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UMTHETHO KAMASIPALA WAKWADUKUZA WEMVUME YEBHIZINISI 2024

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UMTHETHO KAMASIPALA WAKWADUKUZA WEMVUME YEBHIZINISI

Ukwenza uhlaka lokulawula izinhloso, amandla, izibophezelo, imisebenzi, nezinqubo zemvume yebhizinisi.

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ISAHLUKO 1

IZIGATSHANA EZIZA KUQALA

Incazelo

1. Kulo Mthetho KaMasipala, ngaphandle uma umqondo wokubhaliwe ukhombisa okunye–

"Isiphathimandla Esikhulu" sichaza uMphathi kaMasipala oqokwe umkhandlu ngokweSigaba 56 soMthetho Wezinhlelo ZikaMasipala

"Umfakisicelo" uchaza noma yimuphi umuntu ofake isicelo semvume yebhizinisi ngokwalo Mthetho KaMasipala;

"Isicelo" sichaza isicelo semvume yebhizinisi ngokwesigaba 12;

"Isiphathimandla Sezimvume Esigunyaziwe" sichaza umsebenzi kamasipala ojutshelwe ukuthi enze imisebenzi enqunyiwe ngokwalo mthetho kamasipala.

"Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi", "Isiphathimandla Esigcina Amarekhodi Asemthethweni Ezimvume" sichaza isiphathimandla esiqokwe umasipala ukuthi senze imisebenzi ebalulwe esigabeni 7;

"Isiphathimandla Esiphoqelela Ukusebenza Komthetho Sezimvume Zebhizinisi" kanye **"neSiphathimandla Esiphoqelela Ukusebenza Komthetho"** kuchaza –

(a) Isiphathimandla Esiphoqelela Ukusebenza Komthetho esiqokwe uMasipala ngokweSigaba 25 salo mthetho kamasipala;
(b) iphoyisa njengoba kubhekiswe kulo Mthetho Wombutho Wamaphoyisa WaseNingizimu Afrika 1995 (uMthetho owunombolo 68 ka-1995);
(c) Iphoyisa lomgwaqo njengoba kubhekiswe kulo Mthetho Wezomgwaqo Kazwelonke, 1996 (uMthetho owunombolo 93 ka-1996);
(d) noma yisiphi esinye isiphathimandla esiphathelene noxolo esicatshangwe ngokucophelela esigabeni 334 soMthetho Wenqubo Yobugebengu,1977 (uMthetho owunombolo 51 ka-1977).

"Ibhizinisi Eligunyaziwe" emqondweni walo mthetho, lichaza ibhizinisi eligunyaziwe kwiNqubomgomo Yemvume Yebhizinisi kanye/noma eMthethweni Oyisijobelelo 1 koMthetho Webhizinisi;

"UMthetho Webhizinisi" uchaza uMthetho Webhizinisi, 1991 (uMthetho owunombolo 71 ka-1991);

"Imvume Yebhizinisi" ichaza imvume yebhizinisi yokwenza noma yiliphi ibhizinisi eligunyaziwe endaweni engaphansi kukaMasipala WaKwaDukuza kanti "imvume" kanye "nesitifiketi semvume yebhizinisi" kuzoba nencazelo efanayo

njengokucatshangwe ngokucophelela kulo mthetho kamasipala noMthetho Webhizinisi;

“Ukubhaliswa Kwebhizinisi” kuchaza ukubhalisa ibhizinisi njengokucatshangwe ngokucophelela yilo Mthetho KaMasipala;

“Isaziso Sokuhambisana Nomthetho” sichaza isaziso esicatshangwe eSahlukweni 5 salo Mthetho KaMasipala

“UMasipala Wesifunda” uchaza uMasipala Wesifunda WaKwaDukuza

"Ubunikazi besabelo enhlanganweni" kuchaza –

(a) ilungelo noma ukuba nelungelo lokuba nesabelo enzuzweni noma ezimalini;
(b) ilungelo eliphathelene nempahla yenkampani, inhlangano noma ibhizinisi;
(c) ilungelo eliphathelene nempahla noma eliphathelene nomuntu ngqo empahleni esetshenziswa yinkampani, yinhlangano noma ibhizinisi; noma
(d) ukuba nesabelo noma ukuba nesabelo enkampanini enesabelo kwenye inkampani lapho umnikazizabelo enelungelo lokuvota, noma amalungelo okuvota ahlangene nezabelo, enkampani noma izabelo enkampanini enabanikazizabelo abambalwa;

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

“Umqulu Kahulumeni” uchaza umqulu osemthethweni Wesifundazwe saKwaZulu-Natali;

“Isifiki Esingekho Emthethweni” sichaza isifiki esisezweni ngokuphambana noMthetho Ophathelene Nezifiki 13 ka-2002 noma uMthetho Wezifiki Ezibaleke Ezweni Lazo 130 ka-1998.

“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.

“Ibhizinisi Elingalawulwa Uhulumeni” lichaza ibhizinisi elingalawulwa uhulumeni njengoba lichazwe eMthethweni Webhizinisi Elingalawulwa Uhulumeni;

“Umthetho Webhizinisi Elingawawulwa Uhulumeni” uchaza uMthetho kaMasipala WaKwaDukuza Webhizinisi Elingalawulwa Uhulumeni;

"Ibhizinisi Elinemvume" lichaza noma yiliphi ibhizinisi, umuntu noma yinhlangano enemvume ngokwesahluko 1 salo Mthetho KaMasipala futhi "umuntu onemvume" noma "umnikazi wemvume" kunencazelo efanayo;

"Umuntu ongaphansi kweminyaka yokuzibophezela ngokomthetho" umuntu oneminyaka engaphansi kweyi-18 ubudala ngokoMthetho Wezingane owunombolo 38 ka-2005.

"UMasipala" uchaza umasipala wasekhaya waKwaDukuza.

"**UMkhandlu kaMasipala"** or **"uMkhandlu"** uchaza umkhandlu kamasipala okubhekiswe kuwo esigabeni 157(1) soMthethosisekelo.

"Umphikisi" uchaza noma yimuphi umuntu ophikisayo esicelweni semvume yebhizinisi ngokwesigaba 13;

"Inqubomgomo" ichaza iNqubomgomo Yemvume Yebhizinisi;

"Umuntu ongaba umnikazi wemvume" uchaza noma yimuphi umuntu osefake isicelo esicatshangwe ngokucophelela kulo Mthetho KaMasipala;

"Umcimbi Okhethekile" uchaza umcimbi ogunyazwe uMasipala okufaka imidlalo ethile noma amafestivali/imicimbi yezomculo, izimakethe zesikhashana noma yimuphi omunye umcimbi owenziwa ngezikhathi ezithile ohlonzwe uMasipala.

"Isazizo Esibhaliwe" sichaza noma yikuphi ukuxhumana okwenziwa kwaba umbhalo noma ngayiphi indlela engaphrintwa bese ugcinwa njengerekhodi.

Ukusebenza nokuhunyushwa komthetho

2. (1) NgokweSigaba 2(1)(a) soMthetho Wezamabhizinisi, 1991 (uMthetho owunombolo 71 ka-1991) neSigaba 2 seMithetho Yokulawula eyashicilela mhla ziyi-12 Julayi 2018, eMqulwini Wesifundazwe SaKwaZulu-Natali ngaphansi kweSaziso esiwuNombolo 1971 sika-2018, uMasipala WaKwaDukuza uye waqokwa njengeSiphathimandla seziMvume endaweni aphethe kuyo wase ugunyazwa ukuthi uqhube umsebenzi wezimvume zamabhizinisi kuncike ezigatshaneni zoMthetho Webhizinisi, owuNombolo 71 ka-1991. Lo Mthetho kaMasipala usebenza kunoma yimuphi umuntu noma inhlangano eyenza, noma ehlose ukwenza, noma yiliphi ibhizinisi eligunyazwe kwamasipala. Lapho lo mthetho kamasipala unqubuzana khona nenqubomgomo noma nomthetho kazwelonke noma wesifundazwe, kuyobe sekusebenza inqubomgomo/umthetho kazwelonke noma wesifundazwe.

