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KwaZulu-Natal

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2004

Isaziso esihunyushwe noma ezihlolwe uPhiko Lwemisebenzi yeziLimi zikhonjiswe ngaloluphawu †.

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THURSDAY, 26 AUGUST
2004

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No. 6283
DONDERDAG, 26 AUGUSTUS
2004

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 84 Pritchard Street
 Johannesburg 2001

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IZAZISO ezilandelayo zikhishelwe ulwazi lwawonkewonke.

THE following notices are published for general information.

Natalia
Longmarket Street
Pietermaritzburg
26 kuNcwaba 2004

R. K. SIZANI
Umqondisi-Jikelele

Natalia
Longmarket Street
Pietermaritzburg
26 August 2004

R. K. SIZANI
Director-General

ONDERSTAANDE kennisgewings word vir algemene inligting gepubliseer.

Natalia
Langmarkstraat
Pietermaritzburg
26 Augustus 2004

R. K. SIZANI
Direkteur-generaal

No. 992, 2004

26 kuNcwaba 2004

UMNYANGO WEZOKUTHUTHA**UKWETHULWA KWEMIGWAQO EMIKHULU****N**GOKWESIGABA 7 soMthetho weMigwaqo waKwaZulu-Natali, 2001 (uMthetho No. 4 ka 2001), uNgqongqoshe wethula ukuthi kusukela ngosuku lokushicilelwa —

- (a) imigwaqo ebalulwe kuHlelo A ngaphansi, ngokwesigaba 7(2)(b)(iii) kumele ivalwe kuphele ukuba imigwaqo yezifunda le umphakathi ongunya lokuyisebenzisa;
- (b) imigwaqo ebalulwe kuHlelo B ngaphansi, ngokwesigaba 7(2)(a) kumele ibe imigwaqo yesifunda.

UHLELO A**Umgwaqo Wesifunda u-2077: Umgwaqo Omkhulu u-133 — Lions River****UHLELO B****Umgwaqo Wesifunda u-2077: uMgwaqo oMkhulu u-133 — Aboyne**

Usukela enhlanganweni yawo noMgwaqo oMkhulu u-133 eduze nase-Lastingham, uqhubeke ubheke enyakatho-mpumalanga phezu kwase-Riet Vallei 1206, uze uphele emngceleni oseningizimu-ntshonalanga ye-Aboyne 16757.

No. 992, 2004

26 August 2004

DEPARTMENT OF TRANSPORT**DECLARATION OF PROVINCIAL ROADS****I**N terms of section 7 of the KwaZulu-Natal Roads Act, 2001 (Act No. 4 of 2001), the Minister declares that as from the date of publication hereof —

- (a) the road specified in Schedule A hereunder, shall in terms of section 7(2)(b)(iii) be closed and cease to be a district road which the public has the right to use;
- (b) the road specified in Schedule B hereunder, shall in terms of section 7(2)(a) be a district road.

SCHEDULE A**District Road 2077: Main Road 133 — Lions River****SCHEDULE B****District Road 2077: Main Road 133 — Aboyne**

From its junction with Main Road 133 near Lastingham, proceeding in a north-easterly direction over Riet Vallei 1206, to terminate at the south-western boundary of Aboyne 16757.

No. 993, 2004

26 kuNcwaba 2004

UMNYANGO WEZENDABUKO NOHULUMENI BASEKHAYA

ISAZISO NGOKWESIGABA 2(1) SOMTHETHO WOKUSUSWA KWEMITHETHO YOKUTHIBELA, 1967: UKUSUSWA KWESIMISO SETAYITELA: ISIZA 1017 RESERVOIR HILLS, KUMASIPALA WASETHEKWINI

ESIKHUNDLENI sami umQondisi: wokuQaliswa kweziNhlelo zeNtuthuko eMnyangweni wezeNdabuko noHulumeni baseKhaya waKwaZulu-Natali, ngamandla engiwanikwe yisigaba 2(1) soMthetho wokuSuswa kweMithetho yokuThibela, 1967 (uMthetho No. 84 ka 1967), sifundwa noMthetho wokuDluliselwa kwaMandla 2 weNxenye VIII yeSahluko 2 seGunya lokuDluliselwa kwaMandla okuVamile woMnyango wezeNdabuko noHulumeni baseKhaya, esikhishwe yiLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya ngokwesigaba 2 soMthetho wokuDluliselwa kwaMandla, 1994 (uMthetho No. 8 ka 1994), ngalokhu ngikhipha imishwana yeGunya lokuDlulisela iTayitela eliBhalisiwe ngoNombolo T 13335/1979

nanoma yiliphi elinye itayitela elilandela igunya eliphathelene neSiza 1017 Reservoir Hills, engaphansi kukaMasipala waseThekwini, Registration Division FT, wesiFundazwe saKwaZulu-Natali —

isimiso E.(b) esifundeka kanje:

"E.(b) Not more than one dwelling house with the necessary outbuildings shall be erected on the lot."

Sinikezwe ngaphansi kwesandla sami eThekwini ngalolu suku lwe-17 kuNcwaba, oNyakeni weziNkulungwane eziMbili naNe.

T. BHENGU

UmQondisi: lokuQaliswa kweziNhlelo zeNtuthuko

iHhovisi elisoGwini

iNombolo yeFayela: 2004/227

No. 993, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

NOTICE IN TERMS OF SECTION 2(1) OF THE REMOVAL OF RESTRICTIONS ACT, 1967:
REMOVAL OF CONDITION OF TITLE: ERF 1017 RESERVOIR HILLS, ETHEKWINI MUNICIPALITY

IN my capacity as Director: Development and Planning Implementation in the KwaZulu-Natal Department of Traditional and Local Government Affairs, under powers vested in me by section 2(1) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), read with Delegation 2 of Part VIII of Chapter B of the General Delegations of Authority of the KwaZulu-Natal Department of Traditional and Local Government Affairs, issued by the KwaZulu-Natal Member of the Executive Council responsible for local government in terms of section 2 of the KwaZulu-Natal Delegation of Powers Act, 1994 (Act No. 8 of 1994), I hereby remove from Deed of Transfer No. T 13335/1979, or any subsequent deed pertaining to Erf 1017 Reservoir Hills, situated in the eThekweni Municipality, Registration Division FT, Province of KwaZulu-Natal —

condition E.(b) which reads as follows:

"E.(b) Not more than one dwelling house with the necessary outbuildings shall be erected on the lot."

Given under my hand at Durban this 17th day of August, Two Thousand and Four.

T. BHENGU

Director: Development Planning Implementation

Coastal Office

File reference: 2004/227

No. 993, 2004

26 Augustus 2004

DEPARTEMENT VAN TRADISIONELE EN PLAASLIKE REGERINGSAKE

KENNISGEWING INGEVOLGE ARTIKEL 2(1) VAN DIE WET OP OPHEFFING VAN BEPERKINGS, 1967: OPHEFFING VAN
TITELVOORWAARDE; ERF 1017 RESERVOIR HILLS, ETHEKWINI MUNISIPALITEIT

IN my hoedanigheid as Direkteur: Implementering van Ontwikkelingsbeplanning in die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, kragtens die bevoegdheid aan my verleen by artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), saamgelees met delegasie 2 van deel VIII van hoofstuk B van die Algemene Delegering van Bevoegdhede van die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, uitgereik deur die KwaZulu-Natal lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering ingevolge artikel 2 van the KwaZulu-Natal Wet op die Delegering van Bevoegdhede, 1994 (Wet No. 8 van 1994), verwyder ek hiermee van Transportakte Nr. T 13335/1979 of enige daaropvolgende akte betreffende Erf 1017 Reservoir Hills, geleë in die eThekweni Munisipaliteit, Registrasie Divisie FT, provinsie KwaZulu-Natal —

titelvoorwaarde E.(b) wat soos volg lui:

"E.(b) Not more than one dwelling house with the necessary outbuildings shall be erected on the lot."

Gegee onder my hand te Durban op hierdie 17de dag van Augustus, Tweeduisend-en-vier.

T. BHENGU

Direkteur: Implementering van Ontwikkelingsbeplanning

Kusstreek

Verwysingsnommer: 2004/227

No. 994, 2004

26 kuNcwaba 2004

UMNYANGO WEZENDABUKO KANYE NOHULUMENI BASEKHAYA

ISAZISO NGOKWESIGABA 2(1) SOMTHETHO WOKUSUSWA KWEMITHETHO YOKUTHIBELA, 1967:
UKUSUSWA KWESIMISO SETAYITELA: INGXYENYE 1580 (KA 1578) YEPULAZI COTTON LANDS NO. 1575,
KUMASIPALA WASETHEKWINI

ESIKHUNDLENI sami njengomQondisi: wokuQaliswa kweziNhlelo zeNtuthuko eMnyangweni wezeNdabuko nezoHulumeni baseKhaya waKwaZulu-Natali, ngamandla engiwanikwe yisigaba 2(1) soMthetho wokuSuswa kweMithetho yokuThibela, 1967 (uMthetho No. 84 ka 1967), sifundwa noMthetho wokuDluliselwa kwaMandla 2 weNxyenye VIII yeSahluko 2 seGunya lokuDluliselwa kwaMandla okuVamile woMnyango wezeNdabuko noHulumeni baseKhaya, esikhishwe yiLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya ngokwesigaba 2 soMthetho wokuDluliselwa kwaMandla, 1994 (uMthetho No. 8 ka 1994), ngalokhu ngikhipha umshwana weGunya lokuDlulisela seTayitela eliBhaliswe ngoNombolo T 9953/88 nanoma yiliphi elinye itayitela elilandela igunya eliphathelene neNxyenye 1580 (ka 1578) yePulazi i- Cotton Lands, owakhiwe kuMasipala waseThekwini, Registration Division FU, esiFundazweni saKwaZulu-Natali, —

isimiso D.2. esifundeka kanje:

"No row or tenement house, boarding house, semi-detached house, hotel or block of residential flats and not more than one dwelling house, together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the land without the consent of the Administrator. Upon registration

of title of any subsequent subdivision of the said land which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.”.

Sinikezwe ngaphansi kwesandla sami eThekwini ngalolu suku lwe- 17 kuNcwaba, oNyakeni weziNkulungwane eziMbili naNe.

T. A. BHENGU

UmQondisi: wokuQaliswa kweziNhlelo zeNtuthuko

IHhovisi elisoGwini

Inombolo yefayela: R/R 2001/117

No. 994, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

NOTICE IN TERMS OF SECTION 2(1) OF THE REMOVAL OF RESTRICTION ACT, 1967: REMOVAL OF CONDITION OF TITLE; PORTION 1580 (OF 1578) OF THE FARM COTTON LANDS NO. 1575, ETHEKWINI MUNICIPALITY

IN my capacity as Director: Development Planning Implementation in the KwaZulu-Natal Department of Traditional and Local Government Affairs, under powers vested in me by section 2(1) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), read with Delegation 2 of Part VIII of Chapter B of the General Delegations of Authority of the KwaZulu-Natal Department of Traditional and Local Government Affairs, issued by the KwaZulu-Natal Member of the Executive Council responsible for local government in terms of section 2 of the KwaZulu-Natal Delegation of Powers Act, 1994 (Act No. 8 of 1994), I hereby remove from Deed of Transfer No. T 9953/88 or any subsequent deed pertaining to Portion 1580 (of 1578) of the Farm Cotton Lands No. 1575, situated in the eThekwini Municipality, Registration Division FU, Province of KwaZulu-Natal, — condition D.2. which reads as follows:

No row or tenement house, boarding house, semi-detached house, hotel or block of residential flats and not more than one dwelling house, together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the land without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said land which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.”.

Given under my hand at Durban this 17th day of August, Two Thousand and Four.

T. A. BHENGU

Director: Development Planning Implementation
Coastal Office

File Reference: R/R 2001/117

No. 994, 2004

26 Augustus 2004

DEPARTEMENT VAN TRADISIONELE EN PLAASLIKE REGERINGSAKE

KENNISGEWING INGEVOLGE ARTIKEL 2(1) VAN DIE WET OP OPHEFFING VAN BEPERKINGS, 1967: OPHEFFING VAN TITELVOORWAARDE; GEDEELTE 1580 (VAN 1578) VAN DIE PLAAS COTTON LANDS NO. 1575, ETHEKWINI MUNISIPALITEIT

IN my hoedanigheid as Direkteur: Implementering van Ontwikkelingsbeplanning in die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, kragtens die bevoegdheid aan my verleen by artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), saamgelees met delegasie 2 van deel VIII van hoofstuk B van die Algemene Delegering van Bevoegdhede van die KwaZulu-Natal Departement van Tradisionele Sake en Plaaslike Regering, uitgereik deur die KwaZulu-Natal lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering ingevolge artikel 2 van die KwaZulu-Natal Wet op die Delegering van Bevoegdhede, 1994 (Wet No. 8 van 1994), verwyder ek hiermee van Transportakte No. T 9953/88 of enige daaropvolgende akte betreffende Gedeelte 1580 (van 1578) van die plaas Cotton Lands No. 1575, geleë in die eThekwini Munisipaliteit, Registrasie Divisie FU, provinsie KwaZulu-Natal, —

voorwaarde D.2. wat soos volg lui:

“No row or tenement house, boarding house, semi-detached house, hotel or block of residential flats and not more than one dwelling house, together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the land without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said land which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.”.

Gegee onder my hand te Durban op hierdie 17de dag van Augustus, Tweeduisend-en-vier.

T. A. BHENGU

Direkteur: Implementering van Ontwikkelingsbeplanning

Kusstreek

Verwysingsnommer: RR 2001/117

No. 995, 2004

26 kuNcwaba 2004

UMNYANGO WEZENDABUKO KANYE NOHULUMENI BASEKHAYA

ISAZISO NGOKWESIGABA 2(1) SOMTHETHO WOKUSUSWA KWEMITHETHO YOKUTHIBELA, 1967: UKUSUSWA KWESIMISO SETAYITELA: IZIZA 3264 KANYE NO 3265 RESERVOIR HILLS, KUMASIPALA WASETHEKWINI

ESIKHUNDLENI sami njengomQondisi: wokuQaliswa kweziNhlelo zeNtuthuko eMnyangweni wezeNdabuko noHulumeni baseKhaya waKwaZulu-Natali, ngamandla engiwanikwe yisigaba 2(1) soMthetho wokuSuswa kweMithetho yokuThibela, 1967 (uMthetho No. 84 ka 1967), sifundwa noMthetho wokuDluliselwa kwaMandla 2 weNxenye VIII yeSahluko 2 seGunya lokuDluliselwa kwaMandla okuVamile woMnyango weziNdabuko noHulumeni baseKhaya, esikhishwe yiLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya ngokwesigaba 2 soMthetho wokuDluliselwa kwaMandla, 1994 (uMthetho No. 8 ka 1994), ngalokhu ngikhipha umshwana weGunya lokuDlulisela seTayitela eliBhaliswe ngoNombolo T 35704/98 nanoma yiliphi elinye itayitela elilandela igunya eliphathelene neZiza 3264 kanye no 3265 Reservoir Hills, ongaphansi kukaMasipala waseThekwini, Registration Division FT, esiFundazweni saKwaZulu-Natali, —

(a) isimiso F.(a) esifundeka kanje:

“The lot shall not be used for other than residential purposes.”;

(b) isimiso F.(b) esifundeka kanje:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.";

(c) isimiso G.(a) esifundeka kanje:

"The lot shall not be used for other than residential purposes."; and

(d) isimiso G.(b) esifundeka kanje:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.".

Sinikezwe ngaphansi kwesandla sami eThekwini ngalolu suku lwe-17 kuNewaba, oNyakeni weziNkulungwane eziMbili naNe.

T. A. BHENGU

umQondisi: wokuQaliswa kweziNhlelo zeNtuthuko

iHhovisi elisoGwini

iNombolo yefayela: R/R 2000/325

No. 995, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

NOTICE IN TERMS OF SECTION 2(1) OF THE REMOVAL OF RESTRICTION ACT, 1967: REMOVAL OF CONDITIONS OF TITLE: ERVEN 3264 AND 3265 RESERVOIR HILLS, ETHEKWINI MUNICIPALITY

In my capacity as Director: Development Planning Implementation in the KwaZulu-Natal Department of Traditional and Local Government Affairs, under powers vested in me by section 2(1) of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), read with Delegation 2 of Part VIII of Chapter B of the General Delegations of Authority of the KwaZulu-Natal Department of Traditional and Local Government Affairs, issued by the KwaZulu-Natal Member of the Executive Council responsible for local government in terms of section 2 of the KwaZulu-Natal Delegation of Powers Act, 1994 (Act No. 8 of 1994), I hereby remove from Deed of Transfer No. T35704/98 or any subsequent deed pertaining to Erven 3264 and 3265 Reservoir Hills, situate in the eThekweni Municipality, Registration Division FT, Province of KwaZulu-Natal, —

(a) condition F.(a) which reads as follows:

"The lot shall not be used for other than residential purposes.";

(b) condition F.(b) which reads as follows:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.";

(c) condition G.(a) which reads as follows:

"The lot shall not be used for other than residential purposes."; and

(d) condition G.(b) which reads as follows:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.".

Given under my hand at Durban this 17th day of August, Two Thousand and Four.

T. A. BHENGU

Director: Development Planning Implementation

Coastal Office

File Reference: R/R 2000/325

No. 995, 2004

26 kuNewaba 2004

DEPARTEMENT VAN TRADISIONELE EN PLAASLIKE REGERINGSACE

KENNISGEWING INGEVOLGE ARTIKEL 2(1) VAN DIE WET OP OPHEFFING VAN BEPERKINGS, 1967: OPHEFFING VAN TITELVOORWAARDE: ERWE 3264 EN 3265 RESERVOIR HILLS, ETHEKWINI MUNISIPALITEIT

In my hoedanigheid as Direkteur: Implementering van Ontwikkelingsbeplanning in die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, kragtens die bevoegdheid aan my verleen by artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), saamgelees met delegasie 2 van deel VIII van hoofstuk B van die Algemene Delegering van Bevoegdhede van die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, uitgereik deur die KwaZulu-Natal lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering ingevolge artikel 2 van die KwaZulu-Natal Wet op die Delegering van Bevoegdhede, 1994 (Wet No. 8 van 1994), verwyder ek hiermee van Transportakte No. T 35704/98 of enige daaropvolgende akte betreffende Erwe 3264 en 3265 Reservoir Hills, geleë in die eThekweni Munisipaliteit, Registrasie Divisie FT, provinsie KwaZulu-Natal, —

(a) voorwaarde F.(a) wat soos volg lui:

"The lot shall not be used for other than residential purposes.";

(b) voorwaarde F.(b) wat soos volg lui:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.";

(c) voorwaarde G.(a) wat soos volg lui:

"The lot shall not be used for other than residential purposes."; en

(d) voorwaarde G.(b) wat soos volg lui:

"Not more than one dwelling house with the necessary outbuildings shall be erected on the lot.".

Gegee onder my hand te Durban op hierdie 17de dag van Augustus, Tweeduisend-en-vier.

T. A. BHENGU

Direkteur: Implementering van Ontwikkelingsbeplanning

Kusstreek

Verwysingsnommer: RR 2000/325

No. 996, 2004

26 kuNcwaba 2004

UMNYANGO WEZENDABUKO KANYE NOHULUMENI BASEKHAYA

ISAZISO NGOKWESIGABA 3(1)(B) SOMTHETHO WOKUSUNGULWA KWAMALOKISHI ANGAHLELEKILE NGOKUPHELELE, 1991:
UKUKHONJWA KOMHLABA NJENGOMHLABA WOKUHLALA ONGAHLELEKILE NGOKUPHELELE, ISIZA 5553 ESEMPHOMENI:
UMASIPALA WASEMNGENI

ESIKHUNDLENI sami njengeBamba leSekela lomPhathi: lokuPhathwa kweNtuthuko eMnyangweni wezeNdabuko kanye noHulumeni baseKhaya waKwaZulu-Natali, ngaphansi kwamandla engiwanikiwe yisigaba 3(1)(b) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991), sifundwa noMthetho wokuDluliselwa kwaMandla 3 weNxenye 1 yeSahluko B seGunya lokuDluliselwa kwaMandla okuVamile eMnyangweni wezeNdabuko kanye noHulumeni baseKhaya okhishwe yiLungu loMkhandlu oPhethe KwaZulu-Natali elibhekelele ohulumeni basekhaya ngokwesigaba 2 soMthetho wokuDluliselwa kwaMandla KwaZulu-Natali, 1994 (uMthetho No. 8 ka 1994), ngikhomba iSiza 5553 eseMphomeni, engaphansi kwaMasipala waseMngeni, esiFundazweni saKwaZulu-Natali njengoba ikhonjisiwe ohlelweni lwe-MO13#4_2 yosuku lwesi-6 kuNhlaba 2001, olwahlalelwa ngu-Messrs Bruce McCormack and Associates, njengomhlaba wokuhlala ongaHlelekile ngokuphelele.

Sinikezwe ngaphansi kwesandla sami eMgungundlovu ngalolu suku lwe-19 kuNcwaba, oNyakeni weziNkulungwane eziMbili naNe.

G. G. YOUNG

iBamba leSekela lomPhathi: lokuPhathwa kweNtuthuko

iHhovisi eliPhakathi neZwe

iNombolo yeFayela: 2001/520

No. 996, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

NOTICE IN TERMS OF SECTION 3 (1) (B) OF THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991:
DESIGNATION OF LAND AS LAND FOR LESS FORMAL SETTLEMENT; ON ERF 5553 MPOPHOMENI: UMNGENI MUNICIPALITY

IN my capacity as acting Deputy Manager: Development Administration in the KwaZulu-Natal Department of Traditional and Local Government Affairs, under powers vested in me by section 3(1)(b) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991), read with Delegation 3 of Part 1 of Chapter B of the General Delegations of Authority of the Department of Traditional and Local Government Affairs issued by the KwaZulu-Natal Member of the Executive Council responsible for local government in terms of section 2 of the KwaZulu-Natal Delegation of Powers Act, 1994 (Act No. 8 of 1994), I designate Erf 5553 Mpophomeni, situated in the uMngeni Municipality, Province of KwaZulu-Natal as shown on layout plan MO13#4_2 dated 06 May 2001, prepared by Messrs Bruce McCormack and Associates, as land for less formal settlement.

Given under my hand at Pietermaritzburg this 19th day of August, Two Thousand and Four.

G. G. YOUNG

Acting Deputy Manager: Development Administration

Inland Office

File reference: 2001/520

No. 996, 2004

26 Augustus 2004

DEPARTEMENT VAN TRADISIONELE EN PLAASLIKE REGERINGSAKE

KENNISGEWING INGEVOLGE ARTIKEL 3(1)(B) VAN DIE WET OP MINDER FORMELE DORPSTIGTING, 1991: AANWYSING VAN
GROND AS GROND VIR MINDER FORMELE VESTIGING; OP ERF 5553 MPOPHOMENI: UMNGENI MUNISIPALITEIT

IN my hoedanigheid as waarnemende Adjunkbestuurder: Ontwikkelingsadministrasie in die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, wys ek kragtens die bevoegdheid aan my verleen by artikel 3 (1) (b) van die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 of 1991), saamgelees met delegasie 3 van deel 1 van hoofstuk B van die Algemene Delegering van Bevoegdhede van die Departement van Tradisionele en Plaaslike Regeringsake uitgereik deur die KwaZulu-Natal lid van die Uitvoerende Raad verantwoordelik vir plaaslike bestuur ingevolge artikel 2 van die KwaZulu-Natal Wet op die Delegering van Bevoegdhede, 1994 (Wet No. 8 of 1994), Erf 5553 Mpophomeni, geleë in die uMngeni Munisipaliteit, provinsie KwaZulu-Natal, soos aangedui op uitlegplan MO13#4_2 gedateer 6 Mei 2001, voorberei deur mnre. Bruce McCormack en Genote, aan as grond vir minder formele vestiging.

Gegee onder my hand te Pietermaritzburg op hierdie 19de dag van Augustus, Tweeduisend-en-vier.

G. G. YOUNG

Waarnemende Adjunkbestuurder: Ontwikkelingsbeplanning

Binnelandse Kantoor

Lêerverwysing: 2001/520

No. 997 2004

26 kuNcwaba 2004

UMNYANGO WEZENDABUKO KANYE NOHULUMENI BASEKHAYA

ISAZISO NGOKWESIGABA 3 (6)(A) SOMTHETHO WOKUSUNGULWA KWAMALOKISHI ANGAHLELEKILE NGOKUPHELELE, 1991:
UKUMENYEZELWA KWEZINHLENGO ZOMTHETHO OSETSHENZISWAYO EMHLABENI OKHONJWE NJENGOMHLABA
WOKUHLALA ONGAHLELEKILE NGOKUPHELELE; ISIZA 5553 ESEMPHOMENI, KUMASIPALA WASEMNGENI

ESIKHUNDLENI sami njengeBamba leSekela lomPhathi: lokuPhathwa kweNtuthuko eMnyangweni wezeNdabuko kanye noHulumeni baseKhaya waKwaZulu-Natali, ngaphansi kwamandla engiwanikiwe yisigaba 3(6)(a) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991 (uMthetho No. 113 ka 1991), sifundwa noMthetho wokuDluliselwa kwaMandla 6 weNxenye 1 yeSahluko B seGunya lokuDluliselwa kwaMandla okuVamile eMnyangweni wezeNdabuko kanye noHulumeni baseKhaya okhishwe yiLungu loMkhandlu oPhethe KwaZulu-Natali elibhekelele ohulumeni basekhaya ngokwesigaba 2 soMthetho wokuDluliselwa kwaMandla KwaZulu-Natali, 1994 (uMthetho No. 8 ka 1994), —

(1) ngimemezela izinhlelango ze-Odinensi yokuHlelwa kwamaDolobha, 1949 (i-Odinensi No. 27 ka 1949) esetshenziswa emhlabeni okhonjwe njen-

gomhlaba wokuhlala ongahlelekile ngokuphelele ngokweSaziso sesiFundazwe esinguNombolo 996 ka 2004, ngaphandle kwezihlinzeko zezigaba 11, 11bis, 12, 16-27, 33, 35, 36 kanye no-39, inqobo uma indawo yokuhlala engahlelekile ngokuphelele iphathwa njengelokishi elizimele elichazwe esigabeni 1 se-Odinensi yokuHlelwa kwamaDolobha, 1949, ngezinhloso ze-Odinensi okukhulunywe ngayo, futhi

- (2) ngimemezela izinhlinzeko zeMithethonqubo yoKwakha kaZwelonke kanye noMthetho wamaZinga oKwakha, 1997 (uMthetho No. 103 ka 1977) osetshenziswa emhlabeni okukhulunywa ngawo endimeni (1) ephezulu.

Sinikezwe ngaphansi kwesandla sami eMgungundlovu ngalolu suku lwe-19 kuNewaba, oNyakeni weziNkulungwane eziMbili naNe.

G. G. YOUNG

IBamba leSekela lomPhathi

iHhovisi eliPhakathi neZwe

iNombolo yeFayela: 2001/520

No. 997, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

NOTICE IN TERMS OF SECTION 3 (6) (A) OF THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991: DECLARING THE PROVISIONS OF A LAW APPLICABLE TO LAND DESIGNATED AS LAND FOR LESS FORMAL SETTLEMENT; ERF 5553 MPOPHOMENI: UMNGENI MUNICIPALITY.

IN my capacity as acting Deputy Manager: Development Administration in the KwaZulu-Natal Department of Traditional and Local Government Affairs, under powers vested in me by section 3 (6) (a) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991), read with Delegation 6 of Part 1 of Chapter B of the General Delegations of Authority of the Department of Traditional and Local Government Affairs issued by the KwaZulu-Natal Member of the Executive Council responsible for local government in terms of section 2 of the KwaZulu-Natal Delegation of Powers Act, 1994 (Act No. 8 of 1994), I —

- (1) declare the provisions of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) applicable to the land designated as a less formal settlement in terms of Provincial Notice No. 996 of 2004, excluding the provisions of sections 11, 11bis, 12, 16-27, 33, 35, 36 and 39, provided that the less formal settlement must be treated as a private township defined in section 1 of the Town Planning Ordinance, 1949, for the purposes of the said Ordinance, and
- (2) Declare the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) applicable to the land referred to in paragraph (1) supra.

Given under my hand at Pietermaritzburg this 19th day of August, Two Thousand and Four.

G. G. YOUNG

Acting Deputy Manager: Development Administration

Inland Office

File reference: 2001/520

No. 997, 2004

26 Augustus 2004

DEPARTEMENT VAN TRADISIONELE EN PLAASLIKE REGERINGSAKE

KENNISGEWING INGEVOLGE ARTIKEL 3(6)(A) VAN DIE WET OP MINDER FORMELE DORPSTIGTING, 1991: VERKLARING VAN DIE BEPALINGS VAN 'N WET AS VAN TOEPASSING OP GROND AANGEWYS AS GROND VIR MINDER FORMELE VESTIGING; ERF 5553 MPOPHOMENI: UMNGENI MUNISIPALITEIT

IN my hoedanigheid as waarnemende Adjunkbestuurder: Ontwikkelingsadministrasie in die KwaZulu-Natal Departement van Tradisionele en Plaaslike Regeringsake, verklaar ek kragtens die bevoegdheid aan my verleen by artikel 3 (6) (a) van die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 of 1991), saamgelees met delegasie 6 van deel 1 van hoofstuk B van die Algemene Delegering van Bevoegdhede van die Departement van Tradisionele en Plaaslike Regeringsake uitgereik deur die KwaZulu-Natal lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering ingevolge artikel 2 van die KwaZulu-Natal Wet op die Delegering van Bevoegdhede, 1994 (Wet No. 8 of 1994),

- (1) die bepalings van die Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 of 1949) as van toepassing op die grond vir minder formele dorpstigting ingevolge Provinsiale Kennisgewing No. 996 van 2004, met die uitsondering van die bepalings van artikels 11, 11bis, 12, 16-27, 33, 35, 36 en 39, met dien verstande dat die minder formele nedersetting behandel word as 'n privaatdorp omskryf in artikel 1 van die Dorpbeplanningsordonnansie, 1949, vir die doeleindes van die voornoemde Ordonnansie, en
- (2) die bepalings van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977) van toepassing op die grond vermeld in paragraaf (1) hierbo.

Gegee onder my hand te Pietermaritzburg op hierdie 19de dag van Augustus, Tweeduisend-en-vier.

G. G. YOUNG

Waarnemende Adjunkbestuurder: Ontwikkelingsbeplanning

Binnelandse Kantoor

Lêerverwysing: 2001/520

No. 998, 2004

26 August 2004

KWAZULU-NATAL PROCUREMENT OFFICE

TENDERS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Tenders must be on the official tender form, which shall be completed in all respects, and all information must be supplied as stipulated in the tender document.
- (ii) Tenders must be submitted in separate sealed envelopes.
- (iii) Separate envelopes must be used for each tender invitation.
- (iv) The address, tender number and closing date must be endorsed on the back of the envelope.
- (v) The name and address of the tenderer must be endorsed on the back of the envelope.

SERVICE:

Tender number:
Closing date:
Time:
Documents available from:
Contact person:

Tugela Ferry: Msinga District Office: Department of Agriculture and
Environmental Affairs: Construction of new offices
ZNT 5211 W
2004-09-22
11:00
Bartsh Consult, 53A Murchison Street, Ladysmith, 3370
Mr T. Mentjies, Tel.: (036) 6311888

SERVICE:

Tender number:
Closing date:
Time:
Documents available from:
Contact person:
Compulsory site inspection meeting:
Date:
Time:
Venue:

Upgrading of Road P399 Taylor's Halt to Sweetwaters
ZNT 2199/04 T
2004-09-22
11:00
Department of Transport Head Office, 172 Burger Street, Pietermaritzburg, 3201
Miss Sindi Hlela, Tel.: (033) 3558950, Fax: (033) 3558091

2004-09-09
10:00
Tenderers are to meet at P399 site offices, Nxamalala Tribal Authority next to
Nqabeni river bridge
G. Makaula, Tel.: (033) 8461000 or M. Manicum, Tel.: (033) 3558648

Contact person:

NOTE: Documents will not be available at this meeting

No. 999, 2004

26 August 2004

DEPARTMENT OF HEALTH

TOWN HILL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Town Hill Hospital, Quotation Evaluation Committee, Hyslop Road, Pietermaritzburg or Town Hill Hospital, Quotation Evaluation Committee, P O Box 400, Pietermaritzburg, 3200, together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Town Hill Hospital, Hyslop Road, Pietermaritzburg, Telephone: (033) 3415596, Fax: (033) 3422775.

SUPPLY: 100 Foam mattresses
 Quotation number: ZNQ 78/04
 Closing date: 2004-09-13
 Closing time: 11:00
 Contact person: Mrs L. C. Naidoo, Telephone: (033) 341 5596

No. 1000, 2004

26 August 2004

DEPARTMENT OF HEALTH

FACILITIES MANAGEMENT SUB-DIRECTORATE (CAPSO)

Award of quotation

SERVICE: Floor in Mothers-In-Waiting Lodge at Mbongolwane Hospital
 Quotation number: ZNQ12.04/05-H
 Contractor: Protrust Sales & Services

No. 1001, 2004

26 August 2004

DEPARTMENT OF HEALTH

ADDINGTON HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official tender form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation documents.
- (ii) Each quotation must be in a sealed envelope.
- (iii) The envelope must be addressed to Addington Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractors must be endorsed on the back of the envelope.
- (v) All Department of Health Contracts awarded are subject to appeals being timeously lodged (if any)and letters of acceptance being issued.
- (vi) Quotation documents are available from the Department of Health Addington Hospital, Telephone: (031) 3272000, Fax: (031) 3272758/9.

SUPPLY: Regional Lab Roof Waterproofing
 Quotation number: ZNQ 381 C
 Closing date: 2004-09-13
 Closing time: 11:00
 Date of site meeting: 2004-09-07
 Time: 10:30
 Contact person: Mr W. Vinden, Telephone: (031) 3272131
 Enquiries regarding specification: Mr S. Heron, Telephone: (031) 3272112

SERVICE: Repair to underside of walkway
 Quotation number: ZNQ 382 C
 Closing time: 11:00
 Closing date: 2004-09-13
 Date of site meeting: 2004-09-07
 Time: 10:30
 Contact person: Mr W. Vinden, Telephone: (031) 3272131
 Enquiries regarding specification: Mr B. Dunsmuir, Telephone: (031) 3272113

SUPPLY: Carpet Tiles (Belgotex Charcoal) 300 sqms (sample to view)
 Quotation number: ZNQ 253 C
 Closing date: 2004-09-07

Closing time: 11:00
 Contact person: Mr W. Vinden, Telephone: (031) 3272131
 Enquiries regarding specification: Mr S. Heron, Telephone: (031) 3272112

Award of quotations

SERVICE: Alterations to Room at CHOPD
Quotation number: ZNQ 282 c
Contractor: Sure Base Construction

SERVICE: Alteration to Building at MOPD
Quotation number: ZNQ 281 c
Contractor: Sure Base Construction

SERVICE: Removal and replacement of Razor Wire
Quotation number: ZNQ 250 c
Contractor: King Brothers Building Services

SERVICE: Painting of Regional Lab
Quotation number: ZNQ 210 c
Contractor: Siyazama Housing

SERVICE: Additional female toilet
Quotation number: ZNQ 89 c
Contractor: Siyazama Housing

SUPPLY: Swabs Cleaning
Quotation number: ZNQ 1426 b
Contractor: Lasa Medical

SUPPLY: Oki 391 Printers + Serial Cards
Quotation number: ZNQ 257 a
Contractor: Xon KZN

SUPPLY: Toothpaste 50 ml
Quotation number: ZNQ 258 a
Contractor: Arrow Cash And Carry

SUPPLY: Entenox Regulation Gauges as Per Diagram
Quotation number: ZNQ 190 a
Contractor: First Aid Distributors

Cancellation of quotation

SUPPLY: 2 Tier Metal Lockers
Quotation number: ZNQ 256 a

No. 1002, 2004

26 August 2004

DEPARTMENT OF HEALTH**SISONKE DISTRICT HEALTH OFFICES****QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL**

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all the information must be supplied in the quotation document.
- (ii) Each quotation must be submitted in a sealed envelope.
- (ii) Quotation documents are available from the Department of Health, Sisonke District Health Office, Telephone: (039) 834 8219, Fax: (039) 834 1301.
 Closing date: 2004-09-03
 Closing time: 11:00

SERVICE: Accommodation, dinner and bed x 9 days — 32 people
 Breakfast and lunch x 10 days
 Conference facilities x 10 days
 Training to start on the 27th of September to 6th of October 2004
Quotation number: Area: Ixopo and surrounding areas
Contact person: ZNQ 198/2004
 Ms N. C. Mbanjwa, Telephone: (039) 8348219, Fax: (039) 8341301

SERVICE: Accommodation, dinner and bed x 9 days — 18 people
 Breakfast and lunch x 10 days
 Conference facilities x 10 days
 Training to start on the 13th of September to the 22nd of September 2004
Quotation number: Area: Ixopo and surrounding areas
Contact person: ZNQ 192/04
 Ms N. C. Mbanjwa Telephone: (039) 8348219, Fax: (039) 8341301

No. 1003, 2004

26 August 2004

DEPARTMENT OF HEALTH

KWAMASHU COMMUNITY HEALTH CENTRE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Each quotation must be submitted in a sealed envelope.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the KZN Department of Health, KwaMashu Community Health Centre, Private Bag X013, KwaMashu, 4360, together with the quotation number and the closing date clearly indicated on the front of it.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) Quotation documents are available from the Acting Centre Manager, KwaMashu Community Health Centre, G1400 Bejane Road, KwaMashu, Telephone: (031) 5031236 Extension 227, Fax: (031) 5031236, Extension 236.

SUPPLY:

Purchase of:

Quotation number:
Closing date:
Closing time:
Contact person:

2160 (180 DOZ) tubes of toothpaste 50 ml
1440 (120 DOZ) tubes of toothpaste 100 ml
10 000 toothbrushes: junior (small — similar to "hygiene28")
ZNQ 70 of 2005-06-H
2004-09-07
11:00
Doris Zondo, Telephone: (031) 5031236, Ext. 227

No. 1004, 2004

26 August 2004

DEPARTMENT OF HEALTH

ST APOLLINARIS HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTINED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes or faxed at the quoting contractor's risk.
- (iii) Quotations must be dropped into the quotation box on the under-mentioned address.
- (iv) Quotation documents are available from St Apollinaris Hospital, Centocow Road, Creighton, 3263, Telephone: (039) 8331045, Facsimile: (039) 8331062.
- (v) The quoting contractors must be registered with the Basic Accounting System (BAS).
- (vi) For quotations exceeding R30.000.00 an original ZNT 30 (Application for preference points) forms and a valid original tax clearance certificate must be submitted.

SERVICE:

Quotation number:
Closing date:
Closing time:
Compulsory site inspection date:
Contact person:
Enquiries regarding specifications:

24hr Security and access control
ZNQ 162/08/2004
2004-09-03
11:00
2004-09-01
Mrs N. E. Zwane, Telephone: (039) 8331045 Ext. 212
Mrs N. E. Zwane, Telephone: (039) 8331045 Ext. 212

No. 1005, 2004

26 August 2004

DEPARTMENT OF ECONOMIC DEVELOPMENT

Correction Notice: Amendment to ZNT 1037/2004-SD

Provincial Notice No. 973 published on 19 August 2004 in the *Provincial Gazette* No. 6282 is hereby amended.
A compulsory project briefing session will be held in the Department's Corporate Service Boardroom at 12:00 on 2004-08-31.

No. 1006, 2004

26 August 2004

DEPARTMENT OF HEALTH

R. K. KHAN HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official tender form, which shall be completed in all respects.
- (ii) Each quotation must be submitted in a sealed envelope.
- (iii) Quotation documents are available from the Department of Health, R. K. Khan Hospital, Private Bag X004, Chatsworth, 4030, Telephone: (031) 4596300, Facsimile: (031) 4030217, Closing date: 2004-09-17, Closing time of quotation: 11:00

SUPPLY:

Quotation number:

Contact person:

Enquiries regarding specification:

One Diathermy Electro-surgical Unit as per specification

ZNQ 1151/ 2004

Mr D. Naidoo

Mr D. Naidoo, Telephone: (031) 4596300

SUPPLY:

Quotation number:

Contact person:

Enquiries regarding specification:

One Intubation Bronchoscope as per specification

ZNQ 1182/ 2004

Mr D. Naidoo

Mr D. Naidoo, Telephone: (031) 4596300

No. 1007, 2004

26 August 2004

DEPARTMENT OF HEALTH

UGU DISTRICT HEALTH OFFICE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Ugu District Office, Private Bag X735, Port Shepstone, 4240, Quotation Evaluation Committee together with the Quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Ugu District Health Office, Cnr of McArthur and Dennis Shepstone Street in Port Shepstone, Telephone: (039) 6824357/ (039) 6826452, Ext. 231, Fax: (039) 6286178/039-6826296.

SUPPLY:

Gardening seeds and equipment for 3 clinics as per specification below:

Supplies to be delivered to Health District Office, Port Shepstone.

ITEM	SPECIFICATION	QUANTITY
Hoe Handles		05
Handwelding Fork		05
Wheelbarrow		02
Watering can		05
Spade		05
Fork		05
Slasher		05
Steel rake		05
Hoe Heads		05
Knapsack sprayer		01
Slow-release fertilizer	50kg	05
Spinach	100g	05
Pumpkin	5kg	01
Beetroot seed	1kg	02
Carrot seed	1kg	01
Onion seed	1kg	01

Tomato seed	500g	01
Potatoes	5kg	02
Insecticide 1	500ml	01
Insecticide 2	500ml	01
Fungicide 2	500ml	01

Quotation number:

ZNQ 348 of 2004

Closing date:

2004-09-09

Closing time:

11:00

Site meeting:

N/A

Contact person:

Venessa Draai or Nkosi C. Khuzwayo, Telephone: (039) 6824357, Ext. 217 or Ext. 231

Enquiries regarding specification:

Venessa Draai or Nkosi C. Khuzwayo, Telephone: (039) 6824357, Ext. 217 or Ext. 231

SUPPLY/SERVICE:

To supply and erect fencing at 3 clinic sites, as per specification below. Clinics for fencing are, Phungashe, Piggah and Louisanna. Specifications and costing for a 0,25 hectare garden

ITEM	SPECIFICATION	QUANTITY
SUPPLY AND ERECTION OF FENCE	200M PERIMETER	01
Bonnox Wire 12		02
Creosoted poles	100m X 1,2m	12
Creosoted poles	100/125 X 2,7m	55
Single strand wire	75/100 X 2,7m	01
Double stranded barbed wire	50kg X 4m/n 50kg roll	01
U-nails	1kg	01
Double leaf gate	1,2m X 3m	01
Pedestrian gate	1,2m X 1m	01
Cement bags	50kg	02
Crusher run	Cubic metre	02
Padlock set + 1m chain		

Quotation number:

ZNQ 349 of 2004

Closing date:

2004-09-09

Closing time:

11:00

Site meeting:

Date to be negotiated with suppliers

Contact person:

Venessa Draai or Nkosi C. Khuzwayo, Telephone: (039) 6824357, Ext. 217 or Ext. 231

Enquiries regarding specification:

Venessa Draai or Nkosi C. Khuzwayo, Telephone: (039) 6824357, Ext. 217 or Ext. 231

No. 1008, 2004

26 August 2004

DEPARTMENT OF HEALTH

EMERGENCY MEDICAL RESCUE SERVICES

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Each quotation must be submitted in a sealed envelope.
- (iii) The envelope must be addressed to Emergency Medical Rescue Services, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) The envelope must be physically deposited into the quotation box situated at EMRS Base: Wentworth, opposite Security Office, 51 Dudley Street, Jacobs, 4026.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Emergency Medical Rescue Services, 51 Dudley Street, Jacobs, Telephone: (031) 461 1944, Ext. 226. Fax: (031) 468 6154.

SERVICE/SUPPLY:

Security Fencing at Park Rynie

Quotation number:

ZNQ 138 of 2004

Closing date:

2004-09-17

Closing time:

11:00

Site meeting:

2004-09-14 at 10:00

Contact person:

Mr K. Pillay, Telephone: (031) 4611944, Ext. 226

Enquiries regarding specification:

Mr T. L. Walker, Telephone: (039) 6886164

No. 1009, 2004

26 August 2004

DEPARTMENT OF HEALTH

GREY'S PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Grey's Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Grey's Provincial Hospital, Stores Department, Town Bush Road, Pietermaritzburg, Telephone: (033) 8973481, Fax: (033) 8973716.

SUPPLY:

Quotation number:

Closing date:

Closing time:

Contact person:

Enquiries regarding specification:

Dry wall partitioning for medical library, as per specification

ZNQ 6895/08/04

2004-09-07

11:00

Mr J. J. van Dyk, Telephone: (033) 8973471

Mr J. J. van Dyk, Telephone: (033) 8973471

No. 1010, 2004

26 August 2004

DEPARTMENT OF HEALTH

HEALTH SERVICES CLUSTER

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official ZNQ24 form, which shall be completed in all respects, and all the information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes or faxed at the tenderer's risk.
- (iii) Separate envelopes must be used for each closing date.
- (iv) Quotations must be dropped into the quotation box on the under mentioned address.
- (v) Quotation documents are available from Health Services, 9th Floor, Room 103, South Tower, Natalia Building, Pietermaritzburg 3200, Telephone: (033) 3953333, Facsimile: (033) 8450344.
- (vi) The quoting contractors must be registered with provincial database.
- (vii) For quotations exceeding R30 000.00 an original ZNT 30 (Application for preference points) forms and a valid tax clearance certificate must be submitted. For cases less than R30 000, an original Tax Clearance Certificate must be submitted once every six months. If the document/s are not submitted by the closing date, the quotation will not be considered.

SUPPLY:

Quotation number:

Closing date:

Closing time:

Contact person:

Enquiries regarding specification:

Training for Hospital Boards

ZNQ 0100 HSC

2004-09-02

11:00

Ushantha Naicker, Telephone: (033) 3953333

Ushantha Naicker, Telephone: (033) 3953333

No. 1011, 2004

26 August 2004

DEPARTMENT OF HEALTH

VRYHEID HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotes must be on the official tender form, which shall be completed in all respects.
- (ii) Each quotation must be submitted in a sealed envelope.
- (iii) Quotation documents are available from the department of health, Vryheid Hospital.

SERVICE/SUPPLY:

Quotation number:

Closing time:

Closing date:

Service, repair, supply and installation of fire fighting equipment at Vryheid Hospital

ZNQ 280/2004

11:00

2004-09-13

Documents or specification to be collected at Vryheid Hospital, Stores Department

Enquiries: Mr M. Serrotti, Tel.: (034) 9822111, Ext. 265
Technical queries: Mr J. G. Porter, Telefax: (034) 9809225 (7:00 to 15:30)

SUPPLY: Enclosing of walkings — Female Surgical Ward
Quotation number: ZNQ 281/2004
Closing time: 11:00
Closing date: 2004-09-13

Documents or specification to be collected at Vryheid Hospital, Stores Department

Enquiries: Mr M. Serrotti, Tel.: (034) 9822111, Ext. 265
Technical queries: Mr J. G. Porter, Telefax: (034) 9809225 (7:00 to 15:30)

SUPPLY: Enclosing of walkings — Male Medical Ward
Quotation number: ZNQ 282/2004
Closing time: 11:00
Closing date: 2004-09-13

Documents or specification to be collected at Vryheid Hospital, Stores Department

Enquiries: Mr M. Serrotti, Tel.: (034) 9822111, Ext. 265
Technical queries: Mr J. G. Porter, Telefax: (034) 9809225 (7:00 to 15:30)

SUPPLY: Casting of Concrete Walkway
Quotation number: ZNQ 283/2004
Closing time: 11:00
Closing date: 2004-09-13

Documents or specification to be collected at Vryheid Hospital, Stores Department

Enquiries: Mr M. Serrotti, Tel.: (034) 9822111, Ext. 265
Technical queries: Mr J. G. Porter, Telefax: (034) 9809225 (7:00 to 15:30)

SERVICE/SUPPLY:

Blood Gas Analyser (*1 Unit)
Blood Gas/PH Analyser
Cassette Type Blood Gas Analyser
Specification: E. E. No. 57 (Electronic)

Quotation number: ZNQ 284/2004
Closing time: 11:00
Closing date: 2004-09-13

Documents or specification to be collected at Vryheid Hospital, Stores Department

Enquiries: Mr M. Serrotti, Tel.: (034) 9822111, Ext. 265

No. 1012, 2004

26 August 2004

DEPARTMENT OF HEALTH

EDENDALE HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official tender form, which shall be completed in all respects.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Edendale Hospital together with the quotation number and closing date.
- (v) The name and address of the tenderer must be endorsed on the back of the envelope.
- (vi) Quotation documents must be deposited in the Quotation Box situated on the fourth floor or faxed to: Edendale Hospital, Private Bag X509, Plessislaer, 3216, Telephone: (033) 3954098, Facsimile: (033) 3954252 or (033) 3954060.

SUPPLY: Shade cloth covering for official vehicles
Quotation number: ZNQ 1004/8/4 (Gazette)
Closing date: 2004-09-03
Time: 11:00
Compulsory site inspection date: 2004-09-01
Contact person: Mr Doug Wiid, Telephone: (033) 3954097
Enquiries regarding specification: Mr Doug Wiid, Telephone: (033) 3954097

DEPARTMENT OF HEALTH

BENEDICTINE PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU NATAL

- (i) Quotations must on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Benedictine Provincial Hospital, Quotations Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subjects to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Benedictine Provincial Hospital Stores Department, Private Bag X5007, Nongoma, 3950. Telephone: (035) 8310 314, Ext. 7062, Fax: (035) 8310 893.

SERVICE: Burglar proofing to clinic doors
 Quotation number: ZNQ 111/04/05
 Closing date: 2004-09-23
 Site inspection: 2004-09-16
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Burglar proofing to nurses residents
 Quotation number: ZNQ 112/04/05
 Closing date: 2004-09-23
 Site inspection: 2004-09-16
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Installation of screen curtains — Clinic
 Quotation number: ZNQ 113/04/05
 Closing date: 2004-09-23
 Site inspection: 2004-09-16
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Installation of curtains to nurse's residents and clinic
 Quotation number: ZNQ 114/04/05
 Closing date: 2004-09-23
 Site inspection: 2004-09-16
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SUPPLY: Examination couch — 01 Diagnostic sets— 02
 Quotation number: ZNQ 115/04/05
 Closing date: 2004-09-23
 Site inspection: 2004-09-16
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SUPPLY: Pedal bin 85 litres stainless steel
 Pin boards large — 03, medium — 03
 Quotation number: ZNQ 116/04/05
 Closing date: 2004-09-23
 Contact person: Miss H. T. Mthembu, Telephone: (035) 8317062

SUPPLY: 200 litres fridge double door
 Microwave 7 Litres — 08
 Electric stove —
 Quotation number: ZNQ 117/04/05
 Closing date: 2004-09-23
 Contact person: Miss H. T. Mthembu, Telephone: (035) 8317062

SUPPLY: Electric fridge 260 litres double doors — 02
 Quotation number: ZNQ 118/04/05
 Closing date: 2004-09-23
 Contact person: Miss H. T. Mthembu, Telephone: (035) 8317062

SUPPLY: Dining room suites rounded tables with 4 chairs — 02 sets
 Quotation number: ZNQ 119/04/05
 Closing date: 2004-09-23
 Contact person: Miss H. T. Mthembu, Telephone: (035) 8317062

SUPPLY: Telemedicine site burglar proofing window^s
 Quotation number: ZNQ 120/04/05
 Closing date: 2004-09-17
 Site inspection: 2004-09-10
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Erection of shaded cloth 6 bay parking
 Quotation number: ZNQ 121/04/05
 Closing date: 2004-09-17
 Site inspection: 2004-09-10
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Erection of concrete floors on 6 parking bays
 Quotation number: ZNQ 122/04/05
 Closing date: 2004-09-17
 Site inspection: 2004-09-10
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SUPPLY: Bown bricks
 Quotation number: ZNQ 123/04/05
 Closing date: 2004-09-17
 Site inspection: 2004-09-17
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SERVICE: Erection of concrete paths
 Quotation number: ZNQ 124/04/05
 Site inspection: 2004-09-10
 Closing date: 2004-09-17
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

SUPPLY/SERVICE: Supply and installation of aerial centre
 Quotation number: ZNQ 125/04/05
 Closing date: 2004-09-17
 Site inspection: 2004-09-10
 Contact person: Mr S. B. Xaba, Telephone: (035) 8317048

Awards of quotations

SUPPLY: Suprapubic catheter
 Quotation number: ZNQ 78/04/05
 Contractor: Endomed Medical & Surgical Supplies

SUPPLY: Stationery cupboards, swivel chairs, office desk with 3 drawers office chair with armrest.
 Quotation number: ZNQ 66/04/05
 Contractor: Alert Stationers

SUPPLY: Crepe bandage size 50, 75, 100 and 150
 Quotation number: ZNQ 69/04/05
 Contractor: Central Medical

SUPPLY: Cleansing swabs sterile 50 boxes
 Quotation number: ZNQ 66/04/05
 Contractor: Ladmed

SUPPLY: C. T. G paper 4305 AAOFLAT
 Quotation number: ZNQ 79/04/05
 Contractor: Medical & Surgical

SUPPLY: Abdominal swab 370 x 450 x 4 ply
 Quotation number: ZNQ 62/04/05
 Contractor: Unitrade cc

SUPPLY: Dial -A- Flow
 Quotation number: ZNQ 68/04/05
 Contractor: Health Care Wholesalers

SUPPLY: Ivac Admin sets
 Quotation number: ZNQ 76/04/05
 Contractor: Allaris Medical

SUPPLY: Spray bottles plus tops yellow gloves small
 Quotation number: ZNQ 77/04/05
 Contractor: Endomed Medical & Surgical Supplies

SUPPLY: Tubigrip D.E Portovan drain wound
 Quotation number: ZNQ 80/04/05
 Contractor: Logan Medical

SUPPLY: X-ray gauze 100x100x32 ply
 Quotation number: ZNQ 61/04/05
 Contractor: Hospital Supplies

SUPPLY: Blade plastersaw nailbrush hard nebulisation kit adult
 Quotation number: ZNQ 75/04/05
 Contractor: Ladmed

SUPPLY:	Lounge suit, wall unit/TV stand, refrigerated
Quotation number:	ZNQ 85/04/05
Contractor:	Shana Signs & Multi Sales
SUPPLY:	Multipurpose floor polisher, pastor chairs and office chair, office desks
Quotation number:	ZNQ 87/04/05
Contractor:	Thusanag Hospital Suppliers
SUPPLY:	Filing cabinet, resuscitation trolley, double bed and dressing table
Quotation number:	ZNQ 84/04/05
Contractor:	Medical Surgical Scientific
SUPPLY:	Jersey Jacket maroon
Quotation number:	ZNQ 60/04/05
Contractor:	LTK Business Enterprise

Cancellation of quotations

SUPPLY:	Dinamap on stand mobile — 05
	Baumanometer aneroid — 12
	HGT meters — 06
	stethoscope — 06
Quotation number:	ZNQ 89 /04/05
SUPPLY:	SPO monitors — 03
	Vital signs monitors — 09
Quotation number:	ZNQ 90/04/05
SUPPLY:	Infusion pumps — 12
Quotation number:	ZNQ 91/04/05

No. 1014, 2004

26 August 2004

DEPARTMENT OF HEALTH

NGWELEZANA HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official form, which shall be completed in all respects.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Ngwelezana Hospital together with the quotation number and closing date.
- (v) Contracts will only be awarded to suppliers registered on the Provincial Database.
- (vi) Quotation documents must be deposited in the Quotation box at Ngwelezana Hospital.
- (vii) Quotation documents are available from The Department of Health, Ngwelezana Hospital, Private Bag X20021, Empangeni, 3880.

SUPPLY/SERVICE:	Supply and installation of security gates and buglar bars
Quotation number:	ZNQ 63 /08 /2004
Closing date:	2004-09-09
Time:	11:00
Contact person:	Mrs Z. R. Mahaye or Mrs T. A. Mthethwa, Telephone: (035) 9017180,

Enquiries regarding specifications:	Fax: (035)7941905
Compulsory site inspection:	Mr C. W. Hattingh, Telephone: (035) 9017124, Fax: (035) 7941684
Venue:	Yes
Date:	Vista Flats -Empangeni
Time:	2004-09-02
	11:00

SUPPLY/SERVICE:	Supply and installation of gutters in Theatre, Burns Unit and Eye complex
Quotation number:	ZNQ 62 /08 /2004
Closing date:	2004-09-09
Time:	11:00
Contact person:	Mrs Z. R. Mahaye or Mrs T. A. Mthethwa, Telephone: (035) 9017180;
	Fax: (035)7941905
Enquiries regarding specifications	Mr C. W. Hattingh, Telephone: (035) 9017124
	Fax: (035) 7941684
Compulsory site inspection:	Yes
Venue:	Ngwelezana Hospital — Maintenance
Date:	2004-09-02
Time:	9:00

SUPPLY/ SERVICE:	Supply and installation of built in desks and shelves in OPD consulting rooms
Quotation number:	ZNQ 67/08/2004
Closing date:	2004-09-09
Time:	11:00

Contact person: Mrs Z. R. Mahaye or Mrs T. A. Mthethwa, Telephone: (035) 9017180, Fax: (035) 7941905
 Enquiries regarding specifications: Mr C. W. Hattingh, Telephone: (035) 9017124, Fax: (035) 7941684
 Compulsory site inspection: Yes
 Venue: Ngwelezana Hospital-Maintenance
 Date: 2004-09-02
 Time: 10:00

SUPPLY: Orthopaedic Implants
 1. 3.5 mm Reconstruction plates-straight
 ZNQ 79 /08 /2004
 Quotation number: 2. 3.5 mm Cortical screws
 4 mm Cancellous screws (partially threaded)
 6.5 mm cancellous screws (32mm thread)
 ZNQ 80 /08 /2004
 Quotation number: 3. Rush rods
 ZNQ 81 /08 /2004
 Quotation number: 2004-09-02
 Closing date: 2004-09-02
 Contact person: L. T. C. Nxumalo, Telephone: (035) 9017180, Fax: (035) 7941905
 Enquiries regarding specifications: Dr P. Rollinson, Cell: 0836237049, Fax: (035) 7941684

Award of quotations

SERVICE: Cleaning of Buildings OPD complex
 Quotation number: ZNQ 26/06 /2004
 Contractor: Khuseleka Business Enterprise
 SUPPLY/SERVICE: Public Address (PA) System-Ngwelezana Hospital
 Quotation number: ZNQ 107/06 /2004
 Contractor: First Degree Sales and Services

No. 1015, 2004

26 August 2004

DEPARTMENT OF HEALTH

ILEMBE HEALTH DISTRICT OFFICE

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to Ilembe Health District Office, Quotation Evaluation Committee together with the quotation number and closing date.
- (v) The name and address of the quoting company must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from Ilembe Health District Office: 77 Hullet Street, Stanger, 4450, Telephone: (032) 4373500, Facsimile: (032) 5511590/2.

SUPPLY: 500 Foldable/(Folding-in) umbrellas to be used as promotional material in the MCWH and HIV/AIDS (PMTCT/VCT/ARV) awareness, specifications will be available with quotation documents
 Quotation number: ZNQ 264/04/05
 Closing date: 2004-09-01
 Closing time: 11:00
 Contact person: Mr Nkululeko Nxasana, Telephone: (032) 4373500

No. 1016, 2004

26 August 2004

DEPARTMENT OF WORKS

HEAD OFFICE: ULUNDI

Invitation of quotations

SUPPLY: 25 Block making machines
 Quotation number: ZNQ 04/05/63 H/O
 Closing date: 2004-09-10
 Closing time: 11:00
 Documents available from: Department of Works Procurement Section, 2nd Floor Admin Building Zone 1, Ulundi
 Enquiries for documents: Mr M. M. Ntombela Procurement Section, Telephone: (035) 8743927, Facsimile: (035) 8743852

No. 1017, 2004

26 August 2004

GREY'S PROVINCIAL HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Grey's Provincial Hospital, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Grey's Provincial Hospital, Stores Department, Town Bush Road, Pietermaritzburg, Telephone: (033) 8973481, Fax: (033) 3424288.

SUPPLY:

Quotation number:
Closing date:
Closing time:
Contact person:
Enquiries regarding specification:

Stainless steel delivery trolleys
as per specification
ZNQ 6896/08/04
2004-09-07
11:00
Mr D. Harripersad, Telephone: (033) 8973481
Mr D. Harripersad, Telephone: (033) 8973481

No. 1018, 2004

26 August 2004

DEPARTMENT OF HEALTH

PROVINCIAL HIV/AIDS ACTION UNIT

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) The envelope must be addressed to Provincial HIV/AIDS Action Unit, Quotation Evaluation Committee together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Quotation documents are available from Grey's Provincial HIV/AIDS Action Unit, 230 Prince Alfred, Pietermaritzburg, 3200, Telephone: (033) 3940270/1, Fax: (033) 3940287.

SUPPLY:

Quotation number:
Closing date:
Closing time:
Contact person:

Counselling Material Bags
ZNQ 742/2004-2005
2004-09-02
11:00
Ms Jabu Mbokazi, Telephone: (033) 3940270/1

SERVICE:

Quotation number:
Closing date:
Closing time:
Contact person:

Full Conference Packages
ZNQ 744/2004-2005
2004-09-02
11:00
Ms Jabu Mbokazi, Telephone: (033) 3940270/1

SERVICE:

Quotation number:
Closing date:
Closing time:
Contact person:

Basic Counselling Course (Facilitation)
ZNQ 745/2004-2005
2004-09-02
11:00
Ms Jabu Mbokazi, Telephone: (033) 3940270/1

SERVICE:

Quotation number:
Closing date:
Closing time:
Contact person:

Full Conference Packages
ZNQ 743/2004-2005
2004-09-02
11:00
Ms Jabu Mbokazi, Telephone: (033) 3940270/1

SERVICE:

Quotation number:
Closing date:
Closing time:
Contact person:

Training on HIV/AIDS Information, Peer Education and Anti-Retro-Viral Treatment for Volunteers
ZNQ 746/2004-2005
2004-09-02
11:00
Ms Jabu Mbokazi, Telephone: (033) 3940270/1

No. 1019, 2004

26 August 2004

DEPARTMENT OF HEALTH

ORTHOPAEDIC SERVICES

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Orthopaedic Services, together with the quotation number and closing date.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Orthopaedic Services, Telephone Number: (031) 4605332, Fax Number: (031) 4611844.

SUPPLY: Wooden walking sticks x 2000
 Quotation number: ZNQ 117 of 2004/05
 Closing date: 2004-09-07
 Closing time: 11:00
 Contact person: Mr R. Pillay, Tel.: (031) 4605332
 Enquiries regarding specification: Mr P. M. Pillay, Tel.: (031) 4605163

Award of quotation

SERVICE: Cleaning Services
 Quotation number: ZNQ 89 of 2004/05
 Contractor: Ndocks Cleaning Services

No. 1020, 2004

26 August 2004

DEPARTMENT OF HEALTH

ITSHELEJUBA HOSPITAL

Award of quotation

SERVICE: Election of a new tuckshop
 Quotation number: ZNQ 00551/2004
 Contractor: The Director
 Izenzo Business Enterprise cc
 P.O. Box 1335
 Pongola
 3170
 Contact No.: 083 425 8981

No. 1021, 2004

26 August 2004

DEPARTMENT OF HEALTH

CLAIRWOOD HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF
KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Clairwood Hospital together with the quotation number and closing date.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Clairwood Hospital, Mobeni, Telephone: (031) 4515071, Facsimile: (031) 4620430.

SUPPLY/SERVICE: Supply and installation of aluminium windows for Ward C3 and C4
 Quotation number: ZNQ 116-W
 Closing date: 2004-09-10
 Closing time: 11:00
 Contact person: Mr Nelson Jaganathan, Telephone: (031) 4515071

Enquiries regarding specifications:
 Compulsory site meeting:
 Time:
 Venue:

Mr R. Adlington, Telephone: (031) 4515008
 2004-09-06
 9:00
 Clairwood Hospital - Workshop

Award of quotation

SUPPLY:
 Quotation number:
 Contractor:

Supply Battery Operated Tow Truck
 ZNQ 61W
 Leading Logistics Planning

No. 1022, 2004

26 August 2004

DEPARTMENT OF HEALTH

CHRIST THE KING HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Christ the King Hospital together with quotation number and closing date.
- (v) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from Christ the King Hospital, 1 Peter Hauff Drive, Ixopo. Telephone: (039) 8342067, Fax: (039) 8341116.

SUPPLY: Fruit
 Quotation number: ZNQ 193-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

SUPPLY: Vegetables
 Quotation number: ZNQ 192-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

SUPPLY: Meat (beef)
 Quotation number: ZNQ 191-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

SUPPLY: Chicken
 Quotation number: ZNQ 190-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

SUPPLY: Frozen foods
 Quotation number: ZNQ 195-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

SUPPLY: Brown bread
 Quotation number: ZNQ 194-04\05
 Closing date: 2004-09-16
 Closing time: 11:00
 Contact person: Mr M. Mayaba

No. 1023, 2004

26 August 2004

DEPARTMENT OF HEALTH

PHOENIX ASSESSMENT AND THERAPY CENTRE

Cancellation of quotation

SERVICE:
 Quotation number:

Internal refurbishment and painting of Phoenix Assessment and Therapy Centre
 ZNQ 13 of 2004/5

No. 1024, 2004

26 August 2004

DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS

REDRAFTING OF THE DRAFT KWAZULU-NATAL DEVELOPMENT BILL

Legally qualified persons with extensive experience in the drafting of legislation are invited to tender for the redrafting of the KwaZulu-Natal Development Bill.

- (i) Tenders must be on the official tender form that must be fully completed (see the project brief for more information).
- (ii) Tender forms can be obtained from: Mrs S. Moodley, Provisioning, Tel.: (033) 3952497, Fax: (033) 3428330.
- (iii) Tender forms can be collected by hand (including courier) or be posted to tenderers.
- (iv) Tender forms that are collected by hand can be collected from S. Moodley at 13th Floor North Tower, Natalia Building, 330 Longmarket Street, Pietermaritzburg.
- (v) Tenders must be submitted in sealed envelopes.
- (vi) Tenders for different services must be submitted in separate envelopes.
- (vii) The front of the envelope must be endorsed with the receiver's address, tender number and the closing date of the tender.
- (viii) The back of the envelope must be endorsed with the sender's name and address.
- (ix) Tenders must be deposited in the tender box on 13th Floor North Tower, Natalia Building, 330 Longmarket Street, Pietermaritzburg, by no later than 11:00 on 23 September 2004.
- (x) Tenderers must allow 30 minutes to gain access to Natalia Building due to security measures which are in effect. No late tenders will be accepted.

Tender number:	ZNT 1327/2004 LG
Closing date:	2004-09-23
Closing time:	11:00
Compulsory briefing session:	2004-09-07 at 10:00

No. 1025, 2004

26 August 2004

DEPARTMENT OF WORKS

SOUTHERN REGIONAL OFFICE

Invitation to tender

SUPPLY:	Information Technology Equipment
Tender number:	ZNT 1888 W
Closing date:	2004-09-23
Closing time:	11:00
Documents available from:	Department of Works, 191 Prince Alfred Street, Pietermaritzburg
Contact person:	Mrs O. Brits, Tel.: (033) 3555571

No. 1026, 2004

26 August 2004

DEPARTMENT OF HEALTH

TAYLER BEQUEST HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in sealed envelopes.
- (iii) Separate envelopes must be used for each quotation.
- (iv) The envelope must be addressed to the Department of Health, Tayler Bequest Hospital, Private Bag X836, Matatiele, 4730, together with quotation number and closing date.
- (v) The name and address of the quotations must be endorsed on the back of the envelope.
- (vi) All Department of Health contracts are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vii) Quotation documents are available from the Department of Health, Tayler Bequest Hospital, Main Street, Matatiele, 4730, Tel.: (039) 7373107, Fax: (039) 7374865.

SUPPLY:	Meat
Quotation number:	ZNQ 261/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months

SUPPLY:	Processed item
Quotation number:	ZNQ 262/2004/2005
Closing date:	2004-09-09
Closing time:	11:00

Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Milk, Milk Products and Fruit Juice
Quotation number:	ZNQ 263/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Frozen vegetable
Quotation number:	ZNQ 264/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Fish frozen
Quotation number:	ZNQ 265/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Fruit and vegetables
Quotation number:	ZNQ 266/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Bread
Quotation number:	ZNQ 267/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months
SUPPLY:	Eggs
Quotation number:	ZNQ 268/2004/2005
Closing date:	2004-09-09
Closing time:	11:00
Contact person:	Palesa Lecheko/P. P. Gambushe
Period of contract:	Three months

Award of quotation

SERVICE:	Security services at Tayler Bequest Hospital for a period of 3 months
Quotation number:	ZNQ 233/2004/2005
Contractor:	Senzangakhona Security Service

No. 1027, 2004

26 August 2004

DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL AFFAIRS**Award of tenders**

NB: All Departmental contract awards are subject to appeals being lodged (if any) and letter of acceptance being issued.

SUPPLY:	Supply and delivery of pump – Madungeni Irrigation Project
Tender number:	ZNT 09/2004A
Contractor:	Rob Pottow Irrigation
SERVICE:	Supply, delivery and Soil Incorporation of Dolomitic Agricultural Lime in bulk to arable areas to be limed: Ukhahlamba
Tender number:	ZNT 3261/2004A
Contractor:	Agricultural Opportunities cc.
SERVICE:	Supply, delivery and Soil Incorporation of Dolomitic Agricultural Lime in bulk to arable areas to be limed: Imbabazane
Tender number:	ZNT 3262/2004A
Contractor:	Agricultural Opportunities cc.

No. 1028, 2004

26 August 2004

DEPARTMENT OF HEALTH

THULASIZWE HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in the sealed envelopes.
- (iii) The envelope must be addressed to the Ceza Hospital, Quotation Evaluation Committee, together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Tender and Quotation documents are available from Ceza Hospital, Stores Department, next to Ceza Police Station.

SERVICE:	Renovation of matron's house
Quotation number:	ZNQ 151/2004-2005
Closing date:	2004-09-09
Closing time:	11:00
Site inspection:	Ceza Hospital
Site inspection date:	2004-09-02
Contact person:	D. K. Nyandeni, Telephone: (035) 8320001/2/4

No. 1029, 2004

26 August 2004

DEPARTMENT OF HEALTH

CEZA HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in the sealed envelopes.
- (iii) The envelope must be addressed to the Ceza Hospital, Quotation Evaluation Committee, together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Tender and quotation documents are available from Ceza Hospital, Stores Department, next to Ceza Police Station.

SERVICE:	Training courses:	<ol style="list-style-type: none"> 1. Policy analysis and implementation (level 2-6) 2. Project management (level 4-6) 3. Team leadership (level 4-6) 4. Change management (level 4-5) 5. Policy analysis and implementation (level 4-5) 6. Stakeholders needs and requirements (level 4-5) 7. Communication skills (level 4-5) 8. Management skills (level 2-4) 9. Report writing (level 2-4) 10. Operators course (level 2-4) 11. Basic maintenance of equipment (level 2-4) 12. Infection control (level 2-4) 13. Health and safety (level 2-4) 14. Assertiveness (level 2-4)
Quotation number:	ZNQ 152/2004-2005	
Closing date:	2004-09-09	
Closing time:	11:00	
Site inspection:	Ceza Hospital	
Contact person:	D. K. Nyandeni, Telephone: (035) 8320001/2/4	

No. 1030, 2004

26 August 2004

DEPARTMENT OF HEALTH

CEZA HOSPITAL

QUOTATIONS ARE INVITED FOR THE UNDERMENTIONED REQUIREMENTS OF THE PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL

- (i) Quotations must be on the official quotation form, which shall be completed in all respects, and all information must be supplied as stipulated in the quotation document.
- (ii) Quotations must be submitted in the sealed envelopes.
- (iii) The envelope must be addressed to the Ceza Hospital, Quotation Evaluation Committee, together with the quotation number and closing date.
- (iv) The name and address of the quoting contractor must be endorsed on the back of the envelope.
- (v) All Department of Health contracts awarded are subject to appeals being timeously lodged (if any) and letters of acceptance being issued.
- (vi) Tender and Quotation documents are available from Ceza Hospital, Stores Department, next to Ceza Police Station.

SERVICE: Painting of exterior and interior walls and roofs
 Quotation number: ZNQ 144/2004-2005
 Closing date: 2004-09-09
 Closing time: 11:00
 Site inspection: Ceza Hospital
 Site inspection date: 2004-09-02
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

SUPPLY: Coal (Industrial nuts 200 tons)
 Quotation number: ZNQ 145/2004-2005
 Closing date: 2004-09-09
 Closing time: 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

SERVICE: Renovation of Doctors house
 Quotation number: ZNQ 146/2004-2005
 Closing date and time: 2004-09-09 at 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4
 Site inspection: Ceza Hospital
 Site inspection date and time: 2004-09-02 at 10:00

SUPPLY: ID camera (ID Printer)
 Quotation number: ZNQ 147/2004-2005
 Closing date and time: 2004-09-09 at 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

SUPPLY: Altrasound unit x 1
 Quotation number: ZNQ 148/2004-2005
 Closing date and time: 2004-09-10 at 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

SUPPLY: CTG machine x 1
 Quotation number: ZNQ 149/2004-2005
 Closing date and time: 2004-09-10 at 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

SUPPLY: NIBP monitor x 4
 Quotation number: ZNQ 150/2004-2005
 Closing date and time: 2004-09-10 at 11:00
 Contact person: D. K. Nyandeni, Telephone: (035) 8320001/2/4

Award of quotations

NB: The following awards is subject to appeals being timeously lodged (if any) and letters of acceptance being issued.

SERVICE: Security services
 Quotation number: ZNQ 86/2004-2005
 Contractor: We Indlovu Projects

SERVICE: Security services
 Quotation number: ZNQ 87/2004-2005
 Contractor: Ulundi Protection Service

SERVICE:	Inner fencing of wards
Quotation number:	ZNQ 83/2004-2005
Contractor:	Zomokuhle Construction
SERVICE:	Painting of exterior walls and roofs for wards and offices
Quotation number:	ZNQ 84/2004-2005
Contractor:	Radds Marketing and Maintenance
SERVICE:	Painting of exterior walls and roofs for laundry, main kitchen, stores and workshop
Quotation number:	ZNQ 85/2004-2005
Contractor:	Word Focus 43 cc

IZAZISO ZIKAMASIPALA — MUNICIPAL NOTICES — MUNISIPALE KENNISGEWINGS**No. 34, 2004**

26 August 2004

GREATER KOKSTAD MUNICIPALITY**APPROVAL OF OPERATING AND CAPITAL BUDGETS**

NOTICE is hereby given that the Council approved its Operating and Capital Budgets for the Financial Year 2004/2005 in terms of section 160(2) of the Constitution of RSA as well as section 105 of Natal Ordinance 25 of 74. As set out below:

OPERATING BUDGET		
	EXPENDITURE	INCOME
	R(,000)	R(,000)
Rates and General Services	41 470	41 478
Electricity	26 411	26 428
Water	9 302	9 407

CAPITAL BUDGET — R13,1 million

In terms of section 105 1A the estimates will be open for inspection from the date of the Council resolution for a period of two weeks.

No. 35, 2004

26 August 2004

GREATER KOKSTAD MUNICIPALITY**PROPERTY RATES AND SERVICE TARIFFS INCREASE**

NOTICE is hereby given of Council decision taken to increase property rates and service tariffs in terms of section 166 of Natal Ordinance 25 of 74, as well as section 74 of Municipal Structures Act of 2000 and section 10G(7)(c) of the Local Government Transitional Act (Act No. 209 of 1993), for the 2004/2005 Municipal Year as follows:

GENERAL PROPERTY RATES

Based on Land Valuation Annually

Residential	(10,40)	11,13
Commercial	(23,98)	25,66
Industrial	(21,840)	23,37
Pensioners	(8,920)	9,54
Grant/State Pensioners	(9,908)	10,60

Exempt erven are still liable for Sewerage Rates and all the above exclude VAT

REBATES

Rebates are granted to the following areas and population groups in terms of section 151(10) of the Local Authorities Ordinance No. 25 of 1974.

Pensioners registered as owners of special residential property attaining a minimum age of 65 and receiving a combined income with his/her spouse less than or equal to R20 000,00 a 10% rebate.

Residents of areas classified as Bhongweni and Shayamoya will receive a rebate in respect of the value of property as stated in the valuation roll of Council and as listed in the table below.

PROPERTY VALUE	REBATE	GENERAL RATES	SEWERAGE RATES	DUE MONTHLY
R0 – R6 000	(100%) 100%	(R0) R0	(R0) R0	(R0) R0
R6 001 – R10 000	(68,08%) 68,08%	(R18,48) R19,77	(R11,52) R12,33	(R30,00) R32,10
R10 001 – R15 000	(64,53%) 64,53%	(R30,80) R32,96	(R19,20) R20,54	(R50,00) R53,50

SEWERAGE RATES AND TARIFFS

Annually c/R on Land Valuation

Residential	(1,39)	1,49
Commercial	(3,209)	3,43
Industrial	(2,895)	3,10
Pensioners	(1,193)	1,27
Grant/State Pensioners	(1,326)	1,41
Vacuum Tanker	(R76,07)	R81,40 per 1000l or part thereof

All the above exclude VAT

OTHER SERVICES

Cleansing	15%
Hall hire	7%
Rates & General	7%
Electricity	3,5%
Water	R1,00 per kilolitre

The final date for payment of annual rates is 30 November 2004. Thereafter interest of 18% will be levied.

Please note that the tariffs levied for water under a water restriction remain in force until Council lifts the restriction.

In terms of Section 166 of the Natal Ordinance 25 of 74 the above will be open for inspection for a period of 2 (two) weeks from date of Council resolution. These tariffs come into effect from 1 September 2004.

No. 36, 2004

26 August 2004

NEWCASTLE MUNICIPALITY

NUISANCE BYLAWS: AMENDMENT

THE Newcastle Municipal Council has in terms of section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), amended the Nuisances Bylaws as published on 26 November 1953, under Provincial Notice No. 545, which amendment shall come into operation on the date of publication hereof as follows:

By the substitution for 61 of the following:

- "61 (1) No person, being the owner or occupier of any vacant land or of any premises within the municipality, shall permit any rank weeds, grass or undergrowth of bush to grow upon any such vacant land or premises.
- (2) Any person referred to in subsection (1) shall, when served with a notice signed by the Director of Community Services or his duly authorised officer, destroy, remove or cause to be removed any such rank weeds, grass or undergrowth of bush within 21 days upon receipt of such notice.
- (3) Should any person upon whom a notice has been served under this bylaw fail to comply with the terms of such notice within the time specified therein, the Council may destroy or cut down and remove any rank weeds, grass or undergrowth of bush and recover the cost from the person upon whom notice has been served."

No. 36, 2004

26 Augustus 2004

NEWCASTLE MUNISIPALITEIT

VERORDENINGE BETREFFENDE OORLASTE: WYSIGING

DIE Newcastle Munisipale Raad het ingevolge artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), soos gewysig, die Verordeninge betreffende Oorlaste soos op 26 November 1953 by Provinsiale Kennisgewing No. 545 gepubliseer, soos volg gewysig, welke wysiging op die publikasiedatum hiervan in werking tree:

Deur die vervanging van artikel 61 deur die volgende:

- "61 (1) Geen eienaar of okkuperder van onbeboude grond of van 'n perseel binne die munisipaliteit, mag enige welige onkruid, gras of struikgewasse op sodanige onbeboude grond of perseel laat groei nie.
- (2) Elke persoon waarna in sub-artikel (1) verwys word moet wanneer 'n kennisgewing deur die Direkteur van Gemeenskapsdienste of sy gemagtigde beampte gedien is, sodanige welige onkruid, gras of struikgewas binne 21 dae vanaf ontvangs van gemelde kennisgewing verwyder of laat verwyder.
- (3) Indien iemand op wie 'n kennisgewing kragtens hierdie verordeninge bedien is, nalaat om binne die daarin vermelde tydperk die bepalings daarvan na te kom, kan die Raad sodanige welige onkruid, gras of struikgewas vernietig of afsny en verwyder en die koste daarvan van die persoon op wie die kennisgewing bedien is, verhaal."

No. 37, 2004

26 August 2004

NEWCASTLE MUNICIPALITY

STREET, TRAFFIC AND ENTERTAINMENT BYLAWS: AMENDMENTS

THE Newcastle Municipal Council has in terms of section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), amended the Street, Traffic and Entertainment Bylaws as published on 24 November 1977, under Provincial Notice No. 623, which amendments shall come into operation on 1 September 2004 as follows:

- By the insertion in bylaw 2 "Definitions" after the definition of "prepaid card" of the following definition:
"prescribed coin" means a South African coin as indicated on the parking meter.
- By the substitution for bylaw 26(2) of the following:
"26(2) Every such meter shall be placed upon and mounted to the curb, footpath or sidewalk adjoining the parking bay or bays in respect of which it is installed, and each meter shall:
 - clearly indicate the prescribed coin or coins to be inserted into the parking meter in order to set it in operation automatically or manually by a method as prescribed on the meter;
 - be fitted with an easily visible device which shall indicate clearly the time allowed for parking."
- By the substitution for bylaw 28 of the following:
"28(1) When a vehicle is parked in a metered parking bay, the driver or the person in charge of such vehicle shall forthwith by means of the prescribed coin/coins or a prepaid card, pay or cause to be paid the prescribed fee for the period of time during which he or she desires to park his or her vehicle in such bay and ensure that parking time is registered on the meter, after which the metered parking bay may be lawfully occupied by the vehicle during the period indicated on the meter, but no longer, provided that the driver or the person in charge of such vehicle may, without payment, park the same during such time as may be indicated on the parking meter as being unused from its previous use.
- It shall be unlawful to park any vehicle or cause or allow any vehicle to be parked in a metered parking bay continuously for more than one period as indicated by a road traffic sign; provided that any unused time from a previous use utilised in terms of the proviso to subsection (1) shall be disregarded for the purpose of this subsection.

- (3) Subject to the provisions of subsection (1), no person in charge of any vehicle shall cause, allow or permit such vehicle to be or remain parked in a metered parking bay while the parking meter shows that the time has expired or the parking meter has not been in operation."

No. 37, 2004

26 August 2004

NEWCASTLE MUNISIPALITEIT

VERORDENINGE BETREFFENDE STRATE, VERKEER EN VERMAAKLIKHEID: WYSIGINGS

DIE Newcastle Munisipale Raad het ingevolge artikel 11 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), die Verordeninge betreffende Strate, Verkeer en Vermaaklikheid soos op 24 November 1977 by Provinsiale Kennisgewing No. 623 gepubliseer, soos volg gewysig, welke wysigings op 1 September 2004 in werking tree:

1. Deur die invoeging van die volgende definisie na die definisie van "vooruitbetaalde kaart" in artikel 2 "woordbepalings: "voorgeskrewe muntstuk" beteken 'n Suid-Afrikaanse muntstuk soos op die parkeermeter aangedui.
2. Deur die vervanging van artikel 26(2) deur die volgende:

"26(2) Elke sodanige meter moet vasgesit word op die randsteen, voetpad of sygaardjie wat grens aan die parkeerplek of plekke ten opsigte waarvan dit geïnstalleer word, en elke meter moet:

 - (a) duidelik die voorgeskrewe muntstuk of muntstukke aandui wat daarin geplaas moet word om dit outomaties of met die hand in werking te stel op so 'n wyse soos op die meter voorgeskryf;
 - (b) toegerus wees met 'n toestel wat maklik gesien kan word en duidelik die tyd moet aandui wat toegelaat is vir parkeering.
3. Deur die vervanging van artikel 28 deur die volgende:

"28(1) Wanneer 'n voertuig in 'n gemeterde parkeerplek parkeer moet word, moet die bestuurder of persoon in beheer daarvan dadelik by wyse van die voorgeskrewe muntstuk of muntstukke of 'n vooruitbetaalde kaart die voorgeskrewe tarief vir die tydperk wat hy of sy die voertuig in sodanige parkeerplek wil parkeer, betaal of laat betaal en verseker dat die parkeertyd op die meter geregistreer is. Die parkeerplek kan daarna wettig beset word vir die tydperk wat op die meter aangedui word, maar geensins langer nie; met dien verstande dat die bestuurder of persoon in beheer van sodanige voertuig dit sonder betaling mag parkeer gedurende sodanige tydperk wat op die parkeermeter as onverstreke aangedui is na vorige gebruik.

(2) Dit is onwettig om 'n voertuig vir meer as een tydperk, soos aangedui deur 'n padverkeersteken, onafgebroke op 'n parkeerplek met 'n meter te parkeer of veroorsaak of toelaat om geparkeer te word; met dien verstande dat enige onverstreke tyd na vorige gebruik wat ooreenkomstig die voorbehoudbepaling van subartikel (1) benut word, vir die doeleindes van hierdie subartikel verontagsaam word.

(3) Behoudens die bepalinge van subartikel (1) mag niemand in beheer van 'n voertuig veroorsaak of toelaat dat so 'n voertuig in 'n parkeerplek met 'n meter geparkeer staan of bly staan terwyl die parkeermeter aandui dat die tyd verstreke is of dat die parkeermeter nie in werking gestel is nie."

No. 38, 2004

26 kuNewaba 2004

UMKHANDLU kaMasipala waKwaSani ngokwesigaba 256 soMthethosisekelo, 1996 (uMthetho 108 ka 1996), ufundwa nesigaba 11, soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo, eyoqala ukusebenza ngosuku lokushicilelwa kwalesi saziso.

UMASIPALA WAKWASANI

IMITHETHODOLOBHA YEZIMPAWU ZOKUKHANGISA

1. IZINCAZELO

- (1) Ekuhumusheni le Mithethodolobha, amagama alandelayo noma izisho kuyoba nencazelo ezinikezwe yona la ngezansi, ngaphandle uma lezo zincazelo ziphikisana nesimo enzeka kuso.

"umkhangiso" kusho noma yiliphi igama, uhlamvu, inombolo noa into ethile noma isifinyezo segama elithile nanoma yiluphi uphawu noma yiliphi ilambu okungahlosiwe nje ukuba likhanyise noma ukwexwayisa nganoma iyiphi ingozi, onhloso yawo kunguqhakambisa imboni, ibhizinisi, umsebenzi, umcimbi noma umgidi wanoma yiluphi uhlobo futhi okugqamile kunoma yisiphi isitaladi noma endaweni yomphakathi;

"uhlaka lokukhangisa" kusho noma yiluphi uhlaka olwakhelwe ukukhangisa;

"isithuthi sokukhangisa" kusho isithuthi esakhelwe futhi salungiselwa ukubeka imikhangiso;

"ukukhangisa emoyeni" kusho noma yimuphi umkhangiso obekwe emoyeni ngokusebenzisa ibhaluni, ikhayithi, noma yini efuthekayo, indiza-mshini nanoma iyiphi enye indlela;

"ukunamathisela" kubandakanya ukupendela kokuthile kanti "okunanyathiselwe" kunencazelo efanayo;

"imikhangiso enyakazayo" kusho imikhangiso esebenza ngamandla kagesi equkethe imiyalezo eyethulwa ngokuthi inyakaze okwenziwa ngemisebe ethile kagesi;

"umfakisicelo" kusho umuntu noma abantu abafake isicelo sokugxumeka umkhangiso, leso sicelo esiyogunyazwa ngumnikazi wezakhiwo lapho kuzobekwa khona uphawu lokukhangisa;

"okufanele" kusho ukuthi ubukhulu, ukufakwa, izimpahla, indawo noma izisekelo, ngokubona koMkhandlu, zifanelekile, kuzo zonke izimo;

"imvume" kusho imvume yoMkhandlu noma yeziphathimandla ezigunyaziwe;

"uphawu oluyibhanela" kusho uphawu lwesikhashana noma olungenakuguqulwa olupediwe endwangini eboshwe ngezintambo noma ngenye indlela;

"ukunanyathiselwa kwezaziso" kusho umkhangiso onanyatheliswe ngqo entweni engakhelwe ukubeka imikhangiso;

"isakhiwo" kusho noma yiluphi uhlaka olunezindonga noma olungenazindonga, olunophahla noma olunokokwemboza kanye nesikhala sokungena esejwayelekile kanye nesinye esingaphansi, esemboza noma iyiphi indawo engaphezu kwama-square metre amahlanu futhi obude baso bangaphakathi bungamamitha ayisikhombisa;

"umpheme" kusho into emile esaluphahla odongeni lwesakhiwo;

"uhlaka" kusho into ukweseka kwayo okuncike esakhiweni esikhulu esingenalo uhlaka oluvundile noma ezinye izisekelo;

"uguquko" kusho ushintsho kokuqukethwe yimikhangiso ebekwe uhlaka lwezimpawu oluvunyiwe;

"ubude obubonakalayo" maqondana nezimpawu isikhala phakathi komphetho osekugcineni ngci wophawu kanye nokulingana nomhlaba, nendlela yezinyawo noma yomgwaqo ngaphansi kophawo;

"uphawu oludidiyele" kusho izimpawu eziningi, ezinobukhulu obulinganayo, ezifakwe zamiswa zalingana esigxotsheni esisodwa noma ngaphezulu;

"okungasha" kusho okungashisa noma kudale ukusha ezingeni elingamadigri angama-75 noma ngaphansi uma kuhlolwa ukusha ngokuhambisana neZinga aseBrithani 46: Izincazelo zokungabambi umlilo, zezimpahla zokwakhwa nezakhiwo (kubandakanya izindlela zokuhlola);

"uMkhandlu" kusho uMasipala waKwaSani kanye nowabalandela kphatheni ngokomthetho, futhi kubandakanya uMkhandlu walowo masipala noma iKomodi lawo eliPhethe nanoma yimuphi omunye umgwamanda osebenza ngokwamandla owanikezwe nomthetho, nanganoma yisiphi esinye isiphathimandla iKomidi eliKhulu elinikeze noma yimaphi amandla kanye nemisebenzi okuphathelele nale Mithethodolobha;

"impahla yoMkhandlu" kubandakanya ynke impahla, noma ngabe inokususwa negenakususwa, okungeyoMkhandlu, noma elawulwa yiwo;

"iqele" kusho indawo yonke ephakathi kwemingcele yeziza engaba yisiza sanoma yisiphi isakhiwo;

"ukudepha kophawu" kusho ibanga phakathi komphetho ophezulu nophansi wophawu;

"okuthathwa njengokufanele" kusho ukuthi uma uphawu lokukhangisa luhambisana nendlela ethile ebekiwe kungathathwa ngokuthi luyahlangabezana nezidingo zoMkhandlu ngezinhoso zemvume;

"izindawo ezibekiwe" kusho izinga lokulawulwa elibekiwe emgomweni wokukhangisa izinhlobo ezahlukahlukene zezimpawu zokukhangisa;

"okubekiwe" kusho okubekiwe noma okufakiwe kophawu lokukhangisa noma lwesakhiwo;

"uphawu lukagesi" kusho uphawu olusebenza ngamandla kagesi, olukhangisiwe olwenza ukuthi umkhangiso uvele unyakaza ngezindlela eziningi;

"umkhangiso wokhetho" kusho umkhangiso osetshenziswa maqondana nokhetho lwesifundazwe, lukazwelonke noma lukamasipala, ukhetho lwesihlalo esisodwa noma lokuthola umqondo wabantu;

"ukuhlola umthelela kwezemvelo" maqondana nokukhangisa phandle kusho ukuhlola umthelela wophawu lokukhangisa kwezemvelo noma isakhiwo esinawo kwezemvelo;

"ibhodi labathengisa izindlu" kusho umkhangiso obekwe okwesikhashana ukukhangisa ngendawo, izakhiwo, ukuthuthukiswa noma olunye uhlobo lwempahla engenakususwa edayisayo noma eqashisayo;

"ifulegi" kusho isiqephu sendwangu (noma okufanayo) okubekwe kuyo umkhangiso onanyathiselwe entanjeni, epalini noma uthi lwefulegi elime lavundla ngendlela yokuthi elikuqethe akufundeki uma kunomoya. Amafulegi awabandakanyi —

(a) amafulegi kazwelonke angenayo imikhangiso ngaphezu komdwebo wefulegi noma wothi lwefulegi;

(b) amafulegi aphethwe kwinkhlabaluhide;

"umkhangiso obanizayo" kusho umkhangiso osebenza ngogesi obanizayo ovela ubuye ucishe;

"uphawu olugunyekwe emhlabathini" kusho uphawu olugxunyekwe emhlabathini olungananyathiselwe esakhiweni noma odongeni;

"uphawu olukhanyisiwe" kusho uphawu lokukhangisa olufakwe ngogesi noma nganoma yiluphi uhlobo lombani ngenhloso yokukhanyisa umyalezo;

"okubekwe ngokusemthethweni" kusho okubekwe endaweni lapho kuzobonwa khoa ngumphakathi ngokuhambisana neMithethodolobha esebenza ngaleso sikhathi zokufakwa kophawu;

"udonga olukhulu" kusho noma yiluphi ingaphandle lodonga lwesakhiwo kodwa aluyukubandakanya uthango lokuvikela noma insika kavulanda noma uvulanda ophakeme;

"uphawu olungumabambanendlwana" kusho uphawu olunanyathiselwe esithuthini noma eqnoleni okusetshenziselwa ukukhangisa kuphela;

"umasipala" kusho indawo eyenganyelwe nguMasipala waKwaSani;

"umgwamanda ongenzi nzuzo" kusho umgwamanda osungulelwe ukuphakamisa inhloso yomphakathi ngaphandle kokuzuzwa imali kwanoma yimuphi umuntu noma kwenhlangano eyenza inzuzo ethintekayo;

"umhlali" kubandakanya noma yimuphi umuntu ohlala endaweni noma ezakhiweni ngandle kokupheka itayitela lomuntu ahleli endaweni yakhe;

"uphawu lombukiso wendlu" kusho uphawu lwesikhashana olukhombisa ukuthi iyabukiswa kwabafisa ukuyithenga;

"inkomba" maqondana nanoma yimuphi umkhangiso, kusho ukuthi lowo mkhangiso udlulisela kuphela igama nohlobo lwemboni, lwebhizinisi, lomkhakha noma lomsebenzi owenziwayo kuleso sakhiwo okubekwe kuso umkhangiso;

"ukukhangisa ngaphandle" kusho noma yiluphi uhlobo lokukhangisa njengoba kuchaziwe, olubonakala kunoma yisiphi isitaladi noma indawo yomphakathi futhi okwenzeka ngaphandle;

"ubude obugwele" maqondana nophawu, kusho ibanga lokusuka phezulu kuya phansi kanye nokulingana nomhlaba, nendlela yezinyawo noma nomgwaqo;

"ibhodi eliphathekayo" yinoma yiluphi uphawu oluzimele nanoma yiluphi uhlobo oluhlakazekayo olungagxunyeke emhlabathini futhi olungasuswa kalula;

"amaphosta" kusho izasizo ezinkulu emgwaqeni ezibekwe okwesikhashana esitaladini noma endaweni yomphakathi njengesimemezelo somhlangano, somcimbi noma somgidi ophathelene nokhetho noma nomcimbi;

"izakhiwo" kusho noma yiluphi ibhilidi kanye nomhlaba lelo bhlidi elakhiwe kuwo;

"uphawu olwenziwe lwaphumela ngaphandle" kusho nom yiluphi uphawu olukhishwe ngekhamera yokuthatha izithombe zebhayisikobho, kodwa akubandakanyi uphawu oluphumele ngasohlangothini lwababukeli, noma endaweni yokubuka izithombe okungenwa kuyo ngezimoto ngesikhathi sombukiso;

"uphawu oluphumele ngaphandle" kusho noma yiluphi uphawu olusodongeni olunamathiselwe ebhilidini futhi olukhiphela ngaphandle amamilimitha angama-300 odonga lwalelo bhlidi;

"indawo yomphakathi" kusho noma yimuphi umgwaqo, isitaladi, indlela, ibhuloho, indledlana, indlela yabahamba ngezinyawo, umhubhe, indawo evelekile, ingadi, ipaki noma indawo evikelekile egcinwe nguMkhandlu kodwa umphakathi ovumelekile ukuyibenzisa;

"ukukhangisa kude noma kolunye uhlangothi" kusho ukuthi okuqokethwe kulowo mkhangiso akuhambisani nanoma yini eyenziwa ezakhiweni lapho umkhangiso ubekwe khona;

"udonga lokubiya" kusho noma yiluphi udonga olungaphandle lwebhilidi noma lwanoma yiluphi udong, olubheke kunoma yimuphi umngcele ngaphandle kwengaphambili lesitaladi;

"indawo ebekiwe emgwaqeni" kusho indawo eqokethwe ebubanzini obusemthethweni bomgwaqo;

"uMthetho wokuHamba kweziThuthi eMgwaqeni" kusho uMthetho wokuHamba kweziThuthi eMgwaqeni kaZwelonke, 1996 (uMthetho

No. 93 ka 1996) kanye neMithethonqubo emenyezwe ngokuhambisana nalo Mthetho, njengoba uchitshiyelwe ngezikhathi ngezikhathi;

"uphawu lwezithuthi olusemgwaqeni" kusho noma yiluphi uphawu lomgwaqo njengoba kuchaziwe eMthethweni wokuHamba kweziThuthi eMgwaqeni, 1996 (uMthetho No. 93 ka 1996);

"uphawu lwaphezu kwendlu" kusho uphawu olupendwe noma olunamathiselwe ngqo phezu kokumboze ibhilidi;

"SAMOAC" kusho uMkhandlu wokuKhangisa ngaPhandle waseNingizimu Afrika;

"ibhodi esasemishi" kusho ibhodi eliphathekayo, elinamacala amabili, elizimele, eligxunyekwe emhlabathini lavundla noma eliphethwe ngumuntu noma isithuthi;

"uphawu" kusho noma yiluphi uhlobo olubekwe ngenhloso yokukhangisa;

"impambana-mgwaqo enezimpawu" kusho indawo lapho kuphambana khona imgiwaqo elawulwa ngamarobothi;

"uphawu olusemoyeni" kusho uphawu olubekwe noma olugxunyekwe ophahleni noma phezu kophahla lwesakhiwo, kodonga lokuvikela noma ondini lophahla lwebhilidi;

"imvume ethile" kusho imvume ebhaliwe yoMkhandlu okudingeka ukuba yethulwe uma kufakwa isicelo;

"impahla yasesitaladini" kusho izinsiza zomphakathi kanye nezinhloso okuhloswe ngakho ukukhangisa kubandakanya namabentshi okuhlala, okutshaliwe, imigqomo kadoti, imipheme yokulindela amabhosi, amawashi kathaniwolo, imithombo yokuphuza, kodwa akubandakanyi izimpawu zomgwaqo, amarobothi, amalambu okukhanyisa, nanoma yiluphi olunye uhlobo oluphathelele nemigwaqo;

"izimpawu zamagama emigwaqo" kusho izimpawu ezisezigxotsheni, ezinamacala amabili, ezivikelwe ngepulastiki ukuze zingangenwa ngamanzi noma zigqwalise yilanga ezibhalwe amagama ezitaladi;

"umugqa wesitaladi" kusho umngcele wesitaladi somphakathi;

"uphawu lwesikhashana" kusho uphawu, olungafakiwe okokuphela futhi okungahlosiwe ukuthi luhlale endaweni eyodwa, olusetshenziselwa ukukhangisa okwesikhashana;

"umkhangiso-ntathu" kusho okubekiwe, ngokusebenzisa uhlobo oluvela imikhangiso, okwenza kuvele imiyalezo emithathu ngendlela ehleliwe ngayo;

"uphawu olungaphansi kompheme" kusho uphawu olufakwe noma olunamathiselwe kwikhenophi noma kuvulandi;

"uvulandi" kusho uhlobo olunamathiselwe noma oluphuma ngaphambili ebhilidini olusekelwe ngamapali;

"indawo ebonakalisayo" kusho indawo ebekiwe emgwaqeni nakunoma iyiphi indawo okwazi ukuyibona uma ukunoma iyiphi indawo, kodwa akubandakanyi indawo esebangeni elingamamitha angama-250 ukusuka emngceleni osemgwaqeni onguthelewayeka endaweni esedolobheni, kanti

"indawo" kusho ukusetshenziswa njengoba kuchaziwe oHlelweni lokuHlela amaDolobha lwaKwaSani uma kwenziwa amalungiselelo.

