

OFFICIAL GAZETTE



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DEPARTMENT OF  
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DEPARTEMENT VAN  
DIE HOOFMINISTER

ISAZISO SIKAHULUMENI WAKWAZULU ESIWUNOMBOLO NO. 34 SIKA 1994

IMITHETHO-NQUBO ELAWULA AMAKHOSI NEZIPHAKANYISWA (EMAYELANA NOKUPHATHWA KANYE NOKWENGANYELWA KWA-MALOKISHI)

Mina, Mangosuthu Gatsha Buthelezi, onguNdunankulu kuHulumeni waKwaZulu, ngegunya lomthetho ongu-Section 36, okuyiwona olawula Amakhosi neziPhakanyiswa, owashicilelwa ngonyaka ka 1990 (Act 9 of 1990), ngethula lemithetho-nqubo njengoba ibekwe yachazwa kuloluhlelo.

M.G. BUTHELEZI  
UNDUNANKULU

ISAHLUKO 1

ISENDLALELO

Izincazelo

1. Kulemitheshwana, ngaphandle uma ingqikithi isho okunye -

Igama elithi "Umthetho" (Act) lisho umthetho owashaywa uHulumeni wakwa-Zulu olawula Amakhosi neziPhakanyiswa njengalokhu ushicilelwe kusomqulu njengoMthetho 9 ka 1990

"indawo engakhonjiwe" (commonage) kusho leyondawana esedolobheni labamnyama engakhonjiwe njengendawo okungakhiwa kuyo, futhi okungekona ukuthi seyabekwa nganxanye njengendawo yomphakathi. Yindawo engesona isitaladi, umgwaqo noma indlediana yokudabula;

"ubuninimhlaba" (deed of grant) kusho ilungelo lobunini mhlaba elanikezwa kumbe elinikezwa njengaloku kugunyaza umtheshwana 5 (2) wesahluko sesi-2;

"ihhovisi lobuninimhlaba" (deeds registry) lisho mayelana nokubhalisa kobuninimhlaba;

"indawo yokuhlala" (dwelling) lokhu kudidiyela indlu kumbe igumbi, umkhukhu, iqhugwana noma ithende, indlu ezishaya samoto, nanoma yisiphi esinye isakhiwo noma indawo noma yini-ke nje enye umuntu anokuthi ahlale futhi alale kuyona;

"unjiniyela" (engineer) kushiwo unjiniyela oqashwe wuMnyango wezeMisebenzi;

"ukuhlelwa kwendawo" (general plan) kusho uhlelo lokwakhiwa kwedolobha labamnyama noma nanoma iyiphi enye ingxenye yalo njengokwemvume kaNgqongqoshe;

"uHulumeni" (government) kusho uHulumeni wakwaZulu;

"umnikezwa" (grantee) kusho umuntu onikezwe imvume yobuninimhlaba;

"umhloli wezempilo" (health inspector) kusho isikhulu esiqashwe wuMnyango Wezempilo ukuqikelela ukuthi imithetho ephathelene nezem-pilo iyagcinwa;

"imfuyo" (livestock) kubandakanya izinkomo, amahashi, izimbongolo, iminyuzi, izimvu, izimbuzi kanye nezingulube;

"imantshi" (magistrate) kubandakanya imantshi yokwengezelela noma isekela layo elikhethwe ngokoMthetho weziNkantolo ka 1944 (UMthetho 32 ka 1944)

"unsumpa" (manager) kushiwo umphathi oqokwe ngokwesigatshana (a) somtheshwana (1) emthethweni 1 wesahluko 2 omsebenzi wakhe ukuphatha idolobha labamnyama njengaloku kubalula le mithetho, lokhu kudidiyela nanoma yisiphi-ke esinye isikhulu esibambeke imenenja;

"uNgqongqoshe" (Minister) kusho uNgqongqoshe kuHulumeni wakwaZulu;

"isiqephu esinomniniso" (ownership unit) kusho indawo eselokishini enomnikaziyo obhalise ngokusemthethweni;

- (i) kungekho esinye isakhiwo ngaphandle kwesakhiwo esiyindlu yokuhlala umndeni esinezakhiwana ezixhume ngendlela eyejwayelekile esizokwakhiwa kuleso siza;
  - (ii) yileyo naleyondlu, isakhiwo, ikamelo langaphandle noma kungaba yisiphi-nje isakhiwo sakhiwe ngokwemvume kansumpa.
- (4) Ngemuva kokuba unsumpa esenelisiwe ukuthi izihlinzeko zesigatshana (3) zilandelise kanye nokuthi amapulani agunyazwe ngunjinyela, angabe esenikeza umcelimvume imvume yokwakha ngokwefomu ebalulwe oHlwini F lwale mtheshwana.
  - (5) Yileyo naleyo mvume yokwakha kufanele ichaze ngokusobala ukuthi sakhiwo sini noma kamelo lini langaphandle noma kungaba yisiphi-nje isakhiwo esinokwakhiwa kuleso siza. Akuvumelekile ukwakha noma yini enye eyisakhiwo ngaphandle kwemvume ebhalwe phansi kansumpa. Uma kwenzeka inkantolo ilahla noma ubani ngecala lokwephula umthetho osesigatshaneni (f) somthetho 28 okulesi sahluko, inelungelo lokwethasisela isigwebo esesikhishiwe ngokuthi iyale ukuba kudilizwe noma kususwe isakhiwo esingekho emthethweni, noma kungaba yikamelo langaphandle kumbe yinoma yisiphi-nje isakhiwo athweselwe sona icala.
  - (6) Akukho muntu ovunyelwe ukuxhuma kunoma yiyiphi indawo yokuhlala, kusakhiwo, noma kufenisi noma kuyikamelo langaphandle noma kwesinye-nje sezakhiwo impahla engatholanga imvume kansumpa kuqala, okuwuyena ozonikeza imvume enjalo njengempahla ebin-gakaze isetshenziswe, akwenze lokho emva kokwezenelisa ukuthi leyo mpahla eyezinga eliphezulu kanti futhi isesimweni esifanele.
  - (7) Unsumpa uyoqinisekisa ukuthi ukwakhiwa, noma ukuguqulwa noma ukwengezwa kwanoma yisiphi isakhiwo kuqashwe ngendlela efanele, futhi usenokuyala ukuba kudilizwe isakhiwo noma ingxenye yaso acabanga ukuthi asakhiwanga njengoba kubhalwe phansi noma ngokwemvume yesakhiwo lesa.
  - (8) Uma isakhiwo imvume yaso ebisitholakele singaqalwa ukwakhiwa ezinyangeni ezintathu noma singapheli ukwakhiwa eminyakeni emibili kusukela ngosuku imvume eyaphuma ngalo, leyo mvume inokuba ichithwe ngunsumpa ebese kuthi umnikaziyo esikhathini esiyonqunywa ngunsumpa, asuse noma yisiphi isakhiwo noma impahla okungeyakhe ekuleso siza esasesikhishelwe imvume. Ngaphandle uma unsumpa angase abone kunesizathu esizwakalayo sokuthi kwengezwe isikhathi, lesa sikhathi sesiyobonwa wuyena unsumpa ukuthi-sivumelana kangakanani nesimo esikhona.
  - (9) Umuntu onikezwe imvume yokwakha, kufanele ukuthi kuthi uma eseqedile ukwakha lesa sakhiwo, noma kumbe kade eguqula okuthile noma kumbe kade engeza okuthile, azise unsumpa ukuthi useqedile. Uma unsumpa esethole isaziso esinjalo uzothumela ukuba kuy-ohlolwa umsebenzi lowo, uma isakhiwo sivumelana nanjengoba kubekiwe kule mitheshwana, unsumpa usezobhala isiqinisekiso esi-fakazela lokho kuyona imvume yokwakha leyo. Lesa siqinisekiso kufanele senziwe kuyikhophi eyosala ehhovisi likansumpa. Ngokwenze njalo kuyobe kusho ukuthi leyo mvume eyayikhishiwe amandla ayo okugunyaza umniniyo imvume yokwakha asephelile.
  - (10) Akukho muntu ovunyelwe ukuhlala noma ukungena noma asebenzise isakhiwo ngaphambi kokuba imvume efanele isiqinisekisiwe nje galokhu kubalula umtheshwana (9) ongenhla.
  - (11) Kunganakwa izihlinzeko zemitheshwana (1), (3), (4), (5), (6), (10) kanye no (12), umninimhlaba usenokunikezwa imvume yokwakha isakhiwo sesikhashana kwelinye lamagumbi asesizeni anikezwe sona futhi ahlale kuso kanye nomndeni wakhe, kuhlinzekwe ukuthi lesa sakhiwo sesikhashana sizathathwa njengesingekho emthethweni futhi nezihlinzeko zomtheshwana ongenhla ziyakusebenza lapho nge-muva nje kokuba isakhiwo sempela kuleso siza esiqinisekisiwe ngokwezimiso zomtheshwana (9).
  - (12) Kunganakwa noma yini equkethwe yilo mtheshwana, umnikazi wanoma yisiphi isakhiwo esikhona okuzothi ngokubuka kukansumpa asi-bone singabukeki noma simafukufuku, noma ukwakhiwa kwaso kube kungagunyazwanga wuyena, unsumpa unokukhipha umbhalo oyala ukuba lesa sakhiwo sidilizwe kungakapheli izinsuku eziyishumi. Umuntu othweswe icala ngaphansi kwesigatshana somthetho (h) somtheshwana 27 walesi sahluko ngokwehluleka ukugcina isiyalelo esinjalo unokuyalelwa yinkantolo ukuba nangaphezu kwenhlawulo asecelwe ukuba ayikhiphe, asuse lesa sakhiwo esikhathini esinqunywe, okuyothi uma ehluleka umkhandlu kube yiwona owenza izaba zokususa lesa sakhiwo ebese kuthi izindleko zalokho zithweswe umninisakhiwo lesa.

## 12. Ukudalwa kwesikwenetu nookuthengwa komhlaba

- (1) Uma lowo obefake isicelo sobuninimhlaba engakhokhanga ngokugcwele noma uma kukhona isikwenetu noma imali ethize esilele edinga ukuba umkhandlu uyithole njengalokhu kugunyaza lemitheshwana, unobhala-jikelele unokukhipha umbhalo oyala ukuba isiphathimandla lesa esiphathelene nokubhalwa phansi kwabaninimhlaba ukuthi itayitela okubhalwe ngalo lowo muntu noma okuzobhalwa ngalo lowo muntu, abhale ukuthi akuzubakho nokhelo ekutholweni kwencwadi yobuninimhlaba uma inokutholakala ikhishwa ngokwalolu hlelo. Lo mbhalo usuzobhalwa kwikhophi ezosala ifayiliwe embhalweni wabaninimhlaba kanye nakuwo onke amabhuku amagama abanikazimhla-ba, ebese kuthi leyo mali esilele noma eyemali eyakhokhwa ngaphambili noma eyisikwenetu ikwazi ukutholakala.
- (2) Umbhalo okuyiwona okhomba indlela ezolandelwa kufanele uhambisane nencwadi esemthethweni yobuninimhlaba kanti kufuneka ubalule lokhu
  - (a) inombolo kanye nosuku lwencwadi yobuninimhlaba.
  - (b) igama lalowo ekhishelwe yena
  - (c) inani lobungako bemali noma imali ebolekwayo okufanele iqashelwe.
  - (d) inzalo ekhokhwayo kuleyo mali eyisikwenetu noma ebolekiwe.
  - (e) isamba kanye nenkathi yokukhokha ngamanconzunconzu okumele leyo mali yesikweletu ikhokhwe ngayo.
- (3) Ukwenziwa kombhalo ofana nalowo phezu kwencwadi yobuninimhlaba izodalwa isikweletu kuleyo nxenyana yomhlabathi elingana nalelo nani elikhonjiswe lapho kanye nenzalo yakhona, sekuyohlala kunanyathelise ndawonye ngisho noma incwadi yobuninimhlaba ingad-luliselwa komunye, isiyoba yisibopho nakulowo mniniyo omusha futhi kuyocatsangelwa yona kuqala ngisho kungathiwa kukhona ezinye izikweletu, ngaphandle uma ngabe bekuvele sekukhona ukubanjiswa ngaleyondawo imali yakhona eya kumuntu ongahambisani naleso sivumelwano esasesinqunywe ngaleso sikweletu.
- (4) Isikweletu esifana naleso sifanele sikhokhwe esikhathini futhi ngamanconzunconzu ayoshiwo uNobhala-jikelele: Kuhlinzekelwe ukuthi noma nanoma yimuphi umnini womhlaba isikweletu esiqondene nawo kungathi nganoma yisiphi isikhathi abuyise sonke isikweletu ngokuba akhokhe isamba esilingana naleso samba sesikweletu esingakhokhiwe kanye nanoma yiyiphi inzalo okumele ikhokhwe.
- (5) Uma kukhona ukusilela ngemuva ekukhokheni ngamanconzunconzu kwesikweletu kuze kube ngaphezu kwezinyanga ezintathu, uNobhala-jikelele angase anezezele kuzinyathelo ezingathathwa kulandelwa le mitheshwana, aphoqo umninimhlaba ukuba akhokhe leyo mali esilele ukuze kuqedelwe sonke isikweletu, kanti unokuphoqa ukuthi imali yonke ephelele ikhokhwe uma umninimhlaba ehlulekile ukufeza izimiso ezithile eziphathelele nemali leyo eyisibambiso kumbe eyabolekwa.
- (6) Noma yinini lapho uNobhala-jikelele elawula kanjalo, isiphathimandla esiqondene nokubhaliswa kwabaninimhlaba siyokuthi ngaso lesa sikhathi sesule noma yisiphi isikweletu kanye nalokho okugaxwe kuso okufanele ukuba kuqashelwe. Akukho mali eyokhokhwa ngalokho kwesula.

## Uthango lokubiya

### 13. (1) Akukho muntu ngaphandle komkhandlu ovunyelwe ukwenza lokhu -

- (a) ukwakha uthango noma atshele noma ubani omunye ukuba akhe uthango; noma
- (b) aguqule kumbe engeze umncele obuvela usukhona noma enze ukuba omunye umuntu aguqule kumbe engeze umncele;

edolobheni labamnyama ngaphandle kwemvume ebhalwe phansi eqhamuka kansumpa, okuyothi lapho esenikeza imvume abeke imibandela acabanga ukuthi kunesidingo ukuthi ibekhona ukuze aqinisekise ukuthi kubiywa kumbe kuguqulwe umngcele ngokufanele futhi angahle anqume isikhathi okufanele lokho kumisa noma ukuguqula kube sekuphethiwe ngaso.



- (2) Noma ubani obiyayo edolobheni labamnyama kufuneka aqinisekise ukuthi uthango aluphakeme ngaphezu kuka 122cm, aqinisekise futhi ukuthi izigxobo kanye nezinsimbi ezisetshenzisiwe azilwedluli uthango ngokuphakama, futhi kufanele kusetshenziswe uthango oluvunywe unsumpa futhi lwakhiwe ngendlela efanelekile lubonakale. Noma ubani-ke oyokwethweswa icala lokwephula isigatshana somtheshwana (1) ophathelene nokwakhiwa kothango, angase ayalwe yinkantolo ukuthi, nangaphezu kwenhlawulo leyo okufuneka ukuba ayikhiphe, kufanele asuse lolo thango aselwakhile esikhathini esiyobe siqunyiwe, uma ehluleka umkhandlu usuyokwenza izaba zokuthi uthango lolo lususwe ebese kuthi izindleko zalokho zithwalwe yilowo othweswe leli cala.
- (3) Umninimuzi walapho kunothango khona kodwa lube lungahambisani nezimiso zesigatshana somtheshwana (2) ongenhla, unokuthola umbhalo oqhamuka kunsumpa othi makalungise noma akhe kabusha noma asuse uthango olunjalo esikhathini esingaba yinyanga emva kokuba esethole umbhalo onjalo. Noma ubani-ke oyokwethweswa icala lokwephula isigatshana somthetho (j) emthethweni 28 walesi sahluko ngenxa yokwehluleka ukugcina umyalo, angase ayalwe yinkantolo ukuthi, nangaphezu kwenhlawulo leyo okufuneka ukuba ayikhiphe, kufanele asuse lolo thango aselwakhile esikhathini esiyobe siqunyiwe, uma ehluleka umkhandlu usuyokwenza izaba zokuthi uthango lolo lususwe ebese kuthi izindleko zalokho zithwalwe yilowo othweswe leli cala.

#### Ukusetshenziswa nokubhekwa kwamanzi

14. (1) Ngaphandle komuntu ogunyazwe ngokusemthethweni futhi naye ebe enza umsebenzi wakhe, akukho muntu ovunyelwe ukuxhuma noma enze ukuba kuxhunywe kumbe avumele ukuba kuxhunywe ngisho noma kungaba yikuphi-nje edolobheni labamnyama ipayipi kanye nezinto ezithile emapayipini asetshenziswa noma abekelwe ukuba asetshenziswe umkhandlu ekudluliseleni amanzi kuyimitha noma yini-nje esamshini onjalo, ngaphandle kwemvume ebhalwe phansi kansumpa, oyothi lapho enikeza ilungelo elinjalo abeke imibandela ethile acabanga ukuthi iyisidingo.
- (2) Noma yisiphi isisebenzi esigunyazwe ngokusemthethweni, ekubhekeleni lemitheshwana, kuzo zonke izikhathi ezifanelekile noma kuyisikhathi lapho kudaleke into engalindelwe, unelungelo lokungena kuleyo ndawo engazange abike ngaphambi kwesikhathi, afike ahlole noma enze noma yiluphi uphenyo angase alubone lunesidingo: Ngaphandle uma ngabe indawo enjalo kungavunyelwe muntu ukungena, lesi sisebenzi sesiyosho-ke injongo yalokho kuhlola noma lokho kuphenya.
- (3) Ngaphandle kwesisebenzi soMkhandlu weDolobha labomdabu esigunyaziwe akukho muntu ovunyelwe ukuxhuma utho lumbe epayipini elithumelayo noma ipayipi elixhumanisayo, ngaphandle uma ngabe ephethe umbhalo oqhamuka kunsumpa okuthi lapho enikeza leyomvume, anezelele nemibandela ayibona ifanelekile.
- (4) Ngaphandle kwesisebenzi soMkhandlu weLokishi esigunyaziwe, akukho muntu ovunyelwe ukuxhuma ipayipi lokusebenza lanoma yiluphi uhlobo, noma ithange, noma ithange lokulondoloza amanzi noma kungaba yinike-nje enye into yokulondoloza noma yokuhambisa amanzi ayixhume kumgudu osetshenziswa wumkhandlu ekuphakeleni amanzi.
- (5) Akufanele kubekhona umuntu othi ngenxa yesenzo sobudlabha noma sangabomu alimaze noma enze ukuba kulinyazwe noma yiluphi ipayipi elikhulu eliphakelayo, amapayipi asetshenziswayo noma okuhlelwe ukuthi asetshenziswe wumkhandlu ekuphakeleni amanzi noma amamitha kumbe okunye-nje kokusebenza okungokomkhandlu noma okusetshenziswa kumbe okuhlelwe ukuthi kuzosetshenziswa wumkhandlu okuphathelene nokuphakelwa kwamanzi.
- (6) Akukho muntu ovunyelwe ukuba enze nanoma yikuphi kwalokho okulandelayo -
- (a) ukugeza umzimba, noma ageze kumbe aphonse isilwane noma enze ukuba noma avumele ukuba kugezwe isilwane kumbe siphonswe ngaphakathi noma singene emfudlaneni, noma ichibi lokulondoloza amanzi, noma indawo edlulisa amanzi noma yiyiphi-nje enye indawo eqakethe amanzi angxenywe yawo noma onke asetshenziswa wumkhandlu noma angaphansi kokulawula noma ukuphatha komkhandlu ebe esetshenziselwa noma ephathelene nokuphakelwa kwamanzi adliwa umphakathi osedolobheni labamnyama;
- (b) ukuphonsela ukungcola, izibi, inkucunkucu noma yini-nje edala ukungahlanzeki emfudlaneni noma echibini lokulondoloza amanzi noma kuleyondawo esetshenziselwa ukuhamba amanzi noma kungaba yiyiphi-nje enye indawo noma awashe noma ahlanze noma acwilise noma yisiphi isidwedwe, noma uvolo, noma isikhumba sesilwane ngisho kungaba ngesaluhlobo luni, okokugqoka nokunye okunjalo;
- (c) ukwenza noma ukuvumela ukuba amanzi aphuma kusinki, epayipini lendle, epayipini elithutha amanzi angcolile, enjinini esebenza ngesitimu, ubhayela noma yimaphike-nje amanzi noma uketshezi okungahlanzekile uma ngabe kuwuyena obhekene nokusebenza kwawo uma eledwa kunoma yimuphi umfudlana noma ichibi lokulondoloza amanzi noma epayipini elikhulu elithumelayo noma indawo ehamba amanzi noma enye indawo noma enze noma yisiphi isenzo esidala ukuba amanzi omkhandlu asetshenziswa noma ahlelelwe ukusetshenziswa wumphakathi anukubezeke.
- (7) Akukho muntu ovunyelwe ukuba adale noma avume ukuba ipayipi elithwalayo lixhunywe endaweni yokulondoloza amanzi noma kuyiphi-nje indawo yokwamukela amanzi esetshenziswa noma okuhlelwe ukuba isetshenziselwe ukwamukela noma ekulondolozeni amanzi atholwe kunoma yimuphi-nje omunye umthombo ongewona umgudu othumelayo womkhandlu.
- (8) (a) UNobhala-jikelele unokunswinya ukuphakelwa kwamanzi kulo lonke idolobha labamnyama noma ingxenyana yalo kube yileso sikhathi ayosibona yena ukuthi manje selungayekwa unswinya. Unakho futhi ukuthi anqabele ukusetshenziswa kwamanzi ezintweni ezithize noma athi amanzi awasetshenziselwe izinto ezithile kuphela ayozibalula, kuye ngesimo sezinto, unakho futhi ukwenqabela ukusetshenziswa kwemishinyana yasengadini efafazayo, amathumbu okunisela kanye namabhakede.
- (b) Akukho muntu ovunyelwe ukusebenza amanzi ngezikhathi ezinqatshelwe noma awasebenzisele lokho okungavunyelwe noma awasebenzisele okunye-nje okungasekona lokho okubaluliwe, kuye ngokuthi isimo sinjani, lokhu kuzoqala ukusebenza masinyane emva kokhishwa kombhalo oyisaziso oyobe ukhishwa umkhandlu ngegunya lomtheshwana 3 wesaHluko 1 kanye nomtheshwana 27 (3) wesaHluko 2.
- (9) Umsebenzisi-manzi uyena obhekene nokugcinwa kwemitha esegcekeni lakhe iphephile futhi isesimweni esifanele futhi uyena okuyofanele akhokhele umkhandlu nganoma yimuphi umonakalo ongenzeka kuyo.
- (10) (a) Akukho muntu ngaphandle kwesisebenzi esisemthethweni oyoqhaqha noma aphazamise noma enze noma avumele noma yimuphi omunye umuntu ukuba akhumule noma aphazamise imitha noma lokho kokuyibopha.
- (b) Akukho muntu okuyothi ngenhloso alimaze imitha noma lokho kokuyifaka.
- (c) Akukho muntu okufanele enze ukuba noma avumele ukuba ipayipi, umpompi noma lokho kokulibopha kuvuze, kanti futhi akukho mpompi noma ingxenywe eyofakela ngendlela engadala ukuba ukuvuza kungasheshi kubonakale, noma oyokwehluleka ukubika lokho kuvuza kunsumpa.

11. Umninimuzi uyena oyothathwa ngokuthi unecala lokwephulwa kwale mitheshwana okwenzeka emagcekeni akwakhe kuze kube yilapho kutholakala ubufakazi obuphikisana nalokho.

#### Ukuhlathwa kwemfuvo

15. (1) Akukho muntu oyohlaba noma enze ukuba kuhlathwe noma yisiphi isilwane ngaphandle uma kusendaweni yokuhlaba egunyazwe futhi yavunywana ngunsumpa.
- (2) Indawo yokuhlaba izilwane ifanele ihlinzekwe ngezimfaneko ezinhlobonhlobo zokuhlaba futhi isetshenziswe futhi igcinwe futhi iqhutshwe ngendlela eyoyalezwa wunsumpa.
- (3) Unsumpa unelungelo lokuthi acele noma ubani ukuba angabe esaqhubeka nokusebenzisa indawo yokuhlaba ngaphandle kokukhipha isizathu sokwenza lokho.

#### Ukuvikelwa kwempahla yomphakathi

16. (1) Akukho muntu ovunyelwe ngokungekho emthethweni ukulimaza, noma acekele phansi noma asuse isihlahla, uthango lwezihlahla, isango, ufenisi, umgwaqo, umthangala, ujanthshi, indlu, isakhiwo, ipayipi, umgqomo kavobo noma okunye-nje okufakelwe noma kokusebenza

- "imfuyo esazinkukhu" (poultry) lapha kudidiyelwe izinkukhu, amadada, amakewu, amagalikhuni kanye namajuba;
- "umbhalisi" (registrar) kusho umbhalisi obhala amagama alabo ababhalise ngokusemthethweni ukuba babe namatayitela obuninimhlaba;
- "isiphathimandla esibuyisa izimpendulo" (returning officer) kusho noma ubani oyisiphathimandla esiqokwe ukuba senze umsebenzi wokubuyisa izimpendulo njengalokhu kubalula umtheshwana ophathelene nalokhu;
- "uNobhala-jikelele" (secretary general) kusho uNobhala jikelele oseMnyangweni kaNdunankulu;
- "isiza" (site) kusho yinoma yisiphi isiqephu somhlaba esesinikezwe inombolo futhi sibesikhonjisiwe kuyibalazwe lendawo;
- "umkhandlu-dolobha" (town council) kusho umkhandlu obunjwe njengoba kubalula le mitheshwana;
- "uhwebo" (trade) kubandakanya nanoma yiyiphi ibhizinisi noma imboni; igama elithi "ibhizinisi" linokuvumelana okuthize;
- "umvoti" (voter) kusho umuntu ovumelekile ukuba avote njengalokhu kubalula lo mthetho;
- "isigceme (ward) kusho ingxenya ethize yedolobha labamnyama njengalokhu kubaluliwe kwimitheshwana.

#### Indlela yokuthenga indawo noma isakhiwo -

2. (1) Ngokwezithyo eziqokwe yilo mitheshwana, noma yimuphi umuntu othenga isiza edolobheni labamnyama, ufanele abhalise leyondawo ngokusemthethweni athole incwadi yobunini-mhlaba.
- (2) Ubunini-mhlaba bufanele bubhaliswe ngokusemthethweni ehhovisi lobuninimhlaba.

#### Ukushicilelwa kwemithetho echibiyelayo kanye neMitheshwana

3. (1) Ngasosonke isikhathi lapho uNobhala-jikelele, eqhuba umsebenzi ngokwesikhundla sakhe njengalokhu kubalula le mithetho; ebikezela noma eluleka noma ekhipha isaziso esithinta wonke umuntu jikelele ohlala elokishini ngokwezimiso zanoma yimuphi umtheshwana noma ememezela ukukhishwa kwezimali ezithize, uyokwenza ukuba leso simemezelo kumbe iseluleko noma isaziso kumbe isichibiyelo somthetho noma isaziso sezimali lezo ezizokhishwa saziswe kubantu esibathintayo ngaleyo ndlela yena ayoyibona ingesheshayo.
- (2) Njalo-nje uma umkhandlu-dolobha ufuna ukuchibiyela umtheshwana noma uguqula imali yentela ngaphansi kwezihlinzeko zoMtheshwana 23(10)(a) weSahluko 6, lowo mkhandlu-dolobha uyokwenza ukuba lowo Mtheshwana noma isaziso saleyo mali yentela esizokhokha sikhishelwe laba abathintekile.
- (3) Kunganakwa izihlinzeko zomtheshwana omncane (1), ukukhangiswa noma ukunamatheliswa kwesaziso sanoma yimuphi umtheshwana noma isaziso sentela oqwembeni lwezaziso olusehhovisi likansumpa kanye okungenani nakwenye indawo yomphakathi ngaphakathi kwedolobha labamnyama ngokwazo zonke izinhloso kuyobe sekuwukushicilela okwaneleyo kwalokho; futhi ke bonke abantu abathintwa yileso saziso kuyothathwa ngokuthi sebenolwazi ngaso ngemuva kokuba sigxunyekwe isikhathi esingamahora angamashumi amane nesishiyagalombili

## ISAHLUKO 2

### UKUPHATHWA KWAMALOKISHI

#### Ukukhethwa kwabaphathi

1. Ngokwezimiso zale mitheshwana, uNobhala-jikelele angakhethe futhi abeke umphathi owaziwa ngokuthiwa unsumpa, omsebenzi wakhe kuwukuphatha lonke ilokishi jikelele, kubuye kukhethwe futhi nabanye abangase babengabasizi bakhe kuye ngezidingo zalelo lokishi.

#### Ukuqunyekwa kwemithetho

2. Unsumpa uzoqinisekisa ukuthi isaziso esibhalwe ngezilimi ezintathu, isiNgisi, isiBhunu kanye nesiZulu sigxunyekwe futhi sigcinwe endaweni esobala esehhovisi lakhe edolobheni labomdabu ukuze sibonwe yizakhamizi kodwa ke ukungaphumeleli kwakhe ukwenza lokhu akusho ukuthi le mitheshwana ayikasebenzi.

#### Ukuqcinwa kwezikhonkwane emqceleni ukwehlukana isiqephu esinomniniso

3. Umkhandlu-dolobha unomthwalo wokucina izikhonkwane ezihlukanisa imingcele zisesimweni esihle.

#### Iziza kudingeka zibe nezimbolo

4. (1) Umphathi-dolobha uzonikeza lesa naleso siza inombolo okungesona isidingo esikhulu ukuthi ihambisane nakanjani naleyo esebalazweni ledolobha futhi uyokwenza ukuba le nombolo ibhalwe ngokufundekayo noma iqoshwe kumbe inanyathiselwe endaweni esobala kwesiziso sezakhiwo ezikhona kuleso siza. Kuwumsebenzi womninimhlaba ukucina leyo nombolo ifundeka ngasosonke isikhathi.
- (2) Akukho okuyothi ngenhloso afihle, asuse, one, aguqule, esule noma onakalise inombolo ebhaliwe, eqoshiwe noma enanyathiselwe ngokomtheshwana (1)

#### Iziqephu ezinabaninizo

5. (1) Noma yimuphi umuntu noma iziko elithile, lapho efisa ukuthenga isiza esisedolobheni labamnyama, asithenge ngokwendlela yobunini-mhlaba, kufanele afake isicelo sobunini-mhlaba esiqondene naleso siza ngokuba agcwalise ifomu elibalulwe oHlwini A lwale mitheshwana.
- (2) Uma uNobhala-jikelele esenelisekile ukuthi -
  - (a) sikhona isiza esifanelekile, esingagodliwe ngezizathu ezithile;
  - (b) amalungiselelo anele asenziwe aqondene nokukhokha kwentengo yaleso siza:
    - unokunikeza ilungelo lobunini-mhlaba kulowo ofake isicelo
    - maqondana nesiza lesa futhi usenokuthi anqume
    - isivumelwano sokuba negunya lokusebenzisa lesa siza ngokwesivumelwano njengokubona kwakhe.
    - Leso sivumelwano sobunini-mhlaba sizoba
    - sigcwalise efomini eliqondene nalokhu njengoba kukhonjisiwe oHlwini B lwale mitheshwana.
- (3) Zonke izimali, nanoma yiluphi uhlobo lwenzalo oseluqongelekile oluqondene nesiza esithengiswe ngokwezimiso zomtheshwana (2) ziyakukhokha ngaphambi kwesikhathi, ngaphambi noma ngosuku lwesikhombisa lwazo zonke izinyanga, kusukela osukwini lokubhaliswa ngokusemthethweni kobuninimhlaba noma kusukela ngosuku lokuqala umthengi angeria ngalo esizeni, kuye ngokuthi yikuphi okufike kuqala.
- (4) Kusalindelwe ukubhaliswa ngokusemthethweni kwelungelo lobunini-mhlaba, unsumpa unokunikeza ilungelo lesikhashana kumthengi lokuhlala esizeni kodwa hhayi ukuqala kokwakha, ukwakha sekoze kuqale uma ngabe sekufezwe yonke imidanti emayelana nokubhalisa ngokusemthethweni.



### Imibhalo elahlekile kumbe eyonakele

6. Uma kwenzeka kubakhona noma yimuphi umbhalo (ongewona umbhalo okhishwa lapho kubhaliswa ubunini-mhlaba) ohambisana nokubhaliswa kobunini-mhlaba okhishwa njengoba kulawula le mitheshwana, uma ulahleka noma ushabalala kumbe wetshiwe noma wonakale, umnikaziwo unokufaka isicelo sekhophi kunsumpa, okuzothi uma esenelisekile emva kwesitatimende esifungelwe esifakaza ukuthi lowo mbhalo walahleka noma washabalala, webiwa noma wonakala, ebese inikeza lowo ocelile emva kwenkokhelo engamarandi ayisihlanu (R5,00) ikhophi yalowo mbhalo.

### Ukwedluliswa kwencwadi yobunini-mhlaba

7. (1) Incwadi yobunini-mhlaba ephume njengoba kubalula lesi sahluko ingephume ngaphandle kwemvume kaNobhala-jikelele.
- (2) Incwadi yobunini-mhlaba ephume njengoba kubalula lesi sahluko ingadluliswa kuphela uma
- (a) lo oyidlulisayo esekhokhe zonke izimali nanoma yiyiphi nje enye inkokhelo ngaphansi kwale mitheshwana efanele iqhamuke ngakuyena;
- (b) uma umniniyo eseyilethile ngoba esehlulekile;
- (c) uma oyidlulisayo kanye nalowo edluliselwa kuyena sebegwalise ngemfanelo ifomu lokudlulisa njengoba kukhonjiswe oHlwini C lwale mitheshwana; futhi
- (d) kube sekukhokhwe zonke izimali ezinqunyiwe.
- (3) Umniniyo, noma uma ngabe lo odlulisayo eseyingane ephansi kwabazali noma engumuntu ngokomthetho ongekwazi ukukwenza lokho, umbheki wakhe noma ummeli wakhe wangokomthetho, kufanele agcwalise ngokufanelekileyo ifomu elifungelwe elifana naleli elisoHlwini D kule mitheshwana, liphelekezelwe amarandi ayisihlanu (R5,00) lisiwe kumphathilokishi yena oseyolidlulisela kuNobhala-jikelele. Lokhu kufunga okunjalo kungenziwa kunoma wubani onegunya lokufungisa ngokomthetho osezude nalapho lowo odlulisa incwadi ehlala khona.
- (4) Noma yiyiphi imali yentela, noma ezinye-nje izimali okunokwenzeka ukuthi seziquongekile eziphathelene naleli siza esidluliswa njengoba kubalula lo mitheshwana zimelwe zikhokhwe kuqala ngaphambi noma ngosuku lwesikhombisa lwaleyo naleyonyanga kusukela ngosuku lokukhishwa kwencwadi entsha yobunini-mhlaba noma usuku eyadluliswa ngayo njengoba kubalula umtheshwana (2), kuye ngokuthi yikuphi okuyikho
- (5) Kusalandelwe ukwedluliswa kwangokomthetho kwencwadi yobunini-mhlaba, unsumpa unelungelo lokunikeza lowo incwadi edluliselwa kuyena imvume yokuhlala kuleso siza okwesikhashana kodwa akuvumelekile ukwakha kuleyo ndawo kungakaphothulwa yonke imidanti ephathelene nokudluliswa.

### Ukunakekelwa, ukulungiswa kanye nokugcinwa kusesimweni esifanele

8. (1) Kufanele ngasosonke isikhathi umninimhlaba agcine igceke lakhe njengalokhu libalulwa yincwadi yobunini-mhlaba lihlanzekile, kungekho zilwanyakazana ezingase zibe yinkathazo, futhi libe sesimweni esihle. Ukuguga okujwayelekile kwamukelekile, kodwa umninimhlaba akufanele aguqule noma onakalise noma yini okungokomkhandlu welokishi, okungase kube okufakiwe noma okugxunyekiwe, akavunyelwe futhi ukuthintathithinta ngokungekho emthethweni umgudu wamanzi, ugesi noma ipayipi elithutha ukungcola.
- (2) Uma umninimhlaba ephule noma yisiphi isigatshana somtheshwana (1), noma yisiphi isikhulu esinegunya, singavese singene nezisebenzi kulowo muzi ngenhloso yokuqoqa nokuhlaza leyo ndawo ize ibuyeke esimweni esiyiso, ebese kuthi zonke izindleko zithwalwe umnini gceke lelo.
- (3) Uma ngabe umninimhlaba esula ilungelo lakhe lencwadi yobunini-mhlaba ebese ehluleka ukubuyisela leyo ndawo njengoba ichazwe phansi, ehluleke futhi ukubuyisela izihluthulelo nawokhiye kanye nezinye izidingo ebese zifakwe lapho, umkhandlu unelungelo lokuba uphindisele lezo zidingo ebese izindleko zithwalwe wuye umninimhlaba osulayo lapha akubandakanywa ukuguga okujwayelekile sekuthe ukubhekwa kanye nokudleka.
- (4) Kuwumsebenzi womninimhlaba ukuba azise unsumpa ngokumbhalela incwadi uma ngabe kukhona izindawo ezivuzayo endlini noma uma kukhona umonakalo emapayipini athutha indle noma ezintweni eziphathelene namanzi noma nogesi.
- (5) Umninimhlaba kufanele kuthi esikhathini esingaba yizinyanga ezintathu noma kuye ngokuthi unsumpa umandisele isikhathi kangakanani, ahambisane nombhalo kansumpa ngokuthi alungise, aguqule, akhe kabusha noma adilize indlu yokuhlala noma isakhiwo noma isakhiwo sangaphandle, ucingo olubiyele nanoma yisiphi-nje isakhiwo esingabukeki, esimafukufuku noma esingahambisani nemithetho ebekiwe yezempilo.
- (6) Umninimhlaba akufanele -
- (i) avume ukuba igumbi elisetshenziselwa ukulala abantu lilale abantu abaningi kangangoba kungabe kusabakhona indawo ebalelwa ku 11,328 cubic metres ewumkhathi ongenalutho kanye no 3,716 amamitha-skwele ayisikhala phansi esinokusetshenziswa yilowo nalowo muntu eseminyakeni engaphezu kweyishumi kanye futhi no 5,664 cubic metres ewumkhathi ongenalutho kanye no 1,858 amamitha-skwele ayisikhala esiphansi esinokusetshenziswa umuntu ominyaka yakhe ingaphansi kweyishumi: Ngaphandle uma lezizindawo ezilandelayo zingezukusetshenziselwa ukulala: indlu yangasese, iphaseji, izitebhisi zokukhuphuka, indawo yokwehlela noma kambe ikhabethe.
- (ii) avume ukuba isiza sakhe sisetshenziselwe yinoma yini-nje enye okungaseyona indawo yokuhlala, lokho kumbandakanya nesivande esizosetshenziselwa ukutshala izithelo, izimbali kanye nemifino ezosetshenziswa abomkhaya kuphela ngaphandle uma kutholakale imvume ebhalwe phansi kansumpa.

### Ulwazi olufanele lwethulwe

9. Kuwumthwalo kanoma wubani ohlala edolobheni labamnyama ukunikeza unsumpa noma kungaba wunoma wubani omunye onegunya elinjalo lonke ulwazi oludingwa yisikhulu esinjalo.

### Irejista yabahlali

10. (1) Unsumpa kufanele agcine irejista yabo bonke abahlali.
- (2) Unsumpa uzobhala phansi kuyirejista yabahlali igama kanye neminye imidanti yalowo nalowo muntu osewanikwa imvume yangokomthetho yobunimhlaba njengoba kubalulwe kule mitheshwana.

### Izimvume zokwakha

11. (1) Akukho muntu, ngaphandle komkhandlu, ovunyelwe ukwakha, noma aguqule noma enezezele isakhiwo uma engenayo imvume eqhamuka kunsumpa emgunyazayo.
- (2) Uma inkantolo ithole umuntu enecala lokwephula umtheshwana (1) ongenhla, kungathi nangaphezu kwesigwebo asesitholile, iyalele ukuba kudilizwe futhi kususwe lowomsebenzi abekwe icala kuwo kungakashayi isikhathi esithile okuyothi mangabe ehluleka umkhandlu ukhiphe umyalo wokuba kudilizwe kumbe kususwe lesa sakhiwo esingekho emthethweni. Zonke izindleko umkhandlu ozithole ngenkathi udiliza noma ususa isakhiwo esifana naleso sezizokhokhwa wumninindawo oseyothola isamanisi eliphume ngesandla seMantshi.
- (3) Noma wubani ofisa ukuba nemvume yokwakha kudingeka agcwalise ifomu elifana naleli elisoHlwini E, aliqondise kunsumpa njengoba kubalula le mitheshwana ebese -
- (a) ekhombisa esicelweni sakhe ukuthi uzosebenzisani ekwakheni nokuthi lesa sakhiwo sizosetshenziselwani;
- (b) anamathelise kulesi sicelo imidwebo edwetshwe ngokwezilinganiso ezibaluliwe, ibe mibili, ikhombise iplani, izingxenyana kanye nokuphakama kwesakhiwo lesa esizokwakhiwa nokuma kwaso kuleso siza: Ngaphandle uma -

nanoma yiyiphi impahla yomkhandlu esedolobheni labamnyama kanti futhi akukho muntu onelungelo lokususa, noma ashabalalise kumbe onakalise noma yiluphi uphawu, uqwembe lokufaka izaziso, okokuvikela izihlahla nanoma iyiphi-ke enye impahla yomkhandlu.

- (2) Akukho ovunyelwe ngaphandle kwesisebenzi esisemthethweni noma umuntu ogunyazwe umkhandlu ukuba agibele noma achushe noma ajombe noma afohle isango, uthango, umthangala noma ujantshi (konke lokhu kube kuyimpahla yomkhandlu-dolobha) engase ibe seduzane noma ibe phakathi edolobheni labamnyama, noma angene kumbe aphume ngenye indlela okungeyona ebekwe ngokusemthethweni.

#### Ukubaswa kwemililo

17. (1) Akukho muntu ovunyelwe ukokhela umlilo noma kube wuyena oyala ukuba kwenziwe lokho ngaphandle kokuqikelela ukuthi umlilo onjalo ungebhebbetheke.
- (2) Akukho muntu ovunyelwe ukokhela umlilo kunoma yisiphi isitaladi, noma emgwaqweni kumbe endleleni noma endaweni-nje yomphakathi noma endaweni okuhlanganela kuyo umphakathi ngaphandle uma lokho kwenziwa ngemvume kansumpa futhi lokho kube kuhambisana nezuleko zikansumpa ezihambisana naleyo mvume.

#### Ukuvikelwa kwendawo yomphakathi

18. Ngaphandle uma lowo muntu ephethe umbhalo oqhamuka kansumpa, akukho muntu ovunyelwe ukumisa ithende noma ukugoba amadlangala noma atshale kumbe alime noma yiyiphi ingxenye yendawo yomphakathi.

#### Ukuqugula umhlabathi sakuphendla

19. Ngaphandle komkhandlu, akukho muntu onelungelo lokulahla ngokunqwabela noma yini, noma ukwakha umgwaqo, noma ukumba umgodi kumbe ukugugula umhlabathi sakuphendla, noma ukwenza nanoma yini-ke enye engase ibe nomphumela noma ihumusheke ngokuthi inomphumela wokuvula isitaladi noma umgwaqo noma isigwaqana sokudabula, noma engase iphazamise umphakathi ekusebenziseni indawo eqondene nomphakathi noma indawo yokuhlanganela umphakathi, noma engase ibe yingozi noma ihunyushwe ngokuthi izoba nengozi esakhiweni esithize, ngaphandle uma ngabe lowo muntu ethole kuqala invume ebhalwe phansi eqhamuka kansumpa, naye ongase abeke umbandela othize angase awubone unesidingo.

#### Ukumba inkwali

20. (1) Akukho muntu ovunyelwe, ngaphandle uma ngabe ethole kuqala invume eqhamuka kansumpa, ukumba amatshe enkwali, noma ukusika amasoyi noma ethuthe umhlabathi ewususa kunoma iyiphi inxenye yedolobha labomdabu, noma akhe noma axove izitini edolobheni labomdabu.
- (2) Invume enikezwe ngaphansi kwesigatshana somthetho (1) ongenhla, ifanele iphelekezelwe yimali eyinkokhelo eya kumkhandlu ey qunywa uNobhalajikelele izikhathi ngezikhathi futhi ihambisane nemibandela leyo unsumpa anokuyibeka.
- (3) Imali eyotholakala kulandelwa isigatshana (2) iyongena egameni lomkhandlu.

#### Ukuphazamisa abaphathi

21. Akukho muntu ovunyelwe ukuphazamisa unsumpa noma-nje kungaba omunye wabasizi bakhe bangokomthetho noma kungaba yinoma yisiphi isisebenzi somkhandlu kuqhubeni umsebenzi waso.

#### Ukufuywa kwezilwane edolobheni labamnyama

22. (1) Ngaphandle kwemvume elotshwe phansi kansumpa, akukho muntu ovunyelwe ukufuya noma ukuletha edolobheni labamnyama
- (a) izinkomo, izimvu, izimbuzi noma izingulube;
- (b) amahhashi, iminyuzi noma izimbongolo;
- (c) okusazinkukhu;
- (d) izilwane zasekhaya;
- Kuhlinzekelwe ukuthi akukho mvume enjalo eyonikezwa mayelana nanoma yiliphi ihhashi nembongolo ngaphandle uma ngabe unsumpa enelisekile ukuthi isilwane esinjalo sihlizelwe ngokwenele ngesitebele kanye nokunye okuphathelele nalokho.
- (2) Unsumpa uzogcina ibhuku eliyilejista eliyokhombisa ubungako bamanani lichaze nohlobo kumbe umbala wamahhashi, iminyuzi kanye nezimbongolo ezilapho edolobheni labamnyama ezinomninizo.
- (3) Izinkomo, izimvu, izimbuzi, izingulube, amahhashi, iminyuzi kanye nezimbongolo okuyotholakala edolobheni labamnyama kube unsumpa engakuvumelanga ngemvume ebhalwe phansi ngokulandela isigatshana (1) esingenhla, kanye nanoma yisiphi isilwane esiyotholakala sizula kumbe singenaye umniniso sesiyogqunywa esikidi unsumpa kumbe yilabo abaqhuba umsebenzi onjalo ngokusemthethweni. Imfuyo enjalo kuyakube sekuhanjiswa mayelana nayo ngaleyo ndlela okuhanjiswa ngayo mayelana nanoma yisiphi isilwane esigajunywe esikidi ngaphansi kwezihlizelwe zemithetho ephathelene nesikidi kuleyo ndawo.
- (4) Akukho muntu oyakugcina imfuyo yokusazinkukhu kunoma yiyiphi enye indawo ngaphandle kwasehhokweni elifanelekile.
- (5) Akukho muntu ovunyelwe ukwakha noma asebenzise inhokwe lwezilwane ezisankukhu, noma inhokwe lezinyoni ezinjengamajuba ngaphandle uma ngabe kuzoba okungenani nesikhala esingasithekile esingaba ngu 305 cm phakathi kwehhokwe elinjalo kanye nomngcele oseduze noma uthango noma indawo yokuhlala.
- (6) Noma ubani osebenzisa inhokwe lwezilwane ezisankukhu, noma inhokwe lezinyoni ezinjengamajuba kufanele -
- (a) agcine indawo efana naleyo ihlanzeke ngokupheleleyo, kungabikho ukudla okubolayo, noma izilwanyakazana ezinjengobukhuphe nokungcola nje noma kungaba okwaluphi uhlobo;
- (b) afuthe leyondawo njalo ngemithi ebulala izilwanyakazana izikhathi ngezikhathi uma ecabanga ukuthi kunesidingo.
- (7) Noma yini okusankukhu okuyotholakala esitaladini, emgwaqweni noma endaweni yomphakathi kumbe okuhlanganela kuyo umphakathi kube kungekho ezandleni zamuntu noma kungekho okubhekile, isisebenzi esigunyaziwe somkhandlu sinamandla okuyala ukuba leyo mfuyo ibulawe.
- (8) Uma kwenzeka ukuthi kube khona isilwane, singaba esibhalisiwe ngokusemthethweni noma singabhalisiwe sihlaselwa yisifo noma sifa edolobheni labamnyama ngenxa yesifo esibulala amahhashi, isifo samaphaphu, umaqimulana noma esinye nje isifo esithathelanwayo okuthi uMthetho Wezifo Zezilwane ka 1984 (UMthetho 35 ka 1984) noma omunye nje wemithetho ehambisana nalowo ube usebenza okwesikhashana ngaleso sikhathi, noma osuke ususebenza ngaleso sikhathi, noma osuke usuzosebenza maduze nje, umnikazi waleso silwane noma umuntu leso silwane esiphansi kwesandla sakhe noma uma ngabe umnikazi engekho, kuzothi umninimhlaba walapho kukhona khona leso silwane noma umninimuzi walapho kuhlala khona umnikazi waleso silwane kufanele ayobika kansumpa kanye nezinye iziphathimandla njengokusho komthetho.
- (9) Unsumpa unamandla okuthi ayale ukuba kushathsalaliswe, kususwe futhi kungcwatshwe isilwane esigulayo noma esifile umnikazi waso ongasasinakile. Uma ngabe leso silwane sibulawe sasuswa futhi sangcwatshwa wumkhandlu, izindleko zalokho kubulala nokususa nokungcwaba okuthwalwe wumkhandlu sezizothwalwa umnikazi waleso silwane.
- (10) Unsumpa unelungelo lokugodla futhi akhe uthango luzungeze ingxenyanethize yendawo yomphakathi, kuye ngokuthi isidingo singakanani, ebese eyisebenzisa njengedlelo lemfuyo yezakhamuzi.
- (11) Umnimuzi unelungelo lokufuya izinja endaweni yakhe.



### Ukungena ikhaya lomuntu

23. (1) Unsumpa noma umsizi wakhe noma yisiphi ke nje esinye isisebenzi sangokomthetho soMkhandludolobha singathi noma ngasiphi isikhathi esifanele singene emzini womuntu ngaphandle kokuthi abike ukuthi uzofika uma nje injongo yakhe kuwukufeza intando yale mitheshwana, noma ngenhloso yokuzohlola noma uma ehamba ngokuzokhanda okonakele noma ezokugcina kusesimweni esifanele nanoma yini okugcinwa noma okuzogcinwa umkhandlu kusesimweni esifanele. Lokhu angakwenza nganoma yisiphi nje isikhathi esibukeka sifanelekile, uma nje ukungena kwakhe kuzokhombisa ukuthi uyabacabangela abahlala kuleyo ndawo. Uzofika lapho akhanda noma abuze imibuzo noma aphindisele esimweni okuthile lokho obesekonakele kuye ngokuthi isidingo usibona singakanani: Ngaphandle uma lokho kuhlola okunjalo kuzozanywa onke amandla ukuthi kwenziwa emini.
- (2) Akukho muntu oyonqabela unsumpa noma umsizi wakhe noma isisebenzi esisemthethweni somkhandlu-dolobha ukuba singene endlini yakhe njengoba kuhlinzeka ngaphansi komtheshwana (1).

### Ukuvikela ukuguguleka kwenhlabathi

24. Unsumpa unokuyala umnimumuzi ukuthi kwenziwe izaba ezisheshayo zokuvimbela ukuguguleka komhlabathi esizeni lesi. Umnimumuzi ongavumi ukulalela ukuyala okunjalo uyothweswa icala.

### Ukukhokha kwezimali

25. (1) Umnimumuzi noma lowo ohlala kuleso siza esisedolobheni labamnyama kufanele akhokhe njalo esikhathini esiyinyanga ngaphambi kwe-sikhathi imali kunsumpa okuyimali enqunywa wuNgqongqoshe ngokuba akhiphe isaziso kwigazethi okuqondene nogesi, amanzi, ukuthuthwa kwezibi, ezempilo, eziphathelene nezokwelapha neminye nje imisebenzi eyenziwa umkhandlu kuye ngokuthi yikuphi okunokwenzeka.
- (2) Intengo kanye nenhlawulo yanoma yisiphi isiza izonqunywa futhi ikhokhwe ngendlela eseyibalulwe kusigatshana (1) esingenhla.
- (3) Imali kanye nokubiza kwezinto ezithile kunokwehlukahluka kuye ngamalokishi futhi leyo mali inokuba iguquguqulwe noma yengezwe kumbe incishiswe uNgqongqoshe izikhathi ngezikhathi lokho kwenziwe ngesaziso kwiGazethi kaHulumeni.
- (4) Zonke izimali eziqoqwe kulandelwa isigatshana (1) esingenhla, kuzoba ezomkhandlu.
- (5) Unsumpa ngokuvunyelwa uNobhala-jikelele angase akhokhele othize zonke izimali eziqondene nogesi, amanzi, ukuthuthwa kwezibi, ezempilo, eziphathelene nezokwelapha neminye nje imisebenzi evenziwa umkhandlu.

### Ukuphutha ekukhokhweni kwezimali

Uma kukhona ophuthayo ekukhokhweni imali efanele ikhokhwe ngaphansi kwale mitheshwana kuze kwedlule izinsuku ezingama 30 emva kokuba bekufanele kukhokhwe, unsumpa unelungelo lokuthatha lezi zinyathelo ezilandelayo ngaphandle kokukhinyabeza nanoma yimuphi omunye umthetho okhona -

- (a) angakunqamula ukuphakelwa kwenxenywe ethile noma konke ukuphakelwa kwezemisebenzi kuze kube yilapho isikhokhwe yonke imali asilele ngayo;
- (b) unokumthathela izinyathelo zomthetho lowo ophuthile enzele ukuba ize itholakale yonke leyo mali; futhi
- (c) angacela imali eyizindleko azithwale ngenkathi elwela ukukhokhwa kwesikweletu lesi.

