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STAD KAAPSTAD:

WYSIGING VAN DIE VERORDENING VIR DIE DAARSTELLING VAN STADSVERBETERINGSDISTRIKTE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hakkiese dui weglatings van bestaande Verordening aan.
 _____ Woorde wat met 'n volstreep onderstreep is, dui invoegings in die bestaande Verordening aan.

Die Stad Kaapstad Verordening vir die Daarstelling van Stadsverbeteringsdistrikte afgekondig by Provinsiale Kennisgewing 116/1999 en gepubliseer in Provinsiale Koerant No. 5337 gedateer 26 Maart 1999, word hiermee as volg gewysig:

1. Artikel 1.4 van die Verordening word hiermee gewysig deur die vervanging van Artikel 1.4 deur die volgende:

“ **‘heffing’** wanneer dit met betrekking tot die implementering van ’n Stadsverbeteringsdistrikplan as ’n naamwoord gebruik word, beteken [**’n toeslag op gelde**] die heffing vir dienste wat deur die bestuursliggaam [**namens die Raad**] gelewer word soos beoog by 9.1;”

2. Artikel 2.2.2.1 van die Verordening word hiermee gewysig deur die vervanging van Artikel 2.2.2.1 deur die volgende:

“skriftelike bevestiging deur eienaars [**wat nie minder nie as 25% (vyf-en-twintig persent) in getal besit, en nie minder nie as 25% (vyf-en-twintig persent) van die belastingbasis in waarde van die belasbare eiendomme in die grense van die voorgestelde Stadsverbeteringsdistrik verteenwoordig**] wat nie minder nie as 25% (vyf-en-twintig persent) in getal van die belasbare eiendomme in die grense van die voorgestelde Stadsverbeteringsdistrik besit en welke belasbare eiendomme nie minder nie as 25% (vyf-en-twintig persent) van die belastingbasis in waarde van die belasbare eiendomme in die grense van die voorgestelde Stadsverbeteringsdistrik verteenwoordig, dat hulle die daarstelling van ’n Stadsverbeteringsdistrik in daardie gebied ondersteun, behoudens die bepalings van 10A;”

3. Die inleiding tot Artikel 3 van die Verordening word hiermee gewysig deur dit met die volgende te vervang:

“ ’n Aansoeker moet nie voor 90 (negentig) [**30 (dertig)**] dae voor die indiening van ’n aansoek ingevolge 2—”

4. Artikel 4.2 van die Verordening word hiermee gewysig deur die vervanging van Artikel 4.2 deur die volgende:

“Die openbare vergadering moet op ’n datum gehou word wat nie vroeër as ’n week en nie later as ’n maand na die datum van die publiserings van die laaste advertensies ingevolge 3.1 is nie. Die openbare vergadering moet op ’n plek in die grense van die voorgestelde Stadsverbeteringsdistrik of sodanige ander plek wat vooraf deur die Raad goedgekeur is, gehou word. [**Die plek, datum en tyd waar die openbare vergadering gehou word, is onderworpe aan die voorafgoedgekeuring van die Raad.**]”

5. Artikel 6.1 van die Verordening word gewysig deur die vervanging van Artikel 6.1 deur die volgende:

“Nadat die bepalings van 2, 3, 4 en 5 nagekom is, moet die Raad [**binne**] teen die datum van die eerste volle vergadering van die Raad 30 (dertig) dae na die laaste datum vir die indiening van besware ooreenkomstig 5.3—”

6. Artikel 7.1.2 van die Verordening word gewysig deur die vervanging van Artikel 7.1.2 deur die volgende:

“skriftelike bewys deur die aansoeker aan die Raad voorsien is dat eienaars wat nie minder nie as 50% (vyftig persent) in getal van die belasbare eiendomme in die grense van die Stadsverbeteringsdistrik besit, welke belasbare eiendomme nie minder nie as 50% (vyftig persent) van die belastingbasis in waarde van die belasbare eiendomme in die grense van die Stadsverbeteringsdistrik verteenwoordig, die daarstelling van die Stadsverbeteringsdistrik en die Stadsverbeteringsdistrikplan soos goedgekeur deur die Raad, goedgekeur [**skriftelike bewys deur die aansoeker aan die Raad voorsien word dat nie minder nie as 50% (vyftig persent) van die eienaars van belasbare eiendom wat nie minder nie as 50% (vyftig persent) van die belastingbasis in waarde van die eiendomme in die Stadsverbeteringsdistrik verteenwoordig, die daarstelling van die Stadsverbeteringsdistrikplan soos goedgekeur deur die Raad, goedkeur.**]”

