# ISAZISO SOBURHULUMENTHE BASEKMAYA UMASIPALA WASENGQUSHWA

# IMITHETHO YEDOLOPHU EPHATHELELE EKUSETYE – NZISWENI OKANYE EKUQESHWENI KWEZAKHIWO ZIKAMASIPALA

Umanejala ka masipala wenza upapasho, ngokuphathelele kwicandelo 13 lobu rhulumente base makhaya: Umthetho wenkqubo kaMasipala, 2000 (Umthetho ongu Nombolo 32 ka 2000) kunye neCandelo 162 loMagaqo-Siseko we riphabliki yaseMazantsi Afrika, 1996 (Umthetho ongu no 108 ka 1996); Umthetho wedolophu ophathelele ekusetyenzisweni okanye ekuqeshweni kwezakhiwo zika Masipala.

INJONGO ZALO MTHETHO WEDOLOPHU

Injongo yalomthetho wedelophu kukuwisa umthetho ophathelele ekusetyenzisweni okanye ekuqeshweni kwezakhiwo zika Masipala.

ISAHLUKO 1

INGACACISO

1. **Inkcazelo** – kulo mthetho wedolophu, amagama asetyenziswe kwisini samadoda kubandakanya abasetyhini, isinye sibandakanya isininzi kwangokunjalo kwaye ngaphandle xa lukhona utshinthso.

   **'Isixhobo'** kuthetha nasiphina isixhobo okanye into ekwizakhiwo sikaMasipala, sibandakanya izitshixo, amaqhaga, iifestile, izindl zangasese, imponpo;

   **'Igosa eligunyazisiweyo'** kuthetha

   (a) Naliphina igosa likaMasipala eligunyazisiweyo nguye ukulawala, ukusebenza ngokomthetho wedolophu;
   (b) Igosa lendlea elqeshwe ngokwe candela 3A lomthetho; National Road Traffic, 1996 (Act no 93 of 1996);
   (c) Ilungu lezokhuseleko njengoko lichqzwa kwicandelo 1 lomthetho iSouth African Police Service Act, 1995 (Act no 68 of 1995) okanye.
   (d) Igosa loxolo elikhankanywa kwicandelo 1 lomthetho, Criminal Procedure, 1977 (Act no 51 of 1997);

   **'Umqeshi'** kuthetha nabanina owenza isiscelo, ohlawule ze afumane, imvume yokusebenzisa isakhiwo sikaMasipala.

`**Isakhiwo sika Masipala'** kuthetha isakhiwo iholo, igumbi okanye i-ofisi kubandakanya necandelo laso kwahunye nayiphina into ekuzo eyimpahla elawulwa okanye equesthwe nguMasipala uluntu jikelel okmokuvunyelwa kiyisebenzise.

**'Umasipala'** ubhekisa kuMasipala waseNgqushwa, osekw ngokuphathelele kwicandelo 12 lobuRhulumente base maKhaya: umthetho wemisebenzi kaMasipala 1988 (umthetho 117 ka 1998) kwaye ubandakanya nawuphina umbutho wezopolitiko, umsebenzi okwi-ofisi yezopolitiko, uceba, isebe elinikwe igunya ngoko, kulungiselelwe nawcephina umsebenzi osebenza ngokuphathelele kulo mthetho wedelophu ngo kwegunya likaMasipala nelimiselwe lo msebenzi nguMasipala.

**'Isaziso'** kusingisele kwisaziso esibekwe kwindawo yokungena okanye ebonakelayo kwisakhiwo sikaMasipala opho uMasipala enza khona izibhengezo ngomthetho wedelophu.

**'Inkathazo'** ibhekisa kwisenzo okanye impazamo kubume bemeko e –

(a) Emphazamisana nekhubekisa, ize nengozi kuluthu ngokubanzi okanye;
(b) Ebanga ukuphazamiseka kwemo eqkelekileyo neyonwabisayo kwizakhiwo.

