ISAZISO SOBURHULUMENTE BASEMAKHAYA

UMASIPALA WASENGQUSHWA

IMITHETHO YEDOLOPHU EPHATHELELE KWIMITHETHO EMISELWE IKANSILE

UManejala kaMasipala ubhengeza uMthetho weNkqubo kaMasipala, ka2000(uMthetho ongu32 ka2000),ngokuphathelele kwiCandelo 13 lobuRhulumente basemaKhaya: funda iCandelo 162 loMthetho woMgaqo-Siseko waseMzantsi Afrika ka1996(uMthetho 108 ka1996), uMthetho weDolophu ophathelele kwiMithetho ebekiweyo yeKansile.

Injongo yalo mthetho wedolophu

Injongo yalo mthetho wedolophu kukufaka imithetho nemiyalelo ukulungiselela uhlelo ngaphakathi, ushishino kunye neNkqubela-phambili kaMasipala nokumisa imithetho yoqingqo, yoshishino, ukuyilwa kwemisebenzi, inkqubo, amagunya kunye nemisebenzi yeeKomiti eziphantsi kwakhe.

Uhlelo lwemithetho

ISAHLUKO 1 INKCAZELO

1. Inkcazelo

ISAHLUKO 2 INDLELA OSEBENZA NGAYO IMITHETHO

2. Ukungunganyiswa kwemithetho
3. Ukusebenza komthetho kubantu abathabatha inxaxheba abangasingomalungu
4. Ubhaliso lokuphumelela kwiintlanganiso zeKansile
5. Ukurhoxiswa luve utlanganiso inani lamalunga akhoyo lingonelanaga xa
6. Ukuthabatha inxaxheba koluntu

ISAHLUKO 3 - UKUCHOPHELA INTLANGANISO KWEKWANSILE

7. Ulonyulo lukaSomlomo
8. Inxaxhebo kaSomlomo
9. Ukuqhutywa kwenkqubo ye kansile

10. Imiba yetlanganiso emayixoxwe ngolwe saziso intlanganiso
11. Ukubizwa kwentlanganiso yesiqhelo hemibe emayichotshelwe
12. Iintsuku zokuchophela intlanganiso
13. Indawo ekubanjelwe kuyo intlanganiso
14. Isaziso soluntu esimalunga neentlanganiso zeKansile
15. Imizuzu yentlanganiso
16. Ithuba lokuthandaza okanye lokucinga
17. Ukuphazamiseka, ukunqumamisa okanye ukurhoxisa intlanganiso
18. Imiyalelo yokuphuma entlanganisweni
19. Ukukhutshwa kwabantu ezikhundleni
20. Ukutyelela lwabameli loburhumunte bephondo nobesizwe

ISAHLUKO 4 - UCWANGCO KWIINTLANGANISO KUNYE NEMITHETHO YENGXOXO-MPIKISWANO

21. Ucwangco lwenkqubo
22. Ukulungiswa kwemipoposho
23. Ukumiswa koku kwemvimbi
24. Okokuba ikansile imiswe
25. Okokuba intlanganiswe imiswe ukuze kubanjwe intlanganiso yabucala
26. Okokuba kumiswe intlanganiso yengxoxo-mpikiswano
27. Okokuba kuphakanyiswe imibuzo
28. Okokuba intlanganiso idlulele kumcimbi olandelayo
29. Ukuvumeleka ukuba uthethe ngokukhululekileyo
30. Intshukumo enkundleni
31. Amalungu awanakuphazamiseka
32. Inlungelo lu kaSomlomo
33. Amalungu ayalelwe okokuba ahambe
34. Sikelwalinda amalungu
35. Ukuphazamisa inkgubo
36. Amalungu abhekise kuSomlomo
37. Ukubizwa kwamalungu
38. Umda omiselwe izithethi

39. Ulwimi oluthukayo nokungqina ubuxoki
40. Imithetho eyokulindela
41. Ingcaciso
42. Isikhalazo
43. Ukumela ilungu elingekhoyo
44. Ilungelo lamalungu lokuba athethe
45. Ukuvumeleka ukwenza impendulo
46. Ukuvalwa kwengxoxo-mpikiswano
47. Imibuzo elengayo ebekiweyo engenangxoxo-mpikiswano
48. Imibuzo ephakanyisiweyo kwakhona
49. Umbuzo obuzwe ngokuzeleyo
50. Ukungabikho kwethuba lebhunga lokwenza izigqibo
51. Isigqibo solathathe ivote
52. Ushicilelo lwabachasi
53. Umsebenzi ongenakubuzwa
54. Umthetho oqingqiweyo nofanayo
55. Akukho tshintsho kuyilo lwezisombululo
56. Imiba yesisombululo
57. Ukubekwa kweziphakamiso zeKomiti
58. Iintshukumo ezenziweyo ngaphandle kokwaziswa ngexesha
59. Ukwaziswa ngentshukumo
60. Ukusebenzela ilungu elingekhoyo
61. USomlomo angenza utshintsho kwisaziso
62. Umbuzo oxhamlisayo
63. Ukurhoxiswa nokuphelelwa kwentshukumo
64. Imiba ebalulekileyo eluntwini

ISAHLUKO 5 - UKUFIKELELA KULUNTU

65. Iintlanganiso ezivulelekileyo eluntwini
66. Nqanuvuyelwe kaluntu-jikelele kwiintlanganiso zekansile
67. Ukususwa kwabantu
68. Ingxelo eyenziwa yiKomiti ePhetheyo

69. Ukuhanjiswa kwengxelo yeKomiti ePhetheyo
70. Ukutshintshwa kwengxelo yeKomiti ePhetheyo
71. Ukuqwalaselwa kwengxowa-mali
72. Ukufaka izicelo
73. Ushicilelo lwenkqubo, ubungqina, ingxelo, njl-njl.

ISAHLUKO 6 - IIKOMITI ZEKANSILE

74. Uqulunqo lweekomiti
75. Ikomiti ePhetheyo
76. Ikomiti kaSodolophu
77. Ikomiti yoPhicotho zincwadi
78. Ikomiti yoLawulo
79. Ikomiti ejongene nezeMali
80. Ikomiti ejongene nezeNgqesho
81. Ikomiti yeMsebenzi kwaneeNkonzo zoLuntu
82. Ikomiti yoPhuhliso lwezoQoqosho kunye neNtlalo
83. Unyulo lweeKomiti
84. Imisebenzi yeeKomiti
85. UVoto oluQhutywa kwiKomiti
86. Ukuphumelela ukubakho kwiintlanganiso zeeKomiti

ISAHLUKO 7 - UKUQHUTYWA KWEENTLANGANISO ZEKOMITI

87. Usihlalo
88. Izaziso zeeNtlanganiso
89. Abazimasi bentlanganiso(Quorum)
90. I-Agenda / uluhlu lweni umbi ezakuxoxwa
91. Izigqibo
92. Imizuzu
93. Imiba ephakanyisiweyo
94. Izilungiso zemiba ephakanyisiweyo
95. Ukuphakamisa umba wenkqubo
96. Ilungelo loluntu lokwazisa imiba kwiKomiti

97. Ukusebenzisa isahluko kwiintlanganiso eziKhethiweyo zeKansile kunye neKansile yeKomiti
98. IKansile ekwikomiti

ISAHLUKO 8 - INTEBEKO

99. Ukusebenza kwalo mthetho
100. Ukuzinyaswa kweeNtlanganiso
101. Ukwayo ngenxa yokungazimasi iintlanganiso
102. Ukwazisa ngezinto ezinokuphazawisa intebeko yelungu
103. Ilungu elizeleyo
104. Imithetho
105. (Ukurhoxiswa) Kwemithetho yedolophu ebekiweyo
106. Itayitile eshwankathelweyo

ISHEDYULI A

Ifomu ebekelwe ulonyulo lukaSomlomo

ISAHLUKO 1
INKCAZELO

1. **Inkcazelo**

Kulo mthetho wedolophu, amagama asetyenzisiweyo abhekiselele kwisini samadoda abandakanya nesini sabafazi, isinye sibandakanya isininzi ngokufanayo, kwaye, kuphela kuxa kuphawuliwe –

'igosa eligunyazisiweyo' kusingisele -

(a) Igosa likamasipala eligunyazisiweyo nguye ukulawula, ukufezekisa nokunyanzelisa ulungiselelo lwale mithetho yedolophu;

(b) Igosa lendlela elonyuliweyo ngokuphathelele kwiCandelo 3A loMthetho weZendlela onguMthetho weSizwe, 1996 (uMthetho ongumbolo 93 ka1996);

(c) ilungu lenkonzo yamapolisa, njengoko kuchaziwe ngokuphathelele kwiCandelo 1 loMthetho weNkonzo yamaPolisa aseMzantsi Afrika, 1995 (uMthetho onguNombolo 68 ka1995;) okanye

(d) igosa loxolo, elibekwe ngokuphathelele kwiCandelo 334 loMthetho weNkqubo ejongene nobuNdlobongela, 1977(Umthetho ongunombolo 51 ka1977);

'iGosa eliyintloko kwezemali' kuphathelele kumasipala, kusingisele kumntu omiselwe ngokweCandelo 80(2) (a) lobuRhulumente basemaKhaya: uMthetho woLawulo lwezeMali kuMasipala, 2003 (uMthetho onguNombolo 56 ka2003);

'**iSabhokhwe'** kusingisele kusihlalo okanye kwinkokheli yombutho wezopolitiko enomalungu amaninzi awumele kwiKansile

'**iNkqubo yokuziphatha'** kubhekiselele kwiNkqubo yokuziphatha kooCeba equlathwe kwiShedyuli 1 kubuRhulumente basemaKhaya: uMthetho weeNkqubo zikaMasipala, 2000(uMthetho ongunombolo 32 ka2000);

'**uMgaqo-siseko'** kusingisele kuMthetho woMgaqo-Siseko weRiphabliki yaseMzantsi Afrika ka1996(uMthetho onguNombolo 108 ka1996);

'**iKansile'** kubhekiselele kwiKansile kaMasipala ekuMasipala, nanjengoko kuchaziwe ngokubhekiselele kwiCandelo 157(1) loMgaqo-siseko

'**uMphathiswa wobuRhulumente basemaKhaya'** kusingisele kwilungu leKansile eliPhetheyo kwiPhondo laseMpuma Koloni elinoxanduva kuburhulumente basemakhaya kwelo phondo kubhekiselelwe kulo;

'**uMthetho wemiButho kaMasipala'** kusingisele kubuRhulumente basemaKhaya: uMthetho phathelele kwim6iButho kaMasipala, ka1998(uMthetho ongunombolo 117 ka1998), njengoko kulungisiwe;

'**uMthetho weNkqubo kaMasipala'** kusingisele kubuRhulumente basemaKhaya: uMthetho wenkqubo kaMasipala, ka2000 (uMthetho onguNombolo 32 ka2000) njengoko kulungisiwe; kwaye

'**uMasipala'** kusingisele kuMasipala waseNgqushwa, oqulunqwe ngokuphathelele kwicandelo 12 loMthetho wokuBunjwa kukaMasipala, 1998, kwaye ubandakanya nawuphina umbutho wezopolitiko, umphathi kwi-ofisi yezopolitiko, uceba, isebe eligunyazisiwey okanye nawuphi na umsebenzi ngoko osebenza ngokuphathelele kulo mthetho wedolophu ngokwegunya alinikwe nguMasipala nelinikezelwe kuloo mbutho wezopolitiko, umphathi we-ofisi yezopolitiko, uceba, isebe okanye umsebenzi; kwaye

'**iSabhokhwe soMbutho'** kusingisele kusihlalo okanye kwinkokheli emiselwe nawuphi na umbutho wezopolitiko omelweyo kwiKansile, umelo olunjalo olungaqulathanga uninzi

ISAHLUKO 2
UKUSEBENZA KWEMITHETHO

2. **Ukurhoxiswa kwemithetho**

Ikansile inako ngokwenza isisombululo, ukurhoxisa okanye ukumisa, ukusebenza kwale mithetho, ngokwexesha elithile okanye ngenjongo ethile.

3. **Ukusebenza kwemithetho kubantu abathabatha inxaxheba abangasingawo amalungu**

Kulapho ungasebenziyo kuphela lo mthetho , apho le mithetho iza kusebenza khona kwiLungu leKansile, ummeli woburhulumente basemakahaya okanye igosa kubaphathi besizwe okanye bephondo abathabatha inxaxheba kwiKansile, kwaye uza kusebenza kuzo zonke iintlanganiso zeKansile.

4. **Ubhaliso lwamalungu azimase intlanganiso yeKansile**

Ilungu ngalinye elizimase intlanganiso yeKansile liza kusayina igama lalo kuxwebhu olubhalisa amalungu akhoyo nolugcinelwe injongo enjalo.

5. **Ukurhoxa xa kuthe akwabikho nani elivumelekileyo**

(1). Kwintlanganiso yeKansile, uninzi lwamalungu kufanele lubekhona phambi kokuba ivoti ithatyathwe nauwo nawuphi na umba.

(2). Yonke imibutho ephathelele kwimiba ephawulwe kwicandelo 160(2) loMgaqo-siseko njengoko kuphawulwe kwisigqibo esenziwe yiKansile ngenkxaso yevoti yesininzi yooCeba.

(3). Isisombululo sokuchitha iKansile ngokuphathelelel kwicandelo 34(1) loMthetho wemiButho kaMasipala kufuneka uxhaswe ziivoti ubuncinane 2/3 lwamalungu kwintlanganiso ebizelwe ingakumbi umcimbi onjalo.

(4). Yonke eminye imibuzo ebekwe kwiKansile igqitywa luninzi lweevoti ezenziweyo

(5). Xa kungekho qonga(quorum) mhlawumbi ekuqaliseni okanye nakuliphi na ithuba ngexesha lentlanganiso yekansile, emva koko;

(a) uSomlomo uza kurhoxisa intlanganiso okwethutyana, kangangemizuzu eli15 ubuninzi; kwaye

(b) xa kuthe akwabikho (quorum) ngethuba kuphelelwa ithuba lokurhoxiswa kwentlanganiso elibekiweyo –

(i) amagama amalungu akhoyo aza kufakwa kwimizuzu nguManejala kaMasipala; kwaye

(ii) uSomlomo uza kuvala intlanganiso.

