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DEPARTMENT OF HEALTH

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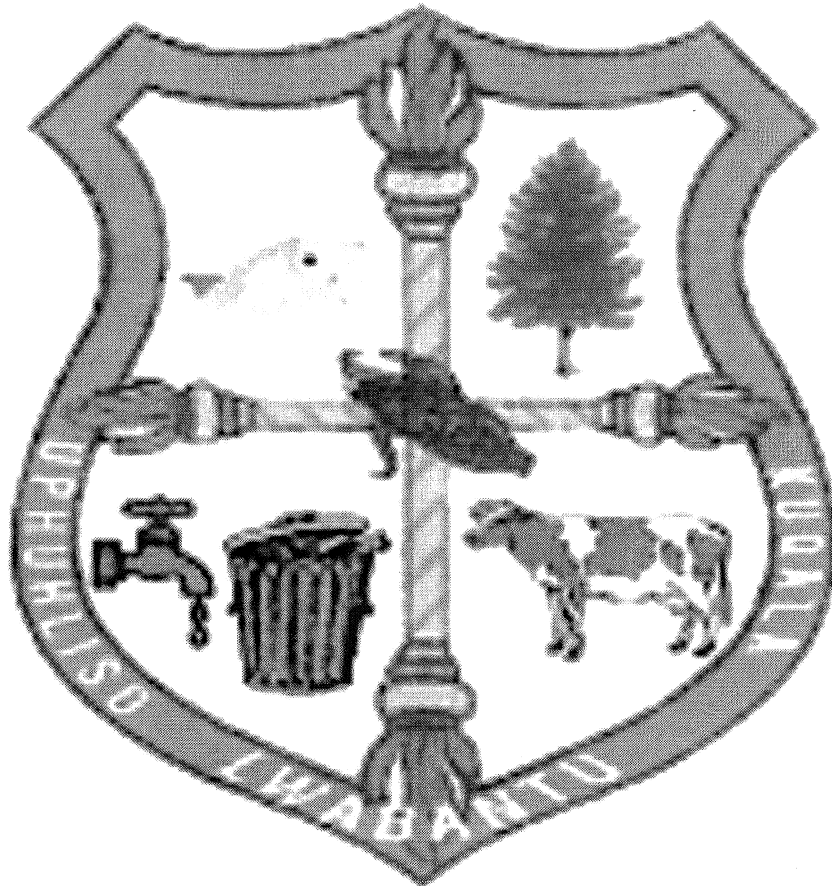
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ISAZISO SIKARHULUMENTE WASEMAKHAYA

No. 46

IMITHETHO YEDOLOPHU YOMASIPALA WASEMAKHAYA INGQUZA HILL



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1. IMITHETHO YEDOLOPHU ENXULUMENE NOKUTHENGISA ESTRATWENI**ISAZISO SIKARHULUMENTE WASEMAKHAYA****UMASIPALA WASEMAKHAYA INGQUZA HILL**

UMphathi Masipala ubhengeza, ngokwecandelo le - 13 likarhulumente wasemakhaya: Umthetho kaMasipala, 2000 [Ummiselo wama - 32 ka 2000] zifundwa necandelo le - 162 yemithetho yolawulo lwaseMzantsi Afrika 1996 [Ummiselo 108 ka 1996]. Imithetho yedolophu enxulumene nokuthengisa estratweni, mithetho leyo eyakuthi isebenze emva komhla ekubhengezwe ngawo.

Intshayelelo

NJENGOKUBA uMasipala elazi izinga eliphezulu lentswela – ngqesho kwakunye nokuba abantu bavumelekile ukuba baziqeshe njengoomathenga ethengisa kodwa babenawo amaphepha – mvume okuthengisa afumaneka kwaMasipala yaye ukuthengisa okuloluhlobo lwenziwa kwindawo eyolathiweyo.

NANJENGOKUBA kungekho mntu oyakuthengisa estratweni yaye athengise iimpahla ezingakhankanywanga kwiphepha – mvume lokuthengisa.

NANJENGOKUBA iphepha – mvume lokuthengisa estratweni likhutshwa kwaMasipala kuphela.

NOKUBA NGUMTHETHO OWISWE LIBHUNGA NJENGOKUKULANDELAYO:-

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1. IINGCACISO

Kulemithetho yedolophu naliphina igama okanye ngembonakalo yentsingiselo ethe yanikwa ngayo kuMmiselo wezoShishino, [Ummiselo wama - 71 ka 1991], inentsingiselo ethe yanikwa yaye kwasetyenziswa amagama kwisini samadoda nesabasethyini, isinye siqulathe isininzi kwaye mguqulelwa ngaphandle kokuba imeko ibonakalisa ngolunye uhlobo-

“**imvume**” kamasipala kwaye ‘imvume’ inentsingiselo engqinelenayo;

“**igosa eligunyazisiweyo**” ithetha ukuba-

[a] igosa eligunyazisiweyo libhunga ukuba lilawule, lisebenze yaye lixhase amalungiselelo alemithetho yedolophu;

[b] “Igosa lolawulo-ndlela” elinyulwe ngokweCandelo lesi -3A lomthetho wendlela yaseMzantsi Afrika kawonke wonke ka 1996

[c] ilungu lamapolisa, njengoko kucacisiwe ngokweCandelo loku – 1 lomthetho weenkonzozamapolisa aseMzantsi Afrika ka 1995 okanye

[d] igosa lokuxolelanisa elicamngcwe kwiCandelo lama – 334 lomthetho wenkqubo yolwaphulo-mthetho ka 1977

“Izinto ezityiwayo” zizo naziphina izidlo okanye isiyobisi, ngaphandle kwezinyobisi ekucacisiwe ngazo nangokuthengiso lwezinyobisi ngokungekho-semthethweni ezithi zityiwe ngabantu kwaye ziqulathe-

[a] nayiphina inxaxheba okanye isithako sokupheka nayiphina into okanye isiyobisi; okanye

[b] nasiphina isiyobisi esisetyenziweyo okanye efanele ukusetyenziswa njengenxalenye okanye isithako sokupheka sayo nayiphina into etyiwayo okanye isiyobisi.

“igadi okanye ipaka” igadi okanye ipaka apho uwonke wonke anelungelo lokuyisebenzisa;

“iimpahla” nayiphina impahla eshukumayo yaye iqulathe impahla ephilayo;

“ukunqamleza” njengoko kucacisiwe ngokulawula umthetho owazisiweyo ngokomthetho wezithuthi weSizwe ka 1996;

“umgca womqokumbelo wendlela” njengoko icacisiwe kwicandelo loku – 1 lomthetho wezithuthi weSizwe ka 1996;

“Inkukuma” iquka nasiphina isitya, isikhongozelo okanye nayiphina into ethe yalahlwa ngoomathenga ethengisa okanye ngabathengi babo;

“inqwelo-mafutha” njengoko icacisiwe kwicandelo loku -1 lomthetho wezithuthi zasSizwe ka 1996;

“iinkonzo zikamasipala” siso nasiphina isixokelelwano esinikezelwe ngumntu okanye ngumntu omele umasipala ekuqokeleleni izithuthi, impatho okanye ukulahlwa kwenkukuma, uguntyulo, storm water, okanye semveliso, ukuthinjwa, ukugcina, igesi okanye umbane, okanye iinkonzo zikamasipala;

“imisebenzi yeenkonzo zikamasipala” yonke imihlaba okanye nayiphina imisebenzi elulo naluphi uhlobo enyanzelekileyo okanye yesiganeko sawo nawuphina umasipala;

“uMasipala” uMasipala wasemakhaya Ingquza Hill wamiswa ngokwecandelo le – 12 loRhulumenmte wasemakhaya: Isidweliso soBume bukaMasipala ka 1998 kwaye iquka nabuphina ubume bezopolitiko okanye abathwali be-ofisi yezopolitiko ecaciswe kulomthetho ukhankanyiweyo, uCeba, ogunyaziswe ngokufanelekileyo okanye naye nawuphina umqeshwa osebenza ngokunxulumene nemithetho yedolophu ngamandla anikezelwe kumasipala yaye anyule ubume bopolitiko obuloluhlobo, umthwali we-ofisi yopolitiko, uceba kunye nomqeshwa.

“ummiselo” uxhomekeke kumaxesha ngamaxesha, ngesigqibo sikamasipala;

“umhlaba” ngokunxulumene nokuthengisa estratweni, nayo nantonina, isingxobo, inqwelo-mafutha okanye isakhiwo esisetyenziweyo okanye ebezizakusetyenziswa ngokudibanisa noshishino oluloluhlobo, yaye iquka iimpahla ezizakuthengiswa;

“isakhiwo sikawonke –wonke” umnini-ndlu okanye isakhiwo esisetyenziswa ngumntu omnye karhulumente iquka nomasipala yaye iquka neenkonzozemisebenzi kamasipala;

“ilitye lesikhumbuzo likawonke – wonke” naye nabanina owenzelwe “ilitye lesikhumbuzo likawonke – wonke kunye nesikhumbuzo” njengoko kucacisiwe kuMthetho wamaGugu eSizwe ka 1999 okanye naluphina uwiso – mthetho olufanayo;

“indawo yokuhlala uwonke – wonke” nalo naliphina ibala, ipaki, indawo yokuzonwabisa okanye indawo yokuhlala uwonke – wonke ngokokugunyaziswa ngumasipala okanye apho uwonke – wonke anelungelo lokuyisebenzisa okanye iboniswe kuyilo lwedolophu olugcinwe kwincwadi yezigqibo kwindawo yokugcina imali okanye kwi-ofisi kanoCanda Jikelele kwaye ilungiselelwe ukusetyenziswa nguwonke – wonke okanye labanini bamanxiwa asezilokishini eziloluhlobo;

“indlela kawonke - wonke” icaciswe ngokwecandelo loku – 1 loMthetho wezithuthi zeSizwe ka 1999

“indlela yezithuthi” icaciswe ngokwecandelo loku – 1 loMthetho wezithuthi zeSizwe ka 1996

“ukuthengisa” kunye **“nentengiso”** zinentsingiselo efanayo kwaye iquka-

[a] ukunanisa, utshintshelwano okanye ukuqesha

[b] ukubonisa okanye ukulungiselela intengiso

[c] ukugcina [indlela kawonke – wonke okanye indawo kawonke – wonke ngenjongo yokuthengisa; okanye

[d] ukulungiselela umvuzo weenkonzozemisebenzi

“ipevamente” njengoko icacisiwe ngokwecandelo loku – 1 loMthetho wezithuthi zeSizwe ka 1996

“ifenitshala yasestratweni” nayo nayiphina ifenitshala efakelwe libhunga estratweni okokuba mayisetyenziswe nguwonke – wonke;

“ukuthengisa estratweni” umntu oqhubeka ngoshishino lokuthengisa estratweni ekuqaleni naye nawuphina umqeshwa ongumntu ololuhlobo

“Umthetho” umthetho wezoshishino ka 1991 [ummiselo wama – 71 ka 1991] yaye iquka imithetho eyazisiweyo emva koko; kunye

“Umda” ucacisiwe ngokwecandelo loku – 1 loMthetho wezendlela yeSizwe ka 1996

UMTHETHO OMNYE OMISA UKUTHENGISA ESTRATWENI

Ngenjongo yalemithetho yedolophu, umthetho omnye wokuthengisa okanye wokunika okanye wokuhambisa iinkonzo kwindlela kawonke – wonke okanye kwindawo kawonke – wonke emisa ukuthengisa estratweni.

[2] UKUNIKWA KWAMAGUNYA KUMQESHWA WEBHUNGA KOMNYE UMQESHWA ONIKA IINKONZO, APHO UMNIKI-NKONZO ONYULIWEYO

Ukuba naliphina ilungiselelo kulemithetho yedolophu igunyazisa okanye ibeka phezulu naliphina igunya, umsebenzi okanye umsebenzi kaMasipala kumqeshwa kaMasipala yaye igunya eliloluhlobo, umsebenzi ngokwecandelo lama – 81[2] kaRhulumente wasemakhaya: Umthetho kaMasipala ka 2000, okanye nawuphina omnye umthetho, onikelwe kumniki-nkonzo, isingqiniso kwelolungiselelo kulomqeshwa kufuneka afundwe njengomngqinisi kwelolungiselelo kuloomqeshwa womniki-nkonzo, apho acelwe khona, umqeshwa weenkonzo ogunyaziswe yiyo.

[4] INDLELA YOKUZIPHATHA ENGAVUMELEKANGA

- [1] [a] Akukho mntu ,makaqhubekeke ngoshishino lokuthengisa estratweni-
Asebenze njengendawo apho ukuthengisa estratweni kungavumelekanga;
- [b] egadini okanye kwipaki apho uwonke – wonke anelungelo lokuyisebenzisa;
- [c] kumda okufuphi-
[i] kwisakhiwo somntu okanye esisetyenziswa ngurhulumente kuphela iquka uMasipala
[ii] kwicawa, indlu yenkonzo yama-Islam, indlu yesikhungu samaJuda okanye nayiphina enye indawo yokunqula;
[iii] isakhiwo esaziswe njengendawo yesikhumbuzo kawonke – wonke;
[iv] umatshini ozenzelayo kwishishini lebhanki;
- [d] kwindawo apho yenza isithintelo-
[i] kwisicima-mlilo;
[ii] kwindawo yokungena okanye yokuphuma kwisakhiwo
- [e] kwindawo ingathi ithintele izithuthi zendlela;
- [f] kwindawo apho engathi iphazamise kakhulu umntu ohamba ngeenyawo osebenzisa ipevamente;
- [g] kwisiqingatha sendlela kawonke – wonke kufuphi nesakhiwo esetyenzisela ngeenjongo zokuhlala, ukuba-
[i] umnini okanye umntu olawula oanke nawuphina umntu esebenzisa esosakhiwo achase emveni koko; kwaye

- [ii] igosa eligunyazisiweyo lazise umathenga ethengisa ngendlela efanelekileyo;
- [h] kwindawo yokuthengisa okanye kuyo nayiphina indawo ekumiswe kuyo umda nguMasipala ngokwecandelo lesi – 6A [3] [b] lommiselo, ukuba umathenga ethengisa akanabungqiba bubhalwe phantsi ukuba indawo yokuthengisela okanye uqashe indawo yokuthengisa kuMasipala, okanye indawo yokuthengisa uyabelwe nguMasipala;
 - [i] kwisi – 5 somlinganiselo wobude kulo naluphina unqamlezo
- [J] kwipevamente yesakhiwo apho kuqhubeka khona ushishino nguye nabanina umntu othengisa impahla efanayo okanye eyeleleneyo kwipevamente eloluhlobo ngumathenga ethengisa, ukuba-
 - [i] iimpahla zithengiswa ngaphandle lokufumana imvume kuqala yalomntu; kwaye
 - [ii] igosa eligunyazisiweyo lazise umathenga ethengisa ukuba imvume eloluhlobo ayikho,
- [2] Naye nabanina umntu oqeshe indawo yokubonisa nokuthengisa impahla okanye onikwe indawo yokubonisa nokuthengisa impahla nguMasipala ngokwecandelwana [1] [h] usenokungathengisi xa echasa imimiselo nemiqathango yokuqesha okanye yokwabela.

[5] ISITHINTELO SENDLELA YOKUZIPHATHA

- [1] Akukho mntu ozoqhubekela noshishino lokuthenga ethengisa onga-
 - [a] lala ubusuku kwindawo yoshishino loluloluhlobo;
 - [b] misa nasiphina isakhiwo ngenjongo yokulungiselela ukhuselo, ngaphandle kwesixhobo esivunyiweyo nguMasipala;
 - [c] beka impahla yakhe kwindlela okanye kwindawo kawonke – wonke, ngaphandle kwenqwelo-mafutha okanye inqwelo erhuqwayo engabaphazamisiyo abantu abahamba ngeenyawo kwaye nengaphazamisiyo ekuhambeni kweenqwelo-mafutha yaye ihambelana namalungiselelo noMthetho weZithuthi zeSizwe ka 1996.
 - [d] thengisa kwipevamente apho ububanzi bepevamente eloluhlobo ingaphantsi kwesi – 3m;
 - [e] beka okanye ingqokelela yomhlaba ngendlela yesimo sobungozi nakuye nabanina okanye umhlaba okanye ukuba onzakalise nabanina okanye enze umonakalo kuyo nayiphina impahla.

- [f] bonisa ngeempahla okanye nayiphina enye impahla kwisakhiwo, ngaphandle kwemvume yomnini, umntu oyisebenzisayo ngokusemthethweni okanye umntu olawula isakhiwo;
- [g] ncamathelisa nayiphina impahla nangayiphina indlela kwisakhiwo, ipavemente, umthi, isixhobo esikuxelela ixesha ongapakisha ngalo emveni kokuba ufake imali, isibane, ipali, ipaliyombane, indlwana yomnxeba, ibhokisi yeposi, uhawu lolawulo-ndlela, isitulo eside okanye nayiphina enye ifenishala yasestratweni ngaphakathi okanye indlela okanye nendawo kawonke – wonke.
- [h] qhubeka ngoshishino ngalendlela–
- [i] ngokubanga inkathazo
- [ii] ukonakalisa umphandle wayo nayiphina indlela okanye nendawo kawonke – wonke okanye nayiphina impahla yangasese okanye kawonke - wonke;
- [iii] ukubanga ukungahambi kakuhle kwezithuthi kwaye/okanye impilo, ubungozi okanye zombini.
- [l] ukubasa umlilo kwindlela kwindlela okanye kwindawo kawonke - wonke;
- [m] ngokuphazamisana nomntu ohamba kwipevamente ngokubona impahla eboniswayo emva kwevenkile, kwifestile yokubonisa okanye ngokufihla impahla eloluhlobo eboniswayo.
- [n] ngokuthintela umntu ohamba ngeenyawo ekuweleni indlela, ipakisho – moto okanye nolunye uncedo lokuhamba kweenqwelo-mafutha okanye kwabantu abahamba ngeenyawo;
- [o] ngokuthintela ukufumana okanye ukusebenzisa ifenishala yasestratweni kunye nawwuphina omnye umfanekiso onokusetyenziswa ngowonke – wonke jikelele;
- [p] ngokufihla naziphina iimpawu zezithuthi zendlela eziboniswe ngokoMthetho weZithuthi zeSizwe ka 1996, okanye naluphina uphawu okanye uphawu olubonisiweyo okanye olwenziweyo ngokwalemithetho yedolophu;
- [q] ngokuqhubeka noshishino, okanye ngokuthatha inxaxheba, okanye ngokubeka isabelo sempahla yakhe kwipevamente okanye kwindawo kawonke – wonke, ngokuchasene nesaziso okanye ngokuxhoma uphawu okanye umntu ochasene nesaziso okanye ngokuxhonywa kophawu oluboniswe ngumasipala ngeenjongo zalemithetho;

- [o] ngaphandle kwemvume enikiweyo yokulahla inkunkuma ngumasipala, ngokwandisa, indawo ekuhlwa kuyo inkunkuma, ukugcina, okanye imali ebekiweyo nokulahla nakowuphina umhlaba okanye kwindlela okanye kwindawo kawonke – wonke;
- [p] ngokubeka kwindlela okanye kwindawo kawonke – wonke engenakukazi ukususwa lula ukufakwa kwindawo yogcino kwindlela okanye kwindawo kawonke – wonke ekupheleni kosuku loshishino;
- [q] ngokugcina kakuhle kumngxuma owenziwe ngabantu, amanzi enziwe yimvula, kwindlu yangasese kawonke – wonke, phantsi kokhuselo lokulinda udula – dula, okanye phantsi komthi;
- [r] ngokuphatha kakuhle nayiphina into etyiwayo equlathe inyama ngendlela efanelekileyo ngokomthetho osetyenziswayo;
- [s] ngokuqhubeka noshishino kwindawo echasana okanye ekungavunywanga ngayo libhunga ngokwecandelo lesi – 6A [2][a] loMmiselo.
- 2 Naye nawuphina umntu oqhuba ushishino lomathenga ethengisa kufuneka baqinisekise ukuba impahla yabo okanye umsebenzi–
- [a] awuvali ndlela okanye indawo kawonke – wonke engaphezulu kwesi – 6m² ngobude obukhulu kakhulu kwisi – 3m ububanzi, ngaphandle kokuba kuvume umasipala; kwaye
- [b] kuqwalaselwe nayo nayiphina ipevemente, ishiye isithuba esingazuphaanyiswa kukuhamba kwabantu abahamba ngeenyawo, engekho ngaphantsi kwe – 1.5m ububanzi xa ilinganiswa nomgca womqokumbelo wendlela kumhlaba okanye kwindawo yokusebenzela;
- 3 Naye nawuphina umntu oqhuba ushishino lomathenga ethengisa kufuneka-
- [a] ngokwesicelo segosa eligunyazisiweyo okanye abaxhobisi bothungelwano okanye bombane okanye bezinye iinkonzo zikaMasipala, ahambise impahla yakhe ukwenzela ukuba avumelane nokwenziwa komsebenzi ngokunxulumene nendlela okanye nendawo kawonke – wonke okanye naluphina uhlobo lweenkonzo; kwaye
- [b] xa egqiba umsebenzi wosuku, asusa impahla yakhe, ngaphandle kwaso nasiphina isakhiwo esivunyelwe nguMasipala, kwindawo engeyonxalenye yendlela okanye yendawo kawonke – wonke.

6. UKUCOCEKA

Naye nabanina oqhubeka noshishino lomathenga ethengisa kufuneka –

- [a] agcine impahla yakhe kwimeko esempilweni necocekileyo;
- [b] agcine impahla yakhe kwimeko ecocekileyo yaye ayigcine injalo;
- [c] alahle inkunkuma eyenziwe lishishini lakhe nakuso nasiphina isisekelo esilungiselelwe nguMasipala esilungiselele uwonke – wonke okanye kwindawo yokulahla inkunkuma kamasipala;
- [d] angalahli nkunkuma kumngxuma owenziwe ngabantu, amanzi enziwa yimvula okanye kwenye indawo engalungiselelwanga ukulahla inkunkuma;
- [e] aqinisekise ukuba uqhiba umsebenzi wosuku, indawo ayisebenzisayo ngenjongo yokuthengisa icocekile;
- [f] athathe amanyathelo ngokwenza ushishino lwakhe njengoko kunganyanzeleka ukuba athintele ukuchitheka kwawo nawaphina amafutha, i-oli kwindlela okanye kwindawo kawonke – wonke okanye kumanzi enziwa yimvula;
- [g] aqinisekise ukuba akukho msi okanye amanye amavumba okanye ingxolo eyenziwa yimisebenzi yakhe engenza nakuphina ukungcoliseka; kwaye
- [h] ngesicelo segosa eligunyaziswe nguMasipala, ukuba asuse impahla yakhe ukwenzela avume ukucocwa kwendawo okanye komhlaba athengisela kuwo okanye obendakanya iinkonzo zikaMasipala.

[6] IIMPAWU EZIBONISA IIMIDA ETHINTENLWEYO NENGAVUMELEKANGA

- [1] Ngesigqibo uMasipala angathi ngesigqibo kwaye ngokwecandelo lesi- 6A[2] LoMmiselo, aqinisekise nayiphina indawo ekumda wakhe wolawulo lezobulungisa ibe ngumda apho kungavumelekanga okanye kuthintelweyo ukuba kuthengiswe estratwenikuyo yaye kufuneka emva koko ukuba ivumelane nommiso okanye enze iimpawu, amabala okanye eminye imiqondiso ebonisa-
 - [a] iiyure ezikhethekileyo, iindawo, iimpahla okanye iinkonzo ezifumanekayo kuthengiso lwesestratweni oluthinteleyo okanye olungavunywanga;
 - [b] ulwabiwo lwemida ethintelweyo okanye engavumelekanga;
 - [c] imida yendawo yokuthengisela okanye indawo ebekwe ecaleni ngeenjongo zokwenza ushishino lokuthenga athengise;
 - [e] nasiphina esinye isithintelo okanye ulwalelo luchasene nokuthengisa estratweni ngokwemithetho yedolophu;

- [2] Kufuneka uMasipala abonise ngophawu oluluhlobo, aquke umfanekiso onebala okanye isixhobo kwimeko eluluhlobo yaye njengoko izakubonisa nasiphina isithintelo okanye ulwaliwo kunye/okanye nendawo okanye imida yendawo okanye loondawo yokuthengisela;
- [3] Naluphina uphawu olumiswe ngokwalemithethoyedolophu okanye nawuphina omnye umthetho lusebenza njengesaziso esaneleyo sokuthenga uthengise esithintelweyo okanye esaliweyo saloondawo ithile;
- [4] Naluphina uphawu lungalungiswa kumaxesha – ngamaxesha kwaye luboniswe nguMasipala\ngenjongo yalemithetho yedolophu yaye naluphina uphawu oluluhlobo lunesiphumo esifanayo njengophawu lwendlela ngokoMthetho weZithuthi zeSizweka 1996.

[8] AMLUNGISELELO LOKUQESHISA NGOMHLABA OKUMDA OKANYE KWINDAWO YOKUTHENGISELA OKANYE KWINDAWO ENJONGO KUTHENGISELA ESTRATWENI

- [1] UMasipala anga, ngesigqibo, ngokwecandelo lesi – 6A [3][A] ukuya kuMmiselo [c]-
- [a] aqishe nawuphina umhlaba kamasipala, iquke nawuphina umda okanye nasiphina isahlulo,kumnini okanye kumntu osebenzisa umhlaba ngomqathango othi umnini okanye umntu osebenzisa umhlaba kufuneka apha the inani elikhethekileyo lokuthengisa estratweni kwindawo okanye kumhlaba owalathwe ngumnini – mhlabaokanye ngumntu othenga ethengisa;
- [b] ahlule umhlaba kamasipala kuMasipala kwaye ahlule iindawo okanye imida kumhlaba oluluhlobo ngenjongo yoshishino lokuthenga ethengisa;
- [c] avume okanye ngenye indlela enze ulwabiwo lomda okanye lendawo yokuthengisela, yaye
- [d] andise, anciphise okanye ahlukhanise nawuphina umda okanye indawo yokuthengisela okanye umda owalathiweyo kwicandelwana elingentla.
- [2] Nawuphina umhlaba oqeshiswe okanye awabiwe nguMasipala ekhankanyiweyo ngokuthenga uthengise kufuneka ubenjalo ngokokurhweba ngokuqeshisa;
- [3] UMasipala anga, ngokongeza ekubekeni ecaleni umhlaba okumda kamasipala wokuthenga uthengisa, aphinde aenze ukuba ufumaneke kubantu abathenga bethengisa, baxhomekeke kwimiqathango eluluhlobo njengoko inokumisa izakhiwo nezixhobo kunye neendawo zokhuseleko ezifanelekileyo zemeko yoshishino yokuthengathenga uthengisa.

ISAPHLUKO SESI - 4**[9] UKUSUSA NOKUTHIMBA**

- [1] Igosa eligunyazisiweyo lingasusa okanye lithimbe nayiphina impahla yomathenga ethengisa –
- [a] orhaneleka ngokufanelekileyo esetyenziswa okanye ebisetyenziswa okanye esetyenziswayo okanye edibaniswa nokusetyenziswa ngokuthenga uthengise; kwaye
- [b] efunyenwe endaweni apho kungavumelekanga ukuba kuthengiselwe kuyo estratweni yaye esenza ulwaphulo-mthetho lwesithintelo esiloluhlobo, nokuba impahla iphantsi okanye ayikho kolawulo yaye nawuphina umntu ngexesha lokususa okanye lokuthimba.
- [2] Ukususa okanye ukuthimba impahla ngokwecandelwana loku-[1] kufuneka, kunganseiphumo ngokungathethekiyo nokuba okanye impahla eloluhlobo ikumnini wempahla eloluhlobo okanye impahla iphantsi kolawulo lomntu wesithathu ngeloxesha.
- [3] Naliphina igosa elingagunyaziswanga elisebenza ngokwecandelo loku-[1] kufuneka ngaphandle kokuba iimpahla zishiyiwe okanye zilahliwe zikhutshelwe umntu oshishina ngokuthenga ethengisa, iphepha lesiqinisekiso lokuhlawula nayonayiphina impahla esusiweyo okanye ethinjiweyo, apho iphepha lesiqinisekiso sokuhlawula kufuneka –
- [a] sidwelise uluhlu lwempahla ezakususwa nezakuthinjwa;
- [b] ibonakalise idilesi apho kuzakube kugcinwe khona impahla ethinjiweyo kunye nesithuba sokuthimba okuloluhlobo;
- [c] ichaze imiqathango yokukhulula impahla ethinjiweyo;
- [d] ichaze imimiselo nemiqathango enxulumene nokuthengiswa kwempahla engenabango efandesini; yaye
- [f] ichaze igama nedilesi yegosa likamasipala apho ibonisa ukuba kuthinjwe kunye nomhla nexesha apho kuzakuthi kuthinjwe ngalo.
- [4] Ukuba nayiphina impahla ezakuthinjwa incamathele kuso nasiphina isakhiwo esingashukumiyayo, yaye isakhiwo esiloluhlobo siphantsi kolawulo olucacileyo lomntu onentsongelo, naliphina igosa eligunyazisiweyo likaMasipala lingaxelela umntu ololuhlobo ukuba asuse lempahla ikhankanyiweyo, yaye ukuba umntu ololuhlobo uyala okanye uyohluleka kukuhambisana nalemiqathango unetyala.

