



**KWAZULU-NATAL PROVINCE**

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**HUMAN SETTLEMENTS**  
REPUBLIC OF SOUTH AFRICA

# **HOMEOWNERSHIP SUPPORT POLICY**

**FEBRUARY 2025**

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## DEFINITIONS

**Maintenance:** Comprises of any sort of mechanical, structural or electrical device should it become out of order or broken (known as repair, unscheduled, or casualty maintenance). It also includes performing routine actions which keep the device in working order or prevent trouble from arising. The action undertaken has the objective of retaining or restoring an item in or to a state in which it can perform its required function

**Builder:** A person or entity constructing houses and who is expected to be registered in terms of the Housing Consumers Protection Measures Act of 1998

**Environment:** The surroundings within which humans exist and that are made up of land, water and atmosphere of the earth, micro-organisms, plant and animal life, any part or combination of and the interrelationships among and between them

**Disaster:** A progressive or sudden, widespread or localized natural or human-caused occurrence which causes or threatens to cause death, injury or disease, damage to property, infrastructure or the environment or disruption of the lives of a community

**Will:** Also known as a testament, is a document in which a person sets out what must happen to their estate when they die

**Home Insurance:** This type of insurance provides cover against damages to the building, roof, and fittings of the home that a person owns

**Warranty:** A formal, written, contractual guarantee that undertakes to repair or replace a product that develops a fault or defect during normal use. Warranties are usually more legally binding because they are contractual. A warranty is valid for a specified period only

**Title Deed:** Refers to a written or printed legal document which confirms or proves that one is the owner of a property after having been transferred into one's name. It contains the details of the property such as the full name of the owner/s; date of purchase, the size, etcetera.. A title deed is that specific deed which transfers the legal right to the property

**Fraud:** Is the unlawful and intentional misrepresentation which causes actual and or potential prejudice to another

## ABBREVIATIONS/ACRONYMS

<b>BNG</b>	:	Breaking New Ground
<b>MEC</b>	:	Member of the Executive Council
<b>NHBRC</b>	:	National Home Builders Registration Council
<b>RDP</b>	:	Reconstruction and Development Programme

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## 1. INTRODUCTION

Over the past 3 decades, housing has been the pride of governments service delivery achievements. However, over the years, beneficiaries have not realized the investment value and return potential of the house allocated to them as well as their rights and responsibilities as homeowners. As part of the Department's initiative to empower housing consumers some of the most crucial aspects of being a homeowner are being documented through the Homeownership Support Policy. This includes basic maintenance, replacement of minor fixtures, payment of municipal services and warranties related to the house structure.

## 2. LEGISLATIVE FRAMEWORK

### 2.1 The Constitution of the Republic of South Africa

Section 26. (1) Everyone has the right to have access to adequate housing. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.

### 2.2 Housing Act 107 of 1997

Section 2 (1) National, provincial and local spheres of government must

- (a) give priority to the needs of the poor in respect of housing development.
- (b) consult meaningfully with individuals and communities affected by housing development
- (c) ensure that housing development
  - (i) provides as wide a choice of housing and tenure options as is reasonably possible
  - (ii) is economically, fiscally, socially and financially affordable and sustainable
  - (iii) is based on integrated development planning; and
  - (iv) is administered in a transparent, accountable and equitable manner, and upholds the practice of good governance

### 2.3 KZN Housing Act, No.12 of 1998

In terms of Section 2B

- (3) The Minister must
  - (a) determine provincial policy in respect of housing

### 2.4 Housing Consumer Protection Measures Act 95 of 1998

The Act makes provision for the protection of housing consumers and regulation of the home building industry. This enables the National Home Builders Registration Council (NHBRC) to establish and promote technical and ethical standards in the home building industry.

## 3. BENEFITS OF OWNING A HOUSE

### 3.1 A house increases in value

Unlike many other assets such as a car that may decrease in value, a house is a fixed asset that increases in value over time. It must be noted that with the increase in property value, homeowners may be required to comply with zoning regulations. For example, how much height and density you will be able to add through renovations will be determined and affected by zoning regulations. The said zoning information can be acquired from the local municipality within which the property is located.

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### 3.2 Title Deed: Proof of Ownership

A title deed is a document that proves that you own a house. You will receive your title deed after your house is transferred into your name. It is important to know that your title deed must be kept in a safe place since it is proof of your ownership of the property. It is illegal to sell your BNG/RDP house for 8 years after you have received it unless you have been granted approval by the MEC to do so.

