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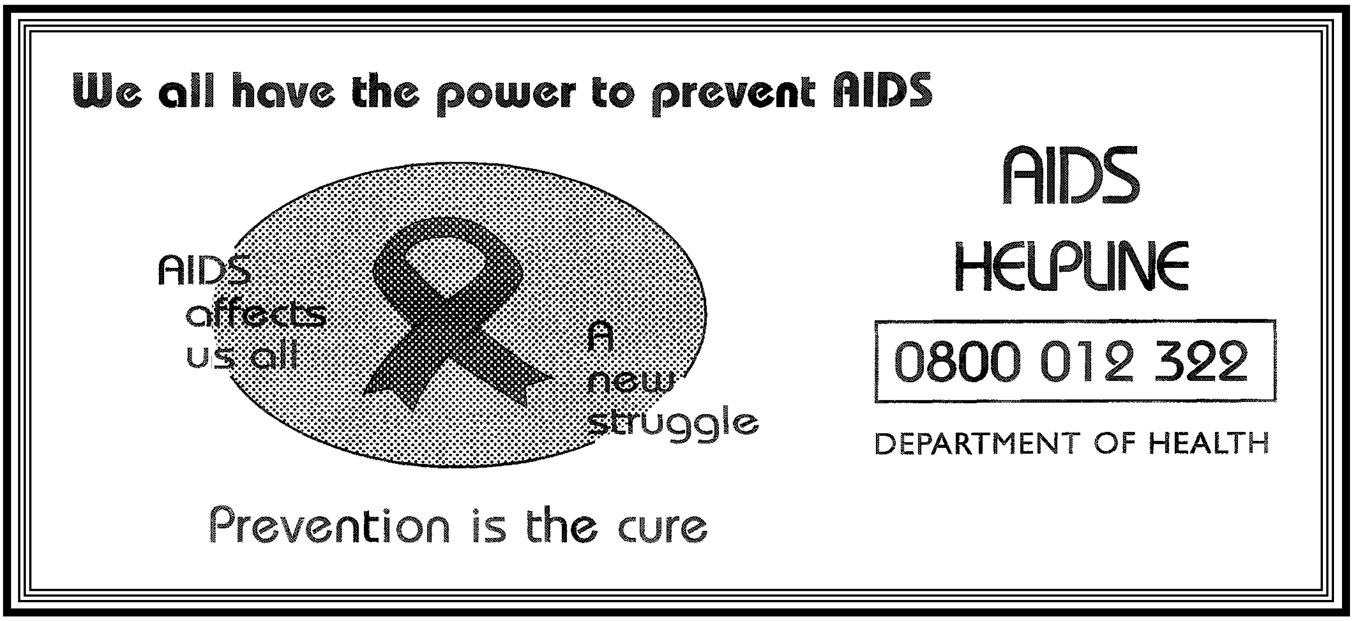

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CONTENTS

No.		*Page*
	MUNICIPAL NOTICE	
3	Msunduzi Municipality: By-law: Establishment of special rating area	3
	ISAZISO SIKAMASIPALA	
3	uMasipala uMsunduzi: UMthehto wedolobha: Wokusungulwa kwezindawo ezizokhokha intela ekhethekile	12

MUNICIPAL NOTICE—ISAZISO SIKAMASIPALA

No. 3 **18 January 2013**

MSUNDUZI MUNICIPALITY

BY-LAW: ESTABLISHMENT OF SPECIAL RATING AREAS

To provide for the establishment of special rating areas; to provide for additional rates in those areas; and to provide for matters incidental thereto.

BE IT ENACTED BY THE MSUNDUZI MUNICIPALITY as follows:

CHAPTER 1

ESTABLISHMENT OF SPECIAL RATING AREAS

1. DEFINITIONS

In this By-law, words or expressions shall bear the meaning assigned to them and, unless the context otherwise indicates –

"additional rate" means a rate payable in addition to the rates that would normally be levied on properties falling within a special rating area;

"council" means the council of the Msunduzi Municipality;

"majority" means a simple majority of the owners of properties falling within a special rating area, namely 50% plus 1 of those owners;

"management entity" means a company incorporated in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973) established to undertake the upgrading or improvement of a special rating area;

"Local Government: Municipal Property Rates Act" means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

"owner" has the meaning assigned to it in section 1 of the Local Government: Municipal Property Rates Act;

"property" has the meaning assigned to it in section 1 of the Municipal Property Rates Act; and

"special rating area" means a special rating area established by the council in terms of section 22 of the Local Government: Municipal Property Rates Act and section 7 of this By-law.

