



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

**Provincial Gazette • Provinciale Koerant • Igazethi Yesifundazwe**

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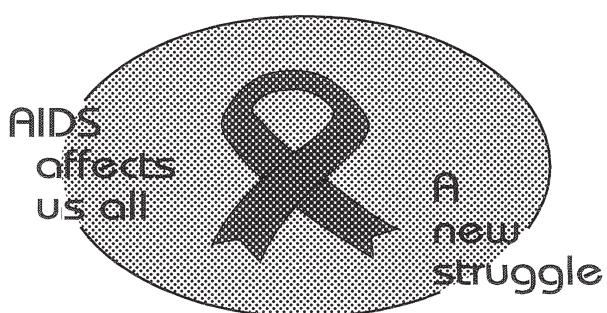
Vol. 12

7 FEBRUARY 2018  
7 FEBRUARIE 2018  
7 KUNHLOLANJA 2018

No. 1923

**PART 1 OF 2**

**We all have the power to prevent AIDS**



AIDS  
HELPLINE

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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## CONTENTS

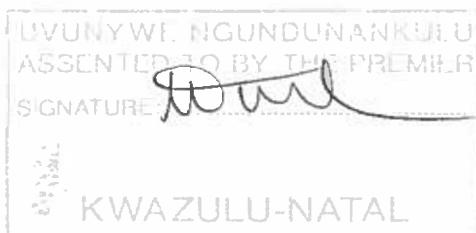
		<i>Gazette No.</i>	<i>Page No.</i>
<b>ACTS • WETTE</b>			
1	KwaZulu-Natal Unauthorised Expenditure Authorisation Act (5/2017): To provide for the approval and authorisation of unauthorised expenditure referred to in the Schedule as a direct charge against the Provincial Revenue Fund; and to provide for matters connected therewith .....	1923	3
1	KwaZulu-Natal Wet op die Magtiging van Ongemagtigde Uitgawes (5/2017): Om die goedkeuring en magtiging van ongemagtigde uitgawes te verskaf soos vervat in die Bylae, as 'n direkte eis teen die Proviniale Inkomstefonds en om voorsiening te maak vir sake wat daarvan verband hou .....	1923	5
2	KwaZulu-Natal Joint Municipal Pension Fund (Retirement) Act (6/2017): To provide for the continued existence of, and the continuation of, both membership of and association with, the National Joint Municipal Fund (Retirement) .....	1923	9
2	Wet op die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) (6/2017): Om voorsiening te maak vir die voortgesette bestaan van, en die voorstetting van, beide lidmaatskap van, en assosiasie met, die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) .....	1923	18
3	KwaZulu-Natal Joint Municipal Pension Fund (Superannuation) Act (7/2017): To provide for the continued existence of, and the continuation of, both membership of and association with, the Natal Joint Municipal Pension Fund (Superannuation) .....	1923	38
3	Wet op die KwaZulu-Natal Gemeensaplike Munisipale Pensioenfonds (Superannuasie) (7/2017): Om voorsiening te maak vir die voortgesette bestaan van, en die voortsetting van beide lidmaatskap van en assosiasie met, die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) .....	1923	47
4	KwaZulu-Natal Joint Municipal Provident Fund Act (8/2017): To provide for the continued existence of, and the continuation of both membership of and association with, the KwaZulu-Natal Joint Municipal Provident Fund .....	1923	67
4	Wetsontwerp op die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds (8/2017): Om voorsiening te maak vir die voorgesette bestaan van, en voortsetting van beide lidmaatskap van en assosiasie met, die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds .....	1923	75
5	KwaZulu-Natal Umzimkhulu Alignment Act (9/2017): To provide for the alignment of the policy, statutory and administrative frameworks currently in force in the area of jurisdiction of the Umzimkhulu Local Municipality ..	1923	91
5	KwaZulu-Natal Wet op Berigting van Umzimkhulu (9/2017): Om voorsiening te maak vir die berigting van die beleid, statutêre en administratiewe raamwerke tans van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit .....	1923	105
6	KwaZulu-Natal Adjustments Appropriation Act (10/2017): To effect adjustments to the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in the 2017/18 financial year ending on 31 March 2017, and to provide for matters incidental thereto .....	1923	140
6	KwaZulu-Natal Tweede Aansuiweringsbegrotings Wet (10/2017): Om aanpassings aan te bring vir die bewilliging van fondse uit die Proviniale Inkomstefonds om aan die behoeftes van die Provincie tydens die 2017/18 finansiële jaar wat eindig op 31 Maart 2017, te voldoen en voorsiening te maak vir aangeleenthede wat daarvan verband hou .....	1923	149

**ACTS • WETTE****NOTICE 1 OF 2018**

[English text signed by the Premier]

**KWAZULU-NATAL  
UNAUTHORISED EXPENDITURE AUTHORISATION ACT, 2017  
(Act No. 05 of 2017)**

Assented to on 07/12/2017

**ACT**

**To provide for the approval and authorisation of unauthorised expenditure referred to in the Schedule as a direct charge against the Provincial Revenue Fund; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

**Interpretation of Act**

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act, 1999 (Act No.1 of 1999), has the meaning assigned to it in that Act.

**Approval of unauthorised expenditure**

2. The unauthorised expenditure in the amount of R204 861 000 referred to in the Schedule and described in the selected Resolutions of the Standing Committee on Public Accounts (SCOPA) identified in Column 2 of the Schedule, is approved and authorised as a direct charge against the Provincial Revenue Fund.

**Effect of recovery of unauthorised expenditure**

3. This Act does not detract from or limit any right or obligation to take appropriate steps to recover unauthorised expenditure from the responsible official or former official.

**Short title**

4. This Act is called the KwaZulu-Natal Unauthorised Expenditure Authorisation Act, 2017.

**SCHEDULE**

Amount Unauthorised (R)	Standing Committee on Public Accounts Resolution Reference	Financial Year	Vote Title
			Column 4
Column 1	Column 2	Column 3	Column 4
6 986 000	15/2017	2015/16	Economic Development, Tourism and Environmental Affairs
45 174 000	16/2017	2015/16	Education
147 119 000	17/2017	2015/16	Health
5 582 000	18/2017	2015/16	Human Settlements
204 861 000			

**KENNISGEWING 1 VAN 2018**

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL  
WET OP DIE MAGTIGING VAN ONGEMAGTIGDE UITGAWES,  
2017  
(Wet No. 05 van 2017)**

Goedgekeur op 07-12-2017

**WET**

**Om die goedkeuring en magtiging van ongemagtigde uitgawes te verskaf soos vervat in die Bylae, as 'n direkte eis teen die Provinciale Inkomstefonds en om voorsiening te maak vir sake wat daarmee verband hou.**

DAAR WORD deur die Provinciale Wetgewer van die Provinsie van KwaZulu-Natal soos volg bepaal: -

### **Interpretasie van Wet**

1. In hierdie Wet, tensy uit die konteks anders blyk, dra enige woord of uitdrukking waaraan 'n betekenis geheg is in die Wet op die Bestuur van Openbare Finansies, 1999 (Wet No. 1 van 1999) die betekenis wat in daardie Wet daarvan geheg is.

### **Goedkeuring van ongemagtigde uitgawe**

2. Die ongemagtigde uitgawe in die bedrag van R204 861 000 waarna in die bylae verwys word, en beskryf in die gekose Besluite van die provinsiale Staande Komitee oor Openbare Rekeninge geïdentifiseer in Kolom 2 van die Bylae, word goedgekeur en gemagtig as 'n direkte eis teen die Provinciale Inkomstefonds.

### **Effek van terugvordering van ongemagtigde uitgawe**

3. Hierdie Wet doen nie afbreuk aan of beperk enige reg of verpligting om toepaslike stappe te doen om ongemagtigde uitgawe terug te vorder van 'n verantwoordelike beampte of vorige beampte nie.

### **Kort titel**

4. Hierdie Wet heet die KwaZulu-Natal Wet op die Magtiging van Ongemagtigde Uitgawes, 2017.

**BYLAE**

<b>Bedrag Ongemagtig (R)</b>	<b>Staande Komitee oor Openbare Rekening Besluit Verwysing</b>	<b>Finansiële jaar</b>	<b>Begrotingspos Titel</b>
			<b>Kolom 4</b>
6 986 000	15/2017	2015/16	Ekonomiese Ontwikkeling, Toerisme en Omgewingsake
45 174 000	16/2017	2015/16	Onderwys
147 119 000	17/2017	2015/16	Gesondheid
5 582 000	18/2017	2015/16	Menslike Nedersettings
<b>204 861 000</b>			

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO WAKWAZULU-NATALI WOKUNIKA IMVUME  
YEZINDELEKO EZINGAGUNYAZIWE, WEZI-2017  
(Umthetho Na. 05 ka 2017)**

Uvunywe ngomhlaka 07-12-2017

**UMTHETHO**

**Ukuhlinzekela ukunika imvume negunya lokuba izindleko ezingagunyaziwe ezibaluliwe kwiSheduli zikhokhelwe ngqo Esikhwameni Sezimali zeSifundazwe, kanye nokuhlinzekela izindaba ezihambisana nalokhu.**

**MAKUSHAYWE UMTHETHO yiSishayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-**

**Ukuhunyushwa komthetho**

1. Ngaphandle uma indikimba ikhomba okunye, kulo Mthetho lelo nalelo gama noma ibinzana lamagama elivele selinikezelwe incazelol Emthethweni

Wokuphathwa Kwezimali Zomphakathi, we-1999 (uMthetho No. 1 we-1999), linikezelwa yona leyo ncazel.

### **Ukunikezelwa kwemvume yezindleko ezingagunyaziwe**

2. Izindleko ezingagunyaziwe okukhulunya ngazo kule Sheduli zesamba sezi-R204 861 000 futhi ezichazwe eZinqumweni Zekomidi Elisebenzayo Lesifundazwe Lamakhawunti Kahulumeni, ezihlonzwe Ohlwini Iwesi-2 IweSheduli, zinikwe imvume futhi zagunyazwa ukuba zikhokhelwe ngqo Esikhwameni Sezimali Zesifundazwe.

### **Ukukhokhiswa izindleko ezingagunyaziwe**

3. Lo Mthetho awuhoxisi kumbe awuvimbeli nanoma yiliphi ilungelo noma isibopho sokuthatha izinyathelo ezifanele zokukhokhisa umsebenzi ofanele noma wangaphambilini lezo zindleko azenza singagunyaziwe.

### **Isihloko esifingqiwe**

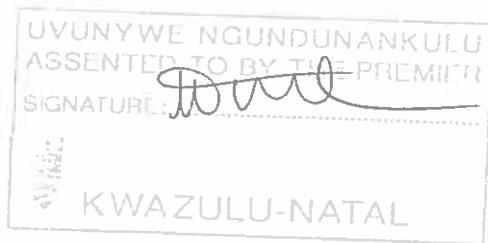
4. Lo Mthetho ubizwa ngokuthi uMthetho WaKwaZulu-Natali Wokunika Imvume Yezindleko Ezingagunyaziwe, wezi-2017

#### **UHLU**

Isamba Esingagunyaziwe  ( R )	I Refarensi Yezinqumo ZeKomidi Elimileyo LeSifundazwe Lama- Akhawunti Kahulumeni	Unyaka Wezimali	Isihloko Ivoti			
			i-Kholamu 1	i-kholamu 2	i-Kholamu 3	i-Kholamu 4
6 986 000	15/2017	2015/16	Ezokuthuthukiswa komnotho, ezokuVakasha nezeMvelo			
45 174 000	16/2017	2015/16	Ezemfundo			
147 119 000	17/2017	2015/16	Ezempilo			
5 582 000	18/2017	2015/16	Ezokuhlalisa kwabantu			
<b>204 861 000</b>						

**NOTICE 2 OF 2018**

[English text signed by the Premier]

**KWAZULU-NATAL JOINT MUNICIPAL  
PENSION FUND (RETIREMENT) ACT, 2017  
(Act No. 06 of 2017)**Assented to on 07/12/2017**ACT**

To provide for the continued existence of, and the continuation of, both membership of and association with, the Natal Joint Municipal Pension Fund (Retirement); for the renaming of the Natal Joint Municipal Pension Fund (Retirement) as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement); for the power of the responsible Member of the Executive Council to make regulations; for transitional arrangements; for the repeal of laws and savings; and for matters incidental thereto.

**PREAMBLE**

WHEREAS there is a need to replace pre-1994 racially discriminatory Natal Ordinances that determined the establishment and implementation of two separate race-based pension systems for municipal employees, being the Natal Joint Municipal Pension Fund (Superannuation) and the Natal Joint Municipal Pension Fund (Retirement), which have

been assigned to the Province by the President in accordance with section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and which have become obsolete with the commencement of the democratic dispensation on 27 April 1994;

**WHEREAS** the assigned racially based pre-1994 Ordinances have become provincial legislation as determined by section 239 of the Constitution of the Republic of South Africa, 1996, and the Provincial Legislature is consequently competent to repeal, amend and substitute such legislation in accordance with section 104(1)(b) of the 1996 Constitution;

**WHEREAS** there is a need to ensure that all race-based references and that all forms of differentiation between the two pension funds regarding the categories of beneficiaries and their dependants are removed;

**AND WHEREAS** it is necessary to replace the current Natal Joint Municipal Pension Fund (Retirement) statutory framework with a framework that is solely regulated by, aligned to, and compliant with the Constitution of the Republic of South Africa, 1996, the nationally applicable Pension Funds Act, 1956 (Act No. 24 of 1956), and the principles of good governance,

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

#### **Definitions**

1. In this Act, unless the context indicates otherwise –

“actuary” means a person who is –

(a) a fellow of an institute, faculty, society or chapter of actuaries registered as such in accordance with the applicable legislation; and

(b) appointed by the –

(i) Registrar; and

(ii) Board of Trustees,

as a valuator as contemplated in section 9A of the Pension Funds Act, 1956 (Act No. 24 of 1956);

“auditor” means a public accountant and auditor who is –

(a) registered as such in accordance with the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991); and

(b) appointed by the Board of Trustees;

**"benefit"** means any pension granted or other amount due in accordance with the regulations to a member, pensioner, dependant or other person;

**"Board of Trustees"** means the Board of Trustees contemplated in section 7A of the Pension Funds Act, 1956 (Act No. 24 of 1956), and established as prescribed;

**"committee of management"** means the committee of management elected in accordance with the provisions of the Rules;

**"employee"** means an employee as contemplated in sections 8(2) and (3);

**"Financial Services Board"** means the Financial Services Board established in accordance with section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

**"Fund"** means the Natal Joint Municipal Pension Fund (Retirement), renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement) in accordance with section 4 from the commencement date of this Act;

**"general committee"** means the general committee elected in accordance with the provisions of the Rules;

**"KwaZulu-Natal Joint Municipal Provident Fund"** means the KwaZulu-Natal Joint Municipal Provident Fund, established in accordance with section 2 of the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995);

**"member"** unless the context determines otherwise, means a natural person who –

(a) at any stage prior to the commencement date of this Act contributed to the Fund, and from the commencement date of this Act continues to contribute to the Fund; or .

(b) on any date subsequent to the commencement date of this Act starts to contribute to the Fund;

**"municipality"** –

(a) includes a metropolitan municipality, a district municipality or a local municipality as contemplated in section 155(6) of the Constitution of the Republic of South Africa, 1996;

- (b) means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (c) when contemplated as an entity or a corporate body, means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (d) when contemplated as a geographic area, means a municipal area determined as contemplated in the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**"Natal Joint Municipal Pension Fund (Retirement)"** means the Natal Joint Municipal Pension Fund (Retirement), established by section 2 of the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974);

**"Natal Joint Municipal Pension Fund (Superannuation)"** means the Natal Joint Municipal Pension Fund (Superannuation) established by section 2 of the Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);

**"notice"** means a notice issued in terms of a regulation;

**"ordinance"** includes the regulations made thereunder;

**"Pension Funds Act"** means the Pension Funds Act, 1956 (Act No. 24 of 1956);

**"prescribed"** means prescribed by the responsible Member of the Executive Council by regulation made or notice issued in accordance with section 7;

**"principles of good governance"** means the principles as set out in the King Code and Report on Governance in South Africa, 2009, and any amendments thereto, or revision thereof;

**"promulgation"** means promulgation in the Provincial Gazette;

"Province" means the Province of KwaZulu-Natal;

"Provincial Gazette" means the Provincial Gazette of the Province of KwaZulu-Natal;

"regulation" means a regulation made under this Act, and includes any Schedule to such regulations;

"Regulations governing the Natal Joint Municipal Pension Fund (Retirement)" means the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) published in Provincial Notice No. 180 of 1975 on 13 May 1975;

"responsible Member of the Executive Council" means the Member of the Executive Council responsible for local government;

"Rules" for purposes of the Pension Funds Act, means –

(a) the Rules for the Management and Administration of the Natal Joint Municipal Pension Fund (Superannuation), the Natal Joint Municipal Pension Fund (Retirement), and the KwaZulu-Natal Joint Municipal Provident Fund issued in accordance with the regulations made under the –

- (i) Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);
- (ii) Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974); and
- (iii) KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. of 1995); and

(b) any further Schedules made in accordance with section 7, after the date of commencement of this Act; and

"this Act" includes the regulations and notices issued in terms of such regulations.

### Objects of Act

2. The objects of this Act are to replace the current Fund statutory framework with a framework that is solely regulated by, aligned to, and compliant with the –

- (a) Constitution of the Republic of South Africa, 1996;
- (b) Pension Funds Act; and

(c) principles of good governance.

### **Application of Act**

- 3.(1) This Act applies to all municipalities associated with, and members of, the Fund.
- (2) The provisions of the Pension Funds Act, apply to this Act, and the Pension Funds Act, prevails in the event of an irreconcilable conflict between the application of the Pension Funds Act and the provisions of this Act.

### **Renaming, continuation and operation of Natal Joint Municipal Pension Fund (Retirement)**

- 4.(1) The Natal Joint Municipal Pension Fund (Retirement) –
- (a) is renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement);
  - (b) continues to exist with all its associated rights, powers, duties, responsibilities, assets and liabilities as they were immediately prior to the commencement date of this Act; and
  - (c) operates in accordance with the provisions of this Act, subject to the provisions of section 3(2) of this Act.
- (2) The regulations governing the Natal Joint Municipal Pension Fund (Retirement) and the rules apply to the Fund.

### **Continuation of membership of Fund**

5. Subject to the provisions of this Act or any other law a person who, immediately prior to the date of commencement of this Act, was a member of the Fund, continues to be a member of the Fund.

### **Continuation of association with Fund**

6. Every municipality that, immediately prior to the commencement of this Act, was associated with the Fund continues to be associated with the Fund.

**Powers of responsible Member of Executive Council**

7.(1) The responsible Member of the Executive Council, after consultation with the Fund, may –

- (a) appoint an –
  - (i) actuary to conduct an actuarial valuation of the Fund; and
  - (ii) auditor to audit financial statements of the Fund; and
- (b) by regulation, repeal, amend or substitute any existing Regulations governing the Natal Joint Municipal Pension Fund (Retirement) and Rules;
- (c) by regulation, make, repeal, amend or substitute any regulations –
  - (i) in respect of the asset base, investments and financial and other sources of income of the Fund;
  - (ii) to provide that members of the Fund may elect to transfer to the –
    - (aa) Natal Joint Municipal Pension Fund (Superannuation); or
    - (bb) KwaZulu-Natal Joint Municipal Provident Fund,
- (d) issue notices pertaining to this Act or regulations made in accordance with this Act by publication in the Provincial Gazette.

(2) Any regulation made or notice issued by the responsible Member of the Executive Council in accordance with subsection (1) may be made or issued with effect from any date whether prior or subsequent to the date of promulgation thereof.

**Transitional arrangements**

8.(1) Subject to the protection of existing rights contemplated in sections 4(1)(b) and 9(2), the –

- (a) Committee of Management established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) continues, for all purposes, to operate, without interruption, as the Board of Trustees of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the Committee of Management of the Fund;

(b) General Committee established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) continues, for all purposes, to operate, without interruption, as the General Committee of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the General Committee of the Fund; and

(c) Fund continues to be governed, managed and operated, with the necessary changes, in compliance with the provisions of every –

- (i) law; and
- (ii) administrative and financial procedure,

that applied to the Fund prior to the date of commencement of this Act, and as amended from time to time.

(2) Subject to subsection (3), an employee is any person in the service of a municipality, who –

- (a) is employed in a full-time capacity in the said municipality; and
- (b) has attained the age of 17 years but had not, at the time of joining the said municipality, reached an age eight years less than the pension age.

(3) For the purposes of this Act –

- (a) any person who is employed by a municipality and whose services will be terminated on completion of the purpose for which he or she is employed, within a maximum period of three (3) years, may be regarded by the municipality not to be an employee;
- (b) a person joining the service of a municipality after having reached an age eight years less than the pension age may elect, with the consent of the employing municipality, to be regarded as an employee; and
- (c) subject to the approval of the Board of Trustees, a person joining the service of a municipality in a part-time capacity may elect, with the consent of the employing municipality, to be regarded as an employee.

(4) A special general meeting, consisting of all associated municipalities and employee members of the Fund, must be held within a period not exceeding 12 months after the date of publication of this Act in the Provincial Gazette.

**Repeal of law and savings**

9.(1) The law mentioned in the first and second columns of the Schedule to this Act is hereby repealed to the extent set out in the third column of the said Schedule.

(2) All regulations made under the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974), and the Rules, to the extent that they apply to the Natal Joint Municipal Pension Fund (Retirement), remain in full force and effect as if the said Ordinance has not been repealed as contemplated in subsection (1).

**Short title**

10. This Act is called the KwaZulu-Natal Joint Municipal Pension Fund (Retirement) Act, 2017.

**SCHEDULE  
LAW REPEALED**  
*(Section 9(1))*

**ORDINANCE OF THE FORMER PROVINCE OF NATAL**

<b><i>Number and year of law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
Ordinance No. 27 of 1974	Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974	The whole

**KENNISGEWING 2 VAN 2018****Engelse teks deur die Premier geteken]**

**WET OP DIE KWAZULU-NATAL  
GEMEENSKAPLIKE MUNISIPALE PENSIOENFONDS  
(AFTREDING), 2017  
(No. 06 van 2017)**

Goedgekeur op 07-12-2017

**WET**

Om voorsiening te maak vir die voortgesette bestaan van, en die voorsetting van, beide lidmaatskap van, en assosiasie met, die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding); vir die hernoeming van die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding) as die KwaZulu-Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding); vir die bevoegdheid van die verantwoordelike Lid van die Uitvoerende Raad om regulasies te maak; vir oorgangsreëlings; vir die herroeping van wette en behoud; en vir aangeleenthede wat daarmee verband hou.

## AANHEF

**AANGESIEN** dit nodig is om rasgebaseerde, diskriminerende Natal Ordonnansies voor 1994, wat die instelling en inwerkingstelling van twee afsonderlike rasgebaseerde pensioenstelsels vir munisipale werknemers bepaal het, te vervang, synde die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) en die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), wat aan die Provinsie toegewys is deur die President ooreenkomstig artikel 235(8) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en wat uitgedien geraak het met die aanvang van die demokratiese bedeling op 27 April 1994;

**AANGESIEN** die toegewysde rasgebaseerde Ordonnansies provinsiale wetgewing geword het voor 1994, soos bepaal deur artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996, en die Provinciale Wetgewer gevolelik bevoeg is om sodanige wetgewing te herroep, wysig en vervang ooreenkomstig artikel 104(1)(b) van die 1996 Grondwet;

**AANGESIEN** daar 'n behoefte bestaan om te verseker dat alle rasgebaseerde verwysings en alles wat deel vorm van onderskeid tussen die twee pensioenfondse met betrekking tot die kategorieë begunstigdes en hul afhanklikes verwyder word;

**EN AANGESIEN** dit nodig is om die statutêre raamwerk van die huidige Natal Gemeenskaplike Pensioenfonds (Aftreding) te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig word met, en ooreenkomstig die Grondwet van die Republiek van Suid-Afrika, 1996, die nasionaal toepaslike Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en die beginsels van goeie regering,

**WORD DAAR DERHALWE VERORDEN** deur die Provinciale Wetgewer van die Provinsie van KwaZulu-Natal soos volg:-

### Omskrywings

1. In hierdie Wet, tensy die samehang anders aandui, beteken –

"aktuaris" 'n persoon wie –

(a) 'n genoot is van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse as sodanig geregistreer ooreenkomstig toepaslike wetgewing; en

(b) aangestel is deur die –

(i) Registrateur; en

(ii) Raad van Trustees,

as 'n waardeerder soos bedoel in artikel 9A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

"algemene komitee" die algemene komitee verkies ooreenkomsdig die bepalings van die Reëls;

"beginsels van goeie regering" die beginsels soos uiteengesit in die King-verslag oor Bestuur in Suid-Afrika, 2009 en enige wysigings daaraan, of hersiening daarvan;

"bestuurskomitee" die bestuurskomitee verkies ooreenkomsdig die bepalings van die Reëls;

"Fonds" die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding), hernoem as die KwaZulu-Natal Gemeenskaplike Pensioenfonds (Aftreding) ooreenkomsdig artikel 4 vanaf die inwerkingtredingsdatum van hierdie Wet;

"hierdie Wet" sluit die regulasies en kennisgewings uitgereik ingevolge sodanige regulasies in;

"kennisgewing" 'n kennisgewing uitgereik ingevolge 'n regulasie;

"KwaZulu-Natal Gemeenskaplike Municipale Voorsorgfonds" die KwaZulu-Natal Gemeenskaplike Voorsorgfonds, ooreenkomsdig artikel 2 van die KwaZulu-Natal Wet op Gemeenskaplike Voorsorgfonds, 1995 (Wet No. 4 van 1995), ingestel;

"lid" tensy uit die samehang anders blyk, 'n natuurlike persoon wie –

- (a) op enige stadium voor die inwerkingtredingsdatum van hierdie Wet tot die Fonds bygedra het en vanaf die inwerkingtredingsdatum van hierdie Wet voortgaan om tot die Fonds by te dra; of
- (b) op enige datum wat volg op die inwerkingtredingsdatum van hierdie Wet begin om tot die Fonds by te dra;

"munisipaliteit" –

- (a) ingesluit 'n metropolitaanse munisipaliteit, 'n distriksmunisipaliteit of 'n plaaslike munisipaliteit soos bedoel in artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika, 1996;

- (b) 'n munisipaliteit ingestel ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);
- (c) 'n munisipaliteit, wanneer bedoel as 'n entiteit of 'n korporatiewe liggaam, soos in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) omskryf; en
- (d) 'n munisipale gebied, wanneer bedoel as 'n geografiese gebied, bepaal soos bedoel in die Wet op Plaaslike Regering: Munisipale Afbakeningswet, 1998 (Wet No. 27 van 1998);

**"Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding)"** die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), ingestel deur artikel 2 van die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974);

**"Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie)"** die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) ingestel deur artikel 2 van die Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

"ordonnansie" die regulasies daarkragtens gemaak ingesluit;

"ouditeur" 'n openbare rekenmeester en ouditeur wie –

- (a) as sodanig geregistreer is ooreenkomstig die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991); en
- (b) aangestel is deur die Raad van Trustees;

"proklamasie" in die Provinciale Koerant geproklameer;

**"Provinsiale Koerant"** die Provinsiale Koerant van die Provinsie van KwaZulu-Natal;

**"Provinsie"** die Provinsie van KwaZulu-Natal;

**"Raad op Finansiële Dienste"** die Raad op Finansiële Dienste ingestel ooreenkomstig artikel 2 van die Wet op die Raad van Finansiële Dienste, 1990 (Wet No. 97 van 1990);

**“Raad van Trustees”** die Raad van Trustees bedoel in artikel 7A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en ingestel soos voorgeskryf;

**“Reëls”** vir die doeleindes van die Wet op Pensioenfondse –

- (a) die Reëls vir die Bestuur en Administrasie van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), en die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, uitgereik ooreenkomsdig die regulasies gemaak kragtens die –
  - (i) Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);
  - (ii) Ordonnansie op Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974); en
  - (iii) KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995); en
- (b) enige verdere Bylae gemaak, ooreenkomsdig artikel 7, na die inwerkingtredingsdatum van hierdie Wet;

**“regulasie”** 'n regulasie gemaak kragtens hierdie Wet, ingesluit enige Bylae tot sodanige regulasies;

**“Regulasies wat die Natal Gemeenskaplike Munisipale Pensionfonds (Aftreding) beheer”** die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), gepubliseer in Provinciale Kennisgewing No. 180 van 1975 op 13 Mei 1975 beheer;

**“verantwoordelike Lid van die Uitvoerende Raad”** die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering;

**“voordeel”** enige pensioen toegestaan of ander bedrag verskuldig aan 'n lid, pensioenaris, afhanklike of ander persoon, ooreenkomsdig die regulasies;

**“voorgeskryf”** deur die verantwoordelike Lid van die Uitvoerende Raad voorgeskryf deur regulasie gemaak of kennisgewing uitgereik ooreenkomsdig artikel 7;

**“werkneemers”** 'n werkneemers soos bedoel in artikels 8(2) en (3);

"Wet op Munisipale Stelsels" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

"Wet op Munisipale Strukture" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 117 van 1998); en

"Wet op Pensioenfondse" die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956).

### Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om die huidige statutêre raamwerk van die Fonds te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig is met, en voldoen aan die

–

- (a) Grondwet van die Republiek van Suid-Afrika, 1996;
- (b) Pensioenfondswet; en
- (c) beginsels van goeie regering.

### Toepassing van Wet

3.(1) Hierdie Wet is van toepassing op alle munisipaliteite in assosiasie met, en lede van, die Fonds.

(2) Die bepalings van die Wet op Pensioenfondse, is van toepassing op hierdie Wet, en die Wet op Pensioenfondse geld in die geval van 'n onverenigbare konflik tussen die toepassing van die Pensioenfondswet en die bepalings van hierdie Wet.

### Hernoeming, voortbestaan en bedryf van Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding)

4.(1) Die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) –

- (a) word hernoem as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding);
- (b) bly voortbestaan met al sy verwante regte, bevoegdhede, pligte, verantwoordelikhede, bates en laste soos hulle was onmiddelik voor die inwerkingtredingsdatum van hierdie Wet; en
- (c) word bedryf ooreenkomsdig die bepalings van hierdie Wet, behoudens die bepalings van artikel 3(2) van hierdie Wet.

(2) Die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer en die Reëls is van toepassing op die Fonds.

#### **Voortgesette Fondslidmaatskap**

5. Behoudens die bepalings van hierdie Wet of enige ander wet gaan 'n persoon, wie onmiddelik voor die inwerkingtredingsdatum van hierdie Wet lid was van die Fonds, voort om 'n lid van die Fonds te wees.

#### **Voortgesette assosiasie met Fonds**

6. Elke munisipaliteit wat, onmiddelik voor die inwerkingtreding van hierdie Wet, in assosiasie was met die Fonds se assosiasie met die Fonds duur voort.

#### **Bevoegdhede van verantwoordelike Lid van die Uitvoerende Raad**

7.(1) Die verantwoordelike Lid van die Uitvoerende Raad, na oorlegpleging met die Fonds, kan –

(a) die volgende aanstel –

- (i) 'n aktuaris, ten einde 'n aktuariële waardasie van die Fonds uit te voer; en
- (ii) 'n ouditeur, ten einde finansiële verslae van die Fonds te audit; en

(b) deur regulasie, enige bestaande Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer en Reëls, herroep, wysig of vervang;

(c) deur regulasie, enige Regulasies maak, herroep, wysig of vervang –

- (i) ten opsigte van die bategrondslag, beleggings en finansiële en ander inkomstebronne van die Fonds;

(ii) ten einde te voorsien dat lede van die Fonds kan kies om oorgeplaas te word na die –

- (aa) Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie); of
- (bb) KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds,

en omgekeerd; en

(iii) wat nie onverenigbaar met hierdie Wet is nie, vir enige ander aangeleentheid wat hy of sy nodig of wenslik beskou ten einde die toepassing van hierdie Wet te faciliteer: Met dien verstande dat die algemeenheid van hierdie bevoegdheid nie beperk word deur enige van die bepalings van paragraaf (a), (b), (c)(i) of (c)(ii) nie; en

(d) kennisgewings uitreik betreffende hierdie Wet of regulasies gemaak ooreenkomstig hierdie Wet deur publikasie in die Proviniale Koerant.

(2) Enige regulasie gemaak of kennisgewing uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ooreenkomstig subartikel (1) kan gemaak of uitgereik word met inwerkingtreding vanaf enige datum, hetsy voor of volgende op die proklamasiedatum daarvan.

### Oorgangsreëlings

8.(1) Behoudens die beskerming van bestaande regte bedoel in artikels 4(1)(b) en 9(2) –

(a) gaan die Bestuurskomitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding) beheer, voort, vir alle doeleindeste, om werkzaam te wees, sonder onderbreking, as die Raad van Trustees van die Fonds met al die bevoegdhede, werkzaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Bestuurskomitee van die Fonds gesetel was;

(b) gaan die Algemene Komitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding) beheer, voort, vir alle doeleindeste, om werkzaam te wees, sonder onderbreking, as die Algemene Komitee van die Fonds met al die bevoegdhede, werkzaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Algemene Komitee van die Wet gesetel was; en

(c) gaan die Fonds voort om beheer, bestuur en bedryf te word, met die nodige veranderinge, ooreenkomstig die bepalings van elke –

- (i) wet; en
- (ii) administratiewe en finansiële prosedure,

wat van toepassing was op die Fonds voor die inwerkingtredingsdatum van hierdie Wet, en soos van tyd tot tyd gewysig.

(2) Behoudens subartikel (3) is 'n werknemer enige persoon in diens van 'n munisipaliteit en wie –

- (a) in 'n voltydse hoedanigheid in diens geneem is deur die vermelde munisipaliteit; en
- (b) die ouderdom van 17 jaar bereik het maar nie, ten tye van aansluiting by die vermelde munisipaliteit, 'n ouderdom van agt jaar minder as die pensioenouderdom bereik het nie.

(3) Vir die doeleteindes van hierdie Wet –

- (a) kan enige persoon wat in diens geneem is deur 'n munisipaliteit en wie se dienste beëindig sal word by voltooiing van die doel vir sy of haar indiensneming, binne 'n tydperk van hoogstens drie (3) jaar, nie beskou word as 'n werknemer van die munisipaliteit nie;
- (b) 'n persoon wat in diens van 'n munisipaliteit aansluit nadat 'n ouderdom van agt jaar minder as die pensioenouderdom bereik is, kan, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer geag te word; en
- (c) behoudens die goedkeuring van die Raad van Trustees, kan 'n persoon wat in 'n deeltydse hoedanigheid in diens geneem word deur 'n munisipaliteit, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer geag te word.

