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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 196, 1985

WET OP DIE ONTWIKKELING VAN SWART
GEMEENSKAPPE, 1984 (WET 4 VAN 1984)

INWERKINGTREDING

Kragtens die bevoegdheid my verleen by artikel 70 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), bepaal ek hierby dat—

- (a) artikels 52, 53, 54, 56 en 57 van bedoelde Wet; en
 - (b) artikel 69 (1) van bedoelde Wet, in soverre dit betrekking het op die herroeping van artikels 6A, 6B, 6C en 6D van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945) en die Wet op die Hervestiging van Swartes, 1954 (Wet 19 van 1954);
- op die datum van afkondiging hiervan in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Elfde dag van September Eenduisend Negehonderd Vyf-en-tigtyg.

P. W. BOTHA,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN N. VILJOEN,

Minister van die Kabinet.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. R. 2451 1 November 1985

REGULASIES WAT DIE TOEKENNING VAN
HUURPAG REËL

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, kragtens die bevoegdheid my verleen by artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984)—

- (a) vaardig hierby die regulasies uit vervat in bygaande Bylae;

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 196, 1985

BLACK COMMUNITIES DEVELOPMENT ACT, 1984
(ACT 4 OF 1984)

COMMENCEMENT

Under and by virtue of the powers vested in me by section 70 of the Black Communities Development Act, 1984 (Act 4 of 1984), I hereby fix the date of publication hereof as the date on which—

- (a) sections 52, 53, 54, 56 and 57 of the said Act; and
- (b) section 69 (1) of the said Act, in so far as it relates to the repeal of sections 6A, 6B, 6C and 6D of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945) and the Blacks Resettlement Act, 1954 (Act 19 of 1954);

shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eleventh day of September, One thousand Nine hundred and Eighty-five.

P. W. BOTHA,

State President.

By Order of the State President-in-Cabinet:

G. VAN N. VILJOEN,

Minister of the Cabinet.

GOVERNMENT NOTICE

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. R. 2451 1 November 1985
REGULATIONS GOVERNING THE GRANTING OF
LEASEHOLD

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, by virtue of the powers vested in me by section 66 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984)—

- (a) make the regulations contained in the accompanying Schedule;

(b) herroep hierby Goewermentskennisgewings R. 2471 van 1978, R. 357 van 1979, R. 1629 van 1979, R. 738 van 1980, R. 1547 van 1983 en R. 320 van 1984.

J. C. HEUNIS,

Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE
HOOFTUK I
WOORDOMSKRYWING

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

“aansoek om toekenning van huurpag” ’n in regulasie 9 bedoelde aansoekvorm;

“bewoner” die persoon aan wie ’n perseel in die dorp kragtens wet toegeken is;

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

“herroepe Wet” die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet 25 van 1945);

“huurpagapplikant” ’n bevoegde persoon wat aansoek doen of aansoek gedoen het om die toekenning van ’n reg van huurpag;

“huurpaggewer” ’n raad, plaaslike bestuur of dorpsontwikkelaar;

“huurpaghouer” die houer van ’n geregistreerde reg van huurpag;

“identiteitsnommer” die identiteitsnommer wat verskyn in ’n identiteitsdokument bedoel in artikel 3 of 10 van die Swartes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952);

“Landmeter-generaal” ’n Landmeter-generaal soos omskryf in artikel 49 van die Opmetingswet;

“Opmetingswet” die Opmetingswet, 1927 (Wet 9 van 1927);

“raad” ’n ontwikkelingsraad ingestel of geag ingestel te wees kragtens artikel 3 van die Wet;

“reg van huurpag” ’n in artikel 52 van die Wet beoogde reg van huurpag en het “huurpag” ’n ooreenstemmende betekenis;

“sertifikaat van geregistreerde toekenning van huurpag” die in regulasie 14 (a) bedoelde sertifikaat;

“sertifikaat van voorlopige toekenning van huurpag” die in regulasie 11 (3) bedoelde sertifikaat insluitende ’n addendum in daardie regulasie bedoel.

HOOFTUK II
ALGEMENE PLANNE

Opstel van algemene plan

2. ’n Algemene plan wat ten opsigte van ’n dorp of ’n gedeelte daarvan opgestel word, moet voldoen aan die vereistes uiteengesit in die Opmetingswet, 1927 (Wet 9 van 1927), en die regulasies daarkragtens uitgevaardig: Met dien verstande dat die Minister na goeddunke een of meer van sodanige vereistes in ’n bepaalde geval kan verslap.

Goedkeuring van algemene plan

3. (1) ’n Aansoek om die goedkeuring deur die Minister van ’n algemene plan word vir sodanige goedkeuring by die Direkteur-generaal ingediend.

(2) Die aansoek vermeld in subregulasie (1) moet vergezel gaan van die oorspronklike en ses afdrukke van—

(a) die uitlegplan van die dorp of die tersaaklike gedeelte daarvan;

(b) withdraw Government Notices R. 2471 of 1978, R. 357 of 1979, R. 1629 of 1979, R. 738 of 1980, R. 1547 of 1983 and R. 320 of 1984.

J. C. HEUNIS,
Minister of Constitutional Development and Planning.

SCHEDULE

CHAPTER I

DEFINITIONS

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

“application for grant of leasehold” means the application form referred to in regulation 9;

“board” means a development board established or deemed to have been established under section 3 of the Act;

“certificate of provisional grant of leasehold” means the certificate referred to in regulation 11 (3), including an addendum referred to in that regulation;

“certificate of registered grant of leasehold” means the certificate referred to in regulation 14 (a);

“identity number” means the identity number which appears in a document referred to in section 3 or 10 of the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952);

“Land Survey Act” means the Land Survey Act, 1927 (Act 9 of 1927);

“leasehold applicant” means a competent person applying or who has applied for a grant of a right of leasehold;

“leaseholder” means the holder of a registered right of leasehold;

“leasehold grantor” means a board, local authority or township developer;

“occupier” means the person to whom any site in a town has been allocated under any law;

“repealed Act” means the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);

“right of leasehold” means a right of leasehold contemplated in section 52 of the Act and “leasehold” has a corresponding meaning;

“Surveyor-General” means a Surveyor-General as defined in section 49 of the Land Survey Act;

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

CHAPTER II

GENERAL PLANS

Preparation of general plan

2. A general plan prepared in respect of a town or a portion thereof shall comply with the requirements set out in the Land Survey Act, 1927 (Act 9 of 1927), and the regulations made thereunder: Provided that the Minister may, if he deems fit, relax one or more of such requirements in a particular case.

Approval of general plan

3. (1) An application for the approval by the Minister of a general plan shall be submitted for such approval to the Director-General.

(2) The application referred to in subregulation (1) shall be accompanied by the original and six copies of—

(a) the lay-out plan of the town or the relevant portion thereof;

- (b) die konsep algemene plan;
 (c) enige kaarte voorberei ten opsigte van bepaalde persele aangedui op die konsep algemene plan.

Beskikking oor afdrukke van goedgekeurde algemene plan en kennisgewing aan registrator

4. (1) Die Direkteur-generaal, na goedkeuring deur die Minister van 'n algemene plan—

- (a) bewaar 'n gesertifiseerde afdruk daarvan en van elke kaart wat in verband daarmee ingedien is;
- (b) stuur 'n gesertifiseerde afdruk daarvan en van elke kaart aan die applikant;
- (c) stuur 'n gesertifiseerde afdruk daarvan aan die betrokke registrator en verwittig hom van sodanige goedkeuring;
- (d) stuur, indien die toepaslike plaaslike bestuur (of, indien daar geen plaaslike bestuur is nie, die raad) nie die applikant is nie, 'n gesertifiseerde afdruk daarvan aan sodanige plaaslike bestuur of raad, na gelang van die geval; en
- (e) stuur die oorspronklike goedgekeurde algemene plan aan die kantoor van die Landmeter-generaal vir bewaring.

(2) Benewens die vereistes van subregulasie (1), stuur die Direkteur-generaal na goedkeuring van 'n algemene plan ten opsigte van grond wat kragtens artikel 34 (9) van die Wet aan 'n huurpagewer beskikbaar gestel is, 'n skriftelike kennisgewing aan die registrator dat die Minister die grond aldus aan daardie huurpagewer beskikbaar gestel het.

(3) Indien daar ten tyde van die beskikbaarstelling van grond kragtens artikel 34 (9) van die Wet 'n goedgekeurde algemene plan ten opsigte van sodanige grond bestaan, stuur die Direkteur-generaal onverwyld aan die registrator 'n gesertifiseerde afdruk van daardie goedgekeurde algemene plan tesame met 'n skriftelike kennisgewing dat sodanige grond aldus beskikbaar gestel is.

Wysiging of rojering van 'n algemene plan

5. (1) 'n Algemene plan of kaart deur die Minister goedgekeur, kan deur die Landmeter-generaal gewysig of gedeeltelik of in die geheel gerooier word op die bedinge en voorwaarde wat die Minister goedkeur of bepaal, insluitende voorwaarde betreffende vergoeding, indien daar is, of die sluit van 'n openbare plek.

