ISAZISO SOBURHULUMENTE BASEMAKHAYA

UMASIPALA WASENGQUSHWA

IMITHETHO YEDOLOPHU EPHATHELELE UKHUSELO LOLUNTU KWINGOZI ZOMLILO

Umanenjalo kaMasipala wenza upapasho ngokuphathelele kwincandelo 13 loburhulumente basemakhaya.Umthetho wenkqubo kaMasipala, 2000(Umthetho ongu nombolo 32 ka2000) funda kunyenecandelo 162 lomgaqo – siseko weRhipabliki yase Mzantsi Afrika, 1996 (Umthetho ongu no 108 ka 1996, umthetho wedolophu ophathelele kukhuseleko loluntu kwingozi zomlilo.

INJONGO ZALOMTHETHO WEDOLOPHU.

Injongo yalomthetho wedolophu kukhuthaza impumelelo ekuqinisekiseni ukhuseleko loluntu kwingozi zomlilo nokusekwa kwemigaqo, inkqubo nendlela ekothi ngazo uluntu lolukhuseleke kummandla kaMasipala.

ISAHLUKO 1

INGCACISO

1. **Inkcazelo** - kulo mthetho wedolophu amagama asetyenziswe kwisini samdoda kubandakanya abasetyini, isinye sibandakanya isininzi kwangokunjalo kwaye ngaphandle xa lukhona utshintsho.

   'Itanki eligaphezuko komhlaba' ithetha itanki elibekwe phezu komhlaba
   lisetyenziselwe ukugcina ulwelo olutshaya.

   'isixhobo sokuvula esizisebenzelayo' ithetha isixhobo esisetyenziswayo ukuvula ucango lomlilo nesisebenza ukuvula ucango xa siva ubukho bomlilo.

   'Umda' ithetha nwuphina umda osecaleni okanye wesitalato kwisiza.

   'Isakhiwo' lithetha –

   (a) Nayiphina into emileyo yexeshana okanye engeyiyo eyexeshana, nokuba yakhiwe ngantoni na ekwakheni i-

(i) Indawo yokuhlalala okanye indawo elungele uluntu nezilwanyana;

(ii) Ukuvelisa, ukuxonxa, ukugcina okanye ukuthengisa impahla

(iii) Ukunukezeka inkonzo

(iv) Ukuchitha ikanye kwezino / kwanenkunkuma etshayo

(v) Ukulinywa nokukhuliswa kwezityalo

(b) Naluphina udonga, idama lokuqhuba, ibolorho nasiphina iskhiwo esinxulumene;

(c) Nayiphina impompo yolwelo okanye itanki elisetyenziselwa;

(d) Naliphina icandelo lesakhiwo kubandakanya umhlathi (a), (b) okanye (c); ne

(e) Nayiphina indawo engaphakathi okanye ngaphandle kodwa inento yokwenza nesakhiwo sokuzisa amanzi, ugutyulo, umbhobo wokuhambisa amanzi, umbane okanye nayiphina inkonzo.

'Idonga letanki' libhekisa kwidonga elijikeleze itanki elinaphezu komhlaba, elakhiwe ukuza lingavuzi ligcine i110% yokuqulathwe yitanki.

'Igosa eliphezulu lezomlilo' kubhekiswa kumntu olawula inkonzo oknye inbambela ngokomthetho iFire Brigade Services, 1987 (Act No 99 of 1987).

'Into etshayo' Lisingisele kwinkunkuma okanye nayiphina into etshayo.

'Inkunkuma etshayo' Libhekisa kwinkunkuma nemfucumcucu okanye nayiphina into elahliweyo engenaxabiso.

'inkunkuma etshayo' Kubhekiswa kwinkunkuma etshayo kodwa ayinako kuphinda isetyenziswe igcinwe okanye iqokelelwe iphinde iyokuhlaziwa ibandakanya imicwe, iintsiba, iinwele, Imvuthuluka yamaplanga, amaphepha, amalaphu, irabha, intsimbi okanye umxube wazo naziphina izinto ezingetla apha.

‘Umgaqo siseko’ lithetha umgaqo – siseko weRhiphabliki yomzantsi Afrika 1996 (Act no 108 1996).

‘Igunya elilawulayo’ Libhekisa kumanenjalo kaMasipala kwigosa eliymtloko lizomlilo okanye naiphina igosa elinikwe elogunya ngokwecandelo 3 lomthetho wedolophi.

‘Impahla enobungozi’ ibhekis kwirhasi, kulwelo okanye isiqina njengoko ichazwe kwi SABS 0228;

‘Isahluli magumbi’ kuthetha nantoni eyohlula indawo bgaphakathi kwesakhiwo ize ibe nakumelana nomlilo njengoko iyimfuneko yeNational Building Regulations (T1) funda we SABS 0400,

‘Isicwangciso sohlangulo olukhawulezileyo’ kuthethwa isicwangciso esilungiselelwe ukuhlangula abantu kwisakhiwo xa kuthe kwavela ingozi yomlilo okanye enye, kunikwa uxanduva abasebenzi ukuba basebenzise indlela zokupuma ngokukhawulezileyo kwizakhiwo bekhuselekile.

‘Umgaqo wokuhlangula’ Ubhekisa kwicandelo lendlela yokuphuma kwabantu nakwesiphina isakhiwo bade bayokufika kwicango lokuphuma.

‘Isithuti sokuhlangula’ kuthetha nasiphina isisthuthi esomlilo, okanye esokhusela emlilweni nakwezinye ingozi.

‘Indawo zokonwaba nezokuhlanganela uluntu’ kuthetha indawo apho abantu bahlanganela khona ukuze batye, basele, bandise okanye bathethe inxaxheba kulonwabo.

‘Ucango lokuphuma’ kubholekisa kwincango kwindlela yokuphuma elisemgangathweni osezantsi okhokelela kucangolokuphuma xa kukho ingozi.

‘isicwangciso somila wohlangulo’ kuthetha nawuphina umzobo obonisa ukuma komgangatho, indawo okanye umthu ngeloxesha nendlela amakayilandele xa esiyakuphuma kwisakhiwo nento amakayenze xa kuvela ingozi yomlilo okanye enye.

‘Umthetho wenkonzo zocimomlilo’ kutetha iFire Brigade Services Act No99 of 1987;

'Isixhobo sokulwa umlilo' Itheha isixhobo esizisebenenzelayo esisebenza nogokwemigaqo efumaneka ku SABS 193.

'Ucango lomlilo' ithetha ucangi iluzisebenzelayo okanye oluzivala ngokwalo elakhiwe ukuze linqande umlilo okwexeshana.

'Isicimamlilo' kuthetha into ephathwayo okanye inkonkca enento yokucima umlili ekhutshwa ngxinzelelo oluphuma ngaphakathi.

'Ingozi yomlilo' Ithetha nayiphina imeko,inkqubo okanye into nobume obunokubangela okanye udubulo olubanga ingozi ebomini okanye empahleni.

'Imigaqo yenqwelo zomlilo' kubhekisa kwindlela okanye umzila owakhelwe ukuvumela ukuhamba kwezithuthi zohlangulo.

'Inkqubo yokulwa umlilo' ithetha nasiphina isixhoba okane inkqubo eyenzelwe, yakhelwe uku –

(a) Ukuqaphela, ukulawula okanye ukulwa umlilo

(b) Ukulumkisa abantu ukuza nenkonza yokulwa umlilo

'Udonga lomlilo' Lubhekisa kudonga olukwaziyo ukumalana namadla omlilo ngokwexeshana njengoko kuchazwe kwiNational Building Regulation (T1) funda no SABS 0400.

'Irhase etshayo' Njengoko kucacisiwe kwi SABS 0228 ubhekisa kurhase ethi kwiqondo u20C kuxinzelelo u 101,3kpa –

(a) Iyazivuthela xa idibene nomoya kangange 13%

(b) Iyavuthisa xa idibene nomoya oyi 12%

'Ulwelo olutshayo' ibhekisa kulwelo okanye umxubeokhupha irjhasi evuthayo xa ikwi 60.5C ibandakanya nolunye umlwelo okukhankanywa kwiSABS 2008;

'Into eqinileyo etshayo' ichazwe kwi SABS 0228 ithetha into ekhawuleza itshe xa ihlangene nomlilo amalangatya okanye intlanstsi. Izinto eziqinileyo zikhawuleza zifumane umlilo xa kukho ukhuhlwano.

