim against the Minister or Department for any harm or damage incurred where he or she—
 - (a) causes a vehicle to enter or exit to a main road or district road at any place other than access points authorised in terms of this Act; or
 - (b) uses a provincial road which is closed in terms of subsection (2)(c) in disregard of any measures undertaken to ensure the safety of the public.
- (8) A person shall be guilty of an offence and liable for all costs incurred to restore an affected provincial road to its original condition where he or she —
 - (a) obstructs direct access to an entrance, driveway or other means of access to a main road or district road; or
 - (b) closes, alters or deviates a provincial road.
- (9) Where the Minister restores an affected provincial road to its original condition, the Minister shall not be liable for any claim or damages arising from the construction, use, maintenance or repairs of such provincial road, except where the loss or damage was caused by the wilful or negligent act or omission of an official of the Department.

Junctions between public roads or public rights-of-way and provincial roads

11. The Minister may—

- (a) alter or deviate any junction between a provincial road and any other public road or public right-of-way in such manner and to such extent as the Minister may deem necessary; or
- (b) close any access from a public road or public right-of-way to a provincial road, provided that such access shall not be closed unless there is, in the opinion of the Minister, reasonable alternative means of access to a provincial road from all properties served by such public road or public right-of-way.

Control of stormwater and watercourses on provincial roads

12. (1) No person shall, without the prior written approval of the Minister, which approval may be conditional or unconditional —

- (a) lead any water over, under or across a provincial road; or
 - (b) by any means whatever raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any provincial road or any bridge, culvert, drift or other thing forming part of or connected with or belonging to a provincial road.
- (2) The Minister may, subject to any other laws as may be applicable and after consultation with the owner and the lessee, if any —
- (a) deviate any watercourse, stream or river if such deviation is necessary for the protection of a provincial road or structure related to a provincial road or for the construction of a structure connected with or belonging to a provincial road; or
 - (b) divert storm water from or under any provincial road onto private property, other than land occupied by buildings, other structures or improvements, without liability for any damage caused by such diversion, provided that if the Minister finds it necessary to divert such water onto property under cultivation, the owner or lessee of such property shall be entitled to reasonable compensation for any damage caused thereby and as agreed upon, or failing to reach agreement, as may be determined in accordance with section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975).

Structures adjacent to and on provincial roads

13. (1) No person shall, without the prior written permission of the Minister, which permission may be conditional or unconditional, erect, lay, establish or alter any structure or permit the erection, laying, establishment or alteration of any structure —

- (a) on, over or below the surface of a provincial road so as to encroach on a provincial road; or
 - (b) in a building restriction area within fifteen metres of the boundary of a main road or district road.
- (2) If the Minister grants permission to erect, lay, establish or alter a structure or imposes an obligation to remove a structure as a condition imposed under subsection (1), the registrar of deeds shall, immediately upon the written request of the Minister, register or endorse such permission or obligation on the title deed of the land in question and in the appropriate registers in the office of the registrar of deeds and —
- (a) the cost in connection with such registration or endorsement shall be paid by the person to whom the permission or endorsement has been granted; and
 - (b) the Minister may enforce compliance with the prescribed registration.
- (3) Any person, who without the permission prescribed under subsection (1) or contrary to the terms and conditions of such permission, erects, lays, establishes or alters any structure or other thing, or grants permission therefor, shall, if the Minister has by notice in writing directed him or her to do so, remove such structure, alteration or addition within the period stated in the notice which shall not be less than fourteen days.
- (4) (a) Subject to paragraph (b), the Minister may remove a structure, alteration or addition for which he or she has by notice in terms of subsection (3) directed the removal and which has not been removed within the period stated in the notice.
- (b) In the event of a hazardous or dangerous situation requiring immediate or urgent action in the public interest and for the public safety, the Minister may, without first directing its removal under subsection (3), remove any structure, alteration or addition which has been erected, laid, established or made on or over or below the surface of a provincial road without the permission prescribed in terms of subsection (1) or contrary to the terms and conditions of any such permission.
- (5) Notwithstanding anything to the contrary in any other law, the Minister may remove or relocate, to a place to be determined by him or her, any structure erected, laid or established on or over or below the surface of a provincial road or other land situated within fifteen metres from a provincial road before the commencement of this Act or before the date on which the provincial road at issue is declared a provincial road by the Minister.
- (6) The Minister may recover the cost of any removal or relocation contemplated in this section from the appropriate person or body.

Fencing on provincial roads

14. (1) The Minister may, at the time of construction of a provincial road, authorise the erection of fencing adjacent to such provincial road and such fencing shall thereafter be maintained by the owner of the property adjacent to such provincial road.

- (2) The owner of land adjacent to a provincial road shall be responsible for any and all maintenance of any fence adjacent to his or her property and constructed by the Department.
- (3) The Minister may, notwithstanding the Fencing Act, 1963 (Act No. 31 of 1963), in his or her discretion and as required by the public interest, authorise a contribution for the maintenance of any fence adjacent to a provincial road, but in no event shall this provision be interpreted to remove or diminish the responsibility of the owner of land adjacent to a provincial road to maintain any fence adjacent to his or her property.
- (4) Sections 22 to 27, inclusive, of the Fencing Act, 1963 (Act No. 31 of 1963) apply *mutatis mutandis* to this section.

Prohibition on depositing or leaving of refuse within the boundaries of provincial roads and road reserves

15. (1) No person shall, within the boundaries of a provincial road or road reserve and without prior written permission of the Minister or contrary to any condition imposed by the Minister as set out in such permission, deposit or leave any vehicle, machine or part, or any other refuse.
- (2) The Minister may authorise the removal of refuse or abandoned vehicles, machines or parts found within the boundaries of a provincial road or road reserve, and may recover the cost of removal from the person who deposited or left such vehicle, machine, part or other refuse within the boundaries of a provincial road or road reserve.

Damaging provincial roads

16. (1) Any person who wilfully or negligently damages a provincial road shall be guilty of an offence.
- (2) Any court convicting a person of wilfully or negligently damaging a provincial road may, in addition to imposing a sentence on him or her, order him or her to pay an amount which in the opinion of the court is equal to the value of the damage caused.
- (3) (a) The Minister may, on reasonable suspicion, instruct, by written notice, a person whose actions or omissions —
- (i) have caused damage to a provincial road; or
 - (ii) are likely to cause damage to a provincial road,
- to take such actions or refrain from taking such actions as may be specified in such notice within the period specified in such notice.
- (b) Notwithstanding the provisions of paragraph (a), in the event of a hazardous or dangerous situation arising which requires immediate or urgent action in the public interest or for the public safety, the Minister or a person authorised by him or her may enter upon any land and take such action as may be necessary to prevent damage to a provincial road.
- (4) If any person fails to comply with a directive under subsection (3)(a), the Minister —
- (a) may take such measures as may be necessary to prevent the occurrence of the damage referred to in subsection (3)(a);
 - (b) shall assume no liability for any measures taken or work performed by the Department or its agents in terms of subsection (a); and
 - (c) may recover the cost for any measures taken or work performed from the person whose actions or omissions have caused damage to a provincial road or are likely to cause damage to a provincial road.

Obstruction of Departmental officers or agents or interference with survey pegs

17. (1) Any person who obstructs or hinders the Minister or any of his or her officers, agents, surveyors or contractors in the execution of their duties, or prevents any such officer, agent, surveyor or contractor from entering upon land for any purpose authorised by this Act shall be guilty of an offence.
- (2) Any person who alters, moves, disturbs or wilfully damages any survey pegs placed by the Minister or any of his or her officers, agents, surveyors or contractors in the execution of his or her duties shall be guilty of an offence.

Trading on or adjacent to main roads or district roads

18. (1) No person shall without the written permission of the Minister or contrary to the terms and conditions of such permission or except upon premises approved by the Minister carry on any trade or expose, offer, deliver or manufacture for sale any goods on a —
- (a) main road or district road or within fifteen metres of the boundary of such main road or district road; or
 - (b) local road where the carrying on of such trade or exposing, offering, delivering or manufacturing for sale would constitute a safety hazard on such local road.
- (2) Any officer of the Department or any person authorised in writing by the Minister or authorised in terms of any legislation to control traffic on a provincial road may require any person, who is suspected on reasonable grounds of contravening subsection (1), to produce such written permission, and failing which shall —
- (a) require the person concerned to provide his or her full name, identity number and residential address, including any telephone or other contact information; and
 - (b) order such person to remove or may seize all articles reasonably related to the contravention of subsection (1), including any structure, tent, vehicle, implement or other object related to the commission of the offence.

Part IV**Development affecting provincial road network****Development plans**

19. (1) A responsible authority undertaking the preparation of a development plan in terms of section 26(1) of the KwaZulu-Natal Planning and Development Act, 1998, shall give notice of its intention in the manner prescribed to the Minister.
- (2) Any development plan prepared in terms of section 25 of the KwaZulu-Natal Planning and Development Act, 1998, shall —
- (a) include a transport plan; and
 - (b) specify the impact of the development plan on the provincial road network.
- (3) A development plan prepared by a responsible authority in terms of section 25 of the KwaZulu-Natal Planning and Development Act, 1998, shall be —
- (a) submitted to the Minister prior to approval of the development plan as contemplated in the KwaZulu-Natal Planning and Development Act, 1998; and
 - (b) reviewed by the Minister, who, within twenty-eight days, shall —
 - (i) approve or refuse such development plan; and
 - (ii) submit his or her written decision and any objections with respect to the development plan, which written decision may include directions for compliance with provincial road network policy, standards, norms and frameworks, to the Minister responsible for the administration of the KwaZulu-Natal Planning and Development Act, 1998.
- (4) The responsible body in the Province vested with the responsibility for development plans in terms of section 25 of the KwaZulu-Natal Planning and Development Act, 1998 shall not, as contemplated in section 29(2) of the KwaZulu-Natal Planning and Development Act, 1998, approve any development plan —
- (a) prior to the expiry of the twenty-eight day period referred to in subsection (3)(b); or
 - (b) which is in conflict with the directions of the Minister as contemplated in subsection 3(b)(ii), except to the extent that the Minister's directions are altered by the Appeal Tribunal in terms of subsection (5).
- (5) Where a responsible authority is aggrieved by any decision of the Minister related to one or more development plans, such responsible authority may appeal the Minister's decision to the Appeal Tribunal within the period and in the manner prescribed in the KwaZulu-Natal Planning and Development Act, 1998.

Restriction on subdivision of land

20. (1) Any responsible authority in the Province vested with the responsibility for considering any sub-divisional application shall give written notice to the Minister of any sub-divisional application involving property adjacent to any provincial road and within five hundred metres of an intersection of a provincial road and any other public road.
- (2) The Minister shall, within twenty-eight days —
- approve or refuse a sub-divisional application submitted in terms of subsection (1); and
 - submit his or her written decision and any objections with respect to such sub-divisional application, including directions or conditions for compliance with provincial road network policy, to the responsible authority vested under law in the Province with responsibility for considering any sub-divisional application.
- (3) The responsible authority in the Province vested with responsibility for consideration of sub-divisional applications shall not approve any sub-divisional application —
- prior to the expiry of the twenty-eight day period referred to in subsection (2); or
 - which is in conflict with the directions of or conditions required by the Minister as contemplated in subsection (2)(b), except to the extent that the Minister's directions are altered by the Appeal Tribunal in terms of subsection (4).
- (4) Where a responsible authority is aggrieved by any decision of the Minister in respect of any sub-divisional application, such responsible authority may appeal against the decision of the Minister to the Appeal Tribunal as prescribed in the KwaZulu-Natal Planning and Development Act, 1998.
- (5) The Surveyor-General shall not approve any general plan, nor shall the registrar of deeds allow the registration or endorsement of any title deed, until such time as he or she is satisfied that in respect of land referred to in subsection (1), the Minister has certified that —
- there has been compliance with the provisions of subsections (1) to (3), inclusive; or
 - in the event of an appeal in terms of subsection (4), the Appeal Tribunal has resolved the issue.

Land use changes and development proposals

21. (1) Notwithstanding the provisions of any law to the contrary, any responsible authority with responsibility for approving changes in land use or development proposals in terms of section 34 of the KwaZulu-Natal Development and Planning Act, 1998, and which receives an application for any change in land use adjacent to a provincial road and within five hundred metres of an intersection of a provincial road and any public road, shall —
- within ten days of receipt of such application and prior to considering or ruling on such application, submit such application to the Minister for his or her assessment and determination of the impact of the application on provincial road and transport plans and services; and
 - ensure that such application has sufficient information for the Minister to assess and determine the impact of the application on provincial road and transport services.
- (2) The Minister shall, within twenty-eight days —
- approve or refuse an application for a change in land use or development proposal submitted in terms of subsection (1); and
 - submit his or her written decision and any objections with respect to such application for change in land use or any development proposal, including directions or conditions for compliance with provincial road network policy, to such responsible authority vested under law in the Province with responsibility for considering any sub-divisional application.
- (3) The responsible authority in the Province vested with responsibility for consideration of applications for change in land use or development proposal shall not approve such application—
- prior to the expiry of the twenty-eight day period referred to in subsection (2); or
 - which is in conflict with the directions of or conditions required by the Minister as contemplated in subsection (2)(b), except to the extent that the Minister's directions are altered by the Appeal Tribunal in terms of subsection (4).
- (4) Where a responsible authority or person is aggrieved by any decision of the Minister related to changes in land use or development proposals, such responsible authority may appeal the Minister's decision to the Appeal Tribunal as prescribed in the KwaZulu-Natal Planning and Development Act, 1998.
- (5) Notwithstanding any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), any of the conditions imposed in subsection (2)(b) shall be registered or endorsed against the relevant title deed.
- (6) Notwithstanding any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, the registrar of deeds may, with the approval in writing of the Minister, cancel any condition which has in terms of subsection (5) been inserted in a deed of transfer or endorsed upon a title deed.

Amendment, rescission or lapsing of development proposals

22. (1) Any amendment to or rescission of an approved development proposal contemplated in section 19, 20 or 21 shall be submitted to the Minister by the relevant responsible authority and no such amendment or rescission may be adopted without the prior written approval of the Minister.
- (2) No action contemplated under a development proposal shall be commenced more than two years after the date of approval without submitting the proposal for re-consideration by the Minister in terms of section 19, 20 or 21.

Exemptions

23. (1) The Minister may, upon application to him or her in the manner prescribed, exempt any responsible authority wholly or partially from sections 19, 20 or 21.
- (2) The Minister may at any time withdraw an exemption contemplated in subsection (1).
- (3) The Minister shall, before granting or withdrawing any exemption, in terms of subsections (1) or (2), indicate his or her intention to do so by publication in the *Gazette*.
- (4) In granting or withdrawing any exemption in terms of this section, the Minister may impose any conditions he or she considers proper.
- (5) Any responsible authority or person aggrieved by a decision of the Minister to grant, refuse or withdraw an exemption in terms of this section, or to impose any condition thereon, may appeal to the Appeal Tribunal.

Part V**Establishment, control and management of resting places for livestock****Declaration and de-declaration of a resting place**

24. The Minister may, by notice in the *Gazette*, declare that property adjacent to a public road shall be or shall cease to be a resting place for livestock.

Minister not liable for claim

25. The Minister shall not be liable for any claim or damages arising from the existence or use of any resting place, except where such damage or loss was caused by the wilful or negligent act or omission of an official acting for and on behalf of the Department.

Prohibition of movement of livestock on public roads

26. The Minister may, by notice in the *Gazette*, prohibit or restrict the movement of livestock on any public road designated by him or her in such notice.

Impounding uncontrolled livestock

27. The Minister may, where the owners have failed to remove uncontrolled livestock from a provincial road or a road reserve, impound the livestock under any applicable law.

Part VI**Acquisition and expropriation of land****Acquisition and expropriation of land, material on or in land and right to use land temporarily**

28. (1) The Minister may, by agreement with the owner of the land without recourse to the Expropriation Act, 1975 (Act No. 63 of 1975) or subject to the Expropriation Act, 1975 (Act No. 63 of 1975), pay compensation —
- to expropriate land for a provincial road, the building of any provincial road, works or any purpose concerning a provincial road, including but not limited to any access road, the acquisition, mining or treatment of gravel, stone, sand, clay, water or any other material or substance, the accommodation of road building staff and the storage and maintenance of vehicles, machines, equipment, tools, stores or material;
 - to take gravel, stone, sand, clay, water or any other material or substance on or in land for the construction and maintenance of a provincial road for works or purposes referred to in paragraph (a); and
 - for the temporary use of land for any purpose for which the Minister may expropriate such land.
- (2) The Minister may, in his or her discretion and notwithstanding anything in this Act, authorise by way of equitable relief where no payment or compensation is claimable, the payment of an amount to be determined by him or her, where the Minister is of the opinion that serious injury is or will be caused by the exercise of any power of expropriation.
- (3) If any land is or will be divided by a road in such a manner that in the Minister's opinion, such land or any part of it is or will be useless to the owner, the Minister shall expropriate the land or the part of it in question.

Part VII**Removal of materials from land and compensation****Removal of materials from land and compensation**

29. (1) Subject to the provisions of the Minerals Act, 1991 (Act No. 50 of 1991), and subsection (2) of this section, the Minister may search for and take sand, stone, rock, gravel, clay, soil and other materials for road construction and maintenance in or on land.
- (2) The owner or occupier of the land from which sand, stone, rock, gravel, clay, soil and any other materials are taken shall be entitled to compensation.

Part VIII**Acquisition of land and vesting in a responsible authority or municipality****Acquisition of land and vesting in a responsible authority or municipality**

30. (1) The Minister may, for the purpose of providing an access from any property to a provincial road, acquire so much of any property as is required for such purpose.
- (2) The provisions of section 28 of this Act shall apply in respect of any expropriation or other acquisition in terms of subsection (1).
- (3) Land acquired by the Minister in terms of subsection (1) within the area of jurisdiction of a responsible authority or municipality shall, from a date to be determined by the Minister, vest in such responsible authority or municipality.
- (4) For the purpose of subsection (3), the Minister shall advise the responsible authority or municipality of the contemplated vesting of land, at the same time submitting a plan of the road and proposed point of access to a provincial road to the responsible authority or municipality.

Part IX**Public right-of-way****Public right-of-way**

31. (1) A public right-of-way shall —
- be registered by the Minister in accordance with this Act; and
 - constitute a reasonable means of access to a public road or other public amenity.
- (2) A responsible authority, municipality or person applying for the registration or deregistration of a public right-of-way shall bear all costs incidental thereto, and shall submit —
- proof of consultation with an affected community, and
 - an application in the prescribed form,
- to the Minister, who may grant or refuse the application and whose decision shall be final.
- (3) Notwithstanding the absence of an application contemplated in subsection (2), the Minister may, after consultation with the owner or occupier of land and an affected community, register or de-register a public right-of-way in terms of this Act.
- (4) The Minister shall maintain a register of all public rights-of-way registered in terms of section 1(a) and such register shall be available for public viewing during normal business hours.
- (5) Any person who closes a registered right-of-way without prior written authorisation from the Minister shall be guilty of an offence.

Part X**Advertising on provincial roads****Prohibition of certain advertisements on or adjacent to provincial roads**

32. (1) Subject to the provisions of subsection (2), no person shall display —

- (a) an advertisement on a main road or permit it to be so displayed unless it is displayed in accordance with the written permission of the Minister or in terms of subsection (2); or
- (b) any advertisement within five hundred metres of and visible from a main road or permit such advertisement to be so displayed.
- (2) The provisions in subsection (1) shall not apply to the display of any advertisement which complies with the requirements, if any, of regulations relating to the nature, content or size of an advertisement or the time, place or manner of its display.
- (3) Any person who displays an advertisement or permits it to be displayed contrary to the provisions of subsection (1) shall, if the Minister has by notice in writing directed the person to do so, remove such advertisement within the period stated in the notice and which shall not be less than fourteen days.
- (4) (a) Subject to the provisions of paragraph (b), the Minister may remove or order to be removed any advertisement which the Minister has by notice under subsection (3) directed to be removed and which has not been removed within the period stated in the notice, and recover the cost of removal from the person who displayed the advertisement or permitted its display.
- (b) The Minister may at any time remove an advertisement displayed contrary to the provisions of subsection (1), without first directing its removal under subsection (3) and may recover the cost of removal from the person who displayed the advertisement or permitted its display.
- (5) Where an advertisement constitutes a safety hazard on or adjacent to a district road or local road, the Minister may apply subsections (1) to (4), inclusive, to regulate advertisements on or adjacent to a district or local road.
- (6) For purposes of this section, unless the contrary is proven —
 - (a) an advertisement shall be deemed to be displayed —
 - (i) by the person who erected it or otherwise caused it to appear; or
 - (ii) in the case of any advertisement relating to a product or article produced or manufactured by a particular person, or to a service rendered by a particular person, or to a business, undertaking or place owned by a particular person, by that person;
 - (b) an advertisement which is within five hundred metres of and visible from a main road shall be deemed to have been displayed after the commencement of this Act, unless the contrary is proved; and
 - (c) a person who owns or occupies land whereon an advertisement, which is visible from a main road is being displayed or whereon is located such an advertisement which has been renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have erected that advertisement or otherwise to have caused it to appear or to have renovated, restored and repaired it, as the case may be, or to have permitted its erection, appearance, renovation or repair.

Permission to display advertisements

33. The Minister may grant or refuse any permission in terms of section 32(1)(a) for which any person has applied and, if the Minister grants permission he or she may, subject to any applicable regulation, prescribe the specifications to which the advertisement shall relate and conform, the period during which the permission shall be in effect, the manner, place and circumstances in which and the conditions subject to which the advertisement may be displayed and the Minister may at any time amend or revoke such permission.

Part XI

Environmental obligations

Environmental policy

34. The Minister shall regulate the operations of the Department to minimise the impact of transport infrastructure and operations on the environment and shall, where appropriate, make regulations relating to transport infrastructure and operations to achieve this goal.

Environmental obligations

35. Environmental management shall constitute an integral part of the planning, construction, operation and maintenance of the provincial road network and the Department's infrastructure and facilities throughout the Province.

Environmental impact assessment

36. The Department may require or provide for an environmental impact assessment in the construction and maintenance of provincial transport infrastructure and operations.

Part XII

Public participation and advisory and technical bodies

Public participation

37. The Department is committed to public participation and transparency in the development and implementation of the provincial road network.

Advisory bodies

38. (1) The Minister may, from time to time, establish and disestablish advisory and technical bodies, including but not limited to —
 - (a) advisory committees;
 - (b) boards;
 - (c) fora; and
 - (d) other committees and advisory groups.
- (2) Membership of bodies contemplated in subsection (1) shall be representative of the Province, with appointment practices or selection procedures based on the needs of such body and the need to redress the imbalances of the past.
- (3) When establishing an advisory or technical body contemplated in subsection (1), the Minister shall —
 - (a) determine the number of members and the manner in which such members shall be selected and appointed;
 - (b) fix the duration of such appointments: Provided that all appointments for more than 1 (one) year in duration shall be made on a rotating basis to ensure continuity; and
 - (c) specify the terms of reference and the duration of such body.
- (4) Notwithstanding the provisions of subsection (3), the Minister may, on good cause shown, at any time terminate the appointment of a member of a body established in terms of subsection (1).
- (5) Each body contemplated in subsection (1) shall —
 - (a) keep and retain minutes of their proceedings;

- (b) submit annual reports on its activities to the Minister; and
- (c) submit such other reports and returns as the Minister may from time to time require.
- (6) The Minister may, from time to time and in consultation with the member of the Executive Council whose portfolio includes responsibility for finance, determine the basis on which members of the bodies contemplated in subsection (1) may be compensated for necessary out-of-pocket expenditure: Provided that different bases may be determined for different bodies, members and classes of members.

Mandatory declaration of interests and conflict of interests by members of advisory and technical bodies established by the Minister

39. (1) No member of any advisory or technical body appointed by the Minister may use his or her appointed position to promote any special financial or other interest, including but not limited to the interests of any person, company or other entity, with members of such advisory or technical bodies responsible for representing and overseeing the interests of the Department, Province and their constituencies.
- (2) All members of an advisory or technical body appointed by the Minister under this Act shall, within thirty days of their appointment, submit a written declaration of all financial or other interests which are or could be related to or are in conflict with such appointment, which declaration shall include relevant information about any criminal convictions against the member submitting the written declaration.
- (3) The prescribed declaration of all financial and other interests by members of advisory or technical bodies appointed by the Minister shall include any and all past, existing or foreseeable future financial or other interests in all matters related to transport, roads and the provision of public transport.
- (4) A declaration of interest shall include but not be limited to all interests relating to the rendering of public transport, constructing or maintaining roads and the provision of equipment or supplies to the Department.
- (5) Where the financial or other interests of any member of an advisory or technical body appointed by the Minister change during the term of his or her appointment, the member is required to submit a written notice of change of financial or other interest affecting the provincial road network and transport system.
- (6) Any written notice of change of declaration of financial or other interests affecting the provincial road network must be submitted to the Minister within ten days from the date of the change of financial or other interest.
- (7) The Minister may terminate the appointment of any member of an advisory or technical body who fails to submit the prescribed declaration of interests or who fails to advise the Minister of any change of financial or other interests affecting the provincial road network.

Part XIII
Inspection

Inspection of property

40. (1) If any property or the temporary use of property is required for public purposes, the Minister may—
- (a) for the purpose of ascertaining whether any particular property is suitable for the purpose or use contemplated, or for the purpose of determining the value thereof, authorise any person to —
 - (i) enter upon any land in question with the necessary staff, equipment and vehicles;
 - (ii) survey and determine the area and levels of that land;
 - (iii) dig or bore on or into that land;
 - (iv) construct and maintain a measuring weir in any river or stream;
 - (v) insofar as it may be necessary to gain access to that land, enter upon and go across any other land with the necessary staff, equipment and vehicles; and
 - (b) authorise any person to demarcate the boundaries of any land required for the purpose or use set out in paragraph (a), provided that such person shall not, without the consent of the owner or occupier, enter any building or enter upon any enclosed yard or garden attached to any building, unless he or she has given the owner or occupier at least twenty-four hours' notice of his or her intention to do so.
- (2) If any person has suffered any damage as a result of the exercise of any power referred to in subsection (1), the Minister shall be liable to pay reasonable compensation or to repair such damage.

Inspection procedure for monitoring

41. (1) The Minister may authorise any person in the employ of the Department or an agent of the Department as an officer to conduct an inspection for purposes of carrying out any and all functions contemplated in this Act.
- (2) The Minister shall provide any authorised officer with a letter of authority stating that the officer is authorised to conduct an inspection and the purpose of the inspection, including but not limited to —
- (a) inspection of land or premises as prescribed under this Act;
 - (b) survey of land or premises as prescribed under this Act;
 - (c) removal of signs and advertisements as prescribed under this Act;
 - (d) removal of structures as prescribed under this Act;
 - (e) questioning any person present on land or premises being inspected under this Act;
 - (f) questioning any person who the authorised officer reasonably believes may have information relevant to an inspection;
 - (g) inspection of any document that a person is prescribed to maintain in terms of any law or that may be relevant to an inspection;
 - (h) copying any document referred to in paragraph (g) or if necessary removing the document to copy it; and
 - (i) taking samples of any substance relevant to an inspection.
- (3) An authorised officer who removes anything other than a substance contemplated in subsection (2)(i) from land or premises being inspected must —
- (a) issue a receipt for it to the owner or person in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

Offences

42. It is an offence for any person—
- (a) to refuse an authorised officer access to land or premises to which the authorised officer has requested admission;
 - (b) to obstruct or hinder an authorised officer who is carrying out a duty under this Act;
 - (c) to fail or refuse to provide an authorised officer with any information that the person is required to provide under this Act;

- (d) to knowingly give false or misleading information to an authorised officer;
- (e) to unlawfully prevent the owner or occupier of any land or premises or a person working for that owner from entering the land or premises to comply with a requirement of this Act;
- (f) to pretend to be an authorised officer;
- (g) without authority, to enter or inspect land or premises; or
- (h) who, in the performance of any function or exercise of any power in terms of this Act, acquires information relating to the financial or business affairs of any person and discloses that information except —
 - (i) to a person who requires that information to perform a function or exercise a power in terms of this Act;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with any provision of any other law.

Part XIV

Internal review of Departmental decisions

Internal review of Departmental decisions

43. (1) Any person outside the Department wishing the Minister to review and decide on any Departmental decision related to the purposes of this Act shall, within twenty-one working days of such Departmental decision or the date on which the person became aware of such decision, make a written submission to the Minister.
- (2) The submission referred to in subsection (1) shall state all factual and legal issues relating to the dispute and the nature of any requested relief.
- (3) The Minister may take any appropriate steps to investigate any and all matters related to a dispute.
- (4) The Minister may delegate any authority to investigate any and all matters related to a dispute to any officer within the Department and may also withdraw such delegation of authority at any time.
- (5) The Minister shall issue a written decision —
 - (a) confirming the original decision of the Department;
 - (b) reversing the original decision of the Department;
 - (c) amending the decision of the Department; or
 - (d) redirecting the person submitting the dispute to a competent authority.
- (6) The Minister shall not hear or decide any dispute which is—
 - (a) frivolous or does not clearly state the nature of the claim; or
 - (b) a potential offence.
- (7) In the event a person is not satisfied with the decision of the Minister in terms of this section, such person shall be entitled to utilise any other remedy he or she has in terms of this Act or any other law.

Part XV

Regulations

Regulations

44. (1) The Minister may make regulations regarding any matters as he or she may deem necessary or expedient for the efficient administration of this Act.
- (2) The Minister may make different regulations under subsection (1) in respect of different categories of provincial roads.
- (3) Regulations developed in terms of this Act shall be based on the principle of equitable road access to all communities within the Province.

Part XVI

Provincial roads administration and good governance

Provincial roads administration and good governance principles

45. Administration of the provincial road network shall be governed by the principles enshrined in section 195 of the Constitution and any national or provincial policy or legislation addressing good governance and public service delivery.

Part XVII

Departmental liability

Claims against Department

46. No claim shall lie against the Minister for roads which are not provincial roads or where the Minister has performed his or her duties in accordance with the standard of care generally acceptable for the construction and maintenance of provincial roads.

Indemnification

47. Where the Minister has authorised construction or maintenance of a road which is not a provincial road, the responsible authority or municipality shall indemnify the Department against all claims which are not related to work undertaken or performed by the Department or which are not as a result of the wilful or negligent action or omission on the part of the Department.

Part XVIII

Offences and penalties

Offences

48. (1) Any person who—
 - (a) contravenes any provision of this Act, where such contravention is not elsewhere declared an offence;
 - (b) fails to comply with any notice served upon him or her in terms of this Act; or
 - (c) willfully obstructs, resists or hinders any officer of the Province in the lawful exercise of any power conferred under this Act, shall be guilty of an offence.
- (2) Every fine imposed and paid for a contravention of or failure to comply with this Act shall be paid into the Provincial Revenue Fund.

ffence in terms of this Act shall be liable for a fine or imprisonment not exceeding five years, or to both such fine and

Part XIX Service of notice

is Act to the owner or occupier of any property may either be served personally upon him or her or his or her known rep-
ner, by registered post or mail to a known address of such owner or of his or her representative, or if there is no such
gistered post to the occupier, or if there is no person in occupation, by being affixed in a conspicuous place on such prop-
pier, by registered post or mail to his or her known address or to the address of the property or to such occupier's known

Part XX

Repeal of prior statutes, regulations and ordinances and interpretation of this Act

vs and savings

ions of subsection (2), the laws referred to in the Schedule are repealed to the extent indicated in the third column thereof.
repeal of the laws referred to in subsection (1) —

under such law which is capable of being done under a provision of this Act, shall be deemed to have been done under
of this Act;

gs commenced under such law, shall be continued and concluded as if such law had not been repealed, provided that any
therefrom shall be dealt with in accordance with the provisions of this Act.

onflict between this Act and any other law affecting provincial roads and the administration of provincial roads in the
shall prevail.

erent texts

istency between different texts of this Act, the English text shall prevail.

enancement

the KwaZulu-Natal Provincial Roads Act, 2000, and shall come into operation on a date fixed by the Minister by notice in
at the Minister may set different dates in respect of different provisions of this Act where the Minister considers it proper to

SCHEDULE

Title or Subject	Extent of Repeal or Amendment
Roads Ordinance, 1968	The whole.
Roads Ordinance Amendment, 1978	The whole.
Roads Ordinance Amendment, 1981	The whole.
KwaZulu Roads Amendment Act, 1978	The whole.
Advertising on Roads and Ribbon Development Act, 1940	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1944	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1952	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1962	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1966	The whole.
Advertising on Roads and Ribbons Development Amendment Act, 1976	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1979	The whole.
Advertising on Roads and Ribbon Development Amendment Act, 1985	The whole.

ANDUM ON KWAZULU-NATAL PROVINCIAL ROADS BILL

o rationalise existing statutes governing the control, administration and management of roads within the KwaZulu-Natal
s memorandum accompanies the KwaZulu-Natal Provincial Roads Bill, which is to be submitted to the Speaker of the
nt.

ublic of South Africa Act, 1996 (No. 108 of 1996) (Constitution) provides that all legislation in force at the time the
continues in full force and effect until amended or adapted to comply with the final Constitution. Existing laws carried
stitution of the Republic of South Africa Act, 1993 (Act No. 200 of 1993) (Interim Constitution) must be amended in two

to the geographical areas of the provinces; and

effect to provincial legislative powers and provincial institutions.

amended or repealed in terms of the Interim Constitution, such legislation continues to have application only in the pre-
rior and substantive areas until amended in terms of the final Constitution. It is critical that all laws continuing in force
stitution and Constitution are rationalised to make provision for both territorial and substantive provincial powers.
of the Constitution provides for exclusive provincial legislative competence over "provincial roads and traffic".

and management of roads in the former KwaZulu area fell under Schedule 1 of the Self-Governing Constitution Act.

1971 (Act No. 21 of 1971) and were administered by the former KwaZulu Government in terms of the KwaZulu Roads Amendment Act, 1978 (Act No. 11 of 1978). The control, administration and management of roads in the former Natal Province were administered by the Natal Provincial Administration in terms of the Roads Ordinance, 1968 (Ordinance No. 10 of 1968) and other national legislation and provincial ordinances. It is imperative that old order roads legislation be rationalised to ensure the transformation, restructuring, establishment and control of the KwaZulu-Natal provincial road network to provide for the development and implementation of provincial road policy, norms and standards and to rationalise existing legislation.

This memorandum accompanies the Draft KwaZulu-Natal Provincial Roads Bill. It explains the need for various provisions in the KwaZulu-Natal Provincial Roads Bill, which consolidates and rationalises existing legislation affecting roads in the Province and is intended to respond to the needs of the Province with respect to roads and related issues.

2. Principles

The KwaZulu-Natal Provincial Roads Bill provides for the following principles:

- the development and implementation of provincial road policy, norms and standards;
- the development and implementation of optimum road safety standards, efficient and cost-effective management of the provincial road network;
- maintenance of provincial road assets;
- the provision and development of equitable road access to all communities within the Province, including previously disadvantaged communities;
- transparency in the development and implementation of provincial road network policies and practices;
- rationalisation of existing statutes and legislation relevant to the provincial road network; and
- all matters connected therewith.

The KwaZulu-Natal Provincial Roads Bills also provide that it shall be:

- applied in the development, declaration, implementation and administration of the provincial road network to facilitate the rational and equitable development of the provincial road network, including but not limited to the extension of the provincial road network to previously disadvantaged communities; and
- implemented to facilitate the creation of employment and contracting opportunities for previously disadvantaged communities and persons.

The following section of the Explanatory Memorandum deals with specific issues addressed in the KwaZulu-Natal Provincial Roads Bill.

3. Issues addressed in the KwaZulu-Natal Provincial Roads Bill

1. Part II: Ministerial Powers

Part II of the KwaZulu-Natal Provincial Roads Bill provides that the Minister shall develop, declare, implement, administer and promote the provincial road network in terms of effective, open, accountable and co-operative governance and in accordance with national and provincial norms, standards and practices to:

- achieve optimal road safety standards within the Province;
- protect and maintain provincial road network assets;
- achieve the progressive realisation of equitable road access to all communities within the Province;
- ensure efficient and cost-effective management and control of the provincial road network; and
- maintain and protect the environment.

The Minister shall, within the Province's available resources, be responsible for all aspects of management, control, implementation and administration of the provincial road network, including but not limited to:

- determining provincial road network priorities and allocations;
- providing technical and logistical support, financial management, monitoring and evaluation of the provincial road network and undertaking corrective action where required;
- coordinating, planning, developing, implementing, controlling, operating and maintaining the provincial road network;
- ensuring an equitable and appropriate allocation of funds for the provincial road network;
- declaring and de-declaring provincial roads;
- designing, constructing, maintaining, operating, managing, altering, deviating and closing provincial roads;
- acquiring property by lease, purchase or donation for and on behalf of the Department, including but not limited to authorising temporary occupation of private immovable property or expropriating property for transport development and ensuring the payment of just and equitable compensation and disposing of property for and on behalf of the Department;
- controlling main and district road access;
- maintaining roadside control of the provincial road network;
- managing advertising on or adjacent to main roads and, where a safety hazard exists, on district roads and local roads;
- promulgating and enforcing road fencing regulations and fencing contribution regulations;
- regulating provincial road network contributions;
- authorising payments of grants-in-aid or ex gratia payments;
- entering into any agreement with a responsible authority, municipality, entity or person to provide for a contribution to secure the construction, reconstruction, improvement, repair or maintenance of any provincial road or to acquire or dispose of, by lease, purchase or donation, any property on or adjacent to an existing or proposed provincial road; and
- negotiating, entering into and signing contracts necessary to implement provincial road network policy, subject to applicable tendering and purchasing statutes and regulations.

The Minister is also required to apply uniform standards utilising objective criteria to all determinations of the status of any road within the provincial road network.

2. Part III: Provincial Roads Network

The KwaZulu-Natal Provincial Roads Bill establishes the provincial roads network, to be comprised of main roads, district roads and local roads, which are defined as follows:

- "district road" means any provincial road or section or deviation of a provincial road inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, and which is intended to link main roads to commu-

nities, resorts and farms and which has been declared a district road by the Minister;

"local road" means any provincial road or section or deviation of a provincial road, inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, which links a main road or district road to local communities and farms and which has been declared a local road by the Minister; and

"main road" means any provincial road or section or deviation of a provincial road, inclusive of the full extent of the width of the road, notwithstanding that only a portion thereof may be in actual use for traffic purposes, and which is intended for traffic purposes between other main roads, towns, and major agricultural areas and which has been declared a main road by the Minister.

This is a fundamental shift from older legislation which did not include local roads, or by-roads, in the provincial road network. This approach ensures that roads in rural areas will be included within the provincial road network.

Part III of the KwaZulu-Natal Provincial Roads Bill vests the control, establishment, administration and management of the provincial road network in the Minister. All local, district, and main roads will have to be declared by the Minister. While section 7 of the Bill provides for the declaration and de-declaration of provincial roads, section 8 of the Bill specifically provides that:

The control, administration and management of existing roads within the Province which fell under Schedule 1 of the Self-Governing Constitution Act, 1971 (Act No. 21 of 1971), and were administered by the former KwaZulu-Government on 27 April 1994, and existing roads within the Province which fell under and were administered under the Roads Ordinance, 1968 (Ordinance No. 10 of 1968), by the former Natal Provincial Administration on 27 April 1994 shall vest in the Minister.

