UMTHETHO KAMASIPALA WEZOKUHLELA OSEWUHLAKA KAMASIPALA WASEMHLATHUZE

Wokuhlinzekela ukusungulwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, isiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala kanye nesiGungu esiBhekele ukuGcinwa koMthetho kwezokuHlela sikaMasipala; wokuhlinzekela ukwamukelwa, ukwelulwa kanye nokuchitshiyelwa kohlelo lokusetshenziswa komhlaba lukaMasipala; wokulawulwa nokuphathwa kokuhlelwa nokuthuthukiswa kwezindawo nokusetshenziswa komhlaba; wokuhlinzekela ukuhlukaniswa kwezicelo zentuthuko; wokuhlinzekela ukulandelwa kohlelo lokusetshenziswa komhlaba; wokuhlinzekela ukudluliselwa kwezikhalo mayelana nezinqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala; wokuhlinzekela amacala nezinhlawulo; wokuhlinzekela izinxephezelo kanye nokunye okuphathelene nalokho.

ISAHLUKO 1

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

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

ISAHLUKO 2

IZIKHUNGO ZESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA

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

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

INgxenye 2: Ukwesekwa kweKomidi lezokuHlela likaMasipala kanye noMkhandlu kaMasipala

17 – 19 Ukuqokwa, imisebenzi kanye namandla oMbhalisi wezokuHlela kaMasipala kanye noSekela woMbhalisi wezokuHlela kaMasipala

ISAHLUKO 3

UHLELO LOKUSETSHENZISWA KOMHLABA

20. Inhloso yohlelo lokusetshenzIswa komhlaba
21. Okuqukethwe wuhlelo lokusetshenziswa komhlaba
22. Umthelela womthetho wohlelo lokusetshenziswa komhlaba
23. Uhlelo lokusetshenziswa komhlaba olukhona
24. Ukwamukelwa kohlelo lokusetshenziswa komhlaba
25. Ukufakwa kwezindawo ezingaphansi koMkhandlu woMdabu ohlelweni lokusetshenziswa komhlaba
26. Ukwamukelwa kohlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu kanye nophenyo lokusetshenziswa komhlaba
27. Ukubuyekezwa kohlelo lokusetshenziswa komhlaba

ISAHLUKO 4

IZICELO ZOKUTHUTHUKISWA KOMHLABA ZEZIMVUME ZOKUHLELA ZIKAMASIPALA

INgxenye 1: Ukuhlukaniswa kwezicelo zokuthuthukiswa komhlaba

28. Ukuhlukaniswa kwezicelo zokuthuthukiswa komhlaba zemvume yezokuhlela kamasipala
29. Okudinga imvume yezokuhlela kamasipala
30. Okokuthuthukiswa komhlaba okungayidingi imvume yezokuhlela kamasipala

INgxenye 2: Isicelo semvume yezokuhlela kamasipala

31. Isicelo semvume yezokuhlela kamasipala
32. Umfakisicelo wemvume yezokuhlela kamasipala
33. Abantu abangahlanganisa isicelo sokuthuthukiswa komhlaba
34. Isicelo esifakelwe umhlaba lapho isicelo saphambilini semvume singakaphothulwa
35. Izinqubo zokufaka izicelo zemvume yezokuhlela kamasipala
36. Ukuhluleka kohlaka lukahulumeni ukuphawula ngesicelo semvume yezokuhlela kamasipala
37. Imibandela yetayitela enezithiyo kanye namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungasuswa, okungachitshiyelwa noma okungahoxiswa ngokwalo Mthetho kaMasipala
38. Imibandela yetayitela kanye namagunya okusebenzisa umhlaba womuntu ngesivumelwano okungeke kwasuswa, kwachitshiyelwa noma kwahoxiswa ngokwalo Mthetho kaMasipala
39. Ukuxoxisana nomphakathi
40. Ukuhlolwa nokudluliswa kwesicelo semvume yezokuhlela kamasipala
41. Ukuchitshiyelwa kwesicelo ngaphambi kokuthathwa kwesinqumo

INgxenye 3: Izinqumo zesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

42. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye noHlelo lweNtuthuko oluDidiyele lukaMasipala kubandakanya noMkhombandlela wokuHlela kweNdawo
43. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nohlelo lokusetshenziswa komhlaba
44. Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nezinye izimvume
45. Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
46. IRekhodi leziNqumo lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
47. Umuntu okumele aziswe ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

48. Isikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
49. Usuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ngesicelo
50. Ukufakwa kabusha kwesicelo, uma isicelo sasinqatshiwe

INgxenye 4: Ukulandela imibandela yemvume

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

INgxenye 5: Izichibiyelo noma ukukhanselwa kwezimvume zezokuhlela zikamasipala ezikhona

62. Isicelo sokuchibiyela iRekhodi lesigungu sezokuhlela sikamasipala ukuze kulungiswe iphutha lokubekeka kwesinqumo, kulungiswe iphutha lokubhalwa kwamagama, kulungiswe incazelo yomhlaba noma kulungiswe okucashunwe emthethweni, kulungiswe ukucashunwa komuntu, kwendawo noma kwegama lomgwaqo
63. Isicelo sokuchitshiyelwa noma sokukhanselwa kwemvume yezokuhlela kamasipala
64. Izindaba isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala okumele sizicubungule uma sinquma ukuthi isicelo sikulungele yini ukuchitshiyelwa kokungaphatheki esinqumweni
65. IRekhodi leziNqumo elimayelana nokuchitshiyelwa kokungaphatheki esinqumweni semvume yezokuhlela kamasipala

ISAHLUKO 5
IZIKHALO

INgxenye 1: IsiGungu sokuDluliselwa kweziKhalo

66. IsiGungu sokuDluliselwa kweziKhalo
67. Amandla esiGungu sokuDluliselwa kweziKhalo
68. UMbhalisi wesiGungu sokuDluliselwa kweziKhalo

INgxenye 2: Izindlela nezinqubo zokufaka izikhalo

69. Inqubo yokufaka isikhalo
70. Abafaka izikhalo
71. Ukufaka isikhalo
72. Ukufakwa kwememorandamu ephendula isikhalo
73. Ukuxolelwa
74. Ukucutshungulwa nokudluliselwa kwesikhalo
75. Ukuhlolwa kwendawo
76. Ukudingidwa kwesikhalo
77. IRekhodi leziNqumo lesiGungu sokuDluliselwa kweziKhalo sikaMasipala
78. Ukwaziswa ngesinqumo sesikhalo
79. Umthelela womthetho wesinqumo sesiGungu sokuDluliselwa kweziKhalo
80. Ubudlelwane phakathi kwezikhalo ezifakwe ngokwalo Mthetho kaMasipala kanye nezikhalo ezifakwe ngokwesigaba 62 soMthetho weziNhlelo zoMasipala
81. Izindleko
82. Amacala aphathelene nokudingidwa kwezikhalo phambi kwesiGungu sokuDluliselwa kweziKhalo

ISAHLUKO 6
UKUQINISEKISWA KOKUGCINWA KOMTHETHO

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

83. Ukuqokwa koMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
84. Ukushayisana kwezikhundla zoMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
85. Amandla kanye nemisebenzi yoMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

INgxenye 2: Amacala, izinhlawulo kanye nokunqanyulwa kwemisebenzi

86. Amacala nezinhlawulo okumayelana nemvume yezokuhlela kamasipala
87. Izinhlawulo ezengeziwe
88. Ukuncishiswa noma ukunqanyulwa kokuhlinzekwa kwemisebenzi yobunjiniyela ukuvimbela ukuqhubeka komsebenzi eholela ekuphulweni komthetho
89. Amareythi nezintela zokuvimbela ukuqhubeka nokuthathwa njengecala

INgxenye 3: Ukushushiswa

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

INgxenye 4: Esinye isicelo semvume yezokuhlela kamasipala

97. Esinye isicelo semvume yezokuhlela kamasipala
98. Inhlawulo ekhokhwa kuMasipala

INgxenye 5: Ukuphulwa komthetho kanye nokungaziphathi kahle komsebenzi kamasipala

99. Ukuphulwa umthetho kanye nokungaziphathi kahle komsebenzi kamasipala ogunyaza ukwakhiwa kwamabhilidi noma ukusetshenziswa komhlaba ngaphambi kokuthola ngokoMthetho
100. Ukuphulwa komthetho ngumnikazi ngokwehluleka ukuhambisa imidwebo, amapulani kanye namaphepha kuMklami Jikelele ngemuva kokuchitshiyelwa noma kokuphelelwa yisikhathi noma kokukhanselwa kwengxenye yemvume yezokuhlela kamasipala yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba
101. Ukuphulwa komthetho ngumnikazi ngokwehluleka ukuhambisa amatayitela, amapulani kanye namaphepha kuMbhalisi wamaTayitela ngemuva kokukhanselwa noma kokukhanselwa kwengxenye yemvume yezokuhlela kamasipala yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba

ISAHLUKO 7
UKUTHUNYELWA KWAMAPHEPHA

102. Ukuthunyelwa kwamaphepha
103. Ukuthunyelwa kwamaphepha kuMbhalisi wezokuHlela kaMasipala
104. Ukuthunyelwa kwamaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo
105. Usuku lokuthunyelwa kwamaphepha

ISAHLUKO 8
UKUDLULISELWA KWAMANDLA KANYE NEZIVUMELWANO ZOKUSEBENZISANA

106. Isivumelwano sokusebenzisana phakathi komasipala ukuze kwenziwe umsebenzi ngokoMthetho
107. Ukudluliselwa kwamandla uMasipala

ISAHLUKO 9
UKUGCINWA KWAMAREKHODI KANYE NOKUTHOLAKALA KOLWAZI

108. Irekhodi lohlelo lokusetshenziswa komhlaba
109. Irekhodi lezicelo zemvume yezokuhlela kamasipala
110. Isaziso sokwabiwa komhlaba ukuze kuthuthukiswe umhlaba ongaphansi koMkhandlu woMdabu ngokomthetho wesintu
111. Ukuthola ulwazi olugcinwe uMbhalisi weKomidi lezokuHlela likaMasipala kanye noMbhalisi wesiGungu sokuDluliselwa kweziKhalo kaMasipala
112. Ukuthola ulwazi olugcinwe uMphathi kaMasipala

ISAHLUKO 10
IZIHLINZEKO EZIJWAYELEKILE

113. Ukuzimela kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo
114. Ukudalulwa kokuhlomula noma kokubandakanyeka
115. Ukuvikelwa kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, kwesiGungu sokuDluliselwa kweziKhalo kanye nabasebenzi bazo
116. Isiqinisekiso sokuvikelwa ngokomthetho
117. Ukuqokwa koMeluleki owuChwepheshe
118. Ukumenyezelwa komhlaba njengomhlaba ongaphansi koMkhandlu woMdabu
119. Ukubalwa kwenani lezinsuku
120. Ukuhluleka kohlangothi oluthile ukugcina isikhathi esinqunyiwe
121. Umthelela wokushintshwa kobunikazi bomhlaba okufakwe isicelo semvume yezokuhlela kamasipala maqondana nawo
122. Ukunikezelwa kwamalungelo maqondana nomuntu owabeka imibono yakhe ngesicelo semvume yezokuhlela kamasipala kumnikazi omusha wendawo
123. Isicelo segunya lokungenelela ezicelweni zokuthuthukiswa komhlaba noma zokudluliselwa kwezikhalo

ISAHLUKO 11
IZINHLELO ZESIKHASHANA

INgxenye 1: I-Odinensi

124. Isicelo semvume eyipesheli egunyazwe ngokwe-Odinensi
125. Isicelo semvume eyisipesheli ngokwe-Odinensi esingaphothulwanga ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala

INgxenye 2: UMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele

126. Imijondolo noma amalokishi angahlelekile ngokuphelele agunyazwe ngokoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele

INgxenye 3: UMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

127. Intuthuko egunyazwe ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko
128. Imisebenzi yomsebenzi oqokiwe ingenziwa uMasipala
129. Amandla agodlwe yiKomidi leNtuthuko noma yiKomidi lokuDluliselwa kweziKhalo zezeNtuthuko esinqumweni sesicelo ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

INgxenye 4: UMthetho wezokuHlela neNtuthuko waKwaZulu-Natali

130. Isicelo esigunyazwe ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali
131. Isicelo esagunyazwa ngokomthetho wezokuhlela osuwachithwa okumele sithathwe njengesicelo esagunyazwa ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali
132. Isicelo esafakwa ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali esingaphothulwanga ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala
133. Isihloko esifingqiwe nosuku lokuqala kokusebenza kwalo Mthetho kaMasipala

ISHEDULI 1

IZINDABA OKUMELE ZIDINGIDWE ESIVUMELWANENI SOKUSUNGULA IKOMIDI ELIHLANGANYELE LEZOKUHLELA LOMASIPALA

ISHEDULI 2

IMISEBENZI ESEZINDAWENI EZINGAPHANDLE KOHLELO LOKUSETSHENZISWA KOMHLABA EDINGA IMVUME YEZOKUHLELA KAMASIPALA

ISHEDULI 3

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NJENGOBA KUNQUNYWE KWISIGABA 28 SOMTHETHO KAMASIPALA

ISHEDULI 4

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NGEZINHLOSO ZOKUXOXISANA NOMPHAKATHI NJENGOBA KUNQUNYWE KWISIGABA 35(2) SALO MTHETHO KAMASIPALA

ISHEDULI 5

UKUMENYEZELWA KOMHLABA NJENGEZINDAWO EZINGAPHANSI KOMKHANDLU WOMDABU NGOKWESIGABA 118 SALO MTHETHO KAMASIPALA

ISHEDULI 6

INGXENYE A

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZIHLELEKILE

INGXENYE B

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZINGAHLELEKILE NGOKUPHELELE

ISHEDULI 7

INQUBO YOKUFAKA ISICELO SOKUDLULISELWA KWESIKHALO NGESINQUMO SESIGUNGU ESIKHIPHA IZIMVUME ZEZOKUHLELA SIKAMASIPALA ESATHATHWA NGOKWALO MTHETHO KAMASIPALA

ISHEDULI 8

INQUBO YOKUPHENYA NGOKUPHULWA KWALO MTHETHO KAMASIPALA KANYE NOHLELO LOKUSETSHENZISWA KOMHLABA

ISAHLUKO 1

IZINCAZELO, UKUSEBENZA KOMTHETHO KAMASIPALA, IZINQUBO NAMAZINGA KANYE NEZINQUBOMGOMO

Izincazelo

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

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

"umnikazi owumakhelwane" kushiwo noma yimuphi umnikazi osebenzisa umngcele owodwa noma ikhona nomhlaba ofakelwe isicelo sokuthi uthuthukiswe, futhi kubandakanya nomnikazi omhlaba wakhe ongabe uhlukaniswe umgwaqo;

"inhlawulo ekhokhwa kuMasipala" kushiwo inhlawulo enqunywe yiKomidi lezokuHlela likaMasipala njengoba kuhlongozwe kwisigaba 98 salo Mthetho kaMasipala;

"isiGungu sokuDluliselwa kweziKhalo" kushiwo isiGungu sokuDluliselwa kweziKhalo zezokuHlela esisungulwe ngokwesigaba 66 salo Mthetho kaMasipala;

"umfakisicelo" kushiwo noma yimuphi umnikazi, uhlaka lukahulumeni, umuntu ohlala kulowo mhlaba noma umuntu ogunyaziwe ofaka isicelo sokuthuthukiswa komhlaba ngokwalo Mthetho kaMasipala nanjengoba kuhlongozwe kwisigaba 32 salo Mthetho kaMasipala;

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

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

"uMsebenzi oGunyaziwe" kushiwo umsebenzi kaMasipala njengoba kuhlongozwe kwisigaba 35(2) soMthetho oBhekele ukwenza noma yimuphi umsebenzi noma ukusebenza noma yimaphi amandla afanele ngokwalo Mthetho kaMasipala futhi kubandakanya nomsebenzi okudluliselwe kuye amandla noma oqokelwe ukwenza leyo misebenzi noma ukusebenzisa lawo mandla;

"ibhilidi" kubandakanya noma yiliphi ibhilidi lanoma yiluphi uhlobo njengoba kuhlongozwe kwisigaba 1 soMthetho wamaZinga oKwakha kanye neMithethonqubo yoKwaKha kaZwelonke;

"umkhawulo webhilidi" kushiwo umkhawulo oqondene nanoma yimuphi umngcele wesiza lapho okungamele kwakhiwe khona ibhilidi noma isakhiwo ngendlela enqunywe ngokoHlelo. Umkhawulo webhilidi uyobandakanya umgwaqo, indawo eseceleni kanye nengemuva;

“igunya” kushiwo ukusetshenziswa komhlaba okugunyazwe wuhlelo lokusetshenziswa komhlaba ngemvume yesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala;
“ukuhlanganiswa” kushiwo ukuhlanganiswa kweziza ezimbili noma ngaphezulu ezisondelene zibe yisiza esisodwa esingabhaliswa ehhovisi lokubhaliswa kwamatayitela njengomhlaba owodwa ngokwesicelo sokuhlanganiswa komhlaba njengoba kuhlongozwe kulo Mthetho kaMasipala, kuncike ekutheni angeke –

(a) kubandakanye ukuhlanganiswa kwezingxenye zamapulazi ngokwezinhloso zalo Mthetho kaMasipala njengoba kuhlongozwe eMthethweni wokuKlanywa koMhlaba, 1997 (uMthetho No. 8 ka 1997);

(b) kusho ukuthi noma kuholele ekuchitshiyelweni kwamalungelo okusetshenziswa komhlaba omhlaba owodwa noma emibili eyingxenye yesiza esihlanganiswe ngaleyo ndlela; futhi

(c) kusho ukuthi amalungelo akhona okusetshenziswa komhlaba aleyo ngxenye yesiza ayohlanganiswa noma abiwe ukuze asebenze kuyona yonke indawo yesiza esihlanganisiwe, ngaphandle uma ingxenye yesiza inamalungelo afanayo okusetshenziswa komhlaba lapho amalungelo okusetshenziswa komhlaba engeke akwazi ukusetshenziswa esizeni esihlanganisiwe ngenxa yokuthi, ngokubona kwaMasipala, kungadingeka ukuthi kuguqulwe amalungelo okusetshenziswa komhlaba ngokuthi kufakwe isicelo sokuthuthukiswa komhlaba;

“usuku” kushiwo usuku lwekhalenda kuncike ekutheni uma noma yisiphi isibalo sezinsuku sinqunyelwe ukwenza noma yini ngokwalo Mthetho kaMasipala, kumele sibalwe njengoba kunqunywe kwisigaba 119 salo Mthetho kaMasipala;

"**uMthetho wokuBhaliswa kwamaTayitela**" kushiwo uMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho No. 47 ka 1937);

"**iHhovisi lokuBhaliswa kwamaTayitela**" kushiwo ihhovisi lokubhaliswa kwamatayitela elasungulwa ngokwesigaba 1(1)(a) soMthetho wokuBhaliswa kwamaTayitela, 1937 (uMthetho No. 47 ka 1937);

"**uMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko**" kushiwo uMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, 1995 (uMthetho No. 67 ka 1995);

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

"**imisebenzi yobunjiniyela**" kushiwo ingqalasizinda –

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

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

“imvume esemthethweni” kushiwo ilungelo lokusebenzisa umhlaba elingatholaka ngokufaka isicelo semvume kuMasipala futhi elichazwe kanjalo ohlelweni lokusetshenziswa komhlaba;

"**iGazethi**" kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

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

“ikhaya” kushiwo ikhaya okungahlalwa kulona endaweni engaphansi koMkhandlu woMdabu;

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

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

“umuntu othintekayo noma umuntu onentshisekelo” kushiwo umuntu obeke umbono obhaliwe ngesicelo sokuthuthukiswa komhlaba futhi okhombisayo ukuthi unegunya lobunikazi elingathinteka noma elingahlukumezeka ngenxa yesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma sesiGungu sokuDluliselwa kweziKhalo njengoba kuhlinzekelwe kwisigaba 51(5) soMthetho;

"**umhlaba**" kushiwo –

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

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

"**inhlangano yabanikazi bomhlaba**" kushiwo inhlangano esungulwe ngabanikazi bezindawo ezahlukene ngenhloso yokulawula nokukhokhela izindleko zokugcinwa kahle kwendawo ngokuhlanganyela kanye nokuphucula ingqalasizinda kanye nezinsizakusebenza, okubandakanya nenhlangano yabanikazi bemizi;

“uMthetho wokuKlanywa koMhlaba” kushiwo uMthetho wokuKlanywa koMhlaba, 1997 (uMthetho No. 8 ka 1997);

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

“uhlelo lokusetshenziswa komhlaba” kushiwo uhlelo lokusetshenziswa komhlaba olwamukelwe uMasipala ngokwalo Mthetho kaMasipala nangokwanoma yimuphi omunye umthetho kazwelonke noma wesifundazwe;

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

“**uMasipala**" kushiwo uMasipala weNdawo yaseMhlathuze, owasungulwa ngokwesigaba 12 soMthetho weziNhlaka zoMasipala ufundwa nezinhlinzeko zoMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000 (uMthetho No. 7 ka 2000) njengoba uchitshiyelwe;

"**indawo kamasipala**" kushiwo indawo eyenganyelwe uMasipala enqunywa izikhathi ngezikhathi yiBhodi lezokuKlanywa koMasipala elasungulwa ngokwesigaba 2 soMthetho wezokuKlanywa koMasipala woHulumeni beziNdawo, 1998 (uMthetho No. 27 ka 1998);

"**uMkhandlu kaMasipala**" kushiwo uMkhandlu kaMasipala waseMhlathuze osungulwe ngokwesigaba 18 soMthetho weziNhlaka zoMasipala;

"**isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala**” kushiwo iKomidi lezokuHlela likaMasipala elisungulwe ngokwalo Mthetho kaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala oqokwe ngokwalo Mthetho kaMasipala noma uMkhadlu kaMasipala oBhekele ukwenziwa kwanoma yimuphi umsebenzi ofanele noma ukusetshenziswa kwamandla afanele ngokwalo Mthetho kaMasipala;

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

“uMsebenzi oGunyaziwe wezokuHlela kaMasipala” kushiwo umsebenzi kaMasipala okudluliselwe kuye amandla okukhipha izimvume zezokuhlela zikamasipala oqokwe ngokwalo Mthetho kaMasipala futhi oBhekele ukwenziwa kwanoma yimuphi umsebenzi ofanele noma ukusetshenziswa kwamandla afanele ngokwalo Mthetho kaMasipala;

“uMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala” kushiwo umsebenzi kaMasipala onikwe umsebenzi wesigungu sezokuhlela sikamasipala oqokwe ngokwalo Mthetho kaMasipala ukwenza imisebenzi nokusebenzisa amandla njengoba kuhlongozwe kwisigaba 85 salo Mthetho kaMasipala;

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

"**uMthetho weNtela yeZakhiwo kaMasipala**" kushiwo uMthetho weNtela yeZakhiwo kaMasipala woHulumeni beziNdawo, 2004 (uMthetho No. 6 ka 2004);

"**uMthetho weziNhlaka zoMasipala**" kushiwo uMthetho weziNhlaka zoMasipala woHulumeni beziNdawo, 1998 (uMthetho No. 117 ka 1998);

"**uMthetho weziNhlelo zoMasipala** " kushiwo uMthetho weziNhlelo zoMasipala woHulumeni beziNdawo, 2000 (uMthetho No. 32 ka 2000);

"**ukwazisa**" kunencazelo efanayo negama “nokuthumela";
"**i-Odinensi**" kushiwo i-Odinensi yezokuHlelwa kwamaDolobha yaKwaZulu-Natali, 1949 (i-Odinensi No. 27 ka 1949);

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

"**umnikazi**" kushiwo –

(a) umuntu okubhaliswe umhlaba ngaphansi kwegama lakhe eHhovisi lokuBhaliswa kwamaTayitela laKwaZulu-Natali;
(b) umuntu onelungelo lobunikazi bomhlaba noma onelungelo lokuqasha isikhathi eside;
(c) uHlaka lukaHulumeni olunegunya lokulawula lowo mhlaba;
(d) ngokwezinhloso zokuthuthukiswa komhlaba izicelo ezihlongozwe kulo Mthetho kaMasipala, umuntu ohlala kulowo mhlaba ngokomthetho wesintu noma ngokwesiko noma ngokwemithetho yomphakathi eyamukelwe amalungu omphakathi ngokomthethosisekelo osetshenziswa yilowo mphakathi;

“umuntu” kushiwo umuntu uqobo noma umuntu ngokomthetho futhi kubandakanya nohlaka lukahulumeni;

"**uMthetho wezokuHlela neNtuthuko**" kushiwo uMthetho wezokuHlela neNtuthuko, 2008 (uMthetho No. 6 ka 2008);

"uMphathisihlalo" kushiwo –

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

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

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

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

"**uMthetho wokuGqugquzela ukuTholakala koLwazi**" kushiwo uMthetho wokuGqugquzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000);

“indawo yomphakathi” kushiwo noma yimuphi umgwaqo nanoma iyiphi ipaki, inkundla yezokungcebeleka, ingadi, idlelo labantu bonke noma indawo evalekile noma indawo evulekile –

(a) ebhaliswe kwirejista lamatayitela njengendawo ebekelwe ukusetshenziswa noma ukuthi kuhlomule umphakathi;
(b) okungeyamasipala noma elawulwa noma ephethwe yiwona ngokomthetho ebekelwe ukusetshenziswa noma ukuthi kuhlomule umphakathi, noma umphakathi onelungelo lokuyisebenzisa; noma
(c) umphakathi noma abantu abahlala elokishini bonke abanelungelo lokuyisebenzisa ngokuhambisana nerekhodi eligcinwe kwifayela ehhovisi lokubhaliswa kwamatayitela;

"umuntu oqeqeshiwe" kushiwo umuntu ofundile ofanelekile ukufaka isicelo sokuthuthukiswa komhlaba kanye namaphepha asesekayo ukuze athole imvume yezokuhlela kamasipala njengoba kudingeka ngokwalo Mthetho kaMasipala;

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

"**uMhleli oBhalisiwe**" kushiwo umhleli oqeqeshiwe noma onguchwepheshe obhaliswe ngokoMthetho woMkhakha wezokuHlela, ka 2002 (uMthetho No. 36 ka 2002) futhi ogcina uMgomo wokuziPhatha wawo;

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

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

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

"umgwaqo" kubandakanya isitaladi somphakathi, umgwaqo womphakathi kanye nomgwaqo okungewona okamasipala;

"**uMthetho wamaTayitela ezaKhiwo ezaKhiwe Ndawonye**" kushiwo uMthetho wamaTayitela ezaKhiwo ezaKhiwe Ndawonye, 1986 (uMthetho No. 95 ka 1986);

"**ukuthunyelwa**" maqondana nesaziso, umyalelo noma amanye amaphepha kushiwo ukuthumela amaphepha athile ngendlela ebekwe kwisigaba 110 salo Mthetho kaMasipala;

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

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

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

"**uMkhombandlela wokuThuthukiswa kweNdawo"** kushiwo uMkhombandlela wokuThuthukiswa kweNdawo olwamukelwa uMasipala ngokwesigaba 25(1) soMthetho weziNhlelo zoMasipala kanye nesigaba 20(1) se-SPLUMA;

"ukuhlukaniswa" mayelana nomhlaba, kushiwo ukuhlukaniswa komhlaba ube yiziqephu futhi kubandakanya umsebenzi wokulungiselela ukuhlukaniswa umhlaba kodwa akudandakanyi ukuklanywa komhlaba ngesikhathi kusalungiselelwa ukuthi uhlukaniswe kanti "ukuhlukanisa" kunencazelo efanayo;

"**uMthetho wokuHlukaniswa komhlaba wezoLimo**" kushiwo uMthetho wokuHlukaniswa koMhlaba wezoLimo, 1970 (uMthetho No. 70 ka 1970);

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

"uMklami Jikelele" kushiwo uMklami Jikelele njengoba kuchaziwe eMthethweni wokuKlanywa koMhlaba, 1997 (uMthetho No. 8 ka 1997);

"uMthetho" kushiwo uMthetho wezokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba, 2013 (uMthetho No. 16 ka 2013);

"uHlelo" kushiwo uHlelo lokuSetshenziswa koMhlaba lwaseMhlathuze;

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

"uMkhandlu woMdabu" kushiwo isikhungo esisungulwe ngokwesigaba 6 soMthetho wobuHoli beNdabuko nokuBusa, 2005;

"indawo engaphansi koMkhandlu woMdabu" kushiwo indawo engaphansi kwaMasipala futhi ehlala umphakathi woMdabu noma abantu abangabanikazi bomhlaba ngokuhlanganyela noma abantu abahlala endaweni engenayo ipulani ehlelekile yokwakha;

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

"ukusetshenziswa" kushiwo ukusetshenziswa komhlaba ngenhloso ethile noma ukuthuthukisa umhlaba;

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

Ukusebenza kwale Mthetho kaMasipala

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

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

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

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

Imigomo, izinqubo namazinga kanye nezinqubomgomo

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

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

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

ISAHLUKO 2

IZIKHUNGO ZESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA

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

IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

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

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

Ukuqokwa, imisebenzi kanye namandla oMsebenzi oGunyaziwe wezokuHlela kaMasipala

5.(1) UMasipala kumele uqoke umsebenzi oyedwa noma ngaphezulu, ababhaliswe njengabahleli, noma umsebenzi kamasipala, owumhleli obhalisiwe futhi oqashwe ngokugcwele omunye uMasipala ngaphansi kwesivumelwano sokwenza imisebenzi ngokuhlanganyela, njengoMsebenzi oGunyaziwe wezokuHlela kaMasipala noma njengabaSebenzi abaGunyaziwe bezokuHlela baMasipala.

(2) UMasipala, njengoba kuhlongozwe kwisigaba 35(2) se-SPLUMA, ungadlulisela amandla kuMsebenzi oGunyaziwe wezokuHlela kaMasipala okunquma ngezinhlobo zezicelo zokuthuthukiswa komhlaba njengoba kunqunyiwe ngokwalo Mthetho kaMasipala.

(3) Ukudluliselwa kwamandla ngokwesigatshana (1) ngenhla kungabandakanya ukudluliselwa kwamandla adluliselwe komunye umsebenzi oqeqeshiwe noma kwabanye abasebenzi abaqeqeshiwe abaqashwe uMasipala nabo abalawulwa uMsebenzi oGunyaziwe wezokuHlela kaMasipala.

(4) UMsebenzi oGunyaziwe wezokuHlela kaMasipala –

(a) angavuma, sonke noma ingxenye noma anqabe noma yisiphi isicelo esilethwe ngokuhambisana nalo Mthetho kaMasipala;
(b) kumele agcine irekhodi lazo zonke izingxoxo;
(c) kumele ahlinzeke izizathu ezibhaliwe zanoma yisiphi isinqumo asithathile;
(d) angabeka noma yimiphi imibandela ezwakalayo kubandakanya nemibandela ephathelene nokuhlinzekwa kwemisebenzi yonjiniyela kanye nokukhokhwa kwanoma yiziphi izimali eziphathelene nentuthuko;
(e) angachibiyela noma asuse noma yimuphi umbandela awubekile;
(f) angathatha isinqumo esifanele mayelana nazo zonke izindaba ezidingekayo ekwenzeni imisebenzi yakhe ngokwe-SPLUMA, ngokwanoma yimuphi omunye umthetho wesifundazwe osebenzayo nangokwalo Mthetho kaMasipala;
(g) angenza uphenyo oludingekayo;
(h) anganikeza imiyalelo efanele yomsebenzi wakhe noma yimuphi umuntu oqashwe uMasipala;
(i) angahlola indawo;
(j) anganquma nganoma yimuphi umbuzo othinta umsebenzi wakhe; futhi
(k) angaqoka umeluleki owuchwepheshe ukwelulela noma ukusiza ekwenziweni kwemisebenzi yakhe ngokwe-SPLUMA, ngokwanoma yimuphi omunye umthetho wesifundazwe osebenzayo nangokwalo Mthetho kaMasipala.