(2) Die betrokke applikant dien 'n aansoek om die wysiging of gedeeltelike of algehele rojering van 'n algemene plan of kaart in by die Direkteur-generaal vir goedkeuring deur die Minister, en bedoelde wysigende algemene plan moet voldoen aan die vereistes van die Opmetingswet en die regulasie daarkragtens uitgevaardig en in enige sodanige geval is die bepalings van regulasies 2, 3 en 4 *mutatis mutandis* van toepassing.

HOOFTUK III

AFBAKENING VAN PERSELE VIR DOELEINDES VAN IDENTIFIKASIE

Afbakening van perseel

6. (1) Die bepalings van hierdie regulasie en regulasie 7 is nie van toepassing nie wanneer 'n algemene plan ten opsigte van 'n dorp of enige gedeelte van 'n dorp deur 'n landmeter onderteken is as synde deur hom opgemeet te wees, of 'n algemene plan is soos bedoel in die voorbehoudsbepaling van artikel 39 van die Opmetingswet.

(2) Behoudens subregulasie (3), laat die huurpagewer so gou doenlik na ontvangs van 'n aansoek om toekenning van huurpag, die grense van die perseel sigbaar afbaken.

- (b) the draft general plan;

- (c) any diagrams prepared in respect of particular sites reflected on the draft general plan.

Disposal of copies of approved general plan and notification to registrar

4. (1) The Director-General shall, upon approval by the Minister of a general plan—

- (a) keep in his custody a certified copy thereof and of every diagram submitted in connection therewith;
- (b) forward a certified copy thereof and of every diagram to the applicant;
- (c) forward a certified copy thereof to the registrar concerned and advise him of such approval;
- (d) if the relevant local authority (or, if there be no local authority, the board) is not the applicant, forward a certified copy thereof to such local authority or board, as the case may be; and
- (e) forward the original approved general plan to the office of the Surveyor-General for custody.

(2) In addition to the requirements of subregulation (1), the Director-General shall, upon approval of a general plan in respect of land which has been made available to a leasehold grantor in terms of section 34 (9) of the Act, forward to the registrar written notification that the Minister has so made the land available to that leasehold grantor.

(3) If at the time of making land available in terms of section 34 (9) of the Act there exists an approved general plan in respect of such land, the Director-General shall forthwith forward to the registrar a certified copy of such approved general plan together with written notification that such land has been so made available.

Amendment or cancellation of a general plan

5. (1) A general plan or diagram approved by the Minister may be amended or partially or totally cancelled by the Surveyor-General upon such terms and conditions as the Minister may approve or direct, including conditions as to compensation, if any, or the closing of any public place.

(2) The applicant concerned shall submit any application for the amendment or partial or total cancellation of a general plan or diagram to the Director-General for approval by the Minister, and such amending general plan shall comply with the requirements of the Land Survey Act and the regulations made thereunder and in any such case the provisions of regulations 2, 3, and 4 shall apply *mutatis mutandis*.

CHAPTER III

DEMARCATION OF SITES FOR PURPOSES OF IDENTIFICATION

Demarcation of site

6. (1) The provisions of this regulation and regulation 7 shall not apply when a general plan in respect of any town or any portion of a town is signed by a land surveyor as having been surveyed by him, or is a general plan referred to in the proviso to section 39 of the Land Survey Act.

(2) Subject to subregulation (3), the leasehold grantor shall, as soon as possible after receipt of an application for grant of leasehold, cause the boundaries of the site concerned to be visibly demarcated.

(3) Indien die perseel omhein, ommuur of andersins fisies afgebaken is oënskynlik in ooreenstemming met die algemene plan, is sodanige omheining, muur of ander fisiese afbakening vir doeleindes van artikel 52 (5) (a) van die Wet voldoende identifikasie van sodanige perseel.

(4) Nadat die grense van die perseel afgebaken is, laat die huurpaggewer 'n verifikasiesertifikaat deur 'n landmeter uitreik, wat—

(a) op die verifikasiesertifikaat—

(i) moet sertifieer dat die bestaande omheining, muur of ander fisiese afbakening binne 300 mm van die betrokke grens is soos op die algemene plan getoon word, of binne sodanige groter afstand is as wat die Direkteur-generaal in die bepaalde geval goedkeur; en

(ii) die perseel ooreenkomsdig sy benaming op die algemene plan moet identifiseer; en

(b) die verifikasiesertifikaat aan die Direkteur-generaal moet voorlê vir goedkeuring deur die Minister.

(5) Indien 'n bestaande omheining, muur of ander fisiese afbakening nie binne die perke bedoel in subregulasie (4) (a) (i) is nie, laat die huurpaggewer 'n landmeter so gou doenlik—

(a) die perseel ooreenkomsdig die algemene plan afbaken; of

(b) die perseel soos omhein, ommuur of andersins fisies afgebaken, opmeet; of

(c) van die perseelgrense soos omhein, ommuur of andersins fisies afgebaken, opmeet en die ander grense ooreenkomsdig die algemene plan afbaken;

en sy opmetingsrekords tesame met, in die omstandighede in paragrawe (b) en (c) beoog, sodanige kaart of wysigende algemene plan as wat vereis word, aan die Direkteur-generaal voorlê vir goedkeuring deur die Minister.

(6) Na goedkeuring deur die Minister kragtens subregulasie (5) is die bepalings van regulasies 3 (2) en 4 *mutatis mutandis* van toepassing.

Beslegting van afbakeningsgeskille

7. (1) Voor die voorlegging van die dokumente bedoel in regulasie 6 (4) (b) of 6 (5) aan die Direkteur-generaal vir goedkeuring deur die Minister, laat die huurpaggewer 'n kennisgewing, wesenlik in die vorm van Aanhangsel A, aan die huurpagapplikant en bewoner of die huurpagapplikant (as daar is), na gelang van die geval, ten opsigte van elke aangrensende perseel ten opsigte waarvan 'n huurpag nie geregistreer is nie, beteken of deur dit aan sodanige persoon te oorhandig of deur 'n afskrif daarvan aan 'n deur van 'n woning op sodanige aangrensende perseel te heg.

(2) Indien 'n huurpagapplikant of bewoner in subregulasie (1) bedoel, beswaar het teen die afbakening in die betrokke kennisgewing beskryf, stel hy sodanige beswaar op skrif en lewer dit binne 14 dae na betekening van die kennisgewing, vergesel van 'n deposito soos gespesifiseer in Deel A van Aanhangsel F, aan die huurpaggewer by die adres in die kennisgewing vermeld.

(3) Die huurpaggewer kan met die instemming van alle persone wat daardeur geraak word, die betrokke perseelgrens laat herafbaken tensy sodanige grens voorheen deur 'n landmeter opgemee of geverifieer is.

(4) Indien die herafbakening in subregulasie (3) beoog nie in ooreenstemming met die algemene plan is nie—

- (a) geld die bepalings van regulasie 6 (5) (b) en (c);
- (b) is dit nie nodig om weer aan die bepalings van subregulasie (1) te voldoen nie.

(3) If the site is fenced, walled or otherwise physically demarcated apparently in accordance with the general plan, such fence, wall or other physical demarcation shall be sufficient identification of such site for the purposes of section 52 (5) (a) of the Act.

(4) After the boundaries of the site have been demarcated, the leasehold grantor shall cause a verification certificate to be issued by a land surveyor who shall—

(a) on the verification certificate—

(i) certify that the existing fence, wall or other physical demarcation is within 300 mm of the boundary concerned as shown on the general plan, or within such greater distance as the Director-General may approve in the particular case;

(ii) identify the site in accordance with its designation on the general plan; and

(b) submit the verification certificate to the Director-General for approval by the Minister.

(5) If an existing fence, wall or other physical demarcation is not within the limits referred to in subregulation (4) (a) (i), the leasehold grantor shall as soon as possible cause a land surveyor to—

(a) demarcate the site in accordance with the general plan; or

(b) survey the site as fenced, walled or otherwise physically demarcated; or

(c) survey some of the site boundaries as fenced, walled or otherwise physically demarcated and demarcate the other boundaries in accordance with the general plan;

and to submit to the Director-General for approval by the Minister his survey records together with, in the circumstances contemplated in paragraphs (b) and (c), such diagram or amending general plan as may be required.

(6) After approval by the Minister in terms of subregulation (5), the provisions of regulations 3 (2) and 4 shall apply *mutatis mutandis*.

Settlement of demarcation disputes

7. (1) Prior to the submission of the documents referred to in regulation 6 (4) (b) or 6 (5) to the Director-General for approval by the Minister, the leasehold grantor shall cause a notice, substantially in the form of Annexure A, to be served on the leasehold applicant and occupier or the leasehold applicant (if any), as the case may be, in respect of each adjoining site in respect of which a leasehold has not been registered, either by handing it personally to such person or by affixing a copy thereof to a door of a dwelling on such adjoining site.

(2) If any leasehold applicant or occupier referred to in subregulation (1) objects to the demarcation described in the notice concerned, he shall reduce such objection to writing and deliver it, within 14 days of the service of the notice, together with a deposit in the amount specified in Part A of Annexure F, to the leasehold grantor at the address stated in the notice.

(3) The leasehold grantor may with the agreement of all persons affected thereby, cause the site boundary concerned to be redemarcated unless such boundary has previously been surveyed or verified by a land surveyor.

(4) If the redemarcation contemplated in subregulation (3) is not in accordance with the general plan—

- (a) the provisions of regulation 6 (5) (b) and (c) shall apply;
- (b) it shall not be necessary to comply again with the provisions of subregulation (1).