(4) 'n Spesiale algemene vergadering, bestaande uit alle munisipaliteite in assosiasie met, en werknemerslede van, die Fonds moet binne 'n tydperk wat nie (12) maande na die publikasiedatum van hierdie Wet in die Provinciale Koerant oorskry nie, gehou word.

**Herroeping van wet en behoud**

9.(1) Die wet vermeld in die eerste en tweede kolomme van die Bylae tot hierdie Wet word hiermee herroep tot die omvang uiteengesit in die derde kolom van die vermelde Bylae.

(2) Alle regulasies gemaak kragtens die Ordonnansie op die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974), en die Reëls, tot die omvang wat dit van toepassing is op die Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding), bly van krag en afdwingbaar asof die vermelde Ordonnansie nie herroep is nie, soos bedoel in subartikel (1).

**Kort titel**

10. Hierdie Wet word die Wet op KwaZulu-Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding), 2017 genoem.

**BYLAE**  
**WET HERROEP**  
(Artikel 9(1))

**ORDONNANSIE VAN DIE VOORMALIGE PROVINSIE VAN NATAL**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 27 van 1974	Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974	Die geheel

[Umbhalo weSingisi unyathelwe nguNdunankulu]

**UMTHETHO WESIKHWAMA SEMPESHENI  
ESIHLANGANYELE SOMASIPALA SAKWAZULU-NATALI  
(SOMHLALAPHANSI), 2017  
(Umthetho Na. 06 ka 2017)**

Uvunywe mhlaka 07-12-2017

**UMTHETHO**

Wokuhlinzekela ukuqhubeka kokuba khona, nokuqhubeka nobulungu nokuzibandakanya esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi); wokuhlinzekela ukuqanjwa kabusha kwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) njengesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi); wokuhlinzekela amandla eLungu IoMkhandlu oPhethe okusungula imithethonqubo; wokuhlinzekela izinhlinzezo zesikhashana; wokuhlinzekela ukuchithwa kwemithetho nezingxene zemithetho ezishiywa zinjalo; nokuhlinzekela okunye okuphathelene nalokho.

## ISENDLALELO

**NJENGOBA** kunesidingo sokuthi kushintshwe ama-Odinensi aseNatali abandlulula ngokobuhlanga asungulwa ngaphambi konyaka ka 1994 ayenquma ukuthi kusungulwe futhi kusetshenziwe izinhlelo zempesheni ezimbili ezihlukanisa ngokobuhlanga zabasebenzi bornasipala, okuyisiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanja eMholweni) kanye nesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) ezagunyazwa ukuthi zisetshenziswe yisiFundazwe uMengameli ngokulandela isigaba 235(8) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1993 (uMthetho No. 200 ka 1993), futhi esezidlulelw yisikhathi njengoba kuqale ukusebenza imithetho yentando yeningi mhla zingama-27 kuMbasa ka 1994;

**NJENGOBA** ama-Odinensi asungulwa ngokubhekelela ubuhlanga ngaphambi kuka 1994 enziwe aba yimithetho yesifundazwe njengoba kunquma isigaba 239 soMthethosisekelo waseNingizimu Afrika, 1996, futhi isiShayamthetho sesiFundazwe sinamandla ngokomthetho okuchitha, okuchibiyela nokushintsha leyo mithetho ngokuhambisana nesigaba 104(1)(b) soMthethosisekelo ka 1996;

**NJENGOBA** kunesidingo sokuqinisekisa ukuthi konke okukhuluma nobuhlanga nazo zonke izinhlobo zokwehlukanisa phakathi kwezikhwama zempesheni mayelana nezigaba zabahlomuli kanye nemindeni yabo kuyasuswa;

**NANJENGOBA** kunesidingo sokuthi kushintshwe uhlaka olusemthethweni lvesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) olukhona kube nohlaka oluzolawulwa noluzohambosana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, noMthetho weziKhwama zeMpesheni kaZwelonke, 1956 (uMthetho No. 24 ka 1956) osebenzayo, kanye nemigomo yokubusa okuhle;

**NGAKHO-KE MAWUMISWE** yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:–

**Izincazelو**

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

“ungoti wevezimali” kushiwo umuntu –

(a) oyingxene yeiskhuno, yophiko, yenhlango noma yeqembu longoti bevezimali obhalisiwe ngokuhambisana nemithetho ekhona; kanye

(b) noqokwe –

(i) uMbhalisi; kanye

(ii) neBhodi lesiKhwama,

njengobhekele izilinganiso njengoba kuhlongozwe esigabeni 9A soMthetho wesiKhwama seMpesheni, 1956 (uMthetho No. 24 ka 1956);

“umcwaningimabhuku” kushiwo umbali wezimali zomphakathi kanye nomcwaningimabhuku –

- (a) obhaliselwe lokhu ngokuhambisana noMthetho wabaBali beziMali zoMphakathi kanye nabaCwaningimabhuku, 1991 (uMthetho No. 80 ka 1991); futhi
- (b) oqokwe yiBhodi labaPhathi;

“umhlomulo” kushiwo noma yimuphi umhlomulo wempesheni noma wezinye izimali okumele zikhokhelwe ilungu, osethathe umhlalaphansi, owomndeni noma omunye umuntu ngokuhambisana nemithethonqubo;

“iBhodi labaPhathi” kushiwo iBhodi labaPhathi elihlongozwe esigabeni 7A soMthetho wesiKhwama seMpesheni, 1956 (uMthetho No. 24 ka 1956), futhi elisungulwe ngendlela ebekiwe;

“ikomidi labaphathi” kushiwo ikomidi labaphathi eliqokwe ngokuhambisana nezinhlinzeko zeMithetho;

“umsebenzi” kushiwo umsebenzi njengoba kuhlongozwe ezigabeni 8(2) no (3);

“IBhodi iezeziMali” kushiwo iBhodi iezeziMali esungulwe ngokuhambisana nesigaba 2 soMthetho weBhodi iezeziMali, 1990 (uMthetho No. 97 ka 1990);

“isiKhwama” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), esiqanjwe kabusha njengesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi) ngokuhambisana nesigaba 4 kusukela ngosuku lokusebenza kwalo Mthetho;

“ikomidi elikhulu” kushiwo ikomidi elikhulu eliqokwe ngokuhambisana nezinhlinzeko zeMithetho;

“isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*)” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*) esisungulwe ngokuhambisana nesigaba 2

soMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995);

“ilungu” ngaphandle uma inqgikithi isho okwehlukile, kushiwo umuntu –

- (a) ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho obefaka izimali esiKhwameni, futhi kusukela ngosuku lokuqala ukusebenza kwalo Mthetho ophinde aqhubeke nokufaka izimali esiKhwameni; noma
- (b) kusukela kunoma yiluphi usuku olwandulela usuku loqala kokusebenza kwalo Mthetho oqalisa ukufaka imali esiKhwameni;

“umasipala” –

- (a) kubandakanya umasipala wodolobha elikhulu, umasipala wesifunda noma umasipala wendawo njengoba kuhlongozwe esigabeni 155(6) soMthethosisekelo weRiphabhlukhi yaseNingizimu Afrika;
- (b) kushiwo umasipala osungulwe ngokoMthetho weziNhla zoMasipala woHulumeni baseKaya, 1998 (uMthetho No. 117 ka 1998);
- (c) uma uhlongozwe njengebhizinisi, kushiwo umasipala njengoba uchazwe esigabeni 2 soMthetho weziNhlelo zoMasipala woHulumeni baseKaya, 2000 (uMthetho No. 32 ka 2000); kanti
- (d) uma uchazwe njengendawo ngokomumo wezwe noma njengenhlangoano, kushiwo indawo kamasipala enquunye njengoba kuhlongozwe eMthethweni wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998);

“uMthetho weziNhla zoMasipala” kushiwo uMthetho weziNhla zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

“uMthetho weziNhlelo zoMasipala” kushiwo uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

“isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*soMhlaphansi*)” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*soMhlaphansi*), esasungulwa yisigaba 2 se-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*soMhlaphansi*), 1974 (i-Odinensi No. 27 ka 1974);

“isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni)” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) esasungulwa yisigaba 2 se-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

“isaziso” kushiwo isaziso esikhishwe ngokomthethonqubo;

“i-odinensi” kubandakanya nemithethonqubo esungulwe ngaphansi kwayo;

“uMthetho weziKhwama zeMpesheni” kushiwo uMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956);

“okunqunyiwe” kushiwo okunqunye yiLungu loMkhandlu oPhethe elibhekelle ohulumeni basekhaya ngomthethonqubo osungulwe noma ngesaziso esikhiwe ngokuhambisana nesigaba 7;

“imigomo yokubusa okuhle” kushiwo imigomo njengoba ibekwe kwi-*King Code and Report on Governance in South Africa*, 2009, nanoma yiziphi izichibiyelo zayo, noma ukubuyekezwa kwayo;

“isimemezelo” kushiwo isimemezelo esikhishwe kwiGazethi yesiFundazwe;

“isiFundazwe” kushiwo isiFundazwe saKwaZulu-Natali;

“iGazethi yesiFundazwe” kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

“umthethonqubo” kushiwo umthethonqubo osungulwe ngaphansi kwalo Mthetho, futhi kubandakanya noma yiluphi uHlelo Iwaleyo mithethonqubo;

“iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi)” kushiwo iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi) eyashicilelwa kwiSaziso sesiFundazwe No. 180 sika 1975 mhla ziyi-13 kuNhlabi 1975;

“iLungu loMkhandlu oPhethe” kushiwo iLungu loMkhandlu oPhethe elibhekelle ohulumeni basekhaya;

**"iMithetho"** ngokwezinhoso zoMthetho weziKhwama zeMpesheni, kushiwo –

(a) iMithetho yokuPhatha nokuLawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi), kanye nesiKhwama soMhlaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), ekhishwe ngokwemithethonqubo esungulwe –

(i) ngokwe-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

(ii) ngokwe-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi), 1974 (i-Odinensi No. 27 ka 1974); kanye

(iii) nangokoMthetho wesiKhwama soMhlaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995); kanye

(b) nazo zonke ezinye iziNhlelo ezsungulwe ngokuhambisana nesigaba 7, ngemuva kosuku lokuqala lokusebenza kwalo Mthetho;

**"Io Mthetho"** kubandakanya imithethonqubo nezaziso ezikhishwe ngokwaleyo mithethonqubo.

### Izinhoso zoMthetho

2. Izinhoso zoMthetho ukushintsha uhlaka olusemtethweni IwesiKhwama olusebenzayo kufakwe uhlaka oluwalwa kuphela, nolulandela, noluhambisana, –

(i) noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

(ii) noMthetho weziKhwama zeMpesheni; kanye

(iii) nemigomo yokubusa okuhle.

### Ukusebenza koMthetho

3.(1) Lo Mthetho usebenza kubona bonke omasipala abayingxene futhi abangamalungu esikhwama.

(2) Izinhlinzeko zoMthetho weziKhwama zeMpesheni ziyasebenza kulo Mthetho, futhi uMthetho weziKhwama zeMpesheni yiwna oyosebenza uma kwenzeka kuba nokushayisana phakathi kwezinhlinzeko zoMthetho weziKhwama zeMpesheni nezinhlinzeko zalo Mthetho.

**Ukuqanjwa kabusha, ukuqhube ka nokusebenza kwesiKhwama seMpesheni eziHlanganyele zoMasipala baseNatali (soMhlaphansi)**

**4.(1) IsiKhwama seMpesheni eziHlanganyele zoMasipala saseNatali (soMhlaphansi)**

—

- (a) siqanjwa kabusha njengesiKhwama seMpesheni eziHlanganyele zoMasipala saKwaZulu-Natali (soMhlaphansi);
- (b) siyaqhube ka nokusebenza nawo wonke amalungelo, amandla, amajoka, imisebenzi, impahla nezikweletu zaso njengoba bekunjalo, kusukela ngosuku lokuqala kokusebenza kwalo Mthetho; futhi
- (c) sisebenza ngokuhambisana nezinhlinze ko zalo Mthetho, kuncike ezinhlinzekweni zesigaba 3(2) zalo Mthetho.

**(2) Imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi) kanye neMithetho iyasebenza esiKhwameni seMpesheni.**

#### **Ukuqhube ka nokuba yilungu lesiKhwama seMpesheni**

**5. Kuncike ezihlinzekweni zalo Mthetho nanoma yimuphi omunye umthetho, umuntu ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho, obekade eyilungu lesiKhwama, uyoqhube ka nokuba yilungu lesiKhwama seMpesheni.**

#### **Ukuqhube ka nokuzibandakanya nesiKhwama seMpesheni**

**6. Bonke omasipala, ngaphambi kokuqala kokusebenza kwalo Mthetho, abebeyingxenye yesiKhwama seMpesheni, bathathwa njengabeyingxenye yesiKhwama seMpesheni.**

#### **Amandla eLungu loMkhandlu oPhethe**

**7.(1) ILungu loMkhandlu oPhethe, ngemva kokubonisana nabesiKhwama seMpesheni —**

**(a) lingaqoka —**

- (i) ungoti wevezimali ozohlola evezimali esiKhwameni seMpesheni; kanye
  - (ii) nomcwaningimabhuku ozocwaninga izitativende zezimali zesiKhwama seMpesheni; futhi
- (b) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo ekhona elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi) neMithetho;

- (c) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo –
- (i) emayelana nempahla, notshalomali kanye nezimali kanjalo neminye imithombo yengeniso yesiKhwama seMpesheni; futhi
  - (ii) ehlinzeka ngokuthi amalungu esiKhwama seMpesheni angakhetha ukudluliselwa –
  - (aa) esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni); noma
  - (bb) esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*),
- kunoma yisiphi phakathi kwalezi zikhwama, ngokuhambisana nezinhlinzezo zesigaba 14 soMthetho weziKhwama zeMpesheni; futhi
- (iii) engashayisani nalo Mthetho, mayelana nanoma yiluphi udaba elilubona lunesidingo noma luwusizo ukuze kuhlinzekelwe ukusebenza kwalo Mthetho: Kuncike ekutheni ukusetshenziswa kwala mandla akuvinjelwa nanoma yiziphi izinhlinzezo zendima (a), (b), (c)(i) noma c(ii); futhi
- (d) lingakhipha izaziso eziphathelene nalo Mthetho noma imithethonqubo ngokuhambisana nalo Mthetho ngokusishicilela kwiGazethi yesiFundazwe.

(2) Noma yimuphi umthethonqubo osungulwe noma isaziso esikhishwe yiLungu loMkhandlu oPhethe ngokuhambisana nesigatshana (1), singashicilelw noma singakhishwa, siyoqala ukusebenza ngosuku olungaphambi noma ngemuva kosuku lokumenyezelwa kwaso.

### Izinhlinzezo zesikhashana

8.(1) Kuncike ekuvikelweni kwamalungelo akhona ahlongozwe ezigaben 4(1)(b) kanye no 9(2) –

- (a) iKomidi labaPhathi elisungulwe ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) liyaqhube, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeBhodi labaPhathi besiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi labaPhathi besiKhwama seMpesheni;
- (b) iKomidi eliKhulu elasungulwe ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) liyaqhube, ngazo zonke izinjongo, nokusebenza,

ngaphandle kokuphazamiseka, njengeKomidi eliKhulu lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi eliKhulu zesiKhwama seMpesheni; futhi

(c) isiKhwama seMpesheni siyaqhube ka nokubuswa, nokuphathwa kanye nokulawulwa, ngezinguquko ezidingekayo, ngokuhambisana nezinhlinzezo zayo yonke –

(i) imithetho; kanye

(ii) nezinquo zezokuphatha nezezimali,

ebezisebenza esiKhwameni seMpesheni ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho.

(2) Kuncike kwisigatshana (3), umsebenzi yinoma yimuphi umuntu osebenzela umasipala, –

(a) osebenza ngokugcwle kulowo masipala; futhi

(b) oneminyaka engaphezu kweyi-17 ubudala, kodwa ngenkathi ejoyina umasipala obeneminyaka engaphezu kweyi-8 emsalele ngaphambi kokuthola impesheni.

(3) Ngokwezinjongo zalo Mthetho –

(a) noma yimuphi umuntu oqashwe umasipala futhi ozoyeka ukusebenza ngemva kokuphela komsebenzi othile abeqashelwe wona, ingakapheli iminyaka emithathu, angeke athathwe njengomsebenzi kamasipala;

(b) umuntu oqashwa umasipala esesalelw iminyaka engaphansi kweyi-8 ukuthi athole impesheni yokuguga angakhetha, ngemvume yalowo masipala omqashayo, ukuthi athathwe njengomsebenzi; futhi

(c) kuncike ekugunyazweni yiBhodi labaPhathi, umuntu oqashwa umasipala ezosebenza ngezikathi ezithile angakhetha, ngemvume kamasipala omqashayo, ukuthi athathwe njengomsebenzi.

(4) Kumele kubanjwe umhlangano okhethekile, obandakanya wonke amalungu abasebenzi nomasipala abayingxene yeziKhwama seMpesheni, zingakadluli izinyanga eziyi-12 ngemva kokushicilelw kwalo Mthetho kwiGazethi yeziFundazwe.

#### **Ukuchithwa komthetho nezingxene zomthetho ezishiywa zinjalo**

9.(1) Umitetho obalulwe ohlwini lokuqala nolwesibili loHlelo olukulo Mthetho ngalokhu uyachithwa ngendlela ebekwe ohlwini lwasithathu lwalolu Hlelo.

(2) Yonke imithethonqubo esungulwe yi-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973), neMithetho, ngendlela esebenza ngayo esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlaphansi), siyoqhubeka nokusebenza sengathi le-Odinensi okukhulunywa ngayo ayizange ichithwe njengoba kuhlongozwe kwisigatshana (1).

### **Isihloko esifingqiwe**

**10. Lo Mthetho ubizwa ngoMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlaphansi), 2017.**

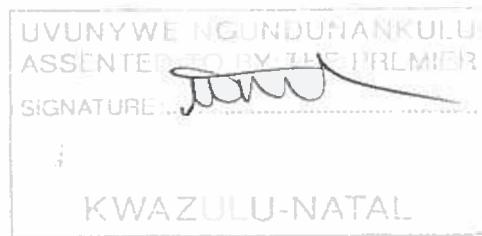
**UHLELO  
UMTHETHO OCHITHIWAYO  
(Isigaba 9(1))**

**I-ODINENSI YESIFUNDAZWE SASENATALI SAKUDALA**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
i-Odinensi No. 27 ka 1974	i-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala yaseNatali (soMhlaphansi), 1974	Yonke

**NOTICE 3 OF 2018****[English text signed by the Premier]****KWAZULU-NATAL JOINT MUNICIPAL  
PENSION FUND (SUPERANNUATION) ACT, 2017  
(Act No. 07 of 2017)**

Assented to on 07/12/2017

**ACT**

To provide for the continued existence of, and the continuation of, both membership of and association with, the Natal Joint Municipal Pension Fund (Superannuation); for the renaming of the Natal Joint Municipal Pension Fund (Superannuation) as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation); for the power of the responsible Member of the Executive Council to make regulations; for transitional arrangements; for the repeal of laws and savings; and for matters incidental thereto.

## PREAMBLE

WHEREAS there is a need to replace pre-1994 racially discriminatory Natal Ordinances that determined the establishment and implementation of two separate race-based pension systems for municipal employees, being the Natal Joint Municipal Pension Fund (Superannuation) and the Natal Joint Municipal Pension Fund (Retirement), which have been assigned to the Province by the President in accordance with section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and which have become obsolete with the commencement of the democratic dispensation on 27 April 1994;

WHEREAS the assigned racially based pre-1994 Ordinances have become provincial legislation as determined by section 239 of the Constitution of the Republic of South Africa, 1996, and the Provincial Legislature is consequently competent to repeal, amend and substitute such legislation in accordance with section 104(1)(b) of the Constitution of the Republic of South Africa, 1996;

WHEREAS there is a need to ensure that all race-based references and that all forms of differentiation between the two pension funds regarding the categories of beneficiaries and their dependants are removed;

AND WHEREAS it is necessary to replace the current Natal Joint Municipal Pension Fund (Superannuation) statutory framework with a framework that is solely regulated by, aligned to, and compliant with the Constitution of the Republic of South Africa, 1996, the nationally applicable Pension Funds Act, 1956 (Act No. 24 of 1956), and the principles of good governance,

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

### Definitions

1. In this Act, unless the context indicates otherwise –

“actuary” means a person who is –

- (a) a fellow of an institute, faculty, society or chapter of actuaries registered as such in accordance with the applicable legislation; and
- (b) appointed by the –
  - (i) Registrar; and
  - (ii) Board of Trustees,

as a valuator as contemplated in section 9A of the Pension Funds Act, 1956 (Act No. 24 of 1956);

**"auditor"** means a public accountant and auditor who is –

- (a) registered as such in accordance with the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991); and
- (b) appointed by the Board of Trustees;

**"Board of Trustees"** means the Board of Trustees contemplated in section 7A of the Pension Funds Act, 1956 (Act No. 24 of 1956), and established as prescribed;

**"committee of management"** means the committee of management elected in accordance with the provisions of the Rules;

**"employee"** means an employee as contemplated in sections 8(2) and (3);

**"Financial Services Board"** means the Financial Services Board established in accordance with section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

**"Fund"** means the Natal Joint Municipal Pension Fund (Superannuation), renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation) in accordance with section 4 from the commencement date of this Act;

**"general committee"** means the general committee elected in accordance with the provisions of the Rules;

**"KwaZulu-Natal Joint Municipal Provident Fund"** means the KwaZulu-Natal Joint Municipal Provident Fund, established in accordance with section 2 of the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995);

**"member"** unless the context determines otherwise, means a natural person who –

- (a) at any stage prior to the commencement date of this Act contributed to the Fund, and from the commencement date of this Act continues to contribute to the Fund; or
- (b) on any date subsequent to the commencement date of this Act starts to contribute to the Fund;

**“municipality” –**

- (a) includes a metropolitan municipality, a district municipality or a local municipality as contemplated in section 155(6) of the Constitution of the Republic of South Africa, 1996;
- (b) means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (c) when contemplated as an entity or a corporate body, means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (d) when contemplated as a geographic area, means a municipal area determined as contemplated in the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**“Municipal Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“Natal Joint Municipal Pension Fund (Retirement)”** means the Natal Joint Municipal Pension Fund (Retirement), established by section 2 of the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974);

**“Natal Joint Municipal Pension Fund (Superannuation)”** means the Natal Joint Municipal Pension Fund (Superannuation) established by section 2 of the Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);

**“notice”** means a notice issued in terms of a regulation;

**“ordinance”** includes the regulations made thereunder;

**“Pension Funds Act”** means the Pension Funds Act, 1956 (Act No. 24 of 1956);

**“prescribed”** means prescribed by the responsible Member of the Executive Council by regulation made or notice issued in accordance with section 7;

**"principles of good governance"** means the principles as set out in the King Code and Report on Governance in South Africa, 2009, and any amendments thereto, or revision thereof;

**"promulgation"** means promulgation in the Provincial *Gazette*;

**"Province"** means the Province of KwaZulu-Natal;

**"Provincial Gazette"** means the Provincial *Gazette* of the Province of KwaZulu-Natal;

**"regulation"** means a regulation made under this Act, and includes any Schedule to such regulations;

**"Regulations governing the Natal Joint Municipal Pension Fund (Superannuation)"** means the regulations governing the Natal Joint Municipal Pension Fund (Superannuation) published in Provincial Notice No. 246 of 1974 on 24 May 1974;

**"responsible Member of the Executive Council"** means the Member of the Executive Council responsible for local government;

**"Rules"** for purposes of the Pension Funds Act, means –

(a) the Rules for the Management and Administration of the Natal Joint Municipal Pension Fund (Superannuation), the Natal Joint Municipal Pension Fund (Retirement), and the KwaZulu-Natal Joint Municipal Provident Fund, issued in accordance with the regulations made under the –

- (i) Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);
- (ii) Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974); and
- (iii) KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995); and

(b) any further Schedules made in accordance with section 7, after the date of commencement of this Act; and

**"this Act"** includes the regulations and notices issued in terms of such regulations.

**Objects of Act**

2. The objects of this Act are to replace the current Fund statutory framework with a framework that is solely regulated by, aligned to, and compliant with the –
- (a) Constitution of the Republic of South Africa, 1996;
  - (b) Pension Funds Act; and
  - (c) principles of good governance.

**Application of Act**

- 3.(1) This Act applies to all municipalities associated with, and members of, the Fund.
- 3.(2) The provisions of the Pension Funds Act apply to this Act, and the Pension Funds Act prevails in the event of an irreconcilable conflict between the application of the Pension Funds Act and the provisions of this Act.

**Renaming, continuation and operation of Natal Joint Municipal Pension Fund (Superannuation)**

- 4.(1) The Natal Joint Municipal Pension Fund (Superannuation) –
- (a) is renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation);
  - (b) continues to exist with all its associated rights, powers, duties, responsibilities, assets and liabilities as they were immediately prior to the commencement date of this Act; and
  - (c) operates in accordance with the provisions of this Act, subject to the provisions of section 3(2) of this Act.
- (2) The regulations governing the Natal Joint Municipal Pension Fund (Superannuation) and the rules apply to the Fund.

**Continuation of membership of Fund**

5. Subject to the provisions of this Act or any other law a person who, immediately prior to the date of commencement of this Act, was a member of the Fund, continues to be a member of the Fund.

**Continuation of association with Fund**

6. Every municipality that, immediately prior to the commencement of this Act, was associated with the Fund, continues to be associated with the Fund.

**Powers of responsible Member of Executive Council**

7.(1) The responsible Member of the Executive Council, after consultation with the Fund, may –

- (a) appoint an –
  - (i) actuary to conduct an actuarial valuation of the Fund; and
  - (ii) auditor to audit financial statements of the Fund;
- (b) by regulation, repeal, amend or substitute any existing Regulations governing the Natal Joint Municipal Pension Fund (Superannuation) and Rules;
- (c) by regulation, make, repeal, amend or substitute any Regulations –
  - (i) in respect of the asset base, investments and financial and other sources of income of the Fund;
  - (ii) to provide that members of the Fund may elect to transfer to the –
    - (aa) Natal Joint Municipal Pension Fund (Retirement); or
    - (bb) KwaZulu-Natal Joint Municipal Provident Fund,
- (d) issue notices pertaining to this Act or regulations made in accordance with this Act by publication in the Provincial Gazette.

(2) Any regulation made or notice issued by the responsible Member of the Executive Council in accordance with subsection (1) may be made or issued with effect from any date whether prior or subsequent to the date of promulgation thereof.

**Transitional arrangements**

8.(1) Subject to the protection of existing rights contemplated in sections 4(1)(b) and 9(2), the –

(a) Committee of Management established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Superannuation) continues, for all purposes, to operate, without interruption, as the Board of Trustees of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the Committee of Management of the Fund;

(b) General Committee established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Superannuation) continues, for all purposes, to operate, without interruption, as the General Committee of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the General Committee of the Fund; and

(c) Fund continues to be governed, managed and operated, with the necessary changes, in compliance with the provisions of every –

(i) law; and

(ii) administrative and financial procedure,

that applied to the Fund prior to the date of commencement of this Act, and as amended from time to time.

(2) Subject to subsection (3), an employee is any person in the service of a municipality, who –

- (a) is employed in a full-time capacity in the said municipality; and
- (b) has attained the age of 17 years, but had not at the time of joining the said municipality reached an age eight years less than the pension age.

(3) For the purposes of this Act –

- (a) any person who is employed by a municipality and whose services will be terminated on completion of the purpose for which he or she is employed, within a maximum period of three years, may be regarded by the municipality not to be an employee;
- (b) a person joining the service of a municipality after having reached an age eight years less than the pension age may elect, with the consent of the employing municipality, to be regarded as an employee; and
- (c) subject to the approval of the Board of Trustees, a person joining the service of a municipality in a part-time capacity may elect, with the consent of the employing municipality, to be regarded as an employee.

(4) A special general meeting, consisting of all associated municipalities and employee members of the Fund must be held within a period not exceeding 12 months after the date of publication of this Act in the Provincial Gazette.

#### **Repeal of laws and savings**

9.(1) The laws mentioned in the first and second columns of Parts A and B of the Schedule to this Act are hereby repealed to the extent set out in the third column of the said Schedule.

(2) All regulations made under the Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973), and the Rules, to the extent that they apply to the Natal Joint Municipal Pension Fund (Superannuation), remain in full force and effect as if the said Ordinance has not been repealed as contemplated in subsection (1).

#### **Short title**

10. This Act is called the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation) Act, 2017.

### **SCHEDULE**

#### **LAWS REPEALED**

*(Section 9(1))*

#### **PART A: ORDINANCES OF THE FORMER PROVINCE OF NATAL**

<b>Number and year of law</b>	<b>Title</b>	<b>Extent of repeal</b>
Ordinance No. 24 of 1973	Local Government Superannuation Ordinance, 1973	The whole

#### **PART B: REGULATIONS MADE IN TERMS OF ORDINANCES OF THE FORMER PROVINCE OF NATAL**

<b>Number and year of law</b>	<b>Title</b>	<b>Extent of repeal</b>
Provincial Notice No. 246 of 1974	Regulations governing the Natal Joint Municipal Pension Fund (Superannuation), 1974	All references to "White"

**KENNISGEWING 3 VAN 2018**

[Engelse teks deur die Premier geteken]

**WET OP DIE KWAZULU NATAL GEMEENSKAPLIKE  
MUNISIPALE PENSIOENFONDS (SUPERANNUASIE), 2017  
(No. 07 van 2017)**

Goedgekeur op 07-12-2017

**WET**

Om voorsiening te maak vir die voortgesette bestaan van, en die voortsetting van beide lidmaatskap van en assosiasie met, die Natal Gemeenskaplike Municipale Pensioenfonds (Superannusie); vir die hernoeming van die Natal Gemeenskaplike Municipale Pensioenfonds as die KwaZulu-Natal Gemeenskaplike Municipale Pensioenfonds (Superannusie); vir die bevoegdheid van die verantwoordelike Lid van die Uitvoerende Raad om regulasies te maak; vir oorgangsreëlings; vir die herroeping van wette en behoud; en vir aangeleenthede wat daarmee verband hou.

**AANHEF**

**AANGESIEN** dit nodig is om pre-1994 rassediskriminerende Natal Ordonnansies wat die instelling en inwerkingstelling van twee afsonderlike rasgebaseerde pensioenfondsstelsels vir munisipale werknemers bepaal het, te vervang, synde die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), wat toegewys is aan die Provinse deur die President ooreenkomsdig artikel 235(8) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en wat uitgedien geraak het met die inwerkingtreding van die demokratiese bedeling op 27 April 1994;

**AANGESIEN** die toegewysde rasgebaseerde pre-1994 Ordonnansies provinsiale wetgewing geword het, soos bepaal deur artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996, en die Provinsiale Wetgewing gevolelik bevoeg is om sodanige wetgewing te herroep, wysig en vervang ooreenkomsdig artikel 104(1)(b) van die Grondwet van die Republiek van Suid-Afrika, 1996;

**AANGESIEN** daar 'n behoefte bestaan om te verseker dat alle rasgebaseerde verwysings en alles wat deel vorm van onderskeid tussen die twee pensioenfondse met betrekking tot die kategorieë begunstigdes en hul afhanklikes verwyder word;

**EN AANGESIEN** dit nodig is om die statutêre raamwerk van die huidige Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig word met, en ooreenkomsdig die Grondwet van die Republiek van Suid-Afrika, 1996, die nasionaal toepaslike Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en die beginsels van goeie regering.

**WORD DAAR DERHALWE VERORDEN** deur die Provinsiale Wetgewer van die Provinse van KwaZulu-Natal soos volg:-

**Omskrywings**

1. In hierdie Wet, tensy die samehang anders aandui, beteken –

“aktuaris” 'n persoon wat –

(a) 'n genoot is van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse as sodanig geregistreer ooreenkomsdig toepaslike wetgewing; en

(b) aangestel deur die –

(i) Registrateur; en

(ii) Raad van Trustees,

as 'n waardeerder soos bedoel in artikel 9A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

**"algemene komitee"** die algemene komitee verkies ooreenkomstig die bepalings van die Reëls;

**"beginsels van goeie regering"** die beginsels soos uiteengesit in die King-verslag oor Bestuur in Suid-Afrika, 2009, en enige wysigings daaraan, of hersiening daarvan;

**"bestuurskomitee"** die bestuurskomitee verkies in ooreenstemming met die bepalings van die Reëls;

**"Fonds"** die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), hernoem as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) ooreenkomstig artikel 4 vanaf die inwerkingtredingsdatum van hierdie Wet;

**"hierdie Wet"** ingesluit die regulasies en kennisgewings uitgereik ingevolge sodanige regulasies ;

**"kennisgewing"** 'n kennisgewing uitgereik ingevolge 'n regulasie;

**"KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds"** die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, ooreenkomstig artikel 2 van die KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995), ingestel;

**"lid"**, tensy dit uit die samehang anders blyk, 'n natuurlike persoon wie –

- (a) op enige stadium voor die inwerkingtredingsdatum van hierdie Wet tot die Fonds bygedra het en vanaf die inwerkingtredingsdatum van hierdie Wet voortgaan om tot die Fonds by te dra; of
- (c) op enige datum wat volg op die inwerkingtredingsdatum van hierdie Wet begin om tot die Fonds by te dra;

**"munisipaliteit"** –

- (a) ingesluit 'n metropolitaanse munisipaliteit, 'n distriksmunisipaliteit of 'n plaaslike munisipaliteit soos bedoel in artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika, 1996;
- (b) 'n munisipaliteit ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), ingestel;
- (c) 'n munisipaliteit, wanneer bedoel as 'n entiteit of 'n korporatiewe liggaam soos omskryf in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000); en
- (d) 'n munisipale gebied, wanneer bedoel as 'n geografiese gebied, bepaal soos bedoel in die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998);

**"Munisipale Stelselwet"** die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

**"Munisipale Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

**"Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding)"** die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), ingestel deur artikel 2 van die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974);

**"Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie)"** die Natal Gemeenskaplike Pensioenfonds (Superannuasie), ingestel deur artikel 2 van die Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

**"ordonnansie"** die regulasies daarkragtens gemaak ingesluit;

**"ouditeur"** 'n openbare rekenmeester en ouditeur wie –

- (a) as sodanig geregistreer is ooreenkomsdig die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991); en
- (b) aangestel is deur die Raad van Trustees;

**"Pensioenfondswet"** die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

"proklamasie" die proklamasie in die Proviniale Koerant;

"Provinsie" die Provinsie van KwaZulu-Natal;

"Proviniale Koerant" die Proviniale Koerant van die Provinsie van KwaZulu-Natal;

"Raad op Finansiële Dienste" die Raad op Finansiële Dienste ingestel ooreenkomstig artikel 2 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990);

"Raad van Trustees" die Raad van Trustees bedoel in artikel 7A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en ingestel soos voorgeskryf;

"Reëls" vir die doeleindes van die Pensioenfondswet –

(a) die Reëls vir die Bestuur en Administrasie van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), en die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, uitgereik ooreenkomstig die regulasies gemaak kragtens die –

(i) Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

(ii) Ordonnansie op Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974); en

(iii) KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995); en

(b) enige verdere Bylaes gemaak, ooreenkomstig artikel 7, na die inwerkingtredingsdatum van hierdie Wet;

"regulasie" 'n regulasie gemaak kragtens hierdie Wet, ingesluit enige Bylae tot sodanige regulasies;

"Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) beheer" die regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), gepubliseer in Proviniale Kennisgewing No. 246 van 1974 op 24 Mei 1974, beheer;

"verantwoordelike Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering;

“voorgeskryf” deur die verantwoordelike Lid van die Uitvoerende Raad voorgeskryf deur regulasie gemaak of kennisgewing uitgereik ooreenkomstig artikel 7; en

“werknemer” ’n werknemer soos bedoel in artikels 8(2) en (3).

