UMTHETHO KAMASIPALA OMAQONDANA NEMITHETHO NEMIYALELO YOMKHANDLU KANYE NAMAKOMIDI KAMASIPALA

Makushaywe uMthetho nguMkhandlu kaMasipala waseMandeni, ngokweSigaba 156(2) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996, ufundwa nesigaba 11(3)(m) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi -2000) ngale ndlela elandelayo:

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ISAHLUKO 1
IZINCAZELO

Izincazelo

1. Kule Mithetho Nemiyalelo Engenakuguqulwa, ngaphandle uma ingqikithi ikhomba okwehlukile-

"Umuntu ogunyaziwe" kusho umsebenzi kamasipala ogunyazwe yiMenenja kaMasipala ukuba enze umsebenzi othile ngokwale Mithetho Nemiyalelo;

"Umthetho kamasipala" kusho umthetho oshaywe waphasiswa ngumkhandlu kamasipala;

"Usuku lwekhalenda" kusho usuku olunamahora angamashumi amabili nane njengalokhu luvela kwikhalenda;

"Usihlalo" kusho ikhansela elikhethelwe esikhundleni ngokugcwele noma njengebamba sokulawula liphinde liqhube nanoma yimuphi umhlangano wekomidi lomkhandlu;

"UMthethosisekelo" kusho uMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika, we-1996

"UMkhandlu" kusho —

(a) uMasipala wase**Mandeni**, usebenzisa amagunya awo owanikwa yimithetho kanye nawokulawula usebenzisa umkhandlu wawo kamasipala;

(b) labo abayolandla emuva kwawo ngokwezikhundla;

(c) uhlaka noma umuntu osebenzisa amandla awanikeziwe kumbe owenza ngokwemiyalelo ayinikeziwe, lapho nanoma yimaphi amandla akule Mithetho Nemiyalelo edluliselwe kumuntu kumbe naye aphinde wawedlulisela komunye noma umyalelo onikeziwe, njengalokhu kuningwe esigabeni 59 soMthetho Wezinhlelo; futhi

(d) ohlinzeka ngemisebenzi ukufezekisa isibopho ngaphansi kwale Mithetho Nemiyalelo;

"Inqubo Yendlela Yokuziphatha" kusho iNqubo Yendlela Yokuziphatha yamaKhansela equkethwe kuSheduli 1 yoMthetho Wezinhlelo;

“Imininingwane yokuxhumana” kusho ikheli lendawo, ikheli lokuposa, ele-imeyili, inombolo yocingo, ifeksi kanye nenombolo yeselula;

"ikhansela" kusho ilungu lomkhandlu kamsipala;

Usuku” kusho nanoma yiluphi usuku olujwayelekile ngaphandle koMgqibelo, iSonto noma iHolide, ngaphandle uma kushiwo ngenye indlela;

“izithunywa” kusho umuntu noma iqoqo labantu abafisa ukuzifikela bona mathupha emkhandlwini noma ekomidini lomkhandlu ukuze bedlulise udaba lwabo;

"“Ikomidi eliphezulu” kusho ikomidi eliphezulu lomkhandlu elisungulwe ngokwesigaba sama- 43 soMthetho Wezinhlaka;

“Ikomidi langaphakathi” kusho nanoma yimuphi umhlangano womkhandlu kumbe wekomidi lapho umphakathi kanye/ noma abasebenzi bakamasipala bengadingeki ukuba babe yingxenye;

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

“imeya” kusho ikhansela eliqokwe ukuba libe yimeya kamasipala ngokwesigaba 48

soMthetho Wezinhlelo;

“umhlangano” kusho umhlangano womkhandlu kumbe wanoma yiliphi elinye lamakomidi awo;

“**umasipala**” kusho uMasipala **waseMandeni** owasungulwa ngokwesigaba 155(6) soMthethosisiekelo we-1996, futhi osungulwe ngaphansi kwezigaba 11 kanye ne- 12 zoMthetho Wezinhlaka, zifundwa nezigaba 3, 4 kanye no- 5 zoMthetho Wokuqagulwa Kwezinhlobo zoMasipala KwaZulu-Natali , wezi-2000 (uMthetho No. 7 wezi-2000);

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

“imenenja kamasipala” kusho umuntu oqashwe waba yimenenja kamasipala ngokwesigaba 54A soMthetho Wezinhlelo futhi kubandakanya nanoma yimuphi umuntu obambile kuleso sikhundla;
“isaziso sesiphakamiso” kusho indlela esetshenziswa ngamakhansela ukufaka amaphuzu ohlelweni lomhlangano womkhandlu ngokwesigaba 23 sale Mithetho Nemiyalelo;
“UMsebenzi Obhekele Ukuthula” kusho nanoma yimuphi umuntu omenyezelwe ngokuthi unguMsebenzi Obhekele Ukuthula ngokoMthetho Wenqubo Yamacala Obugebengu, No-51 we-1977;
"iphuzu lokuqondisa inkulumo" kusho ukuphawula mayelana nanoma yikuphi ukuphambuka kumbe nanoma yikuphi okuphambene nenqubo yokuziphatha kanye/ kumbe nanoma yikuphi ukungahambisi ngendlela kulokho okuqhubekayo emhlanganweni;
“isakhiwo somkhandlu” kusho igumbi lomkhandlu kanye nazo zonke izindawo okuhlanganelwa kuzo, izindawo umphakathi ovumelekile ukufinyelela kuzo kanye nezinye izindawo zokuhlanganela lapho kubanjelwa khona imihlangano yomkhandlu noma yamakomidi omkhandlu;
“umphakathi” kubandakanywa abezokwazisa (abezindaba) kanti kusho nanoma yimuphi umuntu ohlala eRiphabhlikhi yaseNingizimu Afrika;
“isivumelwano sokunikezela ngezidingo” kusho isivumelwano esiphakathi kukamasipala kanye nesikhungo kumbe umuntu obalulwe esigabeni 76(b) soMthetho Wezinhlelo maqondana nomsebenzi kamasipala ohlinzekwa yileso sikhungo kumbe yilowo muntu, ngokwakhe noma egameni likamasipala;
“usomlomo” kusho usihlalo womkhandlu okhethwe ngokwesigaba 36 soMthetho

Wezinhlaka futhi kubandakanya nanoma yimuphi usomlomo obambile uma ekhethelwe ukuba enze imisebenzi kasomlomo;

"“uMthetho Wezinhlaka” kusho uHulumeni Wendawo: uMthetho Wezinhlaka zikaMasipala we- 1998, (uMthetho No. 117 we-1998);

“uMthetho Wezinhlelo” kusho uHulumeni Wendawo: uMthetho Wezinhlelo zikaMasipala wezi- 2000, (uMthetho No. 32 wezi- 2000);

“ukwethula” kusho ukuhambisa umbiko kumbe nanoma yimuphi umbhalo osemthethweni emkhandlwini noma ekomidini lomkhandlu ukuba ucutshungulwe emhlanganweni okukhishelwe isaziso ngokwale Mithetho Nemiyalelo;

ISAHLUKO 2

UKUSETSHENZISWA KANYE NOKUHUNYUSHWA KWALE MITHETHO NEMIYALELO

Ukusetshenziswa kwale Mithetho Nemiyalelo kamasipala

2.1 Imithetho yemiyalelo equkethwe lapha isebenza kuyo yonke imihlangano yomkhandlu kamasipala kanye nakunoma yiliphi ikomidi lomkhandlu kamasipala ngokunjalo nakunoma yiliphi elinye ikomidi lamakhansela elisungulwe kumasipala, ngaphandle uma imibandela okususelwa kuyona yohlaka oluthile isikhipha ngokusobala ukuthi le mithetho ayisebenzi kulolo hlaka.