(5) By onstentenis van instemming tot die herafbakening van die betrokke grens, stuur die huurpagewer die kennisgewing in subregulasie (1) bedoel, tesame met die skrifte-like beswaar in subregulasie (2) bedoel, aan die kommissaris, wat die geskil in verband met die afbakening moet besleg.

(6) Die kommissaris kan 'n landmeter inroep om as assessor op te tree by die besleeting van 'n geskil.

(7) Die kommissaris stel die huurpagewer en al die ander persone vermeld in subregulasie (3) skriftelik in kennis dat hy optree om die geskil te besleg en stel hulle in kennis dat hulle skriftelike vertoe in verband met sodanige geskil binne 30 dae na die datum van sy kennisgewing aan hom kan lewer.

(8) Die kommissaris kan, indien hy dit nodig ag, enige persoon aansê om teenwoordig te wees by 'n ondersoek ten einde getuenis af te lê en enige boek of ander dokument te toon wat sodanige persoon in sy besit of bewaring of onder sy beheer het en wat, na die oordeel van die kommissaris, by die onderwerp van die ondersoek ter sake kan wees.

(9) 'n Persoon wat hom veronreg voel deur die beslissing van 'n kommissaris, kan binne 14 dae nadat die kommissaris sy beslissing gegee het, appèl teen sodanige beslissing aanteken by die Hoofkommissaris omskryf in artikel 35 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), wie se beslissing afdoende is.

(10) Indien 'n beswaar bedoel in subregulasie (2) gehandhaaf word, word die deposito in daardie subregulasie vermeld, onverwyld aan die beswaarmaker terugbetaal en indien 'n beswaar afgewys of deur die beswaarmaker teruggetrek word, word die deposito aan die huurpagewer verbeur.

Instandhouding van bakens en persele

8. Die bepalings van artikels 34, 35 en 36 van die Opmetingswet is van toepassing ten opsigte van huurpagepersele en 'n verwysing daarin na 'n eienaar of persoon met betrekking tot grond kragtens 'n reg van huurpag besit, word uitgelê as 'n verwysing na die huurpaghouer.

HOOFTUK IV HUURPAGTOEKENNINGS

Aansoek om 'n huurpagtoekenning

9. (1) Elke aansoek om die toekenning van 'n reg van huurpag word gedoen deur 'n behoorlik ingevulde aansoekvorm, wesenlik in die vorm van Aanhengsel B, by die huurpagewer in te dien: Met dien verstande dat sodanige bykomende inligting as wat die huurpagewer vir doeleindes van regulasie 10 (3) verlang deur die huurpagapplikant verstrek moet word.

(2) 'n Aansoek in subregulasie (1) bedoel, gaan vergesel van die administrasiegelde uiteengesit in Deel A van Aanhengsel F tensy die huurpagewer in enige geval van die betaling van al of enige gedeelte van sodanige gelde afstand doen.

Toekenning van huurpag

10. (1) 'n Huurpagewer wat 'n aansoek om 'n huurpagtoekenning ontvang, oorweeg die aansoek en kan, behoudens die bepalings van die Wet en hierdie regulasies, aan die huurpagapplikant 'n reg van huurpag ten opsigte van die betrokke perseel toeken indien—

- (a) die huurpagewer en die huurpagapplikant oor die voorwaardes vir die toekenning van die reg van huurpag ooreengekom het; en
- (b) daardie perseel beskikbaar is vir toekenning aan die huurpagapplikant.

(5) Failing agreement to the redemarcation of the boundary concerned, the leasehold grantor shall forward the notice referred to in subregulation (1), together with the written objection referred to in subregulation (2), to the commissioner, who shall settle the dispute regarding the demarcation.

(6) The commissioner may call upon a land surveyor to act as an assessor in the settlement of any dispute.

(7) The commissioner shall give notice in writing to the leasehold grantor and all other persons referred to in subregulation (3), that he is taking action in order to settle the dispute and shall inform them that they may furnish him with written representations in regard to such dispute, within 30 days of the date of his notice.

(8) The commissioner may, if he deems it necessary, direct any persons to be present at an investigation in order to give evidence and to produce at such investigation any book or other document which such person has in his possession or custody or under his control and which, in the opinion of the commissioner, may be relevant to the subject matter of the investigation.

(9) Any person who considers himself aggrieved by the decision of a commissioner may, within 14 days after the commissioner has given his decision, note an appeal against such decision to the Chief Commissioner defined in section 35 of the Black Administration Act, 1927 (Act 38 of 1927), whose decision shall be final.

(10) If an objection referred to in subregulation (2) is upheld, the deposit referred to in that subregulation shall forthwith be refunded to the objector, and if an objection is dismissed or is withdrawn by the objector, the deposit shall be forfeited to the leasehold grantor.

Maintenance of beacons and sites

8. The provisions of sections 34, 35 and 36 of the Land Survey Act shall apply in respect of leasehold sites and any reference therein to owner or person in relation to land held under a right of leasehold shall be construed as a reference to the leaseholder.

CHAPTER IV GRANTS OF LEASEHOLD

Application for a grant of leasehold

9. (1) Every application for the grant of a right of leasehold shall be made by the submission to the leasehold grantor of a duly completed application form substantially in the form of Annexure B: Provided that such additional information as may be required by the leasehold grantor for the purposes of regulation 10 (3) shall be furnished by the leasehold applicant.

(2) An application referred to in subregulation (1) shall be accompanied by an administration fee in the amount specified in Part A of Annexure F unless the leasehold grantor has in any case waived the payment of all or any part of such fee.

Grant of leasehold

10. (1) A leasehold grantor receiving an application for grant of leasehold shall consider the application and may, subject to the provisions of the Act and these regulations, grant to the leasehold applicant a right of leasehold in respect of the site concerned if—

- (a) the leasehold grantor and leasehold applicant have agreed on the conditions of granting of the right of leasehold; and
- (b) such site is available for allocation to the leasehold applicant.

(2) 'n Huurpaggewer, behalwe 'n dorpsontwikkelaar met betrekking tot 'n huurpagperseel op grond waarvan hy die geregistreerde eienaar is, wat 'n aansoek om 'n reg van huurpag van die hand wys, moet by skriftelike versoek van die huurpagapplikant die redes vir sy beslissing verstrek.

(3) Nadat die huurpaggewer en die huurpagapplikant ooreengekomm het met betrekking tot die toekenning van 'n reg van huurpag aan die huurpagapplikant, reik die huurpaggewer ten gunste van die huurpagapplikant onverwyd 'n sertifikaat van voorlopige toekenning van huurpag uit—

- (a) wat wesenlik in die vorm van Aanhangesel C is;
- (b) waarin daar in 'n addendum sodanige bykomende bedinge en voorwaardes as waartoe die partye ooreengekomm het, vervat kan word, mits geen sodanige beding of voorwaarde in stryd met enige bepaling van die Wet of hierdie regulasies is nie.

(4) 'n Sertifikaat van voorlopige toekenning van huurpag verstryk op die verval datum daarin gespesifieer (welke datum nie vroeër as vier maande na die uitreikingsdatum daarvan moet wees nie) of, indien geen sodanige datum gespesifieer word nie, vier maande na die uitreikingsdatum daarvan, of by verstryking van sodanige verlengde tydperke as wat deur die huurpaggewer goedgekeur en daarop geëndosseer is, indien die huurpagapplikant nie die vereiste dokumente vir die registrasie van huurpag binne die geldigheidsduur van bedoelde voorlopige huurpag by die betrokke registrator ingedien het nie of indien registrasie om enige ander rede nog nie plaasgevind het nie.

(5) 'n Sertifikaat van voorlopige toekenning van huurpag en die addendum daarvan, indien daar een is, maak tussen die huurpaggewer en die huurpagapplikant 'n ooreenkoms uit met die bedinge daarin uitgedruk.

(6) Op versoek van die huurpagapplikant, welke versoek vergesel moet gaan van die bedrag gespesifieer in Deel A van Aanhangesel F, verskaf 'n huurpaggewer, te eniger tyd voor die registrasie van 'n reg van huurpag, aan sodanige huurpagapplikant 'n gewaarmakte afskrif van die sertifikaat van voorlopige toekenning van huurpag uitgereik kragtens subregulasie (3).

Berekening van bedrag betaalbaar ten opsigte van 'n reg van huurpag en verbeterings

11. (1) Die bedrag betaalbaar deur die huurpagapplikant aan die huurpaggewer ten opsigte van 'n reg van huurpag—

- (a) sluit 'n bedrag ten opsigte van die grond in, welke bedrag wins kan insluit indien die huurpaggewer 'n dorpsontwikkelaar is wat die geregistreerde eienaar van die grond is;
- (b) kan 'n bedrag, enige wins inbegrepe, insluit ten opsigte van—
 - (i) die koste van dorpstigting, insluitende die opmetingskoste;
 - (ii) ontwikkelingskoste, wat, sonder om afbreuk te doen aan die algemeenheid van die uitdrukking, finansieringskoste, koste van projekbeplanning, bestuur en administrasie, regskoste, dienstegelde, perseelhuurgelde, plaaslikebestuursbelasting, heffings, belasting en dergelike koste insluit;
 - (iii) behoudens die bepalings van subregulasie (4), verbeterings, insluitende infrastruktuur of bouwerke opgerig op die betrokke huurpagperseel;
 - (iv) bewoningsinteres;
 - (v) eiendomsagentekommissie.

