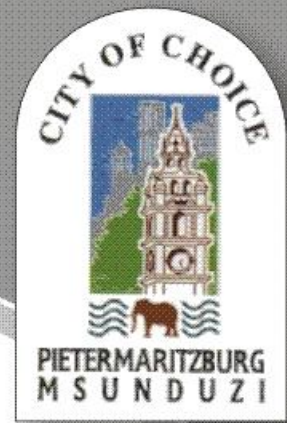


The Msunduzi Municipality



IMITHETHO KAMASIPALA EMAYELANA NEMITHETHO YEMITYALELO

ISENDLALELO

NJENGALOKHU lelo nalelo khansela likamasipala kumele likuqonde ukuthi ngaso sonke isikhathi umsebenzi omqoka kahulumeni wasekhaya ngukufezekisa izidingo zomphakathi, kumele lizinikele ekutheni uhulumeni wasekhaya usebenze ngempumelelo nangokwentando yabantu, kumele likhuthaze inhlonipho kanye nokubaluleka kwezinsiza ezinikezelwa nguhulumeni wasekhaya futhi lihlale lisesimweni esakhayo, esikhombisa ubuchule bokuqhamuka nokusha kanye nesivumela ukuba izinto zenzeke kuhulumeni wasekhaya kanjalo nokuzibophezela okukhulu emphakathini njengalokhu likhethiwe ukuba limele abantu, kumele lizinikele emibonweni yenhlonipho nobuqotho kubona bonke ubudlelwano elinabo nomphakathi nobalo uqobo ukuze umphakathi, izikhulu zikamasipala kanye nabasebenzi bezobona kufanelekile ukuba batuse inhlonipho kanye nokulethemba ikhansela njengalokhu likhethiwe, kumele lihlele futhi lifezekise izimpokophelo zomphakathi futhi lisekele izinqubomgomo zikamasipala, kumele ligweme ukugxambukela ekuphathweni kwehhovisi likamasipala nokunye okuthinta ezepolitiki okuzokhinyabeza ukusebenza kwalo njengalokhu lingelikhethiwe ukuba limele abantu, kumele likwenze kube ngumsebenzi walo ukuhlale lizithuthukisa ngokwemfundo futhi lithuthukise namakhono adingekayo ekwenzeni imisebenzi yobukhansela, kumele lihlale liwazisa umphakathi ngezindaba ezithinta umasipala, kumele ligqugquzela ukuxhumana futhi likhuthaze ukusebenzela umphakathi ngendlela enokuzwana futhi enesizotha emphakathini kanye nokuzama ukwenza ngcono ubunjalo kanye nesithombe samakhansela kamasipala, kumele libhekane nenselelo ngayinye ngale kokucwasa futhi lilandele imigomo yobulungiswa nokungenzeleli, kumele lingafuni nalo ukwenzelelwa futhi likuvume ukuthi ukuzinithisa noma inzuzo umuntu ayithole ngokwesikhundla sokuba yikhansela isho ukungathembeki, kumele lihambisane neNdelela Yokuziphatha Yamakhansela, lithobele imithetho nemiyalelo engenakuguqulwa nemithetho kamasipala futhi ngaso sonke isikhathi lihloniphe ukusebenza komthetho;

NGAKHO –KE MAKUPHISISWE UMTHETHO NGUMKHANDLU KAMASIPALA UMSUNDUZI, KANJE:-

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IS AHLUKO 1 IZINCAZELO ZAMAGAMA

IZINCAZELO ZAMAGAMA

Kule Mithetho kaMasipala nanoma yiliphi igama kumbe inkulumo iyoba nencazelo enikezwe yona emthethweni ofanele, ngaphandle uma ingqikithi ikhomba okunye–

“**Ukuphutha**”, maqondana nomhlangano womkhandlu kusho ukuphutha ngaphandle kokuthola ilivu yokuhambela umhlangano.

“**Ukuchibiyela isiphakamiso**” kusho ukwenza inguquko encane esiphakamisweni ngaphandle kokushintsha incazelo kumbe okuhloswe yisiphakamiso.

“**Umthetho kamasipala**” kusho umthetho oshaywe ngumkhandlu kamasipala;

“**Usihlalo**” kusho ikhansela elikhethwe ukuba lisebenze ngokugcwele noma njengebamba ukuba lilawule futhi liphathe nanoma yimuphi umhlangano wekomidi lomkhandlu;

“**UMkhandlu**” kusho umkhandlu kaMasipala uMsunduzi;

“**Ikomidi ngaphakathi eMkhandlwini**” kusho ukuthi uMkhandlu, ngesikhathi sezingxoxo unganquma ukuthi uhlale njengekomidi ezimweni lapho kuzodingidwa izindaba eziyimfihlo noma ezithinta umthetho kumbe ezimweni lapho, ngokubona kweningi lamalungu oMkhandlu, ukuba khona kwabezindaba noma amalungu omphakathi kungavimbela ukuba kuxoxwe ngokukhululeka ngalolo daba olucutshungulwayo.

“**INdlela Yokuziphatha**” kusho iNdlela Yokuziphatha yamaKhansela equkethwe kuSheduli 1 eMthethweni weziNhlelo;

“**Imininingwane yokuxhumana**” kusho ikheli lendawo ohlala kuyo, ikheli leposi, ikheli le-imeyili, inombolo yocingo, inombolo yefeksi kanye nenombolo yeselula;

“**Usuku lwekhalenda**” kusho usuku olunamahora angamashumi amabili nane njengalokhu luvela kwikhalenda; denote

“**Ikhansela**” kusho ilungu lomkhandlu kamasipala;

“**Usuku**” kusho nanoma yiluphi usuku olujwayelekile ngaphandle kwangoMgqibelo, iSonto kumbe iHolide, ngaphandle uma kushiwo ngenye indlela;

“**Ikomidil Eliphezulu**” kusho ikomidi eliphezulu lomkhandlu elisungulwe ngokwesigaba sama- 43 soMthetho weziNhlaka;

“**Incazelo**” kusho ukucacisa ngengxenye ethile esenkulumweni ekade yethulwa yikhansela okungenzeka ukuba ayiqondakalanga kahle;

“Ikomidi langaphakathi” kusho nanoma yimuphi umhlangano womkhandlu kumbe umhlangano wekomidi lapho umphakathi kanye/ noma abasebenzi bakamasipala bengadingakali;

“Uhlelo lwentuthuko edidiyele” kusho uhlelo olulodwa, olufaka phakathi okuningi futhi olunesu lokuthuthukiswa kukamasipala nolusetshenziswa ngokwesahluko sesi- 5 soMthetho weziNhlelo;

“Imeya” kusho ikhansela eliqokwe ukuba libe yimeya kamasipala ngokwesahluko sama- 48 soMthetho weziNhlelo;

“Umhlangano” kusho umhlangano womkhandlu kumbe welinye lamakomidi awo;

“Impahla kamasipala” kusho nanoma iyiphi impahla enokususwa, engenakususwa, ethintekayo, engathinteki, ebambekayo, engabambeki, engekamasipala;

“Imenenja kamasipala” kusho umuntu oqashwe wayimenenja kamasipala ngokwesigaba sama- 82 soMthetho weziNhlaka futhi kubandakanya nanoma yimuphi umuntu obambile kuleso sikhundla;

“Isaziso sesiphakamiso” kusho indlela esetshenziswayo amakhansela angaletha ngayo udaba ohlelweni lwezinto ezizodingidwa emhlanganweni womkhandlu ngokomthetho wama - 23;

“Isaziso sombuza” kusho indlela esetshenziswayo amakhansela angabeka ngayo umbuzo odinga impendulo ebhaliwe ngokuhambisana nomthetho wama- 24;

“Isikhulu Esibhekelela Ukuthula” kusho nanoma yimuphi umuntu omenyezwe ngokuthi yiSikhulu Esibhekelela Ukuthula ngokoMthetho uNo-51 we- 1977 weNqubo Yamacala Obulelesi;

“Uhlelo lokuphatha ukwenziwa komsebenzi” kusho uhlelo lokuphatha ukwenziwa komsebenzi njengoba luchaziwe futhi lwabalulwa esahlukweni sesi- 6 soMthetho weziNhlelo;

“Ukukhalima ophaphalazayo” kusho ukuphawula mayelana nanoma yikuphi ukuphambuka kumbe nanoma yikuphi okuphambene, ukuziphatha kanye noma nanoma yikuphi ukungahambisi ngendlela kulokho okuqhubekayo emhlanganweni;