2.2 Le Mithetho Nemiyalelo yengamela indlela okuqhutshwa ngayo emkhandlwini nasemakomidini omkhandlu ebophezelayo futhi kumele ukuthi imigomo yayo ilandelwe:-

(a) yiwo onke amakhansela;

(b) yinanoma yiliphi ilungu lomphakathi ngesikhathi likhona esakhiweni somkhandlu;

(c) yinanoma yisiphi isithunywa esethulela umkhandlu inkulumo kumbe ikomidi lomkhandlu;

(d) yinanoma yimuphi umsebenzi kamasipala; kanye

(e) naBaholi Bomdabu ababambe iqhaza eMkhandlwini nasemakomidini awo ngokwesigaba 81 soMthetho Wezinhlaka zikaMasipala

Ukuhunyushwa kwale Mithetho Nemiyalelo

3**.** (a) Kumele nanoma yikuphi ukuhunyushwa kwale Mithetho Nemiyalelo kwenziwe ngokubhekelela ubukhulu boMthethosisekelo, imithetho kazwelonke, yesifundazwe nekamasipala, ukuhlonishwa komthetho kanye nemithetho yezobulungiswa.

(b) Ukunquma kukasomlomo kumbe kukasihlalo maqondana nokuhunyushwa kwale Mithetho Nemiyalelo emhlanganweni womkhandlu kumbe wekomidi lomkhandlu, ngokulandela izigaba 3(e) no- 3(f), kuyokuba ngumnqamulajuqu futhi kubophezele

(c) Kumele ukuhunyushwa kanye nokunquma kukasomlomo kumbe kukasihlalo maqondana nanoma yimiphi yale Mithetho Nemiyalelo kurekhodwe phansi kumaminithi omhlangano womkhandlu kumbe wekomidi.

(d) Kumele imenenja kamasipala igcine irejista lalokho okunqunyiwe kanye nemibono yamgokomthetho.

(e) Nanoma yiliphi ikhansela lingacela imenenja kamasipala, ngokuba liyibhalele zingakapheli izinsuku ezinhlanu kwenziwe isinqumo ngokomtheshwana 3(b), ukuba liyicacisele mayelana nokuhumushwaa kanye nokunquma. Kumele imenenja kamasipala emva kwalokho ibike emkhandlwini noma ekomidini lomkhandlu.

(f). Umkhandlu kumbe ikomidi lomkhandlu emva kokucubungula umbiko ngokomtheshwana 3(5) lingaqinisekisa, lichibiyele kumbe liguqule isinqumo sikasomlomo kumbe sikasihlalo kuncike kunanoma yimaphi amalungelo anoma ngubani omunye othintekayo okungenzeka ukuthi atholakele ngenxa yesinqumo futhi kumele zonke izinqumo ezithinta amalungelo abanye abantu abhalwe phansi futhi kumele izizathu zalezo zinqumo zibhalwe phansi.

ISAHLUKO 3

IZIKHAWU ZEZIKHATHI OKUHLANGANWA NGAZO, UKUNGENISWA KOMPHAKATHI KANYE NEZAZISO ZEMIHLANGANO

Imihlangano yomkhandlu

4. (a) Kumele umkhandlu ubambe umhlangano ojwayelekile womkhandlu kungabi ngaphansi kowodwa ngenyanga.

(b) Kumele usomlomo ahlele yonke imihlangano yomkhandlu ngokuhambisana nesigaba 4(a) futhi kuncike esigabeni 6.

Ukungeniswa komphakathi

5. (1) Kumele yonke imihlangano yomkhandlu kanye neyamakomidi awo ivuleleke emphakathini, futhi umkhandlu kumbe ikomidi lomkhandlu lingeke likhiphele ngaphandle

umphakathi emhlanganweni, ngaphandle uma umkhandlu kumbe ikomidi, ngenxa yohlobo lodaba oludingidwayo kumbe uma ukudalulwa kwanoma yiluphi udaba kungalimaza ukusebenza kukamasipala, ungabona kufanelekile futhi kuvumelekile ukwenze njalo ube uyibhekelele imigomo yezwe elivulelekile nelibuswa ngokwentando yabantu.

(2) Umkhandlu kumbe ikomidi lomkhandlu, nganoma yisiphi isizathu, ungeke uwukhiphele ngaphandle umphakathi uma udingida, uvota kumbe uphawula ngezindaba ezilandelayo:-

(a) umthetho kamasipala osaluhlaka owethulwa emkhandlwini;

(b) isabelomali esethulwa emkhandlwini;

(c) uhlelo lukamasipala lwentuthuko edidiyele, kumbe nanoma yikuphi ukuchitshiyelwa kohlelo, kumbe nanoma yikuphi ukuguqulwa kohlelo olwethulwe emkhandlwini;

(d) inqubo kamasipala yezokulawulwa kokwenziwa komsebenzi, kumbe nanoma yikuphi ukuchitshiyelwa kwenqubo eyethulwe emkhandlwini;

(e) isinqumo sokwenza isivumelwano sokuthunyelwa kwezidingongqangi;

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

(g) ukulahlwa noma ukuthengwa kwempahla kamasipala;

(h) nanoma yiluphi olunye udaba olunqunywe ngumthetho.

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

(4) Amalungu omkhandlu namalungu omphakathi ahambele nanoma yimuphi umhlangano womkhandlu kumbe umhlangano wekomidi kumele anikeze umhlangano isithunzi osifanele ngokukhuluma ngendlela eyamukelekile njengalokhu kusho uMthetho 41(d) kanti futhi akuvumelekile ukugqoka imifaniswano yamaqembu ezepolitiki

Isaziso sokuhambela umhlangano ojwayelekile womkhandlu

6.(1) Kumele usomlomo ameme imihlangano yomkhandlu, okungenani njalo ngenyanga, “ngeSaziso Somhlangano Womkhandlu” esisayinwe ngokufaneleyo, esisho usuku, indawo kanye nesikhathi somhlangano futhi sihambisane kumbe sibe nohlelo lomhlangano ohlongozwayo.

(2) Isaziso sokuhambela umhlangano ngokwesigaba 6(1) kumele sikhishwe okungenani–

(a) kusasele izinsuku ezinhlanu ngaphambi komhlangano ojwayelekile, futhi:

(b) kusasele izinsuku ezimbili ngaphambi komhlangano oyisipesheli.

