

**NEWS**

# Legal assistance can help to regulate stokvel

In an effort to recover money from a stokvel member who is in default, or who may misappropriate money, it is always advisable for the innocent members to call in the assistance of a legal practitioner.

Matimba Hlungwane, corporate attorney at Legal Aid South Africa, indicates that a summons will have to be served on the member by the sheriff within a period of three years from the date of the alleged misappropriation of money.

If this does not occur within

the three-year period, the innocent members will no longer have legal recourse.

Upon receipt of the summons, the member has an option of admitting liability by consenting to judgment, or defending the claim.

"Where the member consents to judgment, the clerk of the civil court will enter judgment on behalf of the innocent members," Hlungwane says.

"The guilty member may make payment arrangements or make a payment in full to

settle the claim.

"In the event that the guilty member is unable to settle the claim, the innocent members may instruct the sheriff to sell the member's assets to recover the judgment amount."

In the event that a member does not receive the full or expected contributions he or she made to the stokvel, Hlungwane says the member will have recourse against the stokvel, but not against its individual members.

"The member has to follow

a civil route, unless the member's claim will be that the other members unlawfully misappropriated the stokvel's money. Should that not be the claim, the member can proceed by way of a civil action through the issuing of summons."

If a contributing member passes away before he or she receives the contribution, the beneficiaries of the deceased member's estate will ordinarily have a claim for the money the member would have been entitled to.

"However, the question as to whether the beneficiaries can claim against the stokvel or not will depend on the terms of the stokvel," Hlungwane says.

Members have limited legal options if the stokvel has no constitution.

"Even where there is a constitution, there may be costs involved in recovering the money from the guilty party. It is always worthwhile to speak to a legal expert before establishing or joining a stokvel."

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VERNEUJK PAN TRUST  
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**NEMA PUBLIC PARTICIPATION PROCESS**  
**PROPOSED AGRICULTURAL DEVELOPMENT, FARMS 1763, 2372 AND 2363, KAKAMAS SOUTH SETTLEMENT, KAI GARIB MUNICIPALITY**  
 Notice is hereby given of the intention to submit a NEMA application and a Water Use License Application (WULA), and the public participation process, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended ("NEMA"), Environmental Impact Assessment Regulations 2014 and the National Water Act, 1998 (Act No. 36 of 1998). The proposed agricultural development on Farms 1763, 2372 and 2363, Kakamas includes activities listed in terms of the NEMA EIA Regulations 2014.  
 EnviroAfrica cc has been appointed by the Verneujk Pan Trust to undertake the NEMA Application for Environmental Authorisation process.  
 Application for environmental authorization to undertake the following activities in terms of NEMA EIA Regulations 2014:  
 • Government Notice R327 (Listing Notice 1): Activity No. 12, 13, 14, 19, 27  
 • Government Notice R325 (Listing Notice 2): Activity No. 15  
 • Government Notice R324 (Listing Notice 3): Activity No. 2, 10, 12, 14  
 \*Please note that the listed activities above may change during the course of the NEMA Application process. Registered I&APs will be notified of any changes.  
**Project Description & Location:**  
 It is proposed that approximately 250ha of land be considered for additional irrigation on Farms 1763, 2372 and 2363, situated in the Kakamas South Settlement. The development will also include the construction of associated infrastructure for irrigation purposes and for the various crops that could be cultivated. Irrigation water will be sourced from the proposed new Kakamas WWTW once constructed and operational.  
 Site co-ordinates: 28° 48' 12.12" S, 20° 32' 53.43" E.  
**Public Participation:**  
 Interested and Affected Parties (I&APs) are hereby notified of the application and invited to register (in writing) and/or provide initial comments and identify any issues, concerns or opportunities relating to this project to the contact details provided below, on or before **04 February 2019**. In order to register or submit comment, I&APs should refer to the project name, and provide their name, address & contact details (indicating your preferred method of notification) and an indication of any direct business, financial, personal, or other interest which they have in the application. Please note that future correspondence will only be sent to registered Interested and Affected Parties.  
 Please note that only Registered I&APs:  
 - will be notified of the availability of reports and other written submissions made (or to be made) to the Department by the applicant, and be entitled to comment on these reports and submissions;  
 - will be notified of the outcome of the application, the reasons for the decision, and that an appeal may be lodged against a decision; and  
 - will be notified of the applicant's intention to appeal the decision of the competent authority, together with an indication of where and for what period the appeal submission will be available for inspection.  
 You are also requested to pass this information to any person you feel should be notified. This and future reports will be made available on the EnviroAfrica website: <https://enviroafrica.co.za/>  
 Consultant: EnviroAfrica CC. P.O. Box 5367, Helderberg, 7135 / Fax: 086 512 0154 / Tel: 021 8511616 / E-mail: [admin@enviroafrica.co.za](mailto:admin@enviroafrica.co.za)

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**CALL HIM ON 064 012 9034.**

**078 513 2631**  
**Om te sien is om te glo.**  
 Dankie, Daniel die groot geestelike geneser, 'n vrou met 'n spesiale gave met 'n kragtige uitwerking wat jou lewe kan omkeer.  
 Besoek haar met jou probleme en jy sal nooit spyt wees oor jou besluit nie.  
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