

**UMTHETHO KAMASIPALA WASETHEKWINI WOKUHLELA NOKULAWULA
UKUSETSHENZISWA KOMHLABA KA 2016**



Waphasiswa uMkhandlu mhla ka: 31st Umcwaba 2017

**UMTHETHO KAMASIPALA WOKUHLELA NOKULAWULA UKUSETSHENZISWA
KOMHLABA KA 2016**

Wokuhlinzekela ukusungulwa koHlaka Lwentuthuko Ngokwezindawonohlelo lokusetshenziswa komhlabalukaMasipala;wokuhlinzekela ukwenziwa kwamapulani ahlanganisiwe; wokulawula nokusingatha intuthuko ngokwezindawo nokuhlelwa kokusetshenziswa komhlaba; wokuhlinzekela ukuhlukaniswa ngokwemikhakha kwezicelo zokuthuthukisa umhlaba;wokuhlinzekela izinhlelo nezinqubo ezimayelana nezicelo zokuthuthukisa umhlaba; wokuhlinzekela ukuthotshelwa kwezinhlelo zokusetshenziswa komhlaba; wokuhlinzekela ukusungulwa kwesiGungu Sokudlulisa Izinqumo; wokuhlinzekela amacala nezinhlawulo; nokuhlinzekela okunyeokuphathelene nalokho.

ISENDLALELO

NJENGOBA uMasipala unejoka ngokweNgxenye B kaSheduli 4 yoMthethosisekelo lokusingatha izindaba eziphathele nokuhlela umhlaba kamasipala,

NJENGOBA uMasipala kumele ubambe iqhaza ekufezweni kwamalungelo abalulekile akuMthethosisekelo;

NJENGOBAuMasipala uzibophezele ezinhlelweni zokuthuthukiswa komhlaba ezisimeme, ezibhekelela intuthuko futhi ezididiyelwe ndawonye;

NJENGOBAuMasipala kumele ukhuthaze imigomo yentuthuko ngokwezindawo eyenza ubulungiswa, enozinzo; emelana nezimo ezinzima; eyimpumelelo nenokuphatha okuhle ezinhlelweni zokuhlelwa komhlaba kumasipala;

NJENGOBA uMasipala kufanele uhloniphe futhi uqinisekise ukuthotshelwa kohlelo lwawo lokusetshenziswa komhlaba;

NJENGOBA uMasipala kufanele uphathe ezokuhlela ngendlela evulelekile, engafihli lutho futhi ukwazi ukuphendula ngokwenzayo;

NJENGOBA uMasipala uhlonipha imigomo yokubusa ngokubambisana ezindabeni zezokuhlela ukuze ahlinzeke ngohulumeni obeka izinto obala, ongafihli lutho futhi okwazi ukuphendula ngakwenzayo;

FUTHI NJENGOBA uMasipala usihlonipha isidingo sokuhlelela ukubamba iqhaza komphakathi ezinhlelweni zokuhlela nentuthuko;

NGAKHO-KE, uMkhandlu kaMasipala waseThekwini, ngokwesigaba 156 sifundwa noSheduli 5 (iNgxenye B) soMthethosisekelo weRibhabhlikhi yaseNingizimu Afrika, sifundwa nesigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), ngalokhu ushaya lo Mthetho kaMasipala olandelayo:

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3. Izinhloso zoMthetho kaMasipala

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7. Ezokuhlela kuZwelonke

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18. Ukuchitshiyelwa kohlelo lokutshenziswa komhlaba nokuklama kabusha umhlaba
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42. Isikhathi sokuba sesikhundleni kwamalungu esiGungu
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48. Ukwaziswa kukaMklami-mhlaba Omkhulu(Surveyor-General)noMbhalisi Wamatayitela(Registrar of Deeds)
49. Ukususwa, ukuchitshiyelwa kanye nokumiswa kwemibandela ebophezelayo
50. Izindawo ezingamalokishi
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59. Ukuziphatha kwesiGungu Sokwedlulisela Izinqumo
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61. Ukutholakala kwamarekhodi
62. Isaziso sokwedlulisa isikhalo
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64. Izigcawu zesiGungu Sokwedlulisela Izinqumo
65. Ukuhlehliswa kokulalelwa kokwedluliswa Kwesinqumo
66. Isikhalo esibhalwe phansi esidlulisiwe
67. Isigcawu esilalelwayo
68. Ukulalelwa kokwedluliswa Kwesinqumo bengekho abathintekayo
69. Ukunquma kwesiGungu Sokwedlulisela Izinqumo
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73. Imisebenzinamajoka ka-Enforcement Officer
74. Iwaranti

- 75. Ukufaka nokuphenywa kwezikhalo
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- 81. Ukuqanjwa kwemigwaqo engeyona ekahulumeni
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- 83. Izinombolo zemigwaqo namagama amabhilidi akhona

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- 84. Amacala
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- 86. Isicelo sokuba umngeneleli
- 87. Ukushintshwa kobunikazi
- 88. Ukwedluliswa kwamalungelo okuphikisa nemibono
- 89. Ukuthunyelwa kwesaziso
- 90. Ukwedluliswa kwamandla
- 91. Izihlinzeko zesikhashana
- 92. Isihloko esifingqiwe nokuqala ukusebenza komthetho

ISAHLUKO 1 UKUHUNYUSHWA

Izincazelo

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

“**umakhelwane**” kushiwo noma umuphi umnikazi womhlabaohlukaniswe ngumngcele noma yisikhonkwane esisekhoneni nomhlaba okufakwe isicelo sokuba uthuthukiswe, kanti kufaka nomnikaziwomhlaba ongaphesheyakomgwaqo;

“**umnikazi othintekayo**” kushiwo noma imuphi umnikazi womhlaba uMasipala angamthatha ngokuthi uyathinteka ngokwesicelo sokuthuthukisa umhlaba; kanti kungafaka nendawo engaphansi kwamaKhosi;

“**Isigungu Sokwedlulisa Izinqumo**” kushiwo isigungu sokwedlulisa izinqumo esichazwe esigabeni 12salo Mthetho kaMasipala;

“**umfakisicelo**” kushiwo noma imuphi umnikazi womhlaba noma umuntu ofaka isicelo sokuthuthukisa umhlaba njengoba kuchazwe esigabeni 21(4) salo Mthetho kaMasipala;

“**imvume**” kushiwo noma ikuphi imvume noma izimvume ezidingeka ngokwemithetho efanele ezikhishwa uhlaka lukahulumeni okufanele ezifakwe futhi ezihambisana nesicelo sokuthuthukisa umhlaba, okubandakanya phakathi kokunye–

- a) Irekhodi lesinqumo esithathiwe ocwaningweni lokuhlola umthelela kwezemvelo ngokoMthetho wokuPhathwa Kwezemvelo kaZwelonke, 1988 (uMthetho No 107 ka 1988);
- b) Ilayisense yokusentshenziswa kwamanzi ngokoMthetho wezaManzi kaZwelonke, 1988 (uMthetho No .36 ka 1988); noma
- c) Nanoma iyiphi imvumeekhishwengokoMthetho Wokuhlukaniswa Iziqephu Komhlaba Wezolimo, 1970 (uMthetho No.70 ka 1970)

“**umsebenzi ogunyaziwe**”kushiwo umuntu ogunyazwe ukuqinisekisa ukulandelwa kwezimiso zalo mthetho, okufaka phakathi kokunye –

- (a) iphoyisa lomthetho elichazwe esigabeni 334 soMthetho weNqubo yamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977);
- (b) amaphoyisa kaMasipala njengoba echazwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye

(c) nalabo basebenzi, ama-ejenti, abanikezwe amandla, izithunywa nabahlinzeka uMasipala ngamasevisi: Kuncike ekutheni ngokwezinhloso zokusesha nokushaqa impahla, uma lowo muntu engesilona iphoyisalomthetho, kufanele aphekezelwe yiphoyisa lomthetho;

“Isicelo esisemkhakheni 2” kushiwo isicelo esiphelele esicutshungulwa futhi sithathelwe isinqumo yisiGungu;

“Isicelo esisemkhakheni 3” kushiwo isicelo esiphelele esicutshungulwa futhi sithathelwe isinqumo yiNhloko;

“Isicelo esisemkhakheni 4” kushiwo isicelo esiphelele esicutshungulwa futhi sithathelwe isinqumo yiPhini leNhloko;

“isicelo esikhishiwe” kushiwo isicelo esifakwe kuMasipala ukuba asigunyaze, kanti asifaki isicelo sokuthuthukisa umhlaba;

“InquboYokuziphatha” kushiwo inqubo ebhalwe phansi yokuziphatha ebeka imithetho namazinga okusebenza, ukwenza nokuziphatha kwamalunga esiGungu;

“isicelo esiyinhlanganisela” kushiwo isicelo esiyinhlanganisela yezinhlobo yezicelo zokuthuthukisa indawo esingahlanganiswa futhi sicutshungulwe sonke njengoba kuhlinzekwe eSahlukweni 8 salo Mthetho kaMasipala;

“isicelo esiphelele” kushiwo isicelo sokuthuthukisa umhlaba esesikulungele ukukhangiswa noma esesidlulile ohlelweni lokuqala lokufaka isicelo, futhi esiphelezelwa, phakathi kokunye, yizimvume, ukuphawula nemibiko nocwaningo longoti;

“isitifiketi sokuthobela umthetho” kushiwo isitifiketi esikhishwa ngenxa –

- (a) yokulandela komfakisicelo imibandela yokuvunywa kwesicelo ebhalwe esazisweni sesinqumo zingakapheli izinyanga eziyisithupha kuphume leso saziso; noma
- (b) yesinqumo mayelana nokwepulwa komthetho othize;

“ukuhlanganiswa” kushiwo lapho kuhlanganiswa iziza ezimbili noma ngaphezulu ukwakha isiza esisodwa;

“uMthethosisekelo”kushiwo uMthethosisekelo weRephabliki yaseNingizimu Afrika ka 1996;

“ukwephula uhlelo” kushiwo ukwephula uhlelo lokusetshenziswa komhlaba, ukwephula imibandela yokugunyazwa equkethwe esazisweni sesinqumo noma ukwephula izinhlinzeko zalo Mthetho kaMasipala;

“isaziso sokwephula uhlelo” kushiwo isaziso esikhishwa nguMasipala asibhekise kumnikazi noma umuntu owephule noma okusolwa ukuthi wephule uhlelo lokuthuthukisa umhlaba;

“umkhandlu kamasipala ” noma **“umkhandlu”** kushiwo uMkhandlu kaMasipala weTheku, umkhandlu kamasipala ohlongozwe esigabeni 157(1) soMthethosisekelo;

“izinsuku” kushiwo izinsuku zokusebenza; okungafaki uMgqibelo, iSonto namaHolidi;
“othatha isinqumo” kushiwo isiGungu sikaMasipala, iNhloko noma iPhini leNhloko, njengoba kungaba njalo;

“isaziso sesinqumo” kushiwo isaziso esibhalwe phansi sesinqumo sesicelo sokuthuthukisa umhlaba;

“Ihhovisi Lokubhalisa Ubunikazi Bomhlaba” kushiwo ihhovisi lokubhalisa ubunikazi bomhlaba njengoba kuchazwe esigabeni 102 soMthetho Wokubhaliswa Kobunikazi Bomhlaba, 1937 (uMthetho. 47 ka 1937);

“iphini leNhloko” kushiwo iphini lenhloko yomnyango othintekayo obhekeleukuhlela intuthukointuthuko, ezemvelo nokulawula eligunyazwe nguMasipala ngokwesigaba 35(2) seSPLUMA ukuba libheke futhi lithathe isinqumo ngezicelo zokuthuthukisa umhlaba;

“imigomo yentuthuko” kushiwo imigomo yokwenziwa kobulungiswa ngokwezindawo, uzinzo, ukweneliseka, ukusimama nokuphatha okuhle njengoba kuqukethwe eSahlukweni 2 se SPLUMA;

“amalungelo okuthuthukisa umhlaba” kushiwo amalungelo okuthuthukiswa komhlaba ahambisana nomhlaba ngenxa yokuklanywa kwawo; okufaka awangaphambi kohlelo noma ilungelo elingahambisani nohlelo okungenzeka ludinge ucwaningo longoti;

“umdwebo” kushiwo umdwebo njengoba uchazwe esigabeni 1 soMthetho Wokusaveywa Komhlaba, 1997 (uMthetho No. 8 ka 1997);

“ithuluzi lokulawula imvelo” kushiwo ithuluzi lokulawula imvelo elishiwo esigabeni 24(5)(bA) soMthetho wokuPhathwa kweMvelo kuZwelonke ka 1998 (uMthetho 107 ka 1998);

“IsiGungu Esiphezulu” kushiwo ikomidi lesigungu esiphezulu noma imeya kaMasipala waseThekwini; njengoba kuchazwe esigabeni 44(2) soMthetho weziNhlelo Zomasipala Wohulumeni Basekhaya, 1998 (uMthetho No. 117 ka 1998);

“ukukhululwa” kushiwo ukukhululwa okuqukethwe ohlelweni lokusentshenziswa komhlaba lapho kudingeka imvume yabanikazi bomhlaba abangomakhelwane noma abathintekayo kuleso sicelo;

“ipulani ejwayelekile” kushiwo ipulani ejwayelekile njengoba ichazwe kuMthetho Wokusaveywa Komhlaba, 1997 (uMthetho No. 8 ka 1997);

“imikhombandlelayezindawo zomphakathi nezindawo ezivulekile” kushiwo imikhombandlela eyakumelwe uMkhandlu ebeka amazinga okumele alandelwe uma kuhlinzekwa ngezindawo zomphakathi kanye nezindawo ezivulekile ngaphansi kukaMasipala waseThekwini;

“iNhloko” kushiwo iNhloko yalowo mnyango obhekene nezindaba zentuthuko, ukuhlela, imvelo nezokuphatha egunyazwe nguMasipala njengoba kuchazwe esigabeni 35(2) se SPLUMA ukuba icubungule futhi inqume ngezicelo zokuthuthukiswa komhlaba;

“i-IDP” kushiwo uHlelo Lwentuthuko Edidiyelwe njengoba kuchazwe esigabeni 25 soMthetho weziNhlelo Zomasipala;

“umlamuli” kushiwo umuntu onentshisekelo onikezwe amalungelo okuba ngumlamuli ngumthathi zinqumo noma yisiGungu Sokudlulisela Izingqumo ngokwesigaba 86 salo Mthetho kaMasipala;

“IKomidi LokwelulekaElihlanyele” kushiwo ikomidi lokweluleka elakhiwe ngokwesigaba 30 saloMthetho kaMasipala elinabasebenzi ababhalisiwe abenza izincomo kumthathi zinqumo ngezicelo zokuthuthukisa umhlaba;

“umhlaba” kushiwo isiqephu, ipulothi, isitende, ingxenye yepulazi, noma umhlaba wezolimo kanti kufaka nanoma yini eyakhiwe kulowo mhlaba, noma amalungelo aleyo ndawo noma amasheya omhlaba kanti kufaka nomhlaba ongaphansi kwezindawo zamaKhosi;

“ukuthuthukisa umhlaba” kushiwo ukushintsha kokusetshenziswa komhlaba, okubandakanya ukwakhiwa kwamalokishi, ukuhlukaniswa noma ukuhlanganiswa komhlaba noma iluphi ushintsho ekusetshenzisweni komhlaba kulokho okuvunyelwe ngakho ohlelweni lokusetshenziswa komhlaba;

“isicelo sokuthuthukisa umhlaba” kushiwo isicelo sokuthuthukisa umhlaba esifakwe kuMasipala ukuba asicubungule futhi athathe isinqumo ngaso, kanti igama elithi **“isicelo”** linencazelo efanayo;

“ukusetshenziswa komhlaba” kushiwo inhloso umhlaba osetshenziselwa yona noma ongasetshenziselwa yona ngokomthetho nangokohlelo lokusetshenziswa komhlaba, noma lo Mthetho kaMasipala; ngokohlelo olukhona noma ngokwanoma iyiphi indlela egunyaziwe, ngokwemvume ekhishwe yisiphathimandla esifanele, kanti kubala ngisho nanoma imiphi imibandela ehambisana nokusetshenziswa kwalowo mhlaba;

“uhlelo lokusetshenziswa komhlaba” kushiwo imithethonqumo yohlelo olwamukeliwe kanye nebalazwe lesifunda ngasinye, okufaka irejista lezichibiyelo zohlelo; kanti **“uhlelo”** lunencazelo efanayo;

“ipulani yendawo” kushiwo ipulani yesikhashana ehlanganise ipulani yendawo neyokusetshenziswa komhlaba ezingeni lokuhlela;

“uMasipala” kushiwo umasipala weTheku, okumkhakha A njengoba kushiwo ngokwesigaba 155(1) soMthethosisekelo;

“iMenenja kaMasipala” kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho weziNhlelo Zomasipala njengenhloko yokuphathwa koMkhandlu kaMasipala;

“uHlaka lukaMasipala Lwentuthuko Ngokwezindawo” kushiwo uhlaka lwentuthuko ngokwezindawo olwamukelwe ngokweSahluko 5 salo Mthetho kaMasipala;

“iphephandaba” kushiwo iphephandaba lansukuzonke lomphakathi kuMasipala waseThekwini;

“uhlaka lukahulumeni” kushiwo uhlakalukahulumeni kanjengoba luchazwe eSigabeni 239 soMthethosisekelo, kanti kubandakanya namabhizinisi kahulumeni;

“umnikazi” kushiwo umuntu obhaliswe eHhovisi Lamatayitela njengomnikazi womhlaba, futhi kufaka umnikazi oshiyelwe umhlaba, nomnikazi ngenxa yanoma yimuphi omunye umthetho osebenzayo;

“iqoqo lamapulani” kushiwo iqoqolamapulani alawula ukuhlela okudidiyele kuMasipala okukhulunywe ngawo esigabeni 11 salo Mthetho kaMasipala;

“umuntu”kubalwa umuntu siqu noma umuntu ngokomthetho, ubambiswano, amatrasti, ama-body coporate, izinhlangano zabanikazi bemizi kanye nezinhlaka zombuso;

“uMthetho Wezokuhlela Nentuthuko” kushiwo uMthetho waKwaZulu-Natali Wokuhlela Nentuthuko, 2008 (uMthetho No. 6 ka 2008);

“umngwaqo wangasese” kusho umngwaqo, indlela yabo bonke abantu, indlela noma umngwaqo lapho uMasipala engenalungelo ekuqanjweni komngwaqo;

“umngwaqo kahulumeni” kushiwo umngwaqo kamasipala lapho umasipala enamalungelo okuqanjwa kwamagama omngwaqo okufaka umngwaqo, indlela yabo bonke abantu, indlela noma umngwaqo;

“indawo evulekile kahulumeni” kushiwo noma ngabe iyiphi indawo evulekile, ipaki, umngwaqo noma, indlela yabo bonke abantu noma indawo efana nale ekhonjiswe ohlelweni olwejwayelekile noma kumdwebo ukuze isetshenziswe ngumphakathi futhi ingekaMasipala noma olunye uhlaka lombuso kanti kufaka indawo evulekile namalungelo endawo anoma isiphi isimo esifanayo esihambisana nomphakathi;

“isaziso somphakathi” kushiwo isaziso sesicelo sokuthuthukisa umhlaba esishicilelwe ngesaziso ephaphandabeni, ngokubekwa kwesaziso kuleso siza, ngokuhanjiswa kwesaziso kubanikazi abancikene, ngekhansela lesigceme noma kubanikazi abathintekayo esikhishwa ngenhloso yokuba kutholakale ukuphawula komphakathi;

“Umhleli wesiFunda” kushiwo umsebenzi oqokwe nguMasipala ukuba acubungule bese enquma ngezicelo zokuthuthukisa umhlaba obhalisiwe njengoMhleli Womhlaba;

“umhleli Womhlaba Obhalisiwe” kushiwo umuntu obhaliswe ngokusemthethweni njenge-professional planner noma i-technical planner njengoba kuchazwe kumthetho Wemisebenzi Yokuhlela Umhlaba, 2002 (uMthetho No. 36 ka 2002) njengoba uchitshiyelwe;

“ihhovisi lesifunda” kushiwo amahhovisi ezifunda ezinhlanu okuyisifunda iDurban Central, Durban North, Inner West kanye ne-Outer West;

“ukukhululwa” kushiwo isicelo sokuba umuntu akhululwe ekulandeleni imingcele yokwakha, esemaceleni noma engemuva njengoba inqume uhlelo lokusetshenziswa komhlaba;

“ukuthunyelelwa” kushiwo ukulethelwa isaziso, umyalelo noma omunye umbhalo ngokuhambisana noMthetho; kanti igama elithi**“ukuseva”** linencazelo efanayo;

“i-SPLUMA” kushiwo umthetho Wokuhlelwa Kwentuthuko Ngokwezindawo Nokulawulwa Kokusetshenziswa Komhlaba, 2013 (uMthetho No. 16 ka 2013);

“ihhovisi leSPLUMA” kushiwo ihhovisi likaMasipala okuyilona elihlaziya izicelo nazo zonke izindaba eziphathelene nezicelo kanye nokwedlulisa Izinqumo;

“ukuhlukaniswa iziqephu komhlaba” kushiwo ukuhlukaniswa iziqephu komhlaba ube yiziqephu ezimbili noma ngaphezulu;

“uMthetho Wezinhlelo” kushiwo uMthetho Wolulumeni Basekhaya Wezinhlelo Zomasipala, 2000 (uMthetho No.32 ka 2000);

“ilokishi” kushiwo umhlaba ohlukaniswe waba yizizaeziyi -11 noma ngaphezulu kanti

kufakwa nezindawo ezivulekile ezizimele nezomphakathi kanye nemigwaqo njengoba kukhonjiswe epulanini ejwayelekile;

“**uMkhandlu Womdabu**” kushiwo uMkhandlu Womdabuwano yimuphi omhlaba ophethwe ngokwezinqubo zokuphathwa kwemimhlaba yamakhosi ongaphansi kwendawo kaMasipala waseThekwini kanti ufaka neNgonyana Trust Board lapho kufanele; futhi

“**isiGungu**” kushiwo isiGungu sikaMasipala Sezokuhlela esibunjwe ngokwesigaba 38 salo Mthetho kaMasipala.

Ukuhunyushwa koMthetho kaMasipala

2. Uma kunokushayisana phakathi kokushiwo yiloMthetho kaMasipala obhalwe ngesiNgisi nohunyushiwe, kuyolandelwa owesiNgisi.