Imihlangano eyisipesheli

7.(1) USomlomo

(a) ngenhloso emayelana nomsebenzi womkhandlu osemqoka noma ophuthumayo

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

(2) Umhlangano oyisipesheli kumele ubanjwe ngokuhambisana nesigaba 6(2) (b) kanye nesigaba 7(1)(b), kungakedluli izinsuku ezine kusukela osukwini lwesicelo

(3) Isicelo sokuba kube khona umhlangano oyisipesheli, njengoba kushiwo esigabeni 7(1)(b), –

(a) kumele sisayinwe ngamakhansela angekho ngaphansi kwamaphesenti angamashumi amanhlanu kanye nelilodwa ngaphezulu awo wonke amakhansela kamasipala kanye nelilodwa; futhi

(b) kumele sihambisane–

(i) nesaziso sesiphakamiso esisayinwe ngokufanelekileyo; kanye

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

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

Indlela Okukhishwa Ngayo Izaziso kanye noHlelo Lomhlangano

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

(a) ekhelini lendawo elindaweni engaphansi kolawulo lukamasipala; noma

(b) ekjelini le- imeyili;

(c) ifeksi; kumbe

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

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

(2) Yonke imibhalo eqondene nanoma yimuphi umhlangano womkhandlu kumbe wekomidi, ngaphandle kwemihlangano ebizwe ngokwesigaba 7, kumele inikezwe wonke amakhansela okungenani kusasele izinsuku ezinhlanu ngaphambi komhlangano ovamile womkhandlu noma wekomidi futhi kusasele izinsuku ezimbili ngaphambi komhlangano oyisipesheli womkhandlu noma wekomidi.

(3) Kumele wonke amakhansela azise usomlomo nganoma yiziphi izinguquko zemininingwane yawo yokuxhumana zingakapheli izinsuku ezintathu zalolo guquko

(4) Kuncike kumtheshwana 5(3), kufanele isaziso sokuhambela umhlangano sikhangiswe kumabhodi kamasipala ezaziso zomphakathi

Ukungasitholi isaziso

9. (a) Ikhansela lingacela ukuba kuphenywe maqondana nokusitholi isaziso sokwethamela umhlangano.

(b) Ukungasitholi isaziso sokwethamela umhlangano ngeke kuphazamise ukuba semthethweni komhlangano kumbe ukuqhubeka komhlangano womkhandlu kumbe wanoma yiliphi lamakomidi awo.

ISAHLUKO 4

IKHORAMU

Ikhoramu

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

(b) Kuncike kwikhoramu, ukwehluleka kwananoma yiliphi ikhansela ukuvota ngeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano womkhandlu.

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

b) Kuncike kwikhoramu, ukwehluleka kwanoma yiliphi ikhansela ukuvota ngeke kwenze kungabi ngokusemthethweni ukuqhubeka komhlangano wekomidi.

Ukuchithwa kanye nokuguqiswa komhlangano ngenxa yokungahlangani kwekhoramu

Ukuchithwa komhlangano

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

Ukuguqiswa komhlangano

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

(a) kuyomele abale amakhansela akhona;

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

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

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

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

ISAHLUKO 5

UKUHANJELWA KOMHLANGANO

Ukuhanjelwa Komhlangano

12. (1) Wonke amakhansela kumele afike ngesikhathi emhlanganweni ahlale kulowo nalowo mhlangano womkhandlu kanye nowekomidi ikhansela eliyilungu lalo ngaphandle uma-

(a) linikezwe ilivu yokungabi bikho ngokwesigaba 13;

(b)) ikhansela licelwe ukuba lihoxe ngokwesigaba 46(b); noma

(c) ikhansela lingekho ngoba lithole imvume kusomlomo kumbe kusihlalo.

(2) Ikhansela ngalinye elihambele nanoma yimuphi umhlangano womkhandlu kumbe wekomidi lomkhandlu liyosayina irejista lokuba khona ehlinzekelwe lokho.

(3) Irejista yokuba khona kumele ifakwe kwifayela ehhovisi lemenenja kamasipala

(4) Nanoma yiliphi ikhansela elinelungelo lokuthatha ilivu yokungabi bikho ngokwesigaba 13 kodwa elingasayidingi leyo livu lingawuhambela umhlangano ebelinikwe ilivu yokungabikho kuwo futhi lisayine irejista yokuba khona.

Ilivu yokungabi bikho

13. (1) USomlomo akumele anikeze ilivu yokungabi bikho ngendlela yokuthi isibalo sabantu abngeke babe khona emhlanganweni sibe ngaphezu kwekhoramu yomhlangano ngesikhathi esisodwa.

(a) ilivu yokungabi bikho inganikezwa nguSomlomo

(b) isicelo kumele siveze izizathu eziqinile futhi sifakwe ngaphambi komhlangano

(©) isinqumo sokunikezwa noma sokunganikezwa kwelivu yokungabi bikho kumele sikhishwe kusenesikhathi

(d) ikhansela kuothathwa ngokuthi alikho ngaphandle kwelivu uma isicelo selivu singaphumelelanga kodwa futhi liqhubeke lingawethameli umhlangano noma lehluleke ukuhlala emhlanganweni

(2) Uma ikhansela–

(a) lingeke likwazi ukuhambela umhlangano elinikezwe isaziso sawo; kumbe

(b) lingeke lihlale emhlanganweni; noma

(c) lizofika sekudlule isikhathi esibekiwe sokuqalisa umhlangano,

kufanele, ngokukhulu ukushesha futhi ngaphambi kwalowo mhlangano, lifake isicelo

esibhaliwe esiya kumenenja kamasipala selivu yokungabi bikho kuwo wonke umhlangano kumbe ingxenye ethile yomhlangano, isicelo leso okumele sihlinzeke ngezizathu eziqondakalayo futhi ezinobufakazi beqiniso futhi lisho nezizathu ezizokwenza ukuthi linikezwe ilivu.

(3) Kumele imenenja kamasipala ngokukhulu ukushesha yazise usomlomo kumbe usihlalo womhlangano mayelana nanoma yisiphi isicelo esitholakele selivu yokungabi bikho.

(4) Kumele usomlomo noma usihlalo wekomidi elifanele ngokukhulu kushesha acubungule isicelo selivu yokungabi bikho bese lisivuma kumbe lisinqabe isicelo ngezizathu bese ngokushesha lazise imenenja kamasipala ngesinqumo sakhe.

(5) Imeneja kamasipala kumele yazuse ikhansela elifake isicelo selivu yokungabi bikho, ngokukhulu ukushesha, ngesinqumo sikasomolomo kumbe usihlalo.

(6) Ikhansela kuyothathwa ngokuthi alibanga khona emhlanganweni okukhulunywa ngawo ngale kokuthola ilivu lapho isicelo sokungabi bikho emsebenzini singavunywanga futhi–
(a) lehlulekile ukuhambela umhlangano; noma
(b) lehlulekile ukuhlala emhlanganweni.

(7) Lapho ikhansela lihluleka ukuhlala emhlanganweni –
(a) ngaphandle kokuthola imvume yokwenze njalo; noma
(b) ngaphandle kokuthola imvume kusomlomo kumbe usihlalo yokuphuma ngaphambi kokuba kuphele umhlangano, kumele isikhathi elihambe ngaso sibhalwe phansi kumaminithi nokuthi ikhansela lizothathwa njengebelingekho kulowo mhlangano ngaphandle kwemvume;

(8) Lapho ikhansela lifika sekudlule isikhathi, ngaphandle kokuthola imvume yokwenze njalo, kumele isikhathi elifike ngaso kanye nezizathu zokufika sekudlule isikhathi zibhalwe phansi kumaminithi omhlangano futhi ikhansela lingahamela umhlangano bese lisayina irejista yokubakhona ngokwesigaba 12(2).

(9) Kumele ilivu yokungabi bikho emihlanganweni emibili noma ngaphezulu ilandelana igunyazwe ngumkhandlu kumbe ikomidi eliqondene.

