

**UMTHETHO WEZOKUHLELA NOKULAWULA USETSHENZISWA KWEZINDAWO KAMASIPALA
WASEMHLATHUZE**

Wokuhlinzekela ukusungulwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, isiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala kanye nesiGungu esiBhekele ukuGcinwa koMthetho kwezokuHlela sikaMasipala; wokuhlinzekela ukwamukelwa, ukuchithwa, ukubuyekwezwa, ukwelulwa kanye nokuchitshiyelwa kohlelo lokusetshenziswa komhlaba lukaMasipala; wokulawulwa nokuphathwa kokuhlelwa nokuthuthukiswa kwezindawo nokusetshenziswa komhlaba; wokuhlinzekela ukuhlukaniswa kwezicelo zentuthuko; wokuhlinzekela izinhlelo kanye nezinqubo zokufakwa kwezicelo zokuthuthukiswa komhlaba; wokuhlinzekela ukudluliselwa kwezikhalo mayelana nezinqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala; wokuhlinzekela amacala, izinhlawulo kanye nezindaba eziphathelene nokugcinwa komthetho; wokuhlinzekela izinxephezelo kanye nokunye okuphathelene nalokho.

ISAHLUKO 1

**IZINCAZELO, UKUSEBENZA KOMTHETHO KAMASIPALA, IZINQUBO, IMIGOMO NAMAZINGA KANYE
NEZINQUBOMGOMO**

1. Izincazelo
2. Ukusebenza koMthetho kaMasipala
3. Izinqubo, imigomo kanye namazinga

ISAHLUKO 2

IZIKHUNGO ZESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA

*INgxenye 1: Ukusungulwa, imisebenzi kanye namandla esiGungu esiBhekele ukuKhishwa
kweziMvume zezokuHlela sikaMasipala*

4. IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
5. Ukuqokwa, imisebenzi kanye namandla oMsebenzi oGunyaziwe wezokuHlela kaMasipala
6. Ukusungulwa kweKomidi lezokuHlela likaMasipala noma kweKomidi lezokuHlela eliHlanganyele loMasipala
7. Ukuqokwa nokwakheka kweKomidi lezokuHlela likaMasipala
8. USihlalo kanye noSekela Sihlalo beKomidi lezokuHlela likaMasipala
9. Imigomo nemibandela yokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala
10. Isaziso sokuqokwa kweKomidi lezokuHlela likaMasipala
11. Ukusula nokususwa esikhundleni kanye nokugcwaliswa kwezikhala
12. Ukubunjwa kweKomidi lezokuHlela likaMasipala elibhekele ukuThathwa kweziNqumo
13. Isinqumo seKomidi lezokuHlela likaMasipala
14. Amandla eKomidi lezokuHlela likaMasipala noma eKomidi lezokuHlela eliHlanganyele loMasipala
15. Ukuba sezikhundleni ezingaphezu kwesisodwa ngesikhathi nokushayisana kwezikhundla
16. Ukuhoxa

INgxenye 2: Ukwesekwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

17. Ukuqokwa, imisebenzi kanye namandla oMbhalisi wezokuHlela kaMasipala kanye noSekela woMbhalisi wezokuHlela kaMasipala

ISAHLUKO 3
UHLELO LOKUSETSHENZISWA KOMHLABA

18. Inhloso yohlelo lokusetshenziswa komhlaba
19. Okuqukethwe wuhlelo lokusetshenziswa komhlaba
20. Umthelela womthetho wohlelo lokusetshenziswa komhlaba
21. Uhlelo lokusetshenziswa komhlaba olukhona
22. Ukwamukelwa noma ukuchithwa kohlelo lokusetshenziswa komhlaba
23. Ukufakwa kwezindawo ezingaphansi koMkhandlu woMdabu ohlelweni lokusetshenziswa komhlaba
24. Ukwamukelwa kohlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu kanye nophenyo lokusetshenziswa komhlaba
25. Ukubuyekwezwa kanye nokwelulwa kohlelo lokusetshenziswa komhlaba

ISAHLUKO 4
IZICELO ZOKUTHUTHUKISWA KOMHLABA ZEMVUME YOKUHLELA KAMASIPALA

INgxenye 1: Ukuhlukaniswa kweZicelo zokuThuthukiswa koMhlaba

26. Ukuhlukaniswa kwezicelo zokuthuthukiswa komhlaba zemvume yezokuhlela kamasipala
27. Okokuthuthukiswa komhlaba okudinga imvume yezokuhlela kamasipala
28. Okokuthuthukiswa komhlaba okungayidingi imvume yezokuhlela kamasipala

INgxenye 2: Isicelo seMvume yezokuHlela kaMasipala

29. Isicelo semvume yezokuhlela kamasipala
30. Abantu abangahlanganisa futhi bafake isicelo sokuthuthukiswa komhlaba
31. Isicelo esifakelwe umhlaba lapho isicelo saphambilini semvume singaphothuliwe
32. Izingqubo zokufaka izicelo zemvume yezokuhlela kamasipala
33. Ukuhluleka kohlaka lukahulumeni noma kwenhlangano ethintekayo ukuphawula ngesicelo semvume yezokuhlela kamasipala
34. Imibandela yetayitela enezithiyo kanye namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungasuswa, okungachitshiyelwa noma okungahoxiswa ngokwalo Mthetho kaMasipala
35. Imibandela yetayitela kanye namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungeke kwasuswa, kwachitshiyelwa noma kwahoxiswa ngokwalo Mthetho kaMasipala
36. Ukuxoxisana nomphakathi
37. Ukuhlolwa nokudluliswa kwesicelo semvume yezokuhlela kamasipala
38. Ukuchitshiyelwa kwesicelo ngaphambi kokuthathwa kwesinqumo

INgxenye 3: Izingqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

39. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye noHlelo lweNtuthuko oluDidiyele lukaMasipala kubandakanya noMkhombandlela wokuThuthukiswa kweziNdawo
40. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nohlelo lokusetshenziswa komhlaba
41. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nezinye izimvume
42. Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
43. IRekhodi leziNqumo lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
44. Umuntu okumele aziswe ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

45. Isikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
46. Usuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ngesicelo
47. Isigaba esikhishiwe

INgxenye 4: Ukulandela iMibandela yeMvume

48. Isitifiketi sokulandela imibandela yemvume
49. Ukudluliselwa kwemigwaqo, kwamapaki kwezindawo ezivulekile kanye nezindawo zomphakathi
50. Ukudalulwa kokuthi umhlaba angeke ubhaliswe ngaphambi kokuthi kulandelwe imibandela
51. Ukunikwa ubunikazi bomhlaba ngemuva kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi
52. Ukuhambisa amapulani kanye namaphepha kuMklami Jikelele okuhlukaniswa komhlaba, okusungulwa kwelokishi, okuhlanganiswa kwemihlaba, nokubhaliswa kwamagunya okusebenzisa umhlaba womuntu ngesivumelwano noma okuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi
53. Umdwebo kanye nepulani enkulu yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba
54. Ukubhaliswa kobunikazi bomhlaba ohlukanisiwe noma ohlanganisiwe, noma ukuvulwa kwerejista lelokishi
55. Ukuhanjiswa kwamatayitela, kwamapulani kanye namaphepha kuMbhalisi wamaTayitela kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi
56. Ukuhanjiswa kwamatayitela, kwamapulani kwemidwebo kuMbhalisi wamaTayitela mayelana nesicelo sokususa, sokuchibiyela noma sokuhoxisa umbandela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano kanye nesitifiketi sokulandela imigomo ethile yemvume
57. Ukuphelelwa yisikhathi kwemvume yezokuhlela kamasipala

INgxenye 5: Izichibiyelo zeziMvume noma ukuKhanselwa kweziMvume zikaMasipala ezikhona

58. Isicelo sokuchibiyela iRekhodi lesigungu sezokuhlela sikamasipala ukuze kulungiswe iphutha lokubekeka kwesinqumo, kulungiswe iphutha lokubhalwa kwamagama, kulungiswe incazelo yomhlaba noma kulungiswe okucashunwe emthethweni, kulungiswe ukucashunwa komuntu, kwendawo noma kwegama lomgwaqo
59. Isicelo sokuchitshiyelwa noma sokukhanselwa kwemvume yezokuhlela kamasipala
60. Izindaba isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala okumele sizicubungule uma sinquma ukuthi isicelo sikulungele yini ukuchitshiyelwa kokungaphatheki esinqumweni
- 60A. Izichibiyelo eziphathekayo zemvume yezokuhlela kamasipala
61. IRekhodi leziNqumo elimayelana nokuchitshiyelwa kokungaphatheki noma izichibiyelo eziphathekayo esinqumweni kwezokuhlela kamasipala
- 61A. Ukukhanselwa kwemvume yezokuhlela kamasipala

ISAHLUKO 5
IZIKHALO

INgxenye 1: IsiGungu sokuDluliselwa kweziKhalo

- 62. IsiGungu sokuDluliselwa kweziKhalo
- 63. Amandla esiGungu sokuDluliselwa kweziKhalo
- 63A. Ukukhethwa, imisebenzi kanye namandla esikhulu esiphezulu sesiGungu sokuDluliselwa kweziKhalo
- 64. UMbhalisi wesiGungu sokuDluliselwa kweziKhalo
- 64A. Amandla oMbhalisi wesiGungu sokuDluliselwa kweziKhalo

INgxenye 2: Izindlela nezinqubo zokufaka izikhalo

- 65. Inqubo yokufaka isikhalo
- 66. Abafaka izikhalo
- 67. Ukufaka isikhalo
- 68. Ukufakwa kwememorandamu ephendula isikhalo
- 69. Isigaba esikhishiwe
- 70. Ukucutshungulwa nokudluliselwa kwesikhalo
- 71. Ukuhlolwa kwendawo
- 72. Ukudingidwa kwesikhalo
- 73. IRekhodi leziNqumo lesiGungu sokuDluliselwa kweziKhalo sikaMasipala
- 74. Ukwaziswa ngesinqumo esithathwe ngesikhalo
- 75. Umthelela womthetho wesinqumo esithathwe yisiGungu sokuDluliselwa kweziKhalo
- 76. Ubudlelwane phakathi kwezikhalo ezifakwe ngokwalo Mthetho kaMasipala kanye nezikhalo ezifakwe ngokwesiGaba 62 soMthetho weziNhlelo zoMasipala
- 77. Amacala aphaathelene nokudingidwa kwezikhalo phambi kwesiGungu sokuDluliselwa kweziKhalo

ISAHLUKO 6
UKUQINISEKISWA KOKUGCINWA KOMTHETHO

INgxenye 1: Ukuqokwa, imisebenzi kanye namandla oMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

- 78. Ukuqokwa koMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
- 79. Ukushayisana kwezikhundla zoMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
- 80. Amandla kanye nemisebenzi yoMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

INgxenye 2: Amacala, izinhlawulo, ukuncishiswa kanye nokunqanyulwa kwemisebenzi

- 81. Amacala nezinhlawulo okumayelana nemvume yezokuhlela kamasipala
- 81A. Ukuhoxiswa kwe mvume yezokuhlela kamasipala ngenxa yokungathobeli
- 82. Izinhlawulo ezengeziwe
- 83. Ukwephulwa komthetho wokukhokha inhlawulo yokuqhubeka komsebenzi oholela ekuphulweni komthetho
- 84. Ukuncishiswa noma ukunqanyulwa kokuhlinzekwa kwemisebenzi yobunjiniyela ukuvimbela ukuqhubeka komsebenzi oholela ekuphulweni komthetho

Ngxenye 3: Ukushushiswa

85. Ukufaka isikhalo
86. Incwadi yegunya lokungena ngenhloso yokuqinisekisa ukugcinwa komthetho
87. Ukuqikelela ukugcinwa kobumfihlo obuphathelene nokungena ngenhloso yokuqinisekisa ukugcinwa komthetho
88. Isisombululo esikhishwe yinkantolo
89. Ubudlelwane phakathi kwezisombululo ezihlinzekwe kulo Mthetho kaMasipala kanye nezinye izisombululo zomthetho nezomthetho wesintu
90. Ukukhangiswa kwesaziso esishoyo ukuthi okwenziwa kulowo mhlaba akukho semthethweni
91. Abantu abangathinta iNkantolo ePhakeme ukuze kuqinisekiswa ukulandelwa komthetho okhishwe uMthetho, uhlelo lokusetshenziswa komhlaba olwamukelwe ngokwalo Mthetho kaMasipala noma ngokwalo Mthetho kaMasipala

INGxenye 4: Esinye isicelo semvume yezokuhlela kamasipala

92. Esinye isicelo semvume yezokuhlela kamasipala

INGxenye 5: Ukuphulwa komthetho kanye nokungaziphathi kahle komsebenzi kamasipala

93. Ukuphulwa umthetho kanye nokungaziphathi kahle komsebenzi kamasipala ogunyaza ukwakhiwa kwamabhilidi noma ukusetshenziswa komhlaba ngaphambi kokuthola ngokoMthetho
94. Isigaba esikhishiwe
95. Isigaba esikhishiwe

ISAHLUKO 7

UKUTHUNYELWA KWAMAPHEPHA

96. Ukuthunyelwa kwamaphepha
97. Ukuthunyelwa kwamaphepha kuMbhalisi wezokuHlela kaMasipala
98. Ukuthunyelwa kwamaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo
99. Usuku lokuthunyelwa kwamaphepha

ISAHLUKO 8

UKUDLULISELWA KWAMANDLA KANYE NEZIVUMELWANO ZOKUSEBENZISANA

100. Isivumelwano sokusebenzisana phakathi komasipala ukuze kwenziwe umsebenzi ngokoMthetho
101. Ukudluliselwa kwamandla uMasipala

ISAHLUKO 9

UKUGCINWA KWAMAREKHODI KANYE NOKUTHOLAKALA KOLWAZI

102. Irekhodi lohlelo lokusetshenziswa komhlaba
103. Irekhodi lezicelo zemvume yezokuhlela kamasipala
104. Isaziso sokwabiwa komhlaba obekungewona owokuhlalisa abantu ukuze uthuthukiswe ezindweni zasemakhaya ngokomthetho wesintu
105. Ukuthola ulwazi olugcinwe uMbhalisi weKomidi lezokuHlela likaMasipala kanye noMbhalisi wesiGungu sokuDluliselwa kweziKhalo kaMasipala
106. Ukuthola ulwazi olugcinwe uMphathi kaMasipala

ISAHLUKO 10
IZIHLINZEKO EZIJWAYELEKILE

107. Ukuzimela kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo
108. Ukudalulwa kokuhlomula noma kokubandakanyeka
109. Ukuvikelwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, kwesiGungu sokuDluliselwa kweziKhalo kanye nabasebenzi bazo
110. Isiqinisekiso sokuvikelwa ngokomthetho
111. Ukuqokwa koMeluleki owuChwepheshe
112. Ukwamukelwa komhlaba othile njengomhlaba wasezindaweni zasemakhaya
113. Ukubalwa kwesibalo sezinsuku
114. Ukuhluleka kohlangothi oluthile ukugcina isikhathi esinqunyiwe
115. Umthelela wokushintshwa kobunikazi bomhlaba okufakwe isicelo semvume yezokuhlela kamasipala maqondana nawo
116. Ukunikezelwa kwamalungelo maqondana nomuntu owabeka imibono yakhe ngesicelo sokuthuthukiswa komhlaba kumnikazi omusha wendawo
117. Isicelo segunya lokungenelela ezielweni zokuthuthukiswa komhlaba noma zokudluliselwa kwezikhalo
118. Isihloko esifingqiwe nosuku lokuqala kokusebenza kwalo Mthetho kaMasipala

ISHEDULI 1

IZINDABA OKUMELE ZIDINGIDWE ESIVUMELWANENI SOKUSUNGULA IKOMIDI ELIHLANGANYELE LEZOKUHLELA LOMASIPALA

ISHEDULI 2

IMISEBENZI ESEZINDAWENI EZINGAPHANDLE KOHLELO LOKUSETSHENZISWA KOMHLABA EDINGA IMVUME YEZOKUHLELA KAMASIPALA

ISHEDULI 3

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NJENGOBA KUNQUNYWE KWISIGABA 26 SOMTHETHO KAMASIPALA

ISHEDULI 4

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NGEZINHLOSO ZOKUXOXISANA NOMPHEKATHI NJENGOBA KUNQUNYWE KWISIGABA 32(2) SALO MTHETHO KAMASIPALA

ISHEDULI 5

INGXENYE A

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZIHLELEKILE

INGXENYE B

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZITHATHWA NJENGEZINDAWO ZASEMAKHAYA NJENGOBA KUNQUNYWE KWISIGABA 112 SOMTHETHO KAMASIPALA

ISHEDULI 6

INQUBO YOKUFAKA ISICELO SOKUDLULISELA ISIKHALO NGENINQUMO ESITHATHWE YISIGUNGU ESIKHIPHA IZIMVUME ZEZOKUHLELA SIKAMASIPALA NJENGOBA KUNQUME ISIGABA 65 SOMTHETHO KAMASIPALA

UHLELO 6A

UKUFAKA ISICELO SEGUNYA LOKUNGENELELA NGOKWENQUBOMGOMO 31 YE SPLUMA EFUNDWE KANYE NESIGABA 117 SALOMTHETHO

ISHEDULI 7

INQUBO YOKUPHENYA NGOKUPHULWA KOMTHETHO NJENGOBA KUNQUNYWE KWISIGABA 85(3) SOMTHETHO KAMASIPALA

ISHEDULI 8

IZINHLELO ZESIKHASHANA

ISAHLUKO 1

IZINCAZELO, UKUSEBENZA KOMTHETHO KAMASIPALA, IZINQUBO NAMAZINGA KANYE NEZINQUBOMGOMO

Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

"isakhiwo esisondelene" kushiwo zonke izakhiwo ezisondelene nesakhiwo kanye nazo zonke izakhiwo ezingabe zazisondelene nesakhiwo, uma ngabe zingahlukanisiwe umfula, umgwaqo, ujantshi wesitimela, izigxobo zolayini bagesi, amapayipi, noma okunye okufana nalokho;

"isiGungu sokuDluliselwa kweziKhalo" kushiwo isiGungu sokuDluliselwa kweziKhalo zezokuHlela esisungulwe ngokwesiGaba 62 salo Mthetho kaMasipala;

"Umbhalisi wesiGungu sokuDluliselwa kweziKhalo" umuntu okhethiwe ngokwesigaba 64 salo mthetho futhi kusho uMphathi kaMasipala;

"umfakisicelo" kushiwo noma yimuphi umnikazi, uhlaka lukahulumeni, umuntu ohlala kulowo mhlaba noma umuntu ogunyaziwe ofaka isicelo sokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala nanjengoba kuhlangozwe kwisiGaba 30 salo Mthetho kaMasipala;

"odlulise isikhalo" kushiwo umnikazi noma umuntu ofake isicelo sokudluliselwa kwesikhalo esimayelana nesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela ngokwalo Mthetho kaMasipala;

"imvume" maqondana nesicelo seMvume yezokuHlela kaMasipala kushiwo imvume ngokwalo Mthetho kaMasipala futhi kubandakanya nemibandela yemvume;

"umuntu ohlala emhlabeni okungewona owakhe" kushiwo umuntu okwazi noma uhlaka olukwazi ukukhombisa ukuthi unelungelo lalowo mhlaba elingaphikisani nomthetho noma namalungelo asemthethweni omunye umuntu noma olunye uhlaka;

"ibhilidi" kubandakanya noma yiliphi ibhilidi lanoma yiluphi uhlobo njengoba kuhlangozwe kwisiGaba 1 soMthetho wamaZinga oKwakha kanye neMithethonqubo yoKwaKha kaZwelonke, 1977 (uMthetho 103 ka 1977) kanye nemithethonqubo yawo;

"umkhawulo webhilidi" kushiwo umkhawulo oqondene nanoma yimuphi umngcele wesiza lapho okungamele kwakhiwe khona ibhilidi noma isakhiwo ngendlela enqunywe ngokoHlelo lokuSetshenziswa koMhlaba. Kuyobandakanya umkhawulo ongaphambili ngasemgwaqeni osemaceleni Kanye nangemuva ;

"igunya" kushiwo igunya lokusetshenziswa komhlaba elibhalwe phansi isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, futhi ingabandakanya "lokho igunya elisetshenziselwa kona" noma "lokho igunya elisemthethweni elisetshenziselwa kona" ukusebenzisa noma ukuthuthukisa umhlaba ngenhloso egunyaziwe noma ngendlela ethile ehlongozwe ohlelweni lokusetshenziswa komhlaba, futhi ingabandakanya kodwa kungacini nje ngegunya elisemthethweni noma ngezinkululo;

“ukuhlanganiswa” ngokwesicelo njengoba kuhlangozwe kulo Mthetho kaMasipala, kushiwo ukuhlanganiswa kwanoma yimiphi imihlaba emibili noma ngaphezulu encikene ibe umhlaba owodwa ongakwazi ukubhaliswa njengomhlaba owodwa kwirejista lamatayitela;

“usuku” kushiwo usuku lwekhalenda kuncike ekutheni uma noma yisiphi isibalo sezinsuku siqunyelwe ukwenza noma yini ngokwalo Mthetho kaMasipala, kumele sibalwe njengoba kunqunywe kwisiGaba 113 salo Mthetho kaMasipala;

“uMthetho wokuBhaliswa kwamaTayitela” kushiwo uMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho 47 ka 1937);

“iHhovisi lokuBhaliswa kwamaTayitela” kushiwo ihhovisi lokubhaliswa kwamatayitela elasungulwa ngokwesiGaba 1(1)(a) soMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho 47 ka 1937);

“uMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko” kushiwo uMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, 1995 (uMthetho 67 ka 1995);

“umdwebo” kushiwo umdwebo ophasisiwe njengoba kuchazwe eMthethweni wokuKlanywa koMhlaba;

“imisebenzi yobunjiniyela” kushiwo ingqalasizinda –

- (a) yemigwaqo, kubandakanya nezimpawu zomgwaqo;
- (b) yamapayipi amanzi ezikhukhula;
- (c) yamanzi;
- (d) kagesi, kubandakanya nogesi okhayisa imigwaqo;
- (e) yezokuxhumana ngezingcingo;
- (f) yokulahlwa kwendle;
- (g) yokulahlwa kwamanzi angcolile; kanye
- (h) nokulahlwa kwadoti;

“isiGungu esiPhezulu” kushiwo ikomidi eliphezulu noma imeya kaMasipala noma, uma uMasipala ungenalo ikomidi eliphezulu noma imeya, kushiwo ikomidi lamakhansela eliqokwe uMkhandlu kaMasipala;

“iGazethi” kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

iPulani eNkulu” kushiwo ipulani enkulu njengoba ichazwe kwisiGaba 1 soMthetho wokuKlanywa koMhlaba;

“ikhaya” kushiwo ikhaya okungahlalwa kulona endaweni ethathwa njengendawo yasemakhaya;

“ukuzibophezela” kushiwo isenzo sokukhokhela nanoma yimuphi umonakalo, isibizo noma izindleko zentela ezinqunywe yinkantolo noma ezivunywe uMasipala ngokwenqubo yokuhlaliswa kwabantu ngendlela ehlelekile;

“umuntu ozimele” njengoba kubekwe kwisiGaba 70 salo Mthetho kaMasipala kushiwo umuntu onamakhono, nolwazi, nobungcweti noma neziqu zemfundo okufanele, kokucubungula isikhalo, futhi ongazange athathe isinqumo ngesicelo noma ongeyona

ingxenye yesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala esathatha isinqumo ngesicelo sokuthuthukiswa komhlaba isikhalo esimayelana naso;

"uHlelo lweNtuthuko oluDidiyele" kushiwo uHlelo lweNtuthuko oluDidiyele olwamukelwe uMasipala ngokwesiGaba 25(1) soMthetho weziNhlelo zoMasipala;

"umuntu othintekayo noma umuntu onentshisekelo" kushiwo umuntu obeke imibono ebhalwe phansi ngesicelo sokuthuthukiswa komhlaba futhi okhombisayo ukuthi unegunya lobunikazi elingathinteka noma elingahlukumezeka ngenxa yesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma sesiGungu sokuDluliselwa kweziKhalo njengoba kuhlinzekelwe kwisiGaba 51(5) se-SPLUMA;

"umngeneleli" kusho umuntu othole igunya njengomuntu onentshisekelo no thintekayo ngokwe Nqubomgomo 31(1) ye SPLUMA, efundwe nesiGaba 117 saloMthetho;

"umhlaba" kushiwo –

- (a) nanoma iyiphi ingxenye yomhlaba ekhonjiswe emdwebweni ogunyazwe uMklami Jikelele futhi yabhaliswa eHhovisi lokuBhaliswa kwamaTayitela, ebandakanya isiza, isitende, ipulazi kanye nengxenye yomhlaba; kanye
- (b) nomhlaba kahulumeni ongaklanywe;

"ukuthuthukiswa komhlaba" kushiwo ukwakhiwa kwebhilidi noma kwesakhiwo emhlabeni noma ukuguqulwa kwalokho kusetshenziswa komhlaba, kubandakanya nokusungulwa kwelokishi, ukuklanywa kabusha, ukuhlukaniswa noma ukuhlanganiswa komhlaba nanoma yikuphi ukuchezuka ekusetshenzisweni komhlaba ngokohlelo lokusetshenziswa komhlaba, kanti "ukuthuthukisa umhlaba" kunencazelo efanayo;

"isicelo sokuthuthukiswa komhlaba" kushiwo isicelo esilethwe kuMasipala ngokwesiGaba 27(1) saloMthetho;

"inhlango yabanikazi bomhlaba" kushiwo inhlango esungulwe ngabanikazi bezindawo ezihlukene ngenhloso yokulawula nokukhokhela izindleko zokugcinwa kahle kwendawo ngokuhlanganyela kanye nokuphucula ingqalasizinda kanye nezinsizakusebenza, okubandakanya nenhlango yabanikazi bemizi;

"uMthetho wokuKlanywa koMhlaba" kushiwo uMthetho wokuKlanywa koMhlaba, 1997 (uMthetho 8 ka 1997);

"ukusetshenziswa komhlaba" kushiwo inhloso umhlaba osetshenziselwa yona noma ongasetshenziselwa yona ngokohlelo lokusetshenziswa komhlaba;

"ukulethwa" kunencazelo efanayo "nokuthumela", ngaphandle uma kukhulunywa ngokulethwa kwamapulani kanye namaphepha kuMklami Jikelele noma ukulethwa kwamatayitela, amapulani kanye namaphepha kuMbhali wamaTayitela;

"uMasipala" kushiwo uMasipala weNdawo yaseMhlathuze, owasungulwa ngokwesiGaba 12 soMthetho weziNhlaka zoMasipala ufundwa nezinhlinzeko zoMthetho wokuNqunywa kweziNhlalo zoMasipala, 2000 (uMthetho 7 ka 2000) njengoba uchitshiyelwe;

"indawo kamasipala" kushiwo indawo eyenganyelwe uMasipala enqunywa izikhathi ngezikhathi yiBhodi lezokuKlanywa koMasipala elasungulwa ngokwesiGaba 2 soMthetho wezokuKlanywa koMasipala woHulumeni beziNdawo, 1998 (uMthetho 27 ka 1998);
"uMkhandlu kaMasipala" kushiwo uMkhandlu kaMasipala waseMhlathuze osungulwe ngokwesiGaba 18 soMthetho weziNhlaka zoMasipala;

"isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala" kushiwo iKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela noma uMkhandlu kaMasipala obekelweukunquma nokuphetha ngezicelo zokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala;

"iMvume yezokuHlela kaMasipala" kushiwo noma yisiphi isinqumo sezokuhlela noma esiphathelene nentuthuko esithathwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ngokwalo Mthetho kaMasipala;

"uMsebenzi oGunyaziwe wezokuHlela kaMasipala" kushiwo umsebenzi kaMasipala oqokwe ngokwesiGaba 35(2) se-SPLUMA kanye nesiGaba 5 salo Mthetho kaMasipala, ukugunyaza izicelo ezithile zokuthuthukiswa komhlaba futhi obhekele ukwenziwa kwanoma yimuphi umsebenzi ofanele noma ukusetshenziswa kwamandla afanele ngokwalo Mthetho kaMasipala;

"uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala" kushiwo umsebenzi kaMasipala oqashwe noma oqokwe ngokwesiGaba 78(1) salo Mthetho kaMasipala ukwenza imisebenzi nokusebenzisa amandla njengoba kuhlangozwe kwisiGaba 80 salo Mthetho kaMasipala;

"Umbhalisi kwezokuHlela kaMasipala noma isekela" kusho umsebenzi ka Masipala oqokiwe noma okhethiwe ngokwesiGaba 17(1) noma isiGaba 17(2) salo mthetho ka Masipala, noma imuphi ofanele, noma omile ngokwesiGaba 17(6) saloMthetho futhi osebenzisa amandla aphinde asebenze njengoba kubhalwe esiGabeni 17(4)-(5) saloMthetho;

"iKomidi lezokuHlela likaMasipala" kushiwo isigungu esiBhekele ukukhishwa kwezimvume zezokuhlela esisungulwe ngokwesiGaba 34 se-SPLUMA futhi esiBhekele ukwenziwa kwanoma yimuphi umsebenzi ofanele noma ukusetshenziswa kwamandla afanele ngokwalo Mthetho kaMasipala;

"uMthetho weNtela yeZakhiwo kaMasipala" kushiwo uMthetho weNtela yeZakhiwo kaMasipala woHulumeni beziNdawo, 2004 (uMthetho 6 ka 2004);

"uMthetho weziNhlaka zoMasipala" kushiwo uMthetho weziNhlaka zoMasipala woHulumeni beziNdawo, 1998 (uMthetho 117 ka 1998);

"uMthetho weziNhlelo zoMasipala" kushiwo uMthetho weziNhlelo zoMasipala woHulumeni beziNdawo, 2000 (uMthetho 32 ka 2000);

"ukwazisa" kunencazelo efanayo negama "nokuthumela";

"uhlaka lukahulumeni" kushiwo uhlaka lukahulumeni njengoba luchazwe kwisiGaba 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

"umnikazi" kushiwo –

- (a) umuntu okubhaliswe umhlaba ngaphansi kwegama lakhe eHhovisi lokuBhaliswa kwamaTayitela laKwaZulu-Natali;
- (b) umuntu onelungelo lobunikazi bomhlaba noma onelungelo lokuqasha isikhathi eside;
- (c) uHlaka lukaHulumeni olunegunya lokulawula lowo mhlaba noma uma selikhiphe isaziso senhloso yalo yokuwudla;
- (d) umuntu ohlala kulowo mhlaba ngokomthetho wesintu noma ngokwesiko noma ngokwemithetho yomphakathi eyamukelwe amalungu omphakathi ngokomthethosisekelo osetshenziswa yilowo mphakathi;

"umuntu" kushiwo umuntu uqobo noma umuntu ngokomthetho futhi kubandakanya nohlaka lukahulumeni;

"uMthetho wezokuHlela neNtuthuko" kushiwo uMthetho wezokuHlela neNtuthuko, 2008 (uMthetho 6 ka 2008);

"uMphathisihlalo" kushiwo –

- (a) ilungu leKomidi lezokuHlela likaMasipala eliqokelwe ukwengamela ukuthathwa kwesinqumo ngesicelo semvume yezokuhlela kamasipala; noma
- (b) ilungu wesiGungu sokuDluliselwa kweziKhalo eliqokelwe ukwengamela ngesinqumo sokudluliselwa kwesikhalo;

"intshisekelo yokuhlomula ngokwezezimali" kushiwo intshisekelo umuntu aba nayo odabeni ngoba kunethuba noma elindele ukuhlomula ngokwezezimali noma ukulahlekelwa yimali;

"indawo" kushiwo noma yisiphi isiza noma iziza, isitendi noma izitendi, ingxenye noma izingxenye zezingxenye zepulazi noma izindawo zezolimo, ezibhaliswe kanjalo kwirejista lamatayitela;

"intshisekelo yegunya lobunikazi" kushiwo intshisekelo ephathelene negunya lobunikazi noma enokuhambisana nobunikazi. Ichaza wonke amalungelo umnikazi wendawo angawasebenzisa;

"uMthetho wokuGugquzela ukuTholakala koLwazi" kushiwo uMthetho wokuGugquzela ukuTholakala koLwazi, 2000 (uMthetho 2 ka 2000);

"isakhiwo somphakathi" kubandakanya izakhiwo zezemfundo ikhaya labadala, indawo yokunakekela ababuthaka, isikhungo sezokwelapha, inkundla yezemidlalo, indawo yomphakathi evulekile, isikhungo somphakathi, ihhovisi likamasipala noma ihholo, isikhungo senkampani ethile, isonto, indawo yokukhonza, amathuna, umgwaqo wezithuthi zomphakathi kanye nendawo yokupaka;

"indawo yomphakathi" kushiwo noma yiliphi igunya lokusebenzisa umhlaba womuntu ngesivumelwano, umgwaqo nanoma iyiphi ipaki, inkundla yezokungcebeleka, ingadi, idlelo labantu bonke noma indawo evulekile noma indawo evulekile –

- (a) ebhaliswe kwirejista lamatayitela njengendawo ebekelwe ukusetshenziswa noma ukuthi kuhlomule umphakathi;
- (b) okungeyamasipala noma elawulwa noma ephethwe yiwona ngokomthetho

ebekelwe ukusetshenziswa noma ukuthi kuhlomule umphakathi, noma umphakathi onelungelo lokuyisebenzisa; noma
 (c) umphakathi noma abantu abahlala kuleyo ndawo abanelungelo lokuyisebenzisa;

"iRekhodi leziNqumo" kushiwo iRekhodi leziNqumo lezicelo zezimvume zezokuhlela kamasipala, kubandakanya noma yiziphi izichibiyelo zalo, noma iSahlulelosesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala njengoba kuhlongozwe kulo Mthetho kaMasipala;

"uMhleli oBhalisiwe" kushiwo umhleli oqeqeshiwe noma onguchwepheshe obhaliswe ngokoMthetho woMkhakha wezokuHlela, ka 2002 (uMthetho 36 ka 2002);

"uMbhalisi wamaTayitela" kushiwo uMbhalisi wamaTayitela njengoba kuchazwe eMthethweni wokuBhaliswa kwamaTayitela,;

"umuntu ophikisayo" kushiwo umuntu ofaka isiphikiso sokudluliselwa kwesikhalo ngokwalo Mthetho kaMasipala;

"umbandela onezithiyo" kushiwo noma yimuphi umbandela obhaliswe mayelana netayitela noma nomhlaba onezithiyo zokusetshenziswa noma zokuhlukaniswa komhlaba othintekayo, ngaphandle kwamagunya okusebenzisa umhlaba womuntu ngesivumelwano noma kwamalungelo abantu abanawo;

"umgwaqo" kubandakanya igunya lokunqamula emgwaqeni womuntu ngesivumelwano, isitaladi somphakathi kanye nomgwaqo okungewona okamasipala;

"uMthetho wamaTayitela ezaKhiwo ezaKhiwe Ndawonye" kushiwo uMthetho wamaTayitela ezaKhiwo ezaKhiwe Ndawonye, 1986 (uMthetho 95 ka 1986);

"isheduli" kushiwo amasheduli alo Mthetho kaMasipala;

"ukuthunyelwa" maqondana nesaziso, umyalelo noma amanye amaphepha kushiwo ukuthumela amaphepha athile ngendlela ebekwe kwisiGaba 96 salo Mthetho kaMasipala;

"igunya lokusebenzisa umhlaba womuntu ngesivumelwano" kushiwo igunya lokusebenzisa umhlaba womuntu ngesivumelwano elibhaliswe maqondana netayitela lendawo elikhishwe ngokomthetho;

"isivumelwano semisebenzi eyenziwa ngokuhlanganyela" kushiwo isivumelwano esiphakathi komasipala ababili noma ngaphezulu, kubandakanya noMasipala wesiFunda, lapho omasipala abathintekayo bevumelana ukuhlanganyela emisebenzini echazwe esivumelwaneni;

"SPLUMA" kushiwo uMthetho wezokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba, 2013 (uMthetho 16 ka 2013) kanye neMithethonqubo yezokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba: UkuLawulwa kokuSetshenziswa koMhlaba neziNdaba eziJwayelekile, 2015 (iSaziso sikaHulumeni No. 239 sika 2015);

"uMkhombandlela wokuThuthukiswa kweziNdawo" kushiwo uMkhombandlela wokuThuthukiswa kweziNdawo olwamukelwa uMkhandlu kaMasipala ngokwesiGaba 25(1) soMthetho weziNhlelo zoMasipala kanye nesiGaba 20(1) se-SPLUMA;

“ukuhlukaniswa” mayelana nomhlaba, kushiwo ukuhlukaniswa komhlaba ube yizingxenye futhi kubandakanya umsebenzi wokulungiselela ukuhlukaniswa umhlaba kodwa akudandakanyi ukuklanywa komhlaba ngesikhathi kusalungiselelwa ukuthi uhlukaniswe kanti “ukuhlukanisa” kunenzuzo efanayo;

“uMthetho wokuHlukaniswa koMhlaba wezoLimo” kushiwo uMthetho wokuHlukaniswa koMhlaba wezoLimo, 1970 (uMthetho 70 ka 1970);

“isamanisi lokubiza ufakazi” kushiwo isicelo esibhaliwe esikhishwe ngokwalo Mthetho kaMasipala yokuletha amaphepha, noma isicelo sokuvela phambi kwenkantolo noma kwezinye izithangami zomthetho. Umuntu othola isamanisi kodwa angalandeli imigomo yalo angakhokhiswa inhlawulo njengoba kubekwe kulo Mthetho kaMasipala;

“umnikazi womhlaba oseduze” kushiwo umnikazi womhlaba oseduze nomhlaba ofakelwe isicelo, ngokubona kwamasipala, ongaba nentshisekelo ngesicelo sokuthuthukiswa komhlaba futhi okumele kuxhunyanwe naye ngesikhathi kuxoxiswa nomphakathi;

“uMklami Jikelele” kushiwo uMklami Jikelele njengoba kuchaziwe eMthethweni wokuKlanywa koMhlaba, 1997 (uMthetho 8 ka 1997);

“uMthetho” kushiwo uMthetho wezokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba, 2013 (uMthetho 16 ka 2013);

“uHlelo lokuSetshenziswa koMhlaba” kushiwo uHlelo lokuSetshenziswa koMhlaba lwaseMhlathuze olwamukelwe uMkhandlu kaMasipala ngokwe Sahluko 5 se SPLUMA kanye nalo Mthetho;

“lo Mthetho kaMasipala” kubandakanya uhlelo lokusetshenziswa komhlaba, amanye amasheduli alo Mthetho kaMasipala kanye nezinqubomgomo noma izinqubo ezamukelwe ukusebenzisa lo Mthetho kaMasipala;

“uMkhandlu woMdabu” kushiwo isikhungo esisungulwe ngokwesiGaba 6 soMthetho wobuHoli beNdabuko nokuBusa waKwaZulu-Natali, 2005 (uMthetho 5 ka 2005);

“indawo yasemakhaya” kushiwo indawo engaphansi kwendawo kaMasipala futhi ehlala umphakathi wasemakhaya noma abantu abangabanikazi bomhlaba ngokuhlanganyela noma abantu abahlala endaweni engenayo ipulani ehlelekile yokwakha, futhi ethathwa kanjalo uMasipala ngokwesiGaba 112 salo Mthetho kaMasipala;

“i-Odinensi yokuHlelwa KwaMadolobha” kushiwo i-Odinensi yokuSungulwa kwamaLokishi, 1949 (i-Odinensi No. 27 ka 1949);

“ilokishi” kushiwo indawo ehlukaniswe iziza engahlanganiswa nezindawo zomphakathi kanye nemigwaqo njengoba kukhunjiswe kwipulani enkulu, esetshenziselwa nethuthukiselwe ukuthi kuhlale abantu, kuqhutshwe amabhizinisi, kuqhutshwe ezohwebo, kube nezimboni, kube nezikhungo, kube nezikole nokunye okufana nalokho kuphela njengoba kuqukethwe ohlelweni lokusetshenziswa komhlaba noma okuhloswe ukuthi isetshenziselwe noma ithuthukiselwe lokho;

“ukusungulwa kwendawo” kushiwo isicelo ngokwalo Mthetho kaMasipala sokuhlukanisa umhlaba ongabhaliwe kwirejista kwendawo ehlongozwe kwisiGaba 46(1) soMthetho wokuBhaliswa kwamaTayitela noma ohlelweni lwamatayitela ezakhiwo ezakhiwe ndawonye oluhlongozwe kwisiGaba 12(1)(b) soMthetho wamaTayitela ezaKhiwo ezaKhiwe Ndawonye, futhi okuhloswe ukuthi usetshenziselwe noma yini ngaphandle kwezolimo, kwezamahlathi nezokudoba, kwezokumbiwa phansi, kwezokongiwa kwemvelo, kwezobunjiniyela noma kokwakhiwa kwedamu, kanye nalapho okumele kuvulwe khona irejista lelokishi elisha;

“ukusetshenziswa” kushiwo ukusetshenziswa komhlaba ngenhloso ethile noma ukuthuthukisa umhlaba;

“ilungelo lokusebenzisa” mayelana nomhlaba, kushiwo ilungelo lokusebenzisa lowo mhlaba ngokuhambisana nokuklanyelwe kona, nowawungaklanyelwe kona, nokusetshenziswa kwegunya, nombandela wemvume nanoma iyiphi enye imvume ekhishwe maqondana namalungelo okusetshenziswa komhlaba.

Ukusebenza kwalo Mthetho kaMasipala

2.(1) Lo Mthetho kaMasipala usebenza kuwo wonke umhlaba ongaphansi kwendawo kamasipala engaphansi kwaMasipala waseMhlathuze futhi ubophezela bonke abantu, uMasipala kanye nezinhlaka zikahulumeni, ngendlela enqunyiwe.

(2) Uma kucutshungulwa ukuphikisana kwalo Mthetho kaMasipala kanye neminye imithetho, inkantolo kumele ikhethe ukuhunyushwa okunqanda ukuphikisana ngaphezu kwanoma yikuphi okunye ukuhunyushwa okungadala ukuphikisana.