Izinhloso zoMthetho

3. (1) Izinhloso zalo mthetho yilezi –

(a) ukuqinisekisa ukuthi wonke umuntu, izinhlangano nezinkampani ezenza ibhizinisi endaweni engaphansi kukamasipala –

i. banezimvume zebhizinisi ezidingekile ezikhishwe ngokoMthetho KaMasipala; futhi
ii. bafakiwe kwirejista ngokwalo Mthetho KaMasipala:

(b) ukuqinisekisa ukuthi onke amabhizinisi nabantu banezimvume, bavumelekile futhi babhalisile ngokwalo Mthetho KaMasipala –

i. baphethwe noma baziphethe ngendlela eqhakambisa isithunzi semboni yebhizinisi; futhi
ii. abadali monakalo emphakathini;

(c) ukuqinisekisa ukubamba iqhaza kwabantu abebencishwe amathuba ngokomlando emabhizinisini agunyaziwe emnothweni;

Izimiso, Okwejwayelekile Nokulindelekile Nezinqubomgomo

4. (1) Noma yiziphi izimiso zentuthuko kanye nanoma yini eyejwayelekile nokulindelekile okusebenza eziMvumeni Zebhizinisi okuye kwenziwa ngokomthetho kazwelonke noma wesifundazwe kuyasebenza kuMasipala.

(2) UMkhandlu kaMasipala angemukela izinqubomgomo ezingahambisani nomthetho kazwelonke, nomthetho wesifundazwe noma nalo Mthetho KaMasipala ukwenzela ukusiza ngezicelo noma ukuthatha izinqumo 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

OKUPHATHELENE NESIKHUNGO

Amandla, izibophezelo nemisebenzi kukaMasipala

5. (1) UMasipala, mayelana nendawo engaphansi kwakhe, kufanele –
   (a) emukele, abheke futhi acubungule zonke izicelo zezimvume zamabhizinisi; futhi
   (b) enqabe noma avume izicelo ezicatshangwe ngokucophelela esigatshaneni (a);
   (c) enqabe noma avume noma yisiphi isicelo sokwedlulisa noma iyiphi imvume;
   (d) ahoxise noma amise imvume yebhizinisi ezimweni ezifanele ngaphandle komyalo wenkantolo;
   (e) abhalise onke amabhizinisi agunyaziwe asebenza endaweni engaphansi kwakhe; futhi
   (f) asebenzise amanye amandla anjalo, izibophezelo nemisebenzi anikezwe yona nanoma yimuphi omunye umthetho noma yilo KaMasipala.

(2) UMasipala, ekusebenziseni amandla akhe, izibophezelo nemisebenzi yakhe ngokwesigaba esingaphansi kwesikhulu (5)(1) (a) –
   (a) kufanele ahlonze –
      i. noma yimiphi imibandela noma imikhawulo okufanele ifakwe kunoma iyiphi imvume yebhizinisi;
      ii. izinto imvume yebhizinisi ebhekana nazo; kanye
      iii. namahora okuhweba;
   (b) angachibiyela, ashintshe noma akhiphe noma yimiphi –
      i. imibandela noma imikhawulo;
      ii. okwenziwa yibhizinisi noma amahora okuhweba, ngokucatshangwe ngokucophelela esigatshaneni salo Mthetho KaMasipala 5(2)(a) salo KaMasipala;
   (c) kufanele ngokwezindlela ezisetshenziswayo ezinqunyiwe ezicatshangwe esigabeni 20 salo mthetho kamasipala, amise noma ahoxise isikhathi esinganqunyiwe noma isikhathi esinjalo njengoba ungahlonza–
      i. noma iyiphi imvume yebhizinisi; noma
      ii. yiliphi ilungelo elifakwe kunoma iyiphi imvume yebhizinisi;
   (d) lapho kuye kwaba khona ukuphambana nanoma yimiphi imibandela efakwe emvumeni yebhizinisi ungahoxisa noma uyekise ukusebenza kwemvume yebhizinisi;
   (e) ungadala ukuthi noma yiliphi ibhizinisi lime ukusebenza kuze kube ukuthi uMasipala wenelisekile ukuthi ibhizinisi lihlangabezane nazo zonke izimfanelo njengoba zibaluliwe emvumeni;
   (f) angakhulumisana nesiphathimandla esiphoqelela ukusebenza komthetho ukuthi siphenye ukuze ahlonze ukufaneleka–
      i. komfakisicelo mayelana nemvume yebhizinisi; noma
      ii. amagckeke ebhizinisi mayelana nanoma yisiphi isicelo semvume yebhizinisi;
   (g) ungathatha noma yiziphi izinyathelo zomthetho –
      i. kunoma yimuphi umuntu onemvume; noma

ii. yimuphi omunye omuntu, mayelana nanoma yikuphi ukuphambana nanoma yisiphi isigatshana salo Mthetho KaMasipala;

(h) ungakhokhisa noma iyiphi inhlawulo kunoma yimuphi umuntu okutholakale ukuthi uye waphambana nezigatshana zalo Mthetho KaMasipala;

(i) angasho indawo ibhizinisi elisebenza kuyo njengelingahambisani nomthetho futhi elingekho emthethweni bese ephoqa/eqalise ukusebenza umkhakha ofanele wemali ekhokhwayo wokusebenzisa ngokungemthetho nokungagunyaziwe;

(j) ukuthatha ezinye izinyathelo zomthetho ezinjalo ukuqinisekisa ukuhambisana nezigatshana zalo Mthetho KaMasipala

(3) UMasipala, kufanele –

(a) ekusebenziseni amandla, izibophezelo nemisebenzi yakhe aqalise ukusebenza futhi aqaphe ukuqalisa kokusebenza kwayo yonke imithetho efanele;

(b) asebenzise noma yimaphi amanye amandla anikezwe wona yilo Mthetho KaMasipala;

(c) ekuqokeni isiphathimandla semvume esigunyaziwe, alandele izinqubo ezinjalo; bese

(d) ngokwejwayelekile, athathe izinyathelo ezinjalo ukwenza izenzo ezinye ezinjalo njengoba kungadingeka, noma zibe sesimweni esifanele, ekufinyeleleni ezinhlosweni zalo Mthetho KaMasipala.

Ukuqokwa kweSiphathimandla Sezimvume Esigunyaziwe

6. (1) Isiphathimandla Esikhulu sizoqoka isi/zisiphathimandla se/zemvume esi/zigunyaziwe esi/zizothatha isinqumo sokugcina kunoma yiluphi udaba oluphathelene nemvume yebhizinisi.

Ukuqokwa kweSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi

7. (1) Isiphathimandla Esiphethe sizoqoka isi/ziphathimandla njengeSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi.

Amandla, izibophezelo nemisebenzi yeSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi

8. (1) Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi kufanele –

(a) seseka ngokuphatha okudingekile, okufaka ukuhlola kuqala noma yiluphi udaba kuMasipala kanye neSiphathimandla Sezimvume Esigunyaziwe, ukwenzela ukuthi sikwazi ukwenza nokufeza izibophezelo zamandla, izibophezelo nemisebenzi abo ngokwalo mthetho kamasipala;

(b) seseke ngokuphatha okudingekile uMfakisicelo ukuze akwazi ukuhambisa iSicelo;

(c) ukuqwashisa umphakathi ngezinqubo nemithetho ejwayelekile yemvume yebhizinisi.

(2) Mayelana nanoma yisiphi isicelo semvume yebhizinisi, iSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi kufanele

(a) kokuba isicelo semvume sezivunywe yisiphathimandla esigcina amarekhodi asemthethweni sezimvume zebhizinisi, sikhipha imvume kwifomu enqunyiwe;

(b) sigcine futhi sigcine ngendlela ehlelekile, iregista isesimweni esifanele yazo zonke izinqumo zeSiphathimandla Sezimvume Esigunyaziwe; bese

(c) sedlulisa izinqumo zeSiphathimandla Sezimvume Esigunyaziwe kubafakizicelo nezinye izinhlangothi ezithintekayo.