- (2) Ngezinhloso zokusetshenziswa kokukala, kobukhulu noma kwezindawo ezibaliwe kule Mithethonqubo maqondana nezimpawu, kuyosetshenziswa lokho ophawini lonke, kubandakanya noma yisiphi isikhala esiphakathi kwezinhlamvu, kwamagama, kwezimbobo, kwezimpawu, kwezithombe, kwemidwebo kanye nokunye okufana nakho okubela kulolo phawu, nakunoma yisiphi isikhala phakathi kobukhulu bophawu kanye nomkhangiso ovela kulona.

- (3) Amagama abhekiswe kunoma yimuphi umuntu ayobandakanya abantu, izinkampani kanye nezainhlango, kanti ubulili buyobandakanya abantu besifazane kanjalo nabesilisa, kuthi ubunye bubandakanye ubuninigi.

2. Ukwamukeleka kwemikhangiso nezimpawu

- (1) Kweyame kwizihlankazo zale mithethodolobha, akukho muntu oyogxumeka noma adale noma avumele ukuthi kugxunyelwe, kushintshwe, kubekwe noma kugcinwe noma yimuphi umkhangiso noma uphawu okubonakala kunoma yisiphi isitaladi noma endaweni yomphakathi Nakunoma iyiphi indawo yoMkhandlu ngaphandle kokuthola imvume ebhaliwe eMkhandlwini noma kwiziphathimandla zawo.
- (2) Izimpawu zesikhashana noma eziphathekayo okungaba ngamaphosta nokunye okufana nawo okukhangisa okwesikhashana ngenhloso noma maqondana nomcimbi othile okwesikhashana okuphathelele nawo, kubandakanya imikhangiso ekhombisa indlela eya kulowo mcimbi, izimpawu eziphathelele nokhetho noma nombuthano obanjwe noma owenziwa ngaphansi komthetho, kanye nezimpawu eziphethe ezitaladini, ziyobekwa ngemvume ebhaliwe yoMqondisi weMisebenzi yobuChwepheshe futhi kweyamne kuleyo mibandela angayibeka. Lezo zimpawu ziyokuba ngaphezu kwamamitha anga-0,5 m² ubukhulu.

3. Imikhangiso nezimpawu ezikhululiwe

- (1) Kweyame kwizihlankazo zale Mithethodolobha, imikhangiso nezimpawu okungadingeki imvume ngazo yilezi ezilandelayo:
 - (a) Noma yimuphi umkhangiso noma uphawu olungeqile kuma-2 m² okudingeka ukuthi zibekwe ngokwanoma yimuphi umthetho kaZwelonke, wesiFundazwe noma kaMasipala, njengenkampani, njengenhlangano, njengezakhiwo ezinelayisense noma amahhovisi okusebenza noma yiluphi uphawu lwezokuphepha olulodwa esitaladini ngasinye noma ezakhiweni.
 - (b) Noma yimuphi umkhangiso noma uphawu oluphezu noma oluseduze kwendawo yokungena kunoma yiziphi izakhiwo lapho kuqhutshelwa khona ibhizinisi futhi olunegama lalelo bhizinisi.
 - (c) Umkhangiso noma uphawu olulodwa ekungeneni kwesitaladi olukhombisa kuphela igama noma uhlobo lwebhizinisi, indawo yokuhlala kanjalo negama lomnikazi, lomlongani noma likachwepheshe ubukhulu obungama-1,5 m² uphawu ngalunye, noma olukhombisa igama kanye nohlobo lwezikhungo nezinye izinsiza zomphakathi ubukhulu obungama-3 m² uphawu ngalunye.
 - (d) Noma yimuphi umkhangiso ongavikelwe obekwe ngaphakathi kwebhilidi noma efasiteleni lokukhangisa noma ngaphambili esitolo.
 - (e) Noma yimuphi umkhangiso ongaphezu kwama-4,5 m², ebekwe onqenqemeni lwezakhiwo ophathelene nendawo yokuhlala ezoqashiswa noma ezodayiswa ebhilidini, okumele kubu ngumkhangiso owowdwa kumdayisi wezindlu ngamunye ekungeneni esitaladini esisodwa futhi okungamele ubekwe isikhathi esingaphezu kwezinsuku ezingamashumi amathathu emva kosuku lokuqashisa noma lokudayisa.
 - (f) Amabhodi akhangisa ngezinhlelo ezithile zabakhi nabanye abasebenzi abazimele abayingxenywe yohlelo, angangaphezukwama-18 m² abude bawo bungama-6 m, abekwe onqenqemeni lwezakhiwo ngenkathi kusakhiwa, kube bgelilodwa ekungeneni esitaladini esisodwa futhi okungamele ubekwe isikhathi esingaphezu kwezinsuku ezingamashumi amathathu emva kokuphela kohlelo.
 - (g) Ifulegi likazwelonke lanoma yiliphi izwe ngaphandle, uma ngokubona koMkhandlu, kusetshenziswe amafulegi angaphezu kwelilodwa ukuqhakambisa, ukukhangisa noma ukuhlonza umsebenzi wezomnotho, lapho kuyosebenza izihlankazo zale Mithethodolobha.
 - (h) Noma yiluphi ushintsho kunoma yimuphi umkhangiso obekwe okude noma ogxunyekwe uma uMkhandlu usukhiphe imvume yokukhangisa uhlobo olunophawu.
 - (i) Ukukhangisa emoyeni ngokusebenzisa ibhanoyi: Inqobo nje uma imvume edingakalayo itholakele eMkhandlwini wezokuNdiza, kubandakanya nanoma yimiphi imibandela enganqunywa.
 - (k) Izimpawu eziphathelele nokudayiswa ngokushesha kwamaphephandaba nokunye esitaladini somphakathi.
 - (l) Izimpawu okudingeka ukuthi zibekwe ngokwale Mithethodolobha.
 - (m) Izimpawu, ezikhululiwe nguMphathi kaMasipala ngokubonisana neKomidi leziKhundla lamaPulani amaBhilidi nokuHlela.

4. Ukufaka isicelo, ukuhlolwa kanye nequbo yokuzikhalela

- (1) Wonke umuntu onenhloso yokubeka, yokugxumeka, yokushintsha noma yokugcina noma yimuphi umkhangiso noma uphawu, akutholele imvume yoMkhandlu ngaphambilini, uyoletsha isicelo esibhaliwe eMkhandlweni ngendlela enqunyiwe, kanye nemali enqunyiwe ngokuhambisana noHlelo lowezimali zokukhangisa (uHlelo A). Isicelo siyosayinwa ngumnikazi wophawu lokukhangisa oluhlongozwe nangumnikazi obhalisiwe womhlaba noma webhilidi, ngogunyazwe nguye ngokubhalwe yilowo mnikazi futhi iyophelezwe ngamapulani alandelayo adwetshwe ngokuhambisana nalezi zidingo ezilandelayo:
 - (a) Ipulani yendawo edwetshwe ngendlela ethile ekhombisa uphawu oluphathelele nemigwaqo eseduze kanye nezinhlela ezingamamitha angama-500, lapho kufanele.
 - (b) Ipulani yesiza ekhombisa indawo lapho kunophawu noma kunomkhangiso ezakhiweni, edwetshwe yaba 1:500 uma kunikezwa ubukhulu obuphelele, ekhombisa indawo lapho kunophawu oluphathelele nemingcele, nezinye izakhiwo, nezinhlela, nemisebenzi kanye nokugqamile esizeni futhi ekhombisa izitaladi kanye nezakhiwo ezisemhlabeni oseduze kwesiza.
 - (c) Imidwebo echazwe ngokwanele ukuthi uMkhandlu ukwazi ukucubungula indlela uphawu noma umkhangiso okubukeka ngayo kubandakanya impahla, ukwakha kanye neminingwane yokuvikeleka.
 - (d) Imidwebo echazwe ngokuphelele ekhombisa ngokugcwele imininingwane yomkhangiso edwetshwe yaba 1:200 lapho kufanele.
 - (e) Imidwebo echazwe ngokuphelele ukwenyuswa kanye nezigaba ezi-1: 100 ekhombisa indawo lapho kunomkhangiso noma nophawu oluphathelele nezakhiwo, nezinhlela, nokugqamile kanye nezinye izimpawu zokukhangisa ezisakhiweni nasezindaweni ezakhelele naso.
 - (f) Izithombe ezinomblala zokukhombisa indawo lapho kunophawu oluphathelele nezakhiwo, nezinhlela, nokugqamile kanye nezinye izimpawu zokukhangisa ezisesizeni naseduze kwaso.
 - (g) Leyo mibhalo eyengeziwe, yokuhlola isimo sezemvelo kanye nezithombe nakho kuyadingeka, ngokubona koMkhandlu, ukuze kuchaze kabanzi ngohlelo nendlela yokusetshenziswa.
- (2) Ezimweni ezithile, uMkhandlu ungazinqumela ngokwawo ukwamukela imidwebo ekhombisa kuphela ingxenye yepulani noma ukuphakama kwesakhiwo, noma imidwebo emincane, noma imidwebo eyenziwe ngekompuyutha ekhombisa okuhlongozwayo lapho imidwebo ethile kungabanizima ukuthi ihlinzekwe noma izithombe uma lokhu kubonakala ukuthi akwenele.
- (3) Ngaphezu kwalokho, lapho kunesidingo, umfakisicelo uyoletsha ezinye izinhlela noma imidwebo kanye nezitifiketi njengoba udingeka ukuba kudingeka ukuthi ahlinzekwe imininingwane egewele yezibalo, yobukhulu kanye nempahla esetshenzisiwe ohlakeni lokweseka, ukukhanda, ukuvikeleka nokusimama kohlaka nomkhangiso walo ukuqinisekisa ukuthi kungawo, kuviphephile nasemlilweni ngokuhambisana nezilinzeko zoMthetho wamaZinga oKwakha neMithethonqubo yoKwakha kaZwelonke, 1977 (uMthetho No. 103 ka 1977) kanjalo noMthetho obhekele ezeMpilo nezokuPhepha eMsebenzini, 1993 (uMthetho No. 85 ka 1993); njengoba ichitsheyelwa njalo emva kwesikhathi.
- (4) Ngaphezu kwalokho, umfakisicelo uyokhokhela uMkhandlu nganoma yikuphi okungadalwa ngokugxumeka, ngokukhangisa noma ngokuba khona nje kwalezo zimpawu.
- (5) Zonke izimpawu ezizogxunyekwa noma ezizobekwa kumele zihambisane neMithethonqubo yokuHlelwa kwamaDolobha ekhona, kanjalo neminye imithetho ehambisana nayo, njengoba ichitshyelwa njalo emva kwesikhathi.
- (6) Ekucubunguleni izicelo, ngaphezu kokunye, uMkhandlu uyoqimisekisa ukuthi ukwakheka nokubekwa kwazo zonke izimpawu zokukhangisa ziyahambisana nenqubomgomo yoMkhandlu kanye nemihlahlandlela ye-SAMOAC yokulawula ngokwemibandela kanye nemigomo, njengoba ichitshyelwa njalo emva kwesikhathi.
- (7) Umkhandlu ungenqaba isicelo noma ikhiphe imvume yawo, kweyame emibandeleni njengoba ungabona kungashesha kodwa kungaphikisani nezilinzeko zale Mithethodolobha noma nenqubomgomo yoMkhandlu yokukhangisa ngaphandle.
- (8) Ukuvunywa noma ukwenqatshwa kwesicelo nguMkhandlu kuyokwenziwa ngokubhaliwe kuhlinzekwe nezizathu ezinsukwini ezingama-60 kulethwe isicelo ngokwale Mithethodolobha.
- (9) Ekuvunyweni, ikhophi yesicelo esigwaliswe ngendlela njengoba silethiwe iyogcinwa nguMkhandlu njengerekhodi.
- (10) Noma yimuphi umkhangiso noma uphawu olubekwe ngokuhambisana nemvume ekhishiwe kanye nanoma yimuphi umbandela noma umbandela ochitshyelwe obekwe kuleyo mvume, kanye nomuntu ogxumeka uhawu oluvunyiwe uyokwazisa uMkhandlu esinsukwini eziyisikhombisa egxumeke lowo mkhangiso noma lolo phawu.
- (11) Umuntu onikizwe imvume yokubeka noma yimuphi umkhangiso noma uphawu okwedlula emngceleni wanoma yisiphi isitaladi noma indawo yomphakathi uyongena esivumelwaneni esibhaliwe noMkhandlu, akhokhele uMkhandlu maqondana nophawu futhi kuyomelele akhokhele uMkhandlu imali enqunyiwe njalo ngonyaka yokweqa umudwa.
- (12) Imvume yazo zonke izimpawu zokukhangisa iyoba sezandleni zoMkhandlu futhi iyosebenza isikhathi esiyonqunywa nguMkhandlu noma ngabe kumaqondana nohlaka lokukhangisa noma nokuqokethwe ngumkhangiso noma kokubili, emva kwalokho isicelo esisha okumele sicutshungulwe kumele silethwe eMkhandlweni ukuze sicutshungulwe ngokwale Mithethodolobha.
- (13) Umfakisicelo angakhalaza nganoma yikuphi ukwenqatshwa kwesicelo, ukwehluleka ukuthatha isinqumo, umbandela obekwe yisiphthimandla esigunyaziwe.
- (14) Isikhalo okukhulunywe ngaso esigatshaneni (13) siyofakwa ezinsukwini ezingamashumi amathathu kukhishwe isaziso futhi siyoletshwa, kanye nombiko, ekomidini elifanele loMkhandlu ukuze sicutshungulwe.

5. Ukuhoxiswa noma ukuchitshyelwa kwemvume

- (1) Umkhandlu, nganoma yisiphi isikhathi, ungahoxisa imvume ekhishiwe noma uchibiyele noma yimuphi umbandela noma ubeke omunye umbandela maqondana naleyo mvume uma, ngokubona komkhandlu, uphawu lokukhangisa lungahambisani nemihlahlandlela yokulawula izimpawu ngokwenqubomgomo yoMkhandlu noma ye-SAMOAC, njengoba uchitshyelwa njalo emva kwesikhathi, nanganoma yisiphi esinye izizathu uMkhandlu osibona sifanele.
- (2) Umkhandlu, nganoma yisiphi isikhathi, ungamisa imvume yawo yokukhangisa ngophawu oselweqe indawo obekuvunyiwe ngayo futhi wesule leso sivumelwano okukhulunywe ngaso esigabeni 4(11), unike umnikazi noma umfakisicelo isaziso esibhaliwe ngaleso sinqumo. Umnikazi noma umfakisicelo naye uyokwazisa uMkhandlu ngokubhaliwe anikeze imininingwane nganoma iyiphi inhloso yokudlulisela ubunikazi bophawu olwenabele kwenye indawo.
- (3) Uphawu oluvunyiwe luyogxunyekwa ezinyangeni eziyisithupha kusukela ngosuku lokuvunywa kwalo emva kwalokho lolo phawu luyophelelwa yisikhathi ngaphandle uma kwenziwe isicelo ngokubhaliwe sokwelula isikhathi, leyo mvume engakhishelwa iziyanga ezimbili.
- (4) Noma yisiphi isicelo esibuyiselwe kumfakisicelo ukuze sichitshyelwe siyoletshwa kabusha ezinyangeni ezimbili kusukela ngosuku lwesaziso sokubuyisela, okudlula lapho isicelo siyophelelwa yisikhathi.
- (5) Imvume yophawu lokukhangisa yonikezwa umfakisicelo kuphela futhi iyophelelwa yisikhathi uma eyeka ukusebenzisa izakhiwo, inqobo nje uma imvume ebhaliwe ingakhishwa nguMkhandlu yokudlulisela leli lungelo kumuntu omusha ozohlala ezakhiweni uma leyo mvume idingeke ezinsukwini ezingamashumi amathathu kusukela osukwini angene ngalo.
- (6) Umkhangiso osebenza ngamandla kagesi noma ovikelwe, ngokubona koMkhandlu, odala ukuthikamezeka kubahlali banoma yiziphi izakhiwo ezithintekayo iyoshintsha ngendlela eyonqunywa nguMkhandlu ngokubhaliwe, noma isuswe ngumfakisicelo noma ngumhlali leso sikhathi esingabekwa.

- (7) Imvime enikezwe maqondana nomkhangiso noma nophawu iyophelelwa yisikhathi uma noma yiluphi ushintsho noma ukwengezwa kwenziwe kulowo mkhangiso noma kulolo phawu, inqobo nje uma uMkhandlu uvuma izinguquko ezingatheni ngokubona kwawo ngokusayina isicelo sasekuqaleni.

6. Izidingo eziphathelele nokwakha

- (1) Zonke izimpawu ziyokwakhiwa kahle nangobunono, zenziwe futhi ziphothulwe ngendlela enobuchwepheshe.
- (2) Zonke izimpawu ziyonamathiselwa esakhiweni, ocingweni noma odongeni, ziyofakwa ziqine ngendlela ephephile ukuze zinganyakazi nangayiphi indlela. Indlela yokunamathisela iyoba ngendlela yokuthi ivikela, isekela futhi igcina isisindo sophawu okukhulunywa ngalo, ngaphezu kwanoma yimuphu umfutho engamelana nawo. Ukusetshenziswa kwezikipikili kanye nokokufasa ngenhloso yokuqinisa nokwesekela akuvumelekile.
- (3) Noma yiluphi uphawu oluphumele ngaphandle, ngaphandle uma uMqondisi weMisebenzi yobuCiko evuma, ingasekelekile nxa zonke —
- okuyokuba nguthayela;
 - noma yiziphi ezimbili eziyokwazi ukuthwala isisindo sophawu;
 - amandla, uma ehlanganisiwe, ayobalwa esisindweni sophawu anofutho womoya ovundlayo ongama-1.5 kPa;
 - oluyokwakhiwa ngobunono njengengxenywe yokwakha uphawu noma esithekele.
- (4) Zonke izimpawu ezisekele lokho, ezinamathiselwe ezitini noma kusimende ziyiqiniswa zinamathiselwe ngamabhawodi kulezo zitini noma kulowo simende. Amabhawodi ayolingana ukuze kuqinisekise ukuhambisana nendima (2) no (3) walokhu.
- (5) Ingilazi
Zonke izingilazi ezisetsheziwe ophawini (ngaphandlekwengilazi esetshenziselwe ukushubha esetshenziselwe eziphawini ezikhanya ngogesi noma ezinye ezifana nazo) kuyoba ngezengilazi yokuvukela engamamilimitha okungenani ama-3.5 ubukhulu. Amaphaneli engilazi eziphawini angeke abe ngaphezu kwama-2 m² ubukhulu, iphaneli ngayinye iyofakwa iqine emzimbeni wophawu izimele yodwana.
- (6) Izidingo zamandla kagesi
Zonke izimpawu ezivikelekile futhi zoke izimpawu okyosetshenziswa kuzo amandla kagesi —
- ziyokwakhiwa ngempahla engenakudala umlilo;
 - ziyohlinzekwa ngeswishi yangaphandle endaweni okufunyeleka kalula kuyo lapho ukuohakwa kwagesi kungacishwa khona;
 - ziyoxhunywa ngendlela ebekwe kwimithethonqubo.
- (7) Bonke othayela abavele ngaphandle kophawu, bayopendwa noma belashwe ukuvukela ukudleka kuthi zonke izingodo zelashwe ukuze kuvikelwe ukubola.
- (8) Akukho phawu olyokwakhiwa ngendawu, ngekhalihothi, ngephepha noma ngokunye okufana nakho kuphela, ngaphandle uma uphawu kungolwezinhlelo ezizayo zokujabulisa umphakathi lubekwe endaweni yokubuka izithombe noma yemidlalo yeshashalazi, noma kunguphawu olufakwe kwisivekela langa.

7. Izidingo zamandla kagesi

Zonke izimpawu zokukhangisa ezisebenza ngamandla kagesi noma ezivikelwe kubandakanya okokweseka kanye nohlaka ziyokwakhiwa ngokungenakusha futhi ziyofakwa ngendlela yezihlinzeko zeziNtela zamaZinga neziNqubo koMkhandlu kanye noMgomo wokusebenza wokufaka ugezi ezakhiweni ngokuhambisana ne-SABS noma nomthetho osetshenziswayo noma neMithethonqubo.

8. Ukugcinwa kwezimpawu

- (1) Umuntu onophawu, olawula noma yiluphi uphawu, ngesikhathi lolo phawu lusafakiwe noma lusakhiwa ngokwephula izihlinzeko zalo Mithethodolobha, uyothweswa icala.
- (2) (a) Akukho phawu, olukhona noma olwenabela emugqeni wesinye isitaladi esiyohlala, ngaphandle kwemvume yoMkhandlu. UMkhandlu ngesaziso esibhaliwe esinikezwe umuntu onophawu noma olawula uphawu, ungadinga ukuthi lowo muntu asuse lolo phawu ngesikhathi esibekwe kuleso sazi, ngaphandle uma ngokubona koMkhandlu uphawu luyingxenywe yokungadala ingozi emphakathini, noma okungalimaza noma kuthikameze noma yimiphi imisebenzi yoMkhandlu ekhona noma ehlongozwayo noma isitaladi sopmhakathi, uMkhandlu uyoba nelungelo lokususa lolo phawu.
Noma yimuphi umuntu owehluleka ukhambisana nanoma yisiphi isaziyo uyothweswa icala.
- (b) Umuntu onophawu noma olawula uphawu olwenabela emugqeni wesinye isitaladi uyokhokhela uMkhandlu ngezinyathelo ongathathelwa zona ngayinoma yimuphi umuntu ngokulahlekelwa, ngokulinyazwa, ngokugcinwa, ngokukhandwa noma ngokususwa kophawu, futhi uyokhokhela uMkhandlu maqondana nazo zonke izindleko ezidalwe ngukumvikela.
- (c) Umuntu onophawu noma olawula uphawu olwenabela emugqeni wesinye isitaladi uyokhokhela uMkhandlu imali enqunye ohlelweni lwezintela maqondana nesamba sendawo okubekwe kuyo umkhangiso (kubandakanya nanoma yisiphi isikhala esiphakathi kwezinhlamvu kanye nesikhala esiphakathi kophawu nobukhulu balo).
- Izimali ezingenhla ziyokhokhwa kumasipala noma kogunyazwe yiwo ngesikhathi kufakwa isicelo ngaphambilini, nangemuva kokuphela konyaka kwafakwa isicelo isikhathi phawu lusafakiwe.
 - Akukho mali eyokhokhwa ngaphandle uma uphawu lwenabela kwenye indawo, noma lungaphezu kwamamilimitha ayi-100.
 - Lapho ngesikhathi esiyizinyanga eziyi-12 okukhulunywe ngao endimeni (i), noma yiluphi uphawu olufakwe ngokungemthetho eskhundleni solunye uphawu, akukho mali eyengeziwe eyokhokhwa maqondana nalesi sikhathi ngaphandle uma uphawu olufakiwe lulukhulu kunolukhishiwe, lapho imali eyeneziwe eyobalwa njengoba kubekiwe ngenhla maqondana nendawo kuyomele ikhokhwe ngokushesha eMkhandlini.
 - Lapho uphawu lusuwe ngokuzithandela, noma ngokulayelwa nguMkhandlu, akukho mali eyobuyiselwa nguMkhandlu.
 - Ukukhokhwa kwanoma yiziphi izimali njengoba kuhlinzekwe lapha angeke nangayiphi indlela kuthikameze izihlinzeko zendima (a) yale Mithethodolobha.
- (d) Umuntu onophawu noma olawula uphawu olwenabela emugqeni wesinye isitaladi, kuyothi uma ecelwa ngokubhaliwe nguMqondisi weMisebenzi yobuCiko, angene esivumelwaneni esbhaliwe noMkhandlu maqondana nalolo phawu, athathe izibopho eziqokethwe endimeni (b) no (c) walo Mithethodolobha; inqobo nje uma ukungabibikho kwaleso sivumelwano kungeyokuthikameza izihlinzeko zale Mithethodolobha. Njalo uma kwenziwe ushintsho ekhulonzeni umuntu onophawu noma olawula uphawu, lolo shintsho luyokwaziswa uMqondisi weMisebenzi yobuCiko ngokubhaliwe ngumuntu obenalolo phawu noma obelawula lolo phawu.

9. Amacala nokusiswa kwezimpawu

- (1) Noma yimuphi umuntu obeka noma ogxumeka noma yimuphi umkhangiso noma uphawu okungatholakanga mvume yakho eMkhandlini ngokwesigaba 2, noma imvume yakho esiphelelwe yisikhathi, noma esihoxisiwe, noma lowo mkhangiso noma lolo phawu olungahambisani nesicelo esamukelwe nanoma yimiphi imibandela yaso, okungahambisani noma okuphikisana nanoma yiziphi izihlinzeko zale Mithethodolobha nanoma yimuphi omunye uMthetho noma uMthethonqubo, uyothweswa icala.

- (2) Noma yimuphi umuntu ogxumeka noma oqhubeka nokubeka noma yiluphi uphawu noma umkhangiso okungasenasidingo ezakhiweni okubekwe kuzo ngegunya lokushintsha kokusebenza, lobunikazi noma lokuhlala nanganoma yisiphi isizathu, uyothweswa icala.
- (3) Noma yimuphi umuntu obeka noma ogxumeka noma yimuphi umkhangiso noma uphawu okungahambisani nanoma yiziphi izihlinzeko, izidingo noma imibandela njengoba kubekiwe kunoma yisiphi isaziso sale Mithethodolobha nanoma yimuphi omunye umthetho osetshenziswayo, noma oqamba amanga ngenhloso maqondana nanoma yisiphi isicelo ngokwale Mithethodolobha, uyothweswa icala.
- (4) Umkhandlu unganikeza isaziso umuntu obeke umkhangiso noma ogxumeke uphawu noma odala ukuthi uphawu noma umkhangiso kebekwe noma kugxunyekwe, noma umnikazi noma umhlali wasezakhiweni lapho lowo mkhangiso noma lolo phawu lubekwe noma lugxunyekwe khona noam kubona bobabili labo bantu, ecela ukuthi labo bantu basuse lowo mkhangiso noma lolo phawu noma benze lowo msebenzi njengoba ungabekwa esazisweni, ngesikhathi esibalulwe lapho esingeyukuba ngaphansi kwezinsuku eziyisikhombisa kuukela ngosuku lokufika kwesaziso, ukuze umkhangiso noma uphawu kuhambisane nomthetho.
- (5) Uma noma yimuphi umuntu onikizwe isaziso ngokwesigatshana (3) ehluleka ukuhambisana nomyalo oqukethe kuleso saziyo ngesikhathi esinqunyiwe, uMkhandlu ungasusa noma uhlele ukuthi kususwe umkhangiso noma uphawu, noma wenze ushintsho kokunqunywe esazisweni.
- (6) Umkhandlu ungalandela izindleko zawo ezidalwe yinoma yikuphi kususwa, izinyathelo noma ukukhandwa kwemphahla yawo nanoma yiziphi izindleko ongene kuzo kumuntu onikezwe isaziso ngokwesigatshana (3). Akukho sinxephezelo esiyokhokhwa nguMkhandlu kubantu ngenxa yalokho kususwa, kukhandwa noma kwezinyathelo ezithathiwe.
- (7) Noma yimuphi umuntu owehluleka ukususa iphosta, ibhena, ifulegi noma umkhangiso wokhethe ngesikhathi esinqunyiwe, uyothweswa icala. Umkhandlu uyoba nelungelo lokususa lowo mkhangiso bebse uthatha imali enqunyiwe kunoma iyiphi idiphozi efakiwe maqondana nomkhangiso osuswe kanjalo ngumkhandlu: Inqobo nje uma isamba semali ethathiwe yeqile kwidiphozi efakiwe, uMkhandlu uyoba nelungelo lokuthatha leyo mali engaphezulu kulowo muntu. Kuphinde kuncuke ekutheni uma leyo phosta, leoy bhena noma lowo mkhangiso wokhethe ususwe ngokwale Mithethodolobha, uMkhandlu uyoba nelungelo lokulahla lowo mkhangiso ngaphandle kokukhipha isaziso.
- (8) Noma yimuphi umuntu, obeke noma odale ukuthi kubekwe noma yiliphi ibhodi eliphathekayo okukhikshwe maqondana nalo imvume ngokwale Mithethodolobha, owehluleka ukususa lelo bhodi emahoreni amabili esikhathi esibalulwe esigabeni 9, uyothweswa icala futhi uMkhandlu uyoba nelungelo lokususa noma yiliphi ibhodi eliphathekayo nokuthola imali enqunyiwe kulowo muntu. Inqobo nje uma noma yiliphi ibhodi eliphathekayo lisuswe nguMkhandlu limgalahlwa ngaphandle kokuthi ukhiphe isaziso.
- (9) Noma yimuphi umkhangiso noma uphawu, ngaphandle kwalokho okukhulunywe ngakho ezigatshaneni (6) no (7), ezasuswa noma ezathathwa nguMkhandlu ngokwale Mithethodolobha, zingacelwa ezinsukwini ezingamashumi ayisithupha kusukela ngosuku zasuswa noma zathathwa ngokukhokha izimali ezidingekayo, okwedlula lapho uMkhandlu uyoba nelungelo lokusebenzisa, lokuchitha noma lokuthengisa lolo phawu ngokubona kwawo.
- (10) Uma, ngokubona koMkhandlu, uphawu lokukhangisa lungadala ingozi empilweni noma esakhiweni nalapho umfakisicelo noma umnikazi noma umhlali ehluleka ukuthatha izinyathelo ezifanele ngokushesha, uMkhandlu ungasusa noma uhlele ukususwa kwalolo phawu bese ufuna izindleko ongene kuzo.
- (11) Noma yimuphi umuntu, ngesikhathi kufakwa noma kususwa uphawu lokukhangisa, odala ingozi endalweni, ohlkeni lwagesi, nakunoma yikuphi okunye okufakwe nguMkhandlu noma endaweni yawo, uyothweswa icala futhi unokujeziswa ngokwesigana 15 sale Mithethodolobha futhi uyokhokhela uminakalo odalwe yilokhu.
- (12) Umkhandlu unelungelo lokususa okwesikhashana noma yiluphi uphawu lokukhangisa olungagunyaziwe endaweni yawo ngaphandle kokukhipha isaziso.

10. Izithibelo

- (1) Imikhangiso nezimpawu okulandelayo akuvunyelwe:
 - (a) Noma yimuphi umkhangiso noma uphawu, ngaphandle kophawu olukhululiwe, olungakhishelwanga mvume noma olungahambisani nezidingo, noma olungavumelekile ngokwale Mithethodolobha nanoma yimuphi omunye umthetho.
 - (b) Noma yimuphi umkhangiso, ngokubona koMkhandlu, ongahliniphekile noma owuhlobo olungadala ingozi emphakathini nakunoma yiliphi iqembu labantu noma kunoma yimuphi umkhaya.
 - (c) Noma yiluphi uphawu noma umkhangiso opendiwe noma onamathiselwe nganoma iyiphi indlela esihlahleni, esitshalweni, edwaleni nakunoma yini eyimvelo.
 - (d) Noma yimuphi umkhangiso noma uphawu okuthikameza noma yisiphi isitaladi, indlela yokubalekela umlilo, indlela yokuphuma, ifasitela, umnyango nanoma iyiphi intuba esetshenziswa njenendawo yokuphuma noma yokungenisa umoya noma yokucisha umlilo.
 - (e) Noma yiluphi uphawu oluvikelwe nangayiphi indlela, oluthikameza noma oluyinkathazo kubahlali banoma yiliphi ibhilidi noma emalungwini omphakathi athintwa yilokho.
 - (f) Noma yimuphi umkhangiso noma uphawu okungavumelekile ngokomthetho wokuHlelwa kwamaDolobha nanoma yimuphi omunye umthetho.
 - (g) Noma yimuphi umkhangiso noma uphawu olungafakiwe ngokuhambisana nale Mithethodolobha noma ngokungahambisani nemicikilisho evunye ngumkhandlu weDolobha, noma nemibandela ebekwe nguMkhandlu kuleyo mvume.
 - (h) Noam yimuphi umkhangiso noma uphawu okungathikameza noma yikuphi ukuhamba kwezithuthi noma uphawu lomgwaqo, noma kungathikameza noma kudale ingozi ekuhambeni kwezithuthi, komkhumbi noma kwezindiza noma emphakathini nje wonkana.
 - (i) Noma yimuphi umkhangiso noma uphawu oluvimbela noma oluthikameza abashayeni ukuthi babone ngalokho kubeka engozini abashayeli kanjalo nabahamba ngezinyawo.
 - (j) Noma yiluphi uhlobo oluputshuka kungaba okwamaphosta noma ngokwanoma yiluphi uhlaka olukhona ngaphandle kwemvume kamasi-pala.

11. Amandla okuzithathela izinqumo

- (1) Umkhandlu noma abaguyazwe yiwo bangazithathela izinqumo ngokuvuma noma ngokwenqaba izimpawu zokukhangisa ngokwezihlinzeko zale Mithethodolobha ezimweni ezilandelayo:
 - (a) Noma yimuphi umkhangiso osebhodini eliphathekayo obekwe endleleni yokuhamba abantu esitaladini.
 - (b) Noma yiziphi izithuthi ezikhangisayo kanye nezindawo zazo zokukhangisa.
 - (c) Imikhangiso noma izimpawuezipendelwe noma ezinamathiselwe ngaphezu kwanoma yiliphi ifasitela ngaphandle kwefasitela lokukhangisa.
 - (d) Imikhangiso noma izimpawu phezu kwekhanophi noma kukavulandi.
 - (e) Imikhangiso ependelwe kokokufulela noma ebekwe noma egxunyekwe njengophawu lwasemoyeni kunoma iyiphi indawo ngaphandle kweyezimbongi noma echwebeni.
 - (f) Imikhangiso noma izimpawu ezibekwe noma ezigxunyekwe kunoma iyiphi indawo ngaphandle kwendawo yezimbongi noma yamabhizinisi.

- (g) Imikhangiso noma izimpawu ezenziwe ngempahla ethile uMkhandlu ongayiboni ifanelekile.
- (h) Amabhena namafulegi okunamathiselwe epalini lokufaka ifulegi njengophawu lwaphansi noma olunamathiselwe esakhiweni noma ohlakeni.
- (i) Noma yiziphi izimpawu zokukhangisa kude noma zezinhlango ezingenzi nzuzo.
- (j) Noma yimiphi imikhangiso noma izimpawu ezingahambisani nezihlinzeko zale Mithethodolobha.

12. Izimpawu ezisendaweni yoMkhandlu kanye nemikhangiso yesikhashana

Imikhangiso yesikhashana kanye nezimpawu okusendaweni yoMkhandlu ziyovunywa nguMkhandlu njengoba kubekiwe kule Mithethodolobha. Ukukhangisa unomphela kanye nokufakwa kwezimpawu endaweni yoMkhandlu njengempahla yasesitaladini, izimpawu zamagama emigwaqo, imigqomo kadoti, imipheme yezitobhi, imikhangiso yomphakathi kanye nanoma yimiphi imikhangiso eqhelile kweyame emvumeni ethile yoMkhandlu kanye nasenqubeni yamathenda. UMkhandlu uyophoqeleka ukubeka futhi uvume imicikilisho kanye nendlela elindelekile yokusebenza kwalezi zimpawu ngaphambi kokukhipha izimemo.

(1) Amabhodi okukhangisa

- (a) Wonke umuntu ofisa ukubeka noma enze ukuthi kubekwe umkhangiso osebhodini lokukhangisa uyoletsa isicelo esibhaliwe eMkhandlwini ngendlela efanele futhi akhokhe imali enqunyiwe. Lezo zicelo ziyohambisana nombiko wokukhlola isimo semvelo lapho kusetshenziswa amabhodi okukhangisa angaphezu kwama-36 m² noma amancane ngokubona koMkhandlu.
- (b) Lolu hlobo lophawu luyovunyelwa kuphela ezindaweni ezisemadolobheni anokulawulwa okuncane noma aluwulwa ngezikhathi ngokubona koMkhandlu, weyame emvumeni ethile nombiko wokukhlola isimo semvelo njengoba kudingeka, oluyobandakanya okokubonisa nezokuphepha emgwaqeni.
- (c) Igama lomnikazi webhodi elinomkhangiso noma wophawu kumele libekwe ligqame kuwo wonke amabhodi kanye nenombolo evunye nguMkhandlu.
- (d) Noma yiliphi iBhodi lokukhangisa elibekikwe kanjalo —
 - (i) liyohambisana nezidingo zomthetho weGatsha leMigwaqo kaZwelonke laseNingizimu Afrika noMthetho wokuHamba kweziMoto eMgwaqeni lapho kunesidingo;
 - (ii) liyohambisana nanoma yimuphi uMthetho kaZwelonke, wesiFundazwe noma woHulumeni baseKhaya kanye nezinqubomgomo, kubandakanya nale Mithethodolobha kanye nenqubomgomo yoMkhandlu yokukhangisa ngaphandle;
 - (iii) angeke ligxunyekwe endaweni elawulwa ngokugcwele, ngaphandle kokukhlola isimo semvelo kanye nokuhlanganyela komphakathi, uMkhandlu ukhetha ukuthi leyo ndawo, kweyame kuleyo mibandela njengoba ingayibeka, ingahlelwa kabusha njengendawo elawula ngokusendimeni, okungeke phinde kuxegiswe kunohlobo lwendawo eyakhelene nayo.
 - (iv) aliyukuba nabungozi emvelweni olwakhiwe kuyo ngenxa yobukhulu balo, noma yokusinda kokukulivikela noma yendlela elakhiwe ngayo;
 - (v) angeke, kwelikuqethe, libe nolimi oluhlambazayo, olungahloniphekile kunoma yiliphi ilungu lomphakathi;
 - (vi) asiyokusitha nangayiphi indlela noma yiluphi uphawu oluvunyelwe olwalugxunyekwe phambilini nolufakwe ngokusemthethweni;
 - (vii) aliyukudala ubungozi kunoma yimuphi umuntu noma indawo;
 - (viii) angeke lwenabele ngaphezu komngecele wendawo eligxunyekwe kuyona;
 - (ix) angeke lugxunyekwe uma uMkhandlu ubona ukuthi luzoba yisiphazamiso kubashayeli, kwabahamba ngamabhayisikili noma kwabahamba ngezinyawo okungadala izimo ezingaphephile emgwaqeni.
- (e) Ukubekwa kwamabhodi okukhangisa —
 - (i) kuyohlukaniswa ngamamitha ayi-120 noma angama-250 eceleni komgwaqo abhekiswe kuwo lapho ijubane elivumelekile kungamakhilomitha angama-60, angama-80 noma ayi-100 ngehora ngokwahlukahluhana;
 - (ii) angeke kube semamitheni ayi-100 ukusuka emarempini emigwaqo yomphakathi naphezu kwerothothi;
 - (iii) akuyuvunyelwa emamitheni ayi-100 ukusuka kwimpambanamgwaqo kunoma yimuphi umgwaqo ongumxhantela nasendaweni engamamitha angama-50 ukusuka phakathi kwempambanamgwaqo yanoma yimuphi umgwaqo ongebhizi;
 - (iv) akuyukuba ngaphezu kwamamitha ayi-12 ubude ngaphezu komgwaqo elibhekiswe kulo;
 - (v) akuyukuba ngaphezu kwama-54 m² uma kuyizimpawu zasodongeni;
 - (vi) akuyukuba njengemibala egqamile, umbala obomvu noma ophuzi noma oluhlaza uma lifakwe kwizimpambanamgwaqo ezinezimpawu futhi angeke lithikameze noma yiluphi uphawu lomgwaqo;
 - (vii) angeke lithikameze ukuphepha emgwaqeni noma lithikameze noma livikelwe uma lesi sivekelo, ngokubona koMkhandlu, singadalal ingozi emgwaqeni noma sidale ukuthikamezeka;
 - (viii) kuyocikelelwa ukuthi ukuhamba kwezithuthi emgwaqeni akuthikamezeki ngokufakwa kwalo nokuwalungisa emigwaqeni yomphakathi, ngaphandle uma kutholakale imvume ngaphambilini eMkhandlwini futhi kuthathwe nezinyathelo ezifanele futhi kwenziwa namalungiselelo;
 - (ix) lapho kunezimpawu ezifakwa odongeni, ziyofakwa kuphela eceleni nasemuva kwezindonga zebhilidi ezingawufozi umsebenzi wesitaladi noma wengaphambili lebhilidi.

(2) Izimpawu ezimbelwe phansi

- (a) Luyoba lunye kuphela uphawu okuyovinywa ukuthi lufakwe ezakhiweni kungaba yilapho lolo phawu ludingeka khona ukukhombisa indawo yokungena noma yokuphuma ezakhiweni zebhizinisi; noma lapho kungeke kwafakwa izimpawu ezifanele ebholidini; noma lapho izakhiwo zakhiwe endaweni engenhle okwenza ukuthi izimpawu zingabonakali; noma lapho ukuba khona kophawu oluzimele kungavimbela ukwandiswa kwezimpawu.
- (b) Izimpawu ezimbelwe phansi ezifakwe ezakhiweni njengezimpawu zebhizinisi kanye nezinhloko zombhoshongo akumele zibe ngaphezu kwama-7,5 m ubude sebhlangane kanye nama-6 m² ubukhulu. Ngaphezu kwalokho, akumele kweqe kuma-4,5 m² ubukhulu maqondana nanoma yimuphi umkhangiso okhona futhi ungabi ngaphansi kwama-2,4 m ubude. Lapho kusetshenziswe uhlobo oluqine kakhulu, ubukhulu bendawo yophawu ngalunye kunganyuswa kube ngama-12 m². Uphawu olulodwa kuphela noma iphanefi yokukhangisa ophawini oluxubile oluyovunyelwa lwenkampani ethile ekungeneni kwesitaladi ngasinye.
- (c) Uphawu olusemoyeni kodwa olumbelwe phansi olungewoma ama-7,5 m ngaphezu komhlaba noma kunini nobukhulu balo obungeqi ama-6 m nasema-3 m ubude, ubukhulu obungama-18 m², kuyothathwa ngokuthi ubukhulu obufanele: Inqobo nje uma uphawu olukhulu aluyokufakwa ngaphandle, uma ngokubona koMkhandlu, lolo phawu noma kuthathwa ngokuthi lugxunyekwe noma lufakwe endaweni efanele.
- (d) Zonke izimpawu ezigxunyekwe epalini elilodwa ziyokwakhiwa ngendlela yokuthi ubude bokusekele abubude kodwa buhambisana nobukhulu bophawu.

- (e) Kuyovunyelwa izimpawu ezimbili kuphela esigxotsheni esikhulu embhoshongweni, ebhulohweni noma esigxotsheni ngasinye. Ubukhulu bophawu ngalunye olufakwe embhoshongweni akumele seque ama-36 m². Uphawu kumele lube sohlakeni futhi akumele kube khona okuphumele ngaphandle noma okwenabele kwenye indawo.
- (f) Zonke izimpawu ezimbelwle phansi noma ezifakwe embhoshongweni, emabhulohweni noma ezigxotsheni ezinkulu ziyosekelwa ngazinye futhi zivikelwe yisisekelo esifanele futhi angeke zifakwe izindophi, izinsika, okukuzimelela, kane nokunye kokusekela noma zizisekele futhi zinganciki uhlakeni olukhona nangayiphi indlela.

(3) Izimpawu ezinamathiselwe odongeni

- (a) Izimpawu eziyisicaba
 - (i) Ngaphandle uma kubekwe ngenyene indlela, izimpawu eziyisicaba, angeke nanini, zenabele kwenye indawo ngokungaphezu kwamamlimitha angama-300 odongeni ezifakwe kulona. Uphawu olufakwe odongeni lungenabele kwenye indawo ngokungaphezu kwamamlimitha ayi-100 lapho ingaphansi lalolo phawu luyoba ngaphansi kwamamitha ama-2,4 kusukela endleni yezinyawo ngaphansi kwalo kanti ukwenaba okukhulu obuyovunyelwa kuyoba ngamamlimitha angama-300 lapho ingaphansi lalolo phawu lingaphezu kwama- 2,4 m ngaphezu kwaleyo ndlela yezinyawo noma komhlaba.
 - (ii) Izimpawu eziyisicaba kuyovunyelwa ukuthi zifakwe ngaphambili, eceleni noma emuva kwezindonga zebhilidi; izimpawu ezisemoyeni eziyisicaba kuyovunyelwa kuphela ukuthi zifakwe eceleni noma ngemuva ezindongeni zamabhilidi ezingawufezi umsebenzi wengaphambili lesakhiwo kanye nasezindongeni zomngcele wesiza sokwakha nasocingweni.
 - (iii) Angeke kuvunyelwe izimpawu ezimbili eziyisicaba zaphansi zenkampani eyodwa futhi angeke kuvunyelwe izimpawu ezimbili eziyisicaba zasemoyeni.
 - (iv) Izimpawu eziyisicaba angeke zivale amafasitela nanoma iyiphi enye intuba yebhilidi noma zithikameze ukubona kulezo zintuba.
 - (v) Izimpawu eziyisicaba angeke zibe ngaphezu kwama-54 m² ubukhulu futhi angeke zibe ngaphezu kwama-30 % ubukhulu bodonga ezifakwe, ezinamathiselwe noma ezipendelwe kulona sebuhlanganisiwe, noma ngabe yikuphi okuncane, inqobo nje uma endaweni esedolobheni ezilawulwa ngokugcwele izimpawu aziyikweqa ama-20 % ubukhulu bodonga.
 - (vi) Ukuhlolwa kwesimo sezemvelo kuyodingeka kuzo zonke izimpawu ezingaphezu kwama-36 m².
- (b) Izimpawu ezenabele kwezinye izindawo
 - (i) Ubude bophawu olwenabayo buyoba ngaphezulu ngama-2,4 m.
 - (ii) Izimpawu ezenabele kwezinye izindawo ziyoba ngama-300 mm ukuba wugqinsi.
 - (iii) Izimpawu ezenabele kwezinye izindawo angeke zivunyelwe ukuthi zenabele ema-600 mm onqenqema lomgwaqo.
 - (iv) Ukwenaba okuvumelekile kuyoba ngama-1,5 m lapho uphawu olwenabayo lungaphezulu kwama-7,5 m; kube yi-1 m lapho ubude bophawu bungama-7,5 m.
 - (v) Izimpawu ezenabayo ziyofakwa zithi mpo ekungeneni komgwaqo noma endeledni eqhamuka izithuthi.
 - (vi) Zonke izimpawu ezenabayo ziyoba phansi.

(4) Izimpawu ezisophahleni

- (a) Ubukhulu obuvunyiwe bezimpawu ezisophahleni buyoba ngama-18 m² ezakhiweni ezinx ntathu: Inqobo nje uma kuyovunyelwa uphawu olulodwa ebhilidini ngalinye.
- (b) Izimpawu ezisophahleni angeke zenabele ngaphambi kodonga lwesakhiwo ukuze zanabele ngale kophahla lwaleso sakhiwo kunoma yimuphi umkhondo.
- (c) Izimpawu zasophahleni angeke zithikameze ukubona noma inhlalakahle yanoma yiliphi elinye ibhilidi.
- (d) Izimpawu zasophahleni ziyobekwa ngendlela yokuthi azithikameze ukugeleza kwamanzi emvula ophahleni lwebhilidi.
- (e) Izimpawu zasophahleni ziyovikelwa futhi ziqiniselwe abhilidini ezifakwe kulo futhi zonke izinhla ziyosathaliswa kuwo wonke amalungu ayizinhla zebhilidi ngaphandle kokusetshenziswa kwezindophi, nezinye izinto zokusekela.
- (f) Uphawu lwasophahleni, kubandakanya okokwesela ibhilidi, kuyokwakhiwa ngempahla engenakuqhuma idale umlilo evunyele nguMkhandlu noma abagunyazwe yiwo futhi uma ivikelwe, angeke ibekwe phezu kophahla lwanoma yiliphi ibhilidi ngaphandle kokuthi lolo phawu, kanye nokwakhiwa kwalo konkana, kwenziwe ngempahla engekudala umlilo.

(5) Izimpawu ezibekwa kovulandi, kwikhenophi nangaphansi kwetende

- (a) Izimpawu zinganamathiselwa noma zipendelwe othangweni lokuvikela, epalini lokuvikela lesitezi noma lukavulandi, lwebhalikhoni, kanye nogongolo lukavulandi noma lwebhalikhoni. Lezo zimpawu angeke zeqe imitha ngobude, zenabele kwanoma iyiphi enye indawo ezinamathiselwe kuyo, noma zenabe ngaphezu kwama-300 mm ngaphambi kwendawo ezinamathiselwe kuyo noma zenabele ema-600 mm onqenqema lomgwaqo.
- (b) Izimpawu zinganamathiselwa noma zipendelwe ezikhaleni ezisekele noma emapalini. Lezo zimpawu angeke zenabe ngaphezu kwama-500 mm ngaphambi kwalapho zinamathiselwa khona futhi angeke zenabele ngale kwanoma yisiphi isikhala noma kwepali. Uphawu olunamathiselwe lwayisicaba ohlakeni olusasilinda luyogitshiswa luhambisane nokuma kwalolo hlaka futhi uphawu olulodwa kuphela oluvunyelwa esikhaleni ngasinye noma ohlakeni.
- (c) Kweyame ezihlinzekweni zezigatshana (a) no (b), izimpawu angeke zivunyelwe phezu kwamapulani ezakhiwo futhi angeke zivunyelwe ukuthi zemboze noma yiliphi ifasitela noma zithikamemeze ukubona kuleyo ntuba.
- (d) Izimpawu ezingaphansi kwampheme kavulandi noma wekhenophi ziyoba yi-1 m² ubukhulu kuthi ubukhulu obuvunyelwe bube ngama-2 m² kanti ubude bophawu angeke beqe emamitheni ayi-8 noma ema-600 mm. Ubugqinsi okuvumelekile balezo zimpawu buphakathi kwamamlimitha ayi-100 kuya kwangama-300. Lolo phawu ngalunye luyoma luthi mpo emugqeni webhilidi futhi lunamathiselwe endaweni engubude obungama-2,4 m. Uphawu olulodwa kuphela lwenkampani oluyovunyelwa endaweni engama-3m phakathi kwezimpawu. Lezo zimpawu angeke zenabele ngale konqenqema lwekhenophi noma lukavulandi ezinamathiselwe kulona.
- (e) Izimpawu ezisophahleni lwavulandi, lwekhenophi noma lwebhalikhoni, kungabandakanyi uphahla olukhulu lwesakhiwo, luyokwakhiwa wumugqa owodwa ozimele, onqamula amalogo noma izinhlamvu zamagama ngaphandle kokusimamisayo okubonakalayo. Izimpawu ziyobekwa phezu kophahla lukavulandi lapho lowo vulandi ungenalo udonga olukahle, okokubambelela uphawu olunganamathiselwa kukona. Zonke izimpawu angeke zenabele ngale kophahla lukavulandi, lwekhenophi noma lwebhalikhoni futhi kuyofakwa uphawu olulodwa lwenkampani ngayinye.
- (f) Okokuvikela isimo sezulu noma umpheme kuyokwenziwa kunamathiselwe ukuze kungehliswa kube ngaphansi kwamamitha amabilil ngaphezu kwendlela yezinyawo okungaphansi kwayo. Lolo phawu luyogondana nomugqa webhilidi futhi kuyobekwa ngendlela yokuthi kungaphazamisi ukuhamba kwezithuthi nokwabantu, amarobhothi kanye nezimpawu zomgwaqo noma yingayiphi indlela.
- (g) Izimpawu ezseduze nezakhiwo ziyogondaniswa ukuze zakhe umugqa oqondile.

(6) Amaphosta, amabhena kanye namafulegi

- (a) Wonke umuntu onenhloso yokubeka noma yimuphi umkhangiso ophathelene nokhetho noma umkhangiso ophathelene nanoma yimuphi

umhlangano, umcimbi wezemidlalo, wokugubha ezamasiko, wezemfundo, wezenkolo, wezepolitiki nanoma yini enye ethi ayibe njalo kunoma yisiphi isitaladi somphakathi.

- (b) Zonke izicelo zemvume ziyokwenziwa ngendlela enqunyiwe futhi ziyophelezela yimali enqunyiwe kanye nediphozi njengoba kubhaliwe oHlelweni lweziMali zeziMpawu zokuKhangisa (uHlelo A); leyo diphozi iyobuyiselwa kumnikazi uma yonke imikhangiso isisusiwe ngendlela egculisa uMkhandlu. Umfakisicelo, ekufakeni isicelo, uyoletsa amaphosta aphaathelene nomkhangiso kanye neminingwane ebhaliwe yezitaladi amaphosta azobekwa kuzona.
- (c) Noma yimuphi umuntu obeka noma odala ukuthi iphosta, ibhena noma ifulegi libekwe uyohambisana nalokhu okulandelayo okubekwe nguMkhandlu:
- Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcimbi uyoba ngamamlimitha angama-600 ubude x angama-450 ububanzi; ubude bawo buyoba ngamamitha amabili (2 m); futhi uyofakwa uqine ebhadini eliqinile nakunoma yiliphi elinye ibhodi elingemuva.
 - Uma kungamabhena noma amafulegi, ubukhulu buyoba ngama-3 m², ayofakwa emapalini angenahumuzeka nanoma yiluphi uhla-ka oluvumelekile; futhi ayobekwa afaswe ngendlela yokuthi angabi nobungozi ezithuthini, kwabahamba ngezinyawo, kubantu noma ezakhiweni kunoma yisiphi isitaladi, endaweni yomphakathi noma endaweni yoMkhandlu.
 - Noma yimuphi umuntu, lapho kufakwa umkhangiso wokhetho, iqembu lezepolitiki ngalinye elibeka noma iyiphi iphosta yokukhangisa ephathelene nomhlangano ofanayo, noma nomcimbi uyovunyelwa ukufaka iphosta eyodwa esigxistheni sikagesi. Akukho maphosta ayovunyelwa ukuthi afakwe emabulohweni, emarobhothini, ezimpawini zomgwaqo, kwezemvelo, emigwaqeni enguthelawayeka nasemizileni kazwelonke.
 - Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcimbi angeke ubekwe ngendlela yokuthi okuqukethwe yimikhangiso ehlukene uma ifundwa ngokulandelayo, yenze umzekelo.
 - Noma yimuphi umkhangiso ophathelene nokhetho, nomhlangano noma nomcimbi ngaphandle komgidi wokhetho, angekek ubekwe isikhathi esingaphezu kwezinsuku eziyishumi nane (14) ngaphambi kosuku ozoqala ngalo noma izinyanga ezintathu emva kosuku ophela ngalo. Imikhangiso yokhetho ingabekwa kusukela ekuqaleni kosuku lokumenyenzelwa kokhetho kuzu kube wusuku lwesithathu emva kokhetho.
 - Isibalo esihlangene samaphosta abekwa ngasikhathi siye aphaathelene nanoma yimuphi umhlangano, umcimbi noma umgidi akumele abe ngaphezu kwekhulu (100), ngaphandle uma ezimeni ezithile nangemvume yoMkhandlu. Uma kuyimikhangiso yokhetho, akukho mkhawulo oyobekwa esibhalweni samaphosta afakwayo.
 - Noma yimuphi umkhangiso ophathelene nokhetho uyokwenziwa ngesivumelwano phakathi kweKhomishana eziMele yoKhetho kanye neqembu lezepolitiki elithintekayo.
 - Amabhena avunye ngokwalesi sigaba angeke abe ngaphezu kwama-6 m².
 - Amaphosta endali avunye ngokwalesi sigaba angeke abe ngaphezu kwama-2 m².
 - Amabhena namafulegi angafakelwa izicelo njengemikhangiso ekhombisa indlela yokuhamba ezitaladini zasemadolobheni njengezindawo zokuthenga nezindawo okuhambeka kuzo noma zokukhangisa amagama kuphela, izimpawu zamabhizinisi kanye nohlobo lwezinkampani.
- (d) Yonke imikhangiso ekhishelwe imvume iyohlizelwa ngombhalo woMkhandlu eyobekwa ugqame okhombisa imvume yoMkhandlu futhi uMkhandlu uyoba nelungelo lokucina iphosta enjalo eyodwa ngezinhloso zokuhlonda.
- (7) **Amabhodi abathengisa izindlu kanye namabhodi aphaathekayo**
- (a) Wonke umthengisi wezindlu noma umuntu ofisa ukubeka noma yiliphi ibhodi eliphathekayo, njalo ngonyaka uyoletsa isicelo esibhaliwe eMkhandlwini futhi akhokhe imali enqunyiwe ukuze athole imvume yesibalo samabhodi aphaathekayo abalulwe kuleso sicelo.
- (b) Noma yimuphi umuntu obeka lelo bhodi eliphathekayo kunoma iyiphi indawo yomkhandlu ngaphandle kokuvimba emigwaqeni, ngaphandle kokunikelwa imvume yokukhangisa endaweni yoMkhandlu, uyohambisana nalokhu okulandelayo okudingwa nguMkhandlu:
- Amabhodi aphaathekayo kuyomele asetshenziswe kuphela ngezinhloso zokukhombisa indlela eya ezindaweni noma ezakhiweni ezizothengiswa noma ezizokhangiswa.
 - Amabhodi aphaathekayo kumele abe nohlaka nobukhulu okufanele, okungeqile kuma-600 m², futhi isibalo samabhodi abekiwe uma sesihlangene, ngokuboma koMkhandlu angeke sithikameze intuba yokuphumela emigwaqeni noma imvelo.
 - Kweyame kwizihlinzeko zoMthetho wokuHamba kweziThuthi eMgwaqeni kanye neminye imithetho ehambisana nawo, amabhodi aphaathekayo akumele abekwe ema-1,8 m eduze nonqenqema lomgwaqo, futhi abekwe maphezulu ukuze iphansi lebhodi aleqi ama-600 mm ngaphezu komhlaba.
 - Amabhodi aphaathekayo akumele abekwe eduze kwama-10 m ukusuka kunoma iyiphi impambanangwaqo, indawo yokungena noma yokuphuma emigwaqeni onemizila emibili noma onguthelwayeka njengoba kuchazwe eMthethweni wokuHamba kweziThuthi eMgwaqeni naoma yimuphi omunye uMthetho.
 - Amabhodi aphaathekayo akumele abekwe ngendlela yokuthi avimbe ukubona noma yiluphi uphawu lomgwaqo noma uphawu olunegama lesitaladi kunoma iyiphi ingxenye yomgwaqo njengoba kuchazwe eMthethweni wokuHamba kweziThuthi eMgwaqeni nanoma yimuphi omunye uMthetho.
 - Amabhodi aphaathekayo akumele abekwe ngendlela yokuthi avimbe noma athikameze abantu abahamba ngezinyawo ukuthi bahambe endleleni noma abantu abathengisa esitaladini.
 - Ukubekwa kwebhodi eliphathekayo lezindlu ezikhangiswayo kuyovunyelwa kuphela ngeMigqibelo, ngamaSonto nangamaholide omphakathi. Amanye amabhodi aphaathekayo avunyelwe imisebenzi yokukhangisa angabekwa kuphela ngamahora ajwayelekile okuhweba, emva kwalokho ayosuswa.
 - Ibhodi eliphathekayo elilodwa lenkampani eliyovunyelwa esitaladini ngasinye ukukhangisa mimisebenzi futhi lezo zimpawu ziyobekwa ngqo phambi kwezakhiwo zokhangisayo.
 - Abafakizicelo kuyodingeka ukuthi bakhokhele umkhandlu ngaphambilini ngsnoma yiziphi izindleko ezingavela ekufakeni lezo zimpawu emigwaqeni noma endaweni yoMkhandlu futhi kuyodingeka ukuthi bakhokhele iqembu lesithathu ngenhloso yokuthola nomshwalense.
- (8) **Imikhangiso yasemoyeni**
- (a) Wonke umuntu ofisa ukukhangisa emoyeni, ngaphandle kokusebenzisa ibhanoyi, uyofaka isicelo esibhaliwe eMkhandlwini ngendlela enqunyiwe futhi akhokhe imali efanele futhi leso sicelo siyophelezela —
- yimininingwane yobukhulu bomkhangiso wasemoyeni kanye nendlela umkhangiso ozobekwa ngayo kanjalo nokuzosetshenziswa kanye nendlela yokwakha neyokuwusckela;
 - imininingwane yendawo ozobekwa kuyo kanye nencazelo yezakhiwo lapho okokubhabhisa emoyeni kuzogxunyekwa khona

kanye nemininigwane yezigxobo zikagesi nezeyocingo kanye namakhebula nezinye izinhlaka ezisemamitheni angama-30 ukusuka kuleyo ndawo;

- (iii) igama nekheli komuntu noma kwenkontileka efaka lowo mkhangiso kanye negama nekheli komuntu ogunyaziwe oqaphe okukubhabhisa umkhangiso kanye nokomnikazi wawo;
- (iv) isikhathi umkhangiso ozosihlala ubekiwe;
- (v) lapho umfakisicelo kungeyena umnikazi wezakhiwo okugxunyekwa kuzo okokubhabhisa umkhangiso, imvume ebhaliwe yomnikazi iyodingeka mayelana nalokho;
- (vi) ubufakazi bokuhlinzekwa kwesifutho esizisebenzela ngokwaso;
- (vii) ukuvikeleka okwanele komphakathi ngendlela egculisa uMkhandlu;
- (viii) imvume kanye nanoma yimiphi eminye imibandela nezidingo okunqunywe yi-National Civil Aviation Authority.

- (b) Akukho mkhangiso waemoyeni oyobekwa, phezu kwendawo yoMkhandlu, kubandakanya nanoma yisisphi isitaladi noma indawo yomphakathi, ngaphandle kokuthi kutholakake imvume yoMkhandlu ongabeka noma yimiphi imibandela njengoba ubona kufanele.

(9) Izithuthi zokukhangisa

- (a) Wonke umuntu ofisa ukubeka noma yimuphi umkhangiso esithuthini sokukhangisa njalo ngonyaka uyolethe eMkhandlwini isicelo esibhaliwe futhi akhokhe imali enqunyiwe, futhi lesi sicelo siyophelezela —
 - (i) yiminigwane yempahla uphawu lokukhangisa olwakhiwe ngayo, ubukhulu balo kanyenendlela ukwakhiwa kwalo esekelwe ngayo esithuthini sokukhangisa;
 - (ii) igama, ikheli nenombolo yocingo yomnikazi wesithuthi, uma umnikazi ehlala noma enendawo yokuqhubela ibhizinisi ngaphandle kwemingcele yoMkhandlu, komuntu olawula isithuthi ngaso sonke isikhathi; kanye
 - (iii) nekhophi yelayisense ekhishelwe lesi sithuthi kanjalo namaphepha okubhalisa ngokoMthetho wokuHamba kweziThuthi eMgwaqeni.
- (b) Akukho sithuthi sokukhangisa esiyobekwa endaweni ezimele noma yoMkhandlu, kubandakanya indawo ebekelwe ukupaka, endaweni yomphakathi noma endaweni eseceleni komgwaqo —
 - (i) ngaphandle uma kutholakele imvume ebhaliwe ngaphambilini eMkhandlwini ngokwale Mithethodolobha futhi neziza zokukhangisa sezivunyiwe nguMkhandlu ngokwale Mithethodolobha; futhi
 - (ii) inqobo nje uma, kungekho ziza ezibekiwe ezivunyiwe, isithuthi sokukhangisa siyovunyelwa ukuthi sibekwe uma zihamba ngaso sonke isikhathi futhi ziyohambisana nomthetho kanye nemibandela okubekwe nguMkhandlu.
- (c) Izithuthi zokukhangisa ezipakwe endaweni ezimele ngenhloso yokugcinwa ziyobekwa ngendlela yokuthi zingabonakali esitaladini noma endaweni yomphakathi.
- (d) Iphaneli yokukhangisa noma ingxenye yesithuthi esisetshezeniselwa ukukhangisa angeke seke ama-6 m² uma seyihlanganisiwe.
- (e) Naphezu kwezihlinzeko zale Mithethodolobha, uMkhandlu noma iziphathimandla ezigunyazwe yiwo, ngaphandle kokhipha isaziso, bayosusa imoto yokukhangisa endaweni yoMkhandlu, lapho kunesithuthi sokukhangisa esingagunyaziwe endaweni ezimele, uMkhandlu ungakhipha isaziso esinxusa ukususwa kwaso ngokushesha.
- (f) Ngaphandle uma isithuthi sokukhangisa sivalelwe ngumkhandlu ngokwendima (e) isilandiwe esikhathini esiyizinyanga ezintathu kusukela ngosuku lokuphuma kwesaziso, lesi sithuthi siyodayiswa nguMkhandlu ukuze ukhokhe noma yiziphi izindleko ezikhona. Izithuthi zokukhangisa ezivalelwe ziyokhulwa nguMkhandlu kuphela emva kokuba zonke izimali noma izinhlawulo sezikhokhwe ngokugcwele futhi namaphepha okubhalisela ilayisense eselethiwe ukuze aqinisekise.

13. Izingathekiso

- (1) Uma noma yimuphi umuntu ethwese icala ngokwale Mithethodolobha, kuyothathwa ngokuthi —
 - (a) noma yimuphi umuntu obeka noma yimuphi umkhangiso noma uphawu, noma ngabe lowo muntu ungumfakisicelo, umnikazi noma umhlali kulezo zakhiwo, umkhqizi wanoma iyiphi ingxenye yohlaka lophawu noma umnikazi womsebenzi lowo mkhangiso ophathelelene nawo kanye nanoma yimaphi ama-ajenti, kuyothathwa ngokuthi abeke, noma enze ukuthi kubekwe, avumele lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (b) noma yimuphi umuntu, iqembu, umgwamanda noma iqembu lezopolitiki elihlela, elixhasa, eligququzela noma elilawula noma yimuphi umhlango, umcumbi noma umgidi lolo phawu, phosta, lowo mkhangiso wokhetho noma wasemoyeni okuphathelelene nawo, kuyothathwa ngokuthi libeke, lenze ukuthi kubekwe noma livumele ukuthi kubekwe lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (c) noma yimuphi umuntu igama lakhe elivela emkhangisweni noma ophawini noma umkhqizo wakhe noma imisebenzi ekhangiswe kulolo phawu kuyothathwa ngokuthi libeke, lenze ukuthi kubekwe noma livumele ukuthi kubekwe lowo mkhangiso noma lolo phawu ukuthi kubekwe kuze kube kutholakala ubufakazi obehlukile kunalokho;
 - (d) umkhangiso obekwe odongeni olungaphandle noma ocingweni oluyingxenye yomngcele wanoma yiziphi izakhiwo nangaphambi kwanoma yisisphi isitaladi noma wendawo yomphakathi kuyothathwa ngokuthi ubekwe esitaladini noma endaweni yomphakathi;
 - (e) lapho noma yisiphi isaziso noma omunye umbhalo udingeka ngokwale Mithethodolobha ukuba sinikezwe noma yimuphi umuntu, kuyothathwa ngokuthi sikhishwe ngeendlela efanele, ezinsukwini ezinhlanu (5) zokusebenza sikhishiwe, uma silethwe ngesandla kuyena noma kunoma yiliphi ilungu lomndeni wakhe elineminyaka engaphezu eyishumi nesithupha, nanoma yimuphi umuntu amqashile ebhizinisini lakhe, noma uma sithunyelwe ngeposi elirejistiwe ekheliini lalapho ehlala khona noma lalapho esebenza khona njengoba kuvela kumarekhodi oMkhandlu, noma uma lowo muntu kuyinkampani noma ithrasti, uma sinikezwe nanoma yimuphi umuntu oqashwe yileyo nkampani noma ithrasti ehovisi layo elibhalisiwe, noma uma sithunyelwe ngeposi elirejistiwe kulelo hhovisi;
 - (f) noma yimuphi umkhangiso noma uphawu olufakwe ngokusemthethweni ngaphambi kosuku lokushicilelwa kwale Mithethodolobha kuyothathwa ngokuthi ufakwe ngokusemthethweni ngokwale Mithethodolobha, inqobo nje uma ulokhu ufakwe endaweni eyodwa ngaphandle kokuwushintshashintsha ngaphandle koshintsho olungatheni oluvunye ngokubhaliwe nguMkhandlu;
 - (g) noma yini eyenziwa ngaphansi noma ngokwanoma yiziphi izihlinzeko ezichithwa yile Mithethodolobha kuyothathwa ngokuthi yenziwe ngaphansi kwezihlinzeko ezihambisanayo zale Mithethodolobha futhi lokho kuchithwa angeke kuthikameze ukuba semthethweni kwanoma yini eyenziwe ngaphansi kweMithethodolobha echithiwe kanjalo. Noma yisiphi isicelo esifakwe nesisacutshungulwa nguMkhandlu ngesikhathi sokuqalisa kwenqubomgomo noma kokumenyezela kwale Mithethodolobha, iyocutshungulwa ngokwale Mithethodolobha.

14. Ukonga maqondana nezimpawu ezikhona

Lezi zihlinzeko ezilandelayo ziyosebenza maqondana nezimpawu ezikhona ezifakwe ngokusemthethweni ngosuku lokushicilelwa kwale Mithethodolobha:

- (1) Uma noma yiluphi uphawu luhambisana nezihlinzeko zale Mithethodolobha lezo zimpawu zingaqhubeka zibekwe, kweyame kwizih-

linzeko zale Mithethodolobha futhi luyothathwa njengophawu oluvunywe nguMkhandlu ngokwale Mithethodolobha.

- (2) Uma lolo phawu lungahambisani nezihlinzeko zale Mithethodolobha lolo phawu lungaqubeka lubekwe, ngaphandle uma izihlinzeko zale Mithethodolobha zisho okwehlukile: Inqobo nje uma —
 - (a) uma uphawu kunguphawu okusebenza kulo izihlinzeko zesigaba 8 sale Mithethodolobha, uMkhandlu, ngaphandle kokuhoxisa ilungelo lawo lokuswa kwalolo phawu, ngesaziso esibhaliwe ungacela umuntu olawula lolo phawu, ukuthi ashintshe noma alungise uphawu esikhathini esiyizinsuku ezingama-90 kusukela ngosuku lokuthola leso saziso, noma leso sikhathi eseluliwe njengoba uMkhandlu ungabalula, ukuze lwenziwe ukuthi luhambisane nale Mithethodolobha. Noma yimuphi umuntu owehluleka ukuhambisana naleso saziso, uyothwesa icala;
 - (b) lolo phawu angeke lupendwe kabusha, lulungise noma lukhandwe, ngaphandle uma lwenziwa ngendlela ehambisana nezihlinzeko zale Mithethodolobha, futhi kutholakale imvume yoMkhandlu ngokwesigaba 2 sale Mithethodolobha. Noma yimuphi umuntu openda kabusha, olungisa noma okhanda lolo phawu ngokuphambana nezihlinzeko zale Mithethodolobha, uyothwesa icala;
 - (c) uMkhandlu, noma yingasiphi isikhathi emva kokuphela kwesikhathi esiyiminyaka emithathu kusukela ngosuku lokukhishwa kwale Mithethodolobha ngesaziso esibhaliwe, ingadinga ukuthi umuntu olawula lolo phawu (okungelona uphawu kulona okusebenza izihlinzeko zesigaba 8 sale Mithethodolobha), ashintshe noma alungise ukuze luhambisane nale mithethodolobha; noma, kuuthi asuse lolo phawu, esikhathini esiyizinsuku ezingama-30 kusukela ngosuku lokuthola irisidi laleso saziso noma leso sikhathi eseluliwe njengoba uMkhandlu ungabalula. Noma yimuphi umuntu owehluleka ukuhambisana naleso saziso, uyothwesa icala.
- (3) Noma yiluphi uphawu olukhona olufakwe ngokungemthetho ngosuku lokukhishwa kwale Mithethodolobha luyosuswa ngumnikazi walo noma ngolulawulayo.

15. Izinhlawulo

Noma yimuphi umuntu owephula noma yiziphi izihlinzeko zale Mithethodolobha uyothwesa icala futhi ekulahlweni yicala uyokhokha inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyisithupha noma kokubili lokho kuboshwa nokuhlawula.

16. Ukulawulwa

* Bheka uHlelo B.

17. Ukuchithwa kweMithethodolobha

IMithethodolobha ephathelene nokuKhangisa ngaPhandle kaMasipala waKwaSani, ngalokhu iyachithwa kufakwa esikhundleni sayo le Mithethodolobha, eziqala ukusebenza ngosuku lokushicilelwa kwayo.

UHLELO A

IZIMALI ZEZIMPAWU ZOKUKHANGISA

Izimali zokufaka isicelo kanye nediphozi yelayisense noma yemvume yokukhangisa ngaphandle

Wonke umuntu ofaka isicelo eMkhandlwini sokuthola imvume yawo, ekufakeni isicelo, uyokhokhela uMkhandlu imali enqunyelwe lokho futhi akukho isicelo esiyocutshungulwa kuze kube leyo mali iyakhokhwa, izimali zibekiwe lapha ngezansi:

1. Imali engabuyiswa yokufakwa isicelo engama-R150,00 (amarandi ayikhulu namashumi amahlanu) kumele ikhokhwe nesicelo ngasinyesezinhlobo zezimpawu 2 (ezimbelwa phansi), 3 (ezasodongeni), 4 (ezifakwa ophahleni) kanye 5 (nezifakwa kovulandi, kumakhenophi nangaphansi kompheme). Noma yikuphi ukuchithiyelwa okungatheni kwesicelo, esithathwa yisiphathimandla esigunyaziwe soMkhandlu njengesichibiyelo esingatheni, singalethwa nemali yokufaka isicelo eyephuliwe engama-R50 sisinye (amarandi angamashumi amahlanu).
2. Imali engabuyiswa yokufakwa isicelo engama-R450 (amarandi angakhulu amane namashumi amahlanu) kumele ikhokhwe nesicelo ngasinye sohlobo lwezimpawu 1 (amabhodi amakhulu).
3. Imali yemvume ka 1 no 2 ngama-R40,00 (amarandi angamashumi amane) i-m² sokubeka umkhangiso noma ingxenye yaso kanye nemali engama-R40,00 (amarandi angamashumi amane) isicelo nasinye.
4. Imali engabuyiswa yokufakwa isicelo engama-50,00 (amarandi angamashumi amahlanu) kumele ikhokhwe nesicelo ngasinye sohlobo lwezimpawu 6 (amaphosta, amabhena namafulegi).
5. Ekamukelweni kwamaphosta, umfakisicelo kumele athenge izitika eMkhandlwini ezizogqama kuwo wonke amaphosta abekiwe kanje:
 - (a) Irandi (R1,00) isitika ngasinye elizokhokhelwa iphosta ngayinye ebekelwe izinkampani ezingenzi-nzuzo. La maphosta kumele aveze izinom-bolo zokuthola usizo lwezimali zemigwamanda noma kulethwe umthethosisekelo eMkhandlwini. Akukho mkhangiso wezohwebo noma amalogo abaxhasi okuyovunyelwa ukuthi kuvele kulawo maphosta.
 - (b) Amarandi amabili nesihlanu (R2,50) isitika ngasinye azokhokhelwa iphosta ngayinye ebekiwe yezenkolo, yezemidlalo, yezamasiko, yezepolitiki kanye neyeminye imigidi. Ipheleli eliphansi lomkhangiso wezohwebo kanye namalogo abaxhasi kuvumelekile ukuthi kuvele kulawo maphosta.
 - (c) Amarandi amahlanu (R5,00) isitika ngasinye azokhokhelwa iphosta ngayinye ebekiwe yemigidi ngokubona koMkhandlu noma yiziphathimandla ezigunyazwe yiwo njengengoyohlobo lokuhweba.
6. Imali engabuyiswa yokufakwa isicelo engama-R60,00 (amarandi angamashumi ayisithupha ngonyaka noma ingxenye yayo kumele ikhokhwe nesicelo saminyaka yonke sohlobo lwezimpawu 7 (amabhodi abathengisi bezindlu); isibalo samabhodi adingekayo noma yingasiphi isikhathi kumele sibalulwe kuleso sicelo.
7. Imali engabuyiswa yokufakwa isicelo engama-R50,00 (amarandi angamashumi amahlanu) kumele ikhokhwe nesicelo saminyaka yonke sohlobo lwezimpawu 7 (amabhodi aphahekayo nanoma yiluphi uhlobo olunokubhidliza).
8. Imali engabuyiswa yokufakwa isicelo engama-R200,00 (amarandi angamakhulu amabili) kumele ikhokhwe nesicelo ngasinye sohlobo 8 (imikhangiso yasemoyeni); umshwalense wokuvikela umphakathi wesikhathi sokubekwa komkhangiso kuyodinga inikezwe uMkhandlu.
9. Imali engabuyiswa yokufakwa isicelo engama-R1 200,00 (amarandi ayinkulungwane namakhulu amabili) ngonyaka noma ingxenye yayo kumele ikhokhwe nesicelo ngasinye saminyaka yonke sanoma yiluphi uphawu lohlobo 9 (izithuthi zokukhangisa); ikhophi eqinisekisiwe yelayisense yesithuthi nayo kudingeka ukuthi ilethwe.
10. Imali yokwenabela kwezinye izindawo engama-R45 i-square metre (m²) ekwamukelweni kwesicelo iyokhokhelwa uphawu ngalunye olwenabela endaweni yoMkhandlu.

Qaphela: Isikhathi sokusebenza kwemvume yazo zonke izimpawu siyonqunywa nguMkhandlu.

B. Izinhlawulo ngamacala nokususwa kwesimpawu zokukhangisa ngokwezigaba 9 no 14

1. Ekulahlweni yicala lokuqala, isaphulamthetho siyokhokha inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni ezintathu (3), noma kokubili lokho kuhlawuliswa nokuboshwa.
2. Uma engasaqili ukwephula umthetho, isaphulamthetho siyokhokhiswa enye inhlawulo engeqile ema-R100,00 (amarandi ayikhulu) usuku nosuku elephula ngalo umthetho.

3. Ekulahlweni yicala okwesibili noma okulandelayo, isaphulamthetho siyokhokhiswa inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni ezintathu (3).
4. Ngokubeka izimpawu zohlobo 6 (amaphosta, amabhena noma amafulegi) singagunyaziwe, isaphulamthetho siyokhokhiswa inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni ezintathu (3).
5. Ngokubeka izimpawu zohlobo 7 (amabhodi abathengisi bezindlu, amabhodi aphahekayo nanoma yiluphi uhlaka olunokubhidliza) singagunyaziwe, isaphulamthetho siyokhokhiswa inhlawulo noma siboshwe isikhathi esingeqile ezinyangeni eziyisithupha (6).
6. Noma yimuphi umuntu owephula izigaba 9 no 14 uyokhokhiswa inhlawulo noma baboshwe isikhathi esingeqile ezinyangeni eziyisithupha (6), noma kokubili lokho kukhokhiswa inhlawulo nokuboshwa.

Qaphela: Noma yiluphi uphawu lokukhangisa olususwe noma oluthathwe kodwa lwangahlwa nguMkhandlu, ngenxa yokungahambisani nale Mithethodolobha, lungabuye luthengwe ngumnikazi walo noma ngumfakisicelo ngemali elingana nezindleko ezidalwe ngukulisusa noma ukuligcina.

Phezu walokho, noma yiluphi uphawu olususwe kodwa lwangaphinde lwathengwa kabusha ezinsukwini ezingamashumi ayisithupha (60) luthathiwe, noma emva kwezinyanga ezintathu (3) uma kunguphawu lohlobo 9 (ukukhangisa izithuthi), luyolahlwa nguMkhandlu ukuthola izindleko.

UHLELO B:

UKULAWULWA KWEZINDAWO: (ISIGABA 16)

Indawo yezemvelo yasemaphandleni	Okukhulu	Indawo esedolobheni	Okuphakathi	Okuncane
Amapaki kazwelonke Iziqwi Izindawo zezemvelo Izindawo zamahlathi Imvelo Izindawo ezizimele ezingasolwandle Ugu lolwandle Izilwandle Izindawo ezilinywa kakhulu Imizila egqamile Izindawo ezigqamile Imifula Izindawo ezivulelekile ezinamakhaphozi	Amapaki kamasipala Izindawo zokulima Amapulazi amancane asemaphandleni Izindawo ezivulelekile ezizimele Izindawo ezivulelekile zomphakathi Izindawo okulinywa kuzo kakhulu Izindawo ezigqamile uma uhamba ngemoto Imizila egqamile Izinto ezigqamile Izindawo ezisamadolobha nezendabuko	Idolobhakazi Izinhlelo zezindawo ezivulelekile Amapulazi amancane asedolobheni Zonke izindawo zokuhlala Izindawo ezivulelekile ezizimele Izindawo ezivulelekile zomphakathi Indawo yabahamba ngezinyawo Imakethe yabahamba ngezinyawo Izinsizakusebenza zemiphakathi Okugqamile okuhle Izintuba Imifula Izindawo ezimanakhaphozi Izindawo zokongiwa kwemvelo Izindawo ezinomlando Izakhiwo nezindawo ezinomlando	Amabizini amakhulu Izindawo zezohwebo namahhovisi ezindaweni zokuhlala Izindawo zokuhweba ezisezindaweni zokuhlala Imizila yezimboni nemidweshu Izifunda nezindawo zokuthuthukisa ezikaqedisizungu Izikhungo zezemfundo Izinkundla zezemidlalo Umasipala noma uhulumeni Izindawo ezisetshenziselwa izinto ezehlukahlukene Izindawo okwazi ukubona kuzo emigwaqeni engethelawayeka nasemigwaqeni yasemadolobheni	Izindawo zezimboni Izindawo zezimboni Imizila yezithuthi Izindawo zokuhamba izithuthi Izitobhi zezithuthi

No. 38, 2004

26 August 2004

THE Council of Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

KWA SANI LOCAL MUNICIPALITY

ADVERTISING SIGNS BY-LAWS

1. Definitions

- (1) In the interpretation of these By-laws, the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:

“advertisement” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street or public place;

“advertising signage structure” means any physical structure built to display advertising;

“advertising vehicle” means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;

“aerial advertisement” means any advertisement displayed in the air by the use of a balloon, kite, inflatable object, aircraft or any other means;

“affix” includes to paint onto and “affixed” shall have a corresponding meaning;

“animated advertisement” means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam;

“applicant” means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located;

“application” in relation to advertising sign/s may include all proposed advertising signs per business per site;

“appropriate” means that the dimensions, installation, materials, place and/or supports are, in the opinion of the Council, suitable for, and appropriate in, all circumstances of the case;

- "approval"** means approval by the Council or its delegated officials;
- "banner sign"** is a temporary or permanent sign painted or embossed on flexible material suspended by ropes or other means;
- "bill-sticking"** means an advertisement or poster pasted directly onto an existing surface which is not intended specifically for the display of a poster or advertisement;
- "building"** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress therefrom, covering any area in excess of 5m² and having an internal height of more than 1.7m;
- "canopy"** means a rigid roof-like projection from the wall of a building;
- "cantilever"** means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports;
- "change of face"** means an alteration to the content of the advertisement displayed on an approved signage structure;
- "clear height"** in relation to a sign means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below the sign;
- "cluster sign"** means a number of signs, all of the same size, erected symmetrically on one or more standards or pylons;
- "combustible"** means will burn or ignite at or below a temperature of 750°C when tested for combustibility in accordance with British Standard 476: 1932: Definitions of fire-resistance, incombustibility and non-inflammability of building materials and structures (including methods of test);
- "Council"** means the Kwa Sani Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws;
- "Council property"** includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council;
- "curtilage"** is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building;
- "depth of a sign"** means the vertical distance between the uppermost and lowest edges of the sign;
- "deemed to comply"** means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Council for consent purposes;
- "designated areas"** are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs;
- "display"** means the display or erection of an advertising sign or structure;
- "electronic sign"** means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in various ways;
- "election advertisement"** means an advertisement used in connection with any national, provincial or municipal election, by-election or referendum;
- "environmental impact assessment"** in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the environment;
- "estate agents' board"** means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;
- "flag"** means a piece of cloth (or similar material) upon which an advertisement is displayed which is attached to a single rope, pole or flag staff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude —
- national flags that do not carry advertisement in addition to the design of the flag or flagstaff; and
 - flags carried as part of a procession;
- "flashing advertisement"** means an electric advertisement which intermittently appears and disappears;
- "flat sign"** means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or on a wall external to and not part of a building;
- "gore"** means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways;
- "ground sign"** is a self-supporting sign erected on the ground and which is not attached to a building or a wall;
- "illuminated advertisement"** means an advertising signage structure which has been installed with electrical or other power for the purpose of illuminating the message of such sign;
- "lawfully displayed"** means displayed within the public view in accordance with the By-laws applicable at the time of the erection of the sign;
- "main wall"** means any external wall of a building but shall not include a parapet wall, balustrade or railing of a veranda or balcony;
- "mobile sign"** means a sign mounted on a vehicle or trailer and used specifically for advertising purposes;
- "municipality"** means the area of jurisdiction of the Kwa Sani Local Municipality;
- "non-profit body"** is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved;
- "occupier"** includes any person in actual occupation of land or premises without regard to the title under which he/she occupies;
- "on-show sign"** means a temporary sign erected to indicate that a property is on view for sale;
- "on site or directional"** in relation to any advertisement, means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed;
- "outdoor advertising"** means any form of advertising as defined, visible from any street or public place and which takes place out of doors;
- "overall height"** in relation to a sign, means the vertical distance between the uppermost edge of the sign and the level of the ground, pathway or roadway immediately below it;
- "portable board"** is any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved;
- "posters"** are placards intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event relating to an election, activity or undertaking;
- "premises"** means any building together with the land on which such building is situated;
- "projected sign"** means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance;

"projecting sign" means any wall sign which is affixed to a building and protrudes more than 300mm from the wall of such building;

"public place" means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access;

"remote or third party advertising" means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed;

"return wall" means any external wall of a building or any other wall, which faces any boundary other than a street façade.

"road reserve" means the area contained within the statutory width of a road;

"Road Traffic Act" means the National Road Traffic Act, 1996 (Act No. 93 of 1996) and the Regulations promulgated in terms of this Act, as amended from time to time;

"road traffic sign" means any road traffic sign as defined in the Road Traffic Act, 1996;

"roof sign" means a sign painted or affixed directly onto the roof covering of a building;

"SAMOAC" means the South African Manual for Outdoor Advertising Council;

"sandwich board" is a portable, double-sided, freestanding, vertically splayed sign standing on the ground or carried by a person or vehicle;

"sign" means any physical structure or device intended for the display of an advertisement;

"signalised traffic intersection" means an intersection controlled by traffic lights;

"sky sign" means a sign that is placed or erected on or above the roof, parapet wall or eaves of a building;

"specific consent" means the written approval of the Council which is required on submission of a formal application;

"street furniture" means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures;

"street name signs" means pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street naming;

"street line" means the boundary of a public street;

"temporary sign" means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period;

"tri-vision" means a display which, through the use of a triangular louvre construction, permits the advertising of three different copy messages in a predetermined sequence;

"under-awning sign" means a sign suspended or attached to the soffit or a canopy or veranda;

"veranda" is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

"visual zone" means the road reserve of a road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a freeway in an urban area; and

"zone" means the use zone as defined in the Kwa Sani Town Planning Scheme in course of preparation.

(2) For the purpose of the application of the measurements, dimensions or areas specified in these By-laws in relation to signs, the same shall be applied to the sign as a whole, inclusive of any space between letters, words, figures, symbols, pictures, drawings and the like appearing thereon, and also any space between the perimeter of the sign and the actual advertisement appearing thereon.

(3) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. Approval for advertisements and signs

(1) Subject to the provisions of these By-laws, no person shall erect or cause or allow to be erected, altered, displayed or maintained any advertisement or sign which is visible from any street or public place or on any Council property without first having obtained the written approval of the Council or its duly delegated officials.

(2) Temporary or portable signs being posters or bills or the like temporarily displayed solely for or in connection with the particular occasion, function or event to which they relate, including directional signs to such an event, signs relating to an election or referendum held or conducted under the authority of any law, and signs carried through the streets, shall only be displayed with the prior written consent of the Director Technical Services and subject to such conditions as he may impose. Such signs shall not exceed 0,5m² in area.

3. Exempt advertisement and signs

(1) Subject to the provisions of these By-laws, advertisements or signs for which no approval is required are as follows:

(a) Any advertisement or sign not exceeding 2m² which is required to be displayed in terms of any national, provincial or municipal legislation; i.e. company, close corporation, co-operative, licensed premises or professional offices, or any security sign limited to one per street frontage or premises.