Ukubunjwa kweKomidi lezokuHlela likaMasipala noma kweKomidi lezokuHlela eliHlanganyele loMasipala

6.(1) UMasipala kumele –

(a) usungule iKomidi lezokuHlela likaMasipala endaweni yawo;

(b) ngesivumelwano nomasipala owodwa noma ngaphezulu, usungule iKomidi lezokuHlela eliHlanganyele loMasipala; noma

(c) uvume ukuthi kusugulwe iKomidi lezokuHlela likaMasipala lesifunda.

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

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

(a) umthelela walo Mthetho kaMasipala kwezezimali zawo, kwezokuphatha kanye nasekusebenzeni kwawo ngendlela ehlelekile;

(b) amandla kamasipala okukwazi ukuqalisa ukusebenza izihlinzeko zeSahluko 5 salo Mthetho kaMasipala;

(c) isilinganiso sesibalo sezicelo zemvume yezokuhlela kamasipala ezenziwa ngonyaka; kanye

(d) nomthamo wezentuthuko kuMasipala.

(4) UMasipala ungangena esivumelwaneni sokusungula iKomidi lezokuHlela eliHlanganyele loMasipala ngokuhambisana nesigaba 34 soMthetho.

(5) Uma uMasipala unquma ukusungula iKomidi lezokuHlela eliHlanganyele loMasipala, kumele ungene esivumelwaneni esibhaliwe nabanye omasipala osebenzisana nabo, kubandakanya noMasipala wesiFunda, ngokuhambisana neSahluko 3 soMthetho owuMkhombandlela wezokubuDlelwane phakathi koHulumeni, 2005 (uMthetho No. 13 ka 2005).

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

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

Ukuqokwa kanye nokwakheka kweKomidi lezokuHlela likaMasipala

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

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

(a) abasebenzi abaqashwe uMasipala; kanye

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

(3) UMasipala ungaphinde unqume indlela yokuba yilungu leKomidi lezokuHlela likaMasipala yabantu abangaqashiwe umasipala futhi uyoshicilela leyo ndlela, uma ikhona, kwisaziso somphakathi esimema iziphakamiso zabantu abangaqokelwa kwiKomidi lezokuHlela likaMasipala.

(4) Amakhansela oMkhandlu angeke avunyelwe ukuqokwa njengamalungu eKomidi lezokuHlela likaMasipala.

(5) UMasipala, uma ubona kufanele, ungaqoka abanye abantu kwiKomidi lezokuHlela likaMasipala noma kwiKomidi lezokuHlela eliHlanganyele loMasipala.

(6) Inqubo yokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala kuleme ilandelwe uma kuqokwa amalungu amasha noma engeziwe.

(7) Amalungu amasha noma engeziwe ayosebenza ingxenye esele yesikhathi iKomidi lezokuHlela likaMasipala eliqokelwe sona.

(8) Isikhathi sokusebenza kwamalungu kwiKomidi lezokuHlela likaMasipala yiminyaka emihlanu noma leso sikhathi esingaphansi kwalokho njengoba uMasipala unganquma futhi lokho kuqashwa kuyovuselelwa kanye.

(9) UMasipala kumele usungule ithimba lokuhlola elizocubungula iziphakamiso ezitholakele zokuqokwa kwamalungu kwiKomidi lezokuHlela likaMasipala.

(10) IThimba lokuHlola kumele libe nabasebenzi baMasipala, abayoqokwa uMphathi kaMasipala.

(11) IThimba lokuHlola kumele licubungule iziphakamiso bese lenza izincomo eMkhandlwini kaMasipala ngesinqumo salo sokuqoka ilungu leKomidi lezokuHlela likaMasipala.

(12) Imigomo nemibandela yamalungu eKomidi lezokuHlela likaMasipala ehlongozwe kwisigatshana (2)(a) no (b) ngenhla iyohambisana nezinhlinzeko zikaSheduli 1 yeMithethonqubo ye-SPLUMA.

(13) Amalungu eKomidi lezokuHlela likaMasipala kumele alandele futhi asayine umgomo wokuziphatha njengoba ugunyazwe uMasipala, oyobe ikakhulukazi uhambisana noSheduli 3 weMithethonqubo ye-SLPUMA.

(14) Amalungu eKomidi lezokuHlela likaMasipala nayo ayolahlekelwa ubulungu uma engasafanelekile ukuna amalungu njengoba kubekwe kwisigaba 38 se-SPLUMA.

(15) Uma kwenzeka uMasipala unquma ukuqoka amalungu kwiKomidi lezokuHlela likaMasipala njengoba kuhlinzekwe kwisigatshana (2)(b) ngenhla, uyolandela izinqubo zokumenywa kweziphakamiso njengoba kubekwe kwiMithethonqubo ye-SPLUMA.

USihlalo kanye neSekela likaSihlalo weKomidi lezokuHlela likaMasipala

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

Imigomo nemibandela yokuqokwa kwamalungu eKomidi lezokuHlela likaMasipala

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

(2) Ilungu elilandwe embonini ezimele –

(a) liyokhokhelwa futhi libuyiselwe izimali ezabelwe ukwenza lokho uMasipala noma oMasipala, abayingxenye yesiVumelwano esisungula iKomidi lezokuHlela eliHlanganyele loMasipala;

(b) liyokhokhelwa leyo mali, njengoba kunqume uMasipala noma oMasipala, abayingxenye yesiVumelwano esisungula iKomidi lezokuHlela eliHlanganyele loMasipala; futhi

(c) liyokhokhelwa izindleko zokuhamba ngomsebenzi kanye nezinye izindleko elingene kuzo.

Isaziso sokuqokwa kweKomidi lezokuHlela likaMasipala

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

(a) sokuthi sekusungulwe iKomidi lezokuHlela likaMasipala noma iKomidi lezokuHlela eliHlanganyele loMasipala;

(b) esinamagama abantu abaqokelwe ukusebenza kwiKomidi lezokuHlela likaMasipala noma kwiKomidi lezokuHlela eliHlanganyele loMasipala, okubandakanya uSihlalo kanye noSekela Sihlalo;

(c) esinosuku lokuqala kokusebenza kweKomidi lezokuHlela likaMasipala noma kweKomidi lezokuHlela eliHlanganyele loMasipala;

(d) esinosuku okungafakwa ngalo izicelo zezimvume zezokuhlela kumasipala ukuze zicutshungulwe yiKomidi lezokuHlela likaMasipala;

(e) esisho indawo kanye nokuthi izicelo zezimvume zezokuhlela kumasipala zifakwa kubani;

(f) uma kuwukuthi uMasipala usungule iKomidi lezokuHlela eliHlanganyele loMasipala, kumele siveze –

(i) namagama omasipala ababambe iqhaza;

(ii) nokuthi itholakala kuphi ikhophi yesivumelwano esibhaliwe esiphakathi komasipala ababambe iqhaza.

Ukwesula nokususwa esikhundleni kanye nokugcwaliswa kwezikhala

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

(2) UMasipala ungalisusa ilungu kwiKomidi lezokuHlela likaMasipala uma –

(a) lelo lungu lehluleka ukusebenzisa amandla ahambisana nesikhundla salo kwiKomidi lezokuHlela likaMasipala ngenxa yokukhubazeka noma yokuphazamiseka emqondweni;

(b) lehluleka ukusebenzisa amandla ahambisana nesikhundla salo kwiKomidi lezokuHlela likaMasipala ngendlela efanele nangokuzimisela; noma

(c) lingaziphathi kahle.

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

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

Ukubunjwa kweKomidi lezokuHlela likaMasipala eliThatha iziNqumo

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

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

(3) USihlalo weKomidi lezokuHlela likaMasipala kumele engamele umhlangano noma angaqoka elinye lamalungu ethimba njengoMphathisihlalo umhlangano.

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

(a) yokubiza imihlangano;

(b) inqubo yokuqhutshwa kwemihlangano;

(c) nokuthi iyobanjwa kangaki imihlangano.

Isinqumo seKomidi lezokuHlela likaMasipala

13.(1) Isincomo noma isinqumo sesicelo semvume yezokuhlela kamasipala sithathwa yiningi lamalungu akhona emhlanganweni kweKomidi lezokuHlela likaMasipala. IKomidi lezokuHlela likaMasipala liyothatha isinqumo ngesicelo ezinsukwini eziyi-7 kusukela ngosuku lokugcina lokucutshungulwa noma lokulalelwa kwesicelo.

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

(3) UMphathisihlalo womhlangano nanoma yimuphi umuntu oqokwe nguye ukuthi arekhode isinqumo, kumele asayine lelo Rekhodi leziNqumo leKomidi lezokuHlela likaMasipala.

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

(5) IKomidi lezokuHlela likaMasipala liyogcina irejista yazo zonke izimvume zezokuhlela zikamasipala elizikhiphile.

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

Amandla eKomidi lezokuHlela likaMasipala noma eKomidi lezokuHlela eliHlanganyele loMasipala

14. IKomidi lezokuHlela likaMasipala –

(a) lingavuma, sonke isicelo noma ingxenye yesicelo, lenqabe isicelo esifakwe ngokuhambisana nalo Mthetho kaMasipala;

(b) kumele ligcine irekhodi layo yonke imhlangano;

(c) kumele lihlinzeke izizathu ezibhalwe phansi zezinqumo;

(d) lingabeka noma yimiphi imibandela ezwakalayo kubandakanya nemibandela ephathelene nokuhlinzekwa kwemisebenzi yobunjiniyela kanye nokukhokhwa kwanoma yiziphi izindlelo zanoma yikuphi ukuthuthukiswa;

(e) lingachibiyela noma lingayeka umbandela eliwubekile;
(f) lingathatha isinqumo esifanele mayelana nazo zonke izindaba ezidingekayo ukwenza imisebenzi yalo ngokwe-SPLUMA, nangokwanoma yimuphi umthetho wesifundazwe kanye nalo Mthetho kaMasipala;
(g) lingenza noma yiluphi uphenyo oludingekayo;
(h) linganikeza noma yimuphi umuntu osebenza kwaMasipala imiyalelo ehambisana nemisebenzi yalo;
(i) lingahlola indawo;
(j) linganquma nganoma yimuphi umbuzo ophathelene nomsebenzi walo;
(k) lingaqoka umeluleki owuchwepheshe ukweluleka noma ukusiza ekwenziweni kwemisebenzi yalo ngokwe-SPLUMA, nangokwanoma yimuphi umthetho wesifundazwe kanye nalo Mthetho kaMasipala;
(l) lingathatha isinqumo ngokuthi umuntu uthathwa njengomuntu onentshisekelo noma othintekayo okumele athathwe njengongenelelayo kwisicelo sokuthuthukiswa komhlaba futhi linganciphisa iqhaza elibanjwa umuntu onentshisekelo noma othintekayo ligxile kulezo zindaba lapho ethinteka khona kuphela;
(m) lingafuna eminye imininingwane ngesicelo ukuze lisicubungule; futhi
(n) lingenza noma yini ehambisana nalo Mthetho kaMasipala nanoma yimuphi omunye umthetho okhona ukusebenzisa igunya lalo.

Ukuba nezikhundla ezingaphezu kwesisodwa ngesikhathi nokushayisana kwezikhundla

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

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

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

Ukuhoxa

16.(1) Ilungu leKomidi lezokuHlela likaMasipala, ilungu loMkhandlu kaMasipala, uMbhalisi wezokuHlela kaMasipala, iSekela loMbhalisi wezokuHlela kaMasipala, angeke babe yingxenye yokudingidwa kodaba noma babambe iqhaza ekudingidweni kodaba uma –
(a) bona; noma
(b) abashade nabo, abalingani babo, amalungu emindeni yabo, abalingani babo ngokwebhizinisi, abaqashi babo noma abasebenzi babo,
bethinteka ngandlela thile.

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

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

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

INgxenye 2: Ukwesekwa kweKomidi lezokuHlela likaMasipala kanye noMkhandlu kaMasipala

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

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

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

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

18.(1) UMbhalisi wezokuHlela kaMasipala kumele –
(a) adlulise zonke izicelo zezimvume zezokuhlela zikamasipala zokuthuthukiswa komhlaba ezifakwe noma ezilethwe ngokusemthethweni;
(b) agcine zonke izicelo zokuthuthukiswa komhlaba ezifakiwe;
(c) axhumane namalungu eKomidi afanele nezinhlangothi ezithintekayo mayelana nanoma yisiphi isicelo nokunye okulethwe kwikomidi;
(d) agcine idayari yezithangami zokulalelwa kwezicelo kanye nemihlangano yeKomidi;
(e) abeke izinsuku zemihlangano futhi afake nezinombolo zezicelo ezicelweni;
(f) ahlele ukuthi amalungu eKomidi ethamele imihlangano;
(g) ahlele izindawo okuzobanjelwa kuzo imihlangano yeKomidi noma izithangami zeKomidi;
(h) enze imisebenzi yobubhalane emihlanganweni yeKomidi;
(i) aqinisekise ukuthi ukuhlinzekwa kwemisebenzi yobubhalane emihlanganweni yeKomidi, ngokuhambisana nemiyalelo kaSihlalo;
(j) ahlele izindaba zeKomidi ukuze aqinisekise ukuthi kunesikhathi esanele sokuxhumana nabanye abasemagunyeni mayelana nokuhlelwa kwezicelo ezididdiyele kanye nokugunyazwa kwazo;
(k) azise izinhlangothi ezithintekayo ngemiyalelo noma ngezinqumo zeKomidi;
(l) agcine irekhodi lazo zonke izicelo ezilethwe kwiKomidi kanye nemiphumela yazo, kubandakanya –
(i) nezinqumo zeKomidi;
(ii) nokuhlolwa kwezindawo nanoma yiluphi udaba olurekhodwe ngenxa yalokho;
(iii) izizathu zesinqumo; kanye
(iv) nokuqhubeka kwikomidi;
(m) agcine amarekhodi nganoma iyiphi indlela iKomidi elingabona inesidingo; futhi
(n) enze konke okuphathelene nalokho.

(2) ISekela loMbhalisi wezokuHlela kaMasipala kumele –

(a) lisize uMbhalisi wezokuHlela kaMasipala; futhi

(b) libambe njengoMbhalisi wezokuHlela kaMasipala, njalo uma –

(i) isikhala soMbhalisi wezokuHlela kaMasipala singakagcwaliswa;

(ii) uMbhalisi wezokuHlela kaMasipala engekho noma ngenxa yanoma yisiphi isizathu engakwazi ukuwenza umsebenzi wakhe noma engakwazi ukusebenzisa amandla akhe.

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

ISAHLUKO 3
UHLELO LOKUSETSHENIZSWA KOMHLABA

Inhloso yohlelo lokusetshenziswa komhlaba

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

(a) kusebenze izinqubomgomo kanye nezinhlelo zikahulumeni kazwelonke, owesifundazwe kanye nowomasipala, kubandakanya nezinqubomgomo kanye nezinhlelo zikaMasipala;

(b) kuvikelwe umuntu ngamunye kanye nabantu abahlala ngokuhlanganyela kuleyo ndawo;

(c) kugqugquzelwe nentuthuko esimeme kanye nedingekayo;

(d) kuthuthukiswe umhlaba ngendlela ezogqugquzela inhlalakahle yomphakathi, ezomnotho, ezempilo, ezokuphepha kanye nezempilo;

(e) kugqugquzelwe ukubumbana komphakathi;

(f) kugqugquzelwe ukukhula komnotho kanye nokuvulwa kwamathuba emisebenzi;

(g) kuncishiswe imibandela engenasidingo nengathandeki yokuthuthukiswa komhlaba;

(h) kuncishiswe futhi kwehliswe ukuphazamiseka kwentuthuko kwezemvelo;

(i) kugqugquzelwe ukuvikelwa kokuyimvelo okusemqoka kanye nokongiwa kwezindawo ezingamagugu kanye nezindawo zomphakathi ezibalulekile; futhi

(j) kugqugquzelwe ukuqongelelwa kokudla kuzwelonke.

Okuqukethwe wuhlelo lokusetshenziswa komhlaba

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

(a) lukhonjiswe ebalazweni luhambisane nezindinyana kanye nanoma yimiphi eminye imininingwane uMasipala oyibona inesidingo ekukhombiseni noma ekucaciseni ubungako, okuqukethwe, izinhlinzeko kanye nomthelela wohlelo lokusetshenziswa komhlaba;

(b) lucacise indawo olusebenza kuyo;

(c) lucacise amatemu asetshenziswa kumabalazwe kanye nasezindinyaneni; futhi

(d) lucacise –

(i) imikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba evumelekile kanye nemibandela evunywe ngaphansi kwayo;

(ii) imikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba engahle ivumeleke ngokwegunya likaMasipala noma ngokwemvume kaMasipala esemthethweni ngokohlelo lokusetshenziswa komhlaba, kubandakanya –

(aa) izindlela ezizolandelwa ukulawula uMasipala ekuthatheni isinqumo sokuthi uyayikhipha yini imvume noma igunya;

(bb) izindlela zokulawula ezisebenza uma uMasipala ekhipha imvume noma igunya;

(cc) izimvume ezingadingi ukuthi kukhishwe isaziso ephephandabeni lendawo;

(e) imikhakha yokusetshenziswa kanye nokuthuthukiswa komhlaba engavumelekile;

(f) indlela umhlaba owawusetshenziswa ngawo ngokomthetho ngenhloso engahambisani nohlelo lokusetshenziswa komhlaba kungaqhutshekwa nokuthi usetshenziselwe leyo nhloso nendlela amabhilidi nezakhiwo ezikulowo mhlaba ezingaguqulwa noma ezinganwetshwa ngayo;

(g) izinhlinzeko ezigqugquzela ukufakwa kwezindlu ezingambi eqolo ezinhlelweni zokuthuthukiswa komhlaba wokuhlalisa abantu;

(h) imihlomulo yokusetshenziswa kanye nokuthuthukiswa komhlaba ukuze kugqugquzelwe ukuqaliswa ngendlela afanele kokusebenza koMkhombandlela wokuThuthukiswa kweNdawo kaMasipala kanye nezinqubomgomo zezentuthuko; kanye

(i) nesheduli yezichibiyelo zohlelo lokusetshenziswa komhlaba.

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

(a) isheduli lezichibiyelo kanye nezimvume zohlelo lokusetshenziswa komhlaba;

(b) isheduli lezimvume ezikhishwe ngokwazo; kanye

(c) namasheduli aqukethe imihlahlandlela, amafomu kanye nolunye ulwazi okuhloswe ngalo ukwedlulisa ulwazi kuphela.

Umthelela womthetho wohlelo lokusetshenziswa komhlaba

22.(1)UHelo lokuSetshenziswa koMhlaba olwamukelwe –

(a) luyabophezela ngokomthetho futhi bonke abanikazi bomhlaba kanye nabasebenzisi bomhlaba, kubandakanya noMasipala kanye nohlaka lukahulumeni babophezelwa yizinhlinzeko zalolo hlelo lokusetshenziswa komhlaba;

(b) luthatha indawo yazo zonke izinhlelo ezikhona kuleyo ndawo kamasipala lapho uhlelo lokusetshenziswa komhlaba lusebenza khona; futhi

(c) luhlinzekela amalungelo okusetshenziswa nokuthuthukiswa komhlaba.

(2) Umhlaba ungsetshenziselwa izinhloso ezivunyelwe –

(a) wuhlelo lokusetshenziswa komhlaba; noma

(b) wuhlelo lokuhlelwa kwedolobha, kuze kube kufakwa uhlelo lokusetshenziswa komhlaba esikhundleni salo.

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

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

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

(6) Ilungelo lokusebenzisa umhlaba ngenhloso ethile angeke lahlukaniswa nomhlaba eliphathelene nawo, ngaphandle uma uMasipala uhlinzekele ukudluliselwa kwamalungelo okusetshenziswa komhlaba komunye umhlaba emthethweni kamasipala.

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

(a) ukusetshenizwa kwawo kwakuhambisana nohlelo lokuhlelwa kwedolobha olwalukhona noma nemvume;

(b) uMasipala unganciphisa okunye ukuthuthukiswa komhlaba ngokuhambisana nezinhlinzeko zohlelo; futhi

(c) umhlaba uqhubeka ukusetshenziselwa lokho kusukela lo Mthetho kaMasipala uqale ukusebenza ngaphandle kokuphazanyiswa izinyanga ezingevile kweziyi-18.

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

(9) Ukungalandelwa kokumele umhlaba usetshenziselwe kona –

(a) kungaqhubeka kuphela uma kusesemthethweni;

(b) kungelona icala ngokwalo Mthetho kaMasipala; futhi

(c) kusebenza kuphela kwingxenye yomhlaba noma yebhilidi okunobubufakazi bokuthi kukhona.

(10) Ngale kokubakhona kokungalandelwa kokumele umhlaba usetshenziselwe kona, akekho umuntu onganweba noma aguqule ibhilidi elithintekayo ngaphandle kwemvume ngokwalo Mthetho kaMasipala nangokwanoma yimuphi omunye umthetho osebenzayo.

(11) Umuntu othi akulandelwa lokho umhlaba okumele usetshenziselwe kona kumele aveze ubufakazi balokho.

Uhlelo lokusetshenziswa komhlaba olukhona

23. Ngesikhathi sokuqala kokusebenza kwalo Mthetho kaMasipala, uhlelo lokusetshenziswa komhlaba luyoqukatha –

(a) noma yiluphi uhlelo lokusetshenziswa komhlaba, kubandakanya nezichibiyelo zalo, olwamukelwe ngokwesigaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(b) noma yiluphi uhlelo lokuhlelwa kwedolobha olwamukelwe noma oluchitshiyelwe ngokwesigaba 47*bis*(4)(a) noma ngokwesigaba 47*bis*A(4) se-Odinensi; kanye

(c) nanoma yiziphi izichibiyelo ezenziwe yisiGungu sezeNthuthuko ngokwesigaba 33(2)(h)(i) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko ohlelweni lokuhlelwa kwedolobha olwamukelwe ngokwesigaba 47*bis*(4)(a) noma ngokwesigaba 47*bis*A(4)se-Odinensi.

Ukwamukelwa kohlelo lokusetshenziswa komhlaba

24.(1) UMasipala kumele, ngemuva kokubamba izithangami zokuxoxisana nomphakathi nasesikhathini esiyiminyaka emihlanu kusukela ngosuku lokuqala kokusebenza kwe-SPLUMA, wamukele uhlelo lokusetshenziswa komhlaba lwayo yonke indawo engaphansi kwawo.

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

Ukufakwa kwezindawo ezingaphansi koMkhandlu woMdabu ohlelweni lokusetshenziswa komhlaba

25.(1) UMasipala kumele unqume inqubomgomo, izinqubo kanye/noma nemihlahlandlela yokubandakanya izindawo ezingaphansi koMkhandlu woMdabu ohlelweni lokusetshenziswa komhlaba.

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

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

(4) Imiphakathi ehlala ezindaweni ezingaphansi koMkhandlu woMdabu kumele kuxhanyanwe nayo uma umhlaba ohlalo kuwo uzofakwa ohlelweni lokusetshenziswa komhlaba.

Ukwamukelwa kohlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi koMkhandlu kanye nophenyo lokusetshenziswa komhlaba

26.(1) Uma uMasipala uhlose ukwamukela uhlelo lokusetshenziswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu, ngokubonisana neBhodi leNgonyama Trust, namalungu omphakathi kanye nobuholi bawo, kubandakanya nabaholi bomdabu, uyonquma okubalulekile kuleyo ndawo bese usebenzisa lolo lwazi ukusungula uhlelo lokulawulwa kokusetshenziswa komhlaba.

(2) UMasipala kanye neBhodi leNgonyama Trust kumele basize imikhandlu yomdabu kanye nemiphakathi enamagunya okulawula umhlaba ukusungula irejista labanamalungelo okusebenziswa umhlaba ezindaweni ezingaphansi koMkhandlu woMdabu futhi irejista liyonikezwa uMasipala ngomsebenzi wawo wokulawula ukusetshenziswa komhlaba kanye nokuqinisekiswa kokulandelwa kohlela lokusetshenziswa komhlaba.

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

Ukubuyekezwa kohlelo lokusetshenziswa komhlaba

27.(1) UMasipala ungabuyekeza uhlelo lwawo lokusetshenziswa komhlaba ngokuhambisana nezidingo zesigaba 27 se-SPLUMA bese kuthi ezinyangeni eziyisithupha ngemuva kokuthi wamukele uHlelo lweNtuthuko oluDidiyele lwehlandla oqokelwe lona ngokwesigaba 5 soMthetho weziNhlelo zoMasipala.

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

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

ISAHLUKO 4

IZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IZIMVUME ZEZOKUHLELA ZIKAMASIPALA

INgxenye1: Ukuhlukaniswa kwezicelo zokuThuthukisa koMhlaba

Ukuhlukaniswa kwezicelo zokuthuthukiswa komhlaba ezidinga izimvume zezokuhlela zikamasipala

28.(1) UMasipala kumele uhlukanise izicelo zezimvume zokuthuthukiswa komhlaba zezimvume zezokuhlela zikamasipala ngokuhambisana nezinhlinzeko zikaSheduli 3 walo Mthetho kaMasipala.

(2) USheduli 3 uhlinzekela ukuthi zonke izicelo zokuthuthukiswa komhlaba ezidinga izimvume zezokuhlela zikamasipala zinqunywe –

(a) uMsebenzi oGunyaziwe wezokuHlela kaMasipala;
(b) yiKomidi lezokuHlela likaMasipala; noma
(c) uMkhandlu kaMasipala.

(3) UMasipala noma yinini, ungachibhiyela, ungashintsha noma ungachitha uSheduli 3 walo Mthetho kaMasipala.

Okokuthuthukiswa komhlaba okudinga imvume yezokuhlela kamasipala

29.(1) Isicelo semvume yezokuhlela kamasipala iyolethwa uma idingeka kokokuthuthukiswa komhlaba okulandelayo, noma inhlanganisela yakho:

(a) ukwamukelwa, ukuchithwa, ukunwetshwa noma ukubuyekezwa kohlelo lokusetshenziswa komhlaba oluhlongozwe kwisigaba 23(1) se-SPLUMA;
(b) ukuguqulwa kwalokho umhlaba owawuklanyelwe kona;
(c) igunya elisemthethweni, imvume esemthethweni nanoma iyiphi imvume edingekayo ngokohlelo lokusetshenziswa komhlaba;
(d) ukuthuthukiswa komhlaba ongaphandle kwendawo yohlelo lokusetshenziswa komhlaba, uma intuthuko ifaka lokhu okuhlongozwe ephuzwini 2 likaSheduli 2;
(e) ukunwetshwa noma ukuguqulwa kwebhilidi elisemhlabeni osetshenziselwa inhloso okukhulunywe ngayo ephuzwini 2 likaSheduli 2, ngale kokuthi imvume yezokuhlela kamasipala yayingadingeki ngesikhathi kuqala ukusetshenziswa kwalelo bhilidi;
(f) ukuhlukaniswa komhlaba;
(g) ukusungulwa kwelokishi;
(h) ukuhlanganiswa komhlaba;
(i) ukuhlanganiswa okusemthethweni kwezakhiwo ezisondelene;
(j) ukubhaliswa kwesivumelwano sokuqashisa sesikhathi eside;
(k) ukwandiswa kohlelo lokuhlukanisa umhlaba iziqephu ngokwengezwa komhlaba okwakhiwa kuwo izakhiwo ezifanayo ngokwesigaba 26 se-Sectional Titles Act;
(l) ukuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi;
(m) ukususwa, ukuchitshiyelwa noma ukuhoxiswa kombandela onezithiyo noma kwegunya lokusebenzisa umhlaba womuntu ngesivumelwano;
(n) ukulungiswa kwephutha noma kwezichibiyelo ezingaphatheki, sifundwa nesigaba 62(1) nesigaba 63(1) salo Mthetho kaMasipala, eziphathelne nemvume yezokuhlela kamasipala ekhona ekhishwe ngokwalo Mthetho kaMasipala noma ngokomunye umthetho, ukusulwa noma ukwengezwa kwemibandela maqondana nemvume yezokuhlela kamasipala ekhishwe noma okuthathwa ngokuthi ikhishwe ngokwalo Mthetho kaMasipala;
(o) isichibiyelo esinqumweni sikaMasipala ngesicelo semvume yezokuhlela kamasipala;
(p) ukuchitshiyelwa noma ukuqaliswa kwemvume yokuhlukaniswa izigaba komhlaba kancane kancane;
(q) ukukhanselwa kwesinqumo sikaMasipala noma kwengxenye yaso ngesicelo semvume yezokuhlela kamasipala, ngaphandle kwesinqumo sokwamukela noma sokuchibiyela uhlelo lokusetshenziswa komhlaba;
(r) noma yikuphi ukuthuthukiswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu, ngaphandle kokwakhiwa kwendlu;
(s) noma yisiphi esinye isicelo esihlinzekelwe kulo Mthetho kaMasipala;
(t) nanoma yisiphi isicelo uMasipala ongasinquma ngokwalo Mthetho kaMasipala.

(2) UMasipala unganquma ukuthi yikuphi okudinga imvume yezokuhlela kamasipala okuhlinzekwe kwisigatshana (1) salesi sigaba okudinga ukuthi izicelo zemvume zihlolwe umhleli obhalisiwe nanoma yimuphi umsebenzi ogunyaziwe oqeqeshwe kwezokuhlelwa kwezindawo, kwezokulawulwa kokusetshenziswa komhlaba nakwezothuthukiswa komhlaba.

Okokuthuthukiswa komhlaba okungayidingi imvume yezokuhlela kamasipala

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

(a) ukuze kulungiswe iphutha lokubhaleka/lokubhalwa kwegama noma lokuchitshiyelwa noma lokulungisa kwezinombolo esoHlelweni;
(b) ukuze kuhlelwe kabusha izindinyana ngaphandle kokuguqula incazelo yazo;
(c) ukuze kucashunwe umthetho omusha uma kwakucashunwe umthetho owawusudlulelwe yisikhathi;
(d) ukuze kufakwe noma kuchitshiyelwe izimvume zokuthuthukiswa komhlaba ezazigunyazwe ngokusemthethweni noma umhlaba osuklanyiwe okwakungafakwanga oHlelweni;
(e) uma kwakhiwa umgwaqo owawuhlelilwe waklanywa ”kuzoKwakhiwa uMgwaqo”. Ukuklanywa “Kwakhiwa uMgwaqo” kungabe sekuguqulwa kuthiwe “uMgwaqo kaMasipala” noma “uMgwaqo okungewona okaMasipala”, ngaphandle uma uhlelo lomgwaqo ohlongozwayo selushintshile;
(f) ukuze kwakhiwe imigwaqo okungeyona ekamasipala, imigwaqo kamasipala, imigwaqo yendawo noma imigwaqo yesifunda uma umhlaba uhlukaniswe ngokuhambisana nenhloso owawuklanyelwe yona ohlelweni lokusetshenziswa komhlaba, ngaphandle uma uhlelo lokusetshenziswa komhlaba luhlinzeka okwehlukile;
(g) ukuze kuqoshwe lokho umhlaba osetshenziselwa kona noma osuvele usetshenziselwa kona ngokuhambisana nezinhlinzeko zohlelo lokusetshenziswa komhlaba, ngaphandle uma uhlelo lokusetshenziswa komhlaba luhlinzeka okwehlukile;
(h) ukuze kuqoshwe izinto eziqavile, njengezakhiwo ezinomlando, izindawo ezinamadwala aseneminyaka kanye nemigede egqamile;
(i) ukuze kuhlonzwe noma kukhonjiswe noma yimuphi umhlaba ongaphansi koMthetho wezokuHlukaniswa koMhlaba wezoLimo;
(j) ukuze kuhlonzwe noma kukhonjiswe izindawo lapho umsebenzi ungeke uqale ngaphandle kwemvume yezemvelo ehlongozwe kwisigaba 24(2)(a) soMthetho wokuPhathwa kwezeMvelo kaZwelonke, 1998 (uMthetho No. 107 ka 1998);
(k) ukuze kuhlonzwe noma kukhonjiswe izindawo lapho umsebenzi ungaqala ngaphandle kwemvume yezemvelo ehlongozwe kwisigaba 24(2)(a) soMthetho wokuPhathwa kwezeMvelo kaZwelonke, 1998 (uMthetho No. 107 ka 1998);
(l) ukuze kuchitshiyelwe isheduli equkethe irejista lezichibiyelo zokusetshenziswa komhlaba;

(m) ukuze kuchitshiyelwe uhlelo oluqukethe irejista lamagunya asemthethweni noma ezimvume ezisemthethweni ezikhishwe ngokohlelo lokusetshenziswa komhlaba;
(n) ukuze kuchitshiyelwe noma kususwe iziNhlelo zezokuPhatha onhloso yazo kungukuhlinzeka ulwazi kuphela;
(o) ukuze kuchitshiyelwe isheduli imihlahlandlela, amafomu kanye neminye imininingwane onhloso yako kungukuhlinzeka ulwazi kuphela;

(2) Isicelo semvume yezokuhlela kamasipala asidingeki endaweni engaphandle kohlelo lokusetshenziswa komhlaba uma lokho kuthuthukiswa komhlaba kungabaluliwe ephuzwini likaSheduli 2 walo Mthetho kaMasipala.
(3) Isicelo semvume yezokuhlela asidingeki uma kusetshenziswa ibhilidi elisendaweni engaphandle kohlelo lokusetshenziswa komhlaba uma –
(a) ibhilidi lisetshenziselwa inhloso echazwe ephuzwini 2 likaSheduli 2 walo Mthetho kaMasipala; futhi
(b) ukusetshenziswa komhlaba ngaleyo nhloso sekuqaliwe –
(i) ngaphambi kokuthi kudingeke imvume yokuthuthukiswa komhlaba yalokho kuthuthukiswa komhlaba ngokwesigaba 11(2) se-Odinensi kusukela mhla lu-1 kuNcwaba 1951;
(ii) ngaphambi kokuchitshiyelwa kwesigaba 11(2) se-Odinensi ukuthi kudingeke imvume yokuthuthukiswa komhlaba kusukela mhla ziyi-10 kuMfumfu 2008;
(iii) ngaphambi kokuthi kungidingeke imvume yokuthuthukiswa komhlaba ngokwesigaba 14 soMthetho wezoMhlaba waKwaZulu-Natali, 1992 (uMthetho No. 11 ka 1992) kusukela mhla ziyi-10 kuMfumfu 1998.