### 3.3 Information contained in the title deed

- a) The name and identity number of the owner.
- b) A full description of the property, including its measured size.
- c) All conditions restricting the use or the sale of the property.

### 3.4 Use your house to obtain finance

A home equity line of credit helps homeowners to obtain financing, such as study loans, personal loans, etc. Once you are a homeowner and have an asset that has a value, you are able to use this as surety or collateral. Collateral is something that helps “secure” a loan. When you borrow money, you agree that your lender can take your house and sell it to get their money back should you fail to repay the loan.

Do not be tempted by offers of cash loans, even if you need money. If you lose your house, you may never be able to be a homeowner again. Make sure that you understand any legal documents that you are asked to sign and get legal advice before you sign anything that will put your house at risk.

In terms of Section 48 of the Consumer Protect Act, a homeowner should not enter into a contract that is unfair, unreasonable or unjust. The option to secure financing must not compel the homeowner to waive any rights, assume any obligation, or waive any liability of the lender, on terms that are unfair, unreasonable or unjust, or impose any such terms as a condition of entering into an agreement.

### 3.5 Your house is your dependent’s inheritance

Every parent would like to leave a legacy for their children and a house can be that legacy. Your child or your surviving spouse can live happily and safely in your house after you are deceased.

### 3.6 The importance of leaving a Will

This is a legal document wherein the homeowner records what should happen to their possessions after they have passed away. If the homeowner has dependants, she/he will stipulate how the appointed person will manage the house so that his or her family will not lose the house when he/she is no longer here.

A Will is drawn up by a bank/lawyer in consultation with the homeowner. The lawyer keeps a copy and gives another copy to the homeowner. Upon the death of the homeowner, the lawyer will communicate the contents of the Will to the surviving family. A Will assists in preventing disagreements between family members who want to claim the house.

The homeowner may also opt to draft his/her own will, the said document will be considered legal provided that it meets all the relevant requirements and formalities to be accepted as a valid will for example the signature of the testator/testatrix must appear on every page of the will as well as at the end of the will and the witnesses must attest the last page of the will in the presence of the testator/testatrix and of each other. The original signed will must be kept safe by a trustworthy person or institution, as a copy of a will is not deemed a valid will.

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### 3.7 Your rights as a homeowner

- a) You have the right to safety and security.
- b) You have the right not to be harassed.
- c) You have the right to make enhancements to your house with approved plans by the municipality.
- d) You have the right to live with your family in your home

## 4. MAINTENANCE

### 4.1 Painting

- a) A fresh and neatly painted home looks very attractive.
- b) Using long-lasting, quality paint will last longer.
- c) Paint the house inside and outside to protect it against rain, hail, sun and wind.
- d) Use paint on the inside walls that can be easily wiped clean.
- e) Use a waterproof paint in the bathroom and kitchen areas so that steam will not dampen the walls and weaken them.
- f) Repair cracks as soon as they appear so that they do not result in major damage.

### 4.2 Replacement of broken windows, doors and other fixtures

- a) Repair broken windows to prevent damage to the interior.
- b) Door handles, taps and light fittings should be inspected regularly for wear and tear.
- c) Install good quality products that come with warranties.
- d) Install fixtures that will add value to your home, enhance your lifestyle and look good for a long time.
- e) Quality and durability are key.

### 4.3 Repair water leaks and blockages

- a) Water leaks cause damage to your property as this weakens the structure of your home.
- b) Water leaks are also expensive as this leads to expensive water bills. Water is a precious resource and should never be wasted.
- c) Be on the lookout for unexplained wet areas in your yard as this may be due to a leaking underground pipe.
- d) Make sure that the taps in your home do not drip to save water.
- e) Replace the washers when necessary.
- f) Check that mold does not form on your walls.
- g) Repair leaking pipes and blocked drains immediately.
- h) Report any leaking pipes and blockages outside of your boundaries as a matter of urgency to your local municipality as these will be their responsibility to fix.
- i) Adhere to water restrictions as determined by the local municipal by-laws and policy.

### 4.4 Repair roof leaks

- a) It is important to keep your roof in good condition.
- b) Check for loose and worn roof sheets or roof tiles. Also check for blocked gutters.
- c) Your safety is of utmost importance. Only go up on the roof if you are wearing a hard hat and flat, sturdy shoes. Strap yourself to a rope and harness.

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- d) Your home builder is responsible for fixing roof leaks that occur within 12 months from the date of occupation, as agreed in the building contract.

