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ISAZISO SIKA HULUMENI WAKWAZULU NO. 30 KA 1994
IMITHETHONQUBO YAKWAZULU YEZINDABA ZOMHLABA
(UMTHETHO 11 KA 1992)

UMTHETHO WAKWAZULU WOKUCHITHWA KWESIMEMZELO, 1992

Mina, Emmanuel Stephen Campbell Sithebe. uNgqongqoshe wezangaPhakathi ngamandla enginikezwe wona yisigaba 37(1) soMthetho waKwaZulu weziNdaba zoMhlaba, 1992 (uMthetho 11 ka 1992), ngalokhu ngenza imithethonqubo ekuSheduli ngemvume yoMkhandlu waKwaZulu oShaya uMthetho.

E. S. C. SITHEBE
UNGQONGQOSHE WEZANGAPhakathi
Ifayela 1/4/16

ISHEDULI
UKUHLELWA KWEDOLOBHA
ISAHLUKO 1
UKUHLELWA, IZINCAZELO KANYE NESICELO

Ukuhlelwa kwemithethonqubo

1. Lemithethonqubo ihlukaniswe yaba yizahluko namaSheduli aphaathelene nalokhu okulandelayo:

Isahluko 1: Ukuhlelwa, Izincazelo kanye neSicelo.

1. Ukuhlelwa kwemithethonqubo;
2. Izincazelo;
3. Isicelo;

Isahluko II: Ikomiti eliHlelayo.

4. Ukusungulwa kweKomiti;
5. Amandla eKomiti;

Isahluko III: Amapulani.

6. Ukuhlelwa kwepulani;
7. Inhloso yepulani;

Isahluko IV: Imisebenzi Yokuhlelwa Kwedolobha Ngokwejoyekile

8. Inhloso nokuqokethwe wuhlelo;
9. Amaphuzu ohlelo;
10. Ibalazwe;

(c) Iiyolawula inqubo eyolandelwa emihlanganweni njengoba liyobona kufanele.

6. IKomidi liyocina amaminithi emintlangano yalo

Imisebenzi yeKomiti

5. Ikomiti -

- (a) Iiyodingida izindaba ezediulisiwe maqondana nanoma yisiphi isinqumo esenziwe njengokusho kwalemithe nonqubo, njengoba kuhlizekiwe esigabeni 37(5) soMthetho;
- (b) lingekweluleka uNgqongqoshe ngokumiswa kwenqubo yokuhlelwa kwamadolobha nezifunda KwaZulu,
- (c) liyokweluleka uNgqongqoshe ngezindaba eziphatelene nokulungiswa kwamapulani nezindleko zemisebenzi kanye nokwenziwa kwayo;
- (d) liyokwenza noma yimuphi omunye umsebenzi eliyowethweswa yileMithethonqubo;
- (e) liyokwenza leyo misebenzi ephathelene nokwakhiwa kwelokishi njengoba iyonqunywa.

ISIAHLUKO III

AMAPULANI OKUMA KWENDAWO

Ukulungiswa kwepulani lokuma komdwebo

6. (1) UNobhala noma nini, futhi uma ngemvume kaNgqongqoshe iKomiti lisho kanjalo, angalungisa ipulani lokuma kwendawo noma iyiphi kubandakanya nendawo esinalo ipulani.
- (2) UNobhala kungathi, phansi kwaleyo miyalo ayoyithola kuNgqongqoshe ngezikhathi ezithile, anqume indlela okuyokwenziwa ngayo ipulani lokuma kwendawo, kubandakanya nendlela eliyomenyezela ngayo ukuba lihlolwe yilabo abahlala kuleyo ndawo kanye nabanye abathintekile ekulungisweni kwepulani.
- (3) Ngaphandle uma uNgqongqoshe eyalile ukuba kwenziwe ngenye indlela, ipulani lokuma kwendawo
 - (a) linokuba libuyekwezwe noma nini, futhi
 - (b) liyobuyekwezwa okungenani kube kanye njalo ngeminyaka eyishumi

Inhloso yepulani lokuma kwendawo

7. (1) Ipulani lokuma kwendawo -
 - (a) lingakhombisa izinhloso nezinjongo ezimayelana nokusetshenziswa kwendawo eqondene nepulani.
 - (b) liyokuba nesitatimende ngenqubo nangohlaka lokuhlala okuyolandelwa lapho kulungiselelwa futhi sekuqhutshwa umsebenzi waleyo ndawo.
- (2) Ipulani lokuma kwendawo aliyunikeza kumbe lephuce umuntu amalungelo.
- (3) Ipulani lokuma kwendawo liyotholakala ukuba lihlolwe ngumphakathi ehhovisi lika
 - (a) Nobhala;
 - (b) mazi phathe,

ISIAHLUKO IV

IMISEBENZI YOKUHLELWA KWEDOLOBHA OKUVAMILE

Okuqokethwe wuhlelo lomsebenzi

8. (1) Uhlelo lomsebenzi luyokuba -
 - (a) namaphuzu ohlelo lomsebenzi, njengoba kucatshangwe ngawo kuMithethonqubo 9.
 - (b) ibalazwe, njengoba kucatshangwe ngalo kuMithethonqubo 10;
 - (c) noma yikuphi okuyisijobelelo esidingekayo;
 - (d) irejista yezimvume egcinwa ngumaziphathe, njengoba kucatshangwe ngayo kuMithethonqubo 31(3).
- (2) Uhlelo lomsebenzi luyotholakala ukuze umphakathi uluhlele ehhovisi lika -
 - (a) Nobhala;
 - (b) mazi phathe;

Amaphuzu ohlelo lomsebenzi

9. Amaphuzu ohlelo lomsebenzi ayohlinzekela -
 - (a) noma yiluphi udaba kuSheduli A, phansi kwezimiso zale Mithethonqubo;
 - (b) noma yiluphi olunye udaba oluphatelene nokuhlelwa kwedolobha.

Ibalazwe

10. (1) Ibalazwe lohlelo lomsebenzi liyokhombisa -
 - (a) indawo yohlelo,
 - (b) incazelo ngendawo lapho uhlelo lomsebenzi lukhona;
 - (c) imininingwane ekurejista yemihlaba;
 - (d) konke ukuma kwendawo esohlelweni lomsebenzi, uma uNgqongqoshe ekufunile;
 - (e) zonke izinto eziqondene nomsebenzi wokuhlelwa kwedolobha, ikakhulukazi -
 - (i) ukwenziwa izigceme kwaleso naleso siqephu sendawo;
 - (ii) isilinganiso, nenombolo kaMdabuli Omkhulu yokuhlenganiswa kwepulani, inyakatho ngqo, kanye nenombolo yekhasi ngalinye;
 - (iii) indawo namagama, uma ekhona, ayo yonke imigwaqo, izindawo ezivulekile kanye nomgudu wabo bonke oiantshi;
 - (iv) imingcele nezincazelo zawo wonke amalokishi;
- (2) Isilinganiso okuyodwetshwa ngaso ibalazwe, uma -
 - (a) kuyincazelo, 1: 10 000 noma 1: 20 000;

- (b) kuyibalazwe elingesiyi incazelo, 1: 2 000;
- (3) Ibalazwe lohlelo lomsebenzi oluchibiyelwe liyo -
 - (a) khombisa kuphela lokho okuqondene naseso sichibiyelo esiyokwenziwa yilolo luhlelo;
 - (b) sebenzisa isilinganiso esifanayo naleso sebalazwe elikhulu lalolo luhlelo, futhi -
 - (c) lisuselwa emapulanini ahlanganisiwe kuMdaduli Omkhulu, uma ekhona.

Ukubamba iqhaza komphakathi

- 11. UNobhala, uma ngemvume kaNgqongqoshe iKomiti liyala kanjalo -
 - (a) uyobiza umhlango wokuchazela abathintekile nganoma yikuphi okuhlinzekwa wuhlelo noma uhlelo okuhlongozwayo, noma ukwenza ngcono ukuxhumana kumbe ukubamba iqhaza koMphakathi;
 - (b) angadingida udaba lapho kuyovezwa khona eminye imininingwane noma kuzwiwe amanzi ngobhoko maqondana nemizwa nemibono yomphakathi nganoma yiluphi udaba lokuhlela;
 - (c) angenza uphenyo ngemisebenzi yomhlaba efunekayo ukuze kutholakale kahle isimo esikhona kunoma iyiphi indawo;
 - (d) uyokwenza uphenyo uNgqongqoshe ayolubona ludingekile ngokuncoma kweKomiti maqondana nokulungiselela noma ukuqhutshwa kohlelo lomsebenzi.

ISAHLUKO V

UHLELO LWAMALOKISHI AKHONA ASEMTHETHWENI

Uhlelo oluyisisekelo lwendawo eyehlukaniselwe

- 12. (1) Uhlelo luyosebenza uma sekuqalile ukusebenza kwaleMithethonqubo kulelo nalelo lokishi elisemthethweni elasungulwa ngaphansi koku-ba iqale.
- (2) Uhlelo okubhekiswe kulo emtheshwaneninqubo (1) luyoba -
 - (a) nepulani noma ibalazwe elisetshenziselwe ukwenza izigceme noma ukuhlela idolobha sekuzoqala ukusebenza kwalemithethonqubo;
 - (b) amarekhodi noma yisiphi isicelo esivunyiwe nesisemthethonqubo; kanye
 - (c) namaphuzu ohlelo aqukethwe kuSheduli B.

Okwenziwayo ngomhlaba

- 13. (1) Leso naleso siqinti elokishini okubhekiswe kuso kuMthethonqubo 12 siyokuba kuleso sigceme sokusetshenziswa komhlaba ohlwini A lweSheduli B oluvumelanayo nokwenziwayo noma okuhloswe ukwenziwa ngokusemthethweni ngaleso siqinti sekusele isikhathi esincane kuqale ukusebenza kwaleMithethonqubo.
- (2) UNobhala uyokwenza izinguquko ezidingekile -
 - (a) emapulanini okubhekiswe kuwo kuMthethonqubo 12(2)(a) ukuze kusebenze izimiso zoMthethonqubo (1);
 - (b) kulawo mapulani namaphuzu okubhekiswe kuwo kuMthethonqubo 12(2)(c) ukuze kukhunjiswe noma yikuphi ukuphambuka kulawo maphuzu ngesikhathi kuqala isakhiwo maqondana nohlu lwamabhilidi, isibalo sezitezi, ububanzi, ukupaka, ukulayisha nokwethula noma indlela yokufinyelele.

ISAHLUKO VI

IZINHLELO EZINTSHA

Ukulungiselelwa kohlelo

- 14. (1) UNobhala, uma ngokuncoma kweKomiti uNgqongqoshe eyalile kanjalo, uyolungisa -
 - (a) uhlelo lwanoma iyiphi indawo engaphandle kwendawo okubhekiswe kuyo kuMthethonqubo 12;
 - (b) Uhlelo oluyothatha indawo yohlelo okubhekiswe kulo
 - (i) endimeni (a);
 - (ii) kuMthethonqubo 12;
 - (c) isichibiyelo;
 - (d) indawo eyengeziwe.
- (2) Uma kulungiswa uhlelo, kuyobhekela isimo sepulani esisebenzayo.
- (3) Amaphuzu ohlelo okubhekiswe kuwo emtheshwaneninqubo 1(a) ayokuba ngamaphuzu ohlelo okubhekiswe kulo kuMthethonqubo 12(2)(a), ngaphandle uma ngokubona kukaNobhala kunesizathu esiphilileyo esiphikisana nalokhu.
- (4) Uhlelo lomsebenzi luyokwehlukanisa phakathi kweziphakamiso okumele kukhokhwe noma kungakhokhwa sinxephezelo ngazo njengoba kuhlinzekiwe kuMthethonqubo 18.

Ukubonisana okwandulelayo

- 15. Ngaphambi kokulungisa uhlelo, uNobhala
 - (a) uyobonisana nomaziphathe;
 - (b) angabonisana -
 - (i) nanoma yimuphi umuntu noma inhlango ethintekile;
 - (ii) nanoma yimuphi umuntu noma inhlango eyenza noma omele uhwebo noma izimboni.

Isaziso nomphumela wohlelo lomsebenzi

- 16. (1) Emva kokuba uNobhala eselulungisile uhlelo lomsebenzi -
 - (a) uyoletha ikhophi yalo kumaziphathe futhi azise umaziphathe nganoma yikuphi ukushayisana uNobhala akwaziyo okuphakathi kohlelo lomsebenzi kanye nomthetho kamasipala osebenzayo endaweni ephethwe ngumaziphathe;
 - (b) enze khona manjalo isaziso sohlelo ngefomu lesaziso elichazwa yi Sijobelelo 1.
- (2) Emva kokukhishwa okokuqala kwesaziso okubhekiswe kuso emthethweninqubo (1)(b), akekho umuntu okuyothi ngendlela ephambeneyo nanoma yikuphi okuhlinzekwa wuhlelo -

11. Ukuhlanganyela komphakathi;

Isahluko V: Uhlelo Lwamalokishi Akhona Asemthethweni

12. Uhlelo oluyisisekelo lomhlaba osuwahlukaniselwe okuthile;

13. Indawo esetshenziselwa khona manje;

Isahluko VI: Izinhlelo zoMsebenzi eziNtsha

14. Ukuhlelwa komsebenzi;

15. Ukubonisana okwandulelayo;

16. Isaziso nemiphumela yohlelo;

17. Ukukhononda nezikhalo;

18. Isinxephezelo;

19. Ukwethulwa kohlelo kuNgqongqoshe;

20. Ukuvunywa kohlelo nguNgqongqoshe;

Isahluko VII: Ukuchibiyela ngaKunye

21. Isicelo sokuchibiyela;

22. Isaziso nomphumela wokuchibiyela;

23. Umnikelo womfakisicelo;

24. Ukuphikisa kanye nezikhalo ngesichibiyelo;

25. Ukwethulwa kwesicelo kuNgqongqoshe;

26. Ukuvunywa kwesichibiyelo nguNgqongqoshe;

Isahluko VIII: Imvume kaMaziphathe

27. Isicelo semvume;

28. Umnikelo;

29. Ukwazisa ngesicelo;

30. Ukuphikisa kanye nezikhalo mayelana nesicelo;

31. Ukunikezwa kwemvume;

Isahluko IX: Ukudatshulwa kanye nokuHlanganiswa

32. Igunya lokudabula nokuhlanganisa

33. Ukunikezwa kwemvume yokudabula;

Isahluko X: Ukudlulisa udaba eKomitini

34. Ukwedluliselwa phambili kodaba ngesinqumo sikaNobhala;

35. Ukwedluliselwa phambili kodaba ngesinqumo sikaMaziphathe;

36. Inqubo yokubhungwa kodaba olwedlulisiwe;

Isahluko XI: Ukuqaliswa Kokusebenza koHlelo

37. Umaziphathe oqalisa ukusebenza kohlelo;

38. Amandla kaMaziphathe lapho kunokwepulwa khona kohlelo;

39. Ukungena nokuhlola;

40. Ukuhanjiswa kwezaziso;

Isahluko XII: Ukuhlinzeka Okuvamile

41. Izimali;

42. Isihloko;

AMASHEDULI:

A: Okufanele kucutshungulwe lapho kuhlelwa umsebenzi

B: Amaphuzu ohlelo

C: Amafomu

1. Isaziso sohlelo;

2. Isicelo sokuchibiyela;

3. Isaziso ngesicelo sokuchibiyela;

4. Isicelo semvume;

5. Isaziso ngesicelo semvume;

Izincazelo

2. KuleMithethonqubo, igama noma amazwi okunikezwe umqondo eMthethweni kuyokuba nalowo mqondo futhi, ngaphandle kokuba ingqikithi isho okunye

"Umthetho" kusho uMthetho wakwaZulu weziNdaba zoMhlaba, 1992;

"memezela" kusho -

(a) ukukhipha isimemezelo kanye ngeviki kube amaviki amabili alandelanayo ephephandabeni elifundwa kuleyo ndawo noma eduzane naleyo ndawo ethintekile

(b) Ukuchoma isaziso ebhodini lezaziso ehhovisi likaMaziphathe; kanye

(c) nokuchoma isaziso esizeni ngokugqamile kuze kuphele amaviki amabili alandelanayo futhi "ukumemezela" kunomqondo ohambisanayo;

"ukuchibiyela" -

- (a) kusho ukuchitshiyelwa kohlelo lomsebenzi, futhi
- (b) kubandakanya nokuchibiyela okusukela esicelweni esiphansi koMthethonqubo 21;

"isijobelelo" kusho isijobelelo esiphathelene nesiqinti esithile futhi kubandakanya -

- (a) umdwebo
- (b) neheheba lephepha elinezinombolo elisho amalungelo, imibandela kanye nemigoqo eyengeziwe ezimisweni noma ethatha indawo yanoma yikuphi okuhlinzekiwe ohlelweni lomsebenzi.

"Umaziphathe" maqondana nohlelo lomsebenzi kusho umaziphathe ophethe indawo okutholakala kuyo umhlaba oqondene nohlelo lomsebenzi;

"indawo kamaziphathe" kusho indawo ephethwe ngumaziphathe;

"ikomiti" kusho iKomiti laKwaZulu Lokuhlelwa Kwezindaba Zomhlaba elimiswe ngoMthethonqubo 4;

"imvume" kusho imvume enikezwa nguMaziphathe phansi kweSahluko VIII ngokwezimiso zohlelo lomsebenzi;

"ukwandisa" kusho ukwandisa komsebenzi wenabele nasendaweni ekade ingekho phansi kohlelo ngaphambili

"isiqinti" -

- (a) kusho isiqephu sendawo ebhalisiwe kurejista yamatayitela noma elinye ihhovisi lokubhalisa njengesiqephu, isiqinti, isitende noma isaza; futhi
- (b) kubandakanya
 - (aa) indawo evezwe njengesiqephu, isiqinti, isitende noma isiza kunoma yiliphi ipulani elikhulu okubhekiswe kulo esigabeni 8(1)(a)(i) soMthetho noma;
 - (bb) indawo eyabelwe umuntu;
 - (cc) ngaphezulu kwesiqinti esisodwa uma lezo ziqinti zihlanganisiwe;
 - (dd) noma iyiphi indawo echaziwe yahlelwa njengelokishi ngokoMthetho;
 - (ee) ingxenye yesiqinti;
 - (ff) ingxenye yepulazi;

"ipulani lokuthuthukiswa kwesiza" kusho ipulani -

- (a) eliyokwethulwa ukwesekela isicelo
 - (aa) sokuchibiyela, uma uNobhala esidinga;
 - (bb) semvume uma lidingwa ngumaziphathe wendawo;
- (b) uma kuphathelene nesicelo, elikhombisa okukhona okuhlongozwayo-
 - (aa) okuyimingcele
 - (bb) okuyizinhla zezakhiwo nalopho zikhona, ukuphakama nobubanzi bezakhiwo;
 - (cc) izindawo ezivulekile
 - (dd) izindlela ezingenayo neziphumayo kanye nezindawo zokupaka nezokulayisha impahla;

"ipulani lokuma kwelokishi" kusho ipulani okubhekiswe kulo kuSahluko III;

"uhwebo" kubandakanya noma yimuphi umsebenzi wimboni, owobuchwepheshe ofundelwe, ibhizinisi noma yimuphi umsebenzi.

Isicelo

3. (1) LeMithethonqubo iyosebenza kuzo zonke izindawo zoMaziphathe phansi lwezimiso zaloMthethonqubo.
 - (2) Izimiso zanoma yimuphi omunye umthetho ophathelene nokunqunywa kwemingcele kanye nobuningi nokwakhiwa kwezindlu ebangeni elinqunyiwe ukusuka emngceleni noma emigqeni esenkabeni yemigwaqo kuyolandelwa zona kuqala kunalezo zohlelo lomsebenzi ngaphandle kwalapho uhlelo lomsebenzi luhlinzeka umgwaqo othe xaxa ngobubanzi kumbenoma emgqeni osenkabeni yomgwaqo.
 - (3) UNgqongqoshe kungathi, ngalezo zimiso nemibandela enjengalokhu eyonquma ngemuva kokubonisana keKomidi -
 - (a) akumise ukusebenza kwalemithethonqubo kunoma iyiphi indawo;
 - (b) akhulule noma ngubani komunye noma kuyo yonke imibandela yalemithethonqubo.
4. Lemithethonqubo iyokuba phansi kwanoma yiziphi izimiso ezimayelana nokusungulwa kwelokishi.

ISAHLUKO II IKOMITI LOKUHLELA

Ukusungulwa kweKomiti

4. (1) Ngalokhu kusungulwa iKomiti elibizwa ngokuthi ikomiti lakwaZulu Lokuhlela iziNdaba zoMhlaba.
- (2) Ikomiti kuyokuba namalunga amathathu athathwe esigabeni semisebenzi esizimele futhi liqokwe nguNgqongqoshe ngokuvumelana koMkhandlu Oshaya uMthetho njengoba kuhlinzekwa yisigaba 37(5) soMthetho okuyoba yinkathi eyonqunywa nguNgqongqoshe. kulaba-
 - (a) ababili bayoba nolwazi kumbe babe ngasebeke basebenza kwezomnotho, ezezimboni, ezohwebo, umthetho, intuthuko yamadolobha, ukuphatha kwezindaba zakwaHulumeni;
 - (b) oyedwa abe nolwazi oluqondene ngqo noma abe ngoseke wasebenza ekuhlelweni kwedolobha nesifunda.
- (3) UNgqongqoshe angaqoka umuntu oyedwa noma abangaphezulu koyedwa ukuba babe ngamalungu abambale lapho elinye kumalungu eKomiti lingekho noma lingakwazi ukwenza umsebenzi walo, futhi izimiso zomthethonqubo (2) ziyosebenza ngokuguquguquka okudingekayo kulelo lungu elibambale.
- (4) Iningi kumalungu eKomiti liyokwenza ikhoramu yomhlangano.
- (5) Ikomiti
 - (a) liyonquma izikhathi nezindawo zemihlangano yalo;
 - (b) liyokhetha elinye lamalungu alo ukuba libe uSihlalo;

- (a) akhe noma aguqule noma yisipni isakhiwo kumbe umsebenzi;
 - (b) asebenzise noma yimuphi umhlaba kumbe isakhiwo;
 - (c) avumele lokho kwakhiwa, ukuguqula kumbe ukusetsenziswa;
- (3) Umaziphathe, ngemuva kokuba esenikeziwe ikhophi lohlelo lomsebenzi njengokusho komtheshwananqubo (1)(a) akayuvuma, agunyaze noma avumele lokho kwakha, ukuguqula noma ukusetsenziswa.
- (4) Izimiso zo -
- (a) mtheshwananqubo (2) aziyusebenza kulokho kwakha, ukuguqula noma ukusetsenziswa okunambisana nemvume enikezwe ngumaziphathe oqondene ngaphambi kwalokho kukhishwa okubhekiswe kukho kulowomthethonqubo;
 - (b) mthethonqubo (2) no (3) aziyusebenza uma umaziphathe esazisiwe ngokuchithwa komthethonqubo 17(6).

Ukuphikisa nezikhalo

17. (1) Ukuphikisa kanye nezikhalo okubhaliwe mayelana nohlelo lomsebenzi kuyokwethulwa kuNobhala ingakedluli inkathi eyizinsuku ezingamashumi ayisithupha ngemuva -
- (a) kokunikezwa ikhophi lohlelo lomsebenzi njengoba kuhlinzekiwe ngumaziphathe ngomthethonqubo 16(1)(a);
 - (b) kokukhishwa kwesaziso okokuqala yinoma ngubani njengoba kucatshangiwe kumthethonqubo 16(1)(b).
- (2) Ukuphikisa kanye nezikhalo okubhekiswe kukho komtheshwananqubo (1) kuyokwethulwa kuNobhala oyokwedlulisa ikhophi kumaziphathe ngokushesha.
- (3) Emuva kokuphela kwesikhathi okucatshangwe ngakho umtheshwananqubo (1) noma lesi sikhathi njengoba kuyovuma uNobhala, uNobhala uyodingida zonke izikhalo nokuphikisa okwethuliwe.
- (4) Ekudingideni ukuphikisa noma izikhazazo, uNobhala uyobhekela -
- (a) okuhlinzekwa yisigaba 5(2) soMthetho;
 - (b) umphumela wohlelo lomsebenzi emalungelweni akhona, ngaphandle kwelungelo lokuvikela ekuncintelweni kwezohwebo.
- (5) Emuva kokudingida konke ukuphikisa nezikhalo ezethuliwe, uNobhala -
- (a) angakwemukela uhlelo lomsebenzi emuva kokwenza izinguquko ezithile kulo ayobona zifanele; noma
 - (b) aluchithe uhlelo.
- (6) UNobhala kuyothi, masinyane emuva kokufinyelela esinqumeni njengokusho komtheshwananqubo (5) azise uMaziphathe ngaleso sinqumo ngokunjalo nanoma ubani ophikisayo noma ofake isikhalo.
- (7) Uma uhlelo lomsebenzi lwehlukile ngokubonakalayo ngenxa yoguquko okubhekiswe kulo emtheshwananqubo (5)(a), uNobhala uyokwenza isaziso futhi ngohlelo njengokusho komthethonqubo 16(1) nokuyothi emva kwalokho izimiso zalo mthethonqubo zisebenze.

Isinxephezelo

18. (1) Umuntu uyoba nelungelo phansi kwezimiso zemtheshwananqubo (2) no (4) lokuba anxeshelwe ngesamba -
- (a) umhlaba wakhe noma ilungelo kuwo okwehle ngaso ngokuqalisa ukusebenza kwanoma yikuphi okuhlinzekiwe ohlelweni okuthikameza noma okungqinda amalungelo akhe emthethweni maqondana nalowo mhlaba, futhi uma kungumhlaba akade ehweba kuwo kuyoba yisamba sokulahlekelwa kulokho kuhweba;
 - (b) somonakalo obangelwe ngokwenziwe ngumaziphathe ngokuqalisa ukusebenza kohlelo;
 - (c) sezindleko angene kuzo ngokufanele -
 - (i) ngenkathi efeza izimiso zohlelo, kodwa olufekelise wukufakwa kolunye endaweni yalo noma ukuchitshiyelwa kwalo;
 - (ii) ekwenzeni noma ekuphikiseni ukubizwa kwesinxephezelo, kodwa okufekile kanjalo
- (2) Umuntu ofuna ukunxeshelwa kuyothi ngaso lesi sikhathi afake udaba lokunxephezela kuNobhala luhambisane nokuphikisa noma isikhazazo asenzayo phansi komthethonqubo 17 noma kungakedluli leyo nkathi engemuva kwalokho njengoba uNobhala eyovuma.
- (3) Lesi sinxephezelo njengoba kuyovunyelwana ngaso ngaphambi kokwemukelwa kohlelo, siyokwenziwa kungakedluli iminyaka emithathu kusukela osukwini uNobhala aqalise ngalo uhlelo.
- (4) Akukho sinxephezelo esiyokhokhwa ngokusho kwalo mthethonqubo maqondana nokulima komniaba -
- (a) uma ukulahlekelwa kubangelwe wukusebenza kwanoma yimuphi umthetho ngaphandle kokukhokha isinxephezelo okufanele sikhokhwe ngokwezimiso zawo;
 - (b) ngenxa yokulahlekelwa okuthiwa kudalekile ngokuncintelana ngohwebo;
 - (c) lapho ofuna isinxephezelo enelungelo futhi lokunxephezela ngodaba noma ngento efanayo phansi kwanoma yimuphi omunye umthetho, kangangoba eyoba nelungelo -
 - (i) lezinxephezelo phansi kwalo mthethonqubo kanye nalowo mthetho;
 - (ii) lesinxephezelo esikhudlwana ngaphansi kwalo Mthethonqubo kunangaphansi komunye umthetho;
 - (d) ngenxa yokwenziwe ngumaziphathe phansi komthethonqubo 38 ngaphandle kwalapho isakhiwo kumbe nomsebenzi lowo kwase kukhona ngaphambi kokuba uhlelo lumenyezwe phansi komthethonqubo 16(1)(b);
 - (e) lapho noma yikuphi okuhlinzekiwe ohlelweni kususwa wuhlelo olufakwa endaweni yakho, ngesizathu sokulahlekelwa ngenxa yanoma yikuphi okuhlinzekiwe ohlelweni okulandelayo, lapho khona okuhlinzekiwe kamuva kufana nalokho okususiwe, kodwa noma yisiphi isinxephezelo esingakakhokhwa esisukela ekwenzeni lokho, obekuhlinzekiwe kwabuyi kwayekwa, kuyosetsenzwa kuqhubekile nokwenziwa;
 - (f) ngenxa yokuqala kokusebenza kwanoma yikuphi okuhlinzekiwe ohlelweni -
 - (i) okunquma ubungako besikhalo okumele sibe phakathi kwezakhiwo;
 - (ii) olukhomba izinhla zezakhiwo, phansi kwezimiso zomtheshwananqubo 5(a); olulawula lapho isakhiwo sizokuba khona kuleso naleso siza maqondana nezinye isakhiwo;
 - (iv) olulawula uhlobo, ubungako, ukuphakama; ukuvumelana, ukuma, ubunjalo ngapnanole bezakhiwo, kubandakanya nokusetsenziswayo lapho kwakhiwa;
 - (v) olubeka umkhawulo esibalweni sezakhiwo eziyokwakhiwa kunoma yisiphi isiqinti somhlaba;
 - (vi) olunquma ububanzi bendawo okunokwakhiwa kuyo esiqintini noma yisiphi;
 - (vii) okubeka umgoqo ngendlela okunokusetsenziwa ngayo izakhiwo, phansi kwezimiso zomthethonqubo 5(b);

- (viii) olulawula ukuphakama nendawo ezikuyo izindonga ezikhona noma ezihlongozwayo, ucingo noma uthango eduze namajika omgwaqo, ukuze kube nokuphepha.
- (ix) uma kwakhiwa noma yiliphi ibhildi eliqondene nezohwebo noma nezezimboni, luhlinzeke indawo yokupaka izimoto zabantu abasebenza kumbe abahfala lapho noma yokulayisha noma ukwethula noma ukwetha izimoto ngenhloso yokugwema

ukuthikamezeke kwezimoto ezihambayo emgwaqweni;

- (x) oluvimbela noma olubeka imigoqo ewunomphelo emisebenzini yokwakha ngesizathu sokuthi ngenxa yohlobo nokuma kwendawo, ukwakha kuyo izakhiwo kungase kubangele -
 - (aa) Izindleko ezeqile zemali kaHulumeni ekwakheni imigwaqo, ukukhuculula inkucunkucu ukuphakelwa kwamanzi noma eminye imisebenzi yomphakathi;
 - (bb) ingozi empilweni noma ukulimala;
 - (xi) okunqabela ukusetshenziswa komhlaba (okungokunye okungesiyo imisebenzi yokwakha) usetshenziselwa kokungase kubangele ubuthaka empilweni noma ingozi kumbe ukukhinyabezeka endaweni eyakhelene nawo, noma olubeka imigoqo (engaphathelene nemisebenzi yokwakha) ekusetshenzisweni komhlaba lapho idingekile ukuvimbela leyo ngozi, ukulimala noma ukukhinyabeza;
 - (xii) olunquma isibalo noma olukhomba lapho imigwaqo emisha izongenela khona kuleyo ekhona noma lapho iyohamba khona.
- (5) Isinxephezelo siyokhokhwa ngokuqala kokwenziwa kwalokho okuhlinzeke ohlelweni -
- (a) okukhomba uhla lwezakhiwo, nakuba kunezimiso zomtheshwananqubo 4(f)(ii), uma indawo yalowo ofuna isinxephezelo ebheke emgwaqeni noma emgwaqeni ohlongozwayo iyonciphisa kangangoba ngeke isafanela ukuba kwakhiwe kuyo isakhiwo ngendlela eyolandela ukuhlinzeke kohlelo, okungabe ngenxa yesimo sendawo noma ngenye indlela;
 - (b) okubekela imigoqo indlela isakhiwo esiyosetshenziswa ngayo, nakuba kunezimiso zomtheshwananqubo 4(f)(vii), uma lowo mgoqo ubeka ukuthi noma yisiphi isakhiwo masisetshenziswe ngendlela eyehlukile kuleyo esisetshenziswa ngayo ngosuku okwenziwe isaziso ngalo phansi komthethonqubo 16(1)(b) futhi lokho kusetshenziswa kade kuqhubeka kuze kube ngosuku okuqala ngalo ukusebenza kwaleso simiso.
- (6) uNobhala
- (a) kungathi noma nini zingakapheli izinyanga ezintathu kusukela kwenziwe isivumelwano, noma ekunqumeni ngokudluliswa kodaba lwesinxephezelo okucatshangwa ngaso kulo mthethonqubo, azise lowo ofuna isinxephezelo ngenhloso yakhe yokuhoxisa noma ukuguqula zonke noma esinye sezimiso zohlelo nokuyikho okubangele ukuba kufunwe isinxephezelo;
 - (b) kuyothi zingakadluli izinyanga ezintathu kusukela osukwini lwaleso sazi, alethe kuNgqongqoshe isichibiyelo esifanele ukuba asivume.
- (7) Ngaphandle kokuphazamisa ilungelo lomfaki sikhalo ukuba afune esinye isinxephezelo mayelana nesichibiyelo okucatshangwe ngaso kumtheshwananqubo 6(b), ukufuna isinxephezelo okubalulwa ngumtheshwananqubo (6) kuyophelelwa yisikhathi lapho.
- (a) sesiqala ukusebenza lesi sichibiyelo: nalapho
 - (b) uNobhala esekhokha izindleko zalowo ofake isikhalo eziqondene naleso sikhalo.