6. **Ukuthabatha inxaxheba koluntu**

(1). Amalungu asekuhlaleni angathabatha inxaxheba kwinkqubo yeKansile ngokuthi –

(a) Abekhona kusayino lwesivumelwano seKansile nakuwo nawuphi na umcimbi oqhutywa yiKansile;

(b) Ukumela okanye ukwazisa ikomiti ngokubhala phantsi imithetho yedolophu leyo okanye eminye imiba; okanye

(c) Ukwenza ubungqina okwaye ukwazisa okanye ukubhengeza phambi kweKansile imithetho leyo yedolophu okanye eminye imiba, ubuqu okanye kuthunyelwe.

(2). Ukuthabatha inxaxheba koluntu ngokuphathelele kumthethwana(1) kuxhomekeke kwaye kumele kusebenze ngokuthi kusetyenziswe le mithetho.

(3). Uluntu luza kufikelela kwizaziso ezisemthethweni, kubasebenzi nakuwo onke amaxwebhu abekwe pambi kwekansile, kuxhomekeke kwimilinganiselo ethatyathiweyo nguSomlomo ukufaka umthetho ngokuphathelele koko kufikelela.

ISAHLUKO 3

UKUHLALA KWE KANSILE

7. **Ulonyulo lukaSomlomo**

(1) Kwintlanganiso echotshelwe yintlanganiso neyiyeyokuqala emva kolonyulo lwayo, uManejala kaMasipala okanye, xa engafumaneki, umntu owonyulwe nguMpahathiswa wobuRhulumente basemaKhaya apho angafumanekiyo ungena endaweni kaSomlomo.

(2) UManejala kaMasipala okanye umntu omiselwe loo msebenzi kufanelekile okokuba azigqatsele esi sikhundla sikaSomlomo kwintlanganiso emisiweyo ngokuphathelelel kumthethwana(1).

(3) Ugqatso olo kufanele lubhalwe kwifomu equlathwe kwiShedyuli A ngokwale mithetho.

(4) Uxwebhu logqatso kufanele lusayinwe ngamalungu amabini eKansile.

(5) Umntu ongenele ugqatso makachaze okokuba uyalwamkela olo gqatso ngokusayina kwifomu yogqatso lwesi sikhundla okanye nangayiphi na indlela ebhalwe phantsi esisiqinisekiso.

(6) Kwintlanganiso echaziweyo ngokuphathelele kumthethwana (1), umntu ojongene nalo msebenzi kumele abhengeze amagama abagqatswa, kodwa engenakuvumela ingxoxo-mpikiswano.

(7) Xa kuthe kwabakho umgqatswa omnye, umntu ojongene nalo msebenzi kumele amchaze njengomonyulwa.

(8) Xa inani labagqatswa lidlulile kwelinye –

(a) Kumelwe kuvotwe ngokufihlakeleyo entlanganisweni;

(b) Ilungu ngalinye elikhoyo entlanganisweni linganako ukufaka ivoti yalo; kwaye

(c) Umntu ojongene nalo msebenzi kmele abhengeze ophumeleleyo ofumene iivoti ezidlula ezabanye.

(9) Ukuba akukho mntu ufumana iivoti ezininzi, umgqatswa ofumana inani eliphantsi kakhulu kumele akhutshwe kuluhlu ze kuvotelwe abo baseleyo , ngokuphathelele kumthethwana(8). Le nkqubo kumele iphinda-phindwe de kube kubonakale umgqatswa ofumana inani elininzi leevoti.

(10) Xa kusetyenziswa umthethwana (9) ukuba kukho isibini okanye nangaphezulu kubantu abalinganayo ngenani eliphantsi leevoti, kufunekwa kuvotwe kananjalo ngokwahlukileyo, kwaye kufuneka iphinda-phindwe maxa amaninzi nanjengoko kuyimfuneko ukuqulunqa okokuba liliphi na ilungu ekufanele licinywe.

(11) Xa bebabini kuphela abagqatswa abonyuliweyo, okanye xa bebabini abagqatswa abafumana inani elifanayo leevoti, ngoko ke intlanganiso eyiyenye kumele ibanjwe kwisithuba seentsuku

ezisixhenxe, ngethuba eliqingqwe ngumntu ojongene nalo msebenzi.

(12) Xa kuthe kwabanjwa enye intlanganiso ngokuphathelele kwicandelwana (11), inkqubo leyo echazwe kulo mthetho kumele isetyenziswe kwintlanganiso, njengokungathi yintlanganiso yokuqala echophele ulonyulo olo.

8. **Indima kaSomlomo**

(1) USomlomo wenza isigqibo salapho kungahlanganisana khona ikansile, kuphela xa iKansile iza kuhlangana kanye rhoqo ngekota.

(2) Xa uninzi lwamalungu esenza isicelo uSomlomo angenza imbalelwano yokubiza intlanganiso ngomhla, ngexesha nakwindawo emisiweyo kwisicelo eso.

(3) Apho uSomlomo angaphumeleliyo okanye esala, nangaziphi na izizathu, ukubiza intlanganiso ngokokuchazwe koko kubhekiselelwe kuko kwicandelwana(1), uManejala kaMasipala, xa athe akaphumelela, kube ngumntu okhethwe nguMphathiswa kubuRhulumente basemaKhaya, kumele abize intlanganiso ngomhla, ngexesha nakwindawo emisiweyo kwisicelo esibhalwe phantsi nesingeniswe luninzi lwamalungu.

(4) Zonke iintlanganiso zeKansile zichotshelwe nguSomlomo.

(5) Xa kuthe uSomlomo akabikho okanye akafumaneka, okanye xa kukho isithuba, iKansile kufuneka yonyule elinye ilungu elinagmela uSomlomo lenze umsebenzi lowo uchaziweyo.

(6) Ulonyulo lukaSomlomo obambeleyo, nanjengoko kuchaziwe ngokuphathelele kwicandelwana(5), kufuneka liqhube ngokwezi mfuno -

(a) Angekhe konyulwe uSomlomo olibambela de aqinisekise nembalelwano uSomlomo okokuba akafumaneki, okanye kwisithuba semizuzu eli15 sele igqithile kususela kwixesha elimisiweyo lokuqalisa kwentlanganiso, nayiphi na ekhawulezileyo;

(b) uManejala kaMasipala okanye, xa athe akafumaneka, uManejala kaMasipala oliBambela, okanye xa kungenzeki, umntu obekelwe loo msebenzi nguSomlomo olibambela; kwaye

(c) ulonyulo lukaSomlomo olibambela luza kuqinisekiswa yivoti eluxhasayo lwesininzi sabantu abakhoyo kuloo ntlanganiso.

(7) Xa kuthe kwenziwa ulonyulo lukaSomlomo olibambela, intlanganiso ingaqhubekeka ngaphandle kokumiswa ngokungathi uSomlomo akakhange angabikho okanye abe akafumaneki.

(8) USomlomo –

(a) Uza kwenza imisebenzi asebenzise amagunya anikwa uSomlomo ngokuphathelele kwiCandelo 59 loMthetho weNkqubo kaMasipala;

(b) Ulungiselelo lwe-ajenda yentlanganiso yeKansile, kusetyenziswana ndawonye nuSodolophu kunye noManejala kaMasipala;

(c) Kubanjwe ucangco ngethuba kukho intlanganiso;

(d) Ukuqinisekisa ukuhambisana ndawonye kweKansile kunye neeKomoti zeKansile, kusetyenziswa inkqubo emisilwe ukuqhutywa kwalo msebenzi kunye nocwangco lwemithetho yeKansile, njengoko kwamkelekile amaxesha ngamaxesha;

(e) Ukuqinisekisa okokuba iintlanganiso zeKansile ziqhutywa ngokuphathelelel kule mthetho wedolophu;

(f) Ukuqinisekisa okokuba malungu aziphethe ngesidima nangoncwangco;

(g) Ukuqinisekisa okokuba amalungu oluntu azimasa nayiphina intlanganiso kwezi zeKansile aziphatha ngesidima nangocwangco kwaye athobela imithetho kaSomlomo.

(9) Umthetho owiswa nguSomlomo ngokuphathelele ekusetyenzisweni kwesi sahluko nayo nayiphi na imicimbi yenkqubo ibe igqityiwe kwaye ibophelela kwintlanganiso.

(10) uSomlomo angenza isigqibo okanye aqulunqe umthetho ngokuphathelele kuso nasiphi na isiganeko apho le mithetho engekhoyo, kuphela xa umthetho lowo okanye umsebenzi ungazukuphazamisana namgaqo-siseko

(11) Umthetho oqingqiweyo nguSomlomo uhlala usebenza de intlanganiso yeKansile ibe yenze izigqibo kwintlanganiso yayo elandelayo, okanye kwintlanganiso engaphambi koko, xa uninzi looceba lucela njalo.

9. **Ukuqhutywa komsebenzi nenkqubela yawo**

IKansile kufuneka iqhube umsebenzi wayo iqhubele phambili ngokuphathelele kuMgaqo-siseko, le mitehtho, kunye nezisombululo zeKansile, -

(a) Kwintlanganiso echophele amatyala; kunye

(b) Intlanganiso yeeKomiti kunye neeKomitana ezingaphantsi kwazo.

10. **Inkqubo ilawulwa sisaziso esikhutshwe yintlanganiso**

1. Kuxhomelele koko kulungiselelwe licandelwana (2), kwaye ngaphandle kwesaziso esingxamisekileyo seKomiti ePhetheyo, akukho shishino olungachazwanga kwisaziso esikhutshwe yintlanganiso oluza kushicilelwa kwintlanganiso emisiweyo.

2. Ilungu linganako, ngethuba lentlanganiso, ukuqondisa ngamalungiselelo omthethwana(1) onokurhoxiswa ukwenzela akwazi ukufaka imbalelwano malunga neembono zakhe nokufunda lo mbalelwano ngethuba kubanjwe intlanganiso.

3. Imbalelwano equlathe izimvo iza kusayinwa ngulowo unezimvo kunye nomxhasayo, ingeniswe kuSomlomo, kwaye iza kuqwalaselwa ngokuphathelele kule mithetho.

4. Owenza iziphakamiso, njengoko kuchazwe kumthethwana(2), unelungelo lokuphendula.

11. **Uhlelo lomsebenzi kwintlanganiso eqhelekileyo**

1. Uhlelo lweshishini ngokwentlanganiso eqhelekileyo eqhutywa ngokuphathelele kumthetho 8 luza kuhamba ngolu hlobo –

(a) Ukuvulwa;

(b) Izicelo zokungabikho entlanganisweni;

(c) Izaziso ezisemthethweni;

(d) Amazwi ovelwano okanye okuvuyisana kaSomlomo;

(e) Amazwi ovelwano okanye okuvuyisana enziwa ngamanye amalungu;

(f) Imizuzu yentlanganiso edlulileyo

(g) Ingxelo kaSodolophu;

(h) Ingxelo kaSomlomo okanye yalo naliphi na ilungu elikwi-ofisi yezopolitiko;

(i) Ingxelo ekhutshwa yiKomiti eLawulayo

(j) Imibuzo ephathelele kuhlobo lwesaziso esikhutshiweyo;

(K) Inkqubela okanye iimbono ezivele kwiintlanganiso ezidlulileyo;

(l) Isivumelwano esisayiniweyo; kunye

(m) Inkqubela

(2) Emva kokuba imiba leyo ekubhekiselelwe kuyo kwisicatshulwa (a) kuye kuma ku(b) zomthethwana zither zaqwalaselwa, iKansile inganako ukuba, ngokweembono zayo, izise phabili naliphi na ishishini elikwi-agenda.

(3) Xa iiimbono ngokuphathelele kumthethwana(1) (d) okanye (e) ziye zaphikiswa, ngoko ke iimbono ezinjalo ziza kuphelelwa, kungekho ngxoxo eqhutyelwa phambili.

12. **Iintsuku zokuyichophela**

Ixesha elimisiweyo leKansile liyintsimbi yeshumi, okanye naliphi na ixesha nanjengoko uSomlomo enokuqulunqa, de ibe iKansile imisiwe ngaloo mini.

13. **Indawo yokuchophela intlanganiso**

(1) iKansile ibamba intlanganiso kwindawo yayo yokuhlangana.

(2) IKansile inganako ukuhlanganisana kwesinye isihlalo, kungesiso eseKansile, ngokomdla woluntu, kwindawo ekhuselekileyo nelungele abantu, kuphela xa iKansile, ngokwezisombululo zayo –

(a) Iphawule iminqweno yoluntu, ukhuseleko okanye ukufaneleka nto leyo eselekezela ukutshintshwa kwendawo yokuhlanganela;

(b) Yamkele utshintsho lwendawo yokuhlangana kwindawo ebhengeziweyo ngokwethuba elichaziweyo; kwaye

(c) Kubonakale iindleko eziqikelelekayo ezibonakalisa utshintsho lwendawo, nokuyigcina ngokwethuba elimisweyo.

(3) Umsebenzi weKansile uza kuqwalaselwa kwintlanganiso yeKansile ebekiweyo kwi-agenda ehlelwe nguSomlomo, ngoko ke isaziso kumelwe sikhutshwe nguManejala kaMasipala siye kumalungu kwisithuba seentsuku ezisixhenxe ubuncinane ngaphambi kokubanjwa kwentlanganiso.

14. **Isaziso esiya eluntwini esimalunga nentlanganiso yeKansile**

UManejala kaMasipala kufanele okokuba ubuncinane, akhuphe isaziso kwisithuba seentsuku ezintlanu esiya eluntwini esimalunga nomhla, ixesha kunye nendawo esiphathelele –

(a) Kwintlanganiso eqhelekileyo yeKansile;

(a) Kwanentlanganiso ekhawulezileyo yeKansile, kuphela xa amaxesha ebangela okokuba kungabinako ukwenzeka oko.

15. **Imizuzu yentlanganiso**

(1) UManejala kaMasipala kufuneka aqinisekise okokuba zonke izisombululo zeKansile ziya shicilelwa kwincwadi yokubhala imizuzu yentlanganiso, nokokuba izisombululo ezamkelwe yiKansile kwiintlanganiso ezizezayo kuphela zishicilelwe kwincwadi eyiyenye yemizuzu.