The Minister shall, within two years of this Act coming into effect, assess and determine the status of all roads and public rights-of-way within the provincial road network and effect any declaration or de-declaration which may be necessary to give effect to such assessment and determination.

The two year assessment period ensures that the status of all roads in the Province will be assessed, based on objective criteria, to determine what roads should be included within the provincial road network.

Part III also addresses the:

- construction and maintenance of provincial roads;
- access to main and district roads and closure of provincial roads;
- junctions between public roads or public rights-of-way and provincial roads;
- control of stormwater and watercourses on provincial roads;
- structures adjacent to and on provincial roads;
- fencing on provincial roads;
- prohibitions on the depositing or leaving of refuse within the boundaries of provincial roads and road reserves;
- damaging provincial roads;
- obstruction of Departmental officers or agents or interference with survey pegs; and
- trading on or adjacent to main roads or district roads.

Part III is structured to provide the powers required to declare, de-declare and maintain provincial roads to achieve the objectives of the Bill.

Part IV: Development Affecting the Provincial Road Network.

Part IV of the KwaZulu-Natal Provincial Road Bill incorporates relevant provisions of the KwaZulu-Natal Planning and Development Act, 1998 in relation to development affecting the provincial road network and addresses the need for prior approval by the Minister in the:

- preparation of development plans;
- subdivisions of land; and
- land use changes and development proposals.

Part IV also provides for amendment, rescission or lapsing of development proposals and exemptions from complying with this Part.

These provisions are vital to ensure that the Minister is able to provide required road planning, development and implementation in line with provincial budgetary restraints.

Part V: Establishment, Control and Management of Resting Places for Livestock

Part V provides for the establishment, control and management of resting places for livestock.

Part VI: Acquisition and Appropriation of Land

Part VI determines the procedures and compensation for the acquisition of land by agreement or expropriation of land required for road construction and maintenance.

Part VII: Removal of Materials from Land and Compensation

Part VII empowers the Minister to remove materials required for road construction and maintenance and pay compensation to land owners for the removal of such materials.

Part VIII: Acquisition of Land and Vesting in a Responsible Authority or Municipality

Part VIII authorises the Minister to acquire property necessary to provide access onto main or district roads, with the property vesting in a responsible authority or municipality after such acquisition.

Part IX: Public Right-of-Way

Part IX requires that public rights-of-way shall be registered by the Minister and shall constitute a reasonable means of access to a public road or public amenity.

Part X: Advertising on Provincial Roads

Part X introduces restrictions on advertising on or adjacent to provincial roads. The restrictions include an obligation to obtain permission from the Minister to display advertisements within areas specified in the KwaZulu-Natal Provincial Roads Bill.

Part XI: Environmental Obligations

Part XI places an obligation on the Department to perform its activities in a manner which minimises the impact of transport infrastructure and operations on the environment, with environmental management to constitute an integral part of the planning, construction, operation and maintenance of the provincial road network.

Part XII: Public Participation and Advisory and Technical Bodies

Part XII establishes procedures for public participation to ensure that functions of the Department are conducted in a transparent manner.

Part XII also provides that the Minister may establish and disestablish advisory and technical bodies, with members of such bodies required to

declare any financial interest or potential conflict of interest relating to the functions entrusted to them by the Department.

12. Part XIII: Inspection

Part XIII sets out procedures to be followed when inspecting property and specifies offences for contravention of this Part.

13. Part XIV: Internal Review of Departmental Decisions

Part XIV provides that any person outside the Department wishing the Minister to review and decide on any Departmental decision related to this Act may, with 21 working days of a Departmental decision or the date on which the person became aware of such decision, make a written submission to the Minister to review the decision. The Minister will be required to investigate the matter and shall issue a written decision:

- confirming the original decision of the Department;
- reversing the original decision of the Department;
- amending the original decision of the Department; or
- redirecting the person submitting the dispute to a competent authority.

14. Part XV: Regulations

Part XV authorises the Minister to promulgate regulations on the KwaZulu-Natal Provincial Roads Bill.

15. Part XVI: Provincial Roads Administration and Good Governance

Part XVI provides that the administration of the provincial road network shall be governed by the principles enshrined in section 195 of the Constitution and any national or provincial policy or legislation addressing good governance and public service delivery.

16. Part XVII: Departmental Liability

Part XVII provides that no claim shall lie against the Minister for roads which are not provincial roads or where the Minister has performed his or her duties in accordance with the standard of care generally acceptable for the construction and maintenance of provincial roads.

Where the Minister has authorised construction or maintenance of a road which is not a provincial road, the responsible authority or municipality shall indemnify the Department against all claims which are not related to work undertaken or performed by the Department or which are not as a result of the wilful or negligent action or omission on the part of the Department.

17. Part XVIII: Offences and Penalties

Part XVIII specifies the penalties and offences for contravention of any provision of the KwaZulu-Natal Provincial Roads Bill.

18. Part XIX: Service of Notice

Part XIX specifies what will be deemed to be adequate notice as required in terms of the KwaZulu-Natal Provincial Roads Bill.

19. Part XX: Repeal of Prior Statutes, Regulations and Ordinances and Interpretation of this Act

Part XX provides for the repeal and amendment of existing roads laws.

4. Conclusion

The KwaZulu-Natal Provincial Roads Bill has been drafted in accordance with national and provincial policy, norms and standards and addresses inequities in and rationalises existing statutes, ordinances and regulations inherited from former governments to provide the necessary paradigm shift for equitable road access to all communities within the Province. The establishment of the provincial road network provides the KwaZulu-Natal Department of Transport with the necessary legal foundation to amalgamate all roads within the Province and provide for provincial road infrastructure to contribute to development and the economic infrastructure of the Province.

No. 1, 2000

3 Februarie 2000

KWAZULU-NATAL WETSONTWERP OP PROVINSIALE PAAIE, 2000

Kennisgewing ingevolge die Reglement van Orde van die Provinsiale Wetgewer van KwaZulu-Natal

KENNIS word hierby ingevolge reël 120 van die Reglement van Orde van die Provinsiale Wetgewer van KwaZulu-Natal gegee dat die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie, 200, soos hieronder uiteengesit, by voornoemde Wetgewer ingedien is en deur die Portefeuljekomitee oor Vervoer oorweeg sal word. Die publiek en ander belanghebbende partye word genooi om vertoë oor voornoemde wetsontwerp in te dien, welke vertoë gerig moet word aan:

Aandag: Mej N. P. Zuma
Die Sekretaris
Wetgewer van KwaZulu-Natal
Privaat sak X9112
PIETERMARITZBURG
3200

om haar voor of op 24 Februarie 2000 te bereik.

Eksemplare van die wetsontwerp is by die Wetgewer te Ulundi en Pietermaritzburg beskikbaar.

M. R. MZIMELA

Sekretaris van die Wetgewer van KwaZulu-Natal

WETSONTWERP

Om voorsiening te maak vir die transformasie, herstrukturering, vestiging van en beheer oor die KwaZulu-Natal provinsiale padnetwerk; om provinsiale padbeleid, norme en standaarde te ontwikkel en implementeer; om voorsiening te maak vir optimale padveiligheidsstandaarde, die instandhouding van provinsiale padbates en die voorsiening en ontwikkeling van billike toegang tot paaie deur alle gemeenskappe in die provinsie, met inbegrip van voorheen agtergeblewe gemeenskappe; om voorsiening te maak vir deursigtigheid in die ontwikkeling en implementering van beleidsrigtings en gebruike met betrekking tot die provinsiale netwerk; en om voorsiening te maak vir alle aangeleenthede in verband daarmee.

INHOUDSOPGAWE

KWAZULU-NATAL WETSONTWERP OP PROVINSIALE PAAIE

Nommer van deel en artikel

Deel I: Definisies en toepassing van wet

1. Definisies

die Wet
 egdhede
 egdhede
 ie
 er, daarstelling, administrasie en bestuur van provinsiale paaie
 er, implementering, administrasie en bestuur van provinsiale padnetwerk
 aarde vir provinsiale en openbare paaie
 rklaring van provinsiale paaie
 e van bestaande paaie in die Provinsie
 ding van provinsiale paaie
 paaie en distrikspaaie en sluiting van provinsiale paaie
 openbare paaie of openbare oorgange en provinsiale paaie
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 end aan en op provinsiale paaie
 nsiale paaie
 g of laat van vullis binne die grense van provinsiale paaie en padreserwes
 provinsiale paaie
 n departementele beamptes of agente of inmenging met opmeetpenne
 f aanliggend aan grootpaaie of distrikspaaie
 wat provinsiale padnetwerk raak
 anne
 onderverdeling van grond
 n grondgebruik en ontwikkelingsvoorstelle
 eping of verstryking van ontwikkelingsvoorstelle
 beheer oor en bestuur van rusplekke vir vee
 verklaring van 'n rusplek
 spreeklik vir eis nie
 eging van vee op openbare paaie
 eerde vee
 onteining van grond
 iening van grond, materiaal op of in grond en reg om grond tydelik te gebruik
 g van materiaal van grond en vergoeding
 an materiaal van grond en vergoeding
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 ne
 ring van belange en botsing van belange deur lede van advies- en tegniese komitees deur die Minister ingestel
 ndom
 re vir monitering
 iening van Departementele beslissings
 van Departementele beslissings
 provinsiale padadministrasie en goeie regering
 ministrasie en goeie regering
 tele aanspreeklikheid
 nent

47. Vrywaring

Deel XVIII: Misdrywe en strawwe

48. Misdrywe

49. Strawwe

Deel XIX: Betekening van kennisgewing

50. Betekening van kennisgewing

Deel XX: Herroeping van vroeëre wette, regulasies en ordonnansies en interpretasie van hierdie wet

51. Herroeping en wysiging van wette en voorbehoudsbepalings

52. Teenstrydighede tussen verskillende tekste

53. Staat gebind

54. Kort titel en datum van inwerkingtreding

Bylae

DIT WORD BEPAAL deur die Parlement van die Provinsie KwaZulu-Natal, soos volg —

Deel I

Definisies en toepassing van wet

Definisies

1. Soos in hierdie Wet gebruik en tensy die samehang anders aandui, beteken —

“aanliggend” eiendomme of grond wat ’n gemeenskaplike grens deel;

“advertensie” ’n kennisgewing of teken bedoel om enige boodskap of beskikbare goedere of dienste bekend te stel en sluit nie padverkeerstekens of verkeersligte in nie;

“akteskantoor” enige akteskantoor ingestel ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937);

“Appèltribunaal” die Appèltribunaal ingestel ingevolge die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998;

“beampte” enigeen wat ’n werknemer of aangewese agent van die Departement is;

“beleid” die beginsels, insluitende beplanning, algemene doelwitte en doelstellings waardeur Ministeriële en Departementele besluite gelei en bepaal word;

“bou” om ’n pad te bou, verbou, herstel of in stand te hou;

“boubeperringsgebied” die grond aanliggend aan die grens van enige provinsiale pad waarin die oprigting van strukture beheer word;

“bydrae” finansiële, tegniese of ander bystand deur die Minister gemagtig om die doeleindes van hierdie Wet te bereik;

“Departement” die KwaZulu-Natal Departement van Vervoer;

“Departementshoof” die staatsampptenaar, soos omskryf in die Staatsdienswet, 1994 (Proklamasie 103 van 1994), wat die administratiewe hoof van die Departement is;

“distrikspad” enige provinsiale pad of trajek of verlegging van ’n provinsiale pad, met inbegrip van die volle omvang van die breedte van die pad, ondanks net ’n gedeelte daarvan werklik vir verkeersdoeleindes gebruik word, en wat bedoel is om grootpaaie met gemeenskappe, oorde en plase te verbind en wat ingevolge artikel 7(2)(a) van hierdie Wet deur die Minister tot ’n distrikspad verklaar is;

“eiendom” roerende en onroerende eiendom en sluit in ’n saaklike reg in of oor eiendom;

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

“grootpad” enige provinsiale pad of trajek of verlegging van ’n provinsiale pad, met inbegrip van die volle omvang van die breedte van die pad, ondanks net ’n gedeelte daarvan werklik vir verkeersdoeleindes gebruik word, en wat bedoel is vir verkeersdoeleindes tussen ander grootpaaie, dorpe, oorde en vername landbougebiede en wat deur die Minister tot grootpad verklaar is ingevolge artikel 7(2)(a) van hierdie Wet;

“hierdie Wet” enige regulasies daarkragtens gemaak;

“hof” enige instelling bekleed met regsprekende gesag ingevolge Hoofstuk 8 van die Grondwet;

“inbreuk maak op” om onwettig —

(i) toegang tot die grond of eiendom van ’n ander te verkry of probeer verkry;

(ii) die grond of eiendom van ’n ander te okkupeer of probeer okkupeer;

(iii) die grond of eiendom van ’n ander binne te dring of te probeer binnedring, of

(iv) in te dring op die eiendomsreg van ander;

“instandhouding” die lewering van alle redelik noodsaaklike dienste en herstelwerk, insluitende verbeterings, wat nodig is om padwaardige toestande op provinsiale paaie en aanliggende strukture te voorsien, met inbegrip van brûe, ponte, driwwe in die beloop van paaie, padtekens, aanlope, uitgrawings, walle, duikweë, vore, riole, damme, rande, heinings, borswerings, skutrelings, dreineringswerk binne of buite sodanige pad en enige ander werk of voorwerp wat deel uitmaak van of in verband staan met of betrekking het op sodanige pad, maar nie daartoe beperk nie;

“Koerant” die *Provinsiale Koerant* van die Provinsie;

“KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998” die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998 (Wet No. 5 van 1998);

“landmeter” iemand wat kragtens die Wet op Professionele Landmeters en Tegniese Opmeters, 1984 (Wet No. 40 van 1984), geregistreer is;

“Landmeter-generaal” die Landmeter-generaal soos omskryf in artikel 1 van die Opmetingswet, 1997 (Wet No. 8 van 1997);

“liggaam” ’n advies- of tegniese liggaam ingestel ingevolge artikel 38;

“materiaal” sand, klip, rots, gruis, klei, grond en enige ander materiaal wat van die grond verwyder moet word en vir padbou en -instandhouding nodig is;

“Minister” die lid van die KwaZulu-Natal Uitvoerende Raad wie se portefeulje verantwoordelikheid vir paaie in die Provinsie insluit;

“munisipaliteit” enige plaaslike regeringstruktuur beoog ingevolge Hoofstuk 7 van die Grondwet, die Oorgangswet op Plaaslike Owerhede, 1993 (Wet No. 209 van 1993), die Wet op Plaaslike Regering: Munisipale Strukture (Wet No. 117 van 1998), en enige ander toepaslike wet;

“norm” ’n beginsel om standarde te bestuur, beheer en reguleer;

met betrekking tot grond, enigene wat die grond werklik okkupeer en, indien niemand die grond werklik okkupeer nie, enige eienaar, huurder, lisensiehouer of andersins in die tussentyd beheer oor die grond het;

die onderverdeling van 'n geregistreerde onroerende eiendom in twee of meer gedeeltes wat as afsonderlike entiteite in 'n gisreer is of kan wees; "ontwikkeling" die verbetering van grond, insluitende die oprigting of verbetering van strukture daarop, beperk nie;

handeling of versuim wat kragtens wet strafbaar is;

ad" 'n oorpas wat te alle tye vir gebruik deur die publiek bedoel is en sluit ook enige oorpas in wat bedoel is vir gebruik deur ee;

'n pas of openbare oorpas wat die publiek die reg het om te gebruik en sluit die grond in waaruit die pas bestaan of waaroor die insluitende eiendom wat vir of as gevolg van die bou van 'n pas of deel daarvan verkry is en enigiets op die grond wat deel van daarmee in verband staan of daaraan behoort;

die verdeling van 'n geregistreerde vaste eiendom in twee of meer gedeeltes wat in 'n akteskantoor as afsonderlike entiteite gere-wees;

die verbetering van grond, met inbegrip van die oprigting of verbetering van strukture daarop, maar nie daartoe beperk nie;

lan" 'n plan vermeld in artikel 25 van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, welke plan ook 'n vervoer- aanvanklike ontwikkelingsplan en enige wysiging, uitbreiding of herroeping van sodanige ontwikkelingsplan insluit;

edeelte van 'n padreserwe wat nie die rypas uitmaak nie;

eteken die volle breedte van 'n pas en sluit die padkant en die rypas in, benewens enige aanliggende grond wat spesifiek vir pas- y is;

'n provinsiale pas of trajek of verlegging van 'n provinsiale pas, met inbegrip van die volle omvang van die breedte van die pas, deelte daarvan werklik vir verkeersdoeleindes gebruik word, wat 'n grootpas of distrikspas met plaaslike gemeenskappe en plase eur die Minister as 'n plaaslike pas verklaar is ingevolge artikel 7(2)(a) van hierdie Wet;

remier van die Provinsie KwaZulu-Natal;

omstefonds" die Provinsiale Inkomstefonds beoog by artikel 226 van die Grondwet;

d" enige grootpas, distrikspas of plaaslike pas, asook enige verlegging of gedeelte of trajek van 'n provinsiale pas, wat ingevolge n hierdie Wet deur die Minister as 'n grootpas, distrikspas of plaaslike pas verklaar is;

dnetwork" die provinsiale netwerk, insluitende grootpaaie, distrikspaaie en plaaslike paaie;

pas" enige provinsiale pas wat deur die Minister as 'n tolpas verklaar is;

Provinsie KwaZulu-Natal;

die proses waardeur kommentaar oor departementele beleid, prosedures, regulasies, voorstelle, planne of verslae ingewag word;

an aktes" 'n registrateur van aktes aangestel kragtens die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937);

registrasie van 'n openbare oorpas ooreenkomstig die regulasies wat kragtens hierdie Wet afgekondig is;

egang" toegang verkry by 'n punt op die grens van 'n eiendom aangrensend aan 'n provinsiale pas of wat daaraan front en wat s aan die eiendom en die pas;

ge regulasie kragtens hierdie Wet afgekondig;

ge grond of deel daarvan wat die Minister as rusplek vir vee verklaar het;

l van 'n padreserwe wat vir gebruik deur voertuie bedoel is;

e kriteria waarteen goedere, dienste en prestasie gemeet word;

ge struktuur, oprigting of ander verbetering, bogronds of ondergronds, hetsy permanent of tydelik en ongeag die aard of grootte begrip van advertensies, enige omsluitings, heinings, inritte, tuinmure, gholfbaanskoonvelde, laaiplekke, parkeerareas, patio's, Edens, tennisbane, grasdakskuilings of nutsdienste, maar nie daartoe beperk nie;

se wyse waarop persone, voertuie of vee toegang van 'n eiendom tot 'n provinsiale pas of uitgang daaruit tot 'n eiendom verkry;

'n pas, uitgesonderd 'n openbare pas, wat toegang van 'n eiendom tot 'n openbare pas verleen;

pe, perde, bokke of enige ander hoefdier wat as private eiendom geteel, gekoop, verkoop of aangehou word;

ike owerheid" enige munisipale regeringsliggaam soos beoog in Hoofstuk 7 van die Grondwet, die Oorgangswet op Plaaslike Wet No. 209 van 1993), of die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) en enige ander

en opsigte van grond enigiets wat waarde tot die grond toevoeg, uitgesonderd die grond self;

bepaling ingevolge artikel 7 van hierdie Wet en het Averklaar" 'n ooreenstemmende betekenis;

n plan wat ontwikkel is vir die reëling, voorsiening en bestuur van vervoerdienste en infrastruktuur, met inbegrip van openbare oorweë, terminusse en fasiliteite;

oorgeskryf by regulasie ingevolge hierdie Wet gemaak; en

ilitering van Ontwikkeling" die Wet op die Fasilitering van Ontwikkeling, 1995 (Wet No. 67 van 1995).

ie Wet

gdeur die Provinsie KwaZulu-Natal van toepassing en —

p die Staat;

ing op die ontwikkeling, verklaring, implementering en administrasie van die provinsiale padnetwerk om die rasonale en billike e van die provinsiale padnetwerk te fasiliteer, insluitende die uitbreiding van die provinsiale padnetwerk tot voorheen agterge- enskappe, maar nie daartoe beperk nie;

ementeer om werkskepping en kontrakteergeleenthede vir voorheen agter- geblewe en persone te fasiliteer;

sing wanneer ook al enige persoon enige diskresie uitoefen of enige besluit neem of enige regulasie voorskryf ingevolge hierdie ander wet wat in die Provinsie van krag is en wat met die provinsiale padnetwerk handel, insluitende maar nie beperk nie tot at handel oor beplanning en ontwikkeling, met inbegrip van enige sodanige wet wat te doen het met die onderverdeling, gebruik g van grond; en

sing van Deel IV, van toepassing is ten opsigte van alle aktiwiteite verrig en besluite gencem ingevolge hierdie Deel.

Deel II

Ministeriële Bevoegdhede

Ministeriële bevoegdhede

3. (1) Die Minister die provinsiale padnetwerk ontwikkel, verklaar, implementeer, administreer en bevorder ingevolge doeltreffende, oop, aanspreklike en koöperatiewe regering en ooreenkomstig nasionale en provinsiale norme, standaard en praktyke om —
 - (a) optimale padveiligheidsstandaarde binne die Provinsie te bereik;
 - (b) bates van die provinsiale netwerk te beskerm en in stand hou;
 - (c) die progressiewe realisering van billike padtoegang tot alle gemeenskappe binne die Provinsie te bereik;
 - (d) doeltreffende en koste-effektiewe bestuur van en beheer oor provinsiale padnetwerk te verseker; en
 - (e) die omgewing in stand te hou en te beskerm.
- (2) Die Minister is binne die Provinsie se beskikbare hulpbronne verantwoordelik vir alle bestuurs-, beheer-, implementerings- en administratiewe aspekte van die provinsiale netwerk, met inbegrip van maar nie beperk nie tot —
 - (a) die bepaling van die provinsiale padnetwerk se prioriteite en toewysings;
 - (b) die voorsiening van tegniese en logistieke steun, finansiële bestuur, monitering en evaluering van die provinsiale padnetwerk en regstellend op te tree waar nodig;
 - (c) die koördinering, beplanning, ontwikkeling, implementering, beheer, bedryf en instandhouding van die provinsiale padnetwerk;
 - (d) die versekering van 'n billike en toepaslike toewysing van fondse vir die provinsiale padnetwerk;
 - (e) die verklaring en afverklaring van provinsiale paaie;
 - (f) die ontwerp, bou, instandhouding, bedryf, bestuur, verbouing, verlegging en sluiting van provinsiale paaie;
 - (g) die aanskaf van eiendom by wyse van huur, aankoop of skenking vir en namens die Departement, insluitend die magtiging van die tydelike okkupering van private onroerende eiendom of die onteiening van eiendom vir die ontwikkeling van vervoer en versekering dat regverdige en billike vergoeding betaal word vir die neem van grond of eiendom vir openbare doeleindes of in die openbare belang ingevolge die Onteieningswet, 1975 (Wet No. 63 van 1975), en die wegdoen van eiendom vir en namens die Departement ingevolge die Wet op die Wegdoen van Staatsgrond, 1961 (Wet No. 48 van 1961), maar nie daartoe beperk nie;
 - (h) beheer oor toegang tot groot- en distrikspaaie;
 - (i) handhawing van padkantbeheer van die provinsiale padnetwerk;
 - (j) die bestuur van advertensies op of aanliggend aan grootpaaie en, waar 'n gevaar vir veiligheid bestaan, op distrikspaaie en plaaslike paaie;
 - (k) die afkondiging en toepassing van padothelingsregulasies en regulasies betreffende omheiningbydraes;
 - (l) die regulering van bydraes tot die provinsiale padnetwerk;
 - (m) die magtiging van betalings van hulptoelae of betalings uit guns soos vereis om die doelwitte van hierdie Wet te bereik;
 - (n) die aangaan van enige ooreenkoms met 'n verantwoordelike owerheid, munisipaliteit, entiteit of persoon om voorsiening te maak vir 'n bydrae om die bou, herbou, verbetering, herstel of instandhouding van enige provinsiale pad te verkry of om enige eiendom op of aanliggend aan 'n bestaande of voorgestelde provinsiale pad deur huur, aankoop of skenking aan te skaf of weg te doen; en
 - (o) kontrakte wat vir die implementering van provinsiale padnetwerkbeleid nodig is, te onderhandel, aan te gaan en te onderteken, behoudens toepaslike tender- en aankoopstatute en -regulasies.
- (3) Die Minister moet eenvormige standaard met gebruikmaking van objektiewe kriteria op alle bepalinge van die status van enige pad binne die provinsiale padnetwerk toepas.
- (4) Indien die Nasionale Departement van Vervoer, 'n verantwoordelike owerheid, munisipaliteit of enige ander entiteit of persoon die Minister versoek om hulp te verleen met die bou en instandhouding van paaie wat nie provinsiale paaie is nie, kan die Minister, indien hy of sy dit dienstig ag om sodanige hulp te verleen, 'n skriftelike ooreenkoms met die Nasionale Departement van Vervoer of ander betrokke bevoegde owerheid of munisipaliteit aangaan om voorsiening te maak vir die onderneming van die werk en die betaling van alle koste van sodanige paaie.
- (5) Die Minister kan —
 - (a) vergaderings byeenroep, skakel en oorleg pleeg met die nasionale regering, ander provinsies, munisipaliteite, provinsiale departemente, die privaatsektor, nie-regeringsorganisasies, gemeenskappe en kiesafdelings wat deur die Departement gedien word, ten einde die doelwitte van hierdie Wet te bereik;
 - (b) projekte tot bevordering van die verwydering van vullis en afval van provinsiale paaie daar te stel, die bedinge en verwysingsvoorwaardes daarvan uiteen te sit en te administreer en tot die verfraaiing van provinsiale paaie by te dra;
 - (c) versekering uitneem teen enige risiko, verlies of skade in verband met die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar funksies kragtens hierdie Wet;
 - (d) tegniese en advies- en enige ander raadplegende strukture skep wat vir die implementering van die provinsiale padnetwerkbeleid nodig is, die bepalinge en verwysingsvoorwaardes vir aanstelling in sodanige tegniese, advies- en ander raadplegende strukture daarstel en kan sodanige aanstellings doen as wat nodig is;
 - (e) sodanige akkurate en verbandhebbende navorsing as wat hy of sy in die uitvoering van Departementele funksies raadsaam ag, aan die gang sit en koördineer;
 - (f) aanbevelings doen by alle regeringsvlakke waar hy of sy wetgewing of op- trede raadsaam ag om die provinsiale padnetwerk te bevorder;
 - (g) voorstel dat wetgewing en regulasies verorden word om die provinsiale pad- netwerk te implementeer en administreer;
 - (h) enige bevoegdheid kragtens hierdie Wet ten opsigte van 'n provinsiale pad aan 'n bevoegde owerheid of munisipaliteit delegeer en kan ook sodanige delegasie van gesag te enige tyd terugtrek, en
 - (i) enige bevoegdheid kragtens hierdie Wet aan enige beampte binne die Departement delegeer en sodanige delegasie van gesag ook te enige tyd terugtrek.
- (6) Die Minister moet —
 - (a) sorg dat die Departement die hoogste professionele standaard uitoefen by die bevordering van die provinsiale padnetwerk, toewysing en aanwending van fondse en verantwoording ten opsigte van fondse van die nasionale regering, provinsiale regering of enige ander bron; en

- (b) enige ander verantwoordelikhede en funksies, soos by hierdie Wet of enige ander nasionale of provinsiale wet vereis, onderneem.

Deel III

Provinsiale paaie

Berusting van beheer oor, instelling, administrasie en bestuur van provinsiale paaie

4. Die beheer oor, instelling en bestuur van alle provinsiale paaie berus by die Minister.

Instelling van, beheer oor, implementering, administrasie en bestuur van die provinsiale padnetwerk

5. (1) Die Minister moet die provinsiale padnetwerk instel, beheer, implementeer, administreer en bestuur, welke padnetwerk beplan, verklaar en geadmineistreer moet word binne 'n gestruktureerde raamwerk om billike padtoegang te verskaf om ontwikkelingsbehoefes in alle gemeenskappe binne die Provinsie aan te spreek.
- (2) Die provinsiale padnetwerk moet uit alle verklaarde grootpaaie, distrikspaaie en plaaslike paaie bestaan.
- (3) Die Minister is geregtig op toegang tot enige openbare pad in die Provinsie om beplannings-, ontwikkelings-, bou en instandhoudingsdienste te voorsien.
- (4) Regsverantwoordelikheid en aanspreeklikheid vir werk wat in verband met enige pad ingevolge subartikel (3) onderneem is, is alleenlik beperk tot provinsiale paaie binne die provinsiale padnetwerk of paaie waarop die Minister padbou of instandhouding gemagtig het.
- (5) Alle paaie binne die provinsiale padnetwerk is openbare paaie wat die publiek geregtig is om te gebruik, behalwe waar 'n pad of 'n deel daarvan tydelik of permanent gesluit is of gebou, verbou, herstel of in stand gehou word..

Bepaling van standaarde vir provinsiale paaie en openbare paaie

6. (1) Die Minister bepaal alle standaarde en vereistes van provinsiale paaie en sodanige standaarde en vereistes is van toepassing op enige verantwoordelike owerheid, munisipaliteit, entiteit of persoon ten opsigte van die provinsiale padnetwerk.
- (2) Provinsiale standaarde en vereistes met betrekking tot die provinsiale padnetwerk ingevolge subartikel (1) is van toepassing op —
- toegang tot en gebruik van 'n grootpad en 'n distrikspad;
 - bou of instandhouding van 'n provinsiale pad;
 - sluiting, verbouing of verlegging van 'n provinsiale pad;
 - stormwater en waterlope op 'n provinsiale pad;
 - strukture op of aanliggend aan 'n provinsiale pad;
 - omheining aanliggend aan 'n provinsiale pad;
 - vullis op 'n provinsiale pad;
 - skade aan 'n provinsiale pad;
 - handeldryf op of aanliggend aan 'n grootpad of distrikspad;
 - advertering op of aanliggend aan grootpaaie en, waar dit veiligheidshalwe nodig is, advertering op of aanliggend aan distrikspaaie en plaaslike paaie; en
 - enige ander standaarde en vereistes met betrekking tot die provinsiale padnetwerk.

Verklaring en afverklaring van provinsiale paaie

7. (1) Die Minister moet regulasies maak om die vereistes vir die verklaring en afverklaring van provinsiale paaie, wat grootpaaie, distrikspaaie of plaaslike paaie kan wees, voor te skryf.
- (2) Die Minister kan, behoudens subartikels (4) en (7) en by kennisgewing in die *Koerant* —
- enige pad, deel van 'n pad of enige roete in die Provinsie as 'n grootpad, distrikspad of plaaslike pad verklaar; of
 - 'n bestaande grootpad, distrikspad of plaaslike pad of deel van 'n grootpad, distrikspad of plaaslike pad afverklaar of modifiseer en verklaar dat die status of aard van sodanige pad verander het en enigeen van die volgende kan van toepassing wees —
 - die status van sodanige grootpad, distrikspad of plaaslike pad of deel van 'n grootpad, distrikspad of plaaslike pad kan verander word in 'n ander kategorie provinsiale pad;
 - 'n verbandhebbende verantwoordelike owerheid, munisipaliteit, entiteit of persoon of die Nasionale Departement van Vervoer moet beheer oor en verantwoordelikheid vir sodanige grootpad, distrikspad of plaaslike pad of deel van 'n grootpad, distrikspad of plaaslike pad aanvaar; of
 - sodanige grootpad, distrikspad of plaaslike pad word gesluit.
- (3) Indien die Minister besluit om voort te gaan met die bou van 'n nuwe provinsiale pad of om enige bestaande provinsiale pad te verlê, moet die Minister by kennisgewing in die *Koerant* die benaderde roete aantoon wat die voorgestelde provinsiale pad of verlegging gaan volg en sodanige pad 'n grootpad, distrikspad of plaaslike pad verklaar.
- (4) Indien die Minister bepaal het dat daar 'n behoefte bestaan om 'n grootpad, distrikspad of plaaslike pad te verklaar of af te verklaar, moet die Minister met die bevoegde owerheid of munisipaliteit wat deur die voorgestelde verklaring of afverklaring van 'n grootpad, distrikspad of plaaslike pad geraak gaan word, oorleg pleeg.
- (5) Die Minister moet 'n skriftelike ooreenkoms met die bevoegde owerheid of munisipaliteit, entiteit of persoon of Nasionale Departement van Vervoer aangaan, wat ingevolge subartikel (2)(b)(ii) beheer oor 'n grootpad, distrikspad of plaaslike pad of deel van 'n grootpad, distrikspad of plaaslike pad uitoefen of verantwoordelikheid daarvoor aanvaar.
- (6) Die Minister kan waar toepaslik en binne die beperkings van beskikbare finansiële hulpbronne volle of gedeeltelike vergoeding betaal aan die betrokke bevoegde owerheid of munisipaliteit, entiteit of persoon wat 'n skriftelike ooreenkoms ingevolge subartikel (5) aangaan.
- (7) Ingeval die Minister en die betrokke bevoegde owerheid of munisipaliteit, entiteit of persoon nie ingevolge subartikel (2)(b)(ii) ooreen kan kom oor die beheer oor en verantwoordelikheid vir 'n provinsiale pad nie, moet sodanige geskil bygelê word ooreenkomstig die Arbitrasiewet, 1965 (Wet No. 42 van 1965), deur 'n arbiter waarop die partye ooreengekom het en indien die partye in gebreke bly om konsensus oor 'n arbiter te bereik, moet die Staatsprokureur die arbiter aanwys om sodanige besluit by te lê en —
- elke party moet 'n gelyke deel van alle gelde en koste in verband met sodanige arbitrasie betaal; en
 - die besluit van die arbiter is finaal en bindend vir alle partye.

Aanslag ten opsigte van bestaande paaie in die Provinsie

8. (1) Die beheer oor, administrasie en bestuur van bestaande paaie binne die Provinsie wat onder Bylae 1 van die Grondwet van Self Regerende Gebiede, 1971 (Wet No. 21 van 1971), geval het en op 27 April 1994 deur die voormalige KwaZulu-regering geadmineistreer is en bestaande paaie binne die Provinsie ingevolge die Padordonnansie, 1968 (Ordonnansie No. 10 van 1968), geval het en op 27 April 1994 deur die voor-

malige Natalse Provinsiale Administrasie daarkragtens geadministreer is, berus by die Minister.

- (2) Die Minister moet binne twee jaar na die inwerkingtreding van hierdie Wet die status van alle paaie en openbare oorgange binne die provinsiale padnetwerk aanslaan en bepaal en enige verklaring of afverklaring wat nodig is om gevolg aan sodanige aanslag en bepaling te gee, bewerkstellig.

Bou en instandhouding van provinsiale paaie

9. (1) Die Minister is binne beskikbare finansiële hulpbronne verantwoordelik vir die bou en instandhouding van provinsiale paaie en sodanige ander werk wat die Minister wenslik ag vir die instandhouding van paaie.
- (2) (a) Indien 'n verantwoordelike owerheid, munisipaliteit of persoon bou-, instandhoudings- of enige ander soort werk op 'n provinsiale pad op 'n agentskaps- of enige ander basis wil onderneem, moet sodanige verantwoordelike owerheid, munisipaliteit of persoon skriftelike goedkeuring van die Minister verkry voordat sodanige bou-, instandhoudings- of enige ander soort werk op 'n provinsiale pad onderneem word.
- (b) 'n Verantwoordelike owerheid, munisipaliteit of persoon wat bou-, instandhoudings- of ander werk op 'n provinsiale pad ingevolge subartikel (a) onderneem, moet hou by provinsiale standaarde en vereistes vir paaie waaruit die provinsiale padnetwerk bestaan.
- (c) Die Minister moet, indien hy of sy skriftelike toestemming aan 'n verantwoordelike owerheid, munisipaliteit of persoon verleen het om bou-, instandhoudings- of ander werk op 'n provinsiale pad te onderneem, die verwysingsvoorwaardes en betaling vir werk wat ingevolge sy of haar skriftelike goedkeuring onderneem gaan word, spesifiseer.
- (3) Die Minister is nie aanspreeklik vir enige eis of skadevergoeding voortspruitend uit die bestaan, bou, gebruik of instandhouding van enige provinsiale pad nie, behalwe waar die verlies of skade veroorsaak is deur die opsetlike of nalatige handeling of versuim deur 'n beampte van die Departement.