7. Artikel 9.1 van die Verordening word hiermee gewysig deur die vervanging van Artikel 9.1 deur die volgende:

“Wanneer ’n Stadsverbeteringsdistrik daargestel is, sal die Raad ooreenkomstig die bepalings van die Oorgangswet op Plaaslike Regering, 1993 of ander tersaaklike wetgewing, ’n toeslag op [**gelde**] belasting wat reeds op die eienaars van belasbare eiendom in die Stadsverbeteringsdistrik gehef word vir dienste wat deur die bestuursliggaam gelewer word, wesenlik ooreenkomstig die goedgekeurde Stadsverbeteringsdistrikplan hef.”

8. Artikel 9.2 van die Verordening word hiermee gewysig deur die toevoeging van die volgende subartikel na Artikel 9.2:

“9.2A Heffings wat vir die Stadsverbeteringsdistrik betaalbaar is, is maandeliks vooruitbetaalbaar.”

9. Artikel 9.3 van die Verordening word hiermee gewysig deur die vervanging van Artikel 9.3 deur die volgende:

“heffings wat deur die Raad vir die Stadsverbeteringsdistrik ingevorder word, moet maandeliks [**vooruit**] op of voor die [**7de (sewende)**] 25ste (vyf-en-twintigste) dag van elke maand aan die bestuursliggaam betaal word, sonder enige aftrekkings of verrekening met die doel om die Stadsverbeteringsdistrikplan te implementeer.”

10. Die opskrif van Artikel 10 van die Verordening word hiermee gewysig deur dit met die volgende opskrif te vervang:

“WYSIGING VAN STADSVERBETERINGSDISTRIKPLAN EN VERLENGING VAN TERMYN VAN STADSVERBETERINGS-DISTRIKPLAN”

11. Artikel 10 van die Verordening word hiermee gewysig deur die toevoeging van die volgende subartikel na Artikel 10.3:

“10.4 Die bestuursliggaam moet nie voor 90 (negentig) dae voor die verstryking van die driejaartydperk van die Stadsverbeteringsdistrikplan waarna daar in 2.2.2.2 verwys word of die verstryking van enige verlenging van die Stadsverbeteringsdistrikplan ingevolge 10.4 hiervan, ’n aansoek by die Raad indien vir verlenging van die termyn van die Stadsverbeteringsdistrikplan of enige verlenging daarvan, vir goedkeuring deur die Raad: met dien verstande dat sodanige verlenging nie die regte of belange van enige persoon of die heffing wat ten opsigte van die Stadsverbeteringsdistrik gehef gaan word, weselik raak nie of die grense van die Stadsverbeteringsdistrik verander nie: verder met dien verstande dat die Raad na sy goeddunke die bestuursliggaam kan vereis om die kennisgewing van die aansoek om sodanige verlenging in ’n dagblad te laat publiseer wat in of naby die omgewing van die Stadsverbeteringsdistrik versprei word. Die bepalinge van 10.1 tot 10.3 bly op dieselfde wyse van toepassing op enige wysiging van die Stadsverbeteringsdistrikplan wat ingevolge van 10.4 hiervan verleng is.”

12. Die Verordening word hiermee gewysig deur die toevoeging van die volgende Artikel na Artikel 10.4, soos toegevoeg tot die Verordening deur Artikel 8 van hierdie kennisgewing:

10A GOEDKEURING VAN STADSVERBETERINGSDISTRIKPLAN TEN OPSIGTE VAN ’N BEPERKTE GEBIED

10A Indien ’n aansoek ingevolge 2.1 nie vergesel word van die vereiste aantal skriftelike bevestigings van eenaars vereis deur 2.2.2.1, maar die aansoeker ten genoeg van die Raad kan toon dat:

10A.1 daar sodanige bevestigings van eenaars ten opsigte van belasbare eiendomme in ’n aangrensende geografiese gebied binne die voorgestelde Stadsverbeteringsdistrikgebied is wat voldoende sou wees vir die vereistes van 2.2.2.1 indien dit op daardie gebied toegepas sou word; en