2. ESTABLISHMENT OF SPECIAL RATING AREAS

The municipality may, by resolution of the council –

(1) establish an area falling within its area of jurisdiction as a special rating area; and

(2) determine the commencement date of the special rating area concerned.

3. PUBLIC MEETINGS

(1) Any owner of a property falling within the area of jurisdiction of the municipality, or any group of property owners or any person representing such property owners, wishing to apply for the determination of a special rating area must hold a public meeting for the purpose of consulting the owners of properties falling within the proposed special rating area regarding:

(a) Whether or not a special rating area should be established;

(b) The proposed boundaries of the special rating area; and

(c) The proposed improvement or upgrading of the area.

(2) Before holding the public meeting, the applicant must give notice to the owners of all properties falling within the proposed special rating area of the applicant's intention to apply for the determination of a special rating area. The notice must–

(a) state the purpose of the meeting;

(b) give details as to the place, date and time when the meeting will be held; and

(c) indicate that, if approved, an additional rate as determined by the municipality will be levied on properties falling within the special rating area.

(3) The public meeting must be –

(a) held not less than seven days and not more than thirty days after the date of the notice;

(b) held at the place, date and time stated in the notice, provided that the place is either within the boundaries of the proposed special rating area or easily accessible to the property owners within the area; and

(c) chaired by a suitably qualified and experienced person appointed by the municipal manager.

(4) People attending the public meeting be –

(a) furnished with all relevant information relating to the proposed special rating area, including the information to be set out in the motivation report and implementation plan; and

(b) given an opportunity to ask questions, express their views and make representations.

(5) If any material aspect of the proposed special rating area is changed after a public meeting has been held, then the applicant shall call a further public meeting to consult on the changes.

(6) The provisions of this section 3 apply equally to any second or subsequent public meeting.

4. APPLICATION

(1) An applicant may, after having held a public meeting in accordance with the requirements of section 3, apply for the determination of a special rating area.

(2) All costs incurred by the applicant in respect of the establishment of a special rating area shall be for his or her own account, provided that after the determination of the special rating area, the management entity may in its discretion reimburse the applicant for reasonable costs incurred.

(3) Any application for the establishment of a special rating area must –

(a) be in writing;

(b) be in such a form as the municipality may determine;

(b) be submitted not more than nine months after the date on which the public meeting, or the second or subsequent public meeting, referred to in section 3 is held;

(c) be accompanied by –

(i) a diagram indicating the boundaries of the proposed special rating area;

(ii) details of the improvements or upgrading which are proposed for the special rating area;

(iii) an implementation plan setting out the steps which will be taken to bring about the improvements or upgrading of services;

(iv) a budget for the first year following the determination of the proposed special rating area;

(iv) a list of properties falling within the proposed special rating area, together with the contact details of the owners and the value of each property as set out in the municipality's general valuation roll;

(v) the written consent of a majority of the owners of the properties falling within the proposed special rating area;

(vi) proof of notice of the required public meeting or meetings;

(vii) minutes of the required public meeting or minutes;

(viii) the proposed founding documents of the management entity; and

(ix) payment of such fees, if any, as the council may determine;

(d) must include the following:

(i) reasons why the proposed special rating area will not be used to, or have the effect of, reinforcing existing inequities in the development of the municipality;

(ii) reasons why the proposed special rating area is consistent with the municipality's integrated development plan;

(iii) an explanation of how the proposed improvements or upgrades are logically linked to the geographic area comprising the proposed special rating area; and

(iv) evidence that the special rating area will be financially viable.

5. ADVERTISING OF APPLICATION AND OBJECTIONS

(1) The applicant must within 30 days after the application is lodged with the municipality –

(a) give written notice of the application to the owners of all properties falling within the proposed special rating area, such notice to be given by registered post or hand delivery; and

(b) cause notice of the application to be published in two newspapers circulating in the area of jurisdiction of the municipality, stating that –

(i) copies of the application are available from the municipality and from at least one accessible property falling within the proposed special rating area;

(ii) written objections to the establishment of the proposed special rating area may be lodged with the municipality by a date specified in the

notice, which date shall not be less than thirty days after the publication of the notice.