**4.5 Floor repairs**

- a) Inspect the flooring of your home regularly.
- b) Check for cracks or loose floorboards and splinters as well as any sign of rot and decay. This will be applicable if you have tiled or wooden floors.
- c) Depending on the type of flooring you have in your home, you need to clean and maintain it, so it lasts a long time.
- d) Ask for advice at your local hardware store on how to care for your particular type of floor.

**4.6 Maintenance of the electrical system**

- a) Maintenance of your home’s electrical system should be carried out by a qualified electrician.
- b) Do not attempt to tamper with electricity if you are not an electrician.
- c) You may receive a fatal electrical shock or cause an electrical fire to start.
- d) Electricity is dangerous in the hands of an amateur.
- e) Regularly check all electrical equipment and wiring.
- f) Check the wiring on electrical appliances often and replace damaged cords.
- g) Do not let electric wires run underneath carpets.
- h) Use extension cords with care and don’t overload them.
- i) Do not overload wall sockets.
- j) Change blown light bulbs as needed.
- k) Do not overload electrical sockets with too many appliances.
- l) Keep water away from electrical connections.

**5. WARRANTIES**

Home enrolment allows the NHBRC to conduct quality home inspections at various stages of construction and provides housing consumers with warranty cover for minor defects identified within the first three months of occupation, roof leaks identified within the first year of occupation and cover against major structural defects identified within the first five years of occupation.

During the 3-month warranty period (which starts from the date of handover of ownership), the owner must bring to the builder’s attention the relevant defects. The Builder will regularly investigate and attend to the complaints received and make repairs where required, depending on the type of complaint received. Repairs necessary due to wear and tear, vandalism or abuse will not be attended to by the Builder. The house warranty is divided into two categories, i.e. (a) the house structure, plumbing (including sanitary ware) and electrical system and (b) the roof covering.

**5.1 House Structure, Plumbing and Electrical Components**

- a) The house structure (building), plumbing (including sanitary ware) and electrical components of the house are guaranteed against poor workmanship and materials for a period of three (3) months. This guarantee does not cover damage caused by the homeowner or other persons.
- b) After the three-month period, the builder will carry out a final inspection of the dwelling to identify faults or problems.
- c) Problems and / or faults identified and found to be the result of poor quality, workmanship or materials will be repaired by the Builder.

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### 5.1.1 Structural Warranty

- a) The structure of the house, i.e. foundations, floors, walls, roof trusses and / or beams, are guaranteed against structural failure for a period of five years.
- b) Note that the guarantee is applicable to major structural failure only, such as foundation failures causing a wall to crack, floors that start to break up or severely crack, or the sagging of roof trusses / beams.
- c) Any problems of this nature found to be the result of poor workmanship or materials will, within the five (5) year period be repaired by the Builder.
- d) If the Builder is not able to do the necessary repairs, then the NHBRC will appoint a suitable service provider to undertake the necessary repairs at their cost.

### 5.1.2 Roof Structure and Covering

- a) The roof covering of the dwelling is guaranteed for a period of 12 months against leaks. If any leaks are found during this time, such leaks must be reported to the NHBRC and thereafter repaired by the builder.
- b) The builder will investigate the reason for the leak and, if found to be the result of poor workmanship or material, the necessary repairs will be undertaken by the builder.

### 5.1.3 NHBRC

NHBRC's mandate is to protect the interests of housing consumers and to ensure that builders comply with the prescribed building industry standards as contained in the Home Building Manual.

Their goal is to assist and protect housing consumers from any unscrupulous home builders who deliver substandard houses, bad workmanship or make use of poor-quality material.

- a) The NHBRC warranty will cover only structural defects of a house.
- b) The NHBRC will only undertake repairs of a structural nature if it is found that structural failure is the result of poor workmanship.

It must be noted that NHBRC and the home builder will not be liable for loss, damage or destruction related to:

- A willful act or oversight by the homeowner or persons living in the house
- Fire, explosion, lightning, or any damage caused by a third party
- Storm, flood, earthquake or any disruption or disasters from natural forces
- Structural alterations or modifications or alterations which affected the original structure of the home
- Inadequate maintenance or abnormal use of the home

## 6. HOMEOWNER'S RESPONSIBILITIES

### 6.1 Municipal Services and Accounts

- a) It is the responsibility of all homeowners living within a Municipal area to pay for Municipal services and property taxes. Homeowners must ensure that they get their monthly rates and municipal service statement. If the municipality fails to post, email or deliver the said statements

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all homeowners should enquire with the municipality in respect of the amounts outstanding per month.

