

KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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IMPORTANT NOTICE

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PROVINCIAL NOTICE—ISAZISO SESIFUNDAZWE**No. 8****20 January 2011****GREATER KOKSTAD MUNICIPALITY**

The Greater Kokstad Municipality adopted the delegations set out in the Schedule to this notice in terms of section 156(1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008); Section 67bis of the Town Planning Ordinance, 1949; the Subdivision of Agricultural Land Act, 1970; and Land Surveyor Act, 1997

Mr M A NKOSI
MUNICIPAL MANAGER
GREATER KOKSTAD MUNICIPALITY

KEY TO DELEGATIONS OF POWERS

DESCRIPTION	ABBREVIATION
Building Control Officer	BC
Chief Financial Officer	CFO
Executive Committee	EXCO
Manager Planning and Development	M:PD
Town Planner	TP
Traffic Officer	TO

1. DEFINITIONS

Control measure: A control measure is a condition of a delegation that is not contained in legislation.

Note: A note alerts the person to whom a power has been delegated to important information contained in the legislation. This includes: a reference to a related power, criteria that has to be considered when making a decision, and persons who need to be consulted before the power can be exercised.

"registered planner" means a person registered as a registered planner or a technical planner contemplated in section 13(4) of the Planning Profession Act, unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, in which case a registered planner shall mean that category of registered persons for which the work has been reserved.

2. PRINCIPLES

- (1) The document deals with delegations in respect of the following laws:
 - (a) The KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008)
 - (b) Section 67*bis* of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949)
 - (c) The Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)
 - (d) The Land Survey Act, 1997 (Act No 8 of 1997)
- (2) The following actions have been delegated to **EXCO**:
 - (a) To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction
 - (b) To review schemes within six months after Council adopted an Integrated Development Plan for its elected term
 - (c) To initiate proposals on behalf of the Municipality
 - (d) To approve, with or without alterations, or to refuse the adoption or replacement of a scheme
 - (e) To approve, with or without alterations, or to refuse a proposal or an application
 - (f) To correct an error in the wording of the Municipality's decision on a proposal or an application
 - (g) To give an applicant a specified amount of time to complete a development
 - (h) To withdraw a notice giving an applicant a specified amount of time to complete a development
 - (i) To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)
 - (j) To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence
 - (k) To issue and withdraw contravention notices
 - (l) To consider comments lodged in response to a contravention notice
 - (m) To issue a prohibition order
 - (n) To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order
 - (o) To apply to the High Court for the withdrawal of an urgent prevention order
 - (p) To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties
 - (q) To carry out site inspections for enforcement purposes
 - (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
 - (s) To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land

- (t) To receive, administer and negotiate applications for compensation
 - (u) To consider applications for compensation
 - (v) To agree on the amount of compensation
 - (w) To lodge a responding memorandum
 - (x) To withdraw a responding memorandum
 - (y) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site inspection
 - (z) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
 - (aa) To enter into agency agreements for performance of functions
 - (bb) To amend proposals for council-owned land prior to approval by the Municipality
 - (cc) To reply to a person who submitted comments on an application
 - (dd) To grant or refuse special consent applications
 - (ee) To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (ff) To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan
- (3) The following actions have been delegated to **MM**:
- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
 - (b) To receive and administer applications
 - (c) To inform persons who have commented on a proposal or an application of Municipality's decision
 - (d) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
 - (e) To receive certified copies of the approved diagrams or general plan
 - (f) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality
 - (g) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
 - (h) To issue and withdraw contravention notices
 - (i) To serve contravention notices on persons suspected of certain offences
 - (j) To consider comments lodged in response to a contravention notice
 - (k) To serve a prohibition order
 - (l) To display an order on site
 - (m) To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order

- (n) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (o) To receive and administer subsequent applications for authorisation
- (p) To carry out site inspections for enforcement purposes
- (q) To issue a certificate stating that a person has been designated as a town planning inspector
- (r) To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes
- (s) To receive, administer and negotiate applications for compensation
- (t) To lodge a responding memorandum
- (u) To withdraw a responding memorandum
- (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
- (w) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (x) To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (y) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
- (z) To receive an affidavit from an applicant for the late lodging of an appeal
- (aa) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (bb) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (cc) To receive notice of the ruling in relation to the late lodging of an appeal
- (dd) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (ee) To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (ff) Placing of notices in the Gazette
- (gg) To maintain access to information
- (hh) To serve and require documents
- (ii) To give public notice
- (jj) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
- (kk) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (ll) To decide whether a site inspection is necessary

- (mm) To represent Council during a site visit or public hearing
 - (nn) To decide whether a public hearing is necessary
 - (oo) To reply to a person who submitted comments on an application
 - (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (3) The preparation of oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2) has been delegated to the **CFO**.
- (4) The following actions have been delegated to **M: PD**
- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
 - (b) To receive and administer applications
 - (c) To inform persons who have commented on a proposal or an application of Municipality's decision
 - (d) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
 - (e) To receive certified copies of the approved diagrams or general plan
 - (f) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality
 - (g) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
 - (h) To issue and withdraw contravention notices
 - (i) To serve contravention notices on persons suspected of certain offences
 - (j) To consider comments lodged in response to a contravention notice
 - (k) To serve a prohibition order
 - (l) To display an order on site
 - (m) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (n) To receive and administer subsequent applications for authorisation
 - (o) To carry out site inspections for enforcement purposes
 - (p) To lodge a responding memorandum
 - (q) To withdraw a responding memorandum
 - (r) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
 - (s) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing

- (t) To decide the manner in which the Municipality must be notified of the decision of the KwaZulu-Natal Planning and Development Appeal Tribunal
 - (u) To receive an affidavit from an applicant for the late lodging of an appeal
 - (v) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (w) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
 - (x) To receive notice of the ruling in relation to the late lodging of an appeal
 - (y) Placing of notices in the Gazette
 - (z) To maintain access to information
 - (aa) To serve and require documents
 - (bb) To give public notice
 - (cc) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
 - (dd) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
 - (ee) To decide whether a site inspection is necessary
 - (ff) To represent Council during a site visit or public hearing
 - (gg) To decide whether a public hearing is necessary
 - (hh) To reply to a person who submitted comments on an application
 - (ii) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
- (5) The following actions have been delegated to **TP**:
- (a) To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person
 - (b) To receive and administer applications
 - (c) To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act
 - (d) To inform persons who have commented on a proposal or an application of Municipality's decision
 - (e) To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval
 - (f) To issue certificates of compliance with conditions of approval
 - (g) To receive certified copies of the approved diagrams or general plan
 - (h) To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality

- (i) To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan
- (j) To issue and withdraw contravention notices
- (k) To serve contravention notices on persons suspected of certain offences
- (l) To consider comments lodged in response to a contravention notice
- (m) To serve a prohibition order
- (n) To display an order on site
- (o) To serve urgent prevention orders issued by the High Court and to display orders on site
- (p) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
- (q) To receive and administer subsequent applications for authorisation
- (r) To carry out site inspections for enforcement purposes
- (s) To lodge a responding memorandum
- (t) To withdraw a responding memorandum
- (u) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal site visit
- (v) To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing
- (w) To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal
- (x) To receive an affidavit from an applicant for the late lodging of an appeal
- (y) To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit
- (z) To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit
- (aa) To receive notice of the ruling in relation to the late lodging of an appeal
- (bb) To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)
- (cc) To maintain access to information
- (dd) To serve and require documents
- (ee) To give public notice
- (ff) To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required
- (gg) To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application
- (hh) To request an amendment of an application prior to approval
- (ii) To decide whether a site inspection is necessary
- (jj) To represent Council during a site visit or public hearing

- (kk) To decide whether a public hearing is necessary
 - (ll) To reply to a person who submitted comments on an application
 - (mm) To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (nn) To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (oo) To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes
 - (pp) To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan
 - (qq) To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with
- (6) The following actions have been delegated to **BCO**:
- (a) To issue and withdraw contravention notices
 - (b) To serve contravention notices on persons suspected of certain offences
 - (c) To serve a prohibition order
 - (d) To display an order on site
 - (e) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn
 - (f) To carry out site inspections for enforcement purposes
- (7) The following actions have been delegated to **TO**:
- (a) To serve contravention notices on persons suspected of certain offences
 - (b) To serve a prohibition order
 - (c) To display an order on site
 - (d) To serve a notice on the person on whom an urgent prevention order was served, if the order is withdrawn

KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008**(ACT 6 OF 2008)****PART 1****JUNE 2010****Commencement dates:**

1 March 2009	Chapters 6, 10 and 11, item 15 of Schedule 2 and Schedule 5 of the Act and Chapters 1, 8, 9 and 12 and Schedule 1 of the Act in as far as it relates to the alteration, suspension and deletion of restrictions relating to land; the KwaZulu-Natal Planning and Development Appeal Tribunal and provincial planning and development norms and standards
1 May 2010	Remainder of the Act, except for section 89(3), 161(1), and the repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949)
7 November 2010	Repeal of Chapter 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) relating to the KwaZulu-Natal Planning and Development Commission
To be announced	Section 89(3): civil penalty that must be paid before illegal development may be regularised Section 161(1): Prohibition on applications for planning and development approval in terms of the Development Facilitation Act, 1995 (Act No. 67 of 1995)

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 4(2): To apply to the Member of the Executive Council for an extension of the period in which to adopt a scheme or schemes for its whole area of jurisdiction.	Note: - Accompanied by a written motivation and an request specifying the amount of additional time required in terms of section 4(3)	EXCO
2	Section 7: To review schemes within six months after Council adopted an Integrated Development Plan for its elected term.		EXCO
3	Section 8: To compile and maintain an up-to-date version of the Scheme and make it available for inspection and copying at all reasonable times by any person		MM M: PD TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
4	Section 9(1), 22(1), 39(1), 51(1) and 61(1): To initiate proposals on behalf of the Municipality	Notes: <ul style="list-style-type: none"> - Proposals to: <ul style="list-style-type: none"> • Adopt or replace a scheme • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - The Municipality must be the land owner or act with the owner's consent in the case for the subdivision of land, the consolidation of land and the development of land situated outside the area of a scheme - Process in accordance with Part 2 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) - Right to amend a proposal after notice has been given thereof in terms of Schedule 1 item 17(1) - Right to amend scheme to avoid having to pay compensation in section 95(2) 	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
5	Sections 9(2), 22(2), 39(2), 51(2) and 61(2): To receive and administer applications	Notes: <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Process in accordance with Part 1 of Schedule 1, except for the phasing or cancellation of an approved layout - Process for the phasing or cancellation of an approved layout in accordance with section 52 - Status of legal successor-in-title in accordance with section 9(3) - Provision for combined proposals in terms of section 10(4), 23(3), 40(2) and 62(3) 	MM M: PD TP
6	Sections 11, 24, 41, 53, and 63: To evaluate and make recommendations on proposals or applications in terms of the Act, and to issue certificates confirming that the proposals or applications comply with the Act	Note: <ul style="list-style-type: none"> - Matters relevant in determining the merits of proposals or applications are contained in sections 12, 25, 42, 54, and 64 	M:PD TP
7	Section 13(1): To approve, with or without alterations, or to refuse the <u>adoption</u> or <u>replacement</u> of a scheme	Notes: <ul style="list-style-type: none"> - Decision may not be delegated to an official or another municipality in terms of section 156(1) - Decision must be informed by a registered planner or on advice of a registered planner in accordance with section 11 - Decision may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2) and 13(3) - Timeframes in accordance with items 12 and 21 of Schedule 1 - Effective date of decision as per section 16 	EXCO See notes