‘Izinto ezitshayo’ kuthetha irhasi okanye ulwelo olutshayo

‘Indawo egcina izinto ezitshayo’ ithetha ezondawo apho kugcinwa izinto ezishayo ngokwecandelo u46 womthetho wedolophu.

‘Umthetho wezinto wzinobungozi’ oku kuthetha iHazadarous Substance Act No 15 of 1973.

‘UMasipala’ kusingisele kuMasipala waseNgqushwa , osekwe ngokuphathelele kwincandelo 12 lobuRhulumente basemakhaya, umthetho wemisebenzi kaMasipala 1998 (Umthetho 117 ka 1998) kwaye, ibandakaya nawuphi na umbutho wezopolitiko, umsebenzi okwi - ofisi yezopolitiko, uceba, isebe elinikwe igunya ngoko kulungiselelwa nawuphina umsebenzi osebenza ngokuphathelele kulo mthetho wedolophu ngokwegunya likaMasipala nelimiselwe lomsebenzi nguMasipala.

‘Umanejala kaMasipala’ ibhekisa kumntu ngokwecandelo 82 leMunicipal Structures Act;

‘IMunicipal Structures Act’ ubekisa korhulumente basemakhaya iMunicipal Structure’s Act no 117 of 1998 enokuhlaziywa kumaxesha ngamaxesha.

‘INational Building Regulations’ ibhekisa kwingqubo ezisekwe ngokwecandelo 17(1) le National Building Regulations okanye iBuilding Standards Act, 1977 –

(a) INational Building Regulations (A2) ibhekisa ekulawuleni kwezicwangciso zokwakha nenkcukacha zika Masipala

(b) INational Building Regulations (A20) ibhekisa kwimigaqo yokulawula ekohluleni nasekusekweni kwendawo zokuhlala

(c) INational Building Regulations (A21) ibhekisa kwimigaqo yokulawula abantu nezakhiwo

(d) Inational Building Regulations (T1) ibhekisa kwimigaqo elawula imfuno ukhuseleko lwezakhiwo kumlilo.

(e) INational Building Regulations (T2) ibhekisa kwinkqubo yolawulo lolwaphulo mthetho ngokungathobeli INational Building Regulations (T1)

'Umthetho INational Traffic' kubhekisa kwiNational Road Traffic No 93 of 1996;

'Izinto ezingatshiyo' kubhekiswa kwizinto ezingatshiyo ngokuchazwa yiSABS 0177 part 5.

'Ukuhlalwa' Kubhekiswe ekusetyenziswa okanye kudid lokusetyenziswa kwezakhiwo okanye icandelolazo njengoko kucaciswa kwiNational Nuilding Regulations (A20);

'Izinto ezahlula ukuhlala' Kubhekisa kwinto yokwakha okanye icandelo elahlula indawo zokuhla kwisakhiwo yaye inokumelana nomlilo njengiki kufumaneka ngokwe National Building Regulations (T1) ne SABS 0400;

'Umthetho ioccupational Health and Safety' ibhekisa kwi occupational Health and Safety Act No 85 of 1993;

'Umqhubi' Ibhekisakumntu onoxanduva likusebenzisa inqwelo nobhalosoweyo njemlawuli wesithuthi eso ngokwe National Road Traffic Act.

'Umnikazi' uthetha –

(a) Ngokubhekiselele kwindawo engesiso isakhiwo, njengomtu,ngokwendalo nangomthetho ubeme bakhe obuchazwa ngomthetho olawulayo.

(b) Ngokubhekiselele kwisakhiwo njengomtu wendalo okanye womthetho, ogama lakhe umhlaba wakhe ubhalwe ngaye apho isakhiwo simiswe khona nobhalisiweyo njengomnini mhlaba.

(c) Ngokubhekiselele ekwakhiweni njengomtu wendalo okanye womthetho osivumelwano sibhalwe ngegama lakhe ngukubhekiselele ewakhiweni nasekulungisweni.

(d) Ngethuba igunya elilawulayo lingakwazi ukumqaphela umni okhankanywe ku (a)(b) no (c) nabanina onelungelo kumhlaba indawo nesakhiwo.

'Umphathi' uthetha –

(a) Ngokunxulumene nendawo, njengomntu ngokwendalo nangaokomthetho ohlala okwethutyana okanye asebenzise indawo leyo.

(b) Ngokubhekiselele kwizakhiwo njengomntu wendalo okanye womthetho ngokwethutyana okanye ngokupheleleyo onoxanduva lokulwula, alungise okanye asebensise isakhiwo.

(c) Ngokubhekiselele ekwakhiwen njengomtu wendalo okanye womthetho ngokwethutyana okanye ngokupheleleyo onexanduva lokulawula ukwakhiwa ukuba lomntu akangagunya okhankanywe ku (a).

(d) Xa lithe igunya elilawulayo xa lingakwazi ukuqaphela umntu okhankanywe ku (a)(b)(c), nabanina umntu ngokwebono yegunya elilawulayo woba nelungelo lokuphatha kula ndawo kweso sakhiwo okanye kulondawo yakhiwayo.

'Abantu' yobhekisa ngokukhankanyiweyo kwinational Building Regulations (A21)

'Indawo' ibhekisa kwesakhiwo, kumhlaba, kwindlela, kwisithuthi, kololiwe okanye kwinqwelontaka.

'Indawo yoluntu' ibhekisa kwipak, indawo zolonwabo, kwindawo ezivulekileyo e-

(a) EkaMasipala

(b) Ulutu olunegunya lokuyisebenzisa

(c) Eboniswe kucwangcwiso lwelokishi

'Indlela yoluntu' kuphekisa nakweyiphi na indlela, isitalato nakweyiphina indawo ephumelayo esetyenziswa loluntu yaye ibandakanya –

(a) Isiphelo sendlela okanye isitalato

(b) Nayiphina ibholorha

(c) Umfula unqunyulwa nayiphina indlela

(d) Nayiphina umsebenzi okanye into elicandelo okanye ehlanganisa nesitalato okanye indlela.

'Imigaqo kaSABS' okukhubekisa kwimigaqo ka South African Bureau of Standards.

'Inkonzo' kuthetha inkonzo zocimomlilo njengoko zichaziweyo kwiFire Brigade Services Act

'Isiza' Nasiphina isiza, icandelo lomhlaba ekwakhiwa kuso isakhiwo okanye siseza kwakiwa.

'Umthetho weStandards' ubhekisa kwiStandards Act no 29 of 1993.

'URhulumente' uthetha –

(a) Nayiphina isebe okanye ulawulo luka rhulumente wesizwe, lwephondo okanye orhulumente basemakhaya.

(b) Naliphina iqumrhu

(i) Elisebenzisa igunya ekwenzeni umsebenzi njengoko lilandela umgaqo – siseko

(ii) Ekusebenziseni ignya ekwenzeni umsebenzi ekuzalisekeni umtetho lingabandakanya inkundla okanye igosa lomthetho.

'Into yokugcina' ibhekisa kwinto ekugcinwa kuyouxinzelelo njengoko kuchazwa kwimigaqo echazwe kwi occupational Health and Safety act;

'ukwenza inguqulelo ekhawulezileyo' Kubhekisa ekukhawuleziseni ukuyigaphela imeko enokuba nobungozi bomlilo okanye enye ngokubhekiselele ekishabalaleni kobomi okanye impahla.

'Itanki' ngenjingo yesahluko sesi9 yomthetho wedolophu eligama libhekisa kwinkonkxa eyakhiwe okwethutyana okanye kuze ikhongozele irhasi okanye ulwelo.

'Lomthetho wedolophu' ibandakanya amacandelo apapashwe ngokomthetho wedolophu.

'Amatanki angaphantsi kohlaba' ibhekisa kumatanki asetyenziswa okanye ajonge ukusetyenziswa ukugcina ulwelo olutshayo yaye igqunywe ngomhlaba.

'Isithuthi' kuthetha isithuthi njengoko kuchaziwe kumthetho iNational Road Traffic obandakanya –

(a) ‘Isithuthi esinetanki’ kuthetha isithuthi esinetanki, inqwelo enetanki okanye itrekta enetanki.

(b) ‘Inqwelo engaphelelanga enetanki’ ibhekisa kwisithathu apho itanki libekwe khona okanye yakhelwe njengecandelo laso itsalwa yitrekta.