(2) Enige bedrag betaalbaar kragtens subregulasie (1), is betaalbaar benewens enige bedrag betaalbaar kragtens regulasie 12 (1).

(2) A leasehold grantor, other than a township developer in respect of a leasehold site on land of which it is the registered owner, who declines to grant a right of leasehold shall, on written request by the leasehold applicant, furnish the reasons for his decision.

(3) After the leasehold grantor and the leasehold applicant have reached agreement in respect of the granting of a right of leasehold to the leasehold applicant, the leasehold grantor shall forthwith issue in favour of the leasehold applicant a certificate of provisional grant of leasehold which—

- (a) shall be substantially in the form of Annexure C;
- (b) may in an addendum contain such additional terms and conditions as have been agreed upon between the parties, provided no such term or condition is in conflict with any provision of the Act or these regulations.

(4) A certificate of provisional grant of leasehold shall lapse on the expiry date specified therein (which date shall not be earlier than four months after the date of issue thereof) or if no such date be specified, four months after the date of issue thereof, or upon expiry of such extended periods as may be approved and endorsed thereon by the leasehold grantor if the leasehold applicant has not submitted the requisite documents for the registration of the leasehold to the registrar concerned within the period of validity of such provisional leasehold or if, for any other reason, registration has not yet taken place.

(5) A certificate of provisional grant of leasehold and the addendum thereto, if any, shall constitute an agreement between the leasehold grantor and the leasehold applicant in the terms expressed therein.

(6) A leasehold grantor shall, at any time prior to registration of a right of leasehold, on receipt of a request from the leasehold applicant, accompanied by a fee in the amount specified in Part A of Annexure F, furnish to such leasehold applicant a certified copy of the certificate of provisional grant of leasehold concerned issued in terms of subregulation (3).

Calculation of amount payable in respect of a right of leasehold and improvements

11. (1) The amount payable by the leasehold applicant to the leasehold grantor in respect of a right of leasehold—

- (a) shall include an amount in respect of the land which amount may include profit if the leasehold grantor is a township developer who is the registered owner of the land;
- (b) may include an amount, including any profit, in respect of—
 - (i) the costs of township establishment including the costs of survey;
 - (ii) development costs, which, without derogating from the generality of the term, shall include finance charges, costs of project planning, management and administration, legal costs, service charges, site rentals, local authority rates, levies, imposts and like costs;
 - (iii) subject to the provisions of subregulation (4), improvements, including infrastructure or structures erected upon the leasehold site concerned;
 - (iv) occupational interest;
 - (v) estate agent's commission.

(2) Any amount payable under subregulation (1) shall be payable in addition to any amount payable under regulation 12 (1).

- (3) Behoudens die bepalings van subregulasie (5), word die in subregulasie (1) (a) beoogde bedrag bepaal—
- indien die reg van huurpag toegeken is behoudens 'n voorwaarde dat die huurpagperseel slegs vir woon-doeleindes gebruik kan word, deur die Minister na oorlegpleging met die huurpaggewer;
 - indien die reg van huurpag toegeken is behoudens 'n voorwaarde dat die huurpagperseel gebruik kan word met die doel om 'n beroep of besigheid [uitgesonderd dié in paragraaf (c) bedoel] daarop uit te oefen of te bedryf, deur 'n beëdigde waardeerdeer aangestel met die goedkeuring van die Minister deur die betrokke huurpaggewer: Met dien verstande dat die bedrag aldus bepaal, nie die bedrag te bowe gaan nie wat ooreenkomsdig paragraaf (a) bepaal sou word as die huurpagperseel 'n woonperseel was, vermenigvuldig met 10;
 - indien die reg van huurpag toegeken is behoudens 'n voorwaarde dat die huurpagperseel gebruik kan word met die doel om 'n vervaardigingsproses of diensnywerheid daarop te bedryf, asof die huurpagperseel 'n woonperseel soos bedoel in paragraaf (a) is, vermenigvuldig met hoogstens twee;
 - indien die reg van huurpag toegeken is aan 'n kerk, 'n klub of 'n liefdadigheids- of welsynsorganisasie, deur die Minister na oorlegpleging met die huurpaggewer: Met dien verstande dat sodanige bedrag 'n nominale bedrag moet wees.

(4) Die bedrag betaalbaar deur die huurpagapplicant aan die huurpaggewer ten opsigte van die verbeterings op die betrokke huurpagperseel word deur die huurpaggewer in oorleg met die Nasionale Behuisingskommissie bepaal indien die oprigting van die verbeterings gefinansier is deur 'n lening met daardie Kommissie aangegaan, of in alle ander gevalle, in oorleg met die Direkteur-generaal.

(5) 'n Dorpsontwikkelaar is vrygestel van enige van die bepalings van die Wet en hierdie regulasies wat vereis dat 'n bedrag beoog—

- in subregulasie (1) (a), ten opsigte van grond waarvan die dorpsontwikkelaar die geregistreerde eienaar is; of
- in subregulasie (1) (b);

andersins bepaal moet word as deur die dorpsontwikkelaar na sy goedgunke.

Voorwaardes waaraan 'n reg van huurpag onderworpe is

12. (1) 'n Reg van huurpag is, benewens enige ander voorwaardes beoog in artikel 52 (1) (a) van die Wet, onderworpe aan die voorwaarde dat 'n nominale jaarlikse huurgeld van R1 vir elke jaar van die duur van die reg van huurpag na registrasie van die reg van huurpag betaalbaar is deur die huurpaghouer aan die geregistreerde eienaar van die grond waarop die huurpagperseel geleë is.

(2) Indien die huurpagapplicant deur die huurpaggewer toegelaat word om die huurpagperseel te bewoon na uitreiking van die sertifikaat van voorlopige toekenning van huurpag maar voor registrasie van die huurpag, word die huurpagapplicant nie verplig om enige ander toestemming of magtiging om sodanige perseel te bewoon, te verkry of te besit nie.

HOOFTUK V

REGISTRASIE VAN TOEKENNINGS EN OORDRAGTE VAN HUURPAG

Registrasie van toekennings van huurpag

13. Die eerste oordrag van 'n reg van huurpag oor 'n perseel geskied kragtens 'n Sertifikaat van Geregistreerde Toekenning van Huurpag wesenlik in die vorm van Aanhangsel E.

(3) Subject to the provisions of subregulation (5), the amount contemplated in subregulation (1) (a) shall be determined—

- if the right of leasehold has been granted subject to a condition that the leasehold site may be used for residential purposes only, by the Minister after consultation with the leasehold grantor;
- if the right of leasehold has been granted subject to a condition that the leasehold site may be used for the purpose of conducting thereon any profession or business [other than that referred to in paragraph (c)], by a sworn appraiser appointed with the approval of the Minister by the leasehold grantor: Provided that the amount thus determined shall not exceed the amount which would have been determined in accordance with paragraph (a) had the leasehold site been a residential site, multiplied by 10;
- if the right of leasehold has been granted subject to a condition that the leasehold site may be used for the purpose of conducting thereon any process of manufacture or service industry, as if the leasehold site had been a residential site as contemplated in paragraph (a), multiplied by not more than two.
- if the right of leasehold has been granted to a church, a club or a charitable or welfare organisation, by the Minister after consultation with the leasehold grantor: Provided that such amount shall be a nominal amount.

(4) The amount payable by the leasehold applicant to the leasehold grantor in respect of the improvements on the leasehold site concerned shall be determined by the leasehold grantor in collaboration with the National Housing Commission, if the erection of the improvements was financed by a loan obtained from that Commission, or in all other cases, with the Director-General.

(5) A township developer shall be exempt from any of the provisions of the Act and these regulations which require an amount contemplated—

- in subregulation (1) (a), in respect of land of which the township developer is the registered owner; or
- in subregulation (1) (b);

to be determined otherwise than by the township developer in his discretion.

Conditions to which a right of leasehold is subject

12. (1) A right of leasehold shall, in addition to any other conditions contemplated in section 52 (1) (a) of the Act, be subject to the condition that a nominal annual rental of R1 for each year of the duration of the right of leasehold shall, after registration of the right of leasehold, be payable by the leaseholder to the registered owner of the land on which the leasehold site is situated.

(2) If the leasehold applicant is permitted by the leasehold grantor to occupy the leasehold site after the issue of the certificate of provisional grant of leasehold but before registration of the leasehold, the leasehold applicant shall not be required to obtain or hold any other permission or authority to occupy such site.

CHAPTER V

REGISTRATION OF GRANTS AND TRANSFERS OF LEASEHOLD

Registration of grants of leasehold

13. The first transfer of a right of leasehold over an erf takes place by means of a Certificate of Registered Grant of Leasehold substantially in the form of Annexure E.

14. Die registrator gee geen oordrag van 'n reg van huurpag nie tensy—

- (a) daar bewys voorgelê word wesentlik in die vorm van Aanhangsel D dat transportnemer 'n bevoegde persoon is;
- (b) 'n sertifikaat deur die betrokke plaaslike bestuur of raad ingedien word dat alle bedrae aan hom verskuldig ten opsigte van die perseel betaal is;
- (c) 'n sertifikaat van die huurpaggewer ingedien word dat alle bedrae aan hom verskuldig ten opsigte van die perseel betaal is of dat gepaste reëlings ten opsigte van sodanige betalings gemaak is.