### Amandla uNobhala-jikelele anawo ekuqondiseni izinto ezithile

27. (1) UNobhala-jikelele unokuyaleza noma akhiphe izwi lokuqondisa noma akhiphe izimemezelo noma enze imithetho ezohlonishwa yiwo wonke umuntu osedolobheni labamnyama leyo mithetho ibe ingaphikisani nalena ebhalwe lapha, futhi unelungelwa lokuthi ede echibiyela leyo miyalo, amazwi okuqondisa, isimemezelo noma imithetho kuye ngokuthi ubona kunesidingo esingakanani esiphathelene nozinye noma zonke lezi zinto ezilandelayo:
- (a) ukufuywa kwezinja, imfuyo esazinkukhu kanye nezinyosi;
- (b) ukuhlathwa kwezilwane;
- (c) izindawo eziphakela amanzi adliwa wumphakathi kanye nezindawo zokuwasha;
- (d) ukulinganiswa kwesikhadlana okungenani esifanele sehlukanise izinto ezithile noma izakhiwo;
- (e) ukubiywa kweziza
- (f) ubuningi kanye nezinhlobo zemfuyo enokudliswa edlelweni, ukwakhiwa kwezibaya zokugcina imfuyo, inani kanye nohlobo lwemfuyo enokukhashelwa ezinkanjini, ukukhokhelwa kwemfuyo enjalo kanye nemijikelezo ethathwayo ngenkathi kuhlolwa imfuyo;
- (g) ukuvalwa kwemigwaqo;
- (h) aqondise ukusetshenziswa kwezimoto ezithile emigwaqweni ethile, ukuhamba ngokukhululeka kwezimoto, ijubane elifanele lisetshenziswe kanye nokuhlinzeka izimpawu zokuma kanye namarobhothi.
- (2) UNgqongqoshe kungathi ngesaziso kwiGazethi, enezelele nokunye akubona kudingekile othlwinini clubalwe ngaphansi komtheshwana (1) ngokunjalo usenokuhoxisa noma achibiyele noma yikuphi kuloluhlu.
- (3) Akukho myalo, noma izwi lokuqondisa, noma isaziso noma umthetho oshayiwe noma okhishwe ngaphansi komtheshwana (1) oyoqala ukusebenza ngaphambi kokuba usushicilelwe ngesiZulu, nesiNgisi kanye nesiBhunu wase uchonywa oqwembeni lwezaziso olusehhovisi kansumpa.

### Amacala

28. (1) Noma ubani -
- (a) owephula noma ehluleke ukuhlangabezana nezimiso zesigatshana (1) somtheshwana 7, isigatshana (1) noma (6) somtheshwana 8, isigatshana (1) noma (2) somtheshwana 13, umtheshwana 14, isigatshana (1) somtheshwana 15, umtheshwana 16, isigatshana (1) noma (2) somtheshwana 17, umtheshwana 18, 19, isigatshana (1) somtheshwana 20, umtheshwana 21, izigatshana (1), (4), (5), (6) noma (8) zomtheshwana 22, isigatshana (2) somtheshwana 23 yonke ibe iyimitheshwana ekulesi sahluko;
- (b) ozothi ngokwenza ngesibomu noma engagunyaziwe, onakalise noma athintathinte ngokungekho emthethweni imithetho, noma imiyalo noma isaziso, isichibiyelo somthetho esichonywe njengoba kubalulwe emtheshwaneni 2 waso lesi sahluko noma esigatshananeni (1) somtheshwana 3 wesaHluko
- (c) ozokwehluleka ukuhlangabezana nezidingo zesigatshana (1) somthetho 3 walesi sahluko;
- (d) okuyothi uma ecelwa unsumpa noma isisebenzi esisemthethweni ngokomthetho 10 walesi sahluko ukuba anikeze ulwazi olungase lube luyadingeka, noma enikeze umbiko oyiphutha, ongelona iqiniso noma odukisayo ebe ekwazi lokho ukuthi kuliphutha, akulona iqiniso futhi kuyadukisa;
- (e) ozothi ngokungalandeli njengoba kubekiwe esigatshananeni (11) somthetho 11 waso lesi sahluko, akhe, noma aguqule noma engeze endlini, esakhiweni, ekamelweni langaphandle noma esinye isakhiwo esingagunyazwanga yincwadi eyilungelo lokwakha, ebe engayitholanga incwadi eyimvumo eqhamuka kunsumpa njengalokhu kubalula isigatshana (5) somthetho 11 waso lesi sahluko;
- (f) Ozoxhumela kunoma yiyiphi indlu ehlala abantu, isakhiwo, uthango, ikamelo langaphandle noma nje kungaba yisiphi esinye isakhiwo, impahla engenalo ilungelo eliqhamuka kunsumpa njengoba kunqunywe esigatshananeni (6) somthetho 11 waso sona lesi sahluko;

- (g) ozotholakala ewumnikazi wanoma yisiphi isakhiwo esingabukeki noma esimahlilikliki noma isakhiwo esingatholanga imvume kansumpa futhi ebe eyaliwe wunsumpa njengalokhu kubalula isigatshana (12) somthetho 11 waso sona lesi sahluko ukuba asuse lesi sakhiwo kungakapheli izinsuku ezilishumi, abuya ehluleke ngaphandle kwesizathu esizwakalayo ukuhlangabezana nomyalo ofana nalowo, ngaphandle uma ngaba isakhiwo esifana naleso sivunyiwe ngokwesigatshana (11) somthetho osehushiwo lapha ngenhla;
  - (h) ozotholakala ewumnikazi wothango olungekho emthethweni njengalokhu kuhlinzekelwe esigatshani (2) somthetho 13 waso lesi sahluko ebe ethole umbhalo oyisaziso ngokwesigatshana (3) sawo wona lowo mthetho eyalwa ukuthi alungise, noma akhe kabusha noma alususe uthango olunjalo kungakapheli izinsuku eziyishumi emva kokuba esethole incwadi enjalo;
  - (i) ozohluleka ukuhlangabezana nanoma yimuphi umyalo ongaphansi komthetho 26 walesi sahluko;
  - (j) ozohluleka ukuhlangabezana nanoma yimuphi umthetho oshayiwe, umyalo noma isaziso esikhishwe ngokwesigatshana (1) somthetho 27 okulesi sahluko;
  - (k) owephula noma ehluleke ukuhlangabezana nezimiso zomthetho 14 (1), (2), (3), (4), (5), (6), (7), (8), (9) kanye no (10) walesi sahluko; uyokwetheswa icala lokwephula umthetho.
- (2) Uma kukhona umuntu othweswe icala lokwephula yinoma yisiphi sezimiso zale mitheshwana, umthwalo wokuthi azihlangule akhombise ngokusobala ukuthi unbelungelo eligcwele lokwenza lokho noma lokungakwenzi lokho athweswe icala kukho, kuyoba wumthwalo osemahlombe akhe.
- (3) Inhlawulo ezotholakala kulabo abephule isigatshana (1) iyongena esikhwameni somkhandlu.

### ISAPHLUKO 3

#### UKUHWABA

#### Incazelo

1. Kulesi sahluko, ngaphandle uma kungahambisani nengqikithi -

"umhwebi" kusho noma ubani ohweba edolobheni labamnyama ngokusemthethweni ngokulandela lemitheshwana;

"isiza sokuhweba" kusho yinoma yisiphi isiza esibekelwe nganxanye ngenhloso yokuthi kuqhutshwe uhwebo kuso.

#### Iqunya lokuqala uhwebo

2. (1) Ngokuhambisanayo nezimiso zomthetho waKwaZulu wamaLayisensi namahora eBhizinisi ka 1984 (Umthetho 8 ka 1984), akukho mlo ovunyelwe ukuqhuba uhwebo edolobheni labamnyama ngaphandle uma enemvume ebhalwe phansi eqhamuka kumkhandlu.
- (2) Akukho lutho kule mitheshwana elizoxegisela noma ubani ukuba angatholi ngokomthetho ilayisensi noma okunye-nje kokumgunyaza ukuba aqale uhwebo okungase kube yisidingo sanoma yimuphi-ke omunye umthetho.

#### Iziza ezikhona zifanele zimenezelwe

3. (1) Uma kwenzeka kubakhona edolobheni labamnyama isiza sokuhweba esidinga ukuba sinikezwe othize, unsumpa uzokhipha isaziso esibhaliwe acele ukuba abafisayo bangafaka izicelo ezibhalwe phansi bazithumele ehhovisi lakhe kungakapheli isikhathi ayosibalula kulowo mbhalo onjalo, lesi sikhathi singabi ngaphansi kwezinsuku eziyishumi nane kusuka ngosuku lowo mbhalo owakhishwa ngawo. Lo mbhalo uzokhishwa ngolimi lwesiBhunu nesiNgisi kanye nesiZulu ugxunyekwe ebhodini lezaziso elisehhovisi likansumpa futhi ukubeke kucace konke okuwulwazi olumayelana nalowo ofaka isicelo oludingekayo.
- (2) Uma sekudlule isikhathi ebesinqunyiwe sokufakwa kwezicelo, unsumpa usezodlulisa zonke izicelo ezamukeliwe kumkhandlu ukuze ibhekwe.

#### Ukunikezwa kweziza zokuhweba

4. (1) Wonke umuntu noma inkampani noma inhlango ehlanyelwe ofisa ukuqhuba uhwebo esizeni esithize esisedolobheni labamnyama kufuneka afake isicelo sobuninimhlaba esiqondene naleso siza. Isicelo esinjalo sifanele sifakwe ngefomu elizogcwaliswa ngendlela efanele elifana nse neleli elikhonjiswe oHlwini A lwaile mitheshwana.
- (2) Uma umkhandlu sewenelisekile ukuthi -
- (a) isiza esifanelekile esasingalondolozelwe lutho olunye sikhona;
  - (b) lona ofake isicelo akavinjelwe yilutho oluku le mitheshwana noma miphi-ke eminye imithetho ukuba athole noma aqhuba uhwebo kunoma yisiphi isiza;
  - (c) lona ofake isicelo uyikhokhile imali efanele yokuthenga imvume yobuninimhlaba baleyo ndawo yokuhweba, noma amalungiselelo anele enziwe ukukhokha intengo leyo;
- (3) Zonke izimali noma izinkokhelo ezingaba khona eziphathelele nesiza sokuhweba kufanele zikhokhwe ngaphambi kwesikhathi noma gakhapheli izinsuku eziyisikhombisa zenyanga kusukela ngosuku incwadi yobuninimhlaba eyakhishwa ngalo.

#### Ukwenziwa kwezinguquko esakhiweni kanye nalokho okufakwe sakubethelwa

5. Umhwebi akavunyelwe ukwenza izinguquko esakhiweni noma kulokho okufakwe sakubethelwa kuleso siza sokuhweba anikezwe sona noma engeze kulokho osekufakiwe ngaphandle kwemvume ebhalwe phansi kansumpa.

#### Uma kunesidingo sokuthi isakhiwo sakhiwe nqumhwebi

6. (1) Obefake isicelo sendawo yokuhweba waphumelela, unelungelo lokwakha ezinye izakhiwo eziyisidingo ekuhwebeni kwakhe, kodwa akukho nesisodwa isakhiwo azosakha kuleso siza uma singahambisani nezinhlelo kanye nemiyalelo futhi sibe singavunywanga wunsumpa.
- (2) Umkhandlu unamandla okuba uyale ukuthi noma yisiphi isakhiwo esifana nalesi esesichazwe esigatshani somthetho (l) ongenhla, sibhidlize uma singakhiwanga ngokohlelo nemvume kansumpa noma uyale ukuba silungiswe ngemfanelo, ebese kuthi zonke izindleko zalokho kudliza noma kulungisa zikhokhwe wumhwebi othintekayo ozothola umbhalo obika lokho uqhamuka kuNobhala-jikelele.
- (3) Umhwebi kufanele agcine zonke izakhiwo okungezakhe zisezingeni elifanele lokwakheka futhi zihlanzekile.

#### Ukusetshenziswa kwesiza

Umhwebi akavumelekile ukuthi isiza anikezwa sona asisebenzisele enye into engaseyona le esasikhishelwe yona wumkhandlu.

#### Impilo kanve nemithetho ephathelene nempilo

8. (1) Ngokubhekela impilo, akukho muntu onelungelo lokugcina, lokwenza noma lokukhangisela ukudayisa noma athi akwenziwe lokhu osekubaliwe, ikakhulukazi inyama noma ukudla okuzodliwa abantu, esitolo noma ekamelweni lokulala noma kwenye-nje indawo esetshenziselwa ukulala.
- (2) Akukho muntu ovunyelwe ukugcina noma ukulungiselela noma ukwenza noma athi akugcinwe kumbe kwenziwe ukudla okuzodliwa umphakathi ngenhloso yokukudayisa endaweni engase ilimaze impilo noma ibe yingozi empilweni ngenxa yokuba leyo ndawo ingahlanzekile, igcwele kakhulu noma ingakhanyi kumbe ingashayi umoya kahle noma ekhombisayo ukuthi kungase kuqale izifo.
- (3) Akukho muntu ovunyelwe ukugcina, noma enze noma ahlele ngendlela yokudayisa noma kube wuyena othi akwenziwe lokhu osekubali



we, ukudla noma kungaba okwanhloboni, esitolo noma ekamelweni kumbe kwenye-nje indawo lapho izimpukane zingavinjelwe khona, noma lapho kungekho khona ukushaya komoya oqhamuka phandle kube kukhona nokukhanya okwanele, kuthi konke okusazipuni nezimfolo, okokuphatha kanye nazo zonke izinto zalapho esitolo nezisetshenziswayo kulelo kamelo noma, indawo zibe zihlanzekile zingezintuli noma utho olubulalayo: Ngaphandle uma kungekho muntu ovunyelwe ukugcina, enze noma ahlele ngendlela yokudayisa inyama, inhlanzi, isinkwa noma okwenziwe ngobisi ngaphandle uma kuzothi nangaphezu kwalezi zidingo esezibaliwe, isitolo, ikamelo kumbe indawo eyenza lokho, izohambisana nalezi zidingo ezibalulekile -

- (a) Iphansi lifanele libe likhonkwe ngosimende noma okunye amanzi angakwazi ukuchusha kukho futhi okungawamunci amanzi futhi okukwazi ukuhlanzwa kalula kube kuvunye unsumpa.
- (b) Ingaphakathi lezindonga kanye nawosilingi kufuneka kupendwe ngomcako noma okunye okunjalo ngezinyanga uJanuwari, uMeyi kanye Septemba yoke iminyaka, kubuye kwenziwe lokhu nganoma yisiphi esinye isikhathi esiyoshiwo wunsumpa: Ngaphandle uma ngabe lezi zindonga zangaphakathi esezibaliwe zipendwe ngopendwe okhanyayo kawoyela, kuzokwamukelwa njengokufezwa kwale mibandela uma izindonga zizogezwa kahle ngamanzi ashisayo nensipho ngenyanga Januwari, nekaMeyi kanye noSeptemba yonke iminyaka.
- (4) Akukho muntu ovunyelwe ukugcina, noma enze noma ahlele ngendlela yokudayisa inyama noma ukudla okunezifo, noma okungacacile kumbe okungenamsoco, kube kuwukudla okuqondwe ukuba kudliwe wumphakathi:
- (5) Wonke umuntu ongumhwebi kufuneka anakekele ukuthi indawo asebenzela kuyo kanye nokusazipuni nezimfolo kanye nokunye-nje akusebenzisayo ekuhwebeni kwakhe kuhlala kuhlankile futhi kusemweni esigculisayo sezempilo futhi kuthi nalabo abamsebenzelayo kanye naye uqobo, bahlala basesimweni esincomekayo sokuhlazeka.
- (6) Umhwebi unokuba acelwe wunsumpa ukuba esizeni lesi ahwebela kuso ahlinzeke ngokwanele izidingo eziphathelele nokunakekelwa kwezempilo.

#### Ukwedluliswa kwezindawo zokuhweba kanye nokuchithwa kwamalungelo okuhweba

9. (1) Incwadi yobuninimhlaba eqondene nendawo yokuhweba ingadluliselwa komunye kuphela uma -
  - (a) lo oyidlulisayo uma ngabe ekhokhe zonke izimali kanye nezikweletu okufuneka ezikhokhile njengoba kubalula imitheshwana yalesahluko; ngaphandle uma unobhalajikelele, ngokuhambisana nezimiso zalemitheshwana engavuma ukuba izindleko ezinjalo zidlulele kumthengi.
  - (b) incwadi yobuninimhlaba sekunikezelwe ngayo;
  - (c) lo odlulisayo nalowo edluliselwa kuye sebgcwalise ngokufanelekile ifomu lokudlulisa njengalokhu kukhonjiswe oHlwini G kule mitheshwana;
  - (d) imali ebekiwe yokwenza lokho isikhokhiwe.
- (2) Izihlinzeko zesigatshana (3), (4) no (5) zomthetho 7 eSahlukweni 2 kuzosebenza ngokuhambisana uma ngabe kukhona ukwedluliswa kwendawo yokuhweba, uma ngabe igama elithi "isiza noma indawo yokuhlala" liyohunyushwa njengelisho "indawo yokuhweba".

#### Ukuphutha ekukhokheni izimali

10. Uma kwenzeka kubakhona umuntu owehluleka ukukhokha imali ekhokhwa ngoba kulandelwa lemitheshwana, kuze kuphele izinsuku ezingama 30 emva kokuba bekufanele akhokhe. ngaphandle kokukhinyabeza nayinoma yiliphi elinye igunya lezomthetho analo, unsumpa unokwenza lokho okulandelayo -
  - (a) anganqamula ukuphakelwa kwalowo mhwebi noma umthengi ngethile noma ngayo yonke imisebenzi kuze kube yilapho isikweletu sesikhokhwe sonke ngokugcwele;
  - (b) angathatha izinyathelo zangokomthetho ukwenzela ukuba ikhokhwe leyo mali; futhi
  - (c) angenza ukuba lowo muntu obekade ekweleta akhokhe zonke izindleko zokumlandelela ngesikweletu sakhe.

#### Amacala

11. (1) Noma ubani -
  - (a) owephula umthetho noma ehlukele ukugcina izimiso zesigatshana (1) zomtheshwana 2, nomtheshwana 5, kanye nesigatshana (30) somtheshwana 6, nomtheshwana 7, kanye nesigatshana (1), (2), (3), (4), (5) noma (6) somtheshwana 8 noma isigatshana (1) somtheshwana 9, yonke le mitheshwana eyaso lesi sahluko;
  - (b) owakha isakhiwo noma kungaba yisiphi-nje esizeni sokuhweba anikezwe sona, esiphikisana nebalazwe kanye nemigomo ebhalwe phansi yase ithola imvume kansumpa njengoba kubeka isigatshana (1) somthetho 6 walesi sahluko.
  - (c) othikazisa noma avimbele kumbe enze imizamo yokuthikazisa noma yokuvimbela unsumpa noma yinoma yisiphi isisebenzi esisemthethweni ekwenzeni umsebenzi waso; uyokwethweswa icala lokwephula umthetho.
- (2) zonke izimali ezingenayo zinjengemali yenhlawulo, ziyongena esikhwameni somkhandlu.

### **IS AHLUKO 4**

#### **AMAHHOLO OMPHAKATHI**

##### Ukusebenza

1. Imithetho ekulesi sahluko ithinta onke amahhlo asedolobheni labomdabu akhiwe umkhandlu ukuze asetshenziswe abahlala kulelo dolobha labomdabu.

##### Izincazelo

1. Kulesi sahluko, ngaphandle uma kungavumelani nendikimba, igama elithi "ihhlo" lisho yinoma indlu yokuhlanganela enikezwe wumkhandlu ukuze isetshenziswe izakhamuzi zedolobha labomdabu;
 

"oqashayo" kusho lowo muntu ophumelele esicelweni sakhe abekade esifakile sokusebenzisa ihhlo, lokho kungase kube ukuthi lowo muntu ukhokhe imali noma kebe nje yimvume yokulisebenzisa ngaphandle kwemali, nalapho igama elithi "ukuqasha" lincazelo efanayo.

##### Ukufakwa kwesicelo sokuqasha kwehholo

3. Noma ubani ofisa ukusebenzisa ihhlo uzofaka isicelo sokwenza njalo kunsumpa futhi afake yonke imininingwane edinga ukwaziwa izikhathi ngezikhathi.

##### Ukuvunywa kwesicelo

4. Ukunikezwa kwemvume yokusebenzisa ihhlo kusemahlombe nasekuboneni kukansumpa kuphela hhayi omunye.

##### Imali yokuqasha

5. (1) Izimali zokuqasha ihhlo zizoba njengokunquma kuka Nobhala-jikelele. Kungase kunqunywe izimali ezingafani kumahhlo ahlukene noma kumahhlo asemalokishini angefani futhi izinqumo ezenziwe ngaleyo ndlela zingase zihlukahluke ngezikhathi lkhophi yesinqumo esinjalo kufanele ibekwe endaweni esobala ehhovisi likansumpa.

- (2) Zonke izimali zokukhokhela ihholo zifanele zikhokhwe ngaphambi kwesikhathi ehhovisi likansumpa.
- (3) Unsumpa usenokuthi, kuye ngokuthi ubona kanjani, afune futhi adinge ukuba lowo oqasha ihholo akhokhe imali eyisibambiso engevile emarandini angamashumi ayisihlanu (R50) ibhekele impahla yomkhandlu engase yephuke noma ilahleke noma ilimale.
- (4) Zonke izimali eziyoqoqwa ngale ndlela ziyongena esikhwameni somkhandlu.
- (5) Kulezo zidingo ezikufaneleyo, unsumpa ngemvume yomkhandlu usenokumnikeza umuntu ihholo alisebenzise engalikhokheli noma akhokhe ingxenye kuphela yemali efunekayo ngokulandela le mitheshwana.

**Imithwalo yalowo muntu oqashe ihholo**

6. Lowo muntu okade eqashe ihholo kufanele enze lokhu uma sewuphelile umcimbi -
  - (a) ashiye ihholo lihlanzekile, liqoqekile futhi kususwe zonke izibi;
  - (b) asuse yonke impahla okungase kube wukuthi ifike naye noma ilethe egameni lakhe ngesikhathi sokuqasha kwakhe;
  - (c) aphindisele ngononina impahla noma yini enye nje eyingxenye yempahla eyeywayelekile yehholo ebikade isusiwe noma yaqheliswa ngesikhathi ihholo liqashiwe; futhi
  - (d) alungise konke okungase kube kulimele ehholo noma okunye okufakiwe, ifenisha noma uthango okungase kube kulimele ngesikhathi ihholo eliqashile noma lokho kulimala kube kuthintene noqasha kwakhe ihholo.

**Impahla**

7. Konke ukususwa, ukubuyiselwa kanye nokulungiswa kwempahla yehholo kanye nokuhlazwa kwalo kumele kube sekuqediwe ngaphambi kwehora lesi-8 ekuseni, osukwini olulandela ukuphela kwesikhathi sokuqasha.

**Ukuziphatha kahle kwabantu abasebenzisa ihholo**

8. Kusemahlombe alowo oqashe ihholo ukuginisekisa ukuthi wonke umuntu oze lapha ehholo uziphethe kahle futhi nangendlela enesizotha ngenkathi ihholo lisasetshenziswa, futhi kufuneka aqinisekise ukuthi lokho kuziphatha kahle kuyaqhubeka inqobo nje uma ihholo lisasetshenziswa.

**Umkhandlu awuthinteki uma kubakhona okonakalayo**

9. Umkhandlu awuzukwamukela cala noma sikweletu okuzodalwa ukonakala noma ukulahleka kwempahla, noma izintwana ezincane, noma ezinye nje izinto ebezibekwe noma ezishiywe ehholo noma maduzane nehholo yilowo obeqashe ihholo noma ebezizosetshenziswa wuye i ungethwale cala lokulimala kwamuntu noma okokugqoka kwalowo muntu ongene ehholo lapho noma obekade esebenzisa impahla esehle, ngaphandle uma ngabe lokho konakala, noma ukulahlekelwa noma ukulimala kungatholakala ukuthi kudalwe ngabomu noma kudalwe ukunganaki komkhandlu noma iziphathimandla zawo umkhandlu.

**Umkhandlu ungethwese cala ngemishini engasebenzi ngemfanelo**

10. Umkhandlu ungethweswe cala uma ngabe lowo oqashe ihholo elahlekelwa ngenxa yokwehluleka noma yokungasebenzi ngemfanelo kwemishini, okunye okusamishini noma okuphathelene nokukhanyiswa kwehholo, noma ukwehluleka kumbe ukungasebenzi ngemfanelo kwanoma yimuphi umshini, noma okunye nje okusamishini noma obekulungiselelwe ngaphandle uma kungatholakala ukuthi lokho kudalwe ngabomu noma kudalwe ukunganaki komkhandlu noma iziphathimandla zawo umkhandlu.

**Ukungena ehholo**

11. Unsumpa noma isisebenzi esinegunya lalokho noma ilunga lamaphoyisa linemvume yokungena ehholo noma yini.

**Ukuhlobisa okusakupenda**

Oqashe ihholo akanalo ilungelo lokuhlobisa ngokupenda ngaphandle kwemvume kansumpa.

**Ukubhekela ukukhanyiswa kwezibani zikagesi vizisebenzi zomkhandlu**

13. Ukukhanyiswa kwezibani zikagesi kanye nje nezinye izinto ezisebenzisa ugesi kufanele kusetshenziswe kuphela isikhulu esiqondene nalokho esikhonjwe umkhandlu.

**Ukuhoxiswa kwemvume yokugasha ihholo**

14. Unsumpa unelungelo lokuhoxisa imvume yokusetshenziwa kwehholo ngenxa yanoma yisiphi salezi zizathu:
  - (a) uma kutholakala ukuthi lowo oqashe ihholo wephule yinoma yimuphi walemiyalo;
  - (b) uma kubonakala ukuthi kuzobakhona ukulimala noma kungase kube nokulimala kwehholo, okufakwe kulo, ifenisha noma okufakwe ezindongeni; noma
  - (c) uma kucaca ukuthi ihholo lizosetshenziselwa okunye okungasekona lokho obekunikezwe ngaphansi komthetho 3 walesi sahluko.

**ISAHLUKO 5**  
**AMANGCWABA**

**Izincazelo**

1. Kulezi zichibiyelo zomthetho, ngaphandle uma ngabe ingqikithi isho okunye igama elithi -
    - “**ibhemu**” (berm) lisho umshontsholozu wetshe elakhiwe ngokhonkolo elibekwe wumkhandlu engcwabeni, lapho kumiswa khona itshe lesikhumbuzo uma kunokwenzeka.
    - “**isidumbu**” (body) kusho ukungcwatshwa emhlabathini, noma yiluphi nje uhlobo lokwembelwa futhi libuyele lisho nayinoma iyiphi indlela yokulahla osetile;
    - “**incwadi yokungcwaba**” (burial order) kusho incwadi ekhishwayo kulandela uMthetho wokuBhalisa Abazalwayo, Imishado kanye noKufa, ka 1963 (UMthetho 81 ka 1963);
    - “**emangcwabeni**” (cemetery) kusho noma iyiphi indawo yokungcwaba ehlinzekwe umkhandlu ukuba kulahlwe kuyo noma ngabe ngayiphi indlela yokulahla abangasekho esesifundeni somkhandlu njengoba kucatshangelwa emthethweni 3(1) okulesi sahluko.
    - “**umnikazi sitifiketi sokubekelwa ingcwaba**” (holder of reservation certificate) kusho umuntu onesitifiketi esiwubufakazi bokuthi wabekelwa ingcwaba nganxanye kulandela umthetho 10 noma ladluliselwa kuye ngokulandela umthetho 11 waso lesi sahluko.
    - “**isiphathimandla sezempilo nezokwelapha**” (medical officer of health) kusho lesi siphathimandla esiqokelwe lowo msebenzi wumkhandlu noma kungaba ubani ke nje omunye obambeke isiphathimandla esinjalo.
    - “**igama**” (name) kusho yinoma iyiphi indlela ezosetshenziswa ekuchazeni lowo ongasekho ongenagama noma ogama lakhe alaziwa.
    - “**umtheshwana**” (regulation) lokhu kufaka nomthetho ochitshiyelwe.
- nanoma yiliphi ke elinye igama noma inkulumbo eseyinike incazelo ethize kulemithetho izothathwa ngokuthi isho leyo ncazelo.



### Ukusetshenziswa

2. Lezi zichibiyelo zomthetho zizosebenza kuso sonke isifunda esenganyelwe wumkhandlu.

### Indlela yokugamba

3. (1) Umkhandlu ngemvume kaNgqongqoshe ungakhomba ubekele nganxanye indawo ethize ezosetshenziswa njengendawo yokungcwaba abafuleyo okungaba abanoma iliphi ihlelo lwenkonzo noma inhlango noma umphakathi: Ngaphandle kokuthi lokho kubekwa nganxanye kuzonikeza othize ilungelo lokuthi angcwatshwe endaweni ethize kulawo mangcwaba.
- (2) Isiza esizosetshenziselwa ukungcwaba ngokulandela isigatshana (1) ngenhla, sizothathwa njengenxanye yalelo lokishi yize sibekeke endaweni engekho ngaphakathi kwalelo dolobha labomdabu.

### Ukulawulwa

4. Amangcwaba alawulwa yimikhandlu.

### Umthetho omaqondana nokungcwaba

5. (1) Akukho muntu ovunyelwe ukuthi angcwabe isidumbu singafakiwe ebhokisini noma kube wuyena othi umuntu akangcwatshwe ngaleyo ndlela endaweni engaphansi komkhandlu ngaphandle kokuthi kungcwatshwe emangcwabeni ngendlela efanele.
- (2) (a) Akukho muntu ozonawatswa enaafakiwe ebhokisini emangcwabeni anganyelwe wumkhandlu ngaphandle kwemvume yomkhandlu ekhishwe ngesandla sikansumpa.
- (b) Imvume enjalo ayizukukhishwa kungakakhokha izimali ezifanele ezinqunywa wumkhandlu ngemvume kaNgqongqoshe. Uma ingcwaba belibekelwe nganxanye ngokulandela umthetho 10 walesi sahluko isitifiketi esifanele esiwubufakazi balokho kufanele sivezwe esikhundleni saleyo mali.
- (3) Umkhandlu uma ubona kunesidingo ungase uvumele umgcwabo ukuba uqhubeke ngaphandle kokukhokha kwemali kuleyongxenyana yamangcwaba ebekelwe izinhlelo ezinjalo futhi kulandelwe uhlelo oluyobalulwa yiwo umkhandlu.

### Izikhathi zokungcwaba

6. Akukho muntu ovunyelwe ukungcwaba esikhathini esiphakathi kokushona kwelanga kanye nokuphuma kwalo, ngaphandle uma kutholakale imvume kansumpa naye ozobhala phansi imibandela ehambisana nokukhishwa kwemvume enjalo.

### Ncwadi okubhalwa kuyo imingcwabo

7. (a) Unsumpa uzogcina irejista yemingcwabo kanye namathuna.
- (b) Irejista enjalo kufanele igcwaliswe ngokushesha masinyane emva komngcwabo.

### Imingcele veziza zamathuna

8. Unsumpa kufanele adwebe imingcele veziza zamangcwaba njengoba kukhonjisiwe ebalazweni elivunye wumkhandlu.

### Imithetho eyewayelekile emavela namangcwaba kanye nokungcwaba

9. (1) Izingane ezineminyaka engaphansi kweyi 12 azivunyelwe ukungena emangcwabeni zizihambela zodwa ngaphandle uma ngabe ingane enjalo ihamba nomuntu omdala noma ithole imvume kansumpa.
- (2) Akuvunyelwe ukuthi umuntu angene noma aphume kwenye indawo engelona isango elisemthethweni kanti futhi ngokunjalo akuvunyelwe ukungena ehovisi noma kuyiphi nje enye indawo engaphakathi emangcwabeni ngaphandle uma eze ngokomsebenzi.
- (3) Akukho muntu onelungelo lokuqhuba uhwebo noma afake isicelo sebhizinisi, noma enze umbukiso, noma asakaze noma ashiye amathikithana ebhizinisi noma isaziso sebhizinisi maduzane namangcwaba noma endleleni yomphakathi esondelene namangcwaba ngamamitha angaba yikhulu, phandle uma lokhu kuzokwenziwa ezizeni ezihlinzekelwe ukukwenza lokho.
- (4) Akukho muntu ovunyelwe ukuhlala, noma ukuma noma ukugibela phezu kwengcwaba, itshe lesikhumbuzo, umsebenzi, isango, umthangala, uthango noma isakhiwo esikunoma yimaphi emangcwaba.
- (5) Ngaphandle uma lowo muntu enemvume kansumpa yokwenza njalo, akukho muntu ovunyelwe ukuletha emangcwabeni noma ethi akulethwe inqola edonswa yisilwane.
- (6) (a) Akukho muntu ovunyelwe ukuletha noma avume ukuthi kulethwe yinoma yisiphi isilwane emangcwabeni.
- (b) Noma yisiphi isilwane esiyotholakala sizula emangcwabeni sinokusiwa esikiti noma sishatshaliswe wumgcini mathuna ebese lokho kwenza okunjalo kungawufaki umkhandlu ezindlekweni zokukhokha lesi silwane.
- (7) Akukho muntu onelungelo lokuphazamisa, noma anqabele kumbe aphikisane nonsumpa noma nanoma yisiphi esinye isisebenzi somkhandlu ngenkathi siqhuba umsebenzi waso noma ozokwenqaba ukuhambisana nomyalelo noma isicelo esenziwa unsumpa ngokulandela le mitheshwana.
- (8) Akukho muntu oyocekela phansi noma enze ukuba kucekelwe phansi noma kulinyazwe, noma kuqoshwe, kudwetshwe noma kwenziwe isikhungo, isimemezelo noma umbhalo phezu noma ozokonakalisa ingcwaba, noma itshe lethuna, noma itshe lesikhumbuzo, umthangala, isakhiwo, uthango, ujanishi, umgwaqo noma kungaba yisiphi nje isakhiwo eduzane kwamangcwaba.
- (9) Akukho muntu ovunyelwe ukuphazamisa umhlabathi, noma atshale kumbe abhonxule isitshalo, noma ihlahla kumbe imbali, ngaphandle kwalapho kuvunyelwe khona ngokucacile yile mitheshwana noma sekutholakele imvume kansumpa.
- (10) Akukho muntu ovunyelwe ukudlala umdlalo noma abe ngomunye wabadlala emangcwabeni, noma aqhamise isibhamu kumbe isibhamu somoya noma isihlilingi noma aphazamise noma acasule abalapho emathuneni ngaleso sikhathi.

### Ukubekelwa nganxanye indawo yethuna

10. (1) (a) Ngaphandle uma ngabe indawo yokungcwaba ibekelwe eceleni ngokulandela isigatshana (2), yileyo naleyo indawana osekungcwatshwe kuyo ngokusemthethweni ngokulandela le mitheshwana isuke isibekelwe nganxanye egameni lezihlobo zegazi zalowo muntu, uma kwenzeka kungabikho sihlobo segazi esaziwayo, leyo ndawo isiyonikwa labo bantu abayofaka isicelo saleyo ndawo.
- (b) Uma ilungelo lokungcwaba selikhishiwe emva kwesicelo ebefakwe inhlango, noma uasosesheni kumbe isikhungo noma uhulumeni, leyo ndawana esikhishelwe leyo nhlango isiyoba segameni laleyo nhlango, uasosesheni, isikhungo noma uhulumeni, kuye ngokuthi isimo sithini.
- (2) Ingcwaba lomuntu oseneminyaka eyisishiyagalolunye nangaphezulu njengoba kubekwe kumtheshwana 15(1) yaso lesi sahluko, kuye ngokuthi umkhandlu ubona kanjani, linokubekelwa nganxanye ngaphambi kwesikhathi ngokulandela isicelo esifakwa kansumpa emva kokukhokha kwezimali ezifanele ezinqunywe wumkhandlu mayelana nokubekwa nganxanye kwamathuna: Ukubekelwa eceleni kwethuna ngaleyo ndlela kungehlonishwe uma ngabe lowo ozongcwatshwa kulelo thuna ngesikhathi sokufa kwakhe ubesakweleta ezinye izimali ezinqunywa wumkhandlu obekufanele azikhokhe, ngaphandle uma lezo zimali zingase zikhokhe.
- (3) Isitifiketi sethuna elibekelwe nganxanye siyanikezwa efomini elifana ncimishi naleli elisoHlwini I kuyo lemitheshwana, leyo ncwadi iyokhishelwa lelo nalelo thuna eliyobekelwa nganxanye.

### Izihlinzeko eziphathelene nokudluliswa kwesitifiketi sethuna elibekelwe nganxanye

11. (1) Isitifiketi sethuna ebekelwe nganxanye siyakwazi ukuthi sidluliswe, sinikezelwe noma siphazanyiswe ngemvume ebhalwe phansi

eqhamuka kumkhandlu esisefomini elifana ncimishi naleli elisoHlwini J lwayo le mitheshwana.

- (2) Yonke iminingwane ephathelene nokubekelwa nganxanye kwengcwaba noma ukudluliswa kwencwadi njengokwezimiso zomtheshwana 10 walesi sahluko kanye nesigatshana (1) salomthetho, kufanele ibhalwe phansi kurejista yemingcwabo kanye namathuna.
- (3) Umkhandlu kungathi lapho uthola isicelo esivela kwelinye lamahlelo ezinkonzo, kuye ngokuthi ubona kanjani, ugodle indawana ethize uyibekele nganxanye khona belu emangcwabeni, kuleyo ndawo kungwatshwe amalungu aleyo nkonzo ayisebenzisele izinjongo okuzothi ngokubona komkhandlu zibe zihambisana nemigomo yamangcwaba: Ngaphandle ke kokuthi, uma umkhandlu ubona kunesidingo usenokuyisebenzisa indawo enjalo uyisebenzisele ezinye izidingo.
- (4) Akukho muntu oyothola itayitela lokuba wumnikazi noma engamele indawana esemangcwabeni ebikade seyibekele nganxanye kulandela umtheshwana 10 noma okwendawo ebisibekelwe nganxanye ngokulandela umtheshwana 11(3) waso lesi sahluko kanti futhi akukho muntu onokuthola ilungelo noma ukuhewwa yithuna elifana nalelo noma indawo enjalo esemathuneni ngaphandle uma amalungelo noma ukuheheka okunjalo kuvumelekile ngaphansi kwale mitheshwana.

#### Izicelo zokungcwaba: izinombolo zamathuna

12. (a) Isaziso sayo yonke imingcwabo esaziswe ngokugcwalisa ifomu elifana ncimishi naleli elikhonjiswe oHlwini K, kanye nencwadi yokungcwaba (burial order) kufanele kulethwe ehhovisi likansumpa okungenani kusasele amahora ayisi 8 okusebenza ngaphambi kokuba kubekhona ukuyofihla isidumbu noma okwaluphi nje uhlobo: Ngaphandle uma ngabe ingcwaba selivulwa okwesibili ukuba kungcwatshwe kulo noma uma ngabe ingcwaba lingakenjiwa lisadinga ukwenjiwa kuqala, isaziso esesibaluliwe kufanele silethwe ehhovisi likansumpa kusasele okungenani amahora angama 24 ngaphambi kwesikhathi okuqondwe ukungcwaba ngaso, ngaphandle uma ngabe umbono wesikhulu sezempilo nezokwelapha kwukuthi kunesidingo esikhulu sokuthi kusheshe kungcwatshwe, uma ngabe kunjalo isikhathi esinqunywe kulesi sigatshana asizukusebenza.
- (b) Isaziso esifana naleso sizophelezela imadlana ethile enqunywa umkhandlu, kanti uma ngabe amalungiselelo okubekelwa nganxanye ithuna ayenziwe, isitifiketi esiwubufakazi balokho kuzoba yisona esivezwayo.
- (c) Unsumpa usezothi ngokushesha okunokwenzeka akhiphe imvume yangokomthetho yokuthi kungaqhutshekwa nomgcwabo.

#### Ukususwa kwamatshe esikhumbuzo noma izakhiwo ezinjalo

13. Uma kuba khona isidingo sokuba kususwe itshe lesikhumbuzo noma esinye nje izakhiwo ezinjalo ngenhloso yokuba kungcwatshwe kuleyo ndawo, umninindawo ophethe isitifiketi sokuthi wayithenga leyo ndawo kuphela oyoba nelungelo noma kube ommele ngokomthetho. Isicelo sokwenza lokho sifakwe kungakapheli izinsuku eziyisi 8 zokusebenza.

#### Indlela ingcwaba elibonakala ngayo

14. Njalo nje uma ilungelo lokuyongcwaba selinikeziwe ngokulandela umthetho 12 walesi sahluko, unsumpa uzochoma kuleyo ndawo okuzombiwa kuyo umgodi isigqebhezana esingasheshi ukonakala esinenombolo yalelo thuna eqoshwe kusona kanti ke akuvunyelwe ukuthi umuntu angcwabe kwelinye ithuna okungelona leli anikezwe lona ngumbheki-mangcwaba.

#### Izilinganiso lapho kwemiwa amathuna

15. (1) Umgodi wethuna elilodwa longasekho oneminyaka eyisishiyagalolunye noma ngaphezulu kufanele okungenani ujule ngo 2 000 mm, ube nobude obungu 1 200 mm, nobubanzi obungu 750 mm.
- (2) Umgodi wethuna longasekho oneminyaka engaphansi kweyisishiyagalolunye kufanele okungenani lijule ngo 1 500 mm, ubude 1 200 mm, ububanzi 750 mm.

#### Izihluzeko mavelana nesiqinti lapho kuzokwemiwa khona ithuna

16. (1) Isilinganiso sethuna lomuntu oseshonile obeneminyaka eyisishiyagalolunye nangaphezulu lifanele libe ngu 2 500 mm ubude kanye no 1 500 mm ububanzi: Ngaphandle kokuthi ke uma ngabe ithuna lelo linebhemu ububanzi balo buzoncishiswa ngama 300 mm.
- (2) Izilinganiso zethuna lengane eneminyaka engaphansi kweyisishiyagalolunye liba nobude obungu 1 500 mm nobubanzi obungu 1 000 mm.
- (3) Ububanzi betshe eliba ngasekhanda bufanele bube ngu 150 mm.
- (4) Izilinganiso zethuna okuzongcwatshwa kulo abantu ababili kanyekanye kuzophindwa lezo ezomuntu oyedwa kabili.
- (5) Uma ngabe kunesidingo sethuna elinezilinganiso ezithanda ukuba zinkudlwana kunalezo ezijwayelekile, kufanele kufakwe isicelo esinjalo siphelzelwe imadlana ekhokhwayo njengoba inqunywe umkhandlu, lesi sicelo sifanele sifakwe kanyekanye nesicelo sokungcwaba.
- (6) Onke amathuna afanele enjwe alungiswe ngunsumpa ngaphandle kwalawo azofakwa ubonda lwezitini noma olukakhonkolo okuwumsebenzi lowo ozokwenziwa abangcwabi bebukwa yiso elikhaliyile likansumpa futhi bahambisane nezidingo zonke ezifanele mazigcinwe uma kungcwatshwa.

#### Ukungcwaba ethuneni elilodwa

17. Uma ngabe kungabantu bomndeni owodwa, kungangcwatshwa abantu babe babili ethuneni lomuntu oyedwa kuye ngokuthi unsumpa ubona kanjani: Uma nje kungezokusetshenziswa amabhokisi angaphezu kwamabili: Uma futhi kungezokwenzeka ukuthi ibhokisi elingaphezulu lisondele ngaphezu komhlaba ngama 900 mm: Uma futhi kungezokwenzeka ukuthi uma kuba nesidingo sokuthi libuye livulwe ingcwaba ngenhloso yokuthi kubuye kungcwatshwe omunye umuntu, kufanele kushiyeve ungqimba lomhlaba olunohlonze olungengaphansi kuka 150 mm lunga phazamisekile kusuka ebhokisini elagcina lingcwatshiwe: Uma futhi kuvulwa ithuna ngaleyo ndlela kutholakale ukuthi umhlabathi awasalungile, kufuneka kungabe kusaqhutshekwa nokumba kodwa kubuyiselwe umhlabathi obusukhishiwe.

#### Ukwakhiwa kwamathuna namabhokisi okungcwaba

18. (1) Onke amathuna kufuneka ambiwe ngaphansi kweso elibukhali likansumpa.
- (2) Ibhokisi elakhiwe ngento engaboliyo alizukufakwa engcwabeni noma kubekhona othi malifakwe.

#### Izihluzeko eziphathelene nemingcwabo

19. (1) Akukho muntu onelungelo, ngaphandle uma ngabe ethole imvume kansumpa, yokubamba inkonzo yomgcwabo ngokwenqubo yanoma iyiphi inkonzo kunoma iyiphi ingxenye yamangcwaba omkhandlu akhiwe ngokulandela umtheshwana 11(3) okulesi sahluko wokusetshenziswa izinkonzo.
- (2) Akukho muntu oyothi imoto ethwala izidumbu ayingahambi esigwaqaneni sezimoto kanti futhi imoto enjalo kufuneka masinyane emva kokufeza umsebenzi ebize ngawo isheshe isuke emathuneni.
- (3) Wonke umuntu oyinxenye yethimba lelo elisuke lizongwaba kufanele ngenkathi ehamba ngaphakathi emathuneni ahambe ngomzila lowo oyoyalezwa ngunsumpa.

#### Izihluzeko eziphathelene nokumbululwa kwethuna

20. (1) Akukho muntu onemvume yokumbulula isidumbu noma ayale omunye ukuthi ambulule isidumbu, ngaphandle uma enemvume ebhalwe phansi eqhamuka kumantshi.
- (2) Umuntu onelungelo lokumbulula isidumbu ngokulandela isigatshana (1) kufanele aveze leyo ncwadi ewubufakazi balokho kunsumpa futhi azise unsumpa okungenani kusasele amahora okusetshenzwa angabayisi 8 ngaphambi kwesikhathi lesi kanye nosuku olunqunyelwe ukuyombulula isidumbu leso futhi kufanele ngaleso sikhathi akhokhe kunsumpa leyomadiana yokwenza lokho eyanqunywa umkhandlu.
- (3) Akukho muntu ovunyelwe ukumbulula isidumbu ngaphandle uma kukhona unsumpa.



- (4) Lelo thuna okuzombululwa kulona isidumbu uma kuyisifiso sikansumpa lizofanele lifakwe okuzosithwa ngakho ukuze kungabonakali okwenziwa kulona ngenkathi kusambululwa.

**Izihlinzeko eziphathelele nemisebenzi yesikhumbuzo noma itshe lesikhumbuzo**

21. (1) Akukho muntu oyoletla noma oyothi akulethwe noma yini yokwakha emangcwabeni ngenhloso yokwakha noma yini ethuneni ngaphandle noma kuze kube yilapho -
- (a) isiqinti lesi lapho kuzombiwa ithuna khona sizobe sesibekelwe nganxanye ngokulandela umtheshwana 10(1) okulesi sahluko, sibe sisegameni lalowo ogunyaza umsebenzi onjalo.
- (b) umdwebo onezilinganiso ezidwetshwe kuwo zikhombisa indawo lapho umsebenzi uyokwenziwa khona kube kuhambisana nombhalo obalula lokho okuyosetshenziswa, nesitatimende esikhombisa intengo ekhombisa ukulethwa nokwakhiwa komsebenzi onjalo kanye nekhophi yombhalo oyoqoshwa lapho noma okungamatshe aligugu, konke lokhu khambe ngakubili, kube kade kunikezwe unsumpa esikhathini esingengaphansi kwezinsuku ezintathu ngaphambi kokuba konke lokho kulethwe emathuneni;
- (c) zonke izimali ezinqunywa wumkhandlu ezimayelana nomsebenzi onjalo zifanele zibe zikhokhiwe;
- (d) imvume ebhalwe phansi eqhamuka kumkhandlu ephathelene nomsebenzi onjalo izobe inikeziwe kulowo onesitifiketi esishoyo ukuthi unendawo ebekelwe nganxanye yokungcwaba noma sibe siphethwe ombambele.
- (2) Umkhandlu unelungelo lokunqaba ukukhipha imvume uma ngokombono wawo imininingwane yalelo tshe lesikhumbuzo kumbe insika ikhombisa ukuthi ingeyezinga eliphansi ngaleso sizathu ingase inukubeze ukubukeka kwendawo okungcwatshwa kuyona noma uma ngabe okuqoshwe etsheni lapho kungase kuhlukumeze imizwa yabasebenzisi bamathuna lawo noma abazwabona.
- (3) Akukho muntu onelungelo lokulayisha alethe emangcwabeni itshe, isitini noma insika yesikhumbuzo noma kungaba yinxenye yalo eku-layishe enqoleni noma iloli elingenamasondo anamathaya, elinamasondo okubonakalayo ukuthi angase alimaze imigwaqo kanye nomhlabathi wasemangcwabeni.
- (4) Umuntu omatasatasa ngokwakha itshe kumbe insika yesikhumbuzo akavunyelwe ukuphazamisa noma ngayiphi nje indlela ithuna elingumakhelwane walelo alakhayo futhi akavunyelwe ukushiya leyo ndawo abekade akha kuyona engaqoqile kahle yonke into yaba sesimweni esihle uma esewuqedile umsebenzi.
- (5) Onke amatshe esikhumbuzo akhiwe emangcwabeni kufuneka akhiwe kuqikelwe ukuthi kulandelwa imininingwane ebhalwe phansi kwavunyelwana ngayo kulandelwa isigatshana (1) esingenhla.
- (6) Abantu abakha itshe noma insika yesikhumbuzo kufuneka baqaphele lezi zihlinzeko ezilandelayo:
- (a) Zonke izingxenye zetshe noma insika yesikhumbuzo ngaphandle kwalokho okwakhiwa ngodaka kufanele kunanyathelise ngethusi noma insimbi engagqwali kanye nezikhonkwane ezinobude nohlonze olwanele oluzoqinisekisa ukuthi isakhiwo siyohlala sinjalo naphakade;
- (b) Noma iyiphi indlenye yalo msebenzi ezinze phezu kwetshe noma esinye nje isisekelo sifanele sibe yisikwele esiwumcijo;
- (c) ingaphansi letshe lesikhumbuzo eliyisicaba noma isisekelo salo kumbe ingezansi letshe lesikhumbuzo noma insika yetshe kufanele izike okungenani ngama 50 mm ngaphansi komhlabathi ongaphezulu;
- (d) onke amatshe aba ngasekhanda kufuneka anamathele ngokuqinisekileyo esisekelweni sawo;
- (e) amatshe aba ngasezinyaweni kufuneka abe yingxenye eyodwa ebumbene uma kuyithuna elilodwa;
- (f) onke amatshe aba ngasekhanda kufuneka akhiwe ngegwadle (granite), imabula noma ithusi elibomvu (bronze);
- (g) ukwakhiwa konqenqema noma itshe lesikhumbuzo elakhiwe esiqintini esisodwa kufanele kube nesisekelo sikakhonkolo esingaba nobubanzi obungaba ngu 610 mm nokujula okungu 205 mm;
- (h) onke amathuna okwakhiwe kuwo unqenqema kuleso siqinti, kufuneka endlalelwe ngesisekelo sika simende kumagumbi womane nakwezinye nje izindawo lapho axhunywe khona.
- (i) unsumpa unelungelo lokuthi eluleke ngokuthi isisekelo sethuna siqiniseke sizinze uma ngabe kubonakala ukuthi itshe lelo elingasekhanda linesisindo esithanda ukuba sikhulu kakhulu ukuze kubhekwele ukuphepha.
- (7) (a) Akukho muntu ovunyelwe ukwakha itshe lesikhumbuzo ngaphakathi emangcwabeni ngaphandle uma inombolo kanye nohlamvu olukhombisa isigaba isiqinti esikulona kuqoshwe ngokubonakalayo ngisho umuntu edlula ngendfedlana esemathuneni.
- (b) Ngemvume yalowo ophethe isitifiketi salelo thuna, igama labenzi bamatshe nalo lingaqoshwa kuleso sakhiwo.
- (8) Akuvunyelwe ukuthi kubekhona umuntu owakhayo emathuneni noma elethe umsebenzi ozokwakhiwa ophathelene namatshe esikhumbuzo kusukela ngoMgqibelo ngo 12h00 kuze kube nguMsombuluko ngesikhathi sokuqalwa komsebenzi.
- (9) Umuntu owenza yinoma yimuphi umsebenzi emathuneni kufanele kukho konke akwenzayo ahambisane nokushiwo unsumpa.
- (10) Kuwo onke amangcwaba asazoqanjwa uma le mitheshwana isiqalile ukusebenza akukho sixebeledu sikakhonkolo, itshe lesikhumbuzo noma insika yesikhumbuzo ezoba ngaphezu kuka 1 200 mm ukuphakama.

**Amathuna afakwe ibhemu**

22. Ngaphandle kokunaka noma yikuphi okuphikisana nemitheshwana okuqokethwe lapha, ithuna elifakelwe ibhemu kufanele lihambisane nale mibandela:
- (a) Akukho nqenqema oluzokwakhiwa kuleso siqinti.
- (b) Isisekelo setshe lesikhumbuzo akufanele sibengaphezulu kuka 610 mm: Ngaphandle uma leyo nsika yakhiwe yahlanganisa amathuna amabili, lokho kusho ukuthi isingaba nobude obungu 1 220 mm nobubanzi obungu 260 mm.
- (c) Itshe lesikhumbuzo lelo elakhiwe akufanele ledlule isisekelo lize lize ligamanxe ngaleya kwaso kanti futhi lifanele libe yi 120 mm emphethweni ongaphambili webhemu.
- (d) Akukho lutho ngaphandle kwetshe lesikhumbuzo kanye nokokufaka izimbali noma okunye okufana nezimbali kufakwe ehhovisi elilapho kubhemu, okungafakwa futhi kugcinwe kunoma yiliphi ithuna ngaphezu kwezinyanga ezimbili umuntu angcwatshwa.
- (e) Umkhandlu unelungelo lokususa noma yini ebekwe phezu kwethuna elinjalo uma ngabe ingahambisani nesigaba (d) esingenhla.
- (f) Itshe lesikhumbuzo akuvunyelwe ukuba libe nokunye okukulona ngaphandle kwesitsha sokufaka izimbali noma okunye okunjalo.

