

**UMTHETHO KAMASIPALA WASETHEKWINI WAMAPAKI NEZINDAWO  
ZOKUNGCEBELEKA, 2015**



Wemukelwe uMkhandlu mhla ka: 24 June 2015

## UMTHETHO KAMASIPALA WAMAPAKI NEZINDAWO ZOKUNGCEBELEKA, 2015

Wokuhlinzekela ukulawulwa, ukuvikelwa nokugcinwa kahle kwamapaki nezindawo zokungcebeleka zikaMasipala kanye nokusentshenziswa nokuthokozelwa kwazo ngamalunga omphakathi; ukuhlinzekela imithetho echithwayo nokugcinwayo; nokuhlinzekela okunye okuphathelele nalokho.

### ISENDLALELO

**NJENGOBA** uMasipala waseThekwini unamandla ngokomthetho okuphatha nokulawula izinsiza zakhe kanjalo namapaki nezindawo zokungcebeleka endaweni engaphansi kwakhe;

**NJENGOBA** amapaki nezindawo zokungcebeleka zikaMasipala zikhonela ukusentshenziswa nokuthokozelwa ngamalunga omphakathi;

**FUTHI NJENGOBA** uMasipala efisa ukusungula izinhlelo ezidingekayo ukuze kuvikelwe futhi kongiwe izihlahla zemvelo nempahla emapaki nasezindaweni zokungcebeleka nokulawula ukusentshenziswa nokuthokozelwa kwazo ngamalunga omphakathi;

**NGAKHO-KE MANJE** uMkhandlu kaMasipala kuMkhandludolobha waseThekwini ngokugunyazwa yisigaba 156 esifundwa nengxenye B kaSheduli 5 woMthethosisekelo waseRephabliki yaseNingizimu Afrika, ufundwa nesigaba 11 soMthetho weziNhlelo zoMasipala woHulumeni Basekhaya, 2000 (uMthetho No. 32 ka 2000), usungula lo mthetho kamasipala olandelayo:

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#### ISAPHLUKO 1 UKUHUNYUSHWA

##### Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okwehlukile –

"**isilwane**" kushiwo noma ngabe isiphi isilwane esincelisayo, inhlanzi, inyoni, isilwane esihuquzelayo, isinambuzane, isilwane esiphila emanzini nasemhlabeni noma isilwane esingenamgogodla;

"**umsebenzi ogunyaziwe**" kushiwo umuntu ogunyazwe ukulandela izimiso zalo mthetho okufaka phakathi kokunye –

(a) umsebenzi womthetho ochazwe esigabeni 334 soMthetho weNqubo yamaCala obuGebengu, 1977 (uMthetho No. 51 ka 1977);

(b) amaphoyisa kaMasipala njengoba echazwe eMthethweni wamaPhoyisa aseNingizimu Afrika, 1995 (uMthetho No. 68 ka 1995); kanye

(c) nalabo basebenzi, ama-ajenti, abadluliselwe amandla, izithunywa nabahlinzeka uMasipala ngomsebenzi: Kuncike ekutheni ngokwezinhloso zokusesha nokushaqa impahla, uma lowo muntu engesiyena umuntu womthetho, kufanele aphekezwe umuntu womthetho;

"**uMthethosisekelo**" kushiwo uMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996;

**"umkhandlu"** noma **"umkhandlu kamasipala"** kushiwo ukhandlu kamasipala weTheku, umkhandlu kamasipala ohlongozwe esigabeni 157(1) soMthethosisekelo;

**"uMasipala"** kushiwo umasipala weTheku, umkhakha A kamasipala obalulwe esigabeni 155(1) soMthethosisekelo owabunjwa ngokweSaziso soMphakathi No. 343 sika 2000 (KZN);

**"imenenja kamasipala"** kushiwo umuntu oqokwe ngokwesigaba 54A soMthetho wezinHlelo zoMasipala njengenhloko yokuphathwa komkhandlu kamasipala;

**"isaziso"** kushiwo isaziso esibhalwe phansi esikhishiwe noma uphawu olukhangisiwe ngokomthetho kaMasipala okubalulekile ukuthi kukhangiswe kuzo zonke izingxenye zepaki;

