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KWADUKUZA MUNICIPALITY

# UMASIPALA WAKWADUKUZA: UMTHETHO WEBHIZINISI ELINGAWULWA UHULUMENI, 2024


## IMININININGWANE YOKUXHUMANA

P +27 32 437 5000
E: Municipalmanager@kwadukuza.gov.za
W: www.kwadukuza.gov.za

# UMTHETHO KAMASIPALA WAKWADUKUZA WEBHIZINISI ELINGAWULWA UHULUMENI

**Ukuhlinzekela ilungelo lokwenza ibhizinisi elingalawulwa uhulumeni; ukusungula izindawo zamabhizinisi angalawulwa uhulumeni nemihlaba okusebenzela kuyo amabhizinisi angalawulwa uhulumeni ezakhiweni zikamasipala nokusingatha amabhizinisi angalawulwa uhulumeni ezindaweni ezithile; ukusingatha indlela amabhizinisi angalawulwa uhulumeni enza ngayo okuhambisana neminye imithetho kamasipala; ukulawula amabhizinisi angalawulwa uhulumeni emicimbini ekhethekile; ukuhlinzekela izinyathelo zokuqinisekisa impilo nokuphepha; ukuyalela amabhizinisi enza amacala amaningi ukuthi aye eziphathinimandla ezifanele eziphoqelela ukusebenza komthetho; ukuhlinzekela ukuyekiswa kokusebenza kwemithetho nokonga; kanye nokuhlinzekela izinto ezenzekayo ngenxa yebhizinisi.**

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# ISENDLALELO

**NANJENGOBA** uMasipala WaKwaDukuza ebona Umnotho Ongalawulwa Uhulumeni njengengxenye yomnotho usuwonke wakwaDukuza lapho usebenza khona njengomthombo womsebenzi wabantu abantekenteke kwezomnotho futhi yindlela ebalulekile esetshenziselwa ukuthi abantu bakwazi ukuziphilisa futhi bahlomule emnothweni kamasipala usuwonke.

**NANJENGOBA** uMasipala WakwaDukuza ubona iqhaza elibalulekile elibannjwa ibhizinisi elingalawulwa uhulumeni, eliphathelene nemikhakha eminingi yezomnotho, ekwehliseni izinga lobubha, ekungeniseni imali nokuthuthukisa ezamabhizinisi futhi, ikakhulukazi, emtheleleni omuhle ibhizinisi elingalawulwa uhulumeni elinawo kubantu nemiphakathi ebebencishwe amathuba;

**NANJENGOBA** uMasipala WakwaDukuza ubona umthelela owumlando wemithetho eyayakhelwe ebuhlangeni ekutholeni amathuba amabhizinisi kubantu abaningi nesidingo sokulungisa lokhu ngokuguquko olusebenzayo;

**NANJENGOBA** uMasipala WakwaDukuza emukela ukuthi indawo yezinye izinhlobo zemisebenzi yezomnotho ngokomlando bezingahlinzekiwe nokuthi ukuthola indawo yebhizinisi yayilawulwe kakhulu ukukhipha ngaphandle iningi labantu nokuthi lolu hlaka lwendawo luhlala lukhona;

**NANJENGOBA** uMasipala WakwaDukuza ubona isidingo sokwemukela indlela yokuthuthukiswa kwebhizinisi elingalawulwa uhulumeni ngaphakathi ezindaweni zikamasipala eziphethwe kahle. Lokhu kudinga ukuthi, ekwesekeni ibhizinisi elingawaluwa uhulumeni, kufanele kubhekwe -

(a) ukuqhakambisa intuthuko kwezenhlalo kanye nekwezomnotho;
(b) kugcinwe indawo ephephile nenempilo kubo bonke abasebenzisi;
(c) kuqondiswe futhi kusizwe ukwakhekha nokukhula kwebhizinisi ngezinhlelo zikamasipala;
(d) ukwehlukaniswa okucacile kwemisebenzi yokuthuthukisa neyokuphoqelelwa kokusebenza komthetho njengoba kuhlobene namabhizinisi angalawulwa uhulumeni;
(e) ukuqonda ukuthi isenzo ngasinye esiphathelene nomasipala esiphathalene ne/namabhizinisi eli/angalawulwa uhulumeni izinto ezivela ngokuthuthukiswa kwezenzo ezinjalo kufanele zibheke.

**NANJENGOBA** uMasipala WakwaDukuza ekhombisa okungaphezu kokuhweba okungalawulwa uhulumeni futhi ebona ukuthi kunezinhlobo ezehlukahlukene zemisebenzi engalawulwa uhulumeni eyenzeka kuMasipala ngokuhlanganyela enegalelo eMnothweni Ongalawulwa Uhulumeni.

**NANJENGOBA** uMasipala WakwaDukuza enekhono ngokweNgxenye B Yamasheduli 4 no-5 yoMthethosisekelo ephathelene nezindaba ezinjalo njengokuhlela kukamasipala, ukuhweba esitaladini, izindawo zemiphakathi, izimakethe, ukulawulwa abantu abawuhlupho,

ukulawula imisebenzi yokuthengisa utshwala emphakathini, nokunikeza imvume nokulawula imisebenzi ethengisa ukudla emphakathini.

Kuyemukeleka futhi ukuthi kunemithetho eminingi elawula imikhakha ethile yebhizinisi nebhizinisi-ke nje ngokwejwayelekile, kodwa lokho akuwona umsebenzi obalulekile kaMasipala WakwaDukuza (noma Uphiko Lwebhizinisi Lokuhlela Ukuthuthukiswa Komnotho / Uphiko Lwebhizinisi Lokuthuthukiswa Komnotho Wasekhaya) ukuphoqelelela ukusebenza kwale mithetho ngaphandle uma kudingeka kuphela ngokomthetho onjalo noma kujutshwe yisiphathimandla.

**NANJENGOBA** umkhandlu kaMasipala WakwaDukuza unamandla, ngokwesigaba 156 (2) soMthethosisekelo Wezwe LaseNingizimu Afrika, okwenza futhi nokulawula nokusebenzisa imithetho kamasipala ukuze kuqhubeke ngempumelelo izindaba onelungelo lokuziphatha;

**NGAKHO-KE MANJE** uMkhandlu kaMasipala WaKwaDukuza, wenza ngokwesigaba 156 esifundwa kanye neNgxenye B yeSheduli 5 yoMthethosisekelo Wezwe LaseNingizimu Afrika, efundwa nesigaba 11 soMthetho woHulumeni baseKhaya: UMthetho Wezihlelo ZikaMasipala, 2000 (uMthetho ongunnombolo 32 ka-2000), ngalokhu umisa uMthetho KaMasipala olandelayo:

# ISAHLUKO 1
# IZIGATSHANA EZIZA KUQALA

## Izincazelo

1. Kulo Mthetho KaMasipala, ngaphandle uma umqondo ukhombisa okunye -

**"isiphathimandla esigunyaziwe"** kuchaza umuntu ogunyaziwe ukuba aqalise ukusebenza kwezigatshana zalo Mthetho KaMasipala, okufaka kodwa kungacini:-

(a) eziphathimandleni zoxolo njengoba zicatshangwe ngokucophelela esigabeni 334 soMthetho Wenqubo Yezobugebengu, 1977 (uMthetho ongunombolo 51 ka-1977);.

(b) abasebenzi abanjalo, abangammeleli, abajutshiwe abaqokiwe, abamele kanye nabahlinzeki ngezidingo kuMasipala njengoba begunyazwe ngokucacile nguMasipala mayelana nalokhu: Ngaphandle uma kwenzelwa ukusesha nokwephuca, lapho umuntu onjalo engeyena umsebenzi woxolo, lowo muntu kufanele aphelezelwe umsebenzi woxolo;

(c) iphoyisa lomgwaqo eliqokwe ngaphansi kweSigaba 3 soMthetho Wezomgwaqo owunombolo 93 ka-1996;

(d) ilungu loMbutho Wezamaphoyisa waseNingizimu Afrika njengoba kuchaziwe eSigabeni 1 soMthetho Wombutho Wezamaphoyisa WaseNingizimu Afrika owunombolo 68 ka-1995.

**“ibhishi”** lichaza ingxenye yomhlaba ongaphezu noseduze komsebe wolwandle futhi ofaka noma yimuphi umngcele wotshani, lapho umngcele onjalo wotshani ukhona;

**“ukuhweba ebhishi”** kuchaza ibhizinisi elingalawulwa uhulumeni elenzelwa ebhishi futhi okufaka ibhizinisi elingalawulwa uhulumeni endaweni yokupaka izimoto eseduzane nebhishi;

**“umuntu omnyama”** uchaza umuntu ongena ngaphansi kwencazelo yomuntu omnyama eMthethweni Wokunikezwa Kwamandla Umnotho Wabantu Abamnyama, (uMthetho owunombolo 46 ka-2013);

**“umcimbi”** uchaza umcimbi njengoba uchazwe eMthethweni Wezokuphepha Emidlalweni Nasemicimbini Yezokungcebeleka, 2010 (uMthetho owunombolo 2 ka-2010) okuyimidlalo, ukuzithokozisa, ukungcebeleka, ezenkolo, ezamasiko, ukubukisa, izinto eziphathelene nezinhlangano noma izinto ezifana nalezo ezenzelwa enkundleni, indawo noma indlela ende noma ngaphakathi ezindaweni zabo;

**“Imikhiqizo yokudla”** ichaza imikhiqizo yokudla njengoba ichazwe esigabeni 1 soMthetho Wemikhiqizo Yokudla, Imikhiqizo Egcotshwa Emzimbeni Nezibulalimagciwane, 1972 (uMthetho owunombolo 54 ka-1972);

**“Imakethe esendaweni evulekile okuthengiswa kuyo izinto ezehlukene”** ichaza imakethe okuthengiswa kuyo ngezikhathi ezithile endaweni noma esakhiweni okuvulekile lapho iqoqo labathengisi bethengisela khona umphakathi.

**“isifiki”** sichaza umuntu ongesona isakhamuzi noma umhlali, kodwa ongesona isifiki esingekho emthethweni .

**“imisebenzi lapho kuqhutshwa khona phambili umuntu okungeyena umnikazi womsebenzi”** ichaza ukuhlela noma okunye ukwenza okubukela phansi ngqo noma ngenye indlela engaqondisile noma ekhinyabeza lokho okuphokophelelwe yizinjongo zale nqubomgomo njengebhizinisi elilawulwa uhulumeni noma umuntu oqashwe ngokusemthethweni, noma isifiki esingekho emthethweni sisebenzisa umuntu ofanelekile ukuthi asebenze emnothweni ongalawulwa uhulumeni njengomuntu ammele ekubambeni kwakhe iqhaza.

**"impahla"** ichaza noma iyiphi impahla ethathekayo ekhonjisiwe noma egcinwa umuntu endaweni yomphakathi noma emgwaqeni womphakathi noma ehloswe ukusetshenziswa mayelana nokwenza ibhizinisi lomuntu webhizinisi elingalawulwa uhulumeni futhi okufaka noma yini, isiqukathi, imoto, into ethathekayo noma ephilayo;

**“izinga okufinyelela kulo amanzi”** lichaza umaka lapho kufinyelela khona amanzi njengoba kuchazwe eMthethweni Wokusingathwa Kwezemvelo: UMthetho Wokusingatha Okuphathelene Nokuhlanganiswa Kogu, 2008 (uMthetho onguNombolo 24 ka-1998);

**“Ibhizinisi lasekhaya”** lichaza ukwenza umsebenzi owodwa ongenamthelela kwabanye abahwebela endaweni yokuhlala noma nomnikazi waleso sakhiwo osemthethweni, ngaphandle uma umsebenzi owenziwa kakhulu kuleso sakhiwo uzohlale kungowokuhlala kwalabo abahlala khona, futhi isakhiwo sihambisana nezimfanelo zezigatshana zoHlelo zokwenza ibhizinisi lasekhaya .

**“isifiki esingekho emthethweni”** sichaza isifiki esiseNingizimu Afrika ngokuphambana noMthetho Ophathelene Nezifiki, 13 ka-2002 futhi ofaka umuntu ongavunyelwe ngokweSigaba 29 soMthetho Wezifiki..

**“impahla engekho emthethweni”** ichaza –

(a) impahla engeke ikwazi ukuthengiswa noma ithengwe ngokusemthethweni okufaka, kodwa kungagcini, empahleni eyinkohliso njengoba ichazwe eMthethweni Wempahla Eyinkohliso, 1997 (uMthetho owunombolo 37 ka-1997);
(b) impahla ethengwa noma ithengiswe ngendlela engekho emthethweni; noma
(c) impahla etholakale ngendlela engekho emthethweni.