**'Umntu'** kuthetha unmtu ngokwasendalweni okanye ngokomthetho ubandakanya ukuzayamanisa nabantu ngokwasendalweni.

**'Intlawulo emisiweyo'** kubhekisa kwintlawato esekelwe kwisigqibo sikaMasipala ekuqeshiswe ni kwezakhiwo zikaMasipala.

**'Impahla'** kuthetha umhlaba apho izakhiwo zika masipala zimi khona ne.

**'Umsebenzisi'** kuthetha nabanina umntu osebenzisa okanye azuze kwisakhiwo sikaMasipala.

## ISAHLUKO 2

## UKUSETYENZISWA KWEZAKHIWO ZIKA MASIPALA

### 2. Inani eliqingqiweyo labatyeleli

(a) Umasipala unakho ukuliqingqa inani labatyeleli amababekho ngexesha kwizakhiwo zakhe.

(b) Inai elivumelekileyo ngokwe candelwana lokwaziswa ngesaziso.

### 3. Imvume yokungena kwizakhiwo zikaMasipala

(1) Izakhiwo zikaMasipala zilawulwa ngumthetho wedolophu ziyakuvumela ukungenisa uluntu ngamaxesha avumelekileyo achazwe kwisaziso.

(2) Akukho mtyeli owongena okanye ophume kwizakhiwo zikaMasipala kwindawo engenzelwa – nga oko.

(3) Umasipala woqinsiekisa ukuba iindiawo zokungena nezokuphuma kwizakhiwo zovumela nabatyeleli abakhubazekileyo.

### 4. Intlawulo yokungena

(a) Umbyeleli kwisakhiwo sikaMasipala uhlawula intlawulo yokungena njengoko igqitywe nguMasipala Kumaxesha ngamaxesha Intlawulwa yokwaziswa kwisaziso.

(b) Iintlawulo ezohlukeneyo zokungena zilungiselekwe abatyelei ngokweminyaka yabo, yaye uMasipala unokungabahlawulisi abantu ngokokubona kwakhe.

### 5. Iinkwathazo

(1) Akukho mntu uyakwenza okanye avumele nanye kwezi zinto zilandelayo kwizakhiwo zikaMasipala.

(a) Aqhushumbisa nantonina ngaphandle kwemvume ebhaliweyo kaMasipala ngokomthetho I Explives, 2003 (Act no 15 of 2003).

(b) Ukutshiswa kwenkunkuma.

(c) Ukadala amavuma angafanelekanga okanye axhaxayo.

(d) Ukuvelisa umsi oyinkathazo

(e) Ukubanga umbhodamo ngokulwa, ngokungxola okanye ngokuxoxa okanye ukusebenzi onomathotholo itivi nezinye.

(f) Ukubanga inkathazo nokudubaduba ucwangco kuluntu.

(2) Igosa eligunyqzisiweyo lanko ukuyalelo umqeshi ukuba asuse nawuphina umntu okhangeleka enxilile yaye eziphethe ngendlela engonelisiyou ebanga inkathazo kwabanye abantu.

(3) Igosa elingunyazisiweyo linako kuyalelo umqeshi ukuba anqande umntu okhangeleka eziphethe ngendlela engonelisiyo ebanda inkathazi kwanbanye abantu angangeni kwisakhiwo sikaMasipala

6. **Imiba yempilo**

Akukho mntu ngaphakathi okanye kwisakhiwo sikaMasipala –

(a) Oyakulahla, angcolise ngenkunkuma okanye nangatonina okanye avumele oli kwenzeke kungekuko ukufakwa kwizxhobo zoko

(b) Abange ungcoliseko lwamanzi

(c) Enze nasiphina isenzo esinokubunga ubungozi kwimpilo yabatyeleli

7. **Izakhiwo**

Akukho mntu uvumelekileyo ngaphandle kwemvume ebhaliweyo kaMasipala ukuba amise okanye aseke naluphina uhlobo lwesakhiwo kwizakhiwo zikaMasipala

8. **Utywala nokutya**

(1) Akukho mntu ngokuchaswe nesaziso oyakuza kwizakhiwo zikaMasipala ephethe utywala okanye ukutya engenamvume yokwenza oko

