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OF
KwaZulu-Natal

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VAN
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(As 'n nuusblad by die poskantoor geregistreer)

IGazethi
YESIFUNDAZWE
saKwaZulu-Natali

Ishicilelwe ngegunya
(Irejistiwe njengephephandaba eposihhovisi)

No. 6446 ULWESINE, 1 KUZIBANDLELA 2005

Ukuze uthole iGazethi yesiFundazwe kwi-INITHANETHI ngaphandle kokukhokha, iya ku: <http://www.lawsoc.co.za/kznprovince/index.htm>

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No. 6446 THURSDAY, 1 DECEMBER 2005

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No. 6446 DONDERDAG, 1 DESEMBER 2005

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As you are aware, the *Provincial Gazettes* are now available *online* and *free of charge* at:

<http://www.lawsoc.co.za/kznprovince/index.htm>.

The Chief Directorate: State Law Advisory Services (CD: SLAS) in the Office of the Premier has, in the interest of improving service delivery to the citizens of KwaZulu-Natal, formed a strategic partnership with the KwaZulu-Natal Law Society to make the *Provincial Gazettes* and Legislation of the KwaZulu-Natal Provincial Government available to the public *online* and *free of charge* in the three official languages of the Province (isiZulu, English and Afrikaans).

The CD: SLAS hereby demonstrates its commitment to —

* the mainstreaming and institutionalising of *Batho Pele* (improved service delivery in a people-centric public service culture) and the KZN Citizen's Charter;

* the concept of multilingualism espoused in section 6 of the Constitution, 1996; and

* the concept of e-Government.

This will also effect savings for the Provincial Government —

* by reducing the number of hard copies of *Provincial Gazettes* and Legislation which will have to be printed; and

* by reducing postage costs attendant to the mailing of hard copies to subscribers.

It would therefore be appreciated if ALL SUBSCRIBERS who still wish to receive *hard copies* of the *Provincial Gazette* indicate expressly whether they wish to *renew* their subscription to receive *hard copies*.

Please contact **Nikiwe Zuma** at postal address: Office of the Premier, Private Bag X9037, PIETERMARITZBURG, 3200 Telephone No.: (033) 3413371 or e-mail: zuman@premier.kzntl.gov.za.”

PROVINSIALE KENNISGEWINGS — IZAZISO ZESIFUNDAZWE — PROVINCIAL NOTICES

IZAZISO ezilandelayo zikhishelwe ulwazi lwawonkewonke.

USOLWAZI M. A. MCHUNU
uMqondisi-Jikelele

Natalia
Longmarket Street
Pietermaritzburg
1 kuZibandlela 2005

THE following notices are published for general information.

PROFESSOR M. A. MCHUNU
Director-General

Natalia
Longmarket Street
Pietermaritzburg
1 December 2005

ONDERSTAANDE kennisgewings word vir algemene inligting gepubliseer.

PROFESSOR M. A. MCHUNU
Direkteur-generaal

Natalia
Langmarkstraat
Pietermaritzburg
1 Desember 2005

No. 3254, 2005

1 December 2005

K WAZULU-NATAL PROCUREMENT ADMINISTRATION OFFICE

TENDERS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Tenders must be on the official tender form which shall be completed in all respects and all information must be supplied as stipulated in the tender document.
- (ii) Tenders must be submitted in separate sealed envelopes.
- (iii) Separate envelopes must be used for each tender invitation.
- (iv) The address, tender number and closing date must be endorsed on the back of the envelope.
- (v) The name and address of the tenderer must be endorsed on the back of the envelope.

SUPPLY:

Tender number:

46 x monitors multiparameter for various hospitals

Closing date:

ZNT 7508/2005 H

Time:

2006-01 -12

Documents available from:

11:00

Procurement Administration, Treasury House (a.k.a. NBS Building), Ground Floor, 145 Commercial Road, (cnr. Commercial Road and Church Street), Pietermaritzburg Telephone: (033) 8974243 and (033) 8974219

Contact person:

Mrs M. Moodley, Telephone: (033) 3946519

No. 3255, 2005

1 December 2005

DEPARTMENT OF HEALTH

CLAIRWOOD HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Clairwood Hospital together with the quotation number and closing date.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Clairwood Hospital, Mobeni, Telephone: (031) 4515071, Facsimile: (031) 4620430.

SERVICE:	Service and automate garage doors
Quotation number:	ZNQ 488/05
Closing date:	2005-12-06
Closing time:	11: 00
Compulsory site inspection:	2005-11-29
Time:	10:30
Venue:	Clairwood Hospital Workshop
Contact person:	Mr Nelson Jaganathan, Telephone: (031) 4515071
Enquiries regarding specifications:	Mr R. Adlington, Telephone: (031) 4515008

No. 3256, 2005

1 December 2005

DEPARTMENT OF HEALTH

DIRECTORATE: INANDA CHC

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes/faxed.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to Inanda CHC for the attention of Ms N. J. Chili, reflecting the quotation number.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Please complete original ZNT 30 documents when submitting quotations above R30 000 (Thirty Thousand Rand) together with an original Tax Clearance Certificate.
- (viii) Quotation documents are available from Inanda CHC, C135 Inanda Newtown, Inanda, (Administration Offices), Telephone: (031) 519 0455, Fax: (031) 5190460.

SERVICE:	Security Service
Quotation number:	ZNQ 66/2005
Closing date:	2005-12-23
Time:	11:00
Contact person:	M. R. Dlamini, Telephone: (031) 5190455
Enquiries regarding specifications:	Miss N. J. Chili, Telephone: (031) 5190455

No. 3257, 2005

1 December 2005

DEPARTMENT OF HEALTH

PHOLELA COMMUNITY HEALTH CENTRE

Cancellation of quotations

SERVICE:	Security services
Quotation number:	ZNQ 327/2005
SERVICE:	Garden services
Quotation number:	ZNQ 328/2005

DEPARTMENT OF HEALTH

PMTCT/ART/VCT PROGRAMMES

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects. and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope(s) must be addressed and hand delivered to the Department of Health, No 9-12 Doncaster Park, Derby Downs Office Park, 10 Derby Place, Westville, for attention Mr S. Z. Shelembe. Faxed quotations will not be considered.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Please complete original ZNT 30 documents when submitting quotations above R30,000 (Thirty Thousand Rand) together with and original tax clearance certificate. Quotations above this amount not accompanied by a Tax Clearance Certificate will not be considered.
- (viii) Quotation documents are available from the above address or any Provincial Government Department.
- (ix) Specifications may only be viewed from the Department of Health in Westville.

SERVICE:	Printing of a talk tool for health workers 2200 books, full colour, glossy as per sample
Quotation number:	ZNQ 0248T/05-06
Closing date:	2005-12-09
Closing time:	11:00
Contact person:	Mr S. Z. Shelembe, Telephone: (031) 266 5410
Enquiries regarding specifications:	Mr S. Z. Shelembe, Telephone: (031) 266 5410

No. 3259, 2005

1 December 2005

DEPARTMENT OF HEALTH

PORT SHEPSTONE HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects. and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes/faxed.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to Port Shepstone Hospital for reflecting the quotation number and closing date.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Please complete original ZNT 30 documents when submitting quotations above R30,000 (Thirty Thousand Rand) together with an original Tax Clearance Certificate.
- (viii) Quotation documents are available from Port Shepstone Hospital, Stores Department, 7 Bazley Street, Port Shepstone, Telephone: (039) 6886000, Fax: (039) 6825948.

SUPPLY/SERVICE:	Supply and installation of Directional Signage in and around Port Shepstone Hospital
Tender number:	ZNQ 50 of 2005/06
Closing date:	2006-01-12
Closing time:	11:00
Compulsory site meeting:	2005-12-09
Date:	10:30
Time:	7 Bazley Street, Port Shepstone Hospital, Stores Department
Venue:	Mr C. H. Myeza, Telephone: (039) 6886117
Contact person:	

No. 3260, 2005

1 December 2005

DEPARTMENT OF HEALTH
LADYSMITH PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Ladysmith Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Ladysmith Provincial Hospital, 36 Malcolm Road, Ladysmith, 3370, Telephone: (036) 6372111, Fax: (036) 6376457.
- (vii) For quotations exceeding R30 000.00 an original ZNT 30 (Application for preference points) form must be submitted to the Ladysmith Provincial Hospital, an original Tax Clearance Certificate must also be submitted regardless of price.

SUPPLY:	Drill (Electric for large and small bones)
Quotation number:	ZNQ 102/2005
Closing date:	2005-12-22
Closing time:	11:00
Contact person:	Mr J. Swanepoel, Telephone: (036) 6372111
Enquiries regarding specification:	Mr J. Swanepoel, Telephone: (036) 6372111

No. 3261, 2005

1 December 2005

DEPARTMENT OF HEALTH
ST ANDREW'S HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes. The envelope must be addressed to St Andrew's Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iii) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (iv) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (v) Quotation documents are available at St Andrew's Hospital Stores Department, 14 Moodie Street, Harding, Telephone: (039) 4331955, Ext. 229, Fax: (039) 4332051.
- (vi) An original ZNT 30 (Application for preference points) forms and a valid original Tax Clearance Certificate must be submitted.

SERVICE:	Hospital tracks with curtains per bed per ward for sixty beds
Quotation number:	ZNQ 534/05
Closing date:	2005-12-19
Closing time:	11:00
Contact person:	Mr A. J. Shebi
Enquiries regarding specifications:	Mr A. J. Shebi, Telephone: (039) 4331955, Ext. 229

No. 3262, 2005

1 December 2005

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

Award of tender

SERVICE:	Development of a Credit Management and Debt Collection Model for implementation in Municipalities in KwaZulu-Natal through a pilot testing process and as part of the Provincial Management Assistance Programme
Tender number:	ZNT 1321/2005 LG
Contractor:	Joint Venture consisting of PSU International and Zader Municipal Services

No. 3263, 2005

1 December 2005

DEPARTMENT OF HEALTH

UMNGENI CARE AND REHAB CENTRE

QUOTATIONS ARE INVITED FOR UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelopes must be addressed to Stores Department for attention Mrs A. Bekker reflecting the quotation number.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope.
- (vi) All Departments of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Please complete original ZNT 30 documents when submitting quotations above R30,000 (Thirty Thousand Rand) together with an original Tax Clearance Certificate.
- (viii) Quotations documents are available from Stores Department, Umgeni Care and Rehab Centre, Old Main Road, Howick. Telephone (033) 3306146, Ext. 234, Fax: (033) 3308637.

SUPPLY/SERVICE:	Cleaning of hospital grounds
Quotation number:	ZNQ 214/05
Closing date:	2005-12-14
Closing time:	11:00
Compulsory site meeting:	2005-12-12 at 09:00
Contact person:	Mrs A. Bekker, Telephone: (033) 3306146, Ext. 234
Enquiries regarding specifications:	Mrs A. Bekker, Telephone: (033) 3306146, Ext. 234

Award of quotations

SUPPLY:	Hospital beds
Quotation number:	ZNQ 164/05
Contractor:	New Horizon Metals cc
SERVICE:	Burial/cremation of indigent persons
Quotation number:	ZNQ 158/05
Contractor:	AVOB

No. 3264, 2005

1 December 2005

DEPARTMENT OF HEALTH

UMPUMULO HOSPITAL

QUOTATIONS ARE INVITED FOR UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelope.
- (iii) The envelopes must be addressed to uMpumulo Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (v) Quotations documents are available from uMpumulo Hospital, Stores Department, R74 Road, Maphumulo, Telephone: (032) 4814100, Ext. 4181, Fax: (032) 4812054.
- (vii) For quotations exceeding R30 000.00 an original ZNQ 331/2005 (application for preference points) form must be submitted to Umpumulo Hospital, an original Tax Clearance Certificate must also be submitted regardless of prices.

SUPPLY:	Covered shelter for workshop
Quotation number:	ZNQ 106/2005
Closing date:	2005-12-09
Site inspection date:	2005-12-06 (compulsory)
Closing time:	11:00
Contact person:	Mr R. Ramrackan /B. O. M. Ndlovu Mr R. Ramrackan /B. O. M. Ndlovu, Telephone: (032) 4814181

Award of quotations

SUPPLY:	Covered shelter for Physiotherapy
Quotation number:	ZNQ 215/2005
Contractor:	Tulas Trading Enterprise

SERVICE:	Removal and replacement of built in cupboards
Quotation number:	ZNQ 214/2005
Contractor:	Lee and Tee General Services
SERVICE :	Repair and renovation to immunization toilet
Quotation number:	ZNQ 213/2005
Contractor:	Paul and Zane Technicians
SERVICE :	Traffic barrier boom gate at uMphumulo Hospital
Quotation number:	ZNQ 211/2005
Contractor:	Yengwayo Construction
SUPPLY:	Elbow action taps mixers and basins
Quotation number:	ZNQ 216/2005
Contractor:	Igeja Construction Services
SERVICE:	Renovation to male ward
Quotation number:	ZNQ 212/2005
Contractor:	Paul and Zane Technicians

No. 3265, 2005

1 December 2005

DEPARTMENT OF TRANSPORT

DIRECTORATE: SUPPLY CHAIN MANAGEMENT

TENDERS ARE INVITED FOR UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Tenders must be on the official tender form, which shall be completed in respects, and all information must be supplied as stipulated in the tender document.
- (ii) Tenders must be submitted in separate sealed envelopes.
- (iii) Separate envelopes must be used for each tender.
- (iv) The name, address of the tenderer and tender number must be endorsed on the back of the envelope.
- (v) All Departments of Transport contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Documents are available from Department of Transport Head Office, Procurement Section, B Block, 172 Burger Street, Pietermaritzburg, Telephone (033) 3558975, Fax: (033) 3558091.
- (vii) **Please note: the Tender box is situated in the Foyer of the Department of Transport Head Office at 172 Burger Street, Pietermaritzburg.**

SERVICE:	Distribution of the Departmental newsletter known as Igalelo
Tender number:	ZNT 1287/05 T
Closing date:	2005-12-22
Time:	11:00
<i>Compulsory briefing session:</i>	
Date:	2005-12-07
Time:	10:00
Venue:	Department of Transport Head Office, Main Boardroom C Block, 172 Burger Street, Pietermaritzburg
Contact person:	Ricardo Francis, Telephone: (033) 3558975
Enquiries regarding specifications:	Mr L. Maistry, Telephone: (033) 3558777

No. 3266, 2005

1 December 2005

DEPARTMENT OF HEALTH

STANGER HOSPITAL

Award of quotations

SUPPLY:	Sutures
Quotation number:	ZNQ 108 of 2005
Contractor:	Clinisut
SUPPLY:	CVP Sets
Quotation number:	ZNQ 107 of 2005
Contractor:	SSEM
SUPPLY:	Groceries
Quotation number:	ZNQ 114 of 2005
Contractor:	SS Enterprise
SUPPLY:	Fruit and vegetables
Quotation number:	ZNQ 115 of 2005
Contractor:	Isihe Business Enterprise

No. 3267, 2005

1 December 2005

DEPARTMENT OF HEALTH

KING GEORGE V HOSPITAL

Award of quotations

SUPPLY:	N95/PFR 95 fluid shield duck bill masks
Quotation number:	ZNQ 198 of 05/06
Contractor:	Wawona Investments (Pty) Ltd
SUPPLY:	Surgical instruments as per continuation sheet
Quotation number:	ZNQ 199 of 05/06
Contractor:	Browning Medical/Johnson & Johnson (Pty) Ltd
SUPPLY:	Surgical instruments as per continuations sheet
Quotation number:	ZNQ 199 of 05/06
Contractor:	Duromed cc/Kavimed cc
SUPPLY:	K.S light carrier and K.S light cable
Quotation number:	ZNQ 200 of 05/06
Contractor:	Marcus Medical (Pty) Ltd
SUPPLY:	Hire of motor vehicle
Quotation number:	ZNQ 739 of 05/06
Contractor:	Imperial Car Hire

No. 3268, 2005

1 December 2005

DEPARTMENT OF HEALTH

UNTUNJAMBILI HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in a sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Sub-directorate: Provisioning Administration together with the quotation number and closing date.
- (v) The name and address of the quoting contractor must endorsed at the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Untunjambili Hospital Private Bag X216, Kranskop, 3268, Telephone: (033) 4440818, Fax: (033) 4440179/4440987.

SUPPLY:	E.T. 7626 Cash Register Slip Printer (Including Maintenance Contract)
Quotation number:	ZNQ 273/2005-2006
Closing date:	2005-12-09
Closing time:	11:00
Contact person:	M. F. Chonco, Telephone: (033) 4440818, Ext. 259 and 217

SUPPLY/SERVICE:	Supply and installation of industrial electric tumble dryer and electric washing machine including industrial extractor fans
Quotation number:	ZNQ 253/2005-2006
<i>Compulsory site inspection:</i>	2005-12-08 at 11:00
Venue:	Dining Hall at Lower Hospital
Closing date of the tender:	2005-12-15
Closing time of the tender:	11:00
Contact person for specification:	T. D. Goge, Telephone: (033) 4440818
Contact person:	W. L. Malevu, Telephone: (033) 4440818

Award of quotations

SERVICE:	Supervision for Supervisors for 15 People
Quotation number:	ZNQ 128/2005-2006
Contractor:	Eltee Training
SERVICE:	Health and safety courses for 516 People
Quotation number:	ZNQ 129/2005-2006
Contractor:	Kalideen Management Services

SERVICE:	Fumigation of pest control contract
Quotation number:	ZNQ 213/2005-2006
Contractor:	Phil Medic Services cc
SERVICE:	Catering/Baking/Flower Arrangements for 15 People
Quotation number:	ZNQ 127/2005-2006
Contractor:	Kalideen Management Services
SERVICE:	Conflict Management Courses for 07 People
Quotation number:	ZNQ 130/2005-2006
Contractor:	Eltee Training
SERVICE:	Performance Management Course for 5 People
Quotation number:	ZNQ 131/2005-2006
Contractor:	Eltee Training

No. 3269, 2005

1 December 2005

DEPARTMENT OF HEALTH

LADYSMITH PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Ladysmith Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Ladysmith Provincial Hospital, 36 Malcolm Road, Ladysmith, 3370, Telephone: (036) 6372111, Fax: (036) 6376457.
- (vii) For quotations exceeding R30 000.00 an original ZNT 30 (Application for preference points) form must be submitted to the Ladysmith Provincial Hospital, an original Tax Clearance Certificate must also be submitted regardless of price.

SERVICE:	Supply and installation of curtains at Rockcliff Clinic
Quotation number:	ZNQ 91/2005
Closing date:	2005-12-22
Closing time:	11:00
Compulsory site meeting:	2005-12-14
Time:	09:00
Venue:	Rockcliff Clinic
Contact person:	Mr M. I. Mbanjwa, Telephone: (036) 6372111
Enquiries regarding specification:	Mr M. I. Mbanjwa, Telephone: (036) 6372111

N.B. Tenderers must please be aware that they are required to confirm in writing that they will attend the site meeting. Confirmations must reach this office before the site meeting date. Tender documents will be distributed at the site meeting date. Documents will not be issued to those who failed to confirm. Written confirmation must be brought to the attention of Mr M. I. Mbanjwa, Fax: (036) 6312136. First preference will be given to Co-Operatives.

No. 3270, 2005

1 December 2005

DEPARTMENT OF HEALTH

KING EDWARD VIII HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health: King Edward VIII hospital together with the quotation number and closing date.
- (v) The name and address of the tendered must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being lodged (if any) and Letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health: King Edward VIII Hospital Stores Department Private Bag X02, Congella, 4013, Telephone: (031) 3603448.

SUPPLY:	1 Unit of biopsy gun
Quotation number:	ZNQLS981
Closing date:	2005-12-19
Time:	11:00

Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	5 Units of infuser pressure units
Quotation number:	ZNQLS982
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	1 Unit of integrate multi-dis. Endoscopic system
Quotation number:	ZNQLS983
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	12 Unit of steam pots
Quotation number:	ZNQLS984
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	17 Units of adult cot beds/mattresses
Quotation number:	ZNQLS985
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	3 Units of bar fridges
Quotation number:	ZNQLS986
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	O/head projectors/diff boards/screens
Quotation number:	ZNQLS987
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	12 Unit of chairs/desks
Quotation number:	ZNQLS988
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	8 Units of lockers/cupboards
Quotation number:	ZNQLS989
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	Furniture for lecture rooms
Quotation number:	ZNQLS990
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448
SUPPLY:	1 Units of sphygmomanometers, as per spec e46
Quotation number:	ZNQLS995
Closing date:	2005-12-19
Time:	11:00
Contact person:	Louise Steyn, Telephone: (031) 3603448
Enquiries regarding specification:	Louise Steyn, Telephone: (031) 3603448

Award of quotations

SUPPLY:	89 Boxes of sutures
Quotation number:	ZNQPH155PH517/PH558
Contractor:	Johnson & Johnson

SUPPLY: Quotation number: Contractor:	130 Units of diff b/p cuffs ZNQPH353 Indigenous Systems
SUPPLY: Quotation number: Contractor:	265 Boxes of diff pouches ZNQPH473/PH474/PH475 Adcock Ingram
SUPPLY: Quotation number: Contractor:	240 Units of fa104/fv104 dialysis lines ZNQPH476 T.S. Dialysis Services
SUPPLY: Quotation number: Contractor:	400 Units of closed suction catheters ZNQPH526 Perryhill International
SUPPLY: Quotation number: Contractor:	2 160 Units of fa104/fv104 dialysis lines ZNQLS532 Alpro Agencies
SUPPLY: Quotation number: Contractor:	710 Boxes of wound dressing diff sizes ZNQLS542 Coloplast
SUPPLY: Quotation number: Contractor:	390 Boxes of wound dressing diff sizes ZNQLS544 Adcock Ingram
SUPPLY: Quotation number: Contractor:	1 400 Boxes of needles 21g ZNQLS615 Vergreen Latex
SUPPLY: Quotation number: Contractor:	32 400 Unit of 20ml syringes ZNQLS616 Multisurge
SUPPLY: Quotation number: Contractor:	300 Pkts of adult diapers ZNQLS617 Validus Medical
SUPPLY: Quotation number: Contractor:	1 Unit of floor standing industrial mixer ZNQLS619 Hotel Requisites
SUPPLY: Quotation number: Contractor:	19 Units of stationary cabinets/diff chairs ZNQLS630/LS649 Ingwe Office Furniture
SUPPLY: Quotation number: Contractor:	1 Units of bottle warmer ZNQLS636 Duromed
SUPPLY: Quotation number: Contractor:	55 Units of diff. lockers ZNQLS638 Vision Busi Furniture
SUPPLY: Quotation number: Contractor:	2 450 Units of blue/white pvc liners ZNQLS661 Grs Medical
SUPPLY: Quotation number: Contractor:	2 500 Boxes of dressing 10 x 14 ZNQLS714/LS514 3M SA (Pty) Ltd
SUPPLY: Quotation number: Contractor:	21 Units of wooden table/chairs ZNQLS715 Regency Office Furniture
SUPPLY: Quotation number: Contractor:	150 Units of washing powder ZNQLS719 KwaZulu Industrial Chemicals
SUPPLY: Quotation number: Contractor:	150 Units of washing powder ZNQLS719 KwaZulu Industrial Chemicals
SUPPLY: Quotation number: Contractor:	10 000 Units of sets anaesthesia ZNQLS740 Adcock Ingram

SUPPLY: 450 Units of a4/a5 diaries
 Quotation number: ZNQLS744
 Contractor: Premier Book Bazaar

SUPPLY: 430 Units of diff. c/t tubes
 Quotation number: ZNQLS747/548
 Contractor: Umndeni Medical

SUPPLY: 100 Cases of exam gloves medium
 Quotation number: ZNQLS720
 Contractor: Union Drug

Cancellation of quotation

SUPPLY: 85 Units of laryngeal masks diff sizes
 Quotation number: ZNQPH354

No. 3271, 2005

1 December 2005

DEPARTMENT OF HEALTH

ITSHELEJUBA HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Itshelejuba Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptances being issued.
- (vi) Documents are available from Itshelejuba Hospital Stores Department, Alongside N2 Road between Piet Retief and Pongola Towns, Telephone: (034) 4132542/3/4, Fax: (034) 4132545.
- (vii) **Tenderers are requested to submit their quotations with ZNT 30 forms and Tax Clearance Certificates.**

SUPPLY: 1 x Incinerator
 Quotation number: ZNQ 767/05
 Site inspection: 2005-12-06
 Time: 11:00
 Closing date: 2005-12-15
 Closing time: 11:00
 Contact person: Mrs K. R Dlamini, Telephone: (034) 4132542, Fax: (034) 4132545

No. 3272, 2005

1 December 2005

DEPARTMENT OF HEALTH

SISONKE DISTRICT HEALTH OFFICES

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all the information must be supplied in the quotation document.
- (ii) Each quotation must be submitted in a sealed envelope.
- (iii) Quotation documents are available from the Department of Health, Sisonke District Health Office, Private Bag X502, Ixopo, 3276, Telephone: (039) 834 8219, Fax: (039) 834 1301.

SERVICE: Painting of Underberg Clinic including staff residence and minor repairs
 Quotation number: ZNQ 442/2005
 Closing date: 2005-12-14
 Closing time: 11:00
 Compulsory site inspection:
 Date: 2005-12-05
 Time: 11:00
 Contact person: Ms P. K. Zungu, Telephone: (039) 834 8219, Fax: (039) 8341301
 Enquiries regarding specification enquiries: Musa Zuma, Telephone: (039) 834 8216/072 199 8424

DEPARTMENT OF HEALTH

NGWELEZANA HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official form, which shall be completed in all respects.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Ngwelezana Hospital together with the quotation number and closing date.
- (v) Contracts will only be awarded to suppliers registered on the Provincial Database.
- (vi) Quotation documents must be deposited in the quotation box at Ngwelezana Hospital.
- (vii) Quotation documents are available from The Department of Health, Ngwelezana Hospital, Private Bag X20021, eMpanjeni, 3880.

SERVICE: Repair of Vinyl sheeting on theatre floors
Quotation number: ZNQ 165/11/2005/G
Closing date: 2005-12-15
Time: 11:00
Contact person: Mrs A. Mthethwa, Telephone: (035) 9017180
Enquiries regarding specification: Mr Hattingh, Telephone: (035) 9017124
Compulsory site inspection:
Date: 2005-12-09
Time: 9:00

SUPPLY: Ivac pumps(04)
Quotation number: ZNQ 08/11/2005/G
Closing date: 2005-12-08
Time: 11:00
Contact person: Mrs L. Nxumalo, Telephone: (035) 9017180

Award of quotations

SUPPLY: Different paints
Quotation number: ZNQ 15/10/2005/G
Contractor: Ladysmith Mica Hardware

SUPPLY: Paper sterisheet crepe or blue
Quotation number: ZNQ 14/10/2005/G
Contractor: Medical / Surgical Scientific

SUPPLY: Aseptor bags
Quotation number: ZNQ 15A/10/2005/G
Contractor: Ilanga

SUPPLY: Glove examination natured rubber
Quotation number: ZNQ 08/10/2005/G
Contractor: Endomed

SUPPLY: Linen savers disposable
Quotation number: ZNQ 17/10/2005/G
Contractor: Sunmed

SUPPLY: Allione dressing
Quotation number: ZNQ 31/11/2005/G
Contractor: Coloplast

SUPPLY: Saringa trees
Quotation number: ZNQ 62/10/2005/G
Contractor: Garden PRO

SUPPLY: Toilet seat heavy
Quotation number: ZNQ 83/10/2005/G
Contractor: Shosho Industrial

SUPPLY: Supply and installation of air deodorant
Quotation number: ZNQ 35/10/2005/G
Contractor: Triskam Engineering

Correction notice

Provincial Notice No. 3192 published in the *Provincial Gazette* No. 6443 dated 17 November 2005 is hereby amended, by the substitution of "Telephone: (033)" for "Telephone: (035)"

DEPARTMENT OF HEALTH

MADADENI PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelopes must be addressed to Madadeni Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Departments of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotations documents are available from Madadeni Provincial Hospital Stores Department, section five Madadeni Township, Telephone number: (034) 3288006, Fax: (034) 3288222.
- (v) For quotations exceeding R30 000.00 an original ZNT 30 (application for preference points) form must be submitted to Madadeni Provincial Hospital, an original Tax Clearance Certificate must be submitted regardless of price

SERVICE: Repair and painting of roof general ward 1
 Quotation number: ZNQ 1737/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 2
 Quotation number: ZNQ 1738/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 3
 Quotation number: ZNQ 1739/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 4
 Quotation number: ZNQ 1740/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 11
 Quotation number: ZNQ 1741/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 12
 Quotation number: ZNQ 1742/05-06
 Closing date: 2005-12-29
 Time: 11:00
 Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 13
 Quotation number: ZNQ 1743/05-06
 Closing date: 2005-12-29

Time: 11:00
Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

SERVICE: Repair and painting of roof general ward 14
 Quotation number: ZNQ 1744/05-06
 Closing date: 2005-12-29
 Time: 11:00
Compulsory site inspection: 2005-12-09
 Time: 11:00
 Contact regarding quotation: Mr J. J. Shongwe, Telephone: (034) 3288097
 Contact regarding specification: Mr R. A. Mohanlal, Telephone: (034) 3288020

No. 3275, 2005

1 December 2005

DEPARTMENT OF HEALTH

KING EDWARD VIII HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
 KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health: King Edward VIII hospital together with the quotation number and closing date.
- (v) The name and address of the tendered must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health: King Edward VIII Hospital Stores Department, Private Bag X02, Congella, 4013, Telephone: (031) 3603446.

SERVICE: Upgrade of MOPD Pharmacy airconditioning
 Quotation number: ZNQ SR 276
 Closing date: 2005-12-19
 Time: 11:00
Compulsory site meeting: 2005-12-13 at 11:00
 Contact person: Sathie Reddy, Telephone: (031) 3603446
 Enquiries regarding specification: Mr R. Gopal, Telephone: (031) 3603716

SERVICE: Service to all aluminium windows at Laundry
 Quotation number: ZNQ SR 277
 Closing date: 2005-12-19
 Time: 11:00
Compulsory site meeting: 2005-12-13 at 11:00
 Contact person: Sathie Reddy, Telephone: (031) 3603446
 Enquiries regarding specification: Mr G. Cronje, Telephone: (031) 3603468

No. 3276, 2005

1 December 2005

DEPARTMENT OF HEALTH

ADDINGTON HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
 KWAZULU - NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes/faxed.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to Supplies Department, Addington Hospital for attention Mr M. Pillay reflecting the quotation number.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope. All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Please complete original ZNT 30 documents when submitting quotations above R30 000 (Thirty Thousand Rand) together with an original tax clearance certificate.
- (vii) Quotation documents are available from the Supplies Department, Addington Hospital, Durban, Telephone: (031) 3272000, Fax: (031) 3272758/9.

SUPPLY: 1x Treadmill – as per specification
 Quotation number: ZNQ 906 A
 Closing time: 11:00
 Closing date: 2005-09-12
 Contact person: Mr G. Pillay, Telephone: (031) 3272132/3

Enquiries regarding specification:

Mrs S. Naidoo, Telephone: (031) 3272346

SUPPLY:

3 x Exercise bikes – as per specification

Quotation number:

ZNQ 906 A

Closing time:

11:00

Closing date:

2005-09-12

Contact person:

Mr G. Pillay, Telephone: (031) 3272132/3

Enquiries regarding specification:

Mrs S. Naidoo, Telephone: (031) 3272346

SUPPLY:

3 x Cage rower – as per specification

Quotation number:

ZNQ 906 A

Closing time:

11:00

Closing date:

2005-09-12

Contact person:

Mr G. Pillay, Telephone: (031) 3272132/3

Enquiries regarding specification:

Mrs S. Naidoo, Telephone: (031) 3272346

SUPPLY:

2 x Altitude stepper – as per specification

Quotation number:

ZNQ 906 A

Closing time:

11:00

Closing date:

2005-09-12

Contact person:

Mr G. Pillay, Telephone: (031) 3272132/3

Enquiries regarding specification:

Mrs S. Naidoo, Telephone: (031) 3272346

Award of quotation**SUPPLY:**

Full bore covers

Quotation number:

ZNQ 442 c

Contractor:

K & K Electrical

No. 3277, 2005

1 December 2005

DEPARTMENT OF HEALTH**R. K. KHAN HOSPITAL****QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL**

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes/faxed.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to R. K. Khan Hospital for attention Mr D. Naidoo reflecting the quotation number.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope. All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Please complete original ZNT 30 documents when submitting quotations above R30 000 (Thirty Thousand Rand) together with an original Tax Clearance certificate.
- (vii) Quotation documents are available from the Supplies Division on the 1st Floor – Room S17, R. K. Khan Hospital, Road 336 Chatsworth Circle, Westcliff, Chatsworth, Telephone: (031) 4596300, Fax: (031) 4030217.

SUPPLY:

Bread bagged and sliced for 1 year

Quotation number:

ZNQ 2691/2005

Closing date:

2005-12-15

Time:

11:00

Contact person:

D. Naidoo, Telephone: (031) 4596300

Enquiries regarding specifications:

D. Naidoo, Telephone: (031) 4596300

SERVICE:

Tiling of walls and floors M2 Post-natal ablutions as per the specification

Quotation number:

ZNQ 2723/2005

Closing date:

2005-12-15

Time:

11:00

Contact person:

Mr P. Govender, Telephone: (031) 4596310

Compulsory site meeting:

Date:

2005-12-08

Time:

10:30

Venue:

Maintenance Division at the Hospital

SERVICE:

Training for Nursing personnel recovery room and Anaesthetic update

Quotation number:

ZNQ 2693/2005

Closing date:

2005-12-15

Time:

11:00

Contact person:

Mr P. Munien, Telephone: (031) 459 6012

Enquiries regarding specifications:

D. Naidoo, Telephone: (031) 4596300

SERVICE :

Training for food service Aids Catering Course

Quotation number:

ZNQ 2692/2005

Closing date:

2005-12-15

Time:

11:00

Contact Person:
Enquiries regarding specifications:

Mr P. Muniën, Telephone: (031) 4596012
D. Naidoo, Telephone: (031) 4596300

Award of quotations

SERVICE:
Quotation number:
Contractor:

Pauper Burials
ZNQ 2408/2005
Durban South Funerals

SUPPLY:
Quotation number:
Contractor:

Chicken whole and breasts
ZNQ 2402/2005
Selro's Group

SUPPLY:
Quotation number:
Contractor:

Frozen vegetables and fish
ZNQ 2403/2005
Medina Meats

No. 3278, 2005

1 December 2005

DEPARTMENT OF HEALTH

SUB-DIRECTORATE: PROVISIONING ADMINISTRATION

TENDERS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Tenders must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Tenders must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each tender.
- (iv) The envelope must be addressed to the Department of Health Sub-Directorate: Provisioning Administration together with the quotation number and closing date.
- (v) The name and address of the tenderer must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Tender documents are available from the Department of Health, Sub-Directorate: Provisioning Administration, 200 Mayors Walk, Pietermaritzburg, 3201, Telephone: (033) 3946519, Facsimile: (033) 3453026.

SUPPLY:
Tender number:
Closing date:
Time:
Contact person:
Enquiries regarding specification:

3 x Units of transport infant incubators: King Edward Hospital
ZNT 7524/2005-H
2005-12-29
11:00
Mrs N. Mbongwa, Telephone: (033) 3946519
Dr Ramji, Telephone: (031) 4603776

Award of quotation

SUPPLY:
Quotation number:
Contractor:

Security Services: Clairwood Hospital
ZNQ 46/05-H
Ups Business Enterprise cc

Cancellation of tender

SUPPLY:
Tender number:

Road to Health Charts
ZNT 5718/2005-H

No. 3279, 2005

1 December 2005

DEPARTMENT OF HEALTH

HLABISA HOSPITAL

Award of quotations

SERVICE:
Quotation number:
Contractor:

Pauper Burial for Hlabisa Hospital Period six (6) months
ZNQ 277/05/06
Eyethu Funeral Service

SUPPLY:
Quotation number:
Contractor:

Leadership Skills
ZNQ 317/05/06
Eltee Training

SUPPLY:
Quotation number:
Contractor:

Conflict Management
ZNQ 326/05/06
Eltee Training

SUPPLY:
Quotation number:
Contractor:

Problem Solving Course
ZNQ 331/05/06
Eltee Training

SUPPLY:	Safety and Security Management
Quotation number:	ZNQ 313/05/06
Contractor:	Eltee Training
SUPPLY:	Tender Procedure Evaluation
Quotation number:	ZNQ 327/05/06
Contractor:	Eltee Training
SUPPLY:	Table Setting and Catering Course
Quotation number:	ZNQ 332/05/06
Contractor:	Eltee Training
SUPPLY:	Stress Management Course
Quotation number:	ZNQ 324/05/06
Contractor:	Eltee Training
SUPPLY:	Labour Relations Level 2-4
Quotation number:	ZNQ 328/05/06
Contractor:	Eltee Training
SUPPLY:	Report Writing Course
Quotation number:	ZNQ 333/05/06
Contractor:	Eltee Training
SUPPLY:	Supervision Course for 15 people
Quotation number:	ZNQ 327/05/06
Contractor:	Eltee Training
SUPPLY:	Financial Management Course
Quotation number:	ZNQ 319/05/06
Contractor:	Eltee Training
SUPPLY:	Strategic Planning Level 5-6
Quotation number:	ZNQ 315/05/06
Contractor:	Eltee Training

Cancellation of quotations

SERVICE:	Cleaning of equipment
Quotation number:	ZNQ 334/05/06
SERVICE:	Execution of patient care
Quotation number:	ZNQ 330/05/06

No. 3280, 2005

1 December 2005

DEPARTMENT OF HEALTH

ETHEKWINI DISTRICT OFFICE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in a sealed envelope, quoting the reference number.
- (iii) The envelope with the quotation must be addressed to the eThekweni District Office.
- (iv) The name/telephone number of company must appear on the envelope.
- (v) All tenders/contracts awarded are subject to appeals being timeously lodged (if any).
- (vi) The necessary quotation documents will be obtained from the SCM Division.
- (vii) All quotations exceeding R30 000.00, the ZNT 30 documents needs to be filled and a current Tax Certificate to be attached (original), regardless of the price quoted.
- (viii) All documents to be fetched on 2005-12-01 at Prince Wing.

SUPPLY:	Garden seeds
Quotation number:	ZNQ 1286
Closing date:	2005-12-07
Closing time:	11:00
Contact person:	Heston Naidoo, Rennie Govender
Enquiries regarding specification:	Prince Wing, Telephone: (031) 3277807/3277830
Venue:	

SUPPLY:	Food models
Quotation number:	ZNQ 1285
Closing date:	2005-12-07
Closing time:	11:00

Contact person: Heston Naidoo,
 Enquiries regarding specification: Rennie Govender
 Venue: Prince Wing, Telephone: (031) 3277807/3277830

SUPPLY:
 Quotation number: Nutrition books
 ZNQ 1284
 Closing date: 2005-12-07
 Closing time: 11:00
 Contact person: Heston Naidoo,
 Enquiries regarding specification: Rennie Govender
 Venue: Prince Wing, Telephone: (031) 3277807/3277830

SUPPLY:
 Quotation number: Garden tools
 ZNQ 1283
 Closing date: 2005-12-07
 Closing time: 11:00
 Contact person: Heston Naidoo,
 Enquiries regarding specification: Rennie Govender
 Venue: Prince Wing, Telephone: (031) 3277807/3277830

SUPPLY:
 Quotation number: Rulers
 ZNQ 1281
 Closing date: 2005-12-07
 Closing time: 11:00
 Contact person: Heston Naidoo,
 Enquiries regarding specification: Rennie Govender
 Venue: Prince Wing, Telephone: (031) 3277807/3277830

SUPPLY:
 Quotation number: Juice bottles
 ZNQ 1282
 Closing date: 2005-12-07
 Closing time: 11:00
 Contact person: Heston Naidoo,
 Enquiries regarding specification: Rennie Govender
 Venue: Prince Wing, Telephone: (031) 3277807/3277830

No. 3281, 2005

1 December 2005

DEPARTMENT OF HEALTH

EDUMBE COMMUNITY HEALTH CENTRE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be in a sealed envelope.
- (iii) The envelope must be addressed to eDumbe Community Health Centre, Quotation Evaluation Committee, together with the quotation number and closing date.
- (iv) The name and address of the supplier must be endorsed on the back of the envelope.
- (v) Quotation documents and specifications are available from eDumbe Community Health Centre-Procurement Office, Telephone: (034) 9958541/00.

SUPPLY/SERVICE:
 Quotation number: Concrete walkway from clinic to nurses home (park homes)
 ZNQ 185/2005/06
 Closing date: 2005-12-19
 Closing time: 11:00
 Site inspection: 2005-12-09 at 11:00
 Contact person: P. N. Ndebele, Telephone.: (034) 9958500/41

SUPPLY/SERVICE:
 Quotation number: Under roof parking for houses and flats
 ZNQ 186/2005/06
 Closing date: 2005-12-19
 Closing time: 11:00
 Site inspection: 2005-12-09 at 11:00
 Contact person: P. N. Ndebele, Telephone.: (034) 9958500/41

Award of quotation

SUPPLY/SERVICE:
 Quotation number: 10 x Diagnostic set wall type
 ZNQ 118/2005/06
 Contractor: R. Moleney Co

No. 3282, 2005

1 December 2005

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Tenders must be in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelopes must be addressed to the Department of Agriculture, South Region, together with the quotation number and closing date.
- (v) Quotation contractors must be registered with the provisional database.
- (vi) For quotations exceeding R30,000.00 an original Tax Clearance Certificate must be submitted.
- (vii) Quotations must be dropped into the tender box near the Switchboard Area.
- (viii) All Department of Agriculture contracts awarded are subject to appeals being lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Agriculture and Environmental Affairs, South Region, Procurement Section, 4 Pin Oak Avenue, Hilton, 3245, Telephone: (033) 3438300 and Facsimile: (033) 3434396.

SUPPLY/SERVICE:

Supply and erection of prefabricated wooden site offices (4 x 4 m Wendyhouses excluding the verandah), with insulated corrugated iron roof and verandah, on the following sites: Mpumuza, Nadi and Willowfontain in the Edendale Valley and Nzimakwe near Munster, South Coast

Quotation number:

ZNQ 18/05/SR

Closing time:

11:00

Contact Person:

Ms T. A. Bukhosini, Telephone: (033) 3438364

Enquiries regarding specification:

Mr T. J. Dugmore, Telephone: (033) 3559262

No. 3283, 2005

1 December 2005

DEPARTMENT OF HEALTH

LADYSMITH PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Ladysmith Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Ladysmith Provincial Hospital, 36 Malcolm Road, Ladysmith, 3370, Telephone: (036) 6372111, Fax: (036) 6376457.
- (vii) For quotations exceeding R30 000.00 an original ZNT 30 (Application for preference points) form must be submitted to the Ladysmith Provincial Hospital, an original Tax Clearance Certificate must also be submitted regardless of price.

SUPPLY:

Print 20 000 copies of Child Health Booklet with 39 pages including cover written on both sides. Booklets must be green in colour. The middle graph page must be of Tyvec paper. Booklets must be delivered in plastic casings

Quotation number:

ZNQ 103/2005

Closing date:

2005-12-13

Closing time:

11:00

Contact person:

Mr S. A. Nhlabathi, Telephone: (036) 6372111

Enquiries regarding specification:

Mr S. A. Nhlabathi, Telephone: (036) 6372111

NB: Each company to obtain a sample from Ladysmith Provincial Hospital before submitting quotations.

The sample must be returned in the sealed envelope with the quote.

Whoever is awarded the tender will be required to deliver the booklets with the relevant template.

SUPPLY:

Print 20 000 copies of Child Health Booklet with 47 pages including cover written on both sides. Booklets must be blue in colour. Booklets must be delivered in plastic casings

Quotation number:

ZNQ 104/2005

Closing date:

2005-12-13

Closing time:

11:00

Contact person:

Mr S. A. Nhlabathi, Telephone: (036) 6372111

Enquiries regarding specification:

Mr S. A. Nhlabathi, Telephone: (036) 6372111

NB: Each company to obtain a sample from Ladysmith Provincial Hospital before submitting quotations.

The sample must be returned in the sealed envelope with the quote.

Whoever is awarded the tender will be required to deliver the booklets with the relevant template.

DEPARTMENT OF HEALTH

PRINCE MSHIYENI MEMORIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health: Prince Mshiyeni Memorial Hospital with the quotation number and closing date.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health: Prince Mshiyeni Memorial Hospital, Buying Section, Mangosuthu Highway, Unit "V" Umlazi, Telephone.: (031) 9078214, Facsimile: (031) 9061391.

SUPPLY: 13 Units, aspirators – electric high vacuum suction pump specification H.T.U.-CE No. M3 (Mechanical)
 Quotation number: ZNQ 1629/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 10 Units, aspirators – portable battery powered battery powered specification: H.T.U.-CE No. M4 (Mechanical)
 Quotation number: ZNQ 1630/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 1 Unit, Back Slab at D Clinic as per specification. Site Meeting at D Clinic
 Quotation number: 2005-12-08
 Closing date: ZNQ 1633/11/2005
 Closing time: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 3 Units, defibrillators, automated external (suitable for ground mobile, aircraft ambulance use) with lock up metal box's specification: H.T.U. (No. E32 Electronics)
 Quotation number: ZNQ 1636/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 2 Units, delivery beds as per specification
 Quotation number: ZNQ 1631/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 2 Units, delivery beds as per specification
 Quotation number: ZNQ 1637/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SUPPLY: 2 Units, delivery beds as per specification
 Quotation number: ZNQ 1638/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Martin Dercksen, Telephone: (031) 9078442

SERVICE: Make and fit new gates and guards room 15 as per scope of work
 Quotation number: Site Meeting will be held on 2005-12-08 at 09:30
 Closing date: ZNQ 1195/11/2005
 2005-12-19

Closing time: 11:00
 Contact person: Ms Sibongile Khumalo, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Ken Rowardt, Telephone: (031) 9078266

SUPPLY: 100 Units, 3m No. 1261 re usable ear plugs
 100 Units, 3m No. 8512 respirator
 100 Units, 3m No. 9332 respirator
 Quotation number: ZNQ 1796/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Ms Sibongile Khumalo, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Ken Rowardt, Telephone: (031) 9078266

SERVICE: Repair and replace roof sheeting at boiler house (scope of work available)
 Quotation number: ZNQ 931/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Albert Mngadi, Telephone: (031) 9078214
 Enquiries regarding specification: Mr Moffat Nondaba, Telephone: (031) 9078275

SUPPLY: 300 Units I.V. Fluid Administration Set Wit Swabbable Needleless "Y" Site ±60
 Drops/ml 183 cm, Latex Free
 Quotation number: ZNQ 1693/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Buyi Mfayela, Telephone: (031) 9078365
 Enquiries regarding specification: Mr R. N. Kheswa, Telephone: (031) 9078279

SUPPLY: 600 Units I.V. Fluid Administration Set Wit Swabbable Needleless "Y" Site ±20
 Drops/ml 183 cm, Latex Free
 Quotation number: ZNQ 1694/11/2005
 Closing date: 2005-12-12
 Closing time: 11:00
 Contact person: Mr Buyi Mfayela, Telephone: (031) 9078365
 Enquiries regarding specification: Mr R. N. Kheswa, Telephone: (031) 9078279

REMEMBER TO SUBMIT TAX CLEARANCE CERTIFICATE AND ZNT 30 OR 31 IF HAVEN'T PLEASE NOTE THAT THE QUOTATION VALIDITY PERIOD IS 180 DAYS (i.e. 6 Months)

No. 3285, 2005

1 December 2005

DEPARTMENT OF HEALTH

KWADABEKA COMMUNITY HEALTH CENTRE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in the sealed envelopes.
- (iii) The envelope must be addressed to KwaDabeka Quotation Evaluation Committee together with quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) Suppliers must submit ZNT 30 to claim preference points for items over R30 000-00 in value.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotations documents are available from KwaDabeka Community Health Centre, 4 Spine Road, KwaDabeka, Telephone: (031) 7071355, Ext. 236.

SERVICE: Painting of the roof at KwaDabeka Community Health Centre
 Quotation number: ZNQ 1/2005
 Closing date: 2005-12-15
 Closing time: 11:00
 Compulsory site meeting:
 Date: 2005-12-09
 Time: 10:00
 Venue: KwaDabeka CHC, Stores Department. Then to Boardroom, 4 Spine Road, KwaDabeka
 Contact person regarding specification: Mr D. Curtis, Telephone: (031) 7071355, Ext. 212, Cell 0845115867

SERVICE: Convection of two toilets to offices at KwaDabeka CHC
 Quotation number: ZNQ 2/2005
 Closing date: 2005-12-15
 Closing time: 11:00
 Compulsory site meeting:
 Date: 2005-12-09
 Time: 10:00
 Venue: KwaDabeka CHC, Stores Department. Then to Boardroom, 4 Spine Road, KwaDabeka

Contact person regarding specification:

Mr D. Curtis, Telephone: (031) 7071355, Ext. 212, Cell 0845115867

Award of quotations**SUPPLY:**

Dental suction unit
 Ultra sonic Scaler
 Visible curing light
 Fast and slow hand piece
 ZNQ 312/05
 Hospital Assist

Quotation number:

Contractor:

SUPPLY:

Autoclave (Table model)
 ZNQ 313/05
 Hospital Assist

Quotation number:

Contractor:

No. 3286, 2005

1 December 2005

DEPARTMENT OF HEALTH**BENEDICTINE HOSPITAL****QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL**

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Benedictine Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Departments of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Benedictine Provincial Hospital Stores, Department, Private Bag X5007, Nongoma, 3950, Telephone: (035) 8317000, Ext. 7062, Fax: (035) 8313241.
- (vii) To obtain quotation forms, please fax your request to the number below. No calls will be taken, except for queries relating to specification that are not clearly understood, see number of contact person.

SUPPLY:

Chromic roundbody C 411 (200 boxes)
 Chromic roundbody CG 214 (200 boxes)
 ZNQ 203/05/06
 2005-12-19

Quotation number:

Closing date:

Closing time:

Contact person:

11:00

Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)

Enquiries regarding specifications:

Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:

Chromic cutting 1 75 cm (200 boxes)
 Chromic cutting 2/0 (200 boxes)
 ZNQ 204/05/06
 2005-12-19

Quotation number:

Closing date:

Closing time:

Contact person:

11:00

Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)

Enquiries regarding specifications:

Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:

Vicryl roundbody (200 boxes)
 Chromic roundbody (200 boxes)
 ZNQ 205/05/06
 2005-12-19

Quotation number:

Closing date:

Closing time:

Contact person:

11:00

Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)

Enquiries regarding specifications:

Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:

Nylon cutting 0 N915 (200 boxes)
 Nylon cutting 2/0 (200 boxes)
 ZNQ 206/05/06
 2005-12-19

Quotation number:

Closing date:

Closing time:

Contact person:

11:00

Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)

Enquiries regarding specifications:

Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:

Vicryl cutting 1 VR 126 (200 boxes)
 Vicryl cutting VS 174 (200 boxes)

Quotation number: ZNQ 207/05/06
 Closing date: 2005-12-19
 Closing time: 11:00
 Contact person: Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)
 Enquiries regarding specifications: Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:
 Quotation number: ZNQ 208/05/06
 Closing date: 2005-12-19
 Closing time: 11:00
 Contact person: Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)
 Enquiries regarding specifications: Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

SUPPLY:
 Quotation number: ZNQ 209/05/06
 Closing date: 2005-12-19
 Closing time: 11:00
 Contact person: Mrs L. W. Sibisi, Telephone: (035) 8317062, calls will only be taken for queries relating unclear specification, see paragraph (vii)
 Enquiries regarding specifications: Please send fax to (035) 8313241, no telephone calls will be accepted to obtain quotation forms, see paragraph (vii)

Award of quotations

SUPPLY:
 Quotation number: ZNQ 144/05-06
 Contractor: Coastal Forest Community Services
 Room divider

SUPPLY:
 Quotation number: ZNQ 152/05-06
 Contractor: Tree Wood Furnitures
 Dining room suite, Beds for patients, Kitchen unit

SUPPLY:
 Quotation number: ZNQ 162/05-06
 Contractor: Tree Wood Furnitures
 Double door lockers

SUPPLY:
 Quotation number: ZNQ 146/05-06
 Contractor: R & S Multi Sales
 Kitchen set chairs, tables, electric stove, fridge double door, double beds, lounge suite

SUPPLY:
 Quotation number: ZNQ 95/05-06
 Contractor: Faultless Import and Export
 Beds hospital standard with head up position and lockable castors, 10 cot beds

SUPPLY:
 Quotation number: ZNQ 95/05-06
 Contractor: Palmed Medical & Surgical
 50 Beds standard

SUPPLY:
 Quotation number: ZNQ 151/05-06
 Contractor: Tree Wood Furniture & Office Supplies
 Office chairs, filing cabinet, medicine cupboard lock

SUPPLY:
 Quotation number: ZNQ 150/05-06
 Contractor: R.G.M. Furniture
 Refrigerator, filing cabinet, weighing scale, pastor chairs

SUPPLY:
 Quotation number: ZNQ 153/05-06
 Contractor: Valve & Electrical Contractor
 Electric stove, domestic fridge

SUPPLY:
 Quotation number: ZNQ 147/05-06
 Contractor: Bambanani Marketing
 Room divider, kitchen set, double bed, lounge suite

SUPPLY:
 Quotation number: ZNQ 154/05-06
 Contractor: Nicho Enterprise
 Cooler boxes large, small, lounge suite

SUPPLY:
 Quotation number: ZNQ 145/05-06
 Contractor: RAnd Multi Sales
 Electric stove, lounge suite, room divider, chairs, tables

No. 3287, 2005

1 December 2005

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS

Invitation of tenders

Tenders are invited for the undermentioned requirements

SERVICE:	Supply, deliver and off-load bagged fertilizer to Cedara: Farm Services – South Region
Tender number:	ZNT 40/05A
Closing date:	2005-12-15
Enquiries regarding specification:	Mr H. S. van Zyl, Telephone: (033) 3559377, Cell: 0825662160
SUPPLY/SERVICE:	Supply, deliver and installation of irrigation Scheme: Siyavuna Campaign: Somshoek Irrigation Scheme: uThukela DC – South Region
Quotation number:	ZNQ 41/05A
Closing date:	2005-12-15
Enquiries regarding specification:	Mr B. Whittal, Telephone: Telephone: (033) 3438832, Cell: 0832333444 Mr R. Sayed, Telephone: (033) 3438472, Cell: 0845039786,
<i>Compulsory site briefing:</i>	
Date:	2005-12-08
Time:	10:00
Venue:	Lower Boardroom, South Region Agricultural Office, 4 Pin Oak Avenue, Quarry Centre, Hilton

Tender documents are obtainable from Cedara (Pietermaritzburg)

Contact persons:	Mrs R. B. Radebe, Telephone: (033) 3559169, Mr B. L. Zikhali, Telephone: (033) 3559170, Miss L. I. Ndabezitha, Telephone: (033) 3559290
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Award of tender

NB: All departmental contract awards are subject to appeals being lodged (if any) and letter of acceptance being issued.

SERVICE:	Supply and delivery of two (2) zero turn industrial mowers: Cedara
Quotation number:	ZNQ 33/05
Contractor:	Lawnmower and Pool Centre

No. 3288, 2005

1 December 2005

DEPARTMENT OF HEALTH

TAYLER BEQUEST HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Tayler Bequest Hospital, Private Bag X836, Matatiel, 4730, together with the quotation number and closing date.
- (v) The name and address of the quotations must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Tayler Bequest Hospital, Main Street, Matatiel, 4730, Telephone: (039) 7373107, Fax: (039) 7347865.
- (viii) NB: All the quotations that are above R30 00 must fill the ZNT 30 form.

SUPPLY:	One 30 ltr planetary mixer with hub 220 v 50 hz 75 w 655 x 568 x 1100 mm
Quotation number:	ZNQ 1039/2005/2006
Closing date:	2005-12-14
Closing time:	11:00
Contact person:	E. P. Lecheko/P. P. Gambushe, Telephone: (039) 7373107

SUPPLY:	Rendering a security service at Tayler Bequest Hospital, Period of contract: 3 months
Quotation number:	ZNQ 917/2005/2006
Closing date:	2005-12-14
Closing time:	11:00
Site inspection date:	2005-12-07
Time:	10:00
Contact person:	E. P. Lecheko/P. P. Gambushe, Telephone: (039) 7373107

SUPPLY: Fencing vegetable garden hail protection seedling stand
15 m x 15 m with 1 m gate for Tayler Bequest Hospital
ZNQ 1040/2005/2006
Quotation number:
Closing date: 2005-12-14
Closing time: 11:00
Site inspection date: 2005-12-08
Time: 10:00
Contact person: E. P. Lecheko/P. P. Gambushe, Telephone: (039) 7373107

SUPPLY: Fencing vegetable garden hail protection seedling stand
15 m x 15 m with 1 m gate for PHC, Period of contract: 3 months
ZNQ 1041/2005/2006
Quotation number:
Closing date: 2005-12-14
Closing time: 11:00
Site inspection date: 2005-12-08
Time: 10:00
Contact person: E. P. Lecheko/P. P. Gambushe, Telephone: (039) 7373107

No. 3289, 2005

1 December 2005

DEPARTMENT OF HEALTH

REGIONAL LAUNDRY CATO MANOR

Award of quotations

SUPPLY: Polypropylene twine clear D100 1 kg rolls
ZNQ 78-2005/2006
Quotation number:
Contractor: Scaw Metal Group Fibre

SERVICE: Internal painting of reception and office
ZNQ 68-2005/2006
Quotation number:
Contractor: Sizaisaukhango Trading

No. 3290, 2005

1 December 2005

DEPARTMENT OF HEALTH

UMGENI CARE AND REHABILITATION CENTRE

Award of quotation

SERVICE: Security of hospital
ZNQ 194/05
Quotation number:
Contractor: Amaqawe

No. 3291, 2005

1 December 2005

DEPARTMENT OF HEALTH

CEZA HOSPITAL

Award of quotations

SERVICE: Security Services
ZNQ 306/2005/2006
Quotation number:
Contractor: We Indlovu Protection

SUPPLY: Partition of paed's ward
ZNQ 55/2005/2006
Quotation number:
Contractor: DMN Marketing & Consultation

No. 3292, 2005

1 December 2005

DEPARTMENT OF HEALTH

DUNDEE PROVINCIAL STORES

Award of quotations

SUPPLY: Milk and milk products
ZNQDD01/09/2005
Quotation number:
Contractor: Orange Grove Dairy

SUPPLY: Meat
ZNQDD 02/09/2005
Quotation number:
Contractor: KwaZulu Meat Processors

SUPPLY:	Frozen vegetables
Quotation number:	ZNQDD 03/09/2005
Contractor:	CAS Meats cc
SUPPLY:	Poultry
Quotation number:	ZNQDD 04/09/2005
Contractor:	Selro's Chickens
SUPPLY:	Eggs
Quotation number:	ZNQDD 05/09/2005
Contractor:	Guild Sibanye
SUPPLY:	Cheese
Quotation number:	ZNQDD 06/09/2005
Contractor:	Guild Sibanye
SUPPLY:	Processed items
Quotation number:	ZNQDD 07/09/2005
Contractor:	CAS Meats cc
SUPPLY:	Bread
Quotation number:	ZNQDD 08/09/2005
Contractor:	Charlies Spar
SUPPLY:	Fruit and vegetables
Quotation number:	ZNQDD 09/09/2005
Contractor:	Hubbs Fresh Produce cc
SUPPLY:	Coal
Quotation number:	ZNQDD 10/09/2005
Contractor:	Muntu Coal
SERVICE:	Pauper funeral services
Quotation number:	ZNQDD 11/09/2005
Contractor:	AVBOB Funeral Services

No. 3293, 2005

1 December 2005

DEPARTMENT OF HEALTH

CENTRAL PROVINCIAL STORES

Award of quotations

SUPPLY:	Books, statement liable patient
Quotation number:	ZNQ 064/2005/6 P
Contractor:	OceanTop Investment t/a Print Zone Press
SUPPLY:	Jackets, pyjamas children winter Size: 1
Quotation number:	ZNQ 257/2005/6
Contractor:	Oshlanga
SUPPLY:	Jacket pyjama winter for adult patient 117 cm
Quotation number:	ZNQ 258/2005/6
Contractor:	Oshlanga
SUPPLY:	Shirt s/sleeve Maz.Blue, medium
Quotation number:	ZNQ 261/2005/6
Contractor:	Grand Uniforms
SUPPLY:	Pyjama trousers for adult patient winter 107 cm
Quotation number:	ZNQ 262/2005/6
Contractor:	Unitrade 1032 cc
SUPPLY:	Shirt s/sleeve maz.blue, large
Quotation number:	ZNQ 274/2005/6
Contractor:	Grand Uniforms
SUPPLY:	Pyjama trousers, short child winter size: 2
Quotation number:	ZNQ 278/2005/6
Contractor:	Protective Uniforms & Accessories
SUPPLY:	Uniform, s/sleeve ancillary staff opal green, 122 cm
Quotation number:	ZNQ 280/2005/6
Contractor:	Oshlanga
SUPPLY:	Theatre nurses' uniform jade green cross-over, 97 cm
Quotation number:	ZNQ 281/2005/6
Contractor:	Protective Uniforms & Accessories

SUPPLY: Quotation number: Contractor:	Theatre nurses' uniform jade green cross-over, 127 cm ZNQ 282/2005/6 Protective Uniforms & Accessories
SUPPLY: Quotation number: Contractor:	Cloth table white bleached 120 cm x 120 cm ZNQ 290/2005/6 Logan Medical & Surgical
SUPPLY: Quotation number: Contractor:	Coats white l/sleeve, 97 cm ZNQ 291/2005/6 Unitrade 1032 cc
SUPPLY: Quotation number: Contractor:	Dust coats white l/sleeve, 112 cm ZNQ 292/2005/6 Unitrade 1032 cc
SUPPLY: Quotation number: Contractor:	Gown blue, child, large, 81 cm ZNQ 296/2005/6 Koala Trading cc
SUPPLY: Quotation number: Contractor:	Gown night infant ZNQ 297/2005/6 Logan Medical & Surgical
SUPPLY: Quotation number: Contractor:	Jacket pyjama children blue size: 2 ZNQ 298/2005/6 Unitrade 1032cc
SUPPLY: Quotation number: Contractor:	Jacket pyjama adult 107 cm ZNQ 299/2005/6 Unitrade 1032cc
SUPPLY: Quotation number: Contractor:	Jersey, medium ZNQ 304/2005/6 Nasa
SUPPLY: Quotation number: Contractor:	Bedsheets 180 cm x 275 cm ZNQ 309/2005/6 Laundry Supply Services
SUPPLY: Quotation number: Contractor:	Pen spirit base, black ZNQ 343/2005/6 Ocean Stationers
SUPPLY: Quotation number: Contractor:	Box files ZNQ 340/2005/6 Ocean Stationers
SUPPLY: Quotation number: Contractor:	Toilet in cistern cleaner ZNQ 285/2005/6 Oshlanga
SUPPLY: Quotation number: Contractor:	Aerosol surface insecticide, 325ml ZNQ 284/2005/6 Phiri Trading
SUPPLY: Quotation number: Contractor:	Night dresses for women, patient, large ZNQ 272/2005/6 Oshlanga
SUPPLY: Quotation number: Contractor:	Dresses-cleaners, s/sleeve, 107 cm ZNQ 293/2005/6 Protective Uniforms & Accessories
SUPPLY: Quotation number: Contractor:	Dresses-cleaners, s/sleeve, 117 cm ZNQ 294/2005/6 Protective Uniforms & Accessories
SUPPLY: Quotation number: Contractor:	Dresses-Cleaners, S/Sleeve, 132cm ZNQ 295/2005/6 Protective Uniforms & Accessories
SUPPLY: Quotation number: Contractor:	Manuscript books, A4, 2 Quire ZNQ 379/2005/6 Lotus Stationers
SUPPLY: Quotation number: Contractor:	Paper fasteners, flat file 8 cm ZNQ 380/2005/6 Ocean Stationers

SUPPLY: Quotation number: Contractor:	Body bags, large ZNQ 384/2005/6 Logan Medical & Surgical
SUPPLY: Quotation number: Contractor:	Towels bath royal blue ZNQ 391/2005/6 Laundry Supply Services
SUPPLY: Quotation number: Contractor:	Trousers men navy, security, 92 cm ZNQ 392/2005/6 Grand Uniforms
SUPPLY: Quotation number: Contractor:	Trousers men navy, security, 97 cm ZNQ 393/2005/6 Grand Uniforms
SUPPLY: Quotation number: Contractor:	Book job record ZNQ 056/2005/6 P Pops Print
SUPPLY: Quotation number: Contractor:	Book maternity case register ZNQ 066/2005/6 P Standard Printers
SUPPLY: Quotation number: Contractor:	Card prescription repeat ZNQ 067/2005/6 P Alert Stationers
SUPPLY: Quotation number: Contractor:	Forms, anaesthetic operation and recovery room record ZNQ 068/2005/6 P Gillmich Business Forms
SUPPLY: Quotation number: Contractor:	Cards, ante-natal records ZNQ 069/2005/6 P Alert Stationers
SUPPLY: Quotation number: Contractor:	Forms, prescription and record sheet ZNQ 070/2005/6 P Ocean Top Investment cc t/a Print Zone Press
SUPPLY: Quotation number: Contractor:	File cover, account folder: Department of Health KZN ZNQ 071/2005/6 P Nu Print
SUPPLY: Quotation number: Contractor:	File covers, Department of Health KZN ZNQ 072/2005/6 P Nu Print
SUPPLY: Quotation number: Contractor:	Pads, trip authorisation for use of Govt. owned M/V ZNQ 073/2005/6 P Forefron Trading 21 cc t/Thembekile Printers
SUPPLY: Quotation number: Contractor:	Book ambulance return ZNQ 074/2005/6 P Standard Printers
SUPPLY: Quotation number: Contractor:	Forms, nursing history: assessment on admission ZNQ 075/2005/6 P Standard Printers
SUPPLY: Quotation number: Contractor:	File cover, case history ZNQ 076/2005/6 P Nu Print
SUPPLY: Quotation number: Contractor:	Books, occurrence ZNQ 077/2005/6 P Nu Print
SUPPLY: Quotation number: Contractor:	Books, operation theatre record ZNQ 078/2005/6 P Alert Stationers
SUPPLY: Quotation number: Contractor:	Books, daily clinic register ZNQ 079/2005/6 P Art Web Printers
SUPPLY: Quotation number: Contractor:	Covers record: Department of Health KZN ZNQ 080/2005/6 P Art Web Printers

SUPPLY:	Books, inspection sheet
Quotation number:	ZNQ 081/2005/6 P
Contractor:	Forefron Trading 21 cc t/a Thembekile Printers
SUPPLY:	Forms, X-Ray request
Quotation number:	ZNQ 090/2005/6 P
Contractor:	Standard Printers

No. 3294, 2005

1 December 2005

KWAZULU-NATAL DEPARTMENT OF WORKS

KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)

NOTICE IN TERMS OF SECTION 5 OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 of 2003)

In terms of section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, **Muziwenkosi Blessed Gwala**, Minister of Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting the under mentioned Provincial State land for a period of 99 years to the Umgeni Municipality at a nominal rental of R1000,00 per annum for the development of sporting facilities for the community:-

1. Property description: A 1,1606 hectare portion of Erf 356, Howick, Registration District FT, Province of KwaZulu-Natal.
2. Street Address: Main Street, Howick
3. Extent: Portion approximately 1,1606 hectares in extent.
4. Title Deed: T T3712/1945
5. Applicable conditions:- There are no conditions which would have an adverse effect on the lease of the property.
6. Current Zoning: Private Open Space
7. Improvements:

The improvements which have been disused for some considerable time and are in a very poor state, comprise of the following:-

Two level platforms which were formerly sports fields;

Pavilion/Change room building without roof or windows and which has started to collapse;

Old and overgrown Put-Put course;

Swimming pool in very poor state;

Disused Pumphouse, & ablution/Change room facilities, again with no roof and in very poor state;

Small two cubicle ablution facility adjoining the smaller of the two fields, also without roof and windows.

Written representations in regard to the said lease can be made, within thirty (30) days of the publication of this notice to:-

The Head	Telephonic Enquiries: Mrs R. Saib
Department of Works	Phone: (033) 3555531
Private Bag X9041	Fax: (033) 3555686
Pietermaritzburg	
3200	

No. 3295, 2005

1 December 2005

KWAZULU-NATAL DEPARTMENT OF WORKS

KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)

NOTICE IN TERMS OF SECTION 5 OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)

In terms of section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, **Muziwenkosi Blessed Gwala**, Minister of Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting Erven 359 and 508 to the Umgeni Municipality for a period of 9 years 11 months at a nominal rental of R1000,00 per annum for use as a conservation area:-

1. Property description: Erven 359 and 508, Howick, Registration District FT, Province of KwaZulu-Natal.
2. Street Address: The properties are situated behind the main Umgeni Rehabilitation and Care Facility and gain access through the facility.
3. Extent: Erf 359 6,9254 hectares.
Erf 508 9,9726 hectares
4. Title Deed: Erf 359 T3712/1945
Erf 508 T3630/1957
5. Conditions of Title:- There are no conditions which would have an adverse effect on the lease of the property.
6. Current Zoning: Erven 359 & 508 - Administration (Institutional)
7. Improvements: There are no improvements on Erf 508 whilst Erf 359 has the following improvements:-
A disused Sewerage Treatment works in an extremely dilapidated condition

Written representations in regard to the said lease can be made, within thirty (30) days of the publication of this notice to:-

The Head	Telephonic Enquiries: Mrs R. Saib
Department of Works	Phone: (033) 3555531
Private Bag X9041	Fax: (033) 3555686
Pietermaritzburg	
3200	

No. 3296, 2005

1 December 2005

KWAZULU-NATAL DEPARTMENT OF WORKS

KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT No. 3 OF 2003)

NOTICE IN TERMS OF SECTION 5 OF THE KWAZULU-NATAL LAND ADMINISTRATION ACT, 2003 (ACT NO. 3 OF 2003)

In terms of section 5 of the KwaZulu-Natal Land Administration Act 2003 (Act No. 3 of 2003), I, **Muziwenkosi Blessed Gwala**, Minister of Works of the KwaZulu-Natal Provincial Government hereby give notice that I intend letting the under mentioned Provincial State land for a period of four years to the Department of Public Works for use by the SAPS Equestrian Unit at a nominal rental of R100,00 per annum.

1. Property description: The portion of the Townhill Hospital Complex situated on a portion of the Remainder of Erf 258 Pietermaritzburg known as "The Old Farm", Registration District FT, Province of KwaZulu-Natal.
2. Street Address: Off Hyslop Road, Pietermaritzburg.
3. Extent: The relevant portion is approximately 1,2970 hectares in extent
4. Title Deed: T679/1914
5. Applicable conditions:- There are no conditions which would have an adverse effect on the lease of the property.
6. Current Zoning: Government
7. Improvements:

The improvements comprise of the following:-

 - Workshop, tack room and feed storage;
 - Stables, previously cowsheds;
 - Administration offices and ablutions;
 - Overnight accommodation unit (very dilapidated);
 - Grooms tea lounge (very dilapidated);
 - Ablution block;
 - Storage shed.

Written representations in regard to the said lease can be made, within thirty (30) days of the publication of this notice to:

The Head Department of Works Private Bag X9041 Pietermaritzburg 3200	Telephonic enquiries: Mrs R. Saib Phone: (033) 3555531 Fax: (033) 3555686
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No. 3297, 2005

1 December 2005

DEPARTMENT OF HEALTH

CENTRAL PROVINCIAL STORES

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official ZNQ24 quotation form, which shall be completed in all respects, and All information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes or faxed at the tender's risk.
- (iii) Separate envelopes must be used for each closing date.
- (iv) Quotations must be dropped into the quotation box on the under mentioned address.
- (v) Quotation documents are available from CPS, 200 Mayors Walk, Pietermaritzburg, 3201, Telephone: (033) 3946519, Facsimile: (033) 3428525.
- (vi) The quoting contractors must be registered with provincial database
- (vii) For quotations exceeding R30 000.00 an original ZNT 30 (Application for preference points) forms must Be submitted to Central Provincial Stores, an original Tax Clearance Certificate must also be submitted regardless of the price.
- (viii) To obtain quotation forms, please fax your request to number below. No calls will be taken, except for queries relating to specifications that are not clearly understood) see number by contact person.

SUPPLY:

Quotation number:
Closing date:
Closing time:
Enquires regarding specifications:

Contact person:

4070 Pads, trip Auth. for the use of Govt. Owned M/V

ZNQ 108/2005/6 P

2005-12-15

11:00

Please fax to (033) 3428525, no telephone calls will be Accepted to obtain quotation forms (see top of page- viii).

Mrs R. J. Morris, Telephone: (033) 3946519 -calls will only be taken for queries relating to unclear specifications (see top of page-viii)

SUPPLY:

Quotation number:
Closing date:
Closing time:
Enquiries regarding specifications:

Contact person:

2800 Packets, Forms, Out-Patient Record Continuation Sheet

ZNQ 109/2005/6 P

2005-12-15

11:00

Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms. (See top of page- viii)

Mrs R. J. Morris, Telephone: (033) 3946519-calls will only be taken for queries relating to unclear specifications (see top of page- viii)

- SUPPLY:**
Quotation number: 1800 Packets, forms, nursing history: assessment on admission
Closing date: ZNQ 110/2005/6 P
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (See top of page- viii)
Contact Person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be taken for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 600 Packets, Forms, Surgical Appliance
Closing date: ZNQ 111/2005/6 P
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 2900 Packets, file covers, Department of Health KZN
Closing date: ZNQ 112/2005/6 P
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 4200 Books, requisition for supplies
Closing date: ZNQ 113/2005/6 P
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 1000 Boxes, Disposable medical linen savers, medium
Closing date: ZNQ 621/2005/6
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 2000 Units, body bags, X-Large
Closing date: ZNQ 622/2005/6
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 30 000 Packets, maternity pad with loops, autoclavable
Closing date: ZNQ 623/2005/6
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 500 Units, shirts, white, s/sleeve, small
Closing date: ZNQ 624/2005/6
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 500 Units, shirts, white, s/sleeve, medium
Closing date: ZNQ 625/2005/6
Closing time: 2005-12-15
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)

- SUPPLY:** 500 Units, shirts, white, s/sleeve, large
Quotation number: ZNQ 626/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted For queries relating to unclear specifications (see top of Page-viii)
- SUPPLY:** 1000 Units, shirts, white, s/sleeve, X-Large
Quotation number: ZNQ 627/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 500 Units, shirts, white, s/sleeve, XX-Large
Quotation number: ZNQ 628/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, Trousers, Combat, Navy, Male & Female, 76cm
Quotation number: ZNQ 629/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, trousers, combat, navy, male and female, 81cm
Quotation number: ZNQ 630/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, trousers, combat, navy, male and female, 87 cm
Quotation number: ZNQ 631/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, trousers, combat, navy, male and female, 92 cm
Quotation number: ZNQ 632/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, trousers, combat, navy, male and female, 97 cm
Quotation number: ZNQ 633/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:** 400 Units, trousers, combat, navy, male and female, 102 cm
Quotation number: ZNQ 634/2005/6
Closing date: 2005-12-15
Closing time: 11:00
Enquiries regarding specifications: Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person: Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for

<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>queries relating to unclear specifications (see top of page-viii)</p> <p>150 Units, trousers, combat, navy, male and female, 107 cm ZNQ 635/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>1000 Boxes, caps white mop type, disposable ZNQ 636/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>4500 Units, gown sterile surgical, disposable ZNQ 637/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>5000 Boxes, mask ward procedure ZNQ 638/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>5900 Boxes, Mask Surgical, Theatre Single Use ZNQ 639/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>80 Boxes, lined absorbent disposable sheets, 150 cm x 220 cm ZNQ 640/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>500 Packets, toilet paper, interfolded ZNQ 641/2005/6 2005-12-15 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p> <p>Contact person:</p>	<p>4400 Books, requisition for supplies ZNQ 107/2005/6 P (G) 2005-12-01 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii) Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)</p>
<p>SUPPLY: Quotation number: Closing date: Closing time: Enquiries regarding specifications:</p>	<p>100 Units, patroller jackets with detachable liner, 137 cm ZNQ 585/2005/6 2005-12-01 11:00 Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)</p>

- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 1400 Boxes, caps kitchen staff, disposable
Closing date: ZNQ 587/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 450 Units, blankets woollen (winter sheet), White, 150 cm x 230 cm
Closing date: ZNQ 591/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 1000 Units, dressing gowns, men, pale blue, large
Closing date: ZNQ 592/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 250 Units, patroller jacket with detachable liner, navy, 122 cm
Closing date: ZNQ 593/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 2000 Units, Towels Dressing Stewart Blue, Large
Closing date: ZNQ 594/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 1000 Units, pyjama trousers for adult patients, winter, 102 cm
Closing date: ZNQ 595/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 230 Units, trousers men security, navy, 102 cm
Closing date: ZNQ 596/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 1780 Packets, lined disposable sheet (Draw Sheet), 156 x 100 cm
Closing date: ZNQ 597/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
- SUPPLY:**
Quotation number: 5900 Boxes, mask surgical, theatre single use
Closing date: ZNQ 616/2005/6
Closing time: 2005-12-01
Enquiries regarding specifications: 11:00
Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
- Contact person:** Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for

	queries relating to unclear specifications (see top of page-viii)
SUPPLY:	4500 Units, gown sterile surgical, standard type, disposable
Quotation number:	ZNQ 617/2005/6
Closing date:	2005-12-01
Closing time:	11:00
Enquiries regarding specifications:	Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person:	Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page-viii)
SUPPLY:	5000 Packets, mask ward procedure, disposable
Quotation number:	ZNQ 618/2005/6
Closing date:	2005-12-01
Closing time:	11:00
Enquiries regarding specifications:	Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person:	Mrs R.J. Morris (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of Page- viii)
SUPPLY:	228 Units, trousers men navy security, 112 cm
Quotation number:	ZNQ 619/2005/6
Closing date:	2005-12-01
Closing time:	11:00
Enquiries regarding specifications:	Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person:	Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of page- viii)
SUPPLY:	713 Units, uniform, s/sleeve ancillary staff opal green 122 cm
Quotation number:	ZNQ 620/2005/6
Closing date:	2005-12-01
Closing time:	11:00
Enquiries regarding specifications:	Please fax to (033) 3428525, no telephone calls will be accepted to obtain quotation forms (see top of page-viii)
Contact person:	Mrs R. J. Morris, Telephone: (033) 3946519, calls will only be accepted for queries relating to unclear specifications (see top of Page- viii)

No. 3298, 2005

1 December 2005

DEPARTMENT OF HEALTH

IMBALENHLE COMMUNITY HEALTH CENTRE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotation documents are obtainable at Imbalenhle CHC and must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Imbalenhle Community Health Centre, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health Contracts awarded are subject to appeals being timeously lodged (if any) and a letter of acceptance being issued.
- (vi) Quotation documents are available from Imbalenhle Community Health Centre Thwala Road, Unit 3, Imbali, 3219, Telephone: (033) 398 5013, Fax: (033) 3982600.

SERVICE:	Security Service
Contract period:	3 Months
Quotation number:	ZNQ 1201/05
Closing date:	2005-11-22
Closing time:	11:00
Site inspection date:	2005-12-15
Contact person:	Miss H. B. Maphumulo or Mr F. H. Nkabinde
Enquiries regarding specification:	Mr F. H. Nkabinde, Telephone: (033) 3985013

DEPARTMENT OF HEALTH

LOWER UMFOLOZI DISTRICT WAR MEMORIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU NATAL

- (i) Quotations must be on the official tender form, which shall be completed in all respects.
- (ii) Each quotation must be submitted in a sealed envelope
- (iii) The envelope must be addressed to Lower Umfolozi District War Memorial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letter of acceptance being issued.
- (vi) Quotation documents are available from Lower Umfolozi District War Memorial hospital, Security Division, Union Street Empangeni, Telephone: (035) 9028523, Fax: (035) 7726630.

SUPPLY: Laparoscope disposable dissecting scissors
 Quantity: 10
 Quotation number: ZNQ: 1187/2005/06
 Closing date: 2005-12-20
 Closing Time: 11:00
 Contact Person: S. Naidoo, Telephone: (035) 9028503
 Enquiries regarding specification: S. Naidoo, Telephone: (035) 9028503

SUPPLY: Camera size: 5 mm disposable grabber
 Quantity: 10
 Quotation number: ZNQ: 1188/2005/06
 Closing date: 2005-12-20
 Closing time: 11:00
 Contact person: S. Naidoo, Telephone: (035) 9028503
 Enquiries regarding specification: S. Naidoo, Telephone: (035) 9028503

SUPPLY: Camera size: 5 mm disposable trocar cannula
 Quantity: 10
 Quotation number: ZNQ: 1189/2005/06
 Closing date: 2005-12-20
 Closing time: 11:00
 Contact person: S. Naidoo, Telephone: (035) 9028503
 Enquiries regarding specification: S. Naidoo, Telephone: (035) 9028503

SUPPLY: Laparoscope disposable dissector curved
 Quantity: 10
 Quotation number: ZNQ: 1190/2005/06
 Closing date: 2005-12-20
 Closing time: 11:00
 Contact person: S. Naidoo, Telephone: (035) 9028503
 Enquiries regarding specification: S. Naidoo, Telephone: (035) 9028503

SUPPLY: Team Building Session for 45 Supervisors
 The sessions must be done in a one day workshop in the Empangeni, Richards Bay, Mtunzini, or St. Lucia areas Certificates of participation must be issued. Workshop fee must include the venue, instructor' costs, catering costs and consumables for the workshop
 Details of activities must be specified as well.
 Quotation number: ZNQ: 1191/2005/06
 Closing date: 2005-12-20
 Closing time: 11:00
 Contact person: S. Naidoo, Telephone : (035) 9028503
 Enquiries regarding specification: Mrs Moonsamy, Telephone: (035) 9028594

Award of quotations

SUPPLY: Non sterile latex examination gloves long cuff ambidextrous
 Quotation number: ZNQ 1059/2005/06
 Contractor: Endomed

SUPPLY: Gloves powder free double gloving system size: 71/2
 Quotation number: ZNQ 1111/2005/06
 Contractor: Manta Medical

SUPPLY: Gloves powder free double gloving system size:7
 Quotation number: ZNQ 1113/2005/06
 Contractor: Manta Medical

SUPPLY: Gloves powder free double gloving system size:8

Quotation number:	ZNQ 1112/2005/06
Contractor:	Manta Medical
SUPPLY:	Vented /unvented infusion set 20 drops 2 smart size needle less
Quotation number:	ZNQ 1062/2005/06
Contractor:	Brittan Healthcare
SUPPLY:	Disposable sterile surgical latex glove size: 71/2
Quotation number:	ZNQ 1061/2005/06
Contractor:	B&L Steripack
SUPPLY:	Hydro polymer adhesive dressing 8 x 20cm
Quotation number:	ZNQ 1057/2005/06
Contractor:	Johnson & Johnson
SUPPLY:	Disposable sterile surgical latex gloves size: 61/2
Quotation number:	ZNQ 1060/2005/06
Contractor:	Cassene Agencies

No. 3300, 2005

1 December 2005

DEPARTMENT OF HEALTH**ST MARY'S KWAMAGWAZA HOSPITAL****Award of quotations**

SERVICE:	Renovations to physio and mobile Department
Quotation number:	ZNQ 328/05/6
Contractor:	Ukwanda Construction
SERVICE:	Cleaning of vinyl sheeting
Quotation number:	ZNQ 327/05/6
Contractor:	Isibambiso Trading Enterprises

Non-acceptance of quotations

SERVICE:	Renovations to mortuary and generator room
Quotation number:	ZNQ 329/05/6

IZAZISO ZIKAMASIPALA — MUNICIPAL NOTICES — MUNISIPALE KENNISGEWINGS**No. 56, 2005**

1 kuZibandlela 2005

UMKHANDLU weNdawo kaMasipala waseMthonjaneni wenze ngokuhambisana nesigaba 156 soMthethosisekelo, 1996 (uMthetho Nombolo 108 ka1996), ufundwe maqondana nesigaba 11 no 96 soHulumeni baseKhaya: uMthetho wokuSebenza koMasipala, 2000, (uMthetho Nombolo 32 ka 2000), le Mithethodolobha elandelayo:

UMASIPALA WENDAWO YASEMTHONJANENI

IMITHETHODOLOBHA ENGAPHELELE EHLOBENE NOKUGCINWA KWEZILWANE, IZINYONI KANYE NEZINKUKHU KANYE NAMABHIZINISI AHLANGANISE UKUGCINWA KWEZILWANE, IZINYONI, IZINKUKHU NOMA IZILWANE EZINGABANGANI

**INKOMBA
ISAHLUKO I
OKUJWAYELEKILE**

ISigaba

1. Izincazelo
2. Ukusetshenziswa kweMithethodolobha
3. Izindawo zokugcinwa kwemfuyo kanye nezindlu zezinja
4. Ukugcinwa kwezilwane, izinkukhu kanye nezinyoni
5. Izimvume zokugcinwa kwezilwane kanye nezinkukhu

**ISAHLUKO II
UKUGCINWA KWEZINKOMO, AMAHASHI, IMINYUZI KANYE NEZIMBONGOLO**

6. Izidingo ngezakhiwo
7. Imisebenzi yomgcinizinkomo, amahashi, iminyuzi kanye nezimbongolo

**ISAHLUKO III
UKUGCINWA KWEZINGULUBE**

8. Izidingo ngezakhiwo
9. Imisebenzi yomgcinizingulube

**ISAHLUKO IV
UKUGCINWA KWEZIMBUZI NEZIMVU**

10. Izidingo ngezakhiwo
11. Imisebenzi yomgcinizimbuzi kanye nezimvu

**ISAHLUKO V
UKUGCINWA KWEZINKUKHU**

12. Izidingo ngezakhiwo
13. Imisebenzi yomgcinizinkukhu

**ISAHLUKO VI
UKUGCINWA KONOGWAJA**

14. Izidingo ngezakhiwo
15. Imisebenzi yomgcini wonogwaja

**ISAHLUKO VII
UKUGCINWA KWEZINYONI**

16. Izidingo ngezakhiwo
17. Imisebenzi yomgcinizinyoni

UMTHENGISI WEMFUYO KANYE NAMANYE AMABHIZINISI AXUBE NOKUGCINWA KWEZILWANE NOMA IZINKUKHU

18. Izidingo zokuqhuba ibhizinisi

**ISAHLUKO IX
IZINDLU ZEZINJA KANYE NEZAMAKATI**

19. Izidingo ngezakhiwo
20. Imisebenzi yomuntu ophethe endaweni yezindlu zezinja kanye nezamakati

**ISAHLUKO X
IZITOLU ZEZILWANE EZINGABANGANI KANYE NEZOKUKHANGISA NGAZO**

21. Izidingo ngezakhiwo
22. Imisebenzi ngomhwebi

**ISAHLUKO XI
UKUHAMBA UTHENGISA NGEZINKUKHU KANYE NONOGWAJA**

23. Izidingo ngokuhamba uthengisa
24. Imisebenzi yomthengisi ohambayo

**ISIAHLUKO XII
OKUYINHLANGANISELA**

25. Ukumunceka
26. Ukukhishwa kwamanzi ngompompi
27. Inkathazo
28. Izifo ezimantaniwa nezilwane
29. Ukuhlolwa
30. Amacala kanye nezijeziso
31. Ukuchithwa
32. Isicelo

UHLELO 1: IMVUME**UHLELO 2: ISICELO SEMVUME**

**ISIAHLUKO I
OKUJWAYELEKILE**

1. IZINCAZELO

- (1) Kule Mithethodolobha, ngaphandle uma okuqukethwe kuchaza ngenye indlela —

“**okulingene**” kusho okulingene ngokombono woMkhandlu;

“**isilwane**” sisho noma iyiphi inkomo, izimvu, izimbuzi, ihashi, umnyuzi, imbongolo, ingulube onogwaja, ikati kanye nenja;

“**okuvunyelwe**” kusho okuvunyelwe yiSikhulu sezeMpilo nokubhekelelwa pkuphusile kwezimpilo zomphakathi ngendlela edingekile ngokwalesosimo;

“**indlu yokufuyela izinyoni**” kusho indawo evalekile enophahla noma engenalo esetshenziselwa ukugcina izinyoni, ngaphandle kwekheshieliphathekayo;

“**uhlobo lwebhethri**” kuchaza indlela yokugcina izinkukhu noma onogwaja emakheshini awumugqa owodwa noma imigqa ekhwelene ngaphakathi kwesakhiwo noma uhlaka;

“**inyoni**” kusho isilwane esinezimpaphe nomhlonzo ngaphandle kwenkukhu;

“**indlu yekati**” kusho isakhiwo lesi noma lapho kunezindawo zokuhlala amakati ezihlinzekiwe noma lapho amakati egcinwa futhi azalaniswe ngenhloso yokudayisa;

“**uMkhandlu**” kusho uMasipala weNdawo yaseMthonjaneni nalabo abangena emva kwawo ngokomthetho, futhi kufake noMkhandlu walowo Masipala noma iKomidi eliKhulu noma imuphi omunye umzimba osebenza ngenxa yanoma imaphi amandla onikwe wona ngokumayelana nomthetho, ngokunjalo nanoma isiphi isikhulu lesi iKomidi eliKhulu lisinike noma imaphi amandla kanye nemisebenzi ngokumaqondana naleMithethodolobha;

“**umuzi**” kusho noma isiphi isakhiwo noma ingxenye yaso esetshenziswaukhlala abantu;

“**indawo ebiyelweyo**” mayelana nezilwane, kusho noma isiphi isibaya, isibayana, inkambu noma enye indawo ebiyelwe noma evaliwe esetshenziselwa ukuhlalisa, ukugcina noma ukuvocavoca izilwane;

“**iSikhulu sezeMpilo**” kusho isikhulu esisebenza ngamakhambi empilo esiqokwe ngokuhambisana nesigaba 22 no 25 woMthetho wezeMpilo, 1977 (uMthetho Nombolo 63 ka 1977), futhi kufake nomhloli wezempilo oqokwe abaphathimthetho bendawo ngokuhambisana nesigaba 24 salowo Mthetho;

“**indlu yenja**” kusho isakhiwo lesi noma lapho —

(a) kuhlinzekwe izinto zokuhlala izinja;

(b) kuzalaniswa izinja ngenhloso yokudayisa; noma

(c) kugcinwa khona izinja ngenhloso yokuziqeqesha noma ukuziqashisa zinomphathi noma zingenaye;

“**imfuyo**” isho amahashi, izinkomo, izimvu, izimbuzi, izingulube, iminyuzi, izimbongolo kanye nezinkukhu;

“**inkathazo**” isho inkathazo njengoba ichazwe kuMthetho wezeMpilo, 1977 (uMthetho Nombolo 63 ka 1977) nanoma iluphi uguquko lwawo;

“**umphathimvume**” usho umuntu lowo onikwe imvume iSikhulu sezeMpilo ngokumayelana nale Mithethodolobha;

“**umuntu ophethe**” kusho lowo muntu ophethe noma obheke ukusetshenziswa kwesakhiwo noma ibhizinisi;

“**isilwane esingumngani**” kusho noma isiphi isilwane sasekhaya noma esinye isilwane esingagcinwa ngokusemthethweni njengesilwane esingumngane futhi kufake nanoma iyiphi inyoni noma isilwane esihquzela phansi esingenashevu;

“**indawo yokuhlaba kwesilwane**” kusho noma isiphi isakhiwo lapho ukulungisa ngokuhlaba kwenziwa ezinjini noma emakadini ngokugezwa, zonyiswe, zikanywe, zigundwe, zincwele noma ngokulungiswa kwezinziphu namazinyo;

“**isitolo sezilwane**” kusho ibhizinisi yokugcina noma ukudayiswa kwezilwane ezingabangani esakhiweni;

“**isibaya sezingulube**” kusho isakhiwo, uhlaka noma indawo evalekile lapho izingulube zigcinwa khona;

“**izinkukhu**” kusho izinkukhu, amadada, amakewu, amahansi, amakalikuni, amajuba, amapigogo kanye nezimpangele zasekhaya;

“**indlu yezinkukhu**” kusho noma isiphi isakhiwo noma uhlaka, ngaphandle kwalolu oluhambayo noma olusenzisa ibhethri, lapho kugcinwa khona izinkukhu;

“**ihoko lezinkukhu**” lisho indawo eyakhiwe ngocingo engafulelwe noma enye indawo ebiyelwe, noma ngabe iyisona noma ayisona isengezo endlini yezinkukhu, lapho kugcinwa khona izinkukhu;

“**indawo**” kusho noma imuphi umhlaba, isakhiwo noma uhlaka lolu noma lapho yonke imisebenzi eyonganyelwe yileMithethodolobha yenziwa khona;

“**indawo yomphakathi**” kusho noma imuphi umgwaqo, isitaladi, unqenqema lomgwaqo, indlela yabezinyawo, ipaki noma iyiphi enye indawo lapho umphakathi ungunya futhi nengandekideki intuba;

“**ibhokisi lonogwaja**” kusho noma isiphi isakhiwo esifulelwe noma uhlaka, ngaphandle kwale esebenzisa ibhethri, lapho kugcinwa khona onogwaja;

“**isilugu sonogwaja**” kusho noma iyiphi indawo eyakhiwe ngocingo futhi engafulelwe noma iyiphi enye indawo ebiyelwe, noma iyisengezo noma ayisona kwibhokisi lonogwaja, lapho onogwaja begcinwa khona;

“**isitebele**” sisho noma isiphi isakhiwo noma uhlaka noma ingxenye yalezi zinto ezisetshenziselwa ukuhlala noma ukugcinwa kwezinkomo, amahashi, iminyuzi noma izimbongolo;

- (2) Amagama asetshenziswa kunoma imuphi umuntu ayofaka lowo muntu, izinkampani, noma okopeletsheni, kanye nobulili besilisa buyobandakanya nobesifazane kanjalo nobesilisa, kanti ubunye buyobandakanya nobuningi ngokuguquguquka.

2. UKUSETSHENZISWA KWEMITHETHODOLOBHA

- (1) Izinhlinzeko zaleMithethodolobha ngeke zisebenze —
- ekugcinweni kwezinkomo ezisetshenziselwa ukukhiqiza ubisi lokudayisa;
 - ekwenzeni noma imuphi umbukiso wezolimo lapho izilwane, izinkukhu noma izinyoni zigcinwe khona okwesikhashana;
 - kwenza noma imuphi umsebenzi wendlu ethaka imithi lapho izilwane, izinkukhu noma izinyoni zigcinwa khona ngezinhloso zocwaningo;

Kuphela nje lapho iSikhulu sezeMpilo sizo, uma sigculisekile ukuthi ukusetshenziswa kweyodwa noma eziningi izinhlinzeko zale Mithethodolobha zibalulekile ngokuhambisana nempilo yomphakathi, ngesaziso kulowo muntu mumbé idinga lesi sizenzeko ukuthi kuvunyelwane naso.

- (2) Izinhlinzeko zezigaba 4, 5, 10 kanye no 11 ngeke zisebenze ekugcinweni kwesikhashana kwezimbuzi kunoma imuphi umhlaba ngokwendlela yobisi ngokwesizathu sokwelapha: Inqobo nje uma isigunyazo esibalulekile seSikhulu sezeMpilo sitholakele futhi kungekho nkathazo eqhamukayo mayelana nokugcinwa kwalezo zimbuzi.
- (3) Izinhlinzeko zezigaba 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 kanye no 21 ziyosebenza kuphela kwindawo ezisandokwakhiwa, ezivuselelwenoma eziguquliwe emva kokusebenza kwale Mithethodolobha: Kuphela nje uma iSikhulu kwezeMpilo singa, uma sigculisekile ukuthi ukusetshenziswa kwesisodwa noma eziningi zalezizidingo ezibaluliwe zibalulekile futhi zingaphikisani nempilo yomphakathi, sinikeze isaziso esibhaliwe kumnikazi noma kumuntu obheke ukusebenza kwalezo zakhiwo, ukuvumelana nalezo zakhiwo njengoba kungabalulwa futhi ngaphakathi kwesikhathiesidalulwe kwisaziso.

3. INDAWO YOKUGCINWA KWEMFUYO KANYE NEZINDLU ZEZINJA

- (1) Akukho muntu —
- oyogcina noma iyiphi imfuyo, ngaphandle kwezinkukhu, noma agcine izindlu zezinja phakathi kwanoma iyiphi indawo echazwe uMkhandlu njengendawo engafanele ukugcina imfuyo kanye nokugcinwa kwezindlu zezinja: Kuphela nje ukuthi lokhu osekushiwo ngeke kusebenze maqondana nemitholampilo yezilwane noma izibhedlela zezilwane okusebenza ngemvume yoMkhandlu.
 - oyogcina noma iyiphi imfuyo, ngaphandle kwezinkukhu, endaweni etholakala emhlabeni ongaphansi kwenkundla yezemidlalo ngobukhulu: Kuphela nje uma esimweni somhwebi noma umlinganisi wezemfuyo ethola ukuthi indawo ayikho ngaphansi kwezinkundla zemidlalo ezimbili nosigamu ngobukhulu.

4. UKUGCINWA KWEZILWANE, IZINKUKHU KANYE NEZINYONI

- (1) Akekho umuntu oyogcina noma isiphi isilwane, izinkukhu noma izinyoni lezo noma lapho kunoma iyiphi indawo —
- engavumelani nezinhlinzeko zale Mithethodolobha;
 - eyakhiwe ngendlela yokuthi, yagcinwa noma yakhiwa ukuthi ukugcinwa kwezilwane, izinkukhu noma izinyoni kungenziwa khona, ngokombono weSikhulu sezeMpilo, kunamathuba okudala inkathaza noma ukuhlukumezeka kwempilo.

5. IZIMVUME ZOKUGCINWA KWEZILWANE KANYE NEZINKUKHU

- (1) Akukho muntu —
- oyogcina noma isiphi isilwane, ngaphandle kwekati,inja noma ngaphezulu konogwaja abayishumi noma izinkukhu ezingaphezu kwamashumi amabili, ngaphandle kwalapho enayo imvume ayinikwe iSikhulu sezeMpilo encwadini egunyaziwe kuHlelo 1 kuze kube manje: Kuphela nje uma leyomvume ingeke idingeke ukuze kugcinwe noma iziphi izilwane noma izinkukhu ngokumaqondana nebhizinisi lesitolo sezilwane ezingabangani;
 - oyogcina noma isiphi isilwane noma izinkukhu ezingaphezulukwesibalo esibekiwe kuleyomvume: Kuphela nje uma amachwane anoma isiphi isilwane esancela, ngeke lokho kubalwe.
- (2) Isicelo saleyomvume siyokwenziwa esiKhulwini sezeMpilo encwadini egunyaziwe ngokoHlelo 2 kuze kufika manje.
- (3) Imvume ngeke ize idluliselwe komunye umuntu noma into kanti futhi iyophela ngalolosuku umninimvume eyeka ukugcina izilwane noma izinkukhu lezozinto ezamenza wanikwa imvume.
- (4) Umninimvume uyobhala isaziso asihambise kwiSikhulu sezeMpilo uma eseyeka ukugcina izilwane noma izinkukhu lezo ayezinikezelwe imvume noma eyayigunyazi ukwandiswa kwesibalo sezilwanenoma izinkukhu ezazigcinwe ngokweqile esambeni esasibaluliwe esivumelwani lesi, zingakapheli izinsuku eziyishumi eyekile.
- (5) UMkhandlu ungacisha imvume enikeziwe ngokwesigatshana (1)(a), uma —
- ukwakiwa noma ukugcinwa kwendawo leyo noma ingasiphi isikhathi ingavumelani nanoma isiphi isihlinzeko sale Mithethodolobha, noma umninimvume ephula, noma ehluleka ukuvumelana nanoma isiphi isihlinzeko, futhi uma umninimvume ehluleka ukuvumelana nesaziso esibhaliwe esiphuma kwiSikhulu sezeMpilo esidinga ukuba enze leyondawo ivumelane neMithethodolobha noma ayeke ukwephula noma ukwehluka ngaphakathi kwesikhathi esibaluliwe kuleso saziso;
 - noma isiphi isifo, lesi embonweni weSikhulu sezeMpilo noma owelapha izilwane, sibukeka sisesimweni esingadala ingoziempilweni yomphakathi noma kwezinye izilwane noma izinkukhu, iphuma emshungwini wezilwane noma izinkukhu ezigcinwe ngaphansi kwaleyo mvume;
 - umninimvume noma umuntu ophethe ukusebenza kwendawo ngaleso sikhathi, yena uqobo lwakhe noma ngesisebenzi sakheuma bevimba ukusebenza kweSikhulu sezeMpilo ngaphansi kwale Mithethodolobha;
 - umninimvume etholwa enecala enkantolo enobuciko kwezokwepulwa kwale Mithethodolobha;
 - embonweni weSikhulu sezeMpilo, kunenkathazo emphakathini ngenxa yokugcinwa kwezilwane.
- (6) ISikhulu sezeMpilo siyothi emva kokucishwa kwemvume, sazise umgcinimvume ngalesosimo ngokubhala phansi.
- (7) ISikhulu sezeMpilo singa, ngokuhambisana nokusebenza kwalezi zinhlinzeko zalesisigaba, sinikeze imvume entsha uma sigculisekile ukuthi isizathu sokucishwa sesidlulile noma singasiboni isizathu sokunganikezwa imvume entsha.