(2) Any property owner who will be liable for paying the additional rate may submit written objections to the determination of the special rating area, which objections must be received by the municipality not later than the date stipulated in the notice referred to in subsection (1).

(4) The application must be available for inspection at the offices of the municipality and at a property falling within the proposed special rates area for the period referred to in subsection (1).

6. DECISION

(1) After the provisions of sections 3 to 5 have been complied with, the council may –

(a) establish a special rating area with such modifications or conditions as the council may consider to be in the public interest;

(b) refuse the application, in which event the council must, within thirty days, furnish the applicant with written reasons for not approving the determination of the special rating area; or

(c) refer the application back to the applicant for amendment in such manner as the council may direct.

(2) If the motivation report or the implementation plan is amended in any material respect at any time before the determination, the council may require that the application be re-advertised in accordance with the provisions of section 5, with the necessary changes.

CHAPTER 2

STRUCTURES AND FINANCES

7. ESTABLISHMENT, COMPOSITION, POWERS AND DUTIES OF A MANAGEMENT ENTITY

(1) The applicant shall establish a management entity for the special rating area, which must be a company incorporated in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973).

(2) The management entity shall –

(i) determine the funding required each year and make a recommendation to the municipality's chief financial officer as part of the municipality's annual budget;

(ii) appoint contractors to undertake the improvements and upgrades set out in the implementation plan;

(iii) receive the additional rate collected by the municipality; and

(iv) disburse funds in accordance with the implementation plan.

(3) The memorandum and articles of association of the company must specify that membership is available to property owners who pay the additional rate and for only as long as they own property within the special rating area. Any new property owners who become liable to pay the additional rate must be admitted as members of the company.

(4) The ward councillor or councillors in whose ward/s the special rating area is established shall be entitled to attend meetings of the management entity as observers.

(5) Within ninety days of the end of each financial year, the management entity must provide the municipal manager with:

(a) Its audited financial statements for the immediately preceding year; and

(c) An annual report on its progress during the preceding year in effecting the provisions of the implementation plan to improve and upgrade the special rating area.

(6) The municipality shall establish a committee to act as a consultative and advisory forum for the municipality on the improvement and upgrading of the special rates area. The committee shall comprise -

(a) The ward councillor or councillors in whose ward/s the special rating area is established;

(b) Two nominees of the management entity; and

(c) Three representatives of the communities in the special rating area, who shall be appointed bearing in mind the needs of representivity and gender representivity.

8. FINANCIAL CONSIDERATIONS

(1) Within sixty days after receipt of the first payment of the additional rate by the municipality to the management entity, the provisions of the implementation plan must be initiated.

(2) The financial year of the company must coincide with the financial year of the municipality.

(3) The municipality must levy, and pay over to the management entity, an additional rate on properties falling within any special rating area, such that sufficient funds will be recovered to fund the budgeted activities of the management entity for the ensuing year, provided that property owners exempted from the payment of rates in terms of the municipality's rates policy, shall not be liable for the payment of any additional rate.

(4) The additional rate due in terms of this By-law is a debt due to the municipality and is payable, and must be collected, in the same manner as other property rates imposed by the municipality.

(5) At its discretion, the council may decide to apply a different and lower rebate to properties within the special rating area as an alternative to applying an additional rate. In this event, the difference between the normal and the adjusted rebates will constitute the additional rate and the amount to be paid over by the municipality to the management entity.

(7) The municipality and each management entity shall conclude an agreement which must regulate, among other things –

(a) the mechanisms and manner of payment; and

(b) terms on which payment to the relevant management entity is to be made.

(8) Subject to the provisions of its memorandum and articles of association, the management entity is entitled to raise its own funds through commercial activities, donations or any other lawful means.

9. ROLE OF THE CHIEF FINANCIAL OFFICER

The Chief Financial Officer of the municipality must –

(1) establish separate accounting and other record-keeping systems regarding the revenue generated by the additional rate and the improvement and upgrading of the special rating area;

(2) monitor compliance with the applicable legislation, including this By-Law, by–

(a) receiving and considering the audited financial statements and reports regarding the carrying out of duties laid out in the implementation plan;

(b) nominating at least one representative to attend and participate, but not vote, in meetings of the management entity.