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

(5) Isicelo semvume yezokuhlela kamasipala asidingeki uma kwakhiwa indlu okuzohlalwa kuyo endaweni engaphansi koMkhandlu kaMasipala.

INgxenye 2: Isicelo seMvume yezokuHlela kaMasipala

Isicelo seMvume yezokuHlela kaMasipala
31.(1) Izicelo zokuthuthukiswa komhlaba ezihlongozwe kwisigaba 29(1) salo Mthetho kaMasipala ziyolethwa kumasipala ukuze zicutshungulwe.

Umfakisicelo wemvume yezokuhlela kamasipala
32.(1) Umfakisicelo ofaka isicelo semvume yezokuhlela kamasipala ngokwalo Mthetho kaMasipala kumele afake isicelo kuMasipala ngokuhambisana nenqubo yokufaka isicelo enqunyiwe.

(2) Isicelo singalethwa kuphela –
(a) umnikazi womhlaba othintekayo, njengoba kuchazwekulo Mthetho kaMasipala;
(b) umuntu onegunya elibhaliwe alinikwe umnikazi womhlaba othintekayo; kanye
(c) nohlaka lukahulumeni, uma lusezinhlelweni zokudla umhlaba othintekayo.

(3) Uma umhlaba ofakelwa isicelo ngokwalo Mthetho kaMasipala udluliselwa kumnikazi omusha, umnikazi omusha angaqhubeka nesicelo njengosezoba umnikazi wetayitela futhi umnikazi omusha uyothathwa njengomfakisicelo ngokwezinhloso zalo Mthetho kaMasipala;

(4) Izinhlinzeko zeSahluko 4 ziyasebenza kwimvume yezokuhlela kamasipala kulokho okuhlongozwa uMasipala, ngaphandle kokuthi uma kukhulunywa ngomfakisicelo kumele kuthathwe ngokuthi kukhulunywa ngoMasipala.
Abantu abangahlanganisa isicelo
33.(1) Isicelo semvume yezokuhlela kamasipala enganqunywa yisiGungu esiBhekele ukuKhishwa kweziMvume zokuHlela zikaMasipala singahlanganiswa yinoma yimuphi umuntu oqeqeshiwe osebenza ngaphansi kwegunya elibhaliwe lomnikazi obhalisiwe noma lomuntu ohlala kulowo mhlaba isicelo esimayelana nawo.

(2) UMasipala ungadinga ukuthi isicelo kanye namaphepha asesekayo alethwe njengengxenye yesicelo kumele kuhlanganiswe umuntu oqeqeshiwe, njengoba kuchazwe kulo Mthetho kaMasipala.

Isicelo somhlaba owawufakelwe isicelo phambilini kodwa esingakaphothulwa
34.(1) Isicelo somhlaba owuwufakelwe isicelo semvume yokuthuthukiswa komhlaba phambilini uma imibandela yemvume ingakaphothulwa, angeke sicutshungulwe, ngaphandle –
(a) uma imvume yaphambilini ikhanselwa noma kufakwa isicelo kabusha;
(b) imibandela yemvume kuhlangatshezwane nayo ngokugcwele, futhi uMasipala uqinisekise ukulandelwa kwaleyo mibandela.

Inqubo yokufaka izicelo zemvume yezokuhlela kamasipala
35.(1) UMasipala kumele unqume izinqumo zokulethwa nokucutshungulwa kwazo zonke izicelo zokuthuthukiswa komhlaba ezidinga imvume ngokwalo Mthetho kaMasipala.

(2) UMasipala unganquma ukuthi yiziphi izicelo okumele zilandele inqubo yokuxoxisana nomphakathi, uhlobo nenqubo yokuxoxisana okumele lulandelwe.

(3) Uma umhlaba ofakelwe isicelo ngokwalo Mthetho kaMasipala udluliselwe kumnikazi omusha, umnikazi omusha kumele aqhubeke nesicelo njengosezoba umnikazi wetayitela futhi umnikazi omusha uyothathwa njengomfakisicelo ngokwezinhloso zalo Mthetho kaMasipala.

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

(5) UMasipala unganqaba ukwamukela isicelo, uma singahlangabezani nenqubo yawo enqunyiwe.

(6) UMasipala kumele urekhode zonke izicelo zokuthuthukiswa komhlaba ozitholile ngokubhaliwe noma ngokuzigxiviza ngesitembu ngosuku owazithola ngalo.

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

(8) UMasipala ungasiza umfakisicelo ngokubhaliwe ukuthi alethe eminye imininingwane mayelana nesicelo sokuthuthukiswa komhlaba ezinsukwini ezingama-30 kusukela ngosuku okukhishwe ngalo isaziso, uma ehluleka isicelo ebesithathwa njengesiphelele singaphelelwa yisikhathi.

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

(a) imali yokufaka isaziso angeke ibuyiselwe kuye;

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

Ukwehluleka kohlaka lukahulumeni ukuphawula ngesicelo

36.(1) Uhlaka lukahulumeni olufanele olungathintwa yisicelo sokuthuthukiswa komhlaba kungaxhunyanwa naso ngaphambi kokuhanjiswa kwesicelo kuMasipala, futhi luyonikwa okungenani izinsuku ezingama-60 okumele luphawule ngazo kumfakisicelo.

(2) Uhlaka lukahulumeni luyothathwa njengolungaphawulanga mayelana nesicelo semvume yezokuhlela kamasipala, uma luhluleke ukuphawula ngesicelo esihlongozwayo ngesikhathi esinqunyiwe, ngaphandle uma ukusetshenziswa komhlaba kuncike emisebenzini yobunjiniyela okumele luyihlinzeke.

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

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

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

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

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

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

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

(a) obekelwe noma elibhaliselwe lowo mhlaba;

(b) eliqondene noma oqondene nalowo mhlaba; noma

(c) ophathelene noma eliphathelene –

(i) nokuhlukaniswa noma nokuhlanganiswa komhlaba;

(ii) nalokho umhlaba ongasetshenziselwa kona;

(iii) nemigomo okumele ilandelwe uma kwakhiwa amabhilidi noma uma kusetshenziswa umhlaba,

kungasuswa, kungachitshiyelwa noma kungahoxiswa ngokwalo Mthetho kaMasipala.

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

(a) ngokombandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano obekwe yisiKhulu sikaHulumeni, uNdunankulu noma yiLungu loMkhandlu oPhethe elibhekele ezokuThutha ngokwesigaba 9(3) noma 9A(1) se-Advertising Roads and Ribbon Development Act, 1940 (uMthetho No. 21 ka 1940);

(b) ngokwe-Odinensi yezeMigwaqo, 1978 (uMthetho No. 11 ka 1978); noma

(c) ngokoMthethosichibiyelo wezeMigwaqo waKwaZulu-Natali, 1978 (uMthetho No. 11 ka 1978),

okungasuswa, okungachitshiyelwa noma okungahoxiswa ngokwalo Mthetho kaMasipala ngokwemvume ecacile ebhaliwe yeLungu loMkhandlu oPhethe elibhekele ezokuThuthua ekhishwe phambilini.

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

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

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

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

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

(4) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano okubekwe ngokoMthetho weBhodi lezeMigwaqo laseNingizimu Afrika ngokoMthetho wezeMigwaqo waseNingizimu Afrika, 1988 (uMthetho No. …. ka 1988) ngeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala.

(5) Umbandela wetayitela onezithiyo noma igunya lokusebenzisa umhlaba womuntu ngesivumelwano ebekwe uMthetho we-Ejensi yezeMigwaqo waseNingizimu Afrika (SANRAL) ngokwesigaba 44(3) soMthetho we-Ejensi yezeMigwaqo waseNingizimu Afrika, 1998 (uMthetho No. 7 ka 1998) ngeke kususwe, kuchitshiyelwe noma kuhoxiswe ngokwalo Mthetho kaMasipala

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

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

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

Ukuxoxisana nomphakathi
39.(1) UMasipala kumele wazise umfakisicelo uma ubona ukuthi isicelo sokuthuthukiswa komhlaba siphelele. Lokhu kukhombisa ukuqala kohlelo lwangaphakathi lokucutshungulwa kwesicelo njengoba kubekiwe kuMthethonqubo we-SPLUMA.

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

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

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

Ukuhlolwa nokuDluliselwa kwesicelo semvume yezokuhlela kamasipala
40.(1) UMhleli oBhalisiwe oqashwe uMasipala kumele –
- (a) ahlole izizathu zesicelo ngokubhaliwe; futhi
- (b) enze izincomo mayelana nesicelo.

(2) Ukuhlola koMhleli oBhalisiwe kumele kubandakanye –
- (a) isicelo semvume yezokuhlela kamasipala;
- (b) ubufakazi bokukuthi umfakisicelo wakhipha isaziso sesicelo, uma isaziso sasidingeka;
- (c) izimvo ezitholakele eziyimpendulo yesaziso mayelana nesicelo, uma zikhona;
- (d) impendulo yomfakisicelo mayenala nezimvo, uma ikhona;
- (e) isiqiniseko sokuthi isicelo siyahambisana ne-SPLUMA, nalo Mthetho kaMasipala nanoma iyiphi inqubo kanye noMkhombandlela wokuThuthukiswa kweNdawo woMasipala, noma kuhlinzeke imininingwane yamaphutha, uma ungahambisani nokubalulwe ngenhla.

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

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

Izichibiyelo zesicelo ngaphambi kokukhishwa kwesinqumo
41.(1) Ngaphambi kokukhishwa kwesinqumo yesicelo esimayelana nokuthuthukiswa komhlaba, umfakisicelo angachibiyela isicelo noma yingasiphi isikhathi ngemuva kokuthi ethole isaziso –
- (a) ngokuzicabangela yena umfakisicelo; noma
- (b) ngoba ecelwe uMasipala.

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

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

INgxenye 3: Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zikaMasipala

Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye noHlelo lukaMasipala lweNtuthuko oluDidiyele, kubandakanya uMkhombandlela wawo wokuThuthukiswa kweNdawo
42.(1) UHlelo lweNtuthuko oluDidiyele alunikezi umuntu noma yimaphi amalungelo noma alumkhululi ekutheni athole imvume yezokuhlela kamasipala njengoba kudingeka ngokwalo Mthetho kaMasipala.

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

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

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

(5) Ngokwezinhloso zesigatshana (4) "izimo zendawo ethile" kushiwo –
- (a) ukufinyelela ngendlela engajwayekile emisibenzini yobunjiniyela noma umthelela ongatheni noma ukungabibikho komthelela emisebenzini yobunjiniyela;
- (b) ukufinyelela ngendlela engajwayelekile kwizinsiza zomphakathi noma umthelela ongatheni noma ukungabibikho komthelela kwizinsiza zomphakathi;
- (c) umthelela ongajwayelekile noma ukungabibikho komthelela kwezemvelo, kubandakanya imvelo eyindalo, ukuxhantela okubonakalayo, amazinga omsindo kanye nephunga; noma
- (d) isimo sendawo esingajwayelekile,

ezigunyaza ukuthi kungalandelwa umkhombandlela wokuthuthukiswa kwendwo kamasipala.

(6) Ukungalandelwa komkhombandlela wokuthuthukiswa kwendawo kamasipala kumele kurekhodwe kumkhombandlela wokuthuthukiswa kwendawo uma usubuyekezwa njengoba kuhlongozwe kwesigaba 34 soMthetho weziNhlelo.

(7) Ngokwezinhloso zesigatshana (4) ngenhla, isicelo semvume yezokuhlela kamasipala "asihambisani " uma –
- (a) uMkhombandlela wokuThuthukiswa kweNdawo uvimbela ukusetshenziswa noma ukuthuthukiswa komhlaba ngenhloso ethile noma ngendlela ehlongozwe kwisicelo semvume yezokuhlela kamasipala;
- (b) uMkhombandlela wokuThuthukiswa kweNdawo uhlongoza ukuthi umhlaba kumele usetshenziswe noma uthuthukiswe ngokwenhloso ethile noma ngendlela engahambisani nesicelo semvume yezokuhlela kamasipala; noma
- (c) ukusetshenziswa noma ukuthuthukiswa komhlaba kuncike emisebenzi yobunjiniyela kaMasipala noma kahulumeni ngokoHlelo lweNtuthuko oluDidiyele engeke yatholakala kuleyo ndawo umhlaba ofakelwe isicelo semvume yezokuhlela kumasipala okuyo.

(9) UMasipala ungagunyaza ukuchitshiyelwa kohlelo lwentuthuko oludidiyele kuncike kwimvume yezokuhlela kumasipala ngokwalo Mthetho kaMasipala.

Ubudlelwane phakathi kwemvume yezokuhlela kamasipala kanye nohlelo lokusetshenziswa komhlaba

43. UMasipala angeke ukugunyaze ukuhlukaniswa noma ukuhlanganiswa komhlaba noma ukusungulwa kwelokishi uma kuphambene nezinhlinzeko zohlelo lokusetshenziswa komhlaba.

Ubudlelwane phakathi kwemvume yezokuhlela kumasipala kanye nezinye izimvume

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

(2) Ipulani yezakhiwo ezakhiwe ndawonye ngokwesigaba 1 se-Sectional Titles Act ephambana nezinhlinzeko zohlelo lokusetshenziswa komhlaba ayikho semthethweni.

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

(a) nohlelo lukaMasipala lokusetshenziswa komhlaba;
(b) nemvume kanye negunya elisemthethweni ngokohlelo lokusetshenziswa komhlaba;
(c) nokuthuthukiswa komhlaba ongaphandle kwendawo engaphansi kohlelo lokusetshenziswa komhlaba;
(d) nokuhlukaniswa komhlaba;
(e) nokuhlanganiswa komhlaba;
(f) nokuhlanganiswa kwezakhiwo ngokusemthethweni;
(g) nokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi; noma
(h) nombandela wetayitela ophathelene nokusetshenziswa noma nokuthuthukiswa komhlaba.

(4) Uma kwakhishwa imvume yezokuhlela kamasipala yokuhlukaniswa, yokuhlanganiswa komhlaba noma yokusungulwa kwelokishi, lokho kuhlukaniswa, lokho kuhlanganganiswa noma lokho kusungulwa kwelokishi kumele kubhaliswe eHhovisi lokuBhalisa amaTayitela ngaphambi kokuletha amapulani okwakha, ngaphandle uma uMasipala uvuma ngokubhaliwe ukuthi kulethwe amapulani okwakha ngaphambi kokubhaliswa ngaphansi kwemibandela ethile.

Isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

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

(a) isicelo;
(b) izimvo ezibhaliwe ezitholakale njengezimpendulo zezithangami zokuxoxisana nomphakathi**;**
(c) impendulo yomfakisicelo ngezimvo ezibhaliwe;
(d) izimvo ezibhaliwe ezivela eminyangweni kaMasipala yangaphakathi kanye nezimvo ezivela ezinhlakeni zikahulumeni;
(e) uMbiko wokuHlola woMhleli oBhalisiwe ngesicelo nangezincomo zawo;
(f) imigomo yentuthuko ehlinzekwe kwisigaba 7 se-SPLUMA;

(g) izinqubomgomo, kubandakanya izinqubomgomo zesifundazwe nezikazwelonke ezamukelwe ngokwanoma yimuphi omunye umthetho kanye nezinqubomgomo zikaMasipala;
(h) imigomo namazinga okuhlela, kubandakanya –
(i) imigomo namazinga kwazelonke kokuhlela ukulawulwa kokusetshenziswa komhlaba noma kokuthuthukiswa komhlaba okuhlinzekwe ngokwesigaba 8 se-SPLUMA;
(ii) imigomo namazinga okuhlela kwesifundazwe; kanye
(iii) nemigomo namazinga kaMasipala;
(i) imikhombandlela yokuthuthukiswa kwezindawo, kubandakanya –
(i) umkhombandlela wokuthuthukiswa kwendawo owamukelwe ngokwesigaba 13(1) se-SPLUMA;
(ii) umkhombandlela wokuthuthukiswa kwendawo wesifundazwe owamukelwe ngokwesigaba 15(1) se-SPLUMA;
(iii) umkhombandlela wokuthuthukiswa kwendawo wesifunda owamukelwe ngokwesigaba 18(1) se-SPLUMA; kanye
(iv) nomkhombandlela wokuthuthukiswa kwendawo kamasipala owamukelwe ngokwesigaba 15(1) soMthetho weziNhlelo zoMasipala sifudwa nesigaba 20(1) se-SPLUMA;
(j) uHlelo lweNtuthuko oluDidiyelel lukaMasipala ngokwesigaba 25(1) soMthetho weziNhlelo zoMasipala;
(k) uhlelo lokusetshenziswa komhlaba lukaMasipala, kubandakanya izindaba uMasipala okumele uzicubungule ezihlonzwe ohlelweni lokusetshenziswa komhlaba;
(l) imithetho nemihlahlandlela yokudwetshwa kwepulani ukuze ivunywe yinhlangano yabanikazi bomhlaba, umgwamanda ophethe noma inkampani yabanamasheya ehanjiswe kwamasipala;
(m) noma yikuphi ukugunyazwa ngokweMithethonqubo yokuHlolwa koMthelela kwezeMvelo;
(n) umthelela ongaba khona, kubandakanya nomthelela oyinhlanganisela yokusha nokudala, –
(i) kwimvelo;
(ii) kwinhlalomnotho;
(iii) emlandweni wezamasiko;
(iv) kwintuthuko eqhubekayo;
(v) emalungelweni okuthuthukisa umhlaba akhona;
(vi) emalungelweni okumbiwa phansi;
(vii) kwezokuthutha zesifundazwe kanye/noma nezikazwelonke kanye nokuhamba kwabahamba ngezinyawo;
(viii) emisebenzini yobunjiniyela, kubandakanya ukulawulwa kwemfucuza, kwamanzi, namapayipi endle, kwamanzi emvula kanye nogesi; kanye
(ix) nasezikhungweni zomphakathi, kubandakanya ukufinyelela kwezempilo, kwezemfundo nakwezokungcebeleka kanye nasezindaweni ezivulekile;
(o) abasebenzi kanye nezimali okumele kube khona ukuze kuqaliswe izimvume zezokuhlela zikamasipala**;**
(p) imihlomulo yohlelo oluhlongozwayo, kubandakanya, ezezimali, ukuvulwa kwamathuba emisebenzi nokunye okufana nalokho;
(q) imihlomulo eqokelelwa ngokwamukelwa, ngokuguqulwa noma ngokuchitshiyelwa kohlelo lokusetshenziswa komhlaba uma iqhathaniswa nezindleko, uma zikhona;
(r) ukuhlinzekwa kanye nezinga lemisebenzi yobunjiniyela kanye nezikhungo zomphakathi;
(s) umthelela, kubandakanya nomthelela oyinhlanganisela yokusha nokudala, wesicelo

semigwaqo exhumanisa izindawo yesifundazwe nekazwelonke, ezokuthutha umphakathi, imisebenzi kamasipala, ukuthuthwa kwendle namanzi angcolile, ukuphakwa kwamanzi nogesi, ukulawulwa nokuthuthwa kwemfucuza, ezokuqapha nokuvikeleka;
(t) ukufinyelela ezikhungweni zezempilo, zezemfundo nezezokungcebeleka;
(u) umthelela wemithetho yakudala eyayibandulula mayelana nobunikazi bomhlaba, nokuthuthukiswa komhlaba kanye nokufinyelela emisebenzini yobunjiniyela nasezikhungweni zomphakathi, kanye nesidingo zokulungisa ukungalingani kwaphambilini;
(v) ukuvikelwa noma ukongiwa kwamasiko noma kwemvelo, kubandakanya ezolimo, izindawo ezikhethekile noma okwehlukile, ukuma komhlaba kanye nendalo;
(w) ukunotha ngokwemvelo nangobunjalo kwaleyo ndawo;
(x) isibalo kanye nenhloso yemihlaba ezosetshenziswa uma uMasipala unquma ukuthi uMklami Jikelele agunyaze umdwebo womhlaba ngamunye noma ipulani enkulu yayo yonke imihlaba;
(y) isidingo sokuvimbela ukushiywa eceleni kwengxenye yomhlaba ngohlelo lwezakhiwo ezifanayo ezakhiwa ndawonye ngokwe-Sectional Titles Act noma ngokwenkampani yabanamasheya ngokwe-Share Blocks Control Act, 1980 (uMthetho No. 59 ka 1980);
(z) izinhlinzeko zesigaba 13 se-Legal Succession to the South African Transport Services Act, 1989 (uMthetho No. 9 ka 1989) eziphathelene nokuklanywa komhlaba okungowakwa-Transnet kanye neminye imithetho elawula ukuklanywa komhlaba;
(aa) noma iyiphi inqubo esetshenziswa endaweni yokulawulwa kokusetshenziswa komhlaba ehambisana –
(i) nemithetho yakwiRiphabhulikhi;
(ii) nezinqubo namazinga okuhlela kwesifundazwe;
(iii) noHlelo lweNtuthuko oluDidiyele lukaMasipala; kanye
(iv) uhlelo lwelungelo elisemthethweni elingahlanyele lomhlaba woMdabu nokusetshenziswa kwawo;
(bb) nanoma yiliphi elinye iphuzu elifanele.

(2) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kuwuMkhandlu kaMasipala –
(a) kumele sicubungule wonke amaphuzu ahlinzekwe kwisigatshana 1; futhi
(b) kumele sicubungule izincomo zeKomidi lezokuHlela likaMasipala ngesicelo.

(3) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sicubungula isinqumo noma izincomo ngesicelo semvume kamasipala, –
(a) singagunyaza isicelo sonke noma ingxenye yaso;
(b) singagunyaza isicelo kuncike kwimibandela ethile;
(c singahlehlisa isinqumo saso ngesicelo;
(d) singanqaba isicelo; noma
(e) singadlulisela isicelo uma sinikwe amandla okwenze njalo.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela zikaMasipala singasinqaba isicelo semvume yezokuhlela sikamasipala esingahambisani –
(a) nemigomo namazinga okuhlela azwelonke;
(b) nemigomo namazinga okuhlela esifundazwe;
(c) noHlelo lweNtuthuko oluDidiyele lukaMasipala;
(d) noMkhombandlela wokuThuthukiswa kweNdawo kaMasipala, ngaphandle uma kunezimo ezithile kuleyo ndawo ezidala ukungalandelwa kwezinhlinzeko.

(5) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singanqaba noma yisiphi salezi zicelo zezimvume zezokuhlela zikamasipala zokuthuthukiswa komhlaba ezilandelayo, eziphikisana nohlelo lokusetshenziswa komhlaba:
(a) igunya elisemthethweni noma imvume esemthethweni kaMasipala ngokohlelo lokusetshenziswa komhlaba;
(b) ukuhlukaniswa komhlaba noma ukusungulwa kwelokishi;
(c) ukuhlanganiswa komhlaba;
(d) ukuhlanganiswa komhlaba ngokusemthethweni; noma
(e) ukuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi.

(6) Ngaphandle kokushiwo yinoma iyiphi inhlinzeko ephikisana nokuqukethwe eMthethweni wokuBhaliswa kwamaTayitela, uma imvume noma uma igunya lokuhlukaniswa noma lokuhlanganiswa kwanoma yimuphi umhlaba likhishwe uMasipala ngokwalo Mthetho kaMasipala lincika kunoma yimuphi umbandela, okuhloswe ukuthi ubhekelele umphakathi kanye namalungelo anezithiyo omnikazi noma okunikeza abanye abantu ilungelo mayelana nalowo mhlaba nanoma iyiphi ingxenye yawo, noma uma ukuhlukaniswa noma ukuhlanganiswa kwanoma yimuphi umhlaba kwenziwe kuncike kulowo mbandela, lowo mbandela ungafakwa kwitayitela elifanele noma ubhaliswe ngetayitela lomhlaba ohlanganisiwe, futhi umsebenzi ophethe ehhovisi lokubhaliswa kwamatayitela athintekayo uyogcizelela kulawo matayitela anoma yimuphi umhlaba osekungowodlulisela umhlaba yonke leyo mibandela ephathelene nalowo mhlaba osekungowomunye umuntu.

(7) Uma umbandela wemvume yokuhlukaniswa komhlaba noma yokusungulwa kwelokishi uMasipala odinga ukuwusebenzisa njengomgwaqo kamasipala, njengepaki noma njengenye indawo evulekile, umfakisicelo kumele, ngezindleko zakhe noma zawo adlulisele umhlaba kuMasipala ukuze kwakhiwe umgwaqo kamasipala, ipaki noma enye indawo evulekile.

(8) Umhlaba uMasipala owudingayo ukuwusebenzisa njengomgwaqo kamasipala, njengepaki noma njengenye indawo evulekile, kumele uthathwe njengomhlaba ubunikazi bawo obungokaMasipala ohlongozwe kwisigaba 32 soMthetho wokuBhaliswa kwamaTayitela.

(9) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singachibiyela izinombolo zezitaladi ezikhonjiswe esicelweni lapho lezo zinombolo zingahambisani nenqubomgomo yezinombolo zezitaladi kanye nokuqanjwa kwemigwaqo.

IRekhodi lesiNquno lesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala
46.(1) UMbhalisi weziMvume zezokuHlela kaMasipala kumele abhale iRekhodi leziNqumo ukuze licutshungulwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

(2) IRekhodi leziNqumo, noma izichibiyelo zalo zakamuva, kumele ligxile kulokhu okulandelayo:
(a) imininingwane yesicelo, kubandakanya –
(i) uhlobo lwesicelo;
(ii) incazelo yomhlaba othintekayo, ngaphandle uma isicelo siyisicelo esijwayelekile sokuchitshiyelwa kohlelo lokusetshenziswa komhlaba;
(iii) inombolo yesicelo;
(b) isinqumo kanye nezizathu zesinqumo;
(c) imibandela yemvume yesicelo, uma ikhona, kubandakanya –
(i) leyo mibandela okumele ilandelwe ngaphambi kokuthi kwakhiwe isakhiwo noma ibhilidi kulowo mhlaba ngokuhambisana nemvume;

(ii) leyo mibandela okumele ilandelwe ngaphambi kokuthi kwakhiwe ibhilidi kulowo mhlaba;
(iii) leyo mibandela okumele ilandelwe ngaphambi kokuthi kuhlalwe kulowo mhlaba;
(iv) leyo mibandela okumele ilandelwe ngaphambi kokuthi umhlaba ubhaliswe ngaphansi komunye umnikazi;
(v) leyo mibandela okumele ilandelwe ngaphambi kokuthi umhlaba udluliselwe komunye umnikazi; kanye
(vi) naleyo mibandela okumele ibhaliswe ngalowo mhlaba;

(d) uma uMklami Jikelele kumele agunyaze ipulani enkulu noma umdwebo wokuhlukaniswa noma wokuhlanganiswa komhlaba;
(e) izizathu zesinqumo;
(f) izizathu zezinguquko esicelweni, uma zikhona;
(g) imininingwane zezithangami zokuxoxisana nomphakathi;
(h) noma yiziphi izimvo noma iziphikiso ezitholakele, nezizathu zalezo ziphikiso nanokuthi ngabe lezo ziphikiso ziyazwakala noma cha;
(i) uma noma yiziphi izimvo ezaziphendula isimemo sokubeka izimvo ngesicelo zatholakala –

(i) ngesikhathi okwakumele kufakwe ngaso isikhalo;
(ii) umbhalo ofingqiwe wamalungelo kanye nezibopho zabantu abafaka izikhalo zingatholakala kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
(iii) igama nemininingwane yokuxhumana –

(i) yomfakisicelo;
(ii) yoMbhalisi wesiGungu sokuDluliselwa kweziKhalo;
(iii) yomuntu wakwaMasipala okulethwa kuyena isikhalo, isicelo sokuxolelwa ngokuletha isikhalo sekudlule isikhathi noma isiphikiso sesikhalo; kanye

(j) nosuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

Abantu okumele baziswe ngesiNqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

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

(a) kumfakisicelo, uma engeyena umnikazi;
(b) kumnikazi;
(c) kunoma yimuphi umuntu obeke uvo, ophawulile noma ongenelelile esicelweni;
(d) nakumuntu othathelwe izinyathelo zokuqinisekisa ukugcinwa komthetho ngokwalo Mthetho kaMasipala.

Isikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

48.(1) La bantu abalandelayo, abangaba nezikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, banelungelo lokufaka isikhalo:

(a) umfakisicelo;
(b) umuntu amalungelo akhe ahlukunyezwe yisinqumo, kubandakanya nomuntu –

(i) obeke uvo, ophawulile noma ongenelele esicelweni; kanye
(ii) nomuntu ongakhombisa ukuthi uzohlukunyezwa yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala;

(c) indawo kaMasipala lapho umhlaba othintekayo ukhona;

(d) umuntu okwaziyo ukukhombisa ukuthi unelungelo elingahlukunyezwa yisinqumo, kubandakanya ilungelo lobunikazi lomhlaba, kodwa akubandakanyi ukwehliswa kwenani lomhlaba.

(2) Umuntu ohlose ukufaka isikhalo kumele afake isaziso sesikhalo, ezinsukwini ezingama-21 kusukela ngosuku uMasipala othumele ngalo isaziso esimayelana nesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

(3) Ilungelo lokufaka isikhalo esiGungwini sokuDluliselwa kweziKhalo mayelana nesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala liphelelwa yisikhathi, uma umuntu ehluleka ukufaka isikhalo ezinsukwini ezingama-21 kusukela ngosuku aziswe ngalo ngesinqumo.

Usuku lokuqala kokusebenza kwesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala escilweni

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

(a) ngosuku esifakwa ngalo kwiRekhodi leziNqumo, uma –

(i) kungekho zimvo, ziphikiso noma kungenelela okwenziwe mayelana nesicelo;
(ii) umfakisicelo engalisebenzisanga ilungelo lakhe lokufaka isikhalo;
(iii) imvume noma ukusungulwa kungenambandela obekiwe;

(b) uma sekuphele izinsuku ezingama-21 kusukela ngosuku okwakhishwa ngalo isaziso esazisa lolo hlangothi ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, uma –

(i) kubekwe izimvo, iziphikiso noma kube nokungenelela mayelana nesicelo; noma
(ii) umfakisicelo ehlose ukulisebenzisa ilungelo lakhe lokufaka isikhalo;

(c) ngosuku okuhoxiswe ngalo isikhalo, ngaphandle uma isicelo semvume yezokuhlela kamasipala incike kwesinye isikhalo;
(d) uma sekuphothulwe isikhalo noma ngosuku okwanqunywa ngalo ukuthi iskhalo asikho semthethweni, uma isikhalo sasifakwe mayelana nesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma seKomidi lezokuHlela likaMasipala;
(e) uma sekulandelwe imibandela yemvume noma imibandela yokusungulwa.