Registrasie van oordrag

15. Die registrator regstreer geen oordrag van 'n reg van huurpag nie tensy daar aan hom bewys voorgelê word, wesenlik in die vorm van Aanhangsel D, dat die transportnemer 'n bevoegde persoon is.

Gebruiklike verbindings en huwelike binne gemeenskap van goed

16. (1) 'n Gebruiklike verbinding geregistreer kragtens die bepalings van die Bylae van Proklamasie R. 195 van 1967 of van die regulasies uitgevaardig by Goewermentskennisgewing R. 1970 van 1968, word geag 'n huwelik te wees vir doeleindes van artikel 17 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937), en die regulasies daarkragtens uitgevaardig.

(2) Ondanks andersluidende bepalings van die Registrasie van Aktes Wet, 1937, of die regulasies daarkragtens uitgevaardig—

- (a) word 'n reg van huurpag nie in die naam van 'n Swart vrou getroud binne gemeenskap van goed, geregistreer nie, tensy—
 - (i) die reg van huurpag aan haar toegeken is, en haar man nie 'n bevoegde persoon is nie;
 - (ii) die reg van huurpag aan haar man toegeken is, en sy 'n bevoegde persoon is, in welke geval registrasie in haar naam en in die naam van haar man geskied;
 - (iii) die reg van huurpag kragtens wet of 'n voorwaarde van 'n erflating of skenking van sodanige gemeenskap uitgesluit is;
 - (b) is die registrator bevoeg om, wanneer 'n reg van huurpag of ander geregistreerde reg geregistreer is in die naam van—
 - (i) 'n vrou wat sedert die registrasie gedoen is, getrouw het; of
 - (ii) 'n vrou wat op die datum van registrasie buite gemeenskap van goed getroud was en wat sedertdien tot weduwee gemaak is of geskei is
- by skriftelike aansoek van sodanige vrou (bygestaan deur haar man indien nodig) en by voorlegging van die betrokke dokument en van bewys tot bevrediging van daardie registrator van die verandering in haar status, sodanige verandering op die sertifikaat of verbandakte en die registrasieduplikaat daarvan en in die register aan te bring.

Gelde

17. (1) Die gelde soos uiteengesit in Deel B van Aanhangsel F is die gelde betaalbaar ten opsigte van die verrigting deur 'n transportbesorger van 'n handeling daarin vertrek.

(2) Ingeval verkwiste koste aangegaan is, is die gelde betaalbaar ten opsigte van die koste aldus aangegaan, die gelde wat die registrator in die bepaalde geval, met boorlike inagneming van die voorgeskrewe tarief, toelaat.

14. The Registrar shall not register any transfer of a right of leasehold unless—

- (a) proof is lodged substantially in the form of Annexure D, that the transferee is a competent person;
- (b) a certificate by the relevant local authority or board that all amounts payable to it in respect of the erf have been paid;
- (c) a certificate by the grantor of the leasehold that all amounts in respect of the erf have been paid or that appropriate measures for such payment have been made.

Registration of transfer

15. The Registrar shall not register any transfer of a right of leasehold unless there is produced to him proof, substantially in the form of Annexure D, that the transferee is a competent person.

Customary unions and marriages in community of property

16. (1) Any customary union registered in terms of the provisions of the Schedule to Proclamation R. 195 of 1967 or of the regulations promulgated under Government Notice R. 1970 of 1968, shall be deemed to be a marriage for the purpose of section 17 of the Deeds Registries Act, 1937 (Act 47 of 1937), and the regulations made thereunder.

(2) Notwithstanding anything to the contrary in the Deeds Registries Act, 1937, or the regulations made thereunder—

- (a) a right of leasehold shall not be registered in the name of a Black woman married in community of property, unless—
 - (i) the right of leasehold has been granted to her, and her husband is not a competent person;
 - (ii) the right of leasehold has been granted to her husband, and she is a competent person, in which case registration shall be in her name and in the name of her husband; or
 - (iii) the right of leasehold is by law or by a condition of a bequest or donation excluded from such community;
- (b) when a right of leasehold or other registered right is registered in the name of—
 - (i) a woman who has married since the registration was effected; or
 - (ii) a woman who at the date of the registration was married out of community of property, and who has since been widowed or divorced

it shall be competent for the Registrar, on written application by such woman (assisted where necessary by her husband) and on production of the relevant document and of proof to the Registrar's satisfaction of the change in her status, to record such change on the certificate or mortgage bond and the registration duplicate thereof and in the register.

Fees

17. (1) The fees, as set forth in Part B of Annexure F, shall be the fees payable in respect of the performance by any notary or conveyancer of any act mentioned therein.

(2) In the case of any wasted costs being incurred, the fees payable in respect of the costs so incurred shall be the fees which the registrar allows in the particular case having due regard to the prescribed tariff.

HOOFTUK VI**DIVERSE BEPALINGS****Huurder kan huurpagerseel bewoon**

18. 'n Bevoegde persoon aan wie 'n perseel verhuur is, word nie verplig om enige ander toestemming of magtiging om die betrokke perseel te bewoon, te verkry of te besit nie.

Verklaring van dorpsontwikkelaars

19. (1) Die Minister kan by aansoek van 'n persoon wat—

- (a) betrokke is of in staat is om betrokke te wees by dorpsontwikkeling of 'n verbandhoudende bedrywigheid, hetsy dorpsontwikkeling of sodanige verbandhoudende bedrywigheid die vernaamste bedrywigheid van sodanige persoon is, al dan nie; of
- (b) die eienaar is van grond wat na die oordeel van die Minister vatbaar is vir afsondering as 'n dorp; sodanige persoon by skriftelike kennisgiving aan hom gerig, as 'n dorpsontwikkelaar verklaar.

(2) 'n In subregulasie (1) bedoelde aansoek word skriftelik aan die Direkteur-generaal voorgele en gaan vergesel van sodanige bykomende dokumente en inligting as wat die Direkteur-generaal vereis.

Bevoegde persone

20. (1) 'n Venootskap bestaande slegs uit Swart persone wat bevoegde persone is, 'n maatskappy of beslote korporasie waarin 'n beherende belang gehou word deur 'n Swart persoon wat 'n bevoegde persoon en 'n dorpsontwikkelaar is, is vrygestel van die bepalings van die Wet vir doeindes van die besit van huurpag en is bevoegde persone vir doeindes van die Wet en hierdie regulasies.

Misdrywe en strawwe

21. Iemand wat 'n valse verklaring doen met die doel om 'n reg van huurpag te verkry, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R250 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sowel sodanige boete as sodanige gevangenisstraf.

Oorgang

22. (1) Ondanks andersluidende bepalings van hierdie regulasies, word enige aansoek om die toekenning van 'n reg van huurpag voor die inwerkingtreding van hierdie regulasies behoorlik ingevolge die betrokke regulasies uitgevaardig kragtens die herroep Wet, gedoen, aangehandel asof sodanige aansoek behoorlik ingevolge hierdie regulasies gedoen is en—

- (a) is enige behoorlik ingevulde of uitgereikte dokumente voorgeskryf kragtens die herroep Wet voldoende vir die ooreenstemmende doeindes van hierdie regulasies; en
- (b) mag die registrateur nie weier om 'n toekenning van 'n reg van huurpag voortspruitend uit so 'n aansoek te registreer nie bloot omrede die dokumente ingedien vir doeindes van registrasie, dokumente is wat kragtens die herroep Wet voorgeskryf is en nie dokumente is wat kragtens die Wet voorgeskryf is nie.

(2) Vir doeindes van hierdie regulasies is die datum van 'n aansoek in subregulasie (1) beoog, die datum van die kwitansie uitgereik deur die betrokke raad vir die administrasiegeld betaal kragtens die betrokke regulasies kragtens die herroep Wet uitgevaardig.

Kort titel

23. Hierdie regulasies kan vir alle doeindes aangehaal word as die Huurpagregulasies, 1985.

CHAPTER VI**MISCELLANEOUS PROVISIONS****Lessee may occupy leasehold site**

18. A competent person to whom a leasehold site has been leased shall not be required to obtain or hold any other permission or authority to occupy the leasehold site concerned.

Declaration of township developers

19. (1) The Minister may on application by any person who—

- (a) is involved or capable of being involved in township development or any related activity, whether or not township development or such related activity is the principal acitivity of such person; or
 - (b) is the owner of land which in the opinion of the Minister is capable of being set apart as a town;
- declare such person by notice in writing addressed to him to be a township developer.

(2) An application contemplated in subregulation (1) shall be submitted in writing to the Director-General and shall be accompanied by such additional documents and information as the Director-General may require.

Competent persons

20. (1) A partnership consisting only of Black persons who are competent persons, a company or close corporation in which a controlling interest is held by a Black person who is a competent person and a township developer shall be exempt from the provisions of the Act for the purpose of holding leasehold and shall be competent persons for the purposes of the Act and these regulations.