(2) Ukushicilelwa ngendlela echanekileyo kwemizuzu yentlanganiso kumelwe kuqwalaselwe kwintlanganiso elandelayo, xa kungenakwenzeka, kuqwalasele kwelandela leyo.

(3) Xa kukho impikiswano mayela nemiba equlathwe kwimizuzu yentlanganiso,

(a) ingxoxo-mpikiswano efanelekileyo, xa inokushicilelwa, kufuneka ikhutshelwe ngezixhobo zokushicilela;

(b) Xa kungenakufumaneka izixhobo ezinjalo zokushicilela, uManejala kaMasipala kufuneka angenise ingxelo kwiKansile, engenisa olwayo ushicilelo lwesibini lwenngxoxo-mpikiswano;

(c) emva kokuqatshelwa koshicilelo lwengxoxo-mpikiswano okanye lwengxelo, nanjengoko kunokuba njalo, iKansile inganako ukuthi ngenxa yevoti yenze isigqibo ngokuphathelele kushicilelo oluchanekileyo lwemizuzu, kuphela naloo malungu athe anikwa ikhefu lokungabikho entlanganisweni, konke oko kushcicilelwe kwimizuzu.

(4)

16. **Ithuba lokuthandaza okanye lokucinga-nzulu**

Ekuqaliseni kwentlanganiso yeKansile, uSomlomo kufuneka anike ithuba kumalungu okokuba athandaze okanye acinge nzulu.

17. **Uphazamiseko, ukurhoxiswa okanye ukumiswa kwentlanganiso**

(1) uSomlomo anaganko ukuphazamisa, anqumamise okanye arhoxise intlanganiso yeKansile, kuphela xa –

(a) phambi kokudibana kunye noSodolophu, iSabhokhwe esiyintloko kunye neSabhokhwe soMbutho; kwakunye

(b) kubekho isizathu esibonakalyo esibangele olo phazamiseko, ukurhoxiswa okanye ukunqunyanyiswa kwentlanganiso

(2) Ngethuba lokurhoxiswa, uSomlomo angenza utshintsho malunga nomhla, ixesha okanye indawo ;

18. **Imiyalelo yokushiya intlanganiso**

uSomlomo, anganako, ngethuba kuchotshelwe intlanganiso yeKansile, ayalele ilungu lasekuhleni okokuba lifulathele iqonga lentlanganiso, apho kuyimfuneko enze oko akuyalelwa nguSomlomo phantsi komthetho8(8)(g).

19. **Ukukhutshwa kwamalungu**

Ngokomyalelo kaSomlomo, igosa eligunyazisiweyo kufanelel likhuphe okanye lilungiselele ukukhupha umntu –

(a) Othe ngaphandle komyalelo, abe ukhona kwelo qonga lentlanganiso elilungiselelwe amalungu eKansile kuphela, okanye nakuyiphi na indawo engafanelanga loo mtu; okanye

(b) Ophazamisa intlanganiso yeKansile, ebangela uqhushululu, ongasukiyo kwiqonga elikhethelwe amalungu eKansile kuphela xa eyalelwe okokuba asuke ngokuphathelele kumthetho 18, okanye ngenye indlela aphazamisane amalungiselelo alo mthetho.

20. **Ukutyelela kwabameli baseburhulumenteni besizwe nobephondo**

uSomlomo , emva kokudibana nentloko yabameli, anganako ukwenza isimemo kubameli boburhulumente bephondo okanye besizwe, abakutyelelo lweKansile, ukuba bawise intetho phambi kweKansile.

ISAHLUKO 4
UCWANGCO KWIINTLANGANISO KWANEMITHETHO YENGXOXO-MPIKISWANO

21. **Ucwangciso lwemiba yentlanganiso**

Xa kuqhutywa ingxoxo nakuyo nayiphi na intlanganiso yeKansile, akukho miba eyiyenye enokwamkeleka, kuphela kuxa –

(a) Kukho imiba elungiswayo;

(b) Uqwalaselo lombuzo lurhoxiswe;

(c) iKansile irhoxiswe;

(d) Intlanganiso irhoxe ukuze kubanjwe ingxoxo yabucala

(e) Ingxoxo-mpikiswano irhoxiswe

(f) Kuphakanyiswe umbuzo; kwaye

(g) iKansile idlulele komnye umba

22. **Okokuba umba othile ulungiswe**

(1) Ulungiso ngalunye kufanele luhambisane nomba xa kunokwenzeka ususwe

(2) Ulungiso luza kwaziswa ngembalelwano, lusayinwe ngojongene nalo mba, ungeniswe kuSomlomo okanye uManejala kaMasipala, kwaye awufunde, phambi kokuba ususwe.

(3) Ulungiso olo aluzi kuxoxwa okanye lwandlalwe kwiKansile, de ulungiso olo lube nokuxhaswa.

(4) Xa kukho ezinye izilungiso kumba othile, ngoko ke ulungiso oluphakanyiswe mva luza kuvotelwa kuqala, kwaye, xa uthatyathelwe ingqalelo, umbuzo uza kusonjululwa ngokufanelekileyo.

(5) Ukuba ulungiso oluphakanyiswe kamva aluqwalaselwanga, ngoko ke ulungiso oluphakanyiswe ngoko nangoko phambi kolungiso luza kuvotelwa.

(6) Akukho zilungiso zilandela ezo eziza kususwa ngokuphathelele kwimiba okanye izilungiso, emva kokuqalisa kukaSomlomo ukuthabatha ivoti mayela nalo mba okanye ngolungiso.

23. **Kunqunyanyiswe uqwalaselo lwemibuzo**

(1) Emva kokugqityezelwa kwentetho, ilungu linganako ukutshintshela uqwalaselo lo mbuzo kolunye usuku olumisiweyo.

(2) Umsebenzi onjalo uza kuxhaswa, kodwa kufuneka ungabhalwa phantsi.

(3) Odlulisela lo msebenzi onjalo anganako ukuthetha kodwa angedlulisi kwimizuzu elishumi. Oxhasayo angekhe avunyelwe ukuba athethe, ngapha kokuxhasa umsebenzi onjalo.

(4) Ngaphezulu kwaloo migushuzo yenziwayo, owenza imigudu yaloo mbuzo exoxwayo, anganako, ngaphandle kokubekwa ibala ngelungelo lakhe ukwenza ingxoxo-mpikiswano ukuba intshukumo leyo engombuzo idluliselwe kolunye usuku ayivunyelwa, aviwe ukuze aphendule kangangemizuzu emihlanu, emva koko intshukumo leyo iza kwandlalwa, kungekho mibuzo eyiyenye.

(5) Ukuba kuye kwatshintshelwa kolunye usuku olubekiweyo ekuvunyelwene ngalo, umbuzo lowo uza kubekwa endaweni yawo kuluhlu lwemiba ekumele ixoxwe ngaloo mhla nalapho ukuphakanyiswa kwawo kuza kuqwalaselwa.

24. **Okokuba iKansile inqunyanyiswe**

(1) Ilungu linganako, kuphela ngelixa kuwiswa intetho lelinye ilungu, okanye ngelixa kuvotwa, liphakamise okokuba intlanganiso inqunyanyiswe.

(2) Umba ophakanyisiweyo onjalo uza kuxhaswa, kodwa kumele ubhalwe phantsi.

(3) Ophakamisa umbuzo ophathelele kwimibuzo angawuphakamisa lo mba kangangemizuzu emihlanu. Oxhasayo akanako ukuthetha, ngapha kokwenza inkxaso ebonakalayo.

(4) Okokuba ngaba umbono lowo uphakanyisiweyo uye waqhutyelwa phambili, iKansile ngoko iza kunqunyanyiswa ngoko nangoko, ngaphandle kokuba uSomlomo angaqhubela intlanganiso phambili kuqala ukuba iqhubeke nemiba engaxoxisiyo.

(5) Ukuba umbono wokokuba iKansile inqumame wuphuhliswanga, ngoko ke uSomlomo akazukwamkela umba ofanayo, de uphelelwe kwisithuba semizuzu elishumi

(6) Ilungu elithile alinakukwazi, ngosuku olufanayo, nangexesha layo nayiphi enye intlanganiso yeKansile, ukuphakamisa nokuxhasa umba odlule komnye okokuba unqunyanyiswe.

(7) Akukho ngxoxo kumba ophakanyisiweyo oza kuvunyelwa, kuphela xa -

(a) ophakamisa umbono angathetha ngomba wakhe, njengoko kuchazwe ngokuphathelele kwicandelwana(3); kwaye

(b) ilungu eliphakamela umba onjalo linganako ukuthetha liphikise umba lowo kwisithuba semizuzu emihlanu.

(8) Akukho silungiso salo mba esizakutshintshwa, kuphela kuxa kuphathelele kwisithuba sokurhoxiswa.

(9) Ukuba umba wokurhoxisa intlanganiso yeKansile uphakanyisiwe ngethuba lengxoxo-mpikiswano naphambi kokuvalwa, ngoko, xa kuqwalaelwa lo mba wengxoxo-mpikiswano onjalo ngethuba kunqunyanyiswe intlanganiso, ilungu eliphakamise ukunqunyaniswa liza kubanelungelo lokuthetha kuqala.

(10) Akukho lushishino oluza kuqhutywa kwintlanganiso enqunqanyisiweyo, kuphela kuxa kuphawuliwe kwi-Agenda yentlanganiso.

(11) Kungalibalekanga ulungiselelo lomthetho 179(1), uSomlomo unelungelo lokunqumamisa intlanganiso, nangaliphi na ixesha emva kweeyure ezimbini, kangangemizuzu elishumi ubuninzi, kodwa hayi ngexesha levoti.

25. **Okokuba iKansile inqumamise intlanganiso yabucala**

(1) iSabhokwe soMbutho, singanako nangaliphi na ixesha, kodwa kuphela xa ivoti iye yathatyathwa, kuqhutyelwe iKansile yabucala.

(2) Umbono onjalo uza kuxhaswa, kodwa kufuneka wandlwalwe ngembalelwano.

(3) Ophakamisa umbono unako ukuthetha kwisithuba semizuzu emihlanu. Oxhasayo akazi kuthetha, ngaphandle kokuba axhase ngokundilisekileyo loo mbono.

(4) uSomlomo uza kwenza isigqibo okokuba avumele intlanganiso yegqugula. Ngokuphathelele koku –

(a) Ukuba isicelo siyaliwa nguSomlomo, uza kunika izizathu zokwala, izizathu ezo ziza kungeniswa kwimizuzu;

(b) ukwenza isigqibo kukaSomlomo ngokuphathelele kwisicelo eso kuza kugqitywa, kwaye akuzivulelwa thuba langxoxo; kwaye

(c) ukuba ngaba isicelo sentlalanganiso yegqugula sizakuvunywa nguSomlomo, emva koko iKansile iza kunqunyanyiswa ngoko nangoko, kuphela xa uSomlomo angayalela intlanganiso iqhubeke kuqala ukuze ityhile imiba engavezwanga.

(5) uSomlomo uza kusika umda wexesha ngokuphathelele kwimiba exoxwa kwintlanganiso yegqugula.

(6) Igquba lentlanganiso elicele ukurhoxiswa kwentlanganiso liza kuhlanganela kwenye indawo.

(7) Ukuba amalungu egquba lentlanganiso awakahlali phantsi ngexesha iKansile ifanele ukuba ihlangane, ngoko ke iKansile iza kuqhubekeka nomsebenzi wayo oqhelekileyo, kuphela xa i(quorum) yamalungu ikhona.

(8) Ukuba i(quorum) yamalungu ayikho, intlanganiso izakurhoxiswa okwemizuzu elishumi, kwaye, apho amalungu egquba lentlanganiso engabuyi kwisithuba semizuzu elishumi, intlanganiso izakuvalwa nguSomlomo, kwaye izizathu zokuvalwa ziza kuchazwa kwincwadi yokubhala imizuzu yentlanganiso.

26. **Okokuba kurhoxiswe ingxoxo-mpikiswano**

(1) Emva kwemizuzu engama30 engxoxo-mpikiswano ngomba othile, okanye ngemiba ethile, ilungu, xa kugqityezelwa ingxoxo-mpikiswano, iza kurhoxiswa.

27. **Okokuba umbuzo umiswe**

(1) Emva kwemizuzu engama30 engxoxo-mpikiswano ngomba othile, ilungu lingaphakamisa okukuba, ngaphandle kwengxoxo, okokuba umba umiswe.

Ngokuphathelele koku –

(a) Xa umba uthe waxhaswa ube nokumiswa ngoko nangoko, kwaye,

(b) ukuba umba uthe wathwalwa, ngoko ke umbuzo ophathelele kulo mba oxoxwayo uza kumiswa ngoko nangoko.

(2) Okunye okulandelayo kokokuba umba oxhasiweyo ngombuzo umiswe ukuze ungasuswa, kangangesithuba semizuzu eli15 okwenziwa kwesigqibo ukunika ingqwalasela kumba ophakanyiswe kuqala.

28. **Okokuba iKansile iqhubekeke neminye imisebenzi elandelayo**

(1) Emva kwemizuzu engama30 engxoxo-mpikiswano ngokuphathelele kumba othile, ilungu linganako ukuqhubela phambili, ngaphandle kwengxoxo, libonise okokuba iKansile iqhubekeke phambili kumba olandelayo, umba xa uthe waxhaswa, uza kumiswa ngoko nangoko.

(2) Xa umbono uveziwe wokokuba iKansile iqhubekeke phambili kwimisebenzi elandelayo, umbuzo oxoxwayo uza kuthatyathwa njengophelelweyo.

(3) Xa kusenziwa ingxoxo-mpikiswano ngomba ofanayo, uma olandelayo wokokuba iKansile iqhubekeke kumsebenzi olandelayo awuzukutshintshwa, kwisithuba semizuzu eli15 yokuphakanyiswa komba lowo.