Ukungawuhambeli umhlangano

14. (1)(a) Kuncike ekuthotshelweni kwenqubo ebekwe kusigaba 13 kanye nasezihlinzekweni zephuzu 4(2) leShuduli 1 yoMthetho Wezinhlelo, ikhansela eliphuthe emhlanganweni

okunikezwe ngawo isaziso ngaphandle kwesizathu, liyokhokha inhlawulo elingana nomholo weviki elilodwa, nokuyinhlawulo eyobanjwa emholweni walelo khansela elithentekayo.

(b) Ikhansela elingayihambeli imihlangano yomkhandlu kamasipala ize ibe mithathu noma ngaphezulu ilandelana, kumbe ibe imihlangano yekomidi emithathu noma ngaphezulu ilandelana, okuyimihlangano lelo khansela elilindeleke ukuba liyihambele ngokwephuzu 3 leShuduli 1 yoMthetho Wezinhlelo, kumele likhishwe esikhundleni sokuba yikhansela ngokwesigaba 14(2)(e) soMthetho Wezinhlelo.
(c) Izinyathelo ezimaqondana nokukhokhiswa kwenhlawulo noma ukukhishwa kwekhansela esikhundleni kumele kwenizwe ngokulandela inqumo ebekiwe esebenza ngokufana kuwo umuntu okumele yamukelwe ngumkhandlu kamasipala.

(2) Lapho ikhansela liphuthile emhlanganweni ngaphandle kokuthola ilivu–
(a) Ikomidi elibhekelele iMithetho njengoba kuchazwe kusigaba 43 kumbe usomlomo noma usihlalo njengoba kungaba njalo, kuyomela acele ikhansela ukuba lichaze ngokusemthethweni ngezizathu zokuphutha emhlanganweni;
(b) usomlomo noma usihlalo uyobe esecubungula incazelo bese enquma ukuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini, ahlinzeke izizathu ezifanele mayelana nesinqumo sakhe;
(c) ikhansela lingabhala ledlulise isikhalo ngesinqumo sikasomlomo nomae sikasihlalo zingakapheli izinsuku eziyisikhombisa lithole leso sinqumo.
(d) umkhandlu noma ikomidi kumele–
(i) linikeze ikhansela ithuba lokuba limeleleke, ngomlomo kumbe ngokuba kubhalwe; futhi
(ii) licubungule ukwedluliswa kwesikhalo kwekhansela, kuhlangene nanoma yimiphi imibono evele kusomlomo kumbe usihlalo wekomidi elithintekayo;
iii) lithathe isinqumo sokuthi kungabe ikhansela laliphuthe ngesizathu esifanele yini.

(3) Imenenja kamasipala iyogcina amarekhodi azo zonke izigameko ezimaqondana nokuthi ikhansela latholakala liphuthile kumbe kwathathwa ngokuthi liphuthile ngaphandle kokuthola ilivu futhi nangaphandle kwesizathu esifanele bese lithumela umbiko obhaliwe kusomlomo uma ikhansela liphuthile kusukela emihlanganweni emithathu noma ngaphezulu ilandelana ikhansela okwakumele liyihambele

(4) Lapho usomlomo ethola umbiko ngokomtheshwana 14(3), kumele usomlomo athumele umbiko kumkhandlu bese eyalela ukuba udaba luphenywe ngokuhambisana noNgxenye 14 lweNqubo Yendlela Yokuziphatha.

ISAHLUKO 6

UKUGUQA KOMHLANGANO

Imihlangano Eguqile

15. Kunicke kumtheshwana 11(3), umhlangano womkhandlu kumbe wekomidi, ngokuvotelwa yiningi ungahlehliselwa kolunye usuku kumbe ihora kodwa kungadluli izinsuku eziyi- 14 emva komhlangano wasekuqaleni.

Umhlangano Oqhutshwayo

16. (1) Lapho umhlangano uguqile, kuyokhishwa isaziso somhlangano oqhutshwayo ngokwesigaba 8.

(2) Akukho daba oluyodingidwa emhlanganweni oqhutshwayo ngaphandle kwalolo obelubalulwe esazisweni somhlangano oguqile.

ISAHLUKO 7

INQUBO YOKUQHUTSHWA KOMHLANGANO

USomlomo kanye nozihlalo bemihlangano

17. (1) Kulowo nalowo mhlangano womkhandlu, usomlomo, kumbe uma engekho yena, ibamba likasomlomo, liyokuba ngusihlalo liphinde lenze imisebenzi eshiwo ngokwesigaba 37 soMthetho Wezinhlaka futhi kumele aqinisekise ukuthi yilelo nalelo khansela liyayithola ikhophi yeMithetho Nemiyalelo kanye neyeNqubo Yendlela Yokuziphatha ngesikhathi lingena esikhundleni .

(2) Usomlomo nosihlalo wemihlangano yomkhandlu neyamakomidi–

(a) kumele baqinisekise ukuthi imihlangano iqhutshwa ngendlela enokuhleleka;

(b) kumele baqinisekise ukugcinwa komthetho emkhandlwini maqondana neNqubo Yendlela Yokuziphatha kwamaKhansela; futhi

(c) kumele aqinisekise imihlangano ibanjwa ngokulandela le Mithetho Nemiyalelo .

(3) Uma usomlomo noma usihlalo womkhandlu wekomidi lomkhandlu engekho noma engatholakali ukwenza imisebenzi kasomlomo kumbe kasihlalo, noma ngeikhathi engekho okuleso sikhundla, umkhandlu kumbe ikomidi ngokuholwa yimenenja kamasipala noma lowo emqokile kumele akhethe elinye ikhansela elizobamba njengosomlomo noma usihlalo.

(4) Akukho mhlangano womkhandlu kumbe wekomidi lomkhandlu ongaqala kumbe uqhubeke ngale kokuba khona kukasomlomo kumbe usihlalo ophethe umhlangano.

Amaminithi

18. (a). Kufanele okuqhubekayo emhlanganweni womkhandlu kurekhodwe kwikhompyutha bese kugcinwa ngokuhambisana noMthetho Wemisebenzi Yezinqolobane Zemibhalo Eyigugu Namarekhodi eNingizimu Afrika, No- 43 we- 1996

(b) Kumele amaminithi abhaliwe alokho okuqhubekayo emhlanganweni ngamunye womkhandlu kanye nowamakomidi aqukathe izinqumo ezamukelwe ngumkhandlu kulowo mhlangano.

(c) Kumele amaminithi asegunyaziwe ayo yonke imihlangano yomkhandlu kumbe yamakomidi okungeyona imihlangano yamakomidi angaphakathi akwazi ukutholwa ngumphakathi.

(d) Lapho imenenja kamasipala ibona ukuthi nanoma yiziphi izinqumo noma okuqhubekayo emhlanganweni womkhandlu kumbe wekomidi kungashayisana nanoma yimuphi umthetho kumbe umthetho kamasipala, kumele eluleke umkhandlu kumbe ikomidi ngendlela efanele futhi kumele imininingwane ephelele yalowo mbono ibhalwe phansi emaminithini.