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
8	<p>Section 13(1), 26(1), 43(1), 55(1) and 65(1): To approve, with or without alterations, or to refuse a proposal or an application</p>	<p>Notes:</p> <ul style="list-style-type: none"> - Applications to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Phase or cancel an approved layout • Alter, suspend or delete a restriction relating to land - Decision must be informed by advice of a registered planner in accordance with section 11, 24, 41, 53 and 63 - Decision to: <ul style="list-style-type: none"> • Amend a scheme • Subdivide and consolidate land • Develop land situated outside the area of a scheme • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with provincial planning and development norms and standards or the municipality's IDP as per section 13(2), 26(2), 43(2) and 65(2)</p> - Decision to: <ul style="list-style-type: none"> • Subdivide and consolidate land • Alter, suspend or delete a restriction relating to land <p>may not be in conflict with scheme as per section 26(2) and 65(2)</p> - Timeframes in accordance with items 12 and 21 of Schedule 1 - EXCO may impose conditions in accordance with section 13(4), 26(3) and (4), 43(3) and (4), 55(2) and 65(3) - Reasons for decision must comply with section 13(5), 26(5), 43(5), 55(3) and 65(4) - Effective date of decision as per section 16, 29, 46, 58 and 68 - Section 59 relating to the legal effect of approval of phasing or cancellation of approved layout plans (including transfer of land and ownership) - May not suspend or remove a mineral right registered against the title of any land in accordance with section 60(3) 	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
9	Section 13(6), 26(6), 43(6), 55(4), 65(5): To correct an error in the wording of the Municipality's decision on a proposal or an application	Note: The correction may not constitute a change in its decision or an alteration, suspension or deletion of a condition of its approval	EXCO
10	Section 14(1), 27(1), 44(1), 56(1), 66(1): To inform persons who have commented on a proposal or an application of Municipality's decision	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM M: PD TP
11	Section 14(5), 27(5), 44(5), 56(5), 66(5): To provide upon request a copy of the reasons for the Municipality's decision on a proposal or an application and the conditions of approval	Notes: - Notices must comply with section 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Serving of notices must comply with section 158	MM M: PD TP
	Section 17: To receive and administer an application for consent, approval or permission	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Sections 18: To evaluate and make recommendations on proposals or applications for permission in terms of a scheme, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
	Section 20: To approve, with or without alterations, or to refuse proposals or applications for permission in terms of a scheme	Control measure: Not delegated. Provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) for special consent remains in operation, until the Act is amended	NA
Section 22(1): See delegation 4			
Section 22(2): See delegation 5			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 26(1): See delegation 8		
	Section 26(6): See delegation 9		
	Section 27(1): See delegation 10		
	Section 27(5): See delegation 11		
12	Sections 31(1), 31(3), 31(5), 34(2), 48(1), 48(3), and 48(5): To issue certificates of compliance with conditions of approval	Notes: <ul style="list-style-type: none"> - Referring to conditions imposed in accordance with sections 26(4), 43(4) and 65(3); - Provisions of section 31(4) and 48(4) relating to occupation of a building or structure 	M:PD TP
	Sections 31(3): See delegation 12		
	Sections 31(5): See delegation 12		
13	Section 32(1)(b): To receive certified copies of the approved diagrams or general plan		MM M: PD TPO
14	Sections 33(1), 35 and 70: To lodge plans and documents with the Surveyor General's and Deeds Offices in cases where land is subdivided or consolidated, or where application is made for the alteration, suspension or deletion of restriction relating to land by the Municipality	Note: <ul style="list-style-type: none"> - Section 33(2) and 37(2) relating to lapsing of approval. 	MM M: PD TPO
	Section 34(2): See delegation 12		
	Section 35: See delegation 14		
15	Section 37(3), 37(4), 49(1) and 49(2): To give an applicant a specified amount of time to complete a development	Notes: <ul style="list-style-type: none"> - Section 37(5) and 49(3) relating to cancel the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled - Notices must comply with section 37(3) or 49(1) - Serving of notices must comply with section 158 	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
16	Section 37(4): To withdraw a notice giving an applicant a specified amount of time to complete a development		EXCO
17	Section 37(5) and 49(3): To initiate the cancellation of the part of the approved layout plan for which the rights have not been fully exercised, and which has been cancelled in accordance with sections 37(3) and 49(1)		EXCO
Section 39(1): See delegation 4			
Section 39(2): See delegation 5			
Section 43(1): See delegation 8			
Section 43(6): See delegation 9			
Section 44(1): See delegation 10			
Section 44(5): See delegation 11			
Section 48(1): See delegation 12			
Section 48(3): See delegation 12			
Section 48(5): See delegation 12			
Section 49(1): See delegation 15			
Section 49(2): See delegation 16			
Section 49(3): See delegation 17			
Section 51(1): See delegation 4			
Section 51(2): See delegation 5			
18	Section 52(2): To administer the giving public notice of an application for the phasing or cancellation of an approved layout plan	Note: - Notice must comply with section 52(3)-(4)	MM M: PD TP
Section 55(1): See delegation 8			
Section 55(4): See delegation 9			
Section 56(1): See delegation 10			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 56(5): See delegation 11		
	Section 61(1): See delegation 4		
	Section 61(2): See delegation 5		
	Section 65(1): See delegation 8		
	Section 65(5): See delegation 9		
	Section 66(1): See delegation 10		
	Section 66(5): See delegation 11		
	Section 70: See delegation 14		
	Section 71(1): To initiate an application for the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NA
	Section 71(2): To receive and administer an application for the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NA
	Section 71(2)(e): To approve, with or without alterations, or to refuse the permanent closure of municipal roads or public places	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NA
	Sections 72: To evaluate and make recommendations on proposals or applications for the permanent closure of municipal roads an public places, and to issue certificates confirming that the proposals or applications comply with the Act	Control measure: Not delegated. Provisions of the Local Authority's Ordinance, 1974 (Ordinance No. 25 of 1974) for the permanent closure of municipal roads and public places remains in force, until the Act is amended	NA

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
19	Section 76(1): To request the court to summarily enquire into and determine the monetary value of any advantage which a person may have gained as a result of an offence		EXCO
20	Section 79(1): To issue and withdraw contravention notices	Notes: <ul style="list-style-type: none"> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of contravention notices as per section 79(2) and 80 	EXCO MM M: PD TP BCO
21	Section 79(1): To serve contravention notices on persons suspected of certain offences	Note: <ul style="list-style-type: none"> - Serving of notices must comply with section 158 	MM M: PD TP BCO TO
22	Section 81(1): To consider comments lodged in response to a contravention notice		EXCO MM M: PD TP BCO
23	Section 81(2): To issue a prohibition order	Notes: <ul style="list-style-type: none"> - Offences listed as per section 75(1), 77(1), 78(1), 90(7) and Schedule 1 item 10(6) - Contents of prohibition orders as per section 81(2) and 82 - Consider section 81(3)-(5) 	EXCO
24	Section 81(2)(a): To serve a prohibition order	Note: <ul style="list-style-type: none"> - Serving of orders must comply with section 158 	M: PD MM TP BCO TO
25	Section 81(2)(b), 84(1), 84(2) and 94: To apply to the High Court for the issuing or withdrawal of an order restraining a person from continuing an illegal activity or for a demolition order	Notes: <ul style="list-style-type: none"> - Consider section 84 - Consider section 98 - Notices must comply with section 85 	EXCO MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
26	Section 83 and 86: To display order on site		MM M: PD TP BCO TO
27	Section 84(1): To serve urgent prevention orders issued by the High Court and to display orders on site	Note: - Serving of orders must comply with section 158	MM M: PD TP BCO TO
28	Section 84(3): To apply to the High Court for the withdrawal of an urgent prevention order		EXCO MM
29	Section 84(4): To serve a notice on the person on whom the urgent prevention order was served, if the order is withdrawn	Note: - Serving of notices must comply with section 158	MM M: PD TP BCO TO
Section 86: See delegation 26			
30	Section 89(2): To receive and administer subsequent applications for authorisation	Note: - Purpose of a subsequent application in terms of section 89(1)	MM M:PD TP
31	Section 89(3): To approve, with or without alterations, or to refuse subsequent applications for authorisation and impose civil penalties	Notes: - Approvals must include conditions as set out in section 89(3) - EXCO may impose other conditions in accordance with 89(3)	EXCO
32	Section 90(1): To carry out site inspections for enforcement purposes	Note: - Inspector must adhere to sections 90(1)-(6) and section 92	EXCO MM M: PD TP BCO
33	Section 90(2): To issue a certificate stating that a person has been designated as a town planning inspector		MM

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
34	Section 91(1): To apply to the Magistrate's Court for the issuing of a warrant of entry for enforcement purposes	Note: - Conditions listed in section 91(1) to (3)	EXCO MM
35	Section 94: To authorise an application to court for the demolition, removal or alteration of buildings, structures or works, or for rehabilitation of land		EXCO
36	Section 95(1), 96(1), 97(1), and 98: To receive, administer and negotiate applications for compensation	Note: Compensation arising from: arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	EXCO MM
37	Section 95(1), 96(1), 97(1), and 98: To consider applications for compensation	Note: Compensation arising from: arising from: • adoption or implementation of provisions of schemes • wrongful and intentional or negligent service of urgent prevention orders suspension or removal of restrictions	EXCO
Section 96(1): See delegations 36 and 37			
Section 97(1): See delegations 36 and 37			
Section 98: See delegations 36 and 37			
38	Section 99(1): To agree on the amount of compensation	Note: Compensation arising from: arising from: • Adoption or implementation of provisions of schemes • Wrongful and intentional or negligent service of urgent prevention orders • Suspension or removal of restrictions	EXCO

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
	Section 113(2)(a): To receive memoranda of appeals	Note: - In relation to appeals under section 15, section 28, section 45, section 57, section 67 - Act requires memorandum to be served on the Municipal Manager	MM See notes
39	Section 114(1) and (3) and 116(2): To lodge a responding memorandum	Notes: - Contents of a responding memorandum in accordance with section 114(2) - Responding memorandum must be served in accordance with section 114(3)	EXCO M: PD MM TP
40	Section 116(2): To withdraw a responding memorandum		EXCO M: PD MM TP
41	Section 117(2): To represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal site visit		EXCO MM M: PD TP
42	Section 120: To represent Council at a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		MM M: PD TP
43	Section 120(2)(a): To appoint legal counsel to represent Council during a Kwazulu-Natal Planning and Development Appeal Tribunal hearing		EXCO MM
44	Section 123: To decide the manner in which the Municipality must be notified of the decision of the Kwazulu-Natal Planning and Development Appeal Tribunal		MM M: PD TP
45	Section 125(2)(c)(i): To receive an affidavit from an applicant for the late lodging of an appeal		MM
46	Section 126: To prepare a written notice of opposition to late lodging of appeal, including opposing affidavit		MM M: PD TP

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
47	Section 126: To lodge with the registrar a written notice of opposition to late lodging of appeal, including opposing affidavit		MM M: PD TP
48	Section 129: To receive notice of the ruling in relation to the late lodging of an appeal		MM M: PD TP
49	Section 132(3): To prepare oral or written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM CFO M: PD TP
50	Section 132(3): To lodge written representation with regards to an order of costs or a penalty awarded in terms of section 132(2)		MM
	Section 156(1) and (8): To delegate, amend or revoke any power conferred on the Municipality in terms of the Act to any official employed by it	Notes: <ul style="list-style-type: none"> - EXCO cannot delegate the power to delegate - EXCO may not delegate the responsibility to adopt or replace a scheme as contemplated in section 13 - EXCO may impose conditions in accordance with section 156(2). - Delegation or amendment comes into effect upon the publication of a notice in the Gazette, or if a later date is stated, from that date in accordance with section 156(7)(c) 	EXCO See notes
51	Section 156(7)(b) and 156(9): Placing of notices in the Gazette		MM M: PD
	Section 157(1): To enter into agency agreements for performance of functions	Control measure: Power not delegated. EXCO will enter into agency agreements, if necessary. Notes: <ul style="list-style-type: none"> - After it has applied the criteria contemplated in section 78 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) 	EXCO See control measure

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
52	Section 160: To maintain access to information	Notes: Including: <ul style="list-style-type: none"> • Proposals and applications • Comments on proposals and applications • Evaluation by registered planner • Certificate by registered planner that proposal or application complies with the Act • Decision on proposal or application 	MM M: PD TP
53	Schedule 1 item 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4): To serve and require documents	Notes: <ul style="list-style-type: none"> - Serving of documents: <ul style="list-style-type: none"> • Request additional information • Notice application complete • Copies of comments on proposal or application to applicant • Notice of site inspection • Notice of hearing - Serving of notices must comply with section 158 - Calculation of number of days in accordance with section 159 - Notice of a hearing must comply with Schedule 1 item 11(3) and 20(2) and 20(5) 	MM M: PD TP
Schedule 1 item 4(1): See delegation 53			
54	Schedule 1 item 5(1), 6(1), 8(2) and (3), 14(1), 15(1) and 17(2) and 17(3): To give public notice	Notes: <ul style="list-style-type: none"> - Including: <ul style="list-style-type: none"> • Site notice • Personal notice • Newspaper notice • Obtaining proof of notice • Notice of amendment to proposal or application - Notices must comply with Schedule 1 items 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16. - Public notice not required in cases listed in terms of section 10(3), 23(2), 62(2) 	MM M: PD TP
Schedule 1 item 6(1): See delegation 54			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
55	Schedule 1 item 6(2)-(3): To agree with a person who has an interest in any specific matter to give notice on behalf of the Municipality and to request proof from that person that public notice has been given as required		MM M: PD TP
56	Schedule 1 items 6(4) and 15(2): To convene and represent Council during a public meeting for the purpose of informing the public of a proposal or an application		MM M: PD TP
57	Schedule 1 item 8(1)(b): To request an amendment of an application prior to approval		M:PD TP
Schedule 1 item 8(2) and (3): See delegation 54			
Schedule 1 item 9(1): See delegation 53			
58	Schedule 1 item 10(1): To decide whether a site inspection is necessary.		MM M: PD TP
59	Schedule 1 item 10(1) and 11(4): To represent Council during a site visit or public hearing	Note: - Conditions contained in section 10(3)-(5)	MM M: PD TP
Schedule 1 item 10(2): See delegation 53			
60	Schedule 1 item 11(1) and 20(1): To decide whether a public hearing is necessary.		MM M: PD TP
Schedule 1 item 11(2): See delegation 53			
Schedule 1 item 14(1): See delegation 54			
Schedule 1 item 15(1): See delegation 54			
Schedule 1 items 15(2): See delegation 56			
61	Schedule 1 item 17(1): To amend proposals for council-owned land prior to approval by the Municipality	Note: - Subject to Schedule 1 item 17(2)-(3)	EXCO
Schedule 1 item 17(2): See delegation 54			