(2) Akukho mntu kwisakhiwo okanye ngaphakathi ngokuchasene nessaziso owopheka alungise ukutya nokuba kulolwaphina uhlobo kungekuku kwindawo ezibekelwe bucala ngakwesaziso –

(a) Ukulungiswa kokutya nokuphekwa phakathi okanye kwizakhiwo zikaMasipala kokwenzeka kwindawo ezicocekileyo ngendlela ecocekileyo, makungabikho msi okanye ezinye iinkathazo ozobanga ingozi empilweni

(b) Akukho silwanyan nkukho okanye intlanzi emayibulawe okanye ihlinzwe kwisakhiwo sikaMasipala, ngaphandle kokuba isivumelwano sokuqesha siyakuvumela oko.

9. **Izilwanyana**

(a) Akukhomntu uyakuza nezilwanyan, iintaka iintlanzi okanye iintlanzi okanye iinkukhu kwizakhiwo zikaMasipala ingeyiyo iniyalelo yakhe

(b) Imiyalelo icwangcwiswe kwicandelwana (a) yaye ibekwa kisaziso

10. **Ukusetyenziswa kwezakhiwo zikaMasipala**

(1) Ngokunxulumene nokusetyenziswa kwezakhiwo zikaMasipala akukho mntu –

(a) Wolungisela okanye enze izinto zokonwabisa uluntu

(b) Woqokelela imali okanye impahla elungiselela abandezekileyo okanye uluntu

(c) Abonise okanye asasaze amphepha abhaliweyo, iincwadi nemizobo

(d) Acwangcise abambe intlanganiso

(e) Acwangcise abamce iimbutho nemiboniso okanye imidlalo

(f) Aqhube ushishino okanye umsebenzi

(g) Abonise athengise aqashise anikeze ngempahla okanye

(h) Abambe intengiso zesidlangalala kwezi zakhiwo zikaMasipala ngaphandle kokuba imvume ifumanekile okanye intshukumo leyo iyinxalenye yengqesho echazwa kwisahluko 3 umthetho wedolophu

(2) Akukho nto ebandakanyekayo kwelicandelo enokuphazamisa noku kulanolekaya

(a) Iimfuneko zemigaqo ngokubhekiselele kwintlangano, 1993 (Act No 205 of 1993)

(b) Nawuphina amalungelo umntu okuhlanaga nokugwayimba enze uqhankqalazo

11. **Ukhuseleko nendlela efanelekileyo yokuziphatha**

(1) Ngokubhekisele kwicandelwana (2) akukho mntu –

(a) Oyakwenza umonakalo okanye achithe

(b) Asebenzise okanye azame ukusebenzisa nangayiphina injongo ngaphandle koko kubhalwe kwisaziso

(c) Abase umlilo okanye alungise ukutya ngaphandle kwendawo elungiselelwe oko ukusaziso

(d) Ahlambe izitya okanye impahla okanye ayixhome loo phahl ngaphandle kwendawo elungiselelwe oko ngokwensaziso

kwizakhiwo zikaMasipala

(2) uMasipala unako ngohlobo lokwenza isaziso elawulwa zimeko ezifanelekileyo agunyazise ngokwecandelwana (1) okanye kwimiba yoqeshiso

## ISAHLUKO 3

## UKUQESHISWA KWEZAKHIWO ZIKAMASIPALA

12. **Ukusebenzisana kwamasebe kaMasipala**

Isebe ngalinye likaMasipala elindawulo kwizakhiwo zikaMasipala malisebenzisane nelinye eliwanjalo –

(a) Izakhiwo ziphetheke ngendlela eyiyo ziyilungele injongo ezazilungiselwe yona ngokubhekiselele kwicandelo 18. Akukho sakhiwo sikaMasipala masiqeshiswe kubantu abangaphezule kwesinye ngexesha