(b) Any advertisement or sign over or near the main entrance to any premises in which a business is carried on and which bears only the name of the business.

(c) One advertisement or sign per street frontage indicating only the name and nature of an enterprise, practice, accommodation facility and place of residence as well as the name of the proprietor, partner or practitioner with a maximum area of 1,5m² per sign; or indicating the name and nature of institutions and other community facilities with a maximum area of 3m² per sign.

(d) Any non-illuminated advertisement displayed inside a building or on a display- or shop front window.

(e) Any advertisement not exceeding 4,5m², displayed with the curtilage of the premises relating to the accommodation being offered to let or purchase in the building, limited to one advertisement per advertising agent per street frontage and not displayed for longer than 30 (thirty) days after the date of sale or lease.

(f) Project boards advertising only the builders and professional consultants involved in a project, not exceeding 18m² and with a maximum erected height or 6m, displayed within the curtilage of the premises whilst building work is in progress, limited to one per street frontage and to be removed within 30 (thirty) days of completion of the project.

(g) A national flag of any country except when, in the Council's opinion, more than one national flag is used to promote, advertise or identify an economic activity, in which case the provisions of these By-laws shall apply.

(h) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Council for the advertising signage structure.

(i) Aerial advertising by means of an aircraft: Provided that the necessary approval has been obtained from Civil Aviation, including any conditions and requirements as prescribed.

- (j) Signs not exceeding 0,25m² in area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained.
- (k) Signs relating to the immediate sale of newspapers and the like within a public street.
- (l) Signs required to be displayed By-law.
- (m) Signs which, on merit, are exempted by the Municipal Manager in consultation with the Planning and Building Plan Portfolio Committee.

4. Application, assessment and appeal procedure

- (1) Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Council is required, shall submit a written application to the Council on the prescribed form, together with the prescribed fee in accordance with the Schedule of advertising sign charges (Schedule A). The application shall be signed by the owner of the proposed advertising sign and by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his/her agent authorised in writing by such owner and shall be accompanied by the following plans drawn in accordance with the following requirements:
 - (a) A locality plan drawn to scale showing the sign in relation to surrounding roads and structures within a 500m radius, where applicable.
 - (b) A site plan showing the position of the sign or advertisement on the premises, drawn to a minimum scale of 1:500 and giving all dimensions, showing the position of the sign in relation to the boundaries, other buildings, structures, services and features on the site and showing the streets and buildings on properties abutting the site.
 - (c) Detailed dimensioned drawings sufficient to enable the Council to consider the appearance of the sign or advertisement including materials, construction and illumination details.
 - (d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.
 - (e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
 - (f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
 - (g) Such other additional drawings, environmental impact assessments and/or photographs as are necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- (2) In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
- (3) In addition, where required, the applicant shall submit additional structural and other drawings and certifications as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure this sign's stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time.
- (4) In addition, the applicant shall indemnify the Council against any consequences arising from the erection, display or mere presence of such advertising sign.
- (5) All signs to be erected or displayed must comply with the applicable Town Planning Scheme Regulations, as well as other relevant legislation, as amended from time to time.
- (6) In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to the Council's policy and to SAMOAC's guidelines for control in terms of the general conditions and principles as set out in these documents, as amended from time to time.
- (7) The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but not inconsistent with the provisions of these By-laws or the Council's policy on outdoor advertising.
- (8) An approval or refusal of an application by the Council shall be made in writing with reasons provided within 60 (sixty) days of a complete application having been submitted in terms of these By-laws.
- (9) On approval, a complete copy of the application as submitted shall be retained by the Council for record purposes.
- (10) Any advertisement or sign erected or displayed shall be in accordance with the approval granted and any condition or amended condition imposed by such approval; and the person who erects an approved sign shall notify the Council within 7 (seven) days of such sign or advertisement being erected.
- (11) The person/s to whom permission has been granted for the display of any advertisement or sign which extends beyond any boundaries of any street or public place shall enter into a written encroachment agreement with the Council, indemnify the Council in respect of the sign and be liable to the Council for the prescribed annual encroachment rental.
- (12) Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, whereafter a new application for consideration must be submitted to the Council for approval in terms of these By-laws.
- (13) The applicant may appeal in writing against any refusal, lack of decision or condition imposed by the duly authorised official/s.
- (14) The appeal referred to in subsection (13) shall be lodged within 30 (thirty) days of the date of the notice and will be submitted, together with a report, to the relevant committee of the Council for consideration.

5. Withdrawal or amendment of approval

- (1) The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, an advertising sign does not conform to the guidelines for the control of signage in terms of the Council's policy and/or SAMOAC, as amended from time to time, or for any other reason Council may deem fit.
- (2) The Council may, at any time, revoke its approval for the display of an encroaching sign and cancel the encroachment agreement referred to in section 4(11), giving notice in writing to the owner/applicant of such decision. The owner/applicant shall also advise the Council in writing giving details of any intent to transfer ownership of any encroaching sign.
- (3) An approved sign shall be erected within 6 (six) months from the date of approval whereafter such approval shall lapse unless written application for extension is made, which may only be granted for a maximum period of 2 (two) months.
- (4) Any application which has been referred back to the applicant for amendment shall be resubmitted within 2 (two) months of the date of the referral notice, failing which the application shall lapse.

- (5) Permission for an advertising sign is granted to the applicant only and shall lapse if he ceases to occupy the premises, provided that written approval may be granted by the Council to transfer this right to the new occupier of the premises if such approval is sought within 30 (thirty) days from the date of the new occupation.
- (6) An electronic or illuminated advertisement which, in the opinion of the Council, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council in writing, or be removed by the applicant/occupier within such period as may be specified.
- (7) The permission granted in respect of an advertisement or sign shall lapse if any alteration or addition is made to such advertisement or sign, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

6. Structural requirements

- (1) Every sign shall be neatly and properly constructed, executed and finished in a workmanlike manner.
- (2) Every sign attached to or placed on a building, fence or wall, shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented. The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the weight of the sign in question, with the addition of any force to which the sign may be subjected. The use of nails or staples for the purpose of anchorage and support is prohibited.
- (3) Every projecting sign or suspended sign shall, unless the Director Technical Services otherwise approves, have not less than four supports —
 - (a) which shall be of metal;
 - (b) any two of which shall be capable of carrying the weight of the sign;
 - (c) the designed strength of which, acting together, shall be calculated on a weight of the sign with a horizontal wind pressure of 1,5kPa;
 - (d) which shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view.
- (4) All signs and supports thereof, which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side. The bolts shall be of such size and strength as will ensure effective compliance with paragraphs (2) and (3) hereof.
- (5) Glass

All glass used in signs (other than glass tubing used in neon or similar signs) shall be safety glass at least 3,5mm thick. Glass panels in signs shall not exceed 2m² in area, each panel being securely fixed in the body of the sign independently of all other panels.
- (6) Electrical requirements

Every illuminated sign and every sign in which electricity is used shall —

 - (a) be constructed of material which is not combustible;
 - (b) be provided with an external switch in an accessible position whereby the electricity supply to such a sign may be switched off;
 - (c) be connected according to statutory regulations.
- (7) All exposed metalwork in a sign, or its supports, shall be painted or otherwise treated to prevent corrosion and all timber shall be similarly treated to prevent decay.
- (8) No sign shall be constructed in whole or in part of cloth, canvas, cardboard, paper or like material, except where the sign relates solely to current or forthcoming programmes of public entertainment displayed upon a cinema or theatre, or is a sign on a sunblind.

7. Electrical requirements

Every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with the provisions of the Council's Standard Tariffs and Procedures and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation/regulations.

8. Maintenance of signs

- (1) The person having possession, or control of any sign, while such sign is erected and constructed in contravention of the provisions of this By-law, shall be guilty of an offence.
- (2) (a) No sign, which exists or extends beyond the street line shall remain, except during the pleasure of the Council. The Council may by written notice served on the person having possession or control of any such sign, require such person to remove such sign within a period of time specified in such notice, except where in the opinion of the Council the sign constitutes a potential source of danger to the public, or will or is likely to damage or interfere with any existing or proposed works of the Council or upon the public street, the Council shall have the right to remove such sign forthwith.

Any such person who fails to comply with such notice shall be guilty of an offence.
- (b) The person having possession or control of any sign extending or existing beyond the street line, shall at all times indemnify the Council against all actions or claims which may be brought against it by any person for loss, injury or maintenance, repair or removal of the sign, and shall also reimburse the Council in respect of all expenses incurred in defending any action or resisting any claim.
- (c) The person having possession or control of any sign extending or existing beyond the street line shall pay to the Council the fee prescribed in the schedule of tariffs and charges in respect of the sum total of the surface area containing any advertisement (inclusive of any space between lettering and the like and any space between the actual advertisement and the perimeter of the sign).
 - (i) The above charges shall be payable to the municipality or its duly appointed agents upon application in advance, and thereafter annually on the anniversary of the date of application for the time the sign is in place.
 - (ii) No charge shall be payable unless the sign projects, or is more than 100mm, beyond the street line.
 - (iii) Where during the course of the period of 12 (twelve months) referred to in paragraph (i) hereof, any sign is lawfully replaced by another sign, no additional charge in respect of that period shall be made unless the sign substituted has a greater surface area than the former sign, in which event a further charge calculated as above in respect of the excess area shall become immediately due and payable to the Council.
 - (iv) Where any sign is removed voluntarily, or at the instance of the Council, no refund of any charges paid shall be made by the Council.
 - (v) The payment of any charges as herein provided shall not in any way prejudice or affect the provisions of paragraph (a) of this By-law.
- (d) The person having possession or control of any sign extending, or existing beyond the street line, shall when required in writing by the Director Technical Services, enter into a written agreement with the Council in respect of such sign, undertaking the obligations contained in paragraphs (b) and (c) of this By-law; provided that the absence of any such agreement shall in no way affect the provisions of these By-laws. Whenever any change occurs in the identity of the person having possession or control of any such sign, such change shall forthwith be notified to the Director Technical Services in writing by the person formerly having such possession or control.

9. Offences and removal of signs

- (1) Any person who displays or erects any advertisement or sign for which no approval has been granted by the Council in terms of section 2, or which approval has expired, or has been withdrawn, or which advertisement or sign does not conform with the approved application or any of its conditions, or does not comply with or is contrary to any provision of these By-laws or to any other applicable Act or Regulation, shall be guilty of an offence.
- (2) Any person who erects or continues to display any advertisement or sign which ceases to be relevant to the premises on which it is displayed by virtue of a change in use, ownership or occupancy of the premises to which it relates or for any other reason, shall be guilty of an offence.
- (3) Any person who displays or erects any advertisement or sign which contravenes or fails to comply with any provision, requirements or conditions as set out in any notice issued and served in terms of these By-laws or other applicable legislation, or who knowingly makes any false statement in respect of any application in terms of these By-laws, shall be guilty of an offence.
- (4) The Council may serve notice on the person/s who is displaying the advertisement or who has erected the sign or cause the advertisement or sign to be displayed or erected, or the owner or occupier of the premises upon which such advertisement or sign is being displayed or erected or upon both such persons, directing those persons to remove such advertisement or sign or to do such other work as may be set forth in the notice, within a time frame specified therein which shall not be less than 14 (fourteen) days from the date of receipt of the notice, so as to bring the advertisement or sign into conformity or compliance.
- (5) If any person/s to whom any notice has been given in terms of subsection (3) fails to comply with a direction/instruction contained in such notice within the specified period, the Council may remove or arrange for the removal of the advertisement or sign, or affect any of the alterations prescribed in the notice.
- (6) The Council may recover the expenses incurred as a result of any removal, action taken, repairs to Council property or for any other costs incurred from any person(s) to whom the notice was issued in terms of subsection (3). No compensation shall be payable by the Council to any persons in consequence of such removal, repairs or action taken.
- (7) Any person who fails to remove any poster, banner, flag or election advertisement within the prescribed period shall be guilty of an offence. The Council shall be entitled to remove any such advertisement and deduct the prescribed amount from any deposit made in respect of the advertisement(s) so removed by the Council: Provided that if the amount of money to be deducted exceeds the amount of the deposit made, the Council shall be entitled to recover such excess amount from such person(s); Provided further that when any such poster, banner or election advertisement is removed in terms of these By-laws, the Council shall be entitled to destroy any such advertisement without giving notice to anyone.
- (8) Any person/s who, having displayed or caused to be displayed any portable board in respect of which approval has been granted in terms of these By-laws, fails to remove such board within 2 (two) hours of the time as specified in section 9, shall be guilty of an offence and the Council shall be entitled to remove any such portable board and to recover from such person/s the fee prescribed: Provided that any portable board so removed by the Council may be destroyed without giving notice to anyone.
- (9) Any advertisement or sign, other than those referred to in subsections (6) and (7), which were removed or confiscated by the Council in terms of these By-laws, may be reclaimed within 60 (sixty) days from the date of removal or confiscation and on payment of the charges due, failing which the Council shall have the right to use, dispose of or sell such sign at its discretion.
- (10) If, in the opinion of the Council, the advertising sign constitutes a danger to life or property and in the event of the applicant/owner and/or occupier failing to take the necessary action with immediate effect, the Council may carry out or arrange for the removal of such sign and recover the expenses so incurred.
- (11) Any person who, in the course of erecting or removing any advertising sign, causes damage to any natural feature, electric structure or service, or any other Council installation or property, shall be guilty of an offence and punishable in terms of section 15 of these By-laws and shall be liable for damages so incurred.
- (12) The Council is entitled to summarily remove any unauthorised advertising signs on its own property without giving notice to anyone.

10. Prohibitions

- (1) The following advertisements and signs are prohibited:
 - (a) Any advertisement or sign, other than an exempted sign, for which neither a permit nor approval has been obtained or which does not comply with the requirements of, or which is not permitted by these By-laws or any other law.
 - (b) Any advertisement which, in the opinion of the Council, is indecent, obscene or objectionable or of a nature which may produce a pernicious or injurious effect on the public or on any particular class of person/s or on the amenity of any neighbourhood.
 - (c) Any advertisement or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
 - (d) Any advertisement or sign which obstructs any street, fire escape, exit way, window, door or other opening used as a means of egress or for ventilation or for fire fighting purposes.
 - (e) Any illuminated sign whether laser, animated, flashing or static, which disturbs or is a nuisance to the residents and/or occupants of any building and/or to any member/s of the public affected thereby.
 - (f) Any advertisement or sign which is prohibited in terms of any Town Planning Scheme Regulation or other legislation.
 - (g) Any advertisement or sign not erected in accordance with these By-laws or not in accordance with the specifications approved by the City Council, or the terms or conditions attached by the Council to any such approval.
 - (h) Any advertisement or sign which may obstruct or interfere with any traffic sign or signal for traffic control, or which is likely to interfere with or constitute a danger to traffic, shipping or aircraft or to the public in general.
 - (i) Any advertisement or sign which may inhibit or obstruct the motorists' vision or line of sight thus endangering vehicular and pedestrian safety.
 - (j) Any form of bill-sticking by means of posters or placards to any existing structure without the approval of the Council.

11. Discretionary powers

- (1) The Council or its delegated officer/s shall exercise discretionary powers to permit or not to permit advertising signs in terms of the provisions of these By-laws in the following cases:
 - (a) Any advertisements on a portable board displayed on a street pavement.
 - (b) Any mobile advertising vehicles and their designated positions of display.
 - (c) Advertisements or signs painted on or in any way affixed to the surface of any window other than a display window.
 - (d) Advertisement or signs on top of a canopy or veranda.
 - (e) Advertisements painted on roofs or displayed or erected as a sky sign in an area other than industrial or harbour zone.
 - (f) Advertisements or signs displayed or erected in an area other than industrial or general business zone.

- (g) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose.
- (h) Banners and flags affixed to flagpole/s as a ground sign or attached to an existing building or structure.
- (i) Any remote or third party advertising signs, sponsored signs and signs for non-profit organisations and institutions.
- (j) Any advertisements or signs of dimensions not in accordance with the provisions of these By-laws.

12. Signs on the Council property and temporary advertisements

Temporary advertisements and signs on the Council property are subject to the Council's specific consent as set out in these By-laws. Permanent advertisements and signs on the Council property; i.e. street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs are subject to the Council's specific authority and/or tender procedure. The Council shall be obliged to set out and agree to the specifications and required performance standards for these signs prior to calling for proposals.

(1) Billboards

- (a) Every person who wishes to display or cause to display a billboard advertisement shall submit to the Council a written application on the prescribed form and pay the prescribed fee. Such applications shall be accompanied by an environmental impact assessment in the case of billboards in excess of 36m² and/or for smaller billboards at the Council's discretion.
- (b) This type of sign shall be permitted only in urban areas of minimum control and in urban areas of partial control at the Council's discretion, subject to specific consent and assessment of their environmental impact as required, which shall include the visual, social and traffic safety aspects.
- (c) The name of the owner of the billboard or sign must be clearly displayed on all boards together with the identification number approved by Council.
- (d) Any billboard so displayed shall —
 - (i) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act where applicable;
 - (ii) comply with any other applicable National, Provincial or Local Government legislation and policy, including these By-laws and the Council's policy on outdoor advertising;
 - (iii) not be erected within an area of maximum control, unless, after an environmental impact assessment and public participation process, the Council identifies that such area, subject to such terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
 - (iv) not be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (v) not be, in its content, objectionable, indecent or insensitive to any sector or member of the public;
 - (vi) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
 - (vii) not constitute a danger to any person or property;
 - (viii) not encroach over the boundary line of the property on which it is erected; and
 - (ix) not be erected if considered by the Council to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.
- (e) The positioning of billboards shall —
 - (i) be spaced at least 120 m, 200 m or 250 m apart when in view of each other on the side of the road/s to which they are directed or aimed with up to 60 km/h, 80 km/h or 100 km/h+ speed limit respectively;
 - (ii) not be erected within 100m from the ramp gore of public roads and from overhead traffic directional signs;
 - (iii) not be permitted within a radius of 100 m from the centre of an intersection on any arterial road and within a radius of 50 m from the centre of an intersection on any lower order road;
 - (iv) not have an overall height in excess of 12 m above the surface of the road level to which it is aimed;
 - (v) not have an overall dimension which exceeds 64 m² in the case of ground signs and 54 m² in the case of wall signs;
 - (vi) not have as main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
 - (vii) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of the Council, constitutes a road safety hazard or causes undue disturbance;
 - (viii) ensure that the traffic flow is not impeded during their erection and servicing on public roads, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged;
 - (ix) in the case of wall signs, be attached only to the side and back walls of buildings which do not fulfil the function of a street or front façade of the building.

(2) Ground signs

- (a) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted either where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible, or where the existence of a freestanding composite sign may prevent the proliferation of signage.
- (b) On-site, locality and non-locality bound freestanding ground signs in the form of business signs and tower structures may not exceed 7.5 m in overall height and 6 m² in total area. In addition, they may not exceed 4.5 m² in total area in respect of any individual advertisement thereon and have a clear height of less than 2.4 m. Where a more solid structure is used, the maximum area per sign may be increased to 9 m² and where the sign incorporates a combination sign, the maximum area per signage structure may be increased to 12 m². Only one sign or advertising panel on a combination sign shall be allowed per enterprise per street frontage.
- (c) A remote, non-locality bound ground sign which does not have an overall height in excess of 7.5 m above the ground at any point nor dimensions which exceed 6 m in length and 3 m in height, a total area of 18m², shall be deemed to be of appropriate dimensions: Provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign will be or is deemed to be erected or displayed in an appropriate place.
- (d) All signs erected on a monopole shall be appropriately designed so that the height of the support is proportionally not too long in relation to the size of the sign.
- (e) A maximum of 2 pylon signs per tower, bridge or pylon shall be permitted. The maximum sign area per tower may not exceed 36 m². The sign must be wholly contained within the structure and must have no projections.
- (f) Every ground sign or sign on towers, bridges and pylons shall be independently supported and properly secured to an adequate founda-

tion and be without the aid of guys, stays, struts, brackets or other restraining devices and/or be entirely self-supporting and not dependent upon any existing structure for its support in any way.

(3) Wall signs

(a) Flat signs

- (i) Unless otherwise stipulated, flat signs shall, at no point, project more than 300 mm from the surface of the wall to which they are attached. The maximum projection of any part of a flat sign shall be 100 mm where the underside of such sign measures less than 2,4 m from a footway or pathway immediately below it and the maximum projection shall be 300 mm where the underside of such sign measures more than 2,4 m above such footway or ground level.
- (ii) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; remote, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building façade and to construction site boundary walls and fences.
- (iii) No more than two locality bound flat signs per enterprise shall be permitted and no more than one non-locality bound flat sign per wall shall be permitted.
- (iv) Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
- (v) Flat signs shall not exceed 54 m² in total area and shall not exceed 30% of the overall area of the wall surface to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of maximum control the signs may not exceed 20% of the wall surface area.
- (vi) An environmental impact assessment shall be required for all flat signs in excess of 36 m².

(b) Projecting signs

- (i) The minimum clear height of a projecting sign shall be in excess of 2,4m.
- (ii) Projecting signs shall be 300 mm in maximum thickness.
- (iii) Projecting signs shall not be allowed to extend within 600 mm of the edge of a roadway.
- (iv) The maximum projection shall be 1,5 m in the case of a projecting sign which has a clear height of more than 7,5 m; and 1m where the sign has a clear height of less than 7,5 m.
- (v) Projecting signs shall be installed perpendicular to the street façade or to the direction of oncoming traffic.
- (vi) All projecting signs shall be locality bound

(4) Roof signs

- (a) The maximum permitted size of a roof sign shall be 18m² or 6m² per face for three-sided units: Provided that only one sign per building shall be allowed.
- (b) Roof signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (c) Roof signs shall not obstruct the view or affect the amenity of any other building.
- (d) Roof signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (e) Roof signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
- (f) A roof sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

(5) Veranda, balcony, canopy and under-awning signs

- (a) Signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300 mm in front of the surface to which it is affixed or extend within 600 mm of the edge of a roadway.
- (b) Signs may be affixed flat onto or painted on supporting columns, pillars and posts. Such signs may not project more than 50 mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post. Sign affixed flat onto cylindrical supporting structures shall be curved to fit the form of such structure and only one sign shall be allowed per column, pillar or post.
- (c) Subject to the provisions of subsections (a) and (b), signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening.
- (d) Under-awning signs suspended below the roof of a veranda, canopy or balcony shall have a maximum sign area of 1 m² per face with a maximum of 2 m² in total sign area and shall not exceed 1,8 m in length or 600 mm in height. The allowable thickness of such signs is between 100 mm and 300 mm. Every such sign shall be perpendicular to the building line and fixed at a clear height of not less than 2,4m. Only one sign per enterprise façade shall be allowed with a minimum spacing of 3 m centre to centre between signs. Such signs shall not extend beyond the external edges of the canopy or veranda to which it is attached.
- (e) Signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letter without visible bracing or support. Signs shall only be placed on top of veranda roofs where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. All such signs shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise façade shall be allowed with a maximum height of 1 m.
- (f) Sunblinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2 m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- (g) Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.

(6) Posters, banners and flags

- (a) Every person intending to display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on Council property shall first obtain the written permission of the Council.
- (b) Every application for permission shall be made on the prescribed form and be accompanied by the prescribed fee and deposit as contain in the Schedule of Advertising Sign Charges (Schedule A); such deposit shall be refunded when all the advertisements have been removed to the satisfaction of the Council. The applicant shall, on application, submit a copy of all the posters to which the application relates and written details of the streets in which the posters are to be displayed.

- (c) Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements to the Council's satisfaction:
- (i) Any advertisement relating to an election, meeting, function or event shall be a maximum size of 600 mm high x 450 mm wide; shall have a clear height of minimum 2 m; and shall be securely fixed to durable hardboard or other approved backing board.
 - (ii) In the case of banners or flags, the maximum size shall be 3 m², suspended between non-corrosive pole/s or other approved support/s; and which shall be placed and fastened in such a manner so as not to constitute a danger to any vehicular traffic, pedestrian, person/s or property in any street, public place or Council property.
 - (iii) Any person/s or, in the case of election advertising, each political party displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted one poster per electricity lamppost. No posters are permitted to be displayed on bridges, traffic lights, traffic signs, natural features, freeways and/or national routes.
 - (iv) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when read in succession, forms a continuous relative legend.
 - (v) Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 (fourteen) days before the day on which it begins or longer than 3 (three) days after the day on which it ends. Election advertisements may be displayed from the beginning of the day of declaration of an election to the end of the third day after the election.
 - (vi) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 100, except in special circumstances and with the consent of the Council. In the case of election advertisements, no limitation will be placed on the number of posters displayed.
 - (vii) Any advertisement relating to an election shall be on the basis of a written agreement between the Independent Electoral Commission and the relevant political party.
 - (viii) Banners approved in terms of this section may not be larger than 6 m².
 - (ix) Auction posters approved in terms of this section may not be larger than 2 m².
 - (x) Banners and flags may be applied for as directional advertising for streetscaping urban areas such as pedestrian malls and gateways or for displaying only the name, corporate symbol and nature of enterprises.

- (e) Every poster for which permission is granted shall be provided with a Council sticker or marking which shall be visibly displayed to indicate the Council's approval and the Council shall be entitled to retain one such poster for identification purposes.

(7) Estate agents' boards and portable boards

- (a) Every agent or person intending to display, cause or permit to be displayed any portable board, shall annually submit the prescribed, written application to the Council and pay the prescribed fee for approval of the number of portable boards specified in such application.
- (b) Any person who displays or causes any such portable board to be displayed on any Council property other than a road reserve, unless specific approval has been granted for the display on other property of the Council, shall comply with the following requirements to the Council's satisfaction:
- (i) Portable boards are only to be used for the purpose of indicating the route to the property or premises to be sold or advertised.
 - (ii) Portable boards are to be of appropriate structure and size, not exceeding 600 mm², and collectively the number of boards displayed may not, in the opinion of the Council, detract from the amenities of the streetscape or environment.
 - (iii) Subject to the provisions of the Road Traffic Act and other applicable legislation, portable boards are not to be positioned nearer than 1.8 m from the edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600 mm above the ground.
 - (iv) Portable boards are not to be positioned nearer than 10 m from any road intersection, entrance or exit from a dual carriage way or freeway as defined in the Road Traffic Act or other applicable legislation.
 - (v) Portable boards are not to be positioned so as to obstruct the view of any road traffic sign or street name sign from any portion of roadway as defined in the Road Traffic Act or other applicable legislation.
 - (vi) Portable boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders.
 - (vii) The display of portable boards for show-houses will only be permitted on Saturdays, Sundays and public holidays. Other approved portable boards advertising services may only be displayed during normal trading hours, hereafter they shall be removed.
 - (viii) Only one portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed directly in front of the advertiser's premises.
 - (ix) Applicants will be required to indemnify the Council against any claims that may arise from the placement of such signs within the road reserve or on Council property and shall be required to procure third party insurance for this purpose.

(8) Aerial advertisement

- (a) Every person who wishes to display or cause to display an aerial advertisement, except by means of an aircraft, shall submit to the Council a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by —
- (i) particulars of the content of dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well as the materials used and method of construction and anchorage;
 - (ii) particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30 m of the point of anchorage;
 - (iii) the name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
 - (iv) the period and times of intended display;
 - (v) where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;
 - (vi) proof of the provision of an automatic deflation device;
 - (vii) adequate public liability insurance to the Council's satisfaction; and
 - (viii) approval and any conditions and requirements prescribed by the National Civil Aviation Authority.
- (b) No aerial advertisement shall be displayed or caused to be displayed on, from or over Council property, including any street or public place, unless approval has been granted by the Council who may impose such conditions as it deems fit.

(9) Advertising vehicles

- (a) Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee, and such application shall be accompanied by —
 - (i) particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
 - (ii) the name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control over the vehicle at all times; and
 - (iii) a copy of the current vehicle licence issued in respect of such vehicle as well as the registration as required in terms of the Road Traffic Act.
- (b) No advertising vehicle shall be placed or caused to be placed on private property or Council property, including any demarcated parking bay, in a public road or within a road reserve —
 - (i) unless the prior written approval of the Council has been obtained in terms of these By-laws and designated display site(s) have been approved in terms of these By-laws; and
 - (ii) provided that, if no approved designated site(s) exists, advertising vehicle signs shall only be permitted to be displayed if they are mobile at all times and comply with legislation and conditions imposed by the Council.
- (c) Advertising vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (d) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 6 m².
- (e) Notwithstanding any provisions of these By-laws, the Council or its authorised officials may, without prior notice, remove an advertising vehicle from Council property, and in the case of an unauthorised advertising vehicle on private property, the Council may serve notice instructing the immediate removal thereof.
- (f) Unless an advertising vehicle impounded by the Council in terms of paragraph (e) has been reclaimed within a period of three (3) months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded advertising vehicles shall only be released by the Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.

13. Presumptions

- (1) If any person is charged with an offence in terms of these By-laws, it shall be presumed that —
 - (b) any person/s who erects or displays or who causes to be erected or displayed any advertisement or sign, whether such person/s be the applicant, the owner or the occupier of the premises, the manufacturer of any part of the signage structure or the proprietor of the undertaking or activity to which such an advertisement relates and any of their agents, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
 - (c) any person/s, club, body or political party responsible for organising, sponsoring, promoting or in control of any meeting, function or event to which a sign, poster, election or aerial advertisement relates, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
 - (d) any person/s whose name appears on the advertisement or sign or whose product or services are advertised on such sign shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
 - (e) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting any street or public place shall be deemed to be displayed in a street or public place;
 - (f) where any notice or other document is required by these By-laws to be served on any person, it shall be deemed to have been properly served, within 5 (five) working days of dispatch, if served personally on him/her or any member of his household apparently over the age of sixteen years at his/her place of residence, or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office, or if sent by registered post to such office;
 - (g) any advertisement or sign lawfully in existence prior to the date of promulgation of these By-laws shall be presumed to have been lawfully displayed or erected in terms of these By-laws: Provided that it is continuously displayed or kept in position without any alteration other than a minor alteration approved in writing by the Council; and
 - (h) anything done under or in terms of any provision repealed by these By-laws shall be deemed to have been done under the corresponding provisions of these By-laws and such repeal shall not affect the validity of anything done under the By-laws so repealed. Any application lodged and pending before the Council at the time of commencement of the policy and/or promulgation of these By-laws, shall be dealt with in terms of these By-laws.

14. Savings in respect of existing signs

The following provisions shall apply in respect of the existing signs lawfully displayed at the date of promulgation of these By-laws:

- (1) Where any such sign complies with the provisions of these By-laws such sign may be continued to be displayed, subject to the provisions of these By-laws and shall be deemed to be a sign approved by the Council in terms of these By-laws.
- (2) Where any such sign does not comply with the provisions of these By-laws such sign may be continued to be displayed, subject otherwise to the provisions of these By-laws: Provided that —
 - (a) if the sign is a sign to which the provisions of section 8 of these By-laws are applicable, the Council may, without in any manner detracting from its right to require the removal of such sign, by notice in writing require the person having possession or control of such sign, to alter, modify or adjust such sign within a period of 90 (ninety) days from the date of receipt of such notice, or such longer period as the Council may specify, in order that it may be made to comply with these By-laws.
Any such person who fails to comply with such notice, shall be guilty of an offence.
 - (b) No such sign shall be repainted, renovate or reconstructed, unless it is first made to comply with the provisions of these By-laws, and the approval of the Council thereto has been obtained in terms of section 2 of these By-laws. Any person who repaints, renovates or reconstructs any such sign in contravention of the provisions hereof, shall be guilty of an offence.
 - (c) The Council may, at any time after the expiration of a period of 3 (three) years from the date of the promulgation of these By-laws by notice in writing, require the person having possession or control of any such sign (not being a sign to which the provisions of section 8 of these By-laws are applicable) to alter, modify or adjust such sign in order that it may be made to comply with these By-laws; or alternatively, to remove such sign, within a period of 30 (thirty) days from the date of receipt of such notice or such longer period as the Council may specify.
Any such person who fails to comply with such notice shall be guilty of an offence.

- (3) Any existing sign not lawfully displayed at the date of promulgation of these By-laws shall be removed by the owner or person having possession or control thereof.

15. Penalties

Any person who contravenes any provision of these By-laws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months or both the fine and the imprisonment.

16. Areas of control

* Refer to Schedule B.

17. Repeal of By-laws

The By-laws relating to the Control of Outdoor Advertising for the Kwa Sani Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

SCHEDULE A:

ADVERTISING SIGN CHARGES

A. Application fees and deposits for a licence/permit for outdoor advertising

Every person who applies to the Council for its approval or permission shall, on making application, pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid; the charges are set out below:

1. A non-refundable application fee of R150.00 (One Hundred and Fifty Rand) must be tendered with each application for sign types 2 (ground signs), 3 (wall signs), 4 (roof signs) and 5 (veranda, balcony, canopy and under-awning signs). Any minor amendment to an application, considered by the duly authorised official of Council to be a minor amendment, may be submitted at a reduced application fee of R50.00 (Fifty Rand) each.
2. A non-refundable application fee of R450.00 (Four Hundred and Fifty Rand) must be tendered with each application for sign type 1 (billboards) and all non-locality bound signs in excess of 12m².
3. The approval fee for 1 and 2 is R40.00 (Forty Rand) per square metre of advertising display or part thereof with a minimum fee of R40.00 (Forty Rand) per application.
4. A non-refundable application fee of R50.00 (Fifty Rand) must be tendered with each application for advertisements for sign types 6 (posters, banners and flags).
5. On approval of posters, the applicant must purchase non-refundable stickers from the Council which are to be clearly visible on all posters displayed as follows:
 - (a) R1.00 (One Rand) per sticker to be paid for each poster to be displayed for non-profit bodies only. These posters must display the fundraising numbers of the bodies or a formal constitution has to be submitted to the Council. No commercial advertising and logos of sponsors will be permitted to appear on such posters;
 - (b) R2.50 (Two Rand and Fifty Cents) per sticker to be paid for each poster to be displayed for religious, sporting, social, cultural, political and other events. A subordinate percentage of commercial advertising and logos of sponsors is permitted to appear on such posters; or
 - (c) R5.00 (Five Rand) per sticker to be paid for each poster to be displayed for events considered by the Council or its duly authorised officials to be primarily of a commercial nature.
6. A non-refundable application fee of R600.00 (Six Hundred Rand) per annum or part thereof must be tendered with the annual application for sign type 7 (estate agents' boards); the maximum number of boards required at any given time to be specified in such application.
7. A non-refundable application fee of R50.00 (Fifty Rand) each per annum must be tendered with the annual application for sign type 7 (portable boards or any other collapsible structure).
8. A non-refundable application fee of R200.00 (Two Hundred Rand) must be tendered with each application for sign type 8 (aerial advertisements); adequate public liability insurance for the duration of display will also need to be furnished to Council's satisfaction.
9. A non-refundable application fee of R1 200.00 (One Thousand Two Hundred Rand) per annum or part thereof must be tendered with each annual application for any sign type 9 (advertising vehicles); a certified copy of the current vehicle licence will also need to be furnished.
10. An encroachment fee of R45/m² to be paid on approval of an application for each sign type that encroaches over Council property.

Note: The duration of approval for all advertising signs shall be at the Council's discretion.

B. Fines and penalties for offences and removal of advertising signs in terms of sections 9 and 14

1. Upon conviction of a first offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months, or both the fine and imprisonment.
2. In the case of a continuing offence, the offender shall be liable to a further fine not exceeding R100.00 (One Hundred Rand) for every day during the continuance of such offence.
3. Upon conviction of a second or subsequent offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.
4. For the unauthorised display of sign types 6 (posters, banners or flags), the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months.
5. For the unauthorised display of sign types 7 (estate agents boards, portable boards or any other collapsible structure), the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months.
6. Any person contravening sections 9 and/or 14 shall upon conviction be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.

Note: Any advertising sign which has been removed and confiscated but not destroyed by the Council, as a result of non-compliance with these By-laws, may be repurchased by the original owner/applicant at the cost incurred as a result of such removal and/or storage.

Furthermore, any sign/s removed and not repurchased within 60 (sixty) days of confiscation, or 3 (three) months in the case of advertising sign type 9 (advertising vehicles), shall be disposed of by the Council to defray expenses.

**SCHEDULE B:
AREA OF CONTROL (SECTION 16)**

	Maximum		Partial	Minimum
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National parks	Municipal parks	Metropolitan	Central Business	Industrial areas
Game reserves	Horticultural areas	Open Space Systems	Districts Commercial and	Industrial zones
Nature reserves	Rural smallholdings	Urban smallholdings	office components of	Transport nodes
Forestry areas	Private open spaces	All residential zones	residential amenities	Traffic corridors
Natural environments	Public open spaces	Private open spaces	Commercial enclaves in	Transportation terminals
Marine reserves	Intensive agriculture	Public open spaces	residential areas	
Beaches and sea shores	Scenic drives	Pedestrian malls	Commercial nodes and	
Oceans	Scenic routes	Pedestrian squares	ribbon	
Extensive agriculture	Scenic features	Community facilities	Development	
Scenic corridors	Peri-urban and	Scenic features	Entertainment districts	
Scenic landscapes	Traditional areas	Scenic drives	or complexes	
River corridors		Gateways	Educational institutions	
Wetlands open spaces		River corridors	Sports fields and stadia	
		Wetlands	Municipal/government	
		Conservation areas	Mixed use and interface	
		Heritage sites	areas	
		Historic or graded buildings	Visual zones along urban	
		and areas	roads/freeways	

No. 39, 2004

26 August 2004

THE Council of the Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following by-laws:

KWA SANI LOCAL MUNICIPALITY

TRAFFIC BY-LAWS

INDEX

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CHAPTER 1

GENERAL

1. Definitions

(1) In these by-laws, unless inconsistent with the context —

“**abnormal load**” means a load carried on a vehicle or combination of vehicles which does not comply with the requirements of the Road Traffic Act;

“**abnormal vehicle**” means a vehicle or combination of vehicles which do not comply with the requirements of the Road Traffic Act;

“**bus rank**” means any place designated or any area demarcated for the exclusive parking of busses;

“**bus stop**” means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purpose of loading and offloading passengers;

“**Central Business District**” means the central parts of township areas within the area of jurisdiction of Council, as indicated on the Council's Framework Plans;

“**Chief Traffic Officer**” means the person appointed as such by Council, or during his absence, the officer acting in that capacity and includes any employee of Council acting under the direction and control of the Chief Traffic Officer;

“**Council**” means the Kwa Sani Local Municipality or its successors in law, and includes the Council of that municipality and its Executive Committee and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation;

“**general industrial area**” means the industrial areas within the area of jurisdiction of Council as indicated on the Council's Framework Plans;

“**loading zone**” means any portion of a public road designated or demarcated as a loading zone by a road traffic sign;

“**medical practitioner**” means a person registered as such under the Health Professions Act, 1974 (Act 56 of 1974);

“**metered parking bay**” means a parking bay in conjunction with which a parking meter has been installed;

“**parking bay**” means any portion of a public road demarcated as a parking bay or parking place by a road traffic sign or marking;

“**ply for hire**” means to use a motor vehicle for hire or reward or make a motor vehicle available at any place for the purposes of so conveying passengers and goods;

“**prescribed fee**” for the purpose of Chapter IV means the fee prescribed in terms of section 106 of the Road Traffic Act in respect of the

metered parking bay concerned;

“prescribed tariff” means the fares and charges prescribed by Council in respect of any journey undertaken in a taxi;

“proprietor” in relation to any taxi means a person carrying on the business of conveying passengers in such taxi for hire or reward;

“public car park” means any land reserved as a public car park as indicated in the town planning maps of the Kwa Sani Town Planning Scheme in course of preparation;

“road carrier permit” means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act 74 of 1977);

“Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996 as amended);

“taxi” means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

“taximeter” means a device designed or adapted for recording the distance travelled by taxi and the fares and charges to be paid by passengers travelling therein;

“taxi rank” means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

“token” for the purpose of —

(a) Chapter II means a token issued under section 4(4) and

(b) Chapter V means a token depicting a white cross on a black background;

“traffic officer” has the meaning assigned to it in the Road Traffic Act and any person appointed as such by Council, any person acting in that capacity, and includes any person appointed by Council as a traffic warden, casual traffic warden or any authorised traffic officer in the employ of the Provincial Administration;

“trolley” means any trolley exclusively operated by human power;

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. Interpretation

Subject to the provisions of this section, any word or expression used in these by-laws to which a meaning has been assigned in the Road Traffic Act shall bear that meaning unless the context indicates otherwise.

CHAPTER II

TAXIS

3. Rank permit required

A person may not use, or ply for hire, any vehicle as a taxi unless such vehicle has been issued with a valid taxi rank permit issued by Council under this chapter.

4. Granting and issue of rank permit and token

(1) Any person wishing to obtain a taxi rank permit as contemplated in section 3, shall submit such an application to the Chief Traffic Officer on the prescribed form, which form is obtainable from the offices of the Chief Traffic Officer.

(2) The Chief Traffic Officer may grant and issue a taxi rank permit applied for in accordance with subsection (1) if he or she is satisfied —

(a) that the vehicle concerned —

(i) complies with the provisions of this chapter and any other law applicable to vehicles used as taxis;

(ii) has been fitted with a taximeter which complies with the provisions of section 8(1), or has been exempted under section 8(2);

(iii) can be accommodated in the area, taxi rank or other place specified in the application;

(b) that it is desirable that such vehicle be permitted to ply for hire as a taxi from such area, taxi rank or place;

(c) that the taxi rank fee or fees determined by Council from time to time, have been paid; and

(d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said taxi in the area of jurisdiction of the Council.

(3) The Council may, when granting a taxi rank permit under subsection (2), impose such conditions, restrictions and requirements in respect of the vehicle concerned, its equipage and the use of the area, taxi rank or other place from which it is to ply for hire as it may deem necessary in the interest of the safety and convenience of pedestrians and vehicular traffic.

(4) The Council shall, with every taxi rank permit issued under sub-section (2), issue a token specifying —

(a) the year for which such permit has been granted;

(b) the registration mark allotted to the vehicle concerned;

(c) the make of such vehicle;

(d) the area, taxi rank, or other place from which such vehicle may ply for hire; and

(e) the number of the taximeter approved for use by such vehicle.

(5) The proprietor of a taxi in respect of which a taxi rank permit has been issued under these by-laws, shall advise the Chief Traffic Officer —

(a) of any change of his residential and/or postal address during the year of validity of such permit; or

(b) when disposing of or otherwise ceasing to be the proprietor of such taxi during the said year, the name and address of the person to whom it was disposed of or other cause of his ceasing to be the proprietor thereof, within seven days of the event.

5. Period of validity of rank permit and token

A permit and token issued under section 4 shall be valid from the date of issue until 31 December of the year during which it was issued.

6. Suspension of rank permit

(1) The Chief Traffic Officer may by notice in writing served on the proprietor of a taxi, suspend the operation of the current taxi rank permit issued in respect of such taxi, for so long as such taxi or the taximeter fitted thereto fails to comply with the provisions of this chapter, any other law relating to vehicles used as taxis or any condition, requirement or restriction imposed under section 4(3) or 8(2).

(2) Such proprietor shall immediately, upon receipt of such notice, deliver the current token issued in respect of such taxi to the Chief Traffic Officer.

(3) The Chief Traffic Officer shall withdraw such suspension and return such token to such proprietor upon being satisfied that such taxi or taximeter again complies with the aforementioned provisions.

7. General provisions relating to rank permit and token

- (1) No person shall, except with the written consent of the Chief Traffic Officer ply to hire with a taxi from any place other than the area, taxi rank or other place specified on the current taxi rank permit and token issued in respect of such taxi.
- (2) No person shall —
 - (a) affix a token to any vehicle other than the taxi in respect of which it was issued;
 - (b) ply for hire with a taxi —
 - (i) unless the token in respect of such taxi for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
 - (ii) while any token other than the token except the vehicle licence disk and other tokens required by law, issued in respect of such taxi is affixed thereto;
 - (iii) while any token which has ceased to be valid is affixed to such taxi; or
 - (iv) while the operation of the taxi rank permit issued in respect of such taxi for the current year is suspended under section 6.

8. Taximeter to be fitted

- (1) Subject to the provisions of sub-section (1), no person shall ply for hire with a taxi unless —
 - (a) it is fitted with a taximeter which has been approved and sealed by the Chief Traffic Officer;
 - (b) such taximeter —
 - (i) is in good working order;
 - (ii) is operated solely from the gearbox of such taxi or from such other portion of the mechanism thereof as the Chief Traffic Officer may approve in writing;
 - (iii) correctly records the fare and charges payable in accordance with the prescribed tariff by any passenger travelling in such taxi;
 - (iv) Is clearly visible from outside such taxi;
 - (v) has an illuminated dial which is free of dirt and clearly visible to all passengers travelling in such taxi; and
 - (vi) is positioned so that every seal affixed thereto by the Chief Traffic Officer can readily be inspected;
 - (c) every seal affixed to such taximeter by the Chief Traffic Officer is intact and undamaged.
- (2) The Chief Traffic Officer may at his discretion and subject to such conditions, restrictions and requirements as he or she may deem necessary exempt for such period as he or she may specify, the proprietor of any taxi from compliance with all or any of the provisions of sub-section (1) in respect of such taxi and may likewise withdraw any such exemption or vary the conditions, restrictions or requirements subject to which it was granted.

9. Operation of taximeter

The driver of a taxi —

- (a) shall cause the taximeter fitted thereto to come into operation —
 - (i) upon a passenger entering such taxi in order to commence a journey at a place from which such taxi is plying for hire;
 - (ii) upon arrival at the starting point of a passenger's journey in any other case;
- (b) shall cause such taximeter to stop recording upon arrival at such passenger's destination.

10. Prohibited acts in relation to taximeters and seals

- (1) No person shall —
 - (a) break or in any way tamper with a taximeter or any connection or appurtenance thereto or with any seal affixed thereto by the Chief Traffic Officer;
 - (b) tamper or interfere with any tyre, mechanism or fitting of a taxi so as to cause the taximeter fitted thereto to register any fare or charge other than a fare or charge in accordance with the prescribed tariff; or
 - (c) cause a taximeter to come into operation before the time specified in section 9 or permit a taximeter to continue operating after the time there specified.
- (2) No person shall ply for hire with a taxi —
 - (a) after the taximeter fitted thereto has been out of order or any seal affixed thereto by the Chief Traffic Officer has been broken or defaced, until the Chief Traffic Officer has again approved and sealed such taximeter;
 - (b) while such taxi is fitted with tyres which are of a size or at a pressure other than the size and pressure specified on the card referred to in section 11; or
 - (c) which is fitted with a taximeter other than one complying with the provisions of section 8.

11. Card to be displayed

- (1) No person shall ply for hire with a taxi for passengers unless a card issued by the Chief Traffic Officer specifying —
 - (a) the prescribed tariff applicable to such taxi;
 - (b) the number of seats available in such taxi for passengers;
 - (c) the size of the tyres on the wheels of such taxi;
 - (d) the air pressure to be maintained in such tyres,is permanently affixed in such taxi so that the face thereof is clearly visible to all passengers travelling in such taxi.
- (2) The provisions of sub-section (1) shall not apply in respect of any taxi for so long as an exemption granted to the proprietor thereof in terms of section 8(2) in respect of such taxi is in operation and all conditions, restrictions and requirements imposed in terms of the by-laws are being complied with.

12. Use of taxi ranks

- (1) Subject to the provisions of these by-laws or any other law, a driver of a taxi shall, when plying for hire at a taxi rank, be available and ready to be hired at all times and no such driver shall refuse to carry any passenger or passengers up to the number of seats available in his taxi to any place within the Municipality unless he or she has been previously hired; and
 - (a) can produce written proof of such hiring.
- (2) When plying for hire the driver of a taxi shall park his taxi on the place which has been allocated to him by Council as specified in section 4.
- (3) No driver of a taxi shall, when plying for hire at a taxi rank —

- (a) leave his taxi unattended for a period exceeding one hour; or
- (b) permit any person to remain or wait in his taxi.
- (4) No person shall park or stop a taxi which is not roadworthy in a taxi rank or cause or permit such a taxi to remain in a taxi rank.
- (5) No person shall park or stop in a taxi rank any vehicle other than a taxi in respect of which a permit and token specifying such taxi rank has been issued for the current year.

13. General provisions relating to taxis and taxi drivers

- (1) No person shall ply for hire with a taxi which is not roadworthy, clean and of a neat and presentable appearance.
- (2) No driver of a taxi shall —
 - (a) conduct himself in a disorderly manner;
 - (b) canvass for fares;
 - (c) stand or wait with his taxi in a public street or public place when not hired except in the area, taxi rank or other place specified in the token issued in respect of his taxi, for the current year;
 - (d) after being hired —
 - (i) allow any person other than the person who has hired his taxi to be conveyed therein except on the directions or with the permission of the latter;
 - (ii) drive to his destination by any but the most direct route unless he or she is directed to the contrary by the person who has hired his taxi;
 - (iii) in any way delay in complying with or fail to comply with his obligations under the agreement concluded with the person who has hired his taxi;
 - (e) when plying for hire, cause or permit his taxi to stand or remain in such a position that it will obstruct or hinder passengers wishing to enter or leave any other vehicle; or
 - (f) prevent or attempt to prevent the driver of any other taxi from lawfully obtaining or conveying passengers.
- (3) A driver of a taxi shall, immediately after conveying any passenger, search his taxi for any goods which may have been left therein by such passenger and shall cause any such goods found by him to be handed in at the nearest police station without unreasonable delay.

14. Presumptions

- (1) Whenever any person or goods are conveyed by taxi for hire or reward in contravention of any provisions of this chapter, it shall be presumed, until the contrary is proved, that the proprietor of such taxi caused or permitted such person or goods to be so conveyed.
- (2) If in any prosecution under this chapter, it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road it shall be presumed, until the contrary is proved, that he or she so conveyed such passengers or goods for hire or reward.

The driver of a taxi shall, until the contrary is proved, be deemed to be proprietor thereof.

CHAPTER III PUBLIC BUSSES

15. Establishment of bus ranks

- (1) The ranks (hereinafter referred to as bus ranks) on the portions of public roads and places open to the public and on the area of land prescribed by Council shall be established as special parking places for the parking of public busses and which are authorised to use such bus ranks by permit issued in terms of these by-laws. Such bus ranks shall be indicated by traffic signs and markings erected and marked in accordance with the relevant provisions of the Road Traffic Act.
- (2) (a) The Chief Traffic Officer shall demarcate and cause to be set aside in such bus rank, in the manner hereinafter provided, a specific area or areas subdivided into spaces each sufficient to accommodate at least one bus (hereinafter referred to in these by-laws as "loading bays"), to be used exclusively for the purpose of accommodating public busses only while passengers are allowed to board or alight. The area or areas so set aside in such rank shall not be less than that which is sufficient to accommodate the number of busses at one time, prescribed by the Chief Traffic Officer; provided, however, that each bus service for which the bus rank concerned is reserved in terms hereof shall be allocated the right to use at least one loading bay in such bus rank either separately or in conjunction with other services for which the rank is so reserved. The number of loading bays to be allocated to any particular service shall be decided by the Chief Traffic Officer with due regard to the total number of bays available in the bus rank, and the number of vehicles operated by the owner or owners of the service concerned.
- (b) Any area remaining in any bus rank after the loading bays have been demarcated, and after provision has been made for purpose ancillary to the bus rank, including provision for the convenience and accommodation of intending passengers, and the entry and exit of vehicles and pedestrians, shall be made available and demarcated by the Chief Traffic Officer for the purpose of setting down passengers and parking busses whilst not engaged in picking up or loading passengers. Such parking areas may, but need not necessarily be subdivided and such subdivisions may be allocated for the use of specific services in the manner provided in paragraph (a) hereof.
- (c) The subdivision of loading or parking areas into bays in terms of the preceding paragraph shall be effected by means of parking lines or other demarcations painted or otherwise clearly indicated on the surface of the traffic-way and such bays may be numbered or otherwise identified. The allocation or reservation of loading bays may be effected by means of signs, notices or other suitable markings showing the outer terminal points or descriptive names of the service or services for which they have been reserved.
- (d) Whenever he or she considers it reasonably necessary to do so, in order to ensure the fair and equitable distribution between the various permit holders of the accommodation available in any parking area demarcated in terms of paragraph (b) hereof, the Chief Traffic Officer may by notice erected at or near the entrances to such parking area stipulate the maximum continuous period which in no case shall be more than eight hours in any one day during which a bus may be parked thereon. Whenever any vehicle has been so parked and allowed to stand within such parking area for any continuous period not exceeding that so stipulated, it shall not again be parked in such parking area until an interval of at least thirty minutes has elapsed.
- (e) The setting aside and demarcation of portions of a bus rank as loading bays or parking areas shall be effected by means of sign or notice boards, erected at or near the entrances to such loading bays or parking areas, or by means of parking lines painted or otherwise clearly indicated on the traffic-way, and any reference in these by-laws to a bus rank shall unless the context otherwise clearly indicates, include any loading bay or parking area.
- (f) In setting aside or demarcating loading bays, parking areas or any other area necessary for purposes ancillary to the use of a bus rank or in stipulating the maximum continuous parking periods in any parking area, the Chief Traffic Officer shall endeavour to ensure that the fullest and most effective use is made of such bus ranks in the interests of both the permit holders and passengers and he or she shall have due regard to the proper regulation of vehicular and pedestrian traffic at or near any bus rank.

- (3) Council may close temporarily any bus rank or any portion thereof, established under these by-laws but, if necessary, shall establish elsewhere another permanent or temporary rank in lieu thereof.
- (4) In cases of emergency, the powers conferred by sub-section (3) to close the bus rank temporarily may be exercised by the Chief Traffic Officer or his authorised representative.

16. Bus rank allocated according to destination of busses

- (1) The bus ranks established in terms of section 17 shall be for the exclusive use of busses lawfully operating on the routes having the destination or outer terminal points detailed in respect of such rank by Council: Provided, however, that where any bus in respect of which a permit to use a bus rank is sought is authorised by the Motor Carrier Certificate issued in respect thereof to operate to a destination or outer terminal point other than that prescribed by Council, the Chief Traffic Officer shall issue a permit authorising such vehicle to use the bus rank most conveniently situated for the route concerned.
- (2) The provisions of this by-law shall not derogate from the authority conferred on the Chief Traffic Officer by section 23 to allocate to or require any services or bus for which the bus rank concerned is reserved in terms of sub-section (1), to use any particular loading bay or any parking area or subdivision thereof which may be demarcated in any bus rank or specified in the permit issued in respect of any bus.

17. Parking or standing time at loading bays

No bus shall be parked or allowed to stand upon any portion of a bus rank set aside as a loading bay for a longer period than fifteen minutes at any one time, and where any such vehicle has been so parked or allowed to stand upon such loading bay for any continuous period not exceeding fifteen minutes it shall not again be parked or allowed to stand upon such loading bay or any portion thereof, until an interval of at least thirty minutes shall have elapsed.

18. Parking of busses prohibited in certain areas

Except in the case of public busses permitted to do so under these by-laws, at a bus rank established by Council, no person shall park or cause or permit to be parked any bus upon any public road within the Municipality save in any bus rank duly established in terms of these by-laws or any amendment thereof; provided that this provision shall not apply to a bus which is immobilised through mechanical defects; provided further that no person shall without the written consent of Council permit public busses not owned or operated by him to park on any private property within the Municipality, save for the normal repairing or servicing of busses by licensed motor garages.

19. Unauthorised use of bus ranks prohibited

- (1) No person shall cause or permit —
 - (a) any vehicle of a class other than a public bus to park or stand upon any bus rank;
 - (b) any public bus to park or stand upon any bus rank unless in possession of a permit to do so, issued in respect of such a bus in terms of these by-laws; provided that this prohibition shall not apply to any lawfully substituted bus.
- (2) No person in control of any public bus which is authorised by a current permit to use any particular loading bay, parking area or subdivision thereof in any bus rank shall cause or permit such vehicle —
 - (a) to park or stand upon or use any loading bay or parking area or portion or subdivision thereof other than that allocated in respect of such vehicle in terms of such permit, or in terms of sections 17 and 18 as the case may be;
 - (b) to park or stand upon or in any way occupy any loading bay for a continuous period longer than fifteen minutes;
 - (c) to again park or stand upon or occupy any loading bay until an interval of thirty minutes shall have elapsed after such bus has been moved from the loading bay;
 - (d) to park or stand upon any bus rank or portion thereof which is temporarily closed in terms of these by-laws;
 - (e) to remain unattended at any loading bay.
- (3) No person shall remove, damage or mutilate or in any way interfere with any signs or notices which may be erected or affixed in any bus rank by the Chief Traffic Officer in terms of these by-laws.

20. Application for permits

- (1) Application for a permit to use any bus rank or ranks shall be made in writing by the owner of the public bus or busses in respect of which the permit is sought and shall be addressed to the Chief Traffic Officer.
- (2) With effect from the date of operation of these by-laws, the applicant shall lodge with his application a receipt from the Chief Financial Officer for the sum prescribed by Council in respect of each bus for which a permit is sought. If any application is refused in accordance with the provisions of section 24 the amount deposited by the applicant shall be refunded to him. If any application is granted, the amount so deposited shall be retained by the Chief Financial Officer as and for the fee payable by the applicant for the use of the rank authorised by the permit provided, however, that, where a permit is sought for a period which is less than 12 months the amount payable shall be one quarter of the aforesaid sum for each completed three months of the year ending on 31 December following.
- (3) The provisions of sub-section (2) shall *mutatis mutandis* apply to an application for the renewal of an existing permit.

21. Issue of permits

- (1) Subject to the provisions of sub-section (2) and of section 24 the Chief Traffic Officer may in granting any application —
 - (a) impose conditions restricting any bus in respect of which a permit is issued to a particular loading bay or parking area or subdivision thereof which may be demarcated as before provided in the bus rank concerned;
 - (b) impose conditions limiting the hours during which any bus rank or subdivision thereof may be used by the vehicle when not actually engaged in transporting passengers in terms of any road carrier permit;
 - (c) impose conditions specifying the number of vehicles which may use any portion of any one bus rank or any subdivision of such bus rank;
 - (d) impose any other conditions which the Chief Traffic Officer may deem reasonable to ensure a fair allocation of the available accommodation of any bus rank between the various applicants or for avoiding obstructions and congestion of vehicles and passengers or to ensure the proper regulation of traffic at or near the bus rank concerned.
- (2) In deciding to impose any conditions, the Chief Traffic Officer shall have regard —
 - (a) to the number of public busses which can conveniently be accommodated in the bus rank set aside by Council for the use of vehicles to which the application relates, authorised by the road carrier permit to operate on the routes having the destination or outer termini detailed by Council;
 - (b) to any specified timetable referred to in the road carrier permit issued in respect of such vehicle and in accordance with which such vehicle must be operated;
 - (c) to the length of time during which the applicant for a permit has been engaged in the business of transporting passengers for reward by bus;

- (d) to the conditions of the relevant road carrier permit issued in respect of such motor vehicle;
- (e) any other factor which may be relevant to the object of ensuring the fullest and most effective use being made of the bus rank concerned, with due regard to the convenience of passengers and the regulations of vehicular and pedestrian traffic at or near such rank.

22. Power to refuse application for or to cancel permits

- (1) No permit shall be granted or renewed unless the applicant is the holder of a valid road carrier permit in respect of the vehicle concerned authorising the conveyance of passengers over the relative route. Any permit or renewal shall be suspended or cancelled *ipso facto* if the road carrier permit in respect of the vehicle to which the permit relates is suspended, withdrawn, cancelled or not renewed.
- (2) The cancellation or suspension of a permit in terms of this by-law shall not entitle the holder to any refund in respect of the fee paid by him.

23. Permit to be in prescribed form

- (1) Whenever an application for a permit is granted by him the Chief Traffic Officer shall forthwith issue to the applicant a permit substantially in a form prescribed by the Chief Traffic Officer, in respect of each public bus for which application for the right to use a bus rank was made. A permit shall be valid only for the period stated thereon.
- (2) A permit issued in terms of these by-laws shall specify the bus rank or ranks to which it relates and shall entitle the holder to use any loading bay and any available accommodation in any parking area set aside or demarcated in the bus rank to which his permit relates, or which may be specified in the permit as being allocated to him subject to the conditions endorsed thereon and to the provisions of these by-laws.
- (3) Council shall in no way be liable for the loss or damage to any vehicle or any accessory or contents of such vehicle which has been parked in any bus rank.

24. Permit to be carried on vehicle to which it relates, and owner's name and address to be displayed

- (1) A permit so issued shall at all times be carried in or upon the public bus to which it relates or in or upon any bus which is lawfully substituted therefore, and the driver thereof shall exhibit it to a traffic officer, police officer, or any authorised official upon demand. Failure to exhibit such permit on demand shall be an offence.
- (2) The owner of any public bus shall cause his name and address to be legibly, permanently and conspicuously affixed on the side or sides of the vehicle. Such name and address shall be painted in block letters at least 25 mm in height, and the colour of the letters shall be in contrast with the colour of the vehicle.

25. Expiry and renewal of permit

- (1) A permit issued in terms of these by-laws shall expire on 31 December in each year.
- (2) Applications for the renewal of any permit for the following year shall be made to the Chief Traffic Officer not later than 31 December in each year, in the same manner as provided in section 22.
- (3) Applications for renewal made after 31 December aforesaid shall be treated as applications for new permits.

26. Power to the chief traffic officer to authorise substitution of vehicle

If at any time a public bus to which a permit relates is under repair or if for any other reason the owner thereof so desires, the Chief Traffic Officer may, by endorsement upon the permit, authorise the substitution of another vehicle therefore either temporarily or for the duration of the permit; provided however, that in cases of urgency the Chief Traffic Officer may grant such authority verbally in which case the owner shall produce the relevant permit for endorsement within 48 hours of such verbal authority having been granted; provided further than when a substituted vehicle is to be used for less than 24 hours such endorsement shall not be necessary.

27. Preservation of council's rights

- (1) No rights possessed by the holder of any permit under these by-laws or under such permit shall operate to debar Council from permanently or temporarily closing or removing any bus rank established hereunder, or from amending these by-laws.
- (2) In the event of it being deemed necessary by Council for any reason —
 - (a) to establish any new permanent bus rank either in substitution for any existing bus rank or addition thereto; or
 - (b) to alter or modify any of the routes prescribed by Council or to authorise any additional routes;

Council may, with the consent of the local Road Transportation Board and pending the promulgation of the necessary amendments to these by-laws, issue a temporary permit authorising the holder to operate to and from any such new rank or along such altered or additional route as the case may be.

28. Drivers to observe by-laws and instructions of traffic officers

- (1) The driver or the other person in control of any public bus shall exercise the rights conferred by the permit authorising such vehicle to use any bus rank with due regard to the rights and convenience of other vehicles authorised to use the bus rank and their passengers and shall, in addition to observing the requirements of these by-laws obey all lawful instruction or signals given by any traffic officer.
- (2) For the purpose of these by-laws all traffic officers are hereby authorised to give such instructions or signals which may be necessary to avoid obstructions and congestion of vehicles or passengers and for the proper regulation of traffic at or near the bus rank.

29. Queues

- (1) At any bus rank or bus stop established in terms of these by-laws Council may erect or cause to be erected queue signs consisting of a notice board indicating the position and manner in which persons waiting to board a bus shall stand and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) Persons intending to board any vehicle at any bus rank or other bus stop at which queue signs have been erected shall form a queue at and from the point from which it is indicated that such vehicles will leave.
- (3) Persons forming any such queue shall take and give precedence according to the time of their arrival.
- (4) No person shall board any vehicle at any bus rank at which queue signs have been erected except from a queue (unless there are no other persons waiting to board the vehicle) and no person shall take any place in a queue in front of any person already in that queue.
- (5) Where no queue sign has been erected persons waiting at or near any bus rank or any bus stop for the purpose of boarding a bus shall form themselves in a queue not exceeding two abreast, or in single file when required thereto by a traffic officer or police officer.
- (6) Every person standing in any queue or boarding or attempting to board any bus at any bus rank or bus stop where a queue has assembled or a queue sign has been erected shall comply with all instructions given by any traffic officer or any police officer as may be necessary for the proper control of the queue or for the prevention or obstruction to vehicular or pedestrian traffic.
- (7) No person shall board any bus at any bus rank or bus stop until all persons wishing to alight therefrom shall have had reasonable opportunity to do so.
- (8) It shall be an offence for any person to enter or attempt to enter any bus which contains the total number of passengers which it is authorised to carry after being warned by the conductor or driver not to do so.

- (9) Any person who fails to comply with any provision of this by-law or who refuses to obey the lawful instructions of any traffic officer or any police officer or who behaves in a riotous or indecent manner or who is intoxicated, may be removed from a queue or from the vicinity of the bus rank or bus stop by any traffic officer or by any police officer.

30. Bus route and stopping places

No person shall drive any public bus along any route within the Municipality except along routes as prescribed by Council resolution.

31. Council may by resolution prescribe bus stops on any routes along which public busses are permitted to travel. Such bus stops shall be denoted by a notice marked "Bus Stop".
32. The driver of any public bus being used on any route within the Municipality for the purpose of conveying passengers shall, unless such bus is at the time carrying the maximum number of passengers which it is lawfully entitled to carry, stop the said bus upon being hailed at any appointed bus rank or bus stop by any person desirous of travelling by such bus and shall take up such intending passenger provided that the said passenger is not excluded by any law from being a passenger in the said bus or in contravention of any condition which may have been imposed by the local Road Transportation Board.
- The provisions of this by-law shall not apply to any public bus displaying a notice or notices stating that the said bus is an express, limited stop or special bus, until such bus reaches the destination stated in such notice or notices, whereupon the provisions of this section shall *mutatis mutandis* apply to such public bus.
33. The driver of any public bus upon being requested by any passenger in the said public bus to stop shall stop at the next appointed bus rank or bus stop for the purpose of allowing the said passenger to alight.
34. the driver of any vehicle other than a public bus shall not allow such vehicle to stop at any bus stop prescribed in section 33.
35. The driver of a public bus shall not at any time allow such public bus to remain unattended at any stopping place or stand situate on any bus-route within the Municipality.
36. (1) No driver or person in charge of any bus shall —
- pick up or set down passengers or allow any passenger or intending passenger to board or leave such bus except at a bus rank established in terms of these by-laws or at a bus stop designated in accordance with the provisions of these by-laws or any other law.
 - stop his vehicle at a bus stop for a longer time than is necessary for setting down or picking up passengers.
- (2) No person shall tout, importune or solicit for passengers for any bus by loitering or calling out or in any other manner whatsoever.
- (3) No person shall board or attempt to board, leave or attempt to leave any bus at any point along the route on which it is travelling other than at a designated bus stop.

37. Right to appeal to Council

Any bus owner, operator or driver who is aggrieved by any decision given by the Chief Traffic Officer under these by-laws shall have a right to appeal to Council.

CHAPTER IV METERED PARKING

38. Prescribed fee shall be placed in parking meter

- (1) Any person who parks or stops a vehicle in a metered parking bay —
- during the prescribed hours shall, immediately after such vehicle has been brought to a standstill in such bay, deposit the prescribed fee in the parking meter installed in conjunction with such bay and cause such parking meter to come into operation in accordance with any direction displayed thereon; provided that if such meter indicates that the period of parking time for such bay is unexpired, such vehicle may be parked therein for a period not exceeding the unexpired portion of such period of parking time without any fee deposited; or
 - before the commencement on any day of the prescribed hours, and permits such vehicle to remain therein until such commencement shall, immediately after such commencement deposit the prescribed fee in the parking meter installed in conjunction with such bay, and cause such parking meter to come into operation in accordance with any direction displayed thereon.

39. Prohibited acts

- (1) No person shall —
- cause or permit any vehicle parked or stopped by him in a metered parking bay to remain therein after the expiration of the period for which —
 - the prescribed fee has been deposited in the parking meter installed in conjunction with such bay; or
 - parking is permitted in such a bay as indicated on a road traffic sign regulating parking or stopping on the public street or portion thereof in which such bay is situated, or attached to the parking meter installed in conjunction with such bay.
 - deposit any coin in a parking meter for a second time for the purpose of extending or increasing the period or parking time indicated on such parking meter in respect of any vehicle parked or stopped in the parking bay in conjunction with such parking meter installed beyond the period referred to in paragraph (a)(i);
 - cause or permit a vehicle to re-occupy a metered parking bay within a period of ten minutes after it has been removed from such bay;
 - deposit or cause to be deposited in a parking meter any slug, device or substitute for a coin or any coin other than a coin of the currency of the Republic of South Africa; or
 - tamper with, deface or in any way damage any parking meter or appurtenance thereto.

40. Prescribed hours

The provisions of this chapter shall be in operation between 08h00 and 17h00 from Mondays to Fridays and 08h00 to 13h00 on Saturdays but shall not be in operation on any such day which is a public holiday.

41. Exemptions

Notwithstanding anything in these by-laws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this by-law, park in a metered parking bay without payment of the prescribed fee:

- Vehicles exempted in terms of Regulation 306 of the Road Traffic Act.
- A vehicle operated by a licensed driver suffering from a permanent physical disability and to whom a token has been issued by the Chief Traffic Officer in terms of by-law 42(1).

42. Application for exemption

- A person suffering from a permanent physical disability who desires to obtain exemption in terms of section 41 shall apply in writing to the Chief Traffic Officer for a token of exemption. Such application shall be accompanied by a certificate signed by a registered medical practitioner stating the extent and effect of such disability.

- (2) The Chief Traffic Officer may in his discretion issue or refuse to issue a token to such disabled person.
- (3) If a token is lost or destroyed, the token shall not be replaced until 1 January of the following year.
- (4) Every token issued in terms of these by-laws shall expire on 31 December of the year for which it was issued and shall be renewed upon 1 January of each year.
- (5) Application for renewals shall be made in accordance with the conditions of sub-section (1) hereof.
- (6) Such a token shall be displayed on the dashboard of the vehicle in such a manner that the information thereon will be clearly visible for a traffic officer through the windscreen of that vehicle.

443. Presumptions

Whenever a vehicle is in a metered parking bay during the prescribed hours and the parking meter installed in conjunction with such bay indicates that the period of time for which a fee was last deposited in such parking meter has expired, it shall be presumed, until the contrary is proved, that such vehicle was parked in such a bay without the prescribed fee being deposited in such parking meter in accordance with the provisions of section 38.

CHAPTER V

EXEMPTION OF MEDICAL PRACTITIONERS FROM PARKING RESTRICTIONS

444. Exemption of medical practitioner

- (1) A registered general medical practitioner shall be exempted from the provisions of any by-law relating to parking in force in the Municipality when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of sub-section (2) hereof, issued to him on the authority of the Chief Traffic Officer, provided that such exemption shall not apply —
 - (a) in respect of a road traffic sign which totally prohibits parking at all times or during specified hours on any public road;
 - (b) in any area in which the stopping of vehicles is prohibited during the hours when such stopping is prohibited;
 - (c) to parking across entrances;
 - (d) where the road traffic sign concerned is one designating or demarcating a parking bay required for exclusive parking of a certain type of vehicle; or
 - (e) where the parking of a vehicle shall cause any obstruction or danger to other road users.
- (2) (a) the badge shall be a windscreen sticker badge of a design approved by the Chief Traffic Officer displaying on the face thereof the serial number, the medical association's symbol and the name of the medical practitioner to whom it was issued.
- (b) The badge shall be displayed on the lower nearside border of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the medical practitioner is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed, is parked. The address shown on the card must be easily legible from the outside of the vehicle.
- (3) (a) Written application for the issue of a badge shall be made to the Chief Traffic Officer who may in his discretion authorise the issue of an approved badge to the applicant upon payment to Council of the prescribed fee.
- (b) The Chief Traffic Officer shall keep a register in which he or she shall record the serial number allocated by him of the badge, the issue of which has been authorised by him, and the name of the holder.
- (c) No duplicate badge shall be issued without the prior consent of the Chief Traffic Officer.
- (d) Where the Chief Traffic Officer has reason to believe that any holder is abusing the privileges conferred by him by a badge he or she may withdraw the badge from the holder and privileges conveyed by the badge shall thereupon cease.

CHAPTER VI

GENERAL PROVISIONS RELATING TO PARKING

45. Limitation on parking

- (1) Subject to the provisions of sub-section (2), no person shall between 20h00 on one day and 06h00 on the following day, park —
 - (a) a motor vehicle which exceeds 2 400 kg in tare;
 - (b) a trailer; or
 - (c) an animal drawn vehicle
 in one place on a public road within the Central Business District or General Industrial Area or in any public car park for a continuous period exceeding one hour.
- (2) The provisions of sub-section (1) shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

46. Loading zones and parking bays

- (1) No person shall cause or permit a vehicle other than a goods vehicle to remain in a loading zone for a period of time greater than is reasonably necessary for the actual loading or offloading of persons or goods.
- (2) No driver or person in charge of a motor vehicle may park or cause such vehicle to be parked in a demarcated parking place across any painted line marking the confines of the parking place or in such position that the said vehicle is not entirely within the area demarcated.
- (3) No person except a physically handicapped person may park a vehicle or permit such vehicle to be parked in any demarcated parking bay which has been reserved exclusively for the use by permanent physically handicapped persons and which has been indicated as such by an applicable information sign.

47. Acts prohibited in parking bays

No person shall, except with the permission in writing of the Chief Traffic Officer park any vehicle in a parking bay or in any other manner use a parking bay for the purpose of —

- (a) advertising any event, commodity or thing;
- (b) displaying any advertising sign or advertising device;
- (c) selling any goods; or
- (d) displaying any goods for sale.

48. Presumption regarding parking

Whenever a vehicle is parked or stopped or caused or permitted to remain in any place in contravention of a provision of these by-laws, it shall be presumed until the contrary is proved, that such vehicle was so parked, stopped or caused so to remain by the owner thereof.

CHAPTER VII

TROLLEYS

49. (1) No owner of a trolley shall permit such a trolley to be left on any sidewalk, parking bay or public road unattended.
 (2) Any trolley which is found deserted on a sidewalk, parking bay or public road shall be impounded and the owner thereof shall be required to pay a pound fee as determined by Council by resolution from time to time before such trolley shall be released.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

50. Loads to be covered

No person shall, by means of any vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any other manner discharged from such vehicle.

51. Cleaning, washing and repairing of vehicles

No person shall clean, wash or repair any vehicle in any public street, provided that in the case of an accident, breakdown or other emergency, such repairs may be effected as may be necessary to enable such vehicle to proceed or be removed as expeditiously as possible.

52. Roller skates and skate boards

No person shall use any public road or sidewalk for the purpose of skating on roller skates, skate boards or other similar device.

53. Obstructing procession

No driver of any vehicle shall drive or attempt to drive his vehicle through or across the path of any procession authorised or permitted under these by-laws by Council while such procession is proceeding along or across any public road.

54. Refuse

No person shall —

- (1) spit upon any public pavement, public road or public place or in any public building or public vehicle of conveyance;
- (2) place upon the windscreen or any other part of any motor vehicle any paper or other material for the purpose of advertising without the permission of the owner of the said vehicle.

55. Permission to use abnormal vehicles

- (1) Application for permission to move along a public road in terms of section 71 shall be made to the Chief Traffic Officer on the day prior to the day of the intended movement of the abnormal vehicle or of the abnormal load.
- (2) Any such application shall state the time, date and place of departure and the route to be taken.
- (3) If the Chief Traffic Officer considers that an escort is not necessary to ensure the safety of vehicles using the public roads, he or she may issue a written authority to proceed without such escort indicating the time and date of departure and the route to be taken.
- (4) If the Chief Traffic Officer considers that an escort is necessary to ensure the safety of the vehicles using the public road, he or she may allocate one or more traffic officers as escorts and may define the time and date of the intended movement and the route to be taken.
- (5) The owner of the vehicle or the person requesting the permission to move the abnormal vehicle or load shall pay the cost of any escort assigned, at the tariff determined by Council by resolution from time to time.

56. Traffic officers escort duties

Any person requiring the services of any traffic officer or officers for escort traffic control purposes, may make application therefore to the Chief Traffic Officer who may allocate so many traffic officers as may be required to ensure public safety, and the services of such traffic officers shall be paid for by such person making application at the tariff to be determined by Council by resolution from time to time.

57. Offences and penalties

Any person who —

- (a) contravenes or fails to comply with any provisions of these by-laws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;
- (b) gives any information required by or in connection with any provisions referred to in paragraph (a) which is false or misleading;
- (c) resists, hinders, obstructs, molests or interferes with any traffic officer or employee of Council in the performance of his duties or the exercise of his powers under these by-laws; or
- (d) causes or permits any other person to commit any of the aforesaid acts;

shall be guilty of an offence and shall be liable on conviction to a fine of R1 000.00 (One Thousand Rand) or six (6) months imprisonment.

58. Repeal

The by-laws relating to Traffic for the Kwa Sani Local Municipality, are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

59. Application

The Council may by notice in the *Provincial Gazette*, determine that the provision of these by-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

The Council of Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

UMKHANDLU kaMasipala waKwaSani 156 soMthethosisekelo weRiphabhliki yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996) ufundwa nezigaba 11 no 98 zothetho weziNhlalo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), usuwenze le Mithethodolobha eLandelayo.

UMASIPALA WAKWASANI

IMITHETHO EMILE KANYE NEZINQUBO KWEMIHLANGANO YOMKHANDLU KANYE NAMAKOMIDI AWO

- 1.. **Imihlangano kaMasipala**
 - (1) Yonke imihlangano yoMkhandlu, neyamakomidi awo iyovuleleka emphakathini: Inqobo nje uma lesi sigaba zingeyukusebenza uma kunesizathu sokwenza njalo kubhekelelwe uhlobo lomhlangano obanjiwe ngokwesigaba 20(1)(a) soMthetho weziNhlalo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000).
 - (2) Kule Mithetho eMile, "umhlangano" usho yonke imihlangano yoMkhandlu.
- 2.. **Imihlangano yoMkhandlu**

UMkhandlu uyobamba umhlangano ojwayelekile wokuqhuba umsebenzi okungenani kanye ezinyangeni ezintathu.
- 3.. **Imihlangano ephuthumayo yoMkhandlu**

USomlomo noma yingasiphi isikhathi, ngokucelwa ngokubhaliweyo yiningi lamakhansela kaMasipala, angabiza umhlangano ophuthumayo woMkhandlu.
- 4.. **Ukukhishwa kwezaziso**

Okungenani emahoreni angamashumi ayisikhombisa nambili (72) ngaphambi kwanoma yimuphi umhlangano ojwayelekile woMkhandlu kanti okungenani emahoreni angamashumi amane nesishiyagalombili ngaphambi kwanoma yimuphi umhlangano ophuthumayo woMkhandlu, isaziso sokwethamela umhlangano, esibalula okuyodingidwa lapho nesisayinwe nguSomlomo noma nguMqondisi wezokuXhumana siyoshiywa noma siyothunyelwa endaweni lapho siyothokala kalula ngamalungu oMkhandlu noma endaweni okufinyeleleka kuyo kalula njengoba ikhansela linganquma.
- 5.. **Ukungathunyelwa kwezaziso**

Ukungathunyelwa kwesaziso somhlangano ngephutha kunoma yiliphi ikhansela akuyukhinyabeza izinqubo zalowo mhlangano.
- 6.. **Izindaba ezisemqoka**

Akukho daba oluyodingidwa emhlanganweni ngaphandle kwalokho okubalulwe ezazisweni zawo, ngaphandle kwezindaba usihlalo ofanele abona ukuthi zibalulekile futhi ziyaphuthuma, nanoma yiluphi udaba uMkhandlu noma ikomidi elikhulu elibona ukuthi ngenxa yeningi lamalungu elingokubili kokuthathu kumele ludingidwe ngkushesha.
- 7.. **Imihlangano ehlehliwise**

UMkhandlu noma ikomidi elikhulu lingahlehlisa umhlangano ube nganoma yiluphi usuku noma ihora, kodwa akukho daba oluyodingidwa kunoma yimuphi umhlangano ohlehliwise ngaphandle uma lokho kwakubekwe esazisweni somhlangano owahlehliselwa.
- 8.. **Isaziso somhlangano ohlehliwise**

Uma umhlangano uhlehliwa, isaziso sokuhlehlisa umhlangano siyothunyelwa kwilungu lomkhandlu noma lekomidi elikhulu ngalinye, sibalule isikhathi, usuku kanye nendawo yalowo mhlangano ohlehliwise.
- 9.. **Ikhloramu kanye nezenzo zoMkhandlu**

Iningi lamakhansela kumele libe khona emhlanganweni woMkhandlu ngaphambi kokuba kuthathwe ivoti kunoma yiluphi udaba. Yonke imibuzo ephathelene nokubalulwe esigabeni 160(2) soMthethosisekelo inqunywa nguMkhandlu ngevoti lokwesekela iningi lamakhansela. Yonke eminye imibuzo ngaphambi komkhandlu yonqunywa yiningi lamavoti kweyame kwisigaba 34 soMthetho weziNhlalo zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) ophathelene nokuhlakazeka kweMikhandlu yoMasipala.
- 10.. **Ukuvota**

Uma kunoma yimuphi umbuzo kunamavoti alinganayo, ikhansela elingusihlalo kumele lifake ivoti elingujuqu ngaphezu kwevoti lalo njengekhansela.
- 11.. **Uma amakhansela engeke akwazi ukwethamela nokuthi abambe iqhaza ezinqubeni zomkhandlu, zekomidi elikhulu, zekomidi lezikhundla noma zekomidi elincene**
 - (1) Ikhansela kumele lidalule eMkhandlwini kaMasipala, noma kunoma yiliphi ikomidi lelo khansela eliyilungu lakho, noma yiziphi izinzuzo zebhizinisi lakhe noma elizimele ikhansela, noma umlingani walo, noma elisebenzisana naye elingaba nazo ngaphambi koMkhandlu noma kweKomidi.
 - (2) Ikhansela kumele lihoxe ezinqubeni zoMkhandlu noma emhlanganweni woKomidi ngesikhathi udaba ludingidwa nguMkhandlu noma yiKomidi, ngaphandle uma uMkhandlu noma iKomidi linquma ngesixazululo ukuthi ukuzuzwa kwekhansela okuqondile noma okungaqondile kulolo daba akubalulekile noma akusho lutho.
 - (3) Ikhansela, lona uqobo, noma elimlingani walo, noma osebenzisana nalo noma ilungu lomndeni walo elisondele, lithola noma lisethubeni lokuthola inzuzo eqonde ngqo esivumelwaneni sikaMasipala, kumele lidalule imininingwane egcwele yaleyo nzuzo ikhansela elaziyo ngayo emhlanganweni wokuqala woMkhandlu kaMasipala lapho kunokwenzeka ukuba ikhansela lidalule lokho.
 - (4) Lesi sigaba asisebenzi uma inzuzo ikhansela, noma umlingani walo, osebenzisana nalo noma ilungu lomndeni walo elisondele, liyizuze kanye nezinye izakhamuzi zakwaMasipala.
- 12.. **Ukungabibikho kwekhoramu**

Uma ekupheleni kwesikhathi esiyimizuzu eyishumi emva kwehora lapho noma yimuphi umhlangano woMkhandlu noma weKomidi loMkhandlu uqokwe ukuba kubanjwe ikhoramu ingakahlangani, akukho mhlangano oyoba khona, ngaphandle uma kunquma, ngazwi linye wonke amalungu, ukuthi kwelulwe isikhathi, esingeyukweqa emizuzwini emihlanu ngaphezulu, ukuze ikhoramu ikwazi ukuhlalana, kodwa amalungu akhona ngobuningi bawo anganquma ukuhlehliselwa umhlangano, esikhathini esingcono.
- 13.. **Ukubalwa**

Uma nganoma yisiphi isikhathi uMkhandlu noma iKomidi eliKhulu elihlangene ngaso, usihlalo uyokwaziswa ngesibalo samalungu akhona, uyowabala, futhi uma kutholakala ukuthi akukho khoramu ekhona, uMkhandlu noma iKomidi eliKhulu liyohlale liblehliselwe leso sikhathi esiyonqunywa ngamalungu akhona.
- 14.. **Usihlalo wemihlangano yoMkhandlu**
 - (1) Kuyo yonke imihlangano yoMkhandlu, uSomlomo, uma engekho noma ibamba likaSomlomo, liyoba ngusihlalo.

(2) Imeya iyoba ngusihlalo wemihlangano yeKomidi eliKhulu, kodwa uma iMeya ingekho, iSekela leMeya.

15. Inqubo emihlanganweni yoMkhandlu

(1) Inqubo kunoma yimuphi umhlangano woMkhandlu noma weKomidi lawo elikhulu imi kanje:

- (a) Isaziso somhlangano
- (b) Ukuhlaba ikhefu
- (c) Amaminithi omhlangano odlule
- (d) Ezinye izindaba ezivuka emaminithini
- (e) Izimemezelo
- (f) Izicelo kanye nezinxuso
- (g) Izaziso ezivela eziphamisweni
- (h) Imibiko yamaKomidi amaKhulu
- (i) Ezingxubevange ngohlelo oluzonqunywa nguMphathi kaMasipala noma njengoba kunqume uSomlomo maqondana nemihlangano yoMkhandlu.

(2) Usihlalo, ngokubona kwakhe, angethula noma yiluphi udaba olusohlelweni nganoma yisiphi isikhathi.

(3) Kuyosetshenziswa utolika ngaphandle uma iningi lamakhansela akhona lingavumelani nalokho. Kulindeleke ukuthi amakhansela asetshenzisane notolika ongaphansi kukaSomlomo.

16. Ukungenthanyelwa kwemihlangano

- (1) Isicelo sokungenthameli noma yimuphi umhlangano woMkhandlu noma wamakomidi siyofakwa kuMqondisi wezabaSebenzi ngokubhaliweyo ngaphambi kokuthi kuqale umhlangano othintekayo.
- (2) Uma ikhansela ngezizathu ezizwakalyo lingakwazi ukuhambisana noMthetho (1), lingafaka isicelo ngokubhaliweyo kuMqondisi wezabaSebenzi sokudluliswa kwalokho kungahambisani lesi sicelo siyobuyekwezwa nguMkhandlu kuncike esicelweni esibhaliwe.
- (3) Ngenhloso yezihlinzeko zezigaba 3 no 4 (Ukwentanyelwa kwemihlangano) zoMgomo wokuziPhatha kwamaKhansela (uHlelo 1 loMthetho weziNhlaka), inqubo yokwephula umthetho njengoba iqukethe ezindimeni 66, 67 no 68 yaleMithetho eMile ziyosebenza.
- (4) Amakhansela okudingeka ukuthi ashiye umhlangano woMkhandlu ngaphambi kokuthi uphele ayocela imvumem kuSomlomo.
- (5) Ngenhloso yoMthetho 6 ukungenthanyelwa kwemihlangano, imihlangano yokwakhana noma yokuthuthukisana ehleliwe noma evunywe nguMkhandlu ithathwa njengemihlangano.

17. Amaminithi okumele agcinwe nokuqinisekiswa kwalokho

Amaminithi ezinqubo zayo yonke imihlangano ayoqoshwa ngemishini esebenza ngogesi noma ngenye indlela futhi agcinelwe leyo nhloso nguMqondisi weMisebenzi yokuXhumana. UMphathi kaMasipala uyoba nomthwalo wokulungisa lokho, kanti amaminithi omhlangano ngamanye ayoqinisekiswa emhlanganweni olandelayo futhi asayinwe nguSihlalo.

18. Akukho zingxoxo ngamaminithi

Akukho zingxoxo eziyovunyelwa ngamaminithi, ngaphandle kobuqiniso bawo.

19. Izikhaziso kumele zibhalwe, ziqoshwe noma zishicilelwe

Izikhaziso, okumele zibhalwe ngokucacile, ziqoshwe noma zishicilelwe, kumele zisayinwe yizakhazumi ezingengaphansi kwezintathu futhi kumele zibhalwe ngolimi oluhloniphekile futhi zethulwe ehhovisi loMphathi kaMasipala, uma ebona kufanele, oyokwethula udaba ngaphambi kweKomidi elikhulu.

20. Amanxusa kumele athumele imemorandamu

Amanxusa afisa ukwamukelwa yikomidi elikhulu kuyodingeka, okokuqala ukuba athumele imemorandamu ebhaliwe, futhi uMphathi kaMasipala uyokwethula imemorandamu ekomidini elikhulu, elingayigunyaza, uma libona kufanele ukwamukela amanxusa, futhi libike emkhandlwini emva kwalokho.

21. Ukwamukelwa kwamanxusa

Amanxusa afisa ukwethula inkulumbo eKomidini eliKhulu akumele abe ngaphezu kwesihlanu ngesibalo, kodwa yilungu elilodwa kuphela lawo elingethula inkulumbo eKomidini (ngaphandle uma kuphendulwa imibuzo yamalungu eKomidi) futhi ayokwenza lokho isikhathi esingevile emizuzwini eyishumi. Ikomidi aliyubuyi libhekelele lolo daba kuze kube amanxusa ayozihoxela emhlanganweni.

22. Ukwethula isiphakamiso

USihlalo weKomidi noma iSekela likaSihlalo weKomidi uyophakamisa isincomo esiqukethe embikweni ngaphandle uma ekade ephakamisa ukungahambisani naso phambilini. USihlalo weKomidi noma elinye ilungu elethula umbiko lingahoxisa noma lichibiyele noma yisiphi isigaba ngemvume yeKomidi eliKhulu.

23. Indlela yokukhipha isaziso sesiphakamiso

Akukho daba oluyokwethulwa emkhandlwini noma eKomidini eliKhulu ngayinoma yiluphi ilungu lomkhandlu ngaphandle uma kunjengoba kubalulekile eMithethweni eMile 6, esiyobe sibhaliwe futhi sasayinwa yilungu elethula isaziso. Leso saziso siyonikezwa uMphathi kaMasipala. Isaziso siyoletshwa ngaphambi kwehora le-12:00, ezinsukwini eziyisikhombisa ngaphambi komhlangano weKomidi eliKhulu.

24. Ukuhlelwa kwezaziso zeziphakamiso

Zonke izaziso zeziphakamiso ziyofakwa usuku kanye nezinombolo njengoba zitholwe nguMphathi kaMasipala, futhi ziyofakwa ohlelweni nguMqondisi wezokuXhumana ngohlelo azithole ngalo, azigcine futhi alindele ukuthi izichibiyele zezaziso zeziphakamiso ziyofakwa ngokushesha emva kwaleso saziso sesiphakamiso, kungakhathalekile ukuthi isaziso sitholakale ngasikhathi sini.

25. Izithibelo zezaziso zeziphakamiso

- (1) Akukho lungu eliyoba nezaziso zeziphakamiso ezingaphezu kwezimbili ohlelweni olulodwa ngasikhathi sinye; inqobo nje uma loMthetho ungeyokusebenza koSotswebhu bamaqembu.
- (2) Ekuphatheni izaziso zeziphakamiso, uSihlalo uyoqale afunde inombolo ngayinye kanye negama lobeke lesi siphakamiso, futhi uyoqinisekisa ukuthi iziphakamiso aziphikiswa, bese zidluliswa ngaphandle kwezingxoxo. USihlalo uyobe esebiza labo iziphakamiso zabo eziphikisiwe ngokulandelana kwabo ohlelweni.

26. Iziphakamiso ezamukelekile

Ngaphambi kokuthi noma yisiphi isaziso sifakwe ohlelweni siyokwethulwa kuMphathi kaMasipala okumele athole imobono ephusile ezinhlokwene ezahlukahlukeni zeminyango kaMasipala, uma kunesidingo, futhi uma ebona ukuthi ngaphandle kwegunya lomthetho okhona, uyokwenza ukuba okhiphe isaziso aziswe ngalokho. Umuntu okhiphe isaziso, uyoba nelungelo lokukhalaza ekomidini elincane leKomidi eliKhulu elibunjwe yiMeya kanye neSekela leMeya kanye namakhansela amabili, aboyolubhekisa udaba bese benquma ukuthi lesi saziso sesiphakamiso singafakwa yini ohlelweni.

27. Isiphakamiso esingathulwanga

Uma isiphakamiso, isaziso esibalulwe ohlelweni, simenyezwe, kodwa singathulwanga yilungu elikhipe isaziso noma ngelinye ilungu eligunyazwe ukuba lenze njalo ngokubhaliweyo, siyothathwa njengesishiyiwe futhi asiyukwethulwa ngaphandle komyalelo.

28. Amalungu awayukuthwala emakhanda futhi ayoma lapho ethula inkulumo

Ngesikhathi umkhandlu uhlangene, amalungu ngaphandle kwabantu besifazane kanye namalungu agqoke izigqoko zendabuko noma zesonto awayuthwala lutho emakhanda. Uma ekhuluma, amakhansela ayohlala phansi, kodwa ngazo zonke izikhathi, abhekise inkulumo yawo kusihlalo.

29. Ukugxila odabeni

Ilungu elikhulumayo liyogxilisa inkulumo yalo odabeni noma encazelweni noma embuzweni okudingidwayo.

30. Ubuholi bukaSihlalo

Noma yinini uma usihlalo ekhombisa ukungenelela ngesikhathi sengxoxo noma esukuma esihlalweni sakhe, noma yimaphi amalungu akhulumayo ayoyeka ukukhuluma ngokushesha, athule, ukuze usihlalo azwakale ngaphandle kokuphazanyiswa.

31. Ubude bezinkulumo

Akukho nkulumo ayokweqa emizuzwini eyishumi ngaphandle kwemvume yomhlango.

32. Ukungaziphathi kahle kwekhansela kanye nomsebenzi kasihlalo

Uma kunoma yimuphi umhlango woMkhandlu, weKomidi eliKhulu noma wamanye amaKomidi oMkhandlu, ikhansela liziphatha ngendlela engafanele, liziphatha bededengu noma libelesela ngokuthikameza umhlango noma liphikisana nesinqumo sikaSihlalo nganoma yikuphi ukuziphatha ngendlela efanele noma lenqaba ukuhoxisa amazwi uma linxuswa ukuba lenze njalo nguSihlalo noma libelesela nokudina noma lilokhu libenzisa ulimi olungamukelekile noma lephula noma yimuphi omunye wale mithetho, uSihlalo uyoqondisa lelo khansela ukuba liziphathe kahle futhi, uma likhuluma, liyeke ukukhuluma bese lihlala phansi, uma kade limile. Uma liqhubeka lingayinaki imiyalelo kasihlalo, usihlalo uyocela lelo khansela ukuba liphume kuleyo ndawo okubanjelwe kuyo umhlango isikhathi esesisele somhlango, futhi, uma kunesidingo, uyokwenza ukuba likhishwe kuleyo ndawo.