“Isakhiwo somkhandlu” kusho igumbi lomkhandlu kanye nazo zonke izindawo okuhlanganelwa kuzo, izindawo umphakathi ovumelekile ukufinyelela kuzo kanye nezinye izindawo zokuhlanganela lapho kubanjelwa khona imihlangano yomkhandlu noma yamakomidi omkhandlu;

“Umphakathi” kubandakanywa abezokwazisa kanti kusho nanoma yimuphi umuntu ohlala eRiphabhlikhi yaseNingizimu Afrika;

“Umthetho” kusho umthetho kamasipala, kubhekiswe ezigabeni zale mithetho kamasipala;

“Isivumelwano sokuthunyelwa kwezidingongqangi” kusho isivumelwano esiphakathi kukamasipala kanye nesikhungo kumbe umuntu obalulwe esigabeni 76(b) soMthetho weziNhlelo maqondana nomsebenzi kamasipala ohlinzekwa yilesi sikhungo kumbe yilowo muntu, ngokwakhe noma egameni likamasipala;

“**Usomlomo**” kusho usihlalo womkhandlu okhethwe ngokwesigaba sama- 36 soMthetho weziNhlaka futhi kubandakanya nanoma yimuphi usomlomo obambile uma ekhethelwe ukuba enze imisebenzi kasomlomo;

“**UMthetho weziNhlaka**” kusho uHulumeni weNdawo: uMthetho weziNhlaka zikaMasipala we- 1998, (uMthetho No. 117 we-1998);

“**UMthetho weziNhlelo**” kusho uHulumeni weNdawo: uMthetho weziNhlelo zikaMasipala wezi- 2000, (uMthetho No. 32 wezi- 2000);

“**Ukwethula**” kusho ukuhambisa umbiko kumbe nanoma yimuphi umbhalo osemthethweni emkhandlwini noma ekomidini lomkhandlu ukuba liwubheke emhlanganweni okukhishwe isaziso ngawo ngokwale mithetho kanye nemiyalelo;

“**Ubulili kanye Nesibalo**” – Kuwo wonke umthetho, ngaphandle uma kuvela inhloso ephambene, amagama aqondiswe kubulili besilisa abandakanya abantu besifazane kanye namagama esebunyeni abandakanya ubuningi, kanjalo namagama asebuningini abandakanya ubunye.

ISAHLUKO 2

UKUSEBENZA KANYE NOKUHUNYUSHA KWALE MITHETHO KAMASIPALA EMAYELANA NEMITHETHO YEMIYALELO

2. Ukusebenza kwale mithetho kamasipala emayelana nemithetho yemiyalelo

- (1) Le mithetho kamasipala emayelana nemithetho nemiyalelo yengamela indlela okuqhutshwa ngayo emkhandlwini nakumakomidi omkhandlu ebophezelayo futhi okumele ithotshelwe:-
 - (a) yiwo onke amakhansela;
 - (b) yinanoma yiliphi ilungu lomphakathi ngesikhathi likhona esakhiweni somkhandlu;
 - (c) nanoma yisiphi isithunywa esethulela umkhandlu inkulumo kumbe ikomidi lomkhandlu; kanye
 - (d) nanoma yimuphi umsebenzi kamasipala.
- (2) Kuncike ezihlinzekweni zesahluko 12, le mithetho kamasipala izosebenza eMkhandlwini kaMasipala kanye nasemakomidini awo asungulwe ngokwesigaba 79 kanye nesama- 80 soMthetho weziNhlaka.
- (3) Kuze kube izihlinzeko zesahluko 12 sale mithetho kamasipala maqondana namakomidi okukhulunywa ngawo lapho nanquma izinqubo zawo ziyathotshelwa, izihlinzeko ezimaqondana nala makomidi njengoba ziqukethwe kwiMithetho neziNqubo njengalokhu kwamukelwe nguMkhandlu kaMasipala ngoNhlaba wezi- 2005 zizosebenza kulawo makomidi.

3. Ukuhunyushwa kwemithetho kamasipala emayelana nale mithetho yemiyalelo

- (1) Kumele nanoma yikuphi ukuhunyushwa kwale mithetho kanye nemithetho kamasipala emayelana nemithetho nemiyalelo kumele kwenziwe ngokubhekelela ubukhulu bomthethosisekelo, imithetho kazwelonke, yesifundazwe nekamasipala, imitheshwana yomthetho kanye nemithetho yezobulungiswa.
- (2) Ukunquma kukasomlomo kumbe kukasihlalo maqondana nokuhunyushwa kwale mithetho kanye nemithetho kamasipala emayelana nemithetho nemiyalelo emhlanganweni womkhandlu kumbe wekomidi lomkhandlu, namayelana nemitheshwana 3(5) no- 3(6), kuzokuba ngumnqamulajuqu futhi kubophezele.

- (3) Kumele ukuhunyushwa kanye nokunquma kukasomlomo kumbe kukasihlalo maqondana nanoma yimiphi yale mithetho kanye nemithetho kamasipala emayelana nemithetho nemiyalelo kubhalwe phansi kumaminithi omhlangano womkhandlu kumbe wekomidi.
- (4) Kumele imenenja kamasipala igcine irejista lalokho okunqunyiwe kanye nemibono yamgokomthetho.
- (5) Nanoma yiliphi ikhansela lingacela imenenja kamasipala, ngokuba liyibhalele zingakapheli izinsuku ezinhlanu kwenziwe isinqumo ngokomtheshwana 3(2), ukuba liyicacisele mayelana nokuhumushwa kanye nokunquma. Kumele imenenja kamasipala emva kwalokho ibike emkhandlwini noma ekomidini lomkhandlu.
- (6) Umkhandlu kumbe ikomidi lomkhandlu emva kokucubungula umbiko ngokomtheshwana 3(5) lingaqinisekisa, lichibiyele kumbe liguqule isinqumo sikasomlomo kumbe sikasihlalo kuncike kunanoma yimaphi amalungelo anoma ngubani omunye othintekayo okungenzeka ukuthi atholakele ngenxa yesinqumo futhi kumele zonke isinqumo ezithinta amalungelo abanye abantu abhalwe phansi futhi kumele izizathu zalezo zinqumo zibhalwe phansi.

ISAHLUKO 3

IZIKHAWU ZEZIKHATHI OKUHLANGANWA NGAZO, UKUNGENISWA KOMPHEKATHI KANYE NEZAZISO ZEMIHLANGANO

4. Imihlangano yomkhandlu

- (1) Kumele umkhandlu ubambe umhlangano ojwayelekile womkhandlu kungabi ngaphansi kowodwa ngenyanga.
- (2) Kumele usomlomo ahlele yonke imihlangano yomkhandlu ngokuhambisana nomtheshwana 4(1) futhi kuncike kumtheshwana 6.
- (3) Umkhandlu uyoguqa amaviki amabili ngoNtulikazi kanye nezinsuku ezingamashumi amathathu ngoZibandlela/Masingana njalo ngonyaka.

5. Ukungeniswa komphakathi

- (1) Kumele yonke imihlangano yomkhandlu kanye neyamakomidi awo ivuleleke emphakathini, futhi umkhandlu kumbe ikomidi lomkhandlu lingeke likhiphele ngaphandle umphakathi emhlanganweni, ngaphandle uma umkhandlu kumbe ikomidi, ngenxa yohlobo lodaba oludingidwayo kumbe uma ukudalulwa kwanoma yiluphi udaba kungalimaza ukusebenza kukamasipala, ungabona kufanelekile futhi kuvumelekile ukwenze njalo ube uyibhekelele imigomo yezwe elivulelekile nelibuswa ngokwentando yabantu.
- (2) Umkhandlu kumbe ikomidi lomkhandlu, nganoma yisiphi isizathu, ungeke uwukhiphele ngaphandle umphakathi uma udingida, uvota kumbe uphawula ngezindaba ezilandelayo:-
 - (a) umthetho kamasipala osaluhlaka owethulwa emkhandlwini;
 - (b) isabelomali esethulwa emkhandlwini;
 - (c) uhlelo lukamasipala lwentuthuko edidiyele, kumbe nanoma yikuphi ukuchitshiyelwa kohlelo, kumbe nanoma yikuphi ukuguqulwa kohlelo olwethulwe emkhandlwini;
 - (d) inqubo kamasipala yezokulawulwa kokwenziwa komsebenzi, kumbe nanoma yikuphi ukuchitshiyelwa kwenqubo eyethulwe emkhandlwini;

(e) isinqumo sokungena esivumelwaneni sokuthunyelwa kwezidingongqangi;

(f) nanoma yimuphi umbiko omayelana nokunikezwa kwethenda ngokwenqubomgomo yezokulawulwa kokuthengwa nokusatshalaliswa kwempahla;

(g) nanoma yiluphi olunye udaba olunqunywe ngumthetho.