ISAHLUKO 2

IZINHLOSO ZOMTHETHO KAMASIPALA

Izinhloso zoMthetho kaMasipala

3. Izinhloso zalo Mthetho kaMasipala–

- (a) ukuhlinzekela iqoqo lamapulani elizolawula ukuthuthukiswa kwenhlalo, umnotho, umhlaba kanye nengqalasizinda kuMasipala;
- (b) ukuhlinzekela uhlaka olufanayo, olusebenzayo, oluphelele futhi oluhambisanayo lokuhlela umhlaba nokusingatha ukusetshenziswa komhlaba;
- (c) ukuhlinzekela ngezokuhlela ezifaka wonke umuntu, ezithuthukisayo, ezilinganayo futhi ezanele ngomoya wokubusa ngokubambisana;
- (d) ukuhlinzekela ngohlala lokubusa ngokubambisana nokwakha ubudlelwane phakathi kwemingcele yezokubusa nazo zonke izigaba zikahulumeni kanye nokuqinisekisa ukudidiyelwa kwezokuhlela phakathi kukaMasipala nalabo masipala owakhelene nabo;
- (e) ukuhlinzekela ngohlaka lwezinqubomgomo, imigomo, namazinga okuthuthukiswa kwendawo kanye nokusingatha kokusetshenziswa kwendawo;
- (f) ukuhlinzeka uhlaka lokwalusa, ukudidiyela kanye nokubuyekeza izinhlelo zokuthuthukisa nokusingatha ukusetshenziswa komhlaba;

- (g) ukulawula izicelo zokuthuthukisa umhlaba nezinqubo zokuthathwa kwezinqumo;
- (h) ukuhlinzekela ukusungulwa, imisebenzi kanye nokusebenza kwesiGungu Sezokuhlela sikaMasipala;
- (i) ukuhlinzekela ukuhlelwa nokusetshenziswa kwezindlela zokuthuthukiswa komhlaba;
- (j) ukuhlinzekela isigungu sokudlulisela Izinqumo;kanye
- (k) nokuhlinzekela izinhlawulo zokwep hulwa kwezihlinzeko zalo Mthetho.

ISAHLUKO 3 UKUSEBENZA KOMTHETHO KAMASIPALA

Ukusebenza koMthetho kaMasipala

4. Lo Mthetho kaMasipala usebenza kuwo wonke umhlaba ongena ngaphansi kwemingcele kaMasipala waseThekwini kanti ubophezela bonke abantu kukho konke okushoyo.

ISAHLUKO 4 IMISEBENZI YOKUHLELA YAMAZINGA AMATHATHU KAHULUMENI

Ezokuhlela kumasipala

5. Ezokuhlela kuMasipala,ngokweSPLUMA, zifaka lokhu okulandelayo–

- (a) ukuhlanganisa, ukugunyazwa nokubuyekezwa kwama-IDP;
- (b) ukuhlanganisa, ukugunyaza nokubuyekeza izinhlaka ze-IDP ezibekwe ngokomthetho futhi ezingena ngaphansi kwemisebenzi kamasipala, okubandakanya uhlaka lwentuthuko ngokwezindawo kanye nohlelo lokusetshenziswa komhlaba; kanye
- (c) nokulawula ukusetshenziswa komhlabaongaphansi kukamasipala lapho uhlobo, ubukhulu kanye nesimo sendawo singawathinti amandla kahulumeni wesifundazwe noma kazwelonke.

Ezokuhlela esifundazweni

6. Ezokuhlela esifundazweni, ngokweSPLUMA, zifaka lokhu okulandelayo–

(a) ukuhlanganisa, ukugunyaza nokubuyekeza uhlaka lwesifundazwe lokuthuthukiswa komhlaba, ukugunyaza, ukubuyekeza kanye nokuqalisa izinhlelo zokusingatha ukusetshenziswa komhlaba;

(b) ukuhlela kwesifundazwe kanye nokwenza kahle imisebenzi namandla abawanikwe ngokomthetho mayelana nokuthuthukiswa komhlaba kanye nezinguqukoekusetshenzisweni kwawo; kanye

(c) nokwenza kanye nokubuyekeza izinqubomgomo nemithetho efanele ukuze kwenziwe imisebenzi yesifundazwe yezokuhlela.

Ezokuhlela kuzwelonke

7. Ezokuhlela kuzwelonke, ngokweSPLUMA, zifaka lokhu okulandelayo–

(a) ukuhlanganisa, ukugunyaza kanye nokubuyekeza amapulani okuthuthukisa umhlaba kanye nezingubomgomo noma lokho okufana nakho, okubala uhlaka lukazwelonke lokuthuthukiswa komhlaba;

(b) ukuhlela esigabeni sikazwelonke kanye nokwenza kahle imisebenzi kanye namandla abawanikwe ngokomthetho mayelana nokuthuthukiswa komhlaba kanye nokuguquka kokusetshenziswa kwawo; kanye

(c) nokwenza kanye nokubuyekeza izinqubomgomo nemithetho efanele ukuze kwenziwe imisebenzi yezokuhlela kuzwelonke, okubandakanya izindlela ezakhelwe ukwalusa kanye nokweseka amanye amazanga kahulumeni ekwenzeni imisebenzi yawo yokuhlela indawo, ukusingatha ukusetshenziswa kwendawo kanye nokuthuthukiswa komhlaba.

ISAPHLUKO 5

UHLAKA LUKAMASIPALA LOKUTHUTHUKISWA KOMHLABA

Isimo soHlaka lukaMasipala Lokuthuthukiswa Komhlaba

8. (1) Umthathisinqumo odingeka noma ojutshwe ukuba athathe izinqumo eziphathelene nokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala noma omunye umthetho ophathelene nokuthuthukiswa komhlaba, angeke akwazi ukuthatha isinqumo esingahambisani noHlaka lukaMasipala Lwentuthuko Ngokwezindawo: Kuncike ekutheni isiGungu singachezuka ezinhlinzekweni zoHlaka lukaMasipala Lwentuthuko Ngokwezindawo uma kunezimo ezihambisana naleso siza ezivumela ukuba kube nalokho kuchezuka.

(2) Izimo zesiza okukhulunywa ngazo esigatshaneni (1) zibala phakathi kokunye -

(a) Iapho uMkhandlu kaMasipala wemukela ipulani yendawo kanti leyo pulani ima isazofakwa ohlelweni lokusetshenziswa komhlaba;

(b) kunohlelo olukhona lokusetshenziswa komhlaba noma kunamalungelo okusetshenziswa komhlaba angafanelekile kuleyo ndawo: Kuncike ekutheni uma lelo lungelo lokusebenzisa umhlaba angeke liphelelweyisikhathi sokusebenza kuleso siza esinezimo ezithile esikhathini esingangezinyanga eziyi –18 noma ngaphezulu.

(3) IsiGungu kumele sibheke umthelela ozoba khona kuleyo ndawo, izinsiza nokusebenziseka komhlaba uma sithatha isinqumo sokuchezuka ngenxa yezimo zesiza.

(4) UMasipala kumele agcine irejista equkethe ulwazi olumayelana nohlobo lokuchezuka kanye nezizathu zokuchezuka okwenzekile, maqondana nanoma isiphi isinqumo esithathiwe ukuze kuchezukwe ezihlinzekweni zoHlelo lukaMasipala Lwentuthuko Ngokwezindawo.

9. Ukulungiselela uHlaka lukaMasipala Lwentuthuko Ngokwezindawo

(1) UMasipala kumele alungise uHlaka lukaMasipala Lwentuthuko Ngokwezindawo—

- (a) oluhumusha futhi oluveza umbono kaMasipala wokuthuthukisa izindawo;
- (b) olususelwaohlelweni nasepulanini yesikhathi eside lokuthuthukisa izindawo;
- (c) oluveza ukudidiyelwa kwazo zonke izinqubomgomo namapulani emikhakha efanele;
- (d) oluhlahla indlela yokuthathwa kwezinqumo zezokuhlela nentuthuko kuzo zonke izigaba zikahulumeni;
- (e) oluhlahlela uMasipala indlela uma uthatha noma iziphi izinqumo noma usebenzisa noma imaphi amandla onawo ngokweSPLUMA noma ngokwanoma imuphi omunye umthetho ophathelene nokuhlelwa kwentuthuko ngokwezindawo nezinhlelo zokusingatha ukusetshenziswa komhlaba;
- (f) oluzosiza ekwakheni indlela ehleleke kahle yokuthuthukisa umhlaba;
- (g) oluhlinzeka ngolwazi olucacile futhi olutholakala kalula emphakathini nasemkhakheni ozimele futhi oluvula amathuba kwezokutshalwa kwezimali;
- (h) olufaka izindawo ezazincishwe amathuba, izindawo ezibuswa ngamaKhosi, imijondolo kanye nezindawo zamabhizinisi kahulumeni kanye nama-ejensi kahulumeni futhi olubhekelela ukufakwa nokudidiyelwa kwazo ezinhlosweni zendawo, umnotho, inhlalo kanye nemvelo zesigaba esifanele sikahulumeni;
- (i) olulungisa ukungalingani okukhona ekuthuthukisweni kwendawo okwadalwa ubandlululo;

- (j) oluveza izinkinga ezingaba khona esikhathini eside ikakhulukazi ngenxa yezindlela ezithile zokukhula komphakathi nokuthuthukiswa komhlaba kanjalo nezinqubomgomo namasu afanele ukubhekana nalezo zinkinga;
- (k) oluhlinzeka ngomhlahlandlela wamasu entuthuko, ukutshalwa kwezimali kwingqalasizinda, ukukhuthaza ukusebenza kahle, ukugcineka kanye nokutshala izimali okuhleliwe kwayo yonke imikhakha bese kuhlonzwa nezindawo okumele zibekwe eqhulwini ukuze kutshalwe kuzo izimali futhi zithuthukiswe kuqala;
- (l) olukhuthaza isimo sokuthuthukiswa kwendawo esifanele nesingaqageleka ukuze kube khona ukwethembeka nokukhuthaza utshalomali;
- (m) oluhlonipha zonke izindlela ezikhona zokusingathwa kwendawo ezamukelwe isikhungo esifanele sokusingathwa kwezindawo;
- (n) oluzodala ukuba kusebenze imithetho nezinqubomgomo zikazwelonke emayelana nokusetshenziswa ngokucabangela ingomuso kanye nokuvikelwa kwezinsiza zezolimo; kanye
- (o) nolubheka, futhi lapho kufanele khona, lufake imiphumela yokubamba iqhaza okukhulu komphakathi okufaka ukuba yingxenye ngqo komphakathi ohlelweni ngokuba nemihlangano yomphakathi, imibukiso yomphakathi, izinkulumo mpikiswano zomphakathi kanye nokuxoxa ngalokhu emithonjeni yezindaba nangezinye izindlela ezikhuthaza lokho kubamba iqhaza ngo komphakathi.

(2)(a) Uhlaka Lokuthuthukisa Umhlaba olwenziwe ngumasipala kumele luhlelwe kahle, luncikane futhi luhambisane kahle nezinhlelo zokuthuthukisa umhlaba zesifundazwe nezikazwelonke.

(b) Uma uHlaka lukaMasipala Lokuthuthukisa Umhlaba lwamukelwe njengokulandisa kweSPLUMA, kumele luhlahle indlela ngokusetshenziswa kwamandla noma ngokuthathwa kwanoma isiphi isinqumo esithathwa maqondana nesicelo sokuthuthukisa umhlaba.

(3) Uhlaka lukazwelonke lokuthuthukisa umhlaba kufanele lufake isandla futhi luveze lokho okuqukethwe yinqubomgomo namapulani entuthuko kazwelonke futhi ludidiyele bese luveza lokho okuqukethwe yizinqubomgomo namapulani kazwelonke okuvela emikhakheni eyehlukene kahulumeni omkhulu futhi lungafaka ngisho noma iluphi uhlaka lwesifunda lokuthuthukisa umhlaba.

(4)Uhlaka lokuthuthukisa umhlaba lwesifundazwe kufanele lufake isandla futhi luveze lokho okuqukethwe inqubomgomo namapulani okuthuthukisa isifundazwe futhi ludidiyele bese luveza okuqukethwe yinqubomgomo namapulani avela emikhakheni eyehlukene kahulumeni wesifundazwe nokazwelonke njengoba kusebenza kulezo zindawo zesifundazwe.

(5) UHlaka lukaMasipala Lwentuthuko Ngokwezindawo kufanele—

(a)Iwenziwe njengengxenywe ye-IDP kaMasipala ngokuhambisana nezihlinzeko zoMthetho Wezinhlelo Zomasipala; futhi

(b)lusize ekudidiyeleni, ukuhlela, ukuncikisa futhi luveze lokho okuqukethwe izinqubomgomo namapulani avele emikhakheni eyehlukene yamazinga kahulumeni njengoba isebenza endaweni kamasipala.

(6)IziNhlaka Zokuthuthukisa Indawo kumele zibeke ngokucacile ukuthi izinto zizolandelana kanjani ngokubaluleka kwazo, zinxexe, zilandelanise futhi ziqalise ukutshalwa kwezimali kwingqalasizinda yomphakathi neyomkhakha ozimele kanjalo nokuthuthukisa indawo kuqalwe ngalezo ezibekwe eqhulwini ngokwezinhlelo zokuthuthukisa indawo.

Okuqukethwe uHlaka lukaMasipala Lwentuthuko Ngokwezindawo

10. (1) Uhlaka lukaMasipala Lwentuthuko Ngokwezindawo kumele-

(a) luholele ekuqalisweni kwemigomo yezentuthuko;

(b) lufake izethulo zeminyaka emihlanu ezibhalwe phansi zokuthuthukisa umhlaba nepulani kaMasipala yesimo somhlaba;

(c) lufake isitatimende sombono wokuthuthukisa umhlaba esikhathini eside esizayo emhlabeni kamasipala esikhombisa iphupho lokukhula kwendawo nendlela yokuthuthuka komhlaba esikhathini esiphakathi kweminyaka eyishumi kanye nengamashumi amabili ezayo;

(d) luveze ukwakheka kwamanje nokwakheka kabusha kwesikhathi esizayo kwezingxenywe ezithilezomhlaba kaMasipala, okufaka ukwakhiwa kwemigwaqo nezinxanxathela zemigwaqo kanye nezizinda zomnotho lapho kuzobekwa eqhulwini futhi kukhuthazwe ukutshalwa kwezimali zikahulumeninezamabhizinisi ozimele;

(c) lufake izilinganiso zokukhula kwesibalo sabantu eminyakeni emihlanu ezayo;

(d) lufake izilinganiso sokukhula kokudingeka kwezindlu emazingeni ehlukeni ezenhlalo nomnotho kanye nokuhlelwa kwendawo nokwakhiwa kwezindlu ezithothene esikhathini esizayo;

(e) lufake izilinganiso zokuqhubeka komnotho kanye nesimo sokuqashwa kwabantu nezindawo kumasipala eminyakeni emihlanu ezayo;

(f) lukhombe ubuningi bese luhlinzeka ngomsebenzi wezobunjiniyela nengqalasizinda ngokwezidingo zendawo lubhekelelwe izidingo zentuthuko zesikhathi esizayo esiyiminyaka emihlanu;

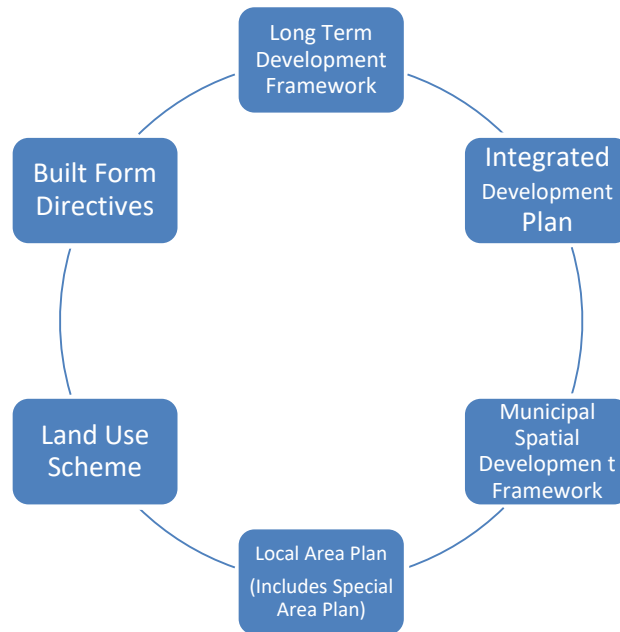
(g) lukhombe izindawo eziklanywe njengezokuhlala, ezebhizinisi, ezokuhweba kanye nezezimboni lapho kungasebenza khona inqubomgomo yokufakwa kwezindlu kazwelonke neyesifundazwe;

- (h) lufake isu lokubheka ukucindezeleka kwendawo kanye namathuba endaweni engaphansi kukamasipala, okufaka nezindawo okumele zivikeleke ngokwemvelo, ezingase zibe ngezolimo kanye nalezo ezingelelela ngasogwini lolwandle uma zikhona;
- (i) lukhombwe izindawo kuMasipala ezibonakala zizolungiswa ngamandla zithuthukiswe ukuze zikwazi ukuba zilawulwe ngokufanele;
- (j) lukhombwe izindawo okumele —
 - (i) zenzelwe amapulani angcono anemininingwane; kanye
 - (ii) nalezo okungasebenza kuzo izinqubo ezinqindawo zokusebenzisa umhlaba ukuze nezinhlelo zokusebenzisa indawo nazo zizochitshiyelwa;
- (m) lubeze izidingo zendawo, ukuhlela, ukuncika kanye nokudidiyela izinqubomgomo zemikhakha eyehlukeneyo kuyo yonke iminyango kamasipala;
- (n) lunqume izindleko zamaphrojekthi amakhulu ezinhlelo zikamasipala zentuthuko njengoba zikhonjiswe ngokwezindawo;
- (o) lunqume inhloso, nomthelela odingekayo kanye nokuma kohlelo lokusingatha ukusetshenziswa kwendawo okumele lusebenze endaweni kamasipala; futhi
- (p) lufake uhlelo lokuqalisa lokhu olufaka—
 - (i) izidingo zomkhakha ngamunye okubalwa isabelomali nezinsiza zokuqalisa izinhlelo ezifanele;
 - (ii) izichibiyelo ezifanele zohlelo lokusetshenziswa kwendawo;
 - (iii) imigomo kamasipala edingekayo ukuze kuqaliswe izinhlelo;
 - (iv) imigomo yamathagethi okwenziwa komsebenzi, okufaka izinsuku, izinkomba zokwalusa; kanye
 - (v) nemigomo, lapho kufanele, yamalungiselelo okubambisana uma sekuqaliswa izinhlelo.

Iqoqo lamapulani

11. (1) UMnyango wakwa Development Planning kuMasipala kufanele wenze wonke amapulani ayingxenye yoHlaka lukaMasipala Lokuthuthukisa Indawo.

(2) Iqoqolamapulani kaMasipala njengoba ibekwe esithombeni esingezansi:



(3) UHlaka Lwentuthuko Yesikhathi Eside luhlinzeka ngamasu nezinhloso zikaMasipala zezendawo, umnotho kanye nezenhlalo ukuze kusize uma esekhetha amasu akhe ezentuthuko.

(4) I-IDPihlinzeka ngamasu okuqaliswa kwezinhlelo ngokubaluleka kwazo kuMasipala.

(5) UHlaka lukaMasipala Lokuthuthukisa Indawo luhlinzeka ngezinhloso zikaMasipala eziphusile zokuthuthukisa indawo ezakhelwe phezu koHlaka Lwentuthuko Yesikhathi Eside kanye no-IDP futhi-

- (a) lweyamanisa izinjongo zikaMasipala zokuthuthukisa indawo; amasu kanye nezinqubomgomo nemigomo efanele kazwelonke neyesifundazwe, amasu kanye nezinqubomgomo;
- (b) luhlinzeka ngombono wesikhathi eside wokuthi uMasipala ufisa ukubona hlobo luni lwendawo nezakhiwo;
- (c) luhlahla indlela yeziphakamiso eziqokethwe emaPlanini Okuthuthukisa Indawo aveza isikhathi esifushane kanjalo nokulungiselelwa kwamapulani endawo;
- (d) lusiza ekuhlelweni, ukubeka eqhulwini kanye nokuncikisa izimali zomphakathi ngokuhambisana ne IDP;
- (e) lukhomba izindawo ezingafanele ukuba zithuthukiswe lapho umthelela wokuthuthukisa lezo zindawo udinga ukuba usingathwe ngendlela;
- (f) luhlinzeka ngomhlahlandlela wenqubomgomo ezosiza ekuthathweni kwezinqumo azimayelana nohlobo, isimo, ubungako kanye nendawo okuzokwenziwa kuyo intuthuko edolobheni, ukuguquka kokusetshenziswa

kwendawo, ukuthuthukiswa kwengqalasizinda, ukubhekana nezimo eziyizibhicongo kanye nokuvikelwa kwemvelo; futhi

(g) lukhuthaza ukucabangela umphakathi.

(6) Ipulani yendawo iyipulani eneminingwane yendawo ehlinzeka-

- (a) ngokuhlela uqobo nokulungisa ukusetshenziswa kwezindawo, ezokuthutha, imvelo kanye nengqalasizinda kube kulelo zinga elihambisana nohlelo lokusetshenziswa kwendawo;
- (b) ukufakwa kwemiyalelo yokuhlela nokudizaywa kwezindawo zasemadolobheni zikahulumeni kanjalo nezinabaninizo
- (c) Iphulani yokuthuthukiswa kwendawo, lapho kuafnelekile, okubalwa nezindawo eziyisipesheli ngokwezemvelo, ezomnotho kanye namagugu
- (d) iPulani Yendawo Eziyisipesheli, lapho kufanele, equkethe-
 - (i) imiyalelo yokuhlela indawo, okubalwa nezindawo ezibalulekile kwezemvelo, ezomnotho kanye namagugu;
 - (ii) imiyalelo eneminingwane yamadizayini ezindawo ezisedolobheni noma iziphakamiso; kanye
 - (iii) nokufakwa kokuqaliswa kweziphakamiso.

(8) Uhlelo lokusetshenziswa kwendawo luhlinzekela ngemithetho yokulawula ukuklama nentuthuko futhi luyithuluzi elineminingwane yokusingatha ukusetshenziswa kwendawo bese luhlinzeka nangokwabiwa kwamalungelo okuthuthukisa indawo emhlabeni kahulumeni kanye nakulowo wabantu abazimele.

(9) Izimiso zokuma kwezakhiwo ziyipulani engafaka-

- (a) iminingwane yaleso siza futhi ifakanesithombe eziveza zonke izinhlangothi; kanye
- (b) nomyalelo wendlela yokwakha, okungafaka lokhu nangaphezulu, ubukhulu, ubungako bephansi, indawo yokupaka kanye nokutshala.

