ISAZIZSO SOBURULUMENTE BASEMAKHAYA

UMASIPALA WASENGQUSHWA

UMTHETHO WEDOLOPHU OPHATELELE KUMANGCWABA KUNYE NENDAWO ZOKUTSHISELA IZIDUMBU

uManejala kaMasipala ngoko unqwenela ukupapasha ngokuphathelele kwiCandelo 13 loburhulumente wasemakhaya: Umthetho wenkqubo kaMasipala, 2000 (Umthetho no32 ka2000) Funda kanye neCandelo 162 loMgago –Sicelo weRhiphabliki yaseMzantsi Afrika, 1996 (Umthetho ongu 108 ka 1996) Umthetho wedolophu ophathelele kumangcwaba kunye nendawo yokutshusela izisumo.

Injongo yoMthetho weDolophu

Injongo yalo mthetho wedolophu kukunika intsingiselo kumgaqo-nkqubo yolawulo lwamangcwaba neendawo zokutshisela izidumbu.

ISAHLUKO 1

INGCACISO MAGAMA

1. **Intsingiselo –** Kulo mthetho wedolophu, amagama asetyenzisiweyo kwisini samadoda kubandakanya abasetyini, isinye sibandakanya isininzi kwangokunjalo kwaye ngaphandle xa kukhona utshintsho -

   'umntu omdala', apho elingama lisetyenziswe ukuchaza umzimba libhekisa kumntu ongasekhoyo ominyaka ingaphezu kwe12, obhokisi ingena kumngxunya olungiselelwe abantu abadala ngokomthetho;

   'igosa elingunyazisiweyo' oku kubhekisa nakuliphina igosa likaMasipala eligunyaziswe ukuba lilwawule yaye linyanzelise ukusebenza kwalo mthetho;

   'umzimba' oku kubhekiselel kumziba womntu ongasekhoyo kubandakanya nalowo uzelwe engasekho kwanamalungu omzimba

   'iguna lokungcwaba' libhekisa kwibhodi enyulwe ukuze ilawule amangcwaba okanye iidawo zokutshisela izidumo ngokomthetho iCremation Ordinance No.6 ka1926 okanye nawuphina umthetho ofana nalowo oku kuquka uMasipala onamandla nolawulo lwebhodi.

   'umyalelo wokungcwaba' oku kuthetha umyalelo okhutshwe ngokumayelana neBirths and Deaths Registration Act, 1992 (Act No.51 of 1992);

’indawo yokungcwaba’ oku kuthetha indawo esikiweyo emangcwabeni ligosa ukuze kumbiwe khona ingcwaba;

’umgcini mangcwaba’ kuthetha nawuphina umntu okanye igosa elinyuliweyo elijongene nolawulo lwamangcwaba;

’amangcwaba’ kuthetha umhlaba obhekelwe bucala kumandla kaMasipala ngokokucwaninga kwedolophu ze kungcwatyelwe khone abantu;

’umntwana’ eli gama lisetyenziswa ukuchaza umzimba womntu ongasekhoyo oneminyaka engaphantsi kweminyaka eyi12, ibhokisi yakhe enokulunga kumngxunya olungiselele abantwana ngokomthetho;

’indawo yokutshisa izidumbu’ kubhekisa nakwesiphi na isakhiwo kumhlaba kaMasipala esilungiswe saakwa izixhobo ngenjongo yokutshisa amalungo omzimba.

’ingcwaba’ sisiza esisikwe kumhlaba wokungcwaba salungiselelwa ukfaka umzimba;

’isidumbu esigenamntu’ oku kubhekisa kumntu osweleke ekwimeko yokuhlupeka engenaso nesihlobo esinokumngcwaba, imibutho yentlalo isenako ukumngcwaba njalo.