ISIAHLUKO II

UKUGCINWA KWEZINKOMO, AMAHASHI, IMINYUZI KANYE NEZIMBONGOLO

6. IZIDINGO NGEZAKHIWO

- (1) Ukugcinwa kwanoma iziphi izinkomo, amahashi, iminyuzi kanye nezimbongolo isitebela noma indawo evalekile ngokuvumelana nezidingo ezilandelayo kuyohlinzekwa —

- (a) lonke udonga noma ukudatshulwa kwesitebela kuyokwakhiwa ngesitini, itshe, ukhonkolo noma ezinye izinto ezihlala isikhathi eside.

7. IMISEBENZI YOMGCINIZINKOMO, AMAHASHI, IMINYUZI KANYE NEZIMBONGOLO

- (1) Wonke umuntu ogcine izinkomo, amahashi, iminyuzi kanye nezimbongolo —
- uyoqinisekisa ukuthi noma isiphi esalezo zilwane sigcinwe ngaphakathi kwesitebela noma indawo evalekileyo;
 - uyogcina leyo ndawo, noma yini yokusebenza, izinto zokulekelela izinto zokuphatha kanye nezitsha ezisetshenziswayo ngokumayelana nalokugcinwa zihlanzekile futhi zivumelana nemithetho yempilo futhi zilungiswe kahle;
 - thatha izinyathelo ezinqala ukuvikela ukuthwalwa noma ukuzalaniswa, futhi nokubulawa kwezimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana.

ISIAHLUKO III

UKUGCINWA KWEZINGULUBE

8. IZIDINGO NGEZAKHIWO

- (1) Mayelana nokugcinwa kwezingulube, isibaya sezingulube esivumelana nalezi zidingo ezilandelayo siyohlinzekwa —
- zonke izindonga ziyokwakhiwa ngesitini, amatshe, ukhonkolo noma ezinye izinto ezingagugi masishane zingabi ngaphansi kwemitha nohafu ubude futhi siyogandwa kahle ngaphakathi;
 - isibaya siyolungiswa phansi ukuba okungenani sisithwe ngamamitha amathathu ngokwengulube ngayinye ehlaliswa lapho, okuthisonke ubuncane bendawo yaphansi bube asithwe ngamamitha ayisithupha.

9. IMISEBENZI YOMGCINIZINGULUBE

- (1) Wonke umuntu ogcina izingulube —
- uyoqinisekisa ukuthi noma iyiphi ingulube igcinwe esibayeni;
 - uyogcina indawo futhi nanoma iyiphi into yokusebenza, izinto zokwelekelela, izinto zokuphatha kanye nezitsha ezisetshenziswayo maqondana nalokho kugcinwa, kusesimweni esihlanzekile futhi esigculisayo ngokwezempilo futhi zibe zilungiswe kahle;
 - uyothatha izinyathelo ezinqala zokuvikela ukungenisa noma azalanise, futhi ebulala izimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana.

ISIAHLUKO IV

UKUGCINWA KWEZIMBUZI KANYE NEZIMVU

10. IZIDINGO NGEZAKHIWO

- (1) Mayelana nokugcinwa kwezimbuzi noma izimvu, indawo evumelana nalezi zidingo ezilandelayo iyohlinzekwa —
- indawo evalekile enendawo okungenani eyiskwe mitha esisodwa kanye nohafu yaleyo naleyo mbuzi noma imvu ukuhlaliswa khona kanti ubuncane bendawo yaphansi kusona sonke kuyoba amaskwe mitha angamashumi amathathu.

11. IMISEBENZI YOMGCINIZIMBUZI KANYE NEZIMVU

- (1) Wonke umuntu ogcine noma iyiphi imbuzi noma imvu —
- uyoqinisekisa ukuthi zonke lezo zilwane zigcinwe endaweni evalekile, isakhiwo noma ishede;
 - uyogcina indawo kanye nanoma iyiphi into yokusebenza, izintozokwelekelela, izinto zokuphatha kanye nezitshaezisetshenziswayo maqondana nalokho kugcinwa, kusesimweni esihlanzekile futhi esigculisayo ngokwezempilo futhi zibe zilungiswe kahle;
 - uyothatha izinyathelo ezinqala zokuvikela ukungenisa noma ukuzalanisa, futhi nokubulala izimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana.

ISIAHLUKO V

UKUGCINWA KWEZINKUKHU

12. IZIDINGO NGEZAKHIWO

- (1) Maqondana nokugcinwa kwezinkukhu, indawo evumelanayo nalezi zidingo ezilandelayo iyohlinzekwa —
- ngendlu yezinkukhu evumelanayo nalezidingo ezilandelayo —
 - zonke izindonga zayo mazakhiwe ngesitini, itshe, ukhonkolo noma ezinye izinto ezingasheshi ukuguga futhi ingaphakathi layo liyosindwa kahle;
 - phansi iyokwakhiwa ngokhonkolo noma enye into engasheshi ukuguga futhi kube nento engagqobhozeki lokhu okugandwe kahle.

13. IMISEBENZI YOMGCINIZINKUKHU

- (1) Wonke umuntu ogcina izinkukhu —
- uyoqinisekisa ukuthi zonke izinkukhu zigcinwe ngaphakathi endlini yezinkukhu, ehokweni noma kwisakhiwo noma uhlaka olusebenzisa ibhethri;
 - uyogcina indawo kanye nanoma iyiphi into yokusebenza, izinto zokwelekelela, izinto zokuphatha kanye nezitsha ezisetshenziswayo maqondana nalokho kugcina kuhlanzekile, kusesimweni esihle ngezempilo futhi kulungiswe kahle;
 - uyogcina indawo ingenawo amaphunga amambi futhi zonke izindlu zezinkukhu, amahoko noma izakhiwo noma izinhlaka ezisebenzisa ibhethri kanye nawo wonke amakheshi ehlanzekile futhi engenakungenwa izilwanyakazana;
 - qinisekisa ukuthi lezo nkukhu aziphazamisi noma azibambazeli intokomalo, azixhaphazi, uxolo noma ukuthula komphakathi;
 - thatha izinyathelo ezinqala ukuvikela ukwedlulisa noma ukuzalaniswa, kanye nokubulawa kwezimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana kanye nokuvikela ukusabalala kwephunga elibi eliqhamuka ekugcinweni kwezinkukhu kuleyo ndawo.

ISIAHLUKO VI

UKUGCINWA KONOGWAJA

14. IZIDINGO NGEZAKHIWO

- (1) Mayelana nokugcinwa kwendawo yonogwaja evumelanayo nalezi zidingo ezilandelayo kuyohlinzekwa —
- ngesilugu sonogwaja esivumelanayo nalezi zidingo ezilandelayo —
 - zonke izindonga zaso ziyokwakhiwa ngesitini, itshe, ukhonkolo noma iyiphi into engasheshi ukuguga futhi siyosindwa kahle ngaphakathi.

15. IMISEBENZI YOMGCINI WONOGWAJA

- (1) Wonke umuntu ogcine onogwaja —
 - (a) uyoqinisekisa ukuthi bonke onogwaja bagcinwe ngaphakathi kwesilugu, ihoko lonogwaja noma isakhiwo noma uhlaka olusebenza ngebhethri;
 - (b) uyogcina indawo futhi nanoma iyiphi into yokusebenza, into yokulekelela, into yokuphatha kanye nesikhongozelo esisetshenziswa ngokumaqondana nalokho kugcinwa kuhlanzekile, futhi kusesimweni sempilo futhi kulungisiwe;
 - (c) uyogcina indawo ingenawo amaphunga amabi kanye nazo izilugu zonogwaja, ihoko lonogwaja noma isakhiwo noma uhlakaolusebenzisa ibhethri nawo wonke amakheshi ehlanzekilefuthi kungeke kuhlaselwe izilwanyakazana;
 - (d) uyothatha izinyathelo ezingqala ukuvikela ukudluliswa kanye nokuzalaniswa kanye nokubulawa kwezimpukane, amakokoloshe, amagundane kanye nezilwanyakazana kanye nokuvikela amaphunga amabi aqhamuka ekugcinweni konogwaja endaweni.

ISAHLUKO VII**UKUGCINWA KWEZINYONI****16. IZIDINGO NGEZAKHIWO**

- (1) Mayelana nokugcinwa kwezinyoni endlini yazo, indawo evumelana nalezi zidingo ezilandelayo iyohlinzekwa —
 - (a) indlu yezinyoni iyokwakhiwa kahle ngezinto ezingasheshi ukuguga, engangenwa amagundane yase yenziwa yanendawo yokungena eyanele ngenhloso yokuyihlanza.

17. IMISEBENZI YOMGCINIZINYONI

- (1) Wonke umuntu ogcine izinyoni endlini yazo —
 - (a) uyoqinisekisa ukuthi indlu yezinyoni kanye nendawo zigcinwe zisesimweni esihlanzekile futhi engeke ihlaselwe izilwanyakazana;
 - (b) thatha izinyathelo ezingqala ukuvikela ukudluliswa kanye nokuzalaniswa kanye nokubulala izimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana;
 - (c) qinisekisa ukuthi izinyoni aziphazamisi noma azibambezi intokomalo, akuxhaphazi, uxolo noma ukuthula komphakathi.

ISAHLUKO VIII**UMTHENGISI WEMFYUO KANYE NAMANYE AMABHIZINISI AXUBE NOKUGCINWA KWEZILWANE NOMA IZINKUKHU****18. IZIDINGO ZOKUQHUBA IBHIZINISI**

- (1) Wonke umuntu oqhuba ibhizinisi lomhwebi noma umlinganisi wemfuyo noma enye ibhizinisi exube ukugcinwa kwezilwane noma izinkukhu, ngaphandle kwesitolo sezilwane, uyovumelana nezidingo zesigatshana (2);
- (2) Maqondana nezinhlinzeko zesigaba 31, izidingo zesigaba 2 kuya ku 15 zihlangene kuyovunyelwana nazo kuze kube lezozinhlinzeko zisetshenziswe ezilwaneni noma izinkukhu ezigciniwe.

ISAHLUKO IX**IZINDLU ZEZINJA KANYE NEZAMAKATI****19. IZIDINGO NGEZAKHIWO**

- (1) Akekho umuntu oyogcina izindlu zezinja noma ezamakati, ngaphandle lapho izidingo zesigatshana (2), esihlangene kuvunyelwene naso.
- (2) Zonke izinja noma amakati ziyogcinwa endaweni evalelekile ngokuvumelana nalesidingo esilandelayo —
 - (a) iyokwakhiwa ngezinto ezingasheshi ukuguga futhi iyoba nendawo yokungena eyanele ngenhloso yokuyihlanza.

20. IMISEBENZI YOMUNTU OPHEHE IZINDLU ZEZINJA KANYE NEZAMAKATI

- (1) Wonke umuntu ophethe izindlu zezinja noma ezamakati —
 - (a) uyogcina indawo, izinto zokusebenza, izinto zokulekelela kanye nazo zonke izitsha, izikhongozelo noma izinto zokuphatha nezingqembe zokulala ezisetshenziswayo ngokumayelana nezindlu zezinja noma zamakati zihlanzekile, zisesimweni sempilo futhi zilungiswe kahle,
 - (b) uyogcina noma iyiphiinja egulayo noma ikati endaweni esengxenyengokudingekile mayelana nesigaba 19(10);
 - (c) uyoqinisekisa ukuthi izinja kanye namakati ezigcinwe endaweni aziphazamisi noma zibambezele intokomalo, azixhaphazi, uxolo noma ukuthula komphakathi.

ISAHLUKO X**ISITOLO SEZILWANE EZINGABANGANI KANYE NEZINDAWO ZOKUKHANGISA NGAZO****21. IZIDINGO NGEZAKHIWO**

- (1) Akekho umuntu oyoqhuba ibhizinisi lesitolo sezilwane noma indawo yokukhangisa ngezilwane lapho noma kunoma iyiphi indawo —
 - (a) lapho kunendawo yokungena eqonde ngqo kwingaphakathi lendlu noma lendawo esetshenziselwa ukuhlala abantu nomalapho kugcinwe khona izingubo noma zidayisa noma lapho ukudla okuzodliwa abantu kulungiswa khona, kugciniwe, kundayisa noma kudliwa;

22. IMISEBENZI YOMHWEBI

- (1) Wonke umuntu owenza ibhizinisi yesitolo sezinja —
 - (a) uyohlinzeka ngamakheshi okuhlalisa izilwane, izinkukhu noma izinyoni, futhi izidingo ezilandelayo kuyovunyelwana nazo —
 - (i) amakheshi ayokwakhiwa ngothayela ngokuphelele noma ezinye izinto ezingasheshi ziguge nezingaqobhoki futhi ziyofakwa uthayela oyisithebe esisukayo ngaphansi kwalapho kuma khona isilwane ukwenzela ukuyihlanza.
 - (b) uyogcina indawo nawo wonke amakheshi, isithebe, into yokuphatha, isikhongozelo, ubhasikidi nazo zonke izinto zokulekelela, izinto zokusebenza kanye nezinye izinsiza ezisetshenziswayo mayelana nesitolo sezilwane, kuhlanzekile, kusesimweni sempilo, kukhululekile kwizilwanyakazana futhi kulungiswe kahle;
 - (c) uyothatha izinyathelo ezingqala ukuvikela ukudluliswa noma ukuzalaniswa kanye nokubulawa kwezimpukane, amakokoloshe, amagundane kanye nezinye izilwanyakazana kanye nokuvikelwa kokubhehetheka kwamaphunga amabi aqhamuka ekugcinweni kwezilwane ezingabangani endaweni.

ISAHLUKO XI**UKUHAMBA UTHENGISA NGEZINKUKHU KANYE NONOGWAJA****23. IZIDINGO NGOKUHAMBA UTHENGISA**

- (1) Akekho umuntu oyohamba edayisa izinkukhu noma onogwaja, ngaphandle uma izidingo ezilandelayo kuvunyelwana nazo —
- (a) ibhizinisi lomuntu ohamba edayisa liyokwenziwa endaweni lapho izinkukhu noma onogwaja beyogcinwa ngokuvumelana nezinhlinzeko zeZahluko V kanye no VI kanye nezinto zokulungiselela iyohlinzekwa ukuze izimoto zikwazi ukupaka ze zidayise emva kokushaya kwesikhathi somsebenzi.

24. IMISEBENZI YOMHWEBI

- (1) Wonke umuntu ohamba edayisa izinkukhu noma onogwaja —
- (a) uyogezisa futhi ahlanzise leyondawo yemoto lapho izinkukhu noma onogwaja kuthuthwa khona kanye nawo wonke amakheshi, amakesi kanye nezithebe ezisetshenziswa emotweni, ekupheleni kohwebo losuku;
- (b) uyosusa kunoma iliphi ikheshi noma ikesi elisemotweni noma iziphi izinkukhu noma onogwaja ababukeka begula bese ebeka lezo zinkukhu noma onogwaja ekheshini elisengxenywe;
- (c) uyogcina indawo, isithuthi nawo wonke amakheshi, amakesi, izithebe, izitsha, izinto zokuphatha kanye nesikhongozelo esisetshenziswayo ngokumayelana nalokho kuhamba udayisa kuhlanzekile futhi kusesimweni sempilo, kukhululekile ezilwanyakazeni futhi kube kulungiswe kahle;
- (d) uyogcina konke ukudla kwizikhongozelo ezingangwena amagundane.

ISAHLUKO XII**OKUYINHLANGANISELA****25. UKUMUNCEKA**

Bonke osinki, obheseni bokuwasha kanye nabezandla, obhavu, obhavu bezisefo, isangxoko, indawo ephansi, kuhlanganise nezintuba kanye nezindawo zokuwasha, okudingakala ukuba kumuncwe ngokumayelana nale Mithethodolobha, kuyomuncelwa odongeni olungaphandle, oluxhumene nesitamukoko soMkhandlu noma lapho isitamukoko singekho khona noma esesisebenzisekayo, ukuya kwezinye izinto zokumunca ezigunyazwe uMkhandlu.

26. UKUKHISHWA KWAMANZI NGOMPOMPI

Ompompi ezindaweni zonke eziletha amanzi ngokudingekile mayelana nale Mithethodolobha, ngaphandle kwalezo ezingaphakathi kwisakhiwo noma kwizinhlaka zaphansi ezilungiswe ngomshini futhi ezimuncakayo, ziyobekwa ngendlela ezokwenza ukuba zikhipele ngqo ngaphezulu futhi phakathi kwendawo eyindishi ngaphezulu exhunyiwe odongeni olungaphandle oluxhumene nesitamukoko soMkhandlu noma, lapho kungekho isitamukoko noma esesisebenziseka, kwezinye izinto zokumunca ezigunyazwe uMkhandlu.

27. INKATHAZO

- (1) Akekho umuntu —
- (a) oyogcina noma isiphi isilwane noma isilwane esingumngani ngendlela ezodala inkathazo;
- (b) oyohluleka ukususa indle eshiyweinja endaweni yomphakathi ngesikhathi isilwane kusengesakhe noma esiqaphile futhi alahle leyondle kwisikhongozelo sokulahla;
- (c) hluleka ukulahla lesosilwane esesifile ngendlela echitshiyelwe yiSikhulu sezeMpilo.

28. IZIFO EZIMANTANISWA NEZILWANE

Ukugula kwanoma imuphi umuntu okumantaniswa nokugcinwa kwanoma iziphi izilwane, izinkukhu, izinyoni noma izilwane ezingabangani njen-goba kucebiwe kwiSahluko VII kuya ku X zihlangene, ziyobikwa kwiSikhulu sezeMpilo engakapheli amahora angu 24 isifo sixilongiwe kumuntu yilowo muntu oxilongayo.

29. UKUHLOLWA

- (1) ISikhulu sezeMpilo kanye nanoma isiphi isikhulu esigunyaziwe kulowo msebenzi nguMkhandlu, ngenhloso yokuthola ukugculiseka ngezinhlinzeko zale Mithethodolobha ukuthi kuvunyelwene nazo —
- (a) siyongena kunoma iyiphi indawo lapho izilwane, izinkukhu, izinyoni noma izilwane ezingabangani zigcinwa khona noma lapho izindlu zezinja noma zamakati zikhona noma ibhizinisi lomhwebi noma lomlinganisi wemfuyo noma isitolo sezilwane, indawo yohamba edayisa ngezinkukhu noma ngonogwaja noma lapho enesizathu sokusola ukuthi kunezilwane, izinkukhu, izinyoni noma lapho kugcinwa khona izilwane ezingabangani noma leyobhizinisi eqhubekayo, ngezikhathi zonke;
- (b) hlola leyo ndawo noma lesosithuthi esisetshenziswayo noma enesizathu esanele ukusola leyobhizinisi yenza lowomsebenzi noma ilapho utholakala khona; futhi
- (c) buza noma imuphi umuntu okuleyo ndawo noma kuleso sithuthinoma lowo ebekade ekhona lapho kuleyondawo noma kulesosithuthi.

30. AMACALA KANYE NEZIJEZISO

- (1) Noma imuphi umuntu —
- (a) owephula noma ohlulekayo ukuvumelana nanoma isiphi isihlinzeko sale Mithethodolobha; noma
- (b) ogcina izilwane, izinyoni noma izinkukhu noma lowo owongamele noma owenza ibhizinisi lomhwebi noma umlinganisi wemfuyo, isitolo sezilwane ezingabangani, izindlu zezinja noma ezamakati noma ohamba edayisa ngezinkukhu noma onogwaja kunoma iyiphi indawo ehlukeka ukuqinisekisa ukuthi zonke izinhlinzeko zale Mithethodolobha ezisebenzayo kuleyondawo noma ibhizinisi kuvunyelwana nazo;
- (c) oyohluleka noma anqabe ukuvumela ukungena endaweni kweSikhulu sezeMpilo sakunoma isiphi isikhulu njengoba kucebiwe kwisigaba 29 uma kucelwa imvume yokungena;
- (d) ophazamisa noma abambezele iSikhulu sezeMpilo noma esinye nje isikhulu ekuqhutshweni komsebenzi waso ngaphansi kwale Mithethodolobha;
- (e) ohlulekayo noma owenqaba ukunika ulwazi kwiSikhulu sezeMpilo noma esinye nje isikhulu oludingekayo ngokomthetho, noma enika ngabomu ulwazi olungamanga noma oludukisayo;
- (f) ehlukeka noma enqaba ukuvumelana nesaziso ngokumayelana nesigaba 2, kuyothi ngokuhambisana nezinhlinzeko zesigatshana (2), futhi uyobhekela ukugwetshwa inhlawulo engengaphezulu kwama-R500.00 (amaKhulu amaHlanu amaRandi) noma, uma ehlukeka

ukukhokha, uyofakwa ejele isikhathi esingengaphezulu kwezinyanga eziyisithupha, noma esimweni secala eliqhubekayo, uyonikwa inhlawulo engengaphezu kwama- R20.00 (amaShumi amaBili amaRandi) noma uma ehluleka ukukhokha, afakwe ejele isikhathi esingengaphezu kwezinsuku eziyishumi ngaso sonke isikhathi samahora angama-24 ngesikhathi lapho icala lisaqhubeka.

- (2) Kuyoba umbandela owanele uma umuntu ochazwe kwisigatshana (1)(b) ekhombisa ngokusobala ukuthi ubengazi ubengeke futhi nganoma iyiphi imizamo ebonakalayo futhi ubengeke akwazi ukuvimba ikhomishana lecala elicebiwe kwisigatshana (1).

31. UKUCHITHWA

Imithethodolobha ehlobene nokuGcinwa kweZilwane, Izinyoni kanye Nezinkukhu kanye namaBhizinisi aPhathelene nokugcinwa kwezilwane, izinyoni, izinkukhu noma izilwane ezingabangani zikaMasipala weNdawo yaseMthonjaneni, kuthi-ke lapha kucishwe futhi kufakwe endaweni yazo le Mithethodolobha, yona ezoqala ukuba isebenze ngalesosikhathi imenyazelwa.

32. ISICELO

UMkhandlu ungathi ngesaziso *kwiGazethi yesiFundazwe*, unqume ukuthi isihlinzeko sale Mithethodolobha singasetshenziswa kwezinye izindawo ngaphakathi kwendawo yaso yesishayamthetho ngalolo suku oluyochazwa kwisaziso.

UHLELO 1

Umasipala weNdawo:.....

Inombolo yeMvume:.....

Usuku.....

.....
.....

IMVUME: IMITHETHODOLOBHA EHLOBENE NOKUGCINWA KWEZILWANE, IZINYONI KANYE NEZINKUKHU KANYE NAMANYE AMABHIZINISI AFAKE NOKUGCINWA KWEZILWANE, IZINYONI, IZINKUKHU NOMA IZILWANE EZINGABANGANI

Ngokumayelana nesicelo samhla ziimvume yokucina izilwane/izinkukhu njengoba kucaciswe lapha ngezansi kulona idilesi elicacisiwe iyanikwa lapha.

*Izilwane/Izinkukhu:

Idilesi

.....

.....

Ukunikwa kwalemvume kuncike ekuvumelaneni nezinhlinzeko ezibalulwe kuleMithethodolobha engasenhla.

Ukuqaphela kwakho kuyanuswa kwizinhlinzeko zesigaba 5(4) zaleMithethodolobha eshiwo edinga umgcinimvume ukuthi azise isiKhulu sezeMpilo soMkhandlu ngakho konke ukwanda esibalweni sezilwane noma izinkukhu ezevile esibalweni esigunyaziwe yimvume kanye nesigaba 5(5) esiqondene nokucishwa kwemvume.

Yimi othembekileyo

OkweSikhulu sezeMpilo

* Cacisa isibalo kanye nezinhlobo zezilwane noma izinkukhu.

UHLELO 2

ISICELO SEMVUME: IMITHETHODOLOBHA EHLOBENE NOKUGCINWA KWEZILWANE, IZINYONI KANYE NEZINKUKHU KANYE NAMANYE AMABHIZINISI AXUBE NOKUGCINWA KWEZILWANE, IZINYONI, IZINKUKHU NOMA IZILWANE EZINGABANGANI

Mina/Thina.....

(igama eligcwele lomfakisicelo)

Ngi/sifaka isicelo semvume ukucina *izilwane/izinkukhu/onogwaja endaweni etholakala kwisiQindi

uMgwaqo.....iLokishi,

ngokumayelana naleMithethodolobha ebalulwe ngenhla

yase.....

(igama likaMasipala weNdawo)

Imininingwane *ngezilwane/izinkukhu/onogwaja ukuba bagcinwe ime kanje:-

UHLOBO

ISIBALO

.....

.....

.....

.....

Ngi/Siyasemukela isibopho sokucina *izilwane/izinkukhu/onogwaja, ngokuhambisana nezinhlinzeko zaleMithethodolobha eshiwo futhi ngiyavuma ukuthi esimweni sokwami/sokwethu ukwehluleka ukucina isivumelwano lemvume ingacishwa ngokumayelana nesigaba 5 seMithethodolobha ebalulwe.

Kusayinda Umfakisicelo:.....

Isikhundla.....

Usuku

THE Council of Mthonjaneni Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

MTHONJANENI LOCAL MUNICIPALITY

DRAFT BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS POULTRY OR PETS

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**CHAPTER I
GENERAL**

1. DEFINITIONS

- (1) In these By-laws, unless the context otherwise indicates —

“adequate” means adequate in the opinion of the Council;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“bird” means a feathered vertebrate other than poultry;

“cattery” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Council” means the Mthonjaneni Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws;

“dwelling” means any building or part thereof used for human habitation;

“enclosure” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“Health Officer” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or upon which —

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“nuisance” means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977) or any amendment thereof;

“permit holder” means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;

“person in control” means the person actually managing or actually in control of a premises or a business;

“pet” means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

“pet salon” means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means the business of keeping and selling pets on premises;

“pigsty” means a building, structure or enclosure in which pigs are kept;

“poultry” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“poultry house” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

“poultry run” means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

“premises” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

“public place” means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

“rabbit hutch” means any roofed-over building or structure, other than one in which a battery systems is operated, in which rabbits are kept;

“rabbit run” means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

“stable” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. APPLICATION OF BY-LAWS

- (1) The provisions of these By-laws shall not apply to —

- (a) the keeping of cows for commercial milk production;
- (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (c) any laboratory where animals, poultry or birds are kept for research purposes;

Provided that the Health Officer may, if he is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 4, 5, 10 and 11 shall not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons: Provided the prior approval of the Health Officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises newly constructed, reconstructed or converted after the commencement of these By-laws: Provided that the Health Officer may, if he is satisfied that the application of any one or more of

the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.

3. PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

- (1) No person shall —
 - (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating with the Council's consent;
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

4. KEEPING OF ANIMALS, POULTRY AND BIRDS

- (1) No person shall keep any animal, poultry or bird in or upon any premises —
 - (a) which does not comply with the provisions of these By-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Health Officer, likely to cause a nuisance or injury to health.

5. PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- (1) No person shall —
 - (a) keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, shall not be taken into account.
- (2) Application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto.
- (3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder shall in writing notify the Health Officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Council may cancel a permit issued in terms of subsection (1)(a), if —
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Health Officer requiring him to make such premises comply with the By-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the Health Officer or a veterinarian, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his employee obstructs the Health Officer in his execution of his duties under these By-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these By-laws;
 - (e) in the opinion of the Health Officer, a public nuisance exists due to the keeping of the animals.
- (6) The Health Officer shall as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The Health Officer may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirement shall be provided —
 - (a) every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.

7. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

- (1) Every person keeping any cattle, horse, mule or donkey shall —
 - (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

CHAPTER III

KEEPING OF PIGS

8. REQUIREMENTS FOR PREMISES

- (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided —
 - (a) every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and shall have a smooth internal surface;
 - (b) the pigsty shall have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m².

9. DUTIES OF KEEPER OF PIGS

- (1) Every person keeping pigs shall —

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
- (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER IV

KEEPING OF GOATS AND SHEEP

10. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any goat or sheep, premises complying with the following requirement shall be provided —
 - (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m².

11. DUTIES OF KEEPER OF GOATS AND SHEEP

- (1) Every person keeping any goat or sheep shall —
 - (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER V

KEEPING OF POULTRY

12. REQUIREMENTS FOR PREMISES

- (1) For the keeping of poultry, premises complying with the following requirements shall be provided —
 - (a) a poultry house complying with the following requirements —
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;
 - (ii) the floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

13. DUTIES OF KEEPER OF POULTRY

- (1) Every person keeping poultry shall —
 - (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
 - (e) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

CHAPTER VI

KEEPING OF RABBITS

14. REQUIREMENTS FOR PREMISES

- (1) For the keeping of rabbits premises complying with the following requirements shall be provided —
 - (a) a rabbit hutch complying with the following requirement:-
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;

15. DUTIES OF KEEPER OF RABBITS

- (1) Every person keeping rabbits shall —
 - (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

CHAPTER VII

KEEPING OF BIRDS

16. REQUIREMENTS FOR PREMISES

- (1) For the keeping of birds in an aviary, premises complying with the following requirement shall be provided —
 - (a) the aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.

17. DUTIES OF KEEPER OF BIRDS

- (1) Every person who keeps birds in an aviary shall —
 - (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
 - (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
 - (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER VIII**DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY****18. REQUIREMENTS FOR CONDUCTING BUSINESS**

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, shall comply with the requirements of subsection (2).
- (2) Subject to the provisions of section 31, the requirements of sections 2 to 15 inclusive, shall be complied with in so far as those provisions are applicable to the animals or poultry kept.

CHAPTER IX**DOG KENNELS AND CATTERIES****19. REQUIREMENTS FOR PREMISES**

- (1) No person shall maintain kennels or a cattery, unless the requirements of subsection (2), inclusive are complied with.
- (2) Every dog or cat shall be kept in an enclosure complying with the following requirement:-
 - (a) it shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.

20. DUTIES OF PERSON IN CONTROL OF KENNELS OR CATTERIES

- (1) Any person in control of kennels or a cattery shall —
 - (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b) keep any sick dog or cat in the isolation facilities required in terms of section 19(10);
 - (c) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X**PET SHOPS AND PET SALONS****21. REQUIREMENTS FOR PREMISES**

- (1) No person shall conduct a business of a pet shop or pet salon in or upon any premises —
 - (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;

22. DUTIES OF TRADER

- (1) Every person who conducts the business of a pet shop shall —
 - (a) provide cages for housing animals, poultry or birds, and the following requirements shall be complied with:-
 - (i) the cages shall be constructed entirely of metal or other durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (b) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises.

CHAPTER XI**HAWKING OF POULTRY AND RABBITS****23. REQUIREMENTS FOR HAWKING**

No person shall hawk poultry or rabbits, unless the following requirements are complied with —
 the business of a hawker shall be conducted from premises on which poultry or rabbits shall be kept in compliance with the provisions of Chapters V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.

24. DUTIES OF HAWKER

- (1) Every person hawking poultry or rabbits shall —
 - (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
 - (d) store all feed in rodent proof receptacles.

CHAPTER XII**MISCELLANEOUS****25. DRAINING**

All sinks, wash and hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, shall be drained to an external gully, connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

26. DISCHARGE OF TAPS

The taps at all water supply points required in terms of these By-laws, other than those within a building or structure the floors of which are graded and drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

27. NUISANCE

- (1) No person shall —
 - (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (c) fail to duly dispose of dead animals in such a manner as prescribed by the Health Officer.

28. ILLNESS ATTRIBUTABLE TO ANIMALS

The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, shall be reported to the Health Officer within 24 hours of diagnosis by the person making the diagnosis.

29. INSPECTION

The Health Officer and any officer authorised thereto by the Council may, in order to satisfy himself that the provisions of these By-laws are being complied with —

- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
- (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

30. OFFENCES AND PENALTIES

- (1) Any person —
 - (a) who contravenes or fails to comply with any provision of these By-laws; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
 - (c) who fails or refuses to give access to premises to the Health Officer or any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the Health Officer or other officer in the execution on his duties under these By-laws;
 - (e) fails or refuses to give information to the Health Officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms of section 2, shall subject to the provisions of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R500.00 (Five Hundred Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R20.00 (Twenty Rand) or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It shall be competent defence if a person referred to in subsection (1)(b) proves that he did not know could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

31. REPEAL

The By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry or Pets for the Mthonjaneni Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

32. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

SCHEDULE 1

Local Municipality: Permit No.:
 Date:

PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

With reference to your application dated a permit to keep the animals/ poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:
 Address:

The granting of the permit is subject to your complying with the provisions of the aforementioned By-laws.

Your attention is invited to the provisions of section 5(4) of the said By-laws requiring a permit holder to notify the Council's Health Officer of any increase in the number of animals or poultry in excess of the number authorised by the permit and section 5(5) regarding the cancellation of a permit.

Yours faithfully
 For Health Officer

* Specify number and kind of animals or poultry.

SCHEDULE 2

APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We

(full name of applicant/s)

hereby apply for a permit to keep *animals/poultry/rabbits on premises situated at Stand Street
Township, in terms of the aforementioned By-laws of the

(name of Local Municipality)

Details of the *animals/poultry/rabbits to be kept are as follows:-

SPECIES

NUMBER

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility for the keeping of *animals/poultry/rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-laws.

Signature of Applicant/s:

Capacity:

Date:

No. 57, 2005

1 kuZibandlela 2005

UMASIPALA WASEMTHONJANENI

IMITHETHODOLOBHA YOKULAWULWA NOKUQOQWA KWEZIKWELETU

ISANDULELO

Njengoba enye yezinhloso zomthethosisekelo wohulumeni basekhaya kungukuhlinzeka uhulumeni wentandoyeningi emiphakathini yethu;

Nanjengoba isigaba 96(a) soMthetho weziNhlelo zoMasipala boHulumeni baseKhaya, 2000 sidinga ukuthi oMasipala kumele baqoqe yonke imali okumele ikhokhwe, kweyame kulo Mthetho nakunoma yimuphi omunye umthetho osetshenziswayo nangokwale nhloso, kumele usebenzise, ugcine futhi uqalise inqubo-mgomo yokulawulwa nokuqoqwa kwezikweletu ehambisana nenqubo-mgomo yezintela zawo futhi ehambisana neziNhlinzeko zalo Mthetho;

Nanjengoba kunesidingo sokuthi kube nemithethodolobha yezimali ezohlahlindlela yezenzo zezinhloso zepolitiki, abaphathizikhundla bezepolitiki kanye neziphathimandla zikaMasipala nabahlinzeki bemisebenzi ezingeni lohulumeni basekhaya ukuqinisekisa ukusebenza ngokungenamfihlo, ukuzibophezela kanye nokuphathwa okuhle kwezimali, izimpahla kanye nezikweletu zikaMasipala.

Ngakho ke makumiswe umthetho nguMkhandlu kaMasipala waseMthonjaneni naphansi kwegunya lesigaba 11, sifundwa nesigaba 98 soMthetho woHulumeni baseKhaya weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000), ngokushicilela le mithethodolobha elandelayo:

OKUQUKETHWE

ISAPHLUKO 1: IZINCAZELO

1. Izincazelo

ISAPHLUKO 2: IMISEBENZI YOMKHANDLU, YOMPHATHI KAMASIPALA, YABAKHOKHI-NTELA KANYE NEYAZAKHAMIZI KANYE NEYAMAKHANSELA AMAWODI NAMAQEMBU EZOMBUSAZWE

- Imisebenzi yoMkhandlu kaMasipala
- Imisebenzi yeKomidi eliPhethe
- Imisebenzi yoMphathi kaMasipala
- Imisebenzi yomphakathi, yabakhokhi-ntela kanye neyezakhamizi
- Imisebenzi yamakhansela amawodi kanye neyamaqembu ezombusazwe

ISAPHLUKO 3: UKUHLINZEKWA KWEMISEBENZI KUMAKHASIMENDE NGAPHANDLE KWAMAKHASIMENDE AMPOFU

INGXENYE 1: UKUFAKA ISICELO SEMISEBENZI KAMASIPALA

- Ukufaka isicelo semisebenzi
- Izivumelwano eziyisipesheli zemisebenzi kaMasipala
- Ukushintshwa kwenhloso imisebenzi kaMasipala esetshenziselwa yona

INGXENYE 2: ZIMALI EZIKHOKHWAYO

- Izimali ezikhokhwayo
- Izimali ezikhona zemisebenzi kaMasipala
- Imisebenzi exhasiwe
- Igunya lokuthola izindleko ezengeziwe kanye nezimali

INGXENYE 3: UKUKHOKHA

- Ukukhokha idiphozi
- Izindlela zokunquma izimali okumele zikhokhwe ngazo
- Ukukhokhela imisebenzi kaMasipala ehlinzekiwe
- Ukukhokhwa kokucina nangokugcwele kwe-akhawunti

- 18 Umthwalo wemali okumele ikhokhwe
- 19 Izimali ezingakhokhiwe
- 20 Izinhlelo
21. Izindawo zokukhokha nabagunyaziwe okukhokhwa kubo

INGXENYE 4: AMA-AKHAWUNTI

22. Amakhawunti
23. Izikweletu ezihlanganisiwe

INGXENYE 5: IMIBUZO KANYE NEZIKHALO

24. Imibuzo noma izikhalo maqondana ne-akhawunti
25. Izikhalo ngokutholwe nguMasipala noma ogunyazwe yiwo maqondana nemibuzo nezikhalo nge-akhawunti

INGXENYE 6: IZIMALI EZISILELE

26. Inzalo
27. Ama-akhawunti asilele ngezinsuku ezingama-45

INGXENYE 7: ISIVUMELWANO SOKUKHOKHA IMALI ESILELE KANCANE KANCANE

28. Izivumelwano
29. Ikhophi yesivumelwano sekhasimende
30. Ukwehluleka ukugcina isivumelwano

31. Ukuxhuywa kabusha komsebenzi

ISAHLUKO 4: IZIMALI ZOKUHLOLA

32. Imali okumele ikhokhwe yemali zokuhlola

ISAHLUKO 5: UKUHLINZEKWA KWEMISEBENZI KAMASIPALA KUMAKHASIMENDE AMPOFU

33. Ukufaneleka ukubhalisa njengekhasimende elimpofu
34. Ukufaka isicelo sokubhalisa
35. Ukuvunywa kwesicelo
36. Imibandela
37. Ukufakwa kwesicelo njalo ezinyangeni eziyishumi nambili
38. Imisebenzi exhasiwe yamakhasimende ampofu
39. Ukukhokhelwa kwemisebenzi exhasiwe
40. Izimali ezisilele ngemuva zamakhasimende ampofu ekuvunyweni kwesicelo
41. Ucwangingo
42. Ukwesulwa

ISAHLUKO 6: AMABHIZINISI ANAMATHENDA KAMASIPALA

43. Inqubo-mgomo yokuthengwa kwempahla kanye nemibandela yamathenda

ISAHLUKO 7: IMISEBENZI ENGAGUNYAZIWE

44. Imisebenzi engagunyaziwe
45. Ukuxakaziswa kwengqalsizinda yokuhlinzeka imisebenzi kaMasipala
46. Ukuthikameza ukufinyelela kwinqalasisizinda yokuhlinzeka imisebenzi kaMasipala
47. Ukuxhuma kabusha okungekho emthethweni
48. Ukunqanyulwa ngokushesha

ISAHLUKO 8: AMACALA

49. Amacala

ISAHLUKO 9: IMIBHALO

50. Ukusayinwa kwesaziso nemibhalo
51. Izaziso kanye nemibhalo
52. Ukuqinisekiswa kwemibhalo
53. Ubufakazi *obungaba yiqiniso*

ISAHLUKO 10: IZINHLENGEKO EZIJWAYELEKILE

54. Amandla okungena kanye nawokuhlola
55. Ukukhululwa
56. Ukutholakala kwemithethodolobha
57. Ukuphikisana komthetho
58. Ukuchithwa kwemithethodolobha yokulawulwa nokuqoqwa kwezikweletu ekhona
59. Isihloko esifishane nosuku lokuqalisa

ISITHASISELO A: ISICELO SEMISEBENZI KAMASIPALA**ISITHASISELO B: ISICELO SOKUBHALISA NJENGEKHASIMENDE ELIMPOFU****ISAHLUKO 1****1. Izincazelo**

Ngokwezinhloso zale mithethodolobha, noma yiliphi igama noma isisho okunikezwe incazelo kulo Mthetho kuyoba nencazelo efanayo kule mithethodolobha ngaphandle uma ingqikithi ikhomba okunye —

“i-akhawunti” kusho noma iyiphi i-akhawunti esetshenziselwa imisebenzi kaMasipala ehlinzekiwe;

“uMthetho” kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), njengoba uchitshiyelwe ngezikhathi ngezikhathi;

“ukusetshenziswa kwempela” kusho ukusetshenziswa okukaliwe kwanoma yiliphi ikhasimende;

“izintela ezifanele” kusho isilinganiso, imali, intela, isilinganiso esimile noma uxhaso okunqunye nguMkhandlu kaMasipala;

“ukusetshenziswa okulingene” kusho ukusetshenziswa okulingene ngikhasimende kwemisebenzi kaMasipala ngesikhathi esithile, lokho kusetshenziswa okubalwa ngokuhlukanisa kathathu konke ukusetshenziswe yikhasimende kwalowo msebenzi kaMasipala esikhathini esiyizinyanga ezintathu ezilandelayo;

“isivumelwano” kusho ubudlelwano obunesivumelwano phakathi kukaMasipala noma umuntu ogunyaziwe yiwo kanye nekhasimende noma ngabe sibhaliwe noma asibhaliwe;

“imali esilele ngemuva” kusho isamba okumele sikhokhwe, esikweletwayo noma esinokukhokhwa yikhasimende maqondana nemisebenzi kaMasipala engakhokhelwanga ngosuku olufanele;

“umuntu ogunyaziwe” kusho —

- noma yimuphi umuntu ogunyazwe nguMkhandlu kaMasipala ukuba enze noma yimiphi imisebenzi ngokwale mithethodolobha noma asebenzise amandla ngaphansi kwale mithethodolobha; kanye
- nanoma yimuphi umuntu uMkhandlu kaMasipala omnikeze amandla okusebenzisa amalungelo, imisebenzi kanye nezibopho ezithile maqondana nokuhlinzeka imisebenzi yemali etholwa ngezindlela zonke; kanye
- nanoma yimuphi umuntu oqokwe nguMkhandlu kaMasipala ngokwesivumelwano esibhaliwe njengomhlinzeki wemisebenzi ukuba ahlinzeka imisebenzi yemali etholwa ngezindlela zonke kumakhasimende egameni lawo, kangangokugunyazwe kuleso sivumelwano;

“ikhasimende lezohwebo” kusho noma yiliphi ikhasimende ngaphandle kwawasekhaya noma ampofo, kubandakanya ngaphandle kwezingqinamba, ibhizinisi, uhulumeni kanye namakhasimende bezinhlangano;

“ukuxhumana” kusho indawo lapho ikhasimende elihlinzekwa ngemisebenzi kaMasipala likwazi khona ukufinyelela kuleyo misebenzi;

“ikhasimende” kusho umuntu uMasipala noma ogunyazwe nguwo osengene esivumelwaneni sokuhlinzekwa ngemisebenzi kaMasipala;

“ophuthayo” kusho ikhasimende okweleta imali esilele ngemuva;

“usuku lokugcina” kusho usuku okumele kukhokhwe ngalo imali ekweletwayo maqondana ne-akhawunti esizodlulelwa yisikhathi, ekweletwayo futhi okumele ikhokhwe yikhasimende;

“isimo esiphuthumayo” kusho noma yisiphi isimo okuthi uma sivunyelwe ukuba siqhubeke esingaba yingozi esimeni sezemali zikaMasipala noma zomsebenzi othile kaMasipala;

“ukusetshenziswa okuhlawumbiselwe” kusho ukusetshenziswa okucatshangelwe yikhasimende elikusebenzisa kwalo akulinganiselwe ngesikhathi esithize, okungokusebenzisa okuhlawumbiselwe okunqunye ngokucabangela, kubhekelelwa okungenani ukusetshenziswa kwemisebenzi kaMasipala ezingeni elithize lomsebenzi ngesikhathi esithize endaweni yokufakela kaMasipala noma yomuntu ogunyazwe yiwo;

“ikhasimende lasekhaya” kusho ikhasimende elisebenzisa indlu, isakhiwo noma indawo ngezinhloso zokuhlala;

“ikhaya” kusho indlu ejwayelekile yomndeni ehlala abantu abayisishiyagalombili (okuyinhlanganisela yabantu abane abaneminyaka engaphezu kweyishumi nesishiyagalombili kanye nabantu abane abaneminyaka eyishumi nesishiyagalombili noma ngaphansi);

“ukuxhuma okungekho semthethweni” kusho ukuxhunywa kunoma yiluphi uhlelo kulona okuhlinzekwa imisebenzi kaMasipala okungagunyaziwe noma okungavunyiwe nguMasipala noma ngogunyazwe yiwo;

“ikhasimende elimpofo” kusho ikhasimende lasekhaya elifanelekile futhi elibhaliswe nguMasipala njengekhasimende elimpofo ngokuhambisana nale mithethodolobha;

“uMasipala” kusho —

- uMasipala waseMthonjaneni noma abawulandelayo esikhundleni; noma
- uMphathi kaMasipala waseMthonjaneni maqondana nokwenza noma nokusebenzisa noma yiliphi ilungelo, umsebenzi, isibopho ngokulandela le mithethodolobha;

“uMkhandlu kaMasipala” kusho uMkhandlu kaMasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo, 1996 (uMthetho 108 1996);

“uMphathi kaMasipala” kusho umuntu oqokwe nguMkhandlu kaMasipala njengoMphathi kaMasipala ngokulandela isigaba 82 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) futhi kubandakanya nanoma yimuphi umuntu —

- obambile kuleso sikhundla; futhi
- onikezwe amandla noma umsebenzi ngumphathi kaMasipala maqondana nalokho kunikezwa mamandla nomsebenzi;

“umhlali” kusho noma yimuphi umuntu ohlala emhlabeni noma ezakhiweni ngaphandle kokunaka itayitela ahlala kulo, futhi, lapho izakhiwo zehlukanisiwe ziqashiselwe abahlali noma iziqashi, uyobandakanya umuntu othola intela ekhokhwa yiziqashi noma ngabe ingena kwi-akhawunti yakhe noma njengomele noma yimuphi umuntu ofanele ukuyithola;

“umnikazi” kusho —

- umuntu njalo emva kwesikhathi onikezwa igunya lokuba netayitela elisemthethweni lezakhiwo;
- lapho umuntu onikezwe igunya lokuba netayitela elisemthethweni engene shi ezikweletini noma eseshonile, noma ekhubazeke noma yingayiphi indlela, umuntu ukuphathwa nokulwulwa kwezakhiwo kunikezelwe kuye njengomphathi, umabi wefa, umphathi wasemajajini, okhokhisa izikweletu noma omunye ongummeli;
- kunoma yisiphi isimo lapho uMasipala noma ogunyazwe yiwo ungakwazi ukunquma ukuthi nguye impela lowo muntu, umuntu unelungelo lokusebenzisa lezo zakhiwo;
- esimweni lapho izakhiwo okwakungenwe esivumelwaneni sokuthi ziqashiswe isikhathi esiyiminyaka engama-30, oqashile lapho;
- maqondana —
 - nesiqephu sendawo esidwetshwe esigabeni esisodwa sepulani ebhaliswe ngokwe-Sectional Titles Act, 1986 (uMthetho No. 95 ka 1986), umthuthukisi noma umgwamanda owengamele maqondana nendawo ajwayelekile; noma
 - isigaba njengoba kuchazwe kwi-Sectional Titles Act, 1986 (uMthetho No. 95 ka 1986), umuntu okubhaliswe ngegama lakhe leso sigaba ngaphansi kwetayitela eliyisigaba esisodwa kubandakanya nomele lowo oqokwe ngokusemthethweni; noma
- umuntu ohlala endaweni ebhaliswe kwirejista likamaziphathe wesizwe;

“umuntu” kusho noma yimuphi umuntu, umgwamanda kahulumeni wasekhaya noma njengomaziphathe, inkampani noma inhlangano esemthethweni ngaphansi kwanoma yimuphi umthetho, umgwamanda wanoma yibaphi abantu abayinxenye noma abangeyona inxenye, umgwamanda ophathelene nomthetho, umgwamanda osiza umphakathi, usosesheni noma inkampani yamavolontiya;

“isaziso somphakathi” kusho ukushicilela emthonjeni yezindaba efanele ongabandakanya okukodwa noma ngaphezulu kokulandelayo:

- (a) ukushicilela isaziso, ngezilimi ezisemthethweni ezinqunywe nguMkhandlu kaMasipala —
- (i) ephephandabeni lendawo noma emaphephandabeni asendaweni kaMasipala; noma
 - (ii) ephephandabeni noma emaphephandabeni azungeza endaweni kaMasipala aqunywe nguMasipala njengamaphephandaba anohlonze;
 - (iii) ngokumemezela emsakazweni endaweni yonke kaMasipala; noma
- (b) ngokukhangisa isaziso emahhovisi afanele kanye nasezindaweni zokuholela zikaMasipala noma zogunyazwe yiwo; noma
- (c) ukuxhumana namakhasimende ngemihlangano yomphakathi kanye nemihlangano yamakomidi amawodi;
- “ukusetshenziswa ngokuhlanganyela”** kusho ukusetshenziswa kwemisebenzi kamasipala yikhasimende ngesikhathi esithile, lokho kusetshenziswa okubalwa ngokuhlukanisa isamba sokusetshenziswa kwalowo msebenzi kamasipala endaweni ethile ephakelwayo lapho ikhasimende lakhe khona isikhathi esilingana nesabanye abahlala kuleyo ndawo ephakelwayo, ngesikhathi esisodwa;
- “umsebenzi oxhasiwe”** kusho umsebenzi kaMasipala ohlinzekelwa ikhasimende ngenani elikhona elingaphansi kwalelo lokuhlinzeka umsebenzi kubandakanya nemisebenzi ehlinzekelwe amakhasimende mahhala;
- “indawo ephakelwayo”** kusho indawo, enqunywe nguMasipala noma ngogunyazwe yiwo, bonke amakhasimende abahlizekwa kuyo ngemisebenzi esuka endaweni eyodwa okuphakwa kuyo;
- “imisebenzi engagunyaziwe”** kusho ukuthola, ukusebenzisa noma ukusetshenziswa kwanoma yimuphi umsebenzi kaMasipala okungekho sesivumelwaneni, noma ongagunyaziwe noma ongavunyiwe nguMasipala noma ngogunyazwe yiwo.

ISIAHLUKO 2

IMISEBENZI YOMKHANDLU, UMPHATHI KAMASIPALA, ABAKHOKHI-NTELA KANYE NEZAKHAMIZI NAMAKHANSELA AMAWODI NAMAQEMBU EZOMBUSAZWE

2. IMISEBENZI YOMKHANDLU KAMASIPALA

Imisebenzi yoMkhandlu kaMasipala:

- (1) Ukuvuma isabelo sezimali esihambisana nezidingo zomphakathi, zabakhokhi-ntela kanye nezakhamizi.
- (2) Ukubeka izintela nokunquma izimali nezinhlawulo zemisebenzi zokukhokhela isabelo sezimali.
- (3) Ukuhlinzeka izimali ezanele zokuhlinzeka abampofu ngemisebenzi eyizidingo-ngqangi.
- (4) Ukuhlinzeka ukukhokha kabi, okuhambisana nerekhodi lokukhokha lomphakathi, labakhokhi-ntela kanye nelezakhamizi, njengoba kukhunjiswe ezitatimendeni zezimali zikaMasipala.
- (5) Ukubeka umgomo wokkuphucula ukuqoqwa kwezimali, okuhambisana nezibalo zama-akhawunti ezamukelekile kanye namandla omphathi kaMasipala.
- (6) Ukuvuma uhlaka lokubika lokulawulwa kwezikweletu nokuqoqwa kwezimali.
- (7) Ukubheka nokuvuma imithethodolobha nokuqalisa inqubo-mgomo yomkhandlu.
- (8) Ukuqapha ukusebenza kweKomidi eliPhethe kanye nokoMphathi kaMasipala maqondana nokulawulwa kwezikweletu nokuqoqwa kwezimali.
- (9) Ukubuyekeza isabelo sezimali uma kungafinyelelwanga emgomeni woMkhandlu kaMasipala wokulawulwa kwezikweletu nokuqoqwa kwezimali.
- (10) Ukuthathela izinyathelo zokuqondisa izigwegwe lezo ziphathimandla ezingasebenzisi inqubo-mgomo nemithethodolobha koMkhandlu.
- (11) Ukuvuma uhlu lwabameli abazosebenzela uMkhandlu kaMasipala kuzo zonke izindaba zomthetho eziphathelene nokuqoqwa kwezikweletu.
- (12) Ukunikeza amandla afanelekile okuqapha nokusebenzisa inqubo-mgomo yokulawulwa nokuqoqwa kwezikweletu eKomidini eliPhethe nakumphathi kaMasipala.
- (13) Ukuvuma uhlaka lwabasebenzi abazolawula baqoqo ezikweletu.
- (14) Ukuqoka abazomela uMkhandlu kaMasipala ekuqoqeni izikweletu abazosiza umphathi kaMasipala ekwenzeni imisebenzi yakhe, uma kunesidingo.

3. IMISEBENZI YEKOMIDI ELIPHETHE

Imisebenzi yeKomidi eliPhethe:

- (1) Ukuqinisekisa ukuthi isabelo sezimali soMkhandlu, ukusetshenziswa kwemali kanye nokumele kwenziwe mayelala nokuqoqwa kwezikweletu kuyenziwa ngokuhambisana nenqubomgomo kanye nemithethodolobha efanele.
- (2) Ukuqapha ukusebenza koMphathi kaMasipala ekuqaliseni inqubomgomo kanye neMithethodolobha.
- (3) Ukubukeza nokuhlola inqubomgomo kanye neMithethodolobha ukuze kuphuculwe indlela, izinqubo kanye nokunye okwenziwayo kokulawula nokuqoqwa izikweletu zoMkhandlu.
- (4) Ukubika eMkhandlwini.

4. IMISEBENZI YOMPHATHI KAMASIPALA

Imisebenzi yoMphathi kaMasipala:

- (1) Ukuqalisa uhlelo lokuphathwa kahle kwamakhasimende.
- (2) Ukuqalisa inqubo-mgomo yokulawulwa nokuqoqwa kwezikweletu.
- (3) Ukufaka nokugcina uhlelo lwama-akhawunti olufanele.
- (4) Ukukhokhisa amakhasimende.
- (5) Ukufuna imali ngezinsuku zokukhokha zokugcina.
- (6) Ukukhuphula izinhlawulo kwabangakhokhi kahle.
- (7) Kwahlukanisa izimali ezitholakele.
- (8) Ukuqoqwa izikweletu ezisilele.
- (9) Ukuqalisa “iziNhlelo zokuSebenza eziNhle”.
- (10) Ukuhlinzeka izindlela ezehlukene zokukhokha.
- (11) Ukunquma izindlela zokulawula izikweletu.
- (12) Ukunquma izindlela zokusebenza zokuxhumana nomphakathi, ukulungisa, ukunqanyulwa kwemisebenzi, amasamanisi, ukudliwa kwezimpahla, ukuthengiswa kwempahla, ukubhalwa kwezikweletu, izikweletu ezinhlobonhlobo kanye nezinyathelo zomthetho.

- (13) Ukuqoka izinkampani zabameli ukuqedela izinyathelo zomthetho (ukudliwa nokuthengiswa kwezimpahla njll.).
- (14) Ukubeka imigomo yokusebenza yabasebenzi.
- (15) Ukuqoka abasebenzi abazosebenzisa inqubo-mgomo nemithethodolobha komkhandlu ngokuhambisana nenqubo-mgomo yabasebenzi boMkhandlu.
- (16) Ukunikeza amandla emisebenzi ethile kwiziNhloko zeMinyango.
- (17) Ukunquma izindlela zokulawula.
- (18) Ukubika eMkhadlwini kaMasipala.

5. IMISEBENZI YOMPHAKATHI, ABAKHOKHI-NTELA KANYE NEZAKHAMIZI

Imisebenzi yomphakathi, abakhokhi-ntela kanye nezakhamizi:

- (1) Ukugcina izibopho ezithile, njengoba zingavezwa igunya lokusebenzisa izinsiza zomphakathi kanye nemisebenzi kaMasipala.
- (2) Ukukhokha izimali, izintela zomhlaba kanye nezinye izintela kanye nemisebenzi ebekwe nguMasipala.
- (3) Ukubheka izindlela nezinhlelo zikaMasipala ekusebenziseni amalungelo abo.
- (4) Ukuvumela iziphathimandla zikaMasipala ukuba zingene ezakhiweni zabo ukwenza imisebenzi yazo.
- (5) Ukuhambisana nemithethodolobha kanye neminye imithetho kaMasipala.
- (6) Ukuvimbela ukuthikanyezwa kwemisebenzi kaMasipala nokuxakaziswa kwempahla.

6. IMISEBENZI YAMAKHANSELA AMAWODI KANYE NEYAMAQEMBU EZOMBUSAZWE

Imisebenzi yamakhansela amawodi kanye neyamaqembu ezombusazwe:

- (1) Ukubamba imihlangano yamawodi ngokuvamile.
- (2) Ukuhambisana nokudlulisa izinqubo-mgomo zomkhandlu kwizakhamizi nakubakhokhi-ntela.
- (3) Ukuhambisana nendlela yokuziphatha yamaKhansele oMkhandlu.

ISAPHLUKO 3

UKUHLINZEKWA KWEMISEBENZI KAMASIPALA KUBATHENGI NGAPHANDLE KWAMAKHASIMENDE AMPOFU

7. UKUFAKA ISICELO SOKUHLINZEKWA NGENEMISEBENZI

- (1) Ikhassimende elifuna ukuthathwa njengekhasimende elimpofu kumele lifake isicelo semisebenzi njengoba kubekiwe eSahlukweni 5 ngezansi.
- (2) Akukho muntu oyoba negunya lokuthola imisebenzi kaMasipala ngaphandle kokufaka isicelo, futhi samukelwa nguMasipala noma ogunyazwe yiwo efomini elinqunyiwe elifakwe njengeSithasiselo A kule mithethodolobha.
- (3) Uma, ekuqaleni kokusebenza kwale mithethodolobha nanoma yingasiphi esinye isikhathi, imisebenzi kaMasipala ihlinzekwa noma itholwa kube kungekho sivumelwano esibhaliwe maqondana naleyo misebenzi, kuyothathwa ngokuthi —
 - (a) kukhona isivumelwano ngokwesigatshana (7); futhi
 - (b) izinga lokusebenza ehlinzekwayo kulelo khasimende lisezingeni eloqokiwe lemisebenzi, kuze kube ikhasimende lingena esivumelwaneni ngokwesigatshana (2).
- (4) UMasipala noma ogunyazwe yiwo kumele ekufakeni isicelo sokuhlinzekwa ngemisebenzi kaMasipala wazise umfakisicelo ngamazanga akhona ngeleso sikhathi kanye nezintela kanye/noma nezimali ezihambisana nalelo zinga lemisebenzi.
- (5) UMasipala noma ogunyazwe yiwo unesibopho sokuhlinzeka izinga elithile lomsebenzi eliceliwe uma umsebenzi ngaleso sikhathi lihlinzekwa futhi uma uMasipala noma ogunyazwe yiwo enezinto noma enamandla okuhlinzeka lelo zinga lo msebenzi.
- (6) Ikhassimende noma yingasiphi isikhathi lingashintsha izinga lokusebenza elilqokile ngokwesivumelwano elingene kuso, inqobo nje uma lelo sezinga lomsebenzi eliceliwe likhona futhi noma yiziphi izindleko ezihambisana nalokho kushintsha izinga lokusebenza kukhokhwa yikhasimende.
- (7) Isicelo semisebenzi esilethwe yikhasimende futhi samukelwa nguMasipala noma ngogunyazwe yiwo siyoba yisivumelwano phakathi kukaMasipala noma ogunyazwe yiwo kanye nekhasimende, futhi leso sivumelwano siyoqala ukusebenza ngosuku olubekwe kuleso sivumelwano.
- (8) Ekugcwaliseni ifomu lesicelo sokuhlinzekwa ngemisebenzi kaMasipala, uMasipala noma ogunyazwe yiwo uyoqinisekisa ukuthi umbhalo kanye nengxoxo nomnikazi, ikhasimende nanoma yimuphi umuntu ofaka leso sicelo kuyaqondwa ngumnikazi, ikhasimende nanoma yimuphi omunye umuntu futhi umeluleke ngokuthi angakhethe ukubhalisa njengekhasimende elimpofu.
- (9) Esimweni sabantu abangafundile noma abanekinga efana naleyo, uMasipala noma ogunyazwe yiwo kumele uthathe izinyathelo ezifanele zokuqinisekisa ukuthi lowo muntu uyakwazi futhi uyakuqonda okuqukethe efomini lokufaka isicelo futhi uyomsiza ekugcwaliseni lelo fomu.
- (10) Imisebenzi kaMasipala enikezwa ikhasimende yeyame kwizihlinzeko zale mithethodolobha, noma yimiphi imithethodolobha esebenzayo kanye nemibandela equkethwe kulesi sivumelwano.
- (11) Uma uMasipala noma ogunyazwe yiwo —
 - (a) wenqaba isicelo sokuhlinzeka imisebenzi kaMasipala noma imisebenzi ethile noma izinga lokusebenza;
 - (b) ungakwazi ukunikeza leyo misebenzi kaMasipala noma umsebenzi othile noma izinga lomsebenzi ngosuku oluceliwe lokuhlinzekwa ngalokho;
 - (c) ungakwazi ukunikeza umsebenzi kaMasipala noma umsebenzi othile noma izinga lomsebenzi, uMasipala noma ogunyazwe yiwo kumele, esikhathini esanele, wazise ikhasimende ngalokho kwenqaba kanye/noma ngokuphumeleli, izizathu zalokho kanye, uma kufanele, nokuthi uMasipala noma ogunyazwe yiwo ungakwazi nini ukuhlinzeka leyo misebenzi kaMasipala noma imisebenzi ethile noma izinga lokusebenza.

8. IZIVUMELWANO EZIKHETHEKILE ZEMISEBENZI KAMASIPALA

UMasipala noma ogunyaziwe ungangena esivumelwaneni esikhethekile sokuhlinzekwa kwemisebenzi kaMasipala nomfakisicelo —

- (a) endaweni ephakelwayo, uma imisebenzi efakelwe isicelo idinga ukweleka ngemibandela engekho efomini elinqunyiwe noma kule mithethodolobha;
- (b) othola imisebenzi exhasiwe; futhi
- (c) uma izakhiwo okumele zithole leyo misebenzi zakhiwe ngaphandle kwendawo ephakelwayo, inqobo nje uma uMasipala owengamele lezo

zakhiwo ungenankinga ngaleso sivumelwano sekhetelo. Isibopho sekhasimende ukuba leluleke uMasipala owengamele ngaleso sivumelwano sekhetelo.

9. UKUSHINTSWA KWENHLOSO IMISEBENZI KAMASIPALA ESETSHENZISELWA YONA

Lapho inhloso noma izinga noma yimuphi umsebenzi kaMasipala osetshenziswayo ushintshwa, kungumsebenzi wekhasimende ukwazisa uMasipala noma ogunyazwe yiwo ngalolo shintsho kanye nokungena esivumelwaneni esisha noMasipala noma ogunyazwe yiwo.

INGXENYE 2: IZIMALI EZIKHOKHWAYO

10. IZIMALI EZIKHOKHWAYO ZEMISEBENZI YOMASIPALA

- (1) Zonke izimali ezikhokhwayo ezinokukhokhelwa imisebenzi yoMasipala, kubandakanya kodwa kungacini nje ngokukhokhwa kwezimali zokuxhuma, izimali ezimile nanoma yiziphi izimali ezengeziwe noma inzuzo ziyobekwa uMkhandlu kaMasipala ngokuhambisana —
 - (a) nenqubo-mgomo yawo yezintela;
 - (b) nenqubo-mgomo yawo yokulawulwa kanye neyokuqoqwa kwezikweletu;
 - (c) nanoma yimiphi imithethodolobha ephathelene nalokho; kanye
 - (d) nanoma yimiphi imithethodolobha ngokomthetho kazwelonke nowesifundazwe.
- (2) Izimali ezisetshenziswayo zingahluka phakathi kwamaqoqo amakhasimende, asebenzisa imisebenzi, izinhlobo namazinga emisebenzi, ubuningi bemisebenzi, izidingo zezingqalasisizinda kanye nesimo sezindawo emhlabeni.
- (3) Imisebenzi iyomiswa ngenxa yokungakhokhi ngokwesivumelwano nemibandela njengoba kubekiwe emgomeni wokulawulwa kanye nokuqoqwa kwezikweletu.
- (4) Ukulehliswa kwesikhathi sokukhokha ama-akhawunti emisebenzi kungenzelwa amakhasimende ngokwamandla kanye nemibandela ekhishwe nguMkhandlu kaMasipala evunyiwe emgomeni wokuLawulwa kanye nokuQoqwa kweziKweletu.
- (5) UMasipala ungahlanganisa noma yimaphi ama-akhawunti abantu okumele bakhokhele uMasipala futhi ungathatha zonke izimali ezikhokhwe yilabo bantu zanoma yimuphi umsebenzi kanye nendlela abathanda yenziwe ngayo njengoba kunqume uMkhandlu kaMasipala njalo emva kwesikhathi kwinqubo-mgomo yawo yokuLawulwa kanye nokuQoqwa kweziKweletu.

11. IZIMALI EZIKHONA ZEMISEBENZI KAMASIPALA

UMkhandlu kaMasipala, ngaphezu kwezintela ezinqunyelwe imisebenzi kaMasipala ehlinzekwayo, ungahlawulisa imali emile ngenyanga, imali emile ngonyaka noma iamli emile ekhokhwa kanye lapho kukhona imisebenzi kaMasipala, noma ngabe leyo misebenzi isetshenzisiwe noma ingasetshenziswanga.

12. IMISEBENZI EXHASIWE

- (1) UMkhandlu kaMasipala, ngezikhathi ngezikhathi, nangokuhambisana nenqubo-mgomo kazwelonke, kodwa kweyame ezimisweni zokusekela nokuba namandla, ngesaziso somphakathi, ungaqalisa uxhaso emisebenzini kaMasipala esezingeni eliphansi.
- (2) UMkhandlu kaMasipala, ekuqaliseni uxhaso, ungaghlukanisa izinhlobo zamakhasimende asekhaya, izinhlobo namazinga emisebenzi, ubuningi bemisebenzi, isimo somhlaba kanye nesimo senhlalo nesomnotho ezindaweni.
- (3) Isaziso somphakathi ngokwesigatshana (1) kumele siqatthe okungenani le mininingwane elandelayo oxhasweni oluthile —
 - (a) amakhasimende asekhaya ayozuza oxhasweni;
 - (b) uhlobo, izinga kanye nobuningi bemisebenzi kaMasipala ezoxhaswa;
 - (c) indawo lapho uxhaso luzosebenza kuyo;
 - (d) intela (ekhombisa izinga loxhaso);
 - (e) indlela yokuqalisa uxhaso; kanye
 - (f) nanoma yimiphi imbandela ekhethekile eyosetshenziswa oxhasweni.
- (4) Uma ukusetshenziswa kwemisebenzi kaMasipala yikhasimende lasekhaya —
 - (a) kungaphansi komsebenzi oxhasiwe, inxenye engasetshenziswanga ingaqongelelwa yikhasimende kodwa angeke inikeze ikhasimende ilungelo lokuthola imali engukheshi noma isaphulelo maqondana nenxenye engasetshenziswanga; futhi
 - (b) kungaphezu komsebenzi oxhasiwe, ikhasimende liyophoqeleka ukukhokhela ukusetshenziswa okweqile ngentela efanele.
- (5) Uxhaso oluqaliswe ngokwesigatshana (1) noma yingasiphi isikhathi, lungahoxiswa noma lushintshwe ngokubona koMkhandlu kaMasipala.
- (6) Amakhasimende ezohwebo angengafaneleki ukuthola imisebenzi exhasiwe.
- (7) Imisebenzi exhasiwe iyokhokhelwa engxenye yemali eqoqiwe etholakele kuzwelonke eyabelwe uMasipala futhi uma leyo mali ingenele imisebenzi ingakhokhelwa emalini eqoqiwe etholakala kwintela kanye nezimali eziphathelene nemisebenzi kaMasipala.

13. IGUNYA LOKUTHOLA IZINDLEKO NEZIMALI EZENGEZIWE

UMasipala noma ogunyazwe yiwo ungunya, naphezu kwezihlinzeko zanoma yiziphi ezinye izigaba eziqokethwe kule mithethodolobha, ungathola noma yiziphi izindleko ezengeziwe ezidaleke maqondana nokuqaliswa kwale mithethodolobha kwi-akhawunti yesakhasimende, kubandakanya kodwa kungacini nje —

- (a) ngazo zonke izindleko zomthetho, kubandakanya nommeli kanye nezindleko zomelwe ezidaleke ngesikhathi kufunwa isamba esikweletwayo ziyothathwa kwi-akhawunti yekhasimende; kanye/noma
- (b) isilinganiso sezindleko ezidalekile eziphathelene nanoma yiziphi izinyathelo ezathathwa kufunwa imali ikhasimende noma kukhunjuzwa ikhasimende, ngocingo, ngefeksi, nge-e-mail, ngencwadi noma ngenye indlela.

INGXENYE 3: UKUKHOKHA

14. UKUKHOKHWA KWEDIPHOZI

- (1) UMkhandlu kaMasipala, njalo emva kwesikhathi, unganquma amadiphozi ahlukene ezigaba ezahlukene zamakhasimende, zabasebenzisa imisebenzi, abanezikweletu, imisebenzi kanye namazinga emisebenzi, inqobo nje uma idiphozi yaba ngaphezulu ngokuphindwe kabili nenxenye ngokwenani kunokusetshenziswe ngenyanga ezakhiwe ezifakelwa isicelo.
- (2) Ikhasimende kumele ekufakeni isicelo sokuhlinzekwa ngemisebenzi kaMasipala nangaphambi kokuba uMasipala noma ogunyazwe yiwo uhlinzeke leyo misebenzi, likhokhe idiphozi, uma uMkhandlu kaMasipala sewuyinqumile idiphozi.
- (3) UMasipala noma ogunyazwe yiwo njalo ngonyaka ungabuyekeza idiphozi ekhokhwa ngokwesigatshana (2) nangokuhambisana nalokho kubeyekwezwa —

- (a) ungadinga ukuba ikhasimende likhokhe isamba esithe xaxa lapho idiphozi ingaphansi kwaleyo esinqunywe nguMkhandlu kaMasipala ngaleso sikhathi.
- (4) Uma ikhasimende lise muva ngokukhokha, uMasipala noma ogunyazwe yiwo ungadinga ukuthi ikhasimende —
- (a) likhokhe idiphozi uma ikhasimende kwakungadingekanga ukuba likhokhe idiphozi, uma uMkhandlu kaMasipala sewunqume idiphozi; futhi
- (b) likhokhe idiphozi ethe xaxa lapho idiphozi eyayikhokhwe yikhasimende ingaphansi kwaleyo esinqunywe nguMkhandlu kaMasipala ngaleso sikhathi.
- (5) Kweyame kwisigatshana (7), idiphozi iyothathwa njengekhokha inxenye ye-akhawunti.
- (6) Akukho nzalo eyokhokhwa nguMasipala noma ogunyazwe yiwo kwidiphozi ebanjiwe.
- (7) Idiphozi, uma ikhona, iyobuyiselwa kwikhasimende ekupheleni kwesivumelwano. Idiphozi iyodliwa nguMasipala uma ingalandwanga yikhasimende esikhathini esiyizinyanga ezi-12 kuphele isivumelwano.

15. IZINDLELA ZOKUNQUMA IZAMBA OKUMELE ZIKHOKHWE

- (1) UMasipala noma ogunyazwe yiwo kumele maqondana nemisebenzi kaMasipala engakalwa, uzame, ngezimali nangabantu abakhona, baxhume amamitha futhi bafunde wonke amamitha amakhasimende, njalo, kweyame kwisigatshana (2).
- (2) Uma umsebenzi ungakaliwe, uMasipala noma ogunyazwe yiwo, naphezu kwesigatshana (1), unganquma isamba okumele sikhokhwe yikhasimende, ngemisebenzi kaMasipala aphakelwa yona, ngokubala —
- (a) ukusetshenziswa ngokuhlanganyela; noma uma kungenzeki; kanye
- (b) nokusetshenziswa okukanekisiwe.
- (3) Uma umsebenzi ukaliwe, kodwa ungafundeki ngenxa yezinkinga zezimali noma yabantu noma izimo zingenakulawulwa nguMasipala noma ngogunyazwe yiwo, futhi ikhasimende likhokhiselwa ukusetshenziswa okulingene i-akhawunti ihambisana nokufundwe kwimitha kumele ikhombise umehluko phakathi kokusetshenzisiwe okulingene, kanye nesikweletu esidalekile noma ukuhlelwa kwesikweletu.
- (4) Lapho kuhlinzekwa khona ukuphakwa kwamanzi ngomphambo wompompi emphakathini, imali ekweletwa ngamakhasimende abasebenzisa lawo manzi aphakwa ngomphambo wompompi emphakathini, kumele incike ekusetshenzisweni ngokuhlanganyela noma okunqunyiwe kwamanzi aphakelwa umphakathi ngomphambo wompompi.
- (5) Lapho ngokubona kukaMasipala noma kogunyazwe yiwo kungenakwenzeka noma kungumchitha imali ukufakela bonke amakhasimende amamitha noma ukufunda wonke amamitha endaweni enqunyiwe, uMkhandlu kaMasipala, ngezincimo zikaMasipala noma zogunyazwe yiwo, unganquma intela emile okumele ikhokhwe yiwo wonke amakhasimende kuleyo ndawo, noma ngabe kusetshenziswe okungakanani.
- (6) UMasipala noma ogunyazwe yiwo kumele wazise amakhasimende ngendlela yokunquma izamba ezikweletwayo maqondana nemisebenzi kaMasipala ehlezekwayo eziyosebenza maqondana nokusetshenziswa kwayo noma nezindawo ezophakelwayo.

16. UKUKHOKHELWA KWEMISEBENZI KAMASIPALA EHLINZEKWAYO

- (1) Ikhasimende liyoba nesibopho sokukhekhela imisebenzi eliyisebenzisile kusukela ngosuku lwesivumelwano kuze kube i-akhawunti seyikhokhwe ngokugcwele futhi uMasipala noma ogunyazwe yiwo kumele ufune zonke izimali okumele zikhokhelwe uMasipala.
- (2) Uma ikhasimende elisebenzisa imisebenzi kaMasipala ngenye indlela ngale kwale uMasipala noma ogunyazwe yiwo ayihlinzekela kona ngokwesivumelwano noma ngenxa yalokho, likhokhiswa kancane kunalokho okumele likukhokhe uMasipala noma ogunyazwe yiwo ungalanganisa isamba elisikhokhiswayo futhi ufune imali esele kulelo khasimende.
- (3) Uma izichibiyelo ziqala ukusebenza ngosuku lokukala ngezinhloso zokuchasisa i-akhawunti maqondana nezimali ezifunekayo kanye nosuku lokukhokha —
- (a) kuyothathwa ngokuthi isamba esifanayo semisebenzi kaMasipala sahlinzekwa ngesikhathi esingamahora angama-24 ngasinye ngesikhathi esiphakathi kokukala; futhi
- (b) noma iyiphi imali emile iyobalwa ngokulinganisela ngokhambisana nemali eyasetshenziswa ngaphambi kwalokho kuchibiyela kanye naleyo mali echitshiyelwe.

17. UKUKHOKHWA NGOKUGCWELE NOKUQEDA KOKUKHOKHWA KWE-AKHAWUNTI

- (1) Lapho i-akhawunti ingakhokhiwe ngokugcwele, noma yisiphi isamba esincane esilethwayo noma esamukelwayo angeke sithathwe njengokuqedwa kokukhokhelwa kwaleyo akhawunti.
- (2) Isigatshana (1) siyosebenza naphezu kokuba kwakukhokhwe kancane ngokugcwele noma kuqedwa isikweletu, ngaphandle uma uMphathi kaMasipala noma umphathi wogunyazwe nguMasipala amukele lokho ngokubhaliwe.

18. UMTHWALO WEZIMALI OKUMELE ZIKHOKHWE

Naphezu kwézhlinzeko zanoma yiziphi ezinye izigaba zale mithethodolobha, umnikazi wezakhiwo uyoba nomthwalo wokukhokha noma yiziphi izimali ezikweletwa uMasipala noma ogunyazwe yiwo maqondana neminyaka emibili elandelayo, lapho umnikazi engelona ikhasimende futhi emva kokuba uMasipala noma ogunyazwe yiwo esethathe izinyathelo ezifanele zokuthola noma yiziphi izimali okumele zikhokhwe yikhasimende kuMasipala, ehlukekile ukuzithola.

19. IZIKWELETU EZINQATSHELWE

Lapho ukukhokha kuMasipala noma kogunyazwe yiwo ngesivumelwano okuxoxiswane ngaso okuthi kamuva kwenqathswe yibhange, uMasipala noma ogunyazwe yiwo —

- (a) ungabuyisa izindleko zebhange ezijwayelekile ezidaleke mayelana nezivumelwano okuxoxiswane ngazo ezinqatshelwe, kwi-akhawunti yekhasimende; futhi
- (b) uyothatha lesi sehlakalo njengokwenqaba ukukhokha.

20. IZINHLELO ZOKUKHUTHAZA

UMkhandlu kaMasipala ungaqalisa izinhlelo zokukhuthaza ukugquzela ukukhokha ngesikhathi esifanele kanye nokuklomelela amakhasimende akhokha njalo nangesikhathi esifanele.

21. IZINDAWO OKUKHOKHWA KUZO KANYE NABAGUNYAZWE NGOKOMTHETHO

- (1) Ikhasimende lingakhokha i-akhawunti yalo ezindaweni okukhokhwa kuzo, ezinqunywe nguMasipala noma ngogunyazwe yiwo ngezikhathi ngezikhathi, noma kwabagunyazwe ngokomthetho bakwaMasipala noma kogunyazwe yiwo.
- (2) UMasipala noma ogunyazwe yiwo kumele wazise ikhasimende ngendawo okukhokhwa kuyo kanye nabagunyazwe ngokomthetho okukhokhwa kubo ama-akhawunti.

INGXENYE 4: AMA-AKHAWUNTI**22. AMA-AKHAWUNTI**

- (1) Ama-akhawunti ayothunyelwa kanye ngenyanga kwikhasimende ekhelini elibhaliswe kuMasipala noma kogunyazwe yiwo. Ikhawunti engaphezu kweyodwa yemisebenzi ehlukeneyo yaMasipala uma ibalwe ngokwehlukana.
- (2) Ukungatholi noma ukungamukeli i-akhawunti akalikhululi ikhasimende esibopheni sokukhokha noma iyiphi imali okumele iyikhokhe.
- (3) UMasipala noma ogunyazwe yiwo kumele, uma kunokwenzeka ekuphatheni, ungakhiphela ikhasimende ikhophi ye-akhawunti uma liyicela ngesikhathi lizokhokha imali yezintela zoMkhandlu.
- (4) Ama-akhawunti kumele akhokhwe lungashayi usuku lokugcina lokukhokha olubalulwe kuleyo akhawunti.
- (5) Ama-akhawunti
 - (a) ayokhombisa okungenani —
 - (i) imisebenzi ehlinzekiwe;
 - (ii) ukusetshesiswa kwemisebenzi ekalwayo noma okusetshenzise ngokuhlanganyela noma okulinganisiwe;
 - (iii) isikhathi esibekwe kwi-akhawunti;
 - (iv) izintela ezifanele;
 - (v) noma yiluphi uxhaso;
 - (vi) imali okumele ikhokhwe;
 - (vii) isilinganiso, uma sikhona, kokusetshenzisiwe okukaliwe okwakulinganisiwe phambilini;
 - (viii) intela yentengo eyengeziwe;
 - (ix) izimali ezisilele, uma zikhona;
 - (x) inzuzo okumele sikhokhwe ezimalini ezisilele; uma zikhona
 - (xi) usuku lokugcina lokukhokha;
 - (xii) izindlela, indawo kanye nabagunyazwe ngokomthetho okungakhokhwa kubo; futhi
 - (b) kubalukwe ukuthi —
 - (i) ikhasimende lingenza isivumelwano noMasipala noma ogunyazwe yiwo zokukhokha izimali ezisilele kancane kancane, emahhovisi kaMasipala noma ogunyazwe yiwo ngaphambi kosuku lokugcina lokukhokha, uma ikhasimende lingakwazi ukukhokha imali egcwele okumele iyikhokhe;
 - (ii) uma kungangenwanga esivumelwaneni esinjalo uMasipala noma ogunyazwe yiwo unganciphisa imisebenzi emva kokuthumela isaziso sokugcina kwikhasimende;
 - (iii) izinyathelo zomthetho zingathathelwa noma yiliphi ikhasimende ukuthola noma iyiphi imali esilele ngezinsuku ezingama-45;
 - (iv) i-akhawunti ingadluliselwa kooqoqa izikweletu ukuze ikhokhwe; futhi
 - (v) ubufakazi bokubhalisa njengomthengi ompofu, ngokomgomo wabampofu kaMasipala noma wogunyazwe yiwo, kumele buhanjise emahhovisi kaMasipala noma ogunyazwe yiwo ngaphambi kosuku lokugcina lokukhokha.

23. ISIKWELETU ESIHLANGANISIWE

- (1) Uma i-akhawunti ikhishelwe umsebenzi ongaphezu kowodwa ohlinzekwa nguMasipala, imali okumele ikhokhwe yikhasimende yenza isikweletu esihlanganisiwe, futhi noma iyiphi imali ekhokhwe yikhasimende engaphansi kwesamba okumele sikhokhwe, iyokwabiwa ngokubona kukaMasipala phakathi kwezikweletu zemisebenzi.
- (2) Uma i-akhawunti ikhishelwe umsebenzi owodwa kamsipala ohlinzekiwe, noma iyiphi imali ekhokhwe yikhasimende engaphansi kwesamba okumele sikhokhwe, iyokwabiwa ngokubona kukaMasipala.
- (3) Ikhawunti lingeqoke ukuthi i-akhawunti izikhokhwa iqedwe kanjani uma ingezikhokha iqedwe noma uma kunemali esilele.

INGXENYE 5: IMIBUZO, IZIKHALO KANYE NOKUZIKHALELA**24. IMIBUZO NOMA IZIKHALO MAQONDANA NE-AKHAWUNTI**

- (1) Ikhawunti lingabuza noma abeke isikhalo maqondana nokubalwa kahle kwemali okumele ayikhokhe maqondana nemisebenzi ethile kaMasipala ekhonjiswe kwi-akhawunti ayinikeziwe.
- (2) Noma yimuphi umbuzo noma isikhalo kumele sibekwe kuMasipala noma kogunyazwe yiwo ngaphambi kosuku lokugcina lokukhokha i-akhawunti.
- (3) Noma yimuphi umbuzo noma isikhalo kumele sihambisane nemali elinganisiwe yezinyanga ezintathu lapho umlando we-akhawunti ukhona noma wemali elinganisiwe ehlinzekwe nguMasipala ngaphambi kosuku lokukhokha kuze kube udaba luyaxazululwa.
- (4) UMasipala noma ogunyazwe yiwo uyobhalisa umbuzo noma isikhalo futhi uhlinzeke ikhasimende ngenombolo eyinkomba.
- (5) UMasipala noma ogunyazwe yiwo —
 - (a) uyophenya noma udale ukuthi imibuzo noma isikhalo siphenywe; futhi
 - (b) kumele wazise ikhasimende, ngokubhaliwe, ngokutholile esikhathi esingangenyanga emva kokubhaliswa kombuzo noma kwesikhalo.
- (6) Ukwehluleka ukukhokha lezo zimali okuvunyelwene ngazo okwesikhashana kuyofaka ikhasimende enkingeni yokungahlinzekwa ngemisebenzi.

25. UKUZIKHALELA NGOKUTHOLWE NGUMASIPALA NOMA OGUNYAZWE YIWO MAQONDANA NEMIBUZO NOMA NEZIKHALO

- (1) Ikhawunti lingakhalaza ngokubhaliwe ngokutholwe nguMasipala noma ogunyazwe yiwo ngokwesigaba 24 ngokubhaliwe.
- (2) Ukukhalaza kanye nesicelo ngokwesigatshana (1) kumele kwenziwe ngokubhaliwe futhi kwethulwe kuMasipala ezinsukwini ezingama-21 emva kokuba ikhasimende lazile ngokutholakele okukhulunywe ngakho esigabeni 19 futhi kumele —
 - (a) libeke izizathu zokukhalaza; futhi
 - (b) liphelelezele yinoma yimuphi unogada onqume ukuyohlola isikali, uma kukhona.

INGXENYE 6: IZIMALI EZISILELE**26. INZALO**

- (1) Inzalo siyohlawuliswa ezimalini ezisilele ngesilinganiso senzalo esisebenzayo ngaleso sikhathi noma ngesilinganiso esinqunywe nguMkhandlu kaMasipala ngezikhathi ngezikhathi.
- (2) Izindleko ezihambisana nokuncishiswa noma nokumiswa kwemisebenzi kaMasipala kuyoba yizindleko zekhasimende futhi ziyobandakanywa kwi-akhawunti elandelwa ukuxhunywwa kabusha.

27. AMA-AKHAWUNTI ASILELE NGEZINSUKU EZINGAMA-45

- (1) Lapho i-akhawunti ekhishelwe ikhasimende ingakhokhwa kuze kuphele izinsuku ezingama-45 (amashumi amane nanhlanu) uMasipala noma ogunyazwe yiwo —
 - (a) ungathathela izinyathelo ikhasimende ukuze kutholakale izimali ezisilele; futhi
 - (b) ungadlulisela i-akhawunti yekhasimende koqoqa izikweletu noma kummeli ukuze ikhokhwe.
- (2) Ikhasimende liyoba nomthwalo wokukhokha izimali zokubhaliswa, izindleko ezidaleke ngokuthatha izinyathelo zokuthola izimali ezisilele kanye nanoma yiziphilini izinhlawulo, kubandakanya nokukhokhwa kwediphozi ethe xaxa, njengoba kunganqunywa nguMkhandlu kaMasipala ngezikhathi ngezikhathi.

INGXENYE 7: Isivumelwano sokukhokha izimali ezisilele**28. IZIVUMELWANO**

- (1) Izivumelwano ezilandelayo zokukhokhwa kwezimali ezisilele kancane kancane zingafakwa —
 - (a) ohlwini lokuvunywa kwesikweletu;
 - (b) ohlwini lwemvume yokwahlulela;
 - (c) ohlwini lokubanjwa kwenzuzo.
- (2) Ikhasimende liyovuma ukuthi inzuzo ikhokhiswe ngesilinganiso esinqunyiwe.
- (3) Amakhasimende anezikweletu ezisilele zikagesi kumele bavume ukuthi uguqulwe ube ngowekhadi futhi uma sekwenzeka, izindlelo zalokho, kanye nemali esilele, kuyokhokhwa —
 - (a) ngokwengeza imali esilele kwi-akhawunti nangokuyikhokha ngesikhathi okuvunyelwene ngaso; noma
 - (b) ngokuyengeza njengenhlawulo ezindlekweni zikagesi wekhadi, nangokuyikhokha njalo uma kuthengwa ikhadi likagesi kuze kube isikweletu siyaphela.
- (4) UMasipala noma ogunyazwe yiwo kumele ucele ikhasimende ukuba likhokhe okungenani isikweletu sawo esikhona ngalesi sikhathi ekungeneni esivumelwaneni sokukhokha imali esilele kancane kancane.
- (5) UMasipala uzibambela igunya lokukhuphula idiphozi eyisibambiso edingwa ngabaqoqa izikweletu abafuna ukuhlela.

29. IKHOPHI YESIVUMELWANO EYA KWIKHASIMENDE

Ikhophi yesivumelwano iyonikezwa ikhasimende.

30. UKWEHLULEKA UKUGCINA IZIVUMELWANO

- (1) Uma ikhasimende lehluleka ukugcina isivumelwano sokukhokha imali esilele ngemuva kancane kancane, isamba sazo zonke izimali ezisele, kubandakanya imali esilele, nanoma yiziphilini inzuzo sayo, izimali zokubhalisa, izindleko ezidaleke ngokuthatha izinyathelo ezifanele kanye nezinhlawulo, kubandakanya nokukhokha inhlawulo oethe xaxa, kuyokhokhwa ngokushesha, ngaphandle kwesinye isaziso noma okunye ukubahlalelwa futhi uMasipala noma ogunyazwe yiwo —
 - (a) ungamisa imisebenzi kagesi ehlinzekwa yikhasimende;
 - (b) lapho kungekho misebenzi kagesi ehlinzekwa nguMasipala noma ogunyazwe yiwo, ungamisa imisebenzi yokuphakwa kwamanzi ehlinzekwa ikhasimende;
 - (c) ungathathela ikhasimende izinyathetho zomthetho ukuze kutholakale imali esilele; futhi
 - (d) ungadlulisela i-akhawunti yekhasimende koqoqa izikweletu noma ummeli ukuze zikhokhiwe.

31. UKUXHUNYWA KABUSHA KWEMISEBENZI

- (1) Isivumelwano sokukhokha imali esilele kancane kancane, okungenwe kuso emva kokuba imisebenzi kagesi imisiwe kanye/noma yamanzi incishisiwe, angeke kwenze ukuthi imisebenzi iqhubeke kuze kube —
 - (a) imali esilele, nanoma yiziphilini inzuzo sayo, izimali zokubhalisa, izindleko ezidaleke kuthathwa izinyathelo kanye nanoma yiziphilini izinhlawulo, kubandakanya ukukhokha idiphozi ethe xaxa, sekukhokhwe ngokugcwele.
- (2) Ngaphezu kwanoma yikuphi ukukhokha okukhulunywe ngakho esigatshaneni (1) ikhasimende liyokhokha imali ejwayelekile yokuxhuma kabusha njengoba inqunywe nguMkhandlu kaMasipala ngezikhathi ngezikhathi, ngaphambi kokuxhunywwa kabusha kwemisebenzi kaMasipala nguMasipala noma ogunyazwe yiwo.

ISIAHLUKO 4**IZINTELA ZOKUTHELA****32. IZINTELA OKUMELE ZIKHOKHWE**

- (1) Izihlinzeko zeSahluko 3 ziyosebenza maqondana nokuthola inkokhelo kwezimali zokuthela.
- (2) Zonke izimali zokuthela okumele zikhokhwe ngabanikazi zingakhokhwa ngosuku olunqunyiwe njengoba kunqume uMasipala emgomeni wawo wolulawulwa kanye nokuqoqwa kwezikweletu.
- (3) Abanikazi abahlanganyele bendawo koyomele bakhokhe ngokuhlanganyela nagokwehlukana izimali zokuthela.
- (4) Izimali zokuthela ziyohlawuliswa kancane kancane ngokulinganayo njalo ngenyanga. Uma zihlawuliswe kancane kancane ngokulinganayo njalo ngenyanga imali okumele ikhokhwe iyofakwa kwi-akhawunti kaMasipala.
- (5) Umnikazi wendawo kuhlala kunguye okumele akhokhe izimali zokuthela ezifakwa kuma-akhawunti kaMasipala, naphezu kokuba —
 - (a) engahlali kuleyo ndawo; kanye/noma
 - (b) i-akhawunti kaMasipala ibhaliswe egameni lomunye umuntu ongenyana umnikazi wendawo.

ISAHLUKO 5

UKUHLINZEKWA KWEMISEBENZI KAMASIPALA KUMAKHASIMENDE AMPOFU

33. UKUFANELEKA UKUBHALISA NJENGEKHASIMENDE ELIMPOFU

Wonke amakhaya lapho imali ehlanganisiwe etholwa yiwo wonke amalungu ekhaya aneminyaka engaphezu kweyi-19 ingaphansi kwemali enqunywe nguMkhandlu kaMasipala, ayafaneleka ukubhaliswa njengamakhassimende ampofo.

34. UKUFAKA ISICELO SOKUBHALISA

- (1) Ikhaya elifanelekayo njengamakhassimende ampofo kumele ligcwalise ifomu lokufaka isicelo elibhalwe ukuthi: "Isicelo sokubhalisa njen-gomthengi ompofu" elifakwe njengeSithasiselo B kule mithethodolobha.
- (2) Noma yisiphi isicelo ngokwesigatshana (1) - kumele sibe —
 - (a) nombhalo ongubufakazi bemali etholakalayo, njengencwadi ephuma kumqashi wekhasimende, incwadi yokuhola, ikhadi lempesheni, ikhadi lesikhwama sabangaqashiwe; noma
 - (b) incwadi efungelwe ekhombisa ukungaqashwa noma incwadi yokuhola; kanye
 - (c) nencwadi ye-akhawunti yakwaMasipala yekhasimende; kanye
 - (d) nekhophi kamazisi (ID) eqinisekisiwe yekhasimende; kanye
 - (e) namagama kanye nezinombolo zomazisi babo bonke abahlali abaneminyaka engaphezu kweyi-18 abahlala kuleyo ndawo.
- (3) Ikhassimende elifaka isicelo sokubhalisa njengekhasimende elimpofo kuyodingeka ukuba liqinisekise ukuthi yonke imininingwane ehlinzekwe kwifomu lokufaka isicelo kanye neminye imibhalo kanye nemininingwane ehlinzekwe maqondana nesicelo iyiqiniso futhi ilungile.
- (4) UMasipala noma ogunyazwe yiwo uyosayina okwesibili ifomu lesicelo futhi uqinisekise ukuthi imiphumela nemibandela yaleso sicelo somthengi kwakuchazelwe ikhasimende kanye nokuthi ikhasimende lakhombisa ukuthi okuqukethwe kwisivumelwano kwezwakala.

35. UKWAMUKELWA KWESICELO

- (1) UMasipala noma ogunyazwe yiwo unghathumela abantu abagunyaziwe ezakhiweni noma emakhaya afake izicelo zokubhaliswa njengamakhassimende ampofo ukwenza ucwaningo lwemininingwane ehlinzekiwe kulezo zindawo ngaphambi kokwamukela isicelo.
- (2) Isicelo siyokwamukelwa isikhathi esiyizinyanga eziyi-12. Uxhaso luyohoxiswa uma umfakisicelo ehluleka ukwethula ubufakazi bemali ayitholayo noma efaka kabusha isicelo sokoxhaswa.

36. IMBANDELA

UMasipala noma ogunyazwe yiwo ekwamukelweni kwesicelo nanoma yingasiphi isikhathi emva kwalokho —

- (a) angafakela ikhasimende elimpofo imitha kagesi wekhadi lapho ugesi ohlinzekwa nguMasipala noma ogunyazwe yiwo uma sewuqalisiwe; futhi
- (b) ungehlisa imisebenzi yokuphakelwa amanzi yekhasimende elimpofo iphakwe ngokusezingeni elingengaphansi kwamakhilolitha ayisithupha (6) ngenyanga.

37. UKUFAKA ISICELO NJALO EZINYANGENI EZIYISHUMI NAMBILI

- (1) Ikhassimende elimpofo kumele lifake isicelo kabusha sokuxhaswa kwabampofu njalo ezinyangeni eziyithupha, uma lehluleke ukwenze njalo usizo luyovele lunqamuke.
- (2) Izihlinzeko zesigaba 38 kanye no 39 ziyosetshenziswa kunoma yisiphi isicelo ngokwesigatshana (1).
- (3) UMasipala noma ogunyazwe yiwo angeke uqinisekise ukuvuselelwa kokuxhaswa kwabampofu.

38. IMISEBENZI EXHASIWE YABASEBENZI ABAMPOFU

- (1) UMkhandlu kaMasipala minyaka yonke, njengenxenye yohlelo lokwaba izimali, unganquma imisebenzi kaMasipala maqondana namakhassimende ampofo ngokuhambisana nomgomo kazwelonke, kodwa kweyame emigomeni yokuba namandla.
- (2) UMkhandlu kaMasipala ekunqunyweni kwemisebenzi kaMasipala eyoxhaswa yamakhassimende ampofo uyocabangela ukuxhaswa okungenani kwemisebenzi elandelayo:
 - (a) imisebenzi yokuphakwa kwamanzi angamakhilolitha ayisithupha ikhaya ngalinye njalo ngenyanga;
 - (b) imisebenzi yokuthuthwa kwendle njalo kusihlwa noma yokuphucula izindlu zangasese zomgodi ikhaya ngalinye njalo ngenyanga noma yingayiphi indlela ebiza kahle kuMasipala noma kogunyazwe yiwo; kanye
 - (c) nemisebenzi yokuthutha udoti kanye ngesinto ikhaya ngalinye;
 - (d) zonke izintela ezihlawuliselwa izindawo ezibiza ngaphansi kwama-R20 000 ngokwezilinganiso zikaMasipala, kunoma iyiphi indawo noma esigabeni sezindawo, lapho noma iyiphi indawo noma isigaba sezindawo, uma kungenzeke ukulinganisa noma ukukala leyo ndawo, indlela okuyonqunywa ngayo izintela zayo, iyoba njengoba kunqume uMkhandlu kaMasipala.
- (3) UMasipala kumele, uma kunqunywa ngokwesigatshana (1) ukhiphe isaziso somphakathi ngalokho kunquma.
- (4) Isaziso somphakathi ngokwesigatshana (3) kumele siqathe okungenani okulandelayo —
 - (a) izinga noma isibalo semisebenzi kaMasipala ezoxhaswa;
 - (a) izinga lokuxhaso;
 - (b) indlela yokubala uxhaso;
 - (c) noma yimiphi imibandela eyosetshenziswa oxhasweni, engahlinzekiwe kule mithethodolobha.
- (5) Noma yimiphi eminye imisebenzi kaMasipala ehlinzekwa nguMasipala noma imisebenzi kaMasipala esetshenziswe ngokweqile okunqunywe esigatshaneni (1) iyokhokhelwa futhi ikhasimende elimpofo kuyomele akhokhe lezo zimali ezihlawuliselwa ukusebenzisa imisebenzi ngokweqile.
- (6) Izihlinzeko zeSahluko 3 ziyosebenza ngokuguququka ezimalini okumele zikhokhwe ngokwesigatshana (5).

39. UKUKHOKHELWA KWEMISEBENZI EXHASIWE

- (1) Imisebenzi exhasiwe okukhulunywe ngayo esigabeni 38 iyokhokhelwa enxenyeni yemali eqoqwe kuzwelonke eyabelwe uMasipala futhi uma leyo mali ingeneli imisebenzi ingakhokhelwa emalini eqoqwe ngezintela nangezimali maqondana nemisebenzi kaMasipala.
- (2) Imali yoxhaso okumele ikhokhwe ngemali eqoqwe kuzwelonke eyabelwe uMasipala iyobalwa ngokwehlukana imali eyabiwe ngesibalo samakhassimende abafaneleka ukubhalisa njengamakhassimende abampofu.

40. IZIMALI EZISILELE EZIQONGELELWE ZAMAKHASIMENDE AMPOFU

Izimali ezisilele eziqongelele maqondana nama-akhawunti kaMasipala zamakhasimende ngaphambi kokubhalisa njengamakhasimende ampofo —

- ziyokwesulwa;
- ziyofakwa njengenhlawulo emakhuphonini kagesi wekhadi; noma
- kuyozanywa ukuba zitholakale ngezinqubo zomthetho noma ngezinye izindlela.

41. UCWANINGO

UMasipala ungenza ucwaningo ngokuvama olwenziwa nguMasipala noma ngugunyazwe yiwo —

- ukuqinisekisa imininingwane ehlinzekwe ngamakhasimende ampofo;
- ukuqopha noma yiluphi ushintsho ezimeni zamakhasimende ampofo;
- ukwenza izincomo ngokwesulwa kwamakhasimende ampofo.

42. UKWESULWA

- Noma yiliphi ikhasimende elihlinzeka noma elahlinzeka imininingwane engamanga kwifomu lokufaka isicelo kanye nanoma yimuphi omunye umbhalo noma imininingwane maqondana nesicelo, ngaphandle kwesaziso, uyovele asulwe njengomthengi ompofo kusukela ngosuku uMasipala noma ogunyazwe yiwo owaze ngalo ukuthi leyo mininingwane ingamanga.
- Ikhasimende elimpofo kumele ngokushesha acele ukusulwa nguMasipala noma ugunyazwe yiwo uma isimo sakhe sesishintsho kangangoba akasafaneleki ukuba yikhasimende elimpofo njengoba kubekiwe esigabeni 33.
- Ikhasimende elimpofo liyovele lesulwe uma isicelo ngokuhambisana nesigaba 34 singenziwanga noma uma leso sicelo singemukelwanga.
- Ikhasimende elimpofo liyovele lesulwe uma ucwaningo noma ukuqinisekisa kukhombisa ukuthi isimo sezimali somthengi ompofo sesishintshile kangangoba kasafaneleki ukuba yikhasimende elimpofo njengoba kubekiwe esigabeni 33.
- Ikhasimende elimpofo noma yingasiphi isikhathi lingacela ukwesulwa.

ISAPHLUKO 6**AMABHIZINISI ANAMATHENDA KAMASIPALA****43. INQUBO-MGOMO WOKUTHENGWA KWEZIMPAHLA ZIKAHULUMENI KANYE NEMIBANDELA YAMATHENDA**

Umgomo wokuthengwa kwezimpahla zikahulumeni kanye nemibandela yamathenda kungahlinzekela okulandelayo:

- Uma kukhishwa isimemo samathenda sokuhlinzeka imisebenzi noma okuhanjiswa kwezimpahla, izinkontilaka ezinokuqashwa zingaletha amathenda kweyame kwimibandela yokuthi ukuthathwa kwesinqumo ngalokho kuyodinga ukuthi othole ithenda athole kuMasipala isitifiketi esikhombisa ukuthi wonke ama-akhawunti awakweletayo noma akweletwa ngabaqondisi bakhe, abanikazi noma abalingani asekhokhiwe noma sekwenziwe amalungiselelo (okubandakanya ilungelo lokususa lesi senzo sokungahambisani) okukhokha kwanoma yiziphi izimali ezisilele.
- I-akhawunti kaMasipala ekhombisa noma yiziphi izimali zemisebenzi kaMasipala, intela noma ezinye izimali, izinhlawulo, okumele zikhokhe ngokwesivumelwano noma ngesilinganiselo esivumelekile, eyasilela emva kosuku lokugcina ukukhokha ngokweywayelekile evela kw-akhawunti ehlanganisiwe noma esidlulelwe yisikhathi ngokwesivumelwano nanoma yiluphi olunye usuku lokugcina ukukhokha oselwedlule.
- Imibandela yamathenda ibe nombandela ovumela uMasipala ukuthi uthathe izimali ezikweletwa uMasipala esivumelwaneni sokukhokha ngendlela eyamukelekayo nokweletayo.