**“imali ekhokhelwa impahla ethathwe yayogcinwa”** ichaza imali ekhokhiswayo lapho kufanele khona, njengoba kusuke kuhlonze umasipala ngezikhathi ezithile, yokuthathwa nokugcinwa kwempahla ethathwe ngokwalo Mthetho KaMasipala, kanye nezindleko zokulahla noma zokudedela impahla ebithathiwe;

**“umuntu webhizinisi elingalawulwa uhulumeni”** uchaza umuntu owenza ibhizinisi ngokusemthethweni emnothweni ongalawulwa uhulumeni.

**“ibhizinisi elingalawulwa uhulumeni”** lichaza ukuhweba ngempahla noma ngemisebenzi emnothweni ongalawulwa uhulumeni okwenziwa umuntu webhizinisi

elingalawulwa uhulumeni ngaphansi kwendawo kaMasipala, futhi ngokwejwayelekile okufaka, ngaphandle komkhawulo, le mikhakha elandelayo nezinhlobo zokuhweba:

| UMKHAKHA | UHLOBO | IZIBONELO ZEMIKHIQIZO/IMISEBENZI EHLINZEKWAYO |
|---|---|---|
| Ukuthengisa/ Ukuhweba | Izitolo ezakhiwe emakhaya (ama-tuch shop/ama-spaza shop) | Ama-snacks namaswidi |
| | | Igilosa |
| | | Izithelo kanye namaveji |
| | | Isinkwa nobisi |
| | | Iziphuzo ezibandayo |
| | | Ushukela, izipayisi nosawoti |
| | | Uflawa, irayisi, nempuphu |
| | Abantu bebhizinisi elingalawulwa uhulumeni lasesitaladini | Izithelo kanye namaveji |
| | | Ukudla okuphekiwe |
| | | I-Airtime |
| | | Umuthi wendabuko |
| | | Amagwinya |
| | | Amaphephandaba |
| | | Usikilidi |
| | Izimakethe (Zonomphelo / Zezikhathi ezithile) | Izingubo zomdabu |
| | | Izingubo zokulala |
| | | Amaspayisi |
| | | Ukudla okuphekiwe |
| | | Umuthi |
| | | Izingubo zokugqoka |
| | | Umsebenzi wobuhlalu |
| | Abantu bebhizinisi elingalawulwa uhulumeni abafuyayo | Imikhiqizo yenkukhu |
| | | Izimbuzi |
| | | Imvu |
| | | Izinkomo |
| | Abantu bebhizinisi elingalawulwa uhulumeni abahambe bedayisa | Izithelo kanye namaveji |
| | | Inyama |
| | | Eminye imikhiqizo |
| Ukukhiqiza | Izinto ezenzelwa emakhaya | Ukuthunga izingubo |
| | | Ukushisela |
| | | Ukusebenza ngokhuni |
| | | Ukwenza osofa nezihlalo |
| | | Ukubumba izitini |
| | | Ukwenza ukudla |
| | | Izinhlobo zomsebenzi wobuciko, owezandla, izinto ezenzelwe ukusetshenziswa ngokushesha, imikhiqizo yokudla njll. |

| UMKHAKHA | UHLOBO | IZIBONELO ZEMIKHIQIZO/IMISEBENZI EHLINZEKWAYO |
|---|---|---|
| | Izimboni zezinyosi (isikhungo sokuzifuya) | Njengokwezinto ezenzelwa emakhaya |
| Amabhizinisi okuhlunga (uhlelo lokuhambisa impahla ngokwehlukana) | | Izinto zokuhlanza |
| | | Ukudla okwejwayelekile (uflawa, ushukela njll) |
| | | Ukudla okukhethekile |
| | | Okunye ukudla |
| Imisebenzi ehlinzekelwa umuntu othile | Imisebenzi ehlinzekelwa emakhaya | Amasaluni |
| | | Ukuthatha Izithombe |
| | | Ukwenza izandla nezinzipho nokwenza izinyawo nezinzipho |
| | | Izikole ezinakekela izingane/Izinkulisa Izikhungo |
| | | Izinyanga (Izangoma) |
| | Imisebenzi ehlinzekelwa esitaladini | Amasaluni |
| | | Ukuthatha Izithombe |
| | | Ukwenza izandla nezinzipho nokwenza izinyawo nezinzipho |
| | | Ukugada izimoto |
| Imisebenzi ehlinzekelwa emabhizinisi | Imisebenzi ehlinzekelwa emakhaya | Amafoni omphakathi |
| | | Ukuhlinzeka imisebenzi yokuphatha |
| | | Omashonisa (abangekho emthethweni) |
| | Imisebenzi ehlinzekelwa esitaladini | Amafoni omphakathi |
| | | Ukuhlinzeka imisebenzi yokuphatha |
| | | Omashonisa (abangekho emthethweni) |
| Imisebenzi yezimoto | Imisebenzi ehlinzekelwa emakhaya | Omakhenikha bezimoto |
| | | Abacangcatha izimoto |
| | Imisebenzi ehlinzekelwa esitaladini | Omakhenikha bezimoto |
| | | Abacangcatha izimoto |
| | | Abesebenza ngogesi wezimoto |
| | | Abageza izimoto |
| | | Ongoti bamapayipi ezimoto akhipha intuthu |
| Ukwakha | | Abakhi (okufaka ukusingatha iphrojekthi) |

| UMKHAKHA | UHLOBO | IZIBONELO ZEMIKHIQIZO/IMISEBENZI EHLINZEKWAYO |
|---|---|---|
| | | Umsebenzi ofundele ikhono elithile lokwenza umsebenzi wezandla |
| | | Abasebenza ngamapayipi amanzi |
| | | Abasebenza ngogesi |
| | | (Okunye) |
| Ukuqashelwa umsebenzi wasekhaya | Imisebenzi ehlinzekelwa emakhaya | Imisebenzi yasengadini |
| | | Abasizi/abanakekeli basemakhaya |
| | | Ababheka izingane |
| Ezolimo | Abakhiqizi bezolimo lokuziphilisa | Amaveji nezithelo |
| | | Imfuyo |
| | | Imikhiqizo yenkukhu |
| | Amapulazi amancane | Amaveji nezithelo |
| | | Imfuyo |
| | | Imikhiqizo yenkukhu |
| | | Umoba |
| | | Izitshalo |
| Ukusebenzisa futhi izinto esezilahliwe | Abaqoqi bemfucuza kanye abasebenzisa futhi izinto esezilahliwe | Uplastiki |
| | | Amakani |
| | | Iphepha nekhathoni |
| | | Ingilazi |
| | | Insimbi |

**"indawo yebhizinisi elingalawulwa uhulumeni"** ichaza indawo njengoba ikhonjiswe eMnothweni Ongalawulwa Uhulumeni: Uhlelo Lokuhlonza Indawo noma ehlonzwe umkhandlu ngesinqumo somkhandlu

**"Umnotho Ongalawulwa uhulumeni: "Uhlelo Lokuhlonzwa Kwendawo"** luchaza uhlelo olwemukelwe nguMasipala eSahlukweni 3 ukuhlonza imingcele yamabhizinisi angalawulwa uhulumeni ngaphakathi ezindaweni ezithile.

**"umnotho ongalawulwa uhulumeni"** uqondise kuyo yonke imisebenzi ephathelene nezomnotho yabasebenzi nezimpiko zomnotho – ngokomthetho nangokweqiniso – akungeni ngaphansi noma akungeni ngokwenele ngaphansi kwezinhlelo ezisemthethweni, izinqubomgomo nemithetho kamasipala. Ngaleyo ndlela, basebenza ngaphandle kohlaka lomthetho olulawulayo ngokomthetho noma abekho ngaphansi kohlaka olusemthethweni olusebenzayo. Lokhu bese kusho ukuthi - nakuba besebenza ngaphansi komthetho, umthetho awusetshenziswa noma awuphoqelelwe ukuthi usebenze; noma umthetho wenza ukuthi kungabibikho ukuhambisana nawo ngenxa yokuthi awufanele, unzima, futhi/noma uphoqelela izindleko ezinkulu;

**"impambanamgwaqo"** ichaza impambanamgwaqo njengoba ichazwe emithethweni elawulayo eqhakambiswe ngokoMthetho Kazwelonke Wezemigwaqo, 1996 (uMthetho owunombolo 93 ka-1996);

**"umugqa wendlela eyakhiwe ngamatshe ehamba eduze komgwaqo ephakeme"** ichaza umngcele phakathi kwendawo lapho kuma khona izimoto emgwaqeni nonqenqema lomgwaqo noma, uma ingekho indawo yokuma izimoto emgwaqeni, ingxenye phakathi konqenqema lomgwaqo nomncgele, njengoba kuchaziwe esigabeni 1 soMthetho Kaszwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996);

**"udoti"** ufaka noma yini yokuphatha, isiqukathi noma enye into noma okuthile okulahlwayo, okushiywayo.

**"imakethe"** ichaza indawo engaphakathi kwendawo yebhizinisi elingalawulwa uhulumeni ehlonzwe njengemakethe eMnothweni Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo futhi olusingethwe ngendlela enokuhambisana;

"**umkhandlu kamasipala"** noma **"umkhandlu"** uchaza umkhandlu kamasipala WaKwaDukuza, umkhandlu kamasipala okubhekiswe kuwo esigabeni 157(1) soMthethosisekelelo;

**"uMasipala"** uchaza uMasipala WaKwaDukuza, uMasipala njengoba kucatshangwa ngokwesigaba 155(1) soMthethosisekelo futhi njengoba kunjalo ku-Inombolo Yesaziso 43 ye-2000 (KZN);

**"isakhiwo sikamasipala"** sichaza isakhiwo omnikazi waso, nesiqashwe noma esilawulwa uMasipala;

**"isakhiwo sikazwelonke"** sichaza noma yiziphi "izakhiwo ezakhelwe isikhumbuzo" njengoba kuchazwe esigabeni 2 soMthetho Kazwelonke Wezinto Ezingamagugu, 1999 (uMthetho owunombolo 5 ka-1999);

**"Isakhiwo okungesona esikamasipala"** sichaza isakhiwo esisendaweni engaphansi kukaMasipala kodwa okungesona, esiqashwe noma esingalawulwa uMasipala;

**"uhlupho"** lufaka, kodwa lungagcini esenzweni noma kokungenziwanga okucasulayo, okulimazayo noma okuyingozi empilweni, noma okuphazamisa ukunethezeka, ukweneliseka, uxolo noma ukuthula komphakathi noma okuthinta kabi umphakathi ngokubanzi.

**"ukuvimba"** kuchaza noma yini evimba noma okungenzeka ivimbe izimoto noma abantu abahamba ngezinyawo emgwaqeni womphakathi;

**"ipaki"** ichaza ingadi noma ipaki umphakathi onelungelo lokungena kukho "nengadi" inencazelo efanayo;

**"ukudla okwenzelwe ukuthi kusheshe kusebenze"** kuchaza noma yimuphi umkhiqizo wokudla okuthi ngenxa yesakhiwo sakho, izithako, umswakama kanye noma inani le-pH kanye nokungabi nazo izithako ezikugcina kusesimweni nokukufaka emaphaketheni afanele akukwazi ukuvimbela ukwanda kwamagciwane kukho uma umkhiqizo wokudla

ugcinwe ezingeni lokushisa eliwu-4 degrees Celcius, kodwa uma kukhishwa amaveji nezithelo.