#### **Oogmerke van Wet**

2. Die oogmerke van hierdie Wet is om die huidige statutêre raamwerk van die Fonds te vervang met ’n raamwerk wat uitsluitlik gereguleer word deur, berig is met, en voldoen aan die –

- (a) Grondwet van die Republiek van Suid-Afrika, 1996;
- (b) Pensioenfondswet; en
- (c) beginsels van goeie regering.

#### **Toepassing van Wet**

3.(1) Die Wet is van toepassing op alle munisipaliteite in assosiasie met, en lede van, die Fonds.

(2) Die bepalings van die Pensioenfondswet is van toepassing op hierdie Wet, en die Pensioenfondswet geld in die geval van ’n onverenigbare konflik tussen die toepassing van die Pensioenfondswet en die bepalings van hierdie Wet.

#### **Hernoeming, voortbestaan en bedryf van Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie)**

4.(1) Die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) –

- (a) word hernoem as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie);
- (b) bly voortbestaan met al sy verwante regte, bevoegdhede, pligte, verantwoordelikhede, bates en laste soos hulle was onmiddelik voor die inwerkingtredingsdatum van hierdie Wet; en
- (c) word bedryf ooreenkomstig die bepalings van hierdie Wet, behoudens die bepalings van artikel 3(2) van hierdie Wet.

(2) Die Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds (Superannuasie) beheer, en die Reëls, is van toepassing op die Fonds.

#### **Voortgesette lidmaatskap van Fonds**

5. Behoudens die bepalings van hierdie Wet of enige ander wet gaan 'n persoon wie, onmiddelik voor die inwerkingtredingsdatum van hierdie Wet, lid was van die Fonds, voort om 'n lid van die Fonds te wees.

#### **Voortgesette assosiasie met Fonds**

6. Elke munisipaliteit wat, onmiddelik voor die inwerkingtreding van die hierdie Wet, in assosiasie was met die Fonds se assosiasie met die Fonds duur voort.

#### **Bevoegdhede van verantwoordelike Lid van Uitvoerende Raad**

7.(1) Die verantwoordelike Lid van die Uitvoerende Raad kan, na oorlegpleging met die Fonds, –

(a) die volgende aanstel –

- (i) 'n aktuaris, ten einde 'n aktuariële waardasie van die Fonds uit te voer; en
- (ii) 'n ouditeur, ten einde finansiële verslae van die Fonds te audit;

(b) deur regulasie, enige bestaande Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds (Superannuasie) beheer en Reëls, herroep, wysig of vervang;

(c) deur regulasie, enige Regulasies maak, herroep, wysig of vervang –

- (i) ten opsigte van die bategrondslag, beleggings en finansiële en ander inkomstebronne van die Fonds;

(ii) ten einde te voorsien dat lede van die Fonds kan kies om oorgeplaas te word na die –

(aa) Natal Gemeenskaplike Municipale Pensioenfonds (Aftreding); of

(bb) KwaZulu-Natal Gemeenskaplike Municipale Voorsorgfonds,

en omgekeerd, ooreenkomsdig die bepalings van artikel 14 van die Pensioenfondswet; en

(iii) nie onverenigbaar met hierdie Wet is nie, vir enige aangeleentheid wat hy of sy nodig of wenslik beskou ten einde die toepassing van hierdie Wet te faciliteer: Met dien verstande dat die algemeenheid van hierdie bevoegdheid nie beperk word deur enige van die bepalings van paragraaf (a), (b), (c)(i) of (c)(ii) nie; en

(d) kennisgewings uitreik betreffende hierdie Wet of regulasies gemaak ooreenkomstig hierdie Wet deur publikasie in die Provinciale *Koerant*.

(2) Enige Regulasie gemaak of kennisgewing uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ooreenkomstig subartikel (1) kan gemaak of uitgereik word met inwerkingtreding vanaf enige datum, hetsy voor of vervolgens die proklamasiedatum daarvan.

### Oorgangsreëlings

8.(1) Behoudens die beskerming van bestaande regte bedoel in artikels 4(1)(b) en 9(2) –

(a) gaan die Bestuurskomitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds (Superannuasie) beheer, voort, vir alle doeleindes, om werksaam te wees, sonder onderbreking, as die Raad van Trustees van die Fonds met al die bevoegdhede, werksaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Bestuurskomitee van die Fonds gesetel was;

(b) gaan die Algemene Komitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Municipale Pensioenfonds beheer, voort, vir alle doeleindes, om werksaam te wees, sonder onderbreking, as die Algemene Komitee van die Fonds met al die bevoegdhede, werksaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Algemene Komitee van die Fonds gesetel was; en

(c) gaan die Fonds voort om beheer, bestuur en bedryf te word, met die nodige veranderinge, ooreenkomstig die bepalings van elke –

- (i) wet; en
- (ii) administratiewe en finansiële prosedure,

wat van toepassing was op die Fonds voor die inwerkingtredingsdatum van hierdie Wet, en soos van tyd tot tyd gewysig.

(2) Behoudens subartikel (3) is 'n werknemer enige persoon in die diens van 'n munisipaliteit en wie –

- (a) in 'n volydse hoedanigheid in diens geneem is deur die vermelde munisipaliteit; en
- (b) die ouderdom van 17 jaar bereik het maar nie, ten tye van aansluiting by die vermelde munisipaliteit, 'n ouderdom van agt jaar minder as die pensioenouderdom bereik het nie.

(3) Vir die doeleindes van hierdie Wet –

- (a) kan enige persoon, wat in diens geneem is deur 'n munisipaliteit en wie se dienste beëindig sal word by voltooiing van die doel vir sy of haar indiensneming, binne 'n tydperk van hoogstens drie jaar, nie beskou word as 'n werknemer van die munisipaliteit nie;
- (b) 'n persoon wat in diens van 'n munisipaliteit aansluit nadat 'n ouderdom van agt jaar minder as die pensioenouderdom bereik is, kan, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer beskou te word; en
- (c) behoudens die goedkeuring van die Raad van Trustees kan 'n persoon, wat in diens van 'n munisipaliteit aansluit in 'n deeltydse hoedanigheid kies, met die instemming van die indiensnemingsmunisipaliteit, om as 'n werknemer beskou te word.

(4) 'n Spesiale algemene vergadering, bestaande uit alle munisipaliteite in assosiasie met, en werknemerslede van, die Fonds moet binne 'n tydperk wat nie 12 maande na die publikasiedatum van hierdie Wet in die Provinsiale *Koerant* oorskry nie, gehou word.

#### **Herroeping van wette en behoud**

9.(1) Die wet vermeld in die eerste en tweede kolomme van Dele A en B van die Bylae tot hierdie Wet word hiermee herroep tot die omvang uiteengesit in die derde kolom van die vermelde Bylae.

(2) Alle regulasies gemaak kragtens die Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973), en die Reëls, tot die omvang wat dit van toepassing is op die Natal Gemeenskaplike Municipale Pensioenfonds (Superannuasie), bly van krag en afdwingbaar asof die vermelde Ordonnansie nie herroep is nie soos bedoel in subartikel (1).

#### **Kort titel**

10. Hierdie Wet word die KwaZulu-Natal Wet op Gemeenskaplike Municipale Pensioenfonds (Superannuasie), 2017 genoem.

**BYLAE**  
**WETTE HERROEP**  
*(Artikel 9(1))*

**DEEL A: ORDONNANSIES VAN DIE VOORMALIGE PROVINSIE VAN NATAL**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 24 van 1973	Ordonnansie op Plaaslike Regering Superannuasie, 1973	Die geheel

**DEEL B: REGULASIES GEMAAK INGEVOLGE ORDONNANSIES VAN DIE VOORMALIGE PROVINSIE VAN NATAL**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Provinsiale Kennisgewing No. 246 van 1974	Regulasies vir die beheer van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), 1974	Alle verwysings na "Wit"

[Umbhalo weSingisi unyathelwe nguNduNankulu]

**UMTHETHOSIVIVINYO WESIKHWAMA SEMPESHENI  
ESIHLANGANYELE SOMASIPALA WAKWAZULU-NATALI  
(SEZIMALI EZIBANJWA EMHOLWENI), 2017  
(Umthetho Na. 07 ka 2017)**

Uvunywe mhlaka 07-12-2017

## **UMTHETHO**

Wokuhlinzekela ubukhona, nokuqhubeKA, nokuba yiLungu nokuzibandakanya esikhwameni seMpesheni esihlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni); wokuhlinzekela ukuqanjwa kabusha kwesiKhwama seMpesheni esihlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) ngesikhwama seMpesheni esihlanganyele soMasipala saKwaZulu-Natali (seziMali eziBanjwa eMholweni); wokuhlinzekela amandla eLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya okusungula imithethonqubo; wokuhlinzekela izinhlinzeko zesikhashana; wokuhlinzekela ukuchithwa kwemithetho nezingxene ye zemithetho ezishiywa zinjalo; nokuhlinzekela okunye okuphathelene nalokho.

## ISENDLALELO

**NJENGOBA** kunesidingo sokuthi kushintshwe ama-Odinensi aseNatali abandlulula ngokobuhlanga asungulwa ngaphambi konyaka ka 1994 ayenquma ukuthi kusungulwe futhi kusetsheniwe izinhlelo zempesheni ezimbili ezihlukanisa ngokobuhlanga zabasebenzi bomasipala, okuyisiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) kanye nesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) ezagunyazwa ukuthi zisetshenziswe yisiFundazwe uMengameli ngokulandela isigaba 235(8) soMthethosisekelo weRiphahulikhi yaseNingizimu Afrika, 1993 (uMthetho No. 200 ka 1993), futhi esezidlulelw yisikhathi njengoba kuqale ukusebenza imithetho yentando yeningi mhla zingama-27 kuMbasa ka 1994;

**NJENGOBA** ama-Odinensi asungulwa ngokubhekelela ubuhlanga ngaphambi kuka 1994 enziwe aba yimithetho yesifundazwe njengoba kunquma isigaba 239 soMthethosisekelo waseNingizimu Afrika, 1996, futhi isiShayamthetho sesiFundazwe sinamandla ngokomthetho okuchitha, okuchibiyela nokushintsha leyo mithetho ngokuhambisana nesigaba 104(1)(b) soMthethosisekelo ka 1996;

**NJENGOBA** kunesidingo sokuqinisekisa ukuthi konke okukhuluma ngobuhlanga nazo zonke izinhlobo zokwehlukanisa phakathi kwezikhwama zempesheni mayelana nezigaba zabahlomuli kanye nemindeni yabo kuyasuswa.

**NANJENGOBA** kunesidingo sokuthi kushintshwe uhlaka olusemthethweni IwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziBanjwa eMholweni) olukhona kube nohlaka oluzolawulwa noluzohambosana noMthethosisekelo weRiphahulikhi yaseNingizimu Afrika, 1996, noMthetho weziKhwama zeMpesheni kaZwelonke, 1956 (uMthetho No. 24 ka 1956) osebenzayo, kanye nemigomo yokubusa okuhle;

**NGAKHO-KE MAWUMISWE** yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:—

### Izincazelو

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“ungoti wezezimali” kushiwo umuntu –

- (a) oyingxene yesikhungo, yophiko, yenhlango noma yeqembu longoti bezezimali obhaliswe ngokuhambisana nemithetho esebenzayo; futhi
- (b) oqokwe –
  - (i) wuMbhalisi; kanye

(ii) neBhodi labaPhathi,  
njengobhekele izilinganiso njengoba kuhlongozwe esigabeni 9A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 kq 1956);

“umcwaningimabhuku” kushiwo umbhali wamabhuku ezimali kanye nomcwaningimabhuku –

- (a) obhaliswe kanjalo ngokoMthetho obizwa nge-*Public Accountant's and Auditor's Act*, 1991 (uMthetho No. 80 ka 1991); futhi
- (b) oqokwe yiBhodi labaPhathi;

“iBhodi labaPhathi” kushiwo iBhodi labaPhathi elihlongozwe esigabeni 7A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956), futhi esasungulwa njengoba kunqunyiwe;

“ikomidi labaphathi” kushiwo ikomidi labaphathi elikhethwe ngokuhambisana nezinhlinzeko zeMithetho;

“umsebenzi” kushiwo umsebenzi njengoba kuhlongozwe esigabeni 8(2) no (3);

“IBhodi yezeziMali” kushiwo iBhodi yezeziMali esungulwe ngokuhambisana nsigaba 2 soMthetho weBhodi yezeziMali, 1990 (uMthetho No. 97 ka 1990);

“isiKhwama” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanja eMholweni), esiqanjwe kabusha kwathiwa isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (seziMali eziBanja eMholweni) ngokuhambisana nesigaba 4 kusukela ngosuku lokuqala kokusebenza kwalo Mthetho;

“ikomidi elikhulu” “kushiwo ikomidi elikhulu elikhethwe ngokulandela izinhlinzeko zeMithetho;

“isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali, esisungulwe ngokwesigaba 2 soMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala waKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995);

“ilungu” ngaphandle uma inqgikithi isho okwehlukile, kushiwo umuntu –

- (a) noma yinini ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho

obefaka imali esiKhwameni, futhi kusukela ngosuku lokuqala kokusebenza kwalo Mthetho oqhubekayo nokufaka imali esiKhwameni; noma  
 (b) ngemuva kosuku lokuqala kokusebenza kwalo Mthetho oqala ukufaka imali esiKhwameni;

**"umasipala" –**

- (a) kubandakanya umasipala wodolobha elikhulu, umasipala wesifunda noma umasipala wendawo njengoba kuhlongozwe esigabeni 155(6) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;
- (b) kushiwo umasipala osungulwe ngokoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);
- (c) uma uhlongozwe njengebhizinisi, kushiwo umasipala njengoba uchazwe esigabeni 2 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000); kanti
- (d) uma uchazwe njengendawo ngokomumo wezwe noma njengenhlangoano, kushiwo indawo kamasipala enqunywe njengoba kuhlongozwe eMthethweni wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998);

**"uMthetho weziNhlaka zoMasipala"** kushiwo uMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

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

**"isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi)"** kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi), esasungulwa yisigaba 2 se-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi), 1974 (i-Odinensi No. 27 ka 1974);

**"isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni)"** kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) esasungulwa yisigaba 2 se-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

“**isaziso**” kushiwo isaziso esikhishwe ngokomthethonqubo;

“**i-odinensi**” kubandakanya nemithethonqubo esungulwe ngaphansi kwayo;

“**uMthetho weziKhwama zeMpesheni**” kushiwo uMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956);

“**okunqunyiwe**” kushiwo okunqunywe yiLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya ngomthethonqubo osunguliwe noma ngesaziso esikhisiwe ngokuhambisana nesigaba 7;

“**imigomo yokubusa okuhle**” kushiwo imigomo njengoba ibekwe kwi-*King Code and Report on Governance in South Africa*, 2009, nanoma yiziphi izichibiyelo zayi, noma ukubuyekezwa kwayo;

“**isimemezelo**” kushiwo isimemezelo esikhishwe kwiGazethi yesiFundazwe;

“**isiFundazwe**” kushiwo isiFundazwe saKwaZulu-Natali;

“**iGazethi yesiFundazwe**” kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

“**umthethonqubo**” kushiwo umthethonqubo osungulwe ngaphansi kwalo Mthetho, futhi kubandakanya noma yiluphi uHlelo Iwaleyo mithethonqubo;

“**iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni)**” kushiwo imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) eyashicilelwa kwiSaziso sesiFundazwe No. 246 sika 1974 mhla zingama-24 kuNhlabi 1974;

“**iLungu loMkhandlu oPhethe**” kushiwo iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya;

“**iMithetho**” ngokwezinhoso zoMthetho weziKhwama zeMpesheni, kushiwo –

(a) iMithetho yokuPhatha nokuLawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), isiKhwama seMpesheni

esiHlanganyele soMasipala saseNatali (soMhlaphansi), kanye nesiKhwama soMhlaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), ekhishwe ngokwemithethonqubo esungulwe –

- (i) ngokwe-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);
  - (ii) ngokwe-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlaphansi), 1974 (i-Odinensi No. 27 ka 1974); kanye
  - (iii) nangokoMthetho wesiKhwama soMhlaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995);
- (c) nazo zonke ezinye iziNhlelo ezsungulwe ngokuhambisana nesigaba 7, ngemuva kosuku lokuqala lokusebenza kwalo Mthetho;

**"Lo Mthetho"** kubandakanya nemithethonqubo nezaziso ezikhishwe ngokwaleyo mithethonqubo.

#### Izinhloso zoMthetho

2. Izinhloso zoMthetho ukushintsha uhlaka olusemthethweni IwesiKhwama olusebenzayo kufakwe uhlaka oluwalwa kuphela, nolulandela, noluhambisana, –

- (i) noMthethosesekelo weRpihabhulikhi yaseNingizimu Afrika;
- (ii) noMthetho weziKhwama zeMpesheni; Kanye
- (iii) nemigomo yokubusa okuhle.

#### Ukusebenza koMthetho

3.(1) Lo Mthetho usebenza kubona bonke omasipala abayingxenye nakamalungu esiKhwama.

(2) Izinhlinzezo zoMthetho weziKhwama zeMpesheni ziyasebenza kulo Mthetho, futhi uMthetho weziKhwama zeMpesheni yiwna oyosebenza uma kwenzeka kuba nokushayisana phakathi kwezinhlinzezo zoMthetho weziKhwama zeMpesheni nezinhlinzezo zalo Mthetho.

**Ukuqanjwa kabusha, ukuqhube ka nokusebenza kwesiKhwama seMpesheni eziHlanganyele zoMasipala baseNatali (*seziMali eziBanjwa eMholweni*)**

**4.(1) IsiKhwama seMpesheni eziHlanganyele zoMasipala saseNatali (seziMali eziBanjwa eMholweni)**

—

- (a) siqanwa kabusha njengesiKhwama seMpesheni eziHlanganyele zoMasipala saKwaZulu-Natali (seziMali eziBanjwa eMholweni);
- (b) siyaqhube ka nokusebenza nawo wonke amalungelo, amandla, amajoka, imisebenzi, impahla nezikweletu zaso njengoba bekunjalo, kusukela ngosuku lokuqalisa kokusebenza kwalo Mthetho;
- (c) sisebenza ngokuhambisana nezinhlinzeko zalo Mthetho, kuncike ezinhlinzekweni zesigaba 3(2) zalo Mthetho.

**(2) Imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) kanye neMithetho iyasebenza esiKhwameni seMpesheni.**

#### **Ukuqhube ka nokuba yiLungu lesiKhwama seMpesheni**

**5. Kuncike ezihlinzekweni zalo Mthetho nanoma yimuphi omunye umthetho, umuntu ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho, obekade eyilungu lesiKhwama, uyoqhube ka nokuba yiLungu lesiKhwama seMpesheni.**

#### **Ukuqhube ka nokuzibandakanya nesiKhwama seMpesheni**

**6. Bonke omasipala, ngaphambi kokuqala kokusebenza kwalo Mthetho, abebeyingxenye yesiKhwama seMpesheni, bathathwa njengabayingxenye yesiKhwama seMpesheni.**

#### **Amandla eLungu IoMkhandlu oPhethe**

**7.(1) ILungu IoMKhandlu oPhethe, ngemva kokubonisana nabesiKhwama seMpesheni —**

- (a) lingaqoka —
  - (i) ungoti wezezimali ozohlola ezezimali esiKhwameni seMpesheni; kanye
  - (ii) nomcwaningimabhuku ozocwaninga izitativende zezimali zesiKhwama seMpesheni; futhi
- (b) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo ekhona elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) neMithetho;
- (c) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo —

- (i) emayelana nempahla, notshalomali kanye nezimali kanjalo neminye imithombo yengeniso yesiKhwama seMpesheni; futhi
- (ii) ehlinzeka ngokuthi amalungu esiKhwama seMpesheni angakhetha ukudluliselwa –
  - (aa) esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi); noma
  - (bb) esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), kunoma yisiphi phakathi kwalezi zikhwama, ngokuhambisana nezinhlinzezo zesigaba 14 soMthetho weziKhwama zeMpesheni; futhi
  - (iii) engashayisani nalo Mthetho, mayelana nanoma yiluphi udaba elilubona lunesidingo noma luwusizo ukuze kuhlinzekelwe ukusebenza kwalo Mthetho: Kuncike ekutheni ukusetshenziswa kwala mandla akuvinjelwa nanoma yiziphi izinhlinzezo zendima (a), (b), (c)(i) noma c(ii); futhi
- (d) lingakhipha izaziso eziphathele nalo Mthetho noma imithethonqubo ngokuhambisana nalo Mthetho ngokusishicilela kwiGazethi yesiFundazwe.

(2) Noma yimuphi umthethonqubo osungulwe noma isaziso esikhishwe yiLungu loMkhandlu oPhethe ngokuhambisana nesigatshana (1), singashicilela noma singakhishwa nganoma yiluphi 4usuku ngaphambi noma ngemuva kosuku lokumenyezelwa kwaso.

#### Izinhlinzezo zesikhashana

8.(1) Kuncike ekuvikelweni kwamalungelo akhona ahlongozwe ezigabeni 4(1)(b) kanye no 9(2) –

- (a) iKomidi labaPhathi elisungulwe ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) liyaqhubeke, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeBhodi lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi labaPhathi besiKhwama seMpesheni;
- (b) iKomidi eliKhulu elasungulwa ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) liyaqhubeke, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeKomidi eliKhulu lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi

kuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi eliKhulu lesiKhwama seMpesheni; futhi

(c) isiKhwama seMpesheni siyaqhube ka nokubuswa, nokuphathwa kanye nokulawulwa, ngezinguquko ezidingekayo, ngokuhambisana nezinhlinzeko zayo yonke –

(i) imithetho; kanye

(ii) nezinquo zezokuphatha nezezimali,

ebezisebenza esiKhwameni seMpesheni ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho.

(2) Kuncike kwisigatshana (3), umsebenzi yinoma yimuphi umuntu osebenzela umasipala, –

(a) osebenza ngokugcwale kulowo masipala; futhi

(b) oneminyaka engaphezu kweyi-17 ubudala, kodwa ngenkathi ejoyina umasipala obeneminyaka engaphezu kwesi-8 emsalele ngaphambi kokuthola impesheni.

(3) Ngokwezinjongo zalo Mthetho –

(a) noma yimuphi umuntu oqashwe umasipala futhi ozoyeka ukusebenza ngemva kokuphela komsebenzi othile abeqashelwe wona, ingakapheli iminyaka emithathu, angeke athathwe njengomsebenzi kamaspala;

(b) umuntu oqashwa umasipala esesalelw iminyaka engaphansi kweyi-8 ukuthi athole impesheni yokuguga angakhetha, ngemvume yalowo masipala omqashayo, ukuthi athathwe njengomsebenzi; futhi

(c) kuncike ekugunyazweni yiBhodi labaPhathi, umuntu oqashwa umasipala ezosebenza ngezikathi ezithile angakhetha, ngemvume kamaspala omqashayo, ukuthi athathwe njengomsebenzi.

(4) Kumele kubanjwe umhlangano okhethekile, obandakanya bonke omasipala amalungu nabasebenzi abangamalungu esiKhwama seMpesheni, zingakadluli izinyanga eziyi-12 ngemva kokushicilelw kwalo Mthetho kwíGazethi yesiFundazwe.

### **Ukuchithwa kwemithetho nezingxene zemithetho ezishiywa zinjalo**

9.(1) Imithetho ebaluwie ohlwini lokuqala nolwesibili loHlelo IweziNgxene A no B zoHlelo Iwalo Mthetho ngalokhu iyachithwa ngendlela ebekwe ohlwini Iwesithathu Iwalolu Hlelo.

(2) Yonke imithethonqubo esungulwe yi-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973), neMithetho, ngendlela esebezena ngayo esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (seziMali

eziBanjwa eMholweni), siyoqhubeka nokusebenza sengathi le Odinensi okukhulunywa ngayo ayizange ichithwe njengoba kuhlongozwe kwisigatshana (1).

**Isihloko esifingqiwe**

10. Lo Mthetho ubizwa ngoMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (seziMali eziBanjwa eMholweni), 2017.

**UHLELO  
IMITHETHO ECHITHWAYO  
(Isigaba 9(1))**

**INGXENYE A: AMA-ODINENSI ESIFUNDAZWE SASENATALI SAKUDALA**

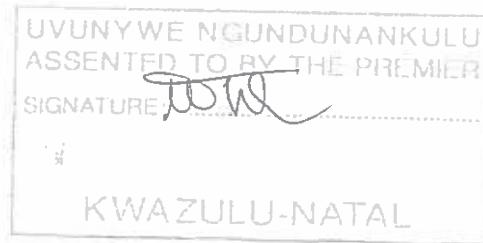
<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
I-Odinensi No. 24 ka 1973	I-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973	Yonke

**INGXENYE B: IMITHETHONQUBO ESUNGULWE NGOKWAMA-ODINENSI  
ESIFUNDAZWE SASENATALI SAKUDALA**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
ISaziso sesiFundazwe No. 246 sika 1974	IMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), 1974	Konke okukhuluma "ngabamhlophe"

**NOTICE 4 OF 2018**

[English text signed by the Premier]

**KWAZULU-NATAL JOINT MUNICIPAL  
PROVIDENT FUND ACT, 2017  
(Act No. 08 of 2017)**

Assented to on 07/12/2017.....

**ACT**

To provide for the continued existence of, and the continuation of both membership of and association with, the KwaZulu-Natal Joint Municipal Provident Fund; for the power of the responsible Member of the Executive Council to make regulations; for transitional arrangements; for the repeal of laws and savings; for the validation of certain actions; for the retrospective validation of the establishment and operation of the Natal Joint Municipal Pension Fund Staff Provident Fund; and for matters incidental thereto.

## PREAMBLE

**WHEREAS** it is necessary to replace the current KwaZulu-Natal Joint Municipal Provident Fund framework with a framework that is solely regulated by, aligned to, and compliant with the Constitution of the Republic of South Africa, 1996, the nationally applicable Pension Funds Act, 1956 (Act No. 24 of 1956), and the principles of good governance,

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

### Definitions

1. In this Act, unless the context indicates otherwise –

“actuary” means a person who is –

- (a) a fellow of an institute, faculty, society or chapter of actuaries registered as such in accordance with the applicable legislation; and
- (b) appointed by the –
  - (i) Registrar; and
  - (ii) Board of Trustees,

as a valuator as contemplated in section 9A of the Pension Funds Act, 1956 (Act No. 24 of 1956);

“auditor” means a public accountant and auditor who is –

- (a) registered as such in accordance with the Public Accountants’ and Auditors’ Act, 1991 (Act No. 80 of 1991); and
- (b) appointed by the Board of Trustees;

“benefit” means any benefit granted or other amount due, in accordance with the regulations to a member, dependant or other person;

“Board of Trustees” means the Board of Trustees contemplated in section 7A of the Pension Funds Act, 1956 (Act No. 24 of 1956), and established as prescribed;

“committee of management” means the committee of management elected in accordance with the provisions of the Rules;

“employee” means an employee as contemplated in sections 8(2) and (3);

**“Financial Services Board”** means the Financial Services Board established in accordance with section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

**“Fund”** means the KwaZulu-Natal Joint Municipal Provident Fund;

**“general committee”** means the general committee elected in accordance with the provisions of the rules;

**“KwaZulu-Natal Joint Municipal Provident Fund”** means the KwaZulu-Natal Joint Municipal Provident Fund established by section 2 of the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995);

**“member”** unless the context determines otherwise, means a natural person who –

- (a) at any stage prior to the commencement date of this Act contributed to the Fund, and from the commencement date of this Act continues to contribute to the Fund; or
- (b) on any date subsequent to the commencement date of this Act starts to contribute to the Fund;

**“municipality”** –

- (a) includes a metropolitan municipality, a district municipality or a local municipality as contemplated in section 155(6) of the Constitution of the Republic of South Africa, 1996;
- (b) means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (c) when contemplated as an entity or a corporate body, means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (d) when contemplated as a geographic area, means a municipal area determined as contemplated in the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

**“notice”** means a notice issued in terms of a regulation;

**“Pension Funds Act”** means the Pension Funds Act, 1956 (Act No. 24 of 1956);

**"prescribed"** means prescribed by the responsible Member of the Executive Council by regulation made or notice issued in accordance with section 7;

**"principles of good governance"** means the principles as set out in the King Code and Report on Governance in South Africa, 2009, and any amendments thereto, or revision thereof;

**"promulgation"** means promulgation in the Provincial *Gazette*;

**"Province"** means the Province of KwaZulu-Natal;

**"Provincial *Gazette*"** means the Provincial *Gazette* of the Province of KwaZulu-Natal;

**"regulation"** means a regulation made under this Act, and includes any Schedule to such regulations;

**"Regulations governing the KwaZulu-Natal Joint Municipal Provident Fund"** means the Regulations governing the KwaZulu-Natal Joint Municipal Provident Fund published in Provincial Notice No. 135 of 1996 on 4 April 1996;

**"responsible Member of the Executive Council"** means the Member of the Executive Council responsible for local government;

**"Rules"** for purposes of the Pension Funds Act, means –

(a) the Rules for the Management and Administration of the Natal Joint Municipal Pension Fund (Superannuation), the Natal Joint Municipal Pension Fund (Retirement), and the KwaZulu-Natal Joint Municipal Provident Fund, issued in accordance with the regulations made under the –

(i) Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);

(ii) Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974); and

(iii) KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995); and

(b) any further Schedules made in accordance with section 7, after the date of commencement of this Act; and

"this Act" includes the regulations made and notices issued in terms of such regulations.

### **Objects of Act**

**2.** The objects of this Act are to replace the current Fund framework with a framework that is solely regulated by, aligned to, and compliant with the –

- (a) Constitution of the Republic of South Africa, 1996;
- (b) Pension Funds Act; and
- (c) principles of good governance.

### **Application of Act**

**3.(1)** This Act applies to all municipalities associated with, and members of, the Fund.

**(2)** The provisions of the Pension Funds Act apply to this Act, and the Pension Funds Act prevails in the event of an irreconcilable conflict between the application of the Pension Funds Act and the provisions of this Act.

### **Continuation and operation of Fund**

**4.(1)** The Fund –

- (a) continues to exist with all the associated rights, powers, duties, responsibilities, assets and liabilities as they were immediately prior to the commencement date of this Act; and
- (b) operates in accordance with the provisions of this Act, subject to the provisions of section 3(2).

**(2)** The regulations governing the KwaZulu-Natal Joint Municipal Provident Fund and the rules apply to the Fund.

### **Continuation of membership of Fund**

**5.** Subject to the provisions of this Act or any other law, a person who, immediately prior to the date of commencement of this Act, was a member of the Fund, continues to be a member of the Fund.

**Continuation of association with Fund**

6. Every municipality that, immediately prior to the commencement of this Act, was associated with the Fund, continues to be associated with the Fund.

**Powers of responsible Member of Executive Council**

7.(1) The responsible Member of the Executive Council, after consultation with the Fund, may –

- (a) appoint an –
  - (i) actuary to conduct an actuarial valuation of the Fund; and
  - (ii) auditor to audit financial statements of the Fund; and
- (b) by regulation, repeal, amend or substitute any existing Regulations governing the KwaZulu-Natal Joint Municipal Provident Fund;
- (c) by regulation, make, repeal, amend or substitute any regulations –
  - (i) in respect of the asset base, investments and financial and other sources of income of the Fund; and
  - (ii) not inconsistent with this Act, for any matter that he or she considers necessary or expedient to facilitate the application of this Act: Provided that the generality of this power is not limited by any of the provisions of paragraph (a), (b) or (c); and
- (d) issue notices pertaining to this Act or the Regulations by publication in the *Provincial Gazette*.

(2) Any regulation made or notice issued by the responsible Member of the Executive Council in accordance with subsection (1), may be made or issued with effect from any date whether prior or subsequent to the date of promulgation thereof.

**Transitional arrangements**

8.(1) Subject to the protection of existing rights contemplated in sections 4(1) and 9(2) the –

- (a) Committee of Management established in accordance with Regulation 5 of the Regulations governing the KwaZulu-Natal Joint Municipal Provident Fund continues, for all purposes, to operate, without interruption, as the Board of Trustees of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the Committee of Management of the Fund;

(b) General Committee established in accordance with Regulation 5 of the Regulations governing the KwaZulu-Natal Joint Municipal Provident Fund continues, for all purposes, to operate, without interruption, as the General Committee of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the General Committee of the Fund; and

(c) Fund continues to be governed, managed and operated, with the necessary changes, in compliance with the provisions of every –

(i) law; and

(ii) administrative and financial procedure,

that applied to the Fund prior to the date of commencement of this Act.

(2) Subject to subsection (3), an employee is any person in the service of an associated municipality, who –

- (a) is employed in a full-time capacity in the said municipality; and
- (b) has attained the age of 17 years, but had not at the time of joining the said municipality reached an age 8 years less than the pension age.

(3) For the purposes of this Act –

- (a) any person who is employed by an associated municipality and whose services are terminated on completion of the purpose for which he or she is employed, within a maximum period of three years, may be regarded by such municipality not to be an employee;
- (b) a person joining the service of an associated municipality after having reached an age eight years less than the pension age may elect, with the consent of the employing municipality, to be regarded as an employee; and
- (c) subject to the approval of the Board of Trustees, a person joining the service of an associated municipality in a part-time capacity may elect, with the consent of the employing municipality, to be regarded as an employee.

(4) A special general meeting, consisting of all associated municipalities and employee members of the Fund, must be held within a period not exceeding 12 months after the date of commencement of this Act.

#### **Repeal of law and savings**

9.(1) The law mentioned in the first and second columns of the Schedule to this Act is hereby repealed to the extent set out in the third column of the said Schedule.

(2) All regulations made under the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995), and the Rules, to the extent that they apply to the Fund, remain in full force and effect as if the said Act has not been repealed as contemplated in subsection (1), until such time as they are amended, repealed or replaced by a Regulation or a Rule, as the case may be, made in accordance with section 7.

