



UMASIPALA UMSUNDUZI

**IMITHETHO EMAQONDANA NENTELA KAMASIPALA
YEZAKHIWO KANYE NOMHLABA KAMASIPALA**

**IMITHETHO EMAQONDANA NENTELA KAMASIPALA YEZAKHIWO KANYE NOMHLABA
KAMASIPALA**

UMasipala uMsunduzi, usebenza ngokwesigaba 156 soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, uMthetho 108 we-1996 ufundwa nesigaba 3 soMthetho Wentela Kamasipala Yezakhiwo kanye Nomhlaba kaMasipala: kuHulumeni Wendawo, No. 6 we-2004, sewenze le mithetho kamasipala elandelayo.

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No. 6 wezi-2004 kanye noMthetho Wokuchitshiyelwa Kwentela Kamasipala Yezakhiwo kanye
Nomhlaba Kamasipala No.29 wezi-2014

1. IZINCAZELO

Kule mithetho kamasipala, kanye nangokwengeza ezincazelweni eziseMthethweni, ngaphandle uma ingqikithi ikhomba okwehlukile –

1.1 “umhlaba wezolimo” kusho umhlaba osetshenziselwa izinhloso zezolimo kanye nokuzuza, kubandakanya nokunye kwalokhu: ukulinywa komhlabathi, ezamahlathi, ukufuya kaye nokunakekelwa kwemfuyo kanye nezinyamazane, ukwandiswa kwezinhlanzi kanye nezinye izilwane, kodwa akukhulunywa ngomhlaba osetshenziselwa ezokuvakashelwa kwezindawo zezemvelo, ukuhweba kumbe ukuzingelwa kwezinyamazane, ukwamukelwa kwezivakashi ngenhloso yokuthola inzuzo, inqobo nje uma maqondana nanoma yimuphi umhlaba okugcinwe, kudayiswa noma kuzingelwa kuwo izinyamazane, nanoma yiyiphi ingxenye isetshenziselwa ukwamukela izivakashi ngenhloso yokuthola inzuzo ingeke ithathwe ngokuthi ingumhlaba wezolimo.

1.2 “umhlaba wezambahizinisi” noma “wezohwebo” kusho nanoma yimuphi umhlaba osetshenziselwa ukuthenga, ukudayisa noma ukuhweba ngempahla noma imisebenzi futhi kubandakanya nanoma yiliphi ihhovisi, indawo yokuhlala noma izinsiza zokwenza impilo isheshe ezikuwo lowo mhlaba, ukusetshenziswa kwazo okuyinto eyenzeke kamuva ezazingakhelwanga ibhizinisi noma ukuhweba;

1.3 “umkhakha” –

- a) maqondana nomhlaba/nesakhiwo, kusho umkhakha wezemihlaba/wezezakhiwo ngokwesigaba 8 soMthetho, kanti
- b) maqondana nabanikazi bomhlaba/bezakhiwo, kusho umkhakha wabanikazi onqunywe ngokwesigaba 15(2) soMthetho;

1.4 “umuzi ophethwe yingane” kusho umuzi lapho bobabili abazali sebadlula emhlabeni kwasala izingane zodwa futhi zonke zineminyaka engaphansi kwale emiswe ngumthetho ukuthi abanayo bangakwazi ukusebenza futhi bathathwa ngokuthi baseyizingane ngokomthetho wezwe.

1.5 “umthuthukisi” kusho umuntu othenga umhlaba ongenalutho bese akha ingqalasizinda edingekayo ngenhloso yokuhlinzeka ngemisebenzi ezokuthuthukisa umhlaba kungaba ngenhloso yokuhlalisa abantu, yokwakha izimboni kumbe yokuhweba;

1.6 “indlu yokuhlala, izitolo, amafulethi” (i-DSF) kusho nanoma yisiphi isakhiwo okukuso izingxenye zezohwebo kanye neqoqo lezindlu zokuhlala eziyizitezi, inqobo nje uma okubili kokuthathu kumbe nangaphezulu kobungako bendawo ephansi kuzo zonke izakhiwo kusetshenziselwa ukuhlalisa abantu;

1.7 “ usuku lokuqalisa ukusebenza”

- a) maqondana nombhalo osemthethweni oqukethe imininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala, kusho usuku lokuqala kokusebenza kombhalo osemthethweni oqukethe imininingwane yezakhiwo ezikhokha intela kamasipala

ezisendaweni eyenganyelwe ngumasipala ngokwesigaba 32(1) soMthetho; noma

- b) maqondana nombhalo wokuchibiyela oqukethe imininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni eyenganyelwe ngumasipala, kusho usuku lokuqalisa kokusebenza kombhalo wokuchibiyela oqukethe imininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni eyenganyelwe ngumasipala ngokwesigaba 78(2)(b) soMthetho;

1.8 “unyaka wezimali” kusho isikhathi esiqala mhla lulu-1 kuNtulikazi onyakeni othile kuya mhla zingama-30 kuNhlanguvana wonyaka olandelayo;

1.9 “umhlaba/izakhiwo ezingavumelekile ukukhokha intela kamasipala” kusho wonke umhlaba/izakhiwo eziqukethwe ngumbhalo osemthethweni onemininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni eyenganyelwe ngumasipala ezingavumelekile ukuthi zikalwe ngokweSigaba 17 soMthetho;

1.10 “umhlaba wezezimboni” kusho indawo esetshenziselwa ukuthi kuhwetshwe kuyo, kwakhiwe kubuye kukhiqizwe izimpahla nemikhiqizo kumbe kubekwe noma kuhlelwe kahle imikhiqizo nempahla esiphelile kade yakhiwa maqondana nemali enkulu yokusebenz akanye nabasebenzi abasebenzile, lokhu kubandakanya ihhovoso, indawo yokuhlala kumbe esinye izakhiwo esikulowo mhlaba, ongasasetshenziselwa inhloso yawo sekuqhutshwa imisebenzi yezezimboni

1.11 “umuntu ohlomula ngokubuyiselwa umhlaba”, maqondana nomhlaba, kusho umuntu-

- a) othole umhlaba-

1.11.a.1 ngokwezihlinzekelo zoMthetho Wezemihlaba kanye Nokwelekelelwa, we-1993 (uMthetho No.126 we-1993); noma

1.11.a.2 ngokoMthetho Wokubuyiselwa Kwamalungelo Omhlaba, we-1994 (uMthetho No.22 we-1994)

- b) Ongumnikazi womhlaba ngokoMthetho Wezinhlanguvana Zezomhlaba Zomphakathi, we-1996 (uMthetho No.28 we-1996); noma

- c) Ongumnikazi womhlaba ngokweminye imithetho yokubuyiselwa kobunikazi bomhlaba engalandela isigaba 25(6) no-(7) soMthethosisekelo eyaphasiswa ngemuva kokuqalisa kokusebenza koMthetho;

1.12 “intengo ngokwezimakethe” maqondana nomhlaba/nezakhiwo kusho intengo yalowo mhlaba/sakhiwo enqunywe ngokuhambisana nesigaba 46 soMthetho;

1.13 “uNgqongqoshe” kusho ilungu leKhabhinethi elibhekele ezohulumeni bendawo;

1.14 “imisebenzi engxube” kusho isakhiwo/umhlaba osetshenziselwa izinhloso eziningi.

1.15 “umhlaba kamasipala” kusho umhlana obhaliswe ngaphansi kwegama futhi osetshenziswa nguMasipala uMsunduzi.

1.16 “umhlaba/isakhiwo esisha esinqunyelwe ukukhokha intela kamasipala” kusho nanoma yimuphi umhlaba/isakhiwo esinqunyelwe ukukhokha intela kamasipala ebekade singayikhokhi ngesikhathi esiphambili ngaphambi kokuphela konyaka wezimali owandulela usuku lokuqala kokusebenza koMthetho, lokhu akubandakanyi-

- a) Umhlaba/isakhiwo eseqeka ngephutha embhalweni osemthethweni onemininingwane yezakhiwo okwathi ngenxa yaleso sizathu sanganyelwa ukuba sikhokhe intela kamasipala ngaphambi kwalolo suku; kanye
- b) Nomhlaba/isakhiwo esihlonzwe nguNgqongqoshe ngokukhipha isazios kwiGazethi lapho kungacaciswanga khona ukufakwa kokukhokhwa kwentela kamasipala;

1.17 “umhlaba wezimayini” kusho umhlaba osetshenziselwa ukuqhuba umsebenzi wezimayini njengalokhu uchazwe eMthethweni Wezokuthuthukiswa Kwezinsiza Zezokumbiwa Phansi kanye Nokusawoyela, wezi-2002 (uMthetho No 28 wezi-2002)

1.18 “ohlalayo” kusho nanoma ngubani osebenzisa isakhiwo kumbe ingxenye yaso, kungabhekwa ukuthi uhleli ngaphansi kwaliphi igunya kuleso sakhiwo.

1.19 “eminye imihlaba/izakhiwo” kusho yonke imihlaba/izakhiwo ezingakafakwa emkhakheni wokukhokhwa kwentela kamasipala ngokwesigaba 14.1 – 14.15 seNgqubomgomo Yezentela kaMasipala kuMasipala uMsunduzi

1.20 “umnikazi”-

1.20.1 maqondana nomhlaba/nesakhiwo okukhulunywe ngaso emthethweni kamasipala 1.24.1, kusho umuntu ubunikazi bomhlaba/besakhiwo ububhaliswe ngegama lakhe;

1.20.2 maqondana nelungelo okukhulunywa ngalo emthethweni kamasipala 1.24.2, kusho umuntu okubhaliswe lelo Lungelo ngaphansi kwegama lakhe;

1.20.3 maqondana nobunikazi bomhlaba okukhulunywe ngabo emthethweni kamasipala 1.24.3, kusho umuntu okubhaliswe ngaphansi kwegama lakhe lelo Lungelo kumbe owanikezwa lona ngokwemithetho; noma

1.20.4 maqondana nengqalasizinda yemisebenzi kahulumeni okukhulunywe ngayo emthethweni kamasipala 1.24.4, kusho uhlaka lukahulumeni olungumnikazi noma olulawula leyo ngqalasizinda yemisebenzi kahulumeni njengokwenzazelo “yokulawulwa nguhulumeni” ehlinzekwe eMthethweni, inqobo nje uma umuntu obalulwe lapha ngezansi ezothathwa ngumasipala

ngokuthi ungumnikazi womhlaba/wesakhiwo ngokwezinhloso zalo Mthetho kulezi zimo ezilandelayo:

- 1.20.4.1 ilungu le-Trust, esimweni lapho isakhiwo esingaphansi kwe-Trust, lokhu akubandakanyi umhlaba kahulumeni ongaphansi kwe-Trust;
- 1.20.4.2 umlawuli/umabi wefa, esimweni lapho umhlaba/isakhiwo siyifa lomuntu ongasekho emhlabeni;
- 1.20.4.3 ilungu le-Trust noma oqokwe ngokusemthethweni ukubhekana nezikweletu, esimweni lapho umhlaba/isakhiwo singasenawo amandla okubhekela izikweletu esinazo noma sesimenyenzelwe ngokusemthethweni ukuthi siyehluleka;
- 1.20.4.4 umlawuli noma umabi wefa ngokwenkantolo, esimweni lapho umhlaba/isakhiwo singaphansi kolawulo lwenkantolo;
- 1.20.4.5 umlawuli noma umbheki wefa lomuntu ongakwazi ukuzibhekela lona ngokwakhe, esimweni lapho umhlaba/isakhiwo siyifa lomuntu ongakwazi ukuzibhekela ngokwakhe ngenxa yeminyaka noma isimo sengqondo;
- 1.20.4.6 umuntu ogama lakhe libhaliswe waba ngumuntu onemvume yokuhlomula ngokwengamela ifa lomuntu ongakwazi ukuzibhekela lona ngokwakhe, esimweni lapho umhlaba/isakhiwo sibhekene naleso simo;
- 1.20.4.7 oqashile, esimweni lapho umhlaba/isakhiwo sibhaliswe egameni likamasipala futhi uqashisile ngawo/ngaso; noma
- 1.20.4.8 umthengi, esimweni lapho umhlaba/isakhiwo umasipala wasidayisa futhi umthengi wanikezwa igunya lokusithatha esalinde ukubhaloswa kwaso kobunikazi baso ngaphansi kwegama lakhe umthengi;
- 1.20.4.9 oqashile, esimweni lapho kusebenza khona ilungelo lobunikazi bomhlaba njengalokhu lichazwe eMthethweni futhi uqashiselwe umnikazi walelo lungelo.