CHAPTER 3

AMENDMENT AND EXTENSION OF IMPLEMENTATION PLANS

10. AMENDMENT

(1) An implementation plan, including the geographical boundaries of the special rating area or the approved budget, may be amended by the Council on written application by the management entity at any time after the establishment of the special rating area.

(2) The council may approve an application for an amendment referred to in subsection (1) where the council considers it unlikely to materially affect the rights or interests of any property owner.

(3) Before approving such an application, the council must be shown that the proposed amendment has been advertised and that affected parties have been provided with an adequate opportunity to present any objections which should be considered by both the management entity and the council.

11. EXTENSION

(1) If it elects to extend the term of the implementation plan for a further period, a management entity must submit an application to the council for approval.

(2) This must be done on or before 1 January of the year in which the implementation plan is due to terminate.

(3) Any extension of the implementation plan may only be approved by the council in accordance with the provisions of Chapter 1.

CHAPTER 4

DISSOLUTION OF A SPECIAL RATING AREA

12. DISSOLUTION

(1) The council may dissolve a special rating area –

(a) on written application signed by a majority of owners of properties falling within the special rating area and who are liable for the additional rate; or

(b) following the dissolution of the management entity; or

(c) after prior consultation by the municipal manager with the management entity or the community, for any good cause.

(2) Upon the dissolution of a management entity, the assets remaining after the satisfaction of all its liabilities shall revert to the municipality which must use them to upgrade or improve the area falling within the dissolved special rating area.

No. 3 **18 kuMasingana 2013**

UMASIPALA UMSUNDUZI

UMTHETHO WEDOLOBHA: WOKUSUNGULWA KWEZINDAWO EZIZOKHOKHA INTELA EKHETHEKILE

Ukulekelela ekusunguleni indawo ezokhokha intela ekhethekile, ukuhlinzekela intela eyengeziwe kulezondawo kanye nokuhlinzeka ngezinto ezidingekayo lapho.

ZIGUNYAZWE UMASIPALA UMSUNDUZI NGOKULANDELAYO:

ISAHLUKO 1

UKUSUNGULWA KWEZINDAWO EZIKHOKHA INTELA EKHETHEKILE

1. IZINCAZELO

Kulemithetho yedolobha, amagama kumele abenezincazelo anikezwe zona, ngaphandle uma indaba iveza okunye-

"**Intela eyengeziwe**" kuchaza intela ekhokhwa ngaphezu kwale ejwayelelekile ezindaweni ezingena ngaphansi kwalendawo ekuzokhokhwa kuyona intela ekhethekile;

"**UMkhandlu**" lichaza uMkhandlu waMasipala

"**Iningi**" lichaza ngokusobala iningi labantu abanezindawo ezingaphansi kwalezi ezikhokha intela ekhethekile, u-50% kanye nomuntu oyedwa wabanalezindawo;

"**Inhlangano yabaphathi**" kuchaza inkampani ehlanganiswe ngokwesigaba -21 somthetho nezinkampani, 1973 (umthetho -61 wangonyaka we-1973)owasungulwa ngenhloso yokulungiswa nokuthuthukiswa kwezindawo ezikhokha intela ekhethekile;

"**Umthetho wentela waMasipala: woHulumeni beziNdawo**" kuchaza umthetho wentela waMasipala: woHulumeni beziNdawo, 2004 (umthetho we-6 wangonyaka we-2004)

"**Umnini**" linencazelo elinikezwe yona esigabeni so-1 somthetho wentela waMasipala: woHulumeni beziNdawo;

"**Indawo**" linencazelo elinikezwe yona esigabeni so-1 somthetho wentela waMasipala: woHulumeni beziNdawo;

"**Indawo ekhokha intela ekhethekile**" kuchaza indawo ekhokha intela ekhethekile eyasungulwa uMkhandlu ngokwesigaba -22 semithetho waMasipala wokukhokhwa kwentela : woHulumeni bezindawo kanye nesigaba sika-7 salomthetho wedolobha.