(3) IMenenja kamasipala kumele ikhiphe isaziso esiya emphakathini, ngendlela enqunywe ngumkhandlu, esicacisa isikhathi, usuku nendawo yalowo nalowo mhlango ojwayelekile womkhandlu noma wekomidi lomkhandlu kanye nanoma yimuphi umhlango oyisipesheli kumbe ophuthumayo womkhandlu noma wekomidi lomkhandlu, ngaphandle uma isikhathi singasakuvumeli lokho.

(4) Yilezi zimo ezilandelayo lapho umkhandlu noma ikomidi lawo okumele likhiphele ngaphandle umphakathi:

(a) kunoma yiziphi izingxoxo ezimayelana nemigomo kanye nemibandela yokuqashwa kwanoma yimuphi umsebenzi kumbe izindaba ezimayelana nabasebenzi;

(b) kunoma yiluphi udaba olumayelana nanoma yiliphi icala lokubanga enkantolo eliqhutshwa nguMkhandlu;

(c) kunoma yiluphi ulwazi noma imininingwane eyimfihlo yanoma yimuphi umsebenzi, ikhansela noma ilungu lomphakathi;

(d) nanoma yiluphi uphenyo, umbiko noma umbiko wokucwaningwa kwamabhuku kwangaphakathi okusacutshungulwa futhi nangaphambi kokuba kwethulelwe uMkhandlu;

(e) nanoma yiziphi izingxoxo ezimaqondana namalungelo abanye abathintekayo lapho lezo zingxoxo ziyimfihlo kuze kube umkhandlu kumbe ikomidi elithintekayo elingaphansi komkhandlu selithathe isinqumo esingumnqamulajuqu.”

6. Isaziso sokuhambela umhlango ojwayelekile womkhandlu

(1) Kumele usomlomo ameme imihlango yomkhandlu, okungenani njalo ngenyanga, “ngeSaziso Somhlango Womkhandlu” esisayinwe ngokufaneleyo, esisho usuku, indawo kanye nesikhathi somhlango futhi sihambisane kumbe sibe nohlelo lomhlango ohlongozwayo.

(2) Isaziso sokuhambela umhlango ngokomtheshwana 6(1) kumele sikhishwe okungenani–

(a) kusasele izinsuku ezintathu ezilandelayo ngaphambi komhlango ojwayelekile, futhi:

(b) kusasele amahora angamashumi amabili nane ngaphambi komhlango oyisipesheli.

(c) kusasele izinsuku eziyisikhombisa ngaphambi komhlango ojwayelekile maqondana nokuphasiswa kwemithetho kamasipala; ukugunyazwa kwesabelomali; ukuphoqeelwa kwentela kamasipala kanye nezinye izintela, kanjalo nokwenyuswa kwemali- mboleko.

7. Imihlango eyisipesheli

(1) USomlomo

(a) ngenhloso emayelana nomsebenzi womkhandlu osemqoka noma ophuthumayo

(b) kumbe ngokucela kweningi lamakhansela kamasipala, kumele abize umhlango oyisipesheli womkhandlu

(2) Umhlango oyisipesheli kumele ube khona, ngokuhambisana nomtheshwana 6(2) (b) kanye nangokomtheshwana 7(1)(b), kungakedluli izinsuku ezine kusukela osukwini lwesicelo.

(3) Isicelo sokuba kube khona umhlango oyisipesheli, njengoba kuningwe kumtheshwana 7(1)(b), –

- (a) kumele sisayinwe ngamakhansela angekho ngaphansi kwama- 50% (amaphesenti angamashumi amanhlanu) kanye nelilodwa ngaphezulu awo wonke amakhansela kamasipala kanye nelilodwa; futhi
(b) kumele sihambisane–

(i) nesaziso sesiphakamiso esisayinwe ngokufanelekileyo; kanye

(ii) nesitatimende esibhalwe yikhansela lisayina isaziso sesiphakamiso linikeza izizathu zokuthi kungani siphuthuma isicelo sokuba nomhlangano ophuthumayo nokuthi angeke kulindwe umhlangano ojwayelekile womkhandlu.

- (c) Uma usomlomo ehluleka ukubiza umhlangano ngokwalo mtheshwana, kumele imenenja kamasipala ibize lowo mhlango bese kuba nokhetho lebambela likasomlomo ngokwesigaba 41 soMthetho weziNhlaka.

8. Indlela Okukhishwa Ngayo Izaziso kanye noHlelo Lomhlangano

- (1) Isaziso sokuhambela umhlangano noma nanoma yikuphi ukuxhumama kwangokomsebenzi okuvela emkhandlwini, kuyothunyelwa–

(a) ekhelini lendawo elindaweni engaphansi kolawulo lukamasipala; noma

(b) ekjelini le- imeyili; kumbe

(c) ngomyalezo omfishane wocingo (i-SMS);

Inqobo nje uma imininingwane yokuxhumana izohlinzekwa ngokubhaliwe yikhansela ngalinye kwimenenja kamasipala zingakapheli izinsuku ezimbili lelo khansela likhethiwe futhi, emva kwalokho, uma ikhansela lifisa ukushintsha ikheli kanye nendawo lapho elifisa ukuthola khona izaziso zomhlangano kanye nokunye ukuxhumana kwangokomsebenzi okuvela kumkhandlu.

(d) Kokusakolosana okufakwa kuko iposi lamaKhansela egunjini okuhlanganelo kulo amakhansela. Uma iMenenja ebhekelela Ukuqhubeka Kwezinto: Ukubusa Okuhle, isilufakile uhlelo lomhlangano woMkhandlu kokusakolosana okufakwa kuko iposi, kuyothathwa ngokuthi zonke izinhlelo zomhlangano zithunyewe ngendlela efanele.

- (2) Kumele yonke imibhalo eqondene nanoma yimuphi umhlangano womkhandlu kumbe wekomidi inikezwe wonke amakhansela okungenani kusasele izinsuku ezintathu ezilandelanayo ngaphambi komhlangano ovamile womkhandlu noma wekomidi futhi kusasele izinsuku ezimbili ezilandelanayo ngaphambi komhlangano oyisipesheli womkhandlu noma womkhandlu.
- (3) Kumele wonke amakhansela azise usomlomo nganoma yiziphi izinguquko zemininingwane yawo yokuxhumana zingakapheli izinsuku ezintathu zalolo guquko.
- (4) Kuncike kumtheshwana 5(3), kufanele isaziso sokuhambela umhlangano sikhangiswe kumabhodi kamasipala ezaziso zomphakathi.

9. Ukungasitholi isaziso

Ukungasitholi isaziso sokwethamela umhlangano angeke kuphazamise ukuba semthethweni komhlangano kumbe ukuqhubeka komhlangano womkhandlu kumbe wanoma yiliphi lamakomidi awo .

ISAHLUKO 4 IKHORAMU

10. Ikhoramu

(1) Ngale kokuthi kungaba nezikhala, kumele ikhoramu yomkhandlu ibe ngamaphesenti angamashumi amahlanu (ama-50%) kanye nelilodwa (1) ngaphezulu wenani selilonke lamakhansela elinqunywe ngokuhambisana nesaziso sesakhowo sikamasipala, ngaphambi kokuba kuvotelwe nanoma yiluphi udaba.

a) Kuncike kwikhoramu, ukuhluleka kwananoma yiliphi ikhansela ukuvota angeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano womkhandlu.

(2) Ngale kokuthi kungaba nezikhala, kumele iningi lesibalo samakhansela aqokwe ekomidini lomkhandlu abe khona emhlanganweni wekomidi ngaphambi kokuba kuvotelwe nanoma yiluphi udaba.

a) Kuncike kwikhoramu, ukwehluleka kwanoma yiliphi ikhansela ukuvota angeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano womkhandlu.

11. Ukuchithwa kanye nokuguqiswa komhlangano ngenxa yokungahlangani kwekhoramu

(1) Akukho mhlangano oyoqhubeka, uma ikhoramu ingahlanganii sekuze kwadlula imizuzu eyishumi nanhlanu emva kwesikhathi obekumele kuqale ngaso umhlangano, ngaphandle uma kuvunmelana wonke amakhansela akhona ukuba kwengezwe isikhashana esingadlulile kumaminithi ayishumi nanhlanu ukuze kuhlange ikhoramu, emva kwalokho uma ingekho futhi ikhoramu, umhlangano sokuyomele uchithwe.