33. Ukuthathwa kwezinyathelo ngokungaziphathi kahle

Ngaphezu kwanoma yiziphi izinyathelo ngokwendima engenhlala, uSomlomo angathathela izinyathelo noma yiliphi ilungu elingaziphathanga ngendlela noma eliziphathe budedengu noma elithikameze ngenhloso inqubo yomhlango noma eledlele igunya likasihlalo ngokuhambisana nenqubo eqokethwe ezigabeni 66, 67 no 68 yaleMithetho eMile; inqubo nje uma ikhansela elibandakanyekayo kunguSomlomo, izinyathelo okumele zithathwe ngokwalesi sigaba ziyothathwa yikomidi elincane eliqokwe yiKomidi eliKhulu.

34. Ukuphazamisa kwabanye abantu ngaphandle kwamakhansela

Noma yimuphi umuntu, ngaphandle kwekhansela, oziphatha kabi noma othikameza inqubo zoMkhandlu noma zeKomidi eliKhulu kunoma yimuphi umhlango, uma usihlalo esho njalo, liyokhishwa endaweni okubanjelwe kuyo umhlango, futhi usihlalo angakhipha lowo muntu ekutheni aphinde amukelwe ukwethamela eminye imihlango isikhathi angasibona sifanele.

35. Amalungu kumele akhulume kanye kuphela: Ilungelo lowethula inkulumo lokuthi aphenule: Akukho lungu eliyokhuluma emva kokuba owethula inkulumo esephendulile

Maqondana nesaziso sesiphakamiso, akukho lungu eliyokwethula inkulumo emkhandlwini amahlandla angaphezu kwelilodwa nganoma yisiphi isiphakamiso noma isichibiyelo. Umuntu okunguyena obebeke isiphakamiso, kodwa, angaphendula, kodwa kumele agxile ekuphenduleni umbuzo wokade eqeda ukukhuluma angafaki udaba olusha engxoxweni. Ilungelo lokuphendula angeke ligunyaze obebeke isiphakamiso ukuba enze isichibiyelo. Emva kokuphendula akukho elinye ilungu elingakhuluma futhi imibuzo iyobekwa khona lapho.

36. Izichibiyelo kumele zibhalwe

Usihlalo angabiza noma yimuphi umuntu obethula inkulumo ngesichibiyelo ukuba asibhale, futhi, emva kokuyisayina, ukuba ayihambise kuMphathi kaMasipala.

37. Ukuhoxiswa kwesiphakamiso, ukuchithshyelwa kanye nesaziso sesiphakamiso

Isikhulumi ngemvume yosesekelayo singahoxisa isiphakamiso noma isichibiyelo.

38. Isiphakamiso ezisekelwayo ngaphambi kwengxoxo

(1) Akukho ziphakamiso noma zichibiyelo eziyodingidwa noma zethulwe emkhandlwini kuze kube zisekeliwe.

(2) Ilungu elesekele isiphakamiso noma isichibiyelo ngendlela esemthethweni liyovunyelwa emva kwesikhathi ukuthi likhulume ngaso.

39. Amaphuzu adingidwayo kanye nezincazelo

(1) Noma yiliphi ilungu, noma ngabe selikhulumile ngodaba noma cha, lingakhuluma ngephuzu oludingidwayo noma lichaze, kodwa leyo ncazele iyohambisana nenkulumo yalo edule engazwakalanga kahle. Ilungu elikhulumayo liyoba nelungelo lokulalelwa khona lapho. Iphuzu elidingidwayo kumele libe ngokuqokethwe oHlelweni 2 lwaleMithetho eMile.

(2) Uma ilungu lifisa ukubeka iphuzu elizodingidwa, liyosukuma ukuze libonwe nguSihlalo.

40. Isinqumo sikaSihlalo ngombuzo wodaba oludungidwayo

Isinqumo sikaSihlalo mayelana nenqubo noma nokuvumeleka kokuzichazela kuyoba ngujuqu futhi angeke kuvuleleke ekutheni kudingidwe.

41. Isinqumo seningi

Zonke izixazululo ezingethulwa eMkhandlwini kanye naseKomidini eliKhulu lawo ziyophethwa futhi zinqunywe ngokuhambisana nendima 9 yeMithetho eMile.

42. Wonke amalungu kuyomele avote

(1) Ikhansela ngalinye, liyovota kunoma yisiphi isigaba elikhona kuso, futhi akukho khansela eliyoshiya umhlango ngesikhathi uSihlalo esabeka umbuzo. Ikhansela lingevote futhi leyo nhloso ingabekwa ngokuthi iqoshwe.

(2) Ukuvota kuyokwenziwa ngokuphakamisa izandla noma ngephepha lokuvota eliyimfihlo.

43. Ayothathwa kanjani

(1) UMphathi kaMasipala noma isiphathimandla esigunyaziwe siyosebenza njengomqoqi futhi simemezele kuSihlalo imiphumela yezigaba. USihlalo khona lapho uyomemezele isiphakamiso esiphumelele noma esingaphumelelanga, futhi siyobhalwa emaminithini. Uma noma yiliphi ilungu licela, amagama nawo ayoqoshwa, agcinwe lapho kuvotwa ngokuyimfihlo.

(2) USihlalo uyokwazi ukuphinde avote okwesibili noma afake ivoti elingumnqamula juqu uma amavoti elingene.

44. Amaphuzu okusetshenzelwa phezu kwawo ouksiza iKomidi eliKhulu

Ekuqokweni kwanoma yiliphi iKomidi, iKomidi eliKhulu liyonquma amaphuzu okusetshenzelwa phezu kwawo alelo Komidi futhi kuyobunjwa ikhoramu yalelo Komidi. IMithetho eMile yoMkhandlu iyosebenza ngokuguquguquka okudingekayo kuwo wonke amakomidi amancane.

45. UMkhandlu ungakhuphula noma unciphise amandla

Ngaphandle kweKomidi eliKhulu elimisebenzi yalo inqunywa ngokwesigaba 44 soMthetho weziNhlaka woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), uMkhandlu noma yingasiphi isikhathi ungelula isikhathi, ungahoxisa noma uguqule imisebenzi namandla eKomidi.

46. Amaminithi amakomidi

(1) Wonke amakomidi, aqokwe ngokwesigaba 80 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), ayoqopha amaminithi emihlangano yawo futhi aqinisekise ukuthi agecinwa ngendlela efanele nguMqondisi wezokuXhumana. Kuyonqunywa ukuba amaminithi angaqinisekisiwe ayothathwa afundwe, ngenhloso yokuwaqinisekisa, inqobo nje ukuba ikhephi yalowo amaminithi iyobe ithunyelwe kwilungu ngalinye lekomidi emahoreni angamashumi amabili ngaphambi kwalokho.

(2) Amaminithi awo wonke amakomidi oMkhandlu ayoletwa kwiKomidi eliKhulu.

47. Ukuhlolwa kwamabhuku amaminithi ngamakhansela

Amaminithi oMkhandlu kanye nawamakomidi ayovuleleka ukuba ahlowe yiwo wonke amalungu oMkhandlu ngezikhathi zokusebenza.

48. Amalungu angashiya isikhundla ekomidini

Noma yiliphi ilungu lingashiya isikhundla ekomidini ngesaziso esibhalwe yilo bese lisithumela kuMphathi kaMasipala. Noma yikuphi ukwenza okunjalo kuyobikwa eKomidi eliKhulu ukuze lesi sikhala sigwaliswe.

49. Usuku nesikhathi somhlangano

Usuku nesikhathi somhlangano kwanoma yiliphi iKomidi eliqokwe ngokwesigaba 80 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) kuyonqunywa ngamaphuzu okusetshenzelwa kuwo alelo komidi.

50. Ukuhlalana kwamakomidi ezikhundla

Wonke amaKomidi eziKhundla ayohlalana ngokuhambisana namaphuzu asebenzela phezu kwawo.

51. Amalungu oMkhandlu angathamela noma yiliphi iKomidi

Amalungu oMkhandlu ayoba nelungelo lokwathamela noma yiliphi iKomidi, kodwa amalungu oMkhandlu ethamele angeke abe nelungelo lokuphila ambukela kunoma yiziphi izingxoxo zekomidi elithintekayo, ngaphandle kwemvume yekomidi.

52. Izingqubo zamakomidi

Zonke izindaba ezilethwe ekomidini ziyonqunywa yiningi lamalungu akhona nangokuvota. Kuyovotwa ngokuphakamisa izandla. Noma yimaphi amalungu amabili eKomidi akhona navotayo kuyodingeka amagama abantu abavotayo futhi ivoti ngaliye liyoshicilelwa emaminithini.

53. Imisebenzi kaSihlalo weKomidi

USihlalo weKomidi uyophatha kuyo yonke imihlangano yeKomidi akhona kuyo. Uyoba nelungelo lokuvota okokuqala, futhi, uma kunokulungwa kwamavoti, anganikeza ivoti lesibili noma elingumqamula juu. Uyosayina amaminithi uma iKomidi seliwadlulisile. Kuyoba ngumsebenzi wakhe, uma, ekhona, ukwethula umbiko weKomidi eKomidi eliKhulu.

54. Ukuqokwa kweSekela likaSihlalo

IKomidi ngalinye, uma libona kufanele, liyoqoka iSekela likaSihlalo, uma eqokiwe oyophatha emhlanganweni uma uSihlalo engekho.

55. Amandla eSekela likaSihlalo

ISekela likaSihlalo, uma liphathe, linamandla afanayo namalungelo afanayo okuvota nalawo kaSihlalo. Uma uSihlalo engekho, uyokwethula umbiko weKomidi eMkhandlini.

56. IKomidi lingaqoka uSihlalo wesikhashana

Uma uSihlalo neSekela likaSihlalo bengekho, amalungu akhona ayoqoka elinye lamalungu awo ukuba liphathe emhlanganweni futhi bangeliqokiwe, uma liphethe, linamandla namalungelo okuvota afanayo nalawo kaSihlalo.

57. Inqubo yokuchitha izixazululo zaphambilini zoMkhandlu

Ngaphandle uma kunesincomo seKomidi elinikezwe amandla noma umsebenzi wokwenza okuthile nguMkhandlu, akukho sixazululo esamkelwe kunoma yimuphi umhlangano esingachithwa noma sishintshwe kunoma yimuphi umhlangano olandelayo ngaphandle uma isaziso sesiphakamiswe sokuchitha noma sokushintsha lesi sixazululo bese sinikezwe uMphathi kaMasipala okungenani ezinsukwini eziyisikhombisa ngaphambi kwalawo mihlangano futhi uMphathi kaMasipala, okungenani ezinsukwini ezimbili ngaphambi kwalawo mihlangano, uyodlulisela ikhophi yaleso siphakamiswe ekhanseleni ngalinye.

58. Ulwazi okumele lutholakale kuMphathi kaMasipala noma koMphathi othintekayo

Amalungu oMkhandlu afisa ukuthola kunoma yisiphi isiphathimandla soMkhandlu ulwazi mayalana nokuphathwa komsebenzi woMkhandlu, okungenakutholwa ngumphakathi wonkana, kumele abhekise imibuzo yawo kuqala kuMphathi kaMasipala emva kwalokho ayibhekise kuMphathi yoMnyango ofanele.

59. Ulwazi oluya emaphendabeni nakweminye imithombo yezindaba

(1) IMeya, uSomlomo kanye noMphathi kaMasipala ngokubona kwabo, ekufakweni kwesicelo ngayinoma yiliphi iphephandaba, banganikela labo bezindaba noma obamele, ulwazi nemibiko okuphathelene nomsebenzi kaMasipala. Ngokwazi ukuthi uMphathi kaMasipala, ngayinoma ogunyaziwe ukuthi abezindaba bathole kuye ulwazi kanye nemibiko, ngakho-ke amalungu oMkhandlu kulindekele ukuthi angizibandakanyise nokuthumela abezindaba imibhalo noma ulwazi abalunikezwe nguMkhandlu nanoma yiliphi iKomidi ngokucophelela ukuthi noma yiliphi ulwazi noma izitatimende ezingahluziwe okungathathwa njengokudalula ulwazi oluyimfihlo okungakhinyabeza uMkhandlu.

(2) Ngenhloso yalolu hlamvu "ulwazi oluyimfihlo" kusho ulwazi okukhulunywe ngalo esigabeni 10(2) soMgomo wokuziphatha kwamaKhansele oHlelweni 1 loMthetho weziNhlaka, 2000 (uMthetho No. 32 ka 2000).

60. Ukunxenxa amavoti ukuze uqokwe: Ukuchithwa

(1) Ukunxenxa amavoti ukuze uqokwe esikhundleni somkhandlu akuvunyelwe nakancane. Ubufakazi buyochitha umfakisicelo ekuqokweni.

(2) Lomyalelo omile okukhulunywe ngawo ngenhla uyocashunwa ezikhangisweni zokumema abafakizicelo ukuze baqokwe.

61. Ukusetshenziswa komakhalekhukhwini emihlanganweni yoMkhandlu noma yeKomidi

Angeke kuvunyelwe ukusetshenziswa komakhalekhukhwini emihlanganweni yoMkhandlu noma yeKomidi.

62. Ukumiswa kwemiyalelo emile

Akukho myalelo omile oyomiswa ngaphandle kwevoti leningi lamalungu oMkhandlu noma lamavoti amabili kwamathathu amalungu akhona futhi isiphakamiswe sesekwe ngokugcwele, sokumisa imiyalelo emile ngaphandle kwempikiswano.

63. Ukuvikelwa ngumthetho nokuvimbela amacala kwamakhansela kanye neziphathimandla zomkhandlu

(1) UMkhandlu ungancuma izimo lapho uyovikela noma lapho uyokhokhela izindleko zomthetho noma isamba sezindleko maqondana nanoma yiziphi izindleko zanoma yiziphi izingqubo zomthetho, noma ezobugebengu noma eliphakathi kwabantu abathile, ikhansela noma isiphathimandla esingaba nalo nanoma yimuphi umuntu, umgwamanda, inhlangano noma isikhungo elivela esikhundleni salo njengekhansela noma njengesiphathimandla sikaMasipala waKwaSani.

- (2) Izihlinzeko zesigaba 28 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), njengoba uqukethwe oHlelweni 3 saleMithetho eMile zihlanganiswe njengenxnye yaleMithetho eMile.

64. Igunya lamakhansela

- (1) Amakhansela angeke abe nanoma yimaphi amandla okuphatha futhi angeke akhiphe imiyalelo kwiziphathimandla noma athathe izinqumo ezibophezela noma ngubani ezindabeni zoMkhandlu; kweyame elungelweni lokucela uMphathi kaMasipala ukuthi abike noma yingaluphi udaba, noma lokucela ikomidi elitintekayo ukuphenya nanoma yiluphi udaba loMkhandlu abona ukuthi ukucutshungulwa.
- (2) Izihlinzeko zesigaba 11 (ukungenelela ekuphatheni) soMgomo wokuziPhatha kwamaKhansela njengoba ziqukethwe oHlelweni 1 loMthetho weziNhlalo zoMasipala, 2000 (uMthetho No. 32 ka 2000) zifakwe njengenxnye yaloMthetho.

65. Impahla yoMkhandlu

Ikhansela angeke lisebenzise, lithathe noma lizuze nganoma iyiphi impahla, kokulawulwa noma kokuphethwe ngumasipala lelo khansela elingenalungelo kukho.

66. Inqubo yokugcina umthetho

(1) Umsebenzi kaSomlomo

- (a) Ukubhekelela ukuziphatha kwamkhansela kungumsebenzi kaSomlomo.
- (b) USomlomo kumele anqume ukuthi ukwepulwa komthetho okusolalayo koMgomo wokuziPhatha kwamaKhansela (uHlelo 1 loMthetho weziNhlalo zoMasipala, 2000 (uMthetho No. 32 ka 2000)) noma leMithetho eMile kubhekwa nakho ngokukhipha isexwayiso esibhaliwe, ngokuthetha icala kuSomlomo noma eKomididini eliyiSipesheli.

(2) Uphenyo

Uma uSomlomo, enezinsolo ezizwakalayo, ebona ukuthi inhlinzeko yale Mithetho eMile noma uMgomo wokuziPhatha wamaKhansela kwepulwiwe okuhlinzekelwe ngesijeziso, uSomlomo uyogunyaza uphenyo lwamaphuzu nezimo ngezinsolo zokwepulwa komthetho oluyokwenziwa ngumgwamanda ojutshwe nguSomlomo.

(3) Isikhalo

- (a) Uma uSomlomo, enezinsolo ezizwakalayo, ngokubona komgwamanda ojutshwe nguSomlomo ngophenyo, okubonakala kufanele isijeziso esiqinile kunesexwayiso esibhaliwe, ikhansela elithintekayo liyonikezwa nguSomlomo isikhalo esichaza kabanzi —

(i) izinsolo zokungaziphathi kahle; kanye

(ii) nobufakazi balokho kungaziphathi kahle.

- (b) Isikhalo siyonikeza ikhansela elithintekayo isaziso ngelungelo lalo —

(i) lokubona noma yibuphi ubufakazi obufungelwe, imibhalo nobufakazi obuphathekayo obutholakele ngesikhathi kwenziwa uphenyo kanye nombiko womgwamanda ophenya ukwepulwa komthetho;

(ii) lesikhathi esencele lokuphendula ngokubhaliwe mayelana nezinsolo zokwephula umthetho;

(iii) lokwesula;

(iv) lokulalela ubufakazi obethulwa ngomlomo lapho kuthethwa icala noSomlomo.

- (c) Ikhophi yesikhalo iyodluliselwa nguSomlomo usotswebhu weqembu lekhasela elithintekayo.

(4) Amalungelo amaKhansela

Ikhansela elithola isikhalo liyoba nelungelo —

- (a) lobufakazi obufungelwe, lemibhalo noma lobufakaziobuphathekayo obutholakale ngesikhathi kwenziwa uphenyo kanye nelokuthola umbiko womgwamanda ojutshwe nguSomlomo ukuthi wenze uphenyo;

- (b) lokwesula eMkhandlwini kaMasipala: Inqobo nje uma lenze njalo ngaphambi kokulelwa kobufakazi kunoma iyiphi inkundla;

- (c) lokuphendula kuSomlomo ngokubhaliwe ngesikhalo lethula ubufakazi obuphikisayo noma bokuzivikela;

- (d) lokuthi kube khona usotswebhu weqembu lalo kunoma yikuphi ukujeziswa;

- (e) lokulalela ubufakazi obethulwa ngomlomo lapho kuthethwa icala noSomlomo noma neKomidi eliyiSipesheli njengoba kuyonqunywa nguSomlomo ngaleso sikhathi njengoba kungabekwa esikhaweni.

(5) Ukujeziswa ngaphandle kokulalelwa kwecala nguSomlomo

Uma —

- (a) ikhansela elithintekayo lingafuni ukulalela ubufakazi obethulwa ngomlomo enkundleni yokuthethwa kwecala kaSomlomo ngokwaleMithetho eMile; futhi

- (b) uSomlomo ngokubona ukuthi angeke benziwe ubulungiswa ngokwethanyelwa kwenkundla kaSomlomo,

uSomlomo, angajezisa ikhansela ngokeMithetho eMile:

Inqobo nje uma eyobika udaba lwakhe kane nezinqumo emhlanganweni woMkhandlu kaMasipala ngenindlela enqunywe eMthethweni weziNhlalo zoMasipala, 2000 (uMthetho No. 32 ka 2000).

(6) Ukuthethwa kwecala nguSomlomo

- (a) Ukuthethwa kwecala nguSomlomo kuyokwenziwa yibandla likaSomlomo elithetha amacala kanye nabahloli ababili abaqokwe yiKomidi eliKhulu esikhathini esanele —

(i) sekhasela elithintekayo sokuthi lilalelwe;

noma

(ii) sekhasela sokunquma ukuthi ubulungiswa buyagcinwa ngokulalela icala.

- (b) USomlomo uyokhipha isaziso mayelana nesikhathi kanye nendawo yokulalelwa kwecala.

- (c) Kunoma yikuphi ukulalelwa kwecala —

(i) ukulalelwa kwecala kuyolandela indlela yokuqophisana;

(ii) umuntu ofanele uyohola ubufakazi besikhalo;

(iii) ikhansela lingamelwa ngusotswebhu weqembu, nanoma yiliphi elinye ikhansela noma omunye umuntu ekulalelweni kwecala;

(iv) ikhansela kanye/noma olimele linelungelo lokuhlaba ngemibuzo ubufakazi obethulwa ngohola ubufakazi nokwethula nanoma yibuphi obunye ubufakazi;

(v) uSomlomo uyoba nelungelo lokuhlaba ngemibuzo ubufakazi obethulwa yikhansela noma ngolimele;

(vi) ukulalelwa kwecala, emva kokuhlangana kwabantu, kuyoqoshwa ngokuhambisana nezidingo zikaNobhala woMkhandlu oyobe ebhekele ubuqiniso bokuqoshwayo.

- (d) Emva kokucubungula ubufakazi, ibandla likaSomlomo elithetha amacala kanye nabahloli ababili bayothatha isinqumo ngamavoti amaningi.
 - (e) Uma ibandla likaSomlomo livumelana ngokuthi kwaba khona ukwephulwa komthetho, bayolalela isicelo sokwehlisa ngaphambi kokukhipha isigwebo.
 - (f) Uma ibandla likaSomlomo, emva kokucubungula izinhlangothi zombili, libona ukuthi kunokushayisana kobufakazi, ikhansela okumele lizezise, uSomlomo uyokhipha lesi sigwebo futhi athumele isaziso sesigwebo kulelo khansela lapho beyobeka khona —
 - (i) amalungelo ekhansela ngaphansi koMthethosisekelo, koMthetho weziNhlaka zoMasipala, 2000 (uMthetho No. 32 ka 2000), uMthetho wokuPhathwa kokuLungiswa kanye nanoma yimuphi omunye umthetho; kanye
 - (ii) nesikweletu (uma sikhona) ezidaleke ksekela ngosuku okwakhishwa ngalo isaziso.
 - (g) Ikhansela liyosayina ikhophi yesaziso liqinisekisa ukuthi liyitholile.
 - (h) USomlomo uyobika ukuthi ukuthethwa kwecala kanye nesinqumo eBandla lakhe emhlanganweni woMkhandlu kaMasipala.
 - (i) Umbiko ngokwesigaba 66(6) waleMithetho uvulelekile emphakathini.
 - (j) USomlomo uyodlulisela umbiko kuNgqongqoshe woHulumeni baseKhaya ngokuhambisana noMgomo wokuziPhatha kwamaKhansela.
- (7) Ukungenga kwangaphakathi
- (a) Ikhansela linelungelo lokukhalaza eKomidini eliyiSipesheli uma iBandla likaSomlomo selikhiphe isijeziso salelo khansela: Inqobo nje uma —
 - (i) incwadi yokukhalaza inikezwe uSomlomo ezinsukwini ezinhlanu kutholakale isaziso ngokwesigaba 66(6) saleMithetho;
 - (ii) izikhalo ziyolalelwa uma isikhalo silethwe yikhansela elithintekayo encwadini yalo yokukhalaza.
 - (b) Akukho sijezi esiyokhishwa nguMasipala ngaphambi kokuphethwa kwesikhalo esifakwe ngesikhathi ngokwesigaba 66(7) (a)(i) waleMithetho eMile.
 - (c) IKomidi eliyiSipesheli lingaphinde lilalela udaba lonke noma inxenye yalo noma ubeke umkhawulo engxoxweni ngezizathu ezithile.
 - (d) IKomidi eliyiSipesheli, ngesikhathi kulalelwa isikhalo, lingehlisa isijeziso esikhishwe yiBandla likaSomlomo noma lisibeke eceleni noma liqinisekise isinqumo esikhishwe enkundleni kaSomlomo.
 - (e) Ngenhloso yenqubo yoMkhandlu yokuphulwa komthetho, iKomidi eliyiSipesheli liyoba namalingu amahlanu ekomidi njengoba eqokwe yiKomidi eliKhulu enkundleni yokuthetha icala ngayinye.
- (8) Inqubo
- (a) Kweyame kwizihlinzeko zesigaba 66(7) saleMithetho, izihlinzeko zesigaba 66(3) ziyosebenza kunoma iyiphi inkundla yokuthethwa kwecala okwenganyelwe yiKomidi eliyiSipesheli.
 - (b) Noma yiliphi ikhansela linelungelo lokukhalaza kuNgqongqoshe nganoma yibuphi ubufakazi obutholwe yiKomidi eliyiSipesheli kanye/noma ngesigwebo esokhishwe yilelo Komidi emva kokulandela inqubo efanayo ngokwesigaba 66(7) saleMithetho.
- 67. Izigwebo**
- (1) Okujwayelekile
- Kweyame ekudingekeni kobulungiswa, uMgomo wokuziPhatha wamaKhansela (uHlelo 1 loMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000)) kanye nezihlinzeko zaleMithetho eMile, iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, linelungelo lokunquma isigwebo esizokhishwa, kuncike ezingeni lokwephulwa komthetho.
- (2) Izexwayiso
- (a) Izexwayiso zomlomo ezingashubile

Lapho iBandla likaSomlomo libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza ikhansela isexwayiso somlomo esingashubile ngokwephula umthetho, uSomlomo —

 - (i) uyonikeza ikhansela lesi sexwayiso ngasese; futhi
 - (ii) yokwazisa usotswebhu weqembu ngokukhipha lesi sazi.
 - (b) Izexwayiso ezishubile
 - (i) Lapho iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza khansela isexwayiso esishubile ngokwephula umthetho, lesi sexwayiso, emva kokuninisekiswa nguMkhandlu kaMasipala —
 - (aa) siyobhalwa; futhi
 - (bb) sinikezwe ikhansela elithintekayo kanye nosotswebhu, futhi uSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) (vi) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
 - (ii) Lapho, ngenxa yokwephulwa komthetho kuphindelelwa, iBandla likaSomlomo, iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokunikeza khansela isexwayiso sokugcina ngokwephula umthetho, lesi sexwayiso, emva kokuninisekiswa nguMkhandlu kaMasipala —
 - (aa) siyobhalwa; futhi
 - (bb) siyocacisa ukuthi ikhansela lephule uMgomo wokuziPhatha wamaKhansela noma leMithetho eMile, iKomidi eliyiSipesheli liyoluleka uMkhandlu kaMasipala ukuthi umise emsebenzini noma uxoshe lelo khansela ngokoMgomo wokuziPhatha wamaKhansela; futhi
 - (cc) sinikezwe ikhansela elithintekayo kanye nosotswebhu, kanye noSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) (vi) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
- (3) Ukujeziswa
- Uma, iBandla likaSomlomo, iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokujezisa ikhansela ngokwephula umthetho, lesi sexwayiso, uSomlomo emhlanganweni woMkhandlu kaMasipala —
- (a) angabiza ikhansela elithintekayo ukuthi lime phambi koMkhandlu kaMasipala; futhi
 - (b) angacacisa izinga lokwephulwa komthetho nokujeziswa kwekhansela ngolimi alubona lufanele; futhi uSomlomo esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) (vi) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
- (4) Ukumiswa
- (a) Uma iKomidi eliyiSipesheli libona ukuthi ubulungiswa buyofezeka kangcono ngokumisa ikhansela eMkhandlwini kaMasipala

- isikhashana ngokwephula umthetho, iKomidi eliyiSipesheli liyobika eMkhandlwini kaMasipala bese kuthi uMkhandlu kaMasipala ubike kuNgqongqoshe woHulumeni baseKhaya ngokoMgomo wokuziPhatha wamaKhansela.
- (b) Uma uNgqongqoshe woHulumeni baseKhaya ekhipha noma yisiphi isigwebo sokumisa ikhansela okwesikhashana ngokoMgomo wokuziPhatha kwamaKhansela —
- (i) ikhansela liyomiswa ngaphandle kokuthola umholo ngaleso sikhathi;
- (ii) uSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) (vi) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
- (c) Ukumiswa kuyothathwa njengesigwebo esiqinile kunokuthola isexwayiso sokugcina nokujeziswa.
- (5) Izinhlawulo zasenkantolo
- (a) Uma iBandla likaSomlomo noma iKomidi eliyiSipesheli, njengoba kungaba njalo, libona ukuthi ubulungiswa buyofezeka kangcono ngokwephulwa komthetho obalulwe oHlwini 1 loHlelo 1 lwaleMithetho emile ngokuhlululisa ikhansela imali enkantolo okubalulwe oHlwini 2 lwaloHlelo, lesa sigwebo —
- (i) siyobhalwa; futhi
- (ii) sinikezwe ikhansela elithintekayo kanye nosotswebhu, kanye noSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) (vi) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
- (b) Uma kwenziwe umhlinzeko kuleMithetho eMile yokuhlululisa noma yiliphi ikhansela, futhi ikhansela lihlululiswa, uMasipala ungathatha leyo nhlawulo kunoma yiziphi izimali njengoba uMasipala azikweleta ikhansela noma uthole leyo mali njesikweletu sasenkantolo.
- (6) Ukuxoshwa
- (a) Uma iKomidi eliyiSipesheli libona ukuthi ubulungiswa buyofezeka kangcono ngokuxosha ikhansela eMkhandlwini kaMasipala ngokwephula umthetho, iKomidi eliyiSipesheli liyobika lokho eMkhandlwini kaMasipala bese kuthi uMkhandlu kaMasipala ubike lokho kuNgqongqoshe woHulumeni baseKhaya ngokoMgomo wokuziPhatha wamaKhansela.
- (b) Uma —
- (i) uNgqongqoshe woHulumeni baseKhaya ekhipha isigwebo sokuxosha ikhansela ngokoMgomo wokuziPhatha wamaKhansela; noma
- (ii) ikhansela lixoshwa ngokwesigaba 67(96)(a),
- uSomlomo uyobe esefaka igama lekansela, umthetho owephuliwe kanye nesigwebo erekhodini okukhulunywe ngalo esigabeni 66(6)(c) sale Mithetho futhi angabuye ashicilele ukwephulwa komthetho ngendlela ayibona ifanele.
658. Amarekhodi ezigwebo
- (1) USomlomo uyogcina irekhodi lazo zonke izigwebo ezinikezwe amakhansela, lelo rekhodi eliyovuleleka ukuthi lihlolwe ngumphakathi eHhovisi lokugcina iMibhalo ngesikhathi somsebenzi.
- (3) Irekhodi lezigwebo elihlongozwe esigabeni 68(91) sale Mithetho liyohlala ligciniwe futhi liyocutshungulwa ezigamekweni ezilandelayo nasekunqunyweni kwesigwebo seekhansela ima liphinda lephula umthetho.
659. Ukuchithwa kweMithetho eMile neMigomo
- I-Mithetho eMile neMigomo kaMasipala waKwaSani ngalokhu iyachithwa.

UHLELO I

Ukwephulwa komthetho kanye nezinhlawulo

Uhlu 1 Ukwephulwa komthetho	Uhlu 2 Inhlawulo
(1) Ukuphutha emhlanganweni obekumele ikhansela liwethamele.	Umholo wamasonto amabili
(2) Ukwehluleka ukuhlala kuzu kuphele umhlangano ikhansela obekumele liwethamele.	Umholo wamasonto amabili
(4) Ukwehluleka ukuhoxa ezinqubeni zoMkhandlu kaMasipala noma zeKomidi uma udaba ikhansela elithintekayo noma elishade naye, umlingani noma elisebenzisana naye ebhizinisini enenzuzo ebhizinisini ngokuqondile noma ngokungaqondile; ngaphandle uma uMkhandlu kaMasipala noma iKomidi linqume ukuthi lokho kuba nenzuzo akusho lutho.	Umholo wenyanga eyodwa
(5) Ukwehluleka ukuveza imininingwane komhlomulo ikhansela elaziyo ngawo emhlanganweni woMkhandlu kaMasipala lapho ikhansela ligakwazi ukudalula lokho, uma elishade naye, umlingani, elisebenzisana naye ebhizinisini noma ilungu lomndeni walo, selihlomule noma selizohlomula kwinkontileka ekhishwe nguMasipala.	Umholo wenyanga eyodwa
(6) Ngaphandle kokuqale athole imvume eMkhandlwini kaMasipala, libe yinxenye noma lihlomule kwinkontileka yokuhlinzeka izimpahla, imisebenzi kuMasipala.	Umholo wamasonto amathathu
(7) Ngaphandle kokuqale athole imvume eMkhandlwini kaMasipala, lube yinxenye noma lihlomule kwinkontileka eyenza noma yimuphi omunye umsebenzi kaMasipala ngaphandle kowokuba yikhansela.	Umholo wamasonto amathathu
(14) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokuvota noma ngokungavoti ngandlela thile kunoma yiluphi udaba lukaMasipala noma lweKomidi ikhansela eliyilngu lalo.	Umholo wezinyanga ezinhlanu
(15) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokweluleka uMasipala mayelana nokusebenzisa noma yimaphi amandla noma umsebenzi.	Umholo wezinyanga ezinhlanu
(16) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokumela umuntu kuMasipala.	Umholo wezinyanga ezinhlanu
(17) Ukucela, ukunxusa noma ukwamukela noma yimuphi umvuzo, isipho noma isibonelelo ngokudalula ulwazi oluyimfihlo.	Umholo wezinyanga ezinhlanu
(18) Ukugxambukela ekuphathweni kukaMasipala ngaphandle uma ligunyazwe ukwenze njalo ngesixazululo soMkhandlu kaMasipala.	Umholo wezinyanga ezintathu

(19) Ukusebenzisa isikhundla noma amagunya obukhansela ukuze lizuze ngasese noma lizuze ngendlela engafanele komunye umuntu.	Umholo wezinyanga ezinhlanu
(20) Ukusenezisa ulwazi oluyimfihlo eliluthole njengekhansela ukuze lizuze ngasese noma lizuze ngendlela engafanele komunye umuntu.	Umholo wezinyanga ezinhlanu
(21) Ngaphandle kwemvume yoMkhandlu kaMasipala noma yeKomidi elithintekayo ukudalula noma yiluphi ulwazi lukaMasipala oluyimfihlo noma yingayiphi indlela.	Umholo wamasonto ayisithupha
(22) Ukunikeza noma ukuhlosa ukunikeza noma yimuphi umyalelo kumsebenzi kaMasipala ngaphandle uma ligunyaziwe ukuthi lenze njalo ngesixazululo sikaMasipala.	Umholo wamasonto amathathu
(23) Ukuthikameza noma ukuzama ukuthikameza ukuqaliswa kwanoma yisiphi isinqumo soMkhandlu kaMasipala noma seKomidi ngumsebenzi kaMasipala	Umholo wamasonto ayisithupha
(24) Ukugqugqezela, ukucela noma ukuzibandakanya kunoma yikuphi ukungaziphathi ngendlela eyamukelekile kuMasipala.	Umholo wamasonto amathathu
(25) Ukusebenzisa, ukuthatha, ukuthola noma ukuzuza ngokusebenzisa noma iyiphi impahla elawulwa noma okungekaMasipala ikhansela elingenangelo lokuyisebenzisa.	Umholo wamasonto ayisithupha
(26) Ukushaya noma yimuphi umuntu lapho kusetshenzelwa khona kwMasipala	Umholo wezinyanga ezintathu
(27) Ukuntshontsha noma iyiphi impahla kaMasipala	Umholo wezinyanga ezinhlanu
(28) Ukulimaza ngenhloso impahla kaMasipala	Umholo wamasonto amathathu
(29) Ukudakwa yizidakamizwa kunoma yimuphi umhlangothi woMkhandlu kaMasipala noma weKomidi loMkhandlu.	Umholo wamasonto amabili
(30) Ukuhluleka ukuthula ngesikhathi isiPhathimandla sikhuluma noma sisukuma emhlanganweni.	Umholo wamasonto amabili
(31) Ukuhluleka ukuthobela umthetho noma umyalelo wesiPhathimandla kunoma yimuphi umhlangothi woMkhandlu noma wanoma yiliphi iKomidi loMkhandlu.	Umholo wamasonto amabili
(32) Ukuhluleka ukuthobela umthetho noma umyalelo wesiPhathimandla kunoma yimuphi umhlangothi woMkhandlu noma wanoma yiliphi iKomidi loMkhandlu.	Umholo wamasonto amabili.
(33) Ukuhluleka ukuphuma eGumbini okubanjelwa kulo imihlangano ngesikhathi licelwa yisiPhathimandla.	Umholo wamasonto amabili

UHLELO 2

Isichasiso: Ukukhomba okuphambene nomthetho (Isigaba 39)

Incazelo: Eqinisweni isikhalo esibhekiswe kusihlalo ngesinqumo sakhe odabeni oluthinta ukuphatha emhlangano. Isinqumo sikasihlalo singujuqu futhi noma ngaphezu kwalokho unegunya lokwamukela noma lokungamukeli ukuphambuka emthethweni.

Isichasiso

34. Ukukhomba okuphambene nomthetho okukhulunya ngakho ngennhloso yokukhombisa ukuphambuka kokunquniwe ezinqubeni zezingxoxo.
35. Noma yiliphi ikhansela noma ngabe selikhumile ngodaba olusezithebeni noma cha, lingabeka iphuzu lokukhomba okuphambene nomthetho noma lichaze.
36. Leyo incazelo iyogxila kokuthile engxoxweni obekungachazekanga kahle.
37. Ikhansela elisukumela lokho liyoba nelungelo lokulalelwa kuqala.
38. Kumele libeke iphuzu licace futhi ligxile odabeni oludingidwayo.
39. Isinqumo sikasihlalo ngokukhomba okuphambene nomthetho, noma ngencazelo yomuntu siyoba ngejuqu futhi angeke saphikiswa.
40. Uma ilungu liphikisa isinqumo sikasihlalo nganoma yikuphi ukuphambuka emthethweni, usihlalo uyolicela ukuthi liziphathe ngendlela futhi liyeke ukukhuluma bese lihlala phansi.

Isifinyezo

- (1) Ukukhomba okuphambene nomthetho kungabekwa noma yingasiphi isikhathi emhlanganweni.
- (2) Ukukhomba okuphambene nomthetho kungabekwa maqondana —
 - (a) ulimi oluqosheme;
 - (b) ukungathobeli umthetho obekiwe;
 - (c) umthethosichibiyelo ongathotshelwanga;
 - (d) isichibiyelo esingaphandle kwegunya lomthetho;
 - (e) udaba oluphathelele nokuziphatha ngendlela efanele; noma
 - (f) nencazelo edingekayo.
- (3) Ukukhomba okuphambene nomthetho kumele kubekwe njengombuzo.

UHLELO 3

Amalungelo kanye nezivikelo

- (1) Umthetho wesifundazwe ngokwesigaba 161 soMthethosisekelo kumele okungenani uhlinzeke lokhu okulandelayo:
 - (a) ukuthi amakhansela abe nelungelo lokubeka izimvo zawo eMkhandlwini kaMasipala nasemaKomidini, kweyame emithethweni nasemiyalelweni yamakhansela njengoba kubekiwe esigabeni 160(6) soMthethosisekelo;
 - (b) nokuthi amakhansela awanakubizezelwa enkantolo noma aboshwe noma akhokhele ukulimala —
 - (i) nganoma yini ayishilo, okulethwe eMkhandlwini noma ekomidini layo; noma
 - (ii) nganoma yini evezwe ngenxa yanoma yini eliyishiyo, okulethwe eMkhandlwini noma ekomidini layo; noma
 - (c) Kuze kube umthetho ohlongozwe esigatshaneni (1) usumisiwe, amalungelo okukhulunywe ngawo endimeni (a) no (b) esigaba (1) ayosebenza kuyo yonke iMkhandlu kaMasipala esifundazweni esithintekayo.

KWA SANI LOCAL MUNICIPALITY

STANDING RULES AND ORDERS FOR COUNCIL AND ITS COMMITTEES

1. Meetings of the Council

- (1) Every meeting of the Council and its Committees shall be open to the public: Provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted, section 20 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (2) In these Standing Rules, "meeting" shall mean all meetings of the Council.

2. Council meetings

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

3. Special meetings

The Speaker may at any time and shall, upon request by a majority of the councillors for the Municipality, call a special meeting of the Council.

4. Service of notices

At least seventy-two hours before any ordinary meeting of the Council a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Director Corporate Services shall be left or delivered at the usual place of abode of every member of the Council or at such place which is reasonably accessible as such councillor may designate.

5. Non-service of notice

Accidental omission to serve on any councillor a notice of meeting shall not affect the validity of the meeting.

6. Urgent matters

No business shall be transacted at a meeting other than that specified in the summons relating thereto, except any matters which the chairperson considers urgent or which the Council/Executive Committee resolves by a majority of at least two-thirds of the members present to deal with as urgent.

7. Adjourned meetings

The Council/Executive Committee may adjourn a meeting to any day or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the summons for the meeting of which it is an adjournment other than matters which are brought forward in accordance with paragraph 6 of these Standing Rules.

8. Notice of adjournment meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent to each member of the Council/Executive Committee, specifying the business to be transacted.

9. Acts of the Council: How determined: Quorum

A majority of the councillors must be present at a meeting of the Council before a vote may be taken on any matter. All questions concerning matters mentioned in section 160 (2) of the Constitution are determined by a decision taken by the Council with a supporting vote of a majority of its members. All other questions before the Council are decided by a majority of the votes cast, subject to section 34 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), pertaining to the dissolution of Municipal Councils.

10. Casting vote

If on any motion there is an equality of votes, the councillor presiding must exercise a casting vote in addition to that councillor's vote as a councillor.

11. When councillors may not attend and take part in the proceedings of the Council — disclosure of interest (section 5 of the Code of Conduct for Councillors)

- (1) A councillor must disclose to the Municipal Council, or to any Committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the Council or the Committee.
- (2) A councillor must withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee, unless the Council or Committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
- (3) A councillor who, or whose spouse, partner or business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Municipal Council at which it is possible for the councillor to make the disclosure.
- (4) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the Municipality.

12. No quorum

If at the expiration of ten minutes after the hour at which any meeting of the Council/Executive Committee is appointed to be held, a quorum shall not have assembled, no meeting shall take place, unless it is decided, with the unanimous consent of the members present, to allow further time, not exceeding an additional five minutes, in order to enable a quorum to assemble, but the members present may by a majority decide to adjourn the meeting to a more convenient time.

13. Count out

If during any sitting of the Council or the Executive Committee the attention of the Chairperson be called to the number of members present, he shall count them, and if it be found that there is not a quorum present, the Council or the Executive Committee shall stand adjourned for such period as the members present may decide.

14. Chairperson of Council meetings

- (1) At every meeting of the Council, the Speaker, or if he be not present, an Acting Speaker, shall be elected to act as Chairperson.
- (2) Meetings of the Executive Committee shall be chaired by the Mayor and if he is not present the Deputy Mayor.

15. Business at Council meetings

- (1) The order of business at every ordinary meeting of the Council or its Executive Committee is as follows:
- (a) Notice of meeting
- (b) Leave of absence

- (c) Minutes of previous meeting
 - (d) Matters arising
 - (e) Announcements
 - (f) Petitions and deputations
 - (g) Notices of motion
 - (h) Reports of Standing Committee/s
 - (i) Miscellaneous in the order determined by the Municipal Manager or as directed by the Speaker in respect of Council meetings.
- (2) The chairperson may, in his/her discretion, bring forward any business which is on the agenda paper at any stage.
- (3) The service of an interpreter will be made use of unless the majority of councillors present decide otherwise. It is expected from councillors to accommodate the interpreter who falls under the auspices of the Speaker.
- 16. Non-attendance of meetings**
- (1) Application for leave of absence from any meeting of the Council or its Committees shall be lodged with the Director Corporate Services in writing prior to the commencement of the relevant meeting.
 - (2) Should a councillor for valid reasons not be able to comply with Rule 16(1), he/she can apply in writing to the Director Corporate Services for a condonation of such non-compliance which application will be reviewed by the Council upon the strength of the written application.
 - (3) For the purposes of the provisions of sections 3 and 4 (Attendance at meetings) of the Code of Conduct for Councillors (Schedule 1 of the Systems Act), the procedure for infringements as contained in paragraphs 66, 67 and 68 of these Standing Rules shall apply.
 - (4) Councillors that need to leave a Council meeting prior to conclusion thereof shall obtain permission from the Speaker.
 - (5) For the purposes of Rule 16 non-attendance of meetings, capacity building or empowerment workshops arranged or approved by the Council are regarded as meetings.
- 17. Minutes to be kept: Confirmation**
- Minutes of the proceedings of every meeting shall be recorded and be kept for that purpose by the Director Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting and be signed by the Chairperson.
- 18. No discussion on minutes**
- Except as to accuracy, no motion or discussion shall be allowed upon the minutes.
- 19. Petitions to be written, typed or printed**
- Petitions, which may be written, typed or printed, must be signed by not less than three burgesses and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he deems it necessary bring the matter before the Executive Committee.
- 20. Deputations to send memorandum**
- Deputations wishing to be received by the Executive Committee shall be requested, in the first instance, to send in a memorandum in writing, and the Municipal Manager shall bring the memorandum before the Committee concerned, which is authorised, if it sees fit, to receive the deputation and to report to the Council.
- 21. Reception of deputations**
- A deputation wishing to address the Executive Committee shall not exceed five in number, but only one member thereof shall be at liberty to address the Committee (except in reply to questions from members of the Committee) and then only for a period not exceeding ten minutes. The matter shall not be further considered by the Committee until the deputation shall have withdrawn.
- 22. Moving a report**
- The Chairperson of a Committee or the Deputy Chairperson of the Committee shall move the recommendations contained in the report unless he/she shall have previously stated his/her disagreement with it. The Chairperson of a Committee or other member bringing up a report may withdraw or amend any section with the consent of the Executive Committee.
- 23. Form of giving notice of motion**
- Except as provided in Standing Rule 6, no subject shall be brought before the Executive Committee by any member except upon notice of motion, which shall be in writing and signed by the member giving the notice. Such notice shall be given to the Municipal Manager.
- A notice of motion must be submitted before 12:00 seven days prior to the meeting of the Executive Committee.
- 24. Order of motion**
- All notices of motion shall be dated and numbered as received and shall be entered by the Director Corporate Services upon the agenda paper in the order in which they are received, save and except that notice of an amendment shall be entered immediately after such notice of motion, irrespective of the time at which notice of the motion shall have been received.
- 25. Restriction of notices of motion**
- (1) No member shall have more than two notices of motion on the agenda at the same time, provided that this Rule shall not be applicable to party whips.
 - (2) In dealing with notices of motion, the Chairperson shall first read out the number of each and the name of the mover, and shall ascertain which motions are unopposed, and these shall be passed forthwith without discussion. The Chairperson shall then call on the movers of the opposed motions in their order of the paper.
- 26. Motions or proposals**
- Before any notice of motion is placed on the agenda paper, it shall be submitted to the Municipal Manager, who, if he be of the opinion that it is *ultra vires* legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall, however, have the right to appeal to a sub-committee of the Executive Committee consisting of the Mayor, or the Deputy Mayor and two other councillors, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 27. Motion not moved**
- If a motion, notice of which is specified in the agenda, is called on, but is not moved by the member who has given the notice or by some other member authorised thereto in writing by him, it shall be considered as dropped and shall not be moved without further notice.
- 28. Members not to wear headgear and stand whilst speaking**
- During the sitting of the Council, members, except lady members, shall not wear headgear. When speaking, Councillors shall stand and they shall address the chair. This rule will not apply in respect of meetings of the Executive Committee or Committees appointed in terms of section 80 (2) of the Local Government, Municipal Structures Act, 1998 (Act No. 117 of 1998).

29. Relevance

A member who speaks shall confine his speech strictly to the motion under discussion or to an explanation or a question of order.

30. Precedence of a Chairperson

Whenever the Chairperson rises during a debate, any member then speaking or offering to speak shall seat himself and the members shall be silent, so that the Chairperson may be heard without interruption.

31. Length of speeches

No speech shall exceed ten minutes in length without the consent of the meeting.

32. Disorderly conduct of a Councillor: Duty of the Chairperson

If at any meeting of the Council or the Executive Committee or other Committees of the Council, a councillor misconducts himself, behaves in an unseemly manner or persistently obstructs business or challenges the ruling of the Chairperson on any point of order or declines to withdraw an expression when required to do so by the Chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Chairperson shall direct such councillor to conduct himself properly and, if speaking, to discontinue his speech and resume his seat. In the event of persistent disregard of the directions of the Chairperson, the Chairperson shall direct such councillor to retire from the meeting for at least until finalisation of the item under discussion and shall, if necessary, cause him/her to be ejected therefrom.

33. Dealing with unsatisfactory behaviour

In addition to the action of the Chairperson in terms of the aforementioned paragraph, the Speaker may take steps against any member who has so misconducted himself/herself or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair in accordance with the procedure for infringements contained in paragraphs 66, 67 and 68 of these Standing Rules; Provided where the councillor involved is the Speaker, the actions to be performed in terms of this section shall be performed by a sub-committee to be appointed by the Executive Committee.

34. Obstruction by persons other than Councillors

Any person, other than a councillor, who misconducts himself, behaves in an unseemly manner or interrupts the proceedings of the Council or Executive Committee at any meeting, shall, if the Chairperson so directs, be removed from the meeting and the Speaker may exclude such person from further admittance to the meeting for such period as he may fix.

35. Members to speak only once: Right of mover to reply: No member to speak after reply by mover

In respect of a notice of motion, no member shall address the Council more than once on any motion or amendment. The mover of an original motion may, however, reply but he/she shall strictly confine himself/herself to answering previous speakers and shall not introduce any new matter into the debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion. After the reply no other member may speak and the questions shall be put forthwith.

36. Amendments to be in writing

The Chairperson may call upon any mover of an amendment to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager.

37. Withdrawal of motion or amendment

A motion or amendment may be withdrawn by the mover with the consent of the seconder.

38. Motions to be seconded before discussion

- (1) No motion or amendment shall be discussed or put to the Council until it shall have been seconded.
- (2) A member who has seconded a motion or amendment in a formal manner shall afterwards be permitted to speak upon it.

39. Points of order and explanation

- (1) Any member, whether he has spoken on the matter or not, may speak to a point of order or in explanation, but such explanation shall be confined to some material part of his former speech which may have been misunderstood. A member so speaking shall be entitled to be heard forthwith. A point of order must be within the confines as contained in Schedule 2 of these Standing Rules.
- (2) When a member wishes to raise a point of order, he shall stand to draw the attention of the Chairperson.

40. Chairperson's ruling on a question of order

The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

41. Majority to decide

All resolutions that may come before the Council and its Executive Committee shall be done and decided in accordance with paragraph 9 of these Standing Rules.

42. Every member to vote

- (1) Every councillor shall give his vote on every division at which he/she is present, and no councillor shall leave the meeting during the time the Chairperson is putting the question.
- (2) Voting shall be by a show of hands or ballot.

43. How taken

- (1) The Municipal Manager or an official designated by him shall act as teller and declare to the Chairperson the result of the division. The Chairperson shall thereupon declare the motion carried or lost, and it shall be recorded in the minutes. If any member so request, his/her name shall also be recorded.
- (2) The Chairperson shall have a second or casting vote in cases of an equality of votes.

44. Terms of Reference of Committees to assist the Executive Committee

Upon the appointment of any Committee, the Executive Committee shall specifically determine the terms of reference of such Committee and shall fix the quorum of such Committee. The Council's Standing Rules and Orders shall apply *mutatis mutandis* to all sub-committees.

45. The Council may increase or restrict powers

With the exception of the Executive Committee whose functions are determined in terms of section 44 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the Council may at any time extend, withdraw or modify the duties and powers of a Committee.

46. Minutes of committees

- (1) Every Committee appointed in terms of section 80 of the Local Government: Municipal Structures, 1998 (Act No. 117 of 1998) shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee, the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. Except as to accuracy, no discussion or motion shall be allowed upon the minutes.
- (2) Minutes of all committees of the Council shall be submitted to the Executive Committee.

47. Inspection of minute books by councillors

The minutes of Council meetings as well as that of every committee shall be open for inspection by every member of the Council during office hours.

48. Member may resign seat on committee

Any member of a committee may resign his/her seat on the committee by a notice in writing signed by him and sent to the Municipal Manager. Any such resignation shall be reported to the Executive Committee to the end that the vacancy may be filled.

49. Day and time of meetings

The day and time of meetings of any Committee appointed in terms of section 80 of the Local Government: Municipal Structures, 1998 (Act No. 117 of 1998) shall be determined by terms of reference of the specific committee.

50. When standing committees to meet

Every Standing Committee shall meet in accordance with its terms of reference.

51. Members of the Council may attend any committee

Members of the Council shall have the right to attend any Committee, but members of the Council so attending shall have no right to join in the deliberations of the committee concerned, except with the permission of the committee.

52. Procedures of committees

Every matter brought before a committee shall be decided by a majority of those present and voting. The voting shall be by show of hands. Any two members of the Committee then present and voting may require the names of the persons voting and the vote given to be entered in the minutes.

53. Duties of Chairperson of Committee

The Chairperson of a Committee shall preside at every meeting of the Committee at which he is present. He/she shall be entitled to vote in the first instance, and, in case of an equality of votes, may give a second or casting vote. He/she shall sign the minutes when the same have been passed by the Committee. It shall be his/her duty, if present, to bring up the report of the Committee to the Executive Committee.

54. Appointment of a Vice-Chairperson

Each Committee may, if it thinks fit, appoint a Vice-Chairperson, if appointed, shall preside at the meeting in the absence of the Chairperson.

55. Powers of Vice-Chairperson

The Vice-Chairperson shall, when presiding, have the same powers and rights of voting as those possessed by the Chairperson. He/she shall, in the absence of the Chairperson, bring up the report of the Committee to the Council.

56. Committee may appoint a temporary Chairperson

In the absence of the Chairperson and the Vice-Chairperson, the members present shall appoint one of their members to preside at the meeting and the member so appointed shall, when presiding, have the same power and rights of voting as those possessed by the Chairperson.

57. Procedure to revoke previous resolutions of the Council

Except upon the recommendation of the Committee to which the Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the Council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

58. Information to be obtained from the Municipal Manager or the Manager concerned

Members of the Council who desire to obtain from any official of the Council information with regard to the administrative work of the Council which is not accessible to the general public should address their enquiries to the Municipal Manager or to the Manager of the relevant Department.

59. Information to the press and publishing or disclosing documents

- (1) The Mayor, the Speaker and the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, supply to such newspaper or its representative policy statements and/or official information and reports relating to the work of the Municipality. The Municipal Manager being the authorised channel through which newspapers may receive official information and reports, members of the Council are expected to refrain from sending to the press documents supplied to them with a view to their consideration by the Council or any Committee or publishing any unedited information or statements which could be construed as disclosing confidential or privileged information which might be prejudicial to the Council.
- (2) For the purpose of this item, "privileged or confidential information" means the information referred to in section 10 (2) of the Code of Conduct for Councillors Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000).

60. Personal canvassing for appointment: A disqualification

- (1) Personal canvassing for appointments in the gift of the Council is strictly prohibited. Proof shall disqualify a candidate for appointment.
- (2) This Standing Rule shall be quoted in advertisements calling for applications for appointments.

61. Use of cell phones in Council or Committee meetings

No usage of cell phones shall be permitted during Council or Committee meetings.

62. Suspension of Standing Rules

No Standing Rule shall be suspended without the vote of a majority of the members of the Council or of two-thirds of the members present, and a motion, duly seconded, to suspend the Standing Rules shall be put without debate.

63. Legal defence and indemnification of councillors and officers of the Municipality: Privileges and immunities

- (1) The Council may determine the circumstances in which it will undertake the defence of or pay the legal costs or costs and the amount in respect of any legal proceedings whether civil or criminal a councillor or an official may have against any person, body organisation or institution arising from the councillor's or official's capacity as a councillor or official of the Kwa Sani Local Municipality.
- (2) The provisions of section 28 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as contained in Schedule 3 of these Standing Rules are incorporated as part of these Standing Rules.

64. Authority of individual councillors

- (1) Individual councillors shall not have any executive power and cannot give instructions to officials or make any decisions binding on anyone else in regard to Council matters; subject to the right to request the Municipal Manager to report on any matter, or to ask the committee concerned to institute an enquiry into or otherwise deal with any aspect of matters of the Council which he feels requires attention.
- (2) The provisions of section 11 (Intervention in administration) of the Code of Conduct for Councillors as contained in Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000) is incorporated as part of this Rule.

65. Council property

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

66. Procedure for infringements**(1) Responsibility of the Speaker**

- (a) The maintenance of the discipline of councillors is, in the first instance, the responsibility of the Speaker.
- (b) The Speaker is to determine whether an alleged breach of the councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000 (Act No. 32 of 2000)) or these Standing Rules and Orders is to be dealt with by issuing an informal warning, the Speaker's hearing or a hearing by a Special Committee.

(2) Investigation

If the Speaker, on reasonable suspicion, is of opinion that a provision of these Standing Rules or the Councillor's Code of Conduct has been breached for which breach a sanction is provided, the Speaker shall authorise an investigation of the facts and circumstances of the alleged breach by an appropriate body determined by the Speaker.

(3) Complaint

- (a) In the event of alleged misconduct by a councillor, which, in the opinion of the body charged by the Speaker with the investigation, would appear to be sufficiently serious to warrant a sanction more serious than an informal oral warning, the councillor concerned will be issued with a complaint by the Speaker detailing —
 - (i) the alleged misconduct; and
 - (ii) the evidence for such misconduct.
- (b) The complaint shall further give the councillor concerned notice of his/her right to —
 - (i) the sight of any affidavits, documents or real evidence discovered as a result of the investigation and of the report of the body that investigates the breach;
 - (ii) a reasonable opportunity to reply in writing regarding the alleged breach;
 - (iii) resign;
 - (iv) the presence of his/her party whip at any sanctioning of a councillor; and
 - (v) demand the hearing of *viva voce* evidence in a Speaker's hearing.
- (c) A copy of the complaint shall further be given by the Speaker to the party whip of the councillor concerned.

(4) Rights of Councillors

A Councillor who receives a complaint shall be entitled to —

- (a) affidavits, documents or real evidence discovered as a result of the investigation and of the report of the body charged by the Speaker with the investigation;
- (b) resign from the Municipal Council: Provided that he/she does so prior to the leading of evidence at any hearing;
- (c) reply to the Speaker in writing to the complaint setting out contradicting evidence or evidence in mitigation;
- (d) have his/her party whip present at any sanctioning; and
- (e) demand the hearing of *viva voce* evidence either in a Speaker's hearing or a Special Committee as to be determined by the Speaker within such reasonable time as may be set out in the complaint.

(5) Sanctioning without the Speaker's disciplinary hearing

Where —

- (a) the councillor concerned does not demand the hearing of *viva voce* evidence in a Speaker's disciplinary hearing in terms of these Standing Rules; and
 - (b) the Speaker is of the opinion that the interest of justice will not be served by holding a Speaker's disciplinary hearing,
- the Speaker may, *mero motu*, sanction such councillor in terms of these Standing Rules: Provided that he/she shall report the matter and his/her conclusions to a meeting of the Municipal Council in the manner prescribed in the Municipal Systems Act, 2000 (Act No. 32 of 2000).

(6) Speaker's disciplinary hearing

- (a) A Speaker's disciplinary hearing shall be held by the Speaker's Tribunal consisting of the Speaker together with two assessors appointed by the Executive Committee for each hearing within a reasonable time of —
 - (i) the councillor concerned exercising his/her right of hearing; or
 - (ii) the Speaker determining that the interests of justice will be served by holding a Speaker's disciplinary hearing.
- (b) The Speaker shall serve notice of the time and place of a Speaker's disciplinary hearing.
- (c) In any Speaker's disciplinary hearing —
 - (i) the hearing shall follow the adversarial format;
 - (ii) an appropriate person shall lead the evidence for the complaint;
 - (iii) the councillor may be represented at the hearing by his/her party whip, any other councillor or any other person;
 - (iv) the councillor and/or his/her representative is entitled to cross-examine the evidence adduced by the person leading the evidence for the complaint and to produce any evidence;
 - (v) the Speaker shall also be entitled to cross-examine the evidence adduced by the councillor and/or his/her representative;
 - (vi) the hearing, once convened, shall be recorded in accordance with the requirements of the Secretary to the Council who shall be responsible for the accuracy of the official record.
- (d) After having considered the evidence, the Speaker and the two assessors shall make their decision on a majority of votes.
- (e) In the event of the Speaker's Tribunal concluding that there was an infringement, they will then hear any plea in mitigation and/or extenuation prior to deciding the sanction.
- (f) If the Speaker's Tribunal, after considering both sides, is of the opinion that, on the balance of probabilities, a councillor is liable for a sanction, the Speaker shall impose such sanction and serve notice on the councillor of the sanction in which notice they shall further set out —
 - (i) the rights of the councillor under the Constitution, the Municipal Systems Act, 2000 (Act No. 32 of 2000), the Administrative Justice Act and any other law; and

- (ii) that the debt (if any) arises from the date the notice was issued.
- (g) The councillor shall sign a duplicate of the notice to confirm receipt thereof.
- (h) The Speaker shall report the fact of the hearing and the Tribunal's conclusions thereon to a meeting of the Municipal Council.
- (i) A report in terms of section 66(6) (h) of these Rules is open to the public.
- (j) The Speaker shall forward the report to the MEC for Local Government in accordance with the Councillors' Code of Conduct.

(7) Internal appeals

- (a) A councillor has the right to appeal to the Special Committee in the event of the Speaker's Tribunal imposing a sanction on that councillor: Provided that —
 - (i) a letter of appeal is lodged with the Speaker within 5 days of receipt of the notice in terms of section 66 (6) (f) of these Rules;
 - (ii) appeals will only be heard on the grounds of an appeal submitted by the councillor concerned in his/her letter of appeal.
- (b) No sanction shall be executed by the Municipality prior to finalisation of any appeal which is timeously lodged in terms of section 66 (7) (a) (I) of these Standing Rules.
- (c) The Special Committee may either rehear all or part of the matter or limit the appeal to argument on specific grounds of appeal.
- (d) The Special Committee may, on appeal, reduce the sanction imposed by the Speaker's Tribunal or set aside or confirm the decision given at the Speaker's disciplinary hearing.
- (e) For the purpose of the Council's procedure of infringements, the Special Committee shall mean a five (5) member committee as appointed by the Executive Committee for each hearing.

(8) Procedure

- (a) Subject to the provisions of section 66 (7) of these Rules, the provisions of section 66 (3) shall apply to any hearing by the Special Committee.
- (b) Any councillor has the right to appeal to the MEC against any finding of the Special Committee and/or sanction imposed by such Committee following the same procedure as determined by section 66 (7) of these Rules.

67. Sanctions

(1) General

Subject to the requirements of substantive fairness, the Councillor's Code of Conduct (Schedule 1 of the Systems Act, 2000 (Act No. 2000)) and the provisions of these Standing Rules, the Speaker's Tribunal or the Special Committee, as the case may be, has the right to determine the sanction to be applied, depending on the seriousness of the infringement.

(2) Warnings

(a) Informal oral warnings

Where the Speaker's Tribunal is of the opinion that the interests of justice will best be served by issuing an informal oral warning to a councillor for an infringement, the Speaker shall —

- (i) issue such warning to the councillor in private; and
- (ii) notify the party whip of the issuing of such warning.

(b) Formal warnings

- (i) Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best be served by issuing a formal warning to a councillor for an infringement, such sanction shall, after confirmation by the Municipal Council, be —
 - (aa) expressed in writing; and
 - (bb) served on the councillor concerned and on the party whip, and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.
- (ii) Where, as a result of repeated Infringements, the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best be served by issuing a formal final warning to a councillor, such sanction shall, after confirmation by the Municipal Council —
 - (aa) be expressed in writing;
 - (bb) state that in the event of the councillor infringing against the Councillor's Code of Conduct or these Standing Rules, the Special Committee shall consider advising the Municipal Council to request the suspension or removal of such councillor in terms of the Councillor's Code of Conduct; and
 - (cc) be served on the councillor concerned and on the party whip, and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules in such manner as the Speaker deems appropriate.

(3) Formal reprimand

Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interest of justice will best be served by issuing a formal reprimand to a councillor for an infringement, the Speaker shall at a Meeting of the Municipal Council —

- (a) call upon the councillor concerned to stand in front of the Municipal Council; and
- (b) state the infringement and reprimand the councillor in such language as he/she deems appropriate; and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules and may further publicise the infringement in such manner it deems appropriate.

(4) Suspension

- (a) Where the Special Committee is of the opinion that the interests of justice will best be served by the suspension of a councillor from the Municipal Council for a period for an infringement, the Special Committee shall so report to the Municipal Council and the Municipal Council shall report thereon to the MEC for Local Government in terms of the Councillors' Code of Conduct.
- (b) In the event of the MEC for Local Government imposing any suspension of a councillor for a period in terms of the Councillors' Code of Conduct —
 - (i) the councillor shall be suspended without any remuneration during such period; and
 - (ii) the Speaker shall enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.

(c) A suspension shall be regarded as a sanction more serious than a formal final warning or formal reprimand.

(5) Civil fines

(a) Where the Speaker's Tribunal or the Special Committee, as the case may be, is of the opinion that the interests of justice will best be served for an infringement listed in Column 1 of Schedule 1 of these Standing Rules by imposing a civil fine listed in Column 2 of that Schedule on a Councillor, such sanction shall be —

(i) expressed in writing; and

(ii) served on the councillor concerned and on the party whip; and the Speaker shall thereupon enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.

(b) Where provision is made in these Standing rules for the fining of any councillor, and a councillor is fined, the Municipality may deduct such fine from any monies as may be owing to the councillor by the Municipality or recover such fine as a civil debt.

(6) Expulsion

(a) Where the Special Committee is of the opinion that the interests of justice will best be served by the expulsion of a councillor from the Municipal Council for an infringement, the Special Committee shall so report to the Municipal Council and the Municipal Council shall report thereon to the MEC for Local Government in terms of the Councillors' Code of Conduct.

(b) In the event of —

(i) the MEC for Local Government imposing the expulsion of a councillor in terms of the Councillors' Code of Conduct; or

(ii) a councillor being expelled in terms of section 67(96) (a);

the Speaker shall enrol the name of the councillor, the infringement concerned and the sanction in the record referred to in section 66 (6) (c) (vi) of these Rules and may further publicise the infringement in such manner as the Speaker deems appropriate.

68. Record of sanctions

(1) The Speaker shall keep a record of all sanctions imposed on any councillor, which record shall be open to public scrutiny at the Information Office during office hours.

(2) The record of sanctions contemplated in section 68 (91) of these Rules will remain on record and shall be taken into consideration for precedent purposes and for determining the sanction for repeated infringement where sanctions are imposed on a councillor.

69. Repeal of the existing Standing Rules and Orders

The Standing Rules and Orders for the Kwa Sani Local Municipality is hereby repealed.

SCHEDULE 1
Infringements and civil fines

Column 1 Infringement	Column 2 Maximum Civil Fine
(1) Not attending a meeting which the councillor concerned was required to attend.	2 weeks salary
(2) Failure to remain in attendance at a meeting which the councillor concerned was required to attend.	2 weeks salary
(4) Failure to withdraw from the proceedings of the Municipal Council or a Committee when a matter in which the councillor concerned or any spouse, partner or business associate of that councillor may have any direct or indirect personal or private business interest is considered by the council or Committee; unless the Municipal Council or the Committee concerned decided that the direct or indirect interest in the matter is trivial or irrelevant.	1 month's salary
(5) Failure to disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Municipal Council at which it is possible for the councillor to make the disclosure, where his or her spouse, partner, business associate or close family member, has acquired or stood to acquire any direct benefit from a contract concluded with the Municipality.	1 month's salary
(6) Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract for the provision of goods, works or services to the Municipality	3 weeks salary
(7) Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract involving the performance of any work otherwise than as a councillor for the Municipality.	3 weeks salary
(14) Requesting, soliciting or accepting any reward, gift or favour for voting or not voting in a particular manner on any matter before the Municipal Council or before a Committee of which that councillor is a member.	5 months salary
(15) Requesting, soliciting or accepting any reward, gift or favour for persuading the Municipality in regard to the exercise of any power, function or duty.	5 months salary
(16) Requesting, soliciting or accepting any reward, gift or favour for making a representation to the Municipality.	5 months salary
(17) Requesting, soliciting or accepting any reward, gift or favour for disclosing privileged or confidential information.	5 months salary
(18) Interfering in the management or administration of the Municipal Administration unless mandated by resolution of the Municipal Council.	3 months salary
(19) Using the position or privileges of a councillor for private gain or to improperly benefit another person.	5 months salary
(20) Using privileged or confidential information obtained as a councillor for private gain or to improperly benefit another person.	5 months salary
(21) Without the permission of the Municipal Council or of the Committee concerned disclosing any privileged or confidential information of the Municipality in any way whatsoever.	6 weeks salary
(22) Giving or purporting to give any instruction to any employee of the Municipality except when authorised to do so by resolution of the Municipal Council.	3 weeks salary
(23) Obstructing or attempting to obstruct the implementation of any decision of the Municipal Council or a Committee by an employee of the Municipality.	6 weeks salary

(24)	Encouraging, soliciting or participating in any conduct which would cause or contribute to maladministration in the Municipality.	3 weeks salary
(25)	Using, taking, acquiring or benefiting from or taking advantage of any property or asset owned, controlled, or managed by the Municipality to which the councillor concerned has no right.	6 weeks salary
(26)	Assaulting any person on municipal premises or on municipal business.	3 months salary
(27)	Stealing any property from municipal premises.	5 months salary
(28)	Malicious injury to municipal property.	3 weeks salary
(29)	Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.	2 weeks salary
(30)	Failing to fall silent when the Presiding Officer speaks or rises during a meeting.	2 weeks salary
(31)	Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
(32)	Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
(33)	Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.	2 weeks salary

SCHEDULE 2

Clarification: A point of order (Section 39)

Definition: It is in fact an appeal to the chairman for his ruling on a matter concerning the conduct of a meeting. The chairman's decision is final and in any event he has a discretion to accept the point of order or not.

Clarification

34. A point of order is a question raised with a view of calling attention to any departure from the prescribed modes of proceeding in debates.
35. A councillor whether he has spoken on the matter under discussion or not, may rise to a point of order or in explanation.
36. Such explanation shall be confined to some material part of the discussion which may have been misunderstood.
37. A councillor so rising shall be entitled to be heard forthwith.
38. He must state the point clearly and confine himself strictly to the matter under discussion.
39. The ruling of the chairman on a point of order, or on the admissibility of a personal explanation shall be final and not open to discussion.
40. If a member challenges the ruling of the chairman on any point of order, the chairman shall direct him to conduct himself properly and to discontinue his speech and resume his seat.

Summary

- (1) A point of order can be put at any time during a meeting.
- (2) A point of order can be put regarding —
 - (a) bad language
 - (b) a standing rule not complied with
 - (c) an amendment rule not complied with;
 - (d) an amendment that is *ultra vires*;
 - (e) a matter pertaining to the good order; or
 - (f) an explanation required.
- (3) A point of order must be phrased as a question.

SCHEDULE 3

Privileges and immunities

28.

- (1) Provincial legislation in terms of section 161 of the Constitution must provide at least —
 - (a) that councillors have freedom of speech in a municipal council and in its committees, subject to the relevant council's rules and orders as envisaged in section 160 (6) of the Constitution; and
 - (b) that councillors are not liable to civil or criminal proceedings, arrest, imprisonment or damages for —
 - (i) anything that they have said in, produced before or submitted to the Council or any of its committees; or
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its committees.
- (2) Until provincial legislation contemplated in subsection (1) has been enacted, the privileges referred to in paragraphs (a) and (b) of subsection (1) will apply to all Municipal Councils in the province concerned.

No. 41, 2004

26 August 2004

THE Council of Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

KWA SANI LOCAL MUNICIPALITY

FINANCIAL BY-LAWS

PURPOSE

In terms of the Constitution of the Republic of South Africa (Act No. 108 of 1996) municipalities shall have inter alia the following rights:

Section 151(3)

A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.

Section 156(2)

A municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer.

Section 160(2)

A Municipal Council may make By-laws which prescribe rules and order for —

(a) its internal arrangements;

(b) its business and proceedings.

As the Council is accountable to its voters, it believes that in regularizing financial administration, it will ensure that sound administration prevails and that Council is satisfied that it complies with relevant legislation, and therefore issues these By-laws, acting under the authority of Section 11, read in conjunction with Section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

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17. DEFINITIONS

(1) In these By-laws, unless the context otherwise indicates —

“Accounting Officer” means the municipal official referred to in section 60 of the Local Government: Municipal Finance Management Act, (Act No. 56 of 2003);

“Chief Financial Officer” means the employee designated in terms of section 80(2)(a) of the Local Government: Municipal Finance Management Act, (Act No. 56 of 2003) or any amendment thereto, and any person duly authorised by the Council to act on his behalf;

“committee” means any committee established in terms of sections 79 or 80 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Council” means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

“department” means any department, section or branch of the Council of which the head reports directly to the Municipal Manager only;

“GAMAP” means Generally Accepted Municipal Accounting Practices;

“GRAP” means Generally Recognised Accounting Practices;

“Head of Department” means the person appointed or acting as head of any department of the Council;

“Municipal Manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

(2) Any other word or expression to which a meaning has been assigned in the Local Government: Municipal Finance Management Act, 2003, and the Local Government: Municipal Systems Act, 2000, unless inconsistent with the context shall, wherever such word or expression appears in the By-laws, bear the same meaning as that assigned to it in the said legislation.

(3) Words applying to any individual shall include persons, companies and corporations and the masculine shall include females as well as males and the singular shall include the plural and *vice versa*.

22. ESTIMATES AND BORROWING

(1) BORROWING

The Chief Financial Officer shall be responsible for the raising of such loans required for the purpose of financing capital expenditure from

external sources in accordance with such terms and conditions and from such sources approved by the Council after considering the Chief Financial Officer's report.

(2) PREPARATION OF ANNUAL BUDGET

- (a) Every Head of a Department shall, in respect of the activities of his department, and in consultation with the Chief Financial Officer, prepare —
 - (i) a draft annual budget to appropriate money for the requirements of the municipality;
 - (ii) a draft annual budget for an ensuing financial year; and
 - (iii) a draft capital programme for the following number of financial years as determined by Council's Integrated Development Plan.
- (b) (i) The annual budget must be in the prescribed format and shall be prepared and completed at such date as determined by the Chief Financial Officer in consultation with the Mayor in terms of section 21 of the Local Government: Municipal Finance Management Act, 2003.
- (ii) The Municipal Manager shall not later than the last day of February of each year report to the Council with regard to the difference between the actual and estimated income and expenditure for a financial year based on the figures of at least the first five months of that particular financial year.
- (c) The Chief Financial Officer shall issue guidelines, after considering any growth factor determined annually by the National Treasury for municipalities generally with regard to the preparation and administration of the estimates, and Heads of Departments shall comply with such guidelines in the preparation of their estimates.
- (d) The Municipal Manager in conjunction with the Mayor in terms of section 21 of the Local Government: Municipal Finance Management Act, 2003 shall upon completion of the draft budget, follow a process of community participation in accordance with Chapter 4 of the Municipal Systems Act, and shall thereafter submit such draft, together with comments received, including his proposals for the funding thereof, to Council for approval.
- (e) The draft budget submitted to the Council for approval shall not reflect a deficit. If the aggregate operating income is less than the aggregate operating expenditure, the estimates shall contain proposals to cover such deficit.
- (f) The Council shall, prior to the beginning of a particular financial year, approve the estimates and determine the property rates, tariffs and rentals to be levied in order to balance the operating estimates: Provided that expenditure or income proposed shall not be increased or decreased unless the effects of such proposed changes have been discussed during the process of community participation.
- (g) The approved estimates may be amended by the Council during a financial year: Provided that the total estimates are not exceeded. Where expenditure is required in excess of the approved estimates, any necessary external approval shall be obtained.
- (h) The Mayor must on a monthly basis or as often as may be prescribed, submit reports in the prescribed format on the state of the municipality's budget.

(3) CAPITAL EXPENDITURE

- (a) A report submitted by a Head of a Department in which authority is sought to incur capital expenditure, shall be done in terms of section 19 of the Local Government: Municipal Finance Management Act, 2003, and shall include the following:
 - (i) The total estimated costs with a complete analysis thereof, including any consequential expenditure which will arise as a result of the works or undertaking.
 - (ii) The estimated capital amount to be expended annually in respect of the works or undertaking.
 - (iii) The estimated annual income to be derived and the estimated annual expenditure of any kind, including expenditure on additional staff to be incurred when the works or undertaking are taken into use.
 - (iv) The estimated duration of life of the asset to be created.
 - (v) An indication whether the work shall be done departmentally, or by an external contractor.
 - (vi) Any other information required by the Municipal Manager.
- (b) No capital expenditure shall be incurred unless —
 - (i) provision therefore has been made in the approved capital estimates; or
 - (ii) the Council has approved a report for additional funds for capital projects/items which were originally not budgeted for.
If sufficient funds are not available within the approved budgeted quota for any additional amounts required, the Head of a Department shall indicate which other project/item of his department can be cancelled to cover the additional expenditure; or if such source is not available, the Chief Financial Officer will, after consultation with the respective Head of Department, make a recommendation how the shortfall will be financed;
 - (iii) the Council has expressly approved such expenditure as mentioned in (i) or (ii); and
 - (iv) all approvals required by law have been obtained and all other requirements have been complied with.
- (c) No under-expenditure on any capital project shall be employed to cover additional expenditure on any other approved capital project without the approval of the Council: Provided that the Chief Financial Officer may, on recommendation of a Head of a Department, transfer a financial provision not exceeding the maximum amount as determined in section 16(5).
- (d) If an approved capital estimate vote is exceeded, or is expected to be exceeded, the Head of a Department concerned, shall, subject to the provisions of section (3)(c), obtain at the first possible opportunity, appropriate authority from the Council for the additional expenditure, and such Head of a Department shall report the reasons —
 - (i) for the additional expenditure; and
 - (ii) why timeous authority, where applicable, was not obtained for the additional expenditure.
- (e) A Head of a Department shall advise the Chief Financial Officer as soon as he becomes aware of any amount on his capital estimates which is no longer required by his department, and the Chief Financial Officer shall report to the Council regarding such saving.
- (f) Subject to the approval of the Council, budgeted expenditure allocated to uncompleted projects from a previous financial year may be incurred during a current financial year: Provided that, if necessary, a corresponding under-expenditure must be effected by the Head of a Department.

(4) OPERATING ESTIMATES

(a) Excess expenditure

If the Mayor has reason to believe that any operating estimate provision is or will be insufficient, he shall forthwith report the matter to the Council: Provided that the Chief Financial Officer may, subject to such conditions as the Council may determine, authorise the transfer of an operating estimate provision, or part thereof from a vote or votes expected to be underspent to the abovementioned operating

estimates provision. In the event where no under-expenditure is available, the reasons for the excess expenditure shall be stated and any decrease in other expenditure which may occur in order to meet the excess expenditure, shall be indicated. The matter shall be considered by the Council with a view to cover the excess expenditure by a decrease in expenditure or an increase in income.

When the full amount provided for a specific purpose in the estimates in respect of the operating account has not been spent for that purpose, the balance shall not, except as mentioned above or with the consent of the Council, be used for any other purpose.

(b) *Shortfall in income*

Where estimated income is unlikely to realise, the Head of the Department concerned shall, without delay, give an account for the reasons resulting to the shortfall in income to the Chief Financial Officer. The Mayor shall then report to the Council if the shortfall is, in his opinion, substantial and indicate how the shortfall will be met.

(5) **REPORTS**

- (a) No report containing financial implications shall be considered by the Council unless the report, including a financial report of the Chief Financial Officer in this regard, has been considered by the Executive Committee. The essence of the contents of the financial report of the Chief Financial Officer shall not be altered.
- (b) Where any expenditure is contemplated in a report submitted to the Council, the Head of the Department shall indicate the applicable provision on the capital or operating estimates and the vote against which the expenditure is to be charged.
- (c) Before instructions are given to a consultant with regard to any capital project, and before any expenditure is incurred, the Head of the Department concerned, having first obtained the approval of the Council or Executive Committee, where applicable, shall also see to it that adequate financial provision is made in the relevant estimates.

3.1 ACCOUNTING SYSTEMS AND COSTING

- (1) The Chief Financial Officer, or a Head of a Department, when so requested by the Chief Financial Officer, shall maintain proper cost accounting systems in respect of intergovernmental grants, capital and operating accounts and, except in so far as the form of such accounts may be prescribed by law, such systems shall be kept in whatever form the Chief Financial Officer or external grantor of funds should consider suitable.
- (2) The system used by a department for the collection of revenue, the keeping of books or any records relating to financial matters, assets, stocks, as well as cost accounting, shall be subject to the approval of the Chief Financial Officer and no such system shall be established, altered or deviated from without the Chief Financial Officer's approval.
- (3) The Chief Financial Officer shall keep the financial accounting records of the Council up to date, and the accounting systems which he has accepted in compiling such records shall, apart from complying with any prescribed law, adhere to any compulsory guidelines which National Treasury may from time to time after consultation with the Auditor-General determine.
- (4) The Chief Financial Officer shall continuously review all tariffs in respect whereof expenditure is taken into account elsewhere, in conjunction with a Head of a Department.
- (5) The Chief Financial Officer shall prepare financial statements in respect of each financial year in accordance with GAMAP and/or GRAP, and certify, together with the Municipal Manager, the correctness of such statements.
- (6) Except in respect of normal services for which the Council has determined tariffs, no goods of any kind belonging to the Council, or in respect of which it is taxable, shall be supplied to, and no work shall be carried out by it for any other person without the Council's approval and unless the Council is satisfied that the supplying of such goods or the executing of such work is to its advantage.
- (7) No material shall be supplied to and no work shall be carried out for a private individual, company, firm, organisation, state or parastatal body, unless the Head of the Department concerned has been notified by the Chief Financial Officer that the amount of the estimated cost or part of the cost of the work has been paid or otherwise been provided for: Provided that the Chief Financial Officer may in his discretion, in the case of state or parastatal bodies, deviate from this provision. If a payment has been made in advance in compliance with this section, and it nevertheless becomes evident to the Chief Financial Officer or the Head of the Department performing the work or supplying the material, that such payment in advance is likely to or will be exceeded by the cost of the work or material, such Head of a Department shall not continue with the performance of such work or the supply of such material without the prior consent of the Municipal Manager, and without thereafter complying with such terms and conditions as the Municipal Manager may determine.
- (8) No department shall carry out work or render services to another department or section unless such work or services are requisitioned on the Council's official departmental works order and signed by a duly authorised official. The document shall contain a description of the work or services, the estimated cost thereof, the authority for incurring the expenditure, and the vote or item or job number against which such expenditure should be debited.
- (9) Charges levied by one department in respect of another department, for work or services referred to in section 3(8) shall be submitted without delay to the latter department for approval and thereafter be submitted to the Chief Financial Officer for recharge purposes. Any objection to such a charge shall be referred to the Chief Financial Officer for a final decision.
- (10) (a) Works, which have been provided for on the operating estimates, including the maintenance and repair of such works, of which the anticipated cost will, in the opinion of the Head of the Department concerned, exceed the amount mentioned in section 16(5) as well as such other work as may be determined by the Council, shall not be carried out departmentally unless the Chief Financial Officer has issued a work order for same on application by the Head of the Department concerned.
- (b) The Chief Financial Officer may refuse to issue a work order as referred to in subsection (a) as he deems necessary if the application therefor is not supported by such information relating to material, labour, transport and other costs.
- (c) An application for the issue of a work order shall be submitted on a form prescribed by the Chief Financial Officer, and the vote against which the relevant expenditure is to be charged shall be stated therein.
- (11) No stocks and materials shall be transferred from one job to another, unless there has been complied with the provisions of section 14(11)(a).

4. INCOME

- (1) The Accounting Officer shall be responsible for the collection of all monies due to the Council in terms of the Council's Credit Control and Debt Collection By-laws.
- (2) All monies received shall be balanced and deposited daily, or at such regular intervals as the Chief Financial Officer may determine, at the department of the Chief Financial Officer or the Council's bankers. The Chief Financial Officer must be provided with the necessary proof that the monies have been balanced and deposited.
- (3) The Chief Financial Officer shall ensure that all monies received by any other department are paid over regularly to his department or otherwise in accordance with the provisions of section 4(1), and for that purpose he shall prescribe a system for the collection of income, and no such system shall be altered or deviated from without the Chief Financial Officer's approval.
- (4) Heads of Departments shall notify the Chief Financial Officer immediately of any monies becoming due to the Council, and such notification shall state the reasons why such monies are due.

- (5) No amount due to the Council shall be written off as irrecoverable without the approval of the Council, provided that the Chief Financial Officer shall be authorised to write off appropriate amounts in any one case not exceeding the amount as determined in section 16(5), and a record of all amounts written off shall be kept by the Chief Financial Officer, in such form as he may decide.

(6) RECEIPTS

- (a) (i) All monies received shall be recorded immediately by means of a numbered official receipt or in any other manner approved by the Chief Financial Officer.
- (ii) Receipts shall not be altered in any way and the use of erasable ink, solvents or a similar device shall not be permitted and any error appearing thereon shall be rectified by the issue of a new acknowledgement of receipt and the cancellation of the erroneous receipt.
- (b) Every cancelled receipt form or other applicable acknowledgement document and all duplicates thereof shall be replaced in its proper place in the receipt book, or, in the absence of a receipt book, filed in accordance with instructions issued by the Chief Financial Officer.
- (c) Any surplus cash found shall immediately be declared as such and deposited without delay to the credit of the appropriate account and all cash shortages shall be dealt with in terms of section 32 of the Local Government: Municipal Finance Management Act, 2003: Provided that if the Council, considering the circumstances, is satisfied that the official was in no way to blame for the deficiency, he may decide that the mentioned official shall not be obliged to make the deficit good or that the amount of any deficit which he has made good, shall be refunded to him.
- (7) The determination and annual review of rentals, tariffs, fees and other charges shall be done and appropriate recommendations shall be made to the Council as agreed between the Chief Financial Officer and the applicable Head of the Department.

5. CONTROL OF RECORDS

- (1) Receipt books as well as all printed material offered for sale, except documents which any department controls and sells with the explicit authorisation of the Chief Financial Officer, shall be obtained only from the Chief Financial Officer, and the Chief Financial Officer or department so authorised shall keep a register with particulars of the quantities received from the printers and of the items issued, together with the signature of the recipient.
- (2) Every document containing a record of transactions which involves the receipt or payment of money, which is to be written up by hand, shall be completed in ink, and the use of pens with erasable ink is not allowed. Where an entry in such document has been audited, it shall not be altered in any way.
- (3) Any improvements or alterations to other records shall be made by crossing out the incorrect figures and inserting the correct figures at the top, and the person making the alteration shall affix his signature thereto.
- (4) It shall be the responsibility of every Head of Department to take the necessary steps to safeguard all documents of possible significance in legal proceedings and which fall under the control of his department and to store such documents as are necessary in terms of the Archives Act, Act No. 6 of 1962, and the Director: Corporate Services may, from time to time, issue directives in this regard.
- (5) (a) All title deeds, agreements and similar legal documents, shall upon completion, be placed in the safe custody of the Director: Corporate Services who will issue directives in this regard.
- (b) The Director: Corporate Services shall maintain a register of all documents mentioned in subsection (a) in which the number, nature, period of validity and any other information of importance regarding each document, is recorded.

6. CONTROL OF PAYMENTS

- (1) Every payment from the funds of the Council, other than imprest money, shall be made by the Chief Financial Officer by means of the Council's bankers.
- (2) The signatures of at least two persons duly authorised by the Council shall appear on all cheques issued by the Council.
- (3) Every Head of a Department shall maintain a register of persons to whom authority has been delegated to sign official documents, and such register shall indicate the nature of the documents to which such signing authority applies, and shall include specimen signatures.
- (4) A copy of the register referred to in section 6(3) shall be made available to the Chief Financial Officer, who shall be notified immediately of any changes to such register.
- (5) Every voucher submitted for payment shall be in the form prescribed by the Chief Financial Officer and shall be certified by an authorised official from the department concerned and shall, when submitted to the Chief Financial Officer, be accompanied by supporting documents, where applicable, and have the following information thereon:
- (a) The name of the department against which it is to be charged.
- (b) The vote, item or account number from which it is to be paid.
- (c) That sufficient estimate provision exists.
- (d) The authority for the expenditure.
- (e) That the goods have been received or the services rendered.
- (f) The statutory authority, where relevant.
- (g) That the price charged is reasonable or according to contract.
- (h) Such other information as the Chief Financial Officer may direct.
- (i) The Chief Financial Officer or an official authorised by him to do so shall approve such voucher before settlement of the account.
- (j) Progress payments in respect of a contract shall be limited to the value of the work and the material supplied, as certified in terms of the aforesaid subsections, less the amount of previous payments made and the amount of retention money withheld in terms of the contract.
- In the case where the Council makes use of the service of consulting engineers, architects etc., the certificate for payment must be co-signed by the Director: Technical Services or other responsible Head of a Department as applicable.
- (k) The Chief Financial Officer shall not in respect of any contract make any payment in excess of the total amount authorised by the Council unless the Council has resolved otherwise after considering a written report by the Head of the Department concerned stating the reasons why the excess expenditure should be incurred.
- (6) Notwithstanding the provisions of sections 6(5)(c) and (d), payment shall nevertheless be made where the Chief Financial Officer in conjunction with the Director: Corporate Services is of the opinion that the Council is under a legal obligation to do so: Provided that such payment is so certified and: Provided further that such payment shall forthwith be reported to the Council for approval.

(7) PETTY DISBURSEMENTS

- (a) Imprest accounts for the making of petty disbursements, shall only be established with the approval of the Chief Financial Officer, who shall prescribe the amount of such accounts and the nature and extent of payments to be made therefrom.
- (b) Every voucher submitted by a department for the refund of petty disbursements shall be accompanied by supporting documents acceptable to the Chief Financial Officer for all such payments and a proper record shall be kept in a form approved by the Chief Financial Officer.

- (8) The Chief Financial Officer shall submit a monthly report in respect of the immediate preceding month reflecting the cash and bank balances as at the beginning of the month, the total amounts received and payments made during that month and the cash and bank balances as at the end of that month reconciled with the bank statements.

7. STAFF RECORDS AND PAYMENTS

- (1) The Chief Financial Officer is responsible for the calculation of salaries, wages, allowances and leave and shall keep the necessary records for this purpose.
- (2) The Chief Financial Officer shall be responsible for the verification of all calculations referred to in section 7(1).
- (3) The payment of all salaries, wages and allowances shall be made by the Chief Financial Officer and the method of such payment shall be at his discretion.
- (4) The Chief Financial Officer shall be notified of all appointments, promotions, dismissals, resignations, transfers, leave of any description as well as any absence without leave of an employee and all matters affecting the emoluments of employees of the Council. The submission of such information to the Chief Financial Officer shall be in such form and at such date and time as the Chief Financial Officer may from time to time determine.
- (5) A Head of a Department shall be required to certify that, in respect of every employee reflected on the paysheet for each pay period, such employee was employed by the Council during such period.
- (6) In the event of salaries and wages having to be paid in cash due to unforeseen circumstances —
 - (a) the supervisor or a responsible official designated by the Head of the Department, and who shall be present, and the paymaster shall certify that the amounts reflected on the paysheet or pay tickets have been duly paid to the respective persons against their signatures or other marks of identification; and
 - (b) the paymaster or other responsible official designated by the Chief Financial Officer shall certify that all unclaimed salaries or wages have been paid into the designated account, in accordance with any relevant legislation, within the period specified by the Chief Financial Officer and appropriate record of such unclaimed monies shall be kept.

8. INTERNAL CONTROL

- (1) The following shall be the responsibility of a Head of a Department:
 - (a) To establish and maintain internal control systems to ensure that the activities of his department are conducted in an efficient and well ordered manner; and that the control systems are as such that, where applicable, it will assist to reach the goals which must be obtained in sections 9(6) and 9(7).
 - (b) To ensure that adequate measures are taken to safeguard computer equipment, programs and all associated records.
 - (c) Generally to maintain and safeguard all assets, materials and records for which the department is responsible.
 - (d) Such financial control systems are subject to the approval of the Chief Financial Officer and for such purpose each Head of a Department must submit such control systems to the Chief Financial Officer. The Chief Financial Officer has the power of attorney to implement such control systems where the Head of the Department neglects to do so.

9. AUDIT

- (1) The Municipal Manager shall be responsible for the auditing (on such a basis as he considers appropriate and subject to any legal prescriptions) of all records, transactions, undertakings or matters in general relating to the finance, stocks and assets of the Council.
- (2) The Municipal Manager and any other person authorised by him shall have access to any information which he deems necessary to meet the requirements referred to in section 9(1).
- (3) A Head of a Department shall advise the Municipal Manager of any departmental inquiry which may be applicable to the financial administration, stocks and assets of the Council and shall request the Chief Financial Officer to personally or by an authorised official, be present at such inquiry.
- (4) The Chief Financial Officer may, at his discretion, and in addition to any steps taken by the Head of the Department, submit a report to the Municipal Manager or the Council, after consultation with the Municipal Manager on any matter pertaining to such inquiry.
- (5) A Head of a Department and every official thereof shall upon request of the Chief Financial Officer to the best of his knowledge furnish him with such information relating to financial matters, stocks and assets as the Chief Financial Officer specifies.
- (6) In performing the internal audit function, the Accounting Officer shall consider and, where he deems it necessary, report on, inter alia, the following to the Audit Committee:
 - (a) Whether, to the best of his knowledge, all income which should accrue to the Council has indeed so accrued and has been properly recorded.
 - (b) Whether proper authority exists for any amount written off as irrecoverable or abated.
 - (c) Whether effective accounting records are maintained.
 - (d) Whether expenditure incurred on any item or project, including interdepartmental jobs —
 - (i) has been correctly allocated between the capital, trust fund and operating accounts;
 - (ii) has been charged to the correct vote;
 - (iii) has been made with proper authority;
 - (iv) complies with the law; and
 - (v) if any investigation has been performed in terms of section 9(7) whether the Council received due value for money and whether waste, extravagance or inefficient administration exists.
 - (e) Internal control, including the soundness, adequacy and application of financial measure controls.
 - (f) Whether procedures which apply to the finances of the Council and which are prescribed in these Regulations, or by any other law, or by a directive of the Chief Financial Officer, are adhered to.
 - (g) Whether the movable assets of the Council, cash and other interests are adequately safeguarded.
 - (h) Whether all securities for investments made by the Council are in order, adequately safeguarded and properly reflected in the books of the Council.
 - (i) Whether assets, stocks and materials at the various departments are verified at least once in every financial year.
 - (j) Whether cash in hand and all bank balances are verified monthly.
 - (k) Whether adequate security exists in respect of all computer installations in respect of financial transactions, assets, stocks and materials and the determined procedures for the proper management of such installations are properly observed.