(3) siphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi kufanele sibheke ukubhaliswa kwawo onke amabhizinisi ohlelweni lwezimvume zebhizinisi nokuphathwa kolwazi.

(4) (4) Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi singaba iSiphathimandla Esiphoqelela Ukusebenza Komthetho ngesikhathi esisodwa.

Ungoti nolunye usizo kweSiphathimandla Sezimvume Esigunyaziwe

9. (1) UMasipala angaqoka ongoti abanjalo noma abanye abantu njengabahlinzeki bemisebenzi ethile ukusiza iSiphathimandla Sezimvume Esiqokiwe ekusebenziseni amandla, izibophezelo nemisebenzi yabo.

(2) Ongoti noma abanye abantu abaqokwe ngaphansi kwesigaba esingaphansi kwesikhulu (1) bangaya kunoma yimuphi umhlangano weSiphathimandla Sezimvume Esigunyaziwe.

ISAHLUKO 3

IMVUME YEBHIZINISI

Izimvume zebhizinisi

10. (1) Akukho muntu oyokwenza iBhizinisi Eligunyaziwe kwamasipala ngaphandle kwemvume esebenzayo neyesekayo yebhizinisi elenziwayo ngaphandle kwalawo mabhizinisi anoshwele kulo Mthetho KaMasipala.

(2) Lapho kwenziwa khona ibhizinisi emagcekeni angaphezu kwelilodwa kwamasipala, ibhizinisi elenzelwa egcekeni ngalinye lithathwa njengebhizinisi elesiceleni.

(3) UMasipala angaxolela amabhizinisi agunyaziwe alandelayo ekutheni abe nemvume yebhizinisi:

(a) Amabhizinisi asohlwini loMthetho Oyisijobelelo 2 soMthetho Webhizinisi.
(b) Ibhizinisi eliphethwe uMbuso noma yiNhlangano kaHulumeni Wasekhaya.
(c) Izinhlangano Ezingenzi Nzuzo
Amabhizinisi angalawulwa uMthetho kaMasipala Webhizinisi Elingalawulwa Uhulumeni
(d) Amabhizinisi Asekhaya njengoba echazwe oHlelweni

(4) Ukuxolelwa ukuthi ungayidingi imvume yebhizinisi akuxoleli umnikazi webhizinisi ukuthi ahambisane nanoma yimuphi omunye umthetho osebenzayo njengemfanelo Yesifitiketi Sokwemukeleka lapho ukudla/izinto ezidliwayo ziphethwe khona.

Ingxenye yokuqala: Izicelo

Izicelo

11. (1) Noma yimuphi umuntu ofisa ukufaka isicelo semvume yebhizinisi kufanele afake isicelo –
    - (a) nge-intanethi noma emahhovisi noma emahhovisi eSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi noma iyiphi indawo eqokelwe lokho kuMasipala;
    - (b) ngendlela nangefomu okunqunyiwe; futhi
    - (c) akhokhe imali yesicelo engabuyiswa.

(2) Isicelo esicatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu (1) kufanele sihambisane nalezi zincwadi nolwazi okulandelayo, lapho kufanele khona, okufanele sihanjiswe kanye kanye nefomu enqunyiwe ukwenzela ukuthi isicelo seMvume Yebhizinisi ibhekwe:
- (a) Ukubhalisa Kwenkampani noma izincwadi zase-CIPC
- (b) Izinqumo Ezithinta Inkampani noma Zenkampani Enabanikazizabelo Abambalwa
- (c) Umazisi noma incwadi yokuhamba esemthethweni okuqinisekisiwe kwabaqondisi, amalungu noma okusetshenziswana nabo;
- (d) Isivumelwano sokuqasha amagceke ebhizinisi noma itayitela
- (e) Isitifiketi sokuhlala endaweni kanye/noma imidwebo evunyiwe yesakhiwo, ngaphandle uma isakhiwo singadingi imvume ngokwenqubomgomo eyenziwa ngaphambi kokuhlela;
- (f) Noma yiziphi izicelo seMvume Yebhizinisi, noma ngabe seziphelelwe yisikhathi, sesivunyiwe noma ziyalelwe ukuthi zisiwe endaweni ethile.
- (g) Imvume ngokoMthetho Ophathelene Nezifiki (Abahlali okungebona abaseNingizimu Afrika)
- (h) I-Visa Yebhizinisi (Abahlali okungebona abaseNingizimu Afrika)
- (i) Imvume yeSigaba 22 yezifiki ezibaleke ezweni lazo noma umuntu ofuna ukukhoseliswa ngokoMthetho Wezifiki Ezibaleke Ezweni Lazo (Abahlali okungebona abaseNingizimu Afrika)
- (j) Noma yiluphi olunye ulwazi olunganqunywa njengoludingwa uMasipala ngokufanele okwakhelwe ohlotsheni lwebhizinisi elithile elifakelwa isicelo.
- (k) Izincwadi ezimayelana nezicelo zeMvume Yebhizinisi zezindawo ezingadinga mvume ngokweNqubomgomo yaKwaDukuza Yezinyathelo Zoguquko Yohlelo Lokusingathwa Kokusetshenziswa Komhlaba (Ephreli 2017), njengoba kushiwo ngenhla, zidinga lezi zincwadi ezilandelayo ezingaphezulu ukuthi zihanjiswe:
    - i. Izincwadi ezifungelwe eziqinisekisa ukuhambisana neNqubomgomo yaKwaDukuza Yezinyathelo Zoguquko Yohlelo Lokusingathwa Kokusetshenziswa Komhlaba (Ephreli 2017)
    - ii. Ifomu kashwele exolela uMasipala ekubeni necala ngokusebenzisa amagceke ebhizinisi
    - iii. Umdwebo waphansi kanye/noma umdwebo wokuma kwesakhiwo seziqashi

iv. Incwadi evela kuMasipala efuna imvume yokusebenzisa uMhlaba kaMasipala lapho kudingeka khona
v. Incwadi yeKhansela leWadi eqinisekisa amagceke ebhizinisi yasungulwa ngaphambi komhla zingama-29 Mashi 2017

(3) Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi kufanele, ezinsukwini ezi-7 zokuthola isicelo esihanjisiwe ngokwesigaba esingaphansi kwesikhulu (1) –

(a) sisho ukuthi sisitholile isicelo ngokubhala phansi; futhi
(b) **sihlole isicelo ukwenzela ukuhlonza ukuthi ngabe siphelele, kuthi lapho isicelo singaphelele khona, sikhiphe isaziso kwifomu enqunyiwe esifuna ukuthi umfakisicelo agcwalise noma alungise isicelo esingaphelele, ezinsukwini ezingama-21 emva kokukhishwa kwesaziso,**

(4) Lapho uMfakisicelo engagcwalisi noma alungise isicelo ezingaphelele ezinsukwini ezingama-21, isicelo sizothathwa njengesishiyiwe.

Ingxenye Yesibili: Ukubhekwa, ukwazisa, nokukhishwa kweMvume.

