

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

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**Hu tshi katelwa na
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GENERAL NOTICE

NOTICE 4 OF 2011

LIMPOPO PROVINCIAL ADMINISTRATION

DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING

LIMPOPO PREVENTION AND CONTROL OF INFORMAL SETTLEMENTS BILL, 2011

In terms of the Standing Rules and Orders of the Limpopo Legislature, the Limpopo Prevention and Control of Informal Settlements Bill, 2010 is hereby advertised for public comments.

Any person or organization wishing to comment on the said document may do so in writing, on or before 27 January 2011, with:

**The Head of Department
Department of Local Government and Housing
Private Bag X9485
POLOKWANE
0700**

**FOR ATTENTION: PM MNGOMEZULU
Tel: (015) 284 2392
Fax: (015) 295 8263
Email: mngomezulup@limdlgh.gov.za**

LIMPOPO PROVINCIAL LEGISLATURE

LIMPOPO PREVENTION AND CONTROL OF INFORMAL SETTLEMENTS BILL, 2011

As introduced by

**(THE MEMBER OF THE EXECUTIVE COUNCIL FOR THE DEPARTMENT OF LOCAL
GOVERNMENT AND HOUSING)**

BILL

To provide for the progressive elimination of informal settlements in Limpopo; to provide for measures for the prevention of the re-emergence of informal settlements; to provide for the control of existing informal settlements and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Limpopo Housing Act, 2006 (Act No. 2 of 2006) was duly enacted by the Limpopo Provincial Government to afford everyone in the province access to affordable housing;

AND WHEREAS it is necessary to promote the establishment, development and maintenance of socially and economically viable communities and of safe and healthy living conditions and further, to ensure the elimination and prevention of informal settlement conditions;

AND WHEREAS it is desirable to introduce measures which seek to eliminate or control informal settlements and prevent its re-emergence; in a manner that promotes and protects the housing construction programmes of the Provincial Government,

BE IT THEREFORE ENACTED by the Limpopo Provincial Legislature, as follows:—

1. Definitions

In this Act, any word or expression to which a meaning has been assigned to in the Prevention of Illegal Eviction from and Illegal Occupation of Land Act, 1998 (Act No. 19 of 1998), must bear that meaning and unless the context indicates otherwise—

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Department” means the Department responsible for housing matters in the province;

“Informal settlement” means an area of settlement lacking formal planning and approval; with poor or non-existent infrastructure or sanitation and whose occupiers are predominantly indigent or poor persons enjoying little or no security of tenure;

“Informal settlements elimination programme” means a programme as contemplated in section 8 of this Act;

“Informal Settlements Officer” means the Informal Settlements Officer as designated or appointed in terms of section 9 of this Act;

“Limpopo Housing Act, 2006” means the Limpopo Housing Act, 2006 (Act No. 2 of 2006);

“MEC” means the Member of the Executive Council responsible for housing matters in the province;

“Municipality” means a municipality as defined in section 155 of the Constitution and established in terms of section 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“National Housing Code” means the National Housing Code as contemplated in section 4 of the Housing Act, 1997 (Act No. 107 of 1997);

“prescribed” means prescribed by regulations made under section 14 of this Act; and

“Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998” means the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998);

"this Act" includes any regulations made under section 14.

2. Application of Act

This Act applies to all informal settlements in the province.

3. Objects of Act

The objects of this Act are to—

- (a) prevent the emergence of informal settlements;
- (b) control and manage existing informal settlements;
- (c) promote co-operation between the Department and municipalities in the elimination of informal settlements in the province;
- (d) monitor the performance of the Department and municipalities in the elimination and prevention of informal settlements; and
- (e) improve the living conditions of person's living in informal settlements.

4. Prohibition on use of sub-standard accommodation for financial benefit

- (1) No person may let out a building or structure for accommodation purposes in exchange for financial or other benefit, if such building or structure is—
 - (a) not approved by the municipality in terms of regulations made under the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977); or
 - (b) not fit for human habitation on the basis that such building or structure—
 - (i) does not have access to natural light;

- (ii) does not have running water supply available or connected;
- (iii) does not have ablution facilities available or connected;
- (iv) is a health nuisance as defined in the National Health Act, 2003 (Act No. 61 of 2003); or
- (v) is in a serious state of neglect or disrepair.

(2) If the owner or person in charge of buildings or structures referred to in subsection (1) fails to evict occupiers, the municipality may, in the public interest, institute proceedings for eviction in terms of section 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998.

(3) Any person who contravenes the provisions of subsection (1) commits an offence.

5. Notice to owner or person in charge to upgrade land or buildings

(1) A municipality must, if it is of the opinion that any land or buildings within its area of jurisdiction is—

- (a) in an unhygienic condition;
- (b) in a state of disrepair; or
- (c) likely to become an informal settlement,

give written notice to the owner or person in charge thereof, calling upon such owner or person in charge, to upgrade or refurbish such land or buildings or to eliminate such unhygienic conditions.

(2) A person served with a notice in terms of subsection (1) must within the period specified in the notice comply with such notice.

(3) Any person who fails to comply with the provisions of subsection (2) commits an offence.

6. Steps to prevent unlawful occupation

- (1) An owner or person in charge of any vacant land or vacant buildings must within 12 months of the commencement of this Act take reasonable steps to prevent the unlawful occupation of such vacant land or vacant buildings.
- (2) If the owner or person in charge of vacant land or vacant buildings fails to comply with subsection (1), a municipality within whose area of jurisdiction the vacant land or vacant buildings is located must give written notice to the owner or person in charge thereof to take reasonable steps to prevent the unlawful occupation of such vacant land or vacant buildings.
- (3) A person served with a notice in terms of subsection (2) must within the period specified in the notice comply with such notice.
- (4) Any person who fails to comply with subsection (3) commits an offence.

7. Role of municipality

- (1) A municipality must—
 - (a) take reasonable measures within its available resources to achieve the progressive realisation of the right as contained in section 26 of the Constitution;
 - (b) promote safe and healthy living conditions to ensure the elimination of existing informal settlements and the prevention of new informal settlements;

- (c) consult with the following persons on appropriate measures for the elimination of informal settlement conditions—
 - (i) the traditional authority, on land falling within the traditional authority's area of jurisdiction;
 - (ii) the farm owner or the person in charge, in the case of land regulated by the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997), and
 - (iii) the owner or communal owners in the case of land regulated by the Communal Property Associations Act, 1996 (Act No. 28 of 1996), the Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993) or the Communal Land Rights Act, 2004 (Act No. 11 of 2004); and
 - (d) reasonably engage with occupiers of an informal settlement regarding the manner in which that informal settlement is to be dealt with.
- (2) A municipality may identify or acquire land within its area of jurisdiction for the purpose of establishing a transit area to be used as temporary accommodation for persons who are evicted from informal settlements, pending the acquisition of alternative land for adequate housing.
- (3) A municipality in acquiring the land referred to in subsection (2) must ensure that such land is—
- (i) suitable for accommodation with basic service infrastructure;
 - (ii) within the proximity of learning institutions;
 - (iii) in reasonable proximity to an economic centre; and

(iv) accessible to public transport.

- (4) A transit area referred to in subsection (2) may not serve as temporary accommodation for a period exceeding six months.

8. Informal settlements elimination programme

- (1) The municipal manager of a local municipality must develop an informal settlements elimination programme to prevent escalation of informal settlements within its area of jurisdiction.
- (2) The programme referred to in subsection (1) must—
- (a) provide for a manner of dealing with informal settlements and include reasonable engagement procedures to be adopted in relation to informal settlement occupiers;
 - (b) provide for solutions when dealing with informal settlements which include temporary accommodation for use as transit areas and permanent allocation of housing;
 - (c) cover existing tenure arrangements, including areas managed by traditional authorities; and
 - (d) prescribe any other measures to prevent informal settlements.

9. Informal settlements officer

The municipal manager of a local municipality—

- (a) must designate or appoint an official as the Informal Settlements Officer to manage and control informal settlements within the jurisdiction of such municipality; and

- (b) may designate or appoint other officials to assist the Informal Settlements Officer in the execution of his or her duties.

10. Powers and functions of informal settlements officer

The Informal Settlement Officer must—

- (a) identify the location and extent of informal settlements within the local municipality;
- (b) determine the origin of and conditions prevailing in each informal settlement;
- (c) monitor and control all informal settlements and take the necessary steps to prevent incremental growth or further informal settlements;
- (d) keep a register of all the occupiers who reside in each informal settlement and record in such register the information as prescribed;
- (e) ensure that all occupiers in an informal settlement who are in need of housing are registered in the municipality's database and the Department's waiting list for housing allocation;
- (f) educate occupiers of informal settlements about the contents of this Act;
- (g) promote liaison and communication with local communities in order to obtain their cooperation in the prevention of informal settlements; and
- (h) perform any other duty or function which may be necessary to ensure the prevention of or proper management and control of informal settlements.

11. Role of MEC

The MEC must—

- (a) ensure that the informal settlement elimination programme of a municipality complies with—

- (i) objectives of the National Housing Code on housing development; and
 - (ii) the annual plan for the execution of housing programmes as contemplated by section 3 (5)(g) of the Limpopo Housing Act, 2006;
- (b) monitor the progress of municipalities in their informal settlement elimination programmes;
- (c) co-ordinate informal settlement related activities in the province; and
- (d) take all necessary steps to support municipalities in their progressive elimination of informal settlements.

12. Submission of reports on status of informal settlements

- (1) The municipal manager of a local municipality must submit to the relevant district municipal manager in the prescribed format—
 - (a) a quarterly report; and
 - (b) an annual report,on the status of informal settlements within its area of jurisdiction.
- (2) The municipal manager of each district municipality must submit to the MEC in the prescribed format —
 - (a) a quarterly report; and
 - (b) an annual report,on the status of informal settlements within its area of jurisdiction.
- (3) The MEC must within a period of three months of the end of the financial year, table a consolidated report at the Provincial Legislature on the status of all informal settlements in the province.

- (4) The report referred to in subsection (3) must set out—
- (a) the progress made by municipalities in eliminating informal settlements, as well as indicate the improvements made to the living conditions of persons residing within the jurisdiction of each municipality;
 - (b) the challenges, if any, encountered by municipalities in the implementation of their informal settlement elimination programmes, as well as the solutions proposed by the MEC to overcome such challenges; and
 - (c) any other information which the MEC may wish to bring to the attention of the Provincial Legislature in relation to informal settlements.

13. Offences and penalties

Any person convicted of an offence in terms of section 4(3), 5(3) or 6(4) of this Act is liable to a fine or imprisonment or to both such fine and imprisonment.

14. Regulations

The MEC may by notice in the *Provincial Gazette*, make regulations regarding—

- (a) the upgrading of informal settlements within the province;
- (b) the format and content of any reports to be submitted in terms of this Act;
- (c) the contents of the register referred to in section 10(1)(d); and
- (d) any other administrative or procedural matter necessary to give effect to the provisions of this Act.

15. Delegations

- (1) The MEC may delegate to the Head of Department, with or without the authority to delegate further, any power or function conferred, entrusted or imposed upon the MEC under this Act, except—
- (a) the power to make regulations referred to in section 14; and
 - (b) the duty to table the consolidated report in the Provincial Legislature in terms of section 12.
- (2) A delegation referred to in subsection (1)—
- (a) must be in writing;
 - (b) does not prohibit the MEC from exercising that power or performing that duty; and
 - (c) may at any time be withdrawn or amended in writing by the MEC.

16. Short title

This Act is called the **Limpopo Prevention and Control of Informal Settlements Act, 2011** and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE
LIMPOPO PREVENTION AND CONTROL OF INFORMAL SETTLEMENTS BILL, 2011**

1. BACKGROUND AND PURPOSE OF BILL

- 1.1. The Limpopo Prevention and Control of Informal Settlements Bill (the Bill) has been developed in line with section 26 of the Constitution of the Republic of South Africa, 1996 (the Constitution). Section 26 (1) of the Constitution provides that ***everyone has the right to have access to adequate housing.***
- 1.2. Whereas the Limpopo Housing Act, 2006 (Act No. 2 of 2006) was duly enacted by the Limpopo Provincial Government to afford everyone in the province access to affordable housing, it is necessary to promote the establishment, development and maintenance of socially and economically viable communities and provision of safe and healthy living conditions and to further ensure the elimination and prevention of informal settlements in the Province.
- 1.3. It is therefore desirable to introduce measures which seek to eliminate and control informal settlements and prevent their re-emergence in a manner that promotes and protects the housing construction programmes of the Limpopo Provincial Government.
- 1.4. The main objectives of the Bill are to provide for the progressive elimination of informal settlements in the Limpopo; to provide for measures for the prevention of the re-emergence of informal settlements; to provide for the control of existing informal settlements; and to provide for matters connected therewith.
- 1.5. Schedule 4 of the Constitution confers legislative competence on the Provincial Legislature to pass provincial Acts dealing with housing matters. The thrust of this Bill is not evictions as there is national legislation in the form of the

Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998) regulating evictions. This Bill seeks to eliminate informal settlement conditions by amongst others the upgrading of the informal settlements or the relocation of persons where this is not feasible and any evictions to be carried out will be in accordance with the prevailing national legislation.

- 1.6 The Bill was presented to all the Clusters together with municipality representatives in the Province with the aim of soliciting comments from all stakeholders that would inform the legislation.

2. SOCIAL IMPLICATIONS

The Bill is concerned with improving the living conditions and standards of persons by providing proper and decent housing in line with the Housing Act, 1997 (Act No. 107 of 1997).

3. CLAUSE-BY CLAUSE ANALYSIS

- 3.1. Section 1 provides for definitions.
- 3.2. Section 2 provides for the application of the Act.
- 3.3. Section 3 outlines the objects of the Act.
- 3.4. Section 4 provides for the prohibition on the use of substandard accommodation for financial or other benefit.
- 3.5. Section 5 provides for a notice to the owner or person in charge to upgrade land or buildings.
- 3.6. Section 6 provides for steps to be taken to prevent unlawful occupation.

- 3.7 Section 7 provides for the role of the municipality in relation to informal settlements.
- 3.8 Section 8 places an obligation on the municipal manager to develop an informal settlements elimination programme.
- 3.9 Section 9 provides for the designation or appointment of an Informal Settlements Officer at local municipality level.
- 3.10 Section 10 provides for the powers and functions of the Informal Settlements Officer.
- 3.11 Section 11 provides for the role of the MEC in relation to informal settlements.
- 3.12 Section 12 provides for the submission of reports on the status of informal settlements to the district municipality, the MEC and the Legislature.
- 3.13 Section 13 provides for offences and penalties.
- 3.14 Section 14 provides for regulations.
- 3.15 Section 15 provides for the delegations of powers by the MEC.
- 3.16 Section 16 provides the short title of the Act.

4. FINANCIAL IMPLICATIONS

There will be the costs of gazetting and the advertising of the Bill in 2 newspapers. Any regulations issued under the Act will also have gazetting costs. This Bill will have other financial implications in that informal settlement officers and other staff may have to be appointed, land may have to be acquired for

transit areas and there may be the cost of evictions should the municipality decide on that route to deal with the informal settlement.

5. **STAFFING AND ORGANISATIONAL IMPLICATIONS**

There is now an obligation in terms of the Bill for a local municipality to either designate or appoint an Informal Settlements Officer to deal with informal settlements within its area of jurisdiction. A local municipality is also given the power to designate or appoint other officials to assist the Informal Settlements Officer, should it be necessary.

6. **CONSTITUTIONAL IMPLICATIONS**

The Kwazulu- Natal Elimination and Prevention of Re-emergence of Slums Act, 2007, Act No. 6 of 2007 (The Slums Act) was used to benchmark this Bill. The Slums Act was challenged in the Constitutional Court in the matter reported as **Abahlali BaseMjondolo Movement of South Africa v Premier of the Province of Kwazulu- Natal and Others, 2009**. The Constitutional Court unanimously ruled that the Slums Act fell within the Kwazulu- Natal Province's legislative competence as it was a primarily a housing matter. The Constitutional Court in assessing the constitutionality of the Act only ruled section 16 of the Slums Act as unconstitutional. We therefore have confidence in the constitutionality of this Bill as it does not have an offending provision like section 16 of the Slums Act.

7. **INSTITUTIONS CONSULTED**

The National Department of Human Settlements; the Kwazulu –Natal Provincial Department of Housing; all Municipalities in Limpopo and the State Law Advisors in the Office of the Premier, Limpopo were consulted.

ALGEMENE KENNISGEWING

KENNISGEWING 4 VAN 2011

LIMPOPO PROVINSIALE ADMINISTRASIE

DEPARTEMENT VAN PLAASLIKE REGERING EN BEHUISING 2011

WETSONTWERP OP DIE VOORKOMING EN BEHEER VAN INFORMELE NEDERSETTINGS IN LIMPOPO, 2011

Ingvolge die Staande Reels en Orde van die Limpopo Wetgewer, word die Wetsontwerp op die Voorkoming en Beheer van Informele Nedersettings in Limpopo, 2010 hierby geadverteer vir kommentaar.

Enige persoon of organisasie wat graag wil kommentaar lewer op die genoemde dokument mag skriftelik so doen voor of op 27 Januarie 2011, met:

**Die Hoof van die Departement
Departement van Plaaslike Regering en Behuising
Privaat Sak X9485
POLOKWANE
0700**

**VIR AANDAG: P M MNGOMEZULU
Tel : (015) 284 2392
Faks:(015) 295 8263
Epos-mngomezulup@limdigh.gov.za**

LIMPOPO PROVINSIALE WETGEWER

**WETSONTWERP OP DIE VOORKOMING EN BEHEER VAN INFORMELE
NEDERSETTINGS IN LIMPOPO, 2011**

Soos ingelei deur

**(DIE LID VAN DIE UITVOERENDE RAAD VIR DIE DEPARTEMENT VAN PLAASLIKE
REGERING EN BEHUISING)**

WETSONTWERP

Om te voorsien in die toenemende uitsakeling van informele nedersettings in Limpopo; om maatrekels te voorsien vir die voorkoming van die herverskyning van informele nedersettings; om te voorsien vir die beheer van bestaande informele nedersettings en om te voorsien vir aangeleenthede wat daarmee verband hou.

VOORWOORD

NADEMAAL die Wet op Limpopo Behuising, 2006 (Wet Nr. 2 van 2006) behoorlik voorgeskryf was deur die Limpopo Provinsiale Regering om elkeen in die provinsie te voorsien van toegang tot bekostigbare behuising;

EN NADEMAAL dit nodig is om die stigting, ontwikkeling en onderhoud van maatskaplike en ekonomies lewensvatbare gemeenskappe asook veilige en gesonde lewensomstandighede te bevorder en die uitskakeling en voorkoming van informele nedersettings omstandighede te verseker;

EN NADEMAAL dit wenslik is om maatrekels in te stel wat poog om informele nedersettings uit te skakel en te beheer en die herstigting daarvan te voorkom; op 'n wyse wat die programme van die behuisingskonstruksie van die Provinsiale Regering bevorder en beskerm,

WORD DAAR DERHALWE AS VOLG BEPAAL deur die Provinsiale Wetgewer van Limpopo:—

1. Omskrywings

In hierdie Wet, tensy uit die samehang anders blyk, het enige woord of uitdrukking waartoe 'n betekenis geheg is ingevolge die Wet op die Voorkoming van Onwettige Uitsetting en Onwettige Besitting van Grond, 1998 (Wet Nr. 19 van 1998), daardie betekenis soos bepaal deur die Wet—

“Grondwet” beteken die Grondwet van die Republiek van Suid-Afrika, 1996;

“Departement” beteken die Departement aanspreeklik vir behuisingsaangeleenthede in die provinsie;

“Informele nedersetting” beteken `n nedersettingsgebied wat tekort skiet aan formele beplanning en goedkeuring; met swak of geen bestaande infrastruktuur of sanitasie en waarvan die besetters oorwegend behoeftig of arm persone is wat min of geen veiligheid of eiendomsreg geniet of besit nie;

“Programme vir die uitskakeling van informele nedersettings ” beteken `n program soos bepaal deur artikel 8 van hierdie Wet;

“Informele Nedersettingsbeampte” beteken die informele nedersettingsbeampte soos aangewys of aangestel ingevolge artikel 9 van hierdie Wet.

“Wet op Limpopo Behuising, 2006” beteken die Wet op Limpopo Behuising, 2006 (Wet Nr. 2 van 2006);

“LUR” beteken die Lid van die Uitvoerende Raad verantwoordelik vir behuisingsaangeleenthede in die provinsie;

“Munisipaliteit” `n munisipaliteit soos omskryf in artikel 155 van die Grondwet en gestig ingevolge artikel 11 en 12 van die Plaaslike Regering: Wet op Munisipale Strukture, 1998 (Wet Nr.117 van 1998);

“Nasionale Behuisingskode” beteken die Nasionale Behuisingskode soos bepaal deur artikel 4 van die Wet op Behuising, 1997 (Wet Nr. 107 van 1997);

"voorgeskryf" beteken voorgeskryf deur regulasies neergelê ingevolge artikel 14 van hierdie Wet; en

"Wet op die Voorkoming van Onwettige Uitsetting en Onwettige Besetting van Grond, 1998" beteken "Wet op die Voorkoming van Onwettige Uitsetting en Onwettige Besetting van Grond, 1998 (Wet Nr.19 van 1998);

"hierdie Wet" sluit in enige regulasies ingevolge artikel 14.

2. Toepassing van Wet

Hierdie Wet is van toepassing op alle informele nedersettings in die provinsie.