- [5] Xa naye nabanina esohlulakala kukuhambisana nokususa impahla ekhankanyiweyo kwicandelwana lesi [4], naliphina igosa likaMasipala lingathatha nawaphina amanyathelo anyanzelekileyo okususa impahla eloluhlobo.
- [6] UMasipala kufuneka alungiselele iindawo zokugcina impahla ezaneleyo nezifanelekileyo zokugcina nayo nayiphina impahla ethinjiweyo ngokwelicandelo.
- [7] Kwisiganeko apho igosa eligunyazisiweyo lisuse okanye lithimbe nayiphina impahla ngokwandulela kumacandelwana, onke amanyathelo afanelekileyo kufuneka ethathiwe ukuqinisekisa ukuba impahla eloluhlobo ayimoshakalanga okanye ayilehleleka.
- [8] UMasipala akanaxaduva lawo nawuphina umonakalo okanye ukulahleka lwayo nayiphina impahla eloluhlobo ethe yasuswa okanye yathinjwa ngaphandle kokuba umonakalo okanye ukulahleka kwenzeka ngenxa yokungahoyi kukaMasipala.

9. UKUGCINWA

- (1) UMasipala akayi kuthatha xanduva lwayo nayiphina impahla engathi ilahleke/umonakalo oyakuthi wenzeka kwimpahla ethinjiweyo.
- (2) (a)(i) Umathenga ethengisa unoxanduva lokuhlawula imali engama – R500 yokugcinwa kwemfuyo (iigusha, iibhokhwe kwakunye neenkomo eziphakathi kwenani elisuka kweyokuqala (1) ukuya kwithoba (9) kusuku ngalunye yaye lemali iyakuthi ihlawulwe xa umnini – mfuyo eyoqokelela imfuyo yakhe ibuyeke ngakuye).
- (ii) Ukuba imfuyo iphakathi kwenani eliqala kwishumi (10) ukuya kumashumi amabini (20) nangaphezulu, umathenga ethengisa unoxanduva lokuhlawula imali eli – R1000.00 usuku ngalunye.
- (b) Ukuba imfuyo iyinkukhu, umathenga ethengisa unoxanduva lokuhlawula imali engama – R300.00 yokugcinwa kwemfuyo neyokubuyiselwa kwemfuyo ibithathwe yakugcino lukaMasipala ngosuku ngalunye.
- (c) Ukuba ziziqhamo nemifino, umathenga ethengisa unoxanduva lokuhlawula imali engama – R20.00 ngosuku ngalunye.
- (3) Ukubangaba kugqithe iintsuku ezintathu (3) zamaxesha omsebenzi ngaphandle kokuba kwenziwe nawaphina amalungiselelo ngumnini – mfuyo okanye ngumnini

– ziqhamo nemifino ethathwe yakugcino lukaMasipala, imfuyo okanye iziqhamo kunye nemifino eloluhlobo ziyakuthi zitshonele kuMasipala.

[10] UKWAMKELA UXANDUVA LOMNTU OQHUBA USHISHINO

- [1] Xa umqeshwa okanye umntu ongumathenga ethengisa echasene namalungiselelo alemithetho yedolophu, umathenga ethengisa ubonakala ezinikele ngokwakhe ekuchaseni okuloluhlobo ngaphandle kokuba onelise inkundla yamatyala ukuba amanyathelo afanelekileyo athathiwe ekuthinteleni ukuchasa okuloluhlobo.
- [2] Into ebangela umathenga ethengisa ukuba akhuphe imiyalelo kumqeshwa okanye kumntu okhankanyiweyo kwicandelwana [1] lokuthintela ukuchasa alukho kubungqina obucacileyo bamanyathelo afanelekileyo okuthintela ukuchasa.

[11] AMALUNGISELELO EPHEPHA ELIRHOXISA ILUNGelo

- [1] UMasipala angabonakalisa ukunqwenela ukwenza izinto emakazenzelwe uwonke – wonke, avumele ugxininiso okanye ayekelele amalungiselelo alemithetho yedolophu; kulungiselelwe ukuba nabanina onamalungelo akhe achaphazeleke ngokuchaseneyo nephepha elirhoxisa ilungelo eliloluhlobo okanye akuzukubakho ukuphumla womda ngoko.
- [2] Kwisihlo ngasinye sephepha elirhoxisa ilungelo okanye ukuphumla okuloluhlobo elinikwe nawuphina umntu, uMasipala kufuneka akhuphe isaziso esibhaliweyo kumntu ololuhlobo ngokulungiselela iphepha elirhoxisa ilungelo okanye ukuphumla yaye kububanzi obuloluhlobo obulungiselele iphepha elirhoxisa ilungelo kwaye, ukongeza, uMasipala kufuneka agcine ushicilelo oluqulathe isikhutshelo esifana nesaziso esiloluhlobo, apho kufuneka ushicilelo lubekhona luhlolwe ngamalungu kawonke – wonke kwii – ofisi zikaMasipala.

[12] ISAZISO SOKUTHOBELA

- [1] Ukuba igosa eligunyazisiweyo ngokufanelekileyo likholelwa ukuba amalungiselelo alemithetho yedolophu liyachasana nayo, angakhutshelwa

isaziso kumaphuli-mthetho okanye nabanina okanye abanye abantu kwababalandelayo:

[a] umnini wawo nawuphina umhlaba;

[b] umqeshi wawo nawuphina umhlaba;

[c] ngokucacileyo naye nabanina olawula ukusetyenziswa kwalemihlaba ikhankanyiweyo ngasentla.

[2] Isaziso sokuthobela kufuneka sichaze-

[a] ukuba kutheni igosa eligunyazisiweyo likholelwa ukuba lemithetho yedolophu iyachaswa;

[b] imilinganiselo ekufuneka ethathiwe okuqinisekisa ukuba lemithetho yedolophu iyasetyenziswa;

[c] ixesha ekufuneka lamalungiselelo enziwe ngayo;

[d] iziphumo ezinokubakho xa umntu echasene nesaziso; kunye

[e] nendlela yokubongoza ngokuchaseneyo nesaziso.

[3] Ukuba umntu uyohlulakala kukuhambisana neSaziso sokuThobela esifuna amanyathelo athile emayenziwe, uMasipala anga-

[a] athathe amanyathelo akhethekileyo afunekayo ekuthobeleni, kwaye

[b] afumane kwakhona, njengetyala, kumntu obenikwe isaziso, iindleko, inkcitho ekufaneleke ukuba yenziwe ngokuthatha amanyathelo afanelekileyo; okanye

[c] alathise isaziso esalelayo ukuba sikhutshwe ngokwecandelwana le – 13 lemithetho yedolophu.

13 ISAZISO SESALELO

[1] Igosa eligunyazisiweyo emva kokuba lenze uhlolo lwemihlaba lingabukela naphina ngokwecandelo le – 12 lwalemithetho yedolophu, Ifumane isaziso sesalelo kumnini okanye kumqeshi wendawo, impahla okanye nantonina.

[2] Igosa eligunyazisiweyo kufuneka libengumntu onjongo kusebenzisa isaziso sesalelo ngethuba elifanelekileyo ukwenza inkcazelo phambi kokuba lisebenzise isaziso.

[3] Isaziso sesalelo kufuneka sichaze-

- [a] izizathu zokusebenzisa isaziso;
 - [b] nokuba uMasipala uzakukroxisa isaziso ukuba amalungiselelo athile enziwe okanye awenziwanga, yaye ukuba kunjalo, imilinganiselo kufuneka ithathiwe;
 - [c] iziphumo ezinokuthi zibekhona zokuhluleka ukusebenzisa isaziso; kunye
 - [d] nendlela yokubongosa ukuchasana nesaziso.
- [4] Ngaphandle kokuba isaziso esalelayo silungiselele ngolunye uhlobo, siyakuthi sisebenze xa sikhutshiwe ngokwecandelwana loku – [1] yaye lihlala linyanzela side sibe sirhoxisiwe.
- [5] Kufuneka igosa eligunyazisiweyo ngokukhawuleza okukhulu afakele isikhuphelo sesaziso kwindawo ebonakalayo kumhlaba.
- [6] kukuzikhusela kuye nabanina umntu orhanelwa ngokohluleka ukusebenzisa isaziso sesalelo, anike ubungqina ukuba-
- [a] ukuba ebengasazi ukuba sikhona isaziso sesalelo yaye kungangalindelwa ukuba abenesizathu sokuba asazi ukuba sikhona, kwaye
 - [b] ebesithobela isaziso sesalelo kwisithuba seeyure ezingama – 48 sexesha esifakelwe ngaso kumhlaba ngokwecandelwana lesi [5]

[14] URHOXISO LWESAZISO SESALELO

- [1] Igosa eligunyazisiweyo kufuneka kwisithuba seeyure ezingama – 48 lifumene isicelo esibhaliweyo lwesirhoxiso sesalelo esigciniweyo kwisaziso sesalelo, eqhube uphando lwemihlaba.
- [2] Emveni kokuba ligqibe uphando, igosa eligunyazisiweyo kufuneka lazise umntu anikwe isaziso sesalelo okanye ngokubhalela umntu phantsi, nokuba okanye isalelo sisusiwe okanye sirhoxisiwe.
- [3] UMasipala angammangalela umnini okanye umntu osebenzisa nawuphina umhlaba apho uphando lwenziwa ngokwecandelwana loku-[1], umrhumo njengomyalelo okwinkqubo yokurhafa yokuqhuba uphando.

15 ISAZISO SOHAMBISO

[1] Isaziso, umyalelo okanye olunye uxwebhu kufuneka lube luhanjisiwe ngendlela efanelekileyo ukuba-

- [a] sihanjisiwe isaziso kumntu ngenkqu;
- [b] sihanjisiwe ngesithuba esibhalisiweyo kumntu eseibhalelwe yena kwidilesi yakhe yokugqibela eyaziwayo;
- [c] sihanjisiwe kumntu ngokucacileyo ongekho ngaphantsi kwe – 16 leminyaka ubudala yaye ngokucacileyo olawula imihlaba kwidilesi endala yomntu eyaziwayo apho umntu ekuthunyelwa incwadi;
- [d] ukuba idilesi yaloomntu kwiriphabliki iyaziwa, xa ngaba ithunyelwe ummeli waloomntu kwiRiphabliki kwindlela elungiselelweyo ngokwecandelwana loku – [1][a],[b] okanye [c]; okanye
- [e] ukuba idilesi yaloomntu okanye yommeli wakhe kwiRiphabliki iyaziwa, xa kuthunyelwe incwadi kuyo ngendlela ebonakalayo kumhlaba onxulumeneyo.

[2] Isaziso, umyalelo okanye olunye uxwebhu olungahanjiswa kumnini okanye kumqeshi mhlaba ngokwemithetho yedolophu-

- [a] ingabhalelwa umnini okanye umqeshi womhlaba othile yaye akunyanzelekanga ukuba abize igama lomnini okanye lomqeshi-mhlaba; kwaye
- [b] ukuba uMasipala akayazi idilesi yomnini okanye yomqeshi – mhlaba yaye akunakubalula ukukuwugcina, isaziso, umyalelo okanye olunye uxwebhu alunakukhawuleza lubonakale njengokuba luhanjisiwe ngendlela ukuba sifakelwe kwindawo ebonakalayo yomhlaba.

[16] ISIBONGOZO

- [1] Umntu onamalungelo achaphazelekayo sisigqibo segosa angabongoza ngokuchaseneyo nesigqibo ngokukhupha isaziso sesibongozo kunye nezizathu kuMphathi Masipala kwithuba esintsuku zingama – 21 omhla wesaziso sesigqibo.
- [2] UMphathi Masipala kufuneka aqwalasele isibongozo yaye aqinisekise, atshintshe, aqinisekise okanye arhoxise isigqibo, kodwa kungabikho ukuguquguquka okanye urhoxiso lwesigqibo esingasusa kuwo nawaphina amalungelo angongezeleka njengesiphumo sesigqibo.
- [3] Xa isibongozo sichasene nesigqibo esithathwe-

- [a] lilungu labasebenzi ngaphandle kukaMphathi Masipala, uMphathi Masipala ngumgunyazisi – sibongozo;
 - [b] UMphathi Masipala, iKomiti yeQumrhu bangumgunyazisi – sibongozo; okanye
 - [c] isakhiwo sopolitiko okanye umnthwali oligosa lezopolitiko, okanye uceba ungumgunyazisi – sibongozo.
- [4] Umgunyazisi sibongozo kufuneka aqalise ngesibongozo kwisithandathu seeveki yaye enze isigqibo sesibongozo ngwexsha elifanelekileyo.

[17] ULWAPHULO KUNYE NEZOHLWAYO

- [1] Nabanina onetyala, ngokwalemithetho yedolophu-
- [a] ukuchasana okanye ukohluleka nokuhambisana namalungiselelo aloluhlobo;
 - [b] ohluleke ukuhambisana nasiphina isaziso; okanye
 - [c] ohluleke ukuhambisana nayiphina imiyalelo yomthetho;
 - [d] ohluleke ukuhambisana nemiqathango ebekwe nguMasipala nakoluphina ugunyaziso okanye invume; okanye
 - [e] ithintela naliphina igosa eligunyazisiweyo nguMasipala ngokwenza imisebenzi yakhe.
- [2] Nabanina onetyala lokwaphula umthetho ngokwecandelwana loku – [1] kufanelekile ukuba agwetywe-
- [a] udliwo - mali ongama - R800-00; okanye
 - [b] ukusilela ukuhlawula umrhumo okhankanyiweyo ngokwecandelwana lesi – [2] [a], ukufakwa entolongweni kwisithuba esingagqithiyo kwisithandathu seenyanga; kwaye
 - [c] kwimeko yomntu ogwetyiweyo ngaphambili ngenxa yalwaphulo – mthetho olufanayo ityala elifanayo, uyakuthi ahlawule udliwo – mali olungagqithiyo kwi – R1500; okanye
 - [d] ukusilela ekuhlawuleni lemali ikhankanyiweyo kwicandelwana lesi – [2] [c], umntu uyakuthi afakwe entolongweni engagqithi kusuku lwemihla ngemihla ngexesha lolwaphulo – mthetho ololuhlobo, emveni kokuba

kukhutshwe isaziso esibhaliweyo nguMasipala yaye sisiwe kumntu obandakanyekayo kwimfuneko yokuba ayeke ulwaphulo – mthetho oluloluhlobo.

- [3] Isigwebo senkundla yamatyala kumathenga ethengisa ofunyenwe enetyala lokwaphula lemithetho yedolophu, ingaphinde iyalele umathenga ethengisa ogwetyiweyo ukuba ahlawule uMasipala iindleko ezifanelekileyo ezinokuthi zibe zichithiwe ngexa ethimba kwaye egcina naziphina iimpahla ezithinjweyo phantsi kwalemithetho yedolophu.
- [4] Ulwamkelo lomrhumo wokubanetyala njengoko kucamngciwe ngokwecandelo lama – 56 kunye nama – 57 kuMmiselo weNkqubo yolwaphulo – mthetho ka 1997 ingahlawulwa ngokomyalelo okanye ngokwesaziso esibhaliweyo esikhutshelwe naluphina ulwaphulo – mthetho lwalemithetho yedolophu.

[18] UKURHOXISWA KWEMITHETHO YEDOLOPHU

- [1] Nawuphina umthetho wedolophu owamkelwe nguMasipala uthi ubeyinxalenye iqela lolawulo lukaMasipala kunye nokulawula nayiphina imiba elawulwe yilemithetho yedolophu, ngoko kurhoxiswe.
- [2] Nayiphina imvume efunyenweyo, ilungelo elivunyiweyo, imiqathango ebekiweyo, umsebenzi avumelweyo okanye nayiphina into eyenziwe phantsi korhoxiso kwamalungiselelo angqinelana nalemithetho yedolophu, njengoko kunokuthi kubenjalo.

ISIBIZO ESIFUTSHANE KUNYE NESIQALO

Lomthetho wedolophu uyakuthi ubizwe ngokuba kuthengisa estratweni.

IZINGXOBO/IINQWELO EZINOPHAHLA EKUHLALWA KUZO

Intshayelelo

NANGOKUBA kukho abantu abaninzi ababeka izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo ezenziwa izakhiwo ezinjongo ikukushishina. Ukuxinana kunye nokungabikho kwemithetho yedolophu elawula ukusetyenziswa

kwezingxobo/iinqwelo ezinophahla ekuhlalwa kuzo kuthi kwenzeke inkathazo kwakunye nokungakwazi ukucwangcwiswa kwanokulawula ukufumana izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo.

NANJENGOKUBA kubhalwe phantsi ukuba kukho imfuneko yokulawula kwaye kwenziwe amalungiselelo eenkqubo emazilandelwe xa kuzakubekwa isingxobo/inqwelo enophahla ekuhlalwa kuyo kwanokwenza isicelo sephepha – mvume lokusebenzisa isingxobo/inqwelo enophahla ekuhlalwa kuyo.

NANGOKUNJALO iBhunga ekwenzeni imisebenzi yalo linelungelo lokulawula indlela yokusetyenziswa kwezingxobo/inqwelo ezinophahla ekuhlalwa kuzo eziphantsi kolawulo lukaMasipala kwakunye nemiba enxulumene nazo.

NGOKO nokuba kungawiswa umthetho liBhunga njengokukulandela:

1. Iingcazelo

ISAHLUKO SESI - 2

2.1. UMGAQO – SISEKO WOKUSETYENZISWA KWEZINGXOBO/IINQWELO EZINOPHAHLA EKUHLALWA KUZO

- a) Isingxobo/inqwelo enophahla ekuhlalwa kuyo ayinakusetyenziswa njengendawo yokuhlala/njengendlu.
- b) Izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo azinakusetyenziselwa iinjongo zoshishino apho kwenzeka ingxolo, kuphume ulwelo okanye inkcitho yolwelo.
- c) Ukuba kuzakulungiselelwa ukutya, iyakuthi ihambisane ngqo neemfuneko zeSebe lezeMpilo, inkcitho yamanzi kufuneka ikhutshwe kwimbonakalo enjengomnatha wamanzi amdaka kaMasipala yaye kungabingamanzi emvula.
- d) Kwimeko apho izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo zisetyenziswe njengeendawo zokushishina apho abantu abaqeshiweyo kwakunye/okanye indawo yokuhlala ngamaxesha omsebenzi kubekho izindlu ezifanelekileyo zangasese kwaye kubekho isitya ekuhlanjelwa kuso izandla, kufuneka sibekho nokuba sikwisiza eso okanye kumgama ofikelelekayo. Isingxobo/inqwelo enophahla ekuhlalwa kuyo kufuneka ingenise umoya ngokwaneleyo, apho kufanelekileyo liSebe lezeMpilo kwakunye nangeMpilo yabantu abazakuzisebenzisa; izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo kufuneka zicukucezwe zibenomsinga womoya oshushu ofanelekileyo.

- e) Lomthetho wedolophu awugqithi imiqathango ekhoyo yemithetho yedolophu yokuthengisa.

3 INDAWO YEZINGXOBO/IINQWELO EZINOPHAHLA EKUHLALWA KUZO

- 3.1. Isicelo sokubekwa kwezingxobo sizakuqwalaselwa kumhlaba kawonke – wonke kunye nowangasese.

a) KUMHLABA WANGASESE

- (i) Akukho zingxobo emazivunyelwe kwindawo apho zingachaphazela zonakalise iinkonzo zikaMasipala.
 (ii) Iincwadi ezingachasiyo kufuneka zigcinwe zimiswe kubo bonke abanini bemihlaba.
 (iii) Akukho nesinye isingxobo emasivunyelwe phakathi kumbindi wedolophu (CBD).

b) KUMHLABA KAWONKE - WONKE

- (i) Izingxobo zizakuvumeleka kuphela kumhlaba kawonke – wonke kwiimeko apho kuzoqwalaselwa ukuba zizakubekwa ndawoni ngoko azinako ukonakalisa kwimida ezingqongileyo.
 (ii) Ukuphumelela kwesicelo ngasinye siyakuphandwa.
 (iii) Akukho mntu uzobekwa endaweni apho kungachaphazeleka ukhuseleko, umzekelo, apho imigca ebonakalayo iphazamiseke okanye iimpawu zendlela ziphazamisekayo.
 (iv) Ukubekwa kwezingxobo ecaleni kwendlela okanye kwindlela enqamlezayo kufuneka zenziwe ngendlela eyonelisayo kwiinjini zedolophu.
 (v) Akuvumelekanga ukuba kubekho izingxobo phakathi kuMbindi woShishino lweSithili (CBD).
 (vi) Kwimeko apho isicelo sixhomekeke kwimvume yoMthetho weSebe lezeNcoko lezeMveli 73 ka 1989, isicelo sizakufakwa kweliSebe elikhankanyiweyo ukuba ziqwalaselwe. Umda we-CBD kufuneka uchaziwe yaye ngokukhethekileyo ubonisiwe.

4. UKUQESHA KOMHLABA WOKUBEKWA KWEZINGXOBO/IINQWELO EZINOPHAHLA EKUHLALWA KUZO

- 1) Xa isicelo siphumelele, umceli kufuneka angene kwisivumelwano esizakulungiselelwa ngamagqwetha aqeshwe nguMasipala.

2. IMIQATHANGO EMAKUHAMBISWANE NAYO

- a) Imvume yokubekwa kwesingxobo inikiwe kwindawo ngqo njengoko kubonisiwe kwisicelo, kwaye asizususwa kwindawo esibekwe kuyo ngumceli.
 b) Izingxobo kufanele zigcinwe ngendlela eyonelisayo maxa onke.
 c) Kufanele izingxobo zihlale zishukuma kwaye zingancamathiselwa emhlabeni nangayiphina indlela.

- d) Indawo ekufuphi nesingxobo kufuneka isoloko icocekile kwaye ingabinankunkuma maxa onke.
- e) Umceli kufuneka afumaneke xa kusenziwa iinkonzo zokuqokelelwa kwenkunkuma, uhlobo lweenkonzo eziphindwayo ngexesha elimisiweyo kwaye akhuphe nerhafu esetyenziswayo exhomekeke kwiCandelo lezokucoca.
- f) Isingxobo kufuneka sibekwe ngendlela apho singazuba ngaphezulu okanye sibe kwisi – (2) semilinganiselo wobude walo naliphina icala lombhobho wamanzi okanye naziphinda iinkonzo eziqulatha uguntulo nombane.
- g) Nasiphina isingxobo kufuneka sibekwe ngendlela engogqumiyo okanye engaphazamisi nayiphina igatha okanye imingxuma owenziwe ngezandla wamanzi emvula
- h) Kwiimeko apho izingxobo zibekwe kwindledlana esecaleni kwindlela ehamba abantu, kufuneka kube sisi – (3) somlinganiselo wobude (emveni kokuba kubekwe isingxobo) emakuhanjwe kuyo engazuphazamisana nokuhamba kwabantu abahamba ngeenyawo.
- i) Umgama omawubonwe ngumqhubi kufuneka ungaphungulwa nangayiphina indlela yokubekwa kwezingxobo kwindlela yokuhamba esecaleni.
- j) Ekuphelelweni kwaso nasiphina isivumelwano sesigqibo, umqeshi kufuneka aqinisekise ukuba indawo esebenzileyo ibuyiselwe kwisimo sayo sokuqala okanye ekuvunyelwene ngaso liBhunga.
- k) Indawo akufuneki ithintele ukufumaneka kweminye imihlaba/iindlela okanye izixhobo zokukhusela umlilo.
- l) Ukubhengeza kungalandelwa kuphela xa kuncamathiselwe kwisingxobo, kuhambisana nemvume yoMphathi Masipala.
- m) Zonke iindleko zokwenza umhlaba ufumaneke zihlawulwe ngumceli.
- n) UMasipala uzakubanelungelo ngawo onke amaxesha afanelekileyo ukuba ahlole umhlaba apho isingxobo sibekwe khona kwangokunjalo nesingxobo eso.
- o) Aze umceli angahambisani nalomthetho ungasentla, imvume iyakurhoxiswa.

5. IMIGAQO – NKQUBO ELANDELWAYO YOKWENZA ISINDULULO

- a) Isicelo senziwa kwi-ofisi yoMphathi Masipala. Emveni kokuba sifunyenwe liCandelo yoYilo lweDolophu, isicelo sizakujikeleziswa kumacandelo amasebe anxulumene naso.
- b) Ukuba sinokusetyenziswa, isicelo sizakujikeleziswa kwiSebe lezeNcoko neMvelo ukuba ziqwalaselwe.
- c) Imvume inikwa kuphela xa kungekho sithintelo ngokomthetho esifunyenwe nakweliphina iSebe likaMasipala, emanyanisa umnini womhlaba okanye neSebe lezeNcoko neMvelo.
- d) Umceli wazisiwe ngesigqibo kwaye nokuba kufuneka atyikitye isivumelwano sokuqesha njengoko kuphethwe nguMphathi wezomthetho kunye neenkonzo zomhlaba.

6 IINKCUKACHA EZIFUNEKAYO XA KUSENZIWA ISINDULULO

6.1 Isicelo sokubekwa kwezingxobo kufuneka siqulathe okukulandelayo:

- a) Incwadi equlethe okukulandelayo
- b) Idilesi yendawo ohlala kuyo
- c) Idilesi yeposi
- d) Inombolo yomnxeba
- e) Inani lophawo lomceli
- f) Azathuze ashwankathele ngokufutshane
 - 1. Idilesi yestrato kunye/okanye inani lesiza esinxulumeneyo
 - 2. Indawo ekufutshane enezindlu zangasese/indawo edibanisa ezoguntyulo.
- g) lincwadi zokungachasani kwabo bonke abanini bemihlaba.
- h) Ukuhlawulwa komrhumo wesicelo.
- i) Imaphu ebonisa indawo eyabiweyo yesingxobo esisemhlabeni.

lincwadana

- a) IBhunga linelungelo lokungavumeli ukubekwa kwesingxobo, xa kunokuthi kuqwalaselwe ukubekwa okuthile okunegalelo elingakhiyo kwindawo erhangqiweyo.
- b) Ngokwenkqubo, ibhunga alinakukwenza amalungiselelo engxowa-mali yokuncedisa kumalungiselelo ezingxobo nangayiphina indlela kuwonke-wonke okanye kumasebe.
- c) IBhunga linelungelo lokususa nasiphina isingxobo ngaphandle kokunika isaziso kuqala, kwiimeko apho ingahambisaniyo nemithetho yalenkqubo.
- d) Akukho mbuyekeyo izakuhlulwa nakweyiphipina ilahleko ngenxa yeeNkonzo zeSebe likaMasipala ezifuna ukufunyanwa okanye ngokusebenza kumgca weenkonzo.

6 IMIGAQO – NKQUBO EMAYILANDELWE XA KUSUSWA IZINGXOBO/IINQWELO EZINOPHAHLA EKHULALWA KUZO ENGEKHO MTHETHWENI

- (1) a) UMasipala akanaxanduva layo nayiphina ilahleko/umonakalo ongathi wenzeke xa kususwa izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo ezingekho mthethweni.
- b) UMasipala akanaxanduva lwayo nayiphina ilahleko/umonakalo weempahla ezingaphakathi xa kususwa izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo ezingekho mthethweni.

(2) a) Ukuba igosa likaMasipala lifumanisa ukuba kukho izingxobo/iinqwelo ezinophahla ekuhlalwa kuzo ezibekwe ngokungekho mthethweni, linelungelo loku:

- (1) khupha isaziso kumnini wesingxobo/inqwelo enophahla ekuhlalwa kuyo engekho mthethweni uyakusisusa kwisithuba seeyure ezingama – 72,
- (2) Ukuba isingxobo/inqwelo esinophahla ekuhlalwa kuso asisuswanga emva kweeyure ezingama – 72 kukhutshwe isaziso, siyakuthi sithathwe ligosa likaMasipala sibephantsi kogcino lukaMasipala.

- (3) Umnikazi wesingxobo/wenqwelo enophahla ekuhlalwa kuyo unoxanduva lwazo naziphina iindleko ezichithwe nguMasipala ngexa kususwa isingxobo/inqwelo enophahla ekuhlalwa kuyo.

8. UKUGCINWA KWEZINGXOBO/IINQWELO EZINOPHAHLA EKUHLALWA KUZO

8.1. Umnikazi wesingxobo/wenqwelo enophahla ekuhlalwa kuyo uyakuthi abenoxanduva lokuhlawula imali engama – R500.00 yokugcinwa kwesingxobo/inqwelo enophahla ekuhlalwa kuyo.

8.2. Umnikazi wesingxobo/wenqwelo enophahla ekuhlalwa kuyo uyakuthi abenoxanduva lokuhlawula imali engama – R200.00 yokugcinwa kusuku ngalunye.

8.3. Ukubangaba umnikazi wesingxobo/wenqwelo enophahla ekuhlalwa kuyo uyohlulakala ukuhlawula lemali ikhankanyiweyo ngasentla yaye isingxobo/inqwelo enophahla ekuhlalwa kuyo iphantsi kogcino lukaMasipala isithuba esogqitha iveki ngaphandle kwesaziso kumnikazi wesingxobo/wenqwelo enophahla ekuhlalwa kuyo, isingxobo/okanye inqwelo enophahla ekuhlalwa kuyo iyakuthi itshonele kuMasipala.