Toegang tot grootpaaie en distrikspaaie en die sluiting van provinsiale paaie

10. (1) Niemand mag —
- (a) toegang tot 'n grootpad of distrikspad verkry nie, behalwe by 'n toegang of uitgang deur die Minister gemagtig en vir die doel voorsien;
- (b) 'n toegang tot 'n bestaande grootpad of distrikspad sonder voorafgoedkeuring in subartikel (2) beoog, bou of andersins gebruik nie; of
- (c) enige provinsiale pad sonder voorafgoedkeuring in subartikel (2) beoog, sluit of gedeeltelik sluit nie.
- (2) Die Minister kan —
- (a) soos hy of sy nodig ag, toegang tot en uitgang van 'n grootpad of distrikspad aantoon, magtig of andersins voorsiening daarvoor maak;
- (b) by aansoek deur 'n verantwoordelike owerheid, munisipaliteit, entiteit of persoon skriftelike magtiging vir toegang tot of van 'n grootpad of distrikspad of die sluiting van 'n provinsiale pad verleen en moet in sodanige magtiging enige voorwaardes betreffende sodanige toegang of sluiting, insluitende die aard van toegang of sluiting en die plek en wyse waarop sodanige toegang of sluiting opgerig, gebou of andersins waarvoor voorsiening gemaak word, maar nie daartoe beperk nie, spesifiseer;
- (c) by aansoek deur 'n verantwoordelike owerheid, munisipaliteit, entiteit of persoon, weier om skriftelike magtiging vir toegang tot en van 'n grootpad of distrikspad toe te staan, in welke geval die Minister —
- (i) skriftelik redes moet verskaf vir enige weiering om toegang tot en van 'n grootpad of distrikspad te magtig; en
- (ii) alternatiewe of voorgestelde reëlins vir sodanige nuwe toegang kan aandui;
- (d) te enige tyd 'n magtiging wat ingevolge hierdie artikel uitgereik is, wysig of kanselleer; of
- (e) 'n provinsiale pad tydelik of gedeeltelik sluit vir die doen van herstelwerk of vir enige ander nodige doel; met dien verstande dat, behalwe in 'n nood- of dringend noodsaaklike geval, geen provinsiale pad geheel en al gesluit mag word nie, tensy reëlins vir die omleiding van verkeer getref word..
- (3) Indien die Minister besluit dat dit nodig is om 'n provinsiale pad, toegang, inrit of ander wyse van toegang tot 'n provinsiale pad te sluit, verander of verlê, kan die Minister redelike alternatiewe toegang voorsien tot die grootpad, distrikspad, plaaslike pad of eiendom wat geraak word.
- (4) Die Minister kan, behoudens die Departement se beskikbare finansiële hulpbronne en met behoorlike inagneming van die gebrek aan of bestaan van 'n alternatiewe toegang tot of van 'n grootpad, distrikspad of plaaslike pad wat ingevolge sub-artikel (2)(e) gesluit is, engeen wat gemagtigde toegang tot sodanige provinsiale pad gehad het, vergoed vir die regstreekse verlies wat hy of sy gelyk het as gevolg van die sluiting van sodanige provinsiale pad.
- (5) In hierdie artikel beteken toegang met betrekking tot 'n grootpad of distrikspad ook —
- (a) enige pad, brug, duikweg, hek, oorklimtrap, gang of ander wyse waardeur dit moontlik is om toegang tot 'n grootpad of distrikspad te verkry;
- (b) enige nuwe toegang wat nodig is vir 'n nuwe gebou, behalwe 'n gebou om 'n bestaande gebou te vervang, verander of uit te brei, wat opgerig word op enige eiendom wat deur 'n bestaande regstreekse toegang bedien word; of
- (c) enige nuwe toegang wat nodig is vir 'n eiendom wat deur 'n bestaande toegang bedien word en waarvoor daar 'n plan is om sodanige plan te onderverdeel.
- (6) Toegang tot of van 'n grootpad of distrikspad wat onmiddellik voor die inwerkingtreding van hierdie Wet deur of kragtens enige ander wet gemagtig is, word geag kragtens hierdie Wet gemagtig te wees.
- (7) Iemand is aan 'n misdryf skuldig en het geen eis teen die Minister of Departement vir enige letsel of skade opgedoen terwyl hy of sy —
- (a) veroorsaak dat 'n voertuig 'n grootpad of distrikspad op enige plek behalwe toegangspunte wat ingevolge hierdie Wet gemagtig is, binnegaan of verlaat nie; of
- (b) 'n provinsiale pad wat ingevolge subartikel (2)(e) gesluit is, gebruik met veronagsaming van enige maatreëls wat geneem is om die veiligheid van die publiek te verseker.
- (8) Iemand is aan 'n misdryf skuldig en aanspreeklik vir alle koste aangegaan om 'n provinsiale pad wat geraak word, tot sy oorspronklike toestand te herstel indien hy of sy —
- (a) regstreekse toegang tot 'n toegang, inrit of ander wyse van toegang tot 'n grootpad of distrikspad belemmer; of
- (b) 'n provinsiale pad sluit, verander of verlê.
- (9) Indien die Minister 'n provinsiale pad wat geraak word, tot die oorspronklike toestand daarvan herstel, is die Minister nie aanspreeklik vir enige eis of skadevergoeding voortspruitend uit die bou, gebruik, instandhouding of herstel van sodanige provinsiale pad nie, behalwe waar die verlies of skade veroorsaak is deur die opsetlike of nalatige handeling of versuim deur 'n beampte van die Departement.

Aansluitings tussen openbare paaie of openbare oorpaaie en provinsiale paaie

11. (1) Die Minister kan —

ing tussen 'n provinsiale pad en enige ander openbare pad of openbare oorp pad op so 'n wyse en tot sodanige mate wat die ag, verander of verlê;

g van 'n openbare pad of openbare oorp pad na 'n provinsiale pad sluit; met dien verstande dat sodanige toegang nie gesluit e, tensy daar na die oordeel van die Minister 'n redelike alternatiewe wyse van toegang is tot 'n provinsiale pad van alle wat deur sodanige openbare pad of openbare oorp pad bedien word.

waterlope op provinsiale paaie

der die voorafgaande skriftelike goedkeuring van die Minister, welke goedkeuring voorwaardelik of onvoorwaardelik kan

o-oor, onderdeur of dwarsoor 'n grootpad of distrikspad lei nie; of

se hoegenaamd die vlak van die water in enige rivier, dam of waterloop verhoog sodat dit 'n provinsiale of enige brug, dui-nder ding wat deel van 'n provinsiale pad uitmaak of daarmee in verband staan of daaraan behoort, belemmer of in gevaar

behoudens enige ander wette wat toepaslik is en na oorleg met die eienaar en die huurder, as daar is —

op, spruit of rivier wegkeer indien dit vir die beskerming van 'n provinsiale pad of struktuur in verband met 'n provinsiale e bou van 'n struktuur wat met 'n provinsiale pad in verband staan of daaraan behoort, nodig is; of

van of onder enige provinsiale pad wegkeer na private eiendom, uitgesonderd grond wat deur geboue, ander strukture of ver- okkupeer word, sonder aanspreeklikheid vir enige skade veroorsaak deur sodanige wegkering; met dien verstande dat indien dit nodig vind om sodanige water na eiendom onder verbouing af te keer, die eienaar of huurder van sodanige eiendom op redelike vergoeding vir enige skade daardeur veroorsaak en soos waarop ooreengekom word of, by ontstentenis van , soos ooreenkomstig artikel 14 van die Onteieningswet, 1975 (Wet No. 63 van 1975), bepaal word.

en op provinsiale paaie

nder die voorafgaande skriftelike toestemming van die Minister, welke goedkeuring voorwaardelik of onvoorwaardelik kan tuur oprig, lê, vestig of verbou of die oprigting, lê, vestiging of verbouing van 'n struktuur toelaat —

nder die oppervlak van 'n provinsiale pad ten einde op die provinsiale pad inbreuk te maak nie; of

perkingsgebied binne vyftien meter van die grens van 'n grootpad of distrikspad nie.

ter toestemming vir die oprigting, lê, vestiging of verandering van 'n struktuur verleen of 'n verpligting oplê dat 'n struktuur word as 'n voorwaarde ingevolge subartikel (1) opgelê, moet die registrateur van aktes onverwyld na skriftelike versoek van anige toestemming of verpligting op die titelakte van die betrokke grond en in die toepaslike registers in die kantoor van die aktes registreer of endosseer en —

n verband met sodanige registrasie of endossement moet betaal word deur die persoon aan wie die toestemming of endosse- staan is; en

er kan nakoming van die voorgeskrewe registrasie afdwing.

sonder die toestemming voorgeskryf by subartikel (1) of strydig met die bepalings en voorwaardes van sodanige toestemming of ander ding oprig, lê, vestig of verander of toestemming daarvoor verleen, moet, indien die Minister hom of haar aldus sodanige struktuur, verandering of aanbouing verwyder binne die tydperk in die kennisgewing vermeld, welke tydperk min- nie moet wees.

er kan behoudens paragraaf (b) hiervan 'n struktuur, verandering of aanbouing verwyder wat ingevolge opdrag deur hom of komstig subartikel (3) verwyder moet word en wat nie binne die tydperk in die kennisgewing vermeld verwyder is nie.

al van 'n haglike of gevaarlike toestand wat onmiddellike of dringende optrede in die openbare belang en vir die openbare vei- reis, kan die Minister, sonder om eers opdrag vir die verwydering daarvan ingevolge sub- artikel (3) te gee, enige struktuur, g of aanbouing wat sonder die toestemming by subartikel (1) voorgeskryf of strydig met die bepalings en voorwaardes van nige toestemming op of oor of onder die oppervlak van 'n provinsiale pad opgerig, gelê, gevestig of gemaak is, verwyder.

andersluidende bepaling van enige ander wet kan die Minister enige struktuur wat op of oor of onder die oppervlak van 'n of ander grond binne vyftien meter van 'n provinsiale pad geleë was voor die inwerkingtreding van hierdie Wet of voor die die Minister die betrokke provinsiale pad as 'n provinsiale pad verklaar het, verwyder of verplaas na 'n plek wat hy of sy

ra die koste van enige verwydering of verplasing in hierdie artikel beoog, op die toepaslike persoon of liggaam verhaal.

aaie

n ten tye van die bou van 'n provinsiale pad goedkeuring verleen vir die oprigting van heinings aanliggend aan sodanige ma moet die heining in stand gehou word deur die eienaar van die eiendom aanliggend aan die provinsiale pad.

grond aanliggend aan 'n provinsiale pad is verantwoordelik vir enige en alle instandhouding van enige heining wat die rliggend aan sy of haar eiendom oprig.

1. ondanks die Omheiningswet, 1963 (Wet No. 31 van 1963), na sy of haar goedvinde en soos die openbare belang vereis, 'n standhouding van enige heining aanliggend aan 'n provinsiale pad magtig, maar in geen geval moet hierdie bepaling vertolk ntwoordelikheid van die eienaar van grond aanliggend aan 'n provinsiale pad om 'n heining aanliggend aan sy of haar eien- ou, op te hef of in te kort nie.

met 27 van die Omheiningswet, 1963 (Wet No. 31 van 1963), is *mutatis mutandis* op hierdie artikel van toepassing.

van vullis binne die grense van provinsiale paaie en padreserwes

nige voertuig, masjien of onderdeel of enige ander afval sonder skriftelike toestemming van die Minister of strydig met enige hy of sy oplê en in sodanige toestemming uiteensit, binne die grense van 'n provinsiale pad of padreserwe plaas of laat nie.

n magtiging verleen dat afval of verlate voertuie, masjinerie of onderdele wat binne die grense van 'n provinsiale pad of etref word, verwyder word en die koste daarvan verhaal op die persoon wat sodanige voertuig, masjien, onderdeel of ander rense van die provinsiale pad of padreserwe geplaas of gelaat het.

le paaie

rovinsiale pad opsetlik of uit nalatigheid beskadig, is aan 'n misdryf skuldig.

mand skuldig bevind aan 'n oortreding van subartikel (1), kan benewens hom of haar 'n vonnis op te lê, gelas dat hy of sy 'n al wat na die oordeel van die hof gelyk staan aan die waarde van die skade veroorsaak.

er kan by skriftelike kennisgewing iemand wat redelik daarvan verdink word dat sy of haar handeling of versuim —

aan 'n provinsiale pad veroorsaak het, of

- (ii) waarskynlik skade aan 'n provinsiale pad kan veroorsaak, opdrag gee om sodanige handelinge as wat in genoemde kennisgewing gespesifiseer word, te verrig of te staak binne die tydperk in die kennisgewing vermeld.
- (b) Ondanks die bepalings van paragraaf (a), kan die Minister of iemand deur hom of haar gemagtig, in die geval van 'n haglike of gevaarlike toestand wat onmiddellike of dringende optrede in die openbare belang of vir die openbare veiligheid vereis, enige grond betree en sodanige stappe doen as wat nodig is om die beskadiging van 'n provinsiale pad te voorkom.
- (4) Indien iemand versuim om aan 'n opdrag ingevolge subartikel (3)(a) te voldoen —
 - (a) kan die Minister sodanige maatreëls tref as wat nodig is om die skade in subartikel (3)(a) vermeld, te voorkom;
 - (b) aanvaar die Minister geen aanspreeklikheid vir enige maatreëls getref of werk verrig deur die Departement of sy agente ingevolge subartikel (a) nie; en
 - (c) kan die Minister die koste van enige maatreëls getref of werk verrig verhaal op die persoon wie se handeling of versuim skade aan 'n provinsiale pad veroorsaak het of waarskynlik daaraan kan veroorsaak.

Dwarsboming van Departementele beamptes of agente of inmenging met opmeetpenne

- 17. (1) Enigeen wat die Minister of enige van sy of haar beamptes, agente, opmeters of kontrakteurs in die uitvoering van hulle pligte dwarsboom of hinder of verhoed dat enige sodanige beampte, agent, opmeter of kontrakteur grond betree vir enige doel kragtens hierdie Wet gemagtig, is aan 'n misdryf skuldig.
- (2) Enigeen wat enige opmeetpenne deur die Minister of enigeen van sy of haar beamptes, agente, opmeters of kontrakteurs in die uitvoering van sy of haar pligte geplaas, verander, verskuif, versteur of opsetlik beskadig, is aan 'n misdryf skuldig.

Handel dryf op of aanliggend aan grootpaaie of distrikspaaie

- 18. (1) Niemand mag sonder die skriftelike toestemming van die Minister of strydig met die bepalings en voorwaardes van sodanige toestemming, behalwe op 'n perseel wat die Minister goedgekeur het, enige handel dryf of enige goedere te koop blootstel, aanbied, lewer of vervaardig nie op —
 - (a) 'n grootpad of distrikspad of binne vyftien meter van die grens van sodanige grootpad of distrikspad; of
 - (b) 'n plaaslike pad waar die handel dryf of te koop blootstel, aanbied, lewer of vervaardig 'n gevaar vir veiligheid op sodanige plaaslike pad uitmaak.
- (2) 'n Beampte van die Departement of enigeen wat skriftelik deur die Minister of ingevolge enige wetgewing gemagtig is om verkeer op 'n provinsiale pad te beheer, kan van enigiemand wat op redelike gronde vermoed word subartikel (1)(a) te oortree het, vereis om die voorgeskrewe toestemming voor te lê, en by ontstentenis daarvan —
 - (a) vereis dat die betrokke persoon sy of haar volle naam, identiteitsnommer en woonadres, met inbegrip van enige telefoon- of ander kontakligting, verstrek; en
 - (b) sodanige persoon aansê om alle artikels wat redelik met die oortreding van subartikel (1) verband hou, insluitende enige struktuur, tent, voertuig, implement of ander voorwerp wat met die pleeg van die misdryf verband hou, te verwyder of kan dit konfiskeer.

Deel IV

Ontwikkeling wat die provinsiale padnetwerk raak

Ontwikkelingsplanne

- 19. (1) 'n Bevoegde owerheid wat die opstel van 'n ontwikkelingsplan ingevolge artikel 26(1) van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, onderneem, moet kennis gee van sy voorneme op die wyse deur die Minister voorgeskryf.
- (2) 'n Ontwikkelingsplan wat opgestel is ingevolge artikel 25 van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, moet —
 - (a) 'n vervoerplan insluit; en
 - (b) die impak van die ontwikkelingsplan op die provinsiale padnetwerk spesifiseer.
- (3) 'n Ontwikkelingsplan wat deur 'n verantwoordelike owerheid opgestel is ingevolge artikel 25 van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, moet —
 - (a) aan die Minister voorgelê word voor die goedkeuring van die ontwikkelingsplan soos beoog in die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998; en
 - (b) hersien word deur die Minister wat binne agt-en-twintig dae —
 - (i) die ontwikkelingsplan moet goedkeur of afkeur; en
 - (ii) sy of haar skriftelike besluit en enige besware ten opsigte van die ontwikkelingsplan voorlê aan die Minister wat vir die administrasie van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, verantwoordelik is, welke skriftelike besluit bepalings vir nakoming van die provinsiale padnetwerkbeleid, standarde, norme en raamwerke kan insluit.
- (4) Die verantwoordelike liggaam in die Provinsie by wie die verantwoordelikheid vir ontwikkelingsplanne ingevolge die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, berus, mag nie soos in artikel 29(2) van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, beoog enige ontwikkelingsplan goedkeur —
 - (a) voor die tydperk van agt-en-twintig dae in subartikel (3)(b) vermeld, verstryk het nie; of
 - (b) wat strydig is met die bepalings van die Minister soos in subartikel (3)(b)(ii), behalwe tot dié mate wat die Minister se bepalings deur die Appèltribunaal ingevolge subartikel (5) gewysig word.
- (5) Indien 'n bevoegde owerheid veronreg word deur enige besluit van die Minister wat betrekking het op een of meer ontwikkelingsplanne, kan die bevoegde owerheid teen die Minister se besluit appelleer by die Appèltribunaal binne die tydperk en op die wyse voorgeskryf in die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998.

Beperking op die onderverdeling van grond

- 20. (1) Enige bevoegde owerheid in die Provinsie by wie verantwoordelikheid vir die oorweging van enige aansoek om onderverdeling berus, moet die Minister skriftelik kennis gee van enige sodanige onderverdelingsaansoek wat eiendom aanliggend aan enige provinsiale pad en binne vyfhonderd meter van 'n kruising tussen 'n provinsiale pad en enige ander openbare pad raak.
- (2) Die Minister moet binne agt-en-twintig dae —
 - (a) 'n onderverdelingsaansoek wat ingevolge subartikel (1) voorgelê is, goedkeur of weier; en
 - (b) sy of haar skriftelike besluit en enige besware ten opsigte van sodanige onderverdelingsaansoek, met inbegrip van bepalings of voorwaardes vir nakoming van provinsiale padnetwerkbeleid, voorlê aan die bevoegde owerheid by wie verantwoordelikheid vir oorweging van enige onderverdelingsaansoek kragtens wet in die Provinsie berus.

voegde owerheid in die Provinsie by wie verantwoordelikheid vir die oorweging van onderverdelingsaansoeke berus, mag geen onderverdelingsaansoek goedkeur —

oor die tydperk van agt-en-twintig dae in subartikel (2) vermeld, verstryk het nie;

at strydig is met die bepalings van of voorwaardes vereis deur die Minister soos beoog in subartikel (2)(b), behalwe tot dié mate wat die Minister se bepalings deur die Appèltribunaal ingevolge subartikel (4) gewysig word.

'n bevoegde owerheid veronreg word deur enige besluit van die Minister ten opsigte van enige onderverdelingsaansoek, kan sodanige owerheid teen die besluit van die Minister appelleer by die Appèltribunaal soos voorgeskryf in die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998.

ndmeter-generaal mag geen algemene plan goedkeur nie en ook mag die registrateur van aktes nie die registrasie of endossement van titelakte toelaat nie, tot tyd en wyl hy of sy tevrede is dat die Minister ten opsigte van grond in subartikel (1) vermeld, gesertifiseer het

e bepalings van subartikels (1) tot en met (3) nagekom is, en

die geval van 'n appèl ingevolge subartikel (4) die Appèltribunaal die kwessie beslis het.

in grondgebruik en ontwikkelingsvoorstelle

ks andersluidende bepalings van 'n ander wet, moet enige verantwoordelike owerheid met die bevoegdheid om veranderings van gebruik of ontwikkelingsvoorstelle goed te keur ingevolge artikel 34 van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998, 'n aansoek ontvang om enige verandering van grondgebruik rakende grond aanliggend aan 'n provinsiale pad en binne vyfhonderd van die kruising van 'n provinsiale pad en enige openbare pad ontvang —

inne tien dae na ontvangs van sodanige aansoek en voor oorweging van of beslissing oor sodanige aansoek, die aansoek aan die Minister voorlê vir sy of haar oorweging en bepaling van die impak van die aansoek op provinsiale pad- en vervoerplanne en -dienste; en sorg dat sodanige aansoek voldoende inligting vir die Minister bevat om die impak van die aansoek op provinsiale pad- en vervoerdienste aan te slaan en te bepaal.

Minister moet binne agt-en-twintig dae —

n aansoek om verandering van grondgebruik of ontwikkelingsvoorstel wat ingevolge subartikel (1) voorgelê is, goedkeur of afkeur; en sy of haar skriftelike besluit en enige besware ten opsigte van sodanige aansoek om verandering van grondgebruik of enige ontwikkelingsvoorstel, insluitende bepalings of voorwaardes vir nakoming van provinsiale padnetwerkbeleid, voorlê aan sodanige bevoegde owerheid by wie verantwoordelikheid vir die oorweging van enige onderverdelingsaansoek kragtens wet in die Provinsie berus.

voegde owerheid in die Provinsie by wie verantwoordelikheid vir die oorweging van enige aansoeke om verandering van grondgebruik ontwikkelingsvoorstel berus, mag nie sodanige aansoek goedkeur —

oor die tydperk van agt-en-twintig dae in subartikel (2) vermeld, verstryk het nie; of

at strydig is met die bepalings van of voorwaardes vereis deur die Minister soos beoog in subartikel (2)(b), behalwe tot dié mate wat die Minister se bepalings deur die Appèltribunaal ingevolge subartikel (4) gewysig word.

'n bevoegde owerheid of persoon veronreg word deur enige besluit van die Minister ten opsigte van enige veranderings in grondgebruik of ontwikkelingsvoorstelle, kan sodanige bevoegde owerheid teen die besluit van die Minister appelleer by die Appèltribunaal soos voorgeskryf in die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998.

ks enige andersluidende bepaling van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), moet enigeen van die voorwaardes ingevolge subartikel (2)(b) opgelê, teen die betrokke titelakte geregistreer of geëndosseer word.

ks enige andersluidende bepaling van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of enige ander wet, kan die registrateur van aktes, met die skriftelike goedkeuring van die Minister, enige voorwaarde wat ingevolge subartikel (5) in 'n titelakte ingevoeg of op sportakte geëndosseer is, kanselleer.

roeping of verstryking van ontwikkelingsvoorstelle

wysiging of herroeping van 'n goedgekeurde ontwikkelingsvoorstel beoog in artikels 19, 20 of 21, moet deur die betrokke bevoegde owerheid aan die Minister voorgelê word en geen sodanige wysiging of herroeping kan sonder die skriftelike toestemming van die Minister aanvaar word nie.

handeling kragtens 'n ontwikkelingsvoorstel beoog, mag meer as twee jaar na die datum van goedkeuring 'n aanvang neem nie, tensy 'n vir heroerweging deur die Minister ingevolge artikels 19, 20 of 21 voorgelê is nie.

Minister kan, nadat op die voorgeskrewe wyse by hom of haar daarom aansoek gedoen is, enige verantwoordelike owerheid heeltemal of gedeeltelik van artikels 19, 20 of 21 vrystel.

Minister kan te enige tyd 'n vrystelling wat in subartikel (1) beoog word, terugtrek.

at die Minister enige vrystelling ingevolge subartikel (1) of (2) toestaan of terugtrek, sy of haar voorneme om dit te doen, by kennisgewing in die *Koerant* publiseer.

Minister kan by die toekenning of terugtrekking van enige vrystelling ingevolge hierdie artikel enige voorwaardes wat hy goedvind, oplê.

voegde owerheid of persoon wat veronreg is deur 'n besluit van die Minister om 'n vrystelling ingevolge hierdie artikel toe te ken, af te trek of terug te trek of enige voorwaarde daaraan op te lê, kan na die Appèltribunaal appelleer.

Deel V

Stigting van, beheer oor en bestuur van rusplekke vir vee

Verklaring van 'n rusplek

kan by kennisgewing in die *Koerant* verklaar dat eiendom aanliggend aan 'n openbare pad 'n rusplek vir vee moet wees of ophou om

aanspreeklik vir eis nie

is nie aanspreeklik vir enige eis of skadevergoeding voortspruitend uit die bestaan of gebruik van enige rusplek nie, behalwe waar die oorsake of verlies veroorsaak is deur die opsetlike of nalatige handeling of versuim van 'n beampte wat vir en namens die Departement

beweging van vee op openbare paaie

kan by kennisgewing in die *Koerant* die beweging van vee op enige openbare pad wat hy of sy in bedoelde kennisgewing aantoon, beperk.

Skut van onbeheerde vee

27. Indien die eienaars in gebreke gebly het om onbeheerde vee van 'n provinsiale pad of 'n padreserwe te verwyder, kan die Minister die vee ingevolge enige toepaslike wet skut.

Deel VI**Aanskaf en onteiening van grond****Aanskaf en onteiening van grond, materiaal op of in grond en reg om grond tydelik te gebruik**

28. (1) Die Minister, kan na ooreenkoms met die eienaar sonder toevlug tot die Onteiningswet, 1975 (Wet No. 63 van 1975), of behoudens voornoemde wet vergoeding betaal —
- om grond vir 'n provinsiale pad, die bou van enige provinsiale pad; werke of enige doel in verband met 'n provinsiale pad, insluitende enige toegangspad, die aanskaf, myn of behandeling van gruis, klip, sand, klei, water of enige ander materiaal of stof, die akkommodasie van padboupersoneel en die berging en instandhouding van voertuie, masjinerie, toerusting, gereedskap, voorraad, of materiaal, maar nie daartoe beperk nie, te onteien;
 - om gruis, klip, sand, klei, water of enige ander materiaal of stof op of in die grond vir die bou en instandhouding van 'n provinsiale pad vir werke of doeleindes in paragraaf (a) vermeld te neem; en
 - vir die tydelike gebruik van grond vir enige doel waarvoor die Minister sodanige grond kan onteien.
- (2) Die Minister kan na sy of haar goedvinde en ondanks enige andersluidende bepaling van hierdie Wet, by wyse van billike verligting, die betaling van 'n bedrag wat hy of sy bepaal, magtig waar geen betaling of vergoeding eisbaar is nie en die Minister van oordeel is dat ernstige benadeling deur die uitoefening van enige onteienings-bevoegdheid veroorsaak is of sal word.
- (3) Indien enige grond deur 'n pad op so 'n wyse verdeel is of word dat die grond of enige deel daarvan na die oordeel van die Minister nutteloos vir die eienaar is of sal wees, moet die Minister die grond of die deel daarvan wat ter sprake is, onteien.

Deel VII**Verwydering van materiaal van grond en vergoeding****Verwydering van materiaal van grond en vergoeding**

29. (1) Behoudens die bepalings van die Wet op Minerale, 1991 (Wet No. 50 van 1991), en subartikel (2) hiervan, kan die Minister na sand, klip, rots, gruis, klei, grond en ander materiaal vir padbou en instandhouding op die grond of daarin soek en dit neem.
- (2) Die eienaar of okkupeerder van die grond vanwaar sand, klip, rots, gruis, klei, grond en ander materiaal geneem word, is geregtig op vergoeding.

Deel VIII**Aanskaf van grond en berusting by 'n bevoegde owerheid of munisipaliteit****Aanskaf van grond en berusting by 'n bevoegde owerheid of munisipaliteit**

30. (1) Die Minister kan, ten einde toegang van enige eiendom tot 'n provinsiale pad te verleen, soveel van enige eiendom aanskaf as wat vir die doel nodig is.
- (2) Die bepalings van artikel 28 van hierdie Wet is van toepassing ten opsigte van enige onteiening of ander aanskaffing ingevolge subartikel (1).
- (3) Grond wat deur die Minister ingevolge subartikel (1) binne die regsgebied van 'n bevoegde owerheid of munisipaliteit aangeskaf is, berus by sodanige bevoegde owerheid of munisipaliteit vanaf 'n datum wat die Minister bepaal.
- (4) Vir die toepassing van subartikel (3) moet die Minister die bevoegde owerheid of munisipaliteit in kennis stel van die voorgenome berusting van die grond en terselfdertyd 'n plan van die pad en voorgenome punt van toegang tot 'n provinsiale pad aan die bevoegde owerheid of munisipaliteit voorle.

Deel IX**Openbare oorgang****Openbare oorgang**

31. (1) 'n Openbare oorgang moet —
- deur die Minister geregistreer word ooreenkomstig hierdie Wet; en
 - 'n redelike mate van toegang tot 'n openbare pad of ander openbare gerief uitmaak.
- (2) 'n Bevoegde owerheid, munisipaliteit of persoon wat aansoek om die registrasie of deregistrasie van 'n openbare oorgang doen, moet alle koste in verband daarmee dra en moet —
- bewys lewer van oorleg met 'n gemeenskap wat geraak word, en
 - 'n aansoek in die voorgeskrewe vorm voorle aan die Minister wat die aansoek kan toestaan of weier en wie se besluit finaal is.
- (3) Ondanks ontstentenis van 'n aansoek beoog in subartikel (2), kan die Minister, na oorleg met die eienaar of okkupeerder van grond en 'n gemeenskap wat geraak word, 'n openbare oorgang registreer of deregistreer ingevolge hierdie Wet.
- (4) Die Minister moet 'n register in stand hou van alle openbare oorgange wat ingevolge subartikel geregistreer is en sodanige register moet gedurende normale kantoortyd ter insae van die publiek wees.
- (5) Enigeen wat 'n geregistreerde oorgang sonder vooraangaande skriftelike magtiging van die Minister sluit, is aan 'n misdryf skuldig.

Deel X**Adverteer op provinsiale paaie****Verbod op sekere advertensies op of aanliggend aan provinsiale paaie**

32. (1) Behoudens die bepalings van subartikel (2) mag niemand —
- 'n advertensie op 'n grootpad vertoon of toelaat dat dit aldus vertoon word nie, tensy dit ooreenkomstig die skriftelike toestemming van die Minister of ingevolge subartikel (2) vertoon word; of
 - 'n advertensie binne vyfhonderd meter van 'n grootpad en daarvandaan sigbaar, vertoon of toelaat dat dit aldus vertoon word nie.
- (2) Die bepalings van subartikel (1) is nie van toepassing op die vertoon van enige advertensie wat voldoen aan die vereistes, as daar is, van regu-

lasies betreffende die aard, inhoud of grootte van 'n advertensie of die tyd, plek of wyse waarop dit vertoon word nie.

- (3) Enigeen wat 'n advertensie strydig met die bepalings van subartikel (1) vertoon of toelaat dat dit aldus vertoon word, moet, indien die Minister die persoon skriftelik daartoe opdrag gee, sodanige advertensie verwyder binne die tydperk in die kennisgewing vermeld, welke tydperk minstens veertien dae moet wees.
- (4) (a) Behoudens die bepalings van paragraaf (b), kan die Minister enige advertensie wat volgens sy of haar opdrag by kennisgewing ingevolge subartikel (3) verwyder moes word en nie verwyder is binne die tydperk in die kennisgewing vermeld nie, verwyder of in opdrag laat verwyder en die verwyderingskoste verhaal op die persoon wat die advertensie vertoon of die vertoon daarvan toegelaat het.
- (b) Die Minister kan te enige tyd 'n advertensie verwyder wat strydig met die bepalings van subartikel (1) vertoon word, sonder om eers opdrag vir die verwydering daarvan ingevolge subartikel (3) te gee en kan die verwyderings-koste verhaal op die persoon wat die advertensie vertoon of die vertoon daarvan toegelaat het.
- (5) Indien 'n advertensie 'n gevaar vir veiligheid op of aanliggend aan 'n distrikspad of 'n plaaslike pad uitmaak, kan die Minister subartikels (1) tot en met (4) van toepassing maak om advertensies op of aanliggend aan 'n distrikspad of plaaslike pad te reguleer.
- (6) Vir die toepassing van hierdie artikel, tensy die teendeel bewys word —
 - (a) word 'n advertensie geag vertoon te word —
 - (i) deur die persoon wat dit opgerig of anders veroorsaak het dat dit verskyn; of
 - (ii) in die geval van enige advertensie met betrekking tot 'n produk of artikel geproduseer of vervaardig deur 'n bepaalde persoon of 'n diens gelewer deur 'n bepaalde persoon of 'n besigheid, onderneming of plek wat die eiendom van 'n bepaalde persoon is, deur daardie persoon; en
 - (b) word 'n advertensie wat binne vyfhonderd meter van 'n grootpad geleë en daarvandaan sigbaar is, geag vertoon te gewees het na die inwerkingtreding van hierdie Wet, tensy die teendeel bewys word;
 - (c) word 'n persoon wat grond besit of okkupeer waarop 'n advertensie vertoon word wat van 'n grootpad sigbaar is of waarop so 'n opgeknapte of herstelde advertensie geleë is, en die vervaardiger van enige artikel of die eienaar van enige besigheid of onderneming waarop sodanige advertensie betrekking het en enige agent van sodanige vervaardiger of eienaar word geag, tot die teendeel bewys word, voor-noemde advertensie op te gerig het of anders te veroorsaak het dat dit verskyn het of dit op te geknap, te gerestoureer en te vervang het, na gelang van die geval, of die oprigting, verskyning, opknapping of herstel daarvan toe te gelaat het.

Toestemming om advertensies te vertoon

33. Die Minister kan na sy of haar goedvinde enige toestemming ingevolge artikel 32(1)(a) waarom iemand aansoek gedoen het, verleen of weier en, indien die Minister toestemming verleen, kan hy of sy behoudens enige toepaslike regulasie, die spesifikasies wat op die advertensie betrekking gaan hê en waaraan dit moet voldoen, die tydperk waartydens die toestemming van krag gaan wees, die wyse, plek en omstandighede waarin die voorwaardes waarop die advertensie vertoon kan word, voorskryf en die Minister kan sodanige toestemming te enige tyd wysig of herroep.

Deel XI

Omgewingsverpligtinge

Omgewingsbeleid

34. Die Minister moet die bedrywighede van die Departement reguleer om die impak van vervoerinfrastruktuur en -bedrywighede op die omgewing te minimaliseer en moet, waar toepaslik, regulasies betreffende vervoerinfrastruktuur en -bedrywighede maak om hierdie doel te bereik.

Omgewingsverpligtinge

35. Omgewingsbestuur maak 'n integrerende deel uit van die beplanning, bou, bedryf en instandhouding van die provinsiale padnetwerk en die Departement se infrastruktuur en geriewe oor die hele Provinsie uit.

Omgewingsimpakbepaling

36. Die Departement kan 'n omgewingsimpakbepaling ten opsigte van die konstruksie en instandhouding van provinsiale vervoerinfrastruktuur en bedrywighede vereis of voorsiening daarvoor maak.

Deel XII

Openbare deelname, advies- en tegniese komitees

Openbare deelname

37. Die Departement is verbind tot openbare deelname en deursigtigheid by die ontwikkeling en implementering van die provinsiale padnetwerk.

Advieskomitees

36. (1) Die Minister kan provinsiale advies- en tegniese komitees by kennisgewing stig en ontbind, insluitende maar nie beperk nie tot —
 - (a) advieskomitees;
 - (b) rade;
 - (c) forums; en
 - (d) ander komitees en adviesgroepe.
- (2) Lidmaatskap van komitees in subartikel (1) beoog, moet verteenwoordigend van die Provinsie wees, met benoemingspraktyke of keurings-prosedures gebaseer op die behoeftes van sodanige liggaam en die behoefte om die wanbalanse van die verlede aan te spreek.
- (3) Indien die Minister 'n liggaam stig soos by subartikel (1) beoog, moet hy of sy —
 - (a) die getal lede daarvan bepaal en die wyse waarop sodanige lede gekeur en aangestel word;
 - (b) die duur van sodanige aanstellings bepaal; met dien verstande dat alle aanstellings vir langer as een (1) jaar op 'n roterende grondslag gedoen moet word om kontinuïteit te verseker, en
 - (c) die opdrag en duur van sodanige liggaam spesifiseer.
- (4) Ondanks die bepalings van subartikel (3), kan die Minister by aanvoering van goeie redes te enige tyd die aanstelling van 'n lid of liggaam wat ingevolge subartikel (1) daargestel is, beëindig.
- (5) Elke liggaam in subartikel (1) beoog, moet —
 - (a) notule oor die werksaamhede daarvan hou en in stand hou;
 - (b) jaarverslae oor die werksaamhede aan die Minister voorlê; en
 - (c) sodanige ander verslae en opgawes voorlê as wat die Minister van tyd tot tyd vereis.
- (6) Die Minister kan van tyd tot tyd en in oorleg met die lid van die Uitvoerende Komitee wie se portefeulje verantwoordelikheid vir finansies

insluit, die grondslag bepaal waarop lede van die liggame in subartikel (1) beoog, vergoed kan word vir noodsaaklike los uitgawes; met die verstande dat verskillende grondslae vir verskillende liggame, lede en klasse lede bepaal kan word.

Mandatêre verklaring van belange en botsing van belange deur lede van advies- en tegniese komitees deur die Minister ingestel

39. (1) Geen lid van 'n advies- of tegniese komitee deur die Minister benoem, kan sy of haar benoemde posisie gebruik om enige spesiale finansiële of ander belang, insluitende die belange van enige individu, maatskappy of ander entiteit, maar nie daartoe beperk nie, te bevorder by lede van sodanige advies- of tegniese komitees wat verantwoordelik is om die belange van die Departement, die provinsie en hulle kiesafdelings te verteenwoordig en daarvoor toesig te hou nie.
- (2) Alle lede van advies- of tegniese komitees kragtens hierdie Wet deur die Minister benoem, moet binne dertig dae na hulle benoeming 'n skriftelike verklaring doen van alle finansiële of ander belange wat met sodanige benoeming verband hou of kan hou of daarmee strydig is, en 'n verklaring verbandhebbende inligting oor enige kriminele skuldigbevindings van die lid wat die skriftelike verklaring indien, moet insluit.
- (3) Die voorgeskrewe verklaring van alle finansiële en ander belange deur lede van advies- of tegniese komitees wat deur die Minister benoem is, moet enige en alle vroeëre, bestaande of voorsienbaar toekomstige finansiële of ander belange by alle aangeleenthede betreffende vervoer, paaie en die voorsiening van openbare vervoer insluit.
- (4) 'n Verklaring van belang sluit in alle belange betreffende die lewering van openbare vervoer, bou of instandhouding van paaie en die voorsiening van toerusting of voorrade aan die Departement, maar is nie daartoe beperk nie.
- (5) Indien die finansiële of ander belange van enige lid van 'n advies- of tegniese komitee wat deur die Minister benoem is, gedurende die tydperk van sy benoeming verander, word van die lid verwag om 'n skriftelike kennisgewing van verandering van finansiële of ander belang wat die provinsiale padnetwerk en vervoerstelsel raak, in te dien.
- (6) Enige skriftelike kennisgewing van verandering van finansiële of ander belang wat die provinsiale padnetwerk raak, moet by die Minister ingedien word binne tien dae na die datum van die verandering van finansiële of ander belang.
- (7) Die Minister kan die aanstelling beëindig van enige lid van 'n advies- of tegniese komitee wat in gebreke bly om die voorgeskrewe verklaring van belang in te lewer of wat versuim om die Minister betyds in kennis te stel van enige verandering van finansiële of ander belang wat die provinsiale padnetwerk raak.

Deel XIII

Inspeksie

Inspeksie van eiendom

40. (1) Indien enige eiendom of die tydelike gebruik van eiendom vir openbare doeleindes nodig is, kan die Minister —
 - (a) ten einde vas te stel of enige besondere eiendom vir die beoogde doel of gebruik geskik is of om die waarde daarvan te bepaal, enige iemand magtig —
 - (i) om enige betrokke grond met die nodige personeel, toerusting en voertuie te betree;
 - (ii) om die oppervlakte en vlakke van genoemde grond op te meet en te bepaal;
 - (iii) om op voornoemde grond te graawe of te boor of daarin in te graawe of in te boor;
 - (iv) om 'n meetwal in enige rivier of stroom te bou en in stand te hou;
 - (v) om vir sover dit nodig mag wees om toegang tot die grond te verkry, enige ander grond te betree en met die nodige personeel toerusting en voertuie daarvoor te beweeg; en
 - (b) enigeen die bevoegdheid verleen om die grense af te baken van enige grond wat nodig is vir die doel of gebruik in paragraaf (a) uiteengesit;
 met dien verstande dat niemand sonder die toestemming van die eienaar of okkupeerder enige gebou mag binnegaan of enige omslote werf of tuin wat aan 'n gebou verbind is, mag betree sonder dat hy of sy die eienaar of okkupeerder minstens vier-en-twintig uur kennis gegee het van sy of haar voorneme om dit te doen.
- (2) Indien iemand enige skade gelyk het as gevolg van die uitoefening van enige bevoegdheid in subartikel (1) vermeld, is die Staat aanspreeklik om redelike skadevergoeding te betaal of sodanige skade te herstel.