29. **Ilungelo lokukhululeka ukwazi ukuthetha**

Amalungu –

(a) Aza kubanelungelo lokuthetha kwiKansile, nakwiiKomiti zayo kunye neeKomitana zazo, kuphela ngokwale mithetho; kwaye

(b) Akazukubopheleleka kwiinkqubo zasekuhleni okanye zobundlobongela, zokubanjwa ukuvalelwa okanye zomonakalo ngayo nayiphi na into –

(i) nayiphi na into abayithethileyo, ukuvelisa ngaphambili, okanye ukungenisa kwiKansile okanye nakuyiphi na iKomiti okanye iiKomitana; okanye

(ii) nayiphi na into etyhiliweyo ngokuphathelele nakuwuphi na umba abawuthethileyo ngaphambili okanye abawungenisileyo kwiKansile okanye nayiphi na enye yeeKomiti okanye iiKomitana.

30. **Ukujikezeliswa kwiQonga leNgxoxo**

Ilungu leKansile alinako –

(a) lidlulise phakathi kukaSomlomo kunye nelungu elandlala umba kukaSomlomo;

(b) lidlulise umba phakathi kukaSomlomo kunye neTafile echophele intlanganiso; okanye

(c) lime phakathi kwemiba ekhoyo kwiQonga leNgxoxo

31. **Amalungu akuvumelakanga okokuba aphazanyiswe**

Akukho lungu elingaphazamisa elinye elandlala umba kuSomlomo, kuphela xa licela ukuhoywa kumba othile wokulungelelamiswaokanye umbuzo ofanelekileyo.

32. **Ukunikwa ithuba ngaphambili kukaSomlomo**

Nangaliphi na ithuba uSomlomo obekiweyo ephakama ngethuba kubanjwe ingxoxo-mpikiswano kwiKansile, ilungu elibonisa ngomba okanye elizama ukubonisa ngomba kuSomlomo kumele lihlale phantsi linike ithuba kuSomlomo ukuba aviwe, kungekho kuphazamiseka.

33. **Ilungu liyalelwa okokuba lihambe**

(1) USomlomo unako ukunika umyalelo kwilungu okokuba lisuke kwiQonga leNgxoxo ngoko nangoko, lingangeni kwsiqendu eiselyeo sentlanganiso, xa uSomlomo enombono wokokuba –

(a) Ilungu lenza ngabom okokuba liphazamisane nokulungiselelwe kule mithetho;

(b) Ilungu lophula umthetho, okanye liyadelela, igunya likaSomlomo; okanye

(c) Indlela yokuziphatha kwelungu ayibukeki

(2) Ilungu elinikwe umyalelo wokokuba lisuke kwiqonga leNgxoxo alinako ukuthabatha inxaxheba kwimisebenzi yeKansile ngaloo mni.

34. **Ukuyekiswa lwamalungu**

Ukuba uSomlomo unombono ilungu elo lizimisele nokokuba umyalelo wokokuba lisuke kwiQonga lengxoxo ngaloo mini awufanelekanga, ngoko ke uSomlomo angayalela ilungu elonileyo okokuba lishiye iQonga lengxoxo de abe uSomlomo ubhengeze inyathelo elithatyathiweyo ngelo lungu.

35. **Okuphulwa kwenkqubo**

Xa kuthe kwabakhona okuphulwa kwenkqubo kwintalnganiso yeKansile, uSomlomo angarhoxisa intlanganiso okanye ayinqumamise

36. **Amalungu kumele abhekise uSomlomo**

Ilungu kufanele lazise libhekise uSomlomo xa lithetha, kwaye, xa kusenzeka, kumele lime ngeenyawo xa lisenza njalo.

37. **Ukubizwa kwamalungu**

(3) Ilungu linganako ukwenza intetho kwintlanganiso yengxoxo-mpikiswano kwiKansile, kuphela xa ebizwe nguSomlomo ukube lenze njalo.

(4) uSomlomo kumele abize amalungu, ngokufaneleke landela oku–

(a) kuluhlu lwezithethi ezidwelisiweyo ezilungiselelwe umba wengxoxo-mpikiswano; kwaye

(b) amaxesha amiselwe intetho engamalungu amele iiwadi kwanemibuthoeyahlukeneyo.

(5) Uluhlu lwezithethi ezimiselwe okokuba zithethe kumele lulungiswe sisaBhokwe sombutho, sisebenzisana ndawonye.

38. **Amaxesha amisiweyo alungiselelwe iintetho**

(1) Kuphela apho le mithetho imiselwe umda, amalungu awanako ukuthetha ngethuba lengxoxo-mpikiswano alinikiweyo kuluhlu olubhalwe phantsi lwezithethi ezidwelisiweyo.

(2) Xa kuthe nanjengoko ixesha lingekamiswa, ngoko ke,-

(a) ilungu leKansile eliphetheyo kwelo shishini phambi kweKansile libenako ukuthetha kangangoko kufuneka; kwaye

(b) amanye amalungu awanako ukuthetha ngokwevoti ebaliweyo, ngaphezulu kwemizuzu emihlanu ngexesha, okanye nawuphi na umba ophambi kweKansile, ngaphezulu kwemizuzu emithathu ngexesha.

39. **Ulwimi olungafanelekanga kunye nentetho engekhoyo**

Akukho lungu elinako uku –

(a) Ukusebenzisa ulwimi olungafanelekanga kwiKansile; okanye

(b) Lenze intetho engekhoyo kwiKansile ngabom, lungu elo liyaziyo okokuba yintetho engekhoyo.

40. **Imida elindelekileyo**

(a) Akukho lungu, ngelixa kuxoxwa kwiKansile, elingalindeleka okokuba lenze ingxoxo ngomba ovelayo kwi-agenda.

(b) Ekuqulunqeni okokuba umba othulwa kwiKansile awufanelekanga koko kulindelekileyo, uSomlomo kufanele okokuba aqwalasele okokuba kufanelekile na okokuba umba olindelekileyo uxoxwe kwiKansile kwisithuba ezimisiweyo.

41. **Ingcaciso**

(3) Ngelixa kubanjwe ingxoxo-mpikiswano kwiKansile, ilungu lingavumeleka okokuba lichaze ngentetho edlulileyo, kodwa xa kuthe kwenzeka okokuba intehtho leyo ibe ayichazwanga kakuhle okanye ayiqondakali okokuba ithwele ntoni na.

(4) Ilungu elinika ingcaciso alinako ukwazisa ngomba omtsha

(5) Akukho ngxoxo-mpikiswano ngale ngcaciso elindelekileyo.

(6) Ilungu linganako, ngokwemvume eynziwe ngaphambili kunye noSomlomo, licacise umba ofanelekileyo kwiKansile.

42. **Isikhalazo**

Xa kuphakanyiswe isikhalazo, ilungu elithethayo kumele lithule lihlale phantsi, Somlomo angenza isishwankathelo okanye enze zigqibo ngokokwakhe.

43. **Ukusebenza endaweni yelungu elingekhoyo**

Ukuba ilungu elinoxanduva alikho kwintlanganiso yeKansile, kufanele okokuba elinye ilungu eligunyazisiweyo lilungu elingekhoyo lingathabatha indawo kuloo ntetho.

44. **Ilungelo lamalungu lokuba athethe**

Ilungu linganako ukuthetha kwiKansile –

(a) Xa libizwa nguSomlomo; okanye

(b) Ukuvakalisa isikhalazo

45. **Xa impendulo yenziwe**

Impendulo kufuneka yenziwe lilungu –

(a) elazise lo mba ukuze uxoxwe; okanye

(b) elinoxanduva lolawulo lwemiba exoxwa ngaloo mini

46. **Ukuvalwa kwengxoxo-mpikiswano**

Impendulo kwingxoxo-mpikiswano iyayivala kwiKansile, kuphela xa uSomlomo evumela ukuba ingxoxo ibhekele phambili.

47. **Imibuzo exhonyiweyo imiswe ukuze ingaphinde ixoxwe futhi**

Umbuzo oxhonyiweyo emva kwengxoxo-mpikiswano ngawo ugqityezelwe kwiKansile uvalwe kungaphinde kuxoxwe.

48. **Imibuzo ephindwayo**

Ukuba uSomlomo ubeke umbuzo, okanye ube awuviwanga okanye awuqondakalanga, ngoko ke umbuzo kumele ubuzwe kwakona.

49. **Umbuzo owenziwe ngokupheleleyo**

(a) Akukho lungu, kuphela ilungu elivumelekileyo ukuba liqinisekise ngevoti, elinako ukuthetha ngawo nawuphi na umbuzo emva kokuba ubelwe ngokupheleleyo nguSomlomo.

(b) Umbuzo ugqitywa ziivoti zamalungu ubelwe ngokupheleleyo xa kuthe iivoti zaba ngu-"Ewe" kunye no"Hayi" enikezelweyo.

50. **Ukungabikho kwinani elitunekayo lamalungu**

(a) Xa umbuzo obekwe phambi kweKansile uza kugqitya ziivoti zamalungu, linani elimbalwa elilingana nesiqingatha samalungu akhoyo xa kusenziwa ivoti, intsimi mayibethwe amaxa amathathu.

(b) Xa kuthe esinye isiqingatha asabikho emva kokubethwa kwentsimbi, ngoko ke uSomlomo kumele amise isigqibo eso esimalunga nombuzo.

51. **Isigqibo sokuthatha ivoti**

(a) Xa umbuzo oza kugqitywa yivoti yamalungu athile sele ivalwe ngokuzeleyo, uSomlomo, xa athe wafaka isicelo, angavumela ilungu lombutho ngamnye ukuba libeke izizathu zokokuba kutheni umbutho ungqinelana okanye ungangqinelani nombuzo.

(b) Ushicilelo lwamalungu aphikisa umbutho welungu alizokugqibela ukuthabatha inxaxheba kwelungu okanye kombutho walo ngokuphathelele kuloo mbuzo.

52. **Ushicelelo lwabachasi**

(1) uSomlomo angaqulunqa inkqubo nohlobo lokuvot, xa kushicilelwa iqela eliphikisayo.

53. **Imiba engaphikiswayo**

(1) Xa intlanganiso yeKansile ithe yaqhubekeka kungadlulanga imizuzu emibini, uSomlomo angaphazamisa inkqubo ayikhokelele ekubeni iKansile iqhubeke ngoko nangoko ukuvelisa imiba engaphikiswayo.

(2) Emva kokuba kokuvezwa kwemibuzo leyo, inkqubo iza kuqhubeka kususela apho iyeke khona nalaphi iphazamiseke khona, kuphela xa yonke imiba eseleyo ithe yarhoxiswa kude kuye kuba yintlanganiso elandelayo.

(3) Ngokuphathelele kwiinjongo zalo mthetho wedolophu, umba we-agenda awungekhe ubonakale ungumba ophikiswayo ukuba ilungu libonise iinjongo zakhe zokuxoxa loo mba ngokukhawulezileyo emva kokuba uSomlomo abe wazise intlanganiso okokuba loo mba uvulelekile okokuba uxoxwe, kuphela akukho mba za kutyhatyathwa uvuleleke kwaye uphikiswe ngesizathu kuphela xa imibuzo iqhagamshelene

54. **Umthetho ngemibuzo efanayo**

(1) Umba omiselwe ixesha elizayo kwiKansile unganako ukungafani nomba osele uxoxiwe kwiKansile kwiinynag ezintandathu ezidlulileyo.

(2) Isisombululo esiyiliweyo ukuze samkeleke kwiKansile singanako ukungafani njengesisimbululo esiyiliweyo esiconyiweyo okanye esaliweyo yiKansile ngethuba leenyanga ezintandathu ezingaphambili.

(3) Umthethwana awuthinteli iKansile ekulungiseni okanye (rescinding) nawuphi na umyalelo, isisombululo okanye ivoti kwisithuba seenyanga ezintandathu ezingaphambili.

55. **Akukho lufakelo kwisisogqibo esiyiliweyo**

Akukho lufakelo kwisisogqibo esiyiliweyo esingaphakanyiswa, kuphela xa ufakelo

(a) Kumbuzo oluncedo;

(b) Ukuba ume endaweni yegama lelungu kwisisogqibo esiyiliweyo sinegama lelinye ilungu; okanye

(c) Sivunywe nguSomlomo;

56. **Utshintsho Lwesigqibo**

(1) Ukuba ilungu linqwenela ukufaka isaziso okanye ukwazisa ngeenjongo yokudlulela (kwirescisssion okanye) yotshintsho, okanye inxalenye ngoko, ze emva koko -

(a) Ilungu liza kunikezela ngesaziso esibhalwe phantsi ngokuphathelele kumba walo kuManejala kaMasipala, oza kuba –

(i) ube utyikitywe wabhalwa umhla lelo lungu likhankanyiweyo; kwaye

(ii) lichaze uhlobo lwentlanganiso yeKansile eza kothulwa ngalo;

(b) Isaziso somba siza kwaziswa kuManejala kaMasipala ubuncinane kwiintsuku ezintlanu phambi kwentlanganiso; kwaye

(c) Ukongeza kwiimfuno zecandelwana(a), isaziso salo mba siza kuchaza okokuba –

(i) ilungu liza kuphakamisa umba wokokuba umba ochaziweyo u(rescinded) or (altered), nanjengoko kunokuba njalo; kwaye

(ii) ngokuphathelele kutshintsho oluneenjongo, utshintsho olululo olunqwenelekayo luza kuchazwa(stipulated).

(2) Ukuba ikomiti yenze isisombululo sokuncoma iKansile okokuba isiombululo okanye inxalenye ngoko ibe ye(rescinded/altered), ngoko ke –

(a) Isaziso sokususa utshintsho olo noluza kunikezelwa ngokuthi kubandakanywe izincomo kulo msebenzi kwingxelo yeKomoti kwiKansile;

(b) uManejala kaMasipala uza kuthumela ikopi yengxelo leyo, kwaye iinkcukacha zentlanganiso apho iza kuqwalaselwa khona, kwilungu ngalinye –

(i) xa kusaziswaa zisiwe lilungu ukuze zihanjiswe izaziso kunye namaxwebhu; kwaye

(ii) ubuncinane ziiyure ezingama24 phambi kwentlanganiso.

(3) Kuxhomekeke kwizincomo zeKomiti, isisombululo okanye inxalenye ngoko ayizikuqwalaselwa nakuyiphi na intlanganiso yeKansile, ngaphandle kokuba kube kufumaneke imvume yesininzi samalungu akhoyo.