- b) The services that will be paid for are water, electricity, sewer disposal and solid waste collection.
- c) Such services are paid to supply and maintain the infrastructure that provides consumers with the services
- d) Your municipal account must be paid monthly.
- e) If payment of accounts is not made, then the Municipality will charge interest on the outstanding debt. The municipality may also restrict or disconnect services where there is non-payment of amounts owed to them.
- f) If the monthly billing appears to be inaccurate then a complaint must be lodged with the local municipality as per their outlined complaints process and procedure. Once consensus has been reached, the homeowner should then adhere to the agreed amount owing for services.

## 6.2 Extensions and Upgrading

- a) When undertaking any form of house extensions or upgrades all homeowners are required to obtain building approval from the relevant municipality in accordance with their prescribed local zoning laws, by laws and regulations.
- b) Such construction also needs to be undertaken by a qualified builder to ensure compliance and must be approved by the Municipality.
- c) The applications for the above-mentioned vary in terms of required documentation and approval time frames as determined by each municipality.
- d) Failure to comply with the required approval prior to extensions or upgrades negatively impacts on the retail value of the property and may further result in the said municipality issuing a fine to the homeowner for non-compliance.

## 6.3 Owners Responsibilities

- a) All property owners have a responsibility to look after their property and house and do regular maintenance and keep their properties clean.
- b) Homeowners must also take their neighbors into consideration and be a good neighbor.
- c) Homeowners must comply with the Local Municipal regulations and ordinances

## 6.4 Home Insurance

- a) Homeowners should take out insurance on their house structure and contents.
- b) If no insurance is in place and the house burns down or is damaged by fire or rain, then the homeowner will have to pay for the necessary repairs themselves.
- c) If insurance was taken out, then a claim to the insurance company can be submitted to pay for the repairs and damage, or a part there-of.
- d) Property lost as a result of theft can also be claimed from an insurance company if the correct type of insurance cover is in place.
- e) Homeowners are further urged to include insurance coverage to protect against natural disasters. It is recommended that homeowners scout around for insurance policies that specifically cover floods within the policy as this has been excluded of late due to the consistent spate of floods within KwaZulu-Natal.

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## 6.5 Property Boundaries and Fencing / Walls

- a) All properties have boundaries, and these are demarcated by erf pegs.
- b) The pegs are marked and pointed out on the day the house is handed over.
- c) The erf pegs confirm the size of the property, and these erf pegs must not be moved.
- d) Erecting walls or fences must be done in line with the property boundaries (erf pegs) and may not be erected on your neighbor's property.

## 6.6 Fraud and Scam Prevention

Criminals have become much more experienced and are using stolen identity details, not only to empty bank accounts, but to obtain various credit accounts and even home loans. They are able to delay detection of the fraud for long periods while the unpaid bills and instalments mount up. The scammer will use false documents to pose as the property owner, register forged documents transferring a property to their name and then get a new loan against the property. After securing a loan or line of credit, the criminal takes the cash and disappears.

### Homeowners should:

- a) Regularly check and verify their property ownership status through official channels to detect any unauthorized changes
- b) Safeguard personal information and be vigilant for any suspicious activity related to their property
- c) Cross check the title deed details with the relevant local authorities and land registries
- d) Embrace digital tools to regularly verify and monitor your property title deed status
- e) Report any inconsistencies or discrepancies to the authorities immediately

**NB.** Should any form of fraud or scam occur as detailed above, the homeowner must immediately report the matter to the nearest South African Police Station within their jurisdiction. The homeowner must also provide any documentary proof or supporting documents that will aid in resolving the matter.

## 6.7 Environmental Responsibility

- a) Litter Disposal and Recycling: Homeowners must adhere to environmental laws. They are therefore advised to avoid dumping waste into rivers and wetlands where ecosystems are sensitive. Furthermore, they must invest in outdoor bins to ensure that litter does not enter stormwater drainage systems which then become waterlogged during periods of heavy rain due to excess build up of dirt and litter. Homeowners are encouraged to recycle items and materials which can be repurposed or reused. This helps to reduce the need for landfills and more costly forms of disposal. Recycling also reduces the need for extracting (mining, quarrying and logging), refining and processing raw materials, all of which create substantial air and water pollution. This helps to save energy, reducing greenhouse gas emissions and helping to tackle climate change.
- b) Sustainable Energy Sources:
  - With the growing concern for the environment and the need for sustainable energy sources, solar energy has emerged as the recommended choice for homeowners in South Africa.