Inspeksieprosedure vir monitering

41. (1) Die Minister kan enigeen in diens van die Departement of 'n agent van die Departement as 'n beampte magtig om 'n inspeksie te doen ten einde enige en alle funksies in hierdie Wet beoog, uit te voer.
- (2) Die Minister moet enige gemagtigde beampte voorsien van 'n magtigingsbrief wat vermeld dat die beampte gemagtig is om 'n inspeksie uit te voer asook die doel van die inspeksie, insluitende maar nie beperk nie tot —
 - (a) inspeksie van grond of 'n perseel soos voorgeskryf by hierdie Wet;
 - (b) die opmeet van grond of 'n perseel soos voorgeskryf by hierdie Wet;
 - (c) die verwydering van tekens en advertensies soos voorgeskryf by hierdie Wet;
 - (d) die verwydering van strukture soos voorgeskryf by hierdie Wet;
 - (e) die ondervraging van enigiemand teenwoordig op grond of 'n perseel wat ingevolge hierdie Wet geïnspekteer word;
 - (f) die ondervraging van enigiemand wat na die redelike oordeel van die gemagtigde beampte inligting met betrekking tot 'n inspeksie kan hê;
 - (g) die inspeksie van enige dokument wat iemand volgens voorskrif ingevolge enige wet moet byhou of wat betrekking op 'n inspeksie kan hê;
 - (h) die kopiëring van enige dokument in paragraaf (g) vermeld of, indien nodig, die verwydering van die dokument om dit te kopieer; en
 - (i) die neem van monsters van enige stof wat met 'n inspeksie verband hou.
- (3) 'n Gemagtigde beampte wat enigets, behalwe 'n stof by subartikel (2)(i) beoog, verwyder van die grond of 'n perseel wat geïnspekteer word, moet —
 - (a) 'n kwitansie daarvoor aan die eienaar of persoon in beheer van die perseel uitreik; en
 - (b) dit so gou doenlik terugbesorg nadat die doel bereik is waarvoor dit verwyder is.

Oortredings

42. Enigeen begaan 'n misdryf deur —
 - (a) te weier om 'n gemagtigde beampte toegang te verleen tot grond of 'n perseel waartoe hy of sy toegang versoek het;

- (b) 'n gemagtigde beampte wat 'n plig ingevolge hierdie Wet uitvoer, te dwarsboom of hinder;
- (c) te versuim of te weier om 'n gemagtigde beampte te voorsien van enige inligting wat die persoon ingevolge hierdie Wet moet voorsien;
- (d) opsetlik vals of misleidende inligting aan 'n gemagtigde beampte te verstrek;
- (e) die eienaar of okkuperder van enige grond of perseel of iemand wat vir genoemde persoon werk, te verhinder om die grond of perseel te betree ten einde aan 'n vereiste van hierdie Wet te voldoen;
- (f) voor te gee om 'n gemagtigde beampte te wees;
- (g) grond of 'n perseel sonder magtiging te betree of inspekteer; of
- (h) inligting wat hy of sy met betrekking tot die finansiële of besigheidsaangeleenthede van 'n persoon tydens die verrigting van enige funksie of uitoefening van enige bevoegdheid ingevolge hierdie Wet bekom, bekend te maak, behalwe —
 - (i) aan iemand wat die inligting nodig het om 'n funksie te verrig of bevoegdheid uit te oefen ingevolge hierdie Wet;
 - (ii) indien die bekendmaking deur 'n geregshof gelas word; of
 - (iii) indien die bekendmaking in ooreenstemming is met enige bepaling van enige ander wet.

Deel XIV

Interne hersiening van Departementele besluite

Interne hersiening van Departementele besluite

43. (1) Enigeen buite die Departement wat verlang dat die Minister enige Departementele besluit betreffende die toepassing van hierdie Wet moet hersien en daarvoor besluit, moet binne een-en-twintig dae van sodanige Departementele besluit of die datum waarop die persoon bewus geword het van sodanige besluit, 'n skriftelike voorlegging aan die Minister voorlê.
- (2) Die voorlegging in subartikel (1) vermeld, moet alle feitlike en regs kwessies wat op die geskil betrekking het en die aard van enige bystand wat versoek word, vermeld.
- (3) Die Minister kan enige toepaslike stappe doen om enige en alle aangeleenthede wat met 'n geskil verband hou, te ondersoek.
- (4) Die Minister kan enige bevoegdheid om enige en alle aangeleenthede wat met 'n geskil verband hou, deleger aan enige beampte in die Departement en kan ook sodanige delegering van bevoegdheid te enige tyd terugtrek.
- (5) Die Minister moet 'n skriftelike besluit uitreik —
- (a) wat die oorspronklike besluit van die Departement bevestig;
 - (b) wat die oorspronklike besluit van die Departement ter syde stel;
 - (c) wat die besluit van die Departement wysig; of
 - (d) wat die persoon deur wie die geskil voorgelê word, terugverwys na 'n bevoegde gesag.
- (6) Die Minister hoor nie 'n geskil aan of besluit nie daarvoor nie —
- (a) as dit beuselagtig is of nie duidelik die aard van die eis vermeld nie; of
 - (b) as dit 'n potensiële misdryf uitmaak.
- (7) Indien iemand nie met die Minister se besluit ingevolge hierdie artikel tevrede is nie, is sodanige persoon geregtig om enige ander regsmiddel te benut wat hy of sy ingevolge hierdie Wet of enige ander regs beginsel het.

Deel XV

Regulasies

Regulasies

44. (1) Die Minister kan regulasies maak betreffende alle aangeleenthede wat hy of sy vir die doeltreffende administrasie van hierdie Wet nodig of dienstig ag.
- (2) Die Minister kan verskillende regulasies ingevolge subartikel (1) ten opsigte van verskillende kategorieë provinsiale paaie maak.
- (3) Regulasies wat ingevolge hierdie Wet ontwikkel is, is gebaseer op die beginsel van billike padtoegang vir alle gemeenskappe in die Provinsie.

Deel XVI

Administrasie van provinsiale paaie en goeie regering

Beginnels van die administrasie van provinsiale paaie en goeie regering

45. Administrasie van die provinsiale padnetwerk word beheer deur die beginsels vasgelê in artikel 195 van die Grondwet en enige nasionale of provinsiale beleid of wetgewing wat goeie regering en die lewering van openbare diens aanspreek.

Deel XVII

Departementele aanspreeklikheid

Eise teen Departement

46. Geen eis kan teen die Minister ingestel word vir paaie wat nie provinsiale paaie is nie of indien die Minister sy of haar pligte ooreenkomstig die standaard van sorg wat algemeen vir die bou en instandhouding van provinsiale paaie aanvaarbaar is, verrig het nie.

Vrywaring

47. Indien die Minister die bou of instandhouding van 'n pad gemagtig het wat nie 'n provinsiale pad is nie, moet die bevoegde owerheid of munisipaliteit die Departement vrywaar teen alle eise wat nie verband hou met werk wat deur die Departement onderneem of verrig is nie of wat nie as gevolg van die opsetlike of nalatige handeling of versuim aan die kant van die Departement is nie.

Deel XVIII

Misdrywe en strawwe

Misdrywe

48. (1) Enigeen wat —
- (a) enige bepaling van hierdie Wet oortree, indien sodanige oortreding nie elders tot 'n misdryf verklaar is nie;
 - (b) versuim om te voldoen aan 'n kennisgewing wat ingevolge hierdie Wet aan hom of haar beteken is; of

(c) 'n beampste van die provinsie in die wettige uitoefening van enige bevoegdheid wat hy of sy ingevolge hierdie Wet verleen is, opsetlik dwarsboom, hom of haar teen die beampste verset of die beampste hinder;

is aan 'n misdryf skuldig.

(2) Elke boete opgelê en betaal vir 'n oortreding van of 'n versuim om aan hierdie Wet te voldoen, moet in die Provinsiale Inkomstefonds gestort word.

Strawwe

49. Enigeen wat aan 'n oortreding van hierdie Wet skuldig is, is strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

Deel XIX

Betekening van kennisgewing

Betekening van kennisgewing

50. Kennisgewing aan die eienaar of okkupeerder van enige eiendom kragtens hierdie Wet voorgeskryf, kan of persoonlik op hom of haar of sy of haar bekende verteenwoordiger beteken word, of in die geval van —

(a) 'n eienaar, per aangetekende pos of pos met handtekening by aflewering aan 'n bekende adres van sodanige eienaar of sy of haar verteenwoordiger beteken word, of, indien daar geen sodanige bekende adres is nie, per aangetekende pos aan die okkupeerder of, indien daar niemand in okkupasie is nie, deur dit op 'n ooglopende plek op sodanige eiendom aan te heg; of

(b) 'n okkupeerder, per aangetekende pos of pos met handtekening by aflewering aan sy of haar bekende adres of aan die adres van die eiendom of aan sodanige okkupeerder se bekende verteenwoordiger.

Deel XX

Herroeping van vroeëre wette, regulasies en ordonnansies en interpretasie van hierdie Wet

Herroeping en wysiging van wette en voorbehoudsbepalings

51. (1) Behoudens die bepaling van subartikel (2), word die wette in die bylae vermeld, herroep tot dié mate in die derde kolom daarvan aangetoon.

(2) Ongeag die herroeping van die wette in subartikel (1) vermeld —

(a) word enigiets kragtens sodanige wet gedoen wat kragtens 'n bepaling van hierdie Wet gedoen kan word, geag kragtens sodanige bepaling van hierdie Wet gedoen te gewees het;

(b) word enige geregtelike stappe wat kragtens sodanige wet aan die gang gesit is, voortgesit en afgesluit asof sodanige wet nie herroep is nie; met dien verstande dat enige appelle wat daaruit voortspruit, behandel moet word ooreenkomstig die bepaling van hierdie Wet.

(3) In die geval van teenstrydigheid tussen hierdie Wet en enige ander wet wat provinsiale paaie en die administrasie van provinsiale paaie in die Provinsie raak, geld hierdie Wet.

Teenstrydighede tussen verskillende tekste

52. In die geval van 'n teenstrydigheid tussen verskillende tekste van hierdie Wet, geld die Engelse teks.

Kort titel en datum van inwerkingtreding

53. Hierdie Wet heet die KwaZulu-Natal Wet op Provinsiale Paaie, 2000 en tree in werking op 'n datum wat die Premier in die *Koerant* bepaal; met dien verstande dat die Minister verskillende datums ten opsigte van verskillende bepalinge van hierdie Wet kan bepaal indien hy of sy dit goedvind.

BYLAE

No. en jaar van wet	Titel of onderwerp	Omvang van herroeping of wysiging
No. 10 van 1968	Padordonnansie, 1968	Die geheel.
No. 19 van 1978	Padwysigingsordonnansie, 1978	Die geheel.
No. 23 van 1981	Padwysigingsordonnansie, 1981	Die geheel.
No. 11 van 1978	KwaZulu Padwysigingswet, 1978	Die geheel.
No. 21 van 1940	Wet op die Adverteer langs en Toebou van Grootpaaie, 1940	Die geheel.
No. 22 van 1944	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1944	Die geheel.
No. 28 van 1952	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1952	Die geheel.
No. 16 van 1962	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1962	Die geheel.
No. 16 van 1966	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1962	Die geheel.
No. 6 van 1976	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1976	Die geheel.
No. 2 van 1979	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1979	Die geheel.
No. 43 van 1985	Wysigingswet op die Adverteer langs en Toebou van Grootpaaie, 1985	Die geheel.

VERKLARENDE MEMORANDUM OP DIE KWAZULU-NATAL WETSONTWERP OP PROVINSIALE PAAIE

1. Inleiding

Daar bestaan 'n dringende behoefte om bestaande wette wat beheer oor, administrasie en bestuur van paaie binne die Provinsie KwaZulu-Natal (Provinsie) reël, te rasionaliseer. Hierdie memorandum gaan saam met die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie wat by die Speaker van die KwaZulu-Natal Parlement ingedien gaan word.

Die Grondwet van die Republiek van Suid-Afrika, 1996 (No. 108 van 1996) (Grondwet), bepaal dat alle wetgewing wat van krag was toe die Grondwet in werking getree het, voortgaan om van volle krag en toepassing te wees totdat dit gewysig of aangepas word om aan die finale Grondwet te voldoen. Bestaande wette wat ingevolge die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) (Tussentydse Grondwet), oorgedra is, moet op twee maniere gewysig word, naamlik:

- territoriaal, om op die geografiese gebiede van die provinsies van toepassing te wees; en
- substantief, om gevolg te gee aan provinsiale wetgewende bevoegdhede en provinsiale inrigtings.

ie ingevolge die Tussentydse Grondwet gewysig of herroep is nie, is sodanige wetgewing alleenlik van toepassing in die territoriale gebiede wat voor die Tussentydse Grondwet bestaan het totadit ingevolge die finale Grondwet gewysig word. Dit is kritiek op die hoofde van die Tussentydse Grondwet en die Grondwet voortgaan om van krag te wees, gerasionaliseer word om voorsiening territoriale en substantiewe provinsiale bevoegdheide. Bylae 5A van die Grondwet maak spesifiek voorsiening vir uitsluitlike bevoegdheid oor "provinsiale paaie en verkeer".

ministrasie en bestuur van paaie in die voormalige KwaZulu-gebiede het onder Bylae 1 van die Grondwet van die Nasionale (o. 21 van 1971), geval en is geadministreer deur die voormalige KwaZulu-regering ingevolge die KwaZulu Padwysigingswet, (van 1978). Die beheer oor, administrasie en bestuur van paaie in die voormalige Provinsie Natal is deur die Natalse Provinsiale minstreer ingevolge die Padordonnansie, 1968 (Ordonnansie No. 10 van 1968), en ander nasionale wetgewing en provinsiale noodsaaklik dat padwetgewing van die ou orde gerasionaliseer word om die transformasie, herstrukturering en totstandkoming oor die provinsiale padnetwerk van KwaZulu-Natal te verseker om voorsiening te maak vir die ontwikkeling en implementering beleid, norme en standaarde en om bestaande wetgewing te rasionaliseer.

um gaan saam met die KwaZulu-Natal Konsepwetsontwerp op Provinsiale Paaie. Dit verklaar die behoefte aan verskillende KwaZulu-Natal Wetsontwerp op Provinsiale Paaie wat bestaande wetgewing aangaande paaie in die Provinsie konsolideer en oel is om aan die behoeftes van die Provinsie ten opsigte van paaie en aanverwante kwessies te beantwoord.

l Wetsontwerp op Provinsiale Paaie maak vir die volgende beginsels voorsiening, naamlik:

ng en implementering van provinsiale padbeleid, norme en standaarde;

ng en implementering van optimale padveiligheidsstandaarde, doeltreffende en koste-effektiewe bestuur van die provinsiale pad-

g van provinsiale padbates;

g en ontwikkeling van billike padtoegang tot alle gemeenskappe binne die Provinsie, insluitende voorheen benadeelde gemeen-

l in die ontwikkeling en implementering van provinsiale padnetwerkbeleid en -praktyke;

g van bestaande wette en wetgewing in verband met die provinsiale padnetwerk; en

thede wat daarmee verband hou.

l Wetsontwerp op Provinsiale Paaie maak ook daarvoor voorsiening dat dit:

word in die ontwikkeling, verklaring, implementering en administrasie van die provinsiale padnetwerk om die rasonale en bil-
ding van die provinsiale padnetwerk te fasiliteer, met inbegrip van die uitbreiding van die provinsiale padnetwerk tot voorheen
gemeenskappe, maar nie daartoe beperk nie; en

er gaan word om geleenthede vir werkskepping en kontraktering vir voorheen benadeelde gemeenskappe en persone te fasil-

van hierdie verklarende memorandum handel oor spesifieke kwessies wat in die KwaZulu-Natal Wetsontwerp op Provinsiale
word.

ie KwaZulu-Natal Wetsontwerp op Provinsiale Paaie aangespreek word

teriele Bevoegdheide

ie KwaZulu-Natal Wetsontwerp op Provinsiale Paaie bepaal dat die Minister die provinsiale padnetwerk moet ontwikkel, ver-
enteer, administreer en bevorder ingevolge doeltreffende, oop, aanspreklike en koöperatiewe regering en in ooreenstemming
en provinsiale norme, standaarde en praktyke om:

padveiligheidsstandaarde in die Provinsie te bewerkstellig;

le padnetwerkbates te beskerm en in stand te hou;

essiewe realisering van billike padtoegang vir alle gemeenskappe in die Provinsie te bewerkstellig;

ende en koste-effektiewe bestuur van en beheer oor die provinsiale padnetwerk te verseker; en

wing te beskerm en in stand te hou.

s binne die Provinsie se beskikbare hulpbronne verantwoordelik vir alle aspekte van die bestuur, beheer, implementering en
an die provinsiale padnetwerk, insluitende maar nie beperk nie tot:

lling van provinsiale padnetwerkprioriteite en -toekennings;

ening van tegniese en logistieke ondersteuning, finansiële bestuur, monitering en evaluering van die provinsiale padnetwerk en
an regstellende optrede waar nodig;

nering, beplanning, ontwikkeling, implementering, beheer, bedryf en instandhouding van die provinsiale padnetwerk;

ering van 'n billike en toepaslike toekenning van fondse vir die provinsiale padnetwerk;

ring en afverklaring van provinsiale paaie;

rp, bou, instandhouding, bedryf, bestuur, verbouing, verlegging en sluiting van provinsiale paaie;

af van eiendom deur huur, aankoop of skenking vir en namens die Departement, insluitend die magtiging van die tydelike okku-

private onroerende eiendom of die onteining van eiendom vir die ontwikkeling van vervoer en versekering van die regver-

llike betaling van vergoeding en die wegdoen van eiendom vir en namens die Departement, maar nie daartoe beperk nie;

van toegang tot hoof- en distrikspaaie;

wing van die provinsiale padnetwerk se padkantbeheer;

r van advertensies op of aanliggend aan grootpaaie en, waar 'n gevaar vir veiligheid bestaan, op distrikspaaie en plaaslike

iging en toepassing van padomheiningsregulasies en regulasies betreffende omheiningsbydraes;

ing van bydraes tot die provinsiale padnetwerk;

ing van betalings van hulptoelae of betalings uit guns;

n van enige ooreenkoms met 'n verantwoordelike owerheid, munisipaliteit, entiteit of persoon om voorsiening te maak vir 'n

die bou, herbou, verbetering, herstel of instandhouding van enige provinsiale pad te verkry of om enige eiendom op of aan-

'n bestaande of voorgestelde provinsiale pad deur huur, aankoop of skenking aan te skaf of weg te doen; en

- kontrakte wat vir die implementering van provinsiale padnetwerkbeleid nodig is, te onderhandel, aan te gaan en te onderteken behoudens toepaslike tender- en aankoopstatute en -regulasies.

Die Minister moet ook eenvormige standaarde met gebruikmaking van objektiewe kriteria op alle bepalings van die status van enige pad binne die provinsiale padnetwerk toepas.

2. Deel III: Provinsiale Padnetwerk

Die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie bepaal die provinsiale padnetwerk wat moet bestaan uit grootpaaie, distrikspaaie en plaaslike paaie wat as volg omskryf word:

- "distrikspad" enige provinsiale pad of trajek of verlegging van 'n provinsiale pad, met inbegrip van die volle omvang van die breedte van die pad, ondanks net 'n gedeelte daarvan werklik vir verkeersdoeleindes gebruik word, en wat bedoel is om grootpaaie met gemeenskappe, oorde en plase te verbind en wat deur die Minister tot 'n distrikspad verklaar is;
- "grootpad" enige provinsiale pad of trajek of verlegging van 'n provinsiale pad, met inbegrip van die volle omvang van die breedte van die pad, ondanks net 'n gedeelte daarvan werklik vir verkeersdoeleindes gebruik word, en wat bedoel is vir verkeersdoeleindes tussen ander grootpaaie, dorpe, oorde en vername landbougebiede en wat deur die Minister tot grootpad verklaar is; en
- "plaaslike pad" 'n provinsiale pad of trajek of verlegging van 'n provinsiale pad, met inbegrip van die volle omvang van die breedte van die pad, ongeag net 'n gedeelte daarvan werklik vir verkeersdoeleindes gebruik word, wat 'n grootpad of distrikspad met plaaslike gemeenskappe en plase verbind en wat deur die Minister as 'n plaaslike pad verklaar is.

Dit is 'n fundamentele verskuiwing van wetgewing van die ou orde wat nie plaaslike paaie of sypaaie by die provinsiale padnetwerk ingesluit het nie. Hierdie benadering verseker dat paaie in landelike gebiede by die provinsiale padnetwerk ingesluit sal word.

Deel III van die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie laat beheer oor, stigting, administrasie en bestuur van alle provinsiale paaie by die Minister berus. Alle plaaslike distriks- en grootpaaie sal deur die Minister verklaar moet word. Terwyl artikel 7 van die wetsontwerp voorsiening maak vir die verklaring en afverklaring van provinsiale paaie, bepaal artikel 8 spesifiek dat:

- die beheer oor, administrasie en bestuur van bestaande paaie binne die Provinsie wat onder Bylae 1 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), geval het en op 27 April 1994 deur die voormalige KwaZulu-regering geadminestreer is en bestaande paaie binne die Provinsie ingevolge die Padordonnansie, 1968 (Ordonnansie No. 10 van 1968), geval het en op 27 April 1994 deur die voormalige Natalse Provinsiale Administrasie daarkragtig geadminestreer is, berus by die Minister; en
- die Minister binne twee jaar na die inwerkingtreding van hierdie Wet die status van alle paaie en openbare oorgange binne die provinsiale padnetwerk moet aanslaan en bepaal en enige verklaring of afverklaring wat nodig is om aan sodanige aanslag en bepaling gevolg te gee, moet bewerkstellig.

Die aanslagtydperk verseker dat die status van alle paaie binne die Provinsie, gebaseer op objektiewe kriteria, elke twee jaar aangeslaan sal word om te bepaal watter paaie by die provinsiale padnetwerk ingesluit moet word.

Deel III spreek ook die volgende aan:

- die bou en instandhouding van provinsiale paaie;
- toegang tot groot- en distrikspaaie en sluiting van distrikspaaie;
- aansluitings tussen openbare paaie of openbare oorpaaie en provinsiale paaie;
- beheer oor stormwater en waterlope op provinsiale paaie;
- strukture aanliggend aan en op provinsiale paaie;
- heinings op provinsiale paaie;
- verbod op plasing of laat van vullis binne die grense van provinsiale paaie en padreserwes;
- beskadiging van provinsiale paaie;
- dwarsboming van departementele beamptes of agente of inmenging met opmeetpenne; en
- handel dryf op of aanliggend aan grootpaaie of distrikspaaie.

Deel III is gestruktureer om die bevoegdhede te verleen wat nodig is om provinsiale paaie te verklaar, af te verklaar en in stand te hou om die doelstellings van die wetsontwerp te bereik.

3. Deel IV: Ontwikkeling wat die provinsiale padnetwerk raak

Deel IV van die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie sluit verbandhebbende bepalings van die KwaZulu-Natal Beplannings- en Ontwikkelingswet, 1998 in met betrekking tot ontwikkeling rakende die provinsiale padnetwerk en spreek die behoefte aan dat die Minister vooraf goedkeuring moet verkry vir:

- die voorbereiding van ontwikkelingsplanne;
- die onderverdeling van grond; en
- grondgebruiksveranderinge en ontwikkelingsvoorstelle.

Deel IV maak ook voorsiening vir die wysiging, herroeping of verstryking van ontwikkelingsvoorstelle en vrystellings van die nakoming van hierdie Deel.

Hierdie bepalings is noodsaaklik om te verseker dat die Minister in staat is om die nodige padbeplanning, -ontwikkeling en -implementering in ooreenstemming met provinsiale begrotingsbeperkings te voorsien.

4. Deel V: Stigting van, beheer oor en bestuur van rusplekke vir vee

Deel V maak voorsiening vir die stigting van, beheer oor en bestuur van rusplekke vir vee.

5. Deel VI: Aanskaf en vervreemding van grond

Deel VI bepaal die prosedures en vergoeding vir die aanskaf van grond volgens ooreenkoms of die vervreemding van grond wat vir padbou en -instandhouding nodig is.

6. Deel VII: Verwydering van materiaal van grond en vergoeding

Deel VII magtig die Minister om materiaal wat vir padbou en instandhouding nodig is, te verwyder en vergoeding aan grondeienaars te betrek vir die verwydering van sodanige materiaal.

7. Deel VIII: Aanskaf van grond en berusting by 'n bevoegde owerheid of munisipaliteit

Deel VIII magtig die Minister om eiendom wat vir die voorsiening van toegang tot groot- of distrikspaaie nodig is, aan te skaf en die eiendomsna sodanige aanskaffing by 'n bevoegde owerheid of munisipaliteit te laat berus.

8. Deel IX: Openbare oorgang

Deel IX vereis dat openbare oorgange deur die Minister geregistreer word en 'n redelike mate van toegang tot 'n openbare pad of openbare

maak.

tensies op provinsiale paaie

beperkings op advertensies op of aanliggende aan provinsiale paaie. Die beperkings sluit 'n verpligting in om toestemming van verkry om advertensies te vertoon binne gebiede in die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie gespesifiseer.

ewingsverpligtinge

'n verpligting op die Departement om die bedrywighede daarvan te verrig op 'n wyse wat die impak van vervoerinfrastruktuur op die omgewing minimaliseer, met omgewingsbestuur wat 'n integrerende deel van die beplanning, bou, bedryf en instandhouding van provinsiale padnetwerk uitmaak.

nbare deelname en advies- en tegniese liggame

al prosedures vir openbare deelname om te verseker dat funksies van die Departement op 'n deursigtige wyse verrig word.

al ook dat die Minister advies-, en tegniese liggame kan instel en ontbind en van lede van sodanige liggame kan vereis word om die belang by of potensiele botsing van belang aangaande die funksies wat deur die Departement aan hulle toevertrou is, te verduidelik.

prosedures uiteen wat gevolg moet word wanneer eiendom geïnspekteer word en stel oortredings van hierdie deel strafbaar.

erne hersiening van Departementele besluite

aal dat enigeen buite die Departement wat wil hê dat die Minister enige Departementele besluit in verband met hierdie Wet moet roer besluit, moet binne 21 werkdade na 'n Departementele besluit of die datum waarop sodanige persoon van die besluit bewus gemaak is, skriftelike voorlegging aan die Minister voorlê om die besluit te hersien. Daar sal van die Minister vereis word om om die aanbeveling en 'n skriftelike besluit uit te reik:

orspronklike besluit van die Departement bevestig;

orspronklike besluit van die Departement ter syde stel;

orspronklike besluit van die Departement wysig; of

ersoon deur wie die geskil aanhangig gemaak word, na 'n bevoegde owerheid terugverwys.

lasies

ig die Minister om regulasies na aanleiding van die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie af te kondig.

ovinsiale Padadministrasie en goeie regering

aal dat die administrasie van die provinsiale padnetwerk beheer word deur die beginsels vasgelê in artikel 195 van die Grondwet van die Republiek van Suid-Afrika en die lewering van openbare diens aanspreek.

departementele aanspreeklikheid

paal dat geen eis teen die Minister ingestel kan word vir paaie wat nie provinsiale paaie is nie of indien die Minister sy of haar eienaar of persoonlike diensknegte van die standaard van sorg wat algemeen vir die bou en instandhouding van provinsiale paaie aanvaarbaar is, verrig het.

minister die bou of instandhouding van 'n pad gemagtig het wat nie 'n provinsiale pad is nie, moet die bevoegde owerheid of die Departement vrywaar teen alle eise wat nie verband hou met werk wat deur die Departement onderneem of verrig is nie of die owerheid van die opsetlike of nalatige handeling of versuim aan die kant van die Departement is nie.

Misdrywe en strawwe

paal die misdrywe en strawwe vir die oortreding van enige bepaling van die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie.

ekening van kennisgewing

ifiseer wat geag sal word voldoende kennisgewing te wees ingevolge die KwaZulu-Natal Wetsontwerp op Provinsiale Paaie.

roeping van vorige wette, regulasies en ordonnansie en die interpretasie van hierdie Wet.

voorsiening vir die herroeping en wysiging van bestaande padwetgewing.

Wetsontwerp op Provinsiale Paaie is opgestel in ooreenstemming met nasionale en provinsiale beleid, norme en standaarde en in bestaande wetgewing, ordonnansies en regulasies aan wat van vorige regerings, oorgeër is en rasionaliseer dit om die nodige voorsiening te voorsien vir billike padtoegang tot alle gemeenskappe in die Provinsie. Die vestiging van die provinsiale padnetwerk in die KwaZulu-Natal Departement van Veroer die nodige regsgrond om alle paaie in die Provinsie te amalgameer en voorsiening te maak vir die infrastruktuur om by te dra tot die ontwikkeling en die ekonomiese infrastruktuur van die Provinsie.

3 Febhuwari 2000

UMTHETHOSIVIVINYO WEMIGWAQO YESIFUNDAZWE SAKWAZULU-NATALI, 2000

saziso ngokomthetho 120 weMithethonqubo yeSishayamthetho sesiFundazwe saKwaZulu-Natali

120 weMithethonqubo yeSishayamthetho sesiFundazwe saKwaZulu-Natali siyakhishwa ngalokhu, ukuthi uMthethosivivinyo lazwe saKwaZulu-Natali ka 2000 njengoba ubekiwe lapha ngezansi, sewethuliwe kwisiShayamthetho futhi uzodingidwa kuThutha. Umphakathi namaqembu anogqozo bayamenywa ukuba bathumele iziphakamiso zabo ngaloMthethosivivinyo, lezo zikuzi:

Zuma

hetho saKwaZulu-Natali

sePosi X9112

RITZBURG

hayi umhlaka 24 Febhuwari 2000.

ivinyo ayatholakala emahhovisi esiShayamthetho Ondini kanye naseMgungundlovu.

M. R. MZIMELA

uNobhala wesiShayamthetho saKwaZulu-Natali

UMTHETHOSIVIVINYO

Ukuletha inguquko, ukwakha kabusha, ukusungula nokuphatha umphambo wemigwaqo yesifundazwe saKwaZulu-Natali; ukuthuthukisa nokusebenzisa umgomo wesifunda kwezemigwaqo, izinkambiso nezindinganiso; ukuletha izindinganiso zokuphepha zeqophelo eliphezulu ikhono eliphezulu kanye nelingabizi kakhulu lokuphatha umphambo wemigwaqo yesifunda, ukulondoloza impahla eqondene nemigwaqo yesifunda kanye nokuletha kanye nokuthuthukisa indlela elingananyo yayo yonke imiphakathi yokufinyelela emigwaqweni phakathi kweSifundazwe, lokhu kuhlenganisa imiphakathi ekade icindezelekile; ukuletha isimo esivulekile ekuthuthukiseni nasekusebenziseni imigomo nemikhuba yokusebenza yemiphambo yemigwaqo yesifunda; nokubhekela izimo ezihlangene nalokhu.

UHLA LOKUQUKETHWE

UMTHETHOSIVIVINYO WEMIGWAQO YESIFUNDAZWE SAKWAZULU-NATALI

Indima nenombolo yesahluko

Indima Yokuqala: Incazelo nokusetshenziswa komthetho

2. Ukusebenza kwaloMthetho

Indima Yesibili: Amandla kaNgqongqoshe

3. Amandla kaNgqongqoshe

Indima Yesithathu: Imigwaqo yeSifunda

4. Ukugunyaza ukuphatha, ukusungula, ukulawula kanye nokuqondiswa kwemigwaqo yesifunda

5. Ukusungula, ukuphatha, ukusebenzisa ukulawula nokuqondiswa kwemiphambo yemigwaqo yesifunda

6. Ingqiniselela yezindinganiso zemigwaqo yesifunda neyomphakathi

7. Ukunquma nokuhoxisa isinqumo ngemigwaqo yesifunda

8. Ukuhlola imigwaqo ekhona phakathi kweSifunda

9. Ukwakhiwa nokulondolozwa kwemigwaqo yesifunda

10. Ukufinyelela emigwaqweni esemqoka neyizigodi kanye nokuvalwa kwemigwaqo yesifunda

11. Amabhaxa phakathi kwemigwaqo yomphakathi noma imigwaqo yasemakhaya kanye nemigwaqo yesifunda

12. Ukubhekela imigudu nemisele yamanzi emigwaqweni yesifunda

13. Izakhiwo ezincikene nezisemigwaqweni yesifunda

14. Ukubiya emigwaqweni yesifunda

15. Ukuvimbela ukulahla noma ukushiya imfuhlululu phakathi kwemingcele yemigwaqo yesifunda nemigwaqo elondoloziwe

16. Ukulimaza imigwaqo yesifunda

17. Ukujinjelwa kwezithunywa zoMnyango noma ababambeli nokuthikameza izikhonkwane zokuklama

18. Ukuhwebela eceleni noma emigwaqweni esemqoka noma kweyezigodi

Indima Yesine: Intuthuko ethintana nemiphambo yemigwaqo yesifunda

19. Izinhlelo zentuthuko

20. Ukunqindeka kokuhlukahlukanisa umhlaba

21. Izinguquko ngokusetshenziswa komhlaba kanye nezinhloso kwezentuthuko

22. Ukuchibiyela, ukuchiitha kanye nokuphelelwa isikhathi kwezicelo zentuthuko

23. Ukukhululeka emthethweni

Indima Yesihlanu: Ukusungula, ukuphatha nokuqondiswa kwendawo yokuphumula imfuyo

24. Ukunquma kanye nokuhoxisa isinqumo ngendawo yokuphumula

25. UNgqongqoshe ngokungahlawuliswa

26. Ukwenqabela kokuhamba kwemfuyo emigwaqweni yomphakathi

27. Ukuboshwa kwemfuyo engumhlambikazalusile

Indima Yesithupha: Ukuzuza nokwemukwa umhlaba

28. Ukuzuza nokwemukwa komhlaba, izinto eziphezu kwawo noma kuwo kanye nelungelo lokusebenzisa umhlaba okwesikhashana

Indima Yesikhombisa: Ukususwa kwezinto emhlabeni kanye nesinxephezelo

29. Ukususwa kwezinto emhlabeni kanye nesinxephezelo

Indima Yesishiyagalombili: Ukuzuzwa komhlaba nokugunyaza umnyango onesibopho noma umasipala

30. Ukuzuzwa komhlaba nokugunyaza umnyango onesibopho noma umasipala

Indima Yesishiyagalolunye: Umigwaqo umphakathi onelungelo kuwo

31. Umigwaqo umphakathi onelungelo kuwo

Indima Yeshumi: Izimemezelo zohwebo emigwaqweni yesifunda

32. Ukwenqatshelwa kwezimemezelo ezithile zohwebo phezu noma eceleni kwemigwaqo yesifunda

33. Imvume yokukhombisa izimemezelo zohwebo

Indima Yeshumi Nanye: Izibopho ngokuvikela imvelo

34. Umgomo ngokuvikela imvelo

35. Izibopho ngokuvikela imvelo

36. Umbiko wokuhlola ukuvikeleka kwemvelo

Indima Yeshumi Nambili: Ukubamba iqhaza komphakathi, imigwamanda yokweluleka neyobungcweti

37. Ukubamba iqhaza komphakathi

38. Imigwamanda yokweluleka

39. Isinqumo esigunyaza izinhloso nokuphikisana kwezinhloso ngamalunga emigwamanda yokweluleka neyobungcweti esungulwe nguNgqongqoshe

Indima Yeshumi Nantathu: Ukuhlola

- 40. Ukuhlolwa kwempahla
- 41. Imigudu yokuhlola elandelwayo yokwalusa
- 42. Amacala

Indima Yeshumi Nane: Ukubuyekizwa kwezinqumo zoMnyango ngaphakathi eMnyangweni

- 43. Ukubuyekizwa kwezinqumo zoMnyango ngaphakathi eMnyangweni

Indima Yeshumi Nanhlanu: Imitheshwana

- 44. Imitheshwana

Indima Yeshumi Nesithupha: Ukulawulwa kwemigwaqo yesifunda kanye nezimiso zokubusa ezamukelekile

- 45. Ukulawulwa kwemigwaqo yesifunda kanye nokubusa okwamukelekile.

