

KwAZULU-NATAL PROVINCE

KwAZULU-NATAL PROVINSIE

ISIFUNDAZWE sAKwAZULU-NATALI

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 43 OF 2017**KWAZULU-NATAL UMZIMKHULU ALIGNMENT BILL, 2015****Notice in terms of Rule 204 of the Standing Rules of the KwaZulu-Natal Legislature**

Notice is hereby given in terms of Rule 204 of the Standing Rules of the Provincial Legislature that the KwaZulu-Natal Umzimkhulu Alignment Bill, 2015 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Portfolio Committee on Cooperative Governance and Traditional Affairs. The public and other interested groups are invited to submit representations on the said Bill, which representations must be addressed to:

The Secretary
KwaZulu-Natal Legislature
Private Bag X 9112
PIETERMARITZBURG
3200

Attention: Mrs ZP Molefe

E-mail: ndlovunz@kznleg.gov.za

so as to reach her not later than 15 working days from the date of publication.

N NAIDOO
Secretary to the KwaZulu-Natal Legislature

KENNISGEWING 43 VAN 2017**KWAZULU-NATAL WETSONTWERP OP BERIGTING VAN
UMZIMKHULU, 2015****Kennisgewing ooreenkomstig Reël 204 van die Staande Reëls van die
KwaZulu-Nataalse Wetgewer**

Kennisgewing geskied hiermee ooreenkomstig Reël 204 van die Staande Reëls van die KwaZulu-Nataalse Wetgewer dat die Kwazulu-Natal Wetsontwerp op Berigting van Umzimkhulu, 2015 soos hieronder uiteengesit, by die voorgemelde Wetgewer ingedien is en deur die Portefeuljekomitee oor Samewerkende Regering en Tradisionele Sake oorweeg sal word. Die publiek en ander belanghebbende groepe word uitgenooi om vertoë oor die vermelde wetsontwerp in te dien, welke vertoë gerig moet word aan:

Die Sekretaris
KwaZulu-Nataalse Wetgewer
Privaatsak X 9112
PIETERMARITZBURG
3200

Aandag: Mev ZP Molefe

E-pos: ndlovunz@kznleg.gov.za

Vertoë moet haar nie later as 15 werkdag vanaf die datum van hierdie publikasie bereik nie.

N NAIDOO
Sekretaris van die KwaZulu-Nataalse Wetgewer

UMTHETHOSIVIVINYWA WOKUHLELWA KABUSHA KWENDAWO YASEMZIMKHULU WAKWAZULU-NATALI, 2015

Isaziso ngokulandela uMthetho 204 weMithetho Emileyo yesiShayamthetho saKwaZulu-Natali

Ngalokhu kunikezwa isaziso ngokulandela uMthetho 204 weMithetho Emileyo yeSishayamthetho sesiFundazwe maqondana nokuthi uMthethosivivinywa wokuHlelwa kaBusha kweNdawo yaseMzimkhulu WaKwaZulu-Natali, ka-2015, njengoba uchazwe ngezansi, sewethuliwe eSishayamthetho esibalulwe ngenhla futhi uzocutshungulwa yiKomidi leSishayamthetho Lezokubusa Ngokubambisana Nezomdabu. Umphakathi kanye nezinhlangothi ezinentshisekelo bayamenywa ukuba balethe izethulo ezimayelana nalo Mthethosivivinywa, okumele ziqondiswe:

KuNobhala weSishayamthetho saKwaZulu-Natali
Isikhwama Seposi X9112
Pietermaritzburg
3200

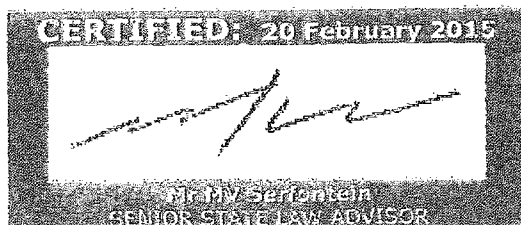
Zibhekiswe kuNkk ZP Molefe

Imeyili: ndlovunz@kznleg.gov.za

ukuze zifinyelele kuye zingakapheli izinsuku eziyi-15 zokusebenza kusukela ngosuku okushicilelwe ngalo lesi saiziso

N NAIDOO
UNobhala weSishayamthetho saKwaZulu-Natali

KWAZULU-NATAL
UMZIMKHULU ALIGNMENT BILL, 2015



BILL

To provide for the alignment of the policy, statutory and administrative frameworks currently in force in the area of jurisdiction of the Umzimkhulu Local Municipality with the policy, statutory and administrative frameworks currently applicable and in force in the greater KwaZulu-Natal; to provide for the repeal of identified parts of the Eastern Cape policy, statutory and administrative frameworks in force in the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for the confirmation of the territorial application of the existing KwaZulu-Natal policy, statutory and administrative frameworks to the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for a framework for the protection of all existing rights and interests in the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for the validation of executive and administrative actions performed in good faith in the area of jurisdiction of the Umzimkhulu Local Municipality; to authorise the Member of the Executive Council responsible for local government to make regulations and issue notices; to provide for transitional measures; and to provide for related matters.

PREAMBLE

WHEREAS the incorporation of the Umzimkhulu Local Municipality into the Province of KwaZulu-Natal on 1 March 2006, in accordance with the Constitution of the Republic of South Africa, 1996, and the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), occurred without a specific statutory framework for the replacement of the applicable Eastern Cape policy, statutory and administrative frameworks by the existing KwaZulu-Natal policy, statutory and administrative frameworks; and

WHEREAS it is necessary to provide for the express replacement of the Eastern Cape policy, statutory and administrative frameworks applicable in the area of jurisdiction of the Umzimkhulu Local Municipality with the existing KwaZulu-Natal policy, statutory and administrative frameworks, this Act seeks to –

- (a) align the policy, statutory and administrative frameworks currently in force with those applicable in the greater KwaZulu-Natal; (b) repeal identified parts of the Eastern Cape policy, statutory and administrative frameworks in force in the area of jurisdiction of the Umzimkhulu Local Municipality;
- (c) confirm the territorial application of the existing KwaZulu-Natal, policy, statutory and

administrative frameworks to the area of jurisdiction of the Umzimkhulu Local Municipality;

(d) provide a framework for the continued recognition and protection of all existing rights and interests in the area of jurisdiction of the Umzimkhulu Local Municipality;

(e) validate all administrative acts performed in good faith in the area of jurisdiction of the Umzimkhulu Local Municipality;

(f) vest regulatory and other powers in the Member of the Executive Council responsible for local government;

(g) provide for transitional measures; and

(h) provide an enabling framework for the sustainable development of the Umzimkhulu Local Municipality and its communities,

BE IT THEREFORE ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise —

"**area of jurisdiction**" means the designated area of jurisdiction of the Umzimkhulu Local Municipality;

"**customary law**" means those customs that are regarded to be binding on, and enforceable in respect of, all members of a particular traditional community whether or not recognised as contemplated in this Act;

"**customs**" means traditional practices adhered to by a traditional community, whether or not recognised as contemplated in this Act;

"**date of incorporation**" means 1 March 2006;

"**Eastern Cape**" means the province of the Eastern Cape;

"**Gazette**" means the official *Provincial Gazette* of KwaZulu-Natal;

"**KwaZulu-Natal**" means the province of KwaZulu-Natal;

"organ of state" means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

"provincial legislature" means a provincial legislature as contemplated in section 104 of the Constitution of the Republic of South Africa, 1996;

"Provincial Legislature" means the Legislature of the Province of KwaZulu-Natal;

"provincial public entity" means a provincial public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"responsible Member of the Executive Council" means the Member of the Executive Council responsible for local government in KwaZulu-Natal;

"rights and interests" includes, but is not limited to –

(a) authorisations, licences, permits and permissions; and

(b) the concomitant liabilities, obligations and duties,

acquired, allocated, obtained, recognised or vested prior to the commencement of this Act in accordance with any policy, statutory or administrative framework;

"this Act" includes regulations made and notices and schedules published as contemplated in this Act;

"traditional community" means a community recognised as contemplated in section 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

"traditional council" means a council established as contemplated in section 8 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

"traditional institution" means an institution, whether or not recognised as contemplated in this Act, established as contemplated in accordance with the applicable customary law and customs of a traditional community, whether or not

recognised as contemplated in section 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

"traditional leader" means a person recognised in Chapter 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005) as a traditional leader; and

"Umzimkhulu Local Municipality" means the municipality –

- (a) established by Provincial Notice 344 of 2000, published in *Provincial Gazette* 5563 of 2000, as amended by Provincial Notice 1 of 2006, published in *Provincial Gazette* 6456 of 5 January 2006, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and
- (b) which shares municipal executive and legislative authority in its area with the Sisonke District Municipality, as contemplated in section 4 of the KwaZulu-Natal Determination of Types of Municipalities Act, 2000 (Act No. 7 of 2000).

Application of Act

2. This Act –

- (a) applies to the area of jurisdiction of the Umzimkhulu Local Municipality as contemplated in this Act, and is administered by the responsible Member of the Executive Council; and
- (b) prevails in cases of conflict with any other provincial legislation.

Policy, statutory and administrative frameworks applicable in Umzimkhulu

3. Subject to the provisions of this Act, the policy, statutory and administrative frameworks obtaining in KwaZulu-Natal, as amended from time to time, apply to the area of jurisdiction of the Umzimkhulu Local Municipality from the date of commencement of this Act.

Recognition and continued protection of existing rights and interests

4.(1) Any right or interest, whether acquired, allocated, obtained, recognised or vested before or after the date of incorporation is hereby –

- (a) recognised and the content and substance thereof is not altered in any respect by the commencement of this Act; and
- (b) regarded to be a right or interest recognised by the policy, statutory and administrative frameworks existing in KwaZulu-Natal.

(2) Any application for the renewal of any right or interest, that lapses within a specified period of time, as specified in any policy, statutory or administrative framework applicable to such right or interest, must be made in accordance with the relevant provision of the corresponding KwaZulu-Natal policy, statutory or administrative framework.

(3) In the absence of any corresponding KwaZulu-Natal policy, statutory or administrative framework as contemplated in subsections (1) or (2), the applicable Eastern Cape framework in accordance with which the right or interest was acquired, allocated, obtained, recognised or vested, is hereby recognised as the relevant KwaZulu-Natal policy, statutory or administrative framework, as the case may be, for as long as that right or interest exists.

Validation of executive and administrative actions

5.(1) All executive and administrative actions relating to any matter pertaining to the administration of the Umzimkhulu Local Municipality and the local communities within its area of jurisdiction before the commencement of this Act, performed in good faith by any functionary or official contemplated in subsection (2), are hereby regarded to have been validly performed –

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) where the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, service level agreements or service delivery agreements, was not fully complied with.

(2) For purposes of this section, "functionary" or "official" means –

- (a) a member of the Executive Councils of the Eastern Cape and KwaZulu-Natal;
- (b) an office bearer or member of the Umzimkhulu, Alfred Nzo and Sisonke Municipal Councils; and

(c) an official within –

- (i) the Provincial Governments of the Eastern Cape and KwaZulu-Natal;
- (ii) the Umzimkhulu Local Municipality and the Alfred Nzo and Sisonke District Municipalities; and
- (iii) any provincial organ of state or provincial public entity.

Regulatory and other powers

6. The responsible Member of the Executive Council may –

(a) by notice in the *Gazette* –

- (i) make regulations not inconsistent with this Act for any matter that may facilitate the application of this Act; and
- (ii) publish or amend any schedule he or she considers necessary for purposes of giving effect to this Act; and

(b) issue notices in the *Gazette* relating to the conversion of rights and interests contemplated in section 4 of this Act.

Assets

7. Any movable asset, which has not been transferred to the Provincial Government of KwaZulu-Natal or the Umzimkhulu Local Municipality, as the case may be, is transferred at the commencement of this Act.

Transitional arrangements

8. Anything done or regarded to have been done under any provision of a law repealed by section 9 and which may or must be done as contemplated in this Act or a policy, statutory or administrative framework obtaining in KwaZulu-Natal, must be regarded as having been done as contemplated in the corresponding provision of this Act or the said policy, statutory or administrative framework obtaining in KwaZulu-Natal.

Repeal of laws

9.(1) The laws mentioned in Parts A – F of the Schedule are hereby repealed to the extent

indicated in the Schedule, insofar as they apply to KwaZulu-Natal.

(2) Any policy, statutory or administrative framework obtaining in the area of jurisdiction of the Umzimkhulu Local Municipality immediately prior to the commencement of this Act, which pertains to –

(a) customary law and customs;

(b) traditional communities; traditional councils, traditional leadership and other traditional institutions; and

(c) land tenure and land administration,

is not affected by the provisions of this Act.

Short title

10. This Act is called the KwaZulu-Natal Umzimkhulu Alignment Act, 2015.

SCHEDULE
Repeal of laws
(section 9(1))

Part A: Ordinances and Proclamations of the former Province of the Cape of Good Hope assigned to the Eastern Cape

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Ordinance No. 7 of 1912	Cape Local Authorities Gas Ordinance, 1912	The whole
Ordinance No. 8 of 1913	East London Chamber of Commerce Act Amendment Private Ordinance, 1913	The whole
Ordinance No. 13 of 1913	City of Port Elizabeth Municipal Ordinance, 1913	The whole
Ordinance No. 23 of 1918	Agricultural Societies Loans Ordinance, 1918	The whole
Ordinance No. 4 of 1919	Poor Relief and Charitable Institutions Ordinance, 1919	The whole
Ordinance No. 11 of 1919	East London Municipal Ordinance, 1919	The whole
Ordinance No. 4 of 1924	Graaf-Reinet College Ordinance, 1924	The whole
Ordinance No. 5 of 1924	Poor Relief and Charitable Institutions Amendment Ordinance, 1924	The whole
Ordinance No. 6 of 1926	Cremation Ordinance, 1926	The whole
Ordinance No. 24 of 1930	Public Bodies (Audit) Ordinance, 1930	The whole
Ordinance No. 23 of 1935	Local Authorities (Investment of Funds) Ordinance, 1935	The whole
Ordinance No. 17 of 1938	Local Authorities (Audit) Ordinance, 1938	The whole
Ordinance No. 18 of 1938	Pounds Ordinance, 1938	The whole
Ordinance No. 9 of 1939	Land Expropriation (Provincial Administration) Ordinance, 1939	The whole
Ordinance No. 11 of 1941	City of Port Elizabeth Trackless Tram Private Ordinance, 1941	The whole
Ordinance No. 26 of 1944	Valuation Ordinance, 1944	The whole
Ordinance No. 1 of 1945	Commissions Ordinance, 1945	The whole
Ordinance No. 18 of 1946	Hospital Ordinance, 1946	The whole
Ordinance No. 2 of 1948	City of East London Extension of Boundaries Ordinance, 1948	The whole
Ordinance No. 21 of 1950	City of Port Elizabeth Trackless Tram Amendment (Private) Ordinance, 1950	The whole
Ordinance No. 15 of 1955	Hospitals Amendment Ordinance, 1955	The whole
Ordinance No. 3 of 1956	Hospitals Amendment Ordinance, 1956	The whole

Ordinance No. 11 of 1955	Ambulance Personnel Transfer and Pensions Ordinance, 1955	The whole
Ordinance No. 20 of 1956	Education Ordinance, 1956	The whole
Ordinance No. 26 of 1957	Problem Animal Control Ordinance, 1957	The whole
Ordinance No. 6 of 1963	Local Authorities (Development according to Community) Ordinance, 1963	The whole
Ordinance No. 16 of 1964	Prescription (Local Authorities) Ordinance, 1964	The whole
Ordinance No. 23 of 1964	Provincial Restaurant Ordinance, 1964	The whole
Ordinance No. 13 of 1965	Delegation of Powers Ordinance, 1965	The whole
Ordinance No. 11 of 1968	East Griqualand Divisional Council Ordinance, 1968	The whole
Ordinance No. 20 of 1971	Public Resorts Ordinance, 1971	The whole
Ordinance No. 12 of 1972	Gibbon Bequest Ordinance, 1972	The whole
Ordinance No. 10 of 1974	Division of Kaffraria Establishment Ordinance, 1974	The whole
Ordinance No. 19 of 1974	Nature and Environmental Conservation Ordinance, 1974	The whole
Ordinance No. 20 of 1974	Municipal Ordinance, 1974	The whole
Ordinance No. 18 of 1976	Divisional Councils Ordinance, 1976	The whole
Ordinance No. 19 of 1976	Roads Ordinance, 1976	The whole
Ordinance No. 8 of 1977	Civil Defence Ordinance, 1977	The whole
Ordinance No. 15 of 1977	Recovery of Payments by Statutory Bodies Ordinance, 1977	The whole
Ordinance No. 13 of 1978	Committees of Inquiry Ordinance, 1978	The whole
Ordinance No. 19 of 1978	Dog Tax Ordinance, 1978	The whole
Ordinance No. 3 of 1982	Nature Reserve Validation Ordinance, 1982	The whole
Ordinance No. 15 of 1985	Land Use Planning Ordinance, 1985	The whole
Ordinance No. 11 of 1986	Prohibition of Dog Races Ordinance, 1986	The whole
Ordinance No. 148 of 1993	Property Valuation Ordinance, 1993	The whole

Part B: Proclamations, Regulations and Notices issued by the South African Government assigned to the Eastern Cape

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Proclamation No. 142 of 15 November 1910	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole