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
Schedule 1 item 17(3): See delegation 54			
62	Schedule 1 item 18: To reply to a person who submitted comments on an application		EXCO MM M: PD TP
Schedule 1 item 19(1): See delegation 53 for notice of site inspection			
Schedule 1 item 19(1): See delegation 58 for decision to conduct site inspection			
Schedule 1 item 20(1): See delegation 60			
Schedule 1 item 20(4): See delegation 53			

TOWN PLANNING ORDINANCE, 1949
(ORDINANCE NO. 27 OF 1949)

PART 2

Assigned provincial legislation

Date of commencement: 1 August 1951

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 67bis: To grant or refuse special consent applications	EXCO must get recommendation from a registered planner	EXCO

**SUBDIVISION OF AGRICULTURAL LAND ACT
(ACT NO. 70 OF 1970)**

PART 3

National legislation

Date of commencement: 2 January 1971

Note: The provisions of the act have not been assigned to the province of KwaZulu-Natal

NO	SCOPE	CONTROL MEASURE/ NOTE	LEVEL
1	Section 4(2)(b): To advise the Minister of Agriculture on the subdivision of agricultural land, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Control measure: Advice must be given by a registered planner or on advice of a registered planner.	M:PD TP
2	Section 4(2)(b): To determine conditions subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Control measure: Decision must be made by a registered planner or on advice of a registered planner.	M:PD TP
3	Section 4(3): To enforce a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Note: Condition imposed in terms of section 4(2)(b) of the Act.	EXCO
4	Section 4(4): To vary or withdraw a condition subject to which land may be used, if the Minister of Agriculture is satisfied that the land is not to be used for agricultural purposes	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Note: Condition imposed in terms of section 4(2)(b) of the Act.	M:PD TP

**LAND SURVEY ACT, 1997
(ACT NO. 8 OF 1997)**

PART 4

National legislation

Date of commencement: 11 April 1997

NO	SCOPE	CONTROL MEASURE / NOTE	LEVEL
1	Section 37(2): To receive a request for the alteration, amendment, partial cancellation or total cancellation of a general plan	Notes: Read with section 37(3) of the Act. *Delegation by the Premier.	MM M: PD TP
2	Section 37(2): To consent to the alteration, amendment, partial cancellation or total cancellation of a general plan	Control measure: Decision must be made by a registered planner or on advice of a registered planner. Notes: The delegate may impose conditions. Read with section 37(3) of the Act and section 30 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) *Delegation by the Premier.	EXCO
3	Section 37(2): To advise the Surveyor General that the provisions of the laws relating to the permanent closing of any public place or part thereof have been complied with	Notes: In relation to the alteration, amendment, partial cancellation or total cancellation of a general plan. Read with section 37(3) of the Act. *Delegation by the Premier.	M:PD TP

LEGAL RULES GOVERNING THE DELEGATION OF POWERS (COMMON LAW)**ANNEXURE A****JANUARY 2010**

Based on L. Baxter, Administrative Law (1984), Y. Burns, Administrative Law Under The 1996 Constitution and M. Wiechers, Administrative Law (1985)

1. A power that has been "assignment" is fully transferred. A functionary who assigned a power may not exercise the power that has been assigned. The functionary to whom a power has been assigned is fully responsible for the exercising thereof. "Assignment" of powers is sometimes also referred to as the decentralisation of powers.
2. A power that has been "delegated" is not fully transferred. A functionary who delegated a power (delegator/ delegans) may exercise the power himself or herself and remains fully responsible for the exercising thereof. However, once the functionary who the power have been delegated to (delegatee/ delegate) has exercised the power in relation to a particular case the delegator may no longer exercise the power in relation to that instance. "Delegation" of powers is sometimes also referred to as the deconcentration of powers.
3. A power is not conferred upon a government department generally. A power is conferred upon a functionary, for example, "the Administrator", "the MEC responsible for Local Government", "the Head of Department" or "the Development Tribunal".
4. A power that is conferred upon a functionary may as a rule only be exercised by that functionary. This is because there is a danger that if delegations are allowed the power may be exercised by a person who is not as qualified or as politically or otherwise responsible as the person who the legislature has in mind. The delegation of powers in the absence of express or implied authority in a law is considered to be the abdication of authority.
5. Powers delegated to a functionary may not be delegated further by that functionary. This does not prevent the functionary from obtaining the assistance of others in exercising the power or making the decision and obtaining the assistance of other with the implementation of the decision.
6. Where a discretionary power has been conferred upon an organ of state, the organ of state may not delegate that power unless expressly empowered to do so in a law. A statutory body may

therefore not delegate its powers further. The Town Planning Ordinance, 1949, provides expressly for the further delegation of certain powers of the KZNPDC.

7. Abdication of powers can occur in three ways: Acting through unlawful delegation, acting under dictation from another person or body and failure to act.
8. A power may not be delegated to more than one functionary in the absence of an express provision in an empowering law.
9. Where the law provides for institutional separation it must be honoured. A functionary cannot monitor itself or make a recommendation to itself.
10. A functionary must be appointed properly and must meet all the prescribed requirements relating qualifications, experience, conditions of the delegation etc. An action taken by a functionary who has not been appointed properly or who did not meet all the requirements and conditions of the delegation is invalid.
11. Where an appointment is personal, like the appointment of a member of a statutory body or a designated officer, another person may not exercise the appointees powers.
12. Where several persons are appointed to exercise a power, for example a statutory body, they must act together as a body, unless the law expressly provides otherwise. The body may appoint a subcommittee to investigate certain facts but must exercise the discretionary power itself. The law often specifies a quorum of members who must be present when a decision is taken.
13. A statutory body cannot take over the powers of another functionary. Where the law empowers a designated officer to extend the time in which plans must be lodged with the Surveyor General the Development Tribunal cannot grant the extension of time.
14. The existence of an implied power to delegate depends on the following factors:
 - (a) the degree of devolution of the power;
 - (b) the importance of the original delegatee;
 - (c) the complexity and extent of discretion;
 - (d) the impact of the power; and
 - (e) practical necessity.
15. A power may be delegated where a delegation is limited and the delegator retains full control over the final decision.

16. A power may be delegated where the delegation will ensure that the decision is taken by a better qualified or experienced functionary.
17. Powers which require little or no discretion are usually delegable (mechanical acts).
18. Powers which require significant discretion are usually not delegable, especially in the case of unguided discretions (no criteria in the law, no standards, no recommendation that must be considered etc).
19. Powers which may infringe on a persons rights are usually not delegable.

No. 8

20 kuMasingana 2011

UMASIPALA WEGREATER KOKSTAD

Umasipala weGreater Kokstad uphasisa ukunikezelwa kwamagunya ngokomthetho woCwangciso noPhuhliso wakwaZulu-Natal, ka 2008, iCandelo 159(1); iCandelo 67bis Lomgaqo omiselweyo wokucwangciswa kwedolophu, ka-1949; Isahlulwana somthetho womhlaba wezolimo, ka-1970; nomthetho woPhononongo loMhlaba, ka-1997.

Mr M A NKOSI
MUNICIPAL MANAGER
GREATER KOKSTAD MUNICIPALITY

ISIKHOKELO SOKUNIKEZELWA KWAMAGUNYA

INGCACISO	IZIFINYEZO
IGosa loLawulo lweZakhiwo	Gos-Lwl-Zkhw
IGosa leMali eliyiNtloko	Gos-Mal-Ntlk
IsiGqeba esiLawulayo	GQEB-LWL
UMlawuli woCwangciso noPhuhliso	MIwl: Cw-Phl
UmCwangcisi weDolophu	MCw-Dlp
IGosa lezoThutho	Gs-Th

1. IINGCACISO

Indlela yolawulo: Indlela yolawulo yimeko yonikezelo ngamagunya engekho kwimigaqo elawulayo.

Isaziso: Isaziso sazisa loo mntu unikwe igunya malunga nolwazi olubalulekileyo olukwimigaqo elawulayo. Oku kuquka: usingiselo kwigunya elifanelekileyo, izikhokelo ekufuneka ziqatshelwe xa kuthathwa isigqibo, kunye nomntu ekufuneka kuqale kudityanwe naye phambi kokuba lisetyenziswe igunya elo.

"umcwangcisi obhalisiweyo" uthetha umntu obhaliswe njengomcwangcisi obhalisiweyo okanye umcwangcisi wobugcisa obekwe kwicandelo 13(4) loMthetho weeNgcali zokuCwangcisa, ngaphandle kokuba iBhunga labaCwangcisi laseMzantsi Afrika loo msebenzi liwubekele bucala ukuba wenziwe ngumcwangcisi obhalisiweyo ngokwalo Mthetho ukulungiselela icandelo elithile labantu ababhalisileyo ngokwecandelo 16(2) loMthetho weeNgcali zokuCwangcisa, nalapho ke umcwangcisi obhalisiweyo uya kuthetha icandelo labantu ababhalisileyo obekelwe bona umsebenzi lowo.

2. IMITHETHO-SISEKO

- (1) Olu xwebhu lujongene nokunikezelwa kwamagunya ngokwale mithetho ilandelayo:
- (a) UMthetho wokuCwangcisa noPhuhliso waKwaZulu-Natal, ka2008 (uMthetho wesi-6 ka2008)
 - (b) ICandelo 67 bis loMthetho oMiselweyo, ka-1949 (uMgaqo oMiselweyo wama-27 ka1949)
 - (c) ICandelwana loMthetho woMhlaba wezoLimo, ka1970 (uMthetho wama-70 ka1970)
 - (d) UMthetho woPhononongo loMhlaba, ka1997 (uMthetho wesi-8 ka1997)
- (2) Ezi ntshukumo zilandelayo zinikezelwe kwisi**GQEBA-LWL**:
- (a) Ukufaka kuMphathiswa wePhondo isicelo sokwandiselwa ithuba lokuvuma isikim okanye izikim zendawo yonke esiyilawulayo (isigqeba solawulo)
 - (b) Ukuphonononga izikim, zethuba (iBhunga) elonyulelwe lona, zingaphelanga iinyanga ezintandathu emva kokuba iBhunga livume isiCwangciso soPhuhliso oluNdindeneyo
 - (c) Ukuqalisa iziphakamiso egameni likaMasipala
 - (d) Ukuvuma, okanye ukwala ukuvuma okanye ukufaka esinye endaweni yesikimu, nokuba kukho okuthile okulungisiweyo okanye hayi.
 - (e) Ukuvuma, okanye ukwala ukuvuma isiphakamiso okanye isicelo, nokuba kukho okuthile okulungisiweyo okanye hayi.
 - (f) Ukulungisa impazamo kwindlela esibhalwe ngayo isigqibo sikaMasipala malunga nesiphakamiso okanye isicelo
 - (g) Ukunika umceli ixesha elixeliweyo lokugqiba isakhiwo
 - (h) Ukurhoxisa isaziso esinika umceli ixesha elithile lokugqiba isakhiwo
 - (i) Ukuqalisa ukuyekiswa kwenxalenye yeplani yobume evunyiweyo yamalungelo angasetyenziswa ngokupheleleyo, nathe ayekiswa ngokwecandelo 37(3) no49(1)
 - (j) Ukucela inkundla ukuba iphande ikhangele ngokushwankathelayo ixabiso lemali layo nayiphi na ingeniso enokuzuzwa ngumntu ngenxa yokophula kwakhe umthetho
 - (k) Ukukhupha nokurhoxisa izaziso zokwaphulwa komthetho
 - (l) Ukuqwalasela izimvo ezifakiweyo ngokumalunga nesaziso sokwaphulwa komthetho
 - (m) Ukukhupha umyalelo wokwalela ukungena
 - (n) Ukufaka kwiNkundla ePhakamileyo isicelo sokukhutshwa nokurhoxiswa komyalelo owalela umntu ukuba angaqhubi nomsebenzi ongekho semthethweni okanye umyalelo wokudiliza
 - (o) Ukufaka kwiNkundla ePhakamileyo isicelo sokurhoxisa umyalelo wokunqanda okukhawulezileyo
 - (p) Ukuvuma, okanye ukwala izicelo ezilandelayo zokugunyaziswa kunye nokufaka izohlwayo zoluntu, nokuba kukho okuthile okulungisiweyo okanye hayi
 - (q) Ukwenza uhlobo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho
 - (r) Ukufaka kwiNkundla kaMantyi isicelo sokukhutshwa kwemvume yokungena ngeenjongo zokulandela umthetho