Ukwethulwa kohlelo lomsebenzi kuNgqongqoshe

19. Uma uNobhala eselwamukele uhlelo lomsebenzi njengokusho komthethonqubo 17(5)(a), uyokwethula uhlelo kuNgqongqoshe, ngemuva kwenkathi ebaluliwe emthethweninqubo 36(1)(a) maqondana nokudluliswa kodaba okucatshangwa ngakho emthethweninqubo 34(b), futhi lapho kuba nalokho kudluliswa kodaba, kuyoba emuva kokuba iKomiti seliqinisele noma laguqula uhlelo kodwa hhayi ngokuluchitha.

Ukuvunywa kohlelo nguNgqongqoshe

20. (1) UNgqongqoshe angaluvuma uhlelo lomsebenzi olwethuliwe kuye njengokusho komthethonqubo 19.
- (2) Emveni kokuba uNgqongqoshe eseluvumile uhlelo njengokusho komtheshwananqubo (1) -
- (a) uNobhala uyothumela ikhophi lohlelo kumaziphathe;
 - (b) isaziso ngalokho siyokwenziwa ngeGazethi kaHulumeni.
- (3) Uhlelo lomsebenzi luyoqalisa ukusebenza -
- (a) ngosuku olumiselwe lokho kuqalisa esazisweni okubhekiswe kuso emtheshwananinqubo 2(b); noma
 - (b) uma lungekho usuku olunjalo olushiwo, ngosuku lwalesosaziso
- (4) Isaziso okubhekiswe kuso emtheshwananinqubo 2(b) siyokusho ukuthi uhlelo lomsebenzi luyokwazi ukuba luhlolwe yinoma ngubani nganoma yiziphi izikhathi ezifanelekile ehhovisi lika -
- (a) Nobhala
 - (b) maziphathe

ISAHLUKO VII ISICHIBIYELO NGASINYE

Isicelo sokuchibiyela

21. Umnikazi noma inhlangotho engumakhelwane efisa kuchibiyelwe okuhlinzeke wuhlelo lomsebenzi mayelana nesiqinti salowo mnikazi noma endaweni yaleyo inhlangotho, kuye ngokwesimo lesi, angafaka isicelo esibhaliwe kuNobhala njengoba kuchazwa yiSijobelelo 2, sihambisane -
- (a) nekhophi lamatayitela aqondene, uma kungumnikazi owenza isicelo futhi uma isiqinti kwenziwe isibambiso ngaso kumbe amalungelo kuso edluliselwe komunye ukuze kwebekwe, sihambisane nemvume yalowo okwenziwe isibambiso kuyo noma okwedluliselwe kuye amalungelo;
 - (b) nombiko onikeza izizathu eziphelele ngesichibiyelo esihlongozwayo;
 - (c) nepulani lokuthuthukisa, uma kufanele;
 - (d) naleyo mininingwane nemibhalo njengoba uNobhala efuna;
 - (e) imali efaneleyo.

Isaziso nomphumela wesichibiyelo

22. (1) UNobhala kuyothi lapho emukela isicelo okubhekiswe kuso emthethweninqubo 21, kodwa phansi kwezimiso zomtheshwananqubo (2) -
- (a) athumele ikhophi lalokho kumaziphathe futhi azise uMaziphathe nganoma yikuphi ukushayisana uNobhala akwaziyo okuphakathi kwesichibiyelo nanoma yimuphi umthetho kamasipala osebenzayo endaweni ephethwe ngumaziphathe;

- (b) enze isaziso khona manjalo ngesichibiyelo efomini lesaziso elichazwe eSijobelelweni 3.
- (2) Isicelo siyokwaziswa ngendlela ehlinzekiwe ngomtheshwananqubo (1) ngumfakisicelo egameni likaNobhala nangemvume yakhe uma bulethiwe ubufakazi obuyogculisa uNobhala bokuthi lokho kwenziwe.
- (3) Emva kokukhishwa okokuqala kwesaziso okubhekiswe kuso kumtheshwananqubo 1(b), akukho muntu okuyothi ngendlela ephikisanayo nanoma yikuphi okuhlinzekiwe esichibiyelweni -
- (a) akhe noma aguqule noma yisiphi isakhiwo noma umsebenzi othile;
- (b) asebenzise noma yimuphi umhlaba noma isakhiwo;
- (c) avumele lokho kwakha, ukuguqula noma ukusebenzisa.
- (4) Umaziphathe, uma esenikeziwe ikhophi lesichibiyelo njengokusho komtheshwananqubo (1)(a) akayuvuma, agunyaze noma akuvumele lokho kwakha, ukuguqula noma ukusebenzisa.
- (5) Izimiso
- (a) zomtheshwananqubo (3) aziyusebenza kunoma yikuphi ukwakha, ukuguqulwa noma ukusetshenziswa okuhambisanayo nemvume enikezwe wumaziphathe ngaphambi kwesaziso okubhekiswe kuso kulowo mtheshwananqubo;
- (b) zemitheshwananqubo (3) no (4) aziyusebenza emuva kokuba umaziphathe esaziwe phansi komthethonqubo 24(6) ngokuchithwa kwaleso sichibiyelo.

Umnikelo ngumfakisicelo

23. (1) Uma isicelo okubhekiswe kuso kumthethonqubo 21 sesifakiwe, uNobhala uyoyala umfakisicelo ngeposi elirejistiwe ukuthi akhokhe kanye kanye nokukhishwa kwesaziso okubhekiswe kuso kumthethonqubo 22 umnikelo maqondana nezindleko zokuhlinzekwa -
- (a) kwemisebenzi yobunjiniyela lapho idingeka khona noma ukwenza ngocono leyo misebenzi ngenxa yesichibiyelo;
- (b) kwezindawo ezivulekile zomphakathi lapho isichibiyelo siyobangela ukuba kube nesibalo esiningana semizi eyakhile.
- (2) UNobhala ngokubona kwakhe uyokusho -
- (a) inhloso umnikelo ofunekela yona;
- (b) imininingwane yendlela okunqunywe ngayo umnikelo;
- (c) inani lomnikelo;
- (d) umfakisicelo uyomenywa ukuba abukeze isicelo sakhe;
- (e) ukuthi umfakisicelo unelungelo lokwedlulisela eKomitini udaba njengokusho komthethonqubo 35(d).

Ukukhononda kanye nezikalhalo ngesichibiyelo

24. (1) Ukukhononda noma izikalhalo ezibhaliwe zinokwenziwa kuNobhala mayelana nesichibiyelo ingakapheli inkathi eyizinsuku ezingamashumi ayisithupha emuva -
- (a) kokunikezwa nguMaziphathe ikhophi lesichibiyelo njengoba kuhlinzekiwe ngomthethonqubo 22(1)(a);
- (b) kokukhishwa okokuqala kwesimemezelwe yinoma ngubani njengoba kucatshangwa ngakho emthethweninqubo 22(1)(b)
- (2) Ukukhononda noma izikalhalo okubhekiswe kuso emtheshwaneninqubo (1) ziyolethwa kuNobhala, osekyothi yena-
- (a) athumele ikhophi kumfakisicelo kanye nakuMaziphathe ngokushesha, futhi
- (b) anxuse umfakisicelo ukuba aphenidule kulokho kuphikisa kanye nezikalhalo zingakadluli izinsuku ezingu 30 kumbe inkathi ende kunalokho uNobhala ayoyinquma.
- (3) Emva kokuphela kwenkathi okucatshangwe ngayo emtheshwaneninqubo (1) noma kwaleyonkathi eyengeziwe uNobhala ayoyinquma, uNobhala uyocubungula lokho kuphikisa naleso sikhulalazo esilethiwe kanye nanoma iyiphi impendulo okubhekiswe kuyo emtheshwaneninqubo (2)(b).
- (4) Ekucubunguleni isicelo kanye nanoma yikuphi ukuphikisa, isikalhalo noma impendulo, uNobhala uyobhekela -
- (a) izimiso zesigaba 17(2) soMthetho;
- (b) umphumela wesichibiyelo emalungelweni akhona ngaphandle kwelungelo okuthiwa likhona lokuvikelwa ekuncintelaneni ngohwebo.
- (5) Emuva kokucubungula konke ukuphikisa kanye nezikalhalo, uNobhala -
- (a) angemukela isichibiyelo emva kokwenziwa noma yikuphi okuthile okudingekile ukuba kulungiswe akubona kufanelekile.
- (b) noma asenqabe isichibiyelo.
- (6) UNobhala kuyothi, masishane emva kokufinyelela sinqumeni njengokusho komtheshwananqubo (5) azise ofake isicelo, nomaziphathe futhi nawo wonke umuntu osho okhonondile noma owenze isikhalo.
- (7) Uma isichibiyelo sehluka kakhulu ngenxa yokuguqulwa okuthile okubhekiswe kukho emtheshwaneninqubo (5) (a), uNobhala uyokwazisa ofake isicelo ngalokho kuguqulwa abese enza isaziso sesichibiyelo ngokumaqondana nomthethonqubo 22 (1), okuyothi emva kwalokho izimiso zalomthethonqubo zisebenze.

Ukulethwa kwesichibiyelo kuNgqongqoshe

25. Lapho uNobhala esesamukele isichibiyelo ngokusho komthethonqubo 24(5) (a), uyoletsa isichibiyelo kuNgqongqoshe, emva kwenkathi ebalulwe ngaphansi komthethonqubo 36(1) (a) ngokwedluliswa kodaba okucatshangwe emthethweninqubo 34(e), futhi maqondana nalokho ukwedluliswa kodaba, emva kokuba iKomiti seliqinisile noma laguqula, ngaphandle kokusiyeka lesi sichibiyelo.

Ukuvunywa kwesichibiyelo nguNgqongqoshe

26. (1) UNgqongqoshe angaluvuma uhlelo oluchibiyelwe olulethwe ngokusho koMthethonqubo 25.
- (2) Emva kokuba uNgqongqoshe esesivumile isichibiyelo ngokusho koMtheshwananqubo (1) uNobhala uyothumela ikhophi yohlelo kumfakisicelo nakuMaziphathe.
- (3) Isichibiyelo esivunyiwe ngokusho komtheshwananqubo (1)
- (a) siyoqala ukusebenza -
- (i) ngosuku lwalokho kuvunywa, noma
- (ii) ngaluphi usuku olunqunywe nguNobhala;
- (b) ngokuzibonela kukaNobhala siyokwaziswa ngesaziso kuGazethi kaHulumeni, okuyothi-ke kulokho izimiso zomthethonqubo 20(4) zisebenze ngokugquququka okudingekayo.

ISAHLUKO VIII
IMVUME KAMAZIPHATHE

Ukufaka isicelo semvume

27. Lapho uhlelo luhlinzekela khona ukunikezwa kwemvume ngumaziphathe, umnikazi wesiqinti okukhulunywa ngaso ofisa ukuthola leymvume angalettha kumaziphathe isicelo esibhaliweyo konke njengoba kuhleliwe kuSijobelelo 4, kuhambisana -
- (a) nekhophi yetayitela lakhe;
 - (b) uma umhlaba ubanjisiwe noma amalungelo akhe kulokho asenikezelwe ukukhokha isikweletu kanye nemvume yalowo obanjisiwe noma onikezelwe;
 - (c) nombiko oshoyo ngokungcwele izizathu zokusetshenziswa kwemvume enqunyiwe;
 - (d) ipulani yokuthuthukisa isiza uma kufanele;
 - (e) nolwazi-ke olunye nemibhalo njengoba zingadingwa umaziphathe wendawo;
 - (f) imali ekhokhwayo efanele.

Ukunikela ngumfakisicelo

28. (1) Uma isicelo esifakiweyo okubhekiswe kuso kuMthethonqubo 27 sesilethiwe, umaziphathe uyothi kanye kanye nokunikezwa kwesaziso okubhekiswe kuso kuMthethonqubo 29 asithumele ngeposi elirejistiwe asiqondise kumfakisicelo ukuba akhokhe imali kuso maqondana nezindleko zokuhlinzekela -
- (a) imisebenzi yobunjiniyela lapho kuyodingeka khona ukuqhubezela noma ukwenzangcono leymisebenzi ngenxa yemvume;
 - (b) izindawo ezivulekileyo zomphakathi lapho imvume iyobe isiyenza ukuba kubekhona abantu abahlalayo abaningi;
- (2) Umaziphathe uyosho ngokuqondisa kwawo-
- (a) umgomo walowo mnikelo ofunekayo;
 - (b) imininingwane yendlela inani lalomnikelo elanqunywanga;
 - (c) inani lomnikelo;
 - (d) ukuthi umfakisicelo ukhululekile ukubuyekeza isicelo esifakiweyo;
 - (e) ukuthi umfakisicelo unelungelo lokwedlulisela udaba ekomitini ngokusho komthethonqubo 35(1)(b).

Ukukhishwa kwesaziso sokufaka isicelo

29. (1) Umaziphathe masinyane emva kokuthola isicelo okubhekiswe kuso kumthethonqubo 28, uyokhipha isaziso ngokufaka isicelo efomini yesijobelelo 5.
- (2) Umfakisicelo angabeka isaziso esikhishiweyo esicatshangwe kumtheshwananqubo (1), ehhovisi likamaziphathe futhi ngemvume yakhe.
- (3) Uma umfakisicelo esebenza esikhundleni sikamaziphathe, njengoba kucatshangwe emtheshwananqubo (2), uyonikeza ubufakazi kumaziphathe masinyane emva kwalokho.

Ukukhononda nokwenza izikhalo maqondanba nesicelo

30. (1) Ukukhononda okubhaliweyo kungalethwa noma izikhalo zingenziwa yinoma imuphi umuntu ziyiswe kumaziphathe maqondana nesicelo esifakiweyo, enkathini eyizinsuku ezingamashumi amathathu emva kokukhishwa kokuqala kwesaziso okubhekiswe kuso kumthethonqubo 29(1).
- (2) Emva kokuphela kwenkathi ehlinzekelwe kumtheshwananqubo (1) umaziphathe-
- (a) uyonikeza umfakisicelo amakhophi azo zonke izikhalo ezenziwe kanye mokukhononda okucatshangwe kulowo mtheshwananqubo; futhi
 - (b) acele umfakisicelo ukuba aphenyule mayelana nalezo khalo nokukhononda ezinsukwini eziyishumi nane noma iyiphi enye inkathi ende kunalena umaziphathe angayinikeza.
- (3) Emva kokuphela kwenkathi enikeziwe ukuba umfakisicelo aphenyule, njengoba kuhlinzekelwe emtheshwananqubo (2), umaziphathe uyocubungula-
- (a) isicelo esifakiweyo;
 - (b) konke ukukhononda nezikhalo ezenziwe;
 - (c) noma iyiphi impendulo eyenziwe umfakisicelo.
- (4) Umaziphathe uyothi-
- (a) ekucubunguleni isicelo abhekele -
 - (i) isidingo sokuthuthukisa ukukhula komnotho nokuchuma kwezohwebo nentuthuko evamile;
 - (ii) izifiso, ukuphepha nenhlalakahle yabantu bomphakathi oqondene;
 - (iii) umphumela wesicelo emalungelweni akhona ngaphandle kwelungelo okuthiwa livikela ukuncintisana kwezohwebo;
 - (iv) nanoma yiluphi olunye udaba oluhlinzekelwe ohlelweni;
 - (b) uyosenqaba isicelo okumaqondana naso kukhona-
 - (i) ukungafisi ukusebenzisa okuphakanyisiwe,
 - (ii) nalokho okulimaza amalungelo akhona, ngaphandle kwelungelo okuthiwa livikela ukuncintisana kwezohwebo.

Ukunikezwa kwemvume

31. (1) Umaziphathe uyokunikeza imvume noma enqabe isicelo kungakapheli inkathi eyizinsuku ezingu -60 kusukela, ekutholeni kwakhe lesa isicelo
- (2) Umaziphathe ekuvumeni isicelo esifakiweyo angabeka yinoma imuphi umbandela, kuhlanganise kulokho umbandela-
- (a) wokuthi imvume ingaphelelwa isikhathi emva kwezaziso
 - (i) uma ukusetshenziswa kwayo kungaqaliwe noma kwanqanyulwa enkathini eshiwo,
 - (ii) ekupheleni kwenkathi eshiwo noma ukwenzeka kanyekanye kwesehlakalo esishiwo;
 - (iii) ekwehlulekeni ukugcina umbandela wemvume;
 - (b) umnikelo ocatshangwe kumthethonqubo 28 uyokhokhwa, ngamancozuncozu noma ngenye indlela.

- (3) Umaziphathe uyogcina irejista ivulekele ukuhlolwa ngumphakathi okuyothi-ke kuyo kubhalwe lokhu -
- usuku lwesicelo ngasinye esifake imvume;
 - igama nekheli lomfakisicelo;
 - umhlaba isicelo esitakiwe esimaqondana nawo;
 - ukusebenzisa ukuphakanyisiwe;
 - noma isicelo esifakiwe sivunyiwe noma senqatshiwe;
 - imibandela, uma ikhona, izicelo ezifakiwe ezivunyiwe kuyo;
 - nokuthi lemibandela iyagcinwa;
 - inani nomgomo wanoma ikuphi ukukhokha okubhekiswe kukho emtheshwaneninqubo (2)(b);
 - noma ikuphi ukuphelelwa isikhathi kwaleyomvume;

ISAHLUKO IX

UKUHLUKANISWA NOKUHLANGANISWA

Imvume kamaziphathe ekwahlukaniseni noma ekuhlanganiseni

32. (1) Umnikazi wesiqinti ofisa ukwehlukanisa noma ukuhlanganisa lesi siqinti uyofaka isicelo kumaziphathe ukuba avunyelwe kulokho kwahlukanisa noma lokho kuhlukanisa.
- (2) Isicelo esicatshangwe kumtheshwaneninqubo (1) siyosiwa kumaziphathe ngokubhaliweyo futhi sihambisane -
- nekhophi yetayitela lakhe;
 - uma isiqinti sibanjisiwe, imvume yobanjiselwe;
 - ipulani yokuthuthukiswa kwesiza;
 - umbiko osho izizathu ngokugcwele ngokwehlukanisa noma ngokuhlukanisa okuphakanyisiwe;
 - nolwazi lolu olunye kanye nezincwadi ezinye njengoba umaziphathe engazidinga;
 - imali ekhokhwayo efanele.
- (3) Imvume ngaphansi kwalomthethonqubo ayinakudingeka maqondana
- nesiqinti uHulumeni noma umaziphathe lapho engumnikazi khona;
 - ukwehlukaniswa kwesiqinti sezolimo;
 - esingaphandle kwendawo kamaziphathe, futhi
 - ngaphansi kwezimiso zoMthetho woKwahlukaniswa koMhlaba weZolimo, 1970 (uMthetho 70 ka 1970);
 - ukwahlukaniswa okuqukethe ilokishi ngokusho kwanomaimiphi imithethonqubo enqunyiwe maqondana nokwakhiwa kwamalokishi.

Ukunikezwa kwemvume yokuhlukanisa noma yokuhlukanisa

33. (1) Emva kokucutshungulwa kwesicelo ngaphansi komthethonqubo 32(1) umaziphathe uyonikeza imvume noma enqabe isicelo esifakiweyo sokwehlukanisa noma sokuhlukanisa enkathini yezinsuku ezingamashumi ayisithupha kusukela ekwamukeleni kwawo lesi sicelo.
- (2) Ekucubunguleni isicelo esifakiweyo semvume yokuhlukanisa noma yokuhlukanisa, umaziphathe uyobhekela
- imisebenzi -
 - kunoma iyiphi ingxenye yesiqinti esizohlukaniswa;
 - ukugudla noma imuphi umngcele phakathi kwezinqindi ezizohlukaniswa;
 - nanoma iyiphi into enye eqondene.
- (3) Umaziphathe ekuvumeni lesi sicelo esifakiweyo uyokubeka yinoma umuphi umbandela kuhlukanisa umbandela -
- wokuthi imvume ingaphelelwa yisikhathi emva kwesaziso -
 - uma ukusetshenziswa kwayo kungaqalwa noma kuyekwa enkathini eshiwo;
 - ngokungagcini umbandela wemvume;
 - umnikelo ocatshangwe kumthethonqubo 28 uyokhokhwa, ngamancozuncozu noma ngenye indlela.
- (4) Umaziphathe akayikunikeza imvume yokwehlukanisa noma yokuhlukanisa eyongqubuzana nohlelo umaziphathe anikezwe isaziso mayelana nalo njengoba kuhlinzekiwe kumthethonqubo 16(1)(a) noma 22(1)(a) ngaphandle uma umaziphathe esazisiwe ngokwenqatshwa kwaleso simiso ngaphansi komthethonqubo 17(5)(b) noma 23(5)(b).

ISAHLUEO X

UKWEDLULISELA UDABA EKOMITINI

Ukwedlulisa udaba kusuka esinqumeni sikaNobhala

34. Umfakisicelo noma okhonondayo angedlulisele udaba ekomitini uma ekhathazwe yisinqumo sikaNobhala maqondana-
- nokwemukelwa kwepulani yohlelo ecatshangwe emthethweninqubo 6;
 - nokwamukelwa noma ukwenqatshwa kohlelo ngokusho komthethonqubo 17(5);
 - nenani lesinxephezelo ngokusho komthethonqubo 18;
 - nenani lomnikelo ngokusho komthethonqubo 23;
 - ukwamukelwa noma ukwenqatshwa kwesichibiyelo ngokusho komthethonqubo 24(5);
 - nokwedlulisa udaba njengoba kucatshangwe kumthethonqubo 35(2);
 - nanoma yiluphi olunye udaba olucatshangwe kule mithethonqubo.

Ukwedluliswa kodaba kusuka esinqumeni sikamaziphathe

35. (1) Umfakisicelo noma okhonondayo angedlulisele udaba ekomitini uma ekhathazwa yisinqumo sikamaziphathe maqondana -

- (a) nokufaka isicelo semvume okubhekiswe kuso kumthethonqubo 27;
 - (b) nomnikelo ocatshangwe kumthethonqubo 28;
 - (c) nesicelo semvume yokuhlukanisa noma ukuhlanganisa okubhekiswe kukho kumthethonqubo 32;
 - (d) nomyalo ocatshangwe kumthethonqubo 38.
- (2) Umfakisicelo angedlulisa udaba kuNobhala uma ekhathazwe ukuthi amaziphathe akenzanga lutho ingakapheli inkathi ehlinzekelwe kumthethonqubo 32(1) noma 34(1), futhi uNobhala angayala amaziphathe ukusebenza udaba enkathini engeqile ezinsukwini ezingu 14 noma leyo nkathi enye futhi njengalokhu uNobhala engathi ngesicelo esifakwe amaziphathe, avume.

Inqubo yokudingidwa kodaba oludlulisiwe

36. (1) Udaba oludlulisiwe olucatshangwe kumthethonqubo 34 noma 35(1) luyolandelwa -
- (a) ngokuletha isaziso esibhaliweyo sokwedlulisa udaba sibeka izizathu zokwedlulisa udaba zingakapheli izinsuku ezingu 90 emva kokuthola isaziso ngesinqumo okukhulunywa ngaso noma leyonkathi endana njengalokhu iKomiti ingayivumela;
 - (b) futhi ngokunikeza ikhophi yesaziso kulowo omunye odabeni maqondana nokwedlulisa udaba okubhekiswe kukho kumtheshwananqubo 34(b), (c) noma (e).
- (2) Umuntu omunye odabeni ocatshangwe kumtheshwananqubo (1)(b) kungathi emva kokubona udaba olwedluliswayo olucatshangwe kuloyomtheshwananqubo alethe izikhalo ezibhaliweyo maqondana nalokho futhi iKomiti iyokwenza ukuba ikhophi inikezwe lowo owedlulisa udaba.
- (3) IKomiti ngokubona kwayo inganikeza noma imuphi umuntu ithuba ukuba alethe izikhalo maqondana nodaba olwedluliswayoolucatshangwe kulomthethonqubo.
- (4) Ukwedlulisa udaba kuyonqunywa yiningi leKomiti.
- (5) IKomiti
- (a) Ingabiza noma imuphi umuntu ukuba eze kuyo anikeze ubufakazi noma aveze noma iyiphi incwadi yobufakazi noma iyiphi enye indaba ebhaliweyo, futhi ibhodi yokwedlulisa izikhalo iyoba namandla onke okushaya umthetho namathuba anikezwe amakhomishani yiSimiselo samaKhomishani, 1966 (Isimiselo 26 sika 1966), kanye nezimiso zezigaba 6 kuya ku 16 zaleso Simiselo ziyosebenza ngokugquququka okudingekayo maqondana nokuphathwa kwezindaba kwekomiti;
 - (b) ngokwenza kwayo iqaphela noma iluphi udaba, noma incwadi yobufakazi noma ulwazi oluyothi ngokubona kwayo lusize ekucubunguleni kwayo udaba oluphambi kwayo;
 - (c) ingaguqisa noma imuphi umhlangano ngenhloso yokuyozihlelela udaba mathupha endaweni leyo okuyothike ngaleyo nhloso ibe namandla kunoma iliphi ihora ukungena nokuhlola umhlaba kanye nanoma iziphi izindlu kulokho okumele ukuba kuhlolwe;
 - (d) ingaletha udaba kuNobhala noma kumaziphathe kuye ngesimo kanye nemiyalo yokubhekana nanoma imuphi umbuzo noma udaba ngendlela leyo njengoba iKomiti ingacabanga kufanele;
 - (e) ingayala uNobhala noma amaziphathe, kuye ngesimo ukuthola lobo bufakazi obunye noma ukunikeza lolo lwazi olunye njengalokhu ingaludinga;
 - (f) ingaqinisa, iguqule noma isiyeke isinqumo sikaNobhala noma sikamaziphathe, kuye ngesimo noma yenze isinqumo esinye noma ikhiphe umyalo njengoba ikubona kufanele;
 - (g) iKomiti iyothi, nganoma iyiphi indlela engayibona ifanele
 - (i) ibhale phansi noma isiphi isinqumo noma umyalo ewenzile;
 - (ii) igcine noma imaphi amarekhodi okuphatha kwayo izindaba.

**ISAHLUKO XI
UKUPHOQELELWA KOHLELO**

Umaziphathe ophoqeleyo

37. (1) Umaziphathe uyophoqelela izimiso zohlelo kuye ngesimo kusukela -
- (a) ekuqalisweni kwaleMithethonqubo odabeni lohlelo olucatshangwe kumthethonqubo 12;
 - (b) ekusebenzeni kohlelo njengalokhu kucatshangwe kumthethonqubo 20(3) noma 26(3).
- (2) Umaziphathe uyophoqelela uhlelo ngendlela yegunya lokwenqabela noma ngokuye okuyikhambi emphakathini.