2. Ukusungulwa kwezindawo ezikhokhisa intela ekhethekile

uMasipala ngesimo soMkhandlu unga-

1) Ukusungulwa kwendawo engena ngaphansi kwale ekhokha intela ekhethekile; kanye

2) Nokutholwa kosuku lokuqala ukusebenza kokukhokhiswa kwalentela ekhethekile;

3. IMIHLANGANO KAWONKE WONKE

1) Noma yimuphi umuntu onendawo engephansi kwalendawo yamasipala, noma yiliphi iqoqo labanemihlaba noma yimuphi umuntu walaba, ofisa ukukhokha intela ekhethekile kumele abambe/abize umhlangano kawonke wonke ngenhloso yokwazisa abanikazi bezindawo ezingena ngaphansi kwalezi ezizokhokha intela ekhethekile mayelana:

(a) Nokuthi kumele noma akumele kuba nalezindawo ezikhokha intela ekhethekile

(b) Nemingcele ebekiwe yezindawo ezikhokha intela ekhethekile

(c) Ukuthuthukiswa ngokulungiswa kwalendawo

2) Ngaphambi kokuba kubanjwe imihlangano yawonke wonke ofake isicelo kumele anikeze isaziso kubobonke abantu abanezindawo kulendawo ezokhokha intela ekhethekile ngenhloso yakhe yesicelo sokuthola intela ekhethekile.Isaziso kumele-

(a) Siveze inhloso yomhlangano;

(b) Sibe nemininignwane yendawo, usuku, kanye nesikhathi umhlangano ozobanjwa ngaso, kanye

(c) Nokuveza ukuthi, uma sekugunyaziwe, intela enezezelwe njengesinqumo saMasipala ukuthi intela izokhokhwa endaweni engena ngaphansi kwenye yezindawo ezikhokhisa intela ekhethekile.

3) Umihlangano kawonke wonke kumele-

(a) Ubanjwe seziphelile izinsuku eziyisikhombisa futhi zingakapheli izinsuku ezingamashumi amathathu kuphume isaziso;

(b) Ubanjwe endaweni nangesikhathi esibhalwe kwisaziso, lendawo kumele ibe kulendawo ekuzokhokhiswa khona intela ekhethekile noma kube yindawo ekulula ukufinyelela kuyona abanikazi bezindawo ezikhona kulendawo, kanye

(c) Nokuthi kube nosihlalo okulungele futhi kube nomuntu omnkantshubomvu oqokwe uMphathi waMasipala.

4) Abantu abahambela lomhlangano kumele babe-

(a) Nayoyonke imininingwane edingakalayo mayelana nalendawo ezokhokha intela ekhethekile, kumbandakanya imininingwane ezokhishwa embikweni wokugqugquzela kanye nokwenziwa kwaloluhlelo; kanye

(b) Nokunikeza ithuba lokubuza imibuzo , baveze nendlela ababona ngayo bakhe nensithombe salokho.

5) Uma kunanoma yiluphi ushintsho ngokuphakanyisiwe kulendawo ezokhokha intela ekhethekile emva kokuba kubanjwe umhlangano kawonke wonke , lo ofake isicelo kumele abize omunye umhlangano kawonke wonke ukuze azise ngalezinguquko.

6) Inqubomgomo yesigaba -3 isebenza ngokulingana kunoma yimuphi umhlangano olandelayo kawonke wonke.

4. IZICELO

1) Ofake isicelo emvakokuba kubanjwe umhlangano kawoke wonke ngokuhambisana nokudingeka esigabeni sika-3, angafaka isicelo sokubona indlela ekubalwa intela kelendawo ekhokha intela ekhethekile.

2) Zonke izindleko ezenziwe ofake isicelo ngokusungulwa kwendawo ekhokha intela ekhethekile kumele kube ngezakhe, njengoba emva kokuhlaziywa ngokwentela kwalendawo ekhokha intela ekhethekile, inhlangano yabaphathi ngokwayo ukubona ingambuyisela imali ofake isicelo yalezindleko uma kubonakala ukuthi bekubalulekile.

3) Noma yisiphi isicelo sokusungulwa kwendawo ekhokha intela encane kumele-

(a) Sibhalwe phansi;

(b) Sime ngendlela uMasipala ofuna ngayo;

(c) Sihanjiswe zingakapheli izinyanga eziyisishiyagalolunye emva komhlangano kawonke wonke, noma olandelayo kawonke wonke ubanjwe ngokwesigaba - 3.