Ukubhekwa kwezicelo yiSiphathimandla Sezimvume Esigunyaziwe

12. (1) Ekuthatheni isinqumo esicelweni semvume yebhizinisi, iSiphathimandla Sezimvume Esigunyaziwe kufanele sibheke –
    (a) zonke izincwadi nokubhalwe phansi okuhanjiswe umfakisicelo;
    (b) noma yiziphi izincwadi noma izethulo okuphuma kumphikisi;
    (c) yonke imibiko ehanjiswe;
    (d) ukufaneleka kwamagceke ebhizinisi elihlongozwayo mayelana nemibono okuvela–
        i. Kwabezempilo Yezemvelo kuMasipala Wesifunda weLembe:
            - Ukukhipha Izitifiketi Zokwemukeleka
            - Ukuhlola
        ii. Kwabezokuhlela Nokusungulwa Kwezakhiwo bakwaMasipala
            - Ukuhambisana nomthetho ngokoHlelo Lokusingathwa Kokusetshenziswa Komhlaba kanye Nokuklama umhlaba okufanele lapho kufanele khona
            - *Ukuhlola*
        iii. Kwabezokulawulwa Kwezakhiwo
            - Ukuhambisana neMithetho Yokulawula Kazwelonke (Isitifiketi Sokuhlala Endaweni nokugunyaza imidwebo yezakhiwo lapho kufanele khona)
            - Ukukwazi kwamagceke ebhizinisi ukusebenza kahle ngaphansi kwengcindezi
            - Ukuhambisana nomthetho kamasipala kwangaphandle
        iv. Abezokucishwa komlilo
            - Ukuhambisana noMthetho Wezempilo Nokuphepha Emsebenzini, iMithetho Kazwelonke Yokulawula Izakhiwo neminye imithetho yokulawula ephathelene nomlilo
            - *Ukuhlola*
        v. Noma yiluphi olunye uphiko lwebhizinisi uma nangesikhathi Kudingwa yiSiphathimandla Sezimvume Esigunyaziwe saKwaDukuza.

    (e) ukuthi ngabe isicelo siyaphambana yini nezigatshana zalo Mthetho kaMasipala noma nanoma yimuphi omunye umthetho;
    (f) ukuthi ngabe isicelo sinegalelo yini ezinhlosweni zoMthetho KaMasipala
    (g) noma yiluphi udaba olubalulekile mayelana nomphakathi.

(2) Isiphathimandla Sezimvume Esigunyaziwe sizobheka iSicelo Semvume Yebhizinisi esilethwe kuso ezinsukwini eziyi-14 kusukela osukwini esilethwe kuso yiSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi

(3) Isiphathimandla Sezimvume Esigunyaziwe ngokwazisa uMfakisicelo, ngeSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi, singanweba isikhathi sokubheka isicelo ezinye izinsuku ezinga-21 nezizathu.

(4) Isiphathimandla Sezimvume Esigunyaziwe, uma kucatshangwa ukuthi kudingekile futhi kuncike ezikhathini ezibekiwe ezicatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu (2) nesesi (3) –

(a) singayalela iSiphathimandla Esiphoqelela Ukusebenza Komthetho ukuthi sihlole amagceke;
(b) singacela ongoti noma abahlinzeki bemisebenzi ukuthi benze uphenyo olunjalo oludingekela ukubheka isicelo.

(5) Emva kokubheka isicelo, iSiphathimandla Sezimvume Esigunyaziwe kufanele senze okunye kwalokhu–

(a) sivume isicelo kuncike –
  i. i. emigomweni nemibandela okunjalo esingacabanga ukuthi ifanele;
  ii. ii. amahora okuhweba anjalo esingacabanga ukuthi afanele;
(b) siphindisele isicelo kuMfakisicelo ukuze afake olunye ulwazi noma asilungise bese silandela inqubo okubhekiswe kuyo esigabeni 11(4);
(c) sisenqabe isicelo.

Ukwaziswa ngesinqumo

13. (1) Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi, ezinsukwini ezi-3 emva kokuba iSiphathimandla Sezimvume Esigunyaziwe sesithathe isinqumo ngesicelo ngokwesigaba 12, sizokwazisa uMfakiselo ngesinqumo ngokumbhalela.

(2) Uma kwenzeka isicelo singavunywa, noma yisiphi isinqumo kufanele sifake-

(a) Izizathu ezibhaliwe zesinqumo;
(b) Iseluleko ngelungelo lokwedlulisa isikhalazo noma ukubuyekezwa kwesinqumo seSiphathimandla Sezimvume Esigunyaziwe.

Ukukhishwa kwezimvume zamabhizinisi

14. (1) Uma isicelo sesivunyiwe, iSiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi ezinsukwini ezi-3 kufanele sikhiphe imvume yebhizinisi, siyinike umfakisicelo kwifomu enqunyiwe, okufanele ibe–

(a) nenombolo yemvume;
(b) nosuku ekhishwe ngalo;
(c) nendawo yamagceke amayelana nemvume esinikeziwe;
(d) negama elibhalisiwe lebhizinisi negama elihweba ngalo
(e) nemigomo nemibandela okuvunywe ngayo imvume, okufaka izinsuku zokuhweba kanye/noma amahora okuhweba; kanye
(f) nosuku lokuvuselela imvume;

(2) Imvume yebhizinisi kufanele –

(a) ikhombise ikhophi eqinisekisiswe yesitifiketi semvume emagcekeni;

(b) ikhombise uphawu olubonakalayo endaweni ngayinye kuyo olukhombisa igama lebhizinisi elinemvume

Ingxenye Yesithathu: Ukusebenza, Ukuvuselelwa, Ukwedluliswa, Ukusingathwa, Ukususwa liye Kwenye Indawo, Nokunqanyulwa Kokusebenza Kwemvume

Ukusebenza kwemvume

15. (1) Noma iyiphi imvume ekhishwe ngokwemigomo yalo mthetho kamasipala isebenza isikhathi esiyiminyaka emibili noma isikhathi esingaphansi kwaleso njengoba kubekwe emibandeleni yemvume.

(2) Imvume iqala ukusebenza ngosuku imvume yebhizinisi ekhishwe ngalo kanti izosebenza kuze kube ukuthi –

(a) imvume iyanqanyulwa ukusebenza ngokwalo mthetho kamasipala;

(b) iphelelwe yisikhathi noma ihoxisiwe; noma

(c) umuntu/inkampani onemvume akasafanelekile ngokwalo mthetho kamasipala

Ukuvuselelwa kwemvume yebhizinisi

16. (1) Noma yiliphi ibhizinisi elinemvume kufanele lihambise isicelo sokuvuselela okungenani izinsuku ezingama-60 ngaphambi kokuphela kwesikhathi semvume kwifomu enqunyiwe,

(2) Izincwadi ezimayelana nokuvuselela iMvume Yebhizinisi zizoba njengezeSigaba seshumi nambili (12) ngenhla, ngaphandle kokuvuselela kokuqala ngeke sibe khona isidingo sokuhlola kodwa ukuhlola kuyoncika emibikweni enqunyiwe yokuhambisana nomthetho Ngabezokulawulwa Kwezakhiwo bakwaMasipala, Abezempilo beLembe, kanye Nabezokucishwa Komlilo baKwaDukuza.

(3) Ukuvuselelwa kwezimvume ezilandela ezinye kuyodingeka ukuthi kufakwe futhi ifomu yesicelo nezincwadi esibalulwe eSigabeni seshumi nambili (12) ngenhla.

Ukwedluliswa kwemvume

17. (1) UMasipala angacabanga ukuvuma ukwedlulisa imvume ezimweni ezifanele uma kungukuthi lapho kwedluliselwa imvume yebhizinisi:

(a) kumnikazi omusha, isikhathi esinjalo sokwedlulisa imvume siyoba yisikhathi kuphela esisele saleyo Mvume Yebhizinisi;

(b) uma izinto ezenziwa yibhizinisi zingaguquki njengokwesicelo sokuqala;

(c) kungenxa yokushintsha amagceke ebhizinisi.

(2) Noma yimuphi umuntu ohlose ukwedlulisela imvume yakhe komunye umuntu, kufanele ahambise isicelo kuMasipala ngefomu enqunyiwe.

(3) Umuntu ozoba umnikazi wemvume imvume okufanele idluliselwa kuye ngokwesigaba esingaphansi kwesikhulu (1) akufanele kube ukuthi akasafaneleki ngokwalo Mthetho KaMasipala.

(4) Lapho uMasipala esesivumile isicelo sokwedlulisa imvume futhi nomuntu onemvume eseyikhokhile imali enqunyiwe, isitifiketi sokwedlulisa kufanele sikhishwe -

(a) sikhombise umuntu ozoba umnikazi wemvume; kanye

(b) nemibandela enjalo ezobekwa uMasipala.

Ukuphathwa Kwamabhizini

18. (1) Umuntu onemvume angaqoka noma yimuphi umuntu njengemenenja yamabhizinisi anemvume.