Proclamation No. 196 of 26 November 1920	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole
Proclamation No. 70 of 23 April 1937	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole
Proclamation No. 116 of 13 May 1949	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole
Proclamation No. R. 293 of 16 November 1962	Proclamation made in terms of section 4 of the Native Trust and Land Act, 1936	The whole
Proclamation No. R. 5 of 11 January 1963	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole
Proclamation No. R. 192 of 8 September 1967	Proclamation made in terms of section 25(1) of the Bantu Administration Act, 1927	The whole
Proclamation No. R. 196 of 8 September 1967	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole
Proclamation No. 300 of 18 October 1968	Proclamation made in terms of section 25(1) of the Bantu Administration Act, 1927	The whole
Proclamation No. R. 33 of 28 February 1971	Proclamation made in terms of section 25(1) of the Bantu Administration Act, 1927	The whole
Proclamation No. R. 322 of 15 December 1972	Proclamation made in terms of section 25(1) of the Bantu Administration Act, 1927	The whole
Proclamation No. R. 1897 of 12 September 1986	Regulations relating to Township Establishment and Land Use (made in terms of section 66(1) of the Black Communities Development Act, 1984)	The whole
Proclamation No. 133 of 4 August 1994	Transitional Arrangements: Policing Services (made in terms of section 235(7) of the Constitution of the Republic of South Africa Act, 1993)	The whole
Proclamation No. 153 of 31 October 1994	Proclamation made in terms of section 235(8) of the Constitution of the Republic of South Africa Act, 1993	The whole

Part C: Enactments of the South African Parliament assigned to the Eastern Cape Province

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 38 of 1927	Black Administration Act, 1927	Sections 1 and 2(7), (7)bis, (7)ter and (8)
Act No. 21 of 1935	Sea-Shore Act, 1935	The whole
Act No. 21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	The whole
Act No. 71 of 1962	Animals Protection Act, 1962	The whole
Act No. 81 of 1967	Aged Persons Act, 1967	The whole
Act No. 84 of 1967	Removal of Restrictions Act, 1967	The whole
Act No. 88 of 1967	Physical Planning Act, 1967	The whole
Act No. 63 of 1970	Mountain Catchment Areas Act, 1970	The whole
Act No. 41 of 1971	Abuse of Dependence-producing Substance and Rehabilitation Centres Act, 1971	The whole
Act No. 9 of 1972	National Road Safety Act, 1972	The whole
Act No. 209 of 1993	Local Government Transition Act, 1993	The whole

Part D: Enactments of the former Transkei Legislative Assembly assigned to the Eastern Cape Province

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 6 of 1965	Transkeian Animal Husbandry Improvement Account Act, 1965	The whole
Act No. 3 of 1968	Transkeian Artificial Insemination of Animals Act, 1968	The whole
Act No. 8 of 1969	Transkeian Taxation Act, 1969	The whole
Act No. 17 of 1976	Local Authorities Act, 1976	The whole
Act No. 25 of 1976	Administration (Amendment) Act, 1976	The whole
Act No. 28 of 1978	Animal Diseases and Parasites Act, 1978	The whole
Act No. 29 of 1978	Municipalities (Audit) Act, 1978	The whole
Act No. 30 of 1978	Valuation Act, 1978	The whole
Act No. 33 of 1978	Agricultural Pests Act, 1978	The whole
Act No. 14 of 1979	Plant Improvement Act, 1979	The whole

Act No. 24 of 1979	Municipalities Act, 1979	The whole
Act No. 18 of 1981	Animal Slaughter, Meat and Animal Products Hygiene Act, 1981	The whole
Act No. 6 of 1983	Chief's Courts Act, 1983	The whole
Act No. 25 of 1985	Health Laws (Amendment) Act (Transkei), 1985	The whole

Part E: Proclamations, Decrees, Regulations and Notices issued by the former Transkei Government assigned to the Eastern Cape

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Decree No. 6 of 1989	Transkei Sports Council Decree, 1989	The whole
Decree No. 8 of 1989	Transkei Sports and Educational Aid Trust Decree, 1989	The whole
Decree No. 14 of 1989	Lotteries Decree, 1989	The whole
Decree No. 4 of 1980	Orderly Control of Gambling Decree, 1980	The whole
Decree No. 17 of 1990	Casinos Decree, 1990	The whole
Decree No. 9 of 1992	Environmental Conservation Decree, 1992	The whole

Part F: Enactments of the Eastern Cape Provincial Legislature

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 1 of 1994	Provincial Exchequer Act (Eastern Cape), 1994	The whole
Act No. 3 of 1994	Provincial Commissions Act (Eastern Cape), 1994	The whole
Act No. 4 of 1994	Provincial Public Protector Act (Eastern Cape), 1994	The whole
Act No. 1 of 1995	House of Traditional Leaders Act (Eastern Cape), 1995	The whole
Act No. 2 of 1995	Adjustments Appropriation Act (Eastern Cape), 1995	The whole
Act No. 3 of 1995	Appropriation Act (Eastern Cape), 1995	The whole
Act No. 4 of 1995	Education Laws Amendment (Conduct of Matriculation Examinations) Act, 1995	The whole
Act No. 6 of 1995	Promotion of Youth Affairs Act (Eastern Cape), 1995	The whole
Act No. 8 of 1995	Provincial Exchequer Amendment Act (Eastern Cape), 1995	The whole
Act No. 10 of 1995	Ciskei Fund-raising Laws Act (Eastern Cape), 1995	Chapter IIA
Act No. 11 of 1995	Property Valuation Ordinance (1993) Amendment Act (Eastern Cape), 1995	The whole
Act No. 1 of 1996	Adjustments Appropriation Act (Eastern Cape), 1996	The whole
Act No. 2 of 1996	Appropriation Act, 1996	The whole

Act No. 3 of 1996	Remuneration and Allowances of Members of the Provincial Legislature Act (Eastern Cape), 1996	The whole
Act No. 1 of 1997	Adjustments Appropriation Act (Eastern Cape), 1997	The whole
Act No. 2 of 1997	Eastern Cape Development Corporation Act, 1997	The whole
Act No. 3 of 1997	Businesses Act (Extension of Application of the Businesses Act, 1991), 1997	The whole
Act No. 4 of 1997	Appropriation Act (Eastern Cape), 1997	The whole
Act No. 5 of 1997	Eastern Cape Gambling and Betting Act, 1997	The whole
Act No. 6 of 1997	Road Traffic (Transitional Provisions) Act (Eastern Cape), 1997	The whole
Act No. 7 of 1997	House of Traditional Leaders Amendment Act (Eastern Cape), 1997	The whole
Act No. 8 of 1997	Regulation of Development in Rural Areas Act (Eastern Cape), 1997	The whole
Act No. 9 of 1997	Gambling and Betting Amendment Act (Eastern Cape), 1997	The whole
Act No. 1 of 1998	Adjustments Appropriation Act (Eastern Cape), 1998	The whole
Act No. 2 of 1998	Interim Appropriation Act (Eastern Cape), 1998	The whole
Act No. 3 of 1998	Second Adjustments Appropriation Act (Eastern Cape), 1998	The whole
Act No. 4 of 1998	Appropriation Act (Eastern Cape), 1998	The whole
Act No. 5 of 1998	Consumer Affairs (Unfair Business Practices) Act (Eastern Cape), 1998	The whole
Act No. 6 of 1998	Gambling and Betting Amendment Act (Eastern Cape), 1998	The whole
Act No. 1 of 1999	Eastern Cape Schools Education Act, 1999	The whole
Act No. 2 of 1999	Adjustments Appropriation Act (Eastern Cape), 1999	The whole
Act No. 3 of 1999	Road Traffic Act (Eastern Cape), 1999	The whole
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Act No. 7 of 1999	Finance and Administration Act, 1999	The whole
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Act No. 3 of 2000	Gambling and Betting Amendment Act (Eastern Cape), 2000	The whole
Act No. 4 of 2000	Appropriation Act, 2000	The whole
Act No. 5 of 2000	Determination of Types of Municipalities Act, 2000	The whole
Act No. 7 of 2000	Eastern Cape Land Disposal Act, 2000	The whole
Act No. 1 of 2001	Provincial Tender Board Amendment Act (Eastern Cape), 2001	The whole
Act No. 2 of 2001	Adjustments Appropriation Act (Eastern Cape), 2001	The whole
Act No. 4 of 2001	Appropriation Act (Eastern Cape), 2001	The whole
Act No. 5 of 2001	Promotion of Youth Affairs Amendment Act, 2001	The whole

Act No. 6 of 2001	Application of Health Standards in Traditional Circumcision Act, 2001	The whole
Act No. 7 of 2001	Meat Safety Act, 2001	The whole
Act No. 8 of 2001	Animal Identification Act, 2001	The whole
Act No. 9 of 2001	House of Traditional Leaders Amendment Act (Eastern Cape), 2001	The whole
Act No. 10 of 2001	Adjustment Appropriation Act (Eastern Cape), 2001	The whole
Act No. 1 of 2002	Interim Appropriation Act, 2002	The whole
Act No. 2 of 2002	Second Adjustment Appropriation Act, 2002	The whole
Act No. 4 of 2002	Provincial Legislature Finance and Administration Act, Repeal Act, 2002	The whole
Act No. 5 of 2002	Appropriation Act, 2002	The whole
Act No. 6 of 2002	Corporations Transitional Provisions Amendment Act, 2002	The whole
Act No. 7 of 2002	Gambling and Betting (Fees and taxes) Amendment Act, 2002	The whole
Act No. 8 of 2002	Gambling and Betting Amendment Act (Eastern Cape), 2002	The whole
Act No. 9 of 2002	Adjustments Appropriation Act (Eastern Cape), 2002	The whole
Act No. 10 of 2002	Livestock Improvement Act, 2002	The whole
Act No. 1 of 2003	Second Adjustments Appropriation Act (Eastern Cape), 2003	The whole
Act No. 2 of 2003	Appropriation Act, 2003	The whole
Act No. 3 of 2003	Eastern Cape Roads Act, 2003	The whole
Act No. 3[sic] of 2003	Adjustments Appropriation Act (Eastern Cape), 2003	The whole
Act No. 4 of 2003	Education and Training of Nurses and Midwives Act (Eastern Cape), 2003	The whole
Act No. 5 of 2003	Eastern Cape Tourism Board (Extension of Term of Office of Members) Act, 2003	The whole
Act No. 6 of 2003	Libraries and Information Service Act (Eastern Cape), 2003	The whole
Act No. 7 of 2003	Provincial Archives and Record Services Act, 2003	The whole
Act No. 8 of 2003	Eastern Cape Tourism Act, 2003	The whole
Act No. 9 of 2003	Eastern Cape Heritage Resources Act, 2003	The whole
Act No. 10 of 2003	Eastern Cape Liquor Act, 2003	The whole
Act No. 12 of 2003	Provincial Parks Board Act (Eastern Cape), 2003	The whole
Act No. 1 of 2004	Second Adjustments Appropriation Act, 2004	The whole
Act No. 2 of 2004	Appropriation Act, 2004	The whole
Act No. 3 of 2004	Adjustments Appropriation Act (Eastern Cape), 2004	The whole
Act No. 4 of 2004	Exhumations Act (Eastern Cape), 2004	The whole
Act No. 5 of 2004	Eastern Cape Schools Education Amendment Act, 2004	The whole
Act No. 6 of 2004	Provincial Tender Board Repeal Act (Eastern Cape), 2004	The whole
Act No. 7 of 2004	Museums Act (Eastern Cape), 2004	The whole
Act No. 1 of 2005	Adjustments Appropriation Act, 2005	The whole

Act No. 2 of 2005	Appropriation Act (Eastern Cape), 2005	The whole
Act No. 3 of 2005	House of Traditional Leaders Amendment Act, 2005	The whole
Act No. 4 of 2005	Traditional Leadership and Governance Act (Eastern Cape), 2005	The whole
Act No. 5 of 2005	Second Adjustments Appropriation Act, 2005	The whole
Act No. 1 of 2006	Adjustments Appropriation Act, 2006	The whole
Act No. 2 of 2006	Appropriation Act (Eastern Cape), 2006	The whole

**MEMORANDUM
ON THE OBJECTS OF THE
KWAZULU-NATAL UMZIMKHULU ALIGNMENT BILL, 2015**

1. BACKGROUND

The purpose of this Act is to replace the Eastern Cape Provincial policy, statutory and administrative frameworks that apply in the Umzimkhulu Local Municipality with KwaZulu-Natal provincial policy, statutory and administrative framework as a necessary consequence of the incorporation of Umzimkhulu Local Municipality into KwaZulu-Natal in accordance with both the Constitution of the Republic of South Africa Twelfth Amendment Act, 2005, and the Cross-boundary Municipal Repeal and Related Matters Act, 2005 (Act No. 23 of 2005).

In terms of the Constitution Twelfth Amendment Act, 2005, the geographical areas of the nine provinces were re-determined, amongst others, to avoid municipal boundaries stretching across provincial boundaries, and the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), provided for a number of consequential matters resulting from the re-alignment of the former cross-boundary municipalities.

On 27 April 1994, the following three administrations were amalgamated in the Eastern Cape Province:

- (a) Transkei Administration, located in Umtata (now Mthata);
- (b) Ciskei Administration, located in Bisho; and
- (c) Eastern Cape Administration, located in Port Elizabeth.

All rights and interests obtained by, or vested in, any individual, legal entity or organ of state in the geographical area of Umzimkhulu prior to its incorporation remain in force as a result of the constitutional and common law arrangements in respect of administrative law. This also relates to rights and interests (including authorisations, licences, permits and permissions and the concomitant liabilities, obligations and duties) attached to, or incurred by, individuals, legal entities and organs of state, which is supported by the principle position taken in item 1 of Schedule 6 of the 1996 Constitution, which states that pre-27 April 1994, old order, and 27 April 1994 to 3 February 1997, transitional, legislation remain in place and in force until repealed, amended or replaced, or if it is inconsistent with the 1996 Constitution.

In order to deal conclusively with all matters showing how the above incorporation of Umzimkhulu Local Municipality, the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs initiated a project in 2009 to determine the applicable body of law and the content of legal provisions underpinning existing rights and interests (including authorisations, licences, permits and permissions and the concomitant liabilities, obligations and duties) of individuals, legal entities and organs of state, it was necessary to implement a project aimed at –

- (a) ensuring legal certainty;
- (b) protecting existing rights and interests (including authorisations, licences, permits and permissions and the concomitant liabilities, obligations and duties) of individuals, legal entities and organs of state;
- (c) validating administrative acts done in good faith prior to and after incorporation by officials; and
- (d) effecting the full-scale replacement of Eastern Cape law by extending the application of the 2008 KwaZulu-Natal body of law to Umzimkhulu.

This project determined that the pre-incorporation Umzimkhulu legal system consisted of –

- (a) customary law;
- (b) assigned pre-1994 Transkei principal and subordinate legislation;
- (c) non-assigned pre-1994 Transkei principal and subordinate legislation;
- (d) assigned pre-1994 RSA principal and subordinate legislation;
- (e) non-assigned pre-1994 RSA principal and subordinate legislation;
- (f) any other law transferred to Transkei on the day prior to its independence;
- (g) post-27 April 1994 Eastern Cape principal and subordinate legislation enacted or issued by the Eastern Cape Legislature or Executive;
- (h) post-27 April 1994 RSA principal and subordinate legislation enacted or issued by the RSA Parliament or Executive; and
- (i) court decisions that have had an impact on any one or more of the above.

As such this Act is aimed at providing legal certainty to the KwaZulu-Natal Provincial Government, the Umzimkhulu Local Municipality and its local communities, as well as all other stakeholders by explicitly repealing policy, statutory and administrative frameworks of the Eastern Cape Province and replacing them with the corresponding KwaZulu-Natal frameworks. This Act also makes provision for related matters that may arise as a result of this alignment of Umzimkhulu Local Municipality with the frameworks currently existing in KwaZulu-Natal.

2. OBJECTS AND DISCUSSION

Clause 1: Definitions

The definitions used are standard definitions used in other KwaZulu-Natal legislation. In particular the definition of "Umzimkhulu Local Municipality" refers to the subordinate legislation in terms of which it has been re-established for purposes of its incorporation into the Province of KwaZulu-Natal.

Clause 2: Application of Act

The Act only applies to the jurisdictional area of the Umzimkhulu Local Municipality as defined in the Act.

Clause 3: Policy, statutory and administrative frameworks applicable in Umzimkhulu

This clause is the alignment or replacement clause of the Act. The clause stipulates that the policy, statutory and administrative frameworks that apply in the KwaZulu-Natal Province on the date the commencement of the Act apply to the jurisdictional area of the Umzimkhulu Local Municipality.

Clause 4: Recognition and continued protection of existing rights and interests

This clause provides for the continued protection, validity and enforcement of rights and interests (including authorisations, licences, permits and permissions and the concomitant liabilities, obligations and duties) that were in existence before or after the date of incorporation to continue after commencement of the Act, whether the policy or statutory framework for such rights or interest exists in KwaZulu-Natal or not.

In addition, rights and interests (including authorisations, licences, permits and permissions and the concomitant liabilities, obligations and duties) in existence in terms of Eastern Cape Provincial policy, statutory or administrative frameworks are recognised, with applications for renewal to be made in accordance with the corresponding KwaZulu-Natal policy, statutory or administrative frameworks.

Clause 5: Validation of executive and administrative actions

This clause provides that executive and administrative actions performed in good faith either on the basis of an insufficient, or in the absence of any, enabling legal basis, by a functionary or any official in relation to any matter within the jurisdictional area of

Umzimkhulu Local Municipality prior to the commencement of the Act are regarded as having been performed validly.