(c) ‘Inqwelo yetanki ‘ kubekisa kwisithuthi asinetanki elixhonywe kuso okanye sakhelwa njengecandelo laso.

(d) ‘Ilori enetakanki’ ibhekiswe kwisithuthi esizihambelyo enetanki exhonywe kuyo.

(e) ‘itrekta’ ibhiswa kwisithuthi esizihambelayo esisetyenziswa ukutsalaa inqwelo enetanki

(f) Nasiphina isithuthi esithi ngokwembono yegunya elilawlayo sibe sisithuthi ngokwesahluka sesi 9 somthetho wedolophu.

ISAHLUKO 2
IZIGABA ZOLAWULO

2. **Izigaba Zolawulo**

Ulawulo ngokusebenza komthetho umanejala kaMasipala nguye onexanduva lolawulo nokusebenza komthetho wedolophu.

3. **Unikezelo Kwamagunya**

(a) UManejala ka Masipala unako ukunikezela nangaliphina igunya elinikwe yena ngokomthethowedolophu ngokunxulumene nendlela uMasipala anikezela amagunya ngayo ebhalwe kwicandelo 59 ymthetho iMunicipal Systems.

(b) Igosa eliyintloko lezomlilo linako ukunikeza ngamagunya anikezelwe lona ngokomthetho wedolophu kwicandelo 19 lomthetho iFire Brigade Services.

4. **Ukusetyenziswa Komthetho**

(1) Igunya elilawulayo linakho xa kufanele lingene nakweziphina izakhiwo ngexesha lifanekileyo ukuqinisekisa ukusebenza komthetho.

(2) Igunya elilawulayo linegunya linegunya lokulungisa imeko engahambisani nomthetho engakhokelela kwingozi yomlilo okanye nakweyiphina ingozi.

(3) Igunya elilawulayo malilungisa ulwaphulo olukhankanyiweyo kwicandelo (2) ngokwenza okufanelekileyo lize li –

(a) Limemezela uhlangulo olikhawlezileyo

(b) Luyalela ukuvalwa kwendawo de kube ulophulomthetho lulungiswe.

(c) Luyayalele ukuyekwa kwezenzo eso.

(d) Luyalele ukususwa kwalonto inobungozi

(4) Nayiphina inkcitho yeso senzo yothwalwa ngumenzi wayo, igunya lilawulayo liqinisekise oko.

5. **Igunya Lokuphanda**

Ngokungabhekiselelanga nakwintoni na enokuphikisana nomthetho igunya elilawulayo linegunya lokuphanda unobangela okhokelele kumilo okanye nakweyiphina ingozi

6. **Ukungaphumeleli Ukulandela Umthetho**

(1) Xa igunya elilawulayo lifumanisa ukungeziwa ngokomyalelo womthetho kungabandakanyi okukwicandelo 4(2) isaziso esibhaliweyo sokhutshwa sinoku landelayo -

(a) Ukungqinwa kophando

(b) Izigaba zomthetho ezaphuliweyo

(c) Amanyathelo athatyathiweyo

(d) Ixesha elimisiweyo

(2) Umyalelo okanye isaziso esikhutshwe phantsi komthethomasithunyelwe ngobuqu okanye ngeposi yeregista kulo mntuubandakanyekayo.

(3) Xa iyindawo engenamtu ikopi yesaziso mayithunyelwe ngeposi iyekwidilesi yokugqibela eyaziwayo yomnikazi ndawo.

7. **Ukurhoxiswa, Nokwaliwa Wemvume Okanye Isiqinisekiso**

Igunya elilawulayo linokusala okanye isirhoxise isivumelwano okanye isiqinisekiso esifunekayo ngokomthetho.

(a) Ukungaphumeleli ekufezekiseni imfuno zalo mthetho ngokunikelwa kwemvume okanye isiqinisekiso.

(b) Ukungahambisani nemfuno zokunikwa kwemvume okanye isiqinisekiso.

8. **Incukacha Ezifunekayo**

Ukugcimwa kwencukacha nencwadilixanduva lwegunya elilawulayo.

9. **Intlawulo**

(a) Umasipala unokwenza isigqibo ngentlawulo emayenziwe ngumtu elithe ngegunya elilawulayo lanika iinkonzo egameni lakhe, njengoko icandelo 10 lomthetho iFire Brigade Services liyalela.

(b) UMasipala usenokubiza intlawulo ngokunika uhlelo nezinye inkonzo xa kukhutshwa izivumelwano nesiqinisekiso.

10. **Ukhuseleko**

UMasipala, igunya elilawulayo okanye ilungu elinika inkonzo liyakunikwa ukhuselo olungajolisanga ekwenzakaleni, ekulah;ekeni kobomi okanye ekwenzakalisweni kwempahla ebangwe kukungeniswa komsebenzi ngendlela eyiyo.

11. **Ukwaziswa Kwengozi Yomlilo Nezinye**

Umnini – ndawo akuqaphela ingozi enokubangwa ngumlilo njengoko uthetho usitsho makazise ngokukhawuleza igunya elilawulayo.

ISAHLUKO 3

UKUKHUSELEKO LOMLILO KWIZAKHIWO

12. **Ngokubanzi**

Igunya elilawulayo malithi ngokwencande 4 (3) okanye 6 (1) likuthintele ukophulwa komgaqo iNational Building Regulations ngokubhekiselele kumlilo nokhuselo lwesakhiwo.

13. **Ukufikelela Kwenqwelo Zohlangulo**

(1) Ukuba igunya elilawulayo linembono wokuba indwoayifikeleleki lula kwinqwelo zohlangulo ngokungabhekiseleli kwi National Building Regulations kufumaneka kwenziwe wzi zinto zilandelayo –

(a) Makwakhiwe indlela eyokunceda ukuba kufikelele neyona inkulu inqwelo yohlangulo

(b) Isango elivulekayo elokuvumela ukufakeleleka kwendawo leyo

(c) Kuzo zonke indlela makwakhiwe indlela zenqwelo zohlangulo ezikwaziyo ukufikeleleka kuyoyonke indawo kude kube sisithuba sika 45m ukusuka kwindlela zoluntu zibe nomphakamo ongu 9mkude kude kunendlela yoluntu nge 15m.

(d) Indlela zenqwelo zohlangulo mazibe ngu 4m ububanzi indawo emayibe kuyo yogqitywa ligunya elilawulayo, umphakamo ube yi4m ngasentla komgaqo.

(e) Indlela engaphumeliyo ebude bungu 90m mayenziwe ukulungiselela eyona nqwelo inkulu yohlangulo.

(2) Ukusekwa nokubhalwa kwezindlela makuhambisane nemigaqo yegunya elilawulayo

(3) Akukho mthethweni ukuthi umntu amise isithuthi sakhe avale ezi ndlela.

14. **Ukohlulwa**

Umnikazi wesakhiwo akangengeguquli udonga olohlula isakhiwo kuba oko kungenza kubelula umqithisela umlilo kwigumbi elisondeleyo

15. **Amacongo Omlilo Nokuhlanganiswa Kwawo**

(1) Ngokwenigaqo kaSABS 1,2,5,3, icangolomlilo nendlela elakhiwe

(2) ngalo malivumele ukuba xa kukho umlilo icango elo liyakumelana likhuseleke emlilweni ngokwexesha eloneleyo.

(3) Icango lomlilo nokwenziwa kwalo nokwenziwa kwalo alisayi Kwenziwa lingasebenzi ngenxa yoku –

(a) Ukuguqula ukumelana nokukhuselwa kwalo

(b) Ukukhululwa kwesixhobo ezizivalela ngokwaso

(c) Ukulubamba ngexhobo ukuze lingavali.

(d) Ukupeyinta isixhobo secango elizivalelayo

(e) Ukukhulula okanye wenze isixhobo esibenza ngombane sigasebenzi

(f) Nayphina into enokwenziwa ebanga icango lingasebenzi ngokufanelekileyo.

16. **Umzila wohlangulo**

(1) Umzila wohlangulo ubandakanya zonke izinto ezinjengamacango okungena indlela zokuphuma ngokukhawulezileyo, zonke ezi zinto mazingaxameswa zingasebenzi kuba zophazamisana nohlangulo lwabantu kwisakhiwo ngexesha kuqambuka umlilo

(2) Isixhobo sokutshiza emasifakwe kule ndlela yohlangulo mayibe seso siphunyezwe nguMasipala.