(3) Uma kunokuphikisana phakathi kwe-SPLUMA kanye neMithethonqubo yaso, nanoma yimuphi umthetho ophathelene nokuhlelwa kwezindawo kanye nokulawulwa kokusetshenziswa komhlaba kanye nanoma yimiphi imithethonqubo ekhishwe ngokwayo kanye nenhlinzeko yalo Mthetho kaMasipala, izinhlinzeko zalo Mthetho kaMasipala yizona eziyosebenza ngendlela yokuthi izinhlinzeko zalo Mthetho kaMasipala yizona eziqalisa “ezokuhlela zikamasipala” njengomsebenzi okhethekile wohulumeni bezindawo njengoba kuhlongozwe kuSheduli 4 woMthethosisekelo.

(4) Akekho umuntu oyosebenzisa noma oyothuthukisa umhlaba ngaphandle uma lokho kusetshenziswa noma lokho kuthuthukiswa komhlaba kuvunyelwe ngokohlelo lokusetshenziswa komhlaba lukaMasipala olwamukelwe noma ngokwemvume ekhishwe ngokwalo Mthetho kaMasipala.

Imigomo, izinqubo namazinga kanye nezinqubomgomo

3.(1) Nanoma yimiphi imigomo yezentuthuko kanye nanoma yiziphi izinqubo namazinga asebenza kwezokuhlelwa kwendawo, kwezokuthuthukiswa komhlaba nakwezokulawulwa kokusetshenziswa komhlaba eyenziwe ngokwemithetho kazwelonke noma yesifundazwe, iyasebenza kuMasipala.

(2) UMkhandlu kaMasipala ungamukela izinqubomgomo, izinqubo kanye nemihlahlandlela engahambisana nemithetho kazwelonke, eyesifundazwe noma nalo Mthetho kaMasipala ukuze ulawule ukusebenza nokuthathwa kwezinqumo ngokwalo Mthetho kaMasipala.

(3) Uma uMkhandlu kaMasipala uhlose ukwamukela noma ukuchibiyela inqubomgomo, inqubo kanye/noma nomhlahlandlela ongaba nomthelela ongemuhle emalungelweni anoma yimuphi umuntu noma omphakathi, uMasipala kumele ulandele inqubo yokuxoxisana nomphakathi oluhambisana nezinhlinzeko zokubandakanya umphakathi zoMthetho weziNhlelo zoMasipala.

ISAHLUKO 2

IZIKHUNGO ZESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA

INGxenywe 1: Ukusungulwa, imisebenzi kanye namandla esiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

4. UMasipala kumele ube nesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala esakhiwe –

- (a) uMsebenzi oGunyaziwe wezokuHlela kaMasipala;
- (b) yiKomidi lezokuHlela likaMasipala; kanye
- (c) noMkhandlu kaMasipala.

Ukuqokwa, imisebenzi kanye namandla oMsebenzi oGunyaziwe wezokuHlela kaMasipala

5.(1) UMasipala kumele uqoke uMsebenzi oGunyaziwe wezokuHlela kaMasipala noma abaSebenzi abaGunyaziwe bezokuHlela baMasipala –

- (a) oyedwa noma ngaphezulu, ababhaliswe njengabahleli; noma
 - (b) umsebenzi kamasipala oyedwa noma ngaphezulu, abangabahleli ababhalisiwe futhi abangaqashwa ngokugcwele omunye uMasipala ngaphansi kwesivumelwano sokwenza imisebenzi ngokuhlanganyela.
- (2) UMasipala, njengoba kuhlongozwe kwisiGaba 35(2) se-SPLUMA, ungadlulisela amandla kuMsebenzi oGunyaziwe wezokuHlela kaMasipala okunquma ngezinhlobo zezicelo zokuthuthukiswa komhlaba njengoba kunqunywe ngokwalo Mthetho kaMasipala.
- (3) Ukudluliselwa kwamandla ngokwesiGatshana (1) ngenhla kungabandakanya ukudluliselwa kwamandla adluliselwe komunye umsebenzi oqeqeshiwe noma kwabanye abasebenzi abaqeqeshiwe abaqashwe uMasipala nabo abalawulwa uMsebenzi oGunyaziwe wezokuHlela kaMasipala.
- (4) UMsebenzi oGunyaziwe wezokuHlela kaMasipala –
- (a) angavuma, sonke noma ingxenywe noma anqabe noma yisiphi isicelo esilethwe ngokuhambisana nalo Mthetho kaMasipala;
 - (b) kumele agcine irekhodi lazo zonke izingxoxo;
 - (c) kumele ahlinzeke izingxoxo ezibhaliwe zanoma yisiphi isinqumo asithathile;
 - (d) angabeka noma yimiphi imibandela ezwakalayo kubandakanya nemibandela ephathelene nokuhlinzekwa kwemisebenzi yonjiniyela kanye nokukhokhwa kwanoma yiziphi izimali eziphathelene nentuthuko;
 - (e) angachibiyela noma asuse noma yimuphi umbandela awubekile;
 - (f) angathatha isinqumo esifanele mayelana nazo zonke izindaba ezidingekayo ekwenzeni imisebenzi yakhe ngokwe-SPLUMA, ngokwanoma yimuphi omunye umthetho wesifundazwe osebenzayo nangokwalo Mthetho kaMasipala;
 - (g) angenza uphenyo oludingekayo;
 - (h) anganikeza imiyalelo efanele yomsebenzi wakhe noma yimuphi umuntu oqashwe uMasipala;
 - (i) angahlola indawo;
 - (j) anganquma nganoma yimuphi umbuzo othinta umsebenzi wakhe; futhi
 - (k) angaqoka umeluleki owuchwepheshe ukwelulela noma ukusiza ekwenziweni

kwemisebenzi yakhe ngokwe-SPLUMA, ngokwanoma yimuphi omunye umthetho wesifundazwe osebenzayo nangokwalo Mthetho kaMasipala.

Ukubunjwa kweKomidi lezokuHlela likaMasipala noma kweKomidi lezokuHlela eliHlanganyele loMasipala

6.(1) UMkhandlu kaMasipala kumele –

- (a) usungule iKomidi lezokuHlela likaMasipala endaweni yawo;
- (b) ngesivumelwano nomasipala owodwa noma ngaphezulu, usungule iKomidi lezokuHlela eliHlanganyele loMasipala; noma
- (c) uvume ukuthi kusugulwe iKomidi lezokuHlela likaMasipala lesifunda.

(2) Isivumelwano esihlongozwe kwisiGatshana (1)(b) noma (c) ngenhla kumele sishicilelwe kwiGazethi yesiFundazwe futhi kumele sihlinzekwe wonke amaphuzu ahlinzekwe kuSheduli 1 walo Mthetho kaMasipala.

(3) UMkhandlu kaMasipala kumele ubhekisise lokhu okulandelayo uma uthatha isinqumo sokusungula iKomidi lezokuHlela likaMasipala noma sokubamba iqhaza ekusungulweni kweKomidi lezokuHlela eliHlanganyele loMasipala –

- (a) umthelela walo Mthetho kaMasipala kwezizimali zawo, kwezokuphatha kanye nasekusebenzeni kwawo ngendlela ehlelekile;
- (b) amandla kamasipala okukwazi ukuqalisa ukusebenza izihlinzeko zeSahluko 5 salo Mthetho kaMasipala;
- (c) isilinganiso sesibalo sezicelo zemvume yezokuhlela kamasipala ezenziwa ngonyaka; kanye
- (d) nomthamo wezentuthuko kuMasipala.

(4) UMasipala ungangena esivumelwaneni sokusungula iKomidi lezokuHlela eliHlanganyele loMasipala ngokuhambisana nesiGaba 34 se-SPLUMA.

(5) Uma uMasipala unquma ukusungula iKomidi lezokuHlela eliHlanganyele loMasipala, kumele ungene esivumelwaneni esibhaliwe nabanye omasipala osebenzisana nabo, kubandakanya noMasipala wesiFunda, ngokuhambisana neSahluko 3 soMthetho owuMkhombandlela wezokubuDlelwane phakathi koHulumeni, 2005 (uMthetho 13 ka 2005).

(6) Ngaphambi kokusungulwa kweKomidi lezokuHlela eliHlanganyele loMasipala, uMasipala kumele ucubungule futhi uhlole lokho okuhlinzekelwe kuMthethonqubo 2(2) we-SPLUMA.

(7) Isivumelwano sokusungula iKomidi lezokuHlela eliHlanganyele loMasipala kumele okungenani sikwazi ukusombulula izinkinga ezibalulwe kuMthethonqubo 4 we-SPLUMA nakuSheduli 1 walo Mthetho kaMasipala.

Ukuqokwa kanye nokwakheka kweKomidi lezokuHlela likaMasipala

7.(1) IKomidi lezokuHlela likaMasipala kumele libe namalungu okungenani amahlanu noma ngaphezulu njengoba uMasipala ungabona kufanele.

(2) IKomidi lezokuHlela likaMasipala kumele libe nabantu bakule mikhakha elandelayo –

- (a) abasebenzi abaqashwe uMasipala; kanye
- (b) nabantu abaqashwe uhulumeni kanye nabanqashwe yizimboni ezizimele, abanolwazi nesipiliyoni sokuhlelwa kwezindawo, sokusetshenziswa komhlaba nesokuthuthukiswa komhlaba noma somthetho ophathelene nalokho.

- (3) UMasipala ungaphinde unqume indlela yokuba yilungu leKomidi lezokuHlela likaMasipala yabantu abangaqashiwe umasipala futhi uyoshicilela leyo ndlela, uma ikhona, kwisaziso somphakathi esimema iziphakamiso zabantu abangaqokelwa kwiKomidi lezokuHlela likaMasipala.
- (4) Amakhansela oMkhandlu angeke avunyelwe ukuqokwa njengamalungu eKomidi lezokuHlela likaMasipala.
- (5) UMasipala, uma ubona kufanele, ungaqoka abanye abantu kwiKomidi lezokuHlela likaMasipala noma kwiKomidi lezokuHlela eliHlanganyele loMasipala.
- (6) Inqubo yokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala kuleme ilandelwe uma kuqokwa amalungu amasha noma engeziwe.
- (7) Amalungu amasha noma engeziwe ayosebenza ingxenye esele yesikhathi iKomidi lezokuHlela likaMasipala eliqokelwe sona.
- (8) Isikhathi sokusebenza kwamalungu kwiKomidi lezokuHlela likaMasipala yiminyaka emihlanu noma leso sikhathi esingaphansi kwalokho njengoba uMasipala unganquma futhi lokho kuqashwa kuyovuselelwa kanye.
- (9) UMasipala kumele usungule ithimba lokuhlola elizocubungula iziphakamiso ezitholakele zokuqokwa kwamalungu kwiKomidi lezokuHlela likaMasipala.
- (10) IThimba lokuHlola kumele libe nabasebenzi baMasipala, abayoqokwa uMphathi kaMasipala.
- (11) IThimba lokuHlola kumele licubungule iziphakamiso bese lenza izincomo eMkhandlwini kaMasipala ngesinqumo salo sokuqoka ilungu leKomidi lezokuHlela likaMasipala.
- (12) Imigomo nemibandela yamalungu eKomidi lezokuHlela likaMasipala ehlongozwe kwisiGatshana (2)(a) no (b) ngenhla iyohambisana nezinhlinzeko zikaSheduli 1 yeMithethonqubo ye-SPLUMA.
- (13) Amalungu eKomidi lezokuHlela likaMasipala kumele alandele futhi asayine umgomo wokuziphatha njengoba ugunyazwe uMasipala, oyobe ikakhulukazi uhambisana noSheduli 3 weMithethonqubo ye-SLPUMA.
- (14) Amalungu eKomidi lezokuHlela likaMasipala nayo ayolahlekelwa ubulungu uma engasafanelekile ukuna amalungu njengoba kubekwe kwisiGaba 38 se-SPLUMA.
- (15) Uma kwenzeka uMasipala unquma ukuqoka amalungu kwiKomidi lezokuHlela likaMasipala njengoba kuhlinzekwe kwisiGatshana (2)(b) ngenhla, uyolandela izinqubo zokumenywa kweziphakamiso njengoba kubekwe kwiMithethonqubo ye-SPLUMA.

USihlalo kanye neSekela likaSihlalo weKomidi lezokuHlela likaMasipala

8. UMasipala kumele uqoke amalungu amabili eKomidi lezokuHlela likaMasipala njengoSihlalo kanye noSekela Sihlalo weKomidi lezokuHlela likaMasipala ngokwehlukana kwabo.

Imigomo nemibandela yokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala

9.(1) Ilungu liba sesikhundleni isikhathi esiyiminyaka emihlanu, noma esingaphansi kwaleso njengoba uMasipala unganquma.

(2) Ilungu elilandwe embonini ezimele –

- (a) liyokhokhelwa futhi libuyiselwe izimali ezabelwe ukwenza lokho uMasipala noma oMasipala, abayingxenywe yesiVumelwano esisungula iKomidi lezokuHlela eliHlanganyele loMasipala;
- (b) liyokhokhelwa leyo mali, njengoba kunqume uMasipala noma oMasipala, abayingxenywe yesiVumelwano esisungula iKomidi lezokuHlela eliHlanganyele loMasipala; futhi
- (c) liyokhokhelwa izindleko zokuhamba ngomsebenzi kanye nezinye izindleko elingene kuzo.

Isaziso sokuqokwa kweKomidi lezokuHlela likaMasipala

10. Isaziso sokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala kumele sishicilelwe kwiGazethi kanye nasemaphelandabeni akuleyo endawo –

- (a) sokuthi sekusungulwe iKomidi lezokuHlela likaMasipala noma iKomidi lezokuHlela eliHlanganyele loMasipala;
- (b) esinamagama abantu abaqokelwe ukusebenza kwiKomidi lezokuHlela likaMasipala noma kwiKomidi lezokuHlela eliHlanganyele loMasipala, okubandakanya uSihlalo kanye noSekela Sihlalo;
- (c) esinosuku lokuqala kokusebenza kweKomidi lezokuHlela likaMasipala noma kweKomidi lezokuHlela eliHlanganyele loMasipala;
- (d) esinosuku okungafakwa ngalo izicelo zezimvume zezokuhlela kumasipala ukuze zicutshungulwe yiKomidi lezokuHlela likaMasipala;
- (e) esisho indawo kanye nokuthi izicelo zezimvume zezokuhlela kumasipala zifakwa kubani; futhi
- (f) uma kuwukuthi uMasipala usungule iKomidi lezokuHlela eliHlanganyele loMasipala, kumele siveze –
 - (i) namagama omasipala ababambe iqhaza;
 - (ii) nokuthi itholakala kuphi ikhophi yesivumelwano esibhaliwe esiphakathi komasipala ababambe iqhaza.

Ukwesula nokususwa esikhundleni kanye nokugcwaliswa kwezikhala

11.(1) Ilungu lingesula esikhundleni seKomidi lezokuHlela likaMasipala ngokunikeza uMasipala isaziso esibhaliwe sezinsuku ezingama-30 noma uma kuyiKomidi lezokuHlela eliHlanganyele loMasipala isaziso esibhaliwe siyohambisana nezinhlinzeko zesivumelwano somasipala ababambe iqhaza.

(2) UMasipala ungalisusa ilungu kwiKomidi lezokuHlela likaMasipala uma –

- (a) lelo lungu lehluleka ukusebenzisa amandla ahambisana nesikhundla salo kwiKomidi lezokuHlela likaMasipala ngenxa yokukhubazeka noma yokuphazamiseka emqondweni;
- (b) lehluleka ukusebenzisa amandla ahambisana nesikhundla salo kwiKomidi lezokuHlela likaMasipala ngendlela efanele nangokuzimisela; noma
- (c) lingaziphathi kahle.

(3) Nanoma yiliphi ilungu leKomidi lezokuHlela likaMasipala okuthe, ngemva kokuqokwa kwalo, langabe lisafaneleka ngokwalo Mthetho kaMasipala, Iliyayeka ukuba yilungu leKomidi lezokuHlela likaMasipala.

(4) Ilungu kumele lesule esikhundleni uma like laphutha emihlanganweni emibili elandelanayo yeKomidi ngaphandle kokuthola imvume yomhlalabakhefu ekhishwe uSihlalo weKomidi lezokuHlela likaMasipala libe lalithunyelwe isaziso salowo mhlango kusenesikhathi.

Ukubunjwa kweKomidi lezokuHlela likaMasipala eliThatha iziNqumo

12.(1) USihlalo weKomidi lezokuHlela likaMasipala lingaqoka amalungu angengaphansi kwamathathu eKomidi lezokuHlela likaMasipala ukuthi acubungule bese enquma noma enze izincomo ngesicelo sokuthuthukiswa komhlaba esilethwe kulo, elilodwa lawo okumele kube umuntu wangaphandle.

(2) Uma kuyiKomidi lezokuHlela eliHlanganyele loMasipala, okungenani ilungu elolidwa lethimba elicubungula isicelo kumele libe umsebenzi osebenza ngokugcwele kulowo Masipala umhlaba ofakelwe isicelo ongaphansi kwawo.

(3) USihlalo weKomidi lezokuHlela likaMasipala kumele engamele umhlango wekomidi lezokuHlela likaMasipala. Uma engekho kanye neSekela lakhe, amalunga eKomidi lezokuHlela likaMasipala angaqoka elinye lamalungu ethimba njengoMphathisihlalo umhlango ngokuthi oyedwa aphakimise umbono bese kuyavunyelwana, uma i-qourum ikhona

(4) IKomidi lezokuHlela likaMasipala kumele linqume izinhlelo kanye nezinqubo zalo zangaphakathi ngokuloba imithetho –

- (a) yokubiza imihlangano;
- (b) inqubo yokuhutshwa kwemihlangano;
- (c) nokuthi iyobanjwa kangaki imihlangano.

Isinqumo seKomidi lezokuHlela likaMasipala

13.(1) Isincomo noma isinqumo sesicelo semvume yezokuhlela kamasipala sithathwa yiningi lamalungu akhona emhlanganweni kweKomidi lezokuHlela likaMasipala.

(2) Uma kunokulingana kwamavoti, uSihlalo noma uMphathisihlalo uyoba nevoti eliwijuqu.

(3) USihlalo noma Mphathisihlalo womhlango kumele asayine lelo Rekhodi leziNqumo leKomidi lezokuHlela likaMasipala.

(4) Isinqumo seKomidi lezokuHlela likaMasipala siyokwaziswa zonke izinhlangothi ezithintekayo ezinsukwini ezingama-30 kusukela ngosuku lokuthathwa kwaleso sinqumo.

(5) UMbhalisi wezokuHlela likaMasipala liyogcina irejista yazo zonke izimvume zezokuhlela zikamasipala elizikhiphile.

(6) IKomidi lezokuHlela likaMasipala ngemuva kwezinyanga ezintathu liyohlinzeka umbiko kuMasipala mayelana nazo zonke izicelo elizicubungulile noma elinqume ngazo kanye nemiphumela yalokho.

Amandla eKomidi lezokuHlela likaMasipala noma eKomidi lezokuHlela eliHlanganyele loMasipala

14. IKomidi lezokuHlela likaMasipala –

- (a) lingavuma, sonke isicelo noma ingxenye yesicelo, noma linqabe isicelo esidluliselwe kulo ngokuhambisana nalo Mthetho kaMasipala;

- (b) kumele ligcine irekhodi layo yonke imhlangano;
- (c) kumele lihlinzeke izizathu ezibhalwe phansi zezinqumo;
- (d) lingabeka noma yimiphi imibandela ezwakalayo kubandakanya nemibandela ephathelene nokuhlinzekwa kwemisebenzi yobunjiniyela kanye nokukhokhwa kwanoma yiziphi izindlelo zanoma yikuphi ukuthuthukiswa;
- (e) lingachibiyela noma lingayeka umbandela eliwubekile;
- (f) lingathatha isinqumo esifanele mayelana nazo zonke izindaba ezidingekayo ukwenza imisebenzi yalo ngokwe-SPLUMA, nangokwanoma yimuphi umthetho wesifundazwe kanye nalo Mthetho kaMasipala;
- (g) lingenza noma yiluphi uphenyo oludingekayo;
- (h) linganikeza noma yimuphi umuntu osebenza kwaMasipala imiyalelo ehambisana nemisebenzi yalo;
- (i) lingahlola indawo;
- (j) linganquma nganoma yimuphi umbuzo ophathelene nomsebenzi walo;
- (k) lingaqoka umeluleki owuchwepheshe ukweluleka noma ukusiza ekwenziweni kwemisebenzi yalo ngokwe-SPLUMA, nangokwanoma yimuphi umthetho wesifundazwe kanye nalo Mthetho kaMasipala;
- (l) lingathatha isinqumo ngokuthi umuntu uthathwa njengomuntu onentshisekelo noma othintekayo okumele athathwe njengongenelelayo kwisicelo sokuthuthukiswa komhlaba futhi linganciphisa iqhaza elibanjwa umuntu onentshisekelo noma othintekayo ligxile kulezo zindaba lapho ethinteka khona kuphela;
- (m) lingafuna eminye imininingwane ngesicelo ukuze lisicubungule; futhi
- (n) lingenza noma yini ehambisana nalo Mthetho kaMasipala nanoma yimuphi omunye umthetho okhona ukusebenzisa igunya lalo.

Ukuba nezikhundla ezingaphezu kwesisodwa ngesikhathi nokushayisana kwezikhundla

15.(1) Umuntu oyedwa angabamba izikhundla ezingaphezu kwesisodwa ngesikhathi, kuncike ekutheni uqinisekisa ukuthi akachemi futhi wenza umsebenzi wakhe ngokuzimela.

(2) Kuwushayisana kwezikhundla uma umuntu esebenza njengelungu leKomidi lezokuHlela likaMasipala nanjengelungu lesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala.

(3) Kuwushayisana kwezikhundla uma umuntu esebenza njengoMsebenzi oGunyaziwe wezokuHlela kaMasipala noma njengelungu leKomidi lezokuHlela likaMasipala nanjengoMeluleki owuChwepheshe esicelweni esisodwa semvume yezokuhlela kamasipala.

Ukuhoxa

16.(1) Ilungu leKomidi lezokuHlela likaMasipala, ilungu loMkhandlu kaMasipala, uMbhalisi wezokuHlela kaMasipala, iSekela loMbhalisi wezokuHlela kaMasipala, angeke babe yingxenye yokudingidwa kodaba noma babambe iqhaza ekudingidweni kodaba uma –

(a) bona; noma

(b) abashade nabo, abalingani babo, amalungu emindeni yabo, abalingani babo ngokwebhizinisi, abaqashi babo noma abasebenzi babo,

bethinteka ngandlela thile.

(2) Ilungu leKomidi lezokuHlela likaMasipala eliqokwe uSihlalo weKomidi lezokuHlela likaMasipala ukuthi lenze izincomo noma lithathe isinqumo ngesicelo semvume yezokuhlela kamasipala, kumele lidalule ngokugcwele ukuthi lizohlomula kanjani bese lihoxa, uma lelo lungu selazi ukuthi lingase lihlomule ngokungafanelekile kuleso sicelo.

(3) Ukuhoxa kwelungu leKomidi lezokuHlela likaMasipala akukuphazamisi ukuba semthethweni kobesekwenziwe eKomidini lezokuHlela likaMasipala noma eMkhandlwini kaMasipala ngaphambi kokuhoxa kwalo, futhi amalungu asele eKomidi lezokuHlela likaMasipala aqokwe uSihlalo weKomidi lezokuHlela likaMasipala noma uMkhandlu kaMasipala engakwazi ukwenza izincomo noma athathe izinqumo maqondana nesicelo, inqobo nje uma ukuhoxa kwelungu kwenzeke ngaphambi kokuthi amalungu eKomidi lezokuHlela likaMasipala noma oMkhandlu kaMasipala ethathe ikhefu ukuze ayodingida ngesinqumo.

(4) Uma uMphathisihlalo ehoxa, uSihlalo weKomidi lezokuHlela likaMasipala kumele aqoke elinye ilungu elinolwazi nesipiliyoni kwezokuthuthukiswa komhlaba, kwezokuhlelwa kwezindawo, kwezokulawulwa kokusetshenziswa komhlaba, kwezentuthuko, nakwezomthetho njengoMphathisihlalo kuze kuphele umsebenzi onikwe iKomidi.

INgxenye 2: Ukwesekwa kwesiGungu esibhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

Ukuqokwa, imisebenzi kanye namandla oMbhalisi wezokuHlela kaMasipala kanye neSekela loMbhalisi wezokuHlela kaMasipala

17.(1) UMasipala kumele uqoke umsebenzi wawo oyedwa noma ngaphezulu njengoMbhalisi wezokuHlela kaMasipala noma unqume ukuthi umsebenzi owenza umsebenzi othile kumumohlaka lukaMasipala uzoba uMbhalisi wezokuHlela kaMasipala.

(2) UMasipala ungaqoka umsebenzi oyodwa noma ngaphezulu njengeSekela loMbhalisi wezokuHlela kaMasipala noma unqume ukuthi umsebenzi owenza umsebenzi othile kumumohlaka lukaMasipala uzoba yiSekela loMbhalisi wezokuHlela kaMasipala.

(3) UMasipala ungaba nabaBhalisi bezokuHlela baMasipala noma namaSekela abaBhalisi bezokuHlela baMasipala njengoba kunesidingo.

(4) UMbhalisi wezokuHlela kaMasipala kumele –

- (a) adlulise zonke izicelo zezimvume zezokuhlela zikamasipala zokuthuthukiswa komhlaba ezifakwe noma ezilethwe ngokusemthethweni kwisiGungu esibhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala;
- (b) agcine zonke izicelo zokuthuthukiswa komhlaba ezifakiwe;
- (c) axhumane namalungu eKomidi afanele nezinhlangothi ezithintekayo mayelana nanoma yisiphi isicelo nokunye okulethwe kwikomidi;
- (d) agcine idayari yezithangami zokulalelwa kwezicelo kanye nemihlangano yeKomidi;
- (e) abeke izinsuku zemihlangano futhi afake nezinombolo zezicelo ezicelweni;
- (f) ahlele ukuthi amalungu eKomidi ethamele imihlangano;
- (g) ahlele izindawo okuzobanjelwa kuzo imihlangano yeKomidi noma izithangami zeKomidi;
- (h) enze imisebenzi yobubhalane emihlanganweni yeKomidi;
- (i) aqinisekise ukuthi ukuhlinzekwa kwemisebenzi yobubhalane emihlanganweni yeKomidi, ngokuhambisana nemiyalelo kaSihlalo;
- (j) ahlele izindaba zeKomidi ukuze aqinisekise ukuthi kunesikhathi esanele sokuxhumana nabanye abasemagunyeni mayelana nokuhlelwa kwezicelo ezididiyele kanye nokugunyazwa kwazo;
- (k) azise izinhlangothi ezithintekayo ngemiyalelo noma ngezinqumo zeKomidi;
- (l) agcine irekhodi lazo zonke izicelo ezilethwe kwiKomidi kanye nemiphumela yazo, kubandakanya –

- (i) nezinqumo zeKomidi;
- (ii) nokuhlolwa kwezindawo nanoma yiluphi udaba olurekhodwe ngenxa yalokho;
- (iii) izizathu zesinqumo; kanye
- (iv) nokuqhubeka kwikomidi;
- (m) agcine amarekhodi nganoma iyiphi indlela iKomidi elingabona inesidingo; futhi
- (n) enze konke okuphathelene nalokho.

(5) ISekela loMbhalisi wezokuHlela kaMasipala kumele –

- (a) lize uMbhalisi wezokuHlela kaMasipala; futhi
- (b) libambe njengoMbhalisi wezokuHlela kaMasipala, njalo uma –
 - (i) isikhala soMbhalisi wezokuHlela kaMasipala singakagcwaliswa;
 - (ii) uMbhalisi wezokuHlela kaMasipala engekho noma ngenxa yanoma yisiphi isizathu engakwazi ukuwenza umsebenzi wakhe noma engakwazi ukusebenzisa amandla akhe.

(6) UMasipala ungaqoka noma yimuphi umsebenzi kaMasipala ukuthi abambe njengoMbhalisi wezokuHlela kaMasipala noma njengeSekela loMbhalisi wezokuHlela kaMasipala, uma kunesikhala esingagcwalisiwe esikhundleni soMbhalisi wezokuHlela kaMasipala noma seSekela loMbhalisi wezokuHlela kaMasipala.

ISAHLUKO 3 UHLELO LOKUSETSHENZISWA KOMHLABA

Inhloso yohlelo lokusetshenziswa komhlaba

18.(1) Inhloso yohlelo lokusetshenziswa komhlaba ukuthi kuvezwe amalungelo ezentuthuko kanye nemikhawulo kaMasipala ukuze –

- (a) kusebenze izinqubomgomo kanye nezinhlelo zikahulumeni kazwelonke, owesifundazwe kanye nowomasipala, kubandakanya nezinqubomgomo kanye nezinhlelo zikaMasipala;
- (b) kuvikelwe umuntu ngamunye kanye nabantu abahlala ngokuhlanganyela kuleyo ndawo;
- (c) kugqugquzelwe nentuthuko esimeme kanye nedingekayo;
- (d) kuthuthukiswe umhlaba ngendlela ezogqugquzela inhlalakahle yomphakathi, ezomnotho, ezempilo, ezokuphepha kanye nezempilo;
- (e) kugqugquzelwe ukubumbana komphakathi;
- (f) kugqugquzelwe ukukhula komnotho kanye nokuvulwa kwamathuba emisebenzi;
- (g) kuncishiswe imibandela engenasidingo nengathandeki yokuthuthukiswa komhlaba;
- (h) kuncishiswe futhi kwehliswe ukuphazamiseka kwentuthuko kwezemvelo;
- (i) kugqugquzelwe ukuvikelwa kokuyimvelo okusemqoka kanye nokongiwa kwezindawo ezingamagugu kanye nezindawo zomphakathi ezibalulekile; futhi
- (j) kugqugquzelwe ukuqongelelwa kokudla kuzwelonke.

Okuqokethwe wuhlelo lokusetshenziswa komhlaba

19.(1) Uhlelo lokusetshenziswa komhlaba kumele luhambisane nesiGaba 24(2) se-SPLUMA futhi –

- (a) lukhonjiswe ebalazweni luhambisane nezindinyana kanye nanoma yimiphi eminye imininigwane uMasipala oyibona inesidingo ekukhombiseni noma ekucaciseni ubungako, okuqokethwe, izinhlinzeko kanye nomthelela wohlelo lokusetshenziswa komhlaba;
- (b) lucacise indawo olusebenza kuyo;
- (c) lucacise amatemu asetshenziswa kumabalazwe kanye nasezindinyaneni; futhi
- (d) lucacise –
 - (i) imikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba evumelekile kanye nemibandela evunye ngaphansi kwayo; kanye
 - (ii) nemikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba engahle ivumeleke ngokwemvume kaMasipala ngokohlelo lokusetshenziswa komhlaba, kubandakanya –
 - (aa) izindlela ezizolandelwa ukulawula uMasipala ekuthatheni isinqumo sokuthi uyayikhipha yini imvume;
 - (bb) izindlela zokulawula ezisebenza uma uMasipala ekhipha imvume; kanye
 - (cc) nezicelo zemvume ezingadingi ukuthi kukhishwe isaziso ephaphandabeni lendawo;
- (e) imikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba engavumelekile;
- (f) indlela umhlaba owawusetshenziswa ngawo ngokomthetho ngenhloso engahambisani nohlelo lokusetshenziswa komhlaba kungaqhutshekwa nokuthi usetshenziselwe leyo nhloso nendlela amabilidi nezakhiwo ezikulowo mhlaba ezingaguqulwa noma ezinganwetshwa ngayo;
- (g) izinhlinzeko ezigqugquzela ukufakwa kwezindlu ezingambi eqolo ezinhlelweni zokuthuthukiswa komhlaba wokuhlalisa abantu;
- (h) imihlomulo yokusetshenziswa kanye nokuthuthukiswa komhlaba ukuze kugqugquzelwe ukuqaliswa ngendlela afanele kokusebenza koMkhombandlela wokuThuthukiswa kweziNdawo kaMasipala kanye nezinqubomgomo zezentuthuko; kanye
- (i) nesheduli yezichibiyelo zohlelo lokusetshenziswa komhlaba.

(2) Uhlelo lokusetshenziswa komhlaba lungabandakanya izindaba ezibalulwe kwisiGaba 24(3) se-SPLUMA, kubandakanya –

- (a) isheduli lezichibiyelo kanye nezimvume zohlelo lokusetshenziswa komhlaba;
- (b) isheduli lezimvume ezikhishwe ngokwazo; kanye
- (c) namasheduli aqukethe imihlahlandlela, amafomu kanye nolunye ulwazi okuhloswe ngalo ukwedlulisa ulwazi kuphela.

Umthelela womthetho wohlelo lokusetshenziswa komhlaba

20.(1)UHelo lokuSetshenziswa koMhlaba olwamukelwe –

- (a) luyabophezela ngokomthetho futhi bonke abanikazi bomhlaba kanye nabasebenzisi bomhlaba, kubandakanya noMasipala kanye nohlaka lukahulumeni babophezelwa yizinhlinzeko zalolo hlelo lokusetshenziswa komhlaba;
- (b) luthatha indawo yazo zonke izinhlelo ezikhona kuleyo ndawo kamasipala lapho uhlelo lokusetshenziswa komhlaba lusebenza khona; futhi
- (c) luhlinzekela amalungelo okusetshenziswa nokuthuthukiswa komhlaba.

(2) Umhlaba ungetshenziselwa izinhloso ezivunyelwe uhlelo lokusetshenziswa komhlaba.

(3) Uma kungekho hlelo lokuhlelwa kwedolobha noma lokusetshenziswa komhlaba olusebenzayo, ngaphambi kokuthi uhlelo lokusetshenziswa komhlaba lugunyazwe futhi lwamukelwe ngokwe-SPLUMA, lowo mhlaba ungetshenziswa kuphela ngokuhambisana nemvume eyakhishwa ngokwesiGaba 11(2) se-Odinensi yokuHlelwa kwamaDolobha, 1949 noma ngokwemvume eyakhishwa ngokwanoma yimuphi omunye umthetho.

(4) Ilungelo lokusebenzisa umhlaba ngenhloso ethile elingadingi ukuthi kutholakale imvume kaMasipala ngokohlelo lokusetshenziswa komhlaba, elomhlaba akulona elomuntu.

(5) Imvume ngokohlelo lokusetshenziswa komhlaba elomhlaba akulona elomuntu, ngaphandle uma isiGungu esiGunyaza ukuKhishwa kweziMvume zezokuHlela sikaMasipala esithintekayo sinqume ukuthi liyilungelo lomuntu senzela lowo muntu futhi lingasetshenziswa yilowo muntu kuphela.

(6) Ilungelo lokusebenzisa umhlaba ngenhloso ethile angeke lahlukani noma eliphathelene nawo.

(7) Umhlaba owawusetshenziswa ngokusemthethweni ngaphambi kosuku lokwamukelwa kohlelo lokusetshenziswa komhlaba ngenhloso engahambisani nohlelo lokusetshenziswa lomhlaba olusha uyothathwa njengomhlaba osetshenziswa ngendlela engahambisani nohlelo futhi ungaqhubeka usetshenziselwe leyo nhloso, inqobo nje uma –

- (a) ukusetshenziswa kwawo kwakuhambisana nohlelo lokuhlelwa kwedolobha olwalukhona noma nemvume;
- (b) uMasipala unganciphisa okunye ukuthuthukiswa komhlaba ngokuhambisana nezinhlinzeko zoHlelo lokuSetshenziswa koMhlaba; futhi
- (c) umhlaba uqhubeka ukusetshenziselwa lokho kusukela lo Mthetho kaMasipala uqale ukusebenza ngaphandle kokuphazanyiswa izinyanga ezingevile kweziyi-18.

(8) Uma ukusetshenziswa komhlaba njengoba kuhlangozwe kwisiGatshana (7) kungasaqhubeki isikhathi esingaphezu kwezinyanga eziyi-18, umhlaba angeke waphinde usetshenziselwe leyo nhloso.

- (9) Ukungalandelwa kokumele umhlaba usetshenziselwe kona –
- (a) kungaqhubeka kuphela uma kusesemthethweni;
 - (b) kungelona icala ngokwalo Mthetho kaMasipala; futhi
 - (c) kusebenza kuphela kwingxenye yomhlaba noma yebhilidi okunobubufakazi bokuthi kukhona.
- (10) Ngale kokubakhona kokungalandelwa kokumele umhlaba usetshenziselwe kona, akekho umuntu onganweba noma aguqule ibhilidi elithintekayo ngaphandle kwemvume ngokwalo Mthetho kaMasipala nangokwanoma yimuphi omunye umthetho osebenzayo.
- (11) Umuntu othi akulandelwa lokho umhlaba okumele usetshenziselwe kona kumele aveze ubufakazi balokho.

Uhlelo lokusetshenziswa komhlaba olukhona

21. Ngesikhathi sokuqala kokusebenza kwalo Mthetho kaMasipala, uhlelo lokusetshenziswa komhlaba luyoqokatha –

- (a) noma yiluphi uhlelo lokusetshenziswa komhlaba, kubandakanya nezichibiyelo zalo, olwamukelwe ngokwesiGaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (b) noma yiluphi uhlelo lokuhlelwa kwedolobha olwamukelwe noma oluchitshiyelwe ngokwesiGaba 47bis(4)(a) noma ngokwesiGaba 47bisA(4) se-Odinensi; kanye
- (c) nanoma yiziphi izichibiyelo ezenziwe yisiGungu sezeNtuthuko ngokwesiGaba 33(2)(h)(i) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko ohlelweni lokuhlelwa kwedolobha olwamukelwe ngokwesiGaba 47bis(4)(a) noma ngokwesiGaba 47bisA(4) se-Odinensi.

Ukwamukelwa noma ukuchithwa kohlelo lokusetshenziswa komhlaba

22.(1) UMasipala kumele, eminyakeni emihlanu kusukela ngosuku lokuqala kokusebenza kwe-SPLUMA, wamukele uhlelo lokusetshenziswa komhlaba lwayo yonke indawo engaphansi kwawo.

(2) Uhlelo lokusetshenziswa komhlaba, kuncike kwizinsizakusebenza ezikhona kanye nasezimweni eziguquguqukayo, lungamukelwa kancane kancane futhi lusetshenziswe kwezinye izindawo ezingaphansi kwaMasipala.

(3) UMasipala ungachitha uhlelo lokusetshenziswa komhlaba lwawo noma yinini uma ubona kunesidingo sokushintsha lolo hlelo.

Ukufakwa kwezindawo ezingaphansi kweMikhandlu yoMdabu ohlelweni lokusetshenziswa komhlaba

23.(1) UMasipala unganquma inqubomgomo, izinqubo kanye/noma nemihlahlandlela yokubandakanya izindawo ezingaphansi kweMikhandlu yoMdabu ohlelweni lokusetshenziswa komhlaba.

(2) Uhlelo lokusetshenziswa komhlaba olusebenza ezindaweni ezingaphansi kweMikhandlu yoMdabu, olubandakanya imiphakathi yasemakhaya, akumele luphazamise ngokungenasidingo izindlela zokusetshenziswa nokulawulwa komhlaba zomdabu nezilandelwa umphakathi.

(3) Ukulawulwa kokusetshenziswa komhlaba, izindlela zokuphatha ezihambisana nakho kanye nokuqinisekiswa kwakho kumele kuqaliswe kancane kancane, ngokubona, ukulandelwa kohlelo lokusetshenziswa komhlaba kudinga ukuqaliswa kwakho.

Ukwamukelwa kohlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi kweMkhandlu yoMdabu kanye nophenyo lokusetshenziswa komhlaba

24.(1) Uma uMasipala uhlose ukwamukela uhlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi kweMkhandlu yoMdabu, ngokubonisana ne-Ingonyama Trust Board, namalungu omphakathi kanye nobuholi bawo, kubandakanya nabaholi bomdabu, uyonquma okubalulekile kuleyo ndawo bese usebenzisa lolo lwazi ukusungula uhlelo lokulawulwa kokusetshenziswa komhlaba.

(2) UMasipala kanye ne-Ingonyama Trust Board ungasiza iMikhandlu yoMdabu kanye nemiphakathi enamagunya okulawula umhlaba ukusungula irejista labanamalungelo okusebenziswa umhlaba ezindaweni ezingaphansi kweMkhandlu yoMdabu futhi irejista liyonikezwa uMasipala ngomsebenzi wawo wokulawula ukusetshenziswa komhlaba kanye nokuqinisekiswa kokulandelwa kohlelo lokusetshenziswa komhlaba.

(3) IMikhandlu yoMdabu kanye nabaphathi bezindawo zasemakhaya abanagunya okulawula umhlaba kumele bakhophe isiqinisekiso esibhaliwe sokunikezelwa kwamalungelo okusetshenziswa komhlaba okwenziwe yibo.

Ukubuyekeza nokwelulwa kohlelo lokusetshenziswa komhlaba

25.(1) UMasipala kumele ubuyekeze uhlelo lwawo lokusetshenziswa komhlaba ngokuhambisana nezidingo zesiGaba 27 se-SPLUMA bese kuthi ezinyangeni eziyisithupha ngemuva kokuthi wamukele uHlelo lweNtuthuko oluDidiyele lwehlandla oqokelwe lona ngokwesiGaba 25 soMthetho weziNhlelo zoMasipala.

(2) UMasipala ungabuyekeza uhlelo lwawo lokusetshenziswa komhlaba nganoma yisiphi isikhathi uma kunesidingo.

(3) Uhlelo lokuchitshiyelwa kohlelo lokusetshenziswa komhlaba kumele lulandelwe ukubuyekeza uhlelo lokusetshenziswa komhlaba ngokuhambisana nezincwadi zikaMasipala.

ISAHLUKO 4

IZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IZIMVUME ZEZOKUHLELA ZIKAMASIPALA

INgxenye1: Ukuhlukaniswa kwezicelo zokuThuthukisa koMhlaba

Ukuhlukaniswa kwezicelo zokuthuthukiswa komhlaba ezidinga izimvume zezokuhlela zikamasipala

26. UMkhandlu kaMasipala uhlukanise izicelo zezimvume zokuthuthukiswa komhlaba zezimvume zezokuhlela zikamasipala ngokuhambisana nezinhlinzeko zikaSheduli 3 walo Mthetho kaMasipala. Iziqumo zithathwa:

- (a) Ikomidi elithatha izinqumo ezicelweni zokuthuthukisa komhlaba;
- (b) Umsebenzi Ogunyaziwe kwezokuhlela zikamasipala;
- (c) UMkhandlu kamasipala.