Clause 6: Regulatory and other powers

This clause empowers the Member of the Executive Council to enact regulations and publish notices in furtherance of this Act in the *Provincial Gazette*.

Clause 7: Assets

As a result of incorporation of Umzimkhulu into the KwaZulu-Natal, various assets have to be transferred to the Province of KwaZulu-Natal. This clause provides for the transfer of movable assets from the Province of the Eastern Cape to the Province of KwaZulu-Natal, which have not already been transferred in accordance with service level agreements concluded between the relevant provincial government departments prior to, or after, the commencement of the Act.

Clause 8: Transitional arrangements

This clause provides that actions undertaken in the Umzimkhulu Local Municipality in terms of policy, statutory and administrative frameworks of the Province of the Eastern Cape, which, as a result of this Act have been repealed, are regarded as being valid under the corresponding provisions of policy, statutory and administrative frameworks of the Province of KwaZulu-Natal.

Clause 9: Repeal of laws

This clause provides for the repeal of Eastern Cape laws that apply to the jurisdictional area of the Umzimkhulu Local Municipality as a result of it previously having been a municipality within the jurisdictional area of the Province of the Eastern Cape. These laws are replaced by the KwaZulu-Natal policy, statutory and administrative frameworks as provided for in clause 3 of the Act. However, clause 9 of the Act does not provide for a blanket repeal of all the laws applicable in the jurisdictional area of the Umzimkhulu Local Municipality, as clause 9(2) of the Act contains exclusions to this repeal.

Clause 9(2)(a) excludes any policy, statutory or administrative framework that pertains to customary law and customs from being affected by this Act. In accordance with Schedule 4 (Part A) of the Constitution, this is a concurrent functional domain of both national and provincial legislative competence. In KwaZulu-Natal customary law consists of the KwaZulu Act on the Code of Zulu Law 16 of 1985, the Natal Code of Zulu Law (Proclamation R. 151 of 1987), as well as uncoded Zulu law, which laws have never

applied to the traditional communities within the jurisdictional area of the Umzimkhulu Local Municipality.

Clause 9(2)(b) excludes traditional communities, traditional councils, traditional leaders and other traditional institutions from being affected by this Act. Schedule 4 (Part A) (subject to Chapter 12) of the Constitution also lists traditional leadership as both a concurrent legislative competence of both the national and provincial legislatures. In this regard, national and provincial legislation dealing with traditional community and governance matters in the form of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), and the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005).

The third exclusion, provided for in clause 9(2)(c), applies to the policy, statutory and administrative frameworks that pertain to land tenure and land administration. This set of laws is excluded on account of the functional domain of land being an exclusive national functional domain, the existence of pre-1994 legislation (that is currently within the national sphere of government), and the non-applicability of the Ingonyama Trust Act, 1994 (Act No. 3 of 1994), to any land within the jurisdictional area of the Umzimkhulu Local Municipality.

Clause 10: Short title

The short title of the Bill is the KwaZulu-Natal Umzimkhulu Alignment Bill, 2015.

Clause 11: Schedule

The Schedule lists the laws that apply in the jurisdictional area of the Umzimkhulu Local Municipality that are repealed as provided for in clause 9 of the Act, as well as the extent of such repeal.

3. OTHER DEPARTMENTS AND ENTITIES CONSULTED

The following government departments and other entities have been consulted:

- (a) KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs;
- (b) KwaZulu-Natal Provincial Archives;
- (c) Department of Justice and Constitutional Development;
- (d) National Archives;
- (e) South African Law Reform Commission;

- (f) Premier's Office, Provincial Government of the Eastern Cape;
- (g) Department of Local Government and Housing: Provincial Government of the Eastern Cape;
- (h) Western Cape Provincial Archives;
- (i) Western Cape Provincial Government Department of Local Government and Housing;
- (j) Mthatha Archives;
- (k) Mthatha High Court Library; and
- (l) Library of Parliament.

4. FINANCIAL IMPLICATIONS

At this stage no financial implications have been identified with regard to the implementation of this Act.

**UMTHETHOSIVIVINYO WOKUHLELWA KABUSHA KWENDAWO
YASEMZIMKHULU WAKWAZULU-NATALI, 2015**

UMTHETHOSIVIVINYO

Wokuhlinzekela ukuhlwelwa kabusha kwezinhla zenzubomgomo, zomthetho nezokuphatha ezisetshenziwa endaweni engaphansi kukaMasipala waseMzimkhulu ukuze zihambisane nezinhla zenzubomgomo, zomthetho nezokuphatha ezisetshenziwa KwaZulu-Natali; wokuhlinzekela ukuchithwa kwezinxenye ezithile zezinhla zenzubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisetshenziwa endaweni engaphansi kukaMasipala waseMzimkhulu; wokuhlinzekela ukuqinisekiswa kwemingcele yokusebenza kwezinhla zenzubomgomo, zomthetho nezokuphatha zaKwaZulu-Natali endaweni engaphansi kukaMasipala waseMzimkhulu; wokuhlinzekela uhlaka lokuvikelwa kwawo wonke amalungelo nezimpokophelo endaweni engaphansi kukaMasipala waseMzimkhulu; wokuhlinzekela ukuqinisekiswa kwezenzo nezokuphatha nokulawula ezenziwe ngezinhloso ezinhle endaweni engaphansi kukaMasipala waseMzimkhulu; wokugunyaza iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya ukuba lisungule imithethonqubo futhi likhiphe izaziso; wokuhlinzekela izinhlinzeko zesikhashana; nokuhlinzekela okunye okuphathelele nalokho.

ISENDLALELO

NJENGOBA ukufakwa kukaMasipala waseMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali mhla lu-1 kuNdasa 2006, ngokuhambisana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, noMthetho wokuChitha iMithetho yoMasipala abaneMingcele eKapakela kweZinye iziFundazwe nokuNye okuPhathelene Nalokho, 2005 (uMthetho No. 23 ka 2005), kwenziwa ngaphandle kokulandelwa kohlaka oluthile lomthetho ukuze kufakwe esikhundleni sezinhla zenzubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa, izinhla zenzubomgomo, zomthetho nezokuphatha zaKwaZulu-Natali;

NANJENGOBA kunesidingo sokuba kuhlinzekelwe ngokushesha ukuba kufakwe esikhundleni sezinhla zenzubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisetshenziwa endaweni engaphansi kukaMasipala waseMzimkhulu izinhla zenzubomgomo, zomthetho nezokuphatha ezisebenza KwaZulu-Natali, lo Mthetho uhlose –

- (a) ukuhlela kabusha izinhlaka zenqubomgomo, zomthetho nezokuphatha ezisetshenziswayo ukuze zihambisane nalezo ezisetshenziswa KwaZulu-Natali;
- (b) ukuchitha izingxenye ezithile zezinhlaka zenqubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisebenza endaweni engaphansi kukaMasipala waseMzimkhulu;
- (c) ukuqinisekisa imingcele yokusebenza kwezinhlaka zenqubomgomo, zomthetho nezokuphatha zaKwaZulu-Natali endaweni engaphansi kukaMasipala waseMzimkhulu;
- (d) ukuhlinzeka ngohlaka lokuba kuqhutshekwe nokuhlonishwa kanye nokuvikelwa kwawo wonke amalungelo nezimpokophelo ezikhona endaweni engaphansi kukaMasipala waseMzimkhulu;
- (e) ukuqinisekisa zonke izenzo zezokuphatha ezenziwe ngezinhloso ezinhle endaweni engaphansi kukaMasipala waseMzimkhulu;
- (f) ukunikeza iLungu loMkhandu oPhethe elibhekele ohulumeni basekhaya amandla okulawula namanye amandla;
- (g) ukuhlinzekela izinhlinzeko zesikhashana; kanye
- (h) nokuhlinzeka uhlaka olufanele oluzosimamisa ezentuthuko endaweni engaphansi kukaMasipala waseMzimkhulu nemiphakathi ewakhele.

NGAKHO-KE MAWUMISWE isiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:—

Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile —

“indawo engaphansi kukaMasipala” kushiwo indawo engaphansi kukaMasipala waseMzimkhulu;

“umthetho ophathelene namasiko” kushiwo lawo masiko athathwa njengabophezelayo, futhi asetshenziswa yibo bonke abantu baleso sizwe noma ngabe ayahlonishwa noma awahlonishwa njengoba kuhlongozwe kulo Mthetho;

“amasiko” kushiwo leyo mikhuba eyenziwa yisizwe esithile, ehlonishwayo noma engahlonishwa njengoba kuhlongozwe kulo Mthetho;

“usuku owafakwa ngalo” kushiwo umhla lu-1 kuNdasa 2006;

“iMpumalanga Kapa” kushiwo isifundazwe saseMpumalanga Kapa;

"iGazethi" kushiwo iGazethi esemthethweni yesiFundazwe saKwaZulu-Natali;

"iKwaZulu-Natali" kushiwo isiFundazwe saKwaZulu-Natali;

"uhlaka lombuso" kushiwo uhlaka lombuso njengoba luchazwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996);

"isishayamthetho sesifundazwe" kushiwo isishayamthetho sesifundazwe njengoba kuhlangezwe esigabeni 104 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

"isiShayamthetho sesiFundazwe" kushiwo isiShayamthetho sesiFundazwe saKwaZulu-Natali;

"ibhizinisi likahulumeni wesifundazwe" kushiwo ibhizinisi likahulumeni wesifundazwe njengoba kuchazwe esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999);

"iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya" kushiwo iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya KwaZulu-Natali;

"amalungelo kanye nezimpokophelo" kubandakanya, phakathi kokunye –

(a) amagunya, amalayisensi nezimvume; kanye

(b) nezikweletu, namajoka nezibopho ezihambisana nalokho,

ezitholakale, ezenziwe, noma ezizuzwe ngaphambi kokuqala kokusebenza kwalo Mthetho ngokuhambisana nanoma iluphi uhlaka lwenqubomgomo, lomthetho noma nolokuphatha;

"lo Mthetho" kubandakanya imithethonqubo esunguliwe nezaziso kanye nezinhlelo ezishicilelwe njengoba kuhlangezwe kulo Mthetho;

"umphakathi wasemakhaya" kushiwo umphakathi njengoba kuhlangezwe esigabeni 4 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

“umkhandlu wabaholi bomdabu” kushiwo umkhandlu osungulwe njengoba kuhlangozwe esigabeni 8 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

“isikhungo somdabu” kushiwo isikhungo, noma ngabe siyahlonishwa noma asihlonishwa njengoba kuhlangozwe kulo Mthetho, esisungulwe njengoba kuhlangozwe ngokuhambisana nemithetho yesintu namasiko komphakathi wasemakhaya, noma ngabe iyahlonishwa noma ayihlonishwa njengoba kuhlangozwe esigabeni 4 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005, (uMthetho No. 5 ka 2005);

“umholi womdabu” kushiwo umuntu okukhulunywe ngaye kwiSahluko 4 soMthetho woBuholi boMdabu nokuBusa, 2005 (uMthetho No. 5 ka 2005) njengomholi wezomdabu; kanti

“uMasipala waseMzimkhulu” kushiwo umasipala –

(a) osungulwe ngeSaziso sesiFundazwe 344 ngonyaka ka 2000, esashicilelwa *kwiGazethi yesiFundazwe* 5563 ngonyaka ka 2000, njengoba sichitshiyelwe iSaziso sesiFundazwe 1 sangonyaka ka 2006, esashicilelwa *kwiGazethi yesiFundazwe* 6456 yamhla zi-5 kuMasingana ngonyaka ka 2006, esakhishwa ngokwesigaba 12 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998); futhi

(b) olawula ngokubambisana indawo engaphansi kwawo noMasipala wesiFunda iSisonke, njengoba kuhlangozwe esigabeni 4 soMthetho wokuNqunywa kweziNhlalo zoMasipala waKwaZulu-Natali, 2000 (uMthetho No. 7 ka 2000).

Ukusebenza koMthetho

2. Lo Mthetho –

(a) usebenza endaweni engaphansi kukaMasipala waseMzimkhulu njengoba kuhlangozwe kulo Mthetho, futhi ulawulwa iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya; futhi

(b) iwona oyolandelwa uma kuba nokushayisana nanoma yimuphi omunye umthetho wesifundazwe.

Izinhlaka zenqubomgomo, zomthetho nezokuphatha ezisebenza eMzimkhulu

3. Kuncike ezinhlinzekweni zalo Mthetho, izinhlaka zenqubomgomo, zomthetho nezokuphatha ezisetshenziswa KwaZulu-Natali, njengoba zichitshiyelwa izikhathi ngezikhathi, ziyosebenza endaweni engaphansi kukaMasipala waseMzimkhulu kusukela ngosuku lokuqala kokusebenza kwalo Mthetho.

Ukuhlonishwa nokuvikelwa kwamalungelo akhona kanye nezimpokophelo

4.(1) Noma yiliphi ilungelo noma impokophelo, okungaba elitholakale, elizuzwe, elihlonzwe noma elemukelwe ngaphambi noma ngemuva kokufakwa kukaMasipala waseMzimkhulu KwaZulu-Natali ngalokhu –

(a) lithathwa njengelisemthethweni futhi aliguqulwa ukuqala kokusebenza kwalo Mthetho; futhi

(b) lithathwa njengelungelo noma impokophelo emukelwe izinhlaka zenqubomgomo, zomthetho nezokuphatha ezikhona KwaZulu-Natali.

(2) Noma yisiphi isicelo sokuvuselela noma iliphi ilungelo noma impokophelo, osekuphelelwe isikhathi emva kwesikhathi esithile esibekiwe, njengoba kubalulwe kunoma kuziphi izinhlaka zenqubomgomo, zomthetho noma zezokuphatha ezisebenza kulelo lungelo noma kuleyo mpokophelo, kumele senziwe sihambisane nezinhlinzeko ezifanele eziphathelene nezinhlaka zenqubomgomo, zomthetho noma zezokuphatha zaKwaZulu-Natali.

(3) Uma izinhlaka zenqubomgomo, zomthetho noma zezokuphatha KwaZulu-Natali ezihambisana nalokho okuhlongozwe ezigatshaneni (1) noma (2) zingekho, uhlaka olusebenza eMpumalanga Kapa okutholakale ngalo lelo lungelo noma lezo zimpokophelo, ngalokhu luthathwa njengohlaka lwenqubomgomo, lomthetho nolokuphatha lwaKwaZulu-Natali olusebenzayo, njengoba kungaba njalo, uma lelo lungelo noma lezo zimpokophelo zisekhona.

Ukuba semthethweni kwezenzo zezokuphatha nokulawula

5.(1) Zonke izenzo zezokuphatha nokulawula ezenziwa ngokuphathelene nanoma yiluphi udaba oluthinta ukuphathwa kwendawo engaphansi kukaMasipala waseMzimkhulu nomphakathi oyakhele ngaphambi kokuqala kokusebenza kwalo Mthetho, ezenziwa ngezinhloso ezinhle yinoma isiphi isikhulu noma umsebenzi

ohlongozwe esigatshaneni (2), ngalokhu zithathwa njengemisebenzi eyenziwe ngokusemthethweni –

- (a) njengokuthi yonke imigomo yomthetho edinga ukulandelwa, okubandakanya phakathi kokunye, ukudluliselwa kwamandla, ukujutshwa, amandla ommeli, izivumelwano zamazinga okuhlinzekwa kwezidingo noma izivumelwano zokuhlinzekwa kwezidingo, obekudingeka ngesikhathi kwenziwa leyo misebenzi, kulandeliwe;
- (b) noma yonke imigomo yomthetho edinga ukulandelwa, kubandakanya phakathi kokunye, ukudluliselwa kwamandla, ukujutshwa, amandla ommeli, izivumelwano zamazinga okusebenza, izivumelwano zokuhlinzekwa kwezidingo, ingazange ilandelwe ngokuphelele.

(2) Ngokwezinhloso zalesi sigaba, "isikhulu" noma "umsebenzi" kushiwo –

- (a) ilungu leMikhandlu ePhethe eMpumalanga Kapa naKwaZulu-Natali;
- (b) umsebenzi osehhovisi noma ilungu loMkhandlu kaMasipala waseMzimkhulu, wase-Alfred Nzo kanye nowaseSisonke; kanye
- (c) nomsebenzi –
 - (i) osebenza kuHulumeni wesifundazwe saseMpumalanga Kapa nowaKwaZulu-Natali;
 - (ii) osebenza kuMasipala waseMzimkhulu kanye nakoMasipala beziFunda i-Alfred Nzo neSisonke; kanye
 - (iii) nosebenza kunoma iluphi uhlaka lombuso noma ibhizinisi likahulumeni wesifundazwe.

Amandla okulawula namanye amandla

6. ILungu loMkhandlu oPhethe –

(a) ngesaziso *kwiGazethi* –

- (i) lingasungula imithethonqubo engashayisani nalo Mthetho nganoma yiluphi udaba olungenza kube lula ukusebenza kwalo Mthetho; futhi
 - (ii) lingashicilela noma lichibiyele nanoma yiluphi uhlelo olubonakala lunesidingo ukuze kusetshenziswe lo Mthetho; futhi
- (b) lingaphinde likhiphe izaziso kwiGazethi esiphathelene noguquko kumalungelo kanye nezimpokophelo ezihlongozwe esigabeni 4 salo Mthetho.