Amandla kamaziphathe lapho kuphanjanwa khona nohlelo

38. (1) Umaziphathe angathi ngencwadi ebhaliweyo ayale lowo muntu okuthi ngokuphambana nesimiso sohlelo -
- (a) owenza noma oqhubeka nokwakha, noma ukuguqula noma ukuxhuma esakhiweni noma enze ukuba akujeke ukuqhubeka nokwakha okunjalo;
 - (b) enze noma aqhubeke nanoma imuphi omunye umsebenzi noma obanga ukuthi kwenziwe, noma kuqhutshekwe nakho ukuba akuyeke umsebenzi onjalo;
 - (c) osebenzisa noma imuphi umhlaba noma isakhiwo noma odala ukuba usetshenziswe, ukuba akuyeke lokho kusetshenziswa.
- (2) Ukwengeza emyaleweni ocatshangwe kuMtheshwananqubo (1) amaziphathe angathi ngokubhalwe phansi ayale umuntu onjalo ukuba enze ukuba isakhiwo esinjalo, omunye umsebenzi, noma okusetshenziswayo kuhambisane nombandela wohlelo enkathini eshiwo ngezindleko zalowo muntu.
- (3) Lapho noma imuphi umuntu ehluleka ukuhambisana nomyalo okhishwe ngokusho komtheshwananqubo (1) noma (2) uMaziphathe angenza ukuba isakhiwo noma omunye umsebenzi kuvumelane nezimiso zohlelo, futhi angabiza zonke izindleko ezidalekile kulowo muntu onjalo maqondana nalokho.

Ukungena nokuhlola

39. (1) Umuntu oqashwe ngumaziphathe angangena kunoma imuphi umhlaba noma esakhiweni nganoma isiphi isikhathi esifaneleyo ukwenza noma ikuphi ukuhlola okudingekayo ukuze kuphoqeleiwe lemithethonqubo noma uhlelo.
- (2) Akukho muntu oyothiya noma avimbele umuntu okubhekiswe kuye emtheshwaneninqubo (1) ekwenzeni umsebenzi wakhe noma enze noma avumele noma ikuphi ukuthiywa noma ukuvinjelwa komuntu onjalo.

Ukukhishwa kwezaziso

40. Isaziso okudingekayo noma okugunyaziwe ukuba sikhishwe ngokusho kwalemithethonqubo noma uhlelo sinokukhishwa -
- (a) ngokuletha inothi mathupha kumuntu noma kogunyazwe ukuba ammele ngokufaneleyo;

- (b) ngokukhela ngokuyikho, ukulungisa nokuposa incwadi erejistiwe equkethe isaziso.

**ISAHLUKO XII
IZIMISO EZIJWAYELEIKILE**

Izimali

41. UNGqongqoshe angathi izikhathi ngezikhathi ezithile anqume inani lanoma iyiphi imali ekhokhwa ngokusho kwalemithethonqubo

Isihloko

42. Lemithethonqubo iyobizwa ngokuthi Imithethonqubo yaKwaZulu YeziNdaba Zomhlaba (Ukuhlelwa Kwedolobha), 1994

ISHEDULI A

IZINDABA OKUFANELE ZIBHEKWE EKULUNGISWENI KOHLELO

1. Isidingo sokuqhubekisela phambili ukukhula kwezomnotho, ezohwebo nempumelelo evamileyo.
2. Imigwaqo, ngokumaqondana -
 - (a) namazinga nobubanzi nokuhlangana kwayo neminye imigwaqo;
 - (b) nobungako nobunjalo bethrafiki okulindeleke ukuba ihambe kuyo;
 - (c) nezinyathelo zokuqinisekisa ukuphepha komphakathi kanye nokubonakala ngokugqamile ezinhlanganweni zemigwaqo;
 - (d) nokuthi imiselwe noma ingahle isetshenziswe kakhulu mayelana nethrafiki enkulu noma encane noma ithrafiki engena emakhaya, emigwaqweni emikhulu noma ezindaweni zabahamba ngezinyawo;
 - (e) nokwenza ngcono ezokuxhumana noma nokucina izimfanelo ezingcono nganoma iyiphi inhloso kamasipala noma umphakathi
 - (i) ngokuphambuka, ngokwandisa, ngokunciphisa ububanzi bemigwaqo ekhona noma ukuvalwa kwayo okwesikhashana noma unomphela,
 - (ii) ngokwakhiwa kwemigwaqo emisha;
 - (iii) ngokuhlinzeka ngezimfanelo zokupaka; futhi
 - (iv) nangokuhlinzeka ngemigudu yamabhayisekili.
 - (f) Ukulungiswa nokuqondiswa kwamakhona ezinhlanganweni zemigwaqo nokwakha imikhawulo emigwaqweni;
 - (g) nokuphathwa nokuvimbela ukungena noma ukuphuma emigwaqweni;
 - (h) nokutshalwa kwemithi nokunye okunjalo nokuhlinzeka ngemisebenzi yezinto ezihlobisayo okuqondwe ngazo ukwenza ngcono ukubukeka kwemigwaqo;
 - (i) nokufanekela ukuba kuhlinzeka ngesitaladi ngapha noma ngalena kwanoma imuphi umgwaqo omkhulu, ujjantshi, umzila wamathramu; imifula noma umsele wamanzi onqamula endaweni;
 - (j) nezidingo zabahamba ngezinyawo, ikakhulu izingane, nokwenziwa yizo;
 - (k) nalokho okwenabela emigwaqweni.
3. Ukukhanyisa nokulethwa kwamanzi
4. Amapayipi enkucunkucu, imisele nokuthuthwa kwenkucunkucu.
5. Ukubekwa eceleni komhlaba ube ngowemigwaqo emisha noma ukunwetshwa noma okunye ukwenziwangcono kwemigwaqo ekhona noma ngezinhloso zokuzithokozisa noma amapaki nezinye izindawo ezivulekile, amashashalazi ezindiza, lapho kupakwa khona izimoto nezinye izindaba ezivamile ezingezomphakathi uhlobo lwazo.
6. Ukubekwa eceleni komhlaba ngezinhloso zikaHulumeni nezikamasipala eziqondene nomphakathi.
7. Ukucazwa noma ukwehlukani ngeziceme kwendawo okufanele isetshenziselwe kuphela ukuhlala, amabhezini, imisebenzi yezimbongi, ezolimo nezinye izinhloso ezibaluliweyo.
8. Ubungako beziqinti.
9. Ubungako beziqinti nokuguqulwa kweziqinti ezikhona ngenhloso yokwenza ngcono ukuklanywa noma ukuma kwanoma iyiphi ingxenye yendawo.
10. Izindlu, kufaka phakathi -
 - (a) ukunquma ukuthi isikhala sizoba ngakanani phakathi kwezindlu;
 - (b) ukuncishiswa kwesibalo sezindlu;
 - (c) ukulawula ukuthi izindlu zizoba ngakanani, ukuphaphama kwazo nokuthi zinjani ngaphandle;
 - (d) Ukubeka imigoqo endleleni ezinokusetshenziswa ngayo izindlu;
 - (e) Ukuvimbela imisebenzi yokwakha noma ukulawula leyo misebenzi enjalo emayelana nokunye okungabaluliwe lapha.
11. Izindawo zomphakathi ezivulekile kuhlanganisa -
 - (a) ukwakhiwa kwezindlu nokunye okuyizakhiwo
 - (b) ukuvalwa okwesikhashana noma unomphela kwezindawo ezivulekile zomphakathi.
12. Ukufaneleka kwezaziso ngokuthengiswayo kwezintengiseli ezindaweni zomphakathi noma endaweni ebonakalayo emphakathini maqondana nezindawo eziyizungesile
13. Ukulondolozwa -
 - (a) kwezindlu noma ezinye izinto ezimqoka kwezamapulani ezindlu, ezomlando noma ezomsebenzi wokuciko;
 - (b) izindawo ezithandekayo ngokwemvelo noma izinhle.

**ISHEDULI B
AMAPHUZU OHLELO**

Ukuhlelwa kwamaphuzu

1. Ukuhlelwa kwamaphuzu kumi kanje -

1. Ukuhlalwa kwamaphuzu;
2. Izincazelo;
3. Ukusetshenziswa kweziceme;
4. Ukusetshenziselwa ukuhlala okwandisiwe;
5. Izinhlu zezindlu;
6. Isibalo sezindlu zokuhlala;
7. Isibalo sezitezi;
8. Ububanzi;
9. Ukupaka nokulayisha;
10. Ukufinyelela

Izincazelo

2. Ngaphandle uma ingqikithi yenkulumo ikhomba okunye -

"Izinhloso zezolimo" kusho izinhloso ngokuvama eziphathelene noma ezidingeka maqondana nokusetshenziswa komhlaba nezakhiwo ngezinhloso zolimo futhi kufaka phakathi izindlu zokuhlala ezidingekayo futhi neziphathelene nokusetshenziswa (bona fide) ngokuyiko kwezolimo komhlaba

"Isakhiwo", kuhlangukisa

- (a) isakhiwo sanoma iluphi uhlobo;
- (b) ingxenye yendlu;

"Uhlu lwezakhiwo" kusho uhlu oluchazwe maqondana nomngcele wesiqinti nolwenzela indawo ephakathi kohlu olunjalo nomngcele okume kugcine kuwo ukuba kwakhiwe njengoba kuhlinzekelwe ephuzwini 5;

"Izinhloso zebhizinisi" kusho ukusetshenziswa kwesakhiwo noma umhlaba njengehlovi (kuhlangele nempahla yendlu yokusebenzela izindlu zodokotela zokuhlala, ibhange, noma i "Building Society"), isitolo, indlu yokukhangisa, indlu yokubeka impahla ezothengiswa, indlu yokudlela noma elinye ibhizinisi noma ezinye izinhloso zezohwebo okungesiyi indawo yokufundisa, igaraji lomphakathi, umsebenzi wezimboni, umsebenzi wokwenza impahla olimazayo, ibala labakhi noma i "scrapyard"

"ububanzi" kusho indawo yesiqinti okukhona izakhiwo kuso, ezikalwe ngengaphandle lezindonga njengalokhu zibukelwa ngqo ngasenhla futhi zikhomba ukuthi ngamaphesenti amangaki endawo yomhlaba lowo;

"Indawo yokuhlala" kusho ukwakhelana kwezindlu ezakhiwe ngendlela yokuba kube khona indawo yokuhlala engaba nekhishi noma indawo yokugezela izitsha zokudlela, noma ngabe indawo yokuhlala enjalo

- (a) iyindlu eyodwa; noma
- (b) iyingxenye yendlu
 - (i) enezindawo zokuhlala ezingaphezu kweyodwa;
 - (ii) amakamelo asetshenziselwa ezinye izinhloso okungezizo izinhloso zokuhlala;

"Indawo yaphansi" kusho indawo okungahlala kuyo umuntu oqashile ekalwe ukusukela -

- (a) kulo ingaphandle lodonga olungaphandle;
- (b) iphakathi nendawo yodonga olwehlukanisayo;

"Isitezi esiphansi" kusho iphansi -

- (a) ezingeni eliphansi, futhi
- (b) elinomnyango walo okufinyeleleka kuwo uvela ezingeni eliphansi ngendlela yokuma kwezitebhisi noma okunye okunjalo;

"umsebenzi wezimboni" kusho ukusetshenziswa kwesakhiwo noma umhlaba ukuze kwakhiwe, kuhlangukisa noma kwenziwa umkhqizo noma ukugququlwa komkhqizo noma kwezinto eziseluhlaza zokwenza impahla kodwa kungahlangukisa ukwenziwa kwempahla elimazayo;

"Isikhungo" kusho isakhiwo esenzelwe noma esisetshenziselwa ikakhuluka zinjesikhungo sabasweleyo, isibhedlela, ikhaya lokuhlenga abagayayo, indawo yokuhlumelelisa impilo, umtholampilo noma esinye isikhungo, noma ngabe esomphakathi noma esomnikazi;

"imboni eyenza impahla eyingozi" kusho imboni eyenza impahla noma uhwebo olungathi ngenxa yomsindo noma okuphuma okuwuketshezi olulahlwayo lube yingozi empilweni nasenhlalakahleni yomphakathi jikelele, okungaba yilokhu -

- (a) ukuncibilikiswa kwensimbi esaxubene netshe (umkhando) nokumbiwa phansi;
- (b) ukukhiqizwa kodayi besafu (isibabuli);
- (c) ukushiselwa kwezinto eziqethe isafu;

"ohlala khona" kusho umuntu ohlala khona impela esakhiweni noma emhlabeni, ngaphandle kokunaka ukuthi uhlezi ngoba enasikhundla sini;

"indawo yokupaka" kusho isakhiwo noma umhlaba noma ingxenye yawo esetshenziselwa ukupakwa kwezimoto;

"indawo okufundelwa kuyo" kusho umhlaba osetshenziselwa noma isakhiwo esakhelwe noma okwakuvele kuhloswe ukuba sisetshenziselwe ukuba yisikole, ikolishi lemisebenzi yamakhono, ihholo okufundiselwa kulo isikole esikhulu noma esinye isikhungo semfundo, inkulisa, ikhonventi, imonasteri, indawo yamabhuku yomphakathi, i "art gallery", iminyuziyemu, ijimnasiyamu noma isikhungo esinjalo;

"indawo yokukhonzela yomphakathi" kusho isakhiwo esenzelwe ukusetshenziselwa noma ukusetshenziswa ikakhulukazi njengendlu yesonto, ishaphela i "oratory" indlu yokukhonzela, ngaphandle kwendawo yokusontela, noma yokufundisela ezenkolo nesikhungo esikuso lesi siqinti eziphathelene nesakhiwo esinjalo nokuhloswe ngaso ukuba sisetshenziselwe ukuhlangukisa kwabantu nokuzithokozisa, kodwa ayifaki phakathi ishapheli lomngcwabo;

"igaraji lomphakathi" kusho umhlaba osetshenziselwa ikakhulukazi noma isakhiwo esakhelwe ukulondoloza, ukukhanda noma ukufaka amafutha ezimotweni nezinye izinhloso ezisiza lapho;

"indawo yomphakathi evulekile" kusho umhlaba ohlukaniwe ukuba ube yindawo yomphakathi evulekile ukuze isetshenziswe ngumphakathi njengendawo evulekileyo, ipaki, ingadi, ibala lokudlela, ibala noma isikwele sokungcebeleka;

"Imithethonqubo" kusho Imithethonqubo Yezindaba Zomhlaba wakwaZulu (Ukuhlelwa Kwedolobha), 1994;

"ukugodla" kusho indawo ekhunjisiwe ebalazweni lohlelo okubekwe kuyo amalungelo athile, izibopho nemigoqo mayelana nokusetshenziswa komhlaba noma ukwakhiwa noma ukusetshenziswa kwesakhiwo, ngaphansi kokunxeshelwa njengalokhu kucatshangwe kuMthethonqubo 18(5)(b);

"indlu yokudlela" kusho isakhiwo esakhelwe ukusetshenziselwa ukulungiselela ukunikeza nokudliwa kokudla noma ukuphuza iziphuzo eziqabulayo;

"imboni yomsebenzi wezidingo zenhlalo" kusho isakhiwo somsebenzi wokwenza impahla esiza amakhasimende endawo, futhi kufaka phakathi ijilidi labakhi, ilondolo, ibhikawozi, umdrayiklina noma omunye umsebenzi onokuqhutshwa endaweni yokuhlala ngaphandle kokudala inkathazo kwezinye iziqinti ngendlela yokubanga umsindo, ukuvezezelela, ukushunqa, intuthu noma iphunga.

"isitolo" kusho umhlaba osetshenziswayo noma isakhiwo esakhelwe noma esisetshenziselwa ikakhulukazi ukuqhuba uhwebo futhi sifaka phakathi ukutshenziswa okuphathelele futhi okungaphansi kwenqubo yokuthengiselana esitolo. okufana nokubekwa nokupakishwa;

"ihholo yomphakathi" kusho isakhiwo okuqondwe ukuba sisetshenziselwe ukuhlalanga komphakathi, imibuthano, imihlangano noma izinhloso zokuzithokizisa;

"inhloso ethile" kusho ukusetshenziswa okungokunye, kungekona okubhekiswe kukho kulamaphuzo;

"Isigceme" kusho indawo ekhonziswe ebalazweni okubekwe kuyo amalungelo athile, izibopho nemigoqo ekusetshenzisweni kwayo noma ekwakhiweni noma ekusetshenzisweni kwezakhiwo, ngaphandle kokunxeshelwa njengoba kuhlinzekelwe kuMthethonqubo 18(4).

2. Igama eselinikezwe ukuthi lisho ukuthini kumithethonqubo liyoba nalowo mqondo.

Izigceme zokusetshenziswa okuthile kanye nezindawo ezigodliwe (ezibekwe eceleni)

3. (1) Umhlaba ungasetshenziswa nendlu ingakhiwa bese isetshenziswa esigcemeni noma endaweni egodliwe okubhekiswe kukho ohlwini (1) lweThebhula A kuphela ngezinhloso ezibalulele lesi sigceme ezinhleni (2) no (3) zeThebhula A.
- (2) Umhlaba ungasetshenziswa nendlu ingakhiwa bese isetshenziselwa inhloso ebalulwe ohlwini (3) lweThebhula A kuphela ngemvume.
- (3) Umaziphathe uyothi lapho ecubungula isicelo okubhekiswe kuso ephuzwaneni (2) abheke lokhu -
 - (a) ukuthi ukusetshenziswa okunjalo noma isakhiwo singadala yini ukulimala ezintweni zendawo ezisizayo kufaka phakathi ithrafiki esiyandile, ubulukhuni mayelana nendawo yokupaka, ukukhafuka kwentuthu noma ukudaleka komsindo;
 - (b) nanoma ikuphi okunye okuqondene nalokho.
- (4) Uma amalungelo atholakale ngegunya lemivume ecatshangwe ephuzwaneni (3) ungasetshenziswa enkathini eyiminyaka emihlanu enikeziwe, uMaziphathe angaguqula imibandela yemvume enikezwe ngaphansi kwayo.

ITHEBHULA A

Okuphawulekayo: Iphuzo 2 (Izincazelo) linikeza umqondo obanzi ekusetshenzisweni okwehlukene okushiwo kuleliThebhula.

(1) Ukusetshenziswa kwesigceme womhlaba noma kwendawo egodliwe	(2) Izinhloso izakhiwo ezingakhelwa zona futhi zisetshenziselwe zona noma umhlaba ongasetshenziselwa zona (ukusetshenziswa okukhulu)	(3) Izinhloso izakhiwo ezingakhelwa zona futhi zisetshenziselwe zona noma umhlaba ongasetsheswa kuphela ngemvume kamaziphathe wendawo (ukutshenziswa ngemvume)	(4) Izinhloso izakhiwo ezingeke zakhiwa futhi zisetshenziswe noma umhlaba ongeke usetshenziswe ngaphandle kokuhlela kabusha kwendawo ngokubhekisa isicelo kuNobhala
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IMISEBENZI NGOKWESIGCEME (IMIKHAKHA YOMHLABA)

I Ukuhlala	Imizi	Imisebenzi yezidingo zenhlalo izindawo zokukhonzela, izindawo zokufunda, amahholo omphakathi, ezemidlalo kanye nokungcebeleka izindawo zemisebenzi yomphakathi, izindawo zokwelapha, ezemisebenzi ethile.	Imisebenzi engekho phansi kohla (2) noma (3)
II Amabhezini	Eziqondene nebhizinisi imizi, izindawo zokukhonzela izindawo zokufunda amahholo omphakathi zemimidlalo kanye nokungcebeleka izindawo zemi sebenzi yomphakathi	Imisebenzi engekho phansi kohla (2) noma (4)	Izimbongi zemikhiqizo enobuthi
III Izimbongi	Izimbongi, amabhezini omphakathi, izindawo zezikelebha, izindawo zokupaka	Izimbongi zemikhiqizo enobuthi, imisebenzi ethile	Imisebenzi engekho phansi kohla (2) noma (3)

IV Imisebenzi ethile	Imisebenzi ekhonjiswe esijobelelweni	Imisebenzi ekhonjiswe esijobelelweni	Imisebenzi engekho phansi kohla (2) noma (3)
IZINDAWO EZIGODLIWE (EZIBEKWE ECELENI)			
V Izimfanelo zomphakathi	Indawo yokukhonzela umphakathi, izindawo zokufunda, amahhlo omphakathi, imidlalo nokungcebelela, izindawo zemisebenzi yomphakathi	Imizi, izindawo zokupaka, imisebenzi ethile	Imisebenzi engekho phansi kohla (2) noma (3)
VI Izindawo ezivulekile zomphakathi	Amapaki, imidlalo nezokungcebeleka kanye nezakhiwo eziqondene nalokho	Izindawo zokupaka, imisebenzi ethile	Imisebenzi engekho phansi kohla (2) noma (3)
VII UMasipala	Imisebenzi yakwaMasipala	Imizi, imisebenzi yakwahulumeni, imisebenzi ethile	Imisebenzi engekho phansi kohla (2) noma (3)
VIII Ukupaka	Izindawo zokupaka	Imisebenzi engekho phansi kohla (2) noma (4)	Izimboni zemikhiqizo enobuthi
(IX) UHulumeni	Imisebenzi yakwaHulumeni, Imisebenzi yakwaloliwe	Imizi, imisebenzi kamasipala, imisebenzi ethile	Imisebenzi engekho phansi kohla (2) noma (3)
X Umgwaqo	Indlela yokudlula umphakathi	Ukupaka, Izimakethe	Imisebenzi engekho phansi kohlu (2) no (3)

Indawo yemizi enwetshiwe

4. (1) Ngaphansi kwamaphuzwana (2) no (3), isiqinti esisetshenziselwa ukwakha umuzi sinokubuye sisetshenziselwe futhi -
 - (a) noma yimiphi imicimbi yomphakathi neyenkolo;
 - (b) nokwenzela khona noma yimiphi imisebenzi, kubandakanya nokwenziwa kwemisebenzi eyisidingo senhlalo yabantu, kanye
 - (c) nanoma yimiphi imisebenzi efundelwe kanye neyamakhono, kubandakanya nezitolo.
- (2) Ukusetshenziswa kwesiqinti okuvamile nokuvamile kwendawo okubhekiswe kukho ephuzwini (1) kuyohlala njalo kungukuhlalisa abantu.
- (3) Akukho mcimbi, umsebenzi ofundelwe noma wamakhono, oshiwo ephuzwaneni (1)
 - (a) oyodala umsindo noma ube nemikhiqizo enobuthi
 - (b) oyothikameza izimfanelo ezisetshenziswa wumphakathi endaweni encikene nayo.

Uhlu lwezakhiwo

5. (1) Ngaphansi kwamaphuzwana (2) no (3), uhlu lwezakhiwo olusebenzayo esiqintini luveziwe yiThebula B.
- (2) Ngaphezu kohlu lwezakhiwo okubhekiswe kulo ephuzwini (1), Umaziphathe uyokhomba lapho uhlu lwezakhiwo lufanele lube khona okuy-ibanga elinqunyiwe kusukela emigceleni wesiqinti ongasemgwaqeni uma izinto zobunjiniyela sezifakelwe endaweni okungavunyelwe ukwakha kuyo ekhonjiswa yilolo luhla olunqunyelwe.
- (3) Akuyikuba khona luhlu lwezakhiwo phakathi kwezakhiwo ezincikene.
- (4) Ngaphansi kwephuzwana (5) akukho sakhiwo esiyokwakhiwa phakathi kohlu lwezakhiwo nomngcele walo ngaphandle kocingo olungumngcele, ubonda lwesivande noma uthango, umhlobiso wasesivandeni noma isakhiwo sesikhashana esiqondene nomsebenzi wokwakha.
- (5) Umaziphathe angavumela ukuba kwakhiwe isakhiwo endaweni okungavunyelwe ukuba kwakhiwe kuyo.
- (6) Imvume okubhekiswe kuyo ephuzwaneni (5) iyoba semthethweni -
 - (a) sonke isikhathi sokuba khona kwesakhiwo
 - (b) noma iyiphi inkathi emfushane noma ende ebaluliwe ngumaziphathe, kubandakanya nenkathi engenamkhawulo.
- (7) Lapho umaziphathe ecubungula isicelo semvume okubhekiswe kuso ephuzwaneni (5), uyobhekela -
 - (a) ukuthuthukiswa kwemigwaqo okungase kwenziwe ngomuso;
 - (b) ukuma kwendawo;
 - (c) lapho kuyomiswa khona ezinye izakhiwo;
 - (d) ukumiswa kwezakhiwo esiqintini;
 - (e) noma yikuphi okunye okuqondene.

**ITHEBHULA B
UHLA LWEZAKHIWO**

Izinhloso izakhiwo ezingakhelwa, futhi ziseshenziselwe zona	Lapha isakhiwo kumele sibe khona esizeni esinendawo okungavunyelwe ukwakha kuyo.	Ibanga alincane elinokushiya phakathi kohlu lwezakhiwo kanye nomngcele wesiza
Indawo yokufundela, izindawo zokukhonzela, amahholo omphakathi, ezemidlalo nokungebeleka, nezindawo zemisebenzi ethile	Ngaphambili kanye nakuzo zombili izinhla ngothi	3 amamitha
Yonke eminye imisebenzi	Ngemuva kanye nasohlangothini olulodwa.	1 amamitha

Isibalo semizi

6. Isibalo semizi enokwakhiwa esiqintini siyoba nemikhawulo kuphela ngokuhlinzeka kohlelo maqondana nokuphakama nobubanzi.

Isibalo sezitezi

7. (1) Ngaphansi kwezimiso zephuzwana (3), akukho sakhiwo esiyokwakhiwa sibe nezitezi ezeqile kwezintathu, kungabalwa isitezi esingaphansi.
- (2) Isakhiwo siyothathwa ngokuthi sinesitezi esiphansi esisodwa.
- (3) Umaziphathe anganikeza imvume esakhiweni esinezitezi ezivile kulezo ezivunyelwe yiphuzwana (1).
- (4) Ekucubunguleni isicelo okubhekiswe kuso ephuzwaneni (3), umaziphathe uyobhekela -
- (a) umphumela endaweni ezungezile, kubandakanya nokusitheka okungase kube khona, ithunzi noma yikuphi okuvimbela ukubonakala kwesibhakabhaka;
- (b) noma yikuphi okunye okuphathelene.
- (5) Umaziphathe anganikeza imvume eshiwo ephuzwaneni (3) ngaphansi kombandela onqumayo ngohla lwezakhiwo noma ububanzi bazo obufunekayo ngaphandle kwalokho okuhlinzekiwe kulamaphuzu.

Ububanzi

8. (1) Ngaphansi kwephuzwana (2), akukho sakhiwo, kubandakanya nesitezi esingaphansi, esiyothatha indawo ebanzi ngokweqile kunokulungelene nobungako besiza obuvunyelwe maqondana nalokho isakhiwo esizokwakhelwa noma sisetshenziselwe kona njengoba kubaluliwe yiThebhula C.
- (2) Umaziphathe anganikeza imvume yokwandiswa kobubanzi besakhiwo bedlule kulobo obuvunyelwe ngokusho kwephuzwana (1) .
- (3) Uma kucutshungulwa isicelo okubhekiswe kuso ephuzwaneni (2), umaziphathe uyobhekela -
- (a) ukuthuthukiswa komgwaqo okungase kwenziwe ngomuso;
- (b) lapho kuyofakelwa khona izinto zokufeza izidingo zenhlalo;
- (c) noma yikuphi okunye okuphathelene.

**ITHEBHULA C
UBUBANZI**

Imisebenzi isakhiwo esiyokwakhelwa noma sisetshenziselwe yona	Ububanzi
Imizi, izindawo zokufundela, izindawo zomphakathi zokukhonzela, amahholo, ezemidlalo nokungebekela	60%
Yonke eminye imisebenzi	80%

Ukupaka nokulayisha

9. (1) Izikhala zokupaka nokulayisha eziyohlinzekwa -
- (a) ziyobalulwa yiThebhula B, ngaphansi kwephuzwana (2);
- (b) ingaphezulu lazo liyogandaywa ngendlela eyogculisa umaziphathe.
- (2) Umaziphathe anganikeza imvume yokuba kuhlinzekwe izikhala ezimbalwa kunezibalulwe yiphuzwana (1).
- (3) Ekucubunguleni isicelo okubhekiswe kuso ephuzwaneni (2), umaziphathe uyobhekela -
- (a) ukuncishiswa okungase kwenzeke kwesikhala sokupaka esihlinzekiwe nokuyobangela umonakalo kulokho okusetshenziswa wumphakathi endaweni kubandakanya ukwanda kwezimoto ezihambayo emgwaqeni kanye nobunzima bokupaka;
- (b) noma yikuphi okunye okuphathelene.
- (4) Umaziphathe anganikeza imvume yokuba kuhlinzekwe isibalo esidingekayo sezikhala zokupaka kwenye indawo engesona isiza esiqondene, njengenye yezindlela zokuhlinzeka izikhala zokupaka zaleso siza.

**ITHEBHULA D
UKUPAKA**

Imisebenzi	Ububanzi bendawo	Imibandela yokupaka	Imibandela yokulayisha
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(i) Ngaphezu komuzi owodwa		Isikhala esi 1 ngemizi e 2	
(ii) Izitolo, amabhange, izihlangano zokwakha, izindawo zodokotela, namathilomu	(a) engaphansi kuka 500m ² (b) 500m kuya ku 2 999m ² (c) 3000m ² nangaphezulu	(a) Ayikho imibandela (b) Izikhala ezi 3 ngendawo ewu 100m ² (c) Izikhala ezi 4 ngendawo ewu 100m ²	(b) Isikhala esi 1 ngendawo engu 1000m ² (c) Isikhala esi 1 ngendawo eyi 1000m ²
(iii) Ibhizinisi okungesilo eliqondene no (ii) ngenhla		Izikhala ezi 2 ngendawo ewu 100m ²	
(iv) Izimboni		Isikhala esi 1 ngendawo ewu 100m ²	Isikhala esi 1 ngendawo eyi 1000m ²
(v) Amahhlo omphakathi, ezemidlalo nye nokungcebeleka, izindawo zokukhonzela		Isikhala esi 1 ngalezo nalezo zihlalo eziyi 10 noma ngendawo ewu 100m ² inqobo yilokho okuyoba kukhulu kunokunye	

Ukufinyelela

10. (1) Ngaphansi kwephuzwana (2) akuyuba khona ndlela yokuhamba phakathi kwesiza nomgwaqo womphakathi eyokweqa umngcele lapho kuvinjelwe khona indlela.
- (2) Umaziphathe anganikeza imvume yokuxegisa ukuvalwa kwendlela yokufinyelela.
- (3) Ekucubunguleni isicelo semvume yendlela, umaziphathe

**ISHEDIJLI C
AMAFOMU
ISIJOBELELO 1**

ISAZISO SOHLELO LOMSEBENZI [Umthethonqubo 16(1)(b)]

Mina, uNobhala WezangaPhakathi, ngokusho komthethonqubo 14 weMithethonqubo yaKwaZulu yeziNdaba zoMhlaba (Ukuhlelwa KwamaDolobha), 1994, ngilungisile uHlelo lwedolobha elizokwaziwa ngokuthi

.....
 UHlelo lomsebenzi luzoba yisichibiyelo*/ukunwetshwa kohlelo lomsebenzi olunalezi ziphakamiso ezilandelayo -

(Nikeza inkomba ecacile yazo zonke iziphakamiso kanye neziza ezithintekayo kanye nencazelo ngamafuphi yokwabiwa kwendawo ngezigceme okukhona, kanye nalokho okuhlongozwayo nemiphumela yakhona).