Indima Yeshumi Nesikhombisa: Ukubophezeleka koMnyango

- 46. Izimangalo ezibhekene noMnyango
- 47. Ukuvikeleka

Indima Yeshumi Nesishiyagalombili: Amacala kanye nezijeziso

- 48. Amacala
- 49. Izijeziso

Indima Yeshumi Nesishiyagalolunye: Ukuthunyelwa kwesimemezero

- 50. Ukuthunyelwa kwesimemezero

Indima Yamashumi Amabili: Ukwesulwa kwemithetho engaphambili, imi-theshwana kanye nemithetho yeSifunda kanye nencazelo yalo Mthetho

- 51. Ukusulwa nokuchitshiyelwa kwemithetho kanye nokongiwe
- 52. Amayeziyezi ngezindikimba ezahlukelele
- 53. Ukubophezeleka kukaHulumeni
- 54. Isihloko esifushane nosuku oqala ngalo ukusebenza

Uhlelo

MAKUMISWE UMTHETHO ePhalamende yeSifunda saKwaZulu-Natal, njengokulandelayo —

Indima I**Incazelo kanye nokusetshenziswa komthetho****Incazelo**

- 1. Njengokusetshenziswa kuloMthetho ngaphandle kokuthi kubekwe ngenye indlela —

“intuba” isho noma iyiphi indlela lapho abantu, izinto zokuhamba nemfuyo ingase ingene noma iphumele kunoma ikuyiphi indawo ingene emgwaqweni wesifunda;

“intuba yomgwaqo” isho umgwaqo ngaphandle kowomphakathi ovumela intuba esukela emhlabeni womuntu ungene emgwaqweni womphakathi;

“ncikene” isho izimpahla zabantu noma isiqephu somhlaba esinomncele ofanayo;

“isaziso ngohwebo” sisho isaziso noma uphawu enhloso yalo ukukhangisa emphakathini noma imuphi umyalezo noma izimpahla ezikhona noma usizo (umsebenzi othize) lokhu kungambandakanyi izimpawu zomgwaqo zezithuthi noma amalambu ezithuthi zomgwaqo;

“iBandla Lokudlulisela Izikhalelo” lisho iBandla Lokudlulisela Izikhalelo eliqanjwe ngokwemiyalelo ye-KwaZulu-Natal Planning and Development Act, 1998;

“umgwamanda” usho umgwamanda wokwaluleka noma wongeweti oqanjwe ngokwemiyalelo yesahluko 38;

“indawo eshiyelwe isakhiwo” isho umhlaba oncikene nomncele wanoma yimuphi umgwaqo wesifunda, lapho ukwakha izakhiwo kuphethwe ngokokuqondisa;

“uMthethosisekelo” usho uMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996 (uMthetho 108 of 1996);

“akha” kusho ukwakha, ukuguqula, ukukhanda noma ukulondoloza umgwaqo;

“ukubonisa” kusho inkambo esetshenziswayo uma kukhongwa ukuphawula komphakathi emgomweni womnyango, inkambo, imitheshwana, izincomo, izinhlelo noma imibiko;

“umnikelo” usho usizo lwezimali, lobuciko noma iluphi olunye usizo oluqagulwe nguNgqongqoshe ukuze kugculiseke izinhloso zaloMthetho;

“inkantolo” isho noma yimuphi umnyango onamandla omthetho ngokwemiyalelo yesahluko 8 soMthethosisekelo;

“gomela” kusho isinqumo ngokwemiyalelo yesahluko 7 saloMthetho futhi uku “gomela” kuyoba nencazelo efanayo;

“ukubhaliswa kwezibopho” kusho ukubhaliswa kwezibopho okuhambelana ne-Deeds Registries Act, 1937 (Act No. 47 ka1937);

“uMnyango” kusho uMnyango Wezokuthutha KwaZulu-Natal;

“intuthuko” kusho ukuthuthukisa umhlaba, kumbandakanya kodwa kungekuphela ukwakha noma ukuthuthukisa izakhiwo kuwo;

“i-Development Facilitation Act” kusho i-Development Facilitation Act, 1995 (Act No 67 of 1995);

“uhlelo lwentuthuko” kusho uhlelo okukhulunywa ngalo esahlukweni 25 somthetho i-KwaZulu-Natal Planning and Development Act, 1998, loluhlelo futhi oluqethe uhlelo lwezokuthutha, futhi lumbandakanya uhlelo lokuqala lwentuthuko nanoma isiphi isichibiyelo, ukwandisa noma ukunciphisa loluhlelo lwentuthuko;

“intuba ngqo” kusho intuba etholakala endaweni ethile emngceleni wanoma iyiphi impahla ebhekene nomgwaqo osemqoka noma wesigodi, oyingxeny yomngcele owayelekile wempahla (wendawo) kanye nomgwaqo;

“umgwaqo wesigodi” kusho noma imuphi umgwaqo wesifunda, noma ingxeny yomgwaqo noma ukuphambuka kuxubani nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxeny nje engatheni engabe iyasetshenziswa yizinto zokuhamba, noma ixube ukuchezukela komgwaqo wesigodi, ngoba kuqondwe ukuxhumana nemigwaqo esemqoka ephumela ebantwini, izindawo zokungecebeleka nasemapulazini ogonyelwe nguNgqongqoshe njengomgwaqo wesigodi phansi kwemiyalelo yesahluko 7(2)(a) saloMthetho;

“sondezela” kusho ukwenza ngaphandle komthetho —

- (i) ukuzuza noma ukuzama ukungena emhlabeni noma endaweni yomunye umuntu;
- (ii) ukugweva noma ukuzama ukugweva nezwe noma nomhlaba womunye umuntu;
- (iii) ukufohlela noma ukuzama ukufohlela ezweni noma emhlabeni womunye umuntu; noma
- (iv) ukuxhantela kumalungelo omhlaba wabanye;

"i-gazethi" kusho i*Phephandaba likaHulumeni* wesifunda;

"iKhanda loMnyango" kusho isisebenzi sikahulumeni njengoba kuchazwe kumthetho i-Public Service Act, 1994 (Proclamation 103 of 1994) okunguyena ikhanda lokuqondisa eMnyangweni;

"ukulungiswa" kusho mayelana nomhlaba noma yini engase yenziwe ukukhuphula inani lokubiza komhlaba ngaphandle komhlaba uqobo lwawo;

"i-KwaZulu-Natal Planning and Development Act" kusho i-KwaZulu-Natal Planning and Development Act, 1998 (Act No 5 of 1998);

"imfuyo" kusho izinkomo, izimvu, amahashi, izimbuzi noma isiphi esinye isilwane esinamasondo esifuywayo, sithengwe, sithengiswe noma sigcinwe njengempahla;

"umgwaqo wendawo" kusho noma imuphi umgwaqo wesifunda, noma ingxenye yomgwaqo noma ukuphambuka kuxubana nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxenye nje engatheni engabe iyasetshenziswa yizinto zokuhamba, exhumanisa umgwaqo omqoka noma umgwaqo wesigodi nemiphakathi yendawo namapulazi futhi ogonyelwe nguNgqongqoshe njengomgwaqo wesigodi phansi kwemiyalelo yesahluko 7(2)(a) saloMthetho;

"umgwaqo osemqoka" kusho noma yimuphi umgwaqo wesifunda noma ingxenye yomgwaqo noma ukuphambuka kuxubana nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxenye nje engatheni engabe iyasetshenziswa yizinto zokuhamba, futhi ukuhlolwe ngawo ukuba usetshenziswe izinto zokuhamba phakathi kweminye imigwaqo osemqoka, amadolobha, izindawo zolimo ezibalulekile futhi ogonyelwe nguNgqongqoshe njengomgwaqo wesigodi phansi kwemiyalelo yesahluko 7(2)(a) saloMthetho;

"ukulondoloza" kusho ukunakekela ngazo zonke izindlela ezamukelekile izinsizakalo nokukhanda kuhlenganisa ukwenza ngcono okudingekayo ukuletha isimo semigwaqoesisebenzisekayo emigwaqweni yesifunda kanye nezakhiwe ezincike kuyo, lokhu kumbandakanya kepha kungahlongi amabuloho, izikebhe zokuwela, amazibuko aqondene nemigwaqo, izimpawu zomgwaqo, izikhala, izindawo ezimbiwe, izindonga, imigwaqo ehamba phansi komhlaba, imisele, amasoyi, amadamu, unqenqema lomgwaqo, nothango lovikela nolokubiyela nemisele yokunciphisa umsinga amanzi ngale nangala komgwaqo, nanoma yinike enye exhumene nomgwaqo;

"izinto zokwenza" kusho isihlabathi, amatshe, amadwala, uhlalwane, ubumba umhlaba nanoma yini enye into yokwenza engasusa emhlabeni edingeka ekwakhiweni nasekulondolozeni umgwaqo;

"uNgqongqoshe" kusho ilunga leSigungu Esikhulu saKwaZulu-Natalosikhundla salo simbandakanya ukuphatha imigwaqo eSifundeni;

"umasipala" kusho noma isiphi isizinda sikahulumeni wasekhaya obekwe phansi kweSahluko 7 soMthethosiseko, umthetho i-Local Government Transition Act, 1993 (Act No. 209 of 1993), Local Government: Local Structures Act, 1998 (Act No. 117 of 1998), kanye nanoma yimuphi omunye umthetho osebenzayo;

"inkambiso" kusho isimiso sokuqondisa, ukuphatha nokuphatha ngokomthetho izindinganiso;

"ohlalayo" kusho, mayelana nomhlaba, noma imuphi umuntu ohleli ngqo emhlabeni futhi uma engekho umuntu ohleli ngqo, noma imuphi umuntu okuthi noma ngoba ungumnini, unEmvume eyiphomende noma ngenye indlela, uphethe lowomhlaba okwesikhashana;

"icala" kusho isenzo noma iphutha elinokujeziselwa ngokomthetho;

"isikhulu" kusho noma imuphi umuntu oqashwe noma osebenza ngokugunyazwa nguMnyango;

"umgomo" kusho izimiso, kumbandakanya ukuhlela, izinjongo nezimpkophelo ezijwayelekile, okuyizona eziqondisa futhi zicophelelise izinqumo zikangqongqoshe noMnyango;

"uNdunankulu" kusho uNdunankulu Wesifunda saKwaZulu-Natal;

"layeza" kusho ukuyalela ngokwemitheshwana ngokwaloMthetho;

"impahla" kusho impahla enokugudluka noma engenakugudluka okuxubane nelungelo langempela lokuba nempahla;

"iSifunda" kusho isifunda saKwaZulu-Natal;

"Isikhwama Sokuqokelela Izimali Zesifunda" kusho ukuthi isikhwama sokuqokelela izimali njengokwesahluko 226 soMthethosiseko;

"umgwaqo wesifunda" kusho noma imuphi umgwaqo osemqoka, owesigodi noma owendawo, kumbandakanya noma ikuphi ukuphambuka noma ingxenye noma isiqephu somgwaqo wesifunda, ogonyelwe ukuba ngumgwaqo omqoka, wesigodi noma umgwaqo wendawo nguNgqongqoshe phansi kwesahluko 7(2)(a) saloMthetho;

"umphambo wemigwaqo yesifunda" kusho uphambho wesifunda ohlanganisa imigwaqo emqoka, yezigodi kanye neyendawo;

"umgwaqo otheliswa esifundeni" kusho noma yimuphi umgwaqo wesifunda ogonywe njengotheliswa nguNgqongqoshe;

"ilungelo lendlela yomphakathi" kusho ilungelo lendlela enokusetshenziswa ngumphakathi ngaso sonke isikhathi futhi eliyoxuba nanoma yiliphi elinye ilungelo lendlela yokusetshenziswa abahamba ngezinyawo kanye nemfuyo;

"umgwaqo womphakathi" kusho umgwaqo noma indlela yomphakathi onelungelo lokuyisebenzisa futhi kumbandakanya nomhlaba odlula kulo, lapho kwenabela khona ilungelo lomgwaqo kuxube nalowo mhlaba othengwe ngenxa yesakhiwo somgwaqo, noma ingxenye yomgwaqo noma yinike enye ekulomgaqo, eyingxenye yawo, exhumene nawo noma ekungeyawo umgwaqo;

"ukubhalisa" kusho ukubhalisa umgwaqo wasekhaya ngokuhambelana nemitheshwana eyakhiwe phansi kwaloMthetho;

"umbhalisi wezibopho" kusho umbhalisi wezibopho oqokwe phansi komthetho i-Deeds Registries Act, 1937 (Act No. 47 of 1937);

"umtheshwana" kusho noma imuphi umtheshwana owakhiwe phansi kwaloMthetho;

"umnyango onesibopho" kusho noma isiphi isizinda sikahulumeni wasekhaya njengoba kuchazwe eNdimeni 7 yoMthethosiseko, Local Government Transition Act, 1993 (Act No. 209 of 1993), Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) nanoma imuphi omunye umthetho osebenzayo;

"indawo yokuphumula" kusho noma iyiphi indawo egonyelwe nguNgqongqoshe njengendawo yokuphumulela imfuyo;

"okubekelwe umgwaqo" kusho ububanzi ngokuphelele bomgwaqo kuxubeke nokuphahle umgwaqo nalapho kudlula khona umgwaqo, nokugcwalisele kunoma yimuphi umhlaba ophahlene noma ongumhanga wesakhiwo somgwaqo nobekelwe lokhu;

"icala lomgwaqo" kusho ingxenye yomgwaqo engekho emgwaqweni;

"umgwaqo" kusho leyonxenywe yomgwaqo ebekwe ngenhloso yokuba isetshenziswe izithuthi;

"izindinganiso" kusho amaqophelo asetshenziswa okuhlola izimpahla izinsizakalo kanye nendlela yokusebenza;

"isakhiwo" kusho noma isiphi isakhiwo, isakhiwo esimile noma esithuthukisayo, phezu noma ngaphansi komhlaba, esiyisimakade noma esesikhashana, ngaphandle kobungako nobunjalo, kumbandakanya kepha kungahlongi izaziso zohwebo, noma yini egogelwe, izibiyelo, izindlela zokungena, izindonga zezivande, izinkundla zokudlalela igalofu, izindawo zokulayisha, izindawo zokuhlala ikhefu, amagama, izimpawu, amadamu okubhukuda, izinkundla zokudlalela umphebezo, izakhiwo ezifulelwe nokunye kokusizakala;

“caza” kusho ukuhlukahlukanisa umhlaba obhalisiwe izigaba ezimbili noma ezevile noma okungakwazeka ukuba zibhaliswe ehovisi lezemihlaba i-Deeds Registry njengemihlaba ehlukene ezimele;

“umklami” kusho umuntu obhalisiwe njengochwepheshe wokuklama umhlaba phansi komthetho i-Professional Land Surveyors’ and Technical Surveyors’ Act, (Act No. 40 of 1984);

“uMklami-Jikelele” kusho umklami jikelele njengokuchazwe esiqephini 1 se-Land Survey Act, 1997 (Act No. 8 of 1997);

“lo Mthetho” kumbandakanya noma imuphi umthethwana owakhiwe phansi kwalapha; kanye

“uhlelo lwezokuthutha” kusho uhlelo olwakhiwe ukuphatha ngokusemthethweni, ukuletha nokuqondisa izinsizakalo zokuthutha kanye nengqalasizinda, kumbandakanya kepha kungahlongi ezokuthutha zomphakathi, imigwaqo, uloliwe, izikhumulo kanye namalungelo.

Ukusebenza kwaloMthetho

2. LoMthetho uyosebenza kuso sonke iSifunda futhi uyo —

- bophezela uhulumeni;
- setshenziswa ekuthuthukiseni, ekugonyweni, ekusebenziseni nasekuqondiseni umphambo wemigwaqo yesifunda ukugququzela ukuthuthukisa ngendlela eqondile nelinganayo umphambo wemigwaqo yesifunda, kumbandakanya kepha kungahlongi ukwandisa umphambo wemigwaqo yesifunda emiphakathini ekade icindezelekile;
- setshenziswa ukugququzela ukuveza amathuba emisebenzi nawosonkontilaka kuleyomiphakathi nabantu ekade becindezelekile;
- sebenza lapho noma imuphi umuntu esebenzisa ukucabanga kwakhe noma ethatha isinqumo noma elayezwa noma ngumuphi umtheshwana phansi kwaloMthetho nanoma imuphi omunye umthetho osebenzayo eSifundeni futhi uphathelele nomphambo wemigwaqo yesifunda, kumbandakanya kepha kungahlongi noma imuphi umthetho ohlanganisa ukuhlela nentuthuko, kumbandakanya noma imuphi umthetho ophathelele nokuhlukanisa, ukusebenzisa nokuhlela ngomhlaba; futhi
- ngezinjongo zeNdima Yesine, usebenze mayelana nazo zonke izimo ezenziwa zinqunywe phansi kwaleNdima.

Indima II

Amandla kangqongqoshe

Amandla kaNgqongqoshe

3. (1) UNgqongqoshe uyothuthukisa, agomele, asebenzise, aqondise futhi aqhakambise umphambo wemigwaqo yesifunda ngendlela yokubusa okubonakala kusebenza, okuvulekile, okubophezelayo nangokubambisana njengokuyalela kwezinkambiso, izindinganiso nezenzo zikazwelonke nesifunda ngoku —

- zuza izidinganso zezinga eliphezulu zokuphepha eSifundeni;
 - vikela nokulondoloza izimpahla zomphambo wemigwaqo yesifunda;
 - zuza impokophelo yokuba kufinyelele yonke imiphakathi phakathi kweSifunda ngendlela elinganayo emigwaqweni;
 - qinisekisa ukuqondisa ngendlela egculisayo neyokonga kanye nokuphatha umphambo wemigwaqo yesifunda; kanye
 - londoloza nokuvikela imvelo.
- (2) UNgqongqoshe, phansi kwesimo semithombo ekhona eSifundeni sokwenza lomsebenzi, uyobophezeleka kuyo yonke imikhakha yokuqondisa, ukuphatha, ukusebenzisa nokuqondisa umphambo wemigwaqo yesifunda, kumbandakanya kepha kungahlongi —
- ukulawula okusemqoka mayelana nomphambo wemigwaqo yesifunda kanye nokuhlukaniselana;
 - ukwenelisa ngezobuciko nokuxhasa ngolwazi, ukuphatha izimali, nokubuka kabanzi, nokulandela nokuhlola uhlaka lwemigwaqo yesifunda nokulungisa lapho kufuneka khona;
 - ukulunganisa, ukuhlela, ukuqamba, ukusebenzisa, ukuqondisa nokulondoloza umphambo wemigwaqo yesifunda;
 - ukuqinisekisa ukwabiwa kwezimali zomphambo wemigwaqo yesifunda ngendlela eyanelisayo nelinganayo;
 - ukugomela noma ukuhoxisa ukugomela imigwaqo yesifunda;
 - ukubumba, nokwakha, nokulondoloza, nokusebenzisa, nokuphatha nokuguqula, nokuphambukisa nokuvala imigwaqo yesifunda noma imigwaqo egonyelwe;
 - ukuthola impahla ngokuyiqasha, ukuyithenga noma ngokuyemukela njengesipho itholelwa uMnyango noma egameni loMnyango, lokhu kumbandakanya ukukhipha imvume yokuhlala okwesikhashana endaweni ekungeyomuntu othile noma ukwemuka umhlaba ukuze kuthuthukiswe ezokuthutha okunokwenza isiqiniseko ngokufuneka kukhokhwe ukuze kugcinwe ukuthembeka ukukhokhelwa kokuthathwa komhlaba noma komphakathi noma egameni lomphakathi ngokuhambelana ne-Expropriation Act, 1975 (Act No. 63 ka 1975) nokuthengisa umhlaba womuntu futhi nasegameni loMnyango ngendlela ehambelana nomthetho i-State Land Disposal Act, 1961 (Act No. 48 ka 1961);
 - ukuphathwa kwezintuba ezingenela imigwaqo yesifunda neyezigodi;
 - ukugcina ukuphatheka kwendlela ephahle umphambo wemigwaqo yesifunda;
 - ukuqondisa ukukhangisa emigwaqweni esemqoka asendaweni enzike kuyo noma lapho ezokuphepha zingathikamezeka, emigwaqweni yezigodi neyendawo;
 - ukushaya imitheshwana kanye nokusebenzisa imitheshwana yokubiyelwa kwemigwaqo nemitheshwana yokunikela ekubiyeleni;
 - ukuphatha ngokusemthethweni iminikelo yomphambo wemigwaqo yesifunda;
 - ukugunyaza ukukhokhwa kwezimali eziyizipho zokusiza noma izimali zokuxhasa njengokuba kudingekile ukuze kufezuke izinhloso zaloMthetho;
 - ukungenela nanoma isiphi isivumelwano nomasipala, nenhlango noma nomuntu ngayedwana nje, ukuphonsa itshe esivivaneni ngenhloso yokuvikela isakhiwo, nokukhanda kabusha nokwenza ngecono nokukhanda nokulondoloza noma yimuphi umgwaqo wesifunda noma wasekhaya noma ngokuthenga noma ukuqasha, ukuthola noma ukuchitha imuphi umhlaba oseduze noma osemgwaqweni wesifunda noma wendawo okhona noma ohlongozwayo ngokuqashisa, ukudayisa noma ukupha; kanye
 - nokubonisana nokusayina isivumelwano esifunekayo uma ukusebenzisa umgomo womphambo wemigwaqo yesifunda, lokhu kuye ngemithetho nemitheshwana esebenzayo mayelana nokufaka izicelo nokuthenga.
- (3) UNgqongqoshe uyosebenzisa indlela efanayo ngokukhomba ubunjalo banoma imuphi umgwaqo phakathi komphambo wemigwaqo yesifunda.
- (4) Lapho uMnyango Wezokuthutha kaZwelonke, umnyango onesibopho, umasipala noma isiphi esinye isizinda noma umuntu ecela ukuba uNgqongqoshe aithe usizo mayelana nokwakha kanye nokulondoloza imigwaqo ekungeyona imigwaqo yesifunda, uNgqongqoshe, lapho ebona kufanele ukuba aithe lolusizo, uyokwenza isivumelwano esibhaliwe noMnyango Wezokuthutha kaZwelonke noma umnyango onesibopho noma umasipala ukuba awenze lomsebenzi kanye nokukhokhelwa zonke izindleko zaleyomigwaqo.
- (5) UNgqongqoshe anga —

- (a) biza imihlangano, axhumane futhi abonisane nohulumeni kazwelonke, ezinye izifunda, omasipala, iminyango yesifunda, abangasese, izinhlangano ezingekho phansi kukahulumeni, imiphakathi kanye nezigceme ezisetsenzwa nguMnyango ukufeza izinhloso zaloMthetho;
 - (b) phemba, asungule imigomo nesimo okungasukelwa kuyo, nokuqondisa imisebenzi egququzela ehambelana ukususa ukungcola nemfuhlululu nokulekelela ukwenza imigwaqo yesifunda ihlanzeke;
 - (c) thatha umshuwalense wokuzivikela ezingozini, nokulahlekelwa nomonakalo ngenxa yathintana nakho enza umsebenzi wakhe ngokuhambelana naloMthetho;
 - (d) sungula imikhakha yongcweti nokwaluleka noma imiphi eminye imikhakha yokubonisana edingekile ukusebenzisa umgomo womphambo wemigwaqo yesifunda, ukusungula imigomo nesimo okungasukelwa kuyo kanye nezimiso zokuqoka lemikhakha yongcweti, ukweluleka kanye neminye imikhakha yokubonisana futhi kuphinde kuqokwe lemikhakha kuye ngesidingo;
 - (e) sungula futhi ahlanganise ngobunyoinco nangemfanelo okuvumelanayo nophenyo uma ebona ukuthi kuyafuneka emsebenzini womnyango;
 - (f) enza izincomo kuwo wonke amaqophelo kahulumeni lapho ecabanga khona ukuthi umthetho noma iseluleko esiyisenzo kuyadingeka ukugququzela umphambo wemigwaqo yesifunda;
 - (g) phakamisa ukusetshenziswa komthetho nemitheshwana ukusebenzisa nokuqondisa umphambo wemigwaqo yesifunda;
 - (h) nika noma imaphi amandla phansi kwaloMthetho maqondana nomgwaqo wesifunda emnyangweni onesibopho noma umasipala futhi angase akuhoxise ukunika lamandla noma ngasiphi isikhathi;
 - (i) nika noma imaphi amandla phansi kwaloMthetho kunoma isiphi isiphathimandla phakathi koMnyango futhi angakuhoxisa lokhu kunika amandla nganoma isiphi isikhathi.
- (6) UNGqongqoshe uyo —
- (a) qinisekisa ukuthi uMnyango usebenzisa izindinganiso zeqophelo lobungcweti eliphezulu ekuqhakambiseni umphambo wemigwaqo yesifunda, ukwaba nokusebenzisa izimali kanye nokubika ngezimali ezivela kuhulumeni kazwelonke, uhulumeni wesifunda nanoma imuphi omunye umthombo; futhi
 - (b) zibophezela kunoma yiziphi izibopho nemisebenzi, njengoba kuyisidingo saloMthetho noma yimuphi omunye umthetho kazwelonke noma yisifunda.

Indima III

Imigwaqo yesifunda

Ukugunyaza ukuphatha, ukusungula, ukulawula kanye nokuqondiswa kwemigwaqo yesifunda

4. Ukuphatha, ukusungula, ukulawula kanye nokuqondiswa kwayo yonke imigwaqo yesifunda kuyogunyazwa nguNgqongqoshe.

Ukusungula, ukuphatha, ukusebenzisa ukulawula nokuqondiswa kwemiphambo yemigwaqo yesifunda

5. (1) UNGqongqoshe uyosungula, aphaathe, esebenzise, alawule futhi aqondise uphambo wemigwaqo yesifunda eyohlelwa, igonyelwe futhi ilawulwe ngokwemiqolo yemikhakha ehlelekile ukuletha ukufinyelela emigwaqweni ngendlela elinganayo ngendlela yokubhekela izidingo zokuthuthuka kuyo yonke imiphakathi eSifundeni.
- (2) Umphambo wemigwaqo yesifunda uyoxuba yonke imigwaqo egonyelwe esemqoka, imigwaqo yezigodi kanye nemigwaqo yasekhaya.
- (3) UNGqongqoshe ukuyovumeleka ukuba afinyelele kunoma imuphi umgwaqo womphakathi oseSifundeni ukuletha imisebenzi yokuhlela, intuthuko, ukwakha kanye nokulondoloza.
- (4) Ukubophezeleka ngokomthetho nokubophezeleka mayelana nomsebenzi owenziwe maqondana nanoma imuphi umgwaqo phansi kwesahlukwana (3) siyobhekana kuphela nemigwaqo yesifunda phansi komphambo wemigwaqo yesifunda noma imigwaqo lapho uNGqongqoshe egunyaze khona ukwakhiwa nokulondoloza.
- (5) Yonke imigwaqo engaphakathi komphambo wemigwaqo yesifunda ingeyomphakathi futhi umphakathi unelungelo lokuyisebenzisa ngaphandle uma umgwaqo noma ingxenye yawo uvaliwe okwesikhashana noma unomphelo noma wakhiwa, noma uguqulwa, ulungiswa okukanye ukhangelwa ukuwulondoloza.

Ingqiniseka yezindinganiso zemigwaqo yesifunda neyomphakathi

6. (1) UNGqongqoshe uyonquma zonke izindinganiso nezidingo zemigwaqo yesifunda futhi lezindinganiso nezidingo ziyosebenzi kuyoyonke iminyango enezibopho, umasipala, imikhakha ethile noma ngumuntu mayelana nomphambo wemigwaqo yesifunda.
- (2) Izindinganiso zesifunda kanye nezidingo eziphathelene nomphambo wemigwaqo yesifunda phansi kwesahlukwana (1) ziyosebenza —
 - (a) ekufinyeleleni emigwaqweni osemqoka nowesigodi nokuyisebenzisa;
 - (b) ekwakheni noma ukulondoloza umgwaqo wesifunda;
 - (c) kuvaleni, ukuguqula noma ukuphambukisa umgwaqo wesifunda;
 - (d) emigudwini nasemiseleni yamanzi emigwaqweni yesifunda;
 - (e) ezakhiweni emigwaqweni yesifunda noma eceleni kwayo;
 - (f) ekubiyeni eceleni kwemigwaqo yesifunda;
 - (g) imfuhlululu emigwaqweni yesifunda;
 - (h) uemonakalo emigwaqweni yesifunda;
 - (i) kuhwebeni emigwaqweni noma eceleni komgwaqo osemqoka noma wesigodi;
 - (j) ekuxhomeni izaziso zokukhangisa emigwaqweni noma eceleni kwemigwaqo osemqoka futhi kuthi lapho kungathikamezeke ukuphepha, ukuxhoma izaziso zokukhangisa emigwaqweni noma eceleni kwemigwaqo yezigodi neyasekhaya; kanye
 - (k) nanoma iziphi ezinye izindinganiso nezidingo eziqondene nomphambo wemigwaqo yesifunda.

Ukunquma nokuhoxisa isinqumo ngemigwaqo yesifunda

7. (1) UNGqongqoshe uyokwenza imitheshwana ukulayezza izidingo zokunquma nokuhoxisa ukunquma imigwaqo yesifunda, okungaba imigwaqo osemqoka, imigwaqo yesigodi noma imigwaqo yasekhaya.
- (2) UNGqongqoshe angase, phansi kwezahluwana (4) no (7), futhi ngesaziso ku-Gazethi —
 - (a) anqume ukuthi noma imuphi umgwaqo, ingxenye yomgwaqo, noma iyiphi indlela phakathi kweSifunda ube umgwaqo osemqoka noma ube ngowesigodi; noma
 - (b) ahoxise noma aguqule isinqumo esiphathelene nomgwaqo osemqoka okhona, wesigodi, noma wasekhaya noma ingxenye yomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya amemezele ukuthi ukuphathwa nesimo salowomgwaqo sesiguqukile futhi noma ikuphi kwalokhu okulandelayo kungasebenza —

ukuphathwa komgwaqo osemqoka onjena, wesigodi noma wasekhaya noma ingxenye yomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya uyoguqulelwa kolunye uhlobo lomgwaqo wesifunda;

) umnyango onesibopho oqondene, umasipala, umkhakha othile noma umuntu noma Umnyango Wezokuthutha kaZwelonke bayobhekela ukuphatha nokubophezeleka kulowomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya noma ingxenye yomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya; noma

i) lowomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya noma ingxenye yomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya uyovalwa.

uNgqongqoshe ekhetha ukuqhubekela phambili nesakhiwo somgwaqo omusha osemqoka noma aphambukise noma imuphi umgwaqo omda okhona, uNgqongqoshe, ngesaziso ku-Gazethi, uyophawula ukuthi indlela ehlongozwayo yomgwaqo osemqoka iyophambuka ukuthi uyonquma lowo mgwaqo njengomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya.

uNgqongqoshe ekhombela ukuthi kunesidingo sokunquma noma sokuhoxisa isinqumo omgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya, uNgqongqoshe uyobonisa nomnyango onesibopho noma umasipala othintekayo ngesinqumo esihlongozwayo noma iswa kwaso mayelana nomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya.

uNgqongqoshe uyokwenza isivumelwano esibhaliwe nomnyango onesibopho noma umasipala, umkhakha othile noma umuntu noma umgwaqo wesigodi noma umgwaqo wasekhaya noma ingxenye yomgwaqo osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya.

uNgqongqoshe, lapho kufanelekile futhi uma isimo semithombo yezimali sivuma, akhokhe inani eliphelele noma ingxenye yalo emnyangwenesibopho noma umasipala, umkhakha othile noma umuntu ongena isivumelwaneni esibhaliwe phansi kwesahlukwana (5).

uNgqongqoshe kanye nomnyango onesibopho noma umasipala, umkhakha othile noma umuntu bengafiki isivumelwaneni phansi kwesahlukwana (2)(b)(ii) mayelana nokuphatha nokubophezeleka emgwaqweni wesifunda, lokho kuphikisana kuyoxazululwa ngokwemiyalelo ngokwemiyalelo Act, 1965 (Act No. 42 of 1965), ngumlamuli abaphikisanayo abavumelene ngaye kanti lapho abaphikisanayo behluleka ukunquma ngomlamuli, uMmeli kaHulumeni uyoqoka umlamuli ukuxazulula impikiswano futhi —

ngalunye uhlangothi luyokhokha imali elinganayo enqunyelwe nezindleko zokulamula; futhi

isinqumo somlamuli kuba ngesingumlamuli juqu futhi sibophezele zonke izinhlangothi.

umgwaqo ekhona phakathi kweSifunda

uMmeli nokuphatha imigwaqo ekhona ngaphansi kweSifunda ephansi koHlelo 1 lwe-Mthetosisekelo wemiBuso eziBusayo, 1971 (Act No. 1971) futhi eyabe iphethwe nguHulumeni waKwaZulu ngasekho ngomhlaka 27 April 1994, nemigwaqo ekhona phansi kweSifunda iphethwe phansi kwe-Roads Ordinance 1968, (Ordinance No. 10 of 1968) eyabe iphansi komnyango i-Natal Provincial Administration kuka 27 April 1994 iyokuba phansi kukaNgqongqoshe.

uNgqongqoshe kuyokuthi emva kweminyaka emibili kusukela kwamukelwe loMthetho, ahlole abheka isimo sayo yonke imigwaqo kanye umgwaqo umphakathi onelungelo kuyo emphambweni wemigwaqo yesifunda, bese enquma noma ahoxise isinqumo esingabe sidingekile ukubhekela lokho kuhlola nengqinisela.

ukulondoloza kwemigwaqo yesifunda

uNgqongqoshe, lokhu kuye ngokwemithombo yezimali, uyobophezeleka ekwakhiweni nasekulondolozeni imigwaqo yesifunda kanye naye imisebenzi ngokubona kukaNgqongqoshe ukuthi ifanelekile ukulondoloza imigwaqo yesifunda.

uMphahleli umnyango onesibopho, umasipala, umkhakha othile noma umuntu efisa ukwakha, ukulondoloza noma imuphi omunye umsebenzi emgwaqweni wesifunda njengomphatheli noma esinye isimo, lowomnyango onesibopho, umasipala noma ngumuntu uyothola imvume ebhaliwe kuNgqongqoshe ngaphambi kokuba aqale lokho kwakha, ukulondoloza noma imuphi umsebenzi emgwaqweni wesifunda.

uMnyango onesibopho, umasipala noma ngumuntu zokwakha, alondoloze noma enze omunye umsebenzi emgwaqweni wesifunda phansi kwesahlukwana (a), phansi kwesahluko 6, uyohambisana nezindinganiso nezidingo zesifunda zimigwaqo ezibandakanya umphambo emigwaqo yesifunda.

uNgqongqoshe, lapho enike khona imvume ebhaliwe emnyangweni onesibopho, umasipala noma umuntu ukuba akhe, alondoloze noma enze omunye umsebenzi emgwaqweni wesifunda, uyoqagula izimo okusetshenzwa phansi kwazo kanye nanoma iyiphi inkokhelo emsebenzi ozokwenziwa phansi kwemiyalelo yemvume.

uNgqongqoshe ngeke abophezeleka esimangalweni noma umonakalo (amademeshe) asukela ekwakheni, ukusebenzisa noma ukulondoloza imuphi umgwaqo wesifunda, ngaphandle lapho ukulahlekelwa noma amademeshe edalwe isenzo sobudedengu noma ukungenziwe isikhulu soMnyango.

imigwaqweni esemqoka neyezigodi kanye nokuvalwa kwemigwaqo yesifunda

o. muntu oyo —

uMnyango emgwaqweni osemqoka noma umgwaqo wesigodi ngaphandle kwasendaweni yokungena noma yokuphuma egunyazwe kuNgqongqoshe ukuba kwenzeke lokhu;

umkhakha noma asebenzise intuba eya emgwaqweni okhona osemqoka noma umgwaqo wesigodi ngaphandle kokufumana imvume okhawulwe esahlukwaneni (2) ngaphambili; noma

umgwaqo avale ingxenye noma imuphi umgwaqo wesifunda ngaphandle kwemvume ebhaliwe njengokuphawula kwesahlukwana (2).

uNgqongqoshe —

uma ebona kunesidingo, akhombela, agunyaze noma enze ukuba kube nentuba eya noma ephuma emgwaqweni osemqoka noma umgwaqo wesigodi;

uma kunesicelo somnyango onesibopho, umasipala, umkhakha othile noma umuntu anike isigunyazo esibhaliwe sentuba engenayo noma phumayo emgwaqweni osemqoka, umgwaqo wesigodi noma ukuvalwa komgwaqo wesifunda futhi uyochaza kuleyomvume ngokucacile noma iziphi izimo ezimayelana nolokho kuvula inyuba noma ukuvala, kumbandakanya kepha kungahlongi isimo sentuba noma ukuvala kanye nendawo nendlela intuba noma ukuvala okuzokwenziwa ngayo, ukwakhiwa noma ukuyakha;

uma kunesicelo somnyango onesibopho, umasipala, umkhakha othile noma umuntu anganqaba ukunika isigunyazo esibhaliwe sentuba engenayo noma ephumayo emgwaqweni osemqoka, umgwaqo wesigodi, uma kunjalo uNgqongqoshe —

) uyoveza izizathu ezibhaliwe zokwenqaba ukukhipha isigunyazo sentuba engenayo nephumayo emgwaqweni osemqoka noma umgwaqo wesigodi; futhi

i) angaveza ezinye izinhlelo ezamukelekile noma ezihlongozwayo zezintuba lezo ezintsha;

uma ngasiphi isikhathi aguqule noma acime isigunyazo phansi kwalesahluko; noma

umgawuvala okwesikhashana noma avale ingxenye yanoma imuphi umgwaqo wesifunda ukuze kuqhutshekwe nomsebenzi wokukhanda noma isiphi esinye izizathu, uma kuphela, ngaphandle uma kunesimo esiphuthumayo noma isidingo esisheshayo, akukho umgwaqo wesigodi.

funda ongavalwa wonke ngaphandle kokuba kwenziwe amalungiselelo okuchezula izithuthi.

- (3) Lapho uNgqongqoshe enquma ukuthi kudingekile ukuvala, aguqule noma achezukise umgwaqo wesifunda, ongenayo noma umhujana wena nokuphuma noma nezinye izindlela eziyizintuba eziphumela emgwaqweni wesifunda, uNgqongqoshe, angaveza ezinye izintuba mukelekile ekufinyeleleni emgwaqweni osemqoka, umgwaqo wesigodi, umgwaqo wasekhaya noma indawo ethintekile.
- (4) UNgqongqoshe angase, lokhu kuya ngokutholakala ukuthi zinjani kwezimali eMnyangweni futhi kuye ngokuthi zikhona noma kazikhona ezinye izintuba zokufinyelela noma zokuphuma emgwaqweni osemqoka, umgwaqo wesigodi noma umgwaqo wasekhaya ovaliwe phansi sahlukwana (2)(e), anxephezele noma ubani obenelungelo elisemthethweni okhinyabezekayo uma kuvalwa unomphela umgwaqo kungekho enye intuba, ngokulahlekelwa ngqo nangenye indlela, ngenxa yokugudluzwa noma yokuvalwa komgwaqo wesifunda.
- (5) Ukufinyelela emgwaqweni osemqoka noma umgwaqo wesigodi phansi kwalesisahluko kumbandakanya —
 - (a) noma imuphi umgwaqo, ibhuloho, indlela chamba ngaphansi isango, isitebhisi sokweqa uthango, umhubhe noma ngayiphi enye i-ekungafinyeleleka ngayo emgwaqweni osemqoka noma umgwaqo wesigodi;
 - (b) noma iyiphi intuba entsha edingekayo yesakhiwo esisha ngaphandle kwesakhiwo somenano, ukuguqula noma ukwandisa isahlukwana esivele sikhona esakhiwe kunoma imuphi umhlaba ovele onentuba ngqo ekhona; noma
 - (c) noma iyiphi intuba entsha edingekayo kunoma imuphi umhlaba ovele unentuba ekhona kodwa onehlelo lokuba lowomuhlukahlukaniswe.
- (6) Ukufinyelela nokuphuma emgwaqweni osemqoka noma umgwaqo wesigodi, okuthe maduze ngaphambi kokuqala kwaloMthetho wazwa ngunoma imuphi omunye umthetho, kuyothathwa ngokuthi ugunyazwe yiMthetho.
- (7) Umuntu uyotholakala enecala futhi angeke amangalele uNgqongqoshe noma uMnyango nganoma ikuphi ukulimala noma umonakalo awilile lapho —
 - (a) edala ukuba isithuthi singene noma siphume emgwaqweni osemqoka noma umgwaqo wesigodi kunoma iyiphi indawo ngaphandle kwasezintubeni ezigunyazwe phansi kwaloMthetho; noma
 - (b) esebenzisa umgwaqo wesifunda ovaliwe phansi kwesahlukwana (2)(e) engagqizi qakala noma imiphi imizamo eyenziwe ukucophisa ukuphepha komphakathi.
- (8) Umuntu uyotholakala enecala futhi kumele akhokhe zonke izindleko zomsebenzi wokubuyisela womgwaqo wesifunda othintekile esimweni sawo lapho —
 - (a) evimbela intuba ngqo ekungeneni, emhubheni noma iyiphi enye indlela yokungena emgwaqweni osemqoka noma umgwaqo wesigodi; noma
 - (b) evala, eguqula noma ephambukisa umgwaqo wesifunda.
- (9) Lapho uNgqongqoshe ebuyisela umgwaqo wesifunda othintekile esimweni sawo, uNgqongqoshe angeke amangalele mayelana namonakalo ovelayo ngokwakha, ukusebenzisa, ukulondoloza noma ukulungisa lowo mgwaqo wesifunda, ngaphandle lapho ukulahlekelwa namademeshe edalwe isenzo sobudedengu noma ukunganaki noma ukungenzi okuthile isikhulu soMnyango.