**Short title**

10. This Act is called the KwaZulu-Natal Joint Municipal Provident Fund Act, 2017.

**SCHEDULE**  
**LAW REPEALED**  
*(Section 9(1))*

<b><i>Number and year of law</i></b>	<b><i>Title</i></b>	<b><i>Extent of repeal</i></b>
Act No. 4 of 1995	KwaZulu-Natal Joint Municipal Provident Fund Act, 1995	The whole

**KENNISGEWING 4 VAN 2018**

[Engelse teks deur die Premier geteken]

**WETSONTWERP OP DIE  
KWAZULU-NATAL GEMEENSKAPLIKE MUNISIPALE  
VOORSORGFONDS, 2017  
(No. 08 van 2017)**

Goedgekeur op 07-12-2017

**WET**

**Om voorsiening te maak vir die voortgesette bestaan van, en voortsetting van beide lidmaatskap van en assosiasie met, die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds; vir die bevoegdheid van die verantwoordelike Lid van die Uitvoerende Raad om regulasies te maak; vir oorgangsreëlings; vir die herroeping van wette en behoud; vir die bekragtiging van sekere handelinge; vir die retrospektiewe bekragtiging van die instelling en bedryf van die Natal Gemeenskaplike Munisipale Personeelvoorsorgfonds; en vir aangeleenthede wat daarmee verband hou.**

**AANHEF**

**AANGESIEN** dit nodig is om die huidige raamwerk vir die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig word met, en voldoen aan die Grondwet van die Republiek van Suid-Afrika, 1996, die nasionaal toepaslike Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en die beginsels van goeie regering,

**WORD DAAR DERHALWE VERORDEN** deur die Proviniale Wetgewer van die Provinsie van KwaZulu-Natal soos volg:-

**Omskrywings**

1. In hierdie Wet, tensy die samehang anders aandui, beteken –

“**aktuaris**” 'n persoon wat –

(a) 'n genoot is van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse as sodanig geregistreer ooreenkomstig toepaslike wetgewing; en

(b) aangestel is deur die –

(i) Registrateur; en

(ii) Raad van Trustees,

as 'n waardeerdeerder soos bedoel in artikel 9A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

“**algemene komitee**” die algemene komitee verkies ooreenkomstig die bepalings van die Reëls;

“**beginsels van goeie regering**” die beginsels soos uiteengesit in die King-verslag oor Bestuur in Suid-Afrika, 2009, en enige wysigings daaraan, of hersiening daarvan;

“**bestuurskomitee**” die bestuurskomitee verkies in ooreenstemming met die bepalings van die Reëls;

“**Fonds**” die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds;

“**hierdie Wet**” ingesluit die regulasies gemaak en kennisgewings uitgereik ingevolge sodanige regulasies;

“kennisgewing” ’n kennisgewing uitgereik ingevolge ’n regulasie;

“KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds” die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds ingestel deur artikel 2 van die Wet op die KwaZulu-Natal Wet op die Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995);

“lid”, tensy dit uit die samehang anders blyk, ’n natuurlike persoon wie –

- (a) op enige stadium voor die inwerkingtredingsdatum van hierdie Wet tot die Fonds bygedra het en vanaf die inwerkingtredingsdatum van hierdie Wet voortgaan om tot die fonds by te dra; of
- (b) op enige datum wat volg op die inwerkingtredingsdatum van hierdie Wet begin om tot die Fonds by te dra;

“munisipaliteit” –

- (a) ingesluit ’n metropolitaanse munisipaliteit, ’n distriksmunisipaliteit of ’n plaaslike munisipaliteit soos bedoel in artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika, 1996;
- (b) ’n munisipaliteit ingestel ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);
- (c) ’n munisipaliteit, wanneer bedoel as ’n entiteit of korporatiewe liggaam, soos omskryf in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsel, 2000 (Wet No. 32 van 2000); en
- (d) ’n munisipale gebied, wanneer bedoel as ’n geografiese gebied, bepaal soos bedoel in die Wet op Plaaslike Regering: Munisipale Afbakening, 1998 (Wet No. 27 van 1998);

“ouditeur” ’n openbare rekenmeester en ouditeur wie –

- (a) as sodanig geregistreer is ooreenkomsdig die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991); en
- (b) aangestel is deur die Raad van Trustees;

“Pensioenfondswet” die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

“proklamasie” die proklamasie in die Provinciale Koerant;

“Provinsie” die Provinsie van KwaZulu-Natal;

**"Provinsiale Koerant"** die Provinsiale Koerant van die Provinse van KwaZulu-Natal;

**"Raad op Finansiële Dienste"** die Raad op Finansiële Dienste ingestel ooreenkomstig artikel 2 van die Wet op die Raad van Finansiële Dienste, 1990 (Wet No. 97 van 1990);

**"Raad van Trustees"** die Raad van Trustees bedoel in artikel 7A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en ingestel soos voorgeskryf;

**"Reëls"** vir doeleindes van die Pensioenfondswet, –

(a) die Reëls vir die Bestuur en Administrasie van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), en die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, uitgereik ooreenkomstig die Regulasies uitgevaardig kragtens die –

(i) Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

(ii) Ordonnansie op Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974); en

(iii) KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995); en

(b) enige verdere Bylaes gemaak ooreenkomstig artikel 7, na die inwerkingtredingsdatum van hierdie Wet;

**"regulasie"** 'n regulasie gemaak kragtens hierdie Wet, ingesluit enige Bylae tot sodanige regulasies;

**"Regulasies wat die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds beheer"** die Regulasies wat die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, gepubliseer in Provinsiale Kennisgewing No. 135 van 1996 op 4 April 1996, beheer;

**"verantwoordelike Lid van die Uitvoerende Raad"** die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering;

**"voordeel"** enige voordeel toegeken of ander bedrag verskuldig ooreenkomstig die regulasies aan 'n lid, afhanglike of ander persoon;

“voorgeskryf” deur die verantwoordelike Lid van die Uitvoerende Raad voorgeskryf deur regulasie gemaak of kennisgewing uitgereik ooreenkomstig artikel 7; en

“werknemer” ’n werknemer soos bedoel in artikels 8(2) en (3).

### Oogmerke van Wet

2. Die oogmerke van die Wet is om die huidige raamwerk van die Fonds te vervang met ’n raamwerk wat uitsluitlik gereguleer word deur, berig is met, en voldoen aan die –
- (a) Grondwet van die Republiek van Suid-Afrika, 1996;
  - (b) Pensioenfondswet; en
  - (c) beginsels van goeie regering.

### Toepassing van Wet

- 3.(1) Die Wet is van toepassing op alle munisipaliteite in assosiasie met, en lede van, die Fonds.
- (2) Die bepalings van die Pensioenfondswet is van toepassing op hierdie Wet, en die Pensioenfondswet geld in die geval van ’n onverenigbare konflik tussen die toepassing van die Pensioenfondswet en die bepalings van hierdie Wet.

### Voortsetting en bedryf van Fonds

- 4.(1) Die Fonds –
- (a) gaan voort om te bestaan met alle geassosieerde regte, bevoegdhede, pligte, verantwoordelikhede, bates en laste soos dit was onmiddellik voor die inwerkingtredingsdatum van hierdie Wet; en
  - (b) word bedryf ooreenkomstig die bepalings van hierdie Wet, onderhewig aan die bepalings van artikel 3(2).
- (2) Die Regulasies wat die KwaZulu-Natal Gemeenskaplike Municipale Voorsorgfonds beheer en die Reëls is van toepassing op die Fonds.

### Voortgesette Fondslidmaatskap

5. Behoudens die bepalings van hierdie Wet of enige ander wet gaan 'n persoon wie, onmiddellik voor die inwerkingtredingsdatum van hierdie Wet, 'n lid was van die Fonds, voort om 'n lid van die Fonds te wees.

### **Voortgesette assosiasie met Fonds**

6. Elke munisipaliteit wat, onmiddellik voor die inwerkingtreding van hierdie Wet, in assosiasie was met die Fonds se assosiasie met die Fonds duur voort.

### **Bevoegdhede van verantwoordelike Lid van Uitvoerende Raad**

7.(1) Die verantwoordelike Lid van die Uitvoerende Raad kan, na oorlegpleging met die Fonds, –

(a) 'n –

- (i) aktuaris aanstel, ten einde 'n aktuariële waardasie van die Fonds uit te voer; en
- (ii) ouditeur aanstel ten einde finansiële verslae van die Fonds te oudit;

(b) deur regulasie, enige bestaande Regulasies wat die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds beheer herroep, wysig of vervang;

(c) deur regulasies, enige Regulasies maak, herroep, wysig of vervang –

- (i) ten opsigte van die batebasis, beleggings en finansiële en ander inkomstebronne van die Fonds; en

(ii) wat nie onverenigbaar met hierdie Wet is nie, vir enige aangeleentheid wat hy of sy nodig of wenslik beskou ten einde die toepassing van hierdie Wet te faciliteer: Met dien verstande dat die algemeenheid van hierdie bevoegdheid nie beperk word deur enige van die bepalings van paragraaf (a), (b), of (c) nie; en

(d) kennisgewings uitreik betreffende hierdie Wet of die Regulasies gemaak deur publikasie in die Provinciale Koerant.

(2) Enige Regulasie gemaak of kennisgewing uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ooreenkomsdig subartikel (1) kan gemaak of uitgereik word met inwerkingtreding vanaf enige datum hetsy voor of volgende op die proklamasiedatum daarvan.

### **Oorgangsreëlings**

8.(1) Behoudens die beskerming van bestaande regte bedoel in artikels 4(1) en 9(2) –

(a) gaan die Bestuurskomitee, ingestel ooreenkomsdig regulasie 5 van die Regulasies wat die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds beheer, voort, vir

alle doeleindeste, om werkzaam te wees, sonder onderbreking, as die Raad van Trustees van die Fonds met al die bevoegdhede, werkzaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Bestuurskomitee van die Fonds gesetel was;

- (b) gaan Algemene Komitee, ingestel ooreenkomstig regulasie 5 van die Regulasies wat die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds beheer, voort, vir alle doeleindeste, om werkzaam te wees, sonder onderbreking, om te funksioneer as die Algemene Komitee van die Fonds met al die bevoegdhede, werkzaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Algemene Komitee van die Fonds gesetel was; en
- (c) gaan die Fonds voort om beheer, bestuur en bedryf te word, met die nodige veranderinge, ooreenkomstig die bepalings van elke –

- (i) wet; en  
(ii) administratiewe en finansiële prosedure,

wat van toepassing was op die Fonds voor die inwerkingtredingsdatum van hierdie Wet.

(2) Behoudens subartikel (3), is 'n werknemer enige persoon in die diens van 'n geassosieerde munisipaliteit, wie –

- (a) in 'n voltydse hoedanigheid in diens geneem is deur die vermelde munisipaliteit ; en  
(b) die ouderdom van 17 jaar bereik het, maar nie, ten tye van aansluiting by die vermelde munisipaliteit, 'n ouderdom van agt jaar minder as die pensioenouderdom bereik het nie.

(3) Vir die doeleindeste van hierdie Wet –

- (a) kan enige persoon, wat in diens geneem is deur 'n geassosieerde munisipaliteit en wie se dienste beëindig sal word by voltooiing van die doel vir sy of haar indiensneming, binne 'n tydperk van hoogstens drie jaar, deur die munisipaliteit beskou word om nie 'n werknemer te wees nie;  
(b) kan 'n persoon wat in die diens van 'n geassosieerde munisipaliteit aansluit nadat 'n ouderdom van agt jaar minder as die pensioenouderdom bereik is, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer beskou te word; en  
(c) behoudens die goedkeuring van die Raad van Trustees, kan 'n persoon wat in diens van 'n geassosieerde munisipaliteit aansluit in 'n deeltydse hoedanigheid, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer beskou te word.

(4) 'n Spesiale algemene vergadering, bestaande uit alle munisipaliteite in assosiasie met, en werknemerslede van, die Fonds moet binne 'n tydperk wat nie 12 maande na die inwerkingtredingsdatum van hierdie Wet oorskry nie, gehou word.

#### **Herroeping van wet en behoud**

9.(1) Die wet vermeld in die eerste en tweede kolomme van die Bylae tot hierdie Wet word hiermee herroep tot in die omvang uiteengesit in die derde kolom van die vermelde Bylae.

(2) Alle regulasies gemaak kragtens die KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995), en die Reëls, tot in die omvang wat dit van toepassing is op die Fonds, bly van krag en afdwingbaar asof die vermelde Wet nie herroep is nie, soos bedoel in subartikel (1), tot sodanige tyd wat dit gewysig, herroep of vervang word deur 'n Regulasie of 'n Reël, na gelang van die geval, gemaak ooreenkomstig artikel 7.

#### **Kort titel**

10. Hierdie Wet word die KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 2017 genoem.

### **BYLAE**

### **WET HERROEP**

*(Artikel 9(1))*

<b>Nommer en jaar van wet</b>	<b>Titel</b>	<b>Omvang van herroeping</b>
Wet No. 4 van 1995	KwaZulu-Natal Gemeenskaplike Voorsorgfonds, 1995	Wet op Munisipale

[Umbhalo weSingisi unyathelwe nguNdunankulu]

**UMTHETHOSIVIVINYO WESIKHWAMA SEMPESHENI  
ESIHLANGANYELE SOMASIPALA SAKWAZULU-NATALI  
(SE-*PROVIDENT FUND*), 2016  
(Umthetho Na. 08 ka 2017)**

Uvunywe mhlaka 07-12-2017

**UMTHETHO**

Wokuhlinzekela ukuqhube ka kokuba khona, nokuqhube ka nobulungu nokuzibandakanya esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*); wokuhlinzekela amandla eLungu loMkhandlu oPhethe okusungula imithethonqubo; wokuhlinzekela izinhlinzeko zezikhashana; wokuhlinzekela ukuchithwa kwemithetho nezingxenye zemithetho ezishiywa zinjalo; wokuhlinzekela ukuqinisekiswa kokuthathwa kwezinyathelo ezithile; wokuhlinzekela ukucutshungulwa kabusha kokuqinisekiswa kokusungulwa nokusebenza kwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*) sabasebenzi; nokuhlinzekela okunye okuphathelene nalokho.

## ISENDLALELO

**NJENGOBA** kunesidingo sokuthi kushintshwe uhlaka esiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*) olukhona esikhundleni sazo kufakwe uhlaka olulawulwa kuphela futhi oluhambisana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, uMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956), osebenza kuzwelonke Kanye nemigomo yokubusa ngokuhle.

**NGAKHO-KE MAWUMISWE** yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:—

### Izincazelol

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile – “ungoti wevezimali” kushiwo umuntu –  
 (a) oyinkenye yesikhungo, yophiko, yenhlango noma yeqembu longoti bezezimali obhalisiwe ngokuhambisana nemithetho ekhona; kanye  
 (b) noqokwe –  
 (i) uMbhalisi; kanye  
 (ii) neBhodi labaPhathi,  
 njengobhekele izilinganiso njengoba kuhlongozwe esigabeni 9A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956);

“umcwaningi mabhuku” kushiwo umbali wezimali zomphakathi kanye nomcwaningimabhuku –

(a) obhaliselwe lokhu ngokuhambisana noMthetho wabaBali beziMali zoMphakathi kanye nabaCwaningi maBhuku, 1991 (uMthetho No. 80 ka 1991); futhi  
 (b) noqokwe yiBhodi labaPhathi;

“umhlomulo” kushiwo noma yimuphi umhlomulo wempesheni ophumayo noma wezinye izimali okumele zikhokhelwe ilungu, isihlobo noma omunye umuntu ongaphansi kwakhe ngokuhambisana nemithethonqubo;

“iBhodi labaPhathi” kushiwo iBhodi labaPhathi elihlongozwe esigabeni 7A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956), futhi elisungulwe ngendlela enqunyiwe;

“ikomidi labaphathi” kushiwo ikomidi labaphathi eliqokwe ngokuhambisana nezinhlinzezo zeMithetho;

"umsebenzi" kushiwo umsebenzi njengoba kuhlongozwe esigabeni 8(2) no (3);

"iBhodi lezeziMali" kushiwo iBhodi lezeziMali elisungulwe ngokuhambisana nesigaba 2 soMthetho weBhodi lezeziMali, 1990 (uMthetho No. 97 ka 1990);

"isiKhwama" kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (se-*Provident Fund*);

"ikomidi eliKhulu" kushiwo ikomidi eliKhulu eliqokwe ngokuhambisana nezinhlinzeko zeMithetho;

"isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-*Provident Fund*)" kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-*Provident Fund*) esisungulwe ngokuhambisana nesigaba 2 soMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*Provident Fund*), 1995 (uMthetho No. 4 ka 1995);

"ilungu" ngaphandle uma inqgikithi isho okwehlukile, kushiwo umuntu –

(a) ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho obefaka izimali esiKhwameni, futhi kusukela ngosuku lokuqala ukusebenza kwalo Mthetho ophinde aqhubeke nokufaka izimali esiKhwameni; noma

(b) kusukela kunoma yyiluphi usuku olwandulela usuku loqala kokusebenza kwalo Mthetho oqalisa ukufaka imali esiKhwameni;

"umasipala" –

(a) kubandakanya umasipala wodolobha eliKhulu, umasipala wesifunda noma umasipala wendawo njengoba kuhlongozwe esigabeni 155(6) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

(b) kushiwo umasipala osungulwe ngokoMthetho weziNhlaka zoMasipala, 1998 (uMthetho No. 117 ka 1998);

(c) uma uhlongozwe njengebhizinisi, kushiwo umasipala njengoba uchazwe esigabeni 2 soMthetho weziNhlelo zoMasipala, 2000 (uMthetho No. 32 ka 2000); kanti

(d) uma uchazwe njengendawo ngokomumo wezwe noma njengenhlanguwa, kushiwo indawo kamasipala enqunywe njengoba kuhlongozwe eMthethweni wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998);

"isaziso" kushiwo isaziso esikhishwe ngokomthethonqubo;

“uMthetho weziKhwama zeMpesheni” kushiwo uMthetho weziKhwama zeMpesheni, 1956, (uMthetho No. 24 ka 1956);

“okunqunyiwe” kushiwo okunqunywe yiLungu loMkhandlu oPhethe ngokwenqubomgomosungulwe noma ngokwesaziso esikhishwe ngokuhambisana nesigaba 7;

“imigomo yokubusa okuhle” kushiwo imigomo njengoba ibekwe kwi-*King Code and Report on Governance in South Africa*, 2009, nanoma yiziphi izichibiyelo zayo, noma ukubuyekezwa kwayo;

“isimemezelo” kushiwo isimemezelo esikhishwe kwiGazethi yesiFundazwe;

“isiFundazwe” kushiwo isiFundazwe saKwaZulu-Natali;

“iGazethi yesiFundazwe” kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

“umthethonqubo” kushiwo umthethonqubo osungulwe ngokwalo Mthetho, futhi kubandakanya noma yiluphi uHlelo olukuleyo Mithethonqubo;

“iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*)” kushiwo iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*) eyashicilelwakwiSaziso sesiFundazwe No. 135 sika 1996 mhla zi-4 kuMbasa 1996;

“iLungu loMkhandlu oPhethe” kushiwo iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya;

“iMithetho” ngokwezinhluso zoMthetho weziKhwama zeMpesheni, kushiwo –

(a) iMithetho yokuPhatha nokuLawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*seziMali eziBanjwa eMholweni*), isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*soMhlalaphansi*), kanye nesiKhwama soMhlalaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), ekhishwe ngokwemithethonqubo esungulwe –

(i) ngokwe-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

(ii) ngokwe-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*soMhlalaphansi*), 1974 (i-Odinensi No. 27 ka 1974); kanye

- (iii) nangokoMthetho wesiKhwama soMhlalaphansi esihlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995); kanye  
 (b) nayo yonke imithethonqubo esungulwe nezaziso ezikhishwe ngokwaleyo mithethonqubo.

**"Io Mthetho"** kubandakanya imithethonqubo nezaziso ezikhishwe ngokwaleyo mithethonqubo.

### Izinhloso zoMthetho

2. Izinhloso zoMthetho ukushintsha uhlaka olusemthethweni IwesiKhwama olusebenzayo kufakwe uhlaka oluwalwa kuphela, nolulandela, noluhambisana, –

- (i) noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;
- (ii) noMthetho weziKhwama zeMpesheni; kanye
- (iii) nemigomo yokubusa okuhle.

### Ukusebenza koMthetho

3.(1) Lo Mthetho usebenza kubona bonke omasipala abayingxenye futhi abangamalungu esikhwama.

(2) Izinhlinzeko zoMthetho weziKhwama zeMpesheni, 1956 ziyasebenza kulo Mthetho, 1956 futhi uMthetho weziKhwama zeMpesheni yiwona oyosebenza uma kwenzeka kuba nokushayisana phakathi kwezinhlinzeko zoMthetho weziKhwama zeMpesheni nezinhlinzeko zalo Mthetho.

### UkuqhubeKA kokusebenza kwesiKhwama

4.(1) IsiKhwama –

- (a) siyaqhubeKA nokusebenza nawo wonke amalungelo, amandla, amajoka, nayo yonke imisebenzi, impahla nazo zonke izikweletu zaso njengoba bekunjalo, kusukela ngosuku lokuqala kokusebenza kwalo Mthetho.
- (b) sisebenza ngokuhambisana nezinhlinzeko zalo Mthetho, kuncike kwizinhlinzeko zesigaba 3(2) zalo Mthetho.

(2) IMithethonqubo elawula isiKhwama seMpesheni esihlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*) kanye neMithetho iyasebenza esikhwameni.

**Ukuqhubeka nokuba yilungu lesiKhwama seMpesheni**

5. Kuncike ezihlinzekweni zalo Mthetho nanoma yimuphi omunye umthetho, umuntu ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho, obekade eyilungu lesiKhwama, uyoqhubeka nokuba yilungu lesiKhwama seMpesheni.

**Ukuqhubeka nokuzibandakanya nesiKhwama seMpesheni**

6. Bonke omasipala, ngaphambi kokuqala kokusebenza kwaio Mthetho, abebeyingxenye yesiKhwama seMpesheni, bathathwa njengabayingxenye yesiKhwama seMpesheni.

**Amandla eLungu IoMkhandlu oPhethe**

7.(1) ILungu IoMkhandlu oPhethe, ngemva kokubonisana nabesiKhwama seMpesheni –

(a) lingaqoka –

(i) ungoti wevezimali ozohlola ezezimali esiKhwameni seMpesheni; kanye  
(ii) nomcwaningimabhuku ozocwaninga izitatimende zezimali zesiKhwama seMpesheni; futhi  
(b) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo ekhona elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*) neMithetho;

(c) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo –

(i) emayelana nempahla, notshalomali kanye nezimali kanjalo neminye imithombo yengeniso yesiKhwama seMpesheni; futhi  
(ii) engashayisani nalo Mthetho, mayelana nanoma yiluphi udaba elilubona lunesidingo noma luwusizo ukuze kuhlinzekelwe ukusebenza kwalo Mthetho: Kuncike ekutheni ukusetshenziswa kwala mandla akuvinjelwa nanoma yiziphi izinhlinzeko zendima (a), (b) noma (c); futhi

(d) lingakhipha izaziso eziphathelene nalo Mthetho noma iMithethonqubo ngokuhambisana nalo Mthetho ngokusishicilela kwiGazethi yesiFundazwe.

(2) Noma yimuphi umthethonqubo osungulwe noma isaziso esikhishwe yiLungu IoMkhandlu oPhethe ngokuhambisana nesigatshana (1), singashicilewa noma singakhishwa, siyoqala ukusebenza ngosuku olungaphambi noma ngemuva kosuku lokumenyezelwa kwaso.

**Izinhlinzeko zesikhishana**

**8.(1) Kuncike ekuvikelweni kwamalungelo akhona ahlongozwe ezigabeni 4(1) kanye no 9(2)** –

- (a) iKomidi labaPhathi elisungulwe ngokuhambisana noMthethonqubo 5 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*) liyaqhubeka, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeBhodi labaPhathi besiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi labaPhathi besiKhwama seMpesheni;
- (b) iKomidi eliKhulu elasungulwa ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (*se-Provident Fund*) liyaqhubeka, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeKomidi eliKhulu lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi eliKhulu zesiKhwama seMpesheni; futhi
- (c) isiKhwama seMpesheni siyaqhubeka nokubuswa, nokuphathwa kanye nokulawulwa, ngezinguquko ezidingekayo, ngokuhambisana nezinhlinzeko zayo yonke –
  - (i) imithetho; kanye
  - (ii) nezinqubo zezokuphatha nezezimali, ebezisebenza esiKhwameni seMpesheni ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho.

**(2) Kuncike kwisigatshana (3), umsebenzi yinoma yimuphi umuntu osebenzela umasipala, –**

- (a) osebenza ngokugcwele kulowo masipala; futhi
- (b) oneminyaka engaphezu kweyi-17 ubudala, kodwa ngenkathi ejoyina umasipala obeneminyaka engaphezu kweyi-8 emsalele ngaphambi kokuthola impesheni.

**(3) Ngokwezinjongo zalo Mthetho –**

- (a) noma yimuphi umuntu oqashwe umasipala futhi ozoyeka ukusebenza ngemva kokuphela komsebenzi othile abeqashelwe wona, ingakapheli iminyaka emithathu, angeke athathwe njengomsebenzi kamasipala;
- (b) umuntu oqashwa umasipala esesalelwwe iminyaka engaphansi kweyi-8 ukuthi athole impesheni yokuguga angakhetha, ngemvume yalowo masipala omqashayo, ukuthi athathwe njengomsebenzi; futhi
- (c) kuncike ekugunyazweni yiBhodi labaPhathi, umuntu oqashwa umasipala ezosebenza ngezikhathi ezithile angakhetha, ngemvume kamasipala omqashayo, ukuthi athathwe njengomsebenzi.

(4) Kumele kubanjwe umhlangano okhethekile, obandakanya wonke amalungu abasebenzi nomasipala abayingxene ye siKhwama seMpesheni, zingakadluli izinyanga eziyi-12 ngemva kokushicilelwa kwalo Mthetho kwiGazethi yesiFundazwe.

**Ukuchithwa komthetho nezingxene zomthetho ezishiywa zinjalo**

9.(1) Umtetho obalulwe ohlwini lokuqala nolwesibili loHlelo olukulo Mthetho ngalokhu uyachithwa ngendlela ebekwe ohlwini Iwesithathu Iwalolu Hlelo.

(2) Yonke imithethonqubo esungulwe ngaphansi kwesiKhwama seMpesheni esihlanganyele, (*se-Provident Fund*), 1995 neMthetho, ngendlela esebeza ngayo esikhwameni seMpesheni, siyoqhube ka nokusebenza sengathi uMthetho okukhulunywa ngawo awuzange uchithwe njengoba kuhlongozwe esigatshaneni (1), kuze kube iyachitshiyelwa, iyachithwa noma iyashintshwa esikhundleni sayo kufakwa uMthethonqubo noma uMthetho, njengoba kungaba njalo, kwensiwa ngokuhambisana nesigaba 7.

**Isihloko esifingqiwe**

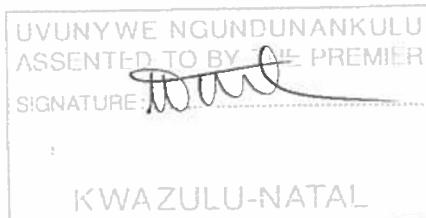
10. Lo Mthetho ubizwa ngoMthetho wesiKhwama seMpesheni esihlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 2017.

**UHLELO  
UMTHETHO OCHITHWAYO  
(Isigaba 9(1))**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
UMthetho No. 4 ka 1995	UMthetho wesiKhwama seMpesheni esihlanganyele soMasipala saKwaZulu-Natali ( <i>se-Provident Fund</i> ), 1995	Wonke

**NOTICE 5 OF 2018**

[English text signed by the Premier]

**KWAZULU-NATAL  
UMZIMKHULU ALIGNMENT ACT, 2017**  
(Act No. 09 of 2017)

Assented to on 07/02/2017.....

**ACT**

To provide for the alignment of the policy, statutory and administrative frameworks currently in force in the area of jurisdiction of the Umzimkhulu Local Municipality with the policy, statutory and administrative frameworks currently applicable and in force in the greater KwaZulu-Natal; to provide for the repeal of identified parts of the Eastern Cape policy, statutory and administrative frameworks in force in the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for the confirmation of the territorial application of the existing KwaZulu-Natal policy, statutory and administrative frameworks to the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for a framework for the protection of all existing rights and interests in the area of jurisdiction of the Umzimkhulu Local Municipality; to provide for the validation of executive and administrative actions performed in good faith in the area of jurisdiction of the Umzimkhulu Local Municipality; to authorise the Member of the

**Executive Council responsible for local government to make regulations and issue notices; to provide for transitional measures; and to provide for related matters.**

## PREAMBLE

**WHEREAS** the incorporation of the Umzimkhulu Local Municipality into the Province of KwaZulu-Natal on 1 March 2006, in accordance with the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), occurred without a specific statutory framework for the replacement of the applicable Eastern Cape policy, statutory and administrative frameworks by the existing KwaZulu-Natal policy, statutory and administrative frameworks; and

**WHEREAS** it is necessary to provide for the express replacement of the Eastern Cape policy, statutory and administrative frameworks applicable in the area of jurisdiction of the Umzimkhulu Local Municipality with the existing KwaZulu-Natal policy, statutory and administrative frameworks, this Act seeks to –

- (a) align the policy, statutory and administrative frameworks currently in force with those applicable in the greater KwaZulu-Natal;
- (b) repeal identified parts of the Eastern Cape policy, statutory and administrative frameworks in force in the area of jurisdiction of the Umzimkhulu Local Municipality;
- (c) confirm the territorial application of the existing KwaZulu-Natal policy, statutory and administrative frameworks to the area of jurisdiction of the Umzimkhulu Local Municipality;
- (d) provide a framework for the continued recognition and protection of all existing rights and interests in the area of jurisdiction of the Umzimkhulu Local Municipality;
- (e) validate all administrative acts performed in good faith in the area of jurisdiction of the Umzimkhulu Local Municipality;
- (f) vest regulatory and other powers in the Member of the Executive Council responsible for local government;
- (g) provide for transitional measures; and
- (h) provide an enabling framework for the sustainable development of the Umzimkhulu Local Municipality and its communities,

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

**Definitions**

1. In this Act, unless the context indicates otherwise –

“area of jurisdiction” means the designated area of jurisdiction of the Umzimkhulu Local Municipality;

“customary law” means those customs that are regarded to be binding on, and enforceable in respect of, all members of a particular traditional community whether or not recognised as contemplated in this Act;

“customs” means traditional practices adhered to by a traditional community, whether or not recognised as contemplated in this Act;

“date of incorporation” means 1 March 2006;

“Eastern Cape” means the Province of the Eastern Cape;

“Gazette” means the official Provincial Gazette of KwaZulu-Natal;

“KwaZulu-Natal” means the Province of KwaZulu-Natal;

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

“provincial legislature” means a provincial legislature as contemplated in section 104 of the Constitution of the Republic of South Africa, 1996;

“Provincial Legislature” means the Legislature of the Province of KwaZulu-Natal;

“provincial public entity” means a provincial public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“responsible Member of the Executive Council” means the Member of the Executive Council responsible for Local Government in KwaZulu-Natal;

**“rights and interests”** includes, but is not limited to –

- (a) authorisations, licences, permits and permissions; and
- (b) the concomitant liabilities, obligations and duties,

acquired, allocated, obtained, recognised or vested prior to the commencement of this Act in accordance with any policy, statutory or administrative framework;

**“this Act”** includes regulations made and notices and schedules published as contemplated in this Act;

**“traditional community”** means a community recognised as contemplated in section 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

**“traditional council”** means a council established as contemplated in section 8 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

**“traditional institution”** means an institution, whether or not recognised as contemplated in this Act, established as contemplated in accordance with the applicable customary law and customs of a traditional community, whether or not recognised as contemplated in section 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

**“traditional leader”** means a person recognised in Chapter 4 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), as a traditional leader; and

**“Umzimkhulu Local Municipality”** means the municipality –

- (a) established by Provincial Notice 344 of 2000, published in Provincial Gazette 5563 of 2000, as amended by Provincial Notice 1 of 2006, published in Provincial Gazette 6456 of 5 January 2006, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and
- (b) which shares municipal executive and legislative authority in its area with the Sisonke District Municipality, as contemplated in section 4 of the KwaZulu-Natal Determination of Types of Municipalities Act, 2000 (Act No. 7 of 2000).

**Application of Act**

2. This Act –

- (a) applies to the area of jurisdiction of the Umzimkhulu Local Municipality as contemplated in this Act and is administered by the responsible Member of the Executive Council; and
- (b) prevails in cases of conflict with any other provincial legislation.

**Policy, statutory and administrative frameworks applicable in Umzimkhulu**

3. Subject to the provisions of this Act, the policy, statutory and administrative frameworks obtaining in KwaZulu-Natal, as amended from time to time, apply to the area of jurisdiction of the Umzimkhulu Local Municipality from the date of commencement of this Act.

**Recognition and continued protection of existing rights and interests**

4.(1) Any right or interest, whether acquired, allocated, obtained, recognised or vested before or after the date of incorporation is hereby –

- (a) recognised and the content and substance thereof is not altered in any respect by the commencement of this Act; and
- (b) regarded to be a right or interest recognised by the policy, statutory and administrative frameworks existing in KwaZulu-Natal.

(2) Any application for the renewal of any right or interest that lapses within a specified period of time, as specified in any policy, statutory or administrative framework applicable to such right or interest, must be made in accordance with the relevant provision of the corresponding KwaZulu-Natal policy, statutory or administrative framework.

(3) In the absence of any corresponding KwaZulu-Natal policy, statutory or administrative framework as contemplated in subsections (1) or (2), the applicable Eastern Cape framework in accordance with which the right or interest was acquired, allocated, obtained, recognised or vested, is hereby recognised as the relevant KwaZulu-Natal policy, statutory or administrative framework, as the case may be, for as long as that right or interest exists.

**Validation of executive and administrative actions**

5.(1) All executive and administrative actions relating to any matter pertaining to the administration of the Umzimkhulu Local Municipality and the local communities within its area of jurisdiction before the commencement of this Act, performed in good faith by any functionary or official contemplated in subsection (2), are hereby regarded to have been validly performed –

- (a) as if the required legal basis, including, but not limited to, delegations, assignments, powers of attorney, service level agreements or service delivery agreements, had been in existence at the time of such actions being performed; or
- (b) where the then existing legal basis including, but not limited to, delegations, assignments, powers of attorney, service level agreements or service delivery agreements, was not fully complied with.