3. Doelwitte van die Wet

Die doelwitte van die Wet is om—

- (a) die verskyning van informele nedersettings te voorkom;
- (b) bestaande informele nedersettings te beheer en te bestuur;
- (c) samewerking tussen die Departement en munisipaliteite te bevorder in die uitskakeling van informele nedersettings in die provinsie;
- (d) die werkverrigtinge van die Departement en munisipaliteite te monitor in die uitskakeling en voorkoming van informele nedersettings; en
- (e) die lewensomstandighede van persone wat in informele nedersettings woon te verbeter.

4. Verbod op die gebruik van sub-standard akkommodasie vir finansiële voordeel

- (1) Geen persoon mag 'n gebou of struktuur uit verhuur vir akkommodasie doeleindes in ruil vir finansiële voordeel nie, indien so 'n gebou of struktuur nie—
- (a) deur die munisipaliteit goedgekeur is ingevolge regulasies soos vereis deur die Wet op Nasionale Bouregulasies en Bou Standaarde, 1977 (Wet Nr. 103 van 1977) nie; of
- (b) nie geskik vir menslike bewoning op grond daarvan dat die gebou of struktuur —
- (i) nie geskik is vir toegang deur natuurlike lig nie;
- (ii) nie voorsien in lopende water of aansluiting daarvoor nie;
- (iii) nie ablusie geriewe beskikbaar het of aansluiting daarvoor het nie
- (iv) 'n gesondheidsteurnis is soos omskryf in die Wet op Nasionale Gesondheid, 2003 (Wet Nr. 61 van 2003); of
- (v) in 'n gevorderde toestand van nalatigheid of bouvalligheid is.
- (2) Indien die eienaar of persoon in beheer van geboue of strukture verwys na in subartikel (1) nalaat om die bewoners uit te sit, mag die munisipaliteit, in openbare belang, gedragslyne instel vir uitsetting ingevolge artikel 6 van die Wet op die Voorkoming van Onwettige Uitsetting en Onwettige Besetting van Grond, 1998.
- (3) Enige persoon wat die bepalings van subartikel (1) verontagsaam is skuldig aan 'n oortreding.

5. Kennisgewing aan die eienaar of persoon in beheer om grond of geboue op te gradeer

- (1) 'n Munisipaliteit moet, indien dit van mening is dat enige grond of geboue binne hul jurisdiksie area—

- (a) in 'n onhigiëniese toestand is;
- (b) in 'n toestand van bouwvalligheid is; of
- (c) blyk 'n informele nedersetting te word,

skriftelike kennis aan die eienaar of persoon in beheer daarvan rig, met 'n versoek aan sodanige eienaar of persoon in beheer, om die grond of geboue op te gradeer of op te knap ten einde sodanige onhigiëniese toestande uit te skakel.

- (2) Enige persoon gelas met 'n kennisgewing ingevolge subartikel (1) moet binne die gespesifiseerde tydperk in die kennisgewing voldoen aan sodanige kennisgewing.
- (3) Enige persoon wat nalaat om te voldoen aan die bepalings in subartikel (2) is skuldig aan 'n oortreding

6. Stappe om onwettige besetting te voorkom

- (1) 'n Eienaar of persoon in beheer van enige beskikbare grond of beskikbare geboue moet binne 12 maande na die inwerkingtreding van die Wet redelike stappe neem om die onwettige besetting van sodanige beskikbare grond of beskikbare geboue te voorkom.
- (2) Indien die eienaar of persoon in beheer van beskikbare grond of beskikbare geboue nalaat om te voldoen aan subartikel (1), moet 'n munisipaliteit binne wie se jurisdiksie area die beskikbare grond of beskikbare area geleë is, skriftelik kennis gee aan die eienaar of persoon in beheer daarvan om redelike maatreëls in te stel om die onwettige besetting van sodanige beskikbare grond of beskikbare geboue te voorkom.
- (3) Enige persoon gelas met 'n kennisgewing ingevolge subartikel (2) moet binne die gespesifiseerde tydperk in die kennisgewing voldoen aan sodanige kennisgewing.

- (4) Enige persoon wat nalaat om te voldoen aan die bepalings in subartikel (3) is skuldig aan 'n oortreding.

7. Rol van munisipaliteit

- (1) 'n Munisipaliteit moet —
- (a) redelike maatrekels binne hul beskikbare hulpbronne instel om die progressiewe realisering van die reg soos vervat in artikel 26 van die Grondwet te bereik;
 - (b) veilige en gesonde lewensomstandighede skep om te uitkakeling van bestaande informele nedersettings en die voorkoming van nuwe informele nedersettings te bevorder;
 - (c) met die volgende persone beraadslag oor gepaste maatrekels vir die uitkakeling van toestande in informele nedersettings—
 - (i) die tradisionele gesagstruktuur, oor grond wat binne die tradisionele gesagstruktuur se jurisdiksie area val;
 - (ii) die plaas eienaar of persoon in beheer, in die geval waardeur grond gereguleer word deur Die Wet op die Verlenging van Veiligheid van Eiendomsreg, 1997 (Wet Nr. 62 van 1997), en
 - (iii) die eienaar of gemeenskaplike eienaars ingeval van grond gereguleer deur die Die Wet op Gemeenskaplike Eiendomsvereniging, 1996 (Wet Nr. 28 van 1996), die Grond Hervorming : Wet op die Voorsiening van Grond en Bystand, 1993 (Wet Nr.126 van 1993) of die Wet op

Gemeenskaplike Grond Regte, 2004 (Wet Nr. 11 van
2004); en

- (d) redelike interaksie met besetters van informele nedersettings oor die wyse waarop aangeleenthede oor die informele nedersetting behandel moet word.
- (2) 'n Munisipaliteit mag land identifiseer of bekom binne sy jurisdiksie area met die doel om 'n oorgangsgebied te stig om te gebruik as tydelike akkommodasie vir persone wat uitgesit is uit informele nedersettings hangende die verkryging van alternatiewe grond vir voldoende behuising.
- (3) 'n Munisipaliteit moet tydens die verkryging van grond soos verwys na in subartikel (2) verseker dat sodanige grond—
 - (i) geskik is vir akkommodasie met infrastrukture vir basiese dienste;
 - (ii) binne die omgewing van leerinstellings is;
 - (iii) binne redelike omgewing van 'n ekonomiese sentrum; en
 - (iv) toeganklik tot publieke vervoer.
- (4) 'n Oorgangsgebied verwys na in subartikel (2) mag nie as tydelike akkommodasie dien nie vir 'n tydperk wat ses maande oorskry nie.

8. Programme vir die uitskakeling van informele nedersettings

- (1) Die munisipale bestuurder van 'n plaaslike munisipaliteit moet programme vir die uitskakeling van informele nedersettings ontwikkel ten einde die vermeerdering van informele nedersettings in sy area van jurisdiksie te voorkom.
- (2) Die program verwys na in subartikel (1) moet—

- (a) voorsien vir 'n werkswyse in die handeling met informele nedersettings wat redelike prosedure van interaksie insluit ten opsigte van die verhouding met die besetters van informele nedersettings;
- (b) voorsien in oplossings tydens die handeling met informele nedersettings wat tydelike akkommodasie vir gebruik as oorgangsgebiede en permanente toekenning van behuising insluit;
- (c) dekking van bestaande eiendomsreg, insluitend areas wat deur tradisionele gesagstrukture bestuur word; en
- (d) enige ander maatrekels voorskryf om informele nedersettings te voorkom.

9. Informele nedersettingsbeampte

Die munisipale bestuurder van 'n plaaslike munisipaliteit—

- (a) moet 'n beampte aanwys of aanstel as die Informele nedersettings-beampte om informele nedersettings binne die jurisdiksie van sodanige munisipaliteit te bestuur en te beheer; en
- (b) mag ander beamptes aanwys of aanstel om die Informele Nedersettings-beampte te ondersteun in die uitvoering van hom of haar pligte.

10. Magte en funksies van die informele nedersettingsbeampte

Die Informele Nedersettingsbeampte moet—

- (a) die ligging en omvang van informele nedersettings binne die plaaslike munisipaliteit identifiseer;
- (b) die oorsprong en toestand wat heers binne elke informele nedersetting bepaal;

- (c) alle informele nedersettings monitor en beheer en die nodige stappe neem om toenemende groei of verdere informele nedersettings te voorkom;
- (d) 'n register hou van alle besetters wat in elk van die informele nedersettings woon en voorgeskrewe inligting in die register aanteken;
- (e) verseker dat alle besetters van 'n informele nedersetting wat 'n behoefte aan behuising het op die munisipaliteit se dataregister en die Departement se waglys vir behuisingstoekenning geregistreer is;
- (f) besetters van informele nedersettings inlig oor die inhoud van hierdie Wet;
- (g) skakeling en kommunikasie met plaaslike gemeenskappe bevorder ten einde hulle samewerking te verkry in die voorkoming van informele nedersettings; en
- (h) enige ander plig of funksie uit te oefen wat nodig mag wees om die voorkoming van of doeltreffende bestuur en beheer van informele nedersettings te verseker.

11. Rol van LUR

Die LUR moet—

- (a) verseker dat die programme vir uitskakeling van informele nedersettings van 'n munisipaliteit voldoen aan—
 - (i) doelwitte van die Nasionale Behuisingskode oor behuisingsontwikkeling; en
 - (ii) die jaarplan vir die uitvoering van behuisingsprogramme soos vereis deur artikel 3 (5)(g) van die Wet op Limpopo Behuising, 2006;

- (b) die vordering deur munisipaliteite ten opsigte van hul programme vir die uitskakeling van informele nedersettings monitor;
- (c) Informele nedersettings verwante aangeleenthede in die provinsie koördineer; en
- (d) Al die nodige stappe neem om munisipaliteite te ondersteun in hul progressiewe uitskakeling van informele nedersettings.

12. Indiening van verslae oor die status van informele nedersettings

- (1) Die munisipale bestuurder van 'n plaaslike munisipaliteit moet by die relevante distrik munisipale bestuurder in 'n voorgeskrewe formaat indien—
 - (a) 'n kwartaallikse verslag; en
 - (b) 'n jaarverslag,oor die status van informele nedersettings binne sy jurisdiksie area.
- (2) Die munisipale bestuurder van elke munisipale distrik moet by die LUR in voorgeskrewe formaat indien —
 - (a) 'n kwartaallikse verslag; en
 - (b) 'n jaarverslag,oor die status van informele nedersettings binne sy jurisdiksie area.
- (3) Die LUR moet binne 'n tydperk van drie maande na die einde van die finansiële jaar 'n gekonsolideerde verslag in die Provinsiale Wetgewer ter tafel lê oor die status van alle informele nedersettings in die provinsie.
- (4) Die verslag verwys na in subartikel (3) moet 'n uiteensetting gee van—

- (a) die vordering wat gemaak was deur munisipaliteite oor die uitskakeling van informele nedersettings, asook die verbetering wat gemaak was ten opsigte van die lewensomstandighede van mense wat binne die jurisdiksie van elke munisipaliteit woonagtig is;
- (b) die uitdagings, indien enige, wat deur munisipaliteite ondervind word tydens die implementering van hul programme vir die uitskakeling van informele nedersettings sowel as die oplossings soos voorgestel deur die LUR om die uitdagings te oorkom; en
- (c) enige ander inligting wat die LUR graag onder die aandag van die Provinsiale Wetgewer wil bring met betrekking tot informele nedersettings.

13. Oortredings en strafmaatreksels

Enige persoon skuldig bevind aan 'n oortreding ingevolge artikel 4(3), 5(3) of 6(4) van hierdie Wet, is onderworpe aan 'n boete of tronkstraf of beide sodanige boete en gevangenskap.

14. Regulasies

Die LUR mag by kennisgewing in die *Provinsiale Koerant* regulasies instel met betrekking tot—

- (a) die opgradering van informele nedersettings binne die provinsie;
- (b) die formaat en inhoud van enige verslag wat ingedien moet word ingevolge hierdie Wet;
- (c) die inhoud van die register verwys na in artikel 10(1)(d); en
- (d) enige ander administratiewe of prosedurele aangeleentheid wat nodig is om uitvoering te gee aan die bepalings van hierdie Wet.

15. Afvaardigings

- (1) Die LUR mag aan die Hoof van die Departement deleger met of sonder die gesag om verder te deleger enige magte of funksies toegewys, toevertrou of opgelê aan die LUR ingevolge hierdie Wet, behalwe—
- (a) die bevoegdheid om regulasies in te stel verwys na in artikel 14; en
 - (b) die reg om ingevolge artikel 12 gekonsolideerde verslae in die Provinsiale Wetgewer ter tafel te lê .
- (2) `n Afvaardiging verwys na in subartikel (1)—
- (a) moet skriftelik wees;
 - (b) mag nie die LUR verbied om sodanige magte uit te oefen of pligte uit te voer nie; en
 - (c) mag te eniger tyd skriftelik onttrek of gewysig word deur die LUR.

16. Korttitel

Hierdie Wet word genoem die **Wet op Voorkoming en Beheer van Informele Nedersettings in Limpopo, 2011** en tree inwerking op `n datum bepaal deur die Premier by proklamasie in die *Provinsiale Koerant*.

**MEMORANDUM OOR DIE DOELWITTE VAN DIE WETSONTWERP OP DIE
VOORKOMING EN BEHEER VAN INFORMELE NEDERSETTINGS IN LIMPOPO,
2011**

1. AGTERGROND EN DOEL VAN DIE WETSONTWERP

- 1.1. Die Wetsontwerp op die Voorkoming en Beheer van Informele Nedersettings in Limpopo (die Wetsontwerp) was ontwikkel in lyn met artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1996 (die Grondwet). Artikel 26 (1) van die Grondwet voorsien dat ***elkeen die reg het van toegang tot voldoende behuising.***
- 1.2. Nademaal die Wet op Behuising in Limpopo, 2006 (Wet.Nr.2 van 2006) behoorlik verorden was deur die Limpopo Provinsiale Regering ten einde elkeen in die provinsie van toegang tot behoorlike behuising te voorsien, dit nogtans nodig is om die stigting, ontwikkeling en instandhouding van maatskaplike en ekonomiese lewensvatbare gemeenskappe te bevorder, asook die voorsiening van veilige en gesonde lewensomstandighede en ook die uitskakeling en voorkoming van informele nedersettings in die Provinsie te verseker.
- 1.3. Dit is derhalwe wenslik om maatrekels in te stel wat poog om informele nedersettings uit te skakel en te beheer en ook hul herverskyning te voorkom op 'n wyse wat die programme vir behuisingskonstruksie van die Limpopo Provinsiale Regering sal bevorder.
- 1.4. Die hoofdoelwitte van die Wetsontwerp is om te voorsien in die progressiewe uitskakeling van informele nedersettings in Limpopo; om te voorsien in maatrekels vir die herverskyning van informele nedersettings; om te voorsien in die beheer van bestaande informele nedersettings; en om te voorsien in aangeleenthede wat daarmee verband hou.

- 1.5. Skedule 4 van die Grondwet verleen wetgewende bevoegdheid aan die Provinsiale Wetgewer om provinsiale Wette wat handel oor behuisings aangeleenthede te bekragtig. Die dryfkrag agter hierdie Wetsontwerp is nie uitsettings nie aangesien daar nasionale wetgewing in plek is, in die vorm van die Wet op die Voorkoming van Onwettige Uitsetting van en Onregmatige Besetting van Grond, 1998 (Wet Nr. 19 van 1998) wat uitsetting reguleer. Hierdie Wetsontwerp het ten doel om die omstandighede in informele nedersettings te elimineer deur onder andere die opgradering van informele nedersettings of die hervestiging van persone en waar dit nie uitvoerbaar is nie, moet enige uitsetting geskied binne die raamwerk van bestaande nasionale wetgewing.
- 1.6 Die Wetsontwerp was voorgelê aan alle groepe, insluitend verteenwoordigers van munisipaliteite in die Provinsie met die doel om kommentaar te bekom vanaf alle aandeelhouders wat sou help met die formulering van die wetgewing.

2. SOSIALE IMPLIKASIES

Die Wetsontwerp is gemoeid met die verbetering van lewensomstandighede en gehalte van persone deur die voorsiening van behoorlike en ordentlike behuising in lyn met die Wet op Behuising, 1997 (Wet Nr. 107 van 1997).

3. KLOUSULE VIR KLOUSULE ANALISE

- 3.1. Artikel 1 voorsien vir omskrywings.
- 3.2. Artikel 2 voorsien vir die toepassing van die Wet.
- 3.3. Artikel 3 gee 'n uiteensetting van die doelwitte van die Wet.
- 3.4. Artikel 4 voorsien vir die verbod op die gebruik van sub-standaard akkommodasie vir finansiële of ander voordele.

- 3.5 Artikel 5 voorsien vir 'n kennisgewing aan die eienaar of persoon in beheer om die grond of geboue op te gradeer.
- 3.6 Artikel 6 voorsien vir stappe wat geneem moet word om onwettige besetting te voorkom.
- 3.7 Artikel 7 voorsien vir die rol van munisipaliteite in verhouding tot informele nedersettings.
- 3.8 Artikel 8 plaas 'n verpligting op die munisipale bestuurder om programme vir die uitskakeling van informele nedersettings te ontwikkel;
- 3.9 Artikel 9 voorsien vir die toewysing of aanstelling van 'n informele nedersettings beampte op die vlak van plaaslike munisipaliteit.
- 3.10 Artikel 10 voorsien vir die magte en pligte van die Informele Nedersettings-beampte.
- 3.11 Artikel 11 voorsien vir die rol van die LUR in verband met informele nedersettings.
- 3.12 Artikel 12 voorsien vir die indiening van verslae oor die status van informele nedersettings by die distrik munisipaliteit, die LUR en die Wetgewer.
- 3.13 Artikel 13 voorsien vir oortredings en strafmaatreksels.
- 3.14 Artikel 14 voorsien vir regulasies.
- 3.15 Artikel 15 voorsien vir die delegering van magte deur die LUR.
- 3.16 Artikel 16 voorsien vir die korttitel van die Wet.

4. FINANSIËLE IMPLIKASIES

Daar sal kostes verbonde wees aan die aankondiging en advertering van die Wetsontwerp in 2 koerante. Enige regulasies uitgereik ingevolge die Wet sal ook aankondigingsonkoste inhou. Hierdie Wetsontwerp sal ander finansiële gevolge inhou in die dat informele nedersettingsbeamptes en ander personeel aangestel moet word, grond bekom moet word vir oorgangsgebiede en daar mag die koste wees van uitsettings, indien die munisipaliteit daardie roete volg tydens handeling met die informele nedersetting.

5. PERSONEEL EN ORGANISATORIESE IMPLIKASIES

Daar is nou 'n verpligting ingevolge die Wetsontwerp vir 'n plaaslike munisipaliteit om of 'n informele nedersettingsbeampte aan te wys of aan te stel om te handel met informele nedersettings binne sy jurisdiksie area. 'n Plaaslike munisipaliteit moet ook die mag verkry om ander beamptes aan te wys of aan te stel om die Informele Nedersettingsbeampte te ondersteun indien nodig.

6. GRONDWETLIKE IMPLIKASIES

Die Wet van Kwazulu- Natal op die Uitskakeling en Voorkoming van die Herverskyning van Krotte, 2007, Wet Nr. 6 van 2007 (Wet op Krotte) was aangewend as beginpunt vir die Wetsontwerp. Die Wet op Krotte was betwis deur die Grondwetlike Hof in die saak aangemeld as **Abahlali BaseMjondolo Movement of South Africa v Premier of the Province of Kwazulu- Natal and Others, 2009**. Die Grondwetlike Hof het eenparig beslis dat die Wet op Krotte binne die Provinsie van Kwazulu-Natal se wetgewende bevoegdheid val aangesien dit hoofsaaklik 'n behuisings aangeleentheid was. Die Grondwetlike Hof het tydens die ondersoek oor die grondwettigheid van die Wet beslis dat slegs artikel 16 van die Wet op Krotte ongrondwetlik is. Vervolgens het ons vertroue in die grondwettigheid van die Wetsontwerp aangesien dit nie 'n beledigende bepaling inhou soos in die geval van artikel 16 van die Wet op Krotte nie.

7. INSTELLINGS GERAADPLEEG

Die Nasionale Departement van Menslike Vestigings; die Kwazulu –Natal Provinsiale Departement van Behuising; alle Munisipaliteite in Limpopo en die Staatsregsadviseurs in die Kantoor van die Premier, Limpopo was geraadpleeg.

NDIVHADZO NYANGAREDZI

NDIVHADZO⁴.... YA 2011**NDAULO YA VUNDU YA LIMPOPO****MUHASHO WA MUVHUSO WAPO NA ZWA DZINNDU****MULAYOTIBE WA NDANGO NA U THIVHELA ZWA DZINNDU DZI SIHO
MULAYONI WA LIMPOPO, 2011**

Hu tshi tevhedzwa Ndaela na Ndayo dza Tshothe dza Vhusimamilayo ha Limpopo, Mulayotibe wa Ndango na u Thivhela zwa Dzinndu dzi Siho Mulayoni wa Limpopo, 2011 afha u khou andadzwa u itela vhupfiwa ha vhathu

Muthu ufhio na ufhio kana dzangano vha todaho u bvisa vhupfiwa nga ha linwalo lo bulwaho vha nga ita ngauralo nga u tou nwala, kha kana phanda ha 27 Janaury 2011, zwo livhiswa kha:

**Thoho ya Muhasho
Department of Local Government and Housing
Private Bag X9485
POLOKWANE
0700**

**ZWI LIVHISWA KHA:PM MNGOMEZULU
Tel: (015) 284 2392
Fax: (015) 295 8263
Email: mngomezulup@limdlgh.gov.za**

VHUSIMAMILAYO HA VUNDU HA LIMPOPO

MULAYOTIBE WA NDANGO NA U THIVHELA NZUDZANYO YA ZWA DZINNDU DZI SIHO
MULAYONI; 2011

Sa zwe wa divhadzwa nga

(MURADO WA KHOROTSHITUMBE WA MUHASHO WA MUVHUSO WAPO NA ZWA
DZINNDU)

MULAYOTIBE

Wa u netshedza u itela u bvela phanda na fhedzwa ha nzudzanyo ya nndu dzi siho mulayoni Limpopo; u netshedza u itela maga a u thivhela u vha hone hafhu ha nzudzanyo ya nndu dzi siho mulayoni; u netshedza u itela ndango ya u vha hone ha nzudzanyo ya nndu dzi siho mulayoni na u netshedza u itela mafhungo a tutshelanaho na zwenezwo.