ISAPHLUKO 7**IMISEBENZI ENGAGUNYAZIWE****44. IMISEBENZI ENGAGUNYAZIWE**

- Akukho muntu ongasebenzisa imisebenzi kaMasipala ngaphandle uma kungenwe esivumelwaneni noMasipala noma nogunyazwe yiwo ukuhlinzeka leyo misebenzi.
- UMasipala noma ogunyazwe yiwo, ngaphandle kokubheka noma yisiphi esinye isinyathelo ongasithathela lowo muntu ngokwale mithethodolobha ngesaziso esibhaliwe unganxusa umuntu osebenzisa imisebenzi engagunyazwe ukuba —
 - afake isicelo saleyo misebenzi ngokweSahluko 3 seNgxeny 1;
 - enze lowo misebenzi njengoba kungadingeka ukuqinisekisa ukuthi ukufakelwa kwekhasimende okutholakala ngakho igunya lokusebenzisa imisebenzi kuhambisana nezihlinzeko zale mithethodolobha nanoma yimiphi eminye efanele.

45. UKUPHAZANYISWA KWENGQALASIZINDA NGENHLOSO YOKUHHLINZKA IMISEBENZI KAMASIPALA

- Akukho muntu ngaphandle kukaMasipala noma kogunyazwe yiwo oyophatha, asebenzise noma agcine ingqalasizinda okuhlinzekwa ngayo imisebenzi kaMasipala.
- Akukho muntu ngaphandle kukaMasipala noma kogunyazwe yiwo ongathinta okuxhunywe kwingqalasizinda okuhlinzekwa ngayo imisebenzi kaMasipala.

46. UKUTHIKAMEZA UKUFINYELELA KWINGQALASIZINDA NGENHLOSO YOKUHHLINZKA IMISEBENZI KAMASIPALA

- Akukho muntu oyovimbela noma oyothikameza ukufinyelela kwingqalasizinda okuhlinzekwa ngayo imisebenzi kaMasipala.
- Uma umuntu ephula isigatshana (1), uMasipala noma ogunyazwe yiwo —
 - ngesaziso esibhaliwe, ungadinga ukuthi lowo muntu angenza ukuba kufinyelele ngezindleko zakhe ngesikhathi esibekiwe; noma
 - uma ngokubona isimo sokuthi siyaphuthuma, ngaphandle kokuqala ngokwazisa lowo muntu ungalungisa bese ufuna izindleko kulowo muntu.

47. UKUXHUMA KABUSHA OKUNGEKHO SEMTHETHWENI

- Umuntu ozixhumela kabusha imisebenzi ngokungekho semthethweni nangenhloso noma ngobudedengu noma ophazamiswa ngokungekho semthethweni nangenhloso noma ngobudedengu negqalasizinda okuhlinzekwa ngayo imisebenzi kaMasipala, emva kokuba ukuhlinzekwa ngemisebenzi kaMasipala kwalelo khasimende sekunqanyuliwe noma sekumisiwe, iyomiswa ngokushesha.
- Umuntu oxhuma kabusha imisebenzi kaMasipala ezimweni okukhulunywe ngazo kwisigatshana (1) kuyomele akhokhe izindleko maqondana nanoma yikuphi ukusetshenziswa, naphezu kwanoma yiziphi izinyathelo angathathelwa zona.

48. UKUNQANYULWA NGOKUSHESHA

Ukuhlinzekwa kwemisebenzi kaMasipala kunganqanyulwa ngokushesha uma noma yimuphi umuntu —

- (a) ephazamisa ngokungekho semthethweni nangenhloso noma ngobudedengu ingqalazinda uMasipala noma ogunyazwe yiwo ohlinzeka ngayo imisebenzi kaMasipala;
- (b) ehluleka ukuhlinzeka imininingwane noma ehlinzeka imininingwane engamanga ecelwe kahle nguMasipala noma ngogunyazwe yiwo.

**ISAHLUKO 8
AMACALA**

48. AMACALA

(1) Noma yimuphi umuntu —

- (a) owehluleka ukunikeza intuba edingwa nguMasipala noma ogunyazwe yiwo ngokwale mithethodolobha;
- (b) osiza umuntu ekuhlinzekeni imininingwane engamanga noma imininingwane engubugebengu noma osiza ekugodleni ulwazi ngenhloso;
- (c) osebenzisa, othikameza noma ophazamisa impahla kaMasipala, impahla yokuphakwa kwemisebenzi noma ukusetshenziswa kwemisebenzi okuhlinzekwayo;
- (d) owehluleka noma owenqaba ukunikeza uMasipala noma ogunyazwe yiwo leyo mininingwane njengoba kungadingeka ngenhloso yokusebenzisa amandla noma imisebenzi ngaphansi kwale mithethodolobha noma onikeza lowo Masipala noma ogunyazwe yiwo imininingwane engamanga noma edukisayo, ebe azi ukuthi ingamanga noma iyedukisa;
- (e) owephula noma owehluleka ukuhambisana nezihlinzeko zale mithetho nqubo;
- (f) owehluleka ukuhambisana nemibandela yesaziso asinikeziwe ngokwale mithethodolobha, uyothweswa icala futhi uma etholakale enecala uyoboshwa isikhathi esingeqile ezinyangeni eziyisithupha noma asebenze emphakathini noma akhokhe inhlawulo, noma enze konke lokhu okubalulwe ngenhla.

**ISAHLUKO 9
MIBHALO**

50. UKUSAYINWA KWEZAZISO KANYE NEMIBHALO

Isaziso noma umbhalo okukhishwe nguMasipala ngokwale mithethodolobha futhi okusayinwe ngumsebenzi kaMasipala noma wogunyazwe yiwo kuyothathwa ngokuthi zikhishwe ngokufanelekile futhi ekwethulweni kwazo zamukelwe yinkantolo yomthetho okungubufakazi kwalokho.

51. IZAZISO NEMIBHALO

- (1) Isaziso noma umbhalo okhishwe nguMasipala noma ngogunyazwe yiwo ngokwale mithethodolobha iyothatha njengegunyazwe ngokufanelekile uma umuntu ogunyaziwe ekusayina.
- (2) Noma yisiphi isaziso nanoma yimuphi omunye umbhalo enikezwa umnikazi, ikhasimende nanoma yimuphi omunye umuntu ngokwale mithethodolobha kuthathwa ngokuthi inikezwe umuntu —
 - (a) ihanjiswe kulowo muntu ngqo;
 - (b) uma ishiywe, endaweni ehlala lowo muntu, ebhizinisini noma emsebenzini wakhe kwiRiphabhliki yaseNingizimu Afrika, kumuntu omanyaka engaphezu kweyishumi nesithupha;
 - (c) uma iposwe ngeposi eliqinisekisiwe ekhelini lowo muntu okwaziwa ukuthi uhlala kuyo noma ekhelini lebhizinisi elikwiRiphabhliki yaseNingizimu Afrika kanye nokukhombisa ukuthi kuposiwe;
 - (d) uma ikheli lalwo muntu kwiRiphabhliki yaseNingizimu Afrika lingaziwa, uma sekuthunyelwe komele lowo muntu kwiRiphabhliki ngendlela ehlinzekwe ezigatshaneni (a) kuya ku (c); noma
 - (e) uma ikheli lalowo muntu kanye nelommele kwiRiphabhliki lingaziwa, uma sekuposelwe endaweni noma noma okusobala, uma zikhona, okuhambisana nakho.
- (3) Uma noma yisiphi isaziso noma umbhalo kumele ugunyazwe noma unikezwe umnikazi, umhlali noma ophethe noma iyiphi indawo kwanele uma lowo muntu echazwe ngisaziso njengomnikazi, umhlali noma ophethe indawo, noma ilungelo okukhulunywe ngalo, futhi engabizwa ngegama lalowo muntu.
- (4) Lapho ukuhambisana nesaziso kudingeka ezinsukwini ezibaliwe zokusebenza, lesi sikhathi kuyothathwa ngokuthi siqale ngosuku lokuhanjiswa noma lokuthunyelwa kwesaziso.

52. UKUQINISEKISWA KWEMIBHALO

Yonke imiyalo, izaziso nanoma yimuphi omunye umbhalo odinga ukuqiniswa nguMasipala uyoqiniswa ngokugcwele, uma usayinwe ngumphathi kaMasipala noma yisiphathimandla esigunyaziwe sikaMasipala noma ngogunyazwe nguMasipala, lokho kugunyazwa kube kwenziwa ngesixazululo sikaMasipala, ngesivumelwano esibhaliwe noma ngomthetho wedolobha.

53. UBUNYAKAZI OBUNGABA YIQINISO

Ezinqutsheni zomthetho egameni likaMasipala noma logunyazwe yiwo, isitifiketi esikhombisa imali okumele ikhokhwe nenokukhokhwa kuMasipala noma kogunyazwe yiwo, ngaphansi kwesandla soMphathi kaMasipala noma somphathi wogunyazwe nguMasipala, ekwethulweni kwawo uyokwamukelwa yinkantolo yomthetho njengobunyakazi obungaba yiqiniso besikwethu.

**ISAHLUKO 10
IZIHLINZEKO EZIJWAYELEKILE**

54. AMANDLA OKUGENA KANYE NOKUHLOLA

- (1) UMasipala noma ogunyazwe yiwo ungangena futhi uhlale noma iziphi izakhiwo nganoma yiziphi izinhloso ezihambisana nokuqalisa noma nokuqhutshwa kwale mithethodolobha, ngazo zonke izikhathi ezifanele, emva kokuba kunikezwe isaziso esibhaliwe kohlala ezakhiweni ngenhloso yokwenza lokho.

55. UKUKHULULWA EMTHETHWENI

- (1) UMasipala, ngokubhaliwe, ungakhulula umnikazi, ikhasimende, nanoma yimuphi omunye umuntu noma isigaba sabanikazi, amakhasimende, abakhokhi bentela, abasebenzisi bemisebenzi ekuhambisaneni nezihlinzeko zale mithethodolobha, kweyame kunoma yimiphi imibandela angayinquma, uma obona ukuthi ukusetshenziswa kwalowo mhlinzeko kuyoba ngokungamukeleki, inqobo nje uma uMasipala noma ogunyazwe yiwo engeke akhulule emthethweni wanoma yisiphi isigaba sale mithethodolobha okungadala —

- (a) ukumosa noma ukusetshenziswa ngokweqile kwemisebenzi kaMasipala;
 - (b) ukuxwaya imithetho yokuthibela yamanzi;
 - (c) imiphumela eqgamile emibi kwezempilo yomphakathi, ezikuphepha nkanye nezemvelo;
 - (d) ukungakhokhelwa kwemisebenzi;
 - (e) uMthetho, nanoma yimiphi imiththonqubo eyenziwe ngaphansi kwawo, okungahanjiswa nawo.
- (2) UMasipala noma yingasiphi isikhathi emva kokunikeza isaziso esibhaliwe okungenani sezinsuku ezingamashumi amathathu, uhoxisa noma yikuphi ukukhululwa okunikezwe ngokwesigatshana (1).

56. UKUTHOLAKALA KWEMITHETHODOLOBHA

- (1) Ikhophi yale mithethodolobha iyofakwa eMgomweni woMasipala kwaMasipala njengoba kudingeka ngokomthetho.
- (2) UMasipala noma ogunyazwe yiwo uyothatha izinyathelo ezifanele ukwazisa amakhasimende ngokuqukethwe kwimithethodolobha yokulawulwa nokuqoqwa kwezikweletu.
- (3) Ikhophi yale mithethodolobha iyotholakala ukuze ihlolwe emahhovisi kaMasipala noma emahhovisi ogunyazwe nguMasipala ngazo zonke izikhathi ezifanele.
- (4) Ikhophi yemithethodolobha ingatholakala ngokukhokha imali njengoba kunqunywe ezinteleni zoMkhandlu kaMasipala noma kogunyazwe yiwo.

57. UKUSHAYISANA KOMTHETHO

- (1) Uma kuhunyushwa umhlinzeko wale mithethodolobha, noma yikuphi ukuhunyushwa okufanele okuhambisana nenhloso yomthetho njengoba kubekiwe eSahlukweni 9 ngokuLawulwa nokuQoqwa kweziKweletu, kumele kukhethwe kona phezu kwanoma yikuphi okunye ukuhumusha okuhambisana naleyo nhloso.
- (2) Uma kukhona ukushayisana phakathi kwale mithethodolobha kanye nanoma yimiphi eminye imithethodolobha yoMkhandlu kaMasipala, le mithethodolobha iyoyehlula.

58. UKUCHITHWA KWEMITHETHODOLOBHA YOKULAWULWA NOKUQOQWA KWEZIKWELETU ZIKAMASIPALA

Izihlinzeko zanoma yimiphi imithethodolobha eziphathelene nokulawulwa nokuqoqwa kwezikweletu zikaMasipala ngalokhu ziyachithwa njengoba zihambisana nalezo zindaba ezihlinzekelwe kule mithethodolobha; inqobo nje uma lezo zihlinzeko kuyothathwa ngokuthi azichithwanga maqondana nanoma yimiphi umthethodolobha ongakachithwa futhi ongaphikisani nale mithethodolobha njengoba kunqume imithethodolobha efanele.

59. ISIHLOKO ESIFINGQIWE KANYE NOKUQALISWA

- (1) Le mithethodolobha ibizwa ngeMithethodolobha yokuLawulwa nokuQoqwa kweziKweletu zikaMasipala waseMthonjaneni futhi iyoqala ukusebenza ngosuku lokumenyezela kwale mithethodolobha.
- (2) UMasipala, ngesaziso *kwiGazethi yesiFundazwe*, unganquma ukuthi le mithethodolobha, ebhalwe kwisaziso, ayisebenzi kwezinye izindawo endaweni oyengamele kusukela ngosuku olubalulwe kwisaziso.
- (3) Kuze kube kukhishwa esinye isaziso esihlongozwe kwisigatshana (2), le mithethodolobha iyabophezela.

"ISITHASISELO A"

**UMASIPALA WASEMTHONJANENI
ISICELO SEMISEBENZI KAMASIPALA**

Isigaba ACDE - ezasekhaya	Isigaba BDCE - Inhlango	Isigaba BDCE - Ibhizinisi
Isigaba A	Ezasekhaya	
1. Isibongo sekhasimende		
2. Amagama aphelele		
3. Inombolo kamazisi		
4. Umsebenzi		
5. Umqashi/ibhizinisi		
6. Ushadile/Awushadile		
Awushadile	Ushadile	Umshado ohlanganisa amafa
		Umshado ongahlanganisi amafa
		Umsdado wesintu
7. Amagama aphelele oshade naye		
8. Umsebenzi		
9. Umqashi woshade naye		
10. Igama nekheli lelungu lomndeni noma lomngani		
11.		
12.		
13. Inombolo yocingo yasekhaya		
14. Inombolo yocingo yasemsebenzini		
15. Inombolo kamakhalekhukhwini		
16. Ikheli le-email		

Isigaba B:**Imininingwane yenkampani**

1. Igama lebhizinisi
2. Inombolo ibhizinisi ebhaliswe ngayo
3. Inombolo kamazisi – Yomnikazi
– Yomlingani
4. Igama lomuntu
5. Inombolo yocingo yebhizinisi
6. Inombolo kamakhalekhukhwini
7. Inombolo yefeksi
8. Ikheli *le-email*

Isigaba C:**Okwejwayelekile**

1. Ikheli laseposini

Ikhodi:

2. Uhlu lwamanye ama-akhawunti onawo

(i) Igama: Inombolo ye-akhawunti:

(ii) Igama: Inombolo ye-akhawunti:

(iii) Igama: Inombolo ye-akhawunti:

3. Igama lebhange

4. Inombolo yegatsha

5. Inombolo ye-akhawunti

6. Ikheli lalapho wawuhlala khona nenombolo ye-akhawunti

7. Uma uqashile, lapho ukhokha khona intela

8. Isibalo sabantu abahlala endaweni

9. Abantu abahlala esitadini ngaphandle komndeni (endlini eqashisayo, ngemuva, esitolo esisegcekeni, amatekisi njll.)

Isigaba D:**Imininingwane yemisebenzi**

1. Ikheli lemisebenzi edingekayo

2. Inombolo yesitendi

3. Usuku imisebenzi edingeka ngalo

4. Imisebenzi oyifakele isicelo

Amanzi

Umpompi womphakathi

Umpompi osegcekeni

Umpompi osendlini

Izindlu zangasese

I-VIP Indlu yangasese enamanzi

Ugesi

Ugesi wekhadi Ugesi onemitha

Ukuchithwa kwadoti – Umsebenzi ophoqelekile

5. Uhlobo lokuphakwa

ezaseKhaya ezoHwebo ezeziMboni ezeMfundo ezoMbuso ezoLimo

6. Cacisa ukuthi kungaqhutshwa ibhizinisi endaweni yokuhlala:

YEBO CHA

7. Indlela yokukhokha:

Ikhasimende/Umfakisicelo: Usuku:

Isigaba E:

Isifungo

1. Ngiyafunga ukuthi ngiyavumelananemandela yokuphakwa kwemisebenzi ebaluliwe njengoba kubekiwe kwimithethodolobha kaMasipala kanye nanoma yimiphi eminye imithetho ekhona.
2. Ngiyavuma ukuthi ikheli lesitaladi/inombolo yeotend ebalulwe ngenhla ngekhele lami elisemthethweni engiyothola kulo noma yisiphi isaziso esikhishiwe.
3. Ngifaka idiphozi yama – R nokuthi lesi samba noma ingxenye yaso ingasetshenziswa ukukhokhela ama-akhawunti noma ingxenye yawo nokuthi imali esele uma ikhona ingabuyiselwa kimina.
4. Ngiyokhokhela uMaipala nganpma yikuphi kuulahlekelwa, okungenzeka ngenxa yokuhamba kwagesi noma ukumiswa kwemisebenzi.
5. Ngamukela umthwalo wokukhokhela ummeli kanye nezindleko uma kudingeke ukuthi uMasipala adlulisele imali engiyikweletayo kuma-akhawunti futhi ngiwunika imvume lokungifaka ohlwini lwabangakhokhi kahle.
6. Ngamukela ikhophi yaleli fomu lokufaka isicelo.
7. Ngiyafunga ukuthi imininingwane engiyihlinzekile iyiqiniso.
8. Ngiyafunga ukuthi zonke izimalo okumele ngizikhokhe maqondana nalesi sicelo ngiyozikhokha okumele zokhokhwe ngalo.

Isignasha:.....

Usuku:

Igama:

Isikhundla:

“ISITHASISELO B”

**UMASIPALA WASEMTHONJANENI
ISICELO SOKUBHALISA NJENGEKHASIMENDE ELIMPOFU**

Qaphela: Isicelo semisebenzi kaMasipala kumele sigcwaliswe ekulethweni kwalesi sicelo.

Imininingwane yomfakisicelo

Isibongo Amaletha okuqala amagama

Inombolo kamazisi

Ushadile/Awushadile

Uma ushadile - ushade umshado ohlanganisa amafa

UmsebenziInombolo yocingo

Inombolo kamakhalekhukhwini

Ikheli lomfakisicelo

Ikheli lasekhaya Ikheli laseposini

Isibalo sezindlu zomfakisicelo kanye nawo wonke amalungu ekhaya

Imininingwane yezindawo, uma ikhona

Indawo yokuqala (1) Ikheli (lalapho ikhona)

Igama lomnikaziIgama lomnikazi webhondi

Inombolo ye-akhawunti

Inombolo okubhaliswe ngayo itayitela

Uhlobo lwesakhiwo

Indawo yesibili (2) Ikheli (lalapho ikhona)

Igama lomnikaziIgama lomnikazi webhondi

Inombolo ye-akhawunti

Inombolo okubhaliswe ngayo itayitela

Uhlobo lwesakhiwo

Kungabe isakhiwo/izakhiwo noma inxenye yazo iqashiselwe umuntu wesithathu?

YEBO

CHA

Uma impendulo kungu “yebo”, kungabe intela iyatholakala?

Isibalo sawo wonke amalungu ekhaya

Isamba semali etholakalayo sawo wonke amalungu ekhaya ngenyanga

Imininingwane yawo wonke amalungu ekhaya aneminyaka engaphezu kweyi-18 ahlala kuleyo ndawo

- | | |
|---|---|
| 1. Isibongo | 2. Isibongo |
| Amagama aphelele | Amagama aphelele |
| Inombolo kamazisi | Inombolo kamazisi |
| Uyasebenza (yebo/cha) | Uyasebenza (yebo/cha) |
| Iholo kubandakanya nezibonelelo, uma kufanele | Iholo kubandakanya nezibonelelo, uma kufanele |
| 3. Isibongo | 4. Isibongo |
| Amagama aphelele | Amagama aphelele |
| Inombolo kamazisi | Inombolo kamazisi |
| Uyasebenza (yebo/cha) | Uyasebenza (yebo/cha) |
| Iholo kubandakanya nezibonelelo, uma kufanele | Iholo kubandakanya nezibonelelo, uma kufanele |
| 5. Isibongo | 6. Isibongo |
| Amagama aphelele | Amagama aphelele |
| Inombolo kamazisi | Inombolo kamazisi |
| Uyasebenza (yebo/cha) | Uyasebenza (yebo/cha) |
| Iholo kubandakanya nezibonelelo, uma kufanele | Iholo kubandakanya nezibonelelo, uma kufanele |

Imininingwane yenye imali etholakalayo ekhaya: (isib. impesheni yabudala, eyokukhubazeka noma imali yesondlo, njll.)

- | | |
|--------------------------------|--------------------------------|
| 1. Uhlobo lwemali etholakalayo | 2. Uhlobo lwemali etholakalayo |
| Isikhungo | Isikhungo |
| Isamba | Isamba |
| Inombolo eyinkomba | Inombolo eyinkomba |
| 3. Uhlobo lwemali etholakalayo | 4. Uhlobo lwemali etholakalayo |
| Isikhungo | Isikhungo |
| Isamba | Isamba |
| Inombolo eyinkomba | Inombolo eyinkomba |
| 5. Uhlobo lwemali etholakalayo | 6. Uhlobo lwemali etholakalayo |
| Isikhungo | Isikhungo |
| Isamba | Isamba |
| Inombolo eyinkomba | Inombolo eyinkomba |

Imininingwane yezindleko zenyanga zekhaya:

- | | |
|---------------|-------------------|
| 1. Ukudla | 2. Imali yesikole |
| 3. Okokugqoka | 4. Intela |
| 5. | 6. |
| 7. | 8. |
| 9. | 10. |

Imininingwane yezikweletu zekhaya: (kubandakanya imishalwense kanye nokuthengwe ngesikweletu)

- | | |
|-----------------------|-----------------------|
| 1. Isikhungo | 2. Isikhungo |
| Inombolo ye-akhawunti | Inombolo ye-akhawunti |
| Imali ekweletwayo | Imali ekweletayo |
| 3. Isikhungo | 4. Isikhungo |
| Inombolo ye-akhawunti | Inombolo ye-akhawunti |
| Imali ekweletwayo | Imali ekweletayo |
| 5. Isikhungo | 6. Isikhungo |

Inombolo ye-akhawunti	Inombolo ye-akhawunti
Imali ekweletwayo	Imali ekweletayo
Imininingwane maqondana nokuthathelwa kwami izinyathelo maqondana nezindleko/nezikweletu zekhaya: (noma yiziphi izinyathelo zasenkantolo, ezibhaliswe ne-Credit Agency)	
1. Isikhungo	2. Isikhungo
Uhlobo lwesinyathelo	Uhlobo lwesinyathelo
Inombolo yecala	Inombolo yecala
Imali ekweletwayo	Imali ekweletwayo
3. Isikhungo	4. Isikhungo
Uhlobo lwesinyathelo	Uhlobo lwesinyathelo
Inombolo yecala	Inombolo yecala
Imali ekweletwayo	Imali ekweletwayo
5. Isikhungo	6. Isikhungo
Uhlobo lwesinyathelo	Uhlobo lwesinyathelo
Inombolo yecala	Inombolo yecala
Imali ekweletwayo	Imali ekweletwayo

Le mibhalo elandelayo kumele ifakwe —

1. umbhalo owubufakazi beholo (njengencwadi evela kumqashi wekhasimende, ipheshana lomholo, ikhadi lempesheni, ikhadi lesikhawama sabangasebenzi njll.); noma
 2. incwadi efungelwe efakaza ukunqashwa noma iholo; kanye
 3. ne-akhawunti yokugcina kaMasipala ekwikhasimende; kanye
 4. nekhophi eqinisekisiwe kamazisi womfakisicelo.
- A. Ngalokhu -
1. ngifaka isicelo sokubhaliswa njengekhasimende elimpofu isikhathi esingangonyaka;
 2. ngamukela imibandela esetshenziswayo kulesi sicelo njengoba kubekiwe kwinqubo-mgomo, kwimithethodolobha kanye nakwiMibandela yokuPhakwa kwanoma yimuphi umhlinzeki wemisebenzi kaMasipala;
 3. ngiyafunga ukuthi ngaziswa ukuthi imibhalo okukhulunywe ngayo ku 2 ngenhla ikhona iyatholakala ukuze ihlolwe emahhovisi kaMasipala ngezikhathi zokusebenza;
 4. ngiyafunga ukuthi leli fomu lesicelo kanye nemicikilisho yalo ngichazelwe ngayo;
 5. ngiyafunga ukuthi zonke izimali ziyokhokhwa yimi maqondana nalesi sicelo ngosuku oluqunyiwe; futhi
 6. ngiyafunga ukuthi imininingwane ehlinzekwe lapha kuleli fomu lesicelo iyiqiniso.
- B. Ngiyafunga futhi ngamukela ukuthi lemibandela ekhethekile iyosebenza kulesi sicelo:
1. UMasipala noma ogunyazwe yiwo ungathumela abantu abagunyazwe yiwo ezakhiweni noma emakhaya afake izicelo zokubhalisa njengekhasimende ampofu ukuzokwenza ucwaningo ngemininingwane ehlinzekwe ngaphambi kokwamukela isicelo nanoma yinini emva kwalokho.
 2. Isicelo siyokwamukelwa isikhathi esiyizinyanga eziyi-12 kuphela.
 3. UMasipala noma ogunyazwe yiwo ekwamukelweni kwesicelo nanoma yinini emva kwalokho —
 - 3.1 ungafakela ikhasimende elimpofu imitha kagesi wekhadi lapho ugesi uhlinzekwa nguMasipala noma ngogunyazwe yiwo;
 - 3.2 ungehlisa imisebenzi yokuphakwa kwamanzi yekhasimende elimpofu aphakwe ngokulingene angabi ngaphansi kwamakhilolitha ayisithupha (6) ngenyanga.
 4. Ikhasimende elimpofu kumele njalo ngonyaka lifake isicelo sokubhalisa njengekhasimende elimpofu, uma lehluleka ukwenze njalo usizo luyovele lumiswe.
 5. UMasipala noma ogunyazwe yiwo awunikezi ziqinisekiso zokuvuselela.
 6. UMKhandlu kaMasipala njalo ngonyaka njengexenye yohlelo yawo wokwaba izimali unganquma imisebenzi kaMasipala kanye namazinga ayoxhasana maqondana namakhasimende ampofu ngokuhambisana nenqubo-mgomo kazwelonke, kodwa kweyame emgomeni wokuba namandla okwenza lokho.
 7. Noma yimiphi eminye imisebenzi kaMasipala ehlinzekwa nguMasipala noma ngogunyazwe yiwo noma imisebenzi kaMasipala esetshenziswa ngokweqile iyokhokhwa yikhasimende elimpofu futhi ukukhokhelwa kwayo kuyohlawuliswa njengokusetshenziswa okweqile.
 8. Noma yiliphi ikhasimende elihlinzeka noma elihlinzeke imininingwane engamanga efomini lokufaka isicelo nakunoma yimuphi omunye umbhalo kanye nemininingwane emaqondana nesicelo —
 - 8.1 liyovele, ngaphandle kwesaziso lesulwe njengekhasimende elimpofu kusukela ngosuku uMasipala noma ogunyazwe yiwo othole ngalo ukuthi leyo mininingwane ingamanga; futhi
 - 8.2 kuyomele likhokhele yonke imisebenzi eliyihlinzekiwe.
 9. Ikhasimende elimpofu kumele ngokushesha licele ukwesulwa nguMasipala noma ogunyazwe yiwo uma isimo salo seseshintshile kangangoba alisafaneleki njengoba kubekwe kule mithethodolobha.
 10. Ikhasimende elimpofu liyovele lesulwe uma lingazange lifake isicelo saminyaka yonke noma uma lesi sicelo singamukelwanga.
 11. Ikhasimende elimpofu liyovele lesulwe uma ucwaningo lukhombisa ukuthi isimo sezimali sekhasimende elimpofu sesishintshile kangangoba alisafaneleki njengoba kubekwe kule mithethodolobha.

12. Ikhazimende elimpofu noma yingasiphi isikhathi lingacela ukwesulwa.

Umfakisicelo

uMasipala/ogunyazwe yiwo

Usuku

Usuku

ISIQINISEKISO SIKAMASIPALA

Imiphumela yesiqinisekiso esingenhla esenziwe ngumfakisicelo ichaziwe kuyena futhi ukhombise ukuthi uyakuqonda okuqukethwe kulesi sicelo.

UMasipala/ogunyazwe yiwo

Usuku

No. 57, 2005

2 December 2005

MTHONJANENI LOCAL MUNICIPALITY

DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

PREAMBLE

Whereas one of the constitutional objectives of local government is to provide democratic and accountable government for local communities;

AND Whereas section 96(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) requires that a municipality must collect all money that is due and payable to it, subject to this Act and any other applicable legislation and for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariffs policies and complies with the provisions of this Act.

AND Whereas there is a need to have financial By-laws to guide the actions of political structures, political office bearers and municipal officials and service providers at local government level to secure transparency, accountability and sound management of the revenue, expenditure, assets and liabilities of the municipality.

Be it therefore enacted by the municipal council of the Municipality of Mthonjaneni acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the following By-laws:

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CHAPTER 1

1. DEFINITIONS

For the purpose of these By-laws, any word or expression to which a meaning has been assigned in the Act shall bear the same meaning in these By-laws and unless the context indicates otherwise —

“**account**” means any account rendered for municipal services provided;

“**Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;

“**actual consumption**” means the measured consumption of any customer;

“**applicable charges**” means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;

“**average consumption**” means the average consumption of a customer of a municipal service during a specific period, which consumption is cal-

culated by dividing that customer's total measured consumption of that municipal service over the preceding three months by three;

"agreement" means the contractual relationship between the municipality or its authorised agent and customer, whether written or deemed;

"area of supply" means any area within the area of jurisdiction of the municipality to which a municipal service or municipal service or municipal services are provided;

"arrears" means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;

"authorised agent" means —

- (a) any person authorised by the municipal council to perform any act, function or duty in terms of, or exercise any power under these By-laws; and/or
- (b) any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or
- (c) any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;

"commercial customer" means a customer other than household and indigent customers, including without limitation, business, government and institutional customers;

"connection" means the point at which a customer gains access to municipal services;

"customer" means a person with whom the municipality or its authorised agent has concluded an agreement for the provision of municipal services;

"defaulter" means a customer who owes arrears;

"due date" means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 14 days after the date of the account;

"emergency situation" means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;

"estimated consumption" means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;

"household customer" means a customer that occupies a dwelling, structure or property primarily for residential purposes;

"household" means a traditional family unit consisting of a maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years and younger);

"illegal connection" means a connection to any system through which services are provided that is not authorised or approved by the municipality or its authorised agent;

"indigent customer" means a household customer qualifying and registered with the municipality as an indigent in accordance with these By-laws;

"Municipality" means —

- (a) the Mthonjaneni Local Municipality or its successors-in-title; or
- (b) the municipal manager of the Mthonjaneni Local Council in respect of the performance of any, or exercise of any right, duty, obligation or function in terms of these By-laws;

"Municipal Council" means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

"Municipal Manager" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person —

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

"municipal services" means for purposes of these By-laws, services provided by the municipality or its authorised agent, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"occupier" includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" means —

the person in who from time to time is vested the legal title to premises;

- (b) in case where the person in whom the legal title to premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to —
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
- (f) a person occupying land under a register held by a tribal authority;

"person" means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"public notice" means publication in an appropriate medium that may include one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal council,-
 - (i) in the local newspaper or newspapers in the area of the municipality; or
 - (ii) in the newspaper or newspapers circulating in the area of the municipality determined by the municipal council as a newspaper of record; or

- (iii) by means of radio broadcasts covering the area of the municipality; or
 - (iv) displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent; or
- (b) communication with customers through public meetings and ward committee meetings;

“shared consumption” means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer’s premises is situated for the same period by the number of customers within that supply zone, during the same period;

“subsidised service” means a municipal service which is provided to a customer as an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;

“supply zone” means an area, determined by the municipality or its authorised agent, within which all customers are provided with services with services from the same bulk supply connection; and

“unauthorised services” means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality or its authorised agent.

CHAPTER 2

DUTIES AND FUNCTIONS OF COUNCIL, EXECUTIVE COMMITTEE, MUNICIPAL MANAGER, COMMUNITIES, RATEPAYERS AND RESIDENTS AND WARD COUNCILLORS AND POLITICAL PARTIES

2. DUTIES AND FUNCTIONS OF THE MUNICIPAL COUNCIL

The duties and functions of the Municipal Council are to —

- approve a budget consistent with the needs of communities, ratepayers and residents;
- impose rates and taxes and to determine service charges, fees and penalties to finance the budget;
- provide sufficient funds to give access to basic services for the poor;
- provide for bad debt, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the municipality;
- set an improvement target for debt collection, in line with acceptable accounting ratios and the abilities of the Municipal Manager;
- approve a reporting framework for credit control and debt collection;
- consider and approve By-laws to give effect to the Council’s policy;
- monitor the performance of the Executive Committee and the Municipal Manager regarding credit control and debt collection;
- revise the budget should Council’s targets for credit control and debt collection not be met;
- take disciplinary action against officials who do not execute Council policies and By-laws;
- approve a list of attorneys that will act for Council in all legal matters relating to debt collection;
- delegate the required authorities to monitor and execute the credit control and debt collection policy to the Executive Committee and the Municipal Manager, respectively;
- approve an appropriate staff structure for credit control and debt collection; and
- appoint debt collection agents to assist the Municipal Manager in the execution of his/her duties, if required.

3. DUTIES AND FUNCTIONS OF THE EXECUTIVE COMMITTEE

The duties and functions of the Executive Committee are to —

- ensure that the Council’s budget, cash flow and targets for the debt collection are met and executed in terms of the policy and relevant By-laws;
- monitor the performance of the Municipal Manager in implementing the policy and By-laws;
- review and evaluate the policy and By-laws in order to improve the efficiency of the Council’s credit control and debt collection procedures, mechanisms and processes; and
- report to the Council.

4. DUTIES AND FUNCTIONS OF THE MUNICIPAL MANAGER

Duties and functions of the Municipal Manager are to —

- implement good customer care management;
- implement the Council’s credit control and debt collection policy;
- install and maintain an appropriate accounting system;
- bill consumers;
- demand payment on due dates;
- raise penalties for defaults;
- appropriate payments received;
- collect outstanding debt;
- implement “Best Practices”;
- provide different payment methods;
- determine credit control measures;
- determine work procedures for public relations, arrangements, disconnections of services, summonses, attachments of assets, sales in execution, writing of debts, sundry debtors and legal processes;
- appoint firm/s of attorneys to complete the legal process (i.e. attachment and sale in execution of assets, emolument attachment orders etc.);
- set performance targets for staff;
- appoint staff to execute the Council’s policy and By-laws in accordance with the Council’s staff policy;
- delegate certain functions to heads of departments;
- determine control procedures; and
- report to the Executive Committee.

5. DUTIES AND FUNCTIONS OF COMMUNITIES, RATE PAYERS AND RESIDENTS

Duties and functions of communities, rate payers and residents are to —
 fulfil certain responsibilities, as brought about by the privilege to use and enjoy public facilities and municipal services;
 pay service fees, rates on property and other taxes, levies and duties imposed by the municipality;
 observe the mechanisms and processes of the municipality in exercising their rights;
 allow municipal officials reasonable access to their property to execute municipal functions;
 comply with the By-laws and other legislation of the municipality; and
 refrain from tampering with municipal services and property.

6. DUTIES AND FUNCTIONS OF WARD COUNCILLORS AND POLITICAL PARTIES

The duties and functions of ward councillors and political parties are to —
 hold regular ward meetings;
 adhere to and convey the Council's policies to residents and rate payers; and
 adhere to Council's Code of Conduct for Councillors.

CHAPTER 3**PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS****PART 1: APPLICATION FOR MUNICIPAL SERVICES****7. APPLICATION FOR SERVICES**

A customer who qualifies as an indigent customer must apply for services as set out in Chapter 5 below.

No person shall be entitled to access to municipal services unless application has been made to, and approved by the municipality or its authorised agent on the prescribed form attached as Annexure "A" to these By-laws.

If, at the commencement of these By-laws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that —

- (a) an agreement in terms of subsection (7) exists; and
- (b) the level of services provided to that customer are the level of services elected, until such time as the customer enters into an agreement in terms of subsection (2).

The municipality or its authorised agent must on application for the provision of municipal services inform the applicant of the then available levels of services and then applicable tariffs and/or charges associated with each level of service.

- (5) The municipality or its authorised agent is only obliged to provide a specific level of service requested if the service is currently being provided and if the municipality or authorised agent has the resources and capacity to provide such level of service.
- (6) A customer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the customer.

An application for services submitted by a customer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.

- (8) In completing an application form for municipal services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by that owner, customer or other person and advise him or her of the option to register as an indigent customer.
- (9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.

Municipal services rendered to a customer are subject to the provisions of these By-laws, any applicable By-laws and the conditions contained in the agreement.

- (11) If the municipality or its authorised agent —
 - (a) refuses an application for the provision of municipal services or a specific service or level of service;
 - (b) is unable to render such municipal services or a specific service or level of service on the date requested for such provision to commence; or
 - (c) is unable to render the municipal services or a specific service or level of service,

the municipality or its authorised agent must, within a reasonable time, inform the customer of such refusal and/or inability, the reason therefor and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

8. SPECIAL AGREEMENTS FOR MUNICIPAL SERVICES

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant —

- (a) within the area of supply, if the services applied for necessitated the imposition of conditions not contained in the prescribed form or these By-laws;
- (b) receiving subsidised services; and
- (c) if the premises to receive such service is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

9. CHANGE IN PURPOSE FOR WHICH MUNICIPAL SERVICES ARE USED

Where the purpose or extent to which any municipal service used is changed, the onus and obligation is on the customer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

PART 2: APPLICABLE CHARGES**10. APPLICABLE CHARGES FOR MUNICIPAL SERVICES**

- (1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with —

- (a) its rates and tariff policy;
 - (b) its credit control and debt collection policy;
 - (c) any By-laws in respect thereof; and
 - (d) any regulations in terms of national or provincial legislation.
- (2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of services, infrastructure requirement and geographic areas.
 - (3) Services will be terminated due to non-payment on the terms and conditions as stipulated in the credit control and debt collection policy.
 - (4) Deferment for payment of service accounts can be granted to customers in terms of council's delegated powers and conditions approved in its credit control and debt collection policy.
 - (5) The municipality may consolidate any separate account of persons who are liable for payment to the municipality and may credit all payments received from such a person to any service and order of performance as determined by council from time to time in its credit control and debt collection policy.

11. AVAILABILITY CHARGES FOR MUNICIPAL SERVICES

The municipal council, in addition to the tariffs or charges prescribed for municipal services actually provided, may levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

12. SUBSIDISED SERVICES

- (1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.
- (2) The municipal council may, in implementing subsidies, differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- (3) Public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy:
 - (a) The household customers who will benefit from the subsidy.
 - (b) The type, level and quantity of municipal service that will be subsidised.
 - (c) The area within which the subsidy will apply.
 - (d) The rate (indicating the level of subsidy).
 - (e) The method of implementing the subsidy.
 - (f) Any special terms and conditions which will apply to the subsidy.
- (4) If a household customer's consumption or use of municipal services is —
 - (a) less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
 - (b) in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.
- (5) A subsidy implemented in terms of subsection (1) may at any time, be withdrawn or altered in the sole discretion of the municipal council, after —
 - (a) service of notice as contemplated in section 115 of the Act on the person affected by the council's intention to consider such withdrawal or alteration; and
 - (b) consideration by the Council of any comments or request received from the person affected.
- (6) Commercial customers may not qualify for subsidised services.
- (7) Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

13. AUTHORITY TO RECOVER ADDITIONAL COSTS AND FEES

- (1) The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other sections contained in these By-laws, recover any additional costs incurred in respect of implementing these By-laws against the account of the customer, including but not limited to —

all legal costs, including attorney and client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and/or

 - (b) the average costs incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail, letter or otherwise.

PART 3: PAYMENTS

14. PAYMENT OF DEPOSIT

- (1) The municipal council may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposit will not be more than two and a half times the monetary value of the most recent measured monthly consumption of the premises for which an application is made.
- (2) A customer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if the municipal council has determined a deposit.
- (3) The municipality or its authorised agent may annually review a deposit paid in terms of subsection (2) and in accordance with such review require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the municipal council.
- (4) If a customer is in arrears, the municipality or its authorised agent may require that the customer —
 - (a) pay a deposit if that customer was not previously required to pay a deposit, if the municipal council has determined a deposit; and
 - (b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the municipal council.
- (5) Subject to subsection (7), the deposit shall not be regarded as being in payment of an account.
- (6) No interest shall be payable by the municipality or its authorised agent on any deposit held.
- (7) The deposit, if any, is refundable to the customer on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 months of termination of the agreement.

15. METHODS FOR DETERMINING AMOUNTS DUE AND PAYABLE

- (1) The municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connections and/or read all metered customer connections, on a regular basis, subject to subsection (2).
- (2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by calculating —
 - (a) the shared consumption; or if not possible; and
 - (b) the estimated consumption.
- (3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality or its authorised agent, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
- (4) Where water supply services are provided through a communal water services network (standpipe), the amount due and payable by customers gaining access to water supply services through that communal water services network, must be based on the shared or estimated consumption of water supplied to that water services network.
- (5) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost-effective to meter all customer connections and/or read all metered customer connections within a determined area, the municipal council may, on the recommendation of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the customers within that area, irrespective of actual consumption.
- (6) The municipality or its authorised agent must inform customers of the method for determining amounts due and payable in respect of municipal services provided which will apply in respect of their consumption or supply zones.

16. PAYMENT FOR MUNICIPAL SERVICES PROVIDED

- (1) A customer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.
- (2) If a customer uses municipal services for a use other than which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a lower than the applicable charge the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the customer.
- (3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment, —
 - (a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

17. FULL AND FINAL SETTLEMENT OF AN ACCOUNT

- (1) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in final settlement of such an account.
- (2) Subsection (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

18. RESPONSIBILITY FOR AMOUNTS DUE AND PAYABLE

Notwithstanding the provisions of any other section of these By-laws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the customer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

19. DISHONoured PAYMENTS

Where any payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent —

- (1) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer; and
- (2) shall regard such an event as default on payment.

20. INCENTIVE SCHEMES

The municipal council may institute incentive schemes to encourage payment and to reward customers that pay accounts on a regular and timeous basis.

21. PAY-POINTS AND APPROVED AGENTS

- (1) A customer must pay his/her or its account at pay-points, specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
- (2) The municipality or its authorised agent must inform a customer of the location of specified pay-points and approved agents for payment of accounts.

PART 4: ACCOUNTS**22. ACCOUNTS**

- (1) Accounts will be rendered monthly to customers at the address last recorded with the municipality or its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.
- (2) Failure to receive or accept an account does not relieve a customer of the obligation to pay any amount due and payable.
- (3) The municipality or its authorised agent must, if administratively possible, issue a duplicate account to a customer on request upon payment of a fee as prescribed in the Councils tariff of charges.
- (4) Accounts must be paid not later than the last date for payment specified in such account, which date will be at least 14 days after the date of the account.

(5) Accounts will reflect:-

(a) at least —

- (i) the services rendered;
- (ii) the consumption of metered services or average, shared or estimated consumption;
- (iii) the period stipulated in the account;
- (iv) the applicable charges;
- (v) any subsidies;
- (vi) the amount due (excluding value added tax);
- (vii) value added tax;
- (viii) the adjustment, if any, to metered consumption which has been previously estimated;
- (ix) the arrears, if any;
- (x) the interest payable on arrears, if any;
- (xi) the final date of payment;

the methods, places and approved agents where payment may be made;

and state that —

- (i) the customer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount in instalments, at the municipality or its authorised agent's offices before the final date for payment if a customer is unable to pay the full amount due and payable;
- (ii) if no such agreement is entered into, the municipality or its authorised agent will limit the services after sending a final demand notice to the customer;
- (iii) legal action may be instituted against any customer for recovery of any amount 45 days in arrears;
- (iv) the account may be handed over to a debt collector for collection; and
- (v) proof of registration as an indigent customer, in terms of the municipality or its authorised agent's indigent policy, must be handed in at the office of the municipality or its authorised agent before the final date for payment.

23. CONSOLIDATED DEBT

- (1) If one account is rendered for more than one municipal service provided, the amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debt.
- (2) If an account is rendered for only one municipal service provided, any payment made by a customer of an amount less than the total amount due, will be allocated at the discretion of the municipality.
- (3) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

PART 5: QUERIES, COMPLAINTS AND APPEALS**24. QUERIES OR COMPLAINTS IN RESPECT OF ACCOUNT**

- (1) A customer may lodge a query or complaint in respect of an accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- (2) A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.
- (3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where history of the account is available or an estimated amount provided by the municipality before payment due date until the matter is resolved.
- (4) The municipality or its authorised agent will register the query or complaint and provide the customer with a reference number.
- (5) The municipality or its authorised agent —
 - (a) shall investigate or cause the query or complaint to be investigated; and
 - (b) must inform the customer, in writing, of its finding within one month after the query or complaint was registered.
- (6) Failure to make such agreed interim payment or payments will render the customer liable for disconnection.

25. APPEALS AGAINST FINDING OF MUNICIPALITY OR ITS AUTHORISED AGENT IN RESPECT OF QUERIES OR COMPLAINTS

- (1) A customer may appeal in writing against a finding of the municipality or its authorised agent in terms of section 24.
- (2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the municipality within 21 days after the customer became aware of the finding referred to in section 24 and must —
 - (a) set out the reason for the appeal; and
 - (b) be accompanied by any security determined for the testing of a measuring device, if applicable.

PART 6: ARREARS**26. INTEREST**

- (1) Interest will be levied on arrears at the prevailing prime interest rate prescribed by the municipal council from time to time.
- (2) The cost associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be included in the account following the re-connection.

27. ACCOUNTS 45 DAYS IN ARREARS

- (1) Where an account rendered to a customer remains outstanding for more than 45 (forty five) days the municipality or its authorised agent may —
 - (a) institute legal action against a customer for the recovery of the arrears; and
 - (b) hand the customer's account over to a debt collector or an attorney for collection.
- (2) A customer will be liable for any administration fees, cost incurred in taking action for the recovery of arrears and penalties, including the

payment of a higher deposit, as may be determined by the municipal council from time to time.

PART 7: AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

28. AGREEMENTS

- (1) The following agreement for the payment of arrears in instalments may be entered into:
 - (a) An acknowledgement of debt.
 - (b) A consent to judgement.
 - (c) An emolument attachment order.
- (2) The customer shall acknowledge that interest will be charged at the prescribed rate.
- (3) Customers with electricity arrears must agree to the conversion to a prepayment meter if and when implementable, the cost of which, and the arrears total, will be paid off either by —
 - (a) Adding to the arrears account and repaying it over the agreed period; or
 - (b) Adding it as a surcharge to the pre paid electricity cost, and repaying it with each purchase of electricity until the debt is settled.
- (4) The municipality or its authorised agent must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in instalments.
- (5) The municipality reserves the right to raise the security deposit requirement of debtors who seek agreements.

29. COPY OF AGREEMENT TO CUSTOMER

A copy of the agreement shall be made available to the customer.

30. FAILURE TO HONOUR AGREEMENTS

- (1) If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality or its authorised agent may —
 - (a) disconnect the electricity service provided to the customer;
 - (b) in the event that no electricity services are provided by the municipality or its authorised agent, disconnect the water supply services provided to the customer;
 institute legal action for the recovery of the arrears; and
 hand the customer's account over to a debt collector or an attorney for collection.

31. RECONNECTION OF SERVICES

- (1) An agreement for payment of the arrear amount in instalments, entered into after the electricity services was discontinued and/or the water services was limited or disconnected, will not result in the services being restored until —
 - (a) the arrears, any interest thereon, administration fees, cost incurred in taking relevant action and penalties, including payment of a higher deposit, are paid in full; or
 - (b) in addition to payments referred to in subsection (1) the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality or its authorised agent.

CHAPTER 4

ASSESSMENT RATES

32. AMOUNT DUE FOR ASSESSMENT RATES

The provisions of Chapter 3 shall apply in respect of the recovery of assessment rates.

All assessment rates due by owners are payable by a fixed date as determined by the municipality in its credit control and debt collection policy.

Joint owners of property shall be jointly and severally liable for payment of assessment rates.

Assessment rates will be levied in equal monthly instalments. When levied in equal monthly instalments the amount payable will be included in the municipal account.

- (5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that —
 - (a) the property is not occupied by the owner thereof; and/or
 - (b) the municipal account is registered in the name of a person other than the owner of the property.

CHAPTER 5

PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS

33. QUALIFICATION FOR REGISTRATION AS INDIGENT CUSTOMER

All households where the combined gross income of all the members of the household over the age of 18 years old is less than the amount to be determined by the Council, qualify for registration as indigent customers.

34. APPLICATION FOR REGISTRATION

A household who qualifies as an indigent customer must complete the application form entitled "Application for Registration as Indigent Customer" attached as Annexure "B" to these By-laws.

- (2) Any application in terms of subsection (1) must be accompanied by —
 - (a) documentary proof of income, such as a letter from the customer's employer, a salary advice, a pension card, unemployment fund card; or
 - (b) an affidavit declaring unemployment or income; and
 - (c) the customer's latest municipal account in his/her possession; and
 a certified copy of the customer's identity document; and
 the names and identity numbers of all occupants over the age of 18 years who are resident at the property.
 A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form

and other documentation and information provided in connection with the application is true and correct.

The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer and that the customer indicated that the content of the declaration was understood.

35. APPROVAL OF APPLICATION

- (1) The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on site audit of information provided prior to approval of an application.
- (2) An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or to re-apply for the subsidy.

36. CONDITIONS

The municipality or its authorised agent may upon approval of an application or any time thereafter —

- (1) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality or its authorised agents when implemented; and
- (2) limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliters per month.

37. APPLICATION EVERY 12 MONTHS

- (1) An indigent customer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.
- (2) The provisions of sections 38 and 39 shall apply to any application in terms of subsection (1).
- (3) The municipality or its authorised agent cannot guarantee a renewal for indigent support.

38. SUBSIDISED SERVICES FOR INDIGENT CUSTOMERS

- (1) The municipal council may annually, as part of its budgetary process, determine the municipal services and levels thereof which will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
- (2) The municipal council will in the determination of municipal services which will be subsidised for indigent customers give preference to subsidising at least the following services:
 - (a) Water supply services of 6 kiloliters per household per month.
 - (b) Sanitation services of daily night soil removal or an improved ventilated pit latrine per household per month whichever is the most affordable to the municipality or its authorised agent; and
 - (c) Refuse removal services to a maximum of one removal per household per week.
 - (d) All rates levied on properties of which the municipal value is less than R20 000: provided that if, in the case of any property or category of properties, it is not feasible to value or measure such property, the basis on which the property rates thereof shall be determined, shall be as prescribed by the Council.
- (3) The municipality must, when making a determination in terms of subsection (1) give public notice of such determination.
- (4) Public notice in terms of subsection (3) must contain at least the following:
 - (a) The level or quantity of municipal service which will be subsidised.
 - (b) The level of subsidy.
 - (c) The method of calculating the subsidy.
 - (d) Any special terms and conditions which will apply to the subsidy, not provided for in these By-laws.
- (5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.
- (6) The provisions of Chapter 3 shall *mutatis mutandis* apply to the amounts due and payable in terms of subsection (5).

39. FUNDING OF SUBSIDISED SERVICES

- (1) The subsidised services referred to in section 38 shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.
- (2) The subsidy amount to be funded from revenue raised nationally which is allocated to the municipality shall be calculated by dividing the amount allocated by the estimated number of customers which may qualify for registration as indigent customers.

40. EXISTING ARREARS OF INDIGENT CUSTOMERS ON APPROVAL OF APPLICATION

- (1) Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be either —
 - (a) written off;
 - (b) applied as a surcharge to prepaid electricity coupons; or
 - (c) be attempted to be recovered through legal proceedings and/or extended arrangements.

41. AUDITS

- (1) The municipality may undertake regular random audits carried out by the municipality or its authorised agent to —
 - (a) verify the information provided by indigent customers;
 - (b) record any changes in the circumstances of indigent customers; and
 - (c) make recommendations on the de-registration of the indigent customer.

42. DE-REGISTRATION

- (1) Any customer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality or its authorised agent become aware that such information is false.
- (2) An indigent customer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances has changed to the extent that he/she no longer meet the qualifications set out in section 33.

- (3) An indigent customer shall automatically be de-registered if an application in accordance with section 34 is not made or if such application is not approved.
- (4) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he/she no longer meet the qualifications set out in section 33.
- (5) An indigent customer may at any time request de-registration.

CHAPTER 6

BUSINESSES WHO TENDER TO THE MUNICIPALITY

43. PROCUREMENT POLICY AND TENDER CONDITIONS

The procurement policy and tender conditions may provide that —

- (1) when inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate the tenderer obtain from the municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for payment of any arrears;
- (2) a municipal account to mean any municipal service charge, tax or other fees fines and penalties, due in terms of a contract or approved tariff or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed; and
- (3) tender conditions contain a condition allowing the municipality to deduct moneys owing to the municipality from contract payments in terms of a reasonable arrangement with the debtor.

CHAPTER 7

UNAUTHORISED SERVICES

44. UNAUTHORISED SERVICES

- (1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these By-laws by written notice order a person who is using an unauthorised service to —
 - (a) apply for such services in terms of Chapter 3 part 1;
 - (b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant By-laws.

45. INTERFERENCE WITH INFRASTRUCTURE FOR THE PROVISION OF MUNICIPAL SERVICES

- (1) No person other than the municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.
- (2) No person other than the municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

46. OBSTRUCTION OF ACCESS TO INFRASTRUCTURE FOR THE PROVISION OF MUNICIPAL SERVICES

- (1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- (2) If a person contravenes subsection (1), the municipality or its authorised agent may —
 - (a) by written notice require such person to restore access at his/her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

47. ILLEGAL RECONNECTION

- (1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided, after such customers access to municipal services have been limited or disconnected, shall immediately be disconnected.
- (2) A person who reconnects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions which may be taken against such a person.

48. IMMEDIATE DISCONNECTION

- (1) The provision of municipal services may immediately be disconnected if any person —
 - (a) unlawfully and intentionally or negligently interferes with infrastructure through which the municipality or its authorised agent provides municipal services;
 - (b) fails to provide information or provides false information reasonably requested by the municipality or its authorised agent.

CHAPTER 8

OFFENCES

49. OFFENCES

- (1) Any person who —
 - (a) fails to give access required by the municipality or its authorised agent in terms of these By-laws;
 - (b) assists any person in providing false or fraudulent information or assists in wilfully concealing information;
 - (c) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;
 - (d) fails or refuses to give the municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under these By-laws or gives such false or misleading information to the municipality or its authorised agent, knowing it to be false or misleading;
 - (e) contravenes or fails to comply with a provision of these By-laws;
 - (f) fails to comply with the terms of a notice served upon him/her in terms of these By-laws,

shall be guilty of an offence and liable upon conviction to a period not exceeding six months imprisonment or community service or a fine not exceeding R6 000-00 (Six Thousand Rand), or a combination of the aforementioned.

CHAPTER 9 DOCUMENTATION

50. SIGNING OF NOTICES AND DOCUMENTS

A notice or document issued by the municipality in terms of these By-laws and signed by a staff member of the municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of that fact.

51. NOTICES AND DOCUMENTS

- (1) A notice or document issued by the municipality or its authorised agent in terms of these By-laws shall be deemed to be duly authorised if an authorised agent signs it.
- (2) Any notice or other document that is served on an owner, customer or any other person in terms of these By-laws is regarded as having been served —
 - (a) if it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence, business or employment in the Republic with a person over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is known, when it has been served on the person's agent or representative in the Republic in the manner provided in subsection (a) - (c); or
 - (e) if that person's address and agent or representative in the Republic is known, when it has been in a conspicuous place on the property or premises, if any, to which it relates.
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of the person.
- (4) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

52. AUTHENTICATION OF DOCUMENTS

- (1) Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised officer of the municipality or the authorised agent of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a By-law.

53. PRIMA FACIE EVIDENCE

- (1) In legal proceedings by or on behalf of the municipality or its authorised agent, a certificate reflecting the amount due and payable to the municipality or its authorised agent, under the hand of the municipal manager, or suitably qualified municipal staff member authorised by the municipal manager or the manager of the municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

CHAPTER 10 GENERAL PROVISIONS

54. POWER OF ENTRY AND INSPECTION

- (1) The municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

55. EXEMPTION

- (1) The municipality may, in writing, exempt an owner, customer, any other person or category of owner, customers, rate payers, users of services from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of these By-laws that may result in —
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the Act or any regulations made in terms thereof, is not complied with.
- (2) The municipality at any time after given written notice of at least 30 days, withdraws any exemption given in terms of subsection (1).

56. AVAILABILITY OF BY-LAWS

- (1) A copy of these By-laws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) The municipality or its authorised agent shall take reasonable steps to inform customers of the contents of the credit control and debt collection By-laws.
- (3) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (4) A copy of the By-laws may be obtained against payment of a fee as prescribed in the Council's tariff of charges from the municipality or its authorised agent.

57. CONFLICT OF LAW

- (1) When interpreting a provision of these By-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control on Debt Collection, must be preferred over any alternative interpretation which is consistent with that purpose.

(2) If there is any conflict between these By-laws and any other By-laws of the Council, these By-laws will prevail.

58. REPEAL OF EXISTING MUNICIPAL CREDIT CONTROL BY-LAWS

(1) The provisions of any By-laws relating to the control of credit by the municipality are hereby repealed insofar as they relate to matters provided for in these By-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such By-law which has not been repealed and which is not repugnant to these By-laws on the basis as determined by the relevant By-laws.

59. SHORT TITLE AND COMMENCEMENT

- (1) These By-laws are called the Credit Control and Debt Collection By-laws of the Mthonjaneni Local Municipality and takes effect on the date of promulgation of these By-laws.
- (2) The municipality may, by notice in the *Provincial Gazette*, determine that provisions of these By-laws, listed in the notice, does not apply in certain areas within its area of jurisdiction from a date specified in the notice.
- (3) Until any notice contemplated in subsection (2) is issued, these By-laws are binding.

ANNEXURE "A"

**MTHONJANENI LOCAL MUNICIPALITY
APPLICATION FOR MUNICIPAL SERVICES**

Section ACDE – Domestic	Section BCDE - Closed Corporation	Section BCDE – Business
Section A: Domestic		
1. Consumer Surname		
2. Full Names		
3. ID Number		
4. Occupation		
5. Employer/Business		
6. Marital Status		
Single	Married	In community of Property Out community of Property Customary marriage
7. Full Names Spouse		
8. Occupation		
9. Employer Spouse		
10. Name and Address of Member of Family or Friend		
11.		
12.		
13. Home Telephone Number		
14. Work Telephone Number		
15. Cell Number		
Section B: Company Details		
1. Business Name		

2. Business registration No.

3. ID Number - Owner (Natural Person) – partner

4. Name of Natural Person

5. Business Telephone Number

6. Cell Number

7. Fax/e-mail

Section C:

General

1. Postal Address

Code:

2. List of Other Accounts Held

(i) Name Account	Number
(ii) Name Account	Number
(iii) Name Account	Number

3. Name of Bank

4. Branch Code

5. Account Number.

6. Previous Address and Account Number

7. If tenant, where is rent paid

8. Number of people residing on property

9. Occupiers of stand other than family (rental, backyard, lodges, spaza shops, taxis etc.)

Section D:

Service Particulars

1. Address where service is required

2. Lot/stand Number

3. Date when service is required

4. Services Applied for

Water

Communal Standpipe

Yard Tap

House Connection

Sewerage

VIP

Water Borne

Electricity

Prepaid

Credit meter

Refuse Removal – Mandatory Service

5. Type of supply:

Domestic

Commercial

Industrial

Educational

State

Agricultural

6. State whether any type of business activities to be conducted from residential address:

Yes No

7. Method of Payment

Consumer/applicant

Date

Section E:

Declaration

- I hereby declare that I/we agree to the conditions of supply of the mentioned services as laid down in the By-laws of the municipality and any other laws that are applicable.
- I/we hereby accept the street address/stand number specified above as my own *domicilium citandi et executandi* address where I will accept any notice to be served.
- I/we hereby tender a deposit/bank guarantee of R_____ and that this amount or any part thereof may be used to redeem unpaid accounts or any parts thereof and that the surplus if any be paid back to me/us.
- I/we indemnify the municipality against any losses which may occur due to claims instituted against the municipality due to power failure, or justifiable discontinuation of services.
- I/we accept the responsibility for the payment of attorney and client costs should it be necessary for Council to hand over outstanding amounts on the accounts as well as giving permission to be listed with the Credit Bureau.
- I/we received a duplicate of this application form.
- I/we hereby certify the information provided to be correct.
- I/we declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date.

Signature

Date

Name:

Status:

ANNEXURE "B"

MTHONJANENI LOCAL MUNICIPALITY
APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER

Note: An application for municipal services must be completed or updated on submission of this application.

Particulars of Applicant

Surname	Initials
ID Number	
Marital Status	
If married - in/out of community of property/customary marriage	
Occupation	
Tel. Number	
Cell Number	
Address of Applicant	
Physical Address	Postal Address
Number of properties owned by applicant and all members of the household	
Details of properties	
Property 1	Physical address
	Name of owner
	Name of bondholder
	Account number
	Deed Registration Number
	Type of structure
Property 2	Physical address
	Name of owner
	Name of bondholder
	Account number
	Deed Registration number
	Type of structure
Is property/properties or a portion thereof leased to a third person? (Yes/No)	
If leased, rent received	
Number of all members in household	
Combined gross income of all members of the household per month	
Details of all members of the household over the age of 18 years resident at the property	
1. Surname	2. Surname
Full names	Full name
ID Number	ID Number
Employed (Yes/No)	Employed (Yes/No)
Salary including benefits, if relevant	Salary including benefits, if relevant
3. Surname	4. Surname
Full name	Full name
ID Number	ID Number
Employed	Employed
Employed (Yes/No)	Employed (Yes/No)
Salary including benefits, if relevant	Salary including benefits, if relevant
5. Surname	6. Surname
Full name	Full name
ID Number	ID Number
Employed	Employed
Employed (Yes/No)	Employed (Yes/No)
Salary including benefits, if relevant	Salary including benefits, if relevant
Details of the other income received by household: i.e old age pension, disability pension, welfare, etc.	

1. Type of income	2. Type of income
Institution	Institution
Amount	Amount
Reference number	Reference number

3. Type of income	4. Type of income
Institution	Institution
Amount	Amount Reference
Reference number	Reference number

5. Type of income	6. Type of income
Institution	Institution
Amount	Amount
Reference number	Reference number

Details of monthly expenses of household:

1. Groceries	2. School fees
3. Clothes	4. Rent
5.	6.
7.	8.
9.	10.

Details of current debts of the household: (including insurance policies and credit purchases)

1. Institution	2. Institution
Account number	Account number
Amount owing	Amount owing
3. Institution	4. Institution
Account number	Account number
Amount owing	Amount owing
5. Institution	6. Institution
Account number	Account number
Amount owing	Amount owing

Details in respect of legal or other actions taken against me in respect of current expenses/debt of the household: (i.e. Administration orders, sequestration, other court orders, listed with a credit Agency, etc.)

1. Institution	2. Institution
Type of action	Type of action
Case number	Case number
Amount owing	Amount owing
3. Institution	4. Institution
Type of action	Type of action
Case number	Case number
Amount owing	Amount owing
5. Institution	6. Institution
Type of action	Type of action
Case number	Case number
Amount owing	Amount owing

The following documents must be attached —

Documentary proof of income (such as a letter from the customer's employer, a salary advice, a pension card, unemployment fund card, etc.); or

An affidavit declaring unemployment or income; and

Latest municipal account in the possession of customer; and

4. A certified copy of the applicant's identity document.

I hereby —

1. Apply for registration as an indigent customer for a period of one year;
 2. Accept the conditions applicable to this application as set out the municipality's policy, By-laws and the Conditions of Supply of any service provider of the municipality;
 3. Declare that I was informed that the document referred to in 2 above are for inspection at the offices of the municipality during office hours;
 4. Declare that this application form and the implications thereof was explained me;
 5. Declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and
- Declare that the information provided in this application form is true and correct.

B. I further declare and accept that the following specific conditions shall apply to this application —

The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application or any time thereafter.

2. An application shall be approved for a period of 12 months only.
3. The municipality or its authorised agent may on approval of an application or any time thereafter —
install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality or its authorised agent; and
- 3.2 limit the water supply services of an indigent customer to a basic supply of not less than 6 kiloliters per month.
4. An indigent customer must annually re-apply for registration as an indigent customer, failing which the assistance will cease automatically.
5. The municipality or its authorised agent gives no guarantee of renewal.
6. The municipality council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
7. Any other municipal services rendered by the municipality or its authorised agent or municipal services consumed in excess of the quantities specified in 6 above shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption. Normal credit control procedures shall apply in respect of such excess consumption.

Any customer who provides or provided false information in the application form and/or any other documentation and information in connection with the application —

Shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality or its authorised agent became aware that such information is false; and

Shall be held liable for the payment of all services received.

9. An indigent customer must immediately request de-registration by the municipality or its authorised agent if his or her circumstances has changed to the extent that he or she no longer meets the qualifications set out in the By-laws.
10. An indigent customer shall automatically be de-registered if an annual application is not made or if such application is not approved.
11. An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in the By-laws.

An indigent customer may at any time request de-registration.

Applicant

Date

Municipality/Authorised Agent

Date

CERTIFICATION BY MUNICIPALITY

The consequences of the above declaration made by the applicant were explained to him/her and he/she indicated that the contents of the application were understood.

Municipality/Authorised Agent

Date

FOR OFFICE USE ONLY

Account Number

Date of receipt of application

First Verification

Date

Site Visit (Yes/No)

Name of verifier

Indicate information not verified

Recommendation

APPLICATION APPROVED/ NOT APPROVED

Second verification

Date

Site Visit (Yes/No)

Name of verifier

Designation of verifier

UMASIPALA waseMthonjaneni ngokwesigaba 156 soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ufundwa nezigaba 11 no 98 zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithetho-dolobha elandelayo:

UMASIPALA WASEMTHONJANENI

IMITHETHODOLOBHA YAMATHUNA

ISAPHLUKO 1

IZINCAZELO

- (1) Ngaphandle uma ingqikithi ikhomba okwekile —

“**umuntu omdala**” kusho noma ngubani eseshonile oneminyaka engaphezulu kweyi-12 ubudala, obhokisi lakhe eliyongena ngokuphelele emgodini ngokuchazwa ohlinekelwe abantu abadala esigabeni 28(1);

“**umlotha**” kusho izinsalela zomzimba ngemuva kokushiswa;

“**unqenqema lwasemathuneni**” kusho indawana ekhonkiwe nguMkhandlu kulayini wamathuna;

“**indawo yamathuna**” noma ngabe iyiphi indawo ebekelwe eceleni nguMkhandlu ngaphakathi endaweni kamasipala ngenhloso yamathuna omphakathi;

“**umntwana**” kushiwo noma ubani oshonile oneminyaka eyi-12 ubudala obhokisi lakhe lingena ngokuphelele emgodini ohlinzekelwe abantwana ngokwesigaba 28(1);

“**uMphathi kamasipala**” kusho umuntu oqokwe ngoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998); “**usonkontileka**” kusho umuntu okhokhele wonke amanani aqukethwe kwimibandela yamanani, noma onikezelwe amagunya okuthi amise umsebenzi wesikhumbuzo noma akhe noma athole ilungela njengoba kuchazwe kule-mithethodolobha;

“**uMkhandlu**” kusho uMkhandlu kamasipala okukhulunywe ngawo esigabeni 157(1) soMthethosisekelo, 1996 (uMthetho 108 ka 1996);

“**ukushiswa**” kusho ukushiswa kwanoma imuphi umzimba womuntu noma izinsalela zibe wumlotha;

“**umzimba wetshe lesikhumbuzo**” kusho isakhiwo lapho kubekwa khona imisebenzi yesikhumbuzo noma lapho kubekwa khona ikhanda letshe lesikhumbuzo;

“**isitsha yokugcina izinsalela**” kusho ukugcinwa kwezinsalela ngosayizi 175 mm x 110 mm;

“**ingadi yesikhumbuzo**” kusho ingxenya yendawo yamathuna, ebekelwe eceleni ukuthi kuchithwe kumbe kusakazwe umlotha.

“**ithuna**” kusho noma iliphi ithuna elisendaweni yokuthuna ngokulandela ukunikezelwa kwendawo yokungcwaba kunoma ngubani;

“**isiPhathimandla sezeMpilo**” kusho noma ubani osebenzela uMkhandlu noma ngubani onikezelwe amandla nguMkhandlu;

“**uqwembe lesikhumbuzo**” kusho uqwembe olungu 305 mm x 15 mm olukhandwe ngomabuli noma i- *granite* enamathiselwe kudonga lwe-sikhumbuzo;

“**udonga lwe-sikhumbuzo**” kusho udonga olunendawana yokugcina izinsalela ngaphandle kwalokhu izingqwembe zesikhumbuzo zinganamathiselwa;

“**imisebenzi yesikhumbuzo**” kusho udonga olunendawo yokugcina izinsalela ngaphandle kwalo amapuleyiti esikhumbuzo anganamathiselwa;

“**umasipala**” kusho uMasipala waseMthonjaneni;

“**indawana yokugcina izinsalela**” kusho umgojana ezindongeni zesikhumbuzo ukugcina izinsalela ezingu 385 mm x 185 mm;

“**uMbhali wabashonile**” kusho noma ngubani okhonjwe nguhulumeni noma iRiphabhulikhi yaseNingizimu Afrika ukuthi abhalise abashonile;

“**umhlali**” kusho umuntu othe ngesikhathi sokushona wabe engumhlali ngokuphelele endaweni engaphansi kukaMasipala; kanti

“**izintela zikamasipala**” kusho imali ekhokhwa ngokulawula koMkhandlu ngezikhathi zonke.

- (2) Amagama abhekiwe kunoma yinuphi umuntu obandakanya abantu, izinkampani kanye nezinhlangano, kanti ubulili buyobandakanya abasifazane kanjalo nabesilisa, kuthi ubunye bubandakanye nobuningi.

ISAPHLUKO 2

OKUJWAYELEKILE

1. Ukusungulwa kwamathuna

UMkhandlu ungabekela eceleni umhlaba ngenhloso yokuthi ube yindawo yokungcwaba kanti akekho umuntu ongavunyelwa ukuthi angcwabe noma kuyiphi indawo.

2. Izikhathi zokwamukelwa kwezivakashi

Noma ngabe iyiphi indawo yamathuna iyovuleleka emphakathini kusukela ngalezikhathi ezilandelayo ngoMsombuluko kuze kube nguMgqibelo: 7:30 kuya ku 16:00. Ngamasonto nangamaholidi omphakathi 8:00 kuya ku 16:00. UMkhandlu uyoba namandla ukuvala izindawo noma ingxenya yamathuna isikhathi oyosibona sifanele.

3. Ukubekiswa kwamathuna

(1) Akekho umuntu, ngaphandle kwemvume ebhaliwe yoMkhandlu, oyodayisa noma adlulisele amalungelo ethuna elitholakale ngokwemigomo yale mithetho-dolobha. Uma uMkhandlu uvumelana nalokhu kushintshwa kuyoba ngaphansi kwemibandela yokuthi konke ukunikezelwa kwamalungelo amathuna kuyomele kubhaliswe kumphakathi wezemisebenzi yezobunjiniyela kanti imali yokubhalisela lokhu ikhokhwe kumphathi wezemisebenzi yezobunjiniyela yilowo osethole ilungelo lethuna.

(2) Noma ngubani osenikezelwe ithuna aphinde ahluleke ukuthi alisebenzise kuze kuphele iminyaka engama- 50 kusukela osukwini lokubekiswa kwalo, noma ahluleke ukuthi azise uMkhandlu ukuthi akasenazo izinhloso zokuthi alisebenzise, uyobe esenikezela ilungelo kuMkhandlu lokuthi ulidayise, amanani ayolawulwa nguMkhandlu ayokhukhela ithuna elidayisile.

(3) UMkhandlu awunakuphoqwa ukuthi uphinde ukhokhele izindleko zethuna olidayisile ngokwesigatshana (2)

4. Imicimbi yezenkolo

Ngokwemigomo yalemithetho-dolobha, amalunga ezinhlangano zezenkolo angakwazi ukuqhuba imicimbi yezenkolo ethintene nezinkonzo nezikhumbuzo uma kunemvume ebhaliwe nguMkhandlu.

5. Amapulani amathuna kanye nemihlaba emincane

Amapulani akhombisa amathuna ahlukeni kanye nezindawana ezitholakalayo agcinwa emahhovisi oMkhandlu ukuze ahlolwe mahhala.

6. Izikhalazo

Noma ubani ofisa ukufaka isikhalazo mayelana nezimo emathuneni kumbe mayelana nokuphathwa kwamathuna angafaka isikhalazo ngokuthi abhalele umphathi kamasipala.

7. Amanani

Amanani akhokhwayo alawulwa nguMkhandlu, ayokhokhwa eMkhandlwini mayelana nemisebenzi enikezelwe ngokwemibandela yalemithetho-dolobha.

8. Isaziso semvume

Noma iyiphi imvume ebhaliwe kumbe isaziso esikhishwe nguMkhandlu ngokwemigomo yemithetho-dolobha siyosayindwa ngumphathi wezemisebenzi yezobunjiniyela noma omunye ommele ngokomthetho noyoba ufakazi.

9. Imilayela yomphathi wezemisebenzi yezokuvikela

Noma ngabe yimuphi umuntu obambe iqhaza emngcwabeni noma okufuze lokhu ngaphakathi emathuneni uyohlonipha imiyalelo yomphathi wezemisebenzi yezobunjiniyela.

10. Izimbali

Umphathi wezemisebenzi yezobunjiniyela angasusa izimbali ezibekwe emathuneni uma ebona ukuthi sezibunile.

ISAHLUKO 3**IMIYALELO YEZIVIMBELO****11. Abantwana**

Akekho umuntu oneminyaka eyi-12 oyovunyelwa ukuthi angene ngaphakathi emathuneni ngaphandle uma ebhekwe umuntu omdala.

12. Ukuzigcina ezindleleni/ kwimigudu yezinyawo

Ngaphandle kwezinhloso ezivunyelwe yile mithetho-dolobha, wonke umuntu kuyomele ukuthi asebenzise imigwaqo, izindlela zezinyawo ezikhonkiwe nezenzelwe ukuhamba ngezinyawo ngaphakathi endaweni yamathuna.

13. Ukungena kanye nokuphuma kwizindawo zamathuna

Akekho umuntu oyongena noma aphume ezindaweni zamathuna ngaphandle kokuthi asebenzise imigwaqo, izindlela zezinyawo ezikhonkiwe nezenzelwe ukuhamba ngezinyawo ngaphakathi endaweni yamathuna.

14. Izinto ezingenziwa

Aketho umuntu oyosebenzisa noma imuphi umgwaqo noma umzila ngaphakathi ezindaweni zamathuna ngenhloso yokuhambisa impahla, noma amaphasela ngenqola ngaphandle uma kuhloswe ukuthi kusetshenziswe ngaphakathi emathuneni.

15. Okungavumelekile ngaphakathi ezindaweni zamathuna

(1) Akekho umuntu —

- (a) oyobanga umsindo ngaphakathi emathuneni;
- (b) oyogibela isilwane noma isiphi, okunamasondo amabili, isiskethibhodi ngaphakathi emathuneni;
- (c) oyovumela noma isiphi isilwane ukuthi sehle senyuka endaweni yamathuna;
- (d) oyotshala, agqume, akhe noma asuse noma isiphi isitshalo, isimila noma imbali ngaphandle kwemvume yomgcinj mathuna;
- (e) oyobamba noma abe yingxenywe yanoma yini eyenziwa ngaphakathi kwamathuna;
- (f) oyovimbela, aphikisane nomphathi wezemisebenzi yobunjiniyela noma ngubani oyisikhulu esiqhashwe nguMkhandlu ekuhubeni umsebenzi waso, noma ale ukuhambisana nemiyalelo noma isicelo esikhishwe ngumphathi wezobunjiniyela ngokulandela imithetho-dolobha;
- (g) oyodweba noma abhale okuthile odongeni noma afake izikhangiso kwizakhiwo noma kucingo olubiyele, amasango, imisebenzi yezikhumbuzo noma kunoma yini engaphakathi emathuneni/ noma ingxenyanana noma ayenze ingabukeki ngendlela yayo;
- (h) oyohlala, ame noma akhwele phezo kwanoma yimuphi umsebenzi wesikhumbuzo, isango, udonga noma ucingo olubiyile noma isakhiwo esihona kunoma iyiphi indawo yamathuna;
- (i) oyoba kunoma iyiphi indawo yamathuna, noma ingxenye yawo ngaphambi noma ngemuva kwamahora abekiwe kwisigatshana (3) noma ngezikhathi okusuke umphakathi ongavunyelwe ngazo; futhi
- (j) ngaphandle kwemvume ebhaliwe nguMkhandlu, oyoqhuba ibhizinisi, abukise noma asabalalise amakhadi omsebenzi noma izikhangiso ngaphakathi noma ekugcineni kwamathuna.

16. Okuxubile

- (1) Akekho umuntu oyolahlala isidumbu noma ingayiphi indlela kunaleyo yokusingcwaba endaweni yokungcwaba noma sishiswe endaweni efanele ukushisa nevunyelwe ngokwemigomo yoMthetho weziNdawo zamaThuna kanye nokuShiswa kweziDumbu wakwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996).
- (2) Akekho umuntu oyothola amalungelo anoma imuphi umhlaba noma ithuna kunoma iyiphi indawo yamathuna, ngaphandle kwalemithetho-dolobha.

17. Ukuvezwa kwezidumbu

Akekho umuntu oyovunyelwa ukuthi ahambise isidumbu esingamboziwe, noma embule isidumbu noma ingxenye yaso noma asuse isivalo noma ikhava yebhokisi elifake isidumbu kunoma yimuphi umgwaqo noma indawo yokungcwaba noma indawo yomphakathi.

18. Umculo ngaphakathi emathuneni

Awukho umculo okhalela phezulu oyodlalwa ngaphakathi emathuneni ngaphandle kwemvume yoMkhandlu, ngaphandle kwesimo semingcwabo yamaphoyisa ombuso noma imingcwabo yombutho wezempi.

19. Ukusetshenziswa kwamashapeli kanye nemipheme

Akekho umuntu ongavunyelwa ukuthi asebenzise noma iyiphi ishapeli noma umpheme imizuzu engaphezu kwama-45.

20. Amahora emingcwabo

Awukho umngwabo oyobanjwa ngaphambi kwehora lesishiyagalolunye (9:00) noma ngemva kwehora lesine (16:00) kunoma yiluphi usuku ngaphandle kwemvume yoMkhandlu.

21. Isibalo samathuna

Akekho umuntu oyovunyelwa ukuthi abeke umaka ethuneni elinganikeziwe ngokuyikho nguMkhandlu kanti akekho umuntu oyongcwaba ethuneni elingazange libekiswe ngokusemthethweni.

22. Imfucuzo kanye nokulimala kwendawo yamathuna

Akekho umuntu noma ingasiphi isikhathi oyoshiya udoti, inhlabathi, amatshe noma yiluphi olunye uhlobo lukadoti noma ingayiphi indlela olungalimaza noma lwenze indawo ingabukeki ngendlela noma ingxenya yayo.

23. Isimo sezulu esibi

Akekho umuntu ongavunyelwa ukuthi abeke isikhumbuzo ngesikhathi sesimo sezulu esingesihle noma uma umhlabathi, ngokubona koMkhandlu ungekho esimeni esifanele.

24. Ukuphazanyiswa kwezinsalela zomuntu

Ngokwezibonelelo zomthetho ngokwemigomo yokumbiwa kwezidumbu nenikezelwa ngokomthetho woPhenyo noma isigaba 20 soMthetho weziNdawo zamaThuna nokuShiswa kweziDumbu waKwaZulu Natali, 1996(uMthetho No; 12 of 1996) noma ngabe yimuphi omunye umthetho ophathelene nokumbiwa kwezidumbu, akekho umuntu oyophazamisa izinsalela zesidumbu noma ngaphansi kwayiphi imibandela kunoma iyiphi indawo yamathuna.

ISAHLUKO 4**IMINGCWABO****25. Isicelo sokusebenzisa nokuthola ithuna**

- (1) Noma ngabe ngubani onesifiso sokuthi isidumbu noma izinsalela zesidumbu zingcwatshwe ethuneni kuyomele ukuthi athumele amafomu afanele kumphathi ngaphambi kosuku lokungcwaba. Izihlobo ezisondelene nomufi noma ngabe ngubani othintekayo kuyomele asayine isicelo sokungcwaba.
- (2) UMkhandlu, uma sekukhokhwe izimali ezifanele ukuthi unikezele ukusetshenziswa kwanoma yiliphi ithuna elihlelelwe ukungcwaba kunoma ngubani ofake isicelo ngokwesigatshana (1)
- (3) Asikho isidumbu noma izinsalela zomuntu eziyongcwatshwa kunoma iyiphi indawo yamathuna ngaphandle kwemvume yomphathi. Lemvume iyonikezelwa kuphela kuphela ekunikezelweni kwesilayelo sokungcwaba esisayinwe uMbhalisi wabashonile ukugunyaza ukuthi kungcwatshwe kunoma nini emva kokuhlolwa kwesidumbu, umlayelo kamantshi kuyomele unikezelwe kumphathi.
- (4) UMkhandlu, uma uceliwe, ukungcwaba mahhala noma ngokwemigomo yemithetho ethintekayo.

26. Ukushintsha kwezinsuku zokungcwaba

Uma kwenzeka kuba khona ushintsho lwesikhathi nosuku lokungcwaba kunalolo lwangaphambilini lokungcwaba, isaziso mayelana noshintsho kuyomele sithunyelwe kumphathi wezemisebenzi yobunjiniyela okungenani kusasele amahora angama-24 ngenhloso yalesigaba esinikezelwe, kuyomele isaziso kusasele amahora angama-48 uma amahora angama-24 ebandakanya isonto noma ingxenye yalokho.

27. Ukwehlukahlukana kobukhulu bamathuna

- (1) Indawo yethuna lomuntu omdala iyoba ngu-2 500 mm x 1 500 mm kanti elomntwana 1 500 mm x 1 000 mm.
- (2) Isilinganiso esejwayelekile sethuna lomuntu omdala kuyoba ngu 2200 mm ubude 900 mm ukuvuleka kanti elomntwana lona liba 1200 mm ubude kanti ukuvuleka u700 mm.
- (3) Noma ngabe ngubani ofuna ithuna ukuze angcwabe umuntu omdala ongasayizi omkhulu kunalokho okujwayelekile kuyomele uma efakisicelo abalule izilinganiso zebhokisi kanjalo nokuphakama. Amanani okwandiswa komgodi ayokhokhwa eMkhandlini njengoba kuchaziwe ohlwini lwamanani.

28. Uma ibhokisi lomntwana lilikhulu kakhulu

Uma ibhokisi lomntwana lilikhulu kakhulu kunomgodi wezingane kuyomele lifakwe emgodini wabadala, kuyomele lifakwe emgodini wabadala bese kukhokha imali ekhokhwa ngabadala.

29. Ukushona kwethuna

Alikho ithuna lomuntu omdala eliyoba ngaphansi kuka 1800 mm kanjalo nelomntwana eliyoba ngaphansi kuka 1500 mm ukudepha.

30. Ukumbozwa komhlabathi

Kuyoba khona okungenani imitha elilodwa phakathi kwebhokisi nangaphezu komhlaba, ezimeni zokungcwaba kuphindelelwa okungenani umhlaba ongama-300 mm uyosala phakathi kwamabhokisi.

31. Amabhokisi emathuneni

Akekho umuntu oyofaka ibhokisi elakhiwe nanoma ngani ngaphandle kokhuni oluthambile nolungashabaliseka noluvunyelwe nguMkhandlu, ngaphandle uma kuchaziwe kweminye imithetho.

32. Isibala sezidumbu ethuneni elilodwa

Akuyufakwa izidumbu ezevile kwezimbili ethuneni elilodwa ngesikhathi esisodwa

33. Ukubekiswa kwamathuna

Noma ngabe ngubani, uma kushone umuntu, ofisa ukubekisa ithuna lokuxhuma, uma likhona, kuyomele athole ilungelo, uma esekhokhe amanani emali echazwa umlayelo wamanani, lokusebenzisa lelothuna ngenhloso yokungcwaba uma kunesidingo.

34. Ukungcwaba okwesibili

- (1) Noma ngabe yimuphi umuntu ofisa ukuthi aphinde asebenzise ithuna ukungcwaba okwesibili kuyomele akwenze lokho uma sekuphele iminyaka emibili ithuna lasebenza, ngaphansi kombandela wokuthi ithuna ngokungcwaba kokuqala lagujwa lashona ngaphambi noma ngenkathi kungcwatshwa okokuqala.
- (2) Umfakiscelo ofisa ukungcwaba kowesibili —
 - (a) afake isicelo efomini elinqunyiwe okungenanani emahoreni angama-24 ngaphambi kosuku lomngcwabo; futhi
 - (b) asuse noma yisiphi isikhumbuzo kulelo thuna ngezindleko zakhe futhi ahambisane nemibandela ebekwe ngumphathi mayelana nalokhu.

ISAHLUKO 5**IMILOTHA****35. Ukutholakala kwezikhala zomlotha**

Kweyame kwzihlizzekelo zale Mithetho-dolobha, umuntu angathola indawana yomlotha emathuneni, uma ikhona, ngokuthi ayikhokhele isamba esinqunyiwe.

36. Ukungcwatshwa komlotha

- (1) Ngokwezinhlizzekelo zalemitheshwana, imilotha ingakwazi ukuthi ingcwatshwe ethuneni elisendaweni yamathuna uma yonke imigomo kanye nemibandela namanani kuye kwalandelwa isilinganiso somgodi singaba sincane kusenejwayelekile.

- (2) Awukho umlotho oyongcwatshwa ngale kokweneliseka komphathi wemisebenzi yezidingo zomphakathi mayelana nokuthi ngowezindalela zomuntu ngempela, kanye nokuthi kugcwalise imininingwane efanele.
 - (3) Imilotha engcwatshiwe ibekwe esitsheni sokugcina umlotha.
 - (4) Okungenani umhlabathi ophakathi nendawo phakathi kwesitsha somlotha nomhlabathi kuyoba ibanga elingama-100 mm.
 - (5) Ngokwezinhlinzekelo zale mithetho-dolobha, ukungcwatshwa komlotha ethuneni eliqalayo ukusetshenziswa, kungenziwa mahhala.
- 37. Ukubekwa komlotha kwizindonga zesikhumbuzo noma izingadi zesikhumbuzo**
- (1) Noma ngabe ngubani ofisa ukuthi abeke isitsha sokungcwaba umlotha kumbe izinsalela zesidumbu kwingadi yesikhumbuzo kuyomele ukuthi athumele isicelo esiphelezelwa yisitifiketi sokushiswa kwesidumbu kwifomu yesicelo eyamukelekile kumphathi wezemisebenzi yomphakathi, uma umphathi eneliswa ukuthi isignesha yesihlobo esiphilayo sikamufi akulula ukuthi itholakale ngokushesha angavumela isicelo esesayinwe noma ngubani omunye umuntu.
 - (2) Noma ngabe ngubani ofaka isicelo ngokwesigatshana (1) uyokhokha imali enqunywe nguMkhandlu.
- 38. Ukuvunjululwa komlotha**
- (1) Akukho muntu oyovumbulula umlotha ethuneni ngaphandle kwemvume ebhaliwe noma ngale kokuthi ahambisane nemigomo yoMkhandlu
 - (2) Isicelo sokuvumbulula umlotha kuyomele sithunyelwe emkhandlwini engakapheli amahora ayi -8 okusebenza ngaphambi kokuvumbulula umlotha.
- 39. Ukusakazwa komlotha**
- Ukusakazwa noma ukuchithwa komlotha engadini yesikhumbuzo kuyomele kwenziwe emva kokutholakalae kwemvume ebhaliwe emkhandlwini.

ISIAHLUKO 6

UKUVUNJULULWA KWEZIDUMBU KANYE NOKUVULWA KABUSHA KWAMATHUNA

- 40. Ukuvunjululwa kwamathuna**
- (1) Kweyame kwizinhlinzeko zale Mithetho-dolobha kanye neminye imithetho, alikho ithuna eliyophinde livulwe ngaphandle kwemvume yoMkhandlu.
 - (2) Kweyame kwizinhlinzeko zale Mithetho-dolobha akukho muntu oyovumbulula noma enze ukuthi noma isiphi isidumbu ukuthi sivunjululwe ngaphandle kwesiPhathimandla sezeMpilo futhi kuyokhokha imali enqunywe nguMkhandlu ngaphambi kokuvumbulula isidumbu. Imvume yalokhu ingalethwa kumphathi okungenani kusasele izinsuku ezimbili ngaphambi kokuthi kunqunywe usuku lokuvumbulula noma lokususa isidumbu.
- 41. Ukuvalwa ngenxa yokuvumbulula**
- Ngesikhathi sokumbiwa kwesidumbu, indawo yamathuna iyovalelwa umphakathi.
- 42. Ukuqashelwa kokwenzekayo**
- Ithuna okuvunjululwa kulona isidumbu liyobhekisiswa ngenkathi kuqhubeka ukuvumbulula kanti isitsha esifanele siyonikezelwa ukuze kufakwe izinsalela.
- 43. IsiPhathimandla sezeMpilo siyoba khona**
- Akukho ukuvunjululwa kwesidumbu okuyokwenziwa ngaphandle kokuthi kube khona isiPhathimandla sezeMpilo noma omunye osimele.
- 44. Ukushintshwa kwesidumbu sisuka kwelinye ithuna siya kwelinye**
- Ngokulandela izinhlinzeko zale Mithetho-dolobha noma eminye imithetho, uMkhandlu ungasisusa isidumbu kwelinye ithuna usiyise kwelinye.

ISIAHLUKO 7

UKUNAKEKELWA KWAMATHUNA

- 45. Okujwayelekile**
- (1) Akukho zimila, izihlahla noma ngabe isiphi isitshalo esiyotshalwa emathuneni ngaphandle kwemvume yomkhandlu, kanti uMkhandlu ungathena noma ugawule, noma ususe izimila, izihlahla noma izimbali noma nini.
 - (2) Akukho muntu oyoletsa emathuneni, agxumeke, ashintshe, apende, ahlanze, alungise kabusha, ahlobise, asuse noma ngenye indlela aphazamise noma imuphi umsebenzi wesikhumbuzo noma asuse noma imuphi umbhalo oqoshiwe ngaphandle kwemvume ebhaliwe yoMkhandlu.
- 46. Ukumiswa kwemisebenzi yesikhumbuzo**
- Akukho muntu oyogxumeke isikhumbuzo ethuneni ngaphandle kokuthi kuvumelana nendlela ekhonjiswe ngumphathi noma ngokulandela le Mithetho-dolobha.
- 47. Ukulungiswa kwezikhumbuzo**
- Uma usonkontileka evumela ukuthi umsebenzi wesikhumbuzo ube nobungozi obungenza ukuthi indawo yamathuna ingabukeki ngendlela, uMkhandlu ungayalela ukuthi alungise umonakalo, uma ukulungiswa okudingekayo kuyokwenziwa ingakapheli inyanga ethole isaziso, uMkhandlu ungawulungisa umonakalo noma asuse isikhumbuzo ngale kokuthi ukhokhe izinxephezelo uphinde ufune izinxephezelo zezindleko kumini sikhumbuzo.
- 48. Ukulawulwa komsebenzi**
- Noma ngabe ngubani owenza umsebenzi endaweni yamathuna uyaqashwa noma alawule ngokweneliseka komphathi.
- 49. Ukulimala kwezikhumbuzo**
- UMkhandlu awuyukhokhela ukulimala okwenzekile noma okungenzeka emsebenzini wesikhumbuzo nokungadalangwa ubudedengu babasebenzi boMkhandlu.
- 50. Ukususwa komsebenzi wesikhumbuzo**
- UMkhandlu, ngemuva kwesaziso, noma ingasiphi isikhathi ungashintsha ukuma komsebenzi wesikhumbuzo kunoma iyiphi indawo yamathuna.
- 51. Ukulethwa kwempahla endaweni yamathuna**
- Akukho muntu oyoletsa impahla endaweni yamathuna ngenhloso yokuthi kwakhiwe umsebenzi wesikhumbuzo kunoma yiliphi ithuna ngaphandle —
- (a) kohlaka lwepulani okukhombisa ubunjalo bomsebenzi, imilobo kunjalo kanye nokuma kwawo kuhanjiswa kwaphinde kwavunywisa umphathi wezemisebenzi yobunjiniyela;
 - (b) kokuthi izimali ezidingekayo mayelana nethuna sezikhokhiwe; futhi
 - (c) noMkhandlu wavumelana nalokhu ngokubhaliwe.

52. Ukususwa komsebenzi wesikhumbuzo nguMkhandlu

Noma yimuphi umsebenzi obekiwe, owenziwe, oshintshiwe, ohlotshisiwe opendiwe ngokuphikisana nale Mithetho-dolobha noma ngokombono woMkhandlu owephula indlela eyiyo yokuziphatha komphakathi, ungasuswa nguMkhandlu ngemuva kwesaziso, ngaphandle kokuthi kukhokhwe izinxephezelo.

53. Okudingekayo ukuze kugxunyekwe imisebenzi yezikhumbuzo

(1) Noma ngubani ozogxumeka umsebenzi wesikhumbuzo kumele alandele lezidingo ezilandelayo:

- Lapho ingxenyana ethile yesikhumbuzo izoxhunywa kunoma isiphi esinye, noma ucingo, uphina wobukhulu obovu melekile nobude obanele kuyomele kesetshenziswe kulenhloso kanti izinombolo lapho labo phini bezongena khona akumele ukuthi zishone ngaphansi kuka -50 mm.
- Noma iyiphi ingxenye yalomsebenzi, egxile emhlabathini noma etsheni noma isiphi esinye isisekelo iyoba isikwele iphinde yengezwe.
- Amatshe achazwe kwisigatshana (1) angeke abe nobukhulu obungalingani noma amakhona angalingani.
- Ingaphansi lanoma isiphi isikhumbuzo kumele libe ngu-50 mm ngaphansi kweleveli eyejwayelekile yengaphezulu lomhlaba noma ngaphezu kuka 200 mm ubukhulu.
- Awekho amatshe ohlobo lwe-*curbstone* oluyosetshenziswa noluyevela ngaphezu kuka 230 mm ngaphezu kwengaphezule lomhlabathi noma ngaphezulu kuka - 200 mm ubukhulu.
- Wonke amakhanda kanyenamatshe ayovikelwa ngokwanele kwingaphakathi ngekhopha engulawondi.
- Wonke amatshe ayophakama ukufika ku-150 mm ubukhulu ayobekwa ngendlela yokucophelela nangendlela eyiyo.
- Yonke imisebenzi yezikhumbuzo kuyomele eqedelwe kube ngokwanele emathuneni ngaphambi kokuthi ilethwe ngaphakathi emathuneni.
- Awekho amatshe athambile ayosebenzisela umsebenzi wesikhumbuzo kanti imisebenzi yezikhumbuzo iyokhandwa noma yenziwe ngomabuli noma ngetshe elibushelwezi noma ngabe yiliphi elinye ilitshela elivunyelwe.
- Esimeni samathuna angawodwana, umzila uyona nengxenye eyodwa eqinile.
- Akekho umuntu oyokwenza umsebenzi wamatshe, ukuxhoza, nokunye endaweni yamathuna nokungaxhumene nokumiswa komsebenzi wesikhumbuzo ngaphandle uma umsebenzi uvunyelwa ngokusemthethweni yile Mithetho-dolobha.
- Yonke imisebenzi yesikhumbuzo kuyomele ibe nesisekelo esiqinile netshe lasekhanda kanye nalapho kukhona ukuxhunywa emzimbeni wetshe lesikhumbuzo kanti konke ukuxhunywa kumele kufakwe imotha kasemende eyiyo.
- Lapho la khona umsebenzi wesikhumbuzo unesisekelo phansi lesisekelo akumele sibe ngaphansi kuka-900 mm ukunwebeka hhayi ngaphansi kuka - 300 mm x 300 mm.
- Bonke onkamisa komsebenzi wesikhumbuzo kuyomele ukuthi baqoshwe kodwa bangaphumeli kwingaphezulu lesikhumbuzo.
- Ngemvume kasonkontileka, igama lomkhandi lingabhalwa kunoma imuphi umsebenzi wesikhumbuzo, ngaphandle uma kungukuthi ikheli noma emine imininingwane ayinikezelwe.

54. Izimoto namathuluzi

Noma ngabe yimuphi umuntu obandakanyekayo kunoma yimuphi umsebenzi uyozihlizeka ngemoto, amathuluzi kanye nezinye izinto ezisebenza ngogesi nokungezakhe angazidinga.

ISIAHLUKO 8**IZINDAWO ZOKUNGCWABA****55. Ukwehlukana kwezindawo zamathuna**

UMkhandlu unelungelo lokuthi wehlukane izindawo zamathuna ukuze zibe nendawo eyodwa noma eziningi zokungcwaba noma ubekele eceleni indawo yokungcwaba abantu benkolo ethile kuphela.

56. Ingxenye yezikhumbuzo

(1) Le ngxenyana ibhekele izindawo zezikhumbuzo:

- Akekho umuntu okuyothi ngemuva kwezinsuku ezingama - 28 kusuka osukwini lomngcwabo afake, abeke, noma ashiye ethuneni okusacingo noma okufuze lokho, isitsha sezimbali noma ngabe yini enye.
- Akekho umuntu oyobeka noma ashiye ethuneni noma ngabe yini engumhlobiso.
- Izimbali ngisho ngabe ezemvelo noma zokwakhiwa, noma zihamba ngazodwa noma ngesitsha azivunyelwe ukuthi zibekwe noma zishiywe ethuneni noma ingasiphi isikhathi.
- Ngokwemigomo yesigaba 58 imisebenzi yezikhumbuzo ingenziwa ngemvume ebhalwe phansi yoMkhandlu, kunoma iliphi ithuna.
- Alikho itshe eliyobekwa ngendlela yokuthi liyoba ngu-230 mm ngaphezulu komhlabathi liphinde libe ngaphezulu kuka 200 mm ukushona phansi, ngaphandle kwemvume ebhaliwe yoMkhandlu.
- Wonke amatshe ayofakwa ngendlela ayoyivumela ukuba akhishwe kalula ngaphandle kobungozi bokuthi kulimale itshe lasekhanda, noma imuphi omunye umsebenzi wesikhumbuzo ethuneni.
- Isilinganiso esivumelekile somsebenzi wetshe lesikhumbuzo elilodwa kumuntu omdala ngu-2500 mm x 1050 mm.
- Isilinganiso esivumelekile somsebenzi wesikhumbuzo kumathuna ahamba ngamabili kubantu abadala ngu-2500 mm x 2250 mm
- Isilinganiso esivumelekile somsebenzi wesikhumbuzo sabantwana u-1500 mm x 900 mm

57. Ingxenye yokukhangisa

(1) Lezi zibonelo ezilandelayo zibhekele kwingxenye eyaziwa ngokuthi yindawo yokukhangisa.