(2) Imenenja ecatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu kufanele –

(a) ibe nemvume yemenenja ekhishwe ngokwesigaba esingaphansi kwesikhulu (3); futhi

(b) kube ukuthi akaze angafaneleki ngokwezigatshana zalo Mthetho KaMasipala

(3) Noma yimuphi umuntu onemvume ofisa ukuqoka imenenja yanoma yimaphi amabhizinisi anemvume kufanele ahambise isicelo semvume yemenenja kuMasipala kwifomu enqunyiwe.

(4) I/zimvume ye/zeMenenja i/zingafakwa njengengxenye yeMvume yeBhizinisi.

(5) Uma isicelo esicatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu (3) sesivunyiwe, iSiphathimandla Sezimvelo Esigunyaziwe kufanele, uma sekukhokhwe imali yemvume yemenenja, ikhiphe imvume yemenenja.

Ukususwa kwebhizinisi liye kwamanye amagceke

19. Noma yimuphi umuntu onemvume ohlose ukususa ibhizinisi elinemvume liye kwamanye amagceke, kufanele ahambise isicelo kuMasipala ngefomu enqunyiwe.

(2) Isicelo sokususa imvume yebhizinisi liye kwamanye amagceke kufanele sicutshungulwe ngokwezigatshana zalo Mthetho KaMasipala.

(3) Isiphathimandla Sezimvume Esigunyaziwe kufanele sikhiphe isitifiketi sokususwa kwebhizinisi liye kwamanye amagceke, njengoba kunqunyiwe emva kokuba –

(a) sesivume isicelo sokususwa kwemvume iye kwamanye amagceke; futhi

(b) umuntu onemvume esekhokhe imali enqunyiwe yokususa imvume iye

kwamanye amagceke.

(4) Isitifiketi sokususa imvume iye kwamanye amagceke kufanele –
(a) sikhombise igama lalowo ozoba umnikazi; futhi
(b) sibe nemibandela njengoba ingabekwa uMasipala

Ukunqanyulwa kokusebenza kwemvume

20. (1) Isiphathimandla Sezimvume Esigunyaziwe, kuncike esigabeni esingaphansi kwesikhulu (2), singanqamula ukusebenza kwemvume uma umuntu onemvume –
(a) ephambane –
i. i. nanoma yimiphi imibandela ehambisana nemvume; kanye
ii. ii. nanoma yiziphi izigatshana zalo Mthetho KaMasipala, noma yimuphi omunye umthetho noma umthetho kamasipala osebenzayo;
(b) kutholakala ukuthi akasafanelekile ngokwezigatshana zalo kamasipala;
(c) izimvume ezisebenzayo kanye noma nesesivunyiwe kanye/noma izitifiketi okudale isizathu sokuthi ukuthi imvume yebhizinisi ihoxiswe; noma
(d) eseyekile ukuhweba.

(2) Ngaphambi kokuthi iSiphathimandla Sezimvune Esigunyaziwe sinqamule ukusebenza kwemvume ngokwesigaba esingaphansi kwesikhulu (1), iSiphathimandla Sezimvume Esigunyaziwe kufanele, ngendlela enqunyiwe, sinike umuntu onemvume ithuba lokulalelwa futhi ethule izikhalo zakhe zokuthi kungani imvume yakhe kungafanele inqanyulwe ukusebenza.

(3) Umuntu onemvume, ngendlela enqunyiwe, angabuyisela imvume yakhe emuva.

(4) UMasipala kufanele unqume indlela imvume okufanele umuntu onemvume abe nayo ngayo–
(a) ongasekho emhlabeni;
(b) okudliwe ibhizinisi lakhe noma lathengiswa ukuze kutholakale imali;
(c) lingaphansi kwabomthetho; noma
(d) inkantolo ithi akakwazi ukuphatha izindaba zakhe, kufanele kubhekwane naye.

(5) Uma imvume isinqanyuliwe ukuthi isebenze ngokwezigaba ezingaphansi kwezinkulu (1) noma (3), onke amalungelo, imihlomulo nokuthile okuvumelekile okutholwayo ngalokho kuyophela ngokushesha.

(6) Imvume yebhizinisi izobe ingasasebenzi lapho umnikazi wemvume yebhizinisi;
(a) wanikezwa khona imvume yebhizinisi ngobugebengu noma kwakwakhelwe olwazini lobugebengu;
(b) wanikezwa khona imvume yebhizinisi ngephutha;
(c) eshintsha khona indawo yamagceke ebhizinisi;
(d) eshintsha khona kakhulu ukuma kokwakheka ebhizinisi;
(e) eshintsha khona uhlobo lwebhizinisi;

Ingxenye Yesine: Izimali Zesicelo Nokuvuselela

Izimali zesicelo nokuvuselelwa kwezimvume

21. (1) UMasipala ngendlela enqunyiwe nangesazizo eMqulwini kaHulumeni, uzohlonza izimali zentela ezikhokhelwa impahla nemisebenzi eziyisimiso okufanele zisebenze ezimvumeni zamabhizinisi ngokwalo Mthetho KaMasipala –

    (a) yezimali zezicelo;
    (b) yezimali zokuvuselela;
    (c) yezimali zokwedluliswa kwemvume;
    (d) yezimali zokususa imvume iye kwamanye amagceke; kanye
    (e) neyezimali zemvume yemenenja.

(2) UMasipala, ngesazizo eMqulwini kaHulumeni angahlonza uhlaka lokunquma izimali zentela ezikhokhelwa impahla nemisebenzi okwakhelwe ebungakeni nendawo yebhizinisi.

(3) UMasipala kufanele, ngesaziso eMqulwini kaHulumeni futhi ngezikhathi ezithile abuyekeze futhi ashicilele eMqulwini izimali zentela ezikhokhelwa impahla nemisebenzi okucatshangwe ngokucophela kule Mithetho KaMasipala.

ISAHLUKO 4

IMIKHAWULO NOKUNGABE USAFANELEKA UKUTHOLA IZIMVUME ZAMABHIZINISI

Izimvume eziphoqelekile, ukwenqatshwa nemikhawulo

22. (1) Akukho muntu noma ibhizinisi elingenza noma yiliphi ibhizinisi eligunyaziwe noma kuyiphi indawo kamasipala ngaphandle –

(a) uma umuntu ongumnikazi wemvume yebhizinisi anikezwa yona ngokwalo Mthetho kaMasipala; noma

(b) uma kuyibhizinisi elinikezwe ushwele ngokomthetho kamasipala osebenzayo.

(2) Akukho muntu noma ibhizinisi –

(a) elingaqasha noma linikeze noma yimuphi umuntu umsebenzi wokuphatha noma yimuphi umsebenzi webhizinisi, uma umuntu onjalo ubhekene nokungabe esafaneleka okubhekiswe kukho kulo Mthetho KaMasipala;

(b) ongathengisa imikhiqizo noma ahlinzeka imisebenzi okuphambene nalo mthetho kamasipala nanoma yimuphi omunye umthetho.

(3) Noma yimuphi umuntu noma ibhizinisi –

(a) ophambana nezigaba ezingaphansi kwezinkulu (1) noma (2);

(b) owenza noma yiliphi ibhizinisi esebenzisa imvume yebhizinisi enikezwe umuntu;

(c) ovumela noma yimuphi umuntu ukuthi enze ibhizinisi esebenzisa imvume enikezwe omunye umuntu onemvume; noma

(d) aqashe noma yimuphi umuntu njengemenenja yebhizinisi uma umuntu akanayo imvume yemenenja njengoba kucatshangwe ngokucophelela Mthetho KaMasipala;

(e) okutholakale ukuthi unecala.

Izinto ezingavumelekile: Utshwala

23. (1) Ibhizinisi akufanele —

(a) lithengise noma liqhakambise imikhiqizo yotshwala ngaphandle uma linemvume yokuthengisa utshwala esebenzayo evela ebhodini elibhekene notshwala;

(b) lithengisele abantu abangaphansi kweminyaka yokuzibophezela ngokomthetho imikhiqizo yotshwala njengoba kunqunywe kulo Mthetho KaMasipala, uMthetho Wezingane, kanye noMthetho Wotshwala.