10A.2 die dienste wat aan die gebied gelewer gaan word waarna daar in 10A.1 verwys word, nie verminder sal word as gevolg van die lewering van daardie dienste in slegs daardie gebied nie, in vergelyking met die lewering van daardie dienste in die hele voorgestelde Stadsverbeteringsdistrik, en die heffing wat in die Stadsverbeteringsdistrikplan voorgestel word, nie verhoog hoef te word as gevolg van die lewering van daardie dienste in slegs daardie gebied nie,

dan kan die Raad sodanige aansoek aanvaar en, onderhewig aan die ander vereistes van hierdie Verordening, die daarstelling van ’n Stadsverbeteringsdistrik en die Stadsverbeteringsdistrikplan ten opsigte van alleenlik daardie gebied, goedkeur.”

13. Die Verordening word hiermee gewysig deur die toevoeging van die volgende Artikel na Artikel 12:

“13. OORGANGSBEPALINGS

Enige:

13.1 aansoek wat deur ’n aansoeker geïnisieer word, met inbegrip van ’n Stadsverbeteringsdistrikplan wat vir sodanige aansoek voorberei is;

13.2 skriftelike bevestiging deur ’n eenaar of sy ondersteuning of goedkeuring van sodanige aansoek;

13.3 advertensie of openbare vergadering ten opsigte van sodanige aansoek;

13.4 aansoek wat by die Raad ingedien word;

13.5 goedkeuring deur die Raad vir enige aansoek;

gemaak, gedoen of verleen voor die datum van enige wysiging van hierdie Verordening, word deur die Verordening soos gewysig, beheer.”

14. Die Verordening word hiermee gewysig deur die toevoeging van die volgende Artikel wat volg op Artikel 13, soos toegevoeg tot die Verordening deur Artikel 10 van hierdie kennisgewing

“14. UITLEG

Indien daar tussen die Engelse, Afrikaanse of isiXhosa tekste van die Verordening of van enige wysiging van die Verordening ’n teenstrydigheid bestaan, word voorkeur aan die Engelse teks verleen.”

CITY OF CAPE TOWN:

AMENDMENT OF THE BY-LAW FOR THE ESTABLISHMENT OF CITY IMPROVEMENT DISTRICTS

GENERAL EXPLANATORY NOTE:

- [] Words in bold type between square brackets indicate omissions from the existing By-law.
Words underlined with a solid line indicate insertions in the existing By-law.

The City of Cape Town By-law for the Establishment of City Improvement Districts promulgated under Provincial Notice 116/1999 and published in Provincial Gazette number 5337 dated 26 March 1999 is hereby amended as follows:

1. Section 1.4 of the By-law is hereby amended by the substitution of Section 1.4 by the following:

“**levy**” when used as a noun in connection with the implementation of a City improvement district plan, means **[a surcharge on fees]** the levy for services provided by the management body **[on behalf of the Council]** as contemplated in 9.1.”

2. Section 2.2.2.1 of the By-law is hereby amended by the substitution of Section 2.2.2.1 by the following:

“written confirmation from owners **[owning not less than 25% (twenty five percent) in number and representing not less than 25% (twenty five percent) of the rates base in value of the rateable properties within the boundaries of the proposed City improvement district]** who own not fewer than 25% (twenty five percent) in a number of the rateable properties within the boundaries of the proposed City improvement district and which rateable properties represent not less than 25% (twenty five percent) of the rates base in value of the rateable properties within the boundaries of the proposed City improvement district, that they support the establishment of a City improvement district in that area, subject to the provisions of 10A;”

3. The introduction to Section 3 of the By-law is hereby amended by substituting it with the following:

“An Applicant must not earlier than 90 (ninety) **[30 (thirty)]** days before submitting an application in terms of 2—”

4. Section 4.2 of the By-law is hereby amended by the substitution of Section 4.2 by the following:

“The public meeting shall be held on a date not earlier than one week and not later than one month after the date of the publication of the last of the advertisements in terms of 3.1. The public meeting shall be held at a place which is within the boundaries of the proposed City improvement district or at such other place as has the Council's prior approval. [The place, date and time where the public meeting is held shall be subject to the prior approval of Council.]”