’uMasipala’ ubhekisa kuMasipala waseNgqushwa osekwe ngokwecandelo 12 yomthetho: Municipal Structures, 1998 (Act No.117 of 1998) obandakanya ezobupolitiko nolungu loburhulumente neKansile

’izizalwane’ kuthetha ukhuti –

(a) ugxa walowo uswelekileyo,

(b) umntwana omdala walowo uswelekileyo,

(c) umzali walowo ungasekhoyo,

(d) umntakwabo okanye udade womntu ongasekhoyo,

(e) isizalwane esisondeleyo kulowo ungasekhoyo,

(f) isihlobo esisondeleyo okanye lowo uqheleneyo naye;

‘nuisence’ kuthetha isenzo, impazamo, nemeko eqhubekayo –

(a) iphazamisana inyelisa ithula ibeka ebungozini imo yokuhlala okanye

(b) ibanga, iphazamise, impilo nolonwabo lwabanye.

‘ongengomni’ kuththa umntu othe ngexesha lokufa kwakhe wabe engengommi kummandla kaMasipala;

’Ummi’ kuthetha umntu othe ngexesha lokufa kwakhe wabe ehlala kummanda kaMasipala okanye enendawo yakhe yokuhlala kwisithuba senyanga ezintandathu

’intlawulo’ amaxabiso asekwe nguMasipala kumaxesha ngamaxesha.

ISAHLUKO 2

AMANGCWABA

2. **Ukusekwa kwamangcwaba**

(1) uMasipala unokusela amangcwaba ngaphakahi kwemida yakhe

(2) Akukho mntu –

(a) Onokuseka indawo yokungcwaba engenamvume ibhaliweyo esuka kwigosa elingunyazisiweyo okanye

(b) Athi esazi enze okanye avumele ukungcwatywa komntu kwindawo engalungiselelwango oko ngaphandle kwemvume

(3) **Ukubakho komhlaba obekelwe bucala walungiselelwa ukungcwaba abantu**

Apho umhlaba ubekwe bucala nalungiselela ukungwaba ngumntu ongenguye uMasipala ngaphambi kokusebenza kalo mthetho –

(a) ummi okanye umhlali walendawo –

(i) woqinisekiswa ukuba ukusetyenziswa kwalomhlaba okanye in=mo yawo ayiphazamisanei nabamelwane

(ii) akasayi kungena okanye avumele nabanina kulo mhlaba nhaphandle kwemvume kaMasipala.

(b) uMasipala wothabatha amanyathelo xa kukho imfuneko ukuqinisekisa ukuba lo mhlaba awuyongozi empilweni kwaba bahlala kufutshane.

4. **Ukuthabathela ulawulo lwamangcwaba nguMasipala**

(1) uMasipala unokuthabathela kuyo ulawulo lwamangcwaba akwimiela yakhe

(2) Apho ulawulo lwamangcwaba beluphantsi kwabangcwabi uMasipala ngwemvumelwana

(a) Umbunini nolawulo bonikezelwa kuye –

(i) Ubukho bemali nemeko yonhlaba

(ii) Uhlawulo lwembuyekezo lokwenziwa nguMasipala ngokusekelwe kwexabiso lomhlaba

(iii) Ukulunga imfuno zomthetho iDeeds Registration (Act No.47 of 1937)

(a) Zonke iintlawulo ezakuhlawulwa ngokubhekisele kumangcwaba zoba lilungelo lika Masipala;

(b) Onke amalungelo nezibophelelo ngokujongise kumangcwaba akuba ngumthwalo kaMasipala;

(c) Imiba ebalulwe phantsi kwecandelwana u(a) yofuna nakuwincandelwana u(b) no (c)

(3) Noxa ulawulo kumangcwaba kwindawo ezithile lungaphantsi abangcwabi iMasipala woba nguye onolawulo ekuphathweni kwawo.

5. **Ubekelo bucala lwendawo emangcwabeni elungiselele ukungcwaba abo bankolo zizikhethileyo**

(1) uMasipala onokubeka bucala indawo emangcwabeni ukuze abantu benkolo nemibutho efunayo bangcwatywe khona –

(a) oku kumgasentla kobhekisa nakubanina onenkolo eyahlukileyo

(b) oku akugunyazisi mntu ukuba angcwatyelwe apho athanda khona

(2) Akukho nanye int kwezi zibandakanyekileyo kweli candelo ephazamisana nelungelo lomntu lokuzikhethela inkolo yakhe.