(3) Xa kukho imfuneko igunya elilawualyo linokuyalela ukubekwa kwempawu ezihambisana nogaqo kaSABS 1186 ebonisa ecalo lokubalekela xa kukho umlilo

17. **Intente**

(1) Ngaphambi kokwakhiwo kwentente njengendawo yokuhlala njengoko umgawo iNational Building Regulations (A20) unyazeliso. Umntu owakha intente ayisebenzise maka –

(a) Afake isicelo ngokwalomthetho kuMasipala sokuyimisa

(b) Afake isicelo ngokwecandelo 22 lomthetho wedolophu

(2) Isicelo masifakwe ngokwecandelwana (1) (a) yaye lihambisane noku kulandelayo

(a) Intente mayakhiwe ibe zi 4,5m ukusuka kumda, okanye kwindawo izinto ezitshayo, igunya elilawulayo ligunyazisa ukongezwa kwolomgama xa kufanelekile;

(b) Xa intente zisakhiwa enye ecaleni kwenye ubuncinane bomgama oyi 4,5 mabuvumelwe;

(c) Ezi mfuno zidweliswe kwiNational Building Regulations (t1) mazitho tyelwe kwezi meko zilandelayo

(i). Apho inani labantu kwitente lingaphezu ko 25

(ii). Apho intente izakuhlalwa ngamaxesha asebusuko

(iii). Kulungiselelo lokuhlala

(iv). Kufakwe izicimamlilo

(d) Ubeminzi bentente mabuhlambisane neNational Building Regulations (A21)

(e) Makungaphekwa ezintenteni ngabantu ukuba kunyanzelekile makuphekwe kwintente eyodwa engenabantu

(f) Akukho mlilo uvumelekileyo ententeni ngaphandle kokuba kukho isixhobo sokunqonda ukwenzeka kwamalangetye

(g) Akukho mlilo okanye malangatye wumelekileyo kwisithuba se 5m ententeni

(h) Ukutshaya akuvumelekanga yaye umbhalo othe akutshaywa mawuxhonywe ekungeni ngokuhambisana noSABSA 1186

(i) Ukufaka ingcingo zombane ententeni makuhambisane nemfuno njengoko kubhaliwe SABS 0142

(3) Ngokungabhekiselel kwicandelwana (1) no (2), igosa elilawulayo lingafuna umceli azalisekise ezinye imfuno ekwakhiweno nokuhlalwa kwetente

ISAHLUKO 4

IZIXHOBO ZOKHUSELEKO EMLILWENI

18. **Izicimalilo**

(1) Izicimomlilo mazifumaneke zokhelwe kizakhiwo njengoko kugunyaziswa njalo ligunya ngokwenthetho/ngomgaqo, National Building Regulations (T1 no T2)

(2) Izicimomlilo mazigcinwe ngokomthetho iOccupational Health and Safety Regulation, SABS 1475: Part 1, SABS 1571, SABS 1573 no SABS 0105; Part 1

(3) Umtu wendalo nomthetho akangazalisi okanye alungise , ahlole okanye avavanye isicimomlilo ngokwe SABS 1475 ngaphandle kokuba unemvunme yokwenza njalo

(4) Umnini – ndawo akangevumeli isicimamlilo sizaliswe ngumtu ongenasivumelwano nesiqinisekiso

(5) Ukuba igunya elilawulayo like lafumanisa ukuba isicimamlilo sike sahlolwa, salungiswa sazaliswa ngumntu ongenanvume loyalela umnini – ndawo akagavumeli oko.

(6) Ukuba imbono yegunya elilawulayo kuthi isicimimlilo asisebenzi ngenxa yokuhla komgangatho waso locela ukuba sihlolwe.

(7) Isicimamlilo asingesuswa kwindawo ngaphandle kokuba sityatshintshwa, sikhululwe sicithwe silungiswe okanye sivavanywe apho oko kunokuba ingozi.

19. **Ukuhlolwa nokugcinwa kwendlela yokhuselomlilio**

(1) Indlela yokhuselomlilo mayihlolwe inonelelwe rhoqo aze athi umninindawo agcine inkcukacha zoko

(2) Umtu akangehloli ukusebenza kokhuseleko emlilweni engabizisanga abahlala kwindawo yakhe

(3) Ukhuseleko lomlilo lulungiselelwe ukuze kuqatshelwe ubukho bomlilo ze uliwe xa kukho imfuneko ngokwe National Building Regulations.

(4) Ukhuseleko lomlili alungefakwa lukhutshwe lulungiswe okanye luchitwe apho isenzo esinjalo sinokubanga ingozi

(5) Umntu owenza umsebenzi wokunonelela ukhuseleko lomlilo makazise umnikazindawo ngokubhaliwe ngazo zonke iziphoso azibonileyo

(6) Umninindawo okanye ummi makazise igunya elilawulayo xa ukhuseleko lomlilo lungasesebenzi ukuze lulungiswe

(7) Umninindawo okanye umntu makathabathe onke amanyathelo afunekayo ukufaka izixhobo ezizezinye kwindawo yakhe

20. **Ukuphazamisana nokufikeleleka kukhuseleko lomlilo nakwizicimomlilo**

Umntu akavumelekanga ukuphazamisana okanye enze isicimamlilo kwanenkqubo yokhusela umlilo ingasebenzi ngaphandle xa kukho uhlolo

21. **Iizilumkiso nendawo zokucima umlilo**

(1) Kungekho mbuyekezo kumnikazi ndawo ngaphandle za kuthatyathwe amanyathelo angawo xa kufakelewa isikhuseli – mlilo, igunya elilawulayo linokufaka –

(a) Isilumkisi somlilo

(b) Isixhobo sokudlulisa imiyalezo engxamisekileyo malunga nomlilo

(c) Isixhobo sokulumkisa abemi ngomlilo

(2) Kungekho mbuyekezo kumnikazi womhlaba igunya elilawulayo lingenza ufakelo lwesilumkisi ngomlilo nendawo yokucima umlilo.

(3) Igunya elilawulayo lothi ngamaxesha afanekileyo liyalele ukususwa kwebhodi kwentsimbi ezisetyenziswa ukuba zisuswe kungekho mbuyekezo kumnikazi.

(4) Umntu ongavumelekanga akangesusi aguqule, enzakalise isilumkiso somlilo njengoko icandelwana likhakanya

(5) Umntu akasayi kusenza isicimimlilo singasemenzi okanye singafikeleleki okanye aphazamisane naso.

ISAHLUKO 5

UKHUSELEKO LOLUNTU

22. **Ukunqanda nokulawula ubuninzi babantu**

(1) Ngaphambi kokusetyenziswa kwendawozolonwabo okanye indawo zoluntu umnikazi okanye umntu onelungelo makafake isicelo sesiqisekiso kwigunya elilawulayo.

(2) Igunya elilawulayo lisenokucela ingcadiso eyongezelekileyo.

(3) Nokungabhekisele kwicandelo igunya elilawulayo linokuyalela umnikazi ndawo enze isicelo setutyana okanye esipheleleyo ngokusetywnziswa kwendawo kulandelwa iNational Building Regulations (A20)

(4) Isiqinisekiso sethutyane asidluli kwi 30 yentsuku.