5. Section 6.1 of the By-law is amended by the substitution of Section 6.1 by the following:

“After the provisions of 2, 3, 4 and 5 have been complied with, the Council must, **[within]** by the date of the first full council meeting of the Council held 30 (thirty) days after the last date for the submission of objections in accordance with 5.3—”

6. Section 7.1.2 of the By-law is amended by the substitution of Section 7.1.2 by the following:

“the applicant has provided written proof to the Council that owners who own not fewer than 50% (fifty percent) in number of the rateable properties within the boundaries of the City improvement district, which rateable properties represent not less than 50% (fifty percent) of the rates base in value of the rateable properties within the boundaries of the City improvement district, approve the formation of the City improvement district and the City improvement district plan as approved by the Council. **[written proof is provided to the Council by the applicant that not less than 50% (fifty percent) of the owners of rateable property who represent not less than 50% (fifty percent) of the rates base in value of the properties in the City improvement district, approve the formation of the City improvement district plan as approved by the Council.]**”

7. Section 9.1 of the By-law is hereby amended by the substitution of Section 9.1 by the following:

“Where a City improvement district has been established the Council will levy in accordance with the provisions of the Local Government Transition Act, 1993, or other relevant legislation, a surcharge on **[fees]** rates that it already charges on the owners of rateable property in the City improvement district for services provided by the management body, substantially in accordance with the approved City improvement district plan.”

8. Section 9.2: the By-law is hereby amended by the addition of the following sub-section to follow Section 9.2:

“9.2A Levies due for the City improvement district are payable monthly in advance.”

9. Section 9.3 of the By-law hereby amended by the substitution of Section 9.3 by the following:

“levies collected by the Council for the City improvement district shall be paid to the management body monthly **[in advance]** on or before the **[7th (seventh)]** 25th (twenty fifth) day of each and every month, free of any deductions or set off for the purpose of implementing the City improvement district plan.”

10. The heading of Section 10 of the By-law is hereby amended by substituting it with the following heading:

“AMENDMENT OF CITY IMPROVEMENT DISTRICT PLAN AND EXTENSIONS OF TERM OF CITY IMPROVEMENT DISTRICT PLAN”

11. Section 10 of the By-law is hereby further amended by the addition of the following sub-section to following Section 10.3:

“10.4 Not earlier than 90 (ninety) days prior to the expiry of the three year period of the City improvement district plan referred to in 2.2.2.2 or the expiry of any extension of the City improvement district plan under this 10.4, the management body shall submit to the Council an application for extension of the term of the City improvement district plan or any extension thereof, for approval by the Council: provided that such extension shall not materially affect the rights or interests of any person or affect the levy to be charged in respect of the City improvement district or change the boundaries of the City improvement district: provided further that the Council may in its sole discretion require the management body to cause notice of the application for such extension to be published in a daily newspaper circulating in or near the vicinity of the City improvement district. The provisions of 10.1 to 10.3 shall apply in the same terms to any amendment of a City improvement district plan which has been extended in terms of this 10.4.”

12. The By-law is hereby amended by the addition of the following Section after Section 10.4 as added to the By-law by Section 8 of this notice:

“10A APPROVAL OF CITY IMPROVEMENT DISTRICT PLAN IN RESPECT OF A LIMITED AREA

10A If an application in terms of 2.1 is not accompanied by the requisite number of written confirmations from owners required by 2.2.2.1, but the applicant can demonstrate to the Council’s satisfaction that:

10A.1 there are such confirmations from owners in respect of rateable properties in a contiguous geographical area within the proposed City improvement district area that would be sufficient for the requirements of 2.2.2.1 if it were to be applied to that area; and

10A.2 the services to be provided to the area referred to in 10A.1 will not be reduced as a result of the provision of those services in that area alone, as compared to the provision of those services in the whole of the proposed City improvement district, and the levy proposed in the City improvement district plan will not need to be increased as a result of the provision of those services in that area alone,

then the Council may accept such an application and, subject to the other requirements of this By-law, approve the establishment of a City improvement district and the City improvement district plan in respect of that area alone.”

13. The By-law is hereby amended by the addition of the following Section after Section 12:

“13. TRANSITIONAL PROVISIONS

Any:

13.1 application initiated by an applicant, including a City improvement district plan prepared for such an application;

13.2 written confirmation by an owner of his support or approval of such an application;

13.3 advertisement or public meeting in respect of such application;

13.4 application submitted to Council;

13.5 approval by the Council for any application;

made, done or given prior to the date of the first amendment to this By-law, shall be governed by the By-law as amended.”