6. **Ukuthabatha ilungelo lokungwatywa**

(a) uMasipala unako ukuthengisa okanye alithabathe ilungelo lokungcwatywa kwisiza samangcwaba xa kukho imiqathango ayibekileyo ukuphikisana nalowo ufana ilungelo lakho.

(b) xa ubani enelungelo lokungcwatywa akangelirhoxisi ilungelo lakhe engenayo imvume evela kuMasipala. Isizazalwana asingevumeli omnye umntu angcwatye klo ndwo ibimiselwe lowo unelungelo

7. **Imvume ebhaliweyo yokungcwaba**

(1) Akukho mntu uyakungcwaba umzimba emangcwabeni –

(a) Ngaphandle kwemvume ebhaliweyo esuka kumngcini mangcwaba kanye igosa eligunyazisiweyo

(b) Xa kukho imo echaziweyo kwimvume

(2) Imvume yokhatshwa sisigunyaziso sokungcwaba eyakufunwa ngumgcini-mangcwaba

8. **Umngcwabo**

(1) Ngaphandle kwemvme evela kumgcini-mangcwaba okanye igosa elinegunye akuvumelekanga ukuncgwaba umntu ukususka ukutshana kwelanga ukuya kutsho ukuphuma kwelanga.

(2) Akukho mntu –

(a) owongcwaba umzimba kwingcwaba elingekho nzulu ngokwaneleyo apho umntla womzimba okanye webhokisis ungezantsi komhlaba ngaphantsi kwe 1050mm xa sele ligqunyelelwe.

(b) amagcwabe ngaphezu kwesinye kwingcwaba elilodwa.

(c) akhuphe umzimba engcwabeni ukuwandisa ingcwaba ngaphandle kokuzalisekisa icandelo 19(1) no(3)

9. **Ubungakanani bengcwaba**

(1) Ubungakanani bengcwaba bogqitywa nguMasipala

(2) Ubungakanani bengcwaba bube

(a) Abantu abadala

(i) Ubude: 2 200mm
(ii) Ububanzi: 1 200mm ukuze
(iii) Ubunzulu: 1 800mm

(b) Abantwana –

(i) Ubude: 1 350mm
(ii) Ububanzi: 600mm
(iii) Ubunzulu: 1 500mm

(3) Xa uMasipala ebona kufanele ingcwaba linako ukulungiswa lilungele ukungcwaba umzimba omisiweyo ukuba –

(a) Isicelo esilolohlobo senziwe zizizalwana

(b) Ukukholiseka kwabazalana naye mabuqinisekiswe yaye ukwenziwa kwento elolohlo kuxhomekeke kulawulo luka Masipala.

(c) Ubungakanani bengcwaba boqinisekiswa nguMasipala

10. **Inkangeleko yamangcwaba neziza**

(1) Akukho uvumelekileyo ukuba ache, enze ilitye abiyele enze konke

(a) ngaphandle kwemvume ebhaliweyo okhutshwe ngumgcinimangcwaba

(b) Kungekuko okubhaliweyo kwimeko zepemithi

(c) Adlule kwida ayisikelweyo yengcwaba

(2) Ubukhulu belitye besakhiwo bethango nemiqobo ayisayi kudlula kule mimiselo ilandelayo

(a) Kumntu omdla –

(i) Ingcwaba: 2 500mm x 1 050mm

(ii) Amabini: ngokuphindwe kabini imilinganiso yengcwaba elinye

(iii) Ingcwaba losapho; ngokuphinsaphindwa kwengcwaba elinye ngokwenani labantu

(iv) Ilitye lokugquma: 150mm ukuze

(v) Ilitye lona alisayi kudlula umphakamo ku 1 600mm ngaphezukwengcwaba.

(b) Kubantwana

(i) Ingcwaba: 1 500mm x 1 000mm

(ii) Ilitye lokugquma: 150mm ukuze

(iii) Ilitye lona alisayi kuphakama ngaphezu kwe 1 200mm ngaphezu kwengcwaba

(3) Isicelo sepemithi sakubandakanya ezonto zifunwayo nguMasipala xa ulungiselela ukwaka ilitye kwanemibhalo eyakuba kulo. uMasipala unako ukwla xa ebona ukuba umsebenzi owenzileyo awukho mgangathweni.