- Ngaphandle kwezinsuku ezingu-28 ngemuva komngcwabo ngokwesigatshana (5), akekho umuntu oyovunyelwa ukuthi abeke noma ashiye ethuneni okusacingo, izimbali, okokuhlobisa noma ngabe yini enye, ngaphandle kokuthi ngemuva kwezinyanga ezingu 6 ngemuva kokuthi kungcwatshiwe, izimbali noma ezemvelo noma ezokwakhiwa zihamba zodwa noma zisesitsheni, noma ingasiphi isikhathi zingashiywa noma enhloko yethuna, uma ingakhandiwe noma kuphi;
- UMkhandlu ungakhokhisa uphinde uthuthukise uphinde ugcine indawo yengadi engu-300 mm ukuvuleka ngaphezu kobukhulu kulelo nalelo thuna kwingxenye yekhanda.
- Itshe lasekhanda kwingxenye likakhonkonkolo ayisoze yadlula ku-1070 mm kwinhloko noma kwileveli yaphansi, kanti futhi angeke kweqe kubukhulu bengxenye yenhloko.
- Izilinganiso zesisekelo senhloko angeke zeqe ku-600 mm ngaphezu komhlaba kumbe unqenqema lwasemathuneni kanti ukuma kwe-sisekelo ngaphezulu konqenqema lwasemathuneni kumele kube ngokuthi ichopho eduze kwethuna libe ngu-120 mm kusuka onqenq-

meni lwasemathuneni, uma kungukuthi itshe lasekhanda ligxunyekwe nokuxhuma amathuna amabili lingadlula okungenana ngo -600 mm ububanzi, kodwa angeke kweqe ku- 1200 mm x 250 mm.

- (e) Kulengxenywe yesikhumbuzo, isitsha sezimbali esivunywe yilowo obhekle ukugcinwa kwamathuna singabekwa endaweni eyenzelwe lokhu, lesi sitsha kuyomele sibe kungenani ngu-380 mm ubude singabi ngaphezu komgodi ubukhulu.

58. Okudingakalayo kwizikhumbuzo zengxenywe yokukhangisa

- (1) Lezi zinhlinzeko zibhekele ukusebenza kwezindawo zokukhangisa:
- Amatshe asekhanda kuyomele kabe ngu-1500 ubude, 910 mm ububanzi kanye nokuvuleka okungu-250 mm.
 - Akukho ukwehlukana kwamathuna noma iliphi nge curbstone kumbe ukwembozwa kwamathuna ngosemende okuyovunyelwa.
 - Isisekelo setsh lethuna esigxunye kiwe noma esibekwe ngaphezulu kwethuna elilodwa siyoba ngu 910 mm x 380 mm noma siphinde okungenani sijule ngo 300mm.
 - Isisekelo setshe lethuna elilodwa siyoba ngu 910 mm x 250 mm ngokwesilinganiso.
 - Isisekelo setshe lethuna ngalinye eligxunye kiwe elibekiwe ngaphezulu kwamathuna amabili siyoba ngu 2130 mm x 380 mm siphinde okungenani kube 300 mm ukushona phansi.
 - Isisekelo sanoma yiliphi itshe lethuna elilodwa elimisiwe noma elibekwe ngaphezulu kwamathuna amabili siyoba ngu- 1830 mm x 250 mm x 250 mm isilinganiso.
 - Ukuze kwenziwe izibonelo zokufakwa kwezingqembe zezinombolo kuyomele kube khona izimbobo ezingu 6 mm ukuvuleka zibe ngu 30 mm ukushona zibe ngu 50 mm ukuhlukana kwisisekelo sanoma yiliphi ithuna nangendlela yokuthi zonke izimbobo zibe phakathi nendawo yesisekelo ziphinde zibe ngu 40 mm ukusuka kumngcele wesisekelo ethuneni.
 - Itshe lethuna elilodwa angeke limiswe kumbe lendlalwe lize lisabalale kumathuna amabili.
 - UMkhandlu uyogcina uphinde uhlobise, njengokubona kwawo mahhala, amathuna ngokuthi atshale izimbali kanye notshani.

59. Indawo elungisiwe

- (1) Lezi zibonelo zibhekela indawo elungisiwe:
- Akekho umuntu oyobeka, akhe amise, noma atshale noma ngabe noma yini, kubandakanya imisebenzi yezikhumbuzo kanye nezimbali ngaphezulu noma ngasemathuneni, ngaphandle kokuthi izimbali zibekwe ngenyanga yokuqala emva komngcwabo.
 - Noma ngabe yini ebekiwe, yakhiwa, yamiswa noma yatshalwa ngaphezulu noma ngasemathuneni noma iliphi, kubandakanya izimbali zamathuna noma izikhumbuzo esikhathini esiyinyanga kwangcwatshwa, ngokuphula isigatshana (1) kungasuswa uMkhandlu noma kusatshalaliswe noma kulahlwe.
 - Isilinganiso esiphakathi nendawo sethuna lomuntu omdala singu 2500 mm x 1500 mm kumntwana ngu 1500 mm x 1000 mm.
 - Isilinganiso esiphakathi sokuvuleka kwethuna lomuntu omdala u 2200 mm ubude 900 mm ububanzi elomntwana ngu 1200 mm ubude x 700 mm ububanzi.
 - Wonke umuntu ofuna ithuna lokungcwaba umuntu omdala ongusayizi ongaphezulu kojwayelekile, kuyomele kuthi uma efaka isicelo sokungcwaba, abalule izilinganiso zebhokisi abandakanye nokuphakama.
 - Isikhumbuzo sikamabhula esingu 305x210 mm ngesilinganiso singabekwa ethuneni kwingadi yesikhumbuzo.
 - Uqembe lwesikhumbuzo lubekwa lunqume kabili kusemende ongu- 355 mm x 260 mm (ubukhulu) nokuphakama okungango kuphaka- ma kwengaphezulu lenhlabathi.
 - Izingqembe zesikhumbuzo zibekwa maphakathi nendawo ethuneni ukuze zonke zenze ulayini oqondile.
 - Azikho izitsha zezimbali eziyobekwa unomphelela kwitshhe lesikhumbuzo kwingadi yesikhumbuzo.
 - Amanani akhokhwa ngokwemigomo yoMkhandlu.
 - Awekho amanye amanani angeziwe ekungcwabeni kwesibili kwingadi yesikhumbuzo.
 - Kuvunyelwe kuphela uqembe olulodwa lwesikhumbuzo ngethuna kwingadi yesikhumbuzo.
 - UMkhandlu ungathuthukisa indawo njengepaki uphinde uyigcine ngendlela.

60. Udonga lwesikhumbuzo

- (1) Isitsha esiphethe izinsalelo zokushiswa kwesidumbu singabekwa kwindawana esodongeni lwesikhumbuzo, kuphela uma:
- Kuyisilinganiso sezitsha ezimbili zingabekwa endaweni yinye
 - Isilinganiso esamukelekile sesitsha singu-175 mm x 110 mm.
 - Amanani ngokulawula koMkhandlu ayakhokhwa.
- (2) Uqembe lwesikhumbuzo likamabhula noma i granite lufakwa esikhathini esakhelwe lokhu, uma nje loluqembe lungeqi ku 305 mm x 210 mm x 15 mm ngokwesilinganiso.
- (3) Izitsha zezimbali zekhopho noma insimbi zingabekwa maduzane nesikhumbuzo noqembe lukamabhula, uma kungukuthi isicelo siye savun- yelwa nguMkhandlu futhi siyahambisana nalokhu:
- isilinganiso sesitsha u-40 mm ububanzi x 100 mm futhi singese khopha noma insimbi.
 - Ukufakwa kwezitsha: ukufakelwa kungenziwa ngekhopha ephuzi noma kufakwe ngamabhawoti odongeni uqembe lwesikhumba okuyinsimbi ingxenywe yangaphezulu yalokhu kumele igobe ibe ngunxantathu kungxenywe engaphambili nokuxhunywa kwesitsha.
 - Izilinganiso zalokhu, ikhopha ephuzi, ikhopha noma uqembe lwesimbi lube ngu- 20 mm ububanzi x 2mm ubukhulu x 55 mmubude isibalo esiphelele sokubude bokugoba kocingo kumele kube ngu 125 mm.
 - Indlela yokufakwa kwezitsha: izitsha ziyofakwa ngakwesokudla soqembe lwesikhumbuzo sikamabhula ngengxenywe enamathele ngezansi ngokuhambisana nesayidi langezansi loqembe lwesikhumbuzo, isikhala esingu 20 mm siyosala sivulekile phakathi koqembe lwesikhumbuzo noqembe olunamathiselwe.

61. Ingadi yesikhumbuzo

- (1) Isitsha sezinsalela sokushiswa kwesidumbu singabekwa engadini yesikhumbuzo uma kungukuthi —
- isilinganiso sendawana yokungcwaba izinsalela zesidumbu ingu 500 mm x 500 mm;
 - isilinganiso esilingene somgodi wokungcwaba izinsalela zokushiswa kwesidumbu 400 mm x 200 mm x 200 mm;
 - isilinganiso sesikhumbuzo soqembe lumamabhula noma i-granite u 410 mm x 210 mm x 15 mm singabekwa ethuneni elisengadini;
 - uqembe lwesikhumbuzo lubekwa lunqume kabili ngezilinganiso ezingu 420 mm x 220 mm x 50 mm (ubukhulu);
 - izingqembe zesikhumbuzo zibekwa phakathi nendawo yethuna ukuze kuholeleke ekuthini zonke zenze imigqa eqondile;

- (f) amanani ayokhokhwa ngokulawula koMkhandlu ngezikhathi ngezikhathi;
- (g) azikho izitsha zezimbali eziyohlala unomphela kunoma iliphi itshe lesikhumbuzo kwingadi yesikhumbuzo;
- (h) awekho amanani angezelwe ukungcwaba okwesibili kwingadi yesikhumbuzo;
- (i) uqwembe lwesikhumbuzo olulodwa kuphela oluvunyelwe ngethuna ngalinye kwingadi yesikhumbuzo.

ISAHLUKO 9

AMACALA NEZINHLAWULO

62. Izinhlawulo

Noma ngabe ngubani ophula lemibandela yalemithetho-dolobha noma ahluleke ukuthi ahambisane nemibandela yanoma yisiphi isaziso anikezwe sona uMkhandlu ngokwemigomo yalemigomo yale Mithetho-dolobha uyoba necala, ekushushisweni kwakhe uyohlawuliswa noma abhadle ejele isikhathi esiyizinyanga ezisithupha noma kokubili, inhlobo nokubhadla ejele.

ISAHLUKO 10

UKUCHITHWA KWEMITHETHO-DOLOBHA

63. Yonke iMithetho-dolobha ephathelene nokungcwaba abantu emenezelwe ngukuhlakazwa kukaMasipala iyachithwa ngosuku lokushicilelwa kwalesi saziso.

No. 58, 2005

1 December 2005

THE Council of the Mthonjaneni Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws:

MTHONJANENI LOCAL MUNICIPALITY

CEMETERY BY-LAWS

CHAPTER 1

DEFINITIONS

(1) Unless the context otherwise indicates —

“adult” means any deceased person over the age of 12 years, whose coffin will fit into the grave opening prescribed for adults in section 28 (1);

“ashes” means the physical remains of a body after it has been cremated;

“berm” means a concrete strip laid by the Council along a row of graves;

“caretaker” means the person holding the position of caretaker or superintendent of any cemetery or acting in such capacity in the service of the Council;

“cemetery” means any piece of land duly set aside by the Council within the Municipal area for the purpose of a public cemetery;

“child” means any deceased person of the age of 12 years or younger whose coffin will fit into the grave opening prescribed for children in section 28 (1);

“Municipal Manager” means a person appointed in terms of section 82 of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998);

“contractor” means the person who has paid any of the tariffs contained in the tariff of charges, or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interests referred to in these By-laws.

“Council” means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

“cremation” means the incineration of any human body or remains to ashes;

“foot kerb” means the construction on which a memorial works or headstone is attached;

“funerary urn” means an urn containing the cremated remains with size 175 mm x 185 mm x 110 mm;

“garden of remembrance” means a section of a cemetery, which has been set aside for the interment or scattering of ashes;

“grave” means any grave in a cemetery in respect of which any person has obtained the right of having a single body interred therein;

“Medical Officer of Health” means the Medical Officer of Health for the Council or any other person acting in such capacity or by virtue of any power delegated to him/her;

“memorial plate” means a plate of 305 mm x 210 mm x 12 mm manufactured of granite or marble attached to the memorial wall over niche;

“memorial wall” means a wall with niches set out to preserve the funerary urns against which only memorial plates can be attached;

“memorial work” means tombstone, railing, fence, monument, memorial inscription or other work erected on any grave;

“municipality” means the Municipality of Mthonjaneni;

“niche” means shallow recess in memorial wall to contain an urn of 385 mm x 185 mm;

“Registrar of Deaths” means any person appointed by the Government of the Republic of South Africa to register deaths;

“resident” means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of the Municipality; and

“tariff” means fees payable as determined by the Council from time to time.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

CHAPTER 2

GENERAL

1. Establishment of cemeteries

The Council may set aside any land for the purpose of a cemetery and no person shall be permitted to intern a boy in any other place.

2. Hours of admission for visitors

Every cemetery shall be open to the public during the following hours; Mondays to Saturday; 07:30 to 16:00 and Sundays and Public Holidays:

08:00 to 16:00. The Council shall have the power to close to the public any cemetery or part thereof for such period as it may deem fit.

3. Reserving of graves

- (1) No person shall, without the written consent of the Council, sell or transfer to any other person any right relating to a grave that has been obtained in terms of these By-laws. Should the Council consent to such transfer, it will be subject to the conditions that every transfer of the rights relating to a reserved grave be registered by the caretaker and the registration fee as determined by the Council be paid to the Director Finance by the new contractor.
- (2) Any person having reserved a grave and failing to use the grave within a period of 50 years from the date of reservation, or omitting to notify the Council that he/she does not intend to use the grave, thus gives the Council the right to sell the grave. The applicable charges as determined by the Council shall be payable in respect of graves sold.
- (3) The Council shall not be obliged to refund any charges paid in respect of a grave sold in terms of subsection (2).

4. Religious ceremonies

Subject to the provisions of these By-laws, the members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the written consent of the Council.

5. Plans of graves, plots and niches

Plans indicating the different graves and niches available are kept at the Council's offices for inspection free of charge.

6. Complaints

Any person wishing to lodge a complaint concerning the conditions in or the management of the cemetery shall lodge the complaint in writing to the Municipal Manager.

7. Charges/tariffs

The tariff of charges as determined by the Council, shall be payable to the Council for the services rendered in terms of these By-laws.

8. Consent notice order

Any written consent, notice or order issued by the Council in terms of these By-laws, shall be signed by the Municipal Manager or his authorised representative and shall be *prima facie* evidence thereof.

9. Instructions of caretaker

Every person taking part in any funeral procession or ceremony in the cemetery shall obey the instruction/s of the caretaker officer in charge.

10. Flowers

The caretaker may remove flowers and foliage placed on graves when, in his opinion, they have wilted.

CHAPTER 3

PROHIBITION ORDERS

11. Children

No person under the age of 12 years may enter any cemetery unless under the supervision of an adult.

12. Keeping to paths/walkways

Except for the purposes permitted by these By-laws, all persons shall only use the roads, paved walkways and demarcated turf walkways provided in the cemetery.

13. Entrances and exits of cemeteries

No person shall enter or leave a cemetery except through the official entrances provided.

14. Performance of activities

No person shall use any road, path or grass route within the cemetery for the purpose of transporting goods, parcels or any other material except if it is intended for use within the cemetery.

15. Prohibited actions within cemeteries

(1) No person shall: —

- (a) commit any nuisance within any cemetery;
- (b) ride on any motorized vehicle, animal, cycle, skateboard or roller skate within the cemetery;
- (c) allow any animal to wander inside any cemetery;
- (d) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in any demonstration in any cemetery;
- (f) obstruct, resist or oppose the caretaker or any official employed by the Council in the performance of his/her duties, or refuse to comply with any order or request which the caretaker is entitled to make in terms of these By-laws;
- (g) mark, draw, or scribble objects on walls or erect advertisements on buildings, fences, gates and memorial work or on anything within any cemetery/or section or deface it in anyway;
- (h) sit, stand or climb on or over any memorial work, gate, wall, fence or building in any cemetery;
- (i) be in or remain in any cemetery or part thereof before or after the hours mentioned in section 3 or during any period when it is closed to the public; and
- (j) without the written permission of the Council, tout or operate any business, order, exhibit or distribute any tracts, business cards or advertisements within or at the entrance to the cemetery.

16. Miscellaneous

- (1) No person shall dispose of a body in any other manner than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996).
- (2) No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be obtainable in terms of these By-laws.

17. Exposure

No person shall convey a dead body that is not covered, or expose any such body or any part thereof or remove the lid or cover of the coffin where-in such dead body or corpse is placed, in any street, cemetery or public place.

18. Music inside cemetery

No loud music shall be played in any cemetery without the consent of the Council, except in the case of State, Police or military funerals.

19. Occupation of chapel or shelter

No person shall for the purpose of a funeral, occupy any chapel or shelter in a cemetery for more than 45 minutes.

20. Hours of interments

No interment shall be held before 9:00 or after 16:00 on any day without the prior consent of the Council.

21. Number of graves

No person shall fix a peg on any grave not properly allocated by the Council and no person shall intern a body in any grave on which a peg-marked number has not been lawfully fixed.

22. Rubble and damage to cemetery

No person shall at any time leave any refuse, soil, stone or any other debris within the cemetery or in any way damage or deface any part of any cemetery or anything therein.

23. Inclement weather

No person shall fix or place any memorial work during inclement weather or while the soil is, in the opinion of the Council, in an unsuitable condition.

24. Disturbance of human remains

Subject to the provisions of an exhumation order given in terms of the Inquest Act, 1959 (Act No 58 of 1959) or any amendment thereof; or section 20 of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996) or any amendment thereof; or any other provision of any other act relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding it in any cemetery.

CHAPTER 4**INTERMENTS****25. Application for and acquisition of the use of a grave**

- (1) Any person desiring to have a body or human remains interred in a grave shall submit the appropriate form to the caretaker before the time of interment. The next of kin or the closest surviving relative or a person of interest shall sign the application of interment.
- (2) The Council, may on payment of the applicable fees, allocate the use of any grave appropriated for an interment to any person who applied for it in terms of subsection (1).
- (3) No body or human remains shall be interred within any cemetery without the permission of the caretaker. This permission will only be granted on submission of a written burial order, signed by the Registrar of Deaths authorising the interment, and on presentation and submission of such a notice of interment. In all cases where a postmortem has been held, the order of the magistrate shall also be submitted to the caretaker.
- (4) The Council may, upon request, inter any body free of charge, or in terms of the provisions of any applicable legislation.

26. Alteration of date of interment

Should any changes to the date, day or time previously fixed for an interment be made, notice of such changes shall be given to the caretaker at least 24 hours before such interment. For the purpose of this section, 48 hours notice should be given if the aforesaid 24 hours includes a Sunday or part thereof.

27. Dimension of graves and grave apertures

- (1) The standard dimensions of an adult gravesite shall be 2 500 mm x 1 500 mm and that of a child 1 500 mm x 1 000 mm.
- (2) The standard dimensions of the aperture of an adult's grave shall be 2 200 mm in length and 900 mm in width and that of a child's grave 1 200 mm in length and 700 mm in width.
- (3) Anybody requiring a grave for the interment of an adult with an aperture larger than the standard size, shall, when applying for the interment, specify the measurements of the coffin and the mountings. The appropriate fee for the enlargement of the aperture will be payable to the Council as prescribed in the tariff of charges.

28. When a child's coffin is too large

Should a child's coffin be too large for the aperture of a child's grave, it shall be placed in an adult grave and the fees payable for an adult's interment shall apply.

29. Depth of grave

No adult grave shall be less than 1 800 mm and that of a child less than 1 500 mm in depth.

30. Covering of earth

There shall be at least 1m of earth between the coffin and the surface of the ground. In the instance of successive burials, at least 300 mm of earth shall be left between the coffins.

31. Coffins in graves

No person shall place any coffin constructed from any material other than soft wood or other perishable materials approved by the Council, unless otherwise stipulated in other legislation.

32. Number of bodies in one grave

No more than two bodies shall be buried in the same grave at the same time.

33. Reservation of graves

Any person wishing to reserve a grave or upon the death of a person to reserve an adjoining grave, if available, shall obtain the right, on payment of the fees prescribed in the tariffs of charges, to use such grave for future burial purposes.

34. Second interments

- (1) Any person who wishes to apply for a second interment in the same grave may do so only after a period of two years has lapsed since the date of the first interment on condition that the grave was deepened prior or during the preparation of the grave for the first interment.
- (2) The applicant who wishes to have a body interred for the purpose of a second interment shall —
 - (a) apply on the prescribed form at least 24 hours before the interment shall take place; and
 - (b) remove any memorial work on such grave at his own cost and comply with any requirements made by the caretaker in this regard.

CHAPTER 5**ASHES****35. Acquiring of niches**

Subject to the provisions of these By-laws, a person may acquire a niche in the cemetery, if available, and by paying the prescribed fees.

36. Burial of ashes

- (1) Subject to the provisions of these By-laws, ashes may be buried in a grave in the cemetery and all prescriptions, provisions and fees applicable in terms of these By-laws pertaining to the burial of a body in a grave are *mutatis mutandis*.
- (2) No ashes shall be buried in a grave without it being proved to the satisfaction of the Council as being the cremated remains of a human body and the required documentation is submitted to this effect.
- (3) Ashes buried in a grave shall be placed in a funeral urn.
- (4) There shall be at least 100 mm of earth between the urn containing the ashes, and the surface of the ground.
- (5) Subject to the provisions of these By-laws, the burial of ashes in a grave being used already for a first interment, may take place free of charge.

37. Placing of ashes in memorial wall, memorial garden or garden of remembrance

- (1) Any person who desires to place a funerary urn containing cremated remains in a niche in the Memorial Wall, Memorial Garden or Garden of Remembrance shall submit an application, accompanied by the Cremation Certificate, in writing or on the prescribed form, to the caretaker. If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may, in his discretion, grant an application signed by any other person.
- (2) Any person applying in terms of subsection (1) shall pay the prescribed fees as determined by the Council.

38. Examination of ashes

- (1) No person shall exhume ashes from any grave without the prior written consent or complying with any conditions determined by the Council.
- (2) Applications for the exhumation of ashes shall be submitted to the Council at least 8 working hours prior to the exhumation.

39. Scattering of ashes

The scattering of ashes in the Landscape Area or Garden of Remembrance is permitted with prior written consent of the Council.

CHAPTER 6**EXHUMATION OF BODIES AND RE-OPENING OF GRAVES****40. Exhumations:**

- (1) Subject to the provisions of these By-laws and any other legislations, no grave shall be re-opened without a written consent of the Council.
- (2) Subject to the provision of these By-laws, no person shall exhume or cause any body to be exhumed without a written consent of the Medical Officer of Health and the charges for exhumation as determined by the Council shall be paid before the exhumation takes place. Such consent shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of the body.

41. Closure due to exhumation

At the time of an exhumation of a body, the cemetery shall be closed to the public.

42. Screening of activities

The grave from which a body is to be removed shall be effectively screened from view during the exhumation and a suitable container shall be supplied for the remains.

43. Medical Officer of Health shall be present

No exhumation shall take place unless the Medical Officer of Health or his/her authorised representative is present.

44. Transfer of body from one grave to another by the Council

Subject to the provisions of these By-laws and any applicable legislation, the Council may move a body from one grave to another.

CHAPTER 7**CARE OF GRAVES****45. General**

- (1) No shrub, tree or any other plant material may be planted on graves without the consent of the council and the Council may use its discretion to prune, cut down, dig up or remove any shrub, plant or flower at any time.
- (2) No person shall bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon without the prior written consent of the Council.

46. Position of memorial work

No person shall erect any memorials on any grave except in such a position as indicated by the caretaker or as otherwise provided for in these By-laws.

47. Repairs to memorial work

If the contractor allows the memorial work to fall or cause danger to deface the cemetery in any way, the Council may order him to repair the damage. Should the required repairs not be done within one month of receiving such notice, the Council may carry out these repairs or remove the memorial work without paying any compensation and recover the cost incurred from the contractor.

48. Supervision of work

Any person engaged in any work in any cemetery shall affect such work under the supervision and to the satisfaction of the caretaker.

49. Damaging of memorial works

The Council shall not accept responsibility for any damages caused or may occur which is not due to the negligence of the Council's employees.

50. Moving of memorial work

The Council may, after due notice, at any time, change or alter the position of any memorial work in any cemetery.

51. Bringing material into cemetery

- (1) No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave unless —
 - (a) a sketch plan indicating the dimensions of the memorial work, the inscription and position thereof has been submitted and approved by the caretaker;

- (b) all charges due in respect of such grave have been paid; and
- (c) the Council's written approval has been given to this effect.

52. Removal of memorial works by the Council

Any memorial work placed, built, altered, decorated, painted, in contravention of these By-laws or which, in the opinion of the Council, contravenes the good ethics and morals of society, may be removed by the Council after due notice, without payment of any compensation.

53. Requirements for erection of memorial works

- (1) Any person erecting memorial work shall conform to the following requirements:
 - (a) Where any part of any memorial work is to be joined to any other part, copper or galvanised iron clamps, pins or dowels of approved thickness and of sufficient length, shall be used for such purposes. The holes into which such clamps, pins or dowels must fit shall not be less than 50 mm deep.
 - (b) Any part of such work, which rests upon the ground or stone or other foundation, shall be squared and added.
 - (c) The stones referred to in subsection (1) will not be of uneven thickness nor have uneven corners.
 - (d) The underside of all memorial work shall be set at least 50 mm below the natural level of the ground.
 - (e) No kerbstones shall be used which protrude more than 230 mm above the surface of the ground or are more than 200 mm thick.
 - (f) All head and kerbstones shall be properly secured from the inside with round copper or galvanised iron pins.
 - (g) All headstones up to 150 mm in thickness shall be securely attached to the base in an approved manner.
 - (h) All memorial work shall be completed as far as possible before it is brought into the cemetery.
 - (i) No soft stone shall be used for memorial work and memorial work shall be constructed or made of marble or granite or any other approved hard stone.
 - (j) In the case of single graves, foot kerbs shall consist of one solid piece.
 - (k) No person shall do any stonework, chiselling etc. in the cemetery which is not connected with the erection of memorial work, except if the work is expressly permitted for in these By-laws.
 - (l) All memorial work shall have an adequate concrete foundation chiasitic with the headstone and where joints occur in the kerbstone, all joints shall be fitted with good cement mortar.
 - (m) Where memorial work has a base on ground level, such base shall not be less than 900 mm wide by not less than 300 mm x 300 mm.
 - (n) All letters on memorial work shall be engraved thereon and shall not protrude above the surface of the memorial work.
 - (o) With the consent of the contractor, the name of the maker may be affixed to any memorial work; provided that no address or other particulars be added thereto.

54. Vehicles and tools

Any person engaged in any work on any grave shall provide such vehicles, tools and other appliances of his own as he may require.

CHAPTER 8

INTERMENT AREAS

55. Division of cemetery

The Council is entitled to divide the cemetery into one or more interment areas or may reserve an area for the burial of a specific religious denomination.

56. Monumental section

- (1) The following provisions are applicable to the Monumental Section:
 - (a) No person shall, after the expiration of 28 days from the date of any interment, erect, place or leave on or around any grave any railing, wirework, flower stand or other object of any kind.
 - (b) No person shall place or leave on a grave any object in the nature of an ornament or embellishment.
 - (c) Flowers, whether natural or artificial, and whether loose or in a vase or wreath, may be placed or left on a grave at any time.
 - (d) Subject to the provision of section 58, memorial work may, with the written consent of the council, be erected on any grave.
 - (e) No kerbstones shall be laid in such a manner that it shall be 230 mm above the surface of the ground and more than 200 mm deep, without the written consent of the Council.
 - (f) No kerbstones shall be properly dowelled and shall be fixed as to permit their easy removal without danger of damaging the headstones or other memorial work on the grave.
 - (g) The standard dimensions of a memorial work for one single gravestone for an adult are 2 500 mm x 1 050 mm.
 - (h) The standard dimensions of a memorial work for a double memorial work for adults are 2 500 mm x 2 550 mm.
 - (i) The standard dimension of a memorial work for children's memorial work are 1 500 mm x 900 mm.

57. Aesthetic section

- (1) The following provisions are applicable to a section which is known as the aesthetic Section:
 - (a) Except during the first 28 days after an interment and subject to subsection (5), no person shall erect, place or leave on or around a grave any railings, wire-work, flower stand, ornament, embellishment or other object of any kind: Provided that during the first six months after an interment flowers, whether natural or artificial and whether loose or in wreaths, may at any time be placed or left on the berm or at the head of the grave or where no berm has been provided, anywhere on the grave.
 - (b) The Council, may without any charge, develop and maintain a garden area of 300 mm wide over the width of each grave at the head of the aesthetic section.
 - (c) A headstone in the aesthetic section shall not exceed 1 070 mm above the berm or ground level, as the case may be, and shall not exceed the width of the berm.
 - (d) The dimensions of the base of a headstone shall not exceed 600 mm x 250 mm and the position of the base on a berm shall be such that the edge thereof nearest to the grave shall be at least 120 mm from the edge of the berm, provided that the base of a headstone erected over two adjoining graves may exceed 600 mm in width but shall not exceed 1 200 mm x 250 mm.
 - (e) In the aesthetic section, a receptacle approved by the caretaker or a vase may be placed in the cavity in the berm provided for this purpose. Such vase or receptacle shall be at least 380 mm in height and shall not exceed the perimeter of the said cavity.

58. Requirements for memorial work in berm/aesthetic section

- (1) The following provisions are applicable on memorial work and graves in a berm/aesthetic section:
 - (a) Headstones shall be a maximum of 1 500 mm in height, 910 mm in width and with a diameter of 250 mm.
 - (b) No kerbstones demarcating any grave and no flat slab covering any grave shall be allowed.
 - (c) The foundation of a gravestone erected or laid over any single grave shall be 910 mm x 380 mm and at least 300 mm (depth) in size.
 - (d) The base of a gravestone erected over any single grave shall be at the most 910 mm x 250 mm x 250 mm in size.
 - (e) The foundation of any single gravestone erected or laid over two continuous graves shall be at the most 2130 mm x 380 mm and at least 300 mm (depth) in size.
 - (f) The base of any single gravestone erected or laid over two continuous graves shall be at the most 1830 mm x 250 mm x 250 mm in size.
 - (g) In order to make provision for the fitting of a number plate, two holes of 6 mm in diameter and 30 mm depth shall be made 500 mm from each other on the foundation of every grave and in such a manner that both holes shall be in the middle of the foundation and 40 mm from the border of the foundation on the grave side.
 - (h) A single gravestone shall not be erected or laid over more than two contiguous graves.
 - (i) The Council will maintain and decorate, as it deems fit and free of charge, the graves by planting flowers, shrubs or grass.

59. Landscape area

- (1) The following provisions are applicable in the landscape area:
 - (a) No person shall place, build, erect or plant anything, including memorial work and flowers on, round or next to any grave, provided that flowers and wreaths may be placed on a grave during the first month following interment.
 - (b) Anything that is placed, built, erected or planted on or around or next to a grave or flowers or wreaths that are still on a grave one-month after an interment, in contravention of subsection (1), may be removed by the Council and be destroyed or otherwise disposed of.
 - (c) The standard dimensions of a grave for an adult is 2 500 mm x 1 500 mm and for a child 1 500 mm x 1 000 mm.
 - (d) The standard dimension of the aperture of a grave for an adult is 2 200 mm in length and 900 mm in width and that of a child 1 200 mm in length and 700 mm in width.
 - (e) Any person who requires a grave for the interment of an adult with an aperture larger than the standard size, shall when applying for the interment, specify the measurements of the coffin including the mountings.
 - (f) A marble or granite memorial plate of 305 mm x 210 mm x 15 mm in dimension may be placed on a grave in the Memorial Garden.
 - (g) A memorial plate is placed horizontally on a concrete slab with dimensions of 355 mm x 260 mm x 150 mm (in thickness) with the eventual height level with the ground.
 - (h) Memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines.
 - (i) No permanent vases or containers shall be attached to a memorial stone in the Memorial Garden.
 - (j) Charges are payable as determined by the Council.
 - (k) No additional charges are levied for a second interment in the Memorial Garden.
 - (l) Only one memorial plate per grave is allowed in the Memorial Garden.
 - (m) The Council may develop the area as a park and maintain it accordingly.

60. Memorial wall

- (1) A funerary urn containing cremated remains may be placed in a niche in the Memorial Wall, provided that —
 - (a) a maximum of two funerary urns may be placed on one niche;
 - (b) the maximum dimension of a funerary urn is 175 mm x 185 mm x 110 mm; and
 - (c) the tariff(s) as determined by the Council are paid.
- (2) A marble or granite memorial plate is placed over a niche; provided that such memorial plate does not exceed 305 mm x 210 mm x 15 mm in dimension.
- (3) Yellow-copper, copper or stainless steel vases may be placed next to a marble or granite memorial plate, provided that the application is approved by the Council and complies with the following standards.
 - (a) Size of vase 40 mm wide x 100 mm and manufactured from copper or stainless steel.
 - (b) Fixing of vase: The fixing shall take place with a flat yellow-copper, copper or stainless steel plate affixed against the wall with screws. The top portion of the yellow-copper or stainless steel plate shall be rectangular bent to the front with the vase attached.
 - (c) Dimensions of yellow-copper, copper or stainless steel fixing plates: 20 mm wide x 2 mm thick x 55 mm thick x 55 mm long. The total length of metal strip preparatory to bending should be 125 mm.
 - (d) Position for attaching vases: Vases will be attached to the right of the marble memorial plate with the lower point of the attachment plate in lie with the lower side of the memorial plate. A gap of 20 mm shall be left open between the memorial plate and the attachment plate.

61. Memorial Garden/Garden of Remembrance

- (1) A funerary urn containing cremated remains may be placed in the ground in the Memorial Garden, provided that —
 - (a) the standard dimension of a burial site for cremated remains is 500 mm x 500 mm;
 - (b) the standard dimension of the aperture for the burial of cremated remains is 400 mm x 200 mm x 200 mm;
 - (c) the standard dimension of a marble or granite memorial plate is 410 mm x 210 mm x 15 mm and may be placed on such grave in the Memorial Garden/Garden of Remembrance;
 - (d) a memorial plate is placed horizontally on a concrete slab with dimensions 420 mm x 220 mm x 50 mm (in thickness) with the eventual height level with the ground;
 - (e) memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines;
 - (f) no permanent vases or containers shall be attached onto any memorial stone in the Memorial Garden;
 - (g) charges are payable as determined by the Council from time to time;
 - (h) no additional charges are levied for a second interment in the Memorial Garden; and
 - (i) only one memorial plate per grave is allowed in the Memorial Garden.

CHAPTER 9

OFFENCES AND PENALTIES

62. Penalties

Any person contravening any provision of these By-laws or failing to comply therewith or failing to comply with the conditions of any notice served on him by the Council in terms of these By-laws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment not exceeding a period of six months, or to both the fine and the imprisonment.

CHAPTER 10

REPEAL OF BY-LAWS/REGULATIONS

63. All By-laws relating to the burial of people promulgated by the disestablished Municipality are hereby repealed on the date of publication of this notice.

No. 59, 2005

1 kuZibandlela 2005

UMASIPALA waseMthonjaneni ngokwesigaba 156soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ufundwa nezigaba 11 no 98 zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo:

UMASIPALA WASEMTHONJANENI

IMITHETHODOLOBHA YOKUPHATHWA KWEZIKWELETU

1. IZINCAZELO

(1) Ngaphandle uma ingqikithi isho okwehlukile –

“**isiqinisekiso sebhange**” kusho isiqinisekiso esingenambandela esenziwe yisikhungo sezimali lapha siqiniseka ukuthi isamba esithile siyosikhokha uma ikhasimende lehluleka ukukhokha;

“**izamba ezibaliwe**” kusho izamba ezibalwe yisiKhulu esiPhethe seziMali okumele zikhokhelwe uMkhandlu maqondana nokuphakwa kwemisebenzi ethile kamasipala nanganoma yisiphi isikhathi lapho inani elifanele lingeke lanqunywa ngokucacile nanganoma yisiphi isikhathi, futhi ziyobalwa ngokusetshenzisiwe, uma kukhona, imisebenzi ehlinzekwe ikhasimende ezinyangeni ezintathu ngaphambi kwanoma yisiphi isikhathi sokukhokha, noma uma lolo lwazi lungakatholakali, ukusetshenziswa okwejwayelekile kwemisebenzi kamasipala endaweni eyodwa noma ngaphezulu enobukhulu newuhlobo olulinganayo nalapho ikhasimende lihlala khona;

“**isiKhulu esiPhethe ezeziMali**” kusho iNhlolo yoMnyango ebhekele izimali zoMkhandlu, kanye nanoma yimuphi umuntu ogunyazwe yiyo ukuba asebenze kuleso sikhundla;

“**i-akhawunti ehlanganisiwe**” kusho i-akhawunti eyodwa ehlanganisiwe yayo yonke imisebenzi kamasipala, yezintela, yentela yendawo kanye nezimali ezijwayelekile ezikhokhwayo;

“**umthengi**” kusho ikhasimende

“**amamitha agegi nawamanzi**” kusho amamitha agegi nawamanzi, njengoba kungaba njalo, asetshenziselwa ukukala ugesi noma amanzi asetshenzisiwe futhi afundwa njalo nanganoma yisiphi isikhathi esinqunyiwe;

“**uMkhandlu**” kusho uMasipala waseMthonjaneni kanye nowabalandela ekuphatheni ngokusemthethweni, futhi kubandakanya nomkhandlu walowo Masipala noma iKomidi eliPhethe nanoma yimuphi umgqamanda osebenza nganoma yimaphi amandla onikezwe wona ngokomthetho, kanjalo nanoma yisiphi isiphathimandle iKomidi eliphethe elilikeze amandla kanye nemisebenzi maqondana nalemithethodolobha;

“**ikhasimende**” kusho noma yimuphi umuntu ohlinzekwa noma ohlinzekwe nguMkhandlu ngomsebenzi kanti “**ukuhlinzekwa ngemisebenzi kwamakhasimende**” kunencazelo efanayo;

“**usuku lokugcina**” kusho, lapho kungekho sivumelwano maqondana nalokho phakathi koMkhandlu nekhawunti, usuku olubalulwe kwi-akhawunti nenqunywe nguMkhandlu njalo emva kwesikhathi kusukela ngosuku lokugcina i-akhawunti engakhokhwa ngalo;

“**amakhasimende akhona**” kusho amakhasimende asengene esivumelwaneni sokuhlinzekwa kwemisebenzi kamasipala;

“**unyaka wezimali**” kusho umhlaka 1 kuNtulikazi kuya kumhlaka 30 kuNhlanguvana wonyaka olandelayo;

“**ucwaningo lwamamitha**” kusho uphenyo lokuqinisekisa ubuqiniso bokusetshenziswa nokuhlinzekwa kwagesi namanzi;

“**uMphathi kaMasipala**” kusho umuntu oqokwe njengoMphathi kaMasipala ngokoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998, nanoma yimuphi umuntu osebenza kuleso sikhundla;

“**amahora okusebenza**” kusho amahora amahhovi esiKhulu esiPhethe ezeziMali avulelwe ngaso umphakathi kusukela ngoMsombuluko kuya kuLwesihlanu, ngaphandle kwamaholide omphakathi;

“**intela yendawo**” kusho izintela ezikhokhwa ngenani lendawo elingancika enanini lomhlaba noma lokuhlungiswa noma kokubili, futhi kunencazelo efanayo neyemali yokuthela;

“**okuhleshulwe emalini**” kusho isaphulelo kunoma iyiphi intela yendawo noma imali yokukhokhela umsebenzi enqunywe nguMkhandlu njalo emva kwesikhathi;

“**imali yokuxhumana kabusha**” kusho imale ekhokhelwa ukuxhuma kabusha kwagesi noma kwamanzi lapho kade kunqanyuliwe ngenxa yokungakhokhi, leyo mali iyonqunywa njalo emva kwesikhathi nguMkhandlu futhi iyoba yingxenywe yezintela zikamasipala;

“**inani elidingekayo**” kusho isamba senani elibaliwe lamanzi kagesi osetshenzisiwe nanganoma yisiphi isikhathi sokuthikameza, kanye nemale ekhokhelwa lokho kuthikameza;

“**ama-akhawunti emisebenzi**” kusho ama-akhawunti maqondana nokusetshenziswa kwagesi namanzi;

“**isivumelwano sokuhlinzeka kwemisebenzi**” kusho isivumelwano sokusetshenziswa kwagesi namanzi;

“**imali yokuthikameza**” kusho imali ekhokhelwa ukuxhuma okungekho semthethweni, ukulungisa noma ukuphutha kwemitha lokusetshenziswa kwamanzi nogesi kuphakelwa lapho kungenamitha khona, leyomali iyonqunywa njalo ngonyaka ngesikhathi kwabiwa imali futhi iyoba yingxenywe yezintela zikamasipala;

“**i-akhawunti evaliwe**” kusho i-akhawunti yokugcina yemisebenzi emva kokuthi ikhasimende selihambile kulezo zakhiwo, noma ngabe ikhasimende linikeze isaziso sokuvala ukuphakwa kwemisebenzi noma cha;

“**ithuluzi elilawula ukuphakwa kwemisebenzi**” kusho ithuluzi elifakwe emapayipini amanzi elivumela ukuphakwa kwamanzi noma ukuvalwa kwawo;

“**isimisele senkokhelo**” kusho umyalelo wenkantolo wokuthatha isamba semali emholweni wekhasimende.

- (2) Amagama abhekiwe kunoma yimuphi umuntu obandakanya abantu, izinkampani kanye nezinhlangano, kanti ubulili buyobandakanya abasifazane kanjalo nabesilisa, kuthi ubunye bubandakanye nobuningi.

2. ISIVUMELWANO SEMISEBENZI

- (1) Ngaphambi kokuhlinzekwa ngogesi, amanzi kanye neminye imisebenzi ehlinzekwa amakhasimende, wonke amakhasimende kumele angene esivumelwaneni noMkhandlu lapho, phakathi kokunye, ikhasimende livuma ukuthi uhlelo lokukhokhela ugesi namanzi lungasetshenziswa ukuqoqa izimali ezisilele maqondana nezintela zemisebenzi.
- (2) Uma ikhasimende lihlulekile ukungena esivumelwaneni semisebenzi noMkhandlu, amanzi nogesi kuyovalwa noma kukhishwe ngemibandela ethile, njengoba kudingeka, kuze kube kungenwa esivumelwaneni sokuphakwa kwemisebenzi futhi nemali afanele iyakhokhwa. Lelo khasimende kuyomele likhokhe imali enqunyiwe.

3. AMA-AKHAWUNTI

- (1) Umkhandlu uyokhokhisa abahlali, kanye nabanikazi bezindawo kanye nabahlala kulezo ndawo intela kanye nemisebenzi kamasipala ehlinzekwa nguMkhandlu ngezikhathi ezithile noma njengoba kunqunye emthethweni.
- (2) Umnikazi wendawo kumele akhokhele imisebenzi yokuthuthwa kadoti nokuchithwa kwamanzi angcolile.
- (3) Umkhandlu uyoposa noma ulethe ngesandla i-akhawunti ehlanganisiwe kumakhasimende ahlukene ekhelini elinikezwe yikhasimande ngalinye, ukufinyelela kumakhasimende ngaphambi kosuku lokugcina olubhalwe kwi-akhawunti. Noma yikuphi ukushintshwa kwekheli kuqala ukusebenza kuphela emva kokutholakala kwesaziso sokushintsha samukelwe nguMkhandlu.
- (4) Amakhasimende kumele akhokhe, ngokugcwele, isamba esikheshwe ngaphambi kosuku lokugcina. Ukwehluleka ukuhambisana nalesi sigaba kuyodala ukuthi kuqoqwe isikweletu kwikhasimende, futhi inzuzo ngendlela eyonqunye nguMkhandlu njalo emva kwesikhathi noma lapho kungekho imali enqunyiwe, njengoba kunqunye ngumthetho, iyokhokhiswa kusukela okwakumele ikhokhwe ngalo.

4. AMADIPHOZI

- (1) Amadiphozi ayonqunye yisiKhulu esiPhethe ezeziMali, lokho kunqunye okuyoba ngokubili nenxenywe kwi-akhawunti yenyanga yemisebenzi ehlinzekwe endaweni, noma ngabe yingendlela enqunyiwe noma yingesamba esibaliwe.
- (2) Ekunqumeni idiphozi echazwe esigabeni 4(1), isiKhulu esiPhethe ezeziMali siyohlukanisa phakathi kwezindawo ezizobhekela ngamazanga emisebenzi nawokusetshenziswa ehlukele.
- (3) IsiKhulu esiPhethe ezeziMali singabuye sihlale amadiphozi amakhasimende ehwebayo nayizimbongi ezinyangeni ezintathu emva kosuku lokuqala lokufaka idiphozi, futhi, angadinga ngenxa yokuhluliswa kwengezwe inye imali ngaphezu kwediphozi kunoma yiliphi ikhasimende.
- (4) IsiKhulu esiPhethe ezeziMali sibuyekeze wonke amadiphozi kanye eminyakeni emibili noma uma imisebenzi ehlinzekwa ikhasimende inqanyuliwe noma imisiwe ngenxa yokungakhokhi. Umphumela walokhu kubukezwa uyokwaziswa ikhasimende lapho kukhona ushintsho kwidiphozi futhi kwenziwe amanye adingekayo. Uma idiphozi okukhulunywe ngayo esigabeni 4(2) noma 4(3) kutholakala ukuthi ayenele, ikhasimende livumelekile ukwenza isivumelwano sokukhokha lesa samba esingaphezulu nesiKhulu esiPhethe ezeziMali.
- (5) Amadiphozi amakhasimende ayo yonke imisebenzi ekalwayo kumele akhokhwe.
- (6) Amadiphozi amakhasimende kumele akhokhwe maqondana nemisebenzi yokuphakwa kwagesi namanzi kuphela.
- (7) Amadiphozi kumelwe akhokhwe ngokheshi noma ngesheke. Umkhandlu uyokwamukela iziqinisekiso zamabhange laphe idiphozi ingaphezu kwa marandi ayizinkulungwane ezimbili (R2000,00). Lezo ziqinisekiso zamabhange kumele zithunyelwe ngesandla ngamahora okusebenza emahhovisi esiKhulu esiPhethe ezeziMali e-Civic Centre.
- (8) Wonke amadiphozi kumele akhokhwe okungenani ezinsukwini ezimbili ngaphambi kokuhlala endaweni noma ngosuku imisebenzi idingeka ngalo, uma ingadingeki ngosuku lokuqala ukuhlala. Ukwehluleka ukuhambisana nalo Mthethodolobha kungabambezela ukuxhunye kwemisebenzi, futhi umkhandlu angeke ukhokhele noma yikuphi ukulahleka okungaba khona.
- (9) Akukho diphozi edingekayo uma kufakwe imitha ekhokhelwa ngaphambi kokuhlinzekwa komisebenzi othile.
- (10) Lapho kufakelwa amakhasimende amadala uhlobo olusha lwamamitha kagesi namanzi, alawo makhasimende kumele angene esivumelwaneni esibhaliwe noMkhandlu sokukhokha amadiphozi, esikhathini esiyizinyanga eziyisithupha.

5. UKUNQANYULWA NGENXA YOKUNGAKHOKHI

- (1) Okwejwayelekile
Imali yokuxhuma kabusha iyohlawuliswa lapho amakhasimende ahlinzekwa ngeminye imisebenzi kamasipala yanoma yiluphi uhlobo nalowo angena ohlwini lwabakweletayo maqondana naleyo misebenzi nasebenqanyuliwe noma asebethitshelwe ugesi namanzi.
- (2) Izaziso ezithunyelwa amakhasimende —
- (a) uMkhandlu, ngokubona kwawo, uyothumela izaziso nezinye izikhumbuzo kumakhasimende asakweleta, ngaphambi kokunqamula imisebenzi.
- (b) uMkhandlu uyokhipha isamanisi lokukhokha izimali ezisilele maqondana nawo wonke ama-akhawunti akweletwayo akhombisa imali esilele izinsuku ezingaphezu kwamashumi amathathu (30), emva kwalokho i-akhawunti iyodluliselwa kubaqoqi bezikweletu, ngokwesigaba 10, ngaphezu kokunqanyulelwa ukuphakwa kwemisebenzi.
- (3) Ugesi
- (a) Umkhandlu uyonqamula imisebenzi kumakhasimende amamitha amasha kagesi nama-akhawunti asilele emva kosuku lokugcina lokukhokha. Uma lawo makhasimende efisa ukuxhunyelwa kabusha ugesi, bayokhokhiswa imali yokuxhuma kabusha efanele kanti umisebenzi angeke uvuselelwe ngaphambi kokuthi i-akhawunti ikhokhwe ngokugcwele noma sekwenziwe isivumelwano agculisayo nesiKhulu esiPhethe ezeziMali ngokwesigaba 7.
- (b) Umkhandlu kumele unqamule ukuphakwa kwagesi ngaphambi kwehora lokuqala ngosuku lokunqamula. Ukuxhuma kabusha kuyoqala ngokushesha, kodwa kuyokwenziwa kupheka ngamahora ajwayelekile okusebenza.
- (c) Lapho kunqanyulwe imisebenzi ezindaweni eziningi, uMkhandlu awuphoqelekile ukuqalisa ukuxhuma kabusha ngesikhathi esisodwa.
- (d) Umkhandlu angeke uphoqekele ukudayisa ugesi kumakhasimende amamitha akhokhelwa ngaphambi kokuthi awusebenzise ngaphandle uma i-akhawunti yekhasimende yakwaMasipala yeminye imisebenzi kanye nentela yendawo, uma ikhona, isikhokhiwe ngokugcwele noma sekwenziwe isivumelwano nesiKhulu esiPhethe ezeziMali agculisayo ngokwesigaba 7 sale Mithetho dolobha, futhi sagcinwa.
- (e) Wonke amamitha kagesi amisiwe kumele amakwe ngokugqamile uma ukuphakwa kunqanyulelwe ukungakhokhi, ukuze kugwemeke ukuthi amamitha anqanyuliwe abikwe njengaphakile.
- (f) Umkhandlu uyonciphisa ukuphuma kwamanzi amakhasimende avellelwe ugesi isikhathi esiyizinyanga ezimbili ezilandelayo futhi angakhokhile noma angenze malungiselelo okukhokha imali esilele.

- (g) UMkhandlu uyoba nelungelo lokunqamula, lokuvalela noma lokuthibela ukuphakwa kwagesi namanzi, njengoba kungaba njalo, ngokushesha, amakhasimende azokhokhela imisebenzi ehlinzekwa ngumasipala ngesheke uma lelo sheke libuyiswe yisiKhungo sezeziMali ebelishintshwa kuso nanganoma yisiphi isizathu. I-akhawunti yekhasimende iyomakwa ngendlela futhi akukho sheke eliyophinde lemukelwe.
- (h) Abakhandi bagesi abacuphile, abafunda amamitha kanye nosonkontileka bavumelekile ukubuyisela noma umuphi umsebenzi kumakhasimende ngaphandle kwegunya loPhiko loMkhandlu oluLawula iziKweletu.
- (i) Amakhasimende amisebenzi yawo ixhnywe ngokungekho semthethweni kuyothathwa ngokuthi athikameze imitha noma ukuphakwa kwemisebenzi, futhi izinhlinzeko zesigaba 6 ziyosebenza.
- (4) Amanzi
- (a) UMkhandlu uyonikeza amakhasimende anamamitha okukala amanzi isaziso esibhaliwe maqondana nama-akhawunti emisebenzi kamasi-pala asilele, ubeke inhloso yawo yokuvulela amanzi kancane ezinsukwini ezibekiwe njengoba kuhlangoziwe esigabeni 4 soMthetho weMisebenzi yaManzi, 1997 (uMthetho No. 108 ka1997) kanye/noma neMithethodolobha yaManzi.
- (b) Ukuphakwa kwamanzi kumakhasimende anamamitha okukala amanzi okukhulu ngakho esigabeni 5(4), kuyothitshelwa emva kokuphela kwesikhathi esibhalwe esazisweni esikhishwe ngokwesigaba 5. Lawo makhasimende ayokhokhiswa imali yokuxhuma kabusha efanele.
- (c) Lapho ukuphakwa kwamanzi kuthitshelwe, uMkhandlu ungafaka okukhipha amanzi kancane ukuze ukwazi ukuphinde uxhume kabusha. Umsebenzi ogcwele angeke wafakwa ngaphambi kokukhokhela umasipala ngokugcwele noma kwenziwe isivumelwano esifanele nesiKhulu esiPhethe ezeziMali ngokweNqubomgomo yokuPhathwa kweziKweletu, kuphela uma leso sivumelwano sigciniwe.
- (d) UMkhandlu angeke uphoqelege ukudayisela amakhasimende anamamitha akhokhelwa ungakawasebenzisi amanzi uma ama-akhawunti emisebenzi kamasipala engakhokhiwe ngokugcwele noma ngaphandle uma kwenziwe isivumelwano esigculisayo nesiKhulu esiPhethe ezeziMali ngokwesigaba 7, futhi kuphela uma leso sivumelwano siyogcinwa.
- (e) Uma kwenzeka, wonke amamitha amanzi avaliwe noma athitshelwe ayomakwa ngokugqamile ukuze kuvinjelwe ukuthi aphanjaniswe nalawo aphukile.
- (f) Abakhandi bamapayipi abacuphile, abafunda amamitha nosonkontileka bavumelekile ukubuyisela noma yimuphi umsebenzi kumakhasimende ngaphandle kwegunya loPhiko loMkhandlu oluLawula iziKweletu.
- (g) Lapho amanzi kutholakala izimbobo ecaleni lemitha lekhasimende futhi lingasheshi ukulungisa lokho, okukunciphisa ukuphuma kwa-manzi kuyofakwa ukuvimbela ukuchitheka kwamanzi nokunciphisa isamba esizokhishwa/ esizokhokhwa yikhasimende ngamanzi.

6. UKUTHIKAMEZA

- (1) Lapho ukuphakwa kwamanzi nogesi kutholakala kuthikanyezwe noma imitha leqiwe, kweyame kuleMithethodolobha kanye neminye imithetho ehambisana nayo, uMkhandlu uyobeka eceleni noma unqamule ukuphakwa kwemisebenzi, futhi uhlawulise ikhasimende elithintekayo imali, amanani abaliwe okumele akhokhwe kanye nemali yokuxhuma kabusha lapho ukuphakwa kwemisebenzi kumisiwe nemali yokuxhuma kabusha lapho imisebenzi ikhishiwe.
- (2) Lapho kunobufakazi bephutha phakathi kokusetshenziswa kwagesi kanye nolando wokuthengwa kwendawo ethile, abephula umthetho bayojeziswa ngendlela elandelayo:
- (a) kweyame kwindima (b), ukuphakwa kwemisebenzi kuyomiswa uma kwepulwe umthetho okokuqala bese ikhishwa uma sekuyinjwayelo.
- (b) Isaziso esibhaliwe siyonikezwa ikhasimende, silazisa ngokumiswa noma ngokukhishwa kwemisebenzi, kanjalo nangezimali okumele zikhokhwe mayelana nokuthikameza imisebenzi, ukuxhuma kabusha/ukuxhuma kanye nezimali ezingakhokhiwe.
- (c) UMkhandlu uyobuyisela kuphela imisebenzi emva kokuthi izimali okukhulunywe ngazo endiemeni (b) sezikhokhiwe.
- (3) Lapho kutholakale ukuthi ngumuntu odale ukuthikamezeka kokuphakwa kwagesi, izaphula-mthetho ziyojeziswa ngale ndlela elandelayo:
- (a) ukuphakwa kwagesi kuyomiswa ngokushesha lapho kwepulwe umthetho okokuqala bese ikhishwa uma sekuyinjwayelo.
- (b) Isaziso esibhaliwe siyonikezwa ikhasimende, silazisa ngokumiswa noma ngokukhishwa kwemisebenzi, kanjalo nangezimali okumele zikhokhwe mayelana nokuthikameza imisebenzi, ukuxhuma kabusha/ukuxhuma kanye nezimali ezingakhokhiwe.
- (c) UMkhandlu uyobuyisela kuphela imisebenzi emva kokuthi izimali okukhulunywe ngazo endiemeni (b) sezikhokhiwe.
- (4) Ngaphezu kwezinhlinzeko zaloMthethodolobha, uMkhandlu ungaqinisekisa ukuthi amanye amalungelo noma angasebenzisa noma yimaphi amandla awanikwe uMthetho wezeMpilo nokuPhepha eMsebenzini, 1993 (uMthetho No. 108 ka 1997), iMithethodolobha yaManzi yoMkhandlu, uMthetho kaGesini, 1987 (uMthetho No. 41 ka 1987), iMithethodolobha kaGesini yoMkhandlu kanye nanoma yimuphi omunye umthetho.

7. IZIVUMELWANO NAMAKHASIMENDE AKWELETAYO

- (1) IsiKhulu esiPhethe ezeziMali noma osibambele banegunya lokungena esivumelwaneni namakhasimende akweletayo nokuthi belulele labo bantu isikhathi sokukhokha.
- (2) IsiKhulu esiPhethe ezeziMali singanquma, ngokuhlola isimo sekhasimende ngalinye, imali okumele ikhokhwe njengengxenywe yaleso sivumelwano, kanjalo nesibalo sezigamu lemali ezokhokhwa ngazo kanye nesikhathi okumele kukhokhwe ngaso. Leso sikhathi angeke seqe ezinyangeni ezingamashumi amabili nane(24).
- (3) IsiKhulu esiPhethe ezeziMali, ezimweni ezehlukile nangemvume yoMphathi kaMasipala, singelula isikhathi sokukhokha okukhulunywe ngaso esigabeni 7(2).
- (4) Lapho isiKhulu esiPhethe ezeziMali sigculisekile, ngesikhathi kwenziwa amalungiselelo nangemuva kocwaningo, ukuthi ngempela ikhasimende angeke likwazi ukukhokhela imisebenzi ephakwayo, imininingwane yalelo khasimende iyoqoshwa futhi izinyathelo zomthetho ziyohoxiswa, njengoba isiKhulu esiPhethe ezeziMali singanquma.

8. UKUVUNYWA KWESIKWELETU

- (1) Abakweletayo abaphethe omazisi kuphela noma abagunyazwe yibo abayovunyelwa ukugcwalisa isivumelwano sokuvuma isikweletu.
- (2) Isivumelwano sokuvuma isikweletu kumele sibe nawo wonke amalungiselelo okukhokha ama-akhawunti anezikweletu. Ikhophi eyodwa yombhalo iyonikezwa bese kuthi enye igcinwe efayelini iPhikweni lokuPhatha loMkhandlu.
- (3) Ikhasimende eselithunyelwe amasamanisi ngabameli boMkhandlu lingafaka isicelo sokukweletelwa. Kodwa, zonke izindleko zomthetho osekungenwe kuzo ngenxa yesikweletu sakhe kanti futhi kuyodingeka nemali yokukhokha okungenani eyingxenywe yemali ayikweletayo. Ikhasimende kumele lisayine leye ncwadi livuma kuyo isikweletu, eyobandadanya izimali zokuthatha izinyathelo zomthetho.
- (4) Ukwehluleka ukugcina isivumelwano sesikweletu kuyoholela ekuvalweni, ekunqanyulweni kwemisebenzi ngaphandle kokuthola esinye isaziso, nokuqaliswa kwezinyathelo zomthetho.
- (5) Njalo uma ikhasimende elikweletayo lisebenza uMkhandlu ungathola imvume yokuzibambela imali emholweni walo.

9. INZALO EMALINI EKWELETWAYO

- (1) Inzalo iyofakwa ezimalini ezisilele zemisebenzi ngezanga lentela elinqunywe nguMkhandlu, noma uma leso sinqumo singenziwe, njengoba kunqunywe ngumthetho.
- (2) Inzalo iyofakwa emalini kwintela yendawo esilele njengoba kunqunywe emthethweni okhona.

10. IZIDLULISELO

- (1) UMkhandlu uyokhipha imali yokugcina yokufuna imali maqondana nalawo ma-akhawunti amakhasimende akhombisa izimali ezisilele isikhathi esingaphezu kwezinsuku ezingama-30 futhi, uma leyo akhawunti ikhombisa inani lemali esilele emva kwezinsuku ezingama-60, iyodluliselwa kongoti bangaphandle abaqoqa izikweletu.
- (2) Isikhulu esiPhethe ezeziMali kumele sicwaninge izindlela zokusiza amakhasimende ngaphambi kokudla impahla yazo egudlukayo nengenakugudluka.

11. IKHASIMENDE ANGEKE LIZIKHETHELE UKUKHOKHELA OKUTHILE

Ikhasimende alinalo ilungelo lokuhlukanisa noma iyiphi imali eliyikhokhayo kunoma iyiphi ingxenye yesikweletu. Imali ekhokhiwe iyokwabiwa yisiKhulu esiPhethe ezeziMali.

12. UKUDLULISELWA KWENDAWO

- (1) Isitifiketi ngokwesigaba 118 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000(uMthetho No. 32 ka 2000) iyokhishwa kuphela uma sekukhokhwe idiphozi enqunywe yisiKhulu esiPhethe ezeziMali ngokwesigatshana (2), inqobo nje lesi sigatshana singasebenzi ezimweni okukhulunywe ngazo esigabeni 118(4) zoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000(uMthetho No. 32 ka 2000).
- (2) Inani lediphozi okukhulunywe ngalo esigatshaneni (1) liyophindwa kane enanini le-akhawunti yezinyanga ezintathu kamasipala ngaphambi kwesicelo sesitifiketi. Uma umlando wezinyanga ezintathu ungekho, idiphozi iyonqunywa yisiKhulu esiPhethe ezeziMali.
- (3) Ekubhaliseni ukudlulisa indawo, i-akhawunti iyohlangukiswa yisiKhulu esiPhethe ezeziMali kuthi noma iyiphi imali esalayo ibuyiselwe kwikhasimende.

13. IGUNYA LOKUQOKA ONGOTI ABAQOQA IZIKWELETU

Isikhulu esiPhethe sezeziMali sinegunya lokuqoka ongoti abaqoqa izikweletu futhi singene esivumelwaneni nalezo zinkampani ngokwe – Contingency Fee Act, 1997.

14. IZINDELELA ZOKUSIZA ABAHOLA, IMPESHENI KANYE NOHLELO LOKUXHASA ABAMPOFU

- (1) UMkhandlu ungahlephula imali yentela kubanikazi noma kubantu abahlala uma beletha isicelo esibhaliwe njalo ngonyaka futhi bangethula ubufakazi obugculisayo kwisiKhulu esiPhethe ezeziMali ukuthi bayahambisana nalokhu okulandelayo:
 - (a) Umfakasicelo kumele kube ngumkhokhi wentela oneminyaka engamashumi ayisithupha (60) noma ngaphezulu noma ngumuntu ohola impesheni
NOMA
Umkhokhi wentela ohola impesheni yokukhubazeka kuhulumeni waseKhaya noma empeshenini ebhaliwe
NOMA
Oshlelweni lokuxhas abantu abampofu ngokweMithethodolobha yoLawulwa nokuQoqwa kweziKweletu.
 - (b) Umfakasicelo kumele abe ngumnikazi wendawo yokuhlala ethintekayo futhi indawo kumele ibhaliswe egameni lakhe (Imigwamanda yezindawo zokuhlala ayibaliwe.)
 - (c) Isamba somholo womfakasicelo akumele sibe ngaphezu kwaleso esinqunywe ngumasipala.
 - (d) Umfakasicelo kumele ahlinzeke incwadi efungelwe esho ukuthi —
 - (i) imali ayishilo iyona kuphela ayitholayo ohola impesheni;
 - (ii) imali engenayo ayeqi imali ebekwe endimeni (c); futhi
 - (iii) uhlala ngokugcwe kuleyo ndawo.
- (2) Zonke izicelo kumele zilethwe ngaphambi kosuku olunqunywe futhi akukho zicelo ezitholakale emva kwalokho eziyocutshungulwa.
- (3) Kumele kufakwe isicelo esisha njalo emva konyaka wezimali.
- (4) Iphesenti lemali ehleshulwayo okukhulunywe ngayo esigatshaneni (1)(a), imali ehlangene ebalulwe esigatshaneni (1)(c) kanye nosuku lokuvala lwezicelo okukhulunywe ngalo esigatshaneni (2), uyonqunywa njalo ngonyaka ngesikhathi kwethulwa uhlahlomali, futhi kumele lushicilelwe emva kwalokho.

15. ISIHLOKO ESIFINGQIWE

Lemithethodolobha ibizwa ngokuthi iMithethodolobha yokuPhathwa kweziKweletu kaMasipala waseMthonjaneni futhi iyoqala ukusebenza ngosuku lokushicilelwa kwaleMithethodolobha.

No. 59, 2005

1 December 2005

THE Council of Mthonjaneni Local Municipality has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

MTHONJANENI LOCAL MUNICIPALITY**DRAFT CREDIT MANAGEMENT BY-LAWS****1. DEFINITIONS**

Unless the context otherwise indicates —

“**bank guarantee**” means an unconditional undertaking by a financial institution whereby it guarantees a specified maximum amount to be paid if the principal debtor (“the customer” fails to pay;

“**calculated amounts**” means the amounts calculated by the Chief Financial Officer to be due to the Council by a consumer in respect of the supply of the applicable municipal services for any period during which the exact quantity of the supply cannot be determined accurately for any reason,

and shall be based on the average consumption figures, if available, for the service rendered to the customer over the three months immediately prior to any such period commencing, or failing the availability of such data, on the average consumption figures applicable to one or more properties of similar size and nature in the area in which the customer resides or carries on business;

“**Chief Financial Officer**” means the Head of the Department responsible for the Council’s financial affairs, and any person duly authorised by him or her to act on his behalf in the stated capacity;

“**consolidated account**” means one combined account for all municipal services, surcharges, property tax and basic charges payable;

“**consumer**” means a customer;

“**conventional electricity and water meters**” means electricity and/or water meters, as the case may be, which are used to determine the supply of electricity and water and which are read on a monthly or other fixed interval basis;

“**Council**” means the Mthonjaneni Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee had delegated any powers and duties with regard to these By-laws;

“**customer**” means any person to whom a service is or has been rendered by the Council and

“**customer services**” has a corresponding meaning;

“**due date**” means, in the absence of any express agreement in relation thereto between the Council and the customer, the date stipulated on the account and determined by the Council from time to time as the last date on which the account can be paid;

“**existing customers**” means customers who have already entered into an agreement for the supply of municipal services;

“**financial year**” means 1 July in any year to 30 June of the following year;

“**meter audits**” means an investigation to verify the correctness of the consumption and supply of electricity or water;

“**Municipal Manager**” means the person appointed as Municipal Manager in terms of the Local Government : Municipal Systems Act, 2000, or any person acting in that capacity;

“**normal office hours**” means the hours when the Chief Financial Officer offices are open to the public from Mondays to Fridays, excluding public holidays;

“**property tax**” means rates and/or taxes charged according to the value of a property which may be based on a tariff on the value of the land or improvements or both, and has the same meaning as assessment rates;

“**rebate**” means a discount on any property tax or service charge determined by the Council from time to time;

“**reconnection fee**” means the fee charged to reconnection of electricity/water supply when the supply has been disconnected due to non-payment, which fee will be determined periodically by the Council and will form part of the municipal tariff of charges;

“**required amount**” means the total calculated amount of the electricity/water consumed during any period of tampering, as well as the tampering fee;

“**service accounts**” means accounts in respect of electricity and/or water consumption;

“**service agreement**” means an agreement for the consumption of electricity and/or water;

“**tampering fee**” means a fee charged for the illegal disconnection, adjustment or bypassing of a consumption meter or the siphoning of a supply of electricity or water supply to an unmetered destination, which fee will be determined annually during the budget process and will form part of the tariff of service charges;

“**terminated account**” means the final account for services after the customer has left the premises, whether or not the customer has given notice to terminate the supply of service;

“**variable flow-restricting device**” means a device that is coupled to the water connection that allows the water supply to be restricted or closed; and

“**voluntary garnishee order/emoluments order**” means a court order for the deduction of an amount of money from the salary or other income of a customer.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. SERVICE AGREEMENT

(1) Before being provided with electricity, water and or other customer services, every customer must enter into a service agreement with the Council in which, *inter alia*, the customer agrees that the electricity and/or water payment system may be used for the collection of arrears in respect of all service charges.

(2) Where a consumer has failed to enter into a service agreement with the Council, water and/or electricity will be blocked, disconnected or restricted, as the circumstances may require, until such time as a service agreement has been entered into and the applicable deposits have been paid. Such consumer is liable for calculated amounts.

3. ACCOUNTS

(1) The Council will bill the inhabitants of, and property owners and property occupiers within the area for property tax and municipal services supplied to them by the Council at regular intervals or as prescribed by law.

(2) The owner of a property is liable for refuse and sewerage charges.

(3) The Council will post or hand-deliver the consolidated accounts to the respective customers at the address notified by each customer, to reach the customers before the due date printed on the account. Any change of address becomes effective only when notification of the change is received and acknowledged by the Council.

(4) The customer must pay, in full, the amount rendered on or before the due date. Failure to comply with this section will result in debt collection action being instituted against the customer, and interest at the rate determined from time to time by the Council or in the absence of any determination, as prescribed by law, will be charged from the date upon which the amount of the account was due for payment.

4. DEPOSITS

(1) Deposits are to be determined by the Chief Financial Officer, which determination is based on two and a half times the average monthly account for the service in that property, either as factually determined or as a calculated amount.

(2) In determining the deposit described in section 4(1), the Chief Financial Officer will differentiate between areas to give cognisance to differences in service standards and usage.

(3) The Chief Financial Officer may reassess customer deposits for new commercial and industrial customers three months after the initial deposit date, and may, as a result of this reassessment require an additional deposit from any such customer.

- (4) The Chief Financial Officer must review all deposits biennially or when a customer's service is disconnected or blocked as a result of non-payment. The outcome of this review will be communicated to the customer in the event of any variation in the deposit arrangements being required. Should the deposit mentioned in section 4(2) or 4(3) be found to be inadequate, the customer will be allowed to make arrangements with the Chief Financial Officer for the payment of the additional amount.
- (5) Consumer deposits are to be paid for all separately metered services.
- (6) Consumer deposits are to be paid in respect of water and electricity services only.
- (7) Deposits must be paid in cash or by cheque. The Council will accept a bank guarantee in cases where the deposit exceeds R2 000-00. Such Bank Guarantee has to be hand-delivered during normal office hours to the Chief Financial Officer's offices at the Civic Centre.
- (8) All deposits have to be paid at least 2 days prior to occupation of the property or the date on which the services are required, if not required on date of occupation. Failure to comply with this By-law may cause a delay with the connection of services, and the Council will not be liable for any loss or prejudice that may result.
- (9) No service deposit is required if a pre-payment meter is installed for the particular service.
- (10) Where new conventional electricity and/or water meters are installed for existing prepayment customers, such customers may enter into a written agreement with the Council to pay off, over a maximum period of 6 months, the deposits levied.

5. DISCONNECTION FOR NON-PAYMENT

(1) General

The reconnection fee will also be charged in cases of customers who receive other municipal services of any kind and who fall into arrears with their payment in respect of those services and whose water and/or electricity supply, whether prepayment or conventional, has been disconnected or restricted.

(2) Notices to customers

- (a) The Council will, at its discretion, issue final request notices or other reminders to customers whose accounts are in arrears, prior to disconnection.
- (b) The Council will issue a final demand for payment of arrears in respect of all debtor accounts reflecting an amount outstanding for more than 30 days, after which the account will be referred for debt collection, in terms of section 10, in addition to the disconnection of the supply of services.

(3) Electricity

- (a) The Council will disconnect services to customers with conventional electricity meters in respect of which service accounts are in arrears after the due date. Should such customers wish to have their electricity reconnected, they will be charged the applicable reconnection fee and the service will not be reinstated before the account is paid in full or satisfactory arrangements in terms of section 7 have been made with the Chief Financial Officer.
- (b) The Council must disconnect the electricity supply before 13:00 on the day of disconnection. Reconnections will commence as soon as practically possible, but will only be done during normal working hours.
- (c) In the event of mass disconnections, the Council is not obliged to effect same-day reconnections.
- (d) The Council will not be obliged to sell electricity to customers with pre-paid meters unless the customer's municipal account for other services and property tax, if any, is paid in full or satisfactory arrangements in terms of By-law section 7 have been made with the Chief Financial Officer, and have been honoured.
- (e) All disconnected electricity meters must be clearly marked when the supply is disconnected for non-payment, in order to avoid disconnected meters being reported as faulty.
- (f) The Council will restrict the water supply of customers whose electricity supply has been blocked or disconnected for two months in succession and from whom no payment was received or with whom no satisfactory arrangements for payment of the outstanding amount have been concluded.
- (g) The Council shall be entitled to disconnect, block or restrict, as the case may be, at the earliest opportunity, the electricity and/or water supply of customers who have offered a cheque as payment for municipal services if any such cheque is returned or dishonoured by the Financial Institution on which it is drawn for any reason. The customer's account will be endorsed accordingly and no further cheque payments will be accepted.
- (h) Standby electricians, meter readers and contractors are not permitted to restore any service to customers without written authority from the Council's Credit Control Section.
- (i) Customers whose supply of services has been unlawfully reconnected will be regarded as having tampered with the meter or the supply, and the provisions of section 6 shall apply.

(4) Water

- (a) The Council will serve a written notice on customers with conventional water meters in respect of which municipal service accounts are in arrears, stating its intention to restrict the water supply within a set number of days as contemplated in section 4 of the Water Services Act, 1997 (Act No. 108 of 1997) and/or the Water By-laws.
- (b) The water supply to customers with conventional water meters referred to in section 5(4)(a), will be restricted after the period of the notice issued in terms of section 5 has lapsed. Such customers will be charged the applicable reconnection fee.
- (c) In cases where water supply is to be restricted or disconnected, Council may install a variable flow-restricting device to facilitate future reconnections and restrictions. The full service will not be re-instated before the municipal service account is paid in full or satisfactory arrangements in terms of the Credit Management Policy have been made with the Chief Financial Officer, and only for as long as the arrangements are honoured.
- (d) The Council shall not be obliged to sell water to customers with pre-paid meters if their municipal services accounts are not paid in full or unless satisfactory arrangements in terms of section 7 have been made with the Chief Financial Officer, and then only for as long as those arrangements are honoured.
- (e) Where possible, all disconnected or restricted water meters will be clearly marked to avoid restricted or disconnected meters being reported as faulty.
- (f) Standby plumbers, meter readers and contractors are not permitted to restore any service to customers without written authorisation from the Council's Credit Control Section.
- (g) In cases where water leaks are discovered on the customer's side of the water meter and he or she does not act timeously to rectify the problem, a variable flow-restricting device will be installed to curb water losses and to limit the amount of water to be charged to the customer.

6. TAMPERING

- (1) Where an electrical or water supply is found to have been tampered with or the meter bypassed, the Council may, subject to these By-laws and other applicable legislation, isolate or disconnect the relevant supply, and charge the customer the applicable tampering fee, calculated amounts due as well as a reconnection fee in instances where the supply had been isolated and a connection fee in instances where the supply has been removed.
- (2) In instances where there is evidence of a discrepancy between the electricity consumption and purchase history of a specific property, transgressors will be dealt with in the following manner:
 - (a) Subject to paragraph (b), supply will be isolated at point of supply in instances of a first offence and removed in instances of subsequent offences.
 - (b) A written notification will be given to the customer, informing him or her of isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.
- (3) In instances where physical tampering with the electricity supply is detected, transgressors will be dealt with in the following manner:
 - (a) Supply will be isolated immediately in instances of a first offence and removed in instances of a second or subsequent offence.
 - (b) A written notification will be given to the customer, informing him or her of the isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.
- (4) In addition to the provisions of this By-law, the Council may enforce any other rights or exercise any power conferred upon it by the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), Water Services Act, 1997 (Act No. 108 of 1997), the Council's Water By-laws, the Electricity Act, 1987 (Act No. 41 of 1987), the Council's Electricity By-laws and any other applicable legislation.

7. AGREEMENTS AND ARRANGEMENTS WITH CONSUMERS IN ARREAR

- (1) The Chief Financial Officer or his delegate is authorised to enter into agreements with consumers in arrear with their accounts and to grant such persons extensions of time for payment.
- (2) The Chief Financial Officer may determine, on the merits of each case, the initial amount to be paid as part of such agreement, as well as the number of instalments over which the arrear amount must be paid off and the term over which payment is to be made. Such term may not exceed 24 months.
- (3) The Chief Financial Officer may, in exceptional cases and with the approval of the Chief Executive Officer, extend the period of repayment referred to in section 7(2).
- (4) In instances where the Chief Financial Officer is satisfied, at the time of making arrangements and after investigation, that a *bona fide* customer cannot reasonably afford the payment of services, such customer's details will be recorded and further legal steps against such customer will either be deferred or waived, as the Chief Financial Officer may decide.

8. ACKNOWLEDGEMENT OF DEBT

- (1) Only debtors with positive proof of identity or an authorised agent with a power of attorney will be allowed to complete an acknowledgement of debt agreement.
- (2) An acknowledgement of debt agreement must contain all arrangements for paying off arrear accounts. One copy of the document will be handed to the customer and another filed at the Council's Management Section.
- (3) A customer who has already been summonsed by the Council's attorneys may apply for credit facilities. However, all legal costs already incurred will be for his or her account and an initial payment of at least half of the total resultant outstanding debt will be required. The customer must also sign an acknowledgement of debt, which will include legal fees due.
- (4) Failure to honour the acknowledgement of debt agreement will lead to immediate blocking, disconnection or restriction of services without further notice, and the resumption of legal action.
- (5) In all instances where the customer in arrears is employed, the Council may obtain a voluntary garnishee order or emolument attachment order.

9. INTEREST ON ARREARS

- (1) Interest will be charged on service arrears at an interest rate as determined by the Council, or in the absence of any such determination, as prescribed by law.
- (2) Interest will be charged on arrear property tax as prescribed in the applicable legislation.

10. HAND-OVERS

- (1) The Council will issue a final demand in respect of all customer accounts reflecting an amount outstanding for longer than 30 days and, if such account still reflects an amount in arrears after 60 days, it will be handed over for collection by external debt collection specialists.
- (2) The Chief Financial Officer must investigate ways and means of assisting customers before attaching movable or immovable property.

11. CUSTOMER MAY NOT SELECTIVELY NOMINATE PAYMENT

A customer is not entitled to allocate any payment made to any portion of the total debt due. The allocation of payments will be made by the Chief Financial Officer.

12. AUTHORITY TO APPOINT DEBT COLLECTION SPECIALISTS

The Chief Financial Officer has the authority to appoint debt collection specialists and to enter into agreements with such agencies in terms of the Contingency Fee Act, 1997.

13. RELIEF MEASURES FOR PENSIONERS OR INDIGENT SUPPORT

- (1) The Council may grant a rebate on property tax to persons who own and occupy property if they submit a written request annually and they can prove to the satisfaction of the Chief Financial Officer that they comply with the following requirements:
 - (a) The applicant must be a ratepayer of 60 years or older or be a *bona fide* pensionerOR
a ratepayer receiving a disability pension from the public or local government service or from a registered pension or provident fund

on an indigent support scheme in terms of the Credit Control and Debt Collection By-laws.

- (b) The applicant must be the owner of the residential property in question and the property must be registered in his or her name (Bodies Corporate do not qualify).
 - (c) The total annual income of the applicant is not more than an amount pre-determined by the Council.
 - (d) The applicant must provide a sworn affidavit stating that —
 - (i) the declared income is the sole source of income to the pensioner;
 - (ii) his or her income does not exceed the amount in paragraph (c); and
 - (iii) he or she permanently occupies the residential property.
- (2) All applications must be submitted before a pre-determined date and no applications received after this date will be considered.
 - (3) A new application must be made for each financial year.
 - (4) The percentage rebate mentioned in subsection (1)(a), the maximum income limit mentioned in subsection (1)(c) and the closing date for applications mentioned in subsection (2), will be determined each year at the approval of the budget, and must be advertised afterwards.

14. APPLICABILITY

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

15. REPEAL OF EXISTING CREDIT MANAGEMENT BY-LAWS

The By-laws relating to Credit Management for the municipality of Mthonjaneni, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

No. 60, 2005

1 kuZibandlela 2005

UMASIPALA waseMthonjaneni ngokwesigaba 156soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ufundwa nezigaba 11 no 98 zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo:

UMASIPALA WASEMTHONJANENI

IMITHETHO EMILE KANYE NEZINQUBO KWEMIHLANGANO YOMKHANDLU KANYE NAMAKOMIDI AWO

1. IMIHLANGANO KAMASIPALA

- (1) Yonke imihlangano yomMkhandlu, neyamakomidi awo iyovuleleka: Inqobo njeuma lesi sigaba zingeyukusebenza uma kunesizathu sokwenza njalo kubhekwe uhlobo lomhlangano obanjwe ngokwesigaba 20 (1) (a) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000).
- (2) Kule Mithetho eMile, "umhlangano" usho yonke imihlangano yoMkhandlu.

2. IMIHLANGANO YOMKHANDLU

UMkhandlu uyobamba umhlangano ojwayelekile wokuqhuba umsebenzi okungenabi kanye ezinyangeni ezintathu.

3. IMIHLANGANO EPHUTHUMAYO YOMKHANDLU

USomlomo noma yingasiphi isikhathi, ngokucelwa ngokubhaliweyo yiningi lamakhansela kaMasipala, angabiza umhlangano ophuthumayo woMkhandlu, emva kwamahora angamashumi amane nesishiyagalombili ekhiphe lesi saziso

4. UKUKHISHWA KWEZAZISO

Okungenani emahoreni angamashumi ayishombisa nambili (72) ngaphambi kwanoma yimuphi umhlangano ojwayelekile woMkhandlu kanti okungenani emahoreni angamashumi amane nesishiyagalombili ngaphambi kwanoma yimuphi umhlangano ophuthumayo woMkhandlu, isaziso sokwethamela umhlangano, esibalula okuyodingidwa lapho nesisayiniwe nguSomlomo noma nguMphathi kaMasipala siyoshiywa noma siyothunyelwa endaweni lapho siyotholakala kalula ngamalungu oMkhandlu noma endaweni okufinyeleleka kuyo kalula njengoba ikhansela linganquma.

5. UKUNGATHUNYELWA KWEZAZISO

Ukungathunyelwa kwezaziso somhlangano ngephutha kunoma yiliphi ikhansela akuyukhinyabeza izinqubo zalowo mhlangano.

6. IZINDABA EZISEMQOKA

Akukho daba oluyodingidwa emhlanganweni ngaphandle kwalokho okubalulwe ezazisweni sawo, ngaphandle kwezindaba usihlalo ofanele abone ukuthi zibalulekile futhi ziyaphuthuma, nanoma yiluphi udaba uMkhandlu noma ikomidi elikhulu elibona ukuthi ngenxa yeningi lamalungu elin-gokubili kokuthathu kumele ludingidwe ngokushesha.

7. IMIHLANGANO EHLEHLISIWE

UMkhandlu noma iKomidi elikhulu lingahlehlisa umhlangano ube nganoma yiluphi usuku noma ihora, kodwa akukho daba oluyodingidwa kunoma yimuphi umhlangano ohlehlisiwe ngaphandle uma lokho kwakubekwe esazisweni somhlangano owahlehliselwa.

8. ISAZISO SOMHLANGANO OHLEHLISIWE

Uma umhlangano uhlehliswa, isaziso sokuhlehlisa umhlangano siyothunyelwa kwilungu loMkhandlu noma leKomidi elikhulu ngalinye, sibalule isikhathi, usuku kanye nendawo yalowo mhlangano ohlehlisiwe.

9. IKHORAMU KANYE NEZENZO ZOMKHANDLU

Iningi lamakhansela kumele libe khona emhlanganweni woMkhandlu ngaphambi kokuba kuthathwe ivoti kunoma yiluphi udaba. Yonke imibuzo ephathelene nokubalulwe esigabeni 160(2) soMthethosisekelo inqunywa nguMkhandlu ngevoti lokweseka iningi lamakhansela. Yonke eminye imibuzo ngaphambi komkhandlu iyonqunywa yiningi lamavoti kweyame kwisigaba 34 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) ophathelene nokuhlazeka kweMikhandlu yoMasipala.

10. UKUVOTA

Uma kunoma yimuphi umbuzo kunamavoti alinganayo, ikhansela elingusihlalo kumele lifake ivoti elingujuqu ngaphezu kwevoti lalo njengekhansela.

11. UMA AMAKHANSELA ENGEKE AKWAZI UKWETHAMELA NOKUTHI ABAMBE IQHAZA EZINQUBENI ZOMKHANDLU, ZEKOMIDI ELIKHULU, ZEKOMIDI LEZIKHUNDLA NOMA ZEKOMIDI ELINCANE

- (1) Ikhansela kumele lidalule eMkhandlwini kaMasipala, noma kunoma yiliphi ikomidi lelo khansela eliyilungu lakho, noma yiziphi izinzuzo zebhizinisi lakhe noma elizimele ikhansela, noma umlingani walo, noma elisebenzisana naye elingaba nazo ngaphambi koMkhandlu noma kweKomidi.
- (2) Ikhansela kumele lihoxe ezinqubeni zoMkhandlu noma emhlanganweni weKomidi ngesikhathi udaba ludingidwa nguMkhandlu noma yiKomidi, ngaphandle uma uMkhandlu noma iKomidi linquma ngesixazululo ukuthi ukuzuzwa kwekhansela okuqondile noma okungaqondile kulolo daba akubalulekile noma akusho lutho.
- (3) Ikhansela, lona uqobo, noma elimlingani walo, noma osebenzisana nalo noma ilungu lomndeni walo elisondele, lithola noma lisethubeni lokuthola inzuzo eqonde ngqo esivumelwaneni sikaMasipala, kumele lidalulwe imininingwane egcwele yaleyo nzuzo ikhansela elaziyo ngayo emhlanganweni wokuqala woMkhandlu kaMasipala lapho kunokwenzeka ukuba ikhansela lidalule lokho.
- (4) Lesi sigaba asisebenzi uma inzuzo ikhansela, noma umlingani walo, osebenzisana nalo noma ilungu lomndeni walo elisondele, liyizuze kanye nezinye izakhamuzi zakwaMasipala.

12. UKUNGABIBIKHO KWEKHORAMU

Uma ekupheleni kwesikhathi esiyimizuzo engamashumi amabili emva kwehora lapho noma yimuphi umhlangano woMkhandlu noma wekomidi loMkhandlu uqokwe ukuba kubanjwe ikhoramu ingakhangani, akukho mhlangano oyoba khona, ngaphandle uma kunquma, ngazwi linye wonke amalungu akhona, ingeqile imizuzo eyishumi, ngobuningi bawo anganquma ukuhlehlisela umhlangano, esikhathini esingcono.

13. UKUBALWA

Uma nganoma yisiphi isikhathi uMkhandlu noma iKomidi eliKhulu elihlangene ngaso, usihlalo uyokwaziswa ngesibalo samalungu akhona, uyowabala, futhi uma kutholakala ukuthi akukho khoramu ekhona, uMkhandlu noma iKomidi eliKhulu liyohlale lihlehlelwe leso sikhathi esiyonqunywa ngamalungu akhona.

14. USIHLALO WEIHLANGANO YOMKHANDLU

- (1) Kuyo yonke imihlangano imihlangano yoMkhandlu, uSomlomo, uma engekho noma ibamba likaSomlomo, liyoba ngusihlalo.
- (2) Imeya iyoba ngusihlalo wemihlangano yeKomidi eliKhulu, kodwa uma iMeya ingekho, iSekela leMeya.

15. INQUBO EMIHLANGANWENI YOMKHANDLU

- (1) Inqubo kunoma yimuphi umhlangano woMkhandlu noma weKomidi lwo elikhulu imi kanje:
 - (a) Isaziso somhlangano
 - (b) Ukuhlaba ikhefu
 - (c) Amaminithi omhlangano odlule
 - (d) Ezinye izindaba ezivuka emaminithini
 - (e) Izimemezelo
 - (f) Izicelo kanye nezinxuso
 - (g) Izaziso ezivela eziphamisweni
 - (h) Imibiko yamaKomidi amaKhulu
 - (i) Ezingxubevange ngohlelo oluzonqunywa nguMphathi kaMasipala noma njengoba kunqume uSomlomo maqondana nemihlangano yoMkhandlu.
- (2) Usihlalo, ngokubona kwakhe, angethula noma yiluphi udaba olusohlelweni nganoma yisiphi isikhathi.
- (3) Kuyosetshenziswa utolika ngaphandle uma iningi lamakhansela akhona lingavumelani nalokho. Kulindeleke ukuthi amakhansela asebenzisana nenotolika ongaphansi kukaSomlomo.

16. UKUNGATHANYELWA KWEMIHLANGANO

- (1) Isicelo sokungathameli noma yimuphi umhlangano woMkhandlu noma wamakomidi siyofakwa kuMqondisi wezabaSebenzi ngokubhaliweyo ngaphambi kokuthi kuqale umhlangano.
- (2) Uma ikhansela ngezizathu ezizwakalayo lingakwazi ukuhambisa noMthetho (1), lingafaka isicelo ngokubhaliweyo kuMqondisi wezabaSebenzi sokudluliswa kwalokho kungahambisani leso sicelo siyobuyekwezwa nguMkhandlu kuncike esicelweni esibhaliwe.
- (3) Ngenhloso yezihlinzeko zezigaba 3 no 4 (ukwethanyelwa kwemihlangano) zoMgomo wokuziPhatha kwamaKhansela (uHlelo 1 loMthetho weziNhlak, inqubo yokwephula umthetho njengoba iqukethe ezindimeni 66, 67 no 68 yaleMithetho eMile ziyosebenza.
- (4) Amakhansela okudingeka ukuthi ashiye umhlangano woMkhandlu ngaphambi kokuthi uphele ayocela imvume kuSomlomo.
- (5) Ngenhloso yoMthetho 6 ukungethanyelwa kwemihlangano, imihlangano yakwakhana noma yokuthuthukisana ehleliwe noma evunye nguMkhandlu ithathwa njengemihlangano.

17. AMAMINITHI OKUMELE AGCINWE NOKUQINISEKISWA KWALOKHO

Amaminithi ezinqubo zayo yonke imihlangano ayoqoshwa ngemishini esebenza ngogesi noma ngenye indlela futhi agcinelwe leyo nhloso nguMqondisi weMisebenzi yokuXhumana. UMphathi kaMasipala uyoba nomthwalo wokulungisa lokho, kanti amaminithi omhlangano ngamunye ayoqinisekiswa emhlanganweni olandelayo futhi asayinwe nguSihlalo.

18. AKUKHO ZINGXOXO NGAMAMINITHI

Akukho zingxoxo eziyovunyelwa ngamaminithi, ngaphandle kobuqiniso bawo.

19. IZIKHALAZO KUMELE ZIBHALWE, ZIQOSHWE NOMA ZISHICILELWE

Izikhazazo, okumele zibhalwe ngokucacile, ziqodshwe noma zishicilelwe, kumele zisayinwe yizakhamuzi ezingengaphansi kwezintathu futhi kumele zibhalwe ngolimi oluhloniphekile futhi zethulwe ehhovisi loMphathi kaMasipala, uma ebona kufanele, oyokwethula udaba ngaphambi kwekomidi elikhulu.

20. AMANXUSA KUMELE ATHUMELE IMEMORANDAMU

Amanxusa afisa ukwamukelwa yikomidi elikhulu kuyodingeka, okokuqala ukuba athumele imemorandamu ebhaliwe, futhi uMphathi kaMasipala uyokwethula imemorandamu ekomidini elikhulu, elingayugunyaza, uma libona kufanele ukwamukela amanxusa, futhi libike futhi emkhandlwni emva kwalokho.

21. UKWAMUKELA KWAMANXUSA

Amanxusa afisa ukwethula inkulumo eKomidini eliKhulu akumele abe ngaphezu kwesihlanu ngesibalo, kodwa yilungu elilodwakuphela lawo elingethula inkulumo eKomidini (ngaphandle uma kuphendulwa imibuzo yamalungu eKomidi) futhi ayokwenza lokho isikhathi esingevile emizuzwini eyishumi. Ikomidi aliyubuye libhekelele lolo daba kuze kube amanxusa ayozihoxela emhlanganweni.

22. UKWETHULA ISIPHAKAMISO

USihlalo weKomidi noma iSekela likaSihlalo weKomidi uyophakamisa isincomo esiqukethwe embikweni ngaphandle uma kade ephakamise ukungahambisani naso phambilini. USihlalo wekomidi noma elinye ilunga elethula umbiko lingahoxisa noma lichibiyele noma yisiphi isigaba ngemvume yeKomidi eliKhulu.

23. INDLELA YOKUKHIPHA ISAZISO SESIPHAKAMISO

Akukho daba eliyothulwa emkhandlwni noma eKomidini eliKhulu ngayinoma yiliphi ilungu lomkhandlu ngaphandle uma kunjengoba kuhlinzekwe eMthethweni oMile 6, esiyobe sibhaliwe futhi sasayinwa yilungu elethula isaziso. Leso saziyo siyonikezwa uMphathi kamasipala. Isaziso siyolethwa ngaphambi kwehora le-12:00, ezinsukwini eziyisikhombisa ngaphambi komhlangano weKomidi eliKhulu.

24. UKUHLELWA KWEZAZISO ZEZIPHAKAMISO

Zonke izaziso zeziphakamiso ziyofakwa usuku kanye nezinombolo njengoba zitholwe nguMphakathi kaMasipala, futhi ziyofakwa ohlelweni nguMqondisi wezokuXhumana ngohlelo azithole ngalo, azigcine futhi alindele ukuthi izichibiyele zezaziso zeziphakamiso ziyofakwa ngokushesha emva kwaleso saziyo sesiphakamiso, kungathalekile ukuthi isaziso sitholakale ngasikhathi sini.

25. IZITHIBELO ZEZAZISO ZEZIPHAKAMISO

- (1) Akukho lungu eliyoba nezaziso zeziphakamiso ezingaphezu kwezimbili ohlelweni olulodwa ngasikhathi sinye; inqobo nje uma loMthetho ungeyukusebenza koSotswebhu bamaqembu.
- (2) Ekuphatheni izaziso zeziphakamiso, uSihlalo uyoqale afunde inombolo ngayinye kanye negama lobeke lesa siphakamiso, futhi uyoqinisekisa ukuthi iziphakamiso aziphikiswa, bese zidluliswa ngaphandle kwezingxoxo. USihlalo uyobe esebiza lapho iziphakamiso zabo eziphikisiwe ngokulandelana kwabo ohlelweni.

26. IZIPHAKAMISO EZAMUKELEKILE

Ngaphambi kokuthi yisiphi isaziso sifakwe ohlelweni siyokwethulwa kuMphathi kaMasipala okumele athole imibono ephusile ezihlokweni ezahlukene zeminyango kamasipala, uma kunesidingo, futhi uma ebona ukuthi ngaphandle kwegunya lomthetho okhona, uyokwenza ukuba okhiphe isaziso aziswe ngalokho. Umuntu okhiphe isaziso, uyoba nelungelo lokukhalaza ekomidini elincane lekomidi elikhulu elibunjwe yiMeya kanye neSekela leMeya kanye namkhansela amabili, abayolubhekisisa udaba bese benquma ukuthileso saziyo sesiphakamiso singafakwa yini ohlelweni.

27. ISIPHAKAMISO ESINGATHUNGULWANGA

Uma isiphakamiso, isaziso esibalulwe ohlelweni, simenyezwe, kodwa singathulwanga yilungu elikhiphe isaziso noma ngelinye ilungu eligunzwe ukuba lenze njalo ngokubhaliweyo, siyothathwa njengesishiyiwe futhi asiyukwethulwa ngaphandle komyalelo.

28. AMALUNGU AWAYUKUTHWALA EMAKHANDA FUTHI AYOMA LAPHO ETHULA INKULUMO

Ngesinye isikhathi umkhandlu uhlangene, amalungu ngaphandle kwabantu besifazane kanye namalungu agqoke izigqoko zendabuko noma zesonto awayuthwala lutho emakhanda. Uma ekhuluma, amakhansela ayohlala phansi, kodwa ngazo zonke izikhathi, abhekise inkulumo yawo kusihlalo.

29. UKUGXILA ODABENI

Ilungu elikhulumayo liyogxilisa inkulumo yalo odabeni encazelweni noma embuzweni okudingwayo.

30. UBUHOLI BUKASIHLO

Noma yinini uma usihlalo ekhombisa ukungenela ngesikhathi sengxoxo noma esukuma esihlalweni sakhe, noma yimaphi amalungu akhulumayo ayoyeka ukukhuluma ngokushesha, athule ukuze usihlalo azwakale ngaphandle kokuphazanyiswa.

31. UBUDE BEZINKULUMO

Akukho nkulumo ayokweqa emizuzwini eyishumi ngaphandle kwemvume yomhlangano, futhi ikhansela ngalinye lingakhuluma kanye kuphela, ngaphandle uma uSihlalo ebona ukuthi kufanele likhulume ngaphezu kwalokho.

32. UKUNGAZIPHATHI KAHLE KWEKHANSELA KANYE NOMSEBENZI KASIHLO

Uma kunoma yimuphi umhlangano woMkhandlu, weKomidi eliKhulu noma wamanye amaKomidi oMkhandlu, ikhansela liziphatha ngendlela engafanel, liziphatha budedengu noma libelesela ngokuthikameza umhlangano noma liphikisa nesiqumo sikaSihlalo nganoma yikuphi ukuziphatha ngendlela efanele noma lenqaba ukuhoxisa amazwi uma linuxwa ukuba lenze njalo nguSihlalo noma libelesela nokudina noma lilokhu libenzisa ulimi olungamukelekile noma lephula noma yimuphi omunye wale mithetho, uSihlalo uyoqondisa lelo khansela ukubalziphathe kahle futhi, umalikhuluma, liyeke ukukhuluma beselihlala phansi, uma kade lime. Uma liqhubeka lingayinaki imiyalelo kasihlalo, usihlalo uyocela lelo khansela ukuba liphume kuleyo ndawo okubanjelwe kuyo umhlangano isikhathi esisele somhlangano, futhi uma kunesidingo, uyokwenza ukuba likhishwe kuleyo ndawo.

33. UKUTHATHWA KWEZINYATHELO NGOKUNGAZIPHATHI KAHLE

Ngaphezu kwanoa yiziphi izinyathelo ngokwendima engenhl, uSomlomo angathathela izinyathelo noma yiliphi ilungu elingaziphathanga ngendlela noma eliziphathe budedengu noma elithikameze ngenhloso inqubo yomhlangano noma elededele igunya likasihlalo ngokuhambisana nenqubo equkethwe ezigabeni 66, 67 no 68 yaleMithetho eMile; inqobo nje uma ikhansela elibandakanyekayo kunguSomlomo, izinyathelo okumele zithathwe ngokwalesi sigaba ziyothathwa yikomidi elincane eliqokwe yiKomidi eliKhulu.

34. UKUPHAZAMISA KWABANYE ABANTU NGAPHANDLE KWAMAKHANSELA

Noma yimuphi umuntu, ngaphandle kwekhansela, oziphatha kabi noma othikameza izinqubo zoMkhandlu noma zeKomidi eliKhulu kunoma yimuphi umhlangano, uma usihlalo esho njalo, liyokhishwa endaweni okubanjelwe kuyo umhlangano, futhi usihlalo angakhipha lowo muntu ekutheni aphinde amukelwe ukwethamela eminye imihlangano isikhathi asibona sifanele.

35. AMALUNGU KUMELE AKHULUMA KANYE KUPHELA: ILUNGELO LOKWETHULA INKULUMO LOKUTHI APHENDULE: AKUKHO LUNGU ELIYOKHULUMA EMVA KOKUBA OWETHULA INKULUMO ESEPHENDULILE

Maqondana nesaziso sesiphakamiso, akukho lungu eliyokwethula inkulumo emkhandlwini amahlandla angaphezu kwelilodwa nganoma yisiphi isiphakamiso noma isichibiyelo. Umuntu okunguyena obebeke isiphakamiso, kodwa angaphendula, kodwa kumele agxile ekuphenduleni umbuzo wokade eqale ukukhuluma angafaki udaba olusha engxoxweni ilungelo lokuphendula angeke ligunyazwe obebeke isiphakamiso ukuba enze isichibiyelo. Emva kokuphendula akukho elinye ilungu elingakhuluma futhi imibuzo iyobekwa khona lapho.

36. IZICHIBIYELO KUMELE ZIBHALWE

Usihlalo angabiza noma yimuphi umuntu obethula inkulumo ngesichibiyelo ukuba asibhale, futhi, emva kokuyisayina ukuba ayihambise kuMphathi kaMasipala.

37. UKUHOXISWA KESIPHAKAMISO, UKUCHITSHIYELWA KANYE NEZAZISO SESIPHAKAMISO

Isichibiyelo noma isiphakamiso singahoxiswa Isikhulumi ngemvume yosesekelayo.

38. ISIPHAKAMISO EZISEKELWAYO NGAPHAMBI KWENGXOXO

- (1) Akukho ziphakamiso noma zichibiyelo eziyodingwa noma zethulwe emkhandlwini kuze kube zisekeliwe.
- (2) Ilungu elesekele isiphakamiso noma isichibiyelo ngendlela esemthethweni liyovunyelwa emva kwesikhathi ukuthi likhulume ngaso.

39. AMAPHUZU ADINGIDWAYO KANYE NEZINCAZELO

- (1) Noma yiliphi ilinga, noma ngabe selikhulile ngodaba noma cha, lingakhuluma ngephuzo elidingidwayo noma elichazwayo, kodwa leyo ncaze-lo iyohambisana nenkulumo yalo edlule engazwakalanga kahle. Ilungu elikhulumayo liyoba nelungelo lokulalelwa khona lapho. Iphuzo elidingidwayo kumele libe ngokuqokethwe oHlelweni 2 lwale Mithetho eMile.
- (2) Uma ilungu lifisa ukubeka iphuzo elizodingidwa, liyosukuma ukuze libonwe nguSihlalo.