Offences and penalties

21. Any person who makes a false statement for the purpose of acquiring a right of leasehold shall be guilty of an offence and be liable on conviction to a fine not exceeding R250 or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Transition

22. (1) Notwithstanding anything to the contrary in these regulations, any application for the grant of a right of leasehold duly made before the commencement of these regulations in terms of the relevant regulations made under the repealed Act shall be dealt with as if such application had been duly made in terms of these regulations and—

- (a) any duly completed or issued documents prescribed under the repealed Act shall suffice for the corresponding purposes of these regulations; and
- (b) the registrar shall not decline to register a grant of a right of leasehold consequent upon such an application merely because the documents lodged for the purposes of registration are documents prescribed under the repealed Act and are not documents prescribed under the Act.

(2) For the purposes of this regulation the date of an application contemplated in subregulation (1) shall be the date of the receipt issued by the board concerned for the administration fee paid in terms of the relevant regulations made under the repealed Act.

Short title

23. These regulations may be cited for all purposes as the Leasehold Regulations, 1985.

AANHANGSEL A**KENNISGEWING**

[Regulasie 7 (1)]

Raad/Plaaslike Bestuur/Dorpsontwikkelaar

Aan:

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

AFBAKENING VAN HUURPAGPERSEEL

*1. U aansoek om die toekenning van 'n reg van huurpag ten opsigte van perseel No. is ontvang.

*1. 'n Aansoek om die toekenning van 'n reg van huurpag is ontvang ten opsigte van perseel No. wat grens aan die perseel *ten opsigte waarvan u 'n reg van huurpag hou/ten opsigte waarvan u om 'n reg van huurpag aansoek gedoen het/waarvan u die bewoner is.

2. *Die betrokke perseel is nou sigbaar afgebaken in ooreenstemming met die betrokke regulasies soos aangedui deur en indien u enige beswaar het teen sodanige afbakening moet u u skriftelike beswaar daarteen, vergesel van 'n deposito van R50, indien by by voormalde adres voor

Geteken.....
Raad/Plaaslike Bestuur/Dorpsontwikkelaar

Datum

* Skrap wat nie van toepassing is nie.

AANHANGSEL B**AANSOEK OM TOEKENNING VAN HUURPAG**

[Regulasie 9 (1)]

Ek, doen hierby aansoek om die toekenning aan ondervermelde huurpagapplikant(e) van 'n reg van huurpag ten opsigte van die perseel hieronder beskryf.

Besonderhede van perseel

Volle beskrywing van die perseel ten opsigte waarvan hierdie aansoek gedoen word:

Perseel No.
Dorp
Grootte in vierkante meter (indien bekend)
Aangedui op plan No. (indien bekend)
Doeleindes waarvoor perseel aangewend staan te word

Besonderhede van applikant(e)* (sien verduidelikende aantekeninge hieronder)

Volle name⁽¹⁾
Identiteits-/registrasienommer⁽²⁾
Geboortedatum⁽³⁾
Woonadres⁽⁴⁾
Besigheidsadres
Handtekening
Man se handtekening⁽⁵⁾
Datum

Getuies

1. 2.

* (Indien twee of meer applikante gesamentlik aansoek doen om huurpag, moet besonderhede van die tweede en ander applikante in die addendum verstrek word. Indien enige applikant 'n vennootskap of 'n nie-ingelyfde liggaaam van persone is, moet besonderhede van elke vennoot of lid in die addendum verstrek word.)

Aantekeninge

(1) Indien die applikant 'n indiwidu/regspersoon is, meld volle name volgens applikant se identiteitsdokument/sertifikaat van inlywing. Indien die applikant 'n vennootskap/nie-ingelyfde liggaaam van persone is, meld sy volle name. Indien die persoon nie as applikant maar wel as 'n vennoot/lid genoem word van 'n appliserende vennootskap/nie-ingelyfde liggaaam van persone, meld na daardie persoon se name, die name van die applikant tussen hakies.

ANNEXURE A**NOTICE**

[Regulation 7 (1)]

Board/Local Authority/Township Developer	Authority/Township
.....

To:

.....
.....

DEMARCACTION OF LEASEHOLD SITE

*1. Your application for the grant of a right of leasehold in respect of site No. has been received.

*1. An application has been received for the grant of a right of leasehold in respect of site No. adjoining the site *in respect of which you have a right of leasehold/in respect of which you have applied for a right of leasehold/of which you are the occupier.

2. *The site concerned has now been visibly demarcated in accordance with the regulations concerned as indicated by

and in the event of your having any objection to such demarcation your written objection thereto, together with a deposit of R50, must be submitted to at the above address prior to

Signed

Board/Local Authority/Township Developer

Date

* Delete that which is not applicable.

ANNEXURE B**APPLICATION FOR GRANT OF LEASEHOLD**

[Regulation 9 (1)]

I, hereby apply for the grant of a right of leasehold in respect of the site described below to the undermentioned leasehold applicant(s).

Particulars of site

Full description of the site in respect of which this application is made:

Site No.

Town.

Area in square metres (if known)

Indicated on plan No. (if known)

Purposes for which site is to be used

Particulars of applicant(s)* (see explanatory notes below)

Full names⁽¹⁾

Identity No./Registration No.⁽²⁾

Date of birth⁽³⁾

Residential address⁽⁴⁾

Business address:

Signature

Husband's signature⁽⁵⁾

Date

Witnesses

1. 2.

* (If two or more applicants apply jointly for leasehold, particulars of the second and other applicants shall appear in the addendum. If any applicant is a partnership/unincorporated body of persons particulars of each partner or member shall be stated in the addendum.)

Notes

(1) If the applicant is an individual/incorporated body, state full names appearing in applicant's identity document/certificate of incorporation. If the applicant is a partnership/unincorporated body of persons, state its full names. If the person is named not as applicant but as partner/member of any applicant partnership/unincorporated body of persons, state after that person's names the applicant's names in brackets.

(2) Nie van toepassing indien applikant 'n vennootskap of nie-ingelyfde liggaam van persone is nie, tensy 'n identiteits- of registrasienommer inderdaad toegeken is.

(3) Slegs op 'n individu van toepassing.

(4) Slegs op 'n individu van toepassing.

(5) Van toepassing slegs indien 'n getroude vroulike applikant onderworpe is aan haar man se maritale mag.

ADDENDUM VAN AANSOEK OM TOEKENNING VAN HUURPAG

Volle name.....

Identiteits-/registrasienommer

Geboortedatum

Woonadres

Besigheidsadres

Handtekening

Man se handtekening

Datum

Getuies:

1. 2.

Volle name.....

Identiteits-/registrasienommer

Geboortedatum

Woonadres

Besigheidsadres

Handtekening

Man se handtekening

Datum

Getuies:

1. 2.

Volle name.....

Identiteits-/registrasienommer

Geboortedatum

Woonadres

Besigheidsadres

Handtekening

Man se handtekening

Datum

Getuies:

1. 2.

AANHANGSEL C

SERTIFIKAAT VAN VOORLOPIGE TOEKENNING VAN HUURPAG

[Regulasie 10 (3)]

Hierby word bevestig dat die ontwikkelingsraad/plaaslike bestuur/dorpsontwikkelaar 'n reg van huurpag toeken—

(a) aan:

Volle name.....

Identiteits-/registrasienommer

Geboortedatum

*Woonadres

*Besigheidsadres

Handtekening

*Man se handtekening

Datum

Getuies:

1. 2. ;

(b) ten opsigte van die volgende huurpagerseel:

Perseel No.

Dorp

Grootte in vierkante meter (indien bekend)

Aangedui op plan No.

(2) Not applicable where applicant is a partnership or unincorporated body of persons, unless an identity or registration number has in fact been allocated.

(3) Applies to an individual only.

(4) Applies to an individual only.

(5) Applicable only if a married woman applicant is subject to her husband's marital power.

ADDENDUM TO APPLICATION FOR GRANT OF LEASEHOLD

Full names

Identity No./Registration No.

Date of birth

Residential address

Business address

Signature

Husband's signature

Date

Witnesses

1. 2.

Full names

Identity No./Registration No.

Date of birth

Residential address

Business address

Signature

Husband's signature

Date

Witnesses

1. 2.

Full names

Identity No./Registration No.

Date of birth

Residential address

Business address

Signature

Husband's signature

Date

Witnesses

1. 2.

ANNEXURE C

CERTIFICATE OF PROVISIONAL GRANT OF LEASEHOLD

[Regulation 10 (3)]

This is to confirm that the development board/local authority/township developer grants a right of leasehold—

(a) to:

Full names

Identity No./Registration No.

Date of birth

*Residential address

*Business address

Signature

*Husband's signature

Date

Witnesses:

1. 2. ;

(b) in respect of the following leasehold site:

Site No.

Town

Area in square metres (if known)

Indicated on plan No.

- (c) vir *woon-/nie-woondoeleindes;
 (d) teen betaling of sekerheid van die bedrag van R;
 (e) behoudens die volgende voorwaardes wat deur die Minister kragtens artikel 52 (1) van die Wet goedgekeur is

Die geldigheidstermyn van hierdie sertifikaat en onderneming verval op behalwe wanneer dit by wyse van die endossement hieronder verleng word.

Geteken.....

Ampstiel.....

Datum

Die geldigheidstermyn van hierdie sertifikaat en onderneming word verleng tot.....