14. The By-law is hereby amended by the addition of the following Section after Section 13 as added to the By-law by Section 13 of this notice

“14. INTERPRETATION

In the event of a conflict between the English, Afrikaans or isiXhosa texts of the By-law or of any amendment of the By-law, the English text shall prevail.”

ISIXEKO SASEKAPA:

IZILUNGISO ZOMMISELO WEDOLOPHU WOKUMISELWA KWEZITHILI ZOPHUCULO LWESIXEKO

INKCAZELO JIKELEL:

- [] Amagama aphakathi kweebrakethi ezisikweri abonisa okushiyeiweyo kummiselo okhoyo.
 Amagama akrwelelwe umgca ngaphantsi abonisa okufakiweyo kummiselo okhoyo.

UMmiselo wokumiselwa kweziThili zoPhuculo lwesiXeko kwisiXeko saseKapa nowabhengezwa phantsi kweSaziso sePhondo esingu-116 nesapapashwa kwiGazethi yePhondo enguNombolo 5337 yomhla wama-26 kaMatshi 1999 ulungiswa ngale ndlela ilandelayo:

1. Umhlathi 1.4 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

u-“irhafu” xa esetyenziswa njengesibizo ngokunxulumene nokusetyenziswa kweplani yeziThili zoPhuculo lwesiXeko uthetha irhafu yeenkonzo ezenziwa liqumrhu elilawulayo [egameni leKhansile] njengoko kuchaziwe kuMhlathi 9.1;

2. Umhlathi 2.2.2.1 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

“isiqinisekiso esibhaliweyo esivela kubanini propati [abaneepropati ezingekho ngaphantsi kwama-25% (iipesenti ezingamashumi amabini anesihlanu) ngokwenani lepropati ezihlawulela irhafu ezikwimida yesiThili soPhuculo lwesiXeko] abaneepropati engekho ngaphantsi kwama-25% (iipesenti ezingamashumi amabini anesihlanu) ngokwenani lepropati erhafelwayo engaphakathi kwemida yesiThili soPhuculo lwesiXeko esindululwayo napropati ezo zingekho ngaphantsi kwama-25% (iipesenti ezingamashumi amabini anesihlanu) esiseko serhafu ngokwexabiso lepropati erhafelwayo engaphakathi kwemida yesiThili soPhuculo lwesiXeko esindululwayo, ukuba bayakuxhasa ukusekwa kweithili soPhuculo lwesiXeko ngokuxhomekeke kwizibonelelo ezikuMhlathi 10A;”

3. Ukwazisa ngoMhlathi we-3 walo Mmiselo kutshintshelwe kule ndlela ilandelayo:

“Umceli kufuneka angasifaki isicelo phambi kweentsuku ezingama-90 (amashumi alithoba) [30 (amashumi amathathu)] ngokomhlathi we-2 phambi kokuba angenise isicelo.”

4. Umhlathi 4.2 utshintshelwe kule ndlela ilandelayo:

“Intlanganiso kawonke-wonkeiyakubanjwa ngomhla ongekho ngaphambi kweveki nongekho semva kwenyanga enye emva komhla wokupapashwa kwesaziso sokugqibela ngokomhlathi 3.1. Le ntlanganiso kawonke-wonke iyakubanjwa kwindawo ekwimida yesiThili soPhuculo lwesiXeko okanye kwindawo apho iKhansile ithe yanika khona imvume. [Indawo, umhla nexesha apho kuya kuthi kubanjelwe khona intlanganiso kawonkewonke iya kuxhomekeka kwimvume yeKhansile.]”

5. Umhlathi 6.1 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

“Emva kokuba kulandelwe umhlathi 2, 3, 4 kunye nowe-5 iKhansile kufuneka ukuba [ngaphakathi] ngomhla wentlanganiso yeKhansile epheleleyo ebanjwe kwiintsuku ezingama-30 (amashumi amathathu) emva komhla wokugqibela ukwamkela izichaso ngokomhlathi 5.3.”