Okokuthuthukiswa komhlaba okudinga imvume yezokuhlela kamasipala

27.(1) Isicelo semvume yezokuhlela kamasipala siyoletswa uma sidingeka kokokuthuthukiswa komhlaba okulandelayo, noma inhlanganisela yakho:

- (a) isicelo sokuchitshiyelwa kohlelo lokusetshenziswa komhlaba kubandakanya ukuguqulwa kwalokho umhlaba owawuklanyelwe kona;
- (b) imvume ngokohlelo lokusetshenziswa komhlaba;
- (c) ukuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni lokusetshenziswa komhlaba, uma intuthuko ifaka lokhu okuhlongozwe ephuzwini 3 likaSheduli 2;
- (d) ukunwetshwa noma ukuguqulwa kwebhildi elisemhlabeni osetshenziselwa inhloso okukhulunywe ngayo ephuzwini 3 likaSheduli 2, ngale kokuthi imvume yezokuhlela kamasipala yayingadingeki ngesikhathi kuqala ukusetshenziswa kwalelo bhildi;
- (e) ukuhlukaniswa komhlaba;
- (f) ukusungulwa kwendawo;
- (g) ukuhlanganiswa komhlaba;
- (h) ukuhlanganiswa okusemthethweni kwezakhiwo ezisondelene;
- (i) ukuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi;
- (j) ukususwa, ukuchitshiyelwa noma ukuhoxiswa kombandela onezithiyo noma kwegunya lokusebenzisa umhlaba womuntu ngesivumelwano;
- (k) ukulungiswa kwephutha noma kwezichibiyelo ezingaphatheki, sifundwa nesiGaba 58(1) nesiGaba 59(1) salo Mthetho kaMasipala, eziphathele nemvume yezokuhlela kamasipala ekhona ekhishwe ngokwalo Mthetho kaMasipala noma ngokomunye umthetho, ukusulwa noma ukwengezwa kwemibandela maqondana nemvume yezokuhlela kamasipala ekhishwe noma okuthathwa ngokuthi ikhishwe ngokwalo Mthetho kaMasipala;
- (l) izichibiyelo eziphathekayo, noma kwengxenye yombandela wemvume yezokuhlela kamasipala obekwe iKomidi lezokuhlela likaMasipala, noma isicelo sokushintsha uHlelo Jikelele, ungafunda kanye nesigaba 60A salo mthetho;
- (m) imvume yesicelo sokuthuthukiswa komhlaba ngezigaba;
- (n) noma yikuphi ukuthuthukiswa komhlaba ezindaweni zasemakhaya, ngaphandle kokwakhiwa kwendlu; kanye
- (o) nanoma yisiphi esinye isicelo esihlinzekelwe kulo Mthetho kaMasipala.

(2) UMasipala unganquma ukuthi yiziphi izicelo ezidinga imvume yezokuhlela kamasipala ezihlinzekelwe kwisiGatshana (1) eziyodinga ukuthi izicelo zemvume zihlolwe umhleli obhalisiwe nanoma yimuphi umsebenzi ogunyaziwe oqeqeshwe kwezokuhlelwa kwezindawo nanoma yimuphi omunye umsebenzi oqeqeshwe emkhakheni ophathelene nokuHlelwa kwamaDolobha.

Okokuthukiswa komhlaba okungayidingi imvume yezokuhlela kamasipala

28.(1) Isicelo semvume yezokuhlela kamasipala ayidingeki uma kuchitshiyelwa uhlelo lokusetshenziswa komhlaba –

- (a) ukuze kulungiswe iphutha lokubhaleka/lokubhalwa kwegama noma lokuchitshiyelwa noma lokulungiswa kwezinombolo oHlelweni lokuSetshenziswa koMhlaba;
- (b) ukuze kuhlelwe kabusha izindinyana ngaphandle kokuguqula incazelo yazo;
- (c) ukuze kucashunwe umthetho omusha uma kwakucashunwe umthetho owawusudlulelwe yisikhathi;
- (d) ukuze kufakwe noma kuchitshiyelwe izimvume zokuthukiswa komhlaba ezazigunyazwe ngokusemthethweni noma umhlaba osuklanyiwe okwakungafakwanga oHlelweni lokuSetshenziswa koMhlaba;
- (e) uma kwakhiwa umgwaqo owawuhlelwe waklanywa "kuzoKwakhiwa uMgwaqo". Ukuklanywa "Kwakhiwa uMgwaqo" kungabe sekuguqulwa kuthiwe "uMgwaqo kaMasipala" noma "uMgwaqo okungewona okaMasipala", ngaphandle uma uhlelo lomgwaqo ohlongozwayo selushintshile;
- (f) ukuze kwakhiwe imigwaqo okungeyona ekamasipala, imigwaqo kamasipala, imigwaqo yendawo noma imigwaqo yesifunda uma umhlaba uhlukaniswe ngokuhambisana nenhloso owawuklanyelwe yona ohlelweni lokusetshenziswa komhlaba, ngaphandle uma uhlelo lokusetshenziswa komhlaba luhlinzeka okwehlukile;
- (g) ukuze kuqoshwe lokho umhlaba osetshenziselwa kona noma osuvele usetshenziselwa kona ngokuhambisana nezinhlinzeka zohlelo lokusetshenziswa komhlaba, ngaphandle uma uhlelo lokusetshenziswa komhlaba luhlinzeka okwehlukile;
- (h) ukuze kuqoshwe izinto eziqavile, njengezakhiwo ezinomlando, izindawo ezinamadwala aseneminyaka kanye nemigede egqamile;
- (i) ukuze kuhlonzwe noma kukhonjiswe noma yimuphi umhlaba olawulwa ngokomunye umthetho;
- (j) ukuze kuhlonzwe noma kukhonjiswe izindawo lapho umsebenzi ungeke uqale ngaphandle kwemvume yezemvelo ehlongozwe kwisiGaba 24(2)(a) soMthetho wokuPhathwa kwezeMvelo kaZwelonke, 1998 (uMthetho 107 ka 1998);
- (k) ukuze kuhlonzwe noma kukhonjiswe izindawo lapho umsebenzi ungaqala ngaphandle kwemvume yezemvelo ehlongozwe kwisiGaba 24(2)(a) soMthetho wokuPhathwa kwezeMvelo kaZwelonke, 1998 (uMthetho 107 ka 1998);
- (l) ukuze kuchitshiyelwe isheduli equkethe irejista lezichibiyelo zokusetshenziswa komhlaba;
- (m) ukuze kuchitshiyelwe uhlelo oluqukethe irejista yezimvume ezisemthethweni ezikhishwe ngokohlelo lokusetshenziswa komhlaba;
- (n) ukuze kuchitshiyelwe iziNhlelo zezokuPhatha ezibalulwe oHlelweni lokuSetshenziswa koMhlaba;
- (o) ukuze kuchitshiyelwe isheduli imihlahlandlela, amafomu kanye neminye iminingwane onhloso yako kungukuhlinzeka ulwazi kuphela;

(2) Isicelo semvume yezokuhlela kamasipala asidingeki endaweni engaphandle kohlelo lokusetshenziswa komhlaba uma lokho kuthukiswa komhlaba kungabaluliwe ephuzwini likaSheduli 2 walo Mthetho kaMasipala.

(3) Isicelo semvume yezokuhlela asidingeki uma kusetshenziswa ibhilidi elisendaweni engaphandle kohlelo lokusetshenziswa komhlaba uma –

- (a) ibhilidi lisetshenziselwa inhloso echazwe ephuzwini 3 likaSheduli 2 walo Mthetho kaMasipala; futhi
- (b) ukusetshenziswa komhlaba ngaleyo nhloso sekuqaliwe –

- (i) ngaphambi kokuthi kudingeke imvume yokuthuthukiswa komhlaba yalokho kuthuthukiswa komhlaba ngokwesiGaba 11(2) se-Odinensi kusukela mhla lu-1 kuNcwaba 1951;
- (ii) ngaphambi kokuchitshiyelwa kwesiGaba 11(2) se-Odinensi ukuthi kudingeke imvume yokuthuthukiswa komhlaba kusukela mhla ziyi-10 kuMfumfu 2008;
- (iii) ngaphambi kokuthi kungidingeke imvume yokuthuthukiswa komhlaba ngokwesiGaba 14 soMthetho wezoMhlaba waKwaZulu-Natali, 1992 (uMthetho 11 ka 1992) kusukela mhla ziyi-10 kuNhlangulana 1998.

(4) Isicelo semvume yezokuhlela kamasipala ayidingeki uma kuvalwa unomphele umgwaqo kamasipala noma indawo yomphakathi eyayingabhaliswanga njengomhlaba oklanyiwe eHhovi loMklami Jikelele futhi/noma ibhaliswe uMbhalisi wamaTayitela ngaphansi kobunikazi obehlukile, kodwa isicelo esihlongozwe singadingeka ukususa izinkomba emgwaqeni kamasipala ohlongozwayo noma endaweni yomphakathi ehlongozwayo kwiRekhodi leziNqumo lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

(5) Isicelo semvume yezokuhlela kamasipala asidingeki uma kwakhiwa indlu okuzohlalwa kuyo endaweni yasemakhaya.

INGXENYE 2: Isicelo seMvume yezokuHlela kaMasipala

Isicelo semvume yezokuhlela kamasipala

29.(1) Izicelo zokuthuthukiswa komhlaba ezihlongozwe kwisiGaba 27(1) salo Mthetho kaMasipala ziyolethwa kumasipala ukuze zicutshungulwe ngokuhambisana nenqubo yokufaka isicelo enqunywe ngokwalo Mthetho kaMasipala.

(2) Izinhlinzeko zeSahluko 4 ziyasebenza kwimvume yezokuhlela kamasipala kulokho okuhlongozwa uMasipala, ngaphandle kokuthi uma kukhulunywa ngomfakisicelo kumele kuthathwe ngokuthi kukhulunywa ngoMasipala.

Abantu abangahlanganisa futhi bafake isicelo sokuthuthukiswa komhlaba

30.(1) Isicelo semvume yezokuhlela kamasipala esinganqunywa yisiGungu esiBhekele ukuKhishwa kweziMvume zokuHlela zikaMasipala singahlanganiswa futhi sifakwe umnikazi njengoba kuchazwe kulo Mthetho kaMasipala.

(2) UMasipala ungadinga ukuthi isicelo kanye namaphepha asesekayo kulethwe njengengxenye yesicelo kumele kuhlangukwe umuntu onamakhono, onolwazi, onobungcweti noma neziqumfundo okufanele ukuhlangukisa isicelo sokuthuthukiswa komhlaba.

Isicelo somhlaba owawufakelwe isicelo phambilini kodwa esingaphothuliwe

31. Isicelo somhlaba owawufakelwe isicelo semvume yokuthuthukiswa komhlaba phambilini uma imibandela yemvume ingakalandelwa, angeke sicutshungulwe, ngaphandle – uma imvume yaphambilini ikhanselwa noma kufakwa isicelo kabusha, no uma isicelo simayelana nokuchibiyela yona imvumo ngokweigaba 27(1)(l) salomthetho.

Inqubo yokufaka izicelo zemvume yezokuhlela kamasipala

32.(1) UMasipala unqume izinqumo ngokwe Sheduli 5 yalo mthethozokulethwa nokucutshungulwa kwazo zonke izicelo zokuthuthukiswa komhlaba ezidinga imvume.

(2) UMasipala unganquma ukuthi yiziphi izicelo okumele zilandele inqubo yokuxoxisana nomphakathi, uhlobo nenqubo yokuxoxisana okumele lulandelwe njengoba kubekiwe kuSheduli 4 yalomthetho.

(3) UMasipala unganquma izimali okumele zikhokhwe uma kufakwa izicelo zokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala.

(4) UMasipala unganqaba ukwamukela isicelo, uma singahlangabezani nokudingekayo okunqunyiwe.

(5) UMasipala noma yingasiphi isikhathi ngaphambi kokuthatha isinqumo ungacela eminye imininingwane ongayidinga, uma ngokubona kukaMasipala idingeka ukuze uthathe isinqumo esifanele mayelana nesicelo.

(6) Umfakisicelo, noma yingasiphi isikhathi ngaphambi kokuthathwa kwesinqumo, angahoxisa isicelo ngesaziso esibhaliwe kuMasipala. Uma umfasicelo ehoxisa isaziso –

(a) imali yokufaka isaziso angeke ibuyiselwe kuye;

(b) umfakisicelo kumele alethe isicelo kabusha ukuze kuqhutshekwe nokucubungula isicelo.

Ukwehluleka kohlaka lukahulumeni oluthintekayo noma kwenhlangano ethintekayo ukuphawula ngesicelo

33.(1) Uhlaka lukahulumeni olungathintwa noma inhlangano engathintwa yisicelo sokuthuthukiswa komhlaba kungaxhunyanwa naso noma nayo ngaphambi kokuhanjiswa kwesicelo kuMasipala.

(2) Uhlaka lukahulumeni noma inhlangano lunganqaba ukuphawula mayelana nesicelo semvume yezokuhlela kamasipala, uma kudingeka esinye isicelo esiseceleni ngokomthetho osetshenziswa yilo noma yiyo.

(3) UMasipala unganqaba ukunquma ukuthi isicelo siphela uma umfakisicelo ehluleka ukuletha izimvo ezivela ohlakeni lukahulumeni noma kwinhlangano uMasipala abona ukuthi liyathinteka noma abona ukuthi iyathinteka.

(4) UMasipala ungaqhubeka nokucutshungulwa kwesicelo semvume yezokuhlela kamasipala, uma uhlaka lukahulumeni luhlulekile ukuphawula mayelana nesicelo semvume yezokuhlela kamasipala ngesikhathi esinqunyiwe noma ngaleso sikhathi esengeziwe oluvumelene ngaso nohlaka lukahulumeni, ngaphandle uma –

(a) ukusetshenziswa noma ukuthuthukiswa komhlaba kuncike emisebenzini yobunjiniyela okumele ihlinzekwe uhlaka lukahulumeni;

(b) uhlaka lukahulumeni lunqaba ukuphawula mayelana nesicelo ngoba kudingeka isicelo esiseceleni ukuze kukhishwe imvume ngokomthetho osetshenziswa yilo; noma

(c) kunomunye umthetho onqabela uMbhali wezokuHlela kaMasipala ukuthi aqhubeke nokucutshungulwa kwesicelo.

Imibandela yetayitela enezithiyo namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungasuswa, okungachitshiyelwa noma okungahoxiswa ngokwalo Mthetho kaMasipala

34.(1) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano –

- (a) obekelwe noma elibhaliselwe lowo mhlaba;
 - (b) eliqondene noma oqondene nalowo mhlaba; noma
 - (c) ophathelene noma eliphathelene –
 - (i) nokuhlukaniswa noma nokuhlanganiswa komhlaba;
 - (ii) nalokho umhlaba ongasetshenziselwa kona;
 - (iii) nemigomo okumele ilandelwe uma kwakhiwa amabhilidi noma uma kusetshenziswa umhlaba,
- kungasuswa, kungachitshiyelwa noma kungahoxiswa ngokwalo Mthetho kaMasipala.

(2) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano kungabekwa –

- (a) ngokombandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano obekwe yisiKhulu sikaHulumeni, uNdunankulu noma yiLungu loMkhandlu oPhethe elibhekele ezokuThutha ngokwesiGaba 9(3) noma 9A(1) se-Advertising Roads and Ribbon Development Act, 1940 (uMthetho 21 ka 1940);
- (b) ngokwe-Odinensi yezeMigwaqo, 1978 (uMthetho 11 ka 1978); noma
- (c) ngokoMthethosichibiyelo wezeMigwaqo waKwaZulu-Natali, 1978 (uMthetho 11 ka 1978), okungasuswa, okungachitshiyelwa noma okungahoxiswa ngokwalo Mthetho kaMasipala ngokwemvume ecacile ebhaliwe yeLungu loMkhandlu oPhethe elibhekele ezokuThuthua ekhishwe phambilini.

(3) Imvume ekwitayitela eyingxenye yomhlaba odliwe ingasuswa, ingahoxiswa noma ingaguqulwa ngokwalo Mthetho kaMasipala ngemvume ecacile yohlaka lukahulumeni oludle umhlaba.

Imibandela yetayitela enezithiyo kanye namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala

35.(1) Umbandela wetayitela noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano angeke kususwe, kuchitshiyelwe noma kuhoxiswe, ngaphandle uma umbandela wetayitela onezithiyo womhlaba noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano okuhambisanayo kuncike kulowo mbandela noma kulelo gunya lomhlaba lokusebenzisa umhlaba womuntu nakho kususwa, kuchitshiyelwa noma kuhoxiswa.

(2) Ilungelo elibhalisiwe lendawo yezokumbiwa phansi angeke lisuswe, lichitshiyelwe noma lihoxiswe ngokwalo Mthetho kaMasipala.

(3) Umbandela wetayitela onezithiyo ovuna iBhodi lezoKongiwa kweMvelo laKwaZulu-Natali ngeke ususwe, uchitshiyelwe noma uhoxiswe ngokwalo Mthetho kaMasipala ngaphandle kwemvume yeBhodi ebhaliwe.

(4) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano okubekwe ngokoMthetho weBhodi lezeMigwaqo laseNingizimu Afrika ngokoMthetho wezeMigwaqo waseNingizimu Afrika, 1988 (uMthetho 74 ka 1988) ngeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala.

(5) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano ebekwe uMthetho we-Ejensi yezeMigwaqo waseNingizimu Afrika (SANRAL) ngokwesiGaba 44(3) soMthetho we-Ejensi yezeMigwaqo waseNingizimu Afrika, 1998 (uMthetho 7 ka 1998) ngeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala

(6) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano ebekwe uNgqongqoshe wezeMigwaqo noma yiLungu loMkhandlu oPhethe elibehkele eziMigwaqo ngokwesiGaba 10(1)(c), 13(2)(b), 20(2)(b) noma 21(2)(b) zoMthetho wezeMigwaqo yesiFundazwe waKwaZulu-Natali angeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala.

(7) Umbandela wetayitela onezithiyo omayelana nokudayiswa komhlaba, kubandakanya nelungelo lokuthengwa komhlaba nombandela wokuthi intengo yebhilidi kumele ibe ngaphezulu kwemali encane ebekiwe, angeke ususwe, umiswe noma uhoxiswe ngokwalo Mthetho kaMasipala.

(8) Umbandela wetayitela onezithiyo omayelana nokuthola umhlaba njengefa, kubandakanya umbandela ogunyaza umuntu ngelungelo lokusebenzisa umhlaba impilo yakhe yonke, angeke ususwe, uhoxiswe noma uguqulwe ngokwalo Mthetho kaMasipala.

Ukuxoxisana nomphakathi

36.(1) UMbhalisi wezokuHlela kaMasipala kumele wazise umfakisiselo uma ubona ukuthi isicelo sokuthuthukiswa komhlaba siphelile. Lokhu kukhombisa ukuqala kohlelo lwangaphakathi lokucutshungulwa kwesicelo njengoba kubekiwe kuMthethonqubo we-SPLUMA.

(2) UMasipala kumele uxhumane nomphakathi mayelana nesicelo semvume yezokuhlela kamasipala uma kunesidingo salokho, noma ungadinga ukuthi umfakisiselo axhumane nomphakathi egameni likaMasipala.

(3) Uma umfakisiselo evuma ukuxoxisana nomphakathi egameni likaMasipala, umfakisiselo kumele ahlinzeke uMasipala ngobufakazi bokuthi isaziso sesicelo semvume yezokuhlela kamasipala sakhishwa.

(4) Usuku lokuvala lokulethwa kwezimvo mayelana nesicelo semvume yezokuhlela kamasipala angeke sibe ngaphansi kwezinsuku ezingama-30 kusukela ngosuku okwakhishwa ngalo isaziso.

Ukuhlolwa nokuDluliselwa kwesicelo semvume yezokuhlela kamasipala

37.(1) UMhleli oBhalisiwe oqashwe uMasipala kumele –

- (a) ahlole izizathu zesicelo ngokubhalwe phansi; futhi
- (b) enze izincomo mayelana nesicelo.

(2) Ukuhlola koMhleli oBhalisiwe kumele kubandakanye –

- (a) umqingo wesicelo semvume yezokuhlela kamasipala;
- (b) ubufakazi bokukuthi umfakisiselo wakhipha isaziso sesicelo, uma isaziso sasidingeka;
- (c) izimvo ezitholakele eziyimpindulo yesaziso mayelana nesicelo, uma zikhona;
- (d) impindulo yomfakisiselo mayenala nezimvo, uma ikhona;
- (e) isiqiniseko sokuthi isicelo siyahambisana ne-SPLUMA, nalo Mthetho kaMasipala nanoma iyiphi inqubo kanye noMkhombandlela wokuThuthukiswa kweziNdawo woMasipala, noma kuhlinzeke imininingwane yamaphutha, uma unгахambisani nokubalulwe ngenhla.

(3) UMBhalisi wezokuHlela kaMasipala kumele adlulise isicelo semvume yezokuhlela kamasipala kanye namaphepha ahambisana nayo kwisiGungu esiBhekele ukuKhishwa kweziMvume zikaMasipala.

(4) Uma isicelo sifakwe ngaphansi kwesiGaba esithile ukuze uMkhandlu kaMasipala uthathe isinqumo ngaso, isicelo kumele siqale sidluliselwe kwiKomidi lezokuHlela likaMasipala ukuze lihlolwe ngokwezobuchwepheshe bese kwenziwa izincomo.

Izichibiyelo zesicelo ngaphambi kokukhishwa kwesinqumo

38.(1) Ngaphambi kokukhishwa kwesinqumo yesicelo esimayelana nokuthuthukiswa komhlaba, umfakisiselo angachibiyela isicelo noma yingasiphi isikhathi ngemuva kokuthi ethole isaziso –

- (a) ngokuzicabangela yena umfakisiselo; noma
- (b) ngoba ecelwe uMasipala.

(2) UMasipala noma umfakisiselo kumele athumele isaziso mayelana nazo zonke izichibiyelo kubo bonke abantu ababeke izimvo mayelana nesicelo futhi unikeze labo bantu izinsuku ezingengaphansi kweziyi-14 ukuze bahlinzeke ezinye izimvo.

(3) UMasipala noma umfakisiselo kumele aphinde akhiphe isaziso somphakathi mayelana nesaziso, uma ukuchitshiyelwa kuthinta isicelo.

INgxenye 3: Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zikaMasipala

Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye noHlelo lukaMasipala lweNtuthuko oluDidiyele, kubandakanya uMkhombandlela wawo wokuThuthukiswa kweNdawo

39.(1) UHlelo lweNtuthuko oluDidiyele noma uMkhombandlela wokuThuthukiswa kweziNdawo akunikezi umuntu noma yimaphi amalungelo noma akumkhululi ekutheni athole imvume yezokuhlela kamasipala njengoba kudingeka ngokwalo Mthetho kaMasipala.

(2) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele silawulwe futhi sisebenze ngokoHlelo lweNtuthuko oluDidiyele kanye noMkhombandlela wokuThuthukiswa kweziNdawo uma uthatha isinqumo mayelana nesicelo semvume yezokuhlela kamasipala.

(3) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singasenqaba isicelo semvume yezokuhlela kamasipala, noma ngabe isicelo siyahambisana noHlelo lweNtuthuko oluDidiyele kanye noMkhombandlela wokuThuthukiswa kweziNdawo okusebenza kuleyo ndawo.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala angeke sagunyaza isicelo semvume yezokuhlela kamasipala uma singahambisanani noHlelo lweNtuthuko oluDidiyele kanye noMkhombandlela wokuThuthukiswa kweziNdawo okusebenza kuleyo ndawo, ngaphandle uma kunezimo ezithile kuleyo ezidala ukuthi kungalandelwa izinhlinzeko.

(5) Ngokwezinhloso zesiGatshana (4) “izimo zendawo ethile” kushiwo –

- (a) ukufinyelela ngendlela engajwayekile emisibenzini yobunjiniyela noma umthelela ongatheni noma ukungabibikho komthelela emisebenzini yobunjiniyela;
- (b) ukufinyelela ngendlela engajwayekile kwizinsiza zomphakathi noma umthelela ongatheni noma ukungabibikho komthelela kwizinsiza zomphakathi;
- (c) umthelela ongajwayekile noma ukungabibikho komthelela kwezemvelo, kubandakanya imvelo eyindalo, ukuxhantela okubonakalayo, amazinga omsindo kanye nephunga; noma

(d) isimo sendawo esingajwayelekile, ezigunyaza ukuthi kungalandelwa umkhombandlela wokuthuthukiswa kwendwo kamasipala.

(6) Ukungalandelwa koMkhombandlela wokuThuthukiswa kweziNdawo kamasipala kumele kurekhodwe kuMkhombandlela wokuThuthukiswa kweziNdawo uma usubuyezwa njengoba kuhlangozwe kwesiGaba 34 soMthetho weziNhlelo.

(7) Ngokwezinhloso zesiGatshana (4) ngenhla, isicelo semvume yezokuhlela kamasipala “asihambisani” uma –

(a) uMkhombandlela wokuThuthukiswa kweziNdawo uvimbela ukusetshenziswa noma ukuthuthukiswa komhlaba ngenhloso ethile noma ngendlela ehlongozwe kwisicelo semvume yezokuhlela kamasipala;

(b) uMkhombandlela wokuThuthukiswa kweziNdawo uhlongoza ukuthi umhlaba kumele usetshenziswe noma uthuthukiswe ngokwenzelwe ethile noma ngendlela engahambisani nesicelo semvume yezokuhlela kamasipala; noma

(c) ukusetshenziswa noma ukuthuthukiswa komhlaba kuncike emisebenzi yobunjiniyela kaMasipala noma kahulumeni ngokoHlelo lweNtuthuko oluDidiyele engeke yatholakala kuleyo ndawo umhlaba ofakelwe isicelo semvume yezokuhlela kumasipala okuyo.

Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nohlelo lokusetshenziswa komhlaba

40. Isigungu sikamasipala esibhekele ukukhishwa kwezimvume zoKuhlela angeke ugunyaze noma yikuphi ukuthuthukiswa komhlaba njengoba kubalulwe kwisiGaba 27(1) salo Mthetho kaMasipala, okuphambene nezinhlinzeko zohlelo lokusetshenziswa komhlaba.

Ubudlelwane phakathi kwemvume yezokuhlela kumasipala kanye nezinye izimvume

41.(1) Imvume yezokuhlela kamasipala ayimkhululi umfakisicelo ekutheni athole nanoma iyiphi enye imvume esemthethweni yomsebenzi wokuthuthukiswa komhlaba.

(2) Ipulani yezakhiwo ezakhiwe ndawonye ngokwesiGaba 1 se-Sectional Titles Act ephambana nezinhlinzeko zohlelo lokusetshenziswa komhlaba ayikho semthethweni, ngaphandle uma igunyazwe ngokusemthethweni ngaphambi kokwamukelwa koHlelo.

(3) UMasipala noma olunye uhlaka lukahulumeni angeke bayigunyaze ipulani yesakhiwo uma iphambene –

(a) nohlelo lukaMasipala lokusetshenziswa komhlaba;

(b) nemvume ngokohlelo lokusetshenziswa komhlaba;

(c) nokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni lokusetshenziswa komhlaba;

(d) nokuhlukaniswa komhlaba;

(e) nokuhlanganiswa komhlaba;

(f) nokuhlanganiswa kwezakhiwo ezisondelene ngokusemthethweni;

(g) nokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi; noma

(h) nombandela wetayitela ophathelene nokusetshenziswa noma nokuthuthukiswa komhlaba.

(4) Uma kwakhishwa imvume yezokuhlela kamasipala yokuhlukaniswa, yokuhlanganiswa komhlaba noma yokusungulwa kwelokishi, lokho kuhlukaniswa, lokho kuhlanganiswa noma lokho kusungulwa

kwelokishi kumele kubhaliswe eHhovisi lokuBhalisa amaTayitela ngaphambi kokuletha amapulani okwakha kanye nezicelo zokuthuthukiswa komhlaba.

Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

42.(1) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sicubungula futhi sinquma ngesicelo semvume kamasipala, kumele sicubungule, uma kukhona, lokhu okulandelayo:

- (a) umqingo wesicelo;
- (b) izimvo ezibhaliwe ezitholakale njengezimpendulo zezithangami zokuxoxisana nomphakathi;
- (c) impendulo yomfakisicelo ngezimvo ezibhaliwe;
- (d) izimvo ezibhaliwe ezivela eminyangweni kaMasipala yangaphakathi kanye nezimvo ezivela ezinhlakeni zikahulumeni nakwezinye izinhlango ezithintekayo;
- (e) uMbiko wokuHlola woMhleli oBhalisiwe ngesicelo nangezincwadi zawo;
- (f) imigomo yentuthuko ehlinzekwe kwisiGaba 7 se-SPLUMA;
- (g) izinqubomgomo, kubandakanya izinqubomgomo zesifundazwe nezikazwelonke ezamukelwe ngokwanoma yimuphi omunye umthetho kanye nezinqubomgomo zikaMasipala;
- (h) imigomo namazinga okuhlela, kubandakanya –
 - (i) imigomo namazinga kwazelonke kokuhlela ukulawulwa kokusetshenziswa komhlaba noma kokuthuthukiswa komhlaba okuhlinzekwe ngokwesiGaba 8 se-SPLUMA;
 - (ii) imigomo namazinga okuhlela kwesifundazwe; kanye
 - (iii) imigomo namazinga kaMasipala;
- (i) imikhombandlela yokuthuthukiswa kwezindawo, kubandakanya –
 - (i) uMkhombandlela wokuThuthukiswa kweziNdawo owamukelwe ngokwesiGaba 13(1) se-SPLUMA;
 - (ii) uMkhombandlela wokuThuthukiswa kweziNdawo wesifundazwe owamukelwe ngokwesiGaba 15(1) se-SPLUMA;
 - (iii) uMkhombandlela wokuThuthukiswa kweziNdawo wesifunda owamukelwe ngokwesiGaba 18(1) se-SPLUMA; kanye
 - (iv) uMkhombandlela wokuThuthukiswa kweziNdawo kamasipala owamukelwe ngokwesiGaba 25(1) soMthetho weziNhlelo zoMasipala sifudwa nesiGaba 20(1) se-SPLUMA;
- (j) uHlelo lweNtuthuko oluDidiyele lukaMasipala ngokwesiGaba 25(1) soMthetho weziNhlelo zoMasipala;
- (k) uhlelo lokusetshenziswa komhlaba lukaMasipala, kubandakanya izindaba uMasipala okumele uzicubungule ezihlonzwe ohlelweni lokusetshenziswa komhlaba;
- (l) imithetho nemihlahlandlela yokudwetshwa kwepulani ukuze ivunye yinhlango yabanikazi bomhlaba, umgwamanda ophethe noma inkampani yabanamasheya ehanjise kwamasipala;
- (m) noma yikuphi ukugunyazwa ngokweMithethonqubo yokuHlolwa koMthelela kwezeMvelo;
- (n) umthelela ongaba khona, kubandakanya nomthelela oyinhlanganisela yokusha nokudala,
 - (i) kwimvelo;
 - (ii) kwinhlalomnotho;
 - (iii) emlandweni wezamasiko;
 - (iv) kwintuthuko eqhubekayo;
 - (v) emalungelweni okuthuthukisa umhlaba akhona;

- (vi) emalungelweni okumbiwa phansi;
 - (vii) kwezokuthutha zesifundazwe kanye/noma nezikazwelonke kanye nokuhamba kwabahamba ngezinyawo;
 - (viii) emisebenzini yobunjiniyela, kubandakanya ukulawulwa kwemfucuzwa, kwamanzi, namapayipi endle, kwamanzi emvula kanye nogesi; kanye
 - (ix) nasezakhiweni zomphakathi, kubandakanya ukufinyelela kwezempilo, kwezemfundo nakwezokungcebeleka kanye nasezindaweni ezivulekile;
 - (o) abasebenzi kanye nezimali okumele kube khona ukuze kuqaliswe izimvume zezokuhlela zikamasipala;
 - (p) imihlomulo yohlelo oluhlongozwayo, kubandakanya, ezezimali, ukuvulwa kwamathuba emisebenzi nokunye okufana nalokho;
 - (q) imihlomulo eqokelelwa ngokwamukelwa, ngokuguqulwa noma ngokuchitshiyelwa kohlelo lokusetshenziswa komhlaba uma iqhathaniswa nezindleko, uma zikhona;
 - (r) ukuhlinzekwa kanye nezinga lemisebenzi yobunjiniyela kanye nezikhungo zomphakathi;
 - (s) umthelela, kubandakanya nomthelela oyinhlanganisela yokusha nokudala, wesicelo semigwaqo exhumanisa izindawo zesifundazwe nekazwelonke, ezokuthutha umphakathi, imisebenzi kamasipala, ukuthuthwa kwendle namanzi angcolile, ukuphakwa kwamanzi nogesi, ukulawulwa nokuthuthwa kwemfucuzwa, ezokuqapha nokuvikeleka;
 - (t) umthelela wemithetho yakudala eyayibandulula mayelana nobunikazi bomhlaba, nokuthuthukiswa komhlaba kanye nokufinyelela emisebenzini yobunjiniyela nasezikhungweni zomphakathi, kanye nesidingo zokulungisa ukungalingani kwaphambilini;
 - (u) ukuvikelwa noma ukongiwa kwamasiko noma kwemvelo, kubandakanya ezolimo, izindawo ezikhethekile noma okwehlukile, ukuma komhlaba kanye nendalo;
 - (v) ukunotha ngokwemvelo nangobunjalo kwaleyo ndawo;
 - (w) isibalo kanye nenhloso yemihlaba ezosetshenziswa uma uMasipala unquma ukuthi uMklami Jikelele agunyaze umdwebo womhlaba ngamunye noma ipulani enkulu yayo yonke imihlaba;
 - (x) isidingo sokuvimbela ukushiywa eceleni kwengxenywe yomhlaba ngohlelo lwezakhiwo ezifanayo ezakhiwa ndawonye ngokwe-Sectional Titles Act noma ngokwenkampani yabanamasheya ngokwe-Share Blocks Control Act, 1980 (uMthetho 59 ka 1980);
 - (y) izinhlinzeko zesiGaba 13 se-Legal Succession to the South African Transport Services Act, 1989 (uMthetho 9 ka 1989) eziphathelene nokuklanywa komhlaba okungowakwa-Transnet kanye neminye imithetho elawula ukuklanywa komhlaba;
 - (i) noma iyiphi inqubo esetshenziswa endaweni yokulawulwa kokusetshenziswa komhlaba ehambisana –
 - (aa) nemithetho yakwiRiphabhulikhi;
 - (bb) nezinqubo namazinga okuhlela kwesifundazwe;
 - (cc) noHlelo lweNtuthuko oluDidiyele lukaMasipala; kanye
 - (dd) uhlelo lwelungelo elisemthethweni elingahlanyele lomhlaba woMdabu nokusetshenziswa kwawo;
 - (ii) nezincwadi zeKomidi likaMasipala elibhekele uKwakha;
 - (iii) nanoma yiliphi elinye iphuzu elifanele.
- (2) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kuwuMkhandlu kaMasipala –
- (a) kumele sicubungule wonke amaphuzu ahlinzekwe kwisiGatshana 1; futhi
 - (b) kumele sicubungule izincwadi zeKomidi lezokuHlela likaMasipala ngesicelo.
- (3) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sicubungula isinqumo noma izincwadi ngesicelo semvume kamasipala, –
- (a) singagunyaza isicelo sonke noma ingxenywe yaso;

- (b) singagunyaza isicelo kuncike kwimibandela ethile;
- (c) singahlehlisa isinqumo saso ngesicelo;
- (d) singanqaba isicelo; noma
- (e) singadlulisela isicelo uma sigunyaziwe ukuthi senze njalo.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela zikaMasipala singasinqaba isicelo semvume yezokuhlela sikamasipala esingahambisani –

- (a) nemigomo namazinga okuhlela azwelonke;
- (b) nemigomo namazinga okuhlela esifundazwe;
- (c) noHlelo lweNtuthuko oluDidiyele lukaMasipala;
- (d) noMkhombandlela wokuThuthukiswa kweziNdawo kaMasipala, ngaphandle uma kunezimo ezithile kuleyo ndawo ezidala ukungalandelwa kwezinhlinzeko zawo, njengoba kuhlinzekelwe kwisiGaba 22(2) se-SPLUMa;
- (e) nohlelo lokusetshenziswa komhlaba; kanye
- (f) nanoma yimuphi uMthetho kaMasipala.

(5) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singenza izincomo esigungwini esibhekele ukukhishwa kwezimvume esifanele sikaMasipala zokuchibiyela izinombolo zezitaladi ezikhonjiswe esicelweni uma lezo zinombolo zingahambisani nenqubomgomo yezinombolo zezitaladi kanye nokuqanjwa kwemigwaqo.

IRekhodi lesiNqumo lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

43.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele abhale iRekhodi leziNqumo lazo zonke izicelo esizicubungulile.

(2) IRekhodi leziNqumo, noma izichibiyelo zalo zakamuva, kumele ligxile kulokhu okulandelayo:

- (a) imininingwane yesicelo, kubandakanya –
 - (i) igama lomnikazi noma lomfakisicelo;
 - (ii) uhlobo lwesicelo;
 - (iii) incazelo yomhlaba othintekayo, ngaphandle uma isicelo siyisicelo esijwayelekile sokuchitshiyelwa kohlelo lokusetshenziswa komhlaba;
 - (iv) inombolo pulani; uma ikhona
 - (v) inombolo yesicelo;
- (b) isinqumo kanye nezizathu zesinqumo;
- (c) imibandela yemvume yesicelo, uma ikhona, kubandakanya –
 - (i) leyo mibandela okumele ilandelwe ngaphambi kokuthi kusetshenziswe noma kuhlalwe kolowo mhlaba kanye nokwakhiwa kwesakhiwo noma kwebhilidi ngokuhambisana nemvume;
 - (ii) ubunikazi bangomuso bemigwaqo yomphakathi kanye nobezakhiwo zomphakathi; uma bukhona
 - (iii) ukuhlinzekwa kwemisebenzi yobunjiniyela;
 - (iv) leyo mibandela okumele ilandelwe ngaphambi kokuthi umhlaba ubhaliswe ngaphansi noma udluliselwe komunye umnikazi; kanye
 - (v) naleyo mibandela okumele ibhaliswe ngalowo mhlaba;
- (d) uma uMklami Jikelele kumele agunyaze ipulani enkulu noma umdwebo wokuhlukaniswa noma wokuhlanganiswa komhlaba;
- (e) izizathu zezinguquko esicelweni, uma umfakisicelo enza izinguquko esicelweni noma uMasipala enza izinguquko;
- (f) noma yiziphi izimvo noma iziphikiso ezitholakele, nezizathu zalezo ziphikiso nanokuthi ngabe lezo ziphikiso ziyazwakala noma cha;

- (g) uma noma yiziphi izimvo ezaziphendula isimemo sokubeka izimvo ngesicelo zatholakala –
- (i) ngesikhathi okwakumele kufakwe ngaso isikhalo;
 - (ii) umbhalo ofingqiwe wamalungelo kanye nezibopho zabantu abafaka izikhalo zingatholakala kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
 - (iii) igama neminingwane yokuxhumana –
 - (aa) yomfakisisicelo;
 - (bb) yoMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
 - (cc) yomuntu wakwaMasipala okulethwa kuyena isikhalo, isicelo sokuxolelwa ngokuletha isikhalo sekudlule isikhathi noma isiphikiso sesikhalo; kanye
- (h) nesikhathi sokusebenza kwesinqumo uma kuyimvume enemibandela.

Abantu okumele baziswe ngesiNqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

44. UMbhalisi wezokuHlela kaMasipala kumele, ezinsukwini ezingama-30 kusukela ngosuku okuthathwe ngalo isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, athumele isaziso sesinqumo –

- (a) kumfakisisicelo, uma engeyena umnikazi;
- (b) kumnikazi; kanye
- (c) nakunoma yimuphi umuntu obeke uvo, ophawulile noma ongenelelile esicelweni.

Isikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

45. Umuntu ozimisele ngokukhalaza meyelana nesinqumo esithathwe isiGungu esibhekele ukukhiswa kwezimvume sikaMasipala angenza njalo ngokwe Sahluko 5 salomthetho.

Usuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala esicelweni

46.(1) Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala siqala ukusebenza –

- (a) ngosuku esifakwa ngalo kwiRekhodi leziNqumo, uma –
 - (i) zonke izinhlangothi zingalisebenzisanga ilungelo lazo lokufaka isikhalo; futhi
 - (ii) imvume ingenamibandela yokuhoxisa ebekiwe;
- (b) uma sekuphele izinsuku ezingama-21 kusukela ngosuku okwakhishwa ngalo isaziso esazisa lolo hlangothi ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, uma –
 - (i) kungekho sikhalo esifakiwe;
 - (ii) kungekho sicelo sokungenelela esifakiwe;
- (c) ngosuku okuhoxiswe ngalo isikhalo, ngaphandle uma isicelo semvume yezokuhlela kamasipala incike kwesinye isikhalo;
- (d) uma sekuphothulwe isikhalo noma ngosuku okwanqunywa ngalo ukuthi isikhalo asikho semthethweni, uma isikhalo sasifakwe mayelana nesinqumo soMsebenzi oGunyaziwe wezokuHlela kaMasipala noma sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma seKomidi lezokuHlela likaMasipala;
- (e) uma sekulandelwe imibandela yemvume noma imibandela yokusungulwa.

(2) Uma isicelo sokuklanywa kabusha semvume sibandakanya isicelo sokusungulwa kwelokishi, ukuhlukaniswa noma ukuhlanganiswa komhlaba, ukuguqulwa kokuklanywa noma kwemvume

yokusetshenziswa komhlaba angeke siqale ukusebenza kuze kube umhlaba othintekayo usubhalisiwe eHhovisi lokuBhaliswa kwamaTayitela.