57. **Izincomo zeKomiti**

(1) Ukwamkeleka kweembono okubandakanywe kwingxelo yeKomiti kuza kubonwa njengokuyintsusa ebangelwe ngusihlalo wekomiti leyo.

(2) Xa kuthe akwabakho usihlalo, okanye xa ephikisana neembono ezibekwe ngokuphathelele kwicandelwana (1) kuza kubonwa njengokususiweyo lilungu elo leKomiti leyo enikwe uxanduva lokwenza oko.

(3) Umsebenzi wokwamkela izincomo kufuneka uxhaswe, kwaye usihlalo weKomiti ekujongwe kuye akazukushiywa ngaphandle kumsebenzi wokuthetha olilungelo lakhe.

(4) Nawuphi na umba ongenisiweyo ukuze kwenziwe isigqibo ngawo ngokuphathelele kwicandelwana (1) lingalungiswa phambi kokuba kwenziwe isigqibo ngoko.

(5) Kungalibalekanga icandelwana (3), imiba ephakanyiswayo yokulungisa kumele ixhaswe.

(6) iKansile kufuneka yenze isigqibo ngemiba emele ukulungiswa, okokuqala, kuphela emva koko, kwenziwe isigqibo ngomba obambekayo phambi kwayo.

(7) uLungiso lungangabinaziphumo ezimbi ngokuphathelele kwimiba ephakanyisiweyo ukuze kwennziwe isigqibo.

58. **Imiba engenasaziso**

Isaziso ngemiba kumele sinikezelwe, kuphela xa-

(1) Isilungiso kwisisombululo soyilo siphakanyisiwe ngokuphathelele kule mithetho;

(2) Imiba ephakanyisiweyo ivelile ngokuphathelele kumalungiselelo;

(3) Ukumiswa kwe, okanye ukukhutshwa kwe, okubonelela, inkqubo yolo suku ingambe kakuhle;

(4) Kuphakanyiswe umbono kwikomiti wokuthunyelwa komthetho wedolophu;

(5) Ilungu elinoxanduva liphakamise isisombululo soyilo lwengxelo yekomiti ngoko nangoko emva kwesisombululo sengxoxo-mpikiswano;

(6) Onke amalungu akhoyo azivelelyo abonise okokuba umba lowo uthunyelwe ngaphandle kwesaziso;

(7) Le mithetho ingakumbi ibonisa ngenye indlela; okanye

(8) uSomlomo umisa umthetho wokokuba isaziso singakhutshwa ngokuphathelele nawuphi na umba.

59. **Imiba enesaziso**

(1) Xa kukhutshwa isaziso ngomba othile, kufuneka ilungu –

(a) lifundwe ngokuvakalayo, sandlalwe kwitafile yentlanganiso ukuze kusayinwe ikopi yesaziso eso; okanye

(b) kukhutshwe kuSomlomo ikopi esayiniweyo yesaziso, ngalo naluphi na usuku lokusebenza, ukuze sibandakanywe kwi-agenda.

(2) Isaziso ezibhalwe phantsi sithunyelwe kuSomlomo emva kwentsimbi yeshumi elinanye ngalo naluphi na usuku lokusebenza ukuze sibekwe kwi-agenda kuphela emva kokuphela kweeyure ezingama24, ngaphandle kokuba uSomlomo abe uyalele ngolo hlobo.

(3) Akukho mba ungaphakanyiswa ngaloo mini kukhutshwa ngayo isaziso, kuphela ukuba onke amalungu akhoyo aya(unanimously concur).

60. **Ukumela ilungu elingekhoyo**

Ilungu eligunyazisiweyo lilungu elingekhoyo lingakhupha isaziso ngomba elinqwenela ukuwuveza limele ilungu elingekhoyo.

61. **Usomlomo angalungisa izaziso**

Isaziso somba ophazamisa inkqubo okanye imithetho ingalungiswa, okanye kuboniswane ngayo, njengoko kuya kube kugqityiwe nguSomlom.

62. **Imibuzo eluncedo**

Umba okhawulezileyo ophathelele ngqo kwiKansile uza kuthabatha indawo ephambili kuneminye kwanemiyalelo yolo suku.

63. **Ukurhoxiswa nokuphelelwa kwemiba**

(a) Ilungu eliphakamise umba lingawuphakamisa, ngaphandle kwesaziso, okokuba urhoxiswe.

(b) Umba okwi-agenda ongaveliswanga phambi kokuba iKansile yenze izigqibo ngemiba exoxwayo kwintlanganiso echotshelwe mva nakuwuphi na unyaka uza kuphelelwa xa sele kugqitywe yonke imiba exoxiweyo.

64. **Imiba ebalulekileyo eluntwini**

(1) Naliphi na ilungu linganako, nangalo naluphi usuku lokuhlala kwentlanganiso yeKansile, ukwenza isicelo kuSomlomo esibhalwe phantsi ukuvumela umba obalulekileyo eluntwini uxoxwe yiKansile.

(2) Ukuba umba lowo uchaphazela iKansile, ngoko ke uSomlomo angasifeza eso sicelo kwaye-

(a) awandlale umba lowo kwi-agenda okanye, ukuba ngumba ongxamisekileyo, kwaye iKansile ichophele intlanganiso, ivumele okokuba ingxoxo iqhubeke ngomhla lowo kwenziwe ngawo isicelo, emva kokuba kuqwalaselwe ukufumaneka kwamalungu angathabatha inxaxheba kuloo ngxoxo-mpikiswano;

(b) abeke bucala ithuba lokuba kwenziwe ingxoxox; kwaye

(c) alungiselele okokuba ilungu okanye omnye umntu aphendule kwingxoxo-mpikiswano.

(3) Ingxoxo enjalo ayinako ukudlulisa ixesha elabelwe lona nguSomlomo;

(4) Ubuncinane yimizuzu eli15 phambi kokuba iphelelwe kwixesha eyabelwe lona, ukuba ilungu, ngaphandle kwalo mntu uphendula ingxoxo-mpikiswano, abe usathetha, uSomlomo ngoko ke kufanelekile okokuba anqamle intetho yelo lungu aze avumele lowo uphendula ingxoxo-mpikiswano okokub aphendule, okokuba unqwenela njalo.

(5) Imibuzo eluncedo mayingaxoxwa phantsi kwalo mthetho mthetho.

(6) Imiba esele ixoxiwe yiKansile ngethuba kubanjwe ingxoxo yaminyaka le ayinakuxoxwa phantsi kwalo mthetho ngethuba le ntlanganiso efanayo.

(7) Umthetho onguRule 26 akazi kusebenza kwingxoxo-mpikiswano emiselwe ngokuphathelele kulo mthetho.

ISAHLUKO 5

Ukufikelela kuluntu zoluntu

65. **Iintlanganiso ezivumelekileyo ukuba uluntu luzingene**

(1) Kuxhomekeke kumthethwana (4), amalungu oluntu anelungelo lokungena kwiintlanganiso zeKansile kunye nezeeKomiti.

(2) UManejala kaMasipala kufuneka afake isaziso ngaphandle kweHolo leDolophu, nalapho kubhalwe ngeelwimi zonke ezikhethwe yiKansile, ixesha, umhla kunye nendawo kwane-agenda, kuxhomekeke kumthethwana(5), kuzoz zonke iintlanganiso zeKansile kunye neeKomiti zeKansile.

(3) Alondoloze apho kuyimfuneko khona ngokomyalelo wentlanganiso, uManejala kaMasipal kufuneka afake isaziso, ngokupapasha kumaphepha-ndaba asekuhlaleni okanye kwingingqi kwaye abhalwe ngeelwimi ezilungiselelwe yiKansile eziphathelele kwixesha, indawo, umhla kunye ne-agenda, kuxhomekeke kwicandelwana(5) leentlanganiso zeKansile.

(4) Kuxhomekeke koko kulungiselelwe kwiCandelo 20(2) loMthetho weNkqubo kaMasipala, uSomlomo, kumbandela weKansile, kaSodolophu, kumba wayo nayiphi na enye iKomiti, angavala intlanganiso okanye inxalenye yenkqubo yentlanganiso ukuba uluntu lungayingeni, ukuba akanako, ngokombono wakhe –

(a) kungabakhona ukuvaleleka ngokusemthethweni ukuba uluntu lungabinako ukufumana ulwazi oluphathelele nomntu lowo;

(b) urhwebo lomntu nawuphi na lube yimfihlelo;

(c) ezemali, ezorhwebo, ulwazi lwezobungcaphephe nezobungcali, ngaphandle nje kolwazi olungqamene nomntu, olungatyhilwa kwaye imfihlelo leyo etyhiliweyo ingabangela umonakalo kumdla wezemali, kwezorhwebo oluphathelel kumntu lowo;

(d) ulwazi olukhutshiweyo oluyimfihlelo yomntu othile lwakhe nawuphi na umntu lube yimfihlelo, kwaye imfihlelo leyo ibe yehloniphekileyo umntu lowo wayo angajongelwa phantsi xa kuxoxwa eminye imiba, kungabikho mkhethe xa kufikelelwa kwimiba yokhuphiswano lwezimvo;

(e) ulwazi lungayimfihlelo, kwaye imfihlo leyo iza kubangela ukuba kubekho ulwaphulo lwesivumelwano ngomsebenzi okanye ukuzithemba okuyimfanelo kumntu lowo ngokuphathelele kumntu lowo ngokuphathele kwisivumelwano;

(f) Ulwazi lungabayimfihlelo engalindeleka ukuba yingozi kubomi nokhuseleko lwakhe nawuphi na umntu , okanye luza kuchaphazela okanye luqhwalelise ukhuseleko lwesakhiwo, ukwakheka kwenkqubo, indlela yothutho kanye nasiphi na isakhiwo sabantu;

(g) ulwazi, olulungiselelwe kwimveliso ngethuba kuqhubekeka intlanganiso, lungakhutshwa;

(h) ulwazi lungayimfihlelo oluqulathe imiba yesivumelwano efihlakeleyo, ukutyhilwa kolo lwazi kungabangela umonakalo kwimisebenzi kaMasipala yezemali kunye norhwebo ukuze angabinako ukusebenza kakuhle kweemfuno zikaMasipala, okanye ukukhutshwa kolwazi olo kungachaphazela nolunye uthethwano kanye nokhuphiswano lwezimvo;

(i) ulwazi olungakhutshwa ngophando olwenziwayo, olusazakwenziwa nolulindeleke okokuba lwenziwe endaweni kaMasipala okanye yaloo mntu, kwaye ukukhutshwa kolo lwazi lungabeka uphando esichengeni.

(5) Ii-Agenda zentlanganiso yeKansile kunye neKomiti ngokuphathelele kumthethwana(2) kunye no(3) njengoko kuyimfuneko kwaye kufuneka ingabonisi imiba ephathelele kwintlanganiso nalapho intlanganiso ivaliweyo ukuba uluntu lungabiyinxalenye yayo.

(6) Isigqibo esiphathelele kwicandelwana (4) elingabandakanyi uluntu siswe kwiKomiti okanye kwiKomitana ephathethelele kuyo, kuphela xa usihlalo weKomiti okanye weKomitana enokuthi nangaliphi na ixesha –

(a) phambi kokuqalisa kwentlanganiso, afake umthetho wokokuba intlanganiso ithabathe icandelo lokokuba ivalwe ngokuphathelele eluntwini; okanye

(b) kuvalwe intlanganiso, ukuze iKomiti okanye ikomitana iqwalasele nawuphi na umba kwindibano evaliweyo.

(7) Kufuneka uManejala kaMasipala –

(a) abeke bucala iindawo zoluntu, ngexesha kubanjwe iintlanganiso zeKomiti; kunye

(b) ukuqulunqa iindlela ezingenayo neziphumayo, ukuze uluntu lukwazi ukufikelela kwiindawo zeentlanganiso zeKomiti kunye neKomitana.

(8) UManejala kaMasipala angathabatha imilinganiselo kunye nemithetho –

(a) afake imithetho yokungena koluntu, kubandakanya oonondaba, kunye kwiiKomiti kunye neeKomitana;

(b) ukukhusela nokulawula ngexesha leentlanganiso zeKomiti kunye neeKomitana;

(c) ukulungiselela uphando kuye nawuphi na umntu, kubandakanya iimoto zoluntu, okanye naziphi na izinto ezisetyenziswa luluntuukuze kulawuleke la nokulawula indlela yokuziphatha koluntu ngethuba leentlanganiso zeeKomiti kunye neeKomitana kunye; nalapho kufaneleke khona, ukwala ukungena, okanye ukususa nawuphi na umntu.

66. **Ukukhutshelwa ecaleni kwamalungu oluntu ngethuba kubanjwe iintlanganiso.**

Ilungu elihlalela intlanganiso kwintlanganiso yeKomiti okanye yeKomitana lingayalela ucwangco kwilungu lasekuhlelni ukuba lifulathele intlanganiso –

(a) xa uluntu lungavumelekanga ukubakho kwintlanganiso, ngokuphathelele kwicandelo lomthetho 65(4); okanye

(b) apho kuyimfuneko ukunika ifuthe kwimilinganiselo ethatyathwe nguManejala kaMasipal phanti komthatho 65(8).

67. **Ukukhutshwa kwabantu**

Xa kukho umyalelo osuka kuSomlomo, okanye owenziwe ngumntu onikwe igunya elinjalo kwi-ofisi kaSomlomo, umntu ogunyazisiweyo kufanelekile okokuba asuse okanye ahlenga-hlengise okokuba kususwe nawuphi na umntu

(a) ongenalungelo, okhoyo kwinxalenye yeGumbi lokuchphela intlanganiso yamalungu eKomiti okanye iKomitana kuphela;

(b) ophazamisayo kwinkqubo yeKomiti okanye yeKomitana, okanye odala isidube-dube; okanye

(c) ongasukiyo xa eyalelwe ngoko, ngokuphathelele kumthetho 66.

68. **Iingxelo ezenziwa yiKomiti ePhetheyo**

(a) Ingxelo engeniswe yiKomiti ePhetheyo kuqala iza kuqulatha imiba ephathelele kwimiba ephakanyisiweyo kwaye apho kungekho gunya linikezelweyo yiKomiti, ze emva koko, imiba eyalelweyo okokuba yamkelwe yiKansile.