40. ISINQUMO SIKASIHLO NGOMBUZO WODABA OLUDINGIDWAYO

Isinqumo sikaSihlalo mayelana nenqubo noma nokuvumeleka kokuzichazela kuyoba ngujuqu futhi ngeke kuvuleleke ekutheni kudingidwe.

41. ISINQUMO SENINGI

Zonke izixazululo ezingethulwa eMkhandlwini kanye naseKomidini eliKhulu lawo ziyophethwa zinqunywe ngokuhambisa nezindima 9 no 10 zale Mithetho eMile.

42. WONKE AMALUNGU KUYOMELE AVOTE

- (1) Ikhansela ngalinye, liyovota kunoma yisiphi isigaba elikhona kuso, futhi akukho khansela eliyoshiya umhlangano ngesikhathi uSihlalo esabeka umbuzo. Ikhansela lingevote futhi leyo nhloso ingabekwa ngokuthi iqoshwe.
- (2) Ukuvota kuyokwenziwa ngokuphakamisa izandla noma ngephepha lokuvotha eliyimfihlo.

43. AYOTHATHWA KANJANI

- (1) UMphathi kaMasipala noma isiphathimandla esigunyaziwe siyosebenza njengomqoqi futhi simemezele kuSihlalo imiphumela yezigaba. Usihlalo khona lapho uyomemezele isiphakamiso esiphumelele noma esingaphumelelanga, futhi siyobhalwa emaminithini. Uma noma yiliphi ilungu licela, amagama nawo ayoqoshwa, agcinwe lapho kuvotwa ngokuyimfihlo.
- (2) USihlalo uyokwazi ukuphinde avote okwesibili noma afake ivoti elingumqamula juqu uma amavoti elingene.

44. AMAPHUZU OKUSETSHENZELWA PHEZU KWAWO UKUSIZA IKOMIDI

Ekuqokweni kwanoma yiliphi iKomidi, eliKhulu liyonquma amaphuzo okuzosetshenzelwa phezu kwawo alelo Komidi futhi kuyobunjwa ikhoramu yalelo Komidi. Imithetho eMile yoMkhandlu iyosebenza ngokugquququka okudingekayo kuwo wonke amakomidi amancane.

45. UMKHANDLU UNGAKHUPHULA NOMA UNCIPHISE AMANDLA

Ngaphandle kweKomidi eliKhulu elimisebenzi yalo inqunywa ngokwesigaba 44 soMthetho weziNhlaka woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), uMkhandlu noma yingasiphi isikhathi ungelula isikhathi, unghoxisa noma uguqule imisebenzi namandla eKomidi.

46. AMAMINITHI AMAKOMIDI

- (1) Wonke amakomidi, aqokwe ngokwesigaba 80 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117ka1998), ayoqopha amaminithi emihlangano yawo futhi aqinisekise ukuthi agcinwa ngendlela efanele nguMqondisi wezokuXhumana. Kuyo yonke imihlangano ejwayelekile yekomidi amaminithi angaqinisekisiwe ayothathwa afundwe, ngenhloso yokuwaqinisekisa, inqobo nje uma ikhophi yalawo maminithi iyobe ithunyelwe kwilungu ngalinye lekomidi emahoreni angamashumi amabili ngaphambi kwalokho.
- (2) Amaminithi awo wonke amakomidi ayovuleleka ukuba ahlolwe yiwo wonke amalungu oMkhandlu ngezikhathi zokusebenza.

47. UKUHLOLWA KWAMABHUKU AMAMINITHI NGAMAKHANSELA

Amaminithi oMkhandlu kanye nawamakomidi ayovuleleka ukuba ahlolwe yiwo wonke amalungu oMkhandlu ngezikhathi zokusebenza.

48. AMALUNGU ANGASHIYA ISIKHUNDLA EKOMIDINI

Noma yiliphi ilungu lingashiya isikhundla ekomidini ngesaziso esibhalwe yilo bese lisithumela kuMphathi kaMasipala. Noma yikuphi ukwesula okunjalo kuyobikwa eKomidini eliKhulu ukuze lesi sikhala sigwaliswe.

49. USUKU NESIKHATHI SOMHLANGANO

Usuku nesikhathi somhlangano kwanoma yiliphi iKomidi eliqokwe ngokwesigaba 80 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No.117 ka 1998) kuyonqunywa ngamaphuzo asetshenzelwa kuwo alelo komidi.

50. UKUHLANGANA KWAMAKOMIDI EZIKHUNDLA

Wonke amakomidi eziKhundla ayohlalanga ngokuhambisana namaphuzo asebenzela phezu kwawo.

51. AMALUNGU OMKHANDLU ANGATHAMELA NOMA YILIPHI IKOMIDI

Amalungu oMkhandlu ayoba nelungelo lokwethamela noma yiliphi iKomidi, kodwa amalungu oMkhandlu athamele angeke abe nelungelo lokugxambukela kunoma yiziphi izingxoxo zekomidi elithintekayo, ngaphandle kwemvume yekomidi.

52. IZINQUBO ZAMAKOMIDI

Zonke izindaba ezilethwe ekomidini ziyonqunywa yiningi lamalungu akhona nangokuvota. Kuyovotwa ngokuphakamisa izandla. Noma yimaphi amalungu amabili eKomidi akhona navotayo kuyodingeka amagama abantu abavotayo futhi ivoti ngalinye liyoshicilelwa emaminithini.

53. IMISEBENZI KASIHLOLO WEKOMIDI

USihlalo wekomidi uyophatha kuyo yonke imihlangano yekomidi akhona kuyo. Uyoba nelungelo lokuvota okukuqala, futhi uma kunokulingana kwamavoti, anganikeza ivoti lesibili noma elingumqamula juqu. Uyosayina amaminithi uma iKomidi seliwadlulisile. Kuyoba umsebenzi wakhe, uma ekhona, ukwethula umbiko wekomidi eliKhulu.

54. UKUQOKWA KWESEKELA LIKASIHLOLO

IKomidi ngalinye, uma libona kufanele, liyoqoka iSekela likaSihlalo, uma eqokiwe uyophatha emhlanganweni uma USihlalo engekho.

55. AMANDLA ESEKELA LIKASIHLOLO

ISekela likasihlalo, uma liphethe, linamandla afanayo namalungelo afanayo okuvota nalawo kaSihlalo. Uma uSihlalo engekho, uyokwethula umbiko weKomidi eMkhandlini.

56. INQUBO YOKUCHITHA IZIXAZULULO ZAPHAMBILINI ZOMKHANDLU

Ngaphandle uma kungesincomo seKomidi elinikezwe amandla noma umsebenzi wokwenza okuthile nguMkhandlu, akukho sixazululo esamukelwe kunoma yimuphi umhlangano esingachithwa noma sishintshwe kunoma yimuphi umhlangano olandelayo ngaphandle uma isaziso sesiphakamiso sokuchitha noma sokushintsha lesi sixazululo bese sinikezwe uMphathi kaMasipala okungenani ezinsukwini eziyisikhombisa ngaphambi kwalowo mhlangano futhi uMphathi kaMasipala, okungenani ezinsukwini ezimbili ngaphambi kwalowo mhlangano, uyodlulisela ikhophi yaleso saziso ekhanseleni ngalinye.

57. ULWAZI OKUMELELE LUTHOLAKALE KUMPHATHI KAMASIPALA NOMA KOMPHATHI OTHINTEKAYO

Amalungu oMkhandlu afisa ukuthola kunoma yisiphi isiphathimandla soMkhandlu ulwazi mayelana nokuphathwa komsebenzi woMkhandlu, olungenakutholwa ngumpakathi wonkana, kumele abhekise imibuzo yawo kuqala kuMphakathi kaMasipala emvakwalokho ayibhekise kuMphathi woMnyango ofanele.

58. ULWAZI OLUYA EMAPHEPHANDABENI NAKWEMINYE IMITHOMBO YEZINDABA

- (1) UMphathi kaMasipala kanye neMeya ngokubona kwabo, ekufakweni kwesicelo ngayinoma yiliphi iphephandaba, banganikeza labo bezindaba noma obamele, ulwazi nemibiko okuphathelene nomsebenzi kaMasipala. Ngokwazi ukuthi uMphathi kaMasipala, nguyena ogunyaziwe ukuthi abezindaba bathole kuye ulwazi kanye nemibiko, ngakhoke amalungu oMkhandlu kulindeleke ukuthi angzibandakanyi nokuthumela abezindaba imibhalo noma ulwazi abalunkeziwe nguMkhandlu nanoma yiliphi iKomidi ngokucophelela ukuthi noma yiluphi ulwazi noma izitatimende ezingahluziwe okungathathwa njengokudala ulwazi oluyimfihlo okungakhinyabeza uMkhandlu.
- (2) Ngenhloso yalolu hlamvu "ulwazi oluyimfihlo" kusho ulwazi okukhulunywe ngalo esigabeni 10 (2) soMgomo wokuziphatha kwaMakhansela oHlelweni 1 loMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000).

59. UKUNXENXA AMAVOTI UKUZE UQOKWE: UKUCHITHWA

- (1) Ukunxenxa amavoti ukuze uqokelwe esikhundleni somkhandlu akavunyelwe nakancan. Ubufakazi buyochitha umfakisicelo ekuqokweni.
- (2) Lomyalelo omile okhulunywe ngawo ngenhla uyocashunwa ezikhangisweni zokumema abafakizicelo ukuze baqokwe.

60. UKUSETSHENZISWA KOMAKHALEKHUKHWINI EMIHLANGANWENI YOMKHANDLU NOMA YEKOMIDI

Angeke kuvunyelwe ukusetshenziswa komakhalekhukhwini emihlanganweni yoMkhandlu noma yeKomidi.

61. UKUMISWA KWEMIALELO EMILE

Akukho myalelo omile oyomiswa ngaphandle kwevoti lamalungu oMkhandlu noma lamavoti amabili kwamathathu amalungu akhona uthi isiphakamiso sesekwe ngokugcwele, sokumisa iMithetho eMile ngaphandle kwempikiswano.

62. UKUVIKELWA NGUMTHETHO NOKUVIMBELA AMACALA KWAMAKHANSELA KANYE NEZIPHATHIMANDLA ZOMKHANDLU

- (1) UMkhandlu unganquma izimo lapho uyovikela noma lapho uyokhokhela izindleko zomthetho noma isamba sezindleko maqondana nanoma yiziphi izindleko zanoma yiziphi izinqubo zomthetho, noma ezobugebengu noma eliphakathi kwabantu abathile, ikhansela noma isiphathimandla esingaba nalo nanoma yimuphi umuntu, umgwamanda, umhlangano noma isikhungo elivela esikhundleni salo njengekhansela noma njengesiphathimandla soMkhandlu.
- (2) Izihlinzeko zesigaba 28 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), njengoba uqokethwe oHlelweni 3 sale Mithetho eMile zihlanganiswe njengengxenywe yale Mithetho eMile.

63. Igunya lamakhansela

- (1) Amakhansela angeke abe nanoma yimaphi amandla okuphatha futhi angeke akhiphe imiyalelo kwiziphathimandla noma athathe izinqumo ezibophezela noma ngubani ezindabeni zoMkhandlu; kweyame elungelelweni lokucela uMphathi kaMasipala ukuthi abike noma yingaluphi udaba, noma lokucela iKomidi elithintekayo ukuphenya nanoma yiluphi udaba loMkhandlu abona ukuthi lidinga ukucutshungulwa.
- (2) Izihlinzeko zesigaba 11 (ukungenela ekuphatheni) soMgomo wokuziphatha kwamaKhansele njengoba ziqukethwe oHlelweni 1 loMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) zifakwe njengengxenywe yaloMthetho.

63. IMPAHLA YOMKHANDLU

Ikhansela angeke lisebenzise, lithathe noma lizuze nganoma iyiphi impahla, kokulawulwa noma kokuphethwe ngumasipala lelo khansela elingelungelo kukho.

64. INQUBO YOKUGCINA UMTHETHO**(1) Umsebenzi kaSomlomo**

- (a) Ukubhekela ukuziphatha kwamakhansela kungumsebenzi kaSomlomo.
- (b) USomlomo kumele anqume ukuthi ukephulwa komthetho okusolakalayo koMgomo wokuziphatha kwamaKhansele (uHlelo 1 loMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000) noma leMithetho eMile kubhekwana nacho ngokukhipha isexwayiso esibhalwe, ngokuthetha icala kuSomlomo noma eKomidini eliyiSipesheli.

(2) Uphenyo

Uma uSomlomo, ezezinsolo ezizwakalayo, ebona ukuthi inhlinzeko yale Mithetho eMile noma uMgomo wokuziPhatha wamaKhansela kwephuliwe okuhlinzekelwe ngesijeziso, uSomlomo uyogunyaza uphenyo lwamaphuzu nezimo ngezinsolo zokwepulwa komthetho oluyokwenziwa ngumgwamanda ojutshwe nguSomlomo.

(3) Isikhalo

(a) Uma uSomlomo, ezezinsolo ezizwakalayo, ngokubona komgwamanda ojutshwe nguSomlomo ngophenyo, okubonakala kufanele isijeziso esiqinile kunesexwayiso esibhaliwe, ikhansela elithintekayo liyonikezwa nguSomlomo isikhalo esichaza kabanzi —

- (i) ngezinsolo zokungaziphathi kahle; kanye
- (ii) nobufakazi balokho kungaziphathi kahle.

(b) Isikhalo siyonikezwa ikhansela elithintekayo isaziso ngelungelo lalo —

- (i) lokubona noma yibuphi ubufakazi obufungelwe, imibhalo nobufakazi obuphathekayo obutholakale ngesikhathi kwenziwa uphenyo kanye nombiko wongwamanda ophenya ukwepulwa komthetho;
- (ii) lesisikhathi esenele lokuphendula ngokubhaliwe mayelana nezinsolo zokwepulwa umthetho;
- (iii) lokwesula;
- (iv) lokulalela ubufakazi obethulwa ngomlomo lapho kuthethwa icala noSomlomo.

(c) Ikhophi yesikhalo iyodluliselwa ngoSomlomo usotswebhu weqembu lekansela elithintekayo.

(4) Amalungelo amakhansela

Ikhansela elithola isikhalo liyoba nelungelo —

- (a) lobufakazi obufungelwe, lemibhalo noma lobufakazi obuphathekayo obutholakale ngesikhathi kwenziwa uphenyo nelokuthola umiko wongwamanda ojutshiwe nguSomlomo ukuthi wenze uphenyo;
- (b) lokwesula eMkhandlwini kaMasipala: Inqobo nje uma lenze njalo ngaphambi kokulelwa kobufakazi kunoma iyiphi inkundla;
- (c) lokuphendula kuSomlomo ngokubhaliwe ngesikhathi ngesikhalo lethula ubufakazi obuphikisayo noma bokuzivikela;
- (d) lokuthi kube khona usotswebhu weqembu lalo kunoma yikuphi ukujeziswa;
- (e) lokulalela ubufakazi obethulwa ngomlomo lapho kuthethwa icala noSomlomo noma nekomidi eliyiSipesheli njengoba kuyonqunywa nguSomlomo ngaleso sikhathi njengoba kungabekwa esikhalweni.

(5) Ukujeziswa ngaphandle kokulalelwa kwecala nguSomlomo

Uma —

- (a) ikhansela elithintekayo lingafuni ukulalela ubufakazi obethulwa ngomlomo enkundleni yokuthethwa kwecala kaSomlomo ngokaleMithetho eMile; futhi
- (b) uSomlomo ngokubona ukuthi angeke benziwe ubulungiswa ngokwethanyelwa kwenkunda kaSomlomo, lapho uSomlomo angajezisa ikhansela ngokeMithetho eMile: Inqobo nje uma eyobika udaba lwakhe kanye nezinqumo emhlanganweni woMkhandlu kaMasipala ngendlela enqunye eMthethweni weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000).

(6) Ukuthethwa kwecala nguSomlomo

(a) Ukuthethwa kwecala nguSomlomo kuyokwenziwa yibandla likaSomlomo elithetha amacala kanye nabahloli ababili abaqokwe yiKomidi eliKhulu esikhathini esanele —

- (i) sekansela elithintekayo sokuthi lilalelwe; noma
- (ii) sekansela sokunquma ukuthi ubulungiswa buyagcinwa ngokulalela icala.

(b) USomlomo uyokhipha isaziso mayelana nesikhathi kanye nedawo yokulalelwa kwecala.

(c) Kunoma yikuphi ukulalelwa kwecala —

- (i) ukulalelwa kwecala kuyolandela indlela yokuphikisana;
- (ii) umuntu ofanele uyohola ubufakazi besikhalo;
- (iii) ikhansela lingamelwa ngusotswebhu weqembu, nanoma yiliphi elinye ikhansela omunye umntu ekulalelweni kwecala;
- (iv) ikhansela kanye/noma olimele linelungelo lokhlaba ngemibuzo ubufakazi obethulwa ngohola ubufakazi nokwethula nanoma yibuphi obunye ubufakazi;
- (v) uSomlomo uyoba nelungelo lokuhlaba ngemibuzo ubufakazi obethulwa yikhansela noma ngolimele;
- (vi) ukulalelwa kwecala, emva kokuhlangana kwabantu, kuyiqoshwa ngokuhambisana nezidingo zikaNobhala woMkhandlu oyobe ebhekele ubuqiniso bokuqoshwayo.

(d) Emva kokucabungula ubufakazi, ibandla likaSomlomo elithetha amacala kanye nabahloli bayothatha isinqumo ngamavoti amaningi.

(e) Uma ibandla likaSomlomo livumelana ngokuthi kwaba khona ukwepulwa komthetho, bayolalela isicelo sokwehlisa ngaphambi kokukhipha isigwebo.

(f) Uma ibandla likaSomlomo, emva kokucabungula izinhlangothi zombili, kunokushayisana kobufakazi, ikhansela okumele lijeziswe, uSomlomo uyokhipha lesi sigwebo futhi athumele isaziso sesigwebo kulelo khansela lapho beyobeka khona —

- (i) amalungelo ekhansela ngaphansi koMthethosisekelo, koMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000), uMthetho wokuPhatha kokuLungiswa kanye nanoma yimuphi omunye umthetho; kanye
- (ii) nesikweletu (uma sikhona) ezidaleke kusukela ngosuku okwakhishwa ngalo isaziso.

(g) Ikhansela liyosayina ikhophi yesaziso liqinisekisa ukuthi liyitholile.

(h) USomlomo uyobika ukuthi ukuthethwa kwecala kanye nesinqumo eBandla lakhe emhlanganweni woMkhandlu kaMasipala.

(i) Umbiko ngokwesigaba 66(6) waleMithetho uvulelekile emphakathini.

(j) USomlomo uyodlulisela umbiko kuNgqongqoshe wohulumeni baseKhaya ngokuhambisana noMgomo wokuziPhatha kwamaKhansela.

(7) Ukukhalaza kwangaphakathi

(a) Ikhansela linelungelo lokukhalaza eKomidini eliyiSipesheli uma iBandla likaSomlomo selikhiphe isijeziso salelo khansela: Inqobo nje uma —

- (i) incwadi yokukhalaza inikezwe uSomlomo ezinsukeini ezinhlamu kutholakale isaziso ngokwesigaba 66(6) sale Mithetho;

- (ii) izikhalo ziyolalelwa uma isikhalo silethwe yikhansela elithintekayo encwadini yalo yokukhalaza.
- (b) Akukho sijeziro esiyokhishwa nguMasipala ngaphambi kokuphethwa kwesikhalo esifakiwe ngesikhathi ngokwesigaba 66(7)(a)(1) wale Mithetho eMile.
- (c) iKomidi eliyiSipesheli lingaphinde lilalela udaba lonke noma ingxenye yalo noma ubeke umkhawulo engxoxweni ngezizathu ezithile.
- (d) iKomidi eliyiSipesheli, ngesikhathi kulalelwa isikhalo, lingehisa isijeziro esikhishiwe yiBandla likaSomlomo noma lisibeke eceleni noma liqinisekise isinqumo esikhishwe enkundleni kaSomlomo.
- (e) Ngenhloso yenqubo yoMkhandlu yokuphulwa komthetho, iKomidi eliyiSipesheli liyoba namalungu amahlanu ekomidi njengoba eqokwe yiKomidi eliKhulu enkundleni yokuthetha icala ngayinye.

(8) Inqubo

- (a) Kweyame kwizihlinzeko zesigaba 66(7) saleMithetho, izihlinzeko zesigaba 66(3) ziyosebenza kunoma iyiphi inkundla yokuthethwa kwecala okwenganyelwe yiKomidi eliyiSipesheli.
- (b) Noma yiliphi ikhansela linelungelo lokukhalaza kuNgqongqoshe nganoma yibuphi ubufakazi obutholwe yiKomidi eliyiSipesheli kanye/noma ngesigwebo esokhishwa, yilelo Komidi emva kokulandela inqubo efanayo ngokwesigaba 66(7) sale Mithetho.

67. IZIGWEBO**(1) Okweywayekile**

Kweyame ezidingweni zobulungiswa, uMgomo wokuziPhatha kwamaKhansela (uHlelo 1 loMthetho weziNhlelo, 2000 (uMthetho No. 32 ka 2000)) kanye nezihlinzeko zale Mithetho eMile, iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, linelungelo lokunquma isigwebo esizosetshenziswa, kuncike ebucayini bokwepulwa komthetho.

(2) Izexwayiso**(a) Izexwayiso zomlomo ezingashubile**

Lapho iBandla likaSomlomo libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza ikhansela isexwayiso somlomo esingashubile ngokwepulwa umthetho, uSomlomo —

- (i) uyonikeza ikhansela lesi sexwayiso ngasese; futhi
- (ii) yokwazisa usotswebhu weqembu ngokukhipha lesi saziso.

(b) Izexwayiso ezishubile

(i) Lapho iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza ikhansela isexwayiso esishubile ngokwepulwa umthetho, lesi sexwayiso, emva kokunikekiswa nguMkhandlu kaMasipala —

- (aa) siyobhalwa; futhi
- (bb) sinikezwe ikhansela elithintekayo kanye nosotswebhu weqembu, futhi uSomlomo uyobe esefaka igama lekansela, umthetho owepuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(vi) sale Mithetho futhi angabuye ashicilele ukwepulwa komthetho ngendlela ayibona ifanele.

(ii) Lapho, ngenxa yokephulwa komthetho kuphindelelwa, iBandla likaSomlomo, iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza ikhansela isexwayiso sokugcina ngokwepulwa umthetho, lesi sexwayiso, emva kokunikekiswa nguMkhandlu kaMasipala —

- (aa) siyobhalwa; futhi
- (bb) siyocacisa ukuthi ikhansela lephule uMgomo wokuziPhatha wamaKhansela noma leMithetho emile, iKomidi eliyiSipesheli liyoluleka uMkhandlu kamasipala ukuthi umise emsebenzini noma uxoshe lelo khansela ngokoMgomo wokuziPhatha wamaKhansela; futhi
- (cc) sinikezwe ikhansela elithintekayo kanye nosotswebhu, kanye noSomlomo uyobe esefaka igama lekansela, umthetho owepuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(vi) sale Mithetho futhi angabuye ashicilele ukwepulwa komthetho ngendlela ayibona ifanele.

(3) Ukujeziswa

Uma iBandla likaSomlomo, iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokujezisa ikhansela ngokwepulwa umthetho, lesi sexwayiso uSomlomo emhlanganweni woMkhandlu kaMasipala —

- (a) angabiza ikhansela elithintekayo ukuthi lime phambi koMkhandlu kaMasipala; futhi
- (b) angacacisa izinga lokwepulwa komthetho futhi ajezise kwekhansela ngolimi alubona lufanele; futhi uSomlomo uyobe esefaka igama lekansela, umthetho owepuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(vi) sale Mithetho futhi angabuye ashicilele ukwepulwa komthetho ngendlela ayibona ifanele.

(4) Ukumiswa

(a) Uma iKomidi eliyiSipesheli libona ukuthi ubulungiswa buyofezeka kangcono ngokumiswa ikhansela eMkhandlwini kaMasipala isikhashana ngokwepulwa umthetho, iKomidi eliyiSipesheli liyobika eMkhandlwini kaMasipala bese kuthi uMkhandlu kaMasipala ubike kuNgqongqoshe woHulumeni baseKhaya ngokoMgomo wokuziPhatha wamaKhansela.

(b) Uma uNgqongqoshe woHulumeni baseKhaya ekhipha noma yisiphi isigwebo sokumiswa ikhansela okwesikhashana ngokoMgomo wokuziPhatha kwamaKhansela —

- (i) ikhansela liyomiswa ngaphandle kokuthola umholo ngaleso sikhathi;
- (ii) uSomlomo uyobe esefaka igama lekansela, umthetho owepuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(vi) sale Mithetho futhi angabuye ashicilele ukwepulwa komthetho ngendlela ayibona ifanele.

(c) Ukumiswa kuyothathwa njengesigwebo esiqinile kunokuthola isexwayiso sokugcina nokujeziswa.

(5) Izinhlawulo zasenkantolo

(a) Uma iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokwepulwa komthetho abalulwe oHlwini 1 loHlelo lwaleMithetho eMile ngokuhlululwa ikhansela imali enkantolo okubalulwe oHlwini 2 lwalolo Hlelo, lesi sigwebo —

- (i) siyobhalwa; futhi
- (ii) sinikezwe ikhansela elithintekayo kanye nosotswebhu, kanye noSomlomo uyobe esefaka igama lekansela, umthetho owepuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(vi) sale Mithetho futhi angabuye ashicilele ukwepulwa komthetho ngendlela ayibona ifanele.

(b) Uma kwenziwe inhlinzeko kule Mithetho eMile yokuhlululwa noma yiliphi khansela, futhi ikhansela lihlahlululwa, uMasipala

ungathatha leyo nhlawulo kunoma yiziphi izimali njengoba uMasipala azikweleta ikhansela noma uthole leyo mali ngesikweletu sasenkantolo.

(6) **Ukuxoshwa**

- (a) Uma iKomidi eliyiSipesheli libona ukuthi ubulungiswa buyofezeka kangcono ngokuxosha ikhansela eMkhandlwini kaMasipala ngokwephula umtheth, iKomidi eliyiSipesheli liyobika lokho eMkhandlwini kaMasipala bese kuthi uMkhandlu kaMasipala ubike lokho kuNgqongqoshe woHulumeni baseKhaya ngokoMgomo wokuziPhatha wamaKhansela
- (b) Uma —
- (i) iLungu lomkhandlu oPhethe elibhekele woHulumeni baseKhaya likhipha isigwebo sokuxosha ikhansela ngokoMgomo wokuziphatha wamaKhansela; noma
- (ii) Ikhansela lixoshwa ngokwesigaba 67(96)(a), uSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c)(iv) sale Mithetho futhi angabuye ashicilele ukwepulwa koMthetho ngendlela ayibona ifanele.

68. AMAREKHODI EZIGWEBO

- (1) USomlomo uyogcina irekhodi lazo zonke izigwebo ezinikezwe amakhansela, lelo rekhodi eliyovuleleka ukuthi lihlolwe ngumphakathi eHhovisi lokugcina iMibhalo ngesikhathi somsebenzi.
- (2) Irekhodi lezigwebo elihlongozwe esigabeni 68(1) sale Mithetho liyohlala ligciniwe futhi liyocutshunglwa ezigamekweni ezilandelayo nasekunqunyweni kwesigwebo sekhansela uma liphinda lephula umthetho.

69. UKUCHITHWA KWEMITHETHO EMILE NEMIALELO

IMithetho eMile neMiyalelo kaMasipala waseMthonjaneni ngalokhu iyachithwa, kuthi esikhundleni sayo kufakwe le Mithethodolobha, eyoqala ukusebenza ngosuku lokushicilelwa kwayo.

UHLELO 1

Ukwephula komthetho kanye nezinhlawulo

Uhlu 1 Ukwephula komthetho	Uhlu 2 Inhlawulo
(1) Ukuphutha emhlanganweni obekumele ikhansela liwuthameleUmholo wamasonto amabili	Umholo wamasonto amabili
(2) Ukwehluleka ukuhlala kuze kuphele umhlangano ikansela obekumele liwethamele.	Umholo wamasonto amabili
(4) Ukuhluleka ukuhoxa ezinqubeni zoMkhandlu kaMasipala noma zeKomidi uma udaba ikhansela elthintekayo noma elishade naye, umlingani noma elisebenzisana naye ebhizinisini enenzuzo ebhizinisini ngokuqondile noma ngokungaqondile; ngaphandle uma uMkhandlu kaMasipala noma iKomidi linqume ukuthi lokho kuba nenzuzo akusho lutho.	Umholo wenyanga eyodwa
(5) Ukwehluleka ukuveza imininigwane komhlomulo ikhansela elaziyo ngawo emhlanganweni woMkhandlu kaMasipala lapho ikhansela lingakwazi ukudalula lokho, uma elishade naye, umlingani, elisebenzisana naye ebhizinisini noma ilungu lomndeni walo, selihlomule noma selizohlomuka kwinkontileka ekhishwe nguMasipala.	Umholo wenyanga eyodwa
(6) Ngaphandle kokuqale athole imvume eMkhandlwini kaMasipala, libe yingxeny noma lihlomule kwinkontileka yokuhlinzeka izimpahla, imisebenzi kaMasipala	Umholo wamasonto amathathu
(7) Ngaphandle kokuqale athole imvume eMkhandlwini kaMasipala, lube yingxeny noma lihlomule kwinkontileka eyenza noma yimuphi omunye umsebenzi kaMasipala ngaphandle kowokuba ikhansela.	Umholo wamasonto amathathu
(14) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokweluleka ngokuvota noma ngokungavoti ngandlela thile kunoma yiluphi udaba luka-Masipala noma lweKomidi ikhansela eliyilungu lalo.	Umholo wezinyanga ezinhlanu
(15) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokweluleka uMasipala mayelana nokusebenzisa noma amandla noma umsebenzi.	Umholo wezinyanga ezinhlanu
(16) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokumela umuntu kuMasipala.	Umholo wezinyanga ezinhlanu
(17) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokudalula ulwazi oluyimfihlo.	Umholo wezinyanga ezinhlanu
(18) Ukugxambukela ekuphathweni kukaMasipala ngaphandle uma ligunyazwe ukwenze njalo ngesixazululo soMkhandlu kaMasipala.	Umholo wezinyanga ezintathu
(19) Ukusebenzisa isikhundla noma amagunya obukhansela ukuze lizuze ngasese noma lizuze ngandlela engafanele komunye umuntu.	Umholo wezinyanga ezinhlanu
(20) Ukusebenzisa ulwazi oluyimfihlo eliluthole njengekhansela ukuze lizuze ngasese noma lizuze ngandlela engafanele komunye umuntu.	Umholo wezinyanga ezinhlanu
(21) Ngaphandle kwemvume yoMkhandlu kaMasipala noma yeKomidi elithintekayo ukudalula noma yiluphi ulwazi lukaMasipala oluyimfihlo noma yingayiphi indlela.	Umholo wamasonto ayisithupha
(22) Ukunikeza noma ukuhlosa ukunikeza noma yimuphi umyalelo kumsebenzi kaMasipala ngaphandle uma ligunyaziwe ukuthi lenze njalo ngesixazululo sikaMasipala.	Umholo wamasonto amathathu
(23) Ukuthikamezeka noma ukuzama ukuthikameza ukuqaliswa kwanoma yisiphi isinqumo soMkhandlu kaMasipala noma seKomidi ngumsebenzi kaMasipala.	Umholo wamasonto ayisithupha
(24) Ukugquguzela, ukucela noma ukuzibandakanya kunoma yikuphi ukungaziphathi ngendlela eyamukelekile kuMasipala	Umholo wamasonto amathathu
(25) Ukusebenzisa, ukuthatha, ukuthola noma ukuzuzwa ngokusebenzisa noma iyiphi impahla	Umholo wamasonto ayisithupha

elawulwa noma okungekaMasipala ikhansela elingenangelo lokuyisebenzisa.	
(26) Ukushaya noma imuphi umuntu lapho kusetshenzelwa khona	Umholo wezinyanga ezintathu
(27) Ukuntshontsha noma iyiphi impahla kaMasipala.	Umholo wesinyanga ezintathu
(28) Ukulimaza ngenhloso impahla kaMasipala.	Umholo wamasonto amathathu
(29) Ukudakwa yizidakamizwa kunoma yimuphi umhlangano woMkhandlu kaMasipala noma weKomidi loMkhandlu.	Umholo wamasonto amabili
(30) Ukuhluleka ukuthula ngesikhathi isiPhathimandla sikhuluma noma sisukuma emhlanganweni.	Umholo wamasonto amabili
(31) Ukwahluleka ukuthobela umthetho noma umyalelo wesiPhathimandla kunoma yimuphi umhlangano oMkhandlu noma wanoma yiliphi iKomidi loMkhandlu.	Umholo wamasonto amabili
(32) Ukwahluleka ukuthobela umthetho noma umyalelo wesiPhathimandla kunoma yimuphi umhlangano woMkhandlu noma wanoma yiliphi iKomidi loMkhandlu.	Umholo wamasonto amabili
(33) Ukwahluleka ukuphuma egumbini okubanjelwe kulo imihlangano ngesikhathi licelwa yisiPhathimandla.	Umholo wamasonto amabili

UHLELO 2

Isichasiso: Ukukhomba okuphambene nomthetho (isigaba 39)

Izincazelo: Eqinisweni isikhalo esibhekiswe kusihlalo ngesinqumo sakhe odabeni oluthinta ukuphatha umhlangano. Isinqumo sikasihlalo singujuqu futhi noma ngaphezu kwalokho unegunya lokwamukela noma lokungamukeli ukuphambuka emthethweni.

Isichasiso

34. Umyalelo woluziphatha ngendlela umbuzo obuzwayo ukuqondisa okuphambene nomthetho okukhulunywa ngakho ngenhloso yokukhombisa ukuphambuka kokunqunyiwe ezinqubeni zezingxoxo.
35. Noma yiliphi ikhansela noma ngabe selikhulumile ngodaba olusezithebeni noma cha, lingabeka iphuzu lokukhomba okuphambene nomthetho noma lichaze.
36. Leyo ncazelo iyogxila kokuthile engxoxweni obekungachazekanga kahle.
37. Ikhansela elisukumela lokho liyoba nelungelo lokulalelwa kuqala.
38. Kumele libeke iphuzu licace futhi ligxile odabeni oludingidwayo.
39. Isinqumo sikasihlalo ngokhomba okuphambene nomthetho, noma ngencazelo yomuntu siyoba ngujuqu futhi angeke saphikiswa.
40. Uma ilungu liphikisa isinqumo sikasihlalo nganoma ukuphambuka emthethweni, usihlalo uyolicela ukuthi liziphathe ngendlela futhi liyeke ukukhuluma bese lihlala phansi.

Isifinyezo

- (1) Ukukhomba okuphambene nomthetho ungabekwa noma yingasiphi isikhathi emhlanganweni.
- (2) Ukukhomba okuphambene nomthetho kungabekwa maqondana —
 - (a) ulimi oluqosheme;
 - (b) ukungathobeli umthetho obekiwe;
 - (c) umthetho ochitshiyelwe ongathotshelwanga;
 - (d) isichibiyelo esingaphadle kwegunya lomthetho;
 - (e) udaba oluphathelene noluziphatha ngendlela efanele; noma
 - (f) *nencazelo edingekayo*.
- (3) Ukukhomba okuphambene nomthetho kumele kubekwe njengombuzo.

UHLELO 3

Amalungelo kanye nezivikelo

- (1) Umthetho wesifundazwe ngokwesigaba 161 soMthethosisekelo kumele okungenani uhlinzeke —
 - (a) ukuthi amakhansela abe nelungelo lokubeka izimvo zawo eMkhandlwini kaMasipala nasemaKomidini, kweyame emithethweni nasemiyalelweni yamakhansela njengoba kubekiwe esigabeni 160 (6) soMthethosisekelo;
 - (b) nokuthi amakhansela awanakubizelwa enkantolo noma aboshwe noma akhokhele ukulimala —
 - (i) nganoma yini ayishilo, okulethwe eMkhandlwini noma ekomidini layo; noma
 - (ii) nganoma yini evezwe ngenxa yanoma yini eliyishilo okulethwe eMkhandlwini noma kwelinye lamakomidini awo.
- (2) Kuze kube umthetho ohlongozwe esigatshaneni (1) usumisiwe, amalungelo okukhulunywe ngawo endimeni (a) no (b) esigaba (1) ayosebenza kuyo yonke iMkhandlu kaMasipala esifundazweni esithintekayo.

No. 60, 2005

1 December 2005

The Council of Mthonjaneni Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

MTHONJANENI LOCAL MUNICIPALITY

STANDING RULES AND ORDERS FOR COUNCIL AND ITS COMMITTEES

1. MEETINGS OF THE COUNCIL

- (1) Every meeting of the Council and its Committees shall be open to the public: Provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted, section 20 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (2) In these Standing Rules, "meeting" shall mean all meetings of the Council.

2. COUNCIL MEETINGS

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

3. SPECIAL MEETINGS

The Speaker may at any time and shall, upon request by a majority of the councillors for the Municipality and/or on his own, call a special meeting of the Council, within forty-eight (48) hours of giving written notice to that effect.

4. SERVICE OF NOTICES

At least seventy-two (72) hours before any ordinary meeting of the Council a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager shall be left or delivered at the usual place of abode of every member of the Council or at such place which is reasonably accessible as such councillor may designate.

5. NON-SERVICE OF NOTICE

Accidental omission to serve on any councillor a notice of meeting shall not affect the validity of the meeting.

6. URGENT MATTERS

No business shall be transacted at a meeting other than that specified in the summons relating thereto, except any matters which the chairperson considers urgent or which the Council/Executive Committee resolves by a majority of at least two-thirds of the members present to deal with as urgent.

7. ADJOURNED MEETINGS

The Council/Executive Committee may adjourn a meeting to any day or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the summons for the meeting of which it is an adjournment other than matters which are brought forward in accordance with paragraph 6 of these Standing Rules.

8. NOTICE OF ADJOURNMENT MEETING

When a meeting is adjourned, notice of the adjourned meeting shall be sent to each member of the Council/Executive Committee, specifying the business to be transacted.

9. ACTS OF THE COUNCIL : HOW DETERMINED : QUORUM

A majority of the councillors must be present at a meeting of the Council before a vote may be taken on any matter. All questions concerning matters mentioned in section 160(2) of the Constitution are determined by a decision taken by the Council with a supporting vote of a majority of its members. All other questions before the Council are decided by a majority of the votes cast, subject to section 34 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), pertaining to the dissolution of Municipal Councils.

10. CASTING VOTE

If on any motion there is an equality of votes, the councillor presiding must exercise a casting vote in addition to that councillor's vote as a councillor.

11. WHEN COUNCILLORS MAY NOT ATTEND AND TAKE PART IN THE PROCEEDINGS OF THE COUNCIL – DISCLOSURE OF INTEREST (SECTION 5 OF THE CODE OF CONDUCT FOR COUNCILLORS)

- (1) A councillor must disclose to the Municipal Council, or to any Committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the Council or the Committee.
- (2) A councillor must withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
- (3) A councillor who, or whose spouse, partner or business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Municipal Council at which it is possible for the councillor to make the disclosure.
- (4) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the Municipality.

12. NO QUORUM

If at the expiration of twenty (20) minutes after the hour at which any meeting of the Council/Executive Committee is appointed to be held, a quorum shall not have assembled, no meeting shall take place, unless it is decided, with the unanimous consent of the members present, to allow further time, not exceeding an additional ten (10) minutes, in order to enable a quorum to assemble, but the members present may by a majority decide to adjourn the meeting to a more convenient time.

13. COUNT OUT

If during any sitting of the Council or the Executive Committee the attention of the Chairperson be called to the number of members present, he shall count them, and if it be found that there is not a quorum present, the Council or the Executive Committee shall stand adjourned for such period as the members present may decide.

14. CHAIRPERSON OF COUNCIL MEETINGS

- (1) At every meeting of the Council, the Speaker, or if he be not present, an Acting Speaker, shall be elected to act as Chairperson.
- (2) Meetings of the Executive Committee shall be chaired by the Mayor and if he/she is not present the Deputy Mayor.

15. BUSINESS AT COUNCIL MEETINGS

- (1) The order of business at every ordinary meeting of the Council or its Executive Committee is as follows:-
 - (a) Notice of meeting
 - (b) Leave of absence
 - (c) Minutes of previous meeting
 - (d) Announcements

- (e) Petitions and deputations
 - (f) Notices of motion
 - (g) Reports of Portfolio Committee/s
 - (h) Miscellaneous in the order determined by the Municipal Manager or as directed by the Speaker in respect of Council meetings.
- (2) The chairperson may, in his/her discretion, bring forward any business which is on the agenda paper at any stage.
- (3) The service of an interpreter will be made use of unless the majority of councillors present decide otherwise. It is expected from councillors to accommodate the interpreter who falls under the auspices of the Speaker.

16. NON-ATTENDANCE OF MEETINGS

- (1) Application for leave of absence in a prescribed form, from any meeting of the Council or its Committees shall be lodged with the Municipal Manager in writing prior to the commencement of the relevant meeting.
- (2) Should a councillor for valid reasons not be able to comply with Rule 16(1), he/she can apply in writing to the Municipal Manager for a condonation of such non-compliance which application will be reviewed by the Council upon the strength of the written application.
- (3) For the purposes of the provisions of sections 3 and 4 (Attendance at meetings) of the Code of Conduct for Councillors (Schedule 1 of the Systems Act), the procedure for infringements as contained in paragraphs 66, 67 and 68 of these Standing Rules shall apply.
- (4) Councillors that need to leave a Council meeting prior to conclusion thereof shall obtain permission from the Speaker.
- (5) For the purposes of Rule 16 non-attendance of meetings, capacity building or empowerment workshops arranged or approved by the Council are regarded as meetings.

17. MINUTES TO BE KEPT: CONFIRMATION

Minutes of the proceedings of every meeting shall be recorded and be kept for that purpose by the Director Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting and be signed by the Chairperson.

18. NO DISCUSSION ON MINUTES

Except as to accuracy, no motion or discussion shall be allowed upon the minutes.

19. PETITIONS TO BE WRITTEN, TYPED OR PRINTED

Petitions, which may be written, typed or printed, must be signed by not less than three members of the community and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he deems it necessary bring the matter before the Executive Committee.

20. DEPUTATIONS TO SEND MEMORANDUM

Deputations wishing to be received by the Executive Committee shall be requested, in the first instance, to send in a memorandum in writing, and the Municipal Manager shall bring the memorandum before the Committee concerned, which is authorised, if it sees fit, to receive the deputation and to report to the Council.

21. RECEPTION OF DEPUTATIONS

A deputation wishing to address the Executive Committee shall not exceed five in number, but only one member thereof shall be at liberty to address the Committee (except in reply to questions from members of the Committee) and then only for a period not exceeding ten minutes. The matter shall not be further considered by the Committee until the deputation shall have withdrawn.

22. MOVING A REPORT

The Chairperson of a Committee shall move the recommendations contained in the report unless he/she shall have previously stated his/her disagreement with it. The Chairperson of a Committee or other member bringing up a report may withdraw or amend any section with the consent of the Executive Committee.

23. FORM OF GIVING NOTICE OF MOTION

Except as provided in Standing Rule 6, no subject shall be brought before the Executive Committee by any member except upon notice of motion, which shall be in writing and signed by the member giving the notice. Such notice shall be given to the Municipal Manager.

A notice of motion must be submitted before 12:00 seven (7) days prior to the meeting of the Council.

24. ORDER OF MOTION

All notices of motion shall be dated and numbered as received and shall be entered by the Director Corporate Services upon the agenda paper in the order in which they are received, save and except that notice of an amendment shall be entered immediately after such notice of motion, irrespective of the time at which notice of the motion shall have been received.

25. RESTRICTION OF NOTICES OF MOTION

- (1) No member shall have more than two notices of motion on the agenda at the same time, provided that this Rule shall not be applicable to party whips.
- (2) In dealing with notices of motion, the Chairperson shall first read out the number of each and the name of the mover, and shall ascertain which motions are unopposed, and these shall be passed forthwith without discussion. The Chairperson shall then call on the movers of the opposed motions in their order of the paper.

26. MOTIONS OR PROPOSALS

Before any notice of motion is placed on the agenda paper, it shall be submitted to the Municipal Manager, who, if he be of the opinion that it is *ultra vires* legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall, however, have the right to appeal to a sub-committee of the Council consisting of the Mayor, or the Deputy Mayor and two other councillors, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.

27. MOTION NOT MOVED

If a motion, notice of which is specified in the agenda, is called on, but is not moved by the member who has given the notice or by some other member authorised thereto in writing by him, it shall be considered as dropped and shall not be moved without further notice.

28. MEMBERS TO STAND WHILST SPEAKING

During the sitting of the Council, when speaking, councillors shall stand unless otherwise directed by the Speaker and they shall address the chair. This rule will not apply in respect of meetings of the Executive Committee or Committees appointed in terms of section 80(2) of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998).

29. RELEVANCE

A member who speaks shall confine his speech strictly to the motion under discussion or to an explanation or a question of order.

30. PRECEDENCE OF A CHAIRPERSON

Whenever the Chairperson rises during a debate, any member then speaking or offering to speak shall seat himself/herself and the members shall be silent, so that the Chairperson may be heard without interruption.

31. LENGTH OF SPEECHES

No speech shall exceed five (5) minutes in length without the consent of the meeting, and each councillor shall speak only once, unless at the discretion of the Chairperson speak more than once.

32. DISORDERLY CONDUCT OF A COUNCILLOR : DUTY OF THE CHAIRPERSON

If at any meeting of the Council or the Executive Committee or other Committees of the Council, a councillor misconducts himself/herself, behaves in an unseemly manner or persistently obstructs business or challenges the ruling of the Chairperson on any point of order or declines to withdraw an expression when required to do so by the Chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Chairperson shall direct such councillor to conduct himself/herself properly and, if speaking, to discontinue his speech and resume his seat. In the event of persistent disregard of the directions of the Chairperson, the Chairperson shall direct such councillor to retire from the meeting for at least until finalisation of the item under discussion and shall, if necessary, cause him/her to be ejected therefrom.

33. DEALING WITH UNSATISFACTORY BEHAVIOUR

In addition to the action of the Chairperson in terms of the aforementioned paragraph, the Speaker may take steps against any member who has so misconducted himself/herself or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair in accordance with the procedure for infringements contained in paragraphs 66, 67 and 68 of these Standing Rules; Provided where the councillor involved is the Speaker, the actions to be performed in terms of this section shall be performed by a sub-committee to be appointed by the Executive Committee.

34. OBSTRUCTION BY PERSONS OTHER THAN COUNCILLORS

Any person, other than a councillor, who misconducts himself/herself, behaves in an unseemly manner or interrupts the proceedings of the Council or Executive Committee at any meeting, shall, if the Chairperson so directs, be removed from the meeting and the Chairperson may exclude such person from further admittance to the meeting for such period as he may fix.

35. MEMBERS TO SPEAK ONLY ONCE : RIGHT OF MOVER TO REPLY : NO MEMBER TO SPEAK AFTER REPLY BY MOVER

In respect of a notice of motion, no member shall address the Council more than once on any motion or amendment. The mover of an original motion may, however, reply but he/she shall strictly confine himself/herself to answering previous speakers and shall not introduce any new matter into the debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion. After the reply no other member may speak and the questions shall be put forthwith.

36. AMENDMENTS TO BE IN WRITING

The Chairperson may call upon any mover of an amendment to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager.

37. WITHDRAWAL OF MOTION OR AMENDMENT

A motion or amendment may be withdrawn by the mover with the consent of the seconder.

38. MOTIONS TO BE SECONDED BEFORE DISCUSSION

- (1) No motion or amendment shall be discussed or put to the Council until it shall have been seconded.
- (2) A member who has seconded a motion or amendment in a formal manner shall afterwards be permitted to speak upon it.

39. POINTS OF ORDER AND EXPLANATION

- (1) Any member, whether he/she has spoken on the matter or not, may speak to a point of order or in explanation, but such explanation shall be confined to some material part of his/her former speech which may have been misunderstood. A member so speaking shall be entitled to be heard forthwith. A point of order must be within the confines as contained in Schedule 2 of these Standing Rules.
- (2) When a member wishes to raise a point of order, he/she shall stand to draw the attention of the Chairperson.

40. CHAIRPERSON'S RULING ON A QUESTION OF ORDER

The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

41. MAJORITY TO DECIDE

All resolutions that may come before the Council and its Executive Committee shall be done and decided in accordance with paragraphs 9 and 10 of these Standing Rules.

42. EVERY MEMBER TO VOTE

- (1) Every councillor shall give his/her vote on every division at which he/she is present, and no councillor shall leave the meeting during the time the Chairperson is putting the question.
- (2) Voting shall be by a show of hands or ballot, at discretion of the Speaker, taking into account the sensitivity of the vote.

43. HOW TAKEN

- (1) The Municipal Manager or an official designated by him/her shall act as teller and declare to the Chairperson the result of the division. The Chairperson shall thereupon declare the motion carried or lost, and it shall be recorded in the minutes. If any member so request, his/her name shall also be recorded.

(2) The Chairperson shall have a second or casting vote in cases of an equality of votes.

44. TERMS OF REFERENCE OF COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE

Upon the appointment of any Committee, the Executive Committee shall specifically determine the terms of reference of such Committee and shall fix the quorum of such Committee. The Council's Standing Rules and Orders shall apply *mutatis mutandis* to all sub-committees.

45. THE COUNCIL MAY INCREASE OR RESTRICT POWERS

With the exception of the Executive Committee whose functions are determined in terms of section 44 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the Council may at any time extend, withdraw or modify the duties and powers of a Committee.

46. MINUTES OF COMMITTEES

(1) Every Committee appointed in terms of section 80 of the Local Government: Municipal Structures, 1998 (Act No. 117 of 1998) shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee, the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. Except as to accuracy, no discussion or motion shall be allowed upon the minutes.

(2) Minutes of all committees of the Council shall be submitted to the Executive Committee.

47. INSPECTION OF MINUTE BOOKS

The minutes of Council meetings as well as that of every committee shall be open for inspection in terms of the Promotion of Access to Information Act/Manual.

48. MEMBER MAY RESIGN SEAT ON COMMITTEE

Any member of a committee may resign his/her seat on the committee by a notice in writing signed by him/her and sent to the Municipal Manager. Any such resignation shall be reported to the Executive Committee to the end that the vacancy may be filled.

49. DAY AND TIME OF MEETINGS

The day and time of meetings of any Committee appointed in terms of section 80 of the Local Government: Municipal Structures, 1998 (Act No. 117 of 1998) shall be determined by terms of reference of the specific committee.

50. WHEN PORTFOLIO COMMITTEES TO MEET

Every Portfolio Committee shall meet in accordance with its terms of reference.

51. MEMBERS OF THE COUNCIL MAY ATTEND ANY COMMITTEE

Members of the Council shall have the right to attend any Committee, but members of the Council so attending shall have no right to join in the deliberations of the committee concerned, except with the permission of the committee.

52. PROCEDURES OF COMMITTEES

Every matter brought before a committee shall be decided by a majority of those present and voting. The voting shall be by show of hands or ballot. Any two members of the Committee then present and voting may require the names of the persons voting and the vote given to be entered in the minutes.

53. DUTIES OF CHAIRPERSON OF COMMITTEE

The Chairperson of a Committee shall preside at every meeting of the Committee at which he/she is present. He/she shall be entitled to vote in the first instance, and, in case of an equality of votes, may give a second or casting vote. He/she shall sign the minutes when the same have been passed by the Committee. It shall be his/her duty, if present, to bring up the report of the Committee to the Executive Committee.

54. APPOINTMENT OF AN ACTING CHAIRPERSON

Each Committee may, if it thinks fit, appoint an Acting Chairperson, if appointed, shall preside at the meeting in the absence of the Chairperson.

55. POWERS OF ACTING CHAIRPERSON

The Acting Chairperson shall, when presiding, have the same powers and rights of voting as those possessed by the Chairperson. He/she shall, in the absence of the Chairperson, bring up the report of the Committee to the Executive Committee and/or Council.

56. PROCEDURE TO REVOKE PREVIOUS RESOLUTIONS OF THE COUNCIL

Except upon the recommendation of the Committee to which the Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the Council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor: Provided further that the Municipal Manager may table a relevant agenda item to revoke a previous resolution of the Council in the normal course of business.

57. INFORMATION TO BE OBTAINED FROM THE MUNICIPAL MANAGER

Members of the Council who desire to obtain from any official of the Council information with regard to the administrative work of the Council which is not accessible to the general public should address their enquiries to the Municipal Manager in terms of the Promotion of Access to Information Act/Manual.

58. INFORMATION TO THE PRESS AND PUBLISHING OR DISCLOSING DOCUMENTS

- (1) The Municipal Manager in conjunction with the Mayor may in their discretion, on application being made to him/her by any registered newspaper, supply to such newspaper or its representative policy statements and/or official information and reports relating to the work of the Municipality. The Municipal Manager being the authorised channel through which newspapers may receive official information and reports, members of the Council shall under no circumstances send to the press documents supplied to them with a view to their consideration by the Council or any Committee or publishing any unedited information or statements which could be construed as disclosing confidential or privileged information which might be prejudicial to the Council.
- (2) For the purpose of this item, "privileged or confidential information" means the information referred to in section 10(2) of the Code of Conduct for Councillors Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000).

59. PERSONAL CANVASSING FOR APPOINTMENT : A DISQUALIFICATION

- (1) Personal canvassing for appointments in the gift of the Council is strictly prohibited. Proof shall disqualify a candidate for appointment.
- (2) This Standing Rule shall be quoted in advertisements calling for applications for appointments.

60. USE OF CELL PHONES IN COUNCIL OR COMMITTEE MEETINGS

No usage of cell phones shall be permitted during Council or Committee meetings.

61. SUSPENSION OF STANDING RULES

No Standing Rule shall be suspended without the vote of a majority of the members of the Council or of two-thirds of the members present, and a motion, duly seconded, to suspend the Standing Rules shall be put without debate.

62. LEGAL DEFENCE AND INDEMNIFICATION OF COUNCILLORS AND OFFICERS OF THE MUNICIPALITY : PRIVILEGES AND IMMUNITIES

- (1) The Council may determine the circumstances in which it will undertake the defence of or pay the legal costs or costs and the amount in respect of any legal proceedings whether civil or criminal a councillor or an official may have against any person, body organisation or institution arising from the councillor's or official's capacity as a councillor or official of the Council.
- (2) The provisions of section 28 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as contained in Schedule 3 of these Standing Rules are incorporated as part of these Standing Rules.

63. AUTHORITY OF INDIVIDUAL COUNCILLORS

- (1) Individual councillors shall not have any executive power and cannot give instructions to officials or make any decisions binding on anyone else in regard to Council matters; or to ask the committee concerned to institute an enquiry into or otherwise deal with any aspect of matters of the Council which he/she feels requires attention.
- (2) The provisions of section 11 (Intervention in administration) of the Code of Conduct for Councillors as contained in Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000) is incorporated as part of this Rule.

64. ADMISSION OF PUBLIC TO MEETINGS

Meetings of the Council and those of its committees are open to the public, including the media, and the Council or such committee may not exclude the public, including the media, from a meeting except in those instances as stipulated in Section 20 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000).

65. COUNCIL PROPERTY

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

66. PROCEDURE FOR INFRINGEMENTS**(1) Responsibility of the Speaker**

- (a) The maintenance of the discipline of councillors is, in the first instance, the responsibility of the Speaker, or when the Speaker is to be sanctioned, the Mayor.
- (b) The Speaker is to determine whether an alleged breach of the councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000)) or these Standing Rules and Orders is to be dealt with by issuing an informal warning, the Speaker's hearing or a hearing by a Special Committee.

(2) Investigation

If the Speaker, on reasonable suspicion, is of opinion that a provision of these Standing Rules or the Councillor's Code of Conduct has been breached for which breach a sanction is provided, the Speaker shall authorise an investigation of the facts and circumstances of the alleged breach by an appropriate body determined by the Speaker.

(3) Charge

- (a) In the event of alleged misconduct by a councillor, which, in the opinion of the body charged by the Speaker with the investigation, would appear to be sufficiently serious to warrant a sanction more serious than an informal oral warning, the councillor concerned will be issued with a charge sheet by the Speaker detailing —
 - (i) the alleged misconduct; and
 - (ii) the evidence for such misconduct.
- (b) The charge shall further give the councillor concerned notice of his/her right to —
 - (i) the sight of any affidavits, documents or real evidence discovered as a result of the investigation and of the report of the body that investigates the breach;
 - (ii) a reasonable opportunity to reply in writing regarding the alleged breach;
 - (iii) resign;
 - (iv) the presence of his/her party whip at any sanctioning of a councillor; and
 - (v) demand the hearing of oral evidence in a Speaker's hearing.
- (c) A copy of the charge shall further be given by the Speaker to the party whip of the councillor concerned.

(4) Rights of Councillors

A councillor who receives a charge shall be entitled to —

- (a) affidavits, documents or real evidence discovered as a result of the investigation and of the report of the body charged by the Speaker with the investigation;
- (b) resign from the Municipal Council: Provided that he/she does so prior to the leading of evidence at any hearing;
- (c) reply to the Speaker in writing to the charge setting out contradicting evidence or evidence in mitigation;
- (d) have his/her party whip present at any sanctioning; and
- (e) demand the hearing of oral evidence either in a Speaker's hearing or a Special Committee as to be determined by the Speaker within such reasonable time as may be set out in the charge.

(5) Sanctioning without the Speaker's disciplinary hearing

Where —

- (a) the councillor concerned does not demand the hearing of oral evidence in a Speaker's disciplinary hearing in terms of these Standing Rules; and
- (b) the Speaker is of the opinion that the interest of justice will not be served by holding a Speaker's disciplinary hearing, the Speaker may, out of own accord, sanction such councillor in terms of these Standing Rules: Provided that he/she shall report the matter and his/her conclusions to a meeting of the Municipal Council in the manner prescribed in the Municipal Systems Act, 2000 (Act No. 32 of 2000).

(6) Speaker's disciplinary hearing

- (a) A Speaker's disciplinary hearing shall be held by the Speaker's Tribunal consisting of the Speaker together with two assessors appointed by the Executive Committee for each hearing within a reasonable time of —
 - (i) the councillor concerned exercising his/her right of hearing; or
 - (ii) the Speaker determining that the interests of justice will be served by holding a Speaker's disciplinary hearing.
- (b) The Speaker shall serve notice of the time and place of a Speaker's disciplinary hearing.
- (c) In any Speaker's disciplinary hearing —
 - (i) the hearing shall follow the adversarial format;
 - (ii) an appropriate person shall lead the evidence for the charge;
 - (iii) the councillor may be represented at the hearing by his/her party whip, any other councillor or any other person;
 - (iv) the councillor and/or his/her representative is entitled to cross-examine the evidence adduced by the person leading the evidence for the charge and to produce any evidence;
 - (v) the Speaker shall also be entitled to cross-examine the evidence adduced by the councillor and/or his/her representative;
 - (vi) the hearing, once convened, shall be recorded in accordance with the requirements of the Secretary to the Council who shall be responsible for the accuracy of the official record.
- (d) After having considered the evidence, the Speaker and the two assessors shall make their decision on a majority of votes.
- (e) In the event of the Speaker's Tribunal concluding that there was an infringement, they will then hear any plea in mitigation and/or extenuation prior to deciding the sanction.
- (f) If the Speaker's Tribunal, after considering both sides, is of the opinion that, on the balance of probabilities, a councillor is liable for a sanction, the Speaker shall impose such sanction and serve notice on the councillor of the sanction in which notice they shall further set out —
 - (i) the rights of the councillor under the Constitution, the Municipal Systems Act, 2000 (Act No. 32 of 2000), the Administrative Justice Act and any other law; and
 - (ii) that the debt (if any) arises from the date the notice was issued.
- (g) The councillor shall sign a duplicate of the notice to confirm receipt thereof.
- (h) The Speaker shall report the fact of the hearing and the Tribunal's conclusions thereon to a meeting of the Municipal Council.
- (i) A report in terms of section 66(6)(h) of these Rules is open to the public.
- (j) The Speaker shall forward the report to the MEC for Local Government in accordance with the Councillors' Code of Conduct.

(7) Internal appeals

- (a) A councillor has the right to appeal to the Special Committee in the event of the Speaker's Tribunal imposing a sanction on that councillor: Provided that —
 - (i) a letter of appeal is lodged with the Speaker within five (5) days of receipt of the notice in terms of section 66(6)(f) of these Rules;
 - (ii) appeals will only be heard on the grounds of an appeal submitted by the councillor concerned in his/her letter of appeal.
- (b) No sanction shall be executed by the Municipality prior to finalisation of any appeal which is timeously lodged in terms of section 66(7)(a)(I) of these Standing Rules.
- (c) The Special Committee may either rehear all or part of the matter or limit the appeal to argument on specific grounds of appeal.
- (d) The Special Committee may, on appeal, reduce the sanction imposed by the Speaker's Tribunal or set aside or confirm the decision given at the Speaker's disciplinary hearing.
- (e) For the purpose of the Council's procedure of infringements, the Special Committee shall mean a five (5) member committee as appointed by the Executive Committee for each hearing.

(8) Procedure

- (a) Subject to the provisions of section 66(7) of these Rules, the provisions of section 66(3) shall apply to any hearing by the Special Committee.
- (b) Any councillor has the right to appeal to the MEC against any finding of the Special Committee and/or sanction imposed by such Committee following the same procedure as determined by section 66(7) of these Rules.

67. SANCTIONS**(1) General**

Subject to the requirements of substantive fairness, the Councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000 (Act No. 2000)) and the provisions of these Standing Rules, the Speaker's Tribunal or the Special Committee, as the case may be, has the right to determine the sanction to be applied, depending on the seriousness of the infringement.

(2) Warnings**(a) Informal oral warnings**

Where the Speaker's Tribunal is of the opinion that the interests of justice will best be served by issuing an informal oral warning to a councillor for an infringement, the Speaker shall —

- (i) issue such warning to the councillor in private; and
- (ii) notify the party whip of the issuing of such warning.

(b) Formal warnings

- (i) Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best

be served by issuing a formal warning to a councillor for an infringement, such sanction shall, after confirmation by the Municipal Council, be —

- (aa) expressed in writing; and
 - (bb) served on the councillor concerned and on the party whip, and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.
- (ii) Where, as a result of repeated Infringements, the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best be served by issuing a formal final warning to a councillor, such sanction shall, after confirmation by the Municipal Council —
- (aa) be expressed in writing;
 - (bb) state that in the event of the councillor infringing against the Councillor's Code of Conduct or these Standing Rules, the Special Committee shall consider advising the Municipal Council to request the suspension or removal of such councillor in terms of the Councillor's Code of Conduct; and
 - (cc) be served on the councillor concerned and on the party whip, and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules in such manner as the Speaker deems appropriate.

(3) Formal reprimand

Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interest of justice will best be served by issuing a formal reprimand to a councillor for an infringement, the Speaker shall at a meeting of the Municipal Council —

- (a) call upon the councillor concerned to stand in front of the Municipal Council; and
- (b) state the infringement and reprimand the councillor in such language as he/she deems appropriate; and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules and may further publicise the infringement in such manner it deems appropriate.

(4) Suspension

- (a) Where the Special Committee is of the opinion that the interests of justice will best be served by the suspension of a councillor from the Municipal Council for a period for an infringement, the Special Committee shall so report to the Municipal Council and the Municipal Council shall report thereon to the MEC for Local Government in terms of the Councillors' Code of Conduct.
- (b) In the event of the MEC for Local Government imposing any suspension of a councillor for a period in terms of the Councillors' Code of Conduct —
 - (i) the councillor shall be suspended without any remuneration during such period; and
 - (ii) the Speaker shall enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.
- (c) A suspension shall be regarded as a sanction more serious than a formal final warning or formal reprimand.

(5) Civil fines

- (a) Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best be served for an infringement listed in Column 1 of Schedule 1 of these Standing Rules by imposing a civil fine listed in Column 2 of that Schedule on a Councillor, such sanction shall be —
 - (i) expressed in writing; and
 - (ii) served on the councillor concerned and on the party whip; and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.
- (b) Where provision is made in these Standing rules for the fining of any councillor, and a councillor is fined, the Municipality may deduct such fine from any monies as may be owing to the councillor by the Municipality or recover such fine as a civil debt.

(6) Expulsion

- (a) Where the Special Committee is of the opinion that the interests of justice will best be served by the expulsion of a councillor from the Municipal Council for an infringement, the Special Committee shall so report to the Municipal Council and the Municipal Council shall report thereon to the MEC for Local Government in terms of the Councillors' Code of Conduct.
- (b) In the event of —
 - (i) the MEC for Local Government imposing the expulsion of a councillor in terms of the Councillors' Code of Conduct; or
 - (ii) a councillor being expelled in terms of section 67(6)(a);
 the Speaker shall enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66(6)(c)(vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.

68. RECORD OF SANCTIONS

- (1) The Speaker shall keep a record of all sanctions imposed on any councillor, which record shall be open to public scrutiny at the Information Office during office hours.
- (2) The record of sanctions contemplated in section 68(1) of these Rules will remain on record and shall be taken into consideration for precedent purposes and for determining the sanction for repeated infringement where sanctions are imposed on a councillor.

69. REPEAL OF THE EXISTING STANDING RULES AND ORDERS

The Standing Rules and Orders for the Melmoth Transitional Local Council, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

SCHEDULE 1

Infringements and civil fines

Column 1 Infringement	Column 2 Maximum Civil Fine
(1) Not attending a meeting which the councillor concerned was required to attend,	2 weeks salary

(2)	Failure to remain in attendance at a meeting which the councillor concerned was required to attend.	2 weeks salary
(4)	Failure to withdraw from the proceedings of the Municipal Council or a Committee when a matter in which the councillor concerned or any spouse, partner or business associate of that councillor may have any direct or indirect personal or private business interest is considered by the council or Committee; unless the Municipal Council or the Committee concerned decided that the direct or indirect interest in the matter is trivial or irrelevant.	1 month's salary
(5)	Failure to disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Municipal Council at which it is possible for the councillor to make the disclosure, where his or her spouse, partner, business associate or close family member, has acquired or stood to acquire any direct benefit from a contract concluded with the Municipality.	1 month's salary
(6)	Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract for the provision of goods, works or services to the Municipality	3 weeks salary
(7)	Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract involving the performance of any work otherwise than as a councillor for the Municipality.	3 weeks salary
(14)	Requesting, soliciting or accepting any reward, gift or favour for voting or not voting in a particular manner on any matter before the Municipal Council or before a Committee of which that councillor is a member.	5 months salary
(15)	Requesting, soliciting or accepting any reward, gift or favour for persuading the Municipality in regard to the exercise of any power, function or duty.	5 months salary
(16)	Requesting, soliciting or accepting any reward, gift or favour for making a representation to the Municipality.	5 months salary
(17)	Requesting, soliciting or accepting any reward, gift or favour for disclosing privileged or confidential information.	5 months salary
(18)	Interfering in the management or administration of the Municipal Administration unless mandated by resolution of the Municipal Council.	3 months salary
(19)	Using the position or privileges of a councillor for private gain or to improperly benefit another person.	5 months salary
(20)	Using privileged or confidential information obtained as a councillor for private gain or to improperly benefit another person.	5 months salary
(21)	Without the permission of the Municipal Council or of the Committee concerned disclosing any privileged or confidential information of the Municipality in any way whatsoever.	6 weeks salary
(22)	Giving or purporting to give any instruction to any employee of the Municipality except when authorised to do so by resolution of the Municipal Council.	3 weeks salary
(23)	Obstructing or attempting to obstruct the implementation of any decision of the Municipal Council or a Committee by an employee of the Municipality.	6 weeks salary
(24)	Encouraging, soliciting or participating in any conduct which would cause or contribute to maladministration in the Municipality.	3 weeks salary
(25)	Using, taking, acquiring or benefiting from or taking advantage of any property or asset owned, controlled, or managed by the Municipality to which the councillor concerned has no right.	6 weeks salary
(26)	Assaulting any person on municipal premises or on municipal business.	3 months salary
(27)	Stealing any property from municipal premises.	5 months salary
(28)	Malicious injury to municipal property.	3 weeks salary
(29)	Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.	2 weeks salary
(30)	Failing to fall silent when the Presiding Officer speaks or rises during a meeting.	2 weeks salary
(31)	Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
(32)	Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
(33)	Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.	2 weeks salary

SCHEDULE 2

Clarification: A point of order (Section 39)

Definition: It is in fact an appeal to the chairman for his ruling on a matter concerning the conduct of a meeting. The chairman's decision is final and in any event he has a discretion to accept the point of order or not.

Clarification

34. A point of order is a question raised with a view of calling attention to any departure from the prescribed modes of proceeding in debates.
35. A councillor whether he has spoken on the matter under discussion or not, may rise to a point of order or in explanation.
36. Such explanation shall be confined to some material part of the discussion which may have been misunderstood.
37. A councillor so rising shall be entitled to be heard forthwith.
38. He must state the point clearly and confine himself strictly to the matter under discussion.
39. The ruling of the chairman on a point of order, or on the admissibility of a personal explanation shall be final and not open to discussion.
40. If a member challenges the ruling of the chairman on any point of order, the chairman shall direct him to conduct himself properly and to discontinue his speech and resume his seat.

Summary

- (1) A point of order can be put at any time during a meeting.
- (2) A point of order can be put regarding —

- (a) bad language;
 - (b) a standing rule not complied with
 - (c) an amendment rule not complied with;
 - (d) an amendment that is *ultra vires*;
 - (e) a matter pertaining to the good order; or
 - (f) an explanation required.
- (3) A point of order must be phrased as a question.

SCHEDULE 3

Privileges and immunities

28.

- (1) Provincial legislation in terms of section 161 of the Constitution must provide at least —
- (a) that councillors have freedom of speech in a municipal council and in its committees, subject to the relevant council's rules and orders as envisaged in section 160(6) of the Constitution; and
 - (b) that councillors are not liable to civil or criminal proceedings, arrest, imprisonment or damages for —
 - (i) anything that they have said in, produced before or submitted to the Council or any of its committees; or
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its committees.
- (2) Until provincial legislation contemplated in subsection (1) has been enacted, the privileges referred to in paragraphs (a) and (b) of subsection (1) will apply to all Municipal Councils in the province concerned.

No. 61, 2005

1 kuZibandlela 2005

UMASIPALA waseMthonjaneni ngokwesigaba 156 soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ufundwa nezigaba 11 no 98 zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo:

UMASIPALA WASEMTHONJANENI

IMITHETHODOLOBHA YEZIMPAWU ZOKUKHANGISA

1. Izincazelo

- (1) Ekuhumusheni le Mithethodolobha, amagama alandelayo noma izisho kuyoba nencazelo ezinikezwe yona la ngenzansi, ngaphandle uma lezo zincazelo ziphikisana nesimo enzeka kuso.
- “**umkhangiso**” kusho noma yiliphi igama, uhlamvu, inombolo noma into ethile noma isifinyezo segama elithile nanoma yiluphi uphawu noma yiliphi ilambu okungahlosiwe nje ukubalikhanyise noma ukwexwayisa nganoma iyiphi ingozi, onhloso yawo kungukuqhakambisa imboni, ibhizinisi, umsebenzi, umcimbi noma umgidi wanomayiluphi uhlobo futhi okugqamile kunoma yisiphi isitaladi noma endaweni yomphakathi;
- “**uhlaka lokukhangisa**” kusho noma yiluphi uhlaka olwakhelwe ukukhangisa;
- “**isithuthi sokukhangisa**” kusho isithuthi esakhelwe futhi salungiselwa ukubeka imikhangiso;
- “**ukukhangisa emoyeni**” kusho noma yimuphi umkhangiso obekwe emoyeni ngokusebenzisa ibhaluni, ikhayinti, noma yini efuthekayo, indizamshini nanoma iyiphi enye indlela.
- “**ukunamathisela**” kubandakanya ukupendela kokuthile kanti “**okunanyathiselwe**” kunencazelo efanayo;
- “**imikhangiso enyakazayo**” kusho imikhangiso esebenza ngamandla kagesi equkethe imiyalezo eyethulwa ngokuthi inyakaze okwenziwa imisebe ethile kagesi;
- “**umfakisicelo**” kusho umuntu noma abantu abafake isicelo sokugxumeka umkhangiso, leso sicelo esiyogunyazwa ngumnikazi wezakhiwo lapho kuzobekwa khona uphawu lokukhangisa;
- “**okufanele**” kusho ukuthi ubukhulu, ukufakwa, izimpahla indawo noma izisekelo, ngokubona koMkhandlu, zifanelekile, kuzo zonke izimo;
- “**invume**” kusho invume yoMkhandlu noma yeziphathimandla ezigunyaziwe;
- “**uphawu oluyibhanela**” kusho uphawu lwesikhashana noma olungenakuguqulwa olupendiwe endwangini eboshwe ngezintambo noma ngenye indlela;
- “**okunanyathiselwa kwezaziso**” kusho umkhangiso onanyathelisiwe ngqo entweni engakhelwe ukubeka imikhangiso;
- “**isakhiwo**” kusho noma yiluphi uhlaka olunezindonga noma olungenazindonga, olunophahla noma olunokwemboza kanye nesikhala sokungena esejwayelekile kanye nesinye esingaphansi, esemboza noma iyiphi indawo engaphezu kwama-*square metre* amahlanu futhi ubude baso bangaphakathi bungamamitha ayisikhombisa;
- “**umpheme**” kusho into emile esaluphahla odongeni lwesakhiwo;
- “**uhlaka**” kusho into ukweseka kwayo okuncike esakhiweni esingenalo uhlaka oluvundlile noma ezinye izisekelo;
- “**ugquko**” kusho ushintsho kokuqokethwe yimikhangiso ebekwe uhlaka lwezimpawu oluvunyiwe;
- “**ubude obubonakalayo**” maqondana nezimpawu isikhala phakathi komphetho osekugcineni ngci wophawu kanye nokulingana nomhlaba, nendlela yezinyawo noma yomgwaqo ngaphansi kophawo;
- “**uphawu oludidiyele**” kusho izimpawu eziningi, ezinobukhulu obulinganayo, ezifakwe zamiswa zalingana esigxotsheni esisodwa noma ngaphezulu;
- “**okungasha**” kusho okungashisa noma kudale ukusha ezingeni elingamagrizi angama-75 noma ngaphansi uma kuhlolelwa ukusha ngokuhambisana neZinga aseBrithani 46: Izincazelo zokungabambi umlilo, zezimpahla zokwakhwa nezakhiwo (kubandakanya izindlela zokuhlola);
- “**uMkhandlu**” kusho uMasipala waseMthonjaneni kanye nowabalandela ekuphatheni ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomidi lawo eliPhethe nanoma yimuphi omunye umgwamanda osebenza ngokwamandla owanikezwe nomthetho, nanganoma yisiphi esinye isiphathimandla iKomidi elikhulu elinikeze noma yimaphi amandla kanye nemisebenzi okuphathelene nale Mithethodolobha;
- “**impahla yoMkhandlu**” kubandakanya yonke impahla, noma ngabe inokususwa nengenakususwa, okungeyoMkhandlu, elawulwa yiwo;

- “**iqele**” kusho indawo yonke ephakathi kwemingcele yeziza engaba yisiza sanoma yisiphi isakhiwo;
- “**ukudepha kophawu**” kusho ibanga phakathi komphetho ophezulu nophansi wophawu;
- “**okuthathwa njengokufanele**” kusho ukuthi uma uphawu lokukhangisa luhambisana nendlela ethile ebekiwe kungathathwa ngokuthi luyahlangabezana nezidingo zoMkhandlu ngezinhloso zemvume;
- “**izindawo ezibekiwe**” kusho izinga likulawulwa elibekiwe emgomweni wokukhangisa izinhlobo ezahlukahlukeni zezimpawu zokukhangisa;
- “**okubekiwe**” kusho okubekiwe noma okufakiwe kophawu lokukhangisa noma lwesakhiwo;
- “**uphawu lukagesi**” kusho uphawu olusebenza ngamandla kagesi, olukhangisiwe olwenza ukuthi umkhangiso uvele unyakaze ngezindlela eziningi;
- “**umkhangiso wokhetho**” kusho umkhangiso osetshenziswa maqondana nokhetho lwesifundazwe, lukazwelonke noma lukamasipala, ukhetho lwesihlalo esisodwa noma lokuthola umqondo wabantu;
- “**ukuhlola umthelela kwezemvelo**” maqondana nokukhangisa phandle kusho ukuhlola umthelela wophawu lokukhangisa kezemvelo noma olunye uhlobo lwempahla engenakusiswa edayisayo noma eqashisayo;
- “**ifulegi**” kusho isiqephusendwangu (noma okufanayo) okubekwe kuyo umkhangiso onanyathiselwe entanjeni, epalini noma uthi lwefulegi elime lavundla ngendlela yokuthi elikuquthe akafundeki uma kunomoya. Amafulegi awabandakanyi –
- (a) amafulegi kazwelonke angenayo imikhangiso ngaphezu komdwebo wefulegi noma wothi lefulegi;
- (b) amafulegi aphethwe kwinhlabaluhide;
- “**umkhangiso obanizayo**” kusho umkhangiso osebenza ngogesi obanizayo ovela ubuye ucishe;
- “**uphawu olugxunyekwe emhlabathini**” kusho uphawu olugxunyekwe emhlabathini olungananyathiselwe esakhiweni noma odongeni;
- “**uphawu olukhanyisiwe**” kusho uphawu lokukhangisa olufakwe ngogesi nganoma yiluphi uhlobo lombani ngenhloso yokukhanyisa umyalezo;
- “**okubekwe ngokusemthethweni**” kusho okubekwe endaweni lapho kuzobonwa khona ngumphakathi ngokuhambisana neMithethodolobha esebenza ngaleso sikhathi zokufakwa kophawu;
- “**udonga olukhulu**” kusho noma yiliphi ingaphandle lodonga lwesakhiwo kodwa aluyukubandakanya uthango lokuvikela noma insika kavulanda noma uvulanda ophakeme;
- “**uphawu olumahambanendlwana**” kusho uphawu olunanyathiselwe esithuthini noma enqoleni okusetshenziselwe ukukhangisa kuphela;
- “**umasipala**” kusho indawo eyenganyelwe nguMasipala waseMthonjaneni;
- “**umgwamanda ongezi nzuzo**” kusho umgwamanda osungulelwe ukuphakamisa inhloso yomphakathi ngaphandle kokuzuzwa imali kwanoma yimuphi umuntu noma kwenhlangano eyenza inzuzo ethintekayo;
- “**umhlali**” kubandakanya noma yimuphi umuntu ohlala endaweni noma ezakhiweni ngaphandle kokubheka itayitela lomuntu ahleili endaweni yakhe;
- “**uphawu lombukiso wendlu**” kusho uphawu lwesihashana olukhombisa ukuthi iyabukiswa kwabafisa ukuyithenga;
- “**inkomba**” maqondana nanoma yimuphi umkhangiso, kusho ukuthi lowo mkhangiso udlulisela kuphela igama nohlobo lwemboni, lwebhizinisi, lomkhakha noma lomsebenzi owenziwayo kuleso sakhiwo okubekwe kuso umkhangiso;
- “**ukukhangisa ngaphandle**” kusho noma yiluphi uhlobo lokukhangisa njengoba kuchaziwe, olubonakala kunoma yisiphi isitaladi nom indawo yomphakathi futhi okwenzeka ngaphandle;
- “**ubude obugcwele**” maqondana nophawu, kusho ibanga lokusuka phezulu kuya phansi kanye nokulingana nomhlaba, nendlela yezinyawo noma nomqondo;
- “**ibhodi eliphathekayo**” yinoma yiluphi uphawu oluzimele nanoma yiluphi uhlobo oluhlazekayo olungaxunyekwe emhlabathini futhi olungasuswa kwalula;
- “**amaphosta**” kusho izaziso ezinkulu emgaqweni ezibekwe okwesikhashana esitaladini noma endaweni yomphakathi njengesimemezelo somhlangano, somcimbi noma somgidi ophathelene nokhetho noma nomcimbi;
- “**izakhiwo**” kusho noma yiliphi ibhilidi kanye nomhlaba lelo bhilidi elakhiwe kuwo;
- “**uphawu olwenziwe laphumela ngaphandle**” kusho noma yiluphi uphawu olukhishwe ngekhamera yokuthatha izithombe zebhayisikobho, kodwa akubandakanyi uphawu oluphumele ngasohlangothini lwababukeli, noma endaweni yokubuka izithombe okungenwa kuyo ngezimoto ngesikhathi sombukiso;
- “**uphawu oluphumele ngaphandle**” kusho noma yiluphi uphawu olusodongeni; olunamathiselwe ebhilidini futhi olukhiphela ngaphandle amamili mitha angama-300 odonga lwalelo bhilidi;
- “**indawo yomphakathi**” kusho noma yimuphi umgwaqo, isitaladi, indlela, ibhulohlo, indledlana, indlelayabahamba ngezinyawo, umhubhe, indawo evulekile, ingadi, ipaki noma indawo evikelekile eginwe nguMkhandlu kodwa umphakathi ovumelekile ukuyisebenzisa;
- “**ukukhangisa kude noma kolunye uhlangothi**” kusho ukuthi okuquthe kulowo mkhangiso akuhambisana nanoma yini eyenziwa ezakhiweni lapho umkhangiso ubekwe khona;
- “**udonga lokubiya**” kusho noma yiluphi udonga olungaphandle lwebhilidi noma lwanoma yiluphi udonga, olubhekene kunoma yimuphi umngcele ngaphandle kwengaphambili lesitaladi;
- “**indawo ebekiwe emgaqweni**” kusho indawo equkethwe ebubanzini obusemthethweni bomgwaqo;
- “**umthetho wokuHamba kweziThuthi Mgwaqeni**” kusho uMthetho wokuHamba kweziThuthi eMgwaqeni kaZwelonke, 1996 (uMthetho No. 93 ka1996) kanye neMithethodolobha emenezelwe ngokuhambisana naloMthetho njengoba uchitshiyelwe ngezikhathi ngezikhathi;
- “**uphawu lwezithuthi olusemgwaqeni**” kusho noma yiluphi uphawu njengoba kuchaziwe eMthethweni wokuHamba kweziThuthi eMgwaqeni, 1996 uMthetho No. 3 ka 1996);
- “**uphawu lwaphezu kwendlu**” kusho uphawu olupendwe noma olunamathiselwe nqo phezu kokumboze ibhilidi;
- “**SAMOAC**” kusho uMkhandlu wokuKhangisa ngaphandle waseNingizimu Afrika;
- “**ibhodi esasemishi**” kusho ibhodi eliphathekayo, elinamacala amabili, eligxunyekwe emhlabathini lavundla noma eliphethwe ngumuntu noma isithuthi;
- “**uphawu**” kusho noma yiluphi uhlobo olubekwe ngenhloso yokukhangisa;
- “**impambana-mgwaqo enezimpawu**” kusho indawo lapho kuphambana kwanomigwaqo elawulwa ngamarobothi;
- “**uphawu olusemoyeni**” kusho uphawu olubekwe noma olugxunyekwe ophahleni noma phezu kophahla lwesakhiwo, kodonga lokuvikela noma ondini lophahla lwebhilidi;
- “**invume ethile**” kusho invume ebhaliwe yoMkhandlu okudingeka ukuba yethulwe uma kufakwa isicelo;

“**impahla yesitaladi**” kusho izinsiza zomphakathi kanye nezinhlaka okuhloswe ngakho ukukhangisa kubandakanya namabhentshi okuhlala, okutshaliwe, imigqomo kadoti, imipheme yokulindla amabhasi, amawashi kathaniwolo, imithombo yokuphuza, kodwa akabandakanyi izimpawu zomgwaqo, amarobothi, amalambu okukhanyisa, nanoma yiluphi olunye uhlobo oluphathelele nongmwaqo;

“**izimpawu zamagama emigwaqo**” kusho izimpawu ezisezixotsheni, ezinamacala amabili, ezivikelwe ngepulasitiki ukuze zingangenwa ngamanzi noma zigqwaliswe yilanga ezibhalwe amagama ezitaladi;

“**umugqa wesitaladi**” kusho umngcele wesitaladi somphakathi;

“**uphawu lwesikhashana**” kusho uphawu, olungafakiwe unomphele futhi olungahlotshisiwe ukuthi luhlale endaweni eyodwa, olusetshenziselwa ukukhangisa okwesikhashana;

“**umkhangiso-ntathu**” kusho okubekiwe, ngokusebenzisa uhlobo oluvela imikhangiso, okwenza imiyalezo emithathu ngendlela ehlelwe ngayo;

“**uphawu olungaphansi kompheme**” kusho uphawu olufakwe noma olunamithiselwe kwikhenophi noma kuvulandi;

“**uvulandi**” kusho uhlobo olunamithiselwe noma oluphuma ngaphambili ebhilibini olusekelwe ngamapali;

“**indawo ebonakalisayo**” kusho indawo ebekiwe emgwaqenikunoma iyiphi indawo okwazi ukuyibona uma ukunoma iyiphi indawo, kodwa akubandakanyi indawo esebangeni elingamamitha angama-250 ukusuka emngceleni osemgwaqeni onguthelawayeka endaweni esedolobheni; kanti

“**indawo**” kusho ukusetshenziswa njengoba kuchaziwe oHlelweni lokuHlela anaDolobha waseMthonjaneni uma kwenziwa amalungiselelo.

(2) Ngezinhlalo zokusetshenziswa kokukala, kubukhulu noma kwezindawo ezibalulwe kule Mithethodolobha maqondana nezimpawu, kuyosetshenziswa lokho ophawini lonke kubandakanya noma yisiphi isikhala esiphakathi kwezinhlamvu, kwamagama, kwezindombolo, kwezimpawu, kwezithombe, kwemidwebo kanye nokunye okufana nakho okuyela kulolo phawu, nakunoma yisiphi isikhala phakathi kobukhulu bophawu kanye nomkhangiso ovela kulona.

(3) Amagama abhekiswe kunoma yimuphi umuntu ayobandakanya abantu, izinkampani kanye nezinhlango, kanti ubulili buyobandakanya abantu besifazane kanjalo nabesilisa, kuthi ubunye bubandakanye ubuningi.

2. Ukwamukeleka kwemikhangiso nezimpawu

(1) Kweyame kwizinhlizeko zale mithethodolobha, akukho muntu oyogxumeka adale avumele ukuthi kugxonyelwe, kushintshwe, kubekwe noma kugcinwe noma yimuphi umkhangiso noma okubonakala kunoma yisiphi isitaladi noma endaweni yomphakathi nakunoma iyiphi indawo yoMkhandlu ngaphandle kokuthola imvume ebhaliwe eMkhandlwini noma kwiziphathimandla zawo.

(2) Izimpawu zesikhashana noma eziphathekayo okungaba ngamaphosta nokunye okufana nawo okukhangisa okwesikhashana ngenhlobo noma maqondana nomcimbi othile okwesikhashana okuphathele nawo, kubandakanya imikhangiso ekhombisa indlela eya kulowo mcimbi, izimpawu eziphathelele nokhetho noma obanjwe noma owenziwa ngaphansi komthetho kanye nezimpawu eziphethwe esitaladini, ziyobekwa ngemvume ebhaliwe yoMqondisi weMisebenzi yobuChwepheshe futhi kweyame kuleyo mbandela angayibeka. Lezo zimpawu ziyayikuba ngaphezu kwamamitha anga-0,5 m² ubukhulu.

3. Imikhangiso nezimpawu ezikhululiwe

1. Kweyame kwizinhlizeko zale Mithethodolobha, imikhangiso nezimpawu okungadingekimvume ngazo yilezi ezilandelayo:

(a) Noma yimuphi umkhankaso noma uphawu olungeqile kwe -2 okudingeka ukuthi zibekwe ngokwanoma yimuphi umthetho kaZwelonke, wesiFundazwe nama kaMasipala, njengenkampani, njengenhlango, njengezakhiwo ezinelayisense noma amahhovisi okusebenza noma yiluphi uphawu lwezokuphepha olulodwa esitaladini ngasinye noma ezakhiweni.

(b) Noma yimuphi umkhangiso noma uphawu oluphezulu nom oluseduze kwendawo yokungena kunoma yiziphi izakhiwo lapho kuqhutshelwa khona ibhizinisi futhi olunegama lalelo bhizinisi.

(c) Umkhangiso noma uphawu olulodwa ekungeneni kwesitaladi olukhombisa kuphela igama noma uhlobo lwebhizinisi, indawo yokuhlala kanjalo negama lomnikazi, lomlingani noma likachwepheshe ubukhulu obungama-1,5m² uphawu ngalunye, noma olukhombisa igama kanye nohlobo lwezikhungo nezinye izinsiza zomphakathi ubukhulu obungama-3 m² uphawu ngalunye.

(d) Noma yimuphi umkhangiso ongavikelwe obekwe ngaphakathi kwebhilibi noma efasiteleni lokukhangisa noma ngaphambili esitolo.

(e) Noma yimuphi umkhangiso ongaphezu kwama-4,5m² ebekwe onqenqemeni lwezakhiwo ophathelene nendawo yokuhlala ezoqashiswa noma ezodayiswa ebhilibini, okumele kubu ngumkhangiso owodwa kumdayisi wezindlu ngamunye ekungeneni esitaladini esisodwa futhi okungamele ubekwe isikhathi esingaphezu kwezinsuku ezingamashumi amathathu emva kosuku lokuqashis nom a lokudayisa.

(f) Amabhodi ahangisa ngezinhlalo ezithile zabakhi nabanye abasebenzi abazimele abayingxenywe yohlelo, angaphezukwama -18m² ubude bawo bungama-6m, abekwe isikhathi esingaphezu kwezinsuku ezingamashumi amathathu emva kokuphela kohlelo.

(g) Ifulegi likazwelonke lanoma yiliphi izwe ngaphandle, uma ngokubona koMkhandlu, kusetshenziswe amafulegi andgaphezu kwelilodwa ukqhakambisa, ukukhangisa noma ukuhlonza umsebenzi wezomnotho, lapho kuyosebenza izihlizeko zale Mithethodolobha.

(h) Noma yiluphi ushintsho kunoma yimuphi umkhangiso obekwe okude noma ogxonyekwe uma uMkhandlu usukhiphe imvume yokukhangisa uhlobo olunophawu.

(i) Ukukhangisa emoyeni ngokusebenzisa ibhanoyi: Inqobo nje uma imvume edingekayo itholakale eMkhandlwini wezokuNdiza, kubandakanya nanoma yimiphi imibandela enganqunywa.

(j) Izimpawu eziphathelele nokudayisa ngokushesha kwamaphephandaba nokunye esitaladini somphakathi.

(k) Izimpawu okudingeka ukuthi zibekwe ngokwale Mithethodolobha.

(l) Izimpawu, ezikhululiwe nguMphathi kaMasipala ngokubonisana nekomidi leziKhundla lamaPulani amaBhilibi nokuHlela.

4. Ukufaka isicelo, ukuhlolwa kanye nenqubo yokuzikhalela

(1) Wonke umuntu onenhlobo yokubeka, ukugxumeka, yokushintsha noma yokugcina noma yimuphi umkhangiso noma uphawu, akutholele imvume yoMkhandlu ngaphambilini. Uyoletsa isicelo esibhaliwe eMkhandlwini ngendlela enqunyiwe, kanye nemali enqunyiwe ngokuhambisana noHlelo lowezimali zokukhangisa (uHlelo A). Isicelo siyosayinwa ngumnikazi wophawu lokukhangisa oluhlongoziwe nangumnikazi obhalisiwe womhlaba noma webhilibi, ngogunyazwe nguye ngokmubhalwe yilowo mnikazi futhi iyophelezela ngamapulani alandelayo adwetshwe ngokuhambisana nalezi zidingo ezilandelayo:

(a) Ipulani yendawo edwetshwe ngendlela ethile ekhombisa uphawu oluphathelele nemigwaqo eseduze kanye nezinhlaka ezingamamitha aangama -500, lapho kufanele.

(b) Ipulani yesiza ekhombisa indawo lapho kunophawu noma kunomkhangiso ezakhiweni, edwetshwe yaba 1:500 uma kunikezwa ubukhulu obuphelele, ekhombisa indawo lapho kunophawu oluphathelele nemingcele, nezinye izakhiwo, nezinhlaka, nemisebenzi kanye nokugqamile esizeni futhi ekhombisa izitaladi kanye nezakhiwo ezisemhlabeni oseduze kwesiza.

- (c) Imidwebo echazwe ngokwanele ukuthi uMkhandlu ukwazi ukucubungula indlela uphawu noma umkhangiso okubukeka ngayo kubandakanya impahla, ukwakha kanye neminingwane yokuvikeleka.
- (d) Imidwebo echazwe ngokuphelele ekhombisa ngokugcwele iminingwane yomkhangiso edwetshwe yaba 1:200 lapho kufanele.
- (e) Imidwebo echazwe ngokuphelele ukwenyuswa kanye nezigaba ezi-1:100 ekhombisa indawo lapho kunomkhangiso noma uphawu oluphathelele nezakhiwo, nezinhlaka, nokugqamile kanyenezinye izimpawu zokukhangisa ezisesakhiweni nasezindaweni ezakhelele naso.
- (f) Izithombe ezinimbala zokukhombisa indawo lapho kunophawu oluphathelele nezakhiwo, nezinhlaka, nokugqamile kanye nezinye izimpawu zokukhangisa ezisesizeni naseduze kwaso.
- (g) Leyo mibhalo eyengeziwe, yokuhlola isimo sezemvelo kanye nezithombe nakho kuyadingeka, ngokubona koMkhandlu, ukuze kuchaze kabanzi ngohlelo nendlela yokusetshenziswa.
- (2) Ezimweni ezithile, uMkhandlu ungazinqumela ngokwawo ukwamukela imidwebo ekhombisa kuphela ingxenye yepulani noma ukuphakama kwesakhiwo, noma imidwebo emincane, noma imidwebo eyenziwe ngekhompuyutha ekhombisa okuhlongozwayo lapho imidwebo ethile kungabanzima ukuthi ihlinzekwe noma izithombe uma lokhu kubonakala ukuthi akwenele.
- (3) Ngaphezu kwaalokho, lapho kunesidingo, umfanekisicelo uyoletsa ezinye izinhlaka kanye nezitifiki njengoba udingeka ukuba kudingeka ukuthi ahlinzeke iminingwane egcwele yezibalo, yobukhulu kanye nempahla esetshenzisiwe ohlakeni lokweseka, ukukhandwa, ukuvikeleka nokusimama kohlaka nomkhangiso walo ukuqinisekisa ukuthi kungawo, kuviphephile nasemlilweni ngokuhambisana nezihlinzeko zoMthetho wamaZinga oKwakha neMithethodolobha yoKwakha kaZwelonke, 1977 (uMthetho No. 103 ka 1977) kanjalo noMthetho obhekele ezempilo nezokuPhepha eMsebenzini, 1993 (uMthetho No. 85 ka 1993), njengoba ichtsheyelwe njalo emva kwesikhathi.
- (4) Ngaphezu kwalokho, umfanekisicelo uyokhokhela uMkhandlu nganoma yikuphi okungadalwa ngokugxumeka, ngokukhangisa noma ngokuba khona nje kwalezo zimpawu.
- (5) Zonke izimpawu ezizogxunyekwa noma ezizobekwa kumele zihambisane zeMithethodolobha yokuHlelwa kwamaDolobha ekhona, kanjalo neminye imithetho ehambisana nayo, njengoba ichtshiyelwa njalo emva kwesikhathi.
- (6) Ekucubunguleni izicelo, ngaphezu kokunye, uMkhandlu uyoqinisekisa ukuthi ukwakheka nokubekwa kwazo zonke izimpawu zokukhangisa ziyahambisana nenqubomgomo yoMkhandlu kanye nemihlahlandlela ye-SAMOAC yokulawula ngemibandela kanye nemigomo, njengoba ichtshiyelwa njalo emva kwesikhathi.
- (7) UMkhandlu ungenqaba isicelo noma ukhiphe imvume yawo, kweyame emibandeleni njengoba ungabona kungashesha kodwa kungaphikisani nezinhlinzeko zale Mithethondaba noma nenqubomgomo yoMkhandlu yokukhangisa ngaphandle.
- (8) Ukuvunywa noma ukunqantshwa kwesicelo nguMkhandlu kuyokwenziwa ngokubhaliwe kuhlinzekwe nezizathu ezinsukwini ezingama-60 kulethwe isicelo ngokwale Mithethodolobha.
- (9) Ekuvunyweni, ikhophi yesicelo esigcwaliswe ngendlela njengoba silethiwe iyogcinwa nguMkhandlu njengerekhodi.
- (10) Noma yimuphi umkhangiso noma uphawu olubekwe ngokuhambisana nemvume ekhishiwe kanye nanoma yimuphi umbandela ochitshiyelwe obekwe kuleyo mvume, kanye nomuntu ogxumeka uhawu oluvunyiwe uyokwazisa uMkhandlu ezinsukwini eziyisikhombisa egxumeke lowo mkhangiso noma lolo phawu.
- (11) Umuntu onikezwe imvume yokubeka noma yimuphi umkhangiso noma uphawu okwedlula emngceleni wanoma yisiphi isitaladi noma indawo yomphakathi uyongena esivumalwaneni esibhaliwe noMkhandlu, akhokhele umkhandlu maqondana nophawu futhi kuyo akhokhele uMkhandlu imali enqunyiwe njalo ngonyaka yokweqa umudwa.
- (12) Imvume yazo zonke izimpawu zokukhangisa iyoba sezandleni zoMkhandlu futhi iyosebenza isikhathi esiyonqunywa nguMkhandlu noma ngabe kumaqondana nohlaka lokukhangisa noma nokuqokethwe ngumkhangisi noma kokubili, emva kwalokho isicelo esisha okumele sicutshungulwe kumele silethwe eMkhandlwini ukuze sicutshungulwe ngokwale Mithethodolobha.
- (13) Umfakisicelo angakhalaza nganoma yikuphi ukwenqantshwa kwesicelelo, ukwehluleka ukuthatha isinqumo, umbandela obekwe yisiphathimandla esigunyaziwe.
- (14) Isikhalo okukhulunywe ngaso esigatsheni (13) siyofakwa ezinsukwini ezingamashumi amathathu kukhishwe isaziso futhi siyoletshwa, kanye nombiko, ekomidini elifanele loMkhandlu ukuze sicutshungulwe.
- 5. Ukuhoxiswa noma ukuchitshiyelwa kwemvume**
- (1) UMkhandlu, nganoma yisiphi isikhathi, unгахoxisa imvume ekhishwe noma uchibiyele noma yimuphi umbandela noma ubeke omunye maqondana naleyo mvume uma, ngokubona komkhandlu, uphawu lokukhangisa lungahambisani nemihlahlandlela yokulawula izimpawu ngokwenqubomgomo yoMkhandlu noma ye-SAMOAC, njengoba uchitshiyelwa njalo emva kwesikhathi, nanoma yisiphi esinye isizathu uMkhandlu osibona sifanele.
- (2) UMkhandlu, nganoma yisiphi isikhathi, ungamisa imvume yawo yokukhangisa ngophawu oselweqe indawo obekuvunyelwe ngayo futhi wesule leso sivumelwano okukhulunywe ngaso esigabeni 4(11), unike umnikazi noma umfanekisicelo isaziso esibhaliwe ngaleso sinqumo. Umnikazi noma umfakisicelo naye uyokwazisa uMkhandlu ngokubhaliwe anikeze iminingwane nganoma iyiphi inhloso yokudlulisela ubunikazi bophawu olwenabele kwenye indawo.
- (3) Uphawu oluvunyiwe luyogxunyekwa ezinyangeni eziyisithupha kusukela ngosuku lokuvunywa kwalo emva kwalokho lolo phawu luyophelelwa yisikhathi ngaphandle uma kwenziwe isicelo ngokubhaliwe sokwelula isikhathi, leyo mvume engakhishelwa izinyanga ezimbili.
- (4) Noma yisiphi isicelo esibuyiselwe kumfanekisicelo ukuze sicutshiyelwe siyoletshwa kabusha ezinyangeni ezimbili kusukela ngosuku lwezaziso sokubuyisela, okudlula lapho isicelo siyophelelwa yisikhathi.
- (5) Imvume yophawu lokukhangisa iyonikezwa umfanekiso kuphela futhi iyophelelwa yisikhathi uma eyeka ukusebenzisa izakhiwo, inqobo nje uma imvume ebhaliwe ingakhishwa nguMkhandlu yokudlulisela leli lungelo kumuntu omusha ozohlala ezakhiweni uma leyo mvume idingeka ezinsukwini ezingamashumi amathathu kusukela osukwini angene ngalo.
- (6) Umkhangiso osebenza ngamandla kagesi noma ovikelwe, ngokubona koMkhandlu, odala ukuthikamezeka kubahlali kubahlali banoma yiziphi izakhiwo ezithintekayo iyoshintshwa ngendlela eyonqunywa nguMkhandlu ngokubhaliwe, noma isiswe ngumfakisicelo noma ngumhlali leso sikhathi esingabekwa.
- (7) Imvume enikezwe maqondana nomkhangiso noma nophawu iyophelelwa yisikhathi uma noma yiluphi ushintsho noma ukwengezwa kwenziwe kulowo mkhangiso noma kulolo phawu, inqobo uma uMkhandlu uvuma izinguquko ezingatheni ngokubona kwawo ngokusayina isicelo sasekuqaleni.
- 6. Izidingo eziphathelele nokwakha**
- (1) Zonke izimpawu ziyokwakhiwa kahle nangobunono, zenziwe futhi ziphothulwe ngendlela enobuchwepheshe.
- (2) Zonke izimpawu ziyo namathiselwa esakhieni, ocingweni noma odongeni, ziyofakwa ziqine ngendlela ephiphile ukuze zinganyakazi nangayiphi indlela. Indlela yokunamathisela iyoba ngendlela yokuthi ivikela, isekela futhi igcina isisindo sophawu okukhulunywe ngalo

ngaphezu kwanoma yimuphi umfutho engamelana nawo. Ukusetshenziswa kwezikipikili kanye nokufasa ngenhloso yokuqinisa nokwesekela akuvumelekile.