Uma ufuna eminye imininingwane, thintana noNobhala WezangaPhakathi,

(ikheli).
 Uma ufisa ukukhononda noma ukubeka izikhalazo, kumele wenze njalo ngokuba ubhale uthumele kuNobhala ekhelini elishiwo ku (a) noma

(b) ngaphambi
 Emveni kokuba uNobhala esecubungule konke ukuphikisa nezikhalazo okuphuma kubantu abathintekile, uyokwenza isinqumo ngohlelo lomsebenzi bese azisa lowo nalowo muntu nosekuyothi yena uma ephatheka kabi ngaleso sinqumo, abe nelungelo lokwedlulisela udaba ngaphansi komthethonqubo 35(b) no 36 eKomitini lokuhlela laKwaZulu leziNdaba zoMhlaba.

.....
 Inkomba Usuku uNobhala WezangaPhakathi

* Susa uma kungadingekile

ISIJOBELELO 2
ISICELO SOEWENZA ISICHIBIYELO
[Umthethonqubo 21(1)]

Ku: Nobhala
 UMnyango WezangaPhakathi

Mina osayinile ngezansi,
 engingumnikazi yendawo echaziwe lapha omele inhlango * i yendawo eyakhelene, ngalokhu ngenza
 isicelo njengokusho komthethonqubo 21 weMithethonqubo yakwaZulu yeziNdaba zoMhlaba (UkuHlela iDolobha) 1994, sokuba kuchibiyelwe uhlelo
 lwedolobha olusebenzayo.

Nginikeza le mininingwane elandelayo:

1. + Incazelo yomhlaba ngokwetayitela
 + Inombolo yetayitela
2. S Igama eligcwele lomnikazi labanikazi bomhlaba lapho ehlala
 Ikheli Lasekhaya
 + Ikheli Leposi
3. + Umhlaba kwenziwe akwenziwe* isibambiso ngawo:
 Inombolo yesibambiso egameni lika
 Inombolo yesibambiso egameni lika
4. Umhlaba utholakala ngaphansi kukamaziphathe
5. Ukwahlukaniswa ngeziceme okukhona
6. S Intuthuko ekhona endaweni yilena
7. Ukuchibiyela okuhlongozwayo yilokhu
8. Ngethula
 + Ikhophi letayitela Yebo Qha Ngaqondene
 + Imvume yobanjiselwayo ngendawo Yebo Qha Ngaqondene
 Umbiko oqukethe izizathu Yebo Qha Ngaqondene
 Okunye Yebo Qha Ngaqondene
 Imali yokufaka isicelo Yebo Qha Ngaqondene

Usuku

Umnikazi/Inhlango yendawo eyakhelene/omele ogunyaziwe (shono uma usayinela*/inhlango ..
 yendawo eyakhelene) (Uma kungowesifazane oganile, umyeni wakhe uyolekelela, ngaphandle uma
 igunya lasemshadweni lingafakwanga noma uma ebambele)

- * Susa uma kungaqondene
- + Okudingekile esicelweni senhlango yendawo eyakhelene
- S Kungaba sesijobelelweni sesicelo esenziwa yinhlango yendawo eyakhelene

ISIJOBELELO 3
ISAZISO NGESICELO SOEWENZA ISICHIBIYELO
[Umthethonqubo 22(1)(b) no 22(2)]

Qaphela ukuthi u (shono
 amagama aphelele omnikazi/enhlango yendawo eyakhelene) wenze isicelo kuNobhala WezangaPhakathi njengokusho komthethonqubo 21
 Wemithethonqubo yakwaZulu yeziNdaba zoMhlaba (UkuHlela iDolobha), 1994 ukuba kwenziwe isichibiyelo esibaluliwe

Isicelo siqukethe leziziphakamiso ezilandelayo -

(Nikeza inkomba ecacile yeziphakamiso kanye nemihlaba ethintekile kanye nencazelo ngamafuphi ngalokho okuhlinzekwa wuhlelo lomsebenzi olukhona kanye nalolo oluhlongozwayo kanye nemiphumela yakhona). Uma ufisa ukuthola olunye ulwazi siza ubonane noNobhala

WezangaPhakathi, (ikheli).

Uma ufisa ukukhononda noma ukwenza izikhalazo, kufanele lokho ukwenze ngokubhala uthumele kuNobhala ekhelini eselishiwo ngaphambi.....

Emva kokuba uNobhala esecubungulike konke ukukhononda nezikhalazo okuvela kubantu abathintekile, uyokwenza isinqumo ngesichibiyelo azise lowo nalowo muntu onjalo, osekuyothi uma ephatheke kabi ngesinqumo, abe nelungelo lokwedlulisela udaba ngaphansi komthethonqubo 35(e) no 36 eKomitini lokuHlela laKwaZulu leziNdaba zoMhlaba.

Inombolo Yenkomba

Usuku

Unobhala WezangaPhakathi/Umnikazi/Inhlangano Yendawo eyakhelene/Omele ogunyaziwe *(Shono uma kusayinwa egameni lenhlangano yendawo eyakhelene); (Uma kungowesifazane oganile umyeni wakhe uyolekelela, ngaphandle uma igunya lomshado lingafakwanga noma uma ebambeke)

* Susa uma kungaqondene

**ISIJOBELELO 4
ISICELO SEMVUME
[Umthethonqubo 28]**

Ku: (Igama nekheli lika Maziphathe)

Mina, osayinile ngezansi, engingumnikazi womhlaba ochaziwe lapha, ngalokhu ngenza isicelo njengokusho komthethonqubo 28 weMithethonqubo yakwaZulu yeziNdaba zoMhlaba (UkuHlela iDolobha) 1992, semvume eqondene nomhlaba/nesakhiwo* okusebenza maqondana nawo/naso uHlelo lweDolobha.

Nginikeza lemininingwane elandelayo -

- Incazelo ngeTayitela lomhlaba.....
Izinombolo zeTayitela
- Igama eligcwele lomnikazi womhlaba
Ikheli
- Umhlaba kwenziwe/akwenziwe* isibambiso ngawo
Inombolo yesibambiso egameni lika
Inombolo yesibambiso egameni lika
- Umhlaba utholakala endaweni ephansi kukaMaziphathe wase.....
- Ukwabiwa kwendawo ngeziceme okukhona ku
- Ukuthuthukiswa komhlaba okukhona manje yi
(kungaba sesijobelelweni)
- Imvume ehlongozwayo ngeye.....

(Nikeza inkomba ecacile ngokuhlongozwa ukwenziwa ngomhlaba, ngokwakha nomsebenzi wesakhiwo esihlongozwayo noma ukuhlanganiswa komhlaba)

8. Ngethula	Yebo	Qha	Akuqondene
Ikhophi lamatayitela
Imvume yobanjiselwe ngomhlaba
Umbiko oqukethe izizathu
Okunye
Imali yokufaka isicelo

Usuku Umnikazi/inhlangano Yendawo eyakhelene/Omele ogunyaziwe* (Shono uma usayina egameni lenhlangano yendawo eyakhelene); (Uma kungowesifazane oganile, umyeni wakhe uyolekelela, ngaphandle uma igunya lomshado lingekho noma uma ebambele)

* Susa uma kungaqondene

**ISIJOBELELO 5
ISAZISO NGESICELO SEMVUME
[Umthethonqubo 30(1)]**

Qaphela ukuthi u (shonc
amagama aphelele omnikazi) ufake isicelo ku +
njengokusho koMthethonqubo 23 weMithethonqubo yakwaZulu yeziNdaba zoMhlaba (Ukuhlela iDolobha), 1994, semvume maqondana nomhlaba
okusebenza kuwo uHlelo Lwedolobha lase
Imvume ehlongozwayo ngeyo.

(Nikeza inkomba ecacile ngomhlaba othintekile kanye nesigceme okuso, kanye nalokho okuhlongozwa ukwenziwa ngomhlaba noma ngokwakha nalokho okuzokwenziwa ngesakhiwo esihlongozwayo).

Uma ufuna eminye imininingwane, siza uthintane no (igama likamaziphathe nekheli)

Uma ufisa ukukhononda noma ukwenza izikhalazo, lokho kufanele ukwenze ngokubhala uthumele kumaziphathe ekheleni eselishiwo

Inombolo Yenkomba Usuku uNobhala WezangaPhakathi/ Umnikazi womhla-
ba/Inhlangano yendawo eyakhelene, Omele ogun-
yaziwe* (shono uma usayina egameni lenhlangano
yendawo eyakhelene; (uma kungowesifazane
oganile, umyeni wakhe ayolekele- la, ngaphandle
uma igunya lomshado lingafakwanga noma uma
kungobambele).

- + Faka amaziphathe
- * Susa uma kungaqondene

**DEPARTMENT OF THE INTERIOR
KWAZULU GOVERNMENT NOTICE NO. 30 OF 1994
KWAZULU LAND AFFAIRS ACT 1992
(ACT 11 OF 1992)**

I, Emmanuel Stephen Campbell Sitebe, Minister of the Interior, by virtue of the powers vested in me by section 37(1), of the KwaZulu Land Affairs Act, 1992, (Act 11 of 1992), do hereby make the regulations set out in the Schedule with the approval of the KwaZulu Legislative Assembly.

E. S. C. SITHEBE
MINISTER OF THE INTERIOR
File 1/4/16

SCHEDULE
TOWN PLANNING REGULATIONS
CHAPTER I
ARRANGEMENT, DEFINITIONS AND APPLICATION

Arrangement of regulations

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

Chapter I: Arrangement, Definitions and Application

1. Arrangement of regulations;
2. Definitions;
3. Application;

Chapter II: Planning Committee

4. Establishment of Committee;
5. Powers of Committee;

Chapter III: Structure Plans

6. Preparation of structure plan;
7. Purpose of structure plan;

Chapter IV: Town Planning Schemes Generally

8. Purpose and content of scheme;
9. Scheme clauses;
10. Map;
11. Public participation;

Chapter V: Scheme for Existing Approved Townships

12. Basic scheme for land already set apart;
13. Existing use;

Chapter VI: New Schemes

14. Preparation of scheme;
15. Prior consultation;
16. Notice and effect of scheme;
17. Objections and representations;
18. Compensation;
19. Submission of scheme to Minister;
20. Approval of scheme by Minister;

Chapter VII: Individual Amendment

21. Application for amendment;
22. Notice and effect of amendment;
23. Contribution by applicant;
24. Objections and representations to amendment;
25. Submission of amendment to Minister;
26. Approval of amendment by Minister;

Chapter VIII: Consent by Authority

27. Application for consent;
28. Contribution;
29. Advertisement of application;
30. Objections to and representations regarding application;
31. Grant of consent;

Chapter IX: Subdivision and Consolidation

32. Consent of authority to subdivision or consolidation;
33. Grant of consent to subdivision or consolidation;

Chapter X: Appeal to Committee

34. Appeal from decision of Secretary;
35. Appeal from decision of authority;
36. Procedure for the hearing of an appeal;

Chapter XI: Enforcement of Scheme

37. Enforcing authority;
38. Powers of authority where scheme is contravened;
39. Entry and inspection;
40. Service of notices;

Chapter XII: General Provisions

41. Fees;

42. Title;

Schedules:

A. Matters to be considered in the preparation of a scheme;

B. Scheme clauses;

C. Forms:

1. Notice of scheme;
2. Application for amendment;
3. Notice of application for amendment;
4. Application for consent;
5. Notice of application for consent.

Definitions

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

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

"advertise" means to -

- (a) publish a notice once a week for two consecutive weeks in a newspaper circulating in or near the area concerned;
- (b) affix the notice to the notice board at the office of the authority; and
- (c) display the notice on the lot concerned prominently and continuously for two consecutive weeks;

and "advertisement" has a corresponding meaning:

"amendment" -

- (a) means an amendment to a scheme; and
- (c) includes an amendment resulting from an application under regulation 21;

"annexure" means an annexure relating to a specific lot and which may comprise -

- (a) a diagram;
- (b) numbered sheet stating the rights, conditions and restrictions which apply in addition to or in substitution for any provision of the scheme;

"authority" in relation to a scheme, means the authority in whose authority area the land is situated to which the scheme relates;

"authority area" means the area of jurisdiction of an authority;

"Committee" means the KwaZulu Land Affairs Planning Committee established by regulation 4;

"consent" means consent granted by an authority under Chapter VIII in terms of a scheme;

"extension" means an extension of a scheme to an area not previously subject to the scheme;

"lot" -

- (a) means a piece of land registered in a deeds registry or other registration office as an erf, lot, plot, stand or site; and
- (b) includes-
 - (aa) a piece of land shown as an erf, lot, plot, stand or site on any general plan referred to in section 7(1)(a)(i) of the Act; or
 - (bb) an allotment;
 - (cc) more than one lot if such lots are tied;
 - (dd) every defined portion of a piece of land laid out as a township but not approved or recognised as such under any law;
 - (ee) part of a lot;
 - (ff) a farm portion or part thereof.

"owner" in relation to land means -

- (a) the registered owner;
- (b) the registered holder of deed of grant rights;
- (c) a lessee under a registered lease;
- (d) the registered holder of a permission to occupy an allotment;
- (e) a person administering the estate of a person mentioned in paragraph (a), (b), (c) or (d) as executor, administrator, guardian or in another capacity;
- (f) a person who received consideration from an occupant, or a person who would receive consideration should the land or a building thereon be let, whether for his own account or as agent for a person entitled thereto or with an interest therein;
- (g) the duly authorised agent of a person contemplated in paragraphs (a) to (f);

"scheme" -

- (a) means a town planning scheme referred to in Chapter IV; and
- (b) includes-
 - (aa) an amendment; and
 - (bb) an extension;

"Secretary" -

- (a) means the Secretary of the Interior; and
- (b) includes any officer acting under his authority;

"site development plan" means a plan -

- (a) which shall be submitted in support of an application for -
 - (aa) an amendment, if required by the Secretary;
 - (bb) consent, if required by the local authority;
- (b) showing, if relevant to the application, existing and proposed -
 - (aa) boundaries;
 - (bb) building lines and location, height and coverage of buildings;
 - (cc) open spaces;
 - (dd) access and parking or loading bays;

"structure plan" means a plan referred to in Chapter III;

"trade" includes any industry, profession, business or occupation.

Application

- 3. (1) These regulations shall, subject to the provisions of this regulation, apply in all authority areas.
- (2) The provisions of any other law relating to the determination of the boundaries and widths of and the erection of structures within a specified distance from the boundaries or centre line of roads shall have preference over the provisions of a scheme except in so far as the scheme provides for a greater road width or a greater distance from the said boundaries or centre line.
- (3) The Minister may, on such terms and conditions as he may determine and after consultation with the Committee -
 - (a) suspend the operation of these regulations in any area;
 - (b) exempt any person from any or all the requirements of these regulations.
- (4) These regulations shall be subject to any provisions prescribed in relation to township establishment.

CHAPTER II PLANNING COMMITTEE

Establishment of Committee

- 4. (1) There is hereby established a Committee called the KwaZulu Land Affairs Planning Committee.
- (2) The Committee shall consist of three members drawn from the private sector and appointed by the Minister, after consultation with the Legislative Assembly as provided in section 37(5) of the Act, for such period as the Minister may determine, of whom -
 - (a) two shall have knowledge of or experience in economics, industry, commerce, law, urban development, local government or the conduct of public affairs;
 - (b) one shall have special knowledge of and experience in town and regional planning.
- (3) The Minister may appoint one or more persons to act as alternate member in the place of a specific member of the Committee during his absence or inability to act as such member, and the provisions of subregulation (2) shall *mutatis mutandis* apply in relation to such an alternate member.
- (4) The majority of the members of the Committee shall constitute a quorum for a meeting.
- (5) The Committee may -
 - (a) determine the times and places of its meetings;
 - (b) elect one of their number to preside at any such meeting;
 - (c) regulate the proceedings at its meetings as it may think fit.
- (6) The Committee shall cause minutes to be kept of the proceedings at its meetings.

Functions of Committee

The Committee -

- (a) shall consider appeals from any decision in terms of these regulations, as provided in section 37(5) of the Act;
- (b) may advise the Minister on the formulation in general terms of a town and regional planning policy for KwaZulu;
- (c) may advise the Minister in matters relating to the preparation of structure plans and schemes and the carrying into effect of schemes;
- (d) shall perform any other function assigned to it by these regulations;
- (e) shall perform such functions in relation to township establishment as may be prescribed.

CHAPTER III STRUCTURE PLANS

Preparation of structure plan

- 6. (1) The Secretary may at any time, and shall if the Committee with the approval of the Minister so directs, prepare a structure plan in respect of any area, including an area for which there is an existing structure plan.
- (2) The Secretary may, subject to such directions as he may from time to time receive from the Minister, determine the manner in which such structure plan is to be prepared, including the manner in which it is to be made known for inspection and representations by inhabitants of the area and by other parties having an interest in the preparation of the plan.
- (3) Unless the Minister directs otherwise, a structure plan -
 - (a) may be reviewed at any time; and
 - (b) shall be reviewed at least once every ten years.

Purpose of structure plan

- 7. (1) A structure plan may -
 - (a) indicate the general aims and objectives which have been set for the use of the area to which such plan relates;

- (b) contain a statement of the policy and planning framework to be applied in the preparation and administration of a scheme for that area.
- (2) A structure plan shall not confer or take away rights.
- (3) A structure plan shall be available for public inspection at the office of -
 - (a) the Secretary;
 - (b) the authority.

CHAPTER IV TOWN PLANNING SCHEMES GENERALLY

Content of scheme

- 8. (1) A scheme shall comprise -
 - (a) scheme clauses, as contemplated in regulation 9;
 - (b) a map, as contemplated in regulation 10;
 - (c) any necessary annexure;
 - (d) any register of consents maintained by the authority, as contemplated in regulation 31(3).
- (2) A scheme shall be available for public inspection at the office of -
 - (a) the Secretary;
 - (b) the authority.

Scheme clauses

- 9. The scheme clauses of a scheme may provide for -
 - (a) any matter contemplated in Schedule A, subject to the provisions of these regulations;
 - (b) any other matter relating to town planning.

Map

- 10. (1) The map of a scheme shall show -
 - (a) the area of the scheme;
 - (b) a key showing the position of the area of the scheme;
 - (c) cadastral information;
 - (d) if required by the Minister, all physical and topographical features of the area of the scheme;
 - (e) all matters relevant to a town planning scheme, and in particular -
 - (i) the zoning of each erf in the area;
 - (ii) the scale, the Surveyor-General's compilation plan number, true north and numerical sequence of each sheet;
 - (iii) the position and names, if available, of all roads, streets, open spaces, and the route of every railway line;
 - (iv) the boundaries and descriptions of all townships.
- (2) The scale to which a map is drawn shall be, in the case of -
 - (a) a key, 1:10 000 or 1:20 000;
 - (b) a map other than a key, 1:2 000.
- (3) The map of an amendment scheme shall -
 - (a) reflect only the matters relating to the particular amendment to be effected by such scheme;
 - (b) be to the same scale as that of the principal map of such scheme; and
 - (c) be based on the Surveyor-General's compilation plans where available.

Public participation

- 11. The Secretary may, and shall if the Committee with the approval of the Minister so directs -
 - (a) call a meeting to explain to interested persons any provisions of a scheme or proposed scheme or generally to foster better communication or public participation in planning;
 - (b) conduct a hearing to elicit further information or the better to gauge public attitudes or opinions on any planning matter;
 - (c) cause any necessary land use survey to be undertaken the better to establish the conditions prevailing in any area;
 - (d) undertake any other investigation which the Minister on the recommendation of the Committee considers necessary for the purpose of preparing or administering a scheme.

CHAPTER V SCHEME FOR EXISTING APPROVED TOWNSHIPS

Basic scheme for land already set apart

- 12. (1) A scheme shall on the commencement of these regulations come into operation in each approved township established before such commencement.
- (2) A scheme referred to in subregulation (1) shall comprise -
 - (a) such layout plan or other map used for zoning or town planning purposes for that township immediately before the commencement of these regulations;
 - (b) the records of any application granted and current immediately before the commencement of these regulations; and
 - (c) the scheme clauses contained in Schedule B.

Existing use

13. (1) Each lot in a township referred to in regulation 12 shall on the commencement of these regulations be in that use zone in Table A of Schedule B which accords most closely with the existing or intended lawful use of that lot immediately prior to the commencement of these regulations.
- (2) The Secretary shall make the necessary alterations to -
 - (a) the plans referred to in regulation 12(2)(a) give effect to the provisions of subregulation (1);
 - (b) those plans and the clauses referred to in regulation 12(2)(c) reflect any departure from those clauses on the commencement of these regulations that affects any building or structure in relation to building lines, number of storeys, coverage, parking or loading or access.

CHAPTER VI NEW SCHEMES

Preparation of scheme

14. (1) The Secretary may, and shall if the Minister on the recommendation of the Committee so directs, prepare -
 - (a) a scheme for any area outside an area referred to in regulation 12;
 - (b) scheme to replace a scheme referred to in -
 - (i) paragraph (a);
 - (ii) regulation 12;
 - (c) an amendment;
 - (d) an extension.
- (2) In the preparation of a scheme, due consideration shall be given to the applicable structure plan.
- (3) The scheme clauses of a scheme referred to in subregulation (1)(a) shall, unless in the opinion of the Secretary good reason to the contrary exists, be the scheme clauses referred to in regulation 12(2)(a).
- (4) A scheme shall distinguish between proposals which are subject to, and exempt from, the payment of compensation as provided in regulation 18.

Prior consultation

15. Before preparing a scheme, the Secretary -
 - (a) shall consult the authority;
 - (b) may consult -
 - (i) any interested person or body;
 - (ii) any person or body engaged in or representing commerce or industry.

Notice and effect of scheme

16. (1) After the Secretary has prepared a scheme, he shall -
 - (a) furnish a copy thereof to the authority and inform the authority of any conflict of which the Secretary is aware between the scheme and any bylaw applicable in the area of jurisdiction of the authority;
 - (b) forthwith advertise the scheme substantially in the form of the notice set out in Annexure 1.
- (2) After the first publication of the notice referred to in subregulation (1)(b), no person shall in a manner contrary to any provision of the scheme -
 - (a) erect or alter any building or works;
 - (b) use any land or building;
 - (c) permit any such erection, alteration or use.
- (3) The authority shall not, after it has been furnished with a copy of the scheme in terms of subregulation (1)(a), approve, authorise or consent to any such erection, alteration or use.
- (4) The provisions of -
 - (a) subregulation (2) shall not apply to any such erection, alteration or use in accordance with an approval or consent granted by the appropriate authority prior to the publication referred to in that subregulation;
 - (b) subregulations (2) and (3) shall not apply after the authority has been informed under regulation 17(6) of a rejection of that scheme.

Objections and representations

17. (1) Written objections or representations may be made to the Secretary in respect of the scheme within a period of sixty days after -
 - (a) being furnished with a copy of the scheme as provided in regulation 16(1)(a), by the authority;
 - (b) first publication of the advertisement contemplated in regulation 16(1)(b), by any person.
- (2) Objections and representations referred to in subregulation (1) shall be lodged with the Secretary, who shall transmit a copy to the authority without delay.
- (3) After expiry of the period contemplated in subregulation (1) or such further period as the Secretary may allow, the Secretary shall consider every objection lodged and representation made.
- (4) In considering an objection or representation, the Secretary shall have regard to -
 - (a) the provisions of section 15(2) of the Act;
 - (b) the effect of the scheme on existing rights, except an alleged right to protection against trade competition.
- (5) After considering every objection and representation made, the Secretary may -
 - (a) adopt the scheme, after making any modification to the scheme that he may deem fit; or
 - (b) reject the scheme.
- (6) The Secretary shall, immediately after reaching a decision in terms of subregulation (5), give notice of that decision to the authority and any person who lodged an objection or made a representation.

- (7) If the scheme differs materially as a result of a modification referred to in subregulation (5)(a), the Secretary shall again give notice of the scheme in accordance with regulation 16(1), whereafter the provisions of this regulation shall apply.

Compensation

18. (1) A person shall, subject to the provisions of subregulations (2) and (4), be entitled to compensation in the amount -
- (a) by which his land or right in land is decreased in value by the coming into operation of any provision in a scheme which infringes or curtails his legal rights in respect of that property, and in the case of property on which he has carried on a trade, the amount of any resulting injury to that trade;
 - (b) of damage by reason of any action taken by the authority in enforcing a scheme;
 - (c) of expenditure reasonably incurred -
 - (i) in complying with a provision of a scheme, but which is rendered abortive by subsequent replacement or amendment of the scheme;
 - (ii) in making or resisting a claim relating to compensation, but which is so rendered abortive.
- (2) A person claiming compensation shall simultaneously with any objection or representation made by him under regulation 17 or within such period thereafter as the Secretary may allow, lodge a claim for compensation with the Secretary.
- (3) Such compensation as may before approval of the scheme be agreed upon shall be paid within a period of three years from the date of commencement of the scheme by the Secretary.
- (4) No compensation shall be payable in terms of this regulation in respect of the injurious affection of property -
- (a) if the loss could have been incurred by reason of the enforcement of any other law without compensation being payable in terms thereof;
 - (b) as a result of an alleged loss due to trade competition;
 - (c) where the claimant is also entitled to compensation in respect of the same matter or thing under any other law, to the extent that he may be entitled to -
 - (i) compensation both under this regulation and that other law;
 - (ii) greater compensation under this regulation than under that other law;
 - (d) as a result of action taken by an authority under regulation 38 except where the building or work concerned was already in existence before the scheme was advertised under regulation 16(1)(b);
 - (e) where any provision in a scheme is revoked by a subsequent scheme on the ground of injurious affection by any provision contained in the subsequent scheme, in so far as that later provision is substantially similar to the revoked provision, but any outstanding claim for compensation arising out of the operation of the revoked provision shall be dealt with as if the provisions of the earlier scheme had continued in operation;
 - (f) as a result of the coming into operation of any provision of a scheme which -
 - (i) prescribes the space about buildings;
 - (ii) fixes building lines, subject to the provisions of subregulation (5)(a);
 - (iii) regulates the position of buildings on each lot in relation to other buildings;
 - (iv) regulates the character, size, height, harmony, design or external appearance of buildings, including the materials used in the construction of buildings;
 - (v) limits the number of buildings which may be erected on any lot;
 - (vi) prescribes the maximum area which may be built upon on any lot;
 - (vii) restricts the manner in which buildings may be used, subject to the provisions of subregulation (5)(b);
 - (viii) regulates, in the interests of safety, the height and position of existing and proposed walls, fences or hedges near the corners or bends of streets;
 - (ix) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for the parking of motor vehicles of persons employed or resident on the premises or for loading, unloading or fuelling vehicles, with a view to preventing obstruction of traffic on any road;
 - (x) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve -
 - (aa) excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;
 - (bb) danger to life or injury to health;
 - (xi) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve injury to health or danger or serious detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment;
 - (xii) limits the number or prescribes the sites of new roads entering an existing road or the site of a new road.
- (5) Compensation shall be payable by the coming into operation of a provision of a scheme which -
- (a) fixes a building line, notwithstanding the provisions of subregulation (4)(f)(ii), if the area of the land of the claimant fronting the street or proposed street will be diminished to such an extent as to render it substantially less suitable for the erection of a building in conformity with the provisions of the scheme, whether by reason of the shape of the land or otherwise;
 - (b) restrict the manner in which a building may be used, notwithstanding the provisions of subregulation (4)(f)(vii), if such restriction requires any building to be used in a manner different from that in which it was being used at the date on which the scheme was advertised under regulation 16(1)(b) and such use has been continuous up to the date of enforcement of such provision.
- (6) The Secretary -
- (a) any at any time within three months of agreement, or the determination on appeal, of compensation contemplated in this regulation, give notice to the claimant of his intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation;
 - (b) shall within three months from the date of such notice submit for the approval of the Minister an appropriate amendment.
- (7) Without prejudice to the right of the claimant to make a further claim for compensation in respect of an amendment contemplated in subregulation (6)(b), the claim mentioned in subregulation (6) shall lapse on -

- (a) the coming into operation of such amendment; and
- (b) payment by the Secretary of the claimant's costs of and in connection with such claim.

Submission of scheme to Minister

19. When the Secretary has adopted a scheme in terms of regulation 17(5)(a), he shall submit the scheme to the Minister, after the period specified under regulation 36(1)(a) for an appeal contemplated in regulation 34(b), and, in the case of such appeal, after the Committee has confirmed or altered, other than by setting aside, the scheme.

Approval of scheme by Minister

20. (1) The Minister may approve a scheme submitted to him in terms of regulation 19.
- (2) After the Minister has approved a scheme in terms of subregulation (1) -
- (a) the Secretary shall forward a copy of the scheme to the authority;
 - (b) notice thereof shall be given in the *Official Gazette*.
- (3) A scheme shall come into operation -
- (a) on a date stated for such commencement in the notice referred to in subregulation (2)(b); or
 - (b) in the absence of such a stated date, on the date of that notice.
- (4) The notice referred to in subregulation (2)(b) shall state that the scheme will be available for inspection by any person at all reasonable times at the office of -
- (a) the Secretary;
 - (b) the authority.