69. **Ukuhanjiswa kwengxelo yiKomiti ePhetheyo**

Ingxelo ekhutshwa yiKomiti ePhetheyo, ngaphandle kwengxelo eyamkelwe ngusihlalo njengomba ongxamisekileyo, izakuthi ngeenjongo zentlanganiso, yothulwe ngohlobo olulungiselelwe kule mithetho.

70. **Ukuphakanyiswa kwemiba yeKomiti ePhetheyo**

(1) Usihlalo weKomiti ePhetheyo, okanye ilungu elibizwe ngusihlalo ukuba lenze njalo, liza kungenisa ingxelo kwiKomiti ePhetheyo kwiKomiti ePhetheyo kwintlanganiso afake isicelo sokokuba iqwalaselwe, kwaye isicelo eso asizikuxoxwa.

(2) Apho ingxelo yeKomiti ePhetheyo iqwalaselwe, usihlalo uza kwenza umyalelo wokuphakamisa loo mba, kwinxalenye yengxelo ngokuphathelele kwiKomiti ePhetheyo ayizukunikezela ngamagunya, ngokocwangco ekuphukanyiswe ngayo imiba,

kuphela xa yena ebona kufanelekile ukuba ahlenga-hlengise imiba.

(3) Imiba ephakanyisiweyo kwingxelo yeKomiti ePhetheyo, nanjengoko kuchaziwe ngokuphathelele kwicandelwana(2), iza kubonakala iyimiba ephakanyisiweyo yaza yangqinelwa.

(4) Ukuba imiba ephakanyisiweyo, njengoko kuchaziwe kwicandelwana(2), iza kwamkelwa, kwaye imiba enjalo iza kuba sisisombululo seKansile.

(5) Emva kokwenziwa kwesigqibo ngemiba nalapho iKomiti ePhetheyo ingenagunya, uSomlomo uza kuvumela ingxoxo-mpikiswano kwimiba ephakanyiswe yiKomiti ePhetheyo, kuphela xa –

(a) ingxoxo-mpikiswano enjalo isikelwe umkda kwisithuba esingadlulisanga iyure enye, okanye edluliselwe kwisithuba nanjegoko iKansile iza kubona kufanelekile;

(b) ilungu, kuphela xa usihlalo weKomiti ePhetheyo, eza kuthetha ngemiba enjalo, engadlulisanga imizuzu elishumi;

(c) awukho omnye umba ophakanyiswayo oza kungeniswa ngethuba lengxoxo-mpikiswano, kuphela xa umba ophakanyisiweyo yiKomiti ePhetheyo uza kucelwa ukuba uqwalaselwe into oyibonisayo; kwaye

(d) ngethuba le ngxoxo-mpikiswano, ilungu lingenza isicelo isicelo sokokuba ixa kukho ophikisa umba lowo liwuphakamisileyo, ukuhlonipha iKomiti yeKansile enikezele amagunya, iza kufakwa kwimizuzu, emva koko uManejala kaMasipala uza kubangela okokuba imizuzu ibhalwe phantsi equlathe umba ophikisayo nangasiphi na isiazthu ngoko.

71. **Uqwalaselo lohlahlo lwabiwo-mali**

Kungekho nto iphazamisana nemithetho, olu lungiselelo lulandelayo luza kusebenza xa uhlahlo lwabiwo-mali luqwalaselwe yiKansile –

(a) akukho mba ophakanyisiweyo ulungiselwle okokuba wandiswe okanye uncitshiswe inzuzo yawo okanye inkcitho yawo nophakanyiswa yiKansile oza kuvotelwa, phambi kokuba ingxoxo-mpikiswano ngohlahlo lwabiwo-mali ivalwe;

(b) emva kokuvalwa kwengxoxo-mpikiswano yohlahlo lwabiwo-mali, uSomlomo uza kuveza ithuba lokuvotelwa kwemiba ephakanyisiweyo njengoko kuchazwe kwicandelwana(a) ngokoludwe lwayo yohlobo ephakanyiswe ngalo.

(c) Ukuba umba ophakanyisiweyo ngokuphathelele kwicandelwana(a) ibe yamkelekile, ngoko ke,

(i) intlanganiso ingarhoxiselwa umhla nexesha eliqulunqiweyo nguSomlomo, nalapho umsitho wohlahlo lwabiwo-mali ungazukubonakala njengolungisiweyo, ngokuphathelele kumba ophakanyisiweyo;

(ii) apho uSomlomo angarhoxisi intlanganiso khona, uhlahlo lwabiwo-mali aluzikubonakala lulungisiwe, ngokuphathelele kumba ophakanyisiweyo;

(d) kuhambelana kunye nokurhoxiswa ngokuphathelele kwicandelwana(c) (i), iKomiti ePhetheyo iza kwenza uphando ngeempawu ezibonakalayo ngomba ngamnye owamkelweyo, ze enze ingxelo kwiKansile emva koko, xa intlanganiso iqalisa;

(f) emva kokuba iKomiti ePhetheyo yenze inike ingxelo ngokuphathelele kumthethwana(d), uSomlomo uza kuvumela ingxoxo-mpikiswano ngemiba ephakanyisiweyo ethe yamkeleka; kwaye

(g) emva koko, uSomlomo uza kubeka umba ngamnye ophakanyisiweyo okokuba uvotelwe kwakhona, kwaye, ukuba umba onjalo uthe wamkeleka, uhlahlo lwabiwo-mali luza kulungiswa,, ngokuphathelele kwisisombululo.

72. **Izicelo**

(a) Isivumelwano singangeniswa lilungu ngethuba kubanjwe intlanganiso, kwaye ilungu elo liza kunyanzeleka okokuba ukuba likhankanywe okanye likhuphe izimvo zalo okanye umxholo xa ungeniswa.

(b) Isivumelwano njengoko kuchazwe kumthethwana(a) siza kubhekiselwa kwiKomiti ePhetheyo ukuze kunikwe ingxelo kwiKansile.

73. **Ukusasazwa kwenkqubo, ubungqina, ingxelo, njl-njl.**

(1) Uluntu luza kubanako ukufikelela kulo naluphi na uxwebhu olukhutshiweyo okanye oluphantsi kwengqwalaselo yeKomiti okanye yeKomitana, kuphela xa amaxwebhu okanye ulwazi olubhalwe ngaphantsi lungenakupapashwa okanye lukhutshwe –

(a) inkqubo okanye ulwazi olwandlwalwe phambi kweKomiti okanye kweKomitana nalapho uluntu lungabandakanyekanga ngokuphathelele kumthetho 65(4);

(b) nayiphi na ingxelo okanye isishwankathelo senkqubo okanye ulwazi olo;

(c) naluphi na uxwebhu olwandlalwe okanye olunikezelwe kwiKomiti okanye iKomitana njengemfihlelo;

(d) naluphi na uxwebhu –

(i) olungeniswe, okanye oluza kungeniswa, kumalungu eKomiti okanye eKomitana njengoxwebhu oluyimfihlelo ngokomyalelo kasihlalo weKomiti okanye weKomitana; okanye

(ii) ndawonye nokungeniswa kwalo kumalungu, luchazwe ngusihlalo njengoxwebhu oluyimkfihlelo.

(2) Kungalibalekanga ulungiselelo lwecandelwana(1), imvume inganikezelwa kwiKomiti okanye iKomitana leyo, uSomlomo, okanye iKansile, kulungiselelwa loo maxwebhu okanye ulwazi olo oluza kushicilelwa okanye oluza kukhutshwa.

(3) Ngenjongo yomthethwana (1), uxwebhu luza kuqwalaselwa yiKomiti okanye iKomitana xa –

(4) Ilungu elikhoyo lisandlala uxwebhu, okanye luvumela uxwebhu ukuba luthiwe thaca phambi kweKomiti okanye iKomitana; okanye

(a) Umntu, ovela phambi kweKomiti echaziweyo okanye iKomitana, ubeka uxwebhu kwiKomiti leyo ekhankanyiweyo okanye iKomitana.

(5) Icandelwana(1) liza kusebenza kuxwebhu okanye kulwazi okokuba –

(a) luqulathe ulwazi lwabucala olunomkhethe nolunjolise kumntu othile;

(b) ngaso nasiphi na isiazthu, lunelungelo okanye luyimfihlelo ngokuphathelele kumthetho;

(c) luxhomekeke kupapasho loonondab, de lube luyaphelelwa; okanye

(d) lube lolohlobo olunjalo olulungiselelweyo okanye olufihlalekeleyo noluqondakalayo kwisizwe sedemokrasi.

ISAHLUKO 6

IIKOMITI ZEKANSILE

74. **Uuqulunqo lweeKomiti**

Ikansile inganako ukuba nezi komiti zilandleayo –

(a) iKomiti ePhetheyo;

(b) iKomiti kaSodolophu

(c) iKomiti yoPhicotho zincwadi;

(d) iKomiti yoLawulo;

(e) iKomiti yezeMali

(f) iKomiti yezeNgqesho;

(g) iKomiti yeMisebenzi kunye neeNkonzo zoLuntu

(h) iKomiti yoPhuhliso lwezeNtlalo kunye nezoQoqosho; kunye

(i) nayo nayiphi na iKomiti enokuthi iKanisle iyonyule

75. **iKomiti ePhetheyo**

Ukuqinisa ulawulo nenisebenzi emiswe kwiCandelo 44 loMthetho woLwakhiwo lukaMasipala, iKomiti ePhetheyo kufuneka –

(a) ihlanganisane rhoqo njengoko kuyimfuneko, ukuze isebenze imisebenzi yayo ngendlela ebonakalayo, ubuncinane kanye ngenyanga;

(b) ukuqinisekisa okokuba ifumana ingxelo yenyanga kwiiKomiti ekubhekiselelwe kuzo kuMthetho 74, kunikwe ingxelo ngeKomiti engasebenziyo kwiKansile, xa kungekho ngxelo efumanekayo kuyo nayiphi na inyanga kwiKomiti leyo kubhekiselelwe kuyo;

(c) uqwalaselo lwengxelo yenyanga kwintlanganiso emiselwe inyanga elandelayo; kwaye –

(i) Kuvezwe imiba ephakanyisiweyo kwingxelo enjalo kanagangoko inako, ngokwamandla emiselwe wona; kwaye

(ii) kuphakanyiswe imiba enjalo nanjengoko ingenako ukubonakala, kuhanjiswe ingxelo, ndawonye nemiba leyo iphakanyisiweyo, kwiKansile;

(d) kugcinwe imizuzu yonke yeentlanganiso, mizuzu leyo ekufuneka, emva kokwamkelwa kwayo kwintlanganiso elandelayo, isiwe ngaphambili kwiKansile.

76. **iKomiti kaSodolophu**

(1) uSodolophu uza konyula iKomiti kaSodolophu phakathi kwamalungu eKansile, nalapho iKansile inamalungu adlulileyo kwisithoba.

(2) Ekonyuleni iKomiti kaSodolophu, uSodolophu uza kusebenzisa igunya lakhe njengoko kuchaziwe ngokuphathelele kwiCandelo 60 loMthetho woLweMisebenzi kaMasipala.

(3) iKomiti kaSodolophu iza kuqulatha –

(a) iSekela likaSodolophu, ukuba likho; kunye

(b) amalungu amaninzi kakangangoko kuyimfuneko ukuze kubonakalae ulawulo lukarhulumente, kuphela xa kungekho ngaphezulu kweepesenti ezingama20% lamalungu okanye amalungu alishumi, naliphi na inani elingaphantsi koko, lamalungu onyuliweyo.

(4) USodolophu kunyenamalungu akhe eKomiti kaSodolophu baza kusebenzisa igunya abalinikwe yiKansile.

77. **iKomiti yoPhicotho zincwadi**

iKomiti yophicotho zincwadi iza kubanoxanduva –

(a) lokwenza uphicotho ngaphakathi;

(b) imigaqo-nkqubo yokubala;

(c) ingxelo yezemali kunye nolwazi olufanelekileyo, oluchanekileyo, oluthembekileyo nolululo

(d) ukuhambisana kunye nomthetho osetyenziswayo; kunye

(e) nawuphi na omnye umba okubhekiselelwe kuwo yiKansile.

78. **iKomiti yoLawulo**

iKomiti yoLawulo iza kuba nolu xanduva lulandelayo -

(a) ukuqinisekisa okokuba ulawulo lweKansile lukhawulelena neemfuno zoluntu ekuhlaleni;

(b) ukuphakamisa intlalo kunye nenkonzo yoluntu kunye nokuthabatha uxanduva lomsebenzi kwabasebenzi;

(c) ukuqinisekisa okokuba ulawulo lweKansile lunomsebenzi obonakalyo kwaye luzimisele kwimisebenzi ephambili yoburhulumente basemakhaya, echazwe kwiCandelo 152 loMgaqo-siseko, kunye nemisebenzi yophuhliso, njengoko kuyimfuneko kwiCandelo 153 loMgaqo-siseko;

(d) ukuqinisekisa okokuba imibutho yezopolitiko yeKansile, abasebenzi kwii-ofisi zopolitiko, oomanejala kunye nabanye abasebenzi baqhuba imisebenzi noxanduva lwabo okokuba ingqamane kunye neemfuno eziphambili kwaneenjongo ezimiswe kwisicwangciso soPhuhliso esiBunjiweyo sikaMasipala;

(e) ukuqulunqa ubudlelwane obucacileyo, kwanokulungiselela intsebenziswano, uququzelelo kunye nonxibelelwano phakathi-

(i) kwemibutho yezipolitiko yeKansile, abasevenzi kwi-ofisi yezopolitiko, kunye nolawulo;

(ii) imibutho ephawuliweyo ngokuphathelele kwicandelwana(e) (i), kunye noluntu ekuhlaleni;

(f) ukunika umsebenzi noxanduva kulawulo noququzelelo loLawulo lwamaCandelo kunye neendlela zokusebenza;

(g) ukunika uManejala kaMasipala uxanduva lokujonga nemisebenzi yolawulo

(h) ukwandisa umsebenzi wonxibelelwano nokwenza izigqibo kulawulo olo;

(i) ukunika uxanduva ngokwezinga elifanelekileyo kulawulo olo; kunye

(j) nokuqinisekisa okokuba kukho ukulingana, nokuvelana, kungekho lucalu-calulo kummandla ekusetyenzwa kuwo njengoko kulungisiwe.