- (s) Ukuthumela enkundleni isicelo sokudiliza, ukususa nokulungisa izakhiwo, izakhelo okanye imisebenzi, okanye sokuhlaziya umhlaba
 - (t) Ukufumana, ukuphatha nokuthetha-thethana malunga nezicelo zembuyekiso
 - (u) Ukuqwalasela izicelo zembuyekiso
 - (v) Ukuvuma ixabiso lembuyekiso
 - (w) Ukufaka imemorandam ephendulayo
 - (x) Ukurhoxisa imemorandam ephendulayo
 - (y) Ukumela iBhunga kuhlolo lwendawo yokusebenza olwenziwa yiNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
 - (z) Ukuchonga umcebisi wezomthetho ukuba amele iBhunga kwityala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
 - (aa) Ukuba nezivumelwano neearhente ngenjongo zokwenziwa kwemisebenzi
 - (bb) Ukuhlaziya iziphakamiso ezimalunga nomhlaba webhunga phambi kokuba zivunywe nguMasipala
 - (cc) Ukuphendula umntu ofake izimvo zakhe malunga ezimalunga nesicelo
 - (dd) Ukunika okanye ukwala izicelo zemvume eyodwa
 - (ee) Ukuqinisekisa ngokulandelwa komqathango onokusetyenziswa phantsi kwawo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo
 - (ff) Ukuvumela ukulungiswa, ukuhlaziywa, ukuyekiswa kwenxenywe okanye ukuyekiswa okupheleleyo kweplani gabalala
- (3) Ezi ntshukumo zilandelayo zinikezelwe ku**MIw-Msp**:
- (a) Ukuqokelela nokugcina uhlobo olusoloko lusemgceni lweSikimu alwenze lufumaneke ukuba lungahlolwa lukotshwe nguye nabani na nangaliphi na ixesha elifanelekileyo
 - (b) Ukufumana nokuphatha izicelo
 - (c) Ukwazisa abantu abaye bahlomla ngesiphakamiso okanye isicelo, besaziswa ngesigqibo sikaMasipala
 - (d) Ukunika ikopi, xa iceliwe, yezizathu zesigqibo zikaMasipala malunga nesiphakamiso okanye isicelo kunye nemiqathango yokuvunywa kwaso
 - (e) Ukufumana iikopi eziqinisekisiweyo zemizobo evunyiweyo okanye iplani gabalala
 - (f) Ukufaka iiplani namaxwebhu kwiiOfisi zoMphononongi-Mhlaba Jikelele neyeeTayitile zoMhlaba kwiimeko apho umhlaba uye waphinda wohlulwa okanye wadityaniswa, okanye apho kufakwe isicelo sokutshintshwa, ukunqunyanyiswa okanye ukucinywa komqathango wemvume yobunini ngokuphathelele kumhlaba kaMasipala
 - (g) Ukuphatha umba wesaziso sokunikwa kukawonke-wonke malunga nesicelo sokufakwa ngokwamanqanaba okanye ukuyekiswa kweplani yobume evunyiweyo
 - (h) Ukukhupha nokurhoxisa izaziso zokwaphulwa komthetho

- (i) Ukudlulisa izaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile
- (j) Ukuqwalasela izimvo ezifakiweyo ngokumalunga nesaziso sokwaphulwa komthetho
- (k) Ukukhupha umyalelo wokwalela ukungena
- (l) Ukubonisa umyalelo kwiziko obhekisa kulo
- (m) Ukufaka kwiNkundla ePhakamileyo isicelo sokukhutshwa nokurhoxiswa komyalelo owalela umntu ukuba angaqhubi nomsebenzi ongekho semthethweni okanye umyalelo wokudiliza
- (n) Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe
- (o) Ukufumana nokuphatha izicelo ezilandelayo ukulungiselela ugunyaziso
- (p) Ukwenza uhlobo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho
- (q) Ukukhupha isatifiketi esithi umntu ubekwe njengomhloli wocwangciso lwedolophu
- (r) Ukufaka kwiNkundla kaMantyi isicelo sokukhutshwa kwemvume yokungena ngeenjongo zokulandela umthetho
- (s) Ukufumana, ukuphatha nokuthetha-thethana malunga nezicelo zembuyekezo
- (t) Ukufaka imemorandum ephendulayo
- (u) Ukurhoxisa imemorandum ephendulayo
- (v) Ukumela iBhunga kutyelelo lwendawo yokusebenza olwenziwa yiNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (w) Ukumela iBhunga ekuthethweni kwetyala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (x) Ukuchonga umcebisi wezomthetho ukuba amele iBhunga kwityala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (y) Ukuthatha isigqibo sendlela ekufuneka aziswe ngayo uMasipala malunga nesigqibo seNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (z) Ukufumana ingxelo efungelweyo (iafidavithi) esuka kumceli emalunga nokufakwa kade kwesikhalazo
- (aa) Ukulungisa isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchasa ingxelo leyo ifungelweyo
- (bb) Ukufaka kususiba isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchaswa kwengxelo leyo ifungelweyo
- (cc) Ukufumana isaziso sesigwebo ngokubhekiselele ekufakweni kade kwesikhalazo
- (dd) Ukulungisa intetho yomlomo okanye ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2)
- (ee) Ukufaka intetho ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2)
- (ff) Ukufaka izaziso kwiGazethi
- (gg) Ukugcina ufikelelo kwiinkcukacha lusemgangathweni
- (hh) Ukukhupha nokufuna amaxwebhu

- (ii) Ukunika isaziso soluntu
 - (jj) Ukuvumelana nomntu onomdla kuwo nawuphi umba othile ukuba kunikwe isaziso egameni likaMasipala kunye nokucela kuloo mntu ubungqina bokuba isaziso soluntu sikhutshiwe njengoko kuyimfuneko
 - (kk) Ukuchophela nokumela iBhunga kwintlanganiso yoluntu ngenjongo yokwazisa uluntu ngesiphakamiso okanye isicelo
 - (ll) Ukuthatha isigqibo sokuba kuyimfuneko na ukuhlolwa kwendawo ekuza kusetyenzwa kuyo
 - (mm) Ukumela iBhunga ngethuba lotyelelo lwendawo yomsebenzi okanye indibano yoluntu
 - (nn) Ukuthatha isigqibo sokuba iyimfuneko na indibano yoluntu
 - (oo) Ukuphendula umntu ofake izimvo zakhe malunga ezimalunga nesicelo
 - (pp) Ukufumana isicelo sokulungiswa, ukuhlaziywa, ukuyekiswa kwenxenywe okanye ukuyekiswa okupheleleyo kweplani gabalala
- (3) Ukulungiswa kwentetho yomlomo okanye ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2) kunikezelwe kwi**Gosa-Mal-Ntik**.
- (4) Ezi ntshukumo zilandelayo zinikezelwe ku**MIw: Cw-Phi**
- (a) Ukuqokelela nokugcina uhlobo olusoloko lusemgceni lweSikimu alwenze lufumaneka ukuba lungahlolwa lukotshwe nguye nabani na nangaliphi na ixesha elifanelekileyo
 - (b) Ukufumana nokuphatha izicelo
 - (c) Ukwazisa abantu abaye bahlomla ngesiphakamiso okanye isicelo, besaziswa ngesigqibo sikaMasipala
 - (d) Ukunika ikopi, xa iceliwe, yezizathu zesigqibo zikaMasipala malunga nesiphakamiso okanye isicelo kunye nemiqathango yokuvunywa kwaso
 - (e) Ukufumana ikopi eziqinisekisiweyo zemizobo evunyiweyo okanye iplani gabalala
 - (f) Ukufaka iiplani namaxwebhu kwiiOfisi zoMphononongi-Mhlaba Jikelele neyeeTayitile zoMhlaba kwiimeko apho umhlaba uye waphinda wohlulwa okanye wadityaniswa, okanye apho kufakwe isicelo sokutshintshwa, ukunqunyanyiswa okanye ukucinywa komqathango wemvume yobunini ngokuphathelele kumhlaba kaMasipala
 - (g) Ukuphatha umba wesaziso sokunikwa kukawonke-wonke malunga nesicelo sokufakwa ngokwamanqanaba okanye ukuyekiswa kweplani yobume evunyiweyo
 - (h) Ukukhupha nokurhoxisa izaziso zokwaphulwa komthetho
 - (i) Ukudlulisa izaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile
 - (j) Ukuqwalasela izimvo ezifakiweyo ngokumalunga nesaziso sokwaphulwa komthetho
 - (k) Ukukhupha umyalelo wokwalela ukungena
 - (l) Ukubonisa umyalelo kwiziko obhekisa kulo
 - (m) Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe

- (n) Ukufumana nokuphatha izicelo ezilandelayo ukulungiselela ugunyaziso
 - (o) Ukwenza uhlobo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho
 - (p) Ukufaka imemorandam ephendulayo
 - (q) Ukurhoxisa imemorandam ephendulayo
 - (r) Ukumela iBhunga kutyelelo lwendawo yokusebenza olwenziwa yiNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
 - (s) Ukumela iBhunga ekuthethweni kwetyala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
 - (t) Ukuthatha isigqibo sendlela ekufuneka aziswe ngayo uMasipala malunga nesigqibo seNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
 - (u) Ukufumana ingxelo efungelweyo (iafidavithi) esuka kumceli emalunga nokufakwa kade kwesikhalazo
 - (v) Ukulungisa isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchaswa ingxelo leyo ifungelweyo
 - (w) Ukufaka kusosiba isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchaswa kwengxelo leyo ifungelweyo
 - (x) Ukufumana isaziso sesigwebo ngokubhekiselele ekufakweni kade kwesikhalazo
 - (y) Ukufaka izaziso kwiGazethi
 - (z) Ukugcina ufikelelo kwiinkcukacha lusemgangathweni
 - (aa) Ukukhupha nokufuna amaxwebhu
 - (bb) Ukunika isaziso soluntu
 - (cc) Ukuvumelana nomntu onomdla kuwo nawuphi umba othile ukuba kunikwe isaziso egameni likaMasipala kunye nokucela kuloo mntu ubungqina bokuba isaziso soluntu sikhutshiwe njengoko kuyimfuneko
 - (dd) Ukuchophela nokumela iBhunga kwintlanganiso yoluntu ngenjongo yokwazisa uluntu ngesiphakamiso okanye isicelo
 - (ee) Ukuthatha isigqibo sokuba kuyimfuneko na ukuhlolwa kwendawo ekuza kusetyenzwa kuyo
 - (ff) Ukumela iBhunga ngethuba lotyelelo lwendawo yomsebenzi okanye indibano yoluntu
 - (gg) Ukuthatha isigqibo sokuba iyimfuneko na indibano yoluntu
 - (hh) Ukuphendula umntu ofake izimvo zakhe malunga ezimalunga nesicelo
 - (ii) Ukufumana isicelo sokulungiswa, ukuhlaziywa, ukuyekiswa kwenxenye okanye ukuyekiswa okupheleleyo kweplani gabalala
- (5) Ezi ntshukumo zilandelayo zinikezelwe ku**Mcw-Dlp**:
- (a) Ukuqokelela nokugcina uhlobo olusoloko lusemgceni lweSikimu alwenze lufumaneke ukuba lungahlolwa lukotshwe nguye nabani na nangaliphi na ixesha elifanelekileyo
 - (b) Ukufumana nokuphatha izicelo

- (c) Ukuphonononga nokwenza izindululo kwiziphakamiso okanye izicelo ngokwalo Mthetho, nokukhupha izatifiketi eziqinisekisa ukuba ezo ziphakamiso okanye izicelo ziyawulandela uMthetho
- (d) Ukwazisa abantu abaye bahlomla ngesiphakamiso okanye isicelo, besaziswa ngesigqibo sikaMasipala
- (e) Ukunika ikopi, xa iceliwe, yezizathu zesigqibo zikaMasipala malunga nesiphakamiso okanye isicelo kunye nemiqathango yokuvunywa kwaso
- (f) Ukukhupha izatifiketi zokuhambelana nemiqathango yokuvunywa
- (g) Ukufumana iikopi eziqinisekisiweyo zemizobo evunyiweyo okanye iplani gabalala
- (h) Ukufaka iiplani namaxwebhu kwiiOfisi zoMphononongi-Mhlaba Jikelele neyeeTayitile zoMhlaba kwiimeko apho umhlaba uye waphinda wohlulwa okanye wadityaniswa, okanye apho kufakwe isicelo sokutshintshwa, ukunqunyanyiswa okanye ukucinywa komqathango wemvume yobunini ngokuphathelele kumhlaba kaMasipala
- (i) Ukuphatha umba wesaziso sokunikwa kukawonke-wonke malunga nesicelo sokufakwa ngokwamanqanaba okanye ukuyekiswa kweplani yobume evunyiweyo
- (j) Ukukhupha nokurhoxisa izaziso zokwaphulwa komthetho
- (k) Ukudlulisa izaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile
- (l) Ukuqwalasela izimvo ezifakiweyo ngokumalunga nesaziso sokwaphulwa komthetho
- (m) Ukukhupha umyalelo wokwalela ukungena
- (n) Ukubonisa umyalelo kwiziko obhekisa kulo
- (o) Ukukhupha imiyalelo yokunqanda engxamisekileyo ekhutshwa yiNkundla ePhakamileyo nokubonisa loo miyalelo kuloo ndawo ibhekisa kuyo
- (p) Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe
- (q) Ukufumana nokuphatha izicelo ezilandelayo ukulungiselela ugunyaziso
- (r) Ukwenza uhlobo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho
- (s) Ukufaka imemorandam ephendulayo
- (t) Ukurhoxisa imemorandam ephendulayo
- (u) Ukumela iBhunga kutyelelo lwendawo yokusebenza olwenziwa yiNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (v) Ukumela iBhunga ekuthethweni kwetyala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (w) Ukuthatha isigqibo sendlela ekufuneka aziswe ngayo uMasipala malunga nesigqibo seNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso
- (x) Ukufumana ingxelo efungelweyo (iafidavithi) esuka kumceli emalunga nokufakwa kade kwesikhalazo
- (y) Ukulungisa isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchasa ingxelo leyo ifungelweyo