**“imvume”** ichaza imvume okubhekiswe kuyo eSahlukweni 4 yokwenza ibhizinisi elingalawulwa uhulumeni;

**“umnikazi wemvume”** uchaza umuntu webhizinisi elingalawulwa uhulumeni onikezwe imvume uMasipala, ukwenza ibhizinisi elingalawulwa uhulumeni;

**"okunqunyiwe"** kuchaza njengoba kuhlonzwe isinqumo somkhandlu ngezikhathi ezithile;

**"isakhiwo sikahulumeni"** sichaza okungesanoma yimuphi umkhakha kahulumeni noma esisetshenziswa uhulumeni kuphela, okufaka uMasipala;

**"indawo yokupaka yomphakathi"** ichaza noma iyiphi indawo emphakathini ehlonzwe uMasipala ukuthi apake izimoto;

**“indawo yomphakathi”** ichaza-

(a) umgwaqo womphakathi;
(b) Indawo yokupaka yomphakathi; kanye
(c) nanoma iyiphi indawo okuhlanganela kuyo abantu, ipaki, indawo yokungcebeleka, indawo yezemidlalo, ibhishi, indawo enezitolo eziningi, amathuna kamasipala, indawo evulelekile, noma umhlaba kamasipala ongakhiwe uMasipala onegunya kuwo, noma umphakathi onelungelo lokuwusebenzisa, noma okhonjiswe emdwebweni wezakhiwo owejwayelekile zaselokishini obhaliswe ehhovisi lamatayitela noma ehhovisi leSazi Jikelele Sokuklanywa Komhlaba Ngokusebenzisa Izilinganiso Nemidwebo njengoba kuhlinzekelwe ukusetshenziswa umphakathi noma abanikazi besiqeshana somhlaba elokishini elinjalo;

**"umgwaqo womphakathi"** uchaza noma yimuphi umgwaqo, isitaladi noma indlela yokwedlula noma iyiphi enye indawo (noma ngabe indlela yokwedlula noma akuyona) evame ukusetshenziswa umphakathi noma iyiphi ingxenye yawo noma lapho umphakathi noma iyiphi ingxenye yawo onelungelo lokuhamba kuwo, futhi okufaka—

(a) umngcele wanoma yimuphi umgwaqo onjalo, isitaladi noma indlela yokwedlula:
(b) noma yiliphi ibhriji, indawo lapho kuweliswa khona abantu noma izinto okuhamba kuyo umgwaqo onjalo, isitaladi noma indlela yokwedlula; kanye:
(c) nanoma yimuphi omunye umsebenzi noma into eyingxenye noma exhumene noma yomgwaqo onjalo, isitaladi noma indlela yokwedlula;
(d) noma iyiphi indlela yezinyawo, indawo okuhanjwa kuyo eceleni komgwaqo noma ingxenye yabahamba ngezinyawo efanayo yendawo ebekelwe umgwaqo;
(e) noma yimaphi amagceke anesakhiwo noma angenaso, asestshenziswa noma abekelwe indawo yokupaka izimoto zomphakathi noma indawo yokupaka izimoto umphakathi noma ngabe ukungena kuleyo ndawo yokupaka akukhokhelwa.

"**indlela yomgwaqo**" ichaza leyo ngxenye yomgwaqo, isitaladi noma indlela yokwedlula eyenziwe ngcono, yakhiwa noma eyenzelwe ukuhamba izimoto, ephakathi kwezinqenqema zendlela yomgwaqo, njengoba ichazwe esigabeni 1 soMthetho Kazwelonke Wezomgwaqo, 1996 uMthetho owunombolo 93 ka-1996);

**"Indawo ebekelwe umgwaqo"** ichaza indawo eseceleni komgwaqo esebenzisa njengesivikeli ukwenzela ukunwetshwa komgwaqo okungenzeka esikhathini esizayo, ukuthuthukiswa, kanye nengqalasizinda ebalulekile, okufaka indlela yomgwaqo, izindawo okuma kuzo izimoto emgwaqeni, kanye nezindawo ezabelwe izinto ezithile zasemgwaqeni neminye imisebenzi ephathelene nomgwaqo.

**"Uhlelo"** luchaza uHlelo Lokusingathwa Kokusetshenziswa Komhlaba LwaKwadukuza lwakamuva.

**"Usebe lolwandle"** luchaza usebe lolwandle njengoba luchaziwe eMthethweni Wokusingathwa Kwezemvelo: UMthetho Wokusingatha Okuphathelene Nokuhlanganiswa Kogu, 2008 (uMthetho onguNombolo 24 ka-1998);

"**ukuthengisa**" kufaka ukuthengisa impahla noma ukuhlinzeka imisebenzi futhi-

(a) ukushintshisana ngempahla ngaphandle kwemali, ukushintshisana noma ukuqashisa;
(b) ukukhombisa, ukuveza, ukuhlinzeka noma ukulungiselela ukuthengisa;
(c) ukugcina okuthile emgwaqeni womphakathi noma endaweni yomphakathi ukwenzela ukuthengisa; kanye
(d) nokuhlinzeka umsebenzi ukwenzela ukuthola umvuzo,

futhi "ukuthengisa" noma "ukudayisa" kunencazelo efanayo;

"**ukuhlinzeka imisebenzi"** mayelana nomuntu webhizinisi elingalawulwa uhulumeni, kufaka noma yiliphi ithuba noma lokho okuzuzakele noma okuhlinzekwe umuntu webhizinisi elingalawulwa uhulumeni ukuze athole imali noma umvuzo;

**"indawo okuma kuyo izimoto emgwaqeni"** ichaza leyo ngxenye yomgwaqo, yesitaladi noma indlela yokwedlula phakathi konqenqema lwendlela yomgwaqo nomugqa wendlela eyakhiwe ngamatshe ehamba eduze komgwaqo ephakeme, njengoba kuchaziwe eMthethweni Kazwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996);

"**indlela yokuhamba eceleni komgwaqo**" ichaza leyo ngxenye yomngcele womgwaqo owenzelwe abahamba ngezinyawo kuphela, njengoba kuchazwe esigabeni 1soMthetho Kazwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996) futhi okufaka indawo ebekelwe umgwaqo noma indlela yokwedlula okungeyona indlela yomgwaqo;

**"imicimbi ekhethekile"** ichaza imicimbi enjengamafestivali omculo, imicimbi yezemidlalo, imicimbi yezokungcebeleka, izimakethe ezivele zithushuke nje noma eminye imicimbi efana naleyo;

**Ezolimo zokuziphilisa**" kuchaza ukuvuna izitshalo noma ukukhulisa imfuyo ukwenzela ikakhulukazi ukuhlangabezana nezidingo zomlimi noma zomndeni wakhe ukuze baphile kunokwenzela ukuthengisa.

**"uhlobo"** emqondweni webhizinisi elingalawulwa uhulumeni, luchaza uhlobo olubanzi lwebhizinisi elingalawulwa uhulumeni elisohlwini kwikhalamu yencazelo yebhizinisi elingalawulwa uhulumeni;

**"umngcele womgwaqo"** uchaza leyo ngxenye yomgwaqo, isitaladi, noma indlela yokwedlula, okufaka indlela yokuhamba eceleni komgwaqo, okungekhona indlela yomgwaqo lapho kuma khona izimoto emgwaqeni, njengoba kuchazwe esigabeni 1 soMthetho Kazwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996).

## Ukuhunyushwa koMthetho KaMasipala

2. (1) Uma kunokushayisana kokuhunyushwa kwencazelo phakathi kombhalo wesiNgisi walo Mthetho KaMasipala kanye nombhalo ohunyushiwe, umbhalo wesiNgisi yiwo oyosebenza.

(2) Ukuvunywa noma isinqumo esithathwa ngokwalo mthetho kamasipala awunikezi ushwele umuntu noma inkampani ekutheni ihambisane nanoma yimuphi umthetho noma lowo olawulayo osebenzayo.

## Izinjongo zoMthetho KaMasipala

3. (1) Injongo yalo Mthetho KaMasipala ukulawula ibhizinisi elingalawulwa uhulumeni ngendlela -
   (a) Ebona ukubaluleka komnotho ongalawulwa uhulumeni kuMasipala nabahlali bawo;
   (b) Eqinisekisa ukuthi ibhizinisi elingalawulwa uhulumeni lenziwa ngendlela ehlelekile;
   (c) Evumela ukutholakala kwamathuba omsebenzi nawamabhizinisi ngaphakathi emkhakheni webhizinisi elingalawulwa uhulumeni;
   (d) Eyenza kube nokuzwana ngokobudlelwano phakathi komkhakha webhizinisi elingalawulwa uhulumeni nowebhizinisi elilawulwa uhulumeni; kanye
   (e) Neqinisekisa impilo nokuphepha komphakathi.

## Ukusebenza koMthetho KaMasipala

4. (1) Lo Mthetho KaMasipala usebenza kuzo zonke izindawo ezingaphansi kukaMasipala WaKwaDukuza futhi uyabophezela kubo bonke abantu kuze kufike lapho kufanele khona.

## Izimiso, Okwejwayelekile Nokulindelekile Nezinqubomgomo

5. (1) Noma yiziphi izimiso zokwakha nanoma yikuphi okulindelekile nokwejwayelekile okusebenza Ezimvumeni Zebhizinisi neBhizinisi Elingalawulwa Uhulumeni kanye/noma Izimvume Zebhizinisi Elingalawulwa Uhulumeni, okwenziwe ngokomthetho kazwelonke noma wesifundazwe kuyasebenza kuMasipala.

(2) UMkhandlu KaMasipala ungemukela izinqubomgomo nezinqubomgomo ezingaphansi kwenkulu okungahambisani nomthetho kazwelonke, umthetho wesifundazwe noma lo Mthetho KaMasipala ukukhombisa indlela efanele yokufaka izicelo noma izinqumo ezithathwayo ngokwalo Mthetho KaMasipala.

(3) Uma uMkhandlu kaMasipala uhlose ukwemukela noma ukuchibiyela inqubomgomo ongaba nomthelela obonakalayo impela futhi omubi emalungelweni anoma yimuphi umuntu noma umphakathi, uMasipala kufanele alandele inqubo nendlela yokwenza yokubamba iqhaza okuhlangabezana noMthetho Wezinhlelo kaMasipala.

# ISAHLUKO 2
# INKULULEKO YOKUHWEBA

## Inkululeko yokwenza ibhizinisi elingalawulwa uhulumeni

6. (1) Kuncike ekuhambisaneni nezigatshana -
   - (a) zalo Mthetho KaMasipala;
   - (b) zenqubomgomo yebhizinisi elingalawulwa uhulumeni;
   - (c) zanoma yimuphi omunye umthetho osebenzayo;
   - (d) zanoma yimiphi imibandela emvumeni yebhizinisi elingalawulwa uhulumeni esebenzayo;
   - (e) zoHlelo
   - (f) zanoma yimuphi umuntu ovumeleke ukwenza ibhizinisi elingalawulwa uhulumeni ngaphakathi kwendawo engaphansi kukaMasipala.

# ISAHLUKO 3
# UMNOTHO ONGALAWULWA UHULUMENI: UHLELO LOKUHLONZWA KWEZINDAWO

### Inhloso Yomnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo

7. (1) Inhloso yencwadi yebhizinisi elingalawulwa uhulumeni echaza okuphokophelelwe yinkampani nokuthi izokuthola kanjani noma ukuchitshiyelwa koMnotho Ongalawulwa Uhulumeni okhona njengamanje: Uhelo Lokuhlonzwa Kwendawo olokuhlonza amalungelo ebhizinisi elingalawulwa uhulumeni nemingcele endaweni ethile kaMasipala ukwenzela -
    - (a) ukuthi kusebenze izinqubomgomo nezinhlelo zikahulumeni kazwelonke nowesifundazwe,
    - (b) ukuthi kusebenze inqubomgomo kaMasipala yebhizinisi elingalawulwa uhulumeni;
    - (c) ukuqhakambisa nokukhuthaza ukuthuthukiswa komnotho okwesekekile ngendlela ezoqhakambisa ukwenzeka kalula kwezinto, ukusebenza ngempumelelo, umnotho, impilo, ukuphepha nempilonhle eyejwayelekile yomphakathi;
    - (d) ukuqhakanjiswa kokuhlanganiswa komphakathi;
    - (e) ukuqhakambisa ukukhula komnotho nokwakha amathuba emisebenzi;
    - (f) ukunciphisa izimo eziwuhlupho nezingathandeki ekuthuthukiseni umkhakha webhizinisi elingalawulwa uhulumeni; kanye
    - (g) nokulawula ibhizinisi elingalawulwa uhulumeni kuMasipala nasezakhiweni okungezona ezikamasipala.

### Ukwemukela Umnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo

8. (1) Umkhandlu ungemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo noma ukuchibiyela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo. Umnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo kufanele lubhekelwe ukusingathwa kwemisebenzi yebhizinisi elingalawulwa uhulumeni ikakhulukazi ezindaweni lapho–
    - (a) kunokungenelelana okukhulu phakathi kwamabhizinisi alawulwa nangalawulwa uhulumeni;
    - (b) kungahlinzekelwe khona ukusetshenziswa komhlaba webhizinisi kodwa lapho ibhizinisi elingalawulwa uhulumeni lithatha khona indawo eningi;
    - (c) kunesidingo somsebenzi othile webhizinisi; noma
    - (d) linokubaluleka okukhulu okuphathelene nesiko, nomlando noma nendawo.

   (2) Umnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo lungavumela futhi lulawule ibhizinisi elingalawulwa uhulumeni-
    - (a) esakhiweni sikamasipala; kanye
    - (b) nesakhiwo okungesona esikamasipala, kuncike emalungelweni abanikazi besakhiwo.

   (3) Umnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo-
    - (a) lungachaza umngcele wendawo yebhizinisi elingawulwa uhulumeni;

(b) lungaklama izindawo okuzokwakhiwa kuzo zebhizinisi elingalawulwa uhulumeni; futhi
(c) lungaklama noma yiziphi izimakethe.