7. Noma iyiphi impahla egudlukayo, engazange idluliselwe kuHulumeni wesiFundazwe saKwaZulu-Natali noma kuMasipala waseMzimkhulu, njengoba kungaba njalo, iyadluliswa ngokuqala kokusebenza kwalo Mthetho.

Izinhlinzeko zesikhashana

8. Konke okwenziwe noma okuthathwa ngokuthi kwenziwe ngokwanoma iyiphi inhlinzeko yomthetho ochithwe yisigaba 9 futhi okungenzeka ukuthi yenziwe njengoba kuhlongozwe kulo Mthetho noma ohlakeni lwenqubomgomo, lomthetho noma lokuphatha lwaKwaZulu-Natali, kumele kuthathwe ngokuthi kwenziwe njengoba kuhlongozwe ezinhlinzekweni ezihambisana nalo Mthetho noma njengoba kuhlongozwe ohlakeni lwenqubomgomo, lomthetho noma lokuphatha lwaKwaZulu-Natali.

Ukuchithwa kwemithetho

9.(1) Imithetho ebalulwe kwiNgxenye A kuya ku F yoHlelo ngalokhu iyachithwa ngendlela ekhonjiswe oHlelweni, njengoba isebenza KwaZulu-Natali.

(2) Noma yiluphi uhlaka lwenqubomgomo, lomthetho noma lokuphatha olukhona endaweni engaphansi kukaMasipala waseMzimkhulu ngaphambi kokuqala kokusebenza kwalo Mthetho, oluphathelele –

(a) nomthetho ophathelene namasiko nemikhuba;

(b) nemiphakathi yasemakhaya, imikhandlu yomdabu, abaholi bomdabu kanye nezinye izikhungo zomdabu; kanye

(c) nobunikazi nokuphathwa komhlaba,

aluphazanyiswa yizinhlinzeko zalo Mthetho.

Isihloko esifingqiwe

10. Lo Mthetho ubizwa ngoMthetho wokuHlelwa kaBusha kweNdawo yaseMzimkhulu waKwaZulu-Natali, 2015.

UHLELO

UkuChithwa kweMithetho
(Isigaba 9(1))

Ingxenye A: Ama-Odinensi kanye neziMemezelo zesiFundazwe esasaziwa ngeKoloni ezadfuliselwa eMpumalanga Kapa

Inombolo kanye nonyaka womthetho	Isihloko	Okuchithwayo
I-Odinensi No. 7 ka 1912	I-Odinensi ephathelene neGesi yoMaziphathe beziNdawo zaseKapa, 1912	Yonke
I-Odinensi No. 8 ka 1913	I-Odinensi eyisiChibiyelo soMithetho wesiGungu sosoMabhizinisi saseMonti, 1913	Yonke
I-Odinensi No. 13 ka 1913	I-Odinensi kaMasipala weDolobha laseBhayi, 1913	Yonke
I-Odinensi No. 23 ka 1918	I-Odinensi yokuBolekwa kweziNhlango zaBallmi iziMali, 1918	Yonke
I-Odinensi No. 4 ka 1919	I-Odinensi yeziKhungo eziLwa noBubha nokuLekelela abaMpofu, 1919	Yonke
I-Odinensi No. 11 ka 1919	I-Odinensi kaMasipala waseMonti, 1919	Yonke
I-Odinensi No. 4 ka 1924	I-Odinensi ye-Graaf-Reinet College, 1924	Yonke
I-Odinensi No. 5 ka 1924	I-Odinensi eyisiChibiyelo yeziKhungo eziLwa noBubha nokuLekelela abaMpofu, 1924	Yonke
I-Odinensi No. 6 ka 1926	I-Odinensi yezokuLothisa, 1926	Yonke
I-Odinensi No. 24 ka 1930	I-Odinensi yeMigwamanda yoMphakathi (eCwaninga amaBhuku), 1930	Yonke
I-Odinensi No. 23 ka 1935	I-Odinensi yokuTshalwa kweziMali zoMaziphathe beziNdawo, 1935	Yonke
I-Odinensi No. 17 ka 1938	I-Odinensi yoMaziphathe beziNdawo (eCwaninga amaBhuku), 1938	Yonke
I-Odinensi No. 18 ka 1938	I-Odinensi yeziKidi, 1938	Yonke
I-Odinensi No. 9 ka 1939	I-Odinensi yoKwabiwa koMhlaba kaHulumeni wesiFundazwe, 1939	Yonke
I-Odinensi No. 11 ka 1941	I-Odinensi yeDolobha laseBhayi yamaThilamu aZimele angahambi ngeMizila yoJantshi, 1941	Yonke
I-Odinensi No. 26 ka 1944	I-Odinensi yokuQhathanisa amaNani, 1944	Yonke
I-Odinensi No. 1 ka 1945	I-Odinensi yamaKhomishana, 1945	Yonke
I-Odinensi No. 18 ka 1946	I-Odinensi yeziBhedlela, 1946	Yonke
I-Odinensi No. 2 ka 1948	I-Odinensi yeDolobha laseMonti yokuNweba iMingcele, 1948	Yonke

I-Odinensi No. 21 ka 1950	I-Odinensi yeDolobha laseBhayi yokuChitshiyelwa kwamaThlamu aZimele angahambi ngeMizila yoJantshi, 1950	Yonke
I-Odinensi No. 15 ka 1955	I-Odinensi yeziBhedlela eChitshiyelwe, 1955	Yonke
I-Odinensi No. 3 ka 1956	I-Odinensi yeziBhedlela eChitshiyelwe, 1956	Yonke
I-Odinensi No. 11 ka 1955	I-Odinensi yokuDluliselwa kwaBasebenzi boPhiko lwamaAmbulensi kanye neziMpesheni, 1955	Yonke
I-Odinensi No. 20 ka 1956	I-Odinensi yezeMfundo, 1956	Yonke
I-Odinensi No. 26 ka 1957	I-Odinensi yokuLawula iziLwane eziwuVanzi, 1957	Yonke
I-Odinensi No. 6 ka 1963	I-Odinensi yoMaziphathe beziNdawo ephathelene nokuThuthukiswa koMphakathi ngendlela eFanele, 1963	Yonke
I-Odinensi No. 16 ka 1964	I-Odinensi yokuNqunyelwe oMaziphathe beziNdawo, 1964	Yonke
I-Odinensi No. 23 ka 1964	I-Odinensi yesiFundazwe yeziNdawo zokuDlela, 1964	Yonke
I-Odinensi No. 13 ka 1965	I-Odinensi yokuDluliselwa kwaMandla, 1965	Yonke
I-Odinensi No. 11 ka 1968	I-Odinensi yokweHlukaniswa koMkhandlu wase-East Griqualand, 1968	Yonke
I-Odinensi No. 20 ka 1971	I-Odinensi yeziNdawo zokuNgcebeleka uMphakathi, 1971	Yonke
I-Odinensi No. 12 ka 1972	I-Odinensi ye-Gibbon Bequest, 1972	Yonke
I-Odinensi No. 10 ka 1974	I-Odinensi yokweHlukaniswa kwe-Kaffraria, 1974	Yonke
I-Odinensi No. 19 ka 1974	I-Odinensi yoKongiwa kweNdalo nezeMvelo, 1974	Yonke
I-Odinensi No. 20 ka 1974	I-Odinensi yoMasipala, 1974	Yonke
I-Odinensi No. 18 ka 1976	I-Odinensi yokweHlukaniswa kweMikhandlu, 1976	Yonke
I-Odinensi No. 19 ka 1976	I-Odinensi yeMigwaqo, 1976	Yonke
I-Odinensi No. 8 ka 1977	I-Odinensi yokuVikelwa koMphakathi, 1977	Yonke
I-Odinensi No. 15 ka 1977	I-Odinensi yokuQoqwa kweziMali iMigwamanda eMthethweni, 1977	Yonke
I-Odinensi No. 13 ka 1978	I-Odinensi yamaKomidi oPhenyo, 1978	Yonke
I-Odinensi No. 19 ka 1978	I-Odinensi yeNtela yeziNja, 1978	Yonke
I-Odinensi No. 3 ka 1982	I-Odinensi yokuQinisekisa ukoNgiwa kweNdalo, 1982	Yonke
I-Odinensi No. 15 ka 1985	I-Odinensi yokuHlelwa kokuSetshenziswa koMhlaba, 1985	Yonke
I-Odinensi No. 11 ka 1986	I-Odinensi yokuNgatshelwa kweMijaho yeziNja, 1986	Yonke
I-Odinensi No. 148 ka 1993	I-Odinensi yokuQhathanisa amaNani oMhlaba, 1993	Yonke

Ingxenye B: Izimemezelo, imiThethonqubo neZaziso ezakhishwa uHulumeni waseNingizimu Afrika ezadluliselwa eMpumalanga Kapa

Inombolo womthetho	nonyaka	Isihloko	Okuchithwayo
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Isimemezelo No. 142 samhla ziyi-15 kuLwezi 1910	Isimemezelo esenziwe ngeGunya loMbusi Jikelele weZwe laseNingizimu Afrika	Sonke
Isimemezelo No. 196 samhla zinga-26 kuLwezi 1920	Isimemezelo esenziwe ngeGunya loMbusi Jikelele weZwe laseNingizimu Afrika	Sonke
Isimemezelo No. 70 samhla zinga-23 kuMbasalase 1937	Isimemezelo esenziwe ngeGunya loMbusi Jikelele weZwe laseNingizimu Afrika	Sonke
Isimemezelo No. 116 samhla ziyi-13 kuNhlaba 1949	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBokudabuka kuleli, 1927	Sonke
Isimemezelo No. R. 293 samhla ziyi-16 kuLwezi 1962	Isimemezelo esenziwe ngokwesigaba 4 soMthetho weThrasti kanye noMhlaba waBokudabuka kuleli, 1936	Sonke
Isimemezelo No. R. 5 samhla ziyi-11 kuMasingana 1963	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBokudabuka kuleli, 1927	Sonke
Isimemezelo No. R. 192 samhla ziyi-8 kuMandulo 1967	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBantu, 1927	Sonke
Isimemezelo No. R. 196 samhla ziyi-8 kuMandulo 1967	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBokudabuka kuleli, 1927	Sonke
Isimemezelo No. R. 300 samhla ziyi-18 kuMfumfu 1968	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBantu, 1927	Sonke
Isimemezelo No. R. 33 samhla zinga-28 kuNhlolanja 1971	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBantu, 1927	Wonke
Isimemezelo No. R. 322 samhla ziyi-15 kuZibandlela 1972	Isimemezelo esenziwe ngokwesigaba 25(1) soMthetho wokuPhathwa kwaBantu, 1927	Sonke
Isimemezelo No. R. 1897 samhla ziyi-12 kuMandulo 1986	ImiThethonqubo ephathelene nokuSungulwa kwamaLokishi nokuSetshenziswa koMhlaba esenziwe ngokwesigaba 66(1) soMthetho wokuThuthukiswa kweMiphakathi eNsundu, 1986	Sonke

Isimemezelo No. R. 133 samhla zi-4 kuNcwabane 1994	Isimemezelo seziNhlizeko zesiKhashana mayelana Misebenzi yamaPhoyisa esenziwe ngokwesigaba 235(7) soMthethosisekelo waseNingizimu Afrika, 1993	Sonke
Isimemezelo No. R. 153 samhla zinga-31 kuMfumu 1994	Isimemezelo esenziwe ngokwesigaba 235(8) soMthethosisekelo waseNingizimu Afrika, 1993	Sonke

**Ingxenye C: Imithetho eyamiswa yiPhalamende laseNingizimu Afrika
eyadluliselwa esiFundazweni saseMpumalanga Kapa**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
UMthetho No. 38 ka 1927	UMthetho wokuPhathwa kwabaMnyama, 1927	Izigaba 1 no 2(7), (7)bis, (7)ter kanye no (8)
UMthetho No. 21 ka 1935	UMthetho ophathelene noSebe loLwandle, 1935	Wonke
UMthetho No. 21 ka 1940	UMthetho wokuKhangisa eMigwaqeni noKwaxhiwa kwamaRibhini, 1940	Wonke
UMthetho No. 71 ka 1962	UMthetho wokuVikela iziLwane, 1962	Wonke
UMthetho No. 81 ka 1967	UMthetho waBantu abaDala, 1967	Wonke
UMthetho No. 84 ka 1967	UMthetho wokuSuswa kweziThibelo, 1967	Wonke
UMthetho No. 88 ka 1967	UMthetho wokuHlelwa koMhlaba, 1967	Wonke
UMthetho No. 63 ka 1970	UMthetho weziNdawo eziQaqele iziNtaba, 1970	Wonke
UMthetho No. 41 ka 1971	UMthetho weziDakamizwa neziNdawo zokuHlunyeleliswa kweziMilo, 1971	Wonke
UMthetho No. 9 ka 1972	UMthetho wezokuPhepha eMgwaqeni kaZwelonke, 1972	Wonke
UMthetho No. 209 ka 1993	UMthetho woHulumeni baseKhaya wesiKhashana, 1993	Wonke

Ingxenye D: Imithetho eyamiswa yisiShayamthetho esasaziwa njengesase-Transkei ezadluliselwa esiFundazweni saseMpumalanga Kapa

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
UMthetho No. 6 ka 1965	UMthetho wokuPhucula ukuZalaniswa kweziLwane wase-Transkei, 1965	Wonke
UMthetho No. 3 ka 1968	UMthetho wokuMithiswa kweziLwane ngeMshini wase-Transkei, 1968	Wonke
UMthetho No. 8 ka 1969	UMthetho weNtela wase-Transkei, 1969	Wonke
UMthetho No. 17 ka 1976	UMthetho woMaziphatho beziNdawo, 1976	Wonke
UMthetho No. 25 ka 1976	UMthetho sichibiyelo wezokuPhatha, 1976	Wonke
UMthetho No. 28 ka 1978	UMthetho ophathelene neziFo zeziLwane kanye neziLwanyana, 1978	Wonke
UMthetho No. 29 ka 1978	UMthetho woMasipala (wokuCwaningwa kwaMabhuku), 1978	Wonke
UMthetho No. 30 ka 1978	UMthetho wokuQhathanisa amaNani, 1978	Wonke
UMthetho No. 33 ka 1978	UMthetho ophathelene neziLwanyana zaseMasimini, 1978	Wonke
UMthetho No. 14 ka 1979	UMthetho wokuKhuliswa kweziTshalo, 1979	Wonke
UMthetho No. 24 ka 1979	UMthetho woMasipala, 1979	Wonke
UMthetho No. 18 ka 1981	UMthetho wokuHlinzwa kweziLwane, wokuHlanzeka kweNyama neMikhiqizo evela eziLwaneni, 1981	Wonke
UMthetho No. 6 ka 1983	UMthetho weziNkantolo zamaKhosi, 1983	Wonke
UMthetho No. 25 ka 1985	UMthetho yezeMpilo eChitshiyelwe yase-Transkei, 1985	Wonke

Ingxenye E: Izimemezelo, izimiso, iMithethonqubo neZaziso ezakhishwa uHulumeni owawaziwa njengowase-Transkei ezadluliselwa eMpumalanga Kapa

<i>Inombolo nonyaka wesimiso</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
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Isimiso No. 6 sika 1989	Isimiso soMkhandlu wezeMidlalo sase-Transkei, 1989	Sonke
Isimiso No. 8 sika 1989	Isimiso seThrasti yokuXhasa ezeMfundo nezeMidlalo sase-Transkei, 1989	Sonke
Isimiso No. 14 sika 1989	Isimiso esiphathelene namaLotho, 1989	Sonke
Isimiso No. 4 sika 1980	Isimiso esiphathelene nokuLawulwa ngeNdlela kwezokuGembula, 1980	Sonke
Isimiso No. 17 sika 1990	Isimiso esiphathelene namaKhasino, 1990	Sonke
Isimiso No. 9 sika 1992	Isimiso esiphathelene noKongiwa kweMvelo, 1992	Sonke

Ingxenye F: Imithetho eyamiswa yiSishayamthetho sesiFundazwe saseMpumalanga Kapa

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
UMthetho No. 1 ka 1994	UMthetho ophathelene nokuQoqwa kweNgeniso waseMpumalanga Kapa, 1994	Wonke
UMthetho No. 3 ka 1994	UMthetho wamaKhomishana waseMpumalanga Kapa, 1994	Wonke
UMthetho No. 4 ka 1994	UMthetho woMvikeli woMphakathi waseMpumalanga Kapa, 1994	Wonke
UMthetho No. 1 ka 1995	UMthetho weNdlu yabaHoli boMdabu waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 2 ka 1995	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 3 ka 1995	UMthetho wokwaBiwa kweziMali waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 4 ka 1995	UMthetho wokuChibiyela IMithetho yezeMfundo mayelana nokuQhutshwa kweziVivinyo zikaMatikuletshe, 1995	Wonke
UMthetho No. 6 ka 1995	UMthetho wokuGqugquzela iziNdaba eziPhathelene neNtsha waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 8 ka 1995	UMthetho sichibiyelo wezeziMali waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 10 ka 1995	UMthetho wokuQoqa iziMali e-Ciskei waseMpumalanga Kapa, 1995	Wonke