**"ipaki"** kushiwo noma ngabe iyiphi ipaki, indawo yokungcebeleka, indawo evulelekile, indawo yokuhlanganela, ihlathi, ipaki yezinyoni, ipaki yezimbali noma ngabe iyiphi ipaki engaphansi kaMasipala, kubandakanya nazo zonke izakhiwo, izinsiza, impahla, izihlahla nezintshalo nezemvelo ezikuleyo paki;

**"umuntu"** kushiwo umuntu qobo noma ngokomthetho;

**"inqubomgomo"** kushiwo inqubomgomo yamatharifu eyamukelwa uMkhandlu, ngokwesigaba 74 soMthetho weziNhlelo zoMasipala;

**"imali enqunyiwe"** kushiwo imali enqunye uMkhandlu ngesivumelwano nangokuhambisana nenqubomgomo;

**"ukubekisa indawo"** kushiwo isicelo esibhalwe phansi sokusebenzisa ipaki esibhalelwe uMasipala nanoma iyiphi ingxenye yayo ngenhloso yokwenza umcimbi noma umhlangano wangasese kanti igama "ukubekisa" linencazelo efanayo;

**"uMthetho weziNhlelo zoMasipala"** kusho uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No.32 ka 2000);

**"umyalelo wokulondolozwa kwezihlahla"** kusho umyalelo okhishwe nguMasipala ukuze kuvikelwe izihlahla ezikhethekile noma uhlobo oluthile lwezihlahla ekonakalisweni noma ekulinyazweni ngabomu; futhi

**"izimoto"** kusho noma ngabe iyiphi imoto yomuntu futhi kubandakanya -

(a) inqola; kanye

(b) nemoto enamaphedali futhi enenjini noma imoto ehamba ngogesi njengengxenyeye yalokho noma okuhambisana nalokho futhi eyakhiwe noma eyenzelwe ukuba ihambe ngalawo maphedali noma ngenjini kagesi noma kokubili amaphedali nenjini kagesi.

### **Ukuhunyushwa koMthetho kaMasipala**

2. Uma kuba nokushayisana phakathi kwalo mthetho kamasipala obhalwe ngesiNgisi nohunyushiwe, kuyolandelwa owesiNgisi.

### **Izinhloso zoMthetho kaMasipala**

3. Izinhloso zalo Mthetho kaMasipala —

(a) ukuvikelwa nokulondolozwa kwamapaki ukuze kuhlomule umphakathi;

(b) ukusentshenziswa ngendlela nokuthokozelwa kwamapaki ngamalunga omphakathi;

(c) ukubeka imali efanayo edingekayo uma ngabe udinga ipaki uzokwenza imicimbi nemigubho yabantu; kanye

(d) nokuhlinzekela okunye okuphathelele nalokho.

### **Ukusebenza kwalo Mthetho kamasipala**

4. Lo Mthetho kamasipala usebenza —

(a) kuwo wonke amapaki angaphansi kukaMasipala; kanye

(b) nanoma iyiphi ipaki elawulwa umuntu ngokusemthethweni okungeyena uMasipala ngokwesivumelwano salowo muntu noMasipala.

## **ISAPHLUKO 2**

### **UKUNGENA KOMPHEKATHI**

#### **Imigomo nemibandela**

5.(1) Umasipala unelungelo lokunquma imigomo nemibandela yokungena epaki.

(2) Umuntu ovunyelwe ukungena epaki kufanele –

(a) abheke futhi athobele zonke izaziso ezifakwe epaki, nasesangweni; futhi

(b) athobele yonke imiyalelo azonikwa yona umsebenzi ogunyaziwe.

#### **Ukungena epaki**

6. Umuntu angangena epaki kuphela ngesango elihlinzekelwe ukungena njengoba kuveziwe kusaziso esifakiwe la kungenwa khona epaki.

#### **Isibalo sabantu**

7. UMasipala unegunya lokunquma isibalo sabantu abavumeleke epaki nanoma ngasiphi isikhathi: Kuncike ekutheni umsebenzi ogunyaziwe engabeka izibalo ezingefani zabantu abavumelekile ukungena uma imvume ikhishelwe ukuba ipaki isethenziselwe ezinye izidingo noma imicimbi noma imigubho yabantu njengoba kuqukethwe esigabeni 11.