9. AMATYALA KUNYE NEZOHLWAYO

1) Nabanina-

- a) Ochasene okanye ohlulekayo kukuhambisana nawo nawaphina amalungiselelo alemithetho yedolophu.
- b) Owohlulekayo kukuhambisana naso nasiphina isaziso ngokwaleMithetho yeDolophu okanye
- c) Ohlulekayo kukuhambisana nawo nawuphina umyalelo osemthethweni onikwe ngokwalemithetho yedolophu.
- d) Ongaphazamisa okanye ongathintela nawuphina umeli ogunyaziswe liBhunga ekwenzeni imisebenzi yakhe phantsi kwalemithetho yedolophu:

Ofunyenwe enetyala kwaye unoxanduva lokuwisa isigwebo sokurhumisa imali engagqithiyo kwi-R1500-00 okanye ukuba uyasilela ekuhlawuleni uzakuthi abanjwe isithuba esingagqithiyo kwiinyanga ezisi – 6, yaye kwimeko yolwaphulo-mthetho oluqhubekekayo, kuzakukongezwa umrhumo ongagqithiyo kwi-R150-00, okanye ukuba uyasilela ekuhlawuleni uyakubanjwa usuku kuphela ngexa kuqhubekeka ityala, emveni kokuba kukhutshwe isaziso esibhaliweyo liBhunga, kufuneka sisiwe kumntu esibhekiswe kuye, sicela ukuphelisa ityala eliloluhlobo.

2. IMITHETHO YEDOLOPHU ENXULUMENE NOKUTHINTELA INKATHAZO

UMphathi Masipala ubhengeza ngokweCandelo le – 13 loRhulumente wasemakhaya: woMthetho kaMasipala ka 2000 [Umthetho wama – 32 ka 2000] ofundwa neCandelo lama- 162 yemithetho yolawulo yeRiphabliki yaseMzantsi Afrika ka 1996 [Umthetho wama – 108 ka 1996], Umthetho onxulumene nokuthintela kwenkathazo ezakuthi isebenze ngomhla wobhengezo.

IMITHETHO YEDOLOPHU ENXULUMENE NOKUTHINTELA INKATHAZO**Intshayelelo**

NJENGOKUBA bekukho imfuneko kunyusa impumelelo yokhuseleko, ukuthand' uxolo kunye nendawo esempilweni ngokunceda abahlali abaphakathi kumda wolawulo lukaMasipala yaye lulungiselela iinkqubo, ucwangciso kunye nokusetyenziswa ekulawuleni inkathazo.

NANGOKUNJALO iBhunga likaMasipala ligunyaziswe ngamagunya owiso mthetho ngokweMithetho yolawulo yeRiphabliki yoMzantsi Afrika, 1996;

NANGOKUNJALO iBhunga ngokwenza imisebenzi yalo linelungelo lokulawula inkathazo ekwimida yolawulo lukaMasipala kwakunye nemiba enxulumene nalo;

NGOKO nokuba kungawiswa umthetho liBhunga njengokukulandela:

IZALATHISO**ISAPHEPHA – 1****IPHEPHA**

UTOLIKO 23

lingcaciso**ISAPHEPHA – 2**

UKUNIKA AMALUNGelo, INDLELA YOKUZIPHATHA, IZAKHIWO ZELINDLE KWIZIZA EKWAKHIWA KUZO, UKOHLULEKA UKUHAMBISANA NAMALUNGISELELO, UKUSEBENZISA OKUNGEKHO MTHETHWENI KWAKUNYE NEZOHLWAYO.

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ISAPHLUKO SOKU – 1

lingcaciso

- [1] Kulemithetho yedolophu, amagama asetyenziswa kwisini samadoda kunye namabhinqa, isinye siqulathe isininzi ngokuphendulelekileyo kwaye ngaphandle kokuba imeko ibonisa ngolunye uhlobo:-

"ibhunga" libhunga likaMasipala waseMakhaya Ingquza Hill okanye nabuphina ubume bopolitiko, umthwali we – ofisi yopolitiko, uceba, naliphina ilungu labasebenzi eligunyazisiweyo libambekele ibhunga okanye libubuthunyelwa amagunywa;

"isiza" nawuphina umhlaba, nokuba awunanto, awusebenzi okanye unezakhiwo kuwo;

"umda kamasipala" kaMasipala waseMakhaya Ingquza Hill;

"UMasipala" uMasipala waseMakhaya Ingquza Hill umiswe ngokweCandelo le – 12 loBume bukaMasipala we – 117 ka 1998;

"inkcazo ngenkunkuma" inkunkuma yasegadini, inkunkuma, amaqhekeza amatye, izinto ezilahliweyo, iinqwelo – mafutha ezingasetyenziswayo, umshini okanye ezinye inqwelo – mafutha, inkukuma esuka nakwesiphina isakhiwo ebesisetyenziswa, okanye nayiphina inkukuma efanele ukulahlwa nakowuphina umhlaba yaye iquka izinto ezintsha nezindala zezakhiwo kwaye ezinganyanzelekanga uba zifunwe ngokudibene nesakhiwo esisebenzayo salondawo eyeyona inenkqubela phambili nakowuphina umhlaba, iquka ulwelo, ukuqina kolwelo okanye igesi engahlasela okanye enganobungozi okanye

engonzakalisa empilweni okanye ephazamisana nokuthuthuzeleka okuqhelekileyo okanye uncedo lukawonke – wonke;

“inkathazo kawonke - wonke” nasiphina isenzo, ushiyelelo okanye imeko yohlaselo kunye/okanye ubungozi empilweni kunye/okanye echaphazela ukuthuthuzeleka okuqhelekileyo, uncedo, uxolo okanye ukuthula kukawonke – wonke kunye/okanye echasene nokuchaphazeleka kokhuseleko lukawonke – wonke;

“Indawo kawonke - wonke” naliphina ibala, isakhiwo, ipaka, ibala lemidlalo okanye indawo esekuhleni:–

[a] igunyaziswe nguMasipala;

[b] uwonke – wonke unelungelo lokusebenzisa, okanye

[c] iboniswe kuyilo jikelele lwelokishi eshicelelwe kwincwadi yokugcina imali ebaliweyo okanye kwi-ofisi yoMhloli onguNocanda yaye elungiselelweyo okanye ebekelwe ukuba isetyenziswe nguwonke – wonke okanye ngabanini bamanxiwa kuyo nayiphina ilokishi;

“indlela kawonke - wonke” nayiphina indlela, istrato okanye indlela ecanda phakathi kwezindlu okanye nayiphina indawo [nokuba yindlela ecanda phakathi kwezindlu okanyeakuyiyo] edla ngokusetyenziswa nguwonke – wonke okanye naliphina icandelo emva koko okanye apho uwonke – wonke okanye naliphina icandelo emva koko elinelungelo lokufumana, yaye iqulathe:-

[a] umda wayo nayiphina indlela eloluhlobo, istrato okanye indlela ecanda phakathi kwezindlu;

[b] nayiphina ibrorho, isikhitshana okanye ukuqhutywa kwendlela elulo naluphina uhlobo ecandayo, istrato okanye indlela ecanda phakathi kwezindlu, kunye

[c] nawuphina omnye umsebenzi okanye nakuphina ukuchasa okuthatha inxaxheba yokudibaniswa okanye kunye okanye eyeyendlela eloluhlobo, istrato okanye indlela ecanda phakathi kwezindlu;

ISAPHLUKO SESI - 2

1. Ukunika amalungelo

Ibhunga lingathatha naninina lenze nantonina enyanzelekileyo angenise nangaliphina ixesha elifanelekileyo aqinisekise ukuba kuyahambiswana nalemithetho yedolophu.

2. Indlela yokuziphatha

Nangona amalungiselelo awo nawuphina omnye umthetho wedolophu, akukho mntu uyakuthi:

- [1]** alahle inkunkuma, andise okanye abeke okanye enze okanye avume ukuba kulahlwe okanye kwandiswe okanye kubekwe inkunkuma engavumelekanga nakwesiphina isiza, istrato, isikhupha – manzi, umsele wamanzi, indawo ekucocwa kuyo amanzi, indlela ecanda phakathi kwezindlu, ibala likawonke – wonke okanye umhlaba ongaphakathi okwimida yedolophu kaMasipala ngaphandle kwendawo okanye iindawo eziloluhlobo njengoko ibhunga kumaxesha ngamaxesha libeke ecaleni okanye lamkele iinjongo eziloluhlobo, kulungiselelwe nokuba ibhunga lingavumela igaraji kawonke – wonke, indlu yokusebenzela kunye nezinye indlela zorhwebo, kukho imiqathango eloluhlobo engabekwa kwisheho ngasinye, ukugcina, ukulungisa, ukukhulula okanye ukuphinda udibanise nayiphina okanye enye inqwelo – mafutha okanye isixhobo somsebenzi kumhlaba ekuvunyiweyo kuwo libhunga;
- [2]** uyakwenza umsebenzi nakwesiphina isiza okanye asebenzise nasiphina isakhiwo okanye umhlaba ngeenjongo ezibaliweyo, ngoluvo lwebhunga, lokwehlisa ixabiso okanye lokonakalisa imbonakalo yesiza esiloluhlobo okanye ngokungenelela noncedo okanye ngokuthuthuzeleka koomakhelwane emva koko okanye kube yenye indlela yokubabubungozi nakubanina;
- [3]** aqhubeleka norhwebo, ushishino okanye umsebenzi nakwesiphina isiza esikwimida kamasipala esingathi ngokoluvo lwebhunga lubeyindlela ephatha kakubi okanye ingcaphukiso kubumelwane;
- [4]** adipozitha, anduluke, achithe, awise okanye abeke nawaphina amaxolo eziqhamo kunye nemifino, ibhotile ezophukileyo, iglasi okanye nayiphina inkunkuma okanye into elihlaselo okanye engenza ingcaphukiso, ubungozi okanye ukonzakala komntu okuso nasiphina isiza, istrato okanye indawo kawonke – wonke;
- [5]** avumele nasiphina isiza ukuba sikhuliswe ngokugqithileyo ngamatyholo, ukhula, ingca okanye ezinye izityalo ngaphandle kwemithi elinyiweyo, amathyolo kunye

- nengca kangangokuba uluvo lwebhunga okanye nangaliphina ixesha elifanelekileyo ngokugunyaziswa komqeshwa webhunga, lingasetyenziswa njengendlu yokhuseleko ngesibhadu – bhadu, izilwanyana zasendle okanye izilwanyana ezikhathazayo okanye ezingabubungozi kwimpilo kawonke – wonke okanye kulo naliphina ilungu loluntu ekuhlaleni okanye inganyusela izinga lonwenwa lwemililo;
- [6] avumele nasiphina isiza ukuba zingcole, singahoywa okanye sizaliswe zizikrekrethi, iinyoka, iingcongconi, iimpukane, amakhalane, iincukuthu okanye ezinye izinambuzane azibubungozi empilweni, okanye avumele nawaphina amavumba okanye umsi ukuba uphume kwisiza esiloluhlobo;
- [7] avumele ukubiywa kwaso nasiphina isiza ukuba sibekwimeko yokungalungiswa okanye singabonakali okanye sidilike;
- [8] avumele nasiphina isakhiwo okanye nasiphina isahlulo nakwesiphina isiza ukuba sidilizwe, singahoywa okanye sibekwindlela engabukelekiyo, okanye ohlulakale ukugcina amanzi aphezu kophahla, imibhobho, iindawo ekucocwa kuzo amanzi, isikhupha – manzi, izixhobo zokufaka amanzi, izixhobo zokufaka amanzi oguntyulo, izixhobo zendlu yangasese esebenzisa amanzi kunye nazo zonke ezinye ezihambisana zibeyinxalenye okanye zincamatheliswe kuso nasiphina isakhiwo ngokulungileyo kunye nendlela yokuzilungisa, okanye angohluleka ukugcina iindonga zaso nasiphina isakhiwo esingenakufuma;
- [9] asebenzise okanye abange okanye avume ukuba kusetyenziswe nayiphina iveranda yayo nayiphina ivenkile okanye ishishini okanye nasiphina isithuba somhlaba okufuphi nevenkile okanye ishishini eliloluhlobo ngeenjongo zokugcina, zokuqokelela, zendawo ekulahlwa kuyo inkunkuma, zokulahla, zokubonisa, zokuthengisa okanye zokunika iseyile yayo nayiphina impahla;
- [10] asebenzise okanye abange okanye avumele nawuphina umhlaba wevenkile okanye weshishini okanye nesithuba somhlaba okufuphi nevenkile okanye neshishini eliloluhlobo okanye naluphina lesabelo esisekuhlaleni okanye esibonakalayo kuwonke – wonke ngeenjongo zokugcina, zokuqokelela, zendawo yokulahla inkunkuma, zokuhla okanye zokugcina nayiphina inkunkuma, iibhokisi zekhadibhodi, iibokisi ezenziwe ngamaplanga angadibananga, iikhonteyina okanye nezinye izinto ezifana nendalo;
- [11] afake ngaphakathi okanye abange okanye avumele ukufakwa ngaphakathi kwayo nayiphina iveranda nawo nawuphina umhlaba wenkile okanye weshishini ngezakhiwo ezisuswayo okanye ezingasuswayo, iinkcaso nangaziphina iindlela ezinokuvunywa libhunga;

- [12] agcine kumhlaba wakhe nasiphina isilwanyana okanye intaka eyenza ukuphazamiseka okanye inkathazo kubamelwane ngokwenza ingxolo nokudyobha ngokugqithileyo;
- [13] adiphozithe, agcine okanye abange okanye asilele ukudiphozitha okanye agcine nawuphina umphutha othuthwa ebusuku nakweyiphipina indawo, ngaphandle kwendawo yoguntyulo ekuyeyona evunywe libhunga yaye ngokwawo nawuphina umthetho wedolophu;
- [14] agcine okanye abange okanye asilele okanye agule kufuneka agcine kumhlaba wakhe naluphina ucoceko enjendalo engathi ibeyingxaki okanye engahlasela okanye yonzakalise okanye ibebubungozi empilweni;
- [15] angcolise, angasebenzisi ngendlela engeyiyo okanye onakalise nayiphina indawo yoncedo kawonke – wonke okanye nayiphina elungiselelweyo nakuso nasiphina isakhiwo okanye indawo yokonwatyiswa kukawonke – wonke;
- [16] aphaathe okanye ahambise okanye bange okanye avume ukuba kuphathwe okanye kuhanjiswa kuso nasiphina istrato okanye indawo kawonke – wonke, naziphina izinto ezingafunekiyo, ulwelo okanye ulwelo oluqinileyo, engaluhlaselo okanye engabubungozi okanye engonzakalisa impilo, ngaphandle kokuba kukho izinto ezichasiweyo ezogqunywe ngamalaphu okuthintela ukwenzeka kwayo nayiphina ingxaki;
- [17] angcwabe okanye alahle nawuphina umzimba womntu oswelekileyo nakuyo nayiphina indawo engagunyaziswanga;
- [18] avumele nawuphina umzimba wesilwanyana esixheliweyo, engumnikazi waso okanye osilawulayo, yaye esithe safela kwisakhiwo sakhe okanye kwenye indawo ekumda kamasipala, sihlale singangcwatywa;
- [19] abange okanye avumele nawuphina umlambo, ichibi, umsele, isikhupha manzi, igatha, umfula, isinki, ibhafu, itanki, indlu yangasese esebenzisa amanzi, ngasese okanye kwindawo yokuchamela nakowuphina umhlaba okanye kumhlaba womntu okanye kumhlaba oqeshwe ngumntu abe awulawula okanye

abe uyawungcolisa okanye abe wakhe ngokuhlasela okanye ngobungozi okanye nokwenzakalisa empilweni;

- [20] abange okanye avumele nakuphina ukungcolisa okanye amanzi angcolileyo okanye naluphina ulwelo olungcolileyo okanye ukungena nakowuphina umhlaba womntu okanye oqeshwe ngumntu, nokuba uwuqeshele ukuthengisa, ushishino, ukwenziwa, ukuhlala okanye nayipohina enye injongo, kuso nasiphina istrato okanye nawuphina umhlaba;
- [21] azibophelele okanye abange okanye avume ukuzibophelela, nasiphina isenzo esingangcolisa nawaphina amanzi abemi bakamasipala abanelungelo lokuwasebenzisa okanye elungiselelwe okanye afaanelwe kukusetyenziswa ngabemi;
- [22] azihlambe okanye ahlambe nasiphina isilwanyana nakowuphina umlambo kawonke – wonke, ichibi okanye amanzi okanye nakwesiphina isicima – mlilo okanye umthombo okanye nakuyo nayiphina indawo ebingabekwanga bucala libhunga yayo nayiphi injongo;
- [23] aphazamise ukuthula kukawonke – wonke kuso nasiphina istrato okanye indawo kawonke – wonke ngokwenza iingxolo ezingafanelekanga okanye ngokukhwaza, ngokukhalisa isikhalo semoto okoko, ngokuphikisana, okanye ngokuqokelela isihlwele okanye ngokulungiselela nakuphina ukubonisa okanye ngokulwa okanye ngokunwala umlo, okanye ngokugwayimba okanye ngokutshangatshangisa okanye ngokusebenza ngendlela egrogrisayo nangayiphina intonga okanye nesinye isikhali okanye nobunye ubundlobongela, ubugebenga okanye indlela yokuziphatha engafanelekanga nangaliphina ixesha losuku okanye lobusuku, okanye ngokulahla estratweni okanye kwindawo kawonke – wonke okanye ngokudibana kwezihlwele kwindledlana esecaleni kwendlela;
- [24] abhengeza iimpahla neenkonzo nakuso nasiphina istrato okanye nayiphina indawo kawonke – wonke ngendlela sandisi – sandi, isandisi – zwi, okanye isixhobo esifanayo okanye ngokukhwaza egxininisa, ngomtsalane wamacangci wamaxina ahlokonyiswa ngokubethwa ngamagqudwana, ngokuvuthela amaxilongo okanye ngokukhalisa iintsimbi ngendlela yokulawula inkathazo kawonke – wonke ekuhlaleni;

- [25]** kuwo nawuphina umhlaba okanye kwindawo ephazamisa inzolo kuwonke – wonke kumakhelwane ngokwenza ngoko okanye ngengxolo engafanelekanga, okanye ngokukhwaza, ngokuphikisana, ngokuxabana kunye nokucula okanye ngokudlala okanye ngezixhobo zomculo okanye ngokusebenzisa okanye ngephepha-mvume ezakusetyenziswa ngezixhobo zomculo, oonomathotholo, oomabonakude okanye efanayo okanye isandisi-zwi okanye esinye isixhobo esiphinde saveliswa okanye ukwandiswa kwesandi, ngendlela eloluhlobo okanye kwisithuba esiloluhlobo okanye kwiimeko eziloluhlobo ngoku zivakale kakhulu kunemida yomhlaba okanye yesiza kunye nokuxhotyiswa okuphazamisayo nokuhlala okuqhelekileyo, elungeleleneyo, yoxolo okanye ukuthula wabaqeshi wendawo ezifutshane;
- [26]** kuso nasiphina istrato okanye kwindawo kawonke – wonke esebenziswe kakubi nangayiphina okanye nakuphina ukusongelana ngeentetho okanye azibophelele nakwesiphina isenzo esingabalelwa yaye esingabanga ukuphula uxolo;
- [26a]** ngobongoza amalizo kuso nasiphina istrato okanye indawo kawonke – wonke okanye iinzame zokutyhileka kwamanxeba, izilonda, ukonzakala, ukonakala okanye imveliso iincwadi zesibongozo zokugcina amalizo, okanye
- [26b]** acokise okanye ahlambe nayiphina inqwelo-mafutha okanye inxalenye yaso nasiphina istrato okanye indawo kawonke wonke.

ISAHLUKO SESI – 3

Ukohluleka ukuhambisana nalamalungiselelo

- 1) Apho kukho nayiphina into ephathekayo, inqaku okanye nayiphina indalo eyandiswa, kwindawo ekulahlwa kuyo inkunkuma, yagcinwa okanye yadiphozithwa nakwesiphina isiza, okanye apho kukhule kakhulu khona amathyolo, ukhula, ingca okanye umfuno kuso nasiphina isiza esichasene necandelo lwesi – 3[a], [d] kunye no [e] ibhunga lingakhupha isaziso ku –
 - [a]** mntu oqondene okanye ongaqondananga noxanduva lolwandiso oluloluhlobo, indawo ekulahlwa kuyo inkunkuma, ugcino okanye ukudiphozitha;
 - [b]** mnini – nto ephathekayo eloluhlobo, inqaku okanye into nokuba unoxanduva okanye akanalo uxanduva lolwandiso oluloluhlobo, indawo ekulahlwa inkunkuma, ugcino okanye ukudiphozitha;

- [c]** mnini wesiza apho kukho ulwandiso oluloluhlobo, indawo ekulahlwa kuyo inkunkuma, ugcino okanye kudiphozithwe, nokuba unoxanduva okanye akanalo emveni koko, okanye
- [d]** mnini wesiza apho kukhule kakhulu amatyholo, ukhula, ingca okanye umfuno -

Ifuna abantu okanye abanini abaloluhlobo ukuba balahle inkunkuma, batshabalalise okanye basuse izinto eziphatheka ngoluhlobo, inqaku okanye into okanye basuse ukukhula kakhulu okuloluhlobo ngokwanelisa ibhunga.

- [2]** Ukuba ngaba umnini okanye nabanina uyohluleka ukuhambisana neemfuneko zesaziso ngokwecandelwana loku – [1] kwisithuba esimiswe libhunga. Ibhunga lingathi ngokwalo lilahle inkunkuma okanye litshabalalise okanye lisuse into ephathekayo eloluhlobo, inqaku okanye into, okanye lisuse ukukhula kakhulu kuso nasiphina isiza ngeendleko zakhe nabanina okanye abantu okanye abanini abakhankanywe kwicandelwana loku – [1] [a],[b],[c] kunye no [d].
- [3]** Apho kuso nasiphina isiza apho kukho uchasano lwecandelo lesi – 3 [b], [f], [g], [h] kunye no [t]. Ibhunga lingasebenzisa ubulumko balo ekusebenziseni isaziso kumnini okanye kumqeshi ngokuphelisa inkathazo kwisithuba esichaziweyo kuchazwe kwisaziso esiloluhlobo.

5. Izakhiwo zelindle kwiziza ekwakhiwa kuzo

Wonke umntu obandakanyeka kwimisebenzi yokwakha, naluphina uhlobo lolwakhiwa lwendlela, xa kufuneka kwenziwe njalo libhunga, kulungiselelwe indawo yakhe yococeko eyaneleyo kunye nabaqeshwa bakhe ngokwanelisa kunye nangokweemfuneko ezikhethiweyo libhunga.

6 Ukusebenzisa okungekho mthethweni

- 1) Akukho mntu ufanele, ngaphandle kwemvume yebhunga ukuba agcine okanye avume kusetyenziswe indawo yokulahla umntu. Nayiphina inqwelo enophahla ekuhlalwa kuyo, intente, okanye ezinye intlobo ezifanayo zekhusi zayo nayiphina inkcazo ngaphandle

kogunyaziso lokuhlala ententeni okanye kwinqwelo enophahla ekuhlalwa kuyo yesiza esilawulwa libhunga okanye nasiphina esinye isiza ekuhlalwa kusio ententeni okanye kwinqwelo enophahla ekuhlalwa kuyo ehambisana namalungiselelo emithetho yedolophu enxulumene neepaki zenqwelo enophahla ekuhlalwa kuyo okanye kwisiza ekuhlalwa kuso ententeni.

- 2) Ibhunga linganika isaziso sikaphum' uphele kuye nabanina umntu osebenzisa inqwelo enophahla ekuhlalwa kuyo, intente okanye indawo zokhuselo ngokuchasana necandelwana loku [1] ukuba baphume baphele kwiinqwelo ezinophahla ekuhlalwa kuzo, intente okanye kwindawo zokhuseleko kwisithuba seentsuku ezi – 3 emveni komsebenzi wesaziso esiloluhlobo, ukuba uyohluleka umntu, umntu ololuhlobo uyakufumaneka enetyala.

ISAHLUKO SESI - 4

7. Izohlwayo

Nabanina ochasene okanye owohluleka kukuhambisana nawo nawaphina amalungiselelo walemithetho yedolophu okanye nasiphina isaziso enikiweyo ngokwemithetho uyakubanetyala yaye uyakugwetywa-

- [i] isohlwayo esingama-R800,00 okanye abanjwe isithuba esingagqithi kwisithandathu seenyanga ngaphandle kokukhetha isohlwayo okanye ukukhetha phakathi kwesohlwayo okanye kukubanjwa okuloluhlobo, yaye
- [ii] kwimeko yomntu onetyala elifana nesigwebo sokuqala, kongezwe isohlwayo semali engama – R1500.00, okanye kongezwe isithuba esingama – 10 eenyanga ehleli eziselelni, kwaye
- [iii] imali eyongezelelweyo elingana nazo naziphina amaxabiso okanye neendleko ezifunyenwe yinkundla kuMasipala ngeziphumo zochasano okanye ukoohluleka okuloluhlobo.

8. Ukurhoxiswa kwemithetho yedolophu

Nawuphina umthetho wedolophu onxulumene nokuthintelwa kwenkathazo eyamkelwa ngumasipala okanye nawuphina umasipala ngoku oquka iqela loomabhalane bakamasipala irhoxiswe ukusukela kumhla wokwaziswa kwemithetho yedolophu.

IMITHETHO YEDOLOPHU ENXULUMENE NOKUMISWA KUNYE NOKULAWULWA KWEMIHLABA ENGAPHAKATHI KWIMIDA YEDOLOPHU KAMASIPALA

UMphathi Masipala wazisa ngokwecandelo le -13 likaRhulumente waseMakhaya: Umthetho kaMasipala ka 2000 [Umthetho wama – 32 ka 2000] ifundwa necandelo lama – 162 yeMithetho yoLawulo yeRiphabliki yaseMzantsi Afrika ka 1996 [Umthetho wama – 108 ka 1996]. Imithetho yedolophu enxulumene nokumiswa kunye nokulawulwa kwemihlaba engaphakathi kwimida yedolophu kamasipala isetyenziswe emva komhla ekubhengezwe ngawo.

Intshayelelo

NANGOKUNJALO iBhunga likaMasipala ligunyaziswe ngamagunya owiso mthetho ngokweMithetho yolawulo yeRiphabliki yoMzantsi Afrika, 1996;

NANGOKUNJALO iBhunga ngokwenza imisebenzi yalo linelungelo lokulawula ukumiswa nokulawulwa kwemihlaba engaphakathi kwimida yedolophu kaMasipala kwakunye nemiba enxulumene nalo;

NGOKO nokuba kungawiswa umthetho liBhunga njengokukulandela:

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IMITHETHO YEDOLOPHU ENXULUMENE NOKUMISWA KUNYE NOKULAWULWA KWEMIHLABA ENGAPHAKATHI KWIMIDA YEDOLOPHU KAMASIPALA

ISAPHLUKO SESI – 2

[1] IINGCACISO

Kulemithetho yedolophu, amagama asetyenzisiweyo kwisini samadoda nabasethyini, isinye siquka isininzi ngokuphendulelekileyo kwaye ngaphandle kokuba imeko ibonisa ngenye indlela –

"Iqela loomabhalana", ngenjongo yalemithetho yedolophu, umasipala wangaphambili owacamngcwa kwicandelo le – 14[3] likaRhulumente waseMakhaya: Isidweliso soBume bukaMasipala, 1998 [Umthetho wama – 177 ka 1998];

"UMasipala" UMasipala waseMakhaya Ingquza Hill, ngumasipala owamiswa ngokwecandelo le – 12 likaRhulumente waseMakhaya: Isidweliso soBume bukaMasipala, 1998;

"Umhlaba kaMasipala" umhlaba ongaphakathi kumda womthetho kamasipala, kodwa ngaphandle kwemida yayo nayiphina ilokishi apho uMasipala angumnini, anegunya kuMasipala;

"UMphathi Masipala" ngumntu otyunjiweyo ngokwecandelo lama – 82 likaRhulumente waseMakhaya: Isidweliso soBume bukaMasipala, 1998;

"lemithetho yedolophu" iquka imimmiselo ekhutshwe ngokwecandelo lesi – [7]; kunye

"nelokishi" njengoko ichaziwe kwicandelo loku – 1 loMthetho wokuCandwa koMhlaba, 1997 [Umthetho wesi – 8 ka 1997] okanye naluphina uwiso – mthetho olufanayo.

[2] UKUGCINA UMHLABA NJENGEDLELO

[1] UMasipala anga kumhlaba wakhe yaye alungiselele nawuphina umthetho okanye athintele ukusetyenziswa komhlaba kwixwebhu ngelungelo elithile lomhlaba, ngokwenza isaziso kwiphepha-ndaba lombuso lePhondo ukusukela ngomhla okhankanyiweyo kwisaziso esiloluhlobo –

[a] agcine umhlaba ololuhlobo njengedlelo;

[b] nangaliphina ixesha ongeze naliphina iqhekeza okanye amaqhekeza enkcazelo yemihlaba kamasipala esetyenziswa njengedlelo eligciniweyo; yaye

[c] nangaliphina ixesha arhoxe ngokungaphelelanga okanye ngokupheleleyo kuwo nawuphina umhlaba owenza inxaxheba yomhlaba ogcinelwe ukubalidlelo elo.