Ukwamukelwa koHlaka lukaMasipala Lokuthuthukisa Indawo

12. (1) UMasipala kumele enze futhi amukele uHlaka lukaMasipala Lokuthuthukisa Indawo oluhambisana nemigomo ye SPLUMA.

(2) UHlaka lukaMasipala Lokuthuthukisa Indawo kumele lwenziwe njengengxenywe yoHlelo lukaMasipala Lwentuthuko Edidiyele ngokuhambisana nezihlinzeko zoMthetho Wezinhlelo Zomasipala.

(3) UMasipala ngesikhathi elungiselela ukwamukelwa koHlaka lwakhe Lokuthuthukisa Indawo, kumele aqinisekise ukuthi uHlaka lwakhe Lokuthuthukisa Indawo luyahambisana nezinhlaka zokuthuthukisa indawo zikazwelonke nezesifundazwe.

(4) Ngaphambi kokwamukelwa koHlaka lukaMasipala Lokuthuthukisa Indawo okukhulunywe ngako esigatshaneni (1) kanye nanoma ikuphi ukuchitshiyelwa okuhlongozwayo oHlakeni lukaMasipala Lokuthuthukisa Indawo, uMkhandlu kumele—

- (a) ukhiphe isaziso ngalolo Hlaka oluhlongozwayo lukaMasipala Lokuthuthukisa Indawo emaphephandabeni aziwayo;
- (b) umeme umphakathi ukuba ulethe izethulo ezibhalwe phansi mayelana noHlaka lukaMasipala Lokuthuthukisa Indawo oluhlongozwayo uzithumele eMkhandlwini zingakapheli izinsuku ezingama -60 emva kokukhishwa kwaleso saziso okukhulunywe ngaso endimeni (a); futhi
- (c) acubungule zonke izethulo azitholile mayelana noHlaka lukaMasipala Lokuthuthukisa Indawo oluhlongozwayo.

(5) UMkhandlu ngokufaka isaziso *kwiGazethi Yesifundazwe* kanye nasemaphephandabeni aziwayo kumele amukele uHlaka lukaMasipala Lokuthuthukisa Indawo.

(6) UHlaka lukaMasipala Lokuthuthukisa Indawo kumele luveze izinhloso zoHlelo Lwentuthuko Edidiyele futhi luhlinzeke ngohlaka lokwakhiwa kwezindawo.

(7) UMasipala ngemizamo yakhe angaveza imigomo yakhe yezentuthuko ngokuchibiyela uHlaka lwakhe Lokuthuthukisa Indawo.

(8) UMasipala angabuyekeza uhlelo lwakhe lokusetshenziswa kwendawo ukuze kube nenhlalanjalo oHlelweni lwakhe Lokuthuthukisa Indawo, futhi lokhu kumele akwenze njalo eminyakeni emihlanu.

ISAHLUKO 6

UHLELO LOKUSETSHENZISWA KOMHLABA

Isinqumo sokwenza uhlelo lokusetshenziswa komhlaba

13.(1) UMkhandlu kumele wamukele isinqumo sokuqala ukulungiselela uhlelo lokusetshenziswa kwendawo lapho lungekho khona uhlelo lokusebetshenziswa kwendawo.

Ukulungisela uhlelo lokusetshenziswa komhlaba

14.(1) UMasipala, emva kokuxhumana nomphakathi, kumele amukele uhlelo lokusetshenziswa komhlaba wazo zonke izindawo ezingaphansi kwakhe ingakapheli iminyaka emihlanu kuqale umthetho we SPLUMA.

(2) Ngaphambi kokwamukela uhlelo lwedolbha lokusetshenziswa komhlaba okukhulunywe ngakho esigatshaneni(1) futhi ngaphambi kokwenza noma iziphi izichibiyelo ezihlongozwayo ohlelweni lwedolbha lokusetshenziswa komhlaba, uMasipala kumele-

(a) afake isaziso kumaphephandaba amabili salolo hlelo lwedolbha lokusetshenziswa komhlaba oluhlongozwayo;

(b) ameme umphakathi ukuba wenze izethulo ezibhalwe phansi mayelana nalolo hlelo lwedolbha lokusetshenziswa komhlaba uzibhekise kuMasipala zingakapheli izinsuku ezingu 60 kusukela osukwini okushicilelwe ngalo lesa saziso okukhulunywe ngaso endimeni (a); fithi

(c) acubungule zonke izethulo azitholile mayelana nalolo hlelo lokusetshenziswa komhlaba oluhlongozwayo.

(3) UMasipala kumele azise umphakathi ngokuafaka emaphephandabeni amabili izaziso ezimayelana nokwamukelwa kohlelo lwedolbha lokusetshenziswa komhlaba.

(4) UMasipala, ngesikhathi enza umsebenzi wakhe ngokwalo Mthetho kaMasipala, kumele avumele ukubamba iqhaza kweMikhandlu yaMakhosi ngendlela okuvunyelenwe ngayo phakathi kukaMasipala neMikhandlu yaMakhosi.

(5) Uhlelo lokusetshenziswa komhlaba kufanele lufake izigaba ezifanele zokuklanywa komhlaba kanye nemithethonqubo yayo yonke indawo kamasipala okufaka nezindawo ezingabanga neziphikiso ohlelweni lokusetshenziswa komhlaba.

(6) Ngaphezu kwezihlinzeko zesigatshana (5), lezi zinto ezilandelayo ziyosebenza njengezizathu zokwamukelwa kohlelo lokusetshenziswa komhlaba-

(a) noma yini yokusingatha ukusetshenziswa kwemvelo eyamukele isikhungo esifanele sezemvelo;

(b) ukufakwa kwezihlinzeko ezikhuthaza ukufakwa kohlelo lwezindlu ezingambi eqolo lapho kwakhiwe khona izindlu zokuhlala;

(c) ukufakwa kwezibonelelo zokusetshenziswa komhlaba nentuthuko ukuze kukhuthazwe ukulandelwa ngendlela kwenqubomgomo yezentuthuko noHlaka lukaMasipala Lokuthuthukisa Indawo;

- (d) ukufakwa kwezihlinzeko zokusetshenziswa komhlaba nentuthuko ukuze kukhuthazwe ukulandelwa ngendlela kwezinqubomgomo zikazwelonke nezesifundazwe;
 - (e) nezihlinzeko zoHlaka lukaMasipala Lokuthuthukisa Indawo kanye ne-IDP; kanye.
 - (f) nanoma imiphi imithetho noma izimiso ezibekwe uMkhandlu weNkosi yakuleyo ndawo ethintekayo
- (7) Uhlelo lokusetshenziswa komhlaba lungafaka izihlinzeko ezimayelana—
- (a) nezidingo ezithile eziqondene ngqo nanoma iyiphi indawo eyisipesheli ehlonzelwe ukuze izidingo zikaMasipala zezentuthuko; kanye
 - (b) nokwahluka kwemibandela yohlelo lokusetshenziswa komhlaba ngale kokwahluka okungase kuguqule kakhulu noma kuphazamise imibandela eqondene nokusetshenziswa, ubukhulu kanye nobungako bamabhilidi nokucinana kokusetshenziswa komhlaba.

Inhloso nokuqukethwe uhlelo lokusetshenziswa komhlaba

15. (1) Uhlelo lokusetshenziswa komhlaba kumele luhambisane futhi lungehluki oHlakeni lukaMasipala Lokuthuthukisa Indawo futhi lunqume ngokusetshenziswa kanye nokuthuthukiswa kwendawo engaphansi kukamasipala oluqondene nalo ukuze kukhathazwe—

- (a) ukukhula kwezomnotho;
 - (b) ukufakwa komphakathi;
 - (c) ukuthuthukiswa kwendawo okufanele
 - (d) nomthelela ongatheni empilweni yomphakathi, imvelo kanye nemithombo yemvelo; kanye
 - (e) nemigomo yezentuthuko
- (2) Uhlelo lokusetshenziswa komhlaba kufanele lufake—
- (a) imithetho yohlelo ebeka izinqubo kanye nemibandela eqondene nokusetshenziswa kanye nokuthuthukiswa kwendawo kunoma uluphi uhlobo lomklamo;
 - (b) ibalazwe eliveza ukuklanywa kwendawo kamasipala ngokuthi izosetshenziselwa yiphi inhloso; kanye
 - (c) nerejista yazo zonke izichibiyelo ezenziwe ohlelweni lokusetshenziswa komhlaba.

(3) Uhlelo lokusetshenziswa komhlaba kumele luveze futhi luhambisane nemigomo yezentuthuko.

Umthelela wezomthetho wohlelo lokusetshenziswa komhlaba

16. (1) Uhlelo lokusetshenziswa komhlaba olwamukelwe—

(a) luphoqelela ngokomthetho kanti bonke abanikazi bomhlaba nabasebenzisi bomhlaba, okubala ngisho uMasipala kanye namanye amazanga nezinhlaka zikahulumeni, ezingaphansi kwendawo kamasipala babophezelwe izihlinzeko zalolo hlelo lokusetshenziswa komhlaba;

(b) lungena esikhundleni sazo zonke ezinye izinhlelo ebezikhona kuleyo ndawo kamasipala okusebenza kuyo uhlelo lokusetshenziswa komhlaba; futhi

(c) luhlinzekela ngamalungelo okusetshenziswa nokuthuthukiswa komhlaba.

(2) Umhlaba ungasetshenziselwa kuphela inhloso evumelekile—

(a) ngokohlelo lokusetshenziswa komhlaba;

(b) ngokohlelo lwedolobha, kuze kube lolo hlelo selukhishwe uHlelo Lokusetshenziswa Komhlaba; noma

(c) ngokwesigatshana(3).

(3) Lapho lungekho uhlelo lokuhlelwa kwedolobha noma uhlelo lokusetshenziswa komhlaba olusebenzayo kuleso siqeshana somhlaba, ngaphambi kokuba kuvunywe futhi kwamukelwe uhlelo lokusetshenziswa komhlaba, lowo mhlaba ungasetshenziswa kuphela-

(a) ngokuhambisana nemvume eyakhishwa ngokwesigaba 11(2) se Town Planning Ordinance, 1949 (uMthetho No. 27 ka 1949);

(b) noma ngokwemvume eyakhishwa ngokwanoma imuphi umthetho ofanele;

(c) ngokwendlela eyayisebenza ngaphambi koba khona kohlelo lwedolobha; noma

(d) ngokokusetshenziswa kwayo okungahambisani nendawo okukhona njengamanje.

(4) Ngale kwezihlinzeko zesigatshana (1)(b), noma iyiphi indawo eyayisetshenziswa ngokusemthethweni ngaphambi kokwamukelwa kohlelo lokusebenzisela indawo leyo nhloso engahambisani nohlelo lokusebenzisa indawo ingaqhubeka nokusthezniselwa leyo nhloso.

(5) Uma ukusetshenziswa komhlaba okukhulunye ngakho esigatshaneni (4) kumiswa isikhathi esingaphazamisekile esiyizinyanga eziyi -18, leyo ndawo angeke isasetshenziselwa leyo nhloso.

(6) Uhlelo lokusetshenziswa komhlaba olwamukelwa kumele lubhekane futhi luxazulule noma ikuphi ukushayisana nohlelo olukhona phakathi kohlelo olungachithiwe noma lwakhishwa uhlelo olusha lokusetshenziswa komhlaba.

Ukuchitshiyelwa kwemingcele kamasipala

17.(1) Lapho imingcele yendawo kamasipala iguqulwa, omasipala abathintekayo kumelengokuxhumana bodwa, bachibiyele izinhlelo zabo zokusetshenziswa komhlaba ngokufanele; futhikuze kube lezo zichibiyelo ziyenziwa, izihlinzeko zohlelo lokusetshenziswa komhlaba ezikhona ziyaqhubeka nokusebenza ngendlela ebezisebenza ngayo ngaphambi kokuguqulwa kwemingcele, kanti umasipala othathe lezo zindawo kumele abhekane nejoka lokuyiphophelela.

Ukuchitshiyelwa kohlelo lokusetshenziswa komhlaba nokuklama kabusha

18.(1) UMasipala, emva kokuxhumana nomphakathi okukhulunywe ngakho esigabeni 14(2), ungachibiyela uhlelo lwakhe lokusetshenziswa komhlaba uma isichibiyelo—

- (a) sizosiza umphakathi;
- (b) sizosiza imiphakathi eyayincishwe amathuba ngaphambilini; kanye noma
- (c) sizoqhubezela phambili umbono nezinhloso zezentuthuko zikaMasipala.

(2) Ngale kwezihlinzeko sesigatshana (1), uMasipala, emva kokuxhumana nomphakathi okukhulunywe ngakho esigatshani 14(2) ungachibiyela uhlelo lwakhe lokusetshenziswa komhlaba ngokuklama kabusha noma imuphi umhlaba odingekayo ngokukaMasipala ukuze afeze izinhloso zakhe zezentuthuko nezinhloso zoHlaka lukaMasipala Lokuthuthukisa Indawo.

(3) Noma iluphi uguquko ohlelweni lukaMasipala lokusetshenziswa komhlaba oluthinta imithetho yalolo hlelo, lungagunyazwa nguMkhandlu kuphela.

(4) Noma ikuphi ukwedlulisela isinqumo soMkhandlu okwenzekalayo njengoba kuchazwe esigatshani (3) kumele kunqunywe Isigungu Sokwedlulisela Izingqomo.

Ukubuyekwezwa nokwaluswa kohlelo lokusetshenziswa komhlaba

19.(1) UMasipala angabuyekeza futhi eluse ngaphakathi ukusebenza kohlelo lwakhe lokusetshenziswa komhlaba njalo ngonyaka ngokuhambisana nesigaba 14(2), futhi achibiyele uhlelo lwakhe lokusetshenziswa komhlaba.

(2) UMasipala, njengokuyalela komthetho we SPLUMA noma ngokwanoma imuphi umthetho wesifundazwe, kumele athumele uhlelo lwakhe lokusetshenziswa komhlaba olwamukelwe nguMkhandlu kuNdunankulu wesiFundazwe saKwaZulu-Natali ukuze aluse ukusebenza kukaMasipala.

Irekhodi lokuchitshiyelwa kohlelo lokusetshenziswa komhlaba

20.(1) UMasipala kumele enze futhi agcine irekhodi lazo zonke izicelo ezithunyelwe kanye nezizathu zezinqumo ezathathwa mayelana nalezo zicelo zokuchibiyela uhlelo lwakhe lokusetshenziswa komhlaba.

(2) Amarekhodi abhaliwe okukhulunywe ngawo esigatshaneni (1) kumele atholakale kumalungu omphakathi ngezikhathi zokusebenza ezejwayelekile emahhovisi amakhulu kaMasipala.

ISAHLUKO 7

IZICELO ZOKUTHUTHUKISA UMHLABA

Izicelo zokuthuthukisa umhlaba

21. (1) Akukho muntu ongaqala, enze noma aqhubeke noma ikuphi ukuthuthukisa noma imuphi umhlaba ngaphandle kwemvume ebhalwe phansi kaMasipala.

(2) Zonke izicelo zokuthuthukisa umhlaba kumele zithunyelwe kuMasipala, njengesiphathimandla sokuqala.

(3) Ngale kwezihlinzeko zesigatshana (2) ngenhla, lapho isicelo noma sidingeka ngokwanoma umuphi omunye umthetho oqondene nokusetshenziswa komhlaba, leyo mvume kumele icelwe ngokwalowo mthetho futhi sihambisane nesicelo esithunyelwe kuMasipala.

(4) Isicelo sokuthuthukisa indawo singathunyelwa-

(a) umnikazi;

(b) umuntu omele umnikazi noma onelinye igunya;

(c) umuntu onikwe umhlaba ukuba awuthuthukise futhi onencwadi ayinikwe uhlaka lukahulumeni noma ayinikwe yilowo muntu ogunyazwe yi-ejenti; kanye

(d) nomhlinzeki wamasevisii onomsebenzi wokuhlinzeka ngengqalasizinda kanye nanoma imiphi eminye imisebenzi efana nalo.

(5) Ngale kwezihlinzeko zesigatshana (4), zonke izicelo eziyisigaba 2, nesigaba 3kanye nezimvume eziyisipesheli kungathunyelwa kuphela ngumuntu osemthethweni emkhakheni wezokwakha, obhalisiwe ebhodini elengamele lowo mkhakha wakhe, noma umuntu owakumukelwe ukuba asebenze ngokusemthethweni ngokoMthetho Wezabammeli (Attorneys Act, 1979 (uMthetho No. 53 ka 1979) noma njengommeli wasemajajini ngokoMthetho Wabammeli Basemajajini (Advocates Act), 1964 (uMthetho No. 74 ka 1964) njengoba uchitshiyelwe.

(6) UMasipala uyokwamukela, acubungule bese ethatha isinqumo kuphela nezicelo ezinalo lonke ulwazi, imibhalo ehambisana naso futhi sekukhokhwe nemali ebekiwe yokufaka izicelo.

(7) Noma imuphi umuntu ofisa ukuqala umsebenzi wokuthuthukisa indawo emhlabeni ongaphandle kohlelo lokuthuthukisa indawo, kanti leyo ntuthuko ingena ngaphansi kwesicelo esiyisigaba 2, 3, noma 4kumele athumele-

(a) isicelo sokuthuthukisa indawo ukuze kunwetshwe imingcele yokusebenza kohlelo lapho kufanele, isicelo sokuklama kanye nobufakazi kwanoma ikuphi ukugunyazwa akuthola ngokwesigaba 11(2) se Town Planning Ordinance, 1949 (uMthetho No. 27 ka 1949), kanye

(b) nanoma iyiphi enye imvume ayithola ngokwanoma imuphi omunye umthetho ofanele noma obunye ubufakazi obufanele.

(8) Ngaphambi kokuthunyelwa kwesicelo sokuklama okukhulunywe ngaso esigatshaneni (7), kufanele kutholakale imvume, uma idingeka, ngokoMthetho Wokuhlukaniswa Komhlaba Wezolimo i-Subdivision of Agricultural Land Act, 1970 (uMthetho No. 70 ka 1970).

Uphenyo ngezokuhlela

22.(1) UMasipala angaxhumana nomfakisicelo ukuze ameluleke noma amyalele nganoma iziphi izidingo, izinqubo kanye nanoma yini enye ephathelene nokuthunyelwa kwesicelo sokuthuthukisa umhlaba, okubala ngisho ukuthi isicelo sithinta uhulumeni kaZwelonke noma wesiFundazwe.

(2) Umfakisicelo kudingeka ukuba athole wonke amagunya kunoma iliphi izinga likahulumeni kanye nezimvo zeminyango ethintekayo ngaleso sicelo sokuthuthukisa indawo uma ngokubona kukaMasipala kufanele enze njalo.

(3) Umphumela walokhu kuxhumana okukhulunywe ngakho esigatshanane (1) asiqinisekisi ukuvunywa kwesicelo sokuthuthukiswa kwendawo.

Ukuthunyelwa kwesicelo sokuthuthukisa umhlaba

23.(1) Isicelo sokuthuthukisa umhlaba kumele sihanjiswa kuMasipala ngokugcwalisa ifomu elifanele bese lisayinwa futhi lifakwe nosuku ngumfakisicelo.

(2) Isicelo sokuthuthukisa umhlaba kufanele, lapho kufanelekile, siphelkezelwe-

- (a) ubufakazi bobuninimhlaba;
- (b) imvume yomnini webhondi noma abanini bebhondi noma ubufakazi bokuthi ayikho ibhondi ebhalisiwe ngalowo mhlaba;
- (c) incwadi ecacisa ukuthi kungani kufanele kubhekwe leso sicelo;
- (d) ikheli okungathunyelwa kulo izaziso noma kusevwe kulo imibhalo, okubala ikheli lendawo, ifeksi noma imeyili; kanye
- (e) nesiqinisekiso esibhalwe phansi esiphuma kumfakisicelo sokuthi akukho ukudluliswa kwesinqumo okusalindiwe maqondana nokugunyazwa kwaleso sicelo asifiakile

(3) Isicelo sokuthuthukisa umhlaba kufanele, lapho kufanelekile siphelkezelwe yile mibhalo ebalulwe lapha ngezansi ngendlela leyo mibhalo edingeka ngayo maqondana naleso sicelo:

- (a) ikhophi eqinisekisiwe yencwadi yokudlulisa amandla okusayina;
- (b) ikhophi eqinisekisiwe yesinqumo noma isigunyazo esigunyaza umuntu ukuba amele inkampani, itrasti, ibhodi elangamele noma inhlango yabanikazi bemizi;
- (c) ikhophi eqinisekisiwe yemibhalo yenkampani kanye nobufakazi bokuthi inkampani ibhalisiwe;
- (d) ikhophi eqinisekisiwe yecwadi yetrasti (*trust deed*) kanye nencwadi egunyazayo;
- (e) ikhophi kamdabuli womhlaba omkhulu yomdwebo noma ipulani;
- (f) noma imiphi imibono ebhalwe phansi yomfakisicelo ephendula ngemibono ebhalwe phansi emayelana nesicelo eyenziwe iminyango yangaphakathi;
- (g) noma iyiphi imvume edingekayo;
- (h) imvume okufanele ikhishwe ngokwesaziso somphakathi uma kudingekile;
- (i) ngaphansi kwesigatshana 21(3) no 22(3) ngenhla, noma iziphi izigunyazo ezivele emazingeni kahulumeni noma izimvo ezivela eminyangweni;
- (j) noma imaphi amanye amapulani noma imidwebo edingekayo;
- (k) ucwaningo noma umbiko kangoti;
- (l) ubufakazi bophenyo lwezokuhlela, lapho kufanelekile;

(4) Ngaphezu kwesigatshana (3), umfakisicelo kudingeka athumele nanoma iluphi ulwazi noma imibhalo engadingwa nguMasipala.

(5) UMasipala angamukela inqubomgomo ehlinzeka ngemihlahlandlela yokuthunyelwa kanye nokuhlaziywa kwezicelo zokuthuthukisa indawo

Isicelo esiphelele

24. (1) UMasipala kumele azise umfakisicelo ngokumbhalela incwadi noma ngokuthumela imeyili lapho kufanele, ukuthi isicelo siphela.

(2) Umfakisicelo, ngencwadi, nganoma isiphi isikhathi ngaphambi kokuthathwa kwesinqumo, angasihoxisa isicelo sakhe.

(3) Umfakisicelo kumele athumele isicelo esisha uma eke wasihoxisa isicelo sakhe njengoba kuchaziwe esigatshaneni (2).

ISAPHLUKO 8

UKUHLUKANISA NGEMIKHAKHA IZICELO ZOKUTHUTHUKISA UMHLABA

Ukuhlukanisa ngemikhakha izicelo zokuthuthukisa umhlaba

25.(1) UMasipala kufanele uhlukanise ngemikhakha zonke izicelo zokuthuthukisa umhlaba.