#### **Imali yokungena**

8.(1) UMasipala unganquma imali ekhokhwayo yokungena epaki.

(2) Noma imuphi umuntu ongena epaki okufanele akhokhele ukungena epaki kufanele, uma ecelwa umsebenzi ogunyaziwe aveze ubufakazi bokukhokha obubhalwe phansi baleyo mali ekhokhiwe.

(3) Umasipala, kuncike kwisigatshana (1), engamisa ukukhokhwa kwemali yokungena kunoma iyiliphi ipaki noma ngaluphi usuku noma izinsuku futhi lesi sikhathi asibona sifanele.

### **Ukuvalwa noma imibandela yokungena**

9.(1) Umasipala ungavala noma ungabeka imibandela yokungena komphakathi kunoma iyiphi ipaki noma ingxenye yayo ngenxa yanoma iyiphi inhloso engahambisani nezinhlinzeko zalo mthetho kaMasipala, okubalwa ukulungiswa, ezokuphepha nokuvikelwa kwezihlahla nemvelo.

(2) Uma kuvalwa noma kubekwa imibandela yokungena epaki ngokwesigatshana (1), isaziso kumele sifakwe eduzane nesango lepaki ukutshengisa isikhathi okuyobe kuvalwe ngaso noma kunemibandela yokungena.

### **Ukukhishwa noma ukuxoshwa epaki**

10.(1) umsebenzi ogunyaziwe angakhipha noma axoshe noma imuphi umuntu epaki -

- (a) odakiwe noma osebenzise izidakamizwa;
- (b) oziphatha ngendlela engahlelekile, engenanhlonipho noma ephazamisa abanye abantu abasepaki; noma
- (c) owenza, noma usolwa umsebenzi ogunyaziwe ukuthi wenze icala noma noma wenze isenzo esishayisanayo nezinhlinzeko zalo mthetho kaMasipala.

(2) Ukwehluleka noma ukwenqaba komuntu okukhulunywa ngaye kwisigatshana (1) ukuhamba epaki eseyalelwe umsebenzi ogunyaziwe ukuba enze njalo kuyicala ngokwalo mthetho kaMasipala.

## **ISAHLUKO 3**

### **IMICIMBI NEMHLANGANO YANGASESE**

#### **Ukubekiswa kwepaki ukuze kube nomcimbi noma nomhlangano wangasese**

11. Noma ngabe imuphi umuntu ofisa ukufaka isicelo sokubekisa ipaki ukuze enze umcimbi noma umhlangano wangasese kumele –

- (a) afake isicelo kumsebenzi ogunyaziwe kwifomu elihlinzekwe nguMasipala laleyo nhloso; futhi



(b) akhokhele uMasipala noma i-ejenti egunyaziwe leyo mali enqunyiwe yokusebenzisa ipaki ukwenza umcimbi wangasese lungakafiki usuku olufakelwe isicelo salo, ngaphandle uma ngabe uMasipala ethi ayisezukuphokhwa imali ekhokhwayo.

### **Igunya likaMasipala lokwenqaba noma lokwesula**

**12.(1)** uMasipala –

(a) engenqaba ukugunyaza isicelo esifakelwe ukwenza umcimbi wangasese; noma

(a) ahoxise ukugunyazwa okwenzekile uma ngabe isicelo bese sigunyaziwe, uma ngabe umsebenzi ogunyaziwe esola ngezizathu ezizwakalayo ukuthi isicelo somcimbi esifakiwe kungabe asikho emthethweni noma kubonakala ukuthi kungahle kuphazamiseke umphakathi.

(2) Uma isicelo ebese sigunyaziwe sesihoxiswa nguMasipala ngokwesigatshana (1) nanoma yingaziphi ezinye izizathu ezingabaluliwe kumfakisicelo, umfakisicelo othintekayo unegunya lokubuyiselwa imali ebekiwe ebese eyikhokhele uMasipala yokwenza umcimbi wakhe ngokwesigaba 11(b).