[2] UMasipala akanakuphephetha okanye apha the umhlaba ekubhekiswe kuwo kwicandelwana loku-[1], ngaphandle kwesaziso esikhutshwe kwiphepha-ndaba lombuso lePhondo –

[a] agxininise ukuba leliphi iqhekeza okanye amaqhekeza omhlaba azimisele ukuba awurhoxise okanye awuphelise;

[b] abize abantu abanomdla bahlale kwintlanganiso ekwindawo kunye nomhla okhankanyiweyo kwisaziso, ukuxoxa ngekuzimisela ukurhoxisa okanye ukupheliswa; kwaye

[c] achaze –

[i] umhla okanye imihla azimisele ukuba arhoxise okanye aphelise nalo naliphina iqhekeza okanye nawaphina amaqhekeza omhlaba avakalisiweyo, yaye

[ii] UMasipala uqwalasele konke iimboniso ezifunyenweyo njengempendulo yesaziso esiloluhlobo;

[3] Ukupheliswa okanye ukwabiwa komhlaba kunye nesaziso sikawonke-wonke ekubhekiswe kuso kwicandelwana lesi – [2] singenzeka kuphela emva kokubuyumva kwayo nayiphina imvume yokudlisela imfuyo kwiqhekeza okanye kumaqhekeza omhlaba uMasipala azimisele ukuwurhoxisa okanye ukuwuphelisa.

[3] I-OFISI YOMPHATHI OLAWULA IMIHLABA ENGAPHAKATHI KWIMIDA YEDOLOPHU KAMASIPALA

[1] UMasipala kufuneka atyumbe umntu njengoMphathi olawula imihlaba engaphakathi kwimida yedolophu kaMasipala, amakenze ingxelo kuMphathi oqeshwe nguMpathi Masipala.

[2] Kufuneka Umphathi olawula imihlaba engaphakathi kwimida yedolophu kaMasipala abenoxanduva lolawulo ekululo kwaye nokugcina yonke imihlaba eyinxalenye yolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala.

[3] Kwi ofisi yoMphathi olawula imihlaba engaphakathi kwimida yedolophu kaMasipala, uMasipala kufuneka atyumbembele–

[a] iqhekeza ngalinye lomhlaba oyinxalenye yolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala, unomahlathi omakaqwalasele umsebenzi wosuku nosuku weloqhekeza lomhlaba;

[b] abantu abaloluhlobo njengoko kunokunyanzeleka ukuba bagcine ushicilelo okulolona lululo malinga nomhlaba oyinxalenye yolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala, iimaphu, ulwabiwo lwemfuyo, intshukumo yemfuyo, abaphathi beemvume zokudlisela kulawulo lomhlaba ongaphakathi kwimida yedolophu kaMasipala, ukubekwa kwamabala kwimfuyo, izifo zemfuyo, iintlawulo kunye nezinye iimeko ezibandakanya ukusetyenziswa kolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala;

[c] ugqirha wemfuyo osebenza ngamaxesha onke okanye ngamaxesha athile, anelise imisebenzi eyalezwe ngaphantsi kwawo nawuphina umthetho onxulumene nemfuyo.

[4] Unomahlathi omnye angatyunjelwa iqhekezana elinye okanye amaninzi omhlaba emiswe ngendlela enokwenzeka ukuba unomahlathi omnye agcine ucwangco kumaqhekeza omhlaba.

[5] Unomahlathi kufuneka atyelele umhlaba njengoko etyunjelwe lomsebenzi yaye kufuneka abekhona kumhlaba lowo usuku lonke lokusebenza kwiveki nganye yonyaka.

[6] Njengesiqhelo, kodwa nokuba kukanye kwisithathu seenyanga, ugqirha wemfuyo otyunjwe nguMasipala kufuneka ahlole, enze ingxelo yaye enze iingcebiso kuMphathi olawula imihlaba engaphakathi kwimida yedolophu kaMasipala malunga nobume bempilo yesilwanyana ngasinye kulawulo lomhlaba engaphakathi kwimida yedolophu kaMasipala.

[4] IPHEPHA – MVUME LOKUDLISELA LIYAFUNEKA EKUDLISELENI IMFUYO KUMADLELO

Akukho kwamntu unokudlisela imfuyo kumadlelo kaMasipala, ngaphandle kokuba –

[a] ungumnini wephepha mvume lokudlisela enikwe nguMasipala yaye linemiqathango enayo iphepha mvume eliloluhlobo;

[b] isilwanyana siyinzala yemazi yesilwanyana esidliselwe ngokwemvume yokudlisela ecamngcwe kwicandelwana loku – [1][a] yaye ayikho ngaphezulu kwesi -6 seenyanga; yaye

[c] ehlawule irhafu yolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala, kwisithuba apho iphepha mvume lokudlisela belikhutshiwe; kulungiselelwe umnini wephepha mvume angakhululelwa ngokupheleleyo okanye ngokungaphelelanga kwentlawulo eloluhlobo ngokweNkqubo yokuHleleleka kukaMasipala.

ISAHLUKO SESI - 3

[5] ISINDULULO SOKUKHUTSHWA KWEPHEPHA – MVUME LOKUDLISELA

[1] Isindululo sokukhutshwa kwephepha mvume lokudlisela kufuneka –

[a] ibhekiswe kuMphathi Masipala;

[b] ibe ibhalwe phantsi kwifomu efumaneka kwaMasipala ngaloonjongo;

[c] iquke ubungqina obaneleyo obokuba umceli ungummi ogxinileyo kumda wolawulo lobulungisa bukaMasipala; yaye

[d] iquke iinkcukacha ngaphezu koko njengoko uMasipala anokuzifuna.

[2] Ngokufumana isicelo sephepha-mvume lokudlisela, uMphathi Masipala kufuneka ayibhekise kuMphathi olawula imihlaba engaphakathi kwimida yedolophu

- kaMasipala, amakaqinisekise ukuba iinkcukacha ezinikiweyo kwisicelo kunye nengxelo ngoko kuMphathi Masipala.
- [3] Xa uqwalasela isicelo, uMphathi Masipala kufuneka aqwalasele –
- [a] ingxelo yoMphathi wolawulo lomhlaba ongaphakathi kwimida yedolophu kaMasipala;
 - [b] ukufumaneka kunye nemiqathango yomhlaba wedlelo likaMasipala alungiselele inani elifunekayo lemfuyo ekwenziwe isicelo sayo;
 - [c] uhlobo lweendidi olukhethiweyo ekufanele luthathwe ngabaceli njengoko kulungiselelwe kwisaziso esibhengezwe nguMasipala kwiphepha-ndaba elijikeleza kumda wolawulo yaye ingaxhomekeka kuMphathi Masipala.
- [4] Emveni kokuba eqwalasele isicelo, kufuneka uMphathi Masipala –
- [a] akhuphe iphepha-mvume njengoko kuceliwe ngumceli;
 - [b] akhuphe iphepha-mvume lenani elincinane lemfuyo kuneli bekwenziwe isicelo salo; okanye
 - [c] abhale phantsi esazisa umceli ukuba isicelo sakhe asiphumelelanga aziswe nezizathu.
- [5] Umntu onamalungelo achaphazelekayo angabongoza kuMasipala ngaphandle kokufumana uMphathi Masipala kwaye ngesibongozo esiloluhlobo, amalugniselelo ecandelo lama – 62 kaRhulumente waseMakhaya: Umthetho KaMasipala, 2000 uyasetyenziswa.
- [6] Iphepha-mvume lokudlisela imfuyo kulawulo lomhlaba ongaphakathi kwimida yedolophu kaMasipala kumadlelo akhutshiweyo –
- [a] isithuba sonyaka okanye ngaphantsi yaye iyakubuy' umva ngosuku lokugqibela kweyeSilimela kunyaka nonyaka;
 - [b] ixhomekeke kwimiqathango ebhalwe kwiphepha-mvume;
 - [c] ixhomekeke kwintlawulo yokuqala yerhafu kaMasipala ngokokusetyenziswa koludwe lweenkqubo zeerhafu;
- [7] Iphepha-mvume lokudlisela imfuyo kumadlelo kaMasipala lingavuselelwa kabini ngaphandle kokungeniswa kwesicelo esitsha koko abe umnini wephepha-mvume uhlawule –
- [a] zonke iirhafu ekufanele azihlawule kuMasipala phantsi kwalemithetho yedolophu; kunye

- [b]** nerhafu yokuvuselela iphepha-mvume njengoko ixhomekeke kuMasipala kungabingaphantsi kumhla wokugqibela kwekaCanzibe kunyaka apho iphepha-mvume iphelelwa khona.

[6] UKWALA UKUVUSELELA, UKURHOXISWA KWAKUNYE NOKUNIKELA KOMNYE UMNTU AMAPHEPHA-MVUME OKUDLISELA

- [1]** UMphathi Masipala angala ukuvuselela iphepha-mvume okubhekiswe kwicandelwana lesi – [5] [6] ukuba ubona ngathi –

[a] ngokwemiqathango yomhlaba apho imfuyo yomnini lwephepha-mvume ibekwe khona, iphepha-mvume akufanelanga ukuba livuselelwe; okanye

[b] kukho ubungqina obaneleyo ukuba iimeko zomnini wephepha-mvume ukuba zitshintshile zakwizinga lokuba isicelo saye nawuphina umceli kufuneka akhethe ngokwesaziso esikhutshiweyo ngokwecandelwana [5] [3] [c].

- [2]** Iphepha-mvume lokudlisela imfuyo kumadleo kaMasipala lingarhoxiswa nguMasipala ukuba umnini wephepha-mvume uyachasana okanye uyohluleka ukuhambisana –

[a] nomqathango apho belikhutshiwe iphepha-mvume;

[b] naliphina ilungiselelo lalemithetho yedolophu; okanye

[c] nendlela ethe ngqo esemthethweni –

[i] unomahlathi ophethe umhlaba apho imfuyo yakhe idliselwa khona; okanye

[ii] ugqirha wemfuyo otyunjwe nguMasipala.

[iii] Iphepha-mvume lokudlisela imfuyo kwidlelo likaMasipala lisenokunganikelwa komnye umntu.

ISAHLUKO SESI – 4

[7] IMISEBENZI YOMPHATHI WOLAWULO LWEMIHLABA ENGAPhakathi KWIMIDA YEDOLOPHU KAMASIPALA

Kufuneka uMphathi wolawulo lwemihlaba engaphakathi kwimida yedolophu kaMasipala

–

- [a]** ahlule iqhekeza ngalinye lomhlaba obekelwe ukudlisela ngokwecandelo lesi – 2 [2] [a] kwiinkampu ezifanelwe kukudlisela imfuyo yaye kwabiwe inani elizakubekwa kwinkampu nganye;
- [b]** alungiselele, kwinkampu nganye, ubuchule obuloluhlobo njengoko kusenokunyanzeleka kugcinwe imfuyo kuloonkampu;
- [c]** ayile, okanye abange uyilo, iimaphu ezilungele iqhekeza ngalinye lomhlaba obekwe njengenxalenye yedlelo, ibonisa nokuba yimida yeenkampu, amasango kunye namaqula;
- [d]** abe imfuyo yomnini ngamnye wephepha-mvume kwinkampu okanye iinkampuezithile kwaye azise umnini wephepha-mvume ngokufanelekileyo;
- [e]** aphuhlise, asebenze yaye alungiselele ukutshintsha iimeko, inkqubo efanelekileyo yokuba ajikeleze kudliso lomhlaba ogcinwe njengendawo yokudlisela kaMasipala, kwaye
- [f]** agcine ushicelelo olufanelekileyo, abenako ukuhlolwa nangubanina onomdla ngoko, malunga –
 - [i]** nabo bonke abanini bephepha-mvume;
 - [ii]** nokuphelelwa kweentsuku awo onke amaphepha-mvume;
 - [iii]** nokuhlawula okanye ukukhululwa kokuhlawula kwabo bonke abanini bamaphepha-mvume, kunye
 - [iv]** nezinye iimeko apho, ngombono wakhe, kufuneka kushicilelwe.

[8] IMIYALELO

- [1]** UMasipala angakhupha imiyayelo enxulumene nokulawulwa, ukuphathwa kunye nokusetyenziswa kwamadlelo kaMasipala, equka –
 - [a]** ukwakhiwa kunye nokugcinwa kweetanki zediphu, iimali ezinokuhlawulwa ngokunxulumene nokusetyenziswa kwazo, kwaye nomntu onoxanduva lokuhlawula;
 - [b]** ukubekwa kwamabala kwimfuyo egciniweyo,
 - [c]** ukuthintelwa kokugcinwa kwezilwanyana ezinobungozi kunye nezinganqwenelelekiyo, kunye nokuchazwa kwezilwanyana eziloluhlobo;

- [d]** ukuthuntela kunye nokunyangwa kwezifo zemfuyo egciniweyo, kunye nokuthintelwa kwemfuyo ngokombono kagqirha wemfuyo otyunjwe nguMasipala zingasasaza izifo eziloluhlobo;
 - [e]** intshabalalo yemizimba yezilwanyana ezixheliweyo;
 - [f]** ukuthinjwa kwezilwanyana ezingene ngaphandle kwemvume okanye zadliselwa khona ngaphandle kwemvume;
 - [g]** ukutyalwa, inkathalo kunye nokukhuselwa, kunye nentshabalalo, ukunqunqwa okanye ukuchetywa kwengca, imithi, amatyholo okanye naziphina ezinye iintyatyambo okanye isivuno, kunye nokuthengiswa kwaso emva koko;
 - [h]** ukutshiswa kwengca kunye nokudonyulwa kokhula olonakalisayo;
 - [i]** ukuzingelwa kwemidlalo nangaziphina iinjongo, iquka ukusetyenziswa kwemikhono yekati okanye izinja;
 - [j]** imisebenzi yoonomahlathi;
 - [k]** ukuthintelwa kokubekwa ngaphandle ityhefu; kunye
 - [l]** nayiphina imeko jikelele apho uMasipala ayibona inyanzelekile okanye encedayo enxulumene nolawulo, ukuphathwa okanye ukusetyenziswa kwamadlelo okanye impumelelo yembali yalemithetho yedolophu.
- [2]** Umyalelo okhutshwe ngokwecandelwana loku – [1] kufuneka –
- [a]** lipapashiwe kwiphepha-ndaba elijikeleza kumda yolawulo lwezobulungisa bukaMasipala;
 - [b]** ibekwe ngokusesikweni kwibhodi yezaziso zikaMasipala; kwaye
 - [c]** ifayishwe kwingqokelela yemithetho ecwangcisiweyo kaMasipala.
- [3]** Ukuba uMphathi Masipala unombono wokuba womdla kawonke – wonke, anga, nangasiphina isithuba kwaye aqwalasele nemiqathango eloluhlobo abanakale ekulungele, akhulule nabanina, naliphina iqela okanye naluphina udidi lwabantu ababhalwe phantsi abavumelanayo nemiyalelo ekhutshiweyo ngokwecandelwana loku – [1].

[9] AMALUNGISELELO EPHEPHA ELIRHOXISA ILUNGELO

- [1] UMasipala anga, ukuba ubona kunqweneleka enze njalo ngomdla kawonke – wonke, avumele ukuncanywa kwelungelo okanye ayekelele amalungelo alemithetho yedolophu; kulungiselelwe ukuba nabanina onamalungelo achaphazekileyo ngokungalinganga liphepha elirhoxisa ilungelo okanye ukuyekelelwa awanakukhawuleza ngoko.
- [2] Kwiimeko apho iphepha elirhoxisa ilungelo eliloluhlobo okanye kube kuvunyelwe ukuyekelelwa nakubanina, uMasipala kufuneka akhuphe isaziso esibhalwe phantsi kumntu ololuhlobo echaza amalungiselelo anxulumene nephepha lokurhoxisa ilungelo okanye ukuyekelelwa kunye nolwandiso lwamalungiselelo aloluhlobo arhoxisiwe kwiphepha lelungelo kunye, ngokongeza, uMasipala kufuneka agcine ushicilelo oluquka ikopi efanayo yesaziso ngasinye esiloluhlobo, ushicilelo omalufumaneka luzohlolwa ngamalungu kawonke – wonke kwii-ofisi zikaMasipala.

[10] ISIBONGOZO

- [1] Umntu onamalungelo achaphazelwe sisigqibo segosa angafaka isibongozo kwesosigqibo ngokunika isaziso esibhalwe phantsi sinika izizathu kuMphathi Masipala kwisithuba esingama – 21 eentsuku ukusukela kumhla afake isaziso sesigqibo.
- [2] UMphathi Masipala kufuneka aqwalasele isibongozo, kwaye aqinisekise, athsintshe okanye arhoxise isigqibo, kodwa akukho kuguquguquka okanye ukurhoxisa okuloluhlobo lwesigqibo esinganciphisa kuwo nawaphina amalungelo angathi ongezwe ngesiphumo sesisizathu.
- [3] Xa isibongozo sichasene nesigqibo esithathiweyo –
- [a] lilungu lomqeshwa ngaphandle kukaMphathi Masipala, uMphathi Masipala ungumgunyazisi wesibongozo;
- [b] uMphathi Masipala, iKomiti yesiGqeba baligunya lesibongozo; okanye
- [c] isakhiwo sezopolitiko okanye igosa lezopolitiko, okanye uCeba, iBhunga ligunya lesibongozo.
- [4] Igunya lesibongozo kufuneka liqalise nesibongozo kwisithuba seeveki ezintandathu kwaye lenze isigqibo ngexesha elifanelekileyo.

ISAHLUKO SESI – 5

[11] ISOLONTYHA LESOHLWAYO

- [1] Nabanina achasene okanye ahlulakalayo ukuhambisana nawaphina amalungiselelo alemithetho yedolophu okanye nayiphina imfuneka okanye imiqathango engaphantsi abe unetyala.
- [2] Nabanina ofunyenwe enetyala wagwetywa ngokwecandelwana le -11[1] uyakuthi ohlwaywe ngama – R800, 00 okanye afakwe entolongweni isithuba esingagqithiyo kunyaka omnye okanye ahlawule isohlwayo kunye nokufakwa entolongweni.

[12] UKURHOXISWA KWEMITHETHO YEDOLOPHU

- [1] Yonke imithetho yedolophu enxulumene nemeko elawulwe ngalemithetho yedolophu yaziswe liqela loonobhala ibeyinxalenye kaMasipala, ngesiphumo esisukela kumhla wokwaziswa kwalemithetho yedolophu, ibe irhoxisiwe.
- [2] Nayiphina imvume efumanekileyo, ilungelo elinikiweyo, kubekwe imiqathango, kuvunyelwe imisebenzi okanye nantonina eyenziwayo phantsi komthetho wokurhoxiswa, zibonakala zifumanekile, zinikiwe, zivunyiwe okanye zenziwe phantsi ngokungqinelana namalungiselelo [ukuba akhona] alemithetho yedolophu, njengoko imeko inokuba njalo.

IMITHETHO YEDOLOPHU ENXULUMENE NENDLELA YOKUPHATHA IZIDLO

UMphathi Masipala wazisa ngokwecandelo le -13 likaRhulumente waseMakhaya: Umthetho kaMasipala ka 2000 [Umthetho wama – 32 ka 2000] ifundwa necandelo lama – 162 yeMithetho yoLawulo yeRiphabliki yaseMzantsi Afrika ka 1996 [Umthetho wama – 108 ka 1996]. Imithetho yedolophu enxulumene nendlela yokuphatha izidlo kwidolophu kaMasipala isetyenziswe emva komhla ekubhengezwe ngawo.

INTSHAYELELO

NJENGOKUBA iBhunga likaMasipala ligunyaziswe ngamagunya owiso-mtetho ngokweMithetho yoLawulo lweRiphabliki yoMzantsi Afrika, 1996

NANJENGOKUBA iBhunga ekusebenziseni imithetho yalo linelungelo lokulawula indlela yokuphatha izidlo kulawulo lwemida kaMasipala kunye neemeko ezinxulumeneyo emva koko;

NGOKO NOKUBA kungawiswa umthetho liBhunga njengokulandelayo:

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INDLELA YOKUPHATHA IZIDLO

Inkcazelo

1. Kulemithetho yedolophu naliphina igama okanye imbonakalo apho intsingiselo sele inikiwe kuMthetho, kufuneka ibenentsingiselo elolohlobo kwaye, ngaphandle kokuba inkcazelo yayo ibonakala ngolunye uhlobo-

“ukufumaneka” kuqa ukufumaneka kwenye indawo ngaphandle kwendawo ekuthengiselwa kuyo izidlo;

“eyona ndlela yokufumaneka” yindlela enokwenziwa kwaye inyanzelekile yokukhusela izidlo ekudyobweni kokonakala, kuqwalaselwe imiqathango kunye neemeko zasemakhaya apho kukho indawo enezidlo okanye kwenye indawo, ububanzi obuqhelekileyo bendawo emisiweyo kwaye nasemva kokuba kuqwalaselwe ezemali;

“ukwamkelwa kwesiqinisekiso(kwesatifiketi)” kubhekiswe kwicandelo lwesi-3;

“ukucoceka” kukukhululeka kuko nakuphina ukungacoceki okuthe ngqo, imeko engavumelaniyo okanye ukudyobha obukububanzi obuchaza ukuba ulwazi ngempilo buyafumaneka, yaye “Kugcinwe kucocekile” kunentsingiselo efanayo;;

“isingxobo” okanye “isingxobo ekutyelwa kuso” siquka nantonina apho okanye kuthengiswa khona ukutya, kugcinwe, kuboniswe, kuqoqoshwe, kugcinwe kusongelwe okanye kuhanjiswe kwaye apho kufumaneka khona ukutyua ngqo;

“ukudyobha” sisiphumo esisetyenziswe ngumenzeli wangaphandle kwizidlo, ukuwenzela ukuba-

- (a) zingafikeleli kwizinga okanye kwimfuneko exhomekeke kumthetho;
- (b) zingafikeleli kwizinga lokwamkelwa kococeko lwezidlo okanye kwabathengi okanye kwamazinga aqhelekileyo; okanye
- (c) ayifanelekanga kutyiwa ngumntu

kwaye **“ukudyobha”** kunentsingiselo engqinelana

“undoqo weqondo lobushushu” luqikelelo lweqondo lobushushu obukumbindi wesidlo;

“ubuchule” nasiphina isixhobo, ukuphumeza, indawo yokugcina, umphandle wendawo yokusebenzela yento esetyenziswayo ngokunxulumene nendlela yokuphatha izidlo;

“izidlo” izinto ezityiwayo ezifuna ukutyiwa ngabantu njengoko kuchaziwe kwiCandelo loku -1 lwezinto ezityiwayo, izinto zokuchokoza umzimba, kunye noMthetho weSibulala-ntsholongwane, 1972 (Ummiselo wama – 54 ka 1972), ngaphandle kwezidlo ekubhekiswe kuzo kumthetho we – 14;

“indawo yokutyela” sisakhiwo, indawo yokuthengisela estratweni, okanye esinye isakhiwo esifanayo, kwaye iquka inqwelo enophahla ekuhlalwa kuyo, inqwelo-mafutha okanye indawo esetyenziswe ngokunxulumeneyo nendlela yokuphatha izidlo;

“indawo yokwenza elungileyo” indlela yokwenza okanye ukuphatha okanye inkqubo esetyenzisiweyo, kuqwalaselwe umthetho-siseko wococeko, ukwenzela ukuba ukutya kungadyobhwa okanye kungonakali ngexesha lenkqubo yokwakhiwa kwako;

“ukuphatha” kuqulathe ukwenziwa, inkqubo, imveliso, ukuqoqwa, ukulungiselela, ukunika, ukugcina, ukuthutha, ukubonisa, intengiso okanye ukusebenzela kunye “nokuphathwa” kunentsingiselo engqinelanayo;

“izandla” ziqulatha izandla ezininzi okanye inxalenye yengalo esandiswe kwisihlahla ukuya kwingqiniba

“ubungozi empilweni” buqulatha nayiphina imiqathango, umthetho okanye ukushiyekela okungadyobha izidlo eziloluhlobo kunokuba nobungozi okanye kuxhwalekise empilweni;

“umhloli” igosa lobugqirha okanye lezempilo elityunjwe ngokwecandelo lama – 22(1) loMthetho, okanye legosa lezempilo lezobume bemeko yendawo okanye ugqirha wemfuyo otyunjwe ngokwecandelo lama – 24 (1) loMthetho;

“Umthetho wezokhuseleko lwenyama” ngumthetho ka 2000 (Umthetho wama – 40 ka 2000)

“Ibhunga likaMasipala” liBhunga likaMasipala Ingquza Hill kunye naliphina igosa elinyulwe lanikwa amagunya nguMasipala, kunye nemisebenzi ezalisa imali kuMasipala ngokunxulumene nalemithetho yedolophu;

“UMasipala” nguMasipala waseMakhaya Ingquza Hill;

“Umthetho wamaZinga wezakhiwo zeSizwe” ngumthetho ka 1977 (Umthetho wama – 103 ka 1977)

“izidlo ezinokonakala” naziphina izidlo ezixhomekeke ekwakhweni, izithako zokupheka, umfumo kunye nexabiso lePH kunye nokusilela kokugcinakalisa kwazo kunye nokuqoqwa okufanelekileyo kuthabatheka kwisithintelo esongezelekayo kwiintsholongwane okanye ukuba ukutya kudweliswe kwiSaziso sikaRhulumente sama –R1183 kweyeSilimela 1990 njengoko kulungiselelwe, ngaphandle kweziqhamo kunye nemifuno;

“umntu ophetheyo” ngokunxulumene nayiphina indawo yokutya, umntu onoxanduva lwendawo yokutya okanye umnini wendawo yokutya eloluhlobo, njengoko imeko isenokubanjalo;

“ukutya okuqale okuphinde kwaqoqwa” kukutya apho kuqale kwaziswe ngenjongo zokuthengisa kube kuqoqoshiwe njengoko kucamngcwe ngokwecandelo lesi - 7 (3);

“kulungele ukutyiwa” nakuphina ukutya okonakalayo okungatyiwa ngaphandle kokuba kwenziwe ezinye iinkqubo zokukulungiselela ukuba kutyiwe;

“ukunika” kuqulathe amalungiselelo okutya nokuba kukutyiwa kwako okanye kwenye into;

“Umthetho” Umthetho wezeMpilo, 1977 (Umthetho wama – 63 ka 1977);

“isixhobo sokulinganisa ubushushu” sisixhobo esinika iindlela zokufunda amaqondo obushushu ekubhekiswe kuwo kulemithetho, ukudityaniswa kocoselekileyo lwesixhobo sokulinganisa ubushushu kwaye isivisi sesixhobo sokulinganisa ubushushu sibuthathaka sisondela ku – 0,5oC;

“leMithetho yedolophu” iqulatha nakuphina ukudibaniswa kwalemithetho;

“ngokungalunganga” ukungaphili, ukungcola, ukosulelwa, ukudyobhwa, ukubola okanye ukonakala, okanye engalungelanga ukutyiwa ngumntu nangesiphina isizathu;

“inqwelo-mafutha” nawuphina omnye umsebenzi wobugcisa, inqwelo-mafutha okanye ukuhambisa okusetyenziswe ekuphatheni okanye ekuhambiseni ukutya;

“amanzi” ahambiselana neemfuneko ezibekwe ngu – SABS 241: amanzi wezixhobo zasekhaya.

ISAHLUKO SESI – 2

2. Isicelo

(1) Ukuba uMasipala akanazo iinkonzo zomhloli nangasiphina isizathu, angasebenzisa iinkonzo zomnye umhloli welinye igunya lezempilo okanye kwindawo yokusebenzela yangasese ekusebenziseni amagunya okanye imisebenzi yomhloli ekubhekiswe kuyo kulemithetho.

(2) Akukho malungiselelo alemithetho yedolophu echasene nemithetho eyenziwe ngaphantsi koMmiselo ngokubhekiselele ekuphatheni okanye ekuhambiseni izidlo ezithile ekufuneka zibe zisemthethweni njengoko zichasene.

3.1. Isiqinisekiso sokwamkelwa

3. (1) Sixhomekeke kumalungiselelo akwicandelwana lwesi –(2) kunye necandelo le – 15 (5), akukho mntu amakaphathe ukutya okanye avumele ukutya ukuba kuphathwe-
- (a) Kwiindawo zokutyela kuxhomekeke ukuba isiqinisekiso esamkelwayo esisemthethweni sibe asikakhutshwa okanye asinyanzelwa; okanye
 - (b) Ngokuchasene naso nasiphina isithintelo okanye umqathango okanye isigqibo esithathwe ngesiqinisekiso sokwamkela esiloluhlobo esingekakhutshwa okanye esinganyanzelwayo; okanye
- (2) Amalungiselelo akwicandelwana loku – (1) kufuneka lusebenze kwimeko yendawo yokutya ekhoyo nangasiphina isithuba sokwaziswa kwalemithetho yedolophu ngosuku lokuqala olulandelwa sisithandathu seenyanga emva kosuku eyaziswe ngalemithetho yedolophu.
- (3) Umntu ophethe nayiphina indawo yokutya onqwenela ukugcina isiqinisekiso sokwamkelwa esixhomekeke kwindawo yokutya eloluhlobo, kufuneka isetyenziswe ngokubhalwe phantsi kuMasipala kwifomu eneenkcukacha ezomeleleyo ezifanayo njengoko ezo zigcinwe kwifomu kwisidibanisi salemithetho yedolophu.