(2) Ibhizinisi kufanele lihambisane nemibandela nezigatshana ezibekwe eMthethweni Wotshwala, uMthetho 59 ka-2003 noMthetho Wotshwala wase-KZN uMthetho, 6 ka-2010.

Izinto ezingavumelekile: Ugwayi, Imikhiqizo ephathelene nogwayi, nokuhogela intuthu enesithako sikagwayi ngokusebenzisa into ethile noma Imikhiqizo Ethunyelwa Ngohlelo Lwekhompyutha

24. (1) Ibhizinisi akufanele —

(a) lithengise noma liqhakambise ugwayi, imikhiqizo ephathelene nogwayi, nokuhogela intuthu enesithako sikagwayi ngokusebenzisa into ethile noma imikhiqizo ethunyelwa ngohlelo lwekhompyutha kubantu abangaphansi kweminyaka yokuzibophezela ngokomthetho njengoba kunqume lo Mthetho kaMasipala, uMthetho Wezingane noMthetho Wesichibiyelo Wokulawula Imikhiqizo Yogwayi;

(b) livumele abantu abangaphansi kweminyaka yokuzibophezela ngokomthetho abasebenza kulo noma abangaphansi kwalo, ukuthi bathengise noma bacele ukuthengisa noma yimiphi imikhiqizo ephathelene nogwayi, nokuhogela intuthu enesithako sikagwayi ngokusebenzisa into ethile noma imikhiqizo ethunyelwa ngohlelo lwekhompyutha emagcekeni ebhizinisi;

(c) lithengise noma liqhakambise imikhiqizo ephathelene nogwayi, nokuhogela intuthu enesithako sikagwayi ngokusebenzisa into ethile noma imikhiqizo ethunyelwa ngohlelo lwekhompyutha kunoma iyiphi indawo lapho umuntu oneminyaka engaphansi kweyi-18 ubudala efunda noma eqeqeshwa khona;

(d) lithengise imikhiqizo ephathelene nogwayi, nokuhogela intuthu enesithako sikagwayi ngokusebenzisa into ethile noma imikhiqizo ethunyelwa ngohlelo lwekhompyutha ezinganeni ezingaphansi kweminyaka eyishumi nesithupha ubudala

(2) Ibhizinisi kufanele lihambisane nemibandela nezigatshana okubekwe eMthethweni Wesichibiyelo Wokulawula Imikhiqizo Yogwayi, uMthetho owunombolo 63 ka-2008.

Izinto ezingavumelekile: Imidlalo Nokugembula

25. (1) Ibhizinisi akufanele —

(a) Liqhakambise imidlalo nokugembula noma izinto ezenziwayo ngaphandle uma linemvume esebenzayo ekhishwe yinhlangano yezokugembula efanele esemthethweni;

(b) Lihlinzeke imidlalo noma ligembulise noma lenzise izinto ezithile abantu abangaphansi kweminyaka yokuzibophezela ngokomthetho njengoba kunqunywe kulo Mthetho KaMasipala, uMthetho Wezingane, kanye noMthetho Wokugembula Kazwelonke noMthetho Wemidlalo Nokubheja wase-KZN.

(2) Ibhizinisi kufanele lihambisane nemibandela nezigatshana okubekwe eMthethweni Wokugembula Kazwelonke, uMthetho owunombolo 7 ka-2004 noMthetho Wemidlalo Nokubheja wase-KZN, 8 ka-2010.

Ukungafaneleki

26. (1) Akukho muntu ongafaka isicelo semvume yebhizinisi uma–

(a) eyisifiki esingekho emthethweni, umuntu ongadingekile kanye/noma umuntu ongavunyelwe njengoba kuchazwe eMthethweni Ophathelene Nezifiki, uMthetho Wezifiki Ezibaleke Emazweni Azo noma yomuphi omunye umthetho;

(b) engumuntu ongaphansi kweminyaka yokuzibophezela ngokomthetho ongenayo imvume yombheki wakhe osemthethweni noma umuntu ongaphansi kweminyaka yokuzibophezela ngokomthetho othathwa njengomuntu omdala ngokomthetho ngaphambi kokuthi abe neminyaka eyi-18;

(c) izindaba zakhe zibhekelelwe yinkantolo ngenxa yokungakwazi ukuzibhekela ngokwakhe ngezizathu ezehlukene;

(d) umenyezelwe noma uye wamenyezelwa yinkantolo ukuthi akaphilile kahle engqondweni;

(e) imvume yakhe yebhizinisi yanqanyulwa ukusebenza ngokwalo Mthetho KaMasipala, kuncike ekuphothulekeni kwalokho kungafaneleki –

  i. emva kweminyaka emithathu yokunqanyulwa kokusebenza kwemvume; noma
  ii. ngolunye usuku oluhlonzwe uMasipala; noma

(f) eke wagwetshwa ngecala elithile ngokwalo Mthetho KaMasipala, kuncike ekuphothulweni kwalokho kungafaneleki emva kwezinyanga ezintathu zokugwetshwa

(g) eke watholakala ukuthi unecala noma unomyalo wenkanolo ophathelene nesikweletu ngokoMthetho Wokubhekwa Kwempahla Engena Ezweni owunombolo 91 ka-1964;

(h) etholakale ukuthi unecala ngaphansi koMthetho Wempahla Eyinkohliso owunombolo 37 ka-1997; noma

(i) ehluleke ukuhambisana nanoma yiziphi izigatshana zalo mthetho kamasipala.

(2) Akukho nkampani, nkampani enabanikazizabelo abamalwa, nhlangano, okusetshenziswana nabo noma inhlangano ebheka impahla yabanye ngokusemthethweni ongafaka isicelo sebhizinisi, uma umuntu ongafanelekile ngokwesigaba esingaphansi kwesikhulu (1) –

(a) unezabelo ezimenza abe nezwi kunabanye kuleyo nkampani, nkampani enabanikazizabelo abambawa, nhlangano noma nhlangano ebhekela abanye impahla ngokusemthethweni;

(b) uyingxenye yalokho kusebenzisana; noma

(c) ungumhlomuli omkhulu kuleyo nhlangano ebhekela abanye impahla ngokusemthweni.

Imicimbi Ekhethekile

27. (1) UMasipala, ngesaziso esifanele, angenqaba noma avimbe ibhizinisi ukuthi lisebenze isikhathi somcimbi okhethekile futhi endaweni egunyaziwe, ngale kwezigatshana zanoma iyiphi imvume yebhizinisi.

(2) Akukho sinxephezelo esikhokhwa uMasipala ekhokhela noma yiliphi ibhizinisi ngenxa yokwenqatshelwa noma ukuvinjwa kokusebenza kwebhizinisi isikhathi esithile njengoba kucatshangwe ngokucophelela esigabeni esingaphansi kwesikhulu (1).

(3) UMasipala uzohlonza ukuthi ngabe umcimbi uzohlonzwa njengomcimbi okhethekile;

(4) UMasipala angawuvuma umcimbi okhethekile kuncike emibandeleni efanele.

ISAHLUKO 5

UKUHLOLA, IZIPHATHIMANDLA EZIPHOQELELA UKUSEBENZA NOKUHAMBISANA NOMTHETHO

Ukuqokwa kweSiphathimandla Esiphoqelela Ukusebenza Komthetho

28. (1) Umasipala kufanele aqoke umuntu noma abantu njengeZiphathimandla Eziphoqelela Ukusebenza Komthetho ukuze basebenzise amandla, izibophezelo benze nemisebenzi okucatshangwe ngokucophelela ngezansi.

(2) UMasipala kufanele anikeze noma yisiphi iSiphathimandla Esiphoqelela Ukusebenza Komthetho esiqokiwe ngokwesigaba esingaphansi kwesikhulu (1)-ngekhadi eliwumazisi.

(3) Ikhadi eliwumazisi elikhishwa ngokwesigaba esingaphansi kwesikhulu (2) lingufubakazi obanele bamandla eSiphathimandla Esiphoqelela Ukusebenza Komthetho egama laso likuso.