47. Isigaba esikhishiwe

INgxenye 4: Ukulandela imibandela yemvume

Isitifiketi sokulandela imibandela yemvume

48.(1) UMasipala kumele ukhiphe isitifiketi sokulandela imibandela yemvume ngokuhambisana nezidingo zeziGaba 53 se-SPLUMA nangokwalo Mthetho kaMasipala –

- (a) uma umhlaba usubhalisiwe; futhi
- (b) uma umhlaba usungadluliselwa kobunye ubunikazi.

(2) Ukunqatshelwa kokusetshenziswa komhlaba ngaphambi kokulandelwa kwemibandela yemvume akuvimbeli ukusetshenziswa komhlaba ngezinhloso owawusetshenziselwa zona ngaphambi kokukhishwa kwemvume yezokuhlela kamasipala, ngaphandle uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sikhipe umyalelo ohlukile.

(3) Ukunqatshelwa ukuhlala ebhilidini ngaphambi kokuthi kulandelwe imibandela yemvume akuvimbeli ukuthi kuhlalwe ebhilidini elalikhona ngokusemthethweni kulowo mhlaba ngaphambi kokukhishwa kwemvume yezokuhlela kamasipala, ngaphandle uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sikhipe umyalelo ohlukile.

Ukudluliselwa kwemigwaqo, kwamapaki kanye nezinye izndawo ezivulukile

49.(1) Uma isicelo sokuhlukaniswa komhlaba wokusungulwa kwelokishi savunywa kuncike embandeleni wokuthi umhlaba kumele uhlinzekelwe isakhiwo somphakathi okumele silawulwe futhi sinakekelwe uMasipala noma olunye uhlaka lukahulumeni, umfakisicelo kumele, ngezindleko zakhe, adlulisele umhlaba kuMasipala, ohlakeni lukahulumeni noma kuhulumeni.

(2) Uma isicelo sokuhlukaniswa komhlaba wokusungulwa kwelokishi savunywa kuncike embandeleni wokuthi umhlaba kumele uhlinzekelwe ukusetshenziswa njengomgwaqo, umfakisicelo kumele, ngezindleko zakhe, adlulisele umhlaba kuMasipala noma kwi-ejensi yemigwaqo efanele.

(3) Umhlaba uMasipala ozowusebenzisa njengomgwaqo kamasipala, njengepaki noma njengenye indawo evulekile kumele uthathwe njengomhlaba ubunikazi bawo obusezandleni zikaMasipala njengoba kuhlongozwe kwisiGaba 32 soMthetho wokuBhaliswa kwamaTayitela.

Ukudalulwa kokuthi umhlaba awukwazi ukubhaliswa ngaphambi kokulandelwa kwemibandela

50. Isivumelwano sokudluliselwa komhlaba ohlukanisiwe noma ohlanganisiwe esasigunyazwe isiGungu esibhekele ukukhishwa kwamaGunya ezokuhlela sikamasipala, kodwa ongakawukhipheli isitifiketi sokulandelwa kwemibandela yemvume, kumele siqukathe isiGatshana esidalula –

- (a) ukuthi umnikazi akakayilandeli imibandela yemvume;
- (b) nokuthi umhlaba awubhaliseki njengoba kuhlongozwe kwisiGaba 1 se-Land Alienation Act, 1981, (uMthetho 68 ka 1981).

Ukunikwa ubunikazi bomhlaba ngemuva kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi

51.(1) Ubunikazi bomhlaba oyingxenywe yomgwaqo kamasipala noma yendawo yomphakathi, kumele, uma sekuvalwe umgwaqo kamasipala noma indawo yomphakathi unomphela, –

(a) bunikwe umuntu umhlaba owawubhaliswe ngegama lakhe ngokushesha ngaphambi kokuthi umgwaqo kamasipala noma indawo yomphakathi kube sezandleni zikaMasipala;

(b) bunikwe umuntu ovumelene ngokubhalwe phansi –

(i) nalowo muntu;

(ii) noMasipala; kanye

(iii) nomunye umuntu umhlaba owawubhaliswe ngegama lakhe ngaphambi kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi unomphela; noma

(c) buqhubeka bube sezandleni zikaMasipala, uma uMasipala usuthathe izinyathelo ezifanele ngaphandle kwempumelelo ukuthola umuntu umhlaba owawubhaliswe ngegama lakhe ngaphambi kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi evulekile.

(2) Ngokwezinhloso zesiGatshana (1)(c) ngenhla, izinyathelo ezifanele zibandakanya ukushicilela isaziso ephaphandabeni lendawo esimema noma ngubani onentshisekelo ngobunikazi bomhlaba ukuthi axhumane noMasipala ngosuku olubalulwe kwisaziso, lolo suku olungeke lube ngaphansi kwezinsuku ezingama-30, engabalwa amaholidi, kusukela ngosuku okushicilelwe ngalo isaziso.

Ukuhambisa amapulani kanye namaphepha kuMklami Jikelele okuhlukaniswa komhlaba, okusungulwa kwelokishi, okuhlanganiswa kwemihlaba, nokubhaliswa kwamagunya okusebenzisa umhlaba womuntu ngesivumelwano noma okuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi

52.(1) Umnikazi kumele –

(a) aqinisekise ukuthi yonke imidwebo engakaphasiswa, wonke amapulani amakhulu angakaphasiswa kanye namanye amaphepha, angadingwa uMklami Jikelele ukuze kubhaliswe ukuhlukaniswa noma ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukurekhodwa kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi okukhonjswa njengomgwaqo noma njengendawo yomphakathi kwipulani enkulu noma ukubhaliswa kwegunya lesivumelwano sokusebenzisa umhlaba womuntu ngesivumelwano kulethwa kuMklami Jikelele; kanye

(b) alethe ikhophi eqinisekisiwe yomdwebo ophasisiwe noma yepulani enkulu ephasisiwe, kuMasipala ezinsukwini ezingama-30 kusukela ngosuku okuphasisiwe ngalo uMklami Jikelele, uma umfakisicelo kuwumuntu noma kuwuhlaka lukahulumeni, ngaphandle kwaMasipala.

(2) Umklami womhlaba oqeqeshiwe oletha imidwebo engakaphasiswa, amapulani amakhulu angakaphasiswa kanye namanye amaphepha egameni lomnikazi kuMklami Jikelele, kumele afake incwadi efungelwe, okumele iqinisekise –

(a) ukuthi isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ingeyangempela nokuthi yenziwe umuntu ogunyaziwe ukuthatha isinqumo;

(b) nokuthi umdwebo wepulani wagunyazwa yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

Umdwebo kanye nepulani enkulu yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba

53.(1) Uma imvume yokuhlukaniswa komhlaba ibandakanya ukwakhiwa kweziqephu ezingaphansi kweziyishumi, kungabandakanyi umhlaba ozosetshenziselwa ukwakha imigwaqo, uMklami Jikelele angagunyaza umdwebo wesiqephu somhlaba ngasinye, noma ipulani enkulu yawo wonke umhlaba.

(2) Uma imvume yokuhlukaniswa komhlaba ibandakanya ukwakhiwa kweziqephu eziyishumi noma ngaphezulu, kungabandakanyi umhlaba ozosetshenziselwa ukwakha imigwaqo, uMklami Jikelele angeke agunyaze umdwebo wesiqephu somhlaba ngasinye, kodwa kumele agunyaze ipulani enkulu noma amapulani amakhulu ayo yonke imihlaba.

Ukubhaliswa kobunikazi bomhlaba ohlukanisiwe noma ohlanganisiwe, noma ukuvulwa kwerejista lelokishi

54.(1) Umnikazi womhlaba ofisa ukubhalisa umhlaba, kumele ahambise imidwebo noma ipulani enkulu kuMbhalisi wamaTayitela kanye namatayitela namanye amaphepha uMbhalisi wamaTayitela ayidingayo ukuze ubhaliswe.

(2) Kuncike emthethweni kazwelonke osebenzayo, uMbhalisi wamaTayitela angeke abhalise umhlaba ngobunye ubunikazi, ngaphandle uma uMasipala ukhiphe isitifiketi ngokwesiGaba 53 se SPLUMA kanye neSigaba 48(1) salomthetho esibeka ukuthi imibandela yemvume yokuhlukaniswa komhlaba, yokuhlanganisiwa komhlaba noma yokusungulwa kwelokishi, ilandeliwe.

(3) Uma ukugunyazwa kokuhlukaniswa komhlaba, kokuhlanganisiwa komhlaba noma kokusungulwa kwelokishi kuncike ekubekweni kombandela wetayitela, umbandela wetayitela kumele ubhaliswe uMbhalisi wamaTayitela kulowo mhlaba.

(4) Uma ukugunyazwa kokuhlukaniswa komhlaba, kokuhlanganisiwa komhlaba noma kokusungulwa kwelokishi kuncike ekubekweni kombandela wetayitela –

(a) okumele ubhaliswe kwinsalelela yomhlaba; futhi

(b) insalelela kumele igcinwe odluliselayo,

kumele kubhalwe kwitayitela lensalelela yomhlaba uma kubhaliswa ingxenye yomhlaba ngobunye ubunikazi.

(5) Imvume yokubhalisela ukuhlukaniswa noma ukuhlanganisiwa komhlaba noma ukuvulwa kwerejista lelokishi kuvele kuphelelwe yisikhathi emuva kweminyaka emihlanu kusukela ngosuku lokuqala kokusebenza kwesinqumo uma kungenziwanga.

Ukuhanjiswa kwamatayitela, kwamapulani kanye namaphepha kuMbhalisi wamaTayitela kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi

55.(1) Umnikazi kumele aqinisekise ukuthi yonke imidwebo, wonke amapulani namanye amaphepha angadingwa uMbhalisi wamaTayitela ukuze arekhode ukuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi ahanjiswa kuMbhalisi wamaTayitela.

(2) Uma uMasipala unqume ukuthi ubunikazi bomhlaba owawuyingxenye yomgwaqo kamasipala noma yendawo yomphakathi, uma sekuvaliwe bunikezwa olunye uhloko lukahulumeni –

(a) asikho isidingo sokuthi umhlaba odluliselwe kuMasipala noma ohlakeni lukahulumeni; futhi

(b) kuncike emthethweni kazwelonke, uMbhalisi wamaTayitela kumele awufake ukuze umhlaba ubhaliswe egameni likaMasipala noma lohloko lukahulumeni.

Ukuhanjiswa kwamatayitela, kwamapulani kwemidwebo kuMbhali wamaTayitela mayelana nesicelo sokususa, sokuchibiyela noma sokuhoxisa umbandela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano kanye nesitifiketi sokulandela imigomo ethile yemvume

56.(1) Umnikazi womhlaba kumele aqinisekise ukuthi amatayitela kanye namanye amaphepha uMbhali wamaTayitela angawadinga ukurekhoda ukususwa, ukuchitshiyelwa noma ukuhoxiswa kombandela onezithiyo noma lwegunya lokusebenzisa umhlaba womuntu ngesivumelwano ayahanjiswa kuMbhali wamaTayitela.

(2) Umuntu angeke afaka isicelo kuMbhali wamaTayitela ukurekhoda ukususwa, ukuchitshiyelwa noma ukuhoxiswa kombandela onezithiyo wetayitela noma wegunya lokusebenzisa umhlaba womuntu ngesivumelwano ngaphandle uma uMasipala ukhiphe isitifiketi ngokwesiGaba 53 se SPLUMA kanye neSigaba 48(1) salomthetho esibeka ukuthi imibandela yemvume ilandeliwe.

Ukuphelelwa yisikhathi kwemvume yezokuhlela kamasipala

57.(1) uma umfakisicelo ehluleka ukulandela imibandela yemvume, Imvume yezokuhlela kamasipala yezicelo zokuthuthukiswa komhlaba iphelelwa yisikhathi:

- (a) emva kwesikhathi esishiwo iKomidi lezokuHlela kaMasipala elineGunya lokuGunyaza; noma
- (b) eminyakeni emihlanu ngemva kosuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

(2) UMasipala kumele uvuselele amarekhodi, kubandakanya uhlelo lwawo lokusetshenziswa komhlaba, ukukhombisa ukuthi siphela nini isikhathi sokusebenza kwemvume yezokuhlela kamasipala.

(3) Umklami Jikelele kanye noMbhali wamaTayitela bangadinga imvume kaMasipalaukuqinisekisa ngokubhalwe phansi ukuthi imvume yezokuhlela kamasipala yokuhlukaniswa komhlaba, yokuhlanganiswa komhlaba, yokuhlanganiswa kwezakhiwo ezisondelene, yokusungulwa kwelokishi noma yokususwa, yokuchitshiyelwa noma yokuhoxiswa kwemibandela yetayitela enezithiyo seyiphelelwe yisikhathi.

INgxenye 5: Izichibiyelo noma ukukhanselwa kwezimvume zezokuhlela zikamasipala ezikhona

Isicelo sokuchibiyela iRekhodi lesigungu sezokuhlela sikamasipala ukuze kulungiswe iphutha lokubekeka kwesinqumo, kulungiswe iphutha lokubhalwa kwamagama, kulungiswe incazelo yomhlaba noma kulungiswe inkomba yomthetho, kulungiswe inkomba yomuntu, yendawo noma yegama lomgwaqo

58.(1) Umfakisicelo angafaka isicelo kuMsebenzi oGunyaziwe wezokuHlela kaMasipala ngokwakhe noma uma ecelwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala –

- (a) ukulungisa iphutha lokubekeka kwesinqumo;
- (b) ukulungisa iphutha lokubhalwa kwamagama; kanye
- (c) nokuvuselela incazelo yomhlaba kanye neminingwane yetayitela noma ukuvuselela inkomba yomthetho, yomuntu, yesikhungo, yendawo noma yegama lomgwaqo.

(2) UMsebenzi oGunyaziwe wezokuHlela kaMasipala ungamukela, nezinguquko noma ngaphandle kwazo, noma unqabe isicelo sokulungisa ukubekeka kwesinqumo, ukubhaleka kwamagama noma ukuvuselela inkomba yomthetho, yomuntu, yesikhungo, yendawo noma yegama lomgwaqo.

Isicelo sokuchitshiyelwa noma sokukhanselwa kwemvume yezokuhlela kamasipala

59.(1) Umfakisicelo angafaka isicelo sokuchitshiyelwa kokungaphatheki kwimvume yezokuhlela kamasipala ekhona ngokwakhe noma uma ecelwe uMasipala.

(2) Ngaphambi kokubungula isicelo sokuchitshiyelwa kokungaphatheki kwimvume yezokuhlela kamasipala, uMasipala ungayalela umfakisicelo ukuthi –

(a) athumele isaziso esibhaliwe sokuchitshiyelwa kokungaphatheki kwisicelo semvume yezokuhlela kamasipala kumuntu ophawule ngesicelo ngesikhathi esibekwe kwisaziso somphakathi; noma

(b) aphinde azise umphakathi, uma uMasipala ubona ukuthi ukuchitshiyelwa okuhlongozwayo kwesicelo awuguquli okungaphatheki esicelweni sokuqala.

(3) Izimvo ezibhaliwe ngesicelo sokuqala semvume yezokuhlela kamasipala ziyaqhubeka zisebenze noma ngabe ukufakwa kwesicelo kuphindwa.

Izindaba isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala okumele sizicubungule uma sinquma ukuthi isicelo sikulungele yini ukuchitshiyelwa kokungaphatheki esinqumweni

60.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele sinqume ukuthi isicelo siyisicelo sokuchitshiyelwa kokungaphatheki esinqumweni.

(2) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele sibhekelele lokhu okulandelayo uma sithatha isinqumo sokuthi isicelo singathathwa yini njengesicelo sokuchitshiyelwa kokungaphatheki sokukhipha imvume yezokuhlela kamasipala, uma kukhona –

(a) ukuchitshiyelwa kuyoholela –

(i) ekuguqulweni kwendawo ezothuthukiswa, ikakhulu ngaphandle komngcele;

(ii) ekuguqulweni kwendawo okuzokwakhiwa kuyo izakhiwo;

(iii) ekwenyukeni kakhulu kokucinana kwendawo;

(iv) ekwenyukeni kakhulu komthelela wezentuthuko emisebenzi yobunjiniyela;

(v) oguqukwani olukhulu endaweni okwakhiwa kuyona amabhilidi;

(vi) ekwakhiweni kwamabhilidi eduze kwamabhilidi asezindaweni ezisondele;

(vii) ekuxhantelaneni, okungathikameza ukukhanya, nokuba sengathi indawo ivalelekile nanoma yiziphi izimo zokuhlala kwabantu ezindaweni ezisondele;

(viii) oguqukwani ekumeni nasekubukekeni kwendawo, ikakhulu uma yakhiwe endaweni ethikameza ezemvelo; noma

(ix) ekushayisaneni nombandela wemvume obekwe yisigungu esiBhekele ukukhishwa kwezimvume zezokuhlela sikamasipala;

(b) uma kuneziphikiso mayelana nesicelo sokuqala semvume yezokuhlela kamasipala ezibekela engcupheni ngenxa yokuchitshiyelwa okuhlongozwayo;

(c) uma ukuchitshiyelwa kuyoholela ekuthulweni kwezinto ezintsha ezidinga ukuthi kuxhunyanwe nabanikazi bezindawo eziseduze, nezinhlaka zikahulumeni, nezinhlangano ezithintekayo noma nomphakathi;

(d) uma uguquko belungagunyazwa, ukube belungeyona ingxenye yesicelo sokuqala semvume yezokuhlela kamasipala; futhi

(e) umthamo nokuvama kwezichibiyelo zesinqumo esifanayo.

Izichibiyelo eziphathekayo egunyeni lezokuhlela likaMasipala

60A. (1) Isicelo esingeke sithathwe njenge simayelana nokuchitshiyelwa kokungaphatheki kumele sifakwe ngokwesiGaba 27(1)(l) salomthetho njengesichibiyelo esiphathekayo esinqumeni esake sathathwa uMasipala.

(2) Isicelo esingena ngokwesiGaba 27(1)(l) salomthetho siyolandela inqubo ngokwe Sheduli 4 nephuzu 5 kanye no Sheduli 5 walo mthetho.

IRekhodi leziNqumo elimayelana nokuchitshiyelwa kokungaphatheki kanye nokuphathekayo semvume yezokuhlela kamasipala

61.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele –

- (a) sigunyaze isicelo sonke noma ingxenye yaso;
- (b) sigunyaze isicelo kuncike kwimibandela;
- (c) sihlehlise isinqumo sesicelo; noma
- (d) siinqabe isicelo.

(2) Uma isicelo sokuchitshiyelwa kokungaphatheki noma okuphathekayo kwimvume yezokuhlela kamasipala sigunyaziwe, kumele kukhishwe irekhodi lesinqumo elichitshiyelwe.

Ukukhanselwa kwemvumo kaMasipala kwezokuhlela

61A. (1) Umfakisicelo engafaka isicelo kuMbhalisi wezokuhlela kaMasipala ukuhoxisa imvume kaMasipala.

(2) uMbhalisi wezokuhlela kaMasipala kumele azise umfakisicelo ngenqubo ekumele iqale ilandelwe ukuze kuhoxiswe isinqumo sozokuhlela luka Masipala, uma ikhona.

(3) uMfakisicelo umusebenzi wakhe ukulandela noma yiziphi izinqubo nezindleko ezifanele ukuhoxisa imvume kamasipala yezokuhlela evele ikhona

ISAPHLUKO 5

IZIKHALO

INGXENYE 1: IsiGungu sokuDluliselwa kweziKhalo

IsiGungu sokuDluliselwa kweziKhalo

62.(1) IsiGungu esiPhethe sikaMasipala siyoba yisiGungu sokuDluliselwa kweziKhalo esiyonquma ngazo zonke izikhalo ezifakiwe ngokwalo Mthetho kaMasipala.

(2) Ngale kokushiwo ezinhlinzekweni zesiGatshana (1) ngenhla, uMasipala, esikhundleni sesiGungu esiPhethe sawo, ungagunyaza umgwamanda noma isikhungo esingaphandle kwaMasipala ukwenza umsebenzi wesigungu sokudluliselwa kweziKhalo ngokuhambisana nezinhlinzeko zesiGaba 51(6) se-SPLUMA.

(3) Amalungu eKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala angeke baqokelwa ukunquma ngezikhalo noma ukulalela izikhalo ngokwalo Mthetho kaMasipala.

Amandla esiGungu sokuDluliselwa kweziKhalo

63.(1) Isigungu sokudluliselwa kweziKhalo –

- (a) singachitha isikhalo futhi sivumelane nesinqumo okukhalazwa ngaso;
- (b) singasekela ingxenye yesinqumo bese –
 - (i) siguqula nesinqumo okukhalazwa ngaso;
 - (ii) sibeka eceleni isinqumo bese sikhapha isinqumo esisha; noma
 - (iii) sibeka eceleni isinqumo bese sidlulisela udaba esiGungwini esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, nemiyalelo noma ngaphandle kwemiyalelo kunoma yimuphi umuntu noma umgwamanda yokuthi kuthathwe izinyathelo ezithile;
- (c) singacubungula isicelo sanoma yimuphi umuntu othintwa yisikhalo sokuthi angenelele;
- (d) singamukela noma yikuphi ukuhluleka kwanoma yiluphi uhlangothi ukulandela imiyalelo yaso noma izikhathi ezinqunywe ngokwalo Mthetho kaMasipala;
- (e) singacubungula isicelo ukuqinisekisa ukuthi isikhalo sifanelekile;
- (f) singabiza noma yimuphi umuntu ukuthi avele phambi kwaso azokwethula ubufakazi noma alethe noma yimaphi amaphepha;
- (g) sihlole noma yiziphi izindawo noma senze uphenyo;
- (h) singume nganoma yimuphi umbuzo ophathelene nomsebenzi waso;
- (i) sinike noma yimuphi umuntu osebenza kuhulumeni wesifundazwe, ohlakeni lukahulumeni wesifundazwe, ebhizinisini likahulumeni wesifundazwe noma kuMasipala imiyalelo ehambisana nemisebenzi yaso nehambisana nezindaba okukhulunywa ngazo kulo Mthetho kaMasipala;
- (j) singazitholela ngokwaso ubufakazi noma umbono wezobuchwepheshe; futhi
- (k) singahlehlisa isikhalo lesi sikhathi esanele ukuthi sithole eminye imininingwane noma esinye iseluleko.

Ukuqokwa, Imisebenzi naMandla omphathisihlalo wesiGungu sokudluliswa kweziKhalo

63A.(1) Usihlalo wesiGungu samaGunya kumele abe ngumphathisihlalo mayelana nokudingidwa kwezikhhalazo noma yena anikhe igunya omunye wesigungu sokudluliselwa kwezikhhalo

(2) Umphathisihlalo kumele enze imisebenzi njengoba kubekiwe kwiSahluko 5 nakwi sheduli 6 yalomthetho

UMBhalisi wesiGungu sokuDluliselwa kweziKhalo

64.(1) UMasipala uyoqoka umsebenzi njengoMbhalisi wesiGungu sokuDluliselwa kweziKhalo kanye neSekela loMbhalisi ngokwehlukana kwabo.

(2) Uma uMasipala ungakamqoki umbhalisi, uMphathi kaMasipala uyokwenza imisebenzi yombhalisi.

Amandla oMbhalisi wesiGungu sokuDluliselwa kweZikhhalo

64A. Umbhalisi wesiGungu sokuDluliselwa kweZikhhalo:

(1) Kumele alekelelekukho konke okumayelana neZikhhalo njengoba kushiwo kuloMthetho, aphinde alekele kwiSigungu sokuDluliselwa kweZikhhalo.

(2) Engaqondisa isikhhalazo ukuba sihlaziywe umsebenzi kamasipala noma ngumuntu ozimele onamakhono, ulwazi neziqo ukuhlaziya isikhhalazo, anphinde anqume inkombandlela yalowomuntu

(3) Engasho ukuthi isikhhalazo asikho emthethweni uma singakhishwanga esikhathini esibekiwe kuSheduli 6 iphuzu 1(1) noma umuntu oshiwo kuSheduli 6 kwiphuzu 1(3) laloMthetho.

INgxenye 2: Izindlela nezinqubo zokufaka izikhhalo**Inqubo yokufaka isikhhalo**

65. uMasipala unqume izinqubo zokufaka izikhhalo kanye nokufaka izicelo zokungenelela ngokuka Sheduli 6A walo Mthetho.

Abafaka izikhhalo

66. Uhlangothi olukhalazayo lungabandakanya –

- (a) umfakisisicelo ofaka isicelo sokusetshenziswa komhlaba noma sokuthuthukiswa komhlaba;
- (b) uMasipala walapho umhlaba othintekayo ukhona;
- (c) umuntu onentshisekelo/othintekayo njengoba kuchazwe kwiziGaba 51(4) no 51(5) ze-SPLUMA; kanye
- (d) nomuntu ofaka isicelo segunya lokungenelela ngempumelelo.

Ukufaka isikhhalo

67.(1) Umuntu ohlose ukufaka isikhhalo mayelana nesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala angafaka isikhhalo esibhaliwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo noma kuMphathi kaMasipala, uma umbhalisi engakaqokwa, ezinsukwini ezingama-21 kusukela ngosuku athunyelwa ngalo isaziso.

(2) Isikhhalo esibhaliwe siyobeka ngokugcwele izizathu zesikhhalo.

(3) Umuntu ofaka isikhalo kumele akhokhiswe imali yokufaka isicelo enqunywe uMasipala ngokwezimali nezintela zawo.

Ukufakwa kwememorandamu ephendula isikhalo

68.(1) Umuntu owathunyelwa isikhalo esibhaliwe, ezinsukwini ezingama-21 kusukela ngosuku athunyelwe ngalo imemorandamu yesikhalo, angathumela imemorandamu ephundulayo kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

(2) Umuntu owathunyelwa isikhalo angazisa uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngokubhalwe phansi ukuthi akasiphikisi isikhalo.

69. Isigaba esikhishiwe

Ukucutshungulwa nokudluliselwa kwesikhalo

70.(1) uMbhalisi wesiGungu sokuDluliselwa kweziKhalo singaqoka umsebenzi ka Masipala noma umuntu ozimele onamakhono, ulwazi noma neziqo zemfundo okufanele ukucubungula izizathu zesikhalo ngokubhalwe phansi.

(2) Umbiko wokuhlola komuntu ozimele kumele ubandakanye –

- (a) isicelo semvume yezokuhlela kamasipala kanye nenqubo elandeliwe efinqiwe;
- (b) imemorandamu yesikhalo elethiwe;
- (c) imemorandamu ephendulayo ephikisa isikhalo esilethiwe;
- (d) impendulo yomfakisisicelo ephendula imemorandamu ephendulayo, uma ikhona; kanye
- (e) nesiqiniseko sokuthi isikhalo sihambisana ne-SPLUMA, nalo Mthetho kaMasipala kanye nanoma iyiphi inqubo, neminingwane yephutha, uma kungenjalo.

(3) UMbhalisi wesiGungu sokuDluliselwa Kwezikhaziso kumele adlulisele umbiko wokuhlola womuntu ozimele kanye namaphepha ahambisana nawo esiGungwini sokuDluliselwa kweziKhalo.

Ukuhlolwa kwendawo

71.(1) IsiGungu sokuDluliselwa kweziKhalo singangena endaweni noma ebhilidini isikhalo esiphathelene nalo, ngesikhathi sokubenza nanganoma yisiphi esinye isikhathi esifanele, ukuhlola indawo isikhalo esicutshungulwayo esimayelana nalo.

(2) IsiGungu sokuDluliselwa kweziKhalo kumele sazise zonke izinhlangothi ezibizelwe ukudingidwa kwesikhalo ngokubhalwe phansi, ngenhloso yesiGungu sokuDluliselwa kweziKhalo yokuhlola indawo.

(3) Noma yimuphi umuntu ongena endaweni noma ebhilidini elizohlolwa yisiGungu sokuDluliselwa kweziKhalo, othola ulwazi ngezindaba zomunye umuntu lapho, kumele aluthathe njengoluyimfihlo futhi angeke aludulula komunye umuntu.

Ukudingidwa kwesikhalo

72.(1) Ukudingidwa kwesikhalo –

- (a) kungenziwa ngomlomo; noma
- (b) kungabhalwa phansi.

(2) Ukudingidwa kwesikhalo kungaholwa uMphathisihlalo.

- (3) IsiGungu sokuDluliselwa kweziKhalo siyocubungula –
- (a) umbiko wokuhlola womuntu ozimele;
 - (b) nanoma yiziphi izethulo ezenziwa ngomlomo; kanye
 - (c) nanoma yimiphi eminye imininingwane efanele.

IRekhodi leziNqumo lesiGungu sokuDluliselwa kweziKhalo sikaMasipala

73.(1) IsiGungu sokuDluliselwa kweziKhalo, kumele sithathe isinqumo ngesikhalo ezinsukwini ezingama-30 ngemuva kosuku lokugcina lokucutshungulwa noma lokudingidwa kwesikhalo bese sihlinzeka izizathu zalokho.

- (2) Ngokuhambisana noMthethonqubo 26, isinqumo sesikhalo kumele –
- (a) sinqume ukuthi ngabe isikhalo singena ngaphansi komsebenzi wesiGungu seziKhalo zezokuHlela sikaMasipala;
 - (b) siqinisekise, siguqule noma sichithe isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala;
 - (c) sihlinzeke izizathu zokuthathwa kwanoma yisiphi isinqumo;
 - (d) sinikeze imiyalelo ehambisana nemisebenzi yaso kuMasipala; futhi
 - (e) uma isiGungu sokuDluliselwa kweziKhalo sichitha isinqumo, singadlulisela udaba eKomidini lezokuHlela likaMasipala noma kuMsebenzi oGunyaziwe wezokuHlela kaMasipala.

- (3) Isinqumo singabandakanya imibandela emisha noma echitshiyelwe yokusungula.

Ukwaziswa ngesinqumo esithathwe ngesikhalo

74. UMBhalisi wesiGungu sokuDluliselwa kweziKhalo kumele azise zonke izinhlangothi ngesinqumo sesiGungu sokuDluliselwa kweziKhalo ezinsukwini ezingama-30 kuthathwe isinqumo.

Umthelela womthetho wesinqumo esithathwe yisiGungu sokuDluliselwa kweziKhalo

75. Isinqumo sesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala sokuchibiyela noma sokuchitha isinqumo esithathwe yiKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala siwujuqu futhi sibophezela zonke izinhlangothi ezithintwa yisikhalo.

Ubudlelwane phakathi kwezikhalo ezifakwe ngokwalo Mthetho kaMasipala kanye nezikhalo ezifakwe ngokwesiGaba 62 soMthetho weziNhlelo zoMasipala

76. Asikho isikhalo okumele sifakwe ngokwesiGaba 62 soMthetho weziNhlelo zoMasipala ngesinqumo esithathwe ngokoMthetho kaMasipala.

Amacala aphantsi nokudingidwa kwezikhalo phambi kwesiGungu sokuDluliselwa kweziKhalo

- 77.**(1) Umuntu unecala, uma –
- (a) ngaphandle kwesizathu esizwakalayo, nangemuva kokuthi ebizwe ukuthi avele phambi kwesiGungu ukuzokwethula ubufakazi njengofakazi noma alethe amaphepha noma okunye, ehluleka ukuletha lawo maphepha noma ukuvela phambi kwesiGungu ngosuku, ngesikhathi nasendaweni ebalulwe encwadini embizela ukuthi avele phambi kwesiGungu;
 - (b) ngemuva kokugcina umyalelo wokuvela phambi kwesiGungu, ehluleka ukuhlala kuleyo ndawo kuze kube udedelwa usihlalo wesithangami sokudingidwa kwesikhalo esithintekayo;
 - (c) njengofakazi, ehluleka ukufunga noma ukuqinisekisa ubufakazi bakhe;
 - (d) enqaba ukuphendula imibuzo ngokugcwele nangokolwazi analo nakholelwa kukho;
 - (e) ngaphandle kwezizathu ezizwakalayo ehluleka ukuletha amaphepha noma okunye njengoba eceliwe;
 - (f) ngamabomu ethikameza noma evimba isiGungu sokuDluliselwa kweziKhalo ukuthi sisebenzise amandla aso;

- (g) ephazamisa ukudingidwa kwesikhalo;
- (h) ethuka, ejiza noma egxeka noma yiliphi ilungu lesiGungu sokuDluliselwa kweziKhalo;
- (i) ona noma edidisa ukudingidwa kwesikhalo;
- (j) ngemuva kokungena ezakhiweni ngenhloso yokuhlola indawo, esedalula kunoma yimuphi omunye umuntu izimfihlo neminingwane yakuthole ngesikhathi engena ebhilidini ngaphandle uma ekudalule –
 - (i) ngenhloso yokunquma ngesikhalo;
 - (ii) ngoba eyalelwe yinkantolo noma kunesidingo ngaphansi kwanoma yimuphi omunye umthetho.

(2) Umuntu unecala –

- (a) uma ephazamisa isiGungu sokuDluliselwa kweziKhalo ekusebenziseni amandla aso ngaphansi kwalo Mthetho kaMasipala ngokuhluleka, ngaphandle kwesizathu esizwakalayo, ukuphendula umbuzo osemthethweni wesiGungu sokuDluliselwa kweziKhalo, ngokolwazi analo; noma
- (b) uma ephazamisa umuntu osebenza egameni lesiGungu sokuDluliselwa kweziKhalo; noma
- (c) uma ezama ukusebenzisa amandla ngaphansi kwalo Mthetho kaMasipala, ngaphandle kwegunya elifanele.

(3) Umuntu oboshelwe icala ngokwalesi siGaba uma esegwetshiwe uyokhokhiswa inhlawulo engeqile kuma-R10 000.

**ISAHLUKO 6
UKUQINISEKISWA KOKUGCINWA KOMTHETHO**

Ingxenye 1: Ukuqokwa, imisebenzi kanye namandla oMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

Ukuqokwa koMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

78.(1) UMasipala ungaqoka umsebenzi kamasipala noma uqoke noma yimuphi omunye umuntu njengoMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala.

(2) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele abe umsebenzi wezoxolo ohlongozwe kwisiGaba 334(1)(a) soMthetho weNqubo yokuQulwa kwamaCala obuGebengu, 1977 (uMthetho 51 ka 1977).

(3) UMasipala ungaqoka abasebenzi ababhekele ukugcinwa komthetho kwezokuhlela baMasipala abaningi uma kunesidingo.

(4) UMasipala kumele unikeze uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala incwadi kanye nekhadi lokuqokwa elishoyo ukuthi useqokwe njengomsebenzi obhekele ukugcinwa komthetho kwezokuhlela ngokwezinhloso zalo Mthetho kaMasipala noma kumele akhombise ubufakazi bokuthi uwumsebenzi obhekele ukugcinwa komthetho kwezokuhlela.

(5) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala aveze incwadi kanye nekhadi uma ecelwa yinoma yimuphi umuntu othintwa ukusetshenziswa kwamandla ngokwalesi siGaba.

Ukushayisana kwezikhundla zoMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

79.(1) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angathinteka ngqo noma angathinteki odabeni oluphenywayo.

(2) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angeke aphinde abe sesikhundleni –

- (a) soMbhalisi wezokuHlela kaMasipala;
- (b) seSekela loMbhalisi wezokuHlela kaMasipala;
- (c) soMsebenzi oGunyaziwe wezokuHlela kaMasipala;
- (d) selungu leKomidi lezokuHlela likaMasipala;
- (e) soMbhalisi wesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala; noma
- (f) seSekela loMbhalisi wesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala.

(3) UMkhandlu kaMasipala angeke udlulisele amandla okunquma ngesikhalo kuMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala ngokwalo Mthetho kaMasipala.

Amandla kanye nemisebenzi yoMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

80.(1) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele asize uMasipala ngokuqinisekisa ukugcinwa kwalo Mthetho kaMasipala, kohlelo lokusetshenziswa komhlaba kanye nezinqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo sikaMasipala kanye nanoma yimuphi omunye umthetho osebenzayo wesifundazwe noma kazwelonke.

(2) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala ukuze aqalise ukugcinwa kwalo Mthetho kaMasipala, kohlelo lokusetshenziswa komhlaba noma kwemvume yezokuhlela kamasipala –

- (a) noma yingasiphi isikhathi, ngemuva kokukhipha isaziso noma ngaphandle kokukhipha isaziso, angangena ahlole noma yimuphi umhlaba noma angene ebhilidini ngokwezinhloso zokuqinisekisa ukulandelwa kwalo Mthetho kaMasipala;
- (b) noma yingasiphi isikhathi nangemuva kokuthi umnikazi womhlaba noma webhilidi noma umhlali enganikiwe isaziso, angangena ahlole lelo bhilidi ngemuva kwamahora okusebenza ajwayelekile uma ukungena kulowo mhlaba noma kulelo bhilidi ngemuva kwamahora okusebenza kaMasipala kubalulekile;
- (c) angaphelezelwa utolika, yiphoyisa nanoma yimuphi umuntu ongasiza ngokuhlola;
- (d) angabuza noma yimuphi umuntu okulowo mhlaba, ngokubona kwakhe, ongakwazi ukumnika ulwazi ngodaba oluphathelene nalo Mthetho kaMasipala;
- (e) angahlola futhi athathe nezithombe noma aqophe ngevidiyo –
 - (i) noma iyiphi into, okusaluketshezi noma umshini okukulowo mhlaba;
 - (ii) noma yimuphi umsebenzi owenziwa kulowo mhlaba nanoma yiziphi izimo eziyinkinga kulowo mhlaba;
- (f) angathatha noma yimaphi amaphepha, irekhodi, into ethile, okusaluketshezi noma umshini, ngokubona kwakhe, okudingekayo njengobufakazi ecaleni lanoma yimuphi umuntu othweswe icala ngaphansi kwalo Mthetho kaMasipala noma ngokomthetho wesintu;
- (g) anganika umuntu osebenzisa amaphepha noma irekhodi ilungelo lokwenza amakhophi alelo bhuku noma alelo rekhodi ngaphambi kokuthi akuthathe;
- (h) angayalela noma yimuphi umuntu ukuthi avele phambi kwakhe ngaleso sikhathi nakuleyo ndawo abavumelene ngayo bese ephonsa lowo muntu imibuzo;
- (i) kumele ashiye umhlaba noma ibhilidi kuvikelekile kwabangangena ngokungemthetho njengoba esuke ekutholile, uma umnikazi noma umhlali engekho;
- (j) angakhipha isaziso sokulandela umthetho; futhi
- (k) angaphakamisa lezi zinyathelo ezilandelayo njengendlela yokunqanda ukuqhubeka kokusetshenziswa komhlaba okungekho semthethweni –
 - (i) ukukhokhisa inhlawulo yokwepulwa komthetho njengoba kuhlangozwe kwisiGaba 83 salo Mthetho kaMasipala; kanye/noma
 - (ii) nokwehlisa noma ukunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela njengoba kuhlangozwe kwisiGaba 84 salo Mthetho kaMasipala.

(3) Umuntu olawula noma ophethe umhlaba kumele ngaso sonke isikhathi ahlinzeke lezo zindawo ezingadingwa uMasipala ukuze umsebenzi akwazi ukwenza umsebenzi wakhe ngendlela nangokuphepha.

(4) Umuntu ovimba ngenhloso uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala, nanoma yimuphi umuntu ophelzele umsebenzi, ekutheni bangene kulowo mhlaba noma kulelo bhilidi uyothweswa icala, futhi uma egwetshwa uyokhokhiswa inhlawulo engeqile kuma-R10 000 noma njengoba kunqume iNkantolo kaMantshi.

INgxyene 2: Amacala, izinhlawulo, ukuncishiswa kanye nokunqanyulwa kwemisebenzi

Amacala nezinhlawulo okumayelana nemvume yezokuhlela kamasipala

81.(1) Umuntu unecala uma –

- (a) esebenzisa umhlaba, ehlukana umhlaba, ehlanganisa umhlaba, esungula indawo, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nezinhlinzeko zalo Mthetho kaMasipala;
- (b) esebenzisa umhlaba, ehlukana umhlaba, ehlanganisa umhlaba, esungula indawo, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nezinhlinzeko zohlelo lokusetshenziswa komhlaba;
- (c) esebenzisa umhlaba, ehlukana umhlaba, ehlanganisa umhlaba, esungula indawo, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nombandela wetayitela onezithiyo noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano;
- (d) esebenzisa umhlaba, ehlukana umhlaba, ehlanganisa umhlaba, esungula indawo, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana neRekhodi leziNqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela zikaMasipala;
- (e) ehluleka ukudalula ukuthi umhlaba awubhaliseki noma awudluliseki;
- (f) esusa isaziso endaweni esishoyo ukuthi okwenziwa kulowo mhlaba akukho semthethweni;
- (g) ethi uzokhokha noma ekhokha intshontsho –
 - (i) ngokwesekwa ngokubhalwe phansi kohlaka lukahulumeni kwesicelo sokuthuthukiswa komhlaba noma kokuchitshiyelwa kokungaphatheki esinqumweni sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala;
 - (ii) ngokwesekwa koMkhandlu woMdabu ngesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki esinqumweni sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala; noma
 - (iii) ngokugunyazwa noma ngokunqatshwa kwesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki;
- (h) efuna noma amukela intshontsho –
 - (i) ngokwesekwa ngokubhalwe phansi kohlaka lukahulumeni kwesicelo sokuthuthukiswa komhlaba noma kokuchitshiyelwa kokungaphatheki esinqumweni sesiGungu esibhekele ukukhishwa kweziMvume zezokuHlela sikaMasipala;
 - (ii) ngokwesekwa koMkhandlu woMdabu ngesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki esinqumweni sesiGungu esibhekele ukukhishwa kweziMvume zezokuHlela sikaMasipala; noma
 - (iii) ngokugunyazwa noma ngokunqatshwa kwesicelo semvume yezokuhlela sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma sokuchitshiyelwa kokungaphatheki.

(2) Umnikazi ovumela ukuthi umhlaba usetshenziswe ngendlela ehlongozwe kwisiGatshana (1)(a) kuya ku (c) futhi ongayeki ukusebenzisa umhlaba noma ongathathi izinyathelo ezifanele ukuqinisekisa ukusetshenziswa komhlaba kuyama, unecala.