6. Umhlathi 7.1.2 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

“ummenzi-sicelo uthe wabonelela iKhansile ngesiqinisekiso sokuba abanini bepropati engama-50% (iipesenti ezingamashumi amahlanu) zepropati erhafelwayo ngaphakathi kwemida yesiThili soPhuculo lwesiXeko, propati leyo imele umyinge ongekho nganeno kwama-50% (iipesenti ezingamashumi amahlanu) esiseko serhafu ngokwexabiso lepropati erhafelwayo engaphakathi kwemida yesiThili soPhuculo lwesiXeko, bayakuxhasa ukusekwa kwesiThili soPhuculo lwesiXeko kunye neplani yesiThili soPhuculo lwesiXeko njengoko iphunyezwe yiKhansile, ngokuxhomekeke

kwizibonelelo ezikumhlathi 10A. [ummenzi-sicelo uthi abonelele iKhansile ngobungqina obubhaliweyo bokuba abekho ngaphantsi kwama-50% (iipesenti ezingama amahlanu) abanini bepropati abamele ipropati erhafelwayo engekho ngaphantsi kwama- 50% (iipesenti ezingamashumi amahlanu) abamele isiseko serhafu esingekho ngaphantsi kwexabiso lepropati engangezi pesenti zingentla kwisiThili soPhuculo lwesiXeko, kwaye bayakuxhasa ukusekwa kweplani yesiThili soPhuculo lwesiXeko njengoko kuphunyezwe yiKhansile.]”

7. Umhlathi 9.1 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

“Apho kumiselwe khona isiThili soPhuculo kwesiXeko izakurhafisa ngokoMhlathi weLocal Government Act ka1993 okanye omnye umthetho ofanelekileyo, irhafu yentlawulo, iyakurhafisa ngokweli xabiso ilibizayo kubanini bepropati erhafelwayo ekwisiThili soPhuculo lwesiXeko, irhafisa ngeenkonzo ezenziwa liqumrhu elilawulayo, ingamandla ilandela izicwangciso ezamkelweyo zesiThili soPhuculo lwesiXeko.”

8. Kufakelwe uMhlathana 9.2A omtsha emva komhlathi 9.2 walo Mmiselo, mhlathi lowo mtsha ufundeka ngolu hlobo lulandelayo:

“9.2A Iirhafu zesiThili soPhuculo lwesiXeko zihlawulwa phambi kokufika kwexesha.”

9. Umhlathi 9.3 walo Mmiselo utshintshelwe kule ndlela ilandelayo:

“iirhafu eziqokelelwe yiKhansile, iziqokelelela isiThili soPhuculo lwesiXeko ziza kuhlawulwa kwilawulayo kwinyanga nganye ngomhla okanye phambi komhla [we-7 (isixhenxe)] wama-25 (amashumi amabini anesihlanu) kwinyanga nganye, kungekho mali itsaliweyo okanye ibekelwe ecaleni ukulungiselela izicwangciso zesiThili soPhuculo lwesiXeko.”

10. Isihloko soMhlathi we-10 walo Mmiselo sitshintshelwe kule ndlela ilandelayo:

“IZILUNGISO ZEZICWANGCISO ZEZITHILI ZOPHUCULO LWESIXEKO NOKONGEZELELWA KWEXESHA LEZICWANGCISO ZEZITHILI ZOPHUCULO LWESITHILI”

11. Kufakelwe uMhlathi omtsha ongu-10.4 emva ko-10.3, Mhlathi lowo ofundeka ngale ndlela ilandelayo:

“10.4 Iqumrhu elilawulayo liza kufaka isicelo kwiKhansile sokuba longezwe ixesha lezicwangciso zeziThili zoPhuhliso lwesiXeko okanye elo xesha longeziweyo longezwe ngaphezulu ukuze ibe yiKhansile enokukwamkela oko, sicelo eso singenako ukufakwa ngaphambi kokuba kufike iintsuku ezingama-90 (amashumi alithoba) phambi kokuba sipelele isigaba sexesha esiyiminyaka emithathu ekubhekiswa kuso kumhlathi 2.2.2.2 okanye ukuphela kwexesha elongeziweyo lezicwangciso zeziThili soPhuhliso lwesiXeko ngokwalo mhlathi 10.4: oko kuxhomeke ekubeni elo xesha longeziweyo alizukuchapahazela malungelo okanye zimfuno zaye nawuphi na umntu, okanye lichaphazele irhafu eyakuthi ibizwe ngokwesiThili soPhuhliso lwesiXeko okanye litshintshe mida yesiThili soPhuhliso lwesiXeko: kwaye oko kukwaxhomekeke ekubeni iKhansile ngokokubona kwayo isenokufuna ukuba iqumrhu elilawulayo lenze isaziso ngokunxulumene neso sicelo, saziso eso esiyakuthi sikhutshwe kwiphephandaba lemihla ngemihla elikhoyo kweso siThili soPhuhliso lwesiXeko okanye kufutshane naso. Imihlathi 10.1 ukuya kuma ku10.3 nayoo izakulandela le miqathango nakwesiphi na isilungiso sezicwangciso sesiThili soPhuhliso lwesiXeko esithe songezwa ngokwalo Mhlathi 10.4.”