1.21 “ukusebenza ngokwemvume” maqondana nomhlaba/isakhiwo, kusho imikhawulo yokusetshenziswa kwaso -

1.21.1 ngokwanoma yiziphi izithibela ezimiswa-

- 1.21.1.1 yisimo setayitela;
- 1.21.1.2 yizihlinzekelo zokuhlelwa kwedolobha noma zohlelo lokusetshenziswa komhlaba; kumbe
- 1.21.1.3 nanoma yimiphi imithetho esebenza kunoma yimuphi umhlaba/isakhiwo esithile; kumbe

1.21.2 nganoma yikuphi ukuncishiswa kwalezo zithibelo;

1.22 “**umuntu**” kubandakanya nezinhloso zikahulumeni.

1.23 **“indawo yokukhonzela”** kusho isakhiwo ezibhaliswe egameni lendawo yomphakathi yokukhonzela futhi isetshenziselwa lokho ngabakhonzayo, kubandakanya nendawo ebhaliswe ngokusemthethweni yokuhlala okuhlala kuyo isiphathimandla salabo abakhonzayo okuyisona esengamele izinkonzo ezenziwa kuleyo ndawo yokukhonzela,

1.24 **“umhlaba/isakhiwo”** kusho-

1.24.1 imphahla engagudluzeki ebhaliswe egameni lomuntu, kubandakanya indlu enetayitela ebhaliswe egameni lomuntu, uma kukhulunywa ngohlelo lwamatayitela ezindlu;

1.24.2 ilungelo elibhaliswe egameni lomuntu maqondana naleyo mpahla engagudluzeki, okungabandakanyi imali ebolekwa ngenhloso yokuthenga isakhiwo ethathwa ibhaliswe maqondana naleyo mpahla engagudluzeki;

1.24.3 ilungelo lobunikazi bomhlaba elibhaliswe egameni lomuntu noma elinikezelwe kumuntu ngokwemithetho; kumbe

1.24.4 ingqalasizinda yemisebenzi kahulumeni;

1.25 **“indawo evikelekile”** kusho indawo esohlwini noma okumele ibe sohlwini lwerejista okukhulunywe ngayo ku-10 eMthethweni Kazwelonke Wezokulawulwa Kwemvelo kanye Nezindawo Ezivikelekile wezi-2003.

1.26 **“umhlaba wezinhlango ezihlomulisa umphakathi”** kusho nanoma yimuphi umhlaba ongowenhlango ehlo mulisa umphakathi osetshenziselwa imisebenzi ethile ehlo mulisa umphakathi esohlwini lwengxenye 1 yeSheduli yesishiyagalolunye eMthethweni Wezentela Yamaholo ayibandakanyi iphuzu 3 no-5 okungumhlaba kanye nezezindlu, izindawo zokukhonzela esezivele zibuyiselwe imali, zinikwe isaphulelo noma ezikhululiwe ekukhokhweni kwentela kamasipala ngaphansi kwezimo ezingavumelekile.

1.27 **“ingqalasizinda yemisebenzi kahulumeni”** kusho ingqalasizinda elawulwa nguhulumeni eyilolu hlobo olulandelayo:

1.27.1 imigwaqo kazwelonke, yesifundazwe noma eminye yomphakathi esetshenziselwa ukuthutha imphahla, imisebenzi noma ezemisebenzi kuyo yonke imingcele kamasipala;

1.27.2 amapayipi amanzi noma endle, amapayipi ahambisa umoya nokusaketshezi kumbe igesi noma eminye imigudu, amadamu, amathange amakhului okugcina amanzi, izindawo zokuhlaza amanzi kumbe amaphampu amanzi ayingxenye yohlelo lokunikezela ngamanzi nokuthutha indle emphakathini;

1.27.3 iziteshi zikagesi, iziteshi ezincane zikagesi noma izintambo zikagesi eziyingxenye yohlelo lokunikezela ngogesi emphakathini;

1.27.4 izindawo ezikhiqiza igesi noma amafutha awuketshezi noma izihlanzi kumbe amapayipi ahambisa igesi noma amafutha awuketshezi, ayingxenye yohlelo lokuthuthwa kwalawo mafutha.

1.27.5 ojantshi bezitimela abayingxenye yohlelo lwezezitimela kuzwelonke;

1.27.6 imibhoshongo yezokuxhumana, izigxobo zobuxhakaxhaka

bezintambo, izintambo zokuxhumanisa noma olayini abayingxenyehlelo lwezokuxhumana oluhlinzekwa emphakathini;

- 1.27.7 imigwaqo yamabhanoyi kumbe izindawo lapho ema khona ezikhumulweni zawo kuzwelonke noma ezifundazweni
- 1.27.8 nanoma iyiphi enye ingqalasizinda elawulwa nguhulumeni njengalokhu kungabekwa; kumbe
- 1.27.9 ilungelo elibhaliswe maqondana nempahla engagudluzeki ehambisana nengqalasizinda okukhulunywe ngayo emithethweni kamasipala 1.27.1 kuya ku -1.27.8;
- 1.28 **“ukunqunywa kwentela kamasipala ngokwamarandi”** kusho ukunqunywa kwemali ngokwamarandi okunqunywe ngokomthetho kamasipala 8.2;
- 1.29 **“indawo yokuhlala”** kusho indawo ekhona embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezikhokha intela kamasipala evezwe yaba yindawo yokuhlala;
- 1.30 **“indawo yokuhlala esemphakathini wasemakhaya”** kusho nanoma ngabe iyiphi indawo yezolimo noma ilokishi enomnikazi oyedwa oyithuthukisele ukuhlalisa abantu kuphela kanye/noma imizi yesintu yasemakhaya futhi okungenzeka ukuthi ibe nezinye izakhiwo ezinhlobonhlobo okungezona zokuhlala eziyingcosana ngokwenani ezakhiwe kulo, lapha kubandakanya nendawo engaphansi kweNgonyama Trust Board kanye nendawo yalabo ababuyiselwa umhlaba, iningi layo esetshenziselwa ukuhlalisa abantu kunokuthi ilinywe kudayiswe.
- 1.31 **“amagalaji ezindlu ezinabanikazi bazo ezakhiwo ndawonye”** kusho nanoma ngabe iliphi igalaji elingaphakathi ehlala abantu ebhaliswe yaba yindawo enezindlu eziningi ezinabanikazi abehlukene.
- 1.32 **“ibhizinisi elincane elisekhaya”** kusho indawo eyayikade iklanywe yaba ngeyikuhlalisa abantu, esisetshenziselwa ukuthola imali ngokuqhuba ibhizinisi ngokohlelo oluvunyiwe lwezokuHlela, inqobo uma lokho kusetshenziswa kuhambisana nemibandela ebekwe kuleyo mvume, esimweni lapho imvume itholakale ngokohlelo lokuHlelwa Kwedolobha yokuthi kuqhutshwe ibhizinisi kulawo magceke. Kuzosebenza yonke imibandela maqondana neMvume Eisipesheli.
- 1.33 **“uMthetho”** kusho uMthetho Wentela Kamasipala Maqondana Nempahla Kamasipala: kuHulumeni Wendawo, wezi-2004 (uMthetho No. 6 wezi-2004).
- 1.34 **“umhlaba osetshenziswa ngokungekho emthethweni”** kusho nanoma iyiphi indawo noma ingxenyehlelo yayo esetshenziswa ngokuphambene nokuvumelekile ngaphansi koHlelo Lokuhlelwa Kwedolobha kumbe eminye imithetho efanele kanye nanoma iyiphi indawo kumbe ingxenyehlelo yayo eyakhiwe noma ethuthukisiwe ngendlela ephambene noMthetho Kazwelonke Wezinqubomgomo kanye Namazinga Ezokwakha, No.103 we-1977, uMthetho Wezokuhlala kanye Nokuthuthukisa (KwaZulu-Natali) No.6 wezi-2008 kumbe eminye imithetho ehambisana nalokhu.
- 1.35 **“umhlaba ongenalutho”** kusho nanoma iyiphi indawo engathuthukisiwe

njengalokhu ifakwe embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezikhokha intela kamasipala

INGXENYE 2: UKUBIZWA KWENTELA KAMASIPALA

2 UKUBIZWA KWENTELA KAMASIPALA

2.21 UMasipala kumele ubize intela kuzona zonke izakhiwo okumele zikhokhe intela kamasipala ezikhona endaweni oyengamele, inqobo nje uma kuzothi nokulandela isinqumo, uxolele, wephulele noma unciphise intela kamasipala ebizwa ngokwale mithetho kamasipala kumbe ngokohlaka lukazwelonke olumiswe ngaphansi kwalo Mthetho.

2.22 Uma kubizwa intela kamasipala ezakhiweni, uMasipala angeke ubophezeleke ekuthi ubize intela ezakhiweni okungezawo kumbe ingqalasisinda yemisebenzi kahulumeni noma ezakhiweni okungelula ukukala intengo yazo ngokwezimakethe ngenxa yokungabo nabanikazi abasemthethweni ngenxa yemithetho yesikhathi esedlule sokucwaswa ngokobuhlanga.

3 UKWEHLUKA KWENTELA

3.21 Umasipala unelungelo lokubiza intela engefani ngokwehlukana kwemikhakha yezakhiwo ngokuhambisana nezindlela okumele zilandelwe ezimiswe kule mithetho kamasipala engezansi.

3.22 Izindlela okumele zilandelwe ukubiza inteka kamasipala ngokwehlukana kwayo emikhakheni ehlukeneyezakhiwo yilezi ezilandelayo:

3.22.1 ukusetshenziswa kwesakhiwo, kanye

3.22.2 nokusetshenziswa kwesakhiwo ngokwemvume.

4 UKWAHLUKANISWA OKUNGAVUMELEKILE

4.21 Umasipala akumele ubize-

4.21.1 intela engefani ezindaweni zokuhlala, ngaphandle uma kuhlinzekelwe eMthethweni;

4.21.2 intela kamasipala emkhakheni wezakhiwo okungezona ezokuhlala abantu eseqile esibalweni ngokwesilinganiso esibekelwe ukukala intela yezakhiwo okuhlalwa kuzo esinqunywe ngokwesigaba 11(1)(a) soMthetho: inqobo uma lezo zilinganiso ezahlukeneyezobekwa ngokwemikhakha ehlukeneyezakhiwo okungezona zokuhlala abantu;

4.21.3 intela kamasipala eyahlukanisa ngendlela engaqondakali imikhakha yezakhiwo okungezona ezihlala abantu;

4.21.4 intela kamasipala eyengeziwe ngaphandle uma kuhlinzekelwe esigabeni 22 soMthetho [Izindawo Ezibizelwa Intela Ngokukhethekile]

4.22 Isilinganiso okukhulunywe ngaso emthethweni kamasipala 4.1.2 singavunyelwa kuphela uma kuvume uNgqongqoshe Wezezimali.

5 UMHLABA/IZAKHIWO EZISETSHENZISELWA IZINTO EZAHLUKENE

UMhlaba/Isakhiwo esisetshenziselwa izinto ezahlukene, ngokwenhloso yokwenza izilinganiso, kumele sifakwe ngaphansi komkhakha othile ozonqunywa ngumasipala ngokuhambisana nesigaba 9 soMthetho.