(2) Noma iziphi izicelo ezihlanganyele-

(a) ziyocutshungulwa ehhovisi lesifunda; bese

(b) zithunyelwa ehhovisi le-SPLUMA, lapho ziyodluliselwa emkhakheniofanele ngokuhambisana nesigaba 27 kanye no 28 lapha ngezansi.

Izicelo zokuthuthukisa umhlaba ezisemkhakheni 1

26.(1) Isicelo somkhakha 1 kufanele sibhekwe ebese uMkhandlu kaMasipala uthathaisinqumo ngaso kanti lezi zicelo zifaka-

(a) ukwamukelwa kohlelo lokusetshenziswa kwendawo; kanye

(b) ukuchitshiyelwa noma ukubuyekezwa kohlelo lokusetshenziswa kwendawo

Izicelo zokuthuthukisa umhlaba ezisemkhakheni 2

27.(1) Isicelo esiyisigaba 2 kufanele sicutshungulwe bese isiGungusithatha isinqumo ngaso kanti lesi sicelo sifaka-

- (a) isicelo sokuthuthukisa umhlaba lapho kunokuchezuka ezinhlinzekweni zoHlaka lukaMasipala Lwentuthuko Ngokwezindawo;
- (b) isicelo sokuklama kabusha umhlaba lapho kusuke kufakwe iziphikiso ngaleso sicelo;
- (c) ukufakwa kwendawo entsha noma umklamo omusha ohlelweni lokusetshenziswa kwendawo;
- (d) ukuklanywa kwendawo; kanye
- (e) nesicelo esihlanganyele, esifaka izindlela eyodwa noma ngaphezulu zokusetshenziswa kwendawo njengoba kubekiwe ku (a) kuya ku (d) kanye nokusetshenziswa kwendawo okungena ngaphansi kwesigana 3 no 4.

Izicelo zokuthuthukisa umhlaba ezisemkhakheni 3

28.(1) Isicelo esiyisigaba 3 kumele sicutshungulwe iNhloko bese ithatha isinqumo: kodwa uma kufakwe isicelo sokuphikisa noma zokuphikisa ngesikhathi sokubamba iqhaza komphakathi maqondana nesicelo sokuklama kabusha umhlaba okukhulunywe ngakho esigatshaneni 2(f), iNkundla kaMasipala Yezokuhlela kufanele icubungule bese ithatha isinqumo ngaleso sicelo.

(2) Isicelo esiyisigaba 3 sifaka-

- (a) isicelo semvume eyisipesheli;
- (c) isicelo sokuhlukanisa umhlaba;
- (d) isicelo sokuhlukanisa nokuhlanganisa umhlaba;
- (e) isicelo sokusungulwa kwelokishi;
- (f) isicelo sokuvalwa kwemigwaqo nezindawo ezivulekile zomphakathi;
- (g) isicelo sokuklama kabusha umhlabangokuhambisana noHlaka lukaMasipala Lokuthuthukisa Indawo;
- (h) isicelo sokususa, ukuchibiyela noma ukumisa imibandela evimbayo;
- (i) isicelo sokuthuthukisa indawo ongangeni ohlelweni lokusetshenziswa kwendawo; kanye
- (j) nesicelo esihlanganyele, esifaka izindlela eyodwa noma ngaphezulu zokusetshenziswa kwendawo njengoba kubekiwe ku (a) kuya ku (h) ngenhla kanye nokusetshenziswa kwendawo okungena ngaphansi kwezicelo eziyisigaba 4.

Izicelo zokuthuthukisa umhlaba ezisemkhakheni 4

29. (1) Isicelo esiyisigaba 4 kufanele sicutshungulwe iPhini leNhloko ebese lithatha isinqumo.

(2) Isicelo esiyisigaba 4 sifaka-

- (a) isicelosokuxegiselwa ezimvumweni ezikhona, uma kunesidingo noma uma izimvume zitholakele;
- (b) isicelosokukhululwa ezihlinzekweni zohlelo lokusetshenziswa kwendawo lapho sekutholakele izimvume ezidingekayo;
- (c) isicelo senkontileka (*i-notarial tie*);
- (d) isicelo sokuthuthukisa indawo engaphandle kohlelo lokusetshenziswa kwendawo maqondana nesicelo sokuxegiselwa noma ukukhululwa ezimvumweni ezikhona.

IKomidi Elihlanganyele Lokweluleka (JAC).

30.(1)Ngalokhu kusungulwa iKomidi Elihlanganyele Lokweluleka.

(2) Umsebenzi weKomidi Elihlanganyele Lokweluleka ukwenza izincomo kumthathizinqumo ngezicelo zokuthuthukisa umhlaba.

(3)INhloko iyoqoka abasebenzi abangeqile kwabane ababhaliswe ngokusemthethweni njengabahleli ukuba bahlale njengamalungu eJAC.

(4)INhloko iyoqoka usihlalo kulawo malungu.

(5) Uma kwenzeka uSihlalo engekho, omunye waBahleli besiFunda uyoqokwa ukuba abe ngusihlalo womhlangano.

(6) Amalungu amathathu eJAC kumele abe khonaukuze umhlangano ukwazi ukuqhubeka.

(7) IJAC kumele ihlangane kangokuba kudingeka ukuze ikwazi ukwenza imisebenzi yayo.

(8) INhloko iyonquma izinqubo zokusebenza zeJAC.

(9) Ngaphambi kokuba noma isiphi isicelo sifakwe ohlelweni lomhlangano weJAC, umbiko kumele ube sewusayiniwe yihhovisi lesifunda kanti uMhleli wesiFunda kumele ahlanganise, asayine bese ethumela isitifiketi somhleli eKomdini Elihlanganyele Lokweluleka sazo zonke izicelo sokuthuthukisa indawo eziyisigaba 2 no 3 azitholile esiqinisekisa ukuthi lezo zicelo ziyahambisana nalo Mthetho kaMasipala.

(10) Ngaphezu kwesitifiketi okukhulunywe ngaso esigatshaneni (9), uMhleli wesiFunda kumele athumele isicelo kanye nemibhalo ehambisana naso ekomidini le JAC ngesikhathi esinqunyiwe sokwenza lokho emva kokuba esegculisekile ukuthi isicelo siphela.

(11) IJAC kumele ithumele izincomo zayo kumththizinqumo zingakapheli ziinsuku eziyi -14 yenze lezo zincomo.

Ukuphawula ngezicelo

31. (1) INhloko ingenza izincomo zokugunyaza noma zokwenqabela noma isiphi isicelo esilethwe umnyango ukuba kuphawulwe ngaso.

ISAPHELA 9

UKUBAMBA IQHAZA KOMPHAKATHI

Izinhlobo zezicelo zokuthuthukisa umhlaba ezidinga ukubamba iqhaza komphakathi

32. (1) Umfakisicelo kuyodingeka ukuba azise umphakathi ngesicelo sokuthuthukisa umhlabangalezi zinhlobo ezilandelayo zezicelo-

- (a) izicelo zemvume eyisipesheli;
- (b) izicelo zokuklama nokuklama kabusha;
- (c) izicelo zokususa, ukuchibiyela noma ukumisa imibandela evimbayo;
- (d) ukuvalwa kwemigwaqo nezindawo ezivulekile zomphakathi; kanye
- (e) nanoma isiphi isicelo esiyisigaba 2.

(2) Umfakisicelo kuyodingeka kuphela ukuba afake isaziso ngesicelo sokuthuthukisa umhlaba kubanikazi bomhlaba abangomakhelwane, noma lapho kufanele, abanikazi abathintekayo ngalezi zinhlobo ezilandelayo zezicelo-

- (a) isicelo sokukhululwa; kanye
- (b) nesicelo sokuxegiselwa.

(3) Lapho umnikazi ongumakhelwanenoma umnikazi othintekayo engayikhiphi imvume mayelana nesicelo okukhulunywe ngaso esigatshaneni (2), lesosicelo siyoguqulwa sibe isicelo semvume eyisipesheli.

Ukubamba iqhaza komphakathi

33. (1) Umfakisisicelo angaqhubeka kuphela nokufaka isaziso somphakathi maqondana nesicelo sokuthuthukisa umhlaba uma uMasipala usukuqinisekisile ngokubhala phansi ukuthi isicelo siphela.

(2) Umfakisisicelo kumele aqale uhlelo lokwazisa umphakathi ngendlela efanele ehlinzekwe esigabeni 34 zingakapheli izinsuku eziyi-14 ethole isaziso okukhulunywe ngaso esigatshaneni (1).

(3) Lapho uMasipala ebona kungeke kwenzeke ukubakuthunyelwe izaziso kubo bonke abanikazi abangomakhelwane baleyo ndawo ethintekayo, ngenhloso yokubamba iqhaza komphakathi, angabiza umhlangano womphakathi bese ekhipha isaziso emaphephandabeni ameme-

- (a) abantu abanentshisekelo nabathintekayo ukuba bethamele umhlangano; kanye
- (b) nokuthi umphakathi ulethe iziphikiso ezibhalwe phansi kuMasipala zingakadluli izinsuku ezingu -30 kusukela osukwini okuqoshwe ngalo isaziso.

(4) Umhlangano okukhulunywa ngawo kwisigatshana (3) kumele ubanjwe sekwendlule izinsuku eziyisikhombisa kodwa zingakadluli izinsuku ezingamashumi ayisithupha kukhishwe isaziso okukhulunywa ngaso esigatshaneni (3).

Indlela yokubamba iqhaza komphakathi

34.(1) Isaziso esikhishwa ephephandabeni, isaziso esichonywa esayithini kanye nesaziso esithunyelwe kubanikazi abangomakhelwane baleyo ndawo, abanikazi abathintekayo, amazanga kahulumeni kanye nekhansela lesigcemekufanele sibe nalolu lwazi olulandelayo-

- (a) amagama aphelele omfakisisicelo;
- (b) amandla umfakisisicelo asebenza ngaphansi kwawo uma engeyena umnikazi;
- (c) incazelo ephelele yendawo, efaka nekheli lendawo lalowo mhlaba;
- (d) isifingqo esifishane sesicelo;
- (e) igama lomuntu kanye nekheli lapho ukuphikisa noma ukuphawula kungabhekiswa khona;
- (f) ukuphikisa noma ukuphawula okubhalwe phansi kumele kubhekiswekuMasipala kanye nakumfakisisicelo zingakapheli izinsuku ezingama-30-
 - (i) kusukela osukwini lokushicilela ephephandabeni;
 - (ii) kwathunyelwa isaziso; noma
 - (iii) kwachonywa isaziso esayithini;
- (g) indawo nesikhathi lapho kungahlolwa khona imininingwane yesicelo; kanye

(h) nanoma iluphi ulwazi olungaphezulu uMasipala ongaludinga ukuba lufakwe kwisaziso.

(2) Umfakisisicelo kufanele akhiphe isaziso sesicelo sokuthuthukisa umhlaba ngokushicilela emaphephandabeni amabili endawo asatshalaliswa kuleyo ndawo: Kuncike ekutheni uma izinsuku zokushicilela zingefani, usuku lokugcina lokushicilela luthathwa njengosuku lokushicilela.

(3) Isaziso okukhulunywe ngaso kwisigatshana (2) kufanele sishicilelwe ngolimi lwephephandaba.

(4) Umfakisisicelo,ngosuku noma ngaphambi kosuku lokushicilelwa kwamaphaphandaba okukhulunywe ngawo esigatshaneni (2) kufanele achome isaziso kuleyo ndawo futhi azisa abanikazi abaseduze, abanikazi abathintekayo, amazing kahulumeni kanye nekhansela lendawo.

(5)Umfakisisicelo kufanele achome isaziso sendawo kuyo yonke imigwaqo engenela kuleyo ndawo.

(6)Isaziso sendawo noma izaziso zendawo kumele-

(a) zibe u A3 ubukhulu futhi sihambisane nendlela ebekwe ebekwe nguMasipala mayelana nokuqukethwe kanye nokubekwa kwesaziso noma izaziso;

(b) zichonywe ngendlela ezodala ukuba zibonakale zifundeke ngaso sonke isikhathi sokubekwa kwaso njengesaziso somphakathi

(7) Umfakisisicelo uyothwala zonke izindleko ezihambisana nokufakwa kwesaziso somphakathi.

(8) Uma umnikazi oseduze noma oncikene naleyo ndawo eyilungu leBody Corporate noma leHome Owners Association, ukusevwa kwesaziso kwiBody Corporate noma kwiHome Owners Association kuthathwa njengokusevwa kubo bonke abanikazi baleyo Body Corporate noma baleyo Home Owners Association.

Ubufakazi bokubamba iqhaza komphakathi

35.(1) Umfakisiselo kufanele adabule isiqeshana sesaziso asifake ephephandabeni njengobufakazi kuMasipala zingakapheli izinsuku eziyisikhombisa kuvalwe isaziso okuyisikhathi esivumela ukuba kuthunyelwe iziphikiso.

(2) Ngaphezu kobufakazi okukhulunywe ngabo kwisigatshana (1), ngesikhathi esifanayo, umfakisiselo kumele athumele kuMasipala ubufakazi bokuthi-

- (a) ubanikile isaziso abanikazi abaseduze, ikhansela lendawo, abanikazi abathintekayo, noma amazinga khulumeni;
- (b) nencwadi efungelwe eqinisekisa ukuthi isaziso sendawo sichonyiwe kuleyo kanye; kanti
- (c) izithombe eziqinisekisa ukuchonywa kwesaziso sendawo kumele
 - (h) zibonakale ngokucacile zivele ukubekwa kwaso, amagama kanye nokubonakala lwesaziso; futhi
 - (i) sibe nosuku okwathathwa ngalo isithombe.

Ukuphikisa izicelo zokuthuthukisa umhlaba

36.(1)Ukuphikisa okubhalwe phansi okumayelana nesicelo sokuthuthukisa umhlabakufanele kuthunyelwe umfakisiselo nakuMasipala zingakapheli izinsuku ezingu 30 okuyisikhathi okuvulelwe ngaso ukulethwa kweziphikiso.

(2)Umfakisiselo angathumela ukuphawula kwakhe okubhalwe phansi kuMasipala ephendula ukuphikisa kungakapheli izinsuku ezichazwe kwisigatshana (1) ngaphezulu.

(3) Ukuphikisa kumele kube nalolulwazi olulandelayo-

- (a)igama nekheli lomuntu ophawulayo;
- (b)ikheli lapho umuntu angathunyelelwa khona noma isiphi isaziso, okungafaka nefeksi noma ikheli lemeyili;
- (c) ukuthinteka kwakhe kuleso sicelo;
- (d) nesizathu sokuphikisa; kanye
- (e) nesizathu sokucela ukwengezela kwesikhathi sokufaka iziphikiso.

Izicelo zokuthuthukisa umhlaba ezichitshiyelwe

37. (1) INhloko ingavumela umfakisiselo ukuba achibiyele isicelo sakhe ngaphambi kokuthi kuthathwe isinqumo uma lokho kuchibiyela kungeke kushintshe uhlobo lwesicelo.

- (2) Lapho iNhlolo ivumelaukuchitshiyelwa kwesicelo okuchazwe kwisigatshana (1),-
- (a) ingadinga ukuba isicelo esichitshiyelwe siphinde sisatshalaliswe eminyangweni yangaphakathi nasezinhlakeni zikahulumeni ukuze kuphawulwe; futhi
 - (b) inganquma indlelayokubamba iqhaza komphakathi okungadingeka ukuba umfakisisicelo ayilandele.
- (3) Lapho iNhlolo idinga umfakisisicelo ukuba alandele indlela ethile yokubamba iqhaza komphakathi ngesicelo esichitshiyelwe okukhulunywe ngaso kwisigatshana (2)(b), noma ikuphi ukuphikisa okwakuthunyelwe phambilini kuyophelelwa isikhathi bese kucutshungulwa kuphela lokho kuphikisa okuthunyelwa ngesikhathi sokubamba iqhaza komphakathi ngesicelo esichitshiyelwe.

ISAHLUKO 10

ISIGUNGU SIKAMASIPALA SOKUHLELA

Ukusungulwa kwesiGungusikaMasipala Sokuhlela

- 38.** (1) UMasipala kufanele usungule isiGungu ukuze sicubungule izicelo zokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala.
- (2) IsiGungu kufanele sibe nezikhulu ezisebenzela umasipala ngokugcwele kanye nabantu abazoqhamuka ngaphandle abazobe beqokwe uMkhandlu kaMasipala.
- (3) IKhansela likaMasipala akufanele liqokwe njengelungulesiGungusikaMasipala sokuhlela.
- (4) IsiGungu kufanele sisebenzise amandla aso ngokuzimela futhi sihambisane nemigomo yobuqotho, ukungachemi, kanye nokulandela indlela efanele.
- (5) UMasipala, uhlaka lukahulumeni kanye nanoma imuphi umuntu akufanele agxambukele ekusebenzeni kwesiGungu.
- (6) ILungulesiGungu kufanele lisebenze ngokungachemi futhi lisebenzise amandla futhi lenze imisebenzi yalongendlela enobulungiswa ngaphandle kokwesaba, ukwenzelela noma ukubandlulula.

(7) IsiGungusingakhipha umyalelo obhalwe phansi siwubhekise kunoma isiphi isikhulu noma umsebenzi kaMasipala, simyalela ukuba avele ngaphambi kwesiGungu ngenhloso yokuhlinzeka ngolwazi olufanele leso sicelo.

Inqubo yokuqoka amalungu esiGungu

39. (1) UMasipala, ngokufaka isaziso emaphephandabeni amabili angacela ukuba kukhethwe abantu abaqhamuka ngaphandle ukuba babe ngamalungu esiGungu.

(2) Noma imiphi umuntu wangaphandle ozophendula kuleso saziso kufanele-

(a) afake isicelo esibhalwe phansi ngokugcwalisa ifomu elibekiwe lihambisane nalawo maphepha adingakalayo kuleso sikhathi esibekiwe; futhi

(b) ahambisanenezimfanelo nendlela ebekiwe yokuqokelwa ukuba yilungu lesiGungu.

(3) UMkhandlu kufanele ucubungule izincomo zokuqoka ezenziwe iphaneli yabahlungi eyakhiwe izikhulu zikamasipala bese uqoka omunye umuntu wangaphandle ukuthi ahlale kulesi siGungu.

(4) Umuntu oqokiwe kufanele anikezwe incwadi yokuqokwa enemigomo nemibandela yokuqokwa kwakhenjengoba inganqunywa nguMkhandlu futhi ngokuhambisana nanoma imiphi imigomo namazinga abekiwe.

(5) Isikhulu esiyisisebenzi sikamasipala sibophezelekile ngokwemibandela yaso yokusebenza futhi angeke sithole umholo owengeziwe, isibonelelo, ilivu yokuphumula, ilivu yokugula kanye nanoma imipheminye imihlomulo ngenxa yokuba ilungu lesiGungu.

(6) IsiGungusingakwazi ukuqala ukusebenza uma iMenenja kaMasipala isikhiphe isaziso kwi*Gazethi Yesifundazwe* eqinisekisa umthethosisekelo wesiGungu, amagama amalungu kanye nosuku lokuqala kokusebenza kwesiGungu.

(7) UMasipala kumele acele ukuba kuqokwe abanye abantu ngokulandela izinhlelo ezibekwe kulesi sigaba uma labo abatholakele bengahlangabezani nenqubo ebekiwe yokuqoka amalungu.

Ukwakheka kwesiGungu

40. (1) IsiGungu kufanele sibe—

(a) nabasebenzi abaqokiwe abasebenza ngokugcwele kuMasipala; kanye

(b) nabantu abaqhamuka ngaphandle abaqokwe uMkhandlu kaMasipala.

(2) Noma imuphi umuntu obekwe noma oqokwe njengelungulesiGungu kufanele abenemfundo efanele, abhalise enhlanganweni yomkhakha womsebenzi akuwo uma ikhona, ulwazi ngokwesipiliyoni anaso kwezokuhlelwa komhlaba, ukusingathwa kokusetshenziswa nokuthuthukiswa komhlaba, noma umthetho ohlobene nalokhu.

(3) Izikhulu eziqokiwe ezisebenza ngokugcwele kuMasipala kufanele -

- (a) zibe ngabahleli ababhalisile;
- (b) kube ngumsebenzi wezemvelo obhalisile; kanye
- (c) noMeluleki Wezomthetho oMkhulu, uMeluleki Wezomthetho Oyinhloko, iPhini leNhloko noma iNhloko yoMnyango wakwa-Legal and Compliance.

(4) Umuntu oqhamuka ngaphandle oqokwe uMkhandlu kaMasipala kufanele abe-

- (a) umhleli wamapulani obhalisiwe onesipiliyoni sokuhlela amapulani; kanye
- (b) nomhleli wamapulani obhalisiwe onesipiliyoni sokuthunyelwa kwezicelo zokusetshenziswa komhlaba.

(5) Amalungu angamaphesenti angu 50 kanye nelungu elilodwa ngaphezulu esiGungu ayasenza isibalo esanele sokuhlala komhlangano (ikhoramu): ngaphansi kokuthi umhleli wamapulaniobhalisile kanye noMeluleki Wezomthetho okukhulunywe ngabo esigabeni 40(3)(c) bakhona ukuze kuqhubeke umhlangano.

(6) isiGungungesikhathi senza umsebenzi waso, singacela, siqoke noma sisebenzise umeluleki wezobuchwepheshe noma uongoti walowo mkhakha othintekayo.

(7) Umeluleki wezobuchwepheshe noma uongoti okukhulunywe ngabo esigatshaneni (6) abawona amalungu futhi abanalo ilungelo lokuvota emhlanganweni wesiGungu.

(8)Umeluleki onguchwephesheongesona isisebenzi sikahulumeni noma sikaMasipala angakhokhelwa ngendlela efanele.

(9) Isikhathi sokuba sezikhundleni kwamalungu esiGungu siyoba iminyaka emihlanu, noma lesi sikhathi esifushane esinganqunywa uMkhandlu, ngaphansi kokuthi ilungu angeke likwazi ukuqhubeka nokuba ilungu isikhathi esingaphezu kweminyaka eyishumi.

(10) UMasipala angaqoka isikhulu sikamasipala njengelungu lesikhashana lesiGungu, esikhundleni selungu eliqokelwe lokho ngokwendima (1)(a), uma lelo lungu elisemthethweni

lingekho ngenxa yokugula noma liselivini yokuyobeletha futhi linikiwe imvume yokuthatha leyo luvu ngusihlalo.

(11) Ilungu eliqokwe okwesikhashana ngokwesigatshana (10) kumele kube ngeliqashwe ngumasipala esikhundleni esifanayo nesalelo longu elisemthethweni elibambeke.