(2) Uma isicelo sokuklanywa kabusha, semvume eyisipesheli kanye/noma segunya elisemthethweni sibandakanya isicelo sokusungulwa kwelokishi, ukuhlukaniswa noma ukuhlanganiswa komhlaba, ukuguqulwa kokuklanywa noma kwemvume yokusetshenziswa komhlaba angeke siqale ukusebenza kuze kube umhlaba othintekayo usubhalisiwe eHhovisi lokuBhaliswa kwamaTayitela.

Ukufakwa kabusha kwesikhalo, uma isicelo sinqatshiwe

50. IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singavumela umfakisicelo ukuthi alethe isicelo esisha kuphela uma ekhombisa ukushintsha kwezimo eziphathelene nomhlaba ofakelwe isicelo.

INgxenye 4: Ukulandela imibandela yemvume

Isitifiketi sokulandela imibandela yemvume

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

(a) uma umhlaba usubhalisiwe;
(b) uma umhlaba usungadluliselwa kobunye ubunikazi;
(c) uma igunya elisemthethweni noma imvume esemthethweni noma ukuklanywa kabusha komhlaba sekungaqaliswa, uma kukhona.

(2) UMasipala, kwimibandela yemvume, ungabeka ukuthi yiziphi izitifiketi okungadingeka ukuthi zikhishwe ngokwesigaba 53 se-SPLUMA nangokwalo Mthetho kaMasipala ukuze kugunyazwe –
(a) ukulungiswa komhlaba;
(b) ukwakhiwa kwesakhiwo kulowo mhlaba noma ukusetshenziswa komhlaba ngokuhambisana nemvume;
(c) ukwakhiwa kwebhilidi kulowo mhlaba;
(d) ukuthi kuhlalwe kulowo mhlaba.

(3) Ukunqatshelwa kokusetshenziswa komhlaba ngaphambi kokulandelwa kwemibandela yemvume akuvimbeli ukusetshenziswa komhlaba ngezinhloso owawusetshenziselwa zona ngaphambi kokufakwa kwesicelo semvume yezokuhlela kamasipala.

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

Ukudluliselwa kwemigwaqo, kwamapaki kanye nezinye izndawo ezivulukile
52.(1) Uma umbandela wemvume yokusungulwa kwelokishi noma yokuhlukaniswa komhlaba uMasipala odinga ukuwusebenzisa njengomgwaqo kamasipala, njengepaki noma njengezinye izindawo ezivulekile, noma ozowusebenzisela ezokungcebeleka, umfakisicelo kumele, ngezindleko zakhe, adlulisele umhlaba uMasipala ozowusebenzisela umgwaqo, ipaki noma njengezinye izindawo ezivulekile, noma ozowusebenzisela ezokungcebeleka.

(2) Umhlaba uMasipala odinga ukuwusebenzisa njengomgwaqo kamasipala, njengepaki noma njengezinye izindawo ezivulekile, noma ozowusebenzisela ezokungcebeleka kumele uthathwe njengomhlaba ubunikazi bawo obusezandleni zikaMasipala njengoba kuhlongozwe kwisigaba 32 soMthetho wokuBhaliswa kwamaTayitela.

Ukudalulwa kokuthi umhlaba awukwazi ukubhaliswa ngaphambi kokulandelwa kwemibandela
53. Isivumelwano sokudluliselwa komhlaba ohlukanisiwe noma ohlanganisiwe esasigunyazwe uMasipala, kodwa ongakawukhipheli isitifiketi sokulandelwa kwemibandela yemvume, kumele siqukathe isigatshana esidalula –
(a) ukuthi umnikazi akakayilandeli imibandela yemvume;
(b) nokuthi umhlaba awubhaliseki njengoba kuhlongozwe kwisigaba 1 se-Land Alienation Act, 1981, (uMthetho No. 68 ka 1981).

Ukunikwa ubunikazi bomhlaba ngemuva kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi
54.(1) Ubunikazi bomhlaba obuyingxenye yomgwaqo kamasipala noma yendawo yomphakathi, kumele, uma sekuvalwe umgwaqo kamasipala noma indawo yomphakathi unomphela, –
(a) bunikwe umuntu umhlaba owawubhaliswe ngegama lakhe ngaphambi kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi unomphela;
(b) bunikwe umuntu ovumelene ngokubhaliwe –
(i) nalowo muntu;
(ii) noMasipala; kanye

(iii) nomunye umuntu umhlaba owawubhaliswe ngegama lakhe ngaphambi kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi unomphela; noma
(c) bunikwe uMasipala, uma uMasipala usuthathe izinyathelo ezifanele ukuthola umuntu umhlaba owawubhaliswe ngegama lakhe ngaphambi kokuvalwa komgwaqo kamasipala noma kwendawo yomphakathi unomphela wahluleka.

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

Ukuhambisa amapulani kanye namaphepha kuMklami Jikelele okuhlukaniswa komhlaba, okusungulwa kwelokishi, okuhlanganiswa kwemihlaba, nokubhaliswa kwamagunya okusebenzisa umhlaba womuntu ngesivumelwano noma okuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi
55.(1) Umnikazi kumele –
(a) aqinisekise ukuthi yonke imidwebo engakaphasiswa, wonke amapulani amakhulu angakaphasiswa kanye namanye amaphepha, angadingwa uMklami Jikelele ukuze kubhaliswe ukuhlukaniswa noma ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukurekhodwa kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi okukhonjswe njengomgwaqo noma njengendawo yomphakathi kwipulani enkulu noma ukubhaliswa kwegunya lesivumelwano sokusebenzisa umhlaba womuntu ngesivumelwano kulethwa kuMklami Jikelele; kanye
(b) alethe ikhophi eqinisekisiwe yomdwebo ophasisiwe noma yepulani enkulu ephasisiwe, kuMasipala ezinsukwini ezingama-30 kusukela ngosuku okuphasisiwe ngalo uMklami Jikelele, uma umfakisicelo kuwumuntu noma kuwuhlaka lukahulumeni, ngaphandle kwaMasipala.

(2) Umklami womhlaba oqeqeshiwe oletha imidwebo engakaphasiswa, amapulani amakhulu angakaphasiswa kanye namanye amaphepha egameni lomnikazi kuMklami Jikelele, kumele afake incwadi efungelwe, okumele iqinisekise –
(a) ukuthi isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ingeyangempela nokuthi yenziwe umuntu ogunyaziwe ukuthatha isinqumo;
(b) nokuthi umdwebo wepulani yilowo owagunyazwa yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

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

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

Ukubhaliswa kobunikazi bomhlaba ohlukanisiwe noma ohlanganisiwe, noma ukuvulwa kwerejista lelokishi

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

(2) Kuncike emthethweni kazwelonke osebenzayo, uMbhalisi wamaTayitela angeke abhalise umhlaba ngobunye ubunikazi, ngaphandle uma uMasipala ukhiphe isitifiketi esibeka ukuthi imibandela yemvume yokuhlukaniswa komhlaba, yokuhlangansiwa komhlaba noma yokusungulwa kwelokishi, ilandeliwe.

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

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

(a) okumele ubhaliswe kwinsalelela yomhlaba; futhi

(b) insalela kumele igcinwe odluliselayo,

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

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

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

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

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

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

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

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

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

(2) Umuntu angeke afaka isicelo kuMbhalisi wamaTayitela ukurekhoda ukususwa, ukuchitshiyelwa noma ukuhoxiswa kombandela onezithiyo wetayitela noma wegunya lokusebenzisa umhlaba womuntu ngesivumelwano ngaphandle uma uMasipala ukhiphe isitifiketi esibeka ukuthi imibandela yemvume ilandeliwe.

Ukuphelelwa yisikhathi kwemvume yezokuhlela kamasipala

60.(1) Ngaphandle uma kubekwe ngenye indle kulo Mthetho kaMasipala, igunya elisemthethweni noma imvume esemthethweni eyakhishwa ngokohlelo lokusetshenziswa komhlaba futhi elingakangaqaliswa ngokugcwele noma amalungelo angakasetshenziswa ngokugcwele aphelelwa yisikhathi ngemuva kwezinyanga eziyi-18 (ishumi nesishiyagalombili) kusukela ngosuku imvume eyaqala ngalo ukusebenza, ngaphandle uma isicelo sokwelulwa kwesikhathi sokusebenza kwemvume sase sifakiwe futhi samukelwa ngaphambi kosuku lokuphela kwesikhathi.

(2) Imvume yezokuhlela kamasipala –

(a) yokuhlukaniswa komhlaba;

(b) yokusunguwa kwelokishi;

(c) yokuhlanganiswa komhlaba;

(d)yokwelulwa kohlelo lwezakhiwo ezifanayo ezakhiwe ndawonye ngokwengeza umhlaba endaweni esetshenziswa abantu bonke ngowesigaba 26 se-Sectional Titles Act,

iphelelwa yisikhathi ngemuva kwezinyanga eziyishumi nambili usuku lokuqala kokusebenza kwemidwebo noma kwepulani enkulu lungagunyazwanga yiHhovisi loMklami Jikelele, ngaphandle uma isicelo sokwelulwa kwesikhathi sokusebenza kwemvume sifakelwe isicelo futhi yakhishwa ngaphambi kosuku lokuphela kwesikhathi.

(3) Imvume yezokuhlela kamasipala –

(a) yokuhlukaniswa komhlaba;

(b) yokusunguwa kwelokishi;

(c) yokuhlanganiswa komhlaba;

(d) yokwelulwa kohlelo lwezakhiwo ezifanayo ezakhiwe ndawonye ngokwengeza umhlaba endaweni esetshenziswa abantu bonke ngowesigaba 26 se-Sectional Titles Act,

iphelelwa yisikhathi ngemuva kweminyaka emihlanu kusukela ngosuku eqale ngalo ukusebenza, uma ukuhlukaniswa komhlaba, ukusungulwa kwelokishi noma ukuhlanganiswa komhlaba kungakabhaliswa eHhovisi lamaTayitela, ngaphandle uma isicelo sokwelulwa kwesikhathi sokusebenza kwemvume sifakelwe isicelo futhi yakhishwa ngaphambi kosuku lokuphela kwesikhathi, njengoba kuhlongozwe kwisigaba 61 salo Mthetho kaMasipala.

(4) Imvume yezokuhlela kamasipala –

(a) yokuhlanganiswa kwezakhiwo ngokusemthethweni,

(b) yokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi;

(c) yokususwa, yokuchitshiyelwa noma yokuhoxiswa kombandela wetayitela onezithiyo noma kwegunya lokusebenzisa umhlaba womuntu ngesivumelwano,

iphelelwa yisikhathi ngemuva kwezinyanga eziyishumi nambili kusukela ngosuku eqale ngalo ukusebenza, uma ukuhlanganiswa ngokusemthethweni kwezakhiwo, ukuvalwa unomphela komgwaqo noma kwendawo yomphakathi noma ukususwa kwezithiyo eHhovisi lamaTayitela, ngaphandle uma isicelo sokwelulwa kwesikhathi sokusebenza kwemvume sifakelwe isicelo futhi yakhishwa ngaphambi kosuku lokuphela kwesikhathi, njengoba kuhlongozwe kwisigaba 61 salo Mthetho kaMasipala.

(5) Imvume yezokuhlela kamasipala yokuthuthukiswa komhlaba ongaphandle kohlelo lokusetshenziswa komhlaba, iphelelwa yisikhathi ngemuva kweminyaka emihlanu kusukela ngosuku eyaqala ngalo ukusebenza uma amalungelo avela kuleyo mvume engakasetshenziswa, ngaphandle uma isicelo sokwelulwa kwesikhathi sokusebenza kwemvume sifakelwe isicelo futhi yakhishwa

ngaphambi kosuku lokuphela kwesikhathi, njengoba kuhlongozwe kwisigaba 61 salo Mthetho kaMasipala.

Ukwelulwa kwesikhathi sokusebenza kwemvume yezokuhlela kamasipala

61.(1) Umuntu ohlose ukufaka isicelo sokwelulelwa isikhathi sokusebenza kwemvume yezokuhlela kamasipala ekhishwa ngokwalo Mthetho kaMasipala noma ngokohlelo lokusetshenziswa komhlaba, angafaka isicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, ngaphambi kosuku lokuphelelwa yisikhathi, ngendlela enqunywe uMasipala.

(2) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala angeke saselula isikhathi uma –

(a) isicelo sokwelulwa kwesikhathi silethwe ngemuva kokuphela kwesikhathi sokusebenza kwayo;

(b) uma izimo ezaziyinkinga ngesikhathi kukhishwa imvume zingakashintshi;

(c) okudingekayo ngokomthetho noma ngokwenqubomgomo esebenza kwimvume okwakunenkinga ngesikhathi kukhishwa imvume kungakashintshi;

(d) uMasipala ukholwa ukuthi kudingeka imibandela emisha yemvume; noma

(e) imvume yokuchezuka emthethweni okwesikhashana yakhishwa.

(3) UMasipala ungakhipha, ngaphandle kwezinguquko, noma unqabe isicelo sokwelula isikhathi sokusebenza kwemvume yezokuhlela kamasipala.

(4) Ukwelulwa kwesikhathi, uma kuvunyiwe, angeke kweqe isikhathi sokusebenza kwemvume eyayikhishiwe kusukela ngosuku ephelelwa ngalo yisikhathi.

(5) Ukwelulwa kwesikhathi kuqala ukusebenza futhi kubalwa kusukela ngosuku okwakhishwa ngalo imvume yokuqala kungakhathaleki ukuthi leyo mvume yokwelulwa kwesikhathi yakhishwa nini.

(6) Ukwelulwa kwesikhathi kwenziwa kanye kuphela.

(7) Uma imvume yokuqala iphelelwe yisikhathi, ngaphambi kokukhishwa kwesinqumo ngesicelo esihlinzekelwe kwisigatshana (1) ngenhla, amalungelo avela kwimvume yokuqala angeke asetshenziswe kuze kube isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sithatha isinqumo sokwelula isikhathi sokusebenza.

INgxenye 5: Izichibiyelo noma ukukhanselwa kwezimvume zezokuhlela zikamasipala ezikhona

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

62.(1) Umfakisicelo angafaka isicelo esiGungwini esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ngokwakhe noma uma ecelwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala –

(a) ukulungisa iphutha lokubekeka kwesinqumo;

(b) ukulungisa iphutha lokubhalwa kwamagama; kanye

(c) nokuvuselela incazelo yomhlaba kanye nemininingwane yetayitela noma ukuvuselela inkomba yomthetho, yomuntu, yesikhungo, yendawo noma yegama lomgwaqo.

(2) UMasipala ungamukela, nezinguquko noma ngaphandle kwazo, noma unqabe isicelo sokulungisa

ukubekeka kwesinqumo, ukubhaleka kwamagama noma ukuvuselela inkomba yomthetho, yomuntu, yesikhungo, yendawo noma yegama lomgwaqo.

(3) Izimvo ezibhalwe mayelana nesicelo sokuqala semvume yezokuhlela kamasipala, ezalethwa kuMbhalisi wezokuHlela kaMasipala ziyasebenza, noma ngabe ukukhishwa kwesaziso kuphindwa.

Isicelo sokuchitshiyelwa noma sokukhanselwa kwemvume yezokuhlela kamasipala

63.(1) Umfakisicelo angafaka isicelo sokuchitshiyelwa kokungaphatheki kwimvume yezokuhlela kamasipala ekhona ngokwakhe noma uma ecelwe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

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

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

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

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

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

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

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

(a) ukuchitshiyelwa kuyoholela –

(i) ekuguqulweni kwendawo ezothuthukiswa, ikakhulu ngaphandle komngcele;

(ii) ekuguqulweni kwendawo okuzokwakhiwa kuyo izakhiwo;

(iii) ekwenyukeni kakhulu kokucinana kwendawo;

(iv) ekwenyukeni kakhulu komthelela wezentuthuko emisebenzi yobunjiniyela;

(v) oguqukweni olukhulu endaweni okwakhiwa kuyona amabhilidi;

(vi) ekwakhiweni kwamabhilidi eduze kwamabhilidi asezindaweni ezisondele;

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

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

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

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

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

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

(e) umthamo nokuvama kwezichibiyelo zesinqumo esifanayo.

IRekhodi leziNqumo elimayelana nokuchitshiyelwa kokungaphatheki esinqumweni semvume yezokuhlela kamasipala

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

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

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

(3) Uma, ngokubona kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, isicelo sokuchitshiyelwa kokungaphatheki siba nokuphathekayo esinqumweni, isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kumele siyalele umfakisicelo ngokubhaliwe ukuthi afake isicelo sokukhansela imvume ekhona noma ingxenye yayo, bese efaka isicelo esisha semvume yezokuhlela kamasipala.

ISAHLUKO 5

IZIKHALO

INgxenye 1: IsiGungu sokuDluliselwa kweziKhalo

IsiGungu sokuDluliselwa kweziKhalo

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

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

(3) IsiGungu esiPhethe singaphakamisa eMkhandlwini kaMasipala ukuthi abasebenzi baMasipala bacubungule futhi benze izincomo kwisigungu sokudluliselwa kwezikhalo mayelana nesikhalo.

(4) Abasebenzi abayocubungula futhi benze izincomo ngesikhalo bayoqokwa uMphathi kaMasipala.

(5) Uma isiGungu sokuDluliselwa kweziKhalo siphakamisa ukuthi abasebenzi baMasipala bacubungule futhi benze izincomo ngesikhalo esidluliselwe kubo, kumele ngaphambi kokwenza leso siphakamiso naphambi kokuthatha leso sinqumo, banqume amaphuzu labo basebenzi abazosebenzela phezu kwawo.

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

(7) IsiGungu sokuDluliselwa kweziKhalo siyothatha isinqumo ezinsukwini ezingama-30 kusukela ngosuku okulethwe ngaso izincomo zabasebenzi abacubungule isikhalo noma kusukela ngosuku okulethwe ngalo umbiko wokuhlola isikhalo.

Amandla esiGungu sokuDluliselwa kweziKhalo

67.(1) Isigungu sokudluliselwa kwezikhalo –

(a) singachitha isikhalo futhi sivumelane nesinqumo okukhalazwa ngaso;
(b) singasekela ingxenye yesinqumo bese –
- (i) siguqula nesinqumo okukhalazwa ngaso;
- (ii) sibeka eceleni isinqumo bese sikhipha isinqumo esisha; noma
- (iii) sibeka eceleni isinqumo bese sidlulisela udaba esiGungwini esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, nemiyalelo noma ngaphandle kwemiyalelo kunoma yimuphi umuntu noma umgwamanda yokuthi kuthathwe izinyathelo ezithile;

(c) singacubungula isicelo sanoma yimuphi umuntu othintwa yisikhalo sokuthi angenelele;
(d) singamukela noma yikuphi ukuhluleka kwanoma yiluphi uhlangothi ukulandela imiyalelo yaso noma izikhathi ezinqunywe ngokwalo Mthetho kaMasipala;
(e) singacubungula isicelo ukuqinisekisa ukuthi isikhalo sifanelekile;
(f) singayalela ukuthi isikhalo sihlolwe uMhleli oBhalisiwe kaMasipala;
(g) singabiza noma yimuphi umuntu ukuthi avele phambi kwaso azokwethula ubufakazi noma alethe noma yimaphi amaphepha;
(h) sihlole noma yiziphi izindawo noma senze uphenyo;
(i) sinqume nganoma yimuphi umbuzo ophathelene nomsebenzi waso;
(j) sinike noma yimuphi umuntu osebenza kuhulumeni wesifundazwe, ohlakeni lukahulumeni wesifundazwe, ebhizinisini likahulumeni wesifundazwe noma kuMasipala imiyalelo ehambisana nemisebenzi yaso nehambisana nezindaba okukhulunywa ngazo kulo Mthetho kaMasipala;
(k) singazitholela ngokwaso ubufakazi noma umbono wezobuchwepheshe; futhi
(l) singahlehlisa isikhalo leso sikhathi esanele ukuthi sithole eminye imininingwane noma esinye iseluleko.

UMbhalisi wesiGungu sokuDluliselwa kweziKhalo

68.(1) UMasipala uyoqoka omunye wabasebenzi bawo njengoMbhalisi wesiGungu sokuDluliselwa kweziKhalo kanye nesekela lombhalisi ngokwehlukana kwabo. Uma uMasipala ungakamqoki umbhalisi, uMphathi kaMasipala uyokwenza imisebenzi yombhalisi.

(2) Ihhovisi loMbhalisi wesiGungu sokuDluliselwa kweziKhalo liyohlinzeka imisebenzi yokweseka isiGungu sokuDluliselwa kweziKhalo.

INgxenye 2: Izindlela nezinqubo zokufaka izikhalo

Inqubo yokufaka isikhalo

69. Ngale kokushiwo ezinhlinzekweni zalesi Sahluko, uMasipala kumele unqume izinqubo zokufaka izikhalo, izicelo zokuxolelwa kanye nokufaka izicelo zokungenelela.

Abafaka izikhalo

70. Uhlangothi olukhalazayo lungabandakanya –

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

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

(2) Isikhalo esibhaliwe siyobeka ngokugcwele izizathu zesikhalo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo, uyothumela ikhophi yesikhalo kuwo wonke umuntu ongaba nentshisekelo noma ongathintwa yisikhalo, kubandakanya kodwa kungagcini nje ngoMasipala, ngomuntu obeke uvo, ngomuntu ophikisayo, ngomuntu ongenelele esicelweni noma kwimvume yezokuhlela kamasipala.

(4) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo, uma ethola isikhalo esibhaliwe, uyokwazisa odlulisele isikhalo ukuthi usitholile bese esifaka inombolo eyinkomba leso sikhalo.

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

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

Ukuxolelwa
73.(1) Ummangali noma ummangalelwa uma kunesikhalo angafaka isicelo sokuxolelwa ngokungalandeli imiyalelo yesiGungu sokuDluliselwa kweziKhalo, izinhlinzeko zalo Mthetho kaMasipala eziphathelene nezikhalo kanye nezinqubo ezinqunywe ngokwalo Mthetho kaMasipala.

(2) IsiGungu sokuDluliselwa kweziKhalo uma kucutshungulwa isicelo sokuxolelwa kumele abheke lokhu okulandelayo –

- (a) izinhlinzeko eziphathelene nokufakwa kwezikhalo kanye namamemorandamu njengoba kuhlinzekelwe kulo Mthetho kaMasipala;
- (b) ukuthi ngabe uMasipala umazisile yini umfakisicelo ngokuxolelwa ngokubhaliwe ngamalungelo akhe nangokulindeleke kuye;
- (c) incazelo yokwehluleka kofake isicelo sokuxolelwa;
- (d) ukuthi amaphepha abengathunyelwa yini, uma isicelo sokuxolelwa kungesokuxolelwa ngokuhluleka ukuthumela amaphepha;
- (e) ukuthi umfakisicelo sokuxolelwa uyena kuphela ummangali, noma kunabanye abamangali nabo abafake isikhalo ngesinqumo sikaMasipala ngezizathu ezifanayo;
- (f) imvume ebhaliwe yazo zonke ezinye izinhlangothi zesikhalo yokuxolelwa ngokuhluleka, uma zingakuvumanga lokho kuxolelwa;
- (g) ukubaluleka kwesikhalo;
- (h) ukubandlululwa komfakisicelo, komfakisicelo sokuxolelwa, nanoma yimuphi omunye umuntu, kubandakanya nomphakathi;
- (i) intshisekelo yomfakisicelo sokuxolelwa ngomphumela wesikhalo;
- (j) amathuba okuphumelela komfakisicelo sokuxolelwa;
- (k) izinga lokushiywa yisikhathi;
- (l) ukubalekela ukuchithwa kwesikhathi okungasidingo ekwenzeni ubulungiswa;
- (m) ukusebenza kwesiGungu sokuDluliselwa kweziKhalo; kanye

- (n) nokunye okuhambisana nakho.

Ukucutshungulwa nokudluliselwa kwesikhalo
74.(1) IsiGungu sokuDluliselwa kweziKhalo singaqoka umuntu ozimele onekhono elifanele ukucubungula izizathu zesikhalo ngokubhaliwe bese enza izincomo ngesikhalo.

(2) Umbiko wokuhlola komuntu ozimele kumele ubandakanye –

- (a) isicelo semvume yezokuhlela kamasipala kanye nenqubo elandeliwe efingqiwe;
- (b) imemorandamu yesikhalo elethiwe;
- (c) imemorandamu ephendulayo ephikisa isikhalo esilethiwe;
- (d) impendulo yomfakisicelo ephendula imemorandamu ephendulayo, uma ikhona;
- (e) isiqiniseko sokuthi isikhalo sihambisana ne-SPLUMA, nalo Mthetho kaMasipala kanye nanoma iyiphi inqubo, nemininingwane yephutha, uma kungenjalo; kanye
- (f) nezincomo zesiGungu sokuDluliselwa kweziKhalo.

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

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

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

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

Ukudingidwa kwesikhalo
76.(1) Ukudingidwa kwesikhalo –

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

(2) Ukudingidwa kwesikhalo kungaholwa uMphathisihlalo.

(3) IsiGungu sokuDluliselwa kweziKhalo siyocubungula –

- (a) umbiko wokuhlola womuntu ozimele;
- (b) nanoma yiziphi izethulo ezenziwa ngomlomo; kanye
- (c) nanoma yimiphi eminye imininingwane efanele.

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

(2) Ngokuhambisana noMthethonqubo 26, isinqumo sesikhalo kumele –

- (a) sinqume ukuthi ngabe isikhalo singena ngaphansi komsebenzi wesiGungu seziKhalo zezokuHlela sikaMasipala;

(b) siqinisekise, siguqule noma sichithe isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala;
(c) sihlinzeke izizathu zokuthathwa kwanoma yisiphi isinqumo;
(d) sinikeze imiyalelo ehambisana nemisebenzi yaso kuMasipala; futhi
(e) uma isiGungu sokuDluliselwa kweziKhalo sichitha isinqumo, singadlulisela udaba eKomidini lezokuHlela likaMasipala noma kuMsebenzi oGunyaziwe wezokuHlela kaMasipala.

(3) Isinqumo singabandakanya imibandela emisha noma echitshiyelwe yokusungula.

Ukwaziswa ngesinqumo sesikhalo
78.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele azise zonke izinhlangothi ngesinqumo sesiGungu sokuDluliselwa kweziKhalo ezinsukwini ezingama-30 kuthathwe isinqumo.

Umthelela womthetho wesinqumo sesiGungu sokuDluliselwa kweziKhalo
79.(1) Isinqumo sesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala sokuchibiyela noma sokuchitha isinqumo esithathwe yiKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala sithathwa njengesinqumo ngokwesigaba 43 se-SPLUMA, futhi kumele siphinde sihambisane nezigaba 46 no 47 ze-SPLUMA.

(2) Isinqumo sesiGungu sokuDluliselwa kweziKhalo siwujuqu futhi sibophezela zonke izinhlangothi ezithintwa yisikhalo.

Ubudlelwane phakathi kwezikhalo ezifakwe ngokwalo Mthetho kaMasipala kanye nezikhalo ezifakwe ngokwesigaba 62 soMthetho weziNhlelo zoMasipala
80. Asikho isikhalo okumele sifakwe ngokwesigaba 62 soMthetho weziNhlelo zoMasipala ngesinqumo esithathwe ngokoMthetho kaMasipala.

Izindleko
81. Uma isikhalo singaphumeleli, ummangali kumele akhokhe izindleko ezihambisana nesikhalo.

Amacala aphathelene nokudingidwa kwezikhalo phambi kwesiGungu sokuDluliselwa kweziKhalo
82.(1) Umuntu unecala, uma –
(a) ngaphandle kwesizathu esizwakalayo, nangemuva kokuthi ebizwe ukuthi avele phambi kwesiGungu ukuzokwethula ubufakazi njengofakazi noma alethe amaphepha noma okunye, ehluleka ukuletha lawo maphepha noma ukuvela phambi kwesiGungu ngosuku, ngesikhathi nasendaweni ebalulwe encwadini embizela ukuthi avele phambi kwesiGungu;
(b) ngemuva kokugcina umyalelo wokuvela phambi kwesiGungu, ehluleka ukuhlala kuleyo ndawo kuze kube udedelwa usihlalo wesithangami sokudingidwa kwesikhalo esithintekayo;
(c) njengofakazi, ehluleka ukufunga noma ukuqinisekisa ubufakazi bakhe;
(d) enqaba ukuphendula imibuzo ngokugcwele nangokolwazi analo nakholelwa kukho;
(e) ngaphandle kwezizathu ezizwakalayo ehluleka ukuletha amaphepha noma okunye njengoba eceliwe;
(f) ngamabomu ethikameza noma evimba isiGungu sokuDluliselwa kweziKhalo ukuthi sisebenzise amandla aso;
(g) ephazamisa ukudingidwa kwesikhalo;
(h) ethuka, ejiaza noma egxeka noma yiliphi ilungu lesiGungu sokuDluliselwa kweziKhalo;
(i) ona noma edidisa ukudingidwa kwesikhalo;
(j) ngemuva kokungena ezakhiweni ngenhloso yokuhlola indawo, esedalula kunoma yimuphi omunye umuntu izimfihlo nemininingwane yakuthole ngesikhathi engena ebhilidini ngaphandle uma ekudalule –
(i) ngenhloso yokunquma ngesikhalo;

(ii) ngoba eyalelwe yinkantolo noma kunesidingo ngaphansi kwanoma yimuphi omunye umthetho.

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

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

ISAHLUKO 6
UKUQINISEKISWA KOKUGCINWA KOMTHETHO

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

Ukuqokwa koMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
83.(1) UMasipala ungaqoka umsebenzi kamasipala noma uqoke noma yimuphi omunye umuntu njengoMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala.

(2) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele abe umsebenzi wezoxolo ohlongozwe kwisigaba 334(1)(a) soMthetho weNqubo yokuQulwa kwamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977).

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

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

(5) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala aveze isitifiketi uma ecelwa yinoma yimuphi umuntu othintwa ukusetshenziswa kwamandla ngokwalesi sigaba.

Ukushayisana kwezikhundla zoMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala
84.(1) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angathinteka ngqo noma angathinteki odabeni oluphenywayo.
(2) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angeke aphinde abe sesikhundleni –
(a) soMbhalisi wezokuHlela kaMasipala;
(b) seSekela loMbhalisi wezokuHlela kaMasipala;
(c) soMsebenzi oGunyaziwe wezokuHlela kaMasipala;

(d) selungu leKomidi lezokuHlela likaMasipala;
(e) soMbhalisi wesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala; noma
(f) seSekela loMbhalisi wesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala.