Indlela okuzoqhutshwa ngayo umhlangano

19. (1) Indlela okuzoqhutshwa ngayo nanoma yimuphi umhlangano womkhandlu noma wekomidi lawo eliphezulu kumbe wekomidi lomkhandlu yilena:

(a)

uMkhandlu	**lKomidi Eliphezulu / Ikomidi leMeya**	**Ikomidi**
• Ukuvula: Umkhuleko • Isaziso somhlangano • Ukungabi bikho okugunyaziwe • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanaganweni • Ukudalulwa kwezintshisekelo • ***Izimemezelo*** • Izithunywa zizokwenza izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule • Ezivuka emaminithini • Ukwethulwa kwemibiko yabamele uMkhandlu abavela komasipala beziFunda / nabeNdawo	• Ukuvula: Umkhuleko • Isaziso somhlangano • Izicelo zelivu yokungabi bikho • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanaganweni • Ukudalululwa kwentshisekelo • ***Izimemezelo*** • Izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule • Ezivuka emaminithini	• Ukuvula: Umkhuleko • Isaziso somhlangano • Izicelo zelivu yokungabi bikho • Ukuvunywa kohlelo lwamaphuzu azodingidwa emhlanaganweni • Ukudalululwa kwentshisekelo • ***Izimemezelo*** • Izethulo • Ukuqinisekiswa kwamaminithi omhlangano owedlule

• Imibiko yeKomidi Eliphezulu / yeMeya, ngaphansi kwezigaba: izincomo ezibhekiswe emkhandlwini, izinqumo zabadluliselwe kubo amandla kanye nezinqumo zeKomidi Eliphezulu • Imibiko evela kwi- MPAC • Imibiko yamaKomidi abhekele Ukucwaningwa Kwamabhuku • Imibiko yamakomidi amawadi / umbiko ohlanganisiwe wamakomidi amawadi • Umbiko omaqondana nokwenziwa yi- SALGA • Izinto ezenzeka nyanga zonke • Ilaka loMholi woMdabu • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko - iKomidi Langaphakthi; • Isaziso Sesiphakamiso • Imibuzo ebikhishelwe Isaziso • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela; kanye • Nezindaba ezivamile eziphuthumayo	• Imibiko yamaKomidi abhekele Izindaba zeMinyango ngokwahlukana kwayo • Imibiko yamaKomidi abhekele ukuCwaningwa Kwamabhuku • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko yamaKomidi Angaphakathi • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela	• Ezivuka emaminithini • Imibiko okumele iqashelwe nje kuphela • Imibiko okumele icutshungulwe • Imibiko yamaKomidi Angaphakathi • Isaziso Sesiphakamiso • Imibiko ephuthumayo – ivunyelwa ngokuvumelana nosihalalo kuphela

(2) USomlomo kumbe usihlalo ngokokubona kwakhe, angasondeza noma ahlehlise nanoma yiluphi udaba olusohlelweni lomhlangano nanoma inini.

Ukuqinisekiswa kwamaminithi omhlangano owedlule

20. (1) Amaminithi ayo yonke imihlangano azoqinisekiswa emhlanganweni ojwayelekile olandelayo walowo mkhandlu noma wekomidi futhi azosayinwa ngusomlomo kumbe usihlalo.

(2) Akukho siphakamiso kumbe ingxoxo ezovunyelwa emaminithini omhlangano owedlule, ngaphandle kwalokho okumayelana nokubhaleka kahle kwalawo maminithi.

Amathimba ajutshiwe

21. (a) Ithimba elijutshiwe elifisa ukwenza isethulo emklhandlwini kumbe ekomidini lomkhandlu kumele lilethe imemorandumu equkethe iziethulo elizozenza kwimenenja kamasipala.

(b) Isicelo sethimba swenza isethulo emkhandlwini kumele sivunywe ngusomlomo kumbe usihlalo oqondene.

(c) Imenenja kamasipala kumele ihambise leyo memorandamu emkhandlwini kumbe ekomidini lomkhandlu, elizokwmukela ithimba elijutshiwe.

(d) Nanoma yiluphi udaba oludinga ukucutshungulwa kusukela kokushiwo yizithunywa, umkhandlu kumbe ikomidi lomkhandlu ngeke liqhubeke nalo kuze kube izithunywa ziyahoxisa, inqobo nje uma imibuzo yokucacisa ivunyelwe.

(e) Ilungu lomphakathi, ngaphandle kwethimba elijutshiwe, elifisa ukukhuluma emhlanganweni womkhandlu kumbe wekomidi, kumele lithole imvume yokukhuluma kusomlomo kumbe kusihlalo, ngaphambi kokuqala komhlangano.

(f) Uma likhuluma emhlanganweni womkhandlu noma wekomidi, ilungu lomphakathi kanye nelethimba kumele lihloniphe nanoma iyiphi imiyalelo ekhishwa ngusomlomo noma usihlalo.

(g) Uma ilungu lomphakathi noma lethimba liziphatha ngendlela engafanele nengenanhlonipho nanoma ngabe yisiphi isikhathi, usomlomo kumbe usihlalo atshele lelo lungu ukuthi liphume noma likhishwe nguMsebenzi obhekele ukuthula emagcekeni.

(h) Nanoma yiliphi ilungu lomphakathi noma lethimba elehuleka kumbe elenqaba ukuhlonipha imyalelo kasomlomo noma usihlalo ngokwesigaba 21(f) kanye nesigaba 21(g) liyobekwa icala futhi liyokhokha inhlawulo kumbe libhadle ejele isikhathi esingeqile inyanga eyodwa noma kokubili inhlawulo nokubhadla ejele.

Imibiko

22. (a) Kumele nanoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini, ngaphandle kombiko owamukelwe ngusomlomo kumbe ngusihlalo njengophuthumayo, uhlinzekwe kumakhansela ngokwesigaba 8.

(b) Kumele usomlomo kumbe usihlalo avumele izingxoxo ngokuhambisana nezigaba 34, 35, 36, 37, 38, 39 kanye nesama- 40 nganoma yimuphi umbiko othunyelwe emkhandlwini kumbe ekomidini lomkhandlu, emhlanganweni okuzothunyelwa kuwo lowo mbiko futhi uma izingxoxo zingaphothulwanga noma zingabanga khona nganoma yisiphi isizathu, kuyobe sekuba nezingxoxo ezimayelana nalowo mbiko emhlanganweni olandelayo.

Iziphakamiso

23. (1) Akukho daba oluzolethwa emkhandlwini kumbe ekomidini lomkhandlu ngaphandle ngokuba lulethwe ngokwesaziso sesiphakamiso.

(2) Kumele isaziso sesiphakamiso –

(a) sibe ngesibhaliwe; futhi

(b) sisayinwe yikhansela elisilethayo kanye nelinye ikhansela elesekayo; futhi

(c) sikhulume ngodaba olulodwa kuphela.

(3) Isaziso sesiphakamiso, ngokuhambisana nesigaba 7, kumele silethwe kwimenenja kamasipala ngaphambi kwe- 12h00 kusasele izinsuku eziyisikhombisa zilandelana ngaphambi komhlangano olandelayo, uma kungenzekanga lokho, isaziso sizobhekwa emhlanganweni olandelayo oqinisekisiwe.

(4) Kumele imenenja kamasipala–

(a) ifake usuku kanye nenombolo esazisweni ngasinye sesiphakamiso;

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

(c) ifake isaziso sesiphakamiso ngasinye ohlelweni lomhlangano ngokulandelana kwazo ngendlela azithole ngayo.

(5) USomlomo kumbe usihlalo kumele–

(a) afunde kakhulu inombolo yaleso naleso siphakamiso kanye negama likamethuli siphakamiso kanye nomeseki;

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

(c) abize abethuli beziphakamiso eziphikisiwe ngokulandelana kwabo ohlelweni lomhlangano

(6) Ikhansela elithumele isiphakamiso liyokwethula leso siphakamiso futhi liyokuba nelungelo lokuphendula

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

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

(9) USomlomo noma usihlalo akumele enqabe isiphakamiso esilethwa kuye ngokwale Mithetho Nemiyalelo.