6 UKUBIZWA KWENTELA KAMASIPALA NGEZAKHIWO EZIYINGXENYE YEZAKHIWO EZINABANINIZO KODWA EZAKHIWE NDAWONYE

6.21 Intelu kamasipala emaqondana nohlelo lwezindlu ezinabaninizo kodwa ezakhiwe ndawonye iyobizwa ngendlu ngayinye ekulelo qoqo lezindlu akuzukubizwa ihlanganiswe ngokwesakhiwo sisonke.

7 ISAMBA SEMALI YENTELA EKWELETWAYO

7.21 Intelu kamasipala enqunywa uMasipala kumele ibe isamba semali ngokwamaRandi esilingene inani lentengo yezimakethe yaleso sakhiwo kumbe ibe ngenye indlela enganqunywa nguMthetho.

8 ISIKHATHI SOKUBIZWA KWENTELA KAMASIPALA

8.21 UMasipala kumele ubize intelu eyodwa yonyaka munye wezimali. Ekupheleni konyaka wezimali ngamunye intelu kamasipala ebiziwe ngalowo nyaka kumele iphelelwe yisikhathi.

8.22 UMasipala kumele njalo ngonyaka ngesikhathi sesabelomali, ubeke isamba semali ngokwamaRandi okumele sikhokhelwe intelu kamasipala.

8.23 Ukubizwa kwentela kamasipala kumele kube yingxenye yohlelo lwaminyaka yonke lwesabelomali njengalokhu kubekwe eSahlukweni 4 soMthetho Wokuphathwa Kwezezimali Zomasipala: Kuhulumeni Wendawo (uMthetho No. 56 wezi-2003).

9 UKUQALISA KOKUSEBENZA KWENTELA KAMASIPALA

9.21 Intelu kamasipala ebizwa nguMasipala kumele ukuthi ibe isikhokhiwe kusukela kuqala unyaka wezimali.

10 UKUMENYEZELWA KWEZINQUMO NGOKUBIZWA KWENTELA KAMASIPALA

10.1 Intelu kamasipala enqunywa ngumasipala ngokwesinqumo esakhishwa ngumkhandlu kamasipala ngokwesekelwa ngamavoti eningi lamalungu awo.

10.2 (a) Intelu kamasipala ebizwa ngokwesinqumo kuMasipala kumele imenezelwe njalo ngonyaka, ezinsukwini ezingama-60 kusukela osukwini lokuphuma kwesinqumo, ngokuthi kushicilelwe isinqumo kwiGazethu yesiFundazwe.

- (b) Isinqumo kumele —
 - (i) sibe nosuku okwaphasiswa ngalo isinqumo sokubizwa kwentela kamasipala.
 - (ii) sehlukanise phakathi kwemikhakha yezakhiwo, futhi
 - (iii) siveze imali ngamasenti kanye namaRandi emkhakheni ngamunye wezakhiwo.

10.3 Nanoma ingasiphi isikhathi uma umasipala usuphasisa isinqumo ngokwesigatshana (1), imenenja kamasipala kumele, ngaphandle kokuthandabuza-

- (a) ibeke endaweni esobala isinqumo kuze kuphele izinsuku ezingama-30 -
 - (i) enhloko-hovisi kamasipala kanye nasemahhovisi amancane kamasipala ngokunjalo nasemitapweni yolwazi; kanti
 - (ii) uma umasipala unayo i-website esemthethweni kumbe kune-website ongakwazi ukuyisebenzisa njengalokhu kubekwe esigabeni 21B soMthetho Wezinhlelo Zomasipala, sifakwe kuleyo website; futhi
- (b) ifake isikhangiso sesaziso kwabezindaba esiveza ngokusobala ukuthi-
 - (i) isinqumo sokubiza intela kamasipala ezakhiweni sesiphasisiwe ngumkhandlu; nokuthi
 - (ii) isinqumo siyatholakala enhloko-hovisi sokunqunywa kwentela sitholakale emahhovisi kamasipala kanye nasemahhovisi amancane kamasipala ngokunjalo nasemitapweni yolwazi ukuze umphakathi ukwazi ukusihlola ngezikhathi zokusebenza futhi uma umasipala unayo i-website esemthethweni kumbe kune-website ongakwazi ukuyisebenzisa, ukuthi lesi sinqumo siyatholakala nakuyo leyo website.

11 UKUXOLELWA, UKUNCISHISWA KANYE NEZAPHULELO

11.1 Umasipala angeke unikezele ngegunya lokukhululeka maqondana nokukhokhwa kwentela kamasipala ngale kokuthi uxolele, wephule noma unciphise intela, ube ungeke futhi unikezele ngegunya lalokho kukhululeka kumnikazi wesakhiwo ngayedwana.

11.2 Imenenja kamasipala kumele njalo ngonyaka yethulele umkhandlu kamasipala -

- (a) uhlu lwabo bonke abaxolelwe, abathole izaphulelo kanye nabancishiselwe ngumasipala intela ngokwesigatshana ngonyaka owedlule wezimali; kanye
- (b) nesitatimende esiveza imali engenile kumasipala ebingeke igwemeke ngonyaka wezimali owedlule ngenxa -
 - (i) yokuxolelwa, ukwephulelwa kanye nokuncishiselwa intela;

- (ii) yokushiyeka ngaphandle okukhulunywe ngakho esigabeni 17(1)(a), (e), (g), (h) no-(i) soMthetho; futhi
- (iii) Yokungenisa izaphulelo ezigunyazwea ngokwesigaba 21 soMthetho.

11.3 UMkhandlu kumele uhlonze, futhi unikeze izizathu zokuxolelwa, ukwepfulwa kanye nokuncishiswa kwentela kamasipala ngesikhathi sekwethulwa isabelomali sonyaka ngokwesigaba 16(2) soMthetho Wokuphathwa Kwezimali Zomasipala:Kuhulumeni Wendawo, wezi-2003.

12 IMIKHAKHA YEMIHLABA/YEZAKHIWO

12.1 UMasipala ngokulandela isinqumo, ungaxolela, unciphise futhi wenze isaphulelo maqondana nale mikhakha elandelayo yemihlaba/yezakhiwo:

- 12.1.1 Imihlaba yezolimo;
- 12.1.2 Imihlaba yezohwebo
- 12.1.3 Imihlaba ye-DSF
- 12.1.4 Izakhiwo ezikhokha intela ngokungavumelekile;
- 12.1.5 Imihlaba yezimboni
- 12.1.6 Imihlaba yezimayini
- 12.1.7 Izakhiwo zezinhlango ezihlomulisa umphakathi;
- 12.1.8 Ingqalasizinda yemisebenzi kahulumeni;
- 12.1.9 Izakhiwo zokuhlalisa abantu;
- 12.1.10 Umhlaba wemiphakathi yasemakhaya;
- 12.1.11 Amagalaji asezindlini ezinamaninizo kodwa ezakhiwe ndawonye (abhaliswe ngokuhlukana)
- 12.1.12 Ibhizinisi elincane elisekhaya;
- 12.1.13 Ukusetshenziswa komhlaba/kwesakhiwo ngokungemthetho
- 12.1.14 Umhlaba ongenalutho;
- 12.1.15 Eminye imihlaba/izakhiwo;

INGXENYE 3: IMIKHAWULO NGOKUBIZWA KWENTELA KAMASIPALA

13 INTELA KAMASIPALA ENGAVUMELEKILE

13.1 UMasipala angeke ubize intela ngomhlaba/ngezakhiwo ngendlela ezolimaza izinqubomgomo zikazwelonke zezomnotho, imisebenzi yezomnotho ezindaweni eziwakhele kumbe ukuthuthwa kwempahla, imisebenzi, impahla enkulu yokusebenza njengalokhu kuhlinzekelwe esigabeni 229(2)(a) soMthethosisekelo.

13.2 Enye intela kamasipala engavumelekile-

- 13.2.1 Umasipala angeke ubize intela-

- (a) kuma-30 % okuqala entengo ngokwezimakethe yengqalasizinda yemisebenzi kahulumeni
- (b) kulezo zingxenye zeziqwi ezikhethekile, amapaki amakhulu kazwelonke noma iziqwi ezichazwe eMthethweni Kazwelonke Wezokulawulwa Kwemvelo Ezindaweni Ezivikelekile, wezi-2003 (uMthetho No, 57 wezi-2003), noma ezingadini zezimbali ezigadiwe zezokungcebeleka zikazwelonke ezichazwe eMthethweni Wezokulawulwa Kwemvelo maqondana nezitshalo nezilwane, wezi-2004 (uMthetho No, 10 wezi-2004), ezingakathuthukiswa kumbe ezingasetshenziselwa ukuhweba, ibhizinisi, ezolimo noma ukuhlalisa abantu;
- (c) kwabanelungelo lezokumbiwa phansi ngokwenzazelo yendima (b) echaza “umhlaba/isakhiwo” esigabeni 1 soMthetho;
- (d) ezakhiweni okungezabantu abahlomula ngokubuyiselwa imihlaba kumbe izindlalifa zabo, inqobo nje uma lokhu kushiywa ngaphandle kuphelelwa yisikhathi eminyakeni eyishumi kusukela osukwini okwabhaliswa ngalo itayitela lalowo owahlomula ehhovisi loBhaliswa Kwamatayitela;
- (e) emalini yokuqala eyisamba sama-R15 000 yentengo yesakhiwo ngokwezimakethe esifakwe ohlwini lombhalo osemthethweni oqukethe imininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni kumbe umbhalo wokuchibiyela onjalo kamasipala ukuthi sibe ngaphansi komkhakha onqunywe ngumasipala -
 - (i) ukuthi sihlalise abantu; noma
 - (ii) ukuthi lezo zakhiwo zisetshenziselwe imisebenzi eminingi, inqobo nje uma ingxenye eyodwa noma ngaphezulu yalezo zakhiwo izosetshenziselwa ukuhlalisa abantu; noma
- (f) Esakhiweni esibhaliswe egameni futhi esisetshenziswe nngamakholwa saba yindawo yomphakathi yokukhonzela noma kuyindawo eyodwa yokuhlala esemthethweni ebhaliswe egameni lomphakathi okuhlala kuyo isiphathimandla salowo mphakathi okuyisona esiqhuba izinkonzo kuleyo ndawo yokukhonzela.

13.2.2 (a) Ukushiywa ngaphandla kwentela kamasipala ezakhiweni okukhulunywe ngakho emthethweni kamasipala 13.2.1.(b) kuphelelwa yisikhathi uma kungukuthi isimemezelo sokuthi lowo

mhlaba uyisiqiwi esikhethekile, ipaki elukhulu likazwelonke, isiqiwi noma yingadi yezimbali egadiwe yezokungcebeleka, sihoxisiwe ngokoMthetho osebenzayo obalulwe kuleso sigatshana.

- (b) Uma kungukuthi umhlaba/isakhiwo okuhoxiswa isimemezelo maqondana naso kuyisakhiwo esinomnikazi waso, umnikazi uyaye abhekane ngqo nomasipala ngentela okumele ikhokhwe ngesikhathi nje kuhoxiswa isimemezelo, uma kungekho ngaphansi kwesigatshana somthetho kamasipala 13.2.1(b) okungukuthi ingabe ikhokheke ngesikhathi sokuqalisa kokusebenza kombhalo osebenza ngaleso sikhathi osemthethweni oqukethe imininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni. Uma umhlaba/isakhiwo samenyezela ngokuthi siyindayo evikelekile emva kosuku lokuqalisa kokusebenza kombhalo osemthethweni oqukethe imininingwane yazo zonke izakhiwo ezikhokha intela kamasipala ezisendaweni, intela kamasipala ikhokhwa kuphela kusukela ngosuku lokumenyezela komhlaba/kwesakhiwo.
- (c) Isamba okusuke kudingeka ukuthi sikhokhwe ngumnikazi ngokomthetho kamasipala 13.2.2.(b) kumele sithathwe ngokuthi yimali ebisilele emuva futhi kumele akhokhe nenzalo efanele lesa samba kuMasipala.
- (d) Imithetho kamasipala 13.2.2.(b) kanye no-13.2.2(c) isebenza kuphela uma kuhoxisiwe ukumenyezela komhlaba ngenxa yesinqumo esenziwa ngimnikazi nganoma yisiphi isizathu sokuthi ahoxise isivumelwano esiphakathi kwakhe nohulumeni ngokoMthetho Wezindawo Ezivikelekile, futhi nangokwezizathu ezaziholelele umnikazi ekuqaleni ukuba avume ukuthi umhlaba wakhe umenyezela ngokuthi uyindawo evikelekile noma isinqumo esithathwa nguhulumeni ukuhoxisa lesa sivumelwano ngenxa yokwepulwa kwaso ngumnikazi.