(4) Akukho mntu –

(a) Owesebenzisa indawo kumangcwaba yokusika nokulungisa amatye ezakhiwo okanye ukubiyela

(b) Enze umsebenzi onxulumene namtye nezakhiwo okanye ukubiyela kuphela oku kunokwenziwa phakathi kokutshona kwelanga nokuphuma kwalo ukusuka ngomvelo ukuya kuma ngolwehlanu.

(c) Akasyi kushiya santi, amatye, inkunkuma emangcwabeni.

11. **Ukugcinwa kwamangcwaba namatye ekwimo efanelekileyo**

(1) Xa mntu ethe wakha wamilisela ubunewunewu emangcwabeni wayeka de lonakala ingcwaba ngokuwembono oko kuzisa iingozi kuluntu. uMasipala unako ukwenza isaziso ngokubhaliweyo enyenzelisa ukulungiswa kwengcwaba elo. Xa ingwaziwa idelesi yakhwe wokhutshwa wasemaphepheni.

(2) Ukuba ukulungiswa akwenziwanga emva kwentsuku ezintathu isaziso sikhutshiwe uMasipala wolilungisa ingcwaba aza agunyazise intlawulo

(3) Lowo unelungelo lokungcwaba endaweni ayibekelweyo wonyazeleka ayigcine indawo leyo icocekile ikwimo elungileyo.

(4) uMasipala unako uuhlawulisa ngamangcwaba akhoyo

(5) Akhuko mntu unokuthabathela kuye ukulungisa amagcwaba ngaphandle kwemvume kaMasipala

12. **Ukulinywa kwemithi nesihlahla okanye utyani**

(1) Akukho mntu –

(a) Onokulima umthi, isihlhla okanye utyani kwindawo yengcwaba ngaphandle kwemvume yomgcini-mangcwaba

(b) Xa ecoca ingcwaba asuse inkunkuma leyo aye kuyilahla kwindawo engalungiselelwanga oko

(2) Umngcini mangcwaba okanye igosa linokuthena okanye lisiwe imithi nezihlahla okanye utyani olukhula emangcwabeni ukuba ayikhangeleki.

13. **Izithinteli**

Akukho mntu –

(a) Uyakungena okanye aphume emangcwabeni ngaphandle kokusebenzisa isange lokwenza oko.

(b) Akhwele ahlale okanye aqabele kumangcwaba ithango nezakhiwo ezisemangcwabeni.

(c) Aqhube isithuthi okanye imoto emangcwabeni kungekho sendleni elungiselelwe oko

(d) Aqhube inkonzo ngokwenzenkolo kwindawo elungiselelwe ezinye iinkolo

(e) Avelise okanye atyhile umzimba emangcwabeni okanye nayiphina indawo yolunto ngohlobo lokunyelisa abantu.

(f) Abhale, azobe amilisele imiboniso yentengiso okanye onakalise amangcwaba amadonga nothango kwanezindlu amangcwabeni.

(g) Atshaye emangcwabeni

(h) Ukwenza inkathazo emangcwabeni

(i) Abhoxe achithechithe inkqubo zonkonzo emangcwabeni

(j) Adubule ingekuko ukunika imbeko

(k) Asebenzise amangcwaba ngenjongo yokona uluntu

(l) Eze nkatio, nenkuku, nentaka emangcwabeni okanye ayiyeke ihambahambe khona

(m) Ayokuthengisa izinto nonkonzo emangcwabeni

(n) Aqhube inqwelomfutha okanye isithuthi esilolohlobo ebalekisa ngesantya esingaphezu kwe 20km/h

(o) Aphazamisane aphikisane nomgcini mangcwaba ekwenzeni umsebenzi wakhe okanye angathi kuthobela isicelo esenziwa ngosemagunyeni ngokomthetho.