- (4) Ekufumaneni isicelo ekubhekiswe kuso ngokwecandelwana lesi (3), uMasipala kufuneka angaphozisi maseko ebhekise isicelo kumhloli ze asiqwalasele.
- (5) Umhloli angaqwalasela isicelo esiloluhlobo, afune iinkcukacha ezithe vetshe njengoko kunganyanzeleka okanye ancede umceli okanye isicelo okanye kuye nabanina.
- (6) Ukuba umhloli, emveni kokuba enze intlolo, wonelisekile ukuba indawo yokutya, exhomekeke kwimiqathango ekhoyo omhlaba oyamene kunye nemisebenzi kunye kuxhomekeke kwimiqathango ekwicandelo lesi – 4 (2) kunye ne - 15
- (a) ihambisane nawo onke amalungiselelo akwicandelo lesi – 5 nakwisi – 6, uMasipala kufuneka akhuphe isiqinisekiso sokwamkelwa egameni lomntu ephetheyo kwifomu eyomeleleyo efana nefomu ekulemithetho yedolophu; okanye
- (b) angaze nangaziphina iindlela ahambisane namalungiselelo akwicandelo lesi – 5 kunye nelesi – 6, igunya lasemakhaya lingachasana.
- (7) Isiqinisekiso sokwamkelwa kufuneka siboniswe kwindawo esekuhleni ukwenzela ukuba iinkcukacha zikawonke wonke ezikwindawo yokutya ukuba ibe sisikhutshelo emva koko kufuneka ngokukhawuleza okukhulu senziwe sibekhona ngokwesicelo apho kuboniswe ngokunqabileyo.
- (8) Ukuba umntu ophethe indawo yokutya ususiwe kwafakwa omnye umntu endaweni yakhe, ukutshintshwa okuloluhlobo ekwisithuba esintsuku zingama – 30 emva kosuku kwaye uMasipalakufuneka ahambisane nalamalungiselelo ecandelo lesi – 4(2), akhuphe isiqinisekiso sokwamkelwa egameni lalomntu umtsha ophetheyo.
- (9) Isiqinisekiso sokwamkelwa-
- (a) asinakutshintshwa ukusuka komnye umntu ukuya komnye umntu kwaye ukusuka kwindawo yokutya enye ukuya kwenye indawo yokutya;
- (b) sibasemthethweni kuphela ngenxa yokuphathwa kwemeko ebekiwe yokuphatha kwisicelo okanye kwesiqinisekiso sokwamkelwa.
- (c) UMasipala angabhala uxwebhu nangaliphina ixesha-
- (i) Ngokongeza naziphina ezinye zezithintelo ezinganyanzeleka zokuthintela ingozi empilweni; kunye

- (ii) Nokususwa kwazo naziphina izithintelo ngokuxhomekeke kudidi okanye kuhlobo lokutya okanye kwindlela yokuphatha.
- (d) Kufuneka iphelelwe okwethutyana kwisithuba ekuthintelwe ngaso phantsi kwecandelo lesi-4 (2) libe liyasebenza;
- (e) Kufuneka iphelelwe unomphelo kwisithuba apho kuthintelwe phantsi kwecandelo lesi-(2) lingasuswa kwisithuba esimisiweyo emasingagqithi kwisithandathu seenyanga ukususela kumhla wokukhutshwa kwesaziso ngokwecandelo lesi-4(2); kwaye
- (f) Kufuneka iphelelwe unomphelo ukuba amalungiselelo ecandelwana lesi-(8) akuhanjisananga nawo.
- (10) Akukho mntu ongathatha utshinstho okanye ongeze okanye akhe iziqinisekiso amazamkelwe engagunyaziswanga.

4. Isithintelo sokuphathwa kunye nokuthuthwa kwezidlo

- (1) Akukho mntu amakaphathe izidlo ngendlela echasane namalungiselelo alemithetho yedolophu.
- (2) Ukuba umhloli ulandelela ukuhlolwa kweendawo zezidlo okanye umbono wezindawo-
 - (a) iindawo zezidlo eziloluhlobo-
 - (i) zikwimo okanye ikwimeko eloluhlobo okanye isetyenziswe ngendlela eloluhlobo, okanye
 - (ii) zihambisane okanye zichasane nalamacandelo nobubanzi;
 - (b) isenzo esithile esinxulumene nokuphathwa kwezidlo kwenzeka ngendlela eloluhlobo ekubhekiswe kuyo kwicandelo loku -(1); okanye
 - (c) iimeko eziloluhlobo zikhona yaye zinxulumene neendawo zezidlo okanye nendawo okanye nawuphina omnye umsebenzi, emisa ingozi ngokwasempilweni yaye ukuqhubeka kusebetyenziswa kweendawo zezidlo okanye indawo or ukusetyenziswa kwazo kufuneka kuthintelwe,

UMasipala ngamazwi ambalwa angathintela ukusetyenziswa kweendawo zezidlo okanye indawo yokuphathwa kwezidlo, ngokunika isaziso esibhalwe phantsi ngokwecandelo lama – 52 oMthetho kumntu ophetheyo okanye ukuba akafumaneki, kummeli wakhe esazisa umntu ololuhlobo ngesithintelo.

- (3) Isaziso esibhekiswe kwicandelwana lesi – (2) kufuneka siqulathe okokuba zezinkcukacha zilandelayo:
- (a) Isizathu okanye izizathu zokuthintelwa; kunye
- (b) nentetho ebhalwe phantsi echaza ukuba isithintelo siyakususwa nguMasipala ngokukhulu ukukhawuleza emva kokuba kuzathuziwe ngokuba kususwe ukuthintelwa kwaye nomhloli abe wonelisekile ukuḅa izizathu zokususwa kwesithintelo ngekhe ziphinde zenzeke.
- (4) (a) Isithintelo siyakusebenza ngomhla obekwe nguMasipala kwisaziso yaye sikhutshwe phantsi kwecandelwana lesi – (2).
- (5) Kufuneka umhloli kwisithuba seeyure ezingama – 72 efumene isicelo sokususa isithintelo eqhube uphando lweendawo zezidlo, indawo, umsebenzi okanye iimeko eziqhubelele ekubeni kubekho izithintelo.
- (6) Kufuneka uMasipala xa egqiba uphando oluloluhlobo, abhale phantsi, azise umntu onikwe isaziso sesithintelo okanye, ukuba akafumaneki, naye nabanina omnye umntu omelet ukususwa okanye ukugcinwa kwesithintelo, njengoko imeko inganjalo.
- (7) UMasipala angarhafisa umrhumo wokuhlola olingana neenkitho ezenziweyo nguye ngokuqhutywa kophando ngumhloli ngokwecandelwana lesi – (5).

ISAHLUKO SESI – 3

4. Imigangatho kunye neemfuneko zeendawo zezidlo.

- (1) Igumbi ngalinye lendawo kufuneka-
- (1.1.) ingenise umoya kakuhle nge –
- (1.1.1) Umoya wendalo ozingenelayo kwiindawo ezivuliweyo okanye ezingavumeli amacandelo adibene ngqo nomoya ongaphandle kwaye ezibekwe kumphandle wodonga okanye wophahla olunqumlayo – ukungenisa umoya kuyakwazi ukwenzeka kodwa iindawo ezivulekileyo kufuneka zibekumphandle wegumbi elo; okanye
- (1.1.2) umoya ongenayo owenziweyo ohambisana neemfuneko zoMthetho wezeZakhiwo zeSizwe kunye noMthetho wemiGangatho yeZakhiwo; Nayiphina yezindlela zimbini izakukwenza lula ukongezwa umoya opholileyo ngokufanelekileyo kunye nokususwa komoya ongcolileyo okanye komoya omdala ekutyeni – ibe yindawo enobukhulu engenakudyobha umoya onokudyoba ukutya, kunye negesi, umophu kunye nomoya ofudumeleyo ongongezeleka ngexa kuphathwa izidlo zisuswe kakuhle, kwaye ukungxamiseka kwako nakuphina ukungabinalwazi ngezempilo okanye imeko engekho sempilweni kwindawo ekuphathwa kuyo izidlo ibe ithintelwe.

(1.1.3) Ikhanyiselwe ngendlela –

(1.2.) Imiphandle engaphazamiswayo ngokucacileyo kumphandle wodonga/ okanye kuphahla olungenisa ukukhanya emini, kwindawo elinganayo engali – 10% yomphantsi obandakanyekayo; kwaye

(1.2.1) Ukhanyiso olwenziweyo oluhambisana neemfuneko zoMthetho weZakhiwo zeSizwe kunye neMithetho yeeMigangatho yeZakhiwo, kwaye evumela ukhanyiso olubonakalisa kakhulu lulingane nama – 200 we-lux ukuba luwele kuzo zonke izidlo – kwimiphandle ephathekayo kwikugumbi elibandakanyekayo.

(2) Kufuneka iindawo zezidlo -

(2.1.) Zibenezitya zokuhlambela izandla ezinamanzi ashushu nabandayo okucoca izinto zezidlo;

(2.2) Inggine ubukreketi ngeyona ndlela ifumanekayo kodwa lemfuneko ayizukusebenza kwiindawo zezidlo apho kungekho kutya okuphethweyo okanye okugciniweyo emva kweeyure zokushishina zaloondawo;

(i) Ilungiselelwe ngokusebenza ekuthinteleni ukufumaneka kweempukane okanye ezinye izinambuzane kwindawo apho kuphathwa izidlo;

(ii) Ibenendawo ekuchuthwa kuyo amanzi oguntyulo eyamkelwe nguMasipala.

(3) Ezi zilandelayo kufuneka zifumaneke kwiindawo zezidlo:

(i) Inani lezindlu zangasese ezingaphandle, izindlu zangasese kunye nezitya zokuhlambela izandla ezichongwe kwisihlomelo C kulemithetho yedolophu ezizakusetyenziswa ngabasebenzi beendawo zezidlo zinikelwe kwizindlu zezidlo kodwa zibenendawo ezahlukeyo zangasese zabasebenzi kunye nabathengi yaye zisetyenziswe ngabantu abanesini esinye emnye okanye babengaphezulu kweshumi abasebenza kwiindawo zezidlo, izindlu ezahlukeneyo kufuneka zingafunwa ezizakusetyenziswa ngabasebenzi abanezini ezingafaniyo.

(ii) Izitya zokuhlambela izandla kufuneka zilungiselelwe zibenesepha (okanye ezinye zezinto zokuhlamba izandla) kunye namaphepha okusula izandla okanye nezinye izinto zokomisa izandla okanye isixhobo sokomisa izandla yokuhlamba okanye yomise izandla ngabasebenzi okanye abantu:

(iii) Ingangeni lwelo, isixhobo ekulula ukuyihamba ezineziciko ezifanelekileyo zokugcina umgqomo wenkunkuma ucocekile ulinde ukususwa kwawo kwiindawo ekuphathwa kuzo izidlo;

(iv) Indawo ecocekileyo yokugcina izidlo kunye nezixhobo kunye nendawo efanelekileyo ekhethekileyo yesingxobo sokugcina inkunkuma kwiindawo zezidlo;

(v) Indawo ekhethekileyo yokutshintsha enendawo yokugcina iimpahla; kunye

(vi) nokufakwa kwamanzi oneleyo.

(4) Akukho gumbi ekufuneka liphathe izidlo elidibana ngqo nayo nayiphina indawo –

- (i) Apho igesi, umsi, uthuli lomsizi, amavumba amabi okanye namanye amavumba angasulungekanga akhoyo okanye zinganyuswa ngendlela ukutya okukwigumbi ekuphathwa kulo izidlo lingabe lidyobhiwe okanye lonakele, okanye
- (ii) Apho isenzo senziwe nangayiphina indlela okanye apho nayiphina indlela okanye apho kukho khona nayiphina imeko engadyobha okanye yonakalise ukutya kwindawo ekuphathwa kuyo izidlo.

(5) Igumbi apho kuphathwa khona izidlo ingadibaniswa kwigumbi elinendlu yangasese yangaphandle okanye kwindawo enendlu yangasese-

- (i) Kwindawo engenisa umoya kuphela kwigumbi lokungena kwisakhiwo esikhulu kodwa zonke iingcango ezingaphakathi ezingenayo ezinxulumeneyo kufuneka zogqume yonke indawo yamakroba azo kodwa kufuneka zixhobile ngesixhobo esizivalayo, okanye
- (ii) Ngaphandle kwegumbi lokungena kwisakhiwo esikhulu esiphakathi kwazo kodwa ukudibanisa amakroba kufuneka kubenocango oluzivalayo njengoko kucamngciwe kumhlathana woku – 1) kodwa indlu engaphandle yangasese okanye igumbi langasese kufuneka lixhobisiwe ngesixhobo ezingenisa umoya kumoya ongaphandle isebenzise umoya ojikeleza ngaphakathi kwigumbi eliloluhlobo phantsi uxinezelo oluchasa ngokunxulumene nomoya ojikeleza phandle kwigumbi ekuphathwa kulo izidlo.

6. IMIGANGATHO KUNYE NEEMFUNeko ZEENDAWO ZOKUGCINA IZIDLO

- 1) Umphambili wayo nayiphina itafile, isixhobo sokubala okanye umphandle wendawo yokusebenzela apho kwizidlo ezingavulwanga kuphathwe yaye nasiphina isixhobo okanye isitya okanye nawuphina omnye umphandle odibana ngqo nokutya kufuneka yenziwe ngokuthamba, engenakurusa, engenatyhefu kwaye ingacini nto, ekhululekileyo yaye enamalungu avuliweyo okanye imithungo kodwa izitena ezinqunqiweyo zamaplanga, ukusika amaplanga kwaye kungathintelwa izixhobo ukuba izixhobo eziloluhlobo zigcinwe kwimeko engcolileyo enganyuseli nto emveni koko.
- 2) Akukho mhandle ekubhekiswe kuwo kwicandelwana loku – (1) kunye nezitya ezenziwe ngodongwe zatshiswa, amacephe, izixhobo zezitya okanye nayo nayiphina enye yezinto ekufuneka zisetyenziswe ekuphatheni izidlo ukuba zixoziwe, zohlulwa phakathi okanye zophuka.
- 3) Nasiphina isixhobo okanye into apho efanelwe ukusetyenziswa kanye kuphela –
 - a) Kufuneka isingxobo sigcinwe sicocekile side sisetyenziswe kwaye
 - b) Kufuneka sisetyenziswe kanye kuphela.
- 4) Umphandle ekubhekiswe kuwo kwicandelwana loku – (1) kunye nesixhobo ekubhekiswe kuso kwicandelwana lesi – (2) kufuneka –
 - a) Zicociwe kwaye zihlanjiwe phambi kokuba zidibane ngqo nokutya kwisithuba sokuqala ngexesha lokuqala lokusebenza kwaye

- b) Zicociwe kwaye zihlanjiwe, njengoko kufanelekile, ngexa nangoko nangoko emva kokuphathwa kokutya, ukunzela ukuba ukudyobheka kwezidlo okudibana nawo nawuphina umphandle wesakhiwo kufuneka phambi kudibane ngqo emva koko, kuqulathe –
- (i) Kungabingaphezulu kwe -100 ukwenzeka kweempilana ezinokubonwa kuphela ngemokroskopu eziyi – 2cm²
Uhlahlelo, olubanjwe ngokokuvunywa kophando lwenzululwazi lweendlela zokufunda ngeentsholongwane, ngokwesampulu ethathiweyo ngokobuchule belaphu eyalelwe ngu – SABS uCwangciso loVavanyo lwemiGangathio engama – 763: Umsebenzi weMashini yokuCoca, Izixhobo: ubuchule belaphu; kwaye
 - (ii) Kungashiyeki zixhobo zokucoca okanye izibulali-ntsholongwane ezingangcolisa izidlo.
- (5) Yonke into ebandisayo kunye neyenza umkhenkce esetyenziselwa ukugcina, ukubonisa okanye ukuthutha ukutya okonakalayo kufuneka kulungiselelwe ukuba ibenesixhobo sokulinganisa ubushushu ezakuhlala ibonisa amaqondo obushushu kwindawo eshushubeziweyo kwaye kufuneka ibekwimeko eloluhlobo kwaye ibekwe ifundeke ngendlela ekuyiyo engathathwa ingathintelwanga.
- (6) Zonke izixhobo zobushushu okanye ezisetyenziselwa ukugcina, ukubonisa okanye ukuthutha okanye izidlo ezonakalayo ezishushubeziweyo ngesixhobo sokubonisa amaqondo obushushu kuwo onke amaxesha kufuneka ibonise amaqondo obushushu bendawo endawo enobushushu ebandakanyekayo yaye ekufuneka ikwimeko eloluhlobo yaye ibekwe ifundeke ngendlela ekuyiyo engathathwa ingathintelwanga.

7. IMIGANGATHO KUNYE NEEMFUNeko ZEENGXOWA ZEZIDLO

- (1) Akukho mntu ekufuneka athengise ukutya okusetotini okanye okuvalwe gingci kwisingxobo –
- a) Andise indawo eqeshisayo okanye emacaleni okanye icala elinye elongezekayo xa elinye icala licinezelekile.
 - b) Ibe ivuthelwe nangayiphina indlela okanye apho igesi iphuma khona xa ivuliwe okanye igqobhokile, ngaphandle kokuba –
 - (i) Isingxobo siqulathe umlomo wokufaka igesi; okanye
 - (ii) Igesi isetyenziswe njengesigcinikaliso;
 - c) Ibe irusile okanye yonakele enokudyobha okanye yonakalise ukutya okanye evuzayo okanye ide ivuleke; okanye
 - (iii) Kufuneka isingxobo sicoceke kwaye singabinayo nayiphina ithyefu, isithako sokupheka okanye nasiphina esinye sesiyobisi esinokudyobha okanye sonakalise ukutya kwisingxobo.

Kuphinde kuqoqwe ukutya, kuxhomekeke kuhlobo lokutya, kufuneka ziqoqwe kwisingxobo esingangenelwa lulwelo okanye esingangenelwa luthuli esikhusela ukutya okungaphakathi ukuba kungadyobha-dyobheki phantsi kweemeko eziqhelekileyo zokuphatha kwaye kufuneka iqoqwe okanye ivalwe ukwenzela ukuba ukutya kungasuswa okanye kungogqunywa, konakale isiciko sokuvala ukutya kwisingxobo.

4 @ Izidlo ezonakalayo, zithintela izidlo ekubhekiswe kuzo kwiCandelo le – 14 kunye nezidlo ezingaqalanga zaqoqwa ngaphandle kwezidlo ezityiwayo kwiindawo zezidlo, kufuneka xa zinikwa umthengi, ziqoqwe kwisingxobo esikhusela ukutya ukuba kungonakali.

8. IMIGANGATHO KUNYE NEEMFUNeko EKUFUNeKA ZIBONISIWE, ZIGCINWE KUMAqONDO OBUSHUSHU LWEZIDLO

- (1) Ukutya okubonisiweyo okanye okugciniweyo kufuneka kungadibani ngqo naphantsi okanye nawuphina umphandle womphantsi.
- (2) Naliphina ithala okanye indawo esetyenziswa ekuboniseni okanye yokugcina ukutya okanye nasiphina isingxobo kufuneka sigcinwe sicocekile kwaye singenathuli okanye nayiphina enye into engekho sempilweni.
- (3) Kungaphindanga kwaqoqoshwa, kulungelele ukuba kutyiwe ukutya, kuqulathe ukutya okunikwa izidlo kwaye eboniswe kwisingxobo esibonakalayo, kufuneka sikhuselwe ngeyona ndlela ilungeleleneyo kwithontsana lokudyobha okanye ukudyobha okwenziwa zizinambuzane okanye luthuli.
- (4) (a) Kuxhomekeke kwicandelwana lesi – (6) lako konke ukutya okolathwe kwisihlomelo saleMithetho yedolophu, singaquki ixesha elithathe ukuba kuphole ukutya okanye kufudunyezwe ngamaqondo obushushu obufunekayo obuli – 10 ngokwendlela elilungileyo lokwenziwa, ngexa kugcinwa, kuthuthwa okanye kuboniswe emveni koko zigcinwe ngokondoqo wamaqondo obushushu zingagqithi undoqo wamaqondo obushushu obunaluliweyo yokutya yaye kufuneka kuthengiswe, xa imeko yokumkhenkce okanye ukutya okubandisiweyo, undoqo wamaqondo obushushu aphezulu kakhulu kunemfuneko yondoqo wamaqondo obushushu ngoko ingaphezulu kwe – 20c yamaqondo obushushu aphezulu kunemfuneko, ngoko ingaphantsi kukandoqo wamaqondo obushushu afenekayo okanye amaqondo obushushu omphandle okanye angaphezulu kwe – 20c engaphantsi kukandoqo wamaqondo obushushu obufunekayo.
- (b) Amalungiselelo omhlathi (a) kufuneka ingasebenze –
- (i) Kuko nakuphina ukutya okonakalayo okuzakuthengiswa ngqo kubathengi kwiyure enye emveni kokuba kwenziwe okanye kulungiselelwe okanye okuzakutyiwa kwiindawo zezidlo kwisithuba esinganeyure kwenziwe okanye kulungiselelwe,
 - (ii) Inyama yenyamakazi, kwisithuba esingagqithiyo kwiyure ezisibhozo emveni kokuba isilwanya esibandakanyekayo sibe sibulelwe kodwa amaqondo obushushu omphandle kufuneka angagqithi kuma – 250c

- (iii) Intlanzi eluhlaza engalungiselelwanga, inyobhanyobha evela eswekileni okanye isidalwa esineqokobhe okanye inyama eluhlaza okanye kwemizimba yezilwanyana esixheliweyo ukuba singangatywa iinkomo, iigusha, iibhokhwe, iihagu, iimeyile, idonki, imivundla okanye iinciniba ngexa zithuthwayo kwisithuba esingagqithiyo kwiyure yokuhanjiswa kodwa amaqondo obushushu omphandle ngoko kufuneka angagqithi.
- (iv) Kuko nakuphina ukutya okuthyilwe kumaqondo aphezulu obushushu ngaphezu kwalawo kubhekiswe kuwo kulomthetho wokufezekisa kwesithuba okanye njengenxalenye yokwenziwa kwenkqubo kodwa ukuthyilelwa kumaqondo aphezulu kakhulu obushushu kufuneka isebenziswe ngokulungileyo.

5. Nakuphina ukutya okuthengiswa njengokutya okunomkhenkce yaye ibe inyibilikise omabini amaqondo obushushu omphandle apho ingagqithanga kuma – 70c ingaphinda yenziwe ibenomkhenkce kwakhona kodwa izidlo eziloluhlobo ezenziwe zanemikhenkce kufuneka ziphathwe ngendlela elungileyo yokusetyenziswa.

6. Indlela yokusebenza yemilinganiselo yamaqondo obushushu ebalulweyo yokutya ekuhlomela leMithetho yedolophu, kufuneka njengangoko isebenziseka, isetyenziswe ngomlinganiselo wamaqondo obushushu alungileyo.

9. IMIGANGATHO KUNYE NEEMFUNeko ZEMPAHLA YOKHUSELEKO

- 1) Akukho mntu ovumelekileyo ukuba aphaathe ukutya ngaphandle kokunxiba impahla efanelekileyo yokhuselo njengoko kubaluliwe ngokwecandelwana lesi – 2.
- 2) Impahla yokhuselo, iquka ukogquma intloko kunye nezihlangu, zakhe nabanina ophatha izidlo ezingaqoqoshwanga ukwenzela ukuba ukutya kungonakali, kufuneka-
 - a) Kuceceke xa umntu ololuhlobo eqalisa ukuphatha izidlo.
 - b) Ngawo onke amaxesha kuphathwa izidlo kube kukwimeko ecocekileyo kwaye uxunelo kunye nesixhobo esingenakudhobha izidlo; kwaye
 - c) Iyilwe ngendlela yokuba isidlo asinakudibana ngqo kunye naliphina ilungu lomzimba, ngaphandle kwezandla.

10. IMISEBENZI YOMNTU OPHETHE IINDAWO ZEZIDLO

(1) Umntu ophethe iindawo zezidlo kufuneka aqinisekise ukuba –

- (i) Imilinganiselo esetyenziswayo ekushenxiseni iimpukane, nezinye izinambuzane, izikrekrethi okanye izilwanyana ezikhathazayo (iintakumba, iincukuthu, njl njl) kwiindawo zezidlo;
- (ii) Naye nabanina osebenza kwiindawo zezidlo efanelwe ukuba aqeqeshwe ngolwazi ngempilo yezidlo ngumhloli okanye naye nabanina omnye umntu ofanelekileyo: kwaye
- (iii) Inkunkuma ibe isusiwe kwiindawo okanye kulo naliphina igumbi apho izidlo kuphethweyo kangangoko kufanelekile kwaye naninina umhloli efuna yenziwe.
- (iv) Inkunkuma igciniwe okanye ibonisiwe ngendlela engenakubangela inkathazo.
- (v) Imigqomo yenkunkuma-

- 1) Icocwa rhoqo; kwaye
- 2) Kubulalwe intsholongwane naninina kukho imfuneko kwaye nanini umhloli efuna yenziwe.

(2) Ukuchithwa kwamanzi kwiindawo zezidlo kuboniswe ukunoliseka kwegunya loseemakhaya;

(3) Iindawo zezidlo kunye nomhlaba osetyenzisiweyo ekudibaniseni ekuphatheni izidlo kunye nazo zonke izixhobo, intlawulelo yothutho lezithuthi kunye nezingxobo emazigcinwe zicocekile yaye zingabinanto engafunekiyo yesixhobo, iimpahla okanye izinto engeyoxalenye yeendawo zezidlo ezifunekayo.

(4) Akukho mntu emakaphathe izidlo ezingaqoqoshwayo ukuba afake naziphina izihombiso ezinamatye anqabileyo okanye isihombiso esingadibana nezidlo, ngaphandle kokuba kogqunye kakuhle kakhulu;

(5) Akukho silwanyana, esixhomekeke kumalungiselelo awo nawuphina umthetho, kugciniwe okanye kuvunywe nakweliphina igumba okanye indawo ekuphathwa kuyo izidlo, ngaphandle kokuba-

(6) Inja ekhokhela umntu oyimfama ingavumeleka kwintengiso okanye kwindawo ekunikwa kuyo indawo yezidlo.

(7) Ilinyobhanyobha zentlanzi okanye izidalwa ezinamaqokobhe zingagcinwa ziphila zibe zilungiselelwe ukutyiwa;

(8) Isilwanyana esiphilayo singaxhelelwa kwigumbi elihlukeneyo phambi kokuba umzimba wesilwanyana esixheliweyo sibe siphethwe, sixhomekeke kwicandelo lesi – 4(2).

(9) Akukho mqathango, isenzo okanye ukushiyelwa okungadyobha nakuphina ukutya okanye kwenziwe okanye kuvunywe kwindawo yezidlo.

(10) Amalungiselelo alemithetho yedolophu kuyahanjiswana nayo;

(11) Bonke abantu abaphantsi kolawulo lwakhe abaphatha izidlo maxa onke kufuneka bafikelele kumazinga kunye neemfuneko kunye nokwenziwa kwemisebenzi ekubhekiswe kuyo kwicandelo lesi – 9 kunye ne – 11.

(12) Indawo okanye igumbi apho kuphathwa khona ukutya alinakusetyenziswa –

(i) Iinjongo zokulala

(ii) Ukuhlanjwa, ukucocwa okanye ukolulwa kwempahla okanye impahla efanayo;

(iii) Nayiphina enye injongo okanye nangayiphina imeko engonakalisa ukutya ngoko;

(13) Akukho mphathi waokutya oyakuthi aphaathe ukutya okulungele ukutya okungaqoqoshwayo kwakhona ngezandla zakhe, ngaphandle kokuba akunakuphepeka ngeenjongo zamalungiselelo, apho imeko yokutya inokuphathwa ngokwenziwa ngokulungileyo; kwaye

11. IMISEBENZI YOMPHATHI-KUTYA

(1) Ukutya, indawo okanye isingxobo asinakuphathwa nangubanina;

(a) Oneminwe, izandla okanye iimpahla ezingacocekanga;

(b) Ongazihlambisisanga izakhe ngesepa namanzi okanye ozicoce ngenye indlela efanelekileyo:-

(i) Kwamsinga phambi kokuba aqalise umsebenzi ngamnye;

(ii) Ekuqaleni komsebenzi wosuku okanye emveni koxesha lokuphumla;

(iii) Emveni kokuba eye kwindlu yangasese ephandle okanye kwindawo yokuchamela;

(c) Ngawo onke amaxesha emveni kokuba efinyile okanye izandle zakhe zikhe zadibana nokuphefumla okanye ngeenwele, iimpumlo okanye umlomo wakhe.

(d) Emveni kokuba ephethe itshefu, imali okanye isingxobo senkunkuma okanye inkunkuma;

(e) Emveni kokuba ephethe imifuno eluhlaza, iziqhamo, amaqanda, inyama okanye intlanzi kwaye phambi kokuba aphaathe ukutya okulungele ukusetyenziswa;

(f) Emveni kokuba etshaye icuba okanye ebuyela kwindawo yezidlo okanye

(g) Emveni kokuba izandla zakhe zidyobhekile nangasiphina esinye isizathu.