### **Imigomo nemibandela yokusetshenziswa kwepaki ngasese**

**13.(1)** Uma kufakwe isicelo sokusebenzisa ipaki noma ingxenye yayo ngasese kwagunyazwa nguMasipala ngokwesigaba 11, lelo paki noma ingxenye yalo ingasetshenziselwa kuphela -

(a) leyo nhloso ebhalwe kwifomu yesicelo; futhi

(b) ngokwemigomo nemibandela ebekwe nguMasipala esivumelwaneni esakhelwe lokho, ngaphandle uma umsebenzi ongunyaziwe ekhiphe imvume kuqala ebhalwe phansi yokuthi ipaki ingasetshenziselwa ezinye izinhloso.

(2) Umuntu ofaka isicelo sokusebenzisa ipaki, emuva kokuba uMasipala esesigunyazile isicelo sakhe, kufanele asayine isivumelwano esitholakala eMnyangweni kaMasipala esimayelana nalelo paki okukhulunywa ngalo esibalula imigomo nemibandela yokusebenzisa ipaki.

### **Isimemezelo somphakathi kanye nokukhangisa**

**14.(1)** Umuntu ofake isicelo sokusebenzisa ipaki ukuze enze umcimbi wangasese angeke enze isimemezelo emphakathini noma akhangise ukusentshenziswa kwepaki ngalowo mcimbi okukhulunywa ngawo ngaphambi kokwaziswa nguMasipala ngencwadi ukuthi isicelo sakhe sigunyaziwe.

(2) Ukugunyazwa kwesicelo sokusebenzisa ipaki ngomcimbi wangasese akuniki ofake isicelo ilungelo lokungawuhloniphi umthetho kaMasipala wokuKhangisa neziMpawu mayelana nalowo mcimbi wangasese othintekayo.

(3) Umfakisicelo okukhunywa ngaye kwisigatshana (1) kumele, ngaphambi kokuphuma epaki ekupheleni komcimbi, asuse noma imuphi umbhalo, isaziso, umuhlobiso, ifulegi, umfanekiso, uphawu, nanoma iluphi uhlobo lwesikhangiso noma uphawu olubekwe yilowo muntu futhi alungise umonakalo owenzekile ngenkathi kususwa.

#### **ISAPHLUKO 4 OKWEJWAYELEKILE**

##### **Ukudla nophuzo oludakayo**

**15.(1)** Kuncike kwizinhlinzeko zesigatshana (2), ukulungiswa nokuphekwa kokudla epaki kwenziwa kuphela endaweni noma ezindaweni ezicacisiwe kwisaziso futhi kumele kwenzeke ngaphansi kwezimo ezihlanzekile.

(2) Ukuhlinzwa noma ukunqunywa kwesilwane noma ngabe ngayiphi inhloso akuvumelekile epaki.

(3) Ngaphandle uma egunyazwe uMasipala ngencwadi, umuntu angeke –

- (a) adayise noma akhangise ngempahla, ngomsebenzi noma ngamasevisi; noma
- (b) aphaathe, aphuze noma adayise utshwala noma izidakamizwa epaki.

##### **Ukubaswa komlilo**

**16.(1)** Umuntu engabasa umlilo epaki kuphela endaweni eqokelwe lokho nguMasipala.

(2) Uma umuntu ebasa umlilo endaweni eqokelwe lokho uMasipala njengoba kubekwe kwisigatshana (1), lowo muntu angeke ashiye umlilo unganakiwe, noma ahambe endaweni enomlilo usavutha noma awushiye usavutha ngaphandle kokuqinisekisa ukuthi umlilo usucishe ngokuphelele.

### **Izimoto**

**17.(1)** Ngaphandle uma kungunyazwe uMasipala ngokusebenzisa izimpawu esangweni lepaki ukungena kwezimoto noma zaluphi uhlobo akuvumelekile epaki.

(2) Uma ukungena kwezimoto kuvunyelwe epaki, umsebenzi ogunyaziwe unamandla okulawula nokunquma ukusetshenziswa kwazo kulelo paki, okubalwa –

- (a) ukufakwa kwezimpawu nemithetho yomngwaqo;
- (b) izindawo zokupaka izimoto namatharifu akhokhwayo, uma ekhona; kanye
- (c) nenhlawulo yokungathobeli imithetho yezimpawu zomngwaqo esepaki, kanye nokuqoqwa kwalezo zimali

### **Izindawo ezakhelwe izingane**

**18.(1)** Uma kunezindawo noma kunempahla yasepaki eyakhelwe izingane, lezo zinsiza kumele zisetshenziswe yizingane ezingaphansi kweminyaka engu-12 kuphela.