13. **Ukweniwa kwesicelo soqeho lwezakhiwo zikaMasipala**

(1) Nawuphina umntu ongwenela ukwenza isicelo sokuqesha isakhwio sikaMasipala ma –

(a) Kangenise isicelo kwifomu evumelekileyo

(b) Isicelo masichaze

(i) Isakhiwo, indawo zokuhlala, isithuba isikhoyo nezixhobo ezifunekayo

(ii) Ixesha iaskhiwo esifuneka ngalo

(c) Aqinisekise ukuba ifomu umasipala uyifumene kwisithuba sentsuku eziyi30 ngaphambi komhla isakhiwo esifuneka ngawo

(2) uMasipala usenokwala ukuqeshisa ngesakhiwo sakhe ngokwecandelwana (1) okanye arhoxise uqeshiso ukuba

(a) Isakhiwo sizakusetyenziselwe okungekho mthethweni

(b) Isakhiwo sikaMasipala sifunwa nguMasipala buqu xa athe wenza isaziso sokurhoxisa kwisithuba sentsuku eziyi14

(3) Akukho mbuyekezo eyakuhlawulwa nguMasipala kumqeshi ngelahleko athe wayifumana ngezizathi ezikwecandelwana (2) ngaphandle kokuba uMasipala uzakubuyisa intlawulo esele zenziwe

(4) Umqeshi ubophelekile ukuba asebenzise kuphela isakhiwo esichazwe kwifomo yesicelo

(5) Isakhiwo sikaMasipala esiqeshisiweyo asinako ngaphandle kwemvume ebhaliweyo kaMasipala ukusetyenziselwa enye injongo engeyiyo ebhalwe kwisicelo

14. **Amaxabiso amisiweyo**

uMasipala unokuthi kumathabangamathuba amiselel amaxabiso okuqeshwa kwezakhiwo zikaMasipala ngokokuchazwa ngumthetho wedolophu

15. **Intlawulo yengqesho**

Akukho bani owonunyelwa asebensiza nasiphina isakhiwo de abe uhlawulile apha kukho imfuneko, ngaphandle kokuba uMasipala ubona ngakumbi

16. **Ithuba loqeshiso**

Ngaphandle kokuthabatha ingqalelo kwisigqibo sikaMasipala ngokubhekiselel kumhla nethuba lokuqeshwa kwesakhiwo sikaMasipala. uMasipala unokuvumele umqashi angene kwisakhiwo ngaphambi komhla wongqesho ukuze enze emalungiselelo xa sele ebhatele

17. **Ukutshintshwa kwexesha lengqesho**

(1) Nabinina owenza isicelo sokusebenzisa isakhiwo sikaMasipala phantsi kwecandelo 13 kulandela ukuphunyezwa kwesicelo eso nobekelo bucala lwesakhiwo eso. Unokucela ukumiswa kwemvumelwano eyo de kube ngomnye umhla engafumananga sohlwayo kodwa kunokwenzeka isecelo sakhe singaphunyezwa xa bekusele kwenziwe isvumelwano nomnye umntu ngalo suku

(2) Nabanina osele esenzile isicelo sengqesho yesakhiwo sikaMasipala uNokurhoxisa ubeko bucala besakhiwo eso xa –

(a) Ubeko bucala lurhoxiswe kwisithuba senyanga okanye ngaphezulu, phambi komhl wokuqala baso, umqeshi wofumana imali yembuyekezo ngokuzeleyo

(b) Ubeko bucala lurhoziswa ngaphezu kwentsuku eziyi15 kodwa ngaphantsi kunenyanga ngaphambi kokuqala kwaso umqeshi wofumana i50 yepesenti yembuyekezo

(c) Ukuba ubeko bucla lurhoxiswa kwi14 lentsuku okanye ngaphantsi phambi kumhla wokuqala kwaso umqeshi akanlungelo lembuyekezo

(3) Nawuphina umntu ohlehlisa ixesha lokuqesha isakhiwo ngembalelwano ngohlobo oluchazwe kwicandelo 13(1) ngaphandle kokuba