79. **IKomiti yezeMali**

IKomiti yezeMali iza kuba noxanduva olulolu –

(a) ulawulo lwezemali ngaphakathi;

(b) ulawulo lweemeko ezingaba nomngcipheko;

(c) ulawulo lwendlela yokusebenza;

(d) uburhulumente obunolawulo olucacileyo nolunefuthe

(e) ukuhambisana kunye nobuRhulumente basemaKhaya: uMthetho kaMasipala woLawulo lwezeMali kuMasipala, 2003(uMthetho onguNo.56 ka2003), kunye nawuphi na umthetho osebenzayo;

(f) uvavanyo lomsebenzi; kunye

(g) nawuphi na omnye umba ekubhekiselelwe kuwo yiKansile.

80. **Komiti yezeNgqesho**

(1) iKomoti yezeNgqesho iza kuba noxanduva lokuqulunqa imigaqo-nkqubo kaMasipala kule misebenzi –

(a) ulawulo lukaMasipala, kubandakanya iinkonzo ezithwele ulwazi kune nobuchule bolwazi

(b) ulonyulo, ukugxothwa kunye nokukhethwa kwabasebenzi kamasipala;

(c) ulungiselelo lweenkcukacha zomsebenzi kunye nesivumelwano sengqesho sabasebenzi bakwaMasipala;

(d) isisombululo sempikiswano phakathi kwabasebenzi, kunye naphakathi kwabasebenzi kunye noMasipala.

(2) iKomiti yezeNgqesho iza kuba nolu xanduva kananjalo lokuqinisekisa okokuba uManejala kaMasipala usebenza kakuhle umsebenzi wakhe ngokuphathelele kwiCandelo 55 loMthetho weNkqubo kaMasipala, kuze kuthu ga ngoku loo misebenzi iphathelele kwimiba ebekwe kwicandelwana(1), nokunika ingxelo kwiKansile ngemiba nayiphi na exhalabisayo enayo ngokuphathelele kumsebenzi owenziwa nguManejala kaMasipala ngokwalo mthetho.

81. **IKomiti yeeNkonzo zoLuntu**

IKomiti yeeNkonzo zoLuntu iza kuba nolu xanduva –

(a) ukulungiselela nokulungisa iinkonzo zikamasipala njengokuhanjsiwa kwamanzi ngobuninzi, umbane, ukugungxula ngasese kunye nokulahlwa kwenkunkuma;

(b) iinkonzo zomlilo nezempilo;

(c) imalike, ukuxhela kunye namangcwaba;

(d) ukulungisa imiba yasekuhlaleni

(e) iinkonzo uqulunqo, imithetho, imisebenzi, ulawulo lweendawo zokupaka

(f) uqulunqo, umsebenzi, ulawulo kunye nemithetho yendlela kwiindawo zikamasipala; kunye

(g) ulawulo lwezothutho ezindleleni, ulungiselelo, umthetho kunye nolawulo lwepaki.

82. **IKomiti yoPhuhliso lwezeNtlalo noThutho**

iKomiti yoPhuhliso lwezeNtlalo nezoQoqosho iza kuba noxanduva olulolu;

(a) uphuhliso lwezoqoqosho nezentlalo;

(b) ezokhenketho, ezemidlalo kunye nezemidlalo;

(c) ithala lezencwadi kunye nomzi wogcino lwezembali

(d) iinkonzo zempilo

(e) ulawulo lwemimandla

(f) ezezindlu kunye nezocwangciso

(g) ungcoliseko lomoya; kunye

(h) ukhuseleko lwabahlali

83. Ulonyulo lweeKomiti

(1) Amalungu kunye noosihlalo beeKomiti njengoko kuphawuliwe kwicandelwana lomthetho 74 baza konyulwa yiKansile

(2) IKansile kufuneka kuqala iququnqe inani lamalungu ekomiti nganye, ngokuphathelele kwiimfuno ukuqinisekisa ngolwabiwo olufanelekileyo lomthwalo phakathi kwamalungu.

(3) Emva koko uSomlomo kufuneka afake isimemo solonyulo lwamalungu kwiKomiti nganye;

(4) Ukuba awakho amanye amalungu awonyulwayo eKomiti kunezihlalo ezikhoyo kwiKomiti leyo, ulonyulo luza kunqunyanyiswa ngokubonakala kwenani lezandla eziphakanyisiweyo.

(5) USomlomo uza kugcina igunya lakhe ukuze atshintshe iziphumo zolonyulo, ukuze aqinisekise ukuba inani liyalingana kwimibutho yonke yezopolitiko kunye namaqela anomdla kwiKomiti nganye, kodwa angakwenza oko kuphela ngokusebenzisa oku kulandelayo –

(a) ilungu elimele nawuphi na umbutho okanye iqela lezopolitiko alinako ukutshintshwa ngelinye ilungu lombutho wezopolitiko okanye iqela lezopolitiko, nalapho umbutho lowo imelwe ngokufanelekileyo kuloo Komiti kuxoxwa ngayo; kwaye

(b) ilungu alinako ukonyulelwa iKomiti nguSomlomo, kuphela xa ilungu elo likhankanyiweyo lifumene iivoti ezininzi kunelinye ilungu lombutho wezopolitiko okwangowalo okanye iqela lezopolitiko ekubhekiselelwe kulo.

84. Imisebenzi yeeKomiti

(1) iKomiti ePhetheyo iza kuthi rhoqo inike ingxelo ebhalwe phantsi kwiKansile ngokuphathelele kwimisebenzi yayo, ubuncinane kanye ngenyanga.

(2) Ezinye iiKomiti kufuneka zinike ingxelo ebhalwe phantsi kwiKomiti ePhetheyo ngokuphathelele kwimisebenzi yazo kwaye-

(a) xa kuthe kwenzeka ukuba iKomiti yezeNgqesho ihlangane;

(b) xa kuthe kwakhona iiKomiti ezisalele ngemva, ubuncinane kanye ngenyanga.

(3) UManejala kaMasipala kufuneka aqinisekise okokuba imizuzu yentlanganiso igciniwe yazo zonke iintlanganiso zeeKomiti, iikopi kufuneka, xa kuthe kwakhona izisombululo ezamkelweyo, ithunyelwe –

(a) xa kuthe kwenzeka okokuba iKomiti ePhetheyo, kwiKansile, kwaye

(b) xa kuthe kwenzeka okokuba ezinye iiKomiti, ezikwiKomiti ePhetheyo.

85. Ulonyulo kwiiKomiti

(1) iKomiti ayizukubonakala ifumene i (quorum) xa unizni lwamalungu ayo ekhona.

(2) Izigqibo kufuneka zenziwe ngokubhekiselele kunizni lweevoti zamalungu akhoyo.

(3) Xa kuthe kwenzeka okokuba iivoti zibe ziyalingana, usihlalo kufuneka asebenzise ivoti yabucala.(casting vote).

86. Ukubakhona kwamalungu kwiintlanganiso

(a) uSomlomo, uSodolophu kunye namalungu anelungelo lokungena kwiintlanganiso zayo nayiphi na iKomiti nokokuba awasingawo amalungu ayo.

(b) Abantu abanjalo banganako kuphela ukwazisa kwiKomiti xa kungekho usihlalo, kwaye banelungelo lokuvota.

ISAHLUKO 7

INKQUBO YEENTLANGANISO ZEKOMITI

87. Usihlalo

(1) Usihlalo weKomiti ePhetheyo uza kuba nguSodolophu. Xa kuthe kwenzeka nangasiphi na isizathu okokuba uSodolophu angabikho, okanye angafumaneki, usihlalo weKomiti ePhetheyo uza kuba lilungu elonyuliweyo lamiswa nguSodolophu ukuba lisebenze njengosihlalo.

(2) Zonke ezinye iiKomiti ziza kuchotshelwa ngumntu owonyulwe yiKansile okokuba enze njalo.

(3) Kuxhomekeke kwicandelwana(1), xa kuthe kwenzeka okokuba usihlalo, nangasiphi na isizathu, angafumaneki okokuba achophele intlanganiso, usihlalo obambeleyo kufuneka onyulwe phakathi kwamalungu akhoyo.

(4) Usihlalo kufuneka –

(a) agcine ucwangco lwentlanganiso;

(b) aqinisekise ngokuhambisana kunye neNkqubo yokuziPhatha kwaye nemithetho yeKansile yocwangco, njengoko kwamkelwe amaxa amanizni;

(c) ukuqinisekisa okokuba iintlanganiso ziqhutywa ngokwendlela yalo mthetho wedolophu.

(d) ukuqinisekisa okokuba amalungu aziphatha ngendlela endilisekileyo nangocwangco; kwaye

(e) ukuqinisekisa okokuba amalungu asekuhlaleni angina intlanganiso nayiphi na aziphatha ngocwangco kwaye athobele imithetho ebekwe ngusihlalo.

(5) Imithetho kasihlalo ngokuphathelele kwindlela yokusebenzisa esi sahluko, kunye nayiphi na enye inkqubo, kuza kwenziwa isigqibo ngayo esibopheleleke kwintlanganiso kwaye kungekho tshintsho

88. Isaziso seentlanganiso

(1) Iintlanganiso zeeKomiti zonke, njengoko kuchazwe ngokomthetho 74, ziza kuqhubeka kanye ngenyanga, kuphela xa iKansile iqulqunqe ngenye indlela.

(2) Usihlalo kufuneka anikezele ubuncinane isaziso seeyute ezingama48 ngentlanagniso leyo kumalungu eKomiti.

(3) Xa kuthe kwenzeka okokuba kubekho intlanganiso ekhawulezileyo, usihlalo kufuneka akhuphe isaziso ngaphambili ngendlela anokwenza ngayo.

(4) Kufuneka usihlalo akhuphe isaziso sokokuba isaziso singxamisekile kusini na.

(5) Usihlalo kufuneka, emva kokufumana isicelo esibhalwe phantsi nesityikitywe luninzi lwamalungu ayo nayiphi na iKomiti, abize intlanganiso yaloo Komiti.

89. Inani Elivumelekiyo

(1) Inani elivumelekiyo lentlanganiso layo nayiphi na iKomiti liqela elininzi lamalungu ayo.

(2) Apho kungekho qonga khona –

(a) Ukuqalisa kwentlanganiso kufuneka kumiswe ubukhulu kangangemizuzu eli15, okanye de kube iqonga lentlanganiso libe libumbekile, kangangoko kunokukhawuleza;

(b) Emva kwexesha lemizuzu eli15, nalapho kungekho qonga khona, usihlalo anganako –

(i) aqhumeke nokunqumamisa intlanganiso kangangethuba elo abona lifanelekile; okanye

(ii) anqumamise intlanganiso ayimisele omnye umhla, ixesha kunye nendawo, ngokokubona kwakhe.

(3) Xa kungekho usihlalo, intlanganiso iza kunqunyanyiswa, ngokomsebenzi walo mthethwana, kangangemizuzu eli15 emva kwexesha lokuqalisa kwayo.

(4) Xa kuthe kwanqunyanyiswa intlanganiso phambi komhla wokunqunyaniswa kwayo, usihlalo angaqhubela umba lowo kwiKomiti ePhetheyo okanye iKomiti kaSodolophu, kuxhomekeke kwindlela enikezelwe yiKansile ngokuphathelele koku, kuphela xa –

(a) Xa umba ubonakala ungokhawulezileyo ngusihlalo; kwaye iKomiti ePhetheyo okanye iKomiti kaSodolophu, ngokohlobo olunokuba njalo, angala oko kuthunyelwa, agxininise ekubeni umba uxoxwe kwintlanganiso elandelayo yeKomiti ekuthethwa ngayo.

90. Imiba ekuxoxwa ngayo entlanganisweni

(a) Kuxhomekeke kumthethwana(b), zonke iintlanganiso kufuneka ziqhutywe ngokuphathelele kucwangco imiba ebonakala kwimiba ekuxoxwa ngayo entlanganisweni, kwaye avumele okokuba kuxoxwe kuphela imiba ephawulwe kwi-agenda.

(b) Usihlalo, ngokwendlela ekuboniswe ngayo, angatshintsha inkqubo yemiba evela kwi-agenda, kwaye avumele okokuba imiba eyiyenye okokuba yongezwe kwi-agenda.

91. Izigqibo

(a) Zonke izigqibo ziza kwenziwa ngokuxhaswa ngevoti ngokobuninzi bamalungu eakhoyo kwintlanganiso yeKomiti.

(b) Ukungabikho kwalo naliphi na ilungu leKomiti entlanganisweni kufuneka, ngokwesicelo selungu elo, kushicilelwe kwincwadi yokubhala imizuzu yentlanganiso.

92. Imizuzu yentlanganiso

(1) Usihlalo kufuneka aqinisekise okokuba zonke izisombululo zeKomiti zishicilelwa kwincwadi yokubhala imizuzu yentlanganiso, nokokuba izisombululo ziyamkelwa yiKomiti kwintlanganiso yabucala zishicilelwe kwincwadi eyodwa yemizuzu.

(2) Ukuchaneka kwemizuzu kufuneka kuqwalaselwe kwintlanganiso elandelayo, okanye kwenye intlanganiso xa kunokwenzeka;

(3) Usihlalo kuqfuneka aqinisekise okokuba amagama amalungu eKomiti angena nayiphi na intlanganiso, awamalungu angekhoyo

entlanganisweni kunye namalungu anikweavunyelweyeio okokuba angabikho konke oko kushicilelwe kwincwadi yemizuzu.

93. Imiba ephakanyiswayo

(1) Yonke imiba ephakanyiswayo kufuneka ingeniswe kusihlalo weKomiti leyo ekubhekiselelwe kuyo, kufuneka yamkelwe nguye ubuncinane kwisithuba seentsuku ezintathu phambi kweNtlanganiso yeKomiti.

(2) Ilungu elingenisa imiba elinqwenela ukuyiphakamisa entlanganisweni kufuneka lisayine –

(3) Imiba ephakanyiswa entlanganisweni kufuneka ibe -

(b) efakwe ngendlela isigqibo seKomiti esinokuhambisana nawo kwanesizathu esiphembelela ekubeni kufikelelwe kweso sigqibo;

(c) kufune isigqibo esisemthethweni, ngokwesigqibo samalungu aPhetheyo kwiKomiti okanye asemagunyeni olawulo; kwaye

(d) kunikezelwe ngolwazi olwaneleyo ukwenzela okokuba isigqibo senziwe.