(d) Kumele sihambisane-

I. Nomdwebo otshengisa imingcele ya lendawo ezokhokha intela ekhethekile;

II. Imininingwane ngokulungiswa nokuthuthukiswa okuzokwenziwa endaweni ezokhokha intela ekhethekile;

III. Uhlelo lokusebenza okuveza izindlela ezizolandelwa uma kulethwa intuthuko nokuphucula imisebenzi;

IV. Isabelo zimali sonyaka wokuqala silandela ukuhlaziywa ngokwentela kwalendawo ezokhokha intela ekhethekile;

V. Uhla lezindawo ezingena ngaphansi kwale ezokhokha intela ekhethekile , ndawonye nezinombolo zokuxhumana zabanikazi bezindawo kanye nenani lalendawo njengoba likhishwe ohlweni lokuhlolwa kwamanani lwaMasiapala;

VI. Imvume ebhalwe phansi eyenziwe iningi labanikazi bezindawo ezingena ngaphansi kwale ekhokha intela ekhethekile

VII. Ubufakazi besaziso salomhlangano kawonke wonke obiziwe noma umhlangano nje ;

VIII. Amaminithi alomhlangano kawonke wonke obiziwe noma umhlangano nje;

IX. Izincwadi ezizosetshenziswa zokusungula kwenhlangano yabaphathi

X. Ukukhokhwa kwalezimali, uma ikhona, njengoba uMkhandlu uvezile;

(e) Kumele kufakwe okulandelayo:

I. Isizathu ukuthi kungani lezindawo ezizokhokha intela ekhethekile zingeke zisetshenziselwe,noma zibe nomthelela ekulethweni kwentuthuko entengayo yaMasipala;

II. Isizathu ukuthi kungani lezindawo ezizokhokha intela ekhethekile zihambisana neHlelo lweNtuthuko oluDidiyelwe lwaMasipala;

III. Incazelo ukuthi lentuthuko ezokwenziwa izohlanganiswa kanjani ngobuchule nemihlaba efaka lezindawo ezizokhokha intela ekhethekile;

IV. Isiqiniseko sokuthi izindawo ezizokhokha intela ekhethekile zizoba nesimo somnotho omekahle.

5. UKUKHANGISWA KOKUFAKA IZICELO KANYE NOKUPHIKISA

1) Ofake isicelo kumele zingakapheli izinsuku ezingu-30 esifakile lesicelo kuMasipala-

(a) Anikeze isaziso esibhaliwe sesicelo kubo bonke abanikazi bezindawo ezingena ngaphansi kwale ezokhokha intela ekhethekile, lesazizo kumele sihanjiswe kuleKheli elibhalisiwe noma ihanjiswe ngesandla; kanye

(b) Enze lesaziso sesicelo ukuba sishicilelwe emaphephandabeni amabili atholakala kulendawo yaMasipala , siveza ukuthi-

(c)

I. Amakhophi alezizicelo atholakala kaMasipala kanye nakunoma iyiphi indawo okulula ukuba kufinyeleleke kuyo engaphansi kwalendawo ezokhokha intela ekhethekile;

II. Izincwadi ezibhaliwe eziphikisa ukusungulwa kwalendawo ezokhokha intela ekhethekile zingahanjiswa kaMasipala ngosuku okubekiwe esazisweni, lolusuku lube sezidlulile izinsuku ezingamashumi amathathu emva kokushicilelwa kwesaziso

(2) Noma imuphi umnikazi wendawo obhekene nokukhokha intela eyengeziwe angase abhale incwadi yokuphikisa lokhu ukuze indawo yakhe ifakwe ezindaweni ezingayikhokhi inzalo yentela, leyoncwadi kudingeka ukuba ifinyelele kuMasipala lungakashayi usuku olubonis we esexwayisweni okukhulunywe ngaso kwisigatshana (1)

(4) Lesosicelo kumele sibe khona mangabe sekuphenywa emahhovisi aMasipala mayelana nokukhishwa ohwlini lwabakhokha inzalo, luphinde lube khona endaweni ejutshwe njengendawo ozokhishwa ekukhokheni intela.

6. ISINQUMO

(1) Emva kokulandela imibandela yezigatshana 3 kanye no-5, uMkhandlu ungase uthatha izinyathelo ezilandelayo:

(a) Usungule izindlu/izindawo ezizokhishwa ohlwini lwabakhokha inzalo zibe nemigomo kanye nemibandela ezozuzisa umphakathi ngendlela uMkhandlu obona ngayo.