(a) Isithuba sentsuku ezi30 sesaziso ngokwecandelo 13(1)(c) asiyi kusenbenza

(b) Isakhiwo sikaMasipala esiqeshiweyo asikabekelwa bucala ukuba sistyenziswe ngomye umntu

18. **Ukuqesha ngokuhlangeneyo**

(1) uMasipala ukusetyenziswa kwaso nasiphina isakhiwo okanye inxenye yazo kubaqashi abohlukeneyo ngaxeshanye

(2) Xa sisetyenziswa ngaxesha umqshingamnye wosebenzisa impahla leyo ekwisakhiwo –

(a) Kunye nabanye abaqashi

(b) Ngohlobo oluyakubandakanya abanye abaqeshi nabamenyiweyo ngokulinganayo

(3) Umthetho wedolophu uyakulungiselela usetyenziswa ngokuhlangenaeyo kwezakhiwo eziqeshiweyo

19. **Ukuqeshisa uqeshile**

Umqeshi akanakho

(a) Ukuqeshisa ngempahla yangaphandle okanye ngesakhiwo sikaMasipala nakowuphina umntu okanye umbutho

(b) Anikezele athembise kommye umntu nawuphina amalungelo ache nezibophelelo phantsi komthetho wedolophu

(c) Awumela nabinina omnye umntu osebenzise isakhiwo sikaMasipala engafumananga mvume

20. **Imo yezakhiwo**

(1) Umqeshi makahlole isakhiwo esiqeshiswe kuyo ebandakanya izixhobo, okufakelelweyo nempahla yangaphakathi ngaphambi kokuyisebenzisa

(2) Ukuba umqeshi ufumanise ukuba kukho into engalunganga makazise uMasipala

(3) Ukuba umqeshi uthe akayihlola impahla ngokwecandelawana u(1) waze akayichaza ngokwecandelwana u(2) uyakukholelwa ukuba ngethuba lokuqaisa kwakhe yonke into ibimi ngendela

21. **Inxaxheba yomqeshi**

Wonke umntu oqasha isakhiwo sikaMasipala ufanele

(a) Athabathe amanyathelo aqinisekise ukuba imibhobho yelinde iyasenbenza, imibhobho yamanzi ayivalekanga

(b) Ngamathuba onke agcine isakhiwo sicocekile

(c) Angaxhomi zaziso kwisakhiwo engenamvume yokwenza oko

(d) Angagqumi iglasi zefestile ngemizobo

(e) Angabetheli zikhonkwane eludongeni nasemacangweni esakhiwo

(f) Angaguquli aphathaphathe umbane kwisakhiwo

(g) Angsusi okanye akhuphe impahla yangaphakathi kwisakhiwo okanye nantoni na eyekaMasipala

(h) Angaphazamisi okanye aphathaphathe isishushubezi okanye isipholis-moya

(i) Angafakeli nanye into enobungozi okanye into enzima nokuba yimpahla yangaphakathi nokuba zizibhobo kuba ngokwenbono kaMasipala oko kungasonakalisa isakhiwo

(j) Angakhi okanye afakelel nanto iluhlobo luni na kwisakhiwo sikaMasipala engenamvume yoko

(k) Angavumeli kugcinwe inqwelo zamfutha nenye impahla

(l) Angenzi nany into okanye avumele kwenziwe into engahambisaniwo nomyalelo kaMasipala

(m) Angamisi zithuthu okanye avume izthuthi zime kungekukho kwindawo ezilungiselelwe khona

22. **Umonakalo kwimpahla**

(a) Umqeshi angakwazanga kugcina isakhiwo sikwimo ebesikuyo xa ebesiqeshile wofunyanwa entyala lokophula umthetho

(b) Kubandkanya zonke indlela zokunqanda oku ngokomthetho umqeshi uyakujongana nezohlweuo zomthetho wedolophu

23. **Ukupapasha nokuhombisa**

(a) Akukkho umntu owenze isicelo sokuqesha isakhwio sikaMasipala oyakupapasha isicelo sakhe singekaphumeleli