- (l) The suitability and reliability of financial and other management data developed within the Council.
- (7) Whenever a performance audit is conducted, the Audit Performance Committee must:
 - (a) assess the measures and procedures implemented to ensure effective and efficient management;
 - (b) evaluate the funding of such audit; and
 - (c) evaluate the reporting, in the financial statement, of the effective and efficient use of the municipality's resources;
 - (d) review the quarterly reports submitted to it;
 - (e) review the Performance Management System focussing on economy, efficiency, effectiveness and impact in so far as the Key Performance Indicators and Performance Targets as set by the municipality are concerned and make recommendations in this regard to Council;
 - (f) at least twice during a financial year submit an audit report to the Council.
- (8) The Audit Committee may —
 - (a) communicate directly with the Council, Municipal Manager, Chief Financial Officer or the internal and external auditors of the municipality;
 - (b) access any municipal records containing information that is needed to perform its duties or exercise its powers;
 - (c) request any relevant person to attend any of its meetings, and if necessary, to provide information requested by the Committee and investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.
- (9) No financial computer program or any changes thereto shall be permitted to become operational until the Chief Financial Officer has approved and tested such financial computer program or the relevant changes, provided that this section shall only apply to computer programs which, in the opinion of the Chief Financial Officer relates to or affects the financial administration, assets, stocks and materials of the Council.
- (10) If a person who is in the employ of the municipality caused the municipality a loss or damage because he —
 - (a) failed to collect money owing to the municipality for the collection of which he was responsible;
 - (b) is or was responsible for an irregular payment of money of the municipality or for a payment of such money not supported by a proper voucher;
 - (c) due to an omission to carry out his duties, is or was responsible for fruitless expenditure of money of the municipality;
 - (d) is or was responsible for a deficiency in, or for the destruction of or damage to money of the municipality, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the municipality; or
 - (e) due to an omission to carry out his duties, is or was responsible for a claim against the municipality;

then the Municipal Manager, or if the Municipal Manager was responsible for such loss or damage, the Council, shall determine the amount of such loss or damage and take disciplinary action where possible and in appropriate cases recover the loss or damage.
- (11) Any loss suffered by the municipality and which the Municipal Manager, or if the Municipal Manager is responsible, the Council, suspects to be due to any fraudulent or corrupt act or an act of bribery committed by any person, shall forthwith be reported by the Municipal Manager or the Council, as the case may be, to the South African Police Service.
- (12) Unauthorised expenditure shall be disallowed and shall not form a charge against a fund or account concerned until it has been approved by the responsible authority, in accordance with the normal budgetary procedure applicable to the fund or account concerned, and any unauthorised expenditure or part thereof as determined by the Minister, MEC or Council, as the case may be, which has not been authorised, shall be recovered from the Municipal Manager if he is unwilling to recover the amount concerned from the beneficiary or the person responsible for the unauthorised expenditure: Provided that where unauthorised expenditure has been effected —
 - (a) on a written instruction of a Councillor notwithstanding the fact that he does not have the necessary authority; or
 - (b) as a result of a Council resolution in favour of which a Councillor voted, unless it is recorded that such Councillor voted against such resolution;

and after the Municipal Manager has recorded his objection against such instruction or resolution, such expenditure shall be recovered from the Councillor concerned: Provided further that all such unauthorised expenditure shall forthwith be reported by the Municipal Manager to the MEC for Local Government Affairs, the MEC responsible for Finance and the Auditor-General.
- (13) The Internal Auditor shall report to the Municipal Manager quarterly on the audit activities of his section.
- (14) The Audit Committee, must in turn, with respect to the internal auditing function —
 - (a) provide a forum for direct reporting of the findings of the Chief Financial Officer, if any;
 - (b) evaluate the efficiency and effectiveness of the internal audit function;
 - (c) assess matters of significant importance reported by the Chief Financial Officer/ Municipal Manager.
- (15) The Audit Committee must, in respect of financial reporting —
 - (a) assess the effectiveness of policies for and procedures of financial reporting;
 - (b) consider the way of fair presentation of the financial statements.
- (16) The Audit Committee must, with respect to internal control —
 - (a) review the effectiveness of the accounting and control system;
 - (b) assess any deficiency in the accounting and internal control system;
 - (c) assess the measures implemented to address such deficiencies;
 - (d) assess and confirm the policies and procedures for identifying areas of risk and the measures implemented to ensure adequate control of and security at such areas.

10. ASSETS

- (1) Every Head of a Department shall ensure the safeguarding and care of the assets including inventory items under his control.
- (2) Items according to description as determined by the Chief Financial Officer in his discretion or which value is less than the amount determined from time to time by the Chief Financial Officer, shall not be regarded as asset items but as inventory items. By the adaptation of such values or directions, the Chief Financial Officer shall be authorised to write off existing asset items in the register referred to in section 10(3) with a value less than the new value or the amended regulations and demand from the Head of the Department concerned to keep record of such written-off items on the inventory lists referred to in section 10(5).
- (3) The Chief Financial Officer shall maintain a record of all capital assets belonging to the Council which record shall contain at least a description of the asset concerned together with the original purchase price or other consideration relevant to the acquisition of the asset, as well as

the source from which such acquisition was financed. Heads of Departments shall furnish the Chief Financial Officer with such further information which he considers necessary to compile and maintain such record.

- (4) A Head of a Department shall notify the Chief Financial Officer without delay of the acquisition, disposal, demolition or any other change in the status of any capital asset under his control and shall furnish the Chief Financial Officer with any information he may require from time to time regarding any assets of the Council.
- (5) (a) Every department shall keep inventories, in a form to be approved by the Chief Financial Officer, of all animals, plant, tools and furniture, details of which the Chief Financial Officer has not required to have recorded in the register referred to in section 10(3).
- (b) At such a date during every financial year of the Council as the Chief Financial Officer may decide, every Head of a Department shall cause a comparison to be made between the inventories referred to in subsection (a) and the assets in the possession of his department and shall report the result of such comparison to the Chief Financial Officer in writing.
- (c) If any asset referred to in the aforesaid inventories is found not to be in the department's possession, the Head of the Department shall include a statement of all the facts relating to the deficit in the report referred to in subsection (b).
- (d) The Head of the Department shall submit a written report to the Audit Committee and Council setting out the relevant facts relating to the absence of any asset as identified in accordance with subsection (c).
- (6) The Head of the Department concerned shall arrange for a complete check of all assets (as referred to in section 10(3)) shown on such records at least once during each financial year or as demanded by the Chief Financial Officer, and shall thereafter submit to the Chief Financial Officer a certificate of the existence or otherwise of such assets. The Head of the Department shall report any discrepancies which cannot, in the opinion of the Chief Financial Officer, be satisfactorily accounted for, to the Audit Committee and the Council.
- (7) Where, in the opinion of the Council, any asset should be scrapped or declared redundant or obsolete, such asset shall be kept in such a place as the Chief Financial Officer may direct, and the Chief Financial Officer shall dispose of such asset to the best advantage of the Council, in accordance with directives issued by the Council, provided that where such asset has been financed from a loan that is not fully redeemed, the Chief Financial Officer shall determine the method by which the unredeemed portion of the loan shall be repaid.
- (8) The Chief Financial Officer shall reconcile the capital assets and accounting records in respect of each financial year.
- (9) The regulations of section 9(10) is *mutatis mutandi* applicable on assets.

11. INVESTMENTS

- (1) The Chief Financial Officer in consultation with the Municipal Manager shall be responsible for the investment of the funds of the Council on such terms and conditions as may be prescribed by law and in accordance with a policy determined by the Council and shall in connection with such investments be empowered to buy or sell any securities and shall report monthly to the Council on all investments bought and/or withdrawn during the foregoing month.
- (2) The way in which surplus funds and other municipal funds must be invested, is controlled in terms of —
 - (a) GAMAP 106;
 - (b) section 13 of the Local Government: Municipal Finance Management Act, 2003;
 - (c) determinations of the Minister of Finance by notice in the *Government Gazette*.
- (3) The following instruments may be used for investment of municipal funds —
 - (a) Deposits with banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).
 - (b) Securities issued by the National Government.
 - (c) Investments with the Public Investments Commissioner as contemplated by the Public Deposits Act, 1984 (Act No. 46 of 1984).
 - (d) A municipality's own stock or similar type of debt.
 - (e) Internal funds of a municipality which have been established in terms of a law to pool money available to the municipality and to employ such money for the granting of loans or advances to departments within a municipality, to finance capital expenditure.
 - (f) Bankers' acceptance certificates or negotiable certificates of deposits of banks.
 - (g) Long-term securities offered by insurance companies in order to meet the redemption fund requirements of municipalities.
 - (h) Any other instruments or investments in which a municipality was under a law permitted to invest before the commencement of the Local Government: Municipal Finance Management Act, 2003: Provided that such instruments shall not extend beyond the date of maturity or redemption thereof.
- (4) Before money can be invested, the Chief Financial Officer, in consultation with the Municipal Manager, must determine whether there will be surplus funds available during the term of the investment.
- (5) The long-term investments should be made with an institution of minimum BBB rating (where BBB refers to lower risk institutions).
- (6) The short-term investments should be made with an institution of minimum B rating (where B refers to higher risk institutions).
- (7) Not more than the amount of available funds as laid down by Council policy should be placed with any one single institution.

12. INSURANCE

- (1) The Chief Financial Officer shall be responsible for the placing of insurance as approved by the Council from time to time. The Chief Financial Officer shall also be responsible for the management of the Council's self-insurance fund, if in operation, and shall in managing such fund, cover such risks as the Council may from time to time determine and ensure that adequate premiums are charged by the fund annually.
- (2) A self-insurance fund shall be protected by such reinsurance cover as the Council may determine.
- (3) The Chief Financial Officer may at any time require from a Head of a Department, a statement which he shall duly supply, reflecting the assets held by that department, the risks to be insured, and any other information which the Chief Financial Officer deems necessary.
- (4) A Head of a Department, where so required by the Chief Financial Officer, shall give prompt notice to the Chief Financial Officer of all property acquired, leased or rented, which should be insured against fire, accident or loss of any kind, and of any alterations in structure, or occupation of any buildings or items under insurance.
- (5) A Head of a Department shall advise the Chief Financial Officer of the amounts for which new insurance should be effected, or of any alterations in existing insurance's, having regard at all times to the replacement cost of assets.
 - (a) A Head of a Department shall give notice to the Chief Financial Officer immediately after the occurrence of any fire or damage to or loss of the assets of the Council and shall as soon as possible, within the prescribed period and subject to the requirements of the insurances, after such incident, complete the appropriate claim forms and furnish an estimate of the cost of making good such damage.
 - (b) A Head of a Department shall advise the Chief Financial Officer and the Director: Corporate Services immediately of any injuries to employees of the Council.

- (c) A Head of a Department shall advise the Chief Financial Officer immediately of each case of any injuries or damage to third parties' property notwithstanding whether the Head of the Department is of the opinion that the case could give rise to a claim against the Council or not.
- (6) A Head of a Department shall promptly advise the Chief Financial Officer of any assets which in his opinion should be insured against political riot and insurance should be effected, and the Chief Financial Officer shall report such departmental requests to the Council.
- (7) Should the Council not operate a self-insurance fund to cover all risks, the Chief Financial Officer shall, unless the Council otherwise resolves, be responsible for the calling of tenders for the appointment of a suitable insurer, and shall ensure the placement of cover for such risks as the Council may from time to time determine, including cover for claims made against the Council by third parties.
- (8) The Chief Financial Officer shall keep a record of all insurance claims and policies of the Council, and be responsible for the payment of all premiums, and ensure that all claims which have been brought to his attention by the departments and which may arise under such policies, are settled.
- (9) The Head of the Department who is in charge of a contract of work shall supply the Chief Financial Officer with all the information needed in order to enable the Chief Financial Officer to take out the necessary contract insurance before execution of the contract activities begins. The Head of the Department concerned also provides the Chief Financial Officer with the particulars of all risks which in his opinion must be ensured.

13. SUPPLY CHAIN MANAGEMENT

- (1) Subject to the provisions of sections 110, 111 and 112 of the Local Government: Municipal Finance Management Act, 2003, tenders shall be called for before the Council enters into contracts for the execution of any work or the supply of any goods, materials or services to the Council as provided for in section 112 of the Local Government: Municipal Finance Management Act, 2003 where the value of such contract is likely to exceed an amount as determined in section 16(5).
- (2) (a) Every tender addressed to the Council shall be enclosed in a sealed envelope or package bearing on its exterior any number which may have been attached by the Council to the invitation to tender as well as the nature of the goods or works to which the tender relates.
- (b) Subject to the provisions of section 13(3), no tender shall be considered unless it has been placed not later than the closing time specified in the invitation to tender in the tender box which the Director: Corporate Services shall provide for this purpose and keep locked at all times except when tenders are being collected.
- (c) A tender received other than by deposit in the tender box shall as soon as it has been so received, be placed in the tender box mentioned in subsection (b) by the authorised official.
- (d) When a tender received other than by deposit in the tender box is found not to comply with the requirements of subsection (a) it shall forthwith be placed in a sealed enclosure, which shall state the following —
 - (i) the date and time of receipt of the tender;
 - (ii) the nature of the goods or works to which it applies;
 - (iii) the condition in which the tender was received.
 It shall thereupon be placed in the tender box.
- (e) When a tender, on the opening of the tender box, is found not to comply with the requirements of subsection (a) the person opening the tenders shall declare and endorse upon it the reasons for non-acceptance.
- (3) (a) A tender received by e-mail or fax before the advertised closing time shall be considered if the name of the tenderer, the goods or works to which it relates, the amount of the tender and the period of delivery offered are specified therein and written confirmation thereof is posted not later than the advertised closing time. There will be dealt with an e-mail or fax as stipulated in section 13(2)(c).
- (b) A tender received after the advertised closing time may be considered if posted, e-mailed or faxed in time to reach the Council before the advertised closing time and the Tender Committee is satisfied that the tenderer has taken all reasonable precautions and is otherwise in no way to blame for the delay.
- (4) (a) Immediately after the opening of the tender box all the tenders shall be opened in public by the Director: Corporate Services or by an official authorised by the latter to act on his behalf in the presence of an authorised official of the financial department and of the department concerned with the tender. The person opening the tenders shall in each case read out the name of the tenderer and if any tenderer so requests, the amount of the tender.
- (b) As soon as a tender has been opened —
 - (i) there shall be placed upon it the official stamp of the Council and the signatures of the person who opened it and of the person in whose presence it was opened as prescribed by subsection (4)(a);
 - (ii) the name of the tenderer shall be recorded in a register kept for that purpose; and
 - (iii) the person who opened the tender shall forthwith place his initials against every altered figure in the tender documents.
- (c) After being recorded in the register mentioned in subsection (4)(b), the tenders shall be filed and handed over to the representative of the department concerned or the financial department.
- (d) The Head of the Department concerned shall forthwith hand to the Director: Corporate Services any deposit or security received with the tenders and shall thereafter submit a written report on those tenders with his recommendations.
- (5) No member or official of the Council who in the course of his official duties is concerned with a tender shall disclose any related information contained in any report of an official, consultant or other adviser of the Council to any person other than a member or official of the Council: Provided that this section shall not apply to any part of a report of an official, consultant or other adviser of the Council, which is disclosed in a report of the Tender Committee not intended for the confidential information of the Council only.
- (6) (a) The financial provisions of a contract which the Council intends to conclude shall be referred to the Chief Financial Officer to enable him to make his recommendations thereon before the conclusion of the contracts.
- (b) The Chief Financial Officer shall in respect of every contract concluded by the Council keep a record in which the financial rights and obligations of the Council thereunder are set forth and shall enter in that record currently every payment made by or to the Council in terms of that contract.
- (7) If at any time after publication of an invitation to tender, the Tender Committee considers it necessary to deviate from the original conditions of tender, new tenders or written quotations shall be called for.
- (8) Where the Council calls for tenders for the supply and delivery of goods or the execution of works, except for the provisions of section 16(5), the conditions of tender and conditions of contract shall apply.
- (9) No tender other than the lowest shall be accepted by a Tender Committee unless it has first considered a written report by the Head of the Department concerned stating in full his reasons for recommending a tender other than the lowest.
- (10) Where the value of a contract for the execution of any work or the supply of any goods, material or services is not likely to exceed the amount

referred to in section 13(1), but will exceed the amount stipulated in section 16(5), the Council, subject to the provisions of section 13(13), shall not enter into any such contract without first inviting at least two quotations for the execution of such work or the supply of such goods, material or services.

- (11) Quotations need not be invited for the purchase of goods or the execution of works for an amount as mentioned in section 16(5).
- (12) The Tender Committee or its assignee to the degree to which he is authorised in terms of delegated authority, shall approve the quotation which appears to be the most favourable.
- (13) Subject to the provisions of any law, compliance with the provisions of section 13(10) shall be waived by the Tender Committee or the Head of Department to the degree to which each is authorised by means of delegated authority to accept tenders or quotations, if the authorised committee or person is of the opinion that the invitation of quotations would not be to the advantage of the Council.
- (14) A Head of a Department shall ensure that his requirement for particular goods, material, services and work are not deliberately divided up in order to avoid the need to invite public tenders and the Chief Financial Officer shall report any contravention of this section to the Council.
- (15) Notwithstanding the provisions of any of these sections unless he has been specifically authorised by the Council, the Director: Corporate Services shall not without first inviting public tenders enter into any contract on behalf of the Council for the leasing of goods or property for a period exceeding twelve (12) months where such contract involves an average estimated monthly rental in excess of any amount as determined in section 16(5). This compliance may be waived by the Tender Committee or the Municipal Manager to the degree to which each is authorised by means of delegated authority to accept tenders or quotations, if the authorised person is of the opinion that the invitation of quotations would not be to the advantage of the Council.
- (16) In the case of leasing where tenders shall not be invited in terms of section 13(15) such contract shall not be entered into by the Director: Corporate Services unless the Executive Committee has approved the rental amount.
- (17) In reports dealing with the acceptance of tenders or quotations, a Head of the Department shall indicate, in addition to known costs to be paid to the successful tenderer, the probable additional costs which may arise in the execution of such contract, or for the completion of the project, and where necessary obtain approval from the Council for any additional expenditure.
- (18) No contract shall be binding on the Council unless it is in writing and the acceptance thereof signed by an official authorised by the Council.
- (19) In the case of every contract where the total amount payable under the contract exceeds or is likely to exceed an amount as determined in section 16(5), a guarantee approved by the Chief Financial Officer shall be provided by the contractor, and such guarantee shall cover at least ten (10%) percent of the contract amount. Notwithstanding the foregoing, the Council or a delegatee to whom the powers to accept tenders or quotations has been awarded, may in circumstances which he deems appropriate, and upon the recommendation of the Chief Financial Officer, waive compliance with the whole or any part of this section.
- (20) A progress payment in terms of a contract shall be limited to the value of the work done or material supplied, as certified in terms of the contract, less the amount of previous payments made and retention money withheld in pursuance of such contract.
- (21) Upon completion of a contract, the certificate for final payment together with the contractor's detailed account and statement, showing omissions and additions, shall be forwarded to the Chief Financial Officer.
- (22) The Council and Tender Committee shall adhere to any guidelines which National Treasury may from time to time prescribe regarding tender procedures and contract administration.
- (23) A Head of a Department shall furnish the Chief Financial Officer with all such information as he may require to ensure the efficient administration of all contracts entered into by the Council.
- (24) Subject to section 113 of the Local Government: Municipal Finance Management Act, 2003, read with *Government Gazette* Notice No. 19886 dated 26 March 1999, or any further amendment in terms of the Tenders Amendment Regulations a Council may dispense with the calling of tenders —
 - (a) in respect of any contract which is for the execution of any work for or the supply or sale of any goods or materials to the municipalities where —
 - (i) the amount involved is likely to be involved does not exceed in respect of —
 - category 1 an amount of R50 000,00;
 - category 2 an amount of R70 000,00; and
 - category 3 an amount of R120 000,00,provided that any municipality may determine a lower amount than the amount set for the category of that municipality by this subparagraph;
 - (ii) the contract relates to the publication of notices and advertisements by or on behalf of the municipality;
 - (iii) any purchase is done on behalf of the municipality at a public auction or by competitive tender;
 - (iv) the contract is for the supply of goods or materials to a municipality by a contractor of the national or provincial sphere of government at the price and on the terms and conditions applicable to such a sphere of government;
 - (v) the contract relates to any purchase by or on behalf of the municipality of a work of art and the Council concerned has consented to such a purchase;
 - (vi) the contract relates to the appointment of any person to provide professional advice or services and the Council concerned has consented to such an appointment, provided that it is in accordance with a schedule of fees approved by a nationally recognised institute or body;
 - (vii) the contract is for the repairs to or the purchase of spare parts for machinery or equipment for which only one authorised supplier is available in the municipal area or in the Republic; or
 - (viii) the execution of such work or the supply or sale of such goods or materials is so urgent that it would not be in the interest of the municipality to invite tenders; and
 - (b) in respect of any contract which is for the sale of any goods or materials by the municipality —
 - (i) at a public auction of which notice has been published in the press;
 - (ii) commonly sold to the public at a charge fixed by law or by resolution of the municipality;
 - (iii) at a uniform price or tariff fixed by law or by resolution of the municipality;
 - (iv) which have previously been offered for sale at a public auction or in respect of which tenders have previously been invited but which could not be disposed of;
 - (v) the value of which, as assessed by the municipality, does not exceed Four Thousand Rand (R4 000,00); or
 - (vi) where the sale of such goods or materials is so urgent that it would not be in the interest of the municipality to invite tenders.

(25) WITHDRAWAL OF TENDER AND FAILURE TO EXECUTE A CONTRACT

- (a) Should a tenderer amend or withdraw his or her tender after the closing date and time, but prior to him being notified of the acceptance thereof, or should a tenderer after having been notified that his or her tender has been accepted —
 - (i) give notice of his or her inability to execute the contract in accordance with his or her tender;
 - (ii) fail to sign a contract within the period stipulated in the tender requirements or any extended period determined by the Council; or
 - (iii) fail to execute the contract, he or she shall pay all additional expenses which the Council has to incur in inviting fresh tenders and pay the difference between his or her tender and any less favourable tender accepted, as well as any consequential loss which may arise as a result of his non-fulfilment of his contract obligations: Provided that the Council may exempt a tenderer from the provisions of this subsection if it is of the opinion that circumstances justify it.
- (b) When in the circumstances referred to in subsection 13(25)(a) it is not deemed expedient to invite fresh tenders, the Municipal Manager may, at the request of the departmental head recommend a tender for acceptance by the Council from those already received.

(26) SANCTIONS

- (a) If the Council is satisfied that any person, firm or company —
 - (i) is executing a contract with the Council unsatisfactorily;
 - (ii) has offered, promised or given a bribe or other remuneration in a direct or indirect manner to a Councillor, a member of the Tender Committee, an official or an employee of the Council, or their spouses, partners or business associates in connection with the obtaining or execution of a contract;
 - (iii) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining or executing a contract with any government department, provincial administration, public body, company or person, or that he or she or it has managed his or her or its affairs in such a way that he or she or it has in consequence been found guilty of an offence;
 - (iv) has approached a Councillor, an official, member of the Tender Committee or an employee before or after tenders have been invited for the purpose of influencing the award of the contract in his or her favour;
 - (v) has withdrawn or amended his or her tender after the closing date and time; or
 - (vi) when advised that his or her tender has been accepted, has given notice of his or her inability to execute the contract or fails to execute or sign the contract or to furnish the security required, the Council may, in addition to any claim which it may have in terms of section 13(25)(a) and in addition to any other legal resource at his disposal, decide that any contract between the Council and such person, firm or company shall be cancelled and that no tender from such person, firm or company shall be considered for a specified period.
- (b) If the Council is satisfied that any person, firm or company is or was a shareholder or that any person is or was a director of a firm or company which, in terms of section 13(26)(a), is one from which no tender shall be considered for a specified period, the Council may also decide that no tender from such person, firm or company shall be considered for a specified period.
- (c) The Council may amend or set aside any decision in terms of section 13(26)(a).

(27) TRANSACTIONS WITH OFFICIALS AND MEMBERS OF THE COUNCIL

- (a) The Municipality shall not enter into a transaction of purchase, sale, hire or lease with an official or employee of the Council or his or her spouse, partner or business associate without the approval of the Council: Provided that this provision shall not apply where such a transaction is entered into —
 - (i) as a result of the acceptance of a formal tender;
 - (ii) as a result of a sale or a purchase at a public auction;
 - (iii) at tariffs or standard prices prescribed for the general public;
 - (iv) maintenance to or the buying of spare parts for machinery and equipment for which no other authorised supplier is available in the region or the Republic; or
 - (v) with an official or employee in accordance with conditions of service.
- (b) The provisions of section 13(27)(a) shall apply *mutatis mutandi* to members of the Council and their spouses, partners and business associates: Provided that the Council obtain prior approval of the MEC for Local Government Affairs to enter into any transaction that is not included in the proviso to section 13(27)(a).
- (c) The members of the Council shall declare in advance to the Council any financial interest that they have in a transaction in which the Council may become involved to enable the Council to carry into effect section 13(27)(b).

14. STOCKS AND MATERIAL

- (1) The Head of a Department authorised by the Council, on recommendation of the Chief Financial Officer, shall be responsible for the proper management of all stores under his control, for the safe custody of all goods and material contained therein, and shall keep such records of receipts and issues as the Chief Financial Officer may deem necessary to account for such stocks and material.
- (2) Maximum and minimum stock and reorder levels shall be determined in the manner prescribed by the Chief Financial Officer. Stocks shall not be held in excess of normal requirements, except where the Chief Financial Officer, or where the Chief Financial Officer does not manage purchases and supplies, the Chief Financial Officer and the Head of the Department responsible for stocks, agree that special circumstances exist.
- (3) Stocks and material shall only be issued against a requisition signed by an official authorised by the Head of the Department concerned.
- (4) A stores requisition shall not be executed unless particulars of the vote to be debited in respect of the goods or material supplied, are indicated thereon.
- (5) Subject to the provisions of section 14(4), no stores requisition in respect of an uniform or other clothing shall be executed unless it states in the case of an issue to a specific person, the name and official designation of the person for whom such uniform or clothing is required and unless the Head of Department has indicated thereon that it complies with the requirements of the Council regarding such issue.
- (6) With the exception of petty cash disbursements made from an imprest account in terms of section 6(7) all goods and material shall be purchased by the Head of Department and no goods or material so purchased shall be issued other than against a requisition signed by the Head of the Department or his assignee who requires the goods or material.
- (7) (a) Specifications for goods, material and plant to be purchased by tender or by quotation shall be drawn up by the Head of the Department concerned.
- (b) The Head of the Department concerned shall recommend the tender or quotation to be accepted and if the tender or quotation so recommended is not the lowest, he shall furnish the Chief Financial Officer with full reasons for the recommendation.
- (c) If the Chief Financial Officer does not agree with the reasons furnished in terms of subsection (b) he shall submit a report setting out fully the facts of the dispute.

- (8) Except where the Chief Financial Officer is of the opinion that special circumstances exist, more material than is normally required, as ascertained by experience, shall not be kept by any department.
- (9) No stock items shall without the approval of the Head of Department be purchased out of imprest monies held by departments.
- (10) Every Head of a Department shall at least once in every financial year or as required by the Chief Financial Officer, carry out a stocktaking covering all stocks and material under his control and shall report to the Chief Financial Officer the quantity and value of any discrepancies and breakages in stocks revealed by such stocktaking, together with the reasons for such discrepancies and breakages. In addition, the Chief Financial Officer shall from time to time, and on such basis as he considers adequate, verify the existence of all stocks, whether under his control or under the control of another department.
- (11) Any adjustments to stock records, if it does not exceed the amount stipulated in section 16(5), shall be authorised in the manner prescribed by the Chief Financial Officer or the Council, as the case may be, provided that any adjustments which the Chief Financial Officer deems to be substantial, and all cases involving negligence or identifiable theft shall be reported to the Council and, if applicable, dealt with as prescribed by a higher authority and section 4(6)(c).
 - (a) All stocks and material available after the completion of the work or on fulfilment of the purpose for which they were issued, or recovered in the course of carrying out work, or on hand for any reason whatsoever, shall immediately, under cover of an advice note which adequately describes same, be returned to the store or such place as the Head of Department may direct. The advice note shall be in such form as the Chief Financial Officer may prescribe and, where applicable, the value placed on returned stocks and material shall be determined by the Head of the Department.
 - (b) The provisions of subsection 14(11)(a) shall also be applicable to any stock, goods, materials, assets etc., donated to the Council. The application or alienation of such goods etc. is subject to the normal stipulations as set out in these By-laws.
- (12) Where, in the opinion of the Council, any stocks and material should be scrapped or declared redundant or obsolete, the Chief Financial Officer or Head of a Department so authorised shall dispose of such stocks and material to the best advantage of the Council, in accordance with directives issued by the Chief Financial Officer or the Council, as the case may be.

15. INFORMATION AND COMMUNICATION SYSTEMS

- (1) The centralised corporate information and communication systems allocated to the Chief Financial Officer shall be maintained in such a way as to ensure the integrity and security of the systems and data.
- (2) The Chief Financial Officer shall take all reasonable measures to ensure adequate backup of programmes and data for recovery purposes.
- (3) All programme changes shall be recorded for audit purposes and be authorised by the Chief Financial Officer or his delegated representative.
- (4) A suitable disaster recovery plan shall be prepared and maintained by the Chief Financial Officer to cover all relevant aspects to maintain business continuity in the event of a disaster.
- (5) Heads of Departments shall ensure that all reasonable steps are taken to prevent hardware and software from being infected by viruses. All workstations shall be supplied with the recommended software to assist in providing the necessary protection.
- (6) Information systems of any nature which generate financial results used to cost or estimate expenditure for recovery from third parties or which quantify levies, tariffs and other fees and charges must be certified by the Chief Financial Officer or his representative.

16. MISCELLANEOUS

- (1) Wherever powers are delegated to an official in terms of these By-laws, the conditions whereunder such powers are delegated should be defined in the official Delegated Powers of Authority of the Council, including a condition that such official shall report to the Council at such intervals as the Council may determine.
- (2) **COMMITTEE MEETINGS, AGENDAS AND MINUTES**
Notices of all meetings of the Council shall be sent to the Chief Financial Officer, together with full agendas and reports.
- (3) **CIRCULARS, LETTERS AND OTHER WRITTEN COMMUNICATIONS FROM THE STATE AND OTHER INSTITUTIONS**
The Director: Corporate Services shall, immediately upon receipt of any circular, letter or other written communication, where the contents in any way relate to the financial administration, assets or stock of the Council, forward a copy of such communication to the Chief Financial Officer for attention.
- (4) **FINANCIAL PROCEDURES**
The Accounting Officer shall be empowered to prescribe procedures regarding financial matters including stocks and assets under these By-laws.
- (5) **REVIEW OF MONETARY LIMITS**
All monetary limits in respect of these By-laws shall be subject to any stipulations as determined by the Council from time to time.
- (6) **REPEAL OF EXISTING MUNICIPAL FINANCIAL BY-LAWS**
The provisions of any By-laws relating to financial matters by the disestablished municipal entities or predecessors, are hereby repealed insofar as they relate to matters provided for in these By-laws.

No. 42 2004

26 kuNcwaba 2004

UMKHANDLU kaMasipala wakwaSani, ngokulandela isigaba 156 soMthethosisekelo, 1996 (uMthetho 108 ka 1996), ufundwa nesigaba 11 kanye nesigaba 98 zoMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000), ufundwa kanye nesigaba 6A(1) soMthetho wamaBhizinisi, 1991 (uMthetho No. 71 ka 1991) sewenze le Mithethodolobha elandelayo.

UMASIPALA WAKWASANI

IMITHETHODOLOBHA YOKUPHATHWA KWEZIKWELETU

1. Izincazelo

- (1) Ngaphandle uma ingqikithi isho okwehlukile —

“isiqinisekiso sebhang” kusho isiqinisekiso esingenamandela esenziwe yisikhungo sezimali lapho siqinisekisa ukuthi isamba esithile siyosikhokha uma ikhasimende lehluleka ukukhokha;

“izamba ezibaliwe” kusho izamba ezibalwe yisiKhulu esiPhethe seziMali okumele zikhokhelwe uMkhandlu maqondana nokuphakwa kwemisebenzi ethile kamasipala nanganoma yisiphi isikhathi lapho inani elifanele lingeke lanqunywa ngokucacile nanganoma yisiphi isikhathi, futhi ziyobalwa ngokusetshenzisiwe, uma kukhona, imisebenzi ehlinzekwe ikhasimende ezinyangeni ezintathu ngaphambi kwanoma yisiphi isikhathi sokukhokha, noma uma lolu lwazi lungatholakali, ukusetshenziswa okwejwayelekile kwemisebenzi kamasipala endaweni eyodwa noma ngaphezulu enobukhulu newuhlobo olulinganayo nalapho ikhasimende lehlala khona;

“isiKhulu esiPhethe ezeziMali” kusho iNhloko yoMnyango ebhekele izimali zoMkhandlu, kanye nanoma yimuphi umuntu ogunyazwe yiyo ukuba asebenze kuleso sikhundla;

"i-akhawunti ehlanganisiwe" kusho i-akhawunti eyodwa ehlanganisiwe yayo yonke imisebenzi kamasipala, yezintela, yentela yendawo kanye nezimali ezijwayelekile ezikhokhwayo;

"umthengi" kusho ikhasimende;

"amamitha agesi nawamanzi" kusho amamitha agesi nawamanzi, njengoba kungaba njalo, asetshenziselwa ukukala ugesi noma amanzi asetshenzisiwe futhi afundwa njalo ngenyanga nanganoma yisiphi isikhathi esinqunye;

"uMkhandlu" kusho uMasipala waKwaSani kanye nowabalandela ekuphatheni ngokusemthethweni, futhi kubandakanya noMkhandlu walowo Masipala noma iKomidi eliPhethe nanoma yimuphi umgwamanda osebenza nganoma yimaphi amandla onikezwe wona ngokomthetho, kanjalo nanoma yisiphi isiphathimandla iKomidi eliphethe elilikeze amandla kanye nemisebenzi maqondana nale mithethodolobha;

"ikhasimende" kusho noma yimuphi umuntu ohlinzekwa noma ohlinzekwe nguMkhandlu ngomsebenzi kanti "ukuhlinzekwa ngemisebenzi kwamakhasimende" kunencazelo efanayo;

"usuku lokucina" kusho, lapho kungekho sivumelwano maqondana nalokho phakathi koMkhandlu neKhasimende, usuku olobalulwe kwi-akhawunti nenqunye nguMkhandlu njalo emva kwesikhathi kusukela ngosuku lokucina i-akhawunti engakhokhwa ngalo;

"amakhasimende akhona" kusho amakhasimende asengene esivumelwaneni sokuhlinzekwa ngemisebenzi kamasipala;

"unyaka wezimali" kusho umhlaka 1 kuNtulikazi kuya kumhlaka 30 kuNhlanguvana wonyaka olandelayo;

"ucwaningo lwamamitha" kusho uphenyo lokuqinisekisa ubuqiniso bokusetshenziswa nokuhlinzekwa kwagesi namanzi;

"umphathi kamasipala" kusho umuntu oqokwe njengoMphathi kaMasipala ngokoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998, nanoma yimuphi umuntu osebenza kuleso sikhundla;

"amahora okusebenza" kusho amahora amahhovisi esiKhulu esiPhethe ezeziMali avulelwe ngaso umphakathi kusukela ngoMsombuluko kuya kuLwesihlanu, ngaphandle kwamaholide omphakathi;

"intela yendawo" kusho izintela ezikhokhwa ngenani lendawo elingancika enanini lomhlaba noma lokuhlungiswa noma kokubili, futhi kunencazelo efanayo neyemali yokuthela;

"okuhlehlulwe emalini" kusho isaphulelo kunoma iyiphi intela yendawo noma imali yokukhokhela umsebenzi enqunye nguMkhandlu njalo emva kwesikhathi;

"imali yokuxhuma kabusha" kusho imali ekhokhelwa ukuxhuma kabusha kwagesi noma kwamanzi lapho kade kunqanyuliwe ngenxa yokungakhokhi, leyo mali iyonqunywa njalo emva kwesikhathi nguMkhandlu futhi iyoba yinxenye yezintela zikamasipala;

"inani elidingekayo" kusho isamba senani elibaliwe lamanzi nogesi osetshenzisiwe nganoma yisiphi isikhathi sokuthikameza, kanye nemali ekhokhelwa lokho kuthikameza;

"ama-akhawunti emisebenzi" kusho ama-akhawunti maqondana nokusetshenziswa kogesi namanzi;

"isivumelwano sokuhlinzekwa kwemisebenzi" kusho isivumelwano sokusetshenziswa kwagesi namanzi;

"imali yokuthikameza" kusho imali ekhokhelwa ukuxhuma okungekho semthethweni, ukulungisa noma ukuphutha kwemitha lokusetshenziswa kwamanzi nogesi kuphakelwa lapho kungenamitha khona, leyo mali iyonqunywa njalo ngonyaka ngesikhathi kwabiwa imali futhi iyoba yinxenye yezintela zikamasipala;

"i-akhawunti evaliwe" kusho i-akhawunti yokucina yemisebenzi emva kokuthi ikhasimende selihambile kulezo zakhiwo, noma ngabe ikhasimende linikeze isaziso sokuvala ukuphakwa kwemisebenzi noma cha;

"ithuluzi elilawula ukuphakwa kwemisebenzi" kusho ithuluzi elifakwe emapayipini amanzi elivumela ukuphakwa kwamanzi noma ukuvalwa kwawo;

"isimiselo senkokhelo" kusho umyalelo wenkantolo wokuthatha isamba semali emholweni weKhasimende.

- (2) Amagama abhekiwe kunoma yimuphi umuntu ayobandakanya abantu, izinkampani kanye nezinhlangano, kanti ubulili buyobandakanya abesifazane kanjalo nabesilisa, kuthi ubunye bubandakanye nobuningi.

2. Isivumelwano semisebenzi

- (1) Ngaphambi kokuhlinzekwa ngogesi, amanzi kanye neminye imisebenzi ehlinzekwa amakhasimende, wonke amakhasimende kumele angene esivumelwaneni noMkhandlu lapho, phakathi kokunye, ikhasimende livuma ukuthi uhlelo lokukhokhela ugesi namanzi lungasetshenziswa ukuqoqa izimali ezisilele maqondana nezintela zemisebenzi.
- (2) Uma ikhasimende lihlekile ukungena esivumelwaneni semisebenzi noMkhandlu, amanzi nogesi kuyovalwa noma kukhishwe ngemibandela ethile, njengoba kungadingeka, kuze kube kungenwa esivumelwaneni sokuphakwa kwemisebenzi futhi nemali afanele iyakhokhwa. Lelo khasimende kuyomele likhokhe imali enqunye.

3. Ama-akhawunti

- (1) UMkhandlu uyokhokhisa abahlali, kanye nabanikazi bezindawo kanye nabahlala kulezo ndawo intela kanye nemisebenzi kamasipala ehlinzekwa nguMkhandlu ngezikhathi ezithile noma njengoba kunqunye emthethweni.
- (2) Umnikazi wendawo kumele akhokhele imisebenzi yokuthuthwa kadoti nokuchithwa kwamanzi angecolile.
- (3) UMkhandlu uyoposa noma ulethe ngesandla i-akhawunti ehlanganisiwe kumakhasimende ahlukene ekhelini elinikezwe yikhasimende ngalinye, ukufinyelela kumakhasimende ngaphambi kosuku lokucina olubhalwe kwi-akhawunti. Noma yikuphi ukushintsha kwekheli kuqala ukusebenza kuphela emva kokutholakala kwesaziso sokushintsha samukelwe nguMkhandlu.
- (4) Amakhasimende kumele akhokhe, ngokugcwele, isamba esikhishwe ngaphambi kosuku lokucina. Ukwehluleka ukuhambisana nalesi sigaba kuyodala ukuthi kuqoqwe isikweletu kwikhasimende, futhi inzuzo ngendlela eyonqunywa nguMkhandlu njalo emva kwesikhathi noma lapho kungekho mali enqunye, njengoba kunqunye ngumthetho, iyokhokhiswa kusukela ngosuku okwakumele ikhokhwe ngalo.

4. Amadiphozi

- (1) Amadiphozi ayonqunywa yisiKhulu esiPhethe ezeziMali, lokho kunqunywa okuyoba ngokubili nenxenye kwi-akhawunti yenyanga yemisebenzi ehlinzekwe endaweni, noma ngabe yingendlela enqunye noma yingesamba esibaliwe.
- (2) Ekunqumeni idiphozi echazwe esigabeni 4(1), isiKhulu esiPhethe ezeziMali siyohlukanisa phakathi kwezindawo ezizobhekela ngamazanga emisebenzi nawokusetshenziswa ehlukele.
- (3) IsiKhulu esiPhethe ezeziMali singabuye sihlale amadiphozi amakhasimende ahwebayo nayizimbongi ezinyangeni ezintathu emva kosuku lokuqala lokufaka idiphozi, futhi, angadinga ngenxa yokuhlulisisa kwengezwe enye imali ngaphezu kwediphozi kunoma yiliphi ikhasimende.
- (4) IsiKhulu esiPhethe ezeziMali kumele sibuyekeze wonke amadiphozi kanye eminyakeni emibili noma uma imisebenzi ehlinzekwa ikhasimende inqanyuliwe noma imisiwe ngenxa yokungakhokhi. Umphumela walokhu kubuyekizwa uyokwaziswa ikhasimende lapho kukhona ushintsho kwidiphozi futhi kwenziwe amanye adingekayo. Uma idiphozi okukhulunywe ngayo esigabeni 4(2) noma 4(3) kutholakala ukuthi ayenele, ikhasimende livumelekile ukwenza isivumelwano sokukhokha leso samba esingaphezulu nesiKhulu esiPhethe ezeziMali.
- (5) Amadiphozi amakhasimende ayo yonke imisebenzi ekalwayo kumele akhokhwe.
- (6) Amadiphozi amakhasimende kumele akhokhwe maqondana nemisebenzi yokuphakwa kwagesi namanzi kuphela.

- (7) Amadiphozi kumele akhokhwe ngokheshi noma ngesheke. UMkhandlu uyokwamukela iziqinisekiso zamabhangela lapho idiphozi ingaphezu kwamarandi ayizinkulungwane ezimbili (R2000,00). Lezo ziqinisekiso zamabhangela kumele zithunyelwe ngesandla ngamahora okusebenza emahhovisi esiKhulu esiPhethe ezeziMali e-Civic Centre.
- (8) Wonke amadiphozi kumele akhokhwe okungenani ezinsukwini ezimbili ngaphambi kokuhlala endaweni noma ngosuku imisebenzi edingeka ngalo, uma ingadingeki ngosuku lokuqala ukuhlala. Ukwehluleka ukuhambisana nalo Mthethodolobha kungabambazela ukuxhunywisa kwemisebenzi, futhi uMkhandlu angeke ukhokhele noma yikuphi ukulahleka okungaba khona.
- (9) Akukho diphozi edingekayo uma kufawe imitha ekhokhelwa ngaphambi kokuhlinzekwa komsebenzi othile.
- (10) Lapho kufakelwa amakhasimende amadala uhlobo olusha lwamamitha kagesi nawamanzi, alawo makhasimende kumele angene esivumelwaneni esibhaliwe noMkhandlu sokukhokha amadiphozi, esikhathini esiyizinyanga eziyisithupha.

5. Ukunqanyulwa ngenxa yokungakhokhi

- (1) Okwejoyalekile
Imali yokuxhuma kabusha iyohlawuliswa lapho amakhasimende ahlinzekwa ngeminye imisebenzi kamasipala yanoma yiluphi uhlobo nalawo angena ohlwini lwabakweletayo maqondana naleyo misebenzi nasenqanyuliwe noma asebethitshelwe ugesi namanzi.
- (2) Izaziso ezithunyelwa amakhasimende
 - (a) UMkhandlu, ngokubona kwawo, uyothumela izaziso nezinye izikhumbuzo kumakhasimende asakweleta, ngaphambi kokunqamula imisebenzi.
 - (b) UMkhandlu uyokhipha isamanisi lokukhokha izimali ezisilele maqondana nawo wonke ama-akhawunti akweletwayo akhombisa imali esisilele izinsuku ezingaphezu kwamashumi amathathu (30), emva kwalokho i-akhawunti iyodluliselwa kuba qoqi bezikweletu, ngokwesigaba 10, ngaphezu kokunqanyulwa ukuphakwa kwemisebenzi.
- (3) Ugesi
 - (a) UMkhandlu uyonqamula imisebenzi kumakhasimende amamitha amasha kagesi maqondana nama-akhawunti asilele emva kosuku lokugcina lokukhokha. Uma lawo makhasimende efisa ukuxhunyelwa kabusha ugesi, bayokhokhiswa imali yokuxhuma kabusha efanele kanti umsebenzi angeke uvuselelwe ngaphambi kokuthi i-akhawunti ikhokhwe ngokugcwele noma sekwenziwe isivumelwano agculisayo nesiKhulu esiPhethe ezeziMali ngokwesigaba 7.
 - (b) UMkhandlu kumele unqamule ukuphakwa kwagesi ngaphambi kwehora lokuqala (13:00) ngosuku lokuqamula. Ukuxhuma kabusha kuyiqala ngokushesha, kodwa kuyokwenziwa kuphela ngamahora ajwayelekile okusebenza.
 - (c) Lapho kunqanyulwe imisebenzi ezindaweni eziningi, uMkhandlu awuphoqelekile ukuqalisa ukuxhuma kabusha ngesikhathi esisodwa.
 - (d) UMkhandlu angeke uphoqeleke ukudayisa ugesi kumakhasimende anamamitha akhokhelwa ngaphambi kokuthi awusebenzise ngaphandle uma i-akhawunti yekhasimende yakwamasipala yeminye imisebenzi kanye nentela yendawo, uma ikhona, isikhokhwe ngokugcwele noma sekwenziwe isivumelwano nesiKhulu esiPhethe ezeziMali agculisayo ngokwesigaba 7 sale Mithethodolobha, futhi sagcinwa.
 - (e) Wonke amamitha kagesi amisiwe kumele amakwe ngokugqamile uma ukuphakwa kunqanyulwe ukungakhokhi, ukuze kugwemeke ukuthi amamitha anqanyuliwe abikwe njengaphakile.
 - (f) UMkhandlu uyonciphisa ukuphuma kwamanzi amakhasimende avelwe ugesi isikhathi esiyizinyanga ezimbili ezilandelayo futhi angakhokhile noma angenze malungiselelo okukhokha imali esilele.
 - (g) UMkhandlu uyoba nelungelo lokunqamula, lokuvala noma lokuthibela ukuphakwa kwagesi namanzi, njengoba kungaba njalo, ngokushesha, amakhasimende azokhokhela imisebenzi ehlinzekwa ngumasipala ngesheke uma lelo sheke libuyiswe yisiKhungo sezeziMali ebelishintshwa kuso nanganoma yisiphi isizathu. I-akhawunti yekhasimende iyomakwa ngendlela futhi akukho sheke eliyophinde lamukelwe.
 - (h) Abakhandi bagesi abacuphile, abafunda amamitha kanye nosonkontileka bavumelekile ukubuyisela noma yimuphi umsebenzi kumakhasimende ngaphandle kwegunya loPhiko loMkhandlu oluLawula iziKweletu.
 - (i) Amakhasimende amisebenzi yawo ixhunywe ngokungekho semthethweni kuyothathwa ngokuthi athikameze imitha noma ukuphakwa kwemisebenzi, futhi izihlinzeko zesigaba 6 ziyosebenza.
- (4) Amanzi
 - (a) UMkhandlu uyonikeza amakhasimende anamamitha okukala amanzi isaziso esibhaliwe maqondana nama-akhawunti emisebenzi kamasipala asilele, ubeke inhloso yawo yokuvulela amanzi kancane ezinsukwini ezibekiwe njengoba kuhlangoziwe esigabeni 4 soMthetho weMisebenzi yaManzi, 1997 (uMthetho No. 108 ka 1997) kanye/noma neMithethodolobha yaManzi.
 - (b) Ukuphakwa kwamanzi kumakhasimende anamamitha okukala amanzi okukhulu ngakho esigabeni 5(4), kuyothitshelwa emva kokuphela kwesikhathi esibhaliwe esazisweni esikhishwe ngokwesigaba 5. Lawo makhasimende ayokhokhiswa imali yokuxhuma kabusha efanele.
 - (c) Lapho ukuphakwa kwamanzi kuthitshelwe, uMkhandlu ungafaka okukhipha amanzi kancane ukuze ukwazi ukuphinde exhume kabusha. Umsebenzi ogcwele angeke wafakwa ngaphambi kokukhokhela umasipala ngokugcwele noma kwenziwe isivumelwano esifanele nesiKhulu esiPhethe ezeziMali ngokweNqubomgomo yokuPhathwa kweziKweletu, kuphela uma leso sivumelwano sigciniwe.
 - (d) UMkhandlu angeke uphoqeleke ukudayisela amakhasimende anamamitha akhokhelwa ungakawasebenzisi amanzi uma ama-akhawunti emisebenzi kamasipala engakhokhiwe ngokugcwele noma ngaphandle uma kwenziwe isivumelwano esigculisayo nesiKhulu esiPhethe ezeziMali ngokwesigaba 7, futhi kuphela uma leso sivumelwano siyogcinwa.
 - (e) Uma kwenzeka, wonke amamitha amanzi avelwe noma athitshelwe ayomakwa ngokugqamile ukuze kuvinjelwe ukuthi aphanjaniswe nalawo aphukile.
 - (f) Abakhandi bamapayipi abacuphile, abafunda amamitha nosonkontileka bavumelekile ukubuyisela noma yimuphi umsebenzi kumakhasimende ngaphandle kwegunya loPhiko loMkhandlu oluLawula iziKweletu.
 - (g) Lapho amanzi kutholakala izimbobo ecaleni lemitha lekhasimende futhi lingasheshi ukukulungisa lokho, okokunciphisa ukuphuma kwamanzi kuyofakwa ukuvimbela ukuchitheka kwamanzi nokunciphisa isamba esizokhokhiswa ikhasimende ngamanzi.

6. Ukuthikameza

- (1) Lapho ukuphakwa kwamanzi nogesi kutholakala ukuthi kuthikanyezwe noma imitha leqiwe, kweyame kule Mithethodolobha kanye neminye imithetho ehambisana nayo, uMkhandlu uyobeka ecaleni noma unqamule ukuphakwa kwemisebenzi, futhi uhlawulise ikhasimende elithintekayo imali, amanani abaliwe okumele akhokhwe kanye nemali yokuxhuma kabusha lapho ukuphakwa kwemisebenzi kumisiwe kanye nemali yokuxhuma kabusha lapho imisebenzi ikhishwe.
- (2) Lapho kunobufakazi bephutha phakathi kokusetshenziswa kwagesi kanye nolando wokuthengwa kwendawo ethile, abephula umthetho bayojeziswa ngendlela elandelayo:
 - (a) Kweyame kwindima (b), ukuphakwa kwemisebenzi kuyomiswa uma kwephulwe umthetho okokuqala bese ikhishwa uma sekuyi-njwayelo.
 - (b) Isaziso esibhaliwe siyonikezwa ikhasimende, silazisa ngokumiswa noma ngokukhishwa kwemisebenzi, kanjalo nangezimali okumele zikhokhwe mayelana nokuthikameza imisebenzi, ukuxhuma kabusha/ukuxhuma kanye nezimali ezingakhokhiwe.

- (c) UMkhandlu uyobuyisela kuphela imisebenzi emva kokuthi izimali okukhulunywe ngazo endimeni (b) sezikhokhiwe.
- (3) Lapho kutholakala ukuthi ngumuntu odale ukuthikamezeka kokuphakwa kwagesi, izaphula-mthetho ziyojeziswa ngale ndlela elandelayo:
- (a) Ukuphakwa kwagesi kuyomiswa ngokushesha lapho kwephulwe umthetho okokuqala bese ikhishwa uma sekuyinjwayelo.
- (b) Isaziso esibhaliwe siyonikezwa ikhasimende, silazisa ngokumiswa noma ngokukhishwa kwemisebenzi, kanjalo nangezimali okumele zikhokhwe mayelana nokuthikameza imisebenzi, ukuxhuma kabusha/ukuxhuma kanye nezimali ezingakhokhiwe.
- (c) UMkhandlu uyobuyisela kuphela imisebenzi emva kokuthi izimali okukhulunywe ngazo endimeni (b) sezikhokhiwe.
- (4) Ngaphezu kwezihlinzeko zalo Mthethodolobha, uMkhandlu ungaqinisekisa ukuthi amanye amalungelo noma ungasebenzisa noma yimaphi amandla owanikwe uMthetho wezeMpilo nokuPhepha eMsebenzini, 1993 (uMthetho No. 108 ka 1997), iMithethodolobha yaManzi yoMkhandlu, uMthetho kaGesi, 1987 (uMthetho No. 41 ka 1987), iMithethodolobha kaGesi yoMkhandlu kanye nanoma yimuphi omunye umthetho.
- 7. Izivumelwano namakhasimende akweletayo**
- (1) Isikhulu esiPhethe ezeziMali noma osibambele banegunya lokungena esivumelwaneni namakhasimende akweletayo nokuthi belulele labo bantu isikhathi sokukhokha.
- (2) Isikhulu esiPhethe ezeziMali singanquma, ngokuhlola isimo sekhasimende ngalinye, imali okumele ikhokhwe njengenxenye yaleso sivumelwano, kanjalo nesibalo sezigamu lemali ezokhokhwa ngazo kanye nesikhathi okumele kukhokhwe ngaso. Leso sikhathi angeke seque ezinyanengi ezingamshumi amabili nane (24).
- (3) Isikhulu esiPhethe ezeziMali, ezimweni ezechukile nangemvume yoMphathi kaMasipala, singelula isikhathi sokukhokha okukhulunywe ngaso esigabeni 7(2).
- (4) Lapho isikhulu esiPhethe ezeziMali sigculisekile, ngesikhathi kwenziwa amalungiselelo nangemva kocwaningo, ukuthi ngempela ngempela ikhasimende angeke likwazi ukukhokhela imisebenzi ephakwayo, imininingwane yalelo khasimende iyoqoshwa futhi izinyathelo zomthetho ziyohoxiswa, njengoba isikhulu esiPhethe ezeziMali singanquma.
- 8. Ukuvunywa kwesikweletu**
- (1) Abakweletayo abaphethe omazisi kuphela noma abagunyazwe yiyo abayovunyelwa ukugwalisa isivumelwano sokuvuma isikweletu.
- (2) Isivumelwano sokuvuma isikweletu kumele sibe nawo wonke amalungiselelo okukhokha ama-akhawnti anezikweletu. Ikhophi eyodwa yombhalo iyonikezwa bese kuthi enye igcinwe efayeleni oPhikweni lokuPhatha loMkhandlu.
- (3) Ikhasimende eselithunyelwe amasamanisi ngabameli boMkhandlu lingafaka isicelo sokukweletelwa. Kodwa, zonke izindleko zomthetho osekhungenwe kuzo ngenxa yesikweletu sakhe kanti futhi kuyodingeka nemali yokukhokha okungenani eyinxenye yemali ayikweletayo. Ikhasimende kumele lisayine leyo ncwadi livuma kuyo isikweletu, eyobandakanya izimali zokuthatha izinyathelo zomthetho.
- (4) Ukwehluleka ukugcina isivumelwano sesikweletu kuyoholela ekuvalweni, ekunqanyulweni kwemisebenzi ngaphandle kokuthola esinye isaziso, nokuqaliswa kwezinyathelo zomthetho.
- (5) Njalo uma ikhasimende elikweletayo lisebenza uMkhandlu ungathola imvume yokuzibambela imali emholweni walo.
- 9. Inzalo emalini ekweletwayo**
- (1) Inzalo iyofakwa ezimalini ezisilele zemisebenzi ngezanga lentela elinqunywe nguMkhandlu, noma uma lesi sinqumo singenziwe, njengoba kunqunywe ngumthetho.
- (2) Inzalo iyofakwa emalini kwintela yendawo esilele njengoba kunqunywe emthethweni okhona.
- 10. Izidluliselo**
- (1) UMkhandlu uyokhipha incwadi yokugcina yokufuna imali maqondana nalowo ma-akhawnti amakhasimende akhombisa izimali ezisilele isikhathi esingaphezu kwezinsuku ezingamashumi amathathu (30) futhi, uma leyo akhawnti ikhombisa inani lemali esilele emva kwezinsuku ezingamashumi ayisithupha (60), iyodluliselwa kongoti bangaphandle abaqoqa izikweletu.
- (2) Isikhulu esiPhethe ezeziMali kumele sicwaninge izindlela zokusiza amakhasimende ngaphambi kokudla impahla yazo egudlukayo nengenakugudluka.
- 11. Ikhasimende angeke lizikhethela ukukhokhela okuthile**
- Ikhasimende alinalo ilungelo lokuhlukanisa noma iyiphi imali eliyikhokhayo kunoma iyiphi inxenye yesikweletu. Imali ekhokhiwe iyokwabiwa yisiKhulu esiPhethe ezeziMali.
- 12. Ukudluliselwa kwendawo**
- (1) Isitifiketi ngokwesigaba 118 soMthetho weziNhlaka zoMasipala woHulumeni baseKhasya, 2000 (uMthetho No. 32 ka 2000) iyokhishwa kuphela uma sekukhokhwe idiphozi enqunywe yisiKhulu esiPhethe ezeziMali ngokwesigatshana (2), ingobo nje uma lesi sigatshana singasebenzi ezimweni okukhulunywe ngazo esigabeni 118(4) zoMthetho weziNhlaka zoMasipala woHulumeni baseKhasya, 2000 (uMthetho No. 32 ka 2000).
- (2) Inani lediphozi okukhulunywe ngalo esigatshaneni (1) liyophindwa kane enanini le-akhawnti yezinyanga ezintathu kamasipala ngaphambi kwesicelo sesitifiketi. Uma umlando wezinyanga ezintathu ungekho, idiphozi iyonqunywa yisiKhulu esiPhethe ezeziMali.
- (3) Ekubhaliseni ukudlulisa indawo, i-akhawnti iyohlanganiswa yisiKhulu esiPhethe ezeziMali kuthi noma iyiphi imali esalayo ibuyiselwe kwikhasimende.
- 13. Igunya lokuqoka ongoti abaqoqa izikweletu**
- Isikhulu esiPhethe sezeziMali sinegunya lokuqoka ongoti abaqoqa izikweletu futhi singene esivumelwaneni nalezo zinkampani ngokwe-Contingency Fee Act, 1997.
- 14. Izindlela zokusiza abahola, impesheni kanye nohlelo lokuxhasa abampofu**
- (1) UMkhandlu ungahlephula imali yentela kubanikazi noma kubantu abahlala uma beletha isicelo esibhaliwe njabo ngonyaka futhi bangethula ubufakazi obugculisayo kwisiKhulu esiPhethe ezeziMali ukuthi bayahambisana nalokhu okulandelayo:
- (a) Umfakisiselo kumele kube ngumkhokhi wentela oneminyaka engamashumi ayisithupha (60) noma ngaphezulu noma ngumuntu ohola impesheni
NOMA
Umkhokhi wentela ohola impesheni yokukhubazeka kuhulumeni wasekhasya noma empeshenini ebhalisiwe
NOMA
Osohlelweni lokuxhasa abantu abampofu ngokweMithethodolobha yoLawulwa nokuQoqwa kweziKweletu.
- (b) Umfakisiselo kumele abe ngumnikazi wendawo yokuhlala ethintekayo futhi indawo kumele ibhaliswe egameni lakhe (Imigwamanda yezindawo zokuhlala ayibaliwe).

- (c) Isamba somholo womfakisicelo akumele sibe ngaphezu kwaleso esinqunywe ngumasipala.
- (d) Umfakisicelo kumele ahlinzeke incwadi efungelwe esho ukuthi —
 - (i) imali ayishilo iyona kuphela ayitholayo ohola impesheni;
 - (ii) imali engenayo ayeqi imali ebekwe endimeni (c); futhi
 - (iii) uhlala ngokugewe kuleyo ndawo.
- (2) Zonke izicelo kumele zilethwe ngaphambi kosuku olunqunywe futhi akukho zicelo ezitholakale emva kwalokho eziyocutshungulwa.
- (3) Kumele kufakwe isicelo esisha njalo emva konyaka wezimali.
- (4) Iphesenti lemali ehleshulwayo okukhulunywe ngayo esigatshaneni (1)(a), imali ehlangene ebalulwe esigatshaneni (1)(c) kanye nosuku lokuvala lwezicelo okukhulunywe ngalo esigatshaneni (2), uyonqunywa njalo ngonyaka ngesikhathi kwethulwa uhlahlomali, futhi kumele lushi-cilelwe emva kwalokho.

15. Isihloko esifishane

Le Mithethodolobha ibizwa ngokuthi iMithethodolobha yokuPhathwa kweziKweletu kaMasipala waseMthonjaneni futhi iyoqala ukusebenza ngosuku lokushicilelwa kwale Mithethodolobha.

Nco. 42, 2004

26 August 2004

THE Council of KwaSani Local Municipality has in terms of Section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with Sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following by-laws:

KWA SANI LOCAL MUNICIPALITY

CREDIT MANAGEMENT BY-LAWS

1. Definitions

- (1) Unless the context otherwise indicates —

“bank guarantee” means an unconditional undertaking by a financial institution whereby it guarantees a specified maximum amount to be paid if the principal debtor (“the customer”) fails to pay;

“calculated amounts” means the amounts calculated by the Chief Financial Officer to be due to the Council by a consumer in respect of the supply of the applicable municipal services for any period during which the exact quantity of the supply cannot be determined accurately for any reason, and shall be based on the average consumption figures, if available, for the service rendered to the customer over the three months immediately prior to any such period commencing, or failing the availability of such data, on the average consumption figures applicable to one or more properties of similar size and nature in the area in which the customer resides or carries on business;

“Chief Financial Officer” means the Head of the Department responsible for the Council’s financial affairs, and any person duly authorised by him or her to act on his behalf in the stated capacity;

“consolidated account” means one combined account for all municipal services, surcharges, property tax and basic charges payable;

“consumer” means a customer;

“conventional electricity and water meters” means electricity and/or water meters, as the case may be, which are used to determine the supply of electricity and water and which are read on a monthly or other fixed interval basis;

“Council” means the KwaSani Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee had delegated any powers and duties with regard to these by-laws;

“customer” means any person to whom a service is or has been rendered by the Council and “customer services” has a corresponding meaning;

“due date” means, in the absence of any express agreement in relation thereto between the Council and the customer, the date stipulated on the account and determined by the Council from time to time as the last date on which the account can be paid;

“existing customers” means customers who have already entered into an agreement for the supply of municipal services;

“financial year” means 1 July in any year to 30 June of the following year;

“meter audits” means an investigation to verify the correctness of the consumption and supply of electricity or water;

“Municipal Manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“normal office hours” means the hours when the Chief Financial Officer offices are open to the public from Mondays to Fridays, excluding public holidays;

“property tax” means rates and/or taxes charged according to the value of a property which may be based on a tariff on the value of the land or improvements or both, and has the same meaning as assessment rates;

“rebate” means a discount on any property tax or service charge determined by the Council from time to time;

“reconnection fee” means the fee charged to reconnection of electricity/water supply when the supply has been disconnected due to non-payment, which fee will be determined periodically by the Council and will form part of the municipal tariff of charges;

“required amount” means the total calculated amount of the electricity/water consumed during any period of tampering, as well as the tampering fee;

“service accounts” means accounts in respect of electricity and/or water consumption;

“service agreement” means an agreement for the consumption of electricity and/or water;

“tampering fee” means a fee charged for the illegal disconnection, adjustment or bypassing of a consumption meter or the siphoning of a supply of electricity or water supply to an unmetered destination, which fee will be determined annually during the budget process and will form part of the tariff of service charges;

“terminated account” means the final account for services after the customer has left the premises, whether or not the customer has given notice to terminate the supply of service;

“variable flow-restricting device” means a device that is coupled to the water connection that allows the water supply to be restricted or closed; and

“voluntary garnishee order/emoluments order” means a court order for the deduction of an amount of money from the salary or other income of a customer.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. Service agreement

- (1) Before being provided with electricity, water and or other customer services, every customer must enter into a service agreement with the Council in which, *inter alia*, the customer agrees that the electricity and/or water payment system may be used for the collection of arrears in respect of all service charges.
- (2) Where a consumer has failed to enter into a service agreement with the Council, water and/or electricity will be blocked, disconnected or restricted, as the circumstances may require, until such time as a service agreement has been entered into and the applicable deposits have been paid. Such consumer is liable for calculated amounts.

3. Accounts

- (1) The Council will bill the inhabitants of, and property owners and property occupiers within the area for property tax and municipal services supplied to them by the Council at regular intervals or as prescribed by law.
- (2) The owner of a property is liable for refuse and sewerage charges.
- (3) The Council will post or hand-deliver the consolidated accounts to the respective customers at the address notified by each customer, to reach the customers before the due date printed on the account. Any change of address becomes effective only when notification of the change is received and acknowledged by the Council.
- (4) The customer must pay, in full, the amount rendered on or before the due date. Failure to comply with this section will result in debt collection action being instituted against the customer, and interest at the rate determined from time to time by the Council or in the absence of any determination, as prescribed by law, will be charged from the date upon which the amount of the account was due for payment.

4. Deposits

- (1) Deposits are to be determined by the Chief Financial Officer, which determination is based on two and a half times the average monthly account for the service in that property, either as factually determined or as a calculated amount.
- (2) In determining the deposit described in section 4(1), the Chief Financial Officer will differentiate between areas to give cognisance to differences in service standards and usage.
- (3) The Chief Financial Officer may reassess customer deposits for new commercial and industrial customers three months after the initial deposit date, and may, as a result of this reassessment require an additional deposit from any such customer.
- (4) The Chief Financial Officer must review all deposits biennially or when a customer's service is disconnected or blocked as a result of non-payment. The outcome of this review will be communicated to the customer in the event of any variation in the deposit arrangements being required. Should the deposit mentioned in section 4(2) or 4(3) be found to be inadequate, the customer will be allowed to make arrangements with the Chief Financial Officer for the payment of the additional amount.
- (5) Consumer deposits are to be paid for all separately metered services.
- (6) Consumer deposits are to be paid in respect of water and electricity services only.
- (7) Deposits must be paid in cash or by cheque. The Council will accept a bank guarantee in cases where the deposit exceeds R2 000.00. Such Bank Guarantee has to be hand-delivered during normal office hours to the Chief Financial Officer's offices at the Civic Centre.
- (8) All deposits have to be paid at least 2 days prior to occupation of the property or the date on which the services are required, if not required on date of occupation. Failure to comply with this by-law may cause a delay with the connection of services, and the Council will not be liable for any loss or prejudice that may result.
- (9) No service deposit is required if a pre-payment meter is installed for the particular service.
- (10) Where new conventional electricity and/or water meters are installed for existing prepayment customers, such customers may enter into a written agreement with the Council to pay off, over a maximum period of 6 months, the deposits levied.

5. Disconnection for non-payment

- (1) General
- The reconnection fee will also be charged in cases of customers who receive other municipal services of any kind and who fall into arrears with their payment in respect of those services and whose water and/or electricity supply, whether prepayment or conventional, has been disconnected or restricted.
- (2) Notices to customers
- (a) The Council will, at its discretion, issue final request notices or other reminders to customers whose accounts are in arrears, prior to disconnection.
- (b) The Council will issue a final demand for payment of arrears in respect of all debtor accounts reflecting an amount outstanding for more than 30 days, after which the account will be referred for debt collection, in terms of section 10, in addition to the disconnection of the supply of services.
- (3) Electricity
- (a) The Council will disconnect services to customers with conventional electricity meters in respect of which service accounts are in arrears after the due date. Should such customers wish to have their electricity reconnected, they will be charged the applicable reconnection fee and the service will not be reinstated before the account is paid in full or satisfactory arrangements in terms of section 7 have been made with the Chief Financial Officer.
- (b) The Council must disconnect the electricity supply before 13:00 on the day of disconnection. Reconnections will commence as soon as practically possible, but will only be done during normal working hours.
- (c) In the event of mass disconnections, the Council is not obliged to effect same-day reconnections.
- (d) The Council will not be obliged to sell electricity to customers with pre-paid meters unless the customer's municipal account for other services and property tax, if any, is paid in full or satisfactory arrangements in terms of by-law section 7 have been made with the Chief Financial Officer, and have been honoured.
- (e) All disconnected electricity meters must be clearly marked when the supply is disconnected for non-payment, in order to avoid disconnected meters being reported as faulty.
- (f) The Council will restrict the water supply of customers whose electricity supply has been blocked or disconnected for two months in succession and from whom no payment was received or with whom no satisfactory arrangements for payment of the outstanding amount have been concluded.
- (g) The Council shall be entitled to disconnect, block or restrict, as the case may be, at the earliest opportunity, the electricity and/or water supply of customers who have offered a cheque as payment for municipal services if any such cheque is returned or dishonoured by the

financial institution on which it is drawn for any reason. The customer's account will be endorsed accordingly and no further cheque payments will be accepted.

- (h) Standby electricians, meter readers and contractors are not permitted to restore any service to customers without written authority from the Council's Credit Control Section.
- (i) Customers whose supply of services has been unlawfully reconnected will be regarded as having tampered with the meter or the supply, and the provisions of section 6 shall apply.

(4) Water

- (a) The Council will serve a written notice on customers with conventional water meters in respect of which municipal service accounts are in arrears, stating its intention to restrict the water supply within a set number of days as contemplated in section 4 of the Water Services Act, 1997 (Act No. 108 of 1997) and/or the Water By-laws.
- (b) The water supply to customers with conventional water meters referred to in section 5(4)(a), will be restricted after the period of the notice issued in terms of section 5 has lapsed. Such customers will be charged the applicable reconnection fee.
- (c) In cases where water supply is to be restricted or disconnected, Council may install a variable flow-restricting device to facilitate future reconnections and restrictions. The full service will not be re-instated before the municipal service account is paid in full or satisfactory arrangements in terms of the Credit Management Policy have been made with the Chief Financial Officer, and only for as long as the arrangements are honoured.
- (d) The Council shall not be obliged to sell water to customers with pre-paid meters if their municipal services accounts are not paid in full or unless satisfactory arrangements in terms of section 7 have been made with the Chief Financial Officer, and then only for as long as those arrangements are honoured.
- (e) Where possible, all disconnected or restricted water meters will be clearly marked to avoid restricted or disconnected meters being reported as faulty.
- (f) Standby plumbers, meter readers and contractors are not permitted to restore any service to customers without written authorisation from the Council's Credit Control Section.
- (g) In cases where water leaks are discovered on the customer's side of the water meter and he or she does not act timeously to rectify the problem, a variable flow-restricting device will be installed to curb water losses and to limit the amount of water to be charged to the customer.

Tampering

- (1) Where an electrical or water supply is found to have been tampered with or the meter bypassed, the Council may, subject to these by-laws and other applicable legislation, isolate or disconnect the relevant supply, and charge the customer the applicable tampering fee, calculated amounts due as well as a reconnection fee in instances where the supply had been isolated and a connection fee in instances where the supply has been removed.
- (2) In instances where there is evidence of a discrepancy between the electricity consumption and purchase history of a specific property, transgressors will be dealt with in the following manner:
 - (a) Subject to paragraph (b), supply will be isolated at point of supply in instances of a first offence and removed in instances of subsequent offences.
 - (b) A written notification will be given to the customer, informing him or her of isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.
- (3) In instances where physical tampering with the electricity supply is detected, transgressors will be dealt with in the following manner:
 - (a) Supply will be isolated immediately in instances of a first offence and removed in instances of a second or subsequent offence.
 - (b) A written notification will be given to the customer, informing him or her of the isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.
- (4) In addition to the provisions of this by-law, the Council may enforce any other rights or exercise any power conferred upon it by the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), Water Services Act, 1997 (Act No. 108 of 1997), the Council's Water By-laws, the Electricity Act, 1987 (Act No. 41 of 1987), the Council's Electricity By-laws and any other applicable legislation.

Agreements and arrangements with consumers in arrear

- (1) The Chief Financial Officer or his delegate is authorised to enter into agreements with consumers in arrear with their accounts and to grant such persons extensions of time for payment.
- (2) The Chief Financial Officer may determine, on the merits of each case, the initial amount to be paid as part of such agreement, as well as the number of instalments over which the arrear amount must be paid off and the term over which payment is to be made. Such term may not exceed 24 months.
- (3) The Chief Financial Officer may, in exceptional cases and with the approval of the Municipal Manager, extend the period of repayment referred to in section 7(2).
- (4) In instances where the Chief Financial Officer is satisfied, at the time of making arrangements and after investigation, that a *bona fide* customer cannot reasonably afford the payment of services, such customer's details will be recorded and further legal steps against such customer will either be deferred or waived, as the Chief Financial Officer may decide.

Acknowledgement of debt

- (1) Only debtors with positive proof of identity or an authorised agent with a power of attorney will be allowed to complete an acknowledgement of debt agreement.
- (2) An acknowledgement of debt agreement must contain all arrangements for paying off arrear accounts. One copy of the document will be handed to the customer and another filed at the Council's Management Section.
- (3) A customer who has already been summonsed by the Council's attorneys may apply for credit facilities. However, all legal costs already incurred will be for his or her account and an initial payment of at least half of the total resultant outstanding debt will be required. The customer must also sign an acknowledgement of debt, which will include legal fees due.
- (4) Failure to honour the acknowledgement of debt agreement will lead to immediate blocking, disconnection or restriction of services without further notice, and the resumption of legal action.
- (5) In all instances where the customer in arrears is employed, the Council may obtain a voluntary garnishee order or emolument attachment order.

9. Interest on arrears

- (1) Interest will be charged on service arrears at an interest rate as determined by the Council, or in the absence of any such determination, as prescribed by law.
- (2) Interest will be charged on arrear property tax as prescribed in the applicable legislation.

10. Hand-overs

- (1) The Council will issue a final demand in respect of all customer accounts reflecting an amount outstanding for longer than 30 days and, if such account still reflects an amount in arrears after 60 days, it will be handed over for collection by external debt collection specialists.
- (2) The Chief Financial Officer must investigate ways and means of assisting customers before attaching movable or immovable property.

11. Customer may not selectively nominate payment

A customer is not entitled to allocate any payment made to any portion of the total debt due. The allocation of payments will be made by the Chief Financial Officer.

12. Transfer of property

- (1) A certificate in terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) will only be issued upon payment of a deposit determined by the Chief Financial Officer in terms of subsection (2), provided that this subsection does not apply in instances referred to in section 118(4) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (2) The amount of the deposit referred to in subsection (1) will be four (4) times the average of the municipal account for the three (3) months preceding the application for the certificate. In the absence of a three-month history, the deposit will be determined by the Chief Financial Officer.
- (3) Upon registration of transfer of the property, the account will be reconciled by the Chief Financial Officer and any excess amount refunded to the applicant.

13. Authority to appoint debt collection specialists

The Chief Financial Officer has the authority to appoint debt collection specialists and to enter into agreements with such agencies in terms of the Contingency Fee Act, 1997.

14. Relief measures for pensioners or indigent support

- (1) The Council may grant a rebate on property tax to persons who own and occupy property if they submit a written request annually and they can prove to the satisfaction of the Chief Financial Officer that they comply with the following requirements:
 - (a) The applicant must be a ratepayer of 60 years or older or be a *bona fide* pensioner
OR
a ratepayer receiving a disability pension from the public or local government service or from a registered pension or provident fund
OR
on an indigent support scheme in terms of the Credit Control and Debt Collection By-laws.
 - (b) The applicant must be the owner of the residential property in question and the property must be registered in his or her name (Bodies Corporate do not qualify).
 - (c) The total annual income of the applicant is not more than an amount pre-determined by the Council.
 - (d) The applicant must provide a sworn affidavit stating that —
 - (i) the declared income is the sole source of income to the pensioner;
 - (ii) his or her income does not exceed the amount in paragraph (c); and
 - (iii) he or she permanently occupies the residential property.
- (2) All applications must be submitted before a pre-determined date and no applications received after this date will be considered.
- (3) A new application must be made for each financial year.
- (4) The percentage rebate mentioned in subsection (1)(a), the maximum income limit mentioned in subsection (1)(c) and the closing date for applications mentioned in subsection (2), will be determined each year at the approval of the budget, and must be advertised afterwards.

15. Repeal

The by-laws relating to Credit Management for the Kwa Sani Local Municipality, are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

No. 43, 2004

22 kuNtulikazi 2004

UMKHANDLU kaMasipala waKwaSani ngokwesigaba 256 soMthethosisekelo, 1996 (uMthetho 108 ka 1996), ufundwa nesigaba 11, soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo, eyoqala ukusebenza ngosuku lokushicilelwa kwalesi saziso.

**UMASIPALA WAKWASANI
IMITHETHODOLOBHA YAMATHUNA**

IZINCAZELO

Ngaphandle uma ingqikithi isho okwehlukile —

- “umuntu omdala” kusho noma yimuphi umuntu oshonile oneminyaka engaphezu kweyi-12, ibhokisi lakhe elizolongana umgodi wethuna elibekwe lwe abantu abadala ngokwesigaba 28(1);
- “umlotha” kusho izinsalela zomzimba emva kokuba ushisiwe;
- “berm” kusho unqenqema lukasimende olubekwe lwayimigqa nguMasipala oluhlukanisa amathuna;
- “unogada” kusho umuntu osesikhundleni sikanogada noma sikansumpa wanoma yimaphi amathuna noma obambe kuleso sikhundla esebenzela uMkhandlu;
- “emathuneni” kusho noma yisiphi isiqephu sendawo asibekwe nguMkhandlu endaweni kaMasipala ngenhloso yokuba ngamathuna omphakathi;
- “ingane” kusho noma yimuphi umuntu oshonile oneminyaka eyi-12 noma ngaphansi ibhokisi lakhe eliyokwenela emgodini obekelwe izingane ngokwegaba 28(1);
- “uMphathi kaMasipala” kusho uMphathi kaMasipala woMkhandlu nanoma yimuphi omunye umuntu osebenza ngokwamandla anikezwe wona;
- “inkontileka” kusho umuntu okhokhelwe noma yiziphi izintela, noma othole ilungelo lanoma yimuphi umsebenzi wokuvula itshe noma lokwenza itshe noma othole noma yiliphi elinye ilungelo okukhulunywe ngalo kule Mithethodolobha;

"uMkhandlu" kusho uMasipala waKwaSani kanye nabawulandela ekuphatheni ngokusemthethweni kubandakanya noMkhandlu kaMasipala noma iKomidi eliPhethe lanoma yimuphi umgwamanda osebenza ngokwamandla eliwanikezwe ngokomthetho, kanjalo nanoma yisiphi isiphathimandla iKomidi eliPhethe elisinikeze amandla kanye nemisebenzi mayelana nale Mithethodolobha;

"ukushiswa" kusho ukushiswa kwanoma yimuphi umzimba womuntu noma izinsalela kube ngumlotha;

"itshe lethuna" kusho okwakhiwe lapho kunamathiselwa khona ikhanda letshe lethuna;

"isitsha esisetshenziwa emathuneni" kusho isitsha okufakwa kuso umlotha wesidumbu esishisiwe ubukhulu baso obungamamilimitha angama-75 x 185 x 110;

"insimu yesikhumbuzo" kusho inxenye yamathuna, ebekelwe ukuchithwa komlotha wesidumbu esishisiwe;

"ithuna" kusho noma yiliphi ithuna emathuneni umuntu athole imvume maqondana nalo yokungcwaba umzimba womuntu oyedwa kulo;

"isiPhathimandla sezeMpilo" kusho isiPhathimandla sezeMpilo soMkhandlu nanoma yimuphi omunye muntu osebenza kuleso sikhundla ngokwano yimaphi amandla anikezwe wona;

"isithebe setshe lesikhumbuzo" kusho isithebe esingamamilimitha angama-35 x 210 x 12 esakhiwe ngemabuli esinamathiselwa odongeni lwetshe lesikhumbuzo phezu kwengosi;

"udonga lwetshe lethuna" kusho udonga olunezingosi ezibekelwe ukugcina umlotha wesidumbu esishisiwe okunamathiselwa kuso izithebe kuphela;

"umsebenzi wesikhumbuzo" kusho itshe lesikhumbuzo, ucingo, umbhalo wesikhumbuzo nanoma yini enye efakwe kunoma yiliphi ithuna;

"umasipala" kusho uMasipala waKwaSani;

"ingosi" kusho umgodi omfishane odongeni lwetshe lesikhumbuzo oqukethe isitsha esingamamilimitha angama-385 x 185;

"uMbhalisi weziFo" kusho noma yimuphi umuntu oqokwe nguHulumeni weRiphabhliki yaseNingizimu Afrika ukuthi abhalise izifo;

"isakhamuzi" kusho umuntu, ngesikhathi eshona, obeyisakhamuzi endaweni eyenganyelwe nguMasipala, ngaphandle kweziboshwa ezisezibhedlela, ezikhungweni, kanye nanoma yibaphi abantu abahleli okwesikhashana endaweni eyenganyelwe nguMasipala; kanti

"intela" kusho imali ekhokhwayo njengoba kunqume uMkhandlu ngezikhathi ngezikhathi.

ISAPHLUKO 2

OKWEJWAYELEKILE

1. Ukusungulwa kwamathuna

UMkhandlu ungabeka noma iyiphi indawo ngenhloso yokuthi kungcatshwe kuyo futhi akukho muntu oyovunyelwa ukugonqa umfana kunoma iyiphi ndawo.

2. Amahora avumelekile okuvakasha

Wonke amathuna ayovulelwa umphakathi ngala mahora alandelayo: uMsombuluko kuze kube uMgqibelo: 7:30 kuya ku 16:00 bese kuthi ngamaSonto nangamaHolide oMphakathi: 8:00 kuya ku 16:00. UMkhandlu uyoba negunya lokuvala amathuna omphakathi noma inxenye yawo ngezikhathi ozibona zifanele.

3. Ukubekisa amathuna

(1) Akukho muntu, ngaphandle kwemvume ebhaliwe yoMkhandlu, oyothengisa noma oyodlulisela kunoma yimuphi omunye umuntu noma yiliphi ilungelo eliphathelene nethuna elitholakele ngokwale Mithethodolobha. Uma uMkhandlu unikeza imvume yalokho kudluliselwa, kuyokweyama emibandelelni yokuthi konke ukudluliselwa kwamalungelo aphaathelene nethuna elibekisiwe ayabhaliswa ngunogada kuthi imali yokubhalisa njengoba inqunywe nguMkhandlu iknokhwe kuMqondisi wezeziMali yinkontilaka enstha.

(2) Noma yimuphi muuntu obekise ithuna owehluleka ukusebenzisa lelo thuna esikhathini esiyiminyaka engama-50 kusukela ngosuku lokubekisa, noma okhohlwa ukwazisa uMkhandlu ukuthi akasazimisele ukusebenzisa ithuna, ngalokho unika umkhandlu ilungelo lokuthengisa ithuna. Izimali ezikhokhwayo njengoba zinqunywe nguMkhandlu ziyokhokhwa maqondana namathuna athengisiwe.

(3) Umkhandlu angeke uphoqekeke ukubuyisa noma yiziphi izimali ezikhokhiwe maqondana nethuna elithengisiwe ngokwesigatshana (2).

4. Imicimbi yezenkolo

Kweyame kwizihlinzeko zale Mithethodolobha, amalungu anoma yiliphi ibandla lezenkolo angenza imicimbi yezenkolo maqondana nanoma yini ephathelene nomgcwabo kweyame ekutholeni imvume ebhaliwe eMkhandlini.

5. Amapulani amathuna, iziza kanye nezingosi

Amapulani akhombisa amathuna ehlukeni kanye nezingosi akhona agcinwe emahhovisi oMkhandlu ukuthi ahlolwe mahhala.

6. Izikhalo

Noma yimuphi umuntu ofisa ukufaka isikhalo mayelana nesimo noma ngokuphathwa kwamathuna angafaka isikhalo ngokubhaliwe kuMphathi kaMasipala.

7. Izintela

Izintela njengoba zinqunywe nguMkhandlu, ziyokhokhwa eMkhandlini ngemisebenzi eyenziwe ngokwale Mithethodolobha.

8. Isaziso semvume

Noma iyiphi imvume ebhaliwe, isaziso noma umyalelo okukhishwe nguMkhandlu ngokwale Mithethodolobha, kuyosayinwa nguMphathi kaMasipala noma ngogunyazwe nguye futhi kuyoba ngubufakazi obuyiqiniso balokho.

9. Imiyalelo kaNogada

Wonke umuntu obambe iqhaza kunoma yimuphi umngcwabo emathuneni uyothobela imiyalelo kanogada ophethe.

10. Izimbali

Unogada angasusa izimbali ezibekwe emathuneni uma, ngokubona kwakhe sezibunile.

ISAPHLUKO 3

IZITHIBELO

11. Izingane

Akukho muntu oneminyaka eyi-12 ongangena kunoma yimaphi amathuna engagadiwe ngumuntu omdala.

12. Ukuhamba endleleni yezinyawo

Ngaphandle kwezizathu ezivunyelwe yile Mithethodolobha, bonke abantu bayosebenzisa imigwaqo, izindlela zezinyawo ezikhonkiwe okuhlinzwe emathuneni.

13. Ukungena nokuphuma emathuneni

Akukho muntu oyongena noma aphume emathuneni ngaphandle kwezindawo ezivumelekile ezihlinzekiwe.

14. Ukuwenziwa kwemisebenzi

Akukho muntu oyosebenzisa noma yimuphi umgwaqo, indlela noma indawo notshani emathuneni ngenhloso yokuthutha izimpahla, amaphasela kanye nokunye ngaphandle uma kuzosetshenziswa emathuneni.

15. Okungavumulekile emathuneni

(1) Akukho muntu —

- (a) oyodala inkathazo kunoma yimaphi amathuna;
- (b) oyogibela ngayinoma iyiphi imoto, isilwane, ibhayisikili, noma imishebelengwane enamasondo;
- (c) oyovumela noma yisiphi isilwane ukuba sizulazule emathuneni;
- (d) oyotshala, asike, akhe noma asuse nanoma yisiphi isitshalo, isihlahla noma imbali ngaphandle kwemvume kanogada;
- (e) oyobamba iqhaza embhikishweni kunoma yimaphi amathuna;
- (f) oyothikameza, oyokwenqaba noma oyophikisa unogada nanoma yisiphi isiphathimandla esiqashwe nguMkhandlu ekwenzeni imisebenzi yaso, noma oyonqaba ukuhambisana nanoma yimuphi umyalelo noma isicelo unogada anelungelo lokuwubeka ngokwale Mithethodolobha;
- (g) oyodweba noma oyobeka uphawu ezindongeni noma oyobeka imikhangiso ezakhiweni, ocingweni, emasangweni noma ematsheni nakunoma yini ekhona emathuneni noma one nangayiphi indlela;
- (h) oyohlala, ame noma agibele kunoma yiliphi itshe elisemathuneni, isango, udonga, ucingo noma isakhiwo kunoma yimaphi amathuna;
- (i) oyohlala kunoma yimaphi amathuna noma inxenye yawo ngaphambi noma emva kwamahora okusebenza abalulwe esigabeni 3 noma nganoma yisiphi isikhathi uma esevalelwe umphakathi; futhi
- (j) ngaphandle kwemvume ebhaliwe yoMkhandlu, aqhube noma yiliphi ibhizinisi, umyalelo, umbukiso noma asabalalise noma yini, amakhadi asemsebenzini noma imikhangiso emathuneni noma endaweni yokungena emathuneni.

16. Ezingxubevange

- (1) Akukho muntu oyolahla isidumbu noma yingayiphi enye indlela ngaphandle kokusingwaba emathuneni noma asishise endaweni yokushisa isidumbu evunye ngokwezihlinzeko zoMthetho wamaThuna nokuShiswa kweziDumbu waKwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996).
- (2) Akukho muntu oyothola noma yiliphi ilungelo noma intshesekelo lanoma yimuphi umhlaba noma ithuna kunoma yimaphi amathuna, ngaphandle kwalowo malungelo angatholakala ngokwale Mithethodolobha.

17. Ukuveza obala/Ukuqungquluza

Akukho muntu oyodlulisa isidumbu esingamboziwe, noma aveze obala leso sidumbu nanoma iyiphi enye inxenye yaso noma asuse isivalo sebhokisi lapho lesi sidumbu sibekwe khona, kunoma yisiphi isitaladi, amathuna noma indawo yomphakathi.

18. Umculo ngaphakathi emathuneni

Akukho mculo onomsindo oyodlalwa emathuneni ngaphandle kwemvume yoMkhandlu, ngaphandle koMbuso, uMbutho wamaPhoyisa noma umngwabo wombutho wamasosha.

19. Ukusetshezniswa kweNdlu yokuSonta noma koMpheme

Akukho muntu ngenhloso yokungcwaba oyosebenzisa noma iyiphi indlu yokusontela noma umpheme okusemathuneni isikhathi esingaphezu kwemizuzu engamashumi amane nanhlano.

20. Amahora okungcwaba

Akukho mngwabo oyoqala ngaphambi kwehora lesishiyagalolunye ekuseni (9:00) noma emva kwehora lesine ntambama (16:00) ngayinoma yiluphi usuku ngaphandle kokuthola imvume yoMkhandlu ngaphambi.

21. Isibalo samathuna

Akukho muntu oyobeka isigxotshana kunoma yiliphi ithuna elingakhishiwe ngendlela efanele nguMkhandlu futhi akukho muntu oyongcwaba isidumbu kunoma yiliphi ithuna okubekwe kulo isigxotshana esinenombolo esingafakiwe ngokusemthethweni.

22. Ukungcola nokulimaza amathuna

Akukho muntu noma yingasiphi isikhathi oyoshiya noma yimuphi udoti, umhlabathi, itshe nanoma iyiphi enye imfucuzo emathuneni noma ngendlela elimalaza noma iyiphi inxenye yamathuna nanoma yini ekhona lapho.

23. Isimo sezulu esingelahle

Akukho muntu oyofaka noma abeke noma yiliphi itshe lesikhumbuzo nokunye ngesikhathi isimo sezulu singekahle noma uma umhlabathi, ngokubona uMkhandlu, ungekho sesimeni esihle.

24. Ukunyakaziswa kwezinsalela zesidumbu

Kweyame kwizihlinzeko zokuvunjuluwa kwesidumbu okukhishwe ngoMthetho wokuHlolwa kweziDumbu, 1959 (uMthetho No. 58 ka 1959) nanoma yikuphi okunye ukuchitshiyelwa kwawo; noma isigaba 20 soMthetho wamaThuna nokuShiswa kweziDumbu waKwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996) nanoma yikuphi ukuchitshiyelwa kwawo; nanoma yimuphi olunye uhlinzeko lwanoma yisiphi esinye isenzo esiphathelelene nokuvunjululwa kwezidumbu, akukho muntu uyophazamisa noma yiziphi izinsalela zesidumbu nanoma yimuphi omunye umhlaba osizungezile kunoma yimaphi amathuna.

ISIAHLUKO 4**IMINGCWABO****25. Ukufaka isicelo sokuthola imvume yokusebenzisa ithuna**

- (1) Noma yimuphi umuntu ofisa ukungcwaba isidumbu noma izinsalela zesidumbu ethuneni uyoletsa ifomu elifanele kunogada ngaphambi kwe-sikhathi somngcwabo. Isihlobo noma umuntu oyisihlobo esiseduze uyosayina isicelo sokungcwaba.
- (2) UMkhandlu, ekukhokhweni kwezimali ezifanele, ungakhipha igunya lokusebenzisa noma yiliphi ithuna elibekelwe ukungcwaba kunoma yimuphi umuphi ofake isicelo ngokwesigatshana (1).
- (3) Akukho sidumbu noma zinsalela zesidumbu okuyongcwatshwa kunoma yimaphi amathuna ngaphandle kwemvume kanogada. Le mvume iyonikezwa kuphela ekulethweni kwewadi yokungcwaba ebhaliwe, yasinwa nguMbhalisi weziFo egunyaza ukungcwaba, nasekulethweni kwaleso sazi sokungcwaba. Njalo lapho kuhlolwe khona isidumbu, umyalelo wemantshi uyoletshwa kunogada.
- (4) UMkhandlu, uma uceliwe, uyongcwaba ngayinoma yimuphi umuntu mahhala, noma ngokwezihlinzeko zanoma yimuphi umthetho okhona.

26. Ukushintshwa kosuku lokungwaba

Uma ngabe kunezinguquko ezikhona esukwini noma esikhathini esasibekelwe umngcwabo, isaziso saloloshintsho siyonikezwa unogada okungenani emahoreni angama-24 ngaphambi kwalowo mngcwabo. Ngezinhloso zalesi sigaba, isaziso samahora angamahora angama-48 kumele sikhishwe uma lesi samahora angama-24 okukhulunywe ngaso sibandakanya iSonto noma inxenywe yalo.

27. Ubungakho bamathuna kanye nemigodi yamathuna

- (1) Ubukhulu isiza sethuna lomuntu omdala buyoba ngamamilimitha ayi-2500 x 1500 kuthi elengane libe ngamamilimitha ayi-1500 x 1000.
- (2) Ubukhulu bomgodi wethuna lomuntu omdala kuyoba ngamamilimitha ayi-2200 ubube kuthi ububanzi bube ngamamilimitha angama-900 bese kuthi eyelengane ibe ngamamilimitha ayi-1200 ubude kuthi ububanzi bube ngamamilimitha angama-700.
- (3) Noma yimuphi umuntu ofuna ukungwaba umuntu omdala ethuneni elinomgodi enkulu kunaleyo ebekiwe, ngesikhathi efaka isicelo sokungwaba, uyobalula ubukhulu bebhokisi kanye nokufakiwe. Imali efanele yokwengeza umgodi iyokhokha eMkhandlwini njngoba kunqunywe ezinteleni.