(2) Uma ngesikhathi kudingidwa udaba kunanoma yimuphi umhlangano womkhandlu kumbe wananoma yiliphi ikomidi lawo kucelwa ukuba usomlomo noma usihlalo abhekisise isibalo samakhansela akhona, –

(a) kuyomele abale amakhansela akhona;

(b) uma kutholakala ukuthi isibalo sekhoramu asihlangani, kufanele usomlomo kumbe usihlalo aguqise umhlangano bese evumela ikhefu lemizuzu eyishumi nanhlanu ukuze kube khona inani lamalungu elidingekile ukuqala umhlangano;

(c) uma ikhoramu ihlangani emva kokuguqiswa komhlangano, kumele umhlangano uqhubeke;

(d) uma ikhoramu ingahlangani emva kokuguqiswa komhlangano, kumele usihlalo noma usomlomo aqhubeke nokuguqisa umhlangano

(3) Lapho umhlangano uguqisiwe ngenxa yokungahlangani kwekhoramu, kuyomele kubizwe futhi umhlangano oyobe uqhubeka lapho zingakapheli izinsuku eziyisikhombisa.

ISAHLUKO 5 UKUHANJELWA KOMHLANGANO

12. Ukuhanjelwa Komhlangano

- (1) Wonke amakhansela kumele afike ngesikhathi emhlanganweni ahlale kulowo nalowo mhlango womkhandlu kanye nowekomidi ikhansela eliyilungu lalo ngaphandle uma:-
 - a) linikezwe ilivu yokungabibikho ngokuhambisana nomtheshwana 13;
 - b) ikhansela licelwe ukuba lihoxe ngokomtheshwana 45(2);
 - c) ikhansela lingekho ngoba lithole imvume kusomlomo kumbe kusihlalo.
- (2) Ikhansela ngalinye elihambe nanoma yimuphi umhlangano womkhandlu kumbe wekomidi lomkhandlu liyosayina irejista lokuba khona ehlinzekelwe lokho.
- (3) Irejista yokuba khona izofakwe kwifayela ehhovisini lemenenja kamasipala.
- (4) Nanoma yiliphi ikhansela elinelungelo lokuthatha ilivu yokungabibikho ngokomtheshwana 13 kodwa elingasayidingi leyo livu lingawuhambela umhlangano ebelinikwe ilivu yokungabikho kuwo futhi lisayine irejista yokuba khona.

13. Ilivu yokungabibikho

- (1) Ilivu yokungabibikho angeke inikezwe ngendlela yokuthi isibalo sabantu abangeke babe khona emhlanganweni sibe ngaphezu kwekhoramu yomhlangano ngesikhathi esisodwa.
- (2) Uma ikhansela–
 - (a) lingeke likwazi ukuhambela umhlangano elinikezwe isaziso sawo; kumbe
 - (b) lingeke lihlale emhlanganweni; noma
 - (c) lizofika sekudlule isikhathi esibekiwe sokuqalisa umhlangano, Kufanele, ngokukhulu ukushesha futhi ngaphambi kwalowo mhlango, lifake isicelo esibhaliwe esiya kumenenja kamasipala selivu yokungabibikho kuwo wonke umhlangano kumbe ingxenye ethile yomhlangano, isicelo leso okumele sihlizenze ngezizathu eziqondakalayo futhi ezinobufakazi beqiniso futhi lisho nezizathu ezizokwenza ukuthi linikezwe ilivu
- (3) Kumele imenenja kamasipala ngokukhulu ukushesha yazise usomlomo kumbe usihlalo womhlangano mayelana nanoma yisiphi isicelo esitholakele selivu yokungabibikho.
- (4) Kumele uMkhandlu noma ikomidi elifanele ngokukhulu kushesha libheke isicelo selivu yokungabibikho bese lisivuma kumbe lisingabe isicelo ngezizathu bese ngokushesha lazise imenenja kamasipala ngesinqumo salo.
- (5) Ikhansela kuyothathwa ngokuthi alibanga khona emhlanganweni okukhulunywa ngawo ngale kokuthola ilivu lapho isicelo sokungabibikho emsebenzini singavunywanga futhi–
 - (a) lihlulekile ukuhambela umhlangano; noma
 - (b) lihlulekile ukuhlala emhlanganweni.
- (6) Lapho ikhansela lihluleka ukuhlala emhlanganweni –
 - (a) ngaphandle kokuthola imvume yokwenze njalo; noma
 - (b) ngaphandle kokuthola imvume kusomlomo kumbe usihlalo yokuphuma ngaphambi kokuba kuphele umhlangano, kumele isikhathi elihambe ngaso sibhalwe phansi kumaminithi nokuthi ikhansela lizothathwa njengebelingekho ngaphandle kwemvume kulowo mhlango;
- (7) Lapho ikhansela lifika sekudlule isikhathi, ngaphandle kokuthola imvume yokwenze njalo, kumele isikhathi elifike ngaso kanye nezizathu zokufika sekudlule isikhathi zibhalwe phansi kumaminithi omhlangano futhi ikhansela lingahamela umhlangano bese lisayina irejista lokubakhona ngokomtheshwana 12(2).
- (8) Kumele ilivu yokungabibikho emhlanganweni emibili noma ngaphezulu ilandelana igunyazwe ngumkhandlu kumbe ikomidi eliqondene.

14. Ukungawuhambeli umhlangano

- (1) Kuncike ekuthotshelweni kwenqubo ebekwe kumtheshwana 13, ikhansela eliphuthe emhlanganweni okunikezwe ngawo isaziso ngaphandle kwesizathu, kuyothathwa ngokuthi lephule le mithetho kamasipala futhi kuyomele kube sekuhanjiswa nenqubo echazwe esigabeni 14 neNdlela Yokuziphatha.
- (2) Lapho ikhansela liphuthile emhlanganweni ngaphandle kokuthola ilivu–
 - (a) Ikomidi Elibhekelela Imithetho njengoba kuningiwe kumtheshwana 43 kumbe usomlomo noma usihlalo njengoba kungaba njalo, uyocela ikhansela ukuba lichaze ngokusemthethweni ngezizathu zokuphutha emhlanganweni;
 - (b) usomlomo noma usihlalo uyobe esecubungula incazelo bese enquma ukuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini, ahlinzeke izizathu ezifanele mayelana nesinqumo sakhe;
 - (c) ikhansela lingabhala lidlulise isikhalo ngesinqumo sikasomlomo nomae sikasihlalo zingakapheli izinsuku eziyisikhombisa lithole leso sinqumo.
 - (d) umkhandlu noma ikomidi, njengoba kungaba njalo–
 - (i) lizonikeza ikhansela ithuba lokuba limeleleke, ngomlomo kumbe ngokuba kubhalwe; futhi
 - (ii) licubungule ukudluliswa kwesikhalo kwekhansela, kuhlangele nanoma yimiphi imibono evela kusomlomo kumbe usihlalo wekomidi elithintekayo;
 - (iii) uyoqhamuka nomphumela wokuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini
- (3) Imenenja kamasipala izogcina amarekhodi azo zonke izigameko ezimaqondana nokuthi ikhansela latholakala liphuthile kumbe kwathathwa ngokuthi liphuthile ngaphandle kokuthola ilivu futhi nangaphandle kwesizathu esifanele bese lithumela umbiko obhaliwe kusomlomo uma ikhansela liphuthile kusukela emhlanganweni emithathu noma ngaphezulu ilandelana ikhansela okwakumele liyihambele.
- (4) Lapho usomlomo ethola umbiko ngokomtheshwana 14(3), kumele usomlomo athumele umbiko kumkhandlu bese eyalela ukuba udaba luphenywe ngokuhambisana noNgxenywe 14 lweNdlela Yokuziphatha.

ISAHLUKO 6 UKUGUQA KOMHLANGANO

15. Imihlangano Eguqile

Kunike kumtheshwana 11(3), umhlangano womkhandlu kumbe wekomidi, ngokuvotelwa yiningi ungalahliselwa kolunye usuku kumbe ihora kodwa kungadluli izinsuku eziyi- 7 emva komhlangano wasekuqaleni.

16. Umhlangano Oqhutshwayo

- (1) Lapho umhlangano uguqile, kuyokhishwa isaziso somhlangano oqhutshwayo ngokomtheshwana 8.
- (2) Akukho daba oluyodingidwa emhlanganweni oqhutshwayo ngaphandle kwalolo obelubalulwe esazisweni somhlangano uguqile.