(3) Umuntu yena qobo lwakhe unecala njengoba kuhlongozwe kwisiGatshana (1)(a) kuya ku (d) uma

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- (a) icala lenziwe –
 - (i) umgwamanda osungulwe ngokwanoma yimuphi umthetho;
 - (ii) yinhlango, ayeyilungu lawo noma layo; noma

- (b) ayeyilungu lebhodi, lekomidi eliphethe, lenhlangano yebhizinisi noma yomunye umgwamanda ophethe noma yenhlangano ngesikhathi kwenziwa lelo cala; futhu
- (c) ehluleke ukuthatha izinyathelo ezifanele ukuvimba icala.

(4) Uma inhlangano yabanikazi bomhlaba, umgwamanda osungulwe ngokwesiGaba 36(1) se-Sectional Titles Act, noma inkampani yabanamasheya ehlongozwe kwisiGaba 1 se-Share Blocks Control Act, yehluleke ukwenza umsebenzi enikwe wona ngokombandela wemvume ohlongozwe kwisiGaba 43(2)(c) salo Mthetho kaMasipala noma sesiGungu sokuDluliselwa kweziKhalo, uMasipala ungalungisa ukuhluleka nokuthola izindleko zalokho kumalungu enhlangano yabanikazi bomhlaba, yomgwamanda noma yenkampani yabanamasheya.

(5) Umuntu onecala ngokwalesi siGaba, uma egwetsha uyokhokhiswa inhlawulo engeqile kuma-R10 000 noma aboshwe isikhathi esingeqile onyakeni noma agwetshwe ngakho kokubili, lemihlaba eklanyelwe okunye ngaphandle kwendawo yokuhlala ngokoHlelo lokuSetshenziswa koMhlaba lwaseMhlathuze.

(6) Umuntu onecala ngaphansi kwalo Mthetho kaMasipala, ngemuva kokugwetshwa, oqhubekayo Nalokho agwetshelwe kona, uyothweswa icala lokuqhubeka nokwephula umthetho futhi uma esegwetshiwe angaboshwa isikhathi esingeqile ezinyangeni ezintathu noma akhokhiswe inhlawulo engeqile kuma-R10 000 noma agwetshwe ngakho kokubili.

(7) Ukukhokhiswa kwamareyithi ngokuhambisana nokusetshenziswa komhlaba okuhlongozwe kwisiGaba 8(1) soMthetho wamaReyithi eMihlaba kaMasipala akuchazi ukuthi umhlaba usetshenziswa ngokusemthethweni ngokwezinhloso zalo Mthetho kaMasipala.

81A. Ukuhoxiswa kweMvume yezokuHlela kaMasipala ngenxa yokungalandeli imibandela

(1) isigungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singahoxisa imvume ekhishwe ngokwesigaba 42(3)(a) no (b), uma umfakisicelo ehluleka ukulandela imibandela yegunya.

(2) Ngaphambi kokuhoxiswa kweGunya, uMasipala kumele udlulise isaziso njengokusho kuka Sheduli 7 walomthetho, bese wazisa umnikazi ukuze alungise ngesiphambeko sakhe ngesikhathi esibekiwe.

(3) Isinqumo sokuhoxisa siwujuqu futhi asinakufakelwa isikhalazo

Izinhlawulo ezengeziwe

82.(1) Uma inkantolo igweba umuntu ngecala elihlongozwe kwisiGaba 81(1) salo Mthetho kaMasipala, –

- (a) ngesicelo esibhaliwe sikaMasipala, ingaphenya bese inquma ngokushesha ukuthi ngabe lowo muntu uhlomule ngokwezemali ngenxa yalelo cala; futhi
- (b) ngaphezu kwenhlawulo noma kokuboshwa okuhlongozwe kwisiGaba 81(5) salo Mthetho kaMasipala, ukuze ikhiphe isinqumo somonakalo, sesinxephezelo noma senhlawulo engeqile emalini okungabe lowo muntu uyihlomulile ngenxa yalelo cala.

(2) Inkantolo ingagweba umuntu ohluleka ukukhokha inhlawulo enqunywe ngaphansi kwalesi siGaba ngokuthi aboshwe isikhathi esingeqile onyakeni.

Inhlawulo yokwephulwa komthetho yokunqanda ukuqhubeka nokwenza lokho okuyicala

83.(1) UMasipala kumele ukhokhise inhlawulo ekhokhwa njalo ngenyanga ukunqanda ukuqhubeka nokwenza lokho okuyicala okuhlongozwe kwisiGaba 81(1)(a) kuya ku (d) ngokuhambisana

neNqubomgomo yawo yokuLawula iziKweletu noMthetho kaMasipala kanye nezintela zezimali, leyo nhlawulo okuyothathwa ngokuthi yintela ngokwesiGaba 118(3) soMthetho weziNhlelo zoMasipala.

(2) UMasipala kumele ukhiphe incwadi yesaziso ngaphambi kokukhokhisa inhlawulo yokuphula umthetho ekhokhwa njalo ngenyanga yokunqanda ukuqhubeka nokwenza lokho okuyicala okuhlongozwe kwisiGaba 81(1)(a) kuya ku (d).

(3) NgokwesiGaba 102(a) soMthetho weziNhlelo zoMasipala, uMasipala uthatha ngokuthi wonke ama-akhawunti omuntu owukweletayo kumele ahlanganiswe, kungakhathaleki ukuthi lowo muntu okweletayo unama-akhawunti ahlukenene, futhi kubandakanya zonke izimali zenhlawulo.

(4) Ikhosimende alivumelekile ukukhetha i-akhawunti elizoyikhokhela noma ingxenye ye-akhawunti noma yama-akhawunti alo.

(5) Ukungaboni ngaso linye okuphathelene nenhlawulo yokwephulwa komthetho kuyobhekwana nakho ngokweNqubomgomo yokuLawula iziKweletu yoMkhandlu.

(6) Ukwephulwa komthetho namacala okunobufakazi kuyothathwa njengesizathu esisemthethweni sokuthatha izinyathelo.

Ukuncishiswa noma ukunqanyulwa kokuhlinzekwa kwemisebenzi yobunjiniyela ukuvimbela ukuqhubeka komsebenzi eholela ekuphulweni komthetho

84.(1) Ngaphezu kwesigwebo, njengokusho kweSigaba 83 salomthetho, uMasipala unganciphisa noma unqamule ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisiGaba 81(1)(a) kuya ku (d) ngaphandle komyalelo wenkantolo ngokweNqubomgomo yawo yokuLawula iziKweletu noMthetho kaMasipala.

(2) UMasipala kumele ukhiphe isaziso ngaphambi kokuncishiswa noma kokunqanyulwa kokuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisiGaba 81(1)(a) kuya ku (d).

(3) UMasipala unganqamula ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisiGaba 81(1)(a) kuya ku (d) uma leyo misebenzi nezintela namareyithi kukweletwa naphezu kwezivumelwano noMkhandlu.

(4) Ilungelo likaMasipala lokunciphisa noma lokunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisiGaba 81(1)(a) kuya ku (d) kumele kuthathwe njengombandela imisebenzi yamanzi ehlongozwe kwisiGaba 21(2)(b)(ii) soMthetho wezaManzi, 1997 (uMthetho 108 ka 1997) ehlinzekwa ngaphansi kwawo.

(5) Ngokwezinhloso zesiGaba 21(5) soMthetho wokuLawulwa kwaGes, 2006 (uMthetho 4 ka 2006), ukusetshenziswa kwagesi ngokungemthetho kuyicala elihlongozwe kwisiGaba 81(1)(a) kuya ku (d) kumele kuthathwe njengokungahlonishwa kwesivumelwano selayisensi yikhasimende.

(6) Izimali zokunqanyulwa nokuxhunywana kabusha ziyokhokhwa ngokuhambisana nezimali zezintela zoMkhandlu.

INgxenye 3: Ukushushiswa

Ukufaka isikhalo

85.(1) Noma yimuphi umuntu, othintwa noma osola ukuthi kuphulwa umthetho, ngokubhalwe phansi nangefomu elinqunyiwe, angacela uMasipala ukuthi uphenye ngezinsolo zokuphulwa komthetho okuhlongozwe kwisiGaba 86(1).

(2) Isikhalo esibhaliwe esibika ngezinsolo zokuthi kunomuntu owephula umthetho enga sisekwe amaphepha afanele kanye nobunye ubufakazi kanye neminingwane yokuxhumana yomuntu ofaka isikhalo.

(3) UMasipala kumele unqume inqubo kanye nemihlahandlela yokubhekana nokuphulwa kwezinhlinzeko zalo Mthetho kaMasipala kanye nohlelo lokusetshenziswa komhlaba.

(4) UMasipala kumele uphenye isikhalo ngokuhambisana nenqubo enqunyiwe.

(5) UMasipala kumele wazise umuntu ofake isikhalo ngomphumela wophenyo.

Incwadi yegunya lokungena ngenhloso yokuqinisekisa ukugcinwa komthetho

86.(1) Imantshi yesifunda umhlaba okuso, uma icelwa uMasipala, ingakhipha incwadi yegunya lokungena endaweni noma ebholidini uma –

- (a) imvume yaphambilini yomhlali noma yomnikazi ingatholakali ngemuva kokuzama ngokwanele; noma
- (b) inhloso yokuhlola iziphazamiseka ngenxa yokwazi ngaphambi kwesikhathi.

(2) Imantshi ingakhipha incwadi yegunya uma igculisekile ukuthi kunezizathu ezizwakalayo zokusola ukuthi kwenzeka noma kuzokwenzeka okungahambisani nezinhlinzeko zalo Mthetho kaMasipala noma nohlelo lokusetshenziswa komhlaba lukaMasipala kulowo mhlaba noma kulelo bhilidi.

(3) Incwadi yegunya igunyaza uMasipala ukuthi angene endaweni noma ebholidini futhi lokho kungenzeka –

- (a) esikhathini esingangenyanga kusukela ngosuku okukhishwe ngalo igunya;
- (b) ngesikhathi esifanele, ngaphandle uma incwadi yegunya yakhishwa ngez

Ukuqikelela ukugcinwa kobumfihlo obuphathelene nokungena ngenhloso yokuqinisekisa ukugcinwa komthetho

87.(1) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala ongene endaweni noma ebholidini ngenhloso yokuqinisekisa ukulandelwa kwalo Mthetho kaMasipala noma kohlelo lokusetshenziswa komhlaba lukaMasipala, osenolwazi ngodaba oluthinta omunye umuntu, kumele agcine lolo lwazi luyimfihlo futhi angeke aludalula kunoma yimuphi omunye umuntu.

(2) Umuntu unecala futhi uma egwetshwa uyokhokhiswa inhlawulo noma aboshwe isikhathi esingeqile onyakeni, noma akhokhiswe inhlawulo aphinde agwetshwe, uma lowo muntu egcina edalule komunye umuntu izimfihlo zomsebenzi nanoma yiluphi ulwazi oluyimfihlo aluthole ngesikhathi engena endaweni noma ebholidini ngenhloso yokuqinisekisa ukugcinwa kwalo Mthetho noma kohlelo lokusetshenziswa komhlaba lukaMasipala, ngaphandle –

- (a) uma lokho kudalula kwenziwa ngezinhloso zokuqinisekisa ukugcinwa koMthetho noma kohlelo lokusetshenziswa komhlaba lukaMasipala;
- (b) uma lokho kudalulwa kuphoqwe yinkantolo noma kudingeka ngokwanoma yimuphi umthetho.

Isisombululo esikhishwe yinkantolo

88.(1) Uma uMasipala uthathele umuntu izinyathelo zomthetho ngecala elihlongozwe kwisiGaba 81(1) salo Mthetho kaMasipala, ingaphinde ifake isicelo sesisombululo senkantolo ngaleso sikhathi.

(2) Inkantolo ingakhipha isisombululo esifanele, kubandakanya –

(a) ukumenyezelwa kwamalungelo;

(b) umyalelo noma inqabele ngokomthetho umuntu –

(i) ukuthi asebenzise umhlaba, ahlukhanise umhlaba, ahlanganise umhlaba, asungule indawo, ahlanganise izakhiwo ezisondelele noma akhe amabhilidi kulowo mhlaba ngaphandle kwemvume yezokuhlela kamasipala, uma imvume yezokuhlela kamasipala idingeka ngokwalo Mthetho kaMasipala;

(ii) ukuthi asebenzise umhlaba, ahlukhanise umhlaba, ahlanganise umhlaba, asungule indawo, ahlanganise izakhiwo ezisondelele noma akhe amabhilidi ngokuphikisana nenhlinzeko yohlelo lokusetshenziswa komhlaba;

(iii) ukuthi asebenzise umhlaba, ahlukhanise umhlaba, ahlanganise umhlaba, asungule indawo, ahlanganise izakhiwo ezisondelele noma akhe amabhilidi ngokuphikisana nombandela wetayitela onezithiyo noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano;

(iv) ukuthi asebenzise umhlaba, ahlukhanise umhlaba, ahlanganise umhlaba, asungule indawo, ahlanganise izakhiwo ezisondelele noma akhe amabhilidi ngokuphikisana nenhlinzeko nemvume yezokuhlela kamasipala njengoba kuhlangozwe kwisiGaba 43 salo Mthetho kaMasipala noma nesinqumo sesiGungu sokuDluliselwa kweziKhalo esihlongozwe kwisiGaba 73 salo Mthetho kaMasipala; noma

(v) ngenxa yokuhluleka ukudalula ukuthi umhlaba awubhaliseki njengoba kuhlangozwe kwisiGaba 50 salo Mthetho kaMasipala;

(c) umyalelo wokunciphisa noma wokunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela;

(d) umyalelo wokubhidliza, wokususa noma wokuguqula noma yisiphi isakhiwo, uhlaka noma umsebenzi okwakhiwe ngokungemthetho;

(e) umyalelo wokuvuselelwa komhlaba othintekayo;

(f) nanoma yiziphi izisombululo ezifanele.

Ubudlelwane phakathi kwezisombululo ezihlinzekwe kulo Mthetho kaMasipala kanye nezinye izisombululo zomthetho nezomthetho wesintu

89. Izisombululo ezihlinzekelwe kulo Mthetho kaMasipala ziyisengezo kunoma yimuphi omunye umthetho noma umthetho wesintu wamacala obugebengu nezisombululo zenkantolo uMasipala noma umuntu angazisebenzisa.

Ukukhangiswa kwesaziso esishoyo ukuthi okwenziwa kulowo mhlaba akukho semthethweni

90. UMasipala kumele ukhangise isaziso, uma uthole incwadi yesikhashana noma yokucina evimbela ukusetshenziswa komhlaba noma yokwakhiwa kwamabhilidi ngokuphikisana nalo Mthetho kaMasipala, nohlelo lokusetshenziswa komhlaba noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano noma nombandela wetayitela onezithiyo obhaliswe ngaphansi kwalowo mhlaba nanoma yimiphi eminye imibandela ebekwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, ethi –

(a) okwenziwayo okutholakele akukho semthethweni;

(b) sekutholakele incwadi yesikhashana noma yokucina evimbela okwenziwayo;

(c) umuntu oqhubekayo nokwenza okuphambene nomthetho uyothweswa icala; futhi

(d) noma yimuphi umuntu oqhubekayo nokwephula umthetho uyogwetshwa njengoba kubekwe kwisiGaba 81 no 82 zalo Mthetho kaMasipala.

Abantu abangathinta iNkantolo ePhakeme ukuze kuqinisekiswa ukulandelwa komthetho okhishwe uMthetho, uhlelo lokusetshenziswa komhlaba olwamukelwe ngokwalo Mthetho kaMasipala noma ngokwalo Mthetho kaMasipala

91. Umuntu onezinsolo zokuthi ilungelo elikhishwe ngokwalo Mthetho kaMasipala noma ngokohlelo lokusetshenziswa komhlaba liphuliwe noma kungathi lizophulwa omunye umuntu noma uhlaka lukahulumeni, angaya eNkantolo ePhakeme ukuze athole isisombululo, uma lowo muntu –

- (a) ezenzela yena lokho;
- (b) enzela omunye umuntu ongeke akwazi ukuzenzela ngegama lakhe;
- (c) enza lokho njengelungu noma egameni leQoqo labantu;
- (d) enzela inhlangano futhi ebhekelela amalungu ayo;
- (e) enzela umphakathi.

INgxenye 4: Esinye isicelo semvume yezokuhlela kamasipala

Esinye isicelo semvume yezokuhlela kamasipala

92.(1) Umuntu ophula lo Mthetho kaMasipala angafaka isicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ukulungisa ukuphulwa komthetho kwisiGaba 81(1) salo Mthetho kaMasipala ngokuhambisana noHlelo lokuSetshenziswa koMhlaba. Isicelo kumele sibuyekwezwe isicelo esilandelayo kumele sikhishwe ngokweSigaba 27(1) saloMthetho.

(2) Umuntu ofaka esinye isicelo kumele –

- (a) ayeke ukuphula umthetho kuze kube isicelo sakhe siyacutshungulwa futhi siyagunyazwa; futhi;
- (b) alethe isicelo aphinde;
- (c) akhokhe inhlawulo efanene ebalwe ngokweSigaba 83 salomthetho uma kufanele.

(3) UMasipala uyoqinisekisa ukuthi umthetho awusaphulwa.

(4) UMasipala uyomisa ukuqinisekiswa kokulandelwa komthetho uma kunesiqiniseko sokuthi umthetho awusaphulwa.

INgxenye 5: Ukuphulwa komthetho kanye nokungaziphathi kahle komsebenzi kamasipala

Ukuphulwa komthetho kanye nokungaziphathi kahle komsebenzi kamasipala ogunyaza ukwakhiwa kwamabhilidi noma ukusetshenziswa komhlaba ngaphambi kokuthola imvume ngokoMthetho

93.(1) Umsebenzi unecala futhi uphula umthetho uma –

- (a) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume yezokuhlela kamasipala, uma kudingeka imvume yezokuhlela kamasipala ngokwalo Mthetho kaMasipala;
- (b) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume ngokuphikisana nezinhlinzeko zohlelo lokusetshenziswa komhlaba;
- (c) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume ngokuphikisana nemvume yesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala njengoba kuhlangozwe kwisiGaba 43

noma nesinqumo sesiGungu sokuDluliselwa kweziKhalo esihlongozwe kwisiGaba 73 salo Mthetho kaMasipala;

(d) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume ngokuphikisana nombandela wetayitela onezithiyo noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano; noma

(e) umsebenzi eqinisekise ukuthi umbandela wemvume yezokuhlela kamasipala ulandelwe, yize kungenjalo.

(2) Umsebenzi unecala ngokwalesi siGaba, noma ngabe ubazi ukuthi bekumele kuqale kutholakale imvume yokwakha amabhilidi ngokwalo Mthetho kaMasipala noma ebengazi.

(3) Umsebenzi onecala ngokwalesi siGaba uma egwetshwa, uyokhokhiswa inhlawulo ehlongozwe kwisiGaba 81(5) no (6).

(4) Umsebenzi onecala lokuphula umthetho ngaphansi kwalesi siGaba angaqondiswa izigwegwe ngokomgomo wokuqondisa izigwegwe womqashi walowo muntu noma womkhandlu olawula abantu abaqeqeshelwe umsebenzi othile.

(5) Umuntu obekwe icala ngokwalesi siGaba angathethelelwa uma kutholakala ukuthi wathatha lesi sinqumo ngaphansi kwesimo esasiphuthuma sokusindisa impilo yomuntu, umhlaba noma imvelo.

94. Isigaba esikhishiwe

95. Isigaba esikhishiwe

ISAHLUKO 7 UKUTHUNYELWA KWAMAPHEPHA

Ukuthunyelwa kwamaphepha

96.(1) Noma yimaphi amaphepha okumele athunyelwe, kumuntu noma emgwamandeni, njengoba kudingeka ngokwalo Mthetho kaMasipala, ngaphandle koMbhalisi wezokuHlela kaMasipala, angathunyelwa –

- (a) ngesandla kulowo muntu;
- (b) ngemishini esebenza ngogesi ngekhele le-imeyli noma ngefeksi yalowo muntu. Ubufakazi bokuthi athunyelwa kumele ananyathiselwe kunoma yiziphi izincwadi; noma
- (c) ngeposi elibhalisiwe noma ngokuwathumela ekhelini leposi lalowo muntu.

(2) Isaziso esiqondiswe kunoma ubani osayina isikhalo seningi noma isethulo seqoqo labantu, singanikezwa –

- (a) umuntu ogunyaziwe ukumela abantu abasayine isikhalo noma isethulo esilethwe umuntu othi uganyaziwe ukubamela;
- (b) umuntu igama lakhe elivela kuqala emaphepheni, uma engekho umuntu ogunyaziwe ukumela labo bantu abasayine isikhalo.

(3) Isaziso esiqondiswe kumuntu osayina isikhalo seningi noma isethulo seqoqo labantu sihlanganisa nesaziso somuntu ngamunye obhalwe kwisikhalo seningi noma kwisethulo seqoqo.

Ukuthunyelwa kwamaphepha kuMbhalisi wezokuHlela kaMasipala

97. Noma yimaphi amaphepha angathunyelwa kuMbhalisi wezokuHlela kaMasipala noma kwiSekela loMbhalisi wezokuHlela kaMasipala –

- (a) ngesandla;
- (b) ngenkampani ehambisa iposi; noma
- (c) ngeposi elibhalisiwe noma ngokuwathumela ekhelini leposi likaMasipala lapho bezosayina ukuthi bawatholile.

Ukuthunyelwa kwamaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo

98. Noma yimaphi amaphepha angathunyelwa kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo noma kwiSekela loMbhalisi wesiGungu sokuDluliselwa kweziKhalo –

- (a) ngesandla kubona noma oPhikweni lwePosi lukaMasipala;
- (b) ngenkampani ehambisa iposi.

Usuku lokuthunyelwa kwamaphepha

99.(1) Uma amaphepha alethwa ngesandla noma athunyelwa ngenkampani ehambisa iposi, usuku eyathunyelwa ngalo kumele luthathwe njengosuku athunyelwa ngalo.

(2) Uma amaphepha athunyelwa ngempumelelo ngomshini kagesi kwi-imeyli noma kwinqombolo yefeksi yalowo muntu, usuku amaphepha athunyelwa ngalo ngempumelelo kumele luthathwe njengosuku athunyelwa ngalo.

(3) Uma amaphepha athunyelwa ngeposi elibhalisiwe noma ngendlela yokuthi asayinelwe kumele kuthathwe ngokuthi athunyelwa ngosuku aposwa ngalo, kungakhathaleki ukuthi iposi lalandwa nini. Ukubalwa kwezinsuku okuhlongozwe kwisiGaba 113 salo Mthetho kaMasipala ngakho ke kuyoqala ngosuku isaziso esaposwa ngalo.

ISAHLUKO 8
UKUDLULISELWA KWAMANDLA KANYE NEZIVUMELWANO ZOKUSEBENZISANA

Isivumelwano sokusebenzisana phakathi komasipala ukuze kwenziwe umsebenzi ngokoMthetho

100.(1) UMasipala, ngemuva kokusebenzisa indlela ehlongozwe kwisiGaba 78 soMthetho weziNhlelo nesiGaba 34 se-SPLUMA, ungangena esivumelwaneni sokusebenzisana nomasipala owodwa noma ngaphezulu lapho, i-ejenti iyosebenzisa wonke amandla kaMasipala njengoba kuhlinzekelwe kulo Mthetho kaMasipala.

(2) Isivumelwano sokusebenzisana kumele sicacise amandla anikwe i-ejenti kaMasipala kanye nemigomo nemibandela lawo mandla okumele asetshenziswe ngaphansi kwayo.

(3) Amandla asetshenziswa yi-ejenti kaMasipala ngokwesivumelwano sokusebenzisana kumele athathwe njengamandla asetshenziswa uMasipala.

(4) UMasipala kumele ugcine amakhophi ezivumelwano zokusebenzisana phakathi komasipala ukwenza imisebenzi ngokwalo Mthetho kaMasipala.

(5) Ngokwezinhloso zalesi siGaba “uMasipala” ubandakanya uMasipala wesifunda.

Ukudluliselwa kwamandla uMasipala

101.(1) UMKhandlu kaMasipala angeke wadlulisela la mandla alandelayo:

- (a) amandla okunquma ngesicelo semvume yezokuhlela kamasipala –
 - (i) yokwamukelwa kohlelo lokusetshenziswa komhlaba;
 - (ii) yokuchitshiyelwa kohlelo lokusetshenziswa komhlaba okudinga ukuchitshiyelwa kwemithethonqubo zohlelo lokusetshenziswa komhlaba;
 - (iii) yokuchithwa kohlelo lokusetshenziswa komhlaba; kanye
 - (iv) neyokuguqula okuphathekayo esinqumweni sikaMasipala sokwamukela uhlelo lokusetshenziswa komhlaba noma sokuchibiyela uhlelo lokusetshenziswa komhlaba;
- (b) amandla okuqoka amalungu eKomidi lezokuHlela likaMasipala;
- (c) amandla okunquma imibandela ilungu leKomidi lezokuHlela likaMasipala elingaba sesikhundleni ngaphansi kwayo;
- (d) amandla okususa ilungu leKomidi lezokuHlela likaMasipala;
- (e) amandla okuqoka uSihlalo kanye neSekela likaSihlalo beKomidi lezokuHlela likaMasipala, uma isiGungu esiBhekele ukuKhiswa kweziMvume zezokuHlela sikaMasipala singakhetha umphathisihlalo ukuth abe usihlalo womhlangano uma uSihlalo neSekela Sihlalo bengakwazango ukufika; futhi
- (f) amandla okunquma ngesikhalo ngokwa lomthetho aya kumsebenzi kamasipala weZokuHlela obhekele ukugcinwa koMthetho

(2) Amandla anikwe –

- (a) iKomidi lezokuHlela likaMasipala;
 - (b) uSihlalo weKomidi lezokuHlela likaMasipala;
 - (c) ilungu leKomidi lezokuHlela likaMasipala;
 - (d) uMbhalisi wezokuHlela kaMasipala; noma
 - (e) uMsebenzi oGunyaziwe wezokuHlela kaMasipala,
- angeke adluliselwa, ngaphandle uma lo Mthetho kaMasipala uhlinzeka ngokwehlukile.

- (3) UMasipala ungadlulisela noma yimaphi amandla onikwe wona ngokwalo Mthetho kaMasipala, ngaphandle kwamandla ahlongozwe kwiziGatshana (1) no (2) –
- (a) kwikomidi likaMasipala elisungulwe ngokweziGaba 79(1)(a) zoMthetho weziNhlaka zoMasipala; noma
 - (b) kumsebenzi oqashwe uMasipala.
- (4) Noma yimaphi amandla nanoma yimuphi umsebenzi –
- (a) kungadluliselwa kumsebenzi oyedwa noma kwabangaphezu koyedwa;
 - (b) kungadluliselwa kumuntu osesikhundleni esithile; futhi
 - (c) kungadluliselwa ngaphansi kwemibandela noma kwemikhawulo uMasipala angayibona ifanele;
- (5) Ukudluliselwa –
- (a) akuwuvimbi uMkhandlu kaMasipala ukusebenzisa lawo mandla noma ukwenza lowo msebenzi; noma
 - (b) akukhululi uMkhandlu kaMasipala ekubeni nesibopho sokubika ngokusetshenziswa kwamandla noma ngokwenziwa komsebenzi.
- (6) Isenzo esenziwe okudluliselwe kuye amandla noma umsebenzi kuyafana nokuthi senziwe uMkhandlu kaMasipala.
- (7) Isenzo esenziwe okudluliselwe kuye amandla noma umsebenzi, okungaphansi kokudluliselwe, siyasebenza futhi asithathwa njengesingekho emthethweni ngenxa yokuthi –
- (a) uMkhandlu kaMasipala okhetha ukuthi ngemuva kwalokho usebenzise lawo mandla noma wenze lowo msebenzi; noma
 - (b) yokuchitshiyelwa noma yokuhoxiswa kamuva kwalokho kudluliselwa.
- (8) Ukudluliselwa ngokwalesi siGaba kumele –
- (a) kubhalwe phansi;
 - (b) kubandakanye le mininingwane elandelayo:
 - (i) okudluliselwayo; kanye
 - (ii) nemibandela lokho kudluliselwa okwenziwe ngaphansi kwayo, uma ikhona.
- (9) UMkhandlu kaMasipala noma yingasiphi isikhathi ungachibiyela noma uhoxise ukudluliselwa okwenziwe ngokwalesi siGaba.
- (10) UMasipala kumele ugcine irekhodi lakho konke ukudluliselwa okwenziwe ngokwalo Mthetho kaMasipala.
- (11) Noma yisiphi isenzo esenziwe ngokwamandla akhishwe uMasipala ngokwalo Mthetho kaMasipala asetshenziswe ngaphandle kwegunya elifanele singachithwa.

**ISAHLUKO 9
UKUGCINWA KWAMAREKHODI KANYE NOKUTHOLAKALA KOLWAZI**

Irekhodi lohlelo lokusetshenziswa komhlaba

102. Ibalazwe lohlelo lokusetshenziswa komhlaba lukaMasipala kumele kuvuselelwe njalo ngenyanga ukuze kukhombise izichibiyelo ezigunyaziwe zohlelo lokusetshenziswa komhlaba.

Irekhodi lezicelo zemvume yezokuhlela kamasipala

103.(1) UMasipala kumele ugcine irekhodi lazo zonke izicelo zezimvume zezokuhlela zikamasipala.

(2) UMasipala kumele ugcine amakhophi awo wonke amaphepha umphakathi onelungelo lokuwathola njengoba kuhlangozwe kwiziGaba 105 no 106 zalo Mthetho kaMasipala.

Isaziso sokwabiwa komhlaba okungewona owokuhlala abantu ukuze kuthuthukiswe umhlaba wasemakhaya ngokomthetho wesintu

104.(1) UMasipala kanye ne-Ingonyama Trust Board bangasiza iMikhandlu yoMdabu kanye nezinhlaka ezengamele ubunikazi bezindawo zasemakhaya ukusungula irejista lomhlaba okungewona owokuhlala abantu kanye namalungelo okusetshenziswa komhlaba ezindaweni zasemakhaya.

(2) UMikhandlu woMdabu kanye nabaphathi bezinhlaka ezengamele ubunikazi bezindawo kumele bazise uMasipala ngokubhalwe phansi njalo ngekota yonyaka nganoma yikuphi ukwabiwa komhlaba ngenhloso yokuwuthuthukisa, ngaphandle kokwabiwa komhlaba wokwakha imizi ngokwamandla abo ngokomthetho wesintu.

(3) IMikhandlu yoMdabu kanye nabaphathi bezinhlaka ezengamele ubunikazi bezindawo kumele bahlinzeke imininingwane yokuxhumana yomuntu owabelwe noma ophinde wabelwa umhlaba okungewona owokuhlala abantu noma yikuphi ukusetshenziswa komhlaba endaweni kamasipala, ngaphandle komhlaba osetshenziselwa ukwakha imizi, kuyodinga ukufakelwa isicelo semvume yezokuhlela kamasipala nokuthi kugunyazwe.

Ukuthola ulwazi olugcinwe uMbhalisi weKomidi lezokuHlela likaMasipala kanye noMbhalisi wesiGungu sokuDluliselwa kweziKhalo

105. Amarekhodi agcinwe uMbhalisi wezokuHlela kaMasipala kanye noMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele athathwe njengamarekhodi umuntu atholakala kalula njengoba kuhlangozwe kwisiGaba 15 soMthetho wokuGqugquzela ukuTholakala koLwazi.

Ukuthola ulwazi olugcinwe uMphathi kaMasipala

106. La marekhodi alandelayo agcinwe uMphathi kaMasipala kumele athathwe njengamarekhodi atholakala kalula njengoba kuhlangozwe kwisiGaba 15 soMthetho wokuGqugquzela ukuTholakala koLwazi:

- (a) irejista lokubandakanyeka noma lokuhlomula kwamalungu esiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, esiGungu sokuDluliselwa kweziKhalo sikaMasipala kanye nesiGungu esiBhekele ukuGcinwa koMthetho kwezokuHlela sikaMasipala;
- (b) isivumelwano sokusebenzisana sokwenza imisebenzi ngokwalo Mthetho kaMasipala; kanye
- (c) nerekhodi elivuselelwe lakho konke ukudluliselwa okwenziwe ngokwalo Mthetho kaMasipala.

ISAHLUKO 10
IZIHLINZEKO EZIJWAYELEKILE

Ukuzimela kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo

107.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo sikaMasipala kumele zisebenzise amandla azo ngokuzimela, ngaphandle kwahulumeni nabanye, futhi ngokuhambisana namazinga aseqophelweni obuqotho, okungachemi nawokusebenza ngendlela efanele.

(2) Akekho umuntu, akukho Masipala noma hlaka lukahulumeni olungathikameza ukusebenza kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela noma kwesiGungu sokuDluliselwa kweziKhalo.

Ukudalulwa kokuhlomula

108.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, isiGungu sokuDluliselwa kweziKhalo sikaMasipala kanye noMsebenzi obhekele ukuGcinwa koMthetho wezokuHlela kaMasipala kanye nabasebenzi bamasipala abasebenzisa noma yimaphi amandla ngokwalo Mthetho kaMasipala, kumele ezinsukwini eziyi-10 beqokiwe, balethe incwadi kuMphathi kaMasipala –

- (a) edalula ukuhlomula kwabo ngokwezezimali nokunye ukubandakanyeka kwabo emkhakheni wezokuhlela noma emikhakheni ehambisana nawo okungashayisana nokuqokwa kwabo;
- (b) edalula ukuhlomula kwabo ngokwezezimali nokubandakanyeka ekuthuthukisweni komhlaba okwenziwa amalungu emindeni yabo nabasondelene nabo kuMasipala;
- (c) edalula noma yikuphi ukugwetshwa ngecala elikuSheduli 1 loMthetho weNqubo yokuQulwa kwamaCala obuGebengu, 1977 (uMthetho 51 ka 1977).

(2) Uma isimo somuntu siguquka, kumele, ezinsukwini eziyi-10 isimi sakhe siguqukile, alethe incwadi edalula lolo guquko kuMphathi kaMasipala.

(3) UMphathi kaMasipala kumele agcine irejista lokudalulwa kokuhlomula noma kokubandakanyeka.

(4) Uma umuntu esesikhundleni sokuba yilungu lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo sikaMasipala lokho kuthathwa njengongokushayisana kwezikhundla.

Ukuvikelwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, kwesiGungu sokuDluliselwa kweziKhalo kanye nabasebenzi bazo

109.(1) siGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma isiGungu sokuDluliselwa kweziKhalo sikaMasipala kanye nabasebenzi abazisizayo angeke babekwa cala mayelana nabakwenze ngokwethembeka ngokuhambisana nalo Mthetho kaMasipala.

Isiqinisekiso sokuvikelwa ngokomthetho

110.(1) Uma kunezinyathelo zomthetho ezithathelwe ilungu lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma lesiGungu sokuDluliselwa kweziKhalo sikaMasipala noma abasebenzi abazisizayo ngenxa yanoma yisiphi isenzo noma iphutha elenziwe yilungu noma umsebenzi osizayo ngesikhathi benza umsebenzi wabo noma besebenzisa amandla abo ngokwalo Mthetho kaMasipala, uMasipala kumele, uma ubona ukuthi lowo muntu ukwenze lokho kade esebenza ngokwethembeka nangaphandle kobudedengu –

- (a) uma icala lalowo muntu lisenkantolo –
 - (i) uvikele lowo muntu mayelana nalelo cala; futhi
 - (ii) uhlinzeke abameli abazomela lowo muntu ngezindleko zikaMasipala noma ukhokhe intela nezindleko zabameli;
- (b) uma lowo muntu ebekwe icala lobugebengu, uhlinzeke abameli abazomela lowo muntu ngezindleko zikaMasipala.

(2) Ilungu lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma lesiGungu sokuDluliselwa kweziKhalo sikaMasipala noma abasebenzi abazisizayo angeke bavikelwe ngokomthetho, mayelana nezenzo noma namaphutha, futhi banecala ngokomthetho –

- (a) besebenzise amandla abo ngokungafanele;
- (b) besebenzise izidakamizwa noma bephuze utshwala;
- (c) bengalandelanga izimiso zomsebenzi noma zezikhundla zabo;
- (d) bebe budedengu noma benze ngamabomu;
- (e) benze okungabeka uMasipala engcupheni;
- (f) behluleke ukulandela imiyalelo emisiwe, ababeyazi noma okumele ngabe bayayazi, okuholele ekulahlekeni, ekulimaleni noma okudale icala.

(3) UMasipala unganquma ngenqubomgomo noma ngenye indlela –

- (a) imigomo nemibandela yalokho kuvikelwa ngokomthetho nokuthathelwa abameli; kanye
- (b) nezimo ezengeziwe kulezo zimo ezihlongozwe kulesi siGaba lapho ukuvikelwa ngokomthetho noma ukuthathelwa abameli kungahoxiswa uMasipala.

Ukuqokwa koMeluleki owuChwepheshe

111.(1) uMasipala ungaqoka uMeluleki owuChwepheshe ukuthi asisize ukucubungula nokunquma nganoma yiziphi izicelo noma izikhalo zokuthuthukiswa komhlaba.

(2) UMeluleki owuChwepheshe kumele eluleke futhi asize isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma isiGungu sokuDluliselwa kweziKhalo sikaMasipala ukucubungula nokunquma ngezicelo nezikhalo zokuthuthukiswa komhlaba ezilethwe ngokwalo Mthetho kaMasipala.

(3) UMeluleki owuChwepheshe angaqokelwa lesi sikhathi adingeka ngaso noma lesi sikhathi njengoba uMasipala unganquma nangaleyo migomo nemibandela okungavunyelwana ngayo noMeluleki owuChwepheshe.

(4) UMeluleki owuChwepheshe ngeke abe yilungu lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma lesiGungu sokuDluliselwa kweziKhalo sikaMasipala futhi akanawo amalungelo okuvota.

(5) UMasipala noma amaqembu ayinxenye yesivumelwano sokusungula iKomidi lezokuHlela eliHlanganyele loMasipala kumele baholele uMeluleki owuChwepheshe ongeyena umsebenzi kahulumeni kazwelonke, wesifundazwe noma kamasipala.

Ukwamukelwa komhlaba othile njengezindawo zasemakhaya

112.(1) UMasipala, ngokwenhloso yokuhlukanisa ngezigaba izicelo zezokuhlela nakuMkhombandlela wokuThuthukiswa kweziNdawo, ungamukela noma yimuphi umhlaba njengendawo yasemakhaya yemiphakathi ehlala nesebenzisa lowo mhlaba ngokuhlanganyela ngokwezinqubo zokuhlala zomdabu, uma –

(a) kunemizi emibili noma ngaphezulu eyakhe noma eyokwakha kulowo mhlaba iyokwakhiwa ngendlela ethile noma umhlaba usetshenziselwa imikhuba yesintu eyamukelekile;

(b) iningi lemizi eyakhe kulowo mhlaba kuyoba ngeyamalungu aziwayo kulowo mphakathi.

(2) Umhlaba owamukelwe njengendawo yasemakhaya uyolawulwa yizinqubo zokusetshenziswa nokuthuthukiswa komhlaba njengoba kuhlangozwe kuSheduli 5B yalo Mthetho kaMasipala.

Ukubalwa kwesibalo sezinsuku

113.(1) Uma lo Mthetho kaMasipala unquma isikhathi sokwenza okuthile, isibalo senzinsuku kumele sibalwe ngokungalubali usuku lokuqala, ngaphandle kwamaholidi, nangokubandakanya usuku lokugcina, ngaphandle uma usuku lokugcina luba ngoMgqibelo, ngeSonto noma ngeholidi, uma kunjalo usuku lokuqala lokusebenza olulandela uMgqibelo, iSonto noma iholidi kumele luthathwe njengosuku lokugcina lwaleso sikhathi.

(2) Izinsuku umkhandu osekhafini elisemthethweni ngazo kumele zingabalwa esikhathini uMasipala okumele enze ngakho okuthile ngokwalo Mthetho kaMasipala.

(3) Izinsuku eziphakathi nezifakaka u 16 Zibandlela no 1 Masingana wonyaka nonyaka kumele zikhishwe esikhathini okumele noma yiziphi izihlaza zenze umyakazo ngazo ngokwaloMthetho, ngaphandle uma umnyakazo udingeka ngokwesinqumo senkantolo noma ukubambezeleka komnyakazo, ngokombono kamasipala uzoholela ekulimaleni kwendawo nasekuphepheni

Ukuhluleka kohlangothi oluthile ukugcina isikhathi esinqunyiwe

114.(1) Umuntu ofake isicelo ongagculisekile ngokwehluleka kwaMasipala ukugcina isikhathi esihlinzekelwe kulo Mthetho kaMasipala angacela uMphathi kaMasipala ukuthi akhiphe umyalelo wokuphoqa uMasipala ukuthi wenze okumele ukwenze ngesikhathi esinqunyiwe.

(2) Uma umfakisicelo ehluleka ukugcina isikhathi esihlinzekelwe kulo Mthetho kaMasipala, uMasipala uyomyalela ukuthi alandele umthetho ezinsukwini ezingama-30 kuya kwezingama-60, uma ehluleka uMasipala ungakhansela isicelo sokuthuthukiswa komhlaba.

(3) Uma uMasipala ukhansela isicelo ngenxa yokuthi umfakisicelo ehluleke ukugcina isikhathi esihlinzekelwe kulo Mthetho kaMasipala –

(a) imali yokufaka isicelo angeke ibuyiswe; futhi

(b) umfakisicelo kumele afake isicelo esisha ukuze aqhubeka nesicelo.

(4) Uhlangothi olunentshisekelo noma oluthintekayo luyothathwa njengolungaphawuli ngesicelo semvume yezokuhlela kamasipala, uma lungahlizekanga umbono walo ngesicelo esihlongozwayo ngesikhathi esinqunyiwe.

Umthelela wokushintshwa kobunikazi bomhlaba okufakwe isicelo semvume yezokuhlela kamasipala maqondana nawo

115.(1) Uma umhlaba, ofakelwe isicelo sokuthuthukiswa komhlaba, udluliselwa komnikazi omusha, umnikazi omusha angaqhubeka nesicelo njengomnikazi olandela umnikazi omdala ngokomthetho kanti umnikazi omusha uyothathwa njengomfakisicelo ngokwezinhloso zalo Mthetho kaMasipala.