(4) Noma yimuphi umuntu ongakhombisa ukwenza okuhle, uzoba nelungelo lokucela ukuthi uMasipala abheke ukwemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo; ngaphandle uma lapho kuhlongozwa khona uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo lubheka ukuhweba okwenzelwa esakhiweni sikamasipala, isicelo sihambisana nemvume yomnikazi ebhaliwe nobufakazi bobunikazi bendawo enjalo okungeyona ekamasipala. Umasipala kufanele abheke futhi athathe isinqumo ekutholeni isicelo esikhathini esifanele.

(5) Uma kubhekwa isicelo sokwemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo, umasipala uzobheka ngendlela efanele kuzo zonke izimo zesigaba 8(1) kanye nanoma yimuphi uMnotho Ongalawulwa Uhulumeni okhona njengamanje nohlongozwayo: Uhlelo Lokuhlonzwa Kwendawo endaweni eseduzane nendawo ehlongoziwe ukuhlonza ukufiseka kokwemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo.

## Ukubamba iqhaza komphakathi

9. (1) Ngaphambi kokwemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo, uMasipala kufanele azise / abonisane nabantu ababandakanyekayo nabathintekayo. Le nqubo yokubonisana kufanele ihambisane okungenani nezigatshana ezibalulwe ezigabeni ezingaphansi kwezinkulu 9(2) kuya ezigabeni ezingaphansi kwezinkulu 9(6).

(2) Uma umasipala ekholwa ukuthi uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo luyafiseka, uMasipala kufanele-
(a) adidiyele uhlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo; futhi
(b) ashicilele isaziso esinesifingqo sezinto ezibalulekile zohlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo kanye -
  i. nokwazisa umphakathi ukuthi uhlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo luyatholakala ukuthi luhlolwe endaweni ethile futhi phakathi kwamahora athile kanye/noma kwi-intanethi;
  ii. ukumema umphakathi ukuthi uphawule noma wenqabe, kutholakale ngosuku oluthile kungabi ngaphansi kwezinsuku ezinga-30 emva kokushicilelwa kwesaziso.

(3) Isaziso okubhekiswe kuso esigabeni esingaphansi kwesikhulu 9(2) kufanele sithunyelwe futhi kwaziswe ngaso ngendlela ehlonzwe uMasipala esiyobe sesifika ngokufanele ezinhlangothini ezibandakanyekayo nezithintekayo.

(4) Umasipala kufanele abheke lokho okwenqatshwe noma okuphawulwe umphakathi okumayelana nohlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo.

(5) Emva kokubheka ukuphawula nokwenqaba, umkhandlu kufanele, esikhathini esifanele emva kwenqubo yokubamba komphakathi iqhaza mayelana nohlelo lohlaka olufanele-

(a) wemukele uhlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo;
(b) uchibiyele futhi emukele uhlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo; noma
(c) wenqabe uhlaka loMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo.

(6) Uma umkhandlu wemukela uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo, kufanele kushicilelwe isazizo eMqulwini kaHulumeni Wesifundazwe, ozokwazisa umphakathi

(a) ukuthi uhlelo lohlaka lwemukelwe;
(b) ngezinto ezibalulekile zohlelo okufaka usuku oluzoqala ukusebenza ngalo, kanye
(c) nokuthi uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo luyatholakala ukuthi luhlolwe endaweni engaba kwi-intanethi.

## Ukuchibiyela, Ukuyekiswa Nokubuyekezwa Komnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo

10. (1) Umkhandlu-

(a) ungachibiyela noma uyekise uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo, ngaphandle uma uMasipala kufanele-
    i. alandelele inqubo yokubamba komphakathi iqhaza okubalulwe esigabeni 9; futhi
    ii. nokunikeza noma yimuphi umuntu omalungelo akhe njengamanje athintwe kabi ukuchibiyela okuhlongozwayo amalungelo akhe;
(b) kufanele ubuyekeze uMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo ngezikhathi ezithile njengokubona komkhandlu.

# ISAHLUKO 4
# IBHIZINISI ELINGALAWULWA UHULUMENI ESAKHIWENI SIKAMASIPALA

*Ingxenye 1: Izindawo Zamabhizinisi Angalawulwa Uhulumeni, ukuhlonza, amahora okuhweba yimfanelo yokuvumela ibhizinisi*

## Izindawo Zamabhizinisi Angalawulwa Uhulumeni Nezindawo Zokusebenzela Amabhizinisi Angalawulwa Uhulumeni

11. (1) Ngale kwanoma yini equkethwe oHlelweni, umkhandlu, ngokuthatha isinqumo-
   (a) ungehlukanisa izindawo zamabhizinisi angalawulwa uhulumeni ezakhiweni zikamasipala kunoma iyiphi indawo engaphakathi ehlonzwe njengendawo yebhizinisi elingalawulwa uhulumeni ngoMnotho Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo; futhi
   (b) uklame umhlaba wokwakha ibhizinisi elingalawulwa uhulumeni ezindaweni ezingaphakathi lapho kunebhizinisi elingalawulwa uhulumeni; futhi
   (c) uqashise ngemihlaba okusebenzela kuyo amabhizinisi angalawulwa uhulumeni kubahwebi abangalawulwa uhulumeni kanye nalabo abathintekayo abazimele ukwenzela ukuthuthukiswa kwamabhizinisi amancane noma ukusebenza ngokubambisana phakathi kukahulumeni nomkhakha ozimele.

(2) Umkhandlu ngokuthatha isinqubo -
   (a) ungelula, unciphise noma ususe noma iyiphi indawo yebhizinisi elingalawulwa uhulumeni noma umhlaba wokusebenzela ibhizinisi elingalwulwa uhulumeni;
   (b) angaqasha noma yimuphi umngcele wendawo noma iyiphi ingxenye yomngcele wendawo yomnikazi noma ohlala kuyo wanoma umhlaba oseduzane embandeleni wokuthi umnikazi noma ohlala kuwo kufanele avumele isibalo esithile samabhizinisi angalawulwa uhulumeni ukuthi asebenze emihlabeni enemingcele yendawo enjalo ngemigomo nemibandela okunjalo njengoba kungahlonza umkhandlu.

## Amahora okuhweba neminye imibandela

12. (1) Umasipala uma ehlukanisa izindawo zamabhizinisi angalawulwa uhulumeni, noma ngasikhathi sisi emva kwalokho ngesaziso esifanele, angaphoqelela -
   (a) Izinsuku namahora omsebenzi owejwayelekile; kanye
   (b) nanoma yimiphi eminye imibandela.

Lokhu kufanele kukhonjiswe ezimvumeni ezihambisanayo ezikhishelwe indawo yebhizinisi elingalawulwa uhulumeni.

## Izinto ezingavunyelwe: ibhizinisi elingalawulwa uhulumeni ezakhiweni zikamasipala ngaphandle kwemvume

13. (1) Akukho muntu ongenza ibhizinisi elingalawulwa uhulumeni eliwusheduli 1 esakhiweni sikamasipala ngaphandle kwemvume evela kuMasipala.

*Ingxenye 2: Izimvume Zamabhizinisi Angalawulwa Uhulumeni: Isicelo, izimali, ukwedluliswa, ukumiswa nokunqanyulwa kokusebenza kwemvume*

## Izimvume Zamabhizinisi Angalawulwa Uhulumeni

14. (1) Umuntu angafaka isicelo semvume yebhizinisi elingalawulwa uhulumeni, ukwenza ibhizinisi elibalulwe kuSheduli 1 esakhiweni sikamasipala, uma lowo muntu-
   (a) eyibhizinisi elingalawulwa uhulumeni noma engumuntu ofuna ukuba yibhizinisi elingalawulwa uhulumeni
   (b) engenamvume emayelana nanoma yimuphi omunye umhlaba wokusebenzela ibhizinisi elingalawulwa uhulumeni ngaphansi kwendawo kaMasipala;
   (c) eyisakhamuzi saseNingizimu Afrika noma, uma kungenjalo, unemvume esebenzayo yokusebenza efaka, kodwa engagcini emvumeni yesifiki esibaleke ezweni laso;
   (d) engadingi usizo lwabantu abangaphezu kwabayi-5;
   (e) engabandakanyekile ezinkampaneni ezingaphezu kwe-1 noma esebenzisana nabantu bebhizinisi elingalawulwa uhulumeni; noma
   (f) engaqashiwe ngokusemthethweni njengamanje
   (g) engeyena umuntu ongaphansi kweminyaka yokuzibophezela ngokomthetho.

(3) Isicelo semvume yebhizinisi elingalawulwa uhulumeni kufanele sibe kwifomu enqunywe uMasipala ngesikhathi ezithile futhi ingaba kwi-intanethi.

(4) Umasipala kufanele abheke noma yisiphi isicelo semvume yebhizinisi elingalawulwa uhulumeni futhi-
   (a) angasivuma kuncike kunoma yimiphi imibandela;
   (b) angacela olunye ulwazi ukuthi anikezwe lona esikhathini esithile esinqunyiwe; noma
   (c) enqabe isicelo futhi anikeze izizathu zalokho.

(5) Umasipala angabheka lezi zinto ezilandelayo uma ebheka isicelo semvume yebhizinisi elingalawulwa uhulumeni isidingo sokukhetha abafakizicelo—
   (a) abayizakhamuzi zaseNingizimu Afrika ezinoMazisi osebenzayo;
   (b) abantu abamnyama;
   (c) abantu abangasebenzi;
   (d) abantu abahlala ngaphansi kwendawo kukaMasipala;
   (e) abantu asebevele besebenza emkhakheni;
   (f) abantu abangahlali endlini eyodwa nomnikazi wemvume, ngaphandle uma umfakisicelo akekho ngaphansi noma akethembele ngokwezimali kumnikazi wemvume;
   (g) abantu abakhubazekile;
   (h) abantu abanomsebenzi webhizinisi ongalawulwa uhulumeni osusimeme endaweni okwemukelwa kuyo ukuhweba okusha;
   (i) abantu abangaphezu kweminyaka engaphezu eyi-18 ubudala;
   (j) abesifazane
   (k) noma ngabe impahla umfakisicelo ahlose ukuyithengisa, noma imisebenzi ahlose ukuyihlinzeka, okuhambisana nalokho okuthengiswa noma okuhlinzekwa abanye abantu bamabhizinisi angalawulwa uhulumeni endaweni

yebhizinisi elingalawulwa uhulumeni noma amanye amabhizinisi endaweni eseduzane nebhizinisi elingalawulwa uhulumeni;

(l) noma ngabe umfakisicelo eminyakeni emibili ngaphambi kokufaka kwakhe isicelo uke wagwetshelwa icala eliphathelene nebhizinisi elingalawulwa uhulumeni noma omvume yebhizinisi lakhe elingalawulwa uhulumeni iyekisiwe ukusebenza noma yamiswa;

(m) ukukwazi komfakisicelo ukuhlangabezana namahora okuhweba endawo yebhizinisi engalawulwa uhulumeni efanele njengoba kungahlonza umkhandlu;

(6) Umasipala ngesikhathi ukhipha imvume yebhizinisi elingalawulwa uhulumeni, angaphoqelela noma yimiphi imibandela efanele, okufaka kodwa kungagcini-

(a) emahoreni ebhizinisi angaphansi noma angaphezulu;

(b) imikhawulo emayelana nohlobo lwempahla, imisebenzi ehlinzekwayo noma izinto ezenziwayo umnikazi wemvume avumeleke ukuzenza;

(c) ukuphelelwa kwemvume yisikhathi;

(d) noma ngabe abasizi bavumelekile; kanye

(e) nemibandela emayelana nohlobo lwesakhiwo nezakhiwo, kanye nobungako nesisindo sanoma yiziphi izimoto uma zikhona, okungaba semhlabeni wokusebenzela ibhizinisi elingalawulwa uhulumeni noma endaweni yebhizinisi elingalawulwa uhulumeni,

(7) Lapho kufanele khona, imvume yebhizinisi elingalawulwa uhulumeni _

(a) kufanele ibhekise endaweni ethile yokupaka izimoto, njengoba ihlonzwe yinombolo yayo, imvume ephathelene nayo; futhi

(b) inikeze umnikazi wemvume kuphela, kanye nomsizi wakhe, ilungelo lokusebenzisa leyo ndawo yokupaka yebhizinisi kuncike emibandeleni yemvume, izigatshana ezisebenzayo zenqubomgomo yebhizinisi elingalawulwa uhulumeni kanye nanoma yimiphi eminye imibandela ephoqelelwe kulo Mthetho KaMasipala;

(c) Iphelelwa yisikhathi emva kweminyaka emibili.