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- Homeowners are therefore encouraged to make use of and invest in energy-saving light bulbs and solar panels.
  - By investing in the abovementioned sustainable energy sources, homeowners can not only reduce their monthly electricity bills but also protect themselves from future electricity price hikes. As grid electricity costs continue to rise, the savings from solar energy become even more significant, enabling homeowners to allocate their hard-earned money to other essential expenses or savings.
- c) **Water Conservation:** Water scarcity in South Africa is a growing concern, saving water is not just a good habit but a necessity.
- In an effort to assist in water conservation, homeowners are thus encouraged to fix leaks promptly, take shorter showers and only run full loads of laundry.
  - To further invest in rainwater storage tanks as they offer numerous environmental and economic benefits. Environmentally, they reduce the strain on natural water sources and promote sustainable water management practices. By capturing rainwater, these tanks prevent runoff and soil erosion, helping to maintain the health of local ecosystems. Economically, the use of water storage tanks can lead to significant cost savings.
  - Households that rely on stored rainwater reduce their dependency on expensive municipal water therefore leading to lower utility bills. Added to this, the availability of stored water can prevent costly disruptions caused by water shortages, ensuring continuity for domestic use.

## 7. DISASTER PREPAREDNESS

7.1 To keep you and your family safe during a natural disaster, these preparedness safety tips can prevent injuries and make the difference in an emergency:

- a) Stay informed. Tune in to local authorities for information about evacuations and safety tips.
  - b) Have a plan for evacuation. Know where you will go during a natural disaster and how you will get there.
  - c) Keep emergency kits on hand. Stock kits with flashlights, batteries, first aid supplies, and important identification information.
  - d) Avoid unnecessary risks. Do not leave your home unless instructed to do so.
- e) **Important to Do's:** During a natural disaster ordinary items can become dangerous hazards. The following are important things to do as part of a homeowner's disaster readiness efforts:
- Reinforce windows and doors. To withstand high winds and water, windows and doors need to be reinforced. This can be done by boarding them up with plywood.
  - Unplug appliances
  - Repair defective electrical wiring, laky electrical connections and cracks in foundations and ceilings
  - Keep roof, awnings and gutters clean from debris
  - Trees can often cause major damage to properties and person during thunderstorms, hail and floods. To avoid such a hazard, cut down dead trees and keep your trees properly trimmed.

7.2 Natural disasters can cause significant damage. Here are some tips to assist in recovering from a natural disaster:

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- a) Filing Claims: Contact your insurance provider promptly to file a claim. Provide detailed documentation about the damage.
- b) Repair and Rebuild: Work with contractors and your insurer to repair or rebuild your home.
- c) Financial Assistance: Explore government aid and community resources for additional support during your time of need.

## 8. CONTACT DETAILS

ORGANISATION	SERVICE	CONTACT NUMBER
SAPS, FIRE & AMBULANCE SERVICES	Emergency services	10111
NHBRC	Warranties and issues related thereto	0800 200 824
Legal Aid South Africa	Wills and Estates; and legal issues related to property	0800 110 110
Amajuba District Municipality	Billings & Outages Disaster Management	034 329 7200/ 086 026 2582 034 312 7688
iLembe District Municipality	Billing & Outages Disaster Management	032 437 9300/ 032 437 9379 032 437 9319
Harry Gwala/Sisonke District Municipality	Billing & Outages Disaster Management	039 834 8700 0860 10 3651
Ugu District Municipality	Billing & Outages Disaster Management	039 688 5700/ 0800 092 837 039 682 5555
uMkhanyakude District Municipality	Billing & Outages Disaster Management	035 573 8600 035 573 1646
uMgungundlovu District Municipality	Billing & Outages Disaster Management	033 897 6940/ 033 897 6708 0800 864 911
uMzinyathi District Municipality	Billing & Outages Disaster Management	034 218 1940/ 034 219 1500 034 212 2222
eThekweni Metropolitan Municipality	Billing & Outages Disaster Management	031 324 5000/ 0800 331 011 031 367 0001
uThukela District Municipality	Billing & Outages Disaster Management	036 638 5100/ 036 638 2400 086 010 4257
uThungulu/ King Cetshwayo District Municipality	Billing & Outages Disaster Management	035 799 2500 086 100 3473
Zululand District Municipality	Billing & Outages Disaster Management	035 874 5500/ 035 874 5110 035 870 1130

## 9. MONITORING AND EVALUATION

The Policy, Research and Product Development Component will undertake the monitoring and evaluation of this policy. The policy will be reviewed after three (3) years from the date of approval or as required.

**APPROVED BY:**

\_\_\_\_\_  
**MR S.A. DUMA, MPL**  
**HONOURABLE MEC FOR TRANSPORT &**  
**HUMAN SETTLEMENTS**

\_\_\_\_\_  
**DATE**

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