94. Izilungiso kwimiba ePhakanyisiweyo

(1) Nawuphi na umba ongenisiweyo ukuze kwenziwe isigqibo ngokuphathelele kumthetho 93 unokulungiswa phambi kokuba kwenziwe isigqibo.

(2) Xa umba uphakanyisiwe kufuneka uxhasweli

(3) iKomiti inokwenza isigqibo ngomba ophakanyisiweyo ofuna ukulungiswa, okokuqala, emva koko kwenziwe isigqibo ngokuphathelele kumba lowo phambi kwayo.

(4) Isilungiso asinako ukufikelela ekubeni saliwe kumba okutshiweyo ukuze kwenziwe isigqibo ngawo.

95. Imiba yenkqubo

Xa umba usaxoxwa kuyo nayiphi na intlanganiso yeKomiti, akukho ngxoxo iza kuvunyelwa ukuba iphinde iqhubekeke, ukuba kukho enye yezi nkqubo zilandelayo ezamkelekayo, njengokuba –

(a) Ukuqwalaselwa kwalo mna makurhoxiswe, kuqhubeke ngomhla nangexesha elibekiweyo ngusihlalo;

(b) Umba usiwe kwenye ikomiti; okanye

(c) Kwenziwe isigqibo ngomba ngoko nangoko.

96. Ilungelo loluntu lokuba lazise iKomiti

(1) Usihlalo anaganako, ngokusebenzisa iimbono zakhe azise kuyo nayiphi na intlanganiso yeKomiti, kuphela xa –

(a) nasiphi na isicelo sokwenza oko senziwe ngumntu lowo siza kuthi –

(i) sibhalwe phantsi; kwaye

(ii) kucaciswe umba ngokubhekiselele kumntu onqwenela ukuwazisa kwintlanganiso

(b) Usihlalo anganako ukuchitha iimfuno zomthethwana(1) (a) apho-

(i) isicelo sibonwa ngusihlalo njengesingxamisekileyo kakhulu; okanye

(ii) umntu lowo acelwe ngusihlalo okokuba azise intlanganiso.

(2) Ekusebenziseni owakhe umbono ngokuphathelele kumthethwana(1), usihlalo kufuneka aqwalasele umbuzo wokukuba lo mba waziswe ngulo mntu uza kuba luncedo kwiKomiti ekwenzeni isigqibo ngokuphathelele kuwo nawuphi na umba othile obekwe phambi kwayo.

(3) Ekunikeni umntu ithuba elinjalo, usihlalo angaphakamisa iimeko ezinjalo ngendlela abona ngayo.

(4) Ukuba usihlalo unombono wokokuba umntu angawazisa umba kwenye iKomiti, ngoko ke,

(a) usihlalo kufuneka nawuphi na umbuzo awuthumele kusihlalo weKomiti leyo, okanye uSomlomo, njengoko abona kufanelekile ukuba enze njalo; kwaye

(b) usihlalo weKomiti leyo ekubhekiselelwe kuyo okanye uSomlomo, njengoko kunokuba njalo, uza kusebenzisa olwakhe uluvo ngokuphathelele koku –

(i) ukuvumela umba lowo wandlaliweyo; kunye

(ii) ukuphakamisa iimeko ezinjalo njengoko kunokuba yimfuneko, xa kuthe kwavunyelwa umba lowo.

97. Ukusebenza kwesi sesahluko sokubakho kwiintlanganiso ezikhethekileyo zeKansile kunye neKansile ekwiKomiti

Esi sahluko siza kusebenza, mutatis mutandis, kwiintlanganiso ezikhethekileyo zeKansile kunye nezeKansile ekwiKomiti, kuphela xa ilungu linganako,

98. Kansile ekwiKomiti

(1) Ilungu linganako, nangaliphi na ixesha emva kokwamkelwa kwemizuzu yentlanganiso ngexesha kubanjwe intlanganiso yeKansile, iphakamise umba wokokuba iKansile ibumbe iKomiti, eza kuthi xa –

(a) ilungu lichaze izizathu zokuphakamisa umba onjalo; kwaye

(b) kuxhomekeke ekuxhasweni komba lowow, kuza kuvotwa ngoko nangoko, kungekho ngxoxo.

(2) Xa umba lowo uthe waphakanyiswa, ngoko ke indawo yokubambela intlanganiso iza kuchazwa kuwo onke amalungu asekuhlaleni kunye nonoondaba.

(3) ilungu linganako, ngethuba kubanjwe ingxoxo yiKansile ekwiKomiti,

(a) ilungu liza kuchaza ngokufutshane izizathu zomba lowo; kwaye

(b) liza kuxhomekeka kwinkxaso yalo mba, ukuze kuvotwe ngoko nangoko, kungekho ngxoxo.

ISAHLUKO 8

INTEMBEKO

99. Umsebenzi

Oku kulungiselelwe kwesi sahluko kuza kusebenza kuwo onke amalungu, nokokuba kusemlinganiselweni wawo njengamalungu eKansile, okanye nayiphi na iKomiti yeKansile.

100. Ubukho bakho kwiintlanganiso

(1) Ilungu elingakwaziyo ukuphumelela kwintlanganiso yeKansile okanye kwiKomiti kufuneka lifake isicelo kuSomlomo okanye kusihlalo, xa kunokuba njalo, sokungabikho kwintlanganiso enjalo.

(2) Nasiphi na isicelo esaziswe ngokuphathelele kumthethwana(1) kufuneka –

(a) sibhalwe phantsi; kwaye

(b) singeniswe kuSomlomo okanye usihlalo phambi –

(i) kweeyure ezingama48, ngokuphathelele kwintlanganiso yeKansile; kunye

(ii) kweeyure ezingama24, ngokuphathelele kwintlanganiso yeKomiti,

Phambi kokuba intlanganiso iqhubekeke.

(3) Xa kunokuthi nangasiphi na isizathu, singangeni isicelo sokungabikho, njengoko kuchazwe kumthethwana(2), isicelo eso masingeniswe ngoko nangoko, ndawonye nenkcazelo ebhalwe phantsi yesizathu sokungangeni kwesicelo eso ngethuba.

(4) Kuxhomeke kuphela ekuboneni kukaSomlomo okanye usihlalo, njengoko kunokwenzeka, okukuba isicelo esinjalo singamkeleka okanye singamkeleki.

101. Isohlwayo sokungabikho ziphakamiso okungabikho entlanganisweni

(1) Apho ilungu lingaphumeleliyo ukubakho entlanganisweni yeKansile okanye yeKomiti, okanye mhlawumbi lingaphumeleli ukufaka isicelo sokungabikho ngokuphathelele kumthetho ongunombolo 105, okanye wenze isicelo, okanye isicelo sikhatywe, ilungu –

(a) uza kufunyaniswa enetyala lokwaphula umthetho wedolophu; kwaye

(b) anganikwa isigwebo sentlawulo engadlulanga amaR1,000.

(2) Kwimeko apho ilungu lingekho lingafakanga nesicelo kwiintlanganiso ezintathu ezilandelelanayo zeKansile okanye zeKomiti, liza kufunyaniswa linetyala, lisuswe kwi-ofisi njengelungu.

(3) Ngeenjongo zokuqulunqa isohlwayo esinokuwiswa, njengoko kuchazwe ngokuphathelele kwimithethwana(1) no(2) – xa ilungu lophule okanye lingawophulanga umthetho wedolophu –

(a) uSomlomo uza konyula ikomiti enamalungu ubuncinane amabini –

(i) ukwenza uphando ngolwaphulo-mthetho

(ii) ukumema ilungu elo libonise; kwaye

(iii) ukwenza isigqibo okokuba ingaba ilungu elo linetyala okanye alinatyala lolwaphulo-mthetho, nalapho ikomiti iza-

(aa) kucebisa uSomlomo ngoko ikufumanisayo; kunye

(bb) ukubonisa ngentlawulo okanye ngesohlwayo kubandakanya ukususwa kwi-ofisi.

(b) iimbono zekomiti eyonyulwe ngokuphathelele kumthethwana(a) wokokuba ilungu likhutshwe kwi-ofisi kukhutshwa nguSomlomo usiya kuRhulumente wasemaKhaya;

(c) naziphi na iimbono ezenziwa yiKomiti ekhankanyiweyo kufanelekile okokuba ziqwalaselwe nguSomlomo, kwaye zikhutshwe ziye kwiKansile ukuze zixovulwe, okokuba ubona kufanelekile;

(i) uSomlomo angabeka ityala okanye nasiphi na esinye isohlwyo ngaphandle koku kokubhekisela umbono lowo kwiKansile; kwaye

(ii) umbono wokokuba ilungu likhutshwe kwi-ofisi ungangafakwa nguSomlomo, ngaphandle kokuba kuqiniswe oko nguMphathiswa weSebe lezoBurhulumente basemaKhaya emva kokuba kubhekiselwe kuye ngokomthethwana(3)(b).

(4) Ngokuphathelele kumaxesha amisiweyo ngokwalo mthetho -

(a) uSomlomo uza konyula ikomiti, ekubhekiselelwe kuyo ngokwecandelwana 3(a), kwisthuba seentsuku ezisixhenxe zolwaphulo-mthetho welungu elo;

(b) ikomiti ekhankanyiweyo iza kucebisa kwayeibonisane noSomlomo, njengoko kuchazwe ngokuphathelele ngokwecandelwana (3) (a) (iii), kwisthuba seentsuku ezingama21 zokoknyulwa kwayo;

(c) ukunyanzeliswa kwetyala okanye kwesohlwayo nguSomlomo okanye iKansile, xa kunikwenzeka, liza kunyanzeliswa ngoko nangoko nguSomlomo okanye iKansile, kodwa kube phambi kweentsuku ezili14 emva kokuba oko kukuthazwe yiKomiti okanye kuqinisekiswe nguMphathiswa kubuRhulumente basemaKhya; kwaye

(d) inkuthazo yokokuba ilungu likhutshwe iza-

(i) kukhutshwa nguSomlomo eyithumela kuMphathiswa wobuRhulumente basemaKhya, njengoko kuchaziwe ngokuphathelele kiwcandelwana(3) (b), kwisithuba seentsuku ezisixhenxe sokuthunyelwa yikomiti; kwaye

(ii) kuqinisekiswe okanye kwaliwe nguMphathiswa wobuRhulumente basemaKhaya kwisithuba seentsuku ezingama21 sokuthunyelwa kuye nguSomlomo, njengoko kuchaziwe ngokuphathelele kumthethwana(3)(b).

102. **Ukwazisa ngezinto ezinoku phazamisa intembeko yelungu**

(1) Zonke izipho ezifunyanwa ngamalungu kuye nawuphi na umntu ngaphandle kwamalungu osapho asondele kwelo lungu likhankanyiweyo, kwaye asondeleyo ezixabisa imali edlule kuma350, kufuneka kwisithuba seeveki ezimbini kususela kumhla ezifunyenwe ngawo, zaziswe lelo lungu ngokuthi lubhalele incwadi uSomlomo.

(2) Akukho nto iqulathwe kweli candelo eza kubophelelka enokuphazamisa ezi mfuno zikwiShedyuli 1 yobuRhulumente basemaKhaya: iNkqubo yoMthetho kaMasipala, 2000 (uMthetho onguNo.32 ka2000).

103. **Ilungu elizeleyo**

(1) Naliphi na ilungu elizeleyo elinqwenela ukwenza nawuphi na umsebenzi ozakwenza okokuba lihlawule kufuneka libhale phantsi isicelo esiya kuSomlomo sokwenza njalo.

(2) Isicelo kufuneka sibandakanye ubuncinane olu lwazi lulandelayo –

(a) igama lomntu lowo ekufuneka enzelwe umsebenzi;

(b) uhlobo lomsebenzi;

(c) ixesha eliza kuthatyathwa ngexesha kuqhutywa lo msebenzi

(d) intlawulo yomsebenzi owenziwayo

(3) Xa sele sifumanekile isicelo eso, uSomlomo kufuneka aqinisekise ukuba siyendlalwa ukuze siqwalaselwe kwintlanganiso elandelayo yeKansile

ISAHLUKO 9

ULUNGISELELO OLUPHANGALELEYO

104. **Imithetho**

iKansile inganako ukuwisa imithetho engahambelaniyo kunye naluphi na ulungiselelo lwalo mthetho wedolophu, kuqulunqo -

(a) lwawo nawuphi na umba ongabe uqingqwe ngokuphathelele kulo mthetho wedolophu; kwaye

(b) nawuphi na umba ongalungiselela ukusebenza kwalo mthetho wedolophu.

105. **Ukurhoxisa umthetho wedolophu**

Nawuphi na umthetho wedolophu ophathelele kugcino kwimithetho emiselwe iKansile, owamkelweyo ngumasimapala okanye nayiphi ikansile kamasipala equlathe icandelo lolawulo lukamasipala, uza kurhoxiswa kususela kumhla lo mthetho obhengezwe ngawo**.**

106. iTayitile emfutshane

Lo mthetho wedolophu ubizwa ngokuba nguMthetho weDolophu oPhathelele kwimithetho emiselwe iKansile, 2004, usebenza ngomhla ogqitywe ngumasipala ngokuchazwa kwiGazethi yePhondo.

Ishedyuli A

UXWEBHU LOKONYULA USOMLOMO

Thina, singalamalungu akhankanywe ngezantsi eKansile kaMasipala .....kaMasipala, sonyula lo mntu njengomgqatswa kwisikhundla sikaSomlomo:

.....

.....(Igama elipheleleyo lo mntu owonyulwayo, ngoonobumba abangadityaniswanga)

.....

(Idilesi)

Owokuqala owonyulayo:.....

(Igama libhalwe ngoonobumba lasayinwa)

Owesibini owonyulayo:.....

(Igama libhalwe ngoonobumba lasayinwa)

Mna, umonyulwa okhankanywe ngasentla, ndiyakwamkelwa ukonyulwa.

.....

Usayino