UMthetho No. 11 ka 1995	UMthethosichibiyelo we-Odinensi yokuQhathaniswa kwamaNani oMhlaba waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 1 ka 1996	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1996	Wonke
UMthetho No. 2 ka 1996	UMthetho woKwabiwa kweziMali, 1996	Wonke
UMthetho No. 3 ka 1996	UMthetho wamaHolo kanye neziBonelelo kwamaLungu esiShayamthetho sesiFundazwe saseMpumalanga Kapa, 1996	Wonke
UMthetho No. 1 ka 1997	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 2 ka 1997	UMthetho we-Eastern Cape Development Corporation, 1997	Wonke
UMthetho No. 3 ka 1997	UMthetho wokweLulwa kwesikhathi sokufaka izicelo zamaBhizinisi, 1997	Wonke
UMthetho No. 4 ka 1997	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 5 ka 1997	UMthetho wezokuGembula nokuBheja waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 6 ka 1997	UMthetho wokuHamba kweZimoto eMgwaqeni waseMpumalanga Kapa (iziNhlinzeko zesiKhashana), 1997	Wonke
UMthetho No. 7 ka 1997	UMthethosichibiyelo weNdlu yabaHoli boMdabu, waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 8 ka 1997	UMthetho weMithethonqubo yokuThuthukiswa kweziNdawo zaseMakhaya waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 9 ka 1997	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 1 ka 1998	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 2 ka 1998	UMthetho wesiKhashana woKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 3 ka 1998	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 4 ka 1998	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 5 ka 1998	UMthetho wezamaKhasimende nokuXhashazwa kwamaKhasimende waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 6 ka 1998	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1998	Wonke

UMthetho No. 1 ka 1999	UMthetho weMfundo yaseziKoleni waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 2 ka 1999	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 3 ka 1999	UMthetho wokuHamba kweziMoto eMgwaqeni waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 4 ka 1999	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 5 ka 1999	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 7 ka 1999	UMthetho wezeziMali nokuPhatha, 1999	Wonke
UMthetho No. 8 ka 1999	UMthetho wokuThuthukiswa kwezoLimo, 1999	Wonke
UMthetho No. 9 ka 1999	UMthetho weNhlango eXhasa iziNdawo zaseMakhaya ngeziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 10 ka 1999	UMthetho wezeMpilo wesiFundazwe saseMpumalanga Kapa, 1999	Wonke
UMthetho No. 11 ka 1999	UMthetho weziThuthi zabaGibeli waseMpumalanga Kapa (iziNhlinzeko zesiKhashana), 1999	Wonke
UMthetho No. 3 ka 2000	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 2000	Wonke
UMthetho No. 4 ka 2000	UMthetho woKwabiwa kweziMali, 2000	Wonke
UMthetho No. 5 ka 2000	UMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000	Wonke
UMthetho No. 7 ka 2000	UMthetho wokuChithwa koMhlaba waseMpumalanga Kapa, 2000	Wonke
UMthetho No. 1 ka 2001	UMthethosichibiyelo weBhodi lamaThenda esiFundazweni saseMpumalanga Kapa, 2001	Wonke
UMthetho No. 2 ka 2001	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 4 ka 2001	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 5 ka 2001	UMthethosichibiyelo wokuGugquzela iziNdaba eziphathele neNtsha, 2001	Wonke
UMthetho No. 6 ka 2001	UMthetho wokuLandelwa kwaMazinga ezeMpilo uma kuSokwa ngokweSintu, 2001	Wonke

UMthetho No. 7 ka 2001	UMthetho ophathelene nokuVikeleka kweNyama, 2001	Wonke
UMthetho No. 8 ka 2001	UMthetho wokuHlonzwa kweziLwane, 2001	Wonke
UMthetho No. 9 ka 2001	UMthethosichibiyelo weNdlu yabaHoli boMdabu waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 10 ka 2001	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 1 ka 2002	UMthetho wesikhashana wokwaBiwa kweziMali, 2002	Wonke
UMthetho No. 2 ka 2002	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali, 2002	Wonke
UMthetho No. 4 ka 2002	UMthetho wokuChitha uMthetho wezeziMali nezokuPhatha wesishayamthetho sesiFundazwe, 2002	Wonke
UMthetho No. 5 ka 2002	UMthetho woKwabiwa kweziMali, 2002	Wonke
UMthetho No. 6 ka 2002	UMthethosichibiyelo weziNhlizeko zesiKhashana zeziNhlango ezehlukene eziseMthethweni, 2001	Wonke
UMthetho No. 7 ka 2002	UMthethosichibiyelo weziMali kanye neziNtela zokuGembula nokuBheja, 2002	Wonke
UMthetho No. 8 ka 2002	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 2002	Wonke
UMthetho No. 9 ka 2002	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2002	Wonke
UMthetho No. 10 ka 2002	UMthetho wokuPhathwa ngeNdelela eNgcono kweMfuyo, 2002	Wonke
UMthetho No. 1 ka 2003	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 2 ka 2003	UMthetho woKwabiwa kweziMali, 2003	Wonke
UMthetho No. 3 ka 2003	UMthetho wezeMigwaqo waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 3[sic] ka 2003	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 4 ka 2003	UMthetho wokuFundisa nokuQeqesha abahlangikazi kanye nababelethisi waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 5 ka 2003	UMthetho weBhodi yezokuVakasha ophathelene nokwelulwa kwesikhathi sokusebenza kwamaLungu waseMpumalanga Kapa, 2003	Wonke

UMthetho No. 6 ka 2003	UMthetho weMitapoyolwazi kanye neMisebenzi yoLwazi waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 7 ka 2003	UMthetho weMisebenzi yezokuGcinwa koLwazi namaRekhodi, 2003	Wonke
UMthetho No. 8 ka 2003	UMthetho wezokuVakasha waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 9 ka 2003	UMthetho ophathelene neziNtlo ezingaMagugu waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 10 ka 2003	UMthetho woTshwala waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 12 ka 2003	UMthetho weBhodi lezamaPaki esiFundazwe saseMpumalanga Kapa, 2003	Wonke
UMthetho No. 1 ka 2004	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 2 ka 2004	UMthetho woKwabiwa kweziMali, 2004	Wonke
UMthetho No. 3 ka 2004	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 4 ka 2004	UMthetho wokuMbiwa kweZidumbu waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 5 ka 2004	UMthethosichibiyelo weMfundo yaseziKoleni waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 6 ka 2004	UMthetho wokuChithwa kweBhodi yamaThenda esiFundazweni saseMpumalanga Kapa, 2004	Wonke
UMthetho No. 7 ka 2004	UMthetho weziGcinamagugu waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 1 ka 2005	UMthetho wokuBuyekezwa koKwabiwa kweziMali, 2005	Wonke
UMthetho No. 2 ka 2005	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2005	Wonke
UMthetho No. 3 ka 2005	UMthethosichibiyelo weNdlu yobuHoli boMdabu, 2005	Wonke
UMthetho No. 4 ka 2005	UMthetho wobuHoli boMdabu nokuBusa waseMpumalanga Kapa, 2005	Wonke
UMthetho No. 5 ka 2005	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali, 2005	Wonke
UMthetho No. 1 ka 2006	UMthetho wokuBuyekezwa koKwabiwa kweziMali, 2006	Wonke

UMthetho No. 2 ka 2006	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2006	Wonke
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IMEMORANDAMU YEZINHLOSO ZOMTHETHOSIVIVINYO WOKUHLELWA KABUSHA KWENDAWO YASEMZIMKHULU WAKWAZULU-NATALI, 2015

1. ISENDLALELO

Inhloso yalo Mthetho ukufaka esikhundleni sezinhloso zenqubomgomo, zomthetho nezokuphatha zesifundazwe saseMpumalanga Kapa izinhloso zomthethonqubo, zomthetho nezokuphatha zesifundazwe saKwaZulu-Natali ngenxa yokufakwa kukaMasipala waseMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali ngokuhambisana noMthethosichibiyelo weShumi naMbili woMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 2005 kanye noMthetho wokuChitha iMithetho yoMasipala abaneMingcele eKapakela kweZinye iziFundazwe nokuNye okuPhathelene Nalokho, 2005 (uMthetho No. 23 ka 2005)

NgokoMthethosichibiyelo weShumi naMbili woMthethosisekelo, 2005, izindawo ezisabalele ezifundazweni eziyisishiyagalolunye zanqunywa kabusha, phakathi kokunye, ngenhloso yokuthi kugwemeke imingcele yomasipala ekapakela ngaphandle kwemingcele yesifundazwe, futhi uMthetho wokuChithwa kweMithetho yoMasipala abaneMingcele eKapakela kweZinye iziFundazwe nokuNye okuPhathelene nalokho, 2005 (uMthetho No. 23 ka 2005), uhlinzekela izindaba ezahlukahlukeni ezidalwe ukuhlelwa kabusha komasipala abebenemingcele ekapakela kwezinye izifundazwe.

Mhla zingama-27 kuMbasa 1994, kwahlanganiswa ndawonye lezi zizinda zikahulumeni ezintathu esiFundazweni saseMpumalanga Kapa:

- (a) isizinda sikaHulumeni sase-Transkei, esiseMtata (manje osekunguMthatha);
- (b) isizinda sikaHulumeni sase-Ciskei, esiseBisho; kanye

(c) nesizinda sikaHulumeni saseMpumalanga Kapa, esiseBhayi.

Wonke amalungelo kanye nezimpokophelelo okutholwe, noma okunikezwe noma imuphi umuntu, uhlaka olusemthethweni noma uhlaka lombuso obelusendaweni yaseMzimkhulu ngaphambi kokuba ifakwe ngaphansi kwesiFundazwe saKwaZulu-Natali kuyoqhubeka nokusebenza maqondana nezinhlelo ezenziwe ngokomthethosisekelo nangokwemithetho esetshenziswayo ephathelene nezokuphatha. Lokhu kuphinde kusebenze futhi kumalungelo nezimpokophelelo (kubandakanya ukugunyazwa, amalayisensi, izimvume kanye nezikweletu, izibopho namajoka ahambisana nalokho) ezihambisana, noma ezenziwe abantu, izinhlelo ezisemthethweni noma izinhlelo zikahulumeni, ezeseke isinqumo esisemthethweni esithathwe ngokohlamvu 1 loHlelo 6 loMthethosisekelo ka 1996, olubeka ukuthi umthetho omdala wangaphambi komhla zingama-27 kuMbaso 1994, nemithetho yesikhashana eyasungulwa phakathi komhla zingama-27 kuMbaso 1994 kuya kumhla zi-3 kuNhlolanja 1997, iyoqhubeka nokusebenza kuze kube iyachithwa, iyachitshiyelwa noma kufakwa eminye esikhundleni sayo, noma uma ingasahambisani noMthethosisekelo ka 1996.

Ukuze kubhekwane nazo zonke izindaba eziveza ukuthi uMasipala waseMzimkhulu uzofakwa kanjani ngaphansi kwesiFundazwe saKwaZulu-Natali okukhulunywe ngakho ngenhla, uMnyango wezokuBusa ngokuBambisana nezoMdabu waKwaZulu-Natali uqale umklamo ngonyaka ka 2009 wokunquma uhlaka lomthetho olusebenzayo kanye nezinhlinzeko zomthetho okuyizona ezeseke amalungelo nezimpokophelelo ezikhona (kubandakanya ukugunyazwa, amalayisensi nezimvume kanjalo nezikweletu, izibopho namajoka okuhambisana nalokho) zabantu, zezinhlelo ezisemthethweni nezinhlelo zombuso, kube nesidingo sokuthi kuqaliswe umklamo ohlose –

- (a) ukuqinisekisa ukusebenza ngendlela efanele komthetho;
- (b) ukuvikela amalungelo akhona kanye nezimpokophelelo (kubandakanya ukugunyazwa, amalayisensi nezimvume kanye nezikweletu, izibopho namajoka ahambisana nalokho) zabantu, zemigwamanda esemthethweni nezezinhlelo zombuso;
- (c) ukugunyaza izenzo zezokuphatha ezenziwe abasebenzi ngezinhlelo ezinhle ngaphambi nangemuva kokufakwa koMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali; kanye
- (d) nokushintshwa ngokuphelele kokusebenza kwemithetho yaseMpumalanga Kapa ngokuthi kwelulwe ukusebenza kohlaka lomthetho luka-2008 lwaKwaZulu-Natali eMzimkhulu.

Lo mklamo ungume ukuthi uhlelo lwezomthetho lwaseMzimkhulu ngaphambi kokuba lufakwe ngaphansi kweKwaZulu-Natali beluqukethe –

- (a) umthetho ophathelene namasiko;
- (b) imithetho emikhulu nemincane yase-Transkei eyamiswa ngaphambi kuka 1994;
- (c) imithetho emikhulu nemincane yase-Transkei engamiswa ngaphambi kuka 1994;
- (d) imithetho emikhulu nemincane yeRiphabhulikhi yaseNingizimu Afrika eyamiswa ngaphambi kuka 1994;
- (e) imithetho emikhulu nemincane yeRiphabhulikhi yaseNingizimu Afrika engamiswa ngaphambi kuka 1994;
- (f) nanoma yimuphi omunye umthetho odluliselwe e-Transkei ngaphambi kosuku lwayo lokuzimela geqe;
- (g) imithetho emikhulu nemincane yaseMpumalanga Kapa eyamiswa noma eyakhishwa isiShayamthetho saseMpumalanga Kapa noma uMkhandlu oPhethe ngemuva komhla wama-27 kuMbasa 1994;
- (h) imithetho emikhulu nemincane yaseMpumalanga Kapa eyamiswa noma eyakhishwa yiPhalamende leRiphabhulikhi yaseNingizimu Afrika noma uMkhandlu oPhethe ngemuva komhla wama-27 kuMbasa 1994; kanye
- (i) nezinqumo zenkantolo ezibe nomthelela kunanoma imuphi umthetho noma imithetho engenhla.

Ngalokho-ke, lo Mthetho uhlose ukuhlinzeka ngomthetho oqondile kuHulumeni wesiFundazwe saKwaZulu-Natali, kuMasipala waseMzimkhulu nomphakathi owakhele, kanjalo nakubo bonke abathintekayo nokuthi kuchithwe ngokucacile izinhlaka zenqubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa esikhundleni sazo kufakwe izinhlaka ezifanayo zaKwaZulu-Natali. Lo Mthetho uphinde uhlinzekele okunye okuphathelene nalokho okungavela uma kuhlelwa kabusha indawo engaphansi kukaMasipala waseMzimkhulu nezinhlaka ezisebenza KwaZulu-Natali.

2. IZINHLOSO NOKUCHAZWA KWEZIGABA

Isigaba soMthetho 1: Izincazelo

Izincazelo ezisetshenzisiwe ziyizincazelo ezijwayelekile ezisetshenzisiwe kweminye imithetho yaKwaZulu-Natali. Ikakhulukazi incazelo "kaMasipala waseMzimkhulu" isho umthetho omncane lo masipala osungulelwe phezu kwawo ngenhloso yokuthi ufakwe ngaphansi kwesiFundazwe saKwaZulu-Natali.

Isigaba soMthetho 2: Ukusebenza koMthetho

UMthetho usebenza kuphela endaweni engaphansi kukaMasipala waseMzimkhulu njengoba kuchazwe eMthethweni.

Isigaba soMthetho 3: Izinhla zenqubomgomo, zomthetho nezokuphatha ezisetshenziswa eMzimkhulu

Lesi yisigaba soMthetho sokuhlela kabusha noma sokufaka uMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali. Lesi sigaba soMthetho sibeka ukuthi izinhla zenqubomgomo, zomthetho nezokuphatha ezisebenza esiFundazweni saKwaZulu-Natali kusukela osukwini okuqala ngalo ukusebenza kwalo lo Mthetho ziyasebenza endaweni engaphansi kukaMasipala waseMzimkhulu.

Isigaba soMthetho 4: Ukuhlonishwa nokuvikelwa kwamalungelo akhona kanye nezimpokophelelo

Lesi sigaba soMthetho sihlizekela ukuthi kuqhutshekwe nokuvikelwa, nokuqinisekiswa kanye nokusetshenziswa kwamalungelo kanye nezimpokophelelo (kubandakanya ukugunyazwa, amalayisensi, nezimvume kanye nezikweletu, izibopho namajoka ahambisana nalokho) obekuvele kukhona ngaphambi nangemuva kosuku lokufakwa koMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali ukuze kuqhubekwe nokusebenza ngemuva kokuqala kokusebenza kwalo Mthetho, noma ngabe uhlaka lwenqubomgomo, lomthetho nolokuphatha lwalawo malungelo nezimpokophelelo belukhona noma belungekho KwaZulu-Natali.

Ngaphezu kwalokho, amalungelo kanye nezimpokophelelo (kubandakanya ukugunyazwa, amalayisensi nezimvume kanye nezikweletu, izibopho namajoka ahambisana nalokho) ezisebenzayo ngokwezinhla zenqubomgomo, zomthetho nezokuphatha zesifundazwe saseMpumalanga Kapa, kuyahlonishwa, futhi izicelo zokuvuselela kumele zenziwe ngokuhambisana nezinhla zenqubomgomo, zomthetho nezokuphatha ezifanayo zaKwaZulu-Natali.

Isigaba soMthetho 5: Ukuba semthethweni kwezenzo zezokuphatha nokulawula

Lesi sigaba soMthetho sihlizekela ngokuthi izenzo zezokuphatha nokulawula ezenziwe ngezinhloso ezinhle ngenxa yokungabi khona kwemithetho esetshenziswayo noma kohlaka lomthetho olulandelwayo, ezenziwe umsebenzi noma uhlaka oluthile maqondana nanoma yiluphi udaba endaweni engaphansi kukaMasipala waseMzimkhulu ngaphambi kokuqala kokusebenza kwalo Mthetho zithathwa njengezenziwe ngokusemthethweni.