(b) Wenqabe isicelo sofuna ukufakwa ohlwini lwabangakhokhi intela, kunoma ikuphi okuphethwe ngako, zingakapheli izinsuku eziyishumi nantathu kumele uMkhandlu ubhalele owenze isicelo umazise ukuthi kungani wenqabile ukumfaka ngaphansi kwezindawo noma ohlwini lwabangayikhokhi inzalo.

(c) Ubuyisele isicelo emuva kumenzisicelo ukuze kubekhona ushintsho olwenziwayo okungenzeka ukuthi luyadingeka kuye ngokuqondisa koMkhandlu.

(2) Mangabe umbiko wokukhuthaza noma isicelo sivunywa ngaphambi kosuku lokukhokha intela, uMkhandlu ungase unxuse ukuba isicelo siphinde sibuyekezwe ngokuhambisana nemibandela yesigaba 5 kube khona noshintsho olungase ludingeke.

ISAHLUKO 2

ISIMO KANYE NEZEZIMALI

7. UKUSUNGULWA, UKUHLANGANISWA, AMANDLA KANYE NOMSEBENZI WABAPHATHI

(1) Ofake isicelo sokukhishwa endaweni yabakhokha inzalo kumele avule inkampani ebhalisiwe ngokombandela wesigaba 21 semithetho yokubhalisa izinkampani wonyaka ka-1973. (Act No. 61 of 1973)

Naku abaphathi okumele bakwenze:

(i) Abaphathi abagunyaziwe kumele babone ukuthi ingakanani imali edingekayo unyaka ngamunye bese bense iziphakamiso bazibhekise kwisikhulu sezimali (Chief Financial Officer) ukuze leyomali ibe ingxenye yohlahlozimali lonyaka:

(ii) Baqoke osonkontileka abazobhekana nokuthuthukiswa kanye nokuvuselwa okuhleliwe;

(iii) Bamukele intela eyengeziwe eqoqwe nguMasipala; baphinde

(iv) Bacaze imali ngokohlelo olwenziwe ngaphambilini ohlelweni.

(3) Imemorandum yenkampani kumele ibonise ukuthi ubulungu buvuleleke kuphela kubahlali abakhokha intela eyengeziwe, kuphela nje mangabe besahlala kuleyondawo ekhethekile. Abanikazi bendawo abasha kumele bafakwe njengamalunga.

(4) AmaKhansela noma iKhansela lwasewadini elikhethwe njengendawo ozobhekwa ngokukhethekile kumele babekhona emihlanganyweni yabaphathi njengabahloli.

(5) Kusele izinyanga ezimbili kuphele unyaka wezezimali, abaphathi kumele banike iMenenja yoMkhandlu lokhu:

(a) Igama leKhansela noma amaKhansela avela ezindaweni ezikhokha intela eyehlukile kunezinye izindawo;

(b) Abaphathi ababili abaqokiwe kuphinde kube;

(c) Abanye ababili abaqokiwe abamele umphakathi wendawo ekhokha intela ekhethekile, okumele baqokwe kukhona umqondo wokuba bonke abantu bameleleke, kanye nangokuba ubulili bonke bumeleleke.

8. UKUCATSHANGELWA KWEZEZIMALI

(1) Ezinsukwini ezingamashumi ayisithupha uMasipala uthole intela eyengeziwe ivela kubaphathi, imibandela yohlelo olukhona kumele ilandelwe:

(2) Unyaka wezimali wenkampani noma wabenzizicelo kumele uhambisane nonyaka wezimali kaMasipala.

(3) Umasipala kumele uqoqe imali yentela uyibeke eceleni, leyomali iyona ezosiza ukuhlangabezana nokuthuthukiswa kwendawo ekhethekile makuziwa ekukhokheleni izinto ezihlelelwe ukwenziwa.

(4) Intela eyengeziwe edingekayo ngokomthetho kaMasipala kumele ikhokhwe futhi iqoqwe ngendlela efanayo nalena enye intela yezindawo eqoqwa ngayo.

(5) Ngokuzithandela uMasipala ungakwazi ukwenza imali yentela ibe nesaphulelo kuphela ezindaweni ezikhethekile kuphela, umehluko oyoba khona phakathi kwentela evamile kanye nentela enciphisiwe uyoveza ukuthi malini okumele ikhokhwe uMasipala ibhekiswe kubaphathi.