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

Amandla kanye nemisebenzi yoMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala

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

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

(a) noma yingasiphi isikhathi, ngemuva kokukhipha isaziso noma ngaphandle kokukhipha isaziso, angangena ahlole noma yimuphi umhlaba noma angene ebhilidini ngokwezinhloso zokuqinisekisa ukulandelwa kwalo Mthetho kaMasipala;
(b) noma yingasiphi isikhathi nangemuva kokuthi umnikazi womhlaba noma webhilidi noma umhlali enikwe isaziso, angangena ahlole lelo bhilidi ngemuva kwamahora okusebenza ajwayelekile –
(i) ngemvume yomhlali noma yomnikazi womhlaba;
(ii) uma ukungena kulowo mhlaba noma kulelo bhilidi ngemuva kwamahora okusebenza kaMasipala kubalulekile;
(c) angaphelezelwa utolika, yiphoyisa nanoma yimuphi umuntu ongasiza ngokuhlola;
(d) angabuza noma yimuphi umuntu okulowo mhlaba, ngokubona kwakhe, ongakwazi ukumnika ulwazi ngodaba oluphathelene nalo Mthetho kaMasipala;
(e) angahlola futhi athathe nezithombe noma aqophe ngevidiyo –
(i) noma iyiphi into, okusaluketshezi noma umshini okukulowo mhlaba;
(ii) noma yimuphi umsebenzi owenziwa kulowo mhlaba nanoma yiziphi izimo eziyinkinga kulowo mhlaba;
(f) angathatha noma yimaphi amaphepha, irekhodi, into ethile, okusaluketshezi noma umshini, ngokubona kwakhe, okudingekayo njengobufakazi ecaleni lanoma yimuphi umuntu othweswe icala ngaphansi kwalo Mthetho kaMasipala noma ngokomthetho wesintu;
(g) anganika umuntu osebenzisa amaphepha noma irekhodi ilungelo lokwenza amakhophi alelo bhuku noma alelo rekhodi ngaphambi kokuthi akuthathe;
(h) angayalela noma yimuphi umuntu ukuthi avele phambi kwakhe ngaleso sikhathi nakuleyo ndawo abavumelene ngayo bese ephonsa lowo muntu imibuzo;
(i) kumele ashiye umhlaba noma ibhilidi kuvikelekile kwabangangena ngokungemthetho njengoba esuke ekutholile, uma umnikazi noma umhlali engekho;
(j) angakhipha isaziso sokulandela umthetho;
(k) angaphakamisa lezi zinyathelo ezilandelayo njengendlela yokunqanda ukuqhubeka kokusetshenziswa komhlaba okungekho semthethweni –
(i) ukwehlisa noma ukunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela njengoba kuhlongozwe 88 salo Mthetho kaMasipala;
(ii) ukulinganisela amareythi nezintela njengoba kuhlongozwe kwisigaba 89 salo Mthetho kaMasipala.

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

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

INgxenye 2: Amacala, izinhlawulo kanye nokunqanyulwa kwemisebenzi

Amacala nezinhlawulo okumayelana nemvume yezokuhlela kamasipala

86.(1) Umuntu unecala uma –
(a) esebenzisa umhlaba, ehlukanisa umhlaba, ehlanganisa umhlaba, esungula ilokishi, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nezinhlinzeko zalo Mthetho kaMasipala;
(b) esebenzisa umhlaba, ehlukanisa umhlaba, ehlanganisa umhlaba, esungula ilokishi, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nezinhlinzeko zohlelo lokusetshenziswa komhlaba;
(c) esebenzisa umhlaba, ehlukanisa umhlaba, ehlanganisa umhlaba, esungula ilokishi, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana nombandela wetayitela onezithiyo noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano;
(d) esebenzisa umhlaba, ehlukanisa umhlaba, ehlanganisa umhlaba, esungula ilokishi, ehlanganisa izakhiwo ezisondelene noma akha ibhilidi kulowo mhlaba ngokuphikisana neRekhodi leziNqumo likaMasipala lezicelo zokuthuthukiswa komhlaba;
(e) ehluleka ukudalula ukuthi umhlaba awubhaliseki noma awudluliseki;
(f) esusa isaziso endaweni esishoyo ukuthi okwenziwa kulowo mhlaba akukho semthethweni;
(g) ethi uzokhokha noma ekhokha intshontsho –
(i) ngokwesekwa ngokubhaliwe kohlaka lukahulumeni kwesicelo sokuthuthukiswa komhlaba noma kokuchitshiyelwa kokungaphatheki esinqumweni sikaMasipala;
(ii) ngokwesekwa koMkhandlu woMdabu ngesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki esinqumweni sikaMasipala; noma
(iii) ngokugunyazwa noma ngokunqatshwa kwesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki;
(h) efuna noma amukela intshontsho –
(i) ngokwesekwa ngokubhaliwe kohlaka lukahulumeni kwesicelo sokuthuthukiswa komhlaba noma kokuchitshiyelwa kokungaphatheki esinqumweni sikaMasipala;
(ii) ngokwesekwa koMkhandlu woMdabu ngesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki esinqumweni sikaMasipala; noma
(iii) ngokugunyazwa noma ngokunqatshwa kwesicelo semvume yezokuhlela kamasipala noma sokuchitshiyelwa kokungaphatheki.

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

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

(a) icala lenziwe –

(i) umgwamanda osungulwe ngokwanoma yimuphi umthetho;

(ii) yinhlangano,

ayeyilungu lawo noma layo; noma

(b) ayeyilungu lebhodi, lekomidi eliphethe, lenhlangano yebhizinisi noma yomunye umgwamanda ophethe noma yenhlangano ngesikhathi kwenziwa lelo cala; futhu

(c) ehluleke ukuthatha izinyathelo ezifanele ukuvimba icala.

(4) Uma inhlangano yabanikazi bomhlaba, umgwamanda osungulwe ngokwesigaba 36(1) se-Sectional Titles Act, noma inkampani yabanamasheya ehlongozwe kwisigaba 1 se-Share Blocks Control Act, yehluleke ukwenza umsebenzi enikwe wona ngokombandela wemvume ohlongozwe kwisigaba 46(2)(c) salo Mthetho kaMasipala noma sesiGungu sokuDluliselwa kweziKhalo, uMasipala ungalungisa ukuhluleka nokuthola izindleko zalokho kumalungu enhlangano yabanikazi bomhlaba, yomgwamanda noma yenkampani yabanamasheya.

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

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

(7) Ukukhokhiswa kwamareythi ngokuhambisana nokusetshenziswa komhlaba okuhlongozwe kwisigaba 8(1) soMthetho wamaReythi eMihlaba kaMasipala akuchazi ukuthi umhlaba usetshenziswa ngokusemthethweni ngokwezinhloso zalo Mthetho kaMasipala.

Izinhlawulo ezengeziwe

87.(1) Uma inkantolo ogweba umuntu ngecala elihlongozwe kwisigaba 86(1) salo Mthetho kaMasipala, –

(a) kwisicelo esibhaliwe sikaMasipala, ingaphenya bese inquma ngokushesha ukuthi ngabe lowo muntu uhlomule ngokwezezimali ngenxa yalelo cala; futhi

(b) ngaphezu kwenhlawulo noma kokuboshwa okuhlongozwe kwisigaba 86(5) salo Mthetho kaMasipala, ukuze ikhiphe isinqumo somonakalo, sesinxephezelo noma senhlawulo engeqile emalini okungabe lowo muntu uyihlomulile ngenxa yalelo cala.

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

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

88.(1) UMasipala unganciphisa noma unqamule ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisigaba 86(1)(a) kuya ku (d) ngaphandle komyalelo wenkantolo.

(2) UMasipala kumele ukhiphe isaziso ngaphambi kokuncishiswa noma kokunqanyulwa kokuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisigaba 86(1)(a) kuya ku (d).

(3) UMasipala unganqamula ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe egabeni 86(1)(a) kuya ku (d) uma leyo misebenzi nezintela namareythi kukweletwa naphezu kwezivumelwano noMkhandlu.

(4) Ilungelo likaMasipala lokunciphisa noma lokunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe egabeni 86(1)(a) kuya ku (d) kumele kuthathwe njengombandela imisebenzi yamanzi ehlongozwe kwisigaba 21(2)(b)(ii) soMthetho wezaManzi, 1997 (uMthetho No. 108 ka 1997) ehlinzekwa ngaphansi kwawo.

(5) Ngokwezinhloso zesigaba 21(5) soMthetho wokuLawulwa kwaGesi, 2006 (uMthetho No. 4 ka 2006), ukusetshenziswa kwagesi ngokungemthetho kuyicala elihlongozwe kwisigaba 86(1)(a) kuya ku (d) kumele kuthathwe njengokungahlonishwa kwesivumelwano selayisensi yikhasimende.

Amareythi nezintela zokuvimbela ukuqhubeka nokuthathwa njengecala

89.(1) UMasipala ungakhokhisa izintela namareythi okwenyusiwe ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe egabeni 86(1)(a) kuya ku (d) ngokuhambisana nezimali zawo ezimisiwe.

(2) UMasipala kumele ukhiphe incwadi yesaziso ngaphambi kokukhokhisa izintela namareythi okwenyusiwe ukunqanda ukuqhubeka kokuphulwa komthetho okuyicala elihlongozwe kwisigaba 86(1)(a) kuya ku (d).

INgxenye 3: Ukushushiswa

Ukufaka isikhalo

90.(1) Noma yimuphi umuntu, othintwa noma osola ukuthi kuphulwa umthetho, ngokubhaliwe nangefomu elinqunyiwe, angacela uMasipala ukuthi uphenye ngezinsolo zokuphulwa komthetho okuhlongozwe kwisigaba 86(1).

(2) Isikhalo esibhaliwe esibika ngezisolo zokuthi kunomuntu owephula umthetho njengoba kuhlongozwe esgabeni 89(1) kumele sisekwe amaphepha afanele kanye nobunye ubufakazi kanye nemininingwane yokuxhumana yomuntu ofaka isikhalo.

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

(4) UMasipala kumele uphenye isikhalo ngokuhambisana nenqubo enqunyiwe.

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

Incwadi yegunya lokungena ngenhloso yokuqinisekisa ukugcinwa komthetho

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

(a) imvume yaphambilini yomhlali noma yomnikazi ingatholakali ngevuma kokuzama ngokwanele; noma

(b) inhloso yokuhlola iziphazamiseka ngenxa yokwazi ngaphambi kwesikhathi.

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

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

(a) esikhathini esingangenyanga kusukela ngosuku okukhishwe ngalo igunya;

(b) ngesikhathi esifanele, ngaphandle uma incwadi yegunya yakhishwa ngezizathi zokuthi kunesimo esiphuthumayo.

Ukuqikelela ukugcinwa kobumfihlo obuphathelene nokungena ngenhloso yokuqinisekisa ukugcinwa komthetho

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

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

(a) uma lokho kudalula kwenziwa ngezinhloso zokuqinisekisa ukugcinwa koMthetho noma kohlelo lokusetshenziswa komhlaba lukaMasipala;

(b) uma lokho kudalulwa kuphoqwe yinkantolo noma kudingeka ngokwanoma yimuphi umthetho.

Isisombululo esikhishwe yinkantolo

93.(1) Uma uMasipala uthathele umuntu izinyathelo zomthetho ngecala elihlongozwe kwisigaba 86(1) salo Mthetho kaMasipala, ingaphinde ifake isicelo sesisombululo senkantolo ngaleso sikhathi.

(2) Inkantolo ingakhipha isisombululo esifanele, kubandakanya –

(a) ukumenyezelwa kwamalungelo;

(b) umyalelo noma inqabele ngokomthetho umuntu –

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

(ii) ukuthi asebenzise umhlaba, ahlukanise umhlaba, ahlanganise umhlaba, asungule ilokishi, ahlanganise izakhiwo ezisondelene noma akhe amabhilidi ngokuphikisana nenhlinzeko yohlelo lokusetshenziswa komhlaba;

(iii) ukuthi asebenzise umhlaba, ahlukanise umhlaba, ahlanganise umhlaba, asungule ilokishi, ahlanganise izakhiwo ezisondelene noma akhe amabhilidi ngokuphikisana nombandela wetayitela onezithiyo noma negunya lokusebenzisa umhlaba womuntu ngesivumelwano;

(iv) ukuthi asebenzise umhlaba, ahlukanise umhlaba, ahlanganise umhlaba, asungule ilokishi, ahlanganise izakhiwo ezisondelene noma akhe amabhilidi ngokuphikisana nenhlinzeko nemvume yezokuhlela kamasipala njengoba kuhlongozwe kwisigaba 45 salo Mthetho kaMasipala noma nesinqumo sesiGungu sokuDluliselwa kweziKhalo esihlongozwe kwisigaba 77 salo Mthetho kaMasipala; noma

(v) ngenxa yokuhluleka ukudalula ukuthi umhlaba awubhaliseki njengoba kuhlongozwe kwisigaba 53 salo Mthetho kaMasipala;

(c) umyalelo wokunciphisa noma wokunqamula ukuhlinzekwa kwemisebenzi yobunjiniyela;

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

(e) umyalelo wokuvuselelwa komhlaba othintekayo;

(f) nanoma yiziphi izisombululo ezifanele.

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

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

Ukukhangiswa kwesaziso esishoyo ukuthi okwenziwa kulowo mhlaba akukho semthethweni

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

(a) okwenziwayo okutholakele akukho semthethweni;

(b) sekutholakele incwadi yesikhashana noma yokugcina evimbela okwenziwayo;

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

(d) noma yimuphi umuntu oqhubekayo nokwephula umthetho uyogwetshwa njengoba kubekwe ezigabeni 86 no 87 zalo Mthetho kaMasipala.

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

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

(a) ezenzela yena lokho;

(b) enzela omunye umuntu ongeke akwazi ukuzenzela ngegama lakhe;

(c) enza lokho njengelungu noma egameni leQoqo labantu;

(d) enzela inhlangano futhi ebhekelela amalungu ayo;

(e) enzela umphakathi.

INgxenye 4: Esinye isicelo semvume yezokuhlela kamasipala

Esinye isicelo semvume yezokuhlela kamasipala

97.(1) Umuntu ophula lo Mthetho kaMasipala angafaka isicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ukulungisa ukuphulwa komthetho kwisigaba 86(1) salo Mthetho kaMasipala ngokuhambisana noHlelo lokuSetshenziswa koMhlaba.

(2) Umuntu ofaka esinye isicelo kumele –

(a) ayeke ukuphula umthetho kuze kube isicelo sakhe siyacutshungulwa futhi siyagunyazwa;

(b) alethe isicelo futhi akhokhe –

(i) inhlawulo ekhokhwa kuMasipala njengoba kunqunywe ngokwesigaba 102 salo Mthetho kaMasipala nanjengoba kuhlinzekelwe ezimalini nakwizintela zikaMasipala;

(ii) izindleko okuyizonazona zokuqoka umkanekisi, umlinganisi wamanani noma omunye umuntu oqeqeshiwe ozonquma ngenani lanoma yiliphi ibhilidi, nganoma yimuphi umsebenzi wokwakha, wezobunjiniyela noma wokumbiwa phansi nanoma yimuphi umsebenzi owenziwa ngokungemthetho njengoba kubekwe kwisigaba 98(3) salo Mthetho kaMasipala.

(3) Uma inhlawulo ekhokhwa kuMasipala ingakanqunywa noma isinqunyiwe kodwa ingakhokhwa, ezimweni ezithile, isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singasicubungula isicelo, kuncike ekutheni eminye yemibandela yemvume kuyoba ukuthi inhlawulo ekhokhwa kuMasipala kumele ikhokhwe ngesikhathi esinqunywe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala.

(4) UMasipala uyoqinisekisa ukuthi umthetho awusaphulwa.

(5) UMasipala uyomisa ukuqinisekiswa kokulandelwa komthetho uma –

(a) kulethwa esinye isicelo;

(b) kukhokhwa izimali okumele zikhokhwe; futhi

(c) kunesiqiniseko sokuthi umthetho awusaphulwa.

Inhlawulo ekhokhwa kuMasipala

98.(1) Uma efaka isicelo semvume ehlongozwe kwisigaba 97(1) salo Mthetho, umuntu ngaleso sikhathi uyofaka isicelo sokunqunywa kwenhlawulo ekhokhwa kuMasipala, uma imvume yokubhidliza ingakhishwa uMasipala, mayelana nomhlaba noma nebhilidi noma nengxenye yalo.

(2) UMasipala ungafaka isicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sokunqunywa kwenhlawulo ekhokhwa kuMasipala nesokuthi lowo muntu okutholakale ukuthi uphule loMthetho kaMasipala noma uhlelo lokusetshenziswa komhlaba ayalelwe ukuthi akhokhe inhalwulo ekhokhwa kuMasipala enqunyiwe.

(3) Uma isiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala sithola umuntu ophule lo Mthetho okumele akhokhe inhlawulo ekhokhwa kuMasipala, singanquma isamba esingekho ngaphansi kwamaphesenti amahlanu kodwa esingeqile kumaphesenti ayikhulu enani lanoma yimuphi umhlaba.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singafuna eminye imininingwane noma siyalele umsebenzi kamasipala ukuthi ahlinzeke umbiko uma sekucutshungulwa ukusetshenziswa komhlaba noma kwebhilidi ngokungemthetho ngaphambi kokuthathwa kwesinqumo.

(5) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singaphinde sinqume isikhathi inhlawulo ekhokhwa kuMasipala okumele ikhokhwe ngaso.

INgxenye 5: Ukuphulwa komthetho kanye nokungaziphathi kahle komsebenzi kamasipala

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

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

(a) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume yezokuhlela kamasipala, uma kudingeka imvume yezokuhlela kamasipala ngokwalo Mthetho kaMasipala;

(b) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume ngokuphikisana nezinhlinzeko zohlelo lokusetshenziswa komhlaba;

(c) egunyaza ukusetshenziswa komhlaba, ukuhlanganiswa komhlaba, ukusungulwa kwelokishi, ukuhlanganiswa kwezakhiwo ezisondelene noma ukwakhiwa kwamabhilidi emhlabeni othile ngaphandle kwemvume ngokuphikisana nemvume kaMasipala njengoba kuhlongozwe kwisigaba 45 noma nesinqumo sesiGungu sokuDluliselwa kweziKhalo esihlongozwe kwisigaba 77;

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

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

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

(3) Umsebenzi onecala ngokwalesi sigaba uma egwetshwa, uyokhokhiswa inhlawulo ehlongozwe kwisigaba 86(5) no (6).

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

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

Ukuphulwa komthetho ngumnikazi ngokwehluleka ukuhambisa imidwebo, amapulani kanye namaphepha kuMklami Jikelele ngemuva kokuchitshiyelwa noma kokuphelelwa yisikhathi noma kokukhanselwa kwengxenye yemvume yezokuhlela kamasipala yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba

100.(1) Umnikazi unecala, uma ehluleka ukuqinisekisa ukuthi imidwebo, amapulani kanye namaphepha adingwa uMklami Jikelele ukuze akhansele imidwebo noma yepulani enkulu noma ingxenye yayo yokuhlukaniswa noma yokuhlanganiswa komhlaba ehanjiswe kuMklami Jikelele, ezinyangeni eziyisithupha ngemuva kokuthi uMasipala ukhansele imvume yawo yezokuhlela noma ingxenye yayo.

(2) Umnikazi onecala ngokwalesi sigaba uma egwetshwa, uyokhokhiswa inhlawulo ehlongozwe kwisigaba 86(5) no (6).

Ukuphulwa komthetho ngumnikazi ngokwehluleka ukuhambisa amatayitela, amapulani kanye namaphepha kuMbhalisi wamaTayitela ngemuva kokukhanselwa noma kokukhanselwa kwengxenye yemvume yezokuhlela kamasipala yokuhlukaniswa komhlaba noma yokuhlanganiswa kwemihlaba

101.(1) Umnikazi unecala, uma ehluleka ukuqinisekisa ukuthi wonke amatayitela, amapulani kanye namanye amaphepha uMbhalisi wamaTayitela awadingayo ukuvuselela amarekhodi akhe athintwa ukukhanselwa kwemvume yezokuhlela kamasipala noma ukukhanselwa kwengxenye yayo yokuhlukaniswa noma yokuhlanganiswa komhlaba ehanjiswe kuMbhalisi wamaTayitela, ezinyangeni

ezintathu ngemuva kokuthi uMklami Jikelele evuselele amarekhodi eHhovisi loMklami Jikelele ukukhombisa ukukhanselwa kwengxenye noma kwayo yonke imvume yezohlela kamasipala.

(2) Umnikazi onecala ngokwalesi sigaba uma egwetshwa, uyokhokhiswa inhlawulo ehlongozwe kwisigaba 86(5) no (6).

ISAHLUKO 7
UKUTHUNYELWA KWAMAPHEPHA

Ukuthunyelwa kwamaphepha
102.(1) Noma yimaphi amaphepha okumele athunyelwe, kunoma yimuphi umuntu, ngaphandle koMbhalisi wezokuHlela kaMasipala, angathunyelwa –

(a) ngesandla kulowo muntu;
(b) ngemishini esebenza ngogesi ngekheli le-imeyli noma ngefeksi yalowo muntu. Ubufakazi bokuthi athunyelwa kumele ananyathiselwe kunoma yiziphi izincwadi; noma
(c) ngeposi elibhalisiwe noma ngokuwathumela ebhokisini lalowo muntu lapho ezosayina ukuthi uwatholile;
(d) ngenkampani ehambisa iposi.

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

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

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

Ukuthunyelwa kwamaphepha kuMbhalisi wezokuHlela kaMasipala
103. Noma yimaphi amaphepha angathunyelwa kuMbhalisi wezokuHlela kaMasipala noma kwiSekela loMbhalisi wezokuHlela kaMasipala –

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

Ukuthunyelwa kwamaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo
104. Noma yimaphi amaphepha angathunyelwa kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo noma kwiSekela loMbhalisi wesiGungu sokuDluliselwa kweziKhalo –

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

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

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

(3) Uma amaphepha athunyelwa ngeposi elibhalisiwe noma ngendlela yokuthi asayinelwe kumele kuthathwe ngokuthi athunyelwa ngosuku aposwa ngalo, kungakhathaleki ukuthi iposi lalandwa nini. Ukubalwa kwezinsuku okuhlongozwe kwisigaba 119 salo Mthetho kaMasipala ngakho ke kuyoqala ngosuku isaziso esaposwa ngalo.

ISAHLUKO 8
UKUDLULISELWA KWAMANDLA KANYE NEZIVUMELWANO ZOKUSEBENZISANA

Isivumelwano sokusebenzisana phakathi komasipala ukuze kwenziwe umsebenzi ngokoMthetho
106.(1) UMasipala, ngemuva kokusebenzisa indlela ehlongozwe kwisigaba 78 soMthetho weziNhlelo nesigaba 34 se-SPLUMA, ungangena esivumelwaneni sokusebenzisana nomasipala owodwa noma ngaphezulu lapho, i-ejenti iyosebenzisa wonke amandla kaMasipala njengoba kuhlinzekelwe kulo Mthetho kaMasipala.

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

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

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

(5) Ngokwezinhloso zalesi sigaba "uMasipala" ubandakanya uMasipala wesifunda.

Ukudluliselwa kwamandla uMasipala
107.(1) UMkhandlu kaMasipala angeke wadlulisela la mandla alandelayo:

(a) amandla okunquma ngesicelo semvume yezokuhlela kamasipala –
  (i) yokwamukelwa kohlelo lokusetshenziswa komhlaba;
  (ii) yokuchitshiyelwa kohlelo lokusetshenziswa komhlaba okudinga ukuchitshiyelwa kwezigatshana zohlelo lokusetshenziswa komhlaba;
  (iii) yokuchithwa kohlelo lokusetshenziswa komhlaba; kanye
  (iv) neyokuguqula okuphathekayo esinqumweni sikaMasipala sokwamukela uhlelo lokusetshenziswa komhlaba noma sokuchibiyela uhlelo lokusetshenziswa komhlaba;
(b) amandla okuqoka amalungu eKomidi lezokuHlela likaMasipala;
(c) amandla okunquma imibandela ilungu leKomidi lezokuHlela likaMasipala elingaba sesikhundleni ngaphansi kwayo;
(d) amandla okususa ilungu leKomidi lezokuHlela likaMasipala;
(e) amandla okuqoka uSihlalo kanye neSekela likaSihlalo beKomidi lezokuHlela likaMasipala;
(f) amandla okuqoka uSihlalo, uma uSihlalo kanye Sekela likaSihlalo beKomidi lezokuHlela likaMasipala bengakwazi ukubamba.

(2) Amandla anikwe –

(a) iKomidi lezokuHlela likaMasipala;
(b) uSihlalo weKomidi lezokuHlela likaMasipala;
(c) uMphathisihlalo oqokwe uSihlalo weKomidi lezokuHlela likaMasipala;
(d) ilungu leKomidi lezokuHlela likaMasipala;
(e) uMbhalisi wezokuHlela kaMasipala; noma
(f) uMsebenzi oGunyaziwe wezokuHlela kaMasipala,

angeke adluliselwa, ngaphandle uma lo Mthetho kaMasipala uhlinzeka ngokwehlukile.

(3) UMasipala ungadlulisela noma yimaphi amandla onikwe wona ngokwalo Mthetho kaMasipala, ngaphandle kwamandla ahlongozwe ezigatshaneni (1) no (2) –

(a) kwikomidi likaMasipala elisungulwe ngokwezigaba 60(1)(a), 61(2), 71 nesigaba 79(1)(a) zoMthetho weziNhlaka zoMasipala; noma

(b) kumsebenzi oqashwe uMasipala.

(4) Noma yimaphi amandla nanoma yimuphi umsebenzi –

(a) kungadluliselwa kumsebenzi oyedwa noma kwabangaphezu koyedwa;

(b) kungadluliselwa kumuntu osesikhundleni esithile;

(c) kungadluliselwa ngaphansi kwemibandela noma kwemikhawulo uMasipala angayibona ifanele;

(d) kungahoxiswa noma kuchitshiyelwe ngokubhaliwe uMkhandlu kaMasipala noma yingasiphi isikhathi.

(5) Ukudluliselwa –

(a) akuwuvimbi uMkhandlu kaMasipala ukusebenzisa lawo mandla noma ukwenza lowo msebenzi; noma

(b) akukhululi uMkhandlu kaMasipala ekubeni nesibopho sokubika ngokusetshenziswa kwamandla noma ngokwenziwa komsebenzi.

(6) Isenzo esenziwe okudluliselwe kuye amandla noma umsebenzi kuyafana nokuthi senziwe uMkhandlu kaMasipala.

(7) Isenzo esenziwe okudluliselwe kuye amandla noma umsebenzi, okungaphansi kokudluliselwe, siyasebenza futhi asithathwa njengesingekho emthethweni ngenxa yokuthi –

(a) uMkhandlu kaMasipala okhetha ukuthi ngemuva kwalokho usebenzise lawo mandla noma wenze lowo msebenzi; noma

(b) yokuchitshiyelwa noma yokuhoxiswa kamuva kwalokho kudluliselwa.

(8) Ukudluliselwa ngokwalesi sigaba kumele –

(a) kubhalwe phansi;

(b) kubandandakanye le minininingwane elandelayo:

(i) okudluliselwayo; kanye

(ii) nemibandela lokho kudluliselwa okwenziwe ngaphansi kwayo.

(9) UMkhandlu kaMasipala noma yingasiphi isikhathi ungachibiyela noma uhoxise ukudluliselwa okwenziwe ngokwalesi sigaba.

(10) UMasipala kumele ugcine irekhodi lakho konke ukudluliselwa okwenziwe ngokwalo Mthetho kaMasipala.

(11) Noma yisiphi isenzo esenziwe ngokwamandla akhishwe uMasipala ngokwalo Mthetho kaMasipala asetshenziswe ngaphandle kwegunya elifanele singachithwa.

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

ISAHLUKO 9
UKUGCINWA KWAMAREKHODI KANYE NOKUTHOLAKALA KOLWAZI

Irekhodi lohlelo lokusetshenziswa komhlaba

108. Izigatshana kanye nebalazwe lohlelo lokusetshenziswa komhlaba lukaMasipala kumele kuvuselelwe njalo ngenyanga ukuze kukhombise izichibiyelo ezigunyaziwe zohlelo lokusetshenziswa komhlaba.

Irekhodi lezicelo zemvume yezokuhlela kamasipala

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

(2) UMasipala kumele ugcine amakhophi awo wonke amaphepha umphakathi onelungelo lokuwathola njengoba kuhlongozwe kwisigaba 111 no 112 salo Mthetho kaMasipala.

Isaziso sokwabiwa komhlaba ukuze kuthuthukiswe umhlaba ongaphansi koMkhandlu woMdabu ngokomthetho wesintu

110.(1) Umkhandlu womdabu kumele wazise uMasipala ngokubhaliwe njalo ngesigamu sonyaka nganoma yikuphi ukwabiwa komhlaba ngenhloso yokuwuthuthukisa, ngaphandle kokwabiwa komhlaba wokwakha imizi ngokwamandla omthetho wawo wesintu.

(2) Noma yikuphi ukusetshenziswa komhlaba endaweni kamasipala, ngaphandle komhlaba osetshenziselwa ukwakha imizi, kuyodinga ukufakelwa isicelo semvume yezokuhlela kamasipala nokuthi kugunyazwe.

(3) Umkhandlu womdabu kumele uhlinzeke uMasipala ngemininingwane yokuxhumana yomuntu owabelwe umhlaba.

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

111. Amarekhodi agcinwe uMbhalisi wezokuHlela kaMasipala kanye noMbhalisi wesiGungu sokuDluliselwa kweziKhalo kaMasipala kumele athathwe njengamarekhodi umuntu atholakala kalula njengoba kuhlongozwe kwisigaba 15 soMthetho wokuGqugquzela ukuTholakala koLwazi.

Ukuthola ulwazi olugcinwe uMphathi kaMasipala

112. La marekhodi alandelayo agcinwe uMphathi kaMasipala kumele athathwe njengamarekhodi atholakala kalula njengoba kuhlongozwe kwisigaba 15 soMthetho wokuGqugquzela ukuTholakala koLwazi:

(a) irejista lokubandakanyeka noma lokuhlomula kwamalungu esiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, esiGungu sokuDluliselwa kweziKhalo sikaMasipala kanye nesiGungu esiBhekele ukuGcinwa koMthetho kwezokuHlela sikaMasipala;

(b) isivumelwano sokusebenzisana sokwenza imisebenzi ngokwalo Mthetho kaMasipala; kanye

(c) nerekhodi elivuselelwe lakho konke ukudluliselwa okwenziwe ngokwalo Mthetho kaMasipala.

ISAHLUKO 10

IZIHLINZEKO EZIJWAYELEKILE

Ukuzimela kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala kanye nesiGungu sokuDluliselwa kweziKhalo

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

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

Ukudalulwa kokuhlomula noma kokubandakanyeka

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

(a) edalula ukuhlomula kwabo ngokwezezimali nokunye ukubandakanyeka kwabo emkhakheni wezokuhlela noma emikhakheni ehambisana nawo okungashayisana nokuqokwa kwabo;

(b) edalula ukuhlomula kwabo ngokwezezimali nokubandaknyeka ekuthuthukisweni komhlaba okwenziwa amalungu emindeni yabo nabasondelene nabo kuMasipala;

(c) edalula noma yikuphi ukugwetshwa ngecala elikuSheduli 1 loMthetho weNqubo yokuQulwa kwamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977).

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

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

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

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

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

Isiqinisekiso sokuvikelwa ngokomthetho

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

(a) uma icala lalowo muntu lisenkantolo –

(i) uvikele lowo muntu mayelana nalelo cala; futhi

(ii) uhlinzeke abameli abazomela lowo muntu ngezindleko zikaMasipala noma ukhokhe intela nezindleko zabameli;

(b) uma lowo muntu ebekwe icala lobugebengu, uhlinzeke abameli abazomela lowo muntu ngezindleko zikaMasipala.

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

(a) besebenzise amandla abo ngokungafanele;

(b) besebenzise izidakamizwa noma bephuze utshwala;

(c) bengalandelanga izimiso zomsebenzi noma zezikhundla zabo;

(d) bebe budedengu noma benze ngamabomu;

(e) benze okungabeka uMasipala engcupheni;

(f) behluleke ukulandela imiyalelo emisiwe, ababeyazi noma okumele ngabe bayayazi, okuholele ekulahlekeni, ekulimaleni noma okudale icala.

(3) UMasipala unganquma ngenqubomgomo noma ngenye indlela –

(a) imigomo nemibandela yalokho kuvikelwa ngokomthetho nokuthathelwa abameli; kanye

(b) nezimo ezengeziwe kulezo zimo ezihlongozwe kulesi sigaba lapho ukuvikelwa ngokomthetho noma ukuthathelwa abameli kungahoxiswa uMasipala.

Ukuqokwa koMeluleki owuChwepheshe

117.(1) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela noma isiGungu sokuDluliselwa kweziKhalo singaqoka uMeluleki owuChwepheshe ukuthi asisize ukucubungula nokunquma nganoma yiziphi izicelo noma izikhalo zokuthuthukiswa komhlaba.