**Ukunakekelwa kwamangcwaba**

23. (1) (a) Onke amatshe esikhumbuzo kanye nezinye izakhiwo zesikhumbuzo ezakhiwe phezu kwengcwaba kufanele zinakekelwe ngasosonke isikhathi zibe sesimweni esifanele. Lowo msebenzi usemahlombe omninisitifiketi.
- (b) Uma kwenzeka isakhiwo esinjalo sonakala kakhulu singasakekelwa noma size sibe yingozi noma sinukubeze ukubukeka kwamangcwaba, umkhandlu unelungelo lokuthi ubhalele umnikazisitifiketi incwadi ithunyelwe kuye ngeposi elirejisiwe, ithunyelwe ngekhele agcina elishiyile, imazise ukuthi alungise lapho sekonakele khona kanjengoba kudingakala.
- (c) Uma umninisitifiketi ekhombisa ukwehluleka ukulungisa umonakalo esikhathini esingangenyanga kwaphuma isaziso, lokho kuyosho ukuthi sewephule umthetho, umkhandlu usungalungisa konke okonakele noma ungase uthi itshe lesikhumbuzo lelo noma isakhiwo esilapho sisuswe kuye ngokuthi yikuphi okufanelekile ebese kuthi izindleko zokwenza konke lokho zikhokhwe umninisitifiketi.

- (2) (a) Onke amatshe esikhumbuzo noma izakhiwo zesikhumbuzo eziyoqawa ngenjongo yokungcwaba kulo lelo thuna futhi, kofuneka zakhiwe kabusha noma zisuswe emangcwabeni ngumnikazi sitifiketi esikhathini esingange zinyanga ezimbili kusukela esikhathini ezaqawa ngaso.
- (b) Ukwehluleka ukwenze njalo kosho ukuthi lowo muntu useyiphulile le mitheshwana.
- (c) Uma umnikazi sitifiketi ehluleka, umkhandlu uzoba nelungelo lokususa zonke izinsalela zalokhu okuqaqiwe emangcwabeni ngaphandle kokwazisa umnikazi sitifiketi wethuna lelo elibekelwe nganxanye ebese kuthi izindleko eziqhamuka lapho zithwalwe uyena umnikazi sitifiketi.
- (3) Umkhandlu awuzuthwala cala lokulahlekelwa noma ukulinyalelwa okungase kwenzekwe noma yinini ematsheni esikhumbuzo kanye nezinsika zesikhumbuzo noma kungaze kube inoma yini eyobe ibekwe phezu kwethuna lokho kube kudalwe ngisho kungaba yini, kanti futhi awuzukhipha sinxephezelo esiphathelene namatshe esikhumbuzo kumbe izinsika zesikhumbuzo alungiswe kumbe asuswa ngokulandela isigatshana (1) no (2).
- (4) Uma umkhandlu uthola isicelo sivele enhlanganweni ethile enesifiso futhi ibe isizikhokhile zonke izimali ezifanele, ingase inikeze ilungelo eliyoba elesikhathi esinqunye lokuthi leyo nhlangano itshale izithombo ezihambisana nezikhathi zonyaka futhi izinakekele futhi yenze umsebenzi omuhle wokunakekela igceke lasemathuneni.
- (5) (a) Akukho muntu oyothi ngaphandle kwemvume kansumpa atshale emangcwabeni isihlahla, okusamahlaha noma nanoma yini nje enye, noma kuthi ngaphandle kwemvume kansumpa kutshalwe engxenyane ethile yesiqinti sethuna okungesiyo ekhonjwe ngunsumpa isihlahla, noma amahlaha noma okunye nje okuyisitshalo esinjalo.
- (b) Umnikazi sitifiketi akufanele avumele isihlahla noma amahlaha noma isithombo amagatsha aso alengele ngaphesheya komngcele wethuna lapho etshalwe khona.
- (6) Umkhandlu uzoba nelungelo lokususa, ucente noma usike amagatsha ezithombo esezigamanxele ngaphesheya komngcele wethuna lapho atshalwe khona noma abukeka engaqoqekile.

#### Izihlinzeko eziphathelene nabantu abafele ngaphandle kwesifunda esilawulwa umkhandlu

24. (1) Izihlinzeko zale mitheshwana ziyosebenza ngokuhambisana kwimingcwabo engaphakathi kwesifunda esilawulwa umkhandlu ukungcwaba lokho okusalile okuseyinsalela yomuntu ofele ngaphandle kwaleso sifunda, kuthotshelwe umbandela othi kufanele kulethwe kunsumpa incwadi yokuhamba nesidumbu ephuma ngomthetho wesigaba 29 olawula ukuzalwa, ukushada nokubhaliswa kwabafayo ka 1963 (Umthetho 81 ka 1963) lokho kuhambisane nencwadi yokungcwaba.
- (2) Yilesi naleso sicelo kanye nencwadi ephathelene nanoma yimuphi umgwabo kuzofakwa inombolo efanana noma evumelana nalokho ekurejista okukhulunywe ngayo kumtheshwana 7 waso lesi sahluko futhi kufanele kufayelwe ngokulandelana, lokho kufanele kugcina umkhandlu okungenani iminyaka eyishumi .

#### Izimali ezikhokhwayo

25. Zonke izimali ezifanele zikhokhwe eziphathelene nokungcwaba zinqunywa wumkhandlu izikhathi ngezikhathi ebese zivunywana uNgqongqoshe.

#### Amacala

26. (1) Noma ubani: -  
Oyokwephula umthetho noma ehluleke ukuhambisana nezihlinzeko zezigatshana (1) no (2)(a) zomtheshwana 5, umtheshwana 6, umtheshwana 9, umtheshwana 19, umtheshwana 20, izigatshana (1), (3), (4), (5), (6), (7), (8), (9) kanye no (10) zomtheshwana 21, umtheshwana 22, isigatshana (5) somtheshwana 23 uyothwesa icala lokwephula umthetho.
- (2) Inhlawulo eyotholakala ngabantu abephula isigatshana (1) iyofakwa esikhwameni somkhandlu.

### ISAPHLUKO 6

#### MIKHANDLU- DOLOBHA

#### Ukusungulwa nokuqedwa kwemikhandlu yedolobha labomdabu

1. (1) UNgqongqoshe angathi ngesaziso kwiGazethi asungulele noma yiliphi idolobha labomdabu umkhandlu-dolobha.
- (2) Umkhandlu ofana nalowo uzobe wakhiwa amalunga aqokweyo kanye nalawo akhethwe ngokuvotelwa. Amalungu aqokweyo akhonjwa uMaziphate Wesizwe kanti futhi akufanele babengaphansi kwalabo abavotelwe ngokwesibalo. Labo abavotelwe bafanele bakhethwe ngokuthi kubenomuntu oyedwa kuleso naleso sigceme. Inkosi yoMbuso weSifunda noma umbambeli wayo uyena obamba izintambo zomhlangano futhi umakwenzeka kuvotwa kulinganwe nxazombili naye ukhetha elilodwa iqembu alivotele ukuze kube khona elinqobayo.
- (3) Umkhandlu-dolobha osekukhulunywe ngawo esigatshaneni (1) ngenhla, uyokuba namalungu anqunywa uNgqongqoshe izikhathi ngezikhathi.
- (4) UNgqongqoshe unelungelo lokuthi noma nini nje uma ebona kufanelekile, awuchithe umkhandlu-dolobha obukade usungulwe ngokwezimiso zesigatshana (1) esingenhla.
- (5) Noma yimuphi umkhandlu osungulwe ngokwesigatshana (1) ngenhla, uba yisigungu esibumbene esikwazi ukuthi simangale noma simangalelwe futhi senze konke okukwazi ukuba kwenziwe yisigungu esibumbene silandela umthetho, inqobo nje uma kuzohambisana nezimiso ezibekwe kule mitheshwana.
- (6) UMaziphate weSizwe unamandla wokuthi uqede ubulungu banoma yiliphi ilungu elikhethiwe.

#### Ukwehlukaniswa kwedolobha labomdabu ngeziceme

2. (1) UNgqongqoshe uzothi esikhathini esingaba yizinyanga ezimbili emva kokunika imvume yokusungulwa komkhandlu-dolobha ebese kuthi kusukela lapho kube njalo ngosuku lokugcina lokusebenza enyangeni kaJuni yonke iminyaka, okuyisona sikhathi okufanele kube ngaso nokhetho jikelele, ehlukenise idolobha labomdabu ngeziceme lapho kufanele kukhethwe khona umkhandlu-dolobha ngokulandela umtheshwana 1(1) waso lesi sahluko. Idolobha labomdabu lizokwehlukaniswa iziceme ezingengaphansi kwezizinyathu, futhi zingabi ngaphezu kwezingama 20 kuye ngenani labavoti elilapho edolobheni labamnyama, lehlukaniswe ngendlela yokuthi kuleso naleso sigceme kube nabantu abathi abalingane.
- (2) Yonke imininingwane yokuthi idolobha labomdabu lehlukaniswe kanjani izohlala ikhona ehhovisi likansumpa ukwenzela noma ubani onesifiso sokuyihlola.

#### Lokho okudingeka kumuntu ukuze akwazi ukumela ukhetho

3. Akukho muntu ozokhethwa edolobheni labamnyama uma enalezi zimpawu -
  - (a) onganazimfanelo ezidingwa isigaba 3 kanye no 4 zomthetho;
  - (b) engeyena umvoti;
  - (c) uma engeyena umnikazi wempahla engesuswe lapho ikhona khona edolobheni labomdabu;
  - (d) uma enesikwetele sanoma yiziphi izimali ezikhokhwa kumkhandlu ngokulandela le mitheshwana esesinesikhathi esingaphezu kwezinyanga ezimbili nangaphezulu; uma kubalwa kugcinwe osukwini lokugcina lwenyanga eyandulela leyo okuzobanjwa ngayo ukhetho;



- (e) uma esikhathini esingaba yiminyaka emihlanu eyandulela ukwenyulwa kwamagama okhetho eke waboshwa walahlwa yicala waseg-wetsywa isikhathi esingaphezu kwezinyanga ezintathu ngaphandle kwenhlawulo eyimali, noma izinyanga ezingaphezu kweziyisithupha wanekezwa nelungelo lokukhokha inhlawulo eyimali;
- (f) uma ekhishelwe incwadi ephuma enkantolo esho ukuthi unokukhubazeka noma ukukhinyabezeka ngokomqondo, noma akavunyelwe ngokomthetho ngenxa yokuba enomqondo okhubazekile noma okhinyabezekile njengoba kulandisa uMthetho wokuKhubazeka kweNgqondo ka 1973 (UMthetho 18 ka 1973);
- (g) uma eyisikhulu noma enesikhundla emkhandlini.

#### Uhla lwamagama abavoti

4. (1) Unsumpa kufanele athi esikhathini esingaba yinyanga emva kokuba uNgqongqoshe akhipha isaziso ngokomthetho 1(1) waso lesi sahluko sokusungulwa komkhandlu-dolobha walelo dolobha labomdabu elithintekile, aqokelele futhi agcine uhlu lwamagama abavoti abavumelekile ngokomthetho 18(1) waso lesi sahluko, ukuba bazovota okhethweni olusho kulowo mitheshwana.
- (2) Kuloluhlu kufanele kukhunjiswe inombolo kamazisi kanye negama nekhele lomvoti onelungelo lokuvota ngokomtheshwana 18(1) waso lesi sahluko ophathelene nokuvota futhi kuvezwe nenombolo yesigceme ahlala kuso.
- (3) Uma kwenzeka kuvezwa ubufakazi obusobala phambi kukansumpa ukuthi umuntu obhalisile njengomvoti kudingeka aphucwe ilungelo elinjalo njengoba kuchazwe esigabeni (a), (d), (e), (f) noma (g) emtheshwaneni 3 okulesi sahluko, unsumpa kufuneka asheshe alesule igama talowo muntu ohleni lolo.
- (4) Ngenjongo yokulungiselela ukhetho jikelele olubanjwa ngokulandela le mitheshwana, kuzovota kuphela labo bavoti asebekhona ohleni lwabavoti kuze kube sekupheleni kukaJuni walowo nyaka ukhetho-jikelele olusuke luzobanjwa ngawo. Ngaphandle kokuthi uma ngabe kuwukhetho lokuqala, kuzovota kuphela abavoti ababa nelungelo lokubhalisa njengabavoti ngenkathi uNgqongqoshe esungula umkhandlu-dolobha walelo dolobha labomdabu.
- (5) Ngenjongo ezosiza okhethweni lokuchibiyela olubanjwa ngokulandela le mitheshwana, kuzovota kuphela bonke labo bavoti abebevele bebhalisile kuze kube usuku okudaleke ngalo isikhala esidinga ilungu elivotelewe elizokwakha umkhandlu-dolobha.
- (6) Uhlu lwabavoti oluqokelelwe ngokulandela le mitheshwana luzokwazi ukuthi luhiolwe umphakathi ehhovisi likansumpa okungenani kusasele izinsuku ezingama 60 ngaphambi kosuku lokhetho. Ngaphandle uma kuzokwenzeka ukuthi lolo hlu olunjalo luzovalwa kungakapheli izinsuku eziyi 14 ngaphambi kosuku olunqunyelwe ukhetho-jikelele.
- (7) Uma kwenzeka kutholakala amaphutha ohleni lwabavoti ngaphambi kokuvalwa njengoba kubekiwe esigatshaneni (6), lawo maphutha azolethwa phambi kukansumpa ngokushesha yilabo bantu abathintekayo. Akusekhoshintsho olusenokwenziwa ohleni olunjalo uma ngabe uhla lolo seluvaliwe.

#### Ukwenyulwa kwamagama alabo abazongenela ukhetho

5. (1) Esikhathini esingaba yizinyanga ezintathu emva kokuba uNgqongqoshe enza isimemezelo ngokubalula komtheshwana 1(1) okulesi sahluko ophathelene nokusungulwa komkhandlu-dolobha wedolobha labomdabu okuzothi emva kwalokho kwenziwe njalo ngonyaka kungakadluli usuku lokuqala lwenyanga kaAgasti okuyiyona nyanga okuzobanjwa ngayo ukhetho-jikelele, unsumpa uzofaka isaziso esibhalwe ngesiNgisi, nesiZulu kanye nesiBhunu, asichome oqwembeni lwezaziso olusendaweni esobala ehhovisi lakhe, lapho ecela khona ukuba kwenyulwe amagama alabo abazongenela ukhetho lomkhandlu-dolobha.
- (2) Lesi saziso esishiwo esigatshaneni (1) sisho indawo, usuku nesikhathi okuyokwamukelwa ngaso amagama enyuliwe yisikhulu esibhekene nalokho. Ngaphandle uma usuku olunjalo lungezukuba yizinsuku eziyi 14 emva noma eziyi 21 emva kosuku isaziso esicela ukwenyulwa kwamagama esikhishwe ngalo.
- (3) Ukwenyulwa kwamagama abazongenela ukhetho njengamalungu omkhandlu-dolobha kufanele abhalwe phansi alethwe kunsumpa kufomu elifana ncmishi naleli elisoHlwini H futhi lesekelelwe abavoti okungenani abayishumi ngokuba balisayine, labo bavoti okhetho ngosuku olubekwe esigatshaneni (2) bebe kade bengakweleti isikhathi esedlula inyanga eyodwa ngasezimalini ezikhokhwa ngokulandela le mitheshwana. Unsumpa usezonikezela onke amagama kusiphathimandla esiphethe ukhetho ngokushesha.
- (4) Akukho muntu ifomu elinegama lakhe eselinikezwe isiphathimandla esiphethe ukhetho ngokomthetho (3) okuzothiwa wenyulwe ngendlela efanele ngaphandle uma evumelekile ukuba enyuliwe futhi esekhokhe imali eyisibambiso engange R100 wayinikeza isiphathimandla esiphethe ukhetho.
- (5) Uma kukhona kulabo abangenele ukhetho othole ngaphansi kwengxenywe eyodwa kwezinhlanu zabantu abatholwe yilowo onqobe ukhetho, uzolahlekelwa yimali yesibambiso ayikhokhe ngokulandela isigatshana (4) futhi leyo mali izonikezwa umnyango wezimali zikaHulumeni kungenjalo iphindiselwe kumninyo.
- (6) Isiphathimandla esiphethe ukhetho kufanele ngokushesha okunokwenzeka, kungakadluli izinsuku eziyi 14 emva kokunqunywa kosuku lokwemukelwa kwamagama abavoti, achome endaweni esobala esehhovisi likansumpa uhlu lwamagama alabo abanyulielwe ukungenela ukhetho ngokulandela le mitheshwana futhi kufanele amemezele nokuthi labo abenyulwe bangaphikiswa muntu sebevele sebelunqobile ukhetho kuzigceme zabo.
- (7) Uma ngenxa yezizathu ezithile kungaphumelelanga ukwenyulwa kwamagama kusigceme esithile, unsumpa kuzofanele ngokushesha emva kokuvalwa kokwenyulwa kwamagama abuye amemezele ukuba kwenyulwe amagama aqondene naleso sigceme njengoba kubekwe kule mitheshwana. Amagama anjalo azonikezelwa kusiphathimandla esiphethe ukhetho ngosuku olunqunywa uyena lungabi ngaphansi kwezinsuku eziyi 14 emva kanti futhi kungakadluli izinsuku ezingama 21 emva kosuku isaziso esaphuma ngalo kucelwa ukuba kwenyulwe amagama.

#### Ukuhlizekwa kwempahla ezosetshenziswa kanye nokuqokwa kwabasizi

6. (1) Njalo nje uma kunokhetho isiphathimandla esiphethe ukhetho kufuneka sihlizeke izingosana, amabhokisi okufaka amaphepha okuvota, amapheshana okuvotwa ngawo nokunye nje okusetshenziswa ekumakeni amaphepha okuvota ngophawu olukhombisa ukuthi amaphepha asemthethweni, futhi sinelungelo lokuqoka abasizi futhi senze konke okunesidingo okuzokwenza ukuba ukuvota kusheshe ukuze ukhetho luhambe kahle.
- (2) Izindleko ezimaqondana nokhetho lokuqala lomkhandlu-dolobha kuzohlizangatshezanwa nazo ngokuba uNgqongqoshe esethe ukhlanganisa amakhanda nomaziphathe wesizwe.

#### Ukumemezela isiqinisekiso sokuqocina imfihlo

7. Isiphathimandla esiphethe ukhetho, nabasizi baso abakhethwe ngendlela efanele kanye nalowo omele othile kwabamele ukhetho, ngaphambi kokuba kuqale ukhetho kufanele bafunge ukuthi bazogcina zonke izimfihlo. Isimemezelo esinjalo sifanele senziwe yisiphathimandla esiphethe ukhetho phambi kwalowo obhekele ukuthula noma unkomishani onamandla okufungisa, kwenziwe futhi lokho abasizi besiphathimandla esiphethe ukhetho kanye nanoma ubani omele omunye phambi kwaso isiphathimandla esiphethe ukhetho.

#### Ngosuku lokuvota

8. Isaziso esikhishwa ngaphansi komtheshwana 5(6) walesi sahluko ufanele ugagule indawo kanye nosuku lapho koqhutshwa khona ukhetho kusukela ngo 07h00 kuze kube u 21h00.

#### Indlela yokuvota

9. Ukuvota njalo nje uma kuwukhetho oloqhutshwe ngokulandela le mitheshwana kuzoba ngamapheshana okuvota kanti futhi kuzoqhubeka ngale ndlela:

- (a) Isiphathimandla esiphethe ukhetho noma umsizi waso endaweni yokuvota kuleso naleso sigceme kufuneka sizenelise ukuthi lowo muntu ozile ukuzovota umuntu obhalisile ngokomthetho kuhlu lwabavoti baleso sigceme futhi aqinisekise ukuthi lowo muntu ukhona kulolo luhlu futhi nokuthi inombolo kamazisi wakhe ikhona lapho, kufuneka silobe inombolo kamazisi walowo muntu njengoba eyibona kuwo umazisi anikezwa yona ngokulandela uMthetho wawoMazisi, ka 1986 (UMthetho 72 ka 1986). phezulu kwesigqebhezana esisalela lapho kuklebhulwa isithikithana lesa sokuvota ebhukwini lakhona, usezoklebhula ke isithikithana lesa sokuvota esimaqondana naleso sigqebhezana, emva kosifaka uphawu oliyimfihlo njengoba kunqume isiphathimandla esiphethe ukhetho, usezodlulisela kumvoti.
- (b) Uma umvoti esesitholile isithikithana sokuvota, okuyobe kubhalwe kusona ngokulandelana kongwaqa be alfabethi amagama abo bonke abantu abanyulelwe ukhetho lwaleso sigceme kulokho kuvota, usezoqhubekela engosanele leyo ehlinzekelwe ukuvota ayokhetha lowo amvotelayo ngokuba abeke isiphambano siqondane nalowo amvotelayo. Usezologoqa ke ipheshana lelo ngendlela yokuthi uphawu lolu oliyimfihlo lubonakale futhi aliphathele phezulu ukuze isiphathimandla esiphethe ukhetho noma isandla sakhe ezokwazi ukubona uphawu, alifake ke ipheshana lokuvota lelo ebhokisini lokuvota okuhleli eduze kwalo isiphathimandla esiphethe ukhetho noma umsizi waso.
- (c) Uma umvoti eke wenza isiphambano maqondana namagama abantu abanga phezulu koyedwa, noma asayine igama lakhe kumbe enze noma iluphi uphawu noma abhale noma yiliphi igama anokwaziwa ngalo, lesa sithikithana sesiyothathwa njengesonakele singabe sisabalwa lapho sekubalwa amavoti.

#### Ukubhalwa phansi kwabavoti yisiphathimandla esiphethe ukhetho

10. Isiphathimandla esiphethe ukhetho sizothi uma sicelwa yinoma umuphi umvoti, ekhona naye lowo mvoti kanye nalowo ovotelwayo noma labo ababamele, abhale ivoti yalowo mvoti phezulu kwesithikithana sokuvota akhishelwe sona maqondana negama lalowo ovotelwayo okhunjwe yilowo mvoti, aqhubeke nokufaka isithikithana lesa ebhokisini lokuvota ebuka umvoti.

#### Amapheshana okuvota onakele nerekhodi lawo

11. (1) Uma umvoti ngokuphambeka ona iphepha lokuvota, unelungelo lokulibuyisela kusiphathimandla esiphethe ukhetho noma isandla sakhe, ozothi uma esezanelisile ngokuphambeka okunjalo abuye akhiphe elinye iphepha lokuvota alinike lo oilethileyo athathe lelo elonakelo alikhansela alibhale amagama athi "libuyisiwe ngokulandela umtheshwana 11" futhi ukukhansela okunjalo kufanele kubhalwe kuleso sigqebhezana esisalayalo lapho kukhishwa iphepha lokuvota ebhukwini.
- (2) Lelo phepha elonakele lifanele ligcinwe yisiphathimandla lesa esiphethe ukhetho ozothi masinyane emuva kokuvalwa kokuvota enze irekhodi lawo onke amapheshana okuvota akhishiwe nalowo onakele ngesikhathi kuvotwa kanye nalowo atholakele ngaphakathi ebhokisini lokuvota ekuvalweni kokhetho.

#### Indlela umvoti azoziveza ngayo

12. Umvoti osemthethweni okuzothi ngosuku lokuvota abe engamphethe amazisi wakhe noma ehluleke ukuveza ubufakazi obusobala bokuthi ungumvoti, akayikuvunyelwa ukuba avote.

#### Isikhungo sokuvota

13. Akukho muntu oyovunyelwa ukuba sesikhungweni sokuvota ngaphandle kwesiphathimandla esiphethe ukhetho, umsizi waso, labo abazon-genela ukhetho kanye nalowo ozomela ovotayo aziqokelele yena wavunywa yisiphathimandla esiphethe ukhetho nalababantu abarekhoda amavoti.
- (2) Isiphathimandla esiphethe ukuvota sinelungelo lokucela noma ubani ukuba asuke eduze kwesikhungo, kanti ke umuntu oseceliwe ukuba asuke eduze kwesikhungo kodwa enqabe uzothweswa icala lokwaphula umthetho.

#### Imiphumela yokhetho

14. (1) Ngokushesha okunokwenzeka emva kokuvalwa kwesikhungo sokuvota futhi emva kokuba sekwenziwe irekhodi okukhulunywe ngalo emthethweni 11(2) okulesi sahluko, isiphathimandla esiphethe ukhetho sizothi ngokushesha senze amalungiselelo esiwabona efanele okuthi amabhokisi okuvota avalwe emlonjeni futhi, agcinwe futhi athuthwe ngendlela ephethile kanye nokuvimbela ukuthi kube khona ukuphazanyiswa kwamabhokisi okuvota noma amapheshana okuvota futhi anqume isikhathi nendawo lapho kuyobalwa khona amavoti womuntu obekade emele ukhetho ngamunye. Masinyane emva kokubalwa kwamavoti isiphathimandla esiphethe ukhetho sizokhipha isaziso esisho amavoti amukeliwe sibuye simemezele labo abathole amavoti amaningi kunabanye ezigcemeni zabo ukuthi sebelunqobile ukhetho lomkhandlu-dolobha.
- (2) Ngenkathi kubalwa amavoti kuzobe kukhona kuphela isiphathimandla esiphethe ukhetho, abasizi baso kanye nalabo abangenele ukhetho.
- (3) Ngokushesha okungase kwenzekile, ngosuku olulandela lolo obekade kuvotwa ngalo, isiphathimandla esiphethe ukhetho, sizobhalela unsumpa umbhalo lapho simazisa khona ngomphumela wokhetho, amtshela nanokuthi kunabavoti abangaki abarekhodiwe balowo nalowo obekade engenele ukhetho.

#### Ukuthathwa kwesinqumo uma kwenzeka kunabalinganayo ngamavoti

15. Uma kukhona ababili noma ngaphezulu kwalokho benamavoti alinganayo esigcemeni esithize, ophumelele usezonqunywa ngokuthi isiphathimandla esiphethe ukhetho naso sivotele oyedwa walabo bantu kubuka bonke abangenele ukhetho.

#### Ukhetho-ikelele lokuqala kanye nesikhathi sokuhlala ehhovisi samalungu akhethiwe anikwa nezikhundla okhethweni ikelele lokuqala

16. (1) Ukhetho lokuqala lwamalungu omkhandlu-dolobha luzokwenziwa ezinyangeni eziyisithupha emuva kokuba uNgqongqoshe ekhiphe isimemezele ngokomthetho 1(1) okulesi sahluko ophathelene nokwakhiwa komkhandlu-dolobha kulelo dolobha labomdabu, kanti amalungu akhethiwe ngaleyo ndlela azohlala ehhovisi kuze kube wusuku lwamashumi amathathu lwenyanga kaSeptemba ngonyaka wesihlanu ngemuva kwalowo okwagcina kunokhetho ngawo.
- (2) Ukuqhutshwa kokuvota okhethweni lokuqala kuzolandelwa njengoba kunjalo ngokwezihlinzeko zemitheshwana 4 kuya ku 15 yalesi sahluko.
- (3) Isikhathi sokubamba izikhundla samalungu womkhandlu-dolobha abekwa ezikhundleni wuMaziphathe weSizwe, sizophela ngosuku olufanayo nolwamalungu avotelwa.

#### Izikhala

17. (1) Ilungu lomkhandlu linelungelo lokuthi lixoxise ubulungu balo ngokubhala incwadi liyithumele kunsumpa, okuyosho ukuthi lesa sikhundla asisenamuntu.
- (2) Ilungu buyobe buphelile ubulungu balo emkhandlwini-dolobha uma: -
  - (i) kwenzeka ligwetshwa ngenxa yokuba lephule umthetho, uma kuthiwa aliyodonsa isigwebo esingaba yinyanga ngaphandle kokunikezwa ilungelo lokuba likhokhe inhlawulo, noma linikezwe ilungelo lokukhokha inhlawulo kumbe lidonse izinyanga ezingaphezulu kwezizithupha;
  - (ii) lithi liyilungu elikhethiwe kodwa ashiye noma aphuthe ekubeni sedolobheni labamnyama ngaphandle kwemvume yomkhandlu-dolobha isikhathi esixhumene esingaphezulu kwezinyanga ezimbili;
  - (iii) liyotholakala liphuthe emhlanganweni yanyangazonke elandelanayo yomkhandlu yaze yaba mithathu ngaphandle kwemvume yomkhandlu, noma livele lixoxe kuyinoma imuphi umhlangano womkhandlu ngaphandle kwemvume kasihlalo.
  - (iv) lithola izwi elivela enkantolo yomthetho elithi likhinyabezekile ngokomqondo noma likhubazekile, noma ligcinwe ngokusemthethweni njengomuntu okhinyabezekile noma okhubazekile ngokomqondo noma okhinyabezekile ngokomthetho obhekela ukuKhubazeka ngeNgqondo ka 1973, (UMthetho 18 ka 1973);



- (v) kuthi ngenxa yokuphambeka okuthile lakhetheka njengelungu lomkhandlu, osekuthi emva kokuba unsumpa eseyiphenye kahle leyo ndaba wanquma ukuthi lelo lungu lalingafanele ukungenela ukhetho lomkhandlu-dolobha uma kulandelwa kulandelwa izihlinzeko zale mitheshwana;
  - (vi) lingasesona isakhamuzi salelo dolobha labomdabu uma ngabe kulilungu elikhethiwe noma lingaseyena umvoti noma umninimhlaba;
  - (vii) linesikweletu esesingaphezu kwenyanga sanoma yiziphi izimali ezikhokhwa kumkhandlu ngokulandela le mitheshwana;
  - (viii) linesikhundla noma indawo elithola kuyo inzuzo engaphansi komkhandlu libe liqashwe wumkhandlu;
  - (ix) lifa.
- (3) Uma kukhona esinye isizathu esibekwe ngaphansi kwesigatshana (2) ilungu liphelelwa wubulungu balo, umphathi womkhandlu-dolobha kufanele akhiphe umbhalo cyisaziso uhanjise ekhaya lalowo muntu ekhelini agcinwa ehlala kulona emazisa ukuthi akaselona ilungu lomkhandlu-dolobha. Omunye umbhalo onjalo uzothunyelwa kuNobhala-jikelele kanti uma ngabe kuyilungu elabekwa kuleso sikhundla wuMaziphathe weSizwe, sekuyothunyelwa enye incwadi kunobhala woMaziphathe WeSizwe.
- (4) (a) (i) Ekutholeni kwakhe lesi saziso esisemthethweni (3) ukuthi ilungu elalikhethiwe aliselona ilungu lomkhandlu-dolobha, unsumpa uzocela isiphathimandla esiphethe ukhetho ukuba sibize olunye ukhetho lokuchibiyela njengaloku kubekiwe kule mitheshwana, ukuze kugcaliswe isikhundla lesi esingasenamuntu. Ngaphandle uma ngabe lesi sikhala sidaleka esikhathini esiphakathi komhla ka 1 ku Apreli kanye nomhla ka 30 kuSeptemba wonyaka obekuvela kuzobanjwa ngawo ukhethojikelele, ukuchibiyela okunjalo angeke kusaba nesidingo.
- (ii) Inqubo ehlahlwe kwimitheshwana 5 kuya ku 15, iyonke nalezi sahluko, izosetshenziswa kanyekanye uma ngabe kuba nokhetho olubanjwa ngokulandela isigaba (a)(i).
- (iii) Uma uMaziphathe weSizwe sewuthole isaziso lesi esichazwe emthethweni (3) ukuthi ilungu elalibekwe esikhundleni yiwona aliselona ilungu lomkhandludolobha, uMaziphathe weSizwe ungase uphakamise igama lomunye osezothatha isikhundla salowo ophumile emkhandlini: Ngaphandle uma isikhala lesi sidaleke phakathi kuka 1 Apreli no 30 September wonyaka obekuvela kuzobanjwa ukhethojikelele ngawo, uMaziphathe weSizwe ungeke usazikhathaza ngakokho.
- (b) Noma yiliphi ilungu okuthi ngokuqhuba ukhetho lokuchibiyela njengaloku kuchazwe esigabeni (a)(i) akhethwe noma ngokulandela isigaba (a)(iii), abekwe esikhundleni, useyobamba isikhundla kuze kuphele leso sikhathana ebasisasele ebisizokhutshwa yilowo angene esikhundleni sakhe.

#### Kuvumeleka kwabayoti

18. (1) Yilo muntu kuphela ovunyelwe ngokulandela isigaba 3 no 4 salo mthetho kanye nale nqubo ukuhlala edolobheni labamnyama lelo okukhulunywa ngalo futhi -
- (a) ebe ewumuntu owazalelwa lapha eNingizimu Afrika;
  - (b) ebe engakweleti isikhathi esingaphezu kwezinyanga ezimbili noma ngaphezulu ezimalini ezikhokhwayo zedolobha labomdabu ngokulandela le mitheshwana, uma kubalwa kuze kube sosukwini lokugcina lwenyanga leyo eyandulela inyanga okwenyulwe ngayo amagama;
  - (c) ebe eneminyaka eyi 18 noma ngaphezulu;
  - (d) ebe enomazisi okhombisa inombolo yakhe; futhi
  - (e) ebe engeyena umuntu ongavunyelwe ukuvota njengoba kuchazwe emthethweni 3(1) (a), (d), (e), (f) noma (g) ekulesi sahluko; uzovumeleka ukuvota kunoma yiluphi ukhetho lwamalungu omkhandlu-dolobha;
- (2) Umuntu igama lakhe elingekho ohleni lwabayoti njengaloku kuchazwe emtheshwaneni 4 walesi sahluko akezuvunyelwa ukuthi avote kunoma yiluphi ukhetho lwamalungu omkhandlu-dolobha.

#### Amalungu kanye nabasezikhundleni

19. (1) Umhlangano womkhandlu-dolobha ophuthumayo uzobanjwa kungakapheli izinsuku eziyi 14 njalo nje emva kokhetho-jikelele obelubanjwe ngokulandela le mitheshwana bese kuthi emva kwalokho lubanjwe njalo ngenyaka kungakapheli izinsuku eziyi 14 inyanga kaOctober iqalile, kuyo yonke imihlangano enjalo inkosi ephethe uMaziphathe weSizwe isiyosho ukuthi iyosithatha yini isikhundla sokuba usihlalo noma iyophakamisa igama lomunye umuntu ukuba athathe isikhundla lesi. Amalungu asezosuka lapho akhethi isekela likamgcinu sihlalo ebese kuthi usihlalo kanye nesekela lakhe emva kwalokho bangene ezikhundleni zabo. Sebeyohlala lapho ke unomphela kuze kufike usuku lomhlangano ophuthumayo ngenyaka olandelayo.
- (2) Uma usihlalo noma isekela lakhe eshiya isikhundla ngenxa yanoma yisiphi nje isizathu okungesona sokuthi usephelelwe yithuba lokuba sehhovisi lesikhundla ayekhethelwe lona noma ephakanyiselwe sona, kuzokhethwa ozomlandela emhlanganweni owejwayelekile wenyanga. Uma kungusihlalo uzophakanyiswa kanti uma kuyisekela lakhe kuzokhethwa elinye ilungu likhethwa amanye amalungu.
- (3) Uma kubakhona isizathu esenza ukuthi bobabili usihlalo kanye nesekela lakhe bangaphumeleli ukubakhona emhlanganweni, amalungu akhona azokhomba noma ubani phakathi kwabo ukuba abambe njengosihlalo kulowo mhlangano.

#### Ubude besikhathi salabo abaphethe izikhundla

20. Ngaphansi kwehlinzeko zemitheshwana 16 kanye no 17 yalesi sahluko, ilungu lomkhandlu-dolobha lifanele ukuba sesikhundleni isikhathi esingaminyaka emihlanu kanti futhi lisenokukhethwa uma kuba khona ukhetho - jikelele.

#### Imibandela emayelana nomsebenzi wamalungu

21. (1) Akuvumelekile ukuthi ilungu lomkhandlu-dolobha lingenele izingxoxo zomkhandlu-dolobha ophathelene noma okhuyima nganoma yisiphi isivumeiawano, ukufakwa noma ukukhishwa kwezimali, isivumelwano esiyisibopho noma ukuhlela ngisho kungaba okwanhloboni lapho yena ezozuza ngasese, kungase kube ukuzuza okuqonde ngqo noma okungaqondile, akwenzile noma okusazokwenziwa noma okuphethwe noma okusazophethwa nomkhandlu-dolobha.
- (2) Akukho ilungu elivunyelwe ukubiza, licele noma lamukele noma yisiphi nje isethembiso, imali, okuthile kokugwaza noma umvuzo azoyithola ngoba esesikhundleni esithize emkhandlini ngaphandle kwalokho afanele akuthole ngokusemthethweni noma inkokhelo enqunyweyo ngokulandela le mitheshwana.
- (3) Ilungu eliyotholalaka leqa umthetho osesigatshani (1) no (2) seliyothweswa icala lokwephula umthetho okuyothi makwenzeka limlahla icala, ngaphezu kwaleso sijeziyo ayosithola useyokulahlekelwa yisikhundla sakhe njengomuntu ongakulungele ukuba yisiphathimandla noma abe semahhovisi omkhandlu ngokulandela le mitheshwana kuze kuphele iminyaka eyisihlanu.

#### Izinkokhelo zamalungu

22. (1) Amalungu omkhandlu-dolobha azokhokhelwa lezo zinkokhelo ezinyonqunywa uNgqongqoshe.
- (2) Izinkokhelo ezinjalo ziyofakwa emshinini wecomputer ukuze ziphume ngazo zonke izinyanga: Kuhlizekelwe ukuthi ilungu liyolahlekelwa wu 10% (ten per cent) wenkokhelo enjalo ngalowo nalowo umhlangano eliyophutha kuwo ngaleyo nyanga okufanele inkokhelo ikhokhwe ngawo, kodwa akezulahlekelwa yilutho uma ukuphutha okunjalo kudalwe yisizathu okuzothi uma umkhandlu usulumene indlebe noNobhala-jikelele kuhlaluke ukuthi siyewakala.
- (3) Umkhandlu-dolobha unelungelo lokunikeza izinsuku ezingeqile kwezingama 30 zelivu kodwa ilungu lelo libe likhokhelwa imali yalo njen-galokhu kubalula isigatshana (1) ngaso sonke lesi sikhathi.

**Imisebenzi, Imithwalo kanye namandla omkhandlu-dolobha**

23. (1) Kuye ngokuthi uNgqongqoshe ubeke mibandela mini, umkhandlu-dolobha uyakwazi ukuthi usebenzise amandla athile, futhi wenze nemisebenzi kanye nezenzo okuphathelene nezindaba uNgqongqoshe angase afise ukuthi zenziwe wumkhandlu-dolobha:
- (a) Ukuthuthukiswa kanye nokuphathwa kwamapaki kanye nezindawo zokungcebeleka.
  - (b) Ukusungulwa, nokugcinwa kanye nokuphathwa kwezinto zemidlalo noma zikaqedisizungu.
  - (c) Ukusungulwa, ukuhlinzekelwa, ukugcinwa kanye nokuphathwa kwemisebenzi ephathelene nemitapo yezincwadi, izikhungo zokugcinwa kwamasiko kanye nezingadi ezigcina izinhlobozobho zezithombo kanye nezimbali.
  - (d) Ukwabiwa kwemifundaze ephathelene nezemfundo.
  - (e) Ivimbele futhi ilwe nokuthathwa kwendawo noma izakhiwo ngokungekho emthethweni uma kunesidingo sokuthi kube nohulumeni wasekhaya obhekene nalokho.
  - (f) Ukwabiwa noma ukuphathwa kwezakhiwo, ezibiyelwe, lokho kubandakanya nokulungiswa kwezinhlaka zamapulane esifunda sonke esingaphansi komkhandlu-dolobha.
  - (g) Ukugunyaza amapulani ezakhiwo kanye nokususa noma ukudliza amabhilidi noma izakhiwo ezingekho emthethweni noma eseza-shiywa abanikazi bazo.
  - (h) Ukulawula, ukuvimbela noma ukuthiya ukufuywa kwezinja, lokho kumbandakanya nokugcinwa kwezindawo ezigcina izinja, ukushaywa kwemithetho yokuthelana izinja, kanye nokwenza izindlela zokunqanda lonke uhlobo lohlu pho oludalwa yizinja.
  - (i) Ukulawula, ukuvimbela, ukuhambisa kahle noma ukuthiya ukufuywa kwezinye izilwane okungasezona izinja.
  - (j) Ukulawula, ukuvimbela, ukuhambisa kahle noma ukuthiya ukuhweba ezitaladini kanye nokuhlelwa nokubekeka kahle kwezokukhangisa.
  - (k) Ukuhlinzekela, ukugcinwa kanye nokwenza umsebenzi wokuthutha, ukubhubhisa noma enye indlela yokususa indle (kanye namath-angi agcina okunjalo), udoti, izimoto ezingasahambi nanoma yini ke enye umkhandlu oyobona kunesizathu esenelisayo sokuthi seyishiywe umniniyo, izidumbu zezilwane kanye nalo lonke uhlobo lokungcola.
  - (l) Izindlela zokwenyusa izinga lempilo yezakhamizi kuleso sifunda esingaphansi komkhandlu-dolobha noma ukuvikela ukusabalala kwezifo ezithathelanwayo noma ubhubhane noma ukuvikela lonke uhlobo lwenkathazo engase ikhombise ukuba yingozi empilw yalezo zakhamizi.
  - (m) Ukusungula, nokuthola, nokwakha, nokugcina kanye nokuqhuba ngaphakathi nangaphandle kuleso sifunda esingaphansi komkhandlu imisebenzi efana nokuphakelwa kwamanzi kanye namapayipu endle kanye nokuthuthwa kukadoti ezitaladini kanye nokuhlazisiswa kwalawo manzi kanye nezimo eziphathelene nokuthunyelwa kwalawo manzi, ngisho nokuwanqamula uma kunesidingo okwenziwa lokho ngokuchibiyela umthetho ngumkhandlu-dolobha izikhathi ngezikhathi.
  - (n) Ukusungula, nokuthola, nokwakha, nokugcina kanye nokuqhuba ngaphakathi noma ngaphandle kuleso sifunda esingaphansi komkhandlu imisebenzi efana nokulethwa kukagesi kuzakhamuzi ezikuleyo ndawo, ukusabalaliswa kwawo amandla kagesi kanye nemibandela ephathelene nokuthunyelwa lokhu kufaka ngisho nokunqanyulwa kwako lokho kuthunyelwa uma ngabe kunesidingo lokho okuyokwenziwa ngokuchibiyelwa komthetho ophathelene nalokho ngumkhandlu-dolobha izikhathi ngezikhathi.
  - (o) Ukwenza neminye imisebenzi umkhandlu ongase uyibone inesidingo efana nokuxhuma izintambo ezinkulu ezithumela ugesi kanye nalezo ezincane eziphakela kuzo, amapayipi amanzi ahlanzekile kanye nalawo athutha indle ahambe ngaphansi noma ngaphezu kwezindawo okungase kube ezomphakathi noma izindawo ezinabanikazi, ukuxhunywa kwezintambo noma amapayipu anjalo kanye nelungelo lokungena ezindaweni ezinjalo ngenhloso yokuyohlola lezo zintambo noma amapayipu.
  - (p) Ukusungulwa kanye nokugcina kusesimweni kwayinoma iliphi ibhildi kumbe isakhiwo esingase sibe sidingwa umphakathi noma okunhloso yaso ihlinzekelwe kule mitheshwana.
  - (q) Ukusungulwa kwesikhwama sempesheni ukuze kusizakale izisebenzi zomkhandlu.
  - (r) Ukwakhiwa kwemigwaqo kanye nokugcinwa kwayo isesimweni esifanele kanye nezitaladi kanye nokuvalwa kanye nokuthiywa kokusetshenziswa kwaleyo migwaqo nezitaladi.
  - (s) Ukusungulwa, ukugcinwa kahle kanye nokulawula amathuna, ngaphakathi noma ngaphandle kwesifunda somkhandlu-dolobha.
  - (t) Nanoma yimuphi ke omunye umsebenzi umkhandlu oyowunikwa uNgqongqoshe washicilelwa kwiGazethi kaHulumeni.
- (2) Umkhandlu-dolobha unelungelo lokwenza lokhu: -
- (a) ukuqasha abantu abathize kube sekuboneni kwawo ukuze kukwazi ukuphumelela umsebenzi osemahlombe awo futhi ubakhokhele amaholo kanye nezinkokhelo njengalokho kuyovunywa uNobhala-jikelele;
  - (b) ngemvume kaNobhala-jikelele futhi kuye nanokuthi mibandela mini ayibekayo, usebenzise iziphathi-mandla eziqashwe uNobhala-jikelele futhi ubakhokhele amaholo kanye nezivumelo eziyonqunywa uye uNobhala-jikelele.
- (3) Umkhandlu-dolobha uzothi kungakedulul usuku oluyonqunywa uNobhala-jikelele wenze uhlelo lwezilinganiso kanye nencithakalo zalawo nalawo nyaka wezimali lezo zinhlelo zezilinganiso zizokwethulwa kuNobhala-jikelele ukuze azicubungule anqume nokuthi kuyonikelwa ngemali angakanani uma ikhona.
- (4) Uma kukhona okudinga ukuba kuthengwe kodwa kube kungahlinzekelwanga noma okuyokwenza ukuthi kweqiwe esilinganisweni semali ebihlinzekiwe, kuzotholwa kuqala imvume kaNobhala-jikelele ngaphambi kokuthenga leyo nto.
- (5) Umkhandlu-dolobha kufuneka wakhe isikhwama okuyongena kusona zonke izimali eziqongelelwa wumkhandlu-dolobha, izindleko zomkhandlu sezinyobhekwa yilesi sikhwama, kufanele ube nezincwadi futhi ugcine amarekhodi azo zonke izimali ezatholakala nezasetshenziswa kanye nezizathu zokuhlolwa noma ukusetshenzisa kwezimali lezo. UNobhala-jikelele angase akhiphe izwi elishoyo ukuthi lezo zincwadi zigcinwe kanjani futhi zihlolwe kanjani umhloli ohlola ukusetshenziswa kwezimali.
- (6) Umkhandlu ngemvume kaNobhala-jikelele ungase uvule ibhuku ebhange elibhalise ngokusemthethweni lapho uyobeka khona zonke izimali zawo. Akuzubakhona ukukhipha imali engaphezu kwaleyo ekhona ebhange ngaphandle kwemvume kaNobhala-jikelele.
- (7) Ukucelwa kwamathenda njengalokho kwanqunywa wuNgqongqoshe, kwashicilelwa kuyiGazethi kaHulumeni, kuzosetshenziswa uma ngabe kukhona umsebezi odinga ukwenziwa noma ukutholakala kwezimpahla zasesitolo noma ukwenzela umkhandlu umsebenzi.
- (8) (a) Umkhandlu-dolobha unelungelo lokuthi ngokwesinqumo esithathwe okungenani ezinsukwini eziyisikhombisa ezedlule emhlanganweni owawethanyelwe amalungu angengaphansi kwezinye ezimbili kwezintathu, ushaye umtheshwana ophathelene nesigatshana (1).
- (b) Umtheshwana oshaywe ngaphansi kwesigatshana (a) awuzukuba namandla omthetho kuze kube yilapho usuvunywe uNgqongqoshe onelungelo lokuba awuchibiyele enze izinguquko ezithile ngaphandle kokuwuphindisela kumkhandlu-dolobha. Umtheshwana owenziwe wumkhandlu-dolobha ngokulandela isigatshana (a) uzomenyenzelwa uNgqongqoshe futhi ushicilelwe kuyigazethi esemthethweni.
- (9) (a) Ngemvume kaNgqongqoshe umkhandlu-dolobha ungase ukhokhise izimadlana ezithile eziphathelene nempahla ethile.
- (b) Zonke izimadlana okuzothiwa kazikhokhwe kulandelwa isigatshana (a) isimemezelo sazo sizoqale sishicilelwe uNgqongqoshe kuyiGazethi kaHulumeni.



- (10) Umkhandlu-dolobha ungase uhlinzekele udaba oluthinta ukusebenza kwawo noma indlela owenza ngayo, lokho kumbandakanya ukwedlulisela amandla kusigungu noma izinkomishani ezithile zomkhandlu kanti futhi uyakwazi nokuchibiyela umthetho ngemvume kaNgqongqoshe maqondana nanoma yini nje ethinta umsebenzi wawo futhi izoshicilelwa kuyigazethi esemthethweni.
- (11) (a) Uma uNgqongqoshe enelisekile ukuthi kuyobe kubhekwe umphakathi noma ukuphatha kahle izintambo zedolobha labomdabu elinomkhandludolobha kanti futhi kube kuyisidingo ngokwemisebenzi kanye namandla anikezwe umkhandlu ngokwale mitheshwana, umkhandlu uzokwenza lokhu
- (i) uzonikeza izwi lokuqondisa okwesikhashana;
  - (ii) ukwakha uhlaka lomtheshwana osahlongozwa;
  - (iii) ukukhokhisa izintela ezithize;
  - (iv) ukwenza isiqinisekiso sokuthi lemitheshwana iyagcinwa.
- uNgqongqoshe uzobhala incwadi ayithumele kumkhandlu lowo othintekile acele lowo mkhandlu ukuthi unikeze isaziso noma umyalo wesikhashana, oshoyo ukuthi awakhe lomthetho wesikhashana osahlongozwa noma wenze ukuba kukhokhwe intela ethize noma uthathe noma yisiphi isinyathelo esizokwenza ukuthi le mitheshwana iba yimpumelelo, ebese kuthi uma umkhandlu-dolobha wakulelo dolobha labomdabu uhluleka ukufeza lesi saziyo kuze kuphele izinsuku ezingamashumi amathathu, uNgqongqoshe usengazithathela yena ngezandla zakhe ukukhipha lesi saziyo sesikhashana, ukwakhiwa komthetho osahlongozwayo, ukukhishwa kwezimali noma ukuthathwa kwezinyathelo eziziqinisekisa ukuthi ukuthi le mitheshwana iyalandelwa. Isaziyo kumbe iseluleko, ukukhokhwa kwezimali, ukukhanda umthetho ohlongozwayo kuzothathwa ngokuthi kukhishwe, kwakhiwa, noma intela ibizwe noma ithathwe yilowo mkhandlu.
- (b) Noma yimuphi umthetho wesikhashana noma iseluleko siyosebenza unyaka owordwa vo.
- (12) Umuntu oyohluleka ukhlangabezana nezimiso zomthetho wesikhashana noma iseluleko esikhishwe ngokwesigatshana 11, uyothweswa icala lokwephula umthetho ebese kuthi inhlawulo ayikhokhayo ingene esikhwameni somkhandlu.

#### Ukumenywa kwemihlangano

24. Umkhandlu-dolobha kufanele okungenani ube nomhlangano owordwa ngenyanga, ngosuku semini, indawo nesikhathi okuyonqunywa yiwona umkhandlu.

#### Imihlangano ephuthumayo

25. (1) Uma usihlalo womkhandlu esezenelisele ukuthi kukhona isidingo somhlangano onjalo, angase eluleke ukuthi kubanjwe umhlangano ophuthumayo womkhandlu-dolobha. Amalungu omkhandlu-dolobha azothunyelwa izincwadi zesimemo ziqhamuka kunobhala walowo mkhandlu-dolobha ezibikezela ngalowo mhlango kanye nenjongo yawo okungenani kusasele amahora angama 24 ngaphambi komhlangano.
- (2) Akukho olunye udaba oluseceleni oluyokhulunywa kulowo mhlango ngaphandle kwalolo daba okuyilona olubizelwe umhlangano.

#### Izaziyo zemihlangano

26. Isaziyo sesikhathi nendawo yomhlangano ojwayelekile womkhandlu-dolobha kufanele ikhishwe ngunobhala wawo lowo mkhandlu siya kumalungu okungenani kusasele amahora angu 72 ngaphambi komhlangano. Lesi saziyo sifanele siphelzelwe uhlelo lwalowo mhlango kanti isaziyo singase silethwe ngesandla noma sithunyelwe ngeposi.

#### Isibalo esiyisidingo somhlangano (Quorum)

27. Uma isibalo samalungu omkhandlu sesibe ngaphezu kwengxenyane yenani lamalungu ngabantu noma bangaba bangaki, kuyothathwa ngokuthi sebenele ukuqhuba umhlangano.

#### Ukuvota kukasihlalo uma ngabe amavoti elingana

28. Uma kwenzeka kuba khona ukulingana kwamavoti, usihlalo naye uzoba nelungelo lokuvota ukuze kubekhona abanqobayo. Usihlalo unelungelo lokusebenzisa ukubona kwakhe okungase kube ukuthi angalivumeli ukuba livote uma ecabanga ukuthi kukhona inzuzo lelo lungu elingase liyithole ngasese ngalolo daba olucutshungulwayo.
29. (1) Unobhala womkhandlu-dolobha kufuneka athathe amaminithi wokuqhubekayo ayo yonke imihlangano yomkhandlu-dolobha futhi kufuneka abhale phansi amagama amalungu onke akhona kanye neziphathimandla.
- (2) Amaminithi anjalo kufanele avunye emhlanganweni ojwayelekile womkhandlu-dolobha olandelayo.
- (3) Ekwethulweni kwamaminithi ukuba avunye futhi asayinwe, akukho zingxoxo eziyovunyelwa lapho kuyophikiswana ngobuqiniso bama-phuzu asemaminithini nje kuphela.