28. Uma ibhokisi lengane lilikhulu kakhulu

Uma kwenzeka ibhokisi lengane liba likhulu kakhulu kunomgodi wethuna lengane, liyobekwa ethuneni limuntu omdala futhi kuyokhokha imali yokungwaba umuntu omdala.

29. Ukudepha kwethuna

Akukho thuna lomuntu omdala eliyoba ngaphansi kwamamilimitha ayi-1800 nelengane aliyoba ngaphansi kwamamilimitha ayi-1500 ukudepha.

30. Ukugqiba

Kuyoba nomhlathi okungenani ayimitha elilodwa (1 m) phakathi kwebhokisi nomhlaba. Lapho kungcwatshwa abantu abaningi emgodini owodwa kumele kushiye amamilimitha angama-300 phakathi kwebhokisi.

31. Amabhokisi emathuneni

Akukho muntu oyobeka ibhokisi elakhiwe nganoma yini enye ngaphandle kokhuni oluthambile noma uhlobo olucishe lufane oluvunywe ngumkhandlu, ngaphandle uma kubekwe ngenye indlela komunye umthetho.

32. Isibalo sezidumbu ethuneni elilodwa

Angeke kungcwatshwe izidumbu ezingaphezu kwezimbili ethuneni elilodwa ngesikhathi esisodwa.

33. Ukubekiswa kwamathuna

Noma yimuphi umuntu ofisa ukubekisa ithuna noma uma kwenzeka eshona abekelwe ithuna eliseduzane, uma likhona, uyothola ilungelo, ekukhokheni imali enqunywe ezinteleni, lokusebenzisa lelo thuna ngesikhathi esizayo.

34. Ukungwaba okwesibili

- (1) Noma yimuphi umuntu ofisa ukufaka isicelo sokungwaba okwesibili ethuneni elilodwa angenze njalo emva kwesikhathi esiyiminyaka emibili kusukela ngosuku okungcwatshwa ngalo, inqobo nje uma ithuna lambiwa alshona ngaphambi noma ngesikhathi kulungiselwa ukungwaba kokuqala.
- (2) Umfakisicelo ofisa ukungwaba isidumbu sesibili —
 - (a) uyofaka isicelo efomini elinqunywe okungenani esikhathini esingamahora angama-24 ngaphambi komngcwabo; futhi
 - (b) uyosusa noma yiliphi itshe lesikhumbuzo kulelo thuna ngezidleko zakhe futhi ahambisane nanoma yiziphi izidingo ezibekwe ngunogada mayelana nalokho.

ISIAHLUKO 5**IUMLOTHA****35. Ukuthola izingosi**

Kweyame kwizihlinzeko zale Mithethodolobha, umuntu angathola ingosi emathuneni, uma ikhona, ngokukhokha imali enqunywe.

36. Ukungcwatshwa komlotha

- (1) Kweyame kwizihlinzeko zale Mithethodolobha, umlotha ungancwathwa ethuneni emathuneni futhi konke okunqunywe kanye nezimali okumele zikhokhwe ngokwale Mithethodolobha okuphathlene nokungcwatshwa kwesidumbu ethuneni ziyaguquguquka.
- (2) Akokho mlotha oyongcwatshwa ethuneni ngaphandle kokuba uMkhandlu ugcusisekile ukuthi ngumlotha wesidumbu somuntu esishisiwe futhi kudingeka ukuthi kulethwe umbhalo ophathelene nalokho.
- (3) Umlotha ongcwatshwe ethuneni uyobekwa esitsheni sokungwaba.
- (4) Kuyoba namamilimitha okungenani ayikhulu (100 mm) phakathi kwesitsha esinomlotha kanye nomhlaba.
- (5) Kweyame kwizihlinzeko zale Mithethodolobha, ukungcwatshwa komlotha ethuneni eselike lasetshenziselwa ukungwaba, kungenzeka mahhala.

37. Ukubekwa komlotha oDongeni lwesiKhumbuzo noma eNsimini yesiKhumbuzo

- (1) Noma yimuphi umuntu ofisa ukubeka isitsha esinomlotha esiqukethe izinsalela zesidumbu esishisiwe engosini oDongeni lwesiKhumbuzo noma eNsimini yesiKhumbuzo uyoletsha isicelo, esiphelezela yiSitifiketi sikuShiswa, ngokubhaliwe noma efomini elinqunywe, kunogada. Uma unogada egculisekile ukuthi isignesha yesihlobo esiphilayo angeke itholakele ngokushesha, ngokubona kwakhe, anganikeza imvume esicelweni esisayinwe ngomunye umuntu.
- (2) Noma yimuphi muuntu ofake isicelo ngokwesigatshana (1) uyokhokha imali enqunywe njengoba inqunywe nguMkhandlu.

38. Ukuhlolwa komlotha

- (1) Akukho muntu oyovumbulula umlotha kunoma yiliphi ithuna ngaphandle kwemvume ebhaliwe noma ngaphandle kokuhambisana nanoma yimphi imibandela ebekwe nguMkhandlu.
- (2) Isicelo sokuvumbulula umlotha siyoletshwa eMkhandlwini okungenani esikhathini esingamahora ayisishiyagalombili ngaphambi kokuvunjululwa.

39. Ukuchithwa komlotha

Ukuchithwa komlotha endaweni eyehlelayo noma eNsimini yesiKhumbuzo kuvunyelwe ngemume ebhaliwe yoMkhandlu.

ISIAHLUKO 6**UKUVUNJULULWA KWEZIDUMBU KANYE NOKUVULWA KABUSHA KWAMATHUNA****40. Ukuvunjululwa**

- (1) Kweyame kwizihlinzeko zale Mithethodolobha kanye nanoma yimuphi omunye umthetho, akukho thuna eliyovulwa kabusha ngaphandle kwemvume yoMkhandlu.

Ukungena nokuphuma emathuneni

Akukho muntu oyongena noma aphume emathuneni ngaphandle kwezindawo ezivumelekile ezihlinzekiwe.

Ukuwenziwa kwemisebenzi

Akukho muntu oyosebenzisa noma yimuphi umgwaqo, indlela noma indawo notshani emathuneni ngenhloso yokuthutha izimpahla, amaphasela kanye nokunye ngaphandle uma kuzosetshenziswa emathuneni.

Okungavumlekile emathuneni**(1) Akukho muntu —**

- oyodala inkathazo kunoma yimaphi amathuna;
- oyogibela ngayinoma iyiphi imoto, isilwane, ibhayisikili, noma imishebelengwane enamasondo;
- oyovumela noma yisiphi isilwane ukuba sizulazule emathuneni;
- oyotshala, asike, akhe noma asuse nanoma yisiphi isitshalo, isihlahla noma imbali ngaphandle kwemvume kanogada;
- oyobamba iqhaza embhikishweni kunoma yimaphi amathuna;
- oyothikameza, oyokwenqaba noma oyophikisa unogada nanoma yisiphi isiphathimandla esiqashwe nguMkhandlu ekwenzeni imisebenzi yaso, noma oyonqaba ukuhambisana nanoma yimuphi umyalelo noma isicelo unogada anelungelo lokuwubeka ngokwale Mithethodolobha;
- oyodweba noma oyobeka uphawu ezindongeni noma oyobeka imikhangiso ezakhiweni, ocingweni, emasangweni noma ematsheni nakunoma yini ekhona emathuneni noma one nangayiphi indlela;
- oyohlala, ame noma agibele kunoma yiliphi itshe elisemathuneni, isango, udonga, ucingo noma isakhiwo kunoma yimaphi amathuna;
- oyohlala kunoma yimaphi amathuna noma inxenywe yawo ngaphambi noma emva kwamahora okusebenza abalulwe esigabeni 3 noma nganoma yisiphi isikhathi uma esevalelwe umphakathi; futhi
- ngaphandle kwemvume ebhaliwe yoMkhandlu, aqhube noma yiliphi ibhizinisi, umyalelo, umbukiso noma asabalalise noma yini, amakhadi asemsebenzini noma imikhangiso emathuneni noma endaweni yokungenisa emathuneni.

Ezingxubevange

- Akukho muntu oyolahla isidumbu noma yingayiphi enye indlela ngaphandle kokusingwaba emathuneni noma asishise endaweni yokushisa izidumbu evunywe ngokwezihlinzeko zoMthetho wamaThuna nokuShiswa kweziDumbu waKwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996).
- Akukho muntu oyothola noma yiliphi ilungelo noma intshesekelo lanoma yimuphi umhlaba noma ithuna kunoma yimaphi amathuna, ngaphandle kwalowo malungelo angatholakala ngokwale Mithethodolobha.

Ukuveza obala/Ukuqungquluzwa

Akukho muntu oyodlulisa isidumbu esingamboziwe, noma aveze obala lesi sidumbu nanoma iyiphi enye inxenywe yaso noma asuse isivalo sebho-kisi lapho lesi sidumbu sibekwe khona, kunoma yisiphi isitaladi, amathuna noma indawo yomphakathi.

Umculo ngaphakathi emathuneni

Akukho mculo onomsindo oyodlalwa emathuneni ngaphandle kwemvume yoMkhandlu, ngaphandle koMbuso, uMbutho wamaPhoyisa noma umngwabo wombutho wamasosha.

Ukusetshezniswa kweNdlu yokuSonta noma koMpheme

Akukho muntu ngenhloso yokungwaba oyosebenzisa noma iyiphi indlu yokusontela noma umpheme okusemathuneni isikhathi esingaphezu kwemizuzu engamashumi amane nanzlanu.

Amahora okungwaba

Akukho mngwabo oyoqala ngaphambi kwehora lesishiyagalolunye ekuseni (9:00) noma emva kwehora lesine ntambama (16:00) ngayinoma yiliphi usuku ngaphandle kokuthola imvume yoMkhandlu ngaphambi.

Isibalo samathuna

Akukho muntu oyobeka isigxotshana kunoma yiliphi ithuna elingakhishiwe ngendlela efanele nguMkhandlu futhi akukho muntu oyongwaba isidumbu kunoma yiliphi ithuna okubekwe kulo isigxotshana esinenombolo esingafakiwe ngokusemthethweni.

Ukungcola nokulimaza amathuna

Akukho muntu noma yingasiphi isikhathi oyoshiya noma yimuphi udoti, umhlabathi, itshe nanoma iyiphi enye imfucuzwa emathuneni noma ngendlela elimalaza noma iyiphi inxenywe yamathuna nanoma yini ekhona lapho.

Isimo sezulu esingelahle

Akukho muntu oyofaka noma abeke noma yiliphi itshe lesikhumbuzo nokunye ngesikhathi isimo sezulu singekahle noma uma umhlabathi, ngokubona uMkhandlu, ungekho sesimeni esihle.

Ukunyakaziswa kwezinsalela zesidumbu

Kweyame kwizihlinzeko zokuvunjuluwa kwesidumbu okukhishwe ngoMthetho wokuHlolwa kweziDumbu, 1959 (uMthetho No. 58 ka 1959) nanoma yikuphi okunye ukuchitshiyelwa kwawo; noma isigaba 20 soMthetho wamaThuna nokuShiswa kweziDumbu waKwaZulu-Natali, 1996 (uMthetho No. 12 ka 1996) nanoma yikuphi ukuchitshiyelwa kwawo; nanoma yimuphi olunye uhlinzeko lwanoma yisiphi esinye isenzo esiphathe-lene nokuvunjululwa kwezidumbu, akukho muntu uyophazamisa noma yiziphi izinsalela zesidumbu nanoma yimuphi omunye umhlaba osizungezile kunoma yimaphi amathuna.

INGCWABO**ISIAHLUKO 4****Ukufaka isicelo sokuthola imvume yokusebenzisa ithuna**

- Noma yimuphi umuntu ofisa ukungwaba isidumbu noma izinsalela zesidumbu ethuneni uyoletsa ifomu elifanele kunogada ngaphambi kwe-sikhathi somngwabo. Isihlobo noma umuntu oyisihlobo esiseduze uyosayina isicelo sokungwaba.
- UMkhandlu, ekukhokhweni kwezimali ezifanele, ungakhipha igunya lokusebenzisa noma yiliphi ithuna elibekelwe ukungwaba kunoma yimuphi umuphi ofake isicelo ngokwesigatshana (1).
- Akukho isidumbu noma zinsalela zesidumbu okuyongewatshwa kunoma yimaphi amathuna ngaphandle kwemvume kanogada. Le mvume iyonikezwa kuphela ekulethweni kwenewadi yokungwaba ebhaliwe, yasinwa nguMbhalisi weziFo egunyaza ukungwaba, nasekulethweni kwaleso saziso sokungwaba. Njalo lapho kuhlolwe khona isidumbu, umyalelo wemantshi uyoletshwa kunogada.
- UMkhandlu, uma uceliwe, uyongwaba ngayinoma yimuphi umuntu mahhala, noma ngokwezihlinzeko zanoma yimuphi umthetho okhona.

(1) Kweyame kwizindinzi zale kumbutho kokuba kuyi-
kweyame yomkhandlu.

- (2) Kweyame kwizihlinzeko zale mithethodolobha, akukho muntu oyovumbulula noma adale ukuthi noma yisiphi isidumbu sivunjululwe ngaphandle kwemvume ebhaliwe yesiPhathimandla sezeMpilo nangaphandle kokukhokhwa kwemali yokuvumbulula isidumbu njengoba inqunywe nguMkhandlu ngpahambi kokuvumbulula isidumbu. Leyo mvume iyoletswa kunogada okungenani ezinsukwini ezimbili ngaphambi kosuku olubekelwe ukuvumbulula noma ukususa isidumbu.

41. Ukuvala ngenxa yokuvumbulula isidumbu

Ngesikhathi kuvunjululwa isidumbu, amathuna ayovalwa.

42. Ukusithwa kwemisebenzi

Ithuna okuvunjululwa kulo isidumbu liyosithwa ngendlela efanele ngesikhathi kuvunjululwa isidumbu futhi kuyolethwa okokufaka izinsalela.

43. IsiPhathimandla sezeMpilo siyoba khona

Akukho kuvunjululwa kwesidumbu okuyokwenziwa ngaphandle kokuthi kube khona isiPhathimandla sezeMpilo noma kosimele ogunyawe yiso.

44. Ukususwa kwesidumbu kwelinye ithuna siya kwelinye nguMkhandlu

Kweyame kwizihlinzeko zale Mithethodolobha kanye nanoma yimuphi omunye muthetho okhona, uMkhandlu ungasusa isidumbu kwelinye ithuna usiyise kwelinye.

ISIAHLUKO 7

UKUNAKEKELWA KWAMATHUNA

45. Okujwayelekile

- (1) Akukho sikhahla noma sitshalo esingatshalwa emathuneni ngaphandle kwemvume yoMkhandlu futhi uMkhandlu ungazinqumela ngokwayo, umbe noma ususe noma yisiphi isikhahla, isitshalo noma imbali nganoma yisiphi isikhathi.
- (2) Akukho muntu ongalretha emathuneni, agxumeke, ashintshe, ahlanze, alungise, ahlobise, asuse noma enze noma yini ngetshe lesikhumbuzo noma asuse noma yini ebhalwe kulo ngaphandle kokuthola imvume yoMkhandlu.

46. Indawo lapho kumele kufakwe khona itshe lesikhumbuzo

Akukho muntu oyofaka noma yini yesikhumbuzo kunoma yiliphi ithuna endaweni engakhonjanga ngunogada noma engavumelekile ngkwale Mithethodolobha.

47. Ukukhandwa kwetshe lesikhumbuzo

Uma usonkontileka edala ukuthi itshe lesikhumbuzo liwe noma libange ingozi emathuneni nganoma iyiphi indlela, umkhandlu ungamcela ukuthi alungise umonakalo. Uma lokho kulungiswa okudungekayo kungenziwa sikhathini esingangenyanga kutholakele leso saziso, umkhandlu ungazilungisela noma ususe itshe lesikhumbuzo ngaphandle kokukhokha noma yisiphi isinxephezelo noma kokukhokhela izindleko usonkontileka angene kuzo.

48. Ukuqashwa komsebenzi

Noma yimuphi umuntu owenza noma yimuphi umsebenzi kunoma yimaphi amathuna uyokwenza lowo msebenzi eqashiwe nangokugculiseka kukanogada.

49. Ukulinyazwa kwamatshe amathuna

UMkhandlu angeke uvumele umthwalo wanoma yikuphi ukulimala kwamathuna okwenziwe noma okungenziwa okungadlawanga ubededengu babasebenzi boMkhandlu.

50. Ukususwa kwetshe lesikhumbuzo

UMkhandlu, emva kwesaziso, nganoma yisiphi isikhathi, ungashintsha indawo lapho kubekwe khona noma yiliphi itshe lesikhumbuzo kunoma yimpahi amathuna.

51. Ukuletha izinto zokwakha emathuneni

- (1) Akukho muntu oyoletswa noma yiziphi izinto emathuneni ngenhloso yokwakha noma yiliphi itshe lesikhumbuzo kunoma yiliphi ithuna —
- (a) ngaphandle kokuthi ipulani edwetshiwe ekhombisa ubukhulu betshe lesikhumbuzo, umbhalo kanye nendawo lapho lizobekwa khona kulethwe futhi kwamukelwa ngunogada;
- (b) zonke izimali okumele zikhokhwe maqondana nalelo thuna sezikhokhiwe; kanye
- (c) nemvume yoMkhandlu ebhaliwe ikhishiwe mayalana nalokho.

52. Ukususwa kwetshe lesikhumbuzo nguMkhandlu

Noma yiliphi itshe lesikhumbuzo elibekiwe, elakhiwe, elishintshiwe, elipendiwe, ngokwephula le Mithethodolobha noma, ngokubona koMkhandlu, elephula imithetho nezinkolelo zomphakathi, lingasuswa nguMkhandlu emva kwesaziso, ngaphandle kokukhokha noma yisiphi isinxephezelo.

53. Okudingekayo ukuze kufakwe itshe lesikhumbuzo

- (1) Noma yimuphi umuntu ofaka itshe lesikhumbuzo uyohambisana nalokhu okulandelayo:
- (a) Lapho inxenye yanoma yiliphi itshe lesikhumbuzo ixhumene nanoma iyiphi enye inxenye, ikhona noma ezinye izinsimbi, izifaso noma okunye okubukhulu bakho buvunyelwe futhi kukude ngokwanele, iyosetshenziselwa leyo nhloso. Izimbobo okufakwe kuzo okukubamba, izifaso nokunye angeke zibe ngaphansi kwamamilimitha angama-50 ukudepha.
- (b) Noma iyiphi inxenye yaow msebenzi, ehleli emhlabathini noma phezu kwetshe nakunoma yisiphi esinye isisekelo, iyolinganiswa bese yengezwa.
- (c) Amatshe okukhulunywe ngawo esigatshaneni (1) angeke alingane ngobukhulu futhi angeke abe namakhona alinganayo.
- (d) Ingaphansi letshe lesikhumbuzo kumele libekwe okungenani kumamilimitha angama-50 ngaphansi komhlabathi.
- (e) Akukho nqenqema oluyosetshenziswa oluphuma phuzi elingaphezu kwamamilimitha angama-230 ngaphezu komhlaba noma angaphezukwamamilimitha angama-200 ubukhulu.
- (f) Wonke amakhanda ayafakwa kahle ngaphakathi ngekhopho cyindilinga noma nezifaso zensimbi.
- (g) Wonke amakhanda amatshe angamamilimitha ayi-150 ubukhulu ayonanyathiselwa ngokucophelela emzimbeni wetshe ngendlela evumelekile.
- (h) Wonke amatshe esikhumbuzo ayoqedelwa kude ngapambi kokuba alethwe emathuneni.
- (i) Akukho litshe elithambile eliyosetshenziselwa ukwenza itshe lesikhumbuzo futhi itshe lesikhumbuzo liyokwakhiwa ngemabuli nanganoma yiliphi elinye itshe elivunyelwe.
- (j) Lapho kunethuna elilodwa, umzimba wetshe uyokwakhiwa ngetshe eliqinile.
- (k) Akukho muntu oyokwenza noma yimuphi umsebenzi wamatshe noma wokubaza njll. emathuneni ongahlangene noufakwa kwetshe lesikhumbuzo, ngaphandle uma umsebenzi uvunyelwe yile Mithethodolobha.

- (l) Wonke amatshe esikhumbuzo ayoba nesisekelo sikasimende esifanele nekhandla nalapho kuhlalana khona nomzimba wetshe, wonke amajoyinti ayofakwa ngosimende ofanele.
- (m) Lapho itshe lesikhumbuzo linesisekelo emhlabathini, lesi sisekelo angeke sibe ngamamilimitha ngama-900 ububanzi ngamamilimitha angengaphansi kwama-300 x 300.
- (n) Zonke izinhlamvu ezibhalwe etsheni lesikhumbuzo ziyiqoshwa kulo futhi angeke ziphume iqhuzu ngaphezu kwetshe lesikhumbuzo.
- (o) Ngmvume kasonkontileka, igama lolakhile lingafakwa kunoma yiliphi itshe lesikhumbuzo; inqobo nje uma kungekho neminye iminin- ingwane ayofakwa lapho.

54. Izimoto namathuluzi

Noma yimuphi umuntu owenza noma yimuphi umsebenzi emathuneni uyohlinzeka izimoto, amathuluzi kanye nokunye angakudinga.

ISIAHLUKO 8

IZINDAWO ZOKUNGCWABA

55. Ukuhlukaniswa kwamathuna

UMkhandlu unelungelo lokuhlukanisa amathuna ukuthi abe nezindawo zokungcwaba ezingaphezu kweyodwa futhi angabeka indawo yokungcwaba abantu benkonzo ethile.

56. Indawo yesiKhumbuzo

- (1) Izihlinzeko ezilandelayo ziyosetshenziswa eNdaweni yesiKhumbuzo:
 - (a) Akukho muntu, emva kokuphela kwezinsuku ezingama-28 kusukela ngosuku lwanoma yimuphi umngcwabo, oyofaka, oyobeka noma oyoshiya eduze kwanoma yiliphi ithuna noma yiluphi ucingo, isitende sezimbali nanoma yini efana nalokho.
 - (b) Akukho muntu oyobeka noma oyoshiya kunoma yiliphi ithuna noma yini olufana nesitsha sokuhlobisa.
 - (c) Izimbali, noma ngabe eziphilayo noma ngezepulastiki, noma ngabe zibekwe ngesitsha noma zibekwe njongoba zinjalo, noma ngabe imbali yebhokisi, zingabekwa noma zishiywe ethuneni noma yingasiphi isikhathi.
 - (d) Kweyame kwizihlinzeko zesigaba 58, itshe lesikhumbuzo, lingabhalwa ngemvume yomkhandlu, lingafakwa kunoma yiliphi ithuna.
 - (e) Akukho mzimba wetshe oyobekwa ngendlela yokuthi libe ngaphezu komhlaba ngamamilimitha angama-230 pheze komhlaba nanga- mamilimitha angama-200 ukudepha, ngaphandle kwemvume ebhaliwe yoMkhandlu.
 - (f) Akukho mzimba wetshe eliyobekwa ngendlela efanele eliyofakwa ngendlela evumela ukususwa kalula kwekhanda letshe ngaphandle kokulimaza ikhanda letshe kanye nokunye kwetshe okusethuneni.
 - (g) Ubukhulu obuvumelekile betshe lesikhumbuzo ethuneni elilodwa lomuntu omdala ngamamilimitha ayi-2 500 x 1 050.
 - (h) Ubukhulu obuvumelekile betshe lesikhumbuzo ethuneni lababili labantu abandala bungamamilimitha ayi-2 500 x 2 550.
 - (i) Ubukhulu obuvumelekile betshe lesikhumbuzo lengane bungamamilimitha ayi-1 500 x 900.

57. Indawo yokukhangisa

- (1) Lezi zihlinzeko ezilandelayo zisethenziswa endaweni eyaziwa njengendawo yokukhangisa:
 - (a) Ngaphandle kwezinsuku ezingama-28 emva kokungcwaba futhi kweyame esigatshaneni (5), akukho muntu oyofaka, oyobeka noma oyoshiya eduze kwethuna noma yiluphi ucingo, isitende sezimbali, isitsha sokuhlobisa noma yini enye into efana naso; inqobo nje uma ngesikhathi esiyizinyanga eziyisithupha zokuqala emva komngcwabo, izimbali noma ezipulastiki noma eziphilayo, noma ngabe zifakwe esitsheni noma zinjalo noma zihlanganisiwe, noma yingasiphi isikhathi zingabekwa noma zishiywe onqenqemeni noma ekhanda lethuna noma uma kungekho nqenqema oluhlinzekiwe, noma yikuphi ethuneni.
 - (b) UMkhandlu, ngaphandle kokubiza imali, ungaqala futhi ugcine indawo yengadi engamamilimitha angama-300 ububanzi ngaphezu kobubanzi bethuna ngalinye kwinhloko yendawo yokukhangisa.
 - (c) Inhloko yetshe esendaweni yokukhangisa angeke ibe ngaphezu kwamamilimitha ayi-1 070 ngaphezu onqenqema noma komhlaba, njen- goba kungaba njalo, futhi angeke yeqe ububanzi bonqenqema.
 - (d) Ubukhulu besisekelo sekhandla letshe angeke bube ngaphezu kwamamilimitha angama-600 x 250 futhi indawo lapho kubekwe khona isisekelo sonqenqema iyoma ngendlela yokuthi ichopho layo eliseduze nethuna okungenani liyoba ngamamilimitha ayi-120 kusukela onqenqemeni; inqobo nje uma isisekelo sekhandla elifakwe ngaphezu kwamathuna ahlalene singeqile emamilimitheni angama-600 ngobubanzi kodwa asiyukweqa amamilimitha ayi-1 200 x 250.
 - (e) Endaweni yokukhangisa, isitsha esivunye ngonogada noma ivazi ingabekwa emgodini wonqenqema oluhlinzekelwe leyo nhloso. Leyo vazi noma lesi sitsha kumele okungenani sibe ngamamilimitha angama-380 ubude futhi angeke sibe ngaphezu kwesikali esibekiwe.

58. Okudingekayo ukwenza itshe lesikhumbuzo noma indawo yokukhangisa

- (1) Izihlinzeko ezilandelayo ziyosetshenziswa emathuneni esikhumbuzo nasemathuneni eNdaweni yokuKhangisa:
 - (a) Ikhandla letshe lesikhumbuzo liyoba ngamamilimitha ayi-1 500 ubude, amamilimitha angama-910 ububanzi libe ngamamilimitha anga- ma-250 ububanzi obunquma phakathi nendawo.
 - (b) Akukho nqenqema oluyohlukanisa noma yiliphi ithuna futhi akukho khekheba lwasimende oluyokwemboza noma yiliphi ithuna eliy- ovunyelwa.
 - (c) Isisekelo setshe lethuna esifakwe noma esibekiwe phezu kwanoma yiliphi ithuna elilodwa siyoba ngamamilimitha angama-910 x 380 namamilimitha angama-300 (ukudepha) ubukhulu.
 - (d) Isiduku sethuna esifakwe ngaphezu kwethuna elilodwa siyoba okungenani ngamamilimitha angama-910 x 250 x 250 ubukhulu.
 - (e) Isisekelo sanoma yiliphi ithuna elilodwa esifakiwe noma esibekiwe phezu kwamathuna amabili axhumene siyoba okungenani nga- mamilimitha ayi-2130 x 380 namamilimitha angama-300 (ukudepha) ubukhulu.
 - (f) Isiduku sanoma yiliphi ithuna elilodwa esifakiwe noma esibekiwe phezu kwamathuna amabili axhumene siyoba okungenani nga- mamilimitha ayi-1 830 x 250 x 250 ubukhulu.
 - (g) Ukuzo kuhlizekelwe ukufakwa kwenombolo, izimbobo ezimbili ezingamamilimitha ayisithupha ububanzi namamilimitha angama-30 ukudepha ziyokuhlukaniswa ngamamilimitha angama-500 kwenye esisekelweni sethuna ngalinye ngendlela yokuthi zombili izimbobo zibe phakathi nendawo kwisisekelo kube ngamamilimitha angama-40 ukusuka onqenqemeni lwesisekelo sethuna.
 - (h) Itshe lethuna elilodwa angeke lifakwe noma libekwe ngaphezu kwamathuna amabili ancikene.
 - (i) Umkhandlu uyogcina uhlobise, njengoba ubona kufanele mahhala, amathuna ngokutshala izimbali, izihlahla noma utshani.

59. Endaweni lapho kubukwa khona eduze kwanoma amathuna

- (1) Lezi zihlinzeko ezilandelayo ziyosetshenziswa endaweni lapho kubukwa khona amathuna:

- (a) Akukho muntu oyobeka, oyokwakha, oyomisa noma oyotshala, kubandakanya itshe lesikhumbuzo nezimbali, eduze kwanoma yiliphi

ithuna, inqobo nje uma lezo zimbali zingabekwa ethuneni ngenyanga yokuqala emva komngcwabo.

- (b) Noma yini ebekiwe, eyakhiwe, emisiwe noma etshaliwe eduze kwethuna noma ngabe izimbali ezisesethuneni emva kwenyanga kungcwatshiwe, okuphikisana nesigatshana (1), kungasuswa nguMkhandlu noma kushatshalaliswe.
- (c) Ubukhulu obuvumelekile bethuna lomuntu omdala ngamamilimitha angama-2 500 x 1 500 kuthi elengane libe ngamamilimitha ayi-1 500 x 1 000.
- (d) Ubukhulu obuvumelekile bomgodi wethuna lomuntu omdala buyoba ngamamilimitha ayi-2 200 ubude kanti ububanzi buyoba ngamamilimitha angama-900 kuthi elengane libe ngamamilimitha ayi-1 200 ubude ngamamilimitha angama-700 ububanzi.
- (e) Noma yimuphi umuntu odinga ithuna lokungcwaba umuntu omdala elinomgodi omkhulu kunalowo ojwayelekile, ngesikhathi efaka isicelo sokungcwaba, uyocacisa ubukhulu bekhokisi kubandakanya nokufakelwe.
- (f) Isithebe setshe lesikhumbuzo semabuli noma segwadle esiyobekwa eNsimini yesiKhumbuzo siyoba ngamamilimitha angama-305 x 210 x 15 ubukhulu.
- (g) Isithebe setshe lesikhumbuzo esibekwe savundla onqenqemeni lukasimende olubukhulu balo bungamamilimitha angama-355 x 260 x 150 (ubugqinsi) nobude ubuhambisanayo lisuka phansi.
- (h) Izithebe zamatshe amathuna zibekwa phakathi nesitendi sethuna ukuze zonke zenze olayini abaqondile.
- (i) Akukho mavazi noma zitsha eziyokwakhelwa etsheni lesikhumbuzo eliseNsimini yesiKhumbuzo.
- (j) Izimali zikhokhwa njengoba zinqunywe nguMkhandlu.
- (k) Akukho zimali eziyokhokhelwa ukungcwaba okwesibili eNsimini yesiKhumbuzo.
- (l) Kuvunyelwe isithebe setshe lethuna esisodwa sethuna ngalinye eNsimini yesiKhumbuzo.
- (m) UMkhandlu ungenza indawo enjengepaki uyigcine ngendlela efanele.

60. Udonga lweKhumbuzo

- (1) Isitsha somlotha wesidumbu esishiwe singabekwa engosini oDongeni lwesiKhumbuzo, inqobo nje uma —
 - (a) izitsha ezimbili zingabekwa engosini eyodwa;
 - (b) ubukhulu besitsha somlotha bungamamilimitha 175 x 185 x 110; futhi
 - (c) imali enqunywe nguMkhandlu ikhokhiwe.
- (2) Isithebe setshe lethuna semabuli noma segwadle sibekwa engosini, inqobo nje uma isithebe setshe lethuna singeqi emamilimitheni angama-305 x 210 x 15.
- (3) Amavazi ekhopha ephuzi, ekhopha noma ensimbi angabekwa eduze kwetshe lethuna lemabuli noma legwadle, inqobo nje uma isicelo samukelwe nguMkhandlu futhi sihambisana namazinga alandelayo:
 - (a) Ubukhulu bevazi bungamamilimitha angama-40 x 100 futhi yakhiwe ngekhopho noma ngensimbi.
 - (b) Ukufakwa kwevazi: Ivazi iyofakelwa ngekhopho ephuzi, ngekhopho noma ngensimbi okuyisicaba odongeni ngamabawodi amancane. Inxenye engaphezulu eyisithebe sekhopho ephuzi noma sensimbi iyoba yisikwele igobe ngaphambili kunanyathiselwe kuyo ivazi.
 - (c) Ubukhulu besithebe sekhopho ephuzi noma sensimbi sokunamathiselwa amapuleti: amamilimitha angama-20 ububanzi x amamilimitha angama-2 x amamilimitha angama-55 ubukhulu x amamilimitha angama-55 ubude. Isamba sobude bomshweshwe kathayela wokulungiselela ukugobisa kumele ube ngamamilimitha ayi-125.
 - (d) Indawo yokunamathelisa ivazi: Amavazi ayonanyathiselwa kwesokudla sepuleti lesikhumbuzo lemabuli ngezansi kwepuleti elunanyathiselwe maqondana nepuleti lesikhumbuzo. Isikhala esingamamilimitha angama-20 siyoshiywa sivulelekile phakathi lwepuleti lesikhumbuzo kanye nepuleti elinanyathiselwe.

61. Insimu yesiKhumbuzo

- (1) Isitsha esiqukethe izinsalela sezidumbu esishisiwe singabekwa emhlabathini eNsimini yesiKhumbuzo, inqobo nje uma —
 - (a) ubukhulu obuvunyiwe besiza sokungcwaba somlotha wezinsalela zezidumbu eishisiwe singamamilimitha angama - 500 x 500;
 - (b) ubukhulu obuvunyiwe bembobo yokungcwaba yomlotha wezinsalela zezidumbu eishisiwe singamamilimitha angama-400 x 200 x 200;
 - (c) ubukhulu obuvunyiwe bepuleti lesikhumbuzo lemabuli noma legwadle ngamamilimitha angama - 410 x 210 x 15 futhi lingabekwa kulelo eNsimini yesiKhumbuzo;
 - (d) ipuleti lesikhumbuzo libekwa livundle etsheni likasimende obukhulu balo bungamamilimitha angama-420 x 220 x 50 (ukuba wungqinsi) nobude obulingana nomhlabathi;
 - (e) amapuleti esikhumbuzo abekwa phakathi nethuna ukuze agcine eselingana wonke enza umugqa qondile;
 - (f) akukho mavazi abekwe unomphela ayonanyathiselwa kunoma yiliphi itshe lesikhumbuzo eMathuneni;
 - (g) izimali eziyokhokhwa ziyonqunywa nguMkhandlu njalo emva kwesikhathi;
 - (h) akukho zimali ezengeziwe eziyokhokhelwa umngcwabo wesibili eMathuneni; futhi
 - (i) kuvumeleke ipuleti elilodwa esikhumbuzo ethuneni ngalinye eMathuneni.

ISAHLUKO 9

AMACALA NEZINHLAWULO

62. Izinhlawulo

Noma yimuphi umuntu owephula noma yimuphi umhlinzeko wale Mithethodolobha noma owehluleka ukuhambisana nemibandela yanoma yisiphi isaziso esilethwe kuye nguMkhandlu ngokwale Mithethodolobha uyothweswa icala futhi ekulahlweni yicala, uyokhokha inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyisithupha, noma kokubili lokho kukhokha inhlawulo nokuboshwa.

ISAHLUKO 10

UKUCHITHWA KWEMITHETHODOLOBHA/KWEMITHETHONQUBO

- 63. Yonke iMithethodolobha ephathelene nokungcwatshwa kwabantu emenyezwe nguMasipala osewahlakazwa ngalokhu iyachithwa ngosuku lokushicilelwa kwalesi sazo.

THE Council of the Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following Bylaws:

KWA SANI LOCAL MUNICIPALITY

CEMETERY BYLAWS

CHAPTER 1

DEFINITIONS

(1) Unless the context otherwise indicates —

“adult” means any deceased person over the age of 12 years, whose coffin will fit into the grave opening prescribed for adults in section 28 (1);

“ashes” means the physical remains of a body after it has been cremated;

“berm” means a concrete strip laid by the Council along a row of graves;

“caretaker” means the person holding the position of caretaker or superintendent of any cemetery or acting in such capacity in the service of the Council;

“cemetery” means any piece of land duly set aside by the Council within the Municipal area for the purpose of a public cemetery;

“child” means any deceased person of the age of 12 years or younger whose coffin will fit into the grave opening prescribed for children in section 28 (1);

“Municipal Manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“contractor” means the person who has paid any of the tariffs contained in the tariff of charges, or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interests referred to in these BYLAWS.

“Council” means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

“cremation” means the incineration of any human body or remains to ashes;

“foot kerb” means the construction on which a memorial works or headstone is attached;

“funerary urn” means an urn containing the cremated remains with size 175 mm x 185 mm x 110 mm;

“garden of remembrance” means a section of a cemetery, which has been set aside for the interment or scattering of ashes;

“grave” means any grave in a cemetery in respect of which any person has obtained the right of having a single body interred therein;

“Medical Officer of Health” means the Medical Officer of Health for the Council or any other person acting in such capacity or by virtue of any power delegated to him/her;

“memorial plate” means a plate of 305 mm x 210 mm x 12 mm manufactured of granite or marble attached to the memorial wall over niche;

“memorial wall” means a wall with niches set out to preserve the funerary urns against which only memorial plates can be attached;

“memorial work” means tombstone, railing, fence, monument, memorial inscription or other work erected on any grave;

“municipality” means the Municipality of Kwa Sani;

“niche” means shallow recess in memorial wall to contain an urn of 385 mm x 185 mm;

“Registrar of Deaths” means any person appointed by the Government of the Republic of South Africa to register deaths;

“resident” means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of the Municipality; and

“tariff” means fees payable as determined by the Council from time to time.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

CHAPTER 2

GENERAL

1. Establishment of cemeteries

The Council may set aside any land for the purpose of a cemetery and no person shall be permitted to intern a body in any other place.

2. Hours of admission for visitors

Every cemetery shall be open to the public during the following hours; Mondays to Saturday: 07:30 to 16:00 and Sundays and Public Holidays: 08:00 to 16:00. The Council shall have the power to close to the public any cemetery or part thereof for such period as it may deem fit.

3. Reserving of graves

(1) No person shall, without the written consent of the Council, sell or transfer to any other person any right relating to a grave that has been obtained in terms of these BYLAWS. Should the Council consent to such transfer, it will be subject to the conditions that every transfer of the rights relating to a reserved grave be registered by the caretaker and the registration fee as determined by the Council be paid to the Director Finance by the new contractor.

(2) Any person having reserved a grave and failing to use the grave within a period of 50 years from the date of reservation, or omitting to notify the Council that he/she does not intend to use the grave, thus gives the Council the right to sell the grave. The applicable charges as determined by the Council shall be payable in respect of graves sold.

(3) The Council shall not be obliged to refund any charges paid in respect of a grave sold in terms of subsection (2).

4. Religious ceremonies

Subject to the provisions of these BYLAWS, the members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the written consent of the Council.

5. Plans of graves, plots and niches

Plans indicating the different graves and niches available are kept at the Council's offices for inspection free of charge.

6. Complaints

Any person wishing to lodge a complaint concerning the conditions in or the management of the cemetery shall lodge the complaint in writing to the Municipal Manager.

7. Charges / tariffs

The tariff of charges as determined by the Council, shall be payable to the Council for the services rendered in terms of these BYLAWS.

8. Consent notice order

Any written consent, notice or order issued by the Council in terms of these BYLAWS, shall be signed by the Municipal Manager or his authorised representative and shall be *prima facie* evidence thereof.

9. Instructions of caretaker

Every person taking part in any funeral procession or ceremony in the cemetery shall obey the instruction/s of the caretaker officer in charge.

10. Flowers

The caretaker may remove flowers and foliage placed on graves when, in his opinion, they have wilted.

CHAPTER 3**PROHIBITION ORDERS****11. Children**

No person under the age of 12 years may enter any cemetery unless under the supervision of an adult.

12. Keeping to paths/walkways

Except for the purposes permitted by these BYLAWS, all persons shall only use the roads, paved walkways and demarcated turf walkways provided in the cemetery.

13. Entrances and exits of cemeteries

No person shall enter or leave a cemetery except through the official entrances provided.

14. Performance of activities

No person shall use any road, path or grass route within the cemetery for the purpose of transporting goods, parcels or any other material except if it is intended for use within the cemetery.

15. Prohibited actions within cemeteries

(1) No person shall —

- (a) commit any nuisance within any cemetery;
- (b) ride on any motorized vehicle, animal, cycle, skateboard or roller skate within the cemetery;
- (c) allow any animal to wander inside any cemetery;
- (d) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in any demonstration in any cemetery;
- (f) obstruct, resist or oppose the caretaker or any official employed by the Council in the performance of his / her duties, or refuse to comply with any order or request which the caretaker is entitled to make in terms of these BYLAWS;
- (g) mark, draw, or scribble objects on walls or erect advertisements on buildings, fences, gates and memorial work or on anything within any cemetery / or section or deface it in anyway;
- (h) sit, stand or climb on or over any memorial work, gate, wall, fence or building in any cemetery;
- (i) be in or remain in any cemetery or part thereof before or after the hours mentioned in section 3 or during any period when it is closed to the public; and
- (j) without the written permission of the Council, tout or operate any business, order, exhibit or distribute any tracts, business cards or advertisements within or at the entrance to the cemetery.

16. Miscellaneous

- (1) No person shall dispose of a body in any other manner than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996).
- (2) No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be obtainable in terms of these BYLAWS.

17. Exposure

No person shall convey a dead body that is not covered, or expose any such body or any part thereof or remove the lid or cover of the coffin wherein such dead body or corpse is placed, in any street, cemetery or public place.

18. Music inside cemetery

No loud music shall be played in any cemetery without the consent of the Council, except in the case of State, Police or military funerals.

19. Occupation of chapel or shelter

No person shall for the purpose of a funeral, occupy any chapel or shelter in a cemetery for more than 45 minutes.

20. Hours of interments

No interment shall be held before 9:00 or after 16:00 on any day without the prior consent of the Council.

21. Number of graves

No person shall fix a peg on any grave not properly allocated by the Council and no person shall intern a body in any grave on which a peg-marked number has not been lawfully fixed.

22. Rubble and damage to cemetery

No person shall at any time leave any refuse, soil, stone or any other debris within the cemetery or in any way damage or deface any part of any cemetery or anything therein.

23. Inclement weather

No person shall fix or place any memorial work during inclement weather or while the soil is, in the opinion of the Council, in an unsuitable condition.

24. Disturbance of human remains

Subject to the provisions of an exhumation order given in terms of the Inquest Act, 1959 (Act No 58 of 1959) or any amendment thereof; or section 20 of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. 12 of 1996) or any amendment thereof; or any other provision of any other act relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding it in any cemetery.

CHAPTER 4**INTERMENTS****25. Application for and acquisition of the use of a grave**

- (1) Any person desiring to have a body or human remains interred in a grave shall submit the appropriate form to the caretaker before the time of interment. The next of kin or the closest surviving relative or a person of interest shall sign the application of interment.
- (2) The Council, may on payment of the applicable fees, allocate the use of any grave appropriated for an interment to any person who applied for it in terms of subsection (1).
- (3) No body or human remains shall be interred within any cemetery without the permission of the caretaker. This permission will only be granted on submission of a written burial order, signed by the Registrar of Deaths authorising the interment, and on presentation and submission of such a notice of interment. In all cases where a postmortem has been held, the order of the magistrate shall also be submitted to the caretaker.
- (4) The Council may, upon request, inter any body free of charge, or in terms of the provisions of any applicable legislation.

26. Alteration of date of interment

Should any changes to the date, day or time previously fixed for an interment be made, notice of such changes shall be given to the caretaker at least 24 hours before such interment. For the purpose of this section, 48 hours notice should be given if the aforesaid 24 hours includes a Sunday or part thereof.

27. Dimension of graves and grave apertures

- (1) The standard dimensions of an adult gravesite shall be 2 500 mm x 1 500 mm and that of a child 1 500 mm x 1 000 mm.
- (2) The standard dimensions of the aperture of an adult's grave shall be 2 200 mm in length and 900 mm in width and that of a child's grave 1 200 mm in length and 700 mm in width.
- (3) Anybody requiring a grave for the interment of an adult with an aperture larger than the standard size, shall, when applying for the interment, specify the measurements of the coffin and the mountings. The appropriate fee for the enlargement of the aperture will be payable to the Council as prescribed in the tariff of charges.

28. When a child's coffin is too large

Should a child's coffin be too large for the aperture of a child's grave, it shall be placed in an adult grave and the fees payable for an adult's interment shall apply.

29. Depth of grave

No adult grave shall be less than 1 800 mm and that of a child less than 1 500 mm in depth.

30. Covering of earth

There shall be at least 1m of earth between the coffin and the surface of the ground. In the instance of successive burials, at least 300 mm of earth shall be left between the coffins.

31. Coffins in graves

No person shall place any coffin constructed from any material other than soft wood or other perishable materials approved by the Council, unless otherwise stipulated in other legislation.

32. Number of bodies in one grave

No more than two bodies shall be buried in the same grave at the same time.

33. Reservation of graves

Any person wishing to reserve a grave or upon the death of a person to reserve an adjoining grave, if available, shall obtain the right, on payment of the fees prescribed in the tariffs of charges, to use such grave for future burial purposes.

34. Second interments

- (1) Any person who wishes to apply for a second interment in the same grave may do so only after a period of two years has lapsed since the date of the first interment on condition that the grave was deepened prior or during the preparation of the grave for the first interment.
- (2) The applicant who wishes to have a body interred for the purpose of a second interment shall —
 - (a) apply on the prescribed form at least 24 hours before the interment shall take place; and
 - (b) remove any memorial work on such grave at his own cost and comply with any requirements made by the caretaker in this regard.

CHAPTER 5**ASHES****35. Acquiring of niches**

Subject to the provisions of these BYLAWS, a person may acquire a niche in the cemetery, if available, and by paying the prescribed fees.

36. Burial of ashes

- (1) Subject to the provisions of these BYLAWS, ashes may be buried in a grave in the cemetery and all prescriptions, provisions and fees applicable in terms of these BYLAWS pertaining to the burial of a body in a grave are *mutatis mutandis*.
- (2) No ashes shall be buried in a grave without it being proved to the satisfaction of the Council as being the cremated remains of a human body and the required documentation is submitted to this effect.
- (3) Ashes buried in a grave shall be placed in a funeral urn.
- (4) There shall be at least 100 mm of earth between the urn containing the ashes, and the surface of the ground.
- (5) Subject to the provisions of these BYLAWS, the burial of ashes in a grave being used already for a first interment, may take place free of charge.

37. Placing of ashes in memorial wall, memorial garden or garden of remembrance

- (1) Any person who desires to place a funerary urn containing cremated remains in a niche in the Memorial Wall, Memorial Garden or Garden of Remembrance shall submit an application, accompanied by the Cremation Certificate, in writing or on the prescribed form, to the caretaker. If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may, in his discretion, grant an

application signed by any other person.

- (2) Any person applying in terms of subsection (1) shall pay the prescribed fees as determined by the Council.

38. Examination of ashes

- (1) No person shall exhume ashes from any grave without the prior written consent or complying with any conditions determined by the Council.
(2) Applications for the exhumation of ashes shall be submitted to the Council at least 8 working hours prior to the exhumation.

39. Scattering of ashes

The scattering of ashes in the Landscape Area or Garden of Remembrance is permitted with prior written consent of the Council.

CHAPTER 6

EXHUMATION OF BODIES AND RE-OPENING OF GRAVES

40. Exhumations:

- (1) Subject to the provisions of these BYLAWS and any other legislations, no grave shall be re-opened without a written consent of the Council.
(2) Subject to the provision of these BYLAWS, no person shall exhume or cause any body to be exhumed without a written consent of the Medical Officer of Health and the charges for exhumation as determined by the Council shall be paid before the exhumation takes place. Such consent shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of the body.

41. Closure due to exhumation

At the time of an exhumation of a body, the cemetery shall be closed to the public.

42. Screening of activities

The grave from which a body is to be removed shall be effectively screened from view during the exhumation and a suitable container shall be supplied for the remains.

43. Medical Officer of Health shall be present

No exhumation shall take place unless the Medical Officer of Health or his/her authorised representative is present.

44. Transfer of body from one grave to another by the Council

Subject to the provisions of these BYLAWS and any applicable legislation, the Council may move a body from one grave to another.

CHAPTER 7

CARE OF GRAVES

45. General

- (1) No shrub, tree or any other plant material may be planted on graves without the consent of the council and the Council may use its discretion to prune, cut down, dig up or remove any shrub, plant or flower at any time.
(2) No person shall bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon without the prior written consent of the Council.

46. Position of memorial work

No person shall erect any memorials on any grave except in such a position as indicated by the caretaker or as otherwise provided for in these BYLAWS.

47. Repairs to memorial work

If the contractor allows the memorial work to fall or cause danger to deface the cemetery in any way, the Council may order him to repair the damage. Should the required repairs not be done within one month of receiving such notice, the Council may carry out these repairs or remove the memorial work without paying any compensation and recover the cost incurred from the contractor.

48. Supervision of work

Any person engaged in any work in any cemetery shall affect such work under the supervision and to the satisfaction of the caretaker.

49. Damaging of memorial works

The Council shall not accept responsibility for any damages caused or may occur which is not due to the negligence of the Council's employees.

50. Moving of memorial work

The Council may, after due notice, at any time, change or alter the position of any memorial work in any cemetery.

51. Bringing material into cemetery

- (1) No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave unless —
(a) a sketch plan indicating the dimensions of the memorial work, the inscription and position thereof has been submitted and approved by the caretaker;
(b) all charges due in respect of such grave have been paid; and
(c) the Council's written approval has been given to this effect.

52. Removal of memorial works by the Council

Any memorial work placed, built, altered, decorated, painted, in contravention of these BYLAWS or which, in the opinion of the Council, contravenes the good ethics and morals of society, may be removed by the Council after due notice, without payment of any compensation.

53. Requirements for erection of memorial works

- (1) Any person erecting memorial work shall conform to the following requirements:
(a) Where any part of any memorial work is to be joined to any other part, copper or galvanised iron clamps, pins or dowels of approved thickness and of sufficient length, shall be used for such purposes. The holes into which such clamps, pins or dowels must fit shall not be less than 50 mm deep.
(b) Any part of such work, which rests upon the ground or stone or other foundation, shall be squared and added.
(c) The stones referred to in subsection (1) will not be of uneven thickness nor have uneven corners.
(d) The underside of all memorial work shall be set at least 50 mm below the natural level of the ground.
(e) No kerbstones shall be used which protrude more than 230 mm above the surface of the ground or are more than 200 mm thick.
(f) All head and kerbstones shall be properly secured from the inside with round copper or galvanised iron pins.

- (g) All headstones up to 150 mm in thickness shall be securely attached to the base in an approved manner.
- (h) All memorial work shall be completed as far as possible before it is brought into the cemetery.
- (i) No soft stone shall be used for memorial work and memorial work shall be constructed or made of marble or granite or any other approved hard stone.
- (j) In the case of single graves, foot kerbs shall consist of one solid piece.
- (k) No person shall do any stonework, chiselling etc. in the cemetery which is not connected with the erection of memorial work, except if the work is expressly permitted for in these BYLAWS.
- (l) All memorial work shall have an adequate concrete foundation chastic with the headstone and where joints occur in the kerbstone, all joints shall be fitted with good cement mortar.
- (m) Where memorial work has a base on ground level, such base shall not be less than 900 mm wide by not less than 300 mm x 300 mm.
- (n) All letters on memorial work shall be engraved thereon and shall not protrude above the surface of the memorial work.
- (o) With the consent of the contractor, the name of the maker may be affixed to any memorial work; provided that no address or other particulars be added thereto.

54. Vehicles and tools

Any person engaged in any work on any grave shall provide such vehicles, tools and other appliances of his own as he may require.

CHAPTER 8

INTERMENT AREAS

55. Division of cemetery

The Council is entitled to divide the cemetery into one or more interment areas or may reserve an area for the burial of a specific religious denomination.

56. Monumental section

- (1) The following provisions are applicable to the Monumental Section:
 - (a) No person shall, after the expiration of 28 days from the date of any interment, erect, place or leave on or around any grave any railing, wirework, flower stand or other object of any kind.
 - (b) No person shall place or leave on a grave any object in the nature of an ornament or embellishment.
 - (c) Flowers, whether natural or artificial, and whether loose or in a vase or wreath, may be placed or left on a grave at any time.
 - (d) Subject to the provision of section 58, memorial work may, with the written consent of the council, be erected on any grave.
 - (e) No kerbstones shall be laid in such a manner that it shall be 230 mm above the surface of the ground and more than 200 mm deep, without the written consent of the Council.
 - (f) No kerbstones shall be properly dowelled and shall be fixed as to permit their easy removal without danger of damaging the headstones or other memorial work on the grave.
 - (g) The standard dimensions of a memorial work for one single gravestone for an adult are 2 500 mm x 1 050 mm.
 - (h) The standard dimensions of a memorial work for a double memorial work for adults are 2 500 mm x 2 550 mm.
 - (i) The standard dimension of a memorial work for children's memorial work are 1 500 mm x 900 mm.

57. Aesthetic section

- (1) The following provisions are applicable to a section which is known as the aesthetic Section:
 - (a) Except during the first 28 days after an interment and subject to subsection (5), no person shall erect, place or leave on or around a grave any railings, wire-work, flower stand, ornament, embellishment or other object of any kind: Provided that during the first six months after an interment flowers, whether natural or artificial and whether loose or in wreaths, may at any time be placed or left on the berm or at the head of the grave or where no berm has been provided, anywhere on the grave.
 - (b) The Council, may without any charge, develop and maintain a garden area of 300 mm wide over the width of each grave at the head of the aesthetic section.
 - (c) A headstone in the aesthetic section shall not exceed 1 070 mm above the berm or ground level, as the case may be, and shall not exceed the width of the berm.
 - (d) The dimensions of the base of a headstone shall not exceed 600 mm x 250 mm and the position of the base on a berm shall be such that the edge thereof nearest to the grave shall be at least 120 mm from the edge of the berm, provided that the base of a headstone erected over two adjoining graves may exceed 600 mm in width but shall not exceed 1 200 mm x 250 mm.
 - (e) In the aesthetic section, a receptacle approved by the caretaker or a vase may be placed in the cavity in the berm provided for this purpose. Such vase or receptacle shall be at least 380 mm in height and shall not exceed the perimeter of the said cavity.

58. Requirements for memorial work in berm / aesthetic section

- (1) The following provisions are applicable on memorial work and graves in a berm / aesthetic section:
 - (a) Headstones shall be a maximum of 1 500 mm in height, 910 mm in width and with a diameter of 250 mm.
 - (b) No kerbstones demarcating any grave and no flat slab covering any grave shall be allowed.
 - (c) The foundation of a gravestone erected or laid over any single grave shall be 910 mm x 380 mm and at least 300 mm (depth) in size.
 - (d) The base of a gravestone erected over any single grave shall be at the most 910 mm x 250 mm x 250 mm in size.
 - (e) The foundation of any single gravestone erected or laid over two continuous graves shall be at the most 2130 mm x 380 mm and at least 300 mm (depth) in size.
 - (f) The base of any single gravestone erected or laid over two continuous graves shall be at the most 1830 mm x 250 mm x 250 mm in size.
 - (g) In order to make provision for the fitting of a number plat, two holes of 6 mm in diameter and 30 mm depth shall be made 500 mm from each other on the foundation of every grave and in such a manner that both holes shall be in the middle of the foundation and 40 mm from the border of the foundation on the grave side.
 - (h) A single gravestone shall not be erected or laid over more than two contiguous graves.
 - (i) The Council will maintain and decorate, as it deems fit and free of charge, the graves by planting flowers, shrubs or grass.

59. Landscape area

- (1) The following provisions are applicable in the landscape area:

- (a) No person shall place, build, erect or plant anything, including memorial work and flowers on, round or next to any grave, provided that flowers and wreaths may be placed on a grave during the first month following interment.
- (b) Anything that is placed, built, erected or planted on or around or next to a grave or flowers or wreaths that are still on a grave one-month after an interment, in contravention of subsection (1), may be removed by the Council and be destroyed or otherwise disposed of.
- (c) The standard dimensions of a grave for an adult is 2 500 mm x 1 500 mm and for a child 1 500 mm x 1 000 mm.
- (d) The standard dimension of the aperture of a grave for an adult is 2 200 mm in length and 900 mm in width and that of a child 1 200 mm in length and 700 mm in width.
- (e) Any person who requires a grave for the interment of an adult with an aperture larger than the standard size, shall when applying for the interment, specify the measurements of the coffin including the mountings.
- (f) A marble or granite memorial plate of 305 mm x 210 mm x 15 mm in dimension may be placed on a grave in the Memorial Garden.
- (g) A memorial plate is placed horizontally on a concrete slab with dimensions of 355 mm x 260 mm x 150 mm (in thickness) with the eventual height level with the ground.
- (h) Memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines.
- (i) No permanent vases or containers shall be attached to a memorial stone in the Memorial Garden.
- (j) Charges are payable as determined by the Council.
- (k) No additional charges are levied for a second interment in the Memorial Garden.
- (l) Only one memorial plate per grave is allowed in the Memorial Garden.
- (m) The Council may develop the area as a park and maintain it accordingly.

60. Memorial wall

- (1) A funerary urn containing cremated remains may be placed in a niche in the Memorial Wall, provided that —
 - (a) a maximum of two funerary urns may be placed on one niche;
 - (b) the maximum dimension of a funerary urn is 175 mm x 185 mm x 110 mm; and
 - (c) the tariff(s) as determined by the Council are paid.
- (2) A marble or granite memorial plate is placed over a niche; provided that such memorial plate does not exceed 305 mm x 210 mm x 15 mm in dimension.
- (3) Yellow-copper, copper or stainless steel vases may be placed next to a marble or granite memorial plate, provided that the application is approved by the Council and complies with the following standards.
 - (a) Size of vase 40 mm wide x 100 mm and manufactured from copper or stainless steel.
 - (b) Fixing of vase: The fixing shall take place with a flat yellow-copper, copper or stainless steel plate affixed against the wall with screws. The top portion of the yellow-copper or stainless steel plate shall be rectangular bent to the front with the vase attached.
 - (c) Dimensions of yellow-copper, copper or stainless steel fixing plates: 20 mm wide x 2 mm thick x 55 mm thick x 55 mm long. The total length of metal strip preparatory to bending should be 125 mm.
 - (d) Position for attaching vases: Vases will be attached to the right of the marble memorial plate with the lower point of the attachment plate in line with the lower side of the memorial plate. A gap of 20 mm shall be left open between the memorial plate and the attachment plate.

61. Memorial Garden / Garden of Remembrance

- (1) A funerary urn containing cremated remains may be placed in the ground in the Memorial Garden, provided that —
 - (a) the standard dimension of a burial site for cremated remains is 500 mm x 500 mm;
 - (b) the standard dimension of the aperture for the burial of cremated remains is 400 mm x 200 mm x 200 mm;
 - (c) the standard dimension of a marble or granite memorial plate is 410 mm x 210 mm x 15 mm and may be placed on such grave in the Memorial Garden / Garden of Remembrance;
 - (d) a memorial plate is placed horizontally on a concrete slab with dimensions 420 mm x 220 mm x 50 mm (in thickness) with the eventual height level with the ground;
 - (e) memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines;
 - (f) no permanent vases or containers shall be attached onto any memorial stone in the Memorial Garden;
 - (g) charges are payable as determined by the Council from time to time;
 - (h) no additional charges are levied for a second interment in the Memorial Garden; and
 - (i) only one memorial plate per grave is allowed in the Memorial Garden.

CHAPTER 9

OFFENCES AND PENALTIES

62. Penalties

Any person contravening any provision of these BYLAWS or failing to comply therewith or failing to comply with the conditions of any notice served on him by the Council in terms of these BYLAWS shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment not exceeding a period of six months, or to both the fine and the imprisonment.

CHAPTER 10

REPEAL OF BYLAWS / REGULATIONS

- 63. All BYLAWS relating to the burial of people promulgated by the disestablished Municipality are hereby repealed on the date of publication of this notice.

UMKHANDLU kaMasipala waKwaSani ngokwesigaba 256 soMthethosisekelo, 1996 (uMthetho 108 ka 1996), ufundwa nesigaba 11, soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), wenze le Mithethodolobha elandelayo, eyoqala ukusebenza ngosuku lokushicilelwa kwalesi saziso.

UMASIPALA WAKWASANI

IMITHETHODOLOBHA EPHATHELENE NOKULAWULWA KONAGADA BEZIMOTO

1. Izincazelo

- (1) Ngaphandle uma ingqikithi isho okwehlukile —

“**umphathi ogunyaziwe**” kusho noma yimuphi umuntu noma uhlaka olugunyazwe nguMkhandlu njengomphathi wonogada bezimoto maqondana nanoma iyiphi indawo eklanyelwe lokho;

“**isiphathimandla esigunyaziwe**” kusho umhloli wamalaysense, isiphathimandla esibhekele ukhamba kwezimoto, isiphathimandla esibhekele ukuthula ngokwesigaba 334 soMthetho weNqubo yobuGebengu, 1977 (uMthetho No. 51 ka 1977) noma iphoyisa ngokoMthetho weMisebenzi yobuPhoyisa, 1995 (uMthetho No. 58 ka 1995), futhi kubandakanya nanoma yimuphi umuntu uNgqongqoshe woHulumeni baseKhaya, ngezikhathi ngezikhathi ngomthethonqubo, angumubeka njengesiphathimandla esigunyaziwe;

“**uMkhandlu**” kusho uMasipala waKwaSani kanye nowabalandela ekuphatheni ngokusemthethweni, futhi kubandakanya noMkhandlu walowo Masipala noma iKomidi eliPhethe nanoma yimuphi umgwamanda osebenza nganoma yimaphi maandla onikezwe wona ngokomthetho, kanjalo nanoma yisiphi isiphathimandla iKomidi eliphethe elilikeze amandla kanye nemisebenzi maqondana nale mithethodolobha;

“**indawo eklanyiwe**” kusho indawo ebekiwe noma eyabiwe ngokohlelo lokuhlela amadolobha futhi esetshenziselwa ukupaka izimoto zomphakathi noma kwezinye izindawo ezivunye nguMkhandlu ukuba zisetshenziswe ngonogada bezimoto.

“**inkathazo**” kusho noma yimuphi umbandela, into, isenzo noma ukuphutha okucunulayo noma okungadala ingozi noma okungadala ingozi, okungaphazamisa ukuthula endaweni noma kwingxenywe yendawo noma amalungelo okukhululeka, uxolo nokuthula kunoma iyiphi indawo futhi kubandakanya noma yisiphi isenzo, ukukhangisa noma ukushicilelwa kwanoma yini engamukelekile emphakathini;

“**unogada wezimoto**” kusho umuntu, noma ngabe uzohola umholo othile obekiwe noma cha, osebenza ukugada noma ukuvikiela izimoto endaweni ebekelwe lokho, osiza abantu abafuna ukupaka noma ukususa izimoto zabo endaweni ebekelwe lokho uma bengena noma bephuma kunoma iyiphi indawo yokupaka;

“**umgwaqo womphakathi**” kusho umgwaqo womphakathi njengoba uchaziwe esigabeni 1 soMthetho wokuHamba kweziMoto eMgwaqeni, 1989 (uMthetho No. 29 ka 1989); kanti

“**uhlelo lokhlehla amadolobha**” kusho uhlelo noma izinhlelo zokuhlela amadolobha, noma ezilungiselelwayo, ezisetshenziswa kuMasipala waKwaSani, njengoba zibunjwa ngezikhathi ngezikhathi, futhi kubandakanya noma yimuphi umbhalo wokulawula intuthuko noma imithethonqubo efakwe esikhundleni sawo.

- (2) Amagama asetshenziswe kunom yimuphi umuntu ayobandakanya abantu, zinkampani kanye nezinhlangano, kanti ubulili buyobandakanya abantu besifazane kanjalo nabesilisa, kuthi ubunye kubandakanye ubuningi nobuningi buyobandakanya ubunye.

2. Ukulungiselelwa kwemicimbi

UMkhandlu ungaqoka umphathi oyedwa noma ngaphezulu ukubhekelela nokulungiselela imisebenzi yabagada izimoto ezindaweni ezibekelwe lokho ngaleyo mibandela uMkhandlu ongavumelana ngayo nalaba baphathi.

3. Izindawo lapho abagada izimoto bengasebenzela kuzo

- (1) Ukuhlinzekwa kwemisebenzi yokugada izimoto kuvumeleke kuphela ezindaweni ezibekelwe lokho.

- (2) Ngaphandle kwakulezo izindawo okukhulunywe ngazo esigabeni 3(1), akukho muntu ongasebenza njengonogada wezimoto, noma ngabe kuvunyelwe ngomholo noma ngomvuzo noma ngesibonelelo esithile —

(a) kunoma yimuphi umgwaqo womphakathi osendaweni eyenganyelwe nguMkhandlu; noma

(b) kunoma iyiphi indawo yokupaka esemgwaqaneni osetshenziswa ngumphakathi noma umphakathi onelungelo lokuwusebenzisa.

- (3) Ngezinhloso zesigaba 3(1), uMkhandlu ungadlulisela le Mithethodolobha endaweni enomnikazi esetshenziselwa ukupakwa kwezimoto zomphakathi, kodwa lokho kuyokwenziwa ngemvume yomnikazi waleyo ndawo noma yomuntu oqashe leyo ndawo noma yomuntu ohlala kuleyo ndawo ngemvume ebhaliwe yomnikazi.

4. Ukubhaliswa njengomphathi ogunyaziwe

- (1) Noma yimuphi muuntu osebenza njengomphathi ogunyaziwe uyofaka isicelo eMkhandlwini ngendlela enqunyiwe, futhi uvunyelwe ukusebenza kanjalo emva kokuthi umkhandlu ususivumile isicelo sakhe, nangemibandela enqunye nguMkhandlu.

- (2) Akukho lutho kule Mithethodolobha okuyothathwa njengokuvimbela noma yimuphi umuntu osebenza njengonogada wezimoto ukuthi abe ngumphathi, kweyame ekutheni lowo nogada wezimoto kuyodingeka ukuthi abhalise njengomphathi ogunyaziwe ngokwale Mithethodolobha nanoma yimuphi umthetho kazwelonke osetshenziswayo ngaleso sikhathi.

- (3) UMkhandlu unelungelo lokunciphisa isibalo sabaphathi abagunyaziwe babe yisibalo esifanele ukumela isibalo sonogada bezimoto abasebenza endaweni ethile.

5. Ukubhalisa njengonogada wezimoto

- (1) Akukho muntu oyosebenza njengonogada ngaphandle kokuthi —

(a) afake isicelo kumphathi ogunyaziwe sokubhalisela ukuba ngunogada wezimoto endaweni ethile futhi egunyaziwe njengonogada wezimoto ngumphathi ogunyaziwe;

(b) ngazo zonke izikhathi, apha the isigqebhezanaesinegama lakhe elinqunye nguMkhandlu ngezikhathi ngezikhathi; futhi

(c) agqoke umfaniswano noma ibhibhi evunye nguMkhandlu, ebalula ngokucacile umehluko phakathi konogada bezimoto kanye neziphathimandla ezigunyaziwe.

- (2) UMkhandlu —

(a) unganciphisa isibalo sonogada bezimoto ababhalisiwe abasebenza endaweni eyenganyelwe yiwo;

(b) ungenqaba noma uhoxise ukubhaliswa kwanoma yibaphi onogada bezimoto uma —

(i) lowo muntu esike waboshwa yinkantoloyomthetho ngayinoma yiliphi icala;

(ii) lowo muntu edala umonakala ngenhloso kunoma yimuphi omunye umuntu noma empahleni; noma

(iii) lowo muntu etholakala noma yingasiphi isikhathi ngesikhathi enza umsebenzi edakiwe; futhi

- (c) ungenza isivumelwano, noma ubeke imibandela kumphathi yokulawula ngendlela onogada bezimoto.

6. Imisebenzi yomphathi ogunyaziwe

- (1) Umphathi ogunyaziwe uyoqinisekisa ukuthi akukho muntu osebenza njengonogada wezimoto —
- (a) oyosebenzela endleleni noma athikameze abahamba ngezinyawo;
 - (b) noma yingayiphi indlela, athikameze ukufinyelela —
 - (i) kunoma iyiphi indawo yokungena noma yokuphuma esakhiweni;
 - (ii) kwisicishamlilo;
 - (iii) eMisebenzi yoMkhandlu;
 - (c) oyolala ubusuku bonke endaweni yomphakathi uma umsebenzi wakhe ewenzela endaweni yomphakathi noma enxenyeni yawo;
 - (d) ngesikhathi enza umsebenzi njengonogada wezimoto —
 - (i) oyokhathaza umphakathi ngokuziphatha kwakhe;
 - (ii) oyodala isisphithiphithi esiyingozi ezomtweni;
 - (iii) oyovimbela noma athikameze ukulawulwa ngendlela kokuhamba kwezimoto endaweni yomphakathi;
 - (e) oyokwenza noma yimiphi eminye imisebenzi engaba nobungozi emsebenzini wakhe njengonogada wezimoto;
 - (f) oyokwenza noma yini engahambisani nanoma yimuphi umthetho; futhi
 - (g) oyokwephula noma yimuphi umbandela obekwe nguMkhandlu.

7. Amacala

- (1) Noma yimuphi umuntu —
- (a) owephula noma yimuphi umhlizeko wale Mithethodolobha noma owehluleka ukuhambisana nanoma yimuphi umbandela obekwe ngokwayo; noma
 - (b) osabisa, owenqaba noma othikameze, noma yimuphi umsebenzi woMkhandlu ekwenzeni imisebenzi yakhe ngokwale Mithethodolobha nangokwanoma yimuphi omunye umthetho; noma
 - (c) ngamabomu noma ngokunganaki onikeza olwazi olungamanga noma olwedukisayo kunoma yisiphi isiphathimandla esigunyaziwe noma kunoma yimuphi umsebenzi woMkhandlu,
- uyothweswa icala, futhi ekulahlweni yicala, uyokhakiswa inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyisithupha noma kokubili lokho kuboshwa nokukhokha inhlawulo.

9. Ukwesulwa noma ukuhoxiswa kwemvume

Naphezu kwesigaba 7, uMkhandlu ungahoxisa noma wesule ukubhaliswa kwanoma yimuphi umphathi owephula noma yiziphi izihlinzeko zale Mithethodolobha nanoma yimiphi imibandela ebekwe nguMkhandlu.

10. Ukuchithwa kweMithethodolobha

IMithethodolobha ephathelene nokuLawulwa konoGada beziMoto boMkhandlu waKwaSani, ngalokhu iyachithwa bese indawo yayo ithathwa yile Mithethodolobha, ezoqala ukusebenza ngosuku lokushicilelwa kwayo.

No. 44, 2004

26 August 2004

THE Council of Kwa Sani Local Municipality has in terms of section 156 of the Constitution, 1996 (Act 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following Bylaws:

KWA SANI LOCAL MUNICIPALITY

BYLAWS RELATING TO THE CONTROL OF PARKING ATTENDANTS/CAR GUARDS

1. Definitions

- (1) Unless the context otherwise indicates —
- “**approved administrator**” means any person or entity approved by the Council as an administrator and co-ordinator of parking attendants and/or car guard activities in relation to any demarcated area;
- “**authorised officer**” means an inspector of licences, a traffic officer, a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the South African Police Services Act, 1995 (Act No. 58 of 1995), and includes any other person whom the Minister of Local Government may, from time to time by regulation, declare to be an authorised officer;
- “**Council**” means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act 108 of 1996);
- “**demarcated area**” means an area designated or reserved in terms of the town planning scheme and used as public parking areas or in such other areas as may be specifically approved by the Council for the use of parking attendants or car guards;
- “**nuisance**” means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighbourhood within the area and includes any act, exhibition or publication contrary to public decency or morals;
- “**parking attendant/car guard**” means a person who, whether for fixed or agreed remuneration or benefit, or otherwise, offers a service of guarding or protecting one or more vehicles in a demarcated area, or guiding or assisting persons desirous of parking or removing their vehicles from such demarcated area in entering or leaving any parking space or place;
- “**public road**” means a public road as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989); and
- “**town planning scheme**” means the town planning scheme(s), in course of preparation, applicable to the Kwa Sani municipal area, as constituted from time to time, and includes any development control document or regulations substituted therefore.
- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

12. Co-ordination of activities

The Council may appoint one or more approved administrators to oversee and co-ordinate the activities of parking attendants and car guards in demarcated areas on such terms and conditions as the Council may agree with such approved administrators.

13. Areas where parking attendants/car guards may render services

- (1) The provision of the services of parking attendants/car guards is only permitted in demarcated areas.
- (2) Except in those areas referred to in section 3 (1), no person may offer or render service as a parking attendant/car guard, whether for agreed remuneration or in expectation of a reward or benefit, in or on:
 - (a) any public road under the jurisdiction or in the ownership of Council; or
 - (b) any off-street parking area normally used by the public or to which the public has the right of access.
- (3) For the purposes of section 3(1), the Council may extend the application of these Bylaws to an area in private ownership used for parking purposes by members of the public, but only on the application of the owner of such property or an application made by the lessee or other occupier thereof with the written consent of the owner.

44. Registration as approved administrator

- (1) Any person intending to operate as an approved administrator shall make an application to the Council in the prescribed format, and is only allowed to operate as such once the Council has approved the application, and on the conditions prescribed by the Council.
- (2) Nothing in these Bylaws shall be deemed to prevent any person operating as a parking attendant/car guard to become an approved administrator, subject thereto that such parking attendant would be required to register as an approved administrator in terms of these Bylaws or any national legislation applicable from time to time.
- (3) The Council has the right to restrict the number of approved administrators to a number which can reasonably represent the number of parking attendants/car guards operating in an area.

58. Registration as parking attendant/car guard

- (1) No person shall operate as a parking attendant/car guard unless he or she —
 - (a) has applied to an approved administrator for registration as a parking attendant/car guard in the area and has been approved as a parking attendant by such approved administrator;
 - (b) at all times, carries a clear identification card in a format to be prescribed by the Council from time to time; and
 - (c) wears a uniform/bib approved by the Council, which clearly distinguishes between parking attendants/car guards and authorised officers.
- (2) The Council may —
 - (a) restrict the number of registered parking attendants/car guards operating within its area of jurisdiction;
 - (b) refuse or withdraw the registration of any parking attendant/car guard if —
 - (i) such person has been convicted in a court of law of any criminal offence;
 - (ii) such person causes wilful damage to person or property; or
 - (iii) such person is found at any stage while rendering services to be under the influence of intoxicating liquors or illegal substances; and
 - (c) enter into an agreement, or impose conditions upon the administrator for the effective control of parking attendants/car guards.

66. Duties of the approved administrator

- (1) The approved administrator shall ensure that no person rendering service as a parking attendant/car guard shall —
 - (a) take up a position or place himself or herself on a sidewalk or in a manner so that pedestrian traffic is obstructed;
 - (b) in any way, obstruct free access to any —
 - (i) entrance or exit from a building;
 - (ii) fire hydrant;
 - (iii) Council service or service works;
 - (c) sleep overnight at a public place if services are rendered at or on such public place or part thereof;
 - (d) in the course of rendering services as a parking attendant/car guard —
 - (i) create a public nuisance by his/her behaviour;
 - (ii) create a traffic hazard to motor vehicles;
 - (iii) hinder or prevent proper traffic control in a public area;
 - (e) engage in any other activities that may have a negative impact on his/her service as attendant/guard; or
 - (f) engage in any activity that is in contradiction with any other legislation; and
 - (g) contravene any condition imposed by the Council.

7. Offences and penalties

- (1) Any person who —
 - (a) contravenes any provision of these Bylaws or fails to comply with any condition imposed in terms thereof; or
 - (b) threatens, resists, interferes with or obstructs, any Council employee in the performance of his or her duties or functions in terms of these Bylaws or any other law; or
 - (c) deliberately or negligently furnishes false or misleading information to any authorised officer or any Council employee,shall be guilty of an offence, and liable upon conviction, to a fine or imprisonment for a period not exceeding six months, or both the fine and the imprisonment.

- 5.2 UkwaKhiwa kwamaThuba amaBhizinisi amaNcane
- 5.3 Ukuqeqeshwa nokuThuthukiswa kwabaSebenzi
- 5.4 Ukwandiswa Kwabazophela Ukugcinwa Kwomthetho
- 5.5 INtuthuko yasemaPhandleni
6. **UBUDLELWANO NEMINYE IMIKHAKHA**
 - 6.1 IzaKhiwo zokuXhumanisa ukuSebenza
 - 6.2 Ukuxoxisana nokuqapha
7. **UKUFakwa KWEZIMALI**
 - 7.1 Ukufakwa Kwezimali Okuhambisana Nezidingo Zokuthutha
 - 7.2 Imithombo Yezimali: Uhulumeni weZwe noweSifunda noMphakathi
 - 7.3 Ukufakwa Kwezimali Zentuthuko
 - 7.4 Ukufakwa Kwezimali Eziquondene Nokugcinwa Komthetho
8. **UKUSETSHENZISWA KWENQUBOMGOMO**

**UMNYANGO WEZOKUTHUTHA KWAZULU-NATALI
INQUBOMGOMO YOKUTHUTHWA KWEZIMPAHLA
UHLAKA LOMBIKONQUBO KAHULUMENI**

Ntulikazi 2004

1. OKUPHATHELE NOZWELONKE

1.1 UHlaka lweNqubomgomo yokuThuthwa kweziMpahla

Kunezincwadi ezithize ezithintekayo ekucwaningweni kwenqubomgomo yombuso waseNingizimu Afrika kwezokuthutha jikelele kanye nakwezokuthuthwa kwezimpahla. Ezinye zezincwadi yilezi:

- UMBikonqubo kaHulumeni woCwaningo lweNqubomgomo yezokuThutha kaZwelonke 1986
- UMBikonqubo kaHulumeni ngeNqubomgomo yezokuThutha kaZwelonke ka-1996
- I-"Moving South Africa", uHlelo lokuSebenza lweminyaka engama-20 lweNqubomgomo yezokuThutha eNingizimu Afrika, eyakhishwa nguNgqongqoshe wezokuThutha ngo 1999.

Emlandweni wokuthuthwa kwezimpahla eNingizimu Afrika kwaguqukwa esimweni lapho ukusebenza bekwenganyelwe kakhulu ngomthetho olawula ezomnotho kwangenwa esimweni lapho bekungasekho mthetho kwanhlobo ongamele lolu hlangothi lwezomnotho. UMBikonqubo kaHulumeni wangonyaka we-1986 wawuhlose ukudala imisebenzi ephephile nethembekile yokuthuthwa kwezimpahla, ngokuxegisa nokwenza lula imithetho engamele ikakhulukazi ukuthuthwa kwezimpahla, ukuqhuba umsebenzi osezingeni eliphezulu futhi nonempumelelo ngokuhlinzekwa kwamazinga aphezulu okusebenza agculisayo. Kwenziwa izinguquko eziningi zokuthuthukisa okwakhlosiwe, kepha uhlelo lwamazinga okusebenza aluzange luqaliswe. Inhlalo kwakungukuthi izinqumo ngezomnotho ziyekelwe kwimakethe ukuze zixazulule ukungalingani kwezemali okungabangela ukuncishiswa kwendlela noma kwezindlela zokuthutha, ukuvikelwa kokuphepha komphakathi kanye nokukhuliswa kwezimpahla eliphezulu lokusebenza.

UMBikonqubo kaHulumeni weNqubomgomo yezokuThutha kaZwelonke wangonyaka we-1996, maqondana nokuthuthwa kwezimpahla, wavuselela futhi wakhela phezu kwale migomo ube unokugcizelela okumqoka ezingeni eliphezulu lezithuthi kanye nokuphepha labuye lajobelela neminye imigomo enqubweni. Okwajobelelwa kwakudidiyela lokhu okulandelayo —

- Ukuthuthukiswa kohlelo lokugcina ulwazi ngezokuthuthwa kwezimpahla;
- Ukuthuthukiswa kokusebenza okuhlangene kwezinhlobo ezahlukene zezithuthi;
- Ukugcinwa kwezimpahla elikhona lokusebenza kuzo zonke izindlela zokuthutha;
- Ukusetshenziswa kweNqubomgomo yokuThuthwa kweziMpahla kwakuzobekwa phambili ngokwenhloso yokuqhubeka nokuthuthuka komnotho phakathi kokusetshenziswa futhi nokwabiwa kwazo zonke izimali kanye nezindleko.
- Kwakuzokwakhiwa imboni enhlangothi-ningi enamandla, kuhambisane nokubakhona kwengqalasizinda yezokuthutha esimamisekayo, nokubhekela kokuvikeleka kwemvelo, ikakhulukazi ekuthuthweni kwezimpahla ezinobungozi.
- Kwakuzobhekela amathuba okuthuthukisa ulwazi lwamakhono aphaathelene nezokuthutha nokwandisa amathuba okuthuthukisa ama-bhizinisi kwezokuthutha.

Okunye "okwakuzobekwa ezingeni elifanele" ukuqhutshwa komthetho, ngenhloso yokwandisa ukuphepha emgwaqweni. Imibhalo yabuye yakhuluma ngezinjongo zenqubomgomo eziphathelelele nokuxhumana kwemisebenzi yokuthuthwa kwezimpahla kwamanye amazwe, yacacisa lokhu njengento ewumthwalo wombuso kaZwelonke.

Ngonyaka ka 1997 no 1998 uMnyango wezokuThutha kaZwelonke wadala uhlelo lokusebenza lweminyaka engamashumi amabili (20) lwezokuthutha eNingizimu Afrika, olwabhalelwa encwadini i-Moving South Africa (MSA). Loluhlelo aluzibandakanyi nje kuphela nokuphathelelele nezokuthuthwa kwezimpahla ngololiwe nomgwaqo (okuyiyona ndlela yokuthutha eyevile ngokwesilinganiselo cisha ku-98% ekuthuthweni kwezimpahla eNingizimu Afrika) kepha lubandakanya ezokuthuthwa kwezimpahla emoyeni nasolwandle, okuyinto ebalulekile esifundazweni saKwaZulu-Natali.

Okunye okudingidwa yi-MSA okuthinta iNqubomgomo yezokuThuthwa kweziMpahla KwaZulu-Natali yilokhu:

- Ukukhuthazwa kokuxhumana kwezindlela zokuthutha ezahlukene;
- Ukwandiswa kwemigudu yokuthutha ehlangene (kunemigudu yokuthutha engahlangene);
- Ukwabela izindlela ezahlukene zokuthutha ukuze kuzuzwe ukusebenza okunenzuzo kwezomnotho ngobungako bomsebenzi;
- Ukudalwa kwezakhiwo ezizogququzela nezizolawula ukutshalwa kwezimali embonini ngendlela edidiyelekile (umzekeliso ukukwazi ukuhlangabezana nesidingo sokuphindaphinda kathathu izinga lokukhiqiza lechweba lase Thekwini ngotshalomali olufeza ukukwazi ukuhlangabezana nokunyuka kokukhiqiza);
- Ukwemkelwa kweqhaza lamazwe e-SADC ekugayweni kwempahla edlula ezandleni zesifundazwe;
- Ukuncishiswa kwesikhathi sokuthutha nezindleko zohlelo lokuthutha ngenhloso yokwandisa izinga lomsebenzi omuhle;
- Ukuncishiswa ngabaniniqhaza embonini, kwezinkinka ezingahlosiwe ezidalwa ukusebenza kwemboni;
- Ukuncishiswa kokuxhasana kwezinye izinhlangothi zemboni, nokwandiswa kwamakhono okutshalwa kabusha kwezimali embonini;
- Ukukhuthaza ubungcono bezindleko bezingqalasizinda kanye nezangaphandle kubasebenzi — yize lolu daba luphathelele kakhulu nohulumeni;

- Ukukhuthazwa kokusebenza okuhlangene kohlelo lokuthutha

1.2 Umbikonqubo kaHulumeni weNqubomgomo yezokuThutha kaZwelonke

Umbikonqubo kaHulumeni weNqubomgomo yezokuThutha kaZwelonke we-1996 ukhuluma ngokuthutha okuhamba phansi, emoyeni nasolwandle. Ubeka imisebenzi eyahlukene kanye nezinjongo zokusebenza zoMnyango wezokuThutha kaZwelonke kuleyo naleyo ndlela yokuthutha.

Kuzo zonke izindlela zokuthutha kuvela izinjongo ezithile ezifanayo, ezinikeza umkhomandlela ekwakheni inqubomgomo.

Ukuthutha okuphephile, okuthembekile nokusebenza ngendlela efanele nebambekele: Lapha kugcizelelwa indlela yokusebenza efanele nephephile ukuze kungehli izinga lokufeza ukugculiseka kumakhasimende. Uhlelo lokuthutha oluthembekile lukhuphula izinga lokuthutha ngokobunzuzo ezimpahleni esizikhiphayo nesizingenisayo ezweni lethu kanti futhi lubeka obala konke okuwukusebenzela emuva.

Ukusetshenziswa okuhlangene kwezindlela zokuthutha ezahlukahlukeni: Kukhuthazwa ukuhlangana ngokupheleliswa kwezindlela zokuthutha futhi kugcizelelwa nokubuyiselwa kwezinye izimpahla ekuthuthweni uloliwe ukuze kunyuke izinga lokusetshenziswa ngokufanele kwengqalasizinda.

Ukuxhumana kanye nokuhlelwa kwemikhakha: Ngenxa yokuthi ezokuthutha zingamandla anikezwe wonke amazanga kahulumeni kanti eminye imisebenzi yokuthutha ingamabizini esizwe, kubalulekile ukusebenzisana kwezakhiwo zokuhlela nokusebenza kwezokuthutha.

Ukuthuthukisa amazanga okusebenza kanye nokulekelelwa kwesimo somnotho nezimpilo zabantu baseNingizimu Afrika: Uhulumeni usigcizelelele isidingo sokwakha imboni yezokuthutha enamandla nesimamisekayo, futhi emikhakha-mningi ibe iqhophisana ngokwezinzuzo ukuze ikwazi ukuba neqhaza ekuthuthukisweni kwomnotho weNingizimu Afrika.

Ukuthuthukisa kwamakhono abantu: Sekutholakele ukuthi kunokuntuleka kwamakhono kule mboni yezokuthutha nokuthi kunesidingo sokuqeqeshwa kwabantu okuzodala amathuba emisebenzi.

Umbikonqubo kaHulumeni kaZwelonke weNqubomgomo yezokuThutha uveze obala eminingi imigomo yenqubomgomo ephathelene neKwaZulu-Natali:

Iqhaza likahulumeni: Lokhu kumele kugxile ekwakhiweni kwenqubomgomo kanye nohlelo lokusebenza, ukushaya imithetho kanye nokunciphisa ukungena ngqo ekwakhiweni kwengqalasizinda nasemisebenzini yezokuthutha.

Ezangaphakathi kuhulumeni: uhulumeni kumele ugqogquzele ukusebenzisana phakathi kwenqubomgomo kanye nemisebenzi yamazanga ahlukene kahulumeni.

2. OKUMQOKA

2.1 Ukwakhiwa kweNqubomgomo yesiFundazwe

KuMbikonqubo kaHulumeni kaZwelonke kanye nakumbhalo i-*Moving South Africa* uhulumeni uqoke izindawo ezahlukene ezibalulekile ekukhuliseni imboni yezokuthutha kwezimpahla. Lokhu okukhonjwe kule newadi kubalulekile ekwakheni iNqubomgomo yokuThutha kweziMpahla ezingeni lesifundazwe.

Ingqalasizinda

Umbikonqubo kaHulumeni kaZwelonke ukhomba ukuntuleka kwengqalasizinda ephelile kuzo zonke izindlela zokuthutha njengeny yezithiyo ekwakhiweni kwemboni yezokuthutha esimamisekayo. Ukwanda kombhidlango wokuthutha izimpahla kwamanye amazwe sekugqamisa isidingo sokuba nembali yokuthutha kwezimpahla eqophisanayo ngokwenzuzo okwenza kube yisidingo esiphambili ukuba nengqalasizinda yezokuthutha esimamisekayo nesebenza ngokufanele. Ukwakhiwa kwengqalasizinda kubukwa njengethuba lokwakha ukusebenzisana phakathi kukahulumeni namabizini azimele. Ekucaciseni iqhaza lakhe, uhulumeni ukhetha ukunciphisa ukuzibandakanya kwakhe ngqo ekwakhiweni kwengqalasizinda nasekwenzeleni umphakathi imisebenzi ethize kodwa esikhundleni salokhu adale amathuba okwakha ukusebenzisana njengabalingani nomphakathi kanye namabizini azimele.

Umbikonqubo kaHulumeni ugqogquzele ukusungulwa kohlelo lokuxhumana phakathi kukahulumeni kanye namabizini aphethwe nguhulumeni. Lokhu kuxhumana kumele kwenzeke kuhulumeni wesifundazwe nakuhulumeni wendawo.

Lezi zinhlelo zokuxhumana zibhekelele ukubona izidingo zengqalasizinda kanye nokubhekana nalezo zidingo ngendlela ehlelekile futhi nexhumanisa zonke izindlela zokuthutha.

Ukuphatha kanye nemisebenzi

Uhulumeni ufuna ukubamba iqhaza lokushaya imithetho nokuqapha ukuze uqinisekise umthetho ongenabandlululo wokuphepha, nomsebenzi osezingeni eliphezulu kanye nokuphathwa kokungena kwabazosebenza ezokuthutha, lapho kudingekile khona. Iqhaza likahulumeni libandakanya ukumisa amazanga nezinjongo, imigomo eqhutshwayo kanye nemithethonqubo.

Ukuze kuqinisekise ukuhambisana nomthetho uhulumeni uzomisa uhlelo lokusebenzisana oluzodala amazanga afanayo okusebenza nezinjongo zokuthutha komthetho. Uhulumeni kumele uhlinzekele ngakho konke okudingekayo ekufezeni umsebenzi weminyango yokuphoqelela ukuhlonishwa kwemithetho namazinga amisiwe.

Ukuhlela kanye neNtuthuko

Imikhakha eminingi eyahlukene kahulumeni ibhekene nentuthuko nokuhlela. Izinhlelo ezenziwayo kufanele zisebenze ngokubambisana ukuze kuqinisekise ukuthi izinhlelo zokuthuthukiswa komnotho zikahulumeni ziyaphumelela nokuthi akukho ukuphindeka kwezimpahla ezisetshenziwayo futhi eziyivelakancane. Umbikonqubo kaHulumeni kaZwelonke ugqogquzele ukubambisana nokusebenzisana phakathi kwezinhlelo ukuze kuqinisekise ukuthi izidingo ezibalulekile zikazwelonke, ezisifundazwe kanye nezohulumeni basekhaya ziyaphumelela. Maqondana nalokhu izifundazwe zithweswe umsebenzi ngokomthetho woGuquko wezokuThutha kaZwelonke kanye nohlelo lokuSebenza lokuThutha kaZwelonke olubhekela iminyaka 2002 kuya ku 2007.

Ubudlelwano bemikhakha noma bezikhungo

Emkhakheni kazwelonke ubudlelwano phakathi koMnyango wezokuThutha kaZwelonke, uMnyango woHwebo kanye neziMboni futhi noMnyango wamaBhizinisi omPhakathi, busekumisweni kwenqubomgomo, kwemithetho, ukufakawa kwezimali, ukuphatha kanye nokwenziswa komsebenzi. Umsebenzi woMnyango wezokuThutha kaZwelonke ukwenza uhlaka lwenqubomgomo lwezixenye ezahlukahlukeni zokuthutha kwempahla futhi zibandakanye kuzo uloliwe, umgwaqo, ukuthutha ngezindiza kanye nokuthutha ngolwandle okuphephile. Umsebenzi woMnyango woHwebo kanye neziMboni ukuphatha ukusetshenziswa kwenqubomgomo ukuze kuqinisekise utshalomali emabizini nokuthutha kwezomnotho okusimamisekayo. UMnyango wezamaBhizinisi omPhakathi wona ubhekene nokusetshenziswa kwenqubomgomo eyakhiwe nguMnyango wezokuThutha kaZwelonke ngamaBhizinisi aPhethwe nguHulumeni okuyiwona athweswe umthwalo wokuphatha nokwenza imisebenzi yebhizinisi. Kuyo yonke inqubo kahulumeni yokwakhiwa kwenqubomgomo kazwelonke kubhekela iqhaza lalowo mnyango ekuqinisekeni ukuthi ukusebenza kuyazifeza izinhloso zikahulumeni.

Emikhakheni yesifundazwe akukho ukuphindeka kwale minyango njengoba ikhona kuzwelonke. UMnyango wezokuThutha wesifundazwe ubhekene nokwakhiwa nokwengamela inqubomgomo yezokuthutha kwezimpahla esifundazweni. UMnyango woHwebo kanye neziMboni esifundazweni saKwaZulu-Natali umelwe uMnyango wezomnotho kanye neziMali. Umsebenzi walo mnyango ukwenza isiqiniseko sokuthi iNqubomgomo yezokuThutha kweziMpahla yesiFundazwe izoheha abatshali bezimali futhi idale intuthuko kwezomnotho. UMnyango wezamaBhizinisi omPhakathi awunawo umnyango oyimele ngqo esifundazweni futhi eminye yemisebenzi yayo yokuqapha

ukusebenza kwamabhezini omphakathi yenziwa uMnyango wezokuThutha noma uMnyango wezoMnotho kanye neziMali..

Kunesidingo esinqala esifundazweni sokuthi kube nohlelo lokuxhumana kweminyango okuzoqinisekisa ukuhlela kanye nokusetshenziswa kwengqubomgomo okunempumelelo.