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

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

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

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

Ukumenyezelwa komhlaba njengomhlaba ongaphansi koMkhandlu woMdabu

118.(1) UMasipala ungamemezela noma yimuphi umhlaba njengendawo engaphansi koMkhandlu woMdabu yemiphakathi ehlala nesebenzisa lowo mhlaba ngokuhlanganyela ngokwezinqubo zokuhlala zomdabu, uma –

(a) umhlaba kuhlala kuwo noma kuhlelwe ukuthi kube nemizi emithathu;

(b) imizi eyakhe noma eyokwakha kulowo mhlaba iyokwakhiwa ngendlela ethile;

(c) iningi lemizi eyakhe kulowo mhlaba kuyoba ngeyamalungu aziwayo kulowo mphakathi;

(d) uMasipala wabe umhlaba kuMkhombandlela wokuThuthukiswa kweziNdawo wawo njengomhlaba okusebenza kuwo izinqubo zokuthuthukiswa komhlaba ezifingqiwe ezihlongozwe kwisigaba 21(l)(ii) se-SPLUMA.

(2) UMasipala kumele udwebe ibalazwe lomhlaba omenyezelwe njengomhlaba ozohlala umphakathi.

(3) UMasipala kumele ushicilele kwiwebhusayithi yawo –

(a) isinqumo sawo sokumemezela umhlaba njegomhlaba ozohlala umphakathi;

(b) ibalazwe elikhombisa umhlaba omenyezelwe njengomhlaba ozohlala umphakathi.

Ukubalwa kwenani lezinsuku

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

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

Ukuhluleka kohlangothi oluthile ukugcina isikhathi esinqunyiwe

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

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

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

(a) imali yokufaka isicelo angeke ibuyiswe; futhi

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

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

Umthelela wokushintshwa kobunikazi bomhlaba okufakwe isicelo semvume yezokuhlela kamasipala maqondana nawo

121.(1) Uma umhlaba, ofakelwe isicelo sokuthuthukiswa komhlaba, udluliselwa komnikazi omusha, umnikazi omusha angaqhubeka nesicelo njengomnikazi olandela umnikazi omdala ngokomthetho.

(2) Umnikazi omusha kumele azise uMasipala ngokubhaliwe ukuthi ufisa ukuqhubeka noma akafisi ukuqhubeka nesicelo futhi ahlinzeke uMasipala ngemininingwane yakhe yokuxhumana ngaphambi kokuthi isigungu sezokuhlela sikamasipala sithathe isinqumo ngesicelo.

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

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

(2) Umnikazi omusha kumele ahlinzeke umfakisicelo kanye noMasipala ngekhophi yesivumelwano sokunikezelwa kwamalungelo kanye nemininingwane yakhe yokuxhumana ngaphambi kokuthi isigungu sezokuhlela sikamasipala sithathe isinqumo ngesicelo.

Isicelo selungelo lokungenelela ezicelweni zokuthuthukiswa komhlaba noma zokudluliselwa kwezikhalo

123.(1) Njengoba kuhlinzekelwe kuMthethonqubo 31 we-SPLUMA, noma yimuphi umuntu angafaka isicelo ngokubhaliwe kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma kwisiGungu sokuDluliselwa kweziKhalo sikaMasipala, sokuthola ilungelo lokungenelela esicelweni esikhona nganoma yisiphi isikhathi ngesikhathi kudingidwa ngesicelo, kodwa ezinsukwini eziyisikhombisa aze ngalokho kudingiwa ngesicelo.

(2) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma lesiGungu sokuDluliselwa kweziKhalo sikaMasipala kumele sicubungule lokhu okulandelayo ngaphambi kokuthatha isinqumo ngelungelo lokungenelela mayelana nesicelo sokuthuthukiswa komhlaba:

(a) ukuthi ngabe umfakisicelo segunya lokungenelela angathathwa njengomuntu onentshisekelo noma othintekayo njengoba kuhlongozwe kwisigaba 45(4) se-SPLUMA;

(b) ukuthi ngabe ukuxoxisana nomphakathi kwakudingeka yini kulesi sicelo;

(c) ukuthi ngabe umfakisicelo segunya lokungenelela wanikwa yini isaziso sesicelo;

(d) amaphuzu aseka isicelo somfakisicelo segunya lokungenelela;

(e) ukuthi ngabe amalungelo akhe ahlukunyezwe yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma angahlukunyezwa yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala futhi ngenxa yalokho singahlukunyezwa yisinqumo zezokuHlela sikaMasipala noma lesiGungu sokuDluliselwa kweziKhalo sikaMasipala;

(f) ukuthi ofake isikhalo umele iqoqo labantu abakhathazekile ngezingxoxo;

(g) ukuthi ngabe ofake isikhalo uyakwazi ukuvikela ilungelo lakhe engavinjwa yisinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma sesiGungu sokuDluliselwa kweziKhalo sikaMasipala nokuthi ilungelo lakhe alimelwe ngokwanele yizinhlangothi eziyingxenye yezingxoxo;

(h) imvume ebhaliwe yazo zonke izinhlangothi zesicelo noma zesikhalo evumela uhlangothi olungenelelayo, uma zivumile ukuthi uhlangothi lungenelele;

(i) ubandlululo umfakisicelo nanoma yimuphi omunye umuntu kubandakanya umphakathi, ongabhekana nalo;

(j) amathuba okuthi umfakisicelo aphumelele ukungenelela;

(k) ukubalekela ukugqoza okungenasidingo ekulandelweni komthetho;

(l) ukusebenza kwesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma kwesiGungu sokuDluliselwa kweziKhalo sikaMasipala;

(m) uma uhlangothi lufaka isicelo segunya lokungenelela esicelweni sokuthuthukiswa komhlaba, ukuthi ngabe umfakisicelo segunya lokungenelela uyena kuphela ofisa ukuphawula ngesicelo, noma uma kunabanye abantu nabo abaphawule ngendlela efanayo ngesicelo;

(n) uma uhlangothi lufake isicelo segunya lokungenelela mayelana nesikhalo –

(i) ukuthi ngabe umfakisicelo segunya lokungenelela uyena kuphela ofisa ukufaka isikhalo ngesinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala, noma uma kunabanye abafake izikhalo ngesinqumo ngezizathu ezifanayo;
(ii) ukubaluleka kwesikhalo;
(iii) ukufuna komfasicelo ngomphumela wesicelo segunya lokungenelela;
(iv) ukuthi ngabe umfakisicelo uyohlinzeka umbono ohlukile ngezindaba ezidingidwa yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma yisiGungu sokuDluliselwa kweziKhalo sikaMasipala, ngaphandle kokwandisa lezo zindaba; kanye
(v) nanoma yiluphi olunye udaba.

(3) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma isiGungu sokuDluliselwa kweziKhalo sikaMasipala kumele –
(a) sigunyaze; noma
(b) sinqabe,
isicelo segunya lokungenelela.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma isiGungu sokuDluliselwa kweziKhalo sikaMasipala singavumela umuntu ofake isicelo segunya lokungenelela ukuthi abambe iqhaza ezindabeni okutholakale ukuthi ziyamthinta kuphela esinqumweni saso sokumnika imvume yokungenelela.

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

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

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

ISAHLUKO 11

IZINHLELO ZESIKHASHANA

INgxenye 1: I-Odinensi

Isicelo semvume eyipesheli egunyazwe ngokwe-Odinensi
124.(1) Imvume eyisipesheli ekhishwe ngokwesigaba 67*bis* se-Odinensi kumele ithathwe njengemvume kaMasipala ngokohlelo lokusetshenziswa komhlaba ehlongozwe kwisigaba (29)(1)(c) salo Mthetho kaMasipala.

(2) Ngokwezihloso zesigaba 49 salo Mthetho kaMasipala, usuku lokuqala kokusebenza kwemvume eyisipesheli kaMasipala ehlongozwe kwisigaba 67*bis* se-Odinensi –

(a) usuku lokuphela kwesikhathi esiyizinsuku ezingama-28 okukhulunywe ngaso kwisigaba 67 *ter* se-Odinensi, uma singekho isikhalo esifakwe ngesinqumo sikaMasipala; noma
(b) usuku okwanqunywe ngalo ngesikhalo, uma isikhalo sifakwe ngesinqumo sikaMasipala ngokwesigaba 67*ter* se-Odinensi; noma
(c) usuku umhlaba obhaliswe ngalo uma isicelo semvume sibandakanya isicelo sokusungulwa kwelokishi, sokuhlukaniswa noma sokuhlanganiswa komhlaba.

Isicelo semvume eyisipesheli ngokwe-Odinensi esingaphothuliwe ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala
125.(1) Isicelo semvume eyisipesheli ekhishwe ngokwesigaba 67*bis* se-Odinensi, esingakaphothulwa ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho kaMasipala, kumele kuqhutshekwe naso ngokwalo Mthetho kaMasipala.

(2) UMbhalisi weKomidi lezoHlela kaMasipala kumele aqinisekise inhlinzeko efanayo ekufakeni isicelo okumele isicelo semvume yezokuhlela kamasipala siqhutshwe kuso.

(3) Umfakisicelo akudingeki ukuthi alandele okudingekayo ngokwalo Mthetho kaMasipala okunzima kunokudingwa yi-Odinensi mayelana nenhlinzeko yalo Mthetho kaMasipala eyandulela inhlinzeko isicelo semvume yezokuhlela kamasipala okumele iqhutshwe ngayo.

INgxenye 2: UMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele

Imijondolo noma amalokishi angahlelekile ngokuphelele agunyazwe ngokoMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele
126.(1) Isicelo semijondolo esivunywe ngokwesigaba 3(1) noma selokishi esivunywe ngokwesigaba 14(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, esivunywe –
(a) kuncike kwipulani yokuma kwezakhiwo; futhi
(b) kuncike kwimibandela yokuthuthukiswa kwaleyo ndawo,
kumele sithathwe njengesicelo esivunywe ngokwalo Mthetho kaMasipala.

(2) Ngale –
(a) kwezinhlinzeko zesigaba 3(5)(b), (e) no (g) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele; noma
(b) kwesinqumo esiphikisa uMphathi ngokwesigaba 12(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele,
lo Mthetho usebenza emhlabeni owabelwe ukwakha imijondolo ngokwesigaba 3(1) noma ilokishi elivunywe ngokwesigaba 14(1) soMthetho wokuSungula iLokishi eliNgaHlelekile ngokuPhelele.

(3) Isicielo asidingeki ngokwalo Mthetho kaMasipala uma –
(a) kwakhiwa imijondolo ngokuhambisana nepulani yokuma kwezakhiwo ephasisiwe kanye nemibandela yemvume ehlongozwe kwisigaba 4(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele; noma
(b) kwakhiwa imijondolo ngokuhambisana nepulani yokuma kwezakhiwo ephasisiwe kanye nemibandela yemvume ehlongozwe kwisigaba 4(1)(a) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele.

(4) Isicelo siyadingeka ngokwalo Mthetho kaMasipala uma kuhlukaniswa umhlaba noma kusungulwa ilokishi emhlabeni owawabelwe ukwakha imijondolo ngokwesigaba 3(1) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, uma umhlaba wawungabiwe –
(a) kuncike kwipulani yokuma kwezakhiwo; futhi

(b) kuncike kwimibandela yokuthuthukiswa kwaleyo ndawo.

INgxenye 3: UMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko

Intuthuko egunyazwe ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko
127.(1) Zonke izicelo, izikhalo noma ezinye izindaba ezazisezithebeni zeKomidi elasungulwa ngokwesigaba 15 soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, 1995 (uMthetho No. 67 ka 1995) ngesikhathi kuqaliswa ukusebenza kwe-SPLUMA (mhla lu-1 kuNtulikazi 2015), okwakungakanqunywa ngazo noma ezazingakachithwa, kumele kuqhutshekwe nazo noma zichithwe ngokwe-SPLUMA.

(2) Isicelo sokuthuthukiswa komhlaba esivunywe ngokwesigaba 33(1) noma 5(1) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko kumele sithathwe njengesicelo semvume yezokuhlela kamasipala evunywe ngokwesigaba 46 salo Mthetho kaMasipala.

Imisebenzi yomsebenzi oqokiwe ingenziwa uMasipala
128.(1) Ngale kokuchithwa koMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, uMasipala kumele uqhubeke wenze le misebenzi elandelayo enikezwe umsebenzi oqokiwe ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zoMasipala:

(a) ukushicilela imibandela yokusungula ebekwe yiKomidi lezeNtuthuko noma yiKomidi lokuDluliselwa kweziKhalo zezeNtuthuko okumele ishicilelwe kwiGazethi, njengoba kuhlongozwe ezigabeni 33(4) no 51(3) zoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zoMasipala, kwiGazethi;

(b) ukwazisa uMbhalisi wamaTayitela ukuthi imibandela yokusungula okumele ilandelwe ngaphambi kokuqala ukubhalisa, ehlongozwe kwisigaba 38(1) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko, ilandeliwe;

(c) ukwazisa uMbhalisi wamaTayitela ukuthi umfakisicelo kanye noMasipala bazifezile izibopho zabo eziphathelene nokuhlinzeka imisebenzi, ehlongozwe kwisigaba 38(1) soMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko.

(2) UMasipala kumele uqoke umsebenzi kamasipala ozokwenza imisebenzi enikezwe umsebenzi oqokiwe njengoba kuhlongozwe kulesi sigaba.

Amandla agodlwe yiKomidi leNtuthuko noma yiKomidi lokuDluliselwa kweziKhalo zezeNtuthuko esinqumweni sesicelo ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko
129.(1) Amandla agodlwe yiKomidi lezeNtuthuko noma yiKomidi lokuDluliselwa kweziKhalo zezeNtuthuko esinqumweni sesicelo ngokoMthetho wokuSheshisa ukuQaliswa kweziNhlelo zeNtuthuko kumele athathwe njengamanndla okumele asetshenziswe yisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala noma kwesiGungu sokuDluliselwa kweziKhalo sikaMasipala.

(2) UMasipala kumele ulandele izinhlinzeko zalo Mthetho kaMasipala, kubandakanya nenqubo yokuchibiyela isaziso sesinqumo ngesicelo semvume yezokuhlela kamasipala, uma usebenzisa amandla ahlongozwe kuleli phuzu.

INgxenye 4: UMthetho wezokuHlela neNtuthuko waKwaZulu-Natali

Isicelo esigunyazwe ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali
130. Isinqumo sikaMasipala –

(a) sokwamukela uhlelo oluhlongozwe kwisigaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(b) wokushintsha uhlelo oluhlongozwe kwisigaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(c) sokugunyaza ukuchitshiyelwa koHlelo lukamasipala oluhlongozwe kwisigaba 13(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(d) sokugunyaza ukuhlukaniswa komhlaba ohlongozwe kwisigaba 26(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(e) sokugunyaza ukuhlanganiswa komhlaba okuhlongozwe kwisigaba 26(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(f) sokugunyaza ukuthuthukiswa komhlaba ongaphandle kwendawo engaphansi kohlelo oluhlongozwe kwisigaba 43(1)(a) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali;

(g) sokugunyaza ukusetshenziswa noma ukukhanselwa kwepulani yokuma kwendawo ehlongozwe kwisigaba 55(1) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali; noma

(h) sokugunyaza ukuguqulwa, ukuhoxiswa noma ukususwa kwesithiyo esiphathelene nomhlaba ohlongozwe kwisigaba 65(1) soMthetho wezokuHlela neNtuthuko waKwaZulu-Natali,

kumele sithathwe njengemvume yesicelo semvume yezokuhlela kamasipala ehlongozwe kwisigaba 46 salo Mthetho kaMasipala.

Isicelo esagunyazwa ngokomthetho wezokuhlela osuwachithwa okumele sithathwe njengesicelo esagunyazwa ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali
131. Isicelo esagunyazwa ngokomthetho wezokuhlelwa osuwachithwa okumele sithathwe njengesicelo esagunyazwa ngokoMthetho wezokuHlela neNtuthuko kumele sithathwe njengesicelo semvume yezokuhlela kamasipala ehlongozwe kwisigaba 46 salo Mthetho kaMasipala.

Isicelo esafakwa ngokoMthetho wezokuHlela neNtuthuko waKwaZulu-Natali esingaphothulwanga ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala
132.(1) Isicelo esafakwa kuMasipala noma isisongozo esenziwa uMasipala ngokoMthetho wezeNtuthuko nokuHlela, esasingakaphothulwa ngaphambi kokuqala kokusebenza kwalo Mthetho kaMasipala, kumele kuqhutshekwe naso ngokwalo Mthetho kaMasipala.

(2) UMbhalisi wezokuHlela kaMasipala kumele aqinisekise inhlinzeko ehambisanayo yokucutshungulwa kwesicelo isicelo semvume yezokuhlela kamasipala okumele kuqhutshekwe naso ngayo.

Isihloko esifingqiwe nosuku lokuqala kokusebenza kwalo Mthetho kaMasipala
133. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala wokuHlelwa kweziNdawo nokuLawulwa kokuSetshenziswa koMhlaba kaMasipala waseMhlathuze, 2017 futhi uyoqala ukusebenza ngosuku oluyonqunywa uMkhandlu kaMasipala ngesaziso esiyoshicilelwa kwiGazethi.

ISHEDULI 1

IZINDABA OKUMELE ZIDINGIDWE ESIVUMELWANENI SOKUSUNGULA IKOMIDI ELIHLANGANYELE LEZOKUHLELA LOMASIPALA

Izindaba okumele zidingidwe esivumelwaneni sokusungula iKomidi eliHlanganyele lezokuHlela loMasipala

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

(a) amagama omasipala ababambe iqhaza;

(b) amalungelo, izibopho kanye nemisebenzi kamasipala obambe iqhaza ngamunye;

(c) ukuthi iKomidi eliHlanganyele lezokuHlela loMasipala lizohlinzekwa kanjani ngezimali;

(d) ukuthi abaBhalisi beKomidi lezokuHlela baMasipala kanye namaSekela abaBhalisi beKomidi lezokuHlela baMasipala bazoqokwa futhi basebenze kanjani;

(e) ukuthi labasebenzi abalandelayo bazoqokwa kanjani:

(i) amalungu eKomidi lezokuHlela likaMasipala;

(ii) uSihlalo weKomidi lezokuHlela likaMasipala;

(iii) iSekela likaSihalo weKomidi lezokuHlela likaMasipala;

(f) ukuthi omasipala ababambe iqhaza bayozishicilela kanjani izaziso zomthetho, kubandakanya –

(i) isaziso sokumema abantu ukuthi babe amalungu eKomidi eliHlanganyele lezokuHlela loMasipala;

(ii) isaziso esiqinisekisa ukuqokwa kwamalungu eKomidi eliHlanganyele lezokuHlela loMasipala;

(g) ukuthi amarekhodi azogcinwa kuphi nakanjani, kubandakanya –

(i) irejista lezicelo zezimvume zezokuhlela zikamasipala iKomidi lezokuHlela likaMasipala elinqume ngazo;

(ii) amaphepha umphakathi onelungelo lokuwathola ngokwesigaba 111 nesigaba 112 salo Mthetho kaMasipala;

(iii) irejista lokuhlomula noma lokubandakanyeka okudalulwe amalungu eKomidi lezokuHlela likaMasipala, abaBhalisi beKomidi lezokuHlela baMasipala kanye namaSekela abaBhalisi beKomidi lezokuHlela baMasipala;

(h) ukuthi izimali zezicelo ziyonqunywa futhi zilawulwe kanjani;

(i) ukuthi izicelo zezimvume zezokuhlela zikamasipala ziyofakwa kuphi;

(j) ukuthi oMasipala ababambe iqhaza bayokwaziswa kanjani ukuthi kufakwe isikhalo kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngesinqumo sokuthuthukiswa komhlaba ezindaweni zabo;

(k) ukuthi iKomidi eliHlanganyele lezokuHlela loMasipala liyosekwa kanjani ngemisebenzi yasehhovisi nangamahhovisi, uma kunesidingo;

(l) nokuthi umthetho uyosebenza kanjani uma uMasipala oyingxenye yeKomidi eliHlanganyele lezokuHlela loMasipala uhoxa.

ISHEDULI 2

IMISEBENZI ESEZINDAWENI EZINGAPHANDLE KOHLELO LOKUSETSHENZISWA KOMHLABA EDINGA IMVUME YEZOKUHLELA KAMASIPALA

Imisebenzi esezindaweni ezingaphandle kohlelo lokusetshenziswa komhlaba edinga imvume imvume yezokuhlela kamasipala

1. Le misebenzi elandelayo esezindaweni ezingaphandle kohlelo lokusetshenziswa komhlaba ayiyidingi imvume yezokuhlela kamasipala –

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

(i) umhlaba wezolimo; kanye

(ii) namabhilidi ezolimo,

kuncike ekutheni uMnyango wezoLimo ukuvumile lokho;

(b) kuzo zonke izindawo ezingaphandle kohlelo lokusetshenziswa komhlaba –

(i) ezisetshenziselwa ukuhlala;

(ii) ezisetshenziselwa ukulimela ukondla imindeni;

(iii) nanoma yikuphi okunye ngokubona kwaMasipala okungadingi isicelo semvume yezokuhlela kamasipala.

(2) Noma yimuphi umsebenzi ohlinzekelwe ephuzwini 1 lale Sheduli uyodinga ufakelwe isicelo semvume yezokuhlela kamasipala.

ISHEDULI 3

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NJENGOBA KUNQUNYWE KWISIGABA 28 SOMTHETHO KAMASIPALA

Izincazelo

1. Kule Sheduli –

"imvume" kushiwo ilungelo lokusetshenziswa komhlaba elingatholakala ngemvume kaMasipala futhi ichazwe kanjalo ohlelweni lokusetshenziswa komhlaba;

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

"ukuhlanganiswa" kushiwo ukuhlanganisa iziqephu zomhlaba ezimbili noma ngaphezulu zibe yindawo eyodwa;

"ukuhlukaniswa" kushiwo ukuhlukaniswa kwesiqephu somhlaba sibe yiziqephu ezimbili noma ngaphezulu.

Izicelo zokuThuthukiswa koMhlaba

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

(a) IQoqo 1: Izicelo eziyocutshungulwa uMkhandlu kaMasipala;
(b) IQoqo 2: Izicelo eziyocutshungulwa yiKomidi lezokuHlela likaMasipala;
(c) IQoqo 3: Izicelo eziyocutshungulwa uMsebenzi oGunyaziwe wezokuHlela kaMasipala.

3. Uma kunesicelo esiyinhlanganisela esilethiwe, esihlanganisa iQoqo 2 neQoqo 3 kanye nezicelo zokuthuthukiswa komhlaba, leso sicelo kumele sicutshungulwe njengesicelo esingaphansi kweQoqo 2.

4. Uma kunesicelo esiyinhlanganisela esilethiwe, esihlanganisa iQoqo 1 neQoqo 2 kanye nezicelo zokuthuthukiswa komhlaba, leso sicelo kumele siqalwe sihanjiswe kwiKomidi lezokuHlela likaMasipala. IKomidi liyokwenza izincomo eMkhandlwini kaMasipala ukuze uzicubungule.

5. Noma yisiphi isicelo sokuchibiyela isinqumo esasesithathiwe kuyomele silethwe kowayekhiphe leyo mvume.

6. UMsebenzi oGunyaziwe wezokuHlela kaMasipala noma yingasiphi isikhathi angadlulisela isicelo esingaphansi kweQoqo 3 kwiKomidi lezokuHlela likaMasipala ukuze lisicubungule.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 1

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

(a) izicelo zokwamukelwa, zokuchithwa, zokunwetshwa noma zokubuyekezwa kohlelo lokusetshenziswa komhlaba njengoba kuhlongozwe kwisigaba 23(1) se-SPLUMA; kanye
(b) nezicelo zokwamukelwa nezokubuyekezwa koMkhombandlela wokuThuthukiswa kweziNdawo njengoba kuhlongozwe kwisigaba 20 se-SPLUMA.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 2

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

(a) zokusungulwa kwelokishi noma izicelo zokunwetshwa kwemingcele yelokishi;

(b) zokuchitshiyelwa kohlelo olukhona noma kohlelo lokusetshenziswa komhlaba ngokuklanywa kabusha komhlaba;
(c) zokuthuthukiswa komhlaba ongaphandle kwendawo yohlelo lokusetshenziswa komhlaba njengoba kuhlinzekelwe ephuzwini 2 lukaSheduli 2;
(d) zokunwetshwa noma zokwakha elinye ibhilidi emhlabeni osetshenziselwa inhloso echazwe ephuzwini 2 lukaSheduli 2, naphezu kokuthi imvume yezokuhlela kamasipala yayingadingeki ngesikhathi ibhilidi elalikhona liqala ukusetshenziselwa leyo nhloso;
(e) zokususwa, zokuchitshiyelwa noma zokuhoxiswa kombandela onezithiyo noma osuphelelwe yisikhathi, igunya lokusebenzisa umhlaba womuntu ngesivumelwano noma ukubekwa okubhaliswe kwitayitela lomhlaba ngaphandle kwezicelo ezihlinzekelwe njengezicelo ezingaphansi kweQoqo 3;
(f) zokuchitshiyelwa noma zokuqaliswa kwemvume yokuhlukaniswa komhlaba ngezigaba;
(g) zokukhanselwa noma zokukhanselwa kwengxenye yesinqumo sikaMasipala ngesicelo semvume yezokuhlela kamasipala, ngaphandle kwesinqumo sokwamukelwa noma sokuchitshiyelwa kohlelo lokusetshenziswa komhlaba;
(h) zokuhlukaniswa noma zokuhlanganiswa kwanoma yimuphi umhlaba ngaphandle komhlaba ohlukanisiwe noma ohlanganisiwe ohlinzekelwe njengesicelo esingaphansi kweQoqo 3;
(i) zokuvalwa unomphela kwanoma yimuphi umgwaqo kamasipala noma kwanoma iyiphi indawo kamasipala;
(j) zanoma iyiphi imvume noma yiliphi igunya okudingekayo ngokombandela wetayitela, ngokombandela wokusungulwa noma ngokombandela wohlelo olukhona noma wohlelo lokusetshenziswa komhlaba;
(k) zanoma iyiphi imvume noma zanoma yiliphi igunya okuhlinzekelwe emthethweni wesifundazwe;
(l) zonke izicelo zokuthuthukiswa komhlaba eziphikisiwe;
(m) zonke izicelo zokuthuthukiswa komhlaba ngokubona kwaMasipala, kweMinyango kaZwelonke noma yesiFundazwe, ezithinta isifundazwe noma uzwelonke;
(n) zonke izicelo zokuthuthukiswa komhlaba ezidluliselwe uMsebenzi oGunyaziwe kwiKomidi lezokuHlela likaMasipala;
(o) noma yikuphi ukuchitshiyelwa kwesinqumo sikamasipala ngesicelo semvume yezokuhlela kamasipala esasicutshungulwe kudala yiKomidi lezokuHlela likaMasipala.

Izicelo zokuThuthukiswa koMhlaba ezingaphansi kweQoqo 3

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

(a) zokuhlukaniswa kwanoma yimuphi umhlaba lapho lokho kuhlukaniswa kuhlinzekelwe ngokucacile ohlelweni lokusetshenziswa komhlaba;
(b) zokuhlanganiswa kwanoma yimuphi umhlaba;
(c) zokuhlukaniswa nokuhlanganiswa komhlaba ngesikhathi esisodwa ngaphansi kwezimo ezihlongozwe endimeni (a);
(d) "zemvume" noma "zegunya elisemthethweni" kwaMasipala kwanoma yikuphi ukusetshenziswa komhlaba ngenhloso noma ukuphambuka noma ukuchezuka ngokohlelo lokusetshenziswa komhlaba akubandakanyi isicelo sokuthuthukiswa komhlaba;
(e) zokususwa, zokuchitshiyelwa noma zokuhoxiswa kombandela wetayitela onezimiso eziphathelene nesibalo sezindlu ezizokwakhiwa, nokusetshenziswa komhlaba kanye nemingcele yokwakha esizeni esithile, lapho kulawulwa lezo zindaba zilawulwa uhlelo lokusetshenziswa komhlaba;
(f) zanoma iyiphi imvume nanoma yikuphi ukukhululwa njengoba kungadingeka ngokoHlelo lokuSetshenziswa koMhlaba lwaseMhlathuze;
(g) zanoma yikuphi ukuhlanganiswa kwezakhiwo ezisondelene;

(h) zokubhaliswa kwesivumelwano sokuqashiselana isikhathi eside;
(i) zokwelulwa kwetayitela lomhlaba ohlukaniswe iziqephu ngokwengeza umhlaba endaweni esetshenziswa yibo bonke abantu ngokwesigaba 26 se-Sectional Titles Act;
(j) noma yikuphi ukuthuthukiswa komhlaba osezindaweni ezingaphansi koMkhandlu woMdabu;
(k) nanoma yikuphi ukuchitshiyelwa kwesinqumo sikaMasipala ngesicelo semvume yezokuhlela kamasipala esasicutshungulwe uMsebenzi oGunyaziwe phambilini.

ISHEDULI 4

UKUHLUKANISWA KWEZICELO ZOKUTHUTHUKISWA KOMHLABA EZIDINGA IMVUME YEZOKUHLELA KAMASIPALA NGEZINHLOSO ZOKUBANDAKANYA UMPHAKATHI NJENGOBA KUNQUNYWE KWISIGABA 35(2) SALO MTHETHO KAMASIPALA

AmaQoqo ezicelo zokuThuthukiswa koMhlaba ngezinhloso zokubandakanya umphakathi

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

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

Izicelo ezingaphansi kweZinga 1

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

(2) Lezi zicelo ezilandelayo zokuthuthukiswa komhlaba ziyothathwa njengezicelo ezingaphansi kweZinga 1 ngokwezinhloso zokuxoxisana nomphakathi:

(a) izicelo zokuchitshiyelwa noma zokususwa kwegunya lokusebenzisela umhlaba womuntu ngesivumelwano imisebenzi, elibhaliswe ngokuvuna uMasipala, lapho leso sicelo singeke sihlukumeze umphakathi.

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

Izicelo ezingaphansi kweZinga 2

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

(2) Uma amakheli abanikazi bomhlaba bakuleyo ndawo engekho, umhlangano womphakathi ungabanjelwa endaweni eseduze nabanikazi bomhlaba bakuleyo ndawo. Isaziso somhlangano kumele silethwe ngesandla kubanikazi bomhlaba bakuleyo ndawo.

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

(a) izicelo zegunya elisemthethweni;
(b) izicelo zokuhoxiswa kwemingcele yokwakha. Ukukhangiswa kwesaziso esizeni esingeke sidingeke uma kufakwa lezi zicelo;
(c) ukuhlanganiswa ngokusemthethweni kwezakhiwo ezisondelene;
(d) noma yikuphi ukuthuthukiswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu, ngaphandle kokwakha imizi.

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

Izicelo ezingaphansi kweZinga 3

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

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

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

Izinhlinzeko ezijwayelekile

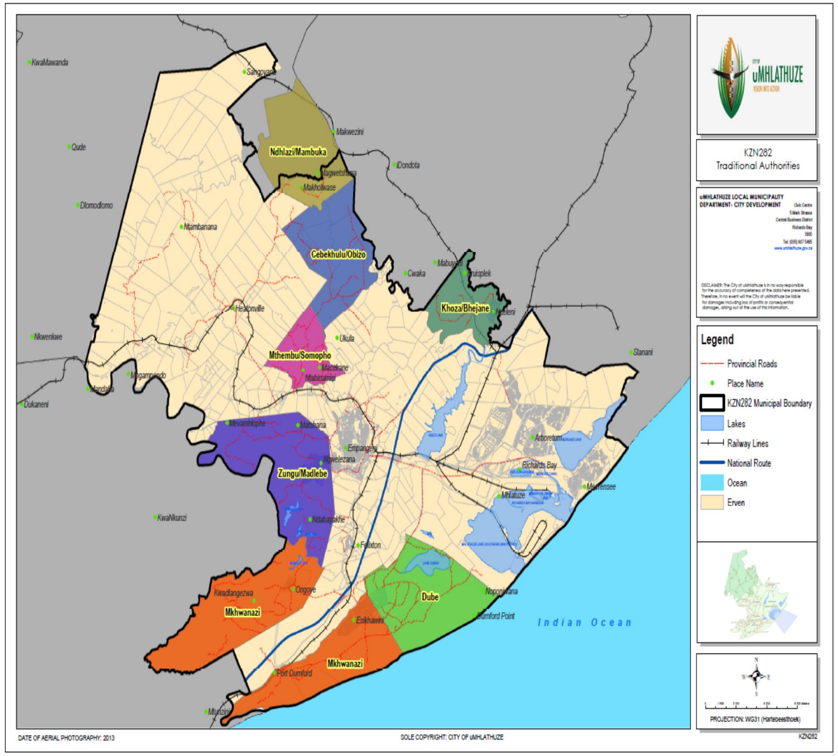
5. Ukuchitshiyelwa kwemvume yezokuhlela kamasipala ekhona egunyaziwe kuyolandela inqubo yokuxoxisana nomphakathi olufanayo nalolo olulandelwe ngesikhathi kufakwa isicelo sokuqala.