ISAHLUKO 3

INDAWO YOKUTSHIWA KWEZIDUMBU

14. Ukusekwa kwndawo yokutshis izidumbu

(1) Ilungelo elinikwe uMasipala ngokomthetho lokuseka indawo zokungcwaba libandakanya ukwakhiwa kwndao yokutshisa izidumbu ngaphandle kokuba akukho mzimba uyakutshiswa de –

(a) Izicwangiso nesiza zibe ziphunyeziwe nguMasipala

(b) Indawo yotshiso zidumbu iqinisekisiwe njengegqityiwe nguMasipala njengokuba yakhiwe ngokwezicwangciso

(2) Izicwangciso ezikumacandelo 2, 3, 4, 7 no 13 womthetho kaMasipala wolawula kwesi sahluko

15. **Isiza sendawo yokuthisa izidumbu**

Akusayi kwakhiwa ndawo yokutshisa izidumbu –

(a) Kwisithuba se 200mm sendawo yokuhlala ngaphandle kukho isicelo esibhaliweyo okanye

(b) Kwisithuba se 50m kufutshane nendlela yoluntu

16. **Izipho zomhlaba**

uMasipala unokulindela –

(a) Isipho somhlaba wokwakha indawo yokutshisa izidumbu

(b) Isipho semali okanye nayiphina impahla yokunceda uMasipala ekwakheni nasekulaweuleni indawo yokutshisa izidumbu

17. **Imigaqo ngokubhekeselele kutshiso lwesidumbu**

uMasipala unokwenza imigaqo ngokunxulumen notshiso lwezidumbu nokusasazwa kothuthu.

18. **Ukunqanda utshiso lwezidumbu**

Inkundla yomthetho yoba negunga lokuqanda utshiso lwezidumba okanye irhoxise imvume yokuqhebeka notshiso xa ibona kufanelekile emva kophando olusekelwe kumthetho Criminal Procedure 1977 (Act No.51 of 1977) njengoko wohlaziywa kumathubangamathuba

ISAHLUKO 4

UKUKHUTSHWA KOMZIMBA ENGCWABENI

19. **Izithintelo ekukhutshweni komzimba osele ungcwatyiwe**

(1) Ngaphandle koku, akukho mntu uvumelekileyo akhuphe, aphazamise, asuse umzimba emangcwabeni ngaphandle kwemvume ebhaliweyo nguMasipala

(2) Imiqathango ekwiCandelo (1) ayisayi kusebenze ngokubhekiselele ekukhutshweni nasekubuyiseleni komzimba engcwabeni othe wangcwatywa ngempazamo endaweni yomnye umntu –

(a) Kuba imiqathango eku (1) yolibazisa inkqubo yokungcwaba lomzimba ungcwabtywe ngempazamo

(b) Ukukhutshwa nokungcwatywa kutsha komzimba woqhutywa ngokomyalelo wenkundla

(3) Imvume ekubhekiswa kuyo ku (1) inokufumaneka kuMasipala xa –

(a) Iimeko zinokunyanzelisa kwenziwe njalo ngexa yengozi eluntwini

(b) Igosa lezempilo okanye onegunya wobako xa kukhutshwa umzimba lowo okanye kulungiselelwa oko

20. **Isicelo semvume kaMasipala**

(1) Nabanina ofuna ukufumana imvume ngokwecandelo 19 (1) wokwenza imbalelwana ecela –

(a) Ibonise -

(i) Indawo yengcwaba nalapho afuna kungcwatye khona

(ii) Izizathu zesicelo

(iii) Indlela nokhuseleko oloandlwela ukukhusela impilo zabantu

(b) Kunikezwe ubungqina ngomhla nonobangela wofuka

(c) Kungeniswe imvumelwano ebhaliweyo yinkonzo noluntu olubandakanyekayo ekikhutshweni nasekungcwatyweni ngokutsha komzimba

(d) Kubandakanywe numvume evela kwabo bosapho

(2) uMasipala ulindela ukuba nawuphinia umntu owenza isicelo ongakwazi kuzizalekisa zonke imfuno ezingentla apapashe kwiphephandaba isaziso eso –

(a) echaza okukuba isicelo senziwe

(b) ebonisa indawo angcwatyelwe kuyonigama lalomntu ungcwatiweyo nendawo funa angcwatyelwe kuyo

(c) enze isimemo nakuyenabani na onomdla afake ngokwembalelwana kwintsuku ezi14 emva kopapasho lwesaziso, imbono zakhe ezichasayo

(3) uMasipala wothathela ingqalelo isicelo esichasyo

ISAHLUKO 5

AMAGCWABA AVALIWEYO NANGASASETYENZISWAYO

21. **Ukuvalwa kwamangcwaba**

(1) uMasipala angawavala amangcwaba okanye icandelo lawo xa kuthe –

(a) ukuvalwa kusisizathu sokuunqanda ingozi kwimpilo zabatu okanye nasiphina esinye isizathu.