(2) Umsebenzi ogunyaziwe angacela noma ubani ukuba akhiphe ubufakazi beminyaka yobudala obubhalwe phansi bomuntu ofuna ukusebenzisa izinsiza noma impahla ehlongozwe kwisigatshana (1), ngale kwalokho umuntu enganqatshelwa ukuba asebenzise izinsiza nempahla okukhulunywa ngayo.

### **Izilwane**

**19.(1)** Ngaphandle kwenja eholo umuntu ongaboni, uMasipala unegunya lokwenqabela noma lokubeka imibandela yokungena kwesilwane epaki ngesaziso esitshengiswe ngasesangweni lepaki.

(2) Uma ukungena kwesilwane epaki kungenqatshelwe ngokwesigatshana (1), noma ubani oletha isilwane epaki kumele asigade futhi udoti wesilwane ususwe ngokushesha ufakwe emgqonyeni nakunoma iyiphi enye indawo yokulahla udoti ehlinzekelwe lokho uMasipala.

### **Umyalelo wokulondolozwa kwezihlahla**

**20.(1)** Uma, ngokubona kukaMasipala, noma isiphi isihlahla epaki sidinga ukuvikelwa ngokomthetho, uMasipala kumele akhiphe umyalelo wokuvikelwa kwaleso sihlahla noma lelo qoqo lezihlahla.

(2) Ikhophi yomyalelo wokuvikelwa kwesihlahla kumele inanyathiselwe ebangeni elingamamitha amathathu ukusuka esihlahleni noma ezihlahleni noma kulokho okukhishelwa umyalelo.

(3) Noma imuphi umuntu onquma, osimpula noma owonakalisa isihlahla noma iqoqo lezihlahla zikhishelwe umyalelo, kuyobe wenza icala.

### **Ukuziphatha okungavumelekile**

**21.(1)** Umuntu ongena noma ovakasha epaki kumele zikhathi zonke aziphathe ngendlela ehambisana nezinhlinzeko zalo mthetho kaMasipala, kanjalo nemiyalelo esemthethweni njengoba ingakhishwa umsebenzi ogunyaziwe.

(2) Kuncike ezinhlinzekweni zesigatshana (1), umuntu ongena noma ovakasha epaki angeke –

- (a) aziphathe ngendlela engafanele, engalungile noam engahloniphekile;
- (b) abange isicefe, abe wuhlupho noma aphazamise abanye abantu abeze epaki;
- (c) onakalise noma asempule isihlahla, imbali noma isitshalo simile epaki;
- (d) alahle udoti, iphepah, noma ukungcola nanoma yini enye endaweni engahlinzekelwe lokho uMasipala;
- (e) adubule, alimaze inyoni noma isilwane noma ajikijele ngenduku, ngentshe noma ngenye into ngenhloso yokulimaza inyoni noma isilwane noma athinte idamu noma amanzi agcine izinhlanzi;
- (f) ageze noma awasheinja noma esinye isilwane edamini noma emanzini;
- (g) ashayele, agibele noma apake imoto noma eyalele noma avumele ukuba kungene imoto epaki, ngaphandle uma kuvunyelwe ngesaziso esibekiwe epaki;