Ukuqokwa kukaSihlalo

41. (1) UMkhandlu kufanele uqoke ilunga elizosebenza njengosihlalo futhi lowo muntu kumele ahlale kulesi sikhundla isikhathi esingeqile eminyakeni emihlanu.

(2) UMkhandlu kufanele uqoke omunye kumalungesiGungu ukuba abe yiPhini likaSihlalo futhi lowo muntu kumele ahlale kulesi sikhundla isikhathi esingeqile eminyakeni emihlanu.

(3) IPhini likaSihlalo kufanele lisebenze njengosihlalo esiGungwini uma uSihlalo engekho noma engakwazi ukwenza umsebenzi wakhe. Uma kwenzeka bobabili, uSihlalo kanye nePhini likaSihlalo bengekho noma bengakwazi ukwenza umsebenzi wabo, amalungu angakwazi ukwenza umsebenzi wabo, amalungu angakwazi ukwenza umsebenzi wabo, amalungu angakwazi ukwenza umsebenzi wabo, amalungu angakwazi ukwenza umsebenzi wabo.

(4) USihlalo, noma uma kwenzeka iPhini likaSihlalo, uyena oyosayinela isiGungu.

(5) USihlalo kufanele aqondise umsebenzi wesiGungu, amele isiGungukuzo zonke izinto eziphathelele nezokuphatha futhi engamele imihlangano yesiGungu.

(6) USihlalo kufanele anqume isikhathi nendawo lapho kuzobanjelwa khona imihlangano yesiGungu.

(7) USihlalo usizwa yihhovisi leSPLUMA ekwenzeni imisebenzi yakhe.

(8) Isinqumo seningi lamalungesiGungu isinqumo esingujuqusesiGungu.

(9) Uma ngodaba oluthile kuba nesibalo samavoti esilinganayo, lowo okhethwe okwengamela umhlangano nguyena oyoba nevoti elithatha isinqumo ngaphezu kwevoti lakhe lokuba yilungulesiGungu.

Isikhathi sokuba sesikhundleni kwamalungesiGungu

42. UMkhandlu kaMasipala ungaqoka umuntu wangaphandle ukuba abe yilungu lesiGungu isikhathi esiyiminyaka emihlanu noma esifishane kuye ngokunquma koMkhandlu.

Ukukhishwa ekubeni yilungu lesiGungu

42. (1) Umuntu angeke akwazi ukuba aqokelwe noma aqhubeke nokuba yilungulesiGunguuma –

- (a) engesona isakhamuzi noma engahlali ngokuphelele kwiRiphabhuliki yaseNingizimu Afrika;
- (b) eyilunga noma ekhethelwe ukuba yilungu lePhalamende, Isishayamthetho sesifundazwe, uMkhandlu kaMasipala noma iNdlu Yobuholi Bomdabu;
- (c) ecwile ezikweletini;
- (d) amenyezelwa inkantolo yomthetho njengomuntu ophazamisekile ngokomqondo noma eboshelwe ngaphansi komthetho wabaGula ngeNgqondo, 2000(uMthetho No. 17 ka 2002);
- (e) wake walahlwa amacala okwephula umthetho ahlanganisa ukungethembeki;
- (f) wake wakhishwa esikhundleni ngenxa yokungaziphathi kahle;
- (g) wake wakhishwa esiGungwiningaphambilini ngokwephula noma iziphi izihlinzeko zomthetho weSPLUMA, umthetho wesifundazwe oshaywe ngokweSPLUMA noma ngokwalo Mthetho kaMasipala;
- (h) etholakale enecala lokungaziphathi kahle nokungasebenzi ngendlela;
- (i) ehlulekile ukuthobela izihlinzeko zeSPLUMA nanoma umuphi umthetho wesifundazwe eshaywe yiSPLUMA noma ngokwalo Mthetho kaMasipala;
- (j) emenyezelwa yinkantolo njengomuntu owehluleka ukusingatha izindaba zakhe noma ofakwe ohlelweni lokuphathelwa izimali,
 - (k) ehluleka ukudalula ukuthinteka kwakhe odabeni oluthile bese eqhubeka nokuba yingxene yomhlangano;
 - (l) ephutha emihlanganweni emibili ilandelana ngaphandle kokunikwa ilivu yokungabibikho yisiGungu; noma
 - (m) eyilingu keJAC

(2) IlungulesiGungukufanele lishiye esikhundleni ngokushesha uma lelo lungu litholakala ukuthi alifanelekile ukuba sesikhundleni ngokusho kwesigatshana (1).

(3) Isikhala esiGungwini sivela uma-

- (a) ilunga lesula ngokubhala incwadi;
- (b) kuphele isikhathi sokuba sehhovisini kulelo lungu;
- (c) lidlulile emhlabeni;
- (d) lingasafanelekile ukuba sesikhundleni njengokulandisa kwesigatshana(1);
- (e) uMkhandlu ukhipha ilungu ehhovisini; noma

(f) ilungulingasafanelekile ukuba ilungulesiGungunoma lingasahlangabezani nenqubo yokuqokelwa ukuba yilungu lesiGungu.

(4)Uma kukhona isikhala, isiGunguangeke ivinjwe ekwenzeni imisebenzi yaso kanti uMasipala kufanele ukhethe ngokushesha umuntu ozoba ilungulesiGungungokulandela inqubo ebekiwe yokuqoka amalunguesiGungu.

(5) UMkhandlu ungalikhipha esiGungwini ilungu eliqhamuka ngaphandle emuva kokuba selinikiwe ithuba lokwenza izethulo zokuphendula ngezizathu ezidale ukuba likhishwe esikhundleni.

(6) Ilungu lesiGunguakufanele emhlanganweni ngaphandle kokuthola imvume ebhalwe phansi egunyazwa uSihlalo, futhi kufanele lihlele ukwenziwa komsebenzi walo ngalesi sikhathi lingeko.

(7) Ukwepulwa komthetho yinoma ngumuphi umsebenzi kufanele kubhekanwe nakho ngokwesigaba 67(1) (h) soMthetho Wezinhlelo Zomasipala.

(8) IlungulesiGungu —

(a) kufanele liveze konke ukuthinteka ngqo kwalo,nanoma ikuphi ukuthinteka okungase kube khona ngesikhathi esibekiwe; futhi

(b) akufanele lithamele umhlangano noma livote konoma imuphi umhlangano wesiGunguqondene nanoma yiluphi udaba oluhlangene nokuthinteka kwalo.

(9) IlungulesiGunguliba nokuthinteka ngqo uma —

(a) ilungu uqobo noma ilungu lomndeni walo,uphathina noma uzakwabo ebhizinisini engumfakisicelo noma enokunye ukuthinteka nje odabeni oludingidwa yisiGungu; noma

(b) ilungu linokunye nje ukuthinteka okungalivimba noma okubonakala kungalivimbaekwenzeni imisebenzi yalo ngendlela enobulungiswa, engachemi futhi efanele.

(10) Uma nganoma isiphi isikhathi kusaqhubeka umhlangano,kuvela ukuthi ilungu liyathinteka ngqo odabeni olithile-

(a) ilungu kufanele lidalule ngokuphelele ukuthinteka kwalo bese liwushiya umhlangano; futhi

(b) lokhoelikudalulayo kufanele kuqoshwe emaminithini omhlangano.

(11) IMenenja kaMasipala kufanele ibe nerejista eqopha kuyo konke ukudalula ukuthinteka okwenziwe ngamalungu esiGungu.

(12) Wonke amalungu esiGungukufanele athobeleIndlela Yokuziphatha Kwamalungu esiGungu.

(13) Ilunga elisebenza ngokugcwele kuMasipala, ngaphezu kokuthobela indlela yokuziphatha okukhulunywe ngayo esigatshaneni (12), kufanele liphinde ligcine izihlinzeko zeNdlela Yokuziphatha Kwabasebenzi bakaMasipala njengoba ibekiwe kusheduli 2 woMthetho Wezinhlelo Zomasipala.

(14) UMasipala ungahlangula ecaleni futhi uhlinzeke ilungulesiGungungommeli lapho kufakwe khona amacala ngalelo lungu avele ngesikhathi lenza noma imuphi umsebenzi wesiGungukanye nalapho lenze ngokuthembeka,nangale kokuba budedengu kanye nangokuhambisana nezinhlinzeko zanoma iyiphi inqubomgomo eyamukelwe nguMkhandlu ephathelene nemigomo nemibandela yokuzihlangula ecaleni.

ISAHLUKO 11

IZINQUMO NGEZICELO ZOKUTHUTHUKISA UMHLABA

Ukunquma ngesicelo sokuthuthukisa indawo

44.Umthathisinqumo, lapho kufanele, kumele abheke lokhu okulandelayo ngesikhathi ecubungula futhi enquma nganoma isiphi isicelo sokuthuthukisa indawo-

- (a) uMthethosisekelo;
- (b) uguquko olulindeleke ngokoMthethosisekelo nemisebenzi yamazanga kahulumeni;
- (c) imigomo yentuthuko;
- (d) uhlobo lwesicelo oluthunyelwe;
- (e) inqubo elandelwe ngesikhathi kuhlaziywa isicelo;
- (f) I-IDP kanye noHlaka lukaMasipala Lokuthuthukisa Indawo;
- (g) izinhloso nombono kaMasipala kwezentuthuko;
- (h) izihlinzeko zohlelo lokusetshenziswa kwendawo;
- (i) uHlaka lukaZwelonke nolwesiFundazwe Lokuthuthukisa Indawo;nalapho kufanele, noHlaka lwesiFunda Lokuthuthukisa Indawo;
- (j) iqoqo lamapulani ahlanganisiwe;

- (k) noma ikuphi ukuphikisa nokuphawula okwafakwa ngesikhathi sohlelo lokubamba iqhaza komphakathi;
- (l) noma ikuphi ukuphendula okubhalwe phansi okwenziwe umfakisiselo ephendula ngeziphikiso nokuphawula okwatholakala;
- (m) noma ikuphi ukuphawula okwatholakala eminyangweni yangaphakathi, kanye nasemazingeni kahulumeni;
- (n) ukuthinteka komphakathi;
- (o) isimo nomthelela wemisebenzi yezobunjiniyela, ingqalasizinda yomphakathi kanye nezidingo zendawo evulekile;
- (p) izimali zentuthuko ezazisebenza ngokomthetho ngesikhathi kufakwa isicelo;
- (q) amaqiniso nezimo ezibalulekile kwisicelo; futhi uma kufanele, kubandakanya izindaba okukhulunywe ngazo eMthethweni Wokuhlela Nentuthuko njengezindaba ezihlobene naleso sicelo;
- (r) amalungelo nezibopho okufanele kwabo bonke abathinteka ngokufakwa kwesicelo;
- (s) ukucubungula nezincomo zama-planner okubhalwe phans;
- (t) ukuthotshelwa kwemithetho yezemvelo kanye nanoma imiphi eminye imithetho efanele ephathelene nezokuhlela nokusingathwa kokusetshenziswa komhlaba;
- (u) izincomo ezenziwe yiKomidi Elihlanganyele Lokweluleka (JAC);
- (v) iqhaza nokuthinteka koMkhandlu wamaKhosi kuleso sicelo;
- (w) noma iyiphi inqubomgomo kaMasipala esebenza mayelana nokuthathwa kwezinqumo, ezokuhlela nokusingathwa kokusetshenziswa komhlaba;
- (x) nanoma yini enye, okufaka izikhathi ezinqunyiwe zokuthathwa kwezinqumo;
- (y) izinqubomgomo, imigomo kanye namazinga noma eminye imihlahlandlela ebekwe nguHulumeni kaZwelonke kanye nowesiFundazwe; kanye
- (z) nesigaba 42 somthetho weSPLUMA

(2) Isaziso sezinqumo kumele siqukathe lolu lwazi olulandelayo:

- (a) imininingwane yomfakisiselo;
- (b) umphumela wesicelo;
- (c) izizathu zezinqumo okukhulunywe ngaso endimeni (b);
- (d) noma imiphi imibandela isicelo esigunyazwa ngaphansi kwayo;
- (e) noma imiphi imiyalelo eqondene noMdabulimhlaba Omkhulu, uma ikhona;
- (f) izizathu sanoma iluphi uguquko olwenziwe esicelweni;
- (g) usuku lokuvala lokudluliswa kwezinqumo; kanye
- (h) nosuku lokuqala ukusebenza kwesinqumo sikaMasipala.

(3) Noma iliphi iphutha lokubhala elenzeke embhalweni noma ekuqoshweni kwesinqumo lingalungiswa nguSihlalo weNkundla, iNhloko yoMnyango noma iPhini leNhloko yoMnyango ngokuhambisana nesigaba sesicelo.

Imisebenzi namajoka kamthathisinqumo

45. (1)Umthathisinqumo kufanele —

- (a) acubungule bese enquma ngazo zonke izicelo ezidluliswe noma zathunyelwa kuye ngokomthetho;
- (b) acubungule zonke izincomo ezithunyelwe yi JAC ngaphambi kokuthatha isinqumo ngesicelo;
- (c) agcine amarekhodi ayo yonke imihlangano; futhi
- (d) ahlinzeke ngezizathu ezibhalwe phansi zanoma iziphi izinqumo azithathile; futhi
- (e) agcine irejista lazo zonke izaziso zezinqumo.

(2)Umthathisinqumo—

- (a) angabeka noma imiphi imibandela efanele eqondene nokuhlinzekwa kwemisebenzi yobunjiniyela kanye nokukhokhelwa kwanoma iziphi izimali zentuthuko;
- (b) angachibiyela noma amise umbandela obekiwe;
- (c) angenza noma ikuphi ukunquma okufanele mayelana nazo zonke izindaba ezifanele noma ezihambisana nokwenza umsebenzi wakhe ngokomthetho we SPLUMA, umthetho wesiFundazwe kanye nangokwalo Mthetho kaMasipala;
- (d) angenza noma iluphi uphenyo oluqondene nesicelo esiphambi kwakhe;
- (e) angacela uMkhandlu ukuba uqoke isisebenzi sakhe noma uqoke noma imuphi umuntu ngokwesigaba 32(3) se SPLUMA njengomhloli ukuba enze uphenyo;
- (f) angacela olunye ulwazi kunfakisicelo
- (g) anganikeza imiyalelo efanele eqondene nemisebenzi yakhe kunoma imuphi umuntu osebenzela uMasipala;
- (h) angaya kohlola indawo;
- (i) anganquma nganoma imuphi umbuzo osendaweni engaphansi kwakhe;
- (j) angaqoka umeluleki wezobuchwepheshe ukuba ameluleke noma amsize ekwenzeni imisebenzi yakhe ngokomthetho we SPLUMA nangokwalo Mthetho kaMasipala;futhi
- (k) angenza isinqumo sokuthi ingabe umuntu ufanelekile yini njengomuntu othintekayo ukuba anikezwe igunya lokuba umngeneleli esicelweni

sokuthuthukisa indawo futhi anganqinda ukubamba iqhaza kwalowo muntu kube mayelana nalezo zinto okutholakale ukuthi uyathinteka kuzo kuphela.

Ukuthatha isinqumo

46.(1)Umthathisinqumo -

- (a) angaphasisa isicelo sonke noma ingxenye yaso;
- (b) angaphasisa isicelo abeke imibandela;
- (c) angasenqaba isicelo; noma
- (d) angahlehlisa ukuthathwa kwesinqumo sesicelo ukuze kuyiwe kohlola indawo noma kuyokwenziwa olunye uphenyo, noma ukuze kutholakale iseluleko sochwepheshe noma ukuze kutholakale olunye ulwazi oludingeka kumfakisicelo: Kuncike ekutheni isinqumo angeke sahlehliswa isikhathi esingaphezu kwezinsuku ezingu -30.

(2) IsiGungu singacela ukuba kulalelwe lesi sicelo bese sazisa umfakisicelo, nanoma imuphi umuntu ofake isiphikiso kanye nanoma imuphi umuntu onganikwa igunya lokuba ngumngeneleli ngosuku, isikhathi kanye nendawo okuzohlalwa kuyo.

(3) Lapho kufanele, isaziso sokulalelwa kwesicelo okukhulunywe ngaso esigatshaneni (2) kufanele-

- (a) sibe nendawo, usuku nesikhathi okuzohlalwa ngaso;
- (b) sisho inhloso yalokho kulalelwa kwesicelo;
- (c) sazise zonke izinhlangothi ngamalungelo azo zokuba khona noma zokumeleka kulowo mhlangothi;
- (d) sazise zonke izinhlangothi ngamalungelo azo zokubeka udaba lwazo noma zokuhola ubufakazi bokweseka udaba lwazo; futhi
- (e) sifake nanoma iluphi olunye ulwazi oludingekayo.

(4) Umfakisicelo kanye nanoma imuphi omunye umuntu ohlose ukuba khona ecaleni kumele azise isiGungungenhloso yakhe yokuzolalela ngaphambi kokulalelwa kwalo.

(5) Abantu okukhulunywe ngabo esigatshaneni (2) bangavunyelwa ukuba babize ungoti oyedwa noma ngaphezulu njengofakazi kanti kumele athumele ubufakazi obufingqiwe bukangoti esiGungwini kusasele izinsuku eziyisikhombisa ngaphambi kokulalelwa kwecala.

- (6) Ubufakazi obufingqiwe obuzokwethulwa wungoti kumele kube okungenani nolwazi olwanele oluzodala ukuba olunye uhlangothi lukwazi ukubona ukuthi luvumelana noma luphikisana kangakanani nalobo bufakazi bukangoti.
- (7) IsiGungu, lapho bekulalelwe khona icala, kumele sithathe isinqumo zingakapheli izinsuku eziyi-30 kulalelwe lelo cala.
- (8) Ngaphansi kwesigatshana 45(1) salo Mthetho kaMasipala, isiGungu, lapho bekungadingekile ukuba kulalelwe icala, kumele sithathe isinqumo ngesicelo zingakapheli izinsuku eziyisikhombisa sithole izincomo zeJAC.
- (9) Ngaphansi kwesigatshana 45(1) salo Mthetho kaMasipala, iNhloko noma iPhini leNhloko kumele lithathe isinqumo ngesicelo zingakapheli izinsuku eziyisikhombisa lithole izincomo zeJAC.
- (10) Umthathisinqumo kumele athumele kumfakisicelo kanye nakunoma imuphi umuntu ophikisayo, noma imuphi umuntu ogunyazwe ukuba umngeneleli, kanye nakuMhleli wesiFunda uma kufanele, isaziso esisayiniwe ngesinqumo zingakapheli izinsuku eziyisikhombisa kuthathwe lesi sinqumo.
- (11) Umthathisinqumo, uma engakwazi ukuthatha isinqumo ngesicelo ngesikhathi esinqunyiwe, kumele azise umfakisicelo ngokumbhalela incwadi, amazise ngokubambezeleka kanye nezizathu zalokho, futhi asho usuku okulindeleke ukuba kuthathwe ngalo isinqumo ngaleso sicelo.
- (12) Lapho umthathisinqumo esiphikisile isicelo, uMasipala angavumela umfakisicelo ukuba athumele isicelo esisha uma kuphela ezokwazi ukukhombisa ukuthi sekukhona ukuguquka kwezimo.
- (13) Lapho kungekho ukwedluliswa kwezinqumo okwenziwe, isinqumo siqala ukusebenza ngosuku olulandela ukuphela kwesikhathi sokwedlulisa isinqumo: Ngaphansi kokuthi uma besingekho isidingo sokubamba iqhaza komphakathi ngaleso sicelo futhi nomfakisicelo engalisebenzisanga ilungelo lakhe lokwedlulisa isinqumo, isinqumo siqala ukusebenza ngosuku esithathwe ngalo.
- (14) UMasipala kumele azise zonke izinhlangothi okukhulunywe ngazo esigatshananeni (10) ngokuzibhalela phansi, ngosuku lokuqala ukusebenza kwesinqumo zingakapheli izinsuku

eziyisikhombisa kuphele isikhathi noma usuku lokugcina okukhulunywe ngalo esigatshaneni(13).

(15) Lapho kufakwe isicelo sokwedlulisela phambili isinqumo, isinqumo siyamiswa kuze kutholakale umphumela wokwedluliswa kwaso.

Ukuvunywa kwesicelo sokuthuthukisa indawo okunemibandela

47. (1) Isicelo singavunywa ngaphansi kwemibandela enganqunywa umthathisinqumo.

(2) Ukuvunywa kwesicelo okunemibandela kuyaphela uma imibandela ingalandelwa —

(a) esikhathini esiyiminyaka emibili kusukela osukwini okwavunywa ngalo, uma singabekwanga isikhathi okumele kuthotshelwe ngaso leyo mibandela ngesikhathi kuvunywa isicelo; noma

(b) esikhathini esibekiwe sokuthobela leyo mibandela ebekwe ngesikhathi kuvunywa isicelo, kanye nanoma isiphi isikhathi esinwetshiwe esingagunyazwa, kepha esingeke seqe eminyakeni emihlanu.

(3) Isaziso sesinqumo kumele sikubeke kucace ukuthi leso sinqumo siyosebenza isikhathi esingakanani, kanti isinqumo siyophelelwa isikhathi uma amapulani okwakha engazange athunyelwe kuMasipala ngesikhathi esinqunyelwe ukwenza lokho: Ngaphandle uma uMasipala emva kokuba kufakwe isicelo ngaphambi kokuphelelwa isikhathi saleso sinqumo enganweba isikhathi saleso sinqumo.

(4) Lapho umsebenzi udinga ukuba kuganyazwe isicelo sokuthuthukisa umhlaba kanye nokuphasiswa kwamapulani okwakha, imvume yokuthuthukisa umhlaba kumele itholakale kuqala ngaphambi kokuba kuphasiswe amapulani okwakha: Kepha ukugunyazwa okwenziwe ngokwalo Mthetho kaMasipala akuqinisekisi ukugunyazwa yiNational Building Regulations and Building Standards Act, 1977 (uMthetho No.103 ka 1977).

(5) Umfakisicelo kumele azise uMasipala ngokumbhalela phansi uma esekulungele ukuqala umsebenzi kuleyo ndawo.

(6) UMasipala kumele aqinisekise ukuthi imibandela okuvunywe isicelo ngaphansi kwayo iyalandelwa ngaphambi kokuba-

(a) kubekwe isakhiwo kulowo mhlaba noma kusetshenziswe lowo mhlaba ngokuhambisana nemvume leyo;

(b) kwakhiwe ibhilidi kulowo mhlaba;

- (c) kungenwe kuleyo ndawo; noma
 - (d) kubhaliswe umhlaba kobunye ubunikazi;
- ngokuhambisana nemibandela leyo ebekiwe.