(5) Igunya elilawulayo liyala ngokukhutshwa kwesiqinisekiso ukuba indawo indawo ayihambisani nemfumno zeNational Building Regulations(T1)

(6) Ukuba igcinya elilawulayo lirhanele ukungathotyelwa kwecandelowana 5 kunokulungiswa maliyalele umnikazindawo ngokubhaliweyo athabathe amanyathelo ngaphambi kokukhutshwa kwesiqinisekiso

(7) Ukuba nangaliphi ixesha igunya elilawulayo likhe lazi ukuba indawo isetyenziswa ngaphandle kwesiqinisekiso lothatha amanyathelo ngokwecandelo 4(3) okanye 6(1) necandelo 7

(8) Isiqinisekiso sethutyana okanye esiny silungiselelwa indawo leyo kwazi kwakho inguquko umnininwo makenze esinye isicelo ngokwecandelwana (1)

(9) Isiqinisekiso sethutyana nesinye maziboniswe kulo ndawo zikhutshelwe yona

(10) Umnikazi wendawo makakhusele ubuninzi babantu ngokuthoba inani elikhankanyiweo

(11) Umntu makaphume kwindawo ezizeleyo xa igunya elilawulayo lisitsho okanye umnikazi

23. **Ukufamaneka kwenkonzo**

(a) Xa igunya elilawulayo libona ukuba kukho inkonzo efanelekileyo ngexesha lomsebenzi kwindawo yolonwabo linokuqinsekisa ukuba inkonzo leyo uyafumaneko

(b) Xa inkonzo ifumaneka ngexesha lesiganeko esibalulekileyo kobakho imfuneko yenkcitho kuMasipala, anokuyifuna kulowo ufanelekileyo ngokwecandelo 9

24. **Ukucwangciswa kweplani yohlangulo**

(1) Umphathi wesikolo, isibhedlele indawo yokuhlala nehotele anbntu abangaphezulu ko25 kubandakanya abaqeshwa, makenze iplani yohlangulo ekhankanya ekufanele ukuba kwenziwe xa kukho umlilo

(2) Igunya elilawulayo linokuyalela umphathi ingezizo ezondawo zikhankanywe ku1 ukuba enze iplani yohlangulo eyakuthatyathwa ngabaqeshwa okanye abahlali

(3) Iplani echazwe kwicandelwana (1) no (2) mayihlaziywe xa ingasafanelekanga ukuba isakhiwo sistshintshile

(4) Iplani yohlangulo mayihlaziywe emva kwenyanga ezintandathu okanye emva kotshintsho kugcinwe inkcukacha kwirejista

(5) Irejista yenkcukacha kwicandelwana 1(4) ibandakanya –

(a) Umhla nexesha lovavanyo

(b) Inani labathathi nxaxheba

(c) Iziphumo zovavanyo namayathelo ayakuthatyathwa

(d) Igama lomvavanyi

(6) Irejisa kunye neplani yohlangulo mazifumaneke kwindawo leyo zezihlolwe ligunya elilawulayo

(7) Igunya elilawulayo lingayivavanya iplani yohlangulo lenze izincomo xa kufane

25. **Ukuxhonywa kweplani zohlangulo**

(a) Kwisibhedlele, indawo zokuhlala, ihotele nendawo zabatyelele iplani yohlangulo mayixhonywe kwindawo ebonakalaya kuwo onke amagubi okulala

(b) Ukuxhonywa kweplani zohlangula nakweyiphina indawo kuxhomekeke ekuphunyezweni ligunye elilawulayo

26. **Ukuvalwa kwezakhiwo ezingenamntu**

Umnikazi okanye umphathi wesakhiwo esingenamntu makasuse yonke inkunkuma etshayo atshinxe, aginiseke ukuba ifestile nengcango zivaliwe ngokwanelisayo kuMasipala ukunqanda ingozi zomlilo

ISAHLUKO 6

UKHUSELEKO EMAKHAYA

27. **Inkunkuma nemfucumfu etshayo**

(a) Ummi okanye umphathi wendawo makangavumeli inkunkuma nenfucumfucu yongezeke nakweyiphina indawo enokubanga ingozi yomlilo

(b) Inkunkuma etshayo mayigcinwe ngokufanelekileyo okanye itshatyalaliswe ukunqanda ingozi zomlilo njengoko umthetho olawula ukugcina nokutshatyalaliswa kwayo usitsho

28. **Uthuli**

Umpathi okanye ummi akangevumeli uthuli lwande lukubangele umlilo okanye ingozi, malugcinwe lutshatyalaliswe njengoko umthetho usitsho

29. **Izinto ezitshayo kwanezicoci makhaya**

(a) Ngokungabhekiseli nayiphina into ephikisana nomthetho, zinzinto ezivunyiweyo ezihlangana okanye izibulala-ntsholongwane, nezo zinto zokucoca imigangatho mazisetyenziswe ekucocweni

(b) Ukusetyenziswa kwemvethuleka yamaplanga okanye nantoni na eyelele apho ufunxa izinto ezivutha lula akuwemelekile

30. **Ukungcola ngaphakathi kwetshimini nembhobho**

Umnikzai okanye umphathi wendawo okanye icandelo loko makangavumeliumsi okanye nayiphina into iqokelelane ngaphakathi kwetshimini okanye umbhobho de ibe ninzi de ibange ingozi

31. **Onobangela bokuqala komlilo**

(1) Ukutshaya, ukuphathwa komatshisi, ukusetyenziswa kwezinto zokwenza shusho okanye ukusentyenziswa kwezixhobo ezivelisa intlantsi, konke oko akuvumelekile kwindawo ezinezinto ezitsha msinya.

(2) Uthuthu olushusho namalahle avuthayo mawabekwe kwizinto ezingatshiyo

(3) Umgama onguwo ngokokugqiba kwegunya elilawulayo mawuqinisekiswe phakathi kwezinto ezitsha lula nezixhobo zokutshisa

(4) Isixhobo sokwenza shushu makuqinisekwe ukuba aziqubudi. Igunya elilawulayo alingezivumeli ukuba zisetyenziswe izinto ezisetyenziswa ekwenzeni shushu ngenxa yokubanga kwezo ingozi zomlilo

32. **Ukutshaya**

(1) Ukuba imeko zikho ezibanga ukuba ukutshaya kuze nengozi zomlilo, ngoko ke ukutshaya akuvumelekile, nophawu olubonisa ukuba akutshaywa maluxhonye ngokomyelelo wegunya elilawulayo.

(2) Akukho mntu uyakulususa uphawu oluthi akutshaywa ngaphandle kokuba uyalelwa ligunya elilawulayo

(3) Umntu akarakuqhwitha okanye alayite umdiza, inqawa icuba okanye nayiphina into enokwenza umlilo kwezinye izinto, angabambi , angabinanto, angalahli okanye abeke nantoni na evutahyo apho oko kungavumelekanga

(4) Apho ukutshaya kuvumeleke khona amanyathelo makathatyathwe ukuqinisekisa ukuba ingozi zomlilo azingenzeki

(5) Umntu akavumelekanga alahle abeke phantsi okanye awise umcinga ovuthayo, umdiza ovuthayo okanye nayiphina into evuthayo

33. **Izixhobo nezibane zombane**

(a) Umntu akasayi okanye avumele ukuba umbane usindwe

(b) Akukho mntu unokubange okanye avumele isixhobo sombane sisetyenziswe ngendlela enokubanga ingozi yombane

34. **Isixhobo esivelisa ilangetye**

Akukho mntu uyakubanga okanye avumele isixhobo esiphuma ilangatye esinjengekhandlela enokubanga ingozi yomlilo

ISAHLUKO 7

INGOZI ZEMILILO

35. **Into etsha lula**

(a) Umntu akagegcini afudusa asebenzise okanye avumele kugcinwe kufuduswa kusetyenziswe nokuba kungaphakathi nokuba kungaphandle endaweni. Yonke into etsha lula enokukhokela kwingozi yomlilo

(b) Umnikazi okanye umphathi wendawo akangevumeli utyani lukhule okanye avumele izinto ezitsha lula zibange ingozi zomlilo.

36. **Ukuqalwa kwemililo nokutshiswa kwezinto ezitsha lula**

(1) Ukuqalwa kwemililo okanye ukutshaya akuvumelekile ngakumbi kwimeko ezichazwe kwelicandelo

(2) Umntu angawuqala umlilo okanye asebenzise izixhobo esikhupha ilangatye ngenjongo yokulungisa ukutya okanye injongo eyiyenge engazikubanga ingozi yomlilo okanye nayiphina ingozi, lonto ivumelekile ngokomthetho

(3) Umphathi okanye umninidawo ayisebenzisa njengendawo yolonwabo makaqinisekise ukuba umlilo wokupheka okanye isixhobo esikhupha ilangetya kwindawo elungiselwe oko ukunqanda ingozi zomlilo okanye ezinye

(4) Ukutshisa kunokwenzeka kumhlaba kaRhulumente, ifama okanye nawuphina umhlaba ezilokishini ongasetyenziselwa indawo yokuhlala –

(a) Imvume iyafuneka esuka kwigunya elilawulayo ibe yebhaliweyo ihambelane nomthetho

(b) Igunya elilawulayo lingamyeko umhlali kwindawo zangaphandle apho afumene khona imvume.