Ukufakwa Kwezimali

Uhulumeni ususibonile isidingo sokusebenzisa eminye imithombo, ekufakweni kwezimali zokukhulisa ingqalasizinda. Ngenxa yalokhu, zonke izindlela zokufakwa kwezimali zizodungeka ngenhloso yokugqaguzela ukungena kwamabhezini azimele emikhakheni eyahlukahlukeneyo yokudala intuthuko. Ukwandiswa kwamathuba okufakwa kwezimali amabhezini azimele engqalasizindeneyo yezokuthutha kwezimpahla kuzodinga ukuthi uMnyango wezokuThutha waKwaZulu-Natali uhlinzekele ukuba khona kwesakhiwo esizohlelela futhi sikhulise ukungena kwabafuna ukuthutha iqhaza, kuzozonke izindlela zokuthutha.

2.2 Isimo esikhona kwezokuThuthwa kweziMpahla KwaZulu-Natali

Ngenxa yobude besikhathi esisetshenziswa yingqalasizinda nezinto ezisetshenziswa ekuthutheni, kunesidingo sokuthi ekwakhiweni kweNqubomgomo yezokuThuthwa kweziMpahla kube yinqubomgomo ebhekela ubude besikhathi obufanele okungaba yiminyaka esukela emashumini amabili kuya kwengamashumi amahlanu, ngale ndlela kubhekelekele isikhathi esifushane esizayo, esiphakathi nendawo kanye nesisekudeni.

Okunye okudingekile esifundazweni ukwakha izinqubomgomo eziphathelele nesifundazwe ngqo futhi eziphathelele nokubusa, kunalezo zikazwelonke, ukuze kuhlinzekelwe ngezisekelo ezisetshenziswayo ezingakwazi ukufeza izinjongo zenqubomgomo.

Ukuze kwakheke isithombe sesimo sezokuthuthwa kwezimpahla KwaZulu-Natali nokucacisa okusemqoka kulesi sifunda, izindlela zokuthutha ezingekile kanye nezindawo zichazwe kafushane ngezansi.

Amachweba

Amachweba aseThekwini naseRichards Bay achushisa kuwo inxenye enkulu yempahla engenayo nephumayo ezifunda zaseNingizimu ne-Afrika futhi yiwo amachweba asebenza kakhulu kunawo wonke e-Afrika ekuthuthweni kwezimpahla ezinkulu, izigubhu/ amabhokisi amakhulu kanye nemithwalo, okuwuketshezi kanye namalahle nokumbiwe phansi nezinkuni ezigayiwe.

Kulindlekele ukuthi kukhule ukusebenza kwezimpahla ezithuthwayo ezingaphezulu kwechweba, futhi kuzosetshenziswa imali eyizigidi ngezigidi ezingu-4.3 (billion) eminyakeni engaphezulu kweyisihlanu ukwandisa umthamo wechweba. Ichweba laseRichards Bay linendawo eningi yokwandisa umthamo kangangoba njengamanje linwetshelwa ukwandisa elikuthuthayo kanti kusaphenywa nesidingo sokufaka ingqalasizinda yokwamukela amabhokisi (containers).

Uloliwe

Ujantshi omkhulu kaloliwe osuka eThekwini uye eGauteng okwamanje usebenzisa kuphela u-35% womthamo onawo kanti ungathwala ingxenye enkulu yemithwalo ehamba ibanga elide uma izinto zokusebenza nezinhlelo zakhona zingathuthukiswa. Ngenxa yokungafakwa kwezimali okwanele kwingqalasizinda kaloliwe loku sekudonsele ekutheni angasetshenziswa ngokwanele uma kubhekwa ubungako bempahla ethuthwayo.

Ujantshi wesitimela phakathi kwezindawo ezikhazisa amalale eMpumalanga naKwaZulu-Natali kanye neRichards Bay usebenzisa cishe u-85% womthamo onawo kanti ukuqhubeka nokuwukhuphula izinga lokusebenza kubalulekile ukuze ukwazi ukufeza izidingo zokuthuthwa kwempahla enqwabelene eya echwebeni laseRichards Bay.

Ujantshi wesitimela phakathi neTheku odlula eGolela uya eSwazini unamandla okuthwala isisindo esikhulu esandisiwe.

IziNdlela zamaGatsha esiTimela esiFundazwe, kubandakanya uJantshi waseThekwini nasePort Shepstone azisisebenzi ngokwanele kodwa zinesidingo esiphuthumayo sokuvuselelwa okuyoba yisendlalelo sokuthuthukiswa kabusha kwemisebenzi yeziNdlela zamaGatsha esiTimela. Ukuze kubhekwelele nokunyuka kwezinga lokuphucwa kukaloliwe umsebenzi yizithuthi zomgwaqo, nokuncishelwa wumsebenzi okubhekene nale misebenzi yesitimela kulezi zindlela zikajantshi, isifundazwe kuzofanele sihlale ezinye izindlela sokusebenza ngenhloso yokuthuthukisa izinga lokusebenza kwamagatsha kajantshi ngendlela enempumelelo.

Imigwaqo Nezimpahla Ezithuthwa Kuyo

Imigwaqo

IsiFundazwe saKwaZulu-Natali sinemigwaqo yesifundazwe ebalelwa ku **23,121 km** kanye nekaZwelonke ebalelwa ku **1,138km**.

Umgwaqo u-N3/N11 Durban – Gauteng yiwo mgwaqo, osebenza ngaphezu kwayo yonke eminye imigwaqo ethutha impahla ezweni, ngokwesisindo esikhulu (tons) esithuthwayo yizithuthi zomgwaqo. Imigudu yemigwaqo yokuthuthwa kwezimpahla yaKwaZulu-Natali ibaluleke ngendlela ebucayi kuso sonke isifunda samazwe eSADC ngokuba yiyona migudu esebenza kangcono kakhulu ohwebweni lokungenisa nokukhipha izimpahla emazweni.

Umgudu weN3 eningizimu neMooi River uminyene ube ungenayo enye indlela engasetshenziswa esikhundleni sawo kanti ukuhamba kwezimpahla kuwo kusengcupheni yokuthikanyezwa yizingozi nokulimala komgwaqo. Umgwaqo uR103 ohambisana noN3 nongasetshenziswa esikhundleni sika-N3 udinga ukulungiswa kanti awukulungele ukuba nomthamo omkhulu wezithuthi zezimpahla. Lapho iN3 idlula khona eVan Reenen's Pass isengcupheni yokuthikanyezwa yizingozi nesimo sezulu. Ukuguqululwa komgudu walo mgwaqo udluliswe ngase-De Beers Pass kokwenza kangcono kakhulu isimo sawo sokuphepha.

Inxenye kaN11 phakathi kweLadysmith neNewcastle iminyene kangangoba iyingozi ngenxa yokuxubana kweziMoto eziPhatha iziMpahla eziSindayo kanye nezimoto nezincane emgwaqweni onemigudu emibili kuphela. Indlela ephumayo noma engenayo kuN3 uzonqamula eThekwini uvela noma uya echwebeni iminyene kanti kulesi simo eyiso ngeke ikwazi ukumumatha ukwanda kobungako bezithuthi ezinkulu obulinganiselelwa isikhathi esizayo.

Ichweba laseRichards Bay alinayo imigwaqo elixhumanisa ngqo nezwe elingaphakathi, okuyinto eyisithikamezo ekuthuthukiseni kwaleli chweba njengelikhulukazi ezimpahleni-jikelele. Izindlela eziqonde ngqo phakathi kweRichards Bay neGauteng kanye nezindawo zezimbongi yasoThukela Basin, yimigwaqo yesifundazwe, okuyimigwaqo engakulungele ukuthutha izimoto eziningi ezisindayo. Ngasohlangothini lwezokuphepha emigwaqweni, izingxenye ezithize zale migwaqo azikulungele ukuhanjwa yizimoto ezinkulu ezithuthwa izimpahla ezisinda 56 wamatani.

Imigwaqo yesifundazwe iqhubeka ngamandla ukonakala kanti isimo sayo jikelele asisihle. Uma kuhlangukiswa imali engatholalalanga eyayidingekile ukulungisa nokuvuselela imigwaqo yesifundazwe eminyakeni eyisi-8 edlule kuya ku-2002, isibalo sifika kwizigidi ngezigidi zamaRandi angu-R2.9 (billion). Uma lesi simo singabhekela ngokufanele, ukusebenza kahle kohlolo lokuthutha ngemigwaqo kuzothikamezeka nezindleko zazo zinyuke. Uhlelo lokulungiswa kwemigwaqo olusimamisekayo ludingekile ukuqinisekisa umsebenzi osezingeni eliphezulu esiqophisana ngempumelelo kwezokuthutha sesikhathi samanje nesizayo esibeka isifundazwe saKwaZulu-Natali njengesango lokungena kwezohwebo eNingizimu ye-Afrika.

Ukuqophisana phakathi komgwaqo nololiwe

Kulesi sifundazwe izithuthi zomgwaqo zisetshenziswa kakhulu ekuhambiseni izimpahla amabanga amafushane nakude-buza. Ekuthuthweni kwezimpahla ezizinqabanqaba uloliwe uthutha inxenye engaphezu kuka 40% wazo zonke izimpahla ezihamba emgudwini ophakathi neTheku neGauteng kanti uthutha ngaphezu kuka 80% wezimpahla ezichusha echwebeni lase Richards Bay. Kuzo zonke ezinye izindlela lapho umgwaqo uhambisana khona nololiwe, izithuthi zomgwaqo zithutha ngaphezu kuka 80% wempahla ethuthwayo.

Eminyakeni edlule emaphandleni, uloliwe kwakuwumthuthi ophambili kodwa emuva kokunyuswa kwesisindo sezithuthi sisuswa ku-48t sinyuselwa ku 56t. ekuqaleni kweminyaka ye 1990 lapho kwenyuka isisindo somthwalo sisuka ku 27t saya ku36t, kwenza inxenye yemphahla ethuthwa yizithuthi zomgwaqo yenyuke ngokushesha.

Izimpahla Ezithuthwa Ngezindiza

Ukukhula kwempahla ethuthwa yizindiza esiKhungweni seziNdiza eThekwini (Durban Airport) kubanjwe ukungabibikho kwengqalasizinda eyanele yokuthuthwa kwezimpahla ezihamba ngezindiza. Impahla eningi engenayo nephumayo ngezindiza ithuthwa ngomgwaqo ilandwa noma iyiswa esiKhungweni seziNdiza saseGoli (Johannesburg Airport).

Ukususwa okusohlelweni kwesiKhungweni seziNdiza eThekwini (Durban Airport) siyiswa eLa Mercy kuzovula amathuba amasha okukhiqizwa kwezimpahla ezivumelana nokuthuthwa ngezindiza, izimpahla zokuthengwa, izitshalo kanye nezilimo ziyiswa kwamanye amazwe.

Amapayipi Okuthutha

Imigudu emikhulu yamapayipi okuthutha eNingizimu Afrika ihamba isuka eThekwini kuya eGauteng kanye naseThekwini kuya eRichards Bay kudlule kuye eSecunda. Imikhiqizo ehamba lapha uwoyela ongakahluzwa, uphethiloli, udizili, *methane gas* kanye ne-*aviation fuel*. Izinhlelo zesikhathi esizayo zibandakanya ukuzimisela kwepayipi laseThekwini kuya eRichards Bay ukubhekana nokuthuthwa kwegesi ezobe isuka eMozambique izosetshenziswa ezimbonini nasemakhaya agudle ezindaweni zasogwini.

2.3 Umbono weNqubomgomo yokuThuthwa kweziMpahla

INqubomgomo yezokuThutha kweziMpahla yaKwaZulu-Natali kumele ngesidingo ilandele futhi yakhelwe phezu kweNqubomgomo yezokuThutha kaZwelonke, kodwa kwizindaba ezithize akumele ivinjelwe inqubomgomo kazwelonke lapho kudingeka khona izisombululo ezingavezwa kuphela yisona isifundazwe ngenhloso yokuzuzisa izakhamuzi zaso.

Umbono Wenqubomgomo

"Ukonga nokuthuthukisa uhlelo lokuthuthwa kwezimpahla laKwaZulu-Natali, ukwenza ukuthi imigudu yokuthuthwa kwezimpahla iqhubeka nokufezwa izidingo zesifundazwe, zezwe lonke kanye nezesifunda, ukudala izindlela zokuthutha esimamisekayo ngokusetshenziswa okufanele kwazozonke izindlela zokuthutha nokuphakelana kwazo ngempahla ethuthwayo, ukulawula ngemithetho, nokwakhiwa kwengqalasizinda efeza izidingo zokuthutha nokwandiswa kwamakhono adingwa yimboni yezokuthutha."

2.4 Izinjongo zeNqubomgomo yokuThuthwa kweziMpahla

- Ukudala ukusebenzisa okufanele ngobuchwepheshe bokuphakelana ngempahla ezithuthini, ukuthuthukisa izindlela zokuxhumana kanye nokuba nengqalasizinda enemiphumela emihle.
- Ukunyusa izinga lokuqeqeshwa kwabantu emakhonweni adingekayo ukuze kuqinisekise ukuqhophisana kwemigudu yokuthutha yaKwaZulu-Natali ekusebenzeni ngobunyoinco.
- Ukuhlizelwa ukusebenzisa ngendlela ehlangene nohlelo lonke lokuthutha lweNingizimu Afrika kanye nesifunda, kube kucacisiwe kuyo inqubomgomo ukuthi kufanele ihlinzekele impumelelo esimamisekayo nokukhula kwemboni nomnotho nokukwazi ukuqophisana nomhlaba wonke ngokuqhubeka kwesikhathi.
- Ukudala amathuba athuthukisa ezomnotho nentuthuko esifundeni saKwaZulu-Natali ngokwakha imigudu yokuthutha engena maphakathi nezwe isuka kula machweba amakhulu akuso.
- Ukuqondwa kwamandla nemvelo, nokuphepha kuzo zonke izindlela zokuthutha.
- Ukweseka nokwenza ngcono ukudalwa kwemisebenzi namathuba amabizini amancane ekuthuthweni kwezimpahla ngokuhlelela imisebenzi yokuthutha ezimbonini, kwezolimo naseminyangweni yohulumeni.
- Ukunciphisa izindleko zohlelo lwezokuthutha esifundazweni sonke ngokwenza isabelo sezimali nokunye okudingekayo, esizobhekana nezidingo ezifanele futhi zisebenziseke ngendlela efeza okuhlosiwe.

3. INGQALASIZINDA

Ohlelweni lokusebenza loMthethonqubo kaZwelonke kanye nesiFundazwe, iNqubomgomo yezokuThuthwa kweziMpahla yaKwaZulu-Natali izobhekana nalezi zinhlelo zokusebenza ezilandelayo.

3.1 Ukuthuthukiswa Kokuphakelana Kwezindlela Zokuthutha

UMnyango wezokuThutha waKwaZulu-Natali uzombandakanyeka ezinyathelweni zokuhlela ukutholakala kwezidingo zomnotho maqondana nengqalasizinda yokuthuthwa kwezimpahla, kubekiwe emqondweni ukusekana nokukwazi ukuthathelana indawo kwezindlela zokuthutha ekuhanjiseni kwezimpahla ezinkulu, kubandakanya ukuthutha ngezimoto zomgwaqo, isitimela kanye nomkhumbi, futhi nokwandiswa kwamathuba okuthutha ngezithuthi zomoya esiKhungweni seziNdiza iKing Shaka esihlongoziwe.

UMnyango wezokuThutha waKwaZulu-Natali uzolungiselela futhi uhole ukuthuthukiswa ingqalasizinda yazo zonke izindlela zokuthutha ukuze kufezwe ukusebenza ngobunyoinco obufanele ohlelweni lokuthuthwa kwezimpahla esifundazweni.

UMnyango wezokuThutha waKwaZulu-Natali uzoqapha futhi usize ekuxhumaniseni nasekuhleleni kokuthuthukiswa kwezindlela ezehlukene zokuthutha nokusebenzelana kwazo ukuze kunciphiseke ukuminyana emigudwini yokuthutha futhi kwenziwe ngcono izinga lokuphepha ekuthuthweni kwezimpahla.

Lapho kufanelekile uMnyango wezokuThutha waKwaZulu-Natali uzokwakha izinhlelo zokubuyisela kuloliwe lezo zimpahla okufanele zincediswe emigwaqweni ngokunjalo kubuyiselwe emigwaqweni lezo okufanele zisuke ngakuloliwe, kube kubhekwelele ukusimamiseka ngokokuqophisana nangokomnotho ezimbonini nasezweni lonkana.

3.2 Amachweba

EThekwini

UMnyango wezokuThutha waKwaZulu-Natali uzozibandakanya ekuxhumaniseni kokuthuthukiswa kokusebenzelana kwezindlela zokuthutha okuzobe kuhlelwa wuMasipala weThekwini Metro kanye nokuPhathwa kwaMandla amaChweba kaZwelonke (National Port Authority) ngezinhloso zokufinyelelisa eqophelweni eliphezulu lobunyoinco bokusebenza kohlelo lokuthuthwa kwezimpahla.

Ekuboneni ukuthi ichweba laseThekwini lithuthukise ngokugcwele nokuthi nengqalasizinda yalo iminyene kube nokutholakala komhlaba wokwandisa ingqalasizinda yalo kuzoba yizindleko ezinkulu kanti kolunye uhlangothi ukusebenza kwechweba ngobunyoinco obuphelele kuxhomeke ekusebenzeni okuphelele kwemigudu yokuthutha, uMnyango wezokuThutha waKwaZulu-Natali uzoqgugqezela ukuzibandakanya kwesifunda ocwaningweni lokuhlelwa kokusetshenziswa komhlaba okuhamba kuwo imigudu yokuthutha ephakela ichweba leTheku. Lokhu kuzodinga ukuthi kube nokuxhumana phakathi kweThekwini Metro, iNkampani eyengamele ezeMigwaqo kaZwelonke eNingizimu Afrika (South African National Roads Agency) kanye noSpoornet ekuhlelelweni kweminyaka ezayo imigudu yemizila kaloliwe nemigwaqo ukukwazi ukuhlangabezana nezidingo zokuthuthwa kwezimpahla ezizochusha esifundazweni ziya noma zivela echwebeni laseThekwini kuleminyaka engama 20 kuya kwengama 50 ezayo.

Kufanele futhi kwazekwe ukuthi ngokuqhubeka kokuthuthukiswa kwechweba laseThekwini njengokunweba nokujulisa isingeniso salo, umthamo wempahla ethuthwayo uzokwanda. Lokhu kuzokwandisa izithuthu zomgwaqo nezikaloliwe ezizochusha kumasipala weThekwini Metro.

ERichards Bay

Ekuxoxweni nabathintekayo, uMnyango wezokuThutha waKwaZulu-Natali uzohlelela lapho kungenzeka khona, ukubambisana noku-xhumana ekuthuthukisweni kwechweba laseRichards Bay ngenhloso yokubeka eqhophelweni eliphezulu konke ukuthuthukiswa okunokwenzeka kule ndawo enkulu yechweba nezimbini engakakutholi ukuthuthukiswa.

Kuzobhekela ukudala ukuxhumana ngemigwaqo nemizila kaloliwe kwechweba neThukela Basin kanye nezwe elimaphakathi ngaseNyakatho yechweba, kwenziwe lapho kubonakala kuyisidingo.

Isimo Sokuqophisana Samachweba

Amachweba aseThekwini naseRichards Bay ayizigayi zomnotho ezibalulekile kakhulu emnothweni wesifundazwe saKwaZulu-Natali. Kusemahlombe oMnyango wezokuThutha waKwaZulu-Natali ukuqiniseka ngokuhlelela kwesikhathi esizayo okuzodala ukubakhona kwengqalasizinda efanele ezomelana nomthamo wempahla ethuthwa okwamanje kula machweba, futhi ifezane nokukhula komthamo okulindelekile.

Uma kubhekwa ukuzimela kweChweba laseMaputo elisentshonalanga nesifundazwe kanye nokuthuthukiswa kwechweba leCoega eliseMpumalanga Kapa, isikhundla seTheku sokuba yichweba elibalulekile ogwini olusempumalanga, sibhekene nenselelo. Ngale kokufaka ingqalasizinda efanele, ukugcina izinga elifanele loqophiswano lamachweba aseThekwini naseRichards Bay, imibuso yesifundazwe neyisizwe kanye neyasekhaya kuzodingeka ukuthi iqinisekise ukubakhona ngokwanele kwemigwaqo nemizila kaloliwe engena kula machweba. Maqondana naloku, uMnyango wezokuThutha waKwaZulu-Natali uneqhaza elibalulekile lokuxhumana okumele ulibambe.

3.3 Izidingo zemisebenzi yemikhumbi

UMnyango Wezokuthutha WaKwaZulu-Natali uzosungula izindlela zokuqapha ahlole ngenhloso yokuthola ubungako besidingo sengqalasizinda ezokuthuthukisa ukusebenza kwezithuthi zasolwandle.

UMnyango wezokuThutha waKwaZulu-Natali uzogqogqezela ukusetshenziswa kwamathuba kwezokuthutha ngemikhumbi ngokudala ukusungulela kwezixhasimsebenzi yohwebo lomhlaba kwezokuthutha kanye nokugqogqezela ukusungulwa kwezixhasimsebenzi zokuxhumana kwezindlela zokuthutha ezisezingeni lomhlaba, kula machweba.

Kuzodalwa ukuxhumana nabaphathiswa bamachweba mayelana nezinhlelo zokunweba ukuze nemigudu yokuthutha ehamba phansi ikhuliswe ihambisana nokwenzeka emachwebeni.

3.4 Imigudu Engena Phakathi Nezwe Isuka eThekwini

Ekuboneni ukuthi umgudu wamanje weN3 usengcupheni yokuthikamezeka nokuvaleka uma kunezingozi noma izibhicongo zemvelo njengezikhukhula noma iqhwa, UMnyango wezokuThutha waKwaZulu-Natali uzophenya ukufezeka ngokwezindlelo nokunye kokwakhiwa kwezinye izindlela kanye nobungako bokusebenziseka kadaloliwe ukuze kunciphiseke ukuminyana komgwaqo.

3.5 Imigudu Engena Phakathi Nezwe Isuka eRichards Bay

Ekuboneni ukuthi ukuthuthuka kweRichards Bay esikhathini esizayo kuncike ekuxhumaneni kwemigwaqo nemizila kaloliwe kuya eNyakatho, nanokuthi imizila esetshenziswa okwamanje ngeke yakwazi ukumelana nokunyuka komthamo wokuthuthukiswa, uMnyango wezokuThutha waKwaZulu-Natali uzogqogqezela ukwakhiwa kengqalasizinda eyenziwe ngcono yokuhlenganisa iRichards Bay neGauteng, nezindawo zezimbini eMpumalanga kanye neThukela Basin. Ukuhlela kuzobandakanya nemigwaqo engena echwebeni kanye nokuthuthukiswa kohlelo lokuthuthwa kwezimpahla namabhokisi (containers).

3.6 Umgwaqo Omkhulu Ogudla Ugu

UMnyango wezokuThutha waKwaZulu-Natali uzoqhubeka nokuhlelela ukwenziwa ngcono kokungena nokuphuma echwebeni laseThekwini ezithuthini ezihamba ngoN2 no N3 ngokunjalo ezithuthini ezihamba ngo N2 eRichards Bay.

UMnyango wezokuThutha waKwaZulu-Natali uzosiza futhi ugqogqezela ukuhlelela kwemigudu yokuthutha yaseMaputaland noN2 oseNyakatho ngenhloso yokuqhakambisa ubungako bokuthuthwa kwezimpahla nokuhambela kwezivakashi okungenzeka kule nxenye esenyakatho yalesi sifundazwe.

3.7 Imigwaqo Yesifundazwe

Imigwaqo yesifundazwe yaKwaZulu-Natali isabalaliswe ngokufanele nakuba-ke kwezinye izindawo izinxenye zale migwaqo ingalingene ngesisekelo esingamela isisindo sezimoto ezinkulu esesivumelekile manje.

Kwezinye izindawo emigwaqeni eqondindile nemile thwi ayikulingene ubungako bezimoto ezinkulu esezivumelekile loku bese kudala ukwanda kwezingozi zemoto ezithutha impahla. Ukuze kuthuthukiswe ukuphepha emigwaqweni yesifundazwe, uMnyango wezokuThutha waKwaZulu-Natali uzobheka izindlela zokudala indawo ephephile yokuthutha ngomgwaqo kubandakanya ukwakha izindawo zokumisa izithuthi kanye nokuphoqelelwa komthetho okwenyuseliwe.

Ukuze kwakhiwe isimo esifanele semisebenzi yokuthutha ngomgwaqo nangololiwe ezindaweni zasemaphandleni zesifundazwe, uMnyango wezokuThutha waKwaZulu-Natali uzoxhumana nabaphathiswa abafanele ngenhloso yokudala ukwenziwa ngcono kwengqalasizinda kaloliwe nezixhasimsebenzi zakhona. Ekuhambisaneni neNqubomgomo kaZwelonke, lokhu kuzokuthuthukisa izinga lokusebenza likaloliwe futhi kudlulisele impahla evela emgwaqeni iye esitimeleni, ngaleyo ndlela kunyuke izinga lokuphepha emgwaqweni kube futhi kwandisa amathuba emisebenzi kuloliwe emaphandleni.

3.8 Izikhumulo iDurban International, King Shaka Airport neDube Trade Port

Ekuboneni ukuthi iDurban International ayisenawo umthamo wokwamukela izimpahla ezandisiwe ezihamba ngezindiza, nanokuthi lezi zimpahla ziyanda, kunokuzuzeka kokukhula ngokomnotho okungatholakala ngokuthuthwa kwesikhumulo iDurban Airport siyiswe kwenye indawo.

UMnyango wezokuThutha waKwaZulu-Natali uzolekelela ngenkuthalo ukugqogqezelwa kwesu lokusungulwa kweKing Shaka Airport njengesikhumulo sezindiza samazwe onke eLa Mercy bese ucwaninga wonke amathuba ezokuthutha angase adaleke. Isikhumulo sezindiza iKing Shaka Airport ingakwazi ukunyusa umthamo wempahla engathuthwa ngezindiza futhi izimbini ezixhasayo ezithintene nezolimo (agro-industry) zizokhuthazwa ukuthi zakhelane buduze nesikhumulo esisha. Isikhumulo sezindiza sezinga lamazwe onke sizokhuphumula izinga lesifundazwe ekuhcheni izivakashi.

IDube Trade Port ehlongozwayo, ngokufanayo izokhuthaza ukuphuma nokungena kwezimpahla ngezindiza futhi ibe igqogqezela ukusungulwa kwezimbini zobuchule obuphezulu. Ukuhlongozwa kanye nabo bonke ubuchule obuhambisana nawo kwezokuxhumana ekuhwebeni kuzosiza ukubethela iTheku nesifunda saKwaZulu-Natali njengeSango lokuHweba eNingizimu ye-Afrika.

3.9 Amapayipi Okuthutha

UMnyango wezokuThutha waKwaZulu-Natali uzokubeka emqondweni ukubaluleka kwamapayipi ayizithuthi zempahla neqhaza angaba nalo ekukhuthazeni ezomnotho kulesi sifundazwe.

UMnyango wezokuThutha waKwaZulu-Natali uzokhuthaza ukusetshenziswa okufanele kwalawa mapayipi kuleyo mikhiqizo efanele ngenhloso yokusabalalisa ukusebenziseka okufanele kwayo yonke ingqalasizinda yokuthutha, ngenxa yobunqala bayo.

4. UKUPHATHWA NOKUSETSHENZWA KANYE NOKUQASHWA

UMnyango wezokuThutha waKwaZulu-Natali uzohlelela ukucwaningwa kobungako bezindlelo nemivuzo engadalwa ukuhlukaniselana nempahla ethuthwayo nangemigudu efanele phakathi kwazo zonke izindlela zokuthutha ezisetshenziswa esifundazweni.

Inqubomgomo yesifundazwe izogqunguzela ukukwazi ukuqhathanisa kwenziwe isilinganiso esifanele phakathi kwezindleko nemivuzo emphakathini, kwezomnotho nakwezokuphepha kube kusetshenzwa indlela yezokuthutha esimamisekayo.

UMnyango wezokuThutha waKwaZulu-Natali uyawemukela umthwalo awethweswa ngokomthetho wesizwe wokudala izinhlelo zokuthutha eze-nganyelwe ngokufanele ukuze kuxhaseke izinjongo zesizwe nesifundazwe ngokomnotho nezinga lokuphila labantu.

UMnyango wezokuThutha waKwaZulu-Natali uyawemukela umthwalo wabahlukahlukeni maqondana nezindlela zokuthutha njengoba kuchaziwe eMthethweni woGuqoko wezokuThutha kaZwelonke, ngokunjalo uzibophezele ekulandeleni yonke imigudu eyodonsela ekufezweni kweNqubomgomo yezokuThutha kweziMpahla. UMnyango wezokuThutha waKwaZulu-Natali uyazibophezele ekusebenzisaneni neminye iminyango kahulumeni wesizwe kanye neyesifundazwe futhi nezinkampani kuwo wonke amazanga kulezo zindawo ezidinga ukubambisana phakathi kweminyango.

4.1 Amachweba kanye nemikhumbi

UMnyango wezokuThutha waKwaZulu-Natali uzodala ukuxhumaniswa kokuhlelwa kokuphakelana ngempahla ekuthuthukisweni naseku-nwetshweni kwamachweba ukuze aqiniseke ukusebenza ngobunyoinco obufanele emigudwini yokuthutha ephakelana namachweba.

Ekuqondeni kokubaluleka kwamachweba aseThekwini naseRichards Bay emnothweni wesifundazwe, uMnyango wezokuThutha waKwaZulu-Natali uzoseka ubunyoinco obukhona okwamanje emigudwini yokuthutha yaKwaZulu-Natali ube khathi zonke ufuna izindlela zokwenza ngcono ukusebenza kwayo ukuze uqinisekise ukukwazi kwohlelo lwesifundazwe lokuthutha, ukuqophisana nezokuthutha ezingeni lomhlaba wonke.

4.2 Uloliwe

UMnyango wezokuThutha waKwaZulu-Natali uzosungula izakhiwo zokuxhumana ukudala ukuxhumana kokuhlelwa kwezinyathelo zokuqiniseka ukutholaka kwezithuthi zikaloliwe ubuye ugqunguzele ukusetshenzisizwa kwengqalasizinda kaloliwe engasetshenziswa ngokwanele, lapho lokukwenza kuzoba nomvuzo emnothweni wesifundazwe nezwelonke.

Kuzothathwa izinyathelo zokubeka ezingeni elifanele ukusetshenziswa kokuthutha kwempahla emaphandleni, ngokukhuthaza ukukhushu-lwa kwezinga lokusebenziswa kwamagatsha emizila kaloliwe, uma loku kukhombisa ukuba nomvuzo oyinzuzo esifundazweni jikelele.

UMnyango wezokuThutha waKwaZulu-Natali uzohlala ukuxhasa noma uqale uwaningolokuhlaziya okungaba noma osekuze wum-phumela, wokuvala izinhlelo ezithize noma imizila ethize kaloliwe, endaweni ethintekile nasesifundazweni sonkana. Ukuvalwa kwemizila kaloliwe kuzophikiswa ngokusemandleni.

Amathuba amabhizinisi amancane emsebenzini wokuphakelana ngempahla phakathi kwezithuthi azophenywa, uma engasebenziseka, avu-lwe.

UMnyango wezokuThutha waKwaZulu-Natali uzohlaziya ubungako bemigangatho yokuphepha ekuthuthweni kwezimpahla eziyingozi ngololiwe ubuye ubheke namalungiselelo akhona okutakula izibhichongo.

4.3 Ukuthutha Ngomgwaqo

Ukuhamba okufanele kwempahla ethuthwa ngomgwaqo emigudwini emikhulu yokuthutha kudala isidingo semigangatho ephazulu yokuphepha, njengoba kuchaziwe emithethweni engamele iziMoto eziHamba eMgwaqweni. Umthwalo wokuqiniseka ukuthi le migomo iyahlonishwa ubekwe emahlombe omnyango wezasemgwaqweni, uMnyango wezokuHlola kweziMoto eziHamba eMgwaqeni waKwaZulu-Natali.

Izinto ezizogqunguzelwa ekuphokopheleni ukusebenza ngendlela efanele ohlelweni lwesifundazwe lokuthuthwa kwezimpahla zibandakanya lokhu okulandelayo —

Imigomo yezimoto – lokhu kuzokwenziwa ngokuhlola izimoto ezizomiswa emigwaqweni, ukuqapha izikhungo zokuhlola izimoto, ukuhlola amabhuleki ezimoto ezithwala izimpahla ezisindayo, ikakhulukazi ngoba lesi sifundazwe sinezintaba eziningi.

Imigomo yabashayeli – lokhu kuzokwenziwa ngokumisa izimoto emigwaqweni kuhlolwe amalaysensi, ukugunyaza nokuqapha izindawo zokuqeqesha ezifanele, nokuqapha ukusebenza kwabanikekela ngamalaysensi okushayela.

Imigomo yokusebenza – lokhu kuzokwenziwa ngokuphoqelela ukuhlolipha umgomo wejubane, ukuphoqelela ukuthwala isisindo esisem-thethweni nokubophela umthwalo ngendlela ephiphile, impahla eyingozi nesikathi esishayelwayo kubashayeli abahamba amabanga amade kanye nezijobelelo zokuphepha emalolini.

Mayelana nokuphoqelela ukuthwala isisindo esisemthethweni, lapha kuzodingeka izinto ezifanele zokuphoqelela ukuze kwenziwe isiqiniseko sokuvikelwa kwemigwaqo kanye nomphakathi emigwaqweni kazwelonke kanye neyesifundazwe.

UMnyango wezokuThutha waKwaZulu-Natali uzoxhumana neminyango efanele embusweni wesizwe nakowesifundazwe ngenhloso yoku-xazulula izinkinga eziphathelele nokuphumula kwezithuthi zezimpahla eceleni kwemigwaqo kanye nesidingo sokuba nezindawo ezifanele zokuphumula zezithuthi ezihamba amabanga amade.

UMnyango wezokuThutha waKwaZulu-Natali uzogqunguzela ukusebenza ngokubambisana phakathi kwemibutho yokuphoqelela ukuhlolipha kwemithetho yomgwaqo neyokutakula ngokudala izakhiwo ezizokwenza ngcono ukuxhumana phakathi kwayo kumazinga wonke ombuso kanti futhi uma kunesidingo kushaywe umthetho ozokwenza ngcono izinga lokusebenza kwale mibutho.

UMnyango wezokuThutha waKwaZulu-Natali uzoseka ukubakhona koHlelo lokuBhalisela ukuSebenzisa amaLaysensi kaZwelonke (National Operator Licence Registration) ngenhloso yokugwema izinkinga ezikhona okwamanje ekuphoqelelweni koMthetho wezokuHamba kweziMoto eMgwaqeni kaZwelonke.

Maqondana nemithwalo emikhulu engajwayelekile, lapho kudingeka khona ukuthi kwenziwe izinguquko ezithize kwingqalasizinda ekhona, kuyothathwa izinyathelo zokuqinisekisa ukuvikeleka kwalezi zindlela ezizobe ziqokelwe ukuthutha lolu hlobo lwemithwalo.

Izimpahla Ezinobungozi

UMnyango wezokuThutha waKwaZulu-Natali uzogqunguzela —

- ukwakhiwa kwemithethonqubo esebenza kahle elawula ukuthuthwa kwezimpahla ezinobungozi;
- izinyathelo zokubhekana nezingozi zale mpahla ngokushesha nangemfanelo;
- ukuqeqeshwa kwabahloli bezimpahla ezinobungozi;
- ukwakhiwa kwezindawo zokuphumula kanye nezindawo zokupaka ezifanele zezimoto ezithwala impahla enobungozi;
- ukuhlomisa imigudu okuhamba kuyo izimpahla ezinobungozi ngezimfanelo zokubhekana nezimo eziphuthumayo;
- indlela lapho "izimoto ezithwala imithwalo enobungozi" zizophathwa ngendlela yazo ehlukile ngokukhishwa kwe C.O.R.

ISandulela Ngculazi kanye neNgculazi

- UMnyango wezokuThutha waKwaZulu-Natali uzobaneqhaza embhidlangweni wokulwa neSandulela Ngculazi kanye neNgculazi kubashayeli bamaloli ngokuxhaza yonke imizamo eyenziwa yile mboni ukulwa nalesi sifo.
- UMnyango wezokuThutha waKwaZulu-Natali uzogqunguzela izinyathelo zokugwema ukusebenza kwabadayisa ngemizimba ezin-daweni zokuphumulela abashayeli bamaloli. UMnyango wezokuThutha waKwaZulu-Natali uzofuna futhi usizo lweminye kwabanye

ohlumeni kanye nezinhlango ezingezona ezikahlumeni ekuzameni ukunciphisa igalelo lesifo seSandulela Ngculazi kanye neNgculazi embonini yezokuthutha.

Imigomo yemigwaqo yesifundazwe

UMnyango wezokuThutha waKwaZulu-Natali uzothatha izinyathelo zokuvikela imigwaqo yesifundazwe ngokunciphisa ukusetshenziswa kwemigwaqo ngokududulela kwezinye izinhlobo zezithuthimpahla ethize ethuthwa ngomgwaqo ziyiswe kwizithuthi zesitimela. Kuzokwenziwa ucwaningo mayelana nokusimamiseka kokususwa kwezimpahla ekuthuthweni ngomgwaqo zinikezwe izithuthi zesitimela.

Mayelana nokufakwa kwezimali ekwakhiweni nasekugcinweni kwemigwaqo, ngenhloso yokuthola ikhambi elicishe lihlangabezane nazo zonke izinkinga kulokhu, isifundazwe sizozicwaninga zongc izindlela zokuthutha imali ezingasetshenziswa futhi uphenye nezindlela ezisetshenziswa nakwamanye amazwe angaphesheya lokwandle.

Ukwenza iNqubomgomo yezokuThuthwa kweMpahla ukuthi isebenze, UMnyango wezokuThutha waKwaZulu-Natali uzokwenza amathuba okusebenzisa imibono emisha, ukusebenzisana kanye nokusebenzisa wonke amathuba akhona (esifundazwe, omasipala kanye nasezinkampanini ezizimele). Isidingo sokuba nezinhlelo zokunikezelana ngolwazi nokuba nabantu abanolwazi oludingekile kunokudala ukuthi kuqashwe abanye abasebenzi noma kutholakale imisebenzi yezinkontileka, laphe kudingeka khona.

Ukulandelwa Komthetho

Ekuboneni ukuthi ukungalandelwa komthetho ngendlela kudala ukungahlonishwa kwawo abanikazi nabashayeli bezithuthi bese lokhu kudonsela ekuncipheni kokuphepha emgwaqweni, uMnyango wezokuThutha waKwaZulu-Natali uzoqhubeka ukulandela yonke imigudu ekhona ekuqeqeshweni kwamaphoyisa ezomgwaqo nokwenza ngocono zonke izinto ezisiza ekulandelweni komthetho.

Njengomkhombandlela ekukwazini ukugcina ukuphoqelelwa komthetho kusezingeni elifanele, UMnyango wezokuHlolwa kweziMoto eMgwaqeni waKwaZulu-Natali uzokwakha ugcine inkomba yokubala abantu nezidingo ezifanele nezindleko zakhona.

Kuzobe sekuqashelwa ukusebenza okwenzakalayo (ngokwesibalo sabantu nezimali nokunye) kuqhathaniswe nalokho okuhleliwe, bese kuthuthwa izinqumo zisuselwa olwazini olukhona.

Ekuboneni ukuthi ukuze umthetho uhlonishwe, kubalulekile ukuba nenqubo yokubopha nokujezisa izephulamthetho esebenza ngobunyoni-ko obufanele, uMnyango wezokuHlolwa kweziMoto eziHamba eMgwaqeni waKwaZulu-Natali uzoqinisa ukuxhumana phakathi kwawo nabaMeli-abaKhulu besiFundazwe ngenhloso yokugqaguzela izigwebo nezinhlawulo ezifanayo esifundazweni sonke futhi nakwezinye izifundazwe.

Njengenxenye yalesi sinyathelo, laphe kufanele, uMnyango wezokuHlolwa kweziMoto eziHamba eMgwaqeni waKwaZulu-Natali uzoqhlela ukubandakanya imisebenzi yabezomthetho ukulekelela ekushushisweni kwamacala anzima aphaathelene namacala ezomgwaqo.

UMnyango wezokuHlolwa kweziMoto eziHamba eMgwaqeni waKwaZulu-Natali uzoqhubeka uhlale ukusetshenziswa okusha ekuphoqeleleni ukuhlonishwa komthetho, kubandakanya nokusungulwa kokuphathwa kwezinhlawulo zabaphula umthetho, ukuze kuxhaswe izinqubo ezikhona zenkantola ezisebetshenziswayo.

4.4 Uxhumaniswa Kwezindlela Zokuthutha

Inhloso wukuthi leyo naleyo ndlela yokuthutha isetshenziswe ngendlela efeza okudingekile nefanele ibe futhi idala ukusebenziseka okune-nzuzo ngokusetshenziswa kwayo kakhulu. Laphe kunempahla eningi ethuthwayo, njengasemgudwini osuka eThekwini ungena maphakathi nezwe, noma eRichards Bay, kufanele kugqaguzelwe uqophiswano phakathi kwezindlela zokuthutha. Kunjalo, kufanele kuqashelwe ukuthi kule migudu ephakela lena emikhulu, njengale esemaphandleni, ukuthuthwa kwempahla kungadinga ukuthi kubekhona ubunqoshe kwendlela eyodwa yokuthutha ukuze kudaleke inzuzo kumthuthi nakumthuthelwa. Loku kungasho ukuthi imizila kaloliwe engamagatsha kuzofanele ukusetshenziswa kwayo kugqaguzelwe ukuze kuncishiswe umthwalo obhekene nemigwaqo.

Imisebenzi yokuxhumana

UMnyango wezokuThutha waKwaZulu-Natali uzoba wumhlalanisi wekomidi lezokuthuthwa kwezimpahla lesifundazwe noma isigcawu laphe kuzohlalana khona abathintekayo kwezokuthutha babonise ngezokuthutha njengezinguquko emthethweni, ukuthuthukiswa kwengqalasizinda nezinguquko kwezokuphatha nokusebenza, okuthinta isifundazwe.

Intuthuko elandelayo iSizinda sokuGeina imiNiningwane ngokuThuthwa kweziMpahla KwaZulu-Natali yangonyaka ka 2003, uPhiko lomQondisi wezokuThuthwa kweziMpahla lizoqhubeka nokwandisa ulwazi oluqokethwe esimweni sakamuva ukuze lukusetshenziselwe ekufinyeleleni ezinqumweni ngenqubo kwezokuthutha, ezezimboni, abakhqizi nabasebenzisi bokuthuthwa kwempahla.

UMnyango wezokuThutha waKwaZulu-Natali uzoqapha ucwaninge iziNhlelo zokuSetshenziswa koMhlaba zayo yonke iminyango yombuso kanye nezinkampani esifundazweni ngenhloso yokuthutha izinkinga ezikhona kanye namathuba okuthuthukisa zonke izindlela zokuthutha (kanye nezingozi ezingaba khona).

4.5 Izindiza

Ngale kwencazelo ekhona manje yokubhekelela inqubomgomo yokuthuthwa kwezimpahla ngezindiza, uMnyango wezokuThutha waKwaZulu-Natali uzokwenza yonke imizamo esemandleni ukugqaguzela ukuthuthukiswa kwemizamo yazo zonke izikhumulo zezindiza kulesi sifunda ekuthuthweni kwempahla ngezindiza.

4.6 Uloliwe Nokuphakelana Kwezithuthi Ngempahla

Ekuboneni isidingo sokusebenzisa ngokufanele yonke ingqalasizinda yezokuthutha kanye nokwehlisa izinga lokusetshenziswa kwemigwaqo yesifundazwe yizithuthi zempahla, uMnyango wezokuThutha waKwaZulu-Natali uzoqaguzela futhi weseke ukuthuthukiswa kohlelo lokuthutha okuhamba phansi okuphakelana nokwakhiwa kwezimfanelo zakhona nokusetshenziswa kwalo.

UMnyango wezokuThutha waKwaZulu-Natali uzoqapha ukuvuselelwa kukaloliwe wesifundazwe nokusetshenziswa kwezithuthi zikaloliwe kanye nezomgwaqo ngokuphakelana ekuthuthweni kwempahla nabagibeli, okudidiyela izitimela zokungcebeleka nezezivakashi. Uma kubhekwa isidingo esivunwayo sokunyusa izinga lokusebenza ngendlela enenzuzo ezitimeleni ezithutha impahla, kuzofanele kucwaningwe ezinye izindlela okungaphathwa ngazo futhi kusetshenzwe izitimela.

5. INTUTHUKO NOKUHQLELA

UPhiko lomQondisi leziMpahla eziThuthwayo loMnyango wezokuThutha waKwaZulu-Natali lizobhekela ukusungulwa kwenkundla yokuxoxisana nokuxhumana phakathi kwabamele oMasipala abaKhulu kanye nabanye oMasipala, amaChweba, iMpahla eMgwaqeni, iziTimela, iziNdiza, amaPayipi, iziMboni, ezoLimo, abaMele abaSebenzi kanye nabaMele ukuLandelwa koMthetho, ukuze kube khona ukuxhumana phakathi kwalezi ziphathi mabizanisini futhi nokuthi isifundazwe sisebenze kahle kwezokuthuthwa kwezimpahla.

5.1 Iqhaza Lezokuthutha Kwezentuthuko

UMnyango wezokuThutha waKwaZulu-Natali uzoqalisa uphenyo mayelana nobudlelwano phakathi kokudingeka nokuba khona kwezinhlobo ezahlukene zezithuthi ezindaweni ezahlukene zesifundazwe, laphe kuzobe kucwaningwa ubungako bokusebenza ngokomnotho endaweni, ubukhulu bezinhlobo zezithuthi ezitshenziswayo, amanani abizwa yizithuthi, uqophiswano phakathi kwezindlela ezahlukene zokuthutha kanye nokubakhona nokusetshenziswa kwengqalasizinda.

Okunye okuzohlaziywa izimbiwaphansi ezisetshenzwa okwamanje kanye nezihlelelwe ukusetshenzwa esikhathini esizayo, nalapho kutholakala khona izimboni kanye nezolimo bese kwenziwa isilinganiso sokudingakala kwezithuthi esikhathini esizayo okuyosiza ekudidiyeleni ukuhlelwa kwezokuthutha kanye nezinhlelo zezinye izidingo.

5.2 Ukudalwa Kwamathuba Amabhizinisi Amancane

UMnyango wezokuThutha waKwaZulu-Natali uzoqalisa uphenyo lwezakhiwo zezimboni ukuze kubhekwe izindlela ezahlukahlukeni zokudalwa amathuba kwabamnyama okungena kwezomnotho kanye namathuba amabhizinisi amancane embonini yokuthutha ngamaloli, ukwakhiwa kwemigwao, imisebenzi exhasa ukusebenza kukaloliwe, amachweba kanye nezokuthuthwa kwempahla ngezindiza.

UMnyango wezokuThutha waKwaZulu-Natali uzoqalisa futhi uchwano lwezemithetho ekhona ukuthola lokho okungaba yizithiyo ekusungulekeni kwamabhizinisi amancane asimamisekayo embonini yokuthuthwa kwezimpahla bese kwenziwa izincomo eziyokuxhasa ukusunguleka kwawo.

UMnyango wezokuThutha waKwaZulu-Natali uxhasa ukuThuthukiswa kwezoMnotho waBantu abaMnyama futhi uzosebenzisa izinhlelo ezihambisana noMthetho wokuThuthukiswa koMnotho waBantu abaMnyama.

5.3 Ukuqeqeshwa Kwabantu

UMnyango wezokuThutha waKwaZulu-Natali uzoqalisa uphenyo lokuhlaziya ukusebenza ngokuyiko kokuqeqesho olutholakala okwamanje kule mboni nokuthi zihlangatshelwa kangakanani izidingo zokuqeqeshwa ezikhona. Ngenhloso yokukhuphula izinga lokuqeqesha elikhona, isifundazwe sinokuzithola futhi sakhe izinqubo zokukhuthaza ukuqeqesha, lapho kunesidingo khona.

Ekuboneni isidingo sokuba nolwazi oludingekayo ekusungulweni kwamabhizinisi amancane kwezokuthutha, uMnyango wezokuThutha waKwaZulu-Natali uzogqogqezela kuthi lapho kufanele, uxhase ukusungulwa kwezihlelo noma izikhungo zokuqeqesha olwazini nase-makhonweni azobe edingeka kwezokuthutha. Lokhu kuzokwenziwa kubanjiswene neTETA.

Ukuqeqeshwa kuzodidiyela ulwazi ngeSandulela Ngulazi kanhe neNgculazi ukulekelela ukuncipha kokusabalala kwalesi sifo.

5.4 Izidingo zokwenza ngcono ukuLandelwa koMthetho

Uma kubhekwa isidingo esinqala soklandelwa komthetho okwanele ukuze kulawuleke kahle ukuthuthwa kwezimpahla, kuzofanele kunyuswe isibalo sabasebenzi boMnyango wokuHlolwa kweziMoto eziHamba eMgwaqeni bese sigcinwa njalo sisezingeni elifanele.

Lokhu kuzodala amathuba okuqasha nokuqeqeshelwa ezinye izikhundla kubasebenzi abakhona.

Ukwandisa ukusebenza ngokuyiko kokuphoqelelwa komthetho, uMnyango wezokuThutha waKwaZulu-Natali uzoqhubeka nokwenza ngcono ukuxhumana noMnyango wezoBulungiswa. Ngenhloso yokukhuthaza ukuzithuthukisa kwabashushisi ngokukwazi ukungena emikhakheni eyahlukahlukeni yomthetho, isifundazwe sizogqogqezelwa ukuqeqesha okuqhubekayo kanye nezinhlelo zolwazi lwabashushisi abasanda kuqokelwa ukusebenza kwezomgwaqo.

5.5 Ukuthuthukiswa Kwezindawo zasemaPhandleni

Ukuthuthwa kwezimpahla emaphandleni kuzogqogqezelwa ngenhloso yokudala intuthuko emaphandleni, kubanjisenwe neminye imiNyango kaHulumeni efana noMnyango wezoLimo, uMnyango wezaManzi kanye namaHlathi, kanye noMnyango wezeNtuthuko nokuVakasha. UMnyango wezokuThutha waKwaZulu-Natali uzolekelela ngenkuthalo imizamo yokukhuthaza ukunyuswa kokusetshenziswa kwemizila kaloliwe engamagatsha kanye nokusungulwa kwezikhungo zamaGugu namaSiko yabaVakasha ngesiTimela ezindaweni ezahlukene kulesi sifundazwe ngoba ukwandiswa kokusebenza kukaloliwe kuzokwandisa amathuba emisebenzi emaphandleni.

6. UBUDLELWANO PHAKATHI KWEZAKHIWO**6.1 Izakhiwo Zokuxhumana**

Kubhekwa iqhaza lezifundazwe kunqubo yesizwe yezokuthutha nangokuchaza koMthetho woGuquko kwezokuThutha kaZwelonke kanye noHlelo lokuSebenza kwezokuThutha kaZwelonke, uMnyango wezokuThutha waKwaZulu-Natali uzothatha izinyathelo zokusungula izakhiwo zokuxhumana kanye nokusebenzisana ukuze kudalekele ukhululekile nokuphatha okubambisene kuzo zonke izihlangathi zohlelo nengqalasizinda yezokuthutha KwaZulu-Natali. Kulezi zakhiwo kuzobakhona —

- isakhiwo sokuxhumana kokuphakelana phakathi kwezindlela eziningi zokuthuthwa kwezimpahla;
- ukuhlizelwa kwengqalasizinda yokuxhumana kwazo zonke izindlela esifundazweni;
- ukuxhumana kwezinkampani kanye nokusebenza kwazo zonke izindlela esifundazweni;
- ukuxhumana kokuthuthukiswa komnotho kanye nokuthuthwa kwezimpahla kwazo zonke izindlela;
- ukusebenzisana neminye imiNyango yesiFundazwe saKwaZulu-Natali eneqhaza ezinhlelweni zokuthutha esiFundazweni;
- ukuxhumana kwemibono ngenqubomgomo yokuthuthwa kwezimpahla nalabo abaphathelene emnyangweni kazwelonke kanye nabazimele.

Ukuze kusebenzeke ngempumelelo iNqubomgomo yokuThuthwa kweziMpahla yaKwaZulu-Natali, uMnyango wezokuThutha waKwaZulu-Natali uzohlaziya ukuxhumana okukhona okwamanje phakathi kwawo nezikhulu zomnyango wezokuthutha kazwelonke kwenziwe izincomo ezifanele zokunyusa izinga kuzwelonke lokudidiyela ukufakwa kwengqalasizinda yokuthutha, ukuphakelana kwezithuthi zempahla, ukuphoqelelwa komthetho nokuqapha kanye nokufakwa kwezimali ekwakhiweni yengqalasizinda yazo zonke izindlela zokuthutha.

6.2 Ukuxhumana Nokuphatha Ukuqhubeka Komsebenzi

UMnyango wezokuThutha waKwaZulu-Natali uzosungula iSigcawu sezoMnotho wezokuThuthwa kweziMpahla noma aqoke ithimba elizobhekana nokucubungula okwenzaka ezimbonini, kwezolimo nakweminye imikhakha yezomnotho nezenhlalo yomphakathi ngenhloso yokuhlaziya okungaba wumthelela kwezokuthuthwa kwezimpahla bese kwenziwa izincomo ezifanele kuwona umnyango.

Lesi sigcawu sizogqapha nemithelela yezokongiwa kwemvelo kwezokuthuthwa kwezimpahla.

UMnyango wezokuThutha waKwaZulu-Natali uzoxhumana nomnyango obhekene nokusebenza koMthetho weziThuthi eziWela umNgcele, uqhapha ukusebenza kwawo ngenhloso yokubhekela loko okuthinta isifundazwe, ezithuthini ezingenayo neziphumayo KwaZulu-Natali.

7. UKUFAKWA KWEZIMALI**7.1 Ukufakwa Kwezimali Okuhambisana Nezidingo Zokuthuthwa Kwezimpahla**

Isifundazwe sizogqogqezela ukwamukeleka kwenkambiso yokuthi izimali ezifakwa ekwakhiweni kwengqalasizinda yezokuthutha kufanele zilingane nesidingo sayo esibale ngokucwaningisisa. Ukuhluleka kohlelo lwezokuthutha nengqalasizinda yalo ukuhlangabezana nezidingo zomnotho, ekukhinyabezani ukukhula komnotho, kuyoba nomthelela oziphindaphindayo oweqayo ezidlekweni zengqalasizinda ebingafakwa.

Khathi-zonke uMnyango wezokuThutha waKwaZulu-Natali uzobe uhlaziya uqhathanisa umphumela wokufakwa kwezimali kuwo kanye nezininga lokusebenza komnotho-jikelele wesifundazwe kanye nowezwe lonkana, ngenhloso yokuthola lawo mazinga okufakwa kwezimali asimamisekayo. Loluhlelo luzodidiyela ukuthola ubungako bezimali okumele zifakwe esikhathini esizayo nezindlela zokwenza ukuthi ukutholakala kwazo kwenzeke.

7.2 Imithimbo Yezimali: Umbuso Namabhizinisi

UMnyango wezokuThutha waKwaZulu-Natali uzohlaziya khathi zonke yonke indlela nobungako nomphumela wokufakwa kwezimali ekufezweni kwenqubomgomo yokuthuthwa kwezimpahla, ube ubheka nezindlela zokwenza ngcono ukufakwa kwezimali wumbuso wesizwe nowesifundazwe.

UMnyango wezokuThutha waKwaZulu-Natali uzokwenza konke okusemandleni ukukhulumisana noMnyango weziMali wesiFundazwe ngenhloso yokusungula isikhwama esiqondene nokwakhiwa kwemigwaqo ukuze ngalendlela zonke izimali ezitholakale kwabakhokhele ukusebenzisa umgwaqo, zisetshenziselwe ukwakha nokulungisa imigwaqo.

Lapho lokhu kuzodonsela ekusebenzeni kangcono futhi kufezwe izinjongo zenqubo yezokuthuthwa kwezimpahla, isifundazwe sizokwakha izinhlelo ezizididiyela iqhaza lamabhizinisi ekwakhiweni kohlelo nokukhuliswa kwengqalasizinda yezokuthuthwa kwezimpahla.

7.3 Ukufakwa Kwemali Yezentuthuko

UMnyango wezokuThutha waKwaZulu-Natali uzophenya izindlela zokugququzela iqhaza elingabanjwa ezokuthuthwa kwezimpahla kwezentuthuko, abheke nokuFakwa kweziMali ekuQeqeshweni kwaBantu emaKhonweni afanele, izinhlelo ezididiyela amabhizinisi amancane, izindawo zokuphakelana ngempahla phakathi kwezithuthi kanye nezinhlelo ezifaka abakhi abasafufusa ekwakhiweni kwengqalasizinda.

7.4 Ukufakwa Kwemali Kwezomthetho

Ngenhloso yokweseka umkhankaso okhona okwamanje wokuphepha emgwaqweni nesidingo sokuvikela imigwaqo nomphakathi, uMnyango wezokuThutha waKwaZulu-Natali uzokwenza uphenyo oluphuthumayo lwezindlela zokuthutha izimali ezizofakwa emisebenzini yoMnyango wezokuHlolwa kweziMoto eziHamba eMgwaqeni yokuphoqelesa ukuhlonishwa komthetho okudidiyela kuko ingqalasizinda yokusebenza, abasebenzi, izimoto nemishini nezinto zokusebenza ukuze kusebenzeke 24 amahora, kanye nemali eyanele ukuze ukuphela okwanele kuyo yonke imigwaqo yesifundazwe.

8. UKUSETSHENZISWA KWENQUBOMGOMO

Ukuze kuqinisekise ukusetshenziswa ngesikhathi kwale nqubomgomo, uMnyango wezokuThutha waKwaZulu-Natali uzoqalisa ukuhlwala ngokulandela ngokubaluleka, kwezinto okufanele zenziwe ngaphansi kwale nqubomgomo.

Ukuze kubhekane nodaba ngalunye, kuzoba nesidingo sokuhlela okubhekela isikhathi esizayo. Ngenkathi izinhlelo zakhiwa, iziphakamiso zokuzifeza kuzofanele zibhekele okukhona kokuzifeza. Lapho okokufezwa izinhlelo kunqala, njengezimali noma abantu abafanele, kuzofanele kwenziwe iziphakamiso ezifanele zokugqula izabelo zezimali ezithintekayo.

Kudingekile ukuthi izinhlelo ezizokwakhiwa zisebenzisane nezeminye iminyango yesifundazwe nanokuthi kube khona nezakhiwo zokuxhumana kusukela kusahlelwa ukuze kunyuswe izinga lokusebenza ngendlela efanele.

Imisebenzi esemqoka izodinga abashayeli ababhekene nayo ngqo, okungaba abantu abaqoke kuwo umnyango wezokuthutha noma batholwe ngaphandle kuhambisana nezidingo zomsebenzi.

Ukuphumelela kokusebenza kwale nqubomgomo kuyolawulwa wukuqapha ukusebenza nokulandela izinqubo zokwethula imibiko.

Izincomo kanye nemibono zithunyelelwa kule mininingwane:

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Qaphela: "Uma kukhona onezincomo noma imibono kumele aqinisekise ukuthi uzifaka esikhathini esingangezinsuku ezingamashumi amabili nanye kusukela ngosuku lokushicilelwa kwalesi saizo."

No. 6, 2004

26 August 2004

KWAZULU-NATAL DEPARTMENT OF TRANSPORT FREIGHT TRANSPORT POLICY DRAFT WHITE PAPER JULY 2004

PREAMBLE

The KwaZulu-Natal Minister of Transport initiated the process of formulating a Provincial Freight Transport Policy in order to define the role of the Province in the application of the National Freight Transport Policy.

It is necessary that the Provincial Freight Transport Policy takes cognisance of the fact that the ports and the land transportation system of KwaZulu-Natal handle the major proportion of South African import-export cargo. The development of effective, integrated, holistic and sustainable policies in respect of the infrastructure and operation of all modes of freight transport is therefore essential for the province, the country and the region.

In due recognition of the responsibility of the provincial government to facilitate the provision of efficient transportation systems in the province, a Directorate of Freight Transport has been established within the KwaZulu-Natal Department of Transport (KZN: DOT). This Directorate will provide the necessary capability for management of the policies defined in this Draft White Paper.

The application of the policy will, in conformity with the National Land Transport Transition Act (NLTTA) and the National Land Transport Strategic Framework (NLTS) (2002-2007), be administered by the KZN: DOT in terms of the National Road Traffic Act (NRTA) and the KwaZulu-Natal Roads Act, the Development Facilitation Act (DFA), and other national and provincial legislation. In addition, the KZN: DOT will provide for the creation of structures in order to achieve effective coordination of modal and intermodal transport, where these fall outside the defined responsibilities of the province.

POLICY VISION

"To retain and develop the freight transport system of KwaZulu-Natal, to ensure the continued ability of the KwaZulu-Natal freight corridors to serve the needs of the province, the country and the region; to create sustainable freight transport systems through modal and intermodal optimisation, regulation and the provision of adequate facilities and supportive human resource development"

**KWAZULU-NATAL DEPARTMENT OF TRANSPORT
FREIGHT TRANSPORT POLICY
DRAFT WHITE PAPER
JULY 2004**

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**KWAZULU-NATAL DEPARTMENT OF TRANSPORT
FREIGHT TRANSPORT POLICY
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1. THE NATIONAL CONTEXT

1.1 Freight Policy Framework

There are various documents which are relevant to an analysis of South African central government overall transport and freight policy. The most specific of these are:

- The 1986 National Transport Policy Study White Paper
- The 1996 White Paper on National Transport Policy, and
- The "Moving South Africa", 20-year strategic framework for transport policy in South Africa, issued by the Minister of Transport 1999.

In the history of freight transportation in South Africa the pendulum has swung from strict economic regulation to total economic deregulation. The goals in the 1986 White Paper were to provide a safe and reliable freight transport service, and through a simplification of regula-

tions governing particularly road freight transport, to further effective and equitable competition, with the proviso of a satisfactory quality system being in place. Various measures were implemented to promote these goals however a satisfactory road freight quality system was not installed. The intention was for economic decisions to be left to the market place to resolve, financial inequities which might favour one or other mode of transport to be eliminated, public safety to be protected and operator quality (for all modes) to be enhanced.

The 1996 White Paper on National Transport Policy re-affirmed and built on these principles in respect of freight transport with special emphasis on traffic quality and safety matters, but added certain additional policy objectives. These included the following:

- A comprehensive freight transport information system was to be developed.
- Seamless intermodal services were to be promoted.
- Current capacity, within all modes (basically rail and road) was to be maintained and optimised.
- The implementation of freight policy was to be prioritised in terms of sustainable economic and development needs, within a practical and equitable distribution of all capital and costs.
- A strong diverse and competitive industry was to be provided, within the limits of sustainable transport infrastructure, and protection of the environment, especially with respect to the transport of hazardous substances.
- Human resource development and the promotion of entrepreneurial opportunities was to receive attention.

In particular road transport law enforcement, in the interests of safety was to be "optimised". The documents also dealt with policy objectives concerning co-ordination of international freight transport operations primarily a central government, and not a provincial matter.

During 1997 and 1998 the National Department of Transport developed a 20-year strategic framework for transport in South Africa, the "Moving South Africa" (MSA) document. This framework goes beyond the primarily road and rail freight issues (which constitute probably in excess of 98% of all freight transport within South Africa) to also include issues of air and maritime freight transport, of which the latter is probably most relevant to KwaZulu-Natal. The additional matters in the MSA which are of relevance to a KZN freight policy are as follows:

- Encourage intermodal networks.
- Promote density in corridors (rather than a diffused freight movement network).
- Deploy modes to achieve optimal economies of scale for a given volume and distance.
- Create innovative institutional and regulatory structures to coordinate implementation of investment in an integrated fashion (this for example requires the contemplated three fold increase in "port side" capacity at Durban to be matched by corresponding "land side" improvements).
- Recognise the role of SADC countries in freight generation to the province
- Lowering of transit times and system costs to increase the competitiveness of customers.
- Internalise externalities to the maximum possible degree.
- Decrease the distorting effects of cross subsidisation and increase the potential to re-invest in the business.
- Encourage full cost recovery of infrastructure and externalities from users – though this issue is of more relevance to central government.
- Stimulation of integrated logistics.

1.2 White Paper on National Transport Policy

The White Paper on National Transport Policy (1996) deals with land freight, civil aviation and maritime transport. It sets out a different mission statement and strategic objectives for the National Department of Transport in each modal area.

A number of themes emerge which are common to each mode and that provide guidance in policy development.

Safe, efficient, reliable and integrated transport: A safe and efficient transport system is emphasized, so as not to compromise the level of service to customers. A reliable and integrated transport system increases the competitiveness of our country's imports and exports and addresses inefficiencies in the system.

Seamless intermodal services: Modal integration is encouraged and the movement of some goods from road to rail emphasized, so as to increase the efficient utilisation of infrastructure.

Coordination and institutional arrangements: Since transport is the competency of all spheres of government, and some operations are state-owned enterprises, the coordination of structures responsible for planning and operation, is required.

Improvement of service levels and contribution to the socio-economic development of South Africa: Government has emphasized the need to create a strong, diverse, competitive and sustainable transport industry that will contribute to the economic development of South Africa.

Human resources development: Lack of skills in the transport industry has been identified, and there is a need for skills development that will also provide employment.

The National White Paper on Transport Policy puts forward a number of policy principles which are relevant to KwaZulu-Natal:

The role of government: This is to focus on policy and strategy formulation, to retain the regulatory role and to reduce direct involvement in operations and in the provision of infrastructure.

Inter-governmental matters: Government should promote the integration and co-ordination of policy and activities between the different spheres of government.

2. KEY ISSUES

2.1 Provincial Policy Development

In the National White Paper and in the "Moving South Africa" document the government has identified various areas that are important in the development of the freight industry. These themes are also relevant for freight policy development at provincial level.

Infrastructure

The National White Paper identifies the lack of adequate transport infrastructure for all modes as having a negative impact on the development of a sustainable transport industry. The increase in focus on exports has highlighted the need for a competitive freight transport industry, which as a pre-requisite requires an efficient and sustainable transportation infrastructure. Infrastructure development is also seen as an opportunity for partnerships between government and the private sector. In defining its role, the government would prefer to reduce its involvement in the provision of infrastructure and services, and rather create development opportunities by means of public and private partnerships.

The White Paper encourages the establishment of coordinating structures between government and state-owned enterprises. This coordination has to take place at provincial and local levels of government.

These coordinating structures are responsible for identifying the need for infrastructure and to address those needs through proper planning and coordination across all modes.

Management, Control And Operations

The government wants to retain the role of regulation and control, so as to ensure unbiased regulation of safety and quality in general and to control market access for transport operators where this is necessary. The government role also includes setting standards, enforcement rules and regulations.

In order to ensure compliance the government has to set up coordinating structures that will create uniform standards of compliance and enforcement. The government has to provide adequate resources for enforcement agencies.

Planning and Development

Various government institutions are involved in planning and development. The coordination of plans needs to take place so as to ensure that the economic development plans of government are met and that there is no duplication of scarce resources. The National White Paper emphasizes the need for coordination of plans and developments so as to ensure that national, provincial and local government priorities are met. In this respect the provinces are given responsibilities in terms of the National Land Transport Transition Act and the National Land Transport Strategic Framework (2002-2007).

Institutional Relationships

At national level the relationship between the National Dept. of Transport (NDOT), the Dept. of Trade & Industry (DTI) and the Dept. of Public Enterprises (DPE) is in respect of policy, legislation, funding, management and operations. The role of NDOT is to set policy framework for the different components of freight transport and these include rail, road, air transport and maritime safety. DTI's role is to manage policy implementation, so as to ensure private sector investment and sustainable economic development. DPE is responsible for the implementation of the policy set by NDOT through the State-Owned Enterprises (SOE's) that are tasked with management and operations. In all government policy formulation processes at national level there is acknowledgement of the role of each department in ensuring that broad government aims and objectives are met in implementation.

At provincial level there is no direct duplication of these departments, as they exist at national level. The provincial Department of Transport is the custodian of policy formulation for freight. DTI at provincial level in KwaZulu-Natal is represented by the Department of Economic Affairs and Finance. Its role is to ensure that provincial freight policies will attract investments and facilitate economic development. DPE has no direct representation at provincial level and some of its roles of monitoring state-owned enterprises reside with either the provincial Department of Transport or with the Department of Economic Affairs and Finance.

At provincial level there is therefore a particular need for setting up inter-departmental coordinating structures that will ensure effective planning and implementation of policy.

Funding

The government has identified the need for additional sources for infrastructure development funding. As a result, other forms of funding will be required to encourage private sector participation at various levels of development. For such private sector funding opportunities in freight transport infrastructure to be maximised, will require the KZN: DOT to provide a suitable facilitation and coordinative structure, encompassing all transport modes.

2.2 Current Situation in Freight Transport in KZN

Due to the long-term nature of the infrastructure and equipment utilised in transportation, it is necessary to formulate Freight Transport Policy for an appropriate time span such as twenty to fifty years, covering both the short and medium to long term.

It is also necessary at provincial level to develop policies, which are more specific and pragmatic than national policies, so as to provide the basis for an implementation process capable of introducing measures to achieve the policy objectives.

In order to provide a brief perspective on the extent and significance of key aspects and major issues relative to freight transport in KwaZulu-Natal, the relevant transport modes and locations are described briefly below.

Ports

The ports of Durban and Richards Bay handle the major proportion of all import-export cargo for the Southern African region, and are the busiest ports for break bulk, containers and bulk liquids, as well as bulk export commodities such as coal and woodchip.

Growth is expected in Durban container traffic that will exceed the capacity of the port, and R4.3 billion will be spent over 5 years to increase capacity in the port.

Richards Bay has extensive development capacity and expansion of the port for present commodities is proceeding, whilst enhancement of container and other facilities is under investigation.

Rail

The main rail line from Durban to Gauteng is currently operating at 35% of line capacity and could handle a far higher proportion of long distance freight if equipment and systems were upgraded. Historical investments in rail infrastructure have resulted in under utilised facilities in many areas, at current levels of traffic.

The rail line between the coal production areas of Mpumalanga and KwaZulu-Natal and, Richards Bay, is operating at approximately 85% of capacity and continual upgrading is necessary to match demand for the transport of bulk commodities to Richards Bay.

The rail line between Durban, through Golela to Swaziland has the capacity to handle increased tonnage.

The Rail Branch Lines of the Province, including the Durban — Port Shepstone line, are under-utilised but in urgent need of rehabilitation as a prerequisite for future redevelopment of Branch Line Rail services. To address the escalating transfer of branch line cargo to road transport and the subsequent reducing railway services on these lines, provincial involvement will be necessary to explore other models of operation to improve operational efficiency of the branchlines.

Roads and Road Freight Roads

KwaZulu-Natal has 23,121 kms of Provincial roads and 1,138 kms of National roads.

The N3/N11 Durban-Gauteng corridor is the most heavily trafficked road freight cargo route in the country, in terms of tons carried and vehicle movements. The road freight transport corridors of KwaZulu-Natal are also of critical importance to the whole SADC region, being the region's most effective routes for import — export trade.

The N3 corridor south of Mooi River is relatively congested and with no viable alternative, is highly vulnerable to disruption of the cargo flow, by accidents or road damage. The R103 parallel alternate route to the N3 is in need of maintenance and is unsuitable for large volumes of freight transport. The N3 route via Van Reenen's Pass is vulnerable to interruption by accidents and weather. The future realignment of the route via De Beers Pass will greatly improve the safety of the road corridor.

The N11 section between Ladysmith and Newcastle is congested to the point of being dangerous, due to the mix of Heavy Goods Vehicles and Light Vehicles on the two lane sections. The access from the N3 to and from the Port of Durban through eThekweni city is congested and in its present state, incapable of absorbing future projected heavy vehicle traffic flows.

Richards Bay does not have adequate direct road linkage to the interior, a factor hindering future development as a major general cargo port. The most direct routes between Richards Bay and Gauteng and the Tugela Basin industrial areas, are Provincial roads not suitable for large

volumes of heavy vehicle traffic. From a road safety perspective, some sections of this route are unsuitable for 56 ton articulated heavy vehicles.

The roads of the province are deteriorating rapidly and the overall condition is already poor. The cumulative under-funding for rehabilitation and maintenance of provincial roads over the past 8 years to 2002, is R 2.9 billion. Unless this situation is adequately addressed, the efficiency and costs of road transport will be adversely affected. A sustainable road maintenance programme is essential to ensure the long term competitive advantage of KwaZulu-Natal as the Gateway to Southern Africa.

Road-Rail Competition

For local delivery and short-haul traffic, road transport is the dominant mode of freight transport in the province. For haulage of bulk commodities rail transport has more than 40% market share of cargo moved on the Durban/Gauteng corridor and, transports over 80% of the cargo shipped through the port of Richards Bay. On all other routes that have a parallel road and rail service, road transport carries over 80% of all the cargo. In rural areas rail was the dominant carrier in the past, but after the increase in heavy vehicle size in the early 1990's, from 48 tons to 56 tons (Gross Combination Mass) with payload increasing from 27 tons to 36 tons, the market share of road transport increased rapidly.

Air Cargo

The air cargo tonnage handled at Durban Airport is limited by the availability of aircraft cargo capacity so that a considerable tonnage of air cargo for international destinations is transported to and from Johannesburg airport by over-night road transport services.

The planned relocation of Durban Airport to La Mercy will open new horizons for the production of airfreight related products, commodities, crops and horticulture for export.

Pipelines

The two main pipeline routes in South Africa are from Durban to Gauteng and Durban-Richards Bay-Secunda. The cargo comprises crude oil, leaded and unleaded petrol, diesel, methane gas, and aviation fuel. Future plans include the dedication of the Durban/Richards Bay pipeline to the transportation of gas products from the Mozambique gas fields, for industrial and domestic usage in the coastal areas.

2.3 Vision of Freight Transport Policy

The Freight Transport Policy of KwaZulu-Natal must of necessity be located within and conform to the broad parameters of National Transport Policy, but on specific issues may not necessarily be limited by national policy where there is need for provincial solutions for optimal benefit to the people of KwaZulu-Natal.

Policy Vision

"To retain and develop the freight transport system of KwaZulu-Natal, to ensure the continued ability of the KwaZulu-Natal freight corridors to serve the needs of the province, the country and the region; to create sustainable freight transport systems through modal and intermodal optimisation, regulation and the provision of adequate facilities with supportive human resource development"

2.4 Objectives of the Freight Transport Policy

- (a) To optimise resource usage through intermodal transport technology, integration, communication systems development, and the provision of effective facilities and infrastructure.
- (b) To maximise human resource development and training, to ensure the competitive efficiency of the KwaZulu-Natal freight transport corridors.
- (c) To provide for rational integration with the transport system in the rest of South Africa and the region, with the clear proviso that the policy must provide for sustainable effectiveness, growth, and improved efficiency and international competitiveness over time.
- (d) To promote the development of economic activity and growth within KwaZulu-Natal by providing transit corridors to the interior, from the two major ports.
- (e) To take cognisance of the energy, environmental and safety considerations of all transport modes.
- (f) To support and improve employment creation and Small, Micro and Medium Enterprises (SMMEs) opportunity potential in freight transportation, by facilitating distribution and transport services in industry, agriculture and government departments.
- (g) To enhance the cost efficiency of the overall transportation system of the province, through optimal resource allocation and usage, within the financial capability of the province.

3. INFRASTRUCTURE

Within the framework of National and Provincial Legislation, the Freight Transport Policy of KwaZulu-Natal will address the following infrastructural considerations.

3.1 Intermodal Development

KZN: DOT will become involved in planning measures to identify the needs of the economy in respect of freight transport infrastructure, recognising both the interdependence and substitutability of the modes for major volumes of freight movement, including transport by road, rail, and shipping; and the promotion of an airfreight intermodal facility at the proposed King Shaka Airport.

The KZN: DOT will facilitate and guide the infrastructural development of all modes, to achieve optimal overall efficiency for the entire freight transportation system of the province.

The KZN: DOT will monitor and assist with co-ordination and planning of modal and intermodal developments to relieve congestion and improve control of safety aspects of freight transportation.

Where appropriate KZN: DOT will formulate strategies aimed at shifting appropriate cargo from road to rail and vice versa, while taking into consideration economic sustainability and competitiveness of industry and the country as a whole.

3.2 The Ports

Durban

KZN: DOT will seek involvement in the co-ordination of intermodal development with eThekweni Metro and the National Port Authority, in the interests of maximising the efficiency of the overall freight transportation system.

Recognising that the port of Durban is intensely developed, that the port infrastructure is congested, that acquisition of land for development of additional infrastructure will be expensive and that port efficiency is dependent on total corridor transportation performance, KZN: DOT will actively promote provincial involvement in the necessary land use planning analysis of the relevant freight transport corridors that serve Durban harbour. This will require liaison with eThekweni Metro, the South African National Roads Agency and Spoornet to plan the long-term development framework for road and rail corridors to meet the demands of freight transport through the province to and from the port of Durban over a 20-50 year time horizon.

It must be recognised that with the further development of Durban harbour such as the widening and deepening of the entrance channel, the tonnage of cargo handled, will increase. This will in turn, increase the volume of road and rail transport, through the eThekweni Metro.

Richards Bay

In consultation with the relevant stakeholders the KZN: DOT will facilitate, where possible, co-ordination of the development of Richards Bay with due regard for the large undeveloped port and industrial areas, with the intention of maximising the development potential of these areas.

Development prospects for effective road and rail linkages to the Tugela Basin and northern hinterland of the port will be investigated and implemented where necessary.

Port Competitive Capability

The ports of Durban and Richards Bay are substantial economic generators for the provincial economy of KwaZulu-Natal. It is incumbent upon the KZN: DOT to ensure that timeous planning will provide the necessary infrastructure to protect the present cargo volumes shipped through these ports and, accommodate anticipated cargo growth.

Considering the recent privatisation of Maputo Harbour north of the province and the development of the port of Coega in the Eastern Cape, the present Eastern Seaboard hub port status of Durban could be challenged. Apart from suitable port infrastructure being provided, to maintain the competitive capability of Durban and Richards Bay ports, the relevant provincial, municipal and national authorities will have to ensure provision of adequate road and rail linkages to each port. In this respect KZN: DOT has a key coordination role to play.

3.3 Shipping Service Requirements

The KZN: DOT will establish the means for monitoring the need for infrastructure to promote the performance of shipping services.

The KZN: DOT will promote shipping opportunity, by facilitating establishment of enhanced facilities for international cargo trade, as well as encouraging establishment of world class intermodal facilities at each port.

Liaison will be developed with port authorities in respect of expansion plans, to enable adequate provision for supporting land transport linkages.

3.4 The Durban Port Hinterland Corridor

Recognising that the present N3 road corridor is becoming congested and vulnerable to disruption and closure in event of accidents or natural disasters such as flood or snow, KZN: DOT will investigate the feasibility for development of alternate routes and the potential for utilisation of the rail mode to relieve congestion of the road route.

3.5 The Richards Bay Port Hinterland Corridor

Recognising that the future development of Richards Bay is dependent on road and rail links to the North, and that current routes are largely inadequate for increased cargo flows, KZN: DOT will actively promote the development of improved road infrastructure to link Richards Bay to Gauteng, the Mpumalanga industrial areas, and the Tugela Basin. Planning will include roads to the port and development of general freight and container capacity of the transport system.

3.6 The Coastal Highway

The KZN: DOT will continue to facilitate the improvement of the access to the port of Durban from the N3 and N2 national routes and to the port of Richards Bay from the N2.

KZN: DOT will assist and promote the planning of the Maputaland and N2 north corridors to enhance the freight transport and tourism potential of the northern region of the province.

3.7 Provincial Roads and Railways

The provincial roads in KZN are generally well located although in many areas the roads are currently inadequate in terms of pavement design, due to the large increases in permissible vehicle mass in recent years.

In some areas the horizontal and vertical alignment of the roads is inadequate for current vehicle dimensions, contributing to an unsatisfactory increase in road freight vehicle accidents. To improve road safety on provincial roads the KZN: DOT will consider methods to create a safer trucking environment; including truck lay-byes for stopping purposes and improved enforcement.

To create optimised road and rail freight transportation services for the rural areas of the province, the KZN: DOT will engage the relevant national authorities to facilitate the improvement of railway infrastructure and facilities. In line with national policy this will facilitate improved rail efficiency and enable a transfer of cargo from road to rail; which in turn will improve road safety and, provide rural job opportunity by employment on railway services.

3.8 Durban International Airport, King Shaka Airport and Dube Trade Port

In recognition of the fact that current airfreight capacity at Durban International Airport is limited and that airfreight tonnage is growing, there is economic growth potential to be gained from the relocation of Durban Airport.

KZN: DOT will actively assist promotion of the concept of the international status King Shaka Airport at La Mercy, and evaluate all potential associated transportation opportunities. The King Shaka Airport would increase the potential for air cargo shipments and to this end, supportive agro-industry providing airfreight for exports would be encouraged to locate in close proximity to the airport. An airport with international status will also enhance the tourism capability of KwaZulu-Natal.

The proposed adjacent Dube Trade Port similarly would encourage air cargo imports and exports, while also promoting the establishment of technologically advanced labour intensive industry. Proposed electronic "cybertech" trade facilities would be established to consolidate the position of Durban and KwaZulu-Natal as 'The Trade Gateway to Southern Africa.'

3.9 Pipelines

KZN: DOT will take cognisance of the important role of pipelines for freight transport and their potential for further generating economic activity in the province.

To promote modal optimisation and usage of scarce infrastructure, KZN: DOT will encourage optimal utilisation of pipeline transport system for appropriate products.

4. MANAGEMENT, CONTROL AND OPERATIONS

By means of total resource costing and cost benefit analysis, the KZN: DOT will facilitate an evaluation of the optimal modal split for the freight transport corridors of the province.

The provincial policy will be to promote the concepts of optimal cost effectiveness in relation to social and economic benefit and safety, and efficiency within a sustainable freight transport dispensation.

The KZN: DOT accepts the responsibility within its nationally defined competency, to create effectively managed and controlled freight transport systems, to support the economic and social objectives of the province and the country.

The KZN: DOT recognises the definitions of responsibility for transport modes in terms of the NLTTA, and in this context is committed to explore all necessary channels and motivate the required action to achieve the objectives of the Freight Transport Policy. The KZN: DOT commits itself to working closely with other government and provincial departments and agencies at all levels in areas requiring interdepartmental co-operation.

4.1 Ports and Shipping

The KZN: DOT will facilitate the co-ordination of intermodal planning to optimise development of the ports of the province and achieve optimal efficiency on the corridors servicing the ports.

Taking cognisance of the importance of the ports of Durban and Richards Bay to the provincial economy, the KZN: DOT will promote the current efficiency of KwaZulu-Natal freight transport corridors and continually seek ways to improve them, to ensure the regional and international competitiveness of the transportation system that serves each port.

4.2 Rail Transport

KZN: DOT will establish liaison structures to facilitate improved co-ordination of planning measures for the supply of rail freight transport and will encourage utilisation of under-utilised infrastructure, wherever this is beneficial to the economies of the province and the country.

Initiatives will be pursued to optimise the usage of rural freight transport by means of facilitating increased usage of rail branchlines, if this shows a positive net benefit to the province.

KZN: DOT will arrange to support or initiate impact studies to assess the implication of any proposed closures of rail lines or termination of services, for the affected areas and the province as a whole. Closure of rail branch lines will be actively discouraged.

Intermodal opportunities with particular reference to SMMEs will be investigated and where feasible, implemented.

The KZN: DOT will assess the adequacy of safety standards for the transportation of hazardous cargoes by rail, as well as the co-ordination of disaster recovery.

4.3 Road Transport

The effective movement of road freight on the major corridors necessitates high standards of efficiency and safety, as defined in the existing Road Traffic legislation. Responsibility to ensure that these standards are maintained at optimum levels is that of the KZN Road Traffic Inspectorate (RTI).

Aspects to be promoted in the achievement of the operational efficiency of the province's road freight system include the following:

Vehicle Standards — through roadside inspections and the control of test station standards, the monitoring of brake systems and tyre standards of Heavy Goods Vehicles, particularly considering the mountainous terrain of much of KwaZulu-Natal.

Driver Standards — through roadside inspection, suitable accreditation and control of training institutions and the activities of the testing and licensing of officials.

Operating Standards — enforcement in respect of speed, overloading control, load securement, handling of hazardous and dangerous commodities, **driving hours** for long distance operations, and general truck safety features.

In respect of **overloading control**, focused action and provision of facilities is necessary to ensure protection of the roads and public safety, not only on national routes but also provincial routes.

KZN: DOT will liaise with relevant provincial and national agencies to resolve the problems associated with parking of freight vehicles on roads and the need for suitable "truck stop" rest and parking facilities for long distance freight vehicles.

The KZN: DOT will promote the coordination of enforcement and emergency service agencies, by creation of structures to improve the liaison between the agencies at different levels of government, including where necessary the introduction of enabling legislation to improve efficiency in the delivery of such services.

The KZN: DOT will promote the concept of an effective National Operator License Registration System to overcome the current problems with enforcement of the National Road Traffic Act.

With respect to **Abnormal Loads**, where relevant infrastructure modification is required, practical measures will be put in place to protect the condition of the designated routes.

Dangerous Goods

KZN: DOT will promote:

- The development of effective regulations to control the transportation of dangerous materials.
- Measures to deal with incidents immediately and effectively.
- The training of "dangerous goods" inspectors.
- The provision of truck stops and suitable parking areas for dangerous goods vehicles.
- The equipping of dangerous cargo routes with emergency facilities to respond effectively to medical and environmental emergencies.
- The concept by which "dangerous goods vehicles" will be treated uniquely in terms of issuing C.O.R.'s.

HIV/AIDS

• KZN: DOT will play an active role in the fight against HIV/AIDS amongst truck drivers by supporting all endeavours by the trucking industry against HIV/AIDS.

• KZN: DOT will promote measures to control the activities of commercial sex workers in truck driver resting areas. KZN: DOT will enlist the assistance of other government and non-government agencies in an endeavour to limit the effects of the HIV/AIDS epidemic in the transport industry.

Provincial Road Standards

The KZN: DOT will take steps to **protect the provincial roads** by reducing road usage through the intermodal transfer of freight to rail where possible, and to reduce the damage caused by heavy freight vehicles. Studies will be undertaken to establish the feasibility and sustainability of promoting a modal switch of freight cargo from road to rail.

To achieve an optimised solution in respect of provincial **road funding**, the province will explore all available options, as well as investigating comparable overseas solutions, as a guide for future policy development.

To implement the Freight Transport Policy, the KZN: DOT will pursue opportunities for innovation, co-ordination and use of all available facilities (provincial, municipal and private). The need for information systems and manpower resources may necessitate the creation of additional provincial capability, or the hiring of contracted services, wherever this becomes necessary.

Law Enforcement

Recognising that lack of adequate **law enforcement** encourages non-compliance by operators and drivers of operating safety standards, which impacts negatively on road safety, the KZN: DOT will continue to promote all possible avenues for development and training of traffic officials, and improvement of law enforcement facilities.

As a guide for the required level of enforcement, KZN: RTI will develop and maintain a model detailing the required numbers of officials, costs of adequate enforcement staff and necessary facilities.

Planned versus actual funding, operational performance and enforcement effectiveness will be monitored and continually evaluated, as a basis for management and policy decisions.

Recognising that an efficient prosecution process is essential for effective law enforcement, KZN: RTI will further strengthen existing lines of communication with Provincial Attorney-Generals, in order to promote uniformity of enforcement within the province and with other provinces.

To assist this process, where justified, KZN: RTI will arrange to engage the services of legal personnel to support the prosecution of serious traffic offences.

The KZN: RTI will also investigate the application of innovative enforcement measures, including the establishment of administrative sanctions for offenders, in order to support present court procedures which are slow in application

4.4 Modal Coordination

The intention will be for each transport mode to be used more effectively and appropriately, to maximise the economies of scale within each mode. Where volumes are high, such as on the Durban to the hinterland corridor, or Richards Bay to the hinterland, encourage competition between the modes. However, within the supporting network such as in the rural areas, freight movements may encourage domination of the appropriate mode to optimise the total cost for the operator and the customer. This could for example, mean that existing rail branchlines should be promoted to attain their full potential, and to reduce the burden on the road network.

Coordination Functions

The KZN: DOT will facilitate a provincial freight transport co-ordinating committee or forum that will comprise relevant stakeholders and act as a discussion and reference body for all freight transport related issues, such as legislative changes, infrastructural developments and changes to operational management and control where relevant to the province.

Following development of the KwaZulu-Natal Freight Transport Data Bank in 2003, the Directorate: Freight Transport will continue to expand and update the information to provide a factual basis for policy decisions about modes, industries, suppliers and users of freight transport

The KZN: DOT will monitor the Land Use Plans of all authorities and agencies within the province to identify problems and potential opportunities (or conflicts) for freight transport in all modes.

4.5 Air Cargo

Notwithstanding the current national definition of the responsibility for air cargo transport policy, KZN: DOT will make every possible effort to promote the development of the airfreight potential of provincial and national airports in KwaZulu-Natal.

4.6 Rail and Intermodal Transport

In recognition of the need to optimise the use of infrastructure, and specifically to relieve where possible the current usage of provincial roads, the KZN: DOT will actively promote and support the development of intermodal land transport systems, facilities and operations.

The KZN: DOT will give specific support to the re-development of the rail system of the province and the use of intermodal road-rail services for freight and passengers, including those for the purposes of recreation and tourism. Considering the acknowledged need to improve rail freight transport operational efficiency, alternative management and operating models will need to be explored.

5. PLANNING AND DEVELOPMENT

The Freight Directorate of KZN: DOT will facilitate the establishment of a consultative and co-ordinating forum providing for representation of inter alia, Metropolitan and other Municipalities, Ports, Road Freight, Rail, Air Cargo, Pipelines, Commerce and Industry, Agriculture and Forestry, Organised Labour, and the Enforcement Agencies, to promote coordination of planning between these stakeholders and the province to optimise future freight transport efficiency.

5.1 Developmental Role of Transport

The KZN: DOT will commission investigations into the relevance of the linkage between the supply of and demand for transport in different areas of the province, with reference to economic concentration, vehicle size, transport pricing, intra- and intermodal competition and infrastructure provision and usage.

This will include location analyses of present and future mining, industrial and agricultural undertakings, and provide for forecasts of freight traffic movement to aid the planning and co-ordination of transport development with that of other services.

5.2 Creation of Small Business Opportunities

KZN: DOT will commission studies of the present industry structures to identify options for the creation of opportunities for Black Economic Empowerment (BEE) and SMMEs in the trucking industry, road construction and maintenance, branchline railways and rail support services, shipping and port services, and airfreight.

KZN: DOT will commission studies of the impact of legislation on the viability of SMMEs in the freight transport sector and make recommendations to create an operating climate supportive of their formation.

KZN: DOT supports BEE and will implement strategies that are compliant with the Broad-Based Black Economic Empowerment Act.

5.3 Training and Human Resource Development

KZN: DOT will commission investigations into the effectiveness and adequacy of existing transport training initiatives and monitor the extent to which training needs are addressed. To improve the level of training, the province will consider facilitation procedures, where justified.

In recognition of the need for competence in the establishment of SMMEs, the KZN: DOT will promote and, where justified, assist the establishment of institutions or programmes for relevant training of personnel in the required transport discipline. This will be done in conjunction with TETA (Transport, Education and Training Authority).

Training programmes will include training on HIV/AIDS awareness to help in curbing further spread of the disease.

5.4 Improved Law Enforcement Resources

Considering the essential requirement of adequate law enforcement to ensure orderly freight transport management, the human resources of the RTI will have to be strengthened and then maintained at a satisfactory level.

This will provide recruitment opportunity, as well as training and development opportunities for existing law enforcement personnel.

To further improve the effectiveness of enforcement activities, KZN: DOT will also continue to improve liaison with the Department of Justice. To cater for the career movement of prosecutors from one portfolio to another, the Province will encourage on-going training and information programmes for prosecutors newly appointed to the traffic portfolio.

5.5 Rural Development

Rural Freight Transport will be promoted to facilitate rural development in conjunction with relevant Government Departments such as Agriculture, Water Affairs and Forestry, and Economic Development and Tourism. The KZN: DOT will actively support initiatives to encourage improved usage of railway branchlines for freight carriage and, to create Heritage Railway Tourist attractions in different areas of the province, as increased railway activity will improve rural job opportunity.

6. INSTITUTIONAL RELATIONSHIPS

6.1 Coordinative Structures

With due regard to the roles of provinces within the national transport policy and the NLTTA and NLTSF, the KZN: DOT will take steps to establish co-ordinative and consultative structures for the effective integration of planning and management of all aspects of the overall freight transport system of KwaZulu-Natal, including:

- A multimodal freight transport operational co-ordinative structure.
- Provincial co-ordination of infrastructure provision (all modes).
- Provincial co-ordination of enforcement agencies and practices (all modes).
- Co-ordination of economic development and freight transport (all modes).
- Liaison with other KZN Provincial Departments with interests in the transportation systems of the Province.
- Co-ordination of provincial freight transport policy perspectives with the relevant national departments and agencies.

In order to achieve the effective implementation of the KwaZulu-Natal Freight Transport Policy, KZN: DOT will evaluate provincial relationships with the current national transport authorities and structures and make recommendations where relevant for improved national co-ordination of intermodal freight transport, infrastructure provision, enforcement and control procedures, and funding of infrastructure for freight transport in all modes.

6.2 Liaison and Monitoring

The KZN: DOT will establish a Freight Transport Economic Forum or Panel, which will monitor industrial, agricultural and other economic and social developments and analyse the implications for freight transport so as to generate recommendations to the KZN: DOT.

This forum will also monitor the environmental implications of freight transport.

KZN: DOT will monitor and liaise with the agencies for the administration of the Cross-Border Transport Act, to support provincial interest in cross-border traffic, to and from KwaZulu-Natal.

7. FUNDING

7.1 Funding to Meet Demand for Freight Transport

The Province will promote acceptance of the principle that the funds to ensure an adequate supply of freight transport infrastructure should match the identified and calculated demands for such infrastructure. Failure of the freight transport system to match the needs of the economy will have very high levels of negative multiplier effects on economic performance, which will far outweigh the costs of the transport infrastructure concerned.

On an ongoing basis, KZN: DOT will assess the impact of various levels of funding on the performance of the economic system of the province (and where necessary, for the country), identifying service levels which are sustainable. This process will include determining the required funding to maintain such levels of services for all transport modes for defined future planning periods, and implementing the necessary methods to achieve the funding.