Isigaba soMthetho 6: Uhlaka lolukawula namanye amandla

Lesi sigaba soMthetho sinika amandla iLungu loMkhandlu oPhethe ukuba limise imithethonqubo futhi lishicilele izaziso *kwiGazethi yesiFundazwe* ukufezekisa lo Mthetho.

Isigaba soMthetho 7: Impahla

Ngenxa yokufakwa koMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali, impahla ehlukahlukene kumele idluliselwe esiFundazweni saKwaZulu-Natali. Lesi sigaba soMthetho sihlizekela ukudluliselwa kwempahla egudluzekayo isuswa esiFundazweni saseMpumalanga Kapa idluliselwa esiFundazweni saKwaZulu-Natali, engakdluliselwa ngokulandela isivumelwano esenziwe phakathi kweminyango kahulumeni wezifundazwe ngaphambi noma ngemuva kokuqala kokusebenza koMthetho.

Isigaba soMthetho 8: Izinhlinzeko zezikhashana

Lesi sigaba soMthetho sihlizeka ngokuthi izinyathelo ezithathwe endaweni engaphansi kukaMasipala waseMzimkhulu ngokwezinhlaka zenqubomgomo, zomthetho nezokuphatha zesiFundazwe saseMpumalanga Kapa, okuthi ngenxa yalo Mthetho zachithwa, zithathwa njengebezifanelekile ngaphansi kwezinhlinzeko ezisetshenziswa ngaphansi kwezinhlaka zenqubomgomo, zomthetho nokuphatha zesiFundazwe saKwaZulu-Natali.

Isigaba soMthetho 9: Ukuchithwa kwemithetho

Lesi sigaba soMthetho sihlizekela ukuchithwa kwemithetho yaseMpumalanga Kapa ebisetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu ngesizathu sokuthi phambilini ibuwumasipala obungaphansi kwesiFundazwe saseMpumalanga Kapa. Le mithetho esikhundleni sayo kufakwa izinhlaka zenqubomgomo, zomthetho nezokuphatha zaKwaZulu-Natali njengoba kuhlinzekelwe esigabeni soMthetho 3 salo Mthetho. Nakuba kunjalo, isigaba soMthetho 9 asihlinzekeli ukuchithwa kwayo yonke imithetho esetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu, njengoba isigaba soMthetho 9(2) siqukethe leyo mithetho engachithwanga.

Isigaba soMthetho 9(2)(a) sishiya ngaphandle nanoma iluphi uhlaka lwenqubomgomo, lomthetho nolokuphatha oluphathelene nomthetho wamasiko ekutheni luphazanyiswe yilo Mthetho. Ngokuhambisana noHlelo 4 (IweNgxenye A) loMthethosisekelo, lokhu kungomunye wemisebenzi okumele ngokomthetho unqunywe yisifundazwe ngokubambisana nohulumeni kazwelonke. KwaZulu-Natali uMthetho ophathelene

namasiko uqukethe uMthetho waKwaZulu ophathelene neNqubo yoMthetho wamaZulu 16 ka 1985, iNqubo yaseNatali yoMthetho wamaZulu (isiMemezelo R. 151 sika 1987), kanjalo nomthetho wamaZulu ongaqoshiwe, okuyimithetho engakaze isetshenziswe emphakathini owakhele indawo engaphansi kukaMasipala waseMzimkhulu.

Isigaba soMthetho 9(2)(b) siwushiya ngaphandle umphakathi wasemakhaya, imikhandlu yezomdabu, abaholi bomdabu kanye nezikhungo zezomdabu ezinhlinzekweni zalo Mthetho. UHlelo 4 (IweNgxenye A) (kuncike kwiSahluko 12) loMthethosisekelo nalo futhi luphinde luhlinzeke ngokuthi izindaba eziphathelene nobuholi bomdabu zinqunywa ngokubambisana phakathi kukazwelonke nesifundazwe. Ngenxa yalokhu, umthetho kazwelonke kanye nowesifundazwe ophathelene nokubuswa kwemiphakathi yasemakhaya ofana noMthetho owuHlaka lobuHoli boMdabu nokuBusa, 2003 (uMthetho No. 41 ka 2003), uMthetho wobuHoli boMdabu nokuBusa, 2005 (uMthetho No. 5 ka 2005) kanye noMthetho wobuHoli boMdabu nokuBusa waseMpumalanga Kapa, 2005 (uMthetho No. 4 ka 2005).

Okwesithathu okushiya ngaphandle, okuhlinzekelwe esigabeni soMthetho 9(2)(c), kusebenza ezinhakeni zenqubomgomo, zomthetho nezokuphatha ezimayelana nobunikazi kanye nokuphathwa komhlaba. Le mithetho ayisebenzi ezimweni lapho ukusetshenziswa komhlaba kuhambisana nezinhloso zikazwelonke, kunemithetho eyamiswa ngaphambi konyaka ka 1994 (okuyimithetho esetshenziswa ezingeni likazwelonke) nokungasetshenziswa koMthetho weNgonyama Trust, 1994 (uMthetho No. 3KZ ka 1994), kunoma imuphi umhlaba osendaweni engaphansi kukaMasipala waseMzimkhulu.

Isigaba soMthetho 10: Isihloko esifingqiwe

Lo Mthethosivivinyo ubizwa ngoMthethosivivinyo wokuHlelwa kaBusha kweNdawo yaseMzimkhulu waKwaZulu-Natali, 2015.

Isigaba soMthetho 11: UHlelo

UHlelo lunohlu lwemithetho esetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu echithiwe njengoba kuhlinzekelwe esigabeni soMthetho 9, kanye nobungako balokhu okuchithiwe.

3. EMINYE IMINYANGO KANYE NEMIGWAMANDA OKUXHUNYANWE NAYO

Le minyango kahulumeni elandelayo kanye neminye imigwamanda kuxhunyane nayo:

- (a) uMnyango wezokuBusa ngokuBambisana nezoMdabu waKwaZulu-Natali;
- (b) uPhiko lokuGcina iMininingwane lwesiFundazwe saKwaZulu-Natali;
- (c) uMnyango wezoBulungiswa kanye nokuThuthukiswa koMthethosisekelo;
- (d) uPhiko lokuGcina iMininingwane kuZwelonke;
- (e) iKhomishana yaseNingizimu Afrika ebhekele ukuPhuculwa koMthetho;
- (f) iHhovisi likaNdunankulu kuHulumeni wesiFundazwe saseMpumalanga Kapa;
- (g) uMnyango wezoHulumeni baseKhaya kanye nezeziNdlu: kuHulumeni wesiFundazwe saseMpumalanga Kapa;
- (h) uPhiko lokuGcina iMininingwane esiFundazweni saseNtshonalanga Kapa;
- (i) uMnyango wezoHulumeni nezeziNdlu wesiFundazwe saseNtshonalanga Kapa;
- (j) uPhiko lokuGcina iMininingwane lwaseMthatha;
- (k) uMtapowolwazi eNkantolo ePhakeme yaseMthatha; kanye
- (l) noMtapowolwazi wasePhalamende.

4. IZIMALI EZIZODINGEKA

Njengamanje azikho izimali ezizodingeka maqondana nokuqaliswa kwalo Mthetho.

**KWAZULU-NATAL WETSONTWERP
OP BERIGTING VAN UMZIMKHULU, 2015**

WETSONTWERP

Om voorsiening te maak vir die berigting van die beleid, statutêre en administratiewe raamwerke tans van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit met die beleid, statutêre en administratiewe raamwerke tans van toepassing en van krag in die groter KwaZulu-Natal; om voorsiening te maak vir die herroeping van geïdentifiseerde dele van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te maak vir die bevestiging van die territoriale toepassing van die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke vir die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te maak vir 'n raamwerk vir die beskerming van bestaande regte en belange in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te maak vir die bekragtiging van uitvoerende en administratiewe handeling uitgevoer te goeder trou in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering te bemagtig om regulasies uit te vaardig en kennisgewings uit te reik; om voorsiening te maak vir oorgangsreëlins; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

AANHEF

AANGESIEN die inlywing van die Umzimkhulu Plaaslike Munisipaliteit in die Provinsie van KwaZulu-Natal op 1 Maart 2006, in ooreenstemming met die Grondwet van die Republiek van Suid-Afrika, 1996, en die Wysigingswetsontwerp op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2005 (Wet No. 23 van 2005), plaasgevind het sonder 'n bepaalde statutêre raamwerk vir die vervanging van die toepaslike Oos-Kaap beleid, statutêre raamwerke deur die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke; en

AANGESIEN dit nodig is om voorsiening te maak vir die spoedige vervanging van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van toepassing in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit met die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke, beoog die Wet om –

- (a) die beleid, statutêre en administratiewe raamwerke tans van krag te berig met dit wat van toepassing is in die groter KwaZulu-Natal;
- (b) geïdentifiseerde dele van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te herroep;
- (c) die territoriale toepassing van die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te bevestig;
- (d) voorsiening te maak vir 'n raamwerk vir die voortgesette erkenning en beskerming van alle bestaande regte en belange in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit;
- (e) alle administratiewe handelinge wat te goeder trou uitgevoer is in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te bekragtig;
- (f) regulerende en ander bevoegdhede te verleen aan die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering;
- (g) voorsiening te maak vir oorgangsreëlins; en
- (h) 'n magtigingsraamwerk te voorsien vir die volhoubare ontwikkeling van die Umzimkhulu Plaaslike Munisipaliteit en sy gemeenskappe.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal bepaal:-

1. Omskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken –

"gewoontereg" daardie gewoontes wat beskou word as bindend op, en afdwingbaar ten opsigte van, alle lede van 'n spesifieke tradisionele gemeenskap ongeag of dit erken word soos bedoel in hierdie Wet;

"gewoontes" tradisionele praktyke nagekom deur 'n tradisionele gemeenskap, ongeag of dit erken word soos bedoel in hierdie Wet;

"hierdie Wet" sluit in regulasies uitgevaardig en kennisgewings en bylae gepubliseer soos bedoel in hierdie Wet;

"datum van inlywing" 1 Maart 2006;

"jurisdiksiegebied" die benoemde jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit;

"koerant" die amptelike Provinsiale Koerant van KwaZulu-Natal;

"KwaZulu-Natal" die Provinsie van KwaZulu-Natal;

"Oos-Kaap" die Provinsie van die Oos-Kaap;

"provinsiale openbare entiteit" 'n provinsiale openbare entiteit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

"Provinsiale Wetgewer" die Wetgewer van die Provinsie van KwaZulu-Natal;

"provinsiale wetgewer" 'n provinsiale wetgewer soos bedoel in artikel 104 van die Grondwet van die Republiek van Suid-Afrika, 1996;

"regte en belange" sluit in, maar is nie beperk nie, tot –

(a) magtigings, lisensies, permitte en toestemmings; en

(b) die gepaardgaande laste, verpligtinge en pligte,

verkry, toegeken, verwerf, erken of gesetel voor die inwerkingtreding van die Wet in ooreenstemming met enige beleid, statutêre of administratiewe raamwerk;

"staatsorgaan" 'n staatsorgaan soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

"tradisionele gemeenskap" 'n gemeenskap erken soos bedoel in artikel 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

"tradisionele instelling" 'n instelling, ongeag of dit erken word soos bedoel in hierdie Wet, gestig soos bedoel in ooreenstemming met die toepaslike gewoontereg en gewoontes van 'n tradisionele gemeenskap, ongeag of dit erken word soos bedoel in artikel 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

"tradisionele leier" 'n persoon soos erken in Hoofstuk 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005), as 'n tradisionele leier;

"tradisionele raad" 'n raad ingestel soos bedoel in artikel 8 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

"Umzimkhulu Plaaslike Munisipaliteit" die munisipaliteit –

(a) ingestel deur Provinsiale Kennisgewing 344 van 2000, gepubliseer in *Provinsiale Koerant* 5563 van 2000, soos gewysig deur Provinsiale Kennisgewing 1 van 2006, gepubliseer in *Provinsiale Koerant* 6456 van 5 Januarie 2006, uitgereik ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998); en

(b) wat munisipale uitvoerende en wetgewende gesag deel in sy gebied met die Sisonke Distriksmunisipaliteit, soos bedoel in artikel 4 van die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000 (Wet No. 7 van 2000).

"verantwoordelike Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in KwaZulu-Natal.

Toepassing van Wet

2. Hierdie Wet –

(a) is van toepassing op die jurisdiksiegebied van Umzimkhulu Plaaslike Munisipaliteit soos bedoel in hierdie Wet, en word geadministreer deur die

verantwoordelike Lid van die Uitvoerende Raad; en

(b) geld in gevalle van konflik met enige ander provinsiale wetgewing.

Beleid, statutêre en administratiewe raamwerke van toepassing in Umzimkhulu

3. Onderhewig aan die bepalings van die Wet, die beleid, statutêre en administratiewe raamwerke wat geld in KwaZulu-Natal, soos gewysig van tyd tot tyd, is van toepassing in die jurisdiksiegebied van Umzimkhulu Plaaslike Munisipaliteit vanaf die inwerkingtredingsdatum van hierdie Wet.

Erkenning en voortbestaande beskerming van bestaande regte en belange

4. (1) Enige reg of belang, verkry, toegeken, verwerf, erken of gesetel voor of na die inlywingsdatum word hiermee –

(a) erken en die inhoud en wese daarvan is nie in enige opsig deur die inwerkingtreding van die Wet verander nie; en

(b) beskou as 'n reg of belang erken deur die beleid, statutêre en administratiewe bestaande raamwerke in KwaZulu-Natal.

(2) Enige aansoek om die hernuwing van enige reg of belang wat binne 'n gespesifiseerde tydperk verval, soos gespesifiseer in enige beleid, statutêre of administratiewe raamwerk van toepassing op sodanige reg of belang, moet in ooreenstemming met die betrokke bepaling van die ooreenstemmende KwaZulu-Natal beleid, statutêre en administratiewe raamwerk gemaak word.

(3) In die afwesigheid van enige ooreenstemmende KwaZulu-Natal beleid, statutêre en administratiewe raamwerk soos bedoel in subartikels (1) en (2), word die toepaslike Oos-Kaap raamwerk, in ooreenstemming met dit waarmee die reg of belang verkry, toegeken, verwerf, erken of gesetel was, hiermee erken as die relevante KwaZulu-Natal beleid, statutêre of administratiewe raamwerk, soos die geval mag wees, vir solank as wat daardie reg of belang bestaan.

Bekragtiging van uitvoerende en administratiewe funksies

5.(1) Alle uitvoerende en administratiewe aksies ten opsigte van enige aangeleentheid betreffende die administrasie van die Umzimkhulu Plaaslike Munisipaliteit en die plaaslike gemeenskappe binne die jurisdiksiegebied voor die inwerkingtreding van

hierdie Wet en uitgevoer te goeder trou deur enige amptenaar of beampte bedoel in subartikel (2), word hiermee beskou as geldig uitgevoer –

- (a) asof die vereiste regsbasis, ingesluit, maar nie beperk nie tot, delegerings, take, volmag, diensvlaksooreenkomste en diensleweringsooreenkomste, bestaan het ten tyde van die uitvoer van sodanige handeling; of
- (b) waar die regsbasis wat toe bestaan het, ingesluit het, maar nie beperk was nie, tot delegerings, take, volmag, diensvlaksooreenkomste diensleweringsooreenkomste, nie ten volle nagekom was nie.

(2) Vir die doelwitte van hierdie artikel, beteken "amptenaar" of "beampte" –

- (a) 'n lid van die Uitvoerende Rade van die Oos-Kaap en KwaZulu-Natal;
- (b) 'n ampsdraer of lid van die Umzimkhulu, Alfred Nzo en Sisonke Munisipale Rade; en
- (c) 'n beampte binne –
 - (i) die Provinsiale Regerings van die Oos-Kaap en KwaZulu-Natal;
 - (ii) die Umzimkhulu Plaaslike Munisipaliteit en die Alfred Nzo en Sisonke Distriksmunisipaliteite; en
 - (iii) enige provinsiale staatsorgaan of enige provinsiale openbare entiteit.

Regulerende en ander bevoegdhede

6. Die verantwoordelike Lid van die Uitvoerende Raad mag –

- (a) deur kennisgewing in die *Koerant* –
 - (i) regulasies uitvaardig wat nie teenstrydig is met die Wet vir enige aangeleentheid wat die toepassing van die Wet mag fasiliteer nie; en
 - (ii) enige bylae publiseer of wysig wat hy of sy nodig ag vir die doel om hierdie Wet in werking te stel; en
- (b) kennisgewings uitreik in die *Koerant* betreffende die omskakeling van regte en belange soos bedoel in artikel 4 van hierdie Wet.

Bates

7. Enige roerende bates wat nog nie oorgedra is na die Provinsiale Regering van KwaZulu-Natal of die Umzimkhulu Plaaslike Munisipaliteit nie, na gelang van die geval, word oorgedra by die inwerkingtreding van hierdie Wet.

Oorgangsreëlings

8. Enigiets gedoen of wat beskou word as gedoen volgens enige bepaling van 'n wet wat herroep is deur artikel 9 en wat kan of moet gedoen word soos bedoel in hierdie Wet of 'n beleid, statutêre of administratiewe raamwerk wat geld in KwaZulu-Natal, moet beskou word as gedoen soos bedoel in die ooreenstemmende bepaling van hierdie Wet of die vermelde beleid, statutêre of administratiewe raamwerk geldend in KwaZulu-Natal.