#### Mhlangano womkhandlu kanye nokubambelela kwawo ohlelweni

30. Akukho lutho olunye oluzoxoxwa emhlanganweni ngaphandle kwalokho okwasekuvele kukhishwe ohlelweni olwathunyelwa nezimemo zomhlangano: Ngaphandle uma ngabe umhlangano uzoxoxa ngodaba okungekho ukuphikisana ngalo noluphakanyiswe ngendlela efanele.

#### Ukukhuluma emhlanganweni

31. Amalungu kufanele ame ngezinyawo uma ekhuluma emhlanganweni futhi inkulumbo iqondiswe kusihlalo, futhi akuvumelekile ukuthi kubekhona ilungu elikhuluma kuze kube kabili ngesihloko esisodwa noma isiphakamiso, ngaphandle kokuthi ilungu okuyilona elenze isiphakamiso lifanele linikezwe ithuba lokuphendula ngaphambi kokuba lesi siphakamisosivotelwe.

#### Ukulandelana kwezikhulumu

32. Uma amalungu amabili efisa ukukhuluma emhlanganweni ngesikhathi esisodwa futhi kungekho elidedela elinye, usihlalo uzonika ilungelo lowo ngokubona kwakhe okuwuyena odinga ukuba akhulume kuqala. Uma ngokubona kukasihlalo, ilungu lithinteka lona siqu salo kulolo daba oluxoxwayo, usihlalo angaliceda ukuba lithi ukuxoxa okwesikhashana ezingxoxweni kuze kuphele lolo daba.

#### Ubungoka bukasihlalo ekukhulumeni

33. Njalo nje, uma usihlalo ekhuluma, noma ubani obekade esakhuluma kufuneka ahlale phansi kuthi onke amanye amalungu athule ukuze usihlalo ezwakale ngaphandle kokuphazamiseka.

#### Iziphakamiso zifanele zesekelwe

34. Akukho siphakamiso noma isichibiyelo okuphakanyiswe yilungu okuzobekwa ezithebeni ngaphambi kokuba kube khona elinye ilungu elikusekelayo kuqala. Kuthi lesi siphakamiso noma isichibiyelo esingasekwanga muntu kufanele sibhalwe phansi emaminithini.

#### Ukhanjelwa kwemihlangano

35. (1) Ngaphezu kwamalungu, laba abalandelayo banelungelo lokwethamela umhlangano womkhandlu-dolobha:
- (i) Unobhala womkhandlu-dolobha, yinoma isiphi isiphathi-mandla somkhandlu-dolobha noma kungaba ubani ke omunye usihlalo ayombona eyisidingo emhlanganweni onjalo, noma ocelwe wumkhandlu ukuba abekhona.
  - (2) Usihlalo womkhandlu unelungelo lokumema amalungu omphakathi ukuba ethamele umhlangano womkhandludolobha, kuye ngokuthi ubona kunjani.
  - (3) Noma ubani -

- (a) oyohluleka ukuhambisana nomyalo noma iseluleko esikhishwe ngokwesigatshana (1);
- (b) owephula noma yimuphi umthetho ochitshiyelwe ophansi kwaleso sigatshana; noma
- (c) oyohluleka ukukhokha imali ebekiwe ngaphansi kwaso lesi sigatshana kungakapheli izinsuku ezingamashumi ayisithupha kusukela osukwini lezo zimali okwakufanele ziqale ukukhokhwa ngalo;

uyothweswa icala lokwephula umthetho, inhlawulo ayoyikhokha iyongena esikhwameni somkhandlu.

**Isigaba sesijeziso**

**36. Noma ubani owephula noma owehluleka ukuhambisana nalokhu okuhlinzekelwe kunoma yisiphi sezahluko zemithetho noma iseluleko esinikiwe noma umbandela obekwe ngoba ulandela lokho, uyothweswa icala lokwephula umthetho okuyothi ma ngabe icala limalhile akhokhe inhlawulo engeqile kuma R100, noma uma ehluleka ukukhokha aboshwe adonse izinyanga ezintathu.**

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**UHLU A**

(Kufanele kugcwaliswe kube kubili)

**ISICELO SENCWADI YOBUNINIMHLABA EPHATHELENE NOKUBA UMNKAZI NDAWO OKUNGASE KUBE EYOKUHLALA\*/UKUHWABA\*/UMSEBENZI WOKWENZA IMPAHLA\*/OKUSASITOLO\*/NOMA OKUNYE\***

Ilokishi: .....

Isifunda: .....

Mphathi, Ilokishi  
(ikheli)

Lesi yisicelo sokuba ngithole ilungelo lencwadi yobuninimhlaba, lokhu kuhambisane nokubalula kanye nemibandela ebekwe eMthethweni 5:

Inombolo yendawo: .....

Inombolo yesiza: .....

esise .....

kulelilokishi elingenhla.

Indawo idingwa yimina njengendawo yokuhlala\*/yokuhweba/yokuqhuba umsebenzi wokwakha impahla\*/

isitolo\*/ .....

Imininingwane yalowo ofaka isicelo (nekazakwabo uma ngabe belihlangayela):

Amagama ngokuphelele: .....

Ubulili: .....

Iminyaka yobudala: .....

Inombolo yobuzwe: .....

Ubuzwe balowo ofake isicelo: .....

Imininingwane yendawo ohlala kuyo :

Indawo ohlala kuyo: .....

Isifunda: .....

Imininingwane yendawo okungeyakho (lokhu kufaka nendawo elinywayo) ekhona noma yikuphi

Imininingwane yomsebenzi ofundelwe, yokuhweba noma amalungelo ezitolo ezikwezinye izindawo

Imininingwane ephathelene nokuthenga:

Intengo: R .....

Imali eyisibambiso: R .....

Imininingwane yokukhokha ngamanconzunconzu imali esasele: R .....

Inani lemali ezotholakala ebizwa kuzincwadi zobunini: R .....

Uma ngabe kuyisicelo sendawo yokuhlala, gcwalisa lokhu okulandelayo: -

Imininingwane yabomndeni:





.....amamitha-sikwele  
(Ngamagama)

Kuyibalazwe lelokishi umdwebo ongunombolo .....

oselokishini lase .....

esifundeni sase .....

Le mpahla esichazwe lapha ngenhla inalokhu okusagodliwe, imibandela noma igunya lokusetshenziswa (uma ngabe likhona):

Ngalokho ke umdayisi uyanikela ngamalungelo akhe onke kanye namatayitela ake waba nawo kulempahla kanti futhi uyavuma ukuthi usehlukene nayo akasenakuba nelungelo lokuya kuyo kanye nokuthi, ngaphansi kwaleli lungelo lobunini, lona oseke washiwo

izindlalifa zakhe, ababi bakhe befa, abaphathi bezindaba zakhe noma abayomlandela etayiteleni sebezothi kusukela manje babe nelungelo njen-  
gokwenqubo ejwayelekile yendawo, kodwa kubekusahlonishwa amalungelo kahulumeni, kanti futhi ekugcineni uyavuma ukuthi imali engange

R .....

(.....) iyintengo yale mpahla.

Ukufakazela lokho mina Mbhali, ngisayine ngaphinde ngashaya isitembu le ncwadi yobuninimhlaba ngesitembu esisemthethweni.

### LOKHU KWENZIWE FUTHI KWASAYINWA EHHOVISI LOMBHALI

elise .....

ngomhla ka ..... enyangeni ka .....

onyakeni.....(19.....)

### UMBHALI

### UHLU C

### ISICELO SOKUDLULISA UBUNIKAZI-NDAWO ESETSHENZISELWA UKUHLALA

Ilokishi:

Isifunda:

Ubunikazi

Mphathi,

Ilokishi (Ikheli)

Mina, .....ngiwumnikazi

onamalungelo wendawo ewunombolo .....

esesizeni esingunombolo.....esise .....

elokishini eselishiwo lapha ngenhla, futhi engihlala kuyo ngokwencwadi yobuninimhlaba ewunombolo .....

ngifaka lesi sicelo sokuba lendawo ngiyidlulisele ku .....

Isizathu sami sokwenza lokhu (chaza ukuthi idayisiwe noma umnikelo njll.)

Obunye ubufakazi obesekela isicelo

.....  
Isandla salowo odlulisayo

Indawo:

Usuku:



**UHLU C (Luyaqhutshwa)**

(Okugcwaliswa yilowo edluliselwa kuye)

Imininingwane yalowo okudluliselwa kuye

Amagama aphelele:

Ubulili:

Iminyaka:

Inombolo yobuzwe:

Imininingwane yomndeni ozohlala kuleyo ndawo:

Unkosikazi:

**Iminyaka yobudala:**

Izingane:

**Abesilisa**

**Abesifazane**

Amagama

Iminyaka

Amagama

Iminyaka

Imininingwane yalapho kuhlalwa khona njengamanje:

Indawo yokuhlala:

Isifunda:

Indawo: .....  
**Isandla salowo odlulisayo**

Usuku:

Isinqumo sikansumpa: Isicelo sokudlulisa ubuninimhlaba siphumelele/asiphumelelanga

Indawo: .....  
**Unsumpa**

Usuku:

Inombolo yefayela:

Okwenziwe unsumpa:

Usuku okwaziwa ngalo lowo edluliselwa kuye:

Okufanele kukhokhwe kufakiwe kurejista ngomhla ka:

Amagama omphathi-mabhuku:

I-risithi yobuninimhlaba ifayiliwe.

Indawo: .....  
**Unsumpa**

Usuku:

Inombolo yefayela:

**UHLU D**

**ISIMEMEZELO SENDAWO ESEZIWA YILOWO ODLULISA INDAWO**

Ilokishi:

Isifunda:

Inombolo yobunikazi:

Mina.....

ngalencwadi ngidlulisela ku.....

onke amalungelo ami, itayitela kanye nenzuzo esemhlabeni konke lokhu okukimi ngaphansi kwelungelo lobuninimhlaba

eliwunombolo.....**Imvume kansumpa**

ibisitholakele.

Njengobufakazi balokho ngibhalise igama lami ngalolu suku.....lwenyanga ka ..... **19**.....

**UHLU D (Luyaqhutshwa)**

Ufakazi:

(1) ..... Isandla noma uphawu

(2) .....

Kwenziwe phambi kwami:

Usuku: ..... Unkomishani ofungisayo

**UHLU E**

**ISICELO SEMVUME YOKWAKHA**

Ilokishi: .....

Isifunda: .....

Inombolo yendawo: .....

Kunsumpa:

Ilokishi: .....

1. Lesi yisicelo esenziwa ngokulandela umthetho 11(3) wesahluko 2 somthetho ophathelene nokuthi ngikhishelwe imvume yokwakha kulend engenhla.
2. Nginamathelise amakhophi amathathu walokhu:
  - (a) Ipulani le(za)sakhiwo e(zi)hlongozwayo elidwetshwe ngokwesilinganiso 1:100 noma 1:200 kanye/noma izinguquko e(za)sakhiweni esivele sikhona.
  - (b) Ipulani lesiza lidwetshwe ngokwesilinganiso 1:500 noma 1:200 likhombisa indawo lapho i(za)sakhiwo kulendawo okukhulunywa e(zi)sihlongozwayo sikhona ngayo futhi likhombisa ibanga phakathi kwesitaladi kanye ne(za)sakhiwo.

3. Okokwakha okusetshenziswa yilokhu(balula):  
 .....  
 .....

4. Injongo isakhiwo esiyosetshenziselwa yona(balula):  
 .....  
 .....

5. Obunye ubufakazi obusekela isicelo (uma bukhona):  
 .....  
 .....

Indawo: .....

Igama lofaka isicelo (bhala ngamagama amakhulu): .....

Isandla sofaka isicelo .....

Usuku: .....

Isithasiselo/Isinqumo sikansumpa .....

.....

.....

..... Unsumpa

Usuku: .....



**UHLU F**  
**IMVUME YOKAKHA**

Inombolo yepulani.....

Isifunda: .....

Ilokishi: .....

Inombolo yendawo: .....

Imvume inikezwa u: .....

Inombolo kamazisi: .....

ukwakha noma aguqule isakhiwo kule ndawo eshiwo ngenhla, uma lokho kuzohambisana nalokhu okuchazwe lapha.

Uhlobo lomsebenzi ozokwenziwa: .....  
(Shono ukuthi uyakha, uyaguqula, uyengeza noma amapayipu amanzi)

Uhlobo lwesakhiwo.....  
(Shono ukuthi umuzi, isiflata, isiflata esixhumene nesitolo, ihotela, indawo eyakha izimpahla, ibhange, ibhange lezokwakha, amahhovisi, isonto, indlu yezemidlalo, izikole, isibhedlela njll.)

Uma le ndawo kuyindawo yokwakha izimpahla ngokwenzelwe ejwayelekile yaleli gama, umthetho okuthiwa yi-Machinery and building Work Act, 1941 (UMthetho 22 ka 1941) (Isigaba 3), kufanele ipulani liqale lihlole umhloli wezindawo zokwakha izimpahla.

**IZAKHIWO**

Okuchazwa kwesakhiwo esisha noma lesi esidinga ukuguqulwa:

.....

Ubukhulu besakhiwo esikhulu .....amamitha-sikwele.

Ubukhulu besakhiwo sangaphandle.....amamitha-sikwele.

Okuzokwengezwa esakhiweni esikhulu .....amamitha-sikwele.

Uhlaka lwesakhiwo esizothwala isisindo.....

Isisekelo: Ingxube: .....amatshe .....isihlabathi

usimende .....

Usimende wasezindongeni: Ingxube:.....isihlabathi

.....usimende.....umcako

Izindonga ngaphandle.....

Izindonga ngaphakathi.....

Okuvimbela umswakamo.....

Okuphakama kwesivikelo somswakamo ngaphezu komhlabathi.....mm

Uphahla lwakhiwe nge: .....yokwemboza

Iphansi lakhiwe nge: .....yokuqedela .....

.....

Amanzi, amapayipi endle, nokunye okuxhunywayo.....

.....

Indlela amanzi azofudunyezwa ngayo .....

Indlela yokufudumeza endlini.....

**OKUPHATHELENE NOKUHAMBISA AMANZI**

Shono ukuthi indlu encane isebenzisa amanzi okushaywa, iwathatha ethangini, ithangi elembelwe phansi, noma ipitsi:

.....

Lokho amapayipi enziwe ngayo: Owokumunca ..... Amanzi

omhlabathi .....amanzi .....

Lokho izimbobo zomoya ezakhiwe ngangakho: Amanzi omhlabathi .....

..... Amanzi .....

Uhlelo lokuhola amanzi emvula.....

### IZIDINGO EZIJWAYELEKILE

Amakamelo asetshenziselwa ukuhlala/ukulala: Ubuncane bobukhulu bendawo ngu 7 amamitha-sikwele, ububanzi okungenani bube 2,10 amamitha, ukuphakama okungenani kube ngu 2,6 amamitha.

Onke amakamelo abe nomoya oshaya unqamule.

Ubukhulu bawo onke amafasitela bukhonjiswe epulanini. Okuyingilazi kwefasitela okungenani kube yingxeny eeyodwa kwezilishumi ze-eriya yaphansi. Okungenani ingxenye yefasitela ivuleke. Izingxenye ezivulekayo zikhonjiswe epulanini.

Onke amakamelo okulala okungenani abe no 3,716 amamithasikwele phansi kanti kube no 11,327 amamitha-sikwele isikhala esingumkhathi kuleyo naleyo ngane eneminyaka eyi 10 nangaphezulu, kanti abancane kufuneka okungenani kube yingxeny yalokho.

### IMIDWEBO

Imidwebo ezosetshenziswa ibesilinganisweni sika 1:100

Amapulani kufuneka akhombise iphansi nokuphakama.

Amapulani okumunca amanzi angaba nesilinganiso esingu 1:200. futhi kufuneka alethwe kanye nemidwebo yesakhiwo.

Amapulani kufuneka akhombise lokhu okulandelayo: Uhlonze lodonga, ubukhulu kanye nokuthi ikamelo lizosetshenziselwani, ubukhulu bamakamelo okuhlala, nezilinganiso-jikelele zesakhiwo.

Ukwehlukaniseka phakathi kwezakhiwo kanye nokwehlukaniseka phakathi kwezindawo zokumunca amanzi kuyadingeka.

Ukuphakama kwesakhiwo uma kuqhathaniswa nokomgwaqo kuyadingwa abahloli.

Isakhiwo esikhona esizosuswa sifanele sikhonjiswe ngokucacile.

Ipulani yesiza ibe ngu 1:500 ifanele ikhombise konke okusha nezakhiwo ezindala, izilinganiso zesiza, ukusondelana kwesakhiwo nemingcele, nokutni iNyakatho ingaphi.

### UKUMUNCWA KWAMANZI

Imidwebo ifanele ikhombise zonke izakhiwo kanye namafasitela esakhiweni abekude ngamamitha ayi 6 kusukela epayipini elihamba amanzi asemhlabathini noma okokungenisa umoya, kobhavu, amashawa,osinki njll. kanye nawo onke amapayipi nosayizi bawo.

### ISAZISO NEREKHODI LOKUHLOLWA KWESAKHIWO

A. Ukuhlolwa kwesisekelo nalapho kugugulwe khona

Inombolo yesiza: .....

Inombolo yendawo: .....

Ilokishi: .....

Usuku lokuhlola: .....

Usuku eyavunywa ngalo: .....

Okuphawuliwe: .....

B. Ukuhlolwa kwileveli ye d.p.c.

Inombolo yesiza: .....

Inombolo yendawo: .....

Ilokishi: .....

Usuku lokuhlola: .....

Usuku eyavunywa ngalo: .....

Okuphawuliwe: .....

C. Ukuhlolwa elevelini efika lapho kune-wallpaper khona

Inombolo yesiza: .....

Inombolo yendawo: .....

Ilokishi: .....



Usuku lokuhlola: .....  
Usuku eyavunywa ngalo: .....  
Okuphawuliwe: .....

D. Ukuhlolwa kokugcina kwesakhiwo.

Inombolo yesiza: .....  
Inombolo yendawo: .....  
Ilokishi: .....  
Usuku lokuhlola: .....  
Usuku eyavunywa ngalo: .....  
Okuphawuliwe: .....

**UHLU G**  
**ISICELO SOKUDLULISA INDAWO YOKHWEBA**

Ilokishi: ..... Isifunda: .....  
Ubunikazi .....  
Mphathi, .....  
Ikheli lelokishi

Mina, .....  
ngingumnikazi obhalise ngokusemthethweni ukuba umnikazi wendawo .....  
engunombolo ..... esendaweni yase .....  
kuleli lokishi elingenhla engikuyona ngegunya lencwadi yobuninimhlaba ewunombolo: ..... ngenza isicelo  
sokwedlulisela lendawo ku .....  
Izizathu zokwedlulisa (shono ukuthi ithengiwe, umnikelo njll.)  
Obunye ubufakazi bokwesekela isicelo:

.....  
**Isandla sodlulisayo**

Indawo: .....  
Usuku: .....  
(Ingxenye egcwaliswa yilowo okudluliselwa kuye)  
Imininingwane yalowo okudluliselwa kuye:  
Amagama aphelele: .....  
Iminyaka yobudala: .....  
Inombolo kamazisi .....  
Imininingwane yalapho kuhlala khona lowo okudluliselwa kuye (kanye nabambisene nabo uma bekhona): .....  
.....  
Indawo yokuhlala: .....  
Isifunda: .....  
Obunye ubufakazi obusekela incwadi yesicelo:

.....  
**Isandla sedluliselwa kuye**

Indawo: .....

**UHLU G (Luyaqhutshwa)**

Usuku: .....

Ofake isicelo usethunyelwe impendulo yesicelo ngomhla ka: .....

Siphumelele/asiphumelelanga

Unsumpa

Indawo: .....

Usuku: .....

Ifayela: .....

\*Khuhla lokho okungekhona

**UHLU H**

Mphathi,  
(Ikhele)

Ukuphakanyiswa kwegama longenela ukhetho esikhaleni esidaleke emkhandlwini-dolobha esigcemeni:.....

Thina esisayine lapha ngezansi, singabavoti ababhalisile esigcemeni ....., siphakamisa igama lika: (igama longenele ukhetho) .....ngokwezimo zomtheshwana 5(3) wesahluko 6 ophathelene nokhetho kulesi sigceme esishiwo ngenhla.

IGAMA(ngamagama amakhulu) INOMBOLO KAMAZISI IKHELE ISANDLA

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

**UKWAMUKELWA KWESIPHAKAMISO YILOWO OPHAKANYISIWE:**

Mina.....

Inombolo kamazisi:.....

ngihlala e.....

ngiyakwamukela ukuphakanyiswa kwegama lami esikhaleni esivele kumkhandlu-dolobha.

Isandla

Usuku: .....

**UHLU I  
AMANGCWABA**

Inombolo yesitifiketi sokubekelwa ingcwaba: .....

(Ikhishwe ngokulandela umthetho 10)  
Lokhu kuyisiqinisekiso sokuthi u .....



**UHLU I**  
**AMAMGCWANA**

wase.....

ngokukhokha imali enqunyiwe engu R.....

usengasebenzisa i(zi)siza e(zi)sichazwe lapha ngezansi ukungcwaba:

Inombolo yengcwaba:..... Isigaba.....

Izilinganiso:.....

Amangcwaba:.....

Usuku: Ngomhla ka.....wenyanga ka..... 19.....

Unsumpa..... Umlindi mathuna.....

**UHLU J**  
**ANANGCWABA**

Itifiketi sokwedlulisa inombolo yengcwaba elibekelwe nxanye (Ikhishwa ngokomthetho 11)

Lokhu okokuqinisekisa ukuthi isitikiketi esinenombolo ethi:

.....ephathelene nengcwaba elinenombolo:.....

sedlulisiwe sisuka ku.....

wasekhelini:.....

sasiwa ku.....

wasekhelini:.....

.....  
Lowo odlulisayo

Lokhu kufakazelwa egameni loMaziphathe wendawo.....

ngomhla ka.....enyangeni ka..... 19.....

Unsumpa..... Umlindi mathuna.....

**UHLU K**

Isicelo sokungcwaba esiwunombolo:.....

esiya kumlindi mathuna..... 19.....

Uyacelwa ukuba unikeze indawo yokungcwaba e.....

Ihlelo lenkonzo.....

Izilinganiso zesivalo sebhokisi lokungcwaba:.....

Isikhathi sasesangweni:.....

Igama nesibongo (sikamufi) ngokugcwele:.....

.....

Ubuzwe..... Ubuhlanga.....

Ubulili..... Iminyaka yobudala.....

(1) Ikheli lapho kushonwe khona:.....

(2) Ikheli ahlala kulo:.....

Usuku ashone ngalo: .....  
Imbangela yokushona kwakhe: .....  
Isihlobo sakhe segazi esiseduze: .....  
Igama lofake isicelo: .....

.....  
Umngcwabi

**Qaphela: Sifanele sihambisane nencwadi yokucela ukungcwaba ikhishwe ehhovisi likamlindi mathuna ngaphambi kokuba kungangcwatshwa ngokuhambisana nomthetho 12.**

**ISIBONELO SENCWADI ENEQINISO ELIFUNGELWE NGOKOMTHETHO 6  
WESAHLUKO 2**

**ISICELO SEKHOPHI YENCWADI YOBUNINIMHLABA YESIVUMELWANO NOMA NANOMA YIYIPHI ENYE ELAHLEKILE NOMA YONAKALA.**

Ilokishi: ..... Isifunda .....

Inombolo yendawo: .....

Mina .....

ngingumnikazi obhalisiwe wendawo ewunombolo .....

eselokishini lase .....

esifundeni sase .....

Ngale ncwadi ngiyafunga ukuthi:

I (chaza leyo ncwadi) .....

engakhishelwa yona\*/engibhaliswe ngayo\* yalendawo echazwe ngapha ngenhla -

- (1) \*yalahleka yehlula nokucinga okuhlakaniphile yangatholakala.
- (2) \*yonakala (chaza)
- (3) \*akubanjiswanga ngayo ndawo akukho oyigcinile njengesibambiso sesikwefetu noma into enjalo.

Ngicele ikhophi efakazelwe yayo.

.....  
Ofake isicelo

Ofakazi:

(1) .....

(2) .....

Ifungelwe ngaphambi kwami e .....

naomhla ka ..... wenyanga ka ..... 19 .....

Lona ofungile uvumile ukuthi uyakwazi futhi uyakuqonda okuqokethwe yile ncwadi efungelwe.

.....  
Unkomishani ofungisayo

**\*Khuhla lokho okungekhona**

**KWAZULU GOVERNMENT NOTICE NO. 34 OF 1994**

**KWAZULU AMAKHOSI AND IZIPHAKANYISWA (ADMINISTRATION AND CONTROL OF LESS FORMAL TOWNSHIPS) REGULATIONS**

I, Mangosuthu Gatsha Buthelezi, Chief Minister, under and, by virtue of the powers vested in me by Section 36 of the KwaZulu Amakhosi and Iziphakanyiswa Act, 1990 (Act 9 of 1990) do hereby make the regulations set out in the schedule.

M.G. BUTHELEZI  
CHIEF MINISTER

**SCHEDULE**  
**CHAPTER 1**  
**GENERAL**

**Definitions**

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

"Act" means the KwaZulu Amakhosi and Iziphakanyiswa Act, 1990 (Act 9 of 1990);

"commonage" means that portion of the township which has not been demarcated and beacons as a site, which has not been set aside as a public place and which is not a street, road or other public thoroughfare;

"deed of grant" means a deed of grant in respect of an ownership unit issued or deemed to have been issued under regulation 5(2) of Chapter 2;

"deeds registry" means, in respect of the registration of a deed of grant;

"dwelling" means and includes any house, room, shed, hut, tent, or vehicle or any other structure or place whatsoever in which, or in any portion of which a person dwells or sleeps or is able to dwell or sleep;

"engineer" means an engineer in the service of the Department of Works;

"general plan" means a plan of the township or of a portion thereof approved by the Minister;

"government" means the Government of KwaZulu;

"grantee" means a person to whom a deed of grant has been issued;

"health inspector" means an officer appointed by the Department of Health to uphold the relevant health regulations;

"livestock" includes cattle, horses, donkeys, mules, sheep, goats and pigs;

"magistrate" includes an additional and assistant magistrate appointed in terms of the Magistrate's Court Act, 1944 (Act 32 of 1944);

"manager" means the officer appointed under paragraph (a) of subregulation (1) of regulation 1 of Chapter 2 to manage the township in terms of these regulations, and includes any other officer acting on behalf of such manager;

"Minister" means the Chief Minister;

"ownership unit" means a site in a township the ownership of which is with a registered owner by virtue of a deed of grant;

"poultry" includes fowls, ducks, geese, turkeys and pigeons;

"registrar" means, in respect of the registration of a deed of grant;

"returning officer" means any official appointed for the purposes of performing the functions of a returning officer under these regulations;

"Secretary-General" means the Secretary-General for the Department of the Chief Minister;

"site" means any piece of land for which a site number has been allocated and which is indicated on a general plan;

"town council" means a council constituted in terms of these regulations;

"trade" includes any business or industry; and "Business" has a corresponding meaning;

"voter" means a person complying with the requirements of these regulations;

"ward" means a subdivision of a township or portion of a township as determined in the regulations.

**Manner of purchase of property -**

2. (1) Subject to the restrictions contained in these regulations any person purchasing a site in a township may register such site by means of a deed of grant;
- (2) The deed of grant shall be registered at the deeds registry;

**Publication of By-laws and Regulations**

3. (1) Whenever the Secretary-General, acting in terms of these regulations, makes any order or direction or issues any notice of general application to the township in terms of any by-law or levy any rate, he shall cause such order, direction, notice, by-law or notice of the levy of such rate to be brought to the notice of the persons affected thereby in such manner as he may deem expedient.
- (2) Whenever a township council makes any by-law or regulation or levy any rate under the provisions of regulation 23(10)(a) of Chapter 6, the said council shall cause such by-law, regulation or notice of the levying of such rate to be brought to the notice of the persons affected thereby.
- (3) Notwithstanding the provisions of subregulation (1), the exhibiting or posting of any by-law, regulation or notice of the levying of any such rate on a notice board at the office of the manager and on at least one other public place within the township shall for all purposes be sufficient publication thereof; and all persons affected thereby shall be deemed to have knowledge thereof within forty-eight hours of such exhibiting or posting.

**CHAPTER 2**  
**TOWNSHIP ADMINISTRATION**

**Appointment of Officers**

1. The Secretary-General may designate an officer, to be known as the manager, to administer the township generally in terms of these regulations and such other officers as may be deemed necessary to assist him.

**Posting of Regulations**

2. The manager shall cause a copy in English; Afrikaans and Zulu to be posted and maintained in a conspicuous place at his office in the township for the information of the residents but any failure or omission so to do shall not render these regulations invalid.

**Maintenance of Beacons on Ownership Units**

3. The Township Council shall be bound to maintain the beacons or demarcation pegs thereof in a good state of repair.



#### Sites to be numbered

4. (1) The manager shall allot to each site in the township a number which need not necessarily coincide with the number reflected on the general plan, and shall cause the number allotted to such site to be legibly painted or inscribed on or affixed in a conspicuous place to the outside of any buildings erected on such site. The grantee of a site shall at all times cause the number of such site to be kept in a legible condition.
- (2) No person shall wilfully obscure, remove, deface, alter, obliterate or destroy any number painted, inscribed or affixed under subregulation (1).

#### Ownership Units

5. (1) Any person or institution desiring to purchase a site in a township and to obtain it under a deed of grant shall apply for a deed of grant in respect of such site substantially in the form set out in Schedule A to these regulations.
- (2) The Secretary-General on being satisfied that -
  - (a) a suitable site which has not been reserved for some other purpose is available;
  - (b) adequate arrangements have been made for the payment of the purchase price of the site;
    - may issue to such applicant a deed of grant in respect of such site and may impose in respect of such site such servitudes as he may deem fit.
    - Such a deed of grant shall be substantially in the form set out in Schedule B to these regulations.
- (3) Any fees or other charges which may accrue in respect of any site sold in terms of subregulation (2) shall be payable in advance on or before the seventh day of every calendar month from the date of the registration of deed of grant or date of first occupation of the site by the applicant, whichever is the earlier.
- (4) Pending the registration of a deed of grant, the manager may grant temporary permission to an applicant to occupy a site but no building operations may be carried on, on such site by such applicant until the registration of such site has been effected.

#### Lost or Destroyed Documents

6. In the event of any other document (other than a document issued at a deeds registry) relating to a deed of grant issued under these regulations being lost, destroyed, stolen or mutilated, the person to which such document has been issued or granted may apply for a copy thereof to the manager, who, if he is satisfied upon sworn declaration that the document has been lost, destroyed, stolen or is mutilated, shall upon payment of a fee of five rand (R5.00) issue to such person a duplicate of such document.

#### Transfer of Deed of Grant.

7. (1) No deed of grant issued under this chapter shall be transferred without the authority of the Secretary-General.
- (2) A deed of grant issued under this chapter shall only be transferred if -
  - (a) the transferor has paid all fees and other charge due by him under these regulations;
  - (b) the deed of grant has been surrendered;
  - (c) the transferor and transferee have completed a transfer form substantially in the form set out in Schedule C to these regulations; and
  - (d) the prescribed fee has been paid.
- (3) The transferor, or in the event of such transferor being a minor or a person otherwise legally incapable of doing so, his lawful guardian or representative, shall complete a declaration which shall be substantially in the form set forth in Schedule D to these regulations and lodge it together with the fee of R5.00 (Five Rand) with the manager concerned for transmission by him to the Secretary-General and such declaration shall be completed before any Commissioner of Oaths for the district in which the transferor may at the time be residing.
- (4) Any rent, fees or other charges which may accrue in respect of any site transferred in terms of this regulation shall be payable in advance on or before the seventh day of every calendar month from the date of issue of the new deed of grant or the date of transfer of the deed of grant in terms of sub-regulation (2), as the case may be.
- (5) Pending the transfer of a deed of grant, the manager may grant temporary permission to the transferee of a site to occupy such site but no building operations may be carried on such unit by such transferee until such transfer has been effected.

#### Maintenance, Repair and Upkeep

8. (1) A grantee shall at all times keep the premises referred to in his deed of grant clean, free from vermin and in good condition, fair wear and tear excepted, and shall not deface or damage any council property, installations or fittings, nor shall he interfere with any water, electrical or sewerage installations.
- (2) If the grantee has committed a breach of subregulation (1), any authorized employee of a township council may forthwith enter the premises with workmen, tools and materials, and execute all work which is necessary to restore the premises to a proper state of repair, cleanliness and free from vermin, and the council may recover the cost thereof from such grantee.
- (3) If the grantee on the cancellation of a deed of grant fails to hand back the premises referred to in such certificate and the keys, locks and other fittings in the same good order and condition as they were received by him, the council shall be entitled to replace any articles missing and to restore the premises in such good order and condition and to recover the cost thereof from such grantee, fair wear and tear excepted.
- (4) It shall be the duty of the grantee to acquaint the manager in writing of any leakage on the premises and of any defect in the drainage, sewerage, water or electrical installation.
- (5) A grantee shall within three months subject to such extensions as may be approved by the manager, comply with any written instruction he may receive from the manager requiring him to repair, alter, rebuild or demolish any dwelling, building, outhouse, fence or other structure which is unsightly, dilapidated or does not comply with the minimum health standards.
- (6) A holder or grantee shall -
  - (i) not allow any room, wholly or partly used by human beings for sleeping purposes, to be used by a greater number of persons than will allow for 11,328 cubic metres of free air space and 3,716 square metres of floor space for each person of or over the age of ten years and 5,664 cubic metres of free air space and 1,858 square metres of floor space for each person under the age of ten years. Provided that under no circumstances shall any latrine, passage, staircase, landing or cupboard be used for sleeping purposes;
  - (ii) not allow without the written permission of the manager, his site to be used for other than dwelling purposes, which shall include a

garden used for purpose of growing fruit, flowers and vegetables for domestic use only.

#### Information to be supplied

9. It shall be the duty of every occupier of a township to give the manager or any authorized employee on request, such information as he may lawfully require.

#### Register of occupiers

10. (1) The manager shall keep a register of occupiers.  
(2) The manager shall enter in the register of occupiers the name and full particulars of every person to whom a deed of grant has, in accordance with these regulations been issued.

#### Building Permits

11. (1) No person other than the council shall erect, alter or add to any structure in the township without a building permit from the manager authorizing such work.  
(2) The court convicting any person of a contravention of subregulation (1) may in addition to any other penalty which it may impose, order the demolition and the removal of the work in respect which he has been so convicted, within a specific time, failing which the council may cause such unauthorized work to be demolished or removed. Any expenditure incurred by the council in such demolition or removal shall be recoverable from such person by warrant of execution issued under the hand of the Magistrate.  
(3) Any person desirous of obtaining a building permit shall apply to the manager on a form substantially the same as Schedule E to these regulations and shall -  
(a) indicate in his application the material which will be used and the purpose for which the structure is intended to be used;  
(b) attach to the application, drawings to scale, in duplicate, showing plans, sections and elevations of the proposed structure and of its situation in relation to the relevant site: Provided that -  
(i) no structure other than one family housing unit with the normal outbuildings shall be erected on any one site;  
(ii) every dwelling, building, outhouse or other structure shall be in accordance with specifications approved by the manager.  
(4) On being satisfied that the provisions of subregulation (3) have been complied with and that the plans have been approved by the engineer, the manager shall issue to the applicant a building permit substantially in the form set out in Schedule F to these regulations.  
(5) Every building permit shall specify what building, outhouse, or other structure may be erected on the relative site, and no other building, outhouse or structure shall be erected on such site without the written permission of the manager. The court convicting any person of a contravention of paragraph (f)3 of regulation 28 of this chapter may, in addition to any other penalty which it may impose, make an order for the demolition and the removal of the unauthorized building, outhouse or structure in respect of which he has been so convicted.  
(6) No person shall incorporate in any dwelling, building, fence, outhouse or other structure, any material which has not received the prior approval of the manager, who shall approve only if such material as has not been previously used, is of good quality and in good condition.  
(7) The manager shall cause the erection, alteration or addition to any structure to be effectively supervised and may order the demolition or cause to be demolished any structure or any portion thereof which has not been constructed under written authority or in accordance with the building permit.  
(8) If a structure for which a building permit has been issued be not commenced within three months or be not completed within two years from the date of issue of such permit, such permit may be cancelled by the manager and the holder thereof shall, within a period stipulated by the manager, remove any structure or material belonging to him from the site in respect of which such permit was granted: Provided that the manager may, on good cause shown grant such extension of time as may appear to him to be reasonable in the circumstance.  
(9) The holder of the building permit shall, on completion of the erection, alteration or addition to any structure, give notice thereof to the manager. Upon receipt of such notice the manager shall cause such work to be inspected and, if it complies with the provisions of these regulations, shall certify accordingly by an endorsement on the relative building permit. Such endorsement shall also be effected on the office copy of the said permit. Such permit shall thereupon cease to confer any authority for the erection or alteration of or addition to any structure.  
(10) No person shall reside in, occupy or use any structure before the relevant building permit has been certified in accordance with the provisions of subregulation(9).  
(11) Notwithstanding the provisions of subregulation (1), (3), (4), (5), (6), (10) and (12), a grantee may be permitted to erect and to occupy, together with his family, any temporary structure erected in a corner of a site allocated to him: Provided that such temporary structure shall be regarded as an unauthorized structure and the provisions of the said subregulations shall apply in respect thereof as soon as a permanent dwelling erected on such site is certified in terms of subregulation (9); or  
(12) Notwithstanding anything contained in this regulation, the owner of any existing structure which in the opinion of the manager is unsightly or dilapidated, or the erection of which has not been authorized by him, may be ordered by the manager in writing to remove such structure within ten days. Any person convicted under paragraph (h) of regulation 27 of this chapter for failing to comply with such order may be ordered by the court, in addition to any other penalty which may be imposed upon him, to remove such structure within a specified time, failing which the council may cause such structure to be removed and recover the cost of such removal from such person.

#### 12. Creation of a Charge on Land

- (1) Where an applicant for a deed of grant has not made payment in full for such grant or where any debt or amount is due to or recoverable by the council from a grantee under these regulations, the Secretary-General may in writing direct the officer in charge of the deeds registry in which the title to that land is registered or is to be registered, to note, free of charge, on the deed of grant if available, issued in respect of such grant, and on the copy thereof filed in the deeds registry and in the appropriate registers in that registry, the balance of such unpaid purchase price or of such advance or of such debt or other amount recoverable.  
(2) The document conveying that direction shall be accompanied by the deed of grant and shall set forth -  
(a) the number and date of the deed of grant;  
(b) the name of the grantee;  
(c) the total amount of the liability or advance to be noted;  
(d) the rate of interest payable on that liability or advance;  
(e) the amount and period of the instalments by which that liability or advance is to be repaid.  
(3) The making of such a note on the deed of grant shall create a charge upon the land of the amount noted and any interest due thereon, which shall remain attached to the deed of grant on transfer thereof and shall bind every successive grantee thereof and shall have priority over every other charge upon that property except a pre-existing registered mortgage bond in favour of a person who has not consented to the priority of the said charge.



- (4) Any such charge shall be redeemed within the period and in such instalments as the Secretary-General may determine: Provided that any grantee of land to which the charge attaches may at any time redeem the charge entirely by the payment of an amount equal to the unredeemed portion of the charge together with any interest which may be payable.
- (5) If any instalment due under the charge is in arrear for more than three months the Secretary-General may, in addition to any other steps which may be taken under these regulations, recover from the grantee concerned the instalment due in order to redeem the charge entirely, and he may in like manner recover that full amount if the grantee has failed to comply with any condition of the repayment of the advance or payment of the liability to which the charge relates.
- (6) Whenever the Secretary-General so instructs, the officer in charge of the deeds registry concerned shall forthwith cancel any charge and the relevant notes. No fee shall be payable for such cancellation.

#### Fences

13. (1) No person other than the council may -
  - (a) erect or cause to be erected any fence; or
  - (b) alter or make any addition to any existing fence or cause such alteration or addition to be made;
 within the township without the prior written permission of the manager who, in granting such permission, may impose such conditions as he may consider necessary to ensure the proper erection of or alteration to the fence and may fix a period within which such erection or alteration shall be completed.
- (2) Every person erecting any fence in the township shall ensure that such fence shall not exceed 122cm in height, that the wood and iron standards shall not exceed the height of the fence, that fencing material approved by the manager shall be used and that every fence is properly constructed and is not unsightly. Any person convicted of a contravention of subregulation (1) for the erection of a fence may be ordered by the Court, in addition to any other penalty which may be imposed on him, to remove the fence in question within a specified time, failing which the council may cause such fence to be removed and recover the cost of such removal from such person.
- (3) The owner of any existing fence which does not comply with the requirements of subregulation (2) may be required by the manager by written notice, to repair, rebuild or remove such fence, within one month of receipt of the notice. Any person convicted under paragraph (j) of regulation 28 of this chapter for failing to comply with such order, may be ordered by the Court, in addition to any other penalty which may be imposed on him, to remove such fence within a specified time, failing which the council may cause such fence to be removed and recover the cost of such removal from such person.

#### The Use and Control of Water

14. (1) No person excluding an authorized employee in the performance of his duties, shall connect or cause or permit to be connected upon any premises or part thereof, any pipe and apparatus to pipes used or intended to be used by the council for or in connection with the supply of water or to a meter or an apparatus except with the prior written permission of the manager who, when he gives such permission, may impose such conditions as he may deem necessary.
- (2) Any duly authorized employee may, for the purpose of applying these regulations, at all reasonable times or at any time in an emergency and without previous notice enter upon any premises and make such inspection and enquiry thereon as he may deem necessary: Provided that on entry upon any premises such employee, if required to do so, shall state the purpose of such inspection and enquiry.
- (3) No person except a duly authorized employee of the Township Council shall make the connection to a main or communication pipe except with the written permission of the manager who, when he gives such permission, may impose such conditions as he may deem necessary.
- (4) No person except a duly authorized employee of the Township Council shall directly connect any service pipe, tank, cistern or other apparatus used for the storage or conveyance of water supplied by the council, to any other system of water supply.
- (5) No person shall wilfully or negligently damage or cause to be damaged any main, communication pipe, pipes and apparatus used or intended to be used by the council for the supply of water or meter or other plant or apparatus belonging to the council and used or intended to be used by it in connection with the supply of water.
- (6) No person shall -
  - (a) bathe in, or wash or throw any animal or cause or permit any animal to be washed or thrown in or to enter any stream, reservoir, aqueduct or other place containing water belonging wholly or partly to the council or under the control or management of the council and used for or in connection with the supply of water to the consumers in the Township;
  - (b) throw any rubbish, dirt, filth or other deleterious matter into such stream, reservoir, aqueduct or other place, or wash, cleanse or place therein any cloth, wool, leather or the skin of any animal, clothes or other matter,
  - (c) cause or permit the water of any sink, sewer, drain, steam engine, boiler or other unclean water or liquid, for the control of which he is responsible, to run or be brought into any stream, reservoir, main, aqueduct or other place or perform any other act whereby the water of the council intended for use by the consumers may be polluted.
- (7) No person shall cause or permit any service pipe to be connected to any cistern, butt or other receptacle used or intended to be used for the reception or storage of water obtained from any source other than council's mains.
- (8) (a) The Secretary-General may at any time restrict the supply of water to the whole or any portion of the township to such times as he may decide, and he may prohibit the use of water for any specific purpose or for any purpose other than specified, as the case may be, and may further restrict or prohibit the use of sprinklers, garden hoses and buckets.
  - (b) No person shall use water during prohibited times or for prohibited purposes or purposes other than specified, as the case may be, after the prohibition has been made by the council by notice published in terms of regulation 3 of Chapter 1 and regulation 27 (3) of Chapter 2.
- (9) The consumer shall be responsible for the safe-keeping and condition of any meter installed upon his premises and shall repay the council for any damage which may be done to such meter.
- (10) (a) No person other than a duly authorized employee shall disconnect, interfere with or cause or permit any other person to disconnect or interfere with any meter or fitting thereof.
  - (b) No person shall wilfully damage any meter or fitting thereof.
  - (c) No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such a position that any leakage cannot readily be detected, or fail to report such leakage to the manager.
- (11) The grantee shall be held responsible for any contravention of these regulations committed on his premises until the contrary is proved.

#### Slaughtering of Stock

15. (1) No person shall slaughter or cause to be slaughtered any animal except at a slaughtering place duly authorized and approved by the manager.
- (2) Every such slaughtering place be provided with such materials and appliances and shall be used, kept and regulated in such manner as the manager may require.



- (3) The manager may at any time require any person to discontinue the use of any such slaughtering place without assigning any reason therefore.

#### Protection of Public Property

16. (1) No person shall unlawfully damage, destroy or remove any tree, hedge, gate, fence, road, wall, railing, building, structure, pipe, refuse receptacle or other fitting or appliance or any property of the council in the township, and no person shall remove, deface or destroy any sign, notice board, tree guard or any other council property whatsoever.
- (2) No person other than an authorized employee or a person authorized thereto by the council, shall climb onto, under, over or through any gate, fence, wall or railing (being the property of the township council) in or around the township, or enter or leave otherwise than through some authorized means of ingress or egress.

#### Making of Fires

17. (1) No person shall light any fire or suffer any fire to be lit without taking due precautions against the spread of such fire.
- (2) No person shall light any fire in any street, road or thoroughfare or other public place or on the commonage save with the prior permission of the manager and in accordance with any directions of the manager in such permission contained.

#### Protection of Commonage

18. No person shall, save with the written permission of the manager, camp or take up his abode on, or cultivate or plough any portion of the commonage.

#### Excavation

19. No person other than the council shall deposit any material, construct any road or dig any hole or excavation or do any other thing which may result or be calculated to result in the obstruction of any street, road or other thoroughfare, or which may in any way interfere with the use by the public of any public place or of the commonage, or which may endanger or be calculated to endanger any structure unless such person shall have obtained the prior written permission of the manager, who may impose such condition as he may deem necessary.

#### Quarrying

20. (1) No person shall, save with the prior written permission of the manager, quarry stone, cut sods or remove soil from any portion of the township or make or burn bricks in the township.
- (2) Any permission granted under subregulation (1) shall be subject to the payment to the council of such charges as may be determined by the Secretary-General from time to time and to such other conditions as the manager may impose.
- (3) Any money collected under subregulation (2) shall be credited to the council.

#### Obstruction of officials

21. No person shall obstruct the manager or any of his assistants or any authorized employee of the Township Council in the execution of his duty.

#### Keeping of animals in Township

22. (1) No person shall, save with the written permission of the manager, keep in or introduce into the township any -
- (a) cattle, sheep, goats or pigs;
  - (b) horses, mules or donkeys;
  - (c) poultry;
  - (d) domestic animals;
- Provided that no such permission shall be granted in respect of any horse, mule and donkey unless the manager is satisfied that adequate stabling facilities have been provided for any such animal.
- (2) The manager shall keep a register showing the numbers and descriptions of the horses, mules and donkeys in the township belonging to every occupier.
- (3) Any cattle, sheep, goat, pig, horse, mule or donkey found in the township and in respect of which the manager has not granted written permission in terms of subregulation (1) and any animal found straying or unattended in any street or public place in the township may be impounded by the manager or any authorized employee. Such stock shall thereafter be dealt with in the same manner as any animals impounded under the provisions of the laws relating to pounds in force in the area concerned.
- (4) No person shall keep any poultry in any place other than a properly constructed poultry house.
- (5) No person shall erect or use any poultry house, runway or pigeon or dovecote unless there shall be 305 cm of clear unobstructed space between such enclosure and the nearest point of any site boundary, fence or dwelling.
- (6) Every person using a poultry house, runway or pigeon or dovecote shall -
- (a) keep such enclosure thoroughly clean and free from decaying food, vermin and filth of any kind;
  - (b) disinfect or de-verminise such enclosures from time to time as occasion requires.
- (7) Any poultry found in any street, road or other public place or on the commonage not in the immediate custody and control of any person may be destroyed on the order of an authorized employee of the Township Council.
- (8) In the event of any animal, whether registered in terms of these regulations or not, suffering from or dying in the township of glanders, lung-sickness, rinderpest or any infectious disease to which the Animal Diseases Act 1984 (Act No. 35 of 1984) or any similar laws for the time being in force, applies, or may hereafter apply, the owner of such animal or the person under whose control such animal is or in the absence of such person the holder or grantee on whose site or in whose dwelling the owner or person in charge of such animal normally resides, shall forthwith report the occurrence to the manager in addition to any other authorities as may be required by law.
- (9) The manager may order the destruction, removal and burial of any sick or diseased animal abandoned by its owner. Where the council has caused such animal to be destroyed, removed or buried, any expense incurred by the council in such destruction, removal or burial shall be deemed to be a debt due by the owner to the council.
- (10) The manager may reserve and fence off such portions of the commonage as may be deemed desirable and establish a special camp or camps for the grazing of the stock of the occupiers.
- (11) The owner shall keep dogs on his premises.

#### Entering of Premises

23. (1) The manager or any of his assistants or any other authorized employee of the Township Council may at any reasonable time, having regard to the convenience of the occupants, enter without previous notice upon any premises whatsoever for any purpose connected with

the carrying out of these regulations or for the purpose of inspection of or repairs to or maintenance of any services or works rendered or provided or to be rendered or provided by the council, and make such examination and enquiry or effect such repairs as he may deem necessary: Provided that such examination, enquiry and repairs shall as far as possible be made or effected in the day-time.

- (2) No person shall refuse to permit the manager, his assistant or authorized employee of the Township Council to enter his premises as provided under sub regulation (1).

#### **Prevention of Soil Erosion**

24. The manager may give such instructions as he may deem expedient to the occupier of any site for the prevention of soil erosion of such site. Any occupier who fails to comply with any such instruction shall be guilty of an offence.

#### **Payment of charges**

25. (1) Every grantee or occupier of a site in the township shall pay to the manager, monthly in advance, such fees as may be prescribed by the Minister by notice in the Gazette in respect of charges for lighting, water, sanitary, health, medical and other services rendered by the council or as may be applicable.
- (2) The selling price and redemption of any site shall be prescribed and payable in the manner set out in subregulation (1).
- (3) Different fees and different charges may be prescribed for different townships and any fee or charge may be altered, varied or amended by the Minister from time to time by notice in the Gazette.
- (4) Any amount collected under subregulation (1) shall be credited to the council.
- (5) The manager may, with the approval of the Secretary-General remit in respect of any occupier the whole or any portion of any fees or charges payable in respect of lighting, water, sanitary, health, medical and other services rendered by the council.

#### **Non-Payment of charges**

26. Should any person fail to pay any amount payable under these Regulations within 30 days after such amount has become due, the manager may, without prejudice to any other legal remedy at his disposal -
- (a) discontinue any or all services to such holder or consumer until all the outstanding amounts have been paid in full;
- (b) take such legal action as may be necessary in order to recover such amount; and
- (c) recover from such person any costs incurred in the collection of such amounts.

#### **Secretary-General's powers to regulate certain matters**

27. (1) The Secretary-General may give such orders or directions and issue such notices and make such rules of general application in the township as are not inconsistent with these regulations, and may from time to time amend any such order, direction, notice or rule as he may deem fit, in regard to all or any of the following matters, viz. -
- (a) the keeping of dogs, poultry and bees;
- (b) the slaughtering of animals;
- (c) communal water supplies and washing places;
- (d) minimum measurements in the spacing, materials and construction of buildings;
- (e) the enclosing of sites;
- (f) the maximum numbers and kinds of stock which may depasture on the commonage, the erection of kraals for the keeping of live-stock, the maximum numbers and kinds of livestock which may run in the grazing camps, the payment of grazing fees and the round-up of stock for inspection purposes;
- (g) the closing of streets;
- (h) regulating the use of vehicles in certain streets, the flow of traffic, maximum speed on streets and provision for stop streets and robots.
- (2) The Minister may, by notice in the Gazette, add other matters as he may deem fit to the list enumerated under subregulation (1) and may in a like manner delete and amend any item in that list.
- (3) No order, direction, notice or rule made, given, or issued under subregulation (1) shall take effect until published, in Zulu, English and Afrikaans on the notice board of the office of the manager.

#### **Offences**

28. (1) Any person who -
- (a) contravenes or fails to comply with the provisions of subregulation (1) of regulation 7, subregulation (1) or (6) of regulation 8, subregulation (1) of regulation 11, subregulation (1) or (2) of regulation 13, regulation 14, subregulation (1) of regulation 15, regulation 16, subregulation (1) or (2) of regulation 17, regulation 18, 19, subregulation (1) of regulation 20, regulation 21, subregulation (1), (4), (5), (6) or (8) of regulation 22, subregulation (2) of regulation 23, all of this chapter;
- (b) wilfully and without authority, defaces or tampers with any regulation, order, direction, notice or by-law posted and maintained as provided for in regulation 2 of this chapter or in subregulation (1) of regulation 3 of Chapter 1;
- (c) fails to comply with the requirements of subregulation (1) or (2) of regulation 3 of this chapter;
- (d) on being requested by the manager or an authorized employee in terms of regulation 10 of this chapter to give such information as may be required, or furnishes information which is false, incorrect or misleading knowing the same to be false, incorrect or misleading;
- (e) save as is provided for in subregulation (11) of regulation 11 of this chapter, erects, alters or adds on to any dwelling, building, outhouse or other structure not authorized by a building permit, without having obtained the written permission of the manager as required by subregulation (5) of regulation 11 of this chapter;
- (f) incorporates in any dwelling, building, fence, outhouse or other structure any material which has not received the prior approval of the manager as prescribed in subregulation (6) of regulation 11 of this chapter;
- (g) being the owner of any existing structure which is unsightly or dilapidated or the erection of which has not been authorized by the manager and having been ordered by the manager in terms of subregulation (12) of regulation 11 of this chapter, to remove such structure within ten days, fails without reasonable cause to comply with such order, save where such structure is authorized under subregulation (11) of the said regulation;
- (h) being the owner of any fence which does not comply with the provisions of subregulation (2) of regulation 13 of this chapter and having received written notice in terms of subregulation (3) of that regulation to repair, rebuild or remove such fence within ten days of receipt of such notice;

- (i) fails to comply with any order made under regulation 26 of this Chapter;
  - (j) fails to comply with any rule made, order or direction given or notice issued under subregulation (1) of regulation 27 of this chapter;
  - (k) contravenes or fails to comply with the provisions of regulation 14 (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of this chapter; shall be guilty of an offence.
- (2) Whenever any person is charged with contravening any of the provisions of these regulations, the burden of proving that he had lawful authority for the act or omission in respect of which is charged, shall rest upon such person.
- (3) Any fine received in respect of any contravention under subregulation (1) shall accrue to the council.