(8) Izikole, izinhlangano zezenkolo nalezo ezingenzi nzuzo ezibhalisiwe azifakiwe emfanelweni yokuthola imvume yebhizinisi elingalawulwa uhulumeni yomcimbi owenziwa minyaka yonke kodwa bayayidinga imvume kaMasipala ngokwemicimbi ekhethekile.

(9) Isifiki esifisa ukubamba iqhaza emnothweni ongalawulwa uhulumeni kufanele:

(a) Sibe nemvume ngokoMthetho Ophathelene Nezifiki (Abahlali okungebona abaseNingizimu Afrika);

(b) Sibe neMvume yeSigaba 22 yabantu ababaleke ezweni labo noma isifiki esifuna ukukhoseliswa ngokoMthetho Wezifiki Ezibaleke Ezweni Lazo (Abahlali okungebona abaseNingizimu Afrika);

(c) Bahlinzeke noma yiluphi ulwazi njengoba uMasipala engahlonza njengoba kudingekile ngokufanele okwakhelwe ohlotsheni lwebhizinisi elithile, okufaka kodwa kungagcini ebufakazini bokuthi ibhizinisi lihambisana nomunye nomthetho ophathelene nentela nezimali futhi bahlinzeke umkhiqizo noma umsebenzsi oyingqayizivele.

(d) bavume ukuthi kuqinisekiswe noma yiluphi ulwazi noma izincwadi nguMnyango Wezakhaya.
(e) Izifiki ezingagunyaziwe ngokudingekayo kanye/ezingavunyelwe lutho zizokwenqatshelwa ekubambeni iqhaza emnothweni ongalawulwa uhulumeni noma ukwenza ibhizinisi elingalawulwa uhulumeni.

## Izimali Zamabhizinisi Angalawulwa Uhulumeni

15. (1) Umasipala unelungelo lokukhokhisa -
(a) noma yimuphi umuntu ofaka isicelo sebhizinisi elingalawulwa uhulumeni, imali yesicelo ekufakweni kwesicelo ngasinye semvume yebhizinisi elingalawulwa uhulumeni; kanye
(b) *nanoma yimuphi umnikazi wemvume, imali yokuqasha indawo yaminyaka yonke emayelana nomhlaba webhizinisi elingalawulwa uhulumeni ophathelene nemvume; kanye*
(c) *nenye imali noma imali yentela ekhokhelwa imisebenzi ehlinzekwa umasipala, okufanele ihlonzwe uMasipala ngokubona kwakhe kuphela, mayelana nezinye izindleko ezingaphezulu ezinqwabelane emisebenzini ehlinzekwa uMasipala, okufaka kodwa kungagcini ezimweni lapho umnikazi wemvume ehweba ngaphakathi emakethe.*

(2) Uma kwenzeka ukuthi umuntu uyafaneleka ukuthola imvume, kodwa wabeka izizathu ngokubhala ukungakwazi kwakhe ukukhokha noma yiziphi izimali ezicatshangwe ngokucophelela eSigabeni 15(1) futhi wanikeza ubufakazi obenele balokho ekwenelisekweni okufanele kukamasipala, umasipala angayekisa ukukhokha yonke noma ingxenye yemali, noma angahlonza uhlelo lokukhokha umuntu angakhokha ngalo izimali esikhathini esinqunyiwe ngokukhokha nyanga zonke.

## Ukwedlulisa Izimvume Zamabhizinisi Angalawulwa Uhulumeni

16. (1) Imvume ayedluliselwa komunye umuntu futhi ngeke iqashiswe, ithengiswe noma ilahlwe ngaphandle kwemvume enikezwe ngaphambi kwalokho uMasipala ngokwalesi sigaba.

(2) Imvume, ingedluliselwa komunye okwesikhashana noma unomphela, ngokuthi uMasipala abhale phansi:
(d) kumuntu ophakanyiswe umnikazi wemvume ngokubhala phansi nezizathu;
(e) kumuntu ozolandela athathe itayitela lomnikazi wemvume ongasekho emhlabeni;
(f) kuncike ekuhlinzekweni kolunye ulwazi noma yiluphi uMasipala angaludinga ngezikhathi ezithile.

(3) uma uMasipala evuma ukuthi kwedluliswe imvume yebhizinisi elingalawulwa uhulumeni okwesikhashana noma unomphela -
(g) Umasipala angaphoqelela izimfanelo ezinjalo njengokubona kwakhe; kanye
(h) nomuntu othatha indawo yomnikazi wemvume ukwenza ibhizinisi, uma ukwedluliswa kwemvume kungokwesikhashana, isikhathi esikhonjiswe uMasipala.

## Ukususwa nokumiswa kwezimvume zamabhizinisi angalawulwa uhulumeni (iphutha)

17. (1) Umasipala, ngokukhipha isaziso esifanele siye ebhizinisini elingalawulwa uhulumeni futhi emva kokunikeza ibhizinisi elingalawulwa uhulumeni ithuba lokwethula lokho elikubhalile, ungayekisa ukusebenza noma umise imvume yebhizinisi elingalawulwa uhulumeni uma ibhizinisi elilawulwa uhulumeni-
    - (a) lephula noma yimiphi imibandela yemvume yebhizinisi lakhe elingalawulwa uhulumeni;
    - (b) lephula izigatshana zalo Mthetho KaMasipala noma yimuphi omunye umthetho;
    - (c) ligwetshelwa ukuhweba ngempahla engekho emthethweni noma lihlinzeka imisebenzi engekho emthethweni; noma
    - (d) kutholakala ukuthi lihlinzeke ulwazi okungeyilo lazi kuMasipala ngesikhathi kudingeka ukuthi lihlinzeke ulwazi.

## Ukususwa nokumiswa kwezimvume zamabhizinisi angalawulwa uhulumeni (akulona iphutha)

18. (1) Umasipala, ngesizathu esifanele eziya ebhizinisini elingalawulwa uhulumeni, okwesikhashana-
    - (a) angasusa umnikazi wemvume amuse kwenye indawo (uma esemhlabeni kahulumeni);
    - (b) angamisa ukusebenza kwemvume; noma
    - (c) amise ibhizinisi elingalawulwa uhulumeni endaweni yebhizinisi elingalawulwa uhulumeni noma emhlabeni noma emihlabeni ethile okwenzelwa kuyo ibhizinisi,
    - (d) uma ukuqhubeka kokusebenza endaweni yebhizinisi elingalawulwa uhulumeni noma emhlabeni okwakhiwe kuwo ibhizinisi kungenzeki noma kuyisiphazamiso emisebenzini kaMasipala, noma yimuphi umkhakha kahulumeni, noma iyiphi inkampani kahulumeni, okufaka abahlinzeki babo bemisebenzi, noma umphakathi wendawo nomphakathi ngokubanzi.

    (2) Akukho sinxephezelo eziyokhokhelwa ibhizinisi elingalawulwa uhulumeni nguMasipala uma kwenzeka-
    - (a) ibhizinisi lisuswa lisiwa kwenye indawo;
    - (b) imvume imiswa; noma
    - (c) umsebenzi umiswa endaweni ethile yebhizinisi elingalawulwa uhulumeni noma indawo okuhwetshelwa kuyo.

    (3) Akukho mali yebhizinisi elingalawulwa uhulumeni eyokhokhwa ngesikhathi lapho-
    - (a) ukusebenza kwemvume yebhizinisi elingalawulwa uhulumeni kumiswa; noma
    - (b) ibhizinisi elingalawulwa uhulumeni endaweni yebhizinizi elingalawulwa uhulumeni noma emhlabeni othile okwakhiwe kuwo ibhizinisi elingalawulwa uhulumeni limiswa noma lingavunyelwa, ngaphandle komunye umhlaba wokusebenzela ozonikezwa umnikazi wemvume lowo.

## Ukunqanyulwa kokusebenza nokubuyiselwa kwezimvume zamabhizinisi angalawulwa uhulumeni

19. (1) Umnikazi wemvume kufanele ngokushesha abuyisele imvume yakhe kuMasipala uma imvume isiphelwe yisikhathi noma uma-

   (a) uMasipala eyekisa ukusebenza kwemvume;
   (b) umnikazi wemvume enqatshelwa imvume yokwedlulisa imvume;
   (c) umnikazi wemvume eyeka ukuhweba isikhathi esiyinzinsuku ezinga-25 noma ngaphezulu;
   (d) umnikazi wemvume engasafisi ukusebenza njengebhizinisi elingalawulwa uhulumeni emhlabeni webhizinisi elingalawulwa uhulumeni ofanele;
   (e) umnikazi wemvume eqashwa emkhakheni olawulwa uhulumeni; noma
   (f) ibhizinisi libhaliswa ngokusemthweni futhi lidinga imvume yebhizinisi.

# ISAHLUKO 5
# IMIKHAWULO NEZINTO EZINGAVUNYELWE EBHIZINISINI ELILAWULWA UHULUMENI

## Imikhawulo Eyejwayelekile

20. (1) NjengokwamaSheduli kulo Mthetho KaMasipala, ibhizinisi elingalawulwa uhulumeni lizoba nezinto elizonqunyelwa zona noma ezizovunyelwa kanjena:

(g) Amabhizinisi Angalawulwa Uhulumeni adinga imvume kufanele enzelwe endaweni Yamabhizinisi Angalawulwa Uhulumeni ehlonziwe;

(h) Amabhizinisi Angalawulwa Uhulumeni angenziwa kuphela ngokuhambisana noHlelo;

(i) Amabhizinisi Angalawulwa Uhulumeni angadingi Imvume Yebhizinisi Engalawulwa Uhulumeni futhi elivunyelwe ukusebenza ngenkululeko uMasipala wonkana kodwa elizasonqunyelwa okufanele likwenze ngokwezigatshana nokungavunyelwe okufanele ngokwalo mthetho kamasipala noma yimuphi omunye umthetho.

## Izindawo ezinemikhawulo nezingavunyelwe

21. (1) Umkhandlu, ngokuthatha isinqubo, ungasho noma iyiphi indawo engaphansi kwakhe ukuthi ibe yindawo lapho ibhizinisi elingalawulwa uhulumeni linqunyelwe ukwenza okuthile noma lingavunyelwa.

(2) Umkhandlu, ekunqumeni noma ekungavumelini ibhizinisi elingalawulwa uhulumeni, ungakhombisa izindawo lapho-

(a) ibhizinisi elingalawulwa uhulumeni elingavunyelwe khona; noma

(b) Ibhizinisi elingalawulwa uhulumeni elihweba ngempahla noma ngemisebenzi, kanye/noma ngokukhiqiza imikhiqizo ethile engavunyelwe.

(3) Umasipala angamisa izimpawu, izinto ezikhombisayo noma ezinye izinto ukukhombisa imingcele-

(a) yezindawo lapho ibhizinisi elingalawulwa uhulumeni elinqunyelwe noma elingavunyelwe khona (kanye nohlobo lwanoma yimuphi umkhawulo); kanye

(b) nezindawo zamabhizinisi angalawulwa uhulumeni nezindawo zokusebenzela amabhizinisi angalawulwa uhulumeni.

(4) Noma yiluphi uphawu olumisiwe ngokwalo Mthetho KaMasipala noma yimuphi omunye umthetho, luyosebenza njengesaziso esenale sebhizinisi elingalawulwa uhulumeni ukuthi ibhizinisi elingalawulwa uhulumeni alivunyelwe noma linqunyelwe kuleyo ndawo.