Amabhaxa phakathi kwemigwaqo yomphakathi noma imigwaqo yasemakhaya kanye nemigwaqo yesifunda

11. UNgqongqoshe anga —
 - (a) guqula noma achezukise noma iliphi ibhaxa phakathi komgwaqo wesifunda nanoma imuphi omunye umgwaqo womphakathi noma umgwaqo umphakathi onelungelo kuwo ngendlela uNgqongqoshe abona ngayo ukuthi ifanele; noma
 - (b) vala noma iyiphi intuba evela emgwaqweni womphakathi noma noma emgwaqweni umphakathi onelungelo kuwo, inqobo uma intuba engingeyovalwa ngaphandle kokuthi, ngokubona kukaNgqongqoshe, kukhona enye intuba eyamukelekile enokuphumela emgwaqweni wesifunda evela kuzo zonke izindawo zabantu ezisizakalayo ngomgwaqo womphakathi noma umgwaqo umphakathi onelungelo kuwo.

Ukubhekela imigudu nemisele yamanzi emigwaqweni yesifunda

12. (1) Akekho umuntu, ngaphandle kwemvume ebhaliwe kaNgqongqoshe, lemvume eyoba nemibandela noma ingabi namibandela, oyo —
 - (a) dlulisa noma yimaphi amanzi ngaphezu noma ngaphansi komgwaqo wesifunda; noma
 - (b) noma ingayiphi indlela noma ikuliphi izinga lamanzi lanoma imuphi umfula, nedamu nomsele ngendlela engathikameza noma engozini noma yimuphi umgwaqo wesifunda iliphi ibhuloho, umsele wokudonsa amanzi, izibuko noma ingayiphike enye indlela eyenziwe noma yomgwaqo wesifunda.
- (2) UNgqongqoshe, phansi kwanoma imiphi imithetho engasetshenziswa, angase emva kokubonisana nomnikazi kanti futhi nanoma yimuphi umqashi uma bekhona —
 - (a) aphambukise noma yimuphi umsele wamanzi noma umfulana noma umfula uma lokho kuphambukisa kudingeka ukuze kuhlale umgwaqo osemqoka wesifunda noma isakhiwo esihambelanayo nomgwaqo wesifunda noma kungesomgwaqo wesifunda; noma
 - (b) achezukise amanzi emvula asuka evela noma edlula phezu nangaphansi komgwaqo wesifunda ebheke endaweni yomuntu, ngaphandle komhlaba onezindlu, ezinye izakhiwo zokwenza ngeono, ngaphandle kokuba necala ngomonakalo obangelwe ukuchezukisa amanzi uNgqongqoshe ebona ukuthi kudingekile ukuthi amanzi anjalo achezukiselwe emasimini alinywayo, umnikazi womhlaba noma umnikazi walowo mhlaba uyokuba nelungelo lokunxeshezela ngomonakalo ongabangelekile, okuyoba ngaphansi kwesivumelwano, nokuthe kuhlulekeka ukufinyelela esivumelwaneni njengokungase kufumaniseke phansi kwesahluko 14 se-Expropriation Act ka1975 (Act 107 ka1975).

Izakhiwo ezincikene nezisemigwaqweni yesifunda

13. (1) Akuyokuba khona muntu, ngaphandle kwemvume ebhaliweyo kaNgqongqoshe, imvume engaba nemibandela noma ingabi namibandela, oyokwakha, abeke isiza sesakhiwo noma ukuguqula kwanoma yisiphi isakhiwo, noma yini enye eyakhiwayo nokunika imvume yokukushintsha noma yisiphi isakhiwo —
 - (a) phezu noma ngaphezu noma ngaphansi komhlaba womgwaqo wesifunda ukuze kwakhelwe phezu komgwaqo wesifunda; noma
 - (b) endaweni lapho ekungavunyelwe khona ukuthi kwakhiwe ebangeni elingamagxathu ayishumi nanhlano ukusuka engceleni womgwaqo osemqoka noma umgwaqo wesigodi.
- (2) Uma uNgqongqoshe ekhipha imvume yokwakha, nokubeka isiza ngqangi noma ukuguqula isakhiwo noma efaka isibopho sokususa njengombandela ohambelana nesahlukwana (1), umbhalisi wezibopho, uyokuthi masinyane emva kokufumana isicelo esisikaNgqongqoshe, abhalise noma anokondise itayitela lomhlaba okukhulunywa ngalo emgingweni ofanele yehhovisi lombhalisi wofuthi —
 - (a) izindleko zokukhokhela ukubhaliswa nokunokondisa lesisibopho ziyikhokhwa yilowomuntu oyonikelwa imvume noma igunya;
 - (b) noNgqongqoshe angase aphoqelegele ukuhlonipheka ngenkambo yokubhaliswa.
- (3) Noma ngubani, okuyokuthi ngaphandle kwemvume ehambelana nesahlukwana (1), noma okuphikisana nenkambo nemigomo yemvume lo, akhe, abeke isiza, ahlanganise noma aguqule noma isiphi isakhiwo noma enye into, noma efumene imvume, uyokuthi, uma uNgqongqoshe

efumene isaziso esibhaliwe esithunyelwe kuyena ukuthi enze lokho, agudluze isakhiwo esinjalo, noma enye into, uguquko noma ukugcwalisela ngesikhathi esikhonjiwe phansi kwesaziso ekuyokuba ngekho ngaphansi kwezinsuku eziyishumi nane.

- (4) (a) Njengokwemiyalelo yesigaba (b) uNgqongqoshe angase agudluze isakhiwo, inguquko, ukugcwalisela azise ngaso ngesaziso phansi kwesahlukwana (3) ukuthi kugudluzwe, okungazange kugudluzwe ngesikhathi esinqunyiwe phansi kwesaziso.
- (b) Lapho kuvela isimo esiyingozi noma esiyincuphe esidinga ukusukunyelwa phezulu ngokushesha noma isenzo esiphuthumayo egameni lomphakathi futhi nokuphepha komphakathi, uNgqongqoshe angase ngaphandle kokusebenzisa ukususwa kwesakhiwo ngokwesahlukwana (3), asuse noma isiphi isakhiwo, nokunye, ukugqula nokuxhuma kokwakhiwe, okubekelwe isiza kwahlanganiswa, noma kwakhelwa ngaphezulu noma ngaphansi komgwaqo wesifunda ngaphandle kwemvume ehambelana nesahlukwana (1) noma ngokuphikisana nemiyalelo kanye nezimona yanoma iyiphi imvume.
- (5) Ngaphandle nxa kunokunye okuphikisanayo nanoma imuphi omunye umthetho, uNgqongqoshe angase asuse noma agudluzele endaweni eyokhonjwa nguyena, noma yisiphi isakhiwo, noma into eyakhiwe, ebekelwe isiza exhunyanisiwe, ngaphezu noma ngaphansi kobuso bomgwaqo wesifunda noma omunye umhlaba osendaweni esebangeni elingamagxathu ayishumi nanhlano kusukela emgwaqweni wesifunda ngaphambi kokuqala ukusebenza kwaloMthetho noma ngaphambi kosuku lapho umgwaqo wesifunda esikhuluma ngawo ugonyelwe nguNgqongqoshe ukuba ube umgwaqo wesifunda.
- (6) UNgqongqoshe angase abuyelwe izindleko zanoma ikuphi ukususa noma ukugudluzwa phansi kwalesisahluko kumuntu oqondene noma isizinda.

Ukubiyi emigwaqweni yesifunda

14. (1) UNgqongqoshe angase, ngesikhathi sokuqala ukwakha umgwaqo wesifunda, agunyaze ukubiyela eceleni kwalowo mgwaqo wesifunda futhi ukubiyela okunjalo kuyothi emva kokubiyi kunakekelwe ngumnikazi walesosiqinti esakhelene nomgwaqo wesifunda.
- (2) Umnikazi wesiqinti esakhelene nomgwaqo wesifunda uyothweswa umsebenzi wokunakekela nokulondoloza uthango olwakhelene nendawo yakhe olwakhiwe nguMnyango.
- (3) UNgqongqoshe angase, ngaphandle kwaphansi komthetho i-Fencing Act, 1963 (Act No. 31 of 1963) ngokubona kwakhe nanjenga nezimfuneko ezihambelana nezinhloso zomphakathi, agunyaze ukuqokelela imali yokulondoloza noma iluphi uthango olwakhelene nomgwaqo wesifunda wesigodi, kodwa lokho angeke kwachazwa njengokwehlisa noma ukunciphisa umsebenzi othweswe umnikazi wesiqinti esakhelene nomgwaqo wesifunda wokunakekela noma iluphi uthango olwakhelene nesiqinti sakhe.
- (4) Izahluko 22 kuya ku 27 zibandakanyeka zonke zomthetho i-Fencing Act, of 1963 (Act No. 31 of 1963), zisebenza njengoba zinjalo kulesisahluko.

Ukuvimbela ukulahla noma ukushiya imfuhlululu phakathi kwemingcele yemigwaqo yesifunda nemigwaqo elondoloziwe

15. (1) Akukho muntu, ngaphakathi kwemingcele yomgwaqo wesifunda noma umgwaqo olondoloziwe futhi ngaphandle kwemvume elotshiwe kaNgqongqoshe, noma ngokuphikisana nanoma yimuphi omunye umbandela obekwe nguNgqongqoshe phansi kwaleyomvume, oyolahla noma ashiye noma isiphi isithuthi, umshini noma ingxenye, noma iyiphi enye imfuhlululu.
- (2) UNgqongqoshe angagunyaza ukususa ukungcola, noma izithuthi ezingasasebenzi, imishini noma izingxenye ezitholakele phakathi kwemingcele yomgwaqo wesifunda, futhi angase akhokhise ngokugudluzwa umnikazi waleso sithuthi, umshini, ingxenye noma enye imfuhlululu phakathi kwemingcele yomgwaqo wesifunda.

Ukulimaza imigwaqo yesifunda

16. (1) Noma ubani olimaza umgwaqo wesifunda ngenhloso nangobudedengu uyokuba necala lokwaphula umthetho.
- (2) Noma iyiphi inkantolo elahla umuntu ngokulimaza umgwaqo wesifunda ngenhloso nangobudedengu, ngaphandle kokumgweba lowomuntu, ingamphoqa ukuba akhokhe imali enani leyo inkantolo ebona ukuthi iyalingana nenani lomonakalo owenziwe.
- (3) (a) UNgqongqoshe angase, ngezinsolo ezamukelekile, ngesaziso esilotshiwe, anqumele lowo muntu ozenzo zakhe noma ukuyeka ukwenza okuthile —
 - (i) zenze ukuba kube nomonakalo emgwaqweni wesifunda; noma
 - (ii) kungenzeka ukuba zidale umonakalo emgwaqweni wesifunda, futhi kuthi esikhathini esihlongozwe kulesosaziso, athathe izinyathelo noma ayeke ukuthatha izinyathelo lezo njengokuba ziqagulwe esazisweni.
- (b) Ngaphandle kwemiyalelo esahlukwaneni (a), lapho kwenzeka ukuba kube khona isimo esiyingozi noma esiyincuphe esidinga ukuba kuthathwe izinyathelo eziphuthumayo noma izenzo ezisheshayo ukuze kuvikeleke umphakathi, uNgqongqoshe noma lowo amgunyazile angangena kunoma imuphi umhlaba athathe izinyathelo ezingadingeka ukuvikela umonakalo emgwaqweni wesifunda.
- (4) Uma noma imuphi umuntu ehluleka ukuvumelana nomthetho phansi kwesahlukwana (3)(a), uNgqongqoshe angase —
 - (a) athathe izinyathelo ezidingekayo ukuze kuvimbeleke ingozi ekhonjwe phansi kwesahlukwana (3)(a),
 - (b) akhokhe zonke izindleko zezinyathelo ezithathiwe noma umsebenzi owenziwe uMnyango noma ababambeli phansi kwesahlukwana (a); futhi
 - (c) angabuyiselwa izindleko zanoma isiphi isinyathelo esithathiwe noma umsebenzi owenziwe kumuntu izenzo zakhe noma angakwenzanga kudale umonakalo emgwaqweni wesifunda noma kungenzeka kudaleke umonakalo emgwaqweni wesifunda.

Ukuyinjelwa kwezithunywa zoMnyango noma ababambeli nokuthikameza izikhonkwane zokuklama

17. (1) Noma ngubani ophazamisa anqinde uNgqongqoshe noma isiphi isikhulu sakhe, ababambeli, abaklami noma osonkontilaka ekwenzeni umsebenzi wabo, noma evimbela lesi sokhulu, umbambeli, umklami noma usonkontilaka ukuba angene esiqintini somhlaba ngenxa yanoma isiphi isizathu esigunyazwe yiMthetho, uyolahla icala lokwaphula umthetho.
- (2) Noma ngubani oguqula, agudluze nophazamisa nowonayo ngenhloso noma iziphi izikhonkwane uphawu zabaklami ezixhonywe nguNgqongqoshe, noma isiphi isikhulu sakhe, ababambeli, abaklami noma osonkontilaka ekwenzeni umsebenzi wabo uyolahla icala lokwaphula umthetho.

Ukuhwebela eceleni noma emigwaqweni esemqoka noma kweyezigodi

18. (1) Akukho muntu okuyothi ngaphandle kwemvume kaNgqongqoshe noma ngokuphikisana nemiyalelo nezimo zaleyomvume, ngaphandle kwesiqinti esinelungelo ngokukaNgqongqoshe, ahweba noma aqhakambise, noma alethe, noma alethele noma akhele ukudayisa noma iziphi izim-pahla —
 - (a) emgwaqweni esemqoka noma umgwaqo wesigodi noma ebangeni elingamagxathu ayishumi nanhlano kusuka emngceleni womgwaqo esemqoka noma wesigodi;
 - (b) emgwaqweni wasekhaya lapho ukuhweba kwaloluhlobo noma ukuqhakambisa noma ukuletha, noma ukulethela noma ukwakhela ukudayisa kudala isimo esiyingozi kulowomgwaqo wasekhaya.
- (2) Noma isiphi isikhulu soMnyango, noma ngubani ogunyazwe ngokulotshiwe nguNgqongqoshe noma ogunyazwe phansi kwanoma imuphi umthethi ukuba ahlenge izithuthi emgwaqweni wesifunda, singacela noma imuphi umuntu osolalalayo ngezizathu ezamukelekile ukuthi waphula umthetho phansi kwesahlukwana (1), ukuba azeve leyomvume ebhaliwe, kuthi uma ehluleka —

- (a) sicele igama lakhe eliphelele, inombolo kamazisi, ikheli lakhe lapho ehlala khona kuhlalene ncingo lukathelelweni lwakhe, nanoma iluphi olunye ulwazi oluqondene nokutholakala kwakhe; futhi
- (b) aphoqo lomuntu ukuthi agadluze izimpahla zakhe noma amemuke lezo zimpahla ngendlela ehambelanayo nesahlukwana (1), kuxube nesakhiwo noma netende, noma isithuthi noma yiningi enye into eqondene nokwaphula umthetho.

Indima IV

Intuthuko ethintana nomgwaqo osemqoka kanye nowesigodi

Izinhlelo zentuthuko

- 19. (1) Umnyango onesibopho ozokwenza amalungiselelo ohlelo lwentuthuko phansi kwesahluko 26(1) somthetho i-KwaZulu-Natal Planning and Development Act, 1998, uyokwenza isaziso ngezinhloso zakhe ngendlela eqaguliwe kuNgqongqoshe.
- (2) Noma iluphi uhlelo lwentuthuko olulungiswe phansi kwesahluko 25 somthetho i-KwaZulu-Natal Planning and Development Act, 1998 —
 - (a) siyombandakanya uhlelo lwezokuthutha; futhi
 - (b) siyocacisa kabanzi ukuthinteka kohlelo lwentuthuko emphambweni wemigwaqo yesifunda.
- (3) Uhlelo lwentuthuko olulungiswe ngumnyango onesibopho phansi kwesahluko 25 somthetho i-KwaZulu-Natal Planning and Development Act, 1998, uyo —
 - (a) kwethulwa kuNgqongqoshe phambi kokuba uhlelo lwentuthuko luvunywe njengoba kuhlosiwe emthethweni i-KwaZulu-Natal Planning and Development Act, 1998; futhi
 - (b) cutshungulwa nguNgqongqoshe okuyothi phakathi kwezinsuku ezingamashumi amabili nesishiyagalombili a —
 - (i) vume noma achithe uhlelo lwentuthuko; noma
 - (ii) thule esakhe isinqumo esibhaliwe nanoma ikuphi okunye ukuhlatswa kohlelo lwentuthuko, lesosethulo esibhaliwe singambandakanya izinkomba ukuba kuhanjisiwane nomgomo womphambo wemigwaqo yesifunda, izindinganiso, izinkambiso kanye nemiqolo, kuNgqongqoshe oqondene ukuze kuphathwe umthetho i-KwaZulu-Natal Planning and Development Act, 1998.
- (4) Umnyango onesibopho eSifundeni ogunyazwe ngokubophezeleka ohlelweni lwentuthuko phansi kwesahluko 25 somthetho i-KwaZulu-Natal Planning and Development Act, 1998, avume noma iluphi uhlelo lwentuthuko —
 - (a) ngaphambi kokuba kuphele izinsuku ezingamashumi amabili nesishiyagalombili njengokwesahlukwana (3)(b); noma
 - (b) uma singqubuzana nemiyalelo kaNgqongqoshe njengokwenhloso yesahlukwana (3)(b)(ii) kuze kufike ezingeni lapho imiyalelo kaNgqongqoshe iguqulwa khona iBandla Lokudlulisela Izikhalo phansi kwesahlukwana (5).
- (5) Uma umnyango onesibopho uphazamisekile yinoma isiphi isinqumo sikaNgqongqoshe mayelana nohlelo ololudwa lwentuthuko noma ngaphezulu, lowomnyango onesibopho ungadlulisela isikhalo sawo ngesinqumo sikaNgqongqoshe eBandleni Lokudlulisela Izikhalo phakathi kwesikhathi nangendlela okuqagulwe ngayo emthethweni i-KwaZulu-Natal Planning and Development Act, 1998.

Ukunqindeka Kokuhlukahlukanisa Umhlaba

- 20. (1) Noma imuphi umnyango onesibopho eSifundeni ogunyazwe ngokubophezeleka ukuba ucubungule isicelo sokuhlukahlukaniswa komhlaba uyokhipha isaziso esibhaliwe esiya kuNgqongqoshe mayelana nalesosicelo sokuhlukahlukaniswa esiqondene umhlaba oncikene nanoma imuphi umgwaqo wesifunda futhi phansi kwebanga elingamagxathu angamakhulu amahlanu kusuka lapho kuhlalana khona umgwaqo wesifunda kanye nanoma imuphi umgwaqo womphakathi.
- (2) UNgqongqoshe kuyothi phakathi kwezinsuku ezingamashumi amabili nesishiyagalolunye —
 - (a) avume noma achithe isicelo sokwahlukahlukanisa esethulwe phansi kwesahlukwana (1); futhi
 - (b) ethule esakhe isinqumo esibhaliwe nanoma ikuphi okunye ukuhlatswa kwesicelo sokwahlukahlukanisa, kumbandakanyeka izinkomba nezimo zokuba kuhanjisiwane nomgomo womphambo wemigwaqo yesifunda, emnyangweni onesibopho njengogunyazwa umthetho eSifundeni wokubophezeleka ekucubunguleni isicelo sokwahlukahlukanisa.
- (3) Umnyango onesibopho eSifundeni ogunyazwe ngokubophezeleka ukuba ucubungule izicelo zokwahlukahlukanisa ngeke uvume noma isiphi isicelo sokwahlukahlukanisa —
 - (a) ngaphambi kokuba kuphele izinsuku ezingamashumi amabili nesishiyagalombili njengokwesahlukwana (2); noma
 - (b) uma singqubuzana nemiyalelo nezimo zikaNgqongqoshe njengokwenhloso yesahlukwana (2)(b) ngaphandle uma kuze kufike ezingeni lapho imiyalelo kaNgqongqoshe iguqulwa khona iBandla Lokudlulisela Izikhalo phansi kwesahlukwana (4).
- (4) Uma umnyango onesibopho uphazamisekile yinoma isiphi isinqumo sikaNgqongqoshe mayelana nesicelo sokwahlukahlukanisa, lowomnyango onesibopho ungadlulisela isikhalo sawo ngesinqumo sikaNgqongqoshe eBandleni Lokudlulisela Izikhalo phakathi kwesikhathi nangendlela okuqagulwe ngayo emthethweni i-KwaZulu-Natal Planning and Development Act, 1998.
- (5) UMklami-Jikelele angeke avuma noma uluphi uhlelo olwejoywayekile, futhi umbhalisi wezibopho angeke avumela ukubhaliswa nokunokondiswa kwanoma isiphi isibopho kuze kufike isikhathi lapho aneliswa khona mayelana nomhlaba phansi kwesahlukwana (1), uNgqongqoshe uqinisekisele ukuthi —
 - (a) kuhanjisenwe nemiyalelo esezahlukwaneni (1) kuya ku (3); futhi
 - (b) lapho kwenzekile ukuba udaba ludluliselwe eBandleni Lokudlulisa Izikhalo luxazululiwe udaba.

Izinguquko ngokusetshenziswa komhlaba kanye nezinhloso kwezentuthuko

- 21. (1) Ngale kwemiyalelo yanoma yimuphi omunye umthetho ophikisayo, noma imuphi umnyango onesibopho onamandla okuvuma izinguquko ekusebenziseni umhlaba noma izicelo zentuthuko phansi kwesahluko 34 somthetho i-KwZulu-Natal Planning and Development Act, 1998, futhi othola isicelo sanoma iluphi uguquko ekusebenziseni umhlaba oncikene nomgwaqo wesifunda futhi phakathi kwamagxathu angamakhulu amahlanu kusuka enhlanganweni yomgwaqo wesifunda noma imuphi omunye umgwaqo womphakathi —
 - (a) kuyothi zingakapheli izinsuku eyishumi emva kokwamukela isicelo futhi ngaphambi kokucubungula nokukhipha isinqumo ngesicelo, wethule isicelo kuNgqongqoshe ukuze acubungule isigqi saso emsebenzini wemigwaqo yesifunda kanye nezinhlelo zokuthutha nemisebenzi; futhi
 - (b) aqinisekise ukuthi leso sicelo sinolwazi oluphelele ukuze uNgqongqoshe acubungule bese eqagula isigqi sesicelo engwaqweni wesifunda kanye nemisebenzi yezokuthutha.
- (2) UNgqongqoshe kuyothi phakathi kwezinsuku ezingamashumi amabili nesishiyagalolunye —
 - (a) avume noma achithe isicelo sokuguqula ukusebenzisa umhlaba noma isicelo sentuthuko esethulwe phansi kwesahlukwana (1); futhi
 - (b) ethule esakhe isinqumo esibhaliwe nanoma ikuphi okunye ukuhlatswa kwesicelo sokuguqula ukusebenzisa umhlaba noma isiphi isicelo sentuthuko, kumbandakanyeka izinkomba nezimo zokuba kuhanjisiwane nomgomo womphambo wemigwaqo yesifunda, emnyangweni onesibopho njengogunyazwa umthetho eSifundeni wokubophezeleka ekucubunguleni isicelo sokuguqula ukusebenzisa umhlaba noma isicelo sentuthuko.

- (3) Umnyango onesibopho eSifundeni ogunyazwe ngokubophezeleka ukuba ucubungule izicelo zokuguqula ukusebenzisa umhlaba noma isicelo sentuthuko ngeke uvume noma isiphi isicelo —
- (a) ngaphambi kokuba kuphele izinsuku ezingamashumi amabili nesishiyagalombili njengokwesahlukwana (2); noma
- (b) uma singqubuzana nemiyalelo nezimo zikaNgqongqoshe njengokwenhloso yesahlukwana (2)(b) ngaphandle uma kuze kufike ezingeni lapho imiyalelo kaNgqongqoshe iguqulwa khona iBandla Lokudlulisela Izikhalo phansi kwesahlukwana (4).
- (4) Uma umnyango onesibopho uphazamisekile yinoma isiphi isinqumo sikaNgqongqoshe mayelana nesicelo sokuguqula ukusebenzisa umhlaba noma isicelo sentuthuko, lowomnyango onesibopho ungadlulisela isikhalo sawo ngesinqumo sikaNgqongqoshe eBandleni Lokudlulisela Izikhalo phakathi kwesikhathi nangendlela okuqagulwe ngayo emthethweni i-KwaZulu-Natal Planning and Development Act, 1998.
- (5) Ngale kwanoma yini ephikisanayo nomphako phansi kwe-Deeds Registries Act, ka-1937 (Act No.47 ka 1937), noma iziphi izimiso ezobekwe njengokwemiyalelo yesisahlukwana (2)(b) ziyobhaliswa noma zinokondiswe esivumelwaneni sobunini.
- (6) Ngale kwanoma yimuphi umphako ophambanayo nokuphansi kwe-Deeds Registries Act, ka-1937 (Act No.47 ka 1937), noma imuphi omunye umthetho, umbhalisi wesibopho angase ngemvume ebhaliwe kaNgqongqoshe, asule noma yimuphi umbandela okungenxa yesahlukwana (5) ujtshelwele esiboshweni sokudlulisela noma sigxivizwe kuso isibopho sokuba ngumnikazi.

Ukuchibiyela, ukuchitha kanye nokuphelelwa isikhathi kwezicelo zentuthuko

22. (1) Noma isiphi isichibiyelo noma ukuchithwa kwesicelo esivunyiwe sentuthuko njengokuhloswe ezahlukeni 19, 20 no 21 siyothulwa kuNgqongqoshe ngumnyango onesibopho futhi isichibiyelo noma ukuchithwa ngeke kusebenze ngaphandle kwemvume ebhaliwe nguNgqongqoshe.
- (2) Akukho zinyathelo ezihloswe phansi kwesicelo sentuthuko eziyothathwa emuva kweminyaka emibili kusuka osukwini okwanikwa ngalo imvume ngaphandle kokuba kwethulwe isicelo ukuba sicutshungulwe kabusha nguNgqongqoshe phansi kwezahlukeni 19, 20 no 21.

Ukukhululeka emthethweni

23. (1) UNgqongqoshe, uma kufakwe isicelo kuyena ngendlela elawuliwe, angakhulula emthethweni noma imuphi umnyango onesibopho kuzo znke noma ingxenye yezahlukeni 19, 20 no 21.
- (2) UNgqongqoshe angakuhoxisa ukukhulula njengokwenhloso esahlukwaneni (1).
- (3) UNgqongqoshe, ngaphambi kokuba akhulule noma ahoxise ukukhulula, phansi kwezahlukeni (1) no (2), azeze inhloso yakhe yokwenzenjalo ngokuyishicilela kwiGazethi.
- (4) Ekukhululeni nasekuhoxiseni ukukhulula phansi kwalesisahluko, uNgqongqoshe angaqagula noma imiphi imibandela acabanga ukuthi ifanele.
- (5) Noma imuphi umnyango onesibopho noma umuntu ophazamisekile ngesinqumo sikaNgqongqoshe ukukhulula, ukwenqaba noma ukuhoxisa ukukhulula phansi kwalesisahluko, noma ukuqagula noma imuphi umbandela, angadlulisela udaba eBandleni Lokudlulisela Izikhalo.

Indima V

Ukuphatha nokuqondisa okuhambelana nezindawo zokuphumula imfuyo

Ukunquma kanye nokuhoxisa isinqumo ngendawo yokuphumula

24. UNgqongqoshe angase, ngesaziso kwiGazethi, anqume ukuthi umhlaba oncikene nomgwaqo womphakathi ungaba noma ungayeka ukuba indawo yokuphumula imfuyo

UNgqongqoshe ngokungahlawulisiwa

25. UNgqongqoshe angehlawulise ngokulahlekelwa noma umonakalo ngenxa yokubakhona nokusebenzisa indawo yokuphumula imfuyo ngaphandle uma ukulahlekelwa noma umonakalo wenziwe ubudedengu benhloso noma ukungenzi okuthile kwesikhulu esimele uMnyango.

Ukwenqabela kokuhamba kwemfuyo emigwaqweni yomphakathi

26. UNgqongqoshe angase, ngenxa yesaziso kwiGazethi anqabele noma angavumeli ukuhanjiswa kwemfuyo kunoma umuphi umgwaqo womphakathi njengokubona kwakhe kulesosaziso.

Ukuboshwa kwemfuyo engumhlambikazalusile

27. UNgqongqoshe angase, lapho abanikazi behlulekile ukususa imfuyo engumhlambi kazalusile emigwaqweni wesifunda noma umgwaqo olondolozwe, adle imfuyo phansi kwakunoma yimuphi umthetho osebenzayo.

Indima VI

Ukwemuka

Ukuzuza nokwemuka komhlaba, izinto eziphezu kwawo noma kuwo kanye nelungelo lokusebenzisa umhlaba okwesikhashana

28. (1) UNgqongqoshe angase ngokuvumelana nomnini womhlaba ngaphandle kokubalekela emthethweni i-Expropriation Act, 1975 (Act No. 63 of 1975), noma phansi komthetho i-Expropriation Act, 1975 (Act No. 63 of 1975) akhokhe isinxephezelo —
- (a) ukwemuka umhlaba ukuze kwakhiwe noma imuphi umgwaqo wesifunda, imisebenzi noma isiphi isizathu mayelana nomgwaqo wesifunda kumbandakanya kodwa kungahlongi umgwaqo oyintuba, ukuzuza, imayini, ukusebenza uhlalwane, amatshe, isihlabathi, ibumba, amanzi noma yini nje efunekayo esakhiweni semigwaqo, indawo yokuhlala yabasebenza emigwaqweni kanye nendawo yokugcina kulondolozwe izithuthi, imishini, impahla, amathuluzi, inqolobane kanye nezinto;
- (b) ukuthatha uhlalwane amatshe, isihlabathi, ibumba, amanzi noma yini nje efunekayo esakhiweni semigwaqo emhlabeni ukuze kwakhiwe futhi kulondolozwe umgwaqo wesifunda ngokwemisebenzi nezinhloso ezibalulwe esahlukwaneni (a); futhi
- (c) ukusebenzisa umhlaba okwesikhashana noma ngabe yisiphi isizathu esingenza uNgqongqoshe engase emuke umhlaba onjalo.
- (2) UNgqongqoshe angase, ngokubona kwakhe ngaphandle kokukhona phansi kwaloMthetho, agunyaze ngokuthambisela ngokulinganayo ukukhokhela imali eyokhonjwa nguyena lapho kungenakuhlululisa noma kungenakukhokhela, uma uNgqongqoshe ebona ukuthi kungali-maleka kakhulu noma kungenzeka kulimaleke kakhulu ngenxa yamandla angasetshenziswa uma bokulimazeka ngesikhathi kwemuka umhlaba.
- (3) Uma noma ngumuphi umhlaba ohlukanisiwe noma uzohlukani ngenlela yokuthi ngokubona kukaNgqongqoshe, lowomhlaba noma ingxenye yawo awunanzuzo noma ngeke ube nanzuzo kumniniwo, uNgqongqoshe uyowudla lowomhlaba noma ingxenye yawo ethintekayo.

Indima VII

Ukususwa kwezinto emhlabeni kanye nesinxephezelo

Ukususwa kwezinto emhlabeni kanye nesinxephezelo

29. (1) Ngaphansi kwemiyalelo ye-Minerals Act, 1991 (Act No.50 of 1991) kanye nesahlukwana (2), uNgqongqoshe angahlwaya futhi atape isihlabathi, amatshe, amadwala, uhlalwane, ibumba, inhlabathi kanye nezinye izinto zomhlaba emhlabeni ukuze kwakhiwe futhi kulondolozwe imigwaqo.

- (2) Umnini noma umhlali emhlabeni lapho kuzotatshwa khona isihlabathi, amatshe, amadwala, uhlahwane, ubumba, inhlabathi noma ezinye izinto zomhlaba uyoba sesimweni sokuba anxeshezwe.

Indima VIII

Ukuzuzwa komhlaba nokugunyaza umnyango onesibopho noma umasipala

Ukuzuzwa komhlaba nokugunyaza umnyango onesibopho noma umasipala

30. (1) UNgqongqoshe angase, ngenhloso yokuba kuvuleke intuba evela kunoma yimuphi umhlaba ngenele emgwaqweni wesifunda, athathe ingxalenye yalomhlaba kangangoba idingeka ukuze kufezeke lenhloso.
- (2) Imiyalelo yesahluko 28 yaloMthetho iyosebenza uma kwemukwa umhlaba noma uthathwa ngendlela ephansi kwemiyalelo yesahlukwana (1).
- (3) Umhlaba omukelwe nguNgqongqoshe ngaphansi kwemiyalelo yesahlukwana (1) emhlabeni ongaphansi kwesandla somnyango onesibopho noma sikamasipala kuyothi, ngelanga eliyokokwa nguNgqongqoshe, ubesezandleleni zomnyango onesibopho noma zikamasipala.
- (4) Ngenxa yezinhloso zesahlukwana (3), uNgqongqoshe uyokwazisa umnyango onesibopho noma umasipala ngokudlulisela okuhlongozwayo komhlaba kuthi ngalesosokhathi ethule ipulani yomgwaqo kanye nentuba ehlongozwayo eya emgwaqweni wesifunda kumnyango onesibopho noma umasipala.

Indima X

Umgwaqo umphakathi onelungelo kuyo

Umgwaqo umphakathi onelungelo kuwo

31. (1) Umgwaqo umphakathi onelungelo kuwo —
- (a) uyobhaliswa nguNgqongqoshe ngokwemiyalelo yaloMthetho; futhi
- (b) uyoba nentuba emukelekile eya emgwaqweni womphakathi noma iziphi ezinye izindawo zomphakathi zokungebeleka.
- (2) Umnyango onesibopho, umasipala noma umuntu nje ofaka isicelo sokubhalisa noma sokuhoxisa ukubhalisa somgwaqo umphakathi onelungelo kuwo uyokhokha zonke izindleko eziqondene nalokhu, futhi uyokwethula —
- (a) isiqinisekiso sokuthi ubonisene nemiphakathi ethintekile; futhi
- (b) isicelo ephepheni elisemthethweni, kuNgqongqoshe, ongasivuma noma asenqabe isicelo futhi osinqumo sakhe siyoba ngumnqamula juqu.
- (3) Nangaphandle kokungabi khona kwesicelo esihlongozwa esahlukwaneni (2), uNgqongqoshe, emuva kokubonisana nomnini noma umhlali emhlabeni kanye nomphakathi othintekile, angawubhalisa noma ahoxise ukuwubhalisa umgwaqo umphakathi onelungelo kuwo phansi yaloMthetho.
- (4) UNgqongqoshe uyogcina uhla lwayo yonke imigwaqo imiphakathi onelungelo kuyo ebhaliswe phansi kwesahlukwana (1)(a) kanti loluhla luyobandakanya isidlangaleni ukuze umphakathi ulucubungule ngezikhathi zokusebenza.
- (5) Noma ngubani ovala umgwaqo umphakathi onelungelo kuwo obhalisiwe ngaphandle kwemvume ebhaliwe evela kuNgqongqoshe uyakubhaliswa icala.

Indima X

Ukuxhoma izaziso zohwebo emigwaqweni yesifunda

Ukwenqatshelwa kwezimemezelo ezithile zohwebo phezu noma eceleni kwemigwaqo yesifunda

32. (1) Kusukela emiphakweni yesahlukwana (2) akuyokuba khona muntu oyoxhoma —
- (a) isaziso sohwebo emgwaqweni osemqoka noma avumele ukuba sixhonywe ngaphandle uma sixhonywe ngendlela yemibandela yemvume ebhaliwe nguNgqongqoshe noma phansi kwemiyalelo kwesahlukwana (2); noma
- (b) isaziso sohwebo ngaphakathi kwamagxathu angamakhulu amahlanu futhi esibonakalayo uma umuntu esemgwaqweni osemqoka, noma avumele lesa saziso ukuba sixhonywe.
- (2) Imiphako phansi kwesahlukwana (1) ngeke isebenze uma kuxhonywa noma isiphi isaziso sohwebo esinokufunekayo, noma nenkambo, ehambelelana nobunjalo nengqikithi nobungako besaziso sohwebo, noma isikhathi, indawo noma indlela esixhonywe ngayo.
- (3) Noma ubani oxhome isaziso sohwebo noma evume ukuba sixhonywe okuphikisana nemiyalelo yesahlukwana (1), uma uNgqongqoshe enqume ngesaziso esibhaliwe ukwenza lokhu, uyokwethula lesosaziso esikhathini esiqagulwe esazisweni esingayoba ngaphansi kwezinsuku eziyishumi nane.
- (4) (a) Njengokuyalela kwemiphako yesahlukwana (b), uNgqongqoshe angase agudluze noma akhiphe isinqumo sokugudluza noma isiphaziso isaziso sohwebo esikhonjwe ngekhono likaNgqongqoshe phansi kwesahlukwana (3), kufuneka sigudluzwe esingagudluzwanga ngekhono esikhonjwe, nokuthi kukhokhiswe obesixhomile ngomsebenzi wokugudluzwa noma obevume ukuba sixhonywe.
- (b) UNgqongqoshe angase noma ingasiphi isikhathi agudluze isaziso sohwebo esixhonywe emgwaqweni osemqoka noma wesigodi esiphikisana nemiphako yesahlukwana (1), ngaphandle kokuqala ngokukhipha isinqumo sokugudluzwa phansi kwesahlukwana (3), futhi angasafune izindleko ngemali esetshenziswe kugudluzwa lesa saziso kulowomuntu obesixhomile lesosaziso noma obevume ukuthi asixhonywe.
- (5) Lapho isaziso sohwebo sidale isimo esiyingozi emgwaqweni wesigodi noma umgwaqo wasekhaya noma eceleni kwayo, uNgqongqoshe angasebenzisa izahlukwana (1) kuya ku (4), zihlangene, ukuphatha ngokusemthethweni izaziso zohwebo ezisemgwaqweni wesigodi noma umgwaqo wasekhaya noma eceleni kwayo.
- (6) Ngenhloso yalesisahluko, ngaphandle uma kukhona okuphikisana naso kufakazekile —
- (a) isaziso sohwebo siyothathwa njengesixhonyiwe —
- (i) yilowo muntu osiphakamisile noma obangele ukuthi sibonakale; noma
- (ii) uma isaziso sohwebo sihambelelana nokudayiswayo noma okukhiqizwayo ngumuntu othile noma maqondana nokusizakala kulowo muntu othile, noma ibhizinisi eliswe umuntu othile ngekhono lakhe;
- (b) isaziso phakathi kwamagxathu angamakhulu amahlanu kusuka futhi sibonakalayo uma usemgwaqweni osemqoka siyothathwa njengesaziso esivele sixhonyiwe amava kokuba loMthetho uqale ukusebenza, ngale uma kukhona okuphikisa lokhu; futhi
- (c) umuntu ongumnikazi womhlaba noma ongumhlali emhlabeni lapho kuxhonywe khona isaziso esibonakalayo uma usemgwaqweni osemqoka, noma lapho lesisaziso sikhona esenziwe busha noma sakhandwa, futhi umakhi wanoma iluphi udaba noma umnini bhizinisi noma umsebenzi othile lowo isaziso esikhuluma ngawo noma omele umakhi noma umnini, kuyothatheka sengathi, ngaphandle umakhi kukhona okuphikisayo okuvelayo, ukuthi nguyena oxhome isaziso noma odale ukuthi sibekhona noma senziwe busha, sigcinwe futhi sakhandwe noma ukuvumela ukuthi sixhonywe, sibe khona, senziwe busha noma sakhandwe.