CHAPTER VII INDIVIDUAL AMENDMENT

Application for amendment

21. An owner or a neighbourhood body wishing to have a provision amended of a scheme relating to the lot of such owner or to the area of such body, as the case may be, may lodge written application with the Secretary substantially as set out in Annexure 2, accompanied by -
- (a) in the case of an application by the owner, a copy of the relevant title deeds and, if the lot is mortgaged or his rights thereto are ceded to secure a draft, the consent of any mortgagee or cessionary;
 - (b) a report stating in full the reasons for the proposed amendment;
 - (c) a site development plan, if appropriate;
 - (d) such further information and documentation as may be required by the Secretary;
 - (e) the appropriate fee.

Notice and effect of amendment

22. (1) The Secretary shall, on receipt of an application referred to in regulation 21, but subject to the provisions of subregulation (2) -
- (a) furnish a copy thereof to the authority, and inform the authority of any conflict of which the Secretary is aware between the amendment and any bylaw applicable in the area of jurisdiction of the authority;
 - (b) forthwith advertise the amendment substantially in the form of the notice set out in Annexure 3.
- (2) The application may be made known in the manner provided by subregulation (1) by the applicant in the stead of the Secretary and with his consent if proof to the satisfaction of the Secretary of having done so is submitted.
- (3) After the first publication of the notice referred to in subregulation (1)(b), no person shall in a manner contrary to any provision of the amendment -
- (a) erect or alter any building or works;
 - (b) use any land or building;
 - (c) permit any such erection, alteration or use.
- (4) The authority shall not, after it has been furnished with a copy of the amendment in terms of subregulation (1)(a), approve, authorise or consent to any such erection, alteration or use.
- (5) The provisions of -
- (a) subregulation (3) shall not apply to any such erection, alteration or use in accordance with an approval or consent granted by the appropriate authority prior to the publication referred to in that subregulation;
 - (b) subregulations (3) and (4) shall not apply after the authority has been informed under regulation 24(6) of a rejection of that amendment.

Contribution by applicant

23. (1) If an application referred to in regulation 21 has been lodged, the Secretary shall simultaneously with the giving of notice referred to in regulation 22 by registered post direct the applicant to pay a contribution to him in respect of costs of the provision of -
- (a) engineering services where it will be necessary to enhance or improve such services as a result of the amendment;
 - (b) public open spaces where the amendment will bring about a higher residential density.
- (2) The Secretary shall in his direction state -
- (a) the purpose for which the contribution is required;
 - (b) particulars of the manner in which the amount of the contribution was determined;
 - (c) the amount of the contribution;
 - (d) that the applicant is invited to reconsider his application;
 - (e) that the applicant has a right of appeal in terms of regulation 35(d) to the Committee.

Objections and representations to amendment

24. (1) Written objections or representations may be made to the Secretary in respect of the amendment within a period of sixty days after -
- (a) being furnished with a copy of the amendment as provided in regulation 22(1)(a), by the authority;
 - (b) first publication of the advertisement contemplated in regulation 22(1)(b), by any person.
- (2) Objections and representations referred to in subregulation (1) shall be lodged with the Secretary, who shall -
- (a) transmit a copy to the applicant and the authority without delay; and
 - (b) invite the applicant to reply to those objections and representations within 30 days or any longer period that the Secretary may allow.
- (3) After expiry of the period contemplated in subregulation (1) or such further period as the Secretary may allow, the Secretary shall consider every objection lodged and representation made and any reply referred to in subregulation (2)(b).
- (4) In considering an application, and any objection, representation or reply, the Secretary shall have regard to -
- (a) the provisions of section 17(2) of the Act;
 - (b) the effect of the amendment on existing rights, except an alleged right to protection against trade competition.
- (5) After considering every objection and representation made, the Secretary may -
- (a) adopt the amendment, after making any modification to the amendment that he may deem fit; or
 - (b) reject the amendment.
- (6) The Secretary shall, immediately after reaching a decision in terms of subregulation (5), give notice of that decision to the applicant, the authority and every person who lodged an objection or made a representation.
- (7) If the amendment differs materially as a result of a modification referred to in subregulation (5)(a), the Secretary shall inform the applicant of such modification and give notice of the amendment in accordance with regulation 22(1), whereafter the provisions of this regulation shall apply.

Submission of amendment to Minister

25. When the Secretary has adopted an amendment in terms of regulation 24(5)(a), he shall submit the amendment to the Minister, after the period specified under regulation 36(1)(a) for an appeal contemplated in regulation 34(e), and, in the case of such appeal, after the Committee has confirmed or altered, other than by setting aside, the amendment.

Approval of amendment by Minister

26. (1) The Minister may approve an amendment submitted to him in terms of regulation 25.
- (2) After the Minister has approved an amendment in terms of subregulation (1), the Secretary shall forward a copy of the scheme to the applicant and the authority.
- (3) An amendment which has been approved in terms of subregulation (1) -
- (a) shall come into operation -
 - (i) on the date of such approval; or
 - (ii) any other date determined by the Secretary;
 - (b) may in the discretion of the Secretary be made known by notice in the *Official Gazette*, in which case the provisions of regulation 20(4) shall *mutatis mutandis* apply.

CHAPTER VIII CONSENT BY AUTHORITY

Application for consent

27. Where a scheme provides for the granting of consent by the authority, the owner of the lot in question who wishes to obtain such consent may lodge with the authority written application substantially as set out in Annexure 4, accompanied by -
- (a) a copy of his title deed;
 - (b) if the land is mortgaged or his rights thereto are ceded to secure a debt, the consent of the mortgagee or cessionary;
 - (c) report stating in full the reasons for the proposed consent use;
 - (d) a site development plan, if appropriate;
 - (e) such further information and documentation as may be required by the local authority;
 - (f) the appropriate fee.

Contribution by applicant

28. (1) If an application referred to in regulation 27 has been lodged, the authority shall simultaneously with the giving of notice referred to in regulation 29 by registered post direct the applicant to pay a contribution to it in respect of costs of the provision of -
- (a) engineering services where it will be necessary to enhance or improve such services as a result of the consent;
 - (b) public open spaces where the consent will bring about a higher residential density.
- (2) The authority shall in its direction state -
- (a) the purpose for which the contribution is required;
 - (b) particulars of the manner in which the amount of the contribution was determined;
 - (c) the amount of the contribution;
 - (d) that the applicant is invited to reconsider the application;
 - (e) that the applicant has a right of appeal in terms of regulation 35(1)(b) to the Committee.

Advertisement of application

29. (1) The authority shall, forthwith after receipt of an application referred to in regulation 28, advertise the application substantially in the form of Annexure 5.
- (2) The applicant may place the advertisement contemplated in subregulation (1) in the stead of the authority and with its consent.
- (3) If the applicant acts in the stead of the authority, as contemplated in subregulation (2), he shall immediately thereafter furnish proof to the

authority of having done so.

Objections to and representations regarding application

30. (1) Written objections may be lodged or representations may be made by any person to the authority in respect of the application, within a period of thirty days after first publication of the advertisement referred to in regulation 29(1).
- (2) After expiry of the period provided for in subregulation (1), the authority shall -
- (a) furnish copies of all representations and objections contemplated in that subregulation to the applicant; and
 - (b) invite the applicant to reply to those representations and objections within fourteen days or any longer period that the local authority may allow.
- (3) After expiry of the period allowed for reply by the applicant, as provided in subregulation (2), the authority shall consider -
- (a) the application;
 - (b) every objection lodged and representation made;
 - (c) any reply by the applicant.
- (4) The authority shall -
- (a) in considering an application have regard to -
 - (i) the need to promote economic growth, trade and general prosperity;
 - (ii) the wishes, safety and welfare of the members of the community concerned;
 - (iii) the effect of the application on existing rights, except an alleged right to protection against trade competition;
 - (iv) any other matter provided for in the scheme;
 - (b) reject an application in respect of which there exists -
 - (i) a lack of desirability of the proposed use;
 - (ii) an effect on existing rights, except an alleged right to protection against trade competition.

Grant of consent

31. (1) The authority shall grant consent to or reject an application within a period of 60 days from receipt by it of such application.
- (2) The authority may in approving the application impose any condition, including a condition that -
- (a) the consent may lapse after notice -
 - (i) if the use is not commenced within, or is discontinued for, a stated period;
 - (ii) on expiry of a stated period or occurrence of a stated event;
 - (iii) on failure to comply with a condition of the consent;
 - (b) a contribution contemplated in regulation 28 shall be payable, in instalments or otherwise.
- (3) The authority shall maintain a register open for public inspection in which shall be recorded -
- (a) the date of every application for a consent;
 - (b) the name and address of the applicant;
 - (c) the property to which the application relates;
 - (d) the proposed use;
 - (e) whether the application was granted or rejected;
 - (f) the conditions, if any, on which the application is granted;
 - (g) whether such conditions were complied with;
 - (h) the amount and purpose of any payment referred to in subregulation (2)(b);
 - (i) any lapse of such consent.

CHAPTER IX

SUPERVISION AND CONSOLIDATION

Consent of authority to subdivision or consolidation

32. (1) An owner of a lot who wishes to subdivide or consolidate that lot shall make application to the authority for consent to such subdivision or consolidation.
- (2) An application contemplated in subregulation (1) shall be made to the authority in writing and shall be accompanied by -
- (a) a copy of his title deed;
 - (b) if the lot is mortgaged, the consent of the mortgagee;
 - (c) a site development plan;
 - (d) a report stating in full the reasons for the proposed subdivision or consolidation;
 - (e) such further information and documentation as the authority may require;
 - (f) the appropriate fee.
- (3) Consent under this regulation shall not be required in respect of -
- (a) a lot which the Government or the authority is the owner;
 - (b) the subdivision of an agricultural lot which is -
 - (i) outside a local authority area; and
 - (ii) subject to the provisions of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970);

- (c) a subdivision which constitutes a township in terms of any regulations prescribed in relation to township establishment.

Grant of consent to subdivision or consolidation

33. (1) After consideration of the application under regulation 32(1) the authority shall grant consent to or reject an application for subdivision or consolidation within a period of 60 days from receipt by it of such application.
- (2) In considering an application for consent to subdivide or consolidate, the authority shall have regard to -
- (a) services-
 - (i) to any portion of a lot to be subdivided;
 - (ii) along any common boundary of lots to be consolidated;
 - (b) any other relevant factor.
- (3) The authority may in approving such application impose any condition, including a condition that -
- (a) the consent may lapse after notice -
 - (i) if the use is not commenced with in, or is discontinued for, a stated period;
 - (ii) on failure to comply with the condition of the consent;
 - (b) a contribution contemplated in regulation 28 shall be payable, in instalments or otherwise.
- (4) The authority shall not grant consent to a subdivision or consolidation which will conflict with a provision of a scheme of which the authority has been given notice as provided in regulation 16(1)(a) or 22(1)(a), unless the authority has been informed of a rejection of that provision under regulation 17(5)(b) or 23(5)(b).

CHAPTER X APPEAL TO COMMITTEE

Appeal from decision of Secretary

34. An applicant or objector may appeal to the Committee if he is aggrieved by a decision of the Secretary in respect of -
- (a) the adoption of a structure plan contemplated in regulation 6;
 - (b) the adoption or rejection of a scheme in terms of regulation 17(5);
 - (c) the amount of compensation in terms of regulation 18;
 - (d) the amount of a contribution in terms of regulation 23;
 - (e) the adoption or rejection of an amendment in terms of regulation 24(5);
 - (f) an appeal contemplated in regulation 35(2);
 - (g) any other matter contemplated in these regulations.

Appeal from decision of authority

35. (1) An applicant or objector may appeal to the Committee if he is aggrieved by a decision of the authority in respect of -
- (a) an application for consent referred to in regulation 27;
 - (b) a contribution contemplated in regulation 28;
 - (c) an application for consent to subdivision or consolidation referred to in regulation 32;
 - (d) a direction contemplated in regulation 38.
- (2) An applicant may appeal to the Secretary if he is aggrieved by failure of the authority to act within the period provided in regulation 32(1) or 34(1), and the Secretary may direct the authority to act within a period of 14 days, or such further period as the Secretary may on application by the authority allow.

Procedure for the hearing of an appeal

36. (1) An appeal contemplated in regulation 34 or 35(1) shall be pursued by -
- (a) lodging a written notice of appeal setting out the grounds of appeal, within 90 days after receiving notice of the decision in question or such longer period as the Committee may allow; and
 - (b) serving a copy of the notice on the other party in the case of an appeal referred to in subregulation 34(b), (c) or (e).
- (2) The other party contemplated in subregulation (1)(b) may after the noting of an appeal contemplated in that subregulation make written representations in connection therewith and the Committee shall cause a copy to be furnished to the appellant party.
- (3) The Committee may in its discretion afford any other person an opportunity to make representations in respect of an appeal contemplated in this regulation.
- (4) An appeal shall be decided by a majority of the Committee.
- (5) The Committee may -
- (a) summon any person to appear before it and give evidence or produce any document or other article, and the appeals board shall have all the powers, jurisdiction and privileges which are conferred upon commissions by the Commissions Ordinance, 1966 (Ordinance 26 of 1966), and the provisions of sections 6 to 16 of that Ordinance shall *mutatis mutandis* apply in respect of the proceedings of the Committee;
 - (b) of its own motion take cognisance of any matter, document or information which would in its opinion assist in its consideration of the issue before it;
 - (c) adjourn any meeting for the purpose of making an inspection in loco, for which purpose it shall have the power at any reasonable hour to enter upon and inspect the land and any buildings thereon the subject of its enquiry;
 - (d) remit the matter to the Secretary or authority, as the case may be, with instructions to deal with any question or matter in such manner as the Committee may think fit;
 - (e) direct the Secretary or authority, as the case may be, to obtain such further evidence or provide such further information as it may require;
 - (f) confirm, alter or set aside the decision of the Secretary or authority, as the case may be, or give such other decision or make such order as to it seems proper;

- (g) the Committee shall, in any way as it may consider appropriate -
 - (i) record any decision or order made by it;
 - (ii) keep any records of its proceedings.

CHAPTER XI ENFORCEMENT OF SCHEME

Enforcing authority

- 37. (1) The authority shall enforce the provisions of a scheme as from, as the case may be -
 - (a) the commencement of these regulations, in the case of a scheme contemplated in regulation 12;
 - (b) the coming into operation of the scheme, as contemplated in regulation 20(3) or 26(3).
- (2) The authority shall enforce a scheme by way of interdict or other civil remedy.

Powers of authority where scheme is contravened

- 38. (1) The authority may in writing direct a person who, in conflict with a provision of a scheme -
 - (a) undertakes or proceeds with the erection, or alteration of or addition to a building, or causes it to be undertaken or proceeded with, to discontinue such erection, alteration or addition;
 - (b) performs, undertakes or proceeds with any other work or causes it to be performed, undertaken or proceeded with, to discontinue such work;
 - (c) uses any land or building or causes it to be used, to discontinue such use.
- (2) In addition to a direction contemplated in subregulation (1) the authority may in writing direct such person to cause such building, other work or use to comply with the provision of the scheme within a stated period at the expense of such person.
- (3) Where any person fails to comply with a direction issued in terms of subregulation (1) or (2) the authority may cause the building or other work to comply with the provisions of the scheme, and may recover all expenses incurred in connection therewith from such person.

Entry and inspection

- 39. (1) A person in the employ of the authority may enter any land or building at any reasonable time to carry out any inspection necessary for the enforcement of these regulations or a scheme.
- (2) No person shall hinder or obstruct a person referred to in subregulation (1) in the execution of his duties or cause or allow any hindrance or obstruction to such person.

Service of notices

- 40. A notice required or authorised to be served in terms of these regulations or a scheme may be served -
 - (a) by handing the notice personally to the person or his duly authorised agent;
 - (b) by properly addressing, preparing and posting a registered letter containing the notice.

CHAPTER XII GENERAL PROVISIONS

Fees

- 41. The Minister may from time to time determine the amount of any fees payable in terms of these regulations.

Title

- 42. These Regulations shall be called the KwaZulu Land Affairs (Town Planning) Regulations, 1994.

SCHEDULE A

MATTERS TO BE CONSIDERED IN THE PREPARATION OF A SCHEME

1. The need to promote economic growth, trade and general prosperity.
2. Streets, with particular reference to -
 - (a) their grades and widths and their intersection with other streets;
 - (b) the volume and character of the traffic which they may be expected to carry;
 - (c) measures to ensure the safety of the public and adequate visibility at street intersections;
 - (d) whether they are destined or likely to be used principally for main or through traffic, secondary or traffic, access to residences, boulevards, or pedestrian malls;
 - (e) improving communications or securing better facilities for any municipal or public purpose by -
 - (i) deviating, widening, reducing the width of, or the temporary or permanent closing of existing streets;
 - (ii) the creation of new streets;
 - (iii) the provision of parking facilities; and
 - (iv) the provision of cycle tracks;
 - (f) the splaying of corners at the intersections of streets and building restrictions along streets;
 - (g) the control or prohibition of access to and from streets;
 - (h) the cultivation of trees and the like and the provision of ornamental works intended to improve the appearance of streets;
 - (i) the advisability of providing a street on either side of any main road, railway, tramway, river or watercourse traversing the area;
 - (j) the needs of pedestrians, particularly children, and their movements;
 - (k) encroachments on streets.
3. Lighting and water supply.
4. Sewerage, drainage and sewage disposal.

5. The reservation of land for new roads or the widening or other improvement of existing roads or for purposes of recreation or for parks and other open spaces, aerodromes, the parking of vehicles and other matters generally of a public nature.
6. The reservation of land for Government and municipal purposes of a public nature.
7. The demarcation or zoning of areas to be used exclusively or mainly for residential, business, industrial, agricultural and other specified purposes.
8. The size and dimension of lots.
9. The extent of lots to be laid off and the alteration of existing lots with the view to improvement in the design or layout of any portion of the area.
10. Buildings, including -
 - (a) prescribing the space about buildings;
 - (b) limiting the number of buildings;
 - (c) regulating the size, height, design and external appearance of buildings;
 - (d) imposing restrictions upon the manner in which buildings may be used;
 - (e) prohibiting building operations or regulating such operations in respect of matters other than those specified in this item.
11. Public open spaces, including -
 - (a) the erection of buildings and other structures;
 - (b) the temporary or permanent closing of public open spaces.
12. The suitability of advertisements in public places or within public view in relation to their surroundings.
13. The preservation of -
 - (a) buildings or other objects of architectural, historic or artistic interest;
 - (b) places of natural interest or beauty.

SCHEDULE B SCHEME CLAUSES

Arrangement of Clauses

1. The arrangement of these clauses is -
 1. Arrangement of clauses.
 2. Definitions.
 3. Use zones.
 4. Extended residential use.
 5. Building lines.
 6. Number of dwelling units.
 7. Number of storeys.
 8. Coverage.
 9. Parking and loading.
 10. Access.

Definitions

2. Unless the context otherwise indicates -

"agricultural purposes" means purposes normally associated with or reasonably necessary in connection with the use of land and buildings for agricultural purposes and includes dwelling units necessary for and related to the *bona fide* agricultural use of the property;

"building" includes -

- (a) a structure of any nature;
- (b) part of a building.

"building line" means a line defined in respect of a boundary of a lot and forming an area between such line and boundary within which building is restricted as provided in clause 5.

"business purposes" means use of a building or land for an office (including a professional suite, medical consulting rooms, bank or building society), shop, showroom, warehouse, restaurant or other business or commercial purposes other than for a place of instruction, public garage, industry, noxious industry, builder's yard or scrapyard.

"coverage" means the area of a lot covered by buildings, measured over the external walls as seen vertically from above and expressed as a percentage of the area of the land.

"dwelling unit" means an interconnected suite of rooms designed for living accommodation that may contain a kitchen or scullery, whether such dwelling unit -

- (a) forms a single building; or
- (b) forms part of a building containing -
 - (i) more than one dwelling unit;
 - (ii) rooms or suites used for purposes other than residential purposes;

"floor area" means floor area capable of occupancy by a tenant measured from -

- (a) the exterior of an outside wall;
- (b) the centre of a partition wall;

"ground storey" means a floor -

- (a) at ground level; and

(b) having its entrance directly accessible from ground level by means of a ramp, stairway or similar structure;

"industry" means use of a building or land for the manufacture, assembly or processing of a product or the breaking up of a product or raw materials, but does not include a noxious industry;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or other institution, whether public or private;

"noxious industry" means an industry or trade that, by virtue of noise or effluents, is dangerous or harmful to the health and welfare of the general public, such as but not limited to -

- (a) smelting of ores and minerals;
- (b) production of sulphur dyes;
- (c) sintering of sulphur-bearing materials;

"occupant" means a person in actual occupation of a building or land, without reference to the title under which he occupies;

"parking area" means a building or land or part thereof used for the parking of motor vehicles;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, crèche, convent, monastery, public library, art gallery, museum, gymnasium or similar centre;

"place of public worship" means a building designed for use or primarily used as a church, chapel, oratory, house of worship, other place of public devotion or place of religious instruction, and an institution on the same lot associated with such building and intended to be used for social intercourse and recreation, but does not include a funeral chapel;

"public garage" means land primarily used or a building designed for the maintenance, repair or fuelling of vehicles and ancillary purposes;

"public open space" means land zoned public open space for the use by the public as an open space, park, garden, playground, recreational ground or square;

"regulations" means the KwaZulu Land Affairs (Town Planning) Regulations, 1994;

"reservation" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed on the use of land or the erection or use of buildings, subject to compensation as contemplated in regulation 18(5)(b);

"restaurant" means a building designed for use or used for the preparation, service and consumption of food or liquid refreshments;

"service industry" means use of a building for industry catering for the local customer, and includes a builder's yard, laundry, bakery, drycleaners or other use which can be carried on in a residential area without causing a nuisance to other lots by reason of noise, vibration, fumes, smoke or smell;

"shop" means land used or a building designed or primarily used for carrying on retail trade and includes a use incidental and subordinate to the conduct of the retail trade, such as storage and packaging;

"social hall" means a building designed for use or primarily used for social assembly, gathering, meeting or recreational purposes;

"special purpose" means a use other than a use referred to in these clauses;

"zone" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed on the use of the land or the erection or use of buildings, without compensation as provided in regulation 18(4).

(2) A word to which a meaning has been assigned in the regulations shall bear that meaning.

Use zones and reservations

3. (1) Land may be used and a building may be erected and used in a use zone or reservation referred to in column (1) of Table A only for the purposes specified for that zone in columns (2) and (3) of Table A.
- (2) Land be used or a building may be erected and used for a purpose specified in column (3) of Table A only with consent.
- (3) The authority shall when considering an application referred to in subclause (2) have regard to -
 - (a) whether such use or building is likely to cause injury to the amenity of the area including increased traffic, parking difficulties, the emission of smoke or the creation of noise;
 - (b) any other relevant factor.
- (4) If the rights obtained by virtue of a consent contemplated in subclause (3) are not exercised within a period of five years of its grant, the authority may vary the conditions subject to which such consent was granted

TABLE A

Note: Clause 2 (Definitions) gives an extended meaning to many of the uses mentioned in this Table.

(1) Use Zone or reservation	(2) Purposes for which buildings may be erected and used or for which the land may be used (primary uses)	(3) Purposes of which buildings may be erected and used or for which land may be used only with consent of the local authority (consent uses)	(4) Purposes for which buildings may not be erected and used or for which land may not be used without rezoning on application to the Secretary
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USE ZONES

I: Residential	Dwelling units	Service industry, places of public worship, places of instruction, social halls, sport and recreational purposes, institutions, medical suites, special purposes	Uses not under column (2) or (3)
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II: Business	Business purposes, dwelling units, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Uses not under column (2) or (4)	Noxious industries
III: Industrial	Industry, business purposes, public garages, scrapyards, parking areas	Noxious industries, special purposes	Uses not under column (2) or (3)
IV: Special	Uses shown in an annexure	Uses shown in an annexure	Uses not under column (2) or (3)
RESERVATIONS			
V: Community Facility	Place of public worship, places of instruction, social halls, sports and recreational purposes, institutions	Dwelling units, parking areas, special purposes	Uses not under column (2) or (3)
VI: Public Open Space	Parks, sports and recreational purposes and buildings used in connection therewith	Parking areas, special purposes	Uses not under column (2) or (3)
VII: Municipal	Municipal purposes	Dwelling units, government purposes, special purposes	Uses not under column (2) or (3)
VIII: Parking	Parking areas	Uses not under column (2) or (4)	Noxious industries
IX: Government	Government purposes, railway purposes	Dwelling units, municipal purposes, special purposes	Uses not under column (2) or (3)
X: Road	Public thoroughfare	Parking, markets	Uses not under column (2) or (3)

Extended residential use

4. (1) Subject to subclauses (2) and (3), a lot used for residential purposes may be used also for -
- (a) any social and religious activities;
 - (b) the carrying on of any occupations, including the rendering of services; and
 - (c) any professions and trades, including retail trades.
- (2) The dominant use of a lot referred to in subclause (1) shall remain residential.
- (3) No activity, occupation, profession or trade referred to in subclause (1) shall -
- (a) be noisome or noxious;
 - (b) interfere with the amenity of the neighbourhood.

Building lines

5. (1) Subject to subclauses (2) and (3), the building line applicable to a lot is shown in Table B.
- (2) The authority may in addition to a building line referred to in subclause (1) impose a building line which is a fixed distance from a street boundary of a lot if engineering services have been installed in the building restriction area defined by that imposed line.
- (3) There shall be no building line between adjoining buildings.
- (4) Subject to subclause (5), no building other than a boundary fence, garden wall or fence, pergola, garden ornament or temporary building required in connection with building operations shall be erected between a building line and the boundary to which it relates.

- (5) The authority may consent to the erection of a building in the building restriction area concerned.
- (6) A consent referred to in subclause (5) may be valid for -
 - (a) the life of the building; or
 - (b) any shorter or longer periods specified by the authority, including a period without limit.
- (7) The authority shall in considering an application for consent referred to in subclause (5) have regard to -
 - (a) the possibility of future street improvements;
 - (b) slope of the land;
 - (c) location of other buildings;
 - (d) arrangement of the buildings on the lot;
 - (e) any other relevant factor.

**TABLE B
BUILDING LINES**

Purposes for which buildings may be erected and used	Location on lot of building restriction areas	Minimum distance between building line and lot boundary
Places of instruction, places of public worship, social halls, sports and recreational purposes, institutions	Rear and both sides	3 meters
All other uses	Rear and one side	1 metre

Number of dwelling units

6. The number of dwelling units that may be erected on a lot shall be limited only by the height and coverage provisions of the scheme.

Number of storeys

7. (1) Subject to the provisions of subclause (3), no building shall be erected so as to contain a number of storeys, other than a basement storey, in excess of three.
- (2) A building shall be deemed to have one ground storey only.
- (3) The authority may grant consent to a building containing storeys additional to those permitted by subclause (1).
- (4) In considering an application referred to in subclause (3), the authority shall have regard to -
 - (a) the effect on the surrounding area, including possible obstruction of view, overshadowing or breaking of the natural skyline;
 - (b) any other relevant factor.
- (5) The authority may grant a consent referred to in subclause (3) subject to a condition imposing a building line or coverage requirement other than as provided in these clauses.

Coverage

8. (1) Subject to subclause (2), no building, including a basement storey, shall be erected so as to cover a greater proportion of its lot than the maximum permissible coverage specified for the purpose for which such building is to be erected or used in Table C.
- (2) The authority may grant consent to an increase of coverage beyond the maximum permitted in terms of subclause (1).
- (3) In considering an application referred to in subclause (2), the authority shall have regard to -
 - (a) possible future road improvement;
 - (b) the location of essential services;
 - (c) any other relevant factor.

**TABLE C
COVERAGE**

Purpose for which building may be erected and used	Coverage
Dwelling units, places of instruction, places of public worship, social halls, sports and recreational purposes	60%
All other purposes	80%

Parking and loading

9. (1) The parking and loading spaces to be provided shall -
 - (a) subject to subclause (2), be as specified in Table B;
 - (b) have a surface hardened to the satisfaction of the authority.
- (2) The authority may grant consent to the provision of fewer spaces than specified in subclause (1).
- (3) In considering an application referred to in subclause (2), the authority shall have regard to -

- (a) the likelihood of a reduction in parking provision causing injury to the amenity of the area including increased traffic and parking difficulties;
 - (b) any other relevant factor.
- (4) The authority may as an alternative to the provision of parking spaces on a lot grant consent to the provision of the required number of parking spaces elsewhere than on the lot concerned.

**TABLE D
PARKING**

Use	Lot Area	Minimum parking requirements	Minimum loading requirements
(i) More than one dwelling unit		1 space per 2 dwelling units	
(ii) Shops, banks, building societies, medical consulting rooms and restaurants	(a) less than 500 square metres	(a) Nil	
	(b) 500 square metres to 2 999 square metres	(b) 3 spaces per 100 square metres of floor area	(b) 1 space per 1 000 square metres of floor area
	(c) 3 000 square metres and over	(c) 4 spaces per 100 square metres of floor area	(c) 1 space per 1 000 square metres of floor area
(iii) Business purposes other than those to which (ii) applies		2 spaces per 100 square metres of floor area	
(iv) Industry		1 space per 100 square metres of floor area	1 space per 1 000 square metres of floor area
(v) Social halls, sports and recreational purposes, places of public worship		1 space per 10 seats or per 100 square metres of floor area, whichever is the greater	

Access

10. (1) Subject to subclause (2), there shall be no access between a lot and a public street or road across a boundary line where such access is prohibited.
- (2) The authority may grant consent to a relaxation of an access restriction.
- (3) In considering an application for consent for access, the authority shall have regard to -
- (a) unreasonable interference by the access restriction with the development of the lot;
 - (b) any other relevant factor.
- (4) The authority shall not grant consent to a relaxation of an access restriction between a lot and a provincial or national road without approval of the controlling authority concerned.
- (5) A line of no access shall be shown on the map.

**SCHEDULE C
FORMS
ANNEXURE I
NOTICE OF SCHEME
[regulation 16(1)(b)]**

I, the Secretary of the Interior, have in terms of regulation 14 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, prepared a Town Planning Scheme to be known as

This scheme will be an amendment*/extension* scheme containing the following proposals -

.....

.....

.....

(Give a clear indication of all proposals and of affected lots and a summary of existing zoning and of the proposed zoning and its effect.)

If you desire any further information, please approach the Secretary of the Interior,
.....(address).

