



AGREEMENT OF INDEMNITY FOR WORKS TO BE DONE ON APPLICANTS OWN BEHALF ON COUNCIL'S PROPERTY (e.g. Vehicle access /Parking) & APPLICANTS PROPERTY (e.g. Swimming Pool)

Between:

The **uMHLATHUZE MUNICIPALITY** ("Council") duly represented herein by
MPILO SIBIYA in his capacity as Deputy City Manager: Corporate Services of the uMhlathuze Municipality.

And _____

I D : _____

duly represented herein by _____

in his/her capacity as _____ ("APPLICANT")

W H E R E A S:

1. The APPLICANT is the owner of ERF _____ located in the _____ suburb, uMhlathuze and COUNCIL is the owner of certain land adjacent to the erf (the "SITE") ;

2. APPLICANT is desirous of carrying out certain work ("the WORKS") on the SITE; namely

3. COUNCIL is prepare to allow APPLICANT to enter upon the SITE and carry out the WORKS on SITE and further to construct the necessary structures and provide vehicle access, parking and related amenities on the SITE.

4. The parties desire to provide for APPLICANT, instead of COUNCIL, to assume all the responsibilities of an "employer" in terms of the provisions of the Occupational Health and Safety Act, Act No. 85 of 1993 (as amended) (the "ACT") and regulations promulgated in terms of the ACT (the "REGULATIONS") in respect of the WORKS to be conducted on the SITE.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. APPLICANT shall be entitled to conduct the WORKS on the SITE.
2. In accordance with the provisions of Section 37(2) of the ACT, APPLICANT herewith assume all the responsibilities of an "employer" (as defined in the ACT), in terms of the ACT and the REGULATIONS, in the execution APPLICANT of the WORKS on the SITE.
3. APPLICANT herewith undertakes, and shall be obliged, to acquaint all appropriate employees and "mandatories (as defined in the ACT) of APPLICANT with all relevant provisions of the ACT and the REGULATIONS;
4. APPLICANT herewith undertakes, and shall be obliged to ensure, that all the relevant duties, obligations and prohibitions imposed in terms of the provisions of the ACT and the REGULATIONS.
5. APPLICANT herewith accepts sole responsibility and liability for such due compliance with the relevant duties, obligations and prohibitions imposed by the ACT and the REGULATIONS and herewith expressly absolves COUNCIL from itself being obliged to comply with any of the aforesaid duties, obligations and prohibitions.
6. APPLICANT hereby indemnifies COUNCIL against any liability, claim, application, action (whether civil or criminal), damages and any costs whatsoever resulting from a breach of the provisions of this agreement or non-compliance with any of the provisions of the ACT or REGULATIONS or any other statute or common law
7. All costs pertaining to the WORKS shall be for the account of the APPLICANT.

THUS DONE AND SIGNED AT (PLACE) _____

ON DATE _____

AS WITNESSES:

1.

2.

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For and on behalf of
UMHLATHUZE MUNICIPALITY

1.

2.

.....

For and Behalf of APPLICANT