MARANGAPHANDA

HU NA URI Mulayo wa zwa Dzinndu wa Limpopo, 2006 (Mulayo No. 2 wa 2006) wo phasiswa u vha Mulayo nga Muvhuso wa Vundu wa Limpopo hu u itela u tendela muthu munwe na munwe kha Vundu uri a swikelele u vha na nndu;

NA ZWAURI ndi zwa ndeme uri hu thomiwe, hu bveledziwe na u vhulunga tshitshavha tshi bvelelaho lwa ekonomi na matshilisano na u vha tsho vhulungeaho na nyimele ya mutakalo wavhudi nahone hafhu na u vhona uri hu vhe na u thivhela kathihi na u fhedzwa u hone ha nzudzanyo ya nndu dzi siho mulayoni;

NA ZWAURI zwi a todea u vha na maga a todaho u thivhela kana u langa zwa nzudzanyo dza dzinndu dzi siho mulayoni na u thivhela uri zwi si tsha vha hone hafhu; nga ndila i bveledzaho na u vhulunga mbekanyamushumo dza u fhatwa ha dzinndu dza Muvhuso wa Vundu

ZWENEZWOHA AFHA HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo sa zwi tevhelaho:-

1. Thandavhudzo

Kha uyu Mulayo, lifurase kana ipfi lifhio na lifhio lo netshedzwaho thalutshedzo kha Mulayo wa u Thivhelwa u Pfuluswa nga Khombekhombe u bva kha na u Dzula kha Mavu zwi siho Mulayoni, 1998 (Mulayo No. 19 wa 1998) zwi tea u vha na yeneyo thalutshedzo nga nnda ha musu zwi re ngomu zwi tshi amba zwinwe.—

“Ndayotewa” zwi amba Ndayotewa ya Riphapuliki ya Afrika Tshipembe, 1996;

“Muhasho” zwi amba Muhasho u re na vhudifhinduleli ha mafhungo a zwa dzinndu kha vundu;

“vhathu vha dzulaho fhethu hu siho mulayoni” zwi amba fhethu hune vhathu vha dzula zwi siho nahone hu si na vhupulani na thendelo; hune vhudzulo kana tshiimo tsha vha tshi si tshavhudi, hu si na tshomedzo nahone hune vhathu vha dzulaho hone vha vha vha sa shumi nahone vhe vhashayi ha dovha ha vha na tsireledzo i si yavhudi kana vhudzulo vhu si ha tshothe;

“mbekanyamushumo ya u fheliswa ha nzudzanyo dza dzinndu dzi siho mulayoni” zwi amba mbekanyamushumo yo sumbedziswa kha Khethekanyo 8 ya uyu Mulayo;

“Muofisiri wa Nzudzanyo ya zwa ndu dzi siho mulayoni” zwi amba Muofisiri wa Vhathu vha dzulaho fhethu hu siho mulayoni o hweswaho maanda kana o vhwaho hu tshi tevhedzwa khethekanyo 9(4) ya uyu Mulayo;

“Mulayo wa zwa Dzinndu wa Limpopo, 2006” zwi amba Mulayo wa zwa Dzinndu wa Limpopo, 2006 (Mulayo No. 2 wa 2006).

“Murado wa Khorotshitumbe” zwi amba Murado wa Khorotshitumbe a re na vhudifhinduleli ha mafhungo a zwa dzinndu kha vundu

“Masipala” zwi amba masipala sa zwo talutshedzwaho kha khethekanyo 155 ya Ndayotewa nahone wo thomiwaho hu tshi tevhedzwa khethekanyo 11 na 12 dza Mulayo wa Zwiimiswa zwa Masipala zwa Muvhuso Wapo, 1998 (Mulayo No. 177 wa 1998);

“Khoudu ya zwa Dzinndu ya Lushaka” zwi amba Khoudu ya zwa Dzinndu ya Lushaka sa zwo sumbedziswa kha khethekanyo 4 ya Mulayo wa zwa Dzinndu, 1997 (Mulayo No. 107 wa 1997);

“zwo randelwaho” zwi amba zwo randelwaho nga ndaulo dzo itwaho fhasi ha Khethekanyo 14 ya uyu Mulayo; na

“Mulayo wa u Thivhela u Pandelwa lu Siho Mulayoni u bva kha na u Dzula kha Mavu zwi Siho Mulayoni, 1998” zwi amba Mulayo wa u Thivhela u Pandelwa lu Siho Mulayoni u bva kha na u Dzula kha Mavu zwi Siho Mulayoni, 1998 (Mulayo No. 19 wa 1998);

“uyu Mulayo” zwi katela ndaulo dzifhio na dzifhio dzo itwaho fhasi ha khethekanyo 14.

2. Tshumiso ya Mulayo

Uyu Mulayo u shuma kha nzudzanyo dzothe dza vhathu vha dzulaho fhethu hu siho mulayoni kha vundu.

3. Ndivho dza Mulayo

Ndivho dza uyu Mulayo ndi u –

- (a) thivhela u vha hone ha zwa nzudzanyo ya dzinndu dzi siho mulayoni;
- (b) langa na u laula zwa nzudzanyo ya ndu dzi siho mulayoni;
- (c) bveledza vhutangelani vhukati ha Muhasho na mimasipala nga kha pheliso ya vhathu vha dzulaho fhethu hu na dzinndu dzi siho mulayoni kha vundu;

- (d) lavhelesa kushumele kwa Muhasho na masipala kha u thivhela na fheliswa zwa vhathu vha dzulaho fhethu hu na ndu dzi siho mulayoni; na
- (e) khwinisa nyimele ya vhathu vha dzulaho kha ndu dzi siho mulayoni.

4. Nyiledzo ya u shumiswa ha vhudzulo vhu si ha maimo hu u itela mbuelo ya masheleni

- (1) A hu na muthu o tendelwaho u netshedza tshifhato kana tshiimiswa u itela fhethu ha vhudzulo hu na muhumbulo wa mbuelo ya masheleni kana inwe mbuelo arali tshenetsho tshifhato kana tshiimiswa tshi -

- (a) so ngo tendelwa nga masipala hu tshi tevhedzwa ndaulo dzo itwaho fhasi ha Mulayo wa Ndaulo dza u Fhata dza Lushaka na Zwitandadi zwa u Fhata, 1977 (Mulayo No. 103 wa 1977); kana

- (b) so ngo tea u dzula vhathu ho sedzwa zwauri tshenetsho tshifhato kana tshiimiswa :

- (i) a tshi dzheni tshedza tsha mupo,
- (ii) a tshi na tshomedzo dza madi a elelaho kana a ho ngo dzheniswa madi,
- (iii) a hu na zwileludzi zwa u tambela kana a ho ngo fhatiwa ha u tambela,
- (iv) a hu na tshomedzo ya zwa mutakalo sa zwo talutshedzwaho kha Mulayo wa zwa Mutakalo wa Lushaka, 2003 (Mulayo No. 61 wa 2003); kana
- (v) tshi kha tshiimo tshi si tshavhudi kana tshi sa londiwi kana tshi kha nyimele ine tsha nga wa.

- (2) Arali mune kana muthu a re na vhudifhinduleli ha zwifhato kana zwiimiswa o bulwaho kha khethekanyothukhu (1) a kundelwa u pandela vhadzuli, masipala a nga ri, hu na dzangalelo la vhathu, a divhadza matshimbidzelwe a u pandela hu tshi tevhedzwa

Khethekanyo 6 ya Mulayo wa u Thivhela u Pandelwa lu Siho Mulayoni u bva kha na u Dzula kha Mavu zwi Siho Mulayoni, 1998: -

- (3) Muthu ufhio na ufhio a kundelwaho u tevhezela mbetshelo dza khethekanyo (1) u na vhukhaki.

5. Ndivhadzo kha mune kana muthu a re na vhudifhinduleli ha u khwinisa mavu na zwifhato

- (1) Masipala u tea u, arali hu na muhumbulo wa uri mavu afhio na afhio kana zwifhato zwi re kha vhupo vhu re fhasi ha ndango yawo –

- (a) zwi kha nyimele ya mutakalo u si wavhudi,
- (b) zwi kha tshiimo tshi si tshavhudi,
- (c) zwi tshi nga swikisa kha tshiimo tsha vhathu vha dzulaho fhethu hu siho mulayoni;

- netshedza ndivhadzo ya u tou nwala kha mune kana muthu a re na vhudifhinduleli a tshi mu vhudza uri a khwnise kana a kunakise aneo mavu kana u vusuludza tshifhato kana u fhelisa yeneyo nyimele i shayaho mutakalo.

- (2) Muthu a netshedzwaho ndivhadzo hu tshi tevhezwa khethekanyothukhu (1) u tea uri vhukati ha tshifhinga tsho bulwaho kha ndivhadzo a tevhezela yeneyo ndivhadzo.
- (3) Muthu ufhio na ufhio a kundelwaho u tevhezela mbetshelo dza khethekanyothukhu (2) u ita vhukhaki.

6. Maga a u thivhela u dzula zwi siho mulayoni

- (1) Muthu kana mune a re na vhudifhinduleli ha mavu afhio na afhio kana zwifhato zwi si na muthu u tea uri vhukati ha minwedzi ya 12 ya u thoma ha uyu Mulayo a dzhie maga o

teaho a u thivhela u dzula lu siho mulayoni kha aneo mavu a si na muthu kana zwenezwo zwifhato zwi si na muthu.

2. Arali mune kana muthu a re na vhudifhinduleli ha aneo mavu kana zwifhato a kundelwa u tevhedzela khethekanyothukhu (1), masipala ane mavu kana zwifhato zwi si na muthu zwa wela fhasi ha ndango yawe, u tea u nea ndivhadzo ya u tou nwala kha mune kana muthu a re na vhudifhinduleli henefho ya uri a dzhie maga o teaho a u thivhela u dzula zwi siho mulayoni kha aneo mavu kana zwifhato zwi si na muthu.
- (3) Muthu a netshedzwaho ndivhadzo hu tshi tevhedzwa khethekanyothukhu (2), u tea uri vhukati ha tshifhinga tsho bulwaho kha ndivhadzo a tevhedzele yeneyo ndivhadzo.
- (4) Muthu ufhio na ufhio a kundelwaho u tevhedzela khethekanyothukhu (3) u ita vhukhakhakhi.

7. Mushumo wa masipala

- (1) Masipala u tea -
 - (a) u dzhia maga o teaho ngakha maanda e a hweswa hu u itela u swikelela pfanelo i re hone sa zwe zwa sumbedziswa kha khethekanyo 26 ya Ndayotewa;
 - (b) u bveledza nyimele dza kutshilele dzo vhulungeaho nahone dzi re na mutakalo wavhudi hu u itela u vhona zwauri hu fheliswe zwa nzudzanyo ya nndu dzi siho mulayoni na u thivhela u vha hone ha dzinwe nzudzanyo tswa dza nndu dzi siho mulayoni;
 - (c) u kwamana na vhathu vha tevelahaho nga ha maga o teaho a u fheliswa ha nyimele dza zwa nzudzanyo ya nndu dzi siho mulayoni-
 - (i) vhulaedzwa ha sialala vhune ha vha ha mavu a re fhasi ha ndango ya sialala;

- (ii) mune wa bulasi kana muthu a re na vhudifhinduleli kha hune mavu a langulwa nga Mulayo wa Nyengedzedzo ya Tsireledzo ya Mavu, 1977 (Mulayo No. 62 wa 1977); na
- (iii) mune kana vhane kha hune mavu a langwa nga Mulayo wa Madzangano a Ndaka ya Vhutanganelani, 1996 (Mulayo No. 28 wa 1996), Khwiniso ya Mavu: Mulayo wa Thusedzo na Mbetshelo dza Mavu, 1993 (Mulayo No. 126 wa 1993) kana Mulayo wa Pfanelo dza Mavu a Vhutanganelani, 2004 (Mulayo No. 11 wa 2004); na

(d) uri musi zwo fanela a kwamane na vhatu vha dzulaho kha ndu dzi siho mulayoni nga ha malugana na ndila ine zwa nzudzanyo ya ndu dzi siho mulayoni zwa tea u shumaniwa nazwo ngaho.

(2) Masipala a nga –

wana mavu fhethu hu re fhasi ha ndango yawe hu u itela ndivho dza u thoma dza vhupo ha u pfukhisela vhu no do shumiswa sa vhudzulo ha tshifhinganyana ha vhatu vho pandelwaho u bva kha ndu dzi siho mulayoni, ho imelwa u wanala ha mavu ane ha do fhatwa ndu dzo teaho.

(3) Masipala u tea u vhona zwauri musi a tshi wana mavu o bulwaho kha khethekanyothukhu (2), aneo mavu-

- (i) o tea u vha fhethu ha vhudzulo hune ha vha na ndisedzo ya tshumelo dza ndeme;
- (ii) hu tsini na zwiimiswa zwa pfunzo;
- (iii) hu tsini na fhethu ha senthara ya zwa ekonomi; na
- (iv) hu tshi kona u swikelelea nga kha vhuendi ha nnyi na nnyi.

- (4) Vhupo ha pfukhisela ho bulwaho kha khethekanyothukhu (2) vhu nga si shume sa vhudzulo ha tshifhinganyana lwa tshifhinga tshi fhiraho minwedzi ya rathi.

8 Mbekanyamushumo ya u fheliswa ha zwa nzudzanyo dza ndu dzi siho mulayoni

- (1) Mulangi wa masipala wapo u tea u bveledza mbekanyamushumo ya u fheliswa ha vhathu vha dzulaho fhethu hu siho mulayoni hu u itela u thivhela u engedzedzea ha nzudzanyo dza ndu dzi siho mulayoni kha vhupo vhu re fhasi ha ndango yawe.
- (2) Mbekanyamushumo yo bulwaho kha khethekanyothukhu (1) i tea –
- (a) u netshedza ndila ine ha do shumaniwa ngayo na zwa nzudzanyo ya ndu dzi siho mulayoni, zwi tshi katela na maga a pfalaho a no do tangedzwa zwi tshi tutshelana na vhathu vha re kha ndu dzi siho mulayoni;
 - (b) u netshedza thandululo musi a tshi khou shumana na vhathu vha dzulaho fhethu hu siho mulayoni, zwi tshi katela na vhudzulo ha tshifhinganyana vhu shumiswaho sa vhupo ha pfukhisela na u netshedzwa ha ndu dza tshothe;
 - (c) u katela nzudzanyo dza tshifhinga dzi re hone, zwi tshi katela na vhupo vhu langwaho nga vhulaedzwa ha sialala; na
 - (d) randela maga manwe afhio na afhio hu u itela u thivhela zwa nzudzanyo ya ndu dzi siho mulayoni.

9. Muofisiri wa vhathu vha dzulaho fhethu hu siho mulayoni

Mulanguli wa masipala wapo -

- (a) u tea u hwesa maanda kana u vhea muofisiri sa Muofisiri ane a do sedzana na vhathu vha dzulaho fhethu hu siho mulayoni uri a laule na u

langa vhathu vha dzulaho heneffho vha re kha vhupo vhu re fhasi ha ndango ya wonoyo masipala; nahone

- (b) a nga hwesa maanda kana a vhea vhanwe vhaofisiri uri vha thuse Muofisiri wa Vhathu vha dzulaho heneffho fhethu hu siho mulayoni kha u shuma mishumo yawe.

10. Maanda na mishumo ya muofisiri wa vhathu vha dzulaho kha ndu dzi siho mulayoni

Muofisiri wa Vhathu vha dzulaho kha ndu dzi siho mulayoni u tea-

- (a) u wana fhethu na vhuhulu ha zwa nzudzanyo ya ndu dzi siho mulayoni hu re kha masipala wapo;
- (b) u ta vhubvo ha na nyimele dzi re hone dza kha zwa nzudzanyo ya ndu dzi siho mulayoni hunwe na hunwe;
- (c) u sedzulusa na u langa nzudzanyo dzothe dza vhathu vha dzulaho fhethu hu siho mulayoni na u dzhia maga o teaho a u thivhela u engedzea kana u vha hone hafhu ha vhathu vha dzulaho fhethu hu siho mulayoni;
- (d) u vha na redzhisitara ya vhathu vhothe vha dzulaho kha vhupo vhunwe na vhunwe ha vhathu vha dzulaho fhethu hu siho mulayoni na u rekhoda mafhungo othe sa zwo randelwaho kha yeneyo redzhisitara;
- (e) u vhona zwauri vhadzuli vhothe vha dzulaho fhethu hu siho mulayoni, vhane vha toda u vha na dzinndu vha redzhisitariwe kha databeisi ya masipala kathihi na kha mutevhe wa vhathu vho imelaho u netshedzwa dzinndu;
- (f) u funza vhathu vha dzulaho fhethu hu siho mulayoni nga ha vhungomu ha uyu Mulayo;

- (g) u vhona uri hu vhe na vhuledzani na nyambedzano kha vhadzulapo hu u itela uri hu vhe na tshumisano kha u thivhelwa u vha hone ha zwa nzudzanyo ya nndu dzi siho mulayoni; na
- (h) u shuma mishumo kana ndivhanelo ifhio na ifhio ine ya nga vha yo fanela hu u itela u vhona uri hu vhe na u thivhela kana ndaulo na ndangulo kwayo ya vhathu vha dzulaho fhethu hu siho mulayoni.

11. Mushumo wa Murado wa Khorotshitumbe

Murado wa Khorotshitumbe u tea —

- (a) u vhona zwauri mbekanyamushumo ya u fhedza zwa mafhungo a vhathu vha dzulaho kha nndu dzi siho mulayoni ya masipala i khou tutshelana na —
 - (i) ndivho dza Khoudu ya zwa Dzinndu dza Lushaka dza nga ha u bveledziswa ha zwa dzinndu; na
 - (ii) pulane ya nwaha ya u shumiswa ha mbekanyamushumo ya zwa dzinndu sa zwo sumbedziswa nga khethekanyo 3 (5)(g) ya Mulayo wa zwa Dzinndu wa Limpopo, 2006;
- (b) u sedzulusa uri masipala i khou bvela hani phanda kha mbekanyamushumo dzayo dza u fhedza zwa nzudzanyo ya nndu dzi siho mulayoni;
- (c) u dzudzanya nyito dzi tutshelanaho na zwa mafhungo a vhathu vha dzulaho kha nndu dzi siho mulayoni kha vundu; na
- (d) u dzhia maga o fanelaho a u tikedza mimasipala kha u bvela hayo phanda na u fhedza zwa nzudzanyo ya nndu dzi siho mulayoni.

12. U netshedzwa ha mivhigo na tshiimo tsha vhathu vha dzulaho kha ndu dzi siho mulayoni

(1) Mulanguli wa masipala wapo u tea u netshedza kha mulanguli wa masipala wa tshitiriki tsho teaho tsumbamashumele yo randelwaho ya —

(a) mivhigo ya kotara; na

(b) muvhigo wa nwaha,

nga ha tshiimo tsha vhathu vha dzulaho kha ndu dzi siho mulayoni tshi re kha vhupo vhu re fhasi ha ndango yawe.

(2) Mulanguli wa masipala wa tshitiriki tshinwe na tshinwe tsha masipala u tea u netshedza Murado wa Khorotshitumbe tsumbamashumele yo randelwaho —

(a) ya mivhigo ya kotara; na

(b) ya muvhigo wa nwaha ,

ya nga ha tshiimo tsha vhathu vha dzulaho kha ndu dzi siho mulayoni tshi re kha vhupo vhu re fhasi ha ndango yawe.

(3) Murado wa Khorotshitumbe u tea uri vhukati ha minwedzi miraru ya maffheloni a nwaha wa muvhalelano, a vheye muvhigo tafulani wo khwathisedzwaho kha Vhusimamailayo ha Vundu wa nga ha tshiimo tsha vhathu vha dzulaho kha ndu dzi siho mulayoni.

(4) Muvhigo wo bulwaho kha khethekanyothukhu (3) u tea u vhetshela khagala -

(a) tswikelelo yo itwaho nga mimasipala kha u fhedzwa ha nzudzanyo ya ndu dzi siho mulayoni khathihi na u sumbedzisa khwiniso yo itwaho kha nyimele ya vhathu vha dzulaho kha vhupo vhunwe na vhunwe vhu re fhasi ha ndango ya masipala.

(b) khaedu arali dzi hone, dze mimasipala ya tangana nadzo kha u thomiwa ha mbekamushumo dzayo dza u fhedzwa ha vhathu vha dzulaho kha ndu dzi siho

mulayoni, zwi tshi katela na thandululo dzo kumedzwaho nga Murado wa Khorotshitumbe, dza u tandulula dzenedzo khaedu; na

- (c) mafhungo manwe afhio na afhio ane Murado wa Khorotshitumbe a nga toda uri a divhiwe nga Vhusimamilayo ha Vundu zwi tutshelanaho na vathu vha dzulaho kha nndu dzi siho mulayoni.