12. Kufakwe lo Mhlathi mtsha emva koMhlathi we-10, njengoko kwengeziwe ngoMhlathi we-8 wesi saziso, Mhlathi lowo ofundeka ngale ndlela ilandelayo:

“10A UKUPHUNYEZWA KWEPLANI YOPHUCULO LWESITHILI SOPHUHLISO LWESIXEKO SENDAWO ETHILE

10A. Ukuba isicelo ngokoMhlathi 2.1 asikhatshwa linani elifunekayo lobungqina obubhalwe phantsi obufunwa kuMhlathi 2.2.2.1, kodwa umenzi-sicelo engathi ayanelisa iKhansile ukuba:

10A.1 kukho ubungqina obuvela kubanini propati malunga nepropati erhafelwayo ekwindawo emeleneyo kwindawo ekwisiThili soPhuculo lwesiXeko buya kwanela malunga nokufunwa ngumhlathi 2.2.2.1 ukuba unokusetyenziswa kule ndawo; kwaye

10A.2 umceli enako ukubonisa iKhansile kwizicwangciso zeziThili soPhuhliso ukuba iinkonzo eziza kwenziwa kwezi ndawana kuchazwa zona kumhlathi 10A.1 azizukucuthwa ngenxa yeenkonzo kwezi ndawana kuphela xa kuthelekiswa neenkonzo ezizakwenziwa kwisiThili soPhuhliso lwesiXeko xa sisonke, kwaye irhafu endululwa kwizicwangciso zeziThili soPhuhliso lwesiXeko akuyikubakho mfuneko yokuba yongezwe ngenxa yeenkonzo ezenziwa kuphela kwezi ndawana;

iKhansile ingathi ngoko yamkel isicelo esinjalo, kwaye ngokuxhomekeke kwezinye izibonelelo zalo Mmiselo, iphumeze ukusekwa kwesiThili soPhuculo lwesiXeko neplani yaso kwindawo leyo yodwa.”

13. Lo Mmiselo uthe watshintshwa ngokufakelwa kwalo Mhlathi emva koMhlathi we-12:

“13. IZIBONELELO ZETHUBA LENGUQU

Nasiphi na:

13.1 isicelo esenziwa ngumceli, kuquka neplani yesithili sophuculo lwesiXeko elungiselelwe eso sicelo;

13.2 isiqinisekiso esibhaliweyo esivela kumnini malunga nenkxaso yakhe okanye ukuhambisana kwakhe nesicelo esinjalo;

13.3 intengiso okanye intlanganisano kawonkewonke malunga nesicelo esilolo hlobo;

13.4 isicelo esingeniswe kwiKhansile;

13.5 ukuphunyezwa kwesicelo yiKhansile;

esenziwe, sagqitywa okanye sanikezelwa phambi komhla weSilungiso sokuqala, siya kuthi silawulwe nguMmiselo weDolophu njengoko ulungisiwe sesi Silungiso.”

14. Lo Mmiselo uthe watshintshwa ngokufakelwa kwalo Mhlathi emva koMhlathi we-13 njengoko kubekho isongezelelo kuMmiselo koMhlathi we-13 wesi saziso

“14. INKCAZO

Xa kuthe kwakho ukungahambelani kakuhle kwamaxwebhu esiNgesi, isiBhulu okanye isiXhosa malunga nalo mmiselo wedolophu ubhaliweyo okanye iSilungiso, kuya kuthi kubhekiswe kuphela kokubhalwe ngesiNgesi.”