ISAHLUKO 7 INQUBO YOKUQHUTSHWA KOMHLANGANO

17. USomlomo kanye nosihlalo bemihlangano

- (1) Usihlalo womkhandlu kamasipala uyobizwa ngokuthi ngusomlomo, okhethwa ngesikhathi umkhandlu uhlala okokuqala emva kokukhethwa kwawo phakathi kwamakhansela, noma uma kunesidingo sokugcwaliswa kwesikhala.
- (2) IMenenja kaMasipala noma, uma iMenenja kaMasipala ingekho, umuntu ojutshwe nguNgqongqoshe woMnyango waseKhaya esifundazweni saKwaZulu-Natali, wengamela ukhetho lukasomlomo.
- (3) Inqubo ebekwe kusheduli ye- 3 yoMthetho weziNhlaka izosebenza ekukhethweni kukasomlomo.
- (4) Kumele umkhandlu kamasipala ukhethe iMeya kanye neSekela likaMeya ngokuhambisana nezinhlinzeko zesigaba 48 soMthetho weziNhlaka.
- (5) Kuyo yonke imihlangano yomkhandlu, usomlomo, kumbe uma engekho, obambile njengosomlomo, uyokuba ngusihlalo futhi enze imisebenzi ebaluliwe ngokwesigaba 37 soMthetho weziNhlaka futhi kumele aqinisekise ukuthi ikhansela ngalinye ngesikhathi liqala ukuthatha isikhundla linikezwa ikhophi yale mithetho kanye nemithetho nemiyalelo kanye neNdllela yokuziPhatha.
- (6) USomlomo:-
 - (a) uphatha imihlangano yomkhandlu;
 - (b) wenza imisebenzi abuye asebenzise amandla agunyazwe usomlomo ngokwesigaba 59 soMthetho weziNhlelo;
 - (c) kumele aqinisekise ukuthi umkhandlu uhlangana okungenani njalo ngenyanga;
 - (d) kumele agcine ukuthula emihlanganweni;
 - (e) kumele aqinisekise ukuthi umkhandlu kanye namakomidi omkhandlu athobela iNdllela Yokuziphatha ebekwe kusheduli - 1 yoMthetho weziNhlelo;
 - (f) kumele aqinisekise ukuthi imihlangano yomkhandlu iqhutshwa ngokuhambisana nale mithetho kanye nemiyalelo yomkhandlu;
 - (g) uzokuba nesibopho sokubhekelela ukuqinisekiswa kwamaminithi.
 - (h) ukhethwe ngokwesikhathi esizophela uma umkhandlu olandelayo umenyazelwe njengokhethiwe futhi uzoshiya esikhundleni uma lowo muntu:-
 - (i) esula njengosomlomo;
 - (ii) ekhishwa esikhundleningokuhambisana nesigaba 40 woMthetho weziNhlaka; noma
 - (iii) eyeka ukuba yikhansela.
- (7) IMeya kamasipala:-
 - (a) iphatha imihlangano yeSigungu Esiphezulu; futhi
 - (b) yenza imisebenzi, ebandakanya nanoma yimiphi imisebenzi emayelana nemicimbi futhi isebenzise amandla agunyazwe kwiMeya ngumkhandlu kamasipala noma yisigungu esiphezulu.
- (8) Isekela likaMeya lisebenzisa amandla alo futhi lenza imisebenzi kaMeya uma iMeya ingekho kumbe uma ihhovisi likaMeya linesikhala. IMeya ingajuba iSekela likaMeya emsebenzini wayo.
- (9) Usihlalo wemihlangano yomkhandlu kanye neyamakomidi-

- (a) kumele agcine imihlangano inokuthula;
 - (b) kumele aqinisekise ukuthi umkhandlu uthobela iNdllela Yokuziphatha yaMakhansela;
 - (c) kumele aqinisekise ukuthi imihlangano iqhutshwa ngokuhambisana nale mithetho nemiyalelo engenakuguqulwa.
- (10) Uma usomlomo kumbe usihlalo womkhandlu noma wekomidi engekho kumbe engatholakali ukwenza imisebenzi kasomlomo kumbe kasihlalo, noma ngesikhathi kunesikhala, umkhandlu kumbe ikomidi ngaphansi komyalelo wemenenja kamasipala noma lowo emqokile, kumele akhethe elinye ikhansela ukuba libambe njengosomlomo kumbe usihlalo njengoba kungaba njalo.
- (11) Akukho mhlango lomkhandlu kumbe wekomidi lomkhandlu ongaqala kumbe uqhubeke ngale kokuba khona kukasomlomo kumbe usihlalo uphethe umhlango.

18. Amaminithi

- (1) Kufanele okuqhubekayo emhlanganweni womkhandlu kurekhodwe kwikhompyutha bese kugcinwa ngokuhambisana noMthetho weMisebenzi Yezinqolobane Zemibhalo Eyigugu NamaRekhodi eNingizimu Afrika uNo- 43 we- 1996.
- (2) Kumele amaminithi abhaliwe alokho okuqhubekayo emhlanganweni ngamunye womkhandlu kanye nowamakomidi arekhodwe kahle bese egcinwa ngokuhambisana noMthetho weMisebenzi Yezinqolobane Zemibhalo Eyigugu NamaRekhodi eNingizimu Afrika uNo- 43 we- 1996.
- (3) Kumele amaminithi asegunyaziwe ayo yonke imihlangano yomkhandlu kumbe yamakomidi okungeyona imihlangano yamakomidi angaphakathi akwazi ukutholwa ngumphakathi.
- (4) Lapho imenenja kamasipala ibona ukuthi nanoma yiziphi izinqumo noma okuqhubekayo emhlanganweni womkhandlu kumbe wekomidi kungashayisana nanoma yimuphi umthetho kumbe umthetho kamasipala, kumele eluleke umkhandlu kumbe ikomidi ngendlela efanele futhi kumele imininingwane ephelile yalowo mbono ibhalwe phansi kumaminithi.
- (5) Kumele nanoma yisiphi isicelo salokho okubhaliwe kwathathwa kokunye kumbe ingxenye yalokho okubhaliwe kwathathwa kokunye kwenziwe ngokoMthetho Wokukhuthaza Ukufinyelela Olwazini u-No 2 wezi 2000.

19. Indlela okuzoqhutshwa ngayo umhlango

- (1) Indlela okuzoqhutshwa ngayo nanoma yimuphi umhlango woMkhandlu noma weKomidi loMkhandlu noma weSigungu Esiphezulu yile:
- (a) kushaywa insimbi uma sekuzoqala umhlango;
 - (b) wonke amakhansela ayasukuma;
 - (c) uSomlomo neMeya bangena eGunjini bese bema ezindaweni zabo;
 - (d) uSomlomo ucela amaKhansela ukuba asho umkhuleko wokuzibophezela;
 - (e) isikhashana kuthule du;
 - (f) bonke abakhona eGunjini bahlala phansi.
- (2) Indlela okuzoqhutshwa ngayo nanoma yimuphi umhlango, kulandelwa inqubo 19(1) yile:
- (a) isaziso somhlango;
 - (b) izicelo zokungabibikho emhlanganweni;
 - (c) izethulo
 - (d) ukuqinisekiswa kwamaminithi omhlango owedlule;
 - (e) ezivuka emaminithini
 - (f) izimemezelo zikasihlalo;
 - (g) izimemezelo eziphathelelene nezezimali kanye nokunye ukushayisana kwezintshisekelo;

- (h) imibiko;
- (i) izaziso mayelana neziphakamiso;
- (j) imibuzo okunikwe ngayo isaziso; bese kuthi

(3) USomlomo kumbe usihlalo ngokunquma kwakhe, nanoma kunini angasondeza noma ahlelise ohlelweni lomhlangano nanoma yiluphi udaba olusohlelweni.

20. Ukuqinisekiswa kwamaminithi omhlangano owedlule

- (1) Amaminithi ayo yonke imihlangano azoqinisekiswa emhlanganweni ojwayelekile olandelayo walowo mkhandlu noma wekomidi futhi azosayinwa ngusomlomo kumbe usihlalo.
- (2) Akukho siphakamiso kumbe ingxoxo ezovunyelwa emaminithini omhlangano owedlule, ngaphandle kwalokho okuhlangene nokubhaleka kahle kwalawo maminithi.