Die geldigheids-
termyn van hierdie
sertifikaat word
verleng tot:

	Geteken	Ampstiel.	Datum
1.
2.
3.
4.

AANHANGSEL D SERTIFIKAAT

Ek, handelende namens en ten behoeve van die Hoofdirekteur van die ontwikkelingsraad sertifiseer hierby dat—

- (a) 'n bevoegde persoon is soos in die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 van 1984), bedoel;
- (b) 'n voorlopige reg van huurpag inderdaad aan bedoelde toegestaan is op ten opsigte van die volgende perseel:
- Perseel No.
- Dorp
- Uitbreiding No.
- Grootte
- Soos aangedui op algemene plan No.;
- (c) bedoelde perseel 'n perseel is vir doeleindes van die toekenning van 'n reg van huurpag;
- (d) bevredigende reëlings getref is vir die betaling van dié bedrag verskuldig ten opsigte van 'n reg van huurpag in en die verbeterings (as daar is) op die betrokke perseel;
- (e) geen ander vorderings of geldte tans aan—
 - (i) die ontwikkelingsraad;
 - (ii) die plaaslike bestuur (as daar is) metregsbevoegdheid;
 - (iii) die gemeenskapsraad (as daar is) metregsbevoegdheid; verskuldig en betaalbaar is nie;
- (f) my ontwikkelingsraad geen besware teen die registrasie van 'n reg van huurpag ten opsigte van bedoelde perseel het nie en dit trouens magtig en versoek.

Handtekening.....

AANHANGSEL E

SERTIFIKAAT VAN GEREGISTREERDE TOEKENNING VAN HUURPAG

[Regulasie 14 (a)]

Sertifikaat No.

Hierby word gesertifiseer dat die reg van huurpag ten opsigte van perseel No., groot en getoon op Algemene Plan No. vir *woondoeleindes/sakedoeleindes/beroepsdoeleindes toegeken is aan identiteits-/registrasienommer , en op verval.

* Skrap wat nie van toepassing is nie:

- (c) for *residential/non-residential purposes;
 (d) against payment of security of the sum of R;
 (e) subject to the following conditions, which have been approved by the Minister in terms of section 52 (1) of the Act:

The currency of this certificate and undertaking shall expire on save when extended by way of the endorsement below.

Signed

Designation

Date

The currency of this certificate and undertaking is extended to

The currency of this certificate is extended to:	Signed	Designation	Date
1.
2.
3.
4.

ANNEXURE D

CERTIFICATE

I, acting for and on behalf of the Chief Director of the Development Board, hereby certify that—

- (a) is a qualified person within the meaning of the Black Communities Development Act, 1984 (Act 4 of 1984);
- (b) a provisional leasehold has in fact been granted to the said on in respect of the following site:
- Site No.
- Town.
- Extension No.
- Area.
- As indicated on general plan No.
- (c) the said site constitutes a surveyed site for purposes of the granting of a right of leasehold;
- (d) satisfactory arrangements have been made for the payment of the amount due in respect of a right of leasehold in and the improvements (if any) on the specific site;
- (e) no other claims or money at present is owed or payable to—
 - (i) the development board;
 - (ii) the local authority (if any) with jurisdiction;
 - (iii) the community council (if any) with jurisdiction;
- (f) my development board has no objection to the registration of a right of leasehold with regard to the mentioned site and in fact approves and requests it.

Signature

ANNEXURE E

CERTIFICATE OF REGISTERED GRANT OF LEASEHOLD

[Regulation 14 (a)]

Certificate No.

It is hereby certified that the right of leasehold in respect of Lot No., measuring and shown on General Plan No. for *residential/business/professional purposes has been granted to , identity/registration No., and expires on

(* Delete that which is not applicable.)

Spesiale voorwaardes.....
 Registrasiekantoor te
 Datum
 Folio No. in register

Registrateur

AANHANGSEL F
TARIEF VAN GELDE
DEEL A**Gelde aan huurpaggewer betaalbaar**

Beswaar teen afbakening [regulasie 7 (2)]: R50.

Administrasiegeld [regulasie 9 (2)]: R6.

Gewaarmerkte afskrif van sertifikaat van voorlopige toekenning van huurpag [regulasie 10 (6)]: R2.

DEEL B**Aktebesorgingsgeld****Algemene opmerking**

Die gelde in hierdie tarief vermeld, met uitsluiting van dié in Afdeling V vermeld, sluit alle korrespondensie in asook die neem en gee van opdragte, met inbegrip van die deurlees van voltooide oordragte van regte van huurpag, die opstel en bywoning by die ondertekening van beëdigde verklarings, besluite en ander noodsaklike voorlopige en ondergeskikte dokumente in verband met die identiteit, status, bevoegdheid en magtiging van die partye, die betaling van enige bedrae verskuldig ten opsigte van seëls, die verkryging van endossemente of afskrifte van dokumente van die kantoor van die Meester of 'n ander staatskantoor, die tref van alle noodsaklike finansiële reëlings, insluitende die verskaffing en nasien van waarborgs en opwagting vir betaling daarkragtens, die opstelling en voorbereiding van enige dokumente wat bestem is vir registrasie in 'n registrasiekantoor en die verkryging van registrasie daarvan, die reëling met 'n ander transportbesorger of transportbesorgers of party of partye by die transaksie van gelyktydige indiening en registrasie, waar nodig, en alle bywoniings by die registrasiekantoor, maar sluit nie in enige bywoning in verband met die opstel en verlyding van koopbrieve van regte van huurpag, skenkingsaktes, aktes van verruiling en dokumente van 'n soortgelyke aard of enige afsonderlike handeling van registrasie van enige ander dokumente wat nodig is voor of in verband met die eersvermelde handeling van registrasie nie.

AFDELING I**Aansoek om 'n voorlopige huurpag**

Vir die voorbereiding en opstelling van 'n anssoek om 'n voorlopige huurpag: R25.

AFDELING II

Aansoek om registrasie van 'n reg van huurpag of van 'n oordrag van 'n reg van huurpag:

Vir alle werk in verband met die registrasie van 'n reg van huurpag of van 'n oordrag van 'n reg van huurpag is die gelde dié uiteengesit in kolom B van Afdeling VI van hierdie tarief: Met dien verstande dat waar die anssoek om die registrasie van 'n reg van huurpag of van die oordrag van 'n reg van huurpag nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom.

AFDELING III**Verbandaktes**

Die gelde vir ansoeke om die registrasie van verbandaktes is dié uiteengesit in kolom C van Afdeling VI van hierdie tarief: Met dien verstande dat waar die verbandakte of borgakte en ander tersaaklike dokumente nie voor die betrokke transportbesorger geteken is nie, die gelde 60 persent is van die bedrag uiteengesit in bedoelde kolom.

AFDELING IV**Rojering, sessie of wysiging van verbande en afstanddoening van voorkeur met betrekking tot die orde van verbande**

1. Die opstel van toestemming tot rojering van 'n verband, toestemming tot rojering van sessie van 'n verband, vermindering van kapitaal, opstel van afstanddoening van voorkeurorde met betrekking tot die orde van 'n verband, registrasie van 'n gedeeltelike betaling, opstel van toestemming van verbandhouer waarvoor nie andersins in hierdie tarief voorsiening gemaak is nie en bywoning van registrasie daarvan met insluiting van opdragte, korrespondensie en alle tersaaklike bywoniings: R25.

Special conditions.....
 Registration office at
 Date
 Folio No. in register

Registrar

ANNEXURE F**TARIFF OF FEES****PART A****Fees payable to leasehold grantor**

Objection to demarcation [regulation 7 (2)]: R50.

Administration fee [regulation 9 (2)]: R6.

Certified copy of certificate of provisional grant of leasehold [regulation 10 (6)]: R2.

PART B**Conveyancing fees****General note**

The fees mentioned in this tariff, excluding those referred to in Section V, shall include all correspondence and shall also include the taking and giving of instructions, including the perusal of completed transfers of rights of leasehold, the preparation and attendance on signature of affidavits, resolutions and other necessary preliminary and ancillary documents in connection with the identity, status, capacity and authority of the parties, the payment of any amounts due in respect of stamps, the obtaining of endorsements or copies of documents in the office of the Master or any other public office, the making of all necessary financial arrangements, including the provision and checking of guarantees and attending to payment in terms thereof, the drawing and preparation of any documents required for registration at a registration office and the obtaining of registration thereof, arranging simultaneous lodgement and registration with any other conveyancer or conveyancers, or party or parties to the transaction, where necessary, and all attendances at the registration office, but shall not include any attendance in connection with the drawing and execution of deeds of sale of rights of leasehold; deeds of donation, deeds of exchange and documents of a similar nature or any separate act of registration of any other documents which may be necessary before or in connection with the first-mentioned act of registration.

SECTION I**Application for a provisional leasehold**

For preparing and drawing an application for a provisional leasehold: R25.

SECTION II**Application for registration of a right of leasehold or of a transfer of a right of leasehold:**

For all work in connection with the registration of a right of leasehold or of a transfer of a right of leasehold, the fee shall be as set out in column B of Section VI of this tariff: Provided that where the application for the registration of a right of leasehold or of the transfer of a right of leasehold is not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to.

SECTION III**Mortgage bonds**

The fee for applications for the registration of mortgage bonds shall be as set out in column C of Section VI of this tariff: Provided that where the mortgage bond or surety bond and other relevant documents are not signed before the conveyancer concerned, the fee shall be 60 per cent of the amount set out in the column referred to.