(2) For purposes of this section, “functionary” or “official” means –

- (a) a member of the Executive Councils of the Eastern Cape and KwaZulu-Natal;
- (b) an office-bearer or member of the Umzimkhulu, Alfred Nzo and Sisonke Municipal Councils; and
- (c) an official within –
  - (i) the Provincial Governments of the Eastern Cape and KwaZulu-Natal;
  - (ii) the Umzimkhulu Local Municipality and the Alfred Nzo and Sisonke District Municipalities; and
  - (iii) any provincial organ of state or provincial public entity.

**Regulatory and other powers**

6. The responsible Member of the Executive Council may –

- (a) by notice in the *Gazette* –
  - (i) make regulations not inconsistent with this Act for any matter that may facilitate the application of this Act; and
  - (ii) publish or amend any schedule he or she considers necessary for purposes of giving effect to this Act; and
- (b) issue notices in the *Gazette* relating to the conversion of rights and interests contemplated in section 4 of this Act.

### **Assets**

7. Any movable asset, which has not been transferred to the Provincial Government of KwaZulu-Natal or the Umzimkhulu Local Municipality, as the case may be, is transferred at the commencement of this Act.

### **Transitional arrangements**

8. Anything done or regarded to have been done under any provision of a law repealed by section 9 and which may or must be done as contemplated in this Act or a policy, statutory or administrative framework obtaining in KwaZulu-Natal, must be regarded as having been done as contemplated in the corresponding provision of this Act or the said policy, statutory or administrative framework obtaining in KwaZulu-Natal.

### **Repeal of laws**

9.(1) The laws mentioned in Parts A – F of the Schedule are hereby repealed to the extent indicated in the Schedule, insofar as they apply to KwaZulu-Natal.

(2) Any policy, statutory or administrative framework obtaining in the area of jurisdiction of the Umzimkhulu Local Municipality immediately prior to the commencement of this Act, which pertains to –

- (a) customary law and customs;
- (b) traditional communities; traditional councils, traditional leadership and other traditional institutions; and
- (c) land tenure and land administration,

is not affected by the provisions of this Act.

### **Short title**

10. This Act is called the KwaZulu-Natal Umzimkhulu Alignment Act, 2017.

**SCHEDULE**  
**Repeal of laws**  
*(section 9(1))*

**Part A: Ordinances and Proclamations of the former Province of the Cape of Good Hope assigned to the Eastern Cape**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
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Ordinance No. 7 of 1912	Cape Local Authorities Gas Ordinance, 1912	The whole
Ordinance No. 8 of 1913	East London Chamber of Commerce Act Amendment Private Ordinance, 1913	The whole
Ordinance No. 13 of 1913	City of Port Elizabeth Municipal Ordinance, 1913	The whole
Ordinance No. 23 of 1918	Agricultural Societies Loans Ordinance, 1918	The whole
Ordinance No. 4 of 1919	Poor Relief and Charitable Institutions Ordinance, 1919	The whole
Ordinance No. 7 of 1912	East London Municipal Ordinance, 1919	The whole
Ordinance No. 7 of 1912	Graaf-Reinet College Ordinance, 1924	The whole
Ordinance No. 7 of 1912	Poor Relief and Charitable Institutions Amendment Ordinance, 1924	The whole
Ordinance No. 7 of 1912	Cremation Ordinance, 1926	The whole
Ordinance No. 7 of 1912	Public Bodies (Audit) Ordinance, 1930	The whole
Ordinance No. 7 of 1912	Local Authorities (Investment of Funds) Ordinance, 1935	The whole
Ordinance No. 7 of 1912	Local Authorities (Audit) Ordinance, 1938	The whole
Ordinance No. 7 of 1912	Pounds Ordinance, 1938	The whole
Ordinance No. 7 of 1912	Land Expropriation (Provincial Administration) Ordinance, 1939	The whole
Ordinance No. 7 of 1912	City of Port Elizabeth Trackless Tram Private Ordinance, 1941	The whole
Ordinance No. 7 of 1912	Valuation Ordinance, 1944	The whole

Ordinance No. 1 of 1945	Commissions Ordinance, 1945	The whole
Ordinance No. 18 of 1946	Hospital Ordinance, 1946	The whole
Ordinance No. 2 of 1948	City of East London Extension of Boundaries Ordinance, 1948	The whole
Ordinance No. 21 of 1950	City of Port Elizabeth Trackless Tram Amendment (Private) Ordinance, 1950	The whole
Ordinance No. 15 of 1955	Hospitals Amendment Ordinance, 1955	The whole
Ordinance No. 3 of 1956	Hospitals Amendment Ordinance, 1956	The whole
Ordinance No. 11 of 1955	Ambulance Personnel Transfer and Pensions Ordinance, 1955	The whole
Ordinance No. 20 of 1956	Education Ordinance, 1956	The whole
Ordinance No. 26 of 1957	Problem Animal Control Ordinance, 1957	The whole

Ordinance No. 6 of 1963	Local Authorities (Development according to Community) Ordinance, 1963	The whole
Ordinance No. 16 of 1964	Prescription (Local Authorities) Ordinance, 1964	The whole
Ordinance No. 23 of 1964	Provincial Restaurant Ordinance, 1964	The whole
Ordinance No. 13 of 1964	Delegation of Powers Ordinance, 1965	The whole
Ordinance No. 11 of 1968	East Griqualand Divisional Council Ordinance, 1968	The whole
Ordinance No. 20 of 1971	Public Resorts Ordinance, 1971	The whole
Ordinance No. 12 of 1972	Gibbon Bequest Ordinance, 1972	The whole
Ordinance No. 10 of 1974	Division of Kaffraria Establishment Ordinance, 1974	The whole
Ordinance No. 19 of 1974	Nature and Environmental Conservation Ordinance, 1974	The whole
Ordinance No. 20 of 1974	Municipal Ordinance, 1974	The whole
Ordinance No. 18 of 1976	Divisional Councils Ordinance, 1976	The whole
Ordinance No. 19 of 1976	Roads Ordinance, 1976	The whole
Ordinance No. 8 of 1977	Civil Defence Ordinance, 1977	The whole
Ordinance No. 15 of 1977	Recovery of Payments by Statutory Bodies Ordinance, 1977	The whole
Ordinance No. 13 of 1978	Committees of Inquiry Ordinance, 1978	The whole
Ordinance No. 19 of 1978	Dog Tax Ordinance, 1978	The whole
Ordinance No. 3 of 1982	Nature Reserve Validation Ordinance, 1982	The whole
Ordinance No. 15 of 1985	Land Use Planning Ordinance, 1985	The whole
Ordinance No. 11 of 1986	Prohibition of Dog Races Ordinance, 1986	The whole
Ordinance No. 148 of 1993	Property Valuation Ordinance, 1993	The whole

**Part B: Proclamations, Regulations and Notices issued by the South African Government assigned to the Eastern Cape**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Proclamation No. 142 of 15 November 1910	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole
Proclamation No. 196 of 26 November 1920	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole
Proclamation No. 70 of 23 April 1937	Proclamation made in terms of the Authority of the Governor General of the Union of South Africa	The whole
Proclamation No. 116 of 13 May 1949	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole
Proclamation No. R. 293 of 16 November 1962	Proclamation made in terms of section 4 of the Native Trust and Land Act, 1936	The whole
Proclamation No. R. 5 of 11 January 1963	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole

Proclamation No. R. 192 of 8 September 1967	Proclamation made in terms of section 25(1) of the Bantu Administration Act 1927	The whole
Proclamation No. R. 196 of 8 September 1967	Proclamation made in terms of section 25(1) of the Native Administration Act, 1927	The whole
Proclamation No. 300 of 18 October 1968	Proclamation made in terms of section 25(1) of the Bantu Administration Act 1927	The whole
Proclamation No. R. 33 of 28 February 1971	Proclamation made in terms of section 25(1) of the Bantu Administration Act 1927	The whole
Proclamation No. R. 322 of 15 December 1972	Proclamation made in terms of section 25(1) of the Bantu Administration Act, 1927	The whole
Proclamation No. R. 1897 of 12 September 1986	Regulations relating to Township Establishment and Land Use (made in terms of section 66(1) of the Black Communities Development Act, 1984)	The whole
Proclamation No. 133 of 4 August 1994	Transitional Arrangements: Policing Services (made in terms of section 235(7) of the Constitution of the Republic of South Africa Act, 1993)	The whole
Proclamation No. 153 of 31 October 1994	Proclamation made in terms of section 235(8) of the Constitution of the Republic of South Africa Act, 1993	The whole

**Part C: Enactments of the South African Parliament assigned to the Eastern Cape Province**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 38 of 1927	Black Administration Act, 1927	Sections 1 and 2(7), (7) <i>bis</i> , (7) <i>ter</i> and (8)
Act No. 21 of 1935	Seashore Act, 1935	The whole
Act No. 21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	The whole
Act No. 71 of 1962	Animals Protection Act, 1962	The whole
Act No. 81 of 1967	Aged Persons Act, 1967	The whole
Act No. 84 of 1967	Removal of Restrictions Act, 1967	The whole
Act No. 88 of 1967	Physical Planning Act, 1967	The whole
Act No. 63 of 1970	Mountain Catchment Areas Act, 1970	The whole
Act No. 41 of 1971	Abuse of Dependence-producing Substance and Rehabilitation Centres Act, 1971	The whole
Act No. 9 of 1972	National Road Safety Act, 1972	The whole
Act No. 209 of 1993	Local Government Transition Act, 1993	The whole

**Part D: Enactments of the former Transkei Legislative Assembly assigned to the Eastern Cape Province**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 6 of 1965	Transkeian Animal Husbandry Improvement Account Act, 1965	The whole
Act No. 3 of 1968	Transkeian Artificial Insemination of Animals Act, 1968	The whole
Act No. 8 of 1969	Transkeian Taxation Act, 1969	The whole
Act No. 17 of 1976	Local Authorities Act, 1976	The whole
Act No. 25 of 1976	Administration (Amendment) Act, 1976	The whole
Act No. 28 of 1978	Animal Diseases and Parasites Act, 1978	The whole
Act No. 29 of 1978	Municipalities (Audit) Act, 1978	The whole
Act No. 30 of 1978	Valuation Act, 1978	The whole
Act No. 33 of 1978	Agricultural Pests Act, 1978	The whole
Act No. 14 of 1979	Plant Improvement Act, 1979	The whole
Act No. 24 of 1979	Municipalities Act, 1979	The whole
Act No. 18 of 1981	Animal Slaughter, Meat and Animal Products Hygiene Act, 1981	The whole
Act No. 6 of 1983	Chief's Courts Act, 1983	The whole
Act No. 25 of 1985	Health Laws (Amendment) Act (Transkei), 1985	The whole

**Part E: Proclamations, Decrees, Regulations and Notices issued by the former Transkei Government assigned to the Eastern Cape**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Decree No. 6 of 1989	Transkei Sports Council Decree, 1989	The whole
Decree No. 8 of 1989	Transkei Sports and Educational Aid Trust Decree, 1989	The whole
Decree No. 14 of 1989	Lotteries Decree, 1989	The whole
Decree No. 4 of 1990	Orderly Control of Gambling Decree, 1990	The whole
Decree No. 17 of 1990	Casinos Decree, 1990	The whole
Decree No. 9 of 1992	Environmental Conservation Decree, 1992	The whole

**Part F: Enactments of the Eastern Cape Provincial Legislature**

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Act No. 1 of 1994	Provincial Exchequer Act (Eastern Cape), 1994	The whole
Act No. 3 of 1994	Provincial Commissions Act (Eastern Cape), 1994	The whole
Act No. 4 of 1994	Provincial Public Protector Act (Eastern Cape), 1994	The whole

Act No. 1 of 1995	House of Traditional Leaders Act (Eastern Cape), 1995	The whole
Act No. 2 of 1995	Adjustments Appropriation Act (Eastern Cape), 1995	The whole
Act No. 3 of 1995	Appropriation Act (Eastern Cape), 1995	The whole
Act No. 4 of 1995	Education Laws Amendment (Conduct of Matriculation Examinations) Act, 1995	The whole
Act No. 6 of 1995	Promotion of Youth Affairs Act (Eastern Cape), 1995	The whole
Act No. 8 of 1995	Provincial Exchequer Amendment Act (Eastern Cape), 1995	The whole
Act No. 10 of 1995	Ciskei Fund-Raising Laws Act (Eastern Cape), 1995	The whole
Act No. 11 of 1995	Property Valuation Ordinance (1993) Amendment Act (Eastern Cape), 1995	The whole
Act No. 1 of 1996	Adjustments Appropriation Act (Eastern Cape), 1996	The whole
Act No. 2 of 1996	Appropriation Act, 1996	The whole
Act No. 3 of 1996	Remuneration and Allowances of Members of the Provincial Legislature Act (Eastern Cape), 1996	The whole
Act No. 1 of 1997	Adjustments Appropriation Act (Eastern Cape), 1997	The whole
Act No. 2 of 1997	Eastern Cape Development Corporation Act, 1997	The whole
Act No. 3 of 1997	Businesses Act (Extension of Application of the Businesses Act, 1991), 1997	The whole
Act No. 4 of 1997	Appropriation Act (Eastern Cape), 1997	The whole
Act No. 5 of 1997	Eastern Cape Gambling and Betting Act, 1997	The whole
Act No. 6 of 1997	Road Traffic (Transitional Provisions) Act (Eastern Cape), 1997	The whole
Act No. 7 of 1997	House of Traditional Leaders Amendment Act (Eastern Cape), 1997	The whole
Act No. 8 of 1997	Regulation of Development in Rural Areas Act (Eastern Cape), 1997	The whole
Act No. 9 of 1997	Gambling and Betting Amendment Act (Eastern Cape), 1997	The whole
Act No. 1 of 1998	Adjustments Appropriation Act (Eastern Cape), 1998	The whole
Act No. 2 of 1998	Interim Appropriation Act (Eastern Cape), 1998	The whole
Act No. 3 of 1998	Second Adjustments Appropriation Act (Eastern Cape), 1998	The whole
Act No. 4 of 1998	Appropriation Act (Eastern Cape), 1998	The whole
Act No. 5 of 1998	Consumer Affairs (Unfair Business Practices) Act (Eastern Cape), 1998	The whole
Act No. 6 of 1998	Gambling and Betting Amendment Act (Eastern Cape), 1998	The whole
Act No. 1 of 1999	Eastern Cape Schools Education Act, 1999	The whole
Act No. 2 of 1999	Adjustments Appropriation Act (Eastern Cape), 1999	The whole
Act No. 3 of 1999	Road Traffic Act (Eastern Cape), 1999	The whole
Act No. 4 of 1999	Appropriation Act (Eastern Cape), 1999	The whole
Act No. 5 of 1999	Gambling and Betting Amendment Act (Eastern Cape), 1999	The whole
Act No. 7 of 1999	Finance and Administration Act, 1999	The whole
Act No. 8 of 1999	Agricultural Development Act, 1999	The whole
Act No. 9 of 1999	Eastern Cape Rural Finance Corporation Act, 1999	The whole

Act No. 10 of 1999	Eastern Cape Provincial Health Act, 1999	The whole
Act No. 11 of 1999	Passenger Transportation (Interim Provisions) Act (Eastern Cape), 1999	The whole
Act No. 3 of 2000	Gambling and Betting Amendment Act (Eastern Cape), 2000	The whole
Act No. 4 of 2000	Appropriation Act, 2000	The whole
Act No. 5 of 2000	Determination of Types of Municipalities Act, 2000	The whole
Act No. 7 of 2000	Eastern Cape Land Disposal Act, 2000	The whole
Act No. 1 of 2001	Provincial Tender Board Amendment Act (Eastern Cape), 2001	The whole
Act No. 2 of 2001	Adjustments Appropriation Act (Eastern Cape), 2001	The whole
Act No. 4 of 2001	Appropriation Act (Eastern Cape), 2001	The whole
Act No. 5 of 2001	Promotion of Youth Affairs Amendment Act, 2001	The whole
Act No. 6 of 2001	Application of Health Standards in Traditional Circumcision Act, 2001	The whole
Act No. 7 of 2001	Meat Safety Act, 2001	The whole
Act No. 8 of 2001	Animal Identification Act, 2001	The whole
Act No. 9 of 2001	House of Traditional Leaders Amendment Act (Eastern Cape), 2001	The whole
Act No. 10 of 2001	Adjustment Appropriation Act (Eastern Cape), 2001	The whole
Act No. 1 of 2002	Interim Appropriation Act, 2002	The whole
Act No. 2 of 2002	Second Adjustment Appropriation Act, 2002	The whole
Act No. 4 of 2002	Provincial Legislature Finance and Administration Act, Repeal Act, 2002	The whole
Act No. 5 of 2002	Appropriation Act, 2002	The whole
Act No. 6 of 2002	Corporations Transitional Provisions Amendment Act, 2002	The whole
Act No. 7 of 2002	Gambling and Betting (Fees and taxes) Amendment Act, 2002	The whole
Act No. 8 of 2002	Gambling and Betting Amendment Act (Eastern Cape), 2002	The whole
Act No. 9 of 2002	Adjustments Appropriation Act (Eastern Cape), 2002	The whole
Act No. 10 of 2002	Livestock Improvement Act, 2002	The whole
Act No. 1 of 2003	Second Adjustments Appropriation Act (Eastern Cape), 2003	The whole
Act No. 2 of 2003	Appropriation Act, 2003	The whole
Act No. 3 of 2003	Eastern Cape Roads Act, 2003	The whole
Act No. 3[sic] of 2003	Adjustments Appropriation Act (Eastern Cape), 2003	The whole
Act No. 4 of 2003	Education and Training of Nurses and Midwives Act (Eastern Cape), 2003	The whole
Act No. 5 of 2003	Eastern Cape Tourism Board (Extension of Term of Office of Members) Act, 2003	The whole
Act No. 6 of 2003	Libraries and Information Service Act (Eastern Cape), 2003	The whole
Act No. 7 of 2003	Provincial Archives and Record Services Act, 2003	The whole
Act No. 8 of 2003	Eastern Cape Tourism Act, 2003	The whole
Act No. 9 of 2003	Eastern Cape Heritage Resources Act, 2003	The whole

Act No. 10 of 2003	Eastern Cape Liquor Act, 2003	The whole
Act No. 12 of 2003	Provincial Parks Board Act (Eastern Cape), 2003	The whole
Act No. 1 of 2004	Second Adjustments Appropriation Act, 2004	The whole
Act No. 2 of 2004	Appropriation Act, 2004	The whole
Act No. 3 of 2004	Adjustments Appropriation Act (Eastern Cape), 2004	The whole
Act No. 4 of 2004	Exhumations Act (Eastern Cape), 2004	The whole
Act No. 5 of 2004	Eastern Cape Schools Education Amendment Act, 2004	The whole
Act No. 6 of 2004	Provincial Tender Board Repeal Act (Eastern Cape), 2004	The whole
Act No. 7 of 2004	Museums Act (Eastern Cape), 2004	The whole
Act No. 1 of 2005	Adjustments Appropriation Act, 2005	The whole
Act No. 2 of 2005	Appropriation Act (Eastern Cape), 2005	The whole
Act No. 3 of 2005	House of Traditional Leaders Amendment Act, 2005	The whole
Act No. 4 of 2005	Traditional Leadership and Governance Act (Eastern Cape), 2005	The whole
Act No. 5 of 2005	Second Adjustments Appropriation Act, 2005	The whole
Act No. 1 of 2006	Adjustments Appropriation Act, 2006	The whole
Act No. 2 of 2006	Appropriation Act (Eastern Cape), 2006	The whole

**KENNISGEWING 5 VAN 2018**

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL WET**  
**OP BERIGTING VAN UMZIMKHULU, 2017**  
**(No. 09 van 2017)**

Goedgekeur op 07-12-2017

**WET**

Om voorsiening te maak vir die berigting van die beleid, statutêre en administratiewe raamwerke tans van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit met die beleid, statutêre en administratiewe raamwerke tans van toepassing en van krag in die groter KwaZulu-Natal; om voorsiening te maak vir die herroeping van geïdentifiseerde dele van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te maak vir die bevestiging van die territoriale toepassing van die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke vir die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te

maak vir 'n raamwerk vir die beskerming van bestaande regte en belangte in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om voorsiening te maak vir die bekragtiging van uitvoerende en administratiewe handelinge uitgevoer te goeder trou in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit; om die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering te bemagtig om regulasies uit te vaardig en kennisgewings uit te reik; om voorsiening te maak vir oorgangsreëlings; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

#### AANHEF

**AANGESIEN** die inlywing van die Umzimkhulu Plaaslike Munisipaliteit in die Provincie van KwaZulu-Natal op 1 Maart 2006, in ooreenstemming met die Grondwet van die Republiek van Suid-Afrika, 1996, en die Wysigingswetsontwerp op die Herroeping van Wette Betreffende Oorgrensmunisipaliteite en Aanverwante Aangeleenthede, 2005 (Wet No. 23 van 2005), plaasgevind het sonder 'n bepaalde statutêre raamwerk vir die vervanging van die toepaslike Oos-Kaap beleid, statutêre raamwerke deur die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke; en

**AANGESIEN** dit nodig is om voorsiening te maak vir die spoedige vervanging van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van toepassing in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit met die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke, beoog die Wet om –

- (a) die beleid, statutêre en administratiewe raamwerke tans van krag te berig met dit wat van toepassing is in die groter KwaZulu-Natal;
- (b) geïdentifiseerde dele van die Oos-Kaap beleid, statutêre en administratiewe raamwerke van krag in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te herroep;
- (c) die territoriale toepassing van die bestaande KwaZulu-Natal beleid, statutêre en administratiewe raamwerke in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te bevestig;
- (d) voorsiening te maak vir 'n raamwerk vir die voortgesette erkenning en beskerming van alle bestaande regte en belangte in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit;
- (e) alle administratiewe handelinge wat te goeder trou uitgevoer is in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit te bekragtig;
- (f) regulerende en ander bevoegdhede te verleen aan die Lid van die Uitvoerende

Raad verantwoordelik vir plaaslike regering;  
(g) voorsiening te maak vir oorgangsreëlings; en  
(h) 'n magtigingsraamwerk te voorsien vir die volhoubare ontwikkeling van die Umzimkhulu Plaaslike Munisipaliteit en sy gemeenskappe.

**DAAR WORD** soos volg deur die Proviniale Wetgewer van die Provinie van KwaZulu-Natal bepaal:-

### **1. Omskrywings**

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken –

“gewoontereg” daardie gewoontes wat beskou word as bindend op, en afdwingbaar ten opsigte van, alle lede van 'n spesifieke tradisionele gemeenskap ongeag of dit erken word soos bedoel in hierdie Wet;

“gewoontes” tradisionele praktyke nagekom deur 'n tradisionele gemeenskap, ongeag of dit erken word soos bedoel in hierdie Wet;

“hierdie Wet” sluit in regulasies uitgevaardig en kennisgewings en bylae gepubliseer soos bedoel in hierdie Wet;

“datum van inlywing” 1 Maart 2006;

“jurisdiksiegebied” die benoemde jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit;

“koerant” die amptelike Proviniale Koerant van KwaZulu-Natal;

“KwaZulu-Natal” die Provinie van KwaZulu-Natal;

“Oos-Kaap” die Provinie van die Oos-Kaap;

“proviniale openbare entiteit” 'n provinsiale openbare entiteit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

“Proviniale Wetgewer” die Wetgewer van die Provinie van KwaZulu-Natal;

**“provinsiale wetgewer”** ‘n provinsiale wetgewer soos bedoel in artikel 104 van die Grondwet van die Republiek van Suid-Afrika, 1996;

**“regte en belang”** sluit in, maar is nie beperk nie, tot –

- (a) magtigings, lisensies, permitte en toestemmings; en
- (b) die gepaardgaande laste, verpligte en pligte,

verkry, toegeken, verwerf, erken of gesetel voor die inwerkingtreding van die Wet in ooreenstemming met enige beleid, statutêre of administratiewe raamwerk;

**“staatsorgaan”** ‘n staatsorgaan soos omskryf in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;

**“tradisionele gemeenskap”** ‘n gemeenskap erken soos bedoel in artikel 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

**“tradisionele instelling”** ‘n instelling, ongeag of dit erken word soos bedoel in hierdie Wet, gestig soos bedoel in ooreenstemming met die toepaslike gewoontereg en gewoontes van ‘n tradisionele gemeenskap, ongeag of dit erken word soos bedoel in artikel 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

**“tradisionele leier”** ‘n persoon soos erken in Hoofstuk 4 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005), as ‘n tradisionele leier;

**“tradisionele raad”** ‘n raad ingestel soos bedoel in artikel 8 van die KwaZulu-Natal Wet op Tradisionele Leierskap en Regering, 2005 (Wet No. 5 van 2005);

**“Umzimkhulu Plaaslike Munisipaliteit”** die munisipaliteit –

- (a) ingestel deur Provinsiale Kennisgewing 344 van 2000, gepubliseer in Provinsiale Koerant 5563 van 2000, soos gewysig deur Provinsiale Kennisgewing 1 van 2006, gepubliseer in *Provinsiale Koerant* 6456 van 5 Januarie 2006, uitgereik ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998); en
- (b) wat munisipale uitvoerende en wetgewende gesag deel in sy gebied met die Sisonke Distriksmunisipaliteit, soos bedoel in artikel 4 van die KwaZulu-

Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000 (Wet No. 7 van 2000).

"verantwoordelike Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in KwaZulu-Natal.

### Toepassing van Wet

#### 2. Hierdie Wet –

- (a) is van toepassing op die jurisdiksiegebied van Umzimkhulu Plaaslike Munisipaliteit soos bedoel in hierdie Wet, en word geadministreer deur die verantwoordelike Lid van die Uitvoerende Raad; en
- (b) geld in gevalle van konflik met enige ander provinsiale wetgewing.

### Beleid, statutêre en administratiewe raamwerke van toepassing in Umzimkhulu

3. Onderhewig aan die bepalings van die Wet, die beleid, statutêre en administratiewe raamwerke wat geld in KwaZulu-Natal, soos gewysig van tyd tot tyd, is van toepassing in die jurisdiksiegebied van Umzimkhulu Plaaslike Munisipaliteit vanaf die inwerkintredingsdatum van hierdie Wet.

### Erkenning en voortbestaande beskerming van bestaande regte en belang

4. (1) Enige reg of belang, verkry, toegeken, verwerf, erken of gesetel voor of na die inlywingsdatum word hiermee –

- (a) erken en die inhoud en wese daarvan is nie in enige opsig deur die inwerkintreding van die Wet verander nie; en
- (b) beskou as 'n reg of belang erken deur die beleid, statutêre en administratiewe bestaande raamwerke in KwaZulu-Natal.

(2) Enige aansoek om die hernuwing van enige reg of belang wat binne 'n gespesifieerde tydperk verval, soos gespesifieer in enige beleid, statutêre of administratiewe raamwerk van toepassing op sodanige reg of belang, moet in ooreenstemming met die betrokke bepaling van die ooreenstemmende KwaZulu-Natal beleid, statutêre en administratiewe raamwerk gemaak word.

(3) In die afwesigheid van enige ooreenstemmende KwaZulu-Natal beleid, statutêre en

administratiewe raamwerk soos bedoel in subartikels (1) en (2), word die toepaslike Oos-Kaap raamwerk, in ooreenstemming met dit waarmee die reg of belang verkry, toegeken, verwerf, erken of gesetel was, hiermee erken as die relevante KwaZulu-Natal beleid, statutêre of administratiewe raamwerk, soos die geval mag wees, vir solank as wat daardie reg of belang bestaan.

### **Bekragtiging van uitvoerende en administratiewe funksies**

5.(1) Alle uitvoerende en administratiewe aksies ten opsigte van enige aangeleentheid betreffende die administrasie van die Umzimkhulu Plaaslike Munisipaliteit en die plaaslike gemeenskappe binne die jurisdiksiegebied voor die inwerkingtreding van hierdie Wet en uitgevoer te goeder trou deur enige amptenaar of beampete bedoel in subartikel (2), word hiermee beskou as geldig uitgevoer –

- (a) asof die vereiste regsbasis, ingesluit, maar nie beperk nie tot, delegerings, take, volmag, diensvlakoordeenskomste en diensleweringsoordeenskomste, bestaan het ten tyde van die uitvoer van sodanige handelinge; of
- (b) waar die regsbasis wat toe bestaan het, ingesluit het, maar nie beperk was nie, tot delegerings, take, volmag, diensvlakoordeenskomste diensleweringsoordeenskomste, nie ten volle nagekom was nie.

(2) Vir die doelwitte van hierdie artikel, beteken "amptenaar" of "beampete" –

- (a) 'n lid van die Uitvoerende Rade van die Oos-Kaap en KwaZulu-Natal;
- (b) 'n amptsaer of lid van die Umzimkhulu, Alfred Nzo en Sisonke Munisipale Rade; en
- (c) 'n beampete binne –
  - (i) die Provinciale Regerings van die Oos-Kaap en KwaZulu-Natal;
  - (ii) die Umzimkhulu Plaaslike Munisipaliteit en die Alfred Nzo en Sisonke Distriksmunisipaliteite; en
  - (iii) enige provinsiale staatsorgaan of enige provinsiale openbare entiteit.

### **Regulerende en ander bevoegdhede**

6. Die verantwoordelike Lid van die Uitvoerende Raad mag –

- (a) deur kennisgewing in die *Koerant* –
  - (i) regulasies uitvaardig wat nie teenstrydig is met die Wet vir enige aangeleentheid wat die toepassing van die Wet mag fasiliteer nie; en
  - (ii) enige bylae publiseer of wysig wat hy of sy nodig ag vir die doel om

hierdie Wet in werking te stel; en  
(b) kennisgewings uitreik in die *Koerant* betreffende die omskakeling van regte en belange soos bedoel in artikel 4 van hierdie Wet.

### Bates

7. Enige roerende bates wat nog nie oorgedra is na die Provinciale Regering van KwaZulu-Natal of die Umzimkhulu Plaaslike Munisipaliteit nie, na gelang van die geval, word oorgedra by die inwerkingtreding van hierdie Wet.

### Oргангиес

8. Enigets gedoen of wat beskou word as gedoen volgens enige bepaling van 'n wet wat herroep is deur artikel 9 en wat kan of moet gedoen word soos bedoel in hierdie Wet of 'n beleid, statutêre of administratiewe raamwerk wat geld in KwaZulu-Natal, moet beskou word as gedoen soos bedoel in die ooreenstemmende bepaling van hierdie Wet of die vermelde beleid, statutêre of administratiewe raamwerk geldend in KwaZulu-Natal.

### Herroeping van wette

9.(1) Die wette vermeld in Gedeeltes A – F van die Bylae word hiermee herroep tot die omvang soos aangedui in die Bylae, in soverre as wat dit van toepassing is op KwaZulu-Natal.

(2) Enige beleid, statutêre of administratiewe raamwerk wat bestaan in die jurisdiksiegebied van die Umzimkhulu Plaaslike Munisipaliteit direk voor die inwerkingtreding van hierdie Wet, wat betrekking het op –

- (a) gewoontereg en gewoontes;
- (b) tradisionele gemeenskappe, tradisionele rade, tradisionele leierskap en enige ander tradisionele instellings; en
- (c) grondgebruik en grondadministrasie,

word nie geaffekteer deur die bepalings van hierdie Wet nie.