21. Imibiko

- (1) Kumele nanoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini, ngaphandle kombiko owamukelwe ngusomlomo kumbe ngusihlalo njengophuthumayo, uhlinzekwe kumakhansela ngokomtheshwana 8.
- (2) Kumele usomlomo kumbe usihlalo avumele izingxoxo ngokuhambisana neSahluko 10 nganoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini lomkhandlu, emhlanganweni okuzothunyelwa kuwo lowo mbiko futhi uma izingxoxo zingaphothulwanga noma zingabanga khona nganoma yisiphi isizathu, kuyobe sekuba nezingxoxo ezimayelana nalowo mbiko emhlanganweni olandelayo.
- (3) Ngaphambi kokuba uMkhandlu uthathe isinqumo nganoma yiziphi izindaba ezilandelayo kuzofanele uqala ucele iSigungu Esiphezulu ukuba slithumele umbiko kuwona kanye nezincomo mayelana:
 - (a) nokuphasiswa kwemithetho kamasipala;
 - (b) ukugunyazwa kwesabelomali;
 - (c) ukuphoqelelwa kentela kamasipala kanye nezinye izintela;
 - (d) ukwenyuswa kwezimali-mboleko;
 - (e) ukugunyazwa kohlelo oludidiyele lwentuthuko kanye/ noma nanoma yikuphi ukuchitsiyelwa kohlelo;
 - (f) ukugunyazwa kohlelo lokulawula ukwenziwa komsebenzi
 - (g) ukuqashwa kanye nemibandela yokuqashwa kukaaMenenja kaMasipala kanye nanoma iyiphi iNhloko yoMnyango yoMkhandlu.

22. Iziphakamiso

- (1) Akukho daba oluzoethwa emkhandlwini kumbe ekomidini lomkhandlu ngaphandle ngokuba lulethwe ngokwesaziso sesiphakamiso.
- (2) kumele isaziso sesiphakamiso –
 - (a) sibe ngesibhaliwe; futhi
 - (b) sisayinwe yikhansela elisilethayo kanye nelinye ikhansela elisekayo; futhi
 - (c) sikhulume ngodaba olulodwa kuphela.
- (3) Isaziso sesiphakamiso kumele silethwe kwimenenja kamasipala ngaphambi kwe- 12h00 kusasele izinsuku eziyisikhombisa zilandelana ngaphambi komhlangano olandelayo, uma kungenzekanga lokho, isaziso sizobhekwa emhlanganweni olandelayo oqinisekisiwe.
- (4) Kumele imenenja kamasipala–
 - (a) ifake usuku kanye nenombolo esazisweni ngasinye sesiphakamiso;

(b) ifake erejisti isaziso sesiphakamiso, irejista lelo elivulelekile ukuba lihlolwe yinanoma yiliphi ikhansela kanye nomphakathi; futhi kumele

(c) afake isaziso sesiphakamiso ngasinye ohlelweni lomhlangano ngokulandelana

kwazo ngendlela azithole ngayo

(5) USomlomo kumbe usihlalo –

(a) uzofunda kakhulu isibalo sazo zonke iziphakamiso kanye negama likamethuli siphakamiso kanye nomeseki;

(b) uyoqinisekisa ukuthi yiziphi iziphakamiso ezingaphikiswanga kanye nalezo ezizophumelela ngale kokudingidwa; futhi

(c) uzomema abethuli beziphakamiso eziphikisiwe ngokulandelana kwabo ohlelweni lomhlangano.

(6) Ikhansela elithumele isiphakamiso lizokwethula leso siphakamiso futhi lizokuba nelungelo lokuphendula.

(7) Sizochithwa isiphakamiso uma ikhansela elisithumellie kanye nomeseki walo bengekho emhlanganweni ngesikhathi kudingidwa ngaleso siphakamiso.

(8) Ikhansela liyovunyelwa ukuletha izaziso zeziphakamiso ezingeqile kwezintathu kungedluli ezazisweni ezintathu ohlelweni lomhlangano.

(9) Ngaphambi kokufaka isaziso sesiphakamiso ohlelweni lomhlangano, uSomlomo uzoqinisekisa ukuthi isaziso sesiphakamiso siyahambisana yini nezidingo zomthetho kamasipala wama-22(2). USomlomo uyinqaba nanoma yisiphi isiphakamiso:

(a) ngokubona kukaSomlomo esingavumelani nomthetho kamasipala wama-22(2);

(b) esingaqondene nalokho uMkhandlu onolawulo kukho;

(c) okusalindelwe isinqumo samajaji noma esizokuba ngesamajaji;

(d) okuzothi uma samukeliwe, sibe ngesiphikisana nanoma yimuphi umthetho noma inqubomgomo kahulumeni kazwelonke kanye nowesifundazwe;

(e) esingeke sikwazi ukwenzeka.

23. Imibuzo

(1) Ikhansela lingaphonsa umbuzo odinga impendulo ebhaliwe ovela kunoma yimuphi ophethe isikhundla sezepolitiki noma sikamasipala mayelana nodaba olumaqondana nokwenziwa ngempumelelo komsebenzi kamasipala kanye nokusebenzisa amandla awo, inqobo nje uma kungukuthi isaziso esibhaliwe sombuzo sithunyelwe kusomlomo noma kusihlalo kanye nakwimenenja kamasipala okungenani kusasele izinsuku eziyisikhombisa ngaphambi komhlangano womkhandlu noma wekomidi futhi imenenja kamasipala kumele iqinisekise ukuthi ikhansela liyayithola impendulo ebhaliwe evela kulowo ophethe esikhundla sezepolitiki noma sikamasipala, emhlanganweni womkhandlu kumbe wekomidi.

(2) Uma emva kokuba umbuzo usuphenduliwe, ikhansela libona ukuthi impendulo ayicacile, ngemvume kasomlomo noma kasihlalo, ikhansela lingacela ukuba kube nombuzo wokulandelela.

24. Ukunikezwa kwemininingwane emakhanseleni

(1) Akukho khansela okumele lixhumane kumbe likhulume nanoma yimuphi umsebenzi wezokuphathwa kwehhovisi likamasipala mayelana nomsebenzi owenziwa ngumasipala okungale kokuthi lisebenzise amalungelo alo noma inkululeko yalo njengalungu elijwayelekile lomphakathi.

(2) Ikhansela lingaxhumana futhi likhulume nemenenja kamasipala kumbe nanoma iyiphi inhloko yomnyango kumbe nanoma yimuphi umsebenzi wezokuphathwa kwehhovisi likamasipala ogunyazwe ngqo yimenenja kamasipala noma yinhloko yomnyango ofanele ngale nhloso, ukuze lithole lolo lwazi njengoba lingaludinga ekwenzeni umsebenzi walo ngendlela efanele njengekhansela.

25. Izindaba Eziphuthumayo

- (1) Izindaba eziphuthumayo zingafakwa ohlelweni lomhlangano yiMenenja kaMasipala kanye/ noma yiMeya ngemvume eqale yayithola kusomlomo kumbe usihlalo, leyo mvume angeke kunqatshwe nayo singekho isidingo.
- (2) Kumele ngaphambi kokwamukela, amakhansela anikezwe isikhathi esanele njengoba kunqunywe nguSomlomo kumbe uSihlalo ukuba abhekisise futhi acubungule nanoma yimuphi umbiko kumbe imibhalo esemthethweni ephuthumayo ethunyelwe emkhandlwini.

26. Ukuhunyushwa

Uma iningi lamakhansela akhona enquma kanjalo, umhumushi angasetshenziswa emihlanganweni yomkhandlu kanye nasemakomidini omkhandlu.

27. Ikomidi Langaphakathi

- (1) Kunicke mtheshwana 5, umkhandlu kumbe ikomidi, nanoma kungasiphi isikhathi linganquma ukuba luqhube umhlangano walo njengekomidi langaphakathi.
- (2) Umphakathi angeke ube yingxenye yemihlangano yekomidi langaphakathi.
- (3) Imenenja kamasipala, umsebenzi kamasipala kumbe nanoma yimuphi omunye umuntu okhuluwa kulo mtheshwana ngusomlomo kumbe usihlalo, angeke angabi yingxenye yanoma yimuphi umhlangano wekomidi langaphakathi.
- (4) Kumele konke ukuqhubeka komhlangano wekomidi langaphakathi kurekhodwe ngokomtheshwana 18(1) no-18(2) futhi kuhlale kuyimfihlo.
- (5) Kumele kubhekwane nokudalulwa kwanoma yiluphi udaba oluyimfihlo ngokweNqubo Yokuziphatha.