13.2.3 UNgqongqoshe, esebenzisana noNgqongqoshe Wezezimali, bangakhipha isaziso kwiGazethi izikhathi ngezikhathi sokukhuphula imali okukhulunywe ngayo emthethweni kamasipala 13.2.1. (e) ukuze kubonakale ukwehla nokwenyuka kwamandla emali.

13.2.4 UNgqongqoshe, angehlisa isibalo samaphesenti okukhulunywe ngawo emthethweni kamasipala 13.2.1(a) ngokuthi akhiphe isaziso kwiGazethi kodwa angakwenza lokho kuphela emva kokuxoxisana -

- (a) namalungu athintekayo eKhabhinethi abhekele imikhakha ethile kwingqalasizinda yemisebenzi kahulumeni;
- (b) nezinhlaka zohulumeni bendawo; kanye
- (c) nezinhlaka ezithintekayo zengqalasizinda yemisebenzi kahulumeni.

- 13.2.5 (a) Ukushiywa ngaphandle kwezakhiwo ekukhokheni intela kamasipala okukhulunywe ngakho ethethweni kamasipala 13.2.1(f) kuphelelwa yisikhathi uma lezo zakhiwo sezilahliwe ngamakholwa ebekungezawo noma zingasasetshenziselwa ukuthi zibe yindayo yomphakathi yokukhonzela kumbe esimweni sendawo yokuhlala esemthethweni okuningwe ngayo kuleso sigatshana ingasasetshenziselwa ukuba yindawo yokuhlala esemthethweni.
- (b) Uma ukushiywa ngaphandle ekukhokheni intela kamasipala kwezakhiwo ezisetshenziselwa ukuba zibe yindawo yokuhlala esemthethweni kuphelelwa yisikhathi, amakholwa angabanikazi bazo yiwona abhekana nomasipala maqondana nokukhokhwa kwentela, uma kunghanjiswa ngokwesigatshana somthetho kamasipala 13.2.1(f) okungamele ukuthi ikhokhwe ngesikhathi esingangonyaka owodwa owandulela usuku okuphela ngaso ukushiywa ngaphandle ekukhokheni intela.
- (c) Isamba esigcina sikweletwa ngamakholwa ngokomthetho kamasipala 13.2.2. (b) sithathwa ngokuthi yintela kamasipala esilele emuva futhi inzalo yaleso samba ikhokhwa kumasipala.

14 IZEPHULELO EZIMQOKA NGOKOMKHAKHA NGAMUNYE WOMHLABA/WEZAKHIWO

- 14.1 UMasipala, ngokulandela isinqumo, unganikeza igunya lesaphulelo kwintela ekhokhela le mikhakha elandelayo yomhlaba/yezakhiwo okumele zikhokhe intela –
- 14.1.1 Imihlaba yezolimo;
 - 14.1.2 Imihlaba yezohwebo
 - 14.1.3 Izindawo zokuhlala, izitolo kanye namafulethi (DSF)
 - 14.1.4 Imihlaba yezimboni
 - 14.1.5 Imihlaba yezimayini
 - 14.1.6 Izakhiwo zezinhlangotho ezihlomulisa umphakathi;
 - 14.1.7 Ingqalasizinda yemisebenzi kahulumeni;
 - 14.1.8 Izakhiwo zokuhlalisa abantu;
 - 14.1.9 Umhlaba wemiphakathi yasemakhaya;
 - 14.1.10 Amagalaji asezindlini ezinamaninizo kodwa ezakhiwe ndawonye (abhaliswe ngokuhlukana)
 - 14.1.11 Ibhizinisi elincane elisekhaya;
 - 14.1.12 Eminye imihlaba/izakhiwo;
- 14.2 UMasipala kumele njalo ngonyaka unqume isamba sesaphulelo okumele sinikezelwe emkhakheni ngamunye ochazwe emthethweni kamasipala 14.1.

15 IZAPHULELO NGOKOMKHAKHA NGAMUNYE WABANIKAZI

- 15.1 UMasipala unganikeza igunya lesaphulelo emhlabeni/esakhiweni okungesikaMasipala uMsunduzi futhi esisetshenziswa yiwo.
- 15.2 UMasipala unganikeza igunya lesaphulelo emhlabeni/esakhiweni okungesomuntu ohola impesheni yokukhula noma yokukhubazeka, inqobo nje uma umfakisicelo elandele yonke imigudu okumele ilandelwe ukuthola leso saphulelo.
- 15.3 UMasipala unganikeza igunya lesaphulelo emizini ephethwe yizingane, inqobo nje uma kulandelwe yonke imigudu okumele ilandelwe ukuthola leso saphulelo.
- 15.4 UMasipala unganikeza igunya lesaphulelo emhlabeni/ezakhiweni okumele zikhokhe intela ezifakwe ohlwini ngokwendinyana 7.2 yoHlelo Lwezokuhlelwa Kwedolobha laseMgungundlovu kumbe nanoma yisiphi esinye isakhiwo obona sinomlando owanele ukuthi singalondolozwa, inqobo nje uma lowo mnikazi waleso sakhiwo ehambisana nemigomo yemigudu okumele ilandelwe ukuthola lesi saphulelo.
- 15.5 UMasipala unganikeza igunya lesaphulelo kubathuthukisi abangabanikazi bomhlaba abakha ingqalasizinda edingekayo ekuthuthukiseni umhlaba ongenalutho egcine seyibeke lowo mhlaba ezingeni lentengo enhle ngokwezimakethe, inqobo nje uma labo banikazi balowo mhlaba beyilandele yonke imigudu ekandelwayo ukuthola leso saphulelo.
- 15.6 Isephulelo esinikezwe emalini yentela kamasipala ekhokhelwa isakhiwo okukhulunywe ngaso emthethweni kamasipala 15.2 kuya ku-15.5 siya ngokwezimo uma kungukuthi akukho ntela kamasipala ekweletwayo kumbe imali yemisebenzi eyenziwe ngumasipala engakhokhelwe maqondana naleso sakhiwo ngaphandle uma umnikazi ehola impesheni yokukhula, yokukhubazeka kumbe kungumuzi ophethwe yizingane, inqobo nje uma kunezinhlelo ezenziwe ngokwenqubomgomo yokulawulwa kwezikweletu nganoma yiyiphi imali engakakhokhwa futhi kungukuthi kuyalungiswa lokho.
- 15.7 Akukho saphulelo esizonikezwa kunanoma yimuphi umthuthukisi njengalokhu kulindelekile ngenhla ku-15.5, oseke wathola imali yebhizinisi kumbe umhlomulo wokuthuthukisa kuMasipala nganoma iyiphi ingxenye yezentuthuko.

INGXENYE 4: INTELA KAMASIPALA EYENGEZIWE

16 INTELA KAMASIPALA EYENGEZELELWE IZINDAWO EZIBIZELWA INTELA NGOKUKHETHEKILE

16.1 UMkhandlu kaMasipala, ngokulandela isinqumo sawo-

16.1.1 unganquma indawo engaphakathi kuMasipala ngokuthi iyindawo ebizelwa intela ngokukhethekile;

16.1.2 ungabiza intela kamasipala eyengeziwe esakhiweni esikuleyo ndawo ngenhloso yokukhuphula isikhwama sokulungisa nokwenza ngncono leyo ndawo; futhi

16.1.3 ungehlukana ngokwemikhakha lapho ubiza intela eyengeziwe okukhulunywe ngakho emthethweni kamasipala 16.1.2.

16.2 Ngaphambi kokuba kunqunywe indawo ebizelwa intela kamasipala ngokukhethekile, uMasipala kumele-

16.2.1 uxhumane nomphakathi othintekayo maqondana nemingcele ephakanyisiwe mayelana nalokhu okulandelayo:

16.2.1.1 Imingcele ephakanyisiwe endaweni; kanye

16.2.1.2 Nendlela okuphakanyiswa ukuthi indawo izothuthukiswa kumbe izokwenziwa ngcono ngayo; futhi

16.2.2 uthole imvume yeningi lamalungu alowo mphakathi othintekayo kuleyo ephakanyiselwa ukuthi ibe yindawo ebizelwa intela ngokukhethekile okuyiwona azobe ebhekeke ukuba akhokhe leyo ntela eyengeziwe.

16.3 uma umasipala unquma indawo ebizelwa intela ngokukhethekile, uMasipala kumele-

16.3.1 unqume imingcele yendawo; futhi

16.3.2 uveze ukuthi indawo izothuthukiswa kumbe izokwenziwa ngcono kanjani ngemali etholwe ngentela eyengeziwe;

16.3.3 uqhamuke nohlelo oluseceleni lokugcinwa kwamabhuku ezimali kanye namanye amarekhodi maqondana -

16.3.3.1 nemali engenayo eyakheke ngenxa yentela eyengeziwe; kanye

16.3.3.2 nokwenziwa ngcono kanye nokuthuthukiswa kwendawo; futhi

16.3.4 usungule ikomidi elakhiwe ngabantu abamele umphakathi wendawo elizosebenza libe yisithangami sokuxoxisana kanye nokweluleka umasipala ngentuthuko nokwenizwa ngcono kwendawo, inqobo nje uma ukumeleleka kuzobhekela nobulili.

16.4 Lesi sigaba angeke sasetshenziselwa ukuqinisa ukungalingani okukhona ekuthuthukisweni kukamasipala, futhi nanoma yiziphi izinqumo ngendawo ebizwa intela ngokukhethekile kumele zihambisane nezinhloso zohlelo lukamasipala lwezentuthuko edidiyele.

16.5 Lesi sigaba kumele sifundwe nesigaba 85 soMthetho Wezinhlelo Zomasipala uma kungukuthi lesi sigaba sisetshenziselwa ukuhlinzeka usizo lwemali emisebenzini yangaphakathi kamasipala eyenziwa ezifundeni eyasungulwa ngokwaledo sigaba soMthetho Wezinhlelo Zomasipala.

16.6 Umasipala ungaphasisa imithetho kamasipala ukuqhubeka nokulawula izindawo ezibizwa intela ngokukhethekile. Esimweni lapho kunokushayisana komthetho kamasipala 16 kanye neminye imithetho kamasipala, umthetho kamasipala 16 yiwona ozosebenza uma kunesdiingo.

17. UKUBHALISWA KOMHLABA/KWEZAKHIWO

17.1 Umasipala kumele wakhe uphinde ugcine irejista, okumele ibe neNgxenywe A kanye neNgxenywe B maqondana nezakhiwo ezingaphakathi endaweni kamasipala.

17.1.1 INgxenywe A yerejista iqukethe umbhalo kamasipala osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala, kubandakanya nanoma yimuphi umbhalo onjalo wokuchibiyela owenziwe ngumasipala ngokwesigaba 78.