### CHAPTER 3 TRADING

#### Definitions

1. In this chapter, unless inconsistent with the context -

"trader" means any person who is carrying on any lawful trade in the township under these regulations;

"trading site" means any site zoned for trading purposes.

#### Authority to commence trading

2. (1) Subject to the provisions of the KwaZulu Licences and Business Hours Act, 1984 (Act 8 of 1984), no person shall, save with the written permission of the council carry on any trade in the township.
- (2) Nothing contained in this regulation shall absolve any person from obtaining any licence or other authority which is required by any other law as a condition precedent to the commencement of any such trade.

#### Available sites to be advertised

3. (1) Should any trading site in the township at any time be available for allotment, the manager shall publish a notice inviting applications for the allotment thereof to be lodged in writing at his office not later than a date to be specified in the notice, being not less than 14 days from the date of publication thereof. Such notice shall be published in Afrikaans, English and in Zulu and shall be affixed to the notice board at the office of the manager and shall clearly state what information must be supplied by an applicant.
- (2) Upon the expiry of the period within which applications may be lodged, the manager shall transmit all applications received to the council for consideration.

#### Allocation of trading sites

4. (1) Any person, company or other corporate body which desires to carry on any trade on a trading site within a township shall apply for a deed of grant in respect of such site. Such application shall be made on a form substantially the same as schedule A to the regulations.
- (2) The council may on being satisfied that
- (a) a suitable site, which has not been reserved for some other purpose, is available;
  - (b) the applicant is not otherwise debarred by these regulations or any other law from acquiring or carrying on any trade on the site;
  - (c) the applicant has paid the purchase price for the deed of grant in respect of the trading site, or adequate arrangements have been made for the payment of the purchase price;
- recommend the issue of a deed of grant to such applicant, in the form set out in Schedule B to these regulations.
- (3) Any fees or other charges which may accrue in respect of any trading site allotted under subregulation (2) shall be payable in advance on or before the seventh day of every calendar month from the date of the deed of grant.

#### Alterations to building and fittings

5. No trader shall make any structural alterations to any buildings or fittings on the trading site allotted to him or place any additional fittings there-in without the written permission of the manager.

#### When buildings to be erected by trader

- (1) Any successful applicant for a trading site shall erect upon such site the buildings or other structures necessary for his trade but no building or structure shall be erected by him on such site otherwise than in accordance with plans and specifications approved by the manager.
- (2) The council may cause any buildings or structures erected on a trading site referred to in subregulation (1) otherwise than in accordance with plans and specifications approved by the manager, to be demolished or suitably altered and any expenditure incurred in such demolition or alterations shall be recoverable from the trader concerned by warrant of execution applied for under the hand of the Secretary-General.
- (3) The trader shall keep any buildings owned by him on a trading site in good state of repair and cleanliness.

#### Use of site

7. No trader shall without the prior written approval of the manager use the trading site allotted to him for any purpose other than that for which it was allotted to him by the council.

#### Health and sanitation

8. (1) No person shall keep, prepare or expose for sale or cause or suffer to be kept, prepared or exposed for sale, in any shop, room or other place which is used as a sleeping apartment or is directly connected with any sleeping apartment or sanitary convenience any meat or other food intended for human consumption.
- (2) No person shall keep or prepare for sale or cause or suffer to be kept or prepared for sale in any structure any food for human consumption which is, or is likely to be offensive or injurious or dangerous to health as a result of such structure being filthy, over-crowded or badly lit or ventilated or of the occurrence on such premises of any notifiable disease.
- (3) No person shall keep, prepare or expose for sale or cause or suffer to be kept, prepared or exposed for sale any food in any shop, room or other place which is not at all times fly-screened, sufficiently ventilated by direct communication with the external air and sufficiently lighted and which, as well as all the utensils, receptacles and things belonging to or used in such shop, room or place, is clean and free from dust, filth or noxious matter or thing: Provided that no person shall keep, prepare, or expose for sale any meat, fish, bread or dairy products unless, in addition to the foregoing requirements, such shop, room or other place conforms to the following additional special requirements -
- (a) The floors shall be of cement or other impermeable non-absorbent and easily cleansed material approved by the manager.



- (b) The internal walls and ceilings shall be white-washed with lime or other suitable material in the months of January, May and September in each year, and at such other times as the manager may direct: Provided that if the aforesaid internal walls are painted with a light coloured oil paint this requirement shall be deemed to have been complied with if the said walls are thoroughly washed down with hot water and soap during the months of January, May and September in each year.
- (4) No person shall keep, prepare or expose for sale or cause or suffer to be kept, prepared or exposed for sale any diseased, unsound or unwholesome meat or food intended for human consumption.
- (5) Every trader shall take all reasonable steps to ensure that at all times his premises and all utensils and equipment used in his trade are in a clean and hygienic condition and that all persons employed on his premises, including himself, are in a proper state of cleanliness.
- (6) A trader shall, if required by the manager so to do, provide on the trading site allotted to him adequate sanitary accommodation to the satisfaction of the manager.

#### **Transfer of trading sites and disposal of trading rights**

9. (1) A deed of grant in respect of a trading site shall only be transferred if -
- (a) the transferor has paid all the fees and other charges due by him under the regulations of this chapter; Provided that the Secretary-General may, subject to the provisions of these regulations, allow the transferee to take over the liability;
- (b) the deed of grant has been sub-rendered;
- (c) the transferor and transferee have completed a transfer substantially in the form set out in Schedule G to these regulations;
- (d) the prescribed fee has been paid.
- (2) The provisions of subregulation (3), (4) and (5) of regulation 7 of Chapter 2 shall apply mutatis mutandis in the case of a transfer of a trading site, any reference in the said subregulations to "site or dwelling" being construed as a reference to a "trading site".

#### **Non-payment of charges**

10. Should any person fail to pay any amount payable under these Regulations within 30 days after such amount has become due, the manager may, without prejudice to any other legal remedy at his disposal -
- (a) discontinue any or all services to such holder or consumer until all the outstanding amounts have been paid in full;
- (b) take such legal action as may be necessary in order to recover such amount; and
- (c) recover from such person any costs incurred in the collection of such amounts.

#### **Offences**

11. (1) Any person who -
- (a) contravenes or fails to comply with the provisions of subregulation (1) of regulation 2, regulation 5, subregulation (3) of regulation 6, regulation 7, subregulation (1), (2), (3), (4), (5) or (6) of regulation 8 or subregulation (1) of regulation 9, all the regulations being of this chapter;
- (b) erects any building or other structure on a trading site allotted to him, otherwise than in accordance with plans and specifications approved by the manager as provided for in subregulation (1) of regulation 6 of this chapter;
- (c) obstructs or prevents or attempts to obstruct or prevent the manager or any authorized employee in the lawful execution of his duty; shall be guilty of an offence.
- (2) Any fine recovered in respect of a contravention under subregulation (1) shall accrue to the council.

### **CHAPTER 4** **COMMUNAL HALLS**

#### **Application**

1. The regulations in this chapter shall apply to any hall in the township provided by the council for the use of the residents of that township.

#### **Definitions**

2. In this chapter, unless inconsistent with the context -

"hall" means any communal hall provided by the council for the use of the residents of the township;

"hirer" means any person whose application for the hire or use of a hall has been granted, whether upon payment or a charge for hire or free of such charge, and "hire" has a corresponding meaning.

#### **Application for hire**

3. Any person desiring to hire a hall shall make application therefor to the manager and shall furnish such particulars as may be required from time to time.

#### **Grant of application**

4. The grant of any application for the hire of a hall shall be in the sole and absolute discretion of the manager.

#### **Tariff of hire**

5. (1) The charges for the hire of a hall shall be such as may be determined by the Secretary-General. Different charges may be determined for different halls or for halls in different townships and any determinations so made may be varied from time to time. A copy of any such determination applicable in the township shall be placed in a conspicuous place at the office of the manager.
- (2) All payments for the hire of a hall shall be made in advance at the office of the manager.
- (3) The manager may, in his discretion, demand and require from any person desiring to hire a hall, a deposit in a sum not exceeding fifty rand (R50) to indemnify the council against any breakage, loss or damage.
- (4) Any moneys paid in terms of this regulation shall accrue to the council.
- (5) In deserving cases, the manager may, with the approval of the council, in respect of any resident, remit the whole or any portion of any fees or charges payable in terms of this regulation.

#### **Responsibility of hirer**

6. The hirer shall at the conclusion of the hire -

- (a) leave the hall in a clean, tidy and sanitary condition;
- (b) remove any furniture brought therein by him or on his behalf during the course of the hire;
- (c) replace and re-arrange any furniture or like fittings forming part of the normal equipment of the hall and removed therefrom or displaced by him during the course of the hire; and
- (d) make good any damage to the hall or to the fixtures, furniture or fences therein caused during and arising out of the hire.

**Furniture**

- 7. All removals, replacements and re-arrangement of furniture and cleaning of the hall shall be completed before 8 o'clock on the morning following the termination of the hire.

**Good conduct of persons using the hall**

- 8. The hirer shall be responsible for the good conduct and orderliness of all persons allowed on the premises during the course of the hire and shall take all reasonable steps to ensure that such persons are of good and orderly conduct during such period.

**Council not responsible for any damage**

- 9. The council shall not accept any responsibility or liability in respect of any damage to or loss of any property, articles or things whatsoever, placed or left in the hall or premises by the hirer or for his use or purpose, or in respect of any injury to any persons or the clothing of such persons entering the hall or making use of the equipment in the hall, unless such damage, loss or injury shall have been caused by the wilful act or neglect of the council or its officials.

**Council not responsible for defective machinery**

- 10. The council shall not be liable for any loss to the hirer in consequence of failure of or defect in the machinery, appliances or arrangements for lighting the hall, or failure of or defect in any other machinery, appliances or arrangements, unless caused by the wilful act or neglect of the council or its officials.

**Entering of hall**

- 11. The manager, authorized employee or any member of the police may enter the hall at all times.

**Mural decorations**

- 12. The hirer shall not make any mural decorations without the consent of the manager.

**Council employees to manipulate electric lighting**

- 13. Electric lighting and other electrical appliance shall be manipulated only by an official appointed by the council.

**Termination of hire**

- 14. The manager may terminate any hire at any time for any of the following reasons: -
  - (a) where a breach of these regulations has been committed by the hirer;
  - (b) where damage has been or is likely to be done to the hall, or any of its fixtures, furniture or fittings; or
  - (c) where the hall is used otherwise than in accordance with the particulars supplied under regulation 3 of this chapter.

**CHAPTER 5**  
**CEMETERIES**

**Definitions**

- 1. In these by-laws, unless the context otherwise indicates -
  - "berm" shall mean a concrete strip laid by a council at a grave plot on which a memorial, if any, shall be erected;
  - "body" shall mean burial in the earth, or any other form of interment and shall include any other mode of disposal of a body;
  - "burial order" shall be an order issued in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963);
  - "cemetery" shall mean any burial-place duly set apart by a council for the interment or other disposal of bodies within any area under the council's control as contemplated in regulation 3(1) of this chapter;
  - "holder of reservation certificate" shall mean a person to whom a certificate of reservation has been issued in terms of regulation 10 or transferred in terms of regulation 11 of this chapter;
  - "medical officer of health" shall mean the officer appointed as such by a council or any person acting in the capacity of medical officer of health;
  - "name" shall include any identifying description of a deceased human being who possessed no name or whose name is unknown;
  - "regulation" shall include a by-law;
 and any other word or expression to which a meaning has been assigned in regulations shall have that meaning.

**Application**

- 2. These by-laws shall apply in the area of every council.

**Establishment**

- 3. (1) A council may with the approval of the Minister set aside any area as a cemetery for the burial of the dead of any religious denomination or other body or community: Provided that such setting aside shall not vest in any person the right to be buried in any particular place in a cemetery.
- (2) Any cemetery site set aside under subregulation (1) shall, if not situated within the township, be deemed to form part of such township.

**Control**

- 4. Cemeteries shall be under the control of councils.

**Authority for burial**

- 5. (1) No person shall bury by interment or cause any body to be so buried within the area of jurisdiction of the council other than in a cemetery.

- (2) (a) Nobody shall be buried by interment within a cemetery within the area of jurisdiction of a council without the permission of the council issued by and through the manager.
- (b) Such permission shall not be given unless the relative fees payable as determined by the council and approved by the Minister, have been paid. Where the grave plot has been reserved in terms of regulation 10 of this Chapter, the relative certificate shall be produced in lieu of payment of the relative fees payable.
- (3) A council may allow at its discretion the burial of any body without charge in that portion of a cemetery set aside for such purpose and in such manner as it may deem fit.

#### Hours of burial

6. Except with the permission of the manager, who shall record the circumstances under which such permission is granted, no person shall bury any body in a cemetery during the hours between sunset and sunrise.

#### Register of burials

7. (a) A register of burials and of graves shall be kept by the manager.
- (b) Such register shall be completed as far as possible immediately after a burial has taken place.

#### Demarcation of grave sites

8. The manager shall demarcate grave sites in accordance with a layout plan approved by the council.

#### General provisions relating to cemeteries and interment

9. (1) No person under the age of 12 years shall enter any cemetery unless he is in the care of an adult or with the approval of the manager.
- (2) No person shall enter or leave any cemetery except by the gates provided nor shall any person enter any office or enclosed place in any cemetery except on business.
- (3) No person shall carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public thoroughfare within 100 m of the boundary of any cemetery place, except on sites specifically determined and set aside for such purposes.
- (4) No person shall sit, stand or climb upon or over any grave, tombstone, work, gate, wall, fence or building in any cemetery.
- (5) No person shall, except with the permission of the manager, introduce or cause to be introduced any animal drawn vehicle into any cemetery.
- (6) (a) No person shall bring or allow to be brought any animal into any cemetery.
- (b) Any animal found in any cemetery may be impounded or destroyed by the caretaker without rendering the council liable to pay any compensation to the owner thereof.
- (7) No person shall obstruct, resist or oppose the manager or any employee of the council in the course of his duty or refuse to comply with any order or request which the manager may make under these regulations.
- (8) No person shall destroy any grave, tombstone, monument wall, building, fence, railing, path or any construction within any Cemetery, or cause any damage thereto or cause it to be damaged, or put up, erect or draw any advertisement, bill or placard there upon or deface it in any way.
- (9) No person shall, except where it is expressly permitted by these regulations or with the consent of the manager disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- (10) No person shall play any game or take part in any sport within any cemetery, or discharge any firearm or any airgun or catapult therein or disturb or annoy any present therein.

#### Reservation of grave plots

10. (1) (a) Except in the case of grave plots reserved in terms of subregulation (2), every grave plot upon which a burial has been authorized in terms of these regulations shall be reserved in the name of the next-of-kin, in the event of there being no known next-of-kin, in the name of persons applying for the grave.
- (b) Where a burial has been authorized upon an application received from a body, association, institution or the Government, the plot allotted for such burial shall be reserved in the name of such body, association or institution or the Government, as the case may be.
- (2) A grave plot for a person of nine years or over as specified in regulation 15(1) of this Chapter may in the discretion of the council, be reserved in advance upon application submitted to manager and upon payment of the respective grave plot charges prescribed by the council. Provided that no reservation effected in terms of this subregulation shall entitle the burial on the grave plot in respect of which such reservation shall have been made, of the body of a person who at the time of his death would have been liable for payment of the additional charges as determined by the council, unless such additional charges are paid.
- (3) A certificate of reservation in the form prescribed in Schedule I to these regulations shall be issued in respect of every grave plot reserved in terms of this regulation.

#### Provisions relating to the transfer of certificates of reservation

11. (1) A certificate of reservation in respect of any grave plot may be transferred, assigned or alienated with the written consent of the council in the form prescribed in Schedule J to these regulations.
- (2) All particulars in regard to every reservation or transfer in terms of regulation 10 of this Chapter and subregulation (1) of this regulation shall be entered and shown in the register of burials and graves.
- (3) The council may, upon the request of any religious denomination and in such manner as it shall deem fit, set apart within a burial place, such area of ground as the council may deem necessary for the burial of the bodies of persons belonging to such denomination and for the use of such ground by persons belonging to such denomination for such other purposes as may in the discretion of the council be incidental to the purposes of the burial place: Provided that the council may, at its discretion, utilize the ground so set apart for other purposes.
- (4) No person shall acquire any title to ownership of or dominion over any grave plot reserved in terms of regulation 10 or of any land set apart in terms of regulation 11 (3) of this Chapter and no person shall acquire any right to or interest in any such grave or land in any burial place other than such rights or interests as may be permitted under these regulations.

#### Orders for burial : numbering of graves

12. (a) Notice of every burial in the form prescribed in Schedule K to these regulations shall, together with the relative burial order, be delivered to the office of the manager not less than 8 working hours before any interment is to take place: Provided that where a grave is to be reopened for a second interment or where a new grave is to be dug the said notice shall be delivered not less than 24 hours before it is intended that such interment shall take place unless, in the opinion of the medical officer of health, the burial of a body is a matter of



urgency, in which case the time limit specified in this subregulation shall not apply.

- (b) Every such notice shall be accompanied by the requisite fees prescribed by the council and, in the case of a prior reservation of a grave plot, also by the relative certificate of reservation or transfer, as the case may be.
- (c) The manager shall, as soon as possible, issue the necessary authority for such interment.

#### **Removal of monuments or structures**

13. If it is necessary to remove a monument or other structure for the purpose of an interment, it shall be removed by the holder of the certificate of reservation in respect of such plot or by his duly authorized representatives not less than 8 working hours before the interment is to take place.

#### **Grave to be identified**

14. In every case in which a burial has been authorized in terms of Regulation 12 of this Chapter, the manager shall affix to the plot allotted for such burial with a durable peg with the number of the grave marked upon it and no person shall inter any body in any grave other than that allotted by the caretaker for such purpose.

#### **Dimensions of grave excavations**

15. (1) The excavation for a single grave for a deceased person of the age of nine years or over shall be at least 2 000 mm deep, 1 200 mm long and 750 mm wide.
- (2) The excavation for a single grave for a deceased person under the age of nine years shall be at least 1 500 mm deep, 1 200 mm long and 750 mm wide.

#### **Provisions relating to grave plots**

16. (1) The extent of a grave plot for a deceased person of the age of nine years or over shall be 2 500 mm by 1 500 mm: Provided that in the case of a grave plot which is supplied with a berm the width shall be diminished by 300 mm.
- (2) The extent of a grave plot for a deceased person under the age of nine years shall be 1 500 mm by 1 000 mm.
- (3) The width of a kerb on any grave plot shall be 150 mm.
- (4) The extent of any double grave plot shall be double the extent of any single grave plot.
- (5) Where a grave of a greater depth, length or width than that specified is required, application in respect thereof, together with payment of the extra fee payable as determined by the council, shall be made when notice of burial is given.
- (6) All graves shall be prepared by the manager with the exception of bricklined or concrete-lined graves, in which the brickwork or concrete work shall be carried out by the undertaker under the supervision of the manager and in conformity with the specifications applicable to ordinary graves.

#### **Burials in one grave**

17. In the case of members of one family, more than two bodies could be placed in one single grave at the discretion of the manager: Provided that not more than two coffins are used: Provided further that in no event the top of the last coffin buried shall be less than 900 mm from the surface: Provided further that in the event of the reopening of the grave for the purpose of the burial of a further body or bodies a layer of soil not less than 150 mm thick shall be left undisturbed above the coffin previously interred: Provided further that, if on reopening any grave the soil be found to be offensive, the reopening shall not be proceeded with and the grave shall be refilled.

#### **Construction of graves and coffins**

18. (1) All graves shall be prepared under supervision of the manager.
- (2) A coffin constructed of other than perishable material shall not be placed or caused to be placed in a grave.

#### **Provisions relating to funerals**

19. (1) No person shall, without the prior permission of the manager, conduct any religious ceremony or service according to the rites of any denomination in any portion of any cemetery which may be set apart by the council in terms of regulation 11(3) of this Chapter for the use of any other denomination.
- (2) No person shall cause any hearse, while within a cemetery, to leave the drive-ways and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (3) Every person taking part in any funeral procession or ceremony shall comply with the directions of the manager as to the route to be taken within the cemetery.

#### **Provisions relating to exhumations**

20. (1) No person shall, unless authorized by written order under the hand of a magistrate, exhume or cause to be exhumed any body.
- (2) Any person duly authorized to exhume a body in terms of subregulation (1) shall hand the order in respect thereof to the manager and shall give to him not less than 8 working hours' notice of the date and time proposed for the exhumation of such body and shall at the same time pay to the manager the fees as determined by the council.
- (3) No person shall exhume or remove any body unless the manager is present.
- (4) The grave from which any body is to be removed shall, if the manager so requires, be effectively screened from view during exhumation.

#### **Provisions relating to memorial or monument work**

21. (1) No person shall bring or cause to be brought any material into any cemetery for the purpose of construction of any kind on any grave unless and until -
- (a) the grave plot shall have been reserved in terms of regulation 10(1) of this Chapter in the name of the person authorizing the construction of such work;
  - (b) a drawing with dimensions figured thereon and showing the position of the proposed work accompanied by a specification of the material to be used, a statement showing the price of the supply and erection of such work and a copy of any proposed inscription or ornamentation, all in duplicate, shall have been handed to the manager not less than three working days before it is intended to bring such material into the burial place;
  - (c) all fees due as determined by the council in respect of such work shall have been duly paid;
  - (d) the council's written approval for the proposed work shall have been given to the holder of the certificate of reservation or his authorized representative.
- (2) The council may refuse consent to any proposed memorial or monumental work the plan and specification of which reveals that it will be

- of inferior quality or likely in any way to disfigure any burial place, or which bears any inscription which is likely to cause offence to users of the cemetery or visitors to it.
- (3) No person shall convey any stone, brick or memorial work or any portion thereof within any cemetery upon any vehicle or truck which is not fitted with wheels having pneumatic tyres and which is not of a kind not likely to cause damage to the paths and grounds of such cemetery.
  - (4) No person engaged upon any memorial or monumental work shall at any time disturb any adjacent grave plot; or leave the grave plot, on completion of the work before it is in a clean and tidy condition.
  - (5) All monumental work effected within any cemetery shall be completed in terms of the drawing and specifications approved in terms of subregulation (1).
  - (6) Persons constructing any memorial or monumental work shall observe the following provisions:
    - (a) All separate parts of any memorial or monumental work other than masonry construction shall be affixed by copper or galvanized iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
    - (b) any part of such work which rests upon any stone or other foundation shall be fairly squared and pointed;
    - (c) the undersides of every flat stone memorial and the base or landing of every monument or headstone shall be set at least 50 mm below the natural level of the ground;
    - (d) every headstone shall be securely attached to the base;
    - (e) footstones shall consist of one solid piece in the case of single grave plots;
    - (f) all headstones shall consist of granite, marble or bronze;
    - (g) all kerbing or monuments on single grave plots shall be erected on concrete foundations at least 610 mm wide and 205 mm deep over the full width;
    - (h) all kerbing on plots larger than single grave plots shall be fixed on substantial concrete mats at the four corners and where joints occur;
    - (i) the manager may require any concrete foundation on any grave plot to be reinforced where owing to the weight of the monument or headstone, it is necessary in the interest of safety.
  - (7) (a) No person shall erect any memorial work within any cemetery unless the number and section letter of the plot upon which such work is to be placed is indelibly engraved thereon in such a position as to be legible at all times from a pathway.
  - (b) With the consent of the registered certificate holder, the name only of the maker of such memorial work may be placed upon any footstone.
  - (8) No person shall bring any memorial work or material nor do any work within any cemetery in connection with any memorial or monumental work from twelve noon on Saturday until the opening hour on the following Monday.
  - (9) Every person carrying out work within any cemetery shall in all matters comply with the directions of the manager.
  - (10) In any cemetery which may be established after the coming into operation of these regulations, no slab, tombstone or monument shall exceed 1 200 mm in height.

#### Grave plots supplied with a berm

22. Notwithstanding anything to the contrary contained in these regulations, a grave plot which is supplied with a berm shall be subject to the following conditions:
  - (a) No kerbing shall be erected at such a plot.
  - (b) The base of a memorial shall not be larger than 610 mm: Provided that the base of a memorial which is erected over two adjoining grave plots may be 1 220 mm by 260 mm.
  - (c) A memorial which is erected shall not protrude beyond the base and shall be at least 120 mm from the front edge of the berm.
  - (d) No object, excepting a memorial and a vase for flowers or foliage which may be flowers placed in the office provided in the berm, may be placed and kept on any grave for longer than two months after the burial of a body.
  - (e) Save as provided in paragraph (d), the council may remove any object placed on such a grave plot.
  - (f) No memorial may, apart from the vase for flowers or foliage in the berm, have more than one container for flowers or foliage.

#### Maintenance of graves

23. (1) (a) All monumental or memorial work constructed or erected upon any grave shall at all times be maintained in good order and condition by the holder of the reservation certificate of such grave.
- (b) If any such work be allowed to fall into a state of disrepair or to constitute a danger or a disfigurement of the cemetery, the council may, by written notice given to the holder of the reservation certificate by registered post addressed to his last-known postal address, require him to effect such repairs as may be necessary.
- (c) Failure on the part of the holder of a reservation certificate to effect the required repairs within one month of the date of such notice shall be a breach of these regulations and the council may have the repairs effected or may have the memorial or monumental work removed as it deems fit and may recover the expense of such repairs or removal from the holder of the reservation certificate.
- (2) (a) All monumental or memorial work which shall have been dismantled for the purpose of a further burial shall be re-erected or removed from the burial place by the holder of the reservation certificate within two months of the date of such dismantling.
- (b) Failure to do so shall constitute a breach of these regulations.
- (c) The council shall, in the event of such failure, be entitled to remove any such dismantled construction from the cemetery without further notice to the holder of the reservation certificate and recover from him the expense of such removal.
- (3) The council shall not be liable for any loss or damage which may at any time occur to any memorial or monumental work or any article placed upon any grave plot from any cause whatsoever, nor for any compensation in respect of any memorial or monumental work repaired or removed in terms of subregulations (1) and (2).
- (4) The council may, upon application by any interested party and upon payment of the fees prescribed by the council, for the period specified, supply such seasonal plants as may be available and undertake the planting and the maintenance thereof and render services for the general upkeep of any grave.
- (5) (a) No person shall without first having obtained the written permission of the manager plant any tree shrub, bush or any other plant on the area of any grave plot, nor shall any such tree, shrub, bush or plant be planted upon any portion of such plot other than that indicated by the manager.
- (b) No holder of a reservation certificate shall permit any shrub, bush or plant to overhang or extend beyond the boundaries of such grave plot.



- (6) The council shall have the right to remove, trim or prune any plants which extend beyond the limits of the grave plot upon which they are planted, or which are untidy.

#### Provisions relating to persons dying outside the area of jurisdiction of the council.

24. (1) The provisions of these regulations shall apply mutatis mutandis to any burials within the area under the council's jurisdiction of the human remains of any person who has died outside such area, subject to the condition that a removal order in terms of section 29 of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963) shall be delivered to the manager together with the necessary burial order.
- (2) Every application and every document relating to any burial, shall be marked with a number corresponding with the number in the register referred to in regulation 7 of this Chapter and shall be filed in order and shall be preserved by the council for a period of not less than 10 years.

#### Fees Payable

25. All fees payable in respect of burials shall be determined by the council from time to time and be approved by the Minister.

#### Offences

26. (1) Any person who : -
- Contravenes or fails to comply with the provisions of subregulations (1) and (2)(a) of regulation 5, regulation 6, regulation 9, regulation 19, regulation 20, subregulation (1), (3), (4), (5), (6), (7), (8), (9) and (10) of regulation 21, regulation 22, subregulation (5) of regulation 23 shall be guilty of an offence.
- (2) Any fine recovered in respect of a contravention under subregulation (1) shall accrue to the council.

### CHAPTER 6 TOWN COUNCILS

#### Establishment and abolition of township councils

- (1) The Minister may by notice in the Official Gazette establish a town council for any township.
- (2) Such council shall consist of designated and elected members. The designated members shall be appointed by the Tribal Authority and shall not be less than the elected members. The elected members shall be elected on the basis of one member for each ward. The Inkosi of the Tribal Authority or his designate shall chair the town council and shall have a casting vote.
- (3) A town council referred to subregulation (1) shall consist of such members as may from time to time be determined by the Minister.
- (4) The Minister may, whenever he deems it expedient to do so, abolish any town council established in terms of subregulation (1).
- (5) Any township council established in terms of subregulation (1) shall be a body corporate capable of suing and being sued and of doing everything, subject to the provisions of these regulations, which a body corporate is competent to do by law.
- (6) A Tribal Authority may terminate the services of a designated member.

#### Division of townships into wards

2. (1) The Minister shall, within two months of the date on which he approved the establishment of a town council and thereafter on the last working day of June of each year in which a general election is to be held, divide the township where a town council is to be established in terms of regulation 1(1) of this Chapter into not less than six and not more than 20 wards, according to the number of voters resident in such township, in such a way that the number in each ward is approximately equal.
- (2) Details of the ward divisions shall be available for inspection at the office of the manager.

#### Qualification of elected members

3. No person shall be eligible for election to the town council who -
- (a) does not comply with sections 3 and 4 of the Act;
- (b) is not a voter;
- (c) is not the owner of immovable property in the township;
- (d) owes any charges, fees or other amounts payable in terms of these regulations for a period of two months or longer, reckoned up to and including the last day of the month preceding the day on which nominations close;
- (e) has, within the period of five years immediately preceding the date of his nomination for election, been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period exceeding three months, or with the option of a fine for a period exceeding six months;
- (f) is subject to an order of court declaring him to be mentally disordered or defective, or is lawfully detained as mentally disordered or defective under the Mental Health Act, 1973 (Act 18 of 1973);
- (g) holds an office or place of profit under the town council as an employee.

#### Voters' rolls

4. (1) The Manager shall within one month of the date on which the Minister gave notice in terms of regulation 1(1) of this Chapter of the establishment of a town council for the township concerned, compile and maintain a voters roll of persons qualified in terms of regulation 18(1) of this Chapter to vote at any election referred to in that regulation.
- (2) In such voters roll shall be reflected the identity number and the name and address of the voter who qualifies in terms of regulation 18(1) of this Chapter for registration as a voter and the number of the ward in which he is resident.
- (3) If at any time it is proved to the satisfaction of the manager that a person registered as a voter is subject to any of the disqualifications mentioned in paragraph (a), (d), (e), (f) or (g) of regulation 3 of this Chapter, he shall immediately remove the name of such person from the voters' roll.
- (4) For the purposes of any general election held in terms of these regulations, only those voters registered up to and including the last working day of June of the year in which the election is to be held shall be entitled to vote in that election: Provided that in the case of the first general election only voters who qualified for registration as voters on the date on which the Minister established a township council for the township concerned, shall be entitled to vote at such election.
- (5) For the purpose of any by-election to be held in terms of these regulations, only those voters registered up to and including the day on which a vacancy for an elected member of the township council occurred shall be entitled to vote in that by-election.



- (6) Any voters' roll compiled in terms of this regulation shall be available for inspection by the public at the office of the manager at least 60 days before a general election or by-election is due to take place: Provided that such voters' roll shall be closed not later than 14 days prior to the date fixed for the election.
- (7) Any errors which might appear in any voters' roll mentioned in this regulation before such voters' roll has been closed as provided in sub-regulation (6) shall immediately be brought to the notice of the manager by the interested parties. No alteration shall be made to any voters' roll after such voters' roll has been closed.

#### **Nomination for election**

5. (1) The manager shall, within three months of the date on which the Minister gave notice in terms of regulation 1(1) of this Chapter of the establishment of a township council for any township and thereafter not later than the first day of August of each year in which a general election is to be held, call, in English, Zulu and Afrikaans by means of a notice displayed in a prominent place at his office, for the nomination of candidate for election as members of such town council.
- (2) The notice mentioned in subregulation (1) shall specify the place, date and time at which nominations shall be received by the returning officer: Provided that such date shall not be earlier than 14 days after and not later than 21 days after the date of issue of the notice calling for nominations.
- (3) Nominations of candidates for election as members of the town council shall be submitted in writing to the manager on the form prescribed in Schedule H and shall be supported by the signatures of at least 10 voters who, on the date mentioned in subregulation (2), were not more than one month in arrears in respect of any fees or charges payable in terms of these regulations. The manager shall hand over all nomination lists to the returning officer as soon as possible.
- (4) No person in respect of whom a nomination form has been submitted to the returning officer in terms of subregulation (3) shall be deemed to be duly nominated unless he qualifies to be elected and has deposited with the returning officer the sum of 100 rand.
- (5) Should any candidate receive less than one-fifth of the number of votes received by the successful candidate at the election he shall forfeit the sum deposited in terms of subregulation (4) and such amount shall be paid into the treasury, otherwise it shall be returned to him.
- (6) The returning officer shall, as soon as practicable, and not later than 14 days after the date fixed for the receipt of nominations, affix in a prominent place at the offices of the manager a notice containing a list of the names of the candidates duly nominated in terms of these regulations and shall also declare those candidates who have been returned unopposed to be elected members for their respective wards.
- (7) If for any reason whatsoever no valid nominations are received in respect of any ward, the manager shall as soon as possible after the closing date for nominations again call for nominations for the ward concerned in the manner prescribed in this regulation. Such nominations shall be handed to the returning officer on the date fixed by him which shall not be earlier than 14 days after and not later than 21 days after the date of issue of the notice calling for nominations.

#### **Provision of equipment and appointment of assistants**

6. (1) For all elections the returning officer shall provide compartments, ballot boxes, ballot papers and instruments for marking ballot papers with the official marks, and shall appoint such assistants and do such other acts and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectually conducting the election.
- (2) The expenditure in connection with the first election of a township council shall be met as the Minister may determine after consultation with the tribal authority.

#### **Declaration of secrecy**

7. The returning officer, his duly appointed assistant and any agent appointed by a candidate shall make, before the opening of the poll, a declaration of secrecy of oath. Such declaration shall be made by the returning officer before a justice of the peace or a commissioner of oaths, and by his assistants and any agent before the returning officer.

#### **Polling day**

8. The notice issued under regulation 5(6) of this Chapter shall also stipulate the place at which, the day on which, from 07H00 until 21H00, the election shall be held.

#### **Manner of voting**

9. The voting at all elections held under the provisions of these regulations shall be by ballot and shall take place as follows:
  - (a) The returning officer or his assistant at the polling station for each ward shall satisfy himself that the person coming to vote is a voter enrolled on the voters' roll for that ward and having ascertained that such person is so enrolled and that his identity number appears on such roll, shall enter his identity number appearing on the identity document issued to him in terms of the Identification Act, 1986 (Act 7 of 1986), upon the counterfoil in the ballot-paper book and shall then tear out the ballot paper corresponding to such counterfoil and, having marked it on the back with a secret mark determined by the returning officer, shall hand it to the voter.
  - (b) When the voter has received the ballot paper, on which shall be printed in alphabetical order the names of all the duly nominated candidates for that particular ward at such election, he shall take it to the compartment provided for the purpose and signify for whom he desires to vote by secretly placing a cross opposite the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper so that the secret mark is visible and having held up the ballot paper so that the returning officer or his assistant can recognize the mark, shall drop the ballot paper in the ballot box placed in front of the returning officer or his assistant.
  - (c) Should the voter make a cross opposite the name of more than one candidate, sign his name on the ballot paper or make any mark or write any word by which he could be identified, such ballot paper shall be considered spoilt and not be taken into account at the counting of the votes.

#### **Recording of votes by returning officer**

10. The returning officer shall, at the request of any voter, in the presence of such voter and the candidate or their agents, record the vote of such voter on the ballot paper issued to him against the name of the candidate indicated by such voter, and shall place the ballot paper in the ballot box in the presence of such voter.

#### **Spoilt ballot papers and record of ballot papers**

11. (1) If a voter inadvertently spoils a ballot paper, he may return it to the returning officer or his assistant who, if he is satisfied of such inadvertence, shall give him another ballot paper and retain the spoilt ballot paper which he shall immediately cancel and endorse with the words "returned under regulation 11" and the fact of such cancellation shall be noted upon the counterfoil.
- (2) Such spoilt ballot paper shall be retained by the returning officer who shall, as soon as practicable after the poll has closed, compile a record of the number of ballot papers issued, the number of spoilt ballot papers and the number of ballot papers found in the ballot boxes at the close of the poll.

#### Identification of voters

12. No registered voter who, on the day of polling, is unable to produce his identity document or prove his identity, shall be permitted to vote.

#### Polling station

13. (1) No person other than the returning officer, his assistants, candidates and one agent appointed by each candidate and approved by the returning officer, and the persons recording their votes shall be admitted into the polling station.
- (2) The returning officer may require any person to leave the polling station, and any person who fails to leave the polling station when so required shall be guilty of an offence.

#### Result of election

14. (1) As soon as practicable after the closing of the polling station and after the record referred to in regulation 11(2) of this Chapter has been compiled, the returning officer shall make such arrangements as he may deem expedient for the sealing, safe custody and transport of the ballot boxes and the prevention of any tampering with the ballot boxes or ballot papers, and shall determine the time and the place for the counting of the votes recorded for each candidate. As soon as the votes have been counted, the returning officer shall make known the number of votes recorded and shall declare the candidates who have received the largest number of votes in respect of their respective wards to be duly elected members of the town council.
- (2) Only the returning officer, his assistants and the candidates shall be present while the votes are being counted.
- (3) As soon as possible after the polling day the returning officer shall notify the manager, in writing, of the result of the election, indicating the number of votes recorded for each candidate.

#### Determination in event of equal number of votes

15. If an equal number of votes is recorded for two or more candidates for election in a particular ward, the successful candidate shall be determined by the returning officer by the casting of lots in the presence of the candidates.

#### First general election and term of office of members elected and designated during first general election.

16. (1) The first general election of members of a town council shall be held within six months of the date on which the Minister gave notice in terms of regulation 1(1) of this Chapter of the establishment of a town council for the township concerned, and the members so elected shall remain in office until the thirtieth day of September of the fifth calendar year after which the first election was held.
- (2) The procedure in the first general election shall mutatis mutandis conform to the provisions of regulations 4 to 15 inclusive of this Chapter.
- (3) The term of office of members of the town council who were designated by the Tribal Authority shall expire on the same day as that of members who were elected by the voters.

#### Vacancies

17. (1) Any member of the town council may, by notice in writing under his hand delivered to the Manager, resign his seat, which shall then become vacant.
- (2) A member shall cease to be a member of the town council if he -
- (i) is sentenced, in respect of a conviction for an offence, to imprisonment without the option of a fine for a period exceeding one month, or with the option of a fine, for a period exceeding six months;
  - (ii) being an elected member, leaves or absents himself from the township area without the permission of the town council for a continuous period of more than two months;
  - (iii) is absent without the permission of the town council from three consecutive monthly meetings of the town council, or withdraws from any meeting of the town council without the permission of the chairman;
  - (iv) becomes subject to an order of court declaring him to be mentally disordered or defective, or is lawfully detained as mentally disordered or defective under the Mental Health Act, 1973 (Act 18 of 1973);
  - (v) is inadvertently elected as a member of the town council and the manager, after investigation, determined that such member did not qualify for election as a member of the town council in terms of the provisions of these regulations;
  - (vi) is no longer resident in the township in the case of an elected member or is no longer a voter or the owner of immovable property;
  - (vii) is more than one month in arrears with any fees or charges payable by him in terms of these regulations;
  - (viii) holds an office or place of profit under the town council as an employee;
  - (ix) dies.
- (3) If for any of the reasons set out in subregulation (2) a member ceases to be a member, the manager of the town council shall cause a written notice to be delivered to such member's last-known place of residence advising him that he is no longer a member of the town council. At the same time the manager shall deliver a copy of the notice to the Secretary-General and in the case of a member designated by the Tribal Authority, to the secretary of the Tribal Authority.
- (4) (a) (i) On receipt of the notice mentioned in subregulation (3) that a member elected by the voters is no longer a member of the town council, the manager shall forthwith call upon the returning officer to hold a by-election in terms of these regulations to fill the vacancy: Provided that if the said vacancy occurs between the first day of April and the thirtieth day of September of the year in which a general election is to be held, it shall not be necessary to hold a by-election.
- (ii) The procedure set out in regulations 5 to 15, inclusive, of this Chapter shall mutatis mutandis apply in respect of any by-election held in terms of paragraph (a)(i).
- (iii) On receipt of a notice mentioned in subregulation (3) that a member designated by the Tribal Authority is no longer a member of the town council, the Tribal Authority may designate any other person as a member of the town council: Provided that if the said vacancy occurs between the first day of April and the thirtieth day of September of the year in which a general election is to be held, the Tribal Authority shall not designate any other person.
- (b) Any member who in pursuance of a by-election held in terms of paragraph (a)(i) is elected or, in terms of paragraph (a)(iii), is designated, shall hold office only for the unexpired portion of the term of office of the member in whose place he has been elected or designated.

#### Qualification of voters

18. (1) Only a person who is permitted in terms of section 3 and 4 of the Act and these regulations to reside in the township concerned and who -
- (a) was born in the Republic of South Africa;
  - (b) does not owe any charge, fee or other amount payable in terms of these regulations for a period of two months or longer, reckoned up to and including the last day of the month preceding the day on which nominations close;



- (c) is 18 years of age or older;
  - (d) is in possession of an identity document indicating his identity number; and
  - (e) is not subject to any of the disqualifications mentioned in regulation 3(1) (a), (d), (e), (f) or (g) of this Chapter;
- shall qualify to vote at any election of members of the town council;

- (2) A person whose name does not appear on the voters' roll referred to in regulation 4 of this Chapter shall not be allowed to vote at any election of members of a town council.

#### **Members and office-bearers**

- 19. (1) A special meeting of the town council shall be held within 14 days of every general election held in terms of these regulations and thereafter annually during the first 14 days of the month of October, and at every such meeting the Inkosi of the Tribal Authority shall indicate whether he shall act as chairman of the town council or shall designate the chairman. The members present shall elect one of their number to be vice-chairman and the chairman and the vice-chairman shall forthwith enter upon their offices and remain therein up to the date of the first special meeting held in October of the ensuing year.
- (2) If the office of chairman or vice-chairman becomes vacant for any reason other than the expiry of the period for which the incumbent was designated or selected, a successor shall, at the ordinary monthly meeting after the vacancy has occurred, be designated in the case of the chairman or in the case of the vice-chairman be elected by the members from among their number.
- (3) If both the chairman or vice-chairman for any reason fail to attend a meeting, the members present shall appoint any one of their number to act as chairman at that meeting.

#### **Term of office of members**

- 20. Subject to the provisions of regulations 16 and 17 of this Chapter, every member of the town council shall hold office for a period of five years and shall be eligible for re-election or nomination.

#### **Conditions of service of members**

- 21. (1) No member of the town council shall in any way whatsoever participate in any discussions of the town council on or in connection with any agreement, transaction, contract or arrangement of any kind whereby or wherein he has a private interest, whether directly or indirectly, made or to be made or concluded or to be concluded by or with the town council.
- (2) No member shall demand, invite or accept any promise, fee, bribe or reward whatsoever by virtue of his office other than his proper honorarium or allowances fixed in accordance with these regulations.
- (3) Any member contravening subregulation (1) or (2) shall be guilty of an offence and shall on conviction, in addition to any other penalty which may be imposed, be unqualified to hold or remain in any office under these regulations for a period of five years.

#### **Allowances to members**

- 22. (1) Members of the town council shall be paid such allowances as the Minister may determine.
- (2) Such allowances shall be computed on a monthly basis and shall be payable monthly: Provided that a member shall forfeit 10% (ten per centum) of such allowance in respect of each meeting which he does not attend during the month for which the allowance is payable, but shall not forfeit any portion of his allowance if his absence from any meeting is due to any cause which the town council, after consultation with the Secretary-General, considers to be reasonable.
- (3) A town council may grant a member not more than 30 days' leave of absence during any year and the full allowance payable to any such member in terms of subregulation (1) shall be payable to him during such period.

#### **Functions, duties and powers of town council**

- 23. (1) A town council shall, subject to the conditions determined by the Minister, exercise such powers, and perform such functions and duties in respect of such of the following matters as the Minister may assign to such town council: -
  - (a) The development and administration of parks and public resorts.
  - (b) The establishment, maintenance and administration of sport or recreational facilities.
  - (c) The establishment, provision, maintenance and administration of library services, museums and botanical and zoological gardens.
  - (d) The allocation of bursaries for educational purposes.
  - (e) If a local government body is by any law required to do so, the prevention or combating of the unlawful occupation of land or buildings.
  - (f) The allocation or administration of premises, including the preparation of lay-out plans of the area of the town council.
  - (g) The approval of building plans and the removal or demolition of unauthorized or abandoned buildings or structures.
  - (h) The control, prohibition or restriction of the keeping of dogs, including the keeping of kennels, the imposition of a tax on such keeping, and measures to abate any disturbance caused by dogs.
  - (i) The control, prohibition, regulation or restriction of the keeping of any animals other than dogs.
  - (j) The control, prohibition, regulation or restriction of street trading and purveying and the display of advertisements.
  - (k) The provision, maintenance and carrying out of services for the removal, destruction or other disposal of night-soil (including vacuum tanks), rubbish, derelict vehicles or anything of whatever nature which the town council on reasonable grounds suspects to have been abandoned, carcasses of dead animals and refuse of all kinds.
  - (l) Measures to promote the health of the residents of the area of the town council or to prevent the spreading of infectious or contagious diseases or to abate any nuisance constituting a health hazard to such residents.
  - (m) The establishment, acquisition, construction, maintenance and carrying on, within or outside the area of the town council, of works for supplying water and the supplying of sewerage and effluent removal services to the residents of that area, and the reticulation of such water and services, and the conditions for the supply of such water, including the discontinuance of such supply, determined and made known by by-law by the town council from time to time.
  - (n) The establishment, acquisition, construction, maintenance and carrying on, within or outside the area of the town council, of works for supplying power to the residents of that area, the reticulation of such power, and the conditions for the supply of such power, including the discontinuance of such supply, determined and made known by by-law by the town council from time to time.
  - (o) The taking of such action as the town council may consider necessary for the laying of main and branch wires and lines of pipes to convey electric current or water or sewage and effluent underneath or over public or private premises, the connection of such wires or pipes with any premises, and the right of entry of premises for such purposes and the inspection of such wires and pipes.



- (p) The establishment and maintenance of any building or structure for any community requirement or purpose provided for by these regulations.
  - (q) The establishment of a pension fund for the benefit of employees of the town council.
  - (r) The construction and maintenance of roads and streets and the closing, or limitation of the use, of such roads and streets.
  - (s) The establishment, maintenance and control of cemeteries, within or outside the area of the town council.
  - (t) Any function assigned to it by the Minister and published in the Official Gazette.
- (2) A town council may -
- (a) engage such workers as it may determine to perform the duties and functions entrusted to it and pay them such salaries, wages and allowances as it, with the approval of the Secretary-General, may decide;
  - (b) with the approval of the Secretary-General and subject to such conditions as such Secretary-General may determine, make use of the services of officers in the employment of the Secretary-General and pay such officers such salaries, wages and allowances as the Secretary-General may prescribe.
- (3) A town council shall, not later than a date determined by the Secretary-General, draw up and consider for each financial year estimates of revenue and expenditure, and such estimates shall be submitted to the Secretary-General for consideration and determination of a contribution, if any.
- (4) If expenditure must be incurred for which there is no provision or which will cause the provisions as a whole to be exceeded, the approval of the Secretary-General shall be obtained before such expenditure may be incurred.
- (5) A town council shall establish a treasury into which all moneys accruing to such town council shall be paid and from which all expenditure shall be defrayed, and shall provide proper books and regularly keep therein a proper record of all amounts received and disbursed and of the respective purposes for which such amounts were received and disbursed. The Secretary-General may issue directions in connection with the manner in which such books and records shall be kept up to date and audited.
- (6) A town council may, with the approval of the Secretary-General, open an account at a registered commercial bank into which all amounts collected shall be paid. No over-drawing of such account shall take place unless authorized by the Secretary-General.
- (7) The tender procedure laid down by the Minister, as published in the Official Gazette, apply to the execution of any work or the procurement of stores and rendering of services for or on behalf of a town council.
- (8) (a) A town council may, by resolution passed after at least seven days' notice thereof at a meeting at which not less than two-thirds of the members are present, make regulations regarding one or more of the matters mentioned in subregulation (1).
- (b) No regulation made under paragraph (a) shall have force of law until approved by the Minister who may amend or alter any regulation without referring it back to the town council concerned. Any regulation made by a town council in terms of paragraph (a) shall be made by the Minister and published in the official Gazette.
- (9) (a) With the approval of the Minister a town council may levy rates in respect of properties.
- (b) Any rate levied in terms of paragraph (a) shall be published by the Minister in the official Gazette.
- (10) A town council may make provision for any matter with regard to the exercise of its powers, functions or duties, including provision for the delegation of powers to a committee or committees of such town council and may make by-laws and regulations with the approval of the Minister on any matter within its powers which shall be published in the official Gazette.
- (11) (a) If the Minister is at any time satisfied that it is in the interest of the public or of the good management of any township in respect of which a town council has been established and that it is necessary in respect of the functions, duties and powers assigned to such town council by these regulations, that such town council -
- (i) give a temporary order or direction;
  - (ii) frame any draft regulation;
  - (iii) levy any rate;
  - (iv) take any action to give effect to these regulations;
- the Minister, by written notice addressed to such town council, call upon such town council to give such temporary order or direction, to frame such draft regulation or to levy the necessary rate or to take any action which will give effect to these regulations, and if such town council fails to comply with such notice within thirty days, the Minister may himself give such temporary order or direction, frame such draft regulation, levy such rate or take such action to give effect to these regulations and any such order or direction, draft regulation, rate or action shall thereupon be deemed to have been given, framed, levied or taken by that council.
- (b) Any temporary order or direction shall have effect for only one year.
- (12) Any person failing to comply with any temporary order or direction given in terms of subregulation 11 shall be guilty of an offence and any fine paid by him shall be paid to the treasury.

#### Convening of Meetings

24. A town council shall hold at least one meeting per month on a day and at a time and place to be decided upon by it.

#### Special meetings

25. (1) When the chairman of a town council is satisfied of the necessity thereof, he may direct that a special meeting of the town council be held. Members of the town council shall be given notice in writing by the secretary of such council of any such special meeting and the purpose thereof at least 24 hours before such meeting.
- (2) No business shall be transacted or considered at any such meeting except that for which the meeting has been convened.

#### Notice of meetings

26. Notice of the time and place of every ordinary meeting of a town council shall be served by the secretary of such town council on every member at least 72 hours prior to such meeting. Such notice shall embody the agenda for that particular meeting and notice to a member shall be effected either personally or by post.

#### Quorum

27. Any number of members exceeding one-half of the total number of members comprising a town council shall constitute a quorum.

#### Casting vote of chairman

28. In the event of an equality of votes the chairman shall have a casting vote. The chairman may in his discretion preclude any member from voting if in his opinion such member has a pecuniary or private interest in the matter under consideration.

29. (1) The secretary of a town council shall keep minutes of the proceedings of every meeting of such town council and shall record in such minutes the name of every member and officer present.
- (2) Such minutes shall be confirmed at the next succeeding ordinary meeting of the town council.
- (3) On submission of minutes for approval and signature, no discussion thereof shall be permitted, except with regard to the correctness or accuracy thereof.

**Business of the town council confined to agenda**

30. No business other than that included in the agenda embodied in the notice of a meeting shall be discussed at such meeting of a town council: Provided that such meeting may discuss an unopposed motion of a formal nature.

**Addressing meetings**

31. Members shall stand when speaking and address the chair, and no members shall speak more than once on any subject or motion, except that the member who introduced a motion may reply before such motion is put to the vote.

**Precedence of speakers**

32. If two members seek to address the chair at the same time and neither shall give way, the chairman shall call upon the one who is, in his opinion, entitled to precedence to address the chair. If in the opinion of the chairman a member is personally concerned with or has an interest in the subject of discussion to such an extent that it is desirable that he does not participate in the deliberations thereon, he may order such member to withdraw from the meeting until the relevant item has been disposed of.

**Precedence of chairman**

33. Whenever the chairman, speaks, any member then speaking or offering to speak shall sit down and the members shall be silent so that the chairman may be heard without interruption.

**Motions to be seconded**

34. No motion or amendment proposed by a member shall be discussed unless it is seconded by some other member and the fact that such motion or amendment was not seconded shall be recorded in the minutes.

**Attendance of meetings**

35. (1) In addition to members the following persons shall be entitled to attend meetings of a township council:
- (i) The secretary of the town council, any other officer of the town council or any other person whose presence is considered to be necessary by the chairman, or whose presence is requested by the town council.
- (2) The chairman of a town council may in his discretion allow members of the public to attend its meetings.
- (3) Any person who -
- (a) fails to comply with any order or direction given in terms of subregulation (1);
- (b) contravenes any by-law made under that subregulation; or
- (c) fails to pay any rate levied under that subregulation within sixty days of the date on which such rate becomes due and payable;
- shall be guilty of an offence and any fine paid shall accrue to the treasury of the town council.