- (3) Zonke izimpawu eziphumele ngaphandle noma eziboshiwe, uma uMqondisi wezobuChwepheshe evuma, oLungasekekile nxazonke —
- luyoba nguthayela;
 - izindawo zokweseka ezimbili ziyokwazi ukuthwala isisindo sophawu;
 - amandla, uma ehlanganisiwe, ayobalwa esisindweni sophawu anofutho womoya ovundlayo ongama- 1,5 kPa;
 - luyokwakhiwa ngobunono njengengxenywe yokwakha uphawu noma lusitheke.
- (4) Zonke izimpawu ezisekele lokho, ezinamathiselwe ezitinini noma kusimende ziyuqiniswa zinamathiselwe ngamabhawodi kulezo zitini noma kulowo simende. Amabhawodi ayolingana ukuze kuqinisekise ukuhambisa nendima (2) no (3) walokhu.
- (5) Ingilazi
Zonke izingilazi ezisetshenziwe ophawini (ngaphandle kwengilazi esetshenziselwe ukushubha esetshenziselwe ezimpawini ezikhanya ngogesi nama ezinye ezifana nazo) kuyoba ngezengilazi yokuvikela engamamimitha okungenani ama-3,5 ubukhulu. Amaphaneli engilazi ezimpawini angeke abe ngaphezu kwama-2m² ubukhulu, iphaneli ngayinye iyofakwa iqine emzimbeni wophawu izimele yodwana.
- (6) Izidingo zamandla kagesi
Zonke izimpawu ezivikelekile futhi zonke izimpawu okuyosetshenziswa kuzo amandla kagesi —
- ziyokwakhiwa ngempahla engenakudala umlilo;
 - ziyohlinzekwa ngeswishi yangaphandle endaweni okufinyeleka kalula lapho ukuhakwa kukagesi kungacishwa khona;
 - ziyoxhunywa ngendlela ebekwe kwiMithethodolobha.
- (7) Bonke othayela abavele ngaphandle kophawu, bayopendwa noma belashwe ukuvikela ukudleka kuthi zonke izingubo zelashwe ukuze zivikelwe ukubola.
- (8) Akukho phawu oluyokwakhiwa ngendwangu, ngekhalibhothi, ngephepha noma ngokunye okufana nacho kuphela, uma uphawu kungolwezinhlalo ezizayo zokujabulisa umphakathi lubekwe endaweni yokubuka izithombe noma yemidlalo yeshashalazi, noma kunguphawu olufakwe kwisivikela langa.

7. Izidingo zamandla kagesi

Zonke izimpawu zokukhangisa ezisebenza ngamandla kagesi noma ezivikelwe kubandakanya okokwesekwa kanye nohlaka ziyokwakhiwa ngokungenakusha futhi ziyofakwa ngendlela yehlinzeko zeziNtela zamaZinga neziNqubo koMkhandlu kanye noMgomo wokusebenza wokufaka ugesi ezakhiweni ngokuhambisana ne-SABS noma nomthetho osetshenziswayo noma neMthethonqubo.

8. Ukugcinwa kwezimpawu

- Umuntu onophawu, olawula noma yiluphi uphawu, ngesikhathi lolo phawu lusafakiwa noma lusakhiwa ngokwephula izinhlinzeko zalo Mthethodolobha, uyothweswa icala.
- Akukho phawu, olukhona noma olwebela emugqeni wesinye isitaladi esiyohlala, ngaphandle kwemvume yoMkhandlu. UMkhandlu ngesaziso esibhaliwe esinikezwe umuntu onophawu noma olawula uphawu ungadinga ukuthi lowo muntu asuse lolo phawu ngesikhathi esibekwe kuleso sazi, ngaphandle uma ngokubona koMkhandlu uphawu luyingxenywe yokungadala ingozi emphakathini, noma ingakulimaza noma kuthikameze noma yimiphi imisebenzi yoMkhandlu ekhona noma ehlongozwayo isitaladi somphakathi, uMkhandlu uyoba nelungelo lokususa lolo phawu. Noma yimuphi umuntu owehluleka ukuhambisana nanoma yisiphi isaziso uyothweswa icala.
 - Umuntu onophawu noma olawula uphawu olwenabela emugqeni wesinye isitaladi uyokhokhela uMkhandlu ngezinyathelo ongathathelwa zona noma ngayinoma yimuphi umuntu ngokulahlekelwa, ngokulinyazwa, ngokugcinwa, ngokukhandwa noma ngokususwa kophawu futhi uyokhokhela uMkhandlu maqondana nazo zonke izindleko ezidalwe ngumvikela
 - Umuntu onophawu nomaolawulwa uphawu olwenabela emugqeni wesinye isitaladi uyokhokhela uMkhandlu imali enqunyiwe ohlelweni lwezintela maqondana nesamba sendawo okubekwe kuyo umkhangiso (kubandakanya nanoma yisiphi isikhala esiphakathi kwezinhlamvu kanye nesikhala esiphakathi kophawu nobukhulu balo).
 - Izimali ezingenhlala ziyokhokhwa kumasipala kogunyazwe yiwo ngesikhathi kufakwa isicelo ngaphambilini, nangemuva kokuphela konyaka kwafakwa isicelo isikhathi uphawu lusafakiwe.
 - Akukho mali eyokhokhwa ngaphandle uma uphawu lwenabela kwenye indawo, noma lungaphezu kwamamimitha ayi-100.
 - Lapho ngesikhathi esiyizinyanga eziyi-12 okukhulunywe (i), noma yiluphi uphawu olufakwe ngokungemthetho esikhundleni solunye uphawu, akukho mali eyengeziwe eyokhokhwa maqondana nalesi sikhathi ngaphandle uma uphawu olufakiwe lulukhulu kunolukhishiwe, lapho imali eyenziwe eyobalwa njengoba kubekiwe ngenhla maqondana nendawo kuyomele ikhokhwe ngokushe sha eMkhandlwini.
 - Lapho uphawu lusuwe ngokuzithandela, noma ngokulayelwa nguMkhandlu, akukho mali eyobuyiselwa nguMkhandlu.
 - Ukukhohlwa kwanoma yiziphi izimali njengoba kuhlinzekwe lapha angeke nangayiphi indlela kuthikameze izinhlinzeko zendima
 - yale Mithethodolobha
 - Umuntu onophawu noma olawula uphawu olwenabela emugqeni wesinye isitaladi, kuyothi uma ecelwa ngokubhaliwe nguMqondisi weMisebenzi yezobuCiko, angene esivumelwaneni esibhaliwe noMkhandlu maqondana nalolo phawu, athathe izibopho eziqokethwe endimeni (b) no (c) wale Mithethodolobha. Njalo uma kwenziwe ushintsho ekuhlonzeni umuntu onophawu noma olawula uphawu, lolo shintsho luyokwaziswa uMqondisi weMisebenzi yobuCiko ngokubhaliwe ngumuntu obenalolo phawu noma obelawula lolo phawu.

9. Amacala nokuuswa kwezimpawu

- Noma imuphi umuntu obeka noma ogxumeka noma yimuphi umkhangiso noma uphawu okungatholalalanga mvume yakho eMkhandlwini ngokwesigaba 2, noma imvume yakho esiphelelwe yisikhathi, noma lowo mkhangiso noma lolo phawu olungahambisani nesicelo esamukelwe nanoma yimiphi imibandela yaso, okungahambisani noma okuphikisana nanoma yiziphi izinhlinzeko zale Mithethodolobha nanoma yimuphi omunye uMthetho noma uMthethonqubo, uyothweswa icala.
- Noma imuphi umuntu ogxumeka noma oqhubeka nokubeka noma yiluphi uphawu noma umkhangiso okungasenasidingo ezakhiweni okubekwe kuzo ngegunya lokushintshwa kokusebenza, lobunikazi noma lokuhlala nanganoma yisiphi isizathu, uyothweswa icala.
- Noma yimuphi umuntu obeka noma ogxumeka noma yimuphi umkhangiso noma uphawu okungahambisa okungahambisani nanoma yiziphi izinhlinzeko, izidingo noma imibandela njengoba kubekiwe kunoma yisiphi isaziso sale Mithethodolobha nanoma yimuphi omunye umthetho osetshenziswayo, noma oqamba amanga ngenhloso maqondana nanoma yisiphi isicelo ngokwale Mithethodolobha, uyothweswa icala.
- UMkhandlu unganikeza isaziso umuntu obeka umkhangiso noma ogxumeke uphawu noma odala ukuthi uphawu noma umkhangiso kebekwe noma kugxunyekwe, noma umnikazi noma umhlali wasezakhiweni lapho lowo mkhangiso noma lolo phawu lubekwe noma luxgunyekwe khona noma kubona bobabili labo bantu basuse lowo mkhangiso noma lolo phawu noma benze lowo msebenzi njengoba ungabekwa

esazisweni, ngesikhathi esibalulwe lapho esingeyukuba ngaphansi kwezinsuku eziyisikhombisa kusukela ngosuku lokufika kwesaziso, ukuze umkhangiso noma uphawu kuhambisane nomthetho.

- (5) Uma noma yimuphi umuntu onikezwe isaziso ngokwesigatshana (3) ehluleka ukuhambisana nomyalo oqukethwe kuleso saziso ngesikhathi esinqunyiwe, uMkhandlu ungasusa noma uhlele ukuthi kususwe umkhangiso noma uphawu, noma wenze ushintsho kokunqunywe esazisweni.
- (6) UMkhandlu ungalanda izindleko zawo ezidalwe yinoma yikuphi kususwa, izinyathelo nomaukukhandwa kwempahla yawo noma yiziphi izindleko ongene kuzo kumuntu onikezwe isaziso ngokwesigatshana (3). Akukho sinxephezelo esiyokhokhwa nguMkhandlu kubantu ngenxa yalokho kususwa, kukhandwa noma kwezinyathelo ezithathiwe.
- (7) Noma imuphi umuntu ohluleka ukususa iphosta, ibhena, ifulegi noma umkhangiso wokhetho ngesikhathi esinqunyiwe, uyothwesa icala. Umkhandlu uyoba nelungelo lokususa lowo mkhangiso bese uthatha imali enqunyiwe kunoma iyiphi idiphozi efakiwe maqondana nomkhangiso osuswe kanjalo nguMkhandlu: Inqobo nje uma isamba semali ethathiwe yeqile kwidiphozi efakiwe, uMkhandlu uyoba nelungelo lokuthatha leyo mali engaphezulu kulowo muntu. Kuphinde kincinke ekutheni uma leyo phosta, leyo bhena noma yilowo mkhangiso wokhetho ususwe ngokwale Mithethodolobha, uMkhandlu uyoba nelungelo lokulahlala lowo mkhangiso ngaphandle kokukhipha isaziso.
- (8) Noma imuphi umuntu, obeke noma odale ukuthi kubekwe noma yiliphi ibhodi eliphathekayo okukhishwe maqondana nalo imvume ngokwale Mithethodolobha, owehluleka ukususa lelo bhodi emahoreni amabili esikhathi esibalulwe esigabeni 9, uyothwesa icala futhi uMkhandlu uyoba nelungelo lokususa noma yiliphi ibhodi eliphathekayo nokuthola imali enqunyiwe kulowo muntu, Inqobo nje uma noma yiliphi ibhodi eliphathekayo lisuswe nguMkhandlu lingalahlwa ngaphandle kokuthi ukhiphe isaziso.
- (9) Noma imuphi umkhangiso noma uphawu ngaphandle kwalokho okukhulunywe ngakho ezigatsheni (6) no (7), ezasuswa noma ezathathwa nguMkhandlu ngokwale Mithethodolobha, zingacelwa ezinsukwini ezingamashumi ayisithupha kusukela ngosuku zasuswa noma zathathwa ngokukhokha izimali ezidingekayo, okwedlula lapho uMkhandlu uyoba nelungelo lokusebenzisa, lokuchitha noma okuthengisa lolo phawu ngokubona kwawo.
- (10) Uma, ngokubona koMkhandlu, uphawu lokukhangisa lungadala ingozi empilweni noma esakhiweni nalapho umfakisicelo noma umnikazi noma umhlali ehluleka ukuthatha izinyathelo ezifanele ngokushesha, uMkhandlu ungasusa noma uhlele ukususwa kwalolo phawu bese ufuna izindleko ongene kuzo.
- (11) Noma yimuphi umuntu, ngesikhathi kufakwa noma kususwa uphawu lokukhangisa, odala ingozi endaweni ohlakeni lwagesi, nakunoma yikuphi okunye okufakwe nguMkhandlu noma endaweni yawo, uyothwesa icala futhi unokujeziswa ngokwesigaba 15 sale Mithethodolobha futhi uyokhokhela umonakalo odalwe yilokhu.
- (12) UMkhandlu unelungelo lokususa okwesikhashana noma yiluphi uphawu lokukhangisa olungagunyaziwe endaweni yawo ngaphandle kokukhipha isaziso.

10. Izithibelo

- (1) Imkhangiso nezimpawu okulandelayo akuvunyelwe:
 - (a) Noma yimuphi umkhangiso noma uphawu, ngaphandle kophawu olukhululiwe, olungakhishelwanga mvume noma olungahambisani nezidingo, noma olungavumelekile ngokwale Mithethodolobha noma yimuphi omunye umthetho.
 - (b) Noma yimuphi umkhangiso, ngokubona koMkhandlu, ongahloniphekile noma wuhlobo olungadala ingozi emphakathini nakunoma yiliphi iqembu labantu noma kunoma yimuphi umkhaya.
 - (c) Noma yiluphi uphawu noma umkhangiso opendiwe noma onamathiselwe nganoma iyiphi indlela esihlahleni, esitshalweni, edwaleni nakunoma yini eyimvelo.
 - (d) Noma yimuphi umkhangiso noma uphawu okuthikameza noma yisiphi isitaladi, indlela yokubalekela umlilo, indlela yokuphuma, ifasitela, umnyango nanoma iyiphi intuba esetshenziswayo njengendawo yokuphuma noma yokungenisa umoya noma yokucisha umlilo.
 - (e) Noma yiluphi uphawu oluvikelwe nangayiphi indlela, oluthikameza noma oluyinkathazo kubahlali banoma yiliphi ibhilidi noma emalungwini omphakathi athintwa yilokho.
 - (f) Noma yimuphi umkhangiso noma uphawu okungavumelekile ngokoMthetho wokuHlelwa kwamaDolobha nanoma yimuphi omunye umthetho.
 - (g) Noma yimuphi umkhangiso noma uphawu olungafakiwe ngokuhambisana nale Mithethodolobha noma ngokungahambisani nemicikikilisho evunyelwe nguMkhandlu weDolobha, noma nemibandela ebekwe nguMkhandlu kuleyo mvume.
 - (h) Noma yimuphi umkhangiso noma uphawu okungathikameza noma yikuphi ukuhamba kwezithuthi noma uphawu lomgwaqo, noma kungathikameza noma kudale ingozi ekuhambeni kwezithuthi, komkhumbi noma kwezindiza noma emphakathini nje wonkana.
 - (i) Noma yimuphi umkhangiso noma uphawu oluvimbela noma oluthikameza abashayeli ukuthi babone ngalokho kubeka engozini abashayeli kanjalo nabahamba ngezinyawo.
 - (j) Noma yiluphi uhlobo oluputshuka kungaba okwamaphosta noma ngokwanoma yiluphi uhlaka olukhona ngaphandle kwemvume kamasi-pala.

11. Amandla okuzithathela izinqumo

- (1) UMkhandlu noma abagunyazwe yiwo bangazithathela izinqumo ngokuvuma noma ngokwenqaba izimpawu zokukhangisa ngokwenhlinzeko zale Mithethodolobha ezimweni ezilandelayo:
 - (a) Noma yimuphi umkhangiso osebhodini eliphathekayo obekwe endleleni yokuhamba abantu estaladini.
 - (b) Noma yiziphi izithuthi ezikhangisayo kanye nezindawo zazo zokukhangisa.
 - (c) Imkhangiso noma izimpawu ezipendelwe noma ezinamathiselwe ngaphezu kwanoma yiliphi ifasitela ngaphandle kwefasitela lokukhangisa.
 - (d) Imkhangiso noma izimpawu phezu kwekhenophi noma kukavulandi.
 - (e) Imimkhangiso ependelwe kokufulela noma ebekwe noma egzunyekwe njengophawu lwasemoyeni kunoma iyiphi indawo ngaphandle kweyezimbongi noma echwebeni.
 - (f) Imkhangiso noma izimpawu ezibekwe noma ezigxunyekwe kunoma iyiphi indawo ngaphandle kwezindawo yezimbongi noma yamabizini.
 - (g) Imkhangiso noma izimpawu ezenziwe ngempahla ethile uMkhandlu ongayiboni ifanelekile.
 - (h) Amabhena namafulegi okunamathiselwe epalini lokufaka ifulegi njengophawu lwaphansi noma olunamathiselwe esakhiweni noma ohlakeni.
 - (i) Noma yiziphi izimpawu zokukhangisa kude noma zezinhlangano ezingenzi nzuzo.
 - (j) Noma yimiphi imkhangiso noma izimpawu ezingahambisani nezinhlinzeko zale Mithethodolobha.

12. Izimpawu ezisendaweni yoMkhandlu kanye nemikhangiso yesikhashana

Imikhangiso yesikhashana kanye nezimpawu okusendaweni yoMkhandlu ziyovunywa nguMkhandlu njengoba kubekiwe kule Mithethodolobha. Ukukhangisa unomphela kanye nokufakwa kezimpawu endaweni yoMkhandlu njengempahla yesitaladi, izimpawu zamagama emigwaqo, imigqomo kadoti, imipheme yezitobhi, imikhangiso yomphakathi kanye nanoma yimiphi imikhangiso eqhelile kweyame emvumeni ethile yoMkhandlu kanye nasengubeni yamathenda uMkhandlu uyophoqeteke ukubeka futhi uvume imicikilisho kanye nendlela elindelekile yokusebenza kwalezi zimpawu ngaphambi kokukhipha izimemo.

(1) Amabhodi okukhangisa

- (a) Wonke umuntu ofisa ukubeka noma enze ukuthi kubekwe umkhangiso osebhodini lokukhangisa uyoletsa isicelo esibhaliwe eMkhandlwini ngendlela efanele futhi akhokhe imali enqunyiwe. Lezo zicelo ziyohambisana nombiko wokuhlola isimo semvelo lapho kusetshenziswa amabhodi okukhangisa angaphezu kwama-36m² noma amancane ngokubona koMkhandlu.
- (b) Lolu hlobo lophawu luyovunyelwa kuphela ezindaweni ezisemadolobheni anokulawulwa okuncane noma alawulwa ngezikhathi ngokubona koMkhandlu, weyame emvumeni ethile nombiko wokuhlola isimo semvelo njengoba kudingeka, oluyubandakanya okokubonisa nezokuphepha emgwaqeni.
- (c) Igama lomnikazi webhodi elinomkhangiso noma uphawu kumele libekwe ligqame kuwo wonke amabhodi kanye nenombolo evunyele nguMkhandlu.
- (d) Noma yiliphi iBhodi lokhangisa elibekwe kanjalo —
 - (i) liyohambisana nezidingo zomthetho weGatsha leMigwaqo kaZwelonke laseNingizimu Afrika noMthetho wokuHamba kweziMoto eMgwaqeni lapho kunesidingo;
 - (ii) liyohambisana nanoma umuphi uMthetho kaZwelonke, wesiFundazwe noma woHulumeni basekhaya kanye nezinqubomigomo, kubandakanya nale Mithethodolobha kanye nenqubomigomo yoMkhandlu yokukhangisa ngaphandle;
 - (iii) angeke ligxunyekwe endaweni elawulwa ngougcele, ngaphandle kokuhlola isimo semvelo kanye nokuhanganyela komphakathi, uMkhandlu ukhetha ukuthi leyo ndawo, kuleyo mibandela njengoba ingayibeka, ingahlelwa kabusha njengendawo elawula ngokusendimeni, okungeke phinde kuxegiswe kunohobo lwendawo eyakhelene nayo;
 - (iv) aliyukuba nabungozi emvelweni olwakhiwe kuyo ngenxa yobukhulu balo, noma yokusinda kokokuvikela noma yendlela elakhiwe ngayo;
 - (v) angeke kwelikuqethe, libe nolimi oluhlambalazayo, olungahloniphekile kunoma yiliphi ilungu lomphakathi;
 - (vi) asiyokusitha nangayiphi indlela noma yiluphi uphawu oluvunyelwe olwalugxunyekwe phambilini nolufakwe ngokusemthethweni;
 - (vii) aliyukudala ubungozi kunoma yimuphi umuntu noma indawo;
 - (viii) angeke lwenabele ngaphezu komngcele wendawo egxunyekwe kuyona;
 - (ix) angeke lugxunyekwe uma uMkhandlu ubona ukuthi luzoba uphazamiso kubashayeli, kwabahamba ngamabhayisekili noma kwabahamba ngezinyawo okungadala izimo ezingaphephile emgwaqeni.
- (e) Ukubekwa kwamabhodi okukhangisa —
 - (i) Kuyohlukaniswa ngamamitha ayi-120 noma angama-250 eceleni komgwaqo abhekiswe kuwo lapho ijubane elivumelekile kungamakhilomitha angama-60, angama-80 noma ayi-100 ngehora ngokwahlukahlukana;
 - (ii) angeke kube sematheni ayi-100 ukusuka emarempini emigwaqo yomphakathi naphezu kwerobothi;
 - (iii) akuyovunyelwa emamitheni ayi-100 ukusuka kwimpambanomgwaqo kunoma yimuphi umgwaqo ongumxhantela nasendaweni engamamitha angama-50 ukusuka phakathi kwempambanomgwaqo yanoma yimuphi umgwaqo ongebhizi;
 - (iv) akuyukuba ngaphezu kwamamitha ayi-12 ubude ngaphezu komgwaqo elibhekiswe kulo;
 - (v) akuyukuba ngaphezu kwamamitha-54 m² uma kuyizimpawu zasodongeni;
 - (vi) akuyukuba njengemibala eqgamile, umbala obomvu noma ophuzi noma oluhlaza uma lifakiwe kwizimpambanomgwaqo ezinezimpawu futhi angeke lithikameze noma yiluphi uphawu lomgwaqo;
 - (vii) angeke lithikameze ukuphepha emgwaqeni noma lithikameze noma livikelwe uma leso sivikelo, ngokubona koMkhandlu, singadali ingozi emgwaqeni noma yiluphi uphawu lomgwaqo;
 - (viii) kuyoqikelelwa ukuthi ukuhamba kwezithuthi emgwaqeni akuthikamezeki ngokufakwa kwalo nokuwalungisa emgwaqeni yomphakathi, ngaphandle uma kutholakale imvume ngaphambilini eMkhandlwini futhi kuthathwe nezinyathelo ezifanele futhi kwenziwa namalungiselelo;
 - (ix) lapho kunezimpawu ezifakwa odongeni, ziyofakwa kuphela eceleni nasemuva kwezindonga zebhili ezingawufezi umsebenzi wesitaladi noma wengaphambili lebhili.

(2) Izimpawu ezimbelwe phansi

- (a) Luyoba lunye kuphela uphawu okuyovunya ukuthi lufakwe ezakhiweni kungaba yilapho lolo phawu ludingeka khona ukukhombisa indawo yokungena noma yokuphuma ezakhiweni zebhizinisi; noma lapho kungeke kwafakwa izimpawu ezifanele ebholidini; noma lapho izakhiwo zakhiwe endaweni engenhle okwenza akuthi izimpawu zingabonakala; noma lapho ukuba khona kophawu oluzimele kungavimbela ukwandiswa kwezimpawu.
- (b) Izimpawu ezimbelwe phansi ezihakwe ezakhiweni njengezimpawu zebhizinisi kanye nezinhlaka zombhoshongo akumele zibe khona ngaphezu kwama-7,5 ubude sebuhlangene kanye nama-6 m² ubukhulu. Ngaphezu kwalokho, akumele kweqe kuma-4,5 m² ubukhulu maqondana nanoma yimuphi umkhangiso okhona futhi ungabi ngaphansi kwama-2,4 m ubude. Lapho kusentshenziswe uhlaka oluqine kakhulu; ubukhulu bendawo yophawu ngalunye kunganyuswa kube ngama-12 m². Uphawu olulodwa kuphela noma iphaneli yokukhangisa ophawini oluxubile oluyovunyelwa lwenkampani ethile ekungeneni kwesitaladi ngasinye.
- (c) Uphawu olusemoyeni kodwa olumbelwe phansi olungewona ama-7,5 m ngaphezu komhlaba noma kunini nobukhulu balo obungeqi ema-6 m nasema-3 m ubude, ubukhulu obungama-18m², kuyothathwa ngokuthi ubukhulu obufanele: Inqobo nje uma uphawu olukhulu aluyufakwa ngaphandle, uma ngokubona koMkhandlu, lolo phawu noma kuthathwa ngokuthi lugxunyekwe noma lufakwe endaweni efanele.
- (d) Zonke izimpawu ezigxunyekwe epalini elilodwa ziyokwakhiwa ngendlela yokuthi ubude bokusekele abubude kodw buhambisana nobukhulu bophawu.
- (e) Kuyovunyelwa izimpawu ezimbili kuphela esigxotsheni esikhulu embhoshongweni, ebhulohweni noma esigxotsheni ngasinye. Ubukhulu bophawu ngalunye olufakwe embhoshongweni akumele seqe ama-36 lube sohlakeni futhi akumele kube khona okuphumele ngaphandle noma okwanabele kwenye indawo.
- (f) Zonke izimpawu ezimbelwe phansi noma ezifakwe embhoshongweni, emabhulohweni noma ezigxotsheni ezinkulu ziyosekelwa ngazinye futhi zivikelwe yisisekelo esifanele futhi angeke zifakwe izindophi, izinsika, okokuzimela, kanye nokunye kokusekela noma zizisekele futhi zinganciki ohlakeni olukhona nangayiphi indlela.

(3) Izimpawu ezinamathiselwe odongeni**(a) Izimpawu eziyisicaba**

- (i) Ngaphandle uma kubekwe ngenye indlela, izimpawu eziyisicaba, angeke zenabelekwenye indawo ngokungaphezu kwamamilimitha angama-300 odongeni ezifakwe kulona. Uphawu olufakwe odongeni lungenabele kwenye indawo ngokungaphezu kwamamilimitha ayi-100 lapho ingaphansi lalolo phawu luyoba ngaphansi kwamamitha ama-2,4 endleleni yezinyawo ngaphansi kwalo kanti ukwenaba okukhulu obuyovunywa kuyoba ngamamilimitha angama-300 lapho ingaphansi lalolo phawu lingaphezu kwama-2,4n ngapezu kwaleyo ngdlela yezinyawo noma komhlaba.
- (ii) Izimpawu eziyisicaba kuyovunyelwa ukuthi zifakwe ngaphambili, eceleni noma emuva kwezindonga zebhilidi; izimpawu ezise-moyeni eziyisicaba kuyovunyelwa kuphela ukuthi zifakwe eceleni noma ngemuva ezindongeni zamabhilidi ezingawufezi umsebenzi wengaphambili lesakhiwo kanye nasezindongeni zomngcele wesiza sokwakha nasocingweni.
- (iii) Angeke kuvunyelwe izimpawu ezimbili eziyisicaba zaphansi zenkampani eyodwa futhi angeke kuvunyelwe izimpawu ezimbili eziyisicaba zasemoyeni.
- (iv) Izimpawu eziyisicaba angeke zivale amafasitela nanoma iyiphi enye intuba yebhilidi noma zithikameze ukubona kulezo zintuba.
- (v) Izimpawu eziyisicaba angeke zibe ngaphezu kwama-54 ubukhulu angeke zibe ngaphezu kwama-30% ubukhulu bodonga ezifakwe, ezinamathiselwe noma ezipendelwe kulona sebhlanganisiwe, noma ngabe yikuphi okuncane, inqobo nje uma endaweni esedolobheni ezilawulwa ngokugcwele izimpawu aziyukweqa ama-20% obukhulu bodonga.
- (vi) Ukuhlolwa kwesimo sezemvelo kuyodingeka kuzo zonke izimpawu ezingaphezu kwama-36.

(b) Izimpawu ezenabela kwezinye izindawo

- (i) Ubude bophawu olwenabayo buyoba ngaphezulu ngama-2,4 m.
- (ii) Izimpawu ezenabela kwezinye izindawo ziyoba ngama-300 mm ukuba wugqinsi.
- (iii) Izimpawu ezenabela kwezinye izindawo angeke zivunyelwe ukuthi zenabele ema -600 mm onqenqemq lomgwaqo.
- (iv) Ukwenaba okuvumelekile kuyoba ngama-1,5 m lapho uphawu olwenabayo lungaphezu kwama-7,5 m; kube lapho ubude bophawu bungama -7,5m.
- (v) Izimpawu ezenabayo ziyofakwa zithi mpo ekungeneni komgwaqo noma endleleni eqhamuka izithuthi.
- (vi) Zonke izimpawu ezenabayo ziyoba phansi.

(4) Izimpawu ezisophahleni

- (a) Ubukhulu obuvunyiwe bezimpawu ezisophahleni buyoba ngama-18 ezakhiweni ezinxantathu: Inqobo nje uma kuyovunyelwa uphawu olulodwa ebhilidini ngalinye.
- (b) Izimpawu ezisophahleni angeke zenabele ngaphambi kodonga lwesakhiwo ukuze zanabele ngale kophahla lwaeso sakhiwo kunoma yimuphi umkhondo.
- (c) Izimpawu zasophahleni angeke zithakameze ukubona noma inhlalakahle yanoma yiliphi elinye ibhilidi.
- (d) Izimpawu zasophahleni ziyobekwa ngendlela yokuthi azithikamezeki ukugeleza kwamanzi emvula ophahleni lwebhilidi.
- (e) Izimpawu zasophahleni ziyovikelwa futhi ziqiniselwe ebhilidini ezifakwe kulo futhi zonke izihlaka ziyosatahalaliswa kuwo wonke amalungu ayizihlaka zebhilidi ngaphandle kokusetshenziswa kwezindophi, nezinye izinto zokusekela.
- (f) Uphawu lwasophahleni, kubandakanya okokwesela ebhilidi, kuyokwakhiwa ngempahla engenakuqhuma idale umlilo evunyiwe nguMkhandlu noma abagunyazwe yiwo futhi uma ivikelwe, angeke iekwe phezu kophahla lwanoma yiliphi ebhilidi ngaphandle kokuthi lolo phawu, kanye nokwakhiwa kwalo konkana, kwenziwe ngempahla engekudala umlilo.

(5) Izimpawu ezibekwa kovulandi, kwikhenophi nangaphansi kwetende

- (a) Izimpawu zinganamathiselwa noma ipendelwe othangweni lokuvikela, epalini lokuvikela lesitezi noma lukavulandi, lwebhalikhoni, kanye nogongolo, lukavulandi noma lwebhalikhoni. Lezo zimpawu angeke zeze imitha ngobude, zenabele kwanoma iyiphi enye indawo ezinamathiselwe kuyo, noma zenabe ngaphezu kwama-300 mm ngaphambi kwendawo ezinamathiselwe kuyo noma zenabele kuma-600 mm onqenqema lomgwaqo.
- (b) Izimpawu zinganamathiselwa noma zipendelwe ezikhaleni ezisekele noma emapalini, Lezo zimpawu angeke zenabe ngaphezu kwama-500 mm ngaphambi kwalapho zinamathiselwa khona futhi angeke zenabele ngale kwanoma yisiphi isikhala noma kwepali. Uphawu olunamathiselwe lwayisicaba ohlakeni olusasilinda luyogotshiswa luhambisane nokuma kwalolo hlaka futhi uphawu olulodwa kuphela oluvunyelwa esikhaleni ngasinye noma ohlakeni.
- (c) Kweyame ezinhlizzekweni zezigatshana (a) no (b), izimpawu angeke zivunyelwe phezu kwamapulani ezakhiwo futhi angeke zivunyelwe ukuthi zemboze noma yiliphi ifasitela noma zithikameze ukubona kuleyo ntuba.
- (d) Izimpawu ezingaphansi kompheme kavulandi noma wekhenophi ziyoba yi -1 ubukhulu kuthi ubukhulu obuvunyelwe bube ngama -2 kanti ubude bophawu angeke beqe emamitheni ayi-8 noma ema-600 mm. Ubugqinsi okuvumelekile balezo zimpawu buphakathi kwamamilimitha ayi -100 kuya kwangama -300. Lolo phawu ngalunye luyoma luthi mpo emugqeni webhilidi futhi lunamathiselwe endaweni engubude obungama -2,4 m uphawu olulodwa kuphela lwenkampani oluyovunyelwa endaweni engama-3 m phakathi kwezimpawu. Lezo zimpawu angeke zenabele ngale konqenqema lwekhenophi noma lukavulandi ezinamathiselwe kulona.
- (e) Izimpawu ezisophahleni lwavulandi, lwekhenophi noma lwebhalikhoni, kungabandakanya uphawu olukhulu lwesakhiwo, luyokwakhiwa wumugqa owodwa ozimele, onqamula amalogo noma izinhlamvu zamagama ngaphandle kokusimamisayo okubonakalayo. Izimpawu ziyobekwa phezu kophahla lokavulandi lapho lowo vulandi ungenalo udonga olukahle. Okokubambelela uphawu olunganamathiselwa kukona. Zonke izimpawu angeke zenabele ngale kophahla lukavulandi, lwekhenophi noma lwebhalikhoni futhi kuyofakwa uphawu olulodwa lwenkampani ngayinye.
- (f) Okokuvikela isimo sezulu noma umpheme kuyokwenziwa kunamathiselwe ukuze kungehliswa kube ngaphansi kwamamitha amabili ngapezu kwendlela yezinyawo okungaphansi kwayo. Lolo phawu luyoqondana nomugqa webhilidi futhi kuyobekwa ngendlela yokuthi kungaphazamisi ukhamba kwezithuthi nokwabantu, amarobhothi kanye nezimpawu zomgwaqo noma yingayiphi indlela.
- (g) Izimpawu eziseduze nezakhiwo ziyooqondaniswa ukuze zakhe umugqa oqondile.

(6) Amaphosta, amabhena kanye namafulegi

- (a) Wonke umuntu onenhloso yokubeka noma yimuphi umkhangiso ophathelene nokhetho noma ophathelene nanoma yimuphi umhlangano, umcimbi wezemidlalo, wokugubha ezamasiko, wezemifundo, wezenkolo wezepolitiki nanoma yini enye ethi ayibe njalo kunoma yisiphi isitaladi somphakathi.
- (b) Zonke izicelo zemvume ziyokwenziwa ngendlela enqunyiwe futhi ziyophelezulwa yimali kanye nediphozi njengoba kubhaliwe oHlelweni lweziMali zeziMpawu zokuKhangisa (uHlelo A); leyo diphozi iyobuyiselwa kumnikazi uma yonke imikhangiso isisusiwe ngendlela egculisa uMkhandlu. Umfakisisicelo, ekufakeni isicelo, uyoletsha amaphosta aphathelene nomkhangiso kanye neminingwane ebhaliwe yezitaladi amaphosta azobekwa kuzona.

- (c) Noma yimuphi umuntu obeka noma odala ukuthi iphosta, ibhena noma ifulegi libekwe uyohambisana nalokhu okulandelayo okubekwe nguMkhandlu:
- (i) Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcimbi uyoba ngamamilimitha angama – 600 ubude x angama-450 ububanzi; ubude bawo buyoba ngamamitha amabili (2 m); futhi uyofakwa uqine ebhodini eliqinile nakunoma yiliphi elinye ibhodi elingemuva.
 - (ii) Uma kungamabhena noma amfulegi, ubukhulu buyoba ngama -3, ayofakwa emapalini angenahumuzeka nanoma uluphi uhloko oluvumelekile; futhi ayobekwa afaswe ngendlela yokuthi angabi nobungozi ezithuthini, kwabahamba ngezinyawo, kubantu noma ezakhiweni kunoma yisiphi isitaladi, endaweni yomphakathi noma endaweni yoMkhandlu.
 - (iii) Noma yimuphi umuntu, lapho kufakwa umkhangiso wokhetho, iqembu lezepolitiki ngalinye elibeka noma iyiphi iphosta yokukhangisa ephathelene nomhlangano ofanayo, noma nomcimbi uyovunyelwa ukufaka iphosta, eyodwa esesigxotsheni sikagesi. Akukho maphosta ayovunyelwa ukuba afakwe emabhulohweni, emarobhothini, ezimpawini zomgwaqo, kwezemvelo, emogwaqeni enguthela wayeka nasemzileni kazwelonke.
 - (iv) Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcimbi angeke ubekwe ngendlela yokuthi okuqukethwe yimikhangiso ehlukene uma ifundwa ngokulandelayo, yense umzekelo.
 - (v) Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcombi ngaphandle komgidi wokhetho, angeke ubekwe isikhathi esingaphezu kwezinsuku eziyishumi nane (14) ngaphambi kosuku ozoqala ngalo noma izinyanga ezintathu emva kosuku ophela ngalo imikhangiso yokhetho ingabekwa kusukela ekuqaleni kosuku lokumenyenzelwa kokhetho kuze kube wusuku lwesithathu emva kokhetho.
 - (vi) Isibalo esihlangene samaphosta abekwa ngasikhathi sinye aphaathelene nanoma yimuphi umhlangano, umcimbi noma umgidi akumele abe ngaphezu kwekhulu (100), ngaphandle uma ezimeni ezithile nangemvume yoMkhandlu. Uma kuyimikhangiso yokhetho, akukho mkhawulo oyobekwa esibalweni samaphosta afakwayo.
 - (vii) Noma yimuphi umkhangiso ophathelene nokhetho uyokenziwa ngesivumelwano phakathi kweKhomishana eziMele yoKhetho kanye neqembu lezepolitiki elithintekayo.
 - (viii) Amabhena avunye ngokwalesi sigaba angeke abe ngahezu kwama-6 .
 - (ix) Amaphosta endali avunye ngokwalesi sigaba angeke abe ngaphezu kwama-2 .
 - (x) Amabhena namafulgi angafakelwa izicelo njengemikhangiso ekhombisa indlela yokuhamba ezitaladini zasemadolobheni njengezindawo zokuthenga nezindawo okuhambeka kuzo noma zokukhangisa amagama kuphela, izimpawu zamabizisini kanye nohlobo lwezinkampani.
- (d) Yonke imikhangiso ekhishelwe imvume iyohlinzekwa ngombhalo woMkhandlu eyobekwa igqame ikhombisa imvume yoMkhandlu futhi uMkhandlu uyoba nelungelo lokugcina iphosta njalo eyodwa ngezinhloso zokuhlulwa.
- (7) **Amabhodi abathengisa izindlu kanye namabhodi aphaathekayo**
- (a) Wonke umthengisi wezindlu noma umuntu ofisa ukubeka noma yiliphi ibhodi eliphathekayo, njalo ngonyaka uyoletsa isicelo esibhaliwe eMkhandlwini futhi akhokhe imali enqunye ukuze athole imvume yesibalo samabhodi aphaathekayo abalulekuleso sicelo.
 - (b) Noma yimuphi umuntu obeka lelo bhodi eliphathekayo kunoma iyiphi indawo yomkhandlu ngaphandle kokuvimba emgwaqeni, ngaphandle kokunikezwa imvume yokukhangisa endaweni yoMkhandlu, uyohambisana nalokhu okulandelayo okudingwa nguMkhandlu:
 - (i) Amabhodi aphaathekayo kuyomele asethsensiswe kuphela ngezinhloso zokukhombisa indlela eya ezindaweni noma ezakhiweni ezizothengiswa noma ezizokhangiswa.
 - (ii) Amabhodi aphaathekayo kumele abe nohlaka nobukhulu okufanele, okungeqile kuma-600 futhi isibalo samabhodi abekiwe uma sesihlangene, ngokubona koMkhandlu angeke sithikameze intuba yokuphumela amgwaqeni noma imvelo.
 - (iii) Kweyame kwizinhlinzeko zoMthetho wokuHamba kweziThuthi eMgwaqeni kanye neminye imithetho ehambisana nawo, amabhodi aphaathekayo akumele abekwe emva-1,8 m eduze nonqenqema lomgwaqo, futhi abekwe naphezulu ukuze iphansi lebhodi lingeqi ama-600 mm ngaphezu komhlaba.
 - (iv) Amabhodi aphaathekayo akumele abekwe eduze kwama-10 m ukusuka kunoma iyiphi impambanangwaqo, indawo yokungena noma yokuphuma emgwaqeni onemizila emibili noma onguthela wayeka njengoba kuchazwe eMithethweni wokuHamba kweziThuthi eMgwaqeni nanoma yimuphi omunye uMthetho.
 - (v) Amabhodi aphaathekayo akumele abekwe ngendlela yokuthi avimbe ukubona noma yiluphi uphawu lomgwaqo noma uphawu olunegama lesitaladi kunoma iyiphi ingxenye yomgwaqo njengoba kuchazwe eMithethweni wokuHamba kweziThuthi eMgwaqeni nanoma yimuphi omunye uMthetho.
 - (vi) Amabhodi aphaathekayo akumele abekwe ngendlela yokuthi avimbe noma athikameze abantu abahamba ngezinyawo ukuthi bahambe endleleni noma abantu abathengisa esitaladini.
 - (vii) Ukubekwa kwebhodi eliphathekayo lezindlu ezikhangisayo kuvunyelwa kuphela ngeMigqibelo, ngamaSonto nangamaholide omphakathi. Amanye ambhodi aphaathekayo avunyelwe avunyelwe imisebenzi yokukhangisa angabekwa kuphela ngamahora ajwayelekile okuhweba, emva kwalokho ayosuswa.
 - (viii) Ibhodi eliphathekayo elilodwa lenkampani eliyovunyelwa esitaladini ngasinye ukukhangisa imisebenzi futhi lezo zimpawu ziyobekwa ngqo phambi kwezakhiwo zokhangisayo.
 - (ix) Abafakizicelo kuyodingeka ukuthi bakhokhele umkhandlu ngaphambilini noma yiziphi izindleko ezingavela ekufakeni lezo zimpawu emgwaqeni noma endaweni yoMkhandlu futhi kuyodingeka ukuthi bakhokhele iqembu lesithathu ngenhloso yokuthola nomshwalense.
- (8) **Imikhangiso yasemoyeni**
- (a) Wonke umuntu ofisa ukukhangisa emoyeni, ngaphandle kokusebenzisa ibhanoyi, uyofaka isicelo esibhaliwe eMkhandlwini ngendlela enqunye futhi akhokhe imali efanele futhi leso sicelo siyophelezela —
 - (i) yimininingwane yobukhulu bomkhangiso wasemoyeni kanye nendlela umkhangiso ozobekwa ngayo kanjalo nokuzosethenziswa kanye nendlela yokwakha noyokuwusekela;
 - (ii) Imininingwane yendawo ozobekwa kuyo kanye nencazelo yezakhiwo lapho okokubhabhisa moyeni kuzogxunyekwa khona kanye nemininigwane yezigxobo zikagesi nezocingo kanye namakhebulane nezinye izinhlobo ezisemamitheni angama-30 ukusuka kuleyo ndawo;
 - (iii) Igama nekheli komuntu noma kwenkontileka efaka lowo mkhangiso kanye negama nekheli komuntu ogunyaziwe oqaphe okokubhabhisa umkhangiso kanye nokomnikazi wawo;
 - (iv) Isikhathi umkhangiso ozosihlala ubekiwe;
 - (v) Lapho umfakisicelo kunguyena umnikazi wezakhiwo okugxunyekwa kuzo okokubhabhisa umkhangiso, imvume ebhaliwe yomnikazi iyodingeka mayelana nalokho;

- (vi) Ubufakazi bokuhlinzekwa kwesifutho esizisebenzela ngokwaso ;
 - (vii) Ukuvikeleka okwanele komphakathi ngendlela egculisa uMkhandlu;
 - (viii) Imvume kanye nanoma yimiphi eminye imibandela nezidingo okunqunywe yi-National Civil Aviation Authority.
- (b) Akukho mkhangiso wasemoyeni oyobekwa, phezu kwendawo yoMkhandlu, kubandakanya nanoma yisiphi isitaladi noma indawo yomphakathi, ngaphandle kokuthi kutholakale imvume yoMkhandlu ongabeka noma yimiphi imbandela njengoba ubona kufanele.
- (9) Izithuthi zokukhangisa**
- (a) Wonke umuntu ofisa ukubeka noma yimuphi umkhangiso esithuthini sokukhangisa njalo ngonyaka uyoletsa eMkhandlwini isicelo esibhalwe futhi akhokhe imali enqunyiwe, futhi leso sicelo siyophelezela —
 - (i) yimininingwane yempahla uphawu lokukhangisa olwakhiwe ngayo, ubukhulu balo kanyenendlela ukwakhiwa kwalo osekelwe ngayo esithuthini sokukhangisa;
 - (ii) igama ikheli nenombolo yocingo yomnikazi wesithuthi, uma umnikazi ehlala noma enendawo yokuqhubela ibhizinisi ngaphandle kwemingcele yoMkhandlu, komuntu olawula isithuthi ngaso sonke isikhathi; kanye
 - (iii) nekhophi yelayisense ekhishelwe lesi sithuthi kanjalo namaphepha okubhalisa ngokoMthetho wokuHamba kweziThuthi eMgwaqeni.
 - (b) Akukho isithuthi sokukhangisa esiyobekwa endaweni ezimele noma yoMkhandlu, kubandakanya indawo ebekelwe ukupaka, endaweni yomphakathi noma endaweni eseceleni komgwaqo —
 - (i) ngaphandle uma kutholakale imvume ebhaliwe ngaphambilini eMkhandlwini ngokwale Mithethodolobha futhi neziza zokukhangisa sezivunyiwe nguMkhandlu ngokwale Mithethodolobha; futhi
 - (ii) inqobo nje uma, ku ngekho ziza ezibekiwe ezivunyiwe, isithuthi sokukhangisa siyovunyelwa ukuthi sibekwe uma zihamba ngaso sonke isikhathi futhi ziyohambisana nomthetho kanye nemibandela okubekwe nguMkhandlu.
 - (c) Izithuthi zokukhangisa ezipakwe endaweni ezimele ngenhloso yokugcinwa ziyobekwa ngendlela yokuthi zingabonakali esitaladini noma endaweni yomphakathi.
 - (d) Iphaneli yokukhangisa noma ingxenye yesithuthi esisetshenziselwa ukukhangisa angeke seqe ama-6 uma seyihlanganiswe.
 - (e) Naphezu kwezinhlinzeko zale Mithethodolobha, uMkhandlu noma iziphathimandla ezigunyazwe yiwo ngaphandle kokukhipha isaziso, bayosusa imoto yokukhangisa endaweni yoMkhandlu, lapho kunesithuthi sokukhangisa esingagunyaziwe endaweni ezimele, uMkhandlu ungakhipha isaziso esinxusa ukususwa kwaso ngokushesha.
 - (f) Ngaphandle uma isithuthi sokukhangisa sivalelwe ngumkhandlu ngokwendima (e) isilandiwe esikhathini esiyizinyanga ezintathu kusukela ngosuku lokuphuma kwesaziso, lesi sithuthi siyodayiswa ngumkhandlu ukuze ukhokhe noma yiziphi izindleko ezikhona. Izithuthi zokukhangisa ezivalelwe ziyokhululwa nguMkhandlu kuphela emva kokuba zonke iimali noma izinhlawulo sezikhokhwe ngokugcwele futhi namaphepha okubhalisela ilayisense eselethiwe ukuze aqinisekiswa.

13. Izingathekiso

- (1) Uma noma yimuphi umntu ethwese icala ngokwale Mithethodolobha, kuyothathwa ngokuthi —
 - (a) noma yimuphi umntu obeka noma yimuphi umkhangiso noma uphawu, noma ngabe lowo muntu ungumfakisicelo, umnikazi noma umhlali kulezo zakhiwo, umkhiqizi wanoma iyiphi ingxenye yohlaka lophawu noma umnikazi womisebenzi lowo mkhangiso ophathelelene nawo kanye nanoma yimaphi ama-ajenti, kuyothathwa ngokuthi abeke, noma enze ukuthi kubekwe, avumele lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (b) noma yimuphi umntu, iqembu umgwamanda noma iqembu lezopolitiki elihlela, elixhasa, eligqugquzela noma elilawula noma yimuphi umhlangano, umcimbi noma umgidi lolo phawu, phosta, lowo mkhangiso wokhetho noma wasemoyeni okuphathelene nawo, kuyothathwa ngokuthi libeke, lenze ukuthi kubekwe noma livumele ukuthi kubekwe lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (c) noma yimuphi umntu igama lakhe elivela emkhangisweni noma ophawini noma umkhiqizo wakhe noma imisebenzi ekhangiswe kulolo phawu kuyothathwa ngokuthi libeke, lenze ukuthi kubekwe noma livumele ukuthi kubekwe lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (d) umkhangiso obekwe odongeni olungaphandle noma ocingweni oluyingxenye yomngcele wanoma yiziphi izakhiwo nangaphambi kwanoma yisiphi isitaladi noma wendawo yomphakathi kuyothathwa ngokuthi ubekwe esitaladini noma endaweni yomphakathi;
 - (e) lapho noma yisiphi isaziso noma omunye umbhalo udingeka ngokwale Mithethodolobha ukuba sinikezwe noma yimuphi umntu, kuyothathwa ngokuthi sikhishwe ngendlela efanele, ezinsukwini ezinhlano (5) zokusebenza sikhishiwe, uma silethwe ngesandla kuyena noma kunoma yiliphi ilungu lomndeni wakhe elineminyaka engaphezu kweyishumi nesithupha, nanoma yimuphi umntu amqashile ebhizinisini lakhe, noma uma sithunyelwe ngeposi elirejistiwe ekhelini lalapho ehlala khona noma lalapho esebenza khona njengoba kuvela kumarekhodi oMkhandlu, noma uma lowo muntu kuyinkampani noma ithrasi, uma sinikezwe nanoma yimuphi umntu oqashwe yileyo nkampani noma ithrasi ehovisi layo elibhalisile, noma uma sithunyelwe ngeposi elirejistiwe kuleo hhovisi;
 - (f) noma yimuphi umkhangiso noma uphawu olufakwe ngokusemthethweni ngaphambi kosuku lokushicilelwa kwale Mithethodolobha kuyothathwa ngokuthi ufakwe ngokusemthethweni ngokwale Mithethodolobha, inqobo nje uma ulokhu ufakwe endaweni eyodwa ngaphandle kokuwushintshashintsha ngaphandle koshintsho olungatheni oluvunye ngokubhaliwe nguMkhandlu;
 - (g) noma yini eyenziwa ngaphansi kwanoma yiziphi izinhlinzeko ezichithwa yile Mithethodolobha kuyothathwa ngokuthi yenziwe ngaphansi kwezinhlinzeko ezihambisanayo zale Mithethodolobha futhi lokho kuchithwa angeke kuthikameze ukuba semthethweni kwanoma yini eyenziwe ngaphansi kweMithethodolobha echithiwe kanjalo. Noma yisiphi isicelo esifakwe nesisacutshungulwa nguMkhandlu ngesikhathi sokuqalisa kwenqubomgo noma kokumenyenzelwa kwale Mithethodolobha, iyocutshunulwa ngokwale Mithethodolobha.

14. Ukonga maqondana nezimpawu ezikhona

Lezi zihlinzeko ezilandelayo ziyosebenza maqondana nezimpawu ezikhona ezifakiwe ngokusemthethweni ngosuku lokushicilelwa kwale Mithethodolobha.

- (1) Uma noma yiluphi uphawu luhambisan nezihlinzeko zale Mithethodolobha lezo zimpawu zingaqhubeka zibekwe, kweyame kwizinhlinzeko zale Mithethodolobha futhi liyothathwa njengophawu oluvunye nguMkhandlu ngokwale Mithethodolobha.
- (2) Uma lolo phawu lungahambisane nezihlinzeko zale Mithethodolobha lolo phawu lungaqhubeka lubekwe, ngaphandle uma izihlinzeko zale Mithethodolobha zisho okwehlukile: Inqobo nje uma —
 - (a) uphawu kunguphawu okusebenza kulo izihlinzeko zesigaba 8 sale Mithethodolobha, uMkhandlu, ngaphandle kokuhoxisa ilungelo lawo lokususwa kwalolo phawu, ngesaziso esibhaliwe ungacela umntu olawula lolo, phawu ukuthi ashintshe noma alungise uphawu esikhathini esiyizinsuku ezingama-90 kusukela ngosuku lokuthola lesi sazi, noma lesosikhathi eseluliwe njengoba umkhandlu ungabalula, ukuze lwenziwe ukuthi luhambisane nale Mithethodolobha. Noma yimuphi umntu owehluleka ukuhambisana naleso sazi, uyothwesa icala;

- (b) lolo phawu angeke lupendwe kabusha, lungiswe noma lukhandwe, ngaphandle uma lwenziwa ngendlela ehambisana nezinhlinzeko zale Mithethodolobha, futhi kutholakale imvume yoMkhandlu ngokwesigaba 2 sale Mithethodolobha. Noma yimuphi umuntu openda kabusha, olungisa noma okhanda lolo phawu ngokuphambana nezinhlinzeko zale Mithethodolobha, uyothweswa icala;
- (c) uMkhandlu, noma yingasiphi isikhathi emvakokuphela kwesikhathi esyimonyaka emthathu kusukela ngosuku lokukhishwa kwale Mithethodolobha ngesaziso esibhaliwe, ingadinga ukuthi umuntu olawula lolo phawu (okungelona uphawu kulona okusebenza izihlinzeko zesigaba 8 sale Mithethodolobha), ashintshe noma alungise ukuze luhambisane nale Mithethodolobha; noma, kuthi asuse lolo phawu, esikhathi esiyizinsuku ezingama-30 kusukela ngosuku lokuthola irisidi laleso saziso noma lesosikhathi eseluliwe njengoba uMkhandlu ungabalula. Noma yimuphi umuntu owehluleka ukuhambisana naleso saziso, uyothweswa icala.
- (3) Noma yiluphi uphawu olukhona olufakwe ngokungemthetho ngosuku lokukhishwa kwale Mithethodolobha luyosuswa ngumnikazi walo noma ngolulawulayo.

15. Izinhlawulo

Noma yimuphi umuntu owephula noma yiziphi izihlinzeko zale Mithethodolobha uyothwesa icala futhi ekulahlweni yicala uyokhokha inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyisithupha noma kokubili lokho kuboshwa nokuhlawula.

16. Ukulawulwa

* Bheka uHleo B.

17. Ukusetshenziswa

UMkhandlu ngesaziso kwisaziso *kwiGazethi yesiFundazwe*, unganquma ukuthi izinhlinzeko zale Mithethodolobha ayisebenzi ezindaweni ezithile asendaweni eyenganyelwe yiwo kusukela ngosuku olubalulwe esazisweni.

18. Ukuchithwa kweMithethodolobha

IMithethodolobha ephathelene nokuKhangisa ngaPhandle kaMasipala waseMthonjaneni, ngalokhu iyachithwa kufakwa esikhundleni sayo le Mithethodolobha, eziqala ukusebenza ngosuku lokushicilelwa kwayo.

UHLELO A

IZIMALI ZEZIPAWU ZOKUKHANGISA

Izimali zokufaka isicelo kanye nediphozi yelayisense noma yemvume yokukhangisa ngaphandle

Wonke umuntu ofaka isicelo eMkhandlwini sokuthola imvume yawo, ekufakeni isicelo, uyokhokhela uMkhandlu imali enqunyelwe lokho futhi akukho sicelo esiyocitshungulwa kuze kube leyo mali iyakhokhwa, izimali zibekiwe lapha ngenzansi:

- (1) Imali engabuyiswa yokufakwa isicelo engama-R150,00 (amarandi ayikhulu namashumi amahlanu) kumele ikhokhwe nesicelo ngasinye sezinhlobo zezimpawu 2 (ezimbelwa phansi), 4 (ezifakwa ophahleni) kanye 5 (nezifakwa kovulandi, kumakhenophi nangaphansi kompheme). Noma yikuphi ukuchitshiyelwa okungatheni kwesicelo, esithathwa yisiphathimandla esigunyaziwe soMkhandlu njengesichibiyelo esingatheni, singalethwa nemali yokufaka isicelo eyephuliwe engama-R50 sisinye (amarandi angamashumi amahlanu).
- (2) Imali engabuyiswa yokufakwa isicelo engama-R450 (amarandi angamakhulu amane namashumi amahlanu) kumele ikhokhwe nesicelo ngasinye sohlobo lwezimpawu 1 (amabhodi amakhulu).
- (3) Imali yemvume ka 1 no 2 ngama-R40,00 (amarandi angamashumi amane) i- sokubeka umkhangiso noma ingxenye yaso kanye nemali engam R40,00 (amarandi angamashumi amane) isicelo sisinye.
- (4) Imali engabuyiswa yokufakwa isicelo engama-50,00 (amarandi angamashumi amahlanu) kumele ikhokhwe ngasicelo sinye sohlobo lwezimpawu 6 (amaphosta , amabhena namafulegi).
- (5) Ekwamikelweni kwamaphosta, umfakisicelo kumele athenge izitikha eMkhandlwini ezizogqama kuwo wonke amaphosta abekiwe kanje:
 - (a) Irandi (R1,00) isitikha ngasinye elizokhokhelwa iphosta ngayinyeebekelwe izinkampaniezingenzi- nzuzo. Lama phosta kumele aveze iznombolo zokuthola usizo lwezimali usizo lwezimali zemigwamanda noma kulethwe umthethosisekelo eMkhandlwini. Akukho mkhangiso wezohhwebo noma amalogo abaxhasi okuyovunyelwa ukuthi kuvele kulawo maphosta.
 - (b) Amarandi amabili nesihlanu (R2,50) isitikha ngasinye azokhokhelwa iphosta ngayinye ebekiwe yezenkolo, yezemidlo, yezamasiko, yezepolitiki kanye neminye imigidi, Iphesenti eliphansi lomkhangiso wezohhwebo kanye namalogo abaxhasi kuvumelekile ukuthi kuvele kulawo maphosta.
 - (c) Amarandi amahlanu (R5,00) istikha ngasinye azokhokhelwa iphosta ngayinye ebekiwe yemigidi ngokubona koMkhandlu noma yiziphathimandla ezigunyazwe yiwo njengeyohlobo lokuhweba.
- (6) Imali engabuyiswa yokufaka isicelo engama-R60,00 (amarandi angamashumi ayisithupha ngonyaka noma ingxenye yayo kumele ikhokhwe nesicelo saminyaka yonke sohlobo lwezimpawu 7 (amabhodi abathengisi bezindlu); isibalo samabhodi adingekayo noma yingasiphi isikhathi kumele sibalulwe kuleso sicelo.
- (7) Imali engabuyiswa yokufakwa isicelo engama-R50,00 (amarandi angamashumi amahlanu) kumelwe ikhokhwe nesicelo seminyaka yonke sohlobo lwezimpawu 7 (amabhodi apathekayo nanoma yiluphi uhlaka olunokubhidlizwa).
- (8) Imali engabuyiswa yokufakwa isicelo engama-R200,00 (amarandi angamakhulu amabili) kumele ikhokhwe nesicelo ngasinye sohlobo 8 (imikhangiso yasemoyeni); umshwalense wokuvikela umphakathi wesikhathi sokubekwa komkhangiso kuyingeka inikezwe uMkhandlu.
- (9) Imali engabuyiswa yokufakwa isicelo engama-R1200,00 (amarandi ayinkulungwane namakhulu amabili) ngonyaka noma ingxenye yayo kumele ikhokhwe nesicelo ngasinye saminyaka yonke sanoma yiluphi uphawu lohlobo 9 (izithuthi zokukhangisa); ikhophi eqinisekisiwe yelayisense yesithuthi nayo kudingeka ukuthi ilethwe.

Imali yokwenabela kwezinye izindawo engama-R45,00 *i-squaire metre* () ekwamikelweni kwesicelo iyokhokhelwa uphawu ngalunye olwabela endaweni yoMkhandlu.

Qaphela: Isikhathi sokusebenza kwemvume yazo zonke izimpawu siyonqunywa nguMkhandlu.

B. Izinhlawulo ngamacala nokususwa kwezimpawu zokukhangisa ngokwezigaba 9 no 14

- (1) Ekulahlweni yicala lokuqala, isaphulamthetho siyokhokha inhlawulo noma siboshiwe isikhathi esingeqile ezinyangeni ezintathu (3), noma kokubili lokho kuhlawuliswa nokuboshwa, isaphulamthetho siyokhokhiswa enye inhlawulo engeqile ema-R100,00 (amarandi ayikhulu) usuku nosuku ephula ngalo umthetho.
 - (2) Uma engasaqali ukwephula umthetho okhokhiswa inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni ezintathu (3).
 - (3) Ngokubeka izimpawu zohlobo 6 (amaphosta ,amabhena noma mafulegi). singagunyaziwe, isaphulamthetho siyokhokhiswa inhlawulo noma sibishwe isikhathi esingeqile ezinyangeni ezintathu (3).
- Ngokubeka izimpawu zohlobo 7 (amabhodi abathegi zindlu. Amabhodi apathekayo nanoma yiluphi uhlaka olunokubhidlizwa) singagunyazi-

we, isaphulamthetho siyokhokhiswa inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni eziyisithupha (6).

Noma yimuphi umuntu owephula izigaba 9 no 14 uyokhokhiswa inhlawulo noma baboshwe isikhathi esingeqile ezinyangeni eziyisithupha (6), noma kokubili lokho kukhokhiswa inhlawulo nokuboshwa.

Qaphela: Noma yiluphi uphawu lokukhangisa olususwe noma oluthathwe kodwa Lwagalahlwa nguMkhandlu, ngenxa yokungahambisani nale. Mithethodolobha, lungabuye luthengwe ngumnikazi walo noma ngumfakisicelo nemali elingana nezindleko ezidalwe ngukulisusa noma ukuligcina.

Phezu kwalokho, noma yiluphi uphawu olususwe kodwa lwangaphinde lwathengwa kabusha ezinsukwini ezingamashumi ayisithupha (60) luthathiwe, noma emva kwezinyanga ezintathu (3) uma kunguphawu lohlobo 9 (ukukhangisa izithuthi), luyolahlwa nguMkhandlu ukuthola izindleko.

UHLELO: B

UKULAWULWA KWEZINDAWO: (ISIGABA 16)

	Okukhulu		Okuphakathi	Okuncane
Indawo yezemvelo yasemaphandleni	Indawo esedolobheni	Indawo esedolobheni	Indawo esedolobheni	Indaw
Amapaki kazwelonke	Amapaki kamasipala	Idolobhakazi	Amabhizinisi amakhulu	Izindawozezimboni
Iziqwi	Izindawo zokulima	Izinhlelo zezindawo	Izindawo zohwebo	Izindawo zezimboni
Izindawo zezemvelo	Amapulazi amancane asemaphandleni	Ezivulekile	Namahhovisi ezindaweni zokuhlala	Imizila yezithuthi
Izindawo zamahlathi	Izindawo ezivulekile	Amapulazi amancane	Izindawo zokuhweba	Izindawo zokuhamba
Imvelo	Izindawo ezivulekile zomphakathi	Asedolobheni	ezisezindaweni zokuhlala	Izithuthi
Izindawo ezingasolwandle	Izindawo okulinywa kuzo kakhulu	Zonke izindawo zokuhlala	Imizila yezimboni nemidweshu	Izitobhi zezithuthi
Ugu lolwandle	Izindawo ezizimele	Izindawo ezivulekile	Izifunda zezindawo zokuthuthukisa	
Izilwandle	Izindawo ezivulekile zomphakathi	Izindawo ezivulekile	Ezikaqedisizungu	
Izindawo ezilinywa kakhulu	Uma uhamba ngemoto	Izindawo ezivulekile zomphakathi	Izikhungo zezimfundo	
Imizila egqamile	Imizila egqamile	Indawo yabahamba ngezinyawo	Izinkundla zezemidlalo	
Izindawo ezizimele	Izinto ezizimele	Imakethe yabahamba ngezinyawo	Umasipala noma uhulumeni	
Imifula	Izindawo ezisamadolobha nezendabuko	Izinsizakusebenza zemiphakathi	Izindawo ezisethshenziselwa izinto ezahlukene	
Izindawo ezivulekile ezinamxhaphozi		Okugqamile	Izindawo okwazi ukubona kuzo emigwaqeni engothela wayeka	
		Okuhle	Nasemigwaqeni yasemadolobheni	
		Izintuba		
		Imifula		
		Izindawo ezinamxhaphozi		
		Izindawo zokongiwa		
		Kwemvelo		
		Izindawo ezinomlando		
		Izakhiwo nezindawo ezinomlando		

No. 61, 2005

1 December 2005

THE Council of Mthonjaneni Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

MTHONJANENI LOCAL MUNICIPALITY

ADVERTISING SIGNS BY-LAWS

1. DEFINITIONS

- (1) In the interpretation of these By-laws, the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:

“**advertisement**” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street or public place;

“**advertising signage structure**” means any physical structure built to display advertising;

“**advertising vehicle**” means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

“**aerial advertisement**” means any advertisement displayed in the air by the use of a balloon, kite, inflatable object, aircraft or any other means;

“**affix**” includes to paint onto and “**affixed**” shall have a corresponding meaning;

“**animated advertisement**” means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam;

“**applicant**” means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located;

“**application**” in relation to advertising sign/s may include all proposed advertising signs per business per site;

“**appropriate**” means that the dimensions, installation, materials, place and/or supports are, in the opinion of the Council, suitable for, and appropriate in, all circumstances of the case;

“**approval**” means approval by the Council or its delegated officials;

“**banner sign**” is a temporary or permanent sign painted or embossed on flexible material suspended by ropes or other means;

“**bill-sticking**” means an advertisement or poster pasted directly onto an existing surface which is not intended specifically for the display of a poster or advertisement;

“**building**” means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering any area in excess of 5m² and having an internal height of more than 1,7m;

“**canopy**” means a rigid roof-like projection from the wall of a building;

- “**cantilever**” means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports;
- “**change of face**” means an alteration to the content of the advertisement displayed on an approved signage structure;
- “**clear height**” in relation to a sign means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below the sign;
- “**cluster sign**” means a number of signs, all of the same size, erected symmetrically on one or more standards or pylons;
- “**combustible**” means will burn or ignite at or below a temperature of 750°C when tested for combustibility in accordance with British Standard 476: 1932: Definitions of fire-resistance, incombustibility and non-inflammability of building materials and structures (including methods of test);
- “**Council**” means a municipal council referred to in section 157(1) of the Constitution;
- “**Council property**” includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council;
- “**curtilage**” is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building;
- “**depth of a sign**” means the vertical distance between the uppermost and lowest edges of the sign;
- “**deemed to comply**” means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Council for consent purposes;
- “**designated areas**” are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs;
- “**display**” means the display or erection of an advertising sign or structure;
- “**electronic sign**” means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in various ways;
- “**election advertisement**” means an advertisement used in connection with any national, provincial or municipal election, by-election or referendum;
- “**environmental impact assessment**” in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the environment;
- “**estate agents’ board**” means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;
- “**flag**” means a piece of cloth (or similar material) upon which an advertisement is displayed which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude—
- (a) national flags that do not carry advertisement in addition to the design of the flag or flagstaff; and
 - (b) flags carried as part of a procession;
- “**flashing advertisement**” means an electric advertisement which intermittently appears and disappears;
- “**flat sign**” means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or on a wall external to and not part of a building;
- “**gore**” means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways;
- “**ground sign**” is a self-supporting sign erected on the ground and which is not attached to a building or a wall;
- “**illuminated advertisement**” means an advertising signage structure which has been installed with electrical or other power for the purpose of illuminating the message of such sign;
- “**lawfully displayed**” means displayed within the public view in accordance with the By-laws applicable at the time of the erection of the sign;
- “**main wall**” means any external wall of a building but shall not include a parapet wall, balustrade or railing of a veranda or balcony;
- “**mobile sign**” means a sign mounted on a vehicle or trailer and used specifically for advertising purposes;
- “**municipality**” means the area of jurisdiction of the Mthonjaneni Local Municipality;
- “**non-profit body**” is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved;
- “**occupier**” includes any person in actual occupation of land or premises without regard to the title under which he/she occupies;
- “**on-show sign**” means a temporary sign erected to indicate that a property is on view for sale;
- “**on site or directional**” in relation to any advertisement, means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed;
- “**outdoor advertising**” means any form of advertising as defined, visible from any street or public place and which takes place out of doors;
- “**overall height**” in relation to a sign, means the vertical distance between the uppermost edge of the sign and the level of the ground, pathway or roadway immediately below it;
- “**portable board**” is any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved;
- “**posters**” are placards intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event relating to an election, activity or undertaking;
- “**premises**” means any building together with the land on which such building is situated;
- “**projected sign**” means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance;
- “**projecting sign**” means any wall sign which is affixed to a building and protrudes more than 300mm from the wall of such building;
- “**public place**” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access;
- “**remote or third party advertising**” means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed;
- “**return wall**” means any external wall of a building or any other wall, which faces any boundary other than a street façade.
- “**road reserve**” means the area contained within the statutory width of a road;
- “**Road Traffic Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996) and the Regulations promulgated in terms of this Act, as amended from time to time;

“road traffic sign” means any road traffic sign as defined in the Road Traffic Act, 1996;

“roof sign” means a sign painted or affixed directly onto the roof covering of a building;

“SAMOAC” means the South African Manual for Outdoor Advertising Council;

“sandwich board” is a portable, double-sided, freestanding, vertically splayed sign standing on the ground or carried by a person or vehicle;

“sign” means any physical structure or device intended for the display of an advertisement;

“signalised traffic intersection” means an intersection controlled by traffic lights;

“sky sign” means a sign that is placed or erected on or above the roof, parapet wall or eaves of a building;

“specific consent” means the written approval of the Council which is required on submission of a formal application;

“street furniture” means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures;

“street name signs” means pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street naming;

“street line” means the boundary of a public street;

“temporary sign” means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period;

“tri-vision” means a display which, through the use of a triangular louvre construction, permits the advertising of three different copy messages in a predetermined sequence;

“under-awning sign” means a sign suspended or attached to the soffit or a canopy or veranda;

“veranda” is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

“visual zone” means the road reserve of a road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a freeway in an urban area; and

“zone” means the use zone as defined in the Mthonjaneni Town Planning Scheme in course of preparation.

- (2) For the purpose of the application of the measurements, dimensions or areas specified in these By-laws in relation to signs, the same shall be applied to the sign as a whole, inclusive of any space between letters, words, figures, symbols, pictures, drawings and the like appearing thereon, and also any space between the perimeter of the sign and the actual advertisement appearing thereon.
- (3) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. APPROVAL FOR ADVERTISEMENTS AND SIGNS

- (1) Subject to the provisions of these By-laws, no person shall erect or cause or allow to be erected, altered, displayed or maintained any advertisement or sign which is visible from any street or public place or on any Council property without first having obtained the written approval of the Council or its duly delegated officials.
- (2) Temporary or portable signs being posters or bills or the like temporarily displayed solely for or in connection with the particular occasion, function or event to which they relate, including directional signs to such an event, signs relating to an election or referendum held or conducted under the authority of any law, and signs carried through the streets, shall only be displayed with the prior written consent of the Director Technical Services and subject to such conditions as he may impose. Such signs shall not exceed 0,5m² in area.

3. EXEMPT ADVERTISEMENT AND SIGNS

- (1) Subject to the provisions of these By-laws, advertisements or signs for which no approval is required are as follows:
 - (a) Any advertisement or sign not exceeding 2m² which is required to be displayed in terms of any national, provincial or municipal legislation; i.e. company, close corporation, co-operative, licensed premises or professional offices, or any security sign limited to one per street frontage or premises.
 - (b) Any advertisement or sign over or near the main entrance to any premises in which a business is carried on and which bears only the name of the business.
 - (c) One advertisement or sign per street frontage indicating only the name and nature of an enterprise, practice, accommodation facility and place of residence as well as the name of the proprietor, partner or practitioner with a maximum area of 1,5m² per sign; or indicating the name and nature of institutions and other community facilities with a maximum area of 3m² per sign.
 - (d) Any non-illuminated advertisement displayed inside a building or on a display- or shop front window.
 - (e) Any advertisement not exceeding 4,5m², displayed with the curtilage of the premises relating to the accommodation being offered to let or purchase in the building, limited to one advertisement per advertising agent per street frontage and not displayed for longer than 30 (thirty) days after the date of sale or lease.
 - (f) Project boards advertising only the builders and professional consultants involved in a project, not exceeding 18m² and with a maximum erected height or 6m, displayed within the curtilage of the premises whilst building work is in progress, limited to one per street frontage and to be removed within 30 (thirty) days of completion of the project.
 - (g) A national flag of any country except when, in the Council's opinion, more than one national flag is used to promote, advertise or identify an economic activity, in which case the provisions of these By-laws shall apply.
 - (h) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Council for the advertising signage structure.
 - (i) Aerial advertising by means of an aircraft : Provided that the necessary approval has been obtained from Civil Aviation, including any conditions and requirements as prescribed.
 - (j) Signs not exceeding 0,25m² in area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained.
 - (k) Signs relating to the immediate sale of newspapers and the like within a public street.
 - (l) Signs required to be displayed By-law.
 - (m) Signs which, on merit, are exempted by the Municipal Manager in consultation with the Planning and Building Plan Portfolio Committee.

4. APPLICATION, ASSESSMENT AND APPEAL PROCEDURE

- (1) Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Council is

required, shall submit a written application to the Council on the prescribed form, together with the prescribed fee in accordance with the Schedule of advertising sign charges (Schedule A). The application shall be signed by the owner of the proposed advertising sign and by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his/her agent authorised in writing by such owner and shall be accompanied by the following plans drawn in accordance with the following requirements:

- (a) A locality plan drawn to scale showing the sign in relation to surrounding roads and structures within a 500m radius, where applicable.
 - (b) A site plan showing the position of the sign or advertisement on the premises, drawn to a minimum scale of 1:500 and giving all dimensions, showing the position of the sign in relation to the boundaries, other buildings, structures, services and features on the site and showing the streets and buildings on properties abutting the site.
 - (c) Detailed dimensioned drawings sufficient to enable the Council to consider the appearance of the sign or advertisement including materials, construction and illumination details.
 - (d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.
 - (e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
 - (f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
 - (g) Such other additional drawings, environmental impact assessments and/or photographs as are necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- (2) In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
 - (3) In addition, where required, the applicant shall submit additional structural and other drawings and certifications as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure this sign's stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time.
 - (4) In addition, the applicant shall indemnify the Council against any consequences arising from the erection, display or mere presence of such advertising sign.
 - (5) All signs to be erected or displayed must comply with the applicable Town Planning Scheme Regulations, as well as other relevant legislation, as amended from time to time.
 - (6) In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to the Council's policy and to SAMOAC's guidelines for control in terms of the general conditions and principles as set out in these documents, as amended from time to time.
 - (7) The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but not inconsistent with the provisions of these By-laws or the Council's policy on outdoor advertising.
 - (8) An approval or refusal of an application by the Council shall be made in writing with reasons provided within 60 (sixty) days of a complete application having been submitted in terms of these By-laws.
 - (9) On approval, a complete copy of the application as submitted shall be retained by the Council for record purposes.
 - (10) Any advertisement or sign erected or displayed shall be in accordance with the approval granted and any condition or amended condition imposed by such approval; and the person who erects an approved sign shall notify the Council within 7 (seven) days of such sign or advertisement being erected.
 - (11) The person/s to whom permission has been granted for the display of any advertisement or sign which extends beyond any boundaries of any street or public place shall enter into a written encroachment agreement with the Council, indemnify the Council in respect of the sign and be liable to the Council for the prescribed annual encroachment rental.
 - (12) Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, whereafter a new application for consideration must be submitted to the Council for approval in terms of these By-laws.
 - (13) The applicant may appeal in writing against any refusal, lack of decision or condition imposed by the duly authorised official/s.
 - (14) The appeal referred to in subsection (13) shall be lodged within 30 (thirty) days of the date of the notice and will be submitted, together with a report, to the relevant committee of the Council for consideration.

5. WITHDRAWAL OR AMENDMENT OF APPROVAL

- (1) The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, an advertising sign does not conform to the guidelines for the control of signage in terms of the Council's policy and/or SAMOAC, as amended from time to time, or for any other reason Council may deem fit.
- (2) The Council may, at any time, revoke its approval for the display of an encroaching sign and cancel the encroachment agreement referred to in section 4(11), giving notice in writing to the owner/applicant of such decision. The owner/applicant shall also advise the Council in writing giving details of any intent to transfer ownership of any encroaching sign.
- (3) An approved sign shall be erected within 6 (six) months from the date of approval whereafter such approval shall lapse unless written application for extension is made, which may only be granted for a maximum period of 2 (two) months.
- (4) Any application which has been referred back to the applicant for amendment shall be resubmitted within 2 (two) months of the date of the referral notice, failing which the application shall lapse.
- (5) Permission for an advertising sign is granted to the applicant only and shall lapse if he ceases to occupy the premises, provided that written approval may be granted by the Council to transfer this right to the new occupier of the premises if such approval is sought within 30 (thirty) days from the date of the new occupation.
- (6) An electronic or illuminated advertisement which, in the opinion of the Council, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council in writing, or be removed by the applicant/occupier within such period as may be specified.
- (7) The permission granted in respect of an advertisement or sign shall lapse if any alteration or addition is made to such advertisement or sign, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

6. STRUCTURAL REQUIREMENTS

- (1) Every sign shall be neatly and properly constructed, executed and finished in a workmanlike manner.
- (2) Every sign attached to or placed on a building, fence or wall, shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented. The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the weight of the sign in question, with the addition of any force to which the sign may be subjected. The use of nails or staples for the purpose of anchorage and support is prohibited.
- (3) Every projecting sign or suspended sign shall, unless the Director Technical Services otherwise approves, have not less than four supports —
 - (a) which shall be of metal;
 - (b) any two of which shall be capable of carrying the weight of the sign;
 - (c) the designed strength of which, acting together, shall be calculated on a weight of the sign with a horizontal wind pressure of 1,5kPa;
 - (d) which shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view.
- (4) All signs and supports thereof, which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side. The bolts shall be of such size and strength as will ensure effective compliance with paragraphs (2) and (3) hereof.
- (5) Glass

All glass used in signs (other than glass tubing used in neon or similar signs) shall be safety glass at least 3,5mm thick. Glass panels in signs shall not exceed 2m² in area, each panel being securely fixed in the body of the sign independently of all other panels.
- (6) Electrical requirements

Every illuminated sign and every sign in which electricity is used shall —

 - (a) be constructed of material which is not combustible;
 - (b) be provided with an external switch in an accessible position whereby the electricity supply to such a sign may be switched off;
 - (c) be connected according to statutory regulations.
- (7) All exposed metalwork in a sign, or its supports, shall be painted or otherwise treated to prevent corrosion and all timber shall be similarly treated to prevent decay.
- (8) No sign shall be constructed in whole or in part of cloth, canvas, cardboard, paper or like material, except where the sign relates solely to current or forthcoming programmes of public entertainment displayed upon a cinema or theatre, or is a sign on a sunblind.

7. ELECTRICAL REQUIREMENTS

Every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with the provisions of the Council's Standard Tariffs and Procedures and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation/regulations.

8. MAINTENANCE OF SIGNS

- (1) The person having possession, or control of any sign, while such sign is erected and constructed in contravention of the provisions of this By-law, shall be guilty of an offence.
- (2) (a) No sign, which exists or extends beyond the street line shall remain, except during the pleasure of the Council. The Council may by written notice served on the person having possession or control of any such sign, require such person to remove such sign within a period of time specified in such notice, except where in the opinion of the Council the sign constitutes a potential source of danger to the public, or will or is likely to damage or interfere with any existing or proposed works of the Council or upon the public street, the Council shall have the right to remove such sign forthwith.

Any such person who fails to comply with such notice shall be guilty of an offence.
- (b) The person having possession or control of any sign extending or existing beyond the street line, shall at all times indemnify the Council against all actions or claims which may be brought against it by any person for loss, injury or maintenance, repair or removal of the sign, and shall also reimburse the Council in respect of all expenses incurred in defending any action or resisting any claim.
- (c) The person having possession or control of any sign extending or existing beyond the street line shall pay to the Council the fee prescribed in the schedule of tariffs and charges in respect of the sum total of the surface area containing any advertisement (inclusive of any space between lettering and the like and any space between the actual advertisement and the perimeter of the sign).
 - (i) The above charges shall be payable to the municipality or its duly appointed agents upon application in advance, and thereafter annually on the anniversary of the date of application for the time the sign is in place.
 - (ii) No charge shall be payable unless the sign projects, or is more than 100mm, beyond the street line.
 - (iii) Where during the course of the period of 12 (twelve months) referred to in paragraph (i) hereof, any sign is lawfully replaced by another sign, no additional charge in respect of that period shall be made unless the sign substituted has a greater surface area than the former sign, in which event a further charge calculated as above in respect of the excess area shall become immediately due and payable to the Council.
 - (iv) Where any sign is removed voluntarily, or at the instance of the Council, no refund of any charges paid shall be made by the Council.
 - (v) The payment of any charges as herein provided shall not in any way prejudice or affect the provisions of paragraph (a) of this By-law.
- (d) The person having possession or control of any sign extending, or existing beyond the street line, shall when required in writing by the Director Technical Services, enter into a written agreement with the Council in respect of such sign, undertaking the obligations contained in paragraphs (b) and (c) of this By-law; provided that the absence of any such agreement shall in no way affect the provisions of these By-laws. Whenever any change occurs in the identity of the person having possession or control of any such sign, such change shall forthwith be notified to the Director Technical Services in writing by the person formerly having such possession or control.

9. OFFENCES AND REMOVAL OF SIGNS

- (1) Any person who displays or erects any advertisement or sign for which no approval has been granted by the Council in terms of section 2, or which approval has expired, or has been withdrawn, or which advertisement or sign does not conform with the approved application or any of its conditions, or does not comply with or is contrary to any provision of these By-laws or to any other applicable Act or Regulation, shall be guilty of an offence.
- (2) Any person who erects or continues to display any advertisement or sign which ceases to be relevant to the premises on which it is displayed

by virtue of a change in use, ownership or occupancy of the premises to which it relates or for any other reason, shall be guilty of an offence.

- (3) Any person who displays or erects any advertisement or sign which contravenes or fails to comply with any provision, requirements or conditions as set out in any notice issued and served in terms of these By-laws or other applicable legislation, or who knowingly makes any false statement in respect of any application in terms of these By-laws, shall be guilty of an offence.
- (4) The Council may serve notice on the person/s who is displaying the advertisement or who has erected the sign or cause the advertisement or sign to be displayed or erected, or the owner or occupier of the premises upon which such advertisement or sign is being displayed or erected or upon both such persons, directing those persons to remove such advertisement or sign or to do such other work as may be set forth in the notice, within a time frame specified therein which shall not be less than 14 (fourteen) days from the date of receipt of the notice, so as to bring the advertisement or sign into conformity or compliance.
- (5) If any person/s to whom any notice has been given in terms of subsection (3) fails to comply with a direction/instruction contained in such notice within the specified period, the Council may remove or arrange for the removal of the advertisement or sign, or affect any of the alterations prescribed in the notice.
- (6) The Council may recover the expenses incurred as a result of any removal, action taken, repairs to Council property or for any other costs incurred from any person(s) to whom the notice was issued in terms of subsection (3). No compensation shall be payable by the Council to any persons in consequence of such removal, repairs or action taken.
- (7) Any person who fails to remove any poster, banner, flag or election advertisement within the prescribed period shall be guilty of an offence. The Council shall be entitled to remove any such advertisement and deduct the prescribed amount from any deposit made in respect of the advertisement(s) so removed by the Council: Provided that if the amount of money to be deducted exceeds the amount of the deposit made, the Council shall be entitled to recover such excess amount from such person(s); Provided further that when any such poster, banner or election advertisement is removed in terms of these By-laws, the Council shall be entitled to destroy any such advertisement without giving notice to anyone.
- (8) Any person/s who, having displayed or caused to be displayed any portable board in respect of which approval has been granted in terms of these By-laws, fails to remove such board within 2 (two) hours of the time as specified in section 9, shall be guilty of an offence and the Council shall be entitled to remove any such portable board and to recover from such person/s the fee prescribed: Provided that any portable board so removed by the Council may be destroyed without giving notice to anyone.
- (9) Any advertisement or sign, other than those referred to in subsections (6) and (7), which were removed or confiscated by the Council in terms of these By-laws, may be reclaimed within 60 (sixty) days from the date of removal or confiscation and on payment of the charges due, failing which the Council shall have the right to use, dispose of or sell such sign at its discretion.
- (10) If, in the opinion of the Council, the advertising sign constitutes a danger to life or property and in the event of the applicant/owner and/or occupier failing to take the necessary action with immediate effect, the Council may carry out or arrange for the removal of such sign and recover the expenses so incurred.
- (11) Any person who, in the course of erecting or removing any advertising sign, causes damage to any natural feature, electric structure or service, or any other Council installation or property, shall be guilty of an offence and punishable in terms of section 15 of these By-laws and shall be liable for damages so incurred.
- (12) The Council is entitled to summarily remove any unauthorised advertising signs on its own property without giving notice to anyone.

10. PROHIBITIONS

- (1) The following advertisements and signs are prohibited:
 - (a) Any advertisement or sign, other than an exempted sign, for which neither a permit nor approval has been obtained or which does not comply with the requirements of, or which is not permitted by these By-laws or any other law.
 - (b) Any advertisement which, in the opinion of the Council, is indecent, obscene or objectionable or of a nature which may produce a pernicious or injurious effect on the public or on any particular class of person/s or on the amenity of any neighbourhood.
 - (c) Any advertisement or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
 - (d) Any advertisement or sign which obstructs any street, fire escape, exit way, window, door or other opening used as a means of egress or for ventilation or for fire fighting purposes.
 - (e) Any illuminated sign whether laser, animated, flashing or static, which disturbs or is a nuisance to the residents and/or occupants of any building and/or to any member/s of the public affected thereby.
 - (f) Any advertisement or sign which is prohibited in terms of any Town Planning Scheme Regulation or other legislation.
 - (g) Any advertisement or sign not erected in accordance with these By-laws or not in accordance with the specifications approved by the City Council, or the terms or conditions attached by the Council to any such approval.
 - (h) Any advertisement or sign which may obstruct or interfere with any traffic sign or signal for traffic control, or which is likely to interfere with or constitute a danger to traffic, shipping or aircraft or to the public in general.
 - (i) Any advertisement or sign which may inhibit or obstruct the motorists' vision or line of sight thus endangering vehicular and pedestrian safety.
 - (j) Any form of bill-sticking by means of posters or placards to any existing structure without the approval of the Council.

11. DISCRETIONARY POWERS

- (1) The Council or its delegated officer/s shall exercise discretionary powers to permit or not to permit advertising signs in terms of the provisions of these By-laws in the following cases:
 - (a) Any advertisements on a portable board displayed on a street pavement.
 - (b) Any mobile advertising vehicles and their designated positions of display.
 - (c) Advertisements or signs painted on or in any way affixed to the surface of any window other than a display window.
 - (d) Advertisement or signs on top of a canopy or veranda.
 - (e) Advertisements painted on roofs or displayed or erected as a sky sign in an area other than industrial or harbour zone.
 - (f) Advertisements or signs displayed or erected in an area other than industrial or general business zone.
 - (g) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose.
 - (h) Banners and flags affixed to flagpole/s as a ground sign or attached to an existing building or structure.
 - (i) Any remote or third party advertising signs, sponsored signs and signs for non-profit organisations and institutions.
 - (j) Any advertisements or signs of dimensions not in accordance with the provisions of these By-laws.

12. SIGNS ON THE COUNCIL PROPERTY AND TEMPORARY ADVERTISEMENTS

Temporary advertisements and signs on the Council property are subject to the Council's specific consent as set out in these By-laws. Permanent advertisements and signs on the Council property; i.e. street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs are subject to the Council's specific authority and/or tender procedure. The Council shall be obliged to set out and agree to the specifications and required performance standards for these signs prior to calling for proposals.

(1) Billboards

- (a) Every person who wishes to display or cause to display a billboard advertisement shall submit to the Council a written application on the prescribed form and pay the prescribed fee. Such applications shall be accompanied by an environmental impact assessment in the case of billboards in excess of 36m² and/or for smaller billboards at the Council's discretion.
- (b) This type of sign shall be permitted only in urban areas of minimum control and in urban areas of partial control at the Council's discretion, subject to specific consent and assessment of their environmental impact as required, which shall include the visual, social and traffic safety aspects.
- (c) The name of the owner of the billboard or sign must be clearly displayed on all boards together with the identification number approved by Council.
- (d) Any billboard so displayed shall —
 - (i) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act where applicable;
 - (ii) comply with any other applicable National, Provincial or Local Government legislation and policy, including these By-laws and the Council's policy on outdoor advertising;
 - (iii) not be erected within an area of maximum control, unless, after an environmental impact assessment and public participation process, the Council identifies that such area, subject to such terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
 - (iv) not be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (v) not be, in its content, objectionable, indecent or insensitive to any sector or member of the public;
 - (vi) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
 - (vii) not constitute a danger to any person or property;
 - (viii) not encroach over the boundary line of the property on which it is erected; and
 - (ix) not be erected if considered by the Council to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.
- (e) The positioning of billboards shall —
 - (i) be spaced at least 120m, 200m or 250m apart when in view of each other on the side of the road/s to which they are directed or aimed with up to 60 km/h, 80 km/h or 100 km/h+ speed limit respectively;
 - (ii) not be erected within 100m from the ramp gore of public roads and from overhead traffic directional signs;
 - (iii) not be permitted within a radius of 100m from the centre of an intersection on any arterial road and within a radius of 50m from the centre of an intersection on any lower order road;
 - (iv) not have an overall height in excess of 12m above the surface of the road level to which it is aimed;
 - (v) not have an overall dimension which exceeds 64m² in the case of ground signs and 54m² in the case of wall signs;
 - (vi) not have as main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
 - (vii) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of the Council, constitutes a road safety hazard or causes undue disturbance;
 - (viii) ensure that the traffic flow is not impeded during their erection and servicing on public roads, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged;
 - (ix) in the case of wall signs, be attached only to the side and back walls of buildings which do not fulfil the function of a street or front façade of the building.

(2) Ground signs

- (a) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted either where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible, or where the existence of a freestanding composite sign may prevent the proliferation of signage.
- (b) On-site, locality and non-locality bound freestanding ground signs in the form of business signs and tower structures may not exceed 7,5 m in overall height and 6 in total area. In addition, they may not exceed 4,5 in total area in respect of any individual advertisement thereon and have a clear height of less than 2,4 m. Where a more solid structure is used, the maximum area per sign may be increased to 9 and where the sign incorporates a combination sign, the maximum area per signage structure may be increased to 12. Only one sign or advertising panel on a combination sign shall be allowed per enterprise per street frontage.
- (c) A remote, non-locality bound ground sign which does not have an overall height in excess of 7,5m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m², shall be deemed to be of appropriate dimensions: Provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign will be or is deemed to be erected or displayed in an appropriate place.
- (d) All signs erected on a monopole shall be appropriately designed so that the height of the support is proportionally not too long in relation to the size of the sign.
- (e) A maximum of 2 pylon signs per tower, bridge or pylon shall be permitted. The maximum sign area per tower may not exceed 36m². The sign must be wholly contained within the structure and must have no projections.
- (f) Every ground sign or sign on towers, bridges and pylons shall be independently supported and properly secured to an adequate foundation and be without the aid of guys, stays, struts, brackets or other restraining devices and/or be entirely self-supporting and not dependant upon any existing structure for its support in any way.

(3) Wall signs

- (a) Flat signs
 - (i) Unless otherwise stipulated, flat signs shall, at no point, project more than 300mm from the surface of the wall to which they are

attached. The maximum projection of any part of a flat sign shall be 100mm where the underside of such sign measures less than 2,4 m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.

- (ii) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; remote, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building façade and to construction site boundary walls and fences.
- (iii) No more than two locality bound flat signs per enterprise shall be permitted and no more than one non-locality bound flat sign per wall shall be permitted.
- (iv) Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
- (v) Flat signs shall not exceed 54m² in total area and shall not exceed 30% of the overall area of the wall surface to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of maximum control the signs may not exceed 20% of the wall surface area.
- (vi) An environmental impact assessment shall be required for all flat signs in excess of 36m².

(b) Projecting signs

- (i) The minimum clear height of a projecting sign shall be in excess of 2,4m.
- (ii) Projecting signs shall be 300mm in maximum thickness.
- (iii) Projecting signs shall not be allowed to extend within 600mm of the edge of a roadway.
- (iv) The maximum projection shall be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; and 1m where the sign has a clear height of less than 7,5m.
- (v) Projecting signs shall be installed perpendicular to the street façade or to the direction of oncoming traffic.
- (vi) All projecting signs shall be locality bound

(4) Roof signs

- (a) The maximum permitted size of a roof sign shall be 18m² or 6m² per face for three-sided units: Provided that only one sign per building shall be allowed.
- (b) Roof signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (c) Roof signs shall not obstruct the view or affect the amenity of any other building.
- (d) Roof signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (e) Roof signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
- (f) A roof sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

(5) Veranda, balcony, canopy and under-awning signs

- (a) Signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 600mm of the edge of a roadway.
- (b) Signs may be affixed flat onto or painted on supporting columns, pillars and posts. Such signs may not project more than 50mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post. Sign affixed flat onto cylindrical supporting structures shall be curved to fit the form of such structure and only one sign shall be allowed per column, pillar or post.
- (c) Subject to the provisions of subsections (a) and (b), signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening.
- (d) Under-awning signs suspended below the roof of a veranda, canopy or balcony shall have a maximum sign area of 1 per face with a maximum of 2 in total sign area and shall not exceed 1,8m in length or 600mm in height. The allowable thickness of such signs is between 100mm and 300mm. Every such sign shall be perpendicular to the building line and fixed at a clear height of not less than 2,4m. Only one sign per enterprise façade shall be allowed with a minimum spacing of 3m centre to centre between signs. Such signs shall not extend beyond the external edges of the canopy or veranda to which it is attached.
- (e) Signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letter without visible bracing or support. Signs shall only be placed on top of veranda roofs where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. All such signs shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise façade shall be allowed with a maximum height of 1 m.
- (f) Sunblinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- (g) Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.

(6) Posters, banners and flags

- (a) Every person intending to display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on Council property shall first obtain the written permission of the Council.
- (b) Every application for permission shall be made on the prescribed form and be accompanied by the prescribed fee and deposit as contain in the Schedule of Advertising Sign Charges (Schedule A); such deposit shall be refunded when all the advertisements have been removed to the satisfaction of the Council. The applicant shall, on application, submit a copy of all the posters to which the application relates and written details of the streets in which the posters are to be displayed.
- (c) Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements to the Council's satisfaction;
 - (i) Any advertisement relating to an election, meeting, function or event shall be a maximum size of 600mm high x 450mm wide; shall have a clear height of minimum 2m; and shall be securely fixed to durable hardboard or other approved backing board.
 - (ii) In the case of banners or flags, the maximum size shall be 3m², suspended between non-corrosive pole/s or other approved sup-

port/s; and which shall be placed and fastened in such a manner so as not to constitute a danger to any vehicular traffic, pedestrian, person/s or property in any street, public place or Council property.

- (iii) Any person/s or, in the case of election advertising, each political party displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted one poster per electricity lamppost. No posters are permitted to be displayed on bridges, traffic lights, traffic signs, natural features, freeways and/or national routes.
 - (iv) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when read in succession, forms a continuous relative legend.
 - (v) Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 (fourteen) days before the day on which it begins or longer than 3 (three) days after the day on which it ends. Election advertisements may be displayed from the beginning of the day of declaration of an election to the end of the third day after the election.
 - (vi) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 100, except in special circumstances and with the consent of the Council. In the case of election advertisements, no limitation will be placed on the number of posters displayed.
 - (vii) Any advertisement relating to an election shall be on the basis of a written agreement between the Independent Electoral Commission and the relevant political party.
 - (viii) Banners approved in terms of this section may not be larger than 6.
 - (ix) Auction posters approved in terms of this section may not be larger than 2.
 - (x) Banners and flags may be applied for as directional advertising for streetscaping urban areas such as pedestrian malls and gateways or for displaying only the name, corporate symbol and nature of enterprises.
- (e) Every poster for which permission is granted shall be provided with a Council sticker or marking which shall be visibly displayed to indicate the Council's approval and the Council shall be entitled to retain one such poster for identification purposes.

(7) Estate agents' boards and portable boards

- (a) Every agent or person intending to display, cause or permit to be displayed any portable board, shall annually submit the prescribed, written application to the Council and pay the prescribed fee for approval of the number of portable boards specified in such application.
- (b) Any person who displays or causes any such portable board to be displayed on any Council property other than a road reserve, unless specific approval has been granted for the display on other property of the Council, shall comply with the following requirements to the Council's satisfaction:
 - (i) Portable boards are only to be used for the purpose of indicating the route to the property or premises to be sold or advertised.
 - (ii) Portable boards are to be of appropriate structure and size, not exceeding 600m², and collectively the number of boards displayed may not, in the opinion of the Council, detract from the amenities of the streetscape or environment.
 - (iii) Subject to the provisions of the Road Traffic Act and other applicable legislation, portable boards are not to be positioned nearer than 1,8m from the edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600mm above the ground.
 - (iv) Portable boards are not to be positioned nearer than 10m from any road intersection, entrance or exit from a dual carriage way or freeway as defined in the Road Traffic Act or other applicable legislation.
 - (v) Portable boards are not to be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion of roadway as defined in the Road Traffic Act or other applicable legislation.
 - (vi) Portable boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders.
 - (vii) The display of portable boards for show-houses will only be permitted on Saturdays, Sundays and public holidays. Other approved portable boards advertising services may only be displayed during normal trading hours, hereafter they shall be removed.
 - (viii) Only one portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed directly in front of the advertiser's premises.
 - (ix) Applicants will be required to indemnify the Council against any claims that may arise from the placement of such signs within the road reserve or on Council property and shall be required to procure third party insurance for this purpose.

(8) Aerial advertisement

- (a) Every person who wishes to display or cause to display an aerial advertisement, except by means of an aircraft, shall submit to the Council a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by —
 - (i) particulars of the content of dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well as the materials used and method of construction and anchorage;
 - (ii) particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m of the point of anchorage;
 - (iii) the name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
 - (iv) the period and times of intended display;
 - (v) where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;
 - (vi) proof of the provision of an automatic deflation device;
 - (vii) adequate public liability insurance to the Council's satisfaction; and
 - (viii) approval and any conditions and requirements prescribed by the National Civil Aviation Authority.
- (b) No aerial advertisement shall be displayed or caused to be displayed on, from or over Council property, including any street or public place, unless approval has been granted by the Council who may impose such conditions as it deems fit.

(9) Advertising vehicles

- (a) Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee, and such application shall be accompanied by —
 - (i) particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
 - (ii) the name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the

- boundaries of the Council, of the person having control over the vehicle at all times; and
- (iii) a copy of the current vehicle licence issued in respect of such vehicle as well as the registration as required in terms of the Road Traffic Act.
- (b) No advertising vehicle shall be placed or caused to be placed on private property or Council property, including any demarcated parking bay, in a public road or within a road reserve —
- (i) unless the prior written approval of the Council has been obtained in terms of these By-laws and designated display site(s) have been approved in terms of these By-laws; and
- (ii) provided that, if no approved designated site(s) exists, advertising vehicle signs shall only be permitted to be displayed if they are mobile at all times and comply with legislation and conditions imposed by the Council.
- (c) Advertising vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (d) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 6m².
- (e) Notwithstanding any provisions of these By-laws, the Council or its authorised officials may, without prior notice, remove an advertising vehicle from Council property, and in the case of an unauthorised advertising vehicle on private property, the Council may serve notice instructing the immediate removal thereof.
- (f) Unless an advertising vehicle impounded by the Council in terms of paragraph (e) has been reclaimed within a period of three (3) months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded advertising vehicles shall only be released by the Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.

13. PRESUMPTIONS

- (1) If any person is charged with an offence in terms of these By-laws, it shall be presumed that—
- (b) any person/s who erects or displays or who causes to be erected or displayed any advertisement or sign, whether such person/s be the applicant, the owner or the occupier of the premises, the manufacturer of any part of the signage structure or the proprietor of the undertaking or activity to which such an advertisement relates and any of their agents, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
- (c) any person/s, club, body or political party responsible for organising, sponsoring, promoting or in control of any meeting, function or event to which a sign, poster, election or aerial advertisement relates, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
- (d) any person/s whose name appears on the advertisement or sign or whose product or services are advertised on such sign shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
- (e) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting any street or public place shall be deemed to be displayed in a street or public place;
- (f) where any notice or other document is required by these By-laws to be served on any person, it shall be deemed to have been properly served, within 5 (five) working days of dispatch, if served personally on him/her or any member of his household apparently over the age of sixteen years at his/her place of residence, or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office, or if sent by registered post to such office;
- (g) any advertisement or sign lawfully in existence prior to the date of promulgation of these By-laws shall be presumed to have been lawfully displayed or erected in terms of these By-laws: Provided that it is continuously displayed or kept in position without any alteration other than a minor alteration approved in writing by the Council; and
- (h) anything done under or in terms of any provision repealed by these By-laws shall be deemed to have been done under the corresponding provisions of these By-laws and such repeal shall not affect the validity of anything done under the By-laws so repealed. Any application lodged and pending before the Council at the time of commencement of the policy and/or promulgation of these By-laws, shall be dealt with in terms of these By-laws.