(2) Umnikazi omusha kumele azise uMasipala ngokubhalwe phansi ukuthi ufisa ukuqhubeka noma akafisi ukuqhubeka nesisicelo futhi ahlinzeke uMasipala ngemininingwane yakhe yokuxhumana.

Ukunikezelwa kwamalungelo maqondana nomuntu owabeka imibono yakhe ngesicelo semvume yezokuhlela kamasipala kumnikazi omusha wendawo

116.(1) Umnikazi ophawule ngesicelo sokuthuthukiswa komhlaba ngaphambi kosuku lokuvala olubekwe kwisaziso somphakathi, ngokubhalwe phansi, anganikezela amalungelo anikwe umuntu ophawule ngesicelo kumnikazi omusha womhlaba wakhe.

(2) Umnikazi omusha kumele ahlinzeke umfakisicelo kanye noMasipala ngekhophi yesivumelwano sokunikezelwa kwamalungelo kanye neminingwane yakhe yokuxhumana ngaphambi kokuthi isiGungu Sezokuhlela sikaMasipala sithathe isinqumo ngesicelo.

Isicelo selungelo lokungenelela ezicelweni zokuthuthukiswa komhlaba noma zokudluliselwa kwezikhalo

117.(1) Njengoba kuhlinzekelwe kuMthethonqubo 31 we-SPLUMA, noma yimuphi umuntu angafaka isicelo ngokubhalwe phansi isiKhulu esiGunyaziwe isiKhulu esiPhezulu, sokuthola ilungelo lokungenelela esicelweni esikhona nganoma yisiphi isikhathi ngesikhathi kudingidwa ngesicelo, kodwa ezinsukwini eziyisikhombisa aze ngalokho kudingidwa ngesicelo.

(2) Isikhalazo somuntu ongenelela kufanele sinikeze izizathu zokufaka isicelo sesimo somhlanganyeli, njengo kusho kweSigaba 45(3) seSPLUMA, okubalwa kukho:

- (a) ukuthi baze nini futhi kanjani ngokudingidwa kwesikhalo;
- (b) izizathu zokuthi kungani lowo muntu engazange akhulume ukukhathazeka noma ukuphikiswa ngesikhathi senqubo yokubamba iqhaza komphakathi elandelwe isicelo sokuthuthukiswa komhlaba;
- (c) izizathu ezenza isinqumo soMkhandlu oVunyelwe ukuGunyazwa koMasipala singathinta amalungelo akhe, kanye / noma ukuthi amalungelo akhe angathinteka kanjani ngesinqumo esilindile seGunya Lokudlulisa Izikhalazo;
- (d) ukuthi leli qembu linokukhathazeka ngokuqondile kanjani enkantolo uma umfakisicelo emele iqembu labantu; kungani isithakazelo somfakisicelo singasuswa yisinqumo seGunya Lokugunyazwa
- (e) Kwamalungiselelo KaMasipala noma iGunya Lokudlulisa Izikhalazo;
- (f) kungani isithakazelo sakhe singamelwe ngokwanele yizinhlangano zangamanje eziqhubekayo; futhi;
- (g) indlela umfakisicelo anganikeza ngayo umbono ohlukile ezindabeni ngaphambi kweGunya Lokugunyazwa Kwamalungiselelo KaMasipala noma Isiphathimandla Sokudlulisa Izikhalazo.

(3) Ngokuhambisana neSigaba 31 (2) seMithethonqubo, umfakisicelo kumele athumele kanye nesisicelo sokunikezwa kwesimo sommemezeli i-afidavithi ethi yena -

- (a) ayihambisani nanoma yimuphi umfakisicelo, umphikisi noma umfakisicelo; futhi
- (b) uzimisele ukubhekana noma ukwenza okuthile mayelana nesisicelo noma isikhalazo njengoba iGunya Lokugunyazwa Kwamalungiselelo KaMasipala noma Isigungu seziKhalazo singabhalela.

(4) Umsebenzi Ogunyaziwe noma isikhulu esiphezulu kufanele sicabange ngalezi zindaba ezilandelayo uma isinqumo isicelo sokuthuthukiswa komhlaba sokushiya ikhefu -

- (a) ngabe umfakisicelo ongenelela angabhekwa njengomuntu onentshisekelo njengoba kuhlongozwe esigabeni 45 (4) se-SPLUMA;
- (b) kungakhathaliseki ukuthi ukubandakanyeka komphakathi kuyadingeka yini isicelo;
- (c) ngabe umfakisicelo wangenelela wanikezwa isaziso sohlelo;
- (d) umfakisicelo wokugqugquzela ukungenelela kwesicelo sokungenelela;
- (e) kungakhathaliseki ukuthi amalungelo akhe ashintshwe yisinqumo sikaMasipala WokuGunyazwa Kwamaphoyisa noma ukuthi amalungelo akhe angathinteka kakhulu ngesinqumo soMasipala wezokuHlelwa koMasipala futhi ngaleyo ndlela angathinteka kakhulu isinqumo sikhulu sezikhulazo ;
- (f) ukuthi umfakisicelo umele iqembu labantu abathintekayo ngqo kulolu cwaningo;
- (g) ikhono lomfakisicelo ukuvikela intshisekelo yakhe inganqunywa yisinqumo seMasipala WokuPhathwa Kwamaphoyisa noma isikhulu sezikhulazo nokuthi isithakazelo sakhe asimele ngokwanele yizinhlangano zamanje eziqhubekayo;
- (h) imvume ebhaliwe yazo zonke ezinye izinhlangothi ezifake isicelo noma ukukhalaza ukuvuma ukungenelela kweqembu, uma bevuma ukungenelela kweqembu;
- (i) ubandlululo olungase luhlupheke ngumfakisicelo noma omunye umuntu, kuhlanganise nomphakathi;
- (j) ofake isicelo sokuthola amathuba okungenela;
- (k) ukugwema ukubambezeleka okungadingekile ekuphathweni kobulungiswa;
- (l) ukutholakala kweziphathimandla ezigunyaziwe zokuGunyazwa koMasipala noma IsiPhathimandla seziKhalazo;
- (m) uma umuntu efaka isicelo sokungenelela ekufakweni kwesicelo sokuthuthukiswa komhlaba, ngabe umuntu ofake isicelo sokungenelela nguye kuphela othanda ukuphawula ngesicelo, noma uma kukhona abanye abantu abaye benza imibono efanayo nesicelo;
- (n) uma umuntu efaka isicelo sokungenelela ekubhenyweni;
- (o) ngabe umfakisicelo ongenelela nguye kuphela othanda ukukhalaza ngokumelene nesinqumo seGunya Lokugunyazwa Kwamalungiselelo kaMasipala, noma uma kukhona abanye abafake izicelo abafake isicelo sokuphikisa isinqumo ngezizathu ezifanayo;
- (p) ukubaluleka kwesiphenyo;
- (q) ofake isicelo sokuthinteka kokungenelela emphumela wesiphenyo;
- (r) ngabe umfakisicelo uzohlinzeka ngombono ohlukile ezindabeni ngaphambi kweSigungu seziPhathimandla zokuGunyazwa koMasipala noma IsiGungu seziKhalazo, ngaphandle kokukhulisa lezo zinkinga; futhi
- (s) noma iyiphi enye into efanele.

(5) uMsebenzi oGunyaziwe noma isiKhulu esiPhezulu sikaMasipala kumele –

- (a) sigunyaze; noma
- (b) siinqabe,

isicelo segunya lokungenelela.

(6) uMsebenzi oGunyaziwe noma isiKhulu esiPhezulu sesiGungu sokuDluliselwa kweziKhalo sikaMasipala singabeka noma imiphi imibandela ezwakalayo noma amncishe umuntu ilungelo eligcwele ofake isicelo segunya lokungenelela ukuthi abambe iqhaza ezindabeni okutholakale ukuthi ziyamthinta kuphela esinqumweni saso sokumnika imvume yokungenelela.

(7) Uma umuntu enikwe imvume yokungenelela esicelweni sokuthuthukiswa komhlaba, lowo muntu kumele alethe izimvo ngesicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ngendlela nangosuku olunqunywe uMsebenzi oGunyaziwe esinqumweni sawo sokukhipha imvume yokungenelela.

(8) Uma umuntu enikwe imvume yokungenelela esikhalweni, lowo muntu kumele abambe iqhaza ezingxoxweni ezimayelana nesikhalo ngendlela enqunywe isiKhulu esiPhezulu sesiGungu sokuDluliselwa kweziKhalo esinqumweni saso sokukhipha imvume yokungenelela.

(9) Umuntu onikwe imvume yokungenelela esicelweni sokuthuthukiswa komhlaba kumele athathwe njengomuntu ophawule ngesicelo ngesikhathi kuxhunyanwa nomphakathi, noma ngabe ukuxoxisana nomphakathi kwakudingeka noma cha.

Isihloko esifingqiwe nosuku lokuqala kokusebenza kwalo Mthetho kaMasipala

118. (1) Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala wokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba kaMasipala waseMhlathuze, 2017.

(2) Ngokushicilelwa kwiGazethi yesiFundazwe No. 1878, usuku lokuqala loMthetho kaMasipala ngu-21 Zibandlela 2017.

(3) Noma yiziphi izichibiyelo zalo Mthetho zizoqala ukusebenza ngemuva kwesaziso kwiGazethi yesiFundazwe.

ISHEDULI 1

IZINDABA OKUMELE ZIDINGIDWE ESIVUMELWANENI SOKUSUNGULA IKOMIDI ELIHLANGANYELE LEZOKUHLELA LOMASIPALA

Izindaba okumele zidingidwe esivumelwaneni sokusungula iKomidi eliHlanganyele lezokuHlela loMasipala

1. Isivumelwano phakathi koMkhandlu kaMasipala kanye nabanye omasipala sokusungula iKomidi eliHlanganyele lezokuHlela loMasipala kumele lihlinzeke okungenani lokhu okulandelayo:

- (a) amagama omasipala ababambe iqhaza;
- (b) amalungelo, izibopho kanye nemisebenzi kamasipala obambe iqhaza ngamunye;
- (c) ukuthi iKomidi eliHlanganyele lezokuHlela loMasipala lizohlinzekwa kanjani ngezimali;
- (d) ukuthi ababhalisi bezokuHlela baMasipala kanye namaSekela ababhalisi bezokuHlela baMasipala bazoqokwa futhi basebenze kanjani;
- (e) ukuthi labasebenzi abalandelayo bazoqokwa kanjani futhi bashintshwe, uma kunesidingo –
 - (i) amalungu eKomidi lezokuHlela likaMasipala;
 - (ii) uSihlalo weKomidi lezokuHlela likaMasipala; kanye
 - (iii) neSekela likaSihlalo weKomidi lezokuHlela likaMasipala;
- (f) ukuthi omasipala ababambe iqhaza bayozishicilela kanjani izaziso zomthetho, kubandakanya –
 - (i) isaziso sokumema abantu ukuthi babe amalungu eKomidi eliHlanganyele lezokuHlela loMasipala;
 - (ii) isaziso esiqinisekisa ukuqokwa kwamalungu eKomidi eliHlanganyele lezokuHlela loMasipala;
- (g) ukuthi amarekhodi azogcinwa kuphi nakanjani, kubandakanya –
 - (i) irejista lezicelo zezimvume zezokuhlela zikamasipala iKomidi lezokuHlela likaMasipala elinqume ngazo;
 - (ii) amaphepha umphakathi onelungelo lokuwathola ngokwalo Mthetho kaMasipala;
 - (iii) irejista lokuhlomula noma lokubandakanyeka okudalulwe amalungu eKomidi lezokuHlela likaMasipala, ababhalisi bezokuHlela baMasipala kanye namaSekela ababhalisi bezokuHlela baMasipala;
- (h) ukuthi izimali zezicelo ziyonqunywa futhi zilawulwe kanjani;
- (i) ukuthi izicelo zezimvume zezokuhlela zikamasipala ziyofakwa kuphi;
- (j) ukuthi oMasipala ababambe iqhaza bayokwaziswa kanjani ukuthi kufakwe isikhalo kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngesinqumo sokuthuthukiswa komhlaba ezindaweni zabo;
- (k) ukuthi iKomidi eliHlanganyele lezokuHlela loMasipala liyosekwa kanjani ngemisebenzi yasehhovisi nangamahhovisi, uma kunesidingo;
- (l) nokuthi umthetho uyosebenza kanjani uma uMasipala oyingxenye yeKomidi eliHlanganyele lezokuHlela loMasipala uhoxa.

ISHEDULI 2

IMISEBENZI ESEZINDAWENI EZINGAPHANDLE KOHLELO LOKUSETSHENZISWA KOMHLABA EDINGA IMVUME YEZOKUHLELA KAMASIPALA

Izincazelo

1. Kolulu Hlelo –

“umhlaba wezolimo” kushiwo umhlaba onokulinywa, imfunda noma amadlelo, amahlathi, izingadi zezimakethe, amapulazi ezinkukhu, insimu yezimbali, futhi kungabandakanya izakhiwo okutshalwa kuzo noma ukukhuliswa kwezitshalo emanzini ngaphandle kwenhlabathi, ukulima, ezolimo ezikhuthaza ukutshala ngokuyimvelo, amasimu ezithelo kanye nomhlaba osetshenziselwa ukuzalanisa nokufuya izilwane ezifuywa ekhaya kanye/noma nemfuyo kanye nokunakekelwa kwalezo zilwane, izinkukhu noma izinyosi futhi kubandakanya nezindali zemfuyo kanye nanoma yiziphi izakhiwo eziqondene nalokho, kuncike ekutheni izakhiwo eziqondene nokuhlaliswa kwamakati kanye/noma kwezinja ziyothathwa njengeziSetshenziswa ngokuKhethekile. Awubandakanyi ukusetshenziswa okungathathwa “njengeMboni yezoLimo”;

“ibhilidi lezolimo” kushiwo ibhilidi elisetshenziselwa noma ngokujwayelekile elingasetshenziselwa ezolimo emhlabeni wezolimo, futhi lingabandakanya indlu yokuhlala, elisetshenziselwa ezokungcebeleka kanye nendawo yokuhlala abasebenzi basemapulazini;

“imboni yezolimo” njengoba kubekiwe ngaphansi kwencazelo **“yomhlaba wezolimo”** kushiwo umhlaba noma izakhiwo ezisetshenziselwa –

- (a) ukufuywa kwesibalo esikhulu sezinkukhu, sezinyoni zasendle, semfuyo noma sezilwane ezifanayo kanye nemikhiqizo yazo, njengamapulazi ezinkukhu ezisencane, amapulazi akhulisela izilwane emabhokisini, izindawo zemikhiqizo yobisi kanye nezinye izindlela zokondla izilwane ezivalelwe ndawonye;
- (b) ukukhuliswa kwezilwane zasemanzini nokudotshwa kwezilwane zasemanzini;
- (c) ukukhandwa nokulungiswa kwemishini eminingi nempahla eningi esetshenziselwa ezolimo;
- (d) ukuphathwa, ukukhiqizwa nokupakishwa kwemikhiqizo yezolimo, engabandakanya ifemu yezingodo, ifemu yokupakisha neminye imisebenzi efana naleyo; kanye
- (e) neziphehli zikagesi,

kodwa ayibandakanyi ukusetshenziswa okungafakwa ngaphansi “kwemboni eyenza imisebenzi engaba nobungozi emphakathini”, futhi ikakhulu ukusetshenziswa kwemikhiqizo yezilwane ngezindlela ezihlukene;

“imboni eyenza imisebenzi engaba nobungozi emphakathini” kushiwo ukusetshenziswa kwanoma yiliphi ibhilidi, umhlaba noma ezinye izakhiwo ukwenza umsebenzi othathwa njengongathandeki, njengongacasusula noma njengonobungozi noma njengongalimaza impilo, ukuphepha noma isimo sempilo somphakathi, –

- (i) njengokufakwa kweziqhumane;
- (ii) njengamakhemikhali, upende kanye nodayi;
- (iii) njengomanyolo noma izikhuthazi noma izitolo zazo;
- (iv) njengokusetshenziswa kwemikhiqizo yezilwane ngezindlela ezihlukene, kubandakanya abadayisi bezikhumba, ukushukwa kwezikhumba kanye nokugcotshwa kwezikhumba ngamafutha, imikhwahla, izindawo okuhlathwa kuzona izilwane, amadele, ukuncibilikiswa kwamafutha nanoma yimiphi eminye imisebenzi efana naleyo noma isikhungo esisebenza ngenyama, ngenhlanzi,

ngamathambo, ngegazi, ngamathumbu, ngezimpondo, ngezinselo kanye nezinye izingxenye zezilwane, ukupakishwa kwenhlanzi emathinini, amafemu abhekeni, amafemu amasosishi kanye nokunye okufana nalokho, ukukhipha inyama yangaphakathi, ukuze usu noma ukupheka usu;

(v) njengefemu yeglu noma yokulinganisa ngokobukhulu;

(vi) njengokwenziwa kwensipho namakhandlela;

(vii) njengokunqunywa kwezinkuni, ukuxetshulwa nokukhishwa kwamagxolo kawatela, kubandakanya nokulungiswa kwemikhiqizo yawo;

(viii) njengamafemu akhiqiza amaphepha kanye nenkafunkafu;

(ix) njengamafemu kashukela kanye nemishini kashukela;

(x) njengezimboni zokusansimbi, njengezindawo zokuncibilikisa insimbi, njll;

(xi) njengokusetshenziswa kwamaminali ngezindlela ezihlukene, ukugcinwa nokuphathwa kwawo kubandakanya (kodwa kungacini nje) ngamalahle, ngokukhiqizwa kwasimende, ngemishini yokukhiqizwa kwezitini, ngokukhiqizwa komcako, ngokukhiqizwa kweglaso nokubunjiwe, ngokukhiqizwa noma ngokuhlanganiswa kwetiyela, njll;

(xii) amafemu okuphisa nokukhiqiza utshwala kanye namafemu akhiqiza imbiliso;

(xiii) njengababhidlizi noma eminye imisebenzi yokuthuthwa kwemfucuzo, kwemfucuzo enobungozi noma yezohwebo, kwemfucuzo yasezitaladini, kwendle noma kwetshe lentaba;

(xiv) nanjengezimboni zikaphethiloli, kubandakanya ukukhiqizwa nokugcinwa kwenani elikhulu legesi noketshezi lwezipehlamlilo, kanjalo namakhemikhali aphethiloli aphuma kuwoyela ongahluziwe, emalaheni, kwigeso noma kwizipehlimandla nakolunye uhwebo olusebenza ngemikhiqizo kaphethiloli noma ngokuhlaza uphethiloli, kodwa akubandakanyi amagalaji aphethiloli, indawo ema amatilogo noma igalaji.

“ukulimela ukondla umndeni” kushiwo ukulimela ukondla umndeni lapho abalimi begxila ekulimeni ukudla abazokudla nemindeni yabo. Isivuno sivame ukuba ngesalokho okudingekayo kokunye kube nokuncane okuthe xaxa noma kungabibikho okungadayiswa. Ipulazi lokulimela ukondla umndeni elijwayelekile liba nezitshalo ezinhlobonhlobo kanye nezilwane ezidingwa umndeni ukuze udle futhi ugqoke kulowo nyaka.

Imisebenzi esezindaweni ezingaphandle kohlelo lokusetshenziswa komhlaba engadingi imvume imvume yezokuhlela kamasipala

2. Le misebenzi elandelayo esezindaweni ezingaphandle kohlelo lokusetshenziswa komhlaba ayiyidingi imvume yezokuhlela kamasipala noma lokhu kusetshenziswa komhlaba okulandelayo okungaphandle kohlelo lokusetshenziswa komhlaba akuyidingi imvume yezokuhlela kamasipala –

(a) ezindaweni ezilawulwa uMthetho wokuHlukaniswa koMhlaba wezoLimo, 1970, ezingakafakwa ngaphansi kohlelo lokusetshenziswa komhlaba:

(i) umhlaba wezolimo; kanye

(ii) nesakhiwo sezolimo, esingeyukubandakanya imboni yezolimo kanye emboni eyenza imisebenzi engaba nobungozi emphakathini,

kuncike ekutheni uMnyango wezoLimo ukuvumile lokho;

(b) kuzo zonke ezinye izindawo ezingaphandle kohlelo lokusetshenziswa komhlaba –

(i) indlu yokuhlala;

(ii) ukulimela ukondla imindeni;

(iii) nanoma yimuphi omunye umsebenzi noma ukusetshenziswa komhlaba ngokubona kwaMasipala okungadingi isicelo semvume yezokuhlela kamasipala.

Imisebenzi esezindaweni ezingaphandle kohlelo lokusetshenziswa komhlaba edinga imvume imvume yezokuhlela kamasipala

3. Noma yimuphi umsebenzi ohlinzekelwe ephuzwini 2 lale Sheduli uyodinga ufakelwe isicelo semvume yezokuhlela kamasipala.

ISHEDULI 3

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NJENGOBA KUNQUNYWE KWISIGABA 26 SOMTHETHO KAMASIPALA Izincazelo

1. Kule Sheduli –

“**imvume**” kushiwo ilungelo lokusetshenziswa komhlaba elingatholakala ngemvume kaMasipala futhi ichazwe kanjalo ohlelweni lokusetshenziswa komhlaba;

“**igunya elisemthethweni**” kushiwo ilungelo lokusetshenziswa komhlaba elingatholakala ngokufaka isicelo segunya kuMasipala futhi lichazwe kanjalo ohlelweni lokusetshenziswa komhlaba;

“**ukuhlanganiswa**” kushiwo ukuhlanganisa iziqephu zomhlaba ezimbili noma ngaphezulu zibe yindawo eyodwa;

“**ukuhlukaniswa**” kushiwo ukuhlukaniswa kwesiqephu somhlaba sibe yiziqephu ezimbili noma ngaphezulu.

Amaqoqo ezicelo zokuThuthukiswa koMhlaba

2. Izicelo zokuthuthukiswa komhlaba ziyohlukaniswa amaQoqo amathathu ngenhloso yokuthatha izinqumo:

(a) IQoqo 1: Izicelo eziyocutshungulwa yiKomidi lezokuHlela likaMasipala;

(b) IQoqo 2: Izicelo eziyocutshungulwa uMsebenzi oGunyaziwe wezokuHlela kaMasipala;

(c) IQoqo 3: Izicelo eziyocutshungulwa uMkhandlu kaMasipala.

3. Uma kunesicelo esiyinhlanguanisela esilethiwe, esihlanganisa izicelo zokuthuthukiswa komhlaba zeQoqo 1 neQoqo 2, leso sicelo kumele sithathwe njengesicelo esingaphansi kweqoqo 1.

4. Uma kunesicelo esiyinhlanguanisela esilethiwe, esihlanganisa izicelo zokuthuthukiswa komhlaba zeQoqo 1 neQoqo 3, leso sicelo kumele siqale sihanjiswa kwiKomidi lezokuHlela likaMasipala. IKomidi liyokwenza izincomo eMkhandlwini kaMasipala ukuze usicubungule.

5. Ngaphandle kwanoma yisiphi isichibiyelo okukhulunye ngaso kwisiGaba 58 salo Mthetho kaMasipala, noma yisiphi isicelo sokuchibiyela isinqumo esasesithathiwe kuyomele silethwe kowayekhiphe leyo mvume ekuqaleni.

6. UMsebenzi oGunyaziwe wezokuHlela kaMasipala noma yingasiphi isikhathi angadlulisela isicelo esingaphansi kweQoqo 2 kwiKomidi lezokuHlela likaMasipala ukuze lisicubungule.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 1

7. Izicelo zokuthuthukiswa komhlaba ezingaphansi kweQoqo 1 ezingafakelwa imvume yezokuhlela kamasipala zibandakanya izicelo –

(a) zokusungulwa kwelokishi noma izicelo zokunwetshwa kwemingcele yelokishi;

(b) zokuchitshiyelwa kohlelo olukhona noma kohlelo lokusetshenziswa komhlaba ngokuklanywa noma ngokuklanywa kabusha komhlaba;

(c) zokuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni lokusetshenziswa komhlaba njengoba kuhlinzekelwe ephuzwini 3 lukaSheduli 2;

(d) zokunwetshwa noma zokwakha elinye ibhilidi emhlabeni osetshenziselwa inhloso echazwe ephuzwini 3 lukaSheduli 2, naphezu kokuthi imvume yezokuhlela kamasipala yayingadingeki ngesikhathi ibhilidi elalikhona liqala ukusetshenziselwa leyo nhloso;

(e) zokususwa, zokuchitshiyelwa noma zokuhoxiswa kombandela onezithiyo noma osuphelelwe yisikhathi, igunya lokusebenzisa umhlaba womuntu ngesivumelwano noma

- ukubekwa okubhaliswe kwitayitela lomhlaba ngaphandle kwezicelo ezihlinzekelwe njengezicelo ezingaphansi kweQoqo 2;
- (f) zokuchitshiyelwa noma zokuqaliswa kwemvume yokuhlukaniswa komhlaba ngeziGaba;
- (g) zokukhanselwa noma zokukhanselwa kwengxenywe yesinqumo sesiGungu esibhekele ukukhishwa kweZimvume zezokuHlela sikaMasipala ngesicelo semvume yezokuhlela kamasipala, ngaphandle kwesinqumo sokwamukelwa noma sokuchitshiyelwa kohlelo lokusetshenziswa komhlaba;
- (h) zokuhlukaniswa noma zokuhlanganiswa kwanoma yimuphi umhlaba ngaphandle komhlaba ohlukanisiwe noma ohlanganisiwe ohlinzekelwe njengesicelo esingaphansi kweQoqo 2;
- (i) zokuvalwa unomphela kwanoma yimuphi umgwaqo kamasipala noma kwanoma iyiphi indawo kamasipala;
- (j) zanoma iyiphi imvume noma yiliphi igunya okudingekayo ngokombandela wetayitela, ngokombandela wokusungulwa noma ngokombandela wohlelo olukhona noma wohlelo lokusetshenziswa komhlaba;
- (k) zanoma iyiphi imvume noma zanoma yiliphi igunya okuhlinzekelwe emthethweni wesifundazwe;
- (l) zonke izicelo zeQoqo 2 zokuthuthukiswa komhlaba eziphikisiwe;
- (m) zonke izicelo zokuthuthukiswa komhlaba ngokubona kwaMasipala, kweMinyango kaZwelonke noma yesiFundazwe, ezithinta isifundazwe noma uzwelonke;
- (n) zonke izicelo zokuthuthukiswa komhlaba ezidluliselwe uMsebenzi oGunyaziwe wezokuHlela kaMasipala kwiKomidi lezokuHlela likaMasipala;
- (o) noma yikuphi ukuchitshiyelwa kwesinqumo ngesicelo semvume yezokuhlela kamasipala esasicutshungulwe kudala yiKomidi lezokuHlela likaMasipala.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 2

8. Izicelo zokuthuthukiswa komhlaba ezingaphansi kweQoqo 2 ezifakelwa imvume yezokuhlela kamasipala zibandakanya izicelo –

- (a) zokuhlukaniswa kwanoma yimuphi umhlaba lapho lokho kuhlukaniswa kuhlinzekelwe ngokucacile ohlelweni lokusetshenziswa komhlaba;
- (b) zokuhlanganiswa kwanoma yimuphi umhlaba;
- (c) zokuhlukaniswa nokuhlanganiswa komhlaba ngesikhathi esisodwa ngaphansi kwezimo ezihlongozwe endimeni (a);
- (d) “zenvume” kaMasipala kwanoma yikuphi ukusetshenziswa komhlaba ngenhloso noma ukuphambuka noma ukuchezuka ngokohlelo lokusetshenziswa komhlaba akubandakanyi isicelo sokuthuthukiswa komhlaba;
- (e) zokususwa, zokuchitshiyelwa noma zokuhoxiswa kombandela wetayitela onezimiso eziphathelene nesibalo sezindlu ezizokwakhiwa, nokusetshenziswa komhlaba kanye nemingcele yokwakha esizeni esithile, lapho kulawulwa lezo zindaba zilawulwa uhlelo lokusetshenziswa komhlaba;
- (f) zanoma iyiphi imvume nanoma yikuphi ukukhululwa njengoba kungadingeka ngokoHlelo lokuSetshenziswa koMhlaba lwaseMhlathuze;
- (g) zanoma yikuphi ukuhlanganiswa kwezakhiwo ezisondelene;
- (h) noma yikuphi ukuthuthukiswa komhlaba wasemakhaya; kanye
- (i) nanoma yikuphi ukuchitshiyelwa kwesinqumo ngesicelo semvume yezokuhlela kamasipala esasicutshungulwe uMsebenzi oGunyaziwe wezokuHlela kaMasipala phambilini.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 3

9. Izicelo zokuthuthukiswa komhlaba ezingaphansi kweQoqo 3 ezifakelwa imvume yezokuhlela kamasipala zibandakanya izicelo –

(a) izicelo zokwamukelwa, zokuchithwa, zokunwetshwa noma zokubuyekezwa kohlelo lokusetshenziswa komhlaba njengoba kuhlangezwe kwisiGaba 23(1) se-SPLUMA; kanye

(b) nezicelo zokwamukelwa nezokubuyekezwa koMkhombandlela wokuThuthukiswa kweziNdawo njengoba kuhlangezwe kwisiGaba 20 se-SPLUMA.

ISHEDULI 4

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NGEZINHLOSO ZOKUBANDAKANYA UMPHAKATHI NJENGOBA KUNQUNYWE KWISIGABA 32(2) SALO MTHETHO KAMASIPALA

AmaQoqo ezicelo zokuThuthukiswa koMhlaba ngezinhloso zokubandakanya umphakathi

1. Izicelo zokuthuthukiswa komhlaba ziyohlukaniswa amaqoqo amathathu ngezinhloso zokubandakanya umphakathi:

- (a) iZinga 1: Izicelo ezingeke zidinge ukuthi kuxoxiswane nomphakathi, njengoba amalungelo abantu engeke ahlukumezeke;
- (b) iZinga 2: Izicelo eziyodina ukuthi kuxoxiswane nomphakathi kancane; kanye
- (c) neZinga 3: Izicelo eziyodina ukuthi kuxoxiswane nomphakathi ngokugcwele.

Izicelo ezingaphansi kweZinga 1

2.(1) Izicelo zokuthuthukiswa komhlaba ezingaphansi kweZinga 1 ezifakelwa imvume yezokuhlela kamasipala angeke zidinge isaziso somphakathi, njengoba amalungelo omphakathi engeke ahlukumezeke.

(2) Ukuchitshiyelwa noma ukususwa kwegunya lokusebenzisa umhlaba womuntu ngesivumelwano imisebenzi, elibhaliswe ngokuvuna uMasipala, lapho lesi sicele singeke sihlukumeze umphakathi ziyothathwa njengezicelo ezingaphansi kweZinga 1 ngokwezinhloso zokuxoxisana nomphakathi.

(3) UMasipala, ngokubona kwawo, ungayalela umfakisicelo ukuthi alandele inqubo yokuxoxisana nomphakathi olufanele, uma ubona kunesidingo ukwazisa umphakathi noma abantu abathintekayo uma bekhona ngesicelo sokuthuthukiswa komhlaba.

Izicelo ezingaphansi kweZinga 2

3.(1) Izicelo zokuthuthukiswa komhlaba ezingaphansi kweZinga 2 zidinga ukukhishwa kwesaziso esiqondiswe kubanikazi bomhlaba bakuleyo ndawo, eminyangweni kahulumeni efanele (uma ikhona) kanye naseKhaniseleni leWadi nokukhangiswa kwaleso saziso endaweni ebonakalayo esizeni esifakelwe isicelo.

(2) Uma amakheli abanikazi bomhlaba bakuleyo ndawo engekho –

- (a) umfakisicelo kuyodingeka ukuthi azise abanikazi bomhlaba bakuleyo ndawo ngesicelo njengoba eyalelwe uMasipala; noma
- (b) umhlangano womphakathi ungabanjelwa endaweni eseduze nabanikazi bomhlaba bakuleyo ndawo. Isaziso somhlangano siyomenyezela ngombobho bese kukhangiswa isaziso endaweni egqamile.

(3) Lezi zicelo ezilandelayo zokuthuthukiswa komhlaba ziyothathwa njengezicelo ezingaphansi kweZinga 2 ngokwezinhloso zokuxoxisana nomphakathi:

- (a) izicelo zegunya elisemthethweni njengoba kudingeka ngokohlelo lokusetshenziswa komhlaba;
- (b) izicelo zokuhoxiswa kwemingcele yokwakha. Ukukhangiswa kwesaziso esizeni esingekesi sidingekesi uma kufakwa lezi zicelo;
- (c) ukuhlukaniswa ngokusemthethweni kwezakhiwo ezisondelene;
- (d) noma yikuphi ukuthuthukiswa komhlaba ezindaweni zasemakhaya, ngaphandle kokwakha imizi.

(4) UMasipala, ngokubona kwawo, ungayalela umfakisicelo ukuthi alandela uhlelo lokuxhumana nomphakathi ngokugcwele, uma kukhona imithelela engadalwa yisicelo, ngokubona kwaMasipala, edinga ukuxhumana kabanzi nomphakathi.

Izicelo ezingaphansi kweZinga 3

4.(1) Izicelo zokuthuthukiswa komhlaba ezifakelwe imvume yezokuhlela kamasipala ezingaphansi kweZinga 3 zidinga ukuthi kuxoxiswane nomphakathi ngokugcwele eziyobandakanya, kodwa kungagcini nje –

- (a) ngokunikeza abanikazi bomhlaba bakuleyo ndawo isaziso;
- (b) ngokunikeza iminyango kahulumeni efanele isaziso;
- (c) ngokunikeza iKhansela leWadi elifanele isaziso;
- (d) ngokushicilelwa kwesaziso ephephandabeni lendawo njengoba kunqume uMasipala;
- (e) ngokukhangisa isaziso endaweni ebonakalayo esizeni esifakelwe isicelo; kanye
- (f) nangomhlangano womphakathi, uma udingwa uMasipala.

(2) Noma yisiphi isicelo sokuthuthukiswa komhlaba esingahlinzekelwe ngaphansi kweZinga 1 no 2 siyothathwa njengesicelo esingaphansi kweZinga 3 ngokwezinhloso zokuxoxisana nomphakathi.

Izinhlizeko ezijwayelekile

5. Ngaphandle kokuchitshiyelwa kokungaphatheki ukulungisa iphutha, ukuvuselela inkomba noma ukushintsha igama, noma yikuphi ukuchitshiyelwa kwemvume yezokuhlela kamasipala ekhona egunyaziwe kuyolandela inqubo yokuxoxisana nomphakathi olufanayo nalolo olulandelwe ngesikhathi kufakwa isicelo sokuqala, ngaphandle uma uMasipala unombono wokuthi izichibiyelo ezihlongoziwe egunyeni lezokuhlela likaMasipala angeke zilimaze amalungelo omphakathi. ezimweni ezikanje, uMasipala kumele eluleke ngezinqubo zokumbandakanya umphakathi okumele zilandelwe uma zikhona.

ISHEDULI 5

INGXENYE A

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZIHLELEKILE

Inqubo yokwenziwa ngaphambi kokufaka isicelo

1.(1) Umfakisicelo angacela ukuxoxisana noMasipala ngaphambi kokufaka isicelo –

- (a) ukwazi ngenqubo yokufaka isicelo;
- (b) ukwazi ukuthi yimaphi amaphepha okumele ahambisane nesicelo;
- (c) ukwazi ngezinhlelo zikahulumeni nababambiqhaza abafanele okumele kuxhunyanwe nabo ngaphambi kokufaka isicelo;
- (d) ukwazi ukuthi zingaba yimalini izimali zesicelo;
- (e) ukwazi ukuthi zingaba yimalini izimali zemisebenzi yobunjiniyela; kanye
- (f) nanoma yimiphi imininingwane efanele edingekayo.

(2) Umfakisicelo kumele athole izimvume ezinhlelo zikahulumeni kanye nezinhlelo ezithintekayo, kubandakanya neminyango kamasipala kanye neminye imininingwane edingekayo ukunquma ngesicelo esifakelwe imvume yezokuhlela kamasipala.

(3) Izinhlelo zikahulumeni kanye nezinhlelo ezithintekayo, kubandakanya neminyango kamasipala kumele zihlinzeke umfakisicelo ngemininingwane ayidingayo ukuze afake isicelo semvume yezokuhlela kamasipala ezinsukwini ezingama-60 kusukela ngosuku okukhishwe ngalo isicelo saleyo mininingwane, noma lesi sikhathi esengeziwe njengoba zingavumelana nomfakisicelo.

(4) UMBhalisi wezokuHlela kaMasipala angeke anika iseluleko ngokuthi singaphumelela kanjani isicelo semvume yezokuhlela kamasipala uma esiza umfakisicelo.

(5) UMBhalisi wezokuHlela kaMasipala angadinga ukuthi umfakisicelo ahlinzeke ubufakazi banoma iyiphi enye imvume esemthethweni, uma ngokubona kwakhe, kunesidingo ukuze akwazi ukuthatha isinqumo ngesicelo semvume yezokuHlela kaMasipala.

(6) Iseluleko esatholakala emhlanganweni owabanjwa ngaphambi kokufakwa kwesicelo asiwuvimbi uMasipala ukuthi ucele eminye imininingwane uma isicelo sesifakiwe.

(7) Umfakisicelo kumele aithe i- electronic copy yawowonke amaphepha esicelo kuMBhalisi wesiGungu sezoKuhlela sikaMasipala, okumele azise umfakisicelongo kubhala ezinsukwini ezingama-30 emva kokuthola isicelo noma esinye isikhathi esengeziwe okuvunyelwe ngaso nomfakisicelo-

- (a) ukuthi isicelo singafakwa ngokugcwele kukhokhwe nezindleko ezifanele noma;
- (b) izinto okumele zilungiswe, namapulani okumele aithe, amaphepha noma eminye imininingwane edingekayo.

Ukufakwa kwesicelo

2.(1) Isicelo semvume yezokuhlela kamasipala kumele sihambisane –

- (a) nefomu lokufaka isicelo;
- (b) nencwadi eyeseka isicelo isicelo;
- (c) nobufakazi bobunikazi obubhalisiwe kanye nekhophi yomdwebo womhlaba;
- (d) nemvume ebhaliwe yomnikazi obhalisiwe walowo mhlaba, uma umfakisicelo engeyena umnikazi wawo;

- (e) nesiqinisekiso esibhaliwe senhlangano yabanikazi bomhlaba, somgwamanda ophethe osungulwe ngokwesiGaba 36(1) se-Sectional Titles Act, senkampani enamasheya ehlongozwe kwisiGaba 1 se-Share Blocks Control Act nanoma yimuphi omunye umgwamanda ofanele, sokuthi isicelo siyahambisana nemikhombandlela nemithetho yepulani yayo yokugunyazwa kwepulani, uma ikhona;
- (f) nombhalo wokweseka isicelo soMkhandlu woMdabu noma sezinhlaka ezengamele ubunikazi bezindawo zasemakhaya mayelana nezicelo, uma umhlaba usendaweni yasemakhaya;
- (g) nobufakazi bokuthi sahanjiswa kuzo zonke izinhlaka zikahulumeni ezithintekayo kanye nezinhlangano ezithintekayo;
- (h) uma isicelo kuyisicelo sokuhlukaniswa noma sokuhlanganiswa komhlaba noma sokusungulwa kwelokishi –
- (i) nokushoyo ukuthi ngabe uMklami Jikele kumele aphasise –
 - (aa) umdwebo; noma
 - (bb) ipulani enkulu,
 yokuhlukaniswa noma yokuhlanganiswa komhlaba noma yokusungulwa kwelokishi;
 - (ii) nokushoyo ukuthi ngabe uMklami Jikelele kumele agunyaze umhlaba –
 - (aa) njengepulazi noma njengepulazi elihlukanisiwe, kubandakanya nengxenye noma nensalela yepulazi;
 - (bb) njengomhlaba ohlukanisiwe ongelona ipulazi;
 - (cc) njengesiza esikhona elokishini;
 - (dd) njengesiza esisha elokishini;
- (i) nezincazelo zomhlaba ohlongozwayo; kanye
- (j) nanoma yimaphi amanye amapulani, imidwebo, amaphepha, imibiko yochwepheshe, amakhophi noma nokuthwetshulwe ngemishini noma nezimali uMbhalisi wezokuHlela kaMasipala angazidinga.

(2) Isicelo semvume yezokuhlela kamasipala kumele sifakwe –

- (a) kuMbhalisi wezokuHlela kaMasipala;
- (b) komunye umuntu oqokwe uMphathi kaMasipala ukwamukela izicelo zemvume yezokuhlela kamasipala; noma
- (c) kuMphathi kaMasipala, uma uMasipala ungakamqashi uMbhalisi wezokuHlela kaMasipala futhi noMphathi kaMasipala engakamqoki omunye umuntu ozokwamukela izicelo zezimvume yezokuhlela zikamasipala.

Amarekhodi ezicelo, ezicelo zeminingwane eyengeziwe kanye neziqinisekiso zokuthi izicelo zigcwaliswe ngokuphelele ezitholakele

3.(1) UMbhalisi wezokuHlela kaMasipala kumele –

- (a) arekhode isicelo semvume yezokuhlela kamasipala esitholakele ngokubhalwe phansi ngosuku esitholakale ngalo; futhi
- (b) azise umfakisicelo ngokubhalwe phansi ezinsukwini ezingama-30 ngemuva kokuthola leso sicelo, noma ngaleso sikhathi esengeziwe ayovumelana ngaso nomfakisicelo –
 - (i) ukuthi isicelo sigcwaliswe ngokuphelele;
 - (ii) nanoma yimaphi amanye amapulani, amaphepha, eminye iminingwane noma izimali, okudingekayo.

- (2) Isicelo semvume yezokuhlela kamasipala sithathwa njengesigcwaliswe ngokugcwele, uma uMbhalisi wezokuHlela kaMasipala engazange acele eminye iminingwane ezinsukwini ezingama-30, noma leso sikhathi esengeziwe ayovumelana ngaso nomfakisicelo.