- (7) Izihlinzeko zesigatshana (6) azikuvimbeli ukusetshenziswa komhlaba ngokwenhloso eyayihlelelwe yona ngaphambi kokuvunywa kwesicelo ngaphandle uma umthathisinqumo ekhiphe umyalelo owehlukile emibandeleni yakhe yokuvuma isicelo.
- (8) Isivumelwano sokuvala kwendawo ehlukaniwe noma ehlanganisiwe okwavunywa nguMasipala kepha engakasikhiphi isitifiketi sokuthi umfakisisicelo uhambisene nemibandela yokuvunywa kwesicelo ngaphambi kokuba ibhaliswe egameni lakhe, kumele sibe nendima edalula ukuthi-
- (a) umfakisisicelo akakahlangabezni nemibandela yokuvunywa kwesicelo; nokuthi
 - (b) indawo leyo angeke ikwazi ukubhaliswa egameni lakhe njengoba kuchazwe esigabeni 1 somthetho Alienation of Land Act, 1981 (uMthetho No.68 ka 1981).

Ukwaziswa kukaMdabuli Womhlaba Omkhulu noMbalisibunini Bomhlaba

48. Umthathisinqumo kumele esikhathini esibekiwe ngemuva kokuba isinqumo sokusetshenziswa komhlaba esimayelana nokusetshenziswa komhlaba okungahambisani nombandela wetayitela, azise —

- (a) uMbalisibunini bomhlaba (Registrar of Deeds) ohhovisi lakhe ligcina amafayela alezo zigunyazo; kanye
- (b) neHhovisi lika oMdabuli womhlaba Omkhulu (Surveyor-General), ohhovisi lakhe ligcina amafayela ezigunyazo ezithinta imidwebo noma iplani.

Ukususwa, ukuchitshiyelwa kanye nokumiswa kwemibandela

49.(1) UMasipala angeke avumele ukuba kufakwe isicelo sokussa, ukuchibiyela noma ukumisa imibandela maqondana ne-

- (a) nelungelo lemayini elibhalisiwe;
- (b) nombandela ovuna iKwaZulu-Natal Conservation Board ngaphandle kwemvume ebhalwe phansi yokususa, ukuchibiyela noma ukumisa umbandela;
- (c) umbandela ovuma iSouth African Roads Board obekwe ngokwe South African Road Boards Act k 1988 (uMthetho No.74 ka 1998);
- (d) umbandela obekwe yi South African National Roads Agency Limited (SANRAL);
- (e) umbandela ebekwe yilungu le Executive Council ngokomthetho iKwaZulu-Natal Provincial Roads Act, 2001 (uMthetho No. 4 ka 2001);

(f) umbandela ophathelene nokudayiswa komhlaba, okubala nelungelo lokuthenga umhlaba kanye nombandela wokuthi inani lebhilidi kumele libe ngaphezu kwenani eliythile; noma

(g) umbandel ophathelene nomhlaba oyoifa, okubala umbandela ovumela umuthu ilungelo lokusebenzisa umhlaba impilo yakhe yonke.

(2) Umbandela osetayiteleni omayelana namalungelo okusebenzisa umhlaba ungachitshiyelwa ngemvume kaMasipala kuphela.

(3) Ngesikhathi kucutshungulwa isicelo sokususa, ukuchibiyela noma ukumisa umbandela, umthathizinqumo akaphoqelekile ukunxephezela noma ngubani olahlekelwe yinoma yini okudalwe noma okuhambisana nesinqumo esithathwe ngokwenza okuhle.

(4) Umfakisicelo kumele ashicilele ephephandabeni ngendlela enqunyiwe futhi efanele isaziso sokugunyazwa kokususwa, ukuchibiyela noma ukumiswa kombandela.

(6) Isitifiketi sikakhonveyensa kumele sifakwe nesicelo sokususa, ukuchibiyela noma ukumiswa kombandela esiqinisekisa ukuthi-

(a) ulihlolile itayitela, kanye nokuthi;

(b) ayikhoeminye imibandela yetayitela eyothintekangenxa yokususwa, ukuchibiyela noma ukumiswa kombandela.

(6) Umfakisicelo kumele ahambise itayiteka uqobo lwalo kanye nesaziso sesinqumo, isitifiketi esikhishwenguMasipala esiqinisekisa ukuthotshelwa kwemibandela kanjalo nobufakazi besaziso esakhishwa ngokwesigatshana (4) siya kuMdabuli womhlala kanye nakuMbhalisibunini bomhlaba ngesikhathi esinqunyelwe lokho ukuze kufakwe ngendlela kuphinde kugunyazwe kwirejista, itayitela, umdwebo noma ipulani efanele emahhosisini afanele ngokwehlukana kwawo.

Izindawo zasemalokishini

50. (1) Ukuvunywa kwesicelo sokuthuthukisa indawo ukuze kwakhiwe ilokishi kungaba ngaphansi kwemibandela ethile.

(2) UMasipala kumele kanye nesaziso ngesinqumo akhiphe isitifiketi esiqukethe imibandela yokusungulwa kwalo okukhulunywe ngayo kwisigatshana (1).

(3) UMasipala kumele wazise uMbhalisibunini bomhlaba kanye noMdabuli womhlaba ngokugunyazwa kwesicelo kanye nemibandela yokusungula ebekiwe.

(4) Ngemuva kokugunyazwa kwesicelo, umfakisisicelo kumele ahambise kuMdabuli womhlaba amapulani kanye nemidwebo ukuba kugunyazwe ngokufanele ngezikhathi ezibekiwe, aphinde ahlinzeke uMasipala ngekhophi yepulani kanye nemidwebo egunyazwe nguMdabuli Womhlaba Omkhulu.

(5) Umfakisisicelo angahambisa ipulani yokwakha kuMasipala kuphela ngemuva kokuba esethole zonke izitifiketi ezidingekayo eziwubufakazi bokuthi imibandela yokwakha isithotsheliwe, noma ukuthi usethole imvume ebhalwe phansi kuMasipala yokwakha ngaphambi kokuba athole izitifiketi lezo nangaphambi kokuthobela imibandela yokwakha.

(6) UMasipala ungavumela ukudayiswa kweziqephu zomhlaba emalokishini ngaphambi kokuvuma kwakhe.

(7) Umfakisisicelo kumele athumele ubufakazi obubhaliwe kuMasipala bokuthobela imithetho ngendlela ebekiwe eqinisekisa ukuthi-

- (a) uyithobelemibandela ebekiwe yokusungula kanye;
- (b) nokuthi wonke amasevisi angaphandle nangaphakathi asefakiwe elokishini ngendlela egculisa uMasipala.

(8) UMasipala uyokhipha isitifiketi ngendlela efanele asinike umfakisisicelo esiqinisekisa ukuthotshelwa kwemithetho njengokulandisa kwesigatshana (7).

(9) UMbhalisibunini bomhlaba ngeke akuvumele ukubhalisa ukwedluliswa kobunini banoma isiphi isiqephu somhlaba saselokishini-

- (a) ngaphandle kwesitifiketi esikhishwe uMasipala esiqinisekisa ukuthotshelwa kwemithetho njengokulandisa kwesigatshana (8);
- (b) uma uMasipala eluleke uMbhalisibunini bomhlaba ukuthi imibandela yokusungula ilokishi ayizange ithotshelwe; noma
- (c) umasekuphele isikhathi sokugunyazwa.

(10) UMbhalisibunini bomhlaba kumele azise uMasipala uma ipulani ejwayelekile isibhalisiwe, ukuvulwa kwerejista yelokishi kanye nokuvunywa noma ukubhaliswa kwanoma iliphi itayitela.

(11) UMasipala angakhipha isitifiketi sokugunyaza ilokishiuma esaziswe uMbhalisibunini bomhlaba njengoba kuchazwe kwisigatshana (10): ngaphansi kokuthi uma kunezigaba ezahlukene kulelo lokishi, umfakisiselo kumele athole isitifiketi esigunyaza isigaba ngasinye.

(12) Indawo evulekile yomphakathi noma umgwaqo womphakathi ngaphambi kokuba ibhaliswe noma ngasikhathi sinye sokubhaliswa kokwedluliswa kokugcina kobunikazibesiqephu somhlaba elokishini, kumele idluliselwe kuMasipalangezindleko zomfakisiselo.

(13) Isikhungo somphakathi ngaphambi kokuba sibhaliswe noma ngasikhathi sinye sokubhaliswa kokwedluliswa kokuqala kobunikazi besiqephu somhlaba elokishini, kumele idluliselwe kuMasipala ngezindleko zomfakisiselo.

Ukuvalwa kwemigwaqo nezindawo zomphakathi ezivulekile

51.(1) Isicelo sokuvala umgwaqo noma indawo yomphakathi evulekile singadinga ukuba kuthunyelwe kanye nombiko wokuhlola umthelela kwezemvelo kanye nokuthotshelwa kwanoma imiphi imithetho esebenzayo.

(2) UMasipala kumele azise Umdabulimhlaba Omkhulu ngokuvala umgwaqo futhi afake isicelo sokuchibiyela noma iyiphi ipulani efanele.

(3) Umbhalisi wamatayitela, lapho ubunikazi bomgwaqo noma indawo yomphakathi evulekile kungobamasipala noma uhlaka lukahulumeni, kumele akubhale lokho ngokufanele.

Umhlaba wamapaki, izindawo zomphakathi ezivulekile nezikhungo zomphakathi

52. (1) Ukuvunywa kwesicelo sokuthuthukisa indawo esihlinzekela ukusetshenziswa komhlaba ngenhloso yokuhlalisa abantu kweyame ekutheni umfakisiselo kumele ahlinzeke nangendawo yamapaki, izindawo zomphakathi ezivulekile noma izikhungo zomphakathi.

(2) Umhlaba odingelwa amapaki, izindawo zomphakathi ezivulekile, noma izikhungo zomphakathi kumele utholakale kuleyo ndawo ephathelene nesicelo sokuthuthukiswa kwendawo. Ngaphansi kokuthi uMasipala ungabheka enye indawo engcono yokuhlinzeka ngamapaki, izindawo zomphakathi ezivulekile noma izikhungo zomphakathi lapho kungenzeka.

(3) Imihlahlandlela kaMasipala yokuhlinzeka ngezikhungo zomphakathi kanye namanye mathuluzi amukelwe nguMasipala iyosebenza njengawona mazinga kaMasipala okunquma ngezibalo zezindawo zomphakathi ezivulekile kanye nezikhungo zomphakathi ezidingekayo.

(4) UMasipala uyokwenza ipulani ehlinzekela ngokuqalwa kwamapaki kanye nezindawo ezivulekile zomphakathi: ngaphansi kokuthi uMasipala ungacubungula futhi uvume isiphakamiso sokuqalwa kwalezi zindawo esithunyelwe umfakisiselo

(5) Umhlaba odingwa nguMasipala ukuba usetshenziswe njengepaki, indawo yomphakathi evulekile noma isikhungo somphakathi kumele uthathwe njengomhlaba ubunikazi bawo obukuMasipala njengoba kubezwe esigabeni 32 se Deeds Registries Act.

Ukuxhumana nezinye izikhungo zokuthuthukiswa kwezindawo

53. (1) UMasipala kumele uxhumane nanoma iluphi uhloko lukahulumeni ukuze akwazi ukusebenzisa umthetho ophathelene nanoma iyiphi ingxenye yokwenziwayo nakho okudinga ukugunyazwa ngokwalo Mthetho kaMasipala ukuze kuhlelwe ngendlela okwenziwayo ngokuhambisana nezimfuno zalowo mthetho futhi kugwemeke ukuphindaphindeka.

(2) UMasipala, ngokusebenzisa iSahluko 3 soMthethosisekelo,ngemuva kokuxhumana nohloko lukahulumeni okukhulunywe ngako kwisigatshana (1),ungengena esivumelwaneni esibhalwe phansi nalolu hloko lukahulumeni ukugwema ukuphindaphindeka kwezinto uma kuthunyelwa ulwazi noma sekwenziwa uhlelo olupathelene nanoma iyiphi ingxenye yokwenziwayo nakho okudinga ukugunyazwa ngokwalo Mthetho kaMasipala.

(3) Emva kokuba uMasipala esengene kuleso sivumelwano okukhulunywe ngaso kwisigatshana (2), umthathizinqumo ofanele angabheka noma iluphi uhlelo olugunyazwe ngaphansi komthetho obalulwe kuleso sivumelwano njengowanele ukuhlangabezana nezidingo zalo Mthetho kaMasipala

Imvume

54. (1) Uma okwenziwayo okudinga imvume kuphinda kulawulwa ngokomunye umthetho, uMasipala kanjalo nohloko lukahulumeni olunamandla okukhipha imvumelokho okwenziwayo ngokomunye umthetho, bangasebenzisa amandla abo ngokuhlanganyela ngokukhipha—

(a) izimvume ezihlukene; noma

(b) izimvum ezihlanganisiwe.

(2) Izimvume ezihlanganisiwe okukhulunywe ngazo kwisigatshana

(1)(b)zingakhishwakuphela uma—

- (a) izihlinzeko ezifanele zayo yonke imithetho efanele sezithotshelwe; futhi
- (b) imvume ehlanganisiwekubalula—
 - (i) ukuthi ikhishwe ngaphansi kwaziphi izinhlinzeko; kanye
 - (ii) nezikhungo ezifanele ezikhiphe leyo mvume.

ISAPHLUKO 12

UKWEDLULISWA KWEZIKHALO

Isigungu sokudlulisela Izingqumo

55. (1) Isigungu Esiphezulu isona esiyiSigungu Sokudlulisela Izingqumo ngokwalo Mthetho kaMasipala.

(2) Ngale kwezihlinzeko zesigatshana (1), uMasipala esikhundleni sesiGungu sakhe Esiphezulu, ungakwazi ukugunyaza ukuthi isigungu noma isikhungo esingaphandle kukaMasipala senze umsebenzi weSigungu Sokudlulisela ilizinqumookungaba yiwo wonke umsebenzi wesigungu noma maqondana nokwedlulisa isinqumo okuyisipesheli noma maqondana nesigaba esithile sokwedlulisa izinqumo.

(3) Isigungu Esiphezulu okukhulunywe ngaso esigabeni (1) singadlulisa amandla aso okulalela izigaba ezithile zokwedluliswa kwezikhalo kwabasezikhundleni zezepolitiki, ekomidini, kubasebenzi noma kwiphaneli yabasebenzi njengokuyalela kwesigababa 56 se SPLUMA.

(4) Lapho Isigungu Esiphezulu sidlulise amandla aso njengoba kuchazwe esigatshaneni (2) noma (3), izihlinzeko zalesi Sahluko zisebenza ngokufanayo nakuleso sikhungo okudluliselwe kuso umandla maqondana nokusebenza kwaso njengeSigungu Sokwedlulisela Izingqumo.

Amandla esiGungu Sokwedlulisela Izingqumo

56. IsiGungu Sokudlulisela Izingqumo -

- (a) singavumanoma siphikise ukudluliswa Kwesinqumo bese sibeka noma imiphi imibandela mayelana nodabala olwedlulisiwe;
- (b) singathatha noma isiphi isinqumo esifanele mayelana nazo zonke izindaba eziphathelele nokwenziwa komsebenzi waso ngokwalo Mthetho kaMasipala;
- (c) singenza noma iluphi uphenyo oludingekayo;
- (d) singathatha isinqumo mayelana nanoma yini eyenzeka endaweni engaphansi kwaso;

- (e) singaphoqa nanoma ngubani ukuba avele ngaphambi kwaso;
- (f) singathola ubufakazi noma umbono kangoti; ngemizamo yaso
- (g) singayalela noma ikuphi ukwahluleka kwanoma iluphi uhlangothi ekudlulisweni kwesinqumo ukuba luthobeke imiyalelo enikezwa Isigungu Sokudlulisela Izingqumo;
- (h) singahlehlisa udaba isikhathi esifanele ukuze kutholakale ubufakazi noma iseluleko.

Ukudalula ukuthinteka

57. (1) Ilungu leSigungu Sokudlulisela Izingqumo-

- (a) kufanele lidalule ngokuphelele noma ikuphi ukuthinteka kwalo kanye nanoma ikuphi ukuthinteka okungase kube khona kunoma iluphi udaba okubele lububeke; futhi
- (b) akufanele lithamele umhlangano noma livote konoma imuphi umhlangano wesigunguoqondene nanoma yiluphi udaba oluhlangene nokuthinteka kwalo.

(2) Ngokwalesi sigaba, ilungu liyathinteka uma-

- (a) ilungu uqobo noma ilungu lomndeni walo, uphathina noma uzakwabo ebhizinisini engumfakisicelo ngokwalo Mthetho kaMasipala, noma enokunye ukuthinteka nje odabeni oludingidwa yiSigungu Sokwedlulisa Izingqumo; noma
- (b) ilungu linokunye nje ukuthinteka okungalivimba noma okubonakala kungalivimbaekwenzeni imisebenzi yalo ngendlela enobulungiswa, engachemi futhi efanele.
- (c) Ilungu laliyilungu lesiGungu ngenkathi kuthathwa isinqumo noma lalingumthathizingqumo owathatha lesi sinqumo;
- (d) Ilungu like laba ingxenywe yodaba ezingeni elihlukile, okubandakanya ukuba ngumeluleki, ungoti, noma ufakazi; noma
- (e) Ilungu, noma ilungu eliseduze lomndeni walo, umlingani walo ebhizinisini uxhumane nanoma yimuphi umuntu ophikisana nesicelo.

Amandla namajoka kasihlalo

58. Amandla namajoka kasihlalo abandakanya phakathi kokunye—

- (a) ukubamba inkundla yokulalela isicelo ngendlela enobulungiswa nengachemile;

- (b) ukuthatha izinqumo ezifanelekile ukuze kugwemeke ukubambezeleka ekulalelweni kwezicelo;
- (c) ukugcina isimo silungile;
- (d) ukulawula ukufungisa kanye nokuqinisekisa;
- (e) ukwamukela noma ukunqaba ubufakazi kanye nokwamukela imibhalo edingekayo, efanelekile kanjalo nezama ukucacisa;
- (f) ukubeka indlela uhlelo lokulalela oluzoqhubeka ngayo kanjalo nendlela yokuziphatha kwezinhlangothi zonke kanye nalabo ababamele;
- (g) ukulalela nokukhipha izinqumo ngomlomo noma ezibhaliwe, ekupheleni kwayo yonke inqobo nokunye okungavela uma kunokuvumelana ekulalelweni;
- (h) ukukhipha isinqumoesifungqiwe esithathiwe;
- (i) ukusayina isaziso ngesinqumo;
- (j) ukuqinisekisa noma ukuhlehlisa udaba; kanye
- (k) nokukhipha uhlangothi oluthile, umuntu othile, noma omele uhlangothi oluthile ophula umthetho ekubeni ingxenye yokulalelwa kodaba ngesizathu esizwakalayo esibhalwe phansi.

Ukuziphatha kwesiGungu Sokwedlulisela Izingqomo

59. Ukuziphatha kwesiGungu Sokwedlulisela Izingqomo ekulalelweni kodaba kumele kungachemi futhi kumele kungacindezeli noma kubhebhezele okufunwa inoma iluphi uhlangothi enkundleni yokulalelwa udaba.

Ukudluliswa Kwesinqumo

60. (1) Umuntu omalungelo akhe ayathinteka ngesinqumo esithathwe umthathizingqomo ngokwalo Mthetho kaMasipala angafaka isicelo sokudlulisa lesi sinqumo ngokufaka Isaziso Sokudlulisa Isinqumo esihamba nemali enqunyelwe lokho asibhekise kwiMenenja kaMasipala zingakapheli izinsuku ezingama-21 kuphume isaziso ngesinqumo.

(2) Umuntu omalungelo akhe ayathinteka ngezihlinzeko zesigatshana (1) kubandakanya -

- (a) umfakisicelo;
- (b) uMasipala lapho umhlaba othintekayo ukhona; kanye
- (c) noma imuphi umuntu onentshisekelo owaphikisa noma owayenelungelo lokuphikisa ngesikhathi kunohlelo lokubamba iqhaza komphakathi

okungalindeleka ukuthi athinteka ngomphumela wohlelo lwesicelo sokuthuthukiswa komhlaba.

(3) Umphikisi ngezinhloso zesigatshana 2(c) kumele kube umuntu othinteka ngokwezimali noma ngokwebhizinisi othinteka kakhulu noma ongaveza isithombe sokuthi uzothinteka kakhulu ngesinqumo sikamthathizinqumo mayelana naleso sinqumo.

(4) Umuntu ofake isicelo sokudlulisa isinqumo kwiMenenja kaMasipala kumele futhi anikeze Isaziso Sokudlulisa Isinqumo kumfakisicelo, kunoma imuphi umuntu onikezwe isikhundla sokuba umngeneleli kanye nakunoma imuphi umuntu ofake isiphikiso mayelana nesicelo sokuthuthukiswa kwendawo lapho kufanelekile.

(5) Noma imuphi umuntu othunyelwe Isaziso Sokudlulisa Isinqumo njengoba kuchazwe kwisigatshana (4) angaphikisa ukudluliswa kwesinqumo ngokuthumela Isaziso Sokuphikisa Ukudlulisa Isinqumo kuMasipala ngendlela ebekiwe futhi zingakapheli izinsuku ezingama-21 ethole Isaziso Sokudlulisa Isinqumo.

(6) Isicelo sokudlulisa isinqumo singeke safakwa ngokwesigaba 26 soMthetho weziNhlelo Zomasipala.

Ukufinyelela kumarekhodi

61. Noma ngubani odinga ukufinyelela kumarekhodi noma imibhalo ephathelene nesicelo sokuthuthukiswa kwendawo kumele afake isicelo esibhalwe phansi.

Isaziso sokwedlulisa isinqumo

62. (1) Isaziso Sokwedlulisa Isinqumo kumele sigcwaliswe ngokuphelele bese siyasayinwa, siphinde sihambisane nolwazi olufanele, imibhalo kanye nemali enqunyelwe lokho.

(2) Isaziso Sokwedlulisa Isinqumokanye Nezasizo Zokuphikisa Ukudluliswa Kwesinqumo kumele sibeke izizathu okususelwa kuzo isicelo sokudlulisa isinqumo.

Ukuhlolwa kokuqala kwesicelo sokwedlulisa isinqumo

63. (1) IMenenja kaMasipala kufanele zingakapheli izinsuku ezinhlanu zesikhathi esibekelwe ukufaka Isaziso sokuphikisa Ukwedluliswa Kwesinqumo athumele yonke imibhalo eqondene nokwedluliswa kwesinqumo ayibhekise eSigungwini Sokwedlulisela Izinqumo.