14. SAVINGS IN RESPECT OF EXISTING SIGNS

The following provisions shall apply in respect of the existing signs lawfully displayed at the date of promulgation of these By-laws:

- (1) Where any such sign complies with the provisions of these By-laws such sign may be continued to be displayed, subject to the provisions of these By-laws and shall be deemed to be a sign approved by the Council in terms of these By-laws.
- (2) Where any such sign does not comply with the provisions of these By-laws such sign may be continued to be displayed, subject otherwise to the provisions of these By-laws: Provided that —
- (a) if the sign is a sign to which the provisions of section 8 of these By-laws are applicable, the Council may, without in any manner detracting from its right to require the removal of such sign, by notice in writing require the person having possession or control of such sign, to alter, modify or adjust such sign within a period of 90 (ninety) days from the date of receipt of such notice, or such longer period as the Council may specify, in order that it may be made to comply with these By-laws.
- Any such person who fails to comply with such notice, shall be guilty of an offence.
- (b) No such sign shall be repainted, renovate or reconstructed, unless it is first made to comply with the provisions of these By-laws, and the approval of the Council thereto has been obtained in terms of section 2 of these By-laws. Any person who repaints, renovates or reconstructs any such sign in contravention of the provisions hereof, shall be guilty of an offence.
- (c) The Council may, at any time after the expiration of a period of 3 (three) years from the date of the promulgation of these By-laws by notice in writing, require the person having possession or control of any such sign (not being a sign to which the provisions of section 8 of these By-laws are applicable) to alter, modify or adjust such sign in order that it may be made to comply with these By-laws; or alternatively, to remove such sign, within a period of 30 (thirty) days from the date of receipt of such notice or such longer period as the Council may specify.
- Any such person who fails to comply with such notice shall be guilty of an offence.
- (3) Any existing sign not lawfully displayed at the date of promulgation of these By-laws shall be removed by the owner or person having possession or control thereof.

15. PENALTIES

Any person who contravenes any provision of these By-laws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months or both the fine and the imprisonment.

16. AREAS OF CONTROL

* Refer to Schedule B.

17. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

18. REPEAL OF BY-LAWS

The By-laws relating to the Control of Outdoor Advertising for the Mthonjaneni Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

**SCHEDULE A
ADVERTISING SIGN CHARGES**

A. Application fees and deposits for a licence/permit for outdoor advertising

Every person who applies to the Council for its approval or permission shall, on making application, pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid; the charges are set out below:

1. A non-refundable application fee of R150.00 (One Hundred and Fifty Rand) must be tendered with each application for sign types 2 (ground signs), 3 (wall signs), 4 (roof signs) and 5 (veranda, balcony, canopy and under-awning signs). Any minor amendment to an application, considered by the duly authorised official of Council to be a minor amendment, may be submitted at a reduced application fee of R50.00 (Fifty Rand) each.
2. A non-refundable application fee of R450.00 (Four Hundred and Fifty Rand) must be tendered with each application for sign type 1 (billboards) and all non-locality bound signs in excess of 12m².
3. The approval fee for 1 and 2 is R40.00 (Forty Rand) per square metre of advertising display or part thereof with a minimum fee of R40.00 (Forty Rand) per application.
4. A non-refundable application fee of R50.00 (Fifty Rand) must be tendered with each application for advertisements for sign types 6 (posters, banners and flags).
5. On approval of posters, the applicant must purchase non-refundable stickers from the Council which are to be clearly visible on all posters displayed as follows:
 - (a) R1.00 (One Rand) per sticker to be paid for each poster to be displayed for non-profit bodies only. These posters must display the fundraising numbers of the bodies or a formal constitution has to be submitted to the Council. No commercial advertising and logos of sponsors will be permitted to appear on such posters;
 - (b) R2.50 (Two Rand and Fifty Cents) per sticker to be paid for each poster to be displayed for religious, sporting, social, cultural, political and other events. A subordinate percentage of commercial advertising and logos of sponsors is permitted to appear on such posters; or
 - (c) R5.00 (Five Rand) per sticker to be paid for each poster to be displayed for events considered by the Council or its duly authorised officials to be primarily of a commercial nature.
6. A non-refundable application fee of R600.00 (Six Hundred Rand) per annum or part thereof must be tendered with the annual application for sign type 7 (estate agents' boards); the maximum number of boards required at any given time to be specified in such application.
7. A non-refundable application fee of R50.00 (Fifty Rand) each per annum must be tendered with the annual application for sign type 7 (portable boards or any other collapsible structure).
8. A non-refundable application fee of R200.00 (Two Hundred Rand) must be tendered with each application for sign type 8 (aerial advertisements); adequate public liability insurance for the duration of display will also need to be furnished to Council's satisfaction.
9. A non-refundable application fee of R1 200.00 (One Thousand Two Hundred Rand) per annum or part thereof must be tendered with each annual application for any sign type 9 (advertising vehicles); a certified copy of the current vehicle licence will also need to be furnished.
10. An encroachment fee of R45/m² to be paid on approval of an application for each sign type that encroaches over Council property.

Note: The duration of approval for all advertising signs shall be at the Council's discretion.

B. Fines and penalties for offences and removal of advertising signs in terms of sections 9 and 14

1. Upon conviction of a first offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months, or both the fine and imprisonment.
2. In the case of a continuing offence, the offender shall be liable to a further fine not exceeding R100.00 (One Hundred Rand) for every day during the continuance of such offence.
3. Upon conviction of a second or subsequent offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.
4. For the unauthorised display of sign types 6 (posters, banners or flags), the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months.
5. For the unauthorised display of sign types 7 (estate agents boards, portable boards or any other collapsible structure), the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months.
6. Any person contravening sections 9 and/or 14 shall upon conviction be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.

Note: Any advertising sign which has been removed and confiscated but not destroyed by the Council, as a result of non-compliance with these By-laws, may be repurchased by the original owner/applicant at the cost incurred as a result of such removal and/or storage.

Furthermore, any sign/s removed and not repurchased within 60 (sixty) days of confiscation, or 3 (three) months in the case of advertising sign type 9 (advertising vehicles), shall be disposed of by the Council to defray expenses.

SCHEDULE B
AREAS OF CONTROL (SECTION 16)

	Maximum		Partial	Minimum
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National parks	Municipal parks	Metropolitan	Central Business	Industrial areas
Game reserves	Horticultural areas	Open Space Systems	Districts Commercial and office	Industrial zones
Nature reserves	Rural smallholdings	Urban smallholdings	components of residential	Transport nodes
Forestry areas	Private open spaces	All residential zones	amenities	Traffic corridors
Natural environments	Public open spaces	Private open spaces	Commercial enclaves in	Transportation
Marine reserves	Intensive agriculture	Public open spaces	residential areas	terminals
Beaches and sea shores	Scenic drives	Pedestrian malls	Commercial nodes and ribbon	
Oceans	Scenic routes	Pedestrian squares	Development Entertainment	
Extensive agriculture	Scenic features	Community facilities	districts or complexes	
Scenic corridors	Peri-urban and	Scenic features	Educational institutions	
Scenic landscapes	Traditional areas	Scenic drives	Sports fields and stadia	
River corridors		Gateways	Municipal/government	
Wetlands open spaces		River corridors	Mixed use and interface areas	
		Wetlands	Visual zones along urban roads/ freeways	
		Conservation areas		
		Heritage sites		
		Historic or graded buildings and areas		

No. 62, 2005

1 kuZiban dlela 2005

UMASIPALA waseMthonjaneni ngokwesigaba 156 soMthethosisekelo waseRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ufundwa nezigaba 11 no 98 zoMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo:

UMASIPALA WASEMTHONJANENI

IMITHETHODOLOBHA YABANGCWABI

1. IZINCAZELO

Ngaphandle uma ingqikithi ichaze isho okwehlukile —

“**indawo elingene engenisa umoya kanye nekhanyayo**” kusho indawo eshaya kumbe engena umoya ngokwanele kanye nekhanyayo njengoba kulawula imigomo yoMthetho weZakhiwo kaZwelonke, 977 (uMthetho No. 103 ka 1977), ngokuchibiyelwa yiMithethodolobha yezempilo esetshenziswa endaweni yoMkhandlu.

“**uMkhandlu**” kusho ukuthi uMasipala waseMthonjaneni nabayophumelela ngokomthetho, kubandakanya uMkhandlu walowo Masipala noma isigungu soMkhandlu esiphezulu noma isiphi isigungu esisebnza ngokwamandla esiwanikeziwe ngokwemigomo yomthetho, kanjalo noma ngubani isigungu soMkhandlu esiphezulu esimunikeze amandla nemilayelo ngokuilandela leMithethodolobha;

“**isitifiketi sokusebenza**” kusho usomqulu ngokwesigaba 5;

“**uMphathi womnyango wokuSiza uMphakathi**” kusho umuntu ongumsebenzi woMkhandlu futhi obhalise ngaphansi koMkhandlu weMisebenzi yezeMpilo eNingizimu Afrika futhi yakhelwe ngaphansi kwesigaba 31(1) soMthetho wezeMpilo, 1977 (uMthetho No. 63 ka 1977);

“**izakhiwo ezikhona zabangcwabi**” kusho ngabe iyiphi indawo yabangcwabi ekhina, esebenza lomsebenzi ngosuku lokuqala kokusebenza kwale Mithethodolobha;

“**izindawo zabangcwabi**” kusho izindawo ezisetshenziselwa ukulingisa noma ukugcina izidumbu;

“**umnikazi**” kusho umuntu ogama lakhe lisesitifiketini;

“**izakhiwo ezintsha zabangcwabi**” kusho izindawo ezintsha zabangcwabi eziqala ukusebenza ngemuva kosuku lokuqala ukusebenza kwaleMithethodolobha;

“**inkathazo**” kusho isimo, into umthetho noma isenzo esicanulayo, ukulimala empilweni okwenza kungabikhona ukuphepha, indlela efanele okanye ezempilo endaweni;

“**ukulingisela**” kusho noma yisiphi isenzo okuhloswe ngaso ukulingiswa kwesidumbu ukuze singcwatshwe noma sishiswe, siyiswe kwamanye amazwe noma silahlwe ngezinye izindlela futhi kumele kuhlenganiswe nokusigumisa ngamakha athile isidumbu ngenhloso ebaluliwe, futhi

“**silungiswe**” noma iliphi izwi eliphuma lapho kumele libe nomqondo ohambisanayo;

“**isitifiketi semigomo yokusebenza**” kusho usomqulu ngokuchaza kwesigaba 7;

“**amanzi angaxutshwe nalutho**” kusho amanzi ahlanzekile namhlophe qwa angenayo *I-Escherichia coli organisms*, kanti futhi angenazo izinsalela ezingabeka engcupheni impilo yomuntu;

“**ukuhlolwa kwezilwane eziqudayo**” kushiwo ukubakwa kwezilwane njengoMthethonqubo ukuvikelwa ukugcwala kwezilwanyana ezilumayo kanye nokugcinwa kokudla okuyizinhlamvana, ukudla kwezilwane ezifuyiwe, njalo njalo, ezindaweni zasemadolobheni nasemaphandleni izwe laseNingizimu Afrika eyaziswa ngeSaziso sikaHulumeni No. 1411 sika 23 kuMandulo 1966;

“**uMthetho**” kusho uMthetho wezeMpilo, 1977 (uMthetho No. 63 ka 1977), nanoma ikuphi okunye okugcizelela okufakwe kuMthetho kuyokuba nencazelelo efanayo, ngaphandle uma kungukuthi ingqikithi ichazwa ngokunye;

“**isikali-zinga likubanda nokushisa**” kusho umshini wokuhlola amazinga okushisa nokubanda ngokweMithethodolobha ngokuqandiswa kobuqotho balomshini kanye namazinga okungenani amazinga ayoba ngama-0,5oC.

(2) Amagama achaza noma ngubani ayobandakanya izinkampani, izinhlangano kanye nobulili kubandakanye abesifazane kanjalo abesilisa, ubuningi kanye nobunye.

2. IZIDUMBU ZIYOLUNGISWA KUPHELA ENDAWENI YABANGCWABI ENIKIWE NGEMUVA KOKUTHOLA ISITIFIKETI SOKUSEBENZA

Ngaphandle uma kubaluliwe kuleMithethodolobha akekho umuntu oyolungisela isidumbu noma asibeke endaweni ngaphandle kwezakhiwo zabangcwabo abanikezwe isitifiketi sokusebenza kuyo.

3. UKUPHUMA EMTHETHWENI

- (1) UMkhandlu ungakwazi ukuthi ukhiphe imvume ebhaliwe, ukuthi unikezele igunya kumuntu lokuthi angalaleli imigomo noma ingxenye yalemithethswana uma ngokombono woMkhandlu ukungalandeli imigomo kungeke kulethe izinkinga.
- (2) Lezi zibonelo ziyoba ngaphansi kwemibandela ziphinde zibekelwe isikhathi esithile esiyolawulawa nguMkhandlu kwisitifiketi sezibonelelo.

4. UKUFAKA ISICELO SOKUTHOLA ISITIFIKETI SOKUSEBENZA

- (1) (a) Noma ngubani ofisa ukufaka isicelo sendawo entsha yokuqhuba ibhizinisi labangcwabi kuyomele ukuthi, zingakapheli izinsuku ezingamashumi amabili nomuvo ngaphambi kokuletha isicelo sakhe kuMkhandlu, afake isaziso mayelana nezinhloso zakhe ngolimi lwesilungu, isiZulu kanye nesiBhunu kumaphephandaba endawo ukusebenza kuyona abulale ukuthi iyiphi indawo azosebenzela kuyona.
- (b) Lesi saziso kuyomele ukuthi siqathe ulwazi olwanele mayelana nokuthi isicelo sizofakwa kuMkhandlu ngokwemigomo yale Mithethondaba nokuthi noma ngabe ngubani ofisa ukuphikisana nesicelo kuyomele afake isiphikiso sakhe esenabile kuMkhandlu, kanye nezethulo eziveza ubufakazi, ngouthi abhalele umkhandlu zingakapheli izinsuku ezingamashumi amabili nomuvo kukhishwe isaziso.
- (2) (a) Isicelo sokukhishwa kwesitifiketi sokusebenza kuyomele ukuthi sibhalwe phansi ngumfakisicelo noma yilowo ommele ngokomthetho kuMkhandlu, kwifomu elenzelwe lokho.
- (b) Isicelo sokukhishwa kwesitifiketi sokusebenza kumele siphelzelwe —
 - (i) incazelo yesakhiwo kanye nendawo, kubandakanya imishini yokusebenza, indawo yokucina izidumbu, izindawo zokulungiswa kwezidumbu kanye nezindawo zezindlu zangasese;
 - (ii) umdwebo ophelile wokuqala kwesakhiwo kumbe wesakhiwo esivele sikhona esingaba isilinganiso esingu 1:100 kuhlanganiswa nendawo yokuhlala udoti;
 - (iii) uhlelo lwezakhiwo olukhombisa ukuthi inyakatho ingakuphi kanye nezinye izakhiwo eziseduzane esezivele zisetshenziswa ngumfakisicelo noma nomunye umuntu kanye nenhloso lezo zakhiwo ezisetshenziselwa yona;
 - (iv) imininingwane yanoma ngubani ngaphandle kwalowo ofake isicelo kungaba ngomunye wabasebenzi ozobe esebenza ukulungisa izidumbu kwisakhiwo;
 - (v) uhlelo olubhekele ingozi uma kwenzeka kukhona okungahambi kahle kwiziqandisi noma egunjini lokubandisa; kanye
 - (vi) nohlelo lokugcina indawo ihlanzekile nokubalulwa kawamagciwane.
- (c) UMkhandlu, uma ubhekela ukukhipha isitifiketi sokusebenza, ungacela kumfakisicelo noma ngubani omunye umuntu ukuba anikezele eminye imininingwane uma kunesidingo.
- (d) UMkhandlu akumele ukhiphe noma udlulisele isitifiketi ngale ngokuphelele izakhiwo ngomele ezempilo noma umphathi womnyango wezidingo zomphakathi oqokwe nguMkhandlu maqondana nalolo daba noma ukwedluliwa, kusezandleni zoMkhandlu.

5. UKUKHISHWA NOMA UKUDLULISWA KWESITIFIKETI SOKUSEBENZA

Uma uMkhandlu sewenelisekile ukuthi izakhiwo ezithintekayo —

- (1) ziyahambisana nezidingo njengoba zibekwe phansi kule Mithethodolobha kumbe nanoma imiphi eminye imithetho ethintekayo;
- (2) ziyahambisana nokuthi kulungiselwe kuzona izidumbu; kanye nokuthi
- (3) angeke ziphazamise abanye abasebenzisa isakhiwo eziseduzane kwazo, kuyoba, ngokwemibandela yabanezindawo zabangcwabi, ukukhishwa kwesitifiketi sokusebenza komunye umnikazi omusha, uma kungenzeka.

6. UKUBA SEMTHETHWENI KANYE NOKUDLULISWA KWESITIFIKETI

Isitifiketi sokusebenza, ngaphandle kokukhishwa kwesitifiketi sokusebenza okwesikhashana, singavunyelwa nguMkhandlu, ukudluliselwa komunye umnikazi siye komunye omusha kanti lesi sitifiketi siyohlala sisemthethweni kuze kube ukuthi siyamiswa ngokwale Mithethodolobha.

7. UKUKHISHWA KWESITIFIKETI SOKUSEBENZA ISIKHASHANA

- (1) Ngaphandle kokuthi uMkhandlu awunelisekile njengokulawula kwesigaba 4 mayelana nezakhiwo zabangcwabi nokuyikhona okufakwe ngakho isicelo, uMkhandlu nangokwemibandela yokuthi zikhona izakhiwo esezikhona, uMkhandlu ngokwemibandela, ungalawula ukuthi ukhiphe isitifiketi sokusebenza okwesikhashana kulezo zakhiwo.
- (2) Isitifiketi esichazwa ngokwesigatshana (1) siyokhishwa kuphela uma uMkhandlu waneliseka ukuthi ukusetshenziswa kwalezi zakhiwo zabangcwabi angeke kubange inkathazo nokuphazamisa futhi siyokhishwa ngokwesikhashana esingaba izinyanga eziyisithupha ukuze kuthi umfakisicelo akwazi ukushintsha lezo zakhiwo ukuze zihambisane nemigomo yeMithethodolobha.
- (3) Uma, sekudlule isikhathi esichazwe kwisigatshana (2) izakhiwo zisahluleka nokuhambisana nemigomo yeMithethodolobha, uMkhandlu ungasithatha isitifiketi.

8. IMISEBENZI YOMPHATHI MVUME

- (1) Umnikazi mvume kulindleke ukuthi zikhathi zonke azise uMkhandlu ngokuthi abhale ngokushesha uma kuba khona ushintsho kwimininingwane noma kwimibandela enikezelwe kuMkhandlu ngenkathi kufakwa isicelo.
- (2) Umngcwabi angeke alahle isidumbu noma kuyiphi indawo noma kuziphi izakhiwo ngaphandle kwsemangcwabeni noma endaweni yokushisa izidumbu ebhaliswe ngaphansi koMthetho wokuNgcwaba nokuShisa iziDumbu waKwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996).
- (3) Umnikazi mvume kuyomele azibophezele kwimigomo yale Mithethodolobha kanye nemithetho ebekiwe kanye nanoma imiphi eminye imibandela ekhishwe uMkhandlu.

9. UKUMISWA NOMA UKWEPHUCWA KWESITIFIKETI SOKUSEBENZA NOMA SOKUSEBENZA OKWESIKHASHANA

- (1) Uma uMkhandlu uthola ukuthi ngokwesi sindo sombiko wokuhlolwa noma izincomi ngommele ezempilo noma umphathi wezemisebenzi yomphakathi ukuthi kunezizathu eziqinile zokusola ukuthi —
 - (a) indawo yabangcwabi ethintekayo isetshenziswa ngendlela eyisiphazamiso noma izimo zayo ziyinkathazo; noma
 - (b) izakhiwo lezo zisetshenziswa ngokungalandeli imigomo yemithetho yezempilo, (uMthetho No. 63 ka 1977), leMithethodolobha noma eminye imithetho ebekiwe noma imibandela ebekiwe kwisitifiketi sokusebenza noma sokusebenza okwesikhashana, uMkhandlu —
 - (c) ngokulandela isigaba 9(1)(a) uma ubona ukuthi kunengcuphe yezempilo ungathatha isitifiketi sokusebenza noma sokusebenza okwesikhashana esithintekayo;

- (d) ngokulandela ukungahambisani kahle okuchazwe kwisigaba (9)(1)(b) ungamisa okwesikhashana ukusebenza kwesitifiketi noma ukusebenza kusebenza kwesitifiketi kwesikhashana esithintekayo okungaba isikhathi esiyonqunywa uMkhandlu, ukwenzela umphathi mvume akwazi ukuhambisana nemibandela ebekiwe kanti uma umphathi mvume ehluleka ukuhambisana nemibandela esikhathini esibekiwe kwisaziso sokumiswa kwakhe, uMkhandlu ungamphuca isitifiketi ngale kokukhipha isexwayiso.
- (2) Isaziso esikhishwe umkhandlu ngokwesigaba 9(1) siyobhalwa bese sithunyelwa kumphathimvume.
- (3) Ukumiswa noma ukuphucwa kwesitifiketi sokufaneleka ngokwezihlinzeko zale Mithethodolobha kuyoqala ukusebenza kusukela ngosuku ngosuku lwesaziso sokwephucwa noma sokumiswa —
- (a) akuyoba khona ukulungiswa kwezidumbu kuleso sakhiwo;
- (b) asikho isidumbu esiyokwemukelwa kuleyo ndawo ukuze silungiselwe ukungcwatshwa; kanti futhi
- (c) asikho isidumbu esiyogcinwa kuleyo ndawo kanti zonke izidumbu ziyosuswa ngokushesha ziyiswe emakhazeni kahulumeni, noma ngaphansi kokuphathwa kwesifundazwe noma uMkhandlu noma omunye umngcwabi, ngokubhekela ukuthi loMthethodolobha angeke ubhekiswe noma isaziso okukhulunywa ngaso angeke sichazwe ngokuthi sivimbele eminye imisebenzi emayelana nebhizinisi lokungcwaba njengokudayiswa kwamabhokisi kanye nemishwalense.
- (4) Uma uMkhandlu unombono wokuthi imigomo eholela ekuthathweni kwesitifiketi ngokulawula kwale Mithethodolobha seyilungisiwe ngumphakathi mvume, ungakwazi ukuthi unikezele isitifiketi ngemuva kwesicelo esibhaliwe ngumphathi mvume noma lowo ommele.

10. OKUDINGEKAYO MAQONDANA NEZAKHIWO ZABANGCWABI

- (1) Okunikeziwe kolokhu okulandelayo kuyokwenziwa kuzakhiwo zabangcwabi:
- (a) Igumbi lokulungisa izidumbu.
- (b) Amagumbi okushintshela, ahlukane ngokobulili asetshenziswe abasebenzi abasebenza kuleso sakhiwo.
- (c) Iziqandisi zokuhlalisa izidumbu.
- (d) Izidingo zokuhlazwa kanye nokunakekelwa kwezinto zokusebenza ngaphakathi kwesakhiwo.
- (e) Indawo yokuhlazwa izinqola zokuthutha kwezakhiwo.
- (f) Indawo yokulayisha kanye nokwehliswa kwezidumbu njengokulawula kwesahluko 10(6).
- (g) Indawo yokupaka izimoto zabasebenzi kanye namakhasimende.
- (2) Alikho igumbi endaweni yabangcwabi eliyosetshenziswa omunye umsebenzi ngaphandle lwalowo eyakhelwe wona.
- (3) Igumbi lokulungiswa kwezidumbu —
- (a) liyokwenziwa ngendlela yokuthi —
- (i) lehluke kwamanye amagumbi akhona ngaphakathi futhi kungaxhumaneki namahhovisi, ngendlela yokuthi igumbi lokulungiswa kwezidumbu kusakhiwo sabangcwabi indawo yokungena ikhandwe ngangokuthi ayibonakali kumuntu ongaphakathi kwehhovisi;
- (ii) Iivumele ukuthi amaphunga amabi alashwe kalula;
- (iii) Iibe nokukhanya okwanele nokungena komoya;
- (b) ibe nephansi—
- (i) eliyokwemboza indawo engekho ngaphansi kuka 16 kwetafula lokuqala elichazwe ngokwesigaba 10(3)(e) kanye no 8 kulelo nalelo tafula lokwengeza;
- (ii) elakhiwe ngokhonkolo noma okicishe kufane nalokho okungangenwa ngamanzi okunephezulu elibushelelezi elingeshibileli nelilanzeka kalula, nelinokwehlela okuqinisekisa ukuthi wonke udoti ungenela kwindawo evunyelwe nguMkhandlu; kanye
- (iii) nokuyothi, uma kufakwa kabusha elinye iphansi ngemuva kokuqala kokusebenza kwale Mithethodolobha kuhlinzekelwe ngez-ingcwali eziyindilinga lapho lihlangana khona nezindonga;
- (c) kumele libe nezindonga ezinephakathi elibushelelezi nezinopende olula nowashekayo, obushelelezi ongangenwa ngamanzi, inombala okhanyayo;
- (d) liyohlinzekelwa ngosilinga ongekho ngaphansi kwamamitha ama-2,4 ngaphezu kwephansi, nokuyoba usilinga ongabambi uthuli nopende ngopende okhanyayo nowashekayo;
- (e) liyoba namatafula eqile kwelilodwa noma laluphi uhlobo, lifakwe unqenqema ngaphandle, umpompi onamanzi abandayo okungaxhunywana kuwona ipayipi lamanzi kanye nendawo yokuhambisa amanzi avunyelwe nguMkhandlu;
- (f) kumele kube khona izitsha zokuwasha ezingaphezulu kwesisodwa kulelo nalelo tafula, nendawo yokusebenzela efanayo, ompompi bamanzi abandayo nashisayo kanye nashisayo kanye nendawo yokuhambisa amanzi evunyelwe nguMkhandlu, kanye namathawula asetshenziswayo kanye, nebhulashi lokuwasha izinzipho;
- (g) kumele kube khona ompompi abangaphezulu kowodwa abaxhunywana ipayipi elide ngokwanele ukufinyelela emakhoneni alelo gumbi, nelingaxhunywana ukuze lihlanze ingaphakathi, kanye nokuhlazwa kwezindawo zonke ezingaphakathi; bese
- (h) liba nezivalo ezivuleka ngokungekho ngaphansi kwamamitha angu 0.82 ububanzi kanye namamitha angoma-2,00 ukuphakama ukuze izidumbu zikwazi ukuthi zingeniswe ziphinde zikhishwe kalula kulelo gumbi.
- (4) Yilelo nalelo gumbi lokushintsha okungenani kumele libe nalokhu okulandelayo:
- (a) Indawo yokuwashela izandla enamanzi abandayo kanye nashisayo yalabo nalabo basebenzi abayisihupha noma ingxenye yabo.
- (b) Amathawula ayiphapha asebenziswa kanye alahlwe, insipho, ibhulashi lezinzipho kanye nezibulali magciwane.
- (c) Nezindlu zangasese ezingaphezu kweyodwa zabo bonke abesilisa abayishumi nesihlanu noma ingxenye yabo kanye nendlu yangasese eyeqile kweyodwa yalaba besifazane abayishumi nesihlanu abaqashwe kuleyo ndawo yabangcwabi, nokuhlinzeleka ukuthi indawo yokuchama eyehlukene yabesilisa nabesifazane iba yingxenye yesakhiwo nokuthi enye ingxenye yokuchitha amanzi kumele ivumele ingxenye noma abesilisa abangamashumi amathathu.
- (5) Iziqandisi noma izindawo zokugcina izidumbu kumele zifakwe eduze kwalapho kulingiswa khona izidumbu kanye —
- (a) nalapho kusetshenziswa iziqandisi, kumele kube yindawo eyakhiwe ngezinto ezingabambi umswakama, ihlinzekelwe ngamathileyi akwazi ukususeka futhi yakhiwe ngendlela yokuthi ikwazi ukuba nomgudu wokuhambisa amanzi ikwazi nokuthi ihlanzeke kalula;
- (b) zibe sesimweni sokuthi ingaphezulu lesidumbu likwazi ukubanda kube ngu 50C ngamahora amathathu sifakiwe kanti angeke kweqe ku 150C ngesikhathi sokulungisa isidumbu. Isikalo samazinga okushisa kanye nokubanda esisebenza ngendlela kumele ukuthi sihlinzekelwe kwisizandisi kwindawo yokubandisa kanti kumele sihlale sisebenza ngaso sonke isikhathi;
- (c) ezimeni lapho kusetshenziswa khona amagumbi okubandisa, kuyolandelwa izigaba 10(a) (ii), (b)(ii), (c), (d) kanye no (h) kanti iyohlinzekelwa ngamashalofu angumomi umswakamo nohlanzeke kalula;
- (d) izidumbu zingabekwa esinye phezu kwesinye, kumele sibekwe ngasinye emashalofini noma emathileyini.

- (6) Izidingo zokuhlazwa, ukulayishwa kanye nokwehliswa kwezidumbu kumele kube yindawo ekhonkiwe, engabonakali kumphathi nexhunywe kumgudu wokuhambisa amanzi evunyelwe nguMkhandlu;
- (7) Ukwehlulwa kanye nokulayishwa kwezidumbu kanye nokuhlazwa kwezimoto akumele kwenzeke noma kuphi kodwa endaweni echazwe esigabeni 10(6).
- (8) Indawo yabangcwabi kumele ibe nesivikela sezilwane eziqudayo.

11. UKUHLANZEKA

- (1) Wonke udoti oqinile kuyomele ugcinwe emigqonyeni kadoti eqinile ezinezivalo ezivaleka ngokuqinile kanti uyophathwa ngendlela evumelana nemibandela yoMkhandlu.
- (2) Wonke umuntu ongumnini mvume yokuba ngumngcwabi kuyomele —
 - (a) ahlinzekele ngezimpahla eziyizivikelo nezihlanzekile, amagilavu, amadadla, amaphinifa epulasitiki akhandwe ngokuthi ingaphambili lifinyelela ezicathulweni, izisithabus, ama ovaloni kubona bonke abasebenzi kanye nabo bonke abathintekayo ekulungisweni kwezidumbu nasekuhlolweni kwazo, kanti wonke umsebenzi noma ubani omunye othintekayo kumele kuthi ahlale efake lezi zimpahla;
 - (b) lezi zakhiwo kumele zigcinwe zingezinambuzane kumbe izilwane ezifuyiwe zikhathi zonke;
 - (c) kumele zihlanzwe ngokushesha ngemuva kokuthi kulungiswe izidumbu, zonke izindawo zokusebenzela kanye nezinto la kulungiselwa khona izidumbu zihlanzwe;
 - (d) kuhlazwe kuphinde kufakwe izibulali magciwane ezintweni ezisetsheziwa uma kuhlolwa izidumbu ngokushesha emuva kokuzisebenzisa;
 - (e) kuhlazwe kuphinde kufakwe izibulali magciwane kuzona zonke izimpahla eziyizivikela nezisetsheziwa nsuku zonke;
 - (f) kugcinwe lezi zindawo zabangcwabi zihlanzekile zikhathi zonke;
 - (g) uma kungakuthi kuye kwahanjiswa isidumbu ngesithuthi ngale kokuthi kusetsheziwe okuvikela umswakama, kumele ukuthi indawo yokuthwala emotweni ihlanzwe iphinde ifakwe isibaluli magciwane ngemuva kokukhipha isidumbu.

12. IZINHLAWULO

Noma ngabe ngubani —

- (1) oyokwehluleka noama owephula lemigomo yale Mithethodolobha;
- (2) owephula noma owehluleka ukulandela noma isiphi isaziso noma imibandela ebekiwe ngokwalemigomo yale Mithethodolobha;
- (3) ngenhloso yale Mithethodolobha, owenza inkulumo engelona iqiniso noma ngamabomu anikezele ngamanga ulwazu olungelona iqiniso kuziphathimandla; noma
- (4) asabise, anqabe, aphazamise noma avimbele ogunyaziwe noma isisebenzi soMkhandlu ukusebenzisa amandla aso noma ukwenza umsebenzi waso ngaphansi kwale Mithethodolobha, uyothweswa icala kanti uma eshushiswa uyobhekana nenhlawulo noma ukuboshwa isikhathi esingqile ezinyangeni eziyishumi nambili noma kokubili inhlawulo kanye nokuboshwa.

13. ISIKHALO

Umuntu esikhathini esiyizinsuku eziyisikhombisa ofisa ukukhalaza nesinqumo esithathwe nguMkhandlu noma nguMphathi woMnyango ngokwale Mithethodolobha, leso sikhalo esiyodluliselwa eKomidini eliPhethe ukuba sicutshungulwe, osinqumo salo esiyokuba ngujuqu.

No. 62, 2005

1 December 2005

THE Council of the Mthonjaneni Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws which By-laws shall come into operation on the date of publication of this notice.

MTHONJANENI LOCAL MUNICIPALITY

FUNERAL UNDERTAKERS BY-LAWS

1. Definitions

- (1) Unless the context otherwise indicates —

“adequately ventilated and illuminated” means adequately ventilated and illuminated as contemplated in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), as amended or the Health By-laws applicable within the area of jurisdiction of the Council;

“Council” means the Mthonjaneni Municipality and its successors in law, and includes the Council of that Municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws;

“certificate of competence” means a document contemplated in section 5.

“environmental health officer” means a person who is an employee or contractor of Council and who is registered with the Health Professions Council of South Africa and is designated in terms of section 31(1) of the Health Act, 1977 (Act No. 63 of 1977);

“existing funeral undertaker’s premises” means existing funeral undertakers’ premises, which are used as such, on the date of commencement of these By-laws;

“funeral undertaker’s premises” means premises that are or will be used for the preparation and or storage of corpses;

“holder” means the person in whose name a certificate of competence has been issued;

“new funeral undertaker’s premises” means undertaker’s premises that start operating as such after the date of commencement of these By-laws;

“nuisance” means any conditions, thing, act or omission which is offensive or injurious to health or which tends to prejudice the safety, good order or health of the area or part thereof;

“preparation” means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purpose, and “prepare” and any word derived therefrom shall have a corresponding meaning;

“provisional certificate of competence” means a document as referred to in section 7;

“pure water” means clean and clear water that contains no *Escherichia coli* organisms and is free from any substance in concentrations that are detrimental to human health;

“**rodent - proof**” means rodent-proofed as laid down in the regulations regarding the Prevention of Rodent Infestation and the storage of Grain, Forage, etc. in Urban and Rural areas of the Republic of South Africa promulgated by Government Notice R. 1411 of 23 September 1966;

“**the Act**” means the Health Act, 1977 (Act No. 63 of 1977), and any expression to which a meaning has been assigned in the Act shall have such meaning, unless the context otherwise indicates, and

“**thermometer**” means an apparatus which can give the temperature readings referred to in the By-laws, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5°C.

- (2) Words applying to any individual shall include persons, companies and corporations; and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. Corpses to be prepared only at Funeral Undertaker's Premises in respect of which a Certificate of Competence has been issued

Unless otherwise provided for in these By-laws, no person shall prepare and/or store any corpse except on funeral undertaker's premises in respect of which a certificate of competence has been issued and is in effect.

3. Exemptions

- (1) The Council may, in writing, exempt any person from compliance with all or any of these By-laws where, in the opinion of the Council non-compliance does not or will not create a nuisance.
- (2) Such exemption shall be subject to such conditions and valid for such a period as the Council may stipulate in the certificate of exemption.

4. Application for the issue or transfer of a Certificate of Competence

- (1) (a) Any person wishing to apply for a certificate of competence in respect of a funeral undertaker's premises shall, not less than 21 (twenty-one) days before submitting his application to the Council, cause a notice of his intention to be published in English, Afrikaans and Zulu in a newspaper that circulates in the area in which such premises will be or is situated.
- (b) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these By-laws is to be submitted to the Council and that any person who wishes to object to such use shall lodge his objection, together with substantiated representations, with the Council in writing within 21 (twenty-one) days of the date of publication of such notice.
- (2) (a) An application for the issue of a certificate of competence shall be made in writing by the applicant or his authorized representative to the Council, on the prescribed form.
- (b) An application for the issue of a certificate of competence shall be accompanied by —
- (i) a description of the premises and the location thereof; including equipment, storage facilities, preparation areas and toilet facilities;
 - (ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100 including the effluent disposal system;
 - (iii) a plan of the premises on which north is shown indicating adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilized or are to be utilized;
 - (iv) particulars of any person other than the applicant or any of his employees who prepares or will prepare corpses on the premises; and
 - (v) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown;
 - (vi) a cleansing and disinfection programme.
- (c) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.
- (d) The Council shall not issue/transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by a medical officer of health or an environmental health officer appointed by the Council and his report on such inspection, including his recommendation on such issue or transfer, is in the possession of the Council.

5. Issue or transfer of Certificate of Competence

When the Council is satisfied that the premises concerned —

- (1) complies with all requirements laid down in these By-laws and any other applicable legislation;
- (2) are in all respect suitable for the preparation of corpses; and
- (3) will not be offensive to any occupants of premises in the immediate vicinity of such premises,

it shall, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in name of the applicant in such form as it may determine or shall, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

6. Validity and transfer of Certificate of Competence

A certificate of competence, excluding a provisional certificate of competence, shall, on endorsement by the Council, be transferable from one holder to a new holder and such certificate shall, if so endorsed, be valid from the date on which it was issued until it is revoked or suspended in terms of these By-laws.

7. Issue of Provisional Certificate of Competence

- (1) Notwithstanding the fact that the Council is not satisfied as contemplated in section 4 with regard to funeral undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.
- (2) A certificate referred to in subsection (1) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of 6 (six) months to enable the applicant to alter such premises in order to comply with the provisions of these By-laws.
- (3) If, after the period referred to in subsection (2), the premises does not comply with the provisions of these By-laws, the Council may revoke the provisional certificate of competence.

8. Duties of Holder

- (1) The holder shall immediately inform the Council in writing if there are any changes in the particulars or circumstances supplied to the Council in the application for the certificate of competence.
- (2) A funeral undertaker shall not dispose of a body in any place or premises other than a cemetery or crematoria registered in terms of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996, (Act No. 12 of 1996).

- (3) The holder shall comply with the provisions of these By-laws, applicable legislation and any conditions imposed by the Council.

9. Suspension or Revocation of a Certificate of Competence or Provisional Certificate of Competence

- (1) If the Council is of the opinion, on the strength of an inspection report and/or recommendation by a medical officer of health or environmental health officer, that there are reasonable grounds to suspect that —
- (a) the funeral undertaker's premises concerned are being used in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or
 - (b) the premises concerned are being used in contravention of the provisions of the Health Act, 1977 (Act No. 63 of 1977), these By-laws or other applicable legislation or any conditions imposed by the certificate of competence or provisional certificate of competence, the Council may —
 - (i) in relation to conditions referred to in section 9(1)(a) where in its opinion the health hazard in question is a real hazard revoke the certificate of competence or provisional certificate of competence concerned;
 - (ii) in relation to an irregularity referred to in section 9(1)(b) suspend the certificate of competence or provisional certificate of competence concerned for such period as the Council may determine, to enable the holder to comply with the applicable legislation and/or conditions imposed, and if the holder fails to comply within the period stipulated in the notice of suspension the Council may revoke the certificate without further notice.
- (2) A notice issued by the Council in terms of section 9(1) shall be issued in writing, and then served on the holder.
- (3) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this bylaw shall have the effect that, from the date of the notice of suspension or revocation —
- (a) no preparation of any corpse shall be performed on the premises concerned;
 - (b) no corpse shall be received for preparation on the premises concerned; and
 - (c) no corpse shall be preserved on the premises concerned and every corpse shall immediately be removed to a mortuary under the control of the State, a provincial administration or the Council or any other funeral undertaker's premises, provided that this bylaw shall not be applicable and the said notice shall not be so construed as to restrict any other business activity relating to the funeral undertaking profession including the sale of coffins and policies.
- (4) Where the Council is of the opinion that a condition that gave rise to the revocation no longer exists, it shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

10. Requirements relating to Funeral Undertaker's Premises

- (1) Provision for the following shall be made on funeral undertaker's premises:
- (a) A preparation room for the preparation of corpses.
 - (b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.
 - (c) Refrigeration facilities for the refrigeration of corpses.
 - (d) Facilities for the washing and cleansing of utensils and equipment inside the building.
 - (e) Facilities for the cleansing of vehicles on the premises.
 - (f) Facilities for the loading and unloading of corpses as contemplated in subsection (6).
- (2) No room on a funeral undertaker's premises shall be used for any purpose other than the purpose for which it is intended.
- (3) The preparation room —
- (a) shall be so designed as to —
 - (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of sight of any person in such office or salesroom.
 - (ii) enable obnoxious odours and vapours to be adequately treated; and
 - (iii) be sufficiently ventilated and lighted;
 - (b) shall have a floor —
 - (i) covering an area of not less than 6m² for the first table of the kind referred to in section 10(3)(e) and 8m² for each additional table;
 - (ii) constructed of concrete or similar waterproof material with a smooth non-slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into a disposal system approved by the Council; and
 - (iii) which, if it is replaced or laid after the date of commencement of these By-laws, shall be provided with half round filling where it meets the walls;
 - (c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other suitable, smooth, waterproof, light - coloured and washable material;
 - (d) shall be provided with a ceiling not less than 2,4m above the floor level, which ceiling shall be dust proof and painted with a light-coloured washable paint;
 - (e) shall contain not less than one table of stainless steel or glazed earthenware or other suitable material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
 - (f) shall contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
 - (g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and
 - (h) shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.
- (4) Each change-room shall contain at least the following:
- (a) One hand basin with hot and cold running water for every six employees or part thereof.
 - (b) Disposable towels, soap, nailbrushes and disinfectant.
 - (c) Not less than one toilet for every 15 male employees or part thereof and not less than one toilet for every 15 female employees or part thereof.

thereof employed at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities, one toilet plus one separate urinal shall be permissible for every 30 men or part thereof.

- (5) Refrigeration facilities such as refrigeration or cold chambers for the keeping of corpses, shall be installed in or close proximity of such preparation room and —
 - (a) where refrigerators are used, it shall be constructed of a material that does not absorb moisture, shall be provided with removable trays and shall be so designed as to drain into an approved drainage system and be easy to clean;
 - (b) be of such a nature that the surface temperature of any corpse shall be no higher than 5C within 3 hours of its being received on the premises and no higher than 15C during preparation. An accurate thermometer must be provided at the refrigerator or cold chamber and must be operational at all times;
 - (c) in instances where cold chambers are used, it shall comply with sections 10(3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and
 - (d) corpses are not to be stored on top of each other and must be stored individually on the trays or shelves.
- (6) The cleansing, loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gully connected to a sewer system approved by the Council.
- (7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in section 10(6).
- (8) The funeral undertaker's premises shall be rodent-proof.

11. Hygiene

- (1) All solid refuse on the premises of a funeral undertaking shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the requirements of the Council.
- (2) Every holder of a certificate of competence relating to funeral undertaker's premises shall —
 - (a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats/overalls to all employees and all other persons involved in the preparation of corpses or post-mortems, and each such employee or other person shall, at all times when so involved, wear such clothing;
 - (b) keep such premises free of pests and insects at all times;
 - (c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;
 - (d) wash and disinfect all equipment used for the preparation of corpses immediately after use;
 - (e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;
 - (f) keep such premises clean and tidy at all times; and
 - (g) if a corpse has been transported without a moisture proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

12. Penalties

Any person who —

- (1) contravenes or fails to comply with any provisions of these By-laws;
- (2) contravenes or fails to comply with any notice given or condition imposed in terms of these By-laws;
- (3) for the purpose of these By-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or officer; or
- (4) threatens, resists, interferes with or obstructs an authorized officer or employee of the Council in the performance of his powers, duties or functions under these By-laws,

shall be guilty of an offence and upon conviction be liable to a fine of R1 000.00 (One Thousand Rand) or imprisonment for a period not exceeding 12 (twelve) months or to both the fine and the imprisonment.

No. 63, 2005

1 kuZibandlela 2005

UMASIPALA WASOKHAHLAMBA

IMITHETHODOLOBHA YOKUNAKEKELWA KWAMAKHASIMENDE,
UKULAWULWA KANYE NOKUQOQWA KWEZIKWETELETHU

ISANDULELO

Njengoba ingxenye yama-96 yomthetho woHulumeni baseKhaya: eyaziwa ngokuthi "Municipal Systems Act, 2000 (Act 32 of 2000)" idinga umasipala amukele (adopt), anakekele futhi aqhube ngendlela yokuphathwa kwezindaba zezikweletu, ukuqoqwa kwezikweletu, kanye nokunakekelwa kwamakhasimende.

Nanjengoba ingxenye yama-97 yoMthetho weziNhlelo zoMasipala boHulumeni baseKhaya icacisa ukuthi le mithethonqubo kudingeka iqukatheni.

Ngakho-ke manje isigungu sikaMasipala wasoKhahlamba simukela le mithethonqubo njengoba ivezwe yahlelwa lapha kuleli dokodo.

IZINHLOSO

1. **Ukunakekelwa kwamakhasimende:** Ukusungula ubuhlobo, ubudlelwane obuhle phakathi komuntu okudingeka akhokhele okuthile kanye nomasipala uqobo noma nalowo odlulisela izidingo zabantu egameni likamasipala. Kanjalo futhi ukusungula indlela enhle ekhuthaza ukukhokhelwa kwezidingongqangi kanye nokusheshe zinakwe izidingo/izikhalo zalabo abazikhokhelayo.
2. **Ukulawulwa kwezikweletu:** Ukusebenza ngaphansi kwenqubo eqinisekisa ukuthi ziyaqoqwa izikweletu, kuyafinyelelwa emazingeni afanele lapho kudluliselwa izidingongqangi, ukuvinjelwa kokukhula kwezikweletu ezingakhokheliwe. Kanye, nokwenza isu eliyisikhuthazi sokukhokha ngesikhathi kanjalo futhi nokunciphisa izimo ezingaholela ebusayini bokuthile ngokuthi kube namacebo (tools) amahle okuphatha.
3. **Ukuqoqwa kwezikweletu:** Ukwethulwa kwezindlela namasu okuqoqa zonke izimali okumele zikhokhelwe umKhandlu ngenxa yezidingongqangi ezidluliselwe kubantu kanjalo nezintela (levies) zonyaka, konke kwenziwele ukuthi zihlale zikhona izimali kanye nokwedluliselwa kwezidingongqangi ngumasipala ngoba lokho kudingwa ngumphakathi.

4. **Uxhaso lwabantulayo:** Ukukhuthaza kanye nokunikezela uxhaso lwezimali ukuze kuthi labo abantulayo bakwazi ukuthola izidingongqangi ezizezingeni elifanele elihambisana nemithetho eyengamele izintela ukuze kusizakale imindeni ehlupekayo.

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3. **Izibopho nemisebenzi**
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 - 3.4 Izibopho nemisebenzi yemiphakathi, abakhokhi bentela kanye nabahlali
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12. **Ukuphoqwa kweminye imithetho kanye nokungahlangani**

1. **Izincazelo**

Ngokwenjongo yale mithethodolobha noma yiliphi igama noma isisho esinencazelo equkethwe emThethweni lizobe lilokhu linencazelo efanayo nakule mithethonqubo ngaphandle uma umqondosizinda usho okunye.

“i-akhawunti” kusho isaziso esenziwa ngesitatimende se-akhawunti siya kumuntu okufanele akhokhe noma yimali engakanani okumele ayikhokhe emKhandlwini mayelana nalokhu okulandelayo:

- (i) Ukusetshenziswa kukagesi noma izimali ezikhona ezivela ekufundweni kwamamitha noma esilinganisweni sogesisi osetshenzisiwe;
- (ii) Ukuthuthwa kokungcola;
- (iii) Izimali ezikhokhelwa izindawo;
- (iv) Inzalo; kanye
- (v) Nengxubevange yezindleko kanye nezindleko zokuqoqa kwezikweletu.

“umThetho” kusho uMthetho weziNhlelo zoMasipala: woHulumeni baseKhaya ka 2000 (uMthetho No. 32 ka 2000) njengoba uchibiyelwa isikhathi ngesikhathi.

“umsebenzi ogunyaziwe” kushonoma yimuphi umuntu ogunyazwe umKhandlu kaMasipala ukuthi enze isenzo, umsebenzi noma isibopho ngokusebenzisa noma yimaphi amandla angaphansi kwale mithethonqubo; kanye/noma

- (a) noma yimuphi umuntu onikezwe umKhandlu kaMasipala amandla okwenza amalungelo athile, izibopho kanye nemigomo mayelana nokuhlazekwa kwemisebenzi yomnyango wezezimali; kanye/noma

(b) noma yimuphi umuntu oqokwe umkhandlu kamasipala ngokwesivumelwano esibhalwe phansi njengomuntu ozohlizeka ngemisebenzi yomnyango wezezimali kumakhasimende ohlangothini lukaMasipala, kuze kufike kukho konke okugunyazwe kuleso sivumelwano.

“Izindleko zokuqoqwa kwezikweletu” kusho izindleko ezingatholwa umKhandlu ngokwesigaba sama-75A somThetho, futhi zibandakanya izindleko-

- (i) zokukhumbuza amakhasimende ngemali esilele;
- (ii) zokuqedwa, ukuvinjwa kanye nokuxhunyuwa kabusha kwemisebenzi kamasipala;
- (iii) zanoma yisiphi isaziso esikhishwayo, esithunyelwayo noma esihanjiswayo ngokwale mithethonqubo; kanye
- (iv) nazo zonke izindleko zomthetho, kubandakanya izindleko zabameli nezamaklayenti ezenzeka ngesikhathi kutholakala imali esilele.

“isiKhulu esiPhezulu seziMali” umuntu ogunyazwe njengesikhulu sikamasipala esibala izimali.

“ikhasimende” kusho umuntu okusayinwe naye isivumelwano sokuhlizeka ngemisebenzi kamasipala noMasipala noma umsebenzi ogunyaziwe kamasipala.

“okweletayo” kusho ikhasimede elikweleta imali esilele.

“inkokhelo” kusho imali ebekwe ukuthi kukhokhelwe ngayo noma yimuphi umsebenzi kamasipala.

“umuzi” kusho umndeni onabantu abangaphezulu kwabayisishiyagalombili (abane babo kube ngabaneminyaka engaphezu kweminyaka eyishumi nesishiyagalombili abanye abane babe neminyaka eyishumi nesishiyagalombili kuya phansi)

“uMasipala” kusho

- (a) uMasipala wasoKahlamba noma labo abalandelayo ngegama; noma
- (b) umPhathi kaMasipala wasoKahlamba mayelana nokwenziwa kwanoma yimuphi umsebenzi, ukusetshenziswa kwanoma yimaphi amalungelo, isibopho, umgomo noma umsebenzi ngokwale mithethonqubo.

“umKhandlu kaMasipala” kusho umkhandlu kamasipala njengoba uchaziwe esigabeni sama-57 somthethosisekelo, 1996, (uMthetho 108 ka 1996);

“umPhathi kaMasipala” kusho umuntu oqokwe umKhandlu kaMasipala njengumPhathi kaMasipala ngokwesigaba sama-82 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya uMthetho No.117 ka 1998) ubandakanya noma yimuphi umuntu o-

- (a) bambe leso sikhundla; nonikezwe amandla ngumPhathi kaMasipala okuthi asebenze noma azibophezele emsebenzini;

“imisebenzi kamasipala” kusho ngokwenhloso yale mithethonqubo imisebenzi ehlinzekwa uMasipala noma umsebenzi kamasipala ogunyaziwe, obandakanya ukuthuthwa kokungcola, imisebenzi kagesi kanye nokukhokhelwa kwezindawo nanoma yikuphi-ke okunye kwalokhu okungenhla;

“umhlali” kubandakanya noma yimuphi umuntu ohlala endaweningaphandle kokubheka itayitela ahlala ngaphansi kwalo, uma kuyindawo ehlukenisiwe ukuze kuqashiswe kuyo, kuyobandakanya nomuntu othatha irente ekhokhwa ngabaqashi noma ngabe uzenzela ngokwakhe noma ukwenzela omunye umuntu;

“umnikazi” kusho:

- (a) umuntu ohlala ngokusemthethweni isikhathi ngesikhathi endaweni ethile;
- (b) uma kwenzeka ukuthi umuntu okubhalwe ngaye itayitela lendawo eshona, noma ebangaphansi kwesimo esisemthethweni sokukhubazeka, umuntu obephethe leyo ndawo ngokusemthethweni uyena oyoba umnikazi wendawo;
- (c) uma kwenzeka ukuthi umasipala noma lowo ogunyazwe umasipala behluleka ukuthola lowo muntu, umuntu onelungelo lokuthi asebenzise leyo ndawo noma leso sakhiwo;
- (d) indawo obekungenwe esivumelwaneno sokuthi iqashwe isikhathi esiyiminyaka engama-30 noma ngaphezulu; umqashi angaba umnikazi;
- (e) ngokwe —
 - (i) siqephu sendawo esisohlelweni oluyisigaba esibhalisiwe ngokomThetho we-1986 weziGaba zamaTayitela, (uMthetho No. 95 ka 1986) lowo othuthukisa indawo noma isigungu esisebenza ukuthuthukisa indawo eyodwa;
 - (ii) isigaba esichazwe emThethweni ka 1986 weziGaba zamaTayitela (uMthetho No. 95 ka 1986), umuntu okubhalisiwe ngaye leso sigatshana sendawo kwitayitela yendawo futhi kubandakanya nomsebenzi oqokwe ngokomthetho yilowo muntu; noma umuntu ohlala endaweni ebhalisiwe ngaphansi kwamandla esigodi;

“inqubomgomo” kusho inqubomgomo elandelwa umKhandlu ekuPhatheni nasekuqoqeni izikweletu;

“okumiswe” kusho okumiswe umkhandlu isikhathi ngesikhathi njengesiphakamiso;

“indawo” kusho isiqeshana sendawo esinesakhiwo noma esingenaso noma esinohlaka, ingaphandle laleyo ndawo kungumngcele ohlukenisa-

- (a) uhlelo noma umdwebo ojwayelekile obhalisiwe ngokoMthetho wokuKlanywa koMhlaba, 1927 (uMthetho No. 9 ka 1927), noma ngokwe uMthetho wokuBhaliswa kweTayitela, 1937 (uMthetho No. 47 ka 1937); noma
- (b) isigaba sohlelo olubhalisiwe ngokoMthetho weziGaba zamaTayitela, 1986 (uMthetho No. 95 ka 1986) ofakwe phakathi emthethweni womKhandlu;

“impahla” kusho noma yiyiphi ingxenye yezwe elimngcele yalo inqunywe uMthetho kamasipala, kubandakanya:

- (a) impahla enganyakazi ebhalwe egameni lomuntu, okungaba yisimo sesiGaba sohlelo lwetayitela, isigaba setayitela elibhalisiwe egameni lomuntu;
- (b) ilungelo elibhalisiwe ngempahla enganyakazi lanikwa umuntu, okungabandakanyi inkokhelo yebhondi ebhalisiwe empahleni;
- (c) indawo ebhalisiwe njengelungelo lokuthi umuntu ayiqashe ngokwanoma yimuphi uMthetho;
- (d) izingqalasizinda zemisebenzi yomphakathi.

“imali ekhokhelwa indawo” kusho imali enqunywa umasipala ukuthi ikhokhele indawo ngokoMthetho weziNtela zikaMasipala woHulumeni baseKhaya, 2004 (uMthetho No. 6 ka 2004), noma ngamuphi omunye uMthetho;

2. Imigomo

- 2.1 Ukusebenza ngobuqotho kukamasipala kufanele kuhlale kukhona ngaso sonke isikhathi. Amakhansela akhethwe ngokwentando yeningi yiwona okufanele enze inqubomgomo, kuyisibopho somPhathi kaMasipala ukuqinisekisa ukuthi le nqubomgomo iyalandelwa.
- 2.2 Onke amakhasimende kufanele agcwalise ifomu elisemthethweni lokufaka isicelo, acele ngokusemthethweni ukuthi umasipala axhume olayini bokuthola imisebenzi kamasipala
- 2.3 Ikhophi yefomu lokufaka isicelo, imibandela yokusebenza kanye nenqubomgomo kanye nemithethonqubo evela kophethe izikweletu noqoqa izikweletu zomkhandlu kufanele kunikezwe ikhasimende ngalinye ngezindleko eziyobonwa umKhandlu ukuthi zifanele.
- 2.4 Incwadi yokukhokha kumele ibeneqiniso, ifike ngesikhathi futhi iqondakale.

- 2.5 Ikhlasimende linelungelo lokungena lapho kukhokhwa khona kanye nokukhetha izindlela zokukhokha ezivumelana nesimo salo.
- 2.6 Ikhlasimende linelungelo lokufaka izikhalo ngendlela efanele nenempumelelo, futhi akufanele liphatheke kabi ngesikhathi kuqhutshekwa nesikhalo salo.
- 2.7 Ukuphoqwa kokukhokha kufanele kube ngesikhathi esifanele, kufane njalo futhi kuphumelele.
- 2.8 Ukusetshenziswa kwemisebenzi okungagunyaziwe, ukuxhunywa nokunqanyulwa ukuphazamisa noma ukweba amamitha, izinto ezihambisa imisebenzi kanye nokuphazamisa olayini kanye nezenzo zokukhwananisa kungaholela ekutheni kunqanyulwe imisebenzi, kubenenhlawulo, ukulahleka kwamalungelo kanye nokubhekana nokushushiswa enkantolo yomthetho.
- 2.9 Ukunikwa nokunganikwa izikhuthazi kungasetshenziswa ekuqoqweni kwezikweletu.
- 2.10 Ukuqoqwa kwezikweletu kufanele konge imali.
- 2.11 Izindlela ezisezingeni eliphezulu kakhulu zokuqoqa izikweletu ziyosetshenziswa.
- 2.12 Imiphumela yokwenziwa komsebenzi iyabikwa njalo nangempumelelo emKhandlweni.
- 2.13 Amafomu okufaka izicelo ayosetshenziswa ukuhlela amakhasimende kanye nokubheka ukuthi ikhasimende lifanele ukuthola uxhaso lwabantulayo, ugesi wekhadi noma wamamitha.
- 2.14 Imigomo yokwenziwa komsebenzi ekusebenzeni ngamakhasimende nangokuqoqwa kwezikweletu iyobekwa bese iyalandelwa futhi ziyobakhona izindlela zokusiza labo abangasebenzi kahle.
- 2.15 Yize ukunakekelwa kwamakhasimende kanye nokuqoqwa kwezikweletu kusebenzisana, kufanele kube nezigaba ezimbili ezahlukene zokuphatha lokhu kokubili ngokwehlukana.
- 2.16 Isikweletu sekhasimende kumele sakhelwe phezu kohlaka lomthetho futhi kumele ziqoqwe ngokomthetho. Umgomo wokuhlinzeka ngemisebenzi esikhundleni sokukhokhwa kwama-akhawunti asilele uyasekelwa.

3. Izipho nemisebenzi

3.1 Izipho nemisebenzi yomKhandlu kaMasipala uku-

- 3.1.1 gunyaza isabelozimali esihambisana nezidingo zemiphakathi, abakhokhi bemali yokuhlala kanye nabahlali,
- 3.1.2 enza ukuthi abantu bakhokhe izimali ezikhokhelwa izindawo zokuhlala izintela kanye nokunquma izindleko okumele zikhokhelwe imisebenzi, imali ekhokhwayo kanye nezinhlawulo ukuze kubekhona imali yesabelozimali,
- 3.1.3 hlinzeka ngezimali ezanele ukuze abantu abampofu bakwazi ukuthola izidingongqangi;
- 3.1.4 hlinzeka labo abangakhokhi kahle mayelana nombiko wokukhokha komphakathi, abakhokhi bezimali ezikhokhelwa izindawo zokuhlala, kanye nabahlali, njengoba kuveziwe ezitatimendeni zikaMasipala;
- 3.1.5 beka umgomo owenziwe ngcono wokuqoqa izikweletu ngokwezimali ezimukelekile kanye nalokho okungenziwa umPhathi kaMasipala;
- 3.1.6 gunyaza uhlaka lombiko wokuphathwa kwezikweletu kanye nokuqoqwa kwezikweletu;
- 3.1.7 cubungula nokugunyaza imithethonqubo ukwenza umgomo womKhandlu;
- 3.1.8 bheka ukusebenza komKhandlu oPhethe kanye nomPhathi kaMasipala mayelana nokuphathwa nokuqoqwa kwezikweletu;
- 3.1.9 bukeza isabelozimali uma kuwukuthi imigomo yokuphathwa nokuqoqwa kwezikweletu ayizange kuhlangezwe nayo;
- 3.1.10 thathela izinyathelo zokuqondiswa kwezigwegwe lezo zikhulu ezingahloniphi imigomo kanye nemithethonqubo yomKhandlu;
- 3.1.11 gunyaza uhlu lwabameli abazosebenza nomKhandlu kuzo zonke izindaba ezimayelana nokuqoqwa kwezikweletu;
- 3.1.12 nikeza umsebenzi labo okudingeka babheke futhi balawule ukuphathwa nokuqoqwa kwezikweletu inqubo yomKhandlu oPhethe kanye nomPhathi kaMasipala ngokunjalo;
- 3.1.13 gunyaza uhlaka lwabasebenzi abafanele ukusebenza ukuphatha nokuqoqwa izikweletu; kanye
- 3.1.14 qoka abasizi bomPhathi kaMasipala ekuqoqweni izikweletu ekwenzeni lomsebenzi wakhe uma kunesidingo.
- 3.1.15 hlinzeka ngezimali zokuqeqesha abasebenzi.

3.2 Izipho nemisebenzi yesiGungu esiPhethe

- 3.2.1 ukuqinisekisa ukuthi isabelozimali somkhandlu, izimali ezingenayo neziphumayo kanye nemigomo yokuqoqwa kwezikweletu kuyahlangezwe nako fuhi kuphathwe ngokwenqubo kanye nomthethonkambiso;
- 3.2.2 ukuhlola ukusebenza komPhathi kaMasipala ekusetshenzisweni kwenqubo kanye nemithethonqubo;
- 3.2.3 ukuhlola nokuhlaziya inqubo nemithethonqubo ukuze kuthuthukiswe ukusebenza ngempumelelo komKhandlu kwinqubo elandelwayo yokuphathwa nokuqoqwa kwezikweletu;
- 3.2.4 ukubika emKhandlweni.

3.3 Izipho nemisebenzi yomPhathi kaMasipala

- 3.3.1 ukufaka uhlelo lokuphathwa kahle kwamakhasimende;
- 3.3.2 ukufaka inqubo yomKhandlu yokuphathwa nokuqoqwa kwezikweletu;
- 3.3.3 ukufaka nokulawula indlela efanele yokubala izimali;
- 3.3.4 ukubakhokhela imisebenzi;
- 3.3.5 ukufuna ukuthi kukhokhwe ngezinsuku ezifanele;
- 3.3.6 ukukhuphula inhlawulo yalabo abangakhokhi kahle;
- 3.3.7 ukwemukela inkokhelo eyiyo;
- 3.3.8 qoqa imali esidlulelwe yisikhathi;
- 3.3.9 ukufaka izindlela zokusebenza "ezinhle kakhulu";
- 3.3.10 ukuhlinzeka ngezindlela zokukhokha ezehlukene;
- 3.3.11 ukubhekela ukunakekelwa kwamakhasimende, ukuphathwa nokuqoqwa kwezikweletu;
- 3.3.12 ukubhekela inqubo yokusebenza emiphakathini, amalungiselelo, ukunqanyulwa kwemisebenzi, amasamaniso, ukubekwa ndawonye kwezimpahla, ukuthengiswa kwezimpahla, ukwesulwa kwezikweletu, izikweletu ezincane kanye nenqubo yomthetho;
- 3.3.13 ukuqoka abameli abazokwenza izinto zomthetho (okuwukubeka ndawonye kanye nokudayisa izimpahla, ukukhokhelwa kwezimpahla ezibekwe ndawonye, njalonjalo);
- 3.3.14 ukubekela abasebenzi umgomo wendlela yokusebenza;

- 3.3.15 ukuqasha abasebenzi abazosebenza ngokwenqubo kanye nomthethonkambiso yomKhandlu ngokwenqubo yabasebenzi bomKhandlu;
- 3.3.16 ukwaba imisebenzi ethile uyabele abaphathi beminyango;
- 3.3.17 ukuveza inqubo yokuphatha;
- 3.3.18 ukubheka izivumelwano nabaHlinzeka ngomSebenzi omayelana nokuphathwa nokuqoqwa kwezikweletu; kanye
- 3.3.19 ukubika esiGungwini esiPhethe.

3.4 Izipho nemisebenzi yomphakathi, abakhokhi bezimali zendawo yokuhlala kanye nabahlali

- 3.4.1 ukwenza imisebenzi ethile njengoba ilethwa amalungelo okusebenzisa nokujabulela imisebenzi yomphakathi kanye nekamasipala;
- 3.4.2 ukukhokhela imisebenzi, khokhela izindawo kanye nezinye izintla kanye nemisebenzi eyenziwa nguMasipala;
- 3.4.3 ukubheka izindlela nezinqubo zokusebenza kukamasipala uma besebenzisa amalungelo akhe;
- 3.4.4 ukuvumela izikhulu zikamasipala ukuthi zikwazi ukungena ezindaweni zabo ukuze zikwazi ukwenza imisebenzi kamasipala;
- 3.4.5 ukuhambisana nemithethonqubo kanye neminye imithetho kaMasipala;
- 3.4.6 ukubalekela ukuphazamisa imisebenzi kanye nempahla kamasipala.

3.5 Izipho nemisebenzi yamakhansela ezigceme kanye namaqembu ezombusazwe

- 3.5.1 ukuvama ukubamba imihlangano yezigceme;
- 3.5.2 ukubambelela nokuqonda inqubo yomkhandlu kubahlali kanye nabakhokhela izindawo zokuhlala; kanye
- 3.5.3 ukubambelela endleleni yokuziPhatha yamakhansela omKhandlu.

4. INQUBO YOKUNAKEKELWA KWAMAKHASIMENDE

4.1 Okuvela kumakhasimende

- 4.1.1 Umasipala ngokwamandla ezimali kanye nokuphatha uyokwenza inqubo yokuhlanganisa isabelozimali zonyaka esiyobandakanya imigomo ebukeziwe yokuphatha kwezikweletu;
- 4.1.2 Ukunakekelwa kwamakhasimende ngomKhandlu, inqubo yokuphatha nokuqoqa izikweletu, iyotholakala ngesiZulu nangesiNgisi, futhi iyotholakala ishicilelwe ngokujwayelekile uma umantu eyicela, futhi iyobakhona emahhovisi omKhandlu ukuze icutshungulwe..
- 4.1.3 Umkhandlu uyozama ukuthi usabalalise incwadi equkethe izindaba zikamasipala eyobe ikhuluma ngokunakekelwa kwamakhasimende kanye nezindaba zezikweletu.
- 4.1.4 Amakhansela ezigceme kuyodingeka avame ukubamba imihlangano lapho okuyobhekwa kakhulu izindaba ezimayelana nokunakekelwa kwamakhasimende zezikweletu.
- 4.1.5 Abezindaba bayokhuthazwa ukuthi bagxile kakhulu ekunakekelweni kwamakhasimende omKhandlu, futhi bayomenywa emihlanganweni yomKhandlu lapho kuyobe kudingidwa lezo zindaba.

4.2 Ukusingathwa kwezikhalo

- 4.2.1 UmKhandlu uhlose ukusungula:
 - 4.2.1.1 uphiko lwezokunakekela amakhasimende;
 - 4.2.1.2 Imininingwane egciniwe ehlanganisa zonke izikhalo ukuze kukhuliswe ukuhlanganiswa noma ukudidiyelwa ndawonye kwezikhalo, ukuxazululwa kwezikhalo okusheshayo kanye nokuxhumana okuhle namakhasimende;
 - 4.2.1.3 Ukuqeqeshwa okufanele kwezikhulu ezisebenza ngomphakathi ukuze kukhuliswe ukuxhumana okuhle kanye nokwenziwa kahle komsebenzi;
 - 4.2.1.4 Indlela yokuxhumana enikeza umkhandlu umbiko mayelana nokwenziwa komsebenzi, izikweletu kanye nezinye izindaba eziphathelele nakho.

4.3 Ukukala amamitha kagesi

- 4.3.1 UMasipala noma umsebenzi kamasipala ogunyaziwe kumele azame ukuthi awakalele wonke amakhasimende yonke imisebenzi kamasipala ekalwayo.
- 4.3.2 Wonke amamitha kumele afundwe izikhathi ngezikhathi. Uma umsebenzi ungakaleki, umasipala noma umsebenzi kamasipala ogunyaziwe kumele anqume inani lemali okumele ikhokhwe yikhasimende liyikhokhele imisebenzi eliyisebenzisile ngokuthi abale:
 - 4.3.2.1 ukusebenzisa imisebenzi ngokuhlanganyela, noma uma lokho kungeke kwenzeka
 - 4.3.2.2 isilinganiso sokusetshenziwe
- 4.3.3 Amakhasimende angacela ukuthi akhonjiswe okuvezwe ngamamitha kanye nobuqiniso bakho, kodwa yiwona okuyomela akhokhele lezo zindleko.
- 4.3.4 Amakhasimende ayokwaziswa uma sekufakwe amamitha amasha esikhundleni samadala.
- 4.3.5 Uma umsebenzi ukaliwe kodwa ungafundeki ngenxa yokungabibikho kwemali noma izimo ezingaphezu kwamandla kaMasipala noma umsebenzi kamasipala ogunyaziwe, ikhasimende liyokhokhela umsebenzi oyisilinganiso. I-akhawunti yokufundwa kwamamitha elandelayo iyokwenza ukuthi kuvaleke igebe phakathi kwezininga lomsebenzi osetshenziwe kanye nalowo ocatshangelweyo.

4.4 Ama-akhawunti nokukhokha

- 4.4.1 Ikhansimende lingathola ama-akhawunti angaphezu kweyodwa ngemisebenzi kamasipala uma ibalwe yahlukaniswa.
- 4.4.2 Ama-akhawunti ayokhishwa ahambelane nomjikelezo wamamitha afundiwe, izinsuku zokugcina zokukhokha ziyoxhumana nosuku lwesitatimende.
- 4.4.3 Ama-akhawunti ayokhishwa nyangazonke ekhelini lokugcina elibalwe kwaMasipala noma umsebenzi kamasipala ogunyaziwe.
- 4.4.4 Ukungayitholi i-akhawunti akulikhululi ikhasimende ukuthi lingakhokhi imali okufanele liyikhokhe (yisibopho seklayenti)
- 4.4.5 Ama-akhawunti kumele akhokhwe lungakadluli usuku lokugcina lokukhokha olubhalwe kwi-akhawunti, okuwusuku oluyizinsuku eziyi-30 (amashumi amathathu) emva kosuku lwe-akhawunti.
- 4.4.6 Uma i-akhawunti ingakhokhelwe ngokugcwele, noma yiyiphi imali encane ekhokhiwe kungebe ukuthi isisiqede sonke isikweletu.
- 4.4.7 Uma imali ekhokhelwa uMasipala noma umsebenzi ogunyaziwe kamasipala ikhokhwa ngendlela ethile, besekutholakala ukuthi ibhange alenzi ngendlela efanele, umasipala noma umsebenzi ogunyaziwe kamasipala:

- 4.4.7.1 angakhokha isilinganiso sezindleko zasebhang ezenzeke e-akhawuntini yekhasimende, futhi
- 4.4.7.2 angathatha lokho njengokungaphumeleli ukukhokha.
- 4.4.8 UMasipala noma umsebenzi ogunyaziwe kamasipala kumele uma ikhasimende licela enye ikhophi ye-akhawunti, alinike uma kunokwenzeka lokho.

4.5 Imibuzo, ukuziphendulela nezikhalo ngomsebenzi

- 4.5.1 Uma ikhasimende selenelisekile ukuthi kukhona okungahambi kahle nge-akhawunti yalo, lingafaka isikhalo kumasipala ukuze kuphenywe, uma kudingeka kwenziwe izinguquko ezifanele.
- 4.5.2 Umbuzo noma isikhalo kumele sihambisane nenkokhelo yezinyanga zakamuva ezintathu lapho kuzobonakala khona umlando we-akhawunti noma isilinganiso esenziwe nguMasipala ngaphambi kosuku lokukhokha kuze kube inkinga isixazululekile.
- 4.5.3 UMasipala noma umsebenzi kamasipala ogunyaziwe uyo:
 - 4.5.3.1 phenya noma enze ukuthi umbuzo noma isikhalo siphenywe;
 - 4.5.3.2 futhi, uyokwazisa ikhasimende ngokuthi abhale ngalokho akutholile ngaphambi kokuthi kuphele inyanga emveni kokuba kubhaliswe isikhalo.
- 4.5.4 Ukuhluleka ukwenza isivumelwano sokukhokha kuyokwenza ukuthi ikhasimende linqanyulelwe imisebenzi futhi kuqhuthsekwe nenqubo ejwayelekile yokuphathwa kwezikweletu.
- 4.5.5 Ikhasimende lingafaka isikhalo ngalokho okutholwe uMasipala noma umsebenzi ogunyazwe uMasipala mayelana nalokhu okuvezwe esigabeni sesi-4.5.1 ngokuthi libhale kwifomu elifanele.
- 4.5.6 Isikhalo kanye nesicelo ngokwesigatshana sesi-4.5.5 kumele kwenziwe ngokubhala futhi kufakwe kwaMasipala zingakapheli izinsuku ezingama-21 (amashumi amabili nanye) emveni kokuthi ikhasimende lilibonile lelo phutha okukhulunywa ngalo esigabeni sesi-4.5.2. futhi kumele:
 - 4.5.6.1 liveze izizathu zesikhalo; futhi
 - 4.5.6.2 siphelkezelwe yinoma yisiphi isiqiniseko, uma sikhona, esivezwe ukuhlolwa kwento yokukala.

4.6 Amalungiselelo nezindlela zokukhokha

- 4.6.1 UMasipala noma umsebenzi ogunyaziwe kamasipala uyokwenza futhi athole izindawo ezifanele zokukhokha, futhi lezo zindawo kufanele bonke abafuna ukukhokhela ama-akhawunti abo kanye nabafuna ukuthenga amakhadi kagesi bakwazi ukufinyelela khona.
- 4.6.2 UMasipala uyokwenza ngokubona kwakhe ukuthi ehlise isamba semali okufanele ikhokhwe yilowo okweletayo. Lowo okweletayo angeke achaze ukuthi le mali ayikhokhayo eyengxenywe ethile ye-akhawunti.
- 4.6.3 UMasipala angahlela nomqashi wekhasimende ngemvume yekhasimende ukuthi ikhasimende likhokhe ngokuthi imali idonswe emholweni noma ebhange.
- 4.6.4 Ikhasimende liyovuma ezivumelwaneni zekhasimende ukuthi ukusetshenziswa kwabasizi bamakhasimende ekukhokhweni kwemali kamasipala kungasekubengozizi kwikhasimende- kanjalo nesikhathi sokudluliswa kwenkokhelo.

4.7 Umgomo wokwenziwa komsebenzi

UMkhandlu uyokwenza izindlela lapho kuyohlolwa khona le migomo.

Ukusebenza kumKhandlu kuyahlolwa bese kuthathwa izinyathelo zokwenza ngcono ukwenziwa komsebenzi.

4.7.1 ImiGomo yokuQoqwa kweMali engenayo

UMkhandlu wenza imigomo ebandakanya:

- 4.7.1.1 Ukuncishiswa kwemali ekhokhwa ngenyanga eyisikweletu ihambelane nezivumelwano zokwenziwa komsebenzi okunqunywe umkhandlu.

4.7.2 ImiGomo yoPhiko lwezemiSebenzi yamaKhasimende

UMkhandlu uyokwenza imigomo engabandakanya:

- 4.7.2.1 Isikhathi sokubhekana nezinkinga zamakhasimende.
- 4.7.2.2 Usuku lwe-akhawunti yokuqala elethelwa amakhasimende amasha.
- 4.7.2.3 Ukuphela kwesikhathi sokuxhunyelwa kabusha
- 4.7.2.4 Umjikelezo wokufundwa kwamamitha.

4.7.3 Ukwenziwa komsebenzi wezokuPhatha

UMkhandlu uyokwenza imigomo eyobandakanya:

- 4.7.3.1 Indlela yokonga imali uma kuqoqwa izikweletu.
- 4.7.3.2 Izikhathi zezikhalo nemibuzo.
- 4.7.3.3 izilinganiso zendlela yokuphoqa.

5. INQUBOMGOMO YOKUPHATHWA KWEZIKWELETU

5.1 Ukufaka isicelo kanye nokuxhunyelwa komsebenzi

- 5.1.1 Wonke amakhasimende kuyodingeka asayine isivumelwano esengamele ukufakwa kanye nezindleko zemisebenzi kamasipala. Umnikazi wendlu angavumela lowo oqashile ukuthi asayine isivumelwano sakhe esiseceleni nomasipala, okungaba ukuthi umasipala uyasivuma yini noma uyasenqaba. Uma umqashi esephutheni umnikazi wendawo kuyoba uyena okuyogcinwa kubhekanwe naye.
- 5.1.2 Ngaphambi kokuthi kusayinwe lezi zivumelwano, amakhasimende ayogunyazwa ukuthi athole amaphepha enqubomgomo (policy documents) yomKhandlu uma ewacela ngentengo eyonqunywa umKhandlu.
- 5.1.3 Uma sesisayiniwe isivumelwano amakhasimende ayothola ikhophi yesivumelwano ukuze azigcinele yona.
- 5.1.4 Esivumelwaneni, amakhasimende ayobona kufanele ukuthi akhokhe izindleko zokuqoqwa kwezikweletu, inzalo kanye nenhlawulo, uma kwenzeka ekhokha sekudlule isikhathi.
- 5.1.5 Amakhasimende amadala kuyodingeka asayine izivumelwano ezintsha isikhathi ngesikhathi njengokunquma komPhathi kaMasipala.

5.2 Ukucutshungulwa kanye nokuphepha/amadiphozithi

- 5.2.1 Bonke abafake izicelo bayohlolwa ukuthi bakulungele yini ukuba nezikweletu lokhu kuyobandakanya ukucubungula imininig-

wane yasemabhange, enhlanganweni yezezikweletu, abaphathi basekhaya, izikweletu zasezitolo kanye nabaqashi.

- 5.2.2 Amadiphozithi aphephile noma aqinisekisiwe okungaba yimali noma yisiphi esinye isibambiso esingase semukeleke kumasipala siyodingeka, futhi ziyoshiyana kuye ngokuthi bungakanani ubungozi obubandakanyekayo. Amadiphosithi ayonqunywa minyaka yonke njengengxenywe yokwabiwa kwesabelozimali.
- 5.2.3 Amadiphozithi angashiyana kuye ngokuthi lowo ofaka isicelo uthembeke kangakanani ngakwezizikweletu noma-ke ukuluphi uhlobo ngakwezomthetho mayelana nokuvezwe esigabeni sesi-5.2.
- 5.2.4 Amadiphozithi angakhuliswa ngumasipala noma ngasiphi isikhathi ngokubona kwakhe umasipala kodwa kungabi ngaphezu kwezikhathi ezimbili nengxenywe zesilinganiso semali yama-akhawunti akamuva aqinisekisiwe ezindaweni lapho okufakwe khona isicelo.
- 5.2.5 Ayikho inzalo eyokhokhwa uMasipala noma umsebenzi kamasipala ogunyaziwe kunoma yiyiphi idiphosithi ekhokhiwe.
- 5.2.6 Ekwesulweni kwesivumelwano isamba esisele sediphosithi siyobuyiselwa kwikhasimende. Idiphosithi iyovele ishabalale kuMasipala uma ikhasimende lingazange lifake isicelo sayo esikhathini esiyizinyanga eziyi-12 (ishumi nambili) emva kokuphela kwesivumelwano

5.3 Ama-akhawunti aqinisekisiwe

- 5.3.1 Amakhasimende ayothola incwadi yokukhokha elungisiwe ivela kumasipala. Le ncwadi iyobe iqinisekisa zonke izindleko zemisebenzi yaleyo ndawo. Umasipala uyokholwa ukuthi yonke inkokhelo etholakele kulowo muntu ikhokhelwa noma yimuphi umsebenzikanjalo nokulandelana kokubaluleka kwayo njengokunquma komkhandlu isikhathi ngesikhathi.

5.4 Imali esilele

- 5.4.1 Umasipala uyobanelungelo lokuvimba noma lokunqamula ukufakwa kwemisebenzi kunoma yiliphi ikhasimende nona umnikazi wendlu, noma ukufaka ezinye izinyathelo ezidingekayo zendlela yokuqoqa kwezikweletu uma ama-akhawunti ekhokhelwa sekudlule isikhathi noma engakhokhwa nhlobo.
- 5.4.2 Inzalo – bheka isigaba sesi-6.1.2
- 5.4.3 Uma kunengxabano ephakathi kwekhasimende kanye nekhasimende mayelana nemali okumele ikhokhwe yikhasimende, kuhanjiswa ngenqubo efanayo naleyo evezwe esigabeni sesi-4.5.

5.5 Izikhuthazi zabakhokha ngesikhathi

- 5.5.1 UmKhandlu kaMasipala kumele enze izinhlelo zezikhuthazi ukukhuthaza labo abakhokha ngesikhathi kanye nokuhlomulisa amakhasimende akhokhela ama-akhawunti awo ngesikhathi esifanele.
- 5.5.2 Izinhlelo ezinjalo zezikhuthazi uma zenziwe kufanele zifakwe kisabelozimali njangamali eyengeziwe ezosebenza.

5.6 Ilungelo lokungena ezindaweni

- 5.6.1 Umnikazi kanye noma lowo ohlala kuleyo ndawo kumele avumele umsebenzi kamasipala ogunyaziwe ukuthi angene ngaso sonke isikhathi ukuzofunda, ahlole, noma alungise amamitha noma ukuxhuma imisebenzi yolayini, noma ukunqamula, ukumisa noma ukuvimba noma ukuxhuma kabusha kwanoma yimuphi umsebenzi.
- 5.6.2 Umnikazi wendawo uyokhokhela ukutholakala kwamamitha uma kungangeneki endaweni yakhe.
- 5.6.3 Uma umuntu ehluleka ukuhambisana nalokho okuvezwe esigabeni sesi-5.6.1, umasipala noma umsebenzi ogunyaziwe kamasipala anga:
- 5.6.3.1 Bhala isaziso etshela lowo muntu ukuthi akavule indlela yokungena endaweni yakhe ngezindleko zakhe esikhathini esinqunyiwe.
- 5.6.3.2 Uma kubonakala ukuthi yisimo esiphuthuma kakhulu, umsebenzi kamasipala angangena athole lokho afisa ukukuthola ngaphandle kwesaziso, ngezindleko zalowo muntu.

5.7 Amabhizinisi axhaswa umasipala ngezimali

- 5.7.1 INqubomgomo yokuPhathwa koChungechunge lokuHlinzeka ngemiSebenzi kanye nemiBandela yokuXhaswa ihlinzeka ngalokhu okulandelayo:
- 5.7.1.1 Uma kumenywa labo abazoxhaswa emabhizinisini abo okuhlinzeka ngemisebenzi noma ukulethwa kwezimpahla, osonkontileka abafanele kumele balethe izicelo zokuxhaswa ukuze zicutshungulwe emva kwalokho kubenesidingo sokuthi lowo othola uxhaso athole isitifiketi kuMasipala esichaza ukuthi wonke ama-akhawunti kamasipala angakhokhiwe alabo abaxhaswe ngemali yokwenza ibhizinisi kanye nabaqondisi balelo bhizinisi, abanikazi noma abasebenzisana nabo akhokhiwe noma enziwe amalungiselelo afanele (abandakanya ilungelo lokuthi baphucwe leyo mali uma bengahambisani nokufanele bakwenze) enziwe ukuthi kukhokhwe imali esilele.
- 5.7.1.2 I-akhawunti kamasipala ichaza noma yiziphi izindleko zemisebenzi kamasipala, intela noma ezinye izimali ezikhokhwayo, izinhlawulo okumele zikhokhwe ngokwesivumelwano noma igunya lemali yokuthengiswa kwempahla, osekudlulelwe yisikhathi emveni kosuku okwavela ngalo e-akhawuntini eqinisekisiwe noma esidlulelwe yisikhathi ngokwesivumelwano noma ngosuku lokukhokha osetwadlula.
- 5.7.1.3 Imibandela yemali yokusetshenziswa iqukethe imibandela evumela uMasipala ukuthi athathe izimali ezikweletwa umasipala ezivumelwaneni zenkokhelo ngokwamalungiselelo nalowo onesikweletu.

5.8 Izinhlobo ezahlukene zabakweletayo

- 5.8.1 Amakhasimende ayokwehlukaniswa ngokwezinhlobo ezibhekiswe ohlotsheni lobunye, ukusetshenziswa kwemisebenzi, amazinga emisebenzi, izidingo zezingqalazizinda kanye nemali yokuthengiswa kwempahla kanye namazinga anobungozi

6. INQUBO YOKUQOQWA KWEZIKWELETU

6.1 Izindlela zokuphoqa

6.1.1 Ukuphazanyiswa kwemisebenzi

- 6.1.1.1 Amakhasimende asalele emuva ngama-akhawunti kamasipala futhi angazange awenze amalungiselelo nomkhandlu bayonqanyulelwa ugesi, kanye neminye imisebenzi kamasipala.
- 6.1.1.2 UmKhandlu unelungelo lokwenqaba noma lokuvimba ukudayiswa kogesi kumakhasimende asalele emuva ngama-akhawunti awo kanye nezinye izindleko zikamasipala.
- 6.1.1.3 Ukunqanyulwa kwemisebenzi kungenziwa uma i-akhawunti kamasipala isidlulelwe usuku olu-1 (olulodwa).
- 6.1.1.4 Uma isikhokhiwe imali esilele, noma uma sekuvunyelwene ngezinhlelo noma amalungiselelo okukhokha, imisebenzi iyoxhunywana ngokushesha.
- 6.1.1.5 Izindleko zokunqanyulwa noma ukuvinjwa, kanye nokuxhunywana kabusha kwemisebenzi kamasipala, ziyonqunywa umKhandlu, futhi ziyokhokhwa yikhasimende.

6.1.1.6 Noma yiliphi iphutha elenzekile liyolungiswa ngendlela yokuthi lihambisane nemigomo yakhona.

6.1.2 Inzalo nezinhlawulo

6.1.2.1 Inzalo iyokhokhwa kuwo wonke ama-akhawunti angakhokhwanga ngesikhathi esifanele ngokulandela imithetho yakhona.

6.1.3 Ukuthintana nomuntu

6.1.3.1 Ukuthintana ngocingo (ifeksi, i-imeyili, i-SMS noma ngenye indlela)

6.1.3.2 Abasebenzi beshayela amaklayenti ucingo

6.1.3.3 UmKhandlu uyozama ngawo wonke amandla ukuthi ushaye abakweletayo ucingo ukuze babakhuthaze ukuthi bazokhokha, ukubazisa ngesimo sezikweletu zabo, ukubazisa nangamalungelo abo (uma benawo), ukwenza amalungiselelo okukhokha ngendlela evumelana nabo noma ukuthola uxhaso lwabaswele, kanye nokunye okuhambelana nakho. Bayophinde babahlinzeke ngolwazi lokuthi bangaluthola kanjani usizo noma bangawenza kanjani amalungiselelo okukhokha.

6.1.3.4 Lokho kukhumana akusilo ilungelo lokujabulelwa yilowo onesikweletu kanye nokunqanyulwa kwemisebenzi kanye nezinye izindlela zokuqoqa izikweletu ziyohubeka ngisho ngabe lowo okweletayo engashayelwanga ucinngo nganoma ngasiphi isizathu.

6.1.4 Inqubo yomthetho/ukusetshenziswa kwabameli/ ukusetshenziswa kwabasebenza ngezikweletu

6.1.4.1 Uma lowo okweletayo esedlulelwe yisikhathi sokukhokha ngezinsuku ezingama-30, inqubo yezomthetho isingathathelwa lowo okweletayo, leyo nqubo ingabandakanya ukufunwa kwemali okokugcina, amasamanisi, amacala asenkantolo, ukwahlulelwa, ukuthathwa kwemali emholweni walowo okweletayo, ukubulawa noma ukudayiswa kwempahla.

6.1.4.2 UmKhandlu uyoba nesandla esiqinile ngesikhathi kwenziwa le nqubo ukuze kuqinisekise ukugcineka komthetho, futhi uyodinga ukuthola imibiko njalo ngokuhubekayo ngezihlangathi ezingaphandle, okungaba abameli noma abanye abasebenzi abaqokwe umKhandlu ukuthi baqoqe izikweletu.

6.1.4.3 UmKhandlu uyosungula inqubo yokuziphatha nalezi zihlangathi zangaphandle.

6.1.4.4 Ukuthathwa kwemali emholweni kulabo abakweletayo abasebenzayo yikhona okunconywayo kunokudayisa impahla, kodwa zozimbili lezi zindlela ziyizingxenye zomKhandlu eziyinqubo yokuqoqa izikweletu.

6.1.4.5 Zonke izinyathelo eziyinqubo yokuphathwa kwezikweletu ziyobhalwa phansi emabhukwini omKhandlu futhi zinikeze lowo okweletayo imininingwane ngesikweletu sakhe

6.1.4.6 Zonke izindleko zale nqubo ngeze-akhawunti yalowo okweletayo.

6.1.4.7 Ama-akhawunti omuntu ngomuntu okweletayo avikelekile futhi angeke aziswe umphakathi, kodwa-ke umKhandlu ungaykhulula imininingwane yalowo okweletayo iyinikeze izihlangano zezikweletu. Lokhu kuyokwenziwa ngokuthi kubhalwe noma ngekhompyutha.

6.1.4.8 UmKhandlu uyobhekela izindleko zokulandela inqubo yomthetho bethe uthola imibiko ngalolu daba kubandakanya nokongiwa kwemali.

6.1.4.9 UmKhandlu ungasebenzisa abasebenzi bawo, izindlela namasu okuqoqa izikweletu. Ukongiwa kwemali, ukuzibophezela kwabasebenzi ukuzebenza ngaphansi kwendlela efanele yokuziphatha kanye nokuphumelela kwalabo basebenzi kanye nezindlela abazisebenzisayo kuyoba yingxenye yesivumelwano okuyovunyelwana ngazo nomKhandlu nabasebenzi noma labo abahlinzeka ngomsebenzi; futhi kuyoba ngaphansi kweso elibukhali lomKhandlu.

6.1.4.10 Amakhasimende ayokwaziswa ngamandla nemisebenzi yalabo basebenzi bakamasipala noma labo abahlinzeka ngemisebenzi kanjalo nezibopho kubandakanya nokuzibophezela kwabo ukulandela indlela yokuziphatha okuvunyelwane ngayo.

6.1.4.11 Noma yisiphi isivumelwano esenziwe nabasebenzi bakamasipala nalabo abasebenzisa imisebenzi kamasipala, noma labo abahlinzeka ngemisebenzi, siyobandakanya isigatshana esithi ukungalandelwa kwendlela yokuziphatha ngabasebenzi bakamasipala noma labo abasebenzisa imisebenzi kamasipala kuyokwenza ukuthi kuphuke isivumelwano.

6.2 Izindleko zokuqoqwa kwezikweletu

6.2.1 Zonke izindleko zenqubo yomthetho, okubandakanya inzalo, izinhlawulo, izindleko zokunqanyulwa kwemisebenzi kanye nazo zonke ezinye izindleko eziphathelele nokuphathwa kwezikweletu ziyingxenye ye-akhawunti yalowo okweletayo, kuyofuneka zivezwe okungenani njengezindleko zaleyo nto eyobe yenzekile.

6.3 Ukwesulwa kwemali ekhokhelwa indawo

6.3.1 Ekudayisweni kwempahla ngokomthetho kamasipala, umKhandlu ngeke uqhubeke nokuthutha kuze kube yonke imali ekhokhelwa indawo kanye nezindleko zemisebenzi sezikhokhiwe ngokubamba isitifiketi sokwesulwa kwemali ekhokhelwa indawo.

6.4 Izinhlelo zokuhlala

6.4.1 Uma ikhasimende lingeke lakwazi ukukhokha i-akhawunti yalo kamasipala, umasipala angangena esivumelwaneni sesigaba sokukhokha eseluliwe nekhasimende njengokwesiThasiselo.

6.4.2 Kuyofuneka likhokhe ingxenye ethile yesikweletu, emveni kwalokho bese liyasayina ngokwamalungiselelo asenziwe okukhokha emveni kokwehluleka ukukhokha, azikho ezinye izinhlelo eziyokwenziwa. Ngaphansi kwale mibandela kuyolandelwa enye inqubo yokuphathwa kwezikweletu.

6.4.3 Amakhasimende ayesikweletu esisilele kuyomele avume ukuthi kushintshwe amamitha awo abe ngakhokhelwa ngaphambi kokuthi asetshenziswe. Uma sekwenziwe lokhu izindleko zakho kanye nayo yonke imali esilele iyokhokhwa:

6.4.3.1 ngokuhlanganiswa kwesikweletu semali esilele bese sikhokhwa ngesikhathi esithile esibekiwe; noma

6.4.3.2 ngokuhlanganiswa kwesikweletu njengenhlawulo ephezulu uma kukhokhelwa izindleko zokufakwa kukagesi okhokhelwa ngaphambi kokuthi usetshenziswe bese kukhokhwa isikweletu njalo uma ethenga ikhadi likagesi kuze kube isikweletu sesiphelile.

6.4.4 UmKhandlu unelungelo lokukhuphula izidingo zediphozi yezikweletu zabakweletayo abafuna ukukhokha ngendlela ethile ehleliwe.

6.5 Ukwesulwa kwezikweletu

6.5.1 UmPhathi kaMasipala kumele aqinisekise ukuthi yonke imali etholakala ngezindlela zonke (revenues) isetshenziselwa ukuqoqa izikweletu zikamasipala.

6.5.2 Kunemibandela evumela ukuthi sesulwe isikweletu ebesikhona:

- 6.5.2.1 Ukushona kwalowo okweletayo, onefa elingenele ukuthi lingakhokha isikweletu
- 6.5.2.2 Uma imali ekweletwayo incane kakhulu ukuthi kungachithwa izimali eziningi uma ifunwa leyo mali.
- 6.5.2.3 Uma umKhandlu ubona ukuthi ikhasimende noma iqembu lamakhasimende alikwazi ukukhokhela imisebenzi elethiwe.
- 6.5.3 Uma kunjalo umasipala uyobhekela ukubalwa kwezimali bese ebhala incwadi enezizathu ezenza ukuthi kwesulwe isikweletu.

7. IZINHLELO ZOKUSIZA AMAKHASIMENDE

7.1 Ukuvuza kwamanzi

- 7.1.1 Umasipala wasoKxahlamba awusahlizeki ngalo msebenzi. Kufanele kubhekwe imithethonqubo kaMasipala wesiFunda sasoThukela, njengophiko lwezemiSebenzi eHlinzeka ngaManzi.

7.2 Ukubuyiswa kwemali ebisikhokhiwe

- 7.2.1 Impahla esetshenziselwa izinhloso zokuhlala ingavumeleka ukuthi ibuyiselwe imali ekhokhelwa izindawo njengokubona koMkhandlu njalo ngonyaka.
- 7.2.2 Ukubuyiswa kwemali ekhokhelwe izindawo kungenziwa ngokulandela imigomo ethile kulabo abahola imali yomhlalaphansi noma othola imali kahulumeni yokukhubazeka kanye /noma yiluphi olunye uhlobo lwekhasimende njengokubona komKhandlu isikhathi ngesikhathi.

7.3 Ukukhokha kwemali ekhokhelwa izindawo ngamancozuncozu

- 7.3.1 Amakhasimende angakhokha ama-akhawunti ezindawo zokuhlala ngonyaka, ngaphandle kwenzalo ngombandela wokuthi ayikho imali engakhokhiwe yesikhathi esedlule kanye nokuthi imali ekhokhelwa indawo ikhokhwe ngokugcwele ngaphambi kokuthi kuqale umjikelezo wokukhokha olandelayo.

7.4 Uxhaso lwabantulayo

- 7.4.1 Ukuze ikhasimende libhaliswe njengelintulayo: umuzi lapho imali engenayo yawo wonke amalungu omndeni isihlanganisiwe ngenyanga, amalungu angaphezu kweminyaka eyi-18 ingaphansi kwemali ezobonwa uMkhandlu njengemali encane ukuthi bangakwazi ukukhokhela imisebenzi kaMasipala, lapho-ke ikhasimende kumele libhaliswe njengelintulayo.
- 7.4.2 Lapho kutholakala khona imali yokuxhasa abantulayo yingxenywe esuke inikezelwe uhulumeni kazwelonke kumasipala njengoba kusuke kuhlinzekelwe isabelozimali. Kungezinye izimo ezingejwayelekile lapho lolu xhaso lungavela kwezinye izimali ezingenayo.
- 7.4.3 Imisebenzi exhaswayo ingabandakanya le misebenzi elandelayo:
 - 7.4.3.1 Imisebenzi yokuthuthwa kokungcola okungengaphezulu kokukodwa ikhaya ngalinye ngesonto kanye nokuhlolwa kwemali ekhokhelwa indawo.
- 7.4.4 Ngokokufakwa kukagesi ufakelwa abantu abantulayo kuyodingeka ukuthi kufakwe ugesi wamakhadi, izindleko zakhona kuyohlangatshewana nazo ngokuthi:
 - 7.4.4.1 Ngesikhwama sezimali ezilinganisiwe uma senele
 - 7.4.4.2 Imali ethe xaxa uma kuthengwa ikhadi likagesi; noma
 - 7.4.4.3 Imali ikhokhwe yilowo muzi.
- 7.4.5 Awukho umuzi oyothathwa njengontulayo uma:
 - 7.4.5.1 labo bahlali benezindlu ezingaphezu kweyodwa ngokwehlukana noma ngokuhlanganyela;
 - 7.4.5.2 kuneminigwane engesilo iqiniso esicelweni noma kwamanye amaphepha noma imininigwane ehambisana nesicelo.
 - 7.4.5.3 uma abacwaningi bama-akhawunti bebona ukuthi kungase kube nezinguquko noma ukuthuthuka esimweni salelo khaya.
- 7.4.6 Imali esilele iyobhalwa njengokudingekile njengesikweletu esibi, ifakwe njengemali ethe xaxa ekuthengweni kwamakhadi kagesi bese iphinde ikhokhwe ngokohlelo olweluliwe njengokwesivumelwano.
- 7.4.7 Amakhasimende athola uxhaso lwabantulayo ayobekwa ezingeni eliphansi lokusebenzisa imisebenzi kamasipala.
- 7.4.8 Amakhaya antulayo kuyomele afake kabausha isicelo sokuxhaswa kwabantulayo njalo emva kwezinyanga eziyi-12 (ishumi namibili), uma ehluleka ukukwenza lokho usizo luyovele lunqamuke.
- 7.4.9 Umkhandlu ungavakashela amakhaya antulayo izikhathi ngezikhathi ukuyo:
 - 7.4.9.1 qinisekisa imininigwane ehlinzekwe amakhasimende antulayo;
 - 7.4.9.2 bhala noma yiziphi izinguquko zezimo zamakhasimende antulayo;
 - 7.4.9.3 enza izincomo zokuthi kubhaliswe noma kusulwe amakhasimende antulayo.
- 7.4.10 Uma ikhasimende lisebenzisa imisebenzi emincane kunaleyo elixhaswe ngayo umasipala, leyo ngxenywe engasetshenziswa ngeke ithayiseleke futhi angeke ikhasimende linikezwe imali ngaleyo ngxenywe elingayisebenzisanga.
- 7.4.11 Uma ikhasimende lisebenzise imisebenzi kamasipala engaphezulu kunaleyo obekumele liyisebenzise njengoba kuveziwe esigabeni sesi-7.4.3, ikhasimende elintulayo kuyodingeka lizikhokhele lezo zindleko eleqise ngazo esilinganisweni.
- 7.4.12 Ikhasimende elintulayo lingacela noma ngasiphi isikhathi ukuthi lesulwe njengekhasimende lintulayo.
- 7.4.13 Ikhasimende elintulayo lingacela ngokushesha ukuthi lesulwe nguMasipala noma umsebenzi kaMasipala ogunyaziwe ohlwini lwamakhasimende antulayo uma isimo sesiguquke ngendlela yokuthi alisahlangebani nezidingo ezivezwe esigabeni sesi-7.4.1.
- 7.4.14 Ikhasimende elintulayo liyovele lesulwe uma lowo obhekene nama-akhawunti noma kunobufakazi bokuthi isimo sezizimali zekhasimende elintulayo sesiguquke ngale ndlela yokuthi asisahambisani nezidingo ezivezwe esigabeni sesi-7.4.1.

7.5 Imixhaso eyengeziwe

- 7.5.1 UmKhandlu ungahlizeka ngemali yomkhangazo kulolo hlobo lwabanikazi bezindlu ukunciphisa ubumpofu.
- 7.5.2 Ukuncishiswa kwemali kungenziwa kulabo basebenzisi bakagesi abasebenzise ugesi omningi kunaleso silinganiso samakilowatts esivezwe ngenhla.