- (z) Ukufaka kususiba isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchaswa kwengxelo leyo ifungelweyo
 - (aa) Ukufumana isaziso sesigwebo ngokubhekiselele ekufakweni kade kwesikhalazo
 - (bb) Ukulungisa intetho yomlomo okanye ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2)
 - (cc) Ukugcina ufikelelo kwiinkcukacha lusemgangathweni
 - (dd) Ukukhupha nokufuna amaxwebhu
 - (ee) Ukunika isaziso soluntu
 - (ff) Ukuvumelana nomntu onomdla kuwo nawuphi umba othile ukuba kunikwe isaziso egameni likaMasipala kunye nokucela kuloo mntu ubungqina bokuba isaziso soluntu sikhutshiwe njengoko kuyimfuneko
 - (gg) Ukuchophela nokumela iBhunga kwintlanganiso yoluntu ngenjongo yokwazisa uluntu ngesiphakamiso okanye isicelo
 - (hh) Ukucela ukuhlaziywa kwesicelo phambi kokuba sivunywe
 - (ii) Ukuthatha isigqibo sokuba kuyimfuneko na ukuhlolwa kwendawo ekuza kusetyenzwa kuyo
 - (jj) Ukumela iBhunga ngethuba lotyelelo lwendawo yomsebenzi okanye indibano yoluntu
 - (kk) Ukuthatha isigqibo sokuba iyimfuneko na indibano yoluntu
 - (ll) Ukuphendula umntu ofake izimvo zakhe malunga ezimalunga nesicelo
 - (mm) Ukucebisa uMphathiswa wezoLimo malunga nokwahlulwa-hlulwa komhlaba wolimo, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo
 - (nn) Ukujonga imiqathango onokusetyenziswa phantsi kwayo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo
 - (oo) Ukuhlengahlengisa okanye ukurhoxisa umqathango onokusetyenziswa phantsi kwawo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo
 - (pp) Ukufumana isicelo sokulungiswa, ukuhlaziywa, ukuyekiswa kwenxenye okanye ukuyekiswa okupheleleyo kweplani gabalala
 - (qq) Ukucebisa uMphononongi-mhlaba Gabalala malunga nemigaqo yemithetho ekuqulunqwe phantsi kwayo ukuvalwa okusisigxina kwayo nayiphi indawo yoluntu okanye inxalenye yayo
- (6) Ezi ntshukumo zilandelayo zinikezelwe kwiGos-Lwi-Zkhw:
- (a) Ukukhupha nokurhoxisa isaziso zokwaphulwa komthetho
 - (b) Ukudlulisa isaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile
 - (c) Ukukhupha umyalelo wokwalela ukungena
 - (d) Ukubonisa umyalelo kwiziko obhekisa kulo
 - (e) Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe

- (f) Ukwenza uhlobo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho
- (7) Ezi ntshukumo zilandelayo zinikezelwe ku**Gos-Th**:
 - (a) Ukudlulisa izaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile
 - (b) Ukukhupha umyalelo wokwalela ukungena
 - (c) Ukubonisa umyalelo kwiziko obhekisa kulo
 - (d) Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe

UMTHETHO WAKWAZULU-NATAL WOKUCWANGCISA NOPHULISO, KA2008
(UMTHETHO WESI-6 KA2008)

INDAWO YOKU-1

EYESILIMELA (JUNI) 2010

Imihla yokuqalisa:

1 eyoKwindla (Matshi) 2009	Izahluko zesi-6, 10 nese-11, inqaku le-15 leShedyuli yesi-2 neShedyuli yesi-5 yalo Mthetho kunye neZahluko soku-1, 8, 9 nese-12 neShedyuli yoku-1 yaloMthetho ngokubhekiselele kwindlela ezinxulumene ngayo nokutshintshwa, ukunqunyanyiswa nokucinywa kwemiqathango ngokubhekiselele kumhlaba; iNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso kunye nemithetho nemimiselo yokucwangcisa nophuhliso lwephondo
1 ekaCanzibe (Meyi) 2010	Intsalela yalo Mthetho, ngaphandle kwecandelo 89(3), 161(1), kunye nokubhangiswa kweSahluko soku-1 somGaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949 (uMgaqo oMiselweyo wama-27 ka1949)
7 eyeNkanga (Novemba) 2010	Ukubhangiswa kweSahluko soku-1 somGaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949 (uMgaqo oMiselweyo wama-27 ka1949) ngokunxulumene neKomishoni yaKwaZulu-Natal yokuCwangcisa noPhuhliso
Oseza kubhengezwa	ICandelo 89(3): isohlwayo soluntu emasihlawulwe phambi kokulungiswa okusemthethweni kwesakhiwo esingekho mthethweni ICandelo 161(1): Ukwalelwa kwesicelo sokuvunywa kokucwangcisa nophuhliso ngokoMthetho woNcediso loPhuhliso, ka1995 (uMthetho wama-67 ka1995)

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
1	Icandelo 4(2): Ukufaka kuMphathiswa wePhondo isicelo sokwandiselwa ithuba lokuvuma isikim okanye izikim zendawo yonke esiyilawulayo (isigqeba solawulo).	Inqaku: - Kukhatshwe ngamazwi enkxaso abhaliweyo kunye nesicelo esicacisa ubungakanani bexesha elongezelelweyo elifunwayo ngokwecandelo 4(3)	GQEB-LWL
2	Icandelo lesi-7: Ukuphonononga izikim, zethuba (iBhunga) elonyulelwe lona, zingaphelanga iinyanga ezintandathu emva kokuba iBhunga livume isiCwangciso soPhuhliso oluNdindeneyo		GQEB-LWL

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
3	Icandelo lesi-8: Ukuqokelela nokugcina uhlobo olusoloko lusemgceni lweSikimu lwenziwe lufumaneka ukuba lungahlotwa lukotshwe nguye nabani na nangaliphi na ixesha elifanelekileyo		MIWI-MSP MIWI: CW-PHI MCW-DIP
4	Icandelo 9(1), 22(1), 39(1), 51(1) no61(1): Ukuqalisa iziphakamiso egameni likaMasipala	Amanqaku: <ul style="list-style-type: none"> - Iziphakamiso kufuneka: <ul style="list-style-type: none"> • Zivume okanye zifake esinye endaweni yesikimu • Zihlaziye isikimu • Zahlula-hlule zize zidibanise umhlaba • Ziphuhlise umhlaba ongaphandle kwale ndawo yesikimu • Zifake ngokwamanqanaba okanye ziyekise ubume obuvunyiweyo • Zitshintshe, zinqumamise okanye zicime umqathango onxulumene nomhlaba - UMasipala kufuneka abe ngumnini womhlaba okanye asebenze ngemvume yomnini kwimeko yokwahlulwa-hlulwa komhlaba, ukudityaniswa komhlaba kunye nokuphuhliswa komhlaba ongaphandle kwale ndawo yesikimu - Ukulandelelwa ngokweNdawo yesi-2 yeShedyuli yoku-1, ngaphandle kokukhutshwa ngokwamanqanaba okanye ukuyekiswa kobume obuvunyiweyo - Ukulandelelwa kokukhutshwa ngokwamanqanaba kobume obuvunyiweyo ngokweCandelo lama-52 - Ukunikwa kweziphakamiso ezidityanisiweyo ngokwecandelo 10(4), 23(3), 40(2) no62(3) - Ilungelo lokuhlaziya isiphakamiso emva kokuba kukhutshwe isaziso soko ngokweShedyuli yoku-1 inqaku 17(1) - Ilungelo lokuhlaziya isikimu ukunqanda imfuneko yokuhlawula imbuyekezo ngokwecandelo 95(2) 	GQEB-LWL

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
5	Icandelo 9(2), 22(2), 39(2), 51(2) no61(2): Ukufumana nokuphatha izicelo	Amanqaku: <ul style="list-style-type: none"> - Izicelo kufuneka: <ul style="list-style-type: none"> • Zihlaziye isikimu • Zahlula-hlule zize zidibanise umhlaba • Ziphuhlise umhlaba ongaphandle kwale ndawo yesikimu • Zifake ngokwamanqanaba okaney ziyekise ubume obuvunyiweyo • Zitshintshe, zinqumamise okanye zicime umqathango onxulumene nomhlaba - Ukulandelelwa ngokweNdawo yoku-1 yeShedyuli yoku-1, ngaphandle kokukhutshwa ngokwamanqanaba okanye ukuyekiswa kobume obuvunyiweyo - Ukulandelelwa kokukhutshwa ngokwamanqanaba kobume obuvunyiweyo ngokweCandelo lama-52 - Imeko yomnini-olandelayo osemthethweni ngokwecandelo 9(3) - Ukunikwa kweziphakamiso ezidityanisiweyo ngokwecandelo 10(4), 23(3), 40(2) no62(3) 	Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
6	Amacandelo 11, 24, 41, 53 nelama-61: Ukuphonononga nokwenza izindululo kwiziphakamiso okanye izicelo ngokwalo Mthetho, nokukhupha izatifiketi eziqinisekisa ukuba ezo ziphakamiso okanye izicelo ziyawulandela uMthetho	Inqaku: <ul style="list-style-type: none"> - Imiba ehambelana nokuqwalaselwa kokuyimpumelelo kwezo ziphakamiso okanye izicela ikumacandelo 12, 25, 42, 54 nelama-64 	Mlwl: Cw-Phl MCw-Dlp

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
7	Icandelo 13(1): Ukuvuma, okanye ukwala <u>ukuvuma</u> okanye <u>ukufaka esinye endaweni</u> yesikimu, nokuba kukho okuthile okulungisiweyo okanye hayi	Amanqaku: <ul style="list-style-type: none"> - Isigqibo sisenokunganikwa igosa okanye omnye umasipala ngokwecandelo 156(1) - Isigqibo kufuneka sifuthelwe ngumcwangcisi obhalisiweyo okanye ingcebiso yomcwangcisi obhalisiweyo ngokwecandelo le-11 - Isigqibo sisenokungangqubani nemimiselo nemiqathango yokucwangcisa nophuhliso lwephondo okanye i-IDP kamasipala ngokwecandelo 13(2) no13(3) - Amaxesha amiselweyo ngokwenqaku le-12 nelama-21 eShedyuli yoku-1 - Umhla wokuqalisa kwesigqibo ngokwecandelo le-16 	GQEB-LWL Jonga amanqaku

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
8	<p>Icandelo 13(1), 26(1), 43(1), 55(1) no61(1): Ukuvuma, okanye ukwala ukuvuma isiphakamiso okanye isicelo, nokuba kukho okuthile okulungisiweyo okanye hayi.</p>	<p>Amanqaku:</p> <ul style="list-style-type: none"> - Izicelo kufuneka: <ul style="list-style-type: none"> • Zihlaziye isikimu • Zahlula-hlule zize zidibanise umhlaba • Ziphuhlise umhlaba ongaphandle kwale ndawo yesikimu • Zifake ngokwamanqanaba okaney ziyekise ubume obuvunyiweyo • Zitshintshe, zinqumamise okanye zicime umqathango onxulumene nomhlaba - Isigqibo kufuneka sifuthelwe yingcebiso yomcwangcisi obhalisiweyo ngokwecandelo le-11, 24, 41, 53 nelama-63 - Isigqibo kufuneka: <ul style="list-style-type: none"> • Sihlaziye isikimu • Sahlula-hlule size sidibanise umhlaba • Siphuhlise umhlaba ongaphandle kwale ndawo yesikimu • Zitshintshe, zinqumamise okanye zicime umqathango onxulumene nomhlaba <p>sisenokungangqubani nemimiselo nemiqathango yokucwangcisa nophuhliso lwephondo okanye i-IDP kamasipala ngokwecandelo 13(2), 26(2), 43(2) no64(2)</p> <ul style="list-style-type: none"> - Isigqibo kufuneka: <ul style="list-style-type: none"> • Sahlula-hlule size sidibanise umhlaba • Zitshintshe, zinqumamise okanye zicime umqathango onxulumene nomhlaba <p>sisenokungangqubani nesikimu ngokwecandelo 26(2) no65(2)</p> <ul style="list-style-type: none"> - Amaxesha amiselweyo ngokwenqaku le-12 nelama-21 eShedyuli yoku-1 - IsGQEB-LWL sisenokunyanzelisa imiqathango ngokwecandelo 13(4), 26(3) no(4), 43(3) no(4), 55(2) no65(3) - Izizathu zezigqibo kufuneka zihambelane necandelo 13(5), 26(5), 43(5), 55(3) no65(4) - Umhla wokuqaliswa kwesigqibo ngokwecandelo lwe-16, 29, 46, 58 nelama-68 - Icandelo lama-59 ngokunxulumene nesiphumo somthetho sokuvunywa kokufakwa ngokwamanqanaba okanye ukuyekiswa kweeplani zobume ezivunyiweyo (kuquka ukudluliswa komhlaba nobunini) - Azinakunqumamisa okanye zisuse ilungelo lezimbiwa elibhaliswe ecaleni kwetayitile yawo nawuphi na umhlaba 	GQEB-LWL