Imvume yokukhombisa izimemezelo zohwebo

33. UNgqongqoshe angavuma noma anqabe noma iyiphi imvume imvume phansi kwesahluko 32(1)(a) esicelweni esifakwe ngunoma ngumuphi umuntu, futhi uma uNgqongqoshe evuma nemvume angase, phansi komtheshwana ethile osebenzayo, abeke imigomo ethile isaziso sokukhangisa sohwebo esibekwa phansi kwayo nokuthi sivumelane nayo, ubude besikhathi imvume ezosebenza ngaso, indlela, indawo kanye nezimo kanye nemibandela ephathelene nesaziso esingaxhonywa ngayo, futhi uNgqongqoshe angayiguqula futhi ayihoxise noma ngasiphi isikhathi imvume.

Indima XI**Izibopho ngokuvikela imvelo****Umgomo ngokuvikela imvelo**

34. UNgqongqoshe uyophatha ngokwemitheshwana imisebenzi yoMnyango uyokwenza ngendlela enokunciphisa ithuba lesakhiwo sengqalasizinda yezokuthutha kanti imisebenzi eqondene nemvelo, lapho kuvumelekile, uyoshaya imitheshwana ephathelene nengqalasizinda yezokuthutha kanye nemisebenzi ukufinyelela kulempokophelo.

Izibopho ngokuvikela imvelo

35. Ukuphathwa ukuvikeleka kwemvelo kuyokhubeka nokuba ingxenye ngokuphelele yokuhlela, ukwakha, ukusebenza kanye nokulondolozwa komphambo wemigwaqo yesifunda kanye nengqalasizinda nemisebenzi yoMnyango eSifundeni sonkana.

Umbiko wokuhlola ukuvikeleka kwemvelo

36. UMnyango ungase udinge noma wenzele amathuba amahle ukuhlola ithuba lokuvikela imvelo uma kwakhiwa futhi kulondolozwa ingqalasizinda yezokuthutha yesifunda kanye nemisebenzi.

Indima XII**Ukubamba iqhaza komphakathi, imigwamanda yokweluleka neyobungcweti****Ukubamba Iqhaza Komphakathi**

37. UMnyango uzinikele ukubamba iqhaza nomphakathi kanye nasekuvulekeni ekuthuthukiseni nasekusebenziseni umphambo wemigwaqo yesifunda.

Imigwamanda yokweluleka

38. (1) UNgqongqoshe angase, ngezikhathi ngezikhathi, asungule noma ayeke ukusungula imigwamanda yokweluleka noma yobungcweti, kumbandakanya kepha kungahlongi —
- amakomidi okweluleka;
 - imigwamanda (amabhodi);
 - zigcawu; kanye
 - namanye amakomidi namaqembu okucebisana.
- (2) Ubulunga emigwamandeni ehlongozwa esahlukwaneni (1) buyoba obumele iSifunda, indlela yokuqokwa kwawo noma ukukhethwa buye ngezidingo zomigwamanda lowo kanye nesidongo sokulungisa isimo esingalingani sakudala.
- (3) Uma kusungulwa umigwamanda wokweluleka noma wongcweti njengoba kuhlongozwe esahlukwaneni (1), uNgqongqoshe —
- uyoqagula inani lamalunga alowomigwamanda nendlela amalunga lawo ayoqokwa futhi akhethwe ngayo;
 - uyobeka isikhathi sawo emsebenzini wawo, lokhu kuye ngokuthi ukukhethelwa ubulunga isikhathi esevile enyakeni owodwa siyokwenziwa ngendlela yokushintshisana namanye amalunga ukuze kusetshenzwe ngendlela yokuqhubekela phambili; futhi
 - uyoqagula indlela yokusebenza nokuthi leyobhodi iyobakhona isikhathi esingakanani.
- (4) Ngale kwemiyalelo yesahlukwana (3), uNgqongqoshe angase ngesizathu esihle esibekwayo nangasiphi isikhathi aqede ubulunga belunga lomigwamanda osungulwe ngaphansi kwemiyalelo yesahlukwana (1).
- (5) Umigwamanda ngamunye njengokuhloswe esahlukwaneni (1) —
- uyogcina ugodle amaminithi emihlangano yawo;
 - uyokwethula imibiko yonyaka ngemisebenzi esiyezayo kuNgqongqoshe; futhi
 - uyokwethula leyonibiko kanye nama-return engadingwa nguNgqongqoshe ngezikhathi ezahlukeni.
- (6) UNgqongqoshe kungathi ngezikhathi ezithile futhi esexoxisene nelunga leSigungu Esikhulu umsebenzi walo ombandakanya ukuphathwa kwezimali, aqagule izizathu zokuba amalunga njengokwezinhloso zesigatshana (1) zingathola khona isinxephezelo ezidingekile ngokusebenzisa imali yawo, lokhu kuye ngokuthi kungenzeka yini ukuba ezinye izizathu zingaqagulwa zezinye izigcawu, amalunga nemikhakha yamalunga.

Isinqumo esigunyaza izinhloso nokuphikisana kwezinhloso ngamalunga emigwamanda yokweluleka neyobungcweti esungulwe nguNgqongqoshe

39. (1) Akukho lungu lanoma imuphi umigwamanda wokweluleka noma wobungcweti elibekwe nguNgqongqoshe elingase lisebenzise isikhundla salo ukuze licebise noma kwezinye izinto kunjalo nje ngaphandle kokuphelela ekugculiseni izinhloso zalo, nenkampani noma yena nje uqobo lwakhe, amalunga emigwamanda yokweluleka noma yobungcweti abophezelekile ukumela futhi abheke izinhloso zoMnyango, iSifunda kanye nezigcawu zawo.
- (2) Wonke amalunga emigwamanda okweluleka nawobungcweti aqokwe nguNgqongqoshe phansi kwalomthetho kuyofuneka ukuthi phakathi kwezinsuku ezingamashumi amathathu ekhethiwe, ethule isinqumo esibhaliwe maqondana nezimali nezinhloso ezingaseziphikisane nomsebenzi abathunywe wona, lapho kuyocaciswa khona ngolwazi lokuthi lawo amalunga ethula umbiko obhaliwe ake alahlwa yini amacala obugebengu.
- (3) Isitatimende esifungelwe maqondana nezimali kanye nezinye izinhloso kulelo nalelolu luma lomigwamanda lokweluleka noma lobungcweti eliqokwe nguNgqongqoshe kufuneka sixube nomlando esikhathini esibonakalayo esidlule nakwelizayo ngezinye izinhloso zalo mayelana nezokuthutha, imigwaqo kanye nemiphako yokugculisa ngezokuthutha umphakathi.
- (4) Isitatimende esifungelwe esikhombisa inhloso siyombandakanya zonke izinhloso mayelana nokuthutha umphakathi ngesithuthi, izithuthi zomphakathi, ukwakha nokulondolozwa imigwaqo kanye nokuletha impahla eMnyangweni.
- (5) Uma kukhona okuguqukayo ezimalini nasezinhlosweni zelunga lomigwamanda wokweluleka noma wobungcweti elikhethwe nguNgqongqoshe ngenkathi lisehlalweni, ilunga kudingeke ukuba lethule umbiko obhaliwe otshengisa lenguquko nezinhloso mayelana nomphambo wemigwaqo yesifunda kanye nesimo sezokuthutha.
- (6) Noma yisiphi isaziso esibhaliwe senguquko ngezimali kanye nezinhloso esixabana nomphambo wemigwaqo yesifunda kumele wethulwe kuNgqongqoshe phakathi kwezinsuku eziyishumi kusukela kubekhona uguquko ezimalini nasezinhlosweni.
- (7) UNgqongqoshe angakuhoxisa ukuqokwa kwanoma iliphi ilunga lomigwamanda lokweluleka noma lobungcweti uma ilunga lehluleka

ukwethula umbiko odingekayo mayelana nezinhlalo noma ilunga elihlekayo ukuqwashisa uNgqongqoshe ngenguquko yezimali neyehloso ephathelene nomphambo wemigwaqo yesifunda.

Indima XIII

Ukuhlola

Ukuhlolwa kwempahla

40. (1) Uma noma imuphi umhlaba womuntu ufuneka noma kudingakala ukuba usetshenziswe okwesikhashana ngenxa yesidingo somphakathi, uNgqongqoshe angase —
- (a) ukuze kube nesiqinisekiso ngokuthi noma imuphi umhlaba ulungele na ukusetshenziswa noma ngendlela olungele ukusetshenziselwa yona, nokuthi ungase ubize malini, agunyaze noma imuphi umuntu ukuba —
 - (i) angene kunoma imuphi umhlaba omhlaba nabasebenzi abafanele, impahla kanye nezithuthi;
 - (ii) aklame futhi ahlale isimo sendawo kanye nezinga lomhlaba;
 - (iii) ambe nokuphehla amanzi phezu noma emhlabeni;
 - (iv) akhe nokulondoloza nokukala ukuthi ukhona yini umfula noma umfudlana;
 - (v) ukuthi kungase kungeneke yini kulomhlaba nokuthola intuba yokungena nokunqamula kunoma imuphi omunye umhlaba, nabasebenzi abafanele, impahla kanye nezithuthi; kanye
 - (b) ukugunyaza noma imuphi umuntu ukuba adabule imingcele yanoma imuphi umhlaba odingekela izinhloso noma ukusetshenziselwa izinhloso ezisesahlukwaneni (a),
- lokhu kuye ngokuthi lowo muntu ngeke, ngaphandle kwemvume yomnikazi womhlaba noma umhlali kuwo, angene kunoma isiphi isakhiwo noma angene kunoma iliphi igceke elibiyelwe noma isivande esixhumene nanoma isiphi isakhiwo, ngaphandle kokuba enikeze umnikazi noma umhlali isikhathi okungenani esingamahora angamashumi amabili nane kusukela kuphume isaziso senhloso yakhe yokwenza njalo.
- (2) Uma kukhona umonakalo ovelile ngenxa yokusetshenziswa kwamandla ngokwesahlukwana (1), uNgqongqoshe uyokhokha isinxephezelu esamukelekile noma alungise umonakalo.

Imigudu yokuhlola elandelwayo yokwalusa

41. (1) UNgqongqoshe angase agunyaze noma ubani osebenza phansi koMnyango ukuba noma umbambeli woMnyango njengesikhulu ukuba enze ukuhlola ngenhloso yokwenza yonke imisebenzi ehlongozwa kuloMthetho.
- (2) UNgqongqoshe uyonikeza noma isiphi isikhulu esigunyaziwe incwadi yesigunyazo echaza ngokugunyazwa kwesikhulu ukuba sihlale kanye nenhloso yokuhlola, kumbandakanya kepha kungahlongi —
- (a) ukuhlola umhlaba noma amagecke njengokuyalela phansi kwaloMthetho;
 - (b) ukuklama umhlaba namagecke njengokuyalela phansi kwaloMthetho;
 - (c) ukugudluzwa izimpawu kanye nezaziso zohwebo njengokuyalela kwaloMthetho;
 - (d) ukugudluzwa izakhiwo njengokuyalela kwaloMthetho;
 - (e) ukukhwesha noma ubani okhona emhlabeni nasemageckeni endawo ehlolelwayo phansi kwaloMthetho;
 - (f) ukukhwesha noma ubani umuntu isikhulu esinikwe amandla okuhlola esikholwa ukuthi obonakala unolwazi oludingekayo ngokwezokuhlola;
 - (g) ukuhlola kwanoma imuphi umqingo ongase utholakale ofunekayo ngokugcina nokulondoloza noma imuphi umthetho noma ohambelana nokuhlola;
 - (h) "ukukopela" noma yimuphi umqingo ohambelana nesigaba (g) noma uma kufuneka kuthathwe lokho okwesikhashana ukuze kunyonkelwe; nokuthi
 - (i) ukuthatha "amasampula" anoma yini chambelana nokuhlola.
- (3) Isikhulu esigunyaziwe esigudluzwa noma yini ngaphandle kokuhlongozwe phansi kwesahlukwana (2)(i) emhlabeni noma emageckeni ahlolwayo kufuneka ukuthi —
- (a) sikhipe ilisidi laleyonto siyinine umnikazi noma ophethe indawo leyo ehlolelwayo; futhi
 - (b) sibuyisele esikuthathile ngokushesha emva nje kokuthi sesiqede ukukusebenzisa.

Amacala

42. Kuyicala kunoma ubani —
- (a) ukwenqabela isikhulu esigunyaziwe ukungena emhlabeni noma emageckeni lapho ogunyaziwe eyicelile khona imvume yokungena;
 - (b) ukuvimbela noma ukuphazamisa ogunyaziwe enza umsebenzi athunye wona phansi kwaloMthetho;
 - (c) ukuhluleka noma ukwenqaba ukusiza ogunyaziwe ngolwazi oludingekayo ukuthi asize ngalo phansi kwaloMthetho;
 - (d) ukunikela kogunyaziwe ngamabomu ulwazi olungesilo iqiniso noma oluphambukisayo;
 - (e) ukwalela ngaphandle komthetho umnikazi noma umhlali wanoma yimuphi umhlaba, noma amagecke noma umuntu osebenzela umnikazi womhlaba ukuthi angene emhlabeni noma emageckeni ukuze ahambisane nezidingo zaloMthetho;
 - (f) ukuzenza isikhulu esigunyaziwe;
 - (g) ngaphandle kwesigunyazo, ukungena noma ukuhlola umhlaba noma amagecke; noma
 - (h) lowo, othi uma enza noma imuphi umsebenzi noma esebenzisa noma imaphi amandla phansi kwaloMthetho, othola ulwazi maqondana nezi-mali noma namabizini kanoma ubani abe esenikeza lolu lwazi ngokukuthi —
 - (i) kulowo muntu odinga lolu lwazi ukuze enze umsebenzi wakhe noma asebenzise amandla ngokuvumelana naloMthetho;
 - (ii) uma ukudalula kuyisimiso senkantolo yomthetho; noma
 - (iii) uma ukudalula kuhambelana nanoma yimiphi umphako wanoma imuphi omunye umthetho.

Indima XIV

Ukubuyekeza kwezinqumo zomnyango ngaphakathi eMnyangweni

Ukubuyekeza kwezinqumo zoMnyango ngaphakathi eMnyangweni

43. (1) Noma imuphi umuntu ngaphandle koMnyango ofisa ukuba uNgqongqoshe acubungule bese ekhipha isinqumo kunoma isiphi isinqumo soMnyango esimayelana naloMthetho uyothi, phakathi kwezinsuku ezingashumi amabili naye zokusebenza emuva kwesinqumo soMnyango noma usuku umuntu aze ngalo ngesinqumo, ethule incwadi ebhaliwe kuNgqongqoshe.

- (2) Isethulo esiphathwe esahlukwaneni (1) siyocacisa wonke amaphuzu kanye nawomthetho mayelana nempikiswano kanye nesimo sesixazululo esihlongozwayo.
- (3) UNgqongqoshe angathatha izinyathelo eziyizo ukuphenya noma imaphi noma wonke amaphuzu aphaathelene nempikiswano.
- (4) UNgqongqoshe angagunyaza noma isiphi isikhulu phakathi eMnyangweni ukuba siphenye noma imaphi noma wonke amaphuzu aphaathelene nempikiswano futhi angasihoxisa lesisigunyazo nganoma isiphi isikhathi.
- (5) UNgqongqoshe uyokwethula isinqumo esibhaliwe —
 - (a) eqinisekisa isinqumo sokuqala soMnyango;
 - (b) ehoxisa isinqumo sokuqala soMnyango;
 - (c) echibiyela isinqumo soMnyango; noma
 - (d) eyalela umuntu othule impikiswano esikhulwini esifanele.
- (6) UNgqongqoshe angeke alalele noma akhiphe isinqumo noma iyiphi impikiswano —
 - (a) engento encane futhi engacacisi kahle isimo sesimangalo; noma
 - (b) ebukeya iyicala.
- (7) Lapho umuntu enganelisiwe isinqumo sikaNgqongqoshe phansi kwalesisahluko, lowo muntu uvumelekile ukusebenzisa noma iliphi elinye ikhambi analo mayelana naloMthetho noma imuphi omunye umthetho.

Indima XV

Imitheshwana

Imitheshwana

44. (1) UNgqongqoshe angashaya imitheshwana mayelana nanoma iziphi izinto abona ukuthi zifanele futhi ziyadingeka ukuze kuphathwe ngokuqikelela loMthetho.
- (2) UNgqongqoshe angashaya imitheshwana ehluke phansi kwesahlukwana (1) mayelana nemikhakha ehlukeneyo yemigwaqo yesifunda.
- (3) Imitheshwana eshaywe phansi kwaloMthetho iyoba phansi kwesisekelo yesimiso sokuthi yonke imiphakathi eseSifundeni kumele ifinyelele ngendlela elinganayo emgwaqweni.

Indima XVI

Ukuphathwa Kwemigwaqo Yesifunda Kanye Nokubusa Okuhle

Ukuphathwa kwemigwaqo yesifunda kanye nokubusa okuhle

45. Ukuphathwa komphambo wemigwaqo yesifunda kuyobuswa ngezimiso eziqhakambiswe esahlukweni 195 soMthethosisekelo nanoma imuphi umgomo kazwelonke noma isifunda noma umthetho ophathelene nokubusa okuhle kanye nokukhiqiza iizidingo zomphakathi.

Indima XVII

Ukubophezeleka komnyango

Izimangalo ezibhekene noMnyango

46. Akukho simangalo esiyobhekana noNgqongqoshe mayelana nemigwaqo engeyona imigwaqo yesifunda noma lapho uNgqongqoshe enze umsebenzi wakhe ngendlela yendinganiso eyamukelekile yokwakha kanye nokulondoloza imigwaqo yesifunda.

Ukuvikeleka

47. Lapho uNgqongqoshe egunyaze ukwakhiwa noma ukulondolozwa komgwaqo okungewona umgwaqo wesifunda, umnyango onesibopho noma umasipala bayovikela uMnyango ezimangalweni zonke ezingahlangene nomsebenzi owenziwe nguMnyango noma ongonakalanga ngenhloso nobudedengu noma ukungenzi okuthile ngasohlangothini loMnyango.

Indima XVIII

Amacala nezijeziso

Amacala

48. (1) Noma imuphi umuntu —
 - (a) owaphula noma imuphi umphako waloMthetho, lapho isenzo esifanayo esingakhonjwanga kwenye indawo njengecala;
 - (b) owahluleka ukuvumelana nesaziso esiqondiswe kumuntu phansi kwaloMthetho; noma
 - (c) ovimbela ngamabomu, nokubhodlela noma ukuphazamisa noma ubani othunyiwe yisifunda ukuthi enze into esemthethweni kunoma yimaphi amandla ethweswe wona phansi kwaloMthetho, uyokuba necala lokwaphula umthetho.
- (2) Leyo naleyo nhlawulo ekhonjiwe yakhokhwa ngokuphazamisa noma ukwahluleka ukuvumelana naloMthetho iyokhokhwa esikhwamen i-Provincial Revenue Fund.

Izizeziso

49. Noma imuphi umuntu onecala lokwaphula umthetho phansi kwaloMthetho uyohlawuliswa noma avalelwe ejele isikhathi esingekho ngaphezu kweminyaka emihlanu, noma kokubili ukuhlawuliswa aphinde avalelwe ejele.

Indima XIX

Ukuthunyelwa kwesimemezelolo

Ukuthunyelwa kwesimemezelolo

50. Isaziso esikhishwe phansi kwaloMthetho sabhekiswa kumnikazi noma kumhlali wanoma iyiphi indawo yomuntu angase noma athunyelwe lokho yena kubhekiswe kuye qobo noma kommele noma sithunyelwe —
 - (a) uma kungumnikazi, uyothunyelwa ngencwadi ebhalisiwe, enesitifiketi, ngekheli lomnikazi noma kommele, noma uma lingekho ikheli elaziwayo, ngeposi elibhalisiwe kumhlali, noma uma engekho umhlali, ngokunamathiselwa endaweni yendawo yomnikazi wendawo enjena; noma
 - (b) uma kungumhlali, ngeposi elibhalisiwe noma ngeposi elinesitifiketi ngekheli lakhe noma ngekheli lendawo yakhe noma kowaziwayo ukuthi umele umhlali.

Indima XX

Ukusulwa kwemithetho edlule, imitheshwana kanye nemithetho yesifunda kanye nencazelo yalomthetho

Ukusulwa nokulungiswa kwemithetho kanye nokongiwe

51. (1) Njengaphansi kwemiphako yesiqeshana (2), imithetho ekuphawulwa ngayo phansi kohlelo i-Schedule iyosulwa ngendlela ekhonjwe ohlwini lwesithathu lohlelo.
- (2) Ngaphandle kokusulwa kwemithetho ekhonjwe phansi kwesahlukwana(1) —
- (a) noma yini eyenziwa phansi komthetho onjena engase yenziwe phansi komphako waloMthetho, kuyothathwa ngokuthi yobe yenziwe phansi komphako waloMthetho; futhi
- (b) noma iziphi izinkambo eziqalwe phansi komthetho onjalo, ziyokhutshwa ziphethwe ngokungathi umthetho onjalo awusulwanga, ngaphandle kokuthi izikhalelo ezidluliswe ezisukela lapho ziyakuqhutshwa ngokwemiphako yaloMthetho.
- (3) Lapho kukhona ukungqubuzana phakathi kwaloMthetho nanoma imuphi umthetho ochaphazela imigwaqo yesifunda kanye nokuphathwa kwemigwaqo yesifunda eSifundeni, loMthetho uyosebenza.

Amayeziyezi ngezindikimba ezahluahlukene

52. Lapho kwenzeka ukuba kube namayeziyezi ngezindikimba ezahluahlukene, indikimba yesiNgisi iyona eyosebenza.

Ukubophezeleka kukaHulumeni

53. LoMthetho ubophezelela uhulumeni.

Isihloko esifushane

54. LoMthetho uyobizwa ngokuthi iKwaZulu-Natal Provincial Roads Act, 2000, futhi uyoqala ukusebenza ngosuku oluyomiswa nguNgqongqoshe ngesaziso kwiGazethi; lokhu kuye ngokuthi uNgqongqoshe angaqagula izinsuku ezahluahlukene mayelana nezahloko ezahluahlukene zaloMthetho lapho uNgqongqoshe ebona kufanele ukwenzenjalo.

SCHEDULE

No. and Year of Law	Title or Subject	Extent of Repeal or Amendment
No. 10 of 1968	Roads Ordinance, 1968	The whole.
No. 19 of 1978	Roads Ordinance Amendment, 1978	The whole.
No. 23 of 1981	Roads Ordinance Amendment, 1981	The whole.
No. 11 of 1978	KwaZulu Roads Amendment Act, 1978	The whole.
No. 21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	The whole.
No. 22 of 1944	Advertising on Roads and Ribbon Development Amendment Act, 1944	The whole.
No. 28 of 1952	Advertising on Roads and Ribbon Development Amendment Act, 1952	The whole.
No. 16 of 1962	Advertising on Roads and Ribbon Development Amendment Act, 1962	The whole.
No. 16 of 1966	Advertising on Roads and Ribbon Development Amendment Act, 1966	The whole.
No. 6 of 1976	Advertising on Roads and Ribbons Development Amendment Act, 1976	The whole.
No. 2 of 1979	Advertising on Roads and Ribbon Development Amendment Act, 1979	The whole.
No. 43 of 1985	Advertising on Roads and Ribbon Development Amendment Act, 1985	The whole.

UMBIKO OYINCAZELO NGOMTHETHO-SIVIVINYO WEMIGWAQO YESIFUNDA SAKWAZULU-NATAL

1. Isingeniso

Kunesidingo esiphuthumayo sokuguqula imithetho ebusa ukuqondisa, ukuphatha kanye nokwengamela imigwaqo phakathi kweSifunda saKwaZulu-Natal (iSifunda). Lombiko uhambisana noMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal, ezokwethulwa kuSomlomo wePhalamende yaKwaZulu-Natal.

I-Constitution of Republic of South Africa Act, 1996 (No. 108 of 1996) (uMthethosisekelo) uyalela ngokuthi yonke imithetho eyayisebenza ngokugcwele ngenkathi uMthethosisekelo umiswa iyaqhubeka isebenze ngokugcwele ize ichithiyelwa noma iguqulwe ukuze ihambisane noMthethosisekelo wokucina. Imithetho ekhona okwamanje eyadluliswa ukuba isebenze njengokuyalela komthetho i-Constitution of the Republic of South Africa Act, 1993 (Act No. 200 of 1993) 9uMthethosisekelo Wesikhashana kumele ichithiyelwe ngezindlela ezimbili:

- ngokwezindawo, ukuze usebenze emihlabeni ethize yezifunda; futhi
- ngokuqatha, ukwenza kusebenze amandla esifunda sikukhipha imithetho kanye nemikhakha yesifunda

Uma umthetho ungazange uchibiyelwe noma uchithwe phansi kwemiyalelo yoMthethosisekelo Wesikhashana, lowomthetho uyaqhubeka usebenze kuphela ngokwezindawo kanye nangobuqatha phansi kwemiyalelo yesikhathi sangaphambi koMthethosisekelo Wesikhashana kuze kube uyachithiyelwa phansi kwemiyalelo yoMthethosisekelo wokucina. Kubalulekile ukuba yonke imithetho eqhubekayo nokusebenza phansi koMthethosisekelo Wesikhashana kanye noMthethosisekelo iyaguqulwa ukuze kuvele ithuba lamandla esifunda ngokwezindawo nangobuqatha. Ngokwempela, uHlelo 5A loMthethosisekelo luqagula amandla aphelele esifunda sokushaya imithetho mayelana "nemigwaqo yesifunda kanye nokuhamba emigwaqeni".

Ukuqondisa, ukuphatha kanye nokwengamela kwemigwaqo phansi kwezindawo ezazingaphansi kukahulumeni waKwaZulu kwakungaphansi koHlelo 1 lomthetho i-Self-Governing Constitution Act, 1971 (Act No. 21 of 1971) futhi kwakuphethwe uHulumeni waKwaZulu ongasekho phansi kwemiyalelo yomthetho i-KwaZulu Roads Amendment Act, 1978 (Act No. 11 of 1978). Ukuqondisa, ukuphatha kanye nokwengamela kwemigwaqo phansi kwezindawo ezazingaphansi kweSifunda sase-Natal kwakuphethwe i-Natal Provincial Administration phansi kwemiyalelo yomthetho i-Roads Ordinance, 1968 (Ordinance No. 10 of 1968) kanye neminye imithetho kazwelonke nemitheshwana yesifunda. Kuyafunek ukuba imithetho yemigwaqo yohlelo oludala iguqulwe ukuqalela inguquko, ukwakha kabusha, ukusungula nokuphatha umphambo wemigwaqo yesifunda saKwaZulu-Natal, ukuthuthukisa nokusebenzisa umgomo wesifunda kwezemigwaqo, izinkambiso nezindinganiso kanye nokuguqulwa imithetho ekhona kumanje.

Lombiko uhambisana noMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal. Uchaza ngesidingo sezinhlizwe eziningana ezikuMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal, eziqinisa futhi ziguqule imithetho ekhona okwamanje ephathelene nemigwaqo yeSifunda futhi kuhlolswe ngawo ukubhekana nezidingo zeSifunda mayelana nemigwaqo kanye nokunye okuphathelene nayo.

2. Izimiso

Umthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal uhlinzeka izimiso ezilandelayo:

- ukuthuthukisa kanye nokusebenzisa umgomo wesifunda kwezemigwaqo, izinkambiso nezindinganiso;

- ukuthuthukisa kanye nokusebenzisa izindinganiso zokuphepha zeqophelo eliphezulu, ikhono eliphezulu kanye nelingabizi kakhulu lokuphatha umphambo wemigwaqo yesifunda;
- ukulondoloza impahla eqondene nemigwaqo yesifunda;
- ukuletha kanye nokuthuthukisa indlela elinganayo yayo yonke imiphakathi yokufinyelela emigwaqweni phakathi kweSifunda, kuhlenganisa imiphakathi ekade icindezelekile;
- ukuletha isimo esivulekile ekuthuthukiseni nasekusebenziseni imigomo nemikhuba yokusebenza yemiphambo yemigwaqo yesifunda;
- ukuguqula imitheshwana nemithetho ephathelene nemiphambo yemigwaqo yesifunda esebenzayo okwamanje; kanye
- kanye nakho konke okuphathelene nalokhu.

Umthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal uphinde uhlinzeke ngokuthi:

- uyoqesheziwa ekuthuthukiseni, ekuqaguleni, ekusebenziseni kanye nasekwengameleni umphambo wemigwaqo yesifunda, lokhu kuhlenganisa kungahlongi ukwandiswa kwemiphambo yemigwaqo yesifunda emiphakathini ekade icindezelekile; futhi
- uyoqesheziwa ukugqunguzela ukudala amathuba emisebenzi kanye nawosonkontilaka emiphakathini kanye nabantu abakade becindezelekile.

Lesisigaba esilandelayo soMbiko Oyincazelo ngoMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal siphathelene ngqo nezinto ezikwimithetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal.

3. Izinto okukhulunywa ngazo kuMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal

1. Indima II: Amandla kaNgqongqoshe

Indima II yoMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal ihlinzeka ngokuthi uNgqongqoshe uyothuthukisa, agomele, asebenzise, aqondise futhi aqhakambise umphambo wemigwaqo yesifunda ngendlela yokubusa okubonakala kusebenza, okuvulekile, okubopheze-layo nangokubambisana njengokuyalela kwezinkambiso, izindinganiso nezenzo zikazwelonke nesifunda ngoku —:

- zuza izindinganiso zezinga eliphezulu zokuphepha phakathi kweSifunda;
- vikela nokulondoloza izimpahla zomphambo wemigwaqo yesifunda;
- zuza impokophelo yokuba kufinyelele yonke imiphakathi phakathi kweSifunda ngendlela elinganayo emigwaqweni;
- qinisekisa ukuqondisa ngendlela egculisayo neyokonga kanye nokuphatha umphambo wemigwaqo yesifunda; kanye
- londoloza nokuvikela imvelo.

Ungqongqoshe, phansi kwesimo semithombo ekhona eSifundeni sokwenza lomsebenzi, uyobophezeleka kuyo yonke imikhakha yokuqondisa, ukuphatha, ukusebenzisa nokuqondisa umphambo wemigwaqo yesifunda, kumbandakanya kepha kungahlongi u —:

- kulawula okusemqoka mayelana nomphambo wemigwaqo yesifunda kanye nokuhlukaniselana;
- kwenelisa ngezobuciko nokuxhasa ngolwazi, ukuphatha izimali, nokubuka kabanzi, nokulandela nokuhlola uhlaka lwemigwaqo yesifunda nokulungisa lapho kufuneka khona;
- kuhlenganisa, ukuhlela, ukuqamba, ukusebenzisa, ukuqondisa nokulondoloza umphambo wemigwaqo yesifunda;
- kuqinisekisa ukwabiwa kwezimali zomphambo wemigwaqo yesifunda ngendlela eyanelisayo nelinganayo;
- kugomela noma ukuhoxisa ukugomela imigwaqo yesifunda;
- kubumba, nokwakha, nokulondoloza, nokusebenzisa, nokuphatha nokuguqula, nokuphambukisa nokuvala imigwaqo yesifunda noma imigwaqo egonyelwe;
- kuthola impahla ngokuyiqasha, ukuyithenga noma ngokuyemukela njengesipho itholelwa uMnyango noma egameni loMnyango, lokhu kumbandakanya kepha kungahlongi ukukhipha imvume yokuhlala okwesikhashana endaweni ekungeyomuntu othile noma ukwemuka umhlaba ukuze kuthuthukiswe ezokuthutha kanye nokuqinisekisa ngenkokhelo eyiyo nesinxephezelelo esamukelekile kanye nokuchitha impahla egameni loMnyango;
- kuphathwa kwezintuba ezingenela imigwaqo yesifunda neyezigodi;
- kugcina ukuphatheka kwendlela ephahle umphambo wemigwaqo yesifunda;
- kuqondisa ukukhangisa emigwaqweni esemqoka asendaweni encike kuyo noma lapho ezokuphepha zingathikamezeka, emigwaqweni yezigodi neyendawo;
- kushaya imitheshwana kanye nokusebenzisa imitheshwana yokubiyelwa kwemigwaqo nemitheshwana yokunikela ekubiyeleni;
- kuphatha ngokusemthethweni iminikelo yomphambo wemigwaqo yesifunda;
- kugunyaza ukukhokha kwezimali zokusiza kanye neziziphopho;
- kungenela nanoma isiphi isivumelwano nomasipala, nenhlangothi noma nomuntu ngayedwana nje, ukuphonsa itshe esivivaneni ngenhloso yokuvikela isakhiwo, nokukhanda kabusha nokwenza ngcono nokukhanda nokulondoloza noma yimuphi umgwaqo wesifunda noma wasekhaya noma ngokuthenga noma ukuqasha, ukuthola noma ukuchitha imuphi umhlaba oseduze noma osemigwaqweni wesifunda noma wendawo okhona noma ohlongozwayo ngokuqashisa, ukudayisa noma ukupha; kanye
- nokubonisana, ukungena nokusayina izivumelwano ezidingekayo uma ukusebenzisa umgomo womphambo wemigwaqo yesifunda, lokhu kuye ngemithetho nemitheshwana esebenzayo mayelana nokufaka izicelo nokuthenga.

Ungqongqoshe ulindeleke futhi ukuba asebenzise indlela efanayo ngokukhomba ubunjalo banoma imuphi umgwaqo phakathi komphambo wemigwaqo yesifunda.

2. Indima III: Imigwaqo YeSifunda

Umthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal usungula umphambo wemigwaqo yesifunda ohlenganisa imigwaqo esemqoka, yesigodi kanye neyendawo, echazwa ngokulandelayo:

- “umgwaqo wesigodi” kusho noma imuphi umgwaqo wesifunda, noma ingxenye yomgwaqo noma ukuphambuka kuxubani nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxenye nje engatheni engabe iyasetshenziswa yizinto zokuhamba, noma ixube ukuchezukela komgwaqo wesigodi, ngoba kuqondwe ukuxhumana nemigwaqo esemqoka ephumela ebantwini, izindawo zokungeceleleka nasemapulazini ogonyelwe nguNgqongqoshe;
- “umgwaqo wendawo” kusho noma imuphi umgwaqo wesifunda, noma ingxenye yomgwaqo noma ukuphambuka kuxubani nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxenye nje engatheni engabe iyasetshenziswa yizinto zokuhamba, exhumanisa umgwaqo omqoka noma umgwaqo wesigodi nemiphakathi yendawo namapulazi futhi ogonyelwe nguNgqongqoshe; kanye
- “umgwaqo osemqoka” kusho noma yimuphi umgwaqo wesifunda noma ingxenye yomgwaqo noma ukuphambuka kuxubani nobungako bawo ngobubanzi, noma ngabe kuthiwa yingxenye nje engatheni engabe iyasetshenziswa yizinto zokuhamba futhi ukuhlolwe ngawo ukuba usetshenziswe izinto zokuhamba phakathi kweminye imigwaqo esemqoka, amadolobha, izindawo zolimo ezibalulekile futhi ogonyelwe nguNgqongqoshe.

Lokhu kuyinguquko enohlonzo ohlelweni oludala olwalungayibandakanyi imigwaqo yendawo noma ysekaya, emphambweni yemigwaqo yesifunda. Lendlela iqinisekisa ukuthi imigwaqo yasemakhaya iyibandakanywa emiphambweni yemigwaqo yesifunda.

Indima III yoMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natali iqinisekisa ukulawula, ukusungula, ukuphatha nokwengamela komphambo wemigwaqo yesifunda kuNgqongqoshe. Yonke imigwaqo yendawo, yesigodi kanye nemqoka kumele igonyelwe nguNgqongqoshe. Noma iseqephu 7 soMthetho-sivivinyo sihlizeka ngokugomela nokungagomeli kwemigwaqi yesifunda, isiqephu 8 soMthetho-sivivinyo sihlizeka ngqo ngokuthi:

- Ukuqondisa nokuphatha imigwaqo ekhona ngaphansi kweSifunda ephansi koHlelo 1 lwe-National States Constitution Act, 1971 (Act No. 21 of 1971) futhi eyabe iphethwe nguHulumeni waKwaZulu ongasekho ngomhlaka 27 April 1994, nemigwaqo ekhona phansi kweSifunda eyabe iphethwe phansi kwe-Roads Ordinance 1968, (Ordinance No. 10 of 1968) eyabe iphansi komnyango i-Natal Provincial Administration ngomhlaka 27 April 1994 iyokuba phansi kukaNgqongqoshe.
- UNgqongqoshe kuyokuthi emva kweminyaka emibili kusukela kwamukelwe loMthetho, ahlole abheka isimo sayo yonke imigwaqo kanye nemigwaqo umphakathi onelungelo kuyo emphambweni wemigwaqo yesifunda, bese enquma noma ahoxisa isinqumo esingabe sidingekile ukubhekela lokho kuhlola nengqiniseka.

Isikhathi esiyiminyaka emibili sokuhlola siqinisekisa ukuthi isimo semigwaqo eSifundeni siyokuhlolwa lokhu kugxilise ezicini okungabonwa ngazo, ukubhekela ukuthi iyiphi imigwaqo engambandakanywa emphambweni wemigwaqo yesifunda.

Indima III ibuye imbandakanye:

- ukwakhiwa nokulondolozwa kwemigwaqo yesifunda;
- ukufinyelela emigwaqweni esemqoka neyezigodi kanye nokuvalwa kwemigwaqo yesifunda;
- amabhaxa phakathi kwemigwaqo yomphakathi noma imigwaqo yasemakhaya kanye nemigwaqo yesifunda;
- ukubhekela imigudu nemisele yamanzi emigwaqweni yesifunda;
- izakhiwo ezincikene nezisemigwaqweni yesifunda;
- ukubiya emigwaqweni yesifunda;
- ukuvimbela ukulahla noma ukushiya imfuhlululu phakathi kwemingcele yemigwaqo yesifunda nemigwaqo elondolozwe;
- ukulimaza imigwaqo yesifunda;
- ukuvinjelwa kwezithunywa zoMnyango noma ababambeli nokuthikameza izikhonkwane zokuklama; futhi
- ukuhwebela eceleni noma emigwaqweni esemqoka noma kweyezigodi

Indima III ihlelwe ukuba ihlinzeke ngamandla okugomela, ukungagomeli kanye nokulondolozwa imigwaqo yesifunda ukufeza izinhloso zoMthetho-sivivinyo.

3. Indima IV: Intuthuko Ethintana Nemiphambo Yemigwaqo YeSifunda

Indima IV yoMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natali ihlanganisa izinhlinzeko eziqondene zomthetho i-KwaZulu-Natal Planning and Development Act, 1998 mayelana nentuthuko embandakanya umphambo wemigwaqo yesifunda futhi iveza isidingo sokuba uNgqongqoshe avume kuqala uma:

- kulungiswa izinhlelo zentuthuko;
- kuhlukahlukaniswa umhlaba: futhi
- kusetshenziswa komhlaba kanye nezicelo kwezentuthuko.