If you wish to lodge an objection or make representations, you must do so in writing to be lodged with the Secretary at the stated address in (a) or (b) before.....

After the Secretary has considered all objections and representations from interested persons, he will come to a decision on the scheme and notify each such person, who will then, if aggrieved by that decision, have a right of appeal under regulation 35(b) and 36 to the KwaZulu Land Affairs Planning Committee.

.....
Reference Number *Date* *Secretary of the Interior*
 *Delete if not applicable

**ANNEXURE 2
 APPLICATION FOR AMENDMENT
 [regulation 21 (1)]**

To: The Secretary
 Department of the Interior

I, the undersigned, the owner of the land
 described herein/the representative of theneighbourhood body*,
 do hereby apply in terms of regulation 21 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, to amend theTown
 Planning Scheme in operation.

I furnish the following particulars:

1. + Title deed description of the land
- + Title deed number
2. \$ Full name of owner/(s)* of the land
- Residential address.....
-
- + Postal address
-
3. + The land is/is not* mortgaged:
 Bond No.in favour of
- Bond No.in favour of
4. The land is situated within the authority area of.....
- The existing zoning is.....
6. \$ The existing development/(s)* on the land is/are*
7. The proposed amendment is
8. I submit-

	Yes	No	Not Applicable
+ Copy of title deed
+ Consent of mortgagee
Report containing statement of reasons
Other
Application fee

.....
Date

.....
 Owner/Neighbourhood Body/Authorised representative* (State if signing on behalf of neighbourhood body); (If a married woman, her husband shall assist unless marital power has been excluded or acting as agent)

- * Delete if not applicable
- + Not necessary for application by neighbourhood body
- \$ May be contained in annexure for application by neighbourhood body

ANNEXURE 3
NOTICE OF APPLICATION FOR AMENDMENT
[regulation 22(1)(b) and 22(2)]

Take notice that (state full names of owner/neighbourhood body) has applied to the Secretary of the Interior in terms of regulation 21 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, for a specified amendment of the

The application contains the following proposals -

.....

.....

.....

(Give a clear indication of proposals and affected properties and a summary of existing scheme provisions and of the proposed amendment and its effect.)

If you desire any further information, please approach the Secretary of the Interior..... (address).

If you wish to lodge an objection or make representations, you must do so in writing to be lodged with the Secretary at the stated address before

After the Secretary has considered all objections and representations from interested persons, he will come to a decision on the amendment and notify each such person, who will then, if aggrieved by that decision, have a right of appeal under regulation 35(e) and 36 to the KwaZulu Land Affairs Planning Committee.

Reference Number	Date	<i>Secretary of the Interior/Owner/ Neighbourhood Body/ Authorised representative* (State if signing on behalf of neighbourhood body); (If a married woman, her husband shall assist unless marital power has been excluded or acting as agent)</i>
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* Delete if not applicable

ANNEXURE 4
APPLICATION FOR CONSENT
[regulation 28]

To:
 (authority name and address)

I, the undersigned.....
 the owner of the land described herein, do hereby apply in terms of regulation 28 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, for a consent in respect of land/a building* to which theTown Planning Scheme applies.

I furnish the following particulars -

1. Title deed description of the land
 Title deed number(s)
2. Full name of owner of the land.....
 Postal address
 Residential address.....
3. The land is/is not* mortgaged:
 Bond No. in favour of
 Bond No. in favour of
4. The land is situated within the authority area of.....

5. The existing zoning is.....
6. The existing development on the land is.....
(May be contained in annexure.)
7. The proposed consent is for.....

(Give a clear indication of the proposed use of the land, erection and use of the proposed building or consolidation.)

8. I submit:-	Yes	No	Not Applicable
Copy of title deed(s)
Consent of mortgagee
Report containing statement of reasons
Other
Application fee

.....
Date

.....
Owner/Neighbourhood Body/Authorised representative* (State if signing on behalf of neighbourhood body); (If a married woman, her husband shall assist unless marital power has been excluded or acting as agent

* Delete if not applicable

**ANNEXURE 5
NOTICE OF APPLICATION FOR CONSENT
[regulation 30(1)]**

Take notice that.....
(state full names of owner) has applied to the..... + in terms of regulation 23 of the KwaZulu Land Affairs (Town Planning) Regulations, 1994, for consent in respect of land/a building* to which the.....Town Planning Scheme applies.

The proposed consent is for:

.....
(Give a clear indication of the affected property and its existing zoning, and of the proposed use of the land or erection and use of the proposed building).

If you desire any further information, please approach.....
(authority name and address)

If you wish to lodge an objection or make representations, you must do so in writing to be lodged with the authority at the stated address

before.....

Reference Number	Date	Secretary of the Interior/Owner/Neighbourhood Body/Authorised representative* (State if signing on behalf of neighbourhood body); (if a married woman, her husband shall assist unless marital power has been excluded or acting as agent)
.....

+ Insert authority

* Delete if not applicable

DEPARTEMENT VAN BINNELANDSE SAKE
KWAZULU GOEWERMENTSKENNISGEWING NR. 30 VAN 1994
KWAZULU WET OP GRONDSAKE
(WET 11 VAN 1992)

Ek, Emmanuel Stephen Campbell Sithebe, Minister van Binnelandse Sake vaardig hiermee kragtens die bevoegdheid my verleen by artikel 37(1), van die KwaZulu-Wet op Grondsake, 1992 (Wet 11 van 1992), die regulasies uit soos uiteengesit in die Bylae met die goedkeuring van die KwaZulu Wetgewende Vergadering.

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

BYLAE
REGULASIES OOR DORPSBEPLANNING
HOOFSTUK 1
INDELING, WOORDOMSKRYWING EN TOEPASSING

Indeling van regulasies

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

Hoofstuk I: Indeling, woordomskrywing en toepassing

1. Indeling van regulasies
2. Woordomskrywing
3. Toepassing

Hoofstuk II: Beplanningskomitee

4. Stigting van komitee
5. Magte van Komitee

Hoofstuk III: Struktuurplanne

6. Voorbereiding van struktuurplan
7. Doel van struktuurplan

Hoofstuk IV: Dorpsbeplanningskemas oor die algemeen

8. Doel en inhoud van skema
9. Skemaklousules
10. Kaart
11. Openbare deelname

Hoofstuk V: Skema vir bestaande goedgekeurde dorp

12. Basiese skema vir grond reeds afgesonder
13. Bestaande gebruik

Hoofstuk VI: Nuwe skemas

14. Voorbereiding van skema
15. Voorafgaande oorlegpleging
16. Kennisgewing en ontwerp-skema
17. Besware en vertoe
18. Vergoeding
19. Voorlegging van skema aan Minister
20. Goedkeuring van skema deur Minister

Hoofstuk VII: Individuele wysiging

21. Aansoek om wysiging
22. Kennisgewing en effek van wysiging
23. Bydrae deur aansoeker
24. Besware en vertoe tot wysiging
25. Voorlegging van wysiging aan Minister
26. Goedkeuring van wysiging deur Minister

Hoofstuk VIII: Toestemming deur owerheid

27. Aansoek om toestemming
28. Bydrae
29. Advertering van aansoek
30. Besware teen en vertoe in verband met aansoek
31. Verlening van toestemming

Hoofstuk IX: Onderverdeling en konsolidasie

32. Toestemming van owerheid tot onderverdeling of konsolidasie

33. Verlening van toestemming tot onderverdeling of konsolidasie;

Hoofstuk X: Appèl by komitee

34. Appèl teen besluit van Sekretaris;

35. Appèl teen besluit van plaaslike owerheid;

36. Prosedure vir die aanhoor van 'n appèl;

Hoofstuk XI: Toepassing van skema

37. Toepassingsgesag;

38. Bevoegdheede van gesag met betrekking tot oortredings van skema;

39. Betreding en ondersoek;

40. Betekening van kennisgewings;

Hoofstuk XII: Algemene bepalinge

41. Gelde;

42. Titel;

Bylaes:

A. Sake wat oorweeg moet word by die voorbereiding van 'n skema;

B. Skemaklousules;

C. Vorms;

1. Kennisgewing van skema;

2. Aansoek om wysiging;

3. Kennisgewing van aansoek om wysiging;

4. Aansoek om toestemming;

5. Kennisgewing van aansoek om toestemming.

Woordomskrywing

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

"adverteer" om-

- (a) 'n kennisgewing een keer per week vir twee agtereenvolgende weke in 'n koerant te publiseer wat in of naby die betrokke gebied gesirkuleer word;
- (b) die kennisgewing op die kennisgewingbord by die kantoor van die plaaslike owerheid aan te bring; en
- (c) die kennisgewing opvallend en ononderbroke vir 'n tydperk van twee agtereenvolgende weke op die betrokke erf te vertoon;

en het **"advertering"** 'n coreenstemmende betekenis;

"bylae" 'n bylae wat betrekking het op 'n spesifieke erf en wat mag bestaan uit -

- (a) 'n diagram;
- (b) 'n genommerde bladsy wat die regte, voorwaardes en beperkinge stel wat geld benewens of in die plek van enige bepaling van die skema;

"eienaar" met betrekking tot grond -

- (a) die geregistreerde eienaar;
- (b) die geregistreerde houer van grondbriefregte;
- (c) 'n huurder ingevolge 'n geregistreerde huurooreenkoms;
- (d) die geregistreerde houer van 'n vergunning om 'n perseel te bewoon;
- (e) 'n persoon wat die boedel beredder van 'n persoon gemeld in paragraaf (a), (b), (c) of (d) as eksekuteur, beredderaar, voog of in enige ander kapasiteit;
- (f) 'n persoon wat betaling van enige okkupeerder ontvang, of 'n persoon wat betaling sal ontvang indien sodanige grond of 'n gebou daarop verhuur sou word, hetsy vir sy eie rekening of as verteenwoordiger van iemand wat daarop geregtig is of wat 'n belang daarby het;
- (g) die behoorlik gemagtigde verteenwoordiger van 'n persoon bedoel in paragraaf (a) tot (f);

"erf"-

- (a) 'n stuk grond geregistreer in 'n akteskantoor of ander registrasiekantoor as 'n erf, perseel, hoewe, standplaas of terrein; en
- (b) sluit in -
 - (aa) 'n stuk grond getoon as 'n erf, perseel, hoewe, standplaas of terrein op enige algemene plan waarna verwys is in artikel 7(1)(a)(i) van die Wet; of
 - (bb) 'n toewysing;
 - (cc) meer as een erf indien sodanige gekonsolideer is;
 - (dd) elke afgebakende gedeelte van 'n stuk grond uitgelê as 'n dorp maar wat nie as sodanig goedgekeur of ingevolge enige wet erken word nie;
 - (ee) deel van 'n erf;
 - (ff) 'n plaas of gedeelte daarvan;

"handel" sluit enige bedryf, profesie, sakeonderneming of beroep in;

"Komitee" die Beplanningskomitee van KwaZulu-Grondsake wat gestig is ingevolge regulasie 4;

"owerheid" met betrekking tot die skema, die owerheid in wie se owerheidsgebied die grond geleë is waarop die skema betrekking het;

"owerheidsgebied" die jurisdiksiegebied van 'n owerheid;

"Sekretaris" -

- (a) die Sekretaris van Binnelandse Sake; en
- (b) sluit enige beamppte in handelende op sy gesag;

"skema" -

- (a) 'n dorpsbeplanningskema verwys na in Hoofstuk IV; en
- (b) sluit in -
 - (aa) 'n wysiging; en
 - (bb) 'n uitbreiding;

"struktuurplan" 'n plan na verwys in Hoofstuk III;

"terreinontwikkelingsplan" 'n plan -

- (a) wat voorgelê moet word ter ondersteuning van 'n aansoek om -
 - (aa) 'n wysiging, indien vereis deur die Sekretaris;
 - (bb) toestemming, indien vereis deur die plaaslike owerheid;
- (b) wat, indien ter sake by die aansoek, bestaande en voorgestelde -
 - (aa) grense;
 - (bb) boulyne en ligging, hoogte en dekking van geboue;
 - (cc) oop ruimtes, of
 - (dd) toegang en parkeer- of laairuimtes aandui;

"toestemming" toestemming verleen deur 'n owerheid kragtens Hoofstuk VIII ingevolge 'n skema;

"uitbreiding" 'n uitbreiding van 'n skema tot 'n gebied wat nie vroeër aan die skema onderworpe was nie;

"Wet" die Kwazulu-Wet op Grondsake, 1992;

"wysiging" - 'n wysiging aan die skema, en sluit 'n wysiging in wat voortspruit uit 'n aansoek ingevolge regulasie 21;

Toepassing

- 3 (1) Hierdie regulasies is, behoudens die bepalings van hierdie regulasie, van toepassing in alle owerheidsgebiede.
- (2) Die bepalings van 'n ander wet aangaande die bepaling van die grense en breedtes van en die oprigting van strukture binne 'n bepaalde afstand van die grense of middellyn van paaië geniet voorrang bo die bepalings van 'n skema behalwe vir sover die skema voorsiening maak vir 'n groter padbreedte of 'n groter afstand vanaf bedoelde grense of middellyn.
- (3) Die Minister kan, behoudens sodanige bedinge en voorwaardes as wat hy mag bepaal en na oorlegpleging met die Komitee -
 - (a) die werking van hierdie regulasies binne 'n gebied opskort;
 - (b) 'n persoon van enigeen of al die vereistes van hierdie regulasies vrystel.
- (4) Hierdie regulasies is onderhewig aan enige bepalings voorgeskryf met betrekking tot dorpsstigting.

**HOOFSTUK II
BEPLANNINGSKOMITEE**

Stigting van Komitee

- 4 (1) Daar word hiermee 'n Komitee gestig wat bekend staan as die KwaZulu-Beplanningskomitee oor Grondsake.
- (2) Die Komitee sal bestaan uit drie lede wat getrek word uit die privaatsektor en wat aangestel is deur die Minister, na konsultasie met die Wetgewende vergadering soos bepaal in artikel 37(5) van die Wet, vir sodanige tydperk as wat die Minister mag bepaal, van wie -
 - (a) twee lede kennis van of ervaring sal hê op die gebied van die ekonomie, nywerheid, handel, regte, stedelike ontwikkeling, plaaslike regering of die hantering van openbare aangeleenthede;
 - (b) een lid gespesialiseerde kennis en ervaring sal hê in dorps- en streeksbeplanning.
- (3) Die Minister kan een of meer persone aanstel om as alternatiewe lid op te tree in die plek van 'n spesifieke lid van die Komitee of gedurende sy afwesigheid of ongeskiktheid om as sodanige lid op te tree, en die bepalings van subregulasie (2) sal *mutatis mutandis* geld met betrekking tot sodanige alternatiewe lid.
- (4) Die meerderheid van die lede van die Komitee vorm 'n kworum vir 'n vergadering.
- (5) Die Komitee kan -
 - (a) die tyd en plek van sodanige vergaderings bepaal;
 - (b) een van sy lede kies om as voorsitter by sodanige vergadering op te tree;
 - (c) volgens sy goëddunke die verrigtinge by sy vergaderings reguleer.
- (6) Die Komitee moet notules laat hou van die verrigtinge by die vergaderings.

Funksies van die Komitee

- 5 Die Komitee -
 - (a) oorweeg appelle oor enige besluit ingevolge hierdie regulasies, soos bepaal in artikel 37(5) van die Wet;
 - (b) kan die Minister adviseer oor die formulering in algemene terme van 'n dorps- of streeksbeplanningsbeleid vir KwaZulu;
 - (c) kan die Minister adviseer oor sake betreffende die voorbereiding van struktuurplanne en skemas en die toepassing van sodanige skemas;
 - (d) moet enige ander funksie uitvoer wat ingevolge hierdie regulasies aan hom toegewys is;
 - (e) moet sodanige funksies met betrekking tot dorpsstigting uitvoer as wat voorgeskryf mag word.

HOOFSTUK III STRUKTUURPLANNE

Vorbereiding van struktuurplan

6. (1) Die Sekretaris kan te eniger tyd, en moet as die Minister dit gelas, 'n struktuurplan voorberei of laat voorberei ten opsigte van enige gebied, met inbegrip van 'n gebied waarvoor 'n struktuurplan reeds bestaan.
- (2) Die Sekretaris kan, behoudens sodanige voorskrifte as wat hy van tyd tot tyd van die Minister ontvang, die wyse bepaal waarop 'n struktuurplan voorberei moet word, met inbegrip van die wyse waarop dit bekend gemaak moet word vir insae en vertoë deur inwoners van die gebied en ander belanghebbendes by die voorbereiding van die plan.
- (3) Tensy die Minister anders gelas -
- (a) kan 'n struktuurplan te eniger tyd; en
 - (b) moet 'n struktuurplan ten minste een maal elke tien jaar, hersien word.

Doel van struktuurplan

7. (1) 'n Struktuurplan kan -
- (a) die algemene doelstellings en doelwitte aandui wat gestel is vir die gebruik van die gebied waarop sodanige plan betrekking het;
 - (b) 'n verklaring bevat van die beleid en beplanningsraamwerk wat toegepas moet word in die voorbereiding en administrasie van 'n skema vir daardie gebied.
- (2) 'n Struktuurplan mag nie enige regte toeken of wegneem nie.
- (3) 'n Struktuurplan moet beskikbaar wees vir die publiek se insae by die kantoor van -
- (a) die Sekretaris; en
 - (b) die owerheid.

HOOFSTUK IV DORPSBEPLANNINGSKEMAS OOR DIE ALGEMEEN

Inhoud van skema

8. (1) 'n Skema bestaan uit -
- (a) skemaklousules, soos in regulasie 9 bedoel;
 - (b) 'n kaart, soos in regulasie 10 bedoel;
 - (c) enige nodige bylae;
 - (d) 'n register van toestemmings gehou deur die plaaslike owerheid, soos bedoel in regulasie 31(3).
- (2) 'n Skema lê ter insae by die kantoor van -
- (a) die Sekretaris; en
 - (b) die plaaslike owerheid.

Skemaklousules

9. Die skemaklousules van 'n skema kan voorsiening maak vir -
- (a) enige aangeleentheid bedoel in Bylae A, onderhewig aan die bepalings van hierdie regulasies;
 - (b) enige ander aangeleentheid wat op dorpsbeplanning betrekking het.

Kaart

10. (1) Die kaart van 'n skema toon -
- (a) die gebied van die skema;
 - (b) 'n sleutelkaart wat die ligging van die gebied van die skema aandui;
 - (c) kadastrale inligting;
 - (d) indien die Minister dit vereis, alle fisiese en topografiese kenmerke van die gebied van die skema;
 - (e) alle aangeleenthede relevant tot 'n dorpsbeplanningskema, en in die besonder -
 - (i) die sonering van elke erf in die gebied;
 - (ii) die skaal, die landmeter-generaal se kompilasieplannommer, die ware noord en numeriese volgorde van elke vel;
 - (iii) die ligging en name, indien beskikbaar, van alle paaie, strate en oop ruimtes en die roete van elke spoorlyn; en
 - (iv) die grense en beskrywing van elke dorp.
- (2) Die skaal waarop 'n kaart geteken word, is, in die geval van -
- (a) 'n sleutelkaart, 1:10 000 van 1:20 000;
 - (b) 'n ander kaart as 'n sleutelkaart, 1:2 000.
- (3) Die kaart van 'n wysigingskema -
- (a) weerspieël net die aangeleenthede rakende die besondere wysiging wat deur sodanige skema teweeggebring sal word;
 - (b) is op dieselfde skaal as dié van die hoofkaart van sodanige skema; en
 - (c) word gebaseer op die landmeter-generaal se kompilasieplanne indien beskikbaar.

Deelname van die publiek

11. Die Sekretaris kan, en moet indien die Komitee dit met die goedkeuring van die Minister gelas -
- (a) 'n vergadering belê om aan belanghebbendes enige bepalings van 'n skema of voorgestelde skema te verduidelik of om oor die algemeen beter kommunikasie of deelname deur die publiek by die beplanning teweeg te bring;
 - (b) persone aanhoor om verdere inligting te bekom of om 'n beter peiling te doen van die publiek se gesindhede of menings oor enige beplanningsaangeleentheid;

- (c) enige noodsaaklike opname oor grondgebruik laat uitvoer om 'n beter idee te kry van die toestande wat in enige gebied heers;
- (d) enige ander ondersoek uitvoer wat die Minister op aanbeveling van die Komitee nodig ag vir die doel om 'n skema voor te berei of te administreer.

HOOFSTUK V

SKEMA VIR BESTAANDE GOEDGEKEURDE DORPE

Basiese skema vir grond reeds afgesonder

12. (1) 'n Skema word by die inwerkingtreding van hierdie regulasies van krag in elke goedgekeurde dorp wat voor sodanige inwerkingtreding gestig is.
- (2) 'n Skema waarna in subregulasie (1) verwys word, bestaan uit -
- (a) elke uitlegplan of ander kaart ten opsigte van daardie gebied wat onmiddellik voor die inwerkingtreding van hierdie regulasies vir dorpsbeplanningsdoeleindes gebruik is;
 - (b) die register van enige aansoek toegestaan en geldend onmiddellik voor die inwerkingtreding van hierdie regulasies; en
 - (c) die skemaklousules vervat in Bylae B.

Bestaande gebruik

13. (1) Elke erf in 'n dorp in regulasie 12 na verwys, word by die inwerkingtreding van hierdie regulasies geag in daardie gebruiksones in Tabel A van Bylae B te wees wat die meeste ooreenstem met die bestaande of bedoelde wettige gebruik van daardie erf onmiddellik voor die inwerkingtreding van hierdie regulasies.
- (2) Die Sekretaris kan die nodige wysigings aanbring aan -
- (a) die planne waarna in regulasie 12(2)(a) verwys is om uitvoering te gee aan die bepalings van subregulasie (1);
 - (b) daardie planne en klousules waarna verwys word in regulasie 12(2)(c) om enige afwyking van daardie klousules te weerspieël by die inwerkingtreding van hierdie regulasies wat enige gebou of struktuur affekteer met betrekking tot boulyne, aantal verdiepings, dekking, parkering of laai of toegang.

HOOFSTUK V

NUWE SKEMAS

Vorbereiding van skema

14. (1) Die Sekretaris kan, en moet indien die Minister op aanbeveling van die Komitee dit gelas, 'n voorbereiding doen vir -
- (a) 'n skema vir 'n gebied buite 'n gebied waarna verwys word in regulasie 12;
 - (b) 'n skema ter vervanging van 'n skema bedoel in -
 - (i) paragraaf (a);
 - (ii) regulasie 12;
 - (c) 'n wysiging;
 - (d) 'n uitbreiding.
- (2) By die voorbereiding van 'n skema moet behoorlik oorweging gegee word aan die toepaslike struktuurplan.
- (3) Die skemaklousules van 'n skema bedoel in subregulasie (1)(a) moet, tensy volgens die mening van die Sekretaris die teendeel bestaan, die skemaklousules wees soos bedoel in regulasie 12(2)(a).
- (4) 'n Skema moet onderskei tussen dié voorstelle wat onderhewig is aan, en dié wat vrygestel is van die betaling van vergoeding soos bepaal in regulasie 18.

Voorafgaande oorlegpleging

15. Voordat die Sekretaris 'n skema voorberei, moet hy -
- (a) die plaaslike owerheid raadpleeg;
 - (b) oorleg pleeg met -
 - (i) enige belangstellende persoon of liggaam;
 - (ii) enige persoon of liggaam betrokke by of verteenwoordigend van die handel of nywerheid.

Kennisgewing van ontwerp-skema

16. (1) Nadat die Sekretaris 'n ontwerp-skema voorberei het, moet hy -
- (a) 'n afskrif daarvan aan die plaaslike owerheid verskaf en hulle in kennis stel van enige teenstrydighede tussen die ontwerp-skema en enige verordening van toepassing op die plaaslike owerheid se jurisdiksiegebied waarvan hy bewus is;
 - (b) so gou doenlik die skema adverteer wesenlik in die vorm van die kennisgewing soos uiteengesit in Bylae 1.
- (2) Na die eerste publikasie van die kennisgewing in subregulasie (1)(b) na verwys, mag geen persoon op 'n wyse strydig met enige bepaling van die skema -
- (a) enige gebou of werke oprig of verander nie;
 - (b) enige grond of gebou gebruik nie;
 - (c) enige sodanige bouwerk, verbouing of gebruik toelaat nie.
- (3) Die plaaslike owerheid mag nie, nadat hy voorsien is van 'n afskrif van die skema ingevolge subregulasie (1)(a), enige sodanige bouwerk, verbouing of gebruik goedkeur, magtig of toestemming aan verleen nie.
- (4) Die bepalings van -
- (a) subregulasie (2) is nie van toepassing nie op enige sodanige oprigting, verbouing of gebruik in ooreenstemming met 'n goedkeuring of vergunning toegestaan deur die gepaste owerheid voor die publikasie waarna in daardie subregulasie na verwys word;
 - (b) subregulasie (2) en (3) is nie van toepassing nadat die plaaslike owerheid ingevolge regulasie 17(6) van 'n verwerping van daardie skema in kennis gestel is nie.

Besware en vertoë

17. (1) Skriftelike besware of vertoë kan by die Sekretaris ingedien word ten opsigte van binne 'n tydperk van sestig dae na -
- (a) die verskaffing aan hom van 'n afskrif van die skema soos in regulasie 16(1)(a) bedoel, deur die plaaslike owerheid;
 - (b) die eerste publikasie van advertering bedoel in regulasie 16(1)(b), deur enige persoon.
- (2) Besware en vertoë in subregulasie (1) bedoel, moet by die Sekretaris ingedien word, wat sonder versuim 'n afskrif daarvan na die plaaslike owerheid moet stuur.
- (3) Na verstryking van die tydperk beoog in subregulasie (1) of sodanige verdere tydperk as wat die Sekretaris mag toelaat, moet die Sekretaris elke beswaar wat ingedien en vertoë wat gerig is, oorweeg.
- (4) By die oorweging van besware of vertoë neem die Sekretaris in ag -
- (a) die bepalings van artikel 15(2) van die Wet;
 - (b) die uitwerking van die skema op bestaande regte, behalwe 'n beweerde reg op beskerming teen handelsmededinging.
- (5) Na oorweging van alle besware ingedien en vertoë wat gerig is, kan die Sekretaris -
- (a) die skema aanvaar nadat hy sodanige wysiging aangebring het wat hy nodig ag; of
 - (b) die skema verwerp.
- (6) Die Sekretaris moet, onmiddellik nadat hy 'n besluit geneem het ingevolge subregulasie (5), kennis gee van daardie besluit aan die plaaslike owerheid en enige persoon wat 'n beswaar ingedien of vertoë gerig het.
- (7) Indien die skema wesenlik verskil as gevolg van 'n wysiging in subregulasie (5) (a) na verwys, moet die Sekretaris weer kennis gee van die skema ooreenkomstig regulasie (16)(1) waarna die bepalings van hierdie regulasie van toepassing sal wees.