Imibuzo

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

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

Ukunikezwa kwemininingwane emakhanseleni

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

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

Izindaba ezivamile Eziphuthumayo

26. (a) Izindaba eziphuthumayo zingafakwa ohlelweni lomhlangano yimenenja kamasipala kanye nanoma iliphi ilungu lomkhandlu ngemvume eqale yayithola kusomlomo kumbe usihlalo, kanti leyo mvume ngeke kunqatshwe nayo ngokungrenasidingo.

(b) Ngaphambi kokwamukela, kumele amakhansela anikezwe isikhathi esanele njengoba kunqunywe nguSomlomo kumbe uSihlalo ukuba abhekisise futhi acubungule nanoma yimuphi umbiko kumbe imibhalo esemthethweni ephuthumayo ethunyelwe emkhandlwini.

Ukuhunyushwa

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

Ikomidi langaphakathi

28. (a). Ngokwesigaba 5, umkhandlu kumbe ikomidi, linganquma nanoma kungasiphi isikhathi ukuba liqhube umhlangano walo njengekomidi langaphakathi.

(b) Umphakathi ngeke ube yingxenye yemihlangano yekomidi langaphakathi.

(c) Imenenja kamasipala, umsebenzi kamasipala kumbe nanoma yimuphi omunye umuntu okhululwa kulesi sigaba ngusomlomo kumbe usihlalo, ngeke angabi yingxenye yanoma yimuphi umhlangano wekomidi langaphakathi.

(d) Kumele konke ukuqhubeka komhlango wekomidi langaphakathi kurekhodwe ngokwesigaba 18(1) no- 18(2) futhi kuhlale kuyimfihlo.

(e) Ukudalulwa kwananoma yiluphi udaba oluyimfihlo ngendlela engekho emthethweni kumele kubhekwane nakho ngokulandela iNqubo Yendlela Yokuziphatha

28.2 UMkhandlu uyosebenzisa indlela yeKomidi Langaphakathi uma udingida nanoma yiluphi lwalezi zindaba ezilandelayo:
(a) imfihlo yezohwebo ulwazi oluyimfihlo lwezamabhizinisi ananoma yimuphi umhlinzekimsebenzi kamasipala kumbe lwananoma yimuphi umuntu ohlinzeka ngomsebenzi kumasipala;

(b) ulwazi oluqondene ngqo lube futhi lungolwangasese lwananoma yiliphi ikhansela kumbe umsebenzi kamasipala;

(c) inhloso kamasipala yokuthenga noma ukuthola umhlaba kumbe amabhilidi;

(d) inani umasipala angathembisaukuthenga ngalo noma athole ngalo umhlaba kumbe amabhildi;

(e) yinanoma yimuphi umbiko okhuluma ngamacala asenkantolo athinta umasipala kumbe ahlela ukuwafaka noma ukuzivikela kuwo;

(f) ukuqondiswa kwezigwegwe izinhlelo zokuqondiswa kwananoma yimuphi umsebenzi;

(g) yinanoma yiluphi udaba okungafanele ludalulwe ngokomthetho oshayiwe;

(h) ukucutshungulwa kwamaminithi ezingxoxo zeKomidi Langaphakathi laphambilini.

28.3 Ikhansela lingaphakamisa ukuthi udaba luphinde ludingidwe yiKomidi Langaphakathi, ngokuthi linikeze izizathu, uma iphuzu elisohlelweni lomhlangano liqondiswa, kube kungesilona udaba olushiwo ephuzwini 28.2 ngenhla, futhi inqobo nje uma kungesilona udaba okudingeka ludingidwe ngumkhandlu ngokomthetho. Isinqumo sikaSomlomo maqondana nalokhu siyokuba ngujuqu kanti futhi akukho ukuxoxisana okuyophinda kuvunyelwe ngaleso sinqumo.

ISAHLUKO 8
UKUVOTA

Izinqumo ezithathwa ngokuthi kuvotwe
29. (1) Kumele ihlangane ikhoramu ukuze kuvotwe.

(2) Kumele yonke imibuzo eqondene nezindaba ezilandelayo inqunywe ngesinqumo esithathwe ngumkhandlu ngevoti elesekayo leningi lamakhansela elinqunywe ngokuhambisana nesaziso sesakhiwo sikamasipala-
a) ukuphasiswa kwemithetho kamasipala;
(b) ukugunyazwa kwesabelomali;
(c) ukuphoqelelwa kwentela kamasipala kanye nezinye izintela;

(d) ukwenyuswa kwezimali-mboleko;

e) ukuchithwa kwesinqumo somkhandlu zingakapheli izinyanga eziyi- 6 sithathiwe; kanye

f) nanoma yiluphi olunye udaba olunqunywe ngokomthetho oshayiwe.

(3) Yonke eminye imibuzo elethwe emkhandlwini izonqunywa ngokweningi lamavoti afakwe ngamakhansela akhona.

(4) Uma kunaoma yiluphi udaba kuvotwe kwalingwana, usomlomo kumbe usihlalo angasebenzisa ivoti elingumnqamulajuqu ukwengeza evotini lakhe njengekhansela, inqobo nje uma kungukuthi usomlomo kumbe usihlalo ngeke asebenzise leli lungelo lokuvota uma kukhethwa umuntu ozophatha isikhundla somkhandlu kanye nalapho uMkhandlu ucubungula izindaba ezibalulwe esigabeni 162 soMthethesisekelo.

Indlela yokuvota

30. (a) Kuyovotwa ngokuthi kuphakanyiswe izandla ngaphandle uma umthetho unquma ngenye indlela, noma umkhandlu kumbe ikomidi ngokwesinqumo seningi lamakhansela akhona unquma ukuqhubeka nokuvota ngendlela eyimfihlo lapho kubhalwa khona phansi.

(b) Ngesikhathi kuvotwa alikho ikhansela okumele liphume egunjini lomkhandlu noma egunjini lekomidi.

(c) Imenenja kamasipala kumbe lowo emqokile, iyobala amavoti afakiwe bese irekhoda umphumela a wokuvota, kodwa umphumela uyomenyezelwa ngusomlomo noma ngusihlalo.

Amavoti aphikisayo kanye Nokungavoti

31.1. Ikhansela lingacela ukuba ivoti lalo eliphikisayo lirekhodwe phansi libe ngubufakazi bokuthi lisivotele kanjani isiphakamiso

31.2A Ilungu lingahlala lingavoti ngaphandle kokuthi liphume egunjini.

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ISAHLUKO 9

UKUCHITHWA KWEZINQUMO ZOMKHANDLU NEZAMAKOMIDI

Ukuchithwa Kwezinqumo Zomkhandlu

32. (a). Igunya lokuchitha kumbe ukuguqula isinqumo somkhandlu ngeke linikezwe nanoma yimuphi umuntu noma ikomidi.

(b) Kumele kunikezwe isaziso ngaphambi kokwethulwa kwesiphakamiso sokuchitha noma sokuguqulwa kwananoma yisiphi isinqumo somkhandlu.

(c) Kumele nanoma yikuphi ukuchithwa kumbe ukuguqulwa kwesinqumo somkhandlu kwenziwe ngokwesigaba 29(2)(e)

Ukuchithwa Kwezinqumo Zamakomidi

33. (a) Igunya lokuchitha kumbe ukuguqula isinqumo sekomidi lomkhandlu ngeke linikezwe nanoma ngubani.