**Penalty Clause**

36. Any person who contravenes or fails to comply with any of the provisions contained in any of the Chapters of the Regulations or a direction given or condition imposed in terms thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding 100 rand or, in default of payment, imprisonment for a period not exceeding 3 months.

SCHEDULE A

(To be submitted in duplicate)

**APPLICATION FOR DEED OF GRANT IN RESPECT OF OWNERSHIP UNIT FOR RESIDENTIAL\*/TRADING\*/INDUSTRIAL\*/BUSINESS\*/ OTHER PURPOSES\***

Township

District

The Manager, Township,  
(address).

Application is hereby made for the issue to me of a deed of grant,

subject to the terms and conditions set out in Regulation 5 :

Ownership Unit No

situate on site No

at

in the above township.

The unit is required by me for residential\*/trading\*/industrial\*/ business\*/.....\* purposes.

Particulars of applicant (and of partners in the case of a partnership):

Full names

**SCHEDULE A (Contd)**

Sex\* \_\_\_\_\_  
 Age\* \_\_\_\_\_  
 National Identity No\* \_\_\_\_\_  
 National unit which applicant belongs \_\_\_\_\_  
 Present domiciliary particulars : \_\_\_\_\_  
 Place of residence \_\_\_\_\_  
 District \_\_\_\_\_  
 Particulars of residential rights (including arable allotments) held anywhere \_\_\_\_\_  
 Particulars of professional, trading or business rights held anywhere \_\_\_\_\_  
 Particulars of sale :

Purchase price : R \_\_\_\_\_  
 Amount to be deposited : R \_\_\_\_\_  
 Particulars of monthly instalments to be made on balance owing : R \_\_\_\_\_  
 Amount to be secured by way of charge on deed of grant : R \_\_\_\_\_

In the case of an application for a unit for residential purposes, furnish the following particulars : -

Particulars of family to occupy unit :

Wife					Age
Children :		Males		Females	
	Names	Age	Names	Age	

Any further information in support of application :

In the case of an application for trading, industrial or business purposes, furnish the following particulars :

Name of business \_\_\_\_\_  
 Nature of business \_\_\_\_\_  
 Full names of all partners (in the case of a partnership) \_\_\_\_\_  
 Full names of managing director or manager (in the case of a company) \_\_\_\_\_  
 Full names of all other persons/bodies having an interest in business and extent of interest in each case : \_\_\_\_\_  
 State how business is to be financed : \_\_\_\_\_  
 Any further information in support of application :

-----  
 Applicant

Place \_\_\_\_\_  
 Date \_\_\_\_\_  
 Recommendations and comments by Manager : \_\_\_\_\_  
 Purchase price : \_\_\_\_\_  
 Cash deposit : \_\_\_\_\_  
 Monthly instalments to be made : \_\_\_\_\_  
 Deed of sale dated **attached**  
 Place -----  
 Date \_\_\_\_\_  
 File No \_\_\_\_\_

-----  
 Manager



**SCHEDULE B  
DEED OF GRANT NO.  
BE IT HEREBY MADE KNOWN  
THAT**

.....  
(Seller)  
owned the property described herein in ownership and sold it truly and legally and that he hereby, in his capacity as owner, gives it in full and unre-  
stricted ownership to

.....  
(Buyer)  
his heirs, executors, administrators or successors in title Site No. .... Extent.....  
(Numerals)  
(.....) square metres.  
(Words)

on General Plan/Diagram No. ....  
situated in the township of ....., District of .....

The property described herein is subject to the following reservations, conditions and servitudes (if any) :  
Therefore the Seller waives all rights and title previously vested in him in the said property and acknowledges that he is totally released of the pos-  
session thereof and shall not be entitled thereto and that, under this Deed of Grant, the said -

his heirs, executors, administrators or successors in title shall now and henceforth be entitled to the property in accordance with local custom, but  
subject to the right of the State, and lastly he acknowledges that the sum of R ..... (.....) is the purchase  
price of the property.

In proof of which I, the said Registrar, have signed and sealed this Deed of Grant with the Official Seal.

**THUS DONE AND SIGNED IN THE OFFICE OF THE REGISTRAR**

at ..... this  
..... day of ..... in the  
year ..... (19.....)

REGISTRAR

**SCHEDULE C  
APPLICATION FOR TRANSFER OF OWNERSHIP FOR RESIDENTIAL PURPOSES**

Township : ..... District: .....  
Ownership  
The Manager,  
Township,  
(address)

I, ..... being the grantee of ownership unit  
No. .... situate on site No. .... at .....

in the above township, and which I occupy under deed of grant No. .... hereby apply for the transfer of  
the said unit to

Reason for transfer (state whether sale, donation, etc.) :

Any further information in support of application :

Place : .....  
Signature of Transferor

Date :

**SCHEDULE C (Contd)**

(To be completed by the transferee).

Particulars of transferee :

Full names :

Sex :

Age :

National Identity No. :

Particulars of family to occupy unit :

Wife :

Age :

Children :

Males

Females

Names

Age

Names

Age

Present domiciliary particulars :

Place of residence :

District :

Place :

Signature of Transferee

Date :

Decision by Manager : Application to transfer a deed of grant approved/not approved.

Place :

Manager

Date :

File No :

Action taken by Manager :

Date transferee notified :

Liability noted in register on :

Initials of accountant :

Receipt for deed of grant has been filed.

Place :

Manager

Date :

File No :

**SCHEDULE D**

**DECLARATION BY TRANSFEROR OF OWNERSHIP UNIT**

Township :

District :

Ownership Unit No :

I,

hereby transfer to

all my right, title and interest in and to the land held by me under deed of grant No.

The approval of

the Manager has been obtained.

In witness whereof I have hereto subscribed my name at this

day of

19

Witness :

(1) .....

Signature of Mark

(2) .....

Before me:

Date : ..... Commissioner of Oaths

**SCHEDULE E**

**APPLICATION FOR BUILDING PERMIT**

Township ..... District

..... Ownership Unit No. ....

The Manager  
Township .....

1. Application is hereby made in terms of Regulation 11(3) of Chapter 2 of the Regulations for the issue to me of a building permit in respect of the above unit.
2. I attach in triplicate -
  - (a) Plans drawn to scale of 1:100, 1:50 or 1:20 of the proposed building(s) and/or alterations to existing Building(s).
  - (b) Site plan drawn to scale of 1:500 or 1:200 indicating the situation of the proposed building(s) on the unit in question and showing the distances of the building(s) from the street and other boundaries.
3. Materials to be used are (specify):  
.....  
.....  
.....
4. Purpose for which building is to be used (specify):  
.....  
.....  
.....
5. Further information (if any) in support of application:  
.....  
.....  
.....

Place .....

Name of Applicant (in block letters) .....

Signature of Applicant .....

Date .....

Comments/Decision by Manager .....

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

..... Manager

Date .....



**SCHEDULE F**  
**BUILDING PERMIT**

Plan No. ....

District.....

Township .....

Ownership Unit No.....

Permission is hereby granted to :

Name.....

Identity No.....to erect a building  
or to effect alterations to a building on the above Unit, subject to the following descriptions and specifications.

Type of work to be done :  
(State whether new building, alterations, additions or drainage).

Type of building.....  
(State whether house, flats, flats connected with shops, hotel, factory, bank, building society, offices, church, club, schools, hospital, etc.)

If the building is a factory within the meaning of the Factories, Machinery and building Work Act, 1941 (Act 22 of 1941) (Section 3), the relative plans must be approved by the Inspector of Factories before being submitted.

**BUILDINGS**

Description of new building/alterations to be effected.....

Area of main building .....m<sup>2</sup> Area of outbuildings  
.....m<sup>2</sup>

Additions to main building .....m<sup>2</sup> Additions to outbuildings  
.....m<sup>2</sup>

Framework of loadbearing construction.....

Foundations : Mix : .....stone .....sand  
.....cement

Mortar in Walls : Mix : .....sand .....lime  
cement

External walls of .....Internal walls of.....

Dampproof course of.....  
Minimum height of d.p.c. above ground level.....mm.

Roof constructed of .....Roof covering.....

Floors constructed of .....Floor finishes.....

Water, sewer, other connections required : .....

Method of water heating : .....

Method of building heating : .....

**DRAINAGE**

State whether water-borne connection, conserving tank, septic tank, pit latrine : .....

Material of pipes : Drain .....Soil water .....

Water water .....

Material of ventilation pipes : Soil water .....

Water water .....

Method of stormwater disposal : .....

**SCHEDULE F (Contd.)**

**GENERAL REQUIREMENTS**

Rooms used for habitation : Minimum area of 7 m<sup>2</sup> , minimum horizontal dimension 2,10m, minimum height of 2,6m.

All rooms to have through or cross ventilation.

Sizes of all windows in each habitable room to be shown on drawings. Glass areas of window to be at least one tenth of floor area. One half of each window to be able to open, and opening sections of windows to be shown on drawings.

Every sleeping apartment to have minimum of 3,716m<sup>2</sup> floorspace, 11,327m<sup>3</sup> free airspace for each inmate of 10 years of age and older, and at least half of these spaces for every inmate younger than 10 years.

**DRAWINGS**

Working drawings to be to scale of 1:100.

Plans to show each floor or level.

Drainage plans may be to scale of 1:200, and are to be submitted together with building drawings.

Plans to show the following : Wall thickness, sizes and use of rooms, areas of habitable rooms, overall dimensions of buildings.

Sections through buildings and sections along drainage lines are required.

Street elevations of buildings must be shown, and any further section required by the inspectors.

Existing building work that is to be removed must be clearly shown.

Site plan to scale of 1:500 must show all new and existing building work, site dimensions, building distances from all boundaries, and the north point.

**DRAINAGE**

Drawings must show all buildings and windows in buildings with 6m of any soil water pipe or ventilation pipe, all baths, showers, WCs, sinks, etc., and all pipes and their sizes.

**NOTIFICATION AND RECORD OF BUILDING INSPECTIONS**

**A. Inspection of foundation excavations**

Site No. ....  
Unit No. ....  
Township .....  
Inspection date .....  
Date of approval.....  
Remarks.....

**B. Inspection at d.p.c. level**

Site No. ....  
Unit No. ....  
Township .....  
Inspection date .....  
Date of approval.....  
Remarks.....

**C. Inspection at wallpaper level**

Site No. ....  
Unit No. ....  
Township .....  
Inspection date .....

Date.....

Remarks .....

**D. Final inspection of building**

Site No. ....

Unit No. ....

Township.....

Inspection date.....

Date of approval.....

Remarks .....

**SCHEDULE G**

**APPLICATION FOR TRANSFER OF OWNERSHIP FOR TRADING PURPOSES**

Township :

District

Ownership

The manager,

Township,  
(address).

I,

being the registered grantee of ownership unit No:

situate on site No. at

in the above township and which I occupy under deed of grant No.

hereby apply for the transfer of the said unit

to

Reasons for transfer (state whether sale, donation, etc.) :

Any further information in support of application :

Place :

-----  
Signature of Transferor

Date :

(To be completed by the Transferee) :

Particulars of transferee :

Full names :

Age :

Identity No. :

Present domiciliary particulars of transferee (and of partners in the case of a partnership) :

Place of residence :

District :

Any further information in support of application :

Place:

-----  
Signature of Transferee

Date :

Applicant has been advised accordingly on :

Approved/not approved



Place : \_\_\_\_\_  
Manager

Date : \_\_\_\_\_

File No. : \_\_\_\_\_

\*Delete whichever is inapplicable.

**SCHEDULE H**

The \_\_\_\_\_ Manager  
(address)

Nomination of candidate for vacancy on Town Council for Ward

We, the undersigned, registered voters of

Ward \_\_\_\_\_ hereby nominate

(name of candidate) in terms of regulation 5(3) of Chapter 6 of the regulations for election in the abovenamed ward.

NAME (IN BLOCK LETTERS)	ID. NO.	ADDRESS	SIGNATURE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

**ACCEPTANCE OF NOMINATION BY CANDIDATE :**

I, \_\_\_\_\_

Identity Number : \_\_\_\_\_

residing at \_\_\_\_\_

hereby accept nomination for the vacancy on the Township Council.

\_\_\_\_\_  
Signature of Nominee

DATE

**SCHEDULE I  
CEMETERIES**

Certificate of Reservation No. \_\_\_\_\_  
(Issued in terms of regulation 10)

This serves to certify that \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_

having paid the prescribed fees of R. \_\_\_\_\_

is entitled to use the site(s) described below for the purpose of interment:

Grave plot No. \_\_\_\_\_ Section \_\_\_\_\_

Measuring .....  
Cemetery .....  
Date at ..... this .....  
day of ..... 19 .....

.....  
Manager

.....  
Caretaker

**SCHEDULE J**

**CEMETERIES**

Certificate of Transfer of Reservation No. ....  
(Issued in terms of regulation 11)

This serves to certify that Certificate of Reservation No. ....  
in respect of grave plot No. ....  
has been transferred from ..... address

..... to  
..... address .....

.....  
Transferor

Confirmed on behalf of the local authority of .....  
this ..... day of .....  
..... 19 .....

.....  
Manager

.....  
Caretaker

**SCHEDULE K**

Application for burial No. ....  
To the Caretaker of Cemeteries  
..... 19 .....

Please supply grave in .....

Denomination .....

Size of coffin lid .....

Time of gate .....

For the late (state name and surname in full) .....

Nationality ..... Race .....

Sex ..... Age .....

(1) Address where death occurred .....

(2) Residential address .....

Date of death .....

Cause of death .....

Name of next-of-kin .....

SCHEDULE K (Contd.)

Name of applicant .....

Undertaker

N.B. - Must be attached to burial order and presented at the office of the caretaker before burial can take place in accordance with regulation 12.

SAMPLE OF AFFIDAVIT IN TERMS OF REGULATION 6 OF CHAPTER 2

APPLICATION FOR A COPY OF A LOST OR DESTROYED DEED OF GRANT, BOND OR OTHER DOCUMENT

Township :

District :

Ownership Unit No. :

I,
being the registered owner of ownership unit No
situated in the Township of
in the District of

hereby make oath and say

That the

(describe deed or document) issued to me\*/registered\* in respect of the above-mentioned property -

- (1)\* has been lose and despite diligent search cannot be found;
(2)\* has been destroyed (state circumstances) :
(3) has not been pledged and is not being detailed by anyone as security for debt or otherwise.

I hereby apply for a certified copy thereof.

Applicant

Witnesses :

- (1) .....
(2) .....

Sworn to before me at

on this day of 19

the deponent having acknowledged that he knows and understands the contents of this affidavit.

Commissioner of Oaths

Delete whichever is inapplicable.

KWAZULUREGERING KENNISGEWING NO. 34 VAN 1994

KWAZULU AMAKHOSI EN IZIPHAKANYISWA (ADMINISTRASIE EN BEHEER VAN MINDER FORMELE DORPSGEBIEDE) REGULASIES

Ek, Mangosuthu Gatsha Buthelezi, Hoofminister, uit hoofde van en kragtens die bevoegdhede aan my verleen volgens artikel 36 van die KwaZulu Amakhosi en Iziphakanyiswa Wet, 1990 (Wet 9 van 1990), maak hiermee die regulasies soos vervat in die bylae.

M.G. BUTHELEZI
HOOFMINISTER



**BYLAE**  
**HOOFSTUK 1**  
**ALGEMEEN**

**Definisies**

1. In hierdie regulasies, tensy teenstrydig met die konteks, is die betekenis van die volgende terme sos volg:

"Wet" verwys na die KwaZulu Amakhosi en Iziphakanyiswa Wet, 1990 (Wet 9 van 1990);

"meent" beteken daardie gedeelte van die dorpsgebied wat nie as perseel afgebaken en gemerk is nie, wat nie opsy gesit is as openbare gebied nie, en wat nie 'n straat, pad of ander openbare deurgang is nie;

"toekenningsakte" verwys na 'n toekenningsakte vir 'n eiendomseenheid uitgereik of wat as uitgereik geag word volgens regulasie 5(2) van Hoofstuk 2;

"akteregistrasie" dui op die registrasie van 'n toekenningsakte;

"woning" beteken en sluit in, enige huis, kamer, afdak, hut, tent, voertuig of enige ander struktuur of plek van watter aard ook al waarin, of enige gedeelte daarvan waarin, 'n persoon woon of slaap of in staat is om in te woon of slaap;

"ingenieur" beteken 'n ingenieur in diens van die Werkedepartement;

"algemene plan" beteken 'n plan van die dorpsgebied of van 'n gedeelte daarvan, goedgekeur deur die Minister;

"regering" beteken die Regering van KwaZulu;

"bevoordeelde" beteken 'n persoon aan wie 'n toekenningsakte uitgereik is;

"gesondheidsinспекteur" beteken 'n beampete wat aangestel is deur die Departement van Gesondheid om die relevante gesondheidsstandaarde te handhaaf;

"lewende hawe" sluit beeste, perde, donkies, muile, skape, bokke en varke in;

"landdros" sluit 'n addisionele en assistentlanddros, aangestel volgens die Landdroshowewet, 1944 (Wet 32 van 1944) in;

"bestuurder" beteken die beampete aangestel onder paragraaf (a) van subregulasie (1) van regulasie 1 van Hoofstuk 2 om die dorpsgebied te bestuur volgens hierdie regulasies en sluit enige ander beampete in wat namens so 'n beampete optree;

"Minister" beteken die Hoofminister;

"eienaarseenheid" beteken 'n perseel in 'n dorpsgebied waarvan die eienaarskap volgens 'n toekenningsakte by 'n geregistreerde eienaar berus;

"pluimvee" sluit hoenders, eende, ganse, kalkoene en duive in;

"registrateur" word gebruik met betrekking tot die registrasie van 'n toekenningsakte;

"kiesbeampete" beteken enige beampete wat aangestel is met die doel om die funksies van 'n kiesbeampete uit te voer volgens hierdie regulasies;

"Sekretaris-generaal" beteken die Sekretaris-generaal van die Departement van die Hoofminister;

"perseel" beteken enige stuk grond waarvoor 'n perseelnommer uitgereik is en wat op 'n algemene plan aangedui word;

"dorpsraad" beteken 'n raad wat volgens hierdie regulasies saamgestel is;

"bedryf" sluit enige sakeonderneming of nywerheid in; "sake doen" het 'n soortgelyke betekenis.

"stemgeregtigde" beteken 'n persoon wat voldoen aan die bepalings van hierdie regulasies;

"wyk" beteken 'n onderverdeling van 'n dorpsgebied of gedeelte van 'n dorpsgebied soos bepaal in die regulasies.

**Aankoop van eiendom -**

2. (1) Onderhewig aan die beperkings vervat in hierdie regulasies kan enige persoon wat 'n perseel in 'n dorpsgebied koop, so 'n perseel registreer deur middel van 'n toekenningsakte;
- (2) Die toekenningsakte word in die akteregister geregistreer;

**Bekendmaking van verordeninge en regulasies**

3. (1) Wanneer ook al die Sekretaris-generaal volgens hierdie regulasies enige bevel of voorskrif opstel of enige kennisgewing uitreik wat algemeen geldend is vir die dorpsgebied rakende enige verordening, of enige belasting hef, moet hy sorg dra dat so 'n bevel, voorskrif, kennisgewing, verordening, of kennisgewing ten opsigte van die hef van sodanige belasting onder die aandag gebring word van die persone wat daardeur geraak word soos hy dit dienstig ag.
- (2) Wanneer ook al 'n dorpsraad enige verordening of regulasie maak of enige belasting hef onder die voorsienings van regulasie 23(10)(a) van Hoofstuk 6, dra die vermelde raad sorg dat enige sodanige verordening, regulasie of kennisgewing van sodanige belastingheffing onder die aandag gebring word van die persone wat daardeur geraak word.
- (3) Nieteenstaande die voorsienings van subregulasie (1), is die vertoon of oplak van enige verordening, regulasie of kennisgewing van enige sodanige belastingheffing op 'n kennisgewingsbord by die kantoor van die bestuurder en op ten minste een ander openbare plek binne die dorpsgebied, vir alle doeleindes genoegsame publikasie daarvan; en alle persone daardeur geraak word geag kennis daarvan te dra binne agt-en-veertig uur ná sodanige vertoning of oplak daarvan.

**HOOFSTUK 2**  
**DORPSGEBIED ADMINISTRASIE**

**Aanstelling van beamptes**

1. Die Sekretaris-generaal kan enige beampete, wat as die bestuurder bekend sal staan, aanwys om die dorpsgebied se algemene administrasie te behartig volgens hierdie regulasies en ook sodanige ander beamptes soos nodig blyk om hom by te staan.

**Opplak van regulasies**

2. Die bestuurder dra sorg dat 'n afskrif in Engels, Afrikaans en Zoeloe opgeplak en onderhou word teen 'n opvallende plek by sy kantoor in die dorpsgebied, ten einde inwoners in te lig. Enige ingebrekeblywing of versuim om dit te doen maak nie hierdie regulasies ongeldig nie.

**Onderhoud van bakens op eienaarseenhede**

3. Die dorpsraad bly onder verpligting om die bakens of afbakeningsspenne daarvan in 'n goeie toestand te onderhou.

### Nommering van persele

4. (1) Die bestuurder ken aan elke perseel in die dorpsgebied 'n nommer toe, wat nie noodwendig met die nommer op die algemene plan hoef ooreen te stem nie, en dra sorg dat die toegekende nommer van so 'n perseel leesbaar gevef of of gegraveer word teen of vasgeheg word aan 'n opvallende plek aan die buitekant van enige geboue wat op so perseel opgerig is. Die bevooroordeelde van 'n perseel moet te alle tye sorg dra dat die nommer van sodanige perseel in 'n leesbare toestand gehou word.
- (2) Niemand mag enige nommer, gevef, gegraveer of aangeheg volgens subregulasie (1), doelbewus versteek, verwyder, beskadig, verander, uitwis of vernietig nie.

### Eiendomseenhede

5. (1) Enige persoon of instansie wat wens om 'n perseel in 'n dorpsgebied aan te koop en te bekom deur 'n toekenningsakte moet aansoek doen vir 'n toekenningsakte rakende sodanige perseel, op 'n vorm wat in hoofsaak ooreenstem met Bylae A tot hierdie regulasies.
- (2) Die Sekretaris-generaal kan, wanneer hy tevrede gestel is dat -
  - (a) 'n geskikte perseel, wat nie vir 'n ander doel opsygesit is nie, beskikbaar is;
  - (b) voldoende reëlings getref is vir die betaling van die aankoopprys van die perseel;
    - aan sodanige applikant 'n toekenningsakte uitreik vir sodanige perseel en kan rakende sodanige perseel sodanige dienste oplê as wat hy geskik ag.
    - Sodanige toekenningsakte moet in hoofsaak ooreenstem met Bylae B tot hierdie regulasies.
- (3) Enige gelde of ander kostes wat mag oploop rakende enige perseel verkoop volgens subregulasie (2) is vooruit betaalbaar voor of op die sewende dag van elke kalendermaand vanaf die dag van registrasie van die toekenningsakte of datum van aanvanklike okkupasie van die perseel deur die applikant, watter een ook al eerste plaasvind.
- (4) In afwagting van die registrasie van die toekenningsakte, kan die bestuurder aan die applikant tydelike toestemming verleen om die perseel te beset maar geen boubedrywighede mag op sodanige perseel deur sodanige applikant onderneem word voordat die registrasie van die perseel van krag word nie.

### Verlore of vernietigde dokumente

6. In geval enige ander dokument ('n ander dokument as een wat deur die aktekantoor uitgereik is) wat verband hou met 'n toekenningsakte, uitgereik onder hierdie regulasies, verlore raak, gesteel of beskadig word, kan die persoon aan wie so 'n dokument uitgemaak of toegestaan is aansoek doen by die bestuurder, wat, indien hy tevrede is met 'n beëdigde verklaring waarvolgens die dokument verlore, vernietig, gesteel of beskadig is, na ontvangens van 'n fooi van vyf rand (R5,00) aan sodanige persoon 'n afskrif van sodanige dokument sal uitreik.

### Oordra van 'n toekenningsakte

7. (1) Geen toekenningsakte uitgereik onder hierdie hoofstuk kan oorgedra word sonder toestemming van die Sekretaris-generaal nie.
- (2) 'n Toekenningsakte wat onder hierdie hoofstuk uitgereik is word slegs oorgedra indien -
  - (a) die oordraggewer alle gelde en ander koste deur hom verskuldig onder hierdie regulasies betaal het;
  - (b) die toekenningsakte ingelewer is;
  - (c) die oordraggewer en die oordragontvanger 'n oordragvorm voltooi het wat in hoofsaak ooreenstem met Bylae C tot die regulasies; en
  - (d) die voorgeskrewe gelde betaal is.
- (3) Die oordraggewer, of indien die oordraggewer minderjarig of wetlik onbevoeg is, sy wettige voog of verteenwoordiger, moet 'n verklaring voltooi op 'n vorm wat in hoofsaak ooreenstem met Bylae D tot die regulasies en dit tesame met 'n bedrag van vyf rand (R5,00) indien by die betrokke bestuurder vir oordrag deur hom aan die Sekretaris-generaal en sodanige verklaring moet afgelê word voor enige Kommissaris van Ede van die distrik waarin die oordraggewer op daardie tydstip mag woon.
- (4) Enige huur, gelde of ander koste wat mag oploop ten opsigte van die perseel wat oorgedra word volgens hierdie regulasie, is vooruit betaalbaar voor of op die sewende dag van elke kalendermaand vanaf die datum van uitreiking van die nuwe toekenningsakte of die datum van oordrag van die toekenningsakte volgens subregulasie (2), soos van toepassing in die spesifieke geval.
- (5) In afwagting op die oordrag van die toekenningsakte, kan die bestuurder tydelike toestemming verleen aan die oordragontvanger van 'n perseel om sodanige perseel te beset maar geen boubedrywighede mag uitgevoer word op sodanige eenheid deur sodanige oordragontvanger nie totdat sodanige oordrag van krag word.

### Onderhoud, Herstel en Instandhouding

8. (1) 'n Bevooroordeelde moet te alle tye die perseel waarna in sy toekenningsakte verwys word skoon hou van ongediertes en in 'n goeie toestand, billike verwerking toegelaat, en mag nie enige raadseiendom, -installasies of -toerusting ontsier of beskadig nie, nog mag hy met enige water-, elektriese- of rioolinstallasies inmeng.
- (2) Indien die bevooroordeelde 'n oortreding van subregulasie (1) begaan, kan enige gemagtigde werknemer van die dorpsraad onverwyld die perseel betree met werkers, gereedskap en materiaal, en alle werk uitvoer wat nodig is om die perseel weer behoorlik te herstel, op te ruim en vry van ongediertes te maak, en die raad kan die koste daarvan van die bevooroordeelde verhaal.
- (3) Indien die bevooroordeelde by die kansellasie van 'n toekenningsakte in gebreke bly om die perseel waarna in sodanige sertifikaat verwys word, en die sleutels, slotte en ander toerusting in dieselfde goeie toestand waarin dit deur hom ontvang is terug te handig, is die raad geregtig daarop om enige verlore onderdele te vervang en die perseel in sodanige goeie toestand te herstel en om die koste daarvan te verhaal van die bevooroordeelde, met aanvaarding van billike verwerking.
- (4) Die bevooroordeelde is verplig om die bestuurder skriftelik op hoogte te hou van enige lekplek op die perseel en van enige defek in die dreinerings, riool, water of elektriese installasies.
- (5) 'n Bevooroordeelde moet binne drie maande, onderworpe aan sodanige bepalinge soos deur die bestuurder goedgekeur, voldoen aan enige geskrewe instruksies wat hy van die bestuurder mag ontvang waarvolgens hy verplig is om enige huis, gebou, buitegebou, heining of enige ander struktuur wat onooglik of vervalte is of nie voldoen aan die minimum gesondheidsstandaarde nie te herstel, verander, herbou of af te breek.
- (6) 'n Houer of bevooroordeelde mag -
  - (i) nie toelaat dat enige kamer wat, ten volle of gedeeltelik aangewend word vir slaapdoeleindes van mense, gebruik word deur meer mense as wat 11,328 kubieke meter lugruimte en 3,716 vierkante meter vloeroppervlak vir elke persoon van tien jaar of ouer toelaat nie; Mits onder geen omstandighede enige latrine, gang, trap, trappoortaal of kas vir slaapdoeleindes aangewend word nie;
  - (ii) nie sonder die skriftelike toestemming van die bestuurder toelaat dat sy perseel gebruik word vir enige ander doel as 'n woning nie, wat 'n tuin wat uitsluitlik gebruik word van die kweek van vrugte, blomme of groente vir huishoudelike gebruik insluit.



### Inligting wat verskaf moet word

9. Elke inwoner van 'n dorpsgebied is verplig om, op versoek, enige inligting wat die bestuurder of enige gemagtigde werknemer wettig mag benodig, te verskaf.

### Inwonersregister

10. (1) Die bestuurder moet 'n inwonersregister hou.  
(2) Die bestuurder moet die naam en volle besonderhede van elke persoon aan wie 'n toekenningsakte, in ooreenstemming met hierdie regulasies uitgereik is, in die inwonersregister aanteken.

### Boupermitte

11. (1) Niemand buiten die raad mag enige gebou oprig of verander of aanbou aan enige struktuur van die dorpsgebied sonder 'n boupermit van die bestuurder wat sodanige werk wettig nie.  
(2) Die hof wat enige persoon skuldig bevind aan 'n oortreding van subregulasie (1) kan, bo en behalwe enige ander boete wat opgelê kan word, gelas dat die werk op grond waarvan die persoon skuldig bevind is gesloop en verwyder moet word, binne 'n spesifieke tydperk, en indien hy in gebreke bly kan die raad sodanige ongemagtigde werk laat sloop of verwyder. Enige onkoste wat die raad ten opsigte van sodanige sloop of verwydering aangaan, word verhaal van sodanige persoon deur 'n lasbrief vir invordering wat deur die landdros uitgereik word.  
(3) Enige persoon wat verlang om 'n boupermit te bekom kan by die bestuurder aansoek doen op 'n vorm wat in hoofsaak ooreenstem met Bylae E tot die regulasies en moet -  
(a) in sy aansoek aandui watter materiaal gebruik sal word en waarvoor die beplande struktuur aangewend sal word;  
(b) aangeheg aan die aansoek, tekeninge volgens skaal, in tweevoud verskaf van planne, deursnitte en vlakke van die beplande struktuur en van die ligging daarvan ten opsigte van die perseel: Met dien verstande dat -  
(i) geen struktuur, anders as 'n enkelfamilie, behuisingseenheid met normale buitegeboue op enige enkele perseel opgerig mag word nie;  
(ii) elke huis, gebou, buitegebou of ander struktuur in ooreenstemming met die spesifikasies soos goedgekeur deur die bestuurder moet wees.  
(4) Wanneer hy tevrede gestel is dat die voorwaardes van subregulasie (3) nagekom is en die planne deur die ingenieur goedgekeur is, moet die bestuurder 'n boupermit aan die applikant uitreik op 'n vorm wat in hoofsaak ooreenstem met Bylae F tot die regulasies.  
(5) Elke boupermit moet spesifiseer watter gebou, buitegebou of ander strukture opgerig mag word op die betrokke perseel en geen ander gebou, buitegebou of struktuur mag op sodanige perseel opgerig word sonder die skriftelike toestemming van die bestuurder nie. Die hof wat enige persoon skuldig bevind aan 'n oortreding van paragraaf (f) van regulasie 28 van hierdie hoofstuk kan, bo en behalwe enige ander boete wat opgelê kan word, ook 'n bevel uitreik vir die sloop en verwydering van die ongemagtigde gebou, buitegebou of struktuur op grond waarvan die persoon skuldig bevind is.  
(6) Niemand mag in enige huis, gebou, heining, buitegebou of ander struktuur, enige materiaal gebruik wat nie vooraf deur die bestuurder goedgekeur is nie. Die bestuurder moet in die geval van materiaal wat nie voorheen gebruik is nie, slegs goedkeur dit wat van hoogstaande gehalte en in goeie toestand is.  
(7) Die bestuurder moet toesien dat die oprigting, verandering of toevoeging aan enige struktuur onder effektiewe toesig plaasvind en kan beveel dat enige struktuur of enige deel daarvan wat nie volgens die geskrewe magtiging of in ooreenstemming met die boupermit is nie, gesloop moet word of laat sloop.  
(8) Indien 'n struktuur waarvoor 'n boupermit uitgereik is nie binne drie maande 'n aanvang neem of binne twee jaar voltooi is vanaf die datum van uitreiking van sodanige permit nie, kan so permit deur die bestuurder gekanselleer word en die houër daarvan moet, binne 'n tydperk deur die bestuurder gespesifiseer enige struktuur of materiaal wat aan hom behoort rakende dit waarvoor die permit uitgereik is, van die perseel verwyder: Met dien verstande dat die bestuurder, gebaseer op grondige redes, 'n verlengde tydperk kan toestaan wat na sy mening billik onder die omstandighede is.  
(9) Die permithouër moet, by voltooiing van die oprigting van -, verandering aan - of aanbouing by enige struktuur, die bestuurder daarvan in kennis stel. By ontvangs van sodanige kennisgewing moet die bestuurder sorg dra dat sodanige werk geïnspekteer word en, indien dit aan die bepalinge van hierdie regulasies voldoen, in ooreenstemming daarmee sertifiseer deur 'n endossement op die betrokke boupermit. Sodanige endossement word ook op die kantoorkopie van vermelde permit aangebring. Sodanige permit dra van dan af geen gesag vir die oprig of verandering van - of aanbou aan enige struktuur nie.  
(10) Niemand mag enige struktuur bewoon, beset of gebruik voordat die betrokke boupermit gesertifiseer is in ooreenstemming met die voorwaardes van subregulasie (9) nie.  
(11) Ten spyte van die voorwaardes van subregulasies (1), (3), (4), (5), (6), (10) en (12), kan 'n begunstigde toegelaat word om 'n tydelike struktuur in die hoek van die perseel aan hom toegeken, op te rig en te bewoon saam met sy familie: Met dien verstande dat sodanige tydelike struktuur as 'n ongemagtigde struktuur beskou word en die voorwaardes van vermelde subregulasies ten opsigte daarvan geld sodra 'n permanente huis op sodanige perseel opgerig en gesertifiseer is volgens subregulasie (9); of  
(12) Nieteenstaande enigiets vervat in hierdie regulasie, kan die eienaar van enige bestaande struktuur wat in die oë van die bestuurder onooglik of vervalte is, of waarvan die oprigting nie deur hom gemagtig is nie, skriftelik deur die bestuurder beveel word om sodanige konstruksie binne tien dae te verwyder. Enige persoon wat daaraan skuldig bevind is, onder paragraaf (h) van regulasie 27 van hierdie hoofstuk, dat hy nie aan sodanige voorskrif uitvoering gegee het nie, kan deur die hof beveel word om, bo en behalwe enige ander boete wat hom opgelê is, die struktuur binne 'n sekere tyd te verwyder, en indien hy in gebreke bly kan die raad toesien dat sodanige struktuur verwyder word en kan die koste daarvan van sodanige persoon verhaal.

### 12 Skepping van 'n vordering op grond

- (1) Waar 'n applikant vir 'n toekenningsakte nie ten volle vir sodanige oordrag betaal het nie of waar enige skuld of bedrag verskuldig aan die raad of van 'n bevoordeelde onder hierdie regulasies deur die raad verhaalbaar is, kan die Sekretaris-generaal die beampte in beheer van die aktekantoor waar die titel van daardie grond geregistreer is of geregistreer word, skriftelik opdrag gee om, kosteloos, op die toekenningsakte indien dit beskikbaar is, uitgereik ten opsigte van so 'n oordrag, en op die afskrif daarvan in die lêer van die aktekantoor en in die toepaslike registers, die balans van sodanige onbetaalde aankoopprys of sodanige voorskot of van sodanige skuld of enige ander verhaalbare bedrag aan te teken.  
(2) Die dokument waarin daardie opdrag vervat is moet vergesel word deur die toekenningsakte en moet die volgende uitspel -  
(a) die nommer en datum van die toekenningsakte;  
(b) die naam van die bevoordeelde;  
(c) die totale bedrag verskuldig of die voorskot wat aangeteken moet word;  
(d) die rentekoers betaalbaar op die skuld of voorskot;  
(e) die bedrag en tydperk van paaiemente waardeur die skuld of voorskot terugbetaal moet word.



- (3) Sodanige nota op die toekenningsakte skep 'n vordering op die grond vir die bedrag van die nota en enige uitstaande rente daarop en moet aan die toekenningsakte aangeheg bly wanneer dit oorgedra word en elke daaropvolgende bevoordeelde bly daardeur gebind en hierdie bedrag geniet voorkeur bo enige ander vordering op daardie eiendom behalwe vir 'n reedsbestaande geregistreerde verband ten gunste van 'n persoon wat nie ingestem het dat prioriteit aan genoemde vordering verleen word nie.
- (4) Enige sodanige vordering moet binne die tydperk en in sodanige paaielemente, soos deur die Sekretaris-generaal vasgestel, afgelos word: Met dien verstande dat enige bevoordeelde van grond waarop die vordering geld, op enige tydstip die volle vordering kan delg deur die betaling van 'n bedrag gelykstaande aan die onafgeloste gedeelte van die vordering, tesame met enige rente betaalbaar.
- (5) Indien enige verskuldigde paaielement op die vordering meer as drie maande agterstallig raak, kan die Sekretaris-generaal, bo en behalwe enige ander stappe wat onder hierdie regulasies geneem kan word, die agterstallige paaielement van die bevoordeelde verhaal ten einde die volle vordering af te los, en kan op soortgelyke wyse die volle bedrag invorder indien die bevoordeelde nie voldoen aan die voorwaardes van die terugbetaling of die voorskot of betaling of die verpligting waarmee die vordering verband hou.
- (6) In opdrag van die Sekretaris-generaal moet die beampte in beheer van die betrokke akteregistrasie, onmiddellik enige vordering en die betrokke notas kanselleer. Geen gelde is vir sodanige kansellering betaalbaar nie.

### Omheinings

13. (1) Niemand buiten die raad mag -
  - (a) enige omheining oprig of laat oprig; of
  - (b) veranderinge aanbring of toevoegings maak aan enige bestaande heinings of enige sodanige veranderinge of toevoegings laat doen;

binne die dorpsgebied sonder voorafgaande skriftelike toestemming van die bestuurder nie. Die bestuurder kan, wanneer sodanige toestemming verleen word, sodanige voorwaardes na goeddunke opleë ten einde seker te maak dat behoorlike oprigting of verandering aan die heining plaasvind en kan 'n tydsbeperking stel waarbinne sodanige oprigting of verandering voltooi moet word.
- (2) Elke persoon wat 'n heining in die woonbuurt oprig moet sorg dra dat die heining nie hoër as 122cm is nie, dat hout en yster ondersteunings nie die hoogte van die heining mag oorskry nie, dat die materiaal waarvan die heinig gemaak word deur die bestuurder goedgekeur is en dat elke heining behoorlik opgerig word en nie onooglik is nie. Enige persoon wat skuldig bevind word aan 'n oortreding van subregulasie (1) vir die oprigting van 'n heining, kan deur die hof beveel word om, bo en behalwe enige ander boete wat hom opgelê kan word, die betrokke heining binne 'n spesifieke tydperk te verwyder. Indien hy in gebreke bly kan die raad sodanige heining laat verwyder en die koste van sodanige verwydering van sodanige persoon verhaal.
- (3) Die eienaar van enige bestaande heining wat nie voldoen aan die bepalinge van subregulasie (2) nie, kan deur die bestuurder deur middel van 'n skriftelike kennisgewing versoek word om sodanige heining te herstel, herbou of te verwyder binne een maand na die ontvangs van sodanige kennisgewing. Enige persoon wat skuldig bevind word volgens paragraaf (j) van regulasie 28 van hierdie hoofstuk omdat daar nie voldoen word aan sodanige voorskrif nie, kan deur die Hof beveel word om, bo en behalwe enige ander straf wat hom reeds opgelê is, sodanige heining te verwyder binne 'n bepaalde tyd. Indien hy in gebreke bly kan die raad sodanige heining laat verwyder en die koste van sodanige verwydering van sodanige persoon verhaal.

### Die gebruik en beheer van water

14. (1) Niemand behalwe 'n gemagtigde werknemer tydens die uitvoer van sy pligte, mag op enige perseel 'n aansluiting van enige pyp of apparaat maak of veroorsaak of toelaat aan enige pyp of apparaat wat bedoel is om deur die raad benut te word vir of in verband met die verskaffing van water of aan 'n meter of aan 'n apparaat nie, sonder voorafgaande, skriftelike toestemming van die bestuurder wat, wanneer hy sodanige toestemming verleen, enige bepalinge na goeddunke mag opleë.
- (2) Enige behoorlik gemagtigde werknemer kan, vir die doel van toepassing van hierdie regulasies, te alle redelike tye of op enige tyd in 'n noodgeval en sonder vooraf kennisgewing, enige terrein betree en na goeddunke sodanige inspeksie en ondersoek daar uitvoer: Met dien verstande dat sodanige werknemer, wanneer hy die perseel betree, indien dit van hom verlang word, die doel van sodanige inspeksie en ondersoek bekend moet maak.
- (3) Niemand behalwe 'n behoorlik gemagtigde werknemer van die Dorpsraad kan 'n aansluiting aan 'n hoof- of vertakkingspyp maak sonder die geskrewe toestemming van die bestuurder nie wat, wanneer hy sodanige toestemming verleen, na goeddunke voorwaardes kan opleë.
- (4) Niemand behalwe 'n behoorlik gemagtigde werknemer van die Dorpsraad kan enige direkte aansluiting maak van enige dienspyp, tenk, waterbak of ander apparaat wat vir die stoor en voer van water deur die raad gebruik word met enige ander stelsel of waterbron nie.
- (5) Niemand mag doelbewus of deur nalatigheid skade aanrig of veroorsaak aan enige hoofpyp, vertakkingspyp, pype en apparaat in gebruik of waarvan die bedoeling is om deur die raad gebruik te word vir watervoorsiening of meter of ander masjinerie of toerusting wat aan die raad behoort en deur die raad gebruik word of waarvan die bedoeling is om gebruik te word in verband met waterverskaffing.
- (6) Niemand mag -
  - (a) swem in, was of enige dier ingooi of laat ingooi of toelaat dat 'n dier gewas of ingegooi word in enige stroom, reservoir, voor of ander waterhouer wat ten volle of gedeeltelik aan die raad behoort of ten volle of gedeeltelik onder beheer of bestuur van die raad staan en gebruik word in verband met waterverskaffing aan verbruikers in die Dorpsgebied;
  - (b) enige afval, vullis, vuilgoed of ander skadelike stowwe in sodanige stroom, reservoir, voor of ander plek stort nie of enige lap, wol, leer, of enige dierehuid, klere of ander stowwe daarin was, reinig of plaas nie;
  - (c) veroorsaak of toelaat dat die water van enige wasbak, riool, afvoersloot, stoomenjin, warmwatertenk of ander vuil water of vloeistof waarvoor hy verantwoordelik is, vloei of beland in enige stroom, reservoir, hooftoevoer, voor of enige ander plek of enige ander daad uitvoer waardeur die water van die raad, bedoel vir die verbruikers, besoedel kan word nie.
- (7) Niemand mag veroorsaak of toelaat dat enige dienspyp gekoppel word aan enige waterhouer, vat, of ander houer in gebruik of waarvan die doel is om gebruik te word vir die opvang of stoor van water of aan enige bron behalwe die raad se hooftoevoer nie.
- (8) (a) Die Sekretaris-generaal kan te enige tyd watervoorsiening aan die hele of enige gedeelte van die dorpsgebied beperk op sodanige tye na besluit, en hy kan die aanwending van water vir 'n spesifieke doel of vir enige doel anders as die gespesifiseerde doel verbied en kan verder beperkings plaas op die gebruik van sproeiers, tuinslange en emmers of sodanige gebruik verbied.
- (b) Niemand mag water tydens 'n verbod gebruik of vir verbode gebruike of vir gebruike anders as voorgeskryf gebruik nadat die verbod deur die raad opgelê is en bekend gemaak is soos voorgeskryf volgens regulasie 3 van Hoofstuk 1 en regulasie 27 (3) van hoofstuk 2 nie.
- (9) Die verbruiker is verantwoordelik om enige meter wat op sy perseel geïnstalleer is op te pas en te onderhou en moet die raad vergoed vir enige skade wat aan sodanige meter aangerig word.
- (10) (a) Niemand behalwe 'n behoorlik gemagtigde werknemer mag enige meter of onderdeel daarvan ontkoppel, met die werking daarvan inmeng of enigiemand anders toelaat om sodanige meter of onderdeel daarvan te ontkoppel of met die werking daarvan in te meng nie.
- (b) Niemand mag doelbewus enige meter of onderdeel daarvan beskadig nie.
- (c) Niemand mag veroorsaak of toelaat dat enige pyp, kraan of onderdeel lek nie en geen kraan of onderdeel mag op 'n wyse geïnstalleer word waardeur die waardeur van enige lekplek bemoeilik word nie. Niemand mag nalaat om sodanige lekplek by die bestuurder te rapporteer nie.

(11) Die bevoordeelde word verantwoordelik gehou vir enige oortreding van hierdie regulasies op sy perseel totdat die teendeel bewys is.

#### Slag van vee

15. (1) Niemand mag enige dier slag of laat slag nie, behalwe by 'n slagplek, voldoende gemagtig en goedgekeur deur die bestuurder.
- (2) Elke sodanige slagplek moet voorsien wees van sodanige materiaal en toerusting en moet sodanig benut, onderhou en beheer word as wat die bestuurder vereis.
- (3) Die bestuurder kan op enige tydstip, sonder opgaaf van redes, enige persoon verplig om die gebruik van sodanige slagplek te staak.

#### Beskerming van staatseiendom

16. (1) Niemand mag enige boom, heining, hek, omheining, pad, muur, traliewerk, gebou, struktuur, pyp, afvalhouer of enige ander onderdeel of toerusting of enige eiendom van die raadin die dorpsgebied wederregtelik beskadig, vernietig of verwyder nie en niemand mag enige teken, kennisgewingbord, boomomheining of hoegenaamd enige ander eiendom verwyder, beskadig of vernietig nie.
- (2) Niemand behalwe 'n gemagtigde werknemer of persoon deur die raad daartoe gemagtig mag op, onder, oor of deur enige hek, heining, muur of traliewerk (wat eiendom van die dorpsraad is) in of om die dorpsgebied klim of die dorpsgebied binnekom of verlaat deur gebruik te maak van enige ongemagtigde ingang of uitgang nie.

#### Vuurmaak

17. (1) Niemand mag vuurmaak of toelaat dat 'n vuur gemaak word sonder om genoegsaam voorsorg te tref dat die vuur nie kan versprei nie.
- (2) Niemand mag vuurmaak in enige straat, pad of deurgang of in enige openbare plek of op die meent sonder vroeëre toestemming van die bestuurder en in ooreenstemming met enige voorskrifte van die bestuurder in sodanige toestemming vervat nie.

#### Beskerming van die meent

18. Niemand mag, sonder die geskrewe toestemming van die bestuurder, op die meent of enige deel daarvan kampeer of woon, of die meent of enige deel daarvan bewerk of omploeg nie.

#### Uitgraving

19. Niemand behalwe die raad mag enige materiaal stort, pad bou of enige gat grawe of uitgraving onderneem of enigiets anders doen wat kan uitloop, of na mening kan uitloop, op die belemmering van enige straat, pad of ander deurgang, of wat die publiek se gebruik van enige openbare plek of meent mag belemmer, of wat enige struktuur in gevaar stel of na berekening in gevaar kan stel sonder voorafgaande, skriftelike toestemming van die bestuurder nie, wat enige voorskrifte wat na sy mening nodig is kan afdwing.

#### Steengroefwerk

20. (1) Niemand mag sonder voorafgaande, skriftelike toestemming van die bestuurder klip uitgrawe, soos spit of grond verwyder uit enige deel van die dorpsgebied of stene maak in enige gedeelte van die dorpsgebied nie.
- (2) Enige toestemming verleen onder subregulasie (1) is onderworpe aan heffings, betaalbaar aan die raad, soos op gereelde basis deur die Sekretaris-generaal vasgestel en onder sodanige ander voorwaardes deur die bestuurder opgelê.
- (3) Enige geld wat volgens subregulasie (2) gevorder is, word teen die raad gekrediteer.

#### Belemmering van amptenare

21. Niemand mag die bestuurder of enige van sy assistente of enige gemagtigde werknemer van die Dorpsraad in die uitvoering van sy pligte belemmer nie.

#### Aanhou van diere in die dorpsgebied

22. (1) Niemand mag, sonder skriftelike toestemming van die bestuurder, enige van die volgende diere in die dorpsgebied aanhou of inbring nie:
  - (a) beeste, skape, bokke of varke;
  - (b) perde, muile of donkies;
  - (c) pluimvee;
  - (d) huisdiere;op voorwaarde dat geen sodanige toestemming verleen sal word rakende enige perd, muil of donkie, indien die bestuurder nie tevrede gestel is dat voldoende stalle vir sodanige diere beskikbaar is nie.
- (2) Die bestuurder moet 'n register hou waarin die aantal en beskrywings van perde, muile en donkies wat in die dorpsgebied aangehou word, saam met die eienaar daarvan, opgeteken word.
- (3) Enige bees, skaap, bok, vark, perd, muil of donkie wat in die woonburt aangetref word, waarvoor die bestuurder nie skriftelik toestemming verleen het volgens subregulasie (1) nie, en enige afgedwaalde dier of dier wat sonder toesig in enige straat of openbare plek in die dorpsgebied aangetref word, kan deur die bestuurder of enige gemagtigde werknemer geskut word. Sodanige lewende hawe sal daarna op dieselfde wyse hanteer word as enige ander diere wat, volgens die wette wat daarvoor in die streek geld, geskut is.
- (4) Niemand mag enige pluimvee aanhou op enige ander plek as in 'n deeglik geboude hoenderhok nie.
- (5) Niemand mag enige pluimveehok, hoenderstellasie, duiwehok of posduifhok oprig of gebruik, tensy daar 'n afstand van 305 cm oop ruimte tussen sodanige hok en enige perseelgrens, heining of huis is nie.
- (6) Elkeen wat 'n pluimveehok, hoenderstellasie, duiwehok of posduifhok gebruik moet -
  - (a) sodanige hok deeglik skoonhou, sonder enige verrotte kos, peste of vuilis van enige aard.
  - (b) sodanige hokke op gereelde basis, soos nodig, ontsmet en reinig.
- (7) Enige pluimvee wat in enige straat, pad of ander openbare plek of meent gevind word en nie onder die onmiddellike beheer van enige persoon is nie, kan op bevel van 'n gemagtigde werknemer van die Dorpsraad vernietig word.
- (8) Indien enige dier, geregistreer volgens hierdie regulasies of nie, binne die dorpsgebied ly aan - of vrek aan droes, longsiekte, runderpes of enige ander aansteeklike siekte waarop die Wet op Dieresiektes 1984 (Wet 35 van 1984) of soortgelyke wette op daardie tydstip van krag, van toepassing is moet die eienaar van sodanige dier, of die persoon in wie se sorg sodanige dier is, of in die afwesigheid van sodanige persoon die houer of bevoordeelde op wie se perseel of in wie se huis die eienaar of persoon in wie se sorg sodanige dier normaalweg is woon, onmiddellik die gebeurtenis aan die bestuurder en ander owerhede, soos deur die wet voorgeskryf word, rapporteer.
- (9) Die bestuurder kan opdrag gee vir die vernietiging, verwydering en begrawe van enige siek of sieklike dier wat deur sy eienaar verlaat is. Indien die raad opdrag gegee het vir die vernietiging, verwydering of begrawe van sodanige dier, word enige uitgawes wat die raad moes aangaan ten opsigte van sodanige vernietiging, verwydering of begraving as skuld van die eienaar aan die raad beskou.



- (10) Die betuuder kan enige dele van die meent, soos nodig geag word, reserveer en afkamp en 'n spesiale kamp of kampe vir weiding van inwoners se lewende hawe vestig.
- (11) Hondeienaars moet honde op hulle persele hou.

#### Toegang tot persele

23. (1) Die bestuurder of enige van sy assistente of enige ander gemagtigde werknemer van die Dorpsraad mag op enige billike tyd, met inagneming van die inwoners se gerief, sonder enige vooraf kennisgewing, enige perseel betree vir enige doel wat verband hou met die inpekter of onderhoud van- of herstelwerk aan enige dienste gelewer of voorsien of van dienste wat beplan word om voorsien of gelewer te word, en mag sodanige ondersoek of navraag of herstelwerk aanbring soos deur hom nodig geag, op die voorwaarde dat sodanige ondersoek, navraag, en herstelwerk, so ver as moontlik bedags sal plaasvind.
- (2) Niemand mag die bestuurder, sy assistent of gemagtigde werknemer van die Dorpsraad toegang tot sy perseel weier onder die omstandighede soos uiteengesit in subregulasie (1) nie.

#### Voorkoming van gronderosie

24. Die bestuurder mag sodanige instruksies as wat hy gedienstig ag aan die inwoner van enige perseel gee ten einde gronderosie op sodanige perseel te voorkom. Enige inwoner wat nie die instruksies uitvoer nie, is skuldig aan 'n oortreding.