13. Vhukhakhi na ndatiso

Muthu ufhio na ufhio a wanalaho o ita vhukhakhi hu tshi tevhedzwa Khethekanyo 4(3), 5(3) kana 6(4) ya uyu Mulayo, u do tewa nga ndatiso kana u valelawa kana zwothe yeneyo ndatiso na u valelwa dzhele.

14. 14. Ndaulo

Murado wa Khorotshitumbe nga ndivhadzo kha Gazethe ya Vundu, a nga ita ndaulo malugana na —

- (a) u khwiniswa ha zwa nzudzanyo ya nndu dzi siho mulayoni kha vundu;
- (b) kudzudzanyelwe na zwi re ngomu zwa mivhigo ifhio na ifhio i no do netshedzwa hu tshi tevhedzwa uyu Mulayo;
- (c) zwi re ngomu zwa redzhisitara yo bulwaho kha khethekanyo 10(1)(d); na
- (d) mafhungo a matshimbizelwe kana ndaulo inwe ifhio na ifhio yo fanelaho hu u itela u khwathisedza mbetshelo ya uyu Mulayo.

15. Vhurumelwa

- (1) Murado wa Khorotshitumbe a nga hwesa maanda kha Thoho ya Muhasho, e na vhulaedzwa ha u hwesa kana a si na maanda hafhu, maanda kana mushumo ufhio na

ufhio wo hweswaho, khuliso kana maanda o hweswaho kha Murado wa Khorotshitumbe fhasi ha uyu Mulayo nga nda ha musi —

- (a) maanda a u ita ndaulo o bulwaho kha khethekanyo 14; na
 - (b) mushumo wa vhea tafulani muvhigo wo khwathisedzwaho kha Vhusimamilayo ha Vundu hu tshi tevhedzwa khethekanyo 12;
- (2) Vhurumelwa ho bulwaho kha khethekanyothukhu (1) –
- (a) vhu tea u vha nga ndila ya u tou nwala;
 - (b) a vhu thivheli Murado wa Khorotshitumbe u ita yeneyo mishumo kana u shuma dzenedzo ndivhanelo; na
 - (c) vhu nga humiswa tshifhinga tshinwe na tshinwe kana ha khwiniswa nga u tou nwala nga Murado wa Khorotshitumbe.

16. Dzina lipfufhi

Mulayo uyu u vhidzwa Mulayo wa Ndango na u Thivhela Nzudzanyo dza zwa Dzinndu dzi Siho Mulayoni; 2011 nahone u do thoma u shuma nga datumu i no do vhewa nga Premia kha Gazethe ya Vundu.

**MEMORANDAMU WA NGA HA NDIVHO DZA MULAYOTIBE WA NDANGO NA U
THIVHELA NZUDZANYO DZA NNDU DZI SIHO MULAYONI, 2011**

1. MARANGAPHANDA NA NDIVHO DZA MULAYOTIBE

- 1.1. **Mulayotibe wa Ndango na u Thivhela Nzudzanyo dza Nndu dzi Siho Mulayoni wa Limpopo** (Mulayotibe) wo sikiwa zwi tshi tutshelana na khethekanyo 26 ya Ndayotewa ya Riphaboliki ya Afrika Tshipembe, 1996 (Ndayotewa). Khethekanyo 26 (1) ya Ndayotewa i netshedza u itela uri muthu munwe na munwe a vhe na pfanelo ya u swikelela nndu yo teaho.
- 1.2. Hu na uri Mulayo wa zwa Dzinndu wa Limpopo, 2006 (Mulayo No. 2 wa 2006) wo phasiswa nga lwo fanelaho nga Muvhuso wa Vundu wa Limpopo hu u itela uri muthu munwe na munwe a kone u swikelela kha u vha na nndu, zwo tea uri hu vhe na u thomiwa, u bveledza na u vhulungwa ha vhadzulapo vha bvelelaho nga lwa ekonomi na matshilisano kathihi na u netshedzwa ha nyimele ya kutshilele kwo vhulungeaho nahone ku re na mutakalo, hafhu na u vhona zwauri hu fheliswa na u thivhelwa nzudzanyo ya zwa dzinndu i siho mulayoni kha Vundu.
- 1.3. Zwenezwoha, ndi zwa ndeme uri hu thomiwe na maga ane a do sedzana na u fheliswa, u langwa ha nzudzanyo dza dzinndu dzi siho mulayoni kathihi na u thivhela u sa tsha vha hone hafhu nga ndila ine ya thivhela na u bveledza mbekanyamushumo dza u fhatwa ha dzinndu kha Muvhuso wa Vundu wa Limpopo.
- 1.4. Ndivho khulwane dza Mulayotibe ndi u itela u bvela phanda na u fheliswa ha nzudzanyo ya zwa dzinndu dzi siho mulayoni ya Limpopo; u netshedza maga a u thivhela u vha hone hafhu ha nndu dzi siho mulayoni; na u netshedza mafhungo a tutshelanaho na zwenezwo.
- 1.5. Shedulu 4 ya Ndayotewa i khwathisedza u nea maanda a uri Vhusimamilayo ha Vundu vhu phasise milayo ya Vundu i shumanaho na mafhungo a zwa dzinndu.

Muhumbulo muhulwane wa uyu Mulayotibe a si u pandela sa izwo hu na mulayo wa lushaka une wa vha Mulayo wa u dzula kha Mavu lu siho Mulayoni na Thivhelo ya u Pandelwa zwi siho Mulayoni, 1998 (Mulayo No. 19 wa 1998) u langaho u pandelwa. Uyu Mulayo u toda u fhedza nyimele dza nzudzanyo ya zwa dzinndu dzi siho mulayoni kana u pfuluswa ha vhathu nga hune zwi nga si konadzee na hunwe u iswa hunwe fhethu ha vhathu hune ha nga si konadzee, zwi do tutshelana na mulayo wa lushaka u re hone.

- 1.6 Mulayotibe wo netshedzwa kha Zwigwada zwothe hu tshi katelwa na vhaimileli vha ha masipala kha Vundu hu na muhumbulo wa u tikedzana na vhupfiwa u bva kha vhashelamulenzhe vhothe zwine zwa do swikisa kha thuthuwedzo ya mulayo.

2. ZWI KWAMAHO MATSHILISANO

Mulayotibe wo livhiswa kha u khwinisa zwitandadi na nyimele dza kutshilele kha vhathu nga u vha netshedza ndu dzo teaho nahone dza maimo zwi tutshelanaho na Mulayo wa zwa Dzinndu, 1997 (Mulayo No. 07 wa 1997).

3. TSENGULUSO YA DAVHI NGA DAVHI

- 3.1. Khethekanyo 1 i netshedza u itela thandavhudzo.
- 3.2. Khethekanyo 2 i netshedza u itela tshumiso ya Mulayo.
- 3.3. Khethekanyo 3 i bvisela khagala Ndivho dza Mulayo.
- 3.4. Khethekanyo 4 i netshedza u itela thivhelo ya tshumiso ya vhudzulo ha tshitandadi tsha fhasi hu itela masheleni kana dzinwe mbuelo.
- 3.5. Khethekanyo 5 i netshedza u itela ndivhadzo kha mune kana muthu a re na vhudifhinduleli kha u engedza ndu kana mavu.

- 3.6 Khethekanyo 6 i netshedza u itela maga ane a do dzhiwa hu u itela u thivhela u dzula lu siho mulayoni.
- 3.7 Khethekanyo 7 i netshedza u itela mushumo wa masipala zwi tutshelanaho na nzudzanyo ya ndu i siho mulayoni. .
- 3.8 Khethekanyo 8 i kombetshedza mulanguli wa ha masipala uri a bveledze mbekanyamushumo ya thivhelo ya nzudzanyo ya dzinndu dzi siho mulayoni.
- 3.9 Khethekanyo 9 i netshedza u itela u hwesa maanda kana u vhewa ha Muofisiri wa Nzudzanyo ya Dzinndu dzi siho Mulayoni kha vhupo hapo ha masipala.
- 3.10 Khethekanyo 10 i netshedza u itela maanda na mishumo ya Muofisiri wa Nzudzanyo ya Dzinndu dzi siho Mulayoni
- 3.11 Khethekanyo 11 i netshedza u itela mushumo wa Murado wa Khorotshitumbe zwi tutshelanaho na nzudzanyo ya dzinndu i siho mulayoni.
- 3.12 Khethekanyo 12 i netshedza u itela u netshedzwa ha mivhigo nga ha tshiimo tsha nzudzanyo ya dzinndu i siho mulayoni kha tshitiriki tsha ha masipala, Murado wa Khorotshitumbe na Vhusimamilayo.
- 3.13 Khethekanyo 13 i netshedza u itela vhukhaki na ndatiso.
- 3.14 Khethekanyo 14 i netshedza u itela ndaulo.
- 3.15 Khethekanyo 15 i netshedza u itela u hweswa maanda kha Murado wa Khorotshitumbe.
- 3.16 Khethekanyo 16 i netshedza dzina lipfufhi la Mulayo.

4. ZWI KWAMAHO MASHELENI

Hu do vha na mbadelo dza gazethe na u andadzwa ha Mulayotibe kha gurannda mbili. Ndaulo dzifhio na dzifhio dzine dza do bviswa fhasi ha Mulayo dzi do vha na mbadelo. Mulayotibe u do vha na zwinwe zwi kwamaho masheleni nga nthani ha uri vhaofisiri vha nzudzanyo dza dzinndu i siho mulayoni na tshinwe tshitafu, vha nga di vhewa, mavu a nga todea hu u itela vhupo ha u pfukhisela nahone hu nga di vha na mbadelo dza u pfuluswa nga khani arali masipala a tshea nga u ralo hu u itela u shumana na mafhungo a zwa nzudzanyo dza dzinndu dzi siho mulayoni.

5. ZWI KWAMAHO TSHITAFU NA NZUDZANYO

Zwa zwino hu na khombetshedzo hu tshi tevhedzwa Mulayotibe ya uri masipala wapo a hwese maanda kana u vhea Muofisiri wa Nzudzanyo ya Dzinndu dzi Siho Mulayoni uri a shumane na mafhungo a nzudzanyo ya dzinndu dzi siho mulayoni kha vhupo vhu re fhasi ha ndango yawe. Masipala wapo hafhu u dovha a newa maanda a u hwesa maanda kana u vhea vhanwe vhaofisiri uri vha thuse Muofisiri wa Nzudzanyo ya Dzinndu dzi Siho Mulayoni, arali zwo fanela.

6. ZWI KWAMAHO NDAYOTEWA

Mulayo wa u Fhedzwa na u Thivhela u vha Hone hafhu ha Mikhukhu wa Kwazulu - Natal, 2007 Mulayo No. 6 wa 2007, (Mulayo wa Mikhukhu) wo shumiswa kha u swikelela u vha hone ha uyu Mulayotibe. Mulayo wa Mikhukhu wo itelwa khaedu nga Khothe ya Ndayotewa kha mafhungo o vhwahwa sa "Abahlali BaseMjondolo Movement of South Africa v Premier of the Province of Kwazulu – Natal and Others, 2009. Khothe ya Ndayotewa yo hatula hu si na u hanedza zwauri Mulayo wa Mikhukhu u wela fhasi ha ndango ya mulayo wa Vundu la Kwazulu – Natal sa izwo mathomoni o vha e mafhungo a Ndu. Musi Khothe ya Ndayotewa i tshi khou dzhia tsheo nga ha uri Mulayo wo tevhedzela na Ndayotewa, yo dzhia tsheo ya uri ndi Khethekanyo 16 fhedzi ya Mulayo wa Mikhukhu i sa tutshelani na Ndayotewa

7. **ZWIIMISWA ZWO KWAMIWAHO**

Muhasho wa Lushaka wa Nzudzanyo ya zwa Dzinndu dza Vhathu; Muhasho wa Vundu wa Kwazulu – Natal; Masipala yotho ya Limpopo kathihi na Vhaeletshedzi vha zwa Mulayo kha Ofisi ya Premia vho kwamiwa.

TSEBIŠO KAKARETŠO

TSEBIŠO ...⁴.... YA 2011
PUŠO YA PROFENSE YA LIMPOPO**KGORO YA PUŠO SELEGAE LE KAGO YA MENGWAKO****MOLAOKAKANYWA WA THIBELO LE TAOLO YA MADULO A BAIPEI WA
LIMPOPO, 2011**

Go ya ka Melao ya Go-ya-go-ile le Ditaello ya Lekgotlatheramelao la Limpopo, Molaokakanywa wa Thibelo le Taolo ya Madulo bja Baipei wa Limpopo, 2011 o phatlalatšwa go nyaka ditshwayotshwayo tša setšhaba.

Motho goba mokgatlo ofe goba ofe yo a nyakago go dira ditshwayotshwayo ka tokumente ye go bolelwago ka yona a ka dira bjalo ka go ngwala, ka goba pele ga 27 Janaury 2011, le:

Hlogo ya Kgoro
Kgoro ya Pušo Selegae le Kago ya Mengwako
Private Bag X 9485
POLOKWANE
0700

GO YA GO: P M MNGOMEZULU
Mogala: (015) 294 2392
Fekse: (015) 295 8263
Emeile: mngomezulup@limdlgh.gov.za

LEKGOTLATHERAMELAO LA LIMPOPO

**MOLAOKAKANYWA WA THIBELO LE TAOLO YA MADULO A BAIPEI WA
LIMPOPO WA 2011**

Bjalo ka ge o tsebagaditšwe ke

(MOLEKGOTLAPHETHIŠI WA KGORO YA PUŠO SELEGAE LE MENGWAKO)

MOLAOKAKANYWA

Go beakanyetša phedišo ka tsela ya maleba ya madulo a baipei ka Limpopo; go beakanyetša magato a thibelo ya go tšwelela gape ga madulo a baipei; go beakanyetša taolo ya madulo a baipei ao a lego gona le go beakanyetša merero ye e amanago le tšeo.

MATSENO

KA GE Molao wa Kago ya Mengwako wa Limpopo, 2006 (Molao wa 2 wa 2006) o amogetšwe ka tshwanelo ke Mmušo wa Profense ya Limpopo go kgontšha mang le mang ka profenseng gore a kgone go ba le ngwako wa theko ya fase;

LE GONA KA GE go tloga go le bohlokwa go hlohleletša tlhamo, tlhabollo le tlhokomelo ya ditšhaba tšeo di sa itemogelego mathata a tša ekonomi le leago le maemo a maphelo ao a bolokegilego ebile a hlwekile, go netefatša phedišo le thibelo ya maemo a bodulo bja baipei;

LE GONA KA GE go le bohlokwa go hlagiša magato ao a ka fedišago goba a ka laolago madulo a baipei le go thibela go tšwelela gape ga ona; ka tsela ye e hlohleletšago ebile e šireletšago mananeo a kago ya mengwako a Mmušo wa Profense,

KA GONA GO SWANETŠE GO BEWA MOLAO ke Lekgotlatheramelao la Profense ya Limpopo ka mo go latelago:—

1. Ditlhalošo

Ka gare ga Molao wo, lentšu goba tlhagišo efe goba efe yeo e abetšwego tlhalošo ka go Molao wa Thibelo ya Khudušo ye e Sego Molaong go tšwa go le Go ipha bodulo mo Nageng go go sego Molaong, (Molao wa 19 wa 1998), e swanetše go tšwela pele ka tlhalošo yeo ka ntle ga ge tšhomišo e ka laetša ka tsela ye nngwe—

"Molao wo" o akaretša melawana efe goba efe yeo e dirilwego ka fase ga karolo

“Bodulo bja baipei” e šupa lefelo la bodulo leo le sa beakanywago semmušo ebile le sa dumelelwago; leo le nago le mananeokgoparara goba kelelatšhila a maemo a fase goba a sego gona, leo badudi ba lona ba itlhokelago goba e lego batho bao ba itlhakelago ka bontši bao tokelo ya bona ya bodulo e beetšwego mellwane goba e sego gona;

“šišintšwego” e šupa šišintšwego ke melawana yeo e beilwego ka fase ga karolo 14 ya Molao wo; le

“Kgoro” e šupa Kgoro ye e rwelego maikarabelo a merero ya go amana le kago ya mengwako ka profenseng;

“Lenaneo la phedišo ya madulo a baipei” e šupa lenaneo leo le akanywago ka go karolo 8 ya Molao wo;

“MEC” ke gore Molekgotlaphethiši yo a rwelego maikarabelo a merero ya kago ya mengwako ka profenseng;

“Mmasepala” ke gore mmasepala bjalo ka ge o hlalošwa ka go karolo 155 ya Molaotheo le go hlangwa go ya ka karolo 11 le 12 Molao wa Dibopego tša Mebasepala: Pušo Selegae, 1998 (Molao 117 wa 1998);

“Mohlankedi wa Madulo a Baipei” e šupa Mohlankedi wa Madulo a Baipei bjalo ka ge a hlaotšwe goba a thwetšwe go ya ka karolo 9 ya Molao wo;

“Molao wa Kago ya Mengwako wa Limpopo, 2006” e šupa Molao wa Kago ya Mengwako wa Limpopo, 2006 (Molao wa 2 wa 2006);

“Molao wa Thibelo ya Khudušo ye e Sego Molaong go tšwa go le Go ipha bodulo mo Nageng go go sego Molaong, 1998” e šupa Molao wa Thibelo ya Khudušo ye e Sego Molaong go tšwa go le Go ipha bodulo mo Nageng go go sego Molaong, 1998 (Molao wa 19 wa 1998);

“Molaotheo” e šupa Molaotheo wa Rephabliki ya Afrika Borwa wa 1996;

“Molawana wa Kago ya Mengwako ya Bosetšhaba” e šupa Molawana wa Kago ya Mengwako ya Bosetšhaba bjalo ka ge o laetšwa ka go karolo 4 ya Molao wa Kago ya Mengwako wa 1997 (Molao 107 wa 1997);

2. Tirišo ya Molao

Molao wo o dirišwa go madulo a baipei ka moka ka mo profenseng.

3. Dinepo tša Molao

Dinepo tša Molao wo ke go—

- (a) thibela go tšwelelela ga madulo a baipei;
- (b) bea madulo a baipei ao a lego gona ka fase ga taolo;
- (c) tšwetša pele tšhomišano magareng ga Kgoro le mebasepala mo phedišong ya madulo a baipei ka profenseng;
- (d) bea leihlo phethagatšo ya mošomo wa Kgoro le mebasepala mo phedišong le thibelong ya madulo a baipei; le
- (e) kaonafatša seemo sa bophelo sa batho bao ba dulago go madulo a baipei.

4. Thibelo ya tšhomišo ya madulo ao a sa amogelegego ka nepo ya go hwetša kholego ya tšhelete

- (1) Ga go motho yo a tla dumelelwago go hiriša moago goba ngwako wo o agetšwego go šomišwa bjalo ka lefelo la bodulo go hwetša kholego ya tšhelete goba ya mohuta o mongwe, ge e ba moago goba ngwako woo —
- (a) ga se wa dumelelwa ke mmasepala go ya ka melawana yeo e beilwego ka fase ga Molao wa Melawana ya Kago Mle Maemo a Meago wa Bosetšhaba, 1977 (Molao wa 103 wa 1977); goba
- (b) ga se wa lokelwa go dula batho ka mabaka a gore moago goba ngwako woo —
- (i) ga o kgone go fihlelela seetša sa letšatši sa tlhago;
- (ii) ga o na meetse ao a abjago ka tsela ya diphaephe goba o kgokagantšwego go lona;
- (iii) ga o na ditlabakelo tša bohlapelo goba o kgokagantšwego go tšona;
- (iv) o kotsi go maphelo bjalo ka ge o hlalošwa ka go Molao wa Maphelo wa Bosetšhaba, 2003 (Molao wa 61 wa 2003); goba
- (v) o le seemong se se hlokomologilwego kudu goba o sa lokišege.
- (2) Ge e le gore mong goba motho yo a hlokometšego meago goba mengwako yeo go bolelwago ka yona go karolwana (1) o palelwa ke go huduša badudi, mmasepala o ka, ka kgahlego ya setšhaba, ntšha ditaelo tša go huduša go ya ka karolo 6 ya Molao wa Thibelo ya Khudušo ye e Sego Molaong go tšwa go le Go ipha bodulo mo Nageng go go sego Molaong, 1998.
- (3) Motho ofe goba ofe yoo a tshelago dipeakanyetšo tša karolwana (1) o oba molato.

5. Tsebišo go mong goba motho yoo a rwelego maikarabelo a go hlabolla naga goba meago

(1) Mmasepala o swanetše go, ge e le gore o gopola gore naga goba meago efe goba efe ye e lego ka fase ga taolo ya yona e—

- (a) seemong seo se sa lokelago maphelo;
- (b) seemong sa go se lokišege; goba
- (c) ka feleletša e le bodulo bja baipei,

abelana ka tsebišo ya go ngwalwa go mong goba motho yo a rwelego maikarabelo a lefelo leo, go ipiletša go mong goba motho yoo a rwelego maikarabelo, go hlabolla goba go kaonafatša naga goba meago yeo goba go fediša maemo ao a sa lokelago maphelo.

(2) Motho yoo a filwego tsebišo go ya ka karolwana (1) o swanetše gore, ka nako ye e laeditšwego ka gare ga tsebišo, a obamele tsebišo yeo.

(3) Motho ofe goba ofe yo a palelwago ke go obamela dipeakanyetšo tša karolwana (2) o oba molato.