Herroeping van wette

9.(1) Die wette vermeld in Gedeeltes A – F van die Bylae word hiermee herroep tot die omvang soos aangedui in die Bylae, in soverre as wat dit van toepassing is op KwaZulu-Natal.

(2) Enige beleid, statutêre of administratiewe raamwerk wat bestaan in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit direk voor die inwerkingtreding van hierdie Wet, wat betrekking het op –

- (a) gewoontereg en gewoontes;
- (b) tradisionele gemeenskappe, tradisionele rade, tradisionele leierskap en enige ander tradisionele instellings; en
- (c) grondgebruik en grondadministrasie,

word nie geaffekteer deur die bepalings van hierdie Wet nie.

Kort titel

10. Hierdie Wet word die KwaZulu-Natal Wet op die Berigting van Umzimkhulu, 2015, genoem.

BYLAE
Herroeping van wette
(artikel 9(1))

Deel A: Ordonnansies en Proklamasies van die vorige Provinsie van die Kaap van Goeie Hoop toegeken aan die Oos-Kaap.

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 7 van 1912	Gas Ordonnansie van Kaapse Plaaslike Regering, 1912	Geheel
Ordonnansie No. 8 van 1913	Privaatordonnansie op Wetswysiging van Kamer van Koophandel van Oos-Londen, 1913	Geheel
Ordonnansie No. 13 van 1913	Munisipale Ordonnansie op die Stad van Port Elizabeth, 1913	Geheel
Ordonnansie No. 23 van 1918	Ordonnansie op Landboukundige Verenigingslenings, 1918	Geheel
Ordonnansie No. 4 van 1919	Ordonnansie op Armesorg en Liefdadigheidsinrigtings, 1919	Geheel
Ordonnansie No. 11 van 1919	Oos-Londen Munisipale Ordonnansie, 1919	Geheel
Ordonnansie No. 4 van 1924	Graaff-Reinet Kollege Ordonnansie, 1924	Geheel
Ordonnansie No. 5 van 1924	Wysigingsordonnansie op Armesorg en Liefdadigheidsinrigtings, 1924	Geheel
Ordonnansie No. 6 van 1926	Ordonnansie op Verassings, 1926	Geheel
Ordonnansie No. 24 van 1930	Ordonnansie op Openbare Liggame (Oudit), 1930	Geheel

Ordonnansie No. 23 van 1935	Ordonnansie op Plaaslike Owerhede (Belegging van Fondse), 1935	Geheel
Ordonnansie No. 17 van 1938	Ordonnansie op Plaaslike Owerhede (Oudit), 1938	Geheel
Ordonnansie No. 18 van 1938	Skutte Ordonnansie, 1938	Geheel
Ordonnansie No. 9 van 1939	Ordonnansie op Grondonteiening (Provinsiale Administrasie), 1939	Geheel
Ordonnansie No. 11 van 1941	Stad van Port Elizabeth Spoorlose Trem Privaatordonnansie, 1941	Geheel
Ordonnansie No. 26 van 1944	Ordonnansie op Waardasie, 1944	Geheel
Ordonnansie No. 1 van 1945	Ordonnansie op Kommisies, 1945	Geheel
Ordonnansie No. 18 van 1946	Ordonnansie op Hospitale, 1946	Geheel
Ordonnansie No. 2 van 1948	Stad van Oos-London Ordonnansie op Uitbreiding van Grense, 1948	Geheel
Ordonnansie No. 21 van 1950	Stad van Port Elizabeth Spoorlose Trem (Privaat) Wysigingsordonnansie, 1950	Geheel
Ordonnansie No. 15 van 1955	Wysigingsordonnansie op Hospitale, 1955	Geheel
Ordonnansie No. 3 van 1956	Wysigingsordonnansie op Hospitale, 1956	Geheel
Ordonnansie No. 11 van 1955	Ordonnansie op Verplasing en Pensioene van Ambulanspersoneel, 1955	Geheel
Ordonnansie No. 20 van 1956	Onderwysordonnansie, 1956	Geheel
Ordonnansie No. 26 van 1957	Ordonnansie op die Beheer van Probleemdiere, 1957	Geheel
Ordonnansie No. 6 van 1963	Ordonnansie op Plaaslike Owerhede (Ontwikkelig volgens Gemeenskap), 1963	Geheel
Ordonnansie No. 16 van 1964	Ordonnansie op Verjaring (Plaaslike Owerhede), 1964	Geheel
Ordonnansie No. 23 van 1964	Provinsiale Ordonnansie op Restaurante, 1964	Geheel
Ordonnansie No. 13 van 1965	Ordonnansie op Delegering van Bevoegdhede, 1965	Geheel
Ordonnansie No. 11 van 1968	Oos-Griekwaland Afdelingsraadordonnansie, 1968	Geheel
Ordonnansie No. 20 van 1971	Ordonnansie op Openbare Oorde, 1971	Geheel
Ordonnansie No. 12 van 1972	Gibbon Erflatingsordonnansie, 1972	Geheel
Ordonnansie No. 10 van 1974	Stigtingsordonnansie op Verdeling van Kaffraria, 1974	Geheel
Ordonnansie No. 19 van 1974	Ordonnansie op Natuur- en Omgewingsbewing, 1974	Geheel
Ordonnansie No. 20 van 1974	Munisipale Ordonnansie, 1974	Geheel
Ordonnansie No. 18 van 1976	Ordonnansie op Afdelingsrade, 1976	Geheel
Ordonnansie No. 19 van 1976	Ordonnansie op Paaie, 1976	Geheel
Ordonnansie No. 8 van 1977	Ordonnansie op Burgerlike Beskerming, 1977	Geheel
Ordonnansie No. 15 van 1977	Ordonnansie op Herwinning van Betalings deur Statutêre Liggame, 1977	Geheel
Ordonnansie No. 13 van 1978	Ordonnansie op Kommissies van Ondersoek, 1978	Geheel
Ordonnansie No. 19 van 1978	Ordonnansie op Hondebelasting, 1978	Geheel

Ordonnansie No. 3 van 1982	Natuurreservaat Bekragtigingsordonnansie, 1982	Geheel
Ordonnansie No. 15 van 1985	Ordonnansie op Grondgebruiksbeplanning, 1985	Geheel
Ordonnansie No. 11 van 1986	Ordonnansie op Verbod op Hondwedrenne, 1986	Geheel
Ordonnansie No. 148 van 1993	Ordonnansie op Eiendomswaardering, 1993	Geheel

Deel B: Proklamasies, Regulasies en Kennisgewings toegeken aan die Oos-Kaap deur die Suid-Afrikaanse Regering

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Proklamasie No. 142 van 15 November 1910	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel
Proklamasie No. 196 van 26 November 1920	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel
Proklamasie No. 70 van 23 April 1937	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel
Proklamasie No. 116 van 13 Mei 1949	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. R. 293 van 16 November 1962	Proklamasie uitgevaardig ingevolge artikel 4 van die Wet op Naturelle Trust en Grond, 1936	Geheel
Proklamasie No. R. 5 van 11 Januarie 1963	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. R. 192 van 8 September 1967	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 196 van 8 September 1967	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. 300 van 18 Oktober 1968	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 33 van 28 Februarie 1971	Proklamasie uitgevaardig ingevolge artikel 25(1) die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 322 van 15 Desember 1972	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 1897 van 12 September 1986	Regulasies met verwysing na Dorpsbeplanning en Grondgebruik uitgevaardig in terme van artikel 66(1) van die Swart Gemeenskap Ontwikkelingswet, 1984	Geheel
Proklamasie No. 133 van 4 Augustus 1994	Oorgangsreëlings: Polisiëringdienste (uitgevaardig ingevolge artikel 235(7) van die Wet op die Grondwet van die Republiek van Suid-Afrika 1993)	Geheel

Proklamasie No. 153 van 31 Oktober 1994	Proklamasie uitgevaardig ingevolge artikel 235(8) van die Wet op die Grondwet van die Republiek van Suid-Afrika, 1993	Geheel
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Deel C: Verordeninge van die Suid-Afrikaanse Parlement toegeken aan die Oos-Kaapse Provinsie

<i>Nommer en jaar van die wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Wet No. 38 van 1927	Swart Administrasie Wet, 1927	Artikels 1 and 2(7), (7)bis, (7)ter en (8)
Wet No. 21 van 1935	Strandwet, 1935	Geheel
Wet No. 21 van 1940	Wet op Advertensies op Paaie en Strookontwikkeling, 1940	Geheel
Wet No. 71 van 1962	Wet op Dierebeskerming, 1962	Geheel
Wet No. 81 van 1967	Wet op Bejaarde Persone, 1967	Geheel
Wet No. 84 van 1967	Wet op Opheffing van Beperkings, 1967	Geheel
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	Geheel
Wet No. 63 van 1970	Wet op Bergopvanggebiede, 1970	Geheel
Wet No. 41 van 1971	Wet op Misbruik van Gewoontevormende Middele en Rehabilitasiesentrums, 1971	Geheel
Wet No. 9 van 1972	Nasionale Padveiligheidswet, 1972	Geheel
Wet No. 209 van 1993	Oorgangswet op Plaaslike Regering, 1993	Geheel

Deel D: Verordening van die voormalige Transkei Wetgewende Vergadering toegeken aan die Oos-Kaapse Provinsie

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Wet No. 6 van 1965	Transkei Veeteelt Verbeteringsverslag, 1965	Geheel
Wet No. 3 van 1968	Transkei Wet op Kunsmatige Inseminasie van Diere, 1968	Geheel
Wet No. 8 van 1969	Transkei Belastingwet, 1969	Geheel
Wet No. 17 van 1976	Wet op Plaaslike Owerhede, 1976	Geheel
Wet No. 25 van 1976	Wet op Administrasie (Wysiging), 1976	Geheel
Wet No. 28 van 1978	Wet op Dieresiektes en Parasiete, 1978	Geheel
Wet No. 29 van 1978	Wet op Munisipaliteite (Oudit), 1978	Geheel
Wet No. 30 van 1978	Waardasiewet, 1978	Geheel

Wet No. 33 van 1978	Wet op Landboukundige Peste, 1978	Geheel
Wet No. 14 van 1979	Plantverbeteringswet, 1979	Geheel
Wet No. 24 van 1979	Wet op Munisipaliteite, 1979	Geheel
Wet No. 18 van 1981	Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1981	Geheel
Wet No. 6 van 1983	Transkei Wet op Kapteinshowe, 1983	Geheel
Wet No. 25 van 1985	Wette op Gesondheid (Wysigingswet) (Transkei), 1985	Geheel

Deel E: Proklamasies, Hofbevele, Regulasies en Kennisgewings uitgereik deur die voormalige Transkei Regering soos toegeken aan die Oos-Kaap

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Hofbevel No. 6 van 1989	Hofbevel op Transkei Sportraad, 1989	Geheel
Hofbevel No. 8 van 1989	Transkei Sport- en Opvoedkundige Hulp Trust Hofbevel, 1989	Geheel
Hofbevel No. 14 van 1989	Hofbevel op Loterye, 1989	Geheel
Hofbevel No. 4 van 1980	Hofbevel op Ordelyke Beheer van Dobbelaar, 1980	Geheel
Hofbevel No. 17 van 1990	Hofbevel op Casino's, 1990	Geheel
Hofbevel No. 9 van 1992	Hofbevel op Omgewingsbewaring, 1992	Geheel

Deel F: Verordeninge van die Oos-Kaap Provinsiale Wetgewer

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Wet No. 1 van 1994	Provinsiale Skatkiswet (Oos-Kaap), 1994	Geheel
Wet No. 3 van 1994	Provinsiale Wet op Kommissies (Oos-Kaap), 1994	Geheel
Wet No. 4 van 1994	Wet op Provinsiale Openbare Beskermer (Oos-Kaap), 1994	Geheel
Wet No. 1 van 1995	Huis van Tradisionele Leiers Wet (Oos-Kaap), 1995	Geheel
Wet No. 2 van 1995	Begrotingsaansuiweringswet (Oos-Kaap), 1995	Geheel
Wet No. 3 van 1995	Begrotingswet (Oos-Kaap), 1995	Geheel
Wet No. 4 van 1995	Wysigingswet op Onderwyswette (Bestuur van Matrikulasie eksamen), 1995	Geheel
Wet No. 6 van 1995	Wet op die Bevordering van Jeugsake (Oos-Kaap), 1995	Geheel
Wet No. 8 van 1995	Wysigingswet op Provinsiale Skatkiswet (Oos-Kaap), 1995	Geheel
Wet No. 10 van 1995	Wet op Ciskei Fondsinsamelingswette (Oos-Kaap), 1995	Geheel
Wet No. 11 van 1995	Wysigingswet van Ordonnansie op Eieindomswaardasie (1993) (Oos-Kaap), 1995	Geheel

Wet No. 1 van 1996	Begrotingsaansuiweringswet (Oos-Kaap), 1996	Geheel
Wet No. 2 van 1996	Begrotingswet, 1996	Geheel
Wet No. 3 van 1996	Wet op Besoldiging en Toelae van Lede van die Provinsiale Wetgewer (Oos-Kaap), 1996	Geheel
Wet No. 1 van 1997	Begrotingsaansuiweringswet (Oos-Kaap), 1997	Geheel
Wet No. 2 van 1997	Oos-Kaap Wet op Ontwikkelingskorporasie, 1997	Geheel
Wet No. 3 van 1997	Wet op Besighede (Verlenging van Aansoek van die Wet op Besighede, 1991), 1997	Geheel
Wet No. 4 van 1997	Begrotingswet (Oos-Kaap), 1997	Geheel
Wet No. 5 van 1997	Oos-Kaap Wet op Dobbelary en Weddery, 1997	Geheel
Wet No. 6 van 1997	Padverkeerswet (Oorgangsbepalings) (Oos-Kaap), 1997	Geheel
Wet No. 7 van 1997	Wysigingswet op Wet op Huis van Tradisionele Leiers (Oos-Kaap), 1997	Geheel
Wet No. 8 van 1997	Regulasie van Wet op Landelike Ontwikkeling (Oos-Kaap), 1997	Geheel
Wet No. 9 van 1997	Wysigingswet op Wet op Dobbelary en Weddery (Oos-Kaap), 1997	Geheel
Wet No. 1 van 1998	Begrotingsaansuiweringswet (Oos-Kaap), 1998	Geheel
Wet No. 2 van 1998	Tussentydse Begrotingswet (Oos-Kaap), 1998	Geheel
Wet No. 3 van 1998	Tweede Begrotingsaansuiweringswet (Oos-Kaap), 1998	Geheel
Wet No. 4 van 1998	Begrotingswet (Oos-Kaap), 1998	Geheel
Wet No. 5 van 1998	Wet op Verbruikersaangeleenthede (Onregverdige Sakepraktie), (Oos-Kaap) 1998	Geheel
Wet No. 6 van 1998	Wysigingswet op Wet op Dobbelary en Weddery (Oos-Kaap), 1998	Geheel
Wet No. 1 van 1999	Oos-Kaap Wet op Onderwys vir Skole, 1999	Geheel
Wet No. 2 van 1999	Begrotingsaansuiweringswet (Oos-Kaap)	Geheel
Wet No. 3 van 1999	Padverkeerswet (Oos-Kaap), 1999	Geheel
Wet No. 4 van 1999	Begrotingswet (Oos-Kaap), 1999	Geheel
Wet No. 5 van 1999	Wysigingswet op Wet op Dobbelary en Weddery (Oos-Kaap), 1999	Geheel
Wet No. 7 van 1999	Wet op Finansies en Administrasie, 1999	Geheel
Wet No. 8 van 1999	Wet op Landbou-Ontwikkeling, 1999	Geheel
Wet No. 9 van 1999	Oos-Kaap Wet op Landelike Finansieringskorporasie, 1999	Geheel
Wet No. 10 van 1999	Oos-Kaap Provinsiale Gesondheidswet, 1999	Geheel
Wet No. 11 van 1999	Wet op Passasiersvervoer (Tussentydse Bepalings) (Oos-Kaap), 1999	Geheel
Wet No. 3 van 2000	Wysigingswet op Wet op Dobbelary en Weddery (Oos-Kaap), 2000	Geheel
Wet No. 4 van 2000	Begrotingswet, 2000	Geheel
Wet No. 5 van 2000	Wet op Bepaling van Soorte Munisipaliteite, 2000	Geheel
Wet No. 7 van 2000	Oos-Kaap Wet op Grondbeskikking, 2000	Geheel
Wet No. 1 van 2001	Wysigingswet op Tenderraad (Oos-Kaap), 2001	Geheel
Wet No. 2 van 2001	Begrotingsaansuiweringswet (Oos-Kaap), 2001	Geheel