17.1.2 INgxenywe B yerejista kumele icacise ukuthi yiziphi izakhiwo ezikulo mbhalo noma ezikulona wokuchibiyela okumele –

- (g) Zixolelwe ekukhokheni intela kamasipala ngokwesigaba 15 soMthetho;
- (h) Zithole isephulelo kumbe ukwehliselwa intela kamasipala ngokwesigaba 15 soMthetho
- (i) Kufakwe kuzo uhlelo lwentela kamasipala ngokwesigaba 21 soMthetho
- (j) Zikhishelwe ngaphandle njengalokhu kukhulunywe esigabeni

17.1.3 Irejista kumele ivuleleke emphakathini ukuthi uyihlole ngezikhathi zokusebenza. Uma umasipala enayo i-website esemthethweni kumbe enye ongayisebenzisa, kumele irejista ivezwe kuyo leyo website.

17.1.4 Unasipala kumele ngezikhathi ezithile, kodwa kumele okungenani kube njalo ngonyaka, ulungise iNgxenye B yerejista. INgxenye A kumele ilungiswe ngokuhambisana nezihlinzekelo zalo Mthetho maqondana nokulungisa kanye nokuchubiyela umbhalo osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala okumele zikhokhe intela kamasipala.

INGXENYE 5: ISIBOPHO SENTELA KAMASIPALA

18. INTELA KAMASIPALA YEZAKHIWO EKHOKHWA NGABANIKAZI

18.1 Intela kamasipala ebizwa ngesakhiwo kumele ikhokhwe ngumnikazi waleso sakhiwo.

18.2 Uma isakhiwo sinabanikazi ababambisene ngokubambisana yibona abazobhekana nokukhokhwa kwentela kamasipala yaleso sakhiwo.

18.3 Maqondana nomhlaba wezolimo onabanikazi abangaphezu koyedwa abahlanganyela amasheya esimweni lapho abanikazi balawo masheya ahlanganyelwe babevunyelwe ngaphambi kokuqalisa kokusebenza koMthetho Wokwehlukaniswa Komhlaba Wezolimo, we-1970, uMasipala uzophoqeleka ukubagcina bengabanikazi abahlanganyele futhi okulindeleke ukuthi bakhokhe intela kamasipala ngokuhlanganyela maqondana nomhlaba othintekayo.

18.4 Izakhiwo okungezikamasipala kodwa ezihlala abantu abangesibo abakamasipala zizovezwa ngokwehlukile embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala futhi intengo yazo izokalwa ngokwentengo yasezimakethe.

18.5 Maqondana nezakhiwo zikaMasipala okuqashe kuzo abantu abaningi, intengo yesakhiwo sonke izokalwa ngokwentengo yasezimakethe futhi intela kamasipala izoya ngokobungako bengxenye yentengo yezimakethe, ibalwe ngokobukhulu bendawo eqashiwe futhi intela kamasipala izobizwa ihlanganiswe nemali yerenti.

18.6 Okungenziwa uma kungukuthi akunakwenzeka okushiwo ngumthetho kamasipala 18.5, ubukhulu bezindawo eziqashiwe buzokalwa ngokwezindlu

esakhiweni bubalwe indawo ngendawo, futhi bukhonjiswe embhalweni bese
bubizelwa intela kungahlangukiswa nemali yerenti.

19. INDLELA KANYE NESIKHATHI SOKUKHOKHA

19.1. UMasipala uzobuyisa yonke imali yentela yangalowo nyaka wezimali ngokuthi ikhokhwe njalo ngenyanga izinyanga eziyishumi nambili

19.2 Intela kamasipala izokhokhwa njalo ngenyanga ngosuku noma ngphambi kosuku olunqunywe nguMasipala

19.3 Usuku lokugcina lokukhokhwa kwentela kamasipala, njangalokhu lunqunywe nguMasipala ngokomthetho kamasipala 19.2 ngenhla, angeke luphazanyizwe yizizathu kumbe ukuphikisa ngokwesigaba 52, noma ukwedluliswa kwezikhalo ngokwesigaba 55 soMthetho

19.4 Uma imiphumela yanoma yikuphi ukuphikisa noma ukwedluliswa kwesikhalo iwukuthi ukuhlolwa

19.4.1 akunakuguqulwa, uMasipala kumele aqoqe zonke izinhlawulo okungenzeka zidalekile

19.4.2 kwehlisiwe, uMasipala kumele aqoqe kuphela lezo zinhlawulo zentela kamasipala eziqondene nalokho kuhlolwa okwehlisiwe bese kuthi nanoma yiyiphi imali ekhokhwe yeva ibuyiselwe emuva.

19.5 Nanoma yikuphi ukulungiswa noma ukwengezwa okwenziwa embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala ngokwesigaba 51 c, 52(3) noma 69 soMthetho, kuqalisa ukusebenza ngosuku lokuqalisa kokusebenza kombhalo/kokuhlolwa

19.6 Uma ukulungiswa okwenziwe kuhlolwa isakhiwo kuthinta isikweletu okumele sikhokhelwe lesa sakhiwo, iMenenja kaMasipala kumele –

(a) Ibale

(i) Isamba esesikhokhiwe ngaleso sakhiwo

(ii) Isamba okusamele sikhokhwe maqondana nokulungiswa okwenziwe esakhiweni kusukela ngosuku lokuqalisa ukusebenza; futhi

(b) Ikhokhise kumbe ikhokhele umuntu okumele akhokhe intela kamasipala imali engumehluko enqunywe endimeni (a), ihlangene nenzalo embhalweni obekiwe.

19.7 Uma kukhona okwengeziwe embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela

kamasipala njengalokhu kubekwe ngenhla, iMenenja kaMasipala kumele ikhokhise imali kulowo muntu okumele akhokhe intela kamasipala isamba asikweletayo sesihlangene nenzalo kanye nezinye izimali ezinqunyiwe.

20. AMA-AKHAWUNTI OKUMELE ATHUNYELWE

20.1 UMasipala kumele uthumelele umuntu ngamunye okumele akhokhe intela kamasipala i-akhawunti ebhaliwe ezoqukatha lolu lwazi olulandelayo-

20.1.1 isamba esikweletwayo sentela kamasipala okumele sikhokhwe

20.1.2 usuku okumele kukhokhwe ngalo kumbe ngaphambi kwalo

20.1.3 ukuthi sibalwe kanjani lesa samba

20.1.4 intengo yesakhiwo ngokwasezimakethe

20.1.5 uma isakhiwo singaphansi kohlelo oluphoqelekile lokufakwa kwezaphulelo ngokwesigaba 21 soMthetho, isamba

sesaphulelo

20.1.6 uma isakhiwo singesikhokha intela kamasipala eyengeziwe

ngokwesigaba 22 soMthetho, isamba esikweletwayo sentela kamasipala eyengeziwe

20.2 Umuntu okumele akhokhe intela kamasipala kungakhathalekile ukuthi lowo uyitholile yini i-akhawunti ebhaliwe ngokomthetho kamasipala
20.1. Uma umuntu engayitholanga i-akhawunti ebhaliwe, lowo muntu kumele azihluphe ngokubuza kuMasipala.

20.3 Ukuthunyelwa kwe-akhawunti yentela kamasipala ngokwalesi sigaba kuhambisana nesigaba 102 soMthetho Wezinhlelo Zomasipala.

20.4 Nanoma ngubani okumele akhokhe intela kamasipala maqondana nesakhiwo esikhokha intela uzokwazisa umasipala ikheli langaphakathi kwiRiphabhlikhi okumele kuthunyelwe kulo ama-akhawunti

20.5 Nanoma yisiphi isaziso okudingeka ukuthi sikhishwe ngumasipala ngokwesigaba 20.1 sale mithetho kamasipala kuyothathwa ngokuthi sikhishwe ngendlela efanele

20.5.1 uma sithunyelwe ngeposi eselivele likhokhelwe –

20.5.1.1 ekhelini elanikezwa ngokwesigaba 20.4 sale mithetho kamasipala

20.5.1.2 uma umthetho kamasipala 20.5.1.1 ungasebenzi futhi

sakhiwo singewona umhlaba ongenalutho, ekhelini lesakhiwo elivela embhalweni osemthethweni onemininingwane ngazo zone izakhiwo ezisendaweni ezikhokha intela kamasipala

20.5.1.3 ekhelini elivele laba yikheli lalapho kuhlala khona kumbe ikheli lebhizinisi yomuntu okumele akhokhe inteka kamasipala, ngokwamarekhodi kamasipala, kuzosetshenziswa nanoma iyiphi indlela yokuposa uma kungukuthi ayisebenzi indinyana 20.5.1.1 kanye no-20.5.1.2 yale mithetho kamasipala noma uma isaziso esithunyelwe ngeposi ngokwalezi zindinyana ezibaliwe sibuyiselwe kulowo owayesithumelile.

20.5.2 uma kungukuthi wazile ngaso lowo muntu obekumele anikezwe sona;

20.5.3 uma ungasebenzanga umthetho kamasipala 20.5.1 no-20.5.2 wale mithetho kamasipala, ngokuthi kufakwe ebhodini lezaziso likamasipala, isheduli equkethe igama lomuntu okumele akhokhe intela kamasipala njengalokhu kukhonjiswe embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni ezikhokha intela kamasipala kanye neminingwane edingeka ngokwesigaba 28(1) soMthetho, isikhathi esingaba yizinsuku ezingamashumi amathathu.

20.6 Esimweni lapho isakhiwo esikhokhelwa intela sinabanikazi abangaphezu koyedwa futhi kungukuthi oyedwa wabo noma bobabili kumele bakhokhe intela kamasipala yaleso sakhiwo, Izaziso okudingeka ukuthi zithunyelwe maqondana naleso sakhiwo kuyothathwa ngokuthi zithunyelwe ngendlela efanele uma ziposiwe noma zihanjiswe mathupha ekhelini koyedwa walabo bantu; inqobo nje uma labo bantu bezovumelana bodwa ukuthi yiliphi ikheli okumele kuthunyelwe kulo izaziso kumbe zihanjiswe bukhoma bese bazisa umasipala lolo lwazi njengendlela okuhlinzekelwe ngayo emthethweni kamasipala 21.3

20.7 Nanoma ngubani okumele akhokhe intela kamasipala kdwa engazange ayithole i-akhawunti ebhaliwe angeke axolelwe ekukhokheni isamba asikweletayo ngosuku olubekiwe lokugcina ukukhokha futhi nanoma yisiphi isamba asikweleta emva kwalolo suku siyoba nemali eyinhlawulo ezobizwa njengalokhu kuhlinzekelwe kwinqubomgomo yentela kamasipala;

20.7.1 Uma umuntu okumele akhokhe intela kamasipala engayitholi i-

akhawunti, lowo muntu uzothola ikhophi yaleyo akhawunti emahhovisi kaMasipala, ngaphambi kosuku lokugcina lokukhokhwa kwaleyo akhawunti.

20.7.2 Uma umuntu okumele akhokhe intela kamasipala ewazisile uMasipala ngokushintsha kwekheli lakhe kubandakanya nekheli le-imeyili noma ezinye izindlela zokuxhumana;

20.7.3 Ukushintsha kwekheli okukhulunywe ngakho emthethweni kamasipala 20.7.2. ngenhla kuyoqala ukusebenza ngosuku uMasipala oyothola ngalo ikheli elisha;

20.7.4 Uma umuntu okumele akhokhe intela kamasipala engayitholi i-akhawunti ngenxa yokwehluleka kwakhe ukwazisa umasipala ngokushintsha kwekheli lakhe, lowo muntu kuzodingeka ukuthi ayikhokhe imali ayikweletayo ngosuku okumele ikhokhwe ngalo.

21. UKUBUYISWA KWESIKWELETU SENTELA KAMASIPALA

21.1 UMasipala uzothatha zonke izinyathelo ezifanele ukubuyisa yonke imali yentela ekweletwayo nokumele ikhokhwe kumasipala njengalokhu kuhlinzekelwe eMthethweni Wokuphathwa Kwemali Kamasipala kuHulumeni Wendawo, No.56 wezi-2003 kanye noMthetho Wezinhlalo Zomasipala kuHulumeni Wendawo, No.32 wezi-2000.