ISAHLUKO 8 UKUVOTA

28. Izinqumo ezithathwa ngokuba kuvotwe

- (1) Kumele ihlangane ikhoramu ukuze kuvotwe.
- (2) Kumele yonke imibuzo eqondene nezindaba ezilandelayo inqunywe ngesinqumo esithathwe ngumkhandlu ngevoti elesekayo leningi lamakhansela elinqunywe ngokuhambisana nesaziso sesakhiwo sikamasipala:-
 - (a) ukuphasiswa kwemithetho kamasipala;
 - (b) ukugunyazwa kwesabelomali;
 - (c) ukuphoqelelwa kwentela kamasipala kanye nezinye izintela;
 - (d) ukwenyuswa kwezimali-mboleko;
 - (e) ukuchithwa kwesinqumo somkhandlu zingakapheli izinyanga eziyi- 6 sithathiwe; kanye
 - (f) nanoma yiluphi olunye udaba olunqunywe ngumthetho.
- (3) Yonke eminye imibuzo elethwe emkhandlwini izonqunywa ngokweningi lamavoti afakwe ngamakhansela akhona.
- (4) Uma kunoma yiluphi udaba kuvotwe kwalingwana, usomlomo kumbe usihlalo angasebenzisa ivoti elingumnqamulajuqu ukwengeza evotini lakhe njengekhansela, inqobo nje uma kungukuthi usomlomo kumbe usihlalo angeke asebenzise leli lungelo lokuvota uma kukhethwa umuntu ozophatha isikhundla somkhandlu.

29. Indlela yokuvota

- (1) Kuzovotwa ngokuba kuphakanyiswe izandla ngaphandle uma umthetho unquma ngenye indlela, noma umkhandlu kumbe ikomidi ngokwesinqumo seningi lamakhansela akhona unquma ukuqhubeka nokuvota ngendlela eyimfihlo lapho kubhalwa khona phansi.
- (2) Ngesikhathi kuvotwa alikho ikhansela okumele liphume egunjini lomkhandlu noma egunjini lekomidi.
- (3) Imenenja kamasipala kumbe lowo emqokile, iyobala amavoti afakiwe bese irekhodaumphumela a wokuvota, kodwaumphumela uyomenyezelwa ngusomlomo kumbe usihlalo.

30. Amavoti aphikisayo

Ikhansela lingacela ukuba ivoti lalo eliphikisayo lirekhodwensi njengobufakazi bokuthi lisivotele kanjani isiphakamiso.

ISAHLUKO 9

UKUCHITHWA KWEZINQUMO ZOMKHANDLU NEZAMAKOMIDI

31. Ukuchithwa Kwezinqumo Zomkhandlu

- (1) Imvume yokuchitha noma ukuguqula isinqumo somkhandlu angeke inikezwe nanoma yimuphi umuntu kumbe ikomidi.
- (2) Kumele kunikezwe isaziso ngaphambi kokwethulwa kwesiphakamiso sokuchitha noma sokuguqulwa kwanoma yisiphi isinqumo somkhandlu.
- (3) Kumele nanoma yikuphi ukuchithwa noma ukuguqulwa kwesinqumo somkhandlu kwenziwe ngokomtheshwana 29(2)(e).

32. Ukuchithwa Kwezinqumo Zamakomidi

- (1) Imvume yokuchitha noma yokuguqula isinqumo sekomidi lomkhandlu angeke inikezwe nanoma ngubani.
- (2) Kumele kunikezwe isaziso ngaphambi kokethulwa kwesiphakamiso sokuchitha noma sokuguqulwa kwezinqumo sekomidi lomkhandlu.
- (3) Kumele nanoma yikuphi ukuchithwa noma ukuguqulwa kwesinqumo sekomidi lomkhandlu kugunyazwe yiningi lamalungu alelo komidi.

ISAHLUKO 10

INKULUMOMPIKISWANO

33. Ithuba lokukhuluma

- (1) Ikhansela livunyelwe ukukhuluma kuphela uma kusho usomlomo noma usihlalo.
- (2) Ikhansela kufanele libonakalise ukuthi linesifiso sokukhuluma ngokuthi liphakamise isandla bese lilinda umyalelo kaSomlomo noma uSihlalo, lowo myalelo okungamele ugodlwe.
- (3) Amakhansela kanye nabasebenzi kumele basukume uma bekhuluma futhi babhekise inkulumo yabo kusomlomo noma kusihlalo.

34. Ukuhambisana/ ukuvumelana

Wonke umuntu okhulumayo kumele inkulumo yakho ayiqondise ngqo odabeni oludingidwayo.

35. Ubude bezinkulumo

Ayikho inkulumo eyothatha imizuzu engaphezu kwemithathu ngale kwemvume kasomlomo noma usuhlalo, ngaphandle uma kwethulwa umbiko weMeya noma kuyisethulo sezilinganiso zemali engenile nesetshenziwe.

36. Amakhansela kumele akhulume kanye kuphela

Akumele ikhansela likhulume ngaphezu kokukodwa kunoma yisiphi isiphakamiso kumbe udaba ngaphandle uma imvume yokwenza lokho liyinikezwe ngusomlomo kumbe ngusihlalo; inqobo nje uma kungukuthi umethuli wesiphakamiso yena uma ekhuluma ngesiphakamiso, uzokuba nelungelo lokuphendula futhi impendulo yakhe kumele igxile ekuphenduleni laba esebeke bakhuluma futhi angeke aqalise nanoma yiluphi udaba olusha oluzodingidwa.

37. Ukunikeza uSomlomo noma Usihlalo ithuba lokukhuluma kuqala

Uma uSomlomo noma uSihlalo esukuma nanoma kunini ngesikhathi kuqhubeka inkulumompikiswano, nanoma yiluphi ikhansela elisuke likhuluma noma elifisa ukukhuluma kufanele lihlalle phansi lithule ukuze uSomlomo noma uSihlalo akhulume ngale kokuphazamiseka.

38. Ukuqondisa inkulumo

(1) Nanoma yiluphi ikhansela lingaqondisa inkulumo nanoma kunini ngokuthi lisukume ukuze uSomlomo noma uSihlalo alibone.

(2) Ukuqondisa inkulumo kubhekelelwa kuqala kunanoma yini enye emhlanganweni futhi uSomlomo noma uSihlalo kumele asheshe ezwe ukuthi lithini ikhansela elifuna ukuqondisa inkulumo bese eveza ukuthi lokho kuqondiswa kwenkulumo kuyemukelwa noma kuyachithwa.

(3) Isinqumo sikaSomlomo noma uSihlalo maqondana nokuqondiswa kwenkulumo siyoba futhi ngeke sivuleleke ukuthi sidingidwe.

39. Incazelo

Nanoma yiluphi ikhansela lingavunyelwa ngusomlomo kumbe ngusuhlalo ukuba linikeze incazelo, inqobo nje uma leyo ncazelo ihambisana nengxenye ethile yodaba oludingidwayo okungenzeka ukuthi ayiqondakalanga kahle.

ISAHLUKO 11 UKUZIPHATHA

40. Indlela elindelekile yokuziphatha

(1) Kumele amakhansela kanye nabasebenzi ngesikhathi sanoma yimuphi umhlangano womkhandlu kumbe wekomidi—

- (a) kumele benze umsebenzi woMkhandlu ngendlela ehloniphekile nenesizotha esifanele;
- (b) kumele, ngaso sonke isikhathi bahambisane nemigomo equkethwe kumqulu wendlela yokuziphatha kanye nakule mithetho nemiyalelo ;
- (c) kumele ngaso sonke isikhathi bathobeke imithetho kanye nemithetho kamasipala;
- (d) kumele bagqoke ngendlela efanele enesizotha somhlangano;
- (e) akumele basebenzise inhlamba noma ulimi oluqosheme;
- (f) akumele basebenzise amaselula ngesikhathi kuqhubeka umhlangano kumbe bafike nezibhamu emhlanganweni woMkhandlu kumbe wanoma yiliphi elinye ikomidi loMkhandlu
- (g) mabangakhulumisi kakhulu nomunye umuntu;
- (h) mabangaphazamisi omunye umuntu uma ekhuluma, ngaphandle uma becela ukuba umuntu alalele-
 - (i) ukuqondiswa kwenkulumo;
 - (ii) ukucaciswa kwephuzu;
 - (iii) umbuzo onikezwa njengethuba elihlinzekwe eSigabeni 28 soMthetho weziNhlaka.