(b) Kumele kuqale kukhishwe isaziso senhloso yokethulwa kwesiphakamiso sokuchitha kumbe sokuguqulwa kwesinqumo sekomidi lomkhandlu.

(c) Kumele nanoma yikuphi ukuchithwa kumbe ukuguqulwa kwesinqumo sekomidi lomkhandlu kugunyazwe yiningi lamalungu alelo komidi.

ISAHLUKO 10
INKULUMOMPIKISWANO

Ithuba lokukhuluma

34. (a) Ikhansela livunyelwe ukukhuluma kuphela uma kusho usomlomo noma usihlalo.

(b) Ikhansela kufanele libonakalise ukuthi linesifiso sokukhuluma ngokuthi liphakamise isandla bese lilinda umyalelo kasomlomo noma usihlalo, nokungumyalelo okungamele ugodlwe.

(c) Amakhansela kanye nabasebenzi kumele babhekise inkulumo yabo kusomlomo noma kusihlalo.

Ukuhambisana/ ukuvumelana

35. Yilowo nalowo mkhulumi kumele inkulumo yakho ayiqondise ngqo odabeni oludingidwayo.

Ubude bezinkulumo

36. Ayikho inkulumo eyothatha imizuzu engaphezu kwemihlanu ngale kwemvume kasomlomo noma usihlalo, ngaphandle uma kwethulwa umbiko weMeya noma kuyisethulo sezilinganiso zemali engenile nesetshenzisiwe.

Amakhansela kumele akhulume kanye kuphela

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

Ukunikeza uSomlomo noma uSihlalo ithuba lokukhuluma kuqala

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

Ukuqondisa inkulumo

39. (a) Nanoma yiliphi ikhansela lingaqondisa inkulumo nanoma kunini ngokuthi lisukume ukuze usomlomo noma usihlalo alibone.

(b) Nanoma yiliphi ilungu liyovunyelwa ukuphakamisa iphuzu elilodwa lokuqondisa inkulumo kanye nnephuzu elilodwa lokucacisa inkulumo yalo emhlanganweni womkhandlu. Kuyovunyelwa iphuzu elilodwa kuphela lokuqondisa inkulumo odabeni olufanayo.

(c) Isinqumo sikasomlomo noma usihlalo maqondana nokuqondiswa kwenkulumo siyoba futhi ngeke sivuleleke ukuthi sidingidwe.

Incazelo

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

ISAHLUKO 11

UKUZIPHATHA

Indlela elindelekile yokuziphatha

41.(1) Emhlanganweni okungesiwona umhlangano wokhandlu, uSomlomo kumbe usihlalo womhlangano:

a) Uyoqhuba umhlangano ngendlela ehlekile

a) Uyoqinisekisa ukulandelwa kweMigomo Yokuziphataha kwamaKhansela emhlanganweni

b) Uyoqnisekisa ukuthi imihlangano iqhutshwa ngokulandela iMithetho Nemiyalelo yoMkhandlu

c) Uyoqinisekisa ukuthi amalungu aziphatha enesizothola nehlelekile emihlanganweni futhi agqoka ngendlela efanele ukuhlonipha umhlangano aphinde aqinisekise ukuthi imifaniswano yamaqembu ezepolitiki ayigqokwa eGunjini loMkhandlu

d) Uyoqinsekisa ukuthi amalungu omphakathi ahlala ezindaweni abekelwe zona.

e) Uyoqinisekisa ukuthi amalungu omphakathi ahambele umhlangano athamela imihlangano aziphatha ngendlela ehlelekile futhi ahlonipha nanoma yisiphi isinqumo sikaSomlomo kumbe usihlalo womhlangano

f) Uyoqinisekisa ukuthi nanoma yiliphi ikhansela kumbe ilungu lomphakathi elenqaba ukuhambisana nesinqumo sikaSomlomo noma usihlalo, liyawushiya umhlangano

g) Uyoqinsekisa ukuthi uMkhandlu uqhuba umsebenzi wawo ngesizotha nangobuqotho obuwufanele;

h) Uyoqinisekisa ukuthi umgomo wokuziphatha uyalandelwa (j) Uyoqinisekisa ukugcinwa komthetho kanye nemithetho kamasipala;

i) Uyoqinisekisa ukuthi wonke amalungu awasebenzisi ulimi olulumelayo noma olungemukelekile; aphinde futhi

j) Aqinisekise ukuthi amalungu awasebenzisi omakhalelekhukhwini, awangeni nezibhamu kumbe nanoma yisiphi isikhali esiyingozi, emhlanganweni womkhandlu kumbe wananoma yimaphi amakomidi awo.

Ukungaziphathi kahle kanye Nokuziphatha ngendlela Engahlekeile kweKhansela kumbe abanye abantu abangesiwona amaKhansela

42.(a) USomlomo angayalela ikhansela ukuba lihoxe futhi lixolise nanoma yimaphi amazwi, isitatimende, umbono kumbe ukukhuluma ngezimpawu okwenziwe yilelo khansela.

(b) Uma ikhansela noma amakhansela eziphatha ngendlela engalungile ngesikhathi somhlangano womkhandlu kumbe nanoma yiliphi lamakomidi awo, usomlomo uyoyalela ikhansela kumbe amakhansela ukuba aziphathe ngendlela efanele futhi, uma ekhuluma, ayeke ukukhuluma bese ehlala phansi ezihlalweni zawo.

(c) Lapho kuqhutshekwa nokushaya indiva umyalelo kasomlomo, usomlomo uzoyalela

ikhansela noma amakhansela ukuba ashiye umhlangano bese ephuma noma bephuma lapho kubanjelwe khona umhlangano kuze kube udaba oludingidwayo seluphothuliwe.

(d) Lapho ukungaziphathi kahle kwekhansela noma kwamakhansela kuphazamisa ukuqhubeka komkhandlu kumbe kwekomidi, usomlomo noma usihlalo kumele aguqise umhlangano bese kuthi ukungaziphathi kahle kwekhansela noma kwamakhansela kumele kusingathwe ngokweale Mithetho Nemiyalelo kanye neNqubo Yendlela Yokuziphatha.

(e) Lapho ikhansela lenqaba ukuphuma emhlanganweni noma uma kufanele kukhishwe amamakhansela angaphezulu kwelilodwa emhlanganweni, bese lelo khansela / amakhansela enqaba ukuphuma emhlanganweni, uSomlomo uyolcela umsebenzi ognyaziwe ukuba elekelele ekukhishweni kwalelo khansela / amakhansela egunjini lomkhandlu. Uma lokhu kungenzeki ngendlela ehlelekile, usihlalo womhlangano angawuguqisa umhlangano isikhathi esingeqile emizuzwini eyi-15, ukuze lawo makhansela athintekayo aphume e noma akhishwe egunjini lomhlangano. Uma ihansela/ amakhansela engaphumile / engakhishiwe lapho umhlangano usuqhubeka kabusha, umhlanagano ungamisa eminye imizuzu eyi-10 ukuze kulunguswe leso simo. Usihlalo anaganquma ukuthi emva kokuguqa okwesibili, umhlangano uyohlanganela kwenye indawo, bese kuthi nanoma yiliphi ikhansela /amakhansela ayalelwe ukuba aphume noma akhishiwe kumbe okuyalelwe ukuba akhishwe, angabe esavunyelwa ukuba angene kuleyo ndawo yomhlangano ehlelwe kabusha. Umsebenzi ogunyaziwe womkhandlu uyoqinisekisa ukuthi lelo khansela / amakhansela awangeni kuleyo ndawo yomhlangano ehlelwe kabusha.