#### Betaling van vorderings

25. (1) Elke bevooroordeelde of inwoner van 'n perseel in die dorpsgebied, moet maandeliks vooruit, enige vorderings soos voorgeskryf deur die Minister deur middel van kennisgewing in die staatskoerant ten opsigte van water, elektrisiteit, sanitasie, gesondheid, mediese of ander dienste van toepassing deur die raad gelewer, betaal.
- (2) Die verkoopprys en aflossing van enige perseel word vasgestel en is betaalbaar op die wyse wat uiteengesit is in subregulasie (1)
- (3) Verskillende gelde en verskillende vorderings kan vir verskillende dorpsgebiede vasgestel word en enige gelde of vorderings kan van tyd tot tyd deur die Minister in die staatskoerant gewysig, verander of aangepas word.
- (4) Enige bedrag wat volgens subregulasie (1) gevorder is, word teen die raad se rekening gekrediteer.
- (5) Die bestuurder mag, met die goedkeuring van die Sekretaris-generaal, die totale of enige gedeelte van enige gelde of vorderings betaalbaar ten opsigte van elektrisiteit, water, sanitêre, gesondheids-, mediese en ander dienste gelewer, na enige inwoner terugverwys.

#### Onbetaalde vorderings

26. Indien enige persoon in gebreke bly om enige bedrag onder hierdie regulasies binne dertig dae nadat die bedrag betaalbaar geword het te betaal, kan die bestuurder sonder enige afbreuk aan enige ander wettige remedie tot sy beskikking -
- (a) die lewering van enige of van al die dienste wat aan daardie houer of verbruiker gelewer word, opskort totdat alle uitstaande bedrae ten volle betaal is;
- (b) die nodige regstappe neem om sodanige bedrag te in; en
- (c) enige verhaalkoste van sodanige persoon verhaal.

#### Die Sekretaris-generaal se magte om sekere sake te reël

27. (1) Die Sekretaris-generaal kan sodanige bevele of instruksies gee en sodanige kennisgewings uitreik en sodanige reëls vir algemene toepassing in die dorpsgebied maak, as wat nie teenstrydig is met hierdie regulasies nie, en kan van tyd tot tyd enige sodanige voorskrif, instruksies, kennisgewings of reëls na goeiddunke wysig, ten opsigte van al, of sommige van die volgende sake, naamlik:
- (a) aanhou van honde, pluimvee en bye;
- (b) slag van diere;
- (c) gemeenskaplike watervoorrade en wasplekke;
- (d) minimum standaarde ten opsigte van die plasing, materiaal en konstruksie van geboue;
- (e) omheining van persele;
- (f) die maksimum aantal en soorte vee wat op die meent mag wei, oprigting van veekrale, die maksimum aantal en soorte vee wat in weikampe mag loop, betaling van weigeld en bymekaarmaak van vee vir inspeksie;
- (g) afsluit van strate;
- (h) beheer oor die gebruik van voertuie in sekere strate, verkeersvloei, snelheidspere in strate en voorsiening van stopstrate en verkeersligte.
- (2) Die Minister kan, deur kennisgewing in die staatskoerant, enige ander sake na goeiddunke byvoeg by die lys onder subregulasie (1) en op dergelyke wyse enige item op die lys verander of skrap.
- (3) Geen voorskrif, instruksie, kennisgewing of reël wat gemaak of uitgereik word onder subregulasie (1) is van krag voordat dit in Zoeloe, Afrikaans en Engels op die bestuurder se kennisgewingsbord gepubliseer is nie.

#### Oortredings

28. (1) Enige persoon wat -
- (a) die bepalinge van subregulasie (1) van regulasie 7, subregulasie (1) of (6) van regulasie 8, subregulasie (1) van regulasie 11, subregulasie (1) of (2) van regulasie 13, regulasie 14, subregulasie (1) van regulasie 15, regulasie 16, subregulasie (1) of (2) van regulasie 17, regulasie 18, 19, subregulasie (1) van regulasie 20, regulasie 21, subregulasie (1), (4), (5), (6) of (8) of regulasie 22, subregulasie (2) van regulasie 23, van hierdie hoofstuk oortree of ten opsigte daarvan in gebreke bly;
- (b) doelbewus en sonder magtiging enige regulasie, voorskrif, instruksie, kennisgewing of verordeninge wat opgesit en onderhou is volgens die voorsiening wat daarvoor gemaak is in regulasie 2 van hierdie hoofstuk of in subregulasie (1) van regulasie 3 in Hoofstuk 1 roeier of verander;
- (c) in gebreke bly ten opsigte van die bepalinge van subregulasie (1) of (2) van regulasie 3 van hierdie hoofstuk;
- (d) op versoek van die bestuurder of 'n gemagtigde werknemer soos omskryf in regulasie 10 van hierdie hoofstuk om inligting te verskaf, in gebreke bly om sodanige inligting te verskaf of doelbewus valse of misleidende inligting gee;
- (e) op enige ander manier as waarvoor voorsiening gemaak word in subregulasie (11) of regulasie 11 van hierdie hoofstuk, aanbou of verander aan enige gebou, huis, buitegebou of ander struktuur of enige sodanige gebou, huis, buitegebou of ander struktuur oprig, sonder magtiging deur 'n boupermit of sonder die geskrewe toestemming van die bestuurder volgens subregulasie (5) van regulasie 11 van hierdie hoofstuk;



- (f) enige boumateriaal in enige huis, gebou, heining, buitegebou of ander struktuur gebruik, wat nie vooraf deur die bestuurder goedgekeur is volgens die bepalings van subregulasie (6) van regulasie 11 van hierdie hoofstuk;
  - (g) die eienaar is van enige bestaande struktuur wat onooglik of vervalte is of waarvan die oprigting nie deur die bestuurder gemagtig is nie en wat deur die bestuurder, in ooreenstemming met subregulasie (12) van regulasie 11 van hierdie hoofstuk, gelas is om sodanige struktuur binne tien dae te verwyder, sonder enige geldige grond, in gebreke bly om aan die voorskrif te voldoen, behalwe as sodanige struktuur gemagtig is onder subregulasie (11) van genoemde regulasie;
  - (h) die eienaar is van enige heining wat nie aan die bepalings van subregulasie (2) van regulasie 13 van hierdie hoofstuk voldoen nie, en 'n geskrewe kennisgewing ontvang het in ooreenstemming met subregulasie (3) van daardie regulasie om sodanige heining te herstel, herbou of te verwyder en binne tien dae na ontvangs van sodanige kennisgewing in gebreke bly;
  - (i) in gebreke bly ten opsigte van enige voorskrif wat gegee is onder regulasie 26 van hierdie hoofstuk;
  - (j) in gebreke bly ten opsigte van enige reël, voorskrif of aanwysing of kennisgewing uitgereik onder subregulasie (1) van regulasie 27 van hierdie hoofstuk;
  - (k) ten opsigte van die bepalings van regulasie 14 (1), (2), (3), (4), (5), (6), (7), (8), (9) en (10) van hierdie hoofstuk oortree of in gebreke bly; is skuldig aan 'n oortreding.
- (2) Wanneer enige persoon aangekla word van 'n oortreding van enige van die bepalings van hierdie regulasies, rus die bewyslas dat sodanige persoon wettige magtiging gehad het om die oortreding waarvan hy aangekla is te begaan, op sodanige persoon;
- (3) Enige boete ten opsigte van die oortreding van subregulasie (1) sal by die raad aanwas.

### HOOFSTUK 3

### HANDELDRYF

#### Definisies

1. In hierdie hoofstuk, tensy teenstrydig met die konteks, beteken -
- "handelaar" enige persoon wat enige wettige sake in die dorpsgebied doen;
- "sakeperseel" enige perseel wat vir sake opsygesit is.

#### Magtiging om handel te dryf

2. (1) Behoudens die bepalings van die KwaZulu Wet op Lisensies en Besigheidsure, 1984 (Wet 8 van 1984) mag niemand sonder skriftelike toestemming van die raad binne die dorpsgebied enige sake doen nie.
- (2) Niks wat in hierdie regulasies vervat is, onthef enigiemand van die verpligting om enige lisensie of ander magtiging wat deur die wet as voorvereiste gestel word, vir die begin van enige sodanige bedryf, te bekom nie.

#### Die adverteer van beskikbare persele

3. (1) Indien enige perseel in die dorpsgebied op enige tydperk beskikbaar word vir toekenning moet die bestuurder 'n skriftelike kennisgewing uitreik waarvolgens aansoeke vir die toekenning van sodanige perseel ingewag word, voor 'n datum van ten minste 14 dae na die uitreiking daarvan wat in die kennisgewing vermeld word. Sodanige kennisgewing moet in Afrikaans, Engels en Zoeloe uitgereik word en moet op die kennisgewingbord by die bestuurder se kantoor opgesit word en alle inligting wat die aansoeker moet verskaf moet duidelik daarin uiteengesit word.
- (2) Na die vervaldatum van die tydperk waarin aansoeke gerig kan word, moet die bestuurder al die aansoeke wat ontvang is, vir oorweging aan die raad voorlê.

#### Toekenning van sakepersele

4. (1) Enigiemand, maatskappy of ander regspersoon wat wens om sake te doen op 'n sakeperseel binne die dorpsgebied, moet vir 'n toekenningsakte ten opsigte van sodanige perseel aansoek doen. Sodanige aansoek moet op 'n vorm gedoen word wat in hoofsaak ooreenstem met bylae A tot die regulasies.
- (2) Die raad kan, wanneer tevrede gestel dat -
- (a) 'n geskikte perseel, wat nie vir enige ander doel opsygesit is nie, beskikbaar is;
  - (b) die applikant nie andersins belet word, deur hierdie regulasies of enige ander wet, om die perseel te bekom of om sake daarop te doen nie;
  - (c) die applikant die koopsom van die toekenningsakte ten opsigte van die sakeperseel betaal het, of dat voldoende reëlings vir die betaling van die koopsom getref is;
- aanbeveel dat 'n toekenningsakte aan sodanige applikant uitgereik word ooreenkomstig die bepalings in Bylae B tot hierdie regulasies.
- (3) Enige gelde of ander kostes wat ooploop ten opsigte van enige sakeperseel toegeken onder subregulasie (2) is vooruit betaalbaar op of voor die sewende dag van elke kalendermaand na die datum van die toekenningsakte.

#### Veranderings aan geboue en toebehore

5. Geen handelaar mag enige strukturele veranderings aan enige geboue of toebehore op die sakeperseel aan hom toegeken aanbring of enige verdere toebehore aanbring sonder skriftelike vergunning van die bestuurder nie.

#### Wanneer geboue deur die handelaar opgerig word

6. (1) Enige suksesvolle applikant vir 'n sakeperseel mag geboue of ander strukture nodig vir sy bedryf op sodanige perseel oprig maar geen gebou of ander struktuur mag op sodanige perseel deur hom opgerig word indien dit nie in ooreenstemming is met die planne en vereistes soos deur die bestuurder goedgekeur nie.
- (2) Die raad kan enige geboue of strukture wat opgerig is op 'n sakeperseel waarna in subregulasie (1) verwys is, en nie ooreenkom met die planne en vereistes wat deur die bestuurder goedgekeur is nie, laat sloop of laat wysig en enige koste ten opsigte van die sloop of wysigings van die betrokke handelaar verhaal deur 'n lasbrief vir invordering uitgereik op aanvraag deur die Sekretaris-generaal.
- (3) Die handelaar moet enige geboue in sy besit op die sakeperseel skoon en in 'n goeie toestand hou.

#### Gebruik van die perseel

7. Geen handelaar mag sonder die skriftelike toestemming van die bestuurder die sakeperseel wat aan hom toegeken is vir enige ander doel aanwend as waarvoor dit deur die raad aan hom toegeken is nie.

#### Gesondheid en sanitasie

8. (1) Niemand mag enige vleis of enige ander kos wat bedoel is vir menslike gebruik bewaar, voorberei of vir verkoop uitstal of toelaat dat dit

bewaar, voorberei of uitgestal word vir verkoop, in enige winkel, kamer of ander slaapvertrek of 'n vertrek wat direk verbind is met enige slaapvertrek of sanitêre gemakshuisie nie.

- (2) Niemand mag enige voedsel vir menslike gebruik, bewaar of vir verkoop voorberei, of toelaat dat dit bewaar of vir verkoop voorberei word, in enige struktuur wat moontlik skadelik kan wees of 'n bedreiging vir gesondheid kan inhou omdat sodanige struktuur oorvol, swak verlig of swak geventileerd is of waar enige verpligte aanmeldbare siekte op sodanige perseel voorkom nie.
- (3) Niemand mag enige voedsel bewaar, voorberei of vir verkoop uitstal of toelaat dat dit bewaar, voorberei of vir verkoop uitgestal word in enige winkel, kamer of ander plek wat nie ten alle tye met vlieëgaas afgesluit is, oor voldoende ventilasie met die buitelug beskik en voldoende belig is nie en waar al die gereedskap, houers en sake wat in sodanige winkel, kamer of plek hoort of gebruik word nie skoon en sonder stof, vuilheid of enige ander skadelike stof of saak is nie, op die voorwaarde dat niemand enige vleis, vis, brood of suiwelprodukte sal bewaar, voorberei of uitstal tensy, saam met voorafgaande vereistes, sodanige winkel, kamer of ander plek aan die volgende, verdere, spesiale vereistes voldoen nie -
  - (a) Die vloere moet van sement of 'n ander waterdigte, nie-absorberende en maklik reinigbare materiaal, wat deur die bestuurder goedgekeur is, wees.
  - (b) Die binnemure en plafon moet met kalk of enige ander geskikte materiaal afgewit word gedurende Januarie, Mei en September van elke jaar en op ander tye onder opdrag van die bestuurder: Mits vermelde binnemure met 'n ligte kleur olieverf geverf is, sal aan hierdie vereiste voldoen wees indien vermelde mure gedurende Januarie, Mei en September elke jaar deeglik met warm water en seep gewas word.
- (4) Niemand mag enige besmette of ongesonde vleis of voedsel vir menslike gebruik bewaar, voorberei of vir verkoop uitstal of toelaat dat dit bewaar, voorberei of vir verkoop uitgestal word nie.
- (5) Elke handelaar moet alle redelike voorsorg tref om seker te maak dat sy perseel en alle toerusting wat in sy vak gebruik word, ten alle tye in 'n skoon en higiëniese toestand gehou sal word en dat alle persone in diens op sy perseel, hysself ingereken, altyd skoon is.
- (6) 'n Handelaar moet, indien deur die bestuurder daartoe versoek, voldoende sanitêre geriewe, volgens die bestuurder se bepalings, op die perseel voorsien.

#### Oordrag van sakepersele en verkoop van sakeregte

9. (1) 'n Toekenningsakte vir 'n sakeperseel kan slegs oorgedra word indien -
  - (a) die oordraggewer alle gelde en ander kostes deur hom verskuldig onder die regulasies van hierdie hoofstuk betaal het; met dien verstande dat die Sekretaris-generaal, onderworpe aan die bepalings van hierdie regulasies, die oordragnemer mag toelaat om die skuldias oor te neem;
  - (b) die toekenningsakte onder-uitgereik is;
  - (c) die oordraggewer en die oordragnemer 'n oordrag voltooi het ooreenkomstig die bepalings in Bylae G tot hierdie regulasies;
  - (d) die vasgestelde bedrag betaal is.
- (2) Die vereistes van subregulasie (3), (4) en (5) van regulasie 7 van Hoofstuk 2 is mutatis mutandis van toepassing in die geval van 'n oordrag van 'n sakeperseel, met enige verwysing na "perseel" of "gebou" in vermelde regulasies vertolk as "sakeperseel".

#### Nie-betaling van kostes

10. Indien enige persoon in gebreke bly om enige bedrag betaalbaar onder hierdie regulasies, binne dertig dae nadat dit betaalbaar geword het te betaal, mag die bestuurder, sonder om afbreek te doen aan enige ander regstappe tot sy beskikking -
  - (a) enige of alle dienste aan sodanige houer of verbruiker onderbreek totdat alle uitstaande bedrae ten volle betaal is;
  - (b) sodanige regstappe neem as wat nodig is om die skuld in te vorder; en
  - (c) enige invorderingskoste van sodanige persoon verhaal.

#### Oortredings

11. (1) Enige persoon wat -
  - (a) in gebreke bly of oortredings begaan ten opsigte van die bepalings van subregulasie (1) van regulasie 2, regulasie 5, subregulasie (3) van regulasie 6, regulasie 7, subregulasie (1), (2), (3), (4), (5), of (6) van regulasie 8 of subregulasie (1) van regulasie 9, almal van hierdie hoofstuk;
  - (b) enige gebou of ander struktuur oprig op 'n sakeperseel aan hom toegeken, wat afwyk van die planne en voorskrifte goedgekeur deur die bestuurder soos toegelaat word deur subregulasie (1) van regulasie 6 van hierdie hoofstuk;
  - (c) die bestuurder of enige gemagtigde werknemer in die wettige uitvoering van sy pligte steur of verhinder of poog om hom te steur of verhinder; is aan 'n oortreding skuldig.
- (2) Enige boete wat ingevorderd word ten opsigte van 'n oortreding van subregulasie (1) kom die raad toe.

### **HOOFSTUK 4 GEMEENSKAPSALE**

#### Toepassing

1. Die regulasies in hierdie hoofstuk is van toepassing op enige saal in die dorpsgebied wat deur die raad vir gebruik aan die inwoners van daardie dorpsgebied beskikbaar gestel word.

#### Definisies

2. In hierdie hoofstuk, tensy teenstrydig met die konteks, beteken -
  - "saal" enige gemeenskapsaal wat deur die raad vir gebruik aan die inwoners van die dorpsgebied beskikbaar gestel word;
  - "huurder" enige persoon wie se aansoek vir die huur of gebruik van die saal toegestaan is, hetsy ná betaling van 'n heffing vir huur of sonder sodanige heffing, en "huur" het 'n ooreenkomstige betekenis.

#### Aansoek vir huur

3. Enigiemand wat 'n saal wil huur, moet by die bestuurder daarvoor aansoek doen en is verplig om sodanige besonderhede as wat vereis mag word te verskaf.

#### Toestaan van 'n aansoek

4. Die toestaan van enige aansoek om die saal te huur word ten volle aan die diskresie van die bestuurder oorgelaat.

### Huurtarief

5. (1) Die koste van die huur van 'n saal word deur die Sekretaris-generaal vasgestel. Verskillende kostes kan vir verskillende sale of vir sale in verskillende dorpsgebiede vasgestel word en enige vasstellings kan van tyd tot tyd gewysig word. 'n Afskrif van enige sodanige wysiging wat van toepassing is in die dorpsgebied moet op 'n opvallende plek by die bestuurder se kantoor beskikbaar gestel word.
- (2) Alle betalings vir die huur van die saal is vooruitbetaalbaar by die katoor van die bestuurder.
- (3) Die bestuurder mag, binne sy diskresie, 'n deposito van nie meer as vyftig rand (R50) nie van enige persoon wat 'n saal wil huur eis of vereis ten einde die raad te vrywaar van enige breekskade, verlies of skade.
- (4) Enige geld wat volgens hierdie regulasie ontvang word, kom die raad toe.
- (5) In verdienstelike gevalle mag die bestuurder, met die goedkeuring van die raad, ten opsigte van enige inwoner, die hele of enige gedeelte van die fooie of betalings betaalbaar volgens die regulasies, verminder.

### Verantwoordelikheid van die huurder

6. Die huurder moet aan die einde van die huur -
  - (a) die saal skoon, net en hiegiënies laat;
  - (b) alle meublement wat tydens die huurtydperk, deur of vir hom, in die saal ingebring is verwyder;
  - (c) enige meublement of soortgelyke toerusting wat deel uitmaak van die normale toerusting van die saal en wat gedurende die huurtydperk deur die huurder verwyder of verplaas is, moet teruggebring en reggeskuif word; en
  - (d) enige skade herstel wat aan die saal of aan die vaste toebehore, meublement of heinings aangerig is tydens of voortspruitend uit die huur daarvan.

### Meublement

7. Alle verskuiwings, vervanging en herrangskikking van meubels en die skoonmaak van die saal moet voor 8 uur van die oggend na die verval van die huurtydperk afgehandel wees.

### Goeie gedrag van saalgebruikers

8. Die huurder is verantwoordelik vir goeie orde en gedrag van al die persone wat gedurende die huurtydperk op die perseel toegelaat word en moet alle redelike stappe neem om seker te maak dat sulke persone goeie orde en gedrag gedurende sodanige tydperk openbaar.

### Raad nie verantwoordelik vir skade nie

9. Die raad aanvaar geen verantwoordelikheid of aanspreeklikheid ten opsigte van enige skade of verlies van hoegenaamd enige eiendom, artikels of sake wat deur die huurder of vir die huurder se gebruik in die saal of op die perseel geplaas is of gelaat word nie, ook nie ten opsigte van enige besering aan enigiemand of ten opsigte van die klere van diegene wat die saal binnegaan of van die toerusting gebruik maak nie, tensy sodanige skade, verlies of besering veroorsaak is deur 'n opsetlike daad of nalatigheid deur die raad of een van sy beamptes.

### Raad nie verantwoordelik vir foutiewe masjienerie nie

10. Die raad is nie aanspreeklik vir enige verlies wat die huurder ly as gevolg van enige masjienerie, toerusting of rangskikking van ligte in die saal wat nie werk nie of 'n defek het, of as gevolg van enige ander masjienerie, toerusting of rangskikking wat nie werk nie of 'n defek het, tensy die defek die veroorsaak is deur 'n opsetlike daad of deur die nalatigheid van die raad of een van sy beamptes.

### Betreding van saal

11. Die bestuurder, gemagtigde werknemer of enige lid van die polisie mag te enige tyd die saal binnegaan.

### Muurversierings

12. Die huurder mag geen muurversierings aanbring sonder die bestuurder se toestemming nie.

### Raadswerknemers hanteer elektriese beligting

13. Elektriese beligting en ander elektriese toerusting mag slegs hanteer word deur 'n beampte wat deur die raad aangestel is.

### Beëindiging van huur

14. Die bestuurder mag enige verhuring van die saal op enige tydstop beëindig om enige van die volgende redes: -
  - (a) wanneer die huurder enige van hierdie regulasies oortree;
  - (b) wanneer skade aangerig is of waarskynlik aangerig gaan word aan die saal of enige van die vaste toebehore, meubels of toerusting; of
  - (c) wanneer die saal anders aangewend word as wat uitgestippel is onder regulasie 3 van hierdie hoofstuk.

## HOOFSTUK 5 BEGRAAFPLAAS

### Definisies

1. In hierdie verordening is die betekenis van terme soos volg, behalwe in gevalle waar die konteks 'n verskillende betekenis aandui -
  - "**berm**" beteken 'n betonstrook wat deur die raad gelê is by 'n graf en waarop 'n gedenksteen, indien enige, opgerig word;
  - "**liggaam**" beteken begrawe in die aarde, of enige ander vorm van teraardebestelling, en sluit enige ander vorm van wegdoening van 'n liggaam in;
  - "**begrawingsorder**" beteken 'n bevel wat uitgereik is in terme van die die Wet op Registrasie van Geboortes, Huwelike en Sterfgevallen 1963 (Wet 81 van 1963);
  - "**begraafplaas**" beteken enige begraafplek wat teregte deur 'n raad uitgesit is vir die teraardebestelling of ander vorm van wegdoening van liggame binne die gebied wat onder die raad se beheer val soos voorgestel in regulasie 3(1) van hierdie hoofstuk;
  - "**houer van reserveringsertifikaat**" beteken 'n persoon aan wie 'n sertifikaat van reservering uitgereik is in terme van regulasie 10 of oorge-dra is in terme van regulasie 11 van hierdie hoofstuk;
  - "**mediese beampte van gesondheid**" beteken die beampte wat deur die raad aangestel is in hierdie hoedanigheid of enige persoon wat optree in die hoedanigheid van mediese beampte van gesondheid;
  - "**naam**" sluit enige identifiserende beskrywing van 'n oordene in wat geen naam gehad het nie of wie se naam onbekend is;



"regulasie" sluit 'n verordening in;

en die betekenis van enige ander woord of uitdrukking is daardie betekenis wat in hierdie regulasies daaraan toegeskryf is.

### Toepassing

2. Hierdie verordeninge is van toepassing in die gebied van elke raad.

### Instelling

3. (1) 'n Raad kan met die toestemming van die Minister bepaal dat enige gebied opsygesit word as 'n begraafplaas vir die begraving van oorledenes van enige godsdienstige denominasie of ander liggaam of gemeenskap: Met dien verstande dat hierdie bepaling nie aan enige persoon die reg verleen om op enige spesifieke plek in die begraafplaas begrawe te word nie.
- (2) Enige begraafplaasterrein wat in terme van subregulasie (1) opsygesit is word, indien dit nie binne die dorpsgebied val nie, as deel van daardie dorpsgebied beskou.

### Beheer

4. Begraafplase val onder die beheer van rade.

### Magtiging vir begraving

5. (1) Niemand mag die lyk van 'n mens begrawe deur teraardebestelling of toelaat of gedoog dat so 'n lyk begrawe word in enige gebied wat binne die jurisdiksie van die raad val nie, behalwe as die begraving plaasvind in die begraafplaas.
- (2) (a) Niemand mag die lyk van 'n mens begrawe deur teraardebestelling in 'n begraafplaas binne die jurisdiksiegebied van 'n raad, sonder dat die raad deur die bestuurder toestemming daartoe verleen het nie.
- (b) Sodanige toestemming word nie verleen tensy die toepaslike gelde, soos deur die raad bepaal en deur die Minister goedgekeur, betaal is nie. In gevalle waar die grafperseel gereserveer is in terme van regulasie 10 van hierdie Hoofstuk, moet die toepaslike serti-fikaat in die plek van die toepaslik betaalbare gelde voorgelê word.
- (3) 'n Raad kan volgens sy diskresie, toelaat dat die begraving van enige liggaam sonder betaling van gelde geskied in daardie gedeelte van die begraafplaas wat vir sodanige doel afgesonder is en op sodanige wyse as wat die raad as gepas beskou.

### Tye vir teraardebestelling

6. Geen begraving mag tussen sonder en sonop in 'n begraafplaas plaasvind nie, behalwe om besondere redes, en selfs dan slegs met die toestemming van die bestuurder. Die bestuurder moet sodanige besondere redes in sy register aanteken.

### Register van begrawings

7. (a) 'n Register van alle begrawings moet deur die bestuurder gehou word.
- (b) Sodanige register moet sover doenlik onmiddellik na die begrafnis plaasgevind het, voltooi word.

### Afbakening van grafterreine

8. Die bestuurder moet grafterreine afbaken in ooreenstemming met 'n uitlegplan wat deur die raad goedgekeur is.

### Algemene bepalings betreffende begraafplase en teraardebestelling

9. (1) Niemand onder die ouderdom van 12 jaar mag enige begraafplaas binnegaan nie, tensy hy onder toesig van 'n volwassene is, of toestemming van die bestuurder verkry het.
- (2) Niemand mag enige begraafplaas binnegaan of verlaat buiten deur die hekke wat voorsien is nie, en niemand mag enige kantoor of omheinde plek in enige begraafplaas binnegaan, buiten vir sakedoeleindes nie.
- (3) Niemand mag enige handel dryf of enige besigheid werf, of enige besigheidskarta of advertensie ten toon stel, versprei of laat binne enige begraafplaas of enige openbare deurgang binne 100m vanaf die grens van enige begraafplaas nie, buiten in areas wat spesifiek vir sodanige doel bepaal of afgesonder is.
- (4) Niemand mag bo-op of oor enige graf, grafsteen, werke, hek, muur, heining of gebou in enige begraafplaas sit, staan of klim nie.
- (5) Niemand mag, behalwe as toestemming van die bestuurder verkry is, enige voertuig wat deur 'n dier getrek word in enige begraafplaas inbring, of veroorsaak dat sodanige voertuig ingebring word nie.
- (6) (a) Niemand mag enige dier in enige begraafplaas inbring of toelaat dat sodanige dier ingebring word nie.
- (b) Enige dier wat in enige begraafplaas gevind word, mag deur die opsigter geskut of van kant gemaak word sonder dat die raad aanspreeklik gehou kan word vir die betaling van enige vergoeding aan die eienaar daarvan.
- (7) Niemand mag die bestuurder of enige werknemer van die raad in die uitvoering van sy verhinder, teenstaan of teëgaan nie, of weier om te voldoen aan enige opdrag of versoek wat deur die bestuurder gegee word nie.
- (8) Niemand mag enige graf, grafsteen, monument, muur, gebou, omheining, reling, pad of enige konstruksie binne die begraafplaas vernietig of enige skade daaraan aanrig of veroorsaak dat dit aangerig word, of enige advertensie of biljet of plakkaat daarop aanbring, oprig of teken of dit op enige ander manier skend nie.
- (9) Niemand mag, behalwe as dit uitdruklik toegelaat word deur hierdie regulasies of met die toestemming van die bestuurder, die grond versteur, of enige plant, struik of blom plant of uithaal, of op enige wyse inmeng met enige graf of konstruksie in die begraafplaas nie.
- (10) Niemand mag enige speletjie speel of deelneem aan enige sport binne enige begraafplaas nie, of enige vuurwapen of enige windbuks of rekker daarbinne afskiet, of enigiemand wat die begraafplaas besoek steur of ontstig nie.

### Reservering van grafpersele

10. (1) (a) Buiten in die geval van grafpersele wat gereserveer is in terme van subregulasie (2), moet elke grafperseel waarop 'n begraving in terme van hierdie regulasies gemagtig is, gereserveer word in die naam van die naasbestaandes, en indien geen naasbestaandes bekend is nie, in die naam van persone wat aansoek doen vir die graf.
- (b) In die geval waar begraving gemagtig is na aansoek deur 'n liggaam, vereniging, instansie of die Regering, word die grafperseel wat vir sodanige begraving toegewys is, gereserveer in die naam van sodanige liggaam, vereniging, instansie of die Regering, na gelang van die geval.
- (2) 'n Grafperseel kan, volgens die diskresie van die raad, en met indiening van 'n aansoek by die bestuurder en met betaling van die onderskeie grafperseelheffinge soos deur die raad voorgeskryf, vooruit gereserveer word vir 'n persoon van nege jaar of ouer soos gespesifiseer in regulasie 15(1) van die Hoofstuk: Met dien verstande dat geen reservering wat in terme van hierdie subregulasie bewerkstellig is, die reg gee tot begraving op die grafperseel ten opsigte waarvan sodanige reservering gemaak is, van die liggaam van 'n persoon wat

ten tye van sy dood aanspreeklik was vir betaling van die addisionele heffinge soos deur die raad bepaal, tensy sodanige addisionele heffinge betaal is nie.

- (3) 'n Reserveringsertifikaat volgens die vorm voorgeskryf in Bylae I tot hierdie regulasies moet vir elke grafperseel wat in terme van hierdie regulasie gereserveer is, uitgereik word.

#### Bepalings ten opsigte van die oordrag van reserveringsertifikate

11. (1) 'n Reserveringsertifikaat ten opsigte van enige grafperseel kan oorgedra, toegewys of vervreem word met die geskrewe toestemming van die raad volgens die vorm soos voorgeskryf in Bylae J tot hierdie regulasies
- (2) Alle besonderhede met betrekking tot elke reservering of oordrag in terme van regulasie 10 van hierdie Hoofstuk en subregulasie (1) van hierdie regulasie moet in die register van begrawings en grafte aangeteken en aangedui word.
- (3) Die raad kan, op die versoek van enige godsdienstige denominasie en op sodanige wyse as wat die raad dit gepas ag, binne 'n begraafplaas sodanige grondgebied afsonder as wat die raad nodig ag vir die begraving van die liggame van persone wat aan sodanige denominasie behoort en vir die gebruik van sodanige grond deur persone wat aan sodanige denominasie behoort vir sodanige ander doel wat volgens die diskresie van die raad in ooreenstemming is met die doel van die begraafplaas: Met dien verstande dat die raad volgens sy diskresie, die grond wat sodanig afgesonder is, vir ander doeleindes kan aanwend.
- (4) Niemand kan enige titel van eienskap van of enige eiendomsreg op enige grafperseel wat in terme van regulasie (10) gereserveer is, of enige grond wat in terme van regulasie 11(3) van hierdie Hoofstuk afgesonder is, verkry nie; en niemand kan enige reg tot of aanspraak op enige sodanige graf of grond in enige begraafplaas verkry nie, buiten sodanige regte of aansprake as wat volgens hierdie regulasie toegelaat word.

#### Begrafnisorders en nommering van grafte

12. (a) Kennisgewing van elke begrafnis volgens die vorm voorgeskryf in Bylae K tot hierdie regulasie moet, tesame met die toepaslike begrafnisorder, by die kantoor van die bestuurder afgelewer word nie minder nie as 8 werksure voor enige teraardebestelling plaasvind: Met dien verstande dat in gevalle waar 'n graf heropen moet word vir 'n tweede teraardebestelling of waar 'n nuwe graf gegrawe moet word, die genoemde kennisgewing besorg moet word nie minder nie as 24 uur voor sodanige beoogde teraardebestelling plaasvind, tensy die begraving van die liggaam volgens die mening van die mediese beampte van gesondheid, 'n saak van dringendheid is, in welke geval die tydsbeperking soos gespesifiseer in hierdie subregulasie nie van toepassing is nie.
- (b) Die vereiste gelde soos deur die raad voorgeskryf, of die toepaslike reservering- of oordragcertifikaat in die geval van 'n vooruit reservering van 'n grafperseel, moet sodanige kennisgewing vergesel, na gelang van die geval.
- (c) Die bestuurder moet so spoedig doenlik die nodige magtiging vir sodanige teraardebestelling uitreik.

#### Verwydering van grafstene of strukture

13. Indien dit nodig is om 'n grafsteen of ander struktuur te verwyder vir die doel van 'n teraardebestelling, moet dit nie minder nie as 8 werksure voordat die teraardebestelling moet plaasvind, verwyder word deur die houër van die reserveringsertifikaat wat betrekking het op sodanige grafperseel, of deur sy gemagtigde verteenwoordiger.

#### Grafte moet geïdentifiseer word

14. In iedere geval waar 'n begraving gemagtig is in terme van regulasie 12 van hierdie Hoofstuk, moet die bestuurder 'n sterk pen waarop die nommer van die graf gemerk is, aanbring op die perseel wat toegewys is vir sodanige begraving, en geen liggaam mag in enige graf begrawe word buiten dié graf wat deur die opsigter vir sodanige begraving toegewys is nie.

#### Afmetings vir uitgrawing van grafte

15. (1) Die uitgrawing vir 'n enkel graf vir 'n oorledene van die ouderdom van nege jaar of ouer, moet ten minste 2 000 mm diep, 1 200 mm lank en 750 mm breed wees.
- (2) Die uitgrawing vir 'n enkel graf vir 'n oorledene onder die ouderdom van nege jaar moet ten minste 1 500 mm diep, 1 200 mm lank en 750 mm breed wees.

#### Bepalings met betrekking tot grafpersele

16. (1) Die mates vir 'n grafperseel vir 'n oorledene van die ouderdom van nege jaar of ouer is 2 500 mm by 1 500 mm: Met dien verstande dat die breedte verminder word met 300 mm in die geval van 'n grafperseel met 'n berm.
- (2) Die mates van 'n grafperseel vir 'n oorledene onder die ouderdom van nege jaar, is 1 500 mm by 1 000 mm.
- (3) Die breedte van die randsteen van enige graf is 150 mm.
- (4) Die mates van enige dubbel grafperseel is dubbel die mates van enige enkel grafperseel
- (5) In gevalle waar 'n graf van groter diepte, lengte of breedte as die gespesifiseerde mates vereis word, moet 'n aansoek tot die effek en betaling van die ekstra betaalbare gelde soos deur die raad bepaal, saam met die kennisgewing van begraving ingedien word.
- (6) Alle grafte moet deur die bestuurder gereed gemaak word met uitsondering van baksteen- of betongevoerde grafte, en welke geval die baksteen- of betonwerk deur die ondernemer uitgevoer word onder die toesig van die bestuurder en in ooreenstemming met die spesifikasies van toepassing op gewone grafte.

#### Begrawings in een graf

17. Meer as twee liggame van die lede van 'n familie kan, volgens die diskresie van die bestuurder, in 'n enkel graf geplaas word: Met dien verstande dat nie meer as twee kiste gebruik word nie: Met dien verstande ook dat die bokant van die laaste kis wat begrawe is nie minder as 900 mm vanaf die oppervlak mag wees nie: Met dien verstande ook dat in die geval van heropening van die graf met die doel om 'n verdere liggaam of liggame te begrawe, 'n laag grond nie minder nie as 150 mm diep onverstoord gelaat word bokant die kis wat die vorige keer begrawe is: Met dien verstande ook dat, indien die grond met die heropening van enige graf afstootlik gevind word, daar nie voortgegaan word met die heropening nie en die graf hervul word.

#### Konstruksie van grafte en kiste

18. (1) Alle grafte word onder toesig van die bestuurder gereed gemaak.
- (2) 'n Kis wat nie van vergaanbare materiaal gemaak is nie, mag nie in 'n graf geplaas word nie.

#### Bepalings met betrekking tot begrafnisse

19. (1) Niemand mag sonder vooraf verkreeë toestemming van die bestuurder enige godsdienstige seremonie of diens lei volgens die gebruike van enige denominasie in enige gedeelte van enige begraafplaas wat deur die raad afgesonder is vir die gebruik van 'n ander denominasie in terme van regulasie 11(3) van hierdie Hoofstuk nie.



- (2) Niemand mag veroorsaak dat enige lykswa buite die rylane beweeg terwyl dit in 'n begraafplaas is nie, en elke lykswa moet die begraafplaas verlaat so gou as doenlik na afloop van die begrafnis waarby dit gebruik is.
- (3) Enige persoon wat deelneem aan enige lykstoet of seremonie moet voldoen aan die voorskrifte van die bestuurder met betrekking tot die roete wat deur die begraafplaas geneem moet word.

#### Bepalings met betrekking tot opgraving van lyke

20. (1) Niemand mag enige liggaam opgrawe of veroorsaak dat enige liggaam opgegrawe word, behalwe waar sodanige opgraving deur 'n geskrewe order onder die hand van die magistraat gemagtig is.
- (2) Enige persoon wat behoorlik gemagtig is om 'n liggaam op te grawe in terme van subregulasie (1) moet die betrokke opgrawingsorder by die bestuurder inhandig en moet aan hom nie minder nie as 8 ure kennis gee van die datum en tyd vir die voorgenome opgraving van sodanige liggaam en moet terselfdetyd aan die bestuurder die gelde soos deur die raad bepaal, betaal.
- (3) Niemand mag enige liggaam opgrawe of verwyder tensy die bestuurder teenwoordig is nie.
- (4) Die graf waaruit enige liggaam verwyder word moet, indien die bestuurder dit so vereis, deur effektiewe afskerming uit die gesig verwyder word.

#### Bepalings met betrekking tot werke aan gedenktekens of grafstene

21. (1) Niemand mag enige materiaal inbring of veroorsaak dat dit ingebring word in enige begraafplaas met die doel van konstruksie van enige aard op enige graf nie, tensy en totdat -
  - (a) die grafperseel gereserveer is in terme van regulasie 10(1) van hierdie Hoofstuk in die naam van die persoon wat die konstruksie van sodanige werke magtig;
  - (b) 'n skets met die mates daarop en wat die posisie van die voorgenome werk aandui, vergesel van 'n spesifikasie van die materiaal wat gebruik word, 'n verklaring wat die prys vir die voorsiening en oprigting van sodanige werk aandui en 'n kopie van enige voorgenome inskripsie of ornamentasie, alles in duplikaat, by die bestuurder ingehandig word nie minder nie as drie werksdae voordat dit die voorneme is om sodanige materiaal die begraafplaas in te bring;
  - (c) alle verskuldigde gelde soos deur die raad bepaal met betrekking tot sodanige werk, betaal is;
  - (d) die raad se geskrewe goedkeuring vir die voorgenome werk gegee is aan die houder van die reseveringsertifikaat of sy gemagtigde verteenwoordiger.
- (2) Die raad kan toestemming weier vir enige voorgenome gedenkteken- of grafsteenwerke waar die plan en die spesifikasies daarvan blootlê dat dit van minderwaardige kwaliteit sou wees of dat dit op enige wyse die begraafplaas sou ontsier, of wat enige inskripsie sou dra wat waarskynlik aanstoot sou gee vir gebruikers van of besoekers aan die begraafplaas.
- (3) Niemand mag enige klippe, stene of grafsteenwerke of enige gedeelte daarvan vervoer binne-in enige begraafplaas op enige voertuig waarvan die wiele nie met lugbande toegerus is nie en wat van sodanige aard is dat dit in alle waarskynlikheid nie skade sal aanrig aan die paaie en terrein van sodanige begraafplaas nie.
- (4) Niemand wat besig is met enige gedenkteken- of grafsteenwerke mag te enige tyd enige aangrensende grafperseel versteur nie, of nalaat om die grafperseel na voltooiing van die werke in 'n skoon en netjiese toestand te laat nie.
- (5) Alle grafsteenwerke binne enige begraafplaas moet voltooi word in terme van die sketse en spesifikasies wat in terme van subregulasie (1) goedgekeur is.
- (6) Persone wat enige gedenkteken of grafsteen oprig moet aan die volgende bepalings voldoen:
  - (a) Elke afsonderlike gedeelte van enige gedenkteken- of grafsteenwerke, buiten die messelwerkkonstruksie, moet geheg word deur koper of gegalvaniseerde yster tappenne van genoegsame lengte en dikte ten einde die permanente stabiliteit van die werk te verseker;
  - (b) enige gedeelte van sodanige werk wat op enige klip- of ander fondament rus, moet behoorlik haaks en gehoeke wees;
  - (c) die onderkante van enige plat klipgedenksteen en die basis of onderste gedeelte van enige gedenkteken of grafsteen moet ten minste 50 mm onderkant die natuurlike vlak van die grond wees;
  - (d) elke grafsteen moet stewig geheg wees aan die basis;
  - (e) in die geval van enkel grafte moet voetstene uit een soliede stuk bestaan;
  - (f) alle grafstene moet van graniet, marmar of brons wees;
  - (g) alle randstene of gedenktekens op enkel grafpersele moet opgerig word op betonfondamente wat ten minste 610 mm breed en 200 mm diep is oor die volle wydte;
  - (h) alle randstene op groter persele as enkel grafpersele moet op 'n soliede betonblad vasgeheg wees op die vier hoeke waar die voegplekke voorkom;
  - (i) die bestuurder kan waar nodig en in belang van veiligheid, vereis dat enige betonfondament op enige grafperseel versterk word as gevolg van die gewig van die gedenksteen of grafsteen.
- (7) (a) Niemand mag enige gedenksteenwerk binne-in enige begraafplaas oprig nie tensy die kennummer en seksieletter van die perseel waarop sodanige werk geplaas moet word, onuitwisbaar daarop gegraveer is en op sodanige posisie is dat dit te alle tye vanaf die pad sigbaar is.
- (b) Slegs die naam van die vervaardiger van sodanige gedenksteenwerk kan, met die toestemming van die geregistreerde serti-fikaathouer, op die voetsteen verskyn.
- (8) Vanaf Saterdag twaalfuur middeldag tot en met die openingstyd op die Maandag wat volg, mag niemand enige gedenksteenwerk of materiaal inbring, of enige werk binne-in die begraafplaas doen wat te make het met enige gedenksteen of grafsteenwerke nie.
- (9) Elkeen wat binne enige begraafplaas werk doen, moet in alle gevalle aan die voorskrifte van die bestuurder voldoen.
- (10) Geen gedenksteen, grafsteen of gedenkteken mag 'n hoogte van 1 200 mm oorskry in enige begraafplaas wat ingestel word nadat hierdie regulasies in werking getree het nie.

#### Grafpersele met 'n berm

22. 'n Grafperseel met 'n berm is onderhewig aan die volgende voorwaardes, ondanks strydige bepalinge wat in hierdie regulasies vervat is:
  - (a) Geen randsteen mag op sodanige perseel aangebring word nie.
  - (b) Die basis van 'n gedenksteen mag nie groter wees nie as 610 mm: Met dien verstande dat die basis van 'n gedenksteen wat oor twee aangrensende persele opgerig is, 1220 mm by 260 mm mag wees.
  - (c) 'n Gedenksteen wat opgerig is mag nie verby die basis steek nie en moet ten minste 120 mm vanaf die voorste kant van die berm wees.



- (d) Geen voorwerp, buiten 'n gedenksteen en 'n vaas vir blomme of loof, wat blomme mag wees wat tydens die begrafnisdiens op die graf geplaas is, mag op die graf geplaas word en daarop gehou vir langer as twee maande na die begraving van 'n liggaam nie.
- (e) Behalwe die voorwerpe soos in paragraaf (d) gespesifiseer, kan die raad enige voorwerp wat op sodanige grafperseel geplaas is, verwyder.
- (f) Behalwe die vaas vir blomme of loof in die berm, mag geen gedenksteen meer as een houer hê vir blomme of loof nie.

#### Instandhouding van grafte

23. (a) Alle gedenksteen- of grafsteenwerke wat op enige graf opgerig is moet te alle tye in 'n goeie en ordelike toestand gehou word deur die houer van die reserveringsertifikaat van sodanige graf.
- (b) Indien enige sodanige werk toegelaat word om tot 'n vervalte staat te kom of om 'n gevaar of ontsiering vir die begraaftaas te wees, kan die raad, deur 'n geskrewe kennisgewing gerig aan die houer van die reseveringsertifikaat by sy laasbekende geregistreerde adres, hom versoek om die nodige herstelwerk aan te bring.
- (c) Versuim deur die houer van die reseveringsertifikaat om binne een maand vanaf die datum van sodanige kennisgewing die nodige herstelwerk aan te bring, is 'n oortreding van hierdie regulasies en die raad kan dan die herstelwerk doen of die gedenkteken of grafsteen verwyder, na gelang dit nodig geag word, en die koste vir sodanige herstelwerk of verwydering van die houer van die reseveringsertifikaat verhaal.
- (2) (a) Alle gedenkteken- of grafsteenwerke wat vir die doel van 'n verdere begraving afgetakel is, moet deur die houer van die reseveringsertifikaat heropgerig of verwyder word van die begraaftaas binne twee maande vanaf die datum van sodanige aftakeling.
- (b) Versuim om dit te doen kom neer op oortreding van hierdie regulasies.
- (c) Die raad het in die geval van sodanige versuim die reg om enige sodanige afgetakelde konstruksie vanuit die begraaftaas te verwyder sonder verdere kennisgewing aan die houer van die reseveringsertifikaat en die koste vir sodanige verwydering van hom te verhaal.
- (3) Die raad is nie aanspreeklik vir enige verlies of skade te enige tyd en as gevolg van enige oorsaak aan enige gedenkteken- of grafsteenwerke of enige artikel wat op enige grafperseel geplaas is nie, en ook nie vir enige vergoeding met betrekking tot enige herstelwerk aan of verwydering van enige gedenkteken- of grafsteenwerke in terme van subregulasies (1) en (2) nie.
- (4) Die raad kan sodanige plante as wat in seisoen en beskikbaar is verskaf en onderneem om dit te plant en in stand te hou en dienste te lewer vir die algemene versorging van die graf indien enige belanghebbende party dit versoek en die gelde wat deur die raad vir die gespesifiseerde tydperk bepaal is, betaal.
- (5) (a) Niemand mag sonder voorafgaande skriftelike toestemming van die bestuurder enige boom, struik, bos of enige ander plant op die area van enige grafperseel plant nie, en geen sodanige boom, struik, bos of plant mag op enige gedeelte van sodanige perseel geplant word, behalwe in daardie areas wat deur die bestuurder aangedui is nie.
- (b) Die houer van 'n reseveringsertifikaat moet toesien dat enige struik, bos of plant op die grafperseel aan hom toegewys, nie oor die grense van sodanige grafperseel hang of verby dit steek nie.
- (6) Die raad het die reg om enige plante wat verby die grense van die grafperseel waarop hulle geplant is groei, of wat slordig is, te verwyder, reg te sny of te snoei.

#### Bepalings met betrekking tot persone wat buite die gebied van jurisdiksie van die raad sterf.

24. (1) In die geval van persone wat buite die gebied van jurisdiksie van die raad sterf, is die bepalings van hierdie regulasies mutatis mutandi van toepassing op enige begrawings van die menslike oorskot van sodanige persone binne die gebied onder die raad se jurisdiksie, onderhewig aan die voorwaardes dat 'n verwyderingsorder in terme van artikel 29 van die Wet op Geboortes, Huwelike en Sterfgevallen, 1963 (Wet 81 van 1963) aan die bestuurder besorg word tesame met die nodige begrawingsorder.
- (2) Elke aansoek en elke dokument wat betrekking het op enige begraving, moet gemerk wees met 'n nommer wat ooreestem met die nommer in die register waarna in regulasie 7 van hierdie Hoofstuk verwys word, en moet volgens reeks geliasseer word en deur die raad bewaar word vir 'n tydperk van nie minder nie as 10 jaar.

#### Gelde betaalbaar

25. Alle gelde betaalbaar met betrekking tot begrafnisse word van tyd tot tyd deur die raad bepaal en deur die Minister goedgekeur.

#### Oortredings

26. (1) Enigeen wat:  
enige van die bepalings van die volgende subregulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf: Subregulasies (1) en (2)(a) van regulasie 5, regulasie 6, regulasie 9, regulasie 19, regulasie 20, subregulasie (1), (3), (4), (5), (6), (7), (8), (9) en (10) van regulasie 21, regulasie 22, subregulasie (5) van regulasie 23.
- (2) Enige boete wat met betrekking tot 'n misdryf onder subregulasie (1) geïm word, word aan die raad betaal.

### **HOOFSTUK 6**

### **DORPSRADE**

#### Instelling en afskaffing van dorpsrade

1. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n dorpsraad vir enige dorpsgebied instel.
- (2) Sodanige raad sal uit lede wat aangewys en verkies is bestaan. Die lede wat aangewys is word deur die Stamowerheid aangestel en is in getal nie minder nie as die verkose lede. Die verkose lede word verkies op grondslag van een lid vir elke wyk. Die Inkosi van die Stamowerheid of sy afgevaardigde tree as voorsitter van die raad op en het die beslissende stem.
- (3) 'n Dorpsraad waarna verwys word in subregulasie (1) bestaan uit sodanige lede as wat van tyd tot tyd deur die Minister bepaal word.
- (4) Die Minister kan, wanneer hy dit raadsaam ag, enige dorpsraad afskaf wat in terme van subregulasie (1) ingestel is.
- (5) Enige dorpsraad wat in terme van subregulasie (1) ingestel is, is 'n regspersoon met die bevoegdheid om te dagvaar of gedagvaar te word en alles te doen wat 'n regspersoon volgens wet bevoegd is om te doen, onderhewig aan die bepalings van hierdie regulasies.
- (6) 'n Stamowerheid kan die dienste van 'n lid wat deur hom aangewys is, beëindig.

#### Verdeling van dorpsgebiede in wyke

2. (1) Binne twee maande vanaf die datum van goedkeuring vir die instelling van 'n dorpsraad, en daarna op die laaste werksdag in Junie van elke jaar waarin 'n algemene verkiesing gehou moet word, verdeel die Minister sodanige dorpsgebied waar 'n dorpsraad in terme van regulasie 1(1) van hierdie Hoofstuk ingestel moet word, in nie minder nie as ses en nie meer nie as 20 wyke, volgens die aantal stemgeregtigdes wat in sodanige woongebied woonagtig is, en op so 'n wyse dat die aantal in elke wyk min of meer gelyk is.

- (2) Besonderhede van die wyksverdelings moet vir insae by die kantoor van die bestuurder beskikbaar wees.

#### Kwalifikasies van verkose lede

3. Geen persoon is bevoeg om as lid van 'n dorpsraad verkies te word, wat -
- (a) nie aan artikels 3 en 4 van die Wet voldoen nie;
  - (b) nie 'n stemgeregtigde is nie;
  - (c) nie die eienaar van onroerende goed in die dorpsgebied is nie;
  - (d) aanspreeklik is vir enige heffings, gelde of ander bedrae betaalbaar in terme van hierdie regulasies vir 'n tydperk van twee maande of langer, uitgereken tot en met en insluitende die laaste dag van die maand wat nominasiedag voorafgaan;
  - (e) in die vyf jaar voorafgaande tot die datum van nominasie vir verkiesing, skuldig bevind is aan enige misdryf ten opsigte waarvan hy gevonnissen is tot gevangenisstraf vir 'n tydperk wat drie maande oorskry sonder die keuse van 'n boete, of met die keuse van 'n boete vir 'n tydperk wat ses maande oorskry.
  - (f) onderhewig is aan 'n hofbevel wat hom kranksinnig of geestelik gekrenk of gebrekkig verklaar, of wetlik aangehou word as kranksinnige of geestelik gekrenkte of gebrekkige ingevolge die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973);
  - (g) 'n amp of 'n winsbetrekking by die raad beklee.