Indima IV ibuye futhi ihlinzeke ngokuchibiyela, ukuchitha kanye nokuphelelwa isikhathi kwezicelo zentuthuko kanye nokuxolelwa ekuhambisaneni nemiyalelo yaleNdima.

Lezizinhlinzeko zingumgogodla ekuqinisekiseni ukuthi uNgqongqoshe uyakwazi ukuhlinzeka ngokuhlela kwemigwaqo okudingekile, intuthuko kanye nokusebenzisa lokhu ngokuhambisana nezobopho zohlalomali lwesifunda.

4. Indima V: Ukusungula, Ukulawula Nokwengamela Kwezindawo Zokuphumula Imfuyo

Indima V ihlinzeka ngokusunguleka, ukulawula nokwengamela kwezindawo zokuphumula imfuyo.

5. Indima VI: Ukuzuza Nokwemuka Komhlaba

Indima VI iqagula izinqubo kanye nezinxephezelo zokuzuza umhlaba ngokwesivumelwano noma ukwemuka umhlaba odingekayo ukuba kwakhiwe futhi kulondolozwe umgwaqo.

6. Indima VII: Ukususwa Kwezinto Emhlabeni Kanye Nesinxephezelo

Indima VII inika amandla uNgqongqoshe ukuba asuse izinto ezidingekayo ukuba kwakhiwe umgwaqo kanye nokulondolozwa futhi akhokhe izinxephezelo kubanini mhlaba ngokususa lezinto.

7. Indima VIII: Ukuzuzwa Komhlaba Nokugunyaza UMnyango Onesibopho Noma Umasipala

Indima VIII igunyaza uNgqongqoshe uuba azuze umhlaba odingekayo ukuba uhlinzeke intuba eya emgwaqweni esemqoka noma umgwaqo wesigodi lowomhlaba ube ungaphansi kwesandla somnyango onesibopho noma umasipala emuva kokuba uzuziwe.

8. Indima IX: Umgwaqo Umphakathi Onelungelo Kuwo

Indima IX idinga ukuba imigwaqo umphakathi onelungelo kuyo irejistwe (ibhaliswe) nguNgqongqoshe futhi iyoba ingxenye eyamukelekile eyizintuba zokufinyelela emigwaqweni yomphakathi noma ezindaweni zokungebeleka.

9. Indima X: Izimemezelo Zohwebo Emigwaqweni Yesifunda

Indima X yazisa ngokwenqatshelwa kwezimemezelo noma izaziso zokuhweba emigwaqweni noma eceleni kwemigwaqo yesifunda. Ukwenzatshelwa kuhlangukisa nesobopho sokuthola imvume kuNgqongqoshe yokuqhakambisa ngezaziso zokukhangisa ezindaweni ngqo ezibalulwe kuMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natali.

10. Indima XI: Izibopho Ngokuvikela Imvelo

Indima XIlibeka umgomo eMnyangweni kuba wenze imisebenzi yawo ngendlela enokunciphisa ithonya lesakhiwo sengqalasizinda yezokuthutha kanye imisebenzi yawo ngendlela enokunciphisa ithonya lesakhiwo sengqalasizinda yezokuthutha kanye imisebenzi eqondene nemvelo, kuthi ukuphathwa kwemvelo kube isizinda esinohlonzo ekuhleleni, ukwakha, ukusebenza knaye nolulondolozwa umphambo wemigwaqo wesifunda.

11. Indima XII: Ukubamba Iqhaza Komphakathi, Imigwamanda Yokweluleka Neyobungcweti

Indima XII isungula izinqubo zokuba umphakathi ubambe iqhaza ukuqinisekisa ukuthi imisebenzi yoMnyango yenziwa ngendlela evulekile.

Indima XII ibuye ihlinzeke ngokuthi ungqongqoshe angakwazi ukusungula futhi abuye achithe imigwamanda yokweluleka neyobungcweti, amalunga alemigwamanda aphokelekile ukuba agonyuluke mayelana nokungase kuwaphazamise okumayelana nezimali nokunye okungaphazamisa imisebenzi yawo emigwamandeni ethulwe kuwo nguMnyango.

12. Indima XIII: Ukuhlola

Indima XIII ibeka izinqubo ezilandelayo uma kuhlolwa impahla futhi iqagula ngqo imithetho engaphulwa uma kungalandelwa lendima.

13. Indima XIV: Ukubuyekizwa Kwezinqumo ZoMnyango Ngaphakathi Emnyangweni

Indima XIV ihlinzeka ngokuthi noma ngumuphi umuntu ongaphandle koMnyango ofisa ukuba uNgqongqoshe acubungule noma akhiphe isinqumo kunoma isiphi isinqumo soMnyango esiphatha loMthetho kungathi, phakathi kwezinsuku ezingu-21 kusuka isinqumo senziwe uMnyango noma kusuka osukwini lapho lowomuntu wazi ngalesinqumo, enze isethulo esibhaliwe kuNgqongqoshe ukuba abheke kabusha isinqumo. UNgqongqoshe uyodingeka ukuba aphenye loludaba futhi uyokwethula isinqumo esibhaliwe:

- eqinisekisa isinqumo sokuqala soMnyango;
- ehoxisa isinqumo sokuqala soMnyango;
- echibiyela isinqumo soMnyango; noma
- eyalela umuntu othule impikiswano esikhulwini esifanele.

14. Indima XV: Imithethshwana

Indima XV igunyaza uNgqongqoshe ukuba ashaye imitheshwana kuMthetho-sivivinyo Wemigwaqo Yesifunda SaKwaZulu-Natal.

15. Indima XVI: Ukulawulwa Kwemigwaqo Yesifunda Kanye Nokubusa Okwamukelekile

Indima XVI ihlinzeka ngokuthi ukuphathwa komphambo wemigwaqo yesifunda uyobuswa izimiso eziqhakambiswe esiqeshini 195 soMthethosisekelo kanye nanoma imuphi umgomo kazwelonke noma wesifunda noma umthetho ophathelene nokubusa kuhle kanye nokukhiqiza imisebenzi yomphakathi.

16. Indima XVII: Ukubophezeleka KoMnyango

Indima XVII ihlinzeka ngokuthi akukho simangalo esiyobhekana noNgqongqoshe mayelana nemigwaqo engeyona imigwaqo eyesifunda noma lapho uNgqongqoshe enze umsebenzi wakhe ngendlela yendinganiso eyamukelekile yokwakha kanye nokulondoloza imigwaqo yesifunda.

Lapho uNgqongqoshe egunyaze ukwakhiwa noma ukulondolozwa komgwaqo okungewona umgwaqo wesifunda, umnyango onesibopho noma umasipala bayovikela uMnyango ezimangalweni zonke ezingahlangene nomsebenzi owenziwe nguMnyango noma ongonakalanga ngenhloso nobudedengu noma ukungenzi okuthile ngasohlangothini loMnyango.

17. Indima XVIII: Amacala Kanye Nezijeziso

Indima XVIII iveza ngqo amacala nezijeziso mayelana nokwaphula noma isiphi isiqephu soMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal.

18. Indima XIX: Ukuthunyelwa Kwesimemezel

Indima XIX iveza ngqo lokho okuthathwa ngokuthi isikhathi esanele sesimemezel njengokuyalela koMthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal.

19. Indima XX: Ukwesulwa Kwemithetho Engaphambili, Imitheshwana Kanye Nemithetho Kanye Nencazelo YaloMthetho

Indima XX ihlinzeka ngokwesulwa kanye nokuchitshiyelwa kwemithetho yemigwaqo ekhona.

4. Isiphetho

Umthetho-sivivinyo Wemigwaqo Yesifunda saKwaZulu-Natal ubhalwe njengohlaka njengokwemiyalelo yomgomo kazwelonke kanye nowesifunda, izinkambiso nezindinganiso knati ubhekene nezimo zokungalingani futhiugqula imitheshwana, mitheshwana yesifunda kanye nemithetho ekhona njengamanje leyo eyamukelwa kohulumeni abangasekho ukuze kuguquke isimo khona kuzolingana ukufinyelela emigwaqweni yonke yeSifunda iyo yonke imiphakathi. Ukusungulwa kwemiphambo yemigwaqo yesifunda kuhlinzeka uMnyango Wezokuthutha waKwaZulu-Natal ngesisekelo somthetho esiyisidingo ukudibanisa yonke imigwaqo phakathi kweSifunda futhi kuhlinzeke ingqalasizinda yemigwaqo yesifunda ukuze kuphoswe esivivanemi sentuthuko kanye nengqalasizinda yomnotho eSifundeni.

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PIETERMARITZBURG 3200.

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**TOWN PLANNING SCHEMES: AMENDMENT/
DORPBEPLANNINGSKEMAS: WYSIGING****MPENJATI/SOUTHBROOM TRANSITIONAL
LOCAL COUNCIL**

Notice No. 4/2000

**TOWN PLANNING SCHEME IN THE
COURSE OF PREPARATION AMENDMENT**

Notice is hereby given in terms of Section 47 of the Town Planning Ordinance No. 27 of 1949, as amended, that the Mpenjati/Southbroom Transitional Local Council proposes to amend the Mpenjati/Southbroom Town Planning Scheme in Course of Preparation as follows:

To limit the size of outbuildings, which shall include a self-contained Residential Unit (Granny Flat) to 50% of the Floor Area of the main dwelling in the Special Residential zones.

A copy of the proposed amendment will lie open for inspection at the Council's Office, Imbezane Drive, Southbroom during office hours.

Any person with sufficient interest therein may lodge written objection or representations relating thereto with the undersigned not later than 25 February 2000.

A. S. DAVIS,
Chief Executive Officer.

Private Bag X02,
Southbroom,
4277

D1—February 3, 2000.

**MPENJATI/SOUTHBROOM PLAASLIKE
OORGANGSRAAD**

Kennisgewing No. 4/2000

**DORPBEPLANNINGSKEMA IN
VOORBEREIDING WYSIGING**

Kennis geskied hiermee ingevolge Artikel 47 bis van die Dorpbeplanningordinansie No. 27

van 1949 soos gewysig dat Mpenjati/Southbroom Oorgangsraad van voorneme is om die Mpenjati/Southbroom Dorpbeplanningskema in voorbereiding soos volg te wysig:

Om 'n beperking te plaas op die grootte van buitegeboue, wat self onderhoudende wooneenhede, (Granny Flat) insluit, tot 'n maksimum van 50% van die vloeroppervlakte van die premere wooneenheid, in die Spesiale Woonsones.

'n Afskrif van voorgename wysiging sal gedurende kantoorure by die Raadskantore te Imbezane Rylaan, Southbroom beskikbaar wees vir besigtiging.

Enige persoon wat voldoende belang in die voorgename wysiging is geregtig om in die verband 'n geskrewe beswaar by die ondergetekende aan te teken op of voor 25 Februarie 2000.

A. S. DAVIS,
Hoof Uitvoerende Beampale.

Privaatsak X02,
Southbroom,
4277.

D1—Februarie 3, 2000.

**NORTH CENTRAL AND SOUTH CENTRAL
LOCAL COUNCILS****ADMINISTRATIVE ENTITY OF THE CITY
OF DURBAN****TOWN PLANNING SCHEME IN COURSE OF
PREPARATION: DUKERFONTEIN AREA:****PROPOSED REZONING OF LAND
ADJOINING ERF 237 SMITHFIELD/
KENVILLE ROADS FROM PUBLIC OPEN
SPACE RESERVATION AND NEW STREET
RESERVATION TO SPECIAL RESIDENTIAL
650M² ZONE**

Notice is hereby given in terms of Section 47 bis A of Town Planning Ordinance 27 of 1949,

as amended, of the North Central and South Central Local Councils' intention to rezone land adjoining Erf 237 Smithfield/Kenville Roads from Public Open Space and New Street Reservation to Special Residential 650m² Zone.

The land to be alienated forms portion of a large area which was acquired by the City Council in 1980 for Public Open Space purposes. The area to be alienated is insignificant and its disposal will not have any impact on the remaining Public Open Space.

The owner of Rem of 411 Durban North has entered a sale agreement to purchase the land for consolidation with his property and thereafter subdivide the consolidated lot into four sites.

The motivation for the proposal, together with the relevant plans, will lie for inspection between 08:00 and 12:15 and from 13:30 to 16:00 Mondays to Fridays, at the Development Management Department, Development and Planning Unit, Ground Floor, 166 Old Fort Road, Durban, for a period of three weeks commencing on 4 February 2000.

Any person having sufficient interest in the proposed amendment may lodge with the Executive Director (Development and Planning) (Attention: Divisional Planner — Rezoning), P.O. Box 680, Durban 4000, written objections or representation relating thereto by no later than Monday, 28 February 2000.

S. SITHOLE,
Chief Executive Officer/Town Clerk.
Town Clerk's Office,
9th Floor, Embassy Building,
Cnr Smith/Alwal Streets,
Durban.

D4—February 3, 2000.

**NOORD-SENTRALE EN SUID-SENTRALE
PLAASLIKE RADE
ADMINISTRATIEWE ENTITEIT VAN DIE
STAD DURBAN
VOORLOPIGE DORPBEPLANNINGSKEMA:
GEBIED DUKERFONTEIN:
VOORGESTELDE HERSONERING VAN 'N
STUK GROND AANLIGGENDE AAN ERF 237
SMITHFIELD-/KENVILLEWEG VAN
RESERVERING AS OPENBARE OOP
RUIMTE EN NUWE STRAAT TOT
SPESIALE 650M²-WOONSONE**

Kennis geskied hiermee ingevolge Artikel 47 bis A van Dorpbeplanningsordonnansie 27 van 1949 (soos gewysig) dat die Noord-Sentrale en Suid-Sentrale Plaaslike Rade voornemens is om 'n stuk grond aanliggend aan Erf 237 Smithfield-/Kenvilleweg van reservering as openbare oop ruimte en nuwe straat tot spesiale 650m²-woonsone te hersoneer.

Die stuk grond wat vervreem staan te word, maak deel uit van 'n groot gebied wat die Stadsraad in 1980 vir die doeleindes van 'n openbare oop ruimte aangekoop het. Die gebied wat vervreem staan te word, is van geringe belang en die uitsny daarvan sal geen impak op die res van die openbare oop ruimte hê nie.

Die eienaar van Restant van 411 Durban North het 'n kooporeenkoms aangegaan ten einde die stuk grond vir konsolidering met sy eiendom aan te koop en daarna die gekonsolideerde perseel in vier erwe te onderverdeel.

Die motivering betreffende die voorstel, asook die betrokke planne, sal tussen 08:00 en 12:15 en van 13:30 tot 16:00, Maandae tot Vrydae, vanaf 4 Februarie 2000 vir 'n tydperk van drie weke by die Departement Ontwikkelingsbeheer, Ontwikkeling-en-Beplanningseenheid, Grondverdieping, Old Fortweg 166, Durban, ter insae lê.

Enigeen wat voldoende belang by die voorgestelde wysiging het, kan skriftelike besware of vertoë in verband daarmee by die Uitvoerende Direkteur (Ontwikkeling en Beplanning) (Aandag: Afdelingsbeplanner — Hersonerings), Posbus 680, Durban 4000, indien sodat dit haar nie later nie as Maandag, 28 Februarie 2000, bereik.

S. SITHOLE,

Hoof Uitvoerende Beampte/Stadsklerk.

Kantoor van die Stadsklerk,
9de Verdieping, Embassy,
H/v Smith-/Aliwalstraat,
Durban.

D4—Februarie 3, 2000.

**NORTH CENTRAL AND SOUTH CENTRAL
LOCAL COUNCILS
ADMINISTRATIVE ENTITY OF THE CITY
OF DURBAN
TOWN PLANNING SCHEME IN COURSE OF
PREPARATION: REM OF CITY: CATO
MANOR AREA: PROPOSED REZONING OF
LAND AT 1 NEWBLISS GARDENS ROAD
FROM PUBLIC OPEN SPACE
RESERVATION TO SPECIAL RESIDENTIAL
400M² ZONE**

Notice is hereby given in terms of Section 47 bis A of Town Planning Ordinance 27 of 1949, as amended, of the North Central and South Central Local Councils' intention to rezone land at 1 Newbliss Gardens Road from Public Open Space Reservation to Special Residential 400m² zone.

The land is currently reserved for Public Open Space purposes and was initially earmarked for access to the adjacent Kindergarten Park. The aforesaid park has ample access from Westmeath Avenue and Saintfield Road.

Application has been made by the owner of the adjacent property, Erf 2320, to purchase the site to extend his garden. The land is to be consolidated with the purchaser's property described as Erf 232 Bonella.

The motivation for the proposal, together with the relevant plans, will lie for inspection between 08:00 and 12:15 and from 13:30 to 16:00, Mondays to Fridays, at the Development

Management Department, Development and Planning Unit, Ground Floor, 166 Old Fort Road, Durban, for a period of three weeks commencing on 4 February 2000.

Any person having sufficient interest in the proposed amendment may lodge with the Executive Director (Development and Planning) (Attention: Divisional Planner — Rezoning), P.O. Box 680, Durban 4000, written objections or representation relating thereto by no later than Monday, 28 February 2000.

S. SITHOLE,

Chief Executive Officer/Town Clerk.

Town Clerk's Office,
9th Floor, Embassy Building,
Cnr Smith-/Aliwal Streets,
Durban.

D5—Februarie 3, 2000.

**NOORD-SENTRALE EN SUID-SENTRALE
PLAASLIKE RADE
ADMINISTRATIEWE ENTITEIT VAN DIE
STAD DURBAN
VOORLOPIGE DORPBEPLANNINGSKEMA:
RESTANT VAN STADS-GEBOED: GEBIED
CATO MANOR: VOORGESTELDE
HERSONERING VAN 'N STUK GROND TE
NEWBLISS GARDENS-1 VAN
RESERVERING AS OPENBARE OOP
RUIMTE TOT SPESIALE 400M²-WOONSONE**

Kennis geskied hiermee ingevolge Artikel 47 bis A van Dorpbeplanningsordonnansie 27 van 1949 (soos gewysig) dat die Noord-Sentrale en Suid-Sentrale Plaaslike Rade voornemens is om 'n stuk grond te Newbliss Gardensweg 1 van reservering as openbare oop ruimte tot spesiale 400m²-woonsone te hersoneer.

Die stuk grond, wat tans vir die doeleindes van 'n openbare oop ruimte uitgehou word, is aanvanklik vir toegang tot die aanliggende kindertuinpark bestem. Westmeathlaan en Saintfieldweg bied egter voldoende toegang tot genoemde park.

Die eienaar van die aanliggende eiendom, Erf 2320, het aansoek gedoen om die perseel aan te koop ten einde sy tuin te vergroot. Die stuk grond gaan met die koper se eiendom, welke eiendom as Erf 232 Bonella beskryf word, gekonsolideer word.

Die motivering betreffende die voorstel, asook die betrokke planne, sal tussen 08:00 en 12:15 en van 13:30 tot 16:00, Maandae tot Vrydae, vanaf 4 Februarie 2000 vir 'n tydperk van drie weke by die Departement Ontwikkelingsbeheer, Ontwikkeling-en-Beplanningseenheid, Grondverdieping, Old Fortweg 166, Durban, ter insae lê.

Enigeen wat voldoende belang by die voorgestelde wysiging het, kan skriftelike besware of vertoë in verband daarmee by die Uitvoerende Direkteur (Ontwikkeling en Beplanning) (Aandag: Afdelingsbeplanner — Hersonerings), Posbus 680, Durban 4000, indien sodat dit haar nie later nie as Maandag, 28 Februarie 2000, bereik.

S. SITHOLE,

Hoof Uitvoerende Beampte/Stadsklerk.

Kantoor van die Stadsklerk,
9de Verdieping, Embassy,
H/v Smith-/Aliwalstraat,
Durban.

D5—Februarie 3, 2000.

**NORTH CENTRAL AND SOUTH CENTRAL
LOCAL COUNCILS
ADMINISTRATIVE ENTITY OF THE CITY
OF DURBAN
TOWN PLANNING SCHEME IN COURSE OF
PREPARATION: REM OF CITY (NORTHERN
EXTENSION) AREA: PROPOSED
REZONING OF LAND AT ABERVALE
ROAD FROM SPECIAL RESIDENTIAL
180M² TO SPECIAL RESIDENTIAL 400M²
ZONE**

Notice is hereby given in terms of Section 47 bis A of Town Planning Ordinance 27 of 1949, as amended, of the North Central and South Central Local Councils' intention to rezone land at Abervale Road from Special Residential

180m² to Special Residential 400m² Zone.

The land which comprises an access strip is no longer required as it is too narrow to be used for vehicular access and it has been cleared for alienation to an adjoining property owner and consolidation with his property. There are other access points that can provide vehicular access to Rem 65. Consolidation of the site with the adjoining property cannot be finalised before the site is successfully zoned Special Residential 400m² which is the zoning of the purchaser's adjoining property.

The motivation for the proposal, together with the relevant plans, will lie for inspection between 08:00 and 12:15 and from 13:30 to 16:00, Mondays to Fridays, at the Development Management Department, Development and Planning Unit, Ground Floor, 166 Old Fort Road, Durban, for a period of three weeks commencing on 4 February 2000.

Any person having sufficient interest in the proposed amendment may lodge with the Executive Director (Development and Planning) (Attention: Divisional Planner — Rezoning), P.O. Box 680, Durban 4000, written objections or representation relating thereto by no later than Monday, 28 February 2000.

S. SITHOLE,

Chief Executive Officer/Town Clerk.

Town Clerk's Office,
9th Floor, Embassy Building,
Cnr Smith-/Aliwal Streets,
Durban.

D6—Februarie 3, 2000.

**NOORD-SENTRALE EN SUID-SENTRALE
PLAASLIKE RADE
ADMINISTRATIEWE ENTITEIT VAN DIE
STAD DURBAN
VOORLOPIGE DORPBEPLANNINGSKEMA:
RESTANT VAN STADS-GEBOED
(NOORDELIKE UITBREIDING):
VOORGESTELDE HERSONERING VAN 'N
STUK GROND TE ABERVALE WEG VAN
SPESIALE 180M²-WOONSONE TOT
SPESIALE 400M²-WOONSONE**

Kennis geskied hiermee ingevolge Artikel 47 bis A van Dorpbeplanningsordonnansie 27 van 1949 (soos gewysig) dat die Noord-Sentrale en Suid-Sentrale Plaaslike Rade voornemens is om 'n stuk grond te Abervaleweg van spesiale 180m²-woonsone tot spesiale 400m²-woonsone te hersoneer.

Die stuk grond, wat uit 'n toegangstrook bestaan, word nie meer benodig nie aangesien dit te smal is om as voertuigtoegang gebruik te word. Dit is ook reeds vir vervreemding aan die eienaar van die aanliggende eiendom en vir konsolidering met sy eiendom goedgekeur. Daar is ander toegangspunte wat voertuigtoegang tot Restant 65 kan bied. Die perseel kan nie met die aanliggende eiendom gekonsolideer word alvorens dit as spesiale 400m²-woonsone, nl. die sone van die koper se aanliggende eiendom, gesoneer word nie.

Die motivering betreffende die voorstel, asook die betrokke planne, sal tussen 08:00 en 12:15 en van 13:30 tot 16:00, Maandae tot Vrydae, vanaf 4 Februarie 2000 vir 'n tydperk van drie weke by die Departement Ontwikkelingsbeheer, Ontwikkeling-en-Beplanningseenheid, Grondverdieping, Old Fortweg 166, Durban, ter insae lê.

Enigeen wat voldoende belang by die voorgestelde wysiging het, kan skriftelike besware of vertoë in verband daarmee by die Uitvoerende Direkteur (Ontwikkeling en Beplanning) (Aandag: Afdelingsbeplanner — Hersonerings), Posbus 680, Durban 4000, indien sodat dit haar nie later nie as Maandag, 28 Februarie 2000, bereik.

S. SITHOLE,

Hoof Uitvoerende Beampte/Stadsklerk.

Kantoor van die Stadsklerk,
9de Verdieping, Embassy,
H/v Smith-/Aliwalstraat,
Durban.

D6—Februarie 3, 2000.

MISCELLANEOUS/DIVERSE

APPLICATIONS FOR PUBLIC ROAD CARRIER PERMIT/S

Particulars in respect of applications for Public Road Carrier Permit/s (as submitted to the Local Road Transportation Boards or the National Transport Commission) indicating, firstly the reference number then:

- (2) the name of the applicant;
- (3) the place where applicant conducts his business or wishes to conduct his business, as well as his postal address;
- (4) the nature of the application/s, that is whether it is an application/s for:
 - (C1) the grant of such permit/s,
 - (C2) the grant of additional authorisation,
 - (C3) the amendment of a route/s,
 - (C4) the amendment of a timetable/s,
 - (C5) the amendment of tariffs,
 - (C6) the renewal of such permit/s,
 - (C7) the transfer of such permit/s,
 - (C8) the change of name of the undertaking concerned,
 - (C9) the replacement of a vehicle/s,
 - (C10) an additional vehicle with existing authorization; – as well as, in the case of an application contemplated in C6 or C7,
 - (C12) the number of the permit/s concerned.
- (5) the number and type of vehicles, including the carrying capacity or gross vehicle mass of the vehicles involved in the application;
- (6) the nature of the road transportation or proposed road transportation, that is whether it involves persons or goods, or both; and the class or classes of goods that are conveyed or are to be conveyed; and;
- (7) the points between or the route or routes along or the area or areas within which the road transportation is to be conducted.

Where any of (2) to (7) are applicable, are published below in terms of section 14 (1) of the Road Transportation Act (Act 74 of 1977).

In terms of regulation 4 of the Road Transportation Regulations, 1977 written representations supporting or opposing these applications must within 21 (twenty-one) days from the date of this publication, be lodged by hand with or dispatched by registered post to, the Local Road Transportation Board concerned in quadruplicate, and lodged by hand with, or dispatched by registered post to, the applicant at his advertised address (See (3)) in single copy.

Address to which representations must be directed:

The Secretary
Local Road Transportation Board
Private Bag X54307
Durban
4000

and the respective applicant.

Full particulars in respect of each application are open to inspection at the Local Road Transportation Board's office.

OP.1355787

- (2) Khan A.K. – I.D. No. 6806285197087
- (3) Postal address: 27 The Curl, Sunningdale, La Lucia, 4051
- (4) Transfer of permit
Permit No. 374651/1 from Naidoo K.
- (5) 1 x 16 passengers, District: Durban
- (7) Authority as in last mentioned permit(s).

OP.1356087

- (2) Naidoo B. – I.D. No. 5611085104080
- (3) District: Durban Postal address: House No. 4 Road 747, Montford, Chatsworth, 4092
- (4) New application (late renewal)
- (5) 1 x 4 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From 47 Nashville Place, Haveside to 136A West Street Durban and return.

OP.1356093

- (2) Mkhize M.K. – I.D. No. 4909245336084
- (3) District: Umbumbulu Postal address: 159 Glen Road, Montclair, Durban, 4001

- (4) New application (late renewal)
- (5) 1 x 14 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From KwaShabalala Store, KwaMkhutha Township situated within the Magisterial District of Umbumbulu to points within a radius of 50 (fifty) kilometres therefrom and return to KwaShabalala Store, KwaMkhutha Township.

OP.1356094

- (2) Ntombela N. J. E. – I.D. No. 6706265344081
- (3) District: Durban Postal address: J 681 Umlazi Township, PO Umlazi, 4031
- (4) New application (late renewal)
- (5) 1 x 4 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From New Durban Station Taxi Rank situated within the Magisterial District of Durban to points within a radius of 50 (Fifty) Kilometres therefrom and return to New Durban Station Taxi Rank.

OP.1356095

- (2) Mbokazi B.M. – I.D. No. 4701011460085
- (3) Postal address: U 1527 Umlazi Township, PO Umlazi, 4031
- (4) Transfer of permit
Permit No. 351217/0 from Mbokazi P.M.
- (5) 1 x 15 passengers, District: Umlazi
- (7) Authority as in the last mentioned permit(s).

OP.1356096

- (2) Makhubo Z.C. – I.D. No. 5605305764087
- (3) District: Umlazi Postal address: BB 1371 Umlazi Township, PO Umlazi, 4031
- (4) New application (late renewal)
- (5) 2 x 15 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
A) Between Umlazi Railway station and Durban Direct
B) Between Umlazi Railway station and Isipingo Direct
C) Between Umlazi Railway station and Jacobs Direct

OP.1356097

- (2) Deodutt B. – I.D. No. 6509305067088
- (3) Postal address: 14 Newcentre Drive, Newlands West, 4037
- (4) Transfer of permit(s)
Permit No's. 355304/1 and 356333/0 from Cook I
- (5) 1 x 4 passengers, District: Durban (x2)
- (7) Authority as in last mentioned permit(s).

OP.1356110

- (2) Mhlongo Z.H. – I.D. No. 4307125492087
- (3) Postal address: P.O. Box 7250, Empangeni Rail, 3910
- (4) Transfer of permit(s)
Permit No. 354468/0 from Ntuli E.M.
- (5) 1 x 16 passengers, District: Lower Umfolozi
- (7) Authority as in last mentioned permit(s).

OP.1356112

- (2) Ramnarain B. – I.D. No. 4409025420083
- (3) Postal address: 25 Heathbury Place, Eastbury, Phoenix, 4068
- (4) Transfer of permit(s)
Permit No. 354886/2 from Springfield Omnibus Service Durban CC
- (5) 1 x 103 passengers, District: Durban
- (7) Authority as in last mentioned permit(s).

OP.1356114

- (2) Mteshane Z.L. – I.D. No. 6612305608081
- (3) District: Durban Postal address: 1 Stanbury Court, 35 Mazeppa Street, Durban, 4000
- (4) New application
- (5) 1 x 5 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From Point Road Taxi Rank No. 40 Durban situated within the Magisterial District of Durban to points within a radius of 50 (fifty) kilometres

therefrom and return to Point Road Taxi Rank No. 40.

OP.1356115

- (2) Ngobese S.P. – I.D. No. 6609085643080
- (3) District: Durban Postal address: 31 Verity Avenue, Woodlands, 4004
- (4) New application
- (5) 1 x 5 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From Point Road Taxi Rank No. 40 Durban situated within the Magisterial District of Durban to points within a radius of 50 (Fifty) kilometres therefrom and return to Point Road Taxi Rank No. 40.

OP.1356116

- (2) Xulu M.M. – I.D. No. 5305185674080
- (3) District: Umlazi Postal address: C 962 Umlazi, Township, PO Umlazi, 4031
- (4) Additional vehicle-inc. in cc 12-15
- (5) 1 x 16 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From Umlazi station to points within a radius of 10 (Ten) kilometres therefrom and return to Umlazi station.

OP.1356117

- (2) Caluza J.S. – I.D. No. 3103025118083
- (3) District: Port Shepstone Postal address: P.O. Box 45008, Port Shepstone, 4240
c/o Regal Agency P.O. Box 1234, Port Shepstone, 4240
- (4) New application
- (5) 1 x 5 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
A. To convey passengers and their personal effect within a radius of 50 (fifty) kilometres from Reynolds Street Taxi Rank, Port Shepstone in the Magisterial District of Port Shepstone.
B. Casual Trips: within the Republic of South Africa.

OP.1356129

- (2) Kambouris P. – I.D. No. 3906085057086
- (3) Postal address: P.O. Box 1436, Umhlanga Rocks, 4320
- (4) Transfer of permit
Permit No. 355873/0 from Koutovidis C. D.
- (5) 1 x 15 passengers, District: Inanda
- (7) Authority as in last mentioned permit(s).

OP.1356130

- (2) Ntuli P.V. – I.D. No. 6802255375084
- (3) Postal address: P.O. Box 36407, Umlazi 4031, 4066
- (4) Transfer of permit
Permit No. 358332/0 from Zuma L
- (5) 1 x 15 passengers, District: Umbumbulu
- (7) Authority as in last mentioned permit(s).

OP.1356132

- (2) Narayanasamy S. – I.D. No. 5805065104082
- (3) District: Durban Postal address: P.O. Box 341, Winklespruit, 4126
- (4) New application (late renewal)
- (5) 1 x 10 passengers
- (6) The conveyance of taxi passengers
- (7) Authority:
From points within a radius of 5 (five) kilometres from Illovo Post Office, Illovo situated within the Magisterial District of Durban to points with a radius of 50 (fifty) kilometres therefrom and return to within a radius of 5 (five) kilometres from Illovo Post Office.

OP.1356133

- (2) Two Line Trading 4 Pty Ltd. – I.D. No. 992241007
- (3) Postal address: 31 Field Street, Medical Centre, Durban, 4000
- (4) Transfer of permit
Permit No. 602774/0 from Ithalente Lama Africa Bus Services cc
- (5) 1 x 100 passengers, District: Durban

(7) Authority as in last mentioned permit(s).

OP.1356137

(2) Mbambo D.S. - I.D. No. 6303155582085
(3) District: Umbumbulu Postal address: 1464 KwaMakhutha Township, Amanzimtoti, 4126

(4) New application
(5) 1 x 5 passengers
(6) The conveyance of taxi passengers
(7) Authority:

From KwaMakhutha Township House No. 1464 situated within the Magisterial District of Umbumbulu to points within a radius of 50 (fifty) kilometres therefrom and return to KwaMakhutha Township House No. 1464.

OP.1356139

(2) Gasa M.S. - I.D. No. 4103055388084
(3) District: Umlazi Postal address: B 13 Umlazi Township, PO Umlazi, 4031

(4) Additional vehicle/ inc of cc 12-15
(5) 1 x 15 passengers
(6) The conveyance of taxi passengers
(7) Authority:

Within a radius of 50 (fifty) kilometres from New Section CC Umlazi within the Magisterial District of Umlazi.

OP.1356144

(2) Nyembezi M. - I.D. No. 5101105792080
(3) District: Durban Postal address: P.O. Box 221, Port Edward, 4295

(4) Additional vehicle
(5) 1 x 16 passengers
(6) The conveyance of taxi passengers
(7) Authority:

From S.J. Smith Hostel Taxi Rank No. 59 Swindon Road situated within the Magisterial District of Durban to Bizana Taxi Rank, Eastern Cape and return.

OP.1356145

(2) Maharaj A. - I.D. No. 6710035127081
(3) District: Durban Postal address: 417 Grovend Drive, Phoenix, 0000

(4) Additional vehicle
(5) 1 x 5 passengers
(6) The conveyance of taxi passengers
(7) Authority:

From Point Road Taxi Rank No. 51 to points within a radius of 50 (fifty) kilometres therefrom and return to Point Road Taxi Rank No. 50.

OP.1356147

(2) Zuma E. - I.D. No. 3611025198087
(3) District: Umlazi Postal address: M 23 Umlazi Township, PO Umlazi, 4031

(4) Additional vehicle inc. in cc 8-15
(5) 1 x 16 passengers
(6) The conveyance of taxi passengers
(7) Authority:

Within the Magisterial District of Umlazi
H2—February 3, 2000.

The following description of animals in the undermentioned pound is hereby published in terms of Section 33(1) of the Pound Ordinance, 1947 (Ordinance No. 32 of 1947), and it is hereby notified that the said animals will be sold at the said pound by the pound keeper thereof or by someone acting on their behalf at 10:00 a.m. on Friday 25th February 2000, unless previously released.

Weenen, District of Weenen

1. Red Cow with two markings on right ear and one marking on left ear.
2. Grey Ox with one marking on right ear and two markings on left ear.
3. Red Bull with three markings on right ear and none on left.
4. Black and White Calf with no ear markings or any other marks.
5. Red Calf with no ear markings or any other marks.
6. Black Cow with white face and forehead.
7. Roan Ox with two ear markings on right ear.
8. Black Cow with one ear marking on left ear and one earmarking on right ear.
9. Red and White Ox with no horns.
10. Red and White Cow with white head and two ear markings on left ear.
11. Black Bull with a number 2 (two) on left hind quarter.

E. M. Laatz (Mrs)

Poundkeeper

H3—February 3, 2000.

Onderstaande beskrywings van diere in ondervermelde skut word hierby ingevolge artikel 33(1) van die Skutordonnansie, 1947 (Ordonnansie No. 32 van 1947), gepubliseer en hierby word bekend gemaak dat genoemde diere by genoemde skut deur die skutmeester daarvan of deur iemand namens hom/haar om 10:00 op Vrydag, 25 Februarie 2000 opgeveil sal word, tensy eerder gelos.

Weenen, distrik Weenen

1. Rooi Koei met twee oormerke aan die regter oor, en een oormerk aan die linker oor.
2. Grys Os met een oormerk aan die regter oor, en twee oormerke aan linker oor.
3. Rooi Bul met drie oormerke aan regter oor, en geen oormerke aan die linker oor.
4. Swart en Wit Kalf met goen merke nie.
5. Rooi Kalf met geen merke nie.
6. Swart Koei met wit gesig en voorkop.
7. Ligbruin Os met twee oormerke aan regter oor.

8. Swart Koei met een oormerk aan linker oor, en een oormerk aan regter oor.

9. Rooi en Wit Os met geen horings.

10. Rooi en Wit Koei met wit kop, en twee oormerke aan linker oor.

11. Swart Bul met 'n nommer 2 (twee) op linker agter kwart.

E. M. Laatz (Mev)

Skutmeestero

H3—Februarie 3, 2000.

Izincazelo ezilandelayo zezilwane kulezi zikidi ezilandelyo ezishiwo ngezansi ngalokhu ziyakhishwa ngokuhambisana nesigaba 33(1) se-Odinensi yezikidi (Pound Ordinance No. 32 of 1947), futhi ngalokhu kuyaziswa ukuthi izilwane ezishiwo ziyothengiswa esikidi esishiwo ngumgcinisikidi noma ombambele ngo 10:00 ngoLwesihlanu, mhlaka 25 Febhuwari 2000, ngaphandle uma zidedelwe ngaphambi kwalokho.

Weenen, isifunda saseWeenen

1. Inkomazi ebovu enezimpawu ezimbili endlebeni yangakwe sokudla bese luba lunye endlebeni yakwezobunxele.
2. Inkabi empunga enophawu olulodwa endlebeni yesokudla bese zibembili izimpawu endlebeni yesoku nxele.
3. Inkunzi ebomvu enezimpawu ezintathu endlebeni yesokudla ayinaluphawu kwe-sokunxele.
4. Inkonyane elingena zimpawu endlebeni noma ezinye izimpawu.
5. Inkonyane elibomvu elingenazo izimpawu endlebeni noma ezinye izimpawu.
6. Inkomazi emnyama enebala elemhlophe ebusweni nasesipongweni.
7. Inkabi empunga emavovo enezimpawu ezimbili endlebeni yesokudla.
8. Inkomazi emnyama enophawu olulodwa endlebeni yesokunxele bese luba lunye endlebeni yeso kudla.
9. Inkabi engenazimpondo enombala omhlophe nobomvu.
10. Inkomazi enombala omhlophe nobomvu emzimbeni yaba nebala elimhlophe ekhanda inezimpawu ezimbili endlebeni yesokunxele.
11. Inkunzi emnyama ene nombolo 2 emuva komleze wesokunxele.

E. M. Laatz

Umgcinisikidi

H3—Febhuwari 3, 2000.