- (h) alimaze, athintathinte noma ahlephule impahla, izinsiza noma isakhiwo;
- (i) alale ebhentshini noma entweni yokuhlala noma ayisebenzise ngendlela ezovimbela abanye ukuthi bayisebenzise;
- (j) asebenzise izinsiza zasepaki noma amanzi, okubalwa isiziba sezinhlanzi, ichibi, umsele, idamu noma ixhaphozi ukubhukuda, ukugeza, Ukuhamba, noma ukubeka noma ukuwasha izingubo noma okunye;
- (k) ashibilike ngezicathulo ezinamasondo noma nge-*skateboard* noma okunye okuthi akube njalo ngaphandle uma kuvunyelwe ngesaziso esikhangiswe epaki;
- (l) akhe, amise, abeke, asungule, asuse noma alungise isakhiwo, izinsiza, indlela, umzila, isikhisi noma ingquma;
- (m) adlale noma aqale umdlalo wanoma iluphi uhlobo ozobangela –
- (i) ukuphazamiseka noma amathuba okuphazamiseka; noma
  - (ii) ukulimala,
- kwabanye abasebenzisa ipaki, ngaphandle kwasezindaweni ezibekelwe lokho ngesaziso esikhangiswe epaki futhi ngokuhambisana nomyalelo womsebenzi ogunyaziwe, uma ukhona;
- (n) adayise, akhiphe noma akhangise noma qashe noma yini esetshenziswayo noma impahla noma akhiphe amaphepha, incwadi, amapheshana noma okunye okubhaliwe noma okuqoshiwe ngaphandle kwemvume kuqala kaMasipala;
- (o) aphaathe, agcine noma adubule epaki –
- (i) ngesibhami noma okunye okuthi akube yisibhamu ngaphandle uma kusemthethweni; noma
  - (ii) ngesihlilingi, umcibisholo, okokuciba, noma okunye okwakhelwe ukuciba,
- ngaphandle uma egunyazwe umasipala ukwenze njalo;
- (p) enze noma iziphi izenzo ezephula lo mthetho kaMasipala, imithetho kaMasipala yokuziPhatha neyezeMpilo nanoma imuphi omuye umthetho osebenzayo;
- (q) alale noma akhempe epaki;
- (r) asuse indawo egandayi, inhlabathi, isoyi, noma ubumba;
- (s) adobe, ngaphandle kwalapho kuvumeleke khona ngesaziso futhi nangaphansi kwemibandela ehambisana naleyo mvume;
- (t) asuse isikebhe sanoma iluphi uhlobo kunoma imuphi umfula noma ixhaphozi ngaphandle kwemvume kaMasipala yokwenza njalo;
- (u) angcolise nganoma iyiphi indlela amanzi noma umthombo wamanzi okubalwa nedamu lezinhlanzi, impophoma yamanzi, isiphethu; futhi

(v) enze nanoma yini engaphazimisa kakhulu impilo yanoma ubani ovakashele epaki.

## **ISAPHLUKO 5 UKUSEBENZA KOMTHETHO**

### **Amacala nezinhlawulo**

**22.(1)** Umuntu –

- (a) owephula, onqaba noma ohlukela ukulandela izinhlinzeko zalo mthetho kaMasipala;
- (b) owenqaba noma ohluleka ukulandela noma isiphi –
  - (i) isaziso esikhishiwe; noma
  - (ii) umyalelo osemthethweni okhishiwe, ngokuhambisana nalo mthetho kaMasipala; noma
- (c) ophazamisa noma ovimbela umsebenzi ogunyaziwe kaMasipala ukuba enze umsebenzi wakhe noma amajoka ake ngokwalo mthetho kaMasipala, unecala.

(2) Umuntu olahlwa yicala ngokwalesi sigaba angagwetshwa inhlawulo engeke yeqe ku R40 000 noma agwetshwe ukubhadla ejele izikhathi esingeqile eminyakeni emibili noma kokubili inhlawulo nokubhadla ejele.

(3) Uma umuntu eqhubeka nokwenza amacala uyokhokha imali yenhlawulo yokwengeza engekho ngaphezu kuka R200-00 noma ukubhadla ejele isikhathi esingeqile ezinsukwini eziyi - 10, ngosuku ngalunye lokuqhubeka nokwephula le mithetho noma kokubili inhlawulo nokubhadla ejele.

## **ISAPHLUKO 6 OKUNGXUBEVANGE**

### **Ukudluliselwa kwamandla**

**23.(1)** Kuncike ezinhlinzekweni zoMthethosisekelo nakweminye imithetho kazwelonke neyesifundazwe esebenzayo, onke –

- (a) amandla, ngaphandle kwamandla okukhulunye ngawo esigabeni 160(2) soMthethosisekelo;
- (b) imisebenzi; noma

(c) amajoka,

anikezwe, ngokwalo Mthetho kaMasipala, uMkhandlu, noma olunye uhlaka lukaMASipala lwezepolitiki, abasezikhundleni ngokwepolitiki, amakhansela noma abasebenzi, angadluliselwa noma angadluliswa yololo hlaka lwezepolitiki, yilowo osesikhundleni ngokwezepolitiki, ikhansela noma umsebenzi, emhlanganweni noma kumsebenzi oqashwe uMasipala.