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
9	Icandelo 13(6), 26(6), 43(6), 55(4) no65(5): Ukulungisa impazamo kwindlela esibhalwe ngayo isigqibo sikaMasipala malunga nesiphakamiso okanye isicelo	Inqaku: Ukulungiswa oko akunakuba yinxalenye yotshintsho lwesigqibo saso okanye ulungiso, unqunyanyiso okanye ukucinywa komqathango yokuvunywa kwaso	GQEB-LWL
10	Icandelo 14(1), 27(1), 44(1), 56(1) no66(1): Ukwazisa abantu abaye bahlomla ngesiphakamiso okanye isicelo, besaziswa ngesigqibo sikaMasipala	Amanqaku: - Izaziso kufuneka zihambelane namacandelo 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	MIwl-Msp MIwl: Cw-Phl MCw-Dlp
11	Icandelo 14(5), 27(5), 44(5), 56(5) no66(5): Ukunika ikopi, xa iceliwe, yezizathu zesigqibo zikaMasipala malunga nesiphakamiso okanye isicelo kunye nemiqathango yokuvunywa kwaso	Amanqaku: - Izaziso kufuneka zihambelane namacandelo 14(2)-(4), 27(2)-(4), 44(2)-(4), 56(2)-(4), 66(2)-(4) - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	MIwl-Msp MIwl: Cw-Phl MCw-Dlp
	Icandelo le-17: Ukufumana nokuphatha isicelo semvume, ukuvunywa okanye ukunikwa kwemvume	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949 (uMgaqo oMiselweyo wama-27 ka1949) wemvume eyodwa usasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO
	Icandelo le-18: Ukuphonononga nokwenza izindululo kwiziphakamiso okanye izicelo zokunikwa kwemvume ngokwesi sikimu, kunye nokukhupha izatifiketi eziqinisekisa ukuba iziphakamiso okanye izicelo ziyahambelana nalo Mthetho	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949 (uMgaqo oMiselweyo wama-27 ka1949) wemvume eyodwa usasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO
	Icandelo lama-20: Ukuvuma, okanye ukwala ukuvuma iziphakamiso okanye izicelo zokunikwa imvume ngokwesi sikimu, nokuba kukho okuthile okulungisiweyo okanye hayi	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949 (uMgaqo oMiselweyo wama-27 ka1949) wemvume eyodwa usasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
	Icandelo 22(1): Jonga unikezelo lwamagunya lwe-4		
	Icandelo 22(2): Jonga unikezelo lwamagunya lwe-5		
	Icandelo 26(1): Jonga unikezelo lwamagunya lwe-8		
	Icandelo 26(6): Jonga unikezelo lwamagunya lwe-9		
	Icandelo 27(1): Jonga unikezelo lwamagunya lwe-10		
	Icandelo 27(5): Jonga unikezelo lwamagunya lwe-11		
12	Amacandelo 31(1), 31(3), 31(5), 34(2), 48(1), 48(3) no48(5): Ukukhupha izatifiketi zokuhambelana nemiqathango yokuvunywa	Amaqaku: - Ukubhekisa kwimiqathango ekhutshwe ngokwamacandelo 26(4), 43(4) no65(3); - Imigaqo yecandelo 31(4) no48(4) ngokubhekiselele ekumiweni kwezakhiwo okanye isakhelo	MIwl: Cw-Phl MCw-Dlp
	Icandelo 31(3): Jonga unikezelo lwamagunya lwe-12		
	Icandelo 31(5): Jonga unikezelo lwamagunya lwe-12		
13	Icandelo 32(1)(b): Ukufumana iikopi eziqinisekisiweyo zemizobo evunyiweyo okanye iplani gabalala		MIwl-Msp MIwl: Cw-Phl Ofs-Cw-Dlp
14	Amacandelo 33(1), 35 nelama-70: Ukufaka iiplani namaxwebhu kwiiOfisi zoMphononongi-Mhlaba Jikelele neyeeTayitile zoMhlaba kwiimeko apho umhlaba uye waphinda wohlulwa okanye wadityaniswa, okanye apho kufakwe isicelo sokutshintshwa, ukunqunyanyiswa okanye ukucinywa komqathango wemvume yobunini ngokuphathelele kumhlaba kaMasipala	Inqaku: - Icandelo 33(2) ne37(2) ngokubhekiselele ekuphelelweni kokuvunywa.	MIwl-Msp MIwl: Cw-Phl Ofs-Cw-Dlp
	Icandelo 34(2): Jonga unikezelo lwamagunya lwe-12		
	Icandelo lama-35: Jonga unikezelo lwamagunya lwe-14		

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
15	Icandelo 37(3), 37(4), 49(1) no49(2): Ukunika umceli ixesha elixeliweyo lokugqiba isakhiwo	Amanqaku: - Icandelo 37(5) no49(3) ngokubhekiselele ekuyekisweni kwenxalenye yeplani yobume evunyiweyo ekufuneka amalungelo ayo esetyenziswe ngokupheleleyo, neye yayekiswa - Kufuneka izaziso zihambelane necandelo 37(3) okanye u49(1) - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	GQEB-LWL
16	Icandelo 37(4): Ukurhoxisa isaziso esinika umceli ixesha elithile lokugqiba isakhiwo		GQEB-LWL
17	Icandelo 37(5) no49(3): Ukuqalisa ukuyekiswa kwenxalenye yeplani yobume evunyiweyo yamalungelo angasetyenziswanga ngokupheleleyo, nathe ayekiswa ngokwecandelo 37(3) no49(1)		GQEB-LWL
Icandelo 39(1): Jonga unikezelo lwamagunya lwesi-4			
Icandelo 39(2): Jonga unikezelo lwamagunya lwesi-5			
Icandelo 43(1): Jonga unikezelo lwamagunya lwesi-8			
Icandelo 43(6): Jonga unikezelo lwamagunya lwe-9			
Icandelo 44(1): Jonga unikezelo lwamagunya lwe-10			
Icandelo 44(5): Jonga unikezelo lwamagunya lwe-11			
Icandelo 48(1): Jonga unikezelo lwamagunya lwe-12			
Icandelo 48(3): Jonga unikezelo lwamagunya lwe-12			
Icandelo 48(5): Jonga unikezelo lwamagunya lwe-12			
Icandelo 49(1): Jonga unikezelo lwamagunya lwe-15			
Icandelo 49(2): Jonga unikezelo lwamagunya lwe-16			
Icandelo 49(3): Jonga unikezelo lwamagunya lwe-17			

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	Icandelo 51(1): Jonga unikezelo lwamagunya lwesi-4		
	Icandelo 51(2): Jonga unikezelo lwamagunya lwesi-5		
18	Icandelo 52(2): Ukuphatha umba wesaziso sokunikwa kukawonke-wonke malunga nesicelo sokufakwa ngokwamanqanaba okanye ukuyekiswa kweplani yobume evunyiweyo	Inqaku: - Kufuneka isaziso sihambelane necandelo 52(3)-(4)	Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
	Icandelo 55(1): Jonga unikezelo lwamagunya lwesi-8		
	Icandelo 55(4): Jonga unikezelo lwamagunya lwe-9		
	Icandelo 56(1): Jonga unikezelo lwamagunya lwe-10		
	Icandelo 56(5): Jonga unikezelo lwamagunya lwe-11		
	Icandelo 61(1): Jonga unikezelo lwamagunya lwesi-4		
	Icandelo 61(2): Jonga unikezelo lwamagunya lwesi-5		
	Icandelo 65(1): Jonga unikezelo lwamagunya lwesi-8		
	Icandelo 65(5): Jonga unikezelo lwamagunya lwe-9		
	Icandelo 66(1): Jonga unikezelo lwamagunya lwe-10		
	Icandelo 66(5): Jonga unikezelo lwamagunya lwe-11		
	Icandelo lama-70: Jonga unikezelo lwamagunya lwe-14		
	Icandelo 71(1): Ukuqalisa isicelo sokuvalwa okusisigxina kweendlela zikamasipala okanye iindawo zikawonke-wonke	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wamaGunya kaMasipala, ka1974 (uMgaqo oMiselweyo wama-25 ka1974) yokuvala okusisigxina kweendlela zikamasipala neendawo zikawonke-wonke isasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO

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	Icandelo 71(2): Ukufumana nokuphatha isicelo sokuvalwa okusisigxina kweendlela zikamasipala okanye iindawo zikawonke-wonke	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wamaGunya kaMasipala, ka1974 (uMgaqo oMiselweyo wama-25 ka1974) yokuvala okusisigxina kweendlela zikamasipala neendawo zikawonke-wonke isasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO
	Icandelo 71(2)(e): Ukuvuma, okanye ukwala ukuvalwa okusisigxina kweendlela zikamasipala okanye iindawo zikawonke-wonke, nokuba kukho okuthile okulungisiweyo okanye hayi	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wamaGunya kaMasipala, ka1974 (uMgaqo oMiselweyo wama-25 ka1974) yokuvala okusisigxina kweendlela zikamasipala neendawo zikawonke-wonke isasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO
	Icandelo lama-72: Ukuphonononga nokwenza izindululo kwiziphakamiso okanye izicelo zokuvalwa ngokusisigxina kweendlela zikamasipala neendawo zikawonke-wonke, kunye nokukhupha izatifiketi eziqinisekisa ukuba iziphakamiso okanye izicelo ziyahambelana nalo Mthetho	Indlela yolawulo: Ayinikwanga. Imigaqo yoMgaqo oMiselweyo wamaGunya kaMasipala, ka1974 (uMgaqo oMiselweyo wama-25 ka1974) yokuvala okusisigxina kweendlela zikamasipala neendawo zikawonke-wonke isasebenza, de ube lo Mthetho uhlaziyiwe	ALIKHO
19	Icandelo 76(1): Ukucela inkundla ukuba iphande ikhangele ngokushwankathelayo ixabiso lemali layo nayiphi na ingeniso enokuzuzwa ngumntu ngenxa yokophula kwakhe umthetho		GQEB-LWL
20	Icandelo 79(1): Ukukhupha nokurhoxisa izaziso zokwaphulwa komthetho	Amanqaku: - Ukwaphulwa komthetho okudwelisiweyo ngokwecandelo 75(1), 77(1), 78(1), 90(7) neShedyuli yoku-1 inqaku 10(6) - Isiqukatho sezaziso zokophulwa komthetho ngokwecandelo 79(2) nelama-80	GQEB-LWL Mlwi-Msp Mlwi: Cw-Phl MCw-Dlp Gos-Lwl-Zkhw

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
21	Icandelo 79(1): Ukudlulisa izaziso zokwaphulwa komthetho kubantu abarhanelwa ngokwaphula imithetho ethile	Inqaku: - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	MIwl-Msp MIwl: Cw-Phl MCw-Dlp Gos-Lwl-Zkhw Gs-Th
22	Icandelo 81(1): Ukuqwalasela izimvo ezifakiweyo ngokumalunga nesaziso sokwaphulwa komthetho		GQEB-LWL MIwl-Msp MIwl: Cw-Phl MCw-Dlp Gos-Lwl-Zkhw
23	Icandelo 81(2): Ukukhupha umyalelo wokwalela ukungena	Amanqaku: - Ukwaphulwa komthetho okudwelisiweyo ngokwecandelo 75(1), 77(1), 78(1), 90(7) neShedyuli yoku-1 inqaku 10(6) - Isiqulelo semiyalelo yokwalela ukungena ngokwecandelo 81(2) nelama-82 - Kujongwe icandelo 81(3)-(5)	GQEB-LWL
24	Icandelo 81(2)(a): Ukukhupha umyalelo wokwalela ukungena	Inqaku: - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	MIwl: Cw-Phl MIwl-Msp MCw-Dlp Gos-Lwl-Zkhw Gs-Th
25	Icandelo 81(2)(b), 84(1), 84(2) nelama-94: Ukufaka kwiNkundla ePhakamileyo isicelo sokukhutshwa nokurhoxiswa komyalelo owalela umntu ukuba angaqhubi nomsebenzi ongekho semthethweni okanye umyalelo wokudiliza	Amanqaku: - Kujongwe icandelo lama-84 - Kujongwe icandelo lama-98 - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo lama-85	GQEB-LWL MIwl-Msp
26	Icandelo lama-83 nelama-86: Ukubonisa umyalelo kwiziko obhekisa kulo		MIwl-Msp MIwl: Cw-Phl MCw-Dlp Gos-Lwl-Zkhw Gs-Th