ISAHLUKO 8

IZINTO ESITSHAYO

37. **Ukusebenza kwesi sahluko**

Esihlaku silawula ukusetyenziswa kwezinto ezitshayo ngaphakathi kwemida kaMasipala ukuze kuthintelwe yaye kuncitshiswe ingozi zemililo kwanezinye

38. **Ukugcinwa nokusetyenziswa kwezinto ezitshayo**

(1) Ngaphambi kokwakhiwa kwezakhiwo esitsha ukuguqulwa kwezakhiwo esele sikho nokuba kokwexeshana okanye ithuba elide ukugcinwa kwezinto ezitshayo, umnikazi okanye umphathi wesakhiwo nakangenise iplani yesakhiwo kuMasipala ngokwe National Building Regulations, yaye ikopi eplani ephunyeziweyo mayifumaneke kwisiza

(2) Ngaphambi kokuqaliswa kokwakhiwa kwetanki engaphezu komhlaba okanye ngaphantsi komhlaba, irhasi yepetroliyam inezakhiwo nemibhobho yayo uminini okanye umphathi wolowakhiwo olo makaqiniseko ukuba uxinzelelo luvavanyiwe kgokwemigaqo yeNational Building Regulations (T1), SABS 0131; Parts 1 no 2, SABS 089; Part 3 no SABS 087; Parts 1,3 no 7

(3) Ngokungabhekiselele kwicandelwana 2 igunya elilawulayo linokufuna ukuvavanywa kokwakhiwa nokufakelwa kwamatanki ngokuhambisana neNational Building Regulations (T1)

(4) Igunya elilawulayo malaziswe kwisithuba seyure ezi47 ngphambi kovavanyo loxinzelelo.

(5) Ngaphambi kwenguqulelo kwindawo inguqulelo leyo iyakubanga ukuba kubheko utshintsho lokuseleko kwitanki efakelweyo

(6) Umnikazi okanye umphathi wendawo akangeyigcini okanye ayisebenzise –

(a) Irhasi etshayo engaphezu ko 19kg

(b) Ulwelo olutshayo olunyingozi

(c) Ulwelo olutshayo olungaphezu kwe 2000 litres

Ngaphandle kokuba ufumene into esisiqenikiso esuka kwigunya elilawulayo

39. **Isiqinisekiso sezinto ezitshayo**

(1) Umnikazi okanye umphathi wendawo ofuna isiqinisekiso zezinto ezitshayo njengoko icandelo 38(6) luchaza makafake isicelo kwigunya elilawulayo

(2) Igunya elilawulayo linokufuna inkcukacha kumenzi wesicelo

(3) Ingunya elilawulayo malikuchaze ukukhutshwa kwesiqinisekiso ukuba indawo leyo ayizifikeleli imfuno nezinye infuno ezidweliswe kumthetho wedolophu ukuba kurhaneleka ukungahambisani nemfuno zendawo, makayalele umphathi okanye umnini ngamanyathelo amakawathathe ukuqinisekisa ukhuseleko lwendawo ngokwandelo u38(6)

(4) Isiqinisekiso sezinto ezitshayo masihlaziywe minyaka yonke okanye phambi komhla ochazwe kuso xa kuzakubhako inguqulelo kubungakanani bento leyo okanye icandelo 38(5)

(5) Ukuba nagaliphina ixesha igunya eliphetheyo liya lazi ukuba uksetyenziswa kwendawo akuhambisani nesiqinisekiso, wothatha isigqibo ngokwe candela 4(3) okanye 6(1) necandelo 7

(6) Ngokungabhekiselele kwicandelwana u(5) xa igunya elilawulayo liqphela ukuba into egciniweyo okanye, okanye isetyenziswa ngendlela enokubanda ingozi ebomini okanye isakhiwo asikho mthethweni unokuyalela ukususwa kwento leyo kulo ndawo

(7) Umthengisi akangemniki umnikazi wendawo ito etshayo kuba engenasiqinisekiso

(8) Isiqinisekiso sento etshayo sosebenza kuphela –

(a) Kwisakhiwo esasikhutshelwe sona

(b) Kwimeko yendawo ngexesha lokukhutshwa kwaso

(c) Kubungakanani obuchaswe kwisiqinisekiso

(9) Isiqinisekiso masifumaneke kwindawo leyo ukuze sihlolwe ngamaxesha onke

(10) Igunya elilawulayo maligcine inkcukacha zazo zonkenindawo izekhutshewe isiqinisekiso

40. **Itanki elimiyo okanye elexeshana lokugcina ulwelo olutshaya**

(1) Kwelicandelo kuphela itanki elimiyo okanye elexeshana liyakusetyenziswe ekungeneni ulwelo olutshayo elichazwayo

(2) Itanki lexeshana kungeyiyo indawo yokugcina livumelekile ngokwentando yegcinya elilawulayo ngaphandle kokuba ezi zinto zilandelayo ziyenziwa

(a) Malube nomthamo ongadlulalanga kwi9002, yaye lingasetyezwa ukugcina into etshayo enobushushu obungapjhantsi ko 40^{o}C

(b) Iyakuba kwindawo leyo kangaganexesha elingadlulanaga kwinyanga ezintandathu ukwakhiwa kwalo kuhambisane noSABS 0131; Part 1 okanye SABS 0131; Part 2

(c) Isicelo esibhaliweyo kunye neplani mathunyekwe kwigunya elilawulayo kwintsuku ezi14 yakhiwe itanki, imvume mayifunyanwe ngokubhaliweyo.

(3) Ngokungabhekiselel kwicandelo 38 (1) ukuba umthawo wetanki uyafuneka okanye itanki kufuneka lenziwe ngokweniyalelo kaNational Building Regulations (T1) uMasipala wonikwa inkqubo

(4) Imiqago yokwenziwa nokwakhiwa kwetanki mayibe ngokwe nkqubo yezizwe

(5) Umthami wetanki mawunike isithuba esoneleyo sento leyo egalelwe kulo

(6) Itanki elimiyo nelexeshana malakhiwe kwisithuba se3,5m ukususka emdeni nakwizakhiwo

(7) Itanki elimiyo nelexeshana malimiswe kumhla oqinileyo, mhlaba lolwo ofanele unike amandla okuxhasa itanki nako okungaphakathi

(8) Itanki emiyo okanye elexeshana malibe nedonga

(9) Ukhuseleko olwaneleyo malufumaneke ukuqanda ukuvuza kwetanki

(10) Izicemamlilo ezonelyo mazibekho kufutshane netanki

(11) Impawu zokhuseleko ezibonisa “akutshaywa ingozi” mazixhonywe kufutshane netanki zihambisa neSABS 1186; Part 1

(12) Ulwelo olutshayo phakathi kwetanki malwechazwe kusetyenziswa imibhalo ekwi SABS 0232; Part 1

(13) Impompo yombane mayakhiwe ibekwe kwindawo eyokukhusela ingozi yokuqela komlilo

(14) Itanki enombane mayihambisane nemiqathango kaSABS 0108 noSABS 089; Part 2

41. **Itanki engaphantsi komhlaba yolwelo olutshayo**

    Ukwakhwa kwetanki engaphantsi komhlaba impompo, nemibhobho, kwindawo ezithengisa amafutha enqwelo mayihambelane neNational Building Regulations (T1) Funda ngokudibene SABS 0400, SABS 089; Part 3 no SABS 0131; Part 3

42. **Indawo zokugcina izinto ezitshay**

    Ukulawulwa ukugcina nokusasazwa kwezinto ezitshayo kwindawo zokugcina mayihambisa neNational Building Regulations (T1) Funda ngokudibene SABS 089; Part 1

43. **Izakhiwo ezigcina ipetroli**

    Izakhiwo zokugcina ipetroli zibandakanya amatanki angedlulanga kwi5002 anomthamo wamanzi 300 u ngokwemiqathango yeSABS 087; Part 1

44. **Izakhiwo zepetroli kwizakhiwo ezincinane zexeshana**

    Izakhiwo zepetroli kwizakhiwo ezincinci zexesha zuyakuba ngokwe SABS 087; Part 2

45. **Ukuthiwa kwenqwelo zokulayisha nezinye ezisebenza ngepetroli**

    Ukuthiwa kwenqwelo zokulayisha nezinye ezesebenza ngepetroli kwakulandela iSABS 087; Part 8

46. **Ukugcinwa nokuzaliswa kwetanki zepetroli**

    Ukugcinwa nokuzaliswa kwetanki zepetroli ezinomthamo ongadlulanga ku 9kg mazilandele iSABS 087; Part 7