Ukuhlinzekwa kweminye imininingwane

4.(1) Umfakisiselo kumele ahlinzeke uMbhali wezokuHlela kaMasipala ngemininingwane eyengeziwe ukuze kuqedelwe isicelo semvume yezokuhlela kamasipala ehlongozwe ephuzwini 3(1)(b)(ii) ngesikhathi esiyonqunywa uMasipala, lesi sikhathi esingekwe sege ezinsukwini ezingama-90, noma lesi sikhathi esengeziwe oyovumelana naso ngaso nomfakisiselo.

(2) Umfakisiselo anganqaba ngokubhalwe phansi ukuhlinzeka imininingwane eyengeziwe edingekayo, lapho ke uMbhali wezokuHlela kaMasipala kumele aqhubeke nokucubungula isicelo semvume yezokuhlela kamasipala.

(3) Isicelo semvume yezokuhlela kamasipala siphelwa yisikhathi uma umfakisiselo ehluleka ukuletha amapulani, amaphepha noma imininingwane edingwa uMbhali wezokuHlela kaMasipala ngesikhathi esinqunyiwe, ngaphandle uma umfakisiselo enqabe ngokubhaliwe ukuhlinzeka amanye amapulani, amaphepha noma eminye imininingwane ngaphambi kokuthi isicelo siphelwe yisikhathi.

(4) UMasipala ungasingqaba isicelo semvume yezokuhlela kamasipala, uma singaqukethe imininingwane edingekayo ukuthi kuthathwe isinqumo esifanele esihlongozwe kwisiGaba 6(2)(e)(ii) soMthetho wokuGqugquzela uBulungiswa kuHulumeni, 2000 (uMthetho 3 ka 2000).

Isiqinisekiso sokufakwa isicelo esigcwaliswe ngokuphelele, uma kwakudingeka eminye imininingwane

5.(1) UMBhali wezokuHlela kaMasipala kumele azise umfakisiselo ngokubhalwe phansi ezinsukwini ezingama-30 ngemuva kokuthola amanye amapulani, amaphepha kanye neminye imininingwane okudingekayo –

- (a) sokuthi isicelo sigcwaliswe ngokuphelele; noma
- (b) sokuthi lawo mapulani, namaphepha kanye neminye imininingwane akuhlangabezani nokudingwa uMasipala.

(2) Uma isikhathi umfakisiselo okumele ahlinzeke ngaso amanye amapulani, amaphepha noma eminye imininingwane singakapheli, umfakisiselo angaphinde alethe amapulani, amaphepha noma imininingwane okulungisiwe, lapho ke inqubo ebekwe kwiPhuzwana (1) kumele iphindwe.

(3) Isicelo semvume yezokuhlela kamasipala sithathwa njengesigcwaliswe ngokuphelele, uma MBhali wezokuHlela kaMasipala ehluleke ukwazisa umfakisiselo ezinsukwini ezingama-30 noma lesi sikhathi esengeziwe okuvunyelwene ngaso nomfakisiselo –

- (a) ukuthi isicelo sigcwaliswe ngokuphelele; noma
- (b) ukuthi lawo mapulani, namaphepha kanye neminye imininingwane akuhlangabezani nokudingwa uMasipala.

Ukudluliselwa kwesicelo esithinta okwahulumeni kazwelonke kuNgqongqoshe wezokuThuthukiswa kweziNdawo zaseMakhaya nezokwaBiwa kaBusha koMhlaba

6. Uma isicelo semvume yezokuhlela kamasipala ithinta okwahulumeni kazwelonke njengoba kuhlongozwe kwisiGaba 52(1) no (2) se-SPLUMA, uMbhali wezokuHlela kaMasipala kumele athumele ikhophi yesicelo kuNgqongqoshe –

- (a) uma sekunesiqiniseko sokuthi isicelo sigcwaliswe ngokuphelele; noma
- (b) uma isicelo sesithathwa njengesigcwaliswe ngokuphelele.

Ukuqashwa kwesicelo yiLungu loMkhandlu oPhethe elifanele

7. Uma iLungu loMkhandlu oPhethe elifanele selinqume ukuthi isicelo semvume yezokuhlela kamasipala kumele silethwe kulona ngezinhloso zokuqapha nezokweseka njengoba kuhlongozwe kwisiGaba 105(2) soMthetho weziNhlelo woMasipala, uMbhalisi wezokuHlela aMasipala kumele alethe ikhophi yesicelo kuye –

- (a) uma sekunesiqiniseko sokuthi isicelo sigcwaliswe ngokuphelele; noma
- (b) uma isicelo sesithathwa njengesigcwaliswe ngokuphelele.

8. Isigaba esikhishiwe**Ukuxoxisana nomphakathi noma Ukukhishwa kwesaziso somphakathi**

9.(1) UMasipala kumele ukhiphe isaziso somphakathi sesicelo ezinsukwini ezingama-21 wazise umfakisicelo ukuthi isicelo sigcwaliswe ngokuphelele, uma kunjalo.

(2) UMasipala ungacela umfakisicelo ukuthi akhiphe isaziso sesicelo ngezindleko zakhe. Uma umfakisicelo evuma ukulandela inqubo yokukhipha isaziso somphakathi, kumele enze lokho ezinsukwini ezingama-90 aziswe uMasipala umazise ukuthi enze lokho.

(3) Isaziso kumele –

- (a) sihlonze umhlaba ofakelwe isicelo, bese kuthi uma lowo uyisiza –
 - (i) sibe nekheli lendawo isiza esikuyona, noma, uma isiza singenalo ikheli lendawo, sihlizweke ibalazwe laleyo ndawo isiza esikuyona; futhi
 - (ii) sinikize incazelo yesiza;
- (b) siveze inhloso yesicelo;
- (c) siveze ukuthi ikhophi yesicelo kanye namaphepha ahambisana naso siyovulwa ukuze sihlolwe amalungu omphakathi anentshisekelo ngamahora okusebenza nasendaweni ebalulwe kwisaziso;
- (d) simeme amalungu omphakathi ukuthi aqinisekise ukuthi izimvo ezibhaliwe zilethwa kumuntu obaluwe kwisaziso;
- (e) siveze ukuthi izimvo kumele zifakwe kanjani;
- (f) sibeke usuku okumele zifakwe ngalo; futhi
- (g) siveze ukuthi ukwehluleka komuntu ukeletha izimvo eziphendula isaziso, kuyamchitha lowo muntu ekubambeni iqhaza kulolu hlelo.

(4) Usuku olubekwe kwisaziso lokuletha izimvo angeke lube ngaphambi kwezinsuku ezingama-30 ngemuva kosuku isaziso esakhishwa ngalo.

(5) Umfakisicelo kumele ahlinzeke uMbhalisi wezezoKuHlela kaMasipala Kanye nobufakazi bokuthi isaziso sakhishwa sesicelo semvume kaMasipala yezokuHlela.

Isaziso esibekwa esizeni

10.(1) UMasipala kumele ukhangise isaziso esizeni ubukhulu baso okumele okungenani kube ngamasentimitha angama-60 aphindaphindwe ngamasentimitha angama-42 (ubukhulu bekhasi eliwu-A2 noma eliwu-A3) ngaphambili esizeni esifakelwe isicelo, noma kwenye indawo egqamile nokufinyeleleka kalula kuyo kulowo mhlaba othintekayo.

(2) UMasipala ungadinga ukuthi ukuthi umfakisicelo ukhangise isaziso ngaphambili esizeni esifakelwe isicelo ngezindleko zomfakisicelo.

(3) UMasipala ungadinga ubufakazi bokuthi leso saziso esikhangiswa ngaphambili esizeni sesiza esifakelwe isicelo kuze kuphele isikhathi sokuxoxisana nomphakathi.

Ukuthunyelwa kwesaziso esibhaliwe kubanikazi bomhlaba bakuleyo ndawo kanye nakwiziNhlaka zikaHulumeni

11.(1) UMasipala noma umfakisicelo kumele athumele isaziso kuzo zonke izinhlangothi ngokubona kwaMasipala ezingaba nentshisekelo ngalolo daba, kubandakakanya –

- (a) abanikazi bomhlaba njengoba kunqume uMasipala, noma uSihlalo womgwamanda ophethe omele abanikazi bomhlaba, noma usihlalo wenhlangano wabanikazi bemizi omele abanikazi bomhlaba;
- (b) ikhansela likamasipala lewadi isiza esikuyona, uma likhona; kanye
- (c) nezinhlaka zikahulumeni lolu daba oluyingxenywe yemisebenzi yazo.

(2) UMasipala ungadinga ukuthi umfakisicelo athumele isaziso kuzo zonke izinhlangothi ngokubona kwaMasipala ezingaba nentshisekelo ngalolo daba ngezindleko zomfakisicelo.

(3) Isaziso sanoma yimuphi umuntu osayinayo esikhalweni esihlanganyele noma isethulo seqoqo labantu, singanikezwa –

- (a) umuntu ogunyaziwe omele abasayinayo uma isikhalo noma isethulo esifakwe umuntu othi ugunyaziwe ukumela labo bantu; noma
- (b) umuntu igama lakhe elivela kuqala emaphepheni, uma kungekho muntu othi ugunyaziwe ukumela labo bantu.

(4) Isaziso esithunyelwa umuntu ohlongozwe kuleli phuzu sihlanganisa nesaziso esithunyelwa kubo bonke abantu ababalulwe esikhalweni esihlanganyele noma kwisethulo seqoqo labantu.

Ukukhishwa kwesaziso ephephandabeni

12.(1) UMasipala kumele ukhiphe isaziso somphakathi mayelana nesinyathelo esihlongozwayo ephephandabeni elilithatha njengephephandaba oshicilela kulo zonke izaziso zawo elihlongozwe kwisiGaba 21(1)(b) soMthetho weziNhlelo zoMasipala, ngosuku esontweni uMasipala olunqume njengosuku lwawo esontweni lokushicilela izaziso ngokwalo Mthetho, nangolimi olunqume njengolimi lwawo olusemthethweni ngokwesiGaba 21(2) soMthetho weziNhlelo zoMasipala.

(2) UMasipala ungadinga ukuthi umfakisicelo akhiphe isaziso mayelana nesinyathelo esihlongozwayo ephephandabeni lendawo ngezindleko zomfakisicelo.

Imihlangano yomphakathi

13.(1) UMasipala ungayalela umfakisicelo ukuthi abize umhlangano womphakathi ukwazisa umphakathi ngesicelo sokuthuthukiswa komhlaba.

(2) Umhlangano womphakathi uyobanjwa endaweni, ngokubona kwaMasipala, eseduze kuwo wonke amalungu omphakathi athintekayo nanentshisekelo.

(3) UMasipala ungayalela umfakisicelo ukuthi –

- (a) athumele isaziso somhlangano kwikhansela laleyo wadi;
- (b) azise umphakathi ngomhlangano ngokumemezela ngombhobho, ngokushicilela isaziso ephephandabeni, ngokuthumela izincwadi kubanikazi bomhlaba bakuleyo ndawo, nangenye indlela njengoba uMasipala unganquma;

- (c) athole umuntu ozimele ozolekelela ekwethuleni lolu daba;
- (d) ahlinzeke umhumushi;
- (e) agcine amaminithi omhlangano okuyiwonawona; kanye
- (f) nanoma iyiphi inhlinzeko njengoba uMasipala unganquma.

Ilungelo lomfakisicelo lokuphendula

14.(1) UMbhalisi wezokuHlela kaMasipala kumele athumele –

- (a) amakhophi azo zonke izimvo ezitholakele mayelana nesaziso sesicelo; kanye
- (b) nesaziso esazisa umfakisicelo ngamalungelo omfakisicelo okuphendula izimvo kanye nelungelo lokungaziphenduli,

kumfakisicelo ezinsukwini eziyi-14 ngemuva kosoku lokuvalwa kokulethwa kwezimvo.

(2) Umfakisicelo, ezinsukwini ezingama-30 kusukela ngosuku uMbhalisi wezokuHlela kaMasipala emthumele izimvo kanye nesaziso esihambisana nazo, angathumela impendulo ebhaliwe mayelana nezimvo kuMbhalisi wezokuHlela kaMasipala.

(3) Umfakisicelo ngokubhalwe phansi anganquma ukungalisebenzi ilungelo lakhe lokuphendula ngezimvo.

(4) Uma umfakisicelo ehluleka ukuletha impendulo mayelana nezimvo noma incwadi yokungalisebenzisi ilungelo lakhe lokuphendula ngezimvo kuMbhalisi wezokuHlela kaMasipala nangesikhathi esinqunyiwe, uMbhalisi wezokuHlela kaMasipala angaqhubeka nokucutshungulwa kanye nokuDluliselwa kwesicelo.

Ukucutshungulwa nokudluliselwa kwesicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

15. UMhleli oBhalisiwe kumele ahlole ukufaneleka kwesicelo njengoba kudingeka ngokwesiGaba 37 salo Mthetho kaMasipala. aphinde abhekise isicelo esiGungwini esibhekele ukukhiswa kwezimvume zezoKuhlela sikaMasipala ezinsukwini ezingama-30 zo:

- (a) suku lokuvalwa kokufaka imibono njengoba kushiwo esazisweni somphakathi, uma ingekho imibono noma iziphikiso ezilethiwe noma
- (b) ukutholwa kwempendulo ebhaliwe isuka kumfakisicelo njengoba kubekiwe kwiphuzu 14(2), noma ukutholwa kwencwadi kamfakisicelo ephakamisa ilungelo layo lokuphendula emibonweni njengoba kubekiwe kwiphuzu 14(3) lale sheduli; noma
- (c) ukutholwa kwanoma yiliphi iphepha elidingakalayo ngokombono kamasipala okumele lihambisane Kanye nesicelo semvume yezokuhlela kamasipala.

Ukuhlolwa kwendawo

16.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singahlola indawo uma isicelo sesidluliselwe kusona ukuze sithathe isinqumo.

(2) Uma kunesidingo sokuhlolwa kwendawo, uMbhalisi wezokuHlela kaMasipala kumele azise ngokubhlaliwe –

- (a) umfakisicelo; kanye
- (b) nanoma yimuphi omunye umuntu ohlonzwe uMphathisihlalo,

ngosuku nangesikhathi okuyohlolwa ngaso indawo.

(3) Ukuhlolwa kwendawo kumele kwenziwe ezinsukwini ezingama-60 kusukela ngosuku isicelo semvume yezokuhlela kamasipala kanye namaphepha ahambisana naso esadluliselwa ngalo kwiKomidi lezokuHlela likaMasipala.

(4) Abantu abazohlola indawo kumele bashiye umhlaba noma ibhilidi livikelekile kwabangangena ngokungemthetho njengoba belithole linjalo, uma umnikazi noma umuntu ohlala khona engekho.

(5) Umuntu ongene emhlabeni noma ongene ebhilidini ngenhloso yaleli phuzu, othole noma yiluphi ulwazi ngodaba oluphathelele nomunye umuntu noma nebhizinisi lakhe, kumele agcine lolo lwazi noma lolo daba luyimfihlo futhi akavumelekile ukuthi aludalule komunye umuntu.

Isikhathi uMsebenzi oGunyaziwe wezokuHlela kaMasipala noma iKomidi lezokuHlela likaMasipala okumele banqume ngaso ngesicelo

17. Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kunguMsebenzi oGunyaziwe kaMasipala noma kuyiKomidi lezokuHlela likaMasipala, kumele anqume noma linqume ngesicelo semvume yezokuhlela kamasipala –

(a) ezinsukwini ezingama-60 zosuku lokuvalwa kwezethulo, noma ukwamukelwa kwezimpendulo zeziphikiso ezilethiwe, noma ukwamukelwa kwanoma yiluphi iphepha elidingakalayo ngokombonu kamasipala kumele lilethwe Kanye nesicelo semvume kamasipala yezokuhlela

uma uMsebenzi oGunyaziwe wezokuHlela kaMasipala noma iKomidi lezokuHlela likaMasipala lingazange liyihlole indawo noma lingazange libe nezithangami zomphakathi;

(b) ezinsukwini ezingama-30 ngemuva kosuku izakhiwo ezihlolwe ngalo noma izithangami zomphakathi ezibanjwa ngalo, noma ngabe yikuphi okwenzeka kamuva, uma uMsebenzi oGunyaziwe wezokuHlela kaMasipala noma weKomidi lezokuHlela likaMasipala liyihlole indawo noma lizibambile izithangami zomphakathi; noma

(c) lesi sikhathi esengeziwe okuvunyelenwe ngaso nomfakisicelo, lesi sikhathi esingeke seqe ezinsukwini eziyi-180 ngemuva

(i) kosuku lokuvalwa kwezethulo, noma ukwamukelwa kwezimpendulo zeziphikiso ezilethiwe; uma umsebenzi ogunyaziwe wezezokuhlela kamasipala noma isigungu esibhekwele ukukhishwa kwezimvume zokuhlela singahambanga ukuyohlola isiza noma sense isethulo emphakathini noma;

(ii) ukugqwa kokuhlolwa kwesiza noma isethulo emphakathini.

Izincomo zeKomidi lezokuHlela likaMasipala ngesicelo okumele uMkhandlu kaMasipala unqume ngaso

18. Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kuwuMkhandlu kaMasipala, iKomidi lezokuHlela likaMasipala kumele lenze izincomo ngesicelo semvume yezokuhlela kamasipala iziqondise eMkhandlwini kaMasipala –

(a) ezinsukwini ezingama-60 kusukela ngosuku isicelo namaphepha esihambisana nawo esadluliselwa ngalo kuSihlalo weKomidi lezokuHlela likaMasipala, uma iKomidi lezokuHlela likamasipala lingayihlola indawo noma lingazibambanga izithangami zomphakathi;

(b) ezinsukwini ezingama-30 kusukela ngosuku indawo eyahlolwa ngalo noma izithangami ezabanjwa ngalo, noma ngabe yikuphi okwenzeka kamuva, uma iKomidi lezokuHlela likaMasipala layihlola indawo noma lazibamba izithangami zomphakathi;

(c) lesi sikhathi esengeziwe okuvunyelenwe ngaso nomfakisicelo, lesi sikhathi esingeke seqe ezinsukwini eziyi-180 ngemuva kosuku isicelo namaphepha ahambisana naso esadluliselwa ngalo kuSihlalo weKomidi lezokuHlela likaMasipala.

Ukudluliselwa kwesicelo uMkhandlu kaMasipala okumele unqume ngaso

19.(1) Uma ethola izincomo zeKomidi lezokuHlela likaMasipala, uMbhalisi wezokuHlela kaMasipala kumele adlulisele isicelo semvume yezokuhlela kamasipala eMkhandlwini kaMasipala.

(2) Isicelo semvume yezokuhlela kamasipala esidluliselwe eMkhandlwini kaMasipala kumele sihambisane –

- (a) nezimvo ezifingqiwe ezitholakale njengezimpendulo zenqubo yokuxoxisana nomphakathi;
- (b) nempendulo yomfakisicelo mayelana nezimvo, uma ikhona;
- (c) nombiko weKomidi lezokuHlela likaMasipala mayelana nesicelo;
- (d) nezincomo zeKomidi lezokuHlela likaMasipala mayelana nesicelo; kanye
- (e) nesinqumo seKomidi lezokuHlela likaMasipala mayelana nanoma yisiphi isicelo semvume yezokuhlela kamasipala esiphathelene nokuthuthukiswa okufanayo elanquma ngakho.

Isikhathi uMkhandlu kaMasipala okumele unqume ngaso ngesicelo

20. UMkhandlu kaMasipala kumele unqume ngesicelo semvume kamasipala –

- (a) ezinsukwini ezingama-90 ngemuva kokuthi uthole amaphepha ahlongozwe ephuzwini 19; noma
- (b) leso sikhathi esengeziwe ovumelene ngaso nomfakisicelo, leso sikhathi okungamele seqe ezinsukwini eziyi-180 ngemuva kosuku isicelo namaphepha ahambisana naso esadlulisewa ngalo eMkhandlwini kaMasipala.

Irekhodi lesinqumo

21.(1) Umbhalisi wezezokuHlela kaMasipalalokumele, ngemuva kwezinsuku ezingama-30 ngemuva kokuthatha isinqumo esiphathelene nesicelo sezokuhlela, uthumele isaziso sesinqumo kumfakisicelo kanye nabo bonke abantu abalethe izimvo.

(2) Isaziso esiqondiswe kunoma ubani osayina isikhalo esihlanganyele noma isethulo seqoqo labantu, singanikezwa –

- (a) umuntu ogunyaziwe omele abasayinayo uma isikhalo noma isethulo silethwa umuntu othi ungunya lokumela labo bantu; noma
- (b) umuntu igama lakhe elivela kuqala emaphepheni, uma engekho umuntu othi ugunyaziwe ukumela abantu abasayinayo.

(3) Isaziso esiqondiswe kumuntu osayina isikhalo esihlanganyele noma isethulo seqoqo labantu esihlongozwe kwiPhuzwana (2) sihlanganisa nesaziso esiqondiswe kuwo wonke umuntu obalulwe esikhaweni esihlanganyele noma kwisethulo seqoqo labantu.

(4) Uma umhlaba womuntu othe izimvo mayelana nesicelo udluliselwa kumnikazi omusha, izimvo kuthathwa ngokuthi zilethwe umnikazi omusha.

(5) Umbhalisi wezezokuHlela kaMasipala kumele, ezinsukwini eziyi-14 ucelwe umfakisicelo nanoma yimuphi omunye umuntu othunyelwe isaziso, uhlinzeke umfakisicelo noma lowo muntu –

- (a) ngekhophi yesinqumo sikaMasipala kanye nezizathu zesinqumo esithathiwe; futhi
- (b) uma umfakisicelo ethole imvume enemibandela ethile, ngekhophi yayo yonke imibandela ebekwe uMasipala, kanye nezizathu zokubekwa kwaleyo mibandela.

Ukuhoxiswa kwemvume yezokuhlela ebe ivele ikhona kaMasipala

22.(1) Umfakisicelo engafaka isicelo kuMbhalisi wezokuHlela kaMasipala sokuhoxisa imvume yezokuHlela

(2) uMbhalisi wezezokuHlela kaMasipala kumele azise umfakisicelo nganoma yiyiphi inqubo okumele ilandelwe kuqala ukuze kuhoxiswe imvume yezezokuHlela, uma ikhona.

(3) Umfakisicelo kumele athumele amaphepha afanele akhokhe nezindleko ezifanele njengoba zidingwa uMasipala.

(4) Umbhalisi wezezokuHlela kaMasipala kumele aqinisekise isihoxiso ngokubhala, aphinde avuselele iregista yezicelo

ISHEDULI 5**INGXENYE B****INQUBO YOKUFAKA ISICELO SEMVUME YEZOKUHFLELA KAMASIPALA YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZITHATHWA NJENGEZINDAWO ZASEMAKHAYA NJENGOBA KUNQUNYWE YISIGABA 35 SALO MTHETHO KAMASIPALA****Asidingeki isicelo**

1. Ayikho imvume yezokuhlela kamasipala eyodingeka uma kuzokwakhiwa umuzi okuzohlalwa kuwona endaweni yasemakhaya ngokwalo Mthetho kaMasipala.
2. Noma yikuphi ukuthuthukiswa komhlaba noma ukusetshenziswa komhlaba okungekona okwezinhloso zokwakha umuzi okuzohlalwa kuwona kuyodinga imvume yezokuhlela kamasipala.

Ukufakwa kwesicelo

3.(1) Isicelo semvume yezokuhlela kamasipala sokuthuthukiswa komhlaba ezindaweni ezithathwa njengezindawo zasemakhaya kumele zibandakanye –

- (a) igama kanye neminingwane yezokuxhumana yomfakisicelo;
- (b) isibongo somuzi umfakisicelo awumele;
- (c) igama lomphakathi ongaphansi koMkhandlu woMdabu;
- (d) igama leNkosi yaleso sizwe esingaphansi komkhandlu womdabu kanye negama leNduna yaleso siGodi, noma igama lohloka olunegunya lalowo mhlaba, uma likhona;
- (e) incwadi eyeseka isicelo, esayinwe uMkhandlu woMdabu noma uhlaka olunegunya lalowo mhlaba neyanoma yibaphi abaholi bomdabu;
- (f) ibalazwe laleyondawo, izinkomba ze-GPS noma umdwebo wokuklanya komhlaba;
- (g) amaphuzu aseka ukuthuthukiswa komhlaba okuhlongozwayo;
- (h) izithombe ezikhombisa isiza;
- (i) Incwadi esekela isicelo esayinwe yiNgonyama Trust Board;
- (j) ipulani yokuthuthukiswa kwesiza kanye;
- (k) nanoma yimaphi amanye amaphepha noma iminingwane uMasipala ongayidinga.

(2) Isicelo semvume yezokuhlela kamasipala yokuthuthukiswa komhlaba endaweni yasemakhaya woMdabu kumele sifakwe –

- (a) kuMbhalisi wezokuHlela kaMasipala;
- (b) komunye umuntu oqokwe uMphathi kaMasipala ukuthi amukele izicelo zemvume yezokuhlela kamasipala zokuthuthukiswa komhlaba noma zokusetshenziswa komhlaba ezindaweni ezithathwa njengezindawo zasemakhaya.

Ukuqinisekisa ukuthi umhlaba uyatholakala yini nokuthi isicelo sigwaliswe ngokuphelele

4.(1) Umbhalisi wezokuHlela kaMasipala kumele, ezinsukiwini ezingama-30 ethole isicelo, noma lesi sikhathi esengeziwe okuvunyelwene ngaso nomfakisicelo, acubungule iminingwane elethwe ngokwephuzu (3)(1) ngenhla ukunquma ukuthi isicelo siphelele.

(2) Uma iminingwane iphelele, uMasipala kumele –

- (a) uqinisekise ukuthi umhlaba uyingxenye yendawo ethathwa njengeyasemakhaya; futhi
- (b) uqhathanise isicelo namarekhodi kaMasipala –
 - (i) ezinye izicelo kanye nezimvume zemvume yezokuhlela kamasipala endaweni efanayo; kanye

(ii) nomhlaba obekelwe imisebenzi yobunjiniyela noma yezakhiwo zomphakathi endaweni, ukunquma ukuthi umhlaba okuhlongozwa ukuthi usetshenziswe noma uthuthukiswe ukhona yini.

(3) Uma uMasipala usutholile ukuthi umhlaba ofakelwe isicelo semvume yezokuhlela kamasipala ungatholakali ngezizathu ezehlukahlukene, uMasipala uyokwazisa umfakisisicelo ngokubhalwe phansi ezinsukwini ezingama-30 uthole lokho, wazise umfakisisicelo ukuthi –

- (a) ahoxise isicelo; noma
- (b) achibiyele isicelo ngokubonisana noMkhandlu woMdabu othintekayo noma nohlaka olunegunya kulowo mhlaba kanye nabantu abanetshisekelo noma abathintekayo.

(4) UMasipala uyonika umfakisisicelo izinsuku ezingama-30 kusukela ngosuku okhiphe ngalo isaziso sokungatholakali kwesiza ukuthi ahoxise noma achibiyele isicelo.

(5) Uma umfakisisicelo ehluleka ukuphendula isaziso sikaMasipala ngokubhalwe phansi njengoba kuhlinzekwe kwiPhuzwana (3) ngenhla, ekupheleni kwesikhathi esiyizinsuku ezingama-30, isicelo kuyothathwa ngokuthi sihoxisiwe.

(6) Uma isicelo siphelile, kungekho eminye imininingwane edingekayo, uMbhalisi wezokuHlela kaMasipala kumele acacise ezinsukwini eziyi-14 ukuthi kwenzekani ngesicelo, mayelana nokuthi iyiphi inqubo yokuxoxisana nomphakathi ezodingeka.

(7) uMbhalisi wezokuHlela kaMasipala ungangadingi ukuthi kulandelwe inqubo yokuxoxisana nomphakathi njengoba kuhlinzekwe kulo Mthetho kaMasipala kwezinye izicelo.

Ukukhishwa kwemvume yezokuhlela kamasipala

5.(1) Uma –

- (a) isicelo siphelile;
- (b) umhlaba uyingxenywe yendawo ethathwa njengeyasemakhaya;
- (c) kungekho omunye umuntu othi umhlaba owakhe;
- (d) umhlaba ungangidingelwa imisebenzi yobunjiniyela noma nezakhiwo zomphakathi;
- (e) umhlaba ungabukeki njengokungaqhuma kuwo amanzi noma njengohlaselwa ezinye izimo ezingadala ukuthi ungaphephi ukuthi uhlale abantu;
- (f) umhlaba ungakahlonzwa uNgqongqoshe obhekele ezoLimo njengomhlaba onothile odingekayo ukuthi usetshenziselwe ezolimo ukukhiqiza ukudla okungasiza kuzwelonke;
- (g) umhlaba ungewona umhlaba odinga ukuvikelwa ngokukhethekile;
- (h) isicelo singaphikisani nezinhlinzeko zohlelo lokusetshenziswa komhlaba;
- (i) Ingonyama Trust Board nanoma yiluphi olunye uhlaka olunegunya lalowo mhlaba lungaphikisani nokuthuthukiswa noma nokusetshenziswa kwalowo mhlaba; futhi
- (j) uhlelo lokuxoxisana nomphakathi oludingekayo eseluphuthulile nobufakazi balokho sebulethiwe kuMasipala,

uMhleli oBhalisiwe kumele acubungule isicelo asidlulisele kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ukuze sisicubungule futhi sikhuphe imvume ngokwalo Mthetho kaMasipala.

(2) UMbhalisi wezokuHlela kaMasipala kumele arekhode yonke imiqingo yesicelo.

(3) Uma isicelo singagcwalisiwe ngokuphelele, isiza singatholakali noma sisemhlabeni ohlongozwe kwiPhuzwana (1), isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singasingqaba isicelo.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singakhipha noma siqabe ukukhipha izimvume zezokuhlela zikamasipala zokuthuthukiswa komhlaba ezindaweni ezithathwa njengezindawo zasemakhaya kuncike kunoma yimiphi imibandela.

(5) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singakhipha imvume yezokuhlela kamasipala yokuthuthukiswa komhlaba endaweni ethathwa njengendawo yasemakhaya kuncike kulowo mbandela wemvume obekelwe umfakisicelo noma umhlaba ofakelwe isicelo.

Irekhodi lesinqumo

6. (1) UMBhalisi wezokuHlela kaMasipala kumele, ezinsukwini ezingama-30 ngemuva kokuthathwa kwesinqumo esiphathelene nesicelo sezokuhlela, uthumele umfakisicelo isinqumo mayelana nesicelo, uMkhandlu woMdabu othintekayo noma izinhlaka ezengamele ubunikazi bezindawo zasemakhaya ezithintekayo lapho umhlaba ofakelwe isicelo sokuthuthukiswa ukhona kanye nawo wonke umuntu othe umbono obhalwe phansi.

(2) Umfakisicelo kumele amukele imibandela yemvume ngokubhala

Ukudluliselwa kwemvume yezokuhlela kamasipala

7.(1) Imvume yezokuhlela kamasipala yokuthuthukiswa komhlaba yendawo ethathwa njengendawo yasemakhaya ingadluliselwa kodwa lokho kudluliselwa kumele kugunyazwe uMasipala ngemuva kokubonisana noMkhandlu woMdabu noma nohlaka olungunya lalowo mhlaba.

(2) Noma yikuphi ukudluliselwa kwemvume yezokuhlela kamasipala yokuthuthukiswa komhlaba endaweni ethathwa njengendawo yasemakhaya angeke kusebenze kuze kube kugunyazwa uMasipala ngemuva kokubonisana noMkhandlu woMdabu noma izinhlaka ezengamele ubunikazi bezindawo zasemakhaya lapho umhlaba ukhona.

Ukuhoxiswa kwegunya likamasipala elokhona

8.(1) Umfakisicelo engasifaka isicelo kuMBhalisi wezokuHlela kaMasipala sokuhoxisa imvume ekhona yokuhlela.

(2) Umfakisicelo kumele athumele noma yiyiphi imiqulu noma amaphepha amayelana nesicelo aphinde akhokhe noma yiziphi izindleko ezimbandakaya isicelo njengokucela kukaMasipala

(3) UMBhalisi wezokuHlela kaMasipala kumele aqinisekise isihixiso ngokubhala aphinde avuselele irejista yezicelo ngokufanele

ISHEDULI 6

INQUBO YOKUFAKA ISICELO SOKUDLULISELWA KWESIKHALO NGESINQUMO SESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA ENQUNYWE NGOKWESIGABA 65 SALO MTHETHO KAMASIPALA

INGxENYE 1: Ukufakwa kwesikhalo esibhaliwe

Ukufakwa kwesikhalo esibhaliwe nesikuqukethe

1.(1) Umuntu ongagculisekile ngesinqumo esithathwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala angakhalaza ngaleso sinqumo ngokufaka isikhalo esibhaliwe ezinsukwini ezingama-21 azisiwe ngesinqumo.

(2) Umuntu ongangagculiseka ngesinqumo uchazwe kwisiGaba 51(4) kuya ku (5) se-SPLUMA.

(3) Umuntu ofaka isikhalo kumele athumele isikhalo esibhaliwe kuMphathi kaMasipala, kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo nakunoma yiluphi uhlangothi oluthintwa yisikhalo.

(4) UMphathi kaMasipala noma uMbhalisi wesiGungu sokuDluliselwa kweziKhalo anganquma ukuthi asikho semthethweni uma singafakwanga ngesikhathi esihlongozwe kwiPhuzwana 1(1) kanye/noma nabantu abahlonzwe kwiPhuzwana 1(3) lale Sheduli.

(5) UMBhalisi wesiGungu sokuDluliselwa kweziKhalo kumele asho ukuthi usitholile isikhalo esliethwe ngokubhalwe phansi ezinsukwini eziyi-7 sitholakele.

(6) Umuntu amalungelo akhe ahlukumezekile, ngokuhambisaba nePhuzwana 3(1) lale Sheduli, angafaka isicelo kuMphathi kaMasipala ezinsukwini ezingama-21 okuvunyelwe ngazo ukufaka isikhalo, sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe.

Okuqukethwe esikhalweni esibhaliwe

2.(1) Isikhalo esibhaliwe kumele –

- (a) sibe neminingwane yomuntu ofaka isikhalo, kubandakanya igama, inombolo yocingo kanye nekheli le-imeyli;
- (b) sihlizweke ubufakazi obudingekayo bokuthi angathathwa njengomuntu amalungelo akhe ahlukumezekile, nokuthi uwumuntu onentshisekelo yokuhlomula ngokwezezimali noma ongunya lobunikazi ohlukumezekile noma akwazi ukukhombisa ukuthi uhlukumezekile noma uzohlukunyezwa yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala njengoba kubekwe kwisiGaba 51(4) kuya ku (5) se-SPLUMA;
- (c) sihlizweke amaphuzu asemqoka odaba;
- (d) sibeke izizathu zesikhalo bese sibeka nokumele kwenziwe;
- (e) siveze noma yiziphi izinkinga umuntu ofaka isikhalo afuna isiGungu sokuDluliselwa kweziKhalo sizibheke uma sithatha isinqumo; futhi
- (f) sikhombise ukuthi ngabe umuntu ofaka isikhalo uncamela ukuthi isikhalo sinqunywe ngenqubo yokuxoxisana noma yokubhala.

(2) isiGungu sokuDluliselwa kweziKhalo singanquma ukuthi isikhalo asikho semthethweni uma singakhulumi ngezindaba ezibalulwe kwiPhuzwana 2(1)(a) kuya ku (e) lale Sheduli.

INgxenye 2: Isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso esibhaliwe sesikhalo

Isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso esibhaliwe sesikhalo

3.(1) Umfakisisicelo noma umuntu onelungelo lokufaka isikhalo noma umuntu onelungelo lokufaka isiphikiso esibhaliwe, ezinsukwini ezingama-21 okuvumeleke ngazo ukufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe, angafaka isicelo kuMphathi kaMasipala kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe.

(2) Isicelo okukhulunywe ngaso kwiPhuzwana 3(1) kumele silethwe kuMphathi kaMasipala noma kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

(3) Isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe kumele sibe yincwadi efungelwe, sibeke izizathu ezizwakalayo zokuthi kungani leso sicelo kumele samukelwe.

(4) Isicelo sokwelulwa kokufakwa kwesikhalo kumele sithunyelwe kulezi zinhlangothi ezifanele ezilandelayo:

- (a) kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
- (b) kumfakisisicelo, uma umuntu ofaka isicelo sokwelulwa kwesikhathi kungeyena umfakisisicelo; kanye
- (c) nanoma yimuphi umuntu obeke uvo mayelana nesicelo sokuthuthukiswa komhlaba ngesikhathi kucutshungulwa isicelo.

(5) Isicelo sokwelulwa kwesikhathi sokufaka isiphikiso sesikhalo kumele sithunyelwe kuzo zonke izinhlangothi ezifanele.

(6) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele asho ukuthi usitholile isicelo ezinsukwini eziyi-7 esitholile.

Ukuphikiswa kokufakwa kwesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe

4.(1) Isiphikiso sohlangothi olufanele sesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe kumele sibe yincwadi efungelwe, sibeke izizathu ezizwakalayo zokuthi kungani leso sicelo kungamele samukelwe.

(2) Umuntu ohlose ukuphikisa isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe kumele athumele incwadi efungelwe ephikisa isicelo ezinsukwini eziyi-7 ngemuva kokuthi kuthunyelwe isicelo kuzo zonke izinhlangothi ezithintekayo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyosho ukuthi uyitholile incwadi efungelwe ephikisayo ezinsukwini eziyi-7.

Isinqumo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe

5.(1) UMBhalisi wesiGungu sokuDluliselwa kweziKhalo uyodlulisela isikhalo okukhulunywe ngaso kwiPhuzwana 3(1) kanye nencwadi efungelwe ephikisa isicelo okukhulunywe ngaso kwiPhuzwana 4(1) kuMphathisihlalo ezinsukwini eziyi-7 kutholakele incwadi efungelwe ephikisa isicelo.

(2) UMphathisihlalo kumele –

(a) anqume ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe ezinsukwini eziyi-14 kuthunyelwe ikhophi yencwadi efungelwe ephikisa isicelo; futhi

(b) uma isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe samukelwe, abuyekeze futhi alungise imikhawulo yesikhathi ephathelene nokufakwa kwememorandamu kanye nokudingidwa kwesikhalo yisiGungu sokuDluliselwa kweziKhalo. Lokho kulungiswa kuyohambisana noMthethonqubo 30(2), obeka ukuthi inqubo yokwenziwa ngaphambi kokulalewa kwesikhalo kumele iqedwe ezinsukwini eziyi-150 kusukela ngosuku uMphathi kaMasipala athole ngalo isaziso sesikhalo.

(3) UMphathisihlalo kumele abheke lokhu okulandelayo, njengoba kungaba nesidingo, uma enquma ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe

–

(a) imininingwane kanye nezizathu okuqukethwe kwisicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;

(b) imininingwane kanye nezizathu okuqukethwe encwadini efungelwe yesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;

(c) izizathu kanye namaphuzu kokufakwa kwesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;

(d) ukubandlululwa okungaba khona kwanoma yiluphi uhlangothi oluthintekayo kuleso sikhalo;

(e) isikhathi esesiphelile kusukela ngosuku okwakhishwa ngalo isinqumo sikaMasipala; kanye

(f) nokuthi isiGungu sokuDluliselwa kweziKhalo sikaMasipala sisazokwazi yini ukulandela uMthethonqubo 30(2), obeka ukuthi inqubo yokwenziwa ngaphambi kokulalewa kwesikhalo kumele iqedwe ezinsukwini eziyi-150 kusukela ngosuku uMphathi kaMasipala athole ngalo isaziso sesikhalo.

Isaziso sesinqumo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe

6. UMBhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ezinsukwini eziyi-7 ngemuva kokuthola isinqumo esithathwe uMphathisihlalo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe, athumele isaziso esibhaliwe sesinqumo kuzo zonke izinhlangothi ezinentsghisekelo kanye nabantu abathintekayo esikhalweni.

7. Isigaba esikhishiwe

INgxenye 4: Inqubo yokwenziwa ngaphambi kokudingidwa kwesikhalo

Inqubo yokwenziwa ngaphambi kokudingidwa kwesikhalo

8.(1) Ngokuhambisana noMthethonqubo 30(2), inqubo yokwenziwa ngaphambi kokudingidwa kwesikhalo kumele iqedwe ezinsukwini eziyi-150 kusukela ngosuku uMphathi kaMasipala athole ngalo isaziso sesikhalo.

(2) Ngokuhambisana noMthethonqubo 30(3), inqubo yokwenziwa ngaphambi kokudingidwa kwesikhalo yinqubo lapho wonke amaphepha adingekayo kumele atholakale, umfakisicelo nabantu abafake iziphikiso kumele baziswe ngesikhalo nokuthi isikhalo sidluliselwe kwisiGungu sokuDluliselwa kweziKhalo, kanti le nqubo ibekwe yacaca kumPhuzwana 9 kuya ku 18.

Ukufaka isiphikiso esibhaliwe sesikhalo

9.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ezinsukwini eziyi-7 ethole isikhalo esibhaliwe njengoba kuhlongozwe kwiPhuzwana 1(1) lale Sheduli, athumele isaziso sesikhalo esitholakele kunoma yimuphi umuntu amalungelo akhe ahlukumezekile ngokuhambisana nesiGaba 51(4) se-SPLUMA.

(2) Umuntu othunyelwe isikhalo esibhaliwe, angafaka isiphikiso esibhaliwe sesikhalo.

(3) Isiphikiso esibhaliwe sesikhalo kumele –

- (a) sibandakanye imininingwane yokuxhumana yomuntu ophikisa isikhalo, kubandakanya igama, inombolo yocingo kanye nekheli le-imeyli;
- (b) sihlizwe ubufakazi obudingekayo bokuthi angathathwa njengomuntu amalungelo akhe ahlukumezekile, nokuthi uwumuntu onentshisekelo yokuhlomula ngokwezemali noma onegunya lobunikazi ohlukumezekile noma akwazi ukukhombisa ukuthi uhlukumezekile noma uzohlukunyezwa yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala njengoba kubekwe kwisiGaba 51(4) kuya ku (5) se-SPLUMA;
- (c) siveze ukuthi isikhalo siphikisiwe noma cha, uma siphikisiwe, siveze izizathu zokuphikiswa;
- (d) siveze noma yiziphi izinkinga umuntu ofaka isikhalo afuna isiGungu sokuDluliselwa kweziKhalo sizibheke uma sithatha isinqumo; futhi
- (e) sikhombise ukuthi ngabe umuntu ofaka isikhalo uncamela ukuthi isikhalo sinqunywe ngenqubo yokuxoxisana noma yokubhala.