(2) Ukutya, indawo okanye isingxobo singangaphathwa nangubanina –

(a) Iindawo zezidlo kunye nawuphina omnye umhlaba osetyenziswe ngokudibene nokuphathwa kokutya kunye nazo zonke izixhobo, intlawulelo yothutho lwempahla yeenqwelo – mafutha kunye nezingxobo zigcinwe zicocekile kuzo naziphina izixhobo, iimpahla ezingeyonxalenye yeendawo zezidlo ezifunekayo.

(b) Akukho mntu ophatha izidlo ezingaphindanga zaqoqoshwa anxibe nawuphina umhombiso anamatye anqabileyo okanye umhombiso ongadibana nokutya, ngaphandle kokuba kogqunywe ngendlela efanelekileyo,

(c) Akukho silwanyana, esixhomekeke kumalungiselelo awo nawuphina umthetho, sigcinwe okanye sivenyelwe kulo naliphina igumbi okanye indawo apho kuphathwa khona ukutya, ngaphandle kokuba –

(i) Inja ekhokhela ikhapha umntu ongaboniyo ingavunyelwa kwiintengiso okanye kwindawo ekutyelwa kuyo kwiindawo zezidlo;

(ii) Inyobhanyobha evela kwintlanzi okanye kwisidalwa esineqokobhe esingagcinwa siphila side silungiselelwe ukutyiwa;

(iii) Isilwanyana esiphilayo singaxhelelwa kwigumbi elohlukeneyo phambi kokuba umzimba wesilwanyana esixheliweyo siphathwe, sixhomekeke kwicandelo lesi – 2 (4)

(d) Aukho meko, isenzo okanye ukushiya okungonakalisa nakuphina ukutya okuvelayo okanye kwenziwe okanye kuvunyelwe kwiindawo zezidlo;

(e) Kuhambiswane naleMithetho yedolophu;

(f) Bonke abantu abaphantsi kolawulo lwakhe abaphatha ukutya maxa onke badibana nemigangatho kunye neemfuneko kwaye benze imithetho ebalulwe kwicandelo lesi -9 kunye ne – 11, ngokufanelekileyo;

(g) Indawo okanye igumbi apho ukutya kugcinwe khona akunakusetyenziselwa;

(1) Iinjongo zokulala

(2) Ukuhlanjwa, ukucocwa okanye ukolulwa kwempahla okanye impahla efanayo;

(3) Nayiphina enye injongo okanye nangayiphina imeko engonakalisa ukutya ngoko;

(h) Akukho mphathi waokutya oyakuthi apha the ukutya okulungele ukutya okungaqoqoshwayo kwakhona ngezandla zakhe, ngaphandle kokuba akunakuphepheka ngeenjongo zamalungiselelo, apho imeko yokutya inokuphathwa ngokwenziwa ngokulungileyo; kwaye

(i) Ukuxelwa kwezifo kunye neemeko ezicamngciweyo kwicandelo le – 11 (2) (b) zishicelelwe ngokufanelekileyo kwaye zikugcino lomhloli ofunda ngenyameko;

(j) Ngexa baphatha ukutya, besenza nasiphina isenzo ngaphandle kwezo ekubhekiswe kuzo ngephezulu engathi idyobhe okanye yonakalise ukutya.

12. IMIGANGATHO KUNYE NEEMFUNEKO ZOKUPHATHWA KWENYAMA

1. (a) Akukho mntu kwindawo yezidlo apha the inyama esuka kwisilwanyana esixheliweyo ngokuchasene necandelwana lesi – 3

(b) Akukho mntu oyakuthi kwindawo yezidlo apha the inyama yesilwanyana esikhululwe ngokwamalungiselelo wecandelo lesi – 3 (1) kunye nele – 10 (1) yoMthetho woKhuseleko lweNyama, ngaphandle kokuba isaziso siyabonakala ngokucacileyo kwaye siyafundeka kwaye siqulethe ezinkcukacha zilandelayo okanye iinkcukacha ezifunekayo, kumagama afikelela kwi – 18 mm ukukhulu, kuboniswe kwiindawo zezidlo: “Inyama ethengiswayo kwezindawo ezikhululwe kuhlolo ngokwecandelo le – 10 (1) yoMthetho wezoKhuseleko lweNyama.

2. Inyama ekumzimba wesilwanyana esixheliweyo akufuneki iphathwe kwindawo zezidlo, ngaphandle –

(a) Umzimba wesilwanyana esixheliweyo ube wophe ngokufanelekileyo,

- (b) Ukususwa kwamathumbu esiswini kwisithuba sama – 30 emizuzu kuxheliwe ngokwenelisekayo nangayiphina enye imeko yokungcoliswa okanye yokonakala kwenyama;
- (c) Izibilini zesifuba ezisuswe kwisithuba seeyure ezintathu emveni kokuba kuxhelwe isilwanyana.
- (d) Umzimba wesilwanyana esixheliweyo esingasuswanga sikhumba asinakuphathwa ngohlobo lokuba isikhumba sidibane nokunye ukutya kwiindawo zokudlela okanye ukuba inyama yesilwanyana esixheliweyo esiloluhlobo esidyobhekileyo okanye esonakeleyo.
- (e) Zixhomekeke kwicandelo lesi – 3 loMthetho wezoKhuseleko lweNyama, akukho silwanyana emasixhelwe, sisuswe isikhumba okanye kuhonjiswe ngaso kwiindawo zezidlo ngaphandle kwegumbi elisetyenzisiweyo ngokubaluliweyo kwaye ngokukhethekileyo ngenjongo yokwenza ngokulungileyo kodwa zingaphathwa nangakumbi okanye ukwenziwa kwenkqubo yesilwanyana esixheliweyo esiloluhlobo ekufuneka yenzeke egumbini.

3. Akukho mntu ekufuneka –

- (a) Axhele nasiphina isilwanyana ngaphandle kwemvume yesilarha sokuxhelela;
- (b) Avunyelwe ukuba axhele nasiphina isilwanyana nakweyiphipina indawo ephantsi kolawulo lwayo, ngaphandle kokuba indawo eloluhlobo ivunywe sisilarha sokuxhelela.
- (c) Athengise okanye alungiselele inyama elungele ukutyiwa ngumntu ngaphandle kokuba ixhelwe eslarheni.
- (d) Icandelwana (1) alibhekiselanga ekuxhelweni uzityele okanye ngeenjongo zesintu; kwaye
- (e) Akukho nyama okanye nyama yasilwanyana egciniweyo ekuxhelweni kwesilwanyana njengoko kucamngciwe kumhlathi (a) singathengiswa.

13. IMIGANGATHO KUNYE NEEMFUNeko ZOKUTHUTHWA KWEZIDLO

13. (1) Akukho mntu uyakuthutha ukutya equka neempahla ekubhekiselelwe kuzo kwicandelo le – 14 okanye nayiphina indawo yenqelo – mafutha –
- (a) Ngaphandle kokuba loondawo icocekile kwaye icoselelwe ukuba umchiza, imvelo, imfundo ngeentsholongwane, ukonakala kokutya kuyathintelwa;
 - (b) Kunye –
- (i) Nokutya okonakeleyo okanye iinkcitho yokutya;
 - (ii) Netyhefu okanye nasiphina isiyobisi esinobungozi

(iii) Nesilwanyana esiphilayo; okanye

(iv) Nayiphina into engadyobha okanye yonakalise ukutya

(2) Ixhomekeke kwicandelwana loku – (1) kunye nele – (4) lentlawulo yothutho lwempahla yenqwelo – mafutha esetyenziselwa ukuthutha izidlo ezingaqoqoqshwanga okanye ezingasongwanga ngento engangelwayo lulwelo, naluthuli, izingxobo ezivaliweyo kufuneka –

(a) Ibenomphandle womphakathi owenziwe owenzilwe ukuba icoceke lula yaye ngokuthambileyo, ingabina rusi, ingabinatyhefu kwaye ibenelaphu elingafunxiyo ngaphandle kwesidibanisi esivulekileyo okanye umthungo kunye, phambi kokuba ukutya kulayishwe kwintlawulo yothutho lwempahla, akukho sikwere sesentimeta somphandle singathi sihlahlelwe ngokubhekiselele kwicandelo lesi – 6 (4) eligcina ngaphezulu kwe – 100 lokufumaneka kwempilana;

(b) Ingabina rusi; yaye

(c) Ingasetyenziswa ngaxashanye ngokuthutha naye nabanina okanye nayo nantonina engonakalisa ukutya.

(3) Nangona nawaphina amalungiselelo achaseneyo aqulethwe kwelicandelo, akukho kutya kuqoqoshiweyo kwakhona emaku –

(a) Thuthwe ngendlela edibanisa umgangatho wenqwelo – mafutha okanye umogqumo womgangatho okanye womphandle ekungahanjwa kuwo okanye onayo nantonina eyenye engonakalisa ukutya; okanye

(b) Kuthuthwe okanye kuphathwe ngendlela yokuba ukutya kungonakala okanye kudyobheke ngendlela ethile.

(4) Amacandelwana esi – (2) nawesi – (3) (a) angasebenzi kuthutho lwenyama yenyamakazi, intlanzi, izilwanyana ezingenamathambo ezinokuba namaqokobhe okanye inyobhanyobha ezivela eswekileni okanye izidalwa ezinamaqokobhe zibanjwe okanye zivunwe: Kulungiselelwe ukuba uthutho oluloluhlobo luyakuba ngendlela efanelekileyo kwaye ngexesha elifanelekileyo lokuthutha njengoko ngokuvuma kweemeko.

14. Amalungiselelo anxulumene neempahla ezingasetyenziswanga

(1) Nangona nawaphina amalungiselelo achasene ngokuqulethwe kulemithetho, umhloli kufuneka xa enoluvo lokuba imiqathango iyayoyisa imise ubungozi empilweni malunga nokuqoqoshwa, ukugcinwa, ukubonisa, ukuthengisa okanye ukuthutha inyama eluhlaza kunye namandongomane, umboba, imbewu wentyantyambo ujongilanga okanye izivuno zolimo ezingankolekanga okanye malunga nokuphathwa kwezidlo ekubhekiselelwe kuko kwicandelo le – 15 (5) (a) -

(2) Axhomekeke kummiselo owenziwe ngokwama – 35 wommiselo onxulumene neentloko kunye nophengululo ngokokuphathwa kwezidlo, ukulandelelana okunganemiqathango

ekhokhele okanye engakhokhela okanye obunye ubungozi basempilweni omabulungiswe okanye nawaphina amalungiselelo alemmiselo kuhanjiswa nayo; okanye

- (3) Kuthintelwe ukuqhubeleka kusetyenziswa kwendawo okanye kweendawo zezidlo zokuqoqosha, ukugcina, ukubonisa, ukuthengisa okanye ukuthuthwa kwazo naziphina iimpahla kunye namalungiselelo ommiselo we – 4(2) ukuya kwisi – 5 kufuneka utshintsho olufunekayo lwenziwe kwisithintelo esiloluhlobo.

15. UKUKHULULA, UKONGEZELEKA KWEEMFUNeko KUNYE NOKUGCINA

- (1) Umntu ophethe iindawo zezidlo angaxhomekeka kwicandelo lesi – (3) (a), enze isicelo kuMasipala obandakanyekayo ngokukhululwa nakwawaphina amalungiselelo aleMithetho yedolophu, ngaphandle kokukhululwa kwemiba yesiqinisekisi sokwamkeleka.
- (2) Ekufumaneni isicelo ekubhekiselwe kwicandelwana loku – (1) igosa eligunyazisiweyo lizakubhekisa isicelo kumhloli ngaphandle kokulibazisa, kwaye imvume ayizukunikwa ngaphandle kokuba umhloli ungenise ingxelo kwigosa eligunyazisiweyo emonelisayo.
- (a) Amalungiselelo apho imvume icelwe sokubeka phezu kweemfuneko ezingazathuzekiyo kwimeko ebuzisayo; kwaye
- (b) Ukunika imvume yokukhulula okuloluhlobo okanye iyakubaneziphumo kwiimeko ezilawula ubungozi empilweni.
- (3) Ukukhululwa ekubhekiselelwe kulo kwelicandelo kufuneka –
- (a) Kuxhomekeke kwimeko yoluhlu lukaMasipala kwisiqinisekisi sokwamkelwa okanye kwisaziso okanye kwisaziso esikhululiweyo, njengoko imeko ingatsho; kwaye
- (b) Kurhoxiswe nguMasipala phantsi kwezizathi zokuhlolwa kwengxelo kunye neengcebiso ezenziwe ngumhloli ngesiphumo sezimvo zakhe zokukhululwa zizakubaneziphumo zeemeko ezizakulawula ubungozi empilweni.
- (4) Kuxhomekeke kwicandelo lesi – 3(6) (a) uMasipala angathi phantsi kwezizathu zokuhlolwa kwengxelo kunye neengcebiso zomhloli, ongeze iimfuneko ekufuneka kuhangabezwane nazo kwiindawo zezidlo apho, nangona ivumelana nawaphina amalungiselelo aqulathwe kuleMithetho yedolophu apho ukongezwa kweemfuneko kuyakuxhomekeka kwimithetho – siseko yezona ndlela zifumanekayo kunye nokwenziwa kakuhle komsebenzi, zinyinwe zibenobuncinane obufanelekileyo bokususa umbuzo wobungozi empilweni.
- (a) Kuxhomekeke kwimithetho – siseko yezona ndlela zifumanekayo kunye nokwenziwa kakuhle komsebenzi, amalungiselelo wecandelo lesi – 3(1) kunye nelesi – 5 awasebenzi ekubulaleni, ekopheni okanye ekuqangqululweni kwesilwanyana emveni kokuzingela iintlanzi, izilwanyana ezingenamathambo ezinokuba namaqokobhe okanye izidalwa ezinamaqokobhe emveni kokubamba okanye kokuvuna.

- (b) Amalungiselelo wecandelo lesi – 3(1) awasebenzi kwindawo yokuhlala yangasese apho kuphathwa khona izidlo ngeenjongo zokwenza ukuba ifumaneke ngaphandle kwembuyekezo yendlu yecawe, yemfundo okanye iqela lezemidlalo elingenabuchule okanye nayiphina intlalo – ntle ebhalisiweyo okanye yombutho oqokelela ingxowa-mali, ezithengiswayo.
- (c) Umntu ophethe nawuphina umbutho ololuhlobo ofumana ukutya okuloluhlobo kufuneka agcine ushicelelo lohlobo lokutya kunye nendawo yangasese apho ukutya bekuphethwe isithuba esinokufika kuma – 30 eentsuku emveni kokuba efumene ukutya. Kunye nayiphina inqwelo – mafutha esetyenziswe ngumntu ophethe iindawo zezidlo, apho isiqinisekisi sokwamkela sikhoyo, ukuthutha, ukubonisa okanye ahambise ukutya okuphinde kwaqoqwa okusuka kwiindawo zokutya eziloluhlobo, izakusebenza ngokuxhomekeke kwinqwelo – mafutha ezisetyenzisiweyo ekuthutheni ukutya okonakalayo endaweni yomnye umntu.
- (d) Lemithetho yedolophu ayisebenzi kwindlu yangasese, ekuphathwa kuyo izidlo okutyiwayo kwindlu eloluhlobo okanye, ngaphandle kwembuyekezo, nanguye nabanina omnye umntu.

16. UKURHOXISWA KWEMITHETHO YEDOLOPHU KAMASIPALA EKUPHATHWENI KWEZIDLO

Amalungiselelo awo nayiphina imithetho enxulumene nokuphathwa kwezidlo nguMasipala, iyarhoxiswa njengoko zinxulumana neemeko ezilungiselelweyo kuleMithetho yedolophu.

17. AMATYALA

Nabanina ochasene namalungiselelo eMithetho yedolophu okanye avumele njengohlobo lokuchasana olwenzekayo abenetyala kwaye ekugwetyweni abenoxanduva lokuhlawula isohlwayo sokubanjwa isithuba esingagqithiyo kwiintsuku ezingama – 180 okanye ahlawule isohlwayo kunye nokubanjwa.

ISIBIZO ESIFUTSHANE KUNYE NESIQALO

Lomthetho wedolophu ubizwa ngomithetho wedolophu ekuphathweni kwaye uyakuthi uqalise ukusebenza ngomhla obekwe liBhunga likaMasipala.

18 Isidibaniso

INDLELA YOKUSEBENZISA YOMLINGANISELO WAMAQONDO OBUSHUSHU EZIDLO

1. Yazisa umntu ophetheyo okanye umntu onoxanduva

Umhloli kufuneka azise okanye umntu owongamela ukusetyenziswa xa ngaba umntu ophetheyo engafumaneki, ukuba yena unqwenela ukwenza umlinganiselo wamaqondo obushushu ezidlo ekubhekiselelwe kuzo kwaye ekufuneka achaze zonke iinkqubo eziqulethwe kulendlela nalengqokelela yemithetho.

2. Imilinganiselo yokulumkela

- 1) Kufuneka zonke iinkqubo zenziwe ngokwendlela ekuyiyo engenantsholongwane kwaye engenamachiza angcolisayo.
- 2) Kwimeko yezidlo eziphinda ziqoqoshwe, kwaye ukuba kufanelekile, kufuneka umhloli asuse izingxobo ngendlela yobuncinane kunye newona monakalo umkhulu owenzekileyo, okanye umntu ophetheyo okanye umntu owongamela umsebenzi ekufuneka asuse isingxobo sibe sibekwe nguye ebungcephekweni.
- 3) Kufuneka amaqondo obushushu enzelwe imilinganiselo ngaphandle kokususa ukubanda kwezidlo, izinto ezibandisayo okanye ezenza ubushushu.

3. Umlinganiselo wamaqondo obushushu

- 1) Ukuba ukutya kuphinde kwaqoqoshwa, uqikelelo lwamaqondo obushushu ezidlo angalinganiselwa ngokubeka nokuba ngumzuzu omnye wokuthintela isixhobo sokulinganisa ubushushu (emveni kokubhekisa kuyo njengesithintelo) phakathi kwesibini okanye kwezininzi iipakethe zezidlo, kumphandle wepakethe.
- 2) Ukuba ukufundwa kwamaqondo obushushu awahambisani namaqondo obushushu ngokupheleleyo abaluliweyo kwisiDibaniso salemithetho okanye ukuba umhloli unawo nawaphina amathandabuzo malunga namaqondo obushushu okutya okungaphakathi kwesingxobo, umphandle onamaqondo obushushu ngokupheleleyo wezidlo angalinganiselwa kuzobonakala awona maqondo obushushu.

4. AMAQONDO OBUSHUSHU NGOKUPHELELEYO

Ukuba ukutya kunomkhenkce kufuneka kuvulwe umngxuma ekutyeni ukuya kuqikelelo olupheleleyo lokutya lubenentsimbi eyomeleleyo engenakuhlala ukungcola ngokubulala intsholongwane kwaye ibenomlinganiselo womphandle oya kwisi – 4mm. Kufuneka isisbulali ntsholongwane sifakwe phakathi emngxumeni ukuya kumbindi othelekisiweyo wezidlo, kufuneka isisbulali ntsholongwane sifakwe ukuya kundoqo othelekisiweyo wezidlo kwaye kufuneka kwenziwe ufundo lwamaqondo obushushu emveni komzuzu omnye.

5. AMAQONDO OBUSHUSHU OMPHANDLE

Amaqondo obushushu omphandle ayakulinganiselwa ngokufakwa kwesibulali ntsholongwane ngqo kumphandle wokutya nokuba ngumzuzu omnye okanye, kwimeko yolwelo, kulwelo nokuba ngumzuzu omnye kwaye ukufunda kuyakukwenziwa ngoko nangoko.

6. UKUSEBENZA NGOKUNIKA UFUNDO LWAMAQONDO OBUSHUSHU

Amaqondo obushushu asetyenziswa ngokomthetho wokusebenza, iyakuthi ibemalunga nokunikwa kwamaqondo obushushu azo zonke izidlo ezikwizinto ezinomkhenkce, ezibandayo okanye ezifudumeleyo ezibandakanyekayo, ukuba umhloli wonelisekile ukuba izidlo eziloluhlobo zikwimeko efanayo okanye zinezimo ezifanayo njengoko amaqondo obushushu ezidlolo njengoko ebenikiwe.

IMITHETHO YEDOLOPHU ENXULUMENE NOKUL AHLWA KWENKUNKUMA

UMphathi Masipala wazisa ngokwecandelo le -13 likaRhulumente waseMakhaya: Umthetho kaMasipala ka 2000 [Umthetho wama – 32 ka 2000] ifundwa necandelo lama – 162 yeMithetho yoLawulo yeRiphabliki yaseMzantsi Afrika ka 1996 [Umthetho wama – 108 ka 1996]. Imithetho yedolophu enxulumene nokulahlwa kwenkunkuma kwidolophu kaMasipala isetyenziswe emva komhla ekubhengezwe ngawo.

INTSHAYELELO

NJENGOKUBA iBhunga likaMasipala ligunyaziswe ngamagunya owiso-mthetho ngokweMithetho yoLawulo lweRiphabliki yoMzantsi Afrika, 1996

NANJENGOKUBA iBhunga ekusebenziseni imithetho yalo linelungelo lokulawula ukulahlwa kwenkunkuma kulawulo lwemida kaMasipala kunye neemeko ezinxulumeneyo emva koko;

NGOKO NOKUBA kungawiswa umthetho liBhunga njengokulandelayo:

ISOLATHISO

AMAPHEPHA

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Ingcazelo

"iGosa eligunyazisiweyo" ligosa leBhunga elinyulelwe umsebenzi, okanye amagunya phantsi kwalemithetho yedolophu ngokunxulumene nomsebenzi okanye nokwenziwa komsebenzi, okanye amagunya kwaye iquka nawuphina umqeshwa asebenze phantsi kolawulo kunye nendlela ethe ngqo yegosa;

"iBhunga" liBhunga likaMasipala waseMakhaya Ingquza Hill kunye nabalandeli bakhe bomtetho, kwaye iquka iKomiti yesiGqeba okanye naye nabanina omnye umntu osebenza ngokulunga kwawo nawuphina amagunya omnyulwa ngokowiso-mthetho, kunye naliphina igosa elinyulwe yiKomiti yesiGqeba lanikwa amagunya kunye nemisebenzi malunga nalemithetho yedolophu;

“isiseko senkunkuma” nasiphina isiseko, esihambisana neSebe eliBalula Imigangatho yaseMzantsi Afrika, yokulawulwa kwenkunkuma;

“ingxowa yenkunkuma” ingxowa yenkunkuma eyomeleleyo efanele ukubekwa kwisiseko senkunkuma;

“inkunkuma elulo naluphina uhlobo” zizo zonke iintlobo zenkunkuma yasekhaya inkunkuma yasegadini, inkunkuma yasestratweni, inkunkuma yamashishini, inkunkuma ekhethekileyo okanye isambuku senkunkuma kunye

“inkunkuma ekhethekileyo” yiyo nayiphina inkunkuma efuna impatho ekhethekileyo kunye/okanye iinkqubo zokubonisa, yaye iqulatha inkcitho yezilarha ekuxhelelwa kuzo, izimbiwa, ii-oli, udaka oluyikiyiki, amatye agrunjwe emihlabeni, amaqhekeza amatye abakhi, ubungozi okanye iinkcitha yemitha ebangwa kukuqhekeka kweeatom, kunye nenkcitho yamayeza, kunye nawuphina umba ocamngcwe liBhunga kumaxesha ngamaxesha.

ISAPHLUKO SESI - 2

2. Ukulahlwa kweNkunkuma yasemakhaya

1. (a) Akukho mntu amakabonise okanye avumele ukubonwa kwenkunkuma elulo naluphina uhlobo nangayiphina indlela ngaphandle komyalelo walemithetho yedolophu ngaphandle kwemvume ebhalwe phantsi ligosa eligunyazisiweyo.
- (b) Akukho mntu amakandise, agcine okanye avumele ukonyuswa okanye ukugcinwa kwenkunkuma elulo naluphina uhlobo kuwo nawuphina umhlaba ngaphandle komyalelo walemithetho yedolophu engenamvume ebhalwe phantsi ligosa eligunyazisiweyo.
- (c) Igosa eligunyazisiweyo lingayaleza ngqo umqeshi okanye umnini mhlaba ngenkunkuma yalo naluphina uhlobo efunyenwe isongezeleka okanye umntu ocamngcwe ngokuba unoxanduva lokulahla inkunkuma ekuyiyo naluphina uhlobo kuyo nayiphina indawo kawonke – wonke okanye kumhlaba ofumanekayo ukuba

alungise inkunkuma njengoko eyalelwe kwaye nabanina ohlulakalayo kukuambisana nomyalelo ololuhlobo uzakufunyanwa enetyala.

(d) Kwimeko apho umntu ayalelwe ukuba asuse inkunkuma ngokomhlathi (c) ukuba uyohlulakala kukuyisusa inkunkuma ngendlela kwaye phakathi kwisithuba sexesha alinikiweyo, igosa eligunyazisiweyo lingenza amalungiselelo okususwa kwenkunkuma eloluhlobo kwaye iBhunga linganembuyekezo yazo zonke iindleko ngoluhlobo kumntu ololuhlobo.

3. (a) IBhunga lingenza amalungiselelo okususwa kwayo yonke okanye isabelo sayo nayiphina inkunkuma kwiindawo ezikumhlaba aphakathi kwindawo yomthetho kaMasipala.

(b) IBhunga lingazisa amazinga angafaniyo eenkonzo zokususa inkunkuma kwiindawo eziphakathi kumthetho kaMasipala kwindawo yeBhunga.

(c) Apho iBhunga likhetha ukungazenzi iinkonzo zokususwa kwenkunkuma enxulumene isambuku senkunkuma yasegadini, inkunkuma eyenziwa ngamashishini okanye inkunkuma ekhethekileyo, iBhunga lingayalela ngqo umqeshi okanye kumnini, njengoko imeko inganjalo, ngokubhalwe phantsi kulungiselelwe ngeendleko zomnini zokususa inkunkuma eloluhlobo kunye nokuboniswa kwayo emva koko ilahlwe kwindawo yokulahla inkunkuma evunywe liBhunga.

(d) Ukuba umnikazi okanye umqeshi uyohlulakala kukuambisana nemyalelo njengoko kucamngcwe kwisolontya (c), igosa eligunyazisiweyo lingenza amalungiselelo okususwa inkunkuma eloluhlobo kwaye abuyekeze iindleko ezenziweyo kumqeshi okanye kumnikazi wendawo njengoko imeko inokubanjalo.

4. (a) Ngenjongo yalemithetho yedolophu, iBhunga linganyusa -

(i) Irhafu yonyaka kuminini-ndawo; kunye/okanye

- (ii) intlawulo yenyanga emele ukuhlawulwa ngumqeshi, kuzo zonke iindawo kwiinkonzo ezizakuthi zihlawulwe nokuba okanye iinkonzo zokususwa kwenkunkuma azisetyenziswa; kunye/okanye
 - (ii) Kubuyekezwe irhafu yeenkonzo ngokokuthengiswa kweengxowa zokufaka inkunkuma zikaMasipala;
 - (iv) umrhumo wenkonzo nganye; kunye/okanye
 - (v) idiphozithi yayo nayo nayiphina imvume enikiweyo ngokwalemithetho yedolophu.
- (b) IBhunga lingenza umahluko kwirhafu, kwintlawulo okanye kwimirhumo ephakathi kweendidi ezahlukileyo zeenkonzo zokususwa kwenkunkuma kwindawo ekufanele kusiwe kuzo iinkonzo.
 - (c) Kwindawo yokusebenzela apho kunyanzelekileyo ukuba kusiwe kuyo iinkonzo yaziswe liBhunga, irhafu okanye intlawulo etsalwa inyanga nenyanga ibe iyakuhlawulwa ngumqeshi okanye ngumnini-ndawo, njengoko imeko inganjalo, nokuba okanye iinkonzo zokususa inkunkuma ziyasetyenziswa.

3. Inkathalo yezisekelo zokulahla inkunkuma kunye nokusetyenziswa kweengxowa zenkunkuma

- (a) Umqeshi okanye umnini-mhlaba ngamnye, njengoko imeko inokubanjalo, iyakuthi, apho iinkonzo zaziswe khona zendawo emakusetyenzelwe kuyo ifuna, kulungiselelwe kwaye kugcinwe, kwimihlaba, isiseko sokulahla inkunkuma ngendlela engenokwenza okanye engolawula inkathazo, kwaye ingenza yonke inkunkuma yoosomashishini kunye neyasemakhaya inyuke kwiindawo eziloluhlobo idiphozithwe ngoko,
- (b) Umqeshi okanye umnini-mhlaba ngamnye, njengoko imeko inokubanjalo, iyakuthi, apho iinkonzo zaziswe khona emakusetyenzilwe kuzo zifuna, kusetyenziswe iingxowa

zenkunkuma ezikudidi lweplastiki okanye iingxowa zenkunkuma kaMasipala, njengoko imeko inokubanjalo, ngokususwa kwenkunkuma.