6. Magato a thibelo ya go ipea go go sego molaong

(1) Mong goba motho yo a rwelego maikarabelo go naga efe goba efe yeo e sa šomišwego goba meago yeo go sa dulego motho o swanetše, mo dikgweding tše 12 morago ga go thomiša ga Molao wo, go tšea magato a go thibela go ipea go go sego molaong moo nageng goba meagong yeo go sa dulego motho.

(2) Ge mong goba motho yo a rwelego maikarabelo go naga yeo e sa šomišwego goba meago yeo go sa dulego motho a palelwa ke go obamela karolwana (1), mmasepala woo naga yeo e sa šomišwego goba meago yeo go sa dulego motho

e welago ka fase ga taolo ya wona e hwetšwago go wona o swanetše go fana ka tsebišo ya go ngwalwa go mong goba motho yo a rwelego maikarabelo go tšea magato a maleba go thibela go ipea go go sego molaong moo nageng yeo e sa šomišwego goba meago yeo go sa dulego motho.

- (3) Motho yoo a filwego tsebišo go ya ka karolwana (2) o swanetše gore mo nakong ye e laeditšwego ka gare ga tsebišo go obamela tsebišo yeo.
- (4) Motho ofe goba ofe yo a palelwago ke go obamela karolwana (3) o oba molato.

7. Karolo ye e kgathwago ke mmasepala

(1) Mmasepala o swanetše go—

- (a) tšea magato ao a kwagalago ao a kgonagalago go ya ka methopo ya wona ye e lego gona go fihlelela temogo ya maleba ya tokelo ye e lego ka go karolo 26 ya Molaotheo;
- (b) godiša maemo a bodulo ao a bolokegilego ebile a kaonafetšego go netefatša phedišo ya madulo a baipei ao a lego gona le thibelo ya madulo a baipei a mafa;
- (c) rerišana le batho bao ba latelago ka ga magato a maleba a phedišo ya maemo a madulo a baipei—
 - (i) baetapele bja setšo, go naga ye e welago ka fase ga lefelo leo le bušwago ke baetapele ba setšo;
 - (ii) mongpolase goba motho yo a rwelego maikarabelo, go naga ye e laolwago go ya ka Molao wa Katološo ya Tšhireletšo ya go ba le Tokelo ya Bodulo, 1997 (Molao wa 62 wa 1997), le
 - (iii) mong goba badudi bao e lego bengnaga go naga ye e laolwago go ya ka Molao wa Mekgatlo yeo e laolago Dithoto tša Setšhaba,

1996 (Molao wa 28 wa 1996), Molao wa Peakanyetšo ya Naga le
Thušo: Pušetšo ya Naga, 1993 (Molao wa 126 wa 1993) goba
Molao wa Ditokelo tša Naga ya Setšhaba, 2004 (Molao wa 11 wa
2004); le

- (d) boledišana ka tsela ye e lekanetšego le badudi bao ba ipeilego bodulong
bja baipei mabapi le ka tsela yeo bodulo bjoo bja baipei bo swanetšego
go lebelelwa ka gona.
- (2) Mmasepala o ka hlaola goba wa hwetša naga mo lefelong leo le welago ka fase
ga taolo ya wona ka morero wa go hlama lefelo la khudušetšo leo le ka
šomišwago bjalo ka bodulo bja nakwana la batho bao ba hudušetšwego go
bodulo bja baipei, go fihlela go hwetšwa naga ye nngwe go ka aga mengwako ya
maleba.
- (3) Mmasepala ge o hwetša naga ye go bolelwago ka yona go karolwana (2) o
swanetše go netefatša gore naga yeo e—
- (i) loketše go ba bodulo bjo bo nago le mananeokgoparara a ditirelo tša
motheo;
 - (ii) kgauswi le mafelo a go ithuta/dikolo;
 - (iii) kgauswi le lefelo la dikgwebo; ebile e
 - (iv) fihlelelwa ke dinamelwa tša bohle.
- (4) Lefelo la khudušetšo leo go bolelwago ka lona go karolwana (2) ga se la
swanelwa go dirišwa bjalo ka bodulo bja nakwana tekano ya go feta dikgwedi tše
tshela.

8. Lenaneo la phedišo ya madulo a baipei

- (1) Molaodi wa mmasepala mo maemong a mmasepala wa selegae o swanetše go hlama lenaneo la phedišo ya madulo a baipei go thibela go atafala ga madulo a baipei mo lefelong leo le welago ka fase ga taolo ya wona.
- (2) Lenaneo le go bolelwago ka lona go karolwana (1) le swanetše go—
- (a) abelana ka tsela ya go šogana le madulo a baipei le go akaretša ditshepedišo tša dipoledišano tše di lekanetšego tše di ka dirišwago malebana le badudi bao ba iphilego bodulo bja baipei;
 - (b) abelana ka ditharollo ge go šoganwa le madulo a baipei tše di akaretšago bodulo bja nakwana go šomišwa bjalo ka mafelo a khudušetšo le kabelo ya go-ya-go-ile ya kago ya mengwako;
 - (c) akaretša dipeakanyetšo tša go ba le tokelo ya bodulo tše di lego gona, go akaretša mafelo ao a laolwago ke baetapele ba setšo; le
 - (d) šišinya magato afe goba afe a mangwe go thibela madulo a baipei.

9. Mohlankedi wa madulo a baipei

Molaodi wa mmasepala mo maemong a mmasepala wa selegae—

- (a) o swanetše go hlaola goba go thwala mohlankedi go ba Mohlankedi wa Madulo a Baipei go sepediša le go laola madulo a baipei mo lefelong leo le welago ka fase ga taolo ya mmasepala woo; ebile
- (b) a ka hlaola goba go thwala bahlankedi ba bangwe go thuša Mohlankedi wa Madulo a Baipei mo phethagatšong ya mešomo ya gagwe.

10. Maatla le mešomo ya Mohlankedi wa Madulo a Baipei

Mohlankedi wa Madulo a Baipei o swanetše go—

- (a) hlaola lefelo le bogolo bja madulo a baipei ka mmasepaleng wa selegae;
- (b) laetša go thomega ga le maemo ao a lego gona ka go bodulo bjo bongwe le bjo bongwe bja baipei;
- (c) bea leihlo le go laola madulo a baipei ka moka le go tšea magato a maleba go thibela kgolo ye e golelago pele goba go itlhomela madulo a mangwe a baipei;
- (d) boloka retšistara ya badudi ba baipei ka moka ga bona bao ba dulago go bodulo bjo bongwe le bjo bongwe bja baipei go rekota ka go retšistara yeo tshedimošo bjalo ka ge go šišintšwe;
- (e) netefatša gore badudi ka moka go bodulo bja baipei bao ba nyakago mengwako ba ingwadiša go dathapeise ya mmasepala le mo go lenaneo la go leta la Kgoro la go abelana ka mengwako;
- (f) ruta badudi bao ba iphilego madulo a baipei mabapi le diteng tša Molao wo;
- (g) hlohleletša tšhomišano le kgokaganyo le badudi ba tikologo gore go kgone go hwetša tšhomišano ya bona go thibelo ya madulo a baipei; le
- (h) phethagatša morero goba mošomo ofe goba ofe wo o ka bago maleba go netefatša thibelo ya goba taolo ya maleba le taolo ya madulo a baipei.

11. Tema ye e kgathwago ke Molekgotlaphethiši [MEC]

Molekgotlaphethiši o swanetše go—

- (a) netefatša gore lenaneo la phedišo ya bodulo bja baipei la mmasepala le obamela—
 - (i) dinepo tša Molawana wa Kago ya Mengwako wa Bosetšhaba go tlhabollo ya kago ya mengwako; le

- (ii) leano la ngwaga ka ngwaga la phethagatšo ya mananeo a kago ya mengwako bjalo ka ge le akanywa ke karolo 3 (5)(g) ya Molao wa Kago ya Mengwako, 2006;
- (b) bea leihlo kgatelopele ya mebasepala ka go mananeo a yona a phedišo ya bodulo bja baipei;
- (c) kgokaganya mediro ye e amanago le bodulo bja baipei ka profenseng; le
- (d) tšea magato ka moka a maleba go thekga mebasepala ka go phedišo ya yona ka tsela ya maleba ya madulo a baipei.

12. Go tlišwa ga dipego ka seemo sa madulo a baipei

- (1) Molaodi wa mmasepala mo maemong a mmasepala wa selegae o swanetše go tliša pele go molaodi wa mmasepala wa selete wa maleba ka fomete/sebopego ye e kgethilwego—
 - (a) pego ya kotara; le
 - (b) pego ya ngwaga,ka seemo sa madulo a baipei ka lefelong leo le welago ka fase ga taolo ya ona.
- (2) Molaodi wa mmasepala mo maemong a mmasepala o mongwe le o mongwe wa selete o swanetše go tliša pele go MEC ka fomete/sebopego ye e kgethilwego —
 - (a) pego ya kotara; le
 - (b) pego ya ngwaga,ka seemo sa madulo a baipei ka lefelong leo le welago ka fase ga taolo ya ona.
- (3) Molekgotlaphethiši o swanetše, mo pakeng ya dikgwedi tše tharo tša mafelelo a ngwaga wa ditšhelete, go ala pego ye e kopantšwego go Lekgotlatheramelao la Profense ka seemo sa madulo a baipei ka moka ka profenseng.

- (4) Pego ye go bolelwago ka yona go karolwana (3) e swanetše go tšweletša—
- (a) kgatelopele ye e dirilwego ke mebasepala go phedišo ya madulo a baipei, gammogo le go laetša dikaonafatšo tše di dirilwego mo maemong a bodulo a batho bao ba dulago mo lefelong leo le welago ka fase ga taolo ya mmasepala o mongwe le o mongwe;
 - (b) ditlhohlo, ge e ba di gona, tše go itemogetšwego tšona ke mebasepala mo phethagatšong ya mananeo a phedišo ya bodulo bja baipei, gammogo le ditharollo tše di šišinywago ke Molekgotlaphethiši go rarolla ditlhohlo tše; le
 - (c) tshedimošo efe goba efe ye nngwe yeo Molekgotlaphethiši a ka nyakago go e tliša pele go Lekgotlatheramelao la Profense malebana le madulo a baipei.

13. Melato le dikotlo

Motho ofe goba ofe yo a ahloletšwego molato go ya ka karolo 4(3), 5(3) goba 6(4) ya Molao wo o swanelwa ke go lefa tefišo goba kgolego goba bobedi tefišo le kgolego.

14. Melawana

Molekgotlaphethiši ka tsebišo ka go *Kuranta ya Profense*, a ka dira melawana malebana le—

- (a) go kaonafatšwa ga madulo a baipei ka profenseng;
- (b) fomete le diteng tša dipego dife goba dife gore di tlišwe go ya ka Molao wo;
- (c) diteng tša retšistara ye go bolelwago ka yona go karolo 10(1)(d); le

- (d) morero ofe goba ofe o mongwe wa taolo goba wa tshepedišo wo o lego maleba go matlafatša dipeakanyetšo tša Molao wo.

15. Dikabelo tša maatla

- (1) Molekgotlaphethiši a ka fa maatla Hlogo ya Kgoro, ka tumelelo goba ka ntle ga tumelelo ya go se fetišetše maatla go yo mongwe, maatla goba mešomo efe goba efe ye e filwego, rwešitšwego goba e beilwego godimo ga Molekgotlaphethiši ka fase ga Molao wo, ka ntle ga ge—

- (a) maatla a go dira melawana ao go bolelwago ka wona go karolo 14; le
- (b) mošomo wa go ala pego ye e kopantšwego ka go Lekgotlatheramelao la Profense go ya ka karolo 12.

- (2) Kabelo ya maatla ye go bolelwago ka yona go karolwana (1)—

- (a) e swanetše go ba ka tsela ya go ngwalwa;
- (b) ga e thibele Molekgotlaphethiši go diriša maatla ao goba go phethagatša mošomo woo; le
- (c) ka nako efe goba efe, e ka gogelwa morago goba ya fetošwa ka tsela ya go ngwalwa ke Molekgotlaphethiši.

16. Thaetlele ya kopana

Molao wo o bitšwa **Molao wa Thibelo le Taolo ya Madulo a Baipei, 2011** le gona o tla thoma go šomišwa ka tšatšikgwedi ye e beilwego ke Tonakgolo ka kgoeletšo ka go *Kuranta ya Profense*.

**MEMORANTAMO KA DINEPO TŠA MOLAOKAKANYWA WA
THIBELO LE TAOLO YA MADULO A BAIPEI WA LIMPOPO, 2011**

1. MATSENO LE NEPO YA MOLAOKAKANYWA

- 1.1. Molaokakanywa wa Thibelo le Taolo ya Madulo a Baipei wa Limpopo (Molaokakanywa) o hlamilwe go ya ka karolo 26 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molaotheo). Karolo 26 (1) ya Molaotheo e laetša gore ***motho mang le mang o na le tokelo ya go ba le ngwako wa theko ya fase.***
- 1.2. Ka ge Molao wa Kago ya Mengwako wa Limpopo, 2006 (Molao wa 2 wa 2006) o tloga o amogetšwe bjalo ka molao ke Mmušo wa Profense ya Limpopo go dumelela mang le mang ka profenseng go ba le ngwako wa theko ya fase, go bohlokwa go hlohleletša tlhamo, tlhabollo le tlhokomelo ya ditšhaba tšeo di sa itemogelego mathata a tša ekonomi le leago le maemo a maphelo ao a bolokegilego ebile a hlwekile, go netefatša phedišo le thibelo ya maemo a bodulo bja baipei ka Profenseng.
- 1.3. Ka gona go bohlokwa go hlagiša magato ao a swanetšego go fediša le go laola madulo a baipei le go thibela go tšwelela gape ga ona ka tsela ye e hlohleletšago ebile e šireletšago mananeo a kago ya mengwako a Mmušo wa Profense.
- 1.4. Nepokgolo ya Molaokakanywa wo ke go abelana ka phedišo ka tsela ya maleba ya madulo a baipei mo Limpopo; go šomiša magato a go laola madulo a baipei ao a lego gona; le go abelana ka magato ao a sepelelanago le tšona.
- 1.5. Šetule 4 ya Molaotheo e fa maatla bokgoni bja peomelao go Lekgotlatheramelao la Profense go fetiša Melao ya profense ye e šoganago le merero ya kabo ya mengwako. Kgwekgwe ya Molaotheo wo ga se go hudušwa ka ge go na le molao wa bosetšhaba wo o bitšwago Molao wa Thibelo ya Khudušo ye e Sego Molaong

go tšwa go le Go ipha bodulo mo Nageng go go sego Molaong, 1998 (Molao wa 19 wa 1998) wo o laolago go hudušwa. Molaokakanywa wo o nyaka go fediša maemo a badulo a baipei ka magareng ga tše dingwe go kaonafatšwa ga madulo a baipei goba go hudušwa ga batho moo go sa kgonagalego le gona go hudušwa gofe goba gofe go go swanetšego go phethagatšwa go tla dirwago go ya ka molao wa bosetšhaba wo o lego gona.

- 1.6 Molaokakanywa o adilwe go Makala ka moka gammogo le baemedi ba mebasepala ka Profenseng ka nepo ya go nyaka ditshwayotshwayo go tšwa go bakgathatema ka moka go kgontšhwa go bewa ga molao.

2. DIKAMEGO TŠA LEAGO

Molaokakanywa o bea šedi go kaonafatšo ya maemo a bodulo le maemo a batho ka go abela megwako ya maleba ya seriti go sepelelana le Molao wa kago ya Mengwako, 1997 (Molao wa 107 wa 1997).

3. TSHEKATSHEKO YA TEMANA KA TEMANA

- 3.1. Karolo ya 1 e abelana ka ditlhalošo.
- 3.2. Karolo ya 2 e abelana ka tirišo ya Molao.
- 3.3. Karolo ya 3 e hlatholla dinepo tša Molao.
- 3.4. Karolo ya 4 e abelana ka thibelo ya tšhomišo ya madulo ao a sa amogelegego go hwetša kholego ya ditšhelete goba ya mohuta wo mongwe.
- 3.5. Karolo ya 5 e abelana ka tsebišo go mong goba motho yo a rwelego maikarabelo a go kaonafatša naga goba meago.
- 3.6. Karolo ya 6 e abelana ka magato ao a swanetšego go tšewa go thibela go ipha madulo ka tsela ye e sego molaong.

- 3.7 Karolo ya 7 e abelana ka tema ye e kgathwago ke mmasepala malebana le madulo a baipei.
- 3.8 Karolo ya 8 e bea boitlamo go molaodi wa mmasepala go hlama lenaneo la phedišo ya madulo a baipei.
- 3.9 Karolo ya 9 e abelana ka go hlaolwa goba go bewa ga Mohlankedi wa Madulo a Baipei mo maamong a mmasepala wa selegae.
- 3.10 Karolo ya 10 e abelana ka maatla le mešomo ya Mohlankedi wa Madulo a Baipei.
- 3.11 Karolo ya 11 e abelana ka tema yeo e kgathwago ke Molekgotlaphethiši [MEC] malebana le madulo a baipei.
- 3.12 Karolo ya 12 e abelana ka go tlišwa ga dipego ka seemo sa madulo a baipei go mmasepala wa selete, MEC le Lekgotlatheramelao.
- 3.13 Karolo ya 13 e abelana ka melato le dikotlo.
- 3.14 Karolo ya 14 e abelana ka melawana.
- 3.15 Karolo ya 15 e abelana ka go abelwa ga maatla ke MEC.
- 3.16 Karolo ya 16 e abelana ka thaetlele ye kopana ya Molao.

4. DIKAMEGO TŠA MATLOTLO

Go tla ba le ditshenyegelo tša go gatiša le go kwalakwatša ga Molaokakanywa ka go dikuranta tše 2. Melawana efe goba efe yeo e fiwago ka fase ga Molao le yona e tla ba le ditshenyegelo tša kgatišo. Molaokakanywa wo o tla ba le dikamego tše dingwe tša ditšhelete ka gore bahlankedi ba madulo a baipei le bašomi ba bangwe ba tla swanelwa ke gore ba thwalwe, go ka nyakega gore go hwetšwe naga ye e ka šomišwago bjalo ka madulo a nakwana le gona go ka ba

le ditshenyegelo tša khudušo ge mmasepala o ka tšea sephetho sa mohuta woo go šogana le bodulo bja baipei.

5. **DIKAMEGO TŠA BAŠOMI LE MEKGATLO**

Gabjale go na le boitlamo bja gore go ya ka Molaokakanywa wa gore mmasepala wa selegae o ka hlaola goba go thwala Mohlankedi wa Madulo a Baipei go šogana le madulo a baipei ka tikologong ye e welago ka fase ga taolo ya wona. Mmasepala wa selegae gape o fiwa maatla a go hlaola goba go thwala bahlankedi ba bangwe go thuša Mohlankedi wa Madulo a Baipei, ge go ka ba bohlokwa.

6. **DIKAMEGO TŠA MOLAOtheo**

Molao wa Phedišo le Thibelo ya go tšwelelela gape ga Mekhukhu wa Kwazulu-Natal, 2007, Molao wa 6 wa 2007 (Molao wa Mekhukhu) o šomišitšwe go bapetša Molaokakanywa wo. Molao wa Mekhukhu o ile wa hlohlwa go Kgorotsheko ya Molaotheo mo molatong wo o begilwego ke **Abahlali BaseMjondolo Movement of South Africa v Premier of the Province of Kwazulu-Natal and Others, 2009**. Kgorotsheko ya Molaotheo e ile ya tšea sephetho ka ntle le phekgišano ya gore Molao wa Mekhukhu o be o wela ka fase ga maatla a peomelao ya Profense ya Kwazulu-Natal bjalo ka ge e be e tloga e le molato wa kabo ya mengwako. Kgorotsheko ya Molaotheo ge e lekola go ba molaong ga Molao ya tšea sephetho sa gore ke Karolo ya 16 fela ya Molao wa Mekhukhu e lego kgahlanong le molaotheo. Ka gona re na le kholofelo ya gore Molaokakanywa wo ga o thulane le molaotheo ka ge o se na karolo ye e sa amogelegego go swana le Karolo ya 16 ya Molao wa Mekhukhu.

7. **DIINSTITŠUŠENE TŠE GO RERIŠANWEGO LE TŠONA**

Go rerišanwe le Kgoro ya Bodulo bja Batho ya Bosetšhaba [*National Department of Human Settlements*]; Kgoro ya Kago ya Mengwako ya Profense ya Kwazulu-Natal; Mbasepala ka moka ka Limpopo le Baeletši ba tša Semolao ba Mmušo go Ofisi ya Tonakgolo, Limpopo.

ISAZISO MAZOMBE

ISAZISO SENOMBORO⁴.... SAKA-2011**UMBUSO WEPHROVINSI YELIMPOPO****UMNYANGO WEZEMIBUSO YEMAKHAYA NEZEZINDLU****UMTHETHOMLINGWA WELIMPOPO WOKUKHANDELWA NOKULAWULWA
KWEENDAWO ZOKUHLALA EZINGAKAHLELEKI KUHLE NEZINGASI
SEMTHETHWENI WAKA-2011**

Ngokuya kwemiThetho yaSafuthi nemiLayo yesiBethamthetho seLimpopo, umThethomlingwa wokuKhandelwa nokuLawulwa kweeNdawo eziNgakahlelwa Kuhle neziNgasisemthethweni waka-2011 lapha uyakhangiswa bona umphakathi uveze imibono.