### Kort titel

10. Hierdie Wet word die KwaZulu-Natal Wet op die Berigting van Umzimkhulu, 2017, genoem.

**BYLAE**  
**Herroeping van wette**  
*(artikel 9(1))*

**Deel A: Ordonnansies en Proklamasies van die vorige Provinsie van die Kaap van Goeie Hoop toegeken aan die Oos-Kaap.**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 7 van 1912	Gas Ordonnansie van Kaapse Plaaslike Regering, 1912	Geheel
Ordonnansie No. 8 van 1913	Privaatordonnansie op Wetswysiging van Kamer van Koophandel van Oos-Londen, 1913	Geheel
Ordonnansie No. 13 van 1913	Munisipale Ordonnansie op die Stad van Port Elizabeth, 1913	Geheel
Ordonnansie No. 23 van 1918	Ordonnansie op Landboukundige Verenigingslenings, 1918	Geheel
Ordonnansie No. 4 van 1919	Ordonnansie op Armesorg en Liefdadigheidsinrigtings, 1919	Geheel
Ordonnansie No. 11 van 1919	Oos-Londen Munisipale Ordonnansie, 1919	Geheel
Ordonnansie No. 4 van 1924	Graaff-Reinet Kollege Ordonnansie, 1924	Geheel
Ordonnansie No. 5 van 1924	Wysigingsordonnansie op Armesorg en Liefdadigheidsinrigtings, 1924	Geheel
Ordonnansie No. 6 van 1926	Ordonnansie op Verassings, 1926	Geheel
Ordonnansie No. 24 van 1930	Ordonnansie op Openbare Liggame (Oudit), 1930	Geheel
Ordonnansie No. 23 van 1935	Ordonnansie op Plaaslike Owerhede (Belegging van Fondse), 1935	Geheel
Ordonnansie No. 17 van 1938	Ordonnansie op Plaaslike Owerhede (Oudit), 1938	Geheel
Ordonnansie No. 18 van 1938	Skutte Ordonnansie, 1938	Geheel
Ordonnansie No. 9 van 1939	Ordonnansie op Grondonteiening (Provinsiale Administrasie), 1939	Geheel
Ordonnansie No. 11 van 1941	Stad van Port Elizabeth Spoorlose Trem Privaatordonnansie, 1941	Geheel
Ordonnansie No. 26 van 1944	Ordonnansie op Waardasie, 1944	Geheel
Ordonnansie No. 1 van 1945	Ordonnansie op Kommissies, 1945	Geheel
Ordonnansie No. 18 van 1946	Ordonnansie op Hospitale, 1946	Geheel
Ordonnansie No. 2 van 1948	Stad van Oos-London Ordonnansie op Uitbreiding van Grense, 1948	Geheel
Ordonnansie No. 21 van 1950	Stad van Port Elizabeth Spoorlose Trem (Privaat) Wysigingsordonnansie, 1950	Geheel

Ordonnansie No. 15 van 1955	Wysigingsordonnansie op Hospitale, 1955	Geheel
Ordonnansie No. 3 van 1956	Wysigingsordonnansie op Hospitale, 1956	Geheel
Ordonnansie No. 11 van 1955	Ordonnansie op Verplasing en Pensioene van Ambulanspersoneel, 1955	Geheel
Ordonnansie No. 20 van 1956	Onderwysordonnansie, 1956	Geheel
Ordonnansie No. 26 van 1957	Ordonnansie op die Beheer van Probleemdiere, 1957	Geheel
Ordonnansie No. 6 van 1963	Ordonnansie op Plaaslike Owerhede (Ontwikkelig volgens Gemeenskap), 1963	Geheel
Ordonnansie No. 16 van 1964	Ordonnansie op Verjaring (Plaaslike Owerhede), 1964	Geheel
Ordonnansie No. 23 van 1964	Provinsiale Ordonnansie op Restaurante, 1964	Geheel
Ordonnansie No. 13 van 1965	Ordonnansie op Delegering van Bevoegdhede, 1965	Geheel
Ordonnansie No. 11 van 1968	Oos-Griekwaland Afdelingsraadordonnansie, 1968	Geheel
Ordonnansie No. 20 van 1971	Ordonnansie op Openbare Oorde, 1971	Geheel
Ordonnansie No. 12 van 1972	Gibbon Erflatingsordonnansie, 1972	Geheel
Ordonnansie No. 10 van 1974	Stigtingsordonnansie op Verdeling van Kaffraria, 1974	Geheel
Ordonnansie No. 19 van 1974	Ordonnansie op Natuur- en Omgewingsbewaring, 1974	Geheel
Ordonnansie No. 20 van 1974	Munisipale Ordonnansie, 1974	Geheel
Ordonnansie No. 18 van 1976	Ordonnansie op Afdelingsrade, 1976	Geheel
Ordonnansie No. 19 van 1976	Ordonnansie op Paaie, 1976	Geheel
Ordonnansie No. 8 van 1977	Ordonnansie op Burgerlike Beskerming, 1977	Geheel
Ordonnansie No. 15 van 1977	Ordonnansie op Herwinning van Betalings deur Statutêre Liggame, 1977	Geheel
Ordonnansie No. 13 van 1978	Ordonnansie op Kommissies van Ondersoek, 1978	Geheel
Ordonnansie No. 19 van 1978	Ordonnansie op Hondebelasting, 1978	Geheel
Ordonnansie No. 3 van 1982	Natuurreervaat Bekragtigingsordonnanse, 1982	Geheel
Ordonnansie No. 15 van 1985	Ordonnansie op Grondgebruiksbeplanning, 1985	Geheel
Ordonnansie No. 11 van 1986	Ordonnansie op Verbod op Hondewedrenne, 1986	Geheel
Ordonnansie No. 148 van 1993	Ordonnansie op Eiendomswaardering, 1993	Geheel

**Deel B: Proklamasies, Regulasies en Kennisgewings toegeken aan die Oos-Kaap deur die Suid-Afrikaanse Regering**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Proklamasie No. 142 van 15 November 1910	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel
Proklamasie No. 196 van 26 November 1920	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel

Proklamasie No. 70 van 23 April 1937	Proklamasie uitgevaardig ingevolge die Gesag van die Goewerneur-Generaal van die Unie van Suid-Afrika	Geheel
Proklamasie No. 116 van 13 Mei 1949	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. R. 293 van 16 November 1962	Proklamasie uitgevaardig ingevolge artikel 4 van die Wet op Naturelle Trust en Grond, 1936	Geheel
Proklamasie No. R. 5 van 11 Januarie 1963	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. R. 192 van 8 September 1967	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 196 van 8 September 1967	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Naturelle-Administrasie, 1927	Geheel
Proklamasie No. 300 van 18 Oktober 1968	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 33 van 28 Februarie 1971	Proklamasie uitgevaardig ingevolge artikel 25(1) die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 322 van 15 Desember 1972	Proklamasie uitgevaardig ingevolge artikel 25(1) van die Wet op Bantoe-Administrasie, 1927	Geheel
Proklamasie No. R. 1897 van 12 September 1986	Regulasies met verwysing na Dorpsbeplanning en Grondgebruik uitgevaardig in terme van artikel 66(1) van die Swart Gemeenskap Ontwikkelingswet, 1984	Geheel
Proklamasie No. 133 van 4 Augustus 1994	Oorgangsreëlings: Polisiëringsdienste (uitgevaardig ingevolge artikel 235(7) van die Wet op die Grondwet van die Republiek van Suid-Afrika 1993)	Geheel
Proklamasie No. 153 van 31 Oktober 1994	Proklamasie uitgevaardig ingevolge artikel 235(8) van die Wet op die Grondwet van die Republiek van Suid-Afrika, 1993	Geheel

**Deel C: Verordeninge van die Suid-Afrikaanse Parlement toegeken aan die Oos-Kaapse Provinsie**

Nommer en jaar van die wet	Titel	Omvang van herroeping
Wet No. 38 van 1927	Swart Administrasie Wet, 1927	Artikels 1 and 2(7), (7) <i>bis</i> , (7) <i>ter</i> en (8)
Wet No. 21 van 1935	Strandwet, 1935	Geheel
Wet No. 21 van 1940	Wet op Advertensies op Paaie en Strookontwikkeling, 1940	Geheel
Wet No. 71 van 1962	Wet op Dierebeskerming, 1962	Geheel

Wet No. 81 van 1967	Wet op Bejaarde Persone, 1967	Geheel
Wet No. 84 van 1967	Wet op Opheffing van Beperkings, 1967	Geheel
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	Geheel
Wet No. 63 van 1970	Wet op Bergopvanggebiede, 1970	Geheel
Wet No. 41 van 1971	Wet op Misbruik van Gewoontevormende Middele en Rehabilitasiesentrums, 1971	Geheel
Wet No. 9 van 1972	Nasionale Padveiligheidswet, 1972	Geheel
Wet No. 209 van 1993	Oorgangswet op Plaaslike Regering, 1993	Geheel

**Deel D: Verordening van die voormalige Transkei Wetgewende Vergadering toegeken aan die Oos-Kaapse Provinsie**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Wet No. 6 van 1965	Transkei Veeteelt Verbeteringsverslag, 1965	Geheel
Wet No. 3 van 1968	Transkei Wet op Kunsmatige Inseminasie van Diere, 1968	Geheel
Wet No. 8 van 1969	Transkei Belastingwet, 1969	Geheel
Wet No. 17 van 1976	Wet op Plaaslike Owerhede, 1976	Geheel
Wet No. 25 van 1976	Wet op Administrasie (Wysiging), 1976	Geheel
Wet No. 28 van 1978	Wet op Dieresiektes en Parasiete, 1978	Geheel
Wet No. 29 van 1978	Wet op Munisipaliteite (Oudit), 1978	Geheel
Wet No. 30 van 1978	Waardasiewet, 1978	Geheel
Wet No. 33 van 1978	Wet op Landboukundige Peste, 1978	Geheel
Wet No. 14 van 1979	Plantverbeteringswet, 1979	Geheel
Wet No. 24 van 1979	Wet op Munisipaliteite, 1979	Geheel
Wet No. 18 van 1981	Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1981	Geheel
Wet No. 6 van 1983	Transkei Wet op Kapteinshowe, 1983	Geheel
Wet No. 25 van 1985	Wette op Gesondheid (Wysigingswet) (Transkei), 1985	Geheel

**Deel E: Proklamasies, Hofbevele, Regulasies en Kennisgewings uitgereik deur die voormalige Transkei Regering soos toegeken aan die Oos-Kaap**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Hofbevel No. 6 van 1989	Hofbevel op Transkei Sportraad, 1989	Geheel
Hofbevel No. 8 van 1989	Transkei Sport- en Opvoedkundige Hulp Trust Hofbevel, 1989	Geheel

Hofbevel No. 14 van 1989	Hofbevel op Loterye, 1989	Geheel
Hofbevel No. 4 van 1980	Hofbevel op Ordelike Beheer van Dobbelaary, 1980	Geheel
Hofbevel No. 17 van 1990	Hofbevel op Casino's, 1990	Geheel
Hofbevel No. 9 van 1992	Hofbevel op Omgewingsbewaring, 1992	Geheel

### Deel F: Verordeninge van die Oos-Kaap Proviniale Wetgewer

Nommer en jaar van wet	Titel	Omvang van herroeping
Wet No. 1 van 1994	Provinciale Skatkiswet (Oos-Kaap), 1994	Geheel
Wet No. 3 van 1994	Provinciale Wet op Kommissies (Oos-Kaap), 1994	Geheel
Wet No. 4 van 1994	Wet op Provinciale Openbare Beskermer (Oos-Kaap), 1994	Geheel
Wet No. 1 van 1995	Huis van Traditionele Leiers Wet (Oos-Kaap), 1995	Geheel
Wet No. 2 van 1995	Begrotingsaansuiweringswet (Oos-Kaap), 1995	Geheel
Wet No. 3 van 1995	Begrotingswet (Oos-Kaap), 1995	Geheel
Wet No. 4 van 1995	Wysigingswet op Onderwyswette (Bestuur van Matrikulasie eksamen), 1995	Geheel
Wet No. 6 van 1995	Wet op die Bevordering van Jeugsake (Oos-Kaap), 1995	Geheel
Wet No. 8 van 1995	Wysigingswet op Provinciale Skatkiswet (Oos-Kaap), 1995	Geheel
Wet No. 10 van 1995	Wet op Ciskei Fondsin samelingswette (Oos-Kaap), 1995	Geheel
Wet No. 11 van 1995	Wysigingswet van Ordonnansie op Eieindomswaardasie (1993) (Oos-Kaap), 1995	Geheel
Wet No. 1 van 1996	Begrotingsaansuiweringswet (Oos-Kaap), 1996	Geheel
Wet No. 2 van 1996	Begrotingswet, 1996	Geheel
Wet No. 3 van 1996	Wet op Besoldiging en Toelae van Lede van die Provinciale Wetgewer (Oos-Kaap), 1996	Geheel
Wet No. 1 van 1997	Begrotingsaansuiweringswet (Oos-Kaap), 1997	Geheel
Wet No. 2 van 1997	Oos-Kaap Wet op Ontwikkelingskorporasie, 1997	Geheel
Wet No. 3 van 1997	Wet op Besighede (Verlenging van Aansoek van die Wet op Besighede, 1991), 1997	Geheel
Wet No. 4 van 1997	Begrotingswet (Oos-Kaap), 1997	Geheel
Wet No. 5 van 1997	Oos-Kaap Wet op Dobbelaary en Weddery, 1997	Geheel
Wet No. 6 van 1997	Padverkeerswet (Oorgangsbe palings) (Oos-Kaap), 1997	Geheel
Wet No. 7 van 1997	Wysigingswet op Wet op Huis van Traditionele Leiers (Oos-Kaap), 1997	Geheel
Wet No. 8 van 1997	Regulasie van Wet op Landelike Ontwikkeling (Oos-Kaap), 1997	Geheel
Wet No. 9 van 1997	Wysigingswet op Wet op Dobbelaary en Weddery (Oos-Kaap), 1997	Geheel
Wet No. 1 van 1998	Begrotingsaansuiweringswet (Oos-Kaap), 1998	Geheel

Wet No. 2 van 1998	Tussentydse Begrotingswet (Oos-Kaap), 1998	Geheel
Wet No. 3 van 1998	Tweede Begrotingsaansuiweringswet (Oos-Kaap), 1998	Geheel
Wet No. 4 van 1998	Begrotingswet (Oos-Kaap), 1998	Geheel
Wet No. 5 van 1998	Wet op Verbruikersaangeleenthede (Onregverdige Sakeprakte), (Oos-Kaap) 1998	Geheel
Wet No. 6 van 1998	Wysigingswet op Wet op Doppelary en Weddery (Oos-Kaap), 1998	Geheel
Wet No. 1 van 1999	Oos-Kaap Wet op Onderwys vir Skole, 1999	Geheel
Wet No. 2 van 1999	Begrotingsaansuiweringswet (Oos-Kaap)	Geheel
Wet No. 3 van 1999	Padverkeerswet (Oos-Kaap), 1999	Geheel
Wet No. 4 van 1999	Begrotingswet (Oos-Kaap), 1999	Geheel
Wet No. 5 van 1999	Wysigingswet op Wet op Doppelary en Weddery (Oos-Kaap), 1999	Geheel
Wet No. 7 van 1999	Wet op Finansies en Administrasie, 1999	Geheel
Wet No. 8 van 1999	Wet op Landbou-Ontwikkeling, 1999	Geheel
Wet No. 9 van 1999	Oos-Kaap Wet op Landelike Finansieringskorporasie, 1999	Geheel
Wet No. 10 van 1999	Oos-Kaap Provinsiale Gesondheidswet, 1999	Geheel
Wet No. 11 van 1999	Wet op Passasiersvervoer (Tussentydse Bepalings) (Oos-Kaap), 1999	Geheel
Wet No. 3 van 2000	Wysigingswet op Wet op Doppelary en Weddery (Oos-Kaap), 2000	Geheel
Wet No. 4 van 2000	Begrotingswet, 2000	Geheel
Wet No. 5 van 2000	Wet op Bepaling van Soorte Munisipaliteite, 2000	Geheel
Wet No. 7 van 2000	Oos-Kaap Wet op Grondbeskikking, 2000	Geheel
Wet No. 1 van 2001	Wysigingswet op Tenderraad (Oos-Kaap), 2001	Geheel
Wet No. 2 van 2001	Begrotingsaansuiweringswet (Oos-Kaap), 2001	Geheel
Wet No. 4 van 2001	Begrotingswet (Oos-Kaap), 2001	Geheel
Wet No. 5 van 2001	Wysigingswet op Wet op Bevordering van Jeugaangeleenthede Act, 2001	Geheel
Wet No. 6 van 2001	Wet op Toepassing van Gesondheidsstandaarde tydens Tradisionele Besnydenis, 2001	Geheel
Wet No. 7 van 2001	Wet op Veiligheid van Vleis, 2001	Geheel
Wet No. 8 van 2001	Wet op Diere-identifikasie, 2001	Geheel
Wet No. 9 van 2001	Wysigingswetsontwerp op Wet op Huis van Tradisionele Leiers (Oos-Kaap), 2001	Geheel
Wet No. 10 van 2001	Begrotingsaansuiweringswet (Oos-Kaap), 2001	Geheel
Wet No. 1 van 2002	Tussentydse Begrotingswet, 2002	Geheel
Wet No. 2 van 2002	Tweede Begrotingsaansuiweringswet, 2002	Geheel
Wet No. 4 van 2002	Herroepingswet op Wet op Provinsiale Wetgewer Finansies en Administrasie, 2002	Geheel
Wet No. 5 van 2002	Begrotingswet, 2002	Geheel
Wet No. 6 van 2002	Wysigingswet op Korporatiewe Oorgangsbeplings, 2002	Geheel

Wet No. 7 van 2002	Wysigingswet op Wet op Dobbely en Weddery (Fooie en Belasting), 2002	Geheel
Wet No. 8 van 2002	Wysigingswet op Wet op Dobbely en Weddery (Oos-Kaap), 2002	Geheel
Wet No. 9 van 2002	Begrotingsaansuiweringswet (Oos-Kaap), 2002	Geheel
Wet No. 10 van 2002	Wet op die Verbetering van Lewende Hawe, 2002	Geheel
Wet No. 1 van 2003	Tweede Begrotingsaansuiweringswet (Oos-Kaap)	Geheel
Wet No. 2 van 2003	Begrotingswet, 2003	Geheel
Wet No. 3 van 2003	Oos-Kaap Wet op Paaie, 2003	Geheel
Wet No. 3[sic] van 2003	Begrotingsaansuiweringswet (Oos-Kaap), 2003	Geheel
Wet No. 4 van 2003	Wet op Onderwys en Opleiding van Verpleegkundiges en Vroedvroue (Oos-Kaap), 2003	Geheel
Wet No. 5 van 2003	Oos-Kaap Wet op die Toerisme Raad (Verlenging van Ampstermyn van Lede, 2003	Geheel
Wet No. 6 van 2003	Wet op Biblioteek- en Inligtingsdienste (Oos-Kaap), 2003	Geheel
Wet No. 7 van 2003	Wet op Proviniale Argief- en Rekorddiens, 2003	Geheel
Wet No. 8 van 2003	Oos-Kaap Toerismewet, 2003	Geheel
Wet No. 9 van 2003	Oos-Kaap Wet op Erfenishulpbronne, 2003	Geheel
Wet No. 10 van 2003	Oos-Kaap Drankwet, 2003	Geheel
Wet No. 12 van 2003	Proviniale Parkeraadwet (Oos-Kaap), 2003	Geheel
Wet No. 1 van 2004	Tweede Begrotingsaansuiweringswet, 2004	Geheel
Wet No. 2 van 2004	Begrotingswet, 2004	Geheel
Wet No. 3 van 2004	Begrotingsaansuiweringswet (Oos-Kaap), 2004	Geheel
Wet No. 4 van 2004	Wet op Opgrawings (Oos-Kaap), 2004	Geheel
Wet No. 5 van 2004	Oos-Kaap Wysigingswet op Wet op Skoolonderwys, 2004	Geheel
Wet No. 6 van 2004	Herroepingswet van Proviniale Tenderraad Wet (Oos-Kaap), 2004	Geheel
Wet No. 7 van 2004	Wet op Museums (Oos-Kaap), 2004	Geheel
Wet No. 1 van 2005	Begrotingsaansuiweringswet, 2005	Geheel
Wet No. 2 van 2005	Begrotingswet (Oos-Kaap), 2005	Geheel
Wet No. 3 van 2005	Wysigingswet op Wet op Huis van Tradisionele Leiers, 2005	Geheel
Wet No. 4 van 2005	Wet op Tradisionele Leierskap en Regering (Oos-Kaap), 2005	Geheel
Wet No. 5 van 2005	Tweede Begrotingsaansuiweringswet, 2005	Geheel
Wet No. 1 van 2006	Begrotingsaansuiweringswet, 2006	Geheel
Wet No. 2 van 2006	Begrotingswet (Oos-Kaap), 2006	Geheel

[Umbhalo weSingisi unyathelwe nguNdunankulu]

**UMTHETHO WOKUHLELWA KABUSHA KWENDAWO  
YASEMZIMKHULU WAKWAZULU-NATALI, 2017  
(Umthetho Na. 09 ka 2017)**

Uvunywe mhlaka 07-12-2017

**UMTHETHO**

Wokuhlinzekela ukuhlelwa kabusha kwezinhlaka zenqubomgomo, zomthetho nezokuphatha ezisetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu ukuze zihambisane nezinhlaka zenqubomgomo, zomthetho nezokuphatha ezisetshenziswa KwaZulu-Natali; wokuhlinzekela ukuchithwa kwezingxene ezithile zezinhlaka zenqubomgomo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu; wokuhlinzekela ukuqinisekiswa kwemingcele yokusebenza kwezinhlaka zenqubomgomo, zomthetho nezokuphatha zaKwaZulu-Natali endaweni engaphansi kukaMasipala waseMzimkhulu; wokuhlinzekela uhlaka lokuvikelwa kwano wonke amalungelo nezimpokophelo endaweni engaphansi

**kukaMasipala waseMzimkhulu;** wokuhlinzekela ukuqinisekiswa kwezenzo zezokuphatha nokulawula ezenziwe ngezinhloso ezinhle endaweni engaphansi **kukaMasipala waseMzimkhulu;** wokugunyaza iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya ukuba lisungule imithethonqubo futhi likhiphe izaziso; wokuhlinzekela izinhlinze ko zesikhashana; nokuhlinzekela okunye okupathelene nalokho.

#### **ISENDLALELO**

**NJENGOBA** ukufakwa kukaMasipala waseMzimkhulu ngaphansi kwesiFundazwe saKwaZulu-Natali mhla lu-1 kuNdasa 2006, ngokuhambisana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, noMthetho wokuChitha iMithetho yoMasipala abaneMingcele eKapakela kweZinye iziFundazwe nokuNye okuPhathelene Nalokho, 2005 (uMthetho No. 23 ka 2005), kwenziwa ngaphandle kokulandelwa kohlaka oluthile lomthetho ukuze kufakwe esikhundleni sezinhlaka zenqubomgommo, zomthetho nezokuphatha zaseMpumalanga Kapa, izinhlaka zenqubomgommo, zomthetho nezokuphatha zaKwaZulu-Natali;

**NANJENGOBA** kunesidingo sokuba kuhlinzekelwe ngokushesha ukuba kufakwe esikhundleni sezinhlaka zenqubomgommo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisetshenziswa endaweni engaphansi kukaMasipala waseMzimkhulu izinhlaka zenqubomgommo, zomthetho nezokuphatha ezisebenza KwaZulu-Natali, lo Mthetho uhlose –

- (a) ukuhlela kabusha izinhlaka zenqubomgommo, zomthetho nezokuphatha ezisetshenziswayo ukuze zihambisane nalezo ezisetshenziswa KwaZulu-Natali;
- (b) ukuchitha izingxenye ezithile zeinhlaka zenqubomgommo, zomthetho nezokuphatha zaseMpumalanga Kapa ezisebenza endaweni engaphansi kukaMasipala waseMzimkhulu;
- (c) ukuqinisekisa imingcele yokusebenza kwezhnlaka zenqubomgommo, zomthetho nezokuphatha zaKwaZulu-Natali endaweni engaphansi kukaMasipala waseMzimkhulu;
- (d) ukuhlinze ka ngohlaka lokuba kuqhutsekwe nokuhlonishwa kanye nokuvikelwa kwano wonke amalungelo nezimpokophelo ezikhona endaweni engaphansi kukaMasipala waseMzimkhulu;
- (e) ukuqinisekisa zonke izenzo zezokuphatha ezenziwe ngezinhloso ezinhle endaweni engaphansi kukaMasipala waseMzimkhulu;

- (f) ukunikeza iLungu loMkhandu oPhethe elibhekele ohulumeni basekhaya amandla okulawula namanye amandla;
- (g) ukuhlinzekela izinhlinzeko zesikhashana; kanye
- (h) nokuhlinzeka uhlaka olufanele oluzosimamisa ezentuthuko endaweni engaphansi kukaMasipala waseMzimkhlu nemiphakathi ewakhele.

**NGAKHO-KE MAWUMISWE** isiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

#### Izincazelو

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“indawo engaphansi kukaMasipala” kushiwo indawo engaphansi kukaMasipala waseMzimkhulu;

“umthetho ophathelene namasiko” kushiwo lawo masiko athathwa njengabophezelayo, futhi asetshenziswa yibo bonke abantu baleso sizwe noma ngabe ayahlonishwa noma awahlonishwa njengoba kuhlongozwe kulo Mthetho;

“amasiko” kushiwo leyo mikhuba eyenziwa yisizwe esithile, ehlionishwayo noma engahlonishwa njengoba kuhlongozwe kulo Mthetho;

“usuku owafakwa ngalo” kushiwo umhla lu-1 kuNdasa 2006;

“iMpumalanga Kapa” kushiwo isifundazwe saseMpumalanga Kapa;

“iGazethi” kushiwo iGazethi esemthethweni yesiFundazwe saKwaZulu-Natali;

“iKwaZulu-Natali” kushiwo isiFundazwe saKwaZulu-Natali;

“uhlaka lombuso” kushiwo uhlaka lombuso njengoba luchazwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996);

“isishayamthetho sesifundazwe” kushiwo isishayamthetho sesifundazwe njengoba kuhlongozwe esigabeni 104 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

**"isiShayamthetho sesiFundazwe"** kushiwo **isiShayamthetho**  
sesiFundazwesaKwaZulu-Natali;

**"ibhizinisi likahułumeni wesifundazwe"** kushiwo ibhizinisi likahulumeni wesifundazwe njengoba kuchazwe esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999);

**"iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya"** kushiwo iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya KwaZulu-Natali;

**"amalungelo kanye nezimpokophelo"** kubandakanya, phakathi kokunye –

- (a) amagunya, amalaisensi nezimvume; kanye
- (b) nezikweletu, namajoka nezibopho ezihambisana nalokho,

ezitholakale, ezenziwe, noma ezizuzwe ngaphambi kokuqala kokusebenza kwalo Mthetho ngokuhambisana nanoma iluphi uhlaka Iwenqubomgom, lomthetho noma nolokuphatha;

**"lo Mthetho"** kubandakanya imithethonqubo esunguliwe nezaziso kanye nezinhlelo ezishicilelw njengoba kuhlongozwe kulo Mthetho;

**"umphakathi wasemakhaya"** kushiwo umphakathi njengoba kuhlongozwe esigabeni 4 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

**"umkhandlu wabaholi bomdabu"** kushiwo umkhandlu osunguliwe njengoba kuhlongozwe esigabeni 8 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005);

**"isikhungo somdabu"** kushiwo isikhungo, noma ngabe siyahlonishwa noma asihlonishwa njengoba kuhlongozwe kulo Mthetho, esisunguliwe njengoba kuhlongozwe ngokuhambisana nemithetho yesintu namasiko komphakathi wasemakhaya, noma ngabe iyahlonishwa noma ayihlonishwa njengoba kuhlongozwe esigabeni 4 soMthetho woBuholi boMdabu nokuBusa waKwaZulu-Natali, 2005, (uMthetho No. 5 ka 2005);

**"umholi womdabu"** kushiwo umuntu okukhulunywe ngaye kwiSahluko 4 soMthetho woBuholi boMdabu nokuBusa, 2005 (uMthetho No. 5 ka 2005) njengomholi wezomdabu; kanti

**"uMasipala waseMzimkhulu"** kushiwo umasipala –

- (a) osungulwe ngeSaziso sesiFundazwe 344 ngonyaka ka 2000, esashicilelwa *kwiGazethi yesiFundazwe* 5563 ngonyaka ka 2000, njengoba sichtshiyelwe iSaziso sesiFundazwe 1 sangonyaka ka 2006, esashicilelwa *kwiGazethi yesiFundazwe* 6456 yamhla zi-5 kuMasingana ngonyaka ka 2006, esakhishwa ngokwesigaba 12 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998); futhi
- (b) olawula ngokubambisana indawo engaphansi kwawo noMasipala wesiFunda iSisonke, njengoba kuhlongozwe esigabeni 4 soMthetho wokuNqunywa kweziNhlobo zoMasipala waKwaZulu-Natali, 2000 (uMthetho No. 7 ka 2000).

### **Ukusebenza koMthetho**

2. Lo Mthetho –

- (a) usebenza endaweni engaphansi kukaMasipala waseMzimkhulu njengoba kuhlongozwe kulo Mthetho, futhi ulawulwa iLungu loMkhandlu oPhethe elibhekelle ezohulumeni basekhaya; futhi
- (b) iwona oyolandelwa uma kuba nokushayisana nanoma yimuphi omunye umthetho wesifundazwe.

### **Izinhlaka zenqubomgomo, zomthetho nezokuphatha ezisebenza eMzimkhulu**

3. Kuncike ezinhlinzekweni zalo Mthetho, izinhlaka zenqubomgomo, zomthetho nezokuphatha ezisetshenziswa KwaZulu-Natali, njengoba zichtshiyelwa izikhathi ngezikhathi, ziyosebenza endaweni engaphansi kukaMasipala waseMzimkhulu kusukela ngosuku lokuqala kokusebenza kwalo Mthetho.

### **Ukuhlonishwa nokuvikelwa kwamalungelo akhona kanye nezimpokophelo**

4.(1) Noma yiliphi ilungelo noma impokophelo, okungaba elitholakale, elizuzwe, elihlonzwe noma elemukelwe ngaphambi noma ngemuva kokufakwa kukaMasipala waseMzimkhulu KwaZulu-Natali ngalokhu –

(a) lithathwa njengelisemthethweni futhi aliquuiwa ukuqala kokusebenza kwalo Mthetho; futhi

(b) lithathwa njengelungelo noma impokophelo emukelwe izinhlaka zenqubomgomo, zomthetho nezokuphatha ezikhona KwaZulu-Natali.

(2) Noma yisiphi isicelo sokuvuselela noma iliphi ilungelo noma impokophelo, osekuphelelwe isikhathi emva kwasikhathi esithile esibekiwe, njengoba kubalulwe kunoma kuziphi izinhlaka zenqubomgomo, zomthetho noma zezokuphatha ezisebenza kulelo lungelo noma kuleyo mpokophelo, kumele senziwe sihambisane nezinhlinzeko ezifanele eziphathelene nezinhlaka zenqubomgomo, zomthetho noma zezokuphatha zaKwaZulu-Natali.

(3) Uma izinhlaka zenqubomgomo, zomthetho noma zezokuphatha KwaZulu-Natali ezihambisana nalokho okuhlongozwe ezigatshaneni (1) noma (2) zingekho, uhlaka olusebenza eMpumalanga Kapa okutholakale ngalo lelo lungelo noma lezo zimpokophelo, ngalokhu luthathwa njengohlaka Iwenqubomgomo, lomthetho nolokuphatha IwaKwaZulu-Natali olusebenzayo, njengoba kungaba njalo, uma lelo lungelo noma lezo zimpokophelo zisekhona.

#### **Ukuba semthethweni kwezenzo zezokuphatha nokulawula**

5.(1) Zonke izenzo zezokuphatha nokulawula ezenziwa ngokuphathelene nanoma yiluphi udaba oluthinta ukuphathwa kwendawo engaphansi kukaMasipala waseMzimkhulu nomphakathi oyakhele ngaphambi kokuqala kokusebenza kwalo Mthetho, ezenziwa ngezinhloso ezinhle yinoma isiphi isikhulu noma umsebenzi ohlongozwe esigatshaneni (2), ngalokhu zithathwa njengemisebenzi eyenziwe ngokusemthethweni –

(a) njengokuthi yonke imigomo yomthetho edinga ukulandeliwa, okubandakanya phakathi kokunye, ukudluliselwa kwamandla, ukujutshwa, amandla ommeli, izivumelwano zamazinga okuhlinzekwa kwezidingo noma izivumelwano zokuhlinzekwa kwezidingo, obekudingeka ngesikhathi kwenziwa leyo misebenzi, kulandeliwe;

(b) noma yonke imigomo yomthetho edinga ukulandeliwa, kubandakanya phakathi kokunye, ukudluliselwa kwamandla, ukujutshwa, amandla ommeli, izivumelwano zamazinga okusebenza, izivumelwano zokuhlinzekwa kwezidingo, ingazange ilandelwe ngokuphelele.

- (2) Ngokwezinhloso zalesi sigaba, "isikhulu" noma "umsebenzi" kushiwo –
- ilungu leMikhandlu ePhethe eMpumalanga Kapa naKwaZulu-Natali;
  - umsebenzi osehhovisi noma ilungu loMkhandlu kaMasipala waseMzimkhulu, wase-Alfred Nzo kanye nowaseSisonke; kanye
  - nomsebenzi –
    - osebenza kuHulumeni wesiFundazwe saseMpumalanga Kapa nowaKwaZulu-Natali;
    - osebenza kuMasipala waseMzimkhulu kanye nakoMasipala beziFunda i-Alfred Nzo neSisonke; kanye
    - nosebenza kunoma iluphi uhlaka lombuso noma ibhizinisi likahulumeni wesifundazwe.

### **Amandla okulawula namanye amandla**

#### **6. ILungu loMkhandlu oPhethe –**

- ngesaziso *kwiGazethi* –
  - lingasungula imithethonqubo engashayisani nalo Mthetho nganoma yiluphi udaba olungenza kube lula ukusebenza kwalo Mthetho; futhi
  - lingashicilela noma lichikiyele nanoma yiluphi uhlelo olubonakala lunesidingo ukuze kusetshenziswe lo Mthetho; futhi
- lingaphinde likhipe izaziso *kwiGazethi* esiphathelene noguquko kumalungelo kanye nezimpokophelo ezhlongozwe esigabeni 4 salo Mthetho.

### **Impahla**

7. Noma iyiphi impahla egudlukayo, engazange idluliselwe kuHulumeni wesiFundazwe saKwaZulu-Natali noma kuMasipala waseMzimkhulu, njengoba kungaba njalo, iyadluliswa ngokuqala kokusebenza kwalo Mthetho.

### **Izinhlizuko zesikhashana**

8. Konke okwenziwe noma okuthathwa ngokuthi kwenziwe ngokwanoma iyiphi inzinkoko yomthetho ochithwe yisigaba 9 futhi okungenzeka ukuthi yenziwe njengoba kuhlongozwe kulo Mthetho noma ohlakeni Iwenqubomgom, lomthetho noma lokuphatha IwaKwaZulu-Natali, kumele kuthathwe ngokuthi kwenziwe njengoba kuhlongozwe ezinhlinzekweli ezhambisana nalo Mthetho noma njengoba kuhlongozwe ohlakeni Iwenqubomgom, lomthetho noma lokuphatha IwaKwaZulu-Natali.

**Ukuchithwa kwemithetho**

9.(1) Imithetho ebalulwe kwiNgxenye A kuya ku F yoHlelo ngalokhu iyachithwa ngendlela ekhonjiswe oHlelweni, njengoba isebenza KwaZulu-Natali.

(2) Noma yiluphi uhlaka lwenqubomgomu, lomthetho noma lokuphatha olukhona endaweni engaphansi kukaMasipala waseMzimkhulu ngaphambu kokuqala kokusebenza kwalo Mthetho, oluphathele –

- (a) nomthetho ophathelene namašiko nemikhuba;
- (b) nemiphakathi yasemakhaya, imikhandlu yomdabu, abaholi bomdabu kanye nezinye izikhungo zomdabu; kanye
- (c) nobunikazi nokuphathwa komhlaba, aluphazanyiswa yizinhlinzuko zalo Mthetho.