Wet No. 4 van 2001	Begrotingswet (Oos-Kaap), 2001	Geheel
Wet No. 5 van 2001	Wysigingswet op Wet op Bevordering van Jeugaangeleenthede Act, 2001	Geheel
Wet No. 6 van 2001	Wet op Toepassing van Gesondheidsstandaarde lydens Tradisionele Besnydenis, 2001	Geheel
Wet No. 7 van 2001	Wet op Veiligheid van Vleis, 2001	Geheel
Wet No. 8 van 2001	Wet op Diere-identifikasie, 2001	Geheel
Wet No. 9 van 2001	Wysigingswetsontwerp op Wet op Huis van Tradisionele Leiers (Oos-Kaap), 2001	Geheel
Wet No. 10 van 2001	Begrotingsaansuiweringswet (Oos-Kaap), 2001	Geheel
Wet No. 1 van 2002	Tussentydse Begrotingswet, 2002	Geheel
Wet No. 2 van 2002	Tweede Begrotingsaansuiweringswet, 2002	Geheel
Wet No. 4 van 2002	Herroepingswet op Wet op Provinsiale Wetgewer Finansies en Administrasie, 2002	Geheel
Wet No. 5 van 2002	Begrotingswet, 2002	Geheel
Wet No. 6 van 2002	Wysigingswet op Korporatiewe Oorgangsbepalings, 2002	Geheel
Wet No. 7 van 2002	Wysigingswet op Wet op Dobbelaar en Weddery (Fooie en Belasting), 2002	Geheel
Wet No. 8 van 2002	Wysigingswet op Wet op Dobbelaar en Weddery (Oos-Kaap), 2002	Geheel
Wet No. 9 van 2002	Begrotingsaansuiweringswet (Oos-Kaap), 2002	Geheel
Wet No. 10 van 2002	Wet op die Verbetering van Lewende Hawe, 2002	Geheel
Wet No. 1 van 2003	Tweede Begrotingsaansuiweringswet (Oos-Kaap)	Geheel
Wet No. 2 van 2003	Begrotingswet, 2003	Geheel
Wet No. 3 van 2003	Oos-Kaap Wet op Paaie, 2003	Geheel
Wet No. 3[sic] van 2003	Begrotingsaansuiweringswet (Oos-Kaap), 2003	Geheel
Wet No. 4 van 2003	Wet op Onderwys en Opleiding van Verpleegkundiges en Vroedvroue (Oos-Kaap), 2003	Geheel
Wet No. 5 van 2003	Oos-Kaap Wet op die Toerisme Raad (Verlenging van Ampstermyn van Lede, 2003	Geheel
Wet No. 6 van 2003	Wet op Biblioteek- en Inligtingsdienste (Oos-Kaap), 2003	Geheel
Wet No. 7 van 2003	Wet op Provinsiale Argief- en Rekorddiens, 2003	Geheel
Wet No. 8 van 2003	Oos-Kaap Toerismewet, 2003	Geheel
Wet No. 9 van 2003	Oos-Kaap Wet op Erfenishulpbronne, 2003	Geheel
Wet No. 10 van 2003	Oos-Kaap Drankwet, 2003	Geheel
Wet No. 12 van 2003	Provinsiale Parkeraadwet (Oos-Kaap), 2003	Geheel
Wet No. 1 van 2004	Tweede Begrotingsaansuiweringswet, 2004	Geheel
Wet No. 2 van 2004	Begrotingswet, 2004	Geheel
Wet No. 3 van 2004	Begrotingsaansuiweringswet (Oos-Kaap), 2004	Geheel
Wet No. 4 van 2004	Wet op Opgrawings (Oos-Kaap), 2004	Geheel

Wet No. 5 van 2004	Oos-Kaap Wysigingswet op Wet op Skoolonderwys, 2004	Geheel
Wet No. 6 van 2004	Herroepingswet van Provinsiale Tenderraad Wet (Oos-Kaap), 2004	Geheel
Wet No. 7 van 2004	Wet op Museums (Oos-Kaap), 2004	Geheel
Wet No. 1 van 2005	Begrotingsaansuiweringswet, 2005	Geheel
Wet No. 2 van 2005	Begrotingswet (Oos-Kaap), 2005	Geheel
Wet No. 3 van 2005	Wysigingswet op Wet op Huis van Tradisionele Leiers, 2005	Geheel
Wet No. 4 van 2005	Wet op Tradisionele Leierskap en Regering (Oos-Kaap), 2005	Geheel
Wet No. 5 van 2005	Tweede Begrotingsaansuiweringswet, 2005	Geheel
Wet No. 1 van 2006	Begrotingsaansuiweringswet, 2006	Geheel
Wet No. 2 van 2006	Begrotingswet (Oos-Kaap), 2006	Geheel

**MEMORANDUM
OOR DIE OOGMERKE
VAN DIE**

KWAZULU-NATAL WETSONTWERP OP BERIGTING VAN UMZIMKHULU, 2015

1. AGTERGROND

Die doel van die Wet is om die Oos-Kaap Provinsiale beleid, statutêre en administratiewe raamwerk, wat van toepassing is in die Umzimkhulu Plaaslike Munisipaliteit, te vervang met KwaZulu-Natal Provinsiale beleid, statutêre en administratiewe raamwerk as 'n noodsaaklike gevolg van die inlywing van die Umzimkhulu Plaaslike Munisipaliteit by KwaZulu-Natal in ooreenstemming met beide die Twaalfde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 2005 en die *Wet op Oorgrens-munisipale Herroeping en Verwante Aangeleenthede*, 2005 (Wet No. 23 van 2005).

Ingevolge die Twaalfde Wysigingswet op die Grondwet, 2005, was die geografiese gebiede van die nege provinsies herbepaal, onder andere, om munisipale grense wat oor provinsiale grense strek, te vermy, en die Wet op die Oorgrens-munisipale Herroeping en Verwante Aangeleenthede, 2005 (Wet No. 23 van 2005), het voorsiening gemaak vir 'n aantal aangeleenthede wat voortgespruit het uit die herberigting van die voormalige oorgrensmunisipaliteite.

Op 27 April 1994 is die volgende drie administrasies in die Oos-Kaap Provinsie saamgesmelt:

- (a) Transkei Administrasie, geleë in Umtata (tans Mthatha);
- (b) Ciskei Administrasie; geleë in Bisho; en
- (c) Oos-Kaap Administrasie, geleë in Port Elizabeth.

Alle regte en belange verkry deur, of gesetel in, enige individu, regsentiteit of staatsorgaan in die geografiese gebied van Umzimkhulu voor sy inlywing bly in werking as 'n gevolg van die grondwetlike en gemeenregtelike ooreenkomste met betrekking tot die administratiewe wet. Dit het ook betrekking op die regte en belange (ingesluit bemagtigings, lisensies, permitte en toestemmings en gepaardgaande laste, verpligtinge en pligte) aangeheg, of opgeloop deur, individue, regsentiteite en staatsorgane, wat ondersteun word deur die beginselstandpunt geneem in item 1 van Bylae 6 van die 1996 Grondwet, wat aandui dat voor 27 April 1994, ou orde-, en 27 April tot 3 Februarie 1997, oorgangswetgewing van krag bly totdat dit herroep, gewysig of vervang word, of indien dit teenstrydig is met die 1996 Grondwet.

Ten einde om onweerlegbaar alle aangeleenthede te hanteer wat aandui hoe die bogenoemde inlywing van Umzimkhulu Plaaslike Munisipaliteit plaasgevind het, het die KwaZulu-Natal Departement van Koöperatiewe Regering en Tradisionele Sake 'n projek in 2009 geïnisieer vir die bepaling van die toepaslike liggaam van wette, en die inhoud van wetlike bepalings wat die bestaande regte en belange ondersteun (ingesluit magtigings, lisensies, permitte, toestemmings en die gepaardgaande laste, verpligtinge en pligte) van individue, wetlike entiteite en staatsorgane, was dit nodig om 'n projek gemik op –

- (a) versekering van wetlike sekerheid;
- (b) beskerming van bestaande regte en belange (ingesluit magtigings, lisensies, permitte en toestemmings en die gepaardgaande laste, verpligtinge en pligte) van individue, regsentiteite en staatsorgane;
- (c) bekragtiging van administratiewe handeling uitgevoer te goeder trou voor en na die inlywing deur beamptes; en
- (d) die volskaalse vervanging van die Oos-Kaap wet te bewerkstellig deur verlenging van die toepassing van die 2008 KwaZulu-Natal wetlike liggaam op Umzimkhulu,

in werking te stel.

Die projek bepaal dat die pre-inlywing van die Umzimkhulu regstelsel bestaan uit –

- (a) gewoontereg;
- (b) vasgestelde pre-1994 Transkei hoof- en ondergeskikte wetgewing;
- (c) nie-vasgestelde pre-1994 Transkei hoof- en ondergeskikte wetgewing;
- (d) vasgestelde pre-1994 RSA hoof- en ondergeskikte wetgewing;
- (e) nie-vasgestelde pre-1994 RSA hoof- en ondergeskikte wetgewing;
- (f) enige ander wet oorgedra na Transkei voor onafhanklikheid;
- (g) post-27 April Oos-Kaapse hoof- en ondergeskikte wetgewing verorden of uitgevaardig deur die Oos-Kaap Wetgewer of Uitvoerende gesag;
- (h) post-27 April 1994 RSA hoof- en ondergeskikte wetgewing verorden of uitgevaardig deur die RSA Parlement of Uitvoerende gesag; en
- (i) hofbeslissings wat 'n impak gehad het op een of meer van die bovermelde.

Sodanig is die Wet gemik op die voorsiening van regsekerheid aan die KwaZulu-Natal Provinsiale Regering, die Umzimkhulu Plaaslike Munisipaliteit en sy plaaslike gemeenskappe, sowel as alle belanghebbendes deur uitdruklike herroepingsbeleid, statutêre en administratiewe raamwerke van die Oos-Kaap Provinsie en dit te vervang met die ooreenstemmende KwaZulu-Natal raamwerke. Hierdie Wet maak ook voorsiening vir verwante aangeleenthede wat mag voortspruit as 'n gevolg van die berigting van die Umzimkhulu Plaaslike Munisipaliteit met die raamwerke wat huidiglik in KwaZulu-Natal geld.

2. OOGMERKE EN BESPREKING

Klousule 1: Omskrywings

Die omskrywings gebruik is standaard omskrywings gebruik in ander KwaZulu-Natal wetgewings. In die besonder verwys die omskrywing van "Umkimkhulu Plaaslike Munisipaliteit" na die ondergeskikte wetgewing ingevolge waarvan dit heringestel is vir doeleindes van inlywing in die Provinsie van KwaZulu-Natal.

Klousule 2: Toepassing van Wet

Die Wet is slegs van toepassing op die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit soos omskryf in die Wet.

Klousule 3: Beleid, statutêre en administratiewe raamwerke van toepasing in Umzimkhulu

Hierdie klousule is die berigtings- of vervangingsklousule van die Wet. Die klousule

stipuleer dat die beleid, statutêre en administratiewe raamwerke tersaaklik in die KwaZulu-Natal Provinsie op die inwerkingtredingsdatum van die Wet van toepassing is op die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit.

Klousule 4: Erkenning en voortdurende beskerming van bestaande regte en belange

Hierdie klousule maak voorsiening vir die voortdurende beskerming, bekragtiging en afdwinging van regte en belange (ingesluit magtigings, lisensies, permitte en toestemmings en die meegaande laste, verpligtinge en pligte) wat bestaan het voor of na die datum van inlywing om voort te duur na die inwerkingtreding van die Wet, hetsy die beleid of statutêre raamwerk vir sodanige regte en belange bestaan het in KwaZulu-Natal aldan nie.

Daarbenewens word regte en belange (ingesluit magtigings, lisensies, permitte en toestemmings en die meegaande laste, verpligtinge en pligte) wat bestaan ingevolge Oos-Kaap Provinsiale beleid, statutêre of administratiewe raamwerk erken, met aansoeke om hernuwing wat gemaak moet word in ooreenstemming met die ooreenkomstige KwaZulu-Natal beleid, statutêre of administratiewe raamwerke.

Klousule 5: Bekragtiging van uitvoerende en administratiewe aksies

Hierdie klousule maak voorsiening dat uitvoerende en administratiewe aksies óf op die basis van 'n onvoldoende, óf in die afwesigheid van enige, bemagtelende regsbasis te goeder trou uitgevoer word deur 'n funksionaris of enige amptenaar met betrekking tot enige aangeleentheid binne die jurisdiksiegebied van Umzimkhulu Plaaslike Munisipaliteit voor die inwerkingtreding van die Wet, word beskou as geldig uitgevoer.

Klousule 6: Regulerende en ander magte

Hierdie klousule bemagtig die Lid van die Uitvoerende Raad om regulasies te verorden en kennisgewings te publiseer ter bevordering van hierdie Wet in die Provinsiale *Koerant*.

Klousule 7: Bates

As gevolg van die inlywing van Umzimkhulu met KwaZulu-Natal moet verskillende bates oorgedra word na die Provinsie van KwaZulu-Natal. Hierdie klousule maak voorsiening vir die oordrag van roerende bates van die Provinsie van die Oos-Kaap na die Provinsie van KwaZulu-Natal, wat nie alreeds oorgedra is in ooreenstemming met die diensvlak-ooreenkomste gesluit tussen die tersaaklike provinsiale departemente voor, of

na, die inwerkingtreding van die Wet nie.

Klousule 8: Oorgangsreëlings

Hierdie klousule maak voorsiening dat handelingne onderneem in die Umzimkhulu Plaaslike Munisipaliteit ingevolge beleid, statutêre en administratiewe raamwerke van die Provinsie van die Oos-Kaap, wat as gevolg van hierdie Wet herroep is, beskou word as geldig behoudens die ooreenkomstige bepalings van beleid, statutêre en administratiewe raamwerke van die Provinsie van KwaZulu-Natal.

Klousule 9: Herroeping van wette

Hierdie klousule maak voorsiening vir die herroeping van Oos-Kaap wette wat van toepassing is op die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit as gevolg daarvan dat dit voorheen 'n munisipaliteit binne die jurisdiksiegebied van die Provinsie van Oos-Kaap was. Hierdie wette word vervang deur die KwaZulu-Natal beleid, statutêre en administratiewe raamwerke soos voorsiening gemaak is in klousule 3 van die Wet. Nietemin maak klousule 9 van die Wet nie voorsiening vir 'n algehele herroeping van die wette van toepassing in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit nie omrede klousule 9(2) van die Wet uitsluitings tot hierdie herroeping bevat.

Klousule 9(2)(a) sluit enige beleid, statutêre of administratiewe raamwerk uit wat betrekking het op gewoontereg en gebruike ten einde te verhinder dat dit graak word deur hierdie Wet. In ooreenstemming met Bylae 4 (Deel A) van die Grondwet, is dit 'n gesamentlike funksionele domein van beide nasionale en provinsiale wetgewende bekwaamheid. In KwaZulu-Natal bestaan gewoontereg uit die KwaZulu-Natal Wet op die Kode van Zoeloewet 16 van 1985, die Natal Wet op die Kode van Zoeloewet (Prok. R. 151 van 1985), sowel as die ongekodeerde Zoeloewet, waarvan die wette nooit toegepas was op die tradisionele gemeenskappe binne die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit nie.

In klousule 9(2)(b) word tradisionele gemeenskappe, tradisionele rade, tradisionele leiers en ander tradisionele instellings uitgesluit van beïnvloeding deur hierdie Wet. Bylae 4 (Deel A) (onderhewig aan Hoofstuk 12) van die Grondwet lys ook tradisionele leierskap as beide gesamentlike wetgewende bevoegdheid wat met tradisionele gemeenskaps- en regeringsaangeleenthede handel by wyse van die Wet op Tradisionele Leierskap en Regeringsraamwerk, 2003 (Wet No. 41 van 2003), KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005), en die

Oos-Kaap Wet op Tradisionele Leierskap en Regeringsraamwerk, 2005 (Wet No. 4 van 2005).

Die derde uitsluiting, waarvoor voorsiening gemaak is in klousule 9(2)(c), is van toepassing op die beleid, statutêre en administratiewe raamwerke met betrekking tot grondbesit en grondadministrasie. Hierdie stel wette word uitgesluit op grond van die funksionele domein van grond wat uitsluitlik nasionaal funksionele domein is, die bestaan van pre-1994 wetgewing (wat huidiglik binne die nasionale regeringsfeer val) en die nie-toepassing van die Wet op Ingonyamatrust, (Wet No. 3 van 1994), op enige grond binne die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit.

Klousule 10: Kort titel

Die kort titel van die Wetsontwerp is die KwaZulu-Natal Wetsontwerp op Berigting van Umzimkhulu, 2015.

Klousule 11: Bylae

Die bylae lys die wette wat van toepassing is in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit, herroep soos voorsien in klousule 9 van die Wet, sowel as die omvang van sodanige herroeping.

3. ANDER DEPARTEMENTE EN ENTITEITE GERAADPLEEG

Die volgende regeringsdepartemente en ander entiteite is geraadpleeg:

- (a) KwaZulu-Natal Departement van Koöperatiewe Regering en Tradisionele Sake;
- (b) KwaZulu-Natal Provinsiale Argiewe;
- (c) Departement van Justisie en Grondwetlike Ontwikkeling;
- (d) Nasionale Argiewe;
- (e) Suid-Afrikaanse Grondhervormingskommissie;
- (f) Kantoor van die Premier, Oos-Kaap Provinsiale Regering;
- (g) Departement van Plaaslike Regering en Behuising: Oos-Kaap Provinsiale Regering;
- (h) Wes-Kaap Provinsiale Argiewe;
- (i) Wes-Kaap Provinsiale Regering Departement van Plaaslike Regering en Behuising;
- (j) Mthatha Argiewe;
- (k) Mthatha Biblioteek van die Hooggeregshof; en

(l) die Parlementêre Biblioteek.

4. FINANSIËLE IMPLIKASIES

Tans is geen finansiële implikasies geïdentifiseer in verband met die implementering van hierdie Wet nie.