- (c) Umqeshi okanye umnini-mhlaba uyakugcina iingxowa eziloluhlobo kwimeko ekuhlobo lokuba zingenzi okanye zingamisi nkathazo kwaye yenze yonke inkunkuma yamashishini okanye yasemakhaya yongezeleke kwiindawo eziloluhlobo ikhutshwe.
- (d) Umqeshi okanye umnini-mhlaba, njengoko imeko inokubanjalo, iyakukwenza isiseko sokulahla inkunkuma nganye sisoloko sogqunyiwe, agcine xa inkunkuma ithathwa okanye isuswa kuloondawo.
 - (e) Akukho mntu ngaphandle kwegosa eligunyazisiweyo okanye umqeshwa weBhunga, omakangelelele kwiindawo okanye asuse nasiphina isiseko sokulahla inkunkuma, ngaphandle kokuqwalasela ukususwa kwenkunkuma eloluhlobo.

4. Urhwebo, ushishino okanye iflethi nganye ibenesiseko senkunkuma eyahlukeneyo

- (a) Apho kukho ngaphezu kwesinye sorhwebo, ushishino okanye kwenziwe umsebenzi kwisakhiwo, okanye apho isakhiwo sahlulwe saneeflats okanye amagumbi ahlukeneyo, umnikazi okanye umqeshi, njengoko imeko inganjalo, wendawo yokushishina nganye, iflethi okanye igumbi ngalinye elahlukeneyo, alungiselele kwaye agcine iziseko zokulahla inkunkuma ezahlukeneyo kwindawo yokurhweba okanye yoshishino okanye kwiflethi nganye.
- (b) Igosa eligunyazisiweyo lingarhoxisa okanye litshintshe iimfuneko zalomthetho wedolophu ngokunciphisa inani leziseko zokulahla inkunkuma ngokomhlathi (a) walomthetho wedolophu, kulungiselelwe urhoxiso oluloluhlobo okanye ukuguquguquka akunakuchaphazela imfanelo nangayiphina indlela umqeshi okanye umnikazi ahlawulele inkonzo nganye ekhankanyiweyo kumhlathi (a).

5. Amalungiselelo eziseko zokulahla inkunkuma eyongezelelweyo

Kwisiganeko apho igosa eligunyazisiweyo lonelisekile ukuba ukongezeleka kwenkunkuma kuyo nayiphina indawo ibe ininzi kakhulu ukuba ingalungiselelwa ngeenkonziso eziqhelekileyo sokususa inkunkuma kwindawo, umnikazi okanye umqeshi wendawo eloluhlobo, njengoko imeko inokubanjalo, uyakuthi, ukuba kuyafunwe ligosa eligunyazisiweyo, alungiselele okanye agcine isiseko sokulahla inkunkuma sibesinye okanye zibeninzi kwaye abenoxanduva lokuhlawula irhafu ebaluliweyo okanye umrhumo ngomlinganiselo kwinani kunye nohlobo olufunekayo lweziseko zokulahla inkunkuma ecelwe ligosa eligunyazisiweyo.

6. Kulungiselelwe indawo enomgqomo

- (a) Igosa eligunyazisiweyo lingayalela umnini-ndawo apho kukho abaqeshi okanye abamnikazi abangaphezulu kwesinye bendawo yokuhlala kulungiselelwe indawo yomgqomo onobungakanani obufanelekileyo kunye nokwakhiwa kwindawo yokugcina okwethutyana eyayo nayiphina inkunkuma eyongezelekayo endaweni kwaye kwenziwe amalungiselelo afanelekileyo wokususwa kwenkunkuma kwindawo enomgqomo kwaye ukususwa kwayo njengoko kubalulwe kulemithetho yedolophu.
- (b) Umnikazi wayo nayiphina indawo apho kubekwe khona umgqomo ibe ilungiselelwe ukugcina okwethutyana okanye inkunkuma elulo naluphina uhlobo kufuneka igcine indawo enomgqomo ikwimeko ecocekileyo maxa onke.

ISAPHLUKO SESI - 3**7. Indawo yeziseko zokulahla inkunkuma okanye ukususwa kweengxowa**

(1) Umnikazi okanye umqeshi wendawo, njengoko imeko inokubanjalo –

- (a) Kwinkonzo apho kusetyenziswe udidi lweengxowa okanye iingxowa zokulahla inkunkuma okanye iingxowa zenkunkuma kaMasipala, zibekwe kumda westrato okanye indledlana esecaleni somhla wokuqokelela;
- (b) Kwindawo enenkonziso apho iiziseko sokulahla inkunkuma okanye ezinye iziseko ezivunyiweyo zibe zisetyenzisiwe, kwindawo yeziseko eziloluhlobo kumda westrato okanye kwindledlana esecaleni ngentseni yomhla wokuqokelela; kwaye
- (c) Ukuba inkunkuma enxulumeneyo yinkunkuma isisambuku, inkunkuma amashishini okanye ekhethekileyo, iyakubekwa ngendlela eyalelwe nayo ligosa eligunyazisiweyo

kwaye ngqo kumaxesha ngamaxesha, ukwenzela ukuqwalasela ukususwa kwenkunkuma eloluhlobo.

8. Inkqubo yenkcitho yolwelo

Akukho mntu uyakuthi nangaliphina ixesha okanye ngaphantsi kwazo naziphina iimeko, adiphozithe okanye abange okanye avume kudiphozithwe nayiphina inkcitho yolwelo yalo naluphina uhlobo kuyo nasiphina isiseko sokulahla inkunkuma okanye ingxowa yokulahla inkunkuma.

9. Ukususwa kwenkunkuma esisambuku yamashishini kunye nekhethekileyo

- (a) Umnikazi okanye umqeshi, njengoko imeko inokubanjalo, yayo nayiphina indawo yamashishini, ekhethekileyo okanye inkunkuma esisambuka eyenziwe okanye enyusiweyo iyakupakishwa okanye kulungiselelwe inkunkuma eloluhlobo ngendlela apho igosa eligunyazisiweyo lingamisa ngqo kumaxesha ngamaxesha.
- (b) Umqeshi okanye umnini-ndawo eyenza isambuku senkunkuma kumashishini kunye nenkunkuma ekhethekileyo kufuneka aqinisekise ukuba isingxobo apho kugcinwa kuso inkunkuma, asigcinwanga kwindawo kawonke – wonke ngaphandle kwaxa kuthe kwakho imfuneko yokuqokelela.
- (c) Aze umqeshi okanye umnini-ndawo ohluleke kukuqwalasela isambuku senkunkuma esikhethekileyo okanye samashishini njengoko eyalelwe, igosa eligunyazisiweyo lingalungiselela ukususwa kwenkunkuma eloluhlobo, kwaye umqeshi okanye umnini-ndawo enze imbuyekezo yeendleko ezenziweyo ukuba imeko ingalolohlobo.

10. Inkcitho yesakhiwo

- (1) Umqeshi okanye umnini-ndawo apho isakhiwo esenza inkunkuma, kufuneka aqinisekise ukuba:
 - (a) kulahlwe inkunkuma, yonke inkcitho yesakhiwo kunye nesignxobo esisetyenziselwa ukugcina, ukuqokelela okanye ukulahla emva koko, igcinwe kwindawo apho inkcitho yenziwe khona.
 - (b) indawo apho inkcitho yenkunkuma yenziwa khona, ingabonakali okanye ibange inkathazo njengesiphumo sokunyuka kwenkcitho yesakhiwo;
 - (c) nayiphina inkcitho yesakhiwo ethe yavutheleka kwindawo, ifunyanwe kwakhona ngokukhawuleza kwaye

- (d) ingqinelane nawuphina umyalelo weBhunga, nasiphina isakhiwo esifanelekileyo ukuba siqulathe inkcitho yesakhiwo esiloluhlobo sakhiwe.

11. Amashishini akhethekileyo, ingozi okanye inkcitho enobungozi empilweni

- (a) Akukho mntu ongenza umsebenzi ozakukwenza amashishini akhethekileyo, ubungozi okanye iinkcitho yobungozi empilweni, ngaphandle kokwazisa iBhunga ngokobhalo, kuqale ngokuhanjiswa kwenkcitho eloluhlobo, ngokubhala ngenkcitho eloluhlobo, kuthelekiswe ubuninzi ekufuneka buhanjisiwe, indlela yokugcina, isindululo sesithuba sokugcina, nendlela ezakuthi iqokelelwe ngayo kwaye iphinde ichithwe ngayo.
- (b) Ukuba kucelwe ngolohlobo liBhunga, isaziso sibhekiswe kwicandelwana (a) kufuneka ibe iyangqinelana nohlahlelo lomxube wenkcitho ebandakanyekayo, kuqinisekiswa ukuba ikhemesti efanelekileyo yoshishino.
- (c) Umntu ekubhekiselelwe kuye kwicandelwana (a), kufuneka azise iBhunga ngokobhalo nangaluphina utshintsho olwenzekayo ngokokuhambisa, umxube, ubuninzi, indlela yokwenza okanye indawo yokulahla inkunkuma yamashishini akhethekileyo, ubungozi okanye inkcitho enobungozi empilweni.

ISAHLUKO SESI – 4

12. Ukugcinwa kwamashishini akhethekileyo, ubungozi okanye inkcitho ebungozi empilweni

- (a) Naye nabanina owenza umsebenzi wamashishini ohanjiswayo, onobungozi okanye inkcitho enobungozi empilweni, kufuneka kuqinisekiswa ukuba inkcitho eloluhlobo ayibikho kwindawo eloluhlobo kwaye igcinwe emva koko kude ibe iqokelelwe kuloondawo.
- (b) Amashishini akhethekileyo, ubungozi okanye inkcitho enobungozi empilweni egcinwe endaweni, kufuneka igcinwe ngendlela eloluhlobo yokuba ingabi yingxuba kaxaka okanye ibange ubungozi empilweni yomntu okanye ubungozi kwimvelo, kwaye ngokweemfuneko zawo nawuphina umsebenzi wowiso-mthetho olunxulumene nezakhiwo.
- (c) Amashishini akhethekileyo, ubungozi okanye inkcitho enobungozi empilweni kufuneka ligcinwe kwisiseko esivumelekileyo kwaye kwisithuba esingagqithiyo kwiintsuku ezingama – 90 okanye kwesona sikhulu isithuba esicamncgiweyo liSebe loPhuhliso lezoQoqosho kunye neliqondene nezeNdalo.

13. Amalungiselelo wokuzilahlela inkunkuma yasemakhaya

- (a) Nangona kusenziwa amalungiselelo akhankanyiweyo alemithetho yedolophu, abaqeshi okanye abanini bendawo abanemigca yemida ebekwe ngaphezulu kwe – 100 m ekuyo nayiphina indlela enqamlezayo nayeyiphina inqwelo-mafutha esusa inkunkuma kulungiselelwe liBhunga, ingasebenza kwigosa eligunyazisiweyo ngegunya longcwaba inkunkuma yabo kwindawo zabo, emhlabeni ekungafikelelwayo kuyo, ngemingxuma eyenziwe ngeendleko zabo ngokonelisa igosa eligunyazisiweyo. Bonke abaqeshi okanye abanikazi bemihlaba, bomnini onikwe igunya ngokwalomthetho wedolophu, uyakukhululwa kwirhafu etsalwayo liBhunga ngokweenkonzo zokususa inkunkuma, ugcino olwenziwe liBhunga eligunyaziselwe ukuba litsale irhafu yenkqubo yayo nawo nawuphina umsebenzi ofumanekileyo, kunye nokulawula iintlobo zemingxuma eyakuthi ichazwe kwiirhafu ezitsalwa liBhunga.
- (b) Igosa eligunyazisiweyo linganika okanye lale isindululo esebenzisa ubulumko bakhe kwaye anike isindululo esiloluhlobo asibeke phuzu kwemiqathango eloluhlobo njengoko kwindawo ekugrunjwa kuyo umngxuma, ukulahlwa kwenkunkuma kunye nemilinganiselo emayithathwe kuthintelwe nayiphina inkathazo okanye ubungozi basempilweni apho ingaphuma emva koko, njengoko enokubona kufanelekile: kulungiselelwe ukuba igosa eligunyazisiweyo alinakungavumi isicelo ngaphandle kwezizathu ezivakalayo azokholelwa ukuba isindululo somngxuma sizakwenza inkathazo okanye ingozi empilweni okanye njengembangini yokugcobha nawuphina umlambo, umfula okanye indawo enika amanzi.
- (c) Ukunika imvume kwisicelo esiloluhlobo, igosa eligunyazisiweyo liyakukhuphela umceli isiqinisekisi esinayo nayiphina imiqathango ebekwe nguye ngokwalemithetho yedolophu ezakubhalwa eluxwebhini. Esisiqinisekisi sikhankanyiweyo ngasentla siyakubasemthethweni kwisithuba esiloluhlobo njengoko igosa eligunyazisiweyo linokuqwalasela okanye kude kurhoxiswe, nokuba yeyiphi ekufutshane.
- (d) Igosa eligunyazisiweyo linga, nangaliphina ixesha, ngesaziso esibhaliweyo, esitshintshiweyo, esilungisiweyo okanye yahluke kuyo nayiphina imeko ebhalwe exwebhini nangesiphina isiqinisekisi ngokwalemithetho yedolophu okanye sikhuphe nawuphina umyalelo kumnini wesiqinisekisi esiloluhlobo ukuba enze okanye enze nawuphina umsebenzi, umba okanye nantonina emalunga nomngxuma, ukugrunjwa komngxuma omtsha okanye ukulahlwa okanye ukuphathwa kwenkunkuma ngoko.

- (e) Ukubangaba umnini wesiqinisekisi esikhutshwe ngokwalemithetho yedolophu uyasilela kukuhambisana nayo nayiphina imiqathango ebhalwe eluxwebhini okanye nawuphina umyalelo obhalwe phantsi lakhutshwa ligosa eligunyazisiweyo ngokwalemithetho yedolophu, igosa eligunyazisiweyo lingabhala phantsi isaziso esiya kumnini-mhlaba, limcela ukuba ahambisane nayo nayiphina imiqathango ayibekileyo nakwesiphina isithuba, ukuba ngaba umnini-mhlaba uyohluleka kukuhambisana nesaziso esiloluhlobo, igosa eligunyazisiweyo lingasirhoxisa isiqinisekisi kwisiganeko apho umnini-ndawo kuzakunyanzelisa ukuba abuyele ekusetyenzisweni kweenkonzo zokususa inkunkuma ezilungiselelwe liBhunga, exhomekeke kwimiqathango ephathelelene nayo.
- (f) Ukuqhubeka kokulahlwa kwenkunkuma kumngxuma emva kokuba kurhoxiswe isiqinisekisi esikhutshwe ngokwalemithetho yedolophu, iyakuthi ibelityala kwaye iyakukwenza umoni amangalelwe.
- (g) Amalungiselelo elicandelo lemithetho yedolophu iyakuthi ingasebenzi kubantu abazilahlelayo inkunkuma apho iinkonzo eziloluhlobo zibeyinxalenye yokwaziswa liBhunga kwindawo yeenkonzo.

14. Inkunkuma yasegadini

- (a) Akukho mntu ongabeka, agcine okanye alahle nayiphina inkunkuma yegadi okanye avumele nabanina ukuba alahle inkunkuma yegadi kuyo nayiphina indlela, kumda, kwindawo esekuhleni kawonke – wonke okanye yangasese ngaphandle kwemvume ebhalwe phantsi ligosa eligunyazisiweyo elifumanekayo.
- (b) Igosa eligunyazisiweyo linga, ngokuxhomekeka kwimiqathango eloluhlobo njengoko kunokufaneleka, likhuphe iphepha-mvume lokuvuma ukuba kugcinwe inkunkuma yasegadini ithutyana, kumda okanye kwenye indawo efanelekileyo yethutyana ngentlawulo yesiqinisekisi sokuhlawula esibhalwe phantsi kwizityalelo zeRhafu yeBhunga.
- (c) Ukubangaba naye nabanina uyohluleka kukuhambisana nemiqathango yaso nasiphina isivumelwano esikhutshwe ngokwemithetho yedolophu ngokugcinwa kwenkunkuma yasegadini okwethutyana, idiphozithi ehlawuliweyo iyakutshonela kwiBhunga kwaye

igosa eligunyazisiweyo lingenza amalungiselelo okususwa kwayo nayiphina intlobo yenkunkuma kunye nomntu okukhutshelwe iphepha-mvume uzakuhlawula zonke iindleko ezihlawuliweyo zokususwa kwenkunkuma yasegadini kwindawo ebaluliweyo kwiphepha-mvume elikhankanyiweyo.

- (d) IBhunga lingamisa okanye livumele ukuba inkunkuma yasegadini ingadiphozithelwa ukususwa kwayo okanye igcwaliswe emhlabeni ngeenjongo ezixhomekeke kwimiqathango eloluhlobo kunye nakwiintsuku neyure eziloluhlobo njengoko iBhunga lingamisa kwaye libonise ngesasizo kwisiza.
- (e) Akukho mntu omakangene kwixiwa elimiswe okanye elivunywe liBhunga ngokwalemithetho yedolophu ngokulahlwa kwenkunkuma yasegadini nangaliphina ixesha ngaphandle kweentsuku okanye kwexesha elichaziweyo kwisaziso esibonisiweyo okanye sokulahla nayiphina inkunkuma ngaphandle kwenkunkuma yasegadini ephilayo kwisiza esiloluhlobo.
- (f) Umqeshi okanye umnini-ndawo apho kwenziwa khona inkunkuma yegadi ingavundisa inkcitho yegadi kwindawo, kulungiselelwe ukuba isivundiso asinakubanga nkathazo okanye ingozi ebungozini.
- (g) IBhunga lingacela ukuba inkunkuma yegadi igcinwe kwisiseko senkunkuma esikhethekileyo kwinkunkuma yasemakhaya.

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15. Izitsalelo zeRhafu

Izitsalelo zerhafu ezivunywe liBhunga zeenkonziso zokulahlwa kwenkunkuma ukusukela kumhla wesibhengezo salemithetho yedolophu iyakuhlala isebenza ide ilungiswe liBhunga kumaxesha ngamaxesha.

16. Amatyala kunye nezohlwayo

(a) Naye nawuphina umntu –

- (i) ochasana nawo nawuphina amalungiselelo alemithetho yedolophu, apho uchasano kubonakaliswa ngokuchaziweyo iyakuba lityala;

- (ii) ochasana nawo nawuphina umqathango okanye nasiphina isithintelo esibekiweyo ngokunikwa kwaso nasiphina isicelo, imvume, igunya okanye imvume ngokwalemithetho yedolophu; okanye
 - (iii) ohluleke kukuhambisana nemiqathango yaso nasiphina isaziso asinikiweyo ngokwemithetho yedolophu, uyakufunyanywa enetyala.
- (b) Nawuphina umntu ochasana nayo nayiphina imithetho yedolophu, uyakufunyanwa enetyala, uyakuthi agwetywe, arhafa –
- (i) engagqithi kwiwaka lerandi (R1 000) okanye abanjwe isithuba esingagqithiyo kunyaka okanye arhafa aphinde abanjwe, kwimeko yokugwetywa okokuqala, kunye
 - (ii) nemeko yetyala lesibini okanye isigwebo esilandelayo setyala elifanayo, uyahlawula umrhumo ongagqithiyo kumawaka amabini erandi (R2 000) okanye abanjwe isithuba esingagqithiyo kwiminyaka emibini okanye abanjwe aphinde arhume.

18. Ukuchasana kwemithetho

Ukubangaba kukho ukuchasana kwemithetho kunye nayiphina imithetho yedolophu yeBhunga, lemithetho yedolophu iyakuyoyisa.

ISIBIZO ESIFUTSHANE KUNYE SESIQALO

Lomthetho uyakubizwa ngokuba WOKUL AHLWA KWENKUNKUMA.

IMITHETHO YEDOLOPHU ENXULUMENE NOKULAWULWA KWAMANGCWABA

UMphathi Masipala wazisa ngokwecandelo le -13 likaRhulumente waseMakhaya: Umthetho kaMasipala ka 2000 [Umthetho wama – 32 ka 2000] ifundwa necandelo lama – 162 yeMithetho yoLawulo yeRiphabliki yaseMzantsi Afrika ka 1996 [Umthetho wama – 108 ka 1996]. Imithetho yedolophu enxulumene nokulawulwa kwamangcwaba kwidolophu kaMasipala isetyenziswe emva komhla ekubhengezwe ngawo.

INTSHAYELELO

NJENGOKUBA iBhunga likaMasipala ligunyaziswe ngamagunya owiso-mtetho ngokweMithetho yoLawulo lweRiphabliki yoMzantsi Afrika, 1996

NANJENGOKUBA iBhunga ekusebenziseni imithetho yalo linelungelo lokulawula ukulahlwa kwenkunkuma kulawulo lwemida kaMasipala kunye neemeko ezinxulumeneyo emva koko;

NGOKO NOKUBA kungawiswa umthetho liBhunga njengokulandelayo:

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IBhunga – liBhunga likaMasipala waseMakhaya Ingquza Hill.

Umzimba – ngumzimba womntu oswelekileyo.

IGosa elinegunya – ngumsebenzi kaMasipala ogunyaziswe ukuba alawule ukusetyenziswa kwamangcwaba.

Isiza sokungcwabela – sisiqwengana somhlaba othengwe kuMasipala ngeenjongo zokungcwaba.

Ilungu losapho olusele ngasemva – ngulingani osele ngasemva emveni kokusweleka nokuba ngumyeni okanye inkosikazi.

Ilungu losapho olusele ngasemva – lilungu losapho elingaphezulu kweminyaka engama – 18.

Imali emisiweyo – yimali emele ukuhlawulwa xa kulungiselelwa isiza sengcwaba.

Umntu ohlelekileyo – ngumntu ongenamali okanye ilungu losapho elizakulungiselela umngcwabo yaye iindleko zokumngcwaba zivele kuMasipala.

2. Imfuneko yokulahlwa kwemizimba

(1) Akukho mntu ohlala kumda kaMasipala ngaphandle kwemvume ebhalwe phansti liBhunga. Alahle okanye azame ukulahla umzimba, ngaphandle kwesingcwabo.

- a. Umntu akanakungcaba umzimba emangcwabeni ngaphandle:
- b. Kwemvume yegosa eligunyazisiweyo; kwaye
- c. Ukulungiselela umhla kunye nexesha lomngcwabo ololuhlobo nelogosa.

3. Isicelo sesiza somngcwabo

(a) Umntu oneenjongo zokungcwaba umzimba kufuneka agcwalise yaye afake umyalelo kwigosa eligunyazisiweyo ngeenjongo zokuvumela.

(b) Usapho lomntu oswelekileyo, okanye omnye umntu ogunyaziswe lusapho kufuneka lutyikitye isicelo esiloluhlobo.

(c) Ngaphandle kwamalungiselelo akwicandelwana (b) igosa eligunyazisiweyo linga, ukuba lonelisekile ukuba ukutyikitya kosapho akunakusoloko kuvumelekile kunye nesicelo seqela elinomdla.

(d) Umceli kufuneka-

(i) angenise isicelo seeveki nokuba zintathu ekusetyenzwa kuzo phambi besingcwabo;

(ii) ibonisa nokuba isicelo sesingcwabo sifanele ukuba sesokuqala, sesesibini okanye sesesithathu, ngokwamadlaka; kwaye

(d) Ibonise umhla kunye nexesha lomngcwabo oluluhlobo.

a. Igosa eligunyazisiweyo kufuneka linike imvume yesicelo ukuba:

b. Ikhathshwa ngumngcwabo ongalinganiswayo ngokoMthetho wokuBhaliwa kokuZalwa nokuSweleka;

c. Isohlwayo esimisiweyo sele sihlawuliwe; kwaye

(e) Nesicelo ngokwecandelwana loku – (1) libe lingenisiwe.

(f) Igosa eligunyazisiweyo kufuneka, apho kunyanzelekileyo, liqwalasele izithethe somntu oswelekileyo, kunye nabantu abanoxanduva lokungcwaba.

4. Ukugcinwa kwamadlaka

(1) Kufuneka isicelo sokugcina idlaka eligunyaziswe ligosa.

(2) Umlingani ophilayo womntu oswelekileyo angenza isicelo sokuba kugcinwe kudityaniswa amadlaka.

(3) Igosa eligunyazisiweyo kufuneka labe elinye idlaka kumceli wamangcwaba, apho abantu ngaphandle komceli osebenzise idlaka eligciniweyo ngempazamo.

(4) Idlaka liyakuthi ligcinwe emveni kokuba kuhlawulwe irhafu.

5. Ukumiswa okwexeshana okanye ukurhoxiswa komngcwabo

(1) Kufuneka umceli anike isaziso sokumiswa okwexeshana okanye ukurhoxiswa komngcwabo, ngokugcwalisa ifomu yesicelo, kwigosa eligunyazisiweyo, ekufanele enike imvume nokuba lusuku olunye lokusebenza phambi komngcwabo.

(2) Kwimeko yokurhoxiswa kwesingcwabo:

a. Akuzubuyiselwa mali kumceli ngenxa yendleko ezenzekileyo zokuvula idlaka elikhoyo.

b. Ibhunga lizakubuyisela imali yeendleko zokuvula idlaka elitsha kuphela kumceli.

6. Inani lemizimba ekwibhokisi yomngcwabo

(1) Ngumzimba omnye qha omawubekwibhokisi yomngcwabo ovumelekileyo ukuba ungcwatywe.

- (2) Ukungcwatywa kwabantu abaninzi kwibhokisi kungavumeleka ukuba isicelo senziwe kwaye savunywa ligosa eligunyazisiweyo kwaye nomrhumo ube sele uhlawuliwe;
- (3) Isicelo esiloluhlobo singenziwa sixhomekeke:
- a. Kumalungu osapho nokuba asweleka kunye okanye ngexesha elifutshane komnye nomnye, kwaye nokungcwatywa kwelungu lokuqala eliswelekileyo akukenzeki.
 - b. Umama nomntwana abasweleke ebeleke.
 - (i) kubantu ababini abancumisanayo abebehlala; okanye
 - (iii) Abantu abaswelekileyo abangahlobananga, apho iintsapho zabo zingenangxaki.

7. Imingcwabo kunye nemingcwabo elandelanayo

- (1) Umngcwabo ungaqhuba kuphela kwidlaka elabiwe ligosa eligunyazisiweyo.
- (2) Uxhomekeke kumhlathi (b), kungabingaphezulu kwesibini semingcwabo esingavumeleka kwidlaka;
- (3) Umntu onikwe imvume yengcwaba lesibini kufuneka:
- a. Anike isaziso kwiintsuku nokuba ezimbini; kwaye
 - b. Ngeendleko zakhe asuse, kwaye, nemingcwabo elandelanayo, abuyisele endaweni yayo yonke imisebenzi yesikhumbuzo sedlaka.

8. Ubungakanani bamangcwaba

- (i) Idlaka lomntu omdala kufuneka lilinganiselwe i – 2.3 ubude kunye ne – 9m ububanzi kunye ne – 2 m ubunzulu.
- (ii) Idlaka lomntwana kufuneka lilinganiselwe kwi – 1.5m ngobude kunye ne – 7m ububanzi kunye ne – 1.5m ubunzulu.

9. Ukwandiswa kwamadlaka

- a. Isicelo somngcwabo singa, ngokunika nokuba ziyure ezingama – 24 esaziso phambi komngcwabo, acele ukuba idlaka longezwe okanye lenziwe nzulu kakhulu;
- b. Ukuba ibhokisi inkulu kakhulu kubungakanani bengcwaba lomntu omdala, idlaka eliloluhlobo kufuneka longezwe kuzakukwazi ukwanela kwebhokisi eloluhlobo.

- c. Ukuba ibhokisi yomntwana inkulu kakhulu kwidlaka lakhe, kufuneka angcwatywe kwidlaka lomntu omdala, ngokuhlawulwa kwerhafu ekhankanyiweyo.

10. Ukogqunywa kwebhokisi

- a. libhokisi ezizakufakwa emadlakeni kufuneka zenziwe ngamaplanga aqhelekileyo okanye ngamanye amaplanga atshabalalayo.
- b. Ibhokisi nganye kufuneka yogqunywe nokuba kungama – 300 mm zomhlaba ngoko nangoko emva komngcwabo;
- c. Kufuneka kubekho nokuba:
- i. ngama – 1200 mm yomhlaba phakathi kwebhokisi kwebhokisi yomntu omdala ongcwatyweyo kunye nomphandle womhlaba; okanye
 - ii. engama – 900 mm yomhlaba kwimeko yebhokisi yomntwana.

11. IZINGXOBO ZEMIZIMBA

- (1) Ukubangaba kukho imizimba engaphezulu kwesinye ebhokisini, umzimba ngamnye kufuneka ufakwe kwisingxobo sawo sodwa.
- (2) Umzimba ozongcwatywa emadlakeni kufuneka uvalelwe kwisingxobo somzimba ngaphakathi ebhokisini, ngaphandle kokuba oku kuchasene namasiko, nezithethe okanye iinkolo zomntu oswelekileyo okanye zomceli.
- (3) Kufuneka kubekho nokuba:
- a. Engama – 1200 mm yomhlaba ophakathi kwebhokisi yomntu omdala ongcwatyweyo kunye nomphandle womhlaba; okanye
 - b. Engama – 900 mm yomhlaba kwimeko yebhokisi yomntwana.

ISAHLUKO SESI – 3

12. IMINGCWABO

(1) linkolo okanye iinkonzo zesikhumbuzo

Umntu onqwenela ukubanenkonzo yesikhumbuzo engcwabeni, kufuneka enze isicelo kwigosa eliphetheyo likaMasipala yaye ahlawule imali emisiweyo nguMasipala.