(2) Isigungu Sokwedlulisela Izinqumo uma sithola yonke imibhalonjengoba kuchazwe sigsthaneni (2) singabuka imibhalo ukuthola ukuthi-

- (a) isaziso sokwedlukisa isinqumo nesaziso sokuphikisa ukwedluliswa kwesinqumo sigcwalisiwe yini ngokuphelele saphinde sasayinwa;
- (b) isaziso sokwedlukisa isinqumo nesaziso sokuphikisa ukwedluliswa kwesinqumo sithunyelwe singakapheli isikhathi esibekiwe;
- (c) ubufakazi bokuthunyelwa kweSaziso Sokudlulisa Isinqumo kubo bonke abathintekayo;
- (d) ukuthi ubufakazi bokukhokha bufakiwe; nokuthi
- (e) isiGungu Sokudlulisela Isinqumo sinamandla okulawula isicelo.

(3) IsiGungu Sokudlulisela Izinqumo kumele sibhale sazisa zonke izinhlangothi ukuthi isicelo sokudlulisa isinqumo siyekiwe uma-

- (a) isicelo sokudlulisa isinqumo sithunyelwe sekudlule isikhathi esibekiwe; noma
- (b) isiGungu Sokudlulisela Izinqumo singenawo amandla ngokwendawo okusingatha lesi sicelo.

Ukuhlala kwesiGungu Sokwedlulisela Izinqumo

64. (1) ISigungu Sokudlulisela Izinqumokumele silalele futhi sinqume ngesicelo sokudlulisa isinqumo zingapheli izinsuku eziyi 100 sithole imibhalo ephuma kwiMenenja kaMasipala njengoba kubalulwe esigabeni 60(1).

(2) ISigungu Sokudlulisela Izinqumo singabheka isicelo esibhalwe phansi kuphela noma silalele izethulo ezenziwe ngomlolo.

(3) ISigungu Sokudlulisela Izinqumo kumele sazise izinhlangothi zonke usuku, isikhathi kanye nendawo lapho kuzolalelwa khona udaba ezinsukwini ezi-14 ngaphambi kokuba kufike usuku lokulalelwa kodaba.

(3) Isaziso kumele sibe-

- (a) namagama azo zonke izinhlangothi;
- (b) udaba isicelo sokudlulisa isinqumo olungaso;
- (c) nosuku, isikhathi kanye nendawo yokulalelwa kodaba; kanye
- (d) nanoma iluphi olunye ulwazi olufanele.

Ukuhlehliswa kokulalelwa kokwedluliswa kwesinqumo

65. (1) Noma uluphi uhlangothi ekulalelweni kodaba lwesicelo sokudlulisa isinqumo lungabhala lucela ukuhlehliswa kodaba ngaphambi kwezinsuku okungenani eziyi-10 zokuba kuqale ukulalelwa kodaba.

(2) Noma isiphi isicelo sokuhlehlisa ukulalelwa kokwedluliswa kwesinqumo kumele kuthunyelwe eSigungwini Sokwedlulisela Izingqomo kanye nasezinhlangothini okukhulunywe ngazo esigabeni 60(4) ngenhla.

(3) Noma imuphi umuntu ofisa ukuphikisia isicelo sokuhlehlisa udaba kumele enze njalo ngokubhala phansi futhi abeke nezizathu zokuphikisa kwakhe.

(4) Isaziso sokuphikisa kumele sithunyelwe eSigungwini Sokwedluliswa Kwezingqomo kanye nasezinhlangothini okukhulunywe ngazo esigabeni 60(4) ngenhla, kusasele okungenani izinsuku ezintathu ngaphambi kokuhlala kwesigungu.

(5) Usihlalo angavumela ukuba udaba luhlehle uma kunesizathu esizwakalayo aphinde azise izinhlangothi ngesinqumo esinjalo zingakapheli izinsuku ezinhlanu uhlangothi lufake isicelo.

(6) Uma ukuhlehliswa kodaba kuphikiswa, usihlalo angacela izinhlangothi ukuba zihlangane naye zethule izethulo ngaphambi kokuba akhiphe isinqumo.

Ukulalelwa kokwedluliswa kwesinqumo okubhaliwe

66. (1) IsiGungu Sokudlulisela Izingqomo singaqala ukulalela udaba olubhaliwe uma izinto okuzonqunywa ngazo zingatholakala ngokwanele zingekho izinhlangothi ezithintekayo ngokuba kubhekwe yonke imqulu ethunyelwe maqondana nalokho kwedluliswa kwesinqumo.

(2) IsiGungu Sokudlulisela Izingqomo singacela uhlangothi ekulalelweni kodaba lokudlulisa isinqumo ukuba lithumele izethulo ezibhaliwe zingakapheli izinsuku eziyisikhombisakuceliwe.

Ukulalelwa kokwedluliswa kwesinqumo okwenziwa ngomlomo

67. (1) IsiGungu Sokudlulisela Izingqomo singalalela ukwedluliswa kwesinqumo okwenziwa ngomlomo-

(a) umaizindaba okuzonqunywa ngazo zingatholakali ngokwanele uma zingekho izinhlangothi ezithintekayo ngokubheka kuphela yonke imiqulu ethunyelwe ngaleso sicelo; noma

(b) umalokho kulalela kuzosiza ekusheshisweninokuqedwa ngobulungiswa ukwedluliswa kwesinqumo.

(2) Uhlangothi ekulalelwenikokwedluliswa kwesinqumo linga-

- (a) zizela uqobo noma lumelwe omunye umuntu;
- (b) thula uhlangothi lwalo;
- (c) hlola noma imuphi umqulu noma lwenze izethulo;
- (d) thula ubufakazi lwenze nenkulomompikiswano ekulalelweni kodaba; futhi
- (e) biza ofakazi bezothula ubufakazi. Ngaphansi kokuthi Isigungu Sokwedlulisela izinqumo siyonquma ukuthi imuphi ufakazi obalulekile ongabizwa; futhi
- (f) buzisisa imibuzo kunoma imuphi ufakazi

(3) Uhlangothi kumele lwazise isiGungu Sokudlulisela Izingqomo kanye nezinhlangothi okukhulunywe ngazo esigabeni 60(4) mayelana nanoma imuphi umqulu abanawo oluhlose ukuwusebenzisa ngesikhathi kuqhubeka udaba lokulalelwa kokwedluliswa kwesinqumo ngaphambi kwezinsuku eziyi-14kuhlale isigungu futhi ngaso lesi sikhathi luhlinzeke ngamakhophi alowo mqulu kuwo wonke amalungu esigungu kanye nezinye izinhlango ezithintekayo.

Ukulalelwa kokwedluliswa kwesinqumo bengekho abathintekayo

68. (1) IsiGungu Sokudlulisela Izingqomo,ngemuva kokuthumela kuzo zonke izinhlangothi isaziso sokulalelwa kodaba, singalalela udaba lwanoma iluphi uhlangothgi olukhona, yize noma lungekho olunye uma-

- (a) lowomdlulisi sinqumo noma lolu olunye uhlangothi lwazise isiGungu Sokudlulisela Izingqomo ukuthi alufisi ukuthamela ukulalelwa kodaba;
- (b) lowo mdlulisi sinqumo noma lolu olunye uhlangothi lwehluleka ukuthamela ukulalelwa kodaba lokudlulisa isinqumo ngale kokunikeza izizathu zokungabibikho, ezivumela ukuhlehliswa noma ukuguqiswa kodaba nokubona kwesigungu Sokwedlulisela Izingqomo.

Ukunquma kwesiGungu Sokwedlulisela Izingqomo

69(1) IsiGungu Sokudlulisela Izingqomo kumele siqinisekise, siguqule noma sichithe isinqumo sikamthathizingqomo futhi kumeme sibeke nezizathu zalokho.

(2) Isinqumo seningi lamalungu siyisinqumo sesiGungu Sokwedlulisela Izingqumo.

(3) Usihlalo unevoti elithatha isinqumo uma kwenzeka kulinganwa ngamavoti.

(4) IsiGungu Sokudlulisela Izingqumo kumele sinqume ngesicelo sokudlulisa isinqumo zingakapheli izinsuku eziyi-14 sicubungule ukwedluliswa kwesinqumo.

(5) Usihlalo kumele asayine isinqumo sesiGungu Sokwedlulisela Izingqumo nanoma imuphi umyalelo okhishwe yiso.

(6) Noma iliphi iphutha elenzekekunoma imuphi umbhalo oqopha isinqumo sesiGungu Sokwedlulisela Izingqumo lingalungiswa usihlalo.

(7) Ngemuva kokuphuthulwa kwesinqumo sesiGungu Sokudlulisela Izingqumo, iMeneja kaMasipala noma umsebenzi ogunyazwe nguye, kumele abhalele zonke izinhlangothi azazise ngesinqumo zingakapheli izinsuku eziyi-14 yaziswengomphumela wokwedluliswa kwesinqumofuthi iveza ilungelo labo lokucela izizathu zingakapheli izinsuku ezingama-21 bazisiwe ngomphumela wokwedluliswa kwesinqumo.

(8) Akukho okunye ukwedluliswa kwesinqumo okungafakwa ngokwalo Mthetho kaMasipala emva kokuba sekukhishwe isaziso ngokwesigatshana (7).

(9) UMasipala kumele uqale wenze njengesinqumo sesiGungu Sokudlulisela Izingqumo.

Amarekhodi okokwedluliswa kwesinqumo

70.(1) IsiGungu Sokudlulisela Izingqumo kumele sigcine amarekhodi azo zonke isicelo zokudluliswa kwezingqumo ezifakiwe, nemibhalo ephathelene nalokhu kanye namaminithi okulalelwa kodaba.

(2) Amarekhodi okukhulunywe ngawo ngenhla kumele agcinwe njengamakhophi kanye nasemshinini.

Izimali ezikhokhwayo

71. (1) Izimali ezikhokhelwa isicelo sokudlulisa isinqumo zihambisa namatharifu amukelwe uMkhandlu.

(2) Noma ngumuphi umuntu okudingeka avele ngaphambi kwesiGungu Sokudlulisela Izingqumo ukuze ethule ubufakazi, aveze incwadi, ipulani noma omunye umbhalo noma okuthile, kumele akhokhelwe imali yofakazi ekhokhelwa noma ibaphi ofakazi ngokwamatharifu aseNkantolo kaMantshi.

(3) Umsebenzi kaMasipala noma osebenzela uhulumeni obizwe kulesi sigcawu ngesikhathi somsebenzi wansuku zonke, angeke akhokhelwa imali ekhokhelwa ofakazi.

ISAHLUKO 13
UKUTHOTSHELWA NOKUPHOQELELWA KOMTHETHO

Ukuqokwa kuka-Enforcement Officer

72.(1) UMasipala—

- (a) ungaqoka umsebenzi kaMasipala noma uqoke noma imuphi umuntu njengo-Enforcement Officer ukuqiniseka ukuthi kuyahanjiswana nalo Mthetho kaMasipala;futhi
- (b) kufanele anike u-Enforcement Officer ngmunaye incwadi yokumqasha.

(2) Uma u-Enforcement Officer enza imisebenzi yakhe ngokwalo Mthetho kaMasipala, kumele-

- (a) uma eceliwe akhiphe ubufakazi bokuqashwa kwakhe obubhalwe phansi; futhi
- (b) angabi umuntu onentshisekelo ngqo noma ngandlela thile odabeli oluphenywawo.

(3) Noma imuphi umuntu owenza umsebenzi ka-Enforcement Officer kumele aqokwe njengesikhonzi sokuthula njengoba kubekwe kuCriminal Procedure Act, 1977 (uMthetho No. 51 ka 1977)

Imisebenzi namajoka ka-Enforcement Officer

73. (1) U-Enforcement Officer —

- (a) angaphenya lizinqumo ezifakiwe;
- (b) ngokwalo Mthetho kaMasipala kanye nanoma imuphi omunye umthetho ofanele nomgunyazayo angahlola, eluse futhi aphoqelegelele ukuthotshelwa kwalo Mthetho kaMasipala;
- (c) ahlole indawo ngokwalo Mthetho kaMasipala;
- (d) asebenzise amandla awanikwe wumthetho njengesikhonzi sokuthula.

(2) Ngaphansi kwezihlinzeko zesigaba 74, u-Enforcement Officer okukhulunywe ngaye esigatshaneni (1) anga—

- (a) ngena kunoma iyiphi indawo, nganoma isiphi isikhathi, ngaphandle kokunikeza isaziso, ngenhloso yokuqinisekisa ukuthotshelwa kwalo Mthetho kaMasipala;
- (b) phonsa imbuzo kunoma imuphi umuntu okuleyo ndawo noma okade ekuleyondawo, eyedwa noma enabanye;

(c) dinga noma imuphi umuntu noma olawula noma ophethe ibhuku, noma eminye imiqulu ekhona kuleyo ndawo, ukuba ngalesosikhathi noma ngesinye isikhathi angasinquma, amnikeze lelo bhuku noma lowo mqulu;

(d) cubungula, athathe noma enze amakhophi alelo bhuku, irekhodi noma lowomqulu;

(e) dinga ukuthola incazelo kulowo muntu ngokuqoshiwe kulelobhuku;

(f) hlola noma imuphi umbalo, okusamuthi noma imishini ekuleyo noma obekukuleyo ndawo, kanye nanoma imuphi umsebenzi owenziwa kuleyondawo, nanoma iziphi izimo ezikuleyo ndawo noma athathe noma yini, okusamuthi noma imishini noma amasampula akho, ngenhlosoyokukuhlola noma ukukuhlaziya;

(g) shaqa noma iliphi ibhuku, irekhodi, irejista noma omunye umqulu wombhalo, noma okunye okunjalo, ulwazi olugcinwe kwikhompyutha; imishini noma amasampula akho, uma ngokubona kwakhe ekholelwa noma enezinsolo zokuthi lelo bhuku, irekhodi, irejista noma omunye umqulu wombhalo kungasetshenziswa njengobufakazi ecaleni lanoma imuphi umuntu obekwe icala ngokwalo Mthetho kaMasipala noma ngokomtetho ongashicilelwe: Kuncike ekutheni umnikazi walelo bhuku, irekhodi, irejista, umqulu wombhalo noma okunye okunjalo angenza amakhophi ngaphambi kokushaqwa kwawo;futhi

(h) angayalela noma imuphi umuntu ukuba avele phambi kwakhe ngaleso sikhathi nakuleyo ndawo enganqunywa nguye bese ehlaba lowo muntu ngemibuzo eyedwa noma kukhona omunye umuntu nganoma yini ephathelene nalo Mthetho kaMasipala.

(3) U-Enforcement Officer angangena futhi aphenye indawo, ngale kwendawo okungeyona ekahulumeni, ngaphandle kwencwadi emgunyazayo yewaranti uma ngezizathu ezithile, ekholelwa ukuthi-

(a) incwadi egunyaza ukuba aphenye ingakhishwa umehluleli noma imantshi uma yena efaka isicelo sayo; futhi

(b) ukubambezeleka ekutholeni incwadi emgunyazayo kungase kubulale inhloso yokungena nokuphenya leyo ndawo.

(4) Uphenyo okukhulunywe ngalo ngenhla kumele lwenziwe emini, ngaphandle uma ukwenziwa kwalo ebusuku kunezizathu ezizwakalayo futhi kunesidingo.

(5)Uma u-Enforcement Officer engena kunoma iyiphi indawo ngokwesigatshana 2 umuntu olawulanoma ophethe leyondawo kumele ngaso sonke isikhathi ahlinzeke izinsiza ezidingwa nguyekukaze akwazi ukwenza ngendlela efanele nephephileumsebenzi wakheawunikwe ngokwalo Mthetho kaMasipala.

(6) Uma u-Enforcement Officer eshaqa noma ethatha lelo bhuku, irekhodi, irejista noma

omunye umqulu wombhalo, njengokusho kwesigtshana (2)(f) noma (g) kumele enze uhlu lwalezozinto futhi ngaphambi kokuba ahambe kuleyo ndawo, alusayine bese enikeza umuntu ophethe leyo ndawo ikhophi.

(7) Ukuhlolwa kwendawo okungeyona ekahulumeni kungenziwa kuphela ngu-Enforcement Officer uma esegunyazwe ngokwewaranti ekhishwe inkantolo efanele. Uma iwaranti ingadingeki, okungenani kuthunyelwe isaziso, ngesikhathi esifanele futhi umuntu ophethe leyo ndawo avume ukuba umhloli angene futhi aphenye kuleyondawo.

(8) U-Enforcement Officer, lapho kufanele, angaphelekezelwa amaphoyisa kanye noma imuphi omunye umuntu odingekayo ukuba amsize ukuqhuba uphenyo lwakhe.

(9) U-Enforcement Officer angakhipha isaziso sokwephula umthetho ngendlela efanele, asinike lowomuntu olawula noma ophethe leyo ndawo noma umnikazi noma olawula indawo okungeyona ekahulumeni uma izihlinzeko zalo Mthetho kaMasipala zingathotshelwe.

(10) Isaziso sokwaphula umthetho siqhubeka nokusebenza kuze kulungiswe lokho kwaphulwa komthetho noma kuze kuthotshelwe izihlinzeko zalo Mthetho kaMasipalalafuthi no-inspektha wezokuhlela esekhiphe isitifiketi sokuthotshelwa komthetho ngaleso saziso.

(11) U-Enforcement Officer ongena futhi aphenye indawo okungeyona ekahulumeni ngaphansi kwalesi sigaba, ngencwadi emngunyazayo noma ngaphandle kwayo, kumele enze lolo phenyo noma ukushaqa ngokukhulu ukucophelela nangokunganyatheli amalungelo, isithunzi, inkululeko, ukuphepha kanye nobumfihlo bomunye umuntu.

Incwadi egunyazayo/iwaranti

74.(1) U-Enforcement Officer angafaka isicelo emantshini noma kumahluleli ukuze athole incwadi emgunyazayo noma acele iwaranti kanti imantshi noma umehluleli ingakhipha leyo waranti uma ulwazi olusesitatimendeni esifungelwe noma esiqinisekisiwe luveza ukuthi-

- (a) kunezizathu ezizwakalo eziholela ekutheni kube nezinsolo zokuthi kukhona ukwaphulwa koMthetho kaMasipala okwenzekile, okwenzekayo noma okungase kwenzeke;
- (b) ukuphenywa kwendawo kungase kunike ulwazi oluphathelele nalokho kwaphulwa komthetho; kanye
- (c) nokuthi uphenyo lunesidingo ukuze kuphoqeletwe lo Mthetho kaMasipala.

(2) Iwaranti yokungena kwenziwe uphenyo ingasetshenziswa emini kuphela, ngaphandle uma umehluleli noma imantshi eyikhiphile leyo ncwadi igunyaze ukuba isetshenziswe nasebusuku noma ngokwezikhathi noma izimo ezifanele.

Ukufakwa nokuphenywa kwezikhhalazo

75.(1) Noma imuphi umuntu, othintekayo noma ongaba nolwazi ngokwaphulwa komthetho okusolekayo, lapho kufanele, angabhalela uMasipala amcele ukuba aphenye lezo zinsolo zokwaphulwa komthetho.

(2) Isikhhalazo esibhaliwe kumele –

- (a) sibe nolwazi oluphathekayongezinsolo, oluhambisana namaphepha kanye nobunye ubufakazi obufanele, lapho kudingeka khona; futhi
- (b) sibenegama, ikheli kanye nenombolo yommangali.

(3) UMasipala kumele akuveze ukuthi usitholile isimangalo esibhaliwe bese enika ofake isikhhalou-Enforcement Officer ozophenya.

(4) UMasipala kumele azise umuntu omangalelwe bese umcela ukuthi abhale isitatimende esifungelwe ukuphendula isimangalo kungakapheli izinsuku ezinhlanu azisiwe.

(5) Ukwethula ubufakazi obungelona iqiniso noma obudukisayo kuMasipala kuyicala.

(6) UMasipala kumele aphenye isikhhalazo kungakapheli isinsuku eziyisikhombisa kusukela osukwini lokufakwa kwesimangalo.

(7) Ekuphenyeni lesi simangalo, uMasipala engathumela isikhhalazo kweminye iminyango efanele ukuze ibeke izimvo zayo, ahlola indawo athathe nobufakazi bezithombe ngesimangalo esifakiwe.

(8) Uma kufanele, uMasipala kumele azise ummangali ngemiphumela yophenyo uma icala seliqinisekisiwe.

(9) Uma uMasipala eqinisekisa ukuthi likhona icala emva kokuyohlola leyo ndawo, angashintsha amarates omhlaba ngokuhambisana neNqubomgomo Yamarates Omhlaba eyemukelwa uMkhandlu ngokoMthetho Wamarates Omhlaba uMunicipal Property Rates Act, 2004 (uMthetho No.6 ka 2004).

Isaziso sokwephula umthetho

76.(1)Ngokwezinhloso zalesi sahluko 'umnikazi' kushiwo umuntu umhlaba obhalwe egameni lakhe ehhovisi lamatayitela elifanele futhi kuhlanganisa –

- (a) abaphatheli ababekiwe bebhodi eyengameleumhlaba, uma kukhulunywa ngomhlabaosetshenziswa ngokuhlanganyela;
- (b) umlawuli webhodi eyengamelengohlelo lwetayitela umakukhulunywa ngomhlabaosetshenziswa ngokuhlanganyelalapho bengekho abaphatheli ababekiwe bebhodi eyengamele umhlaba;
- (c) umabi wamafa, uma umnikazi esashona kanti nomhlaba awukususwa egameni lakhe;
- (d) umlondolozisi, uma umnikazi emenyezelwe yinoma iyiphi inkantolo njengowehlulekayo ukuziphathela izindaba zakhe noma obudedengu;
- (e) umphathi, lapho umnikazi womhlaba kuwumuntu ogula ngengqondo njengoba echazweesigabeni 1 soMthetho Wabagula Ngengqondo, 2002 (uMthetho No. 17 ka 2002);
- (f) umabi wamafa, uma impahla yomnikazi isidliwe;
- (g) ohlakaza ibhizinisi, uma umnikazi womhlaba kuyibhizinisi noma isigungu sabaphatheli (trust) futhi sekuhlakaziwe;
- (h) abebengamalungu enkampani eseyasulwa futhi besenezibophezelo eziqhubekayo njengoba kuhlongozwe esahlukweni 26 soMthetho Wezinkampani, 1984 (uMthetho 69 ka 1984), sifundwa nesigaba 83(2) kanye no 3 soMthetho Wezinkampani, 2008 (uMthetho 71 ka2008);
- (i) ohlangula amabhizinisi, uma ibhizinisi selifakwe ngaphansi kohlelo lokuhlengwa kwamabhizinisi;
- (j) umlawuli oqashiwe, uma umnikazi womhlaba engekho kwiRiphabhulikhi yaseNingizimu Afrkia noma uma uMasipala, emva kwemizamo efanele, ehlulekile ukuthola ukuthi ukuphi; noma
- (k) wonke umuntu onelungelo lokuhlala noma lokusebenzisa umhlaba, noma ohlala noma osebenzisa isakhiwo lapho –
 - (i) umnikazi engekho kwiRiphabhulikhi yaseNingizimu Afrika;
 - (ii) uMasipala, emva kwemizamo eminingana, ehlulekile ukuthola ukuthi umnikazi womhlaba ukuphi; noma
 - (iii) engekhoumlawuli oqashiwe.