Omunye nomunye umuntu namkha ihlangano efisa ukuveza umbono ngomtlole otjhiwoko ingenza njalo ngomtlole, ngomhlaka namkha ngaphambi komhlaka 27 January 2011, ku:

**The Head of Department
Department of Local Government and Housing
Private Bag X9485
POLOKWANE
0700**

**FOR ATTENTION: PM MNGOMEZULU
Umtato: (015) 284 2392
Ifeksi : (015) 295 8263
I-imeyili: Mngomezulup@limdlgh.gov.za**

ISIBETHAMTHETHO SEPHROVINSI YELIMPOPO

**UMTHETHOMLINGWA WELIMPOPO WOKUKHANDELWA NOKULAWULWA
KWEENDAWO ZOKUHLALA EZINGAKAHLELEKI KUHLE
NEZINGASISEMTHETHWENI, KA-2011**

Njengombana waziswe

(NGUSOMKHANDLU WOMNYANGO KARHULUMENDE WEKHAYA NEZEZINDLU)

UMTHETHOMLINGWA

Wokubonelela ngokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni; wokubonelela ngamagadango wokukhandelwa kokuvumbuka ngobutjha kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni; wokubonelela ngokulawulwa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ezikhona khathesi kanye nokubonelela ngeendaba eziphathelele nalokho.

ISETHULO

NJENGOMBANA umThetho wezeziNdlu weLimpopo, ka-2006 (umThetho Nomboro 2 ka-2006) wenziwa umthetho ngendlela efaneleko nguRhulumende wePhrovinsi yeLimpopo ukwenzela bonyana omunye nomunye ohlala kilephrovinsi akwazi ukufumana indawo yokuhlala ethengekako;

BEGODU NJENGOMBANA kunefuneko yokuthuthukisa ukuhlonywa, ukwakhiwa nokutjhejwa kwemiphakathi ekwazi ukuphumelela kwezokuhlalisana nakwezomnotho begodu nobujamo obuhle bezamaphilo kanye nokuqinisekisa ukupheliswa nokukhandelwa kobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni;

BEGODU NJENGOMBANA kunefuneko yokwazisa amagadango alinga ukuphelisa nanyana ukulawula iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni kanye nokukhandela ukuvumbuka kwazo ngobutjha; ngendlela ethuthukisa nevikela amahlelo wokwakhiwa kwezindlu womBuso wePhrovinsi,

NGEBANGA LALOKHO, WENZIWA UMTHETHO siBethamthetho sePhrovinsi yeLimpopo, ngendlela elandelako:—

1. Iinhlatululo

KilomThetho, nanyana ngiliphi igama nanyana isitjho esinikelwe ihlatululo emThethweni wokuKhandela ukuKhutjwa ngokungasisemThethweni kanye nokuHlala ngokungasisemThethweni eNdaweni, ka-1998 (umThetho Nomboro

19 ka-1998), kufuze sisebenzise ihlathululo leyo ngaphandle kwalokha nangabe okumunyethweko kutjho okhunye okuhlukileko—

“umThethosisekelo” kutjiwo umThethosisekelo weRiphabliki yeSewula Afrika, ka-1996;

“umNyango” kutjiwo umNyango oqalene neendaba zezindlu ephrovinsini;

“iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni” kutjiwo indawo yokuhlala engakatlanywa ngendlela ehleleke kuhle begodu engakavunyelwa ngokusemthethweni; enomthangalasisekelo nanyana ihlwengiso engazisiko nanyana enganawo umthangalasisekelo nanyana ihlwengiso begodu enenani eliphezulu labahlali abatjhoneleko begodu abavikeleke kancani nanyana abangakavikeleki ngokokuhlala;

“ihlelo lokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni” kutjiwo ihlelo njengombana kucatjangwe esigabeni 8 salomThetho;

“isiPhathiswa seeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni” ngalokhu kutjiwo isiPhathiswa seeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni njengombana sikhethwe nanyana siqatjhwe ukuya ngokwesigaba 9 salomThetho;

“umThetho wezeziNdlu weLimpopo, ka-2006” ngalokhu kutjiwo umThetho wezeziNdlu weLimpopo, ka-2006 (umThetho Nomboro 2 ka-2006);

“u-MEC” ngalokhu kutjiwo usomKhandlu oqalene neendaba zezindlu ephrovinsini;

“umasipala” ngalokhu kutjiwo umasipala njengombana ahlathululwe esigabeni 155 somThethosisekelo begodu njengombana ahlonywe ukuya ngokwesigaba 11 no-12 sakaRhulumende weNdawo: umThetho wezAkhiwo zakaMasipala, ka-1998 (umThetho Nomboro 117 ka-1998);

“iKhowudu yeliZwe yezeziNdlu” ngalokhu kutjiwo iKhowudu yeliZwe yezeziNdlu njengombana kucatjangwe esigabeni 4 somThetho wezeziNdlu, ka-1997 (umThetho Nomboro 107 ka-1997);

“tjhiweko” ngalokhu kutjiwo lokho okutjhiwe mithetjhwana eyenziwe ngaphasi kwesigaba 14 salomThetho; begodu

“umThetho wokuKhandela ukuKhutjwa ngokungasisemThethweni kanye nokuHlala ngokungasisemThethweni eNdaweni, ka-1998” kutjiwo umThetho wokuKhandela ukuKhutjwa ngokungasisemThethweni kanye nokuHlala ngokungasisemThethweni eNdaweni, ka-1998 (umThetho Nomboro 19 ka-1998);

“lomThetho” ufaka hlangana nanyana ngiyiphi imithetjhwana eyenziwe ngaphasi kwesigaba 14.

2. Ukusebenza komThetho

LomThetho usebenza kizo zoke iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ephrovinsini.

3. Iminqopho yomThetho

Iminqopho yalomthetho—

- (a) kukhandela ukuvumbuka kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni;
- (b) kulawula nokuphatha iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ezikhona khathesi;
- (c) kukhuphula izinga lokusebenza ngokubambisana phakathi komNyango kanye nabomasipala malungana nokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ephrovinsini;
- (d) kukwalusa indlela yokusebenza komNyango nabomasipala malungana nokupheliswa kanye nokukhandelwa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni; begodu
- (e) kukwenza ngcono ubujamo bezamaphilo babantu abahlala eendaweni ezingakahleleki kuhle nezingasisemthethweni.

4. Ukwalelwa ukusebenzisa indawo yokuhlala engaphasi kwezinga elibekiweko ukuzuza imali

- (1) Akunamuntu ovunyelwe ukusebenzisa umakhiwo nanyana isakhiwo ngeminqopho yokuhlalisa abantu ukuze azuze imali nanyana okhunye, lokha nangabe umakhiwo nanyana isakhiweso—
 - (a) asikavunyelwa ngumasipala ukuya ngokwemithetjhwana eyenziwe ngaphasi komThetho weliZwe wemiThetjhwana yeMakhiwo namaZinga weMakhiwo, ka-1977 (umThetho Nomboro 103 ka-1977); nanyana
 - (b) asikalungeli ukuhlalwa babantu ngebanga lokobana umakhiwo nanyana isakhiweso—
 - (i) asifumani umkhanyo wemvelo;
 - (ii) asinamanzi akhanjiswa ngamaphayiphu;
 - (iii) asinazo iinsetjenziswa zokuhlambela;

- (iv) singunobangela womraro wezamaphilo njengombana kuhlathululwe emThethweni weliZwe wezamaPhilo, ka-2003 (umThetho Nomboro 61 ka-2003); nanyana
 - (v) sisebujameni obumbi khulu bokungatjhejwa nanyana bokuliselelwa.
- (2) Lokha nangabe umnikazi nanyana umuntu ophethe imakhiwo nanyana izakhiwo ekuqaliswe kizo esigatjaneni (1) abhalelwa kukhupha ngekani abantu abahlala kizo, ngokukhombisa ikareko emphakathini lowo, umasipala angathatha amagadango asemthethweni wokukhupha ngekani abantu abahlala kizo ukuya ngokwesigaba 6 somThetho wokuKhandela ukuKhutjhwa ngokungasisemThethweni kanye nokuHlala ngokungasisemThethweni eNdaweni, ka-1998.
- (3) Nanyana ngimuphi umuntu owaphula iinjamiso zesigatjana (1) wenza isenzo esiphambene nomthetho.

5. Isaziso esiqaliswe kumnikazi nanyana emntwini ophetheko sokwenza ngcono indawo nanyana imakhiwo

- (1) Lokha nangabe umasipala ubona kwangasuthi indawo nanyana imakhiwo ewela ngaphasi kwelawulo lakhe—
- (a) isebujameni obungakahlwengeki;
 - (b) isebujameni bokuliselelwa; nanyana
 - (c) kungenzeka igcine sele iyindawo yokuhlala engakahleleki kuhle nengasisemthethweni,

angazisa umnikazi nanyana umuntu ophethe imakhiwo leyo ngokumtlolela incwadi, akhombele umnikazi nanyana umuntu ophetheko loyo bonyana enze

ngcono nanyana avuselele ngobutjha indawo nanyana imakhiwo leyo nanyana aphelise ubujamobo obungakahlwengeki.

- (2) Umuntu onikelwa isaziso ukuya ngokwesigatjana (1) kufuze akhambisane nalokho okutjhiwoko esikhathini esitjhiwo sisazisweso.
- (3) Nanyana ngimuphi umuntu owaphula iinjamiso zesigatjana (2) wenza isenzo esiphambene nomthetho.

6. Amagadango wokukhandela ukuhlala ngokungasisemthethweni

- (1) Umnikazi nanyana umuntu ophethe nanyana ngiyiphi indawo engahlali umuntu nanyana imakhiwo engahlali abantu kufuze athathe amagadango afaneleko wokukhandela ukuhlala ngokungasisemthethweni endaweni leyo nanyana emakhiweni leyo esikhathini esiziinyanga ezili-12 ngemva kobana lomThetho uthome ukusebenza.
- (2) Lokha nangabe umnikazi nanyana umuntu ophethe indawo engahlali umuntu nanyana imakhiwo engahlali abantu waphula isigatjana (1), umasipala ekuwela ngaphasi kwakhe leyondawo engahlali umuntu nanyana leyomakhiwo engahlali abantu kufuze anikele umnikazi nanyana umuntu ophetheko isaziso esitloliweko bonyana athathe amagadango afaneleko wokukhandela ukuhlala ngokungasisemthethweni endaweni leyo engahlali umuntu nanyana emakhiweni leyo engahlali abantu.
- (3) Umuntu onikelwa isaziso ukuya ngokwesigatjana (2) kufuze akhambisane nalokho okutjhiwoko esikhathini esitjhiwo sisazisweso.

- (4) Nanyana ngimuphi umuntu owaphula isigatjana (3) wenza isenzo esiphambene nomthetho.

7. Indima edlalwa ngumasipala

- (1) Umasipala kufuze—

- (a) athathe amagadango afaneleko akhambisana neentlabagelo anazo ukuphumelelisa ngendlela eragela phambili ilungelo elimumethwe sigaba 26 somThethosisekelo;
- (b) athuthukise ubujamo bezamaphilo obuphephileko nobunepilo ukuqinisekisa ukupheliswa kweendawo ezikhona zokuhlala ezingakahleleki kuhle nezingasisemthethweni kanye nokukhandelwa kweendawo ezitja zokuhlala ezingakahleleki kuhle nezingasisemthethweni;
- (c) abonisane nabantu abalandelako malungana namagadango afaneleko wokupheliswa kobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni—
- (i) ibandla labarholi bendabuko, ekuwela ngaphasi kwalo leyondawo ekukhulunywa ngayo;
- (ii) umnikazi weplasi nanyana umuntu ophetheko, nangabe indawo leyo ilawulwa mThetho wokuNgezelelwa kweLungelo lokuHlala ngokusemThethweni, ka-1997 (umThetho Nomboro 62 ka-1997), kanye
- (iii) nomnikazi nanyana nabanikazi bomphakathi lokha nangabe indawo leyo ilawulwa mThetho weenHlangano zePahla yomPhakathi, ka-1996 (umThetho Nomboro 28 ka-1996), ukuBuyekezwa kwemiThetho yeNarha:

umThetho wokuBonelelwa ngeNdawo kanye neSizo, ka-1993 (umThetho Nomboro 126 ka-1993) nanyana umThetho wamaLungelo weeNdawo zomPhakathi, ka-2004 (umThetho Nomboro 11 ka-2004); begodu

- (d) abandakanye ngendlela efaneleko abahlali baleyondawo yokuhlala engakahleleki kuhle nengasisemthethweni malungana nendlela ekufuze kusetjenzwe ngayo leyondawo yokuhlala engakahleleki kuhle nengasisemthethweni.
- (2) Umasipala angakhomba nanyana afumane indawo ewela ngaphasi kwendawo ayiphetheko ngomnqopho wokwakha ubukhoseliso angabusebenzisa njengendawo yokuhlalisa kwesikhatjhana abantu abakhutjhwe ngekani eendaweni zokuhlala ezingakahleleki kuhle nezingasisemthethweni, ukufikela lapho abantwabo bafunyanelwa khona enye indawo elingeneko yokwakhelwa izindlu.
- (3) Lokha umasipala nakafuna indawo ekuqaliswe kiyo esigatjaneni (2) kufuze aqinisekise bonyana indawo leyo—
- (i) kuyindawo elungele ukuhlala abantu begodu enomthangalasisekelo ofaneleko;
 - (ii) iseduze namaziko wokufunda;
 - (iii) iseduze ngokulingeneko nesentha yezomnotho; begodu
 - (iv) iseduze neenkhwelo zomphakathi.
- (4) Ubukhoseliso ekuqaliswe kibo esigatjaneni (2) akukafaneli bonyana busetjenziselwe ukuhlala kwesikhatjhana isikhathi esingaphezu kweenyanga ezisithandathu.

8. Ihlelo lokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni

(1) Umphathi kamasipala ophethe umasipala wendawo kufuze asungule ihlelo lokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ukukhandela ukuphakama kwezinga leendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni endaweni ewela ngaphasi kwelawulo lakhe.

(2) Ihlelo ekuqaliswe kilo esigatjaneni (1) kufuze—

- (a) libonelele ngendlela yokusebenza ngeendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni begodu lifake phakathi iinkambiso ezifaneleko zokubandakanya ekufuze zamukelwe malungana nabahlali abahlala eendaweni ezingakahleleki kuhle nezingasisemthethweni;
- (b) libonelele ngeensombululo lokha nakusetjenzwa ngeendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ezifaka hlangana indawo yokuhlalisa kwesikhatjhana esetjenziswa njengobukhoseliso kanye nokwabelwa izindlu kwasafuthi;
- (c) limumathe amalungiselelo akhona wokuhlala ngokusemthethweni, lokho kufaka hlangana iindawo eziphethwe mabandla wabarholi bendabuko; begodu
- (d) lijamise nanyana ngiwaphi amanye amagadango wokukhandela iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.

9. Isiphathiswa seendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni

Umpathi kamasipala wakamasipala wendawo—

- (a) kufuze akhethe nanyana aqatjhe isikhulu esizakuba siPhathiswa seeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni bonyana siphathe begodu silawule iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni, okuziindawo eziwela ngaphasi kwelawulo lakamasipala loyo; and
- (b) angakhetha nanyana aqatjhe ezinye iinkhulu ezizakusiza isiPhathiswa seeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni ekwenzeni imisebenzi yaso.

10. Amandla nemisebenzi yesiphathiswa seendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni

IsiPhathiswa seeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni kufuze—

- (a) sikhombe begodu sitjho nobungako beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ezitholakala ngaphakathi kukamasipala wendawo;
- (b) siveze umsuka ongunobangela kanye nobujamo obukhona endaweni ngayinye yokuhlala engakahleleki kuhle nengasisemthethweni;
- (c) sitjheje begodu silawule zoke iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni bese sithatha amagadango afaneleko wokukhandela ukwanda nanyana ezinye iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni;
- (d) sigcine irejista yabo boke abahlali abahlala endaweni enye nenye yokuhlala engakahleleki kuhle nengasisemthethweni bese sirekhoda erejisteni leyo ilwazi ngendlela elijanyiswe ngayo;

- (e) siqinisekise bonyana boke abahlali abahlala endaweni yokuhlala engakahleleki kuhle nengasisemthethweni abadinga izindlu zokuhlala barejistarwa ezikweni lebuthelelolwazi lakamasipala kanye nerhelweni lomNyango ekutsonyulwa kilo amabizo walabo abalindele ukwabelwa izindlu zokuhlala;
- (f) sifundise abahlali abahlala eendaweni zokuhlala ezingakahleleki kuhle nezingasisemthethweni ngalokho okumumethwe ngilomThetho;
- (g) sithuthukise ukuthintana nokukhulumisana nemiphakathi yendawo ukwenzela bonyana ikwazi ukusebenzisana naso ukukhandela iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni; begodu
- (h) senze nanyana ngiwuphi omunye umsebenzi ekudingeka bonyana wenziwe ukuqinisekisa ukukhandelwa nanyana ukuphathwa nokulawulwa ngefanelo kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.

11. Indima edlalwa ngu-MEC

U-MEC kufuze—

- (a) aqinisekise bonyana ihlelo lakamasipala lokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni likhambisana—
 - (i) neminqopho yeKhowudu yeliZwe yezeziNdlu ephathelene nokuthuthukiswa kwezezindlu; kanye
 - (ii) nomnqopho waqobe mnyaka wokuphunyeleliswa kwamahlelo wezezindlu njengombana kucatjangwe esigabeni 3 (5)(g) somThetho wezeziNdlu weLimpopo, ka-2006;

- (b) atjheje iragelo phambili labomasipala malungana namahlelo wabo wokuphelisa iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni;
- (c) athintanise imisebenzi ephathelene neendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ephrovinsini; begodu
- (d) athathe woke amagadango afunekako wokusekela abomasipala ekupheliseni kwabo okuragela phambili iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.

12. Ukwethulwa kwemibiko emalungana nobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni

- (1) Umphathi kamasipala wakamasipala wendawo kufuze athule kumphathi ofaneleko kamasipala wesiyingi begodu efomedeni elijanyisiweko—
 - (a) umbiko wekota; kanye
 - (b) nombiko waqobe mnyaka,omalungana nobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni eziwela ngaphasi kwelawulo lakhe.
- (2) Umphathi kamasipala wakamasipala ngamunye wesiyingi kufuze athule ku-MEC begodu efomedeni elijanyisiweko —
 - (a) umbiko wekota; kanye
 - (b) nombiko waqobe mnyaka,omalungana nobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni eziwela ngaphasi kwelawulo lakhe.
- (3) U-MEC kufuze athi esikhathini esiziinyanga ezintathu zokuphela komnyaka

weemali, endlale umbiko ohlanganisiweko ophathelene nobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ephrovinsini esiBethamthethweni sePhrovinsi.

(4) Umbiko ekuqaliswe kiwo esigatjaneni (3) kufuze unikele imininingwana—

- (a) yeragelo phambili elenziwe bomasipala ekupheliseni iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni, begodu kufuze uveze ubungcono obenziwe malungana nobujamo bezamaphilo babantu abahlala ngaphakathi kweendawo eziwela ngaphasi kwelawulo lakamasipala omunye nomunye;
- (b) yeentjhijilo, nangabe zikhona, abomasipala abahlangabezana nazo lokha nabaphumelelisa amahlelo wabo wokuphelisa iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni, kanye neensombululo eziphakanyiswe ngu-MEC ekurarululeni iinjhihilo ezinjalo; begodu
- (c) nanyana ngiliphi elinye ilwazi u-MEC angafisa ukulazisa isiBethamthetho sePhrovinsi esimalungana neendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.

13. Imilandu neenhlawulo

Nanyana ngimuphi umuntu otholakala anomlandu ukuya ngokwesigaba 4(3), 5(3) nanyana 6(4) salomThetho ukateleleke ngokomthetho bonyana ahlawuliswe nanyana abotjhwe nanyana ahlawuliswe begodu abotjhwe.

14. Imithetjhwana

Ngokwenza isaziso e*Gazedeni yePhrovinsi*, u-MEC angenza imithetjhwana ephathelene—

- (a) nokwenziwa ngcono kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni ephrovinsini;
- (b) nefomede nokumumethwe nginyana ngiyiphi imibiko ekufuze yethulwe ukuya ngokomThetho lo;
- (c) nokumumethwe yirejista ekuqaliswe kiyo esigabeni 10(1)(d); begodu
- (d) nanyana ngiyiphi enye indaba ephathelene nokuphatha kanye nekambiso ekufuneka bonyana iphumelelise iinjamiso zalomThetho.

15. Ukuthuma

- (1) U-MEC angathuma iHloko yomNyango ngokuyinikela, igunya lokudlulisela nanyana lokungadluliseli komunye umuntu, nanyana ngiwaphi amandla nanyana umsebenzi nanyana igunya athweswe lona njengo-MEC ngaphasi kwalomThetho, ngaphandle—
 - (a) kwamandla wokwakha imithetjhwana ekuqaliswe kiyo esigabeni 14; kanye
 - (b) nomsebenzi wokwendlala umbiko ohlanganisiweko esiBethamthethweni sePhrovinsi ukuya ngokwesigaba 12.
- (2) Ukuthuma ekuqaliswe kikho esigatjaneni (1)—
 - (a) kufuze sitlolwe phasi;
 - (b) akwaleli u-MEC ekusebenziseni amandla lawo nanyana ekwenzeni umsebenzi lowo; begodu
 - (c) u-MEC angawatsomula nini nanini nanyana awakhbelele ngokutlola phasi.

16. Isihloko esifitjhani

LomThetho ubizwa umThetho weLimpopo wokuKhandelwa nokuLawulwa kweeNdawo zokuHlala ezingakaHleleki kuHle nezingasisemThethweni, ka-

2011 begodu uzakuthoma ukusebenza ngelanga elizakubekwa nguNdunakulu ngokulimemezela *eGazedeni yePhrovinsi*.