Vergoeding

18. (1) 'n Persoon is, behoudens die bepalings van subregulasies (2) en (4) geregtig op vergoeding tot die mate -
- (a) waardeur sy grond of reg op grond in waarde verminder het deur die inwerkingtrekking van enige bepaling in 'n skema wat sy wettlike reg ten opsigte van daardie eiendom aan bande lê of inkort, en in die geval van eiendom waarop hy handel gedryf het, die bedrag van die skade wat hy ten opsigte van daardie bedryf gely het;
 - (b) van skade gely as gevolg van enige stappe deur die plaaslike owerheid gedoen om 'n skema af te dwing;
 - (c) waartoe uitgawe redelikerwys aangegaan is -
 - (i) ter nakoming van 'n bepaling van die skema, maar wat vrugtelos gemaak word deur 'n latere vervanging of wysiging van die skema;
 - (ii) deur 'n eis vir vergoeding in te stel of teen te staan, maar wat daardeur vrugtelos gemaak word.
- (2) 'n Persoon wat vergoeding eis, moet gelyktydig met enige besware of vertoë wat deur hom gerig word ingevolge regulasie 17 of binne sodanige tydperk daarna as wat die Sekretaris mag toelaat, 'n eis vir vergoeding by die Sekretaris indien.
- (3) Sodanige vergoeding as waarop, voor die goedkeuring van die skema, ooreengekom is, moet binne 'n tydperk van drie jaar vanaf die datum van inwerkingtrekking van die skema deur die Sekretaris betaal word.
- (4) Geen vergoeding is betaalbaar ingevolge hierdie regulasie in gevalle waar eiendom nadelig geraak word -
- (a) indien die verlies toegeskryf kan word aan die afdwining van enige ander wet sonder dat vergoeding ingevolge daarvan betaal is;
 - (b) as gevolg van 'n beweerde verlies wat aan handelsmededinging toegeskryf kan word;
 - (c) waar die eiser ook geregtig is op vergoeding ten opsigte van dieselfde skuldoorsaak kragtens enige ander wet, in soverre hy geregtig mag wees op -
 - (i) vergoeding ingevolge beide hierdie regulasie en die ander wet;
 - (ii) groter vergoeding ingevolge hierdie regulasie as ingevolge die ander wet;
 - (d) as gevolg van stappe wat gedoen is deur 'n owerheid ingevolge regulasie 38 behalwe waar die gebou of betrokke werk reeds bestaan het voor die skema ingevolge regulasie 16(1)(b) geadverteer is;
 - (e) waar enige bepaling in 'n skema herroep is deur 'n latere skema op grond van 'n nadelige uitwerking deur enige bepaling vervat in die latere skema, in soverre die latere skema wesenlik soortgelyk is aan die bepaling wat herroep is, maar enige uitstaande eis vir vergoeding wat voortspruit uit die werking van die bepaling wat herroep is, moet behandel word asof die bepalings van die vroeë skema nog steeds in werking is;
 - (f) as gevolg van die inwerkingtrekking van enige bepaling van 'n skema wat -
 - (i) die ruimte rondom geboue voorskryf nie;
 - (ii) boulyne vasstel, onderhewig aan die bepalings van subregulasie (5)(a);
 - (iii) die posisie van geboue op elke erf reguleer in verhouding tot ander geboue;
 - (iv) die karakter, grootte, hoogte, harmonie, ontwerp van die uiterlike voorkoms van geboue, insluitende die materiaal wat gebruik word in die oprigting van geboue reguleer;
 - (v) die aantal geboue wat op enige erf opgerig mag word, beperk;
 - (vi) die maksimum area waarop daar op enige perseel gebou mag word voorskryf;
 - (vii) die wyse beperk waarop geboue gebruik mag word, behoudens die bepalings van subregulasie (5)(b);
 - (viii) in belang van veiligheid, die hoogte en posisie van bestaande en voorgestelde mure en heinings naby die hoeke of draaie van strate reguleer;
 - (ix) in die geval van die oprigting van enige gebou wat bedoel is vir die gebruik van doeleindes van sakebedrywighede of nywerheid, die bepaling van akkommodasie vir die parkering van motorvoertuie van persone wat werksaam is of woon op die perseel of vir laai, aflaai of vir die hervulling van voertuie, met die doel om 'n obstruksie van verkeer op enige pad te voorkom, voorskryf;
 - (x) permanente bouaktiwiteite verbied of aan bande lê, op grond daarvan dat, as gevolg van die ligging of die aard van die grond, die oprigting van geboue daarop waarskynlik -
 - (aa) groot uitgawe van belastingbetalersgeld sou meebring, ten opsigte van die voorsiening van paaie, riolering, watervoorsiening en ander openbare dienste;
 - (bb) lewensbedreiging of gesondheidsgevaar sou inhoud;

- (xi) 'n verbod plaas (anders as by wyse van 'n verbod op boubedrywighede) op die gebruik van grond vir 'n doel wat waarskynlik 'n gesondheidsgevaar sou inhoud of uiters nadelig vir die woongebied sou wees, of 'n beperking sou plaas (anders as by wyse van 'n beperking op boubedrywighede) op die gebruik van grond in soverre dit nodig mag wees vir die voorkoming van sodanige gevaar, besering of benadeling;
 - (xii) die getal of ligging van nuwe paaie wat by 'n bestaande pad aansluit of die ligging van 'n nuwe pad, voorskryf.
- (5) Vergoeding is betaalbaar by die inwerkingtreding van 'n bepaling van 'n skema wat -
- (a) 'n boulyn vasstel, niesteenstaande die bepalings van subregulasie (4)(f)(ii), indien die area van die grond van die eiser met 'n straat aansig of aansig van voorgestelde straat in so 'n mate verklein sal word dat dit die gebou wesenslik minder geskik maak vir oprigting ooreenkomstig die bepalings van die skema, ongeag of dit toegeskryf kan word aan die vorm van die grond of andersins;
 - (b) die wyse beperk waarop 'n gebou gebruik mag word, niesteenstaande die bepalings van subregulasie (4) (f) (vii), indien sodanige beperkings vereis dat enige gebou gebruik moet word op 'n ander wyse as wat dit gebruik is tot die datum waarop die skema geadverteer is ingevolge regulasie 16(1)(b) en sodanige gebruik ononderbroke was tot die datum van die afdwinging van sodanige bepaling.
- (6) Die Sekretaris -
- (a) kan op enige stadium binne drie maande na die ooreenkoms, of die vasstelling by appèl, van vergoeding bedoel in hierdie regulasie, aan die eiser kennis gee van sy voorneme, om alle of enige van die bepalings van die skema wat aanleiding gegee het tot die eis vir vergoeding, terug te trek of te wysig;
 - (b) moet binne drie maande vanaf die datum van sodanige kennisgewing 'n gepaste wysiging vir goedkeuring deur die Minister indien.
- (7) Sonder benadeling van die reg van die eiser om 'n verdere eis vir vergoeding in te stel ten opsigte van 'n wysiging bedoel in subregulasie (6)(b), verval die eis genoem in subregulasie (6) by -
- (a) die inwerkingtreding van sodanige wysiging; en
 - (b) betaling deur die Sekretaris van die eiser se koste van en skade in verband met sodanige eis.

Voorlegging van skema aan Minister

19. Wanneer die Sekretaris 'n skema aanvaar het ingevolge regulasie 17(5)(a), moet hy die skema aan die Minister voorlê, na die tydperk gespesifiseer ingevolge regulasie 36(1)(a), vir 'n appèl beoog in regulasie 34(b), en, in die geval van sodanige appèl, nadat die Komitee die skema afgesien daarvan om dit tersyde te stel, bevestig of gewysig het.

Goedkeuring van skema deur Minister

20. (1) Die Minister kan 'n skema wat aan hom voorgelê is ingevolge regulasie 19, goedkeur.
- (2) Nadat die Minister 'n skema goedgekeur het ingevolge subregulasie (1) -
- (a) moet die Sekretaris 'n afskrif van die skema aan die plaaslike owerheid stuur; en
 - (b) moet die Sekretaris kennis daarvan in die *Amptelike Koerant* gee.
- (3) 'n Skema tree in werking -
- (a) op 'n datum vermeld vir sodanige inwerkingtreding in die kennisgewing in subregulasie (2)(b) bedoel; of
 - (b) by ontstentenis van so 'n datum, op die datum van sodanige kennisgewing.
- (4) Die kennisgewing in subregulasie (2)(b) bedoel, moet meld dat die skema te alle redelike tye vir enige persoon ter insae sal lê by die kantoor van -
- (a) die Sekretaris; en
 - (b) die plaaslike owerheid.

HOOFSTUK VII INDIVIDUELE WYSIGING

Aansoek om wysiging

21. 'n Eienaar of 'n buurliggaam wat verlang dat 'n bepaling van 'n skema wat betrekking het op sodanige eienaar se erf of sodanige liggaam se gebied, na gelang van die geval, gewysig word, kan 'n skriftelike aansoek by die Sekretaris indien, wesenslik soos in Bylae 2 uiteengesit, versel van -
- (a) in die geval van 'n aansoek deur die eienaar, 'n afskrif van die betrokke titelaktes en, indien die erf met 'n verband beswaar is, die toestemming van enige verbandnemer;
 - (b) 'n verslag bevattende 'n volledige motivering van die voorgestelde wysiging;
 - (c) 'n terreinontwikkelingsplan, indien toepaslik;
 - (d) sodanige verdere inligting en dokumente as wat deur die Sekretaris vereis mag word;
 - (e) die toepaslike gelde.
22. (1) Die Sekretaris moet, by ontvangs van 'n aansoek bedoel in regulasie 21, maar behoudens die bepalings van subregulasie (2) -
- (a) 'n afskrif daarvan aan die plaaslike owerheid stuur, en die owerheid inlig omtrent enige teenstrydigheid waarvan die Sekretaris bewus mag wees tussen die wysiging en enige verordening van toepassing in die jurisdiksiegebied van die plaaslike owerheid;
 - (b) sonder versuim die wysiging adverteer wesenslik in die vorm van die kennisgewing soos uiteengesit in Bylae 3.
- (2) Die aansoeker moet in kennis gestel word op die wyse bepaal deur subregulasie (1) deur die aansoeker in die plek van die Sekretaris en met sy toestemming indien bewys ingelewer word tot die bevrediging van die Sekretaris dat dit gedoen is.
- (3) Na die eerste publikasie van die kennisgewing waarna verwys word in subregulasie (1)(c), mag geen persoon op 'n wyse strydig met enige bepaling van die wysiging -
- (a) enige gebou of werke oprig of verander nie;
 - (b) enige grond of gebou gebruik nie;
 - (c) sodanige oprigting, wysiging of gebruik toelaat nie.
- (4) Die plaaslike owerheid mag nie, nadat hy voorsien is van 'n afskrif van die wysiging ingevolge subregulasie (1)(a), enige sodanige oprigting, wysiging of gebruik goedkeur, magtig of toestemming daaraan verleen nie.
- (5) Die bepalings van -

- (a) subregulasie (3) is nie van toepassing nie op enige sodanige oprigting, wysiging of gebruik in ooreenstemming met 'n goedkeuring of toestemming verleen deur die toepaslike owerheid voor die publikasie waarna in daardie subregulasie verwys word;
- (b) subregulasie (3) en (4) is nie van toepassing nadat die owerheid ingevolge regulasie 24(6) ingelig is van 'n verwerping van daardie wysiging nie.

Bydrae deur aansoeker

- 23. (1) Indien 'n aansoek bedoel in regulasie 21 ingedien is, gelas die Sekretaris per geregistreerde pos, gelyktydig met die kennisgewing in regulasie 22 bedoel, die aansoeker om 'n bydrae aan hom te betaal ten opsigte van koste van die voorsiening van -
 - (a) ingenieursdienste waar dit nodig is om sodanige dienste uit te brei of te verbeter as gevolg van die wysiging;
 - (b) openbare oop ruimtes indien die wysiging 'n hoër residensiële digtheid teweeg sal bring.
- (2) Die Sekretaris moet in sy lasgewing meld -
 - (a) die doel waarvoor die bydrae vereis word;
 - (b) die besonderhede van die wyse waarop die bedrag van die bydrae bepaal is;
 - (c) die bedrag van die bydrae;
 - (d) dat die aansoeker uitgenooi word om sy aansoek te heroorweeg; en
 - (e) dat die aansoeker 'n reg het om by die Komitee te appelleer ingevolge regulasie 35(d).

Besware en verhoë ten opsigte van die wysiging

- 24. (1) Skriftelike besware of verhoë ten opsigte van die wysiging kan by die Sekretaris ingedien word binne 'n tydperk van ses dae na -
 - (a) die verskaffing aan hom van 'n afskrif van die wysiging soos bepaal in regulasie 22(1)(a), deur die plaaslike owerheid;
 - (b) die eerste publikasie van 'n advertensie soos beoog in regulasie 22(1)(b), deur enige persoon.
- (2) Besware en verhoë in subregulasie (1) bedoel, moet by die Sekretaris ingedien word, wat -
 - (a) sonder versuim 'n afskrif aan die aansoeker en die plaaslike owerheid moet stuur; en
 - (b) die aansoeker moet uitnoodig om op hierdie besware en verhoë te antwoord binne 30 dae of enige langer tydperk as wat die Sekretaris mag toelaat.
- (3) Na verstryking van die tydperk beoog in subregulasie (1) of sodanige verdere tydperk as wat die Sekretaris mag toelaat, moet die Sekretaris alle besware en verhoë oorweeg wat ingedien is, sowel as enige antwoord soos bedoel in subregulasie (2)(b).
- (4) By die oorweging van 'n aansoek, van besware, verhoë of enige antwoord, neem die Sekretaris in ag -
 - (a) die bepalings van artikel 17(2) van die Wet;
 - (b) die uitwerking van die wysiging op bestaande regte, behalwe 'n beweerde reg op beskerming teen handelsmededinging.
- (5) Na oorweging van elke beswaar en alle verhoë gerig, kan die Sekretaris -
 - (a) nadat hy enige aanpassing aan die wysiging wat hy nodig ag, aangebring het, die wysiging aanvaar; of
 - (b) die wysiging verwerp.
- (6) Die Sekretaris kan, onmiddellik nadat hy 'n besluit geneem het ingevolge subregulasie (5), kennis gee van daardie besluit aan die aansoeker, die plaaslike owerheid en elke persoon wat 'n beswaar ingedien of verhoë gerig het.
- (7) Indien die wysiging wesenlik verskil as gevolg van 'n wysiging in subregulasie (5)(a) bedoel, moet die Sekretaris die aansoeker inlig omtrent sodanige wysiging en kennis gee van die wysiging ooreenkomstig regulasie 22(1), waarna die bepaling van hierdie regulasie van toepassing sal wees.

Voorlegging van wysiging aan Minister

- 25. Wanneer die Sekretaris 'n wysiging aanvaar het ingevolge regulasie 24(5)(a), moet hy die wysiging aan die Minister voorlê, na die tydperk gespesifiseer ingevolge regulasie 36(1)(a) vir 'n appèl beoog in regulasie 34(e), en, in die geval van sodanige appèl, na die Komitee die wysiging, benewens om dit tersyde te stel, bevestig of verander het.

Goedkeuring van wysiging deur Minister

- 26. (1) Die Minister kan 'n wysiging wat aan hom voorgelê is ingevolge regulasie 25 goedkeur.
- (2) Nadat die Minister 'n wysiging goedgekeur het ingevolge subregulasie (1), moet die Sekretaris 'n afskrif van die skema aan die aansoeker en die plaaslike owerheid stuur.
- (3) 'n Wysiging wat goedgekeur is ingevolge subregulasie (1) -
 - (a) tree in werking -
 - (i) op die datum van sodanige goedkeuring; of
 - (ii) op enige ander datum soos deur die Sekretaris bepaal;
 - (b) mag volgens die diskresie van die Sekretaris bekend gemaak word by kennisgewing in die *Amptelike Koerant*, in welke geval die bepalings van regulasie 20(4) *mutatis mutandis* sal geld.

HOOFSTUK VIII

TOESTEMMING DEUR PLAASLIKE OWERHEID

Aansoek om toestemming

- 27. Waar 'n skema voorsiening maak vir die verlening van toestemming deur die plaaslike owerheid, kan die eienaar van die betrokke erf wat verlang om sodanige toestemming te verkry, 'n skriftelike aansoek wesenlik soos in Bylae 4 uiteengesit, by die plaaslike owerheid indien, vergesel van -
 - (a) 'n afskrif van sy titelakte;
 - (b) indien die grond met 'n verband beswaar is of sy regte daarop gesedeer is om 'n skuld te versekureer, die toestemming van die verbandhouer of sessionaris;
 - (c) 'n verslag met 'n volledige motivering van die voorgestelde toestemmingsgebruik;
 - (d) 'n terreinontwikkelingsplan, indien toepaslik;
 - (e) sodanige verdere inligting en dokumente as wat die plaaslike owerheid vereis;

- (f) die toepaslike gelde.

Bydrae van aansoeker

28. (1) Indien 'n aansoek bedoel in regulasie 27 ingedien is, moet die owerheid gelyktydig met kennisgewing per geregistreerde pos, soos bedoel in regulasie 29, die aansoeker gelas om 'n bydrae daartoe te betaal ten opsigte van die verskaffing van -
- (a) ingenieursdienste, waar dit nodig mag wees, of om sodanige dienste te bevorder of te verbeter as gevolg van die toestemming wat verleen is;
 - (b) openbare oop ruimtes waar die toestemming 'n hoër residensiële digtheid sal meebring.
- (2) Die plaaslike owerheid moet in sy lasgewing meld -
- (a) die doel waarvoor die bydrae vereis word;
 - (b) die besonderhede van die wyse waarop die bedrag van die bydrae bepaal word;
 - (c) die bedrag van die bydrae;
 - (d) dat die aansoeker uitgenooi word om sy aansoek te heroorweeg;
 - (e) dat die aansoeker 'n reg het om ingevolge regulasie 5(1)(b) by die Komitee te appelleer.

Advertering van aansoek

29. (1) Die owerheid moet onmiddellik na ontvangs van 'n aansoek bedoel in regulasie 28, die aansoek weselik adverteer in die vorm soos uiteengesit in Bylae 5
- (2) Die aansoeker mag, in die plek van die plaaslike owerheid en met sy goedkeuring, die advertensie plaas soos bedoel in subregulasie (1).
- (3) Indien die aansoeker in die plek van die plaaslike owerheid optree soos in subregulasie (2) beoog, moet hy onmiddellik daarna bewys aan die plaaslike owerheid voorlê dat hy dit gedoen het.

Besware teen en vertoe in verband met aansoek

30. (1) Skriftelike besware kan ingedien word by, of vertoe kan gerig word tot die plaaslike owerheid ten opsigte van die aansoek, binne 'n tydperk van dertig dae na die eerste publikasie van die advertensie bedoel in regulasie 29(1).
- (2) Na verstryking van die tydperk waarvoor in subregulasie (1) voorsiening gemaak is, moet die owerheid -
- (a) afskrifte van alle vertoe en besware in daardie subregulasie bedoel aan die aansoeker verskaf; en
 - (b) die aansoeker toelaat om binne veertien dae of enige langer tydperk as wat die plaaslike owerheid mag toelaat, op daardie vertoe en besware te antwoord.
- (3) Na verstryking van die tydperk vir 'n antwoord deur die aansoeker in subregulasie (2) toegelaat, oorweeg die plaaslike owerheid -
- (a) die aansoek;
 - (b) enige beswaar ingeblyk en alle vertoe gerig;
 - (c) enige antwoord deur die aansoeker.
- (4) Die plaaslike owerheid -
- (a) neem, by die oorweging van 'n aansoek, in aanmerking -
 - (i) die behoefte om ekonomiese groei, handel en algemene welvaart te bevorder;
 - (ii) die wense, veiligheid en welsyn van die lede van die betrokke gemeenskap;
 - (iii) die uitwerking van die aansoek op bestaande regte, behalwe enige beweerde reg op beskerming en handelsmededinging;
 - (iv) enige ander aangeleentheid waarvoor in die skema voorsiening gemaak word;
 - (b) weier 'n aansoek ten opsigte waarvan daar -
 - (i) 'n gebrek aan die wenslikheid van die voorgestelde gebruik bestaan;
 - (ii) 'n uitwerking op bestaande regte, behalwe 'n beweerde reg op beskerming teen handelsmededinging, teweeggebring is.

Verlening van toestemming

31. (1) Die plaaslike owerheid moet 'n aansoek toestaan of verwerp binne 'n tydperk van 60 dae vanaf ontvangs van sodanige aansoek.
- (2) Die plaaslike owerheid kan, indien hy die aansoek goedkeur, enige voorwaarde opleë, met inbegrip van 'n voorwaarde dat -
- (a) die toestemming kan verval na kennisgewing -
 - (i) indien die gebruik nie uitgeoefen word binne, of vir, 'n bepaalde tydperk nie;
 - (ii) by verstryking van 'n vermelde tydperk of by die plaasvind van 'n bepaalde gebeurtenis;
 - (iii) by 'n versuim om aan 'n voorwaarde van die toestemming te voldoen;
 - (b) 'n bydrae in regulasie 28 bedoel is in paaiemente of andersins betaalbaar.
- (3) Die plaaslike owerheid hou 'n register wat vir die publiek ter insae lê en waarin aangeteken word -
- (a) die datum van elke aansoek om toestemming;
 - (b) die naam en die adres van die aansoeker;
 - (c) die eiendom waarop die aansoek betrekking het;
 - (d) die voorgestelde gebruik;
 - (e) of die aansoek toegestaan of verwerp is;
 - (f) die voorwaardes, as daar is, waarop die aansoek toegestaan is;
 - (g) of sodanige voorwaardes nagekom is;
 - (h) die bedrag en doel van enige betaling in subregulasie (2)(b) bedoel;
 - (i) die verval van sodanige toestemming.

HOOFSTUK IX
ONDERVERDELING EN KONSOLIDASIE

Toestemming van plaaslike owerheid tot onderverdeling of konsolidasie

32. (1) 'n Eienaar van 'n erf wat verlang om daardie erf te onderverdeel of te konsolideer, moet by die plaaslike owerheid aansoek doen om toestemming tot sodanige onderverdeling of konsolidasie.
- (2) 'n Aansoek in subregulasie (1) bedoel, moet skriftelik aan die plaaslike owerheid gerig word en moet vergesel gaan van -
- (a) 'n afskrif van die titelakte;
 - (b) indien die grond met 'n verband beswaar is, die toestemming van die verbandhouer;
 - (c) 'n terreinontwikkelingsplan;
 - (d) 'n verslag wat 'n volledige motivering ten opsigte van die voorgestelde onderverdeling of konsolidasie bevat;
 - (e) sodanige verdere inligting en dokumente as wat die plaaslike owerheid mag vereis;
 - (f) die toepaslike gelde.
- (3) Toestemming ingevolge hierdie regulasie word nie vereis nie ten opsigte van -
- (a) 'n perseel waarvan die Regering of die plaaslike owerheid die eienaar is;
 - (b) die onderverdeling van 'n landbouperseel wat -
 - (i) buite 'n plaaslike owerheidsgebied geleë is; en
 - (ii) onderhewig is aan die bepalings van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet 70 van 1970);
 - (c) 'n onderverdeling wat 'n dorp uitmaak ingevolge enige regulasies voorgeskryf met betrekking tot dorpsstigting.

Verlening van toestemming tot onderverdeling of konsolidasie

33. (1) Na oorweging van die aansoek ingevolge regulasie 32(1) moet 'n plaaslike owerheid 'n aansoek om onderverdeling of konsolidasie toestaan of weier binne 'n tydperk van 60 dae vanaf ontvangs deur die owerheid van sodanige aansoek.
- (2) By die oorweging van 'n aansoek vir toestemming om te onderverdeel of te konsolideer, moet die plaaslike owerheid in aanmerking neem -
- (a) dienste-
 - (i) ten opsigte van enige gedeelte van 'n perseel wat onderverdeel moet word;
 - (ii) langs enige gemeenskaplike grens van persele wat gekonsolideer moet word;
 - (b) enige ander relevante faktor.
- (3) Die plaaslike owerheid kan, by die goedkeuring van sodanige aansoek, enige voorwaarde van krag maak, insluitende 'n voorwaarde dat -
- (a) die toestemming na kennisgewing mag verval -
 - (i) indien daar nie binne 'n bepaalde tydperk met die gebruik begin word, of dit beëindig is nie;
 - (ii) by versuim om te voldoen aan die voorwaarde van die toestemming;
 - (b) 'n bydrae in regulasie 28 bedoel in paaiemente of andersins betaalbaar sal wees.
- (4) Die plaaslike owerheid mag nie toestemming verleen tot 'n onderverdeling of konsolidasie wat in botsing sal wees met 'n bepaling van 'n skema ten opsigte waarvan daar aan die plaaslike owerheid kennis gegee is soos bepaal in regulasie 16(1)(a) of 22(1)(a) nie, tensy die plaaslike owerheid ingelig is van 'n verwerping van daardie bepaling ingevolge regulasie 17(5)(b) of 23(5)(b).

HOOFSTUK X
APPÈL BY KOMITEE

Appèl teen besluit van Sekretaris

- 'n Aansoeker of beswaarmaker kan na die Komitee appelleer indien hy gegrief is deur 'n besluit van die Sekretaris ten opsigte van -
- (a) die aanvaarding van 'n struktuurplan in regulasie 6 bedoel;
 - (b) die aanvaarding of verwerping van 'n skema ingevolge regulasie 17(5);
 - (c) die bedrag van vergoeding ingevolge regulasie 18;
 - (d) die bedrag van 'n bydrae ingevolge regulasie 23;
 - (e) die aanvaarding of verwerping van 'n wysiging ingevolge regulasie 24(5);
 - (f) 'n appèl in regulasie 35(2) bedoel;
 - (g) enige ander aangeleentheid in hierdie regulasies bedoel.

Appèl teen besluit van plaaslike owerheid

35. (1) 'n Aansoeker of beswaarmaker kan na die Komitee appelleer indien hy gegrief is deur 'n besluit van die plaaslike owerheid ten opsigte van -
- (a) 'n aansoek om toestemming in regulasie 27 na verwys;
 - (b) 'n bydrae in regulasie 28 bedoel;
 - (c) 'n aansoek om toestemming tot onderverdeling of konsolidasie in regulasie 32 na verwys;
 - (d) 'n lasgewing in regulasie 38 bedoel.
- (2) 'n Aansoeker kan na die Sekretaris appelleer indien hy gegrief is deur die plaaslike owerheid se versuim om binne die tydperk soos bepaal in regulasie 32(1) of 34(1) op te tree, en die Sekretaris kan die owerheid opdrag gee om binne 'n tydperk van 14 dae, of sodanige verdere tydperk as wat die Sekretaris by aansoek deur die owerheid mag toelaat, op te tree.

Prosedure by die aanhoor van 'n appèl

36. (1) 'n Appèl bedoel in regulasie 34 of 35(1) opgevolg word deur -

- (a) die indiening van 'n skriftelike kennisgewing van appèl, waarin die gronde vir appèl uiteengesit word, binne 90 dae na die ontvangs van 'n kennisgewing oor die betrokke besluit of sodanige langer tydperk as wat die Komitee mag toelaat; en
 - (b) die betekening van 'n afskrif van die kennisgewing aan die ander party in die geval van 'n appèl in subregulasie 34(b), (c) of (e) bedoel.
- (2) Die ander party in subregulasie (1)(b) bedoel, kan na aantekening van 'n appèl in daardie subregulasie bedoel, skriftelike vertoe in verband daarmee rig, en die Komitee moet 'n afskrif aan die appellant verskaf.
- (3) Die Komitee kan na goeëdunke enige ander persoon die geleentheid gee om vertoe te rig ten opsigte van 'n appèl in hierdie regulasie bedoel.
- (4) 'n Appèl word deur die meerderheid van die Komitee beslis.
- (5) Die Komitee kan -
- (a) enige persoon daag om voor hom te verskyn en getuieis te lewer, of enige dokument of ander artikel voor te lê, en die Komitee het dieselfde magte, regsbevoegdheid en voorregte wat aan kommissies toegeken word kragtens die Kommissie-ordonnansie, 1966 (Ordonnansie 26 van 1966), en die bepalings van artikels 6 tot 16 van voormelde Ordonnansie is *mutatis mutandis* van toepassing ten opsigte van die verrigtinge van die Komitee;
 - (b) uit eie beweging kennis neem van enige aangeleentheid, dokument of inligting wat volgens sy mening kan bydra in sy oorweging van die aangeleentheid voor hom;
 - (c) enige vergadering verdaag vir die doel om 'n ondersoek ter plaatse te doen, vir welke doel hy die bevoegdheid sal hê om op enige redelik tydstip grond en enige geboue daarop te betree en te inspekteer wat die onderwerp van sy ondersoek is;
 - (d) die aangeleentheid na die Sekretaris of plaaslike owerheid, na gelang van die geval, terugverwys, met die opdrag om met enige vrae of sake te handel op 'n wyse soos wat die Komitee geskik mag ag;
 - (e) die Sekretaris of plaaslike owerheid, na gelang van die geval, opdrag gee, om sodanige verdere getuieis te bekom, of sodanige verdere inligting te verskaf as wat nodig mag wees;
 - (f) die besluit van die Sekretaris of plaaslike owerheid, na gelang van die geval, bevestig, wysig of tersyde stel, of sodanige ander besluit neem of opdrag uitreik, as wat die Komitee wenslik mag ag;
 - (g) op enige wyse wat hy toepaslik ag -
 - (i) enige besluit of opdrag van hom aanteken;
 - (ii) 'n notule van sy verrigtinge hou.

HOOFSTUK XI TOEPASSING VAN SKEMA

Toepassingsgesag

37. (1) Die plaaslike owerheid pas, na gelang van die geval, die bepalings van 'n skema toe vanaf -
- (a) die inwerkingtreding van hierdie regulasies, in die geval van 'n skema in regulasie 12 bedoel;
 - (b) die inwerkingtreding van die skema soos in regulasie 20(3) of 26(3) bedoel.
- (2) Die plaaslike owerheid pas 'n skema toe deur middel van interdik of sivilregtelike remedie.

Bevoegdhede met betrekking tot oortredings

38. (1) Die plaaslike owerheid kan skriftelik iemand gelas wat, in stryd met 'n bepaling van 'n skema -
- (a) die oprigting of verandering van of aanbouing van 'n gebou onderneem of voortsit of laat onderneem of laat voortsit, om sodanige oprigting, verandering of aanbouing te staak;
 - (b) enige ander werk verrig, onderneem of voortsit of laat verrig, onderneem of voortsit, om sodanige ander werk te staak;
 - (c) enige grond of gebou gebruik of laat gebruik, om sodanige gebruik te staak.
- (2) Die plaaslike owerheid kan, benewens 'n lasgewing in regulasie (1) bedoel, so iemand skriftelik gelas om op koste van daardie persoon binne 'n bepaalde tyd toe te sien dat sodanige gebou, ander werk of gebruik aan die bepalings van die skema voldoen.
- (3) Waar iemand versuim om te voldoen aan 'n lasgewing ingevolge subregulasie (1) of (2) uitgereik, kan die plaaslike owerheid die gebou of ander werk laat voldoen aan die bepalings van die skema en alle uitgawes in verband daarmee aangegaan, op so iemand verhaal.

Betreding en ondersoek

39. (1) 'n Persoon in diens van die plaaslike owerheid kan te alle redelike tye enige grond of gebou oetree om sodanige ondersoek in te stel as wat nodig is vir die toepassing van hierdie regulasies of 'n skema.
- (2) Niemand mag 'n persoon in subregulasie (1) bedoel, in die uitvoering van sy pligte hinder of belemmer of enige hindernis of belemmering vir sodanige persoon veroorsaak of toelaat nie.

Betekening van kennisgewings

40. 'n Kennisgewing waarvan die betekening ingevolge hierdie regulasies of 'n skema vereis of gemagtig word, beteken kan word deur
- (a) die kennisgewing persoonlik aan die persoon of sy behoorlik gemagtigde verteenwoordiger te gee;
 - (b) 'n geregistreerde brief wat die kennisgewing bevat, behoorlik te adresseer, gereed te maak en te pos.