(b) Wonke umqeshi wesakhiwo sikaMasipala emva kwexesha lengqesho makasuse imibhalo, izaziso, iflegi okanye izibonio sentengiso ezifakwe nguye okanye anakalise xa ezsusa

24. **Amangeno abangenisayo nothengiso lwamatikiti**

Umqeshi uyakuba noxanduva lzao zonke izicwangiso ezinxulumene –

(a) Amangena amalungu olunti nakoluphina uhlobo lwetheko lwenkcubeko kwizakhiwo

(b) Ukuququzelela ukubakho kwabantu abangenisa uluntu ngenjongo yokulawula ukungena kwabo

(c) Uthengiso matikiti

25. **Ubuninzi obugqithileyo babantu**

(1) Akuvumelekile kwizakhiwo zikaMasipala ukuba zithabathe inani elingaphezule kunoko zinokwenza

(2) Umqeshi makahambisane nemiyalelo kaMasipala ngobungakanani babantu amabangeniswe

(3) Engayophulanha imiqathango ekwicandelwana (1) no (2), umqeshi akangevumeli abantu baludlule inani elichaziweyo ngokweihlalo ezikhoyo okanye xa bemile njengoko isaziso sichza

26. **Uthengiso lokutya neziselo**

(1) Akukho mntu uvumelekileyo athengise ukutya neziselo kwezakhiwo zikaMasipala engenayo emvume ebhaliweyo

(2) uMasipala unokuvumele uthengiso lokutya neziselo ngabantu, xa kukholele kuye, yaye usenokuvumela abantu basebenzise izakhiwo apho kunokubakho intengiso yesixhoba, yempahla yangaphakathi kwanencawadi

(3) Izindululo zecandelwana (1) no (2) azisebenxi xa uthengi lokutya neziselo luyinxalenye yoqesho lwesakhiwo

(4) uMasipala akasayi kuba noxanduva lokubhata imbuyekezo kumqeshi ngenxa yelahleko, ukubiwa okanye umonkalo owenzekeleyo nayiphina into ebandakanye licandelwana (2) ingento ebangwe kukungakhathali kukaMasipala

27. **Iinkonzo**

(1) Inkonzo kaMasipala enokunikwa yileyo equlunqwe yachazwa nguMasipala

(2) uMasipala akasayi kuba noxanduva loku –

(a) Ukungafumaneki kwempahla nokupsiweyo kulungiselelwe umqeshi

(b) Ilahleko nokubiwa okanye ukwenzakaliswa kwento yomqeshi, iindwendwe zakhe, abameli kwakunye nabaqeshwa ngoko bakushiyileyo okanye bakugcina kwisakhiwo sikaMasipala

(3) uMasipala unokuthatha amanyathelo acinga ukuba efanelekile ekugcineni nasekusebenziseni izakhiwo zakhe

(4) Igosa elnegunya linokuhambela emsebenze womqashi ukuqinisekisa ukuthobela kwakhe isivumelwano

(5) Umqeshi akanalungelo kwinkonzo zegosa eligunyazisiweyo okanye ummeli kaMasipala ohambele umsitho ngokwecandelwana (4)

(6) Umqeshi akanalungelo lokunikwa ucoco nezinye inkonzo nguMasipala ngokunxulumene nomsebenzi wakhe

28. **Uxanduva olungaphandle kwesivumelwano**

(1) uMasipala akanaxanduva –

(a) lomonakalo okanye ilahleko ezuzwe nguye nabani na ngenxa yokugazaliseki okanye ukuphazamiseka kwenkonzo okanye nasiphina isenzo okanye imposiso kwicala likaMasipala ukuba oko kwenzeke xa uMasipala esebenza igunya lakhe phantsi komthetho wedolophu

(b) Nayiphina ilahleko, ubusela kwanomonakalo obongwe kwimpahla yangaphakathi, kwizixhobo, kwisakhiwo, kwincwadi, kwimpahla egcinwe kwizakhiwo sikaMasipala ngumqeshi

(c) Umonakalo olandela ukusetyenziswa kwesakhiwo sikaMasipala okanye ngenxa yemvula, isichotho, ukubaneka, umoya, umlilo okanye uvukelo

(d) Ilahleko yobomi okanye ukwenzakala okwenzeke ngaphakthi okanye ngaphandle lwezakhiso

(e) Nayiphina ilahleko eyehlele umqeshi ngenxa yomonakalo okwisakhiwo sikaMasipala.