41. Indlela yokuziphatha engamukelekile

- (1) USomlomo angayalela ikhansela ukuba lihoxe futhi lixolise nganoma yimaphi amazwi, inkulumo, umbono kumbe ukunqathuzisa izandla okwenziwe yilelo khansela.
- (2) Uma ikhansela noma amakhansela eziphatha ngendlela engalungile ngesikhathi somhlangano womkhandlu kumbe nanoma yiliphi lamakomidi awo, usomlomo uyoyalela ikhansela kumbe amakhansela ukuba aziphathe ngendlela efanele futhi, uma ekhuluma, ayeke ukukhuluma bese ehlala phansi ezihlalweni zawo.
- (3) Lapho kuqhutshekwa nokushaya indiva umyalelo kasomlomo, usomlomo uzoyalela ikhansela noma amakhansela ukuba ashiye umhlangano bese ephuma noma bephuma lapho kubanjelwe khona umhlangano kuze kube udaba oludingidwayo seluphuthuliwe.
- (4) Lakho ukungaziphathi kahle kwekhansela noma kwamakhansela kuphazamisa ukuqhubeka komkhandlu kumbe kwekomidi, usomlomonoma usihlalo kumele aguqise umhlangano bese kuthi ukungaziphathi kahle kwekhansela noma kwamakhansela kumele kusingathwe ngokwemithetho kanye nemiyalelo engenakuguqulwa kanye neNdlela Yokuziphatha.
- (5) Nanoma yiliphi ikhansela elinqabayo ukushiya umhlangano womkhandlu kumbe ikomidi lomkhandlu uma liyalelwe ukwenza njalo ngusomlomo noma usihlalo womhlangano ngokwanoma yimiphi umtheshwana kule mithetho kamasipala, loyobe selikhishwa ngenkani bese kuthathwa ngokuthi lephule le mithetho kamasipala; lokho kuyobe sekusho ukuthi kumele kulandelwe inqubo ebekwe esigabeni 14 seNdlela yokuziPhatha.

ISAHLUKO 12 AMAKOMIDI

42. Ikomidi Lemithetho

- (1) Umkhandlu kamasipala ngokwesinqumo seningi lamakhansela ungasungula ikomidi eliyisipesheli elizokwaziwa ngokuthi yiKomidi leMithetho elizophenya bese lithola izimpendulo kunoma yikuphi ukwepulwa kweNdlela Yokuziphatha okusolakalayo, kubandakanywa izizejiso zokungayihambeli imihlangano bese lenza nezincomo ezimayelana nezinye izindaba ezithinta le mithetho kamasipala.

- (2) Ikomidi Lemithetho kumele libe nosomlomo, imeya kanye noyedwa omele iqembu ngalinye lezopolitiki emkhandlwini, lowo omele iqembu uzokhethwa yiqembu lezopolitiki izithathi ngezikhathi.

43. Imithetho Yawo amakomidi

Ikomidi ngalinye lomkhandlu liyoba nezinqubo zalo kuye nganoma yiyiphi imiyalelo yomkhandlu kanye nale mithetho kamasipala.

44. Usihlalo

- (1) Usihlalo wekomidi –
- (a) uzokwengamela yonke imihlangano yekomidi akhona kulo; futhi
 - (b) uzokuba nelungelo lokuvota ngokokuqala bese kuthi lapho amavoti elingana ngaphezu kwevoti lakhe elihleliwe, abe nelungelo lokuvota okwesibili.
- (2) Uma engekho, usihlalo obambile noma usekela sihlalo uzokuba negunya elifanayo kanye nelungelo lokuvota njengalelo usihlalo analo.

ISAHLUKO 13 INTSHISEKELO YEZEZIMALI

45. Ukudalulwa kwentshisekelo yezezimali

- (1) Kumele ikhansela lidalulele umkhandlu kamasipala, kumbe nanoma yiliphi ikomidi lelo khansela eliyilungu lalo, ngananoma yiyiphi intshisekelo yebhizinisi okungeyalo ngqo noma eliyingxenywe yayo noma yomlingani walo noma yomuntu elibambisene naye ngaphambi komkhandlu noma kwekomidi.
- (2) Kumele ikhansela elenza elidalulayo lihoxe kokuqhubekayo emkhandlwini kumbe ekomidini ngaphandle uma umkhandlu kumbe ikomidi linquma ukuthi ukubandakanyeka kwekhansela kulolo daba kuyize kumbe akuqondene.
- (3) Ikhansela lona qobo noma umlingani walo, elihlanganyele naye, elibambisene naye ebhizinisini noma ilungu lomndeni elisondele nalo lithola noma okungenzeka libe nomhlomulo enkontilekeni eyenziwe nomasipala, kufanele lidalule imininingwane ephelile yokuzuza ikhansela elaziyo ngakho emhlanganweni wokuqala womkhandlu okungenzeka ukuba ikhansela lidalule kuwo.
- (4) Ukudalula kwentshisekelo ngokomtheshwana 46(1) kanye nomhlomulo ngokomtheshwana 46(3) akusebenzi entshisekelweni noma emhlomulweni otholwe yikhansela, noma umlingani walo, elihlanganyele naye, elibambisene naye ebhizinisini kumbe ilungu lomndeni eliseduze ngokufanayo nabanye abahlali bakamasipala.

ISAHLUKO 14 UKWEPHULA UMTHETHO KANYE NEZIJEZISO

46. Ukwephula Umthetho

Nanoma yiliphi ikhansela elihlulekayo kumbe elinqabayo ukuthobela nanoma yiziphi izihlinzeko zale mithetho kamasipala, kumbe nanoma yisiphi isinqumo soMkhandlu, lizokuba necala lokwephula umthetho weNdlela Yokuziphatha.

47. Izijeziso

Lapho kusoleka ukuthi ikhansela lephule umthetho, kumele umkhandlu ngokweNgxenywe 14 yeNdlela Yokuziphatha uphenye ngezinsolo zokwephula umthetho futhi likhiphe isijeziso njengalokhu kubekwe kumqulu weNdlela Yokuziphatha.

ISAHLUKO 15 IZIHLINZEKO EZIJWAYELEKILE

48. Inkulumo Ngesimo seDolobha

- (1) Imeya izokwethula iNkulumo ngeSimo seDolobha, zingakapheli izinsuku ezingama- 30 emva kokugunyazwa koHlelo Lwentuthuko Oludidiyele ezokwenzelwa endaweni eyakhele umasipala.
- (2) Akukho nkulumompikiswano ezokuba khona emayelana neNkulumo kaMeya noma imibuzo eyovumeleka emva kokwethulwa kwenkulumo.
- (3) Kuzobanjwa uMhlangano Oyisipesheli woMkhandlu kudingidwe iNkulumo kaMeya ngeSimo seDolobha zingakapheli izinsuku ezili-10 emva kokwethula inkulumo.
- (4) Amaqembu ezezipolitiki ameleke eMkhandwini ezonikezwa isibalo samalungu azovumeleka ukuba abe yingxenywe yenkulumompikiswano mayelana neNkulumo ngeSimo seDolobha ngokuhambisana nesibalo sokumeleleka kwawo eMkhandwini bese kuthi amagama amakhansela azohola inkulumompikiswano ngokwamaqembu awo ezezipolitiki azohanjiswa eHhhovisi likaMlomo okungenani kusasele izinsuku ezimbili ngaphambi kosuku olumisiwe loMhlangano Oyisipesheli Womkhandlu.
- (5) Indela okuzokulandelaniswa ngayo aMakhansela kwinkulumompikiswano emayelana neNkulumo ngeSimo seDolobha izonqunywa nguSomlomo, kuncike ekuthini amaqembu aphikisayo kube yiwona akhuluma kuqala.
- (6) Emva kokuhola inkulumompikiswano, kufanele iKhansela ngalinye lishiye ikhophi yenkulumo yalo ehhovisini likaNobhala woMkhandlu.
- (7) Akukho mibuzo eyovunyelwa ngesikhathi kwethulwa inkulumo nangemuva kwalokho futhi iKhansela ngalinye eliqokiwe ukuba lihole inkulumompikiswano lliyonekwa isikhathi esingeke seqe emizuzwini eli-10.
- (8) IMeya izophendula mayelana nenkulumompikiswano emhlanganweni olandelayo woMkhandlu futhi lokho kuphendula kuzobe sekusho ukuphela kwazo zonke izingxoxo ezimayelana neNkulumo ngeSimo seDolobha.

49. Ukuchithwa kwemithetho kamasipala ekhona

Imithetho kamasipala ekhona maqondana nemithetho kanye nemiyalelo iyachithwa lapha.

50. Isihloko esifishane kanye nokuqaliswa

Le mithetho kamasipala izobizwa ngeMithetho kaMasipala emayelana neMithetho Yemiyalelo futhi izoqala ukusebenza ngosuku eyoshicilelwa ngalo kwigazethi yeSifundazwe.