HOOFSTUK XII ALGEMENE BEPALINGS

Gelde

41. Die Minister kan van tyd tot tyd die bedrag bepaal van enige gelde betaalbaar ingevolge hierdie regulasies.

Titel

42. Hierdie regulasies heet die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994.

BYLAE A

AANGELEENTHEDE WAT IN AG GENEEM MOET WORD BY DIE VOORBEREIDING VAN 'N SKEMA

1. Die behoefte om ekonomiese groei, handel en algemene welvaart te bevorder.
2. Strate, met besondere verwysing na -
 - (a) hul helling, breedte en kruisings met ander strate;
 - (b) die omvang en aard van die verkeer wat op die strate verwag kan word;
 - (c) maatreëls om die veiligheid van die publiek en voldoende sigbaarheid by straatkruisings te verseker;
 - (d) die vraag of hulle bestem is of hoofsaaklik gebruik sal word vir hoof- en deurverkeer, sekondere of plaaslike verkeer, toegang tot wonings, boulevards of wandellane;
 - (e) die verbetering van kommunikasie of die verkryging van beter geriewe vir munisipale of openbare doeleindes deur -
 - (i) die verlegging, verbreding, vernouing of tydelike of permanente sluiting van enige straat;
 - (ii) die aanleg van nuwe strate;
 - (iii) die voorsiening van parkeergeriewe; en
 - (iv) die voorsiening van fietsbane;
 - (f) die afskuinsing van hoeke by die kruising van strate en boubeperkings langs strate;
 - (g) die beheer van en verbod op toegang tot en van strate;
 - (h) die aanplanting en beskerming van bome, struik of plante en die voorsiening van ander werke daarop bereken om die voorkoms van strate te verbeter;
 - (i) die raadsaamheid daarvan om strate aan te lê aan beide kante van enige hoofweg, spoorlyn, tremlyn, rivier of waterloop wat oor die gebied gaan;
 - (j) die behoeftes van voetgangers, in die besonder kinders, en hulle bewegings;
 - (k) oorskryding van strate.
3. Verligting en watervoorsiening.
4. Riolering, dreinering en wegdoen van rioolvuil.
5. Die uithou van grond vir nuwe strate of die verbreding of ander verbetering van bestaande strate of vir doeleindes van ontspanning of vir parke of ander oop ruimtes, lughawens, die parkering van motorvoertuie en ander aangeleenthede van 'n openbare aard.
6. Die uithou van grond vir regerings- en munisipale doeleindes van 'n openbare aard.
7. Die afbakening of sonering van gebiede wat uitsluitlik of hoofsaaklik gebruik word vir residensiële, besigheids-, industriële, landbou- en ander gespesifiseerde doeleindes.
8. Die grootte en afmetings van erwe.
9. Die hoeveelheid erwe wat afgesonder moet word en die verandering van bestaande erwe met die oog op die verbetering in die ontwerp of uitleg van enige gedeelte van die gebied.
10. Geboue, met inbegrip van -
 - (a) die voorgeskrewe ruimte rondom geboue;
 - (b) die beperking van die aantal geboue;
 - (c) die regulering van die grootte, hoogte, ontwerp en uiterlike voorkoms van geboue;
 - (d) die optê van beperkings op die wyse waarop geboue gebruik mag word;
 - (e) die verbod op boubedrywighede of die regulering van sodanige bedrywighede ten opsigte van ander aangeleenthede as dié gespesifiseer in hierdie item.
11. Openbare oop ruimtes, insluitende -
 - (a) die oprigting van geboue en ander strukture;
 - (b) die tydelike of permanente sluiting van openbare oop ruimtes.
12. Die geskiktheid van advertensies in openbare plekke of binne die oog van die publiek met betrekking tot hul omgewing.
13. Die bewaring van -
 - (a) geboue, of ander voorwerpe van argitektoniese, historiese of artistieke belang;
 - (b) plekke van natuurlike belang of skoonheid.

BYLAE B

SKEMAKLOUSULES

Indeling van klousules

1. Die indeling van die klousules is soos volg:
 1. Indeling van klousules;
 2. Woordomskrywing;
 3. Gebruiksones;
 4. Uitgebreide residensiële gebruik;
 5. Boulyne;
 6. Getal wooneenhede;
 7. Getal verdiepings;
 8. Dekking;
 9. Parkering en laai;

10. Toegang

Woordomskrywing

2. Tensy uit die samehang anders blyk, beteken -

"besigheidsdoeleindes" die gebruik van 'n gebou of grond vir 'n kantoor (insluitende professionele kamers, mediese spreekkamers, banke of bouverenigings, winkels, uitstallokale, pakhuis, restaurante of ander geboue vir besigheids- of kommersiële doeleindes, maar uitgesonderd 'n plek van onderrig, openbare garage, nywerheid, hinderlike nywerheid, bouerswerf of skrootwerf);

"boulyn" 'n lyn gedefinieer ten opsigte van 'n grens van 'n erf en wat 'n gebied uitmaak tussen sodanige lyn en grens waarbinne bouwerk beperk word soos in klousule 5 bepaal;

"dekking" die oppervlakte van 'n erf of perseel wat deur geboue gedek word, gemeet oor die buitemure, vertikaal van bo af beskou en uitgedruk as 'n persentasie van die oppervlakte van die grond;

"diensbedryf" 'n gebou vir 'n bedryf wat omsien na die plaaslike klant, en sluit in 'n konstruksiewerf, wassery, bakkery, droogskoonmaker of ander gebruik wat uitgevoer kan word in 'n residensiële gebied sonder om ander persele te benadeel as gevolg van lawaai, vibrasie, gasse, rook of reuke;

"gebou" ook-

- (a) 'n struktuur van enige aard;
- (b) 'n gedeelte van 'n gebou;

"gemeenskapsaal" 'n gebou wat ontwerp is vir gebruik of hoofsaaklik gebruik word vir sosiale byeenkomste, samekomste of vergaderings of vir ontspanningsdoeleindes;

"gereserveerde gebied" 'n area op die skemakaart getoon waarin die spesifieke regte, verpligtinge en beperkinge wat opgelê is op die gebruik van grond of die oprigting of gebruik van geboue, onderhewig aan vergoeding soos in regulasie 18(5)(b) bedoel;

"grondverdieping" 'n gebou -

- (a) op die grondvlak; en
- (b) met sy ingang direk toeganklik van sy grondvlak deur middel van 'n oloop, trap of soortgelyke struktuur;

"hinderlike nywerheid" 'n nywerheid of bedryf wat as gevolg van geraas of afvalstowwe gevaarlik of skadelik vir die gesondheid en welstand van die breet publiek is, maar nie beperk nie tot -

- (a) die smelt van erts en minerale;
- (b) die maak van swaekleurmiddels;
- (c) die sintering van swaeldraende stowwe;

"inrigting" 'n gebou wat ontwerp is of hoofsaaklik gebruik word as liefdadigheidsinrigting, hospitaal, verpleeginrigting, sanatorium, kliniek of ander inrigting, hetsy openbaar of privaat;

"landboudoeleindes" doeleindes wat normaalweg verbonde is aan of redelik nodig is in verband met die gebruik van grond en geboue vir landboudoeleindes en sluit dit wooneenheide nodig vir en verbonde aan die *bona fide*-landbougebruik van die eiendom in;

"nywerheid" gebruik van 'n gebou of grond vir die vervaardiging, montering of prosessering van 'n produk of die opbreek van 'n produk of grondstof, maar uitgesonderd 'n hinderlike nywerheid;

"okkupeerder" 'n persoon wat 'n gebou of grond werklik okkupeer, sonder verwysing na die titel waarkragtens hy dit okkupeer;

"openbare garage" 'n gebou wat ontwerp is of grond wat hoofsaaklik gebruik word vir die onderhoud, herstel, brandstofverskaffing aan motorvoertuie, en vir aanverwante doeleindes;

"openbare oop ruimte" grond as openbare oop ruimte gesoneer vir gebruik deur die publiek as 'n oop ruimte, park, tuin, speelterrein, ontspanningsterrein of plein;

"parkeergebied" 'n gebou of grond of deel daarvan wat vir die parkering van motorvoertuie gebruik word;

"plek van onderrig" grond wat gebruik word of 'n gebou wat ontwerp is en hoofsaaklik gebruik word as 'n skool, tegniese kollege, lesingsaal, instituut of ander opvoedkundige sentrum, kleuterskool, klooster, abdy, openbare biblioteek, kunsgalery, museum, gimnasium of soortgelyk sentrum;

"plek van openbare godsdiensoefening" 'n plek wat ontwerp is vir gebruik, of hoofsaaklik gebruik word, as 'n kerk, kapel, bidvertrek, bedehuis, ander plek van openbare godsdiensoefening of godsdiensoonderrig, en 'n inrigting op dieselfde terrein as en verbonde aan sodanige gebou wat bedoel is om vir gesellige verkeer en ontspanning gebruik te word, maar nie 'n begrafniskapel nie;

"regulasies" die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994;

"restaurant" 'n gebou wat ontwerp is of gebruik word vir die voorbereiding, bediening en verbruik op die perseel van kos of vloeibare verversings;

"sone" 'n gebied op die skemakaart getoon waarin spesifieke regte, verpligtinge en beperkings opgelê is ten opsigte van die gebruik van die grond of die oprigting of gebruik van geboue, sonder vergoeding soos bepaal in regulasie 18(4);

"spesiale doel" 'n ander gebruik as 'n gebruik wat in hierdie klousules vermeld word;

"vloeroppervlakte" vloeroppervlakte geskik vir bewoning deur 'n huurder gemeet vanaf -

- (a) die buitekant van 'n buitemuur; en
- (b) die middel van 'n skeidsmuur;

"winkel" grond gebruik of 'n gebou wat ontwerp is vir gebruik of hoofsaaklik gebruik word vir die doel om kleinhandel te dryf, en ook 'n bygaande gebruik op dieselfde eiendom wat ondergeskik is aan die kleinhandel, byvoorbeeld opberging en verpakking;

"wooneenheid" 'n onderling verbinde stel kamers ontwerp vir menslike bewoning, wat 'n kombuis of opwasplek kan insluit, ongeag of sodanige wooneenheid -

- (a) deel uitmaak van 'n enkele gebou; of
- (b) deel uitmaak van 'n gebou bevattende -
 - (i) meer as een wooneenheid;
 - (ii) kamers of stel kamers wat gebruik word vir ander doeleindes buiten bloot residensiële doeleindes.
- (2) 'n Woord waaraan in die regulasies 'n betekenis geheg is, het daardie betekenis.

Gebruiksone en gereserveerde gebiede

3. (1) Grond mag gebruik word en 'n gebou mag opgerig en gebruik word in 'n gebruikstone of gereserveerde gebied waarna verwys word in kolom (1) van Tabel A slegs vir die doeleindes gespesifiseer vir daardie sone in kolom (2) en (3) van Tabel A.

- (2) Grond kan gebruik word of 'n gebou kan opgerig en gebruik word vir 'n doel in kolom (3) van Tabel A gespesifiseer slegs met toestemming.
- (3) Wanneer die plaaslike owerheid 'n aansoek bedoel in subklousule (2) oorweeg, neem hy in aanmerking -
- (a) die vraag of sodanige gebruik of gebou waarskynlik nadeel aan die aantreklikheid van die gebied sal veroorsaak, insluitende 'n verkeerstoename, parkeerprobleme, die uitlaat van rook of die veroorsaking van geraas;
- (b) enige ander relevante faktor.
- (4) Indien die regte verkry kragtens 'n toestemming in subklousule (3) bedoel, nie uitgeoefen word binne 'n tydperk van vyf jaar na die verlening daarvan nie, mag die owerheid die voorwaardes ingevolge waarvan die toestemming verleen is, verander.

TABEL A

Let wel: Klousule 2 (Woordoms krywing) gee 'n uitgebreide betekenis aan baie van die gebruike in hierdie Tabel vermeld.

(1)

< *Kolom 1* >

Gebruiksone

< *Kolom 2* -

Doeleindes waarvoor geboue opgerig en gebruik kan word of waarvoor die grond gebruik kan word (primêre gebruike)

< *Kolom 3* >

Doeleindes waarvoor geboue opgerig en gebruik kan word of waarvoor die grond gebruik kan word slegs met toestemming van die plaaslike owerheid (toestemmingsgebruike)

< *Kolom 4* >

Doeleindes waarvoor gebou nie opgerig en gebruik mag word nie en waarvoor grond nie gebruik mag word nie sonder hersonering na aansoek by Sekretaris

GEBRUIKSONES

< *Kolom 1* >

I:

Residensieel

< *Kolom 2* >

Wooneenhede

< *Kolom 3* >

Diensbedryf, plekke van openbare godsdiensoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings, mediese kamers, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

II:

Besigheid

< *Kolom 2* >

Besigheidsdoeleindes, wooneenhede, plekke van openbare godsdiensoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings

< *Kolom 3* >

Gebruike nie in kolom (2) en (4) nie

< *Kolom 4* >

Hinderlike nywerhede

< *Kolom 1* >

III:

Nywerheid

< *Kolom 2* >

Nywerheid, besigheidsdoeleindes, openbare garages, skrootwerwe, parkeergebiede

< *Kolom 3* >

Hinderlike nywerhede, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

IV:

Spesiaal

< *Kolom 2* >

Gebruik getoon in 'n bylae

< *Kolom 3* >

Gebruik getoon in 'n bylae

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

GERESERVEERDE GEBIEDE

< *Kolom 1* >

V:

Gemeenskapsgeriewe

< *Kolom 2* >

Plek van openbare godsdienstbeoefening, plekke van onderrig, gemeenskapsale, sport- en ontspanningsdoeleindes, inrigtings

< *Kolom 3* >

Wooneenhede, parkeerareas, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

VI:

Openbare oop ruimte

< *Kolom 2* >

Parke, sport- en ontspanningsdoeleindes en geboue gebruik in verband daarmee

< *Kolom 3* >

Parkeerareas, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

VII:

Munisipaal

< *Kolom 2* >

Munisipale doeleindes

< *Kolom 3* >

Wooneenhede, regeeringsdoeleindes, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

VIII:

Parkering

< *Kolom 2* >

Parkeerareas

< *Kolom 3* >

Gebruik nie in kolom (2) of (4) nie

< *Kolom 4* >

Hinderlike nywerhede

< *Kolom 1* >

IX:

Regerings

< *Kolom 2* >

Regeringsdoeleindes, spoorwegdoeleindes

< *Kolom 3* >

Wooneenhede, munisipale doeleindes, spesiale doeleindes

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

< *Kolom 1* >

X:

Pad

< *Kolom 2* >

Openbare deurgang

< *Kolom 3* >

Parkering, markte

< *Kolom 4* >

Gebruik nie in kolom (2) of (3) nie

Uitgebreide residensiële gebruik

4. (1) Behoudens subklousule (2) en (3) kan 'n erf wat vir residensiële doeleindes gebruik word, ook gebruik word vir -
- (a) enige sosiale en godsdienbedrywighede;
 - (b) die beoefening van enige beroep, insluitende die lewering van dienste; en
 - (c) enige beroepe en ambagte, insluitende kleinhandel.
- (2) Die oorheersende gebruik van 'n erf in subklousule (1) bedoel, bly residensiël.
- (3) Geen bedrywighede, beroep, profesie of ambag in subklousule (1) bedoel, mag -
- (a) hinderlik of aanstootlik wees nie;
 - (b) met die aantreklikheid van die buurt inmeng nie.

Boulyne

5. (1) Behoudens subklousules (2) en (3) word die boulyn wat op die erf van toepassing is, in Tabel B getoon.
- (2) Die plaaslike owerheid kan benewens 'n boulyn in subklousule (1) bedoel, 'n boulyn opleë wat 'n bepaalde afstand van 'n straatgrens van 'n erf is, indien ingenieursdienste geïnstalleer is in die boubeperkingsgebied wat deur sodanige opgelegde lyn bepaal word.
- (3) Daar mag geen boulyn tussen aangrensende geboue wees nie.

- (4) Behoudens subklousule (5), mag geen gebou, uitgesonderd grensheinings, tuinmure of heinings, pergolas, tuinversierings, of tydelike geboue wat in verband met boubedrywighede vereis word, tussen 'n boulyn en sy aanverwante grens opgerig word nie.
- (5) Die plaaslike owerheid kan toestemming verleen tot die oprigting van 'n gebou in die betrokke boubeperringsgebied.
- (6) 'n Toestemming in subklousule (5) bedoei, kan geldig wees vir -
 - (a) die bestaansduur van die gebou; of
 - (b) enige korter of langer tydperke deur die plaaslike owerheid bepaal, insluitende 'n tydperk *ad infinitum*.
- (7) Die plaaslike owerheid neem by oorweging van 'n aansoek om toestemming in subklousule (5) bedoei, in aanmerking -
 - (a) die moontlikheid van toekomstige straatverbetering;
 - (b) die helling van die grond;
 - (c) die ligging van ander geboue;
 - (d) die rangskikking van die geboue op die erf;
 - (e) enige ander tersaaklike faktor.

**TABEL B
BOULYNE**

Doeleindes waarvoor gebou opgerig en gebruik word	Ligging op erf van boubeperringsgebiede	Minimum afstand tussen boulyn en erfrens
Piek van onderrig, plekke van openbare godsdiensoefening, gemeenskapsale, sport- en ontspanningsdoeleindes inrigtings	Agterkant en albei sykkante	3 meter
Alle ander gebruikte	Agterkant en een sykant	1 meter

Getal wooneenhede

6. Die getal wooneenhede wat op 'n eiendom opgerig mag word, word slegs deur die hoogte- en dekkingsbepalings van die skema beperk.

Getal verdiepings

7. (1) Behoudens die bepaling van subklousule (3) mag geen gebou opgerig word wat meer as drie verdiepings, uitgesonderd 'n kelderverdieping, bevat nie.
- (2) 'n Gebou word geag net een grondverdieping te hê.
- (3) Die plaaslike owerheid kan toestemming verleen vir 'n gebou wat verdiepings bykomend by dié toegelaat, by subklousule (1), bevat.
- (4) By oorweging van 'n aansoek in subklousule (3) bedoei, neem die plaaslike owerheid in aanmerking -
 - (a) die invloed op die omliggende gebied, insluitende moontlike versperring van uitsig, oorskaduwing of breek van die natuurlike horison;
 - (b) enige ander tersaaklike faktor.
- (5) Die plaaslike owerheid kan, behoudens 'n voorwaarde wat 'n boulyn of dekkingsvereiste opleë anders as in hierdie klousules bepaal, toestemming in subklousule (3) bedoei, verleen.

Dekking

8. (1) Behoudens subklousule (2) mag geen gebou, insluitende 'n kelderverdieping, opgerig word sodat dit 'n groter deel van die erf beslaan as die maksimum toelaatbare dekking bepaal vir die doel waarvoor sodanige gebou opgerig of gebruik mag word in Tabel C getoon.
- (2) Die plaaslike owerheid kan toestemming verleen tot 'n vermeerdering van dekking wat die maksimum toegelaat ingevolge subklousule (1) oorskry.
- (3) By oorweging van 'n aansoek in subklousule (2), bedoei, neem die plaaslike owerheid in aanmerking -
 - (a) moontlike toekomstige padverbetering;
 - (b) die ligging van noodsaaklike dienste;
 - (c) enige ander tersaaklike faktor.

**TABEL C
DEKKING**

Doel waarvoor gebou opgerig en gebruik kan word	Dekking
Wooneenhede, plekke van onderrig, plekke van openbare godsdiensoefening, gemeenskapsale, sport- en ontspanningsdoeleindes	60%
Alle ander doeleindes	80%

Parkering en laai

9. (1) Die parkeer- en laairuimtes wat voorsien moet word, moet -
- (a) behoudens subklousule (2), wees soos gespesifiseer in Tabel B;
 - (b) 'n oppervlak hê verhard tot bevrediging van die plaaslike owerheid.
- (2) Die owerheid kan toestemming verleen tot die voorsiening van minder ruimtes as gespesifiseer in subklousule (1).
- (3) By die oorweging van 'n aansoek in subklousule (2) bedoel, neem die plaaslike owerheid in aanmerking -
- (a) die moontlikheid dat 'n vermindering in parkeerruimtevoorsiening die aantreklikheid van die gebied kan benadeel, insluitende groter verkeers- en parkeerprobleme;
 - (b) enige ander relevante faktor.
- (4) Die plaaslike owerheid kan as alternatief vir die voorsiening van parkeerruimtes op 'n erf, toestemming verleen tot die voorsiening van die vereiste getal parkeerruimtes êrens anders as op die betrokke erf.

**TABEL D
PARKERING**

<*Kolom 1*>

Gebruik

<*Kolom 2*>

Erfgrootte

<*Kolom 3*>

Minimum parkeervereistes

<*Kolom 4*>

Minimum laaivereistes

<*Kolom 1*>

(i) Meer as een wooneenheid

<*Kolom 2*>

<*Kolom 3*>

Een ruimte per twee wooneenhede

<*Kolom 4*>

<*Kolom 1*>

Winkels, banke, bouverenigings, mediese spreekkamers en restaurante

<*Kolom 2*>

- (a) Minder as 500 vierkante meter
- (b) 500 vierkante meter tot 2 999 vierkante meter
- (c) 3 000 vierkante meter en meer

<*Kolom 3*>

- (a) Nul
- (b) 3 ruimtes per 100 vierkante meter van die vloeroppervlakte
- (c) 4 ruimtes per 100 vierkante meter van die vloeroppervlakte

<*Kolom 4*>

- (b) 1 ruimte per 1 000 vierkante meter van die vloeroppervlakte
- (c) 1 ruimte per 1 000 vierkante meter van die vloeroppervlakte

<*Kolom 1*>

(iii)

Besigheidsdoeleindes uitgesonderd dié waarop (ii) van toepassing is

< *Kolom 2* >

< *Kolom 3* >

2 ruimtes per duisend vierkante meter van die vloeroppervlakte

< *Kolom 4* > "

< *Kolom 1* >

(iv) Nywerheid

< *Kolom 2* >

< *Kolom 3* >

1 ruimte per 100 vierkante meter van die vloeroppervlakte

< *Kolom 4* >

1 ruimte per 1 000 vierkante meter van die vloeroppervlakte

< *Kolom 1* >

(v) Gemeenskapsale, sport- en ontspanningsdoeleindes, plekke van openbare godsdiensoefening

< *Kolom 2* >

< *Kolom 3* >

1 ruimte per 10 sitplekke of per 100 vierkante meter van die vloeroppervlakte, na gelang van welke die grootste is

< *Kolom 4* >

Toegang

10. (1) Behoudens subklousule (2) mag daar geen toegang tussen 'n erf en 'n openbare straat of pad oor 'n grenslyn wees waar sodanige toegang verbied is nie.
- (2) Die plaaslike owerheid kan toestemming verleen tot 'n opheffing van 'n toegangsbeperking.
- (3) By oorweging van 'n aansoek om toestemming tot toegang neem die plaaslike owerheid in aanmerking -
 - (a) onredelike inmenging by die ontwikkeling van die erf deur die toegangsbeperking;
 - (b) enige ander tersaaklike faktor.
- (4) Die plaaslike owerheid verleen nie toestemming tot opheffing van 'n toegangsbeperking tussen 'n erf en 'n provinsiale of nasionale pad sonder goedkeuring van die betrokke beherende gesag nie.
- (5) 'n Lyn van geen toegang word op die kaart getoon.

BYLAE C
VORMS
BYLAE 1
KENNISGEWING VAN SKEMA
[regulasie 16(1)(b)]

Ek, die Sekretaris van Binnelandse Sake, het kragtens regulasie 14 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994, 'n dorpsbeplanningskema voorberei wat bekend staan as

Hierdie skema is 'n wysiging-*/uitbreiding*-skema wat die volgende voorstelle bevat:

.....

(Gee 'n duidelike aanduiding van alle voorstelle en geaffekteerde erwe en 'n opsomming van bestaande sonering en van die voorgestelde sonering en die uitwerking daarvan.)

Indien u verdere inligting verlang, nader asseblief die Sekretaris van Binnelandse Sake,
(adres).

Indien u 'n beswaar wil indien of verhoë wil rig, moet u dit skriftelik doen en dit by die adres vermeld in (a), (b) of (c) indien voor.....

Verwysingsnommer Datum Sekretaris van Binnelandse Sake

* Skrap wat nie van toepassing is nie

BYLAE 2
AANSOEK OM WYSIGING
[regulasie 21(1)]

Aan: Die Sekretaris
Departement van Binnelandse Sake

Ek, die ondergetekende, die eienaar van die grond
hierin beskryf/die verteenwoordiger van die
buurtliggaam*, doen hiermee aansoek kragtens regulasie 22 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1990, om die
Dorpsbeplanningskema wat huidiglik in werking is, te wysig.

Ek kof die volgende besonderhede:

- 1 + Titellaktebeskrywing van die grond
+ Titellaktenommer
2. \$ Volle naam van eienaar/(s)* van die grond
Residensiële adres
+ Posadres
3 Die grond is met 'n verband beswaar/ is nie met 'n verband beswaar nie*:
Verbandakte No. ten gunste van
Verbandakte No. ten gunste van
4 Die grond is geleë binne die owerheidsgebied van
5 Die bestaande sonering is
6. \$ Die bestaande ontwikkeling/(s) op die grond is
7. Die voorgestelde wysiging is

Table with 4 columns: Question, JA, NEE, NVT. Rows include: Ek sluit die volgende in, + Afskrif van titellakte, Toestemming van verbandhouer, Motiveringsverslag, Ander.

Datum Eienaar/ Buurtliggaam/ Gemagtigde verteenwoordiger* (Meld indien geteken namens 'n buurtliggaam); (Indien 'n getroude vrou, moet sy bygestaan word deur haar eggenoot, tensy maritale mag uitgesluit is of sy as verteenwoordiger optree)

- * Skrap wat nie van toepassing is nie
+ Nie nodig vir aansoek deur buurtliggaam nie
\$ Kan in 'n bylae vervat wees in geval deur 'n aansoek deur buurtliggaam

BYLAE 3
KENNISGEWING VAN AANSOEK OM WYSIGING
[regulasie 22(1)(b) en 22(2)]

Neem kennis dat (meld volle name van eienaar/ buurtliggaam) by die Sekretaris van Binnelandse Sake aansoek gedoen het kragtens regulasie 22 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994, vir 'n gespesifiseerde wysiging van die

Die aansoek bevat die volgende voorstelle:

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

(Gee 'n duidelike aanduiding van alle voorstelle en geaffekteerde erwe en 'n opsomming van bestaande skemabepalings en van die voorgestelde wysiging en die uitwerking daarvan.)

Indien u verdere inligting verlang, nader asseblief die Sekretaris van Binnelandse Sake,

..... (ad. 35).

Indien u 'n beswaar wil indien of vertoë wil rig, moet u dit skriftelik doen en indien by die Sekretaris by die adres vermeld voor

.....
.....

Nadat die Sekretaris alle besware en vertoë van belanghebbende persone oorweeg het, sal hy tot 'n besluit kom oor die wysiging en elke sodanige persoon in kennis stel, wat, indien hy gegrief sou wees deur daardie besluit, die reg sou hê om te appelleer ingevolge regulasie 35(e) en 36 by die Beplanningskomitee vir KwaZulu-grondsake.

Verwysingsnommer	Datum	Sekretaris van Binnelandse Sake/ Eienaar/ Buurtliggaam/ Gemagtigde verteenwoordiger* (Meld indien geteken namens 'n buurtliggaam); (Indien 'n getroude vrou, moet sy bygestaan word deur haar eggenoot, tensy maritale mag uitgesluit is of sy as verteenwoordiger optree)
------------------------	-------------	--

* Skrap indien nie van toepassing nie

BYLAE 4
AANSOEK OM TOESTEMMING
[regulasie 28]

Aan:
(naam en adres van owerheid)

Ek, die ondergetekende, die eienaar van die grond hierin beskryf, doen hiermee aansoek kragtens regulasie 28 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994, vir toestemming ten opsigte van grond/ 'n gebou* waarop die Dorpsbeplanningskema van toepassing is.

Ek verskaf die volgende besonderhede:

1. Titellaktebeskrywing van die grond
Titellaktenommer
2. Volle naam van eienaar van die grond
Posadres
.....
Residensiële adres

-
3. Die grond is met 'n verband beswaar/ is nie met 'n verband beswaar nie*:
 Verbandakte No. ten gunste van
 Verbandakte No. ten gunste van
4. Die grond is geleë binne die owerheidsgebied van.....
5. Die bestaande sonering is.....
6. Die bestaande ontwikkeling op die grond is.....
 (Mag vervat wees in bylae.)
7. Die voorgestelde toestemming is vir

(Gee 'n duidelike aanduiding van die voorgestelde gebruik van die grond, oprigting en gebruik van die voorgestelde gebou of konsolidasie.)

8. Ek sluit die volgende in	JA	NEE	NVT
Afskrif van titelakte
Toestemming van verbandhouer
Motiveringsverslag
Ander
Aansoekgelde

Datum

Eienaar/ Buurtliggaam/ Gemagtigde verteenwoordiger* (Meld indien geteken namens 'n buurtliggaam); (Indien 'n getroude vrou, moet sy bygestaan word deur haar eggenoot, tensy maritale mag uitgesluit is of sy as verteenwoordiger optree)

* Skrap wat nie van toepassing is nie

BYLAE 5
KENNISGEWING VAN AANSOEK OM TOESTEMMING
 [regulasie 30(1)]

Neem kennis dat (meld volle name van eienaar) aansoek gedoen het by die + kragtens regulasie 33 van die KwaZulu-Regulasies oor Grondsake (Dorpsbeplanning), 1994 vir 'n toestemming ten opsigte van grond/ 'n gebou waarop die Dorpsbeplanningskema van toepassing is.

Die voorgestelde toestemming is vir:

(Gee 'n duidelike aanduiding van die geaffekteerde eiendom en die bestaande sonering daarvan, en van die voorgestelde gebruik van die grond of oprigting of gebruik van die voorgestelde gebou.)

Indien u verdere inligting verlang, nader asseblief.....

 (naam en adres van owerheid)

Indien u 'n beswaar wil indien of versoë wil rig, moet u dit skriftelik doen en indien by die plaaslike owerheid by die vermelde adres voor

Verwysingsnommer

Datum

Sekretaris van Binnelandse Sake/ Eienaar/
Buurtliggaam/ Gemagtigde verteenwoordiger*
(Meld indien geteken namens 'n buurtliggaam);
(Indien 'n getroude vrou, moet sy bygestaan word
deur haar eggenoot, tensy maritale mag uilgesluit
is of sy as verteenwoordiger optree)

- + Voeg plaaslike owerheid in
- Skrap indien nie van toepassing

IZIMEMEZELO

ISAZISO KWABAMEMEZELOYO NABAKHOKHAYO IMALI

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

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

(b) Ezinye izimemezelo: ngolwimi:-

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

isentimitha.

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

isentimitha.

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

isentimitha.

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

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

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeka kwamagama athile noma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

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

IZICELO ZAMALAYISENSE OPHUZO

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

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

ADVERTISEMENTS

NOTICE TO ADVERTISERS AND SUBSCRIBERS

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

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

(b) Other advertisements per language:-

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

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

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

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

ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

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

LIQUOR LICENCE APPLICATIONS

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

Communications to be addressed to: -

The Secretary for Interior, Private Bag X02, Ulundi 3838

ADVERTENSIES

KENNISGEWING AAN ADVERTEERDERS EN INTEKENAARS

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

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

(b) Ander advertensies per taal:

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

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

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

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

ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

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

AANSOEK OM DRANKLISENSIES

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

Mededelings moet gerig word aan: -

**Die Sekretaris van Binnelandse Sake,
Privaatsaak X02 Ulundi 3838**