47. **Indawo ezigcina ipetroli eninzi**

    Ukwakhiwa ukusekwa nokusebenza kwezakhiwo zokugcina ipetroli eninzi nezinye indawo ezibandkanyekayo ngokwemigaqo weNational Building Regulations (t1) Funda ngokuxulumene neSABS 087; Part 3

48. **Ukuyekiswa kwendawo yokugcinana nokusetyenziswa kwesinto ezitshayo**

(1) Ukuba ukwakhiwa kwetanki elingaphezu okanye ngaphantsi komhlaba, ukwakhiwa kwepetroli okanye imibhobho akusafuneki okanye ukugcinwa nokusetyenziswa kwento etshayo, umnikazi okanye umphathi wendawo apho isakhiwo besizakuba khona uya –

(a) Kwintsuku ezisi 7 zokuyekwa kwoyo ukusetyenziswa wokwazisa igunya

(b) Kwisithuba sentsuku eziyi 30 ekuyekweni ekususweni kwezinto ezitshayo kwisakhiwo nokuyenza ikhuseleke

(c) Kwisithuba senyanga ezintandalathu kuyekiwe, kwasuswa isakhiwo kubanda kanya nemibhobho kulo ndawo ngokugqibeleleyo ngaphadle kokuyalela kwegunya eliwulawyo

(d) Ukubuyiselwa kwendledlana okanye indlela yoluntu, ebuphaazamisekile kukususwa ngokonelisayo kuMasipala ngesithuba sentsuku ezisixhenxe kugqityiwe ukususwa kwesakhiwo

(2) Ukuba ukkususwa kwetanki engaphantsi komhlaba kube nemiphumela engamkelekanga ekomelwezweni kwendawo umnikazi okanye umphathi nakacele ngokubhaliweyo kungunya elilawulayo azalise itanki ngesamente

49. **Ukunika ingxelo ngengozi**

Ukuba ingozi yehlile ibandakanya into etshayo idale umlilo yenze uqhushumbo, kuchitheke okanye kulahleke into etshayo kwanomenzakalo okanye ukufa umnikazi okanye umphathi makazise igunya elilawulayo

50. **Indawo zokugcina ezinezinto ezitshayo**

(1) Ukwakhiwa kwendawo zokugcina izinto ezitshayo ngokwe National Building Regulations (T1) ufunde neSABS 0400

(2) Umgangatho mawube ngowesamente okanye into engaphumeliyo ube ngezantsi komnyango

(3) Umgangatho mawube nobunzulu ukuze xa kukho into echithakeleyo ukwazi ukuyingcina into leyo etshayo njengoko kukhankanyiwe kwisiqinisekiso sezinto ezitshawyo

(4) Kungabhekiselelanga kwiNational Building Regulation (T1) Funda neSABS 0400.

(a) Uphahla lwendawo yokugcina into etsahyo malwakhiwe ngesamente okwaziyo ukumelana nomlilo kwisithuba seyure ezimbini xa ilicandelo lesinye isakhiwo

(b) Ukungenisa umoya kwindawo zokugcina izinto ezitshayo kunokwenza xa kusetyenziswe izitena ezenzelwe oko kudonga olungaphandle, isitena eeso somiselwa ngasentla kwe5m^2 yodonga ukuze ukufuma kungakheki ngaphakathi kwindawo yokugcina

(c) Izitena ezigenisa umoya mazigqunywe ngaphandle nangaphakathii ngesefu

(d) Isefu le mayibanjwe isendaweni ngentsinjana okanye ngesamente

(5) Xa igunya elilawualyo lifuna, indawo egcina izinto ezitshayo mayibe nesingenisi moya esiphunyezwe nguMasipala sihambisane nezi mfuno –

(a) Isingenisimoya masikhuseleke

(b) Ifeni mayikhangelane nombhobho kwisithuba semitha ngasentla kophahla okanye 3,6m ngasentla komgangatho

(c) Into yokwenza umbhobho ngaphandle kwendawo yokugcina kodwa ingaphakathi kwesakhiwo mayifakelwe isicimimlilo esomelana nomlilo kwisithuba seyine ezimbini ukuphuma kwindawo yokugcina izinto ezitshayo

(d) Umbhobho mawube mfutshane kangangoko ungagotywa

(6) Ngokwe National Building Regulations neSABS 0400, indawo yokugcina izinto esitshayu icango layo nalakhwe ngento emelanayo nomlilo iisithuba seyure ezimbini xa umgama okhuselekileyo uthathelwe ingqalelo

(7) Xa kufunwa njalo ligunya elillwualyo icango lendawo yokugcina izinto malube kumgangatho kaD lihambisane neSABS 1253

(8) Ngokwe National Building Regulation (T1) neSABS 0400, indlela yokukhanyiswa mayibe yeleyo yesibane sombane, ingcingo zaso zikhuseleke ebumanzini ngokugqunywa ngumbhobho wentsimbi. Amaqhosa okulayita abe ngaphandle kwendawo leyo

(9) Akukho sixhobo sombane emasifakelwe kwindawo yokugcina izinto eziloluhlobo

(10) Indawo yokugcina izinto ezitshayo mayibe nombhobho wokuhambisa into ebugwebu ozi 65mm ehlanganiswa nombhobho wentsimbi into ebugwebu yobhalwe amagama ngonobumba abakhulu abakwisthuba ge100mm

(11) Ishelfu ezikhiwa kwigumbi lokugqina izinto ezitshyo mazenziwe ngento engatshiyo

(12) Indao leyo mayiboniswe ngamagama athi – "Isitoro sokugcina izichobo ezithatha lula umlilo" oku kubandakanya isilumkiso nakwezinye illwimi njengoko igunya elilawulayo libona kufanele. Umbhalo mawubonise umthamo wendawo leyo ovumelekileyo

(13) Umnikazi okanye umphathi wendawo leyo makaqinisekise ukuba amacango agcinwa evaliwe xa ingasetyenziswa

(14) Umntu akasayi kungela kwindawo egcina izinto ezitshayo okanye avumele nabanina ongenalungelo alinikwe ngulowo unolawulo kulo ndawo

(15) Izicumamlilo ezoneleyo njengoko kugunyaziswa ligunya elilawulayo mazixhonywe eldudongeni ngaphandle zibonakale yaye zifikeleleke ngokulula.

(16) Nasiphina isixhobo sesandla esisetyenziswa kule ndawo masikhuseleke

(17) Umntu akangesebenzisi okanye avumele ukusetyenziswa kwendawo egcina izinto ezitshayo nangaluphina uhlobo ingekuko oko kubhalwe kwisiqinisekiso, ngaphandle kokuba indawo leyo eyisetyenziselwa kugcina olu hlobo lwezinto yaye libe negunya lazisiwe ngale nkqubo –

(a) Kwisithuba sentsuku ezisixhenxe siyekiwe ukusetyenziswa

(b) Kwintsuku ezi30 kuyekiwe oku izinto ezo ziyakusuwa kulo ndawo kuqinisekwe ukuba zikhuselekile

(c) Kwintsuku ezi30 kuyekiwe yonke imibhalo mayisuswe

(18) Ngokubhekiselele kwimfuno zelicandelo igunya elilawualwyo linoku nika imiqathango eyongezelelweyo ukuphucula ukhuseleko

51. **Ukuphathwa nokugcinwa kwenkonxa**

(1) Zonke inkonkxa zokugcina izinto ezitshayo mazihlale zivaliewe za zingasetyenziswa

(2) Umntu akanakuyikhupha into elulwelo kwinkonkxa enomthamo ongaphezu kwe201, ngaphandle kokuba inkonkxa leyo ifakwe impompo

(3) Inkonkxa zenzo ezilulwelo olutshayo mazibhalwe ngamagama nangemifanekiso, okubonisa ulwelo olo nengozi enokubangwa lulo

(4) Inkonkxa makuqinisekiswe ngumntu ofanelekileyo ukuba azinakufuma okanye azinamaya ngaphambi kokuba zilungiswe

(5) Zonke inkonkxa zezinto ezitshayo mazenziwe zingcinwe zikwimo eliqiniska ukhuseleko ekwenzakalisweni ukunqanda ukuvuza

(6) Inkonkxa angenanto mayibekwe kwigumbi lokugcina

(7) Ukuba igumbi elilungiselelwe oko alikho, igunya elilawulayo lingavumela ukuba zigciniwe phandle, ngaphandle kokuba –