SECTION IV**Cancellation, cession or variation of bonds and waiver of preference in regard to ranking of bonds**

1. Drawing consent to cancellation of bond, consent to cancellation of cession of bond, reduction of capital, framing waiver of preference in regard to the ranking of bond, registration of a part payment, framing consent of mortgagee not otherwise provided for in this tariff and attending registration thereof inclusive of instructions, correspondence and all relevant attendances: R25.

2. Opstel van 'n sessie van 'n verband, ooreenkoms of toestemming tot wysiging van die voorwaarde van 'n verband, vervanging van skuldenaar, met insluiting van opdragte, bywonings by verbandgewer en verbandhouer, korrespondensie en ander tersaaklike bywonings met insluiting van registrasie: R30.

AFDELING V

Diverse

1. Bywoning ten behoeve van 'n huurpagewer, huurpagapplicant, sertifikaathouer, transportnemer of verbandgewer of verbandhouer in verband met die indiening en registrasie van 'n dokument deur sodanige huurpagewer, huurpagapplicant, sertifikaathouer, transportnemer, verbandgewer of verbandhouer, insluitende gelykydigheidsindiening—

- (a) waar die vergoeding betaalbaar of die bedrag van die verband nie R20 000 oorskry nie: R15;
- (b) waar die vergoeding betaalbaar of die bedrag van die verband R20 000 oorskry: R25.

2. Opstel van aansoek aan registrator om die uitreiking van 'n gewaarmerkte afskrif van 'n sertifikaat of akte, met insluiting van opdragte, aansoek, liassing van alle noodaakklike dokumente, korrespondensie en alle tersaaklike bywonings: R8.

3. Bywoning en nasporing by registrasiekantoor van inligting vereis, met uitsluiting van inligting vereis vir die opstel of registrasie van 'n sertifikaat of akte met insluiting van opdragte, korrespondensie en alle tersaaklike bywonings, vir elke halfuur of gedeelte daarvan: R5.

4. Vir bywoning by taksasie, wanneer vereis, met insluiting van alle noodaakklike bywonings en korrespondensie, is 'n bedrag gelyk aan 5 persent van die gelde wat by taksasie toegelaat is, vorderbaar deur die transportbesorger wat die kosterekening indien en is 'n bedrag gelyk aan 5 persent van die totale gelde oorspronklik in daardie kosterekening aangedui, vorderbaar deur die transportbesorger wat die taksasie opponere, onderworpe aan 'n minimum bedrag van R5 ten opsigte van elke transportbesorger.

AFDELING VI

A Bedrag betaalbaar ten opsigte van reg van huurpag of bedrag van verband	B Gelde vir registrasie	C Gelde vir verband
R	R	R
R2 000 en minder	60	40
Oor R2 000 en tot R5 000	80	50
Oor R5 000 en tot R10 000	100	70
Oor R10 000 en tot R12 000	160	110
Oor R12 000 en tot R14 000	170	120
Oor R14 000 en tot R16 000	180	130
Oor R16 000 en tot R18 000	190	140
Oor R18 000 en tot R20 000	200	150
Oor R20 000 en tot R25 000	220	165
Oor R25 000 en tot R30 000	240	180
Oor R30 000 en tot R35 000	260	195
Oor R35 000 en tot R40 000	280	210
Oor R40 000 en tot R45 000	300	225
Oor R45 000 en tot R50 000	320	240
Oor R50 000 en tot R60 000	340	255
Oor R60 000 en tot R70 000	360	270
Oor R70 000 en tot R80 000	380	285
Oor R80 000 en tot R90 000	400	300
Oor R90 000 en tot R100 000	420	315
Oor R100 000 en tot R150 000	470	345
Oor R150 000 en tot R200 000	520	375

Opmerking

Waar die waarde of bedrag in kolom A bedoel R200 000 oorskry, word 'n bykomende bedrag van R100 vir elke R100 000 of gedeelte daarvan bo die eerste R200 000 bygevoeg.

2. Drawing cession of bond, agreement or consent to variation in terms of bond, substitution of debtor, including instructions, attendances on mortgagor and mortgagee, correspondence and other relevant attendances including registration: R30.

SECTION V

Miscellaneous

1. Attendance on behalf of leasehold grantor, leasehold applicant, certificate holder, transferee or mortgagor or mortgagee in connection with the lodgement and registration of any document prepared by such leasehold grantor, leasehold applicant, certificate holder, transferee, mortgagor or mortgagee, including arranging simultaneous lodgement—

- (a) where the consideration payable or the amount of the bond does not exceed R20 000: R15;
- (b) where the consideration payable or the amount of the bond exceeds R20 000: R25.

2. Drawing of application to registrar for the issue of a certified copy of a certificate or deed, including instructions, application, filing all necessary documents, correspondence and all relevant attendances: R8.

3. Attendance and searching at registration office for information required, excluding information required for preparation or registration of a certificate or deed including instructions, correspondence and all relevant attendances, per half hour of part thereof: R5.

4. For attendance on taxation where required, including all necessary attendances and correspondence, a fee equal to 5 per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs and a fee equal to 5 per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of R5 in respect of each conveyancer.

SECTION VI

A Amount payable in respect of right of leasehold or amount of bond	B Fees for registration	C Fees for mortgage bond
R	R	R
R2 000 and under	60	40
Over R2 000 and up to R5 000	80	50
Over R5 000 and up to R10 000	100	70
Over R10 000 and up to R12 000	160	110
Over R12 000 and up to R14 000	170	120
Over R14 000 and up to R16 000	180	130
Over R16 000 and up to R18 000	190	140
Over R18 000 and up to R20 000	200	150
Over R20 000 and up to R25 000	220	165
Over R25 000 and up to R30 000	240	180
Over R30 000 and up to R35 000	260	195
Over R35 000 and up to R40 000	280	210
Over R40 000 and up to R45 000	300	225
Over R45 000 and up to R50 000	320	240
Over R50 000 and up to R60 000	340	255
Over R60 000 and up to R70 000	360	270
Over R70 000 and up to R80 000	380	285
Over R80 000 and up to R90 000	400	300
Over R90 000 and up to R100 000	420	315
Over R100 000 and up to R150 000	470	345
Over R150 000 and up to R200 000	520	375

Note

Where the value or amount referred to in column A exceeds R200 000 there shall be added an additional fee of R100 for every R100 000 or part thereof in excess of the first R200 000.

Werk mooi daarmee.

Ons leef  daarvan.

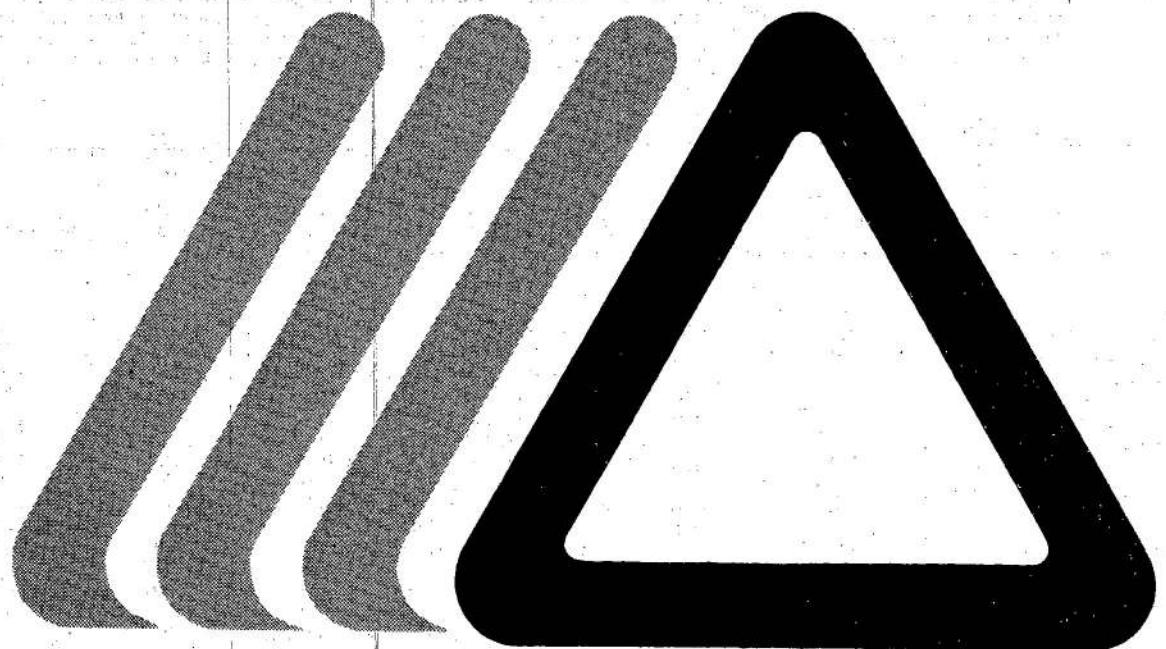
water is kosbaar

Use it.

Don't abuse  it.

water is for everybody

Drink en bestuur is 'n kriminele oortreding



Drinking and driving is a criminal offence

INHOUD

No.	Bladsy No.	Staats- koerant No.
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