13. Ulawulo lweenqwelo ezithutha isidumbu/iibhokisi zomngcwabo emadlakeni

(1) Akukho mntu uyakuthi emangcwabeni –

- a) Aqhube inqwelo ethutha isidumbu/ibhokisi yomngcwabo okanye abange ukuba inqwelo ethutha isisumbu/ibhokisi

yomngcwaboiqhutywe ngaphandle kwasendleleni ehamba izithuthi;

- b) Apake inqwelo ethutha isidumbu/ibhokisi yomngcwabo okanye abambezele inqwelo ethutha isidumbu/ibhokisi yomngcwabo kwindlela yesithuthi emveni kokuba ibhokisi isusiwe kwinqwelo yokuthutha isidumbu/ibhokisi yomngcwabo; okanye
- c) Apake inqwelo ethutha izidumbu/iibhokisi zomngcwabo ngendlela ephazamisa eminye imingcwabo eqhubayo.

14. Ukuthuthwa kweebhokisi kunye nezidumbu

(1) Umceli ngokwecandelo lesi – 3 unoxanduva lokuqinisekisa ukuhlawulwa kokuhanjiswa kweebhokisi iye emadlakeni xa kungcwatywa.

(2) Imiyalelo yasemadlakeni

- (1) Igosa eliphetheyo likaMasipala lingakhupha imiyalelo enxulumene –
 - (a) Nokumiswa kweenqwelo – mafutha;
 - (b) Umngcelele oya emangcwabeni;
 - (c) Ixesha elizothathwa ngumngcwabo.

(3) Wonke umntu othatha inxalenye kumngcelele oya emangcwabeni kufuneka ahambisane nayo yonke imiyalelo efanelekileyo ebekwe ligosa eliphetheyo likaMasipala.

15. IYURE ZOKUNGCWABA

- a) Ngokomhlathi (b) umngcwabo ungaqhutywa kuphela ngentsimbi ye – 08:00 ukuya kwintsimbi yesi – 15:00.
- b) Igosa ekhethweyo likaMasipala lingathi kwiimeko ezikhethekileyo, lingaqwalasela ngokwentlawulo yemali emisiweyo nguMasipala, linike imvume yokuba kungcwatywe ngaphandle kweziyure zikhankanyiweyo.
- c) Ukubangaba umngcwabo uqhuba ngaphandle kweeyure ezikhankanyiweyo, umceli uyakuthi enze amalungiselelo ezixhobo yaye athathe uxanduva lokuvalwa kwedlaka.

- d) Ukubangaba umceli ufuna iBhunga lenze amalungiselelo omngcwabo ngaphandle kweziyure zikhankanyiweyo, iBhunga lingathi lenze iinkonzo eziloluhlobo emveni kokuba kuhlawulwe imali emisiweyo yeeyure ezongezelweyo, kusetyenziswe imiqathango engamiswa liGosa eliphetheyo likaMasipala.
- e) Umntu ofuna ukungcwaba ngaphandle kweeyure ezikhankanyiweyo kufuneka enze isaziso kuqala seentsuku ezi – 3 phambi kokuba kungcwatywe.

ISAHLUKO SESI – 4

16. UKUVULWA KWAKHONA KWAMADLAKA KUNYE NOKUKHUPHA IZIDUMBU

EMADLAKENI

(1) Imiqathango yokukhupha izidumbu emadlakeni

Akukho mntu ongathi akhuphe isidumbu edlakeni okanye abange ukuba kukhutshwe isidumbu edlakeni ngaphandle kwemvume ebhalwe phantsi –

- (a) liBhunga;
 - (b) liSebe lezeMpilo lasePhondweni;
 - (c) nguMphathi wamadlaka; kunye
 - (d) neGosa lezeMpilo nokuSingqongileyo leBhunga;
 - (e) USibonda/iNkosi yendawo apho kukhutshwe khona isidumbu edlakeni yaye kuyakufuneka ukuba kuphinde kungcwatywe yaye kwimeko apho kuphinda kungcwatywe kwimida yolawulo lukaMasipala, umceli kufuneka aphinde afumane imvume ebhalwe phantsi nguSibonda/yiNkosi enegunya yaye eqwalasele indawo entsha yokungcwabela.
 - (f) Kwimeko apho uSibonda/iNkosi yalayo ukunika imvume, umceli angaya kwaMantyi.
- (2) Naninina xa kuzokhutshwa isidumbu edlakeni, iGosa eliphetheyo likaMasipala kufuneka lazise uMphathi weSikhululo sabakwaNtsasana (samaPolisa) saseMzantsi Afrika.
- (3) Ilungu labakwaNtsasana (lamaPolisa) laseMzantsi Afrika kufuneka lisoloko likhona xa kukhutshwa isidumbu edlakeni.
- (4) Ukukhutshwa kwesidumbu edlakeni akunakukwenziwa xa ngaba kukho uwonke – wonke emadlakeni yaye kufuneka kwenziwe phantsi kweliso leGosa eliphetheyo likaMasipala.

- (5) Ukuba amathambo ayakhutshwa nakwawaphina, ngumngcwabi kuphela ozakube ephantsi kweliso leGosa eliphetheyo likaMasipala, elingenza ukuba idlaka ligeunjelwe ukukhutshwa kwesidumbu edlakeni.
- (6) (a) ukubangaba idlaka lizakugrunjelwa ukukhupha isidumbu edlakeni iGosa eliphetheyo likaMasipala kufuneka linikwe isaziso esibhalwe phantsi kwiiyure ezingama – 48 phambi kwexesha lokukhutshwa kwesidumbu edlakeni, yaye
- (b) ugunyaziso olukhankanywe kumhlathi woku – (1) (d) kunye nemali emiswe nguMasipala kufuneka ihambe nesaziso esiloluhlobo.
- (7) Umntu onomnqweno wokukhupha amathambo edlakeni lomntu ohlelekileyo kufuneka ahlawule iindleko ezenziwa nguMasipala ngexesha lomngcwabo, kuMphathi wamaDlaka.
- (8) Umntu owenza lomsebenzi wokukhupha isidumbu edlakeni kufuneka aqinisekise ukuba isidumbu kunye nedlaka kususwe ngendlela efanelekileyo kubulalwe iintsholongwane kwaye kubulalwe ivumba elibi.
- (9) AbakwaNtsasana baseMzantsi Afrika kufuneka –
- (a) ukuba bukhona ubungqina bokungcwaba ngokungekho mthethweni, sikhutshwe isidumbu edlakeni ngokukhawuleza; yaye
- (b) sithathwe sisiwe kwigumbi likaRhulumente lokugcina izidumbu kuqhutywe uphando.
- (10) Idlaka lamaxhoba kunye nedlaka elingaphezu kweminyaka engama – 60 ubudala lingakhutshwa isidumbu edlakeni kuphela ngemvume yoMmeli wezeNkcubeko beNdalo yaseMzantsi Afrika.

17. Ukukhupha isidumbu edlakeni kwakunye nokungcwatywa kwaso kwakhona

- (1) IBhunga lingathi xa isidumbu singcwatywe ngokuchasene nalemithetho yedolophu, libangele ukuba kukhutshwe isidumbu edlakeni yaye singcwatywe kwakhona kwelinye idlaka.
- (2) Usapho lomntu obhubhileyo kufuneka –
- (a) Lwaziswe ngokutshintshwa kwesidumbu edlakeni nokungcwatywa kwaso kwakhona; kwaye
- (b) Bavunyelwe ukuba babekhona.

18. Isikhuselo sokukhupha isidumbu edlakeni

- (1) Idlaka apho isidumbu kufuneka sikhutshiwe kufuneka sikhuselwe sivalwe uwonke – wonke angasiveleli abone ngexesha ekukhutshwe ngalo isidumbu edlakeni.
- (2) Umntu okhupha isidumbu edlakeni kufuneka azilungiselele izisekelo ezifanelekileyo zamathambo okanye zesidumbu ngasinye.

ISAPHLUKO SESI – 5

19. Ukukhathalela amangcwaba

- (1) IBhunga linoxanduva lokugcina amadlaka ecocekile ngaphandle kokuba lemithetho ilungiselele ngolunye uhlobo.
- (2) Akukho ongathi –
 - (a) Atyale, achebe okanye asuse intyatyambo, amatyholo okanye iintyatyambo kwidlaka ngaphandle kweGosa eliphethe likaMasipala;
 - (b) Abeke isinyithi samatye kulo naliphina idlaka.
- (3) Izityalo zendalo okanye izityalo ezenziweyo ezifakwe ezityeni zingabekwa engcwabeni nangaliphina ixesha.
- (4) IGosa eliphetheyo likaMasipala lingathi;
 - (a) Lisuse iintyatyambo zendalo ezibunileyo, iintyatyambo ezimbatshileyo okanye iintyatyambo ezenziweyo ezonakeleyo, nasiphina isisekelo sesitya esibekwe edlakeni; okanye
 - (b) Emveni kweentsuku ezingama – 30 kubhengezwe isaziso sokususa zonke izinto ekuhombiswe ngazo, ngeenjongo zokwenza indawo ibentle.
- (5) IBhunga alinxanduva layo nayiphina ilahleko okanye umonakalo kuyo nayiphina into esedlakeni ngaphandle kokuba ilahleko eloluhlobo okanye umonakalo usisiphumo sokungahoyi kwawo nawuphina umsebenzi weBhunga.

ISAPHLUKO SESI – 6

20. ICANDELO LESIKHUMBUZO

(1) Ukwenziwa komsebenzi wesikhumbuzo

- (a) Umntu ozimisele ukwenza umsebenzi wesikhumbuzo kufuneka enze yaye agqibe isicelo kwifomu yesicelo somyalelo kwiGosa eliphetheyo likaMasipala.

- (b) Isicelo esiloluhlobo kufuneka senziwe singagqibanga iintsuku ezintlanu zokusebenza phambi komhla wokuqalwa komsebenzi wesikhumbuzo.
- (c) Umsebenzi wesikhumbuzo ungenziwa ngeeyure zokusebenza, ngemvume yeGosa eliphetheyo likaMasipala, wenziwe umsebenzi ngeeyure ezingaphandle kwezokusebenza.
- (d) Akukho mntu ongathi –
- (i) Enze umsebenzi wesikhumbuzo okanye aze nezinto ezithile emadlakeni ngeenjongo zokwenza umsebenzi wesikhumbuzo, ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo;
 - (ii) Asuse umsebenzi wesikhumbuzo ngokongeza imibhala okanye ezinye iinguqulelo ngaphandle kwemvume yeGosa eliphetheyo; okanye
 - (iii) Enze umsebenzi wesikhumbuzo ngoMgqibelo, ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala.
- (e) IBhunga alinaxanduva lomonakalo ongenzeka kumsebenzi wesikhumbuzo ngeziphumo zawo nawuphina umhlaba odambayo.
- (f) Umntu owenza umsebenzi wesikhumbuzo kufuneka enze isicelo kwiGosa eliphetheyo likaMasipala aveze imvume ebhale phantsi.
- (g) Umsebenzi wesikhumbuzo okanye wezinto ezithile ezisakukusetyenziswa ekwenziweni komsebenzi ololuhlobo, awunakuhanjiswa emadlakeni okanye kwindawo ekutshiswa kuyo izidumbu ngendlela engathi yenze umonakalo kwindlela yezithuthi, yeendledlana, yamabala anengca achetywayo, yemihlaba okanye yezikhumbuzo.
- (h) Nayiphina intsalela yezinto ezithile okanye yamaqhekeza wamatye enziwe kukumiswa komsebenzi wesikhumbuzo, kufuneka sisuswe ngumntu onoxanduva lokumisa okuloluhlobo, ngokukhawuleza emveni kokuba kugqityiwe.

21. Umsebenzi wesikhumbuzo songaphantsi

- (1) Nawuphina umsebenzi wesikhumbuzo kufuneka uboniswe inani elinikwe idlaka ligosa eliphetheyo likaMasipala, ngamabala abonakalayo yaye asisigxina –
- (a) Kwicala lomphantsi womsebenzi wesikhumbuzo; kunye
 - (b) Nakumphandle womphezulu, kumzantsi wekona ekwisandla sasekunxele, setafile ebekwe edlakeni kwicandelo lwembonakalo yomhlaba.

- (2) Igama lomenzi, umdwebi okanye umenzi womsebenzi wesikhumbuzo lingathi libonakale emsebenzini yaye kufuneka ukuba libekwe kumphantsi womsebenzi wesikhumbuzo.

22. Ukuqhaqha umsebenzi wesikhumbuzo

- (1) Ngumntu kuphela onamalungelo angasese okanye umntu ogunyaziswe ngokubhalwe phantsi ngumnikazi wamalungelo aloluhlobo, ongathi ngemvume ebhalwe phantsi liGosa elipetheyo likaMasipala aqhaqhe, atshinntshe okanye aphazamise nawo nawuphina umsebenzi wesikhumbuzo edlakeni.
- (2) Ukuqhaqha umsebenzi wesikhumbuzo kufuneka asuse engcwabeni okanye ayekwe engcwabeni apho kwenziwe khona umsebenzi wesikhumbuzo esiloluhlobo.
- (3) IGosa elipetheyo likaMasipala linagathi kwimeko yomngcwabo wesibini okanye umngcwabo ofanelekileyo kwidlaka eliloluhlobo, livumele umsebenzi wesikhumbuzo ukuba ushiywe kwenye indawo emangcwabeni isithuba esingagqithiyo kwiintsuku ezingama – 30 emva komngcwabo ololuhlobo.
- (4) Umntu oqhaqha lomsebenzi kufuneka akhawuleze emveni kokugqiba umsebenzi, asuse nazo naziphina iintsalela zezinto ebezisetyenziswa okanye amaqhekeza wamatye enziwe kukuqhaqha komsebenzi wesikhumbuzo.
- (5) Ukubangaba umnikazi onamalungelo okanye umntu ekubhekiswe kuye kwicandelwana loku – (1) –
- (a) Ohluleke kukuphinda amise umsebenzi wesikhumbuzo obuqhaqiwe kwisithuba esintsuku zingama – 30 emveni kokuba kuqhaqiwe; okanye
- (b) Ashiye umsebenzi wesikhumbuzo esiloluhlobo emangcwabeni ngokuchasene necandelwana lesi – (2), iBhunga lingamnika isaziso esibhalwe phantsi kwisithuba esintsuku zingama – 30 kumnikazi okanye kumntu onamalungelo aloluhlobo, umyalelo wokuna asuse izixhobo zokusebenza eziloluhlbo emadlakeni anamaqhekeza wamatye awenzekileyo ngoko, ngenkcitho yakhe okanye aphinde enze umsebenzi wesikhumbuzo.
- (6) Ukubangaba nawuphina umsebenzi wesikhumbuzo –
- (a) Wonakale;
- (b) Ubebubungozi kuwonke – wonke; okanye
- (c) Wenziwe ngokuchasene nalemithetho yedolophu, iBhunga lingathi linike isaziso esibhalwe phantsi kumnikazi onamalungelo okanye kumntu ekubhekiswe kuye

- kwicandelwana loku – (1), limyalele ngeendleko zakhe, kwisithuba esikhankanyiweyo kwisaziso, ukuba –
- (i) Atshintshe okanye enze umsebenzi wesikhumbuzo esiloluhlobo ukuba akhuseleke ukwenzela ukuba ihambisane namalungiselelo alemithetho yedolophu;
- (ii) Aqhaqhe yaye asuse umsebenzi wesikhumbuzo ololuhlobo emangcwabeni kwakunye nawo onke amaqhekeza wamatye athe enzeka ngenxa yoko.
- (7) Ukuba umnikazi ololuhlobo onamalungelo okanye umntu ekubhekiswe kuye kwicandelwana loku – (1), ukuba uyohlulakala kukuhambisana nesaziso ngokwecandelwana lesi – (5) okanye lesi – (6) iBhunga lingathi –
- (a) Liphinde limise umsebenzi wesikhumbuzo;
- (b) Kuqhaqhwe yaye kulahlwe umsebenzi wesikhumbuzo yaye kususwe nawo nawaphina amaqhekeza wamatye enzeke ngenxa yoko; okanye
- (c) Kwenziwe umsebenzi wesikhumbuzo sokhuseleko, yaye umini okanye umntu ololuhlobo uyakubanoxanduva lwazo naziphina iindleko ezenziwe iBhunga.
- (8) IBhunga lingathi ngaphandle kokunika nasiphina isaziso okanye naluphina uxanduva olwenziwe ngumnikazi onamalungelo okanye umntu ekubhekiswe kuye kwelicandelwana loku – (1) –
- (a) Qhaqha umsebenzi wesikhumbuzo kunye nokususa kwakunye namaqhekeza wamatye enzeke ngoko, ngaphandle komsebenzi wesikhumbuzo okhuselwe ngamalungiselelo woMthetho weNkcubeko nezeNdalo yeSizwe ka 1999 okanye
- (b) Enze umsebenzi wesikhumbuzo ukhuseleke, ukuba umsebenzi wesikhumbuzo ololuhlobo ubebubungozi kuwonke – wonke kufuneka kuthathwe amanyathelo okhuseleko lukawonke – wonke ngokukhawuleza njengoko kuyimfuneko.
- (9) Emveni kokuba iBhunga lithathe amanyathelo ngokwecandelwana lesi – (8), liyakuthi ngokukhawuleza okukhulu, ngokubhalwe phantsi, lazise umnikkazi babange ukuba abuyiselwe umsebenzi wesikhumbuzo emangcwabeni kwisithuba sexesha elikhankanyiweyo, iBhunga liyakunikezela ngomsebenzi wesikhumbuzo.
- (10) Umnikazi olouhlobo onamalungelo okanye umntu ekubhekiswe kuye kwicandelwana loku – (1) unoxanduva lwenkcitho yeBhunga, emveni kokuba iBhunga lithathe amanyathelo ngokwendlela ecamngce kwicandelwana lesi – (8).
- (11) Ukuba umnikazi wamalungiselelo okanye umntu ekubhekiswe kuye kwicandelwana loku – (1) uyohlulakala kukuhlulakala iindleko ezikhankanyiweyo kwicandelwana le – 10,

okanye abuyisele ukuqhaqha umsebenzi wesikhumbuzo kwiBhunga, lingathi iBhunga linikezele ngomsebenzi wesikhumbuzo oluluhlobo nangayiphina indlela elibona ikulungele oko.

(12) Ukuba kuyaqhubekwa ngokuthathwa kumalungiselelo aluluhlobo, inkqubeleka eluluhlobo iyakuthi iyekiswe ngenxa yeendleko zokuqhaqha, zokususa, zokugcina, kwakunye nokunikezelwa komsebenzi wesibhengezo esiluluhlobo kunye namaqhekeza wamatye enzeke ngenxa yoko.

22. Iimfuneko zomsebenzi wesikhumbuzo

(1) Umsebenzi wesikhumbuzo kufuneka wakhiwe okanye wenziwe ngezixhobo eziqinileyo, esipasiswe yiBhodi yemiGangatho yaseMzantsi Afrika ezakuhlala ixesha elide ingama – 25 weminyaka.

(2) Nabanina omisa umsebenzi wesikhumbuzo emangcwabeni okanye kwindawo ekutshiswa kuyo izidumbu kufuneka enze njalo ngemvume yeGosa eliphetheyo likaMasipala.

(3) Umntu omise umsebenzi wesikhumbuzo kufuneka ahambisane nezimfuneko zilandelayo –

(a) xa unganela nayiphina inxalenye yomsebenzi wesikhumbuzo kuye nawuphina umntu kufuneka kusetyenziswe ubhedu okanye ngokogquma ngesinyithi ngombane webhetri iqhoboshwe njengokukulandelayo –

(i) umsebenzi wesikhumbuzo ubengama - 500 mm umphakamo, imiqhobosho emibini okanye nangaphezulu ibenobukhulu obungu – 5 mm nama – 100 ubude;

(ii) umsebenzi wesikhumbuzo ubengama – 501 mm ukuya kuma – 1000 mm umphakamo, imiqhobosho ibemibini nangaphezulu ibenobukhulu obuli – 10 mm nama – 200 mm ubude nokuvuleka; okanye

(iii) umsebenzi wesikhumbuzo ubengama – 1001 mm ukuya phezulu ngomphakamo, imiqhobosho emibini nangaphezulu obungama – 20 mm ubukhulu kunye 300 mm ubude; (b) nayiphina inxalenye yomsebenzi wesikhumbuzo ebekwa emhlabeni, elityeni okanye kufuneka kugangathwe ngokufanelekileyo;

(c) izixhobo zobukhulu obungalinganiyo kufuneka bungasetyenziswa;

(d) kumphantsi wecala lomsebenzi wesikhumbuzo kunye nomgangatho womsebenzi wesikhumbuzo ngasinye kufuneka sitshone ngama – 500 mm ngaphantsi komhlaba;

(e) umda ongaphezulu kwama – 225 mm ngaphezu komphandle womhlaba okanye ongaphezu kwama – 200 mm ubunzulu kufuneka bungasetyenziswa ngaphandle kwemvume yeBhunga;

(f) yonke imisebenzi yesikhumbuzo kunye nemida yamatye kufuneka ikhuselwe ngokubotshwa ngobhedu olujikelezayo okanye kubotshwe umogqumo ngesinyithi webhetri;

(g) yonke imisebenzi yesikhumbuzo ukuya kwi – 150 mm ubukhulu kufuneka bukhuselwe ngokuncamatheliswa kumgangatho;

- (h) onke amalungu omsebenzi wesikhumbuzo kufuneka agqitywe phambi kokuba asiwe emangcwabeni;
- (i) umlinganiselo wamatye kufuneka ubene nokuqina kweqedlana elinye;
- (j) kuzo zonke iimeko apho umsebenzi wesikhumbuzo uncamathele kumgangatho;
- (i) umsebenzi wesikhumbuzo ololuhlobo kufuneka ugangathelwe;
- (ii) umsebenzi wesikhumbuzo ololuhlobo kufuneka wenziwe ngodaka nesamente;
- (iii) umphantsi womgangatho ngamnye womsebenzi wesikhumbuzo kufuneka ungabi ngaphezu kwama – 900 mm ukuvuleka x 250 mm ubukhulu kwaye nokuphinda kabini umsebenzi wesikhumbuzo ungagqithi ama – 2 286 ubude x 200 mm ukuvuleka x 250 mm ubukhulu; kwaye
- (iv) ukuba ayibophekisisekanga izikhewu zamatye abekwe engcwabeni, umgangatho wesikhewu selitye kufuneka lingabingaphezulu kuma – 10 mm umphakamo ongaphantsi komgangatho wezinqandi – matye.

23. Iimfuneko zomsebenzi wesikhumbuzo kwicandelo lesikhumbuzo

Ukutyaba komlinganiselo omkhulu wawo nawuphina umsebenzi wesikhumbuzo omisiweyo engcwabeni kumsebenzi wesikhumbuzo kufuneka -

- (a) kwimeko apho ingcwaba lomntu omdala, libengama – 2 500 mm ngobudde kunye nobubanzi obungama – 1 050 mm; okanye
- (b) kwimeko apho ingcwaba lomntwana libengama – 1 500 mm ubude kunye nobubanzi obungama – 900.

24. Isithintelo sisebenza

42. (1) Akukho mntu -

- (a) ongaphantsi kweminyaka eli – 16 ongathi angene emangcwabeni ngaphandle kokuba uhamba nomntu omdala, okanye ufumene imvume kwiGosa eliphethayo likaMasipala;
- (b) angangena okanye aphume nakweliphina ingcwaba, ngaphandle kwamalungiselelo asegeyithini;
- (c) angangena nakweyiphipina i-ofisi okanye indawo evaliweyo emangcwabeni, apho kungangenwayo kuyo ngaphandle kwemvume yeGosa eliphethayo likaMasipala, elinganika xa ngaba umntu kuphela eye ngokunxulumene noshishino kwingcwaba eliloluhlobo.

(2) Akukho mntu ongathi, ngaphakathi emangcwabeni

- (a) aphazamise nawuphina umthombo, umfanekiso oqingqiweyo, ilitye lesikhumbuzo, izixhobo, ucingo, ingcwaba okanye umhlaba weBhunga;
- (b) akhethe umonakalo, onakalise inkangeleko okanye atshabalalise yaso nasiphina isiqhamo okanye intyatyambo okanye imbewu;
- (c) onakalise, onakalise inkangeleko okanye asuse nawuphina umsebenzi wesikhumbuzo, ingcwaba, isakhiwo, ucingo;
- (d) alahle inkunkuma kwizingxobo ezilungiselelwe ngaphandle liBhunga;

- (e) ahlale, eme, ahambe, anambele, azobe okanye abhale kulo naliphina ingcwaba okanye kumsebenzi wesikhumbuzo;
- (f) aqubhe, ahlambe isiqu sakhe okanye ahlambe nasiphina isilwanyana echibini, emthonjeni, emanzini enziweyo, edamini okanye emfuleni;
- (g) ahlale emangcwabeni okanye ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala, akhe nasiphina isakhiwo okanye naluphina ungenelo lomhlaba;
- (h) agcine, aleqe, adubule okanye aphazamise nayiphina intlanzi, intake okanye isilwanyana ngaphandle kwaxa enephepha mvume lokwenza njalo, okanye athathe, aphanthe okanye onakalise amaqanda eentaka okanye indlwana yentaka;
- (i) abase nawuphina umlilo okanye atshise nantonina ngaphandle kokuba kukho ilungiselelo elikhethekileyo elenziwe liBhunga;
- (j) aqhube, okanye apake nayiphina inqwelo - mafutha, ibhayisekile, ibhayisekile enamavili amathathu okanye azobe okanye aqhube nayiphina inqwelo, ngaphandle kweendawo yaye kumaxesha athile kubhekiselwe kwimithetho yedolophu;
- (k) aqhube okanye ahambe nangayiphina inqwelo ngaphandle kweendawo ezikhankanyiweyo kumhlathi (j) kwisantya esiqitha i-15 km ngeyure;
- (l) aphanthe ishishini elindindayo, aphanthe nawuphina umboniso womzekelo okanye enze umsebenzi ongaqhelekanga emangcwabeni;
- (m) enze inkathazo okanye enze ulwaphulo – mthetho;
- (n) adlale umdlalo ngaphandle kwendawo eyolathiweyo;
- (o) asebenzise isakhiwo esilungiselelwe esinye sisini;
- (p) asile, athengise okanye asele isiselo esinxilisayo okanye asebenzise iziyobisi;
- (q) adlale nasiphina isixhobo somculo ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala;
- (r) ahambise intetho kuwonke – wonke ngaphandle kweyenkonzo yomngcwabo okanye yokutshiswa kwesidumbu, ngaphandle kwemvume ebhalwe phantsi liGosa eliphatheyo likaMasipala;
- (s) enze nantonina engabubungozi okanye iphazamise nabanina;
- (t) abambe alungiselele imisebenzi, izibhengezo, agrumbe umngxuma, abeke intente, inqwelo enophahlala ekuhlalwa kuyo, indawo yokuthengisela okanye nasiphina isakhiwo okanye isiphazamiso, ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala;
- (u) enze nawuphina umsebenzi wasekuhlaleni ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala;
- (v) enze umboniso bhanyabhanya, ngaphandle kwemvume yeGosa eliphetheyo likaMasipala kunye nokuhlalwa imali emisiweyo nguMasipala;
- (w) ahlale phakathi kokutshona kwelanga kunye nokuphuma kwelanga ngaphandle kwemvume ebhalwe phantsi liGosa eliphetheyo likaMasipala;
- (x) aphanthe okanye avumele isilwanyana, ngaphandle kwenja ekhokelayo, ngaphandle kwemvume yeGosa eliphetheyo likaMasipala; kunye

(y) athintele, aphazamise okanye anyamezele iGosa eliphethayo okanye naliphina ilungu leBhunga ekwenziweni kwemisebenzi okanye ekwenziweni nawuphina umsebenzi ogunyazisiweyo ngokweMithetho yedolophu.

(3) Nasiphina isilwanyana esifunyenwe emangcwabeni singathinjwa yaye kufuneka sikhululwe xa kuhlululiwe.

25. Unobangela wesohlwayo

Nabanina ongathi -

(a) achasane okanye ohluleke kukuhambisana nalamalungiselelo aleMithetho;

(b) ohlulakale kukuhambisana naso nasiphina isaziso esikhutshwe ngokwaleMithetho yedolophu;

(c) ohlulakale kukuhambisana nawo nawuphina umyalelo onikiweyo ngokwaleMithetho; okanye

(d) aphazamise okanye athintele igosa eligunyazisiweyo okanye umqeshwa weBhunga ekwenziweni kwemisebenzi phantsi kwaleMithetho yedolophu, unetyala yaye angagwetywa imali okanye ukuba uyohlulakala ukuhlawula imali eloluhlobo abanjwe ehlale eziseleni isithuba seenyanga ezintandathu, yaye kwimeko apho aqhubeleka netyala, abanjwe ahlawuliswe imali engagqithiyo kuma – R50.00, okanye ukuba uyohlulakala ukuhlawula abanjwe usuku kuphela, kusuku ngalunye enze ityala eluloluhlobo, emveni kwesaziso esibhalwe phantsi sakhutshwa liBhunga, yaye isiwe kulomntu unetyala eliqhubelekayo.

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