(f) Nanoma ngubani, ongesilona ikhansela, oziphatha ngendlela engemukelekile noma ophazamisa ukusebenza komkhandlu kumbe nanoma yiliphi ikomidi kunanoma yimuphi umhlangano, uyokhishwa egunjini noma endaweni okubanjewe kuyona umhlangano, uma uSomlomo kumbe usihlalo esho kanjalo. Uma lowo enqaba ukuphuma, umsebenzi ogunyaziwe uyomkhipha emhlanganweni. Usihlalo anganqabela lowo muntu ukuthi aphinde angene eegunjini lomkhandlu noma endaweni yomhlanagano ngaleso sikhathi.

ISAHLUKO 12

AMAKOMIDI

IKomidi Elibhekele iMithetho

43. (a) Umkhandlu kamasipala ngokwesinqumo seningi lamakhansela ungasungula ikomidi eliyisipesheli elizokwaziwa ngokuthi yiKomidi Elibhekele iMithetho elizophenya bese lithola

izimpendulo maqondana nanoma yikuphi ukwephulwa kweNqubo Yendlela Yokuziphatha okusolakalayo, kubandakanywa izijeziso zokungayihambeli imihlangano bese lenza nezincomo ezimayelana nezinye izindaba ezithinta le Mithetho Nemiyalelo .

(b) IKomidi Elibhekele iMithetho kumele libe nosomlomo, imeya kanye noyedwa omele iqembu ngalinye lezepolitiki emkhandlwini, lowo omele iqembu uzokhethwa yiqembu lezepolitiki izithathi ngezikhathi.

IMithetho Azenzele yona Amakomidi

44. (a) Le Mithetho Nemiyalelo isebenza kuwo wonke amaKomidi oMkhandlu. Alikho iKomidi loMkhandlu elivumeleke ukuzenzela eyalo imithetho.

Usihlalo

45.(1) Usihlalo wekomidi kumele–

(a) engamele yonke imihlangano yekomidi akhona kulo; futhi

(b) abe nelungelo lokuvota ngokokuqala bese kuthi lapho amavoti elingana ngaphezu kwevoti lakhe elihleliwe, abe nelungelo lokuvota okwesibili.

(2) Uma engekho, usihlalo obambile noma usekela sihlalo uyokuba negunya elifanayo kanye nelungelo lokuvota njengalelo usihlalo analo.

ISAHLUKO 13

INTSHISEKELO YEZEZIMALI

Ukudalulwa kwentshisekelo yezezimali

46.(a) Ikhansela kumele lidalulele umkhandlu kamasipala, kumbe nanoma yiliphi ikomidi lelo khansela eliyilungu lalo, ngananoma iyiphi intshisekelo yebhizinisi okungeyalo ngqo noma eliyingxenye yayo noma elishade naye, umlingani walo, elibambisene naye ebhizinisini ngaphambi komkhandlu noma kwekomidi.

(b) Ikhansela kumele elidalulayo lihoxe kokuqhubekayo emkhandlwini kumbe ekomidini ngaphandle uma umkhandlu kumbe ikomidi linquma ukuthi ukubandakanyeka kwekhansela kulolo daba kuyize kumbe akuqondene.

(c) Ikhansela noma elishade naye, umlingani walo, elibambisene naye ebhizinisini noma

ilungu lomndeni elisondele nalo lithola noma okungenzeka libe nomhlomulo enkontilekeni eyenziwe nomasipala, kufanele lidalule imininingwane ephelele yokuzuza ikhansela elaziyo ngakho emhlanganweni wokuqala womkhandlu okungenzeka ukuba ikhansela lidalule kuwo.

(d) Ukudalulwa kwentshisekelo ngokwesigaba 46(a) kanye nomhlomulo ngokomtheshwana 46(c) akusebenzi entshisekelweni noma emhlomulweni otholwe yikhansela noma elishade naye, umlingani walo, elibambisene naye ebhizinisini noma ilungu lomndeni elisondele ngokufanayo nezinye izakhamuzi zikamasipala.

(e) Emva kokukhethwa noma kokuqokwa, ezinsukwini ezingama-60 noma ngokushesha emva kwalokho, kumele ikhansela lidalulele imenenja kamasipala ngokubhalwe phansi intshisekelo yezezimali okukhulunywe ngayo esigabeni 7 sesheduli 1 yoMthetho Wezinhlelo.

ISAHLUKO 14

UKWEPHULWA KOMTHETHO KANYE NEZIJEZISO

Ukwephulwa komthetho

47. Nanoma yiliphi ikhansela elehlulekayo kumbe elenqabayo ukuthobela nanoma yiziphi izihlinzeko zale Mithetho Nemiyalelo, kumbe nanoma yisiphi isinqumo soMkhandlu, liyokuba necala lokwephula iNqubo Yendlela Yokuziphatha.

Izijeziso

48. Lapho kusoleka ukuthi ikhansela lephule le Mithetho Nemiyalelo , kumele umkhandlu ngokwePhuzu 14 leNqubo Yendlela Yokuziphatha, uphenye ngezinsolo zokwephula umthetho futhi ukhiphe isijeziso ngokwenqubo Efanayo Engaguquki.

ISAHLUKO 15

IZIHLINZEKELO EZIVAMILE

Ukumiswa komthetho kumbe umyalelo

49. (1) Ezimweni eziphuthumayo kumbe lapho umkhandlu ubona ukuthi ukulandela izimiso sesigaba esithile akuwenzi umqondo futhi kungase kukhanyabeze ukuqhubeka

komhlangano womkhandlu, umkhandlu-ke uyobe usuxegisa okwesikhashana izihlinzekelo zaleso sigaba ngemvume yeninginge lamakhansela kamasipala futhi maqondana nalowo mhlangano othintekayo, inqobo nje uma:

(a) lokho kuxegiswa kungephuli nanoma yimuphi umthetho oshayiwe kazwelonke noma wesifundazwe kumbe nanoma yimuphi umthetho oshaywe umasipala;

(b) singekho isigaba esiyoxegiswa ngesikhathi umkhandlu udingida ukukhishwa esikhundleni kwananoma yisphi isikhulu sezepolitiki.

(b) ukumiswa noma ukuxegiswa kwesigaba kuphathelene nephuzu elisohlelweni lomhlangano womkhandlu kumbe wekomidi lomkhandlu; futhi

(c) isigaba 23 singeke simiswe; futhi

(d) izizathu zokumiswa kwesigaba zirekhodiwe emaminithini omhlangano

Ukwamukelwa ibe ngumthetho kamasipala

50. Le Mithetho Nemiyalelo kumele yamukelwe ibe ngumthetho kamasipala kuMasipala waseMandeni.

Ukuchithwa kweMithetho Nemiyalelo ekhona

51. IMithetho Nemiyalelo yomkhandlu evele ikhona iyachithwa lapha.

Isihloko esifushane kanye nokuqaliswa ukusebenza

52. Le Mithetho Nemiyalelo izobizwa ngokuthi yiMithetho kaMasipala waseMandeni Nemiyalelo Engaguquki yowezi-2016.