## Izinto ezinqunyelwe ukuthi zenziwe: indawo ibhizinisi elikuyo

22. (1) Ibhizinisi elingalawulwa uhulumeni akufanele-

(a) libeke impahla yalo emgwaqeni womphakathi noma endaweni yomphakathi, ngaphandle kwemoto yalo noma inqola ibhizinisi elingalawulwa uhulumeni elisebenzela kuyo: ngaphandle kokuthi imoto noma inqola enjalo ayivimbeli abahamba ngezinyawo noma ukuhamba kwezimoto futhi kuhambisana

nezigatshana zoMthetho Kazwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996);

(b) livumele impahla yalo noma indawo yomsebenzi ukuthi imboze umgwaqo womphakathi noma indawo yomphakathi-
   i. engaphezu kwama-square meter ayi-6 endawo; noma
   ii. engaphezu kwamamitha ama-3 ubude, ngaphandle uma ivunywe uMasipala;

(c) lihwebe noma lenze umsebenzi webhizinisi endaweni yokuhamba eseceleni komgwaqo noma engceleni wendawo lapho-
   i. ububanzi bendawo yokuhamba eseceleni komgwaqo noma yomngcele ingaphansi kwamamitha ama-3;
   ii. indawo yokuhamba eseceleni komgwaqo noma umngcele useduze kwesakhiwo somphakathi, indawo yokukhonza njengesonto, isinagogo noma isakhiwo sokukhuleka samasulumane, noma isakhiwo sesikhumbuzo sikazwelonke; noma
   iii. indawo yokuhamba eseceleni komgwaqo isondelene nesakhiwo lapho ibhizinisi lenzelwa khona yinoma yimuphi umuntu othengisa impahla efanayo noma yohlobo olufanayo nempahla ethengiswa endaweni enjalo yokuhamba eseceleni komgwaqo umuntu webhizinisi elingalawulwa uhulumeni, uma lowo muntu enqaba ukuthi ibhizinisi elingalawulwa uhulumeni lenzelwe kuleyo ndawo;

(d) livimbela noma yiluphi uphawu olukhonjisiwe lomgwaqo ngokoMthetho Kazwelonke Wezomgwaqo, 1996 (uMthetho owunombolo 93 ka-1996), noma yini ekhombisayo, isaziso noma uphawu okukhonjisiwe noma okwenziwe ngokomthetho kamasipala;

(e) elivimbela ukuhamba kwezimoto;

(f) elivimbela abahamba ngezinyawo ukuthi bawele umgwaqo, umhubhe wabahamba ngezinyawo noma oxhaxheni lwezitolo;

(g) elivimbela ukufinyelela ezimotweni;

(h) elivimbela ukufinyelela emigqonyeni kadoti noma kwezinye izindawo ezenzelwe ukusetshenziswa umphakathi;

(i) elivimbela ukufinyelela emishini yokukhipha imali;

(j) elivimbela ukubona ikhamera i-CCTV;

(k) elenza kungafinyeleleki kahle ezindaweni zokupaka izimoto noma zokulayisha ezimotweni noma kwezinye izindawo ezihamba izimoto;

(l) elenza ibhizinisi emamitheni ayi-5 empambanamgwaqo noma epayipini lamanzi elisesitaladini lokucisha umlilo noma kunoma yimuphi omunye umshini wokucisha umlilo;

(m) elenza ibhizinisi ngaphansi kwalokho okukhombisa izinga lamanzi; noma

(n) elenza ibhizinisi epaki, ngaphandle uma indawo enjalo ibizwe uMasipala njengendawo yebhizinisi elingalawulwa uhulumeni.

(5) Ibhizinisi elingalawulwa uhulumeni kufanele, mayelana nendawo yokuhamba eseceleni komgwaqo, lishiye indawo engavimbelekile yokuhamba abahamba ngezinyawo ingabi ngaphansi-

(o) kwamamitha ama-2 ububanzi uma kuthathwa isilinganiso kusuka kunoma yisiphi isakhiwo esiseduzane kwempahla yalo noma indawo yokusebenza; futhi

(p) libe ngaphansi kwe-0,5 semitha ububanzi uma kuthathwa isilinganiso kusuka emugqeni wendlela eyakhiwe ngamatshe ehamba eduze komgwaqo ephakeme kuya empahleni yalo noma endaweni yokusebenza.

**Izinto ezinqunyelwe ukuthi zenziwe: ukusebenzisa umhlaba wokusebenzela ibhizinisi ebusuku**

23. (1) Umuntu webhizinisi elingalawulwa uhulumeni akufanele alale ebusuku endaweni enzela kuyo ibhizinisi.

(2) Umuntu webhizinisi elingalawulwa uhulumeni akufanele, emva kokuphothula ibhizinisi losuku, ashiye impahla yakhe, izinto noma impahla yokusebenza emhlabeni webhizinisi elingalawulwa uhulumeni oyingxenye yomgwaqo womphakathi noma indawo yomphakathi, ngaphandle kwanoma yisiphi isakhiwo esikhulu esivunyelwe uMasipala.

**Izinto ezinqunyelwe ukuthi zenziwe: ukwakha**

24. (1) Ibhizinisi elingalawulwa uhulumeni akufanele lakhe noma yisiphi isakhiwo, noma ngabe esithathekayo noma esingathatheki, ngaphandle kwesakhiwo esivunywe uMasipala kuncike esigabeni 14.

**Izinto ezinqunyelwe ukuthi zenziwe: Ifenisha yasesitaladini**

25. (1) Ibhizinisi elingalawulwa uhulumeni akufanele livimbele ukufinyelela, noma ukusebenzisa, ifenisha yasesitaladini noma yini enye into eyenzelwe ukusetshenziswa umphakathi.

**Izinto ezinqunyelwe ukuthi zenziwe: Ukukhombisa, Ukugcina Nokubophela Impahla Kokuthile**

26. (1) Ibhizinisi elingalawulwa uhulumeni akufanele-

(a) libeke noma litakishe impahla yalo, izinto noma impahla yokusebenza ngendlela yokuthi kwenze ingozi kunoma yimuphi umuntu noma empahleni ethathekayo noma engathatheki, noma okungenzeka lilimaze noma yimuphi umuntu noma lidale umonakalo kunoma iyiphi impahla ethathekayo nengathatheki;

(b) likhombise impahla yalo esakhiweni, ngaphandle kwemvume yomnikazi, umuntu ohlala esakhiweni ngokusemthethweni, noma umuntu ophethe isakhiwo noma impahla ethathekayo noma engathatheki enjalo;

(c) liphazamise nokukwazi komuntu osebenzisa indawo yokuhamba eseceleni komgwaqo ukuthi abone impahla ekhonjiswe emva kwewindi lokukhombisa lasesitolo noma livimbele impahla enjalo ukuthi ibonakale;

(d) libeke noma iyiphi impahla emgwaqeni womphakathi noma endaweni yomphakathi engakwazi ukususeka kalula ekupheleni kosuku lwebhizinisi; futhi

(e) ligcine noma lilahle impahla yalo noma liyilahle esitamukokweni, izitamukoko zamanzi ezikhukhula, izindlu zangasese zomphakathi, esitobhini sebhasi noma esihlahleni.

(f) lixhume noma iyiphi yempahla yalo noma ngayiphi indlela kunoma yisiphi isakhiwo, indawo ekhonkiwe yokuhamba, isihlahla, emshinini wokukhokhela

ukupaka imoto, elambini, epalini, epalini likagesi, ebhuthini yocingo, ebhokisini leposi, ophawini lomgwaqo, ebhentshini noma iyiphi enye ifenisheni yasesitaladini emgwaqeni womphakathi noma endaweni yomphakathi.

**Izinto ezinqunyelwe ukuthi zenziwe: Imililo**

27. (1) Ibhizinisi elingalawulwa uhulumeni akufanele libase noma kuphi ngaphandle uma ligunyazwe ukuthi lilungise imikhiqizo yokudla ngokusebenzisa umlilo ovulekile noma isitofu segesi futhi, lapho ibhizinisi elingalawulwa uhulumeni ligunyazwe khona ukubasa, lingabasi ezimweni lapho kungalimaza khona noma yimuphi umuntu noma kwenze umonakalo kunoma yisiphi isakhiwo, imoto noma impahla engathatheki nethathekayo.

**Izinto ezinqunyelwe ukuthi zenziwe: Ukuchitha udoti**

28. (1) Ibhizinisi elingalawulwa uhulumeni kufanele lihlale udoti owenziwe yilo emgqomeni kadoti ovunywe nohlinzekwe uMasipala.

(2) Ibhizinisi elilawulwa uhulumeni akufanele, ngale ngomgqomo kadoti ovunywe noma ohlinzekwe uMasipala, linqwabelanise, lilahle, ligcine, noma lidale noma livume ukunqwabelanisa, ukulahla, ukugcina, noma yimuphi udoti kunoma yimuphi umhlaba noma amagceke noma kumuphi umgwaqo womphakathi noma indawo yomphakathi noma iyiphi impahla ethathekayo noma engathatheki yomphakathi.

**Izinto ezinqunyelwe ukuthi zenziwe: Utshwala, Izinto Ezikhipha Umsindo Nogesi**

29. (1) Ibhizinisi elingalawulwa uhulumeni akufanele-
   (a) lithengise noma liqhakambise imikhiqizo yotshwala;
   (b) lisebenzise izinsimbi, amahutha, ezinto ezikhulisa umsindo noma izinto ezinjalo ezikhipha umsindo, ukwenzela ukuheha amakhasimende; futhi
   (c) lisebenzise noma iyiphi indlela yokuhlinzeka ugesi noma injini yokuphehla ugesi emhlabeni womphakathi, ngaphandle uma kuvume ngokucacile nguMasipala.

**Izinto ezinqunyelwe ukuthi zenziwe: Ukuqhuba phambili umuntu okungeyena umnikazi webhizinisi**

30. (1) Ibhizinisi elibhalisile kanye/noma elilawulwa uhulumeni akufanele lisebenze sengathi liyibhizinisi elingalawulwa uhulumeni noma lisebenzisane nalo.

(2) Ibhizinisi elingalwulwa uhulumeni akufanele lisebenze njengebhizinisi elilawulwa uhulumeni noma lisebenzisane nalo endaweni yebhizinisi elingalawulwa uhulumeni.

**Izinto ezinqunyelwe ukuthi zenziwe: Okwejwayelekile**

31. (1) Ibhizinisi elingalawulwa uhulumeni akufanele lenze ibhizinisi elingalawulwa uhulumeni—
   (a) endaweni ephambene nanoma yini engavunyelwe noma enqunyelwe ukuthi yenziwe ephoqelelwe uMasipala; noma
   (b) ngendlela-
      i. edala uhlupho;

ii. edala umonakalo noma egqebhula phansi kunoma yimuphi umgwaqo womphakathi noma indawo yomphakathi, noma iyiphi impahla ethathekayo nengathatheki yomphakathi noma yangasese;
iii. edala isiminyaminya noma ingozi ephathelene nempilo;
iv. ephambene nanoma yimiphi imigomo nemibandela yemvume yebhizinisi elingalawulwa uhulumeni; noma
v. eyenza ukuthi kube nokuphazamisa ukuthula okufanele, ukunethezeka kanye nempilonhle kwanoma yimuphi omunye umuntu.

(2) Akukho muntu
(a) ozohambisa noma ahlinzeke impahla noma impahla yokusebenza ebhiznisini elingalwulwa uhulumeni uma lelo bhizinisi liphambana nalo Mthetho KaMasipala;
(b) emva kokucelwa ukuthi enze njalo yisiphathimandla esigunyaziwe esidinga ukungena endaweni, ehluleke ukususa noma iyiphi impahla, noma enqabe ukwenze njalo.
(c) anikezele ngendawo, aqashise ngendawo abelwe yona noma athengise indawo engaphansi kwemvume yendawo yebhizinisi elingalawulwa uhulumeni okuyinto eyenziwa uMasipala.
(d) akhiphe imvume okuyinto eyenziwa uMasipala.

## Impilo Yezemvelo

32. (1) Ibhizinisi elingalawulwa uhulumeni kufanele-
(a) ligcine indawo yebhizinisi elingalawulwa uhulumeni ukwenzela ukwenza ibhizinisi elingalawulwa uhulumeni lisesimweni esihlanzekile nesinempilo;
(b) ligcine impahla yalo isesimweni esihlanzekile nesinempilo;
(c) liqinisekise ukuthi, uma lisebenza endaweni yomphakathi, ekupheleni komsebenzi webhizinisi njalo ngosuku-
i. indawo yebhizinisi elingalawulwa uhulumeni ukwenzela ukwenza ibhizinisi elingalawulwa uhulumeni ayinadoti nenye imfucuza; futhi
ii. yonke impahla yalo iyaqoqwa futhi isuswe kunoma yimuphi umgwaqo womphakathi noma indawo yomphakathi bese igcinwa endaweni efanele;
(d) lithathe izinyathelo ezifanele ngesikhathi lenza ibhizinisi njengoba kungadingeka ukuvikela ukuchitheka kwamafutha, uwoyela emgwaqeni womphakathi, noma endaweni yomphakathi, noma esitamukokweni samazi ezikhukhula;
(e) liqinisekisile ukuthi akukho ntuthu, okushunqayo noma yikuphi okunye, amaphunga, noma umsindo, okusuka emisebenzini eyenziwa yibhizinisi elingalawulwa uhulumeni, okudala ukuthi kube nokunukubezeka kwanoma luhlobo luni;
(f) lenza ibhizinisi ngendlela engadali ingozi empilweni yomphakathi noma ukuphepha komphakathi;
(g) ekucelweni yisiphathimandla esigunyaziwe sikaMasipala, ligudluza noma lisusa noma yini ukuze indawo noma umhlaba ibhizinisi elingalawulwa uhulumeni elisebenzela kuwo uzohlanzwa; futhi

(h) lithole, kulabo abanegunya abafanele, isitifiketi sokwemukeleka uma kwenzeka ukuthi imikhiqizo yokudla ilungiswa endaweni yebhizinisi elingalawulwa uhulumeni.