(b) Isaziso ngovala olo sipapashiwe kumaphephandaba ze sobonw luluntu

(c) Ikopi yesaziso iyafumaneka kubangcwabi ukuba basesebenza.

(2) Noxa kuvaliwe emangcwabeni okanye kweloCandelo lamangcwaba uMasipala usenkuvumela ukungcwatya komzimba phantsi kwemeko azibekileyo.

(3) Akukho mntu oyakungenisa umzimba emagcwabeni kwindawo evaliweyo esaphula umyalelo obekiweyo.

22. **Ukukhathalelwa kwamangcwaba avaliweyo nangasasetyenziswayo**

uMasipala enduluwa sisicelo esiphuma kwabenkonzo kubeni nakubantu jikelele abanomdla kumangcwaba avaliweyo nangasasetyenziswayo wothabathela kuye uxanduva lokucoca lo mangcwaba

23. **Ukusetyenziswa kwamangcwaba angasasetyenziswa**

(1) uMasipala esebenza ngokwecandelo 3 lomthetho usenokuvula amangcwaba avalwayo nangasasetyenziswayo kwisithuba seminyaka 20 xa amangwaba lawo engazukuzika

(2) Emva kokuthobela imiqathango ebhaliweyo kumthetho kaMasipala, umasipala unako ukususa intsalela zamangcwaba azise kwenye indawo.

(3) Ngaphambi kokusebenzisa amacandelo omthetho (1) no (2) uMasipala –

(a) Wonika isaziso kumaphephandaba ngenjongo yakhe

(b) Ameme uluntu luvakalise izimvo zalo bachase ebafunayo

(c) Athabathele ingqalelo zonke izimvo zabo

24. **Ukwazisa uluntu**

Akukho into ibhaliweyo kwesi sahluko eyakubonakala ngathi iyaphikisana nemfuno zecandlo 21 kumthetho iMunicipal Systems 200 (Act No.32 of 2000) Njengoko yohlaziywa kumathuba ngamathuba

ISAHLUKO 6

IZIBONELELO NGOKUBANZI

25. **Ukungavumeleki kokungcwaba**

(1) uMasipala oakangekuvumeli ukungcwatywa komzimba nakwawaphina amangcwaba ngaphandle za –

(a) Ukungavumeleki oko kungenxa yokunqanduva kwengozi eluntwini okanye nasiphina isizathu esiphathekayo

(b) Isaziso eso sokungavumeleki sopapashwa kumaphephandaba yaye sibhengezwe kuluntu

(c) Ikopi yesazio yothunyelwa kubangcwabi ababandakanyekayo

(2) Ukungavunyelwa kokungcwaba akujolisanga ekuthabatheni amalungelo abantu ngenxa yobuhlanga isini, imo yomtshato, imvelaphi, ibala, ikolo, amasiko nezithe, ulwimi nokuzalwa.

26. **Ukungcwatywa kwalowo ungenamntu**

(1) Isizalwane somntu osweleke engenanto sinako ukwenza isicelo sokunikwas isibonelelo okanye ukutshiswa kuMasipala owothi yena -

(a) Asiqwalasele isicelo eso acele inkcukacha ngesicelo nenjongo

(b) Athi ngembalewana avume okanye achase isicelo eso ngentsuko ezintathu sifunyenwe.