7.2 Funding Sources: National, Provincial and Private Sector

KZN: DOT will continually evaluate all aspects of the funding of transport infrastructure and operations and monitor the effect thereof to achieve the objectives of the freight transport policy, as well as exploring options for improved funding from national and provincial resources.

KZN: DOT will endeavour to engage with the Provincial Treasury in terms of establishing a dedicated fund, so that funds derived through user-pay principles will be used for road construction and maintenance.

The KZN: DOT will develop plans to involve private sector initiatives in the development of freight transport infrastructure and systems, wherever this will lead to improved efficiency and the attainment of the provincial freight transport policy objectives.

7.3 Funding for Development

The KZN: DOT will actively investigate options for promoting the developmental role of freight transport in support of the *Economic Development Strategy of KwaZulu-Natal*, including the funding of training and educational courses and facilities, pilot schemes involving SMMEs, intermodal transfer facilities and small contractor programmes for the supply of freight transport infrastructure.

7.4 Funding of Enforcement

To support current Road Safety initiatives, the need to protect road infrastructure and public safety, the KZN: DOT will urgently investigate options for securing adequate funding of the enforcement activities of the RTI, including infrastructure, staffing, vehicles and equipment to permit 24-hour operations, and funding to ensure a suitable level of monitoring and response on all road routes within the Province.

8. POLICY IMPLEMENTATION

In order to ensure the timeous implementation of freight transport policy, KZN: DOT will engage in a process of prioritising issues for implementation.

For each issue to be addressed there will be a need for strategic planning. As strategic plans are formulated, implementation proposals will also need to consider available resources. And where resources such as funding or manpower are lacking, suitable motivation will be required to amend the relevant budgets.

It is essential that implementation programmes are integrated with those of other provincial departments and that co-ordinating structures are built in to the planning process to maximise efficiency.

Key projects will require dedicated champions who will either be drawn from personnel within the Freight Directorate or, sourced in on an ad hoc basis.

The effectiveness of policy implementation will be driven by strict performance monitoring and reporting procedures.

Comments should be submitted to:

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Please ensure that comments are forwarded within 21 days of the publication date.

KWAZULU-NATAL DEPARTEMENT VAN VERVOER
VRAGVERVOERBELEID
KONSEPWITSKRIF
JULIE 2004

VOORREDE

Die KwaZulu-Natal Minister van Vervoer het 'n proses begin waardeur 'n provinsiale vragvervoerbeleid geformuleer is sodat die provinsie se rol in die toepassing van die nasionale vragvervoerbeleid omskryf kan word.

Dit is noodsaaklik dat die provinsiale vragvervoerbeleid rekening hou met die feit dat KwaZulu-Natal se hawens en landvervoerstelsels die grootste gedeelte van die Suid-Afrikaanse invoer-uitvoervrag hanteer. Dit is dus noodsaaklik dat die provinsie, land en streek 'n doeltreffende, geïntegreerde, holistiese en volhoubare beleid ontwikkel ten opsigte van infrastruktuur en die bedryf van alle vorme van vragvervoer.

Ter erkenning van die provinsiale regering se verantwoordelikheid om die daarstelling van 'n doeltreffende vervoerstelsel in die provinsie te fasiliteer, is 'n Direkoraat: Vragvervoer in die KwaZulu-Natal Departement van Vervoer (KZN: DVV) tot stand gebring. Die direkoraat sal die nodige bestuursvaardigheid voorsien vir die beleid wat in die Konsepwitskrif omskryf word.

Toepassing van die beleid sal in ooreenstemming met die Wet op die Oorgang van Nasionale Landvervoer (WOONL) en die Strategiese Raamwerk vir Nasionale Landvervoer (SRNL) (2002-2007) deur die KZN: DVV geadminestreer word kragtens die Nasionale Padverkeerswet (NPVW), KwaZulu-Natal Padwet (KZNPW), die Wet op Ontwikkelingsfasilitering (WOF) en ander nasionale en provinsiale wetgewing. Daarbenewes sal die KZN: DVV voorsiening maak vir die daarstelling van strukture ten einde modale en intermodale vervoer se doeltreffende koördinering te bewerkstellig waar dit buite die provinsie se omskryfde verantwoordelikheid val.

BELEIDSVISIE

"Om KwaZulu-Natal se vragvervoerstelsel te behou en te ontwikkel ten einde te verseker dat KwaZulu-Natal se vragkorridors oor die deurlopende vermoë beskik om in die provinsie, land en streek se behoeftes te voorsien; om volhoubare vragvervoerstelsels te skep deur modale en intermodale optimalisering, regulering en die daarstelling van geriewe met ondersteunende menslike hulpbronontwikkeling."

KWAZULU-NATAL DEPARTEMENT VAN VERVOER
VRAGVERVOERBELEID
KONSEPWITSKRIF
JULIE 2004

INHOUDSOPGAWE

VOORREDE

BELEIDSVISIE

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**KWAZULU-NATAL DEPARTEMENT VAN VERVOER
VRAGVERVOERBELEID
KONSEPWITSKRIF
JULIE 2004**

1. DIE NASIONALE KONTEKS**1.1 Vragbeleid-raamwerk**

Daar is verskeie dokumente wat verband hou met 'n ontleding van die Suid-Afrikaanse sentrale regering se algemene vragbeleid. Die mees spesifieke hiervan is:

- Die 1986 Nasionale Vervoerbeleidstudiewitskrif
- Die 1996 Witskrif vir 'n Nasionale Vervoerbeleid, en
- Die "Moving South Africa"-dokument, 'n 20-jaar strategiese raamwerk vir vervoer in Suid-Afrika, wat in 1999 deur die Minister van Vervoer uitgereik is.

In die Suid-Afrikaanse vragvervoergeskiedenis het die pendulum van streng ekonomiese regulering na algehele deregulering geswaai. Die doelwitte van die 1986-Witskrif was om 'n veilige en betroubare vragvervoerdienst te voorsien en om deur vereenvoudiging van regulasies, wat veral padvragvervoer beheer het, doeltreffende en billike mededinging te bevorder, met die voorwaarde dat 'n bevredigende gehaltetelsel daarvoor geskep word. Verskeie maatreëls om hierdie mikpunte te bevorder, is toegepas, maar 'n bevredigende gehaltetelsel vir padvrag is nie daargestel nie. Die bedoeling was dat ekonomiese besluite in die mark geneem word, dat finansiële onbillikhede waardeur een of ander vervoermetode begunstig kon word, uitgewis word, dat openbare veiligheid beskerm word en dat bedryfsgehalte (vir alle metodes van vervoer) verhoog word.

Die 1996-Witskrif vir 'n Nasionale Vervoerbeleid het hierdie beginsels ten opsigte van vragvervoer herbevestig en daarop voortgebou met spesiale klem op verkeersgehalte en veiligheidsake, maar sekere bykomende beleidsdoelwitte is bygevoeg.

Dit sluit die volgende in:

- 'n Omvattende inligtingstelsel oor vragvervoer moes ontwikkel word.
- Naatlose intermodale dienste moes bevorder word.
- Huidige kapasiteit binne alle metodes (basies spoor en pad) moes gehandhaaf en geoptimaliseer word.
- Die toepassing van vragbeleid moes voorkeur geniet ten opsigte van volhoubare ekonomiese en ontwikkelingsbehoefte binne 'n praktiese en billike verspreiding van alle kapitaal en koste.
- 'n Sterk uiteenlopende en mededingende bedryf moes gevestig word binne die beperkings van volhoubare vervoerinfrastruktuur en beskerming van die omgewing, veral ten opsigte van die vervoer van gevaarlike stowwe.
- Die ontwikkeling van menslike hulpbronne en die bevordering van entrepreneursgeleenthede moes aandag geniet.

In besonder moes wetstoepassing ten opsigte van padvervoer in belang van veiligheid ge-"optimaliseer" word. In die dokumente is ook aandag gegee aan beleidsdoelwitte in verband met koördinerende van internasionale vragvervoerbedrywe, hoofsaaklik as 'n aangeleentheid vir die sentrale regering en nie as 'n provinsiale saak nie.

Gedurende 1997 en 1998 het die Nasionale Departement van Vervoer 'n 20-jaar strategiese raamwerk vir vervoer in Suid-Afrika ontwikkel, die "Moving South Africa" (MSA)-dokument. Hierdie raamwerk strek verder as die hoofsaaklike pad- en spoorvragknoopke (wat waarskynlik meer as 98% van alle vragvervoer binne Suid-Afrika uitmaak) om ook knooppunte in te sluit oor lug- en seevragvervoer, waarvan laasgenoemde waarskynlik veral in KwaZulu-Natal tersaaklik is. Die bykomende aangeleenthede in die MSA wat op 'n KZN-vragbeleid van toepassing is, is soos volg:

- Moedig intermodale netwerke aan.
- Bevorder digtheid in korridors (eerder as 'n verstrooide vragbewegingsnetwerk).
- Ontplooï metodes om 'n optimale ekonomie van skaal vir 'n gegewe volume en afstand te bereik.
- Skep vernuwendende institusionele en regulerende strukture om implementering van beleggings op geïntegreerde wyse te koördineer (dit vereis byvoorbeeld dat die voorgename drievoudige toename in "hawekant"-kapasiteit in Durban gelykgestel moet word met die "landkant"-verbeterings).
- Erken die rol van SAOG-lande in vraglewering aan die provinsie.
- Verlaging van deurgangstye en stelselkoste om die mededingendheid van kliënte te verhoog.
- Internaliseer eksternaliteite tot die maksimum moontlike graad.
- Verminder die verwingende uitwerking van kruis-subsidering en vermeerder die potensiaal om in die besigheid te herbelê.
- Moedig volledige kosteverhaling van infrastruktuur en eksternaliteite van gebruikers aan – hoewel hierdie kwessie meer tersaaklik is vir die sentrale regering.
- Stimulering van geïntegreerde logistiek.

1.2 Witskrif vir Nasionale Vervoerbeleid

Die Witskrif vir 'n Nasionale Vervoerbeleid (1996) het betrekking op landvrag, siviele lugvervoer en seevervoer. Verskillende missiestellings en strategiese doelwitte vir die Nasionale Departement van Vervoer is daarin vervat vir elke modale gebied.

'n Aantal temas wat algemeen is ten opsigte van elke modus (van vervoer) en wat aan beleidsontwikkeling rigting gee, spruit daaruit voort.

Veilige, doeltreffende, betroubare en geïntegreerde vervoer: 'n Veilige en doeltreffende vervoerstelsel word beklemtoon sodat die diensvlak wat aan klante gelewer word, nie gekompromitteer word nie. 'n Betroubare en geïntegreerde vervoerstelsel verhoog die land se mededingendheid ten opsigte van in- en uitvoer en spreek ondoeltreffendhede in die stelsel aan.

Soomlose intermodale dienste: Modale integrasie word aangemoedig en sommige goedere se beweging van pad na spoor word beklemtoon sodat die infrastruktuur se aanwending verhoog word.

Koördinerende en institusionele reëlins: Aangesien vervoer alle sferes van die regering se bevoegdheid insluit, waarvan sommige staatsbeheerde ondernemings is, word die koördinerende van alle strukture vereis wat vir beplanning en toepassing verantwoordelik is.

Dienstylakke se verbetering en lewering van 'n bydrae tot die sosio-ekonomiese ontwikkeling van Suid-Afrika: Die regering het die behoefte beklemtoon vir 'n sterk, uiteenlopende, mededingende en volhoubare vervoerbedryf wat 'n bydrae sal lewer tot die ekonomiese ontwikkeling van Suid-Afrika.

Ontwikkeling van menslike hulpbronne: Die gebrek aan vaardighede in die vervoerbedryf is geïdentifiseer en daar bestaan 'n behoefte aan vaardighedsontwikkeling wat op sy beurt werkverskaffing tot gevolg sal hê.

Die Nasionale Witskrif vir 'n Vervoerbeleid bevat 'n aantal beleidsbeginsels wat vir KwaZulu-Natal relevant is:

Die regering se rol: Dit is daarop gemik om op beleid en strategiese formulering te fokus, om die regulerende rol te behou en om direkte betrokkenheid by werksaamhede en die verskaffing van infrastrukture te verminder.

Interregeringsaangeleenthede: Die regering behoort die integrasie en koördinerende van beleid en aktiwiteite tussen die verskillende regeringsfere te bevorder.

2. SLEUTELAANGELEENTHEDE

2.1 Provinsiale Beleidsontwikkeling

Die regering het in die Nasionale Witskrif en in die "Moving South Africa"-dokument verskeie terreine geïdentifiseer wat vir die vragvervoerbedryf se ontwikkeling belangrik is. Die temas is ook belangrik vir die ontwikkeling van 'n vragvervoerbeleid op provinsiale vlak.

Infrastruktuur

Die Nasionale Witskrif identifiseer die gebrek aan 'n toereikende vervoerinfrastruktuur vir alle vorme van vervoer as synde dat dit 'n negatiewe impak op 'n volhoubare vervoerbedryf se ontwikkeling het. Die toename in die fokus op uitvoer het die soeklig op die behoefte aan 'n mededingende vragvervoerbeleid laat val – en 'n voorvereiste daarvoor is 'n doeltreffende en volhoubare infrastruktuur vir vervoer. Die ontwikkeling van 'n infrastruktuur kan ook gesien word as 'n geleentheid vir vennootskappe tussen die regering en die privaat sektor. In die omskrywing van sy rol, sal die regering verkies om sy betrokkenheid tot die verskaffing van 'n infrastruktuur en dienste te verminder en om ontwikkelingsgeleenthede by wyse van openbare en privaat vennootskappe te skep.

Die Witskrif moedig die daargestelling van koördinerende strukture tussen die regering en staatsondernemings aan. Die koördinerende moet op provinsiale en plaaslike regeringsvlakke plaasvind.

Die koördinerende strukture is verantwoordelik vir die identifisering van die behoefte aan infrastruktuur en moet daardie behoeftes aanspreek deur middel van behoorlike beplanning en koördinerende oor alle vorme van vervoer heen.

Bestuur, Beheer en Operasies

Die regering wil die rol van regulering en beheer behou ten einde te verseker dat veiligheid en gehalte in die algemeen op onbevooroordeelde wyse gereguleer word en om, waar dit nodig mag wees, vervoeroperateurs se marktoegang te beheer. Die regering se rol bring ook mee dat dit die standaarde en die toepassing van reëls en regulasies bepaal.

Ten einde nakoming te verseker, moet die regering koördinerende strukture vestig wat eenvormige standaarde ten opsigte van nakoming en toepassing daar sal stel. Die regering moet sorg dat daar voldoende hulpbronne vir die toepassingsagentskappe is.

Beplanning en Ontwikkeling

Verskeie regeringsinstansies is by beplanning en ontwikkeling betrokke. Daar moet koördinerende van planne wees om te verseker dat aan die regering se ontwikkelingsplanne voldoen word en dat daar geen duplisering van skaarse hulpbronne is nie. Die Nasionale Witskrif beklemtoon die behoefte aan die koördinerende van planne en ontwikkeling om te verseker dat aan nasionale, provinsiale en plaaslike regeringsprioriteite voldoen word. In die opsig word verantwoordelikhede kragtens die Wet op die Oorgang van Nasionale Landvervoer en die Nasionale Landvervoer Strategiese Raamwerk (2002 – 2007) toegesê.

Institusionele Verhoudings

Daar is op nasionale vlak 'n verhouding tussen die Nasionale Departement van Vervoer (NDVV), die Departement van Handel en Nywerheid (DHN) en die Departement van Openbare Ondernemings (DOO) ten opsigte van beleid, wetgewing, befondsing, bestuur en operasies. NDVV se rol is om die beleidsraamwerk vir die verskillende komponente van vragvervoer te bepaal en dit sluit in spoor-, pad-, lugvervoer- en maritieme veiligheid. DHN se rol is om die beleidsimplementering te bestuur om sodoende te verseker dat die privaatsektor daarin belê en volhoubare ekonomiese ontwikkeling plaasvind. DOO is daarvoor verantwoordelik om toe te sien dat die beleid, wat deur NDVV bepaal word, geïmplementeer word deur staatsbeheerde ondernemings (SBO's) wie se taak dit is om werksaamhede te bestuur. Elke departement se rol in die toepassing van die regering se breë doelwitte geniet deur middel van die regering se beleidsformuleringsprosesse erkenning op nasionale vlak.

Daar is geen direkte duplisering van die departemente op provinsiale vlak nie aangesien hulle reeds op nasionale vlak bestaan. Die provinsiale Departement van Vervoer is die bewaarder van vragvervoerbeleidsformulering. DHN word op provinsiale vlak in KwaZulu-Natal deur die Departement van Ekonomiese Sake en Finansies verteenwoordig. Sy rol is om te verseker dat provinsiale vragbeleid beleggings lok en ekonomiese ontwikkeling fasiliteer. DOO geniet nie direkte verteenwoordiging op provinsiale vlak nie en 'n deel van sy rol ten opsigte van die monitering van staatsbeheerde ondernemings val of onder beheer van die provinsiale Departement van Vervoer of onder beheer van die Departement van Ekonomiese Sake en Finansies.

Daar bestaan dus op provinsiale vlak 'n besondere behoefte daaraan om interdepartementele koördinerende strukture daar te stel wat doeltreffende beplanning en beleidstoepassing sal meebring.

Befondsing

Die regering het die behoefte aan bykomende bronne vir die befondsing van infrastruktuurontwikkeling geïdentifiseer. As gevolg hiervan sal ander vorms van befondsing benodig word om deelname op verskillende ontwikkelingsvlakke deur die privaatsektor aan te moedig. Ten einde sodanige privaat sektor befondsingsgeleenthede vir vragvervoerinfrastruktuur te maksimaliseer, is dit noodsaaklik dat KZN: DVV 'n geskikte fasiliterings- en koördinerende struktuur moet verskaf wat alle vorme van vervoer sal insluit.

2.2 Huidige Situatie in KZN Vragvervoer

As gevolg van die langtermyn aard van die infrastruktuur en toerusting wat in vervoer aangewend word, is dit noodsaaklik om 'n vragvervoerbeleid vir 'n toepaslike termyn soos twintig of vyftig jaar te formuleer sodat beide die kort-, medium-, en langtermyn gedek word.

Dit is ook noodsaaklik om beleidsrigtings op provinsiale vlak te ontwikkel wat meer spesifiek en praktykgerig is as nasionale beleidsrigtings sodat dit as grondslag kan dien vir die implementeringsproses van maatreëls wat sal verseker dat beleidsdoelwitte bereik word.

Ten einde 'n kort perspektief ten opsigte van sleutelaspekte en belangrikste aangeleenthede met betrekking tot vragvervoer in KwaZulu-Natal te verskaf, word die toepaslike vorme van vervoer en ligging daarvan vervolgens kortliks beskryf.

Hawens

Die hawens in Durban en Richardsbaai hanteer die grootste gedeelte van Suidelike Afrika se in- en uitvoervrag en is die besigste hawens wat die aflaai van voorraad, houters, grootmaatvloestof en grootmaatuitvoerkommoditeite soos steenkool en houtsplinters betref.

Daar word verwag dat daar 'n toename in Durban se houerverkeer sal wees wat die hawe se kapasiteit te bowe sal gaan, en R4,3 miljard sal oor die volgende 5 jaar bestee word om die hawe se kapasiteit te vergroot. Richardsbaai beskik oor 'n omvattende ontwikkelingskapasiteit en die hawe se uitbreiding vir teenswoordige kommoditeite is onderweg terwyl 'n verhoging ten opsigte van houer- en ander fasiliteite ondersoek word.

Spoor

Die hoofspoorlyn tussen Durban en Gauteng word op die oomblik teen 35% van sy kapasiteit bedryf en sou 'n veel hoër verhouding langafstandvrag kon hanteer indien die toerusting en stelsels opgegradeer sou word. Historiese belegging in spoorinfrastruktuur het tot gevolg gehad dat fasiliteite in baie gebiede, gemeet aan die huidige verkeersvlakke, onderbenut word.

Die spoorlyn tussen die steenkoolproduserende gebiede van Mpumalanga en KwaZulu-Natal aan die eenkant en Richardsbaai aan die ander word teen sowat 85% van sy kapasiteit bedryf en deurlopende opgradering is noodsaaklik om gelyk te trek met die vraag na die vervoer van grootmaatkommoditeite na Richardsbaai.

Die spoorlyn van Durban deur Golela na Swaziland beskik oor die kapasiteit om 'n groter tonnemaat te hanteer.

Die provinsie se spoortakverbinding (met inbegrip van die Durban-Port Shepstoneverbinding) is onderbenut, maar het 'n dringende behoefte aan rehabilitasie as voorvereiste vir toekomstige herontwikkeling van die spoortakverbindingdienste. Ten einde die toename in die oordrag van spoortakverbindingvrag na padvervoer en die gevolglike afname in spoordienste op die verbindinge aan te spreek, sal provinsiale betrokkenheid noodsaaklik wees om ander bedryfsmodelle te ondersoek sodat die verbindinge se operasionele doeltreffendheid verhoog kan word.

Paaie en Padvrag

Paaie

KwaZulu-Natal beskik oor 23,121 km provinsiale paaie en 1,138 km nasionale paaie.

Die N3/N11 Durban-Gauteng korridor is die pad wat die swaarste vragvervoer in die land dra, gemeet in terme van tonnemaat en voertuigverkeer. KwaZulu-Natal se padvragvervoer-korridors is ook van kritieke belang vir die SAOG-omgewing met die dat dit die doeltreffendste roetes vir invoer- en uitvoerhandel is.

Daar is 'n betreklike opeenhoping van verkeer op die N3-korridor suid van Mooirivier en aangesien daar geen lewensvatbare alternatief is nie, is dit uiters blootgestel aan 'n versteuring van die vragvloei wanneer ongelukke of padskade voorkom. Alhoewel die R103 'n parallelle, alternatiewe roete vir die N3 is, benodig die pad instandhouding en is dit nie geskik vir groot volumes vragvervoer nie. Die N3-roete via Van Reenenspas is net so kwesbaar weens oopthoude vanweë ongelukke en die weer. Die toekomstige herskikking van die roete via De Beerspas sal die padkorridor se veiligheid aansienlik verbeter.

Daar is net so 'n opeenhoping van verkeer op die N11-gedeelte tussen Ladysmith en Newcastle en wel in so 'n mate dat dit 'n gevaarlikheidsgrens bereik as gevolg van beide swaar- en ligte voertuie in die tweebaangedeeltes. Toegang van die N3 en van die Durbanse hawe deur eThekweni-stad is ook onderworpe aan 'n opeenhoping van verkeer en kan nie, in sy huidige toestand, die geprojekeerde toekomstige swaar verkeersvloei absorbeer nie.

Daar is nie 'n toereikende direkte padverbinding tussen Richardsbaai en die binneland nie. Die feit verhoed die toekomstige ontwikkeling van Richardsbaai as 'n hoof-algemene vraghawe. Die meeste direkte roetes tussen Richardsbaai, Gauteng en die Tugela-bekken se nywerheidsgebiede is provinsiale paaie wat nie geskik is vir groot volumes swaar verkeer nie. Uit 'n padveiligheidsoogpunt is gedeeltes van die roete nie geskik vir gelede (haak-en-sleper) swaar voertuie van 56 ton nie.

Die provinsie se paaie gaan vinnig agteruit en die algemene toestand daarvan is reeds swak. Die kumulatiewe onderbefondsing vir provinsiale paaie se rehabilitasie en instandhouding gedurende die afgelope 8 jaar tot 2002 beloop R2,9 miljard. Tensy die situasie na behore aangespreek word, sal padvervoer se doeltreffendheid en koste op nadelige wyse geraak word. 'n Lewensvatbare padinstandhoudingsprogram is noodsaaklik om KwaZulu-Natal se mededingendheid as handelspoort tot Suidelike Afrika in die langtermyn te verseker.

Pad-Spoor Mededinging

Wat plaaslike aflewering en kortafstandvervoer in die provinsie betref, is padvervoer dominant in die geval van vragvervoer. Wat die vervoer van grootmaatkommoditeite betref, beskik spoorvervoer oor meer as 40% van die marktaandeel wat deur die Durban/Gauteng-korridor beweeg, en daarbenewens beskik dit oor 80% van die vrag wat deur die Richardsbaai-hawe verskeep word. Op al die ander roetes wat oor 'n parallelle pad- en spoordiens beskik, dra padvervoer meer as 80% van al die vrag. Spoorvervoer het in die verlede in plattelandse gebiede gedomineer, maar nadat swaar voertuie se grootte in die vroeë 1990's van 48 tot 56 ton (Bruto Gekombineerde Massa) vermeerder het en drakrag (lading) van 27 ton tot 36 ton toegeneem het, het padvervoer se marktaandeel vinnig vermeerder.

Lugvervoer

Die tonnemaat lugvrag wat deur die Durbanse Lughawe beweeg, is beperk tot die beskikbaarheid van vliegtuigvragkapasiteit sodat 'n aansienlike tonnemaat lugvrag wat vir internasionale bestemmings bedoel is oornag per pad van en na Johannesburg Internasionaal vervoer word.

Die beoogde verskuiving van Durban Lughawe na La Mercy sal nuwe horisone daarstel vir die produksie van kommoditeite, ooste, tuinboukundige en ander produkte wat op lugvrag vir uitvoer aangewese is.

Pyplyne

Die twee hoofpyplynroetes in Suid-Afrika loop van Durban na Gauteng en van Durban-Richardsbaai-Secunda. Die vrag bestaan uit ru-olie, brandstof met en sonder loodinhoud, diesel, metaangas, en vliegtuigbrandstof. Die gebruik van die Durban/Richardsbaai-pyplyn vir die vervoer van gasprodukte vanaf die Mosambiekse gasvelde vir nywerheids- en huishoudelike gebruik in die kusgebiede is deel van 'n toekomsplan.

2.3 Vragvervoerbeleid se Visie

Die KwaZulu-Natal-vragvervoerbeleid moet uit die aard van die saak binne die breë parameters van die nasionale vervoerbeleid val en daarby aanpas, maar spesifieke aangeleenthede hoef nie noodwendig deur die nasionale beleid beperk te word waar daar 'n behoefte bestaan dat provinsiale oplossings tot die optimale voordeel van die mense van KwaZulu-Natal benut moet word nie.

Beleidsvisie

“Om KwaZulu-Natal se vragvervoerstelsel te behou en te ontwikkel ten einde te verseker dat KwaZulu-Natal se vragkorridors oor die deurlopende vermoë beskik om in die provinsie, land en streek se behoeftes te voorsien; om volhoubare vragvervoerstelsels te skep deur modale en intermodale optimalisering, regulering en die daarstelling van fasiliteite met ondersteunende menslike hulp-bronontwikkeling.”

2.4 Doelwitte van die Vragvervoerbeleid

- Om hulpbrongebruik te optimaliseer deur intermodale vervoertegnologie, integrasie, ontwikkeling van kommunikasiestelsels en die voorsiening van doeltreffende fasiliteite en infrastruktuur.

- (b) Om menslike hulpbronontwikkeling en opleiding te maksimaliseer om die mededingingsdoeltreffendheid van die vragvervoerkorridors in KwaZulu-Natal te verseker.
- (c) Om voorsiening te maak vir rasionele integrasie met die vervoerstelsel in die res van Suid-Afrika en die streek, met die duidelike voorbehoud dat die beleid voorsiening moet maak vir volhoubare doeltreffendheid, groei en verbeterde doelmatigheid en internasionale mededingendheid met verloop van tyd.
- (d) Om die ontwikkeling van ekonomiese aktiwiteit en groei in KwaZulu-Natal te bevorder deur die verskaffing van deurgangskorridors na die binneland vanaf die twee vernaamste hawens.
- (e) Om kennis te neem van die energie-, omgewings- en veiligheidsoorwegings van alle vervoermetodes.
- (f) Om werkskepping en Klein, Mikro en Medium Ondernemings (KMMO's) se geleentheidspotensiaal in vragvervoer te ondersteun en te verbeter deur verspreidings- en vervoerdienste in die nywerheid, landbou en staatsdepartemente te vergemaklik.
- (g) Om die kostedoeltreffendheid van die totale vervoerstelsel van die provinsie te verbeter deur optimale hulpbrontoebedeling en gebruik binne die finansiële vermoëns van die provinsie.

3. INFRASTRUKTUUR

Binne die raamwerk van nasionale en provinsiale wetgewing sal die volgende oorwegings ten opsigte van infrastruktuur in die vragvervoerbeleid van KwaZulu-Natal aangespreek word.

3.1 Intermodale Ontwikkeling

KZN: DVV sal betrokke raak by beplanningsmaatreëls om die behoeftes van die ekonomie ten opsigte van vragvervoerinfrastruktuur te identifiseer, deur erkenning van beide die interafhanklikheid en vervangbaarheid van die metodes vir belangrike vragbewegingsvolumes, insluitende pad-, spoor- en skeepsvervoer; en die bevordering van 'n lugvrag intermodale fasiliteit by die voorgestelde King Shaka Lughawe.

Die KZN: DVV sal die infrastrukturele ontwikkeling van alle metodes vergemaklik en raad gee om optimale, algehele doeltreffendheid vir die totale vragvervoerstelsel van die provinsie te bereik.

Die KZN: DVV sal koördinerende en beplanning van modale en intermodale ontwikkeling monitor en help om opeenhoping te verlig en om beheer van veiligheidsaspekte van vragvervoer te verbeter.

Waar geskik, sal KZN: DVV strategieë formuleer, gerig op die verskuiwing van toepaslike vrag van pad na spoor en omgekeerd, terwyl ekonomiese volhoubaarheid en mededingendheid van nywerhede en die land as geheel in ag geneem sal word.

3.2 Die Hawens

Durban

KZN: DVV sal streef na betrokkenheid by die koördinerende van intermodale ontwikkeling met eThekweni Metro en die Nasionale Hawe Owerheid in belang daarvan om die doeltreffendheid van die algehele vragvervoerstelsel te maksimaliseer.

Met erkenning dat Durban se hawe intensief ontwikkel is, dat die hawe-infrastruktuur oorlaai is, dat grondaansaffing vir ontwikkeling van bykomende infrastruktuur duur sal wees en dat die hawedoeltreffendheid afhanklik is van totale korridorvervoerprestasie, sal KZN: DVV provinsiale betrokkenheid by die nodige beplanningsontleding van grondgebruik van die betrokke vragvervoerkorridors wat Durban se hawe bedien, aktief bevorder. Dit sal skakeling vereis met eThekweni Metro, die Suid-Afrikaanse Nasionale Paaie-agentskap en Spoornet om die langtermynontwikkelingsraamwerk vir pad- en spoorvervoer te beplan om aan die vereistes van vragvervoer deur die provinsie na en van die Durbanse hawe oor 'n tydperk van 20 – 50 jaar te voldoen.

Daar moet erken word dat met die verdere ontwikkeling van Durban-hawe soos om die ingangskanaal te verbreed en te verdiep, die ton-nemaat van vrag wat gehanteer word, sal toeneem. Dit sal weer die volume van pad- en spoorvervoer deur die eThekweni Metrogebied laat toeneem.

Richardsbaai

In oorleg met die betrokke belanghebbendes, sal die KZN: DVV, waar moontlik, koördinerende van die ontwikkeling van Richardsbaai vergemaklik met behoorlike inagneming van die groot onontwikkelde hawe- en nywerheidsgebiede, met die doel om die ontwikkelingspotensiaal van hierdie gebiede te maksimaliseer.

Ontwikkelingsvooruitsigte vir doeltreffende pad- en spoorverbindings van die hawe met die Tugela-bekken en noordelike binneland sal ondersoek en, waar nodig, toegepas word.

Mededingende Bevoegdheid van Hawens

Die hawens by Durban en Richardsbaai dien as ekonomiese generators vir die provinsiale ekonomie van KwaZulu-Natal. Dit berus by die KZN: DVV om te verseker dat met tydig beplanning die nodige infrastruktuur verskaf sal word om die huidige skeepsvragvolumes deur hierdie hawens te beskerm en om die verwagte groei in skeepsvrag te akkommodeer.

Met inagneming van die onlangse privatisering van Maputo-hawe noord van die provinsie en die ontwikkeling van die Coega-hawe in die Oos-Kaap, kan die huidige status van Durban as 'n middelpunt aan die Oostelike Kusstrook in gedrang kom. Afgesien daarvan dat geskikte hawe-infrastruktuur voorsien word, sal die betrokke provinsiale, munisipale en nasionale owerhede die verskaffing van behoorlike pad- en spoorverbindings na elke hawe moet verseker om die mededingende vermoëns van Durban en Richardsbaai te handhaaf. In hierdie opsig moet die KZN: DVV 'n sleutelrol in koördinerende speel.

3.3 Verskepingdiensvereistes

Die KZN: DVV sal vasstel watter middele nodig is vir skakeling en monitering van die noodsaaklikheid van infrastruktuur om verskepingdienste te bevorder.

Die KZN: DVV sal verskepingseleenthede bevorder deur die daarstelling van verbeterde fasiliteite vir internasionale vraghandel te fasiliteer en deur die vestiging van intermodale fasiliteite van wêreldgehalte in elke hawe aan te moedig.

Skakeling sal met die hawe-owerhede ontwikkel word ten opsigte van uitbreidingsplanne vir die daarstel van voldoende ondersteunende land-vervoerverbindings.

3.4 Die Durban Hawe Agterland Korridor

Terwyl erken word dat die huidige N3-padkorridor oorlaai word en kwesbaar is vir ontwrigting en sluiting in geval van ongelukke of natuurrampe soos oorstromings of sneeu, sal KZN: DVV ondersoek instel na die uitvoerbaarheid van alternatiewe roetes en die potensiaal vir die benutting van die spoormetode om opeenhoping op die padroete te verlig.

3.5 Die Richardsbaai Hawe Agterland Korridor

Terwyl erken word dat die toekomstige ontwikkeling van Richardsbaai afhanklik is van pad- en spoorverbindings met die Noorde en dat huidige roetes grootliks onvoldoende vir toenemende vragvloei is, sal KZN: DVV die ontwikkeling van verbeterde padinfrastruktuur bevorder om Richardsbaai met Gauteng, die nywerheidsgebiede van Mpumalanga en die Tugela-bekken te verbind. Beplanning sal paaie na die hawe en ontwikkeling van algemene vrag- en houerkapasiteit van die vervoerstelsel insluit.

3.6 Die Kus-hoofweg

Die KZN: DVV sal voortgaan om toegang tot die Durban-hawe vanaf die N3 en die N2 Nasionale roetes en die Richardsbaai-hawe vanaf die N2 te vergemaklik.

KZN: DVV sal die beplanning van die Maputaland- en N2-noordkorridor aanhelp en bevorder om die vragvervoer en toerismepotensiaal van die provinsie se noordelike streek te verhoog.

3.7 Provinsiale Paaie en Spoorweg

Die provinsiale paaie in KZN is in die algemeen goed geleë, hoewel die paaie in baie gebiede tans onvoldoende is ten opsigte van padkant-ontwerp weens die groot toenames in toelaatbare getalle voertuie tydens die afgelope jare.

In sommige gebiede is die horisontale en vertikale rigtingslyne van die paaie vir huidige voertuigafmetings onvoldoende wat tot 'n onbevredigende toename in ongelukke van vragvoertuie bydra. Om padveiligheid op provinsiale paaie te verseker, sal die KZN: DVV metodes oorweeg om 'n veiliger omgewing vir vragmotorvervoer te skep; insluitende geriewe vir stilhoudoeleindes en verbeterde wetstoepassing.

Om geoptimaliseerde dienste vir pad- en spoorvervoer vir die landelike gebiede van die provinsie te skep, sal die KZN: DVV die betrokke nasionale owerhede betrek om die verbetering van spoorweginfrastruktuur en —fasiliteite te fasiliteer. In ooreenstemming met nasionale beleid sal dit verbeterde spoordoeltreffendheid fasiliteer en 'n oordrag van vrag van pad na spoor daarstel; wat weer padveiligheid sal verbeter en landelike werkgeleenthede sal verskaf deur indiensneming op die gebied van spoorwegdienste.

3.8 Durban Internasionale Lughawe, King Shaka Lughawe en Dube Handelshawe

Ter erkenning van die feit dat die huidige lugvragvermoë by Durban Internasionale Lughawe beperk is en dat lugvragtonnemaat groei, kan die verskuiwing van Durban Lughawe die potensiaal vir ekonomiese groei inhou.

KZN: DVV sal aktief help om 'n King Shaka Lughawe by La Mercy met internasionale status te bevorder en alle moontlike verbandhoudende vervoergeleenthede te evalueer. Die King Shaka Lughawe sal die moontlikheid vir lugvragvervoer verhoog en die aanleë van ondersteunende landboubedrywe, wat lugvrag vir uitvoer voorsien, sal vir die doel in die onmiddellike omgewing van die lughawe aangemoedig word. 'n Lughawe wat oor internasionale status beskik, sal ook KwaZulu-Natal se toerismevermoeëns versterk.

Die beplande aanliggende Dube Handelshawe sal dergelike in- en uitvoer van lugvrag aanmoedig, terwyl die vestiging van tegnologiegevoerde arbeidsintensiewe bedrywe ook bevorder sal word. Voorgestelde elektroniese kubertegnologiese handelsfasiliteite sal gevestig word om die posisie van Durban en KwaZulu-Natal as "Die handelspoort na Suider-Afrika" te konsolideer.

3.9 Pyplyne

KZN: DVV neem kennis van die belangrike rol van pyplyne vir vragvervoer en hul potensiaal om ekonomiese aktiwiteite in die provinsie verder aan te wakker.

Om modale optimalisering en gebruik van skaars infrastruktuur aan te moedig, sal KZN: DVV optimale benutting van 'n pyplynvervoerstelsel vir geskikte produkte aanmoedig.

4. BESTUUR, BEHEER EN WERKSAAMHEDE

Deur middel van totale bronkostebepaling en kostevoordeelontleding, sal KZN: DVV die evaluering van 'n optimale modale splitsing van die provinsie se vragvervoerkorridors fasiliteer.

Dit sal provinsiale beleid wees om die konsepte van optimale kostedoeltreffendheid met betrekking tot maatskaplike en ekonomiese voordele, en veiligheid en doelmatigheid binne 'n volhoubare vragvervoerbepaling te bevorder.

Die KZN: DVV aanvaar verantwoordelikheid binne sy bevoegdheid, wat nasionaal bepaal is, om vragvervoerstelsels te skep wat doeltreffend beheer word en sodoende die ekonomiese en maatskaplike doelwitte van die provinsie en die land sal bevorder.

Die KZN: DVV erken die bepalings en verantwoordelikheid vir vervoermodes ingevolge die WOONL en is in hierdie opsig daartoe verbind om alle nodige kanale te ondersoek en die vereiste optrede te motiveer om die doelwitte van die vragvervoerbeleid te bereik. Die KZN: DVV verbind hom tot noue samewerking met ander staats- en provinsiale departemente en agentskappe op alle vlakke en gebiede wat samewerking tussen departemente vereis.

4.1 Hawens en Verskeping

Die KZN: DVV sal die koördinering van intermodale beplanning fasiliteer om die ontwikkeling van die provinsie se hawens te optimaliseer en optimale doeltreffendheid in die bedieningskorridors van die hawens te verseker.

Met inagneming van die belangrikheid wat die Durban- en Richardsbaai-hawe vir die provinsiale ekonomie inhou, sal die KZN: DVV die huidige doeltreffendheid van KwaZulu-Natal se vragvervoerkorridors bevorder en voortdurend streef na wyses om hulle te verbeter en om die streek- en internasionale mededingendheid van die provinsiale vervoerstelsel, wat elke hawe bedien, te verseker.

4.2 Spoorvervoer

Die KZN: DVV sal skakelingsstrukture vestig om verbeterde koördinering van beplanningsmaatreëls vir die voorsiening van spoorvragvervoer te vergemaklik en sal die benutting van onderbenutte infrastruktuur aanmoedig waar dit tot voordeel strek van die provinsie en die land se ekonomieë.

Inisiatiewe sal geloods word om die gebruik van plattelandse vragvervoer te optimaliseer deur 'n verhoogde gebruik van al spoor-takverbindinge te fasiliteer indien dit 'n positiewe netto voordeel vir die provinsie inhou.

Die KZN: DVV sal reëlins tref vir die ondersteuning of aanvang van impakstudies om te bepaal wat die uitwerking van enige voorgestelde sluiting van spoorlyne of beëindiging van dienste op die gebiede wat geraak word, en die provinsie as geheel, sal wees. Sluiting van spoor-takverbindinge sal daadwerklik ontmoedig word.

Intermodale geleenthede met besondere verwysing na KMMO's sal ondersoek word en waar uitvoerbaar, benut word.

Die KZN: DVV sal die geskiktheid van veiligheidsstandaarde vir die vervoer van gevaarlike vragte per spoor bepaal, asook die koördinering van rampbestuur.

4.3 Padvervoer

Die doeltreffende beweging van padvervoer in die belangrikste korridors noodsaak hoë bekwaamheid- en veiligheidsstandaarde soos in bestaande Padvervoerwetgewing bepaal. Die KZN Padvervoer Inspektoraat (PVI) is daarvoor verantwoordelik om te verseker dat hierdie standaarde op die hoogste vlakke gehandhaaf word.

Aspekte wat bevorder sal word in die uitvoering van die bedryfsdoeltreffendheid van die provinsie se padvervoerstelsel sluit die volgende in: **Voertuigstandaarde** – deur inspeksies langs paaie en die beheer van standaarde by toetsstasies, die monitor van remstelsels en bandstandaarde van swaar goederevoertuie, veral met inagneming van die bergagtige terrein van baie paaie in KwaZulu-Natal.

Bestuurderstandaarde – deur inspeksies langs paaie, geskikte akkreditering en beheer van opleidinginstellings en die bedrywighede van die toets en lisensiering van beampies.

Bedryfstandaarde – wetstoepassing ten opsigte van snelheid, oorladingsbeheer, ladingsbeveiliging, hantering van gevaarlike handelsware en die **bestuurtydsduur** oor lang afstande en algemene veiligheidskenmerke vir vragmotors.

Ten opsigte van **oorladingsbeheer** is gefokusde optrede en voorsiening van fasiliteite nodig om beskerming van die paaie en openbare veiligheid te verseker, nie net op nasionale roetes nie, maar ook op provinsiale roetes.

Die KZN: DVV sal met die betrokke provinsiale en nasionale agentskappe onderhandel om die probleme in verband met parkering van vragvoertuie op paaie en die behoefte aan geskikte "vragmotorrusplekke" en parkeergeriewe vir langafstandvragvoertuie, op te los.

Die KZN: DVV sal die koördinerende wetstoepassing en nooddiensagentskappe bevorder, deur die skep van strukture om die skakeling tussen die agentskappe op verskillende regeringsvlakke te bevorder, insluitende, waar nodig, die instel van die nodige wetgewing om doeltreffendheid van sodanige dienstelewering te verbeter.

Die KZN: DVV sal die idee van 'n doeltreffende Nasionale Operateurslisensieregistrasiesistelsel bevorder om die huidige probleme in verband met toepassing van die Wet op Nasionale Padverkeer die hoof te bied.

Ten opsigte van **abnormale ladings** waar toepaslike wysigings van infrastruktuur vereis word, sal praktiese maatreëls ingestel word om die toestand van die aangewese roetes te beskerm.

Gevaarlike Goedere

Die KZN: DVV sal die volgende bevorder:

- Die ontwikkeling van doeltreffende regulasies om die vervoer van gevaarlike stowwe te beheer.
- Maatreëls om voorvalle onmiddellik en doeltreffend te hanteer.
- Die opleiding van inspekteurs vir "gevaarlike goedere".
- Die voorsiening van stilhouplekke vir vragvoertuie en geskikte parkeerterreine vir voertuie wat gevaarlike goedere vervoer.
- Dat gevaarlike vragroetes met noodgevalfasiliteite toegerus word om doeltreffend op mediese en omgewingsnoodgevalle te reageer.
- Die opvatting dat "gevaarlike vragvoertuie" anders behandel moet word deur die uitreiking van Padwaardigheidsertifikate.

MIV/VIGS

- Die KZN: DVV sal 'n daadwerklike rol speel in die stryd teen MIV/VIGS onder vragmotorbestuurders deur alle pogings te ondersteun wat die vragmotorbedryf teen MIV-VIGS onderneem.
- Die KZN: DVV sal maatreëls bevorder om die bedrywighede van kommersiële sekswerkers by vragmotorbestuurders se stilhouplekke te beheer. KZN: DVV sal die hulp van ander regerings- en nie-regeringsagentskappe betrek in 'n poging om die gevolge van die MIV/VIGS-epidemie op die vervoerbedryf te beperk.

Provinsiale Padstandaarde

Die KZN: DVV sal stappe doen om die **provinsiale paaie te beskerm** deur padgebruik met die intermodale oordrag van vrag per spoor, waar moontlik, in te kort en om skade wat deur swaar voertuie veroorsaak word, te verminder. Studies sal onderneem word om vas te stel hoe uitvoerbaar dit is om 'n modale vragomwisseling van pad na spoor te bevorder.

Om die gunstigste oplossing vir provinsiale **padbefondsing** te vind, sal die provinsie alle beskikbare opsies, asook vergelykbare oorsese oplossings, ondersoek as riglyn vir toekomstige beleidsontwikkeling.

Om die vragvervoerbeleid toe te pas, sal die KZN: DVV geleenthede tot vernuwing, koördinerende gebruik van alle beskikbare fasiliteite (ten opsigte van provinsiale, munisipale en private fasiliteite) navolg. Die behoefte aan inligtingstelsels en mannekraghulpbronne mag die skep van bykomende provinsiale bevoegdheids noodsaak, of die huur van gekontrakteerde dienste, waar dit ook al nodig word.

Wetstoepassing

Aangesien die gebrek aan behoorlike wetstoepassing meebring dat operateurs en bestuurders aangemoedig word om nie aan die standaard vir bedryfsveiligheid te voldoen nie en dit op sy beurt 'n negatiewe uitwerking op padveiligheid het, sal die KZN: DVV voortgaan om op die bevordering van alle moontlike kanale te fokus wat op verkeersbeamptes se ontwikkeling en opleiding asook op die verbetering van fasiliteite vir wetstoepassing betrekking het.

As 'n gids vir die vereiste wetstoepassingsvlak, sal KZN: PVI 'n model ontwikkel en in stand hou met besonderhede oor die vereiste aantal beamptes, koste van voldoende toepassingspersoneel en die nodige geriewe.

Beplande teenoor werklike befondsing, bedryfsverrigting en doeltreffendheid van wetstoepassing sal gemonitor en voortdurend geëvalueer word en as grondslag vir bestuurs- en beleidsbesluite dien.

Aangesien 'n doeltreffende vervolgingsproses noodsaaklik is vir doeltreffende wetstoepassing, sal die KZN: PVI verder bestaande kommunikasiekanale met provinsiale prokureurs-generaal versterk, om sodoende eenvormige toepassing binne die provinsie en ander provinsies te bevorder.

Om hierdie proses aan te help, sal die KZN: PVI, waar geregtig, reël om die dienste van regspersoneel te bekom om met die vervolging in gevalle van ernstige verkeersoortredings behulpsaam te wees.

Die KZN: PVI sal ook ondersoek instel na die aanwending van innoverende toepassingsmaatreëls, met inbegrip van die daarstelling van administratiewe strafmaatreëls vir oortreders ten einde die huidige hofprosedure, wat by tye maar stadig is, te verbeter.

4.4 Modale Koördinasie

Die voorneme is om elke vervoermetode meer doeltreffend en toepaslik te gebruik, om die ekonomie van skaal binne elke metode te maksimaliseer. Waar volumes hoog is, soos op die Durban na die hinterland-korridor, of Richardsbaai na die hinterland, sal mededinging tussen die metodes aangemoedig word. Maar binne die ondersteunende netwerk, soos in die landelike gebiede, kan vragbewegings die oorheersing van die geskikste metode bevorder om die totale koste vir die bediener en die kliënt te optimaliseer. Dit kan byvoorbeeld beteken dat bestaande spoortakverbindinge bevorder behoort te word om hul volle potensiaal te bereik en om die las van die padnetwerk te verminder.

Koördineringsfunksies

Die KZN: DVV sal die daarstel van 'n komitee of forum vir koördinerende provinsiale vragvervoer vergemaklik om huidige belanghebbendes tegemoet te kom en te dien as 'n besprekings- en verwysingsliggaam vir alle verwante vraagstukke, waar van toepassing, in verband met vragvervoer, soos wetswysigings, infrastruktuurontwikkelings en veranderinge aan bedryfsbestuur en beheer wat die provinsie betref.

In opvolging van die KwaZulu-Natal 2003 Vragvervoer-databank sal die Direktooraat: Vragvervoer voortgaan om inligting in te samel en op te dateer sodat 'n feitelike basis voorsien kan word vir beleidsbesluite oor metodes, nywerhede, verskaffers en gebruikers van vragvervoer.

Die KZN: DVV sal die grondgebruiksplanne van alle agentskappe binne die provinsie monitor om probleme en moontlike geleenthede (of konflikte) vir alle metodes van vragvervoer te identifiseer.

4.5 Lugvrag

Ondanks die huidige nasionale omskrywing van die verantwoordelikheid vir 'n beleid vir lugvragvervoer, sal die KZN: DVV elke moontlike poging aanwend om die ontwikkeling van die lugvragpotensiaal van provinsiale en nasionale lughawens in KwaZulu-Natal te bevorder.

4.6 Spoor en Intermodale Vervoer

Ter erkenning van die behoefte om die gebruik van infrastruktuur te optimaliseer en in besonder om die huidige gebruik van provinsiale paaie te verlig, sal die KZN: DVV die ontwikkeling van intermodale vervoerstelsels, fasiliteite en wekverrigting oor land bevorder.

Die KZN: DVV sal bepaalde ondersteuning bied vir die herontwikkeling van die spoorstelsel van die provinsie en die gebruik van intermodale pad-spoordienste vir vrag en passasiers, insluitende dié vir ontspannings- en toerismedoelendes. Met inagneming van die erkende behoefte om die bedryfsdoeltreffendheid van spoorvragvervoer te verbeter, sal alternatiewe bestuur- en bedryfsvorme ondersoek moet word.

5. BEPLANNING EN ONTWIKKELING

Die Direkoraat: Vragvervoer van die KZN: DVV sal die daarstelling van 'n raadplegings- en koördineringsforum fasiliteer wat voorsiening sal maak vir verteenwoordigers van, onder andere, Metropolitaanse en ander Munisipaliteite, Hawens, Padvrag, Spoorweë, Lugvrag, Pyplyding, Handel en Nywerheid, Landbou en Bosbou, Georganiseerde Arbeid en die Toepassingsagentskappe om koördinerende beplanning tussen hierdie belanghebbendes en die provinsie te bevorder en die doeltreffendheid van toekomstige vragvervoer te optimaliseer.

5.1 Ontwikkelingsrol van Vervoer

Die KZN: DVV sal ondersoek magtig na die toepaslikheid van die verbinding tussen die verskaffing van en vraag na vervoer in verskillende gebiede van die provinsie met verwysing na ekonomiese konsentrasie, voertuiggrootte, vervoer-prysbepaling, intra- en intermodale mededinging en verskaffing en gebruik van infrastruktuur.

Dit sal liggingsontleding van huidige en toekomstige mynbou-, nywerheids- en landbou-ondernemings insluit en voorsiening maak vir voorpellings van vragverkeerbeweging om die beplanning en koördinerende vervoerontwikkeling met die van ander dienste te ondersteun.

5.2 Skep van Kleinsakegeleenthede

Die KZN: DVV sal navorsing oor die huidige nywerheidsstrukture magtig om opsies vir die skep van geleenthede vir Swart Ekonomiese Bemagtiging (SEB) en KMMO's in die vragmotordryf, padbou en —onderhoud, spoorlynverbindinge en spoorondersteuningsdienste, skeepvaart- en hawedienste en lugvrag te identifiseer.

Die KZN: DVV sal navorsing magtig oor die impak van wetgewing op die lewensvatbaarheid van KMMO's in die vragvervoersector en aanbevelings doen vir die skep van 'n bedryfsklimaat ter ondersteuning van hul vorming.

Die KZN: DVV ondersteun SEB en sal strategieë implementeer wat voldoen aan die Wet op Breed-gebaseerde Swart Ekonomiese Bemagtiging.

5.3 Opleiding en Menslike Hulpbronontwikkeling

Die KZN: DVV sal ondersoek aanvra na die doeltreffendheid en toereikendheid van bestaande vervoeropleidingsinisiatiewe en die mate waartoe opleidingsbehoefes aangespreek word, monitor. Om die opleidingsvlakke te verbeter, sal die provinsies, waar geregverdig, fasiliteeringsprosedures oorweeg.

Ter erkenning van die behoefte aan bevoegdheid vir die vestiging van klein- en mediumondernemings, sal die KZN: DVV die totstandkoming van instansies of programme ondersteun en, wanneer geregverdig, bystand verleen met die personeel se opleiding in die betrokke vervoerdisipline. Dit sal in samewerking met TETA (Transport, Education and Training Authority) onderneem word.

Opleidingsprogramme sal opleiding insluit wat op MIV/VIGS betrekking het met die oog daarop om bystand te verleen in die voorkoming dat die siekte verder versprei.

5.4 Verbeterde Bronne ten opsigte van Wetstoepassing

Met inagneming van die noodsaaklike vereiste van behoorlike wetstoepassing om ordelike vragvervoerbestuur te verseker, sal die menslike hulpbronne van die KZN: PVI versterk moet word en dan op 'n bevredigende vlak gehandhaaf word.

Dit sal werwingsgeleenthede meebring en beteken dat bestaande wetstoepassingspersoneel opleiding ondergaan en aan ontwikkelingsgeleenthede blootgestel word.

Om wetstoepassing se doeltreffendheid verder te verbeter, sal die KZN: DVV ook voortgaan om skakeling met die Departement van Justisie te verbeter. Om voorsiening te maak vir die oorplasing van aanklaers van een portefeulje na 'n ander sal die provinsie die bevordering van deurlopende opleidings- en inligtingsprogramme vir nuutaangestelde aanklaers in die verkeersportefeulje aanmoedig.

5.5 Plattelandse Ontwikkeling

Landelike vragvervoer sal bevorder word om landelike ontwikkeling te fasiliteer in samewerking met die betrokke regeringsdepartemente soos Landbou, Waterwese en Bosbou, Ekonomiese Ontwikkeling en Toerisme. Die KZN: DVV sal inisiatiewe vir die verbeterde gebruik van spoorwegverbindinge vir vragvervoer daadwerklik steun om Erfenis Spoorweg Toeriste-besienwaardighede in verskillende gebiede van die provinsie te skep aangesien verhoogde spooraktiwiteite werksgeleenthede op die platteland sal verbeter.

6. INSTITUSIONELE VERHOUDINGS

6.1 Koördinerende Strukture

Met inagneming van die rol van provinsies binne die nasionale vervoerbeleid en die WOONL en SRNLV, sal die KZN: DVV stappe doen om koördinerende en raadplegende strukture daar te stel vir die doeltreffende integrasie van beplanning en bestuur van alle aspekte van die totale vragvervoerstelsel van KwaZulu-Natal, met inbegrip van

- 'n Multi-modale bedryfskoördinerende struktuur vir vragvervoer.
- Provinsiale koördinerende van infrastruktuurvoorsiening (alle metodes).
- Provinsiale koördinerende van toepassingsagentskappe en —praktyke (alle metodes).
- Koördinerende van ekonomiese ontwikkeling van vragvervoer (alle metodes).
- Skakeling met ander KZN provinsiale departemente wat belange het in die vervoerstelsels van die provinsie.
- Koördinerende van beleidsvooruitsigte vir provinsiale vragvervoer met die betrokke nasionale departemente en agentskappe.

Om die KwaZulu-Natal vragvervoerbeleid doeltreffend uit te voer, sal die KZN: DVV provinsiale verhoudings met die huidige nasionale vervoerowerhede en strukture herwaardeer en waar van toepassing aanbevelings doen vir verbeterde nasionale koördinerende vragvervoer, infrastruktuurvoorsiening, toepassings- en beheersprosedures en befondsing van infrastruktuur vir alle metodes van vragvervoer.

6.2 Skakeling en Monitering

Die KZN: DVV sal 'n Vragvervoer Ekonomiese Forum of Paneel vestig wat nywerheids-, landbou- en ander ekonomiese en maatskaplike ontwikkelings sal monitor en die implikasies vir vragvervoer ontleed om aanbevelings by die KZN: DVV aan te moedig.

Hierdie forum sal ook die omgewingsimpak van vragvervoer monitor.

Die KZN: DVV sal met die agentskappe vir die administrasie van die Wet op Oorgrens Vervoer skakel en dit monitor om provinsiale belange in oorgangsverkeer na en van KwaZulu-Natal te ondersteun.

7. BEFONDSING**7.1 Befondsing om in die Vraag na Vragvervoer te Voorsien**

Die provinsie sal hom beywer vir die aanvaarding van die beginsel dat fondse wat verskaf word om voldoende voorsiening van infrastruktuur vir vragvervoer te verseker in ooreenstemming is met die geïdentifiseerde en berekende vraag na sodanige infrastruktuur. Indien die vragvervoerstelsel nie die behoeftes van die ekonomie bevredig nie, sal dit 'n vermenigvuldigde negatiewe uitwerking op ekonomiese prestasie hê wat die koste van die betrokke vervoerinfrastruktuur ver te bowe sal gaan.

Die KZN: DVV sal op 'n voortgesette grondslag die impak wat die verskillende vlakke van befondsing op die prestasie van die provinsie (en waar nodig, vir die land) se ekonomiese stelsel het na waarde skat deur volhoubare diensvlakke identifiseer. Die proses sal bepaling van die vereiste befondsing vir die handhawing van sodanige diensvlakke vir alle vervoermetodes oor vasgestelde toekomstige beplanningstydperke insluit, asook die implementering van die nodige metodes om die befondsing te bewerkstellig.

7.2 Befondsingsbronne: Nasionale, Provinsiale en Privaat Sektor

Die KZN: DVV sal voortdurend alle aspekte van die befondsing van vervoerinfrastruktuur en werksaamheid beoordeel en die uitwerking daarvan monitor om die doelwitte van die vragvervoerbeleid te bereik, asook om opsies vir verbeterde befondsing uit nasionale en provinsiale hulpbronne te ondersoek.

Die KZN: DVV sal poog om met die Provinsiale Tesourie saam te werk met die oog op die daarstelling van 'n toegewyde fonds sodat fondse wat deur die beginsels van gebruikerbetaling bekom word wel vir padbou en padonderhoud aangewend kan word.

Die KZN: DVV sal planne ontwikkel om privaat sektor-inisiatiewe te betrek vir die ontwikkeling van die vragvervoerinfrastruktuur en — stelsel in alle gevalle waar dit tot verhoogde doeltreffendheid en die bereiking van die vragvervoerbeleid doelwitte sal lei.

7.3 Befondsing vir Ontwikkeling

Die KZN: DVV sal daadwerklik opsies ondersoek om die ontwikkelingsrol van vragvervoer ter ondersteuning van die *Ekonomiese Ontwikkelingsstrategie van KwaZulu-Natal* te bevorder, met inbegrip van die befondsing van opleidings- en opvoedingskursusse en fasiliteite daarvoor, loodsskemas waarby KMMO's betrokke is, intermodale oordragfasiliteite en kleinkontrakteurprogramme vir die voorsiening van vragvervoer se infrastruktuur.

7.4 Befondsing van Wetstoepassing

Die KZN: DVV sal dringend opsies ondersoek ten einde huidige padveiligheidsinisiatiewe en die noodsaaklikheid om padinfrastruktuur en openbare veiligheid te beskerm, te ondersteun en sodoende voldoende fondse te verkry vir wetstoepassing deur die PVI, met inbegrip van infrastruktuur, personeelvoorsiening, voertuie en toerusting vir 24 uur-aanwending en fondse om 'n bevredigende moniteringsvlak en reaksie op alle padroetes binne die provinsie te verseker.

8. BELEIDSTOEPASSING

Om die tydige implementering van vragvervoerbeleid te verseker, sal die KZN: DVV hom verbind tot 'n proses om kwessies in voorrangorde vir implementering te plaas.

Om elke kwessie aan te spreek, sal daar 'n behoefte aan strategiese beplanning wees. Soos strategiese planne geformuleer word, sal implementeringsvoorstelle ook beskikbare hulpbronne in aanmerking moet neem. En waar hulpbronne soos befondsing of mannekrag onbreek, sal gepaste motivering nodig wees om die betrokke begrotings te wysig.

Dit is noodsaaklik dat implementeringsprogramme geïntegreer word met die van ander provinsiale departemente en dat koördineringsstrukture in die beplanningsproses ingebou word om maksimale doeltreffendheid te verseker.

Sleutelprojekte sal toegewyde voorvegters vereis wat òf uit personeel in die Vragvervoer-direktoraat bekom sal word òf op 'n ad hoc-grondslag gekontrakteer sal word.

Die doeltreffendheid van beleidsimplementering sal aangespoor word deur streng prestasie-monitoring en verslagprosedures.

Kommentaar moet gestuur word aan:

Faks: (033) 3558932

E-pos: Lungile.Ngcobo@Kzntransport.gov.za

Per hand: Kamer 304A

C-Blok

Departement van Vervoer

Burgerstraat 172

Pietermaritzburg

Geliewe te verseker dat kommentaar binne 21 dae na die publikasiedatum van hierdie Konsepwitskrif aangestuur word.

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**TOWN PLANNING SCHEMES: AMENDMENT/
DORPBEPLANNINGSKEMAS: WYSIGING****ETHEKWINI MUNICIPALITY – SOUTH**
Notice No. 10/2004**PROPOSED AMENDMENT TO
UMBOGINTWINI TOWN PLANNING
SCHEME IN COURSE OF PREPARATION**

Notice is hereby given that application has been made to the Council in terms of Section 47 bis B of the Town Planning Ordinance No. 27 of 1949 (as amended) for authority to amend the Umbogintwini Town Planning Scheme in the course of preparation by the addition of the following proviso to Table D: Density Zones, Controlled Industry, Clause 5, Controlled Special Industry, third paragraph, after the words "A height restriction of 12m and F.A.R. Factor of 1,0 shall also apply."

" : provided that in the case of those portions of Erf 230 Umbogintwini previously described as Erven 11, 12 and 27 Umbogintwini, the maximum permitted height shall be 23m."

Copies of the proposed amendment and the relevant plans are open for inspection at the Town Planning Offices, 2 Liberty Road, Illovo, during office hours. Consult your local office.

Any person having sufficient interest in the proposed amendment may lodge written objections or representations relating thereto with the Executive Director, Development Planning and Management at the address below before 12:00 on Friday, 17 September 2004.

M. SUTCLIFFE,
Municipal Manager.

eThekwini Municipality,
P.O. Box 26,
Amanzimtoti 4125.

D1—August 26, 2004.

NEWCASTLE MUNICIPALITY

Notice No. 151/2004

TOWN PLANNING SCHEME

Notice is hereby given in terms of Section 47

bis A(2)(a) of Ordinance No. 27 of 1949, as amended, that the Newcastle Municipality received an application to amend its Town Planning Scheme in the course of preparation as indicated in the schedule below.

A copy of the proposal together with plans are lying open for inspection in the office of the Director: Town Planning situated at the western end of Hospital Street, Newcastle and any person who has a sufficient interest in the said proposal may lodge written representations or objections with the undersigned on or before 20 September 2004.

SCHEDULE

The rezoning of erf 1/670 Newcastle from "Parking" to "Garage" as depicted on sketch plan W1/670.

A.R. HOOSEN,
Municipal Manager.

Municipal Offices,
Private Bag X6621,
Newcastle 2940.

D2—August 26, 2004.

NEWCASTLE MUNISIPALITEIT

Kennisgewing No. 151/2004

STADSBEPLANNINGSKEMA

Hierby word ooreenkomstig artikel 47 bis A(2)(a) van Ordonnansie No. 27 van 1949, soos gewysig, bekend gemaak dat die Newcastle Munisipaliteit voornemens is om sy Stadsbeplanningskema wat opgestel word te wysig soos uiteengesit in die ondergaande skedule.

'n Afskrif van die voorstel tesame met die plan lê ter insae in die kantoor van die Direkteur: Stadsbeplanning, westelike einde van Hospitaalstraat, Newcastle en enigeen met voldoende belang by vermelde voorstel mag skriftelike besware of verhoë in daardie verband voor of op 20 September 2004 by die ondergetekende indien.

SKEDULE

Die hersonering van erf 1/670 Newcastle vanaf "Parkering" na "Garage" soos aangedui op sketsplan W1/670.

A.R. HOOSEN,
Munisipale Bestuurder

Munisipale Kantore,
Privaatsak X6621,
Newcastle 2940.

D2—Augustus 26, 2004.

**ETHEKWINI MUNICIPALITY
NORTH**

Notice No. 6/2004

**PROPOSED AMENDMENT TO THE
TONGAAT TOWN PLANNING SCHEME
NO. 4 IN THE COURSE OF PREPARATION**

Notice is hereby given that application has been made for authority to amend the Draft Scheme Clauses of the Tongaat Town Planning Scheme No. 4 in the course of preparation in terms of Section 47 bis B of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949) (as amended), by the rezoning of Portion 1 of Erf 648TGT, situate at Kallies Lane, La Mercy, Tongaat, from Special Residential to General Residential 2.

Copies of the proposed amendment and the relevant plans and documents are open for inspection at the Umhlanga Offices of the Town Planning Control Branch, between 08:00 and 12:45 weekdays. Any person having sufficient interest in the proposed amendment may lodge written objections or representations relating thereto with the undersigned at 5 Lagoon Drive, Umhlanga, and the applicant before 12:00 on 20 September 2004.

M. O. SUTCLIFFE,
City Manager.

eThekweni Municipality,
5 Lagoon Drive,
Umhlanga 4319.

D4—August 26, 2004.

**ETHEKWINI MUNICIPALITY
EXTENSION OF SEVERAL TOWN
PLANNING SCHEMES OVER VARIOUS
PORTIONS OF SURROUNDING AND
ADJACENT AREAS**

Notice is hereby given in terms of Section 45 of the Town Planning Ordinance (Ordinance No. 27 of 1949), as amended that the eThekweni Municipality at a meeting held on 12 August 2003 resolved to incorporate various portions of the following areas under Town Planning control of several Town Planning Schemes: Siphumelele Township, Sandton Township, Esikhelekehleni, Rietvallei, Lot Garden Park, Lovu Township, Umhlanga North/Hawaan, Umkomaas South, and Reunion.

Maps indicating the adjustments in Town Planning boundaries may be inspected at the Rezoning Division, 166 Old Fort Road, during office hours.

Attention is drawn to the fact that the written authority of the Local Authority is required in terms of Section 67 of the Town Planning Ordinance prior to the erection of any building or structure or the development or use of any land, in respect of the above areas.

M. SUTCLIFFE,
Municipal Manager.

City Hall,
West Street,
Durban.

D5—August 26, 2004.

**UMASIPALA WA KWADUKUZA
OLUNGUMHLAHLANDLELA
WEDOLOBHA LASE - TINLEY MANOR
ISICHIBIYELO ESIHLONGOZWAYO**

Lapha kukhishwa isaziso ngokwemigomo yoMthetho u-Section 47 bis okuyiMthetho engumhlalandlela yamadolobha oMasipala, onguNo. 27 ka 1949, njengokuchibiyelwa kwayo, ukuthi umkhandlu wakwaDukuza uhlongoza ukuchibiyela uhlelo olungumhlalandlela wedolobha kubalulwa lapha ngezansi.

1. Propose Rezoning of Lot 226 Sea View Drive Tinley Manor, from "Special Residential" to "General Residential" purposes.

Ikhophi yezichibiyelo ezihlongozwayo nama-pulani kanye nezine-wadi zemininingwane kuseno-kubonwa, kuma ofisi akwa Masipala, 1 Basil Hulett Drive, Salt Rock, ngezikhathi zomsebenzi, noma ngubani ongavumelani nokuhlongozwayo, makafake isicelo sakhe esibhalwe sisayinwe engakadluli umhlaka 15 kuMandulo 2004.

Applicant: J.G. Roldao and Associates
(Architects)

P.O. Box 1098,
Ballito 4420.

Tel. 032-5516629 - 0829504144

e-mail address: jgrolldao@telkomsa.net

D7—kuNewaba 26, 2004.

**KWADUKUZA MUNICIPALITY
DOLPHIN COAST ADMINISTRATIVE
ENTITY
(IN COURSE OF PREPARATION)
PROPOSED AMENDMENT**

Notice is hereby given in terms of Section 47 bis of the Town Planning Ordinance, No. 27 of

1949, that the KwaDukuza Council intends to consider the following proposed amendment to the Tinley Manor Town Planning Scheme:

1. Proposed Rezoning of Lot 226 Sea View Drive Tinley Manor, from "Special Residential" to "General Residential" purposes.

A copy of the proposed amendment and the relevant plans and documents will be open for inspection as from 25 August 2004 at the Umhlali Offices of the Dolphin Coast Administrative Unit, 1 Basil Hulett Drive, Salt Rock, during normal office hours. Any person having sufficient interest therein may lodge with the undersigned written objections or representations by not later than 15 September 2004.

Applicant: J.G. Roldao and Associates
(Architects)

P.O. Box 1098,

Ballito 4420.

Tel. 032-5516629 - 0829504144

e-mail address: jgrolldao@telkomsa.net

D7—August 26, 2004.

MTUBATUBA MUNICIPALITY

Notice No. 3/2004

**EXTENSION OF THE PROVISIONS OF THE
MTUBATUBA TOWN PLANNING SCHEME**

Notice is hereby given in terms of Section 45(1) of the Natal Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949, as amended) that on 30 July 2004 the Town and Regional Planning Commission, acting under delegated authority, approved the resolution of the Mtubatuba Municipal Council to extend the area of effect of the Mtubatuba Town Planning Scheme-in-course-of-preparation to include Sub 1 of Lot 56 Umfolozi No. 13319, which adjoins Extension No. 2.

A plan depicting those areas may be inspected at the Council's offices during normal office hours.

The effect of the aforesaid resolution is that:

1. in terms of Section 67(1) of the said Ordinance, and until relevant Town Planning Scheme zonings, reservations and controls have been adopted by Council in terms of Section 47 bis (4)(a) thereof, no person may, within such areas:

- erect, alter or extend a building or structure;
- develop or use any land, or use any building or structure, for any purpose different from that for which it was being developed or used, as the case may be, at the date of the said Commission's approval;
- use any building or structure after such date for a purpose different from that for which it was lawfully erected; or
- subdivide any land,

without the prior written authority of Council; and

2. in terms of Section 67(2) of the said Ordinance, where there has been an interruption in the development or use of any land, building or structure for a continuous period of 18 months after the said Commission's approval, it shall not be lawful to recommence such development or use without the prior written authority of Council as contemplated in Section 67(1) thereof.

Attention is drawn to Section 67(5) of the said Ordinance which empowers Council to issue an order of prohibition on any person who contravenes Sections 67(1) and (2) as set out above and

to the right of appeal in terms of Section 67(7)(b) thereof in respect of any person who is aggrieved by a decision of Council to refuse an application under Section 67(1) of the said Ordinance.

MS ERICA SWANEPOEL,
Municipal Manager.

P.O. Box 52,
Mtubatuba 3935.

D11—August 19, 26, 2004.

MTUBATUBA MUNISIPALITEIT

Kennisgewing No. 3/2004

**UITBREIDING VAN DIE MTUBATUBA
DORPBEPLANNINGSKEMA BEPALINGS**

Kennis geskied hiermee, in terme van die bepalinge van Artikel 45(1) van die Natal Dorpbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949, soos gewysig), dat die Dorp- en Streekbeplanningkommissie, op 30 Julie 2004, die besluit van Mtubatuba Munisipale Raad om die regsgebied van die Mtubatuba Dorpbeplanningskema-in-wording uit te brei deur die insluiting van Sub 1 van Lot 56 Umfolozi No. 13319, aangrensend aan Uitbreiding No. 2.

'n Plan van die voorgenoemde gebiede soos hierbo uiteengesit lê vir inspeksie by die Raad se kantore gedurende normale werkeure.

Die gevolg van bogenoemde besluit is dat:

- in terme van Artikel 67(1) van voorgenoemde Ordonnansie, en totdat toepaslike sonerings, reserverings en beperkings aangaan in terme van Artikel 47 bis (4)(a) daarvan, kan niemand binne sulke gebiede:
 - 'n gebou of bouwerk oprig, verander of vergroot nie;
 - grond ontwikkel of gebruik of 'n gebou of bouwerk gebruik vir enige ander doel as die doel waarvoor dit oorspronklik ontwikkel of gebruik is op die datum van die goedkeuring van die voorgenoemde Kommissie;
 - 'n gebou of bouwerk opgerig, na sulke datum, vir 'n ander doel gebruik as die waarvoor dit opgerig is; of
 - die grond onderverdeel,

sonder die skriftelike goedkeuring van die Raad; en

2. In terme van Artikel 67(2) van bogenoemde Ordonnansie waar die ontwikkeling of gebruik van grond of die gebruik van 'n gebou of bouwerk na die datum van die goedkeuring van die Kommissie vir 'n tydperk van langer as 18 maande aaneen onderbreek is, mag sodanige ontwikkeling of gebruik nie hervat word, sonder die skriftelike goedkeuring van die Raad ooreenkomstig Artikel 67(1) van welke Ordonnansie nie.

Aandag word gevestig op Artikel 67(5) van die Ordonnansie wat die Raad magtig om 'n verbod op enige persoon wat Artikel 67(1) en (2) soos uiteengesit hierbo oortree, te dien. Aandag word verder gevestig op die reg om appèl aan te teken in terme van Artikel 67(7)(b) van die Ordonnansie van enige belanghebbende wat gegrief is deur 'n besluit van die Raad om 'n versoek te weier in terme van Artikel 67(1) van die Ordonnansie.

MS ERICA SWANEPOEL,
Munisipale Bestuurder.

Mtubatuba Munisipaliteit,
Posbus 52,
Mtubatuba
3935.

D11—Augustus 19, 26, 2004.

MISCELLANEOUS/DIVERSE

Isaziso Sokusongulwa Kwendawo
ezothuthukiswa

Abahleli bamadolobha nezifunda
iPLANKOSULT bafake isicelo ngaphansi kom-
thetho iDevelopment Facilities Act ka 1995
(Umthetho 67 ka 1995).

Indawo ezothuthukiswa:

Isiza sendawo 181 Bulwer, Umasipala wasekhaya
Ingwe;

Indawo ezothuthukiswa izoba nalokhu oku-
landeyo: Isiza sezindlu zokuhlala ezingu 315,
isiza esisodwa sesonto, isiza esisodwa senkulisa,
isiza esisodwa senkundla yokudlala, isiza esisod-
wa sendawo eyisipesheli, iziza izimbili zezitolo
kanye neziza isiyithupha zendawo yokuphatha.

Isicelo sokuthuthukiswa komhlaba siyodingidwa
yisigungu esithatha izinqumo ngomhlaka 14
kuMfumfu 2004, ngo 10:00 ekuseni eCreighton

Agricultural Society Hall, eku Main Street
eCreighton. Iconference iyoba eCreighton
Agricultural Society Hall, Main Street Creighton,
ngomhlaka 30 kuNewaba 2004 ngo 10:00
ekuseni. Ukubukwa kwendawo kuyokwenziwa
ngomhlaka 13 kuMfumfu 2004 ngo 14:00 emini.

Noma ubani onentshisekelo kulesisicelo esin-
genhla kumele alandele lokhu:

1. Ezinsukwini ezingu 21 kusukela osukwini

lokukhishwa kwalesisaziso unganika iDesignated officer isikhalazo sakho.

- Uma imibono yakho iyisikhalazo salesisicelo salendawo ezothuthukiswa ungavela (kodwa owuphoqiwe) noma uthumele lowo ozokumela ngaphambi kwesigungu esiyothatha isiqu mo kulolusuku olushiwo ngenhla.

Zonke izikhalazo neziphikiso kumele zibe negama kanye nekheli lomuntu noma iqembu elinezikhalazo, okukuchazayo ngaloludaba, nezizathu zesikhalazo kumele zithulwe kwi Designated officer kulelikheli ne nombolo yocingo elandelayo ezinsukwini ezingu 21 kusukela osukwini lokukhishwa kwalesisicelo.

Amapulani, nezincwadi kanye neminingwane eqondene nalokhu iyatholakala ukuba ibukwe umphakathi emahovisini kamasipala eSisonke District, abathuthukisi nabahleli, 39A Margaret Street, Ixopo kanye no masipala wase Kokstad, ku 75 Hope Street, Kokstad ezinsukwini iziwi 21 kusukela ngomhlaka 20 kuNcwaba 2004.

Zonke izikhalazo neziphikiso kumele zithunyelwe kwi Designated officer kamasipala wasekhaya Sisonke, kanti futhi angatholakala kulelikheli nenombolo yocingo.

Umuntu ongakhuluma naye:
Mr F.T. Nxumalo,
Sisonke District Municipality,
Private Bag X501,
Ixopo 3276.

Inombolo yocingo (039) 834 1631
Inombolo yefeksi (039) 834 1701

H1—kuNcwaba 19, 26, 2004.

Notice of Land Development Application

Plankonsult has lodged an application for the establishment of a land development area in terms of the Development Facilities Act, 1995, (Act 67 of 1995).

The application is for the development of the following land:

Part of Erf 181 Bulwer, Ingwe Municipality

The following uses are proposed:

315 residential erven, 1 worship erf, 1 crèche erf, 1 sportsfield erf, 1 public open space erf, 2 commercial erven, 6 administration erven.

The application will be considered at a tribunal hearing to be held at the Creighton Agricultural Society Hall, Main Street Creighton on 14 October 2004 at 10:00 and the pre hearing conference will be held at the Creighton Agricultural Society Hall, Main Street Creighton on 30 August 2004 at 10:00. A site inspection will be undertaken on 13 October 2004 at 14:00.

Please note in terms of the Development Facilities Act, 1995:

- You may within 21 days from the date of this notice, provide the designated officer with written representations in support of the application, or any other written representation you wish to make not amounting to an objection, in which case you are required to attend the tribunal hearing; or
- If your comment constitute an objection to any of the land development application, you or your representative must appear in person before the tribunal on the date mentioned above, or on other date of which you may be given notice.

In terms of the Development Facilitation Act, 1995 this notice has the effect of a subpoena and failure to comply with this notice constitutes a criminal offence.

Any written objection or representation must state the name and address of the person or body making the objection or representation, the interest that such person or body has in the matter, and the reason for the objection or representation, and must be delivered to the designated officer at his or her address set out below within the said period of 21 days.

The relevant plans, documents and information are available for inspection at the Sisonke District Municipality Offices, Development and Planning, 39A Margaret Street, Ixopo and the Greater

Kokstad Municipality, 75 Hope Street, Kokstad for a period of 21 days from 20 August 2004.

If you have any queries contact the designated officer at the following address, telephone number and fax no:

Designated Officer
Mr F.T. Nxumalo

Address
Sisonke District Municipality,
Private Bag X501,
Ixopo 3276.
Tel: (039) 834 1631
Fax: (039) 834 1701

H1—August 19, 26, 2004.

Isaziso Sokusongulwa Kwendawo Ezothuthukiswa

Abahleli bamadolobha nezifunda iPlankonsult bafake isicelo ngaphansi komthetho iDevelopment Facilities Act ka 1995 (Umthetho 67 ka 1995).

Indawo ezothuthukiswa isiza 2093 sendawo 461 Kokstad.

Indawo ezothuthukiswa izoba nalokhu okulandelayo:

Iziza zezindlu zokuhlala ezingu 8

Isicelo sokuthuthukiswa komhlaba siyodingidwa yisigungu isithatha izinqumo ngomhlaka 12 kuMfumfu 2004, ngo 10:00 ekuseni eLibrary Activities Room, Kokstad library eku Main Street, Kokstad. Iconference iyoba eLibrary Activities Room, Kokstad library, eku Main Street Kokstad ngomhlaka 13 kuMfumfu 2004 ngo 14:00 emini.

Noma ubani onentshisekelo kulesisicelo esingenhla kumele alandele lokhu:

- Ezinsukwini ezingu 21 kusukela osukwini loku khishwa kwalesisaziso unganika iDesignated officer isikhalazo sakho.
- Uma imibono yakho iyisikhalazo salesisicelo salendawo ezothuthukiswa ungavela (kodwa owuphoqiwe) noma uthumele lowo ozokumela ngaphambi kwesigungu esiyothatha isiqu mo kulolusuku olushiwo ngenhla.

Zonke izikhalazo neziphikiso kumele zibenegama kanye nekheli lomuntu noma iqembu elinezikhalazo, okukuchazayo ngaloludaba, nezizathu zesikhalazo kumele zithulwe kwi Designated officer kulelikheli nenombolo yocingo elandelayo ezinsukwini ezingu 21 kusukela osukwini lokukhishwa kwalesisicelo.

Amapulani, nezincwadi kanye neminye iminingwane eqondene nalokhu iyatholakala ukuba ibukwe umphakathi emahovisini kamasipala wasekhaya iSisonke, ezinsukwini eziwi 21 kusukela ngomhlaka 20 kuNcwaba 2004.

Zonke izikhalazo neziphikiso kumele zithunyelwe kwi Designated officer kamasipala wasekhaya iSisonke, kanti futhi angatholakala uDesignated officer kulelikheli nenombolo yocingo.

Umuntu ongakhuluma naye:
Mr F.T. Nxumalo,
Sisonke District Municipality,
Private Bag X501,
Ixopo 3276.

Inombolo yocingo (039) 834 1631
Inombolo yefeksi (039) 834 1701

H2—kuNcwaba 19, 26, 2004.

Notice of Land Development Application

Plankonsult has lodged an application of a land development area in terms of the Development Facilities Act, 1995, (Act 67 of 1995).

The application is for the development of the following land:

Erf 2093, a portion of Erf 461 Kokstad

The following uses are proposed:
8 residential erven.

The application will be considered at a tribunal hearing to be held at the Library Activities Room, Kokstad library, Main Street, Kokstad on 12 October 2004 at 10:00 and the pre hearing conference will be held at the Library Activities Room, Kokstad library, Main Street, Kokstad on

27 August 2004 at 11:00. A conference will be undertaken on 11 October 2004 at 14:00.

Please note that in terms of the Development Facilities Act, 1995

- You may within 21 days from the date of this notice, provide the designated officer with written representations in support of the application, or any other written representation you wish to make not amounting to an objection, in which case you are required to attend the tribunal hearing; or
- If your comments constitute an objection to any of the land development application, you or your representative must appear in person before the tribunal on the date mentioned above, or on other date of which you may be given notice.

In terms of the Development Facilitation Act, 1995 this notice has the effect of a subpoena and failure to comply with this notice constitutes a criminal offence.

Any written objection or representations must state the name and address of the person or body making the objection or representation, the interest that such person or body has in the matter and the reason for the objection or representation, and must be delivered to the designated officer at his or her address set out below within the said period of 21 days.

The relevant plans, documents and information are available for inspection at the Sisonke District Municipality Offices, Development and Planning, 39A Margaret Street, Ixopo and the Greater Kokstad Municipality, 75 Hope Street, Kokstad for a period of 21 days from 20 August 2004.

If you have any queries contact the designated officer at the following address, telephone number and fax no:

Designated Officer
Mr F.T. Nxumalo

Address
Sisonke District Municipality,
Private Bag X501,
Ixopo 3276.
Tel: (039) 834 1631
Fax: (039) 834 1701

H2—August 19, 26, 2004.

Isijobelelo D

[UMTHETHO 21(10) WEMITHETHO YOKUKHUTHAZA INTUTHUKO NGOKULANDELA UMTHETHO WOKUKHUTHAZA INTUTHUKO KA, 1995]

NDEBELE KIRBY PLANNERS cc.
(On behalf of Sheffield Manor(PTY) LTD),
P.O. Box 1326, Wandsbeck, 3631

Ufake isicelo ngokulandela uMthetho wokuKhuthaza iNtuthuko mayelana nokumiswa kwendawo yokuthuthukiswa eku:

Intuthuko Ibandakanya lokhu okulandelayo:

- Isiqeshana sendawo esingu 14 sesiza esingu 69 sepulazi elingunombolo 917
- Isiqeshana sendawo engu 144(ka 143) sesiza esingu 69 sepulazi elingunombolo 917
- Isiqeshana sendawo 21 sesiza esingu 69 sepulazi elingunombolo 917
- Isiqeshana sendawo esingu 34 sesiza esingu 69 sepulazi elingunombolo 917
- Isiqeshana sendawo 29 sesiza esingu 69 sepulazi elingunombolo 917
- Ingxenywe yesiqeshana sendawo esingu 31 yesiza sepulazi elingunombolo 917
- Isiqeshana sendawo esingu 103 sesiza esingu 69 sepulazi 917
- Ingxenywe yesiqeshana sendawo esingu 24 yesiza esingu 69 sepulazi elingunombolo 917
- Ingxenywe yesiqeshana sendawo esingu 26

yesiza esingu 69 sepulazi elingunombolo 917

• Ingxenywe yesiqeshana sendawo esingu 33 yesiza esingu 69 sepulazi elingunombolo 917

• Ingxenywe yesiqeshana sendawo esingu 53 yesiza esingu 69 sepulazi elingunombolo 917

• Isiqeshana sendawo esingu 572 (ka 22) sesiza esingu 61 sepulazi elingunombolo 917

• Ingxenywe yesiqeshana sendawo esingu 43 yesiza esingu 69 sepulazi elingunombolo 917

• Ingxenywe yesiqeshana sendawo esingu 28 yesiza esingu 69 sepulazi elingunombolo 917

• Ingxenywe yesiqeshana sendawo esingu 69 sepulazi elingunombolo 917

• Engabaliwe

• Ingxenywe yesiqeshana sendawo 42 yesiza esingu 69 sepulazi elingunombolo 917

• Isiqeshana sendawo 37 sesiza esingu 69 sepulazi elingunombolo 917

• Isiqeshana sendawo 102 sesiza esingu 69 sepulazi elingunombolo 917

mihlaba eseduzane engaphazanyiswa ukwakhiwa kwempambanomgwaqo.

Isiqeshana sendawo esingu 11 sesiza esingu 69 sepulazi 917

Ingxenywe yesiqeshana sendawo 44 yesiza esingu 69 sepulazi elingunombolo 917

Ingxenywe yesiqeshana sendawo 83 yesiza esingu 69 sepulazi elingunombolo 917

Intuthuko Ibandakanya Lokhu Okulandelayo

• Isizinda esinamahashi esineziza zokuhlala ezingu 29, indawo yomphakathi kanye nesitebela ngasese kanye nokuphathelele nezindawo zamahashi

• Izizinda zomdlalo webhola iPololo, ezineziza zalo mdlalo kanye nezizinda zomphakathi ezineBotique Hotel enemibhede engu 50, irestaurant, iziza zezitolo ezingeqile ku 500m², iclub house, ipavillion kanye nendawo yemihlangano ehlala abantu abawu 200

• Indawo yokuhlala eqashiwe enezindlu ezingu 1148 kulezo ekukhona iziza ezingu 375 ezisimele ezilinganiswe ku 2500m², iziza ezizimele ezingu 191 ezingu 1250m² neziza ezingu 582 zokuhlala ezingama 10 ngehekhltha ngalinye

• Indawo yomphakathi kanye neyokungebelekela kuyo izakhamizi

• Indawo yohwebo engeqile ku 2000m²

• Ukwakhiwa kwempambanomgwaqo engu N2 kanye nokulungiswa komgwaqo uMR228

• Amadamo amancane amaningi enza indawo ibukeke, indawo yezinhlazi nendawo yokuvikela amanzi emvula

• Izivumelwano ngengqalazizinda ezichaza kabanzi ngezingqalazizinda eziphethe nezilungiswa ngasese ngasese kuhlalnganiswa nemizi ethola umgwaqo nezindlela okuc-hazwe ngoyo kabanzi kwisivumelwano

• Indawo eyisipesheli eyosungulwa kusomqulu yasemhlali Beach

• Ukuphasiswa kwe-mibandela nentuthuko

• Ukumiswa kweminye imithetho

• Ukususwa etayiteleni kwemithetho ethile

Ipulani/Amapulani incwadi/izinwadi nemininigwane edingekayo ukuze ihlolwe itholakala: E-Salt Rock Municipal Offices, cnr Basil Hulett & Mdoni Roads (NgoMsombuluko kuya kolweSihlanu ngo 07h45-13h00 kanye 13h30-16h15), kungeqi ezinsukwini ezingu 21 kusukela kumhla-ka 27 August 2004.

Isicelo siyocutshungulwa eNkundleni yokulalela izicelo eyohlala

E-Ballito Council Chambers, 10 Leonora Drive, Ballito mhlaka-2 December 2004 ngo 09h30.

Wonke umuntu onentshisekelo noma othintekile uyaziswa ukuba abekhona lapho kuhlolwa mathupha indawo ethuthukiswayo okuyokwenziwa yiNkundla yokulalela izicelo ngomhla-ka 1 December 2004 ngo 14h00. (Indawo lapho kuyohlalnganyelwa khona mhlaka kuyohlolwa umhlaba isemahhovisi kaMasipala wase Salt Rock)

Umhlangano wokwendulela umhlangano weNkundla yokulalela uyoba E-Ballito Council Chambers, 10 Leonora Drive, Ballito mhlaka-5 November 2004 ngo 10h00.

Noma yimuphi umuntu onentshisekelo mayelana nesicelo kumele aqaphele lokhu:

1. Ezinsukwini ezingeqile kwezingu 21 lesi saziso sokuqala simenyezwe (27 August 2004), unganikeza isiphathi-mandla esiqokile isikhalo noma umbono wakho obhalwe phansi; noma.

2. Uma umbono wakho kuyisikhalo esiqondene nokuthile mayelana nesicelo sokuthuthukisa umhlaba, kumele ube khona mathupha noma umelwe ummeli eNkundleni ngosuku olubalulwe ngenhla. (5 November 2004)

Noma yisiphi isikhalo noma umbono obhalwe phansi kumele uthunyelwe kwisiphathi-mandla esiqokile, uMr Anand Archary eSalt Rock Municipality, cnr Basil Hulett & Mdoni Roads, P O Box 5, Ballito 4420

Futhi ungathintana nesiphathi-mandla esiqokile uma unemibuzo:

Inombolo yocingo: 032-525 5041 Inombolo yesikhahlamezi: 032-525 5004

H3—kuNewaba 26, kuMandulo, 2, 2004.

Annexure D

[Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 1995]

NDEBELE KIRBY PLANNERS cc.
(on behalf of Sheffield Manor(Pty) Ltd), P O Box 1326, Wandsbeck, 3631

has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area:

- 1 Portion 14 of the Farm Lot 69 No. 917
- 2 Portion 144 (of 143) of the Farm Lot 69 No. 917
- 3 Portion 21 of the Farm Lot 69 No. 917
- 4 Portion 34 of the Farm Lot 69 No. 917
- 5 Portion 29 of the Farm Lot 69 No. 917
- 6 Remainder of Portion 31 of the Farm Lot 69 No. 917
- 7 Portion 103 of the Farm Lot 69 No. 917
- 8 Remainder of Portion 24 of the Farm Lot 69 No. 917
- 9 Remainder of Portion 26 of the Farm Lot 69 No. 917
- 10 Remainder of Portion 33 of the Farm Lot 69 No. 917
- 11 Remainder of Portion 53 of the Farm Lot 69 No. 917
- 12 Portion 572 (of 22) of the Farm Lot 61 No. 1521
- 13 Remainder of Portion 43 of the Farm Lot 69 No. 917
- 14 Remainder of Portion 28 of the Farm Lot 69 No. 917
- 15 Remainder of the Farm Lot 69 No. 917
- 16 Excluded

17 Remainder of Portion 42 of the Farm Lot 69 No. 917

18 Portion 37 of the Farm Lot 69 No. 917

19 Portion 102 of the Farm Lot 69 No. 917

Adjacent properties which may be encumbered by the proposed interchange construction:-

• Portion of Portion 11 of the Farm Lot 69 No. 917

• Portion of Rem of Portion 44 of the Farm Lot 69 No. 917

• Portion of Rem of Portion 83 of the Farm Lot 69 No. 917

The development will consist of the following:

- Equestrian Centre consisting of 29 residential erven, communal and private stabling and equestrian facilities.
 - Polo complex consisting of polo fields and central facilities including 50-bed Boutique hotel, restaurant, shops limited to 500m², clubhouse, pavilion and 200-seat conference facility.
 - Secured residential estate of 1148 houses consisting of 375 freestanding erven of ±2500m², 191 freestanding erven of 1250m² and 582 medium density cluster homes (@10u/ha)
 - Community facility and recreation sites to serve residents.
 - Commercial node not exceeding 2000m²gla.
 - Construction of new interchange on N2 and realignment of MR228.
 - Numerous ponds acting as aesthetic features, fishing areas and stormwater attenuation facilities.
 - A services agreement detailing the full level of privately controlled and maintained infra-structural services including access erven to provide vehicular and pedestrian access to all homes as detailed in such agreement.
 - A Special Zone to be introduced into the Umhlali Beach Town Planning Scheme to control the development.
 - Conditions of establishment to be approved.
 - Suspension of certain laws.
 - Removal of certain restrictions in title.
- The relevant plan(s), document(s) and information are available for inspection at:
- Salt Rock Municipal Office, corner Basil Hulett and Mdoni Roads (Monday to Friday from 07h45-13h00 and 13h30-16h15) for a period of 21 days from 27 August 2004.**
- The application will be considered at a tribunal hearing to be held at:
- Ballito Council Chambers, 10 Leonora Drive, Ballito on 2 December 2004 at 09h30.**
- All interested and affected parties are hereby informed that they may attend an inspection in loco of the land development area, which will be conducted by the Tribunal on 1 December 2004 at 14h00. (Meeting point for the site inspection will be the Salt Rock Municipal offices).
- The pre-hearing conference will be held at **Ballito Council Chambers, 10 Leonora Drive, Ballito on 5 November 2004 at 10h00.**
- Any person having an interest in the application should please note:
1. You may within a period of 21 days from the date of the first publication (27 August 2004) of this notice, provide the designated officer with your written objections or representations; or
 2. If your comments constitute an objection to