21.2 Incwadi ephoqayo izothunyelwa kumnikazi uma i-akhawunti ingakhokhelwe ezinsukwini ezingama-60 nangaphezulu.

21.3 Umasipala unganqamula ukuthumela izidingo kuleso sakhiwo uma umniniso ehluleka ukwenza njengokusho kwencwadi ephoqayo, kungakhathaleki ukuthi umniniso nguye ohlala kuso noma cha.

21.4 Umasipala ungashicilela epephandabeni lendawo uhlu lwabo bonke abehluleka ukukhokha intela kamasipala esikhatini esiyizinsuku ezingama-60 emva kokuba sebethunyelelwe umyalelo wokuba bakhokhe imali abayikweletayo esikhatini esithile, ukwehluleka lapho, kuyobe sekulandelwa inqubo yoMkhandlu yokulawula nokuqoqa izikweletu futhi kufakwe nesicelo enkantolo sokuba sidayiswe lesa sakhiwo endalini yomphakathi lapho kubhidwa khona.

21.5 Uma ingakhokhwa intela kamasipala ngokomthetho kamasipala 21.4 ngenhla, umasipala ungafaka isicelo enkantolo esiveza isamba sentela kamasipala, izinhlawulo kanye nezinye izimali okumele zikhokhwe ezikweletwayo nokuthi zonke izaziso zathunyelwa bese ucela inkantolo ukuba ikhiphe umyalelo wokuthi lesa sakhiwo sidayiswe endalini yomphakathi kuthi imali ezotholakala ikhokhwe enkantolo

bese kuthi yonke imali yentela, izinhlawulo ezidaleke ngosuku lokudayiswa kanye nezindleko zokuthola lowo myalelo.

21.6 Uma kwenzeka ukuthi ngaphambi kokuba sidayiswe isakhiwo, bese kuthunyelwa iSekela lesiKhonzi Senkantolo kumbe omunye umuntu ogunyazw eukuba adayise leso sakhiwo isitifiketi esikhombisa ukuthi yonke imali ebikweletwa uMasipala isikhokhiwe, kuzohixiswa ukudayiswa kwaleso sakhiwo.

21.7 Ngale kokuthi kungenzeka ukuthi yonke imali ebikweletwa ikhokhwe ngaphambi kosuku lokudayiswa, umasipala akezikubhekana nokulahleka noma ukulimala kwalowo ngenxa yokuthi leso sakhiwo besidayiswa uma kungekho sitifiketi esithunyelwe koyiSekela lesiKhonzi Senkantolo kumbe omunye eumuntu.

22. INZALO KANYE NOKUQOQWA KWEMALI EKHOKHWAYO

22.1 Inzalo yayo yonke intela kamasipala ekweletwayo izobizwa ngokoMthetho Wokuphathwa Kwemali Kamasipala kanye noMthetho Wezenhlelo Zomasipala njengalokhu kubekiwe eMthethweni Wokuphathwa Kwemali Kamasipala, No. 56 wezi-2003.

22.2 Ngaphezu kwenzalo ebizwa maqondana nesakhiwo, kunemali yokuqoqa edaleka kanje:

22.2.1 Kusukela ngosuku lokugcina lokusebenza okukhulunye ngalo emthethweni kamasipala 19.2, isamba esimele amaphesenti ayishumi (10%) esamba semali enkulu yentela kamasipala okuyiyonwa ekweletwayo;

22.2.2 Ngesikhathi kukhishwa umyalelo wenkantolo maqondana Nomthetho kamasipala 21.5 wale mithetho kamasipala, esinye isamba esimele amaphesenti ayishumi (10%) esamba semali enkulu yentela kamasipala okuyiyonwa ekweletwayo.

22.3 Lezi zimali ezibizwayo kumele zikhokhwe kuMasipala kanti isamba kumbe ingxenywe yaso njengalokhu kufanelekile singasibuyiswa ngokulandela izinqubo zokubuyiswa kwemali yentela kamasipala.

23. UKULAWULWA KOKWEDLULISELWA KWEZAKHIWO KANYE NEZITIFIKETI ZOKUKHOKHWA KWENTELA

23.1 ISigaba 118 soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi-2000) uhlinzekela ukuthi:

“118(1) Ihhovisi lokubhaliswa kwamatayitela angeke libhalise ukwedluliselwa kwesakhiwo ngaphandle uma kuvezwa isitifiketi esisemthethweni-

(a) *Esikhishwe ngumasipala noma omasipala balapho sikhona isakhiwo; futhi*

(b) *Esiqinisekisa ukuthi yonke imali ekweletwa maqondana naleso sakhiwo okuyimali yezidingo ezilethwa ngumasipala, imali ekhokhwayo, intela kamasipala kanye nezinye izintela zikamasipala ezibizwayo eminyakeni emibili eyandulela usuku lokusetshenziswa kwesitifiketi ikhokhwe yonke.*

(1A) isitifiketi esisemthethweni esikhishwa ngumasipala ngokwesigatshana (1) siba semthethweni isikhathi esiyizinsuku ezingama-60 kusukela osukwini lokukhishwa kwaso.

(2) Esimweni lapho ilungu e-Trust ledlulisela khona isakhiwo umnikazi osehluleka ukusikhokhela ngenxa yokungabi namali ngokusemthethweni, izihlinzekelo zalesi sigaba zizoya ngokwesigaba 89 soMthetho Wokungabi Namali Ngokusemthethweni, we-1936 (uMthetho No. 24 we-1936).

(3) Imali yemisebenzi enikezelwa ngumasipala ekweletwayo, izimali ezibizwayo kanye nezinye izintela zikamasipala ezibizwa kuleso sakhiwo maqondana nemali ekweletwayo yizona ezizobhekela kuqala kunemali ebolekelwe ukuthenga lesa sakhiwo.

(4) Isigatshana (1) asisebenzi –

(a) Ekwedluliselweni okwenziwa esakhiweni sikahulumeni kazwelonke, sikahulumeni wesifundazwe noma sikamasipala esihlalisa abantu esaxhaswa ngemali kumbe imalimboleko eyakhishwa nguhulumeni kazwelonke, owesifundazwe kumbe umasipala; futhi

(b) Nakubunikazi obusemthethweni ngenxa yokuguqulwa kwelungelo lobunikazi bomhlaba libe ngubunikazi ngokweSahluko 1 soMthetho Wokwenziwa Ngcono Kwamalungelo Obunikazi Bomhlaba, we-1991 (uMthetho No. 112 we-1991);

Inqobo uma kungekho okukulesi sigatshana okuvimbela ukuthi umasipala abuye aqoqe nanoma iyiphi imali ekweletwayo maqondana naleso sakhiwo ngesikhathi kwenziwa lokho kwedluliselwa kumbe ukuguqulwa.

(5) ISigatshana (3) asisebenzi kunoma iyiphi imali okukhulunywe ngayo kuleso sigatshana ekweletwa ngaphambi kokwedluliselwa kwesakhiwo okuhlalwa kuso noma ukuguqulwa kwelungelo lobunikazi libe ngubunikazi njengalokhu kuningwe esigatshaneni (4).”

23.2 Izihlinzekelo zesigaba 118 soMthetho Wezinhlalo kumele zilandelwe ngaso sonke isikhathi.

23.3 Yizicelo ezigcwaliswe ngokuphelele efomini elisemthethweni futhi ezihambisana nemali ebekiwe njengalokhu kubhalwe kwirejista yezintela ezikhokhwayo kuphela eziyosetshenzwa.

23.4 Esimweni lapho ukusetshenziswa kwezidingo esakhiweni kuhlawnjiselwe isikhathi esiyizinsuku ezingaphezu kwama-60 futhi kudingeka isitifiketi sokukhokhwa kwentela ngokwesigaba 118 soMthetho Wezinhlalo, umnikazi kumele athumele izinombolo

zamamitha athintekayo njengalokhu kudinga uMasipala ukuze kuqinisekiswa ukuthi yonke imali ekweletwayo ngokwesigaba 118 iyakhokhwa.

23.5 Esimweni lapho kube nokuchitshiyelwa kwentengo noma ukusetshenziswa kwesakhiwo kusalindwe ukuthi kube nezinguquko embhalweni osemthethweni wokuchibiyela onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala, yonke imali ekweletwayo kumele ikhokhwe ukuze kucaciswe konke maqondana nezinsuku abengasebenzi ngazo njengokusho kwesigaba 78 soMthetho wentela Kamasipala

24. UKUHLOLA KOKUCHIBIYELA KANYE NOKULUNGISWA KWENTELA KAMASIPALA KWESIKHASHANA

24.1 NgokweSigaba 78 soMthetho;

(1) *Umasipala kumele, uma kunesidingo, uyalele ukuba kwenziwe ukuhlola kokuchibiyela maqondana nesakhiwo esikhokha intela kamasipala-*

- (a) *eseqeke ngephutha embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala;*
- (b) *esiyingxenywe kamasipala emva kokukuhlolwa kokugcina;*
- (c) *esehlukaniswe noma esihlanganiswe emva kokwenziwa kokuhlolwa kokugcina;*
- (d) *intengo yaso ngokwezimakethe isgcine yakhuphuka kumbe yehla ngezizathu ezithile emva kokukuhlolwa kokugcina;*
- (e) *okugcine kuvelile ukuthi sanikwa intengo engesiyo ngesikhathi kuhlolwa okokugcina;*
- (f) *okumele kubuyezwe intengo yaso ngenxa yanoma yisiphi esinye isizathu; noma*
- (g) *osekushintshe umkhakha esingaphansi kwawo.*

(2) *maqondana nesigatshana (1), kusebenza izihlinzekelo seSahluko 2 seSahluko 4 kanye neZahluko 5, 6 no-7, zifundwa nezinguquko ezifanele njengokwengqikithi, ngaphandle uma-*

- (a) *oklama intengo kumasipala okunguyena owenza umbhalo osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala angagunyazwa ukuba enze futhi agcwalise umbhalo osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala; futhi*
- (b) *umbhalo wokuchibiyela osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala uqala ukusebenza ngosuku lokuqala lwenyanga emva kokuphela kwesikhathi sokuhlola somphakathi esidingekayo ngokombhalo wokuchibiyela osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala ngokwesigaba 49 (njengalokhu sifundwa nalesi sigaba), futhi silokhu sisemthethweni ngokwesikhathi sombhalo kamasipala wangaleso sikhathi osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala.*

(3) ukuhlola kokuchibiyela kumle kuveze intengo yesakhiwo ngokwezimakethe enqunywe ngokuhambisana-

(a) nesimo ezimakethe esisebenzayo ngosuku lokuhlolwa zinqunyelwa inhloso yokuhlola kokugcina kukamasipala; kanye

(b) nanoma yiziphi ezinye izihlinzekelo ezisebenzayo zalo Mthetho.

(4) Intela kamasipala yezakhiwo encike ekuhlolweni kwalezo zakhiwo embhalweni wokuchibiyela osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala ikhokhwa kusukela -

(a) ngosuku okuqalisa ngalo ukusebenza kombhalo wokuchibiyela osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala, esimweni lapho kuyisakhiwo okukhulunywe ngaso esigatshaneni (1) (a), (e) noma (f);

(b) ngosuku lesa sakhiwo esafakwa ngalo ngaphansi kukamasipala, esimweni lapho kuyisakhiwo okukhulunywe ngaso esigatshaneni (1) (h);

(c) ngosuku okwabhaliswa ngalo ukwehlukani noma ukuhlukaniswa kwesakhiwo eHhovisi Lamatayitela, esimweni lapho kuyisakhiwo okukhulunywe ngaso esigatshaneni (1)(c);

(d) ngosuku okwenzeke ngaso isigameko okukhulunywe ngaso esigatshaneni (1)(d) noma

(e) ngosuku okwenzeke ngalo ukushintshwa komkhakha okukhulunywe ngakho esigatshaneni (1)(g).