(2) Ukudluliselwa kwamandla ngokwesigatshaa (1) kumele kwenzeke ngokuhambisana nohlelo lokudluliselwa kwamandla olwemukelwa umkhandlu ngokuhambisana nesigaba 59(1) soMthetho weziNhlelo zoMasipala, kuncike kwinqubo ebekwe esigabeni 50(2) soMthetho.

(3) Noma ikuphi ukudluliselwa kwamandla okuhlongozwe kulesi sigaba kumele kuqoshwe kwiRejista yokuDluliselwa kwaMandla, okumele iqukathe ulwazi mayelana –

- (a) nohlaka noma nomuntu ohlulisela amandla;
- (b) okudluliselwa kuye amandla; kanye
- (c) nemibandela ehambisana nokudluliswa kwamandla.

### **Ukudluliswa kwamacala**

**24.(1)** Umuntu omalungelo akhe ayahlukumezeka ngesinqumo ezithathwe umsebenzi ogunyaziwe ngokwalo Mthetho kaMasipala angadlulisa udaba lwakhe ngaleso sinqumo ngokwezinhlinzeko zokuDluliswa kwamaCala eziqukethwe esigabeni 62 soMthetho weziNhlelo zoMasipala ngokuthumela isaziso sokudlulisa icala nezizathu zakhe kwiMenenja kaMasipala ezinsukwini ezingu 21 kusukela osukwini aziswe ngalo ngesinqumo.

(2) IMenenja kaMasipala kumele idlulisele lokho kudluliswa kwecala egatsheni elibhekele ukudluliswa kwamacala.

(3) Igatsha elibhekeke ukudluliswa kwamacala kumele licubungule lelo cala elidlulisiwe emavikini ayisithupha bese lithatha isinqumo ngesikhathi esifanele.

(4) Igatsha elibhekeke ukudluliswa kwamacala kumele liqinisekise, lishintshe noma lichithe isinqumo, kodwa ukushintshwa noma ukuchithwa kwesinqumo angeke kugudluke emalungelweni ahambisana nokuthathwa kwaleso sinqumo.

(5) Igatsha elibhekele ukudluliswa kwamacala kumele likhiphe izizathu ezibhalwe phansi ngesinqumo salo mayelana nodaba oludlulisiwe.

(6) Konke ukudlulisa kwamacala okwenziwayo kwenziwa ngokoMthetho weziNhlelo zoMasipala hhayi ngokwalo Mthetho kaMasipala.

(7) Uma icala liqinisekisiwe yinkantolo yomthetho kanti ummangalelwa ufuna ukudlulisa lelo cala, icala kumele lidluliswe ngokwezinqubo zokudluliswa kwamacala zasenkantolo hhayi ngokwezigatshana (1) kuya ku (5).

### **Imithetho echithwayo negcinwayo**

**25.(1)** IMithetho kaMasipala ebalulwe ohlwini lokuqala nolwesibili lweSheduli ekulo Mthetho kaMasipala ngalokhu iyachithwa ngobubanzi obubalulwe ohlwini lwesithathu lwale Sheduli.

(2) Wonke amalungelo noma izibopho ezitholakale ngenxa yale mithetho kaMasipala echithwayo ngokwesigatshana (1) ayaqhubeka nokusebenza sengathi leyo Mithetho kaMasipala ayizange ichithwe.

### **Isihloko esifingqiwe nokuqala kokusebenza komthetho**

**26.** Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala wamaPaki neziNdawo zokuNgcebeleka, 2015 kanti uqala ukusebenza emva kwezinyanga eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe*.

## **ISHEDULI IMITHETHO ECHITHWAYO**

<b><i>Inombolo nonyaka womthetho</i></b>	<b><i>Isihloko</i></b>	<b><i>Ubungako obuchithwayo</i></b>
UMthetho kaMasipala No. 136	UMthetho kaMasipala	Wonke



ka 1928 (njengoba uchitshiyelwe)	wamaPaki neziNdawo zeNjabulo	
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