#### Kieserslyste

4. (1) Binne een maand vanaf die datum waarop die Minister kennis gegee het in terme van regulasie 1(1) van hierdie Hoofstuk vir die instelling van 'n dorpsraad vir die betrokke dorpsgebied, stel die Bestuurder 'n kieserslys op van persone wat in terme van regulasie 18(1) van hierdie Hoofstuk kwalifiseer om te stem by enige verkiesing waarna in daardie regulasie verwys word.
- (2) In sodanige kieserslyste word daar ten opsigte van elke persoon wat vir registrasie as kieser kwalifiseer in terme van regulasie 18(1) van hierdie Hoofstuk, aangegee sy identiteitsnommer, naam en adres en die nommer van die wyk waarin hy woonagtig is.
- (3) 'n Geregistreerde kieser waarvan daar te enige tyd voldoende bewys aan die bestuurder gelewer word dat sodanige kieser onderhewig is aan die diskwalifikasies genoem in paragrafe (a), (b), (c), (f) of (g) van regulasie 3 van hierdie Hoofstuk, se naam word onmiddellik deur die bestuurder van die kieserslys verwyder.
- (4) Vir die doel van enige algemene verkiesing gehou in terme van hierdie regulasies, is slegs daardie kiesers wat tot en met en insluitende die laaste werksdag van Junie van die jaar waarin die verkiesing gehou word, daarop geregtig om in die verkiesing te stem: Met dien verstande dat slegs kiesers wat kwalifiseer vir registrasie as kiesers op die datum waarop die Minister 'n dorpsraad ingestel het vir die betrokke dorpsgebied, in die eerste algemene verkiesing stemgeregtig is.
- (5) In enige tussenverkiesing wat in terme van hierdie regulasies gehou word, is slegs daardie kiesers wat geregistreer was tot en met en insluitende die dag waarop 'n vakature vir 'n verkose lid van die dorpsraad ontstaan het, stemgeregtig in daardie tussenverkiesing.
- (6) Enige kieserslys wat in terme van hierdie regulasie opgestel is, moet beskikbaar wees ter insae van die publiek by die kantoor van die bestuurder, ten minste 60 dae voordat 'n algemene verkiesing of tussenverkiesing veronderstel is om plaas te vind: Met dien verstande dat sodanige kieserslys nie later nie as 14 dae voor die vasgestelde datum vir die verkiesing sluit.
- (7) Enige foute wat voorkom in enige kieserslys soos genoem in hierdie regulasie, moet voor sluiting van sodanige kieserslys, soos in subregulasie (6) bepaal, onmiddellik onder die aandag van die bestuurder gebring word deur die belanghebbende partye. Geen veranderinge word aan enige kieserslys aangebring nadat sodanige kieserslys gesluit het nie.

#### Nominasie vir verkiesing

5. (1) Binne drie maande vanaf die datum waarop die Minister kennis gegee het in terme van regulasie 1(1) van hierdie Hoofstuk vir die instelling van 'n dorpsraad vir enige dorpsgebied, en daarna nie later nie as die eerste dag van Augustus van elke jaar waarin 'n algemene verkiesing gehou moet word, moet die bestuurder deur middel van 'n kennisgewing in Engels, Zoeloe en Afrikaans, wat duidelik sigbaar in sy kantoor vertoon word, vra vir die nominasie van kandidate vir verkiesing as lid van sodanige dorpsraad.
- (2) Die kennisgewing in subregulasie (1) genoem moet die plek, datum en tyd waarop nominasies deur die kiesbeampte ontvang word, spesifiseer: Met dien verstande dat sodanige datum nie vroeër as 14 dae na en nie later as 21 dae na die datum van uitreiking van die kennisgewing waarvolgens nominasies aangevra word, mag wees nie.
- (3) Nominasies vir kandidate vir verkiesing as lid van die dorpsraad moet skriftelik ingedien word by die bestuurder op 'n vorm wesenlik in die vorm soos in Bylae H van hierdie regulasies uiteengesit, en moet ter staving die handtekeninge van ten minste 10 stemgeregtigdes bevat wat op die datum wat in subregulasie (2) genoem is, nie meer as een maand agterstallig was met betrekking tot enige heffings of gelde wat in terme van hierdie regulasies betaalbaar is nie. Die bestuurder moet so spoedig doenlik alle nominasielyste aan die kiesbeampte oorhandig.
- (4) Geen persoon met betrekking tot wie 'n nominasie aan die kiesbeampte in terme van subregulasie (3) ingedien is, word as behoorlik genomineer beskou alvorens hy kwalifiseer om verkies te word en 'n deposito vir die bedrag van 100 rand by die kiesbeampte gedeponeer het nie.
- (5) Die deposito van enige kandidaat wat in terme van subregulasie (4) gedeponeer is, word verbeur indien sodanige kandidaat minder as een vyfde van die getal stemme kry wat uitgebring is op die verkose kandidaat, en die bedrag word in die skatkis van die raad inbetaal. Die bedrag wat nie aldus verbeur is nie, word aan die kandidaat terugbetaal.
- (6) So spoedig moontlik en nie later nie as 14 dae na die datum vasgestel vir ontvangs van nominasies, moet die kiesbeampte op 'n opvallende plek by die kantoor van die bestuurder 'n lys met die name van die kandidate wat behoorlik genomineer is in terme van hierdie regulasies aanbring, asook daardie kandidate aankondig wat onbestrede as verkose lede van hul onderskeie wyke tot die amp terugkeer.
- (7) Indien geen geldige nominasies met betrekking tot enige wyk ontvang is nie, moet die bestuurder so spoedig moontlik na die sluitingsdatum vir nominasies weer nominasies aanvra vir die betrokke wyk volgens die voorskrifte in die regulasies. Sodanige nominasies moet aan die kiesbeampte oorhandig word op die datum deur hom vasgestel wat nie vroeër as 14 dae na en nie later as 21 dae na die datum van uitreiking van die kennisgewing wat nominasies aanvra, is nie.

#### Beskikbaarstelling van toerusting en aanstelling van assistente

6. (1) Die kiesbeampte stel vir die doel van alle verkiesings stembokkies, stembusse, stembriewe en instrumente om amptelike merktekens op stembriewe aan te bring beskikbaar, en stel sodanige assistente aan en voer sodanige ander handelinge uit en tref sodanige reëlins as wat hy raadsaam mag ag ten einde die verkiesing te vergemaklik en doeltreffend tot uitvoer te bring.
- (2) Die uitgawes verbonde aan die eerste verkiesing van 'n dorpsraad word gedek soos deur die Minister bepaal word na oorlegpleging met die stamowerheid.

#### Verklaring van geheimehouding

7. Voor die begin van stemming moet die kiesbeampte, sy behoorlik aangestelde assistent en enige agent wat deur 'n kandidaat aangestel is, 'n eed van geheimehouding aflê. Sodanige eed word deur die kiesbeampte asook deur sy assistente en enige agent, in die teenwoordigheid van die kiesbeampte, voor 'n vrederegtor of 'n kommissaris van ede afgelê.



### Stemdag

8. Die kennisgewing uitgereik onder regulasie 5(6) van hierdie Hoofstuk moet ook die plek waar en die datum waarop die verkiesing sal plaasvind, asook die tyd vanaf 7H00 tot 21H00, aandui.

### Wyse van stemming

9. Die stemming by alle verkiesings gehou onder die bepalings van hierdie regulasies geskied by wyse van geheime stembriewe, en verloop as volg:
- (a) Die kiesbeampte of sy assistent by die stemlokaal van elke wyk vergewis hom of die persoon wat wil stem behoorlik ingeskryf is as 'n kieser in daardie wyk, en indien hy daarvan oortuig is dat dit wel die geval is en dat sy identiteitsnommer op sodanige kieserslys verskyn, vul hy die identiteitsnommer wat verskyn op die persoon se identiteitsdokument wat aan hom uitgereik is ingevolge die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), op die teenblad van die stembriefboek in en skeur dan die stembrief wat ooreenkom met die teenblad uit, en nadat hy dit op die agterkant gemerk het met 'n geheime merkteken wat deur die kiesbeampte bepaal is, oorhandig hy die stembrief aan die kieser.
  - (b) Sodra die kieser die stembrief ontvang het waarop die name van al die behoorlik genomineerde kandidate vir daardie spesifieke wyk by sodanige verkiesing in alfabetiese volgorde verskyn, neem hy dit na die stemhokkie wat vir die doel voorsien is en wys daar aan vir wie hy wil stem deur in die geheim 'n kruis te maak op die stembrief teenoor die naam van die kandidaat wat hy verkies, en vou dan die stembrief op sodat die geheime merkteken sigbaar is en hou dan die stembrief so dat die teken herkenbaar is vir die kiesbeampte of sy assistent, waarna hy die stembrief in die stembus plaas in die teenwoordigheid van die kiesbeampte of sy assistent.
  - (c) Indien die kieser 'n kruis maak teenoor die naam van meer as een kandidaat, sy naam op die stembriefie teken of enige merk maak of woord skryf waarvolgens hy geïdentifiseer kan word, word sodanige stembrief as bederf beskou en mag dit nie in ag geneem word met die tel van die stemme nie.

### Aantekening van stemme deur kiesbeampte

10. Op versoek van enige kieser, merk die kiesbeampte op die stembrief wat aan sodanige kieser uitgereik is, in die teenwoordigheid van die kieser en die kandidate of hul agente, die stem van sodanige kieser teenoor die naam van die kandidaat wat deur sodanige kieser aangedui word, en plaas hy die stembrief in die stembus in die teenwoordigheid van sodanige kieser.

### Bedorwe stembriewe en die notering van stembriewe

11. (1) Indien 'n kieser sy stembrief per ongeluk bederf het, kan hy dit aan die kiesbeampte of sy assistent teruggee, en indien die kiesbeampte daarvan oortuig is dat dit per ongeluk gebeur het, gee hy aan hom 'n ander stembrief en hou die bedorwe stembrief wat onmiddellik gekanselleer en geïndosseer word met die woorde "terugbesorg onder regulasie 11", en maak 'n aantekening van die kansellering op die teenblad.
- (2) Sodanige bedorwe stembrief moet deur die kiesbeampte gehou word wat, so spoedig doenlik na sluiting van die stembusse, die aantal stembriewe wat uitgereik is, die aantal bedorwe stembriewe en die aantal stembriewe wat in die stembusse gevind is met die sluiting van die stembusse, noteer.

### Identifikasie van kiesers

12. 'n Geregistreerde kieser wat op stemdag nie in staat is om sy identiteitsdokument te toon of sy identiteit te bewys nie, sal nie toegelaat word om te stem nie.

### Stemburo

13. (1) Geen persoon buiten die kiesbeampte, sy assistente, kandidate en een agent wat deur elke kandidaat aangestel en deur die kiesbeampte goedgekeur is, en persone wat besig is om te stem, word in die stemburo toegelaat nie.
- (2) Die kiesbeampte kan van enige persoon vereis dat hy die stemburo verlaat en enige persoon wat nie die stemburo verlaat wanneer dit van hom vereis word nie, sal hom skuldig maak aan 'n misdryf.

### Uitslag van verkiesing

14. (1) So spoedig doenlik na die sluiting van die stemming en nadat die notering waarna in regulasie 11(2) van hierdie Hoofstuk verwys word gemaak is, moet die kiesbeampte sodanige reëlings tref as wat hy raadsaam ag vir die verseëling, veilige bewaring en vervoer van die stembusse en die voorkoming van enige gepeutery met die stembusse of stembriewe, en moet hy die tyd en plek bepaal waar die stemme wat vir elke kandidaat aangeteken is, getel word. Onmiddellik nadat die stemme getel is, maak die kiesbeampte die aantal stemme wat elke kandidaat op hom verenig het bekend en verklaar hy vir die onderskeie wyke die behoorlik verkose lede van die dorpsraad.
- (2) Slegs die kiesbeampte, sy assistente en die kandidate sal teenwoordig wees wanneer die stemme getel word.
- (3) Die kiesbeampte sal so gou as doenlik na die stemdag, die bestuurder skriftelik in kennis stel aangaande die uitslae van die verkiesing, en die aantal stemme wat elke kandidaat op hom verenig het aandui.

### Beslissing in die geval van gelykop stemming

15. Indien twee of meer kandidate in 'n verkiesing in 'n bepaalde wyk 'n gelyke aantal stemme op hulre verenig het, bepaal die kiesbeampte, in die teenwoordigheid van die kandidate, deur loting die suksesvolle kandidaat.

### Eerste algemene verkiesing en ampstermyn van lede verkies en aangewys gedurende die eerste algemene verkiesing

16. (1) Die eerste algemene verkiesing van lede van 'n dorpsraad geskied binne ses maande na die datum waarop die Minister kennis gegee het in terme van regulasie 1(1) van hierdie Hoofstuk vir die instelling van 'n dorpsraad vir die betrokke dorpsgebied, en die lede wat op hierdie wyse verkies is, se ampstermyn strek tot en met die dertiende dag van September van die vyfde kalenderjaar nadat die eerste verkiesing gehou is.
- (2) Die prosedure in die eerste algemene verkiesing moet mutatis mutandis ooreenstem met die bepalings van regulasie 4 tot 15 van hierdie Hoofstuk.
- (3) Die ampstermyn van lede van die dorpsraad wat deur die Stamowerheid aangewys is verval op dieselfde dag as dié van die verkose lede.

### Vakatures

17. (1) Enige lid van die dorpsraad kan deur 'n skriftelike kennisgewing onder sy handtekening aan die Bestuurder gelewer, sy setel ontruim, wat dan vakant raak.
- (2) 'n Lid sal ophou om 'n lid van die dorpsraad te wees as hy -
- (i) ten opsigte van 'n skuldigebevinding vir 'n misdryf tot gevangenisstraf gevonnissen word sonder die opsie van 'n boete vir 'n tydperk wat een maand oorskry, of met die opsie van 'n boete, vir 'n tydperk wat ses maande oorskry;



- (ii) as 'n verkose lid, sonder die toestemming van die dorpsraad, die dorpsgebied area verlaat of homself absenteer vir 'n aaneenlopende periode van langer as twee maande;
  - (iii) sonder die toestemming van die dorpsraad van drie opeenvolgende maandelikse dorpsraadvergaderings afwesig is, of van enige vergadering van die dorpsraad onttrek sonder die toestemming van die voorsitter;
  - (iv) onderworpe raak aan 'n hofbevel wat hom kranksinnig of geestelik gekrenk of gebrekkig verklaar, of wetlik aangehou word as kranksinnige of geestelik gekrenkte of gebrekkige ingevolge die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973);
  - (v) by vergissing as 'n lid van die dorpsraad verkies is en die bestuurder, na ondersoek, bepaal dat sodanige lid nie kwalifiseer vir verkiesing as 'n lid van die dorpsraad in terme van die bepaling van hierdie regulasies nie;
  - (vi) nie meer 'n inwoner van die dorpsgebied in die geval van 'n verkose lid is nie, of nie meer 'n stemgeregtigde of 'n eienaar van onroerende goed is nie;
  - (vii) meer as een maand agterstallig is met enige gelde of heffinge deur hom betaalbaar in terme van hierdie regulasies;
  - (viii) 'n amp of winsbetrekking by die dorpsraad as werkgewer beklee;
  - (ix) tot sterwe kom.
- (3) Indien 'n lid vir enige van die redes wat in subregulasie (2) uiteengesit is, ophou om 'n lid te wees, moet die bestuurder van die dorpsraad 'n geskrewe kennisgewing laat aflewer by sodanige lid se laaste bekende residensiële adres waarin hy daarvan verwittig word dat hy nie meer 'n lid van die dorpsraad is nie. Terselfdetyd moet die bestuurder 'n kopie van die kennisgewing besorg aan die SekretarisGeneraal, en in die geval van 'n lid wat deur die Stamowerheid aangewys is, aan die sekretaris van die Stamowerheid.
- (4) (a) (i) Met ontvangs van die kennisgewing wat in subregulasie (3) genoem is, wat bepaal dat 'n lid wat deur die kiesers verkies is, nie meer 'n lid van die dorpsraad is nie, sal die bestuurder onverwyld die kiesbeampte versoek om 'n tussenverkiesing in terme van hierdie regulasies te hou om die vakante posisie te vul: Met dien verstande dat indien die vakante posisie ontstaan tussen die eerste dag van April en die dertigste dag van September van die jaar waarin 'n algemene verkiesing gehou moet word, dit nie nodig is om 'n tussenverkiesing te hou nie.
- (ii) Die prosedure soos uiteengesit in regulasies 5 tot 15, allesinsluitend, van hierdie Hoofstuk, sal mutatis mutandi van toepassing wees op enige tussenverkiesing wat in terme van paragraaf (a)(i) gehou word.
- (iii) Met ontvangs van die kennisgewing in subregulasie (3) genoem, waarvolgens 'n lid wat deur 'n Stamowerheid aangewys is nie meer 'n lid van die dorpsraad is nie, kan die Stamowerheid 'n ander persoon aanwys as lid van die dorpsraad: Met dien verstande dat die Stamowerheid niemand aanwys indien die gemelde vakante posisie ontstaan tussen die eerste dag van April en die dertigste dag van September van die jaar waarin 'n algemene verkiesing moet plaasvind.
- (b) Enige lid wat ingevolge 'n tussenverkiesing wat in terme van paragraaf (a)(i) gehou is verkies word, of in terme van paragraaf (a)(iii) aangewys word, beklee die amp vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy verkies of aangewys is.

#### **Kiesersvereistes**

18. (1) Slegs 'n persoon wat in terme van artikel 3 en 4 van die Wet en hierdie regulasies toegelaat is om in die betrokke dorpsgebied te woon en wat -
- (a) in die Republiek van Suid-Afrika gebore is;
  - (b) nie aanspreeklik is vir enige heffings, gelde of ander bedrae betaalbaar in terme van hierdie regulasies vir 'n tydperk van twee maande of langer, uitgerekend tot en met en insluitende die laaste dag van die maand wat nominasiedag voorafgaan nie;
  - (c) 18 jaar oud is;
  - (d) in besit is van 'n identiteitsdokument wat sy identiteitsnommer aandui; en
  - (e) nie onderhewig is aan enige van die diskwalifikasies wat in regulasies 3(1) (a), (d), (e), (f), of (g) van hierdie Hoofstuk genoem word nie;
- kwalifiseer om in enige dorpsraadverkiesing te stem;
- (2) 'n Persoon wie se naam nie op die kieserslys waarna in regulasie 4 van hierdie Hoofstuk verwys word, verskyn nie, mag nie in enige dorpsraadverkiesing stem nie.

#### **Lede en ampsdraers**

19. (1) 'n Spesiale vergadering van die dorpsraad word gehou binne 14 dae na elke algemene verkiesing wat in terme van hierdie regulasies gehou is, en daarna jaarliks gedurende die eerste 14 dae van Oktober, en by elke sodanige vergadering dui die Inkosi van die Stamowerheid aan of hy self as voorsitter van die dorpsraad optree en of 'n voorsitter deur hom aangewys word. Die lede wat teenwoordig is kies uit eie geledere 'n ondervoorsitter en die voorsitter en ondervoorsitter aanvaar onverwyld hul amp en beklee die amp tot en met die datum van die eerste spesiale vergadering wat in Oktober van die daaropvolgende jaar gehou word.
- (2) Indien die amp van voorsitter of ondervoorsitter vakant raak vir enige rede behalwe die verstryking van die aangewese of verkose ampsbekleër se ampstermyn, moet 'n opvolger by die daaropvolgende gewone maandelikse vergadering, in die geval van die voorsitter, aangewys word of, in die geval van die ondervoorsitter, deur die lede uit eie geledere verkies word.
- (3) Indien beide die voorsitter en die ondervoorsitter vir enige rede nie 'n vergadering kan bywoon nie, kies die aanwesige lede iemand uit hulle geledere om as voorsitter van daardie vergadering op te tree.

#### **Ampstermyn van lede**

20. Onderhewig aan die bepaling van regulasies 16 en 17 van hierdie Hoofstuk, beklee elke lid van die dorpsraad sy amp vir 'n tydperk van vyf jaar en is hy na verstryking van sy ampstermyn herkiesbaar.

#### **Diensvoorwaardes vir lede**

21. (1) Geen lid van die dorpsraad mag hoegenaamd op enige wyse deelneem aan enige bespreking van die dorpsraad oor enige ooreenkoms, transaksie, kontrak of reëling wat gemaak is of gemaak gaan word, of wat gesluit is of gesluit gaan word deur of met die dorpsraad, en waarin hy hetsy direk of indirek belang het nie.
- (2) Geen lid mag enige belofte, geld, omkoopgeskenk of vergoeding van watter aard ookal eis, versoek of aanvaar uit hoofde van sy amp nie, buiten sy geoorloofde honorarium of toelaes wat in ooreenstemming met hierdie regulasies bepaal is.
- (3) Enige lid wat subregulasie (1) of (2) oortree, is skuldig aan 'n misdryf en is met skuldigbevinding, buiten enige ander straf wat opgelê mag word, nie meer bevoeg om enige amp onder hierdie regulasies te beklee nie.

#### **Toelaes aan lede**

22. (1) Aan 'n lid van 'n dorpsraad kan sodanige toelae betaal word as wat die Minister bepaal.

- (2) Sodanige toelae word op 'n maandlikse basis bereken en is maandliks betaalbaar: Met dien verstande dat 'n lid 10% (tien persent) van sodanige toelae verbeur met betrekking tot elke vergadering wat hy nie bywoon gedurende die maand waarin die toelae betaalbaar is nie, maar nie enige gedeelte van sy toelae verbeur indien sy afwesigheid toe te skryf is aan 'n oorsaak wat die dorpsraad, na oorlegpleging met die Sekretaris-Generaal, as redelik beskou nie.
- (3) 'n Dorpsraad kan aan 'n lid nie meer nie as 30 dae verlof tot afwesigheid toestaan gedurende enige jaar en die volle toelae wat aan sodanige lid betaalbaar is in terme van subregulasie (1) is aan hom betaalbaar gedurende sodanige tydperk.

**Werkzaamhede, pligte en bevoegdhede van dorpsraad**

23. (1) Behoudens die voorwaardes deur die Minister bepaal moet 'n dorpsraad sodanige bevoegdhede uitoefen en sodanige werkzaamhede en pligte verrig met betrekking tot sodanige van die volgende sake soos wat die Minister aan sodanige dorpsraad toewys: -
  - (a) Die ontwikkeling en administrasie van parke en openbare oorde.
  - (b) Die instelling, instandhouding en administrasie van sport- en ontspanningsfasiliteite.
  - (c) Die instelling, voorsiening, instandhouding en administrasie van biblioteekdienste, museums, botaniese tuine en dieretuine.
  - (d) Die toewysing van beurse vir opvoedkundige doeleindes.
  - (e) Waar dit volgens wet van 'n plaaslike regeringsliggaam vereis word, die voorkoming of bestryding van die onwettige bewoning van grond of geboue.
  - (f) Die toewysing of administrasie van persele, asook die voorbereiding van uitlegplanne van die gebied van die dorpsraad.
  - (g) Die goedkeuring van bouplanne en die verwydering of sloping van onwettige of onbenutte geboue of strukture.
  - (h) Die beheer, verbod of beperkinge op die aanhou van honde, waarby inbegryp is die aanhou van hondehokke, die heffing van 'n belasting op sodanige aanhou van honde of hondehokke, en die neerlê van maatreëls vir die bekamping van enige steurnis deur honde veroorsaak.
  - (i) Die beheer, verbod, regulering of beperking op die aanhou van enige diere buiten honde.
  - (j) Die beheer, verbod, regulering of beperking op handeldryf op straat en die vertoon van advertensies.
  - (k) Die voorsiening, instandhouding, en uitvoer van dienste vir die verwydering of enige ander tipe wegdoening van nagvuil (insluitende suigtenks), gemors, geabdonneerde voertuie of enigiets van watter aard ookal wat die dorpsraad redelikerwys vermoed dat dit geabdonneer is, karkasse van dooie diere en afval van allerlei aard.
  - (l) Maatreëls om die gesondheid van die inwoners van die gebied van die dorpsraad te bevorder of om die verspreiding van besmetlike of aansteeklike siektes te voorkom of om enige hinder wat 'n gesondheidsgevaar vir sodanige inwoners inhou, te verwyder of te beheer.
  - (m) Die oprigting, verkryging, aanleg, instandhouding en voortsetting binne of buite die gebied van die dorpsraad, van werke vir die voorsiening van water en die voorsiening van riolering en afvalverwyderingsdienste aan die inwoners van daardie gebied, en die retikulasie van sodanige water en dienste, en die voorwaardes vir die voorsiening van sodanige water, insluitende die staking van sodanige voorsiening, soos van tyd tot tyd deur die dorpsraad bepaal en deur middel van verordeninge bekend gemaak.
  - (n) Die instelling, verkryging, aanleg, instandhouding en voortsetting, binne of buite die gebied van die dorpsraad, van werke vir die voorsiening van van krag aan die inwoners van daardie gebied, die retikulasie van van sodanige krag, en die voorwaardes waaronder sodanige krag voorsien word, insluitende die staking van voorsiening, soos van tyd tot tyd deur die dorpsraad bepaal en deur middel van verordeninge bekend gemaak.
  - (o) Die neem van sodanige stappe as wat die dorpsraad nodig ag vir die lê van hoof- en sykabels en pyplyne om elektrisiteit of water of riool en afval onder of oor openbare of private persele te voer, die aansluiting van sodanige kabels of pype met enige persele, en die reg van toegang tot persele met die doel van inspeksie van sodanige kabels en pype.
  - (p) Die oprigting en instandhouding van enige gebou of struktuur vir enige gemeenskapsbehoefte of -doel waarvoor onder hierdie regulasies voorsiening gemaak word.
  - (q) Die instelling van 'n pensioenfonds ten voordeel van die werknemers van die dorpsraad.
  - (r) Die bou en instandhouding van paaie en strate en die sluiting of die plaas van beperkings op die gebruik van sodanige paaie en strate.
  - (s) Die instelling, instandhouding en beheer van begraaftase, binne of buite die dorpsgebied.
  - (t) Enige funksie wat daaraan toegewys word deur die Minister en in die *Staatskoerant* gepubliseer is.
- (2) 'n Dorpsraad kan:
  - (a) enige sodanige werkers in diens neem as wat dit goed ag, om die pligte en werkzaamhede wat daaraan toegewys is uit te voer, en aan hulle sodanige salarisse, lone en loelaes betaal as wat, met die goedkeuring van die Sekretaris-Generaal, deur die dorpsraad besluit word;
  - (b) met die goedkeuring van die Sekretaris-Generaal en onderhewig aan sodanige voorwaardes as wat sodanige Sekretaris-Generaal bepaal, van die dienste van amptenare in diens van die Sekretaris-Generaal gebruik maak en aan sodanige amptenare salarisse, lone en loelaes betaal as wat die Sekretaris-Generaal voorskryf.
- (3) 'n Dorpsraad moet, nie later nie as op 'n datum wat deur die Sekretaris-Generaal bepaal is, vir elke finansiële jaar inkomste- en uitgawebegrotings oorweeg en opstel, en sodanige begrotings moet aan die Sekretaris-Generaal voorgelê word vir oorweging en bepaling van 'n bydrae, indien enige.
- (4) Indien uitgawes aangegaan moet word waarvoor daar nie begroot is nie, of wat sal veroorsaak dat die begroting oorskry word, moet die goedkeuring van die Sekretaris-Generaal verkry word alvorens sodanige uitgawe aangegaan word.
- (5) 'n Dorpsraad moet 'n skatkis instel waarin alle gelde wat sodanige dorpsraad toekom gestort word en waaruit alle uitgawes betaal word, en moet behoorlik en gereeld boekhou van alle bedrae ontvang en uitbetaal en die doel waarvoor sodanige bedrae ontvang en uitbetaal is op rekord plaas. Die Sekretaris-Generaal kan bepalings uitreik met betrekking tot die wyse waarop sodanige boek- en rekordhouding op datum gehou en geouditeer moet word.
- (6) 'n Dorpsraad kan, met die goedkeuring van die Sekretaris-Generaal, 'n rekening open by 'n geregistreerde handelsbank waarin alle bedrae wat geïn is, inbetaal word. Geen oortrekking van sodanige rekening word toegelaat nie tensy dit deur die Sekretaris-Generaal gemagtig is.
- (7) Die tenderprosedure wat deur die Minister vasgestel is, soos in die *Staatskoerant* gepubliseer, is van toepassing op die uitvoer van enige werk, of die verkryging van voorraad en die lewering van dienste vir of namens 'n dorpsraad.
- (8) (a) 'n Dorpsraad kan volgens 'n besluit geneem op 'n vergadering waar nie minder nie as twee-derdes van die lede teenwoordig is, en na minstens sewe dae kennisgewing van so 'n besluit, regulasies maak met betrekking tot een of meer van die sake wat in subregulasie (1) genoem word.
- (b) Geen regulasie wat onder paragraaf (a) gemaak is, is van krag alvorens dit deur die Minister goedgekeur is nie, en enige regulasie kan deur hom aangepas of verander word sonder terugverwysing na die betrokke dorpsraad. Enige regulasie wat in terme van para-



graaf (a) deur die dorpsraad gemaak is, moet deur die Minister bekragtig word en in die *Staatskoerant* gepubliseer word.

- (9) (a) Met die goedkeuring van die Minister kan 'n dorpsraad belasting op eiendomme hef.  
(b) Enige belasting wat in terme van paragraaf (a) gehef word, moet deur die Minister in die *Staatskoerant* gepubliseer word.
- (10) 'n Dorpsraad kan voorsiening maak vir enige bevoegdhe, werksaamhede of pligte, insluitende voorsiening vir die afwenteling van bevoegdhe aan 'n komitee of komitees van sodanige dorpsraad, en ook met die goedkeuring van die Minister verordeninge en regulasies maak betreffende enige aangeleentheid binne sy bevoegdhe, wat dan in die *Staatskoerant* gepubliseer moet word.
- (11) (a) Indien die Minister te enige tyd daarvan oortuig is dat dit in belang is van die publiek of die goeie bestuur van die dorpsgebied met betrekking waartoe 'n dorpsraad ingestel is, en dat dit nodig is met betrekking tot die werksaamhede, pligte en bevoegdhe wat aan sodanige dorpsraad opgedra is deur hierdie regulasies, dat sodanige dorpsraad :
- (i) 'n tydelike bevel of bepaling gee;
  - (ii) enige konsepregulasie opstel;
  - (iii) enige belasting hef;
  - (iv) enige stappe doen om uitvoering te gee aan hierdie regulasies;

doen die Minister aan die hand van 'n geskrewe kennisgewing geadresseer aan sodanige dorpsraad, 'n beroep op die dorpsraad om sodanige tydelike bevel of bepaling te gee, om sodanige konsepregulasie op te stel of om die nodige belasting te hef of om enige stappe te doen om uitvoering te gee aan hierdie regulasies; en indien sodanige dorpsraad in gebreke bly om binne dertig dae aan sodanige kennisgewing te voldoen, kan die Minister self sodanige tydelike bevel of bepaling gee, sodanige konsepregulasie opstel, sodanige belasting hef of sodanige stappe doen om hierdie regulasies tot uitvoer te bring, en sodanige bevel of bepaling, konsepregulasie, belastingheffing of stappe word dan beskou asof dit deur daardie raad gegee, opgestel, gehef of geneem is.

(b) Enige tydelike bevel of bepaling is slegs vir een jaar van krag.

- (12) Enige persoon wat in gebreke bly om te voldoen aan enige tydelike bevel of bepaling wat in terme van subregulasie 11 gegee is, is skuldig aan 'n misdryf en enige boete wat deur hom betaal word moet in die skatkis gestort word.

#### **Saamroep van vergaderings**

24. 'n Dorpsraad moet ten minste een vergadering per maand hou op 'n dag, tyd en plek wat deur die dorpsraad bepaal word.

#### **Spesiale vergaderings**

25. (1) Indien die voorsitter van 'n dorpsraad oortuig is van die noodsaaklikheid daarvan, kan hy bepaal dat 'n spesiale vergadering van die dorpsraad gehou word. Lede van die dorpsraad word minstens 24 uur voor sodanige vergadering plaasvind skriftelik deur die sekretaris van sodanige raad in kennis gestel van sodanige spesiale vergadering en die doel daarvan.
- (2) Geen sake word bespreek of oorweeg by enige sodanige vergadering buiten daardie sake waarvoor die vergadering belê is nie.

#### **Kennisgewing van vergaderings**

26. Kennisgewing van die tyd en plek van elke gewone vergadering van 'n dorpsraad geskied deur die sekretaris van sodanige dorpsraad aan elke lid van die dorpsraad, minstens 72 uur voor sodanige vergadering. Sodanige kennisgewing sluit die agenda vir daardie spesifieke vergadering in en die kennisgewing word of persoonlik of per pos aan elke lid gelewer.

#### **Kworum**

27. Die kworum bestaan uit minstens die helfte van die totale aantal lede waaruit 'n dorpsraad bestaan.

#### **Beslissende stem van die voorsitter**

28. In die geval van 'n staking van stemme, het die voorsitter 'n beslissende stem. Die voorsitter kan volgens eie goeddunke, enige lid belet om te stem indien daardie lid volgens sy mening 'n finansiële of persoonlike belang in die saak onder oorweging het.
29. (1) Die sekretaris van 'n dorpsraad hou notule van die verrigtinge van elke vergadering van sodanige dorpsraad en teken in sodanige notule die name van elke lid en amptenaar wat teenwoordig is aan.
- (2) Sodanige notule word by die daaropvolgende algemene vergadering van die dorpsraad bekragtig.
- (3) Geen bespreking van die notule word by voorlegging vir bekragtiging en ondertekening daarvan toegelaat nie, behalwe vir sover dit die juistheid of akkuraatheid daarvan aanbetref.

#### **Sake van die dorpsraad tot die agenda beperk**

30. Geen sake buiten dié wat ingesluit is in die agenda wat die kennisgewing van die vergadering vergesel, word by sodanige vergadering van die dorpsraad bespreek nie: Met dien verstande dat sodanige vergadering 'n onbestrede formele mosie mag bespreek.

#### **Toespraak van vergaderings**

31. Lede staan wanneer hulle praat en spreek die voorsitter aan, en geen lid mag meer as een keer-oor enige onderwerp of mosie praat nie, behalwe in die geval van die lid wat die mosie voorgestel het, wat mag antwoord voordat die mosie tot stemming gebring word.

#### **Sprekersvoorrang**

32. Indien twee lede hul terselfdetyd tot die voorsitter rig en geeneen van die twee wil toegee nie, versoek die voorsitter dié een wat, volgens sy mening, geregtig is op voorrang, om die voorsitter aan te spreek. Indien 'n lid volgens die mening van die voorsitter persoonlik betrokke is of belang het by die saak onder bespreking, tot sodanige mate dat sy deelname aan beraadslagings daaroor onwenslik is, kan hy sodanige lid beveel om hom te onttrek van die vergadering totdat die relevante item afgehandel is.

#### **Voorsitter geniet voorrang**

33. Wanneer die voorsitter ookal praat moet enige lid wat dan aan die woord is of wil praat gaan sit, en die lede moet stilbly sodat die voorsitter sonder onderbreking aangehoor kan word.

#### **Mosies wat gesekondeer moet word**

34. Geen mosie of wysiging wat deur 'n lid voorgestel is, kan bespreek word indien dit nie deur 'n ander lid gesekondeer is nie, en die feit dat sodanige mosie of gewysigde voorstel nie gesekondeer is nie, moet in die notule aangeteken word.

#### **Bywoning van vergaderings**

35. (1) Buiten die lede van die dorpsraad, is die volgende persone daarop geregtig om vergaderings van 'n dorpsraad by te woon:



- (i) Die sekretaris van die dorpsraad, enige ander amptenaar van die dorpsraad of enige ander persoon wie se teenwoordigheid as noodsaaklik beskou word deur die voorsitter, of wie se teenwoordigheid deur die raad versoek word.
- (2) Die voorsitter van 'n dorpsraad kan volgens sy diskresie lede van die publiek toelaat om die raad se vergaderings by te woon.
- (3) Enige persoon wat -
  - (a) in gebreke bly om te voldoen aan enige bevel of bepaling wat in terme van subregulasie (1) gegee is;
  - (b) enige verordening wat onder daardie subregulasie gemaak is, oortree; of
  - (c) in gebreke bly om enige belasting te betaal wat gehef is onder daardie subregulasie, binne sestig dae vanaf die datum waarop sodanige belasting betaalbaar word;
 is skuldig aan 'n misdryf en enige boete betaal is 'n aanwas tot die skatkis van die dorpsraad.

**Strafbepaling**

36. Enige persoon wat enige van die bepalings in enige van die Hoofstukke van die Regulasies, of 'n voorskrif gegee of 'n voorwaarde opgelê in terme daarvan, oortree of in gebreke bly om daaraan te voldoen, is skuldig aan 'n misdryf en met skuldigbevinding onderhewig aan 'n boete wat nie 100 rand oorskry nie of, in geval van wanbetaling, gevangenisstraf tydperk wat nie 3 maande oorskry nie.

**BYLAE A**

(Moet in tweevoud voorgelê word)

**AANSOEK OM 'N TOEKENNINGSAKTE TEN OPSIGTE VAN 'N EIENDOM VIR RESIDENSIËLE\* / HANDELS\* / INDUSTRIËLE\* / SAKE\* OF ANDER DOELEINDES\***

Woongebied

Distrik

Die Bestuurder, Woongebied, (adres),

Hiermee word aansoek gedoen vir die uitreiking van 'n toekenningsakte aan my, onderhewig aan die bepalings en voorwaardes soos uiteengesit in Regulasie 5 :

Eiendomsno.

geleë op standplaasno.

te

in bovermelde woongebied.

Die eenheid word deur my verlang vir residensiële\*/ handels\*/ industriële\*/ sake\*/ .....\* doeleindes.

Gegewens van die aansoeker (en van vennote in die geval van 'n vennootskap) :

Volle name

Geslag\*

Ouderdom\*

Nasionale identiteitsnommer\*

Nasionale eenheid waaraan die aansoeker behoort

Huidige domisiliële gegewens :

Huisadres

Distrik

Besonderhede van woonregte (insluitend landboutoekennings) elders

Besonderhede van professionele-, handels- of sakeregte wat elders gehou word

Verkoopsbesonderhede :

Koopprys : R

Depositobedrag : R

Besonderhede van maandelikse paaiemente wat op die uitstaande bedrag gemaak word : R

Bedrag wat beveilig word deur 'n heffing op die toekenningsakte : R

In geval van 'n aansoek om 'n eenheid vir woondoeleindes, moet die volgende besonderhede verskaf word: -

Besonderhede van die gesin wat die eenheid gaan bewoon :

BYLAE A (Vervolg)

Eggenote Ouderdom
Kinders: Manlik Vroulik
Name Ouderdom Name Ouderdom

Enige verdere inligting wat die aansoek kan versterk:

In geval van 'n aansoek om handels-, industriële- of sakedoeleindes, moet die volgende besonderhede verskaf word:

Naam van besigheid

Aard van besigheid

Volle name van al die vennote (in geval van 'n vennootskap)

Volle name van die besturende direkteur of bestuurder (in die geval van 'n maatskappy)

Volle name van alle ander persone / regspersone wat belang het by die besigheid en die mate waartoe hulle belang het:

Verduidelik hoe die besigheid gefinansier gaan word:

Enige verdere inligting wat die aansoek kan versterk:

Applikant

Plek

Datum

Kommentaar en aanbevelings deur die Bestuurder :

Koopprys:

Kontantdeposito:

Maandelikse paaiemente:

Koopakte gedateer aangeheg.

Bestuurder

Plek:

Datum:

Leërno.

BYLAE B

TOEKENNINGSAKTE NO.

HIERDEUR WORD BEKENDGEMAAK DAT

(Verkoper)

die eiendom wat hierin beskryf word besit het deur eienaarskap en dit waarlik en wettig verkoop het en dat hy hierdeur, in sy hoedanigheid as eienaar, die volledige en onbeperkte eienaarskap daarvan oorhandig aan

(Koper)

sy erfgename, eksekuteurs, administrateurs of titelopvolgers Standplaasno. ....

Grootte ..... (Syfers)

(.....) vierkante meter. (Woorde)

op die Algemene Plan/Diagramno....., geleë

in die woongebied van....., in die

distrik van.....

**BYLAE B (Vervolg)**

Die eiendom hierin omskryf is onderworpe aan die volgende voorbehoude, voorwaardes en serwitute (indien enige) :

Daarom doen die Verkoper afstand van alle regte en titel van genoemde eiendom voorheen in hom gesetel en erken dat hy ten volle kwytgeskeld is van die besit daarvan en nie geregtig daarop is nie en dat, onder hierdie toekenningsakte, genoemde -

.....sy  
erfgename, eksekuteurs, administrateurs of titelopvolgers van nou af en voortaan geregtig is op die eiendom in ooreenstemming met plaaslike gebruik, maar onderworpe aan die reg van die Staat, en erken laastens dat die som van R.....

(.....) die aankoopprys van die eiendom is.

Ter stawing waarvan ek, die genoemde Registrateur, hierdie toekenningsakte met die amptelike stempel onderteken en seël.

**AFGEHANDELE EN GETEKEN IN DIE REGISTRASIEKANTOOR**

te.....op hierdie

.....dag van .....in die jaar

.....(19.....)

**REGISTRATEUR**

**BYLAE C**

**AANSOEK OM EIENAARSOORDRAG VIR RESIDENSIËLE DOELEINDES**

Woongebied:

Distrik:

Eienaarskap

Die Bestuurder,  
(adres)

Woongebied,

Ek,

as bevoordeelde van eienaarskap eenheid no.

..... geleë op standplaas no. ....te

.....in bogenoemde woongebied, en wat ek bewoon volgens toekenningsakte no. ...

.....doen hiermee aansoek vir die oordrag van genoemde eenheid aan

Rede vir oordrag (meld of dit verkoop, geskenk ens. word):

Enige verdere inligting ter ondersteuning van die aansoek:

Plek:

\_\_\_\_\_  
Handtekening van Oordraggewer

Datum:

(Vir voltooiing deur die oordragnemer).

Besonderhede van die oordragnemer:

Volle name:

Geslag:

Ouderdom:

Nasionale Identiteitsnommer:

Besonderhede van die gesin wat die eenheid gaan bewoon:

Eggenote

Ouderdom

Kinders:

Manlik

Vroulik

Name

Ouderdom

Name

ouderdom

Huidige verblyfsbesonderhede:



BYLAE C (Vervolg)

Verblyfplek:

Distrik:

Plek:

Handtekening van Oordragnemer)

Datum:

Besluit van bestuurder : Aansoek om oordrag van 'n toekenningsakte goedgekeur/afgekeur.

Plek:

Bestuurder

Datum:

Leër no. :

Optrede van die bestuurder:

Datum waarop oordragnemer in kennis gestel is:

Aanspreeklikheid in register aangeteken op:

Paraaf van boekhouer:

Kwitansie vir toekenningsakte is geliaseer.

Plek:

Bestuurder

Datum:

Leër no. :

BYLAE D

VERKLARING DEUR OORDRAGGEWER VAN EIENAARSKAPEENHEID

Woongebied:

Distrik:

Eienaarseenheid no.:

Ek,

dra hiermee aan

oor, al my reg, titel en belange in en tot die grond deur my gehou onder toekenningsakte no. goedgekeuring van die bestuurder is verkry.

.Die

Ten getuie waarvan ek hiertoe my naam onderteken op hierdie dag van

19

Getuie :

(1) \_\_\_\_\_

Handtekening

(2) \_\_\_\_\_

Voor my:

Datum:

Kommissaris van ede

BYLAE E

AANSOEK OM 'N BOUPERMIT

Woongebied .....Distrik

.....Eienaarseenheid no. ....

Die Bestuurder

Woongebied .....

- Hiermee word aansoek gedoen, in ooreenstemming met regulasie 11(3) van Hoofstuk 2 van die regulasies, vir die uitreiking van 'n boupermit aan my ten opsigte van bogenoemde eenheid.
- Ek sluit die volgende in drievoud in -

- (a) Planne geteken op 'n skaal van 1:100, 1:50 of 1:20 van die voorgestelde gebou(e) en /of veranderings aan ('n) bestaande gebou(e).
- (b) Perseelplan geteken op 'n skaal van 1:500 of 1:200 waarop die ligging van die voorgestelde gebou(e) op die betrokke eenheid aangedui word en waarop die afstande van die gebou(e) na die straat en ander grense aangegee word.

3. Materiaal wat gebruik gaan word (spesifiseer) :

.....

.....

.....

4. Doel waarvoor gebou aangewend gaan word (spesifiseer) :

.....

.....

.....

5. Verdere inligting (indien erfge) wat die aansoek kan versterk :

.....

.....

.....

Plek .....

Naam van Applikant (blokletters) .....

Handtekening van die Applikant.....

Datum.....

Kommentaar/Besluit van die bestuurder .....

.....

.....

Bestuurder

Datum .....

**BYLAE F**

**BOUPERMIT**

Plan no. ....

Woongebied ..... Distrik.....

Eienaarseenheid no. ....

Toestemming word hiermee verleen aan :

Naam.....

Identiteitsnommer .....om 'n gebou op te rig of veranderings aan te bring aan bogenoemde eenheid, onderworpe aan die volgende beskrywings en voorskrifte.

Soort werk wat gedoen sal word:  
(Meld of dit 'n nuwe gebou, veranderings, aanbouings of dreinerings behels).

Tipe gebou .....  
(Meld of huis, woonstalle, woonstalle verbind met winkels, hotel, fabriek, bank, bouvereniging, kantore, kerk, klub, skool, hospitaal ens. is.)

Indien die gebou 'n fabriek is binne die betekenis wat onder die Fabrieks-, Masjienerie- en Bouwewet, 1941 (Wet 22 van 1941) (Afdeling 3), verstaan word, moet die betrokke planne goedgekeur word deur die Inspekteur van fabriekse voordat dit voorgelê word.

**GEBOU**

Beskrywing van nuwe geboue/veranderings wat aangebring gaan word

.....

BYLAE F (Vervolg)

ALGEMENE VEREISTES

Oppervlak van hoofgebou .....m<sup>2</sup> Oppervlak van buitegeboue .....m<sup>2</sup>

Aanbouings aan die hoofgebou .....m<sup>2</sup> Aanbouings aan buitegeboue .....m<sup>2</sup>

Raamwerk van lasdraende konstruksie .....

Fondasie : Mengsel ..... klip ..... sand ..... sement

Messelklei : Mengsel ..... sand ..... sement ..... kalk

Buitemure van ..... Binnemure van ..... Voglaag van .....

Minimum hoogte van \*\*\*d p.c. \*\*\* bo grondvlak .....mm

Dak gebou met ..... Dakbedekking .....

Vloer gebou met ..... Vloerafwerkings .....

Water, riool en ander aansluitings benodig : .....

Waterverhittingswyse: .....

Gebouverwarmingswyse: .....

DREINERING

Meld of spoelaansluiting, opgaartenk, verrottingsput, putlatrine: .....

Pypmateriaal : Riool ..... Grondwater ..... Water water .....

Ventilasiepypmateriaal : Grondwater ..... Water water .....

Afvoer van stormwater .....

Kamers gebruik vir woondoeleindes : Minimum oppervlak van 7 m<sup>2</sup>, minimum horisontale afmeting 2.10m, minimum hoogte van 2.6m.

Alle kamers moet deur- of kruisventilasie hê.

Venstergroottes van alle leefvertreke moet op die tekeninge aangegee word. Glasoppervlak van die venster moet ten minste een tiende van die vloeroppervlak wees. Die helfte van elke venster moet kan oopmaak en die gedeeltes wat kan oopmaak moet op die plan aangedui word.

Eke slaapkamer moet ten minste 'n vloeroppervlak van 3.716m<sup>2</sup>, 11.327m<sup>3</sup> lugruimte vir elke inwoner ouer as tien jaar en ten minste die helfte van genoemde ruimtes vir elke inwoner van jonger as tien jaar hê.

PLANTEKENINGE

Werkspanne moet op 'n skaal van 1:100 wees.

Planne vir elke vloer of vlak.

Dreineringsplanne mag op 'n skaal van 1:200 wees en moet saam met die bouplanne voorgelê word.

Dwarssnitte van geboue en dwarsnitte van dreineringslyne word vereis.

Straatvlakke van die geboue moet aangedui word en enige ander dwarsnitte wat deur die inspekteurs vereis word.

Bestaande bouwerk wat verwyder gaan word moet duidelik aangedui wees.

'n Perseelplan op 'n skaal van 1:500 moet al die nuwe en bestaande bouwerk, perseelafmetings, bouafstand van al die grense en noord bevat.

DREINERING

Plantekeninge moet alle geboue en vensters in geboue binne 6m van enige ondergrondse waterpyp of ventilasiepyp, alle baddens, storte, gemakke, wasbakke ens en alle pype en hulle groottes aandui.





BYLAE G (Vervolg)

Ek,

die geregistreerde bevoordeelde van eienaarseenheid no:

geleë op standplaas no. \_\_\_\_\_ te \_\_\_\_\_

in bogenoemde woongebied en wat deur my bewoon word onder toekenningsakte no. \_\_\_\_\_  
drag van genoemde eenheid aan \_\_\_\_\_

doen hiermee aansoek vir die oor-

Redes vir oordrag (meld of verkoop, skenking ens. is) :

Enige verdere inligting wat die aansoek kan versterk :

Plek :

\_\_\_\_\_  
Handtekening van Oordraggewer

Datum :

(Vir voltooiing deur die oordragnemer).

Besonderhede van die oordragnemer:

Volle name:

Ouderdom:

Nasionale Identiteitsnommer:

Huidige domisiliëre besonderhede van die oordragnemer (en van vennote in geval van 'n vennotskap) :

Woonadres:

Distrik:

Enige verdere inligting wat die aansoek kan versterk :

Plek

\_\_\_\_\_  
(Handtekening van Oordragnemer)

Datum:

Aansoeker is dienooreenkomstig in kennis gestel op :

Goedgekeur/Afgekeur

Plek:

\_\_\_\_\_  
Bestuurder

Datum:

Lêer No.:

\* Skrap wat nie van toepassing is nie.

VOORBEELD VAN 'N BEËDIGDE VERKLARING IN OOREENSTEMMING MET REGULASIE 6 VAN HOOFSTUK 2

AANSOEK OM 'N AFSKRIF VAN 'N VERLORE OF VERNIETIGDE TOEKENNINGSAKTE, VERBAND OF ANDER DOKUMENT

Dorpsgebied :

Distrik :

Eienaarseenheid no:

Ek,

as geregistreerde eienaar van eienaarseenheid no

geleë in die dorpsgebied van \_\_\_\_\_

in die distrik van \_\_\_\_\_

lê hiermee 'n eed af en maak die volgende stelling

Dat die

(beskryf akte of dokument) uitgereik aan my\*/ geregistreer\* ten opsigte van bovermelde eiendom -

(1)\* is verlore en onopgespoor ná deeglike soektog

(2)\* is vernietig (verduidelik die omstandighede)

(3) is nie verpand nie en word nie deur enigiemand gehou as sekuriteit ten opsigte van skuld of om enige ander rede nie.

Hiermee doen ek aansoek om 'n gewaarmerkte afskrif daarvan.

-----  
Applikant

Getuies :

(1) -----

(2) -----

Voor my beëdig te

op hierdie

dag van

19

die verklaarder erken dat hy vertrouwd is met die die inhoud van hierdie verklaring.

-----  
Kommissaris van Ede

\* Skrap wat nie van toepassing is nie.

**BYLAE H**

Die  
(adres)

Bestuurder

Nominasie van kandidate vir 'n vakante posisie op die Dorpsraad vir Wyk

Ons, die ondergetekendes, geregistreerde kiesers van

Wyk \_\_\_\_\_ nomineer hiermee

(naam van kandidaat) in terme van regulasie 5(3) van Hoofstuk 6 van die regulasies vir verkiesing in bogenoemde wyk.

NAAM  
(IN BLOKLETTERS)

ID.NO.

ADRES

HANDEKENING

1.

2.

3.

4.

6.

7.

8.

9.

10.

AANVAARDING VAN NOMINASIE DEUR KANDIDAAT:

Ek,

Identiteitsnommer:

woonagtig te

aanvaar hiermee nominasie vir die vakante posisie op die

Dorpsraad

-----  
Handtekening van genomineerde

Datum:



**BYLAE I**  
**BEGRAAFPLASE**

Reserveringsertifikaat No. ....

(Uitgereik in terme van regulasie 10)

Hiermee word gesertifiseer

dat .....

..... van .....

die voorgeskrewe gelde van R .....

betaal het, en geregtig is om die perseel/persele hieronder beskryf te gebruik vir die doel van teraardebestelling:

Grafperseelnummer: ..... Seksie: .....

Afmetings: .....

Begraafplaas: .....

Gedateer te ..... hierdie .....

dag van ..... 19 .....

Bestuurder

Opsigter

**BYLAE J**  
**BEGRAAFPLASE**

Oordragsertifikaat van Reserveringsnommer .....

(Uitgereik in terme van regulasie 11)

Hiermee word gesertifiseer dat Reserveringsertifikaat

No. .... met betrekking tot grafperseel

No. .... oorgedra is van

..... adres

..... na

..... adres .....

Oordraer

Bevestig namens die plaaslike owerheid van .....

hierdie ..... dag van .....

19 .....

Bestuurder

Opsigter

**BYLAE K**

Aansoek vir begrawingsnommer .....

Aan die Opsigter van begraafplase

..... 19 .....

Stel asb. 'n graf beskikbaar in .....

Geloofsverband.....  
Grootte van kisdoksel.....  
Toegangstyd.....  
Volle name en van van oorledene.....  
.....  
Nasionaliteit ..... Ras .....  
Geslag..... Ouderdom.....  
(1) Adres van sterfte.....  
(2) Woonadres.....  
Datum van sterfte.....  
Oorsaak van sterfte.....  
Name van naasbestaandes.....  
.....  
Naam van aansoeker.....

.....  
Ondernemer

N.B. - Hierdie vorm moet aan die begrawingsorder geheg word en by die kantoor van die opsigter ingedien word voordat die begrafnis kan plaasvind in ooreenstemming met regulasie 12.

## IZIMEMEZELO

### ISAZISO KWABAMEMEZELOYO NABAKHOKHAYO IMALI

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

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

(b) Ezinye izimemezele: ngolwimi:-

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

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

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

Ukulinganisa ubungako bohlu, linganisa amagama awu 6 ngomugqa ohlwini olulodwa; 14 izinhlal ezimbili, 21 izinhlal ezintathu ezinemigqa 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 ZAMALAYSENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalaysense amabhizinisi/emisebenzi mabaqaphele uhlelo lwengxenye l yemithetho ephathelene namabhizinisi nokuhweba KwaZulu njengokusho koMthetho wakwaZulu wamaBhizinisi

#### IZICELO ZAMALAYSENSE OPHUZO

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

Izincwadi mazihnyelwe 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 opschrift 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