(a) Indawo yokugcina ikwindawo efanekileyo kwaye eyaneley ngokokubona kwegunya lolawulo, engenakubanga ngozi yamlilo

(b) Indawo yokugcina inomya awoneleyo yaye ibiyelwe ngcingo elinesefu –

(i) Ipali ezixhasa ucingo mayibe zezentsimbu okanye isament

(ii) Isango malivulele ngaphandle ligcinwe litshixiwe xa lingasetyenziswa

(iii) Ukuba umgangatho ungaphezu kwe 10m2 kofuneka kubheko isango lohlangulo elongezelelwayo luvuleke ngaphandle, ngaphandle kokusetyenziswa kwesitshixo

(c) Indawo yokugcina mayingabinatyani ibe nomgangatho oqinileyo

(d) Isithuba esingange 2m jikelele masishiywe singenangca, lukhula nayiphina into etshayo

(e) Ukuba indawo leyo inophahla ukwakhiwo kophahla nokuluxhasa malenziwe ngento engatshiyo

(f) Amalangatya nokutywina, nokutshaya akuvumelekanga kuyo nakufutshane, uphawu oluchaza oko malube sekuhleni njengo kuchazwa nguSABS 1186 Part 1

(g) Ezixho zokulwa umlilo mazifakelwe njemgemtuno yegunya elilawulayo

(8) Inkonkxa engnanto mayivalwe ngesiqhoboshi okanye nayiphina into esetyenziselwa oko

52. **Amagumbi okutshiza**

Amagumbi okutshiza kwanendawo ezilungiselelwe ukusetyenziswa lolwelo olutshayo mawakhiwe abe nezixhobo ngokuthobela iGenral Safety Regulation ezisekelwe kumthetho iOccupational Health and Safety

53. **Inkonkxa zerhasi yepetroli**

(1) Inkonkxa le mayenziwe yaye ivavanywe ngokuka SABS 087; Part no SABS 019

(2) Inkonkxa zerhasi yepetroli mazisetyenziswe yaye zingcinwe ngohlobo lokukhuse ukwenzakala okanye zivuze

(3) Inkonkxa zerhasi yepetroli enomthamo ongadlulanga ku 9kg mayizaliswe yaye igcinwe ngokwe SABS 087; Pasrt 7

ISAHLUKO 9

UKUTHUTHWA KWEMPAHLA ENOBUNGOZI

54. **Isiqinisekiso sempahla enobungozi**

(1) Umqhubi wenqwelo elungiselelwe ukuthutha impahla enobungozi akangeyiqhubi inqwelo leyo kwindawo ephantsi kwegunya elilawulayo, de abe nesiqinisekiso sempahla enobungozi esikhutshwa ngokomthetho iNationa Road Traffic

(2) Umqhubi wenqwelo okhankanyw kwicandelwana 1 makatalie isicelo kwigunye elilawulayo njengoko kufuneka

(3) Igunya elilawulayo lisenokufuna inkcukacha ezongezelelekileyo kulowo wenza isicelo.

(4) Ingunya elilawulayo liyakukwala ukukupha isiqinisekiso ukuba inqwelo leyo ayizifikeleli imfuno zika SABS 087; Part 4, SABS 089; Part 1, SABS 0230, SABS 1398 okanye SABS 1518

(5) Ukuba igunya elilawulayo libona ukuba inqwelo engafanelekanga inokulungiswa lisenokuyalela umqhubi wenqwelo ngokubhaliweyo ukuba athabathe amanyathelo afanelekeleyo ukulungisa iziphoso, ngokwecandelwana 1 nokukhutshwe kwesiqinisekiso

(6) Isiqinisekiso sempahla enobungozi masihlaziywe minyaka le ngomhla okanye ngaphambi lomhla okhanknyiweyo, okanye xa kukho ulungiso kwinqwwelo esetyenziswayo

(7) Ukuba nangalina ixesha igunya elilawulayo liqphela ukuba inqwelo esetyenziswayo ayihambisani nemigaqo esiqinisekiso unolwathabatha amanyethetho akwicandelo 4(2) okanye 6(1) no 7 womthetho wedolophu

(8) Umvelisi wempahla akanakunikela umqhubi wenqwelo impahla ngokwecandelwana 1 ngaphandle kokuba umqhubi uresiqinisekiso esivela kwigunya elilawulayo

(9) Owamkelo impahla akanako ukyamkela impahla kumqhubi wenqwelo ngokwecandelwan 1 de abe umqhubi uyazifezekisa imfuno ezwicandelwana 7

(10) Isiqinisekiso sempahla enobungozi silungile xa –

(a) Inqwelo ikhutshelwe sona

(b) Imo yenqwelo ngexesha lokhutshwa kwaso

(c) Umthwalo ochazwe kwisiqinisekiso

(11) Isiqinisekiso masifumaneke ngamthuba onke ukuze sihlolwe njengoko kuchazwe kwicandelwana 1

(12) Igunya elilawulayo maligcine inkcukacha zazo zonke inqwelo ngokubhekiselele kwisiqiniseko smpahla enobungozi esithe sakhutshwa okanye eso sihlaziyiweyo

ISAHLUKO 10

IMIBA NGOKUBANZI

55. **Imbophelelo**

Lo mthetho wedolophu uyabophelela kuRhulumente nakuye nabanina onkia inkonzo yobuRhulumente

56. **Umthetho ngokhseleko lomlilo**

Akukho nto ebandakanywe kulo mthetho wedolophu eyakuphukisana neziphakamiso ezikumthetho iDisaster Management 2002 (Act No.57 of 2002) okanye imigaqo esekelwe kuwo

57. **Ulwaphulmthetho nezohlwayo**

(1) Nawuphina umntu –

(a) Owophula nanye into yalomthetho wedolophu okanye ongafezekisi nto ikuwo; okanye

(b) Owuphula okanye ongathobeli nawuphina umyalelo phantsi kwawo okanye isaziso esikhutshwe ngokwawo,

Wofunyawe enetyala lokwaphula umthetho eze ahlawule iR60 000 okanye evalelwe isithuba senyanga ezingedlulanga ku 12

(2) Xa uthe ulwaphulomthetho lwaqhuba umntu onetyala uyakuhlawuliswa iR600 ngaphezulu okanye avalelwe usuku ngaphezulu okanye uvalelo olungaphezulu olungentlawulo okanye zombini intlawulo nokuvalelw oko ngezelekileyo ngosuku ulwaphulo mthetho luqhuba

(3) Umntu lo ukhankanyiweyo wogwetywa intlawulo elingana nenkcitho ngokufunyaniswa yinkundla ethe yachithwa nguMasipala ngenxa yolwaphulomthetho olo

(4) Igunya elilawulayo maliyalele umntu ofunyenwe enetyala ukuba alungise isenzo eso kwisithuba sexesha elinikiweyo ligcinya elilawulayo

58. **Imigaqo**

uMasipala angenza imigaqo engachasananga nomthetho wedolophu ekhankanya –

(a) Nayiphina into ekhankaywa ngumthetho wedolophu

(b) Nayiphina into elungiselelwa ukusebenza komthetho wedolophu

59. **Ukurhoxisa umthetho wedolophu**

(a) Nawuphina umthetho wedolophu ophathele kukhuseleko loluntu kwingozi zomlilo owamkelweyo nguMasipala okanye nayiphina iKansile kaMasipala equlatho icandelo lolawulo kuMasipala, uze kurhoxiswa kususela kumhla lomthetho obhengezwe ngawo

(b) Isiqinisekiso esakhutshwa, isaziso esakhutshwa saza sathunyelwa okanye nasiphina isiqunyaziso esakhutshwayo ngomthetho wedolophu orhoxisiweyo ngokwecandelwana

(a) Kwisithuba senyanga 6 ngaphambi kokuqala kwalo mthetho wedolophu, sobomvu ujengesiqinisekiso esikhutshiweyo, isaziso esenziweyo okanye isinyanzeliso ligunya elilawulayo ngokomthetho wedolophu.

60. **Itayitile emfutshane**

Nawuphina umthetho wedolophu ophathelele kukhuseleko loluntu kwingozi zomlilo, 2004, usebenza ngomhla ogqitywe nguMasipala ngokuchazwa kwiGazethi yePhondo.