25. UKUQINISWA KWEMINYE IMITHETHO

Ngaphezu kwezihlinzekelo eziqokethwe kule mithetho kamasipala, uMkhandlu ungaqinisa nanoma yiliphi ilungelo kumbe usebenzise amandla onawo owanikwa nguMthetho Wezinhlelo zomasipala, wezi-2000 (No. 32 wezi-2000), uMthetho Wentela Kamasipala Yezakhiwo, wezi-2004 (uMthetho No. 6 wezi-2004) kanye noMthetho Wokuphathwa Kwemali Kamasipala, wezi-2003 (uMthetho No. 56 wezi-2003) kanye nanoma yimiphi eminye imithetho esebenzayo.

26. UKUCHITHWA KWEMITHETHO KAMASIPALA YAPHAMBILINI

26.1 IMithetho Yentela Kamasipala eyashicilelwa ngaphansi kweSaziso No. 97 mhla zingama-25 kuNhlangulana wezi-2009 lapha iyachithwa.

27. UKUSETSHENZISWA KOMTHETHO WENTELA KAMASIPALA YEZAKHIWO, NO. 6 WEZI-2004 KANYE NOMTHETHO OCHITSHIYELWE WENTELA KAMASIPALA

YEZAKHIWO, NO. 29 WEZI-2014

27.1 Akukho okulapha okuyochazwa ngendlela eyehlukile ezihlinzekelweni zoMthetho Wentela Kamasipala Yezakhiwo, No.6 wezi-2004 kanye nanoma yiziphi izichibiyelo zawo.

27.2 UMasipala, kusukela mhla lulu-1 kuNtulikazi wezi-2015 kumele uhambisane futhi usebenzise izihlinzekelo zoMthetho Wentela Kamasipala Yezakhiwo, No.29, wezi-2014, phakathi kokunye obandakanya izihlinzekelo okukhulunywe ngazo emthethweni kamasipala 27.3 – emthethweni kamasipala 27.6.

27.3 IZigaba 17 kuya ku-20 zoMthetho Wentela Kamasipala Yezakhiwo, No. 6, wezi-2004, zizofundwa kanje kusukela mhla lulu-1 kuNtulikazi wezi-2015:

17. Enye intela engavumelekile

(1) Umasipala angeke ayibize intela-

(a) kuya ngokwendima (aA) kuma-30% okuqala entengo yengqalasizinda yemisebenzi kahulumeni ngokwezimakethe;

(aA) kunoma yisiphi isakhiwo okukhulunywe ngaso ezindimeni (a), (b), (e), (g) no-(h) zencazelo “yengqalasizinda yemisebenzi kamasipala;

(b) kunoma yiyiphi ingxenye yosebe lolwandle njengalokhu kuchaziwe eMthethweni Kazwelonke Wokulawulwa Kwezemvelo: Ukulawula Okudiidyele Kwezindawo Ezigudle Ugu, wezi-2007 (uMthetho No. 24 wezi-2008);

(c) kunoma yiyiphi ingxenye yogu lweRiphabhlikhi njengalokhu lunqunywe ngokoMthetho Wezindawo Ezisemanzini, we-1994 (uMthetho No. 15 we-1994);

(d) kunoma yisiphi isiqhingi sikahulumeni, kubandakanya ama-Prince Edward Island pkukhulunywe ngawo eMthethweni i- Prince Edward Islands, we-1948 (uMthetho No. 43 we-1948);

(e) kulezo zingxenye zesiqiwi esikhethekile, ipaki likazwelonke noma isiqiwu ngokwencazelo yoMthetho Wokulawulwa Kwezemvelo: Nezindawo Ezivikelekile, wezi-2003 (uMthetho No. 57 wezi-2003), noma zengadi yezimbali kazwelonke egadiwe yezokungcebeleka ngokwencazelo yoMthetho Kazwelonke Wezokulawulwa Kwemvelo maqondana nezitshalo nezilwane, wezi-2004 (uMthetho No, 10 wezi-2004), ezingathuthukisiwe kumbe ezisetshenziselwa ukuhweba, ibhizinisi, ezolimo noma ukukhlalisa abantu;

(f) kulawo malungelo ezezimayini kumbe imvume yokuqhuba imayini ngokwencazelo yoMthetho Wezothuthukisa Okumbiwa Phansi kanye Nowoyela, wezi-2000 (uMthetho No. 28 wezi-2002), akubandakanyi nanoma yisiphi isakhiwo, esinye isakhiwo esingagadluzeki kanye nengqalasizinda esemhlabeni ongaphezu kwemayini edingekela ukwenza imisebenzi yemayini;

(g) esakhiweni okungesomuntu owahlumula ngokubuyiselwa umhlaba noma indlalifa yakhe,

abantu abondlayo noma ashade naye, inqobo nje uma lokhu kungabandakanyeki kuphelelwa yisikhathi-

(i) eminyakeni eyi-10 kusukela osukwini okwabhaliwa ngalo itayitela egameni lalowo ohlumule ngokubuyiselwa umhlaba ehhovisi lokuBhaliswa Kwamatayitela; noma

(ii) ngesikhathi kwehlukaniwa isakhiwo yilowo ohlomule ngokubuyiselwa umhlaba, indlalifa yakhe, abondlayo kumbe ashade naye;

(h) kuma-RI5 000 okuqala entengo ngokwezimakethe yesakhiwo esifakwe embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni ezikhokha intela kamasipala kumbe embhalweni wokuchibiyela kamasipala ngokomkhakha onqunywe ngumasipala -

(i) ukuthi sibe ngesihlalisa abantu; noma

(ii) saba yizakhiwo ezisetshenziselwa izinto eziningi, inqobo nje uma indlu nom aizindlu zaleso sakhiwo zisetshenziselwa ukuhlalisa abantu; noma

(h) ezakhiweni ezibhaliswe egameni futhi ezisetshenziselwa kuphela ukuba yindawo yokukhonzela ngamakholwa, kubandakanya ukuhlala ngokusemthethweni okubhaliswe egameni lalawo makholwa okuhlala kuzo isiphathimandla okuyisona esibhekela ukuqhubeka kwezinkonzo kuleyo ndawo yokukhonzela.

(1A) ukushiywa ngaphandle ekukhokheni intela kamasipala kwesakhiwo okukhulunywe ngaso esigatshaneni (1) (b) kuphelelwa yisikhathi-

(a) uma isakhiwo eshlukaniwe noma siqashisile: noma

(b) uma ukushiywa ngaphandle ekukhokheni intela kamasipala kwaleso sakhiwo sekuphelelwe yisikhathi ngokwendima (a), uma umnikazi omusha noma oqashile sekunguye okumele akhokhe intela kamasipala kumasipala othintekayo, uma kungayi ngokwesigatshana (1)(b), kumele akhokhe, ngale kwesigaba 78, kusukela ngosuku okwehlukaniwe ngalo kumbe okuqashiswe ngalo.";

(2) (a) ukushiywa ngaphandle ekukhokheni intela kamasipala kwesakhiwo okukhulunywe ngaso esigatshaneni (1)(e) kuphelelwa yisikhathi uma kuhoxiswa ngokoMthetho osebenzayo obalulwe kuleso sigatshana isimemezelo sokuthi leso sakhiwo siyisiqiwi esikhethekile, ipaki elukhulu likazwelonke, isiqiwi noma yingadi yezimbali egadiwe yezokungcebeleka.

(b) (i) uma isakhiwo okuhoxiswe isimemezelo maqondana naso sinomnikazi waso, umnikazi, ngesikhathi kuhoxiswa isimemezelo, kuba nguye okulindeleke ukuthi akhokhe intela kamasipala kulowo masipala othintekayo, uma kungayi ngokwesigatshana (1)(e), kumele akhokhe, ngale kwesigaba 78, kusukela ngosuku okwehlukaniwe ngalo kumbe okuqashiswe ngalo;

(ii) uma isakhiwo sasimenyenzelwe saba yindawo evikelekile emva kosuku lokuqala kokusebenza kombhalo osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni ezikhokha intela kamasipala, intela kamasipala ikhokhwa kuphela kusukula ngosuku lokumenyenzelwa kwaleso sakhiwo.

(c) isamba okugcina kulindeleke ukuba sikhokhwe ngumnikazi ngokwendima (b) kumele sithathwe ngokuthi yintela kamasipala ekweletwayo, futhi inzalo yakhona kumele ikhokhwe kumasipala.

(d) Izindima (b) no-(c) zisebenza kuphela uma sihoxisiwe isimemezelo ngaleso sakhiwo

ngenxa-

(i) yesinqumo somnikazi wesakhiwo sokuthi ahoxe ngezizathu ezithile esivumelwaneni ayengene kuso yena nohulumeni ngokoMthetho Wezindawo Ezivikelekile, nangokuthi ekuqaleni umnikazi wayevumile ukuthi isakhiwo simenyezwe ngokuthi siyindawo evikelekile; noma

(ii) yesinqumo esithathwa nguhulumeni sokuhoxa kuleso sivumelwano ngenxa yokwephulwa kwaso ngumnikazi wesakhiwo.

(3) UNgqongqoshe, esebenzisana noNgqongqoshe Wezezimali, bangakhipha isaziso kwiGazethi izikhathi ngezikhathi, sokukhuphula isilinganiso semali okukhulunywe ngayo esigatshaneni (1)(h) ukuveza ukwehla nokwenyuka kwamandla emali.

(4) UNgqongqoshe, , angehlisa amaphesenti okukhulunywe ngawo esigatshaneni (1) (a), ngokuthi akhiphe isaziso kwiGazethi kodwa angakwenza lokho kuphela emva kokuxoxisana-

- (a) namalungu athintekayo eKhabhinethi abhekele imikhakha ethile kwingqalasizinda yemisebenzi kahulumeni;
- (b) nezinhlaka zohulumeni bendawo; kanye
- (c) nezinhlaka ezithintekayo zengqalasizinda yemisebenzi kahulumeni.

(5) (a) Ukushiywa ngaphandle kwezakhiwo ekukhokheni intela kamasipala okukhulunywe ngakho esigatshaneni (1) (i) kuphelelwa yisikhathi uma lezo zakhiwo-

(i) sezilahliwe ngamakholwa obekungezawo; noma

(ii) zingasasetshenziselwa ukuthi zibe yindawo yomphakathi yokukhonzela kumbe esimweni sendawo yokuhlala esemthethweni njengokuninga kwalesi sigatshana, ingasasetshenziselwa ukuba yindawo yokuhlala esemthethweni.

(b) Uma ukushiywa ngaphandle ekukhokheni intela kamasipala kwezakhiwo ezisetshenziselwa ukuba yindawo yokuhlala esemthethweni kuphelelwa yisikhathi, amakholwa angabanikazi bazo yiwona abhekana nomasipala maqondana nokukhokhwa kwentela, uma kungahanjiswanga ngokwesigatshana (1) (i), kungamele ikhokhelwe lesi sakhiwo, ngale kwesigaba 78 isikhathi esingangonyaka owandulela usuku lokho kushiywa ngaphandle kuphelelwa yisikhathi.

(c) Isamba esigcina sesikweletwa ngamakholwa ngokwesindima (b) sithathwa ngokuthi yintela kamasipala ekweletwayo futhi inzalo yaso ikhokhwa kumasipala.

18. Ukukhululwa komasipala ezihlinzekweni zesigaba 17

(1) Umasipala ungafaka isicelo esibhaliwe kuNgqongqoshe sokukhululwa endimeni (a), (e), (g) noma (h) yesigaba 17(1) uma uzokwazi ukuveza ukuthi ukukhululwa kwawo maqondana nalezi zindima kuphazamisa indlela kumbe ilungelo lawo lokusebenzisa amandla onawo noma ukwenza umsebenzi wawo njengalokhu ucazwe esigabeni 151(4) soMthethosisekelo.

(2) Nanoma yikuphi ukukhululwa okwenziwa nguNgqongqoshe ngokwesigatshana (1)-

(a) kumele kubhalwe phansi; futhi

(b) kuzoya ngokwemikhawulo nezimo njengokunquma kukaNgqongqoshe.