Ngaphandle kokuba umonakalo, ukubina okanye ilahleko ayibangwanga yimpazamo okanye ukungabikho kwenkathaelo kwicala likaMasipala

(2) Xa umasipala ephumeza isicelo sengqesho, umqeshi makazalise asayine isivumelwano sokhuseleko lukaMasipala

29. **Ukwenzakalisa kwezakhiwo zikaMasipala**

(1) uMasipala unokurhoxisa mgqesho yesakhiwo xa kuthe –

(a) Isakhiwo sibe senzakele kangangokuba singabina kusebenziseka;

(b) Umonakalo kwisakhiwo mkhulu kangangokuba asinakusetyenziswa okanye sifikeleleke;

(c) Kukho umonakalo wesakhiwo de uMasipala agqibe ukuba singaqeshiswa de sivuselelwe okanye ngezizathu zokhuseleko silungiswe

(2) Nasiphina isigqibo esithatyathwe ngokwecandelwana (1) masidluliswe ngesaziso asibhaliweyo nguMaispala siye kumqeshi kwangethuba

(3) Akukho mqeshi oyakufuna isibonelelo ngomonakalo owenzeke ngezizathu zomonakalo kwizakhiwo.

30. **Unqumamiso ngenxa yokungathotyelwa**

uMasipala angazirhoxisa isicelo soqesho lwezakhiwo ukuba iziphakamisa zomthetho wedolophu azithotyelwanga ngumqeshi

(a) uMasipala akanaxanduva xa kuthe kwenzakala okanye kwalahleka into ngenxa yorhoxiso lwesivumelwano

(b) Urhoxiso olo luyakwenziwa ngaphandle kwenjongo yokwezakalisa okanye ukucalula umqeshi kwicala likaMasipala

31. **Ukunqunyanyiswa kwengqesho**

(1) Xa kunqunyanyiswa ixesha lengqeshiso –

(a) Umqeshi makabuyisele isakhiwo kumaispala sikwimo efanelekileyo

(b) Umqeshi malungise ngendleko zakhe wonke umonakalo okanye abuyekeze uMasipala xa athe walungisa izinto ezonakeleyo

(c) uMasipala wothabatha kwimali yedipozithi ahlwulwe ngumqeshi ngomanokalo owenzekileyo

(2) Umqeshi makasishiye isakhiwo sikaMasipala ngethuba elifanelekileyo njengoko likhankanyiwe kwisicelo sakhe

(a) Ukungaphumeleli komqeshi ukufezekisa icandelwana lomthetho weKansile elinika igunya uMasipala ukuba abize intlawulo

(b) Elicandelwana alimnqandi uMasipala ukuba angawathathi amanyathelo omthetho xa efuna ukukhupa umqeshi

(3) Umqeshi makathobele yonke imiyalelo esmthethweni ekhutshwe nguMasipala ngokunxulumene nokucocwa kwezakhiwo ngaphandle kokuba uneisivumelwano noMasiapla

(4) Umqeshi mathobele imiyalelo asemthethweni kaMasipala ngokubhekiselele ekuphumeni kwakhe kwizakhiwo

32. **Ingozi zemililo neinshorensi**

(1) Umqeshi akangezi okanye avumele kuziwe, okanye kugcinwe kwaizakhiwo zikaMasipala nantonina okanye isenzo esobanga ukuba umgaqo ngezomlilo okanye we inshorensi ukuba ungasebenzi

(2) Ukuba intlawulo ye ishorensi ithe yenyuswa ngenxa yesenzo okanye imposiso ngokwecandelwana (1)