(3) Umasipala kufanele;
(a) aqinisekise ukuthi izindawo okungezikahulumeni ezisemhlabeni osetshenziswa amabhizinisi angalawulwa uhulumeni zihlanzekile futhi zibulawa amagciwane njalo; futhi
(b) aqinisekise ukuthi imigqomo kadoti ichithwa njalo ukuze kuhlale kuhlanzekile ezindaweni zamabhizinisi angalawulwa uhulumeni.

## Imicimbi Ekhethekile

33. (1) Ngokuhambisana neSigaba 18, uMasipala, ngesaziso esifanele, angenqabela noma anqumele ibhizinisi elingalawulwa uhulumeni isikhathi somcimbi okhethekile futhi endaweni enqunyiwe, ngale kwezigatshana zanoma iyiphi inqubomgomo yebhizinisi elingalawulwa uhulumeni noma iyiphi imvume yebhizinisi elingalawulwa uhulumeni.

(2) Akukho sinxephezelo esikhokhelwa noma yiliphi ibhizinisi elingalawulwa uhulumeni nguMasipala ngenxa yokungavunyelwa noma yokunqunyelwa kwebhizinisi elingalawulwa uhulumeni njengoba kucatshangwe ngokucophelela esigabeni esingaphansi kwesikhuku 33(1).

(3) Akukho mali yebhizinisi elingalawulwa uhulumeni ezokhokhwa yibhizinisi elingalawulwa uhulumeni nganoma ngasiphi isikhathi ibhizinisi elingalawulwa uhulumeni elingavunyelwe noma elinqunyelwe ngaso.

(4) Umasipala uzonquma ukuthi ngabe umcimbi uzohlonzwa njengomcimbi okhethekile yini;

(5) Umasipala angawuvumela umcimbi okhethekile kuncike emibandeleni efanele;

(6) Umcimbi ofanele awudingi uMnotho Ongalawulwa Uhulume: Uhlelo Lokuhlonzwa Kwendawo.

## Izibophezelo Zabanikazi Esakhiweni Okungesona Esikamasipala

34. (1) Umnikazi wesakhiwo okungesona esikamasipala kufanele -
(a) aqinisekise ukuthi noma yiliphi ibhizinisi elingalawulwa uhulumeni elisesakhiweni sakhe lihambisana nalo Mthetho KaMasipala;
(b) avumele noma yisiphi isiphathimandla esigunyaziwe ukuthi singene esakhiweni sakhe ukwenzela ukuqinisekisa ukuhambisana nalo Mthetho KaMasipala; futhi
(c) aqinisekise, ngezindleko zomnikazi, ukuthi imisebenzi eyanele iyahlinzekwa ukwenzela ukugcina izimo ezinempilo ezemukelekile ezimayelana nebhizinisi elingalawulwa uhulumeni.

# ISAHLUKO 6
# IZIKHALAZO

## Izikhalazo

35. (1) Umuntu omalungelo akhe athintwe yisinqumo esithathwe uMasipala ngokwalo Mthetho KaMasipala angedlulisa isikhalo ngesinqumo ngokwesigatshana sokwedluliswa kwezikhalo esiseMthethweni Kahulumeni Wasekhaya: UMthetho Wezinhlelo ZikaMasipala, 2000 (uMthetho owunombolo 32 ka-2000)

# ISAHLUKO 7
# UKUPHOQELELA KOKUSEBENZA KOMTHETHO

## Imiyalo esemthethweni

36. (1) Ukwehluleka ukuhambisana nesicelo esisemthethweni sesiphathimandla esigunyaziwe ukwephula lo Mthetho KaMasipala.

## Ukukhokhiswa Kwezindleko

37. (1) Uma umuntu webhizinisi ephula noma yisiphi isigatshana salo Mthetho KaMasipala, inqubomgomo yebhizinisi elingalawulwa uhulumeni esebenzayo noma imvume yakhe futhi ehluleka noma enqaba ukuyeka ukwephula umthetho, noma ukuthatha izinyathelo zokulungisa noma yikuphi ukwephula umthetho, uMasipala angabe esethatha lezo zinyathelo ngokwakhe bese ekhokhisa umuntu webhizinisi elingalawulwa uhulumeni izindleko.

(2) Izindleko ezishiwo esigabeni esingaphansi kwesikhulu 37(1) zingaphezu kwanoma iyiphi inhlawulo engaphoqelelwa kumuntu webhizinisi elingalawulwa uhulumeni.

## Isexwayiso esibhaliwe

38. (1) Isiphathimandla esigunyaziwe singanikeza umuntu isaziso esibhaliwe uma, ngokubona kwesiphathimandla esigunyaziwe, lowo muntu ehwebe ngempahla noma ngemisebenzi ehlinzekwayo ngokwephula lo Mthetho KaMasipala noma lowo muntu wephule lo Mthetho KaMasipala noma ngayiphi enye indlela, noma yimuphi omunye umthetho osebenzayo.

(2) Esimweni lapho umuntu eqhubeka noma ephinda ephula umthetho, isiphathimandla esigunyaziwe

(d) sesingasusa futhi sihambise noma iyiphi impahla enjalo yomuntu webhizinisi elingalawulwa uhulumeni iyogcinwa njengoba kuhlinzekwe ngezansi; bese
(e) limnikeza inhlawulo.

## Ukususwa Nokuthathwa Kwempahla Iyogcinwa

39. (1) Isiphathimandla esigunyaziwe singasusa futhi sithathe noma iyiphi impahla yomuntu webhizinisi elingalawulwa uhulumeni siyoyigcina esisola ngokufanelekile ukuthi iyasetshenziswa, kade isetshenziswa noma ihloswe ukusetshenziselwa noma mayelana nebhizinisi elingalawulwa uhulumeni okwephula lo Mthetho KaMasipala noma yimuphi omunye umthetho osebenzayo.

(2) Impahla ingasuswa futhi iyogcinwa ngokwesigaba esingaphansi kwesikhulu 39(1) kungabhekwa ukuthi ngabe impahla enjalo ikumuntu noma ingaphansi kwanoma yimuphi umuntu wesithathu ngaleso sikhathi.

(3) Noma yisiphi isiphathimandla esigunyaziwe esisusa futhi sithathe impahla siyoyigcina ngokwesigaba esingaphansi kwesikhulu 39(1) kufanele ngokushesha sigcine noma iyiphi impahla endaweni ehlonzwe uMasipala yokugcina impahla, futhi ngaphandle uma impahla ishiywe kanjalo noma ilahliwe, bese sinikeza umnikazi webhizinisi elingalawulwa uhulumeni irisidi-

(a) ebala impahla okufanele isuswe bese iyogcinwa;
(b) ehlinzeka ikheli lalapho okuzobe kugcinwe khona impahla;
(c) esho isikhathi sokugcinwa kwempahla;
(d) esho imigomo nemibandlela okufanele kuhlangatshezwane nakho yokuthola nokudedelwa kwempahlwa ebigciniwe;
(e) esho imali yokugcinwa kwempahla okufanele ikhokhwe ukuze kutholakale futhi kudedelwe impahla egciniwe;
(f) esho imigomo nemibandela impahla emnikazi wayo engaqhamuki izothengiswa ngaphansi kwakho noma ilahlwe; futhi
(g) ihlinzeke igama nekheli lesiphathimandla sikamasipala okuyisona okuzokwenziwa kuso izethulo mayelana kokugcinwa kwempahla kanye nosuku nesikhathi okuzokwenziwa ngakho izethulo.

(4) Uma noma iyiphi impahla egciniwe iboshelwe empahleni engathatheki noma esakhiweni, isiphathimandla esigunyaziwe singayalela noma yimuphi umuntu obonakala sengathi uphethe impahla engathetheki noma isakhiwo ukuthi asuse impahla okufanele iyogcinwa futhi, uma lowo muntu enqaba noma ehluleka ukuhambisana nomthetho, uyobe ke-
(a) lowo muntu esetholakala enecala; futhi
(b) isiphathimandla esigunyaziwe singasusa impahla ngokwaso ngaphandle komyalo wenkantolo,

(5) Impahla essusiwe futhi yayogcinwa ingadedelwa emva-
(a) kobufakazi bobunikazi ngokunikeza irisidi okucatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu 39(3); futhi
(b) kukhokhwe imali yokugcinwa kwempahla.

(6) Umasipala noma ngasiphi isikhathi emva kokususwa nokugcinwa kwempahla angathengisa, onakalise noma alahle-
(a) impahla eyenzelwe ukusheshe isetshenziswe uma impahla ikhombisa noma ingakhombisa ukuba yingozi empilweni noma wuhlupho; kanye
(b) nomkhiqizo wokudla okungalungele ukudliwa abantu.

(7) Impahla esusiwe yase iyogcinwa ngale kwempahla eyenzelwe ukuthi isheshe istshenziswe, ingathengiswa nguMasipala uma umnikazi, noma engakwazi, ukukhokha imali yokugcinwa kwempahla enyangeni EYODWA (1) kusukela ngosuku lokususwa nokugcinwa kwaleyo mpahla.

(8) Uma impahla egciniwe ithengiswa nguMasipala ngokwesigaba esingaphansi kwesikhulu 39(6) noma 39(7), futhi ekunikezweni kwerisidi okucatshangwe esigabeni esingaphansi kwesikhulu 39(3) njengobufakazi bobunikazi, uMasipala kufanele akhokhele umuntu okhombisa uhla lwempahla izimali ezitholakale kuthengiswa uma sekukhishwe imali ekhokhelwe ukugcinwa kwempahla,

(9) Uma embonweni ofanele wesiphathimandla esigunyaziwe, umuntu webhizinisi elingalawulwa uhulumeni kusolakala sengathi lihweba ngempahla engekho emthethweni, isiphathimandla esigunyanziwe kufanele-
(a) sihambisane nezimfanelo zalesi sigaba; bese

(b) ngokushesha sazise Umbutho Wezamaphoyisa WaseNingizimu Afrika ngecala elisolakalayo.

(10) Uma kwenzeka izimali ezitholakale kuthengiswa noma iyiphi impahla okucatshangwe ngokucophelela kulesi sigaba zingeneli ukukhokha imali yezindleko eziqongeleleke kumasipala mayelana nokususwa nokuyogcinwa kwempahla leyo, umuntu webhizinisi elingalawulwa uhulumeni kofanele akhokhe imali esele.

## Ukuthwala Icala Lomunye

40. (1) Uma umsizi noma ummeleli womuntu webhizinisi elingalawulwa uhulumeni ephula isigatshana salo Mthetho KaMasipala, noma iyiphi inqubomgomo yebhizinisi elingalawulwa uhulumeni noma imvume yebhizinisi elingalawulwa uhulumeni, umuntu webhizinisi elingalawulwa uhulumeni kuyothathwa ngokuthi wephule umthetho okunjalo yena qobo ngaphandle uma umuntu webhizinisi elingalawulwa uhulumeni enelisa inkantolo ngokuthi uthathe izinyathelo ezifanele ukuvikela ukwephula umthetho okunjalo.

(2) Ukuthi umuntu webhizinisi elingalawulwa uhulumeni unikeze umsizi noma ummeleli, wavimbela ukwephula umthetho okunjalo, akwenzi ubufakazi lokho obanele bezinyathelo ezifanele ezinjalo.

## Amacala

41. (1) Umuntu unecala uma-

(a) ehweba ngaphandle kwemvume yebhizinisi elingalawulwa uhulumeni;
(b) ephula noma yisiphi isigatshana salo Mthetho KaMasipala;
(c) ephula noma yimuphi umbandela imvume anikezwe yona ngaphansi kwawo;
(d) ephule noma yisiphi isigatshana senqubomgomo esebenzayo yebhizinisi elingalawulwa uhulumeni;
(e) ehluleka ukuhambisana nanoma yimuphi umyalo osemthethweni ngokwalo Mthetho KaMasipala;
(f) esongela, enqaba, ephazamisa noma evimbela noma yisiphi isiphathimandla esigunyaziwe ekufezeni izibophezelo noma ekwenzeni imisebenzi yaso ngoMthetho KaMasipala noma ngaphansi kwawo; noma
(g) enikeza ngamabomu ulwazi olungelona iqiniso noma olwedukisayo isiphathimandla esigunyaziwe.

(2) Umuntu unecala lokuqhubeka nokwenza icala uma eqhubeka nokwenza icala emva kokuba esenikezwe isazizo ngokwalo Mthetho KaMasipala omdinga ukuthi ayeke ukwenza icala elinjalo, noma emva kokuba esegwetshelwe icala elinjalo.