8. UKUBIKA

- 8.1 IsiKhulu esiPhezulu esengamele ezeziMali siyobika kuMphathi kaMasipala ngendlela ehleleke ngendlela efanele ezokwenza ukuthi uMphathi kaMasipala akwazi ukuthi ethule umbiko emKhandlwini. Lo mbiko kuyomele uqakathe le mininingwane elandelayo:

- 8.1.1 Imininingwane yokungena nokuphuma kwezimali kanye nokusebenza kwama-akhawunti, kanye nesimo esihlanganisiwe, ukukhombisa ukusebenza kwangempela koMkhandlu okumayelana nesabelozimali eziphumayo nezingenayo.
- 8.1.2 Izibalo zokuqoqwa kwezimali, ezikhombisa imininingwane yokutholakala kwezimali ezisezingeni eliphezulu. (inani lamakhasimende; imibuzo; izinhlelo zokungakhokhi ngendlela; ukukhushulwa nokunciphiswa kwezikweletu ezisisile; ukuhlukaniswa kwezigceme, amabhizinisi (ezezimali nezezimbongi) ezasekhaya, ezombuso izikhungo kanye nezinye zezinhlelo).
- 8.1.3 Imali yoMkhandlu esalokhu ingena kanye nezitatimende zezindleko, ukuqhathaniswa kwemali ekhokhwayo engenayo kanye nemali etholwayo engenayo, kanye nezindleko eziqhubekayo ezimalini kanye nasekusebenzeni kwama-akhawunti.
- 8.2 Uma isiKhulu esiPhezulu sezeziMali sibona ukuthi uMkhandlu angeke ukwazi ukuthola imali elingana nemali elinganiselwe isabelozimali sonyaka njengoba sigunyazwe umKhandlu, isiKhulu esiPhezulu sezeziMali siyobika ngokuthi sihambise amaphuzu okusekela lokho kuMphathi kaMasipala okuyothi uma evumelana nesiKhulu esiPhezulu sezeziMali, aguqule ngokushesha isabelo zimali sihambisane namazinga ezimali ezingenayo.
- 9. UKUHLOLWA KOKWENZIWA KOMSEBENZI**
- 9.1 Bheka – imiGomo yokwenziwa komsebenzi, isigaba sesi-4.7
- 10. UKUNQANYULWA NOMA UKUVINJELWA KOMSEBENZI**
- 10.1 Bheka – Ukuphazanyiswa kwemisebenzi, isigaba sesi-6.1.1
- 11. UKUSETSHENZISWA NGOKUNGEMTHETHO, UKUPHAZAMISA KANYE NOKWEBIWA KWEMISEBENZI**
- 11.1 Noma yimuphi umuntu (kungaba umuntu phaqa noma owomthetho) otholwa enecala lokuxhuma ngokungemthetho imisebenzi kamasi-pala, ukuphazamisa amamitha, ukuphazamisa imigudu noma yiyiphi enye indlela okufakwa ngayo imisebenzi noma ukwenza noma yimuphi umsebenzi ongagunyaziwe ophathelene nokufakwa kwemisebenzi kamasipala, kanjalo nokweba kanye nokucekela phansi impahla noma izingqalazizinda zomKhandlu uyoshushiswa aphinde noma kufuneka ukuthi akhokhe inhlawulo eyonqunywa ngaleso sikhathi.
- 11.2 Umkhandlu uyongamela ngokushesha ukusebenza kwemisebenzi yekhasimende uma lesi senzo esivezwe ngenhla kutholakale ukuthi lelo khasimende lisenzile.
- 11.3 Isamba semali ekweletwayo, kubandakanya nezinhlawulo, izindleko zokuhlolwa kokusetshenziswa kwemisebenzi okungagunyaziwe kanye nokunqanyulwa nokuxhunyw kabusha kwemisebenzi, kanye nokwenyuswa kwemali yediphosi njengokubona koMkhandlu uma kunesidingo, kuyofuneka kukhokhwe ngaphambi kokuthi kuxhunyw kabusha imisebenzi.
- 11.4 Umkhandlu uyongamela ukuhlolwa kwezindlela kanye namaqembu ukubheka nokuveza obala amakhasimende enze izenzo ezingekho emthethweni.
- 11.5 Umkhandlu ungahlukanisa phakathi kwezinhlawulo ezikhokhelwa amacala okucekela phansi kanye noma amacala okweba.
- 11.5.1 Umkhandlu unelungelo lokubeka icala noma ukuthathela izinyathelo zomthetho labo abacekela phansi imisebenzi kanye nabangamasela.
- 11.5.2 Noma yimuphi umuntu ohluleka ukuhlinzeka umasipala noma ohlinzeka ngemininingwane engesilo iqiniso uyobhekana nokuthi anqanyulelwe imisebenzi ngokushesha.
- 12. UKUGCINWA KWEMINYE IMITHETHO KANYE NOKUNGASINGATHWA NGENDLELA EFANAYO**
- 12.2 Uma kuhunyushwa okuphethwe yile mithethonqubo, noma yiyiphi incazelo ehambelana nenhloso yalo Mthetho njengoba uvezwe esahlekwini sesi-9 ekuphathweni kwezindaba zezikweletu kanye nokuqoqwa kwezikweletu kufanele leyo ncazelo kube yiyona esetshenziswa ukudlula noma yiyiphi enye incazelo engahambisani naleyo nhloso.
- 12.2 Ukuhlinzeka kwanoma yimuphi uMthethonkambiso omayelana nokuphathwa kwezikweletu umasipala uyachithwa uma unqanyulelwe nokuhlinzeka kule mithethonqubo, kuye ngokuthi lokho kuhlinzeka akuyukuchithwa ngokumayelana nanoma yikuphi ukuhlinzeka komthethonkambiso ongazange uchithwe futhi okungesikho ukucasulwa yile mithethonqubo ngokumayelana nokuqondwe yile mithethonqubo.
- 12.3 Uma kukhona ukungqubuzana phakathi kwale mithethonqubo neminye imithethonqubo yomKhandlu, le miThetho nkambiso yiyona eyosetshenziswa.

No. 63, 2005

1 December 2005

OKHAHLAMBAMUNICIPALITYFINAL CUSTOMER CARE, CREDIT CONTROL, AND DEBT COLLECTION BY-LAWS

BE it enacted by the Council of the Okhahlamba Municipality, in terms of Section 156 of the republic of South Africa Act 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act (Act No. 32 of 2000), as follows:

PREAMBLE

WHEREAS section 96 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) requires a municipality to adopt, maintain and implement a credit control, debt collection and customer care policy;

AND WHEREAS section 97 of the Systems Act prescribes what such policy must provide for;

NOW THEREFORE the municipal council of the Municipality of Okhahlamba adopts the policies as set out in this document.

OBJECTIVES

1. Customer Care: Is to create a positive relationship and cooperation between persons' liable for any payment and the municipality, and where applicable, a service provider. And to provide a pro-active way to enhance the payment of services and in response to clients' needs.
2. Credit Control: Is to implement procedures which ensure the collection of debt, meeting service targets and the prevention of escalation in arrear debt. And, to provide incentives for prompt payment as well as ensuring limited risk levels by means of effective management tools.
3. Debt Collection: Is to provide procedures and mechanisms to collect all monies due to Council arising out of services and annual levies, in order to ensure financial sustainability and delivery of municipal services in the interest of the community.
4. Indigent Subsidy: Is to facilitate and provide funding (financial assistance) for a basic level of services that is linked to the tariff policies, to qualifying households which are poor.

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- 1. DEFINITIONS**
- (1) For the purpose of these by-laws any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these by-laws and unless the context indicates otherwise.
- "account" means a notification by means of a statement of account to a person liable for payment of any amount for which he or she is liable to pay the Council in respect of the following:
- (i) Electricity consumption or availability fees based on a meter reading or estimated consumption;
 - (ii) Refuse removal and disposal;
 - (ii) Rates;
 - (iv) Interest; and
 - (v) Miscellaneous and sundry fees and collection charges
- "Act" means the local Government: Municipal System Act, 2000 (Act No. 32 of 2000, as amended from time to time;
- "authorised agent" means —
- (a) any person authorised by Municipal Council to perform any act, function or duty in terms of, or exercise any power under these Bylaws; and/or
 - (b) any person to whom the Municipal Council has delegated the performance of certain rights, duties and obligation in respect of providing revenue services; and/or
 - (c) any person appointed by the Municipal Council in terms of a written contract as a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;

"Collection Charges" means charges, which may be recovered by the Council in terms of section 75A of the Act, and includes the cost —

- (i) of reminding customers of arrears;
- (ii) for the termination, restriction and reinstatement of municipal services;
- (iii) of any notice rendered, sent or delivered in terms of these By-laws; and
- (iv) all legal costs, including attorney and client costs, incurred in the recovery of arrear amounts;

"Chief Financial Officer" a person designated by the accounting officer of the municipality;

"customer" means a person with whom the Municipality or its authorised agent has concluded an agreement for the provision of municipal services;

"defaulter" means a customer who owes arrears;

"Fee" means a fee prescribed for or in respect of any municipal service;

"household" means a traditional family unit consisting of maximum of eight person (being a combination of four persons over the age of eighteen and four persons eighteen years or younger);

"Municipality" means —

- (a) the Okhahlamba Municipality or its successors-in-title; or
- (b) the Municipal Manager of the Okhahlamba in respect of the performance of any function or exercise of any right, duty, obligation or function in terms of these Bylaws;

"Municipal Council" means the municipal council as referred to in section 57 of the Constitution, 1996 (Act 108 of 1996);

"Municipal Manager" means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: municipal Structures Act, (Act No. 117 of 1998) and included any person —

- (a) acting in such position; and to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

"municipal services" means for purpose of these Bylaws, services provided by the Municipality or its authorised agent, including refuse removal, electricity services and rates, or any one of the above;

"occupier" includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" means —

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to —
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Title Act, 1986 (Act No.95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or a person occupying land under a register held by a tribal authority;

"policy" means the Credit Control and Debt Collection Policy adopted by the Council;

"prescribed" means prescribed by the council from time to time, by resolution;

"premises" means any piece of land, with or without any building or structure thereon, the external surface boundaries of which are delineated on —

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No.9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), which is situated within the area of jurisdiction of the Council;

"property" any portion of land, of which the boundaries are determined, within the jurisdiction of the municipality, including —

- (a) immovable property registered in the name of a person, including, in the case of a Sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in favour of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in favour of a person or granted to a person in terms of any law; or
- (d) public service infrastructure;

"rates" means a municipal rate on property levied in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), or any prior law;

2. PRINCIPLES

- 2.1 The administrative integrity of the municipality must be maintained at all costs. The democratically elected councillors are responsible for policy-making, while it is the responsibility of the Municipal Manager to ensure the execution of these policies.
- 2.2 All customers must complete an official application form, formally requesting the municipality to connect them to service supply lines.
- 2.3 A copy of the application form, conditions of services and extracts of the relevant council's credit control and debt collection policy and by-laws must be handed to every customer on request at such fees as may be prescribed by Council.
- 2.4 Billing is to be accurate, timeous and understandable.
- 2.5 The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- 2.6 The customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.

- 2.7 Enforcement of payment must be prompt, consistent and effective.
- 2.8 Unauthorised consumption, connection and reconnection, the tampering with or theft of meters, service supply equipment and the reticulation network and fraudulent activity will lead to disconnections, penalties, loss of rights and criminal prosecutions.
- 2.9 Incentives and disincentives may be used in collection procedures.
- 2.10 The collection process will be cost effective.
- 2.11 Collection "Best Practices" will be pursued.
- 2.12 Performance results will be regularly and efficiently reported to Council.
- 2.13 Application forms will be used to categorise customers and to determine whether the customer qualifies for indigent subsidy, pre-payment or credit meters.
- 2.14 Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.
- 2.15 Although customer care and debt collection are inter-related, two separate sections must handle them, independently.
- 2.16 The customer debt must arise out of a legal framework and must be legally collectable. The principle of providing service in lieu of payment for arrear accounts is supported.

3. Duties and Functions

3.1 Duties and functions of the Municipal Council are to —

- 3.1.1 approve a budget consistent with the needs of communities, ratepayers and residents;
- 3.1.2 impose rates and taxes and to determine service charges, fees and penalties to finance the budget;
- 3.1.3 provide sufficient funds to give access to basic services for the poor;
- 3.1.4 provide for bad debt, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the Municipality;
- 3.1.5 set an improvement target for debt collection, in line with acceptable accounting ratios and the abilities of the Municipal Manager;
- 3.1.6 approve a reporting framework for credit control and debt collection;
- 3.1.7 consider and approve Bylaws to give effect to the Council's policy;
- 3.1.8 monitor the performance of the Executive Committee and the Municipal Manager regarding credit control and debt collection;
- 3.1.9 revise the budget should council's targets for credit control and debt collection not be met;
- 3.1.10 take disciplinary action against officials who do not execute Council policies and Bylaws;
- 3.1.11 approve a list of attorneys that will act for Council in all legal matters relating to debt collection;
- 3.1.12 delegate the required authorities to monitor and execute the credit control and debt collection policy to the Executive Committee and the Municipal Manager, respectively;
- 3.1.13 approve an appropriate staff structure for credit control and debt collection; and
- 3.1.14 appoint debt collection agents to assist the Municipal Manager in the execution of his/her duties, if required.
- 3.1.15 provide funds for the training of staff

3.2 Duties and functions of the Executive Committee are to —

- 3.2.1 ensure that the council's budget, cash flow and targets for the debt collection are met and executed in terms of the policy and relevant bylaws;
- 3.2.2 monitor the performance of the Municipal Manager in implementing the policy and Bylaws;
- 3.2.3 review and evaluate the policy and Bylaws in order to improve the efficiency of the Council's credit control and debt collection procedures, mechanisms and processes, and
- 3.2.4 report to the Council.

3.3 Duties and functions of the Municipal Manager are to-

- 3.3.1 implement good customer care management;
- 3.3.2 implement the Council's credit control and debt collection policy;
- 3.3.3 install and maintain an appropriate accounting system;
- 3.3.4 bill consumers;
- 3.3.5 demand payment on due date;
- 3.3.6 raise penalties for defaults;
- 3.3.7 appropriate payment received;
- 3.3.8 collect outstanding debt;
- 3.3.9 implement "Best Practices"
- 3.3.10 provide different payment methods;
- 3.3.11 determine customer care, credit control and debt collection measures;
- 3.3.12 determine work procedures for public relations, arrangements, disconnections of services, summonses, attachments of assets, sales in execution, wring of debts, sundry debtors and legal processes;
- 3.3.13 appoint firm/s of attorneys to complete the legal process (i.e. attachments and sale in execution of assets, emolument attachment orders etc.);
- 3.3.14 set performance targets for staff;
- 3.3.15 appoint staff to execute the Council's policy and Bylaws in accordance with the Council's staff policy;
- 3.3.16 delegate certain functions heads of departments;
- 3.3.17 determine control procedures;
- 3.3.18 monitor contracts with Service Providers in connection with credit control and debt collection; and
- 3.3.19 report to the Executive Committee.

3.4 Duties and functions of communities, ratepayers and residents are to-

- 3.4.1 fulfil certain responsibilities, as brought about by the privilege to use and enjoy public facilities and municipal services;
- 3.4.2 pay service fees; rates on property and other taxes, levies and duties imposed by the Municipality;
- 3.4.3 observe the mechanisms and processes of the Municipality in exercising their rights;
- 3.4.4 allow municipal officials reasonable access to their property to execute municipal functions;
- 3.4.5 comply with the Bylaws and other legislation of the Municipality;
- 3.4.6 refrain from tampering with municipal services and property.

3.5 Duties and functions of ward councillors and political parties are to-

- 3.5.1 hold regular ward meetings;
- 3.5.2 adhere to and convey the council's policies to residents and ratepayers; and
- 3.5.3 adhere to Council's Code of conduct for councillors.

4. CUSTOMER CARE POLICY**4.1 Customer feedback**

- 4.1.1 The municipality will, within its financial and administrative capacity, conduct annual process of compiling its budget, which will include revised targets for credit control.
- 4.1.2 Council's Customer Care, Credit Control and Debt Collection policy, will be available in Zulu and English, and will be made available by general publication and on specific request, and will also be available at Council's offices for perusal.
- 4.1.3 Council will endeavour to distribute a regular newsletter, which will give prominence to customer care and debt issues.
- 4.1.4 Ward councillors will be required to hold regular ward meetings, at which customer care and debt issues will be given prominence.
- 4.1.5 The press will be encouraged to give prominence to Council's customer Care and Debt issues, and will be invited to Council meetings where these are discussed.

4.2 Handling of complaints

- 4.2.1 Council aims to establish —
 - 4.2.1.1 a customer care unit;
 - 4.2.1.2 a centralised complaints database to enhance co-ordination of complaints, their speedy resolution and effective communication with customers;
 - 4.2.1.3 Appropriate training for officials dealing with the public to enhance communications and service delivery; and
 - 4.2.1.4 A communication mechanism to give council feedback on service, debt and other issues of concern.

4.3 Metering

- 4.3.1 The Municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, meter all customer connections.
- 4.3.2 All meters will be read on a regular basis. If a service is not measured, the municipality or its authorised agent may, determine the amount due and payable by a customer for municipal services supplied to him, her or it, by calculating the —
 - 4.3.2.1 shared consumption, or if not possible
 - 4.3.2.2 estimated/average consumption.
- 4.3.3 Customers are entitled to request verification of meter readings and accuracy, but may be held liable for the cost thereof.
- 4.3.4 Customers will be informed of meter replacement.
- 4.3.5 If a service is metered but it cannot be read due to financial and human resource constraints or circumstances out of the control of the Municipality or its authorised agent, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.

4.4 Accounts and billing

- 4.4.1 The customer may receive more than one account for different municipal services if they are accounted for separately.
- 4.4.2 Accounts will be produced in accordance with the meter reading cycle and due dates are linked to the statement date.
- 4.4.3 Accounts will be rendered monthly to customers at the address last recorded with the Municipality or its authorised agent.
- 4.4.4 Failure to receive or accept an account does not relieve a customer (client's responsibility) of the obligation to pay any amount due and payable.
- 4.4.5 Accounts must be paid not later than the last date for payment specified in such account, which date will be at most 30 (thirty) days after the date of the account.
- 4.4.6 Where an account is not settled in full, any lesser amount tendered to and accepted shall not be deemed to be in final settlement of such an account.
- 4.4.7 Where any payment made to the Municipality or its authorised agent by negotiable instrument, is later dishonoured by the bank, the municipality or its authorised agent:
 - 4.4.7.1 may recover the average bank charges incurred relating to dishonoured negotiable instrument against the account of the customer; and
 - 4.4.7.2 shall regard such an event as default on payment.
- 4.4.8 The Municipality or its authorised agent must, if administratively possible, issue a duplicate account to a customer on request.

4.5 Enquiries, appeals and service complaints

- 4.5.1 If a customer is convinced that his or her account is inaccurate, he or she can lodge a query with the municipality for investigation of this account, and where necessary the relevant alterations.
- 4.5.2 A query or complaint must be accompanied by the payment of the average of the last three months' accounts where history of the account is available or an estimated amount provided by the Municipality before payment due date until the matter is resolved.
- 4.5.3 The Municipality or its authorised agent will —

- 4.5.3.1 investigate or cause the query or complaint to be investigated;
- 4.5.3.2 and, must inform the customer in writing, of its finding within one month after the query or complaint was registered.
- 4.5.4 Failure to make such agreed interim payment would make the customer liable for disconnection and other normal credit control procedures.
- 4.5.5 A customer may appeal against a finding of the Municipality or its authorised agent in terms of section 4.5.1 in writing, on the prescribed form.
- 4.5.6 An appeal and request in terms of subsection 4.5.5 must be made in writing and lodged with the Municipality within 21 (twenty-one) days after the customer became aware of the such finding referred to in section 4.5.2 and must —
 - 4.5.6.1 set out the reasons for the appeal; and
 - 4.5.6.2 be accompanied by any security determined for the testing of a measuring device, if applicable.

4.6 Payment facilities and methods

- 4.6.1 The Municipality or its authorised agent will operate and maintain suitable pay-points facilities, and which facilities will be accessible to all users for payment of accounts and pre-payment of services.
- 4.6.2 The municipality will, at its discretion allocate a payment made by a debtor of an amount less than the total amount due between service debt. A debtor may not specify that a payment is for a specific portion of the account.
- 4.6.3 The municipality may, with the consent of a customer, approach an employer to secure a debit or stop order arrangement.
- 4.6.4 The customer will acknowledge, in the customer agreements, that the use of customer agents in the transmission of payments to the municipality is at the risk of the customer - also for the transfer time of the payment.

4.7 Performance targets

Council will create a mechanism wherein these targets are assessed. Council's performance is evaluated and remedial steps taken.

4.7.1 *Income Collection Targets*

Council to create targets that include:

- 4.7.1.1 Reduction in present monthly increase in debt in line with performance agreements determined by council.

4.7.2 *Customer Service Targets*

Council to create targets that would include:

- 4.7.2.1 Response time to customer queries.
- 4.7.2.2 Date of first account delivery to new customers.
- 4.7.2.3 Reconnection time elapse.
- 4.7.2.4 Meter reading cycle.

4.7.3 *Administrative Performance*

Council to create targets that will include:

- 4.7.3.1 Cost efficiency of debt collection.
- 4.7.3.2 Query and appeal periods.
- 4.7.3.3 Enforcement mechanism ratios.

5. CREDIT CONTROL POLICY

5.1 Service application and connection

- 5.1.1 All customers of service will be required to sign an agreement governing the supply and cost of municipal services. Owner may allow a tenant to sign a separate agreement with the municipality, which the municipality may at its own discretion accept or reject. On default by a tenant, the owner will be the debtor of last resort.
- 5.1.2 Prior to the signing these agreements, customers will be entitled to receive the policy document of the Council on a request at a cost determined by Council.
- 5.1.3 On signing of the agreement, customers will receive a copy of the agreement for their records.
- 5.1.4 In the agreement customers will acknowledge liability for costs of collection, interest and penalties, in the event of delayed payment.
- 5.1.5 Existing customer will be required to sign new agreements as determined by the Municipal Manager from time to time.

5.2 Customer screening and securities/deposits

- 5.2.1 All applicants will be checked for credit-worthiness including checking information from banks, credit bureau, local authorities, trade creditors, and employers.
- 5.2.2 Security deposits/guarantees either in cash or any other security acceptable to the municipality will be required, and may vary according to the risk. Deposits will be determined annually as part of the budget process.
- 5.2.3 Deposits can vary according to the credit-worthiness or legal category of the applicant subject to paragraphs in 5.2.
- 5.2.4 Deposits can be increased by the municipality at any time and at the sole discretion of the municipality not to be more than two and half times the monetary value of the most recent consolidated accounts of the premises for which an application is made.
- 5.2.5 No interest shall be payable by the Municipality or its authorised agent on any deposit held.
- 5.2.6 On the termination of the agreement the amount of the deposit less any outstanding amount due to the municipality will be refunded to the consumer. A deposit shall be forfeited to the Municipality if the customer has not claimed it within 12 (twelve) months of termination of agreement.

5.3 Consolidated accounts

- 5.3.1 Customers will receive an accurate bill from the municipality, which bill will consolidate all service costs for that property, and the municipality may credit all payments received from such a person to any service and order of preference as determined by council from time to time.

5.4 Arrears

- 5.4.1 The municipality shall have the right to restrict or discontinue the supply of services or to implement any other debt collection action necessary due to late or non-payment of accounts, relating to any consumer, owner or property.

- 5.4.2 Interest - refer to section 6.1.2
- 5.4.3 In dispute, concerning any amount charged between the municipality and the person referred to, the same procedures apply as indicated in section 4.5.

5.5 Incentives for prompt payments

- 5.5.1 The Municipal Council may institute incentive schemes to encourage prompt payment and to reward customers who pay accounts on a regular and timeous basis.
- 5.5.2 Such incentive schemes, if introduced, will be reflected in annual budgets as additional expenditure

5.6 Right to access premises

- 5.6.1 The owner and/or occupier of property is to allow an authorised representative of the municipality access at all reasonable hours to the property in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict, or reconnect, the provision of any service.
- 5.6.2 The owner is responsible for the cost of relocating a meter if satisfactory access is not possible.
- 5.6.3 If a person fail to comply with 5.6.1 the municipality or its authorised representative may:
 - 5.6.3.1 By written notice require such person to restore access at his/her own expense within a specified period.
 - 5.6.3.2 If it is the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

5.7 Business who tender to the municipality

- 5.7.1 The Management Supply Chain Policy and Tender Conditions provide the following:
 - 5.7.1.1 When inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate that the tenderer obtain from Municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of non-compliance) have been made for payment of any arrears.
 - 5.7.1.2 A municipal account to mean any municipal service charge, tax or other fees, fines and penalties, due in terms of a contract or approved tariff or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed.
 - 5.7.1.3 Tender conditions contain a condition allowing the Municipality to deduct moneys owing to the municipality from contract payments in terms of a reasonable arrangement with the debtor.

5.8 Different categories of debtors

- 5.8.1 Customers will be categorised according to certain classifications based on the type of entity, use of services, levels of services, infrastructure requirements and applicable tariffs and risk levels.

6. DEBT COLLECTION POLICY

6.1 Enforcement Mechanisms

6.1.1 Interruption of service

- 6.1.1.1 Customers who are in arrears with their municipal account and who have not made arrangements with council will have their supply of electricity, and other municipal services, suspended or disconnected.
- 6.1.1.2 Council reserve the right to deny or restrict the sale of electricity to customers who are in arrears with their rates or other municipal charges.
- 6.1.1.3 The disconnection of services may happen when the municipal account is 1(one) day overdue.
- 6.1.1.4 Upon liquidation of arrears, or the conclusion of acceptable arrangements for term payment, the service will be reconnected as soon as possible.
- 6.1.1.5 The cost of the restriction or disconnection, And the reconnection, will be determined by tariffs approved by Council, and will be payable by the customer.
- 6.1.1.6 The deposit of any defaulter will be adjusted to bring into line with relevant policies.

6.1.2 Interest and penalties

- 6.1.2.1 Interest will be charged on all accounts not paid by the due date in accordance with applicable legislation.

6.1.3 Personal contact

- 6.1.3.1 Telephonic contact (fax, e-mail, SMS's or otherwise)
- 6.1.3.2 Agents calling on clients
- 6.1.3.3 Council will endeavour, within the constraints of affordability, to make personal or telephonic contact with all arrear debtors to encourage their payment, and inform them of their arrears state, and their rights (if any) to conclude arrangements or to indigence subsidies, other related matters and will provide information on how and where to access such arrangements or subsidies.
- 6.1.3.4 Such contact is not a right for debtors to enjoy and disconnection of services and other collection proceedings will continue in the absence of such contact for whatever reason.

6.1.4 Legal Process/Use of attorneys/Use of credit bureaus

- 6.1.4.1 Council may, when a debtor is 30 days in arrears, commence legal process against with that debtor, which process could involve final demands, summonses, court trials, judgements, garnishee orders and/or sales in execution of property.
- 6.1.4.2 Council will exercise strict control over this process, to ensure accuracy and legality within it, and will require regular reports on progress from outside parties, be they attorneys or any other collection agents appointed by council.
- 6.1.4.3 Council will establish procedures and codes of conduct with these outside parties.
- 6.1.4.4 Garnishee orders, in the case of employed debtors, are preferred to sale in execution, but both are part of Council's system of debt collection procedures.
- 6.1.4.5 All steps in the credit control procedure will be recorded for Council's records and for the information of the debtor.
- 6.1.4.6 All costs of this process are for the account of the debtor.

- 6.1.4.7 Individual debtor accounts are protected and are not subject of public information. However Council may release debtor information to credit bureaus. This release will be in writing or by electronic means.
- 6.1.4.8 Council may consider the cost effectiveness of the legal process, and will receive reports on relevant matters, including cost effectiveness.
- 6.1.4.9 Council may consider the use of agents, and innovative debt collection methods and products. Cost effectiveness, the willingness of agents to work under appropriate codes of conduct and the success of such agents and products will be part of the agreement Council might conclude with such agents or service providers; and will be closely monitored by Council
- 6.1.4.10 Customers will be informed of the powers and duties of such agents or service providers and their responsibilities including their responsibility to observe agreed codes of conduct.
- 6.1.4.11 Any agreement concluded with an agent, product vendor or service provider, shall include a clause whereby breaches of the code of conduct by the agent or vendor constitute a breach of a contract.

6.2 Cost of collection

- 6.2.1 All costs of legal process, including interest, penalties, service discontinuation costs and legal costs associated with credit control are for the account of the debtor and should reflect at least the cost of the particular action.

6.3 Rates clearance

- 6.3.1 On the sale of property in the municipal jurisdiction, Council will withhold the transfer until all rates and service charges are paid by withholding a rates clearance certificate.

6.4 Arrangements for settlement

- 6.4.1 If a customer cannot pay his/her account with the municipality may, in accordance Annexure __, enter into an extended term of payment with the customer.
- 6.4.2 He/she must pay the current portion of the account in cash; and sign an acknowledgement that, in the event of arrangements previously negotiated later being defaulted on, no further arrangements will be possible. Under such circumstances further credit control procedures will be followed.
- 6.4.3 Customers with consumption arrears must agree to the conversion to prepayment meter, if and when implemented the cost of which, and the arrears total, will be paid off either by:
 - 6.4.3.1 the debt to the arrears bill and repaying it over arrangement period; or
 - 6.4.3.2 adding the debt as a surcharge to the prepaid electricity cost, and repaying it with each purchase of electricity until the debt is liquidated.
- 6.4.4 Council reserves the right to raise the deposit requirement of debtors who seek arrangements.

6.5 Abandonment of claims

- 6.5.1 The Municipal Manager, must ensure that all revenues are utilised to collect the municipality's debt.
- 6.5.2 There are some circumstances that allow for the valid termination of debt collection procedures:
 - 6.5.2.1 The insolvency of the debtor, whose estate has insufficient funds
 - 6.5.2.2 A balance being too small to recover, for economic reasons considering the cost of recovery.
 - 6.5.2.3 Where Council deems that a customer or group of customers are unable to pay for services rendered.
- 6.5.3 The municipality will maintain audit trials in such an instance, and document the reasons for the abandonment in respect of the debt.

7. CUSTOMER ASSISTANCE PROGRAMMES

7.1 Water leakages

- 7.1.1 Okhahlamba Municipality does no longer provide this function. Reference must be made to uThukela District Municipality's By-Laws, as the Water Services Provider.

7.2 Rate rebates

- 7.2.1 Property used exclusively for residential purposes may qualify for a rebated rate determined annually by Council.
- 7.2.2 A rate rebate may be granted according to certain qualifying criteria to social pensioners or the receiver of a state disability grant and/or any category of customer, as determined by Council from time to time.

7.3 Rates by instalments

- 7.3.1 Customers will pay the property rates account annually, at no interest, on the condition that there are no rates outstanding in respect of previous period and that the rates are paid in full prior to the next rates cycle.

7.4 Indigent subsidy

- 7.4.1 Qualification for registration as an indigent customer: A household; where the combined gross income of all the members of the household over the age of 18 years old is less than an amount as determined from time to time per month by the Council, qualify for registration as indigent customers.
- 7.4.2 The source of funding of the indigence subsidy is that portion of the equitable share contribution to the municipality made from the national government's fiscus and as provided for in the budget. In exceptional circumstances this can be supplemented from other revenues.
- 7.4.3 Subsidised services may include the following services:
 - 7.4.3.1 Refuse removal services to a maximum of one removal per household per week and assessment rates.
- 7.4.4 For electricity, it will be required to install a pre-payment electricity meter for the indigent customers when implemented, the cost of which can be met either by:
 - 7.4.4.1 The equitable share fund, if sufficient
 - 7.4.4.2 A surcharge on the electricity coupon cost; or
 - 7.4.4.3 Cash payment by the household.
- 7.4.5 No household will qualify as an indigent customer if:
 - 7.4.5.1 the residents jointly or severally own more than one property.
 - 7.4.5.2 false information in the application form and/or any other documentation and information in connection with the application was provided.

- 7.4.5.3 Audits suggest improvements/changes in the circumstances of the household.
 - 7.4.6 Existing arrears will be written off subject to the necessary bad debt provision; applied as a surcharge to prepaid electricity coupons; and recovered through extended term arrangements.
 - 7.4.7 Customers who qualify for an indigent subsidy will be placed on restricted service levels of usage.
 - 7.4.8 Indigent households must reapply for indigent support every 12 (twelve) months, failing which the assistance will cease automatically.
 - 7.4.9 Council may undertake regular random audits to visit indigent households to;
 - 7.4.9.1 verify the information provided by indigent customers;
 - 7.4.9.2 record any changes in the circumstances of indigent customers; and
 - 7.4.9.3 make recommendations on the granting or de-registration of the indigent customer.
 - 7.4.10 If a customer's consumption or use of municipal service is less than the subsidised services, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion.
 - 7.4.11 Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in section 7.4.3 shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption at the applicable rate.
 - 7.4.12 An indigent customer may at any time request de-registration.
 - 7.4.13 An indigent customer must immediately request de-registration by the Municipality or its authorised agent if his/her circumstances has changed to the extent that he/she no longer meets the qualifications set out in section 7.4.1
 - 7.4.14 An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstance of the indigent customer has changed to the extent that he/she no longer meets the qualifications set out in 7.4.1.
- 7.5 Additional subsidies**
- 7.5.1 Council may provide grants in lieu to certain categories of owners of domestic properties to alleviate poverty.
 - 7.5.2 Rebates may be granted to electrical consumers using above a specified amount of kilowatts.

8. REPORTING

- 8.1 The Chief Financial Officer shall report monthly to the Municipal Manager in a suitable format to enable the Municipal Manager to report to Council. This report shall contain particulars on —
 - 8.1.1 Cash flow information for capital and operating accounts, and the combined situation, showing Council's actual performance against its cash flow budgets.
 - 8.1.2 Cash collection statistics, showing high level debt recovery information (numbers of customers; enquires; default arrangements; growth or reduction of arrear debtors; ideally divided into wards, business (commerce and industry) domestic, state, institutional and other such divisions.
 - 8.1.3 Council's ongoing income and expenditure statements, comparing both billed income and cash receipt income, against ongoing expenditure in both the capital and operating accounts.
- 8.2 If in the opinion of the Chief Financial Officer, Council will not achieve cash receipt income equivalent of the income projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Municipal Manager who will, if he agrees with the Chief Financial Officer, immediately move for a revision of the budget according to realistically realisable income levels.

9. PERFORMANCE EVALUATION

- 9.1 Refer - Performance Targets, section 4.7

10. TERMINATION OF SERVICE OR RESTRICTION

- 10.1 Refer - Interruption of services, section 6.1.1

11. UNAUTHORISED CONSUMPTION, TAMPERING &/ THEFT OF SERVICES

- 11.1 Any person (natural or juristic) found to be illegally connected to municipal services, tampering with meters, reticulation network or any other supply equipment or committing any unauthorised services associated with the supply of municipal services, as well as theft and damage to Council property/infrastructure, will be prosecuted and/or liable for penalties as determined from time to time.
- 11.2 Council will immediately terminate the supply of services to a customer should such conduct as outlined above be detected.
- 11.3 The total bill owing, including penalties, assessment of unauthorised consumption and discontinuation and reconnection fees, and increased deposits as determined by Council if applicable, becomes due and payable before any reconnection can be sanctioned.
- 11.4 Council will maintain monitoring systems and teams to detect and survey customers who are undertaking such illegal actions.
- 11.5 Council may distinguish in its penalties between cases of vandalism and/or cases of theft.
 - 11.5.1 Council reserves the rights to lay charges and/or to take legal action against both vandals and thieves
 - 11.5.2 Any person failing to provide information or providing false information to the municipality may face immediate disconnection.

12. ENFORCEMENT OF OTHER LEGISLATIONS AND CONSISTENCIES

- 12.1 When interpreting a provision of these Bylaws, any reasonable interpretation that is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control and Debt collection, must be preferred over any alternative interpretation, which is inconsistent with that purpose.
- 12.2 The provisions of any Bylaws relating to the control of credit by the municipality are hereby repealed insofar as they relate to matters provided for in these bylaws, provided that such provisions shall be deemed not to have been repealed in respect of any such bylaw which has not been repealed and which is not repugnant to these Bylaws on the basis as determined by the relevant Bylaws.
- 12.3 If there is any conflict between these Bylaws and any other Bylaws of the Council, these Bylaws will prevail.

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PIETERMARITZBURG 3200.****CONTENTS**

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**TOWN PLANNING SCHEMES: AMENDMENT/
DORPBEPLANNINGSKEMAS: WYSIGING****KWADUKUZA MUNICIPALITY
NOTICE NO. MN81/2005
NKWAZI TOWN PLANNING SCHEME
IN COURSE OF PREPARATION:
PROPOSED AMENDMENT**

Notice is hereby given that application has been made to the **KWADUKUZA MUNICIPALITY** for authority to amend the Nkwazi Town Planning Scheme in the course of preparation in terms of Section 47 bis b of the Town Planning Ordinance No 27 of 1949 (as amended), by the rezoning of

**Sub 42 of Lot 2 No. 1673 Zinkwazi Beach,
From Special Residential to Intermediate
Residential.**

Any person having objections to this application are hereby called upon to lodge their written objection together with the address where notice may be served in terms of Section 47 bis (2) of the Town Planning Ordinance No 27 of 1949, as amended, with the Municipal Manager of the KwaDukuza Municipality by not later than 21 days after publication. The closing date for objections and/or comments is 19 December 2005.

Documents and plans relating to the proposed amendments will be open to inspection during normal office hours at the KwaDukuza Municipal offices, Chief Albert Luthuli Street, KwaDukuza/ Stanger.

Dated at KWADUKUZA on this day of 25 November 2005.

The Acting Municipal Manager
P.O. Box 72
Stanger
4450

Telephone 032 4375000

D3—December 1, 8, 2005.

**KWADUKUZA MUNISIPALITEIT
NOTICE NO. MN81/2005
NKWAZI DORPSAANLEG SKEMA
IN WORDING:
VOORGESTELDE WYSIGING**

Kennis word hiermee gegee dat aansoek gemaak word aan die **KWADUKUZA MUNISIPALITEIT** kragtens vir toestemming om die Nkwazi Dorpsaanlegskema in wording, te wysig in terme van Artikel 47 bis B van die Dorpsbeplanning ordonnansie Nr. 27 van 1949 (soos gewysig), vir die hersonering van

**Ond. 42 of Lot 2 No. 1673 Zinkwazi van
Spesiale Residensieel na Intermediêr residen-
siesiel.**

Dokumentasie en planne wat betrekking het op die voorgestelde aansoek kan gedurende normale kantoorure by die kantoor van die Munisipale Bestuurder, Kwadukuza, inspekteer word. Enige persoon wat genoegsame belang het by die voorgestelde wysiging, word hiermee versoek om hulle skriftelike besware tesame met die gronde daarvoor of verbandhoudende verteenwoordiging daarvoor, nie later as 19 Desember 2005 by die Munisipale Bestuurder, Kwadukuza Munisipaliteit, Chief Albert Luthuli Straat, KwaDukuza munisipaliteit, in duplikaat in te dien nie.

Gedateer te Kwadukuza hierdie **25 ste dag van November 2005.**

Die Munisipale Bestuurder
Posbus 72
Stanger
4450
Telefoon no. 032 4375000

D3—Desember 1, 8, 2005.

**UMVOTI MUNICIPALITY
Notice No. 1127****TOWN PLANNING ORDINANCE**

Notice is hereby given, in terms of section 47 bis of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 140; Greytown Township from Special Residential to General Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,
Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D5—December 1, 2005.

**UMVOTI MUNISIPALITEIT
Kennisgewing No. 1127****DORPBEPLANNINGSORDONNANSIE**

Kennis geskied hiermee kragtens artikel 47 bis van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur Lot 140 vanaf Spesiale Residensieel tot Algemene Residensieel te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede

is verkrygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoë, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,

Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown 3250.

D5—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1128

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 *bis* of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 181: Greytown Township from Special Residential to Intermediate Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,

Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D6—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1128

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 *bis* van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur Lot 181 vanaf Spesiale Residensieël tot Intermediere Residensieël te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkrygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoë, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,

Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown 3250.

D6—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1125

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 *bis* of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 526: Greytown Township from Special Residential to Intermediate Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,

Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D7—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1125

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 *bis* van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die

Greytown Dorpbeplanningskema te wysig deur Lot 526 vanaf Spesiale Residensieël tot Intermediere Residensieël te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkrygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoë, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,

Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown 3250.

D7—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1126

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 *bis* of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning of Portion 3 of 2 of Lot 214: Greytown Township from Limited Commercial to Service Station.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,

Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D8—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1126

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 *bis* van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur gedeelte 3 van 2 van Lot 214 vanaf Beperkte handel tot Dienstasie te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkrygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoë, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,

Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown 3250.

D8—Desember 1, 2005.

UMASIPALA WASEMVOTI

Inombolo Yesaziso: 1124

ISICELO SEMVUME EYISIPESHILI

Lapha kwaziswa ukuthi umnikazi womhlaba oyingxenyane ka 1412: Greytown (94 umgwaqo Voortrekker) ufake isicelo kumkhandlu ka Masipala wase Mvoti, ngaphansi kwesigatshana somthetho ongu 67 ongunthetho wokuplanwa kwedolobha ongunombolo 27 ka 1949, ukunikeza "imvume eyisipeshili" ukwakha uthi iwezincingo zakwa Vodacom kulendawo.

Uma kunomuntu ofuna ukusiphikisa lesi sice-lo, angenza njalo ngokubhala incwadi yokuphikisa kuMenenja kaMasipala zingakapheli izinsuku ezingamashumi amabili nanye (21) kusukela ngosuku lokubhalwa kwalombiko.

Eminye imininingwane/imibuzo ngalesisicelo ingatholalaka ku Menenja wezemihlaba, umnumzane Jock Waplington ehovisi loku Planwa kwedolobha, 41 Bell Street, Greytown noma ngocingo (033) 4139206 ngezikhathi zom-

benzi ezilandelayo: 08:00 kuya ku 13:00, kubuye kube 14:00 kuya 16:00.

I.J.M. ARCHER,
Umenenja Kamasipala.

P.O. Box 71,
Greytown 3250.

D9—kuZibandlela 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1124

SPECIAL CONSENT APPLICATION

It is hereby notified for the general information that the property owner of Lot 1412: Greytown (94 Voortrekker Street) has made application to the Umvoti Municipal Council, in terms of section 67 *bis* of the Town Planning Ordinance No. 27 of 1949, for a "Special Consent" to erect a Vodacom Mast on the said property.

Any person with sufficient interest in this proposal may lodge with the Acting Municipal Manager, written objections or representation relating thereto within Twenty One (21) days from the publication hereof.

Further information/enquiries relating to this application may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00.

I.J.M. ARCHER,

Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D9—December 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1133

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 *bis* of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning of Portion 3 of 2 of Lot 214: Greytown Township from Limited Commercial to Service Station.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,

Acting Municipal Manager.

P.O. Box 71,
Greytown 3250.

D10—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1133

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 *bis* van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur gedeelte 3 van 2 Lot 214 vanaf Beperkte Handel tot Diens Stasie te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkrygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoë, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,

Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown 3250.

D10—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1134

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47

bis of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 526: Greytown Township from Special Residential to Intermediate Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,
Acting Municipal Manager.

P.O. Box 71,
Greytown
3250.

D11—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1134

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 bis van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur Lot 526 vanaf Spesiale Residensieël tot Algemene Residensieël te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoës, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,
Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown
3250.

D11—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1132

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 bis of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 181: Greytown Township from Special Residential to Intermediate Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,
Acting Municipal Manager.

P.O. Box 71,
Greytown
3250.

D12—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1132

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 bis van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur Lot 181 vanaf Spesiale Residensieël tot Algemene Residensieël te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoës, indien enige, kan

skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,
Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown
3250.

D12—Desember 1, 2005.

UMVOTI MUNICIPALITY

Notice No. 1135

TOWN PLANNING ORDINANCE

Notice is hereby given, in terms of section 47 bis of the Town Planning Ordinance No. 27 of 1949, that it is the intention of the Council to amend the Greytown Town Planning Scheme by re-zoning Lot 140: Greytown Township from Special Residential to General Residential.

Further details of the proposed amendment may be obtained from the Manager Land Use, Mr Jock Waplington at the Planning Department, 41 Bell Street, Greytown or telephonically at (033) 4139206 during office hours 08:00 to 13:00 and 14:00 to 16:00. Said details will lie open for inspection until 10 January 2006, during which period interested persons may lodge written representations to the undersigned.

I.J.M. ARCHER,
Acting Municipal Manager.

P.O. Box 71,
Greytown
3250.

D13—December 1, 2005.

UMVOTI MUNISIPALITEIT

Kennisgewing No. 1135

DORPBEPLANNINGSORDONNANSIE

Kennis geskied hiermee kragtens artikel 47 bis van die Dorpbeplanningsordonnansie (No. 27 van 1949), dat die Raad van voorneme is om die Greytown Dorpbeplanningskema te wysig deur Lot 140 vanaf Spesiale Residensieël tot Algemene Residensieël te hersoneer.

Besonder aangaande, hierdie voorgestelde wysig sal tot 10 Januarie 2006 by Munisipale Kantoor, Bell Straat 41, Greytown vanaf Maandae tot Vrydae tussen 08:00 tot 13:00 en 14:00 tot 16:00 ter insae lê. Verder besonderhede is verkygbaar by Mnr Jock Waplington telefoon nommer (033) 4139206.

Besware en of vertoës, indien enige, kan skriftelike ingedien word by die kantoor van die ondergetekende binne genoemde tydperk.

I.J.M. ARCHER,
Waarnemende Munisipale Bestuurder.

Posbus 71,
Greytown
3250.

D13—Desember 1, 2005.

uMNGENI MUNICIPALITY

NOTICE NO. 37/2005

NOTICE OF EXTENSION OF THE HOWICK TOWN PLANNING SCHEME: SECTION 45 OF ORDINANCE NO. 27 OF 1949

1. NOTICE IS HERE BY GIVEN, in terms of Section 45 of the Town Planning Ordinance, No 27 of 1949 (Natal), as amended, that the uMngeni Municipality by resolution taken on 21 August 2005 resolved to extend the area of effect of the Howick Town Planning Scheme as shown on the plan in the Municipal office, and such resolution was approved by the Provincial Planning & Development Commission on 3 November 2005 and has, therefore, taken effect from the latter date, which is hereinafter referred to as the date of effect.

A plan defining the area to which the said resolution applies may be inspected at the offices of the uMngeni Municipality during the following hours:

Monday to Friday: 08:00 to 16:00

2. The effect of the resolution in question, having been so approved, is that, pending approval of the Town Planning Scheme which is to be prepared:

(a) no person may, within the area defined in the plan mentioned above; without the prior authority of the uMngeni Municipality

(i) erect, alter or extend a building or structure;

(ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used, as the case may be, at the date of effect;

(iii) use any building or structure erected after the date of effect for a purpose different from the purpose for which it was erected; or

(b) where there has been any interruption in the development or use of any land or the use of any building or structure after the date of effect for a continuous period exceeding eighteen months, or where any building or structure erected after the date of effect is not used for the purpose for which it was erected within eighteen months after its completion, it shall not be lawful to recommence such development or use, as the case may be, without the authority of the local authority or, as the case may be, the joint committee, applied for and granted in the manner prescribed in subsection (1).

3. If any building, alteration, addition or other work for which the authority of the uMngeni Municipality is required, has been proceeded with without such authority being obtained, the uMngeni Municipality may cause such buildings, alteration, addition or other work to be pulled down, demolished and destroyed, and may recover the expenses thereby incurred by it from the person responsible for the construction of the building or structure or the alteration, addition or other work, irrespective of any criminal proceedings which may have been instituted.

4. Any person who feels aggrieved by any decision or order of the uMngeni Municipality in respect of any matter referred to in paragraph 2 above may, pursuant to Section 67 ter of the Ordinance, give notice to the uMngeni Municipality within 28 days of being notified of such decision or order, of his intention to appeal to the Town Planning Appeals Board, setting forth in such notice his grounds of appeal, and shall also lodge with the Secretary of the Appeals Board within 21 days of his giving such notice a memorandum setting out his grounds of appeal, and in all other respects comply with the procedure in connection with such appeals laid down in the said Section and in the "Regulations relating to the Town Planning Appeals Board and the Hearing of Appeals."

F D VILAKAZI
MUNICIPAL MANAGER

PO Box 5
(Cnr Dicks & Somme Street)
Howick
3290

D14—December 1, 8, 2005.

uMNGENI MUNISIPALITEIT

KENNISGEWING NO. 37/2005

KENNISGEWING VAN UITBREIDING VAN DIE HOWICK DORPBEPLANNINGSKEMA: ARTIKEL 45 VAN ORDONNANSIE NO 27 VAN 1949

1. Hierby word ooreenkomstig artikel 45 van Ordonnansie No 27 van 1949 (Natal) bekend gemaak dat die uMngeni Munisipaliteit by besluit geneem op 21 August 2005 besluit het om die regs gebied van die Howick Dorpbeplanningskema in wording uit te brei soos op die plan by die kantoor van Munisipaliteit aangedui, en dat sodanige besluit op 3 November 2005 deur die Provinsiale Beplanning & Ontwikkelings Kommissie goedgekeur is en derhalwe van

krag geword het op laasgenoemde datum, wat later hierin die inwerkingstredingsdatum het.

'n Plan wat die gebied aandui waarop die besluit betrekking het, kan gedurende ondervermelde ure by die kantoor van die uMngeni Munisipaliteit nagegaan word:

Maandag tot Vrydag 08:00 tot 16:00.

2. Ten gevolge van sodanige goedkeuring van voormelde besluit geld die volgende tot tyd en wyl die voorgestelde dorpebeplanningskema goedgekeur word:

(a) sonder voorafgaande amgtiging van die mag niemand binne die gebied, soos op die bostaande plan omskryf van die uMngeni Munisipaliteit op die besluit betrekking het:

(i) 'n gebou of bouwerk oprig, verander of vergroot nie;

(ii) grond ontwikkel of gebruik of 'n gebou of bouwerk gebruik vir enige ander doel as die waarvoor dit op die inwerkingstredingsdatum ontwikkel of gebruik is nie, na gelang van die geval;

(iii) 'n gebou of bouwerk, wat na die inwerkingstredingsdatum opgerig is, vir 'n ander doel gebruik as die waarvoor hy opgerig is nie.

(b) Waar die ontwikkeling of gebruik van grond of die gebruik van 'n gebou of bouwerk na die inwerkingstredingsdatum vir 'n langer deurlopende tydperk as agtien maande onderbreek is of waar 'n gebou of bouwerk, wat na die inwerkingstredingsdatum opgerig is, nie binne agtien maande na sy voltooiing gebruik word vir die doel waarvoor hy opgerig is nie, is dit onwettig om sodanige ontwikkeling of gebruik te hervat of om met sodanige gebruik te begin, na gelang van die geval, sonder dat die magtiging van die uMngeni Munisipaliteit verkry is.

3. Indien daar sonder magtiging van die uMngeni Munisipaliteit voorgegaan is met 'n gebou, verandering, vergroting of ander werk laat aftakel, die uMngeni Munisipaliteit maak sodanige gebou, verandering vergroting of ander werk laat aftakel, sloop en vernietig en die onkoste daarvan verbond verhaal op die persoon wat vir die oprigting van die gebou

of bouwerk of die verandering, vergroting of ander werk verantwoordelik is, ongeag of 'n strafsak ingestel is, aldan nie;

4. Enigeen wat gegrief is deur 'n besluit of order van die uMngeni Munisipaliteit met betrekking tot enige aangeleentheid in bostaande paragraaf 2 vermeld, kan ooreenkomstig artikel 67 ter van die Ordonnansie binne 25 de nadat hy van sodanige besluit of order in kennis gestel is, aan die uMngeni Munisipaliteit van sy voorneme kennis gee en na die Dorpbeplanningsappelraad te appeleer en sy grond vir appel in die kennisgewing vermeld en in alle ander opsigte moet hy voldoen aan die prosedure in verband met sodanige appelle soos in voornoemde artikel en die Regulasies betreffende die Dorpbeplanningsappelraad en in die Verhoor van Appelle bepaal is.

F D VILAKAZI
MUNISIPALE BESTUURDER

Posbus 5
(hoek van Dicks & Somme Strate)
HOWICK
3290

D14—Desember 1, 8, 2005.

TOWNSHIPS AMENDMENT AND REMOVAL OF RESTRICTIONS DORPE: WYSIGING EN OPHEFFING VAN BEPERKINGS

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

NOTICE NUMBER: 616

INVITATION FOR PUBLIC COMMENT: REMOVAL OF RESTRICTIONS RELATING TO LAND

The Department invites the public to comment in writing on the following application for development:

PROPERTY DESCRIPTION AND ADDRESS: Portion 3 of the Erf 115 Camperdown, Mkhambathini Municipality

SCOPE OF APPLICATION: To permit the property owner to undertake the repair and storage of earthmoving equipment, parts, plant hire and allied activities on the property

VIEWING OF APPLICATION: The applications may be viewed at Southern Life Plaza, 271 Church Street, Pietermaritzburg, on appointment, weekdays 08:00: 16:00.

CONTACT PERSON: MRS N MOFFETT, Tel: 033-355 6520, Fax: 033-355 6537, moffett@tga.kzntl.gov.za

FILE REFERENCE: 2005/1797

CLOSING DATE FOR COMMENT: 11 January 2006

Comments, which may be submitted by fax, mail or email, must be submitted to the Department by the closing date. The Department may refuse to accept comments submitted after the closing date.

Kindly include your postal address and other contact details in your correspondence.

MR G. G. YOUNG,

Acting Deputy Manager:

Development Planning (Inland Implementation Office)

Private Bag X9018

Pietermaritzburg

3200

G1—Desember 1, 2005.

**TOWNSHIPS AMENDMENT AND REMOVAL OF RESTRICTIONS
DORPE: WYSIGING EN OPHEFFING VAN BEPERKINGS**

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

NOTICE NUMBER: 617

**INVITATION FOR PUBLIC COMMENT:
REMOVAL OF RESTRICTIONS RELATING TO LAND**

The Department invites the public to comment in writing on the following application for development:

PROPERTY DESCRIPTION AND ADDRESS: Portion 2 of the Erf 115 Camperdown, Mkhambathini Municipality

SCOPE OF APPLICATION: To remove conditions D1, D2 and D5 from Deed of Transfer T3207/1993 which restrict the use of the property to residential purposes and to one dwelling house and obliges the owner to permit the deposit of material or excavation on the land for the formation of a street and owing to differences in level.

VIEWING OF APPLICATION: The applications may be viewed at Southern Life Plaza, 271 Church Street, Pietermaritzburg, on appointment, weekdays 08:00: 16:00.

CONTACT PERSON: MS P PILLAY, Tel: 033-355 6533, Fax: 033-355 6537.

FILE REFERENCE: 2005/1798

CLOSING DATE FOR COMMENT:

Comments, which may be submitted by fax, mail or email, must be submitted to the Department by the closing date. The Department may refuse to accept comments submitted after the closing date.

Kindly include your postal address and other contact details in your correspondence.

MR G. G. YOUNG,

Acting Deputy Manager:

Development Planning (Inland Implementation Office)

Private Bag X9018

Pietermaritzburg

3200

G4—December 1, 2005.

MISCELLANEOUS/DIVERSE

APPLICATION FOR PUBLIC ROAD CARRIER PERMITS OR OPERATING LICENCES

Notice is hereby given in terms of section 14(1)(a) of the Road transportation Act, 1977 (Act 74 of 1977) and section 37 of the National Land Transport Transition Act, 2000 (Act 22 of 2000) of the particulars in respect of application for public road carrier permits and/or operating licences received by the KZN Public Transport Licensing Board, indicating: -

- (1) The application number;
- (2) The name and identity number of the applicant;
- (3) The place where the applicant conducts his business or wishes to conduct his business, as well as his postal address;
- (4) The nature of the application, that is whether it is an application for: -
 - (4.1) the grant of a new permit or operating licence;
 - (4.2) the grant of additional authorisation;
 - (4.3) the amendment of route;
 - (4.4) the amendment of timetables;
 - (4.5) the amendment of tariffs;
 - (4.6) the renewal of such permit or operating licence;
 - (4.7) the transfer of such permit or operating licence;
 - (4.8) the change of the name, or particulars of the holder;
 - (4.9) the replacement of vehicle;
 - (4.10) the amendment of vehicle particulars, including increase in carrying capacity in excess of fifteen percent;
 - (4.11) an additional vehicle with existing authorisation;

- (4.12) the refinement of routes in terms of section 85(4)(f), (g) or (5) of Act 22 of 2000 in respect of legitimisation or converted permits issued in terms of sections 52 or 55
- (4.13) Act 4 of 1998, read with section 41 of Act 22 of 2000; or the conversion of permits to operating licences in terms of Part 16 of Act 22 of 2000.

- (5) The number and type of vehicles, including the carrying capacity or gross vehicle mass of the vehicles involved in the application;
- (6) The type of public transport service envisaged, as contemplated in section 1(1)(Lxiii) of Act 22 of 2000, with regard to the transportation of persons, personal effects, or both;
- (7) The points between, picking-up and setting down points and the route or routes along or the area or areas within which the road transportation is conducted or the proposed road transportation is to be conducted; and
- (8) The timetable and scale of charges in respect of scheduled services.

In terms of section 14(2) of Act 74 of 1977, read with regulation 4 of the Road Transportation Regulations, 1977 and section 37(1) of Act 22 of 2000, written representations in quadruplicate supporting or opposing these applications must within 21 (twenty-one) days from the date of this publication, be lodged by hand with, or dispatched by registered post to:

The Secretary, KZN Public Transport Licensing Board, Private Bag X9135, PIETERMARITZBURG. 3200.

OR

230 Prince Alfred Street, PIETERMARITZBURG. 3201.

A copy of such representations must be lodged by hand with, or dispatched by registered post to, the applicant at the advertised address in (3) above.

Full particulars in respect of each application are open to inspection at the Board's office.

OP.1305560.

(2) ZONDO DJ ID No 4802295513084. (3) District: BERGVILLE. Postal address: P O BOX 397, BERGVILLE, 3350 c/o BERGVILLE & DISTRICT TAXI ASSOCIATION P O BOX 397, BERGVILLE, 3350. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: FROM MHLWAZINI TAXI RANK STRAIGHT WITH P394 TURN RIGHT TO R103, STRAIGHT TO WINTERTON, TURN RIGHT TO P11-1 TURN RIGHT TO N3, TURN LEFT TO R103, TURN LEFT TO SHEPSTONE AVENUE, RIGHT TO ALBERT STREET, RIGHT TO ESTCOURT TAXI RANK AND RETURN.

OP.1308481.

(2) MGAGA M ID No 8107045983082. (3) District: KLIP RIVER. Postal address: PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - WAAIHOEK TAXI ASSOCIATION.

WAAIHOEK TAXI ASSOCIATION

ROUTE DESCRIPTION

1. From the approved starting point Esambaneni P361 to Douglas and Maweni High School to Ezihlabathini turn left to Helpmekaar Road to Sgweje Secondary School turn to Uitvaal Taxi rank. From taxi rank turn right to Helpmekaar Road, to D1291 Street Skhakhane Road Store along Maqanda turn left to Ekuvukeni Taxi rank, from Ekuvukeni Taxi rank to Indaka Municipality offices and back to Helpmekaar Road to Mabhekazi High

School along Helpmeaar Road to Lokothwayo High School along Helpmeaar Road turn left to Ezakheni Magistrate.

2. From an approved starting point Tholeni P359 to Limehill D1366 into Uitvaal Taxi rank or into Stanford Hill A2086 turn left to Helpmeaar Road.
3. From an approved starting point Hlathi No. 2 D871 to Lubelo School to Halthi No. 1, to Umbango High School, turn left to Helpmeaar Road.
4. From an approved starting point Somshoek D1290 near Thobezweni L.P. School to Namakazi Primary School into Nazareth to Siphimfundo High School turn left to Helpmeaar Road to Maqanda along Helpmeaar Road to Zimelele High School to Ekuvukeni Taxi Rank.
5. From approved starting point Nogqaza to Vikinduku Primary School to Waaioek Township D1276 to Fitty Park P355 from there turn left to Helpmeaar Road, to Steadville, along Helpmeaar Road, turn right to Danskraal and turn left to Helpmeaar Road to (Ladysmith) to the N11 on the left to Thomson Street and Willis Street into Illing Road there is a cross for Alfred Street and Crawshaw Street to Alexandra Street and Lytle Street there is a Queen Street and turn left to Taxi rank opposite Boxer Cash and Carry and back to Illing Road.
6. From Helpmeaar Road and N11 to Shepstone Road, turn left to Fairclough Street and turn right to Hyde Street into C.F.C.C. Back to Hyde Street and Fairclough Street turn left to Egerton Street, right to Diamana Street, there is a cross join Convent Street, turn right to Murchison Street and turn left to Alexandra Street and right to Lytle Street to Queen Street to King Street and cross to Murchison Street into Poort Road and turn left to Battery Street to Hospital and back to the Illing Road.

OP.1308516.

(2) MVELASE. N ID No 4204170243087. (3) District: KLIP RIVER. Postal address: P/BAG 1000, LADYSMITH, 3370 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1308527.

(2) MABASO NV ID No 7412161089081. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1310545.

(2) KHOZA M ID No 6708205274089. (3) District: KLIP RIVER. Postal address: P.O. BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1310546.

(2) KHOZA TT ID No 5710070627087. (3) District: KLIP RIVER. Postal address: P.O. BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 2 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION

1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1311037.

(2) NALA M ID No 5706075357084. (3) District: DURBAN. Postal address: 222 AVOCA RD, AVOCA HILLS, DURBAN, 4051 c/o DURBAN LONG DISTANCE TAXI ASSOCIATION 32 UMGENI CENTRE, 273 UMGENI ROAD, DURBAN, 4001. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - DURBAN LONG DISTANCE TAXI ASSOCIATION.

DURBAN LONG DISTANCE TAXI ASSOCIATION

DETAILED ROUTE DESCRIPTIONS

SCHEDULE "A"

Provincial Routes

1. From approved Taxi Rank in Durban to Approved Taxi Rank in Dundee direct and return

Forward trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue join Epsome Road, Umgeni Road into Leopold Street join N3 and proceed along N3 to R103 at Colenso, along R103 join N11 proceed to R692 to Dundee into and along R68 into Dundee and turn to Victoria Street Taxi Rank in Dundee and return.

Return Trip

Route:

From Victoria Street Taxi Rank into and along R68, into and along R692, into and along N11, into and along R103, join N3 at Colenso, into and along N3 to Durban, Old Dutch Road, Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

2. From approved Taxi Rank in Durban to approved Taxi Rank in Kranskop direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4 proceed to N2 at Ballito, proceed along N2 into and along R74 by passing Stanger to Kranskop, right into Main Road Kranskop to Kranskop Taxi Rank and return.

Return Trip

Route:

From Kranskop Taxi Rank, into Main Road, into and along R74 by passing Stanger, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street to Cartwright Flats Taxi Rank.

3. From approved Taxi Rank in Durban to approved Taxi Rank in Richardsbay direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R34, into and along R34 (John Ross Highway), into and along Bullion Road, into Kruger Rand Road to Richardsbay Taxi Rank and return.

Return Trip

Route:

From Richardsbay Taxi Rank, into Kruger Rand road, into and along Bullion road, along R34 (John Ross Highway), into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni road, right into Leopold Street, right into Warwick avenue, right into Alice Street, left into Albert Street, into Umgeni Road into Crabbe Street Taxi Rank.

4. From approved Taxi Ranks in Durban to approved Taxi Ranks in Mhlabathini direct

and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66 by passing Eshowe, into and along R34, right into and along R66 to Ulundi, into Princess Magogo Street to Ulundi Taxi Rank and return.

Return Trip

Route:

From Ulundi Taxi Rank into Princess Mgogo Street, into and along R66, into and along R34, into and along R66 by passing Eshowe, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street Taxi Rank.

5. From approved Taxi Ranks in Durban to approved Taxi Ranks in Hluhluwe direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R22 at Hluhluwe into and along R22, to Main Road Hluhluwe, into Hluhluwe Taxi Rank and return.

Return Trip

Route:

From Hluhluwe Taxi Rank, into Main Road, into and along R22, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street Taxi Rank.

6. From approved Taxi Ranks in Durban to approved Taxi Ranks in Newcastle direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue into Epsome Road and turn into Leopold Street, into and along N3 and proceed to R103 at Colenso into and along R103, into and along N11 to Newcastle, turn into Allen Street, into Kirkland Street, Voortrekker Street to Newcastle Taxi Rank and return.

Return Trip

Route:

From Newcastle Taxi Rank into Voortrekker Street, into Kirkland Street, into Allen Street, into and along N11, into and along R103, join N3 at Colenso, into and along N3 to Durban, into Old Dutch Road, Alice Street, left into Albert Street, Umgeni road, to Crabbe Street Taxi Rank

7. From approved Taxi Rank in Durban to approved Taxi Rank in Ladysmith direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street into First Avenue, join Epsome Road, Umgeni Road into Leopold Street join N3 and proceed along N3, from N3 onto R103 at Colenso join N11 into Ladysmith and turn at Queen Street to Ladysmith Taxi Rank and return.

Return Trip

Route:

From Ladysmith Taxi Rank into Queen Street, into N11, into and along R103, join N3 at Colenso, into and along N3 to Durban, into Old Dutch Road, Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

8. From approved Taxi Rank in Durban to approved Taxi Rank in Gingindlovu direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne

Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, proceed along the N2 to R258, into and along R258, into and along road R102 to Main Street, Gingindlovu, continue along Main Street to Gingindlovu Taxi Rank and return.

Return Trip

Route:

From Gingindlovu Taxi Rank into Main Street, into and along R102, into and along R258, into N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street Taxi Rank.

9. From approved Taxi Rank in Durban to approved Taxi Ranks in Empangeni direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66 by passing Gingindlovu, into along R102 to Empangeni, left into and along John Ross Highway to Empangeni "A" Taxi Rank and return.

Return Trip

Route:

From Empangeni "A" Taxi Rank into and along John Ross Highway, right into R102, into and along R66 by passing Gingindlovu, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street taxi Rank.

Forward Trip

Route:

From Crabbe Street Taxi Rank, into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66 by passing Gingindlovu into and along R102, into and along Tanner Road (Empangeni Rail), to "B" Rank Empangeni Rail and return.

Return Trip

Route:

From "B" Rank Empangeni Rail into and along Tanner Road, into and along R102, into and along R66 by passing Gingindlovu, into N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street Taxi rank.

10. From approved Taxi Rank in Durban to approved Taxi Rank in Mandini direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2 until R245, into and along R245 via Darnall to R102, into and along R102 to R258 into Mandini, into and along main road Mandini to Amatikulu ranking at the Mandini Taxi Rank and return.

Return Trip

Route:

From Mandini Taxi Rank into and along Main Road from Amatikulu, into R258, into and along R102 via Darnall into and along R245, into N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street to Cartwright Flats Taxi Rank.

11. From approved Taxi Ranks in Durban to approved Taxi Rank in Melmoth direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, left into

Osborne, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66 to Melmoth, into and Victoria Street to Melmoth Taxi Rank and return.

Return Trip

Route:

From Melmoth Taxi Rank into Victoria Street, into and along R66, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right in to Warwick Avenue, right into Alice Street, left into Albert Street, into Umgeni Road to Crabbe Street Taxi Rank.

12. From approved Taxi Rank in Durban to approved Taxi Rank in Babanango direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66, left into and along R68 to Taxi Rank at Babanango and return.

Return Trip

Route:

From Babanango Taxi Rank into and along R68, into and along R66, into N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, to Cartwright Flats Taxi Rank.

13. From approved Taxi Ranks in Durban to approved Taxi Ranks in Manguza direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2, into and along R38, into and along R38 by passing Jozini into and along R22 to Kwangwanase, into Main Road Kwangwanase to Kwangwanase Taxi Rank and return.

Return Trip

Route:

From Kwangwanase Taxi Rank into Main Road, into and along R22, into and along R38 passing Jozini, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Street, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, to Cartwright Flats Taxi Rank.

14. From approved Taxi Rank in Durban to approved Taxi Rank in Mtubatuba direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, left into Osborne Street into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to Bhuboza Road (Mtubatuba) into and along Bhuboza Road, into and along Riverview Road, into and along John Ross Road, into and along Nyathi Road to Mtubatuba Taxi Rank and return.

Return Trip

Route:

From Mtubatuba Taxi Rank, into and along Nyathi Road, into and along John Ross Road, into and along Riverview Road, into and along Bhuboza Road, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

15. From approved Taxi Rank in Durban to approved Taxi Rank in Eshowe direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank, left into Osborne Street into First Avenue / Stamfordhill Road into

Argyle Road join M4 proceed to N2 at Ballito, continue along N2 to R66, into and along R66, to Eshowe, into and along John Ross Highway, into Osborne Road to Eshowe Taxi Rank and return.

Return Trip

Route:

From Eshowe Taxi Rank into Osborne Road, into and along John Ross Highway, into and along R66, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

16. From approved Taxi Rank in Durban to approved Taxi Rank in Mkuze direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2 right into Mkuze Main Road, into Eagle Avenue to Mkuze Taxi Rank and return.

Return Trip

Route:

From Mkuze Taxi Rank into Eagle Avenue, into Main Road, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street to Cartwright Flats Taxi Rank.

17. From approved Taxi Rank in Durban to approved Taxi Rank in Stanger direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into Umgeni Road turn into Argyle Road and join M4, into and along M4, into R214 via Umhlali, join R102 via Shakaskraal turn into Chief Albert Luthuli Street into Balcombe Road to Kwa Dukuza/Stanger Taxi Rank and return.

Return Trip

Route:

From KwaDukuza / Stanger Taxi Rank into Balcombe Road, into Chief Albert Luthuli Street, join the R102 via Shakaskraal, into R214 via Umhlali, into and along M4 to Durban, into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street left into Albert Street, into Cartwright Flats Taxi Rank.

18. From approved Taxi Ranks in Durban to approved Taxi Ranks in Pongola direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank, into Umgeni Road, into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to Pongola, turning into Pongola Taxi Rank and return.

Return Trip

Route:

From Pongola Taxi Rank, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street left into Albert Street, into Cartwright Flats Taxi Rank.

19. From approved Taxi Rank in Durban to approved Taxi Rank in Nongoma

Forward Trip

Route:

From Crabbe Street Taxi Rank left into Osborne Street, into First Avenue/Stamfordhill Road into Argyle Road and join M4 proceed to N2 at Ballito, into and along N2 to R66, into and along R66 by passing Eshowe, into and along R34, turn to R66 to Nongoma by passing Ulundi to Nongoma Taxi Rank and return.

Return Trip

Route:

From Nongoma Taxi Rank, turn into R66 by passing Ulundi, into and along R34, into and

along R66 by passing Eshowe, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, Umgeni Road, to Crabbe Street Taxi Rank.

20. From approved Taxi Rank in Durban to approved Taxi Rank in Hlabisa direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank left into Osborne Street, into First Avenue / Stamfordhill Road into Argyle Road join M4 proceed to N2 at Ballito, into and along N2 to R618 at Mtubatuba, into and along R618 to Taxi Rank at Hlabisa and return.

Return Trip

Route:

From Hlabisa Taxi Rank into and along R618, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

21. From approved Taxi Rank in Durban to approved Taxi Rank in Vryheid direct and return

Forward Trip

Route:

From Crabbe Street Taxi Rank left into Osborne Street, into First Avenue, Stamfordhill Road join M4 proceed to N2 at Ballito into and along N2, to R66 via Gingindlovu into and along R34 via Melmoth and continue to Vryheid East on R34 join Stretch Street and turn at Boret Street to Vryheid Taxi Rank and return.

Return Trip

Route:

From Vryheid Taxi Rank into Boret Street, into Stretch Street, into R34 West, into and along R34 via Melmoth, into and along R66 via Gingindlovu, into and along N2, join M4 at Ballito, proceed along M4 to Durban, right into Argyle Road, left into Umgeni Road, right into Leopold Street, right into Warwick Avenue, right into Alice Street, left into Albert Street, Umgeni Road to Crabbe Street Taxi Rank.

NB: RETURN JOURNEY

The return trip is the forward trip in reverse save and except where one way streets in city areas do not allow this whereupon the route shall be as close as possible to that of the forward trip and as prescribed by the relevant Local Authority.

SCHEDULE "B"

Cross Provincial Border Routes

1. From approved Taxi Rank in Durban to approved Taxi Rank in Ficksburg direct and return

Forward Trip

Route:

From Cartwright Flats taxi rank into and along Umgeni Road right into and along Leopold Street into and along N3 to Harrismith into and along R712, into and along R711 via Fournesberg, into and along R26 to Ficksburg, into M^c Cabe Street, into and along Toorn Street to Taxi Rank in Ficksburg and return

Return Trip

Route:

From Ficksburg Taxi Rank into and along Toorn Street, into M^c Cabe Street into and along R26, into and along R711 via Ficksburg, into and along R712 to Harrismith into and along N3 to Durban, into Old Dutch Road, Alice Street, left into Albert Street, into Cartwright Flats Taxi Rank.

Alternatively via Pinetown on return trips to Durban (Drop passengers only):

From Ficksburg Taxi Rank...to N3 into and along M13 to Pinetown into and along Old Main Road right into Crompton Street to M13, join N3 at Paradise Valley into and along N3 to Durban,

into Old Dutch Road, Alice Street left into Albert Street to Cartwright Flats Taxi Rank.
No passengers to be picked up in Pinetown.

2. From approved Taxi Rank in Durban to Wanderers Street, Johannesburg to Park City Taxi Rank No. 2 direct and return

Forward Trip

Route:

From Crabbe Street / Osborne Street Taxi Rank into First Avenue, Epsome Road, Umgeni Road, Leopold Street, into and along N3 by passing Pietermaritzburg, Harrismith to M2 West Johannesburg, into and along Harrow Road, Anderson Street, Troy Street, Plain Street, Wanderers Street, to Wanderers Street Taxi Rank Johannesburg and return.

Return Trip

Route:

From Wanderers Street Taxi Rank into Plain Street, Troy Street, Anderson Street, into and along Harrow Road, into and along M2 East, into and along N3 passing Harrismith, and Pietermaritzburg to Durban, into Old Dutch Road, Alice Street, left into Albert Street, Umgeni Road into Crabbe Street / Osborne Street Taxi Rank.

Alternatively via Pinetown on return trips to Durban (Drop passengers only):

From Johannesburg...to N3 into and along M13 to Pinetown into and along Old Main Road right into Crompton Street to M13, join N3 at Paradise Valley into and along N3 to Durban, into Old Dutch Road, Alice Street left into Albert Street, Umgeni Road to Crabbe Street / Osborne Street Taxi Rank.

No passengers to be picked up in Pinetown.

3. From approved Taxi Rank in Durban to approved Taxi Rank in Qwaqwa direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into and along Umgeni Road, into and along Leopold Street, into and along N3 to Harrismith from Harrismith along R712, into and along R57 to Phuthaditjaba into and along Mampoi Street to Qwaqwa Taxi Rank and return.

Alternatively ...into and along N3 to R74, into and along R74, to R712, into and along R712, into and along R57 to Phuthaditjaba, Mampoi Street to Qwaqwa Taxi Rank and return.

Return Trip

Route:

From Qwaqwa Taxi Rank into and along Mampoi Street, into and along R57, into and along R712 to Harrismith, into and along N3 to Durban, into Old Dutch Road, Alice Street, left into Albert Street, into Cartwright Flats Taxi Rank.

Alternatively via Pinetown on return trips to Durban (Drop passengers only):

From Qwaqwa Taxi Rank...to N3 into and along M13 to Pinetown into and along Old Main Road right into Crompton Street to M13, join N3 at Paradise Valley into and along N3 to Durban into Old Dutch Road, Alice Street left into Albert Street to Cartwright Flats Taxi Rank.

No passengers to be picked up in Pinetown.

4. From approved Taxi Rank in Durban to approved Taxi Rank in Welkom direct and return

Forward Trip

Route:

From Cartwright Flats Taxi Rank into and along Umgeni Road, right into and along Leopold Street into and along N3 to Harrismith, into and along N5 via Bethlehem, Senekal, into and along R70 via Ventersberg, into and along R73 via Virginia into and along Power Road to Constantia / Mothusi Road to Taxi Rank in Welkom and return.

Return Trip

Route:

From Welkom Taxi Rank into Constantia / Mothusi Road, into and along Power Road, into and along R73 via Virginia, into and along R70

via Ventersberg, into and along N5 via Senekal and Bethlehem, into Harrismith, into and along N3 to Durban, into Old Dutch Road, Alice Street, left into Albert Street, into Cartwright Flats Taxi Rank.

Alternatively via Pinetown on return trips to Durban (Drop passengers only):

From Welkom...to N3 into and along M13 to Pinetown into and along Old Main Road right into Crompton Street to M13, join N3 at Paradise Valley into and along N3 to Durban into Old Dutch Road, Alice Street to Cartwright Flats Taxi Rank.

No passengers to be picked up in Pinetown.

NB: RETURN JOURNEY

The return trip is the forward trip in reverse save and except where one way streets in city areas do not allow this whereupon the route shall be as close as possible to that of the forward trip and as prescribed by the relevant Local Authority.

OP.131248.

(2) MDAKANE NA ID No 6204140639081. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.131249.

(2) NDEBELE M ID No 5408205594088. (3) District: KLIP RIVER. Postal address: 29 JASMINE RD, LADYSMITH, 3370 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.131250.

(2) DUZE MJ ID No 6602105459082. (3) District: KLIP RIVER. Postal address: PRIVATE BAG X1000, LADYSMITH, 3370 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.131251.

(2) MPUNGOSE MD ID No 7710245446080. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.131252.

(2) MPUNGOSE MA ID No 7202026712088. (3) District: KLIP RIVER. Postal address: P.O. BOX 2972, LADYSMITH, 3370 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.131254.

(2) MBHELE MM ID No 6207105256080. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1311261.

(2) NKOSI MM ID No 7009085530081. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1311262.

(2) MVELASE JT ID No 7512105428087. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1311966.

(2) MVELASE NM ID No 6210150508082. (3) District: KLIP RIVER. Postal address: P.O. BOX 244, EZAKHENI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHENI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1312228.

(2) GCABA MR ID No 6612315284089. (3) District: DURBAN. Postal address: 32 UMGENI RD, 273 UMGENI, DBN, 4001 c/o DURBAN LONG DISTANCE TAXI ASSOCIATION 32 UMGENI CENTRE, 273 UMGENI ROAD, DURBAN, 4001. (4) NEW APPLICATION. (5) 4 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1311037 - DURBAN LONG DISTANCE TAXI ASSOCIATION.

OP.1312673.

(2) RADEBE ZA ID No 6605255593089. (3) District: ESTCOURT. Postal address: BOX 1500, ESTCOURT, 3310 c/o ESTCOURT AND DISTRICT OWNERS T A P O BOX 793, ESTCOURT, 3310. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - ESCOURT AND DISTRICT TAXI OWNERS ASSOCIATION.

ESCOURT & DISTRICT TAXI OWNERS ASSOCIATION

1. KWA DLAMINI TO ESCOURT:

FROM APPROVED TAXI RANK IN KWA DLAMINI INTO P379 LOADING AND OFF LOADING INTO EMTSHEZI HIGH SCHOOL AND TURN RIGHT INTO P29 NTABAMHLOPE ROAD OFF-LOADING ONLY PASS SHAYAMOYA, NEWLANDS, LOCHSLOY ALONG NEAR WEMBEZI INTO MARTIN ROAD, HELLET ROAD, RICHMOND ROAD, CONNOR STREET, TURN LEFT INTO ALEXANDRA STREET INTO TAXI RANK. ALONG ALEXANDRA STREET INTO TAXI RANK.

2. MANJOKWENI TO ESCOURT:

FROM APPROVED TAXI RANK IN MANJOKWENI INTO P379 LOADING AND OFF-LOADING INTO EMTSHEZI HIGH SCHOOL AND TURN RIGHT INTO P29, NTABAMHLOPE ROAD OFF-LOADING ONLY PASS SHAYAMOYA, NEWLANDS, LOCHSLOY ALONG NEAR WEMBEZI INTO MARTIN ROAD, HELLET ROAD, RICHMOND ROAD, CONNOR STREET, TURN LEFT INTO ALEXANDRA STREET INTO TAXI RANK. ALONG ALEXANDRA STREET INTO TAXI RANK.

ALTERNATIVELY:

FROM P29 INTO HARRY MILLER ROAD,

SUBWAY ROAD, ALBERT STREET, PHILLIP STREET ALONG ALEXANDRA STREET INTO TAXI RANK.

OP.1313264.

(2) XABA MF ID No 4012130260087. (3) District: DUNDEE. Postal address: 480 LUVUNO STREET, SIBONGILE T/SHIP, DUNDEE, 3000 c/o DUNDEE TRANSPORT ASSOCIATION P O BOX 1264, DUNDEE, 3000. (4) NEW (LATE RENEWAL). (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - DUNDEE TRANSPORT ASSOCIATION.

DUNDEE TRANSPORT ASSOCIATION**ROUTE 2****DUNDEE TO BOKSBURG****ALTERNATIVE 1:**

From Dundee Taxi Rank turn right into Smith Street
From Smith Street turn right into Victoria Street (R68)
From Victoria Street (R68) turn right into Karl Landman Street (R68)
From Karl Landman Street (R68) follow R68
From R68 turn right into R621
Follow R621 to Hattingspruit
From Hattingspruit follow R621 to Dannhauser
From Dannhauser follow R621 to N11
Turn right onto N11
Follow N11 to Newcastle
From Newcastle turn left onto R34 (Memel)
Follow R34 to Memel
Follow R34 to Vrede
Follow R34 to Cornelia (R103)
Follow R103 to Villiers
From Villiers turn right onto N3
Follow N3 to Heidelberg
Follow N3 to Vosloorus
From N3 off-ramp into Barry Marais Road (R21/MET43)
Boksburg/Vosloorus Taxi Rank
From Barry Marais Road (R21/MET43) on ramp onto N3
Follow N3 to N17 interchange
From N3 right to Germiston (N17 - East)
Off-ramp onto Olivier Road (M53)
Follow M53 to Taxi Rank
Germiston Railway Station Taxi Rank.

ALTERNATIVE 2:

From Dundee Taxi Rank turn right into Smith Street
From Smith Street turn right into Victoria Street (R68)
From Victoria Street (R68) turn right into Karl Landman Street (R68)
From Karl Landman Street (R68) follow R68
From R68 turn right into R621
Follow R621 to Hattingspruit
From Hattingspruit follow R621 to Dannhauser
From Dannhauser follow R621 to N11
Turn right onto N11
Follow N11 to Newcastle Bypass
From Newcastle Bypass follow N11 to Volksrus (Laingsnek Street)
From Laingsnek Street turn left into Joubert Street
From Joubert Street turn right into Dan Pienaar Street (R543)
From Dan Pienaar Street (R543) turn right onto R23
Follow R23 to Standerton (Botha Street)
From Botha Street turn left into Lombaard Street
From Lombaard Street left into Krog Street
From Krog Street Exit Standerton on R23
Follow R23 Past Greylingstad
Follow R23 Past Balfour
Follow R23 to Heidelberg
At Heidelberg turn right onto N3 (Johannesburg)
Follow N3 to Vosloorus
From N3 off-ramp into Barry Marais Road (R21/MET43)
Boksburg/Vosloorus Taxi Rank
From Barry Marais Road (R21/MET43) on-ramp onto N3
Follow N3 to N17 interchange
From N3 right to Germiston (N17 - East)
From N17 off-ramp onto Olivier Road (M53)

Follow M53 to Taxi Rank
Germiston Railway Station Taxi Rank.

ROUTE 15**DUNDEE TO JOHANNESBURG****ALTERNATIVE 1**

From Dundee Taxi Rank turn right into Smith Street
From Smith Street turn right into Victoria Street (R68)
From Victoria Street (R68) turn right into Karl Landman Street (R68)
From Karl Landman Street (R68) follow R68
From R68 turn right into R621
Follow R621 to Hattingspruit
From Hattingspruit follow R621 to Dannhauser
From Dannhauser follow R621 to N11
Turn right onto N11
Follow N11 to Newcastle
From Newcastle turn left onto R34 (Memel)
Follow R34 to Memel
Follow R34 to Vrede
Follow R34 to Cornelia (R103)
Follow R103 to Villiers
From Villiers turn right onto N3
Follow N3 to Heidelberg
Follow N3 to Johannesburg
From N3 turn left onto M2
From M2 off-ramp onto Siemert Road (M31)
From Siemert Road (M31) follow into End Street
From End Street off-ramp onto Anderson Street
From Anderson Street turn right into Nugget Street
From Nugget Street turn left into Commissioner Street (R24)
From Commissioner Street (R24) turn right into Rissik Street (M9)
From Rissik Street (M9) turn right into De Villiers Street
From De Villiers Street turn left into Wanderers
From Wanderers turn left into Noord Street
Johannesburg Railway Station Taxi Rank
Return

ALTERNATIVE 2

From Dundee Taxi Rank turn right into Smith Street
From Smith Street turn right into Victoria Street (R68)
From Victoria Street (R68) turn right into Karl Landman Street (R68)
From Karl Landman Street (R68) follow R68
From R68 turn right into R621
Follow R621 to Hattingspruit
From Hattingspruit follow R621 to Dannhauser
From Dannhauser follow R621 to N11
Turn right onto N11
Follow N11 to Newcastle Bypass
From Newcastle Bypass follow N11 to Volksrus (Laingsnek Street)
From Laingsnek Street turn left into Joubert Street
From Joubert Street turn right into Dan Pienaar Street (R543)
From Dan Pienaar Street (R543) turn right onto R23
Follow R23 to Standerton (Botha Street)
From Botha Street turn left into Lombaard Street
From Lombaard Street left into Krog Street
From Krog Street exit Standerton on R23
Follow R23 past Greylingstad
Follow R23 past Balfour
Follow R23 to Heidelberg
At Heidelberg turn right onto N3 (Johannesburg)
Follow N3 to Johannesburg
From N3 off-ramp onto M2
From M2 off-ramp onto Siemert Road (M31)
From Siemert Road (M31) follow into End Street
From End Street off-ramp onto Anderson Street
From Anderson Street turn right into Nugget Street
From Nugget Street turn left into Commissioner Street (R24)
From Commissioner Street (R24) turn right into Rissik Street (M9)
From Rissik Street (M9) turn right into De Villiers Street
From De Villiers Street turn left into Wanderers
From Wanderers turn left into Noord Street

Johannesburg Railway Station Taxi Rank Return.

OP.1313770.

(2) ZWANE TW ID No 6310205570085. (3) District: DUNDEE. Postal address: P O BOX 534, GLENCOE, 2930 c/o DUNDEE TRANSPORT ASSOCIATION P O BOX 1264, DUNDEE, 3000. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ATTACHED ON APPLICATION 1313264 - DUNDEE TRANSPORT ASSOCIATION.

OP.1316280.

(2) MKHWANAZI SE ID No 6710135266086. (3) District: DURBAN. Postal address: P O BOX 376, HLUHLUWE, 3960 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - HLUHLUWE LOCAL & LONG DISTANCE TAXI OWNERS ASSOCIATION.

HLUHLUWE TAXI ASSOCIATION

1.1 HLUHLUWE TO MTUBATUBA

From Hluhluwe Town our taxi turn right onto R22 Road pass Mkonge Farm and turn Left onto N2 Road pass Bushlands Area, Mfekayi, Charters Creek, Shikishela Area. And turn left onto R618 Road to Mtubatuba Town Taxi and rank return to the same route.

1.2 HLUHLUWE TO EMPANGENI: ROUTE DESCRIPTION

From Hluhluwe to our Taxis Town right onto R22 Road pass Mkonge Farm turn left onto N2 Road proceed to Mtuba, KwaMsane, Mfolozi, Mbonambi Area turn Right onto D249 Nseleni Road proceed onto D342 Road. Richardsbay turn Right onto N2 Road pass Nsezi River turn Right onto R102 Road pass Empangeni Rail and back.

1.3 HLUHLUWE TO DURBAN: ROUTE DESCRIPTION

From Hluhluwe Town our Taxis using the same route as above on N2 Road pass Empangeni Rail, Dlangezwa, on R102 Road pass Mthunzini turn left onto R66 Road Gingindlovu proceed to Dokodweni turn Right onto N2 Road turn Left to Tugela Plaza and Right onto 258 Road Madadeni

Proceed to N2 Road turn Right onto R74 Road and turn and turn Right onto D233 Road proceed onto R102 Road pass Eshaka Village proceed onto M4 Road Ballito proceed onto N2 Road pass M43 Road Tongaat turn Left onto M41 Road Umhlanga Rocks turn Right to M17 Road Berea Centre and back.

1.4 HLUHLUWE TO MKUZE: ROUTE DESCRIPTION

From Hluhluwe Town our Taxis turn onto R22 Road and turn Left onto N2 Road pass Ngweni. Mhosinga, Bayala and turn Right onto ... Road to Mkuze Taxi Rank and back.

1.5 HLUHLUWE TO MANGUZI: ROUTE DESCRIPTION

From Hluhluwe to our Taxis turn left R22 Road pass Falsebay, Mduku, Mngqobokazi, Lower Mkuze, turn Left onto D820 Road to Kwajobe and back R22 Road pass Mbazwane, Mseleni Turn Right onto ... Road to Manguzi and return to the same route.

1.6 HLUHLUWE TO VRYHEID: ROUTE DESCRIPTION

From Hluhluwe Town our Taxis Turn Right onto R22 Road pass N2 Road proceed and turn Right onto D475 Road pass Zifundezi, Zibayeni, Nhlwathi, Mthwadlana proceed onto R618 Road pass Mvulazi, Mona, to Nongoma Town turn Right and pass King Benedictine Hospital proceed onto R618 Road and Ngome through to Vryheid and back.

1.7 HLUHLUWE TO GAUTENG: ROUTE DESCRIPTION

From Hluhluwe Town our Taxis turn Right onto

R22 Road and turn Right onto N2 Road pass Mkuze, Pongola, Pieteritief and proceed onto R29 Road pass Emerllo, Betaal, Kinross, Leandra turn left onto R29 Road and turn Right onto N17 Road pass Springs, Brakpan Toll Plaza proceed and pass Gemiston and turn Left onto N3 Road and turn Left onto N17 Road pass Cleveland turn Left onto Rissik Street turn Right onto Develiers Street and Left onto Wanderous Street and entering Park City Park and return.

1.8 STOPPING AND STARTING POINTS

From Hluhluwe Town our taxis drive onto R22 Road picking and dropping Off passengers in the following areas KwaSimolo, Empangeni, Nompondo, Ezifundeni, Macabuzela, Ngodini, Ezibayeni, Ehlwathi, Gabadela, Makhowe, Bhekabadletshe, Empanzakazi, Ophiindisweni, Kwatebha, Ezintambane, Kwanyawo, Sibhicayi, Faslebay, Mduku, Nibela, Mpangeleni, Ezimpondweni, Mngqobokazi, Mphakathini, Emalodweni, Kwajobe, Qakwini, Nkundusi, Ndombeni, Mfekayi, Bushlands and back.

OP.1316281.

(2) NGWANE NC ID No 6508205347087. (3) District: DURBAN. Postal address: MBAZWANA TAXI ASSOCIATION, P O BOX 207, MBAZWANA, 3974 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL AND LONG DISTANCE TAXI ASSOCIATION.

OP.1316282.

(2) NGWANE IM ID No 7209125748087. (3) District: DURBAN. Postal address: P O BOX 519, HLUHLUWE, 3960 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL AND LONG DISTANCE TAXI ASSOCIATION.

OP.1316283.

(2) ZISONGO SS ID No 6711275394084. (3) District: DURBAN. Postal address: P O BOX 599, HLUHLUWE, 3960 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL & LONG DISTANCE TAXI ASSOCIATION.

OP.1316284.

(2) MKHWANAZI BS ID No 6606115409086. (3) District: DURBAN. Postal address: P O BOX 376, HLUHLUWE, 3960 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL AND LONG DISTANCE TAXI ASSOCIATION.

OP.1316285.

(2) NTULI SJ ID No 6207155630085. (3) District: DURBAN. Postal address: PO BOX 665, HLUHLUWE, 3960 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL AND LONG DISTANCE TAXI ASSOCIATION.

OP.1316286.

(2) SHEZI PB ID No 6805145308082. (3) District: DURBAN. Postal address: MBAZWANA TAXI ASS, P O BOX 207, MBAZWANA, 3974 c/o HLUHLUWE LOCAL & LONG DISTANCE TOA P O BOX 125, HLUHLUWE, 3960. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of

taxi passengers. (7) Authority: SAME AS ANNEXURE "A" ON APPLICATION 1316280 - HLUHLUWE LOCAL AND LONG DISTANCE TAXI ASSOCIATION.

OP.1316342.

(2) PHAKATHI MS ID No 6504105618081. Postal address: 38 SMLAR ROAD, LADY-SMITH, 3370. (4) TRANSFER OF PERMIT, Permit No. 255989/7 from HLATSHWAYO NL (15 x passengers, district: KLIP RIVER). (7) Authority as in last mentioned permit(s). OP.1316485. (2) ZUMEKILE BUSINESS ENTERPRISE ID No 200207184223. Postal address: P.O. BOX 77, BULWER, 3244. (4) TRANSFER OF PERMIT, Permit No. 254960/1 from NGCOBO QW (15 x passengers, district: POLELA). (7) Authority as in last mentioned permit(s).

OP.1316485.

(2) ZUMEKILE BUSINESS ENTERPRISE ID No 200207184223. Postal address: P O BOX 77, BULWE, 3244. (4) TRANSFER OF PERMIT, Permit No. 1254960/1 from NGCOBO QW (15 x passengers, district: POLELA). (7) Authority as in last mentioned permit(s).

OP.1316544.

(2) HLABISA M ID No 5611115455080. Postal address: P O BOX 1340, EMPANGENI, 3880. (4) TRANSFER OF PERMIT, Permit No. 1258245/1 from KHOZA NPL (15 x passengers, district: PIETERMARTIZBURG). (7) Authority as in last mentioned permit(s).

OP.1316561.

(2) PHOSWA TJ ID No 5602025414085. Postal address: P O BOX 765, RICHMOND, 3780. (4) TRANSFER OF PERMIT, Permit No. 254599/1 from MTUNGWA M (15 x passengers, district: RICHMOND (NATAL)). (7) Authority as in last mentioned permit(s).

OP.1316594.

(2) SINGH MK ID No 6809205248089. Postal address: 46 DARJEELING DRIVE, DARJEELING HEIGHT, PMB, 3201. (4) TRANSFER OF PERMIT, Permit No. 251547/6 from SINGH R (15 x passengers, district: PIETERMARTIZBURG), Permit No. 1254096/2 from SINGH R (15 x passengers, district: PIETERMARTIZBURG). (7) Authority as in last mentioned permit(s).

OP.1316621.

(2) MVELASE MG ID No 5712245855080. (3) District: DURBAN. Postal address: 736 ROAD 15, CHESTERVILLE, DURBAN, 4001 c/o CHESTERVILLE WESTVILLE TAXI ASSOCIATION P O BOX 52073, BEREA, 4007. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority: AS PER ANNEXURE "A" ATTACHED - CHESTERVILLE WESTVILLE TAXI ASSOCIATION.

OP.1316637.

(2) ESSACK MJ ID No 6703235153080. Postal address: 22 DAVID BAXTER ROAD, SCOTTSVILLE, PIETERMARTIZBURG, 3201. (4) TRANSFER OF PERMIT, Permit No. 1252076/2 from CHETTY G (15 x passengers, district: PIETERMARTIZBURG). (7) Authority as in last mentioned permit(s).

OP.1316683.

(2) NGCOBO ES ID No 6304246026082. Postal address: BOX 7, GEORGEDALE, 3710. (4) TRANSFER OF PERMIT, Permit No. 1254590/2 from SHANGE MS (9 x passengers, district: CAMPERDOWN). (7) Authority as in last mentioned permit(s).

OP.1316734.

(2) GWALA S ID No 4901011184087. Postal address: P O BOX 12944, HILLCREST, 3650. (4) TRANSFER OF PERMIT, Permit No. 1283605/0 from GWALA T (15 x passengers, district: DURBAN). (7) Authority as in last mentioned permit(s).

OP.1316736.

(2) GWALA S ID No 4901011184087. Postal address: P O BOX 12944, HILLCREST, 3650. (4) TRANSFER OF PERMIT, Permit No.

1266416/0 from GWALA T (15 x passengers, district: DURBAN). (7) Authority as in last mentioned permit(s).

OP.1316765.

(2) KHANYILE D ID No 4001050412083. Postal address: P O BOX 19262, NAZARETH, PINETOWN, 3610. (4) TRANSFER OF PERMIT, Permit No. 259012/3 from KHANYILE B (15 x passengers, district: CAMPERDOWN). (7) Authority as in last mentioned permit(s).

OP.1318137.

(2) LUSHABA SM ID No 7506095598081. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHANI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHANI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority:

SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

OP.1318139.

(2) DUZE KJ ID No 5808185946085. (3) District: KLIP RIVER. Postal address: P O BOX 244, EZAKHANI, 3381 c/o WAAIHOEK TAXI ASSOCIATION PO BOX 244, EZAKHANI, 3381. (4) NEW APPLICATION. (5) 1 x 15 passengers. (6) The conveyance of taxi passengers. (7) Authority:

SAME AS ANNEXURE "A" ON APPLICATION 1308481 - WAAIHOEK TAXI ASSOCIATION.

H2—December 1, 2005.

GREENE LAND

Umthetho 21(6) wemithetho yokuKhuthaza iNtuthuko ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995

KAYPY SUGAR (PTY) LTD AND LOT 1005 SURREY PARK cc umelwe uOWEN MURRAY GREENE ufake isicelo sendawo yomhlaba othuthukiswayo ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995.

Isicelo simayelana nokuthuthukisa umhlaba olandelayo: **ERVEN 14, 17 AND 88 OF BISHOPSTOWE, ERVEN 985 AND 986 OF PANORAMA GARDENS AND ERF 96 OF SURREY PARK** ipulazi likhona Msunduzi

Municipality futhi siyobandakanya lokhu okulandelayo: kuzoba kunendawo eyodwa yesitolo, nezindawo ezine ezoba amapulazi amancane, nezindawo eziwu-321 zokwakha izindlu ezinkulu, nezindawo eziwu-6 zokwakha izindlu eziphakathi nendawo, nezindawo eziwu-145 zokwakha izindlu ezincane.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala Exhibition Room, Ground Floor, Natalia Building, 330 Longmarket Street, Pietermaritzburg, mhla ka 23rd March 2006 ngo 10:00 kanti umhlangano wokwendulela uyoba mhla ka 3rd February 2006 ngo 10:00 Exhibition Room, Ground Floor, Natalia Building, 330 Longmarket Street, Pietermaritzburg, 3301.

Uyaziswa ukuthi ungaba khona lapho kuhlolwa mathupha umhlaba othuthukiswayo okuyokwenziwa yiNkundla yokulalela mhla ka 22nd March 2006 ngo 14:00.

Qaphela ukuthi ngokulandela uMthetho wokuKhuthaza iNtuthuko ka-1995:

1. Ezinsukwini ezingu-21 isaziso simenyazelwe, siganikezwa isiphasthi-mandla esiqokiwe umbono obhalwe phansi ukusekela isicelo, noma yimuphi omunye umbono ofisa ukuwveza okungesona isikhalo, uma kuyisikhalo akudingeki ukuba ube khona enkundleni yokulalela izicelo; noma
2. Uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, wena noma ummeli wakho kufanele abe khona mathupha enkundleni ngosuku olubhalwe ngenhla, noma yiluphi olunye usuku oyokwaziswa lona.

Uma kukhona imibuzo onayo thintana nesiphasthi-mandla esiqokiwe lapha: Mr W Cooper 6th Floor, Fedsure House, 251 Church Street, Pietermaritzburg, 3201.; inombolo yocingo: 033 3920808.

H15—kuZibandlela 1, 8, 2005.

GREENE LAND

Notice in terms of Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995

KAYPY SUGAR (PTY) LTD and LOT 1005 SURREY PARK cc, represented by Owen

Murray Greene, has lodged an application in terms of the Development Facilitation Act, 1995, for the establishment of a land development area on Erven 14, 17 and 88 of Bishopstowe, Erven 985 and 986 of Panorama Gardens and Erf 96 of Surrey Park.

The development will consist of the following: 1 Commercial Site; 4 Smallholdings; 6 medium Density Housing units; 321 medium-high Income Housing Units; 145 Affordable Housing Units.

The relevant plans, documents and information are available for inspection at 6th Floor, Fedsure House, 251 Church Street, Private Bag X321, Pietermaritzburg for a period of 21 days from 1st December 2005.

The application will be considered at a Tribunal Hearing to be held at 10h00 on 23rd March 2006, in the Exhibition Room, Ground Floor, Natalia Building, 330 Longmarket Street, Pietermaritzburg, 3201, and the pre-hearing conference will be held at 10h00 on 3rd February 2006 at the same venue.

You may attend an inspection in loco of the land development area, which will be conducted by the Tribunal on 22nd March 2006 at 14h00.

Any person having an interest in the application should please note:

1. You may within a period of 21 days from the date of the first publication of this notice, provide the designated officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal at the pre-hearing conference, on the date mentioned above.

Any written objection or representation must be delivered to the designated officer, Mr W Cooper, 6th Floor, Fedsure House, 251 Church Street, Pietermaritzburg 3201, and you may contact the designated officer if you have any queries at the following: Telephone Number: 033-3920808

H15—December 1, 8, 2005.