ISHEDULI 5

UKUMENYEZELWA KOMHLABA NJENGEZINDAWO EZINGAPHANSI KOMKHANDLU WOMDABU NGOKWESIGABA 118 SALO MTHETHO KAMASIPALA

1. Zonke izindawo okungezeNgonyama Trust Board ziyothathwa njengeziNdawo ezingaphansi koMkhandlu woMdabu njengoba kuhlongozwe kwisigaba 118 salo Mthetho kaMasipala, nanjengoba kukhonjiswe kuMdwebo 1.

UMDWEBO 1



ISHEDULI 6

INGXENYE A

INQUBO YOKUFAKA ISICELO SEMVUME YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZIHLELEKILE

Inqubo yokwenziwa ngaphambi kokufaka isicelo

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

(a) ukwazi ngenqubo yokufaka isicelo;

(b) ukwazi ukuthi yimaphi amaphepha okumele ahambisane nesicelo;

(c) ukwazi ngezinhlaka zikahulumeni nababambiqhaza abafanele okumele kuxhunyanwe nabo ngaphambi kokufaka isicelo;

(d) ukwazi ukuthi zingaba yimalini izimali zesicelo;

(e) ukwazi ukuthi zingaba yimalini izimali zemisebenzi yobunjiniyela; kanye

(f) nanoma yimiphi imininingwane efanele edingekayo.

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

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

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

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

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

Ukufakwa kwesicelo

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

(a) nefomu lokufaka isicelo;

(b) nencwadi eyeseka isicelo isicelo;

(c) nobufakazi bobunikazi obubhalisiwe kanye nekhophi yomdwebo womhlaba, ngaphandle uma isicelo siphathelene nokuchitshiyelwa okujwayelekile kohlelo lokusetshenziswa komhlaba;

(d) nemvume ebhaliwe yomnikazi obhalisiwe walowo mhlaba, uma umfakisicelo engeyena umnikazi wawo;

(e) nesiqinisekiso esibhaliwe senhlangano yabanikazi bomhlaba, somgwamanda ophethe osungulwe ngokwesigaba 36(1) se-Sectional Titles Act, senkampani enamasheya ehlongozwe kwisigaba 1se-Share Blocks Control Act nanoma yimuphi omunye umgwamanda ofanele, sokuthi isicelo siyahambisana nemikhombandlela nemithetho yepulani yayo yokugunyazwa kwepulani, uma ikhona;

(f) nombhalo wokweseka womkhandlu womdabu mayelana nezicelo, uma umhlaba usendaweni elawulwa amakhosi;

(g) nobufakazi bokuthi sahanjiswa kuzo zonke izinhlaka zikahulumeni;

(h) uma isicelo kuyisicelo sokuhlukaniswa noma sokuhlanganiswa komhlaba noma sokusungulwa kwelokishi –

(i) nokushoyo ukuthi ngabe uMklami Jikele kumele aphasise –

(aa) umdwebo; noma

(bb) ipulani enkulu,

yokuhlukaniswa noma yokuhlanganiswa komhlaba noma yokusungulwa kwelokishi;

(ii) nokushoyo ukuthi ngabe uMklami Jikelele kumele agunyaze umhlaba –

(aa) njengepulazi noma njengepulazi elihlukanisiwe, kubandakanya nengxenye noma nensalela yepulazi;

(bb) njengomhlaba ohlukanisiwe ongelona ipulazi;

(cc) njengesiza esikhona elokishini;

(dd) njengesiza esisha elokishini;

(i) nezincazelo zomhlaba ohlongozwayo; kanye

(j) nanoma yimaphi amanye amapulani, imidwebo, amaphepha, amakhophi noma nokuthwetshulwe ngemishini noma nezimali uMbhalisi wezokuHlela kaMasipala angazidinga.

(2) Isicelo semvume yezokuhlela kamasipala kumele sifakwe –

(a) kuMbhalisi wezokuHlela kaMasipala;

(b) komunye umuntu oqokwe uMphathi kaMasipala ukwamukela izicelo zemvume yezokuhlela kamasipala; noma

(c) kuMphathi kaMasipala, uma uMasipala ungakamqashi uMbhalisi wezokuHlela kaMasipala futhi noMphathi kaMasipala engakamqoki omunye umuntu ozokwamukela izicelo zezimvume zezokuhlela zikamasipala.

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

3.(1) UMbhalisi wezokuHlela kaMasipala kumele –

(a) arekhode isicelo semvume yezokuhlela kamasipala esitholakele ngokubhaliwe ngosuku esitholakale ngalo; futhi

(b) azise umfaksicelo ngokubhaliwe ezinsukwini ezingama-30 ngemuva kokuthola leso sicelo, noma ngaleso sikhathi esengeziwe ayovumelana ngaso nomfakisicelo –

(i) ukuthi isicelo sigcwaliswe ngokuphelele;

(ii) nanoma yimaphi amanye amapulani, amaphepha, eminye imininingwane noma izimali, okudingekayo.

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

Ukuhlinzekwa kweminye imininingwane

4.(1) Umfakisicelo kumele ahlinzeke uMbhalisi wezokuHlela kaMasipala ngemininingwane eyengeziwe ukuze kuqedelwe isicelo semvume yezokuhlela kamasipala ehlongozwe ephuzwini 3(1)(b)(ii) ngesikhathi esiyonqunywa uMasipala, leso sikhathi esingeke seqe ezinsukwini ezingama-90, noma leso sikhathi esengeziwe oyovumelana naso ngaso nomfaksicelo.

(2) Umfakisicelo anganqaba ngokubhaliwe ukuhlinzeka imininingwane eyengeziwe edingekayo, lapho ke uMbhalisi wezokuHlela kaMasipala kumele aqhubeke nokucubungula isicelo semvume yezokuhlela kamasipala.

(3) Kuncike kwizinhlinzeko zesigaba 61 salo Mthetho kaMasipala, isicelo semvume yezokuhlela kamasipala siphelelwa yisikhathi uma umfakisicelo ehluleka ukuletha amapulani, amaphepha noma imininingwane edingwa uMbhalisi wezokuHlela kaMasipala ngesikhathi esinqunyiwe, ngaphandle uma umfakisicelo enqabe gnokubhaliwe ukuhlinzeka amanye amapulani, amaphepha noma eminye imininingwane ngaphambi kokuthi isicelo siphelelwe yisikhathi.

(4) UMasipala ungasinqaba isicelo semvume yezokuhlela kamasipala, uma singaqukethe imininingwane edingekayo ukuthi kuthathwe isinqumo esifanele esihlongozwe kwisigaba 6(2)(e)(ii) soMthetho wokuGqugquzela uBulungiswa kuHulumeni, 2000 (uMthetho No. 3 ka 2000).

Isiqinisekiso sokufakwa isicelo esigcwaliswe ngokuphelele, uma kwakudingeka eminye imininingwane

5.(1) UMbhalisi wezokuHlela kaMasipala kumele azise umfakisicelo ngokubhaliwe ezinsukwini ezingama-30 ngemuva kokuthola amanye amapulani, amaphepha kanye neminye imininingwane okudingekayo –

(a) sokuthi isicelo sigcwaliswe ngokuphelele; noma

(b) sokuthi lawo mapulani, namaphepha kanye neminye imininingwane akuhlangabezani nokudingwa uMasipala.

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

(3) Isicelo semvume yezokuhlela kamasipala sithathwa njengesigcwaliswe ngokuphelele, uma Mbhalisi wezokuHlela kaMasipala ehluleke ukwazisa umfakisicelo ezinsukwini ezingama-30 –

(a) ukuthi isicelo sigcwaliswe ngokuphelele; noma

(b) ukuthi lawo mapulani, namaphepha kanye neminye imininingwane akuhlangabezani nokudingwa uMasipala.

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

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

(a) uma sekunesiqiniseko sokuthi isicelo sigcwaliswe ngokuphelele; noma

(b) uma isicelo sesithathwa njengesigcwaliswe ngokuphelele.

Ukuqashwa kwesicelo yiLungu loMkhandlu oPhethe elifanele

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

(a) uma sekunesiqiniseko sokuthi isicelo sigcwaliswe ngokuphelele; noma

(b) uma isicelo sesithathwa njengesigcwaliswe ngokuphelele.

Ukuxoxisana nomphakathi

8.(1) UMasipala kumele ukhiphe isaziso sesicelo ezinsukwini ezingama-21 wazise umfakisicelo ukuthi isicelo sigcwaliswe ngokuphelele.

(2) UMbhalisi wezokuHlela kaMasipala angadinga ukuthi umfakisicelo axhumane nomphakathi ngezindleko zomfakisicelo.

(3) Usuku lokuvala lokuletha izimvo ngesicelo semvume yezokuhlela kamasipala angeke sibe ngaphansi kwezinsuku ezingama-30 kusukela ngosuku okukhishwe ngalo isaziso.

(4) Isaziso sesicelo semvume yezokuhlela kamasipala kumele sibandakanye okubalulwe ephuzwini 9(3).

(5) Umfakisicelo kumele ahlinzeke uMbhalisi wezokuHlela kaMasipala ngobufakazi bokuthi isaziso sesicelo semvume yezokuhlela kamasipala sakhishwa.

Ukukhishwa kwesaziso somphakathi

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

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

(3) Isaziso kumele –

(a) sihlonze umhlaba ofakelwe isicelo, bese kuthi uma lowo uyisiza –

(i) sibe nekheli lendawo isiza esikuyona, noma, uma isiza singenalo ikheli lendawo, sihlinzeke ibalazwe laleyo ndawo isiza esikuyona; futhi

(ii) sinikize incazelo yesiza;

(b) siveze inhloso yesicelo;

(c) siveze ukuthi ikhophi yesicelo kanye namaphepha ahambisana naso siyovulwa ukuze sihlolwe amalungu omphakathi anentshisekelo ngamahora okusebenza nasendaweni ebalulwe kwisaziso;

(d) simeme amalungu omphakathi ukuthi aqinisekise ukuthi izimvo ezibhaliwe zilethwa kumuntu obaluwe kwisaziso;

(e) siveze ukuthi izimvo kumele zifakwe kanjani;

(f) sibeke usuku okumele zifakwe ngalo; futhi

(g) siveze ukuthi ukwehluleka komuntu ukeletha izimvo eziphendula isaziso, kuyamchitha lowo muntu ekubambeni iqhaza kulolu hlelo.

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

Isaziso esibekwa esizeni

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

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

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

Ukuthunyelwa kwesaziso esibhaliwe kubanikazi bomhlaba bakuleyo ndawo kanye nakwiziNhlaka zikaHulumeni

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

(a) abanikazi bomhlaba njengoba kunqume uMasipala, noma uSihlalo womgwamanda ophethe omele abanikazi bomhlaba, noma usihlalo wenhlangano wabanikazi bemizi omele abanikazi bomhlaba;

(b) ikhansela likamasipala lewadi isiza esikuyona, uma likhona; kanye

(c) nezinhlaka zikahulumeni lolu daba oluyingxenye yemisebenzi yazo.

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

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

(a) umuntu ogunyaziwe omele abasayinayo uma isikhalo noma isethulo esifakwe umuntu othi ugunyaziwe ukumela labo bantu; noma

(b) umuntu igama lakhe elivela kuqala emaphepheni, uma kungekho muntu othi ugunyaziwe ukumela labo bantu.

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

Ukukhishwa kwesaziso ephephandabeni

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

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

Imihlangano yomphakathi

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

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

(3) UMasipala ungayalela umfakisicelo ukuthi –

(a) athumele isaziso somhlangano kwikhansela laleyo wadi;

(b) azise umphakathi ngomhlangano ngokumemezela ngombhobho, ngokushicilela isaziso ephephandabeni, ngokuthumela izincwadi kubanikazi bomhlaba bakuleyo ndawo, nangenye indlela njengoba uMasipala unganquma;

(c) athole umuntu ozimele ozolekelela ekwethuleni lolu daba;

(d) ahlinzeke umhumushi;

(e) agcine amaminithi omhlangano okuyiwonawona;

(f) nanoma iyiphi inhlinzeko njengoba uMasipala unganquma.

Ilungelo lomfakisicelo lokuphendula

14.(1) UMbhalisi wezokuHlela kaMasipala kumele athumele –

(a) amakhophi azo zonke izimvo ezitholakele mayelana nesaziso sesicelo; kanye

(b) nesaziso esazisa umfakisicelo ngamalungelo omfakisicelo okuphendula izimvo kanye nelungelo lokungaziphenduli,

kumfakiscelo ezinsukwini eziyi-14 ngemuva kosoku lokuvalwa kokulethwa kwezimvo.

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

(3) Umfakisicelo ngokubhaliwe anganquma ukungalisebenzi ilungelo lakhe lokuphendula ngezimvo.

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

Ukucutshungulwa nokudluliselwa kwesicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala

15. UMbhalisi wezokuHlela kaMasipala noma uMhleli oQeqeshiwe kumele ahlole ukufaneleka kwesicelo njengoba kudingeka ngokwesigaba 40 salo Mthetho kaMasipala.

Ukuhlolwa kwendawo

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

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

(a) umfakisicelo; kanye

(b) nanoma yimuphi omunye umuntu ohlonzwe uMphathisihlalo,

ngosuku nangesikhathi okuyohlolwa ngaso indawo.

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

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

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

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

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

(a) ezinsukwini ezingama-60 kusukela ngosuku isicelo namaphepha ahambisana naso –

(i) esadluliselwa ngalo kuMsebenzi oGunyaziwe wezokuHlela kaMasipala; noma

(ii) esadluliselwa ngalo kuSihlalo weKomidi lezokuHlela likaMasipala,

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

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

(c) leso sikhathi esengeziwe okuvunyelenwe ngaso nomfakisicelo, leso sikhathi esingeke seqe ezinsukwini eziyi-180 ngemuva kosuku isicelo namaphepha ahambisana naso esadluliselwa ngalo –

(i) kuMsebenzi oGunyaziwe wezokuHlela kaMasipala; noma

(ii) kuSihlalo weKomidi lezokuHlela likaMasipala.

Izincomo zeKomidi lezokuHlela likaMasipala ngesicelo okumele uMkhandlu kaMasipala unqume ngaso

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

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

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

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

Ukudluliselwa kwesicelo uMkhandlu kaMasipala okumele unqume ngaso

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

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

(a) nezimvo ezifingqiwe ezitholakale njengezimpendulo zenqubo yokuxoxisana nomphakathi;

(b) nempendulo yomfakisicelo mayelana nezimvo, uma ikhona;

(c) nombiko weKomidi lezokuHlela likaMasipala mayelana nesicelo;

(d) nezincomo zeKomidi lezokuHlela likaMasipala mayelana nesicelo; kanye

(e) nesinqumo seKomidi lezokuHlela likaMasipala mayelana nanoma yisiphi isicelo semvume yezokuhlela kamasipala esiphathelene nokuthuthukiswa okufanayo elanquma ngakho.

Isikhathi uMkhandlu kaMasipala okumele unqume ngaso ngesicelo

20.(1) UMkhandlu kaMasipala kumele unqume ngesicelo semvume kamasipala –

(a) ezinsukwini ezingama-90 ngemuva kokuthi uthole amaphepha ahlongozwe ephuzwini 19; noma

(b) leso sikhathi esengeziwe ovumelene ngaso nomfakisicelo, leso sikhathi okungamele seqe ezinsukwini eziyi-180 ngemuva kosuku isicelo namaphepha ahambisana naso esadlulisewa ngalo eMkhandlwini kaMasipala.

Isaziso sesinqumo

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

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

(a) umuntu ogunyaziwe omele abasayinayo uma isikhalo noma isethulo silethwa umuntu othi unegunya lokumela labo bantu; noma

(b) umuntu igama lakhe elivela kuqala emaphepheni, uma engekho umuntu othi ugunyaziwe ukumela abantu abasayinayo.

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

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

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

(a) ngekhophi yesinqumo sikaMasipala kanye nezizathu zesinqumo esithathiwe; futhi

(b) uma umfakisicelo ethole imvume enemibandela ethile, ngekhophi yayo yonke imibandela ebekwe uMasipala, kanye nezizathu zokubekwa kwaleyo mibandela.

INGXENYE B

INQUBO YOKUFAKA ISICELO SEMVUME YEZOKUHLELA KAMASIPALA YOKUTHUTHUKISWA NOMA YOKUSETSHENZISWA KOMHLABA EZINDAWENI EZINGAPHANSI KOMKHANDLU WOMDABU NJENGOBA KUNQUNYWE YISIGABA 35 SALO MTHETHO KAMASIPALA

Asidingeki isicelo
1. Ayikho imvume yezokuhlela kamasipala eyodingeka uma kuzokwakhiwa umuzi okuzohlalwa kuwona endaweni engaphansi koMkhandlu woMdabu ngokwalo Mthetho kaMasipala.

2. Noma yikuphi ukuthuthukiswa komhlaba noma ukusetshenziswa komhlaba okungekona okwezinhloso zokwakha izindlu zokuhlala kuyodinga imvume yezokuhlela kamasipala.

Abantu abangafaka isicelo
3. Isicelo semvume yezokuhlela kamasipala sanoma yini ebalulwe ephuzwini 2 lukaSheduli 2 walo Mthetho kaMasipala, ngaphandle kokwenziwa ngenhloso yokwakha izindlu zokuhlala, emhlabeni omenyezelwe umasipala njengendawo engaphansi koMkhandlu woMdabu, siyofakwa umuntu osethole imvume yomkhandlu womdabu noma yohlaka olulawula igunya laleyo ndawo, kuncike kwimvume yezokuhlela kamasipala.

Abantu okumele bafake izicelo
4. Kuncike kwizinhlinzeko zephuzwana 1 lukaSheduli 1, isicelo semvume yezokuhlela kamasipala yokuthuthukiswa komhlaba endaweni engaphansi koMkhandlu woMdabu singenziwa futhi silethwe yinoma yimuphi umuntu, ngaphandle uma uMasipala uthi isicelo salolo hlobo kumele senziwe futhi silethwe umuntu othile noma umuntu oqeqeshwe ngendlela efanele.

Ukufakwa kwesicelo
5.(1) Isicelo semvume yezokuhlela kamasipala sokuthuthukiswa komhlaba ezindaweni ezimenyezelwe njengezingaphansi koMkhandlu woMdabu kumele zibandakanye –

(a) igama kanye nemininingwane yezokuxhumana yomfakisicelo;
(b) isibongo somuzi umfakisicelo awumele;
(c) igama lendawo engaphansi koMkhandlu woMdabu, uma likhona;
(d) igama leNkosi yaleso sizwe esingaphansi komkhandlu womdabu kanye negama leNduna yaleso siGodi, noma igama lohlaka olunegunya lalowo mhlaba, uma likhona;
(e) imvume yoMkhandlu woMdabu noma yohlaka olunegunya lalowo mhlaba neyanoma yibaphi abaholi bomdabu;
(f) izinkomba ze-GPS ezikhombisa ukuthi isiza esifakelwe isicelo sikuphi nemininingwane eyanele ekhombisa ubungako baso noma umdwebo wokuklanywa komhlaba;
(g) amaphuzu aseka ukuthuthukiswa komhlaba okuhlongozwayo;
(h) izithombe ezikhombisa isiza;
(i) isiqiniseko esivela koMholi woMdabu noma umholi womphakathi lowo mhlaba owuzungezile kanye nesokuthi omakhelwane kuxhunyenwe nabo; kanye
(j) nanoma yimaphi amanye amaphepha noma imininingwane uMasipala ongayidinga.

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

(a) kuMbhalisi wezokuHlela kaMasipala;
(b) komunye umuntu oqokwe uMphathi kaMasipala ukuthi amukele izicelo zemvume yezokuhlela kamasipala zokuthuthukiswa komhlaba noma zokusetshenziswa komhlaba ezindaweni ezingaphansi koMkhandlu woMdabu.

Ukuqinisekisa ukuthi umhlaba uyatholakala yini
6.(1) Uma imininingwane iphelele, uMasipala kumele –

(a) uqinisekise ukuthi umhlaba uyingxenye yendawo engaphansi koMkhandlu woMdabu omenyezelwe kanjalo uMasipala; futhi
(b) uqhathanise isicelo namarekhodi kaMasipala –
 (i) ezinye izicelo kanye nezimvume zemvume yezokuhlela kamasipala endaweni efanayo; kanye
 (ii) nomhlaba obekelwe imisebenzi yobunjiniyela noma yengqalasizinda yezenhlalo yomphakathi endaweni,

ukunquma ukuthi umhlaba wokwakha ukhona yini.

(2) Uma uMasipala usutholile ukuthi umhlaba ofakelwe isicelo semvume yezokuhlela kamasipala ungatholakali ngezizathu ezehlukahlukene, uMasipala uyokwazisa umfakisicelo ngokubhaliwe ezinsukwini ezingama-30 uthole lokho, wazise umfakisicelo ukuthi –

(a) ahoxise isicelo; noma
(b) achibiyele isicelo ngokubonisana nomkhandlu womdabu noma nohlaka olunegunya kulowo mhlaba kanye nabantu abanetshisekelo noma abathintekayo.

(3) UMasipala uyonika umfakisicelo izinsuku ezingama-90 kusukela ngosuku okhiphe ngalo isaziso sokungatholakali kwesiza ukuthi ahoxise noma achibiyele isicelo.

(4) Uma umfakisicelo ehluleka ukuphendula isaziso sikaMasipala ngokubhaliwe njengoba kuhlinzekwe kwiphuzwana (3) ngenhla, ekupheleni kwesikhathi esiyizinsuku ezingama-90, isicelo kuyothathwa ngokuthi sihoxisiwe.

(5) Uma isicelo siphelele, kungekho eminye imininingwane edingekayo, uMasipala kumele ucacise ukuthi kwenzekani ngesicelo, mayelana nokuthi iyiphi inqubo yokuxoxisana nomphakathi ezodingeka.

(6) UMasipala ungangadingi ukuthi kulandelwe inqubo yokuxoxisana nomphakathi njengoba kuhlinzekwe kulo Mthetho kaMasipala kwezinye izicelo.

Ukukhishwa kwemvume yezokuhlela kamasipala
7.(1) Uma –

(a) isicelo siphelele;
(b) umhlaba uyingxenye yendawo engaphansi koMkhandlu woMdabu;
(c) kungekho omunye umuntu othi umhlaba owakhe;
(d) umhlaba ungadingelwa imisebenzi yobunjiniyela noma yengqalasizinda yezenhlalo yomphakathi;
(e) umhlaba ungabukeki njengokungaqhuma kuwo amanzi noma njengohlaselwa ezinye izimo ezingadala ukuthi ungaphephi ukuthi uhlale abantu;
(f) umhlaba ungakahlonzwa uNgqongqoshe oBhekele ezoLimo njengomhlaba onothile odingekayo ukuthi usetshenziselwe ezolimo ukukhiqiza ukudla okungasiza kuzwelonke;
(g) umhlaba ungewona umhlaba odinga ukuvikelwa ngokukhethekile;
(h) isicelo singaphikisani nezinhlinzeko zohlelo lokusetshenziswa komhlaba; futhi
(i) Ingonyama Trust Board nanoma yiluphi olunye uhlaka olunegunya lalowo mhlaba lungaphikisani nokuthuthukiswa noma nokusetshenziswa kwalowo mhlaba,

uMbhalisi wezokuHlela kaMasipala kumele adlulisele isicelo kwisiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala ukuze sisicubungule futhi sikhiphe imvume ngokwalo Mthetho kaMasipala.

(2) UMbhalisi wezokuHlela kaMasipala kumele arekhode imininingwane ehlongozwe kwiphuzwana (2) kwirejista elihlongozwe kwisigaba 125(3).

(3) Uma isicelo singagcwalisiwe ngokuphelele, isiza singatholakali noma sisemhlabeni ohlongozwe kwiphuzwana (1), uMbhalisi wezokuHlela kaMasipala angasinqaba isicelo.

(4) IsiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala singakhipha izimvume zezokuhlela zikamasipala zokuthuthukiswa komhlaba ezindaweni ezimenyezelwe njengezindawo ezingaphansi koMkhandlu woMdabu kuncike kunoma yimiphi imibandela.

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

Ukudluliselwa kwemvume yezokuhlela kamasipala
8.(1) Imvume yezokuhlela kamasipala yokuthuthukiswa komhlaba yendawo emenyezelwe njengendawo engaphansi koMkhandlu woMdabu ingadluliselwa kodwa lokho kudluliselwa kumele kugunyazwe uMasipala ngemuva kokubonisana noMkhandlu woMdabu noma nohlaka olunegunya lalowo mhlaba.

(2) Noma yikuphi ukudluliselwa kwemvume yezokuhlela kamasipala yokuthuthukiswa komhlaba endaweni emenyezelwe njengendawo engaphansi koMkhandlu woMdabu angeke kusebenze kuze kube kugunyazwa uMasipala ngemuva kokubonisana noMkhandlu woMdabu noma nohlaka olunegunya laleyo ndawo umhlaba okuyona.

ISHEDULI 7

INQUBO YOKUFAKA ISICELO SOKUDLULISELWA KWESIKHALO NGESINQUMO SESIGUNGU ESIBHEKELE UKUKHISHWA KWEZIMVUME ZEZOKUHLELA SIKAMASIPALA ENQUNYWE NGOKWESIGABA 71 SALO MTHETHO KAMASIPALA

INgxenye 1: Ukufakwa kwesikhalo esibhaliwe

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

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

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

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

(5) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele asho ukuthi usitholile isikhalo esliethwe ngokubhaliwe ezinsukwini eziyi-7 sitholakele.

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

Okuqukethwe esikhalweni esibhaliwe
2.(1) Isikhalo esibhaliwe kumele –

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

(2) UMphathi kaMasipala noma uMbhalisi wesiGungu sokuDluliselwa kweziKhalo anganquma ukuthi isikhalo asikho semthethweni uma singakhulumi ngezindaba ezibalulwe kwiphuzwana 2(1)(a) kuya ku (e) lale Sheduli.

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

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

(2) Isicelo okukhulunywe ngaso kwiphuzwana 3(1) kumele silethwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

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

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

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

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

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

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

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

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

Isinqumo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe
5.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyodlulisela isikhalo okukhulunywe ngaso kwiphuzwana 3(1) kanye nencwadi efungelwe ephikisa isicelo okukhulunywe ngaso kwiphuzwana 4(1) kuMphathisihlalo ezinsukwini eziyi-7 kutholakele incwadi efungelwe ephikisa isicelo.

(2) UMphathisihlalo kumele –

(a) anqume ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe ezinsukwini eziyi-14 kuthunyelwe ikhophi yencwadi efungelwe ephikisa isicelo; futhi
(b) uma isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe samukelwe, abuyekeze futhi alungise imikhawulo yesikhathi ephathelene nokufakwa kwememorandamu kanye nokudingidwa kwesikhalo yisiGungu sokuDluliselwa kweziKhalo. Lokho kulungiswa kuyohambisana noMthethonqubo 30(2), obeka ukuthi inqubo yokwenziwa ngaphambi kokulalewa kwesikhalo kumele iqedwe ezinsukwini eziyi-150 kusukela ngosuku uMphathi kaMasipala athole ngalo isaziso sesikhalo.

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

(a) imininingwane kanye nezizathu okuqukethwe kwisicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;
(b) imininingwane kanye nezizathu okuqukethwe encwadini efungelwe yesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;
(c) izizathu kanye namaphuzu kokufakwa kwesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe;
(d) ukubandlulululwa okungaba khona kwanoma yiluphi uhlangothi oluthintekayo kuleso sikhalo;
(e) isikhathi esesiphelile kusukela ngosuku okwakhishwa ngalo isinqumo sikaMasipala; kanye
(f) nokuthi isiGungu sokuDluliselwa kweziKhalo sikaMasipala sisazokwazi yini ukulandela uMthethonqubo 30(2), obeka ukuthi inqubo yokwenziwa ngaphambi kokulalewa kwesikhalo kumele iqedwe ezinsukwini eziyi-150 kusukela ngosuku uMphathi kaMasipala athole ngalo isaziso sesikhalo.

Isaziso sesinqumo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe
6. UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ezinsukwini eziyi-7 ngemuva kokuthola isinqumo esithathwe uMphathisihlalo ngesicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso sesikhalo esibhaliwe, athumele isaziso esibhaliwe sesinqumo kuzo zonke izinhlangothi ezithintekayo.

INgxenye 3: Ukufaka isicelo segunya lokungenelela

7.(1) Umuntu, uma yingasiphi isikhathi ngesikhathi sezingxoxo, kodwa kumele kube sezinsukwini eziyi-7 aze ngezingxoxo, angaletha isicelo esibhaliwe sokunikwa igunya lokungenelela kuMphathi kaMasipala.

(2) Isicelo esibhaliwe segunya lokungenelela kumele sihlinzeke izizathu zokufaka isicelo segunya lokungenelela, kubandakanya –

(a) izizathu zokuthi kungani umuntu engakuphakamisanga ukungagcliseki noma ukuphikisana kwakhe ngesikhathi sokuxoxisana nomphakathi okwenziwa njengenqubo elandelwa uma kufakwa isicelo sokuthuthukiswa komhlaba;
(b) izizathu zokuthi kungani isinqumo sesiGungu esiBhekele ukuKhishwa kweziMvume zezokuHlela sikaMasipala siyohlukumeza amalungelo akhe, nokuthi isinqumo esizothathwa yisiGungu sokuDlulilselwa kweziKhalo singawahlukumeza kanjani amalungelo akhe;

(c) uma umuntu ofake isicelo esibhaliwe emele iqoqo labantu, ukuthi lelo qoqo labantu lokungagculiseki ngezingxoxo;
(d) ukuthi isinqumo sesiGungu sokuDluliselwa kweziKhalo siyoyithikameza kanjani intshisekelo yomuntu ofaka isicelo esibhaliwe;
(e) ukuthi kungani intshisekelo yakhe ingamelwe ngokwanele yizinhlangothi eziyingxenye yezingxoxo; nokuthi
(f) umuntu ofake isicelo esibhaliwe angahlinzeka umbono ohlukile ngezindaba ezisezithebeni zesiGungu sokuDluliselwa kweziKhalo ngaphandle kokucacisa lezo zindaba.

(3) UMphathi kaMasipala noma isiGungu sokuDluliselwa kweziKhalo singanquma ukuthi isicelo segunya lokungenelela asikho semthethweni uma singakhulumi ngezindaba ezibalulwe kwiphuzwana 7(2) lale Sheduli, njengoba kuyothathwa ngokuthi isigaba 45(3) soMthetho akuhlangatshezwananga naso.

(4) Ngokuhambisana nesigaba 31(2) seMithethonqubo, umuntu ofaka isicelo esibhaliwe kanye nesicelo okumele sikhishelwe igunya lokungenelela kumele alethe incwadi efungelwe eshoyo –
(a) ukuthi akazange adudane nanoma yimuphi umfakisicelo, umuntu ofake isiphikiso noma umuntu odlulisele isikhalo;
(b) uzimisele ukubhekana noma ukwenza noma yini isiGungu sokuDluliselwa kweziKhalo esingamyalela ukuthi ayenze mayelana nesicelo noma nesikhalo.