19. Ukwehlukaniswa okungavumelekile

(1) Umasipala ngeke ubize-

(a) intela eyehlukile ezakhiweni zokuhlala, ngaphandle uma kuhlinzekelwe esigabeni 11(2), 21 no-89A: Inqobo nje uma le ndima ingasebenzi ezakhiweni zokuhlala ezingenamuntu;

(b) intela emkhakheni wezakhiwo okungezona zokuhlala ezeqile esilinganisweni sezakhiwo zokuhlala esinqunywe ngokwesigaba 11(1) (a): Inqobo nje uma lesi silinganiso esehlukile sibekwe maqondana nomkhakha owehlukile wezakhiwo ezingezona zokuhlala;

(c) intela edala omkhulu umehluko emikhakheni yezakhiwo okungezona zokuhlala; noma

(d) intela kamasipala eyengeziwe njengalokhu kuhlinzekelwe esigabeni 22.

(2) Isilinganiso okukhulunywe ngaso esigatshaneni (1) (b) singaya ngokwemithetho namazinga amisiwe futhi angamiswa kuphela ngokuvuma kukaNgqongqoshe Wezezimali.

20. Imikhawulo ekwenyukeni kwentela kamasipala njalo ngonyaka

(1) UNgqongqoshe ngokuvumelana noNgqongqoshe Wezezimali, ngokukhipha isaziso kwiGazethi bangamisa umkhawulo ophezulu ngokwamaphesenti okumele ukuthi -

(a) intela kamasipala emikhakheni yezakhiwo noma isilinganiso emikhakheni yezakhiwo ekhethekile sinyuswe ngawo; noma

(b) isamba semali engenayo etholakala emalini yentela kamasipala kuyo yonke imikhakha yezakhiwo noma isilinganiso emikhakheni yezakhiwo ekhethekile sinyuswe ngawo.

(2) kungamiswa imikhawulo ehlukeni ngokwesigatshana (1)-

(a) yezinhlobo ezahlukene zomasipala ezingachazwa esazisweni maqondana nohlobo lomkhakha noma ngokobungako besabelomali kamasipala kumbe nanoma yiyiphi enye indlela ukuze kufezeke izinhloso zalesi sigaba, noma (b) imikhakha ehlukeni yezakhiwo ngokwesigaba 19.

(2A) UNgqongqoshe ngokuvumelana noNgqongqoshe Wezezimali, nangokwesaziso okukhulunywe ngaso esigatshaneni (1), bangenza ukuthi kungasheshi ukuqala kokusebenza kwemikhawulo, isikhathi esiyonqunywa esazisweni futhi nangokwezinhlobo ezahlukene zomasipala ezichazwe ngokwesigatshana (2)(a).

(3) UNgqongqoshe, angakhulula umasipala emikhawulweni emiswe ngokwesigatshana (1) uma ethola isicelo esibhaliwe salowo masipala.

(4) Lesi sigaba kumele sifundwe nesigaba 43 soMthethi Wokuphathwa Kwemali Kamasipala.

27.4 ISigaba 25 soMthetho Wokuchitshiyelwa Kwentela Kamasipala Yezakhiwo, No.29 wezi-2014 sifundeka kanje:

Inkokhelo yentela kamasipala esakhiweni esingaphansi kohlelo lokwehlukaniswa kwamatayitela

(1) Intela ebizwa ngumasipala ezindlini ezihlukanise amatayitela ikhokhwa ngumnikazi wendlu noma umnikazi welungelo okuningwe ngalo esigabeni 25 noma 27 soMthetho Wokwehlukaniswa Kwamatayitela.

(2) Umasipala angeke ubuyise intela yendlu ehlukanise itayitela noma elungelweni okuningwe ngalo esigabeni 25 noma 27 soMthetho Wokwehlukaniswa Kwamatayitela

ngokuthi sehlukanise itayitela noma ingxenye yaleyo ntela ngokukhokhisa isigungu esilawula uhlelo lokwehlukani kwanamatayitela, ngaphandle uma lesi sigungu singabanikazi balezo zindlu kumbe kuyise esinalelo Lungelo.

(3) Isigungu esilawula uhlelo lokwehlukani kwanamatayitela angeke siqoqe imali yentela kamasipala kubanikazi bezindlu ezingaphansi kwalolu hlelo.

(4) Lesi sigaba kumele sifundwe uma kuya ngokwesigaba 92.

27.51 Sigaba 26 soMthetho Wokuchithshiyelwa Kwentela Kamasipala Yezakhiwo, No.29 wezi-2014 sifundeka kanje:

- (1) Umasipala uma kunesidingo, kumele uyalele ukuba kwenziwe umbhalo wokuchibiyela onemininingwane yazo zonke izakhiwo ezisendaweni ezikhokha intela kamasipala maqondana nezakhiwo okumele zikhokhe intela kamasipala -*
- (a) eseqeke ngephutha embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala;*
- (b) esiyingxenye kamasipala emva kokukuhlolwa kokugcina;*
- (c) esehlukaniswe noma esihlanganiswe emva kokwenziwa kokuhlolwa kokugcina;*
- (d) intengo yaso ngokwezimakethe isgcine yakhuphuka kumbe yehla ngezizathu ezithile emva kokukuhlolwa kokugcina;*
- (e) okugcine kuvelile ukuthi sanikwa intengo engesiyo ngesikhathi kuhlolwa okokugcina;*
- (f) okumele kubuyekwezwe intengo yaso ngenxa yanoma yisiphi esinye isizathu;*
- (g) osekushintshe umkhakha esingaphansi kwawo; noma*
- (h) intengo eyayirekhodeke ngokuyeyikho embhalweni osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala ngenxa yephutha lalowo owayebhala.*
- (2) Ukuze kufezekwe izinhloso zesigatshana (1), kusetshenziswa izihlinzekelo zeNgxenye 2 ywSahluko 4 neSahluko 5 bese kuba yiZahluko 5, 6 , 7, zifundwa nezinguquko ezifanele ngokwengqikithi, ngaphandle uma-*
- (a) umhloli kamasipala okunguyena owenza umbhalo osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala angagunyazwa ukuba enze aphinde agcwalise umbhalo wokuchibiyela osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala; futhi*
- (b) ukuhola kokuchibiyela kuba semthethweni uma umbhalo kamasipala osemthethweni onemininingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala usasemthethweni.*
- (3) ukuhlola kokuchibiyela kumele kuveze intengo yesakhiwo ngokwezimakethe enqunywe ngokuhambisana-*
- (a) nezimo zezimakethe ezisebenzayo kusukela ngosuku okunqunywe ngalo ukuhlola ukuze kufezekiswe izinhloso zokuhlolwa kokugcina kukamasipala; kanye*
- (b) nazo zonke ezinye izihlinzekelo ezisebenzayo zalo Mthetho.*
- (4) Intela kamasipala yesakhiwo eya ngokuhlolwa kwaleso sakhiwo ekuhloleni kokuchibiyela iyaye ilindeleke ukuthi ikhokhwe kusukela –*

- (a) ngosuku lokuqala lwenyanga emva kokuba kade kufakwe isaziso okuningwe ngaso esigatshaneni (5) uma kuyisakhiwo okukhulunywe ngaso esigatshaneni (1) (a) noma (f);
- (aA) ngosuku lokuqala lwenyanga emva kokuba kade kufakwe isaziso okuningwe ngaso esigatshaneni (5) uma kuyisakhiwo okukhulunywe ngaso esigatshaneni 1 (a), (e), (f) noma (h): Inqobo nje uma esimweni sokwehla kwentengo yesakhiwo okukhulunywe ngaso esigatshaneni 1(e), intela izokhokhwa ngosuku lesa sakhiwo esanikezwa ngalo intengo engesiyiyo kumbe owayebhala enza ngolo iphutha;
- (b) ngosuku isakhiwo esafakwangalo ngaphansi kukamsipala, uma kuyisakhiwo okukhulunywe ngaso esigatshaneni (1) (b);
- (c) ngosuku okwabhaliswa ngalo ukwehlukani noma ukuhlunganiswa kwesakhiwo eHhovisi Lokhishwa Kwamatayitela, uma kuyisakhiwo okukhulunywe esigatshaneni (1) (c);
- (d) ngosuku okwenzeka ngalo isigameko okukhulunywe ngaso esigatshaneni (1) (d);
- (e) ngosuku okwashintshwa ngalo umkhakha okukhulunywe ngakho esigatshaneni (1) (g).
- (5) (a) Umhloli kamasipala kumele kuthi makuphothulwa ukuhlolwa kokuchibiyela okuningwe esigabeni (1) (a) kuya ku- (g), emva kokulungiswa okuningwe esigatshaneni 1(h), athumele imiphumela yalokho kuhlolwa kokuchibiyela kumbe izilungiso okingwe ngazo ezigatshaneni (1)(g) no-(h), ngeposi elijwayelekile noma uma kunesidingo, ngokuhambisana nesigaba 115 somthetho Wezinhlelo Zomasipala, kuwo wonke umnikazi wesakhiwo esithintekile kulokhu kuhlolwa kokuchibiyela okuningwe esigatshaneni (1)(a) kuya ku-(g) kanye nezilungiso okuningwe ngazo esigatshaneni (1)(h), isaziso esiveza ukuhlolwa kokuchibiyela kwesakhiwo noma ukulungiswa kwaso kanjalo neminingwane ebalwe esigabeni 48(2);
- (b) Isaziso okukhulunywe ngaso endimeni (a) kumele sazise umnikazi wesakhiwo ukuthi kumele afake isicelo sokubuyekeza esibhaliwe asithumele koyiMenenja kaMasipala ezinsukwini ezingama-30 emna kokufakwa kwesaziso maqondana nodaba oluvezwa wukuhlolwa kokuchibiyela;
- (c) Umhloli kamasipala angalungisa ukuhlolwa ngokubhekela isicelo sokubuyekezwa okuningwe ngaso endimeni (b).
- (6) Umasipala kumele okungenani kanye ngonyaka, uhlanganise futhi ushicilele umbhalo osemthethweni oneminingwane yazo zonke izakhiwo ezisendaweni eyenganyelwe ngumasipala ezikhokha intela kamasipala okwenziwe kuzo ukuhlolwa kokuchibiyela njengalokhu kuningwa esigatshaneni (1), kubandakanya nezinqumo okukhulunywe ngazo esigatshaneni (5)(b), uwenze uvuleleke emphakathini futhi utholakale ukuze uhlolwe ngendlela ehlinzekelwe esigabeni 49.

wezi-2014 sifundeka kanje:

(1) *Ukunqatshelwa kokubizwa kwentela kamasipala kwingqalasizinda yemisebenzi kahulumeni okukhulunywe ngakho esigabeni 17 (1) (aA) kumele kufakwe isikhathi esiyiminyaka emihlanu yezimali kumasipala, kusukel angosuku lokuqalisa kokusebenza kwalo Mthetho.*

(2) *Intela kamasipala ebizwa esakhiweni okukhulunywe ngayo esigatshaneni (1) kumele—*

(a) *onyakeni wokuqala, ingabi ngaphezu kwamaphesenti angama-80 entela yalowo nyaka esuke iqondene naleso sakhiwo;*

(b) *onyakeni wesibili, ingabi ngaphezu kwamaphesenti angama-60 entela yalowo nyaka esuke iqondene naleso sakhiwo;*

(c) *onyakeni wesithathu, ingabi ngaphezu kwamaphesenti anama-40 entela yalowo nyaka esuke iqondene naleso sakhiwo;*

(d) *onyakeni wesine, ingabi ngaphezu kwamaphesenti angama-20 entela yalowo nyaka esuke iqondene naleso sakhiwo;*

; and

(e) *onyakeni wesihlanu, ingabi ngaphezu kwamaphesenti angama-10 entela yalowo nyaka esuke iqondene naleso sakhiwo;*