**IMEMORANDAMU NGEMINQOPHO YOMTHETHOMLINGWA WOKUKHANDELWA
NOKULAWULWA KWEENDAWO ZOKUHLALA EZINGAKAHLELEKI KUHLE
NEZINGASISEMTHETHWENI WAKA-2011**

1. ISENDLALELO NOMNQOPHO WOMTHETHOMLINGWA

- 1.1. UmThethomlingwa weLimpopo wokuKhandelwa nokuLawulwa kweeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni waka-2010 (umThethomlingwa) wenziwe ukukhambisana nesigaba 26 somThethosisekelo weRiphabhligi yeSewula Afrika waka-1996 (UmThethosisekelo). Isigaba 26 (1) somThethosisekelo sibeka bona ***woke umuntu unelungelo lokufikelela izindlu ezaneleko.***
- 1.2. Nanyana umThetho wezeziNdlu weLimpopo waka-2006 (umThetho weNomboro 2 waka-2006) wenziwa umthetho ngokufaneleko mBuso wePhrovinsi yeLimpopo ukunikela woke umuntu ephrovinsini ngokufikelela izindlu ezingabizi khulu, kuyatlhogeka ukukhuphula ukuhlonywa, ukuthuthukiswa nokugcinwa kwemiphakathi enepumelelo ngakwezokuhlalisana nakwezomnotho kanye nokunikela ngobujamo bokuhlala obuphephileko nobunepilo begodu nokuqinisekisa ukupheliswa nokukhandelwa kweendawo zokuhlala ezingakahlelwa kuhle nezingasisemthethweni ephrovinsini.
- 1.3. Ngalokho kuyafuneka ukwazisa amagadango afuna ukuphelisa nokulawula iindawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni kanye nakhandela ukuvumbuka kwazo butjha ngendlela ekhuphula nevikela amahlelo wokwakhiwa kwezindlu womBuso weLimpopo.
- 1.4. Iminqopho emikhulu yomThethomlingwa kuqalelela ngokupheliswa okuragela phambili kweendawo zokuhlala ezingasisemthethweni eLimpopo; ukunikela ngamagadango wokukhandelwa kokuvumbuka butjha kweendawo zokuhlala

ezingakahleleki kuhle nezingasisemthethweni; ukunikela ngokulawulwa kweendawo zokuhlalisa ezingakahleleki kuhle nezingasisemthethweni; kanye nokuqalelela ezinye iindaba ezikhambelana nalokhu.

- 1.5. ITjhejuli 4 yomThethosisekelo idlulisela igunya lezomthetho esiBethamthethweni sePhrovinsi bona siphasise imiThetho yephrovinsi ephathelene neendaba zezindlu. Ihloso ekulu yomThethomlingwa akusi kususa abantu ngekani eendaweni zokuhlala ngombana kunomthetho wenarha obizwa umThetho wokuKhandelwa kokuSuswa ngokuNgasisemthethweni eNarheni kanye nokuKhandelwa kokuNgena eNarheni ngokuNgasisemthethweni waka-1998 (umThetho weNomboro 19 waka-1998) olawula ukususwa enarheni. LomThethomlingwa ufuna ukuphelisa ubujamo beendawo zokuhlala ezingasisemthethweni hlangana nokhunye ngokuthuthukisa iindawo zokuhlala ezingasisemthethweni namkha ukufuduswa kwabantu lapho kungakghonakali khona begodu okhunye ukususwa okuzokwenziwa kuzakuba ngokuya komthetho wenarha okhona.
- 1.6 UmThethomlingwa wethulwa kizo zoke iinQhema kanye nakubajameli bakamasipala ePhrovinsini ngehloso yokufuna imibono ebeyingabumba umthetho kibo boke ababambisani.

2. IMIPHUMELA KWEZOKUHLALISANA

UmThethomlingwa uphathelene nokukhuphula ubujamo bokuphila namazinga wabantu ngokubanikela izindlu ezifaneleko neziqalekako ngokukhambisana nomThetho wezeziNdlu waka-1997 (umThetho weNomboro 107 waka-1997).

3. UKUCOZULULA UMUTJHWANA NOMUTJHWANA

- 3.1. IsiGaba 1 sinikela ngeenhlathululo.

- 3.2. IsiGaba 2 sinikela ngokusetjenziwa komThetho.
- 3.3. IsiGaba 3 sibeka iminqopho yomThetho.
- 3.4. IsiGaba 4 sinikela ngokukhandelwa kokusetjenziwa kweendawo zokuhlala ezingasisebujameni obuhle ukwenzela ukuzuza ngakwezeemali namkha okhunye ukuzuza.
- 3.5. IsiGaba 5 sinikela ngesaziso kumnikazi namkha emuntwini ophethe ukwenziwa ngcono kwemakhiwo.
- 3.6. IsiGaba 6 sinikela ngamagadango azakuthathwa ukukhanela ukungena enarheni ngokungasisemthethweni.
- 3.7. IsiGaba 7 sinikela ngendima kamasipala mayelana neendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.
- 3.8. IsiGaba 8 sibeka isibopho kumphathi kamasipala ukwenza ihlelo lokupheliswa kweendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni.
- 3.9. IsiGaba 9 sinikela ngokukhunjwa namkha ukuqatjiswa kwesiPhathiswa seeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni ezingeni lakamasipala.
- 3.10. IsiGaba 10 sinikela ngamandla nemisebenzi yesiPhathiswa seeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni.
- 3.11. IsiGaba 11 sinikela ngendima yakaSo/Nomkhandlu nakuyiwa eendaweni zokuhlala ezingakahleleki kuhle nezingasisemthethweni.
- 3.12. IsiGaba 12 sinikela ngokulethwa kwemibiko ngobujamo beendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni kumasipala wesiyingi, kuSo/Nomkhandlu nesiBethamthethweni.

- 3.13 IsiGaba 13 sinikela ngezenzo zokwephulwa komthetho neenhlawulo.
- 3.14 IsiGaba 14 sinekela ngemithetjhwana.
- 3.15 IsiGaba 15 sinikela ngokudluliswa kwamandla nguSo/Nomkhandlu.
- 3.16 IsiGaba 16 sinikela ngethayithili efitjhani yomThetho.

4. IMIPHUMELA KWEZEEMALI

Kuzakuba neendleko zokugazeda nokukhangisa umThethomlingwa emaphephandabeni amabili. Omunye nomunye umthetjhwana okhutjwe ngaphasi komThetho nawo uzakuba neendleko zokugazeda. UmThethomlingwa lo godu uzakuba neminye imiphumela yezeemali ngombana iimPhathiswa zeeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni kanye nabanye abasebenzi zingaqatjwa, kungafuneka bona kuthengwe inarha ukwenzela iminqopho yokukhoselisa begodu kungaba neendleko zokususa nakungenzeka umasipala aqunte ukusebenzisa lindlela ukuqalana neendawo zokuhlala ezingakahleleki nezingasisemthethweni.

5. IMIPHUMELA KWEZABASEBENZI NEHLANGANWENI

Manje sekunesibopho ngokuya komThethomlingwa kumasipala wendawo ukobana akhombwe namkha aqatjhe isiPhathiswa seeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni ukuqalana neendawo zokuhlala ezingakahleleki kuhle nezingasisemthethweni eziwela ngaphasi kwegunya lakhe langokomthetho. Umasipala wendawo godu unikelwa amandla wokukhomba namkha wokuqatjha iimphathiswa ezizakusiza isiPhathiswa seeNdawo zokuHlala eziNgakahleleki Kuhle neziNgasisemthethweni nakungatlhogeka.

6. **IMIPHUMELA KWEZOMTHETHOSISEKELO**

UmThetho waKwaZulu Natal wokuPheliswa nokuKhandelwa kokuVumbuka kweeNdawo eziSilapheleko neziMinyeneko waka-2007 (umThetho weNomboro 6 waka-2007) (umThetho weeNdawo eziSilapheleko neziMinyeneko) wasetjenziswa ukumadanisa lomThethomlingwa. UmThetho weeNdawo eziSilapheleko neziMinyeneko waphikiswa eKhotho yezomThethosisekelo endabeni eyabikwa njengeyaBahlali BaseMjondolo **Movement of South Africa v Premier of the Province of Kwazulu- Natal and Others, 2009**. IKhotho yezomThethosisekelo ngelizwi linye yaqunta bona umThetho weeNdawo eziSilapheleko neziMinyeneko uwela ngaphasi kwegunya lomthetho lePhrovinsi yaKwaZulu Natal ngombana kwakuyindaba yezezindlu kwaphela. NgaloKho sinethemba lezomthethosisekelo lalomThethomlingwa ngombana awunasijamiso esirhuga njengesigaba 16 somThetho weeNdawo eziSilapheleko neziMinyeneko.

7. **IINKHUNGO OKUBONISENWE NAZO**

UmNyango wesiTjhaba wezokuHlaliswa kwabaNtu, umNyango wezokuHlaliswa kwabaNtu waKwaZulu-Natal, boke abomasipala beLimpopo kanye nabaYelesi bezomThetho bomBuso nge-Ofisini lakaNdunakulu weLimpopo kwabonisanwa nabo.

XITIVISO HI KU ANGARHELA

XITIVISO4.... XA 2011**MFUMO WA XIFUNDZANKULU XA LIMPOPO****NDZAWULO YA MFUMO WA NDHAWU NA TINDLU****NAWUMBISI WA LIMPOPO WA KU SIRHELELA NA KU LAWULA MIAKO YO KA
YI NGA RI ENAWINI , 2011**

Hi ku landza Milawu ya Nkarhi Hinkwawo na Swileriso swa Mfumo wa Milawu wa Limpopo, Nawumbisi wa Limpopo wa ku Sirhelela na ku Lawula Swidakani , 2010 wa navetisiwa leswaku mi nyika mavonelo ya n'wina.

Munhu wihi ni wihi kumbe nhlango lowu wu lavaka ku nyika mavonele eka tsalwa leri va nga endla tano hi ku tsalela, ku nga si fika 27 January 2011, eka:

**Nhloko ya Ndzawulo
Ndzawulo ya Mfumo wa Ndhawu na Tindlu
Private Bag X9485
POLOKWANE
0700**

**KONGOMISA EKA: PM MNGOMEZULU
Tel: (015) 284 2392
Fax: (015) 295 8263
Email: mngomezulup@limdlgh.gov.za**

**MFUMO WA XIFUNDZANKULU XA LIMPOPO
NDZAWULO YA MFUMO WA NDHAWU NA TINDLU**

**NAWUMBISI WA LIMPOPO WO SIVELA NO LAWULA VUTSHAMO BYO KA BYI
NGA RI ENAWINI, 2011**

Tani hileswi wu ngenisiweke hi

(XIRHO XA HUVONKULU XA NDZAWULO YA MFUMO WA NDHAWU NA TINDLU)

NAWUMBISI

Ku nyika makungu eka ku yisa emahlweni va herisa vutshamo byo ka byi nga ri enawini eLimpopo; ku nyika makungu ya tindlela ta ku sirhelela ku tumbuluka nakambe ka vutshamo byo ka byi nga ri enawini; ku nyika makungu eka vulawuri bya vutshamo lebyi nga ri ki enawini lebyi nga kona na ku nyika makungu eka timhaka leti yelanaka ni swona.

MASUNGULO

HAMBILESWI Nawu wa Tindlu wa Limpopo, 2006 (Nawu wa No. 2 wa 2006) wu nga endliwa Nawu hi Mfumo wa Xifundzankulu wa Limpopo Milawu wa Limpopo ku endlela leswaku munhu wun'wani na wun'wani laha ka xifundzankulu a kota ku kuma yindlu;

NASWONA HAMBI SWI RI TANO swa fanela ku tumbuluxa, hluvukisa na ku hlayisa tindhawu leti vanhu va hanyaka kahle na ku va ni ikhonomi ya kahle na ku vona leswaku swiyimo swa rihanyu swi kahle na ku hlayiseka na swin'wani na swin'wani, ku vonisisa leswaku ku herisiwa na ku sivela vutshamo byo ka byi nga ri enawini;

NASWONA HAMBI SWI RI TANO swa fanela leswaku ku tivisiwa tindlela ta kahle leti nga ta herisa kumbe ku lawula vutshamo byo ka byi nga ri enawini na ku sivela leswaku byi nga ha vuyi; hi ndlela leyi tlakusaka na ku sivela minongonoko ya ku akiwa ka tindlu hi Mfumo wa Xifundzankulu,

KWALAHO WU TEKIWA TANIHI NAWU hi Mfumo wa Milawu wa Xifundzankulu hi ndlela leyi landzelaka:—

1. Tinhlamuselo

Eka Nawu lowu, rito kumbe xivulwa lexi nhlamuselo yi nga nyikiwa eka Nawu wa ku Sivela ku Humesiwa Endlwini swi nga ri Enawini na ku Tshama swo ka swi nga ri Enawini eka Misava, 1998 (Nawu wa No. 19 wa 1998), wu fanele wu va ni nhlamuselo yo tano na loko ku ri nhlamuselo yi kombisa swin'wani—

"hlawuriweke" ri vula ku hlawuriwa hi swinawana leswi endliweke ehansi ka xiyenge xa 14 xa Nawu lowu; na

"Khodi ya Tindlu ta Tiko" ri vula Khodi ya Tindlu ta Tiko leyi vuriweke eka xiyenge xa 4 xa Nawu wa Tindlu, 1997 (Nawu wa 107 wa 1997);

"Ndzawulo" ri vula Ndzawulo leyi nga ni vutihlamuleri eka timhaka ta tindlu eka xifundzankulu;

"Nongonoko wa ku herisa Vutshamo byo ka byi nga ri enawini" ri vula nongonoko lowu boxiweke eka xiyenge xa 8 xa Nawu lowu;

"Masipala" ri vula masipala tanihi leswi swi hlamuseriweke eka xiyenge xa 155 xa Vumbiwa na ku tumbuluxiwa hi ku landza xiyenge xa 11 na 12 xa Mfumo wa Ndhawu: xa Vumbiwa na ku tumbuluxiwa hi ku landza xiyenge xa 11 na 12 Mfumo wa Ndhawu: Nawu wa Miako ya Masipala, 1998 (Nawu wa 117 wa 1998);

"Muofisiri wa Vutshamo byo ka byi nga ri enawini " ri vula Muofisiri loyi a tirhanaka ni Vutshamo byo ka byi nga ri Enawini tanihi hilleswi swi boxiweke kumbe a thoriweke hi ku landza xiyenge xa 9 xa Nawu lowu;

"Nawu wa Tindlu wa Limpopo, 2006" ri vula the Nawu wa Tindlu wa Limpopo, 2006 (Nawu wa No. 2 wa 2006);

"Nawu wa ku Sivela ku Humesiwa swi nga ri Enawini na ku Tshama ko ka ku nga ri Enawini eka Misava, 1998" ri vula the Nawu wa ku Sivela ku

Humesiwa swi nga ri Enawini na ku Tshama ko ka ku nga ri Enawini eka Misava, 1998 (Nawu wa No. 19 wa 1998);

"Nawu lowu" ri katsa swinawana swihi ni swihi leswi endliweke ehnasi ka xiyenge xa 14.

"Vutshamo byo ka byi nga ri enawini" ri vula ndhawu leyi ku tshamiwaka eka yona leyi nga ri ki pulani ya ximfumo kumbe ku pasisiwa; leyi nga ni miaku leyi nga ri ki kahle kumbe yi nga hanyeki kumbe ku pfumaleka ka swihambukelo naswona vatshami va kona va tala ku va vapfumari kumbe swisiwana leswi tiphinaka hi vusirheleli kumbe ku pfumala vusirheleri byo tshama eka ndhawu yaleyo;

"Vumbiwa" ri vula Vumbiwa ra Rhiphapliki ra Afrika Dzonga, 1996;

"Xirho xa Huvonkulu" ri vula Xirho xa Huvonkulu lexi nga ni vutihlamuleri eka timhaka ta tindlu ta xifundzankulu;

2. Ku tirhisiwa ka Nawu

Nawu wu tirha eka vutshamo hinkwabyo byo ka byi nga ri enawini laha ka Xifundzankulu.

3. Swikongomelo swa nawu lowu

Swikongomelo swa nawu lowu i ku—

- (a) Ku tumbuluka ka vutshamo byo ka byi nga ri enawini;
- (b) Ku lawula na ku fambisa vutshamo byo ka byi nga ri enawini lebyi nga kona;

- (c) Ku tlakusa ntirhisano exikarhi ka Ndzawulo na timasipala eka ku herisa na sivelela vutshamo byo ka byi nga ri enawini eka xifundzankulu;
- (d) Langutisa matirhele ya Ndzawulo na timasipala eka ku herisa na sirhelela vutshamo byo ka byi nga ri enawini; na
- (e) Antswisa swiyimo swa mahanyelo swa vanhu lava va tshamaka eka vutshamo byo ka byi nga ri enawini.

4. Nkariso wa ku tirhisiwa ka ndhawu yo tshama ya xiyimo xa le hansi leswaku vanhu va vuyeriwa hi mali

- (1) A ku ni munhu loyi a nga ta hrisa muako hi xikongomelo xa ku tshamisa vanhu a hakerisa kumbe ku va ni mbuyelo wo karhi loko ku ri leswaku muako walowo a wu—
 - (a) ni mpfumelelo wa masipala hi ku landza swinawana leswi endliweke ehansi Nawu Swinawana swa Miako ya Tiko na Switandadi swa Miako, 1977 (Nawu wa 103 wa 1977); kumbe
 - (b) a wu ringanelangi ku ri ku tshama vanhu hi ku vona leswaku muako wo tano—
 - (i) a wu ni ngenhisi layiti ya ntumbuluko;
 - (ii) a wu ni mati la ya pfuleriwaka kumbe ku koneketiwa;
 - (iii) a wu ni swa ku ti basisa kumbe ku koneketiwa;
 - (iv) a wu kahle eka rihanyu tani hileswi swi hlamuseriweke eka Nawu wa Rihanyu wa Rixaka, 2003 (Nawu wa 61 wa 2003); kumbe
 - (v) wu le ka xiyimo lexi wu tshikiweke kumbe wu nga lunghiseki.
- (2) Loko nwinyi kumbe munhu loyi a fambisaka miako loyi a kongomisiweke eka xiyengenyana xa (1) a tsandzeka ku humesa vatshami, hi ku ya hi timfanelo ta

vanhu, masipala a nga tumbuluxa mafambisele ya ku humesa hi ku landza xiyenge xa 6 xa Nawu wa ku Sivela ku Humesiwa Endlwini swi nga ri Enawini na ku Tshama swo ka swi nga ri Enawini eka Misava, 1998.

- (3) Munhu wihi ni wihi loyi a hambanaka ni makungu ya xiyengentsongo xa (1) u endla nandzu.

5. Xitiviso eka nwinyi kumbe munhu loyi a fambisaka muako ku antswisa ndhawu kumbe miako

- (1) Masipala wu fanele wu, loko ku ri ku misava kumbe miako yihi ni yihi leyi nga ehansi ka wona yi—

- (a) le ka xiyimo xo ka nga tsakisi/ xi nga hanyeki;
- (b) xiyimo lexi xi nga lunghisekiki; kumbe
- (c) xi ka tikumaka xi ri miako yo ka yi nga ri enawini,

nyika xitiviso xo tsariwa eka nwinyi kumbe munhu loyi a fambisaka, ku byela nwinyi kumbe mufambisi wo tano, ku antswisa kumbe ku lulamisa misava kumbe miako yo tano kumbe ku herisa swiyimo swo tano leswi swi nga amukelekiki.

- (2) Munhu loyi a nyikiweke xitiviso hi ku landza xiyengentsongo xa (1) u fanele ku nga si hela nkarhi lowu vekiweke eka xitiviso a landzelela xitiviso xo tano.
- (3) Munhu wihi ni wihi loyi a tsandzekaka ku landzelela makungu ya xiyengentsongo xa (2) u ta va a endla nandzu.

6. Switepe swa ku sivela ku tshama ko ka ku nga ri enawini

- (1) Nwinyi kumbe munhu loyi a fambisaka misava kumbe miako yihi ni yihi leyi nga ri ki ni munhu u fanele ku nga si hela tinhweti ta 12 ku sungurile Nawu lowu a teka

magoza lama faneleke ku sivela ku tshame ko ka ku nga ri enawini eka misava kumbe miako leyi nga riki ni munhu.

- (2) Loko nwinyi kumbe munhu loyi a fambisaka misava kumbe miako leyi yi nga ri ki ni munhu a tsandzaka ku landzelela xiyengentsongo xa (1), masipala leyi misava kumbe miako leyi yi nga ri ki ni munhu yi welaka ehansi ka wona u fanele a nyika xitiviso xo tsariwa eka nwinyi kumbe munhu loyi a fambisaka u fanele magoza lama faneleke ku sivela ku tshama ko ka ku nga ri enawini eka misava kumbe miako yo tano leyi nga riki ni munhu.
- (3) Munhu loyi a nyikiweke xitiviso hi ku landza xiyengentsongo xa (2) u fanele ku nga si hela nkarhi lowu vekiweke eka xitiviso a landzelela xitiviso xo tano..
- (4) Munhu wihi ni wihi loyi a tsandzekaka ku landzelela makungu ya xiyengentsongo xa (3) u ta va a endla nandzu.