**Isihloko esifingqiwe**

10. Lo Mthetho ubizwa ngoMthetho wokuHlelwa kaBusha kweNdawo yaseMzimkhulu waKwaZulu-Natali, 2017.

**UHLELO****UkuChithwa kweMithetho  
(Isigaba 9(1))**

**Ingxenye A: Ama-Odinensi kanye neziMemezelō zesiFundazwe esasaziwa ngeKoloni ezadluliselwa eMpumalanga Kapa**

<i>Inombolo kanye nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
I-Odinensi No. 7 ka 1912	I-Odinensi ephathelene neGesi yoMaziphathe beziNdawo zaseKapa, 1912	Yonke
I-Odinensi No. 8 ka 1913	I-Odinensi eyisiChibiyelo soMthetho wesiGungu sosoMabhzinisi saseMonti, 1913	Yonke
I-Odinensi No. 13 ka 1913	I-Odinensi kaMasipala weDolobha laseBhayi, 1913	Yonke
I-Odinensi No. 23 ka 1918	I-Odinensi yokuBolekwa kweziNhlangano zaBalimi iziMali, 1918	Yonke
I-Odinensi No. 4 ka 1919	I-Odinensi yeziKhungo eziLwa noBubha nokuLekelela abaMpofu, 1919	Yonke
I-Odinensi No. 11 ka 1919	I-Odinensi kaMasipala waseMonti, 1919	Yonke
I-Odinensi No. 4 ka 1924	I-Odinensi ye-Graaf-Reinet College, 1924	Yonke
I-Odinensi No. 5 ka 1924	I-Odinensi eyisiChibiyelo yeziKhungo eziLwa noBubha nokuLekelela abaMpofu, 1924	Yonke
I-Odinensi No. 6 ka 1926	I-Odinensi yezokuLothisa, 1926	Yonke
I-Odinensi No. 24 ka 1930	I-Odinensi yeMigwamanda yoMphakathi (eCwaninga amaBhuku), 1930	Yonke
I-Odinensi No. 23 ka 1935	I-Odinensi yokuTshalwa kweziMali zoMaziphathe beziNdawo, 1935	Yonke
I-Odinensi No. 17 ka 1938	I-Odinensi yoMaziphathe beziNdawo (eCwaninga amaBhuku), 1938	Yonke
I-Odinensi No. 18 ka 1938	I-Odinensi yeziKidi, 1938	Yonke
I-Odinensi No. 9 ka 1939	I-Odinensi yoKwabiwa koMhlaba kaHulumeni wesiFundazwe, 1939	Yonke
I-Odinensi No. 11 ka 1941	I-Odinensi yeDolobha laseBhayi yamaThilamu aZimele angahambi ngeMizila yoJantshi, 1941	Yonke
I-Odinensi No. 26 ka 1944	I-Odinensi yokuQhathanisa amaNani, 1944	Yonke
I-Odinensi No. 1 ka 1945	I-Odinensi yamaKhomishana, 1945	Yonke
I-Odinensi No. 18 ka 1946	I-Odinensi yeziBhedlela, 1946	Yonke
I-Odinensi No. 2 ka 1948	I-Odinensi yeDolobha laseMonti yokuNweba iMingcele, 1948	Yonke

**CONTINUES ON PAGE 130 - PART 2**



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

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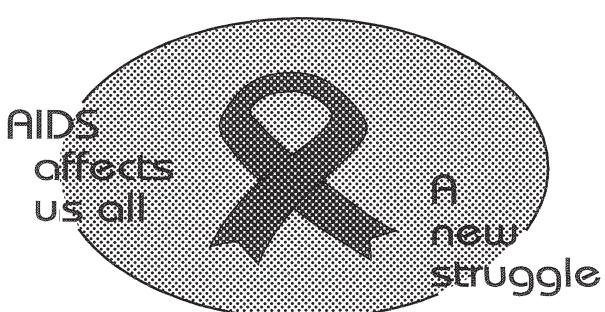
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I-Odinensi No. 21 ka 1950	I-Odinensi yeDolobha laseBhayi yokuChitshiyelwa kwamaThilamu aZimele angahambi ngeMizila yoJantshi, 1950	Yonke
I-Odinensi No. 15 ka 1955	I-Odinensi yeziBhedlela eChitshiyelwe, 1955	Yonke
I-Odinensi No. 3 ka 1956	I-Odinensi yeziBhedlela eChitshiyelwe, 1956	Yonke
I-Odinensi No. 11 ka 1955	I-Odinensi yokuDluliselwa kwaBasebenzi boPhiko Iwama-Ambulensi kanye neziMpesheni, 1955	Yonke
I-Odinensi No. 20 ka 1956	I-Odinensi yezeMfundu, 1956	Yonke
I-Odinensi No. 26 ka 1957	I-Odinensi yokuLawula iziLwane eziwuVanzi, 1957	Yonke
I-Odinensi No. 6 ka 1963	I-Odinensi yoMaziphathe beziNdawo ephathelene nokuThuthukiswa koMphakathi ngendlela eFanele, 1963	Yonke
I-Odinensi No. 16 ka 1964	I-Odinensi yokuNqunyelwe oMaziphathe beziNdawo, 1964	Yonke
I-Odinensi No. 23 ka 1964	I-Odinensi yesiFundazwe yeziNdawo zokuDlela, 1964	Yonke
I-Odinensi No. 13 ka 1965	I-Odinensi yokuDluliselwa kwaMandla, 1965	Yonke
I-Odinensi No. 11 ka 1968	I-Odinensi yokweHlukaniswa koMkhandlu wase-East Griqualand, 1968	Yonke
I-Odinensi No. 20 ka 1971	I-Odinensi yeziNdawo zokuNgcebeleka uMphakathi, 1971	Yonke
I-Odinensi No. 12 ka 1972	I-Odinensi ye-Gibbon Bequest, 1972	Yonke
I-Odinensi No. 10 ka 1974	I-Odinensi yokweHlukaniswa kwe-Kaffraria, 1974	Yonke
I-Odinensi No. 19 ka 1974	I-Odinensi yoKongiwa kweNdalo nezeMvelo, 1974	Yonke
I-Odinensi No. 20 ka 1974	I-Odinensi yoMasipala, 1974	Yonke
I-Odinensi No. 18 ka 1976	I-Odinensi yokweHlukaniswa kweMikhandlu, 1976	Yonke
I-Odinensi No. 19 ka 1976	I-Odinensi yeMigwaqo, 1976	Yonke
I-Odinensi No. 8 ka 1977	I-Odinensi yokuVikelwa koMphakathi, 1977	Yonke
I-Odinensi No. 15 ka 1977	I-Odinensi yokuQoqwa kweziMali iMigwamanda eseMthethweni, 1977	Yonke
I-Odinensi No. 13 ka 1978	I-Odinensi yamaKomidi oPhenyo, 1978	Yonke
I-Odinensi No. 19 ka 1978	I-Odinensi yeNtela yeziNja, 1978	Yonke
I-Odinensi No. 3 ka 1982	I-Odinensi yokuQinisekisa ukoNgiwa kweNdalo, 1982	Yonke
I-Odinensi No. 15 ka 1985	I-Odinensi yokuHlelwa kokuSetshenziswa koMhlaba, 1985	Yonke
I-Odinensi No. 11 ka 1986	I-Odinensi yokuNqatshelwa kweMijaho yeziNja, 1986	Yonke
I-Odinensi No. 148 ka 1993	I-Odinensi yokuQhathanisa amaNani oMhlaba, 1993	Yonke

**Ingxenyé B: Izimemezelo, imiThethonqubo neZaziso ezakhishwa uHulumeni waseNingizimu Afrika ezadluliselwa eMpumalanga Kapa**

Inombolo womthetho	nonyaka	Isihloko	Okuchithwayo

Isimemezelo No. 142	Isimemezelo esenziwe ngeGunya IoMbusi Jikelele weZweSonke samhla ziyi-15 kuLwezilaseNingizimu Afrika 1910	
Isimemezelo No. 196	Isimemezelo esenziwe ngeGunya IoMbusi Jikelele weZweSonke samhla zinga-26 kuLwezilaseNingizimu Afrika 1920	
Isimemezelo No. 70	Isimemezelo esenziwe ngeGunya IoMbusi Jikelele weZweSonke samhla zinga-23 kuMbasalaseNingizimu Afrika 1937	
Isimemezelo No. 116	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-13 kuNhlabawokuPhathwa kwaBokudabuka kuleli, 1927 1949	
Isimemezelo No. R. 293	Isimemezelo esenziwe ngokwesigaba 4 soMthethoSonke samhla ziyi-16 kuLweziweThrasti kanye noMhlaba waBokudabuka kuleli, 1936 1962	
Isimemezelo No. R. 5	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-11 wokuPhathwa kwaBokudabuka kuleli, 1927 kuMasingana 1963	
Isimemezelo No. R. 192	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-8 kuMandulowokuPhathwa kwaBantu, 1927 1967	
Isimemezelo No. R. 196	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-8 kuMandulowokuPhathwa kwaBokudabuka kuleli, 1927 1967	
Isimemezelo No. R. 300	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-18 kuMfumfuwokuPhathwa kwaBantu, 1927 1968	
Isimemezelo No. R. 33	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoWonke samhla zinga-28 wokuPhathwa kwaBantu, 1927 kuNhlanja 1971	
Isimemezelo No. R. 322	Isimemezelo esenziwe ngokwesigaba 25(1) soMthethoSonke samhla ziyi-15 wokuPhathwa kwaBantu, 1927 kuZibandlela 1972	
Isimemezelo No. R. 1897	ImiThethonqubo ephathelene nokuSungulwa kwamaLokishiSonke samhla ziyi-12 kuMandulonokuSetshenziswa koMhlaba esenziwe ngokwesigaba 66(1) soMthetho wokuThuthukiswa kweMiphakathi eNsundu, 1986 1986	

Isimemezelo No. R. 133 samhla zi-4 1994	Isimemezelo seziNhlinze ko zesiKhashana mayelana Misebenzi yamaPhoyisa esenziwe ngokwesigaba 235(7) soMthethosisekelo waseNingizimu Afrika, 1993	Sonke
Isimemezelo No. R. 153 samhla zinga-31 kuMfumfu 1994	Isimemezelo esenziwe ngokwesigaba 235(8) soMthethosisekelo waseNingizimu Afrika, 1993	Sonke

**Ingxene C: Imithetho eyamiswa yiPhalamende laseNingizimu Afrika  
eyadluliselwa esiFundazweni saseMpumalanga Kapa**

Inombolo nonyaka womthetho	Isihloko	Okuchithwayo
UMthetho No. 38 ka 1927	UMthetho wokuPhathwa kwabaMnyama, 1927	Izigaba 1 no 2(7), (7)bis, (7)ter kanye no (8)
UMthetho No. 21 ka 1935	UMthetho ophathelene noSebe loLwandle, 1935	Wonke
UMthetho No. 21 ka 1940	UMthetho wokuKhangisa eMigwaqeni noKwakhiwa kwamaRibhini, 1940	Wonke
UMthetho No. 71 ka 1962	UMthetho wokuVikela iziLwane, 1962	Wonke
UMthetho No. 81 ka 1967	UMthetho waBantu abaDala, 1967	Wonke
UMthetho No. 84 ka 1967	UMthetho wokuSuswa kweziThibelo, 1967	Wonke
UMthetho No. 88 ka 1967	UMthetho wokuHlelwa koMhlaba, 1967	Wonke
UMthetho No. 63 ka 1970	UMthetho weziNdawo eziQaqele iziNtaba, 1970	Wonke
UMthetho No. 41 ka 1971	UMthetho weziDakamizwa neziNdawo zokuHlunyeleliwa kweziMilo, 1971	Wonke
UMthetho No. 9 ka 1972	UMthetho wezokuPhepha eMgwaqeni kaZwelonke, 1972	Wonke
UMthetho No. 209 ka 1993	UMthetho woHulumeni baseKhaya wesiKhashana, 1993	Wonke

**Ingxenye D: Imithetho eyamiswa yisiShayamthetho esasaziwa njengesase-Transkei ezadluliselwa esiFundazweni saseMpumalanga Kapa**

Inombolo nonyaka womthetho	Isihloko	Okuchithwayo
UMthetho No. 6 ka 1965	UMthetho wokuPhucula ukuZalaniswa kweziLwane wase-Transkei, 1965	Wonke
UMthetho No. 3 ka 1968	UMthetho wokuMithiswa kweziLwane ngeMshini wase-Transkei, 1968	Wonke
UMthetho No. 8 ka 1969	UMthetho weNtela wase-Transkei, 1969	Wonke
UMthetho No. 17 ka 1976	UMthetho woMaziphathe beziNdawo, 1976	Wonke
UMthetho No. 25 ka 1976	UMthethosichibiyelo wezokuPhatha, 1976	Wonke
UMthetho No. 28 ka 1978	UMthetho ophathelene neziFo zeziLwane kanye neziLwanyana, 1978	Wonke
UMthetho No. 29 ka 1978	UMthetho woMasipala (wokuCwaningwa kwaMabhuku), 1978	Wonke
UMthetho No. 30 ka 1978	UMthetho wokuQhathanisa amaNani, 1978	Wonke
UMthetho No. 33 ka 1978	UMthetho ophathelene neziLwanyana zaseMasimini, 1978	Wonke
UMthetho No. 14 ka 1979	UMthetho wokuKhuliswa kweziTshalo, 1979	Wonke
UMthetho No. 24 ka 1979	UMthetho woMasipala, 1979	Wonke
UMthetho No. 18 ka 1981	UMthetho wokuHlinzwa kweziLwane, wokuHlanzeka kweNyama neMikhiqizo evela eziLwaneni, 1981	Wonke
UMthetho No. 6 ka 1983	UMthetho weziNkantolo zamaKhosi, 1983	Wonke
UMthetho No. 25 ka 1985	UMthetho yezeMpilo eChitshiyelwe yase-Transkei, 1985	Wonke

**Ingxenye E: Izimemezelo, izimiso, iMithethonqubo neZaziso ezakhishwa uHulumeni owawaziwa njengowase-Transkei ezadluliselwa eMpumalanga Kapa**

<i>Inombolo nonyaka wesimiso</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
Isimiso No. 6 sikaIsimiso soMkhandlu wezeMidlalo sase-Transkei, 1989		Sonke
Isimiso No. 8 sikaIsimiso seThrasti yokuXhasa ezeMfundu nezeMidlalo sase-Transkei, 1989		Sonke
Isimiso No. 14 sikaIsimiso esiphathelene namaLotho, 1989		Sonke
Isimiso No. 4 sikaIsimiso esiphathelene nokuLawulwa kwezokuGembula, 1980	ngeNdlela	Sonke
Isimiso No. 17 sikaIsimiso esiphathelene namaKhasino, 1990		Sonke
Isimiso No. 9 sikaIsimiso esiphathelene noKongiwa kweMvelo, 1992		Sonke

**Ingxenye F: Imithetho eyamiswa yiSishayamthetho sesiFundazwe saseMpumalanga Kapa**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
UMthetho No. 1 kaUMthetho ophathelene nokuQoqwa kweNgeniso waseMpumalanga Kapa, 1994		Wonke
UMthetho No. 3 kaUMthetho wamaKhomishana waseMpumalanga Kapa, 1994		Wonke
UMthetho No. 4 kaUMthetho woMvikeli woMphakathi waseMpumalanga Kapa, 1994		Wonke
UMthetho No. 1 kaUMthetho weNdu yabaHoli boMdabu waseMpumalanga Kapa, 1995		Wonke
UMthetho No. 2 kaUMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1995		Wonke
UMthetho No. 3 kaUMthetho wokwaBiwa kweziMali waseMpumalanga Kapa, 1995		Wonke
UMthetho No. 4 kaUMthetho wokuChibiyela iMithetho yezeMfundu mayelana nokuQhutshwa kweziVivinyo zikaMatikuletsheni, 1995		Wonke
UMthetho No. 6 kaUMthetho wokuGquqquzelu iziNdaba eziPhathelene neNtsha waseMpumalanga Kapa, 1995		Wonke

UMthetho No. 8 ka 1995	UMthethosichibiyelo wezeziMali waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 10 ka 1995	UMthetho wokuQoqa iziMali e-Ciskei waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 11 ka 1995	UMthethosichibiyelo we-Odinensi yokuQhathaniswa kwamaNani oMhlaba waseMpumalanga Kapa, 1995	Wonke
UMthetho No. 1 ka 1996	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1996	Wonke
UMthetho No. 2 ka 1996	UMthetho woKwabiwa kweziMali, 1996	Wonke
UMthetho No. 3 ka 1996	UMthetho wamaHolo kanye neziBonelelo kwamaLungu esiShayamthetho sesiFundazwe saseMpumalanga Kapa, 1996	Wonke
UMthetho No. 1 ka 1997	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 2 ka 1997	UMthetho we-Eastern Cape Development Corporation, 1997	Wonke
UMthetho No. 3 ka 1997	UMthetho wokweLulwa kwesikhathi sokufaka izicelo zamaBhizinisi, 1997	Wonke
UMthetho No. 4 ka 1997	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 5 ka 1997	UMthetho wezokuGembula nokuBheja waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 6 ka 1997	UMthetho wokuHamba kweZimoto eMgwaqeni waseMpumalanga Kapa (iziNhlinzeko zesiKhashana), 1997	Wonke
UMthetho No. 7 ka 1997	UMthethosichibiyelo weNdlu yabaHoli boMdabu, waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 8 ka 1997	UMthetho weMithethonqubo yokuThuthukiswa kweziNdawo zaseMakhaya waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 9 ka 1997	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1997	Wonke
UMthetho No. 1 ka 1998	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 2 ka 1998	UMthetho wesiKhashana woKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 3 ka 1998	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 4 ka 1998	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1998	Wonke

UMthetho No. 5 ka 1998	UMthetho wezamaKhasimende nokuXhashazwa kwamaKhasimende waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 6 ka 1998	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1998	Wonke
UMthetho No. 1 ka 1999	UMthetho weMfundu yaseziKoleni waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 2 ka 1999	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 3 ka 1999	UMthetho wokuHamba kweziMoto eMgwageni waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 4 ka 1999	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 5 ka 1999	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 7 ka 1999	UMthetho wezeziMali nokuPhatha, 1999	Wonke
UMthetho No. 8 ka 1999	UMthetho wokuThuthukiswa kwezoLimo, 1999	Wonke
UMthetho No. 9 ka 1999	UMthetho weNhlangano eXhasa iziNdawo zaseMakhaya ngeziMali waseMpumalanga Kapa, 1999	Wonke
UMthetho No. 10 ka 1999	UMthetho wezeMpilo wesiFundazwe saseMpumalanga Kapa, 1999	Wonke
UMthetho No. 11 ka 1999	UMthetho weziThuthi zabaGibeli waseMpumalanga Kapa (iziNhlinzeko zesiKhashana), 1999	Wonke
UMthetho No. 3 ka 2000	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 2000	Wonke
UMthetho No. 4 ka 2000	UMthetho woKwabiwa kweziMali, 2000	Wonke
UMthetho No. 5 ka 2000	UMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000	Wonke
UMthetho No. 7 ka 2000	UMthetho wokuChithwa koMhlaba waseMpumalanga Kapa, 2000	Wonke
UMthetho No. 1 ka 2001	UMthethosichibiyelo weBhodi lamaThenda esiFundazweni saseMpumalanga Kapa, 2001	Wonke
UMthetho No. 2 ka 2001	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 4 ka 2001	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke

UMthetho No. 5 ka 2001	UMthethosichibiyelo wokuGqugquzelā iziNdaba eziphathelene neNtsha, 2001	Wonke
UMthetho No. 6 ka 2001	UMthetho wokuLandelwa kwaMazinga ezeMpilo uma kuSokwa ngokweSintu, 2001	Wonke
UMthetho No. 7 ka 2001	UMthetho ophathelene nokuVikeleka kweNyama, 2001	Wonke
UMthetho No. 8 ka 2001	UMthetho wokuHlonzwa kweziLwane, 2001	Wonke
UMthetho No. 9 ka 2001	UMthethosichibiyelo weNdlu yabaHoli boMdabu waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 10 ka 2001	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2001	Wonke
UMthetho No. 1 ka 2002	UMthetho wesiKhashana wokwaBiwa kweziMali, 2002	Wonke
UMthetho No. 2 ka 2002	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali, 2002	Wonke
UMthetho No. 4 ka 2002	UMthetho wokuChitha uMthetho wezeziMali nezokuPhatha wesiShayamthetho sesiFundazwe, 2002	Wonke
UMthetho No. 5 ka 2002	UMthetho woKwabiwa kweziMali, 2002	Wonke
UMthetho No. 6 ka 2002	UMthethosichibiyelo weziNhlinzeko zesiKhashana zeziNhlangano ezeHlukene eziseMthethweni, 2001	Wonke
UMthetho No. 7 ka 2002	UMthethosichibiyelo weziMali kanye neziNtela zokuGembula nokuBheja, 2002	Wonke
UMthetho No. 8 ka 2002	UMthethosichibiyelo wezokuGembula nokuBheja waseMpumalanga Kapa, 2002	Wonke
UMthetho No. 9 ka 2002	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2002	Wonke
UMthetho No. 10 ka 2002	UMthetho wokuPhathwa ngeNdlela eNgcono kweMfuyo, 2002	Wonke
UMthetho No. 1 ka 2003	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 2 ka 2003	UMthetho woKwabiwa kweziMali, 2003	Wonke
UMthetho No. 3 ka 2003	UMthetho wezeMigwaqo waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 3[sic] ka 2003	UMthetho wokuBuyekezwa koKwabiwa kweziMali waseMpumalanga Kapa, 2003	Wonke

UMthetho No. 4 ka 2003	UMthetho wokuFundisa nokuQeqesha abaHlengikazi kanye nabaBelethisi waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 5 ka 2003	UMthetho weBhodi yezokuVakasha ophathelene nokwelulwa kxesikhathi sokusebenza kwamaLungu waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 6 ka 2003	UMthetho weMitapoyolwazi kanye neMisebenzi yoLwazi waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 7 ka 2003	UMthetho weMisebenzi yezokuGcinwa koLwazi namaRekhodi, 2003	Wonke
UMthetho No. 8 ka 2003	UMthetho wezokuVakasha waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 9 ka 2003	UMthetho ophathelene neziNto ezingaMagugu waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 10 ka 2003	UMthetho woTshwala waseMpumalanga Kapa, 2003	Wonke
UMthetho No. 12 ka 2003	UMthetho weBhodi lezamaPaki esiFundazwe saseMpumalanga Kapa, 2003	Wonke
UMthetho No. 1 ka 2004	UMthetho wokuBuyekezwu kwesiBili koKwabiwa kweziMali waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 2 ka 2004	UMthetho woKwabiwa kweziMali, 2004	Wonke
UMthetho No. 3 ka 2004	UMthetho wokuBuyekezwu koKwabiwa kweziMali waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 4 ka 2004	UMthetho wokuMbiwa kweZidumbu waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 5 ka 2004	UMthethosichibiyelo weMfundu yaseziKoleni waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 6 ka 2004	UMthetho wokuChithwa kweBhodi yamaThenda esiFundazweni saseMpumalanga Kapa, 2004	Wonke
UMthetho No. 7 ka 2004	UMthetho weziGcinamagugu waseMpumalanga Kapa, 2004	Wonke
UMthetho No. 1 ka 2005	UMthetho wokuBuyekezwu koKwabiwa kweziMali, 2005	Wonke
UMthetho No. 2 ka 2005	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2005	Wonke
UMthetho No. 3 ka 2005	UMthethosichibiyelo weNdlu yobuHoli boMdabu, 2005	Wonke
UMthetho No. 4 ka 2005	UMthetho wobuHoli boMdabu nokuBusa waseMpumalanga Kapa, 2005	Wonke

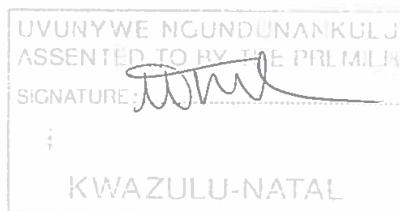
UMthetho No. 5 ka 2005	UMthetho wokuBuyekezwa kwesiBili koKwabiwa kweziMali, 2005	Wonke
UMthetho No. 1 ka 2006	UMthetho wokuBuyekezwa koKwabiwa kweziMali, 2006	Wonke
UMthetho No. 2 ka 2006	UMthetho woKwabiwa kweziMali waseMpumalanga Kapa, 2006	Wonke

**NOTICE 6 OF 2018**

[English text signed by the Premier]

**KWAZULU-NATAL ADJUSTMENTS  
APPROPRIATION ACT, 2017  
(Act No.10 of 2017)**

Assented to 07/12/2017



**ACT**

To effect adjustments to the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in the 2017/18 financial year ending on 31 March 2017, and to provide for matters incidental thereto.

**PREAMBLE**

**WHEREAS** section 226(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

**WHEREAS** the KwaZulu-Natal Appropriation Act, 2017 (Act No. 2 of 2017), provides for the appropriation of money from the Provincial Revenue Fund to provide for the requirements of the Province in the 2017/18 financial year;

**AND WHEREAS** section 31 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), provides for adjustments to be effected to the amounts of money appropriated in an Appropriation Act,

**BE IT THEREFORE ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:—

### Interpretation

1. In this Act, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the KwaZulu-Natal Appropriation Act, 2017 (Act No. 2 of 2017), or the Public Finance Management Act, has the meaning assigned to it in those Acts.

“Act” includes the Schedule;

“conditional grants” means conditional allocations to the province from the national government’s share of revenue raised nationally, which are provided for and whose purpose is specified in the annual Division of Revenue Act referred to in section 214(1)(c) of the Constitution of the Republic of South Africa, 1996

“current payments” means any payment made by a department classified as or deemed to be a current payment in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails payments made by a provincial department in respect of the operational requirements of that department, and includes, among others, payments for the compensation of employees, goods and services, interest and rental of immovable property, but excludes transfers and subsidies, payments for capital assets, and financial transactions relating to assets and liabilities;

“Financial Management of Parliament and Provincial Legislatures Act” means the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No. 10 of 2009)

“payments for capital assets” means any payment made by a department classified as or deemed to be a payment for capital assets in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009) and the Asset Management Framework (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails any payments made by a provincial department for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment,

“payments for financial assets” means any payment made by a department classified as or deemed to be a payment for financial assets in terms of the *Guidelines for Implementing the Economic Reporting Format* (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails the provision for payments associated with certain purchases of financial assets in order to expense the transactions where the purpose of such a transaction is not market oriented;

“Province” means the province of KwaZulu-Natal established in terms of section 103 of the Constitution of the Republic of South Africa, 1996;

“Provincial Legislature” means the legislature of the Province of KwaZulu-Natal;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

“transfers and subsidies” means any payment made by a department classified as or deemed to be a transfer or subsidy payment to provincial business enterprise, public entities and conditional transfers to municipalities in terms of the Guidelines for Implementing the Economic Reporting Format (September 2009), issued by the National Treasury under section 76 of the Public Finance Management Act. The above entails any payments made by a provincial department to another organ of state or any other person in respect of which the provincial department does not receive anything of similar value directly in return;

**Adjustments to appropriations of money for requirements of the Province**

2. (1) Adjustments to appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2017/18 financial year, to votes and main divisions within a vote, and amendments to the aims and purposes specified, are set out in the Schedule of this Act.

(2) The spending of appropriations contemplated in subsection (1) is subject to the Public Finance Management Act and section 3 of this Act.

**Amounts listed as specifically and exclusively appropriated**

3. Despite the provisions of any law, appropriations to a vote or main division within a vote listed in the Schedule as specifically and exclusively appropriated which refer to –

- (a) national conditional grants, may only be used for the purposes stipulated in the Division of Revenue Act and in accordance with the framework certified in terms of that Act; and
- (b) Any other funds specifically and exclusively appropriated, may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of the Provincial Legislature amends or changes the purpose for which it was allocated.

**Short title and commencement**

4. This Act is called the KwaZulu-Natal Adjustments Appropriation Act, 2017.

## [Schedule]

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated
			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	
1	<b>Office of The Premier</b> <i>To support the Premier in carrying out his constitutional and statutory duties through promoting an integrated service delivery model and enhancing co-operative governance within the province, among others.</i>	R'000 763 471	R'000 598 151	R'000 140 554	R'000 24 765	R'000 -	R'000 218 378
1.1	<b>Administration</b> <i>To provide administrative support to the Premier, Executive Council and the Director-General in fulfilling their legislative and oversight functions and in promoting corporate governance.</i> <i>of which specific allocation is:</i> <i>Moerane Commission of Inquiry</i>	81 998	89 425	1 119	1 454	-	-
1.2	<b>Institutional Development</b> <i>To improve service delivery through institutional capacity building and transformation management in the province.</i> <i>of which specific allocation is:</i> <i>Centralisation of communications budget</i> <i>of which transfer to public entity is:</i> <i>KwaZulu-Natal Gaming and Betting Board</i> <i>of which specific allocation is:</i> <i>Funding for office accommodation</i>	369 908	3 054 296 122	63 354	164 10 432	-	3 218
1.3	<b>Policy and Governance</b> <i>To initiate the province-wide development and implementation of policies and strategies to achieve a co-ordinated approach toward sustainable provincial growth and of which transfer to public entity is:</i> <i>Amata eKwaZulu-Natal</i> <i>of which specific allocation are:</i> <i>Poverty Eradication Master Plan Operations Centre</i> <i>The Royal Household</i> <i>of which transfer to public entity is:</i> <i>The Royal Household Trust</i>	301 565	212 604	76 081	12 880	-	20 033
2	<b>Provincial Legislature</b> <i>To deepen democracy and entrench activism in KwaZulu-Natal through robust oversight, effective public participation and efficient law-making.</i>	529 752	385 400	102 678	41 674	-	-
2.1	<b>Administration</b> <i>To conduct the overall management of the Provincial Legislature.</i>	249 025	206 955	396	41 674	-	-
2.2	<b>Parliamentary Business</b> <i>To provide operational and institutional support to the Provincial Legislature.</i>	280 727	178 445	102 282	-	-	-
3	<b>Agriculture and Rural Development</b> <i>To advance sound agricultural practices that stimulate comprehensive economic growth, food security and advancement of agricultural communities.</i>	2 197 144	1 750 425	292 873	153 048	-	488 091
3.1	<b>Administration</b> <i>To support the line function components of the department in achieving their goals.</i>	517 077	459 316	9 523	46 238	-	-
3.2	<b>Agriculture</b> <i>To provide agriculture services encompassing crop production, livestock farming, land use and land reform and veterinary services such as animal disease control, prevention of zoonotic diseases, and ensuring safety of food products of animal origin.</i> <i>of which conditional grants are:</i> <i>Land Care Programme grant</i> <i>Comprehensive Agricultural Support Programme grant</i> <i>of which transfer to public entity is:</i> <i>Agri-business Development Agency (ADA)</i> <i>Tima/Letsame Projects grant</i> <i>EPWP Integrated Grant for Provinces</i> <i>of which transfer (equitable share) to public entity is:</i> <i>Agri-business Development Agency (ADA)</i> <i>of which transfer to provincial government business enterprise are:</i> <i>Ithala</i> <i>Mjondi Farming (Pty) Ltd</i>	1 649 815	1 263 580	280 945	105 290	-	12 012 209 598
3.3	<b>Rural Development</b> <i>To initiate, plan and monitor development in specific rural areas across the three spheres of government and to facilitate rural development initiatives by engaging communities on priorities and to institutionalise and support community organisational structures.</i>	30 252	27 529	2 405	318	-	94 248 11 323 56 001
4	<b>Economic Development, Tourism and Environmental Affairs</b> <i>To provide leadership and facilitate integrated economic planning, implement strategies that drive economic growth and promote sound environmental management, among others.</i>	2 796 453	734 982	2 051 842	9 628	-	2 049 082
4.1	<b>Administration</b> <i>To provide for the overall management of the department, and to render a support service to other programmes in terms of transversal functions.</i>	261 016	255 550	749	4 717	-	-
4.2	<b>Integrated Economic Development Services</b> <i>To provide strategic leadership, direction and co-ordination of economic empowerment initiatives in KZN.</i> <i>of which transfer to provincial government business enterprise is:</i> <i>Ithala Dev Finance Corp (Ithala)</i> <i>of which specific allocations are:</i> <i>Enterprise Development Fund</i> <i>KZN Property Development Holding SOC Ltd</i> <i>Small Business Growth Enterprise</i> <i>Ithala SOC Limited</i> <i>Radical Economic Transformation Funding</i> <i>Thokozani Royal Lodge</i> <i>of which specific allocation is:</i> <i>KZN Growth Fund Trust</i>	373 889	152 630	220 985	274	-	150 624 40 022 2 000 3 052 60 000 40 050 5 500 54 400

## (Schedule)

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated
			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	
		R'000	R'000	R'000	R'000	R'000	R'000
3	Trade and Sector Development <i>To stimulate economic growth through industry development, trade and investment promotion.</i>	823 352	38 877	784 312	163	-	-
	<i>of which conditional allocations to municipalities are:</i>						
	uMhlathuze municipality: Richards Bay Airport			800		800	
	Umhlanga Development Agency: Mkhaza Airport			28 100		28 100	
	King Cetshwayo municipality: Amakha Essential Oils			2 800		2 800	
	<i>of which transfers to public entities are:</i>						
	Dube TradePort Corporation (DTPC)			392 657		392 657	
	Trade and Investment KwaZulu-Natal (TIK)			85 305		85 305	
	<i>of which a donation exceeding R100 000 are:</i>						
	Essence Festival			450		450	
	New Orleans Investment Conference			220		220	
	KZN Film Commission (KZNFC)			78 843		78 843	
	<i>of which transfer to provincial government business enterprise is:</i>						
	Richards Bay Industrial Development Zone (RBIDZ)			132 605		132 605	
	<i>of which specific allocation is:</i>						
	Moses Kotane Institute (MKI)			47 550		47 550	
4	Business Regulation and Governance <i>To enable an equitable and socially responsible business environment.</i>	105 311	27 182	77 990	139	-	-
	<i>of which specific allocation is:</i>						
	KZN Liquor Authority (KZNL)			77 990		77 990	
5	Economic Planning <i>To develop provincial economic policies and strategies to achieve and measure sustainable economic development.</i>	33 053	19 440	13 330	283	-	-
	<i>of which conditional allocation to municipality are:</i>						
	eThekweni Metro: Innovation Forums initiative			500		500	
	uMhlabuyalingana municipality: Kosl Bay border development			1 250		1 250	
	Jozini municipality: Cecil Mark border development			1 300		1 300	
6	Tourism <i>To stimulate economic growth through tourism development.</i>	225 862	28 448	196 959	455	-	-
	<i>of which conditional allocation to municipality are:</i>						
	eThekweni Metro: Woza Durban			1 500		1 500	
	uMkhanyakude municipality: Ingodini Border Caves			1 000		1 000	
	<i>of which transfers to public entity is:</i>						
	KwaZulu-Natal Sharks Board (KZNSB)			68 479		68 479	
	<i>of which specific allocation is:</i>						
	Research on non-lethal shark deterrent			5 479		5 479	
	KwaZulu-Natal Tourism Authority (TKZN)			116 980		116 980	
7	Environmental Affairs <i>To ensure effective compliance and governance in respect of environmental</i>	973 970	212 855	757 517	3 598	-	-
	<i>of which conditional grant is:</i>						
	EPWP Integrated Grant for Provinces			6 149		6 149	
	<i>of which specific allocation is:</i>						
	Invasive Alien Species programme			52 530		52 530	
	<i>of which transfer to public entity is:</i>						
	Ezernwelo KZN Wildlife (EKZNW) (Subsidy from EDTEA R653 380 million)			749 720		749 720	
	<i>of which specific allocations are:</i>						
	Bhambatha Lodge, Ingodini Border Caves			4 100		4 100	
	Invasive Alien Species Programme			35 000		35 000	
	Rhino anti-poaching			9 240		9 240	
	Parthenium eradication			5 000		5 000	
	Ndumo Lodge upgrade			1 000		1 000	
	Cathedral Peak road maintenance			23 000		23 000	
	Staff Accommodation renovations			19 000		19 000	
8	Education <i>To provide equitable access to quality education for the people of KwaZulu-Natal.</i>	47 900 093	44 234 596	1 752 699	1 880 905	31 893	3 658 151
1	Administration <i>To provide for the overall management of the education system in accordance with the National Education Policy Act, PFMA, and other policies.</i>	1 833 503	1 751 932	38 160	13 518	31 893	-
	<i>of which specific allocation is:</i>						
	Improving infrastructure support			11 283			11 283
2	Public Ordinary School Education. <i>To provide public ordinary education from Grade 1 to 12 in accordance with SA Schools Act.</i>	39 721 781	38 305 074	1 375 867	40 840	-	-
	<i>of which conditional grants are:</i>						
	National School Nutrition Programme grant			1 549 054		17 840	
	Maths, Science and Technology grant			38 660		23 000	
	EPWP Integrated Grant for Provinces			2 000			2 000
	Social Sector EPWP Incentive Grant for Provinces			4 808			4 808
3	Independent School Subsidies <i>To support independent schools in accordance with the South African Schools Act.</i>	86 038	-	86 038	-	-	-
4	Public Special School Education <i>To provide compulsory public education in special schools in accordance with the SA Schools Act and White Paper 6 on Inclusive Education.</i>	1 082 809	946 356	135 344	1 109	-	-
	<i>of which conditional grant is:</i>						
	Learners with Profound Intellectual Disabilities grant			4 449			5 558
5	Early Childhood Development <i>To provide Early Childhood Education (ECD) at the Grade R and earlier levels in accordance with White Paper 5 on ECD.</i>	1 231 595	1 201 067	30 528	-	-	-
6	Infrastructure Development <i>To provide and maintain infrastructure facilities for the administration and schools.</i>	2 414 634	589 396	-	1 825 438	-	-
	<i>of which conditional grant is:</i>						
	Education Infrastructure grant			274 395		1 718 751	
	<i>of which specific allocation are:</i>						
	Water and sanitation in schools			-		50 000	
	Wind Storm damage to schools			-		36 687	
	Flood disaster - 10 October 2017			-		70 000	
7	Examination and Education Related Services <i>To provide examination support services to learners in the relevant grades, and ensure quality in the provision of education, through quality assurance</i>	1 529 533	1 440 771	88 782	-	-	-
	<i>of which conditional grant is:</i>						
	HIV and AIDS (Life-Skills Education) grant			56 115			56 115