(2) Ukuba uMasipala uthe wasivuma isicelo esiku (1)

(a) Oswelelke engenanto wongewatywa okanye atshiswe ngokwenigaqo emiselwe nguMasipala

(b) uMasipala wothathathela kuye uxanduva lokungwaba okanye atshise noxa enokuqesha umnikinkonzo wokwenza nalo

(3) Xa osweleyo ethe watshiswa –

(a) Uthuthu lwakhe logcina nguMasipala iinyanga ezingedlulanga ku12

(b) Ukuba uththu alubangwa mntu de kwadlula iinyanga eziyi12 lunokungcwatywo kwindawo kaMasipala elunigiselelwe

27. **Ukuqatshelwa kwamangeaba nokugcinwa koluhlu lwamangcwaba**

(1) Ingcwaba ngalinye elisemangcwabeni loqatshalwa ngenonbolo elinikwe yone nguMasipala -

(a) Indawo elikuyo ingcwaba nenkcukacha zomntu ongcwatyiweyo kulula zibonakale eluntwini

(b) Inombolo idwelisiwe kwincwadi enoluhlu lukaMasipala

(2) uMasipala wogcina incwadi enoluhlu lawo onke amangcwaba nabo batshisiweyo, le ncwadi yobonisa

(a) Amagama abewelekileyo.

(b) Imihla yabo yokuzalwa neyokusweleka kwabo

(c) Ibonise indawo okanye ingcwaba ngokubhekisele kulowo wangcwatywayo

(3) uMasipala wogcina uluhlu lwamalungelo okungcwatywa kwabo kwezondawo balungiselelwe zona ngokomthetho

(a) Amagana nedilesi zabo banamolungelo

(b) Umhla nenai lesiqinisekiso esichaza amalungelo lawo

(c) Inkcukacha ngemvume enikwe nguMasipala kulowo ofuna ukunikezela ngalo malungelo ache.

(4) Olu luhlu lwenkcukacha ezikhankaywe ku (1) (2) no (3) ngasentla bubungqina obufanele bugcinwe kwindawo kaMasipala

(5) Naluphina uluhlu olugciniwayo lakufumakea kuluntu za kwenziwe isicelo

28. **Ulwaphumulomethetho nesohlwayo**

Nabanina owophula okanye angakuthobeli okuqulathwe ngumthetho wofunyanwa enetyala yaye ajongane nesohluwayo –

(a) Intlawulo eyiR60 000 okanye avalelwe iinyanga ezili 12 okanye avelewe angenikwa thuba lantlawulo okanye azifumane zombini;

(b) Xa athe waquba esophula umthetho intlawulo eyongezelelwayo yabo yi R600 okanye ixesha elongezelelweyo eluvalelweni eloba lusuko olunye okanye kongezwe izehsa lovalelo anganikwa thuba lantlawulo okanye zombini.

(c) Imali eyolingana nenkutho ngokufumanisa kwenkundla yokongezelelwa

29. **Imigaqo**

(1) Umasipala unokwenza imigaqo abhekiselele –

(a) Ukwenza isivumelwano esibhekiselele –

(i) Ekusekweni kwamangcwaba njengoko icandelo 2(2)(a) lisenza njalo

(ii) Ukungacwatywa kwemizimba kumhlaba obekelwe bucla nolungiselelwe ukungcwatywa koluntu nangubanina ongegoMasipala njengoko sibona kwicandelo 3 (a)(ii)

(iii) Ucwangciso nesiza sokutshisa imizimba ngokwecandelo 14 (1)(a)

(iv) Ukukhutshwa kwmizimba esele ingcwatyiwe uphazamiseko okanye ukungcwatywa ngokutsha komzimba njengoko isahluko 4 sesine sichaza –

(aa) Imfuneko ezayanyaiswe kulomvume iboniswa kwincandelo 19(1) no 19 (3)

(bb) Ubume nokuqulathwe zizicelo ezibhaliweyo njengoko sibona kwicandelo 20 (1)

(v) Isicelo sokungwatyelwa lowo ungenanto njengoko sibona kwicndelo 26 (1)

(b) Amamyathelo athatyathelwa ukuqiniseka ukusetyenziswa nemo yonhlaba njengoko sibona kwicandelo 3 lomthetho akubandakayi kubeka impilo engozini okanye inkathazo kuluntu oluhlala kufutshane nendawo leyo.