7. Ntirho wa masipala

(1) Masipala wu fanele wu—

- (a) teka magoza yo twisiseka eka switirhisiwa swa wona leswi nga kona ku fikelela ku kumiwa timfanelo leti yisaka emahlweni leti vuriweke eka xiyenge xa 26 xa Vumbiwa;
- (b) tlakusa swiyimo swo hlayiseka na hanyelo ra kahle ku vona leswaku ku herisiwa vutshamo byo ka byi nga ri enawini na ku sivela leswaku ku nga vi ni vutshamo byo ka byi nga ri enawini byintshwa;
- (c) ku tinhlanganisa ni vanhu lava va landzelaka hi magoza lawa ya fanelaka ku herisa swiyimo swa vutshamo byo ka byi nga ri enawini.—

- (i) vulawuri bya ndhavuko eka misava leyi welaka ehansi ka vulawuri bya ndhavuko;
 - (ii) nwina wa purasi kumbe munhu loyi a ri fambisaka, eka xiyimo lexi misava yi lawuriwa hi Nawu wa ku Engeteriwa ka Nkarhi wa Vuhlayiseki, 1997 (Nawu wa 62 wa 1997), na
 - (iii) nwinyi kumbe vinyi va ndhawu eka xiyimo lexi misava yi nga ehansi ka vulawuri bya Nawu wa Minhlangano ya Nhundzu ya Vanhu, 1996 (Nawu wa 28 wa 1996), Vuantswisi bya Misava the Land Reform: Nawu wa ku Pfuneta na ku Nyika Misava, 1993 (Nawu wa 126 wa 1993) kumbe Nawu wa Timfanelo ta Vanhu ta Misava, 2004 (Nawu wa 11 wa 2004); na
- (d) ku valavula ni vatshami eka vutshamo byo ka byi nga ri enawini mayelana ni ndlela leyi vutshamo byo ka byi nga ri enawini ku nga ta tirhaniwa na byona.
- (2) Masipala wu nga kombisa kumbe ku kuma misava eka ndhawu leyi nga ehansi ka wona hi xikongomelo xa ku tumbuluxa ndhawu yo veka eka yona leswaku yi va ndhawu yo tshama swa xinkarhani ya vanhu lava va humesiweke eka vutshamo byo ka byi nga ri enawini, loko ku nga si kumeka misava leyi ku nga ta akiwa tindlu ta kahle.
- (3) Masipala loko wu kuma misava leyi vuriweke eka xiyengentsongo xa (2) wu fanele wu vona leswaku misava yo tano yi—
- (i) kahle ku tshama vanhu na ku va yi ri vukorhokeri bya nkoka bya muako;

- (ii) le kusuhi ni tindhawu to dyondzela eka tona;
 - (iii) ni mpfhuka wo twisiseka ku ya eka senthara ya ikhonimi/mavhengele; na
 - (iv) ni swa ku famba swa mani ni mani.
- (4) ndhawu yo veka leyi ku kongomisiweke eka yona eka xiyengentsongo xa (2) yi nga tirha tani hi ndhawu yo tshame ya xinkarhani hi nkarhi lowu wu nga hundzeki tinhweti ta ntsevu.

8. Nongonoko wa ku herisa vutshamo byo ka byi nga ri enawini

- (1) Mininjhere wa masipala wa ndhawu u fanele a tumbuluxa nongonoko wa ku herisa vutshamo byo ka byi nga ri enawini ku sivela ku tlakuka ka vutshamo byo ka byi nga ri enawini eka ndhawu leyi yi welaka ehansi ka masipala.
- (2) Nongonoko lowu ku kongomisiwile eka wona eka xiyengentsongo xa (1) wu fanele—
- (a) wu nyika makungu eka ndlela ya ku tirhana na vutshamo byo ka byi nga ri enawini na ku katsa ndlela ya tirhelo ro twisiseka leri faneleke ri tirhisiwa hi mayelana ni vatshami eka vutshamo byo ka byi nga ri enawini;
 - (b) nyika swintshunxo loko ku tirhaniwa ni vutshamo byo ka byi nga ri enawini lebyi katsaka ndhawu yo tshama leyi nga riki enawini leyi katsaka ndhawu yo tshama swa xinkarhani ku tirhisiwa tanihi tindhawu to yisa vanhu na ku nyikiwa yindlu;
 - (c) ku katsa malulamisele ya matshamelo lama ya nga kona ku katsa tindhawu leti fambisiwaka hi vulawuri bya ndhawu; na
 - (d) ku hlamusela endlelo rihi ni rihi rin'wani leri sirhelelaka vutshamo byo ka byi nga ri enawini.

9. Muofisiri wa Vutshamo byo ka byi nga ri enawini

Mininjhere wa masipala wa ndhawu u—

- (a) fanele a veka kumbe a thola muofisiri wa vutshamo byo ka byi nga ri enawini ku fambisa na ku lawula vutshamo byo ka byi nga ri enawini lebyi welaka ehansi ka masipala walowo; na
- (b) fanele a veka kumbe ku thola vaofisiri van'wani ku pfuneta Muofisiri wa Vutshamo byo ka byi nga ri enawini eka tirheni mintirho ya yena.

10. Matimba na mintirho ya muofisiri wa vutshamo byo ka byi nga ri enawini

Muofisiri wa Vutshamo byo ka byi nga ri enawini u fanele a—

- (a) kombisa ndhawu na xiyimo xa vutshamo byo ka byi nga ri enawini eka masipala wa ndhawu;
- (b) a boha ku tumbuluxiwa ka, na swiyimo leswi nga kona eka vutshamo byo ka byi nga ri enawini byin'wani ni byin'wani;
- (c) ku fambisa na ku lawula vutshamo byo ka byi nga ri enawini na ku teka magoza lama ya faneleke ku sirhelela ku ndlandlamuka ka nhlayo kumbe vutshamo byo ka byi nga ri enawini;
- (d) hlayisa rhejisitara ra vanhu hinkwavo lava tshamaka eka vutshamo byo ka byi nga ri enawini byin'wani ni byin'wani na ku rhekhoda eka rhejisitara yo tano mahungu lama ya hlamuseriweke;
- (e) ku vona leswaku vatshami hinkwavo eka vutshamo byo ka byi nga ri enawini lava va lavaka tindlu va rhejisitariwa eka vuhlayiselo bya mavito bya masipala na le ka nongonoko wa Ndzawulo wa vanhu lava yimelaka ku phakeriwa tindlu;

- (f) dyondzisa vatshami eka vutshamo byo ka byi nga ri enawini hi leswi swi nga endzeni ka Nawu lowu;
- (g) tlakusa vufambisi na mahungu eka vatshami va ndhawu ku kota ku kuma ntirhisano wa vona eka ku sivela vutshamo byo ka byi nga ri enawini; na
- (h) endla ntirho wihi ni wihi wun'wanu lowu faneleke ku vona leswaku ka sirheleriwa na vufambisi bya kahle na vulawuri bya vutshamo byo ka byi nga ri enawini.

11. Ntirho wa Xirho xa Huvonkulu

Xirho xa Huvonkulu u fanele a—

- (a) vona leswaku nongonoko wa vamasipala wo herisa vutshamo byo ka byi nga ri enawini wu fambelana na—
 - (i) swikongomelo swa Khodi ya Tindlu ya Tiko yo tumbuluxiwa ka tindlu; na
 - (ii) kungu ra lembe na lembe ro simekiwa ka minongonoko ya tindlu hilaha swi kombiweke hakona eka xiyenge xa 3 (5)(g) xa Nawu wa Tindlu wa Limpopo, 2006;
- (b) kambela matirhelo ya vamasipala eka minongonoko ya vona yo herisa vutshamo byo ka byi ri enawini;
- (c) hlanganisa migingiriko hinkwayo eka xifundzankulu leyi yelanaka na timhaka ta vutshamo byo ka byi nga ri enawini; no
- (d) teka magoza lama nga fanela ku seketela vamasipala loko va ya emahlweni va herisa vutshamo byo ka byi nga ri enawini.

12. Ku rhumeriwa ka swiviko swa timhaka ta vutshamo byo ka byi nga ri enawini

- (1) Mininjhere wa masipala wa ndhawu u fanele a rhumela eka mininjhere wa xifundza loyi a nga fanela naswona hi endlelo leri bumabumeriweke—
- (a) xiviko xa kotara na kotara; na
 - (b) xiviko xa lembe na lembe,
mayelana na xiyimo xa swa vutshamo byo ka byi nga ri enawini eka masipala yoloye.
- (2) Mininjhere wa masipala wa xifundza xin'wana na xin'wana u fanele a rhumela eka Xirho xa Huvonkulu hi endlelo leri bumabumeriweke —
- (a) Xiviko xa kotara na kotara; na
 - (b) Xiviko xa lembe na lembe, mayelana na timhaka ta swa of vutshamo byo ka byi nga ri enawini eka muganga wolowo.
- (3) Xirho xa Huvonkulu, eka tinhweti tinharhu endzaku ko hela ka lembe-ximali, u fanele a andlala xiviko lexi hlanganeke eka Mfumo wa Milawu wa Xifundzankulu mayelana na xiyimo xa timhaka ta swa vutshamo byo ka byi nga ri enawini eka xifundzankulu.
- (4) Xiviko lexi boxiweke eka xiyengentsongo xa (3) xi fanele xi komba—
- (a) magoza lama tekiweke hi vamasipala ku herisa vutshamo byo ka byi nga ri enawini, no komba leswi endliweke ku antswisa xiyimo xa vutshamo bya vanhu lava nga eka mindzelekano ya masipala wun'wana na wun'wana;
 - (b) swiphiqo, loko swi ri kona, leswi vamasipala va hlanganaka na swona eku simekeni ka minongonoko yo herisa vutshamo byo ka byi nga ri enawini, na swintshunxo leswi bumabumeriweke hi Xirho xa Huvonkulu to herisa swiphiqo swoleswo; na

- (c) mahungu man'wana na man'wana lama Xirho xa Huvonkulu a nga navelaka ku ya tivisa Mfumo wa Milawu wa Xifundzankulu mayelana na timhaka ta vutshamo byo ka byi nga ri enawini.

13. Milandzu na mixupulo

Munhu wihi kumbe wihi loyi a voniweke nandzu hi ku landza xiyenge xa 4(3), 5(3) kumbe 6(4) xa Nawu lowu u ta rihisiwa kumbe ku pfaleriwa ekhotsweni kumbe a rihisiwa athela a pfaleriwa ekhotsweni.

14. Swinawana

Xirho xa Huvonkulu, hi ku tirhisa xitiviso eka *Gazete ya Xifundzankulu*, a nga tumbuluxa swinawana mayelana na—

- (a) ku antswisiwa ka vutshamo byo ka byi nga ri enawini eka Xifundzankulu;
- (b) ndlela kumbe vundzheni bya swiviko swihi kumbe swihi leswi faneleke ku rhumeriwa hi ku landza Nawu lowu;
- (c) vundzeni bya rhejisitara leyi hlamuseriweke eka xiyenge xa 10(1)(d); na
- (d) mhaka yihi kumbe yihi ya malawulelo kumbe mafambiselo lama faneleke ku tirhisiwa eka Nawu lowu.

15. Ku haverisa matimba

- (1) Xirho xa Huvonkulu a nga haverisa matimba Nhloko ya Ndzawulo, ku ri na matimba kumbe ku nga kombiwangi matimba yo haverisa nakambe, matimba kumbe mitirho leyi nyikiweke kumbe ku byarisiwa Xirho xa Huvonkulu hi ku landza Nawu lowu, ehandle ka—

- (a) matimba yo tumbuluxa swinawana lama boxiweke eka xiyenge xa 14; na

- (b) ntirho wo andla xiviko lexi hlanganisiweke eka Mfumo wa Milawu wa Xifundzankulu hi ku landza xiyenge xa 12.
- (2) Ku haverisa matimba loku hlamuseriweke eka xiyengentsongo xa (1)—
 - (a) ku fanele ku ta hi ndlela yo tsariwa;
 - (b) a ku siveli Xirho xa Huvonkulu ku tirhisa matimba yalamo kumbe ku endla ntirho wolowo; naswona
 - (c) ku nga susiwa kumbe ku cinciwa eka nkarhi wihi kumbe wihi hi Xirho xa Huvonkulu hi ku tsala.

16. Nhlokomhaka yo koma

Nawu lowu wu vuriwa **Nawu wa Limpopo wo Sivela no Lawula Vutshamo byo ka byi nga ri Enawini, 2011** naswona wu ta sungula ku tirha hi siku leri vekiweke hi Holobyenkulu eka *Gazete ya Xifundzankulu*.

**MEMORANDAMU WA SWIKONGOMELO SWA NAWUMBISI WA LIMPOPO WO
SIVELA NO LAWULA VUTSHAMO BYO KA BYI NGA RI ENAWINI, 2011**

1. MATIMU NA XIKONGOMELO XA NAWUMBISI LOWU

- 1.1. The Nawumbisi wa Limpopo wo Sivela no Lawula Vutshamo byo ka byi nga ri enawini (Nawumbisi) wu tumbuluxiwile hi ku landza Xiyenge xa 26 xa Vumbiwa bya Rhiphabuliki ra Afrika Dzonga, 1996 (Vumbiwa). Xiyenge xa 26 (1) xa Vumbiwa xi komba leswaku ***munhu un'wana na un'wana u na mfanelo yo kuma vutshama leby nga kahle.***
- 1.2. Hambileswi Nawu wa swa Tndlu wa Limpopo, 2006 (Nawu No. 2 of 2006) wu pasisiweke hi Mfumo wa Xifundzankulu xa Limpopo leswaku munhu un'wana na un'wana eka xifundzankulu a kota ku kuma yindlu leyi nga fanela, swi na nkoka ku simekiwa, ku ndlandlamuxiwa no hlayisiwa miganga leyi hanyekaka na le ka swa ikhonomi no va yi hlayisekile, no vona leswaku ku herisiwa no sivela vutshamo byo ka byi nga ri enawini eka Xifundzankulu.
- 1.3. Hikwalaho swi na nkoka ku tivisa magoza lama nga ta tirhisiwa ku herisa no sivela hambi ku lawula miganga leyi nga ri ki enawini no sivela ku tumbuluxiwa ka miganga leyi nakambe hi ndlela leyi tlakusaka no sirhelela minongonoko yo aka tindlu hi Mfumo wa Xifundzankulu xa Limpopo.
- 1.4. Swikongomelonkulu swa Nawumbisi lowu i ku komba maendlelo yo ya emahlweni yo herisa vutshamo byo ka byi nga ri enawini eLimpopo; ku komba maendlelo yo sivela ku tumbuluka nakambe ka vutshamo byo ka byi nga ri enawini; ku komba malawulelo ya vutshamo lebyi nga ri ki enawini eka nkarhi wa sweswi; no hlamusela timhaka tihi kumbe tihi leti yelanaka na swoleswo.

- 1.5. Xedyulu xa 4 xa Vumbiwa xi haverisa matimba ya xinawu eka Mfumo wa Milawu wa Xifundzankulu ku pasisa Milawu ya xifundzankulu leyi fambelanaka na timhaka ta tindlu. Xikongomelo xa Nawumbisi lowu a hi ku rhurhisa vanhu hikuva ku na nawu wa tiko wu nga Nawu wo Sivela Ku Hlongola Vanhu eka Misava leyi Ku Tshamiwaka eka Yona Swi Nga ri eNawini, 1998 (Nawu wa No. 19 wa 1998) lowu lawulaka timhaka ta masuselo ya vanhu. Nawumbisi lowu wu lava ku herisa swiyimo swa vutshamo byo ka byi nga ri enawini hi ku va exikarhi ka swin'wana ku antswisiwa vutshamo lebyi nag ri ki enawini kumbe ku rhurhisa vanhu lava tshamaka eka tindhawu toleto loko sweswo swi nga koteki kumbe ku susiwa ka vanhu hi ku landza milawu ya tiko leyi tirhaka sweswi.
- 1.6. Nawumbisi wu nyikiwile Swijumba hinkwaswo na vayimeri va vamasipala eka Xifundzankulu hi xikongomelo xo kuma switsundzuxo swa vanhu hinkwavo lava khumbekaka leswi nga ta letela nawu lowu.

2. LESWI KHUMBAKA VANHU

Nawumbisi lowu wu lava ku antswisa swiyimo swa matshamelo ya vanhu hi ku va nyika tindlu leti nga fanela hi ku landza Nawu wa Tindlu, 1997 (Nawu wa No. 107 wa 1997).

3. NHLELO WA XIYENGE-XIYENGE

- 3.1. Xiyenge xa 1 xi komba tinhlamuselo.
- 3.2. Xiyenge xa 2 xi komba matirhiselo ya Nawu lowu.
- 3.3. Xiyenge xa 3 xi komba swikongomelo swa Nawumbisi lowu.
- 3.4. Xiyenge xa 4 xi komba ku yirisiwa ka mphakelo wa vutshamo bya xiyimo xa le hansi hikwalaho ka mimbuyelo ya swa timali kumbe yin'wana.

- 3.5 Xiyenge xa 5 xi komba xitiviso xa n'winyi kumbe munhu loyi a nga na vutihlamuleri byo antswisa misava kumbe miako.
- 3.6 Xiyenge xa 6 xi komba magoza lama nga ta tekiwa ku sivela mphango wa vutshamo lowu nga ri ki enawini.
- 3.7 Xiyenge xa 7 xi komba ntirho wa vamasipla mayelana na vutshamo lebyi nga ri ki enawini.
- 3.8 Xiyenge xa 8 xi veka vutihlamuleri eka mufambisi wa masipala ku tumbuluxa nongonoko wo herisa vutshamo lebyi nga ri ki enawini.
- 3.9 Xiyenge xa 9 xi komba ku rhumeriwa kumbe ku thoriwa ka Muofisiri wa swa Vutshamo byo ka byi nga ri eNawini eka xiyenge xa vamasipala.
- 3.10 Xiyenge xa 10 xi komba matimba na mitirho ya Muofisiri wa swa Vutshamo byo ka byi nga ri eNawini.
- 3.11 Xiyenge xa 11 xi komba mitirho ya Holobya mayelana na swa vutshamo byo ka byi nga ri enawini.
- 3.12 Xiyenge xa 12 xi komba ku rhumeriwa ka swiviko mayelana na swa vutshamo byo ka byi nga ri enawini eka masipala wa xifundza, Holobye na Mfumo wa Milawu.
- 3.13 Xiyenge xa 13 xi komba mailandzu na minxupulo.
- 3.14 Xiyenge xa 14 xi komba swinawana.
- 3.15 Xiyenge xa 15 xi komba ku haverisiwa ka matimba hi Holobye.
- 3.16 Xiyenge xa 16 xi komba nhlokomhaka yo koma ya Nawu.

4. **SWO KHUMBA TIMALI**

Ku tava na tihakelo to gazeta na to navetisa Nawumbisi lowu eka maphephahungu ya 2. Swinawana swihi kumbe swihi leswi humesiweke hi ku landza Nawu lowu naswona swi ta van a tihakelo to gazetiwa. Nawumbisi lowu wu ta va na tihakelo tin'wana hikuva vaofisiri va vutshamo byo ka byi nga ri enawini na vatirhi van'wana va nga thoriwa, ku nga ha kumeka misava yo rhurhisela vanhu nkarhinyana naswona ku nga va na tihakelo to susa vanhu loko masipala a teka xiboho xolexo loko yi ri ndlala yo langutana na swiphiqo swa vutshamo byo ka byi nga ri enawini.

5. **LESWI KHUMBAKA VATIRHI NA MAENDLELO YA SWILO**

A ku na leswi bohaka masipala, hi ku landza Nawumbisi lowu, ku rhumela kumbe ku thola Muofisiri wa Vutshamo Byo ka Byi Nga ri eNawini ku langutana na timhaka ta swa vutshamo byo ka byi nga ri enawini laha lawulaka kona. Masipala wa ndhawu u haverisiwe matimba yo rhumela kumbe ku thola vaofisiri van'wana lava nga ta pfuna Muofisiri wa Vutshamo Byo ka Byi Nga ri eNawini, loko swi fanerile.

6. **LESWI KHUMBAKA VUMBIWA**

Nawu wa Kwazulu- Natal wo Herisa no Sivela ku Pfuxiwa ka Swidakana, 2007, Nawu wa No. 6 wa 2007 (Nawu wa Swidakana) wu tirhisiwile ku letela Nawumbisi lowu. Nawu wa Swidakana wu kanetiwile eka Huvo ya Vumbiwa hi ku landza mhaka exikarhi ka **Abahlali BaseMjondolo Movement of South Africa v Holobyenkulu wa Xifundzankulu xa Kwazulu- Natal na Van'wana, 2009.** Huvo ya Vumbiwa yi tekile xiboho xa leswaku Nawu wa Swidakana wu wela ehansi ka migingiriko ya Mfumo wa Milawu wa Xifundzankulu xa Kwazulu- Natal hikuva laha a ku vulavuriwa hi mhaka ya swa vutshamo. Huvo ya Vumbiwa, loko yi hlela loko Nawu lowu wu landzela Vumbiwa, wu tekile xiboho mayelana na Xiyenge xa 16 ntsena xa Nawu wa Swidakana leswaku a xi landzeli Vumbiwa. Kutani ha tshemba leswaku Nawumbisi lowu wu landzela Vumbiwa hikuva a wu

na swilo leswi nga fambelaniki na Vumbiwa tani hi Xiyenge xa 16 xa Nawu wa Swidakana.

7. MIHLANGANO LEYI KU HLANGANIWEKE NA YONA

Ku hlanganiwile na Ndzawulo ya Vutshamo bya Vanhu ya Rixaka; Ndzawulo ya Tindlu ya Xifundzankulu xa Kwazulu – Natal; Vamasipala hinkwavo va Limpopo Vatsundzuxi va Xinawu va Mfumo eka Hofisi ya Holobyenkulu.