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27	Icandelo 84(1): Ukukhupha imiyalelo yokunqanda engxamisekileyo ekhutshwa yiNkundla ePhakamileyo nokubonisa loo miyalelo kuloo ndawo ibhekisa kuyo	Inqaku: - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	Mlwl-Msp Mlwl: Cw-Phl MCw-Dip Gos-Lwl-Zkhw Gs-Th
28	Icandelo 84(3): Ukufaka kwiNkundla ePhakamileyo isicelo sokurhoxisa umyalelo wokunqanda okukhawulezileyo		GQEB-LWL Mlwl-Msp
29	Icandelo 84(4): Ukugqithisa isaziso kumntu onikwe umyalelo okhawulezileyo wokunqanda, ukuba loo myalelo urhoxisiwe	Inqaku: - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158	Mlwl-Msp Mlwl: Cw-Phl MCw-Dip Gos-Lwl-Zkhw Gs-Th
Icandelo lama-86: Jonga unikezelo lwamagunya lwama-26			
30	Icandelo 89(2): Ukufumana nokuphatha izicelo ezilandelayo ukulungiselela ugunyaziso	Inqaku: - Injongo yesicelo esilandelayo ngokwecandelo 89(1)	Mlwl-Msp Mlwl: Cw-Phl MCw-Dip
31	Icandelo 89(3): Ukuvuma, okanye ukwala izicelo ezilandelayo zokugunyaziswa kunye nokufaka izohlwayo zoluntu, nokuba kukho okuthile okulungisiweyo okanye hayi	Amanqaku: - Oko kuvunyiweyo makuquke imiqathango ebekwe kwicandelo 89(3) - IsGQEB-LWL sinokunyanzelisa eminye imiqathango ngokuka89(3)	GQEB-LWL
32	Icandelo 90(1): Ukwenza uhlolo lwendawo ekuza kusetyenzwa kuyo ngeenjongo zokulandela umthetho	Inqaku: - Umhloli kufuneka alandele amacandelo 90(1)-(6) necandelo lama-92	GQEB-LWL Mlwl-Msp Mlwl: Cw-Phl MCw-Dip Gos-Lwl-Zkhw
33	Icandelo 90(2): Ukukhupha isatifiketi esithi umntu ubekwe njengomhloli wocwangciso lwedolophu		Mlwl-Msp
34	Icandelo 91(1): Ukufaka kwiNkundla kaMantyi isicelo sokukhutshwa kwemvume yokungena ngeenjongo zokulandela umthetho	Inqaku: - Imiqathango idweliswe kwicandelo 91(1) ukuya ku(3)	GQEB-LWL Mlwl-Msp

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35	Icandelo lama-94: Ukuthumela enkundleni isicelo sokudliza, ukususa nokulungisa izakhiwo, izakhelo okanye imisebenzi, okanye sokuhlaziya umhlaba		GQEB-LWL
36	Icandelo 95(1), 96(1), 97(1) nelama-98: Ukufumana, ukuphatha nokuthetha-thethana malunga nezicelo zembuyekazo	Inqaku: Izicelo ezivela: Ezivela: <ul style="list-style-type: none"> • Ekuvunyweni okanye ekwenziweni kwemigaqo yezikimu • Kwinkonzo yemiyalelo yokunqanda engxamisekileyo eyenziwe gwenxa nangenjongo okanye ngokungakhathali • Ukunqunyanyiswa okanye ukususwa kwemiqathango 	GQEB-LWL Mlwi-Msp
37	Icandelo 95(1), 96(1), 97(1) nelama-98: Ukuqwalasela izicelo zembuyekazo	Inqaku: Izicelo ezivela: ezivela: <ul style="list-style-type: none"> • ekuvunyweni okanye ekwenziweni kwemigaqo yezikimu • kwinkonzo yemiyalelo yokunqanda engxamisekileyo eyenziwe gwenxa nangenjongo okanye ngokungakhathali ukunqunyanyiswa okanye ukususwa kwemiqathango 	GQEB-LWL
Icandelo 96(1): Jonga unikezelo lwamagunya lwama-36 nolwama-37			
Icandelo 97(1): Jonga unikezelo lwamagunya lwama-36 nolwama-37			
Icandelo lama-98: Jonga unikezelo lwamagunya lwama-36 nolwama-37			
38	Icandelo 99(1): Ukuvuma ixabiso lembuyekazo	Inqaku: Izicelo ezivela: ezivela: <ul style="list-style-type: none"> • Ekuvunyweni okanye ekwenziweni kwemigaqo yezikimu • Kwinkonzo yemiyalelo yokunqanda engxamisekileyo eyenziwe gwenxa nangenjongo okanye ngokungakhathali • Ukunqunyanyiswa okanye ukususwa kwemiqathango 	GQEB-LWL

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	Icandelo 113(2)(a): Ukufumana iimemorandam zezikhalazo	Inqaku: - Ngokuphathelele nezikhalazo eziphantsi kwecandelo le-15, icandelo lama-28, icandelo lama-45, icandelo lama-57, icandelo lama-67 - Umthetho ufuna ukuba imemorandam idluliselwe kuMlawuli kaMasipala	Mlwl-Msp Jonga amanqaku
39	Icandelo 114(1) no(3) no116(2): Ukufaka imemorandam ephendulayo	Amanqaku: - Isiqulatho sememorandam ephendulayo ngokwecandelo 114(2) - Imemofandam ephendulayo mayidluliswe ngokwecandelo 114(3)	GQEB-LWL Mlwl: Cw-Phl Mlwl-Msp MCw-Dlp
40	Icandelo 116(2): Ukurhoxisa imemorandam ephendulayo		GQEB-LWL Mlwl: Cw-Phl Mlwl-Msp MCw-Dlp
41	Icandelo 117(2): Ukumela iBhunga kutyelelo lwendawo yokusebenza olwenziwa yiNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso		GQEB-LWL Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
42	Icandelo le-120: Ukumela iBhunga ekuthethweni kwetyala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso		Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
43	Icandelo 120(2)(a): Ukuchonga umcebisi wezomthetho ukuba amele iBhunga ngethuba letyala leNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso		GQEB-LWL Mlwl-Msp
44	Icandelo le-123: Ukuthatha isigqibo sendlela ekufuneka aziswe ngayo uMasipala malunga nesigqibo seNkundla yaKwaZulu-Natal yeziKhalazo zokuCwangcisa noPhuhliso		Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
45	Icandelo 125(2)(c)(i): Ukufumana ingxelo efungelweyo esuka kumceli emalunga nokufakwa kade kwesikhalazo		Mlwl-Msp

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
46	Icandelo le-126: Ukulungisa isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchasa ingxelo leyo ifungelweyo		MIwl-Msp MIwl: Cw-Phl MCw-Dlp
47	Icandelo le-126: Ukufaka kusosiba isaziso esibhaliweyo sokuchaswa kokufakwa kade kwesikhalazo, kuquka nokuchaswa kwengxelo leyo ifungelweyo		MIwl-Msp MIwl: Cw-Phl MCw-Dlp
48	Icandelo le-129: Ukufumana isaziso sesigwebo ngokubhekiselele ekufakweni kade kwesikhalazo		MIwl-Msp MIwl: Cw-Phl MCw-Dlp
49	Icandelo 132(3): Ukulungisa intetho yomlomo okanye ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2)		MIwl-Msp Gos-Mal-Ntlk MIwl: Cw-Phl MCw-Dlp
50	Icandelo 132(3): Ukufaka intetho ebhaliweyo ngokubhekiselele kumyalelo weendleko okanye isohlwayo esinikwayo ngokwecandelo 132(2)		MIwl-Msp
	Icandelo 156(1) no(8): Ukunikezela ngegunya, ukuhlaziya okanye ukuhlutha naliphi na igunya elibekwe kuMasipala ngokoMthetho linikwa naliphi na igosa eliqeshwe nguye	Amanqaku: <ul style="list-style-type: none"> - IsGQEB-LWL asinakunikezela ngegunya lokunikezela ngegunya - IsGQB-LWL sinokunganikezeli ngegunya loxanduva lokuvuma okanye ukufaka esinye endaweni yesikimu njengoko kubekiwe kwicandelo le-13 - IsGQEB-LWL sinokunyanzelisa imiqathango ngokwecandelo 156(2). - Ukunikezelwa kwamagunya okanye uhlaziyo luqalisa emva kokupapashwa kwesaziso kwiGazethi, okanye ukuba kuxelwe umhla osezayo, ukususela ngaloo mhla ngokwecandelo 156(7)(c) 	GQEB-LWL Jonga amanqaku
51	Icandelo 156(7)(b) no156(9): Ukufaka izaziso kwiGazethi		MIwl-Msp MIwl: Cw-Phl

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
	Icandelo 157(1): Ukuba nezivumelwano neearhente ngenjongo zokwenziwa kwemisebenzi	Indlela yolawulo: Alinikezelwanga eli gunya IsGQEB-LWL siya kuba nezivumelwano neearhente, ukuba oko kuyimfuneko. Amanqaku: - Emva kokusebenzisa izikhokelo ezikwicandelo lama-78 loMthetho weeNdlela zoKwenza zikaMasipala, ka2000 (uMthetho wama-32 ka2000) No. 32 of 2000)	GQEB-LWL Jonga indlela yokulawula
52	Icandelo le-160: Ukugcina ufikelelo kwiinkcukacha lusemgangathweni	Amanqaku: Kuquka: <ul style="list-style-type: none"> Iziphakamiso nezicelo Izimvo malunga neziphakamiso nezicelo Ukuphononongwa ngumcwangcisi obhalisiweyo Isatifiketi esikhutshwa ngumcwangcisi obhalisileyo sokuba isiphakamiso okanye isicelo siyawulandela uMthetho Isigqibo malunga nesiphakamiso okanye isicelo 	MIwl-Msp MIwl: Cw-Phl MCw-Dlp
53	Ishedyuli yoku-1 inqaku 2(1)(a), 4(1), 9(1), 10(2), 11(2), 19(1), 20(4): Ukukhupha nokufuna amaxwebhu	Amanqaku: - Ukukhuphela abantu amaxwebhu: <ul style="list-style-type: none"> Cela iinkcukacha ezongezelelweyo Isicelo sesaziso sigqityiwe Iikopi zezimvo eziya kumceli malunga nesiphakamiso okanye isicelo Isaziso sokuhlolwa kwendawo ekuza kusetyenzwa kuyo Isaziso sendibano - Ukuhanjiswa kwezaziso kufuneka kuhambelane necandelo le-158 - Ukubalwa kwenani leentsuku ngokwecandelo le-159 - Isaziso sendibano kufuneka sihambelane neShedyuli yoku-1 inqaku 11(3) no20(2) no20(5)	MIwl-Msp MIwl: Cw-Phl MCw-Dlp
Ishedyuli yoku-1 inqaku 4(1): Jonga unikezelo lwamagunya lwwama-53			

INO MB OLO	UBUME	INDLELA EMAYILANDELEWE / INQAKU	INQANABA
54	Ishedyuli yoku-1 inqaku 5(1), 6(1), 8(2) no(3), 14(1), 15(1) no17(2) no17(3): Ukunika isaziso soluntu	Amanqaku: - Kuquka: • Isaziso sendawo leyo • Isaziso sobuqu • Isaziso sephepha-ndaba • Ukufumana ubungqina besaziso • Isaziso sokuhlaziywa kwesiphakamiso okanye isicelo - Isaziso kufuneka zihambelane neShedyuli yoku-1 amanqaku 5(2)-(3), 6(1), 7(1), 14(2)-(3), 15(3), 16. - Isaziso soluntu asiyomfuneko kwiimeko ezidweliswe ngokwecandelo 10(3), 23(2), 62(2)	Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
Ishedyuli yoku-1 inqaku 6(1): Jonga unikezelo lwamagunya lwama-54			
55	Ishedyuli yoku-1 inqaku 6(2)-(3): Ukuvumelana nomntu onomdla kuwo nawuphi umba othile ukuba kunikwe isaziso egameni likaMasipala kunye nokucela kuloo mntu ubungqina bokuba isaziso soluntu sikhutshiwe njengoko kuyimfuneko		Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
56	Ishedyuli yoku-1 amanqaku 6(4) no15(2): Ukuchophela nokumela iBhunga kwintlanganiso yoluntu ngenjongo yokwazisa uluntu ngesiphakamiso okanye isicelo		Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp
57	Ishedyuli yoku-1 inqaku 8(1)(b): Ukucela ukuhlaziywa kwesicelo phambi kokuba sivunywe		Mlwl: Cw-Phl MCw-Dlp
Ishedyuli yoku-1 inqaku 8(2) no(3): Jonga unikezelo lwamagunya lwama-54			
Ishedyuli yoku-1 inqaku 9(1): Jonga unikezelo lwamagunya lwama-53			
58	Ishedyuli yoku-1 inqaku 10(1): Ukuthatha isigqibo sokuba kuyimfuneko na ukuhlolwa kwendawo ekuza kusetyenzwa kuyo.		Mlwl-Msp Mlwl: Cw-Phl MCw-Dlp