(6) Umasipala ngamunye kanye nabaphathi kumele benze isivumelwano esizosikisela okulandelayo:

(a) Indlela kanye nohlelo lokukhokha; kanye

(b) Nemigomo okumele ukukhokhela abaphathi kwenziwe ngayo.

ISAHLUKO 3

UKUCHIBIYELWA KANYE NOKWENZIWA KOHLELO

10. UKUCHIBIYELWA

(1) Noma iluphi uhlelo olukhona kuhlanganise imingcele yendawo ejutshiwe ukuba ikhokhe intela ekhethekile ingachibiyelwa uMkhandlu emva kokuthola incwadi yesicelo evela kubaphathi bendawo esohlwini lwabakhokha intela ekhethekile.

(2) Umkhandlu ungavuvumela noma isiphi isicelo sokuchibiyela kuphela nje mangabe ukholelwa ukuthi ukwenza kanjalo ngeke kuphazamise abanye abahlali abahlala kwezinye izindawo.

(3) Ngaphambi kokwamukela isicelo sokuchibiyela , uMkhandlu kumele uboniswe ubufakazi bokuthi isichibiyelo esicelwayo sesikhangisiwe futhi nezinhlangothi ezibandakanyekayo sezinikiwe ithuba elanele lokwethula izikhalazo okumele zicutshungulwe abaphathi bezindawo ezisohlwini labakhokha intela ehlukile kanye noMkhandlu.

11. UKWANDISA IMIGOMO YOHLELO

(1) Abaphathi bezindawo ezisohlwini lwabakhokha intela ekhethekile kumele babhalele uMkhandlu bafake isicelo.

(2) Lokhu kumele bakwenze ngomhlaka 1 January wonyaka uhlelo oluzofina ngalo ekupheleni noma nganeno kwalolosuku.

(3) Okunye ukwandiswa kohlelo lokusebenza lungavunywa uMkhandlu kuphela ulandela imibandela yesigaba 1.

12. UKUQEDWA

(1) Umkhandlu unawo amandla okuhlakaza indawo esohlwini lwabakhokha intela/inzalo ekhethekile-

(a) Mangabe uthola isicelo esivela eningini labanikazi bezindawo ezisohlwini lwabakhokha inzalo ekhethekile futhi abanesikweleti sentela eyengeziwe ngenxa kokuhoxa kwabaphathi baphambilini. Noma

(c) Emva kokudlana indlebe phakathi koMkhandlu kanye nomphakathi futhi kwabonakala ukuthi lesinqumo sizozuzisa wonke umuntu.

(2) Masekuhlakazwe ithimba lendawo esohlwini lwezindawo ezikhethekile, konke okusele okuyimishini nezizinda okusale emva kokukhokhwa kwazozonke izikweleti kumele kuqondiswe kuMasipala ozobe sewukusebenzisela ukuthuthukisa indawo ehlakaziwe.

(8) Ngokwe Memorandum kanye nemithetho abaphathi bendawo ekhokha intela ekhethekile banomthwalo noma imfanelo yokuvuselela, ukunyusa izinga lendawo kanye nokuthola izimali kubaxhasi, nakwabanye abanganikela ngokuzithandela.

9. IQHAZA LOMPHATHI OMKHULU WEZEZIMALI (CHIEF FINANCIAL OFFICER)

Umphathi omkhulu womNyango wezeziMali kumele enze lokhu okulandelayo-

(1) Asungule isikhwama esiseceleni esiqondene nemali oqoqiwe ukulungisa indawo ethile ngesikhathi kunyuswe inzalo yentela, aphinde aqinisekise ukuthuthukisa indawo eqokiwe ukuba ikhiphe inzalo ehlukile kwezinye izindawo zikaMasipala.

(2) Aqikelele ukulandelwa kwemithetho kaMasipala kuhlanganise nalemithetho-

(a) Ukuthola umcwaningi mabhuku ozohlola ukusetshenziswa kwemali ukuze azi ukuthi yonke into iqondile futhi nohlelo lokwakhiwa kwezingqalasizinda luqhubeka ngendlela;

(b) Ukuqoka umeleli emhlanganyweni kodwa angavoti mangabe kwenzeka kuvotwa esigungwini sabaphathi.

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