(4) Uma iSiphathimandla Esiphoqelela Ukusebenza Komthetho esisebenzisa amandla, izibophezelo futhi senza imisebenzi yakhe ngokwalo Mthetho KaMasipala, kufanele –

(a) abe nohlobo lokuzazisa olukhishelwe leso Siphathimandla Esiphoqelela Ukusebenza Komthetho ngokwalesi sigaba; futhi kufanele

(b) akhombise uhlobo lokuzazisa olukhishwe kanjalo kunoma yimuphi umuntu –

i. othintwe yizenzo zeSiphathimandla Esiphoqelela Ukusebenza Komthetho ngokwalo Mthetho Kamasipala; futhi

ii. acele ukubona umazisi.

(5) Iziphathimandla Eziphoqelela Ukusebenza Komthetho ezicatshangwe ngokucophela kulesi sigaba kufanele ziqokwe njengeziphathimandla zoxolo ngokwesigaba 334 soMthetho Wenqubo Yobugebengu, 1977 (uMthetho owuNombolo 51 ka-1977).

Amandla, izibophezelo nemisebenzi yeZiphathimandla Eziphoqelela Ukusebenza Komthetho

29. (1) Isiphathimandla Esiphoqelela Ukusebenza Komthetho singangena kunoma yimaphi amagceke uma sisola ukuthi kukhona ibhizinisi elenzelwa emagcekeni anjalo bese ecela ibhizinisi noma imenenja noma umsebenzi webhizinisi ukuthi aveze imvume yebhizinisi;

(2) Isiphathimandla Esiphoqelela Ukusebenza Komthetho singahlola amagceke ebhizinisi bese sibhala umbiko mayelana nanoma –

(a) yimaphi amagceke anemvume ukuqapha nokuphoqelela ukuhambisa nomthetho, ngalo Mthetho KaMasipala noma nanoma yimuphi omunye umthetho, futhi

(b) (b) kuncike ezigatshaneni zalo Mthetho KaMasipala nezigatshana zanoma yimuphi omunye umthetho, iSiphathimandla Esiphoqelela Ukusebenza Komthetho ngaphandle komyalo wenkantolo –

i. singabuza noma yimuphi umuntu kunoma yimaphi amagceke mayelana nanoma naluphi udaba olungahambelana nokuhlola;

ii. angabuza noma yimuphi umuntu, iSiphathimandla Esiphoqelela Ukusebenza Komthetho ngezizathu ezifanele, esikholwa ukuthi angaba nolwazi oluhambelana nokuhlola;

iii. singahlola noma iyiphi incwadi umuntu okudingeka ukuthi ayigcine ngokwalo Mthetho KaMasipala noma yimuphi omunye umthetho ophathelene nanoma yikuphi ukuhlola okuphathelene nebhizinisi;

iv. singenza ikhophi yencwadi, noma uma kudingeka, sisuse incwadi ukwenzela ukuthi enze ikhophi yayo;

v. singathatha izithombe noma siqophe umboniso wanoma yini noma wanoma yimuphi umuntu, inqubo, isenzo noma isimo noma mayelana nanoma yimuphi umhlaba noma amagceke ebhizinisi;

vi. ngosizo lwamaphoyisa oMbutho WamaPhoyisa WaseNingizimu Afrika, singathatha noma sisuse noma yini ngokubona kwaso esicabanga ukuthi kunganikeza ubufakazi bokwephula noma yiziphi izigatshana zalo Mthetho KaMasipala noma yimuphi omunye umthetho;

vii. singenza zonke izinto ezidingekayo ukwenzela ukuhlola ngaphandle kokwedlula kwamanye amandla aso njengoba kucatshangwe ngokucophelela kulo Mthetho KaMasipala bese

viii. sikhipha umyalo wokuvalwa kwebhizinisi ngokushesha uma iSiphathimandla Esiphoqelela Ukusebenza Komthetho, ngokwamandla esinikezwe wona njengoba kucatshangwe ngokucophelela kulo Mthetho KaMasipala, ngezizathu ezifanele akhombise ukuthi ibhizinisi lelo –

1. liphambene nemvume yebhizinisi yalo noma imvume yokuhweba;
2. lihweba ngokungekho emthethweni;
3. lihweba ngaphandle kwemvume;
4. likhombisa ukuba yingozi empilweni nasekuphepheni komphakathi; noma
5. liphinda lenza eliye icala, lapho zonke ezinye izinyathelo ezifanele ukuvikela ibhizinisi ukuthi lingaphambani nezigatshana zalo Mthetho KaMasipala, zithathwe zonke.

(3) Isiphathimandla Esiphoqelela Ukusebenza Komthetho esisusa noma yini emagcekeni ahlolwayo, kufanele sikhiphe irisidi, kwifomu enqunyiwe, kumnikazi noma umuntu ophethe ibhizinisi.

(4) Ngaphambi kokuqala ukuhlola noma yimaphi amagceke ngokwalesi sigaba iSiphathimandla Esiphoqelela Ukusebenza Komthetho kufanele sizichaze, sichaze amandla aso, bese sinikeza ubufakazi bokuqokwa kwaso kumuntu ophethe amagceke ebhizinisi noma kumuntu osinikeze imvume yokungena.

Ukusebenzisa amandla

30. (1) Isiphathimandla Esiphoqelela Ukusebenza Komthetho esifeza izibophezelo zaso ngokwalo Mthetho KaMasipala, singasebenzisa amandla adingekayo ngokufanele ukuthi singene noma sihlole, okufaka ukugqekeza, ukukhahlela isicabha noma ukubulala iwindi emagcekeni okufanele kungenwe kuwo.

(2) Ngaphambi kokusebenzisa amandla, umuntu osebenzisa owenza lokho kufanele afune ukungena kuzwakale futhi asho inhloso yakhe yokungena, ngaphandle uma ekholwa ngokufaneleyo ukuthi ukwenza njalo kudala ukuthi umuntu onakalise, alahle, aphazamise, noma yini, incwadi noma ubufakazi obuhlolwayo.

(3) Amandla angesetshenziswe ukuze kungenwe noma kuhlolwe okwejwayelekile ngokwesigaba 29 ngaphandle kwesimo esiphuthumayo noma kufanele noma yimuphi umthetho ubambe iqhaza lawo.

Izaziso zokuhambisana nomthetho

31. (1) Lapho Isiphathimandla Esiphoqelela Ukusebenza Komthetho sinombono wokuthi umuntu noma ibhizinisi elinemvume uye waphambana nemigomo nemibandela yemvume noma wehlulekile ukuhambisana nezigatshana zalo Mthetho KaMasipala, iSiphathimandla Esiphoqelela Ukusebenza Komthetho singakhipha futhi sinikeze lowo muntu onemvume noma umuntu ophethe amagceke anemvume, isaziso sokuhambisana nomthetho kwifomu enqunyiwe.

(2) Isaziso sokuhambisana nomthetho kufanele sibeke ngokusobala –

(a) izigatshana zalo Mthetho KaMasipala noma imibandela yemvume yebhizinisi okufanele kuhanjiswana nakho;

(b) uhlobo nebanga lokungahambisani nomthetho;

(c) izinyathelo okufanele zithathwe ukuze kuhanjiswane nomthetho;

(d) usuku okufanele kuphothulwe ngalo ukuhambisana nomthetho; kanye

(e) nemiphumela engaba khona yokungahambisani nomthetho, okungafaka ukunqanyulwa kokusebenza kwemvume.

(3) Isaziso sokuhambisana nomthetho sihlale sisebenza kuze kube usuku lokuhambisana nomthetho noma yikuphi ukunwetshwa kwakho sekuphelelwe

yisikhathi noma ukukhishwa kwesitifiketi sokuhambisana nomthetho Isiphathimandla Esiphoqelela Ukusebenza Komthetho, noma yikuphi okwenzeka kuqala.