(5) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele sisho ukuthi sisitholile isicelo esibhaliwe segunya lokungenelela ezinsukwini eziyi-7 sisitholile.
(6) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ezinsukwini ezingama-30 ethole isicelo segunya lokungenelela adlulisele isicelo kwisiGungu sokuDluliselwa kweziKhalo ukuze sithathe isinqumo.

(7) IsiGungu sokuDluliselwa kweziKhalo kumele sinqume ukuthi ngabe okudingekayo ngokwesigaba 45(4) se-SPLUMA kanye noMthethonqubo 31 kulandeliwe, bese sinquma ukuthi igunya lokungenelela lizokhishwa noma cha, nanoma yimiphi imibandela esebenza kwigunya lokungenelela njengoba kubekwe kwisigaba 45(4) se-SPLUMA.

(8) Ngokuhambisana noMthethonqubo 31(5), isinqumo sesiGungu sokuDluliselwa sokuthi umuntu ofake isicelo esibhaliwe ufanelekile njengomuntu onentshisekelo siwujuqu.

(9) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyoqinisekisa ukuthi zonke izingxoxo zirekhodwa ngokubhaliwe.

(10) UMphathisihlalo uyokhipha isinqumo esiphathelene nesicelo segunya lokungenelela, esikhombisa imibono yesiGungu sokuDluliselwa kweziKhalo, ezinsukwini eziyi-14 ngemuva kokuthi kuphele umhlangano.

(11) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ezinsukwini eziyi-7 ethole isinqumo soMphathisihlalo esiphathelene nalolo daba, athumele ikhophi yesinqumo kumuntu ofake isicelo esibhaliwe kanye nasezinhlangothini ebeziyingxenye yomhlangano wokudingidwa kwesikhalo.

(12) Uma igunya lokungenelela likhishiwe, uMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele adlulisele ikhophi yamaphepha okukhulunywe ngawo kwisigatshana 7(1) nakwisigatshana 7(10) ezinhlangothini ezifanele zesikhalo ezinsukwini eziyi-7 ethole isinqumo soMphathisihlalo.

INgxenye 4: Inqubo yokwenziwa ngaphambi kokudingidwa kwesikhalo

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

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

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

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

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

(4) Umuntu ofuna ukufaka isiphikiso esibhaliwe sesikhalo kumele, ezinsukwini ezingama-21 ngemuva kokuthi isikhalo esibhaliwe sithunyelwe kulowo muntu, athumele isiphikiso esibhaliwe sesikhalo –
(a) kuMbhalisi wesiGungu sezokuHlela sokuDluliselwa kweziKhalo;
(b) umuntu odlulisele isikhalo njengoba kuhlongozwe ephuzwini 1(1) lale Sheduli.

(5) Uma isiphikiso esibhaliwe sesikhalo singakhulumi ngezindaba ezibekwe kwiphuzwana 9(3)(a) kuya ku (d) futhi/noma singafikanga ngesikhathi esihlongozwe kwiphuzwana 9(4), uMphathi kaMasipala noma uMbhalisi wesiGungu sokuDluliselwa kweziKhalo anganquma ukuthi isiphikiso esibhaliwe sesikhalo asikho semthethweni futhi angeke sicutshungulwe.

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

Isinqumo sokuthi ngabe kudingeka eminye imininingwane noma amanye amakhono ukuze kuthathwe isinqumo ngesikhalo kanye nokunqunywa kwezinsuku

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

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

(a) ukuthi ngabe kuzodingeka ukuthi izingxoxo zibhalwe noma zenziwe ngomlomo;

(b) ukuthi ngabe kuzodingeka eminye imininingwane ukuze isiGungu sokuDluliselwa kweziKhalo sicubungule udaba nokuthi ngabe kuzoba nesidingo sokuthi aphoqwe ukuthi alethe leyo mininingwane;

(c) ukuthi ngabe kuzobizwa noma yibaphi ofakazi;

(d) ukuthi ngabe isigungu sokudluliselwa kwezikhalo sizodinga usizo lomeluleki wezobuchwepheshe;

(e) ukuthi ngabe indawo kumele ihlolwe;

(f) ngezinsuku ezihlongoziwe zokuhlolwa kwezakhiwo noma zokudingidwa kwesikhalo.

(3) Uma uMphathisihlalo enquma ukuthi ukudingidwa kwesikhalo kwenziwe ngokubhaliwe, uMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele azise izinhlangothi ezithintwa yisikhalo ezinsukwini eziyi-7 ngezizathu zokuthi kungani uMphathisihlalo ebona ukuthi izindaba zokunquma ngokudluliselwa kwesikhalo zingenzeka kahle uma izinhlangothi ezithintekayo zingekho, futhi acele imvume yezinhlangothi ezithintekayo ebhaliwe ezinsukwini eziyi-7 ngaphambi kokuthi kuthathwe isinqumo ngesikhalo ngaphandle kokuthi silalelwe.

(4) Uma izinhlangothi ezithintekayo zingavumelani nokudingidwa kwesikhalo, kumele kubanjwe isithangami sokudingidwa kwesikhalo ngomlomo. Ukuhluleka ukuphendula isicelo semvume kumele kuthathwe njengemvume yokuthi kubanjwe isithangami sokudingidwa kwesikhalo.

(5) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele sazise zonke izinhlangothi zonke izinhlangothi zesikhalo ngokubhaliwe ngosuku, ngesikhathi nasendaweni okuhlongozwa ukuthi kuzodingidwa khona isikhalo futhi kuhlolwe indawo, uma kunjalo, futhi acele ukuthi kulethwe wonke amaphepha uhlangothi oluhlose ukuthi luwasebenzise uma sekudingidwa isikhalo okungenani ezinsukwini ezingama-21 ngaphambi kokuqala kokudingidwa kwesikhalo, kubandakanya –

(a) imininingwane yomuntu oyobakhulumela ngesikhathi kudingidwe isikhalo, uma kunjalo, nokuthi uthinteka kanjani kanye nemininingwane yokuxhumana; kanye

(b) nohlu lochwepheshe uhlangothi oluyothembela kubona ukuthi bethule ubufakazi bezobuchwepheshe uma isikhalo sidingidwa ngomlomo kanye nokukhombisa ukuthi bawochwepheshe kumiphi imikhakha, uma kukhona.

Ukudluliselelwa ukuhlolwa

11.(1) Uma ethola isiphikiso esibhaliwe sesikhalo esihlongozwe kwiphuzwana 9(4), uMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ezinsukwini ezingama-30 adlulisele isicelo kanye nesikhalo kumuntu oqokiwe ozimele njengoba kuhlongozwe kwisigaba 74 salo Mthetho kaMasipala.

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

Ukuhlanganiswa kwamaphepha kuyadingeka ukuze kunqunywe ngesikhalo

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

(2) Amaphepha esikhalo ayobandakanya –

(a) isicelo sokuthuthukiswa komhlaba esilethwe kuMasipala;

(b) ubufakazi bokulandelwa kwenqubo yokuxoxisana nomphakathi kanye nazo zonke izimvo neziphikiso ezitholakele;

(c) noma yimuphi umbiko kanye namaphuzu eseka isikhalo;

(d) isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala kanye nemibandela yemvume;

(e) ubufakazi zonke izinhlangothi ezithintwa yisicelo sokuthuthukiswa komhlaba zaziswa ngesinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala nangelungelo labo lokufaka isikhalo ngesinqumo;

(f) ukuthi imemorandamu yesikhalo itholakele;

(g) ukuthi isiphikiso esibhaliwe sesikhalo sitholakele (uma sikhona);

(h) noma yisiphi isicelo sokwelulwa kwesikhathi sokufaka isikhalo esibhaliwe noma isiphikiso esibhaliwe sesikhalo kanye nesinqumo esimayelana nalokho;

(i) noma yisiphi isicelo segunya lokungenelela (uma sikhona);

(j) umbhalo ofingqiwe wenqubo elandeliwe nokuthi ngabe izikhathi ezibekwe ngokomthetho zigciniwe; kanye

(k) nanoma yimiphi imininingwane uMbhalisi wesiGungu sokuDluliselwa kweziKhalo angayibona ifanele.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele aqinisekise ukuthi zonke izinhlangothi ezithintwa yisikhalo ziyawathola amaphepha okungenani ezinsukwini eziyi-14 ngaphambi kokuqala kokudingidwa kwesikhalo.

(4) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo angafaka amaphepha kwiwebhusayithi kaMasipala okungenani ezinsukwini eziyi-14 ngaphambi kokuqala kokudingidwa kwesikhalo.

Ukuhlehliswa kokuhlolwa kwendawo noma kokudingidwa kwesikhalo

13.(1) Noma yiluphi uhlangothi oluthintwa yisikhalo lungacela ngokubhaliwe uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ukuthi kuhlehliswe ukuhlolwa kwendawo noma ukudingidwa kwesikhalo okungenani ezinsukwini eziyi-10 sokusebenza ngaphambi kokuhlolwa kwendawo noma kokudingidwa kwesikhalo.

(2) Isicelo sokuhlehliswa kokuhlolwa kwendawo noma sokudingidwa kwesikhalo kumele sibe yincwadi efungelwe, equkethe izizathu ezizwakalayo zokuthi kungani kufakwe isikhalo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ngemuva kosuku olulodwa lokusebenza ethole isicelo sokuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwendawo, azise zonke izinhlangothi ezithintwa yisikhalo ngesicelo bese ecela izethulo eziphathelene nesicelo, uma siphikiswa.

(4) Noma yiluphi uhlangothi oluthintwa yisikhalo lungaphikisa isicelo sokuhlehliswa kokuhlolwa kwendawo noma kokudingidwa kwesikhalo. Isitatimende esiphikisayo kumele silethwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ezinsukwini ezintathu zokusebenza kutholakale isicelo sokuhlehliswa kokuhlolwa kwendawo noma sokudingidwa kwesikhalo.

(5) Isiphikiso sesikhalo sokuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwendawo kumele sibe yincwadi efungelwe, equkethe izizathu ezizwakalayo zokuthi kungani isicelo siphikiswa.

(6) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ngemuva kosuku olulodwa lokusebenza ethole izethulo eziphathelene nesicelo sokuhlehliswa kokudingidwa kwesikhalo noma kokuhlolwa kwendawo, alethe isicelo nezethulo kuMphathisihlalo ukuze athathe isinqumo.

(7) UMphathisihlalo anganqaba lokho kuhlehliswa noma avume lokho kuhlehliswa uma kunezizathu ezizwakalayo futhi kumele azise izinhlangothi ezithintekayo ngesinqumo sakhe ezinsukwini ezintathu eceliwe.

(8) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele ukhiphe isaziso sesinqumo soMphathisihlalo sokunqaba noma sokuvuma ukuhlehliswa kokudingidwa kwesikhalo noma sokuhlolwa kwezakhiwo.

Ukuhoxiswa kwesikhalo ngenxa yokulibala okungasidingo komuntu odlulisele isikhalo

14.(1) IsiGungu sokuDluliselwa kweziKhalo ngokubhaliwe angahoxisa isikhalo, uma egculisekile ukuthi –

(a) uMbhalisi wesiGungu sokuDluliselwa kweziKhalo usezame okungenani kathathu ukunquma usuku, isikhathi kanye nendawo yokudingidwa kwesikhalo;

(b) umuntu odlulisele isikhalo uxwayisiwe ngokuthi uma ehluleka ukuvumelana nosuku, nesikhathi nendawo yokudingidwa kwesikhalo kungaholela ekutheni isikhalo sihoxiswe; futhi

(c) umuntu odlulisele isikhalo ube nesikhathi esanele sokuvumelana nosuku, nesikhathi nendawo yokudingidwa kwesikhalo.

(2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele athumele isaziso ngesinqumo soMphathisihlalo sokuhoxisa isikhalo ngenxa yokulibala okungenasidingo komuntu odlulisele isikhalo kubo bonke abantu abathintwa yisikhalo.

(3) Isinqumo sesiGungu sokuDluliselwa kweziKhalo esiphathelene nokuhoxiswa kwesikhalo ngenxa yokulibala okungenasidingo komuntu ofaka isikhalo siyoba wujuqu futhi akukho sikhalo esimayelana nalolo daba esiyophinde sivunyelwe.

INgxenye 5: Ukuthunyelwa kwezincwadi zokubiza ofakazi

Ukukhishwa nokuthunyelwa kwamasamanisi okuqinisekisa ukufika kofakazi

15.(1) Isamanisi lokubiza ufakazi kumele likhishwe uMphathisihlalo lisayinwe nguye, futhi kumele –

(a) licele ngokucacile umuntu oqagulwe kuyona ukuthi avele phambi kwesiGungu sokuDluliselwa kweziKhalo ukuzokwethula ubufakazi noma ukuzoletha amaphepha nanoma yini enye kwisiGungu sokuDluliselwa kweziKhalo;

(b) libeke izizathu zokuthi kungani lowo muntu kudingeka avele phambi kwesiGungu sokuDluliselwa kweziKhalo ukuzokwethula ubufakazi noma ukuzoletha amaphepha nanoma yini enye kwisiGungu sokuDluliselwa kweziKhalo;

(c) uma ekhona, lihlonze amaphepha noma lokho lowo muntu okumele akuveze; futhi

(d) libeke usuku, isikhathi nendawo lapho lowo muntu kumele avele khona phambi kwesiGungu sokuDluliselwa kweziKhalo.

(2) Isamanisi lokubiza ufakazi kumele lithunyelwe kumuntu ngumuntu ogunyazwe ngokubhaliwe yisiGungu sokuDluliselwa kweziKhalo ukuthi ulithumele.

(3) Umuntu ohambisa isamanisi lokubiza ufakazi kumele akhombise umuntu onikwa isamanisi lokubiza ufakazi, isamanisi lokubiza ufakazi okuyilonalona noma igunya elibhaliwe lokumnika isamanisi lokubiza ufakazi, uma ecelwa ukuthi enze njalo.

(4) Umuntu othumele isamanisi lokubiza ufakazi kumele ahlinzeke uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngencwadi ebhaliwe yokuthi ulithumelile isamanisi lokubiza ufakazi, kubandakanya nendlela isamanisi lokubiza ufakazi elithunyelwe ngayo.

Ukukhishwa nokuthunyelwa kwesamanisi lokubiza ufakazi ukuze kutholakale amaphepha

16.(1) Umuntu obizelwe ukuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngesikhathi esinqunyiwe kodwa okungenani ezinsukwini ezingama-21 ngaphambi kokuqala kokudingidwa kwesikhalo.

(2) Isamanisi lokubiza ufakazi ehlongozwe kwiphuzwana (1) lale Sheduli kumele likhishwe uMphathisihlalo lisayinwe nguye, futhi kumele –

(a) licele ngokucacile umuntu oqagulwe kuyona ukuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo;

(b) libeke izizathu zokuthi kungani lawo maphepha edingwa yisiGungu sokuDluliselwa kweziKhalo;

(c) lihlonze ngokwanele amaphepha okumele alethwe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo; futhi

(d) liibeke ukuthi amaphepha kumele alethwe kanjani, kuphi nosuku okumele alethwe ngalo kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

(3) Isamanisi lokubiza ufakazi kumele lithunyelwe kumuntu ngumuntu ogunyazwe ngokubhaliwe yisiGungu sokuDluliselwa kweziKhalo ukuthi alithumele.

(4) Umuntu ohambisa isamanisi lokubiza ufakazi kumele akhombise umuntu onikwa isamanisi lokubiza ufakazi, isamanisi lokubiza ufakazi okuyilonalona noma igunya elibhaliwe lokumnika isamanisi lokubiza ufakazi, uma ecelwa ukuthi enze njalo.

(5) Umuntu othumele isamanisi lokubiza ufakazi kumele ahlinzeke uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngencwadi ebhaliwe yokuthi ulithumelile isamanisi lokubiza ufakazi, kubandakanya nendlela isamanisi lokubiza ufakazi elithunyelwe ngayo.

(6) Umthetho ophathelene nelungelo enkantolo yomthetho elisebenza kumuntu othunyelwe isamanisi lokuthi alethe amaphepha kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo.

INgxenye 6: Ukuhoxiswa kwezikhalo noma kweziphikiso zezikhalo

Ukuhoxiswa kwesikhalo noma kwesiphikiso sesikhalo

17.(1) Umuntu odlulisele isikhalo angasihoxisa isikhalo ngokuletha isaziso esibhaliwe sokuhoxa kwakhe kuMbhalisi wesiGungu sokuDluliselwa kweziKhalo, kuMphathi kaMasipala nakunoma yiluphi olunye uhlangothi oluthintwa yisikhalo.

(2) Umuntu ophikisana nesikhalo angahoxisa isiphikiso sesikhalo okungenani ezinsukwini eziyi-14 ngaphambi kokudingidwa kwesikhalo ngokuthumela isaziso esibhaliwe sokuhoxisa saleso siphikiso kuMbalisi wesiGungu sokuDluliselwa kweziKhalo, kumuntu odlulisele isikhalo nakunoma yiluphi olunye uhlangothi oluthintwa yisikhalo.

INgxenye 7: Ukudingidwa kwesikhalo

Ukuhlolwa kwendawo
18.(1) Amalungu esiGungu sokuDluliselwa kweziKhalo angangena kunoma yiziphi izakhiwo noma ibhilidi isikhalo esifakelwe wona noma lona, ngamahora okusebenza nanoma yingasiphi isikhathi esifanele, ukuzohlola indawo.

(2) Zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo zinelungelo lokuyohlola indawo futhi zingamelwa ngesikhathi kuyohlolwa indawo.

(3) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele sazise ngokubhaliwe zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo, ngenhloso yesiGungu sokuDluliselwa kweziKhalo yokuyohlola indawo.

(4) Isaziso sokuhlolwa kwendawo kumele –
(a) sicacise indawo, usuku kanye nesikhathi sokuhlolwa kwendawo;
(b) sibeke inhloso yokuhlolwa kwendawo okuhlongozwayo; futhi
(c) simeme zonke izinhlangothi eziyingxenye yokudingidwa kwesikhalo ukuthi sibe khona ngesikhathi kuyohlolwa indawo.

(5) Usuku nesikhathi sokuhlolwa kwendawo kumele kunqunywe uMbhalisi wesiGungu sokuDluliselwa kweziKhalo ngemuva kokubonisana noMphathisihlalo kanye nabantu abahlala kulowo mhlaba othintekayo noma kulelo bhilidi elithintekayo.

(6) Uma umnikazi noma umuntu ohlala khona engekho ngesikhathi kuhlolwa indawo, amalungu esiGungu sokuDluliselwa kweziKhalo kumele ashiye lowo mhlaba noma lelo bhilidi livikelekile kwabangangena ngokungemthetho njengoba belitholile.

Ukudingidwa kwesikhalo
19.(1) Ukudingidwa kwesikhalo kungenziwa –
(a) ngomlomo; noma
(b) ngokubhaliwe.

(2) UMphathisihlalo, ngokuhambisana nephuzwana 10(2)(a) lale Sheduli, anganquma ukuthi ukudingidwa kwesikhalo kumele kwenziwe ngomlomo noma ngokubhaliwe.

(3) Ngokuhambisana noMthethonqubo 30(1), uMphathi kaMasipala njengoMbhalisi wesiGungu sokuDluliselwa kweziKhalo kumele, ngokushesha, kodwa zingakadluli izinsuku eziyi-14 ngemuva kokuphela kokwenziwa ngaphambi kwenqubo yokudingidwa kwesikhalo, alethe isikhalo kwisiGungu sokuDluliselwa kweziKhalo ukuze silalele isikhalo.

(4) Ngaphambi kokuthi kulalelwe isikhalo, amalungu esiGungu sokuDluliselwa kweziKhalo ayodalula noma yikuphi ukubandakanyeka kwawo okungaba khona odabeni olusezithebeni.

(5) UMphathisihlalo usebenza njengosihlalo ngesikhathi kulalwe isikhalo.

Inqubo esebenza uma kudingidwa isikhalo esibhaliwe
20.(1) IsiGungu sokuDluliselwa kweziKhalo siyocubungula amaphepha alethiwe, futhi senze izincomo eziphathelene namaphuzu odaba lwesikhalo.

(2) Amalungu ayorekhoda amavoti awo, ngokubhaliwe, noma ngabe aqinisekisa, aguqula noma ahoxisa isinqumo seKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala.

(3) UMsebenzi oGunyaziwe uyocubungula izethulo ezibhaliwe. Isinqumo seningi lamalungu esiGungu sokuDluliselwa kweziKhalo, yisinqumo sesiGungu sokuDluliselwa kweziKhalo, futhi uma kunokulingana kwamavoti uMphathisihlalo unevoti eliwujuqu.

(4) Akukho nhlinzeko eyenziwe ngesikhathi sokudingidwa kwesikhalo okwenziwe ngomlomo yizinhlangothi ezithintwa yisikhalo.

Inqubo esebenza uma kudingidwa isikhalo esenziwe ngomlomo
21.(1) Uhlangothi oluthintwa yisikhalo lunelungelo lokumelwa ngesikhathi kudingidwa isikhalo esenziwe ngomlomo.

(2) IsiGungu sokuDluliselwa kweziKhalo kumele sicubungule amaphuzu aseka udaba lwesikhalo, ngakho-ke uMphathisihlalo –
(a) uyovumela uMsebenzi kaMasipala ofanele ukuthi achaze ngesinqumo sesicelo sokuthuthukiswa komhlaba kanye nesikhalo esisezithebeni zesiGungu sokuDluliselwa kweziKhalo;
(b) uyovumela umuntu odlulisele isikhalo kanye nezinye izinhlangothi eziyingxenye yesikhalo ukuthi basho izinkinga futhi baveze ubufakazi njengoba kubekiwe kwisikhalo noma kwisiphikiso sesikhalo, noma ngabe kwenziwa ngomlomo noma ngokubhaliwe, futhi bazise isiGungu sokuDluliselwa kweziKhalo ngamaphuzu aseka isikhalo sabo.

(3) UMphathisihlalo angacela izinhlangothi ezithintwa yisikhalo ukuthi ziphume kulelo gumbi noma yinini ukuze adingide noma yiluphi udaba nekomidi.

(4) Uhlangothi oluthintwa yisikhalo lungacela ukuletha ubufakazi obusha, noma ngabe lubethula ngomlomo noma ngokukubhaliwe.

(5) Uhlangothi oluthintwa yisikhalo lungaphikisa olunye olunye uhlangothi oluphikisayo oluphakamisa noma yiluphi udaba noma ngokwethembela kunoma yimaphi amaphepha lolo hlangothi olungathembele kuwona kwimemorandamu yalo ngezizathu zokuthi –
(a) uhlangothi oluphikisayo alukakasitholi isizathu esizwakalayo sokufaka lolo daba noma lawo maphepha ezingxoxweni; noma
(b) ukufakwa kwalo noma kwawo ezingxoxweni kungadala ukuthi uhlangothi lukhale ngokubandlululwa ngokungafanele.
(6) UMphathisihlalo kumele athathe isinqumo sokuthi ngabe isiphikiso sokuphakanyiswa kodaba olusha noma ukuthembela emaphepheni amasha kumele kuqhutshekwe nacho noma cha.

(7) IsiGungu sokuDluliselwa kweziKhalo kumele sicubungule amaphuzu aseka udaba lwesikhalo, futhi ngkuhambisana noMthethonqubo 22, siyocubungula –
(a) ukuthi ngabe isikhalo singena ngomsebenzi waso;
(b) ukuthi ngabe isnqumo esathathwa uMasipala ngesikhathi kufakwa isicelo sasinobulungiswa ngokwenqubo elndelwayo noma cha njengoba kuhlongozwe rMthethweni wokuGqugquzelwa koBulungiswa eziNhlakeni zikaHulumeni, 2000 (uMthetho No. 3 ka 2000);
(c) amaphuzu aseka isicelo sokusetshenziswa noma sokuthuthukiswa komhlaba;
(d) amaphuzu aseka isikhalo esilethiwe; kanye

(e) namaphuzu aseka isiphikiso esibhaliwe sesikhalo esilethiwe.

(8) IsiGungu sokuDluliselwa kweziKhalo kumele naso sicubungule isinqumo sezokuhlela seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala sisiqhathanisa nezindaba ezibalulwe kwisigaba 42 se-SPLUMA.

(9) IsiGungu sokuDluliselwa kweziKhalo kumele sinqume ngesikhalo futhi sirekhode amavoti aso noma ngabe aqinisekisa, aguqula noma ahoxisa isinqumo seKomidi lezokuHlela likaMasipala noma soMsebenzi oGunyaziwe wezokuHlela kaMasipala.

(10) Uma kuba nokulingana kwamavoti, uMphathisihlalo unevoti eliwujuqu.

Ukudingidwa kwesikhalo zingekho izinhlangothi ezithintekayo

22. IsiGungu sokuDluliselwa kweziKhalo, ngemuva kokuthunyelwa kwesaziso sokudingidwa kwesikhalo kuzo zonke izinhlangothi ezithintekayo, singalalela isikhalo engekho umuntu odlulisele isikhalo nanoma yiluphi uhlangothi uma –

(a) sigculisekile ukuthi izizathu ezihlinzekwe umuntu odlulisele isikhalo noma olunye uhlangothi azidingi ukuthi babe khona;

(b) uhlangothi oluthintekayo lwazise isiGungu sokuDluliselwa kweziKhalo ukuthi alufisi ukuba khona uma kudingidwa isikhalo; noma

(c) uhlangothi luhluleka ukwethamela ukudingidwa kwesikhalo ngaphandle kokuhlinzeka izizathu zokungezi kwalo.

INgxenye 8: Irekhodi lesikhalo noma lesinqumo sesikhalo

Irekhodi lokudingidwa kwesikhalo

23.(1) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyoqinisekisa ukuthi zonke izingxoxo zesiGungu sokuDluliselwa kweziKhalo ziyarekhodwa.

(2) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo ezinsukwini eziyi-7 ngemuva kokuhlolwa kwendawo, uyoqinisekisa ukuthi amaminithi ezingxoxo atholwa amalungu esiGungu sokuDluliselwa kweziKhalo ayekhona.

(3) Amalungu esiGungu sokuDluliselwa kwezikhalo ayekhona ayoqinisekisa ukuthi amaminithi ayiqiniso ezinsukwini eziyi-7 asiziwe ukuthi amaminithi aseyatholakala.

(4) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyothumela amaminithi omhlangano wokudingidwa kwesikhalo kuMphathisihlalo ezinsukwini eziyi-7 ethole izimvo noma izicelo zokulungisa ezivela kumalungu esiGungu sokuDluliselwa kweziKhalo. UMphathisihlalo uyofunda futhi asayine amaminithi njengokwenzeke ngesikhathi kubanjwe umhlangano wokudingidwa kwesikhalo ezinsukwini ezingama-30 ngemuva kokuphela kosuku lokugcina lokudingidwa kwesikhalo.

(5) UMbhalisi wesiGungu sokuDluliselwa kweziKhalo uyothumela amaminithi asayiniwe omhlangano wokudingidwa kwesikhalo kwisiGungu sokuDluliselwa kweziKhalo nakunoma yiziphi izinhlangothi ezicela ikhophi yawo.

Isinqumo sesikhalo

24. UMphathisihlalo uyokhipha isinqumo sesikhalo esisayiniwe, esikhombisa imibono yesiGungu sokuDluliselwa kweziKhalo, ezinsukwini ezingama-30 ngemuva kokuphela kosuku lokugcina lokudingidwa kwesikhalo.

Ukuqaliswa kokusebenza kwesinqumo sesiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala

25.(1) Isinqumo sesiGungu sokuDluliselwa kweziKhalo sokuchibiyela noma sokuhoxisa isinqumo esithathwe yiKomidi lezokuHlela likaMasipala noma uMsebenzi oGunyaziwe wezokuHlela kaMasipala sithathwa njengesinqumo ngokwesigaba 43 soMthetho, futhi kumele siphinde sihambisane nezigaba 46 no 47 ze-SPLUMA.

(2) IsiGungu sokuDluliselwa kweziKhalo zezokuHlela sikaMasipala kumele, ezinsukwini eziyi-7 kusukela ngosuku okukhishwe ngalo isinqumo sesikhalo, sithumele isaziso sesinqumo seKomidi lokuDluliselwa kweziKhalo zezokuHlela likaMasipala –

(a) kuMasipala;

(b) kuzo zonke izinhlangothi ezithintwa yisikhalo;

(c) kwiHhovisi loMklami Jikelele (uma kufanele); kanye

(d) naseHhovisi lokuBhaliswa kwamaTayitela (uma kufanele).

ISHEDULI 8

INQUBO YOKUPHENYA NGOKUPHULWA KOMTHETHO NJENGOBA KUNQUNYWE NGOKWESIGABA 92(3) SALO MTHETHO KAMASIPALA

Ukuhlonzwa kokuphulwa komthetho

1.(1) Noma yimuphi umuntu ocela uMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala ukuthi aphenye ngezinsolo zokuphulwa komthetho ngokufaka isikhalo ngomlomo noma ngokubhaliwe.

(2) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala angahlonza izinsolo zokuphulwa komthetho ngaphandle kokuthi kufakwe isikhalo esibhaliwe.

(3) Isikhalo esibhaliwe okushiwo kusona ukuthi kunomuntu okusolakala ukuthi wephula lo Mthetho kaMasipala, uHlelo noma omunye umthetho osebenzayo kumele sisekwe ngamaphepha afanele kanye nobunye ubufakazi.

(4) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele ezinsukwini eziyi-7 kusukela ngosuku lokufakwa kwesikhalo esibhaliwe noma lokuhlonzwa kwezinsolo zokuphulwa komthetho –

(a) asho ukuthi usitholile isikhalo, uma isikhalo esibhaliwe safakwa nokuthi sinalo yini igama, ikheli noma inombolo yocingo komuntu ofaka isikhalo; futhi

(b) afake isikhalo kwirejista yokugcinwa komthetho.

(5) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele aqede uphenyo ngokuletha umbiko obhaliwe omayelana nezinsolo zokuphulwa komthetho ezinsukwini ezingama-30 kusukela ngosuku okwafakwa ngalo isikhalo noma okwahlonzwa ngalo izinsolo zokuphulwa komthetho.

(6) Uma kwafaka isikhalo esinemininingwane yomuntu ofake isikhalo yokuxhumana, uMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala kumele amazise ngomphumela wophenyo ezinsukwini eziyi-14 ngemuva kokuphela kophenyo.

Isaziso sokugcina umthetho

2.(1) Uma kuhlonzwa ukuphulwa komthetho, uMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyokhipha isaziso sokuqala kumnikazi wendawo, esimazisa ngokuphula kwakhe umthetho nesimnika izinsuku ezingama-30 ukuthi ayeke lokho akwenzayo noma agcine umthetho, njengoba kuhlongozwe kwisigaba 86 salo Mthetho kaMasipala.

(2) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyohlola indawo ukubona ukuthi ngabe ukuphulwa komthetho kusaqhubeka ngemuva kokuphela kwezinsuku ezingama-30 okukhulunywe ngazo kwiphuzwana 2(1).

(3) Uma ukuhlola kwesibili kuqinisekisa ukuthi ukuphulwa komthetho kusaqhubeka, uMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyonika umnikazi wendawo isaziso sesibili nokungesokugcina, esimnika izinsuku ezingama-30 ukuthi ayeke lokho akwenzayo noma agcine umthetho, njengoba kuhlongozwe kwisigaba 86 salo Mthetho kaMasipala.

(4) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyohlola indawo ukubona ukuthi ngabe ukuphulwa komthetho kusaqhubeka ngemuva kokuphela kwezinsuku ezingama-30 okukhulunywe ngazo kwiphuzwana 2(3).

(5) UMsebenzi oBhekele ukuGcinwa koMthetho kwezokuHlela kaMasipala uyodlulisela udaba oPhikweni lwezoMthetho lukaMasipala kuvulwe icala lapho umnikazi eyozibophezela khona ukuthi uzolungisa iphutha lokuphula umthetho ezinsukwini eziyi-14 evulelwe icala.

(6) Ukuhluleka ukulandela iphuzwana 5 kuyoholela ekutheni umnikazi athole incwadi yokunqanyulelwa ukuhlinzekwa kwemisebenzi noma yokunyuselwa amareythi.