(2) UMasipala angathumela isaziso sokuphulwa komthetho, ngendlela efanele, kumnikazi noma kumuntu uma sekuqinisekisiwe ukuthi kwepulweumthetho noma kunezizathu ezizwakalayo zokusola ukuthi umnikazi wephule –

- (a) okushiwo yilo Mthetho kaMasipala;
- (b) okushiwo wuhlelo lokusetshenziswa komhlaba; noma
- (c) umbandelaobekwe esazisweni sesinqumo.

(3) UMasipala, uma kufanele, angafaka umyelelo esazisweni sokuphulwa komthetho etshela umnikazi noma umuntu –

- (a) ukuthi ayeke akwenzayo kulowo mhlaba ngaleso sikhathi;
- (b) ukuthi asuse noma ashintshe noma isiphi isakhiwo noma umsebenzi ongavumelekile bese elungisa umhlaba noma abuyisele umhlabaesimweni obukuso;
- (c) ukuthi ahambisane nombandela wokugunyazwa oqukethwe isinqumo singakapheli iskhathi asinqunyelwe;
- (d) ukuthi ahambise isicelo sokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala zingakapheli izinsuku eziwu-30 ethole isaziso sokuphulwa komthetho: Kuncike ekutheni ngeke sivunyelwe isicelo sokuthuthukiswa somhlaba esihlose ukuklama kabushaumhlaba; futhi
- (e) akhokhe inhlawulo zingakapheli izinsuku eziwu-30 kusukela ethole incwadi yokuphulwa komthetho.

(4) Umyalelo wokuthumela isicelo sokuthuthukiswa komhlaba ngokwesigatshana (3)(d)awushoukugunyazwa kwesicelo sokuthuthukiswa komhlaba.

(5) Uma umnikazi noma umuntu ehluleka ukuthatha izinyathelo ezibekiwe esazisweni sokuphulwa komthetho evela esigatshaneni (2), uMasipala angafaka isicelo somyalelo wenkantolo-

- (a) ovimbela umnikazi noma umuntu ukusebenzisa umhlaba ngendlela eshayisana nohlelo lokusetshenziswa komhlaba noma noMthetho kaMasipala;
- (b) ophoqelela umnikazi noma umuntu ukuthi ayeke akwenzayo okushayisana nomthetho;
- (c) oyalela umnikazi noma umuntu ukuthi athathe izinyathelo zokulungisa ngesikhathi esinqunyiwe; futhi
- (d) sanoma imuphi umyalelo wenkantoloofanele.

(6) Ngale kwezihlinzeko zesigatshana (5), uMasipala angaphinde ahoxise imvume ebesikhishiwe ngokwesaziso sesinqumo ngokubhalela umnikazi noma umuntu owehlulekile ukuthatha izinyathelo eziqokethwe esazisweni sokwephulwa komthetho bese evumela umnikazi nom lowo muntu ukuba enze izethulo kuMasipala zokuthi kungani kungamele ihoxiswe imvume yakhe.

(7) Noma imuphi umuntu othunyelwe isaziso sokwephula lo mthetho njengoba kuchaziwe esigatshaneni (2) angenza izethulo ezibhalwe phansi azibhekise kuMasipala acele ukuba kubuyekwezwe isaziso zingakapheli izinsuku eziyisikhombisa ethole isaziso.

(8) UMasipala emva kokubheka izethulo ezibhalwe phansi okukhulunywe ngazo esigatshaneni (7) angaqinisekisa, achibiyele noma abeke eceleni isaziso.

(9) Lapho uMasipala eqinisekisa noma echibiyela sonke isaziso noma ingxenye yaso, umuntu kumele athobele imiyalelo kanye nezikhathi ezinqunywe kuleso saziso.

(10) Izixazululo ezihlinzekwe kulo Mthetho kaMasipala zengeza ngaphezu kwanoma yiziphi ezinye ezitholakala kweminye imithetho uMasipala angayisebenzisa.

Ukuphuthuma

77.(1) Uma uMasipala ekholwaukuthi kuzoba nomonakaloongeke ulungisekenoma kuzophazamiseka imvelo, impilo, noma ukuphepha kwanomaimuphi umuntu noma umphakathi, uMasipala angathatha isinyathelo esiphuthumayo sokulungisa lesi simo aphinde afezekise izimfuno zesigaba 76 ngokwenza isicelo esiphuthumayo somyalelo wenkantolo –

- (a) ovimbela noma imuphi umnikazi ukusebenzisa umhlaba ngokushayisana nohlelo lokusetshenziswa komhlaba noma lo Mthetho kaMasipala;
- (b) ophoqa noma imuphi umnikazi noma umuntu ukuthi ayeke akwenzayo okwephula nomthetho;
- (c) oyalela umnikazi noma umuntu ukuthi athathe izinyethelo zokulungisa ngesikhathi esithile esinqunyiwe.

(2) Uma kudingeka isinyathelo esiphuthumayo esihlongozwe esigatshaneni(1), uMasipala engathatha izinyathelo ezifanele ukulungisa isimo futhi angaqoqa zonke izindleko zokwenza lokhu kumnikazi noma kumuntu.

(3) Ukuqoqwa kwezindleko okuhlongozwe esigatshaneni (2) kwengeza ngaphezu kwanoma iyiphi inhlawulo engakhokhiswa umnikazi noma umuntu.

(4) Akekho umuntu ongafuna isinxephezelo ngokulahlekelwa noma ngokulinyalelwa okubangelwe yinoma isiphi isenzo noma isinqumo esifanele esithathwa uMasipala nanoma imuphi umsebenzi ogunyaziwe ngokwalesi sigaba.

(5) Uma uMasipala esethole umyalelo wenkantolo, ikhophiyalowo myalelo iyonanyathiselwa endaweni esobalukulowo mhlaba othintekayo.

(6) Noma ngabe imuphi umuntu osusa, olimaza noma ophazamisa umyalelo wenkamtolo evezwe esahlukwaneni (5) uyothwala icala.

Isitifiketi sokuthobelaumthetho

78. Isaziso sokwaphula umthetho siqhubeka nokusebenza kuze kulungiswe lokho kwaphulwa komthetho ngendlela egculisa uMasipala, futhi uMasipala wakhipha isitifiketi sokuthobela umthetho.

ISAHLUKO 14 IZINDAWO ZAMAKHOSI

Isivumelwano noMkhandlu weNkosi

79. (1) UMasipala angangena esivumelwaneni samazinga okusebenza noMkhandlu weNkosi kulezo zindawo zikaMasipala lapho kusebenza khona lowo Mkhandlu weNkosi mayelana nezicelo zokuthuthukiswa komhlaba.

(2) Uma uMasipala esengenile esivumelwaneni samazinga okusebenza noMkhandlu weNkosinjengoba kushiwo esigatshaneni (1), lowo Mkhandlu weNkosi kumele uqale ukuphatha ukusetshenziswa komhlaba kuleyo ndawo ngokuhambisana nemigomo yesivumelwamo samazinga okusebenza.

(3) Uma isicelo sokuthuthukiswa komhlaba noma isicelo sokwabelwaumhlaba sesithunyelweMkhandlwini weNkosi, uMkhandlu weNkosiunejokalokwazisa uMasipala nokuveza ubufakazi bokwabiwa komhlaba namalungelo ngokomthetho wesintu osebenza kuleyo ndawo yezamasiko, ukuze kukhuthazwe –

- (a) ukukhula komnotho;
- (b) ukubandakanywa komphakathi;
- (c) ukuthuthukiswa komhlaba okusebenzayo; kanye
- (d) nokuncishiswa komthelela ongemuhle kwezempilo yomphakathi, kwimvelo kanye nezinsiza zemvelo, kanye
- (e) nemigomo yeSPLUMA yezentuthuko;

kuleyo ndawo yenkosi.

ISAHLUKO 15

UKUKHISHWA KWEZINOMBOLO ZEMIGWAQO NOKUQANJWA KWEMIGWAQO

Ukuthunyelwa kwezinombolo zemigwaqo namagama emigwaqo ezicelweni zokuthuthukisa umhlaba

80.(1) Umfakisiselo, uma kufanele, kumele asho izinombolo zesitaladi azifunayo kuzo zonke izindawo namagama emigwaqo ume enza isicelo sokuthuthukiswa komhlaba.

(2) UMasipala angachibiyela izinombolo zemigwaqo esicelweni lapho izinombolo zingahambisani nenqubomgomo kaMasipala ephathelene nezinombolo zezitaladi nokuqanjwa kwemigwaqo.

Ukuqanjwa kwemigwaqo okungeyona ekahulumeni

81. Onke amagama emigwaqo okungeyona ekahulumeni athunyelwe ukuze agunyazwe kumele ahambisane nenqubomgomo ephathelene nezinombolo zemigwaqo nokuqanjwa kwemigwaqo.

(2) Uma igama lomgwaqo ongekho ngaphansi kukuMasipala eliceliwelingavunyelwa, umfakisiselo engabonisa noMasipala ngamanye amagama angasetshenziswa ngaphambi kokuhambisa futhi igama kuMasipala ukuze livunyelwe.

(3) Onke amagama emigwaqo ancike ekugunyazweni uMasipala.

Ukuqanjwa kwemigwaqo kahulumeni

82.(1) Zonke izindaba ezithinta ukuqanjwa kwemigwaqo kahulumeni zibhekene noMasipala.

(2) Ukuqanjwa kwemigwaqo kahulumeni kumele kuhambisane nenqubomgomo noMthetho woMkhandlu WaseNingizimu Afrika Wamagama Ezindawo, ka 1998 (uMthetho No. 118 ka 1998).

(3) Onke amagama emigwaqo kahulumeni aphakanyisiwe kumele aphasise ngesinqumo soMkhandlu.

Izinombolo zemigwaqo namagama amabhilidi akhona

83. UMasipala ngezikhathi ngezikhathi anga–

- (a) shintsha izinombolo zemigwaqo ezakhiweni ezikhona ukuze aqinisekise ukuhambisana nenqubomgomo kaMasipala; futhi
- (b) cela esugugwini noma kumuntu ophethe indawo ekhona uhlu oluphelele–
 - (i) lwezinombolozezitaladizezakhiwo zonke ezikhona; kanye
 - (ii) namagama emigwaqo,
 kulezo zakhiwo ngendlela enqunyiwe.

(2) Izinombolo zezitaladi namagama emigwaqo ngeke kushintshwe ngaphandle kokuthola invume kuqala kuMasipala.

ISAHLUKO 16 AMACALA NEZINHLAWULO

Amacala

84.(1) Umuntu wenza icala uma –

- (a) ephazamisa noma evimba noma ngayiphi indlela umsebenzi onegunya owenza umsebenzi ngaphansi kwalo Mthetho kaMasipala;
- (b) enqaba ukuhlinzeka umsebenzi ogunyaziwe ulwazi njengoba kudingeka ukuze umsebenzi ogunyaziwe akwazi ukwenza umsebenzi wakhe ngokwalo Mthetho kaMasipala;
- (c) enikeza ngokwazi ulwazi olungamanga noma oludukisayo kumsebenzi ogunyaziwe;
- (d) evimba ngokungemthetho umnikazi wanoma iyiphi indawo, umuntu osebenzela umnikazi, ukungena endaweni ukuze enze okufunwa yilo Mthetho kaMasipala;
- (e) ezenza umnikazi noma umsebenzi ogunyaziwe engesiyena;
- (f) ephula noma ehluleka ukulandela izihlinzeko zalo Mthetho kaMasipala noma umbandela wesaziso sesinqumo;
- (g) ephula noma ehluleka ukulandela noma imuphi umyalelo noma isaziso esikhishwe ngaphansi kwalo Mthetho kaMasipala;
- (h) ephula noma iziphi izihlinzeko zahlelo lokusetshenziswa komhlaba noma zohlelo lwedolobha;
- (i) ephikisana nanoma yisiphi isinqumo esithathwe noma umbandela, umkhawulo noma ukwenqatshelwaokubekwe ngokwalo Mthetho kaMasipala;
- (j) esebenzisa umhlaba ngendlela ehlukile kunale evunyelwe uhlelo lokuklanywa kwezindawo.

(k) eguqulanomaelimaza umhlaba ngendlela yokuthi indawo ngeke isasebenziseka ngenhloso ebekiwe ohlelweni lokusetshenziswa komhlaba.

(2) Umnikaziwomhlaba ovumela ukuthi umhlaba usetshenziswe ngendlela evela esigatshaneni(1) futhi ongakumisi lokho kusetshenziswa noma athathe izinyathelo ezibonakalayo ukuqinisekisa ukuthi lokho kusetshenziswa kuyayeka, noma ovumela umuntu ukuthi ephule izihlinzeko zesigatshana (1) unecala.

(3) Umuntu wenza icala eliphindayo uma eqhubeka necala emva kokuthi isaziso sesikhishiwe ngokoMthetho kaMasipala esithi akayeke ukwenza lelo cala, noma ngemva kokuthi selike lamlahla lelo cala.

Izinhlawulo

85 Noma imuphi umuntu olahlweyicala ngaphansi kwalo Mthetho kaMasipala uyokhokha inhlawulo noma abhadle ejele iminyaka engeqile kwengama-20, noma kokubili inhlawulo nokubhadla ejele.

(3) Esimweni secala eliphindayo, inhlawulo eyengeziwe noma ukuvalelwa ejele isikhathi esingeqileezinyangeni ezintathu ngosuku ngalunye lapho leli cala liqhubeka noma kokubili inhlawulo nokuvalela ejele kuzokwehliswela kuye.

ISAHLUKO 17

IZINHLINZEKO EZINGXUBEVANGE

Isicelo sokuba umngeneleli

86.(1) Umthathizinqumo noma isiGungu Sokudlulisela Izinqumo bangabheka isicelo esenziwe umuntu ukuze abe umngeneleli esicelweni sokuthuthukiswa komhlaba noma ekudlulisweni kwesinqumo.

(2) Ofake isicelo sokuba umngeneleli kumele ahambise, kanye nefomu elifanele, incwadi efungelwe eqinisekisa ukuthi yena –

(a) akahlangene nofake isicelo, ophikisa isicelo noma odlulisa isicelo; futhi

(b) uzimisele ukumelana nokwenza ngokuhambisana nemiyalelo kamthathizinqumo noma yesiGungu Sokwedlulisela Izinqumo.

(2) Ofake isicelo sokungelela oveza ukuthi uwumuntu othintekayo esicelweni sokuthuthukiswa komhlaba kumele aveze ukuthi uwuntu othintekayo.

(4) Umthathizinqumo noma isiGungu Sokwedlulisela Izinqumo bengabheka lokhu okulandelayo uma becubungula ukuthi ingabe umuntu ofakeisicelo sokuba umngeneleli uyathinteka yini–

- (a) iqhaza lomphakathi belidingeka yini kulesi sicelo;
- (b) ukuthi umuntu wanikezwa yini isaziso sesicelo;
- (c) ukuchaza okubhaliwe okubeka isizathu sokungenelela;
- (d) imvume ebhaliwe yezinhlangothi ezithinteka esicelweni uma zivumile;
- (e) noma ikuphi ukubandlululeka okungabhekana nomfakisisicelo;
- (f) ukuphumelela komuntu ukuba angenelele;
- (g) ukuthiingabe imibono noma ukuphikisa okufanayo sekuke kwafakwa; kanye
- (h) izethulo ezibhalwe phansi ezitholwe ngumfakisisicelo, abaphikisana nesicelo salowo muntu sokuba ngumngeneleli; kanye
- (h) nanoma yini enye ephathelene nalokhu.

(5) Umthathizinqumo noma isiGungu Sokwedlulisela Izinqumo kumele bavume noma bachithe isicelo sokungenelela bese ofake isicelo bemazisa ngokumbhalela ngesinqumo sabo.

(6) Umthathizinqumo noma isiGungu Sokwedlulisela Izinqumo banganquma indlela nobungako bokungenelala okuzokwenziwa umngeneleliesicelweni.

Ukushintsha kobunikazi

87.(1) Umnikazi osethathe ubunikazi bomhlaba singakaphothulwa isicelo sokuthuthukisa umhlaba angaqhubeka naleso sicelo njengomuntu osezoba mngumnikazi olandelayo ngokomthetheo.

(2) Umnikazi omusha kumele azise uMasipala ngokumbhalela phansi ukuthi ufisa ukuqhubeka nesicelo sokuthuthukisa umhlaba futhi ahlinzeke nangemininingwane efanele.

Ukudlulisela ilungelo maqondana neziphikiso noma izimvo

88. (1) Umnikazi owathumela izimvo noma iziphikiso maqondana nesicelo sokuthuthukisa indawo, ngokubhala phansi angadlulisela ilungelo lakhe alinikiwe maqondana nalokho kuphikisa noma izimvo kumnikazi omusha wendawo.

(2) Umnikazi omusha kumele ahlinzeke uMasipala ngekhophi yokudluliselwa kwelungelo ebhalwe phansi kanye neminingwane yokuxhumana naye.

Ukukhishwa kwezaziso

89. (1) Uma kudingeka ukuba kukhishwe isaziso kunoma imuphi umuntu ngokwalo Mthetho kaMasipala kumele kuthathwe ngokuthi leso saziso sikhishwe ngokwanelekuloyo muntu-

- (a) uma sithunyelwe sanikwa yena uqobo;
- (b) uma sishiwe endaweni yakhe yokuhlala noma yebhizinisi eRephabulikhi yaseNingizimu Afrika sanikwa umuntu oneminyaka engaphezu kweyi 16;
- (c) uma sithunyelwe ngeposi elibhalisiwe noma ngeposi eliqinisekisiwe sabhekiswa ekhelini lakho lokugcina elaziwayo eRephabulikhi yaseNingizimu Afrika lasekhaya noma lebhizinisi futhi kukhishwa necwadi eqinisekisa ukuposwa kwaso;
- (d) uma ikheli lakhe laseRephabulikhi yaseNingizimu Afrika lingaziwa, kepha isaziso sathunyelwa kwi-ejenti yakhe noma lowo omumele eRephabulikhi yaseNingizimu Afrika ngendlela echazwe endimeni (a), (b) noma (c);
- (e) uma ikheli lakhe noa le ejenti yakhe eRephabulikhi yaseNingizimu Afrika lingaziwa, kepha isaziso sixhonywe endaweni ecacile kuleyo ndawo/bhilidi; noma
- (f) sithunyelwe ngombani kagesi ofana nemeyili nom a ifeksi.

(2) Usuku lwesazisomayelana nanoma yisiphi isaziso esikhishwe ngokwalo Mthetho kaMasipala –

- (a) luwusukulokubhaliswakwesaziso, uma isaziso sithunyelwe ngeposi elibhalisiwe;
- (b) luwusuku lokuhanjiswa, uma sihanjiswe ngesandla;
- (c) luwusuku isaziso esashiywa ngalo endaweni yalowo muntu noma lapho ehlala khona kuleli kumuntu oneminyaka engaphezu kweyishumi nesithupha;
- (d) luwusuku isaziso esathunyelwangalo ngempumelelo, uma incwadi ithunyelwe nge-email noma enombolweni yefeksi; noma
- (e) luwusuku isaziso esakhangiswa ngalo obala esakhiweni noma endaweni esiphathelene nayo, okuwusuku isaziso esibekwe ngalo noma esinanyethiselwe ngalo kuleyo ndawo.

(3) Uma isaziso sithunyelwe ngeposi elibhalisiwe, ukuthunyelwa kwaso kungaqinisekiswa ngokuvezwa kobufakazi obungamaphepha bokuposa, obungaba incwadi noma umbiko wokulandelela ukuhamba kweposi.

(4) Izihlinzeko zomthetho we Electronic Communications and Transmissions Act, 2002 (uMthetho No.25 ka 2002) ziyosebenza kunoma iyiphi indlela yokuxhumana ngogesi okukhulunywe ngakho kulo Mthetho kaMasipala.

Ukudluliselwa kwamandla

90. (1) Kuncike kuMthethosisekelo kanye nemithetho efanele kazwelonke neyesifundazwe, noma yimaphi –

- (a) amandla, ngaphandle kwamandla okukhulunywe ngawo esigabeni 160(2) soMthethosisekelo;
- (b) umsebenzi;
- (c) amajoka,

athweswe, ngokwalo Mthetho kaMasipala, uMkhandlu, nanoma iziphi izinhloko zikaMasipala zezombusazwe, iziphathimandla zezombusazwe, amakhansela noma abasebenzi bakaMasipala, kungadluliselwa yilolo hloko lwezombusazwe, isiphathimandla sezombusazwe, ikhansela, noma umsebenzi kaMasipala ohlakeni lukaMasipala noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliswaokwenziwa ngokwesigatshana (1) kumele kwenzekengohlelo lokudluliselwa kwamandla olwemukelwa uMkhandlu ngokuhambisana neSahluko 59(1) soMthetho Wezinhlalo Zomasipala Wohulumeni Basekhaya, 2000 (uMthetho 32 ka 2000), kuncike kwinqubo ebekwe esigabeni 59(2) semthetho okukhulunywa ngawo.

(3) Nomaikuphi ukudluliselwa kwamandla okukhulunywe ngakho kulesi sigaba kumele kuqoshwekwiRejista Yokudluliselwa Kwamandla, okumele libe neminingwane –

- (a) ngohlaka noma ngomuntu odlulisa amandla;
- (b) ngokudluliselwa kuye amandla; kanye
- (c) nemibandela ehambisana nokudluliswa kwamandla.

Izihlinzelo zesikhashana

91. (1) Lapho engekho khona amaplani emingcele ahambisana noHlaka Lokuthuthukiswa Kwendawo, wonke amaplani endawo nawokusetshenziswa kwendawo amukelwe nguMkhandlu ayosetshenziswa ukulawula nokusingatha intuthuko.

Isihloko esifingqiwe nokuqala kokusebenza komthetho

92. Lo Mthetho kaMasipala ubizwa ngoMthetho KaMasipala Wezokuhlela Nokulawula Ukusetshenziswa Komhlaba ka 2016 kanti uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi Yesifundazwe.