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
59	IShedyuli yoku-1 amanqaku 10(1) no11(4): Ukumela iBhunga ngethuba lotyelelo lwendawo yomsebenzi okanye indibano yoluntu	Inqaku: - Imiqathango idweliswe kwicandelo 10(3)-(5)	MIwl-Msp MIwl: Cw-Phl MCw-Dlp
IShedyuli yoku-1 inqaku 10(2): Jonga unikezelo lwamagunya lwama-53			
60	IShedyuli yoku-1 amanqaku 11(1) no20(1): Ukuthatha isigqibo sokuba iyimfuneko na indibano yoluntu		MIwl-Msp MIwl: Cw-Phl MCw-Dlp
IShedyuli yoku-1 inqaku 11(2): Jonga unikezelo lwamagunya lwama-53			
IShedyuli yoku-1 inqaku 14(1): Jonga unikezelo lwamagunya lwama-54			
IShedyuli yoku-1 inqaku 15(1): Jonga unikezelo lwamagunya lwama-54			
IShedyuli yoku-1 inqaku 15(2): Jonga unikezelo lwamagunya lwama-56			
61	IShedyuli yoku-1 inqaku 17(1): Ukuhlaziya iziphakamiso ezimalunga nomhlaba webhunga phambi kokuba zivunywe nguMasipala	Inqaku: - IShedyuli yoku-1 inqaku 17(2)-(3):	GQEB-LWL
IShedyuli yoku-1 inqaku 17(2): Jonga unikezelo lwamagunya lwama-54			
IShedyuli yoku-1 inqaku 17(3): Jonga unikezelo lwamagunya lwama-54			
62	IShedyuli yoku-1 inqaku le-18: Ukuphendula umntu ofake izimvo zakhe malunga ezimalunga nesicelo		GQEB-LWL MIwl-Msp MIwl: Cw-Phl MCw-Dlp
IShedyuli yoku-1 inqaku 19(1): Jonga unikezelo lwamagunya lwama-53 malunga nesaziso sokuhlolwa kwendawo ekuza kusetyenzwa kuyo			
IShedyuli yoku-1 inqaku 19(1): Jonga unikezelo lwamagunya lwama-58 malunga nesigqibo sokwenza uhlobo lwendawo ekuza kusetyenzwa kuyo			
IShedyuli yoku-1 inqaku 20(1): Jonga unikezelo lwamagunya lwama-60			
IShedyuli yoku-1 inqaku 20(4): Jonga unikezelo lwamagunya lwama-53			

UMGAQO OMISELWEYO WOKUCWANGCISWA KWEDOLOPHU, KA1949
(UMGAQO OMISELWEYO WAMA- 27 KA1949)

INDAWO YESI-2

Umthetho wephondo obekiweyo

Umhla wokuqala kwawo: 1 yeThupha (Agasti) 1951

INO MB OLO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
1	Icandelo 67bis: Ukunika okanye ukwala izicelo zemvume eyodwa	IsGQEB-LWL masifumane isindululo kumcwangcisi obhalisiweyo	GQEB-LWL

**ISAHULWANA SOMTHETHO WOMHLABA WOLIMO
(UMTHETHO WAMA- 70 KA1970)**

INDAWO YESI-3

Umthetho kazwelonke

Umhla wokuqala kwawo: 2 eyoMqungu (Janyuwari) 1971

Inqaku: Imigaqo yalo mthetho aliyinikwanga

iphondo laKwaZulu-Natal

IN OM BO LO	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
1	Icandelo 4(2)(b): Ukucebisa uMphathiswa wezoLimo malunga nokwahlulwa-hlulwa komhlaba wolimo, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo	Indlela yolawulo: Kufuneka umcwangcisi obhalisiweyo anike ingcebiso okanye kwingcebiso yomcwangcisi obhalisiweyo.	MIWL: Cw-Phl MCw-Dlp
2	Icandelo 4(2)(b): Ukujonga imiqathango onokusetyenziswa phantsi kwayo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo	Indlela yolawulo: Kufuneka isigqibo sithathwe ngumcwangcisi obhalisiweyo okanye kwingcebiso yomcwangcisi obhalisiweyo.	MIWL: Cw-Phl MCw-Dlp
3	Icandelo 4(3): Ukuqinisekisa ngokulandelwa komqathango onokusetyenziswa phantsi kwawo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo	Inqaku: Umqathango onyanzeliswa ngokwecandelo 4(2)(2) lalo Mthetho.	GQEB-LWL
4	Icandelo 4(4): Ukuhlengahlengisa okanye ukurhoxisa umqathango onokusetyenziswa phantsi kwawo umhlaba, ukuba uMphathiswa wezoLimo uyaneliseka kukuba loo mhlaba awufanelanga kusetyenziselwa ulimo	Indlela yolawulo: Kufuneka isigqibo sithathwe ngumcwangcisi obhalisiweyo okanye kwingcebiso yomcwangcisi obhalisiweyo. Inqaku: Umqathango onyanzeliswa ngokwecandelo 4(2)(2) lalo Mthetho.	MIWL: Cw-Phl MCw-Dlp

**UMTHETHO WOPHONONONGO LOMHLABA, KA1997
(UMTHETHO WESI- 8 KA1997)**

INDAWO YESI-4

Umthetho kazwelonke

Umhla wokuqala kwawo: 11 kuTshazimpuzi (Epreli) 1997

HA YI	UBUME	INDLELA EMAYILANDELWE / INQAKU	INQANABA
1	Icandelo 37(2): Ukufumana isicelo sokutshintshwa, ukuhlaziywa, ukuyekiswa kwenxenyekanye ukuyekiswa okupheleleyo kweplani gabalala	Amanqaku: Malifundwe necandelo 37(3) lalo Mthetho. *Ukunikezelwa kwamagunya yiNkulumbuso.	MIwl-Msp MIwl: CW-Phl MCW-Dlp
2	Icandelo 37(2): Ukuvumela ukutshintshwa, ukuhlaziywa, ukuyekiswa kwenxenyekanye ukuyekiswa okupheleleyo kweplani gabalala	Indlela yolawulo: Kufuneka isigqibo sithathwe ngumcwangcisi obhalisiweyo okanye kwingcebiso yomcwangcisi obhalisiweyo. Amanqaku: Ummeli usenokunyanzelisa imiqathango. Makufundwe necandelo 37(3) loMthetho kunye necandelo lama-30 loMthetho wokuCwangcisa noPhuhliso waKwaZulu-Natal, ka2008 (uMthetho wesi-6 ka2008) *Ukunikezelwa kwamagunya yiNkulumbuso.	GQEB-LWL
3	Icandelo 37(2): Ukucebisa uMphononongi-mhlaba Gabalala malunga nemigaqo yemithetho ekuqulunqwe phantsi kwayo ukuvalwa okusisigxina kwayo nayiphi indawo yoluntu okanye inxalenye yayo	Amanqaku: Ukuvumela ukutshintshwa, ukuhlaziywa, ukuyekiswa kwenxenyekanye ukuyekiswa okupheleleyo kweplani gabalala Malifundwe necandelo 37(3) lalo Mthetho. *Ukunikezelwa kwamagunya yiNkulumbuso.	MLWL: CW-PHL MCW-DLP

IMIGAQO ESEMTHEHWENI ELAWULA UKUNIKEZELWA KWAMAGUNYA (UMTHETHO GABALALA (COMMON LAW))

ISIHLOMELO A

EYOMQUNGU 2010

Isekelwe kuL. Baxter, Administrative Law (1984), Y. Burns, Administrative Law Under The 1996 Constitution noM. Wiechers, Administrative Law (1985)

1. "umsebenzi" wegunya ebelisoloko likhona udluliselwe ngokupheleleyo. Umenzi womsebenzi onike igunya akanakulisebenzisa elo gunya linikiweyo. Ngoko ke umenzi womsebenzi onikwe igunya unoxanduva olupheleleyo lokulisebenzisa. Ngamanye amaxesha "ukunikwa" kwamagunya kukwabizwa ngokuba kukunatyiswa kwamagunya.
2. Igunya "ekunikezelwe ngalo" alidluliselwanga ngokupheleleyo. Umenzi womsebenzi onikezela ngegunya (umniki-gunya (*idelegans*)) usenolisebenzisa nangokwakhe elo gunya aze asale enoxanduva olupheleleyo lokulisebenzisa ke ngoko. Kodwa ke, akuba umenzi womsebenzi onikwe igunya (umgunyaziswa/ umthunywa) esebenzisa igunya lakhe ngokunxulumene nemeko ethile lowo ubenikezele ngegunya akasenakho ukulisebenzisa igunya kuloo meko. Ngamanye amaxesha "ukunikwa" kwamagunya kukwabizwa ngokuba kukusasazwa kwamagunya.
3. Igunya alinikezelwa kwisebe likarhulumente gabalala. Igunya linikwa umenzi womsebenzi, umzekelo, "uMphathi", "uMphathiswa wePhondo ojongene nooRhulumente beeNdawo", "iNtloko yeSebe" okanye "iNkundla yoPhuhliso".
4. Igunya elinikwe umenzi womsebenzi linokuthi, njengomgaqo, lenziwe ngumenzi womsebenzi kuphela. Oku kubangelwa kukuba kukho ubungozi bokuba xa kuvunyelwa unikezelo ngamagunya elo gunya lingenziwa ngumntu ongafanelekanga okanye ongekho kwezopolitiko okanye mhlawumbi ongenaxanduva ngokufanayo naloo mntu indlu yowiso-mthetho ibimcingile. Ukunikezelwa kwamagunya ngaphandle kogunyaziso oluvakalisiweyo okanye olucingelwayo emthethweni kuthathwa njengokulahlwa kogunyaziso.
5. Amagunya anikezelwe kumenzi womsebenzi akanakuphinda anikezelwe komnye umntu nguloo menzi womsebenzi (unikezelweyo). Le nto ayimnqandi umenzi womsebenzi ekubeni angaceli uncedo kwabanye abantu ekwenzeni igunya okanye ekuthatheni isigqibo nokufumana uncedo komnye umntu xa esenza eso sigqibo.

6. Apho igunya elinganyanzelekanga liye lanikwa isebe likarhulumente, elo sebe alinakuphinda linikezele ngelo gunya ngaphandle kokuba lixelelwa njalo ngomthetho. Ngoko ke, ilungu elisemthethweni alinakuphinda linikezele ngamagunya alo. UMgaqo oMiselweyo wokuCwangciswa kweDolophu, ka1949, ukubeka ngokucacileyo ukuphinda kunikezelwe ngamagunya athile kweKZNPDC.
7. Ukulahlwa kwamagunya kungenzeka ngeendlela ezintathu: Ukusebenza phantsi konikezelo lwegunya okungekho mthethweni, ukusebenza phantsi kokuxelelwa ngomnye umntu okanye iqumrhu kunye nokungakwazi ukwenza (oko ubufanelwe kukukwenza).
8. Igunya alinakunikezelwa kubenzi bomsebenzi abangaphezu komnye xa ungekho umgaqo ocacisayo kumthetho olandelwayo.
9. Apho umthetho uvumela ukohlulwa kwamaziko kufuneka loo nto ilandelwe. Umenzi womsebenzi akanakuzibeka esweni okanye azibhalele amazwi enxaso.
10. Umenzi womsebenzi kufuneka onyulwe ngokufanelekileyo yaye kufuneka afezekise zonke iimfuno ezibekiweyo ngokubhekisele kuqeqesho, amava, imiqathango yokunikezelwa kwamagunya, njl. Isenzo esenziwe ngumenzi womsebenzi ongekonyulwa ngokusesikweni okanye ongakhange azivezekise zonke iimfuno nemiqathango yokunikezelwa kwamagunya siya kuthathwa njengesingamkelekanga.
11. Apho ukonyulwa komntu kwenziwa ngokobuqu, njengokonyulwa kwelungu lequmrhu elilawulayo okanye igosa elibekiweyo, omnye umntu akanakuwasebenzisa amagunya alowo wonyuliweyo.
12. Apho konyulwa abantu abaninzi ukuba benze igunya, umzekelo iqumrhu elilawulayo, kufuneka basebenze kunye njengequmrhu, ngaphandle kokuba umthetho ucacisa ngenye indlela. Elo qumrhu lisenokonyula ikomitana yokuphanda imiba ethile, kodwa izigqibo kufuneka zenziwe lilo. Umthetho udla ngokuyicacisa ikhoram yamalungu ekufuneka ekhona xa kuthathwa isigqiba.
13. Iqumrhu elilawulayo alinakuthatha amagunya omnye umenzi womsebenzi. Xa umthetho ugunyazisa igosa elibekiweyo ukuba landise ixesha ekufuneka zifakwe ngalo iiplani kuMphononongi-mhlaba Gabalala, iNkundla yoPhuhliso ayinakulunika ulwandiso lwexesha.
14. Ubukho begunya elicingelwayo lonikezelo ngamagunya buxhomekeke kule miba ilandelayo:
 - (a) ubungakanani bodluliselo lwegunya elo;
 - (b) ukubaluleka kwalowo unikwe amagunya woqobo;

- (c) ubunzima kunye nomgama wesigqibo ekufuneka sithathiwe;
 - (d) ifuthe legunya elo; kunye
 - (e) nemfuno ebonakalayo.
15. Igunya linokunikezelwa xa unikezelo ngegunya luvalelekile abe lowo unikezele ngegunya egcina ulawulo olupheleleyo lwesigqibo sokugqibela.
16. Igunya linokunikezelwa apho unikezelo olo luya kuqinisekisa ngokuba isigqibo eso sithathwe ngumenzi womsebenzi oqeqeshiweyo okanye onamava.
17. Amagunya afuna ingqiqo encinci okanye anganyazelekanga adla ngokunikezeleka (izenzo ezenziwa ngokubonakalayo (*mechanical*)).
18. Amagunya afuna ingqiqo ebalulekileyo adla ngokunganikezeleki, ngakumbi kwimeko yeengqiqo ezingakhokelwayo (apho kungekho sikhokelo samthetho, kungekho mimiselo, kungekho zindululo ekufuneka zijongiwe, njl).
19. Amagunya anokunyathela amalungelo omntu adla ngokungagqithiselwa.
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