(4) Isiphathimandla Esiphoqelela Ukusebenza Komthetho, esicelweni somuntu onikezwe isaziso sokuhambisana nomthetho, selula isikhathi sokuhambisana nomthetho, uma kukhonjiswa ukwenza okuhle, ngokukhipha isazizo sokuhambisana nomthetho esichitshiyelwe.

(5) Uma umuntu enikwa isazizo sokuhambisana nomthetho ehambisana nomthetho, iSiphathimandla Esiphoqelela Ukusebenza Komthetho kufanele sikhiphe isitifiketi sokuhambisana nomthetho.

(6) Isiphathimandla Sezimvume Esigunyaziwe singabuyisela eceleni isikhalo njengoba sibekwe esazisweni sokuhambisana nomthetho uma sibona ukuthi isikhalo asifanele.

(7) Uma iSiphathimandla Sezimvume Esigunyaziwe sithola ukuthi isikhalo sifanele, singakhipha umyalo wokuthi isazizo sokuhambisana nomthetho kuhanjiswane naso ngosuku oluthile njengoba kungahlonzwa.

(8) Isiphathimandla Esiphoqelela Ukusebenza Komthetho kufanele, emva kwesikhathi esibekelwe ukuhambisana nomthetho, sihambise umbiko wokuhambisana nomthetho kwiSiphathimandla Sezimvume Esigunyaziwe.

(9) Uma umyalo okubhekiswe kuwo esigabeni esingaphansi kwesikhulu (7) –
- (a) kuhanjiswene naso, iSiphathimandla Esiphoqelela Ukusebenza Komthetho kufanele sikhiphe isitifiketi sokuhambisana nomthetho; noma
- (b) akuhanjiswananga naso, iSiphathimandla Sezimvume Esigunyaziwe singanqamula ukusebenza kwemvume ngokushesha.

(10) Uma kwenzeka umuntu onemvume enikezwa isazizo sokuhambisana nomthetho ehlulekile ukuhambisana nesaziso, iSiphathimandla Esiphoqelela Ukusebenza Komthetho kufanele sihambise isazizo sokuhambisana nomthetho nazo zonke izincwadi ezifanele kwiSiphathimandla Sezimvume Esigunyaziwe ukuze sizibheke.

(11) Isiphathimandla Esigcina Amarekhodi Asemthethweni Sezimvume Zebhizinisi kufanele sazise umnikazi wemvume ngokumbhalela ngokunqanyulwa kokusebenza kwemvume futhi sinikeze nezizathu salokho.

(12) Noma yimuphi umuntu owehluleka ukuhambisana nesazizo sokuhambisana nomthetho unecala.

Indlela Yokuziphatha yeZiphathimandla Eziphoqelela Ukusebenza Komthetho

32. (1) Indlela Yokuziphatha yeZiphathimandla Eziphoqelela Ukusebenza Komthetho ecatshangwe ngokucophelela kulo Mthetho KaMasipala izokhishwa uMasipala. Indlela Yokuziphatha njengoba ibekwe eMthethweni Oyisijobelelo 2 soMthetho Wezinhlelo ZikaMasipala Kahulumeni Wasekhaya owunombolo 32 ka-2000 uzoba yindlela yokuziphatha kweZiphathimandla Eziphoqelela Izimvume Zamabhizinisi.

ISAHLUKO 6

UKWEDLULISWA KWEZIKHALAZO, AMACALA NEZINHLAWULO

Ukwedluliswa kwezikhalazo

33. (1) Umuntu omalungelo akhe athintwe yisinqumo esithathwe uMasipala ngokwalo Mthetho KaMasipala angasedlulisa isinqumo esinjalo ngokwesigatshana Sokwedluliswa Kwezinqumo eziseMthethweni Wezinhlelo ZikaMasipala Wohulumeni Basekhaya, 2000 (uMthetho owuNombolo 32 ka-2000)

Amacala nezinhlawulo

34. (1) Noma yimuphi umuntu onecala ngokwalo Mthetho KaMasipala uyogwetshwa –

(a) inhlawulo, njengoba kuchazwe oHlwini Lwezimali Zentela Ezikhokhelwa Impahla Nemisebenzi Ezinqunywa Umkhandlu.

(b) ngokuvalelwa ejele kungedluli ezinyangeni ezintathu; noma

(c) ngakho kokubili inhlawulo nokuvalelwa ejele.

(2) Noma yimuphi umuntu osebenza –

(a) ngendawo yokuzijabulisa yasebusuku noma indawo okudanswa kuyo nomculo odlalwa bukhoma;

(b) amagceke athengisa izinto eziphathelene nabantu abadala ezicatshangwe ngokucophelela esigabeni 24 soMthetho Wamafilimu Nezishicilelo 1996, (uMthetho owuNombolo 65 ka-1996); noma

(c) abenza umsebenzi wokuhlinzeka injabulo ngokuthi kukhokhwe; abavumela noma yimuphi umuntu ongaphansi kweminyaka eyi-18 ubudala ukuthi bangene emagcekeni abo –

i. (i) banecala; futhi

ii. (ii) bangakhipha inhlawulo noma bavalelwe ejele kungedluli eminyakeni emi-3.

ISAHLUKO 7

UKUGCINWA KWAMAREKHODI NOKUTHOLAKALA KOLWAZI

Irekhodi Lokubhaliswa Kwemvume Yebhizinisi

35. (1) UMasipala kufanele agcine zonke izicelo ukwenzela ukuvunywa kwazo.

(2) UMasipala kufanele agcine amakhophi azo zonke izincwadi umphakathi onelungelo lokuzithola.

Ukubhalwa Phansi Kwamabhizinisi Agunyaziwe

36. (1) UMasipala kufanele, mayelana nendawo engaphansi kwakhe, abhalise noma yiliphi ibhizinisi, inhlangano noma inkampani eyenza iBhizinisi Eligunyaziwe ohlelweni Lezimvume Zamabhizinisi nolokusingathwa kolwazi.

(2) Amabhizinisi alawulwa amakhodi athile emboni noma ukubhalisa okuthile kwemboni kufanele ahambisane namakhodi ezimboni zawo bese ehambisa ubufakazi bokubhalisa emkhakheni wamabhizinisi wawo uma efaka isicelo emvume yebhizinisi.

(3) Izinhloso ezibaluleke kakhulu zokubhalisa amabhizinisi okucatshangwe ngokucophelela esigabeni eingaphansi kwesikhulu (1) ukuqinisekisa ukuqoqwa –

(a) kwemininingwane ephathelene nezomnotho yawo amabhizinisi nabantu bamabhizinisi angalawulwa uhulumeni endaweni engaphansi kukamasipala; kanye

(b) nokuhlela ezomnotho nezindawo zokuhlala ngendlela efanele.

ISAHLUKO 8

IZIGATSHANA EZEHLUKAHLUKENE

Ukubalwa kwenani sezinsuku

37. (1) Uma lo Mthetho KaMasipala unquma isikhathi sokwenza okuthile, inani lezinsuku 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 nezigatshana ezikhipha izingxenye ezithile ekusebenzeni komthetho

38. (1) Ngale kokwenza lo Mthetho kaMasipala —

(a) Lapho ibhizinisi linikezwe khona imvume ngaphambi kokwenziwa kwalo Mthetho KaMasipala, imvume enjalo izohlale isebenza esikhathini esivunyiwe esisemvumweni.

Isihloko Esifishane Nokuqala

39. (1) Lo Mthetho KaMasipala obizwa ngoMasipala WaKwaDukuza: uMthetho Wemvume Yebhizinisi, 2023 futhi uzosebenza ngosuku ozoshicilelwa ngalo *eMqulwini kaHulumeni* Wesifundazwe saKwaZulu-Natali.

Ukuyekiswa Kokusebenza Kwemithetho neMithetho kaMasipala Yangaphambilini

40. (1) Imithetho eshiwo eMthethweni Oyisijobelelo 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.

(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.

IMITHETHO EYIZIJOBELELO

Umthetho Oyisijobelelo 1: Ukuyekiswa Kokusebenza Kwemithetho kaMasipala