(4) Umuntu ofuna ukufaka isiphikiso esibhaliwe sesikhalo kumele, ezinsukwini ezingama-21 ngemuva kokuthi isikhalo esibhaliwe sithunyelwe kulowo muntu, athumele isiphikiso esibhaliwe sesikhalo –

- (a) kuMbhalisi wesiGungu sezokuHlela sokuDluliselwa kweziKhalo;
- (b) umuntu odlulisele isikhalo njengoba kuhlongozwe kwiPhuzwana 1(1) lale Sheduli.

(5) Uma isiphikiso esibhaliwe sesikhalo singafikanga ngesikhathi esihlongozwe kwiPhuzwana 9(4), uMphathi kaMasipala noma uMbhalisi wesiGungu sokuDluliselwa kweziKhalo anganquma ukuthi isiphikiso esibhaliwe sesikhalo asikho semthethweni futhi angeke sicutshungulwe.

(6) Umuntu ofuna ukufaka isiphikiso esibhaliwe sesikhalo, ngokuhambisana nePhuzwana 3(1) lale Sheduli, angafaka isicelo kuMphathisihlalo ezinsukwini ezingama-21 okuvumeleke ngazo ukuthi kufakwe isiphikiso esibhalwe esesikhalo, sokwelulwa kwesikhathi sokufaka isiphikiso esibhaliwe sesikhalo.

Isinqumo sokuthi ngabe kudingeka eminye imininingwane noma amanye amakhono

10.(1) Uma ethola isiphikiso esibhaliwe sesikhalo njengoba kuhlongozwe kwiPhuzwana 9(4), uMbhalisi wesiGungu kumele ezinsukwini ezingama-30 athumele imininingwane efanele yesikhalo kuMphathisihlalo, bese enza izincomo eziphatelene nodaba oluchazwe kwiPhuzwana 10(2).

(2) UMsebenzi oWengamele kumele acubungule imininingwane, bese kuthi ezinsukwini eziyi-14 azise isiGungu sokuDluliselwa kweziKhalo –

- (a) ukuthi ngabe kuzodingeka ukuthi izingxoxo zibhalwe noma zenziwe ngomlomo;
- (b) ukuthi ngabe kuzodingeka eminye imininingwane ukuze isiGungu sokuDluliselwa kweziKhalo sicubungule udaba nokuthi ngabe kuzoba nesidingo sokuthi aphoqwe ukuthi alethe leyo mininingwane;
- (c) ukuthi ngabe kuzobizwa noma yibaphi ofakazi;
- (d) ukuthi ngabe isigungu sokuDluliselwa kwezikhalo sizodinga usizo lomeluleki wezobuchwepheshe;
- (e) ukuthi ngabe indawo kumele ihlolwe;
- (f) nangezinsuku ezihlongoziwe zokuhlolwa kwezakhiwo noma zokudingidwa kwesikhalo.

Ukudluliselwa ukuhlolwa

11.(1) Uma ethola impendulo evela kuMphathisihlalo njengoba kuhlongozwe kwiPhuzwana 10(2), noma ethola imibhalo efunwe uMphathisihlalo njengoba kuhlongozwe kwiPhuzwana 16(1), uMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ezinsukwini ezingama-30 adlulisele isicelo kanye nesikhalo kumuntu oqokiwe ozimele njengoba kuhlongozwe kwisiGaba 70 salo Mthetho kaMasipala.

(2) Umuntu oqokiwe ozimele ezinsukwini eziyi-14 uyohlinzeka uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngamaphuzu okuhlolwa kwesikhalo bese enza izincomo mayelana nalokho kwisiGungu sokuDluliselwa kweziKhalo.

Ukuhlanganiswa kwamaphepha kuyadingeka ukuze kunqunywe ngesikhalo

12.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ahlanganise wonke amamemorandamu kanye nanoma yimaphi amanye amaphepha atholakale ohlangothini oluyingxenywe yokudingidwa kwesikhalo noma olucelwe uMphathisihlalo.

(2) Amaphepha esikhalo ayobandakanya –

- (a) isicelo sokuthuthukiswa komhlaba esilethwe kuMasipala;
- (b) ubufakazi bokulandelwa kwenqubo yokuxoxisana nomphakathi kanye nazo zonke izimvo neziphikiso ezitholakele;
- (c) noma yimuphi umbiko kanye namaphuzu eseka isikhalo;
- (d) isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala kanye nemibandela yemvume;
- (e) ubufakazi zonke izinhlangothi ezithintwa yisicelo sokuthuthukiswa komhlaba zaziswa ngesinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala nangelungelo labo lokufaka isikhalo ngesinqumo;
- (f) ukuthi imemorandamu yesikhalo itholakele;
- (g) ukuthi isiphikiso esibhaliwe sesikhalo sitholakele (uma sikhona);
- (h) noma yisiphi isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso esibhaliwe sesikhalo kanye nesinqumo esimayelana nalokho;
- (i) noma yisiphi isicelo segunya lokungenelela (uma sikhona);
- (j) umbhalo ofingqiwe wenqubo elandeliwe nokuthi ngabe izikhathi ezibekwe ngokomthetho zigciniwe; kanye
- (k) nanoma yimiphi imininingwane uMbhalisi wesiGungu sokuDluliselwa kweziKhalo angayibona ifanele.

Ukunqunya kwenzinsuku

12A. (1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele azise zonke izihlangano abhale usuku nesikhathi nendawo yesethulo esihlongoziwe nokuhlolwa kwesiza, uma kufanele, aphinde

acele kuthunyelwe onke amaphepha izihlangano ezingase ziwadinge esethulweni sesikhalazo okungenani ezinsukwini ezingama-21 ngaphambi kokuqala kokudingidwa kwesikhalo kubandakanya:

- (a) neminingwane yomuntu ozobakhulumela, uma kufanele, kuhambisane nokuthi uthinteka kanjani yena kanye neminingwane yakhe yokuxhumana kanye
- (b) nohlu lochwepheshe uhlangothi oluyothembela kubona ukuthi bethule ubufakazi bezobuchwepheshe uma isikhalo sidingidwa ngomlomo kanye nokukhombisa ukuthi bawochwepheshe kumiphi imikhakha uma kukhona.

(2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele avulele yonke imiqulu ukutholwa yizo zonke izinhlanga okungenani ezinsukwini eziyi-14 ngaphambi kokudingidwa kwesikhalo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo engayifaka imiqulu kwi Website kaMaspala okungenani ezinsukwini eziyi-14 ngaphambi kokudingidwa kwesikhalo

Ukuhlehliswa kokuhlolwa kwendawo noma kokudingidwa kwesikhalo

13.(1) Noma yiluphi uhlangothi oluthintwa yisikhalo lungacela ngokubhalwe phansi uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ukuthi kuhlehliswe ukuhlolwa kwendawo noma ukudingidwa kwesikhalo okungenani ezinsukwini eziyi-10 sokusebenza ngaphambi kokuhlolwa kwendawo noma kokudingidwa kwesikhalo.

(2) Isicelo sokuhlehliswa kokuhlolwa kwendawo noma sokudingidwa kwesikhalo kumele sibe yincwadi efungelwe, equkethe izizathu ezizwakalayo zokuthi kungani kufakwe isikhalo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ngemuva kosuku olulodwa lokusebenza ethole isicelo sokuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwendawo, azise zonke izinhlangothi ezithintwa yisikhalo ngesicelo bese ecela izethulo eziphathelene nesicelo, uma siphikiswa.

(4) Noma yiluphi uhlangothi oluthintwa yisikhalo lungaphikisa isicelo sokuhlehliswa kokuhlolwa kwendawo noma kokudingidwa kwesikhalo. Isitatimende esiphikisayo kumele silethwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ezinsukwini ezintathu zokusebenza kutholakale isicelo sokuhlehliswa kokuhlolwa kwendawo noma sokudingidwa kwesikhalo.

(5) Isiphikiso sesikhalo sokuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwendawo kumele sibe yincwadi efungelwe, equkethe izizathu ezizwakalayo zokuthi kungani isicelo siphikiswa.

(6) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ngemuva kosuku olulodwa lokusebenza ethole izethulo eziphathelene nesicelo sokuhlehliswa kokudingidwa kwesikhalo noma kokuhlolwa kwendawo, alethe isicelo nezethulo kuMphathisihlalo ukuze athathe isinqumo.

(7) UMphathisihlalo anganqaba lokho kuhlehliswa noma avume lokho kuhlehliswa uma kunezizathu ezizwakalayo futhi kumele azise izinhlangothi ezithintekayo ngesinqumo sakhe ezinsukwini ezintathu eceliwe.

(8) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ukhiphe isaziso sesinqumo soMphathisihlalo sokunqaba noma sokuvuma ukuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwezakhiwo ezinsukwini ezinhlanu (5) kuthathwe isinqumo.

Ukuhoxiswa kwesikhalo ngenxa yokulibala okungasidingo komuntu odlulisele isikhalo

- 14.(1) uMphathisihlalo ngokubhalwe phansi angahoxisa isikhalo, uma egculisekile ukuthi –
- uMbhalisi wesiGungu sokuDluliselwa kweziKhalo usezame okungenani kathathu ukunquma usuku, isikhathi kanye nendawo yokudingidwa kwesikhalo;
 - umuntu odlulisele isikhalo uxwayisiwe ngokuthi uma ehluleka ukuvumelana nosuku, nesikhathi nendawo yokudingidwa kwesikhalo kungaholela ekutheni isikhalo sihoxiswe; futhi
 - umuntu odlulisele isikhalo ube nesikhathi esanele sokuvumelana nosuku, nesikhathi nendawo yokudingidwa kwesikhalo.
- (2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele athumele isaziso ngesinqumo soMphathisihlalo sokuhoxisa isikhalo ngenxa yokulibala okungenasidingo komuntu odlulisele isikhalo kubo bonke abantu abathintwa yisikhalo.
- (3) Isinqumo sikaMphathisihlalo esiphathelene nokuhoxiswa kwesikhalo ngenxa yokulibala okungenasidingo komuntu ofaka isikhalo siyoba wujuqu futhi akukho sikhalo esimayelana nalolo daba esiyophinde sivunyelwe.

Ingxenye 4: Ukuthunyelwa kwezincwadi zokubiza ofakazi**Ukukhishwa nokuthunyelwa kwamamanisi okuqinisekisa ukufika kofakazi**

- 15.(1) Isamanisi lokubiza ufakazi kumele likhishwe uMphathisihlalo lisayinwe nguye, futhi kumele –
- licele ngokucacile umuntu oqagulwe kuyona ukuthi avele phambi kwesiGungu sokuDluliselwa kweziKhalo ukuzokwethula ubufakazi noma ukuzoletha amaphepha nanoma yini enye kwisiGungu sokuDluliselwa kweziKhalo;
 - libeke izizathu zokuthi kungani lowo muntu kudingeka avele phambi kwesiGungu sokuDluliselwa kweziKhalo ukuzokwethula ubufakazi noma ukuzoletha amaphepha nanoma yini enye kwisiGungu sokuDluliselwa kweziKhalo;
 - uma ekhona, lihlonze amaphepha noma lokho lowo muntu okumele akuveze; futhi
 - libeke usuku, isikhathi nendawo lapho lowo muntu kumele avele khona phambi kwesiGungu sokuDluliselwa kweziKhalo.
- (2) Isamanisi lokubiza ufakazi kumele lithunyelwe kumuntu ngumuntu ogunyazwe ngokubhalwe phansi yisiGungu sokuDluliselwa kweziKhalo ukuthi ulithumele.
- (3) Umuntu ohambisa isamanisi lokubiza ufakazi kumele akhombise umuntu onikwa isamanisi lokubiza ufakazi, isamanisi lokubiza ufakazi okuyilonalona noma igunya elibhaliwe lokumnika isamanisi lokubiza ufakazi, uma ecelwa ukuthi enze njalo.
- (4) Umuntu othumele isamanisi lokubiza ufakazi kumele ahlinzeke uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngencwadi ebhaliwe yokuthi ulithumelile isamanisi lokubiza ufakazi, kubandakanya nendlela isamanisi lokubiza ufakazi elithunyelwe ngayo.

Ukukhishwa nokuthunyelwa kwesamanisi lokubiza ufakazi ukuze kutholakale amaphepha

- 16.(1) Umuntu obizelwe ukuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngesikhathi esinqunyiwe kodwa okungenani ezinsukwini ezingama-21 ngaphambi kokuqala kokudingidwa kwesikhalo.

(2) Isamanisi lokubiza ufakazi ehlongozwe kwiPhuzwana (1) lale Sheduli kumele likhishwe uMphathisihlalo lisayinwe nguye, futhi kumele –

- (a) licele ngokucacile umuntu oqagulwe kuyona ukuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
- (b) libeke izizathu zokuthi kungani lawo maphepha edingwa yisiGungu sokuDluliselwa kweziKhalo;
- (c) lihlonze ngokwanele amaphepha okumele alethwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo; futhi
- (d) libeke ukuthi amaphepha kumele alethwe kanjani, kuphi nosuku okumele alethwe ngalo kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

(3) Isamanisi lokubiza ufakazi kumele lithunyelwe kumuntu ngumuntu ogunyazwe ngokubhalwe phansi yisiGungu sokuDluliselwa kweziKhalo ukuthi alithumele.

(4) Umuntu ohambisa isamanisi lokubiza ufakazi kumele akhombise umuntu onikwa isamanisi lokubiza ufakazi, isamanisi lokubiza ufakazi okuyilonalona noma igunya elibhaliwe lokumnika isamanisi lokubiza ufakazi, uma ecelwa ukuthi enze njalo.

(5) Umuntu othumele isamanisi lokubiza ufakazi kumele ahlinzeke uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngencwadi ebhaliwe yokuthi ulithumelile isamanisi lokubiza ufakazi, kubandakanya nendlela isamanisi lokubiza ufakazi elithunyelwe ngayo.

(6) Umthetho ophathelene nelungelo enkantolo yomthetho elisebenza kumuntu othunyelwe isamanisi lokuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

INgxenye 5: Ukuhoxiswa kwezikhalo noma kweziphikiso zezikhalo

Ukuhoxiswa kwesikhalo noma kwesiphikiso sesikhalo

17. Noma yiziphi izihlaka zingahoxisa isikhalo okungenani ezinsukwini eziyi-14 ngaphambi kokudingidwa kwesikhalo ngokuletha isaziso esibhaliwe sokuhoxa kwakhe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo, kuMphathi kaMasipala nakunoma yiluphi olunye uhlangothi oluthintwa yisikhalo.

INgxenye 6: Ukudingidwa kwesikhalo

Ukuhlolwa kwendawo

18.(1) Amalungu esiGungu sokuDluliselwa kweziKhalo angangena kunoma yiziphi izakhiwo noma ibhili isikhalo esifakelwe wona noma lona, ngamahora okusebenza nanoma yingasiphi isikhathi esifanele, ukuzohlola indawo.

(2) Zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo zinelungelo lokuyohlola indawo futhi zingamelwa ngesikhathi kuyohlolwa indawo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele sazise ngokubhalwe phansi zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo, ngenhloso yesiGungu sokuDluliselwa kweziKhalo yokuyohlola indawo.

- (4) Isaziso sokuhlolwa kwendawo kumele –
- (a) sicacise indawo, usuku kanye nesikhathi sokuhlolwa kwendawo;
 - (b) sibeke inhloso yokuhlolwa kwendawo okuhlongozwayo; futhi
 - (c) simeme zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo ukuthi sibe khona ngesikhathi kuyohlolwa indawo.
- (5) Usuku nesikhathi sokuhlolwa kwendawo kumele kunqunywe uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngemuva kokubonisana noMphathisihlalo kanye nabantu abahlala kulowo mhlaba othintekayo noma kulelo bhilidi elithintekayo.
- (6) Uma umnikazi noma umuntu ohlala khona engekho ngesikhathi kuhlolwa indawo, amalungu esiGungu sokuDluliselwa kweziKhalo kumele ashiye lowo mhlaba noma lelo bhilidi livikelekile kwabangangena ngokungemthetho njengoba belitholile.

Ukudingidwa kwesikhalo

- 19.(1)** Ukudingidwa kwesikhalo kungenziwa –
- (a) ngomlomo; noma
 - (b) ngokubhalwe phansi.
- (2) UMphathisihlalo, ngokuhambisana nePhuzwana 10(2)(a) lale Sheduli, anganquma ukuthi ukudingidwa kwesikhalo kumele kwenziwe ngomlomo noma ngokubhalwe phansi.
- (3) Ngokuhambisana noMthethonqubo 30(1) we SPLUMA, uMphathi kaMasipala njengoMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ngokushesha, kodwa zingakadluli izinsuku eziyi-14 ngemuva kokuphela kokwenziwa ngaphambi kwenqubo yokudingidwa kwesikhalo, alethe isikhalo kwisiGungu sokuDluliselwa kweziKhalo ukuze silalele isikhalo.
- (4) Ngaphambi kokuthi kulalelwe isikhalo, amalungu esiGungu sokuDluliselwa kweziKhalo ayodalula noma yikuphi ukubandakanyeka kwawo okungaba khona odabeni olusezithebeni.
- (5) UMphathisihlalo usebenza njengosihlalo ngesikhathi kulalwe isikhalo.

Inqubo esebenza uma kudingidwa isikhalo esibhaliwe

- 20.(1)** IsiGungu sokuDluliselwa kweziKhalo siyocubungula amaphepha alethiwe, futhi senze izincomo eziphathelelene namaphuzu odaba lwesikhalo.
- (2) IsiGungu sokuDluliselwa kweziKhalo singaguqula noma sihoxise isinqumo seKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala.
- (3) Uma kwenzeka kuvotwa, Isinqumo seningi lamalungu esiGungu sokuDluliselwa kweziKhalo, kuthathwa sona, futhi uma kunokulingana kwamavoti uMphathisihlalo unevoti eliwujuqu.
- (4) Akukho nhlinzeko eyenziwe ngesikhathi sokudingidwa kwesikhalo okwenziwe ngomlomo yizinhlangothi ezithintwa yisikhalo.

Inqubo esebenza uma kudingidwa isikhalo esenziwe ngomlomo

- 21.(1)** Uhlangothi oluthintwa yisikhalo lunelungelo lokumelwa ngesikhathi kudingidwa isikhalo esenziwe ngomlomo.

(2) IsiGungu sokuDluliselwa kweziKhalo kumele sicubungule amaphuzu aseka udaba lwesikhalo, ngakho-ke uMphathisihlalo –

(a) uyovumela uMsebenzi kaMasipala ofanele ukuthi achaze ngesinqumo sesicelo sokuthuthukiswa komhlaba kanye nesikhalo esisezithebeni zesiGungu sokuDluliselwa kweziKhalo; futhi

(b) uyovumela umuntu odlulisele isikhalo kanye nezinye izinhlangothi eziyingxenye yesikhalo ukuthi basho izinkinga futhi baveze ubufakazi njengoba kubekiwe kwisikhalo noma kwisiphikiso sesikhalo, noma ngabe kwenziwa ngomlomo noma ngokubhalwe phansi, futhi bazise isiGungu sokuDluliselwa kweziKhalo ngamaphuzu aseka isikhalo sabo.

(3) UMphathisihlalo angacela izinhlangothi ezithintwa yisikhalo ukuthi ziphume kulelo gumbi noma yinini ukuze adingide noma yiluphi udaba nekomidi.

(4) IsiGungu sokuDluliselwa kweziKhalo kumele sicubungule amaphuzu aseka udaba lwesikhalo, futhi ngkuhambisana noMthethonqubo 22 ka SPLUMA, siyocubungula –

(a) ukuthi ngabe isikhalo singena ngomsebenzi waso;

(b) ukuthi ngabe isinqumo esathathwa uMasipala ngesikhathi kufakwa isicelo sasinobulungiswa ngokwenqubo elndelwayo noma cha njengoba kuhlangozwe rMthethweni wokuGqugquzelwa koBulungiswa eziNhlakeni zikaHulumeni, 2000 (uMthetho 3 ka 2000);

(c) amaphuzu aseka isicelo sokusetshenziswa noma sokuthuthukiswa komhlaba;

(d) amaphuzu aseka isikhalo esilethiwe; kanye

(e) namaphuzu aseka isiphikiso esibhaliwe sesikhalo esilethiwe.

(5) IsiGungu sokuDluliselwa kweziKhalo kumele naso sicubungule isinqumo sezokuhlela seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala sisiqhathanisa nezindaba ezibalulwe kwisiGaba 42 se-SPLUMA.

(6) IsiGungu sokuDluliselwa kweziKhalo kumele sinqume siqinisekise, siguqule noma sihoxise isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala.

Ukudingidwa kwesikhalo zingekho izinhlangothi ezithintekayo

22. IsiGungu sokuDluliselwa kweziKhalo, ngemuva kokuthunyelwa kwesaziso sokudingidwa kwesikhalo kuzo zonke izinhlangothi ezithintekayo, singalalela isikhalo engekho umuntu odlulisele isikhalo nanoma yiluphi uhlangothi uma –

(a) sigculisekile ukuthi izizathu ezihlinzekwe umuntu odlulisele isikhalo noma olunye uhlangothi azidingi ukuthi babe khona;

(b) uhlangothi oluthintekayo lwazise isiGungu sokuDluliselwa kweziKhalo ukuthi alufisi ukuba khona uma kudingidwa isikhalo; noma

(c) uhlangothi luhluleka ukwethamela ukudingidwa kwesikhalo ngaphandle kokuhlinzeka izizathu zokungezi kwalo.

INGxenye 7: Irekhodi lesikhalo noma lesinqumo sesikhalo

Irekhodi lokudingidwa kwesikhalo

23.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyoqinisekisa ukuthi zonke izingxoxo zesiGungu sokuDluliselwa kweziKhalo ziyarekhodwa.

(2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo ezinsukwini eziyi-7 ngemuva kokuhlolwa kwendawo, uyoqinisekisa ukuthi amaminithi ezingxoxo atholwa amalungu esiGungu sokuDluliselwa kweziKhalo ayekhona.

(3) Amalungu esiGungu sokuDluliselwa kwezikhalo ayekhona ayoqinisekisa ukuthi amaminithi ayiqiniso ezinsukwini ezingama-30 ngemuva kokuphuthulwa kwezingxoxo zokudingidwa kwesikhalo.

(4) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyothumela amaminithi asayiniwe omhlangano wokudingidwa kwesikhalo kwisiGungu sokuDluliselwa kweziKhalo nakunoma yiziphi izinhlangothi ezicela ikhophi yawo.

Isinqumo sesikhalo

24. UMphathisihlalo uyokhipha isinqumo sesikhalo esisayiniwe, esikhombisa imibono yesiGungu sokuDluliselwa kweziKhalo, ezinsukwini ezingama-30 ngemuva kokuphela kosuku lokugcina lokudingidwa kwesikhalo.

Ukuqaliswa kokusebenza kwesinqumo sesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala

25.(1) Isinqumo sesiGungu sokuDluliselwa kweziKhalo sokuchibiyela noma sokuhoxisa isinqumo esithathwe yiKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala sithathwa njengesinqumo ngokwesiGaba 43 se-SPLUMA, futhi kumele siphinde sihambisane neziGaba 46 no 47 ze-SPLUMA.

(2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ezinsukwini eziyi-7 kusukela ngosuku okukhishwe ngalo isinqumo sesikhalo, sithumele isaziso sesinqumo seKomidi lokuDluliselwa kweziKhalo zezokuHlela likaMasipala –

- (a) kuMasipala;
- (b) kuzo zonke izinhlangothi ezithintwa yisikhalo;
- (c) kwiHhovisi loMklami Jikelele (uma kufanele); kanye
- (d) naseHhovisi lokuBhaliswa kwamaTayitela (uma kufanele).

ISHEDULI 6A

ISICELO SELUNGELO LOKUNGENELELA NGOKWENQUBOMGOMO 31 YE SPLUMA, EFUNDWE KANYE NESIGABA 117 SALOMTHETHO

Isicelo selungelo lokungenelela

1(1) Noma yimuphi umuntu, nganomayisiphi isikhathi, kodwa ezinsukwini eziyi-7 aze ngokudingidwa kwesicelo, athumele isethulo seqoqo ukunikezwa igunya lokungenelela kuMbhalisi weZokuhlela kaMaspala noma kuMbhalisi weZikhalazo.

(2) UMbhalisi weZokuhlela kaMaspala noma uMbhalisi wesiGungu sokudluliselwa kweZikhalazo kumele azise ukwamukelwa noma ukufika kwesicelo ezinsukwini ezi-3 ethole isicelo

Isinqumo esimayelana neSicelo soKungenelela

2(1) Uma isicelo sokungenelela simayelana nesicelo sokuthuthukiswa komhlaba, uMbhalisi weZokuhlela kaMaspala kumele ezinsukwini eziyi-7 ethole esicilelo segunye lokungenelela abhekise isicelo kuMsebenzi Ogunyaziwe athathe isinqumo.

(2) Uma ngabe isicelo sokungenelela simayelana nesikhalazo, uMbhalisi wesiGungu sokudluliselwa kweZikhalazo kumele ezinsukwini eziyi-7 zokuthola isicelo sokungenelela abhekise isicelo kuMphathisihlalo athathe isinqumo

(3) Umsebenzi Ogunyaziwe noma uMphathisihlalo kumele acacise ukuthi kungabe okuqukethwe yisigaba 45(4) seSPLUMA, Inqubomgomo 31 ye SPLUMA Kanye neSigaba 117(1)-(4) saloMthetho kugciniwe yini aphinde acacise ukuthi igunya lokungenelela lizokhishwa yini, nokuthi ikhona yini imibandela yegunya lokungenelela njengoba kubekiwe kwisiGaba 45(5) seSPLUMA nesigaba 117(6) saloMthetho.

(4) UMsebenzi Ogunyaziwe noma uMphathisihlalo kumele akhiphe isinqumo esimayelana nesicelo seMvume yokungenelela ezinsukwini eziyi-7 ethole isicelo njengoba kushiwo kwiphuzwana (1) or (2)

(5) UMbhalisi wezokuhlela kaMaspala noma uMbhalisi wesiGungu sokudluliselwa kweZikhalo kumele ezinsukwini eziyi-7 ethole isinqumo soMsebenzi Ogunyaziwe noma sikaMphathisihlalo esimayelana nodaba, athumele ikhophi yesinqumo kofake isicelo nakuzozonke izinhlaka zesicelo sokuthuthukiswa komhlaba noma zesikhalazo

(6) NgokweNqubomgomo 31(5), isinqumo soMsebenzi Ogunyaziwe noma uMphathisihlalo sokuthi ngabe uyakhipha yini imvume noma uyenqaba kwisicelo sokuthola imvume yokungenelela esokugnica futhi akufakwa isikhalazo kuso.

ISHEDULI 7**INQUBO YOKUPHENYA NGOKUPHULWA KOMTHETHO NJENGOBA KUNQUNYWE NGOKWESIGABA
85(3) SALO MTHETHO KAMASIPALA****Ukuhlonzwa kokuphulwa komthetho**

1.(1) Noma yimuphi umuntu ocela uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala ukuthi aphenye ngezinsolo zokuphulwa komthetho ngokufaka isikhalo ngomlomo noma ngokubhalwe phansi.

(2) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angahlonza izinsolo zokuphulwa komthetho ngaphandle kokuthi kufakwe isikhalo esibhaliwe.

(3) Isikhalo esibhaliwe okushiwo kusona ukuthi kunomuntu okusolakala ukuthi wephula lo Mthetho kaMasipala, uHlelo lokuSetshenziswa koMhlaba noma omunye umthetho osebenzayo kumele sisekwe ngamaphepha afanele kanye nobunye ubufakazi.

(4) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele ezinsukwini eziyi-7 kusukela ngosuku lokufakwa kwesikhalo esibhaliwe noma lokuhlonzwa kwezinsolo zokuphulwa komthetho –

(a) asho ukuthi usitholile isikhalo, uma isikhalo esibhaliwe safakwa nokuthi sinalo yini igama, ikheli noma inombolo yocingo komuntu ofaka isikhalo; futhi

(b) afake isikhalo kwirejista yokugcinwa komthetho.

(5) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele aqede uphenyo ngokuletha umbiko obhaliwe omayelana nezinsolo zokuphulwa komthetho ezinsukwini ezingama-30 kusukela ngosuku okwafakwa ngalo isikhalo noma okwahlonzwa ngalo izinsolo zokuphulwa komthetho.

(6) Uma kwafaka isikhalo esinemininingwane yomuntu ofake isikhalo yokuxhumana, uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele amazise ngomphumela wophenyo ezinsukwini eziyi-14 ngemuva kokuphela kophenyo.

Isaziso sokugcina umthetho

2.(1) Uma kuhlonzwa ukuphulwa komthetho, uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyokhipha isaziso sokuqala kumnikazi wendawo, esimazisa ngokuphula kwakhe umthetho nesimnika izinsuku ezingama-30 ukuthi ayeke lokho akwenzayo noma agcine umthetho, njengoba kuhlongozwe kwisiGaba 81 salo Mthetho kaMasipala.

(2) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyohlola indawo ukubona ukuthi ngabe ukuphulwa komthetho kusaqhubeka ngemuva kokuphela kwezinsuku ezingama-30 okukhulunywe ngazo kwiPhuzwana 2(1).

(3) Uma ukuhlola kwesibili kuqinisekisa ukuthi ukuphulwa komthetho kusaqhubeka, uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyonika umnikazi wendawo isaziso sesibili nokungesokugcina, esimnika izinsuku ezingama-30 ukuthi ayeke lokho akwenzayo noma agcine umthetho, njengoba kuhlongozwe kwisiGaba 81 salo Mthetho kaMasipala.

(4) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyohlola indawo ukubona ukuthi ngabe ukuphulwa komthetho kusaqhubeka ngemuva kokuphela kwezinsuku ezingama-30 okukhulunywe ngazo kwiPhuzwana 2(3).

(5) Uma kwenzeka isephulamthetho sephule isiGaba 81(1)(d) saloMthetho, uMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele akhiphe isaziso sokugcina umthetho, amnikeze izinsuku eziyi-7 ukuthi alungise okungekho ethethweni. Inqubo yokuthathwa kwezinyathelo njengoba kukhulunywe ngakho kwiphuzwana 2(7)-(8) angeke isebenze kulesisimo.

(6) Uma kwenzeka isephulamthetho siphule isigaba 81(1)(b) saloMthetho ngokusebenzisa umhlaba ngendlela uMsebenzi obhekele ukuGcinwa koMthetho kweZokuhlela kaMasipala akholwa ukuthi izodala umonakalo ongenakulungiseka ekubukekeni kwendawo yonkana noma ezisondele, isaziso esiphuthumayo sizokhishwa sitshela umnikazi wendawo ukuthi ayekephansi lokhu akwenzayo agnine umthetho. Inqubo yokuthathwa kwezinyathelo njengoba kukhulunywe ngakho kwiphuzwana 2(7)-(8) angeke isebenze kulesisimo.

(7) UMsebenzi obhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyodlulisela udaba oPhikweni lwezoMthetho lukaMasipala ukuze lubize umhlangano owandulela ukuthathwa kwezinyathelo zomthetho.

(8) Ngesikhathi kubanjwe umhlangano owandulela ukuthathwa kwezinyathelo zomthetho umnikazi uyaziswa ukuthi kumele alungise ukwepulwa komthetho ezinsukwini eziyi-14 ngemuva kokubanjwa kwalowo mhlango. Umphumela womhlangano owandulela ukuthathwa kwezinyathelo zomthetho uyoqinisekiswa ngokubhalwe phansi nomnikazi.

(9) Ukuhluleka ukulandela iPhuzwana 5,6 no 8 kuyoholela ekuthathweni kwezinyathelo ezibekwe kwiziGaba 83 no 84 zalo Mthetho kaMasipala.

**ISHEDULI 8
IZINHLELO ZESIKHASHANA**

INGxenye 1: I-Odinensi yokuHlelwa kwamaDolobha

Isicelo semvume eyisipesheli ekhishwe ngokwe-Odinensi yokuHlelwa kwamaDolobha

1.(1) Ukukhishwa kwemvume eyisipesheli ngokwesiGaba 67bis se-Odinensi yokuHlelwa kwamaDolobha kumele kuthathwe njengemvume ekhishwe uMasipala ngokohlelo lokusetshenziswa komhlaba ehlongozwe kwisiGaba 27(1)(b) salo Mthetho kaMasipala.

(2) Ngokwezinhloso zesiGaba 46 salo Mthetho kaMasipala, usuku lokuqala kokusebenza kwemvume eyisipesheli kaMasipala ehlongozwe kwisiGaba 67bis se-Odinensi yokuHlelwa kwamaDolobha –

(a) usuku okuphela ngalo izinsuku ezingama-28 ezihlongozwe kwisiGaba 67ter se-Odinensi yokuHlelwa kwamaDolobha, uma kungekho sikhalo esifakiwe esiphikisa isinqumo sikaMasipala; noma

(b) usuku okuthathwe ngalo isinqumo ngesikhalo, uma kwakufakwe isikhalo esiphikisa isinqumo sikaMasipala ngokwesiGaba 67ter se-Odinensi yokuHlelwa kwamaDolobha; noma

(c) usuku umhlaba obhaliswe ngalo uma isicelo semvume sibandakanya isicelo sokusungulwa kwelokishi, sokuhlukaniswa noma sokuhlanganiswa komhlaba.

Isicelo semvume eyisipesheli ngokwe-Odinensi yokuHlelwa kwamaDolobha esingaphothuliwe ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala

2.(1) Isicelo semvume eyisipesheli ngokwesiGaba 67bis se-Odinensi yokuHlelwa kwamaDolobha, esingaphothuliwe ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala, kumele kuqhutshekwe naso ngokwalo Mthetho kaMasipala ngokwesiGaba 27(1)(b).

(2) UMBhalisi wezokuHlela kaMasipala kumele aqinisekise inhlinzeko efanayo elandelwayo uma kufakwa isicelo, isicelo semvume yezokuhlela kamasipala okumele kuqhutshekwe naso ngayo.

(3) Umfakisicelo akudingeki ukuthi alandele okudingekayo ngokwalo Mthetho kaMasipala okungaphezu kwalokhu okudingwa yi-Odinensi yokuHlelwa kwamaDolobha mayelana nenhlinzeko yalo Mthetho kaMasipala eyandulela inhlinzeko isicelo semvume yezokuhlela kamasipala okumele kuqhutshekwe naso ngayo.

INGxenye 2: UMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele

Izindawo ezingahlelekile ngokuphelele noma amalokishi angahlelekile ngokuphelele

3.(1) Isicelo sendawo evunywe ngokwesiGaba 3(1) noma selokishi elivunywe ngokwesiGaba 4(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, esesigunyaziwe –

(a) kuncike kwipulani; futhi

(b) kuncike kwimibandela yokuthuthukiswa kwayo noma kwalo,

kumele sithathwe njengelokishi eligunyazwe ngokwesiGaba 43 salo Mthetho kaMasipala.

(2) Ngaphandle –

(a) kwezinhlinzeko zeziGaba 3(5)(b), (e) no (g) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele; noma

(b) kwesinqumo esiphikisayo soMphathi ngokwesiGaba 12(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele,

lo Mthetho usebenza emhlabeni owabiwe njengendawo engahlelekile ngokuphelele ngokwesiGaba 3(1) noma njengelokishi elivunywe ngokwesiGaba 14(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele.

(3) Isicelo asidingeki ngokwalo Mthetho kaMasipala –

(a) uma kuthuthukiswa indawo engahlelekile ngokuphelele ngokuhambisana nepulani kanye nemibandela yemvume ehlongozwe kwisigaba 4(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele; noma

(b) uma kuthuthukiswa ilokishi elingahlelekile ngokuphelele ngokuhambisana nepulani kanye nemibandela yemvume ehlongozwe kwisigaba 4(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele.

(4) Isicelo esidingeka ngokoMthetho kaMasipala sokuhlukaniswa komhlaba noma sokusungulwa kwelokishi emhlabeni owabiwe njengendawo engahlelekile ngokuphelele ngokwesigaba 3(1) ngokuhambisana nepulani kanye nemibandela yemvume ehlongozwe kwisigaba 4(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, uma umhlaba wawungabiwe –

(a) kuncike kwipulani; noma

(b) kuncike kwimibandela yokuthuthukiswa kwawo.

INgxenywe 3: UMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

Intuthuko evunywe ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

4.(1) Izicelo, izikhalo noma ezinye izindaba ezisezithebeni zesiGungu esasungulwa ngokwesigaba 15 soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, 1995 (uMthetho No. 67 ka 1995) ngesikhathi i-SPLUMA siqala ukusebenza mhla lu-1 kuNtulikazi 2015, ezingaphothuliwe noma ezichithiwe, kumele kuqhutshekwe nazo futhi zichithwe ngokwe-SPLUMA ngaphandle uma leso sicelo kuthathwa ngokuthi sipelelwe yisikhathi njengoba kuhlinzekwe kuMthethonqubo 23 woMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko.

(2) Isicelo sentuthuko esivunywe ngokwesiGaba 33(1) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko kumele sithathwe njengesicelo semvume yezokuhlela kamasipala esivunywe ngokwesigaba 43 salo Mthetho kaMasipala ngaphandle uma leso sicelo kuthathwa ngokuthi sipelelwe yisikhathi njengoba kuhlinzekwe kuMthethonqubo 23 woMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko.

Imisebenzi yomsebenzi oqokiwe ingenziwa uMasipala

5.(1) Ngaphandle kokuchithwa koMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, uMasipala ungaqhubeka nokwenza le misebenzi elandelayo umsebenzi oqokiwe ajutshelwe yona ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko –

(a) ukushicilela imibandela yokusungulwa ebekwe yisiGungu sezeNtuthuko noma yisiGungu sokuDluliselwa kweziKhalo zezokuhlela sikaMasipala okumele zishicilelwe kwiGazethi, njengoba kuhlongozwe kwisiGaba 33(4) n 51(3) zoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, kwiGazethi;

(b) ukwazisa uMbhalisi wamaTayitela ukuthi imibandela yokusungulwa okumele ilandelwe ngaphambi kokuqala kokubhalisa, ilandelwe, ehlongozwe kwisiGaba 38(1)(c) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko; futhi

(c) ukwazisa uMbhalisi wamaTayitela ukuthi umfakisicelo kanye noMasipala bazifezile yini izibopho zabo eziphatelene nokuhlinzeka imisebenzi ehlongozwe kwisiGaba 38(1)(d) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko.

(2) UMasipala kumele uqoke umsebenzi kamasipala ukwenza imisebenzi umsebenzi oqokiwe ajutshelwe yona njengoba kuhlongozwe kulesi sigaba.

Amandla esiGungu esiBhekele iNtuthuko noma isiGungu esiBhekele iZikhalazo mayelana neNtuthuko esinqumweni sesicelo esifakwe ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

6.(1) Amandla esiGungu esiBhekele iNtuthuko noma isiGungu esiBhekele iziKhalo ezimayelana nentuthuko esinqumweni sesicelo esifakwe ngokoMthetho wokuSheshisa ukuQaliswa kweZinhlelo zeNtuthuko kumele athathwe njengamandla okumele asetshenziswe isiGungu esiBhekele ukukhishwa kweziMvume zezokuHlela sikaMasipala noma isiGungu sikaMasipala esiBhekele ukudluliselwa kweZikhalo

(2) UMasipala kumele alandele imigomo yaloMthetho, okumbandakanya inqubo yokuchitshiyelwa kwesaziso sesinqumo sesicelo semvume yezezokuhlela, uma esebenzisa amandla ashiwo kuleliphuzu.

Ingxenye 4: UMthetho wezokuHlela neNtuthuko waKwaZulu-Natali

Isicelo esivunywe ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali

7. Isinqumo sikaMasipala –

- (a) sokwamukela uhlelo oluhlongozwe kwisiGaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (b) sokushintsha uhlelo oluhlongozwe kwisiGaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (c) sokugunyaza ukuchitshiyelwa kohlelo lukaMasipala oluhlongozwe kwisiGaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (d) sokugunyaza ukuhlukaniswa komhlaba okuhlongozwe kwisiGaba 26(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (e) sokugunyaza ukuhlanganiswa komhlaba okuhlongozwe kwisiGaba 26(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (f) sokugunyaza ukuthuthukiswa komhlaba ongaphandle kwendawo esohlelweni okuhlongozwe kwisiGaba 43(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (g) sokugunyaza ukukhanselwa kwepulani ephasisiwe okuhlongozwe kwisiGaba 65(1) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;
- (h) sokugunyaza ukuguqulwa, ukuhoxiswa noma ukusulwa kombandela omayelana nomhlaba okuhlongozwe kwisiGaba 65(1) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali,

kumele sithathwe njengemvume yesicelo semvume yezokuhlela kamasipala ehlongozwe kwisiGaba 43 salo Mthetho kaMasipala ngaphandle uma leso sicelo kuthathwa ngokuthi sesiphelelwe yisikhathi.

Isicelo esifakwe ngokomthetho wezokuhlela osuchithiwe okumele sithathwe njengesicelo esivunywe ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali

8. Isicelo esifakwe ngokomthetho wezokuhlela osuchithiwe kumele sithathwe njengesicelo esivunywe ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali kumele sithathwe njengesicelo semvume yezokuhlela esihlongozwe kwisiGaba 43 salo Mthetho kaMasipala.

Isicelo ngokomthetho wezokuhlela nentuthuko waKwaZulu-Natali esingaphothuliwe ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala

9.(1) Isicelo esifakwe kuMasipala noma isisongozo esenziwe uMasipala ngokoMthetho wezokuHlela neNtuthuko, esingaphothuliwe ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala, kumele kuqhutshekwe naso ngokwalo Mthetho kaMasipala.

(2) Umbhalisi wezokuHlela kaMasipala kumele aqinisekise inhlinzeko isicelo semvume yezokuhlela kamasipala okumele kuqhutshekwe naso ngayo ngesikhathi kufakwa isicelo.