(c) Imo nemiba xa kuthatyathwa nguMasipala ulawulo lwamangcwaba ngokwecandelo 4(2)

(d) Ngokunxulumene nokuchithwa kwelungelo lokungcwaba isiboniso soku sikwicandelo 6

(i) Iimeko zokuchitha okanye ukuthengisa

(ii) Ubume nokuqulathwe sisiqinisekiso esikhankanywe kwelicandelo

(e) Ukunikezwa kwesivumelwano esibhaliweyo sokungcwaba sibandakanya –

(i) Ubume obayanyaniswe kuyo ibonakaliso kwicandelo 7(1)(b); no

(ii) Ulwazi olufunekayo njenga kwicandelo 7(2)

(f) Ukungcwatywa komzimba okuboniswe kwicandelo lesi 8

(g) Ubungakanani beziza zokungcwaba namangcwaba eziqulahwe kwicandelo lesi 9 ibandakaye nohlaziyo

(h) Ngokunxulumene nokuhombisa ngokwencandelo 10

(i) Ukukhutshwa kwemvume icaciswa kwicandelo 10(1) no (3) ibandakanye –

(aa) Imo nokuqulathwe kuyo

(bb) Izikhokelo ezichaza amthuba imvume leyo enokwalelwa

(ii) Umlinganiselo womhombisa njengoko ubhaliwe kwicandelo 10(2) kubandakanya nezihlaziyo

(iii) Ukunikezelwe kwemvume yokwenza intshukumo ezibonaka kwicandelo 10(4)

(j) Ukunikezelwa kwesaziso esibhaliweyo ngokunxulumene nokuhonjiswa nokulungiswa kwamangcwaba njengoko sibona kwicandelo 11(1) kubandakanye –

(i) Imo nokuqulathwe kuyo

(ii) Ukuthunyelwa nokupapashwa kwesaziso

(k) Ukuqinisekisa kwentlawulo njengoko kuboniswa kwicandelo 11(4)

(l) Imigaqo nemfuneko xa kuzakuthsiswa isidumbu nokuchthwa okanye ukungcwatywa kothuthu njengoko sibona kwicandelo 17

(m) Imo ezayanyoniswa nesivumelwano sokungcwaba kumangcwaba athe avalwa oku sikubona kwicandelo 21(2)

(n) Imo ezikhankayiweyo nguMasipala ngokunxulumene nokugcaba okanye ukutshiswa xa kusweleke ongenabani sikubona kwicandela 26(2)(a)

(o) Ukuqathselwa kwamangcwaba nokugcinwa koluhlu lwamagama njengoko sibona kwicandelo 27 kubandakaya –

(i) Indlela ekuqatshelwa ngayo

(ii) Ubume nokuqulathwe luluhlu olubhalisweyo ngokufumakea kwicandelo elikhankanyiweyo

(p) (i) Inkcazo ngezonhlwayo ngokubhekiselele kulwaphulomthetho olukhankaywa kwicandelo 28

(ii) Ukuhlaziywa kwezohlwayo kumaxesha ngamaxesha

(q) Nayiphina into enokhuti ikhankanywe ngokunxulumene nomthetho kunye nayiphi no into enokuncedisa ekusebenzeni komthetho.

(2) (a) uMasipala ngaphambi kwenyanga ukuqulunga amgaqo ngokwelicandelo (1) kwakufuneka awuyile awuthumele eluntwini ngokwecandelo 21 No.21A womthetho iMunicpal Systems ka 2000 (Act No.32 of 2000) kunye nesaziso esichaza ngenjongo kaMasipala ekumemeni uvakalisa lwembono.

(b) Ukuba uMasipala ugqiba ekuguquleni umgaqo oyiliweyo ngenxa yembono nezimvo zabantu ngeso simemo akusayi kubakho mfuneko yokubhekisa kwakho eluntwini ngaphambi kokwenza inguqu.

30. **Ukurhoxisa umthetho wedolophu**

Nawuphina umhetho wedolophu ophathelele kumangcwaba kunye nendawo zokuthisa izidumbu owamkelweyo nguMasipala okanye nayiphi iKansilekaMasipala uzakurhoxiswa kususela kumhla lomthetho obhengezwe ngawo.

31. **Itayilie emfutshane**

Lo mthetho wedolophu ubizwa ngokuba ngumthetho wedolophu ophathelele kumangcwaba kunye nedawo zokutshisa izidumbu, 2004 usebenza ngomhla ogqitywe nguMasipala ngokuchazwe yiGazethi yePhondo.