(a) uMasipala wogqiba ukuba imali eyongezelelweyo usenokuyifuna kumqeshi

(b) Umqeshi makahlawule lo mali ngokukhawuleza xa athe waziswa nguMasipala okanye ngumzi we ishorensi

(3) uMasipala usenkuthi nangaliphina ixesha oyalele umqeshi athabathe i-inshorensi yokukhusela umonakala nelahleko kwisakhiwo

33. **Indawo zokugcina impahla**

uMasipala kasayi kuba noxanduva lokunika umqeshi indawo yokugcina impahla yakhe okanye abamenywa bakhe, abaqashwa nabatyeleli ngaphambi nsemva kwesiganeko eso

34. **Izixhobo**

(b) Umqeshi onqwenela ukuba uMasipala amnike izixhobo amakazisebenzise kwitheko elo, uyakuzisebenzisa mgemvume kaMasipala phantsi kweliso legos elinegunya

(c) Ukuba umqeshi wenze umonakala kwizixhobo okanye waziswa okanye wenza ukuba zisuswe ngaphanle kwemvume okanye akazibuisa uyakunyazeleka ukuba azihlawulele

12. **Ilungelo lokugena**

(1) Igosa eligunyazisiweyo lingangena kwisakhiwo sikaMasipala ngawo onke amaxesha –

(a) Ukuhlola isakhiwo nokulungisa okanye ukwenza inguqulelo kwisakhiwo; no -

(b) Ukuqinisekise ukuba imeko uqeshiso oluphantsi kwaso ngokomthetho ziyathotyelwa

(2) Umqeshi akasayi kuvumeleka enze isicelo sembuyekezo ngenxa yentlawulo zesakhiwo ngokwecandelwana (1)

(3) Igosa eligunyazisiweyo lingakha lifakelele izakhiwo okanye izixhobo ngokomkuyalela komthetho ukulungisa oko kukhanyawe kwicandelwana (1) (a)

**13. Ukuhlolwa**

Emva kokuba eqgibie umqeshi ukusebenzisa izakhiwo wothi ngokomthetho ahlole izakhiwo zikaMasipala aqinisekise ukuba akukho monakalo

**ISAHLUKKO 4**

**IMIBA NGOKUBANZI**

37. **Ulwaphulomthetho nezohlwayo**

Nawuphina umntu owophula umthetho okanye angefezekise izigqibo, isaziso sokhutshwa ngokomthetho esasizwa ngokuba netyala ngokwenza njalo

(a) Isohlwayo esingadlulanga kwiR60 000 okanye ukuvalelwa inyanga ezili-12 okanye isohlwayo eso okanye uvalelo

okanye zombini

(b) Xa kuthe waqhubeka esona iR600 yesohlwayo yokwangezelelwa okanye wovalelwa usuku ngaphezulu okanye anikwe isohlwayo okanye avalelwe okanye zombini izohlwayo ezongeziweyo

(c) Intlawulo eligena nenkcitho efunyaniswe yinkundla eyilahleko kuMasipala

38. **Imigaqo**

uMasipala unako ukwenza le migaqo ngokumhambisana nomthetho wedolophu –

(a) Nayiphina into mayikhankanywe ngomthetho wedolophy

(b) Nayiphina into mayilungiselele ukusetyenziswa komthetho wedolophu

39. **Ukurhoxisa umthetho wedolophu**

Nawuphina umthetho wedolophu ophathelele usetyenzisweni okanye ekuqeshweni kwezakhiwo zikaMasipala, owamkelwyo nguMasipala okanye nayiphi iKansile kaMasipala equlathe icandelo lolawulo lukaMasipala, uza kurhoxiswa kususela kumhla lo mthetho obengezwe ngawo.

40. **Itayitile emfutshane**

Lo mthetho wedolophu ubiswa ngokuba ngumthetho wedolophu ophathelele okusentyenzisweni okanye ekuqeshweni kwezakhiwo zikaMasipala, 2004, usebenza ngomhla ogqitywe ngumasipala ngokuchazwa kwiGazethi yePhondo