## Izinhlawulo

42. (1) Noma yimuphi umuntu owephula lo mthetho noma owenza icala ngokwalo mthetho uyokhokha inhlawulo ngokohlaka lwezinhlawulo oluvunyiwe lukaMasipala noma aboshwe isikhathi esingengaphezulu konyaka owo-1, noma kokubili inhlawulo nokuboshwa.

(3) Esimweni lapho kuqhutshekwa khona nokwenza icala, kophoqelelwa enye inhlawulo ngaphezulu ngokohlaka lwezinhlawulo oluvunyiwe lukaMasipala osukwini

ngalunye lelo cala elinjalo okuqhutshekwa nalo ukwenziwa noma kokubili inhlawulo nokuboshwa, kophoqelelwa.

## Ushwele Ekwethweseni Icala

43. (1) Umasipala ngeke abekwa icala ngomonakalo noma isinxephezelo esivela kunoma yini esemthethweni eyenziwe ngobuhle yiwo noma yisiphi isiphathimandla esigunyaziwe noma umsebenzi wakhe ngokwalo Mthetho KaMasipala.

# ISAHLUKO 8
# UKUGCINWA KWAMAREKHODI NOKUTHOLAKALA KOLWAZI

## Ukuthola ulwazi olugodlwe uMasipala

44. (1) . Umasipala kufanele agcine amakhophi azo zonke izincwadi umphakathi anelungelo lokuzithola

(2) Amarekhodi alandelayo agodlwe uMasipala kufanele athathwe njengamarekhodi atholakala ngaphandle kokucela njengoba kucatshangwe ngokucophelela esigabeni 15 soMthetho Wokuqhakambisa Ukutholakala Kolwazi, kuncike emikhawulweni ngokoMthetho Wokuqhakambisa Ulwazi Oluphathelene Nomuntu -

(a) Uhla nomfanekiso osebalazweni Wezindawo Zamabhizinisi Angalawulwa Uhulumeni ezihlonziwe
(b) Uhla nomfanekiso osebalazweni Wezindawo Zamabhizinisi Angalawulwa Uhulumeni ekhona;
(c) ukuphawula okulethwe kuMasipala mayelana nesimemo sokuphawula eMnothweni Ongalawulwa Uhulumeni: Uhlelo Lokuhlonzwa Kwendawo.

(3) Amarekhodi agodlwe uMasipala kufanele agodlwe ngokwezigatshana zoMthetho Wokuvikelwa Kolwazi Oluphathelene Nomuntu

# ISAHLUKO 9
# UKUJUBA

## Ukujuba

45. (1) Kuncike eMthethwenisisekelo nemithetho esebenzayo kazwelonke neyesifundazwe, noma -

(a) yimaphi amandla, kungafakwa amandla okubhekiswe kuwo esigabeni 160(2) soMthethosisekelo;
(b) yimiphi imisebenzi; noma
(c) yiziphi izibophezelo,
(d) okunikeziwe umkhandlu, ngokwalo Mthetho KaMasipala, noma okunikezwe noma yiziphi izinhlaka zezepolitikli zikaMasipala, iziphathimandla zehhovisi lezepolitiki, amakhansela noma amalungu abasebenzi, bangajutshelwa noma bajutshelwe enkampanini engaphakathi, noma ilungu labasebenzi eliqashwe uMasipala, yilabo abangaphansi ngokwamandla njengohlaka lwezepolitiki, isiphathimandla sehhovisi lezepolitiki, ikhansela, noma ilungu labasebenzi,

(2) Kufanele kujutshwe ngokuhambisana nohlelo lokujuba olwemukelwe umkhandlu ngokuhambisana nesigaba 59(1) soMthetho Kahulumeni Wasekhaya: Umthetho Wezinhlelo ZikaMasipala, 2000 (uMthetho owunombolo 32 ka-2000) kuncike endleleni yokwenza ebalulwe esigabeni 59(2) soMthetho okukhulunywa ngawo.

(3) Noma ngabe yikuphi ukujuba okucatshangwe ngokucophelela kulesi sigaba kufanele kurekhodwe kwiRejista Yokujuba, okufanele kube nolwazi -

(a) lwenkampani noma lomuntu ojubayo noma ojubela lowo ongaphansi ngokwamandla;
(b) ojutshwayo noma ojutshwa yilowo ongaphansi ngokwamandla; kanye
(c) nemibandela ehambisana nokujuba nokujuba kwalowo ongaphansi ngokwamandla.

# ISAHLUKO 10
# IZIGATSHANA EZEHLUKENE

## Ukubalwa kwenani lezinsuku

46. (1) Uma lo Mthetho KaMasipala unquma isikhathi sokwenza okuthile, isibalo sezinsuku kufanele libalwe ngokukhipha usuku lokuqala, nangokufaka usuku lokugcina, ngaphandle uma usuku lokugcina luba ngoMgqibelo, ngeSonto noma ngeholide, lapho usuku lokuqala lomsebenzi lulandela ngokushesha uMgqibelo, iSonto noma iholide kufanele luthathwe njengosuku lokugcina lwesikhathi.

(2) Izinsuku uMasipala ahlabe ngazo ikhefu ngokusemthethweni kufanele zikhishwe esikhathini lapho uMasipala okufanele enze okuthile ngokwalo Mthetho KaMasipala, uma -

(a) uMasipala enganikezenga amandla okuthi kwenziwe okuthile; futhi
(b) okufanele kwenziwe kufanele kwenziwe ezinsukwini eziyi-120 noma ngaphansi.

## Izinhlelo Zoguquko Nokonga

47. (1) Ngale kokushaywa kwalo Mthetho-

(a) noma yikuphi ukumemezela indawo engaphansi kukaMasipala njengendawo yokwenza ibhizinisi elingalawulwa uhulumeni elinganquyelwa noma elingeke livunyelwe ukwenza okuthile, kuyohlala kusebenza kuze kube yisikhathi lapho umkhandlu wemukela khona inqubomgomo yebhizinisi elingalawulwa umphakathi mayelana nendawo ngoko Mthetho KaMasipala;
(b) lapho umuntu webhizinisi elingalawulwa uhulumeni enikezwe isivumelwano sokuqasha indawo noma imvume ngaphambi kokushaywa kwalo Mthetho ovumela ukuhweba endaweni ethile, isivumelwano esinjalo sokuqasha indawo noma imvume kuzohlala kusebenza kuze kube ukuthi uhlelo olusha lwezimvume lwemukelwa umkhandlu oluhambisana nohlelo lwezimvume njengoba kucatshangwe ngokucophelela kulo Mthetho KaMasipala.

## Isihloko Esifishane Nokuqala

48. (1) Lo Mthetho KaMasipala ubizwa: ngoMthetho KaMasipala WaKwaDukuza Webhizinisi Elingalawulwa Uhulumeni, 2022 futhi uzoqala ukusebenza ngosuku oyoshicilelwa ngalo eMqulwini KaHulumeni Wesifundazwe SaKwaZulu-Natali.

## Ukuyekiswa Kokusebenza Kwemithetho neMithetho kaMasipala Yangaphambilini

49. Imithetho eshiwo kwiSheduli kulo Mthetho KaMasipala ngalokhu iyayekiswa ukusebenza kuze kufike ebangeni elithile okubaluliwe.

(2) Zonke izimvume ezikhishwe ngaphansi kwanoma yimuphi omunye umthetho noma inqubo esemthethweni ephathelene nebhizinisi elingalawulwa uhulumeni ngaphambi kokuqala kwalo mthetho kamasipala kuzohlala kusebenza kuze kube ukuthi uyayekiswa ukusebenza isikhathi esiyizinyanga ezinga-24 kusukela ngosuku lokuthi waziswe ngokubanzi noma uze uyekiswe ukusebenza, noma yikuphi okwenzeka kuqala.

(3) Noma yimaphi amalungelo noma izibophezelo okuye kwanda njengoba kucatshangwe ngokucophelela emithethweni kamasipala okubhekiswe kuyo ngenhla azohlala esebenza, kube sengathi leyo mithetho kamasipala ayikaze iyekiswe ukusebenza ngezikhathi ezishiwo ngenhla.

## ISHEDULI 1: IZINHLOBO ZAMABHIZINISI ANGALAWULWA UHULUMENI EZIDINGA IMVUME YOKUHWEBA OKUNGALAWULWA UHULUMENI KUFANELE ZENZIWE ENDAWENI YEBHIZINISI ELINGALAWULWA UHULUMENI EHLONZIWE

1) Abahwebi Abangalawulwa Uhulumeni abenza uhwebo olungalawulwa uhulumeni noma ngani okungadingi iSitifiketi Sokwemukeleka;

2) Abahwebi Abangalawulwa Uhulumeni abahweba ngemikhiqizo yokudla ngaphandle uma umhwebi ongalawulwa uhulumeni ube neSitifiketi Sokwemukeleka, lapho kufanele khona.

3) Abahwebi abangalawulwa uhulumeni abenza uhwebo olungalawulwa uhulumeni Ezimakethe (Abahweba unomphelo/Abahweba ngezikhathi ezithile)

4) Ukuhweba ngezilwane eziphilayo

5) Ukuhweba ngomahambanendlwana

6) Noma yiluphi olunye uhlobo lwebhizinisi elingalawulwa uhulumeni oluthathwa uMasipala njengohlobo lukasheduli 1 lebhizinisi elingalawulwa uhulumeni futhi elingafakiwe kwamanye amasheduli.

ISHEDULI 2: IZINHLOBO ZAMABHIZINISI ANGALAWULWA UHULUMENI EZINGENZIWA KUPHELA NGOKUHAMBISANA NOHLELO

1. Ukuthengisa/Ukuhweba: Imisebenzi ehlinzekelwa emakhaya;

2. Imisebenzi ehlinzekelwa umuntu othile Imisebenzi ehlinzekelwa emakhaya;

3. Imisebenzi ehlinzekelwa emabhizinisi Imisebenzi ehlinzekelwa emakhaya;

4. Ukukhiqiza Izinto ezenzelwa emakhaya;

5. Ezolimo zokuziphilisa nezolimo ezenzelwa ukuthengisa ezingeni elincane

6. Imisebenzi yezimoto engenziwa ngokugcwele: Imisebenzi ehlinzekelwa emakhaya;

7. Noma yiluphi olunye uhlobo lwebhizinisi elingalawulwa uhulumeni oluthathwa uMasipala njengohlobo lukasheduli 2 lebhizinisi elingalawulwa uhulumeni futhi elingafakiwe kwamanye amasheduli.

## ISHEDULI 3: IZINHLOBO ZAMABHIZINISI ANGALAWULWA UHULUMENI EZINGADINGI IMVUME YAMABHIZINISI ANGALAWULWA UHULUMENI FUTHI EZISEBENZA NGOKUKHULULEKA NGEMVUME KUMASIPALA WONKANA

1. Ukuqashelwa umsebenzi wasekhaya

2. Abaqoqi bemfucuza nababuye bayisebenzise futhi

3. Noma yiluphi olunye uhlobo lwebhizinisi elingalawulwa uhulumeni oluthathwa uMasipala njengohlobo lukasheduli 3 lebhizinisi elingalawulwa uhulumeni futhi elingafakiwe kwamanye amasheduli.

## ISHEDULI 4: IZINHLOBO ZAMABHIZINISI ANGALAWULWA UHULUMENI ANGAVUMELEKILE¬

1. Omashonisa (abangekho);

2. Ukuqwayiza;

3. Ukuhweba ngempahla engavumelekile nengekho emthethweni;

4. Ukuhweba noma ukuthengisa utshwala;

5. Amabhizinisi enziwa noma asetshenzwa izifiki ezingekho emthethweni;

6. Noma yiluphi olunye uhlobo lwebhizinisi elingalawulwa uhulumeni oluthathwa uMasipala njengohlobo lukasheduli 4 lebhizinisi elingalawulwa uhulumeni futhi elingafakiwe kwamanye amasheduli.

## ISHEDULI 5: UKUYEKISWA KOKUSEBENZA KWEMITHETHO KAMASIPALA

Yonke iMIthetho KaMasipala nezichibiyelo eshaywe ngaphambilini ephathelene neBhizinisi Elingalawulwa Uhulumeni eyenziwe:

uMasipala WaKwaDukuza;
uMKhandlu Wendawo Woguquko WaseNkwazi/Zinkwazi Beach,
uMKhandlu Wendawo Woguquko WaKwaDukuza/e-Stanger,
uMKhandlu Wendawo Woguquko Wase-Dolphin Coast,

ngalokhu iyayekiswa ukusebenza.