## (Schedule)

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated
			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	
		R'000	R'000	R'000	R'000	R'000	R'000
6	<b>Provincial Treasury</b> <i>To enhance the KwaZulu-Natal Provincial Government's service delivery by responding to the expectations of all stakeholders in the value chain as a key driver through optimum and transparent allocation of financial resources, while enhancing revenue generation and financial management practices.</i>	831 369	613 378	5 755	12 235		14 500
	1 Administration. <i>To provide strategic support services in terms of financial management, human resources, auxiliary services, information communication and technology, and legal</i>	158 382	148 254	4 553	5 575		
	2 Fiscal Resource Management. <i>To effectively manage and monitor the provincial and local government fiscal resources.</i>	97 925	97 492	67	368		
	3 Financial Management. <i>To ensure effective and efficient management of physical and financial assets for provincial and local government.</i>	212 389	206 202	654	5 533		
	4 Internal Audit. <i>To develop effective risk management strategies and governance, to build and maintain successful client relationships, to develop knowledge by creating a learning culture and to build foundations for excellence to support the KZN provincial government in achieving its objectives.</i>	145 491	144 549	181	761		
	5 Growth and Development <i>Programme 5 makes provision for the MEC outreach programmes, special projects approved by the Provincial Executive Council, such as the PPP exit strategy for the IALCH, as well as various departmental interventions, such as SCM interventions in other departments.</i> of which specific allocation is: Health/Treasury assistance plan	17 182	16 882	300			
				14 500			14 500
7	<b>Health</b> <i>To develop a sustainable, co-ordinated, integrated and comprehensive health system at all levels of care, based on the primary health care approach through the district health system.</i>	39 930 478	37 215 823	1 027 358	1 579 473	107 724	10 718 122
	1 Administration <i>To provide overall strategic leadership, co-ordination and management of activities towards the achievement of optimal health status of all communities in the province, as well as the administration of the department in line with good governance practice.</i> of which specific allocation are: Improving infrastructure support Health/Treasury assistance plan	897 415	771 446	6 594	11 651	107 724	
	2 District Health Services <i>To render Primary Health Care services and District Hospital services.</i> of which conditional allocation to municipalities is: Municipal clinics	19 441 200	18 710 274	475 617	255 309		
	of which conditional grants are: Comprehensive HIV, AIDS and TB grant National Health Insurance grant Social Sector EPWP Incentive Grant for Provinces of which specific allocations are: NHLS fee-for-service pressures Exchange rate pressures - medicine, equipment and supplies Health/Treasury assistance plan			204 284			204 284
	3 Emergency Medical Services <i>To render pre-hospital emergency medical services, including inter-hospital transfers and planned patient transport.</i>	1 358 514	1 301 802	4 703	52 009		
	4 Provincial Hospital Services <i>To render hospital services which are accessible, appropriate and effective and the provision of general specialist services including specialised rehabilitation service, and a platform for training health professionals and research.</i> of which conditional grant is: Health Professions Training and Development grant of which specific allocations are: NHLS fee-for-service pressures Exchange rate pressures - medicine, equipment and supplies Health/Treasury assistance plan	10 622 756	10 266 749	240 139	115 868		
	5 Central Hospital Services. <i>To provide tertiary health services and to create a platform for the training of health</i> of which conditional grant is: National Tertiary Services grant of which specific allocations are: NHLS fee-for-service pressures Exchange rate pressures - medicine, equipment and supplies Health/Treasury assistance plan	4 681 578	4 570 316	11 696	99 566		
	6 Health Sciences and Training <i>To render training and development opportunities for actual and potential employees of the department.</i>	1 241 683	946 604	287 832	7 247		
	7 Health Care Support Services. <i>To manage the supply of pharmaceuticals and medical sundries to hospitals, community health centres, clinics and local authorities, and to provide laundry services and specialised orthotic and prosthetic services.</i>	229 354	216 363	777	12 214		
	8 Health Facilities Management. <i>To cater for the facilities management of community health clinics and health centres, district hospitals, emergency medical services facilities, provincial hospitals, central and tertiary hospitals, as well as other buildings and structures.</i> of which conditional grants are: Health Facility Revitalisation grant EPWP Integrated Grant for Provinces of which specific allocation are: Exchange rate pressures - medicine, equipment and supplies Health/Treasury assistance plan Flood Disaster of 10 October 2017	1 457 978	432 369		1 025 609		
				126 089 8 400	1 023 266		1 149 355 8 400
				5 000	236 789		236 789 5 000
					50 450		50 450

## (Schedule)

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated
			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	
		R'000	R'000	R'000	R'000	R'000	R'000
8	<b>Human Settlements</b> <i>To deliver suitably located housing opportunities and security of tenure over the next five years through collaborative partnership, legislative planning processes and empowerment of women in construction.</i>	3 866 734	469 792	3 365 526	31 416	-	3 525 376
	1 Administration <i>To identify and eliminate bottle-necks, as well as continuously improve the flow of financial, administrative and management information.</i>	214 780	208 577	1 639	4 564	-	-
	2 Housing Needs, Research and Planning <i>To develop tools to guide the department's investment decisions and to provide policy and support to the housing delivery process.</i>	16 679	16 668	-	11	-	-
	3 Housing Development. <i>To implement and monitor housing delivery within all districts including the eThekini Metro, through various subsidy mechanisms in terms of national and provincial policies.</i>	3 437 834	244 547	3 168 446	26 641	-	-
	of which conditional grants are: Human Settlements Development grant of which conditional allocation to municipalities are: Operational costs for accredited municipalities CRU Programme EPWP Integrated Grant for Provinces	150 149	3 145 445	26 716	-	-	3 322 310
	55 210 69 000 5 625	197 441	197 441	-	-	-	55 210 69 000 5 625
	4 Housing Asset Management, Property Management. <i>To manage ex-NPA and Own Affairs stock, including residential properties, vacant land and a variety of other non-residential properties.</i>	197 441	-	197 441	-	-	197 441
	of which transfers to other entity is: KZN Housing Fund of which conditional grant is: Human Settlements Development grant	197 441	156 629	-	-	-	156 629
9	<b>Community Safety and Liaison</b> <i>To be the lead department in co-ordinating integrated, participatory community safety initiatives and promoting police accountability towards a crime free KwaZulu-Natal.</i>	264 486	195 402	115	8 969	-	1 487
	1 Administration <i>To provide strategic direction and support, administrative, financial, executive and legal support, and human resource services.</i>	83 645	75 450	40	8 155	-	-
	2 Civilian Oversight <i>To perform the function of oversight over the Office of the Provincial Commissioner and specialised units, as well as community police relations at a provincial level.</i>	120 841	119 952	75	814	-	-
	of which conditional grant allocation is: Social Sector EPWP Incentive Grant for Provinces	1 487	-	-	-	-	1 487
10	<b>Sport and Recreation</b> <i>To transform the sport and recreation environment through integrated, sustainable mass participation, development and high performance programmes at all levels by ensuring equitable access and alignment to government outcomes so as to improve the quality of life of all the citizens of KwaZulu-Natal.</i>	463 953	343 269	94 634	28 020	-	156 672
	1 Administration <i>To provide the overall management of the department.</i>	85 140	79 039	501	5 600	-	-
	2 Sport and Recreation. <i>To promote, develop, administer and fund sport in the Province of KwaZulu-Natal.</i>	378 813	264 250	94 143	20 420	-	-
	of which conditional allocation to municipalities is: Sport facilities of which conditional grants are: Mass Participation and Sport Development grant EPWP Integrated Grant for Provinces of which conditional allocation to municipalities is: Maintenance grant Social Sector EPWP Incentive Grant for Provinces	12 165	46 080 8 440 2 000 2 000 12 165	-	-	-	46 080 88 427 2 000 2 000 12 165
11	<b>Co-operative Governance and Traditional Affairs</b> <i>To co-ordinate and foster co-operation among governance institutions and build capacity to accelerate delivery of high quality services to communities.</i>	1 626 726	1 518 417	41 102	67 207	-	199 702
	1 Administration <i>To provide support services within the department, the Office of the Ministry and all special projects.</i>	395 940	373 957	10 879	11 104	-	-
	2 Local Governance <i>To co-ordinate, support, promote and enhance governance, administration and public participation in local government.</i>	262 112	259 720	1 196	1 196	-	-
	of which conditional allocations to municipalities is: Integrated Youth Development Summit	377 427	298 476	1 000	51 110	-	1 000
	3 Development and Planning. <i>To promote informed integrated planning and development in the province.</i>	3 338	-	-	-	-	3 338
	of which conditional grants are: EPWP Integrated Grant for Provinces Construction of TSC's and CSCs Development Planning and Shared Services Schemes support programme Spatial Development Framework Support GIS Precinct Support Small Town Rehabilitation programme of which specific allocation is: Mandela Day Marathon event	7 500 1 250 7 000 1 200 1 000 9 750 1 500	-	-	-	-	7 500 1 250 7 000 1 200 1 000 9 750 1 500
	4 Traditional Institutional Management . <i>To support and enhance the quality of traditional councils.</i>	591 247	586 264	1 186	3 797	-	1 500
	of which specific allocation are: Remuneration of Izinduna Traditional Council elections	126 164 40 000	-	-	-	-	126 164 40 000

## (Schedule)

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated R'000
			Current Payments R'000	Transfers and subsidies R'000	Payments for capital assets R'000	Payments for financial assets R'000	
12	<b>Transport</b> <i>To strive to provide the public with mobility by an affordable transportation system that is safe, integrated, regulated, affordable and accessible to meet the developmental needs of the province.</i>	R'000	R'000	R'000	R'000	R'000	R'000
		10 074 270	5 092 812	1 100 816	3 879 847	785	3 379 354
1	<b>Administration</b> <i>To provide the department with the overall management and administrative, strategic, financial and corporate support services in order to ensure that it delivers on its mandate in an integrated, efficient, effective and sustainable manner</i>	347 052	320 839	9 888	16 325	-	-
2	<b>Transport Infrastructure</b> <i>To promote accessibility and the safe, affordable movement of people, goods and services through the delivery and maintenance of transport infrastructure that is sustainable, integrated and environmentally sensitive, and which supports and facilitates social empowerment and economic growth. of which conditional grants are: EPWP Integrated Grant for Provinces Provincial Roads Maintenance grant of which specific allocation are: Cross-border crime fighting Flood damage</i>	7 405 129	3 552 368	12 534	3 839 667	560	33 645 1 828 970
3	<b>Transport Operations</b> <i>To plan, regulate and facilitate the provision of integrated land transport services through co-ordination and co-operation with national planning authorities, community-based organisation (CBOs), non-governmental organisations (NGOs), and the private sector in order to enhance the mobility of all communities particularly those currently without or with limited access. of which conditional grant is: Public Transport Operations grant of which specific allocation is: Learner transport services</i>	1 437 403	365 634	1 071 512	257	-	50 000 200 000
4	<b>Transport Regulation</b> <i>To ensure the provision of a safe transport environment through the regulation of traffic on public infrastructure, law enforcement, implementation of road safety education and awareness programmes and the registration and licensing of vehicles and drivers.</i>	849 447	820 697	5 017	23 498	235	195 300
5	<b>Community Based Programme</b> <i>To direct and manage the implementation of programmes and strategies that lead to the development and empowerment of communities and contractors.</i>	35 239	33 274	1 865	100	-	-
13	<b>Social Development</b> <i>To transform our society by building conscious and capable citizens through the provision of integrated social development services.</i>	2 986 364	1 862 698	959 661	164 005	-	1 018 473
1	<b>Administration</b> <i>To provide overall strategic management and support services to the department, political and legislative interface between government, civil society and all relevant stakeholders, address policy interpretation and the strategic direction of the department and provide support with regard to corporate management, human resource management, logistics, communication, finance, and legal services, etc.</i>	449 640	414 650	9 123	25 867	-	-
2	<b>Social Welfare Services</b> <i>The provision of developmental social welfare services. of which conditional grant is: Social Sector EPWP Incentive Grant for Provinces of which specific allocations are: Care and Services to Older Persons* Services to Persons with Disabilities* HIV and AIDS* *of which includes specific allocation of 6 per cent increase in transfers to NGOs Inkuluuleko Elderly Day Care Centre</i>	738 150	386 384	275 411	76 355	-	19 498
3	<b>Children and Families</b> <i>To provide comprehensive child and family care and support services to communities in partnerships with stakeholders and civil society organisations. of which conditional grant is: Early Childhood Development grant Social Worker Employment grant of which specific allocations are: Care and Services to Families* Child Care and Protection* ECD and Partial Care* Child and Youth Care* Community-Based Care Services for Children* *of which includes specific allocation of 6 per cent increase in transfers to NGOs</i>	1 279 651	665 307	567 450	46 894	-	120 099 74 236 63 239 16 690 1 000
4	<b>Restorative Services</b> <i>To provide integrated developmental social crime prevention and anti-substance abuse services to the most vulnerable in partnership with stakeholders and civil society organisations. of which specific allocations are: Crime Prevention and Support* Victim Empowerment* Substance Abuse, Prevention and Rehabilitation* *of which includes specific allocation of 6 per cent increase in transfers to NGOs</i>	315 404	258 114	54 307	2 983	-	10 580 79 769 295 660 88 968 32 921 29 422
5	<b>Development and Research</b> <i>To provide sustainable development programmes which facilitate empowerment of communities, based on empirical research and demographic information. of which specific allocations are: Poverty Alleviation and Sustainable Livelihoods Youth Development Woman Development</i>	203 519	138 243	53 370	11 906	-	17 061 19 618 17 474 2 990 14 597 30 886 7 529

Vote	Description	Total	Details of appropriated amounts				Amounts specifically and exclusively appropriated
			Current Payments	Transfers and subsidies	Payments for capital assets	Payments for financial assets	
			R'000	R'000	R'000	R'000	
14	<b>Public Works</b> <i>To improve the life of people in KZN through sustainable infrastructure development and property management.</i>	1 542 817	871 698	502 926	66 191	-	642 739
	1 Administration <i>To provide strategic leadership and management support to the Member of the Executive Council, to build a positive corporate culture, to render support and advice in terms of human resource practices, all legal matters, security and logistics and effective communication and information management systems, render sound financial management services and risk management.</i>	389 540	359 646	8 060	21 834	-	-
	2 Property Management <i>To provide and facilitate the provision of accommodation and integrated property management services to clients through planned property life cycle (acquisition, maintenance and disposal), optimal utilisation of immovable assets, land valuation, maintenance of fixed asset register, payment of property rates and integrated service delivery.</i> of which conditional allocation to municipalities is: Payment of municipal property rates of which specific allocations are: Government Immovable Asset Management Act (GIAMA) projects Fixed Asset Register	675 563	83 351	591 992	220	-	591 873
	3 Provision of Buildings, Structures and Equipment <i>To provide for the erection and/or acquisition of buildings, structures and engineering works and the maintenance of buildings to client specifications.</i> of which conditional grant is: EPWP Integrated Grant for Provinces of which special allocations are: Improving Infrastructure support Provincial Infrastructure Master Plan Mayville Conference Centre GIAMA - Conditional Assessments	477 714	428 701	2 876	46 137	-	14 986 3 943 6 588 22 799 5 866 4 776 31 908
15	<b>Arts and Culture</b> <i>To provide integrated arts and culture services for the people of KwaZulu-Natal, by developing and promoting arts and culture in the province and mainstreaming its role in socio-economic development.</i>	638 814	466 409	249 948	122 457	-	371 330
	1 Administration <i>To provide for effective management and administration of the department and to ensure effective and efficient use of financial and human resources.</i>	149 387	146 055	1 414	1 918	-	-
	2 Cultural Affairs <i>To provide for projects and interventions in the arts, culture, language services and museum, and to provide an environment conducive to the celebration, nourishment and growth of these sectors.</i> of which conditional grant is: EPWP Integrated Grant for Provinces of which conditional allocations to municipalities are: Museum subsidies Operational costs for art centres of which transfer to public entity is: The Playhouse Company of which specific allocations are: Refurbishment of Winston Churchill Theatre Archive Repository	235 099	162 387	55 971	16 741	-	2 000 8 958 1 911 8 174 2 000 5 000 2 000 5 000
	3 Library and Archive Services <i>To provide library and information services, as well as archive services.</i> of which conditional grant are: Community Library Services grant of which conditional allocation to municipalities is: Community Library Services grant of which conditional allocation to municipalities is: Provincialisation of Libraries	454 328	157 967	192 563	103 798	-	182 971 29 634 160 316 160 316
Total		116 352 924	98 353 373	11 788 499	8 070 640	140 412	28 670 458

**KENNISGEWING 6 VAN 2018**

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL TWEEDE  
AANSWIWERINGSBEGROTINGS WET, 2017**  
(No. 10 van 2017)

Goedgekeur op 07-12-2017

**WET**

**Om aanpassings aan te bring vir die bewilliging van fondse uit die Proviniale Inkomstefonds om aan die behoeftes van die Provinie tydens die 2017/18 finansiële jaar wat eindig op 31 Maart 2017, te voldoen en voorsiening te maak vir aangeleenthede wat daarvan verband hou.**

**AANHEF**

**AANGESIEN artikel 226(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal dat geld alleenlik uit die Proviniale Inkomstefonds onttrek mag word ingevolge 'n bewilliging deur 'n provinsiale Wet;**

**AANGESIEN** die KwaZulu-Natal Begrotingswet, 2017 (Wet Nr. 2 van 2017), voorsiening maak vir die bewilliging van geld uit die Proviniale Inkomstefonds om aan die vereistes van die Provinsie in die 2017/18 finansiële jaar te voorsien;

**AANGESIEN** artikel 31 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999), voorsiening maak dat aansuiwerings aangebring kan word aan die bedrae van geld bewillig in 'n Begrotingswet,

**WORD DAAR DERHALWE VERORDEN** deur die Proviniale Wetgewer van die Provinsie KwaZulu-Natal, soos volg:—

### **Woordomskrywing**

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken enige woord of uitdrukking waaraan daar 'n betekenis geheg is in die KwaZulu-Natal Aansuiweringsbegrotingswet, 2017 (Wet Nr. 2 van 2017), of die Wet op Openbare Finansiële Bestuur, word die betekenis daaraan geheg behou soos in daardie Wette.

“hierdie Wet” sluit die Bylae in;

“voorwaardelike toekennings” verwys na voorwaardelike toekennings aan die provinsie vanaf die nasionale regering se deel van inkomste wat nasionaal ingevorder word, waarvoor voorsiening gemaak word en waarvan die doel gespesifiseer word in die jaarlikse Wet op die Verdeling van Inkomste soos verwys in artikel 214(1)(c) van die Grondwet van die Republiek van Suid-Afrika, 1996;

“lopende betalings” beteken enige betaling gemaak deur 'n departement wat geklassifiseer of geag word as 'n lopende betaling in terme van die “*Guidelines for Implementing the Economic Reporting Format*” (September 2009), uitgereik deur die Nasionale Tesourie ingevolge artikel 76 van die Wet op Openbare Finansiële Bestuur. Die bogenoemde behels enige betaling gemaak deur 'n proviniale departement ten opsigte van die bedryfsbehoeftes van daardie departement, en sluit in onder andere, betalings vir die vergoeding van werknemers, goedere en dienste, rente en huur van onroerende eiendom, maar sluit uit oordragte en subsidies, betalings vir kapitaalbates en finansiële transaksies wat betrekking het op bates en laste;

“Finansiële Bestuur van Parlement en Proviniale Wetgewers Wet” beteken die Finansiële Bestuur van Parlement en Proviniale Wetgewers Wet”.

“betalings vir kapitaalbates” beteken enige betaling gemaak deur 'n departement wat geklassifiseer of ge-ag word as 'n betaling vir kapitale bates in terme van die “*Guidelines for Implementing the Economic Reporting Format*” (September 2009), en die “*Asset Management Framework*” (April 2004, Weergawe 3.3), uitgereik deur die Nasionale Tesourie onder artikel 76 van die van die Wet op Openbare Finansiële Bestuur. Die bogenoemde behels enige betaling gemaak deur 'n proviniale departement vir bates wat deurlopend of herhaaldelik vir meer as een jaar in produksie gebruik kan word, en waaruit toekomstige ekonomiese voordele of dienspotensiaal verwag word om regstreeks na die proviniale departement wat die betaling doen, sal vloe;

“betalings vir finansiële bates” beteken enige betaling gemaak deur 'n departement wat geklassifiseer of geag word as 'n betaling vir finansiële bates in terme van die “*Guidelines*

*for Implementing the Economic Reporting Format*" (September 2009), uitgereik deur die Nasionale Tesourie onder artikel 76 van die van die Wet op Openbare Finansiële Bestuur. Die bogenoemde behels die voorsiening van betalings ge-assosieer met sekere betalings van finansiële bates ten opsigte van uitgawes van transaksies waar die doel van welke transaksie nie mark ge-oriënteerd is nie;

**"Provinsie"** beteken die Provinsie van KwaZulu-Natal gevestig in terme van artikel 103 van die Grondwet van die Republiek van Suid-Afrika, 1996;

**"Provinsiale Wetgewer"** beteken die wetgewer van die Provinsie van KwaZulu-Natal;

**"Wet op Openbare Finansiële Bestuur"** beteken die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999, soos gewysig);

**"oordragte en subsidies"** beteken enige betaling gemaak deur 'n departement wat geklassifiseer of geag word as 'n oordrag of subsidie betaling aan provinsiale staatsbesigheidsondernemings, openbare entiteite en voorwaardelike oordragte aan munisipaliteite in terme van die "*Guidelines for Implementing the Economic Reporting Format*" (September 2009), uitgereik deur die Nasionale Tesourie onder artikel 76 van die van die Wet op Openbare Finansiële Bestuur. Die bogenoemde behels enige betaling gemaak deur 'n provinsiale departement aan 'n ander staatsorgaan of enige ander persoon ten opsigte waarvan die provinsiale departement nie iets van soortgelyke waarde regstreeks in ruil ontvang nie.

#### **Bewilling van aangesuiwerde bedrae van geld vir die behoeftes van die Provinsie**

2. (1) Aangesuiwerde bewilligings van geld deur die Provinsiale Wetgewer uit die Provinsiale Inkomstefonds vir die behoeftes van die Provinsie in die 2017/18 finansiële jaar, vir begrotingsposte en hoofindelings binne 'n begrotingspos, en veranderinge aan die doelstellings en doelwitte soos uiteengesit, word vir die spesifieke gemelde doeleindeste uiteengesit in die Bylae.

(2) Besteding van bewilligings beoog in sub-artikel (1) is onderhewig aan die Wet op Openbare Finansiële Bestuur en artikel 3 van hierdie Wet.

#### **Bewilling aangedui as "spesiek en uitsluitlik"**

3. Ondanks enige wetsbepaling, mag bewilligings vir 'n begrotingspos of hoofindelings binne 'n begrotingspos wat as "spesiek en uitsluitlik" in die Bylae aangedui word, verwys na –

- a) Nasionale voorwaardelike toekennings mag slegs gebruik word vir die doel soos gestipuleer in die Wet op die Verdeling van Inkomste en tesame met die raamwerk gesertifiseer deur daardie Wet; en
- b) Enige ander fondse wat spesiek en uitsluitlik bewillig word, mag alleenlik gebruik word vir die doel soos aangedui en mag nie gebruik word vir enige ander doel nie, tensy 'n Wet of die Provinsiale Wetgewer die doel waarvoor dit toegewys is, wysig of verander.

**Kort titel en inwerkingtreding**

4. Hierdie Wet heet die KwaZulu-Natal Aansuiwerings Begrotingswet, 2017.

## (Bylaag)

Pos	Beskrywing	Totaal	Besonderhede van bewilligde bedrae				Bedrae bewilliging spesifiek en uitsluitlik
			R'000	R'000	R'000	R'000	
1	Kantoor van die Premier <i>Om die Premier, onder ander, te ondersteun met die uitvoering van sy grondwetlike en statutêre pligte deur 'n geïntegreerde diensleweringsmodel te bevorder en kodorpatriewe regering in die provinsie te verbeter.</i>	763 471	598 151	140 554	24 786	-	218 379
1.1	Administrasie <i>Om administratiewe steun aan die Premier, Uitvoerende Geesag en die Direkteur-Generaal te verleen met betrekking tot die wetgewende en oorsig funksies en in die bevordering van korporatiewe bestuur.</i>	91 998	89 425	1 119	1 454	-	
1.2	Moerane Kommissie van Ondersoek <i>Waaranvan spesifieke toekenning: Moerane Kommissie van Ondersoek</i>			3 054	164	-	3 218
1.3	Institutionele ontwikkeling <i>Om dienslewering te verbeter deur middel van kapasiteitbou en transformasiebestuur in die provinsie.</i>	369 908	296 122	63 354	10 432	-	
1.4	waaranvan spesifieke toekenning: Sentralisering van kommunikasie begroting waaranvan oordragte aan openbare entiteit: KwaZulu-Natal Doppel en Weddema-kapraad waaranvan spesifieke toekenning: Befondsing van kantoor akkommodasie			40 805	63 196	-	40 805
1.5	Beleid en behartiging <i>Om die ontwikkeling en implementering van beleid en strategie in die provinsie te insideer om 'n gekoördineerde benadering ten opsigte van volhoubare provinsiale groei en ontwikkeling te bereik.</i>	301 565	212 604	76 081	12 880	-	20 033
1.6	waaranvan oordragte aan openbare entiteit: Amata KwaZulu-Natal waaranvan spesifieke toekenning: Die Uitwisseling van Ampeede Meesterplan bedryfssentrum Die Koninklike Huishouding waaranvan oordragte aan openbare entiteit: Die Koninklike Huishouding Trust			32 263	6 444	-	32 263
1.7				18 501	18 501	-	18 501
2	Provinsiale Wetgewer <i>Om demokrasie deur robuuste toesig, effektiwe publieke mededeling en doelgerigte wetgewerw te vandelp en aktivisme te vestig in KwaZulu-Natal.</i>	529 752	385 400	102 678	41 674	-	-
2.1	Administrasie <i>Om die algemene bestuur van die Provinsiale Wetgewer uit te voer</i>	249 025	206 955	396	41 674	-	
2.2	Parlementêre Dienste <i>Om operasionele en institutionele ondersteuning aan die Provinsiale Wetgewer te verleen.</i>	280 727	178 445	102 282	-	-	
3	Landbou en Landelike Ontwikkeling <i>Om volhoubare landboupraktyke te bevorder wat ekonomiese groei, voedselsikuriteit en bevordering van landelike gemeenskappe bevorder.</i>	2 197 144	1 750 425	292 873	153 846	-	486 091
3.1	Administrasie <i>Om die lystfunksie komponente van die departement in die bereiking van hul doelwitte te ondersteun.</i>	517 077	459 318	8 523	48 238	-	
3.2	Landbou <i>Om landboudienste, insluitend produksie van gewasse, veeteelt, landsbou-en hervermeng en versetserykunde dienste soos diereslekte beheer en voorkoming van soönoetiese siektes te voorsien, en veiligheid van diere voedselprodukte te verseker</i>	1 640 815	1 263 580	280 945	105 290	-	
3.3	waaranvan voorwaardelike toekenning: Grondbewaring toekenning Omvattende landbou-ondersteuningsprogram toekenning waaranvan oordragte aan openbare entiteit: Agri-besigheid Ontwikkelings Agentskap (ADA) Ilimafetsese Projekte Uitgebreide Openbare Werke Program (UOWP) Geïntegreerde Toekenning vir Provincias waaranvan oordragte (billike aandeel) aan openbare entiteit: Agri-besigheid Ontwikkelings Agentskap (ADA) waaranvan oordrag aan provinsiale staatsbesigheidsonderneeming: Ithala Ontwikkeling Finansiële Korporasie Mjindzi Farming (Edms) Bpk			11 962	50	-	12 012
3.4				167 597	42 001	-	209 598
3.5					27 087	-	27 087
3.6					51 606	-	67 356
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Pos	Beskrywing	(Bylaag)					
		Totaal	Besonderhede van bewilligde bedrae				Bedrae bewilliging spesifiek en uitstulifik
			R'000	R'000	R'000	R'000	
6	<b>Provinciale Tresoure</b> Om, as 'n sleuteldrywer, dienslewering deur die Provinciale regering van KwaZulu-Natal te verbeter, deur te reageer op die verwagtinge van alle belanghebbendes in die waardeketting, deur optimale en duursige toekennings van finansiële hulpbronne, terwyl inkomste generasie en finansiële bestuur bevorder word.	631 369	613 378	5 755	12 235	-	14 500
1	<b>Administrasie</b> Om strategiese ondersteuningsdienste in terme van finansiële bestuur, menslike hulpbronne, hulpdienste, inligtings kommunikasie en tegnologie en regsdienste te bied	158 382	148 254	4 553	5 575	-	
2	<b>Fiscale Hulpbronbestuur</b> Om die fiscale hulpbronne van die provinciale en plaaslike regering doeltreffende bestuur en te moniter.	87 825	87 492	67	366	-	
3	<b>Finansiële Bestuur</b> Om doeltreffende bestuur van fisiese en finansiële bates vir die provinsie en plaaslike regering te verseker.	212 389	206 202	654	5 533	-	
4	<b>Interne Oordt</b> Om doeltreffende risikobestuurstrategieën en bestuur te ontwikkel, om suksesvolle kantteverhoudinge te bou en in stand te hou, om kennis te ontwikkel deur 'n leerkultuur te skep, en om die grondslag vir vooruitgang te lê om die KZN provinsiale regering in staat te stel om sy doelwitte te bereik.	145 491	144 549	181	761	-	
5	<b>Groei- en Ontwikkeling</b> Om voorsering te maak vir die Uitvoerende Raadsaadj se uitbreidingsprogramme en spesiale projekte soos goedgekeur deur die Provinciale Uitvoerende Raad, soos die PPP Ultrastryke strategie vir IALCH, sowel as verskeie departementele ingrypingsprogramme, soos die voorsering kettingbestuur ingrypings in ander departemente.	17 182	16 882	300	-	-	
	waarvan spesifieke toekenning: <b>Gesondheid/Tresoure hulp plan</b>			14 500			14 500
7	<b>Gesondheid</b> Om 'n volhoubare, pekoordende, volledige en geïntegreerde gesondheidstelsel vir alle vakkie van sorg te ontwikkel, gebaseer op die primêre gesondheidsoordening deur middel van die Distrikgesondheidstelsel.	39 930 478	37 215 823	1 027 358	1 579 473	107 724	10 716 122
1	<b>Administrasie</b> Om algehele strategiese leierskap, koordinasie en beheer van aktiwiteite, om 'n optimale gesondheidsvak van alle gemeenskappe in die provinsie te bereik, asook die administrasie van die departement volgens goedgekeurde bestuursbeginsels te behart;	897 415	771 446	6 504	11 651	107 724	
	waarvan spesifieke toekenning: Verbetering van Infrastruktuur ondersteuning <b>Gesondheid/Tresoure hulp plan</b>			23 880 6 244			23 880 6 244
2	<b>Distrikgesondheidsdienste</b> Om primêre gesondheids- en distrikospitaaldienste te lever, waarvan voorwaardelike toekenning aan munisipaliteite: Munisipale Klinike waarvan voorwaardelike toekenning: Omvattende MIV, VIGS en TB-toekenning Nasionale Gesondheid Assurasie toekenning Maaitskaplike Sektor UOWP Aansporingstoekenning vir Provincies waarvan spesifieke toekenning: Nasionale Gesondheid Laboratorium toele vir dienste druk Wisselkoers druk - medisyne, gereedskap en voorraad <b>Gesondheid/Tresoure hulp plan</b>	19 441 200	18 710 274	475 617	255 309	-	
				204 284			204 284
3	<b>Nood Mediese Dienste</b> Om voor-hospitale nood mediese dienste te verskaf, insluitend oorplasings tussen hospitale en beplande pasientvervoer	1 358 514	1 301 802	4 703	52 009	-	
4	<b>Provinciale Hospitaaldienste</b> Om bereikbare, plesklike en effektiwe hospitaaldienste, sowel as algemene spesialistydienste, insluitend gespesialiseerde rehabilitasiydienste en 'n platform vir die opleiding van spesialiste en navorsing te voorser.	10 622 756	10 266 749	240 139	115 868	-	
	waarvan voorwaardelike toekenning: Opleiding en Ontwikkeling van Professionele Gesondheidswerkers toekenning waarvan spesifieke toekenning: Nasionale Gesondheid Laboratorium toele vir dienste druk Wisselkoers druk - medisyne, gereedskap en voorraad <b>Gesondheid/Tresoure hulp plan</b>			331 944			331 944
5	<b>Centrale Hospitaaldienste</b> Om tersiêre gesondheidsdienste te lever en 'n platform vir die opleiding van gesondheidspersoneel te voorser.	4 681 578	4 570 316	11 696	99 566	-	
	waarvan voorwaardelike toekenning: Nasionale Tersiêre Diens te toekenning waarvan spesifieke toekenning: Nasionale Gesondheid Laboratorium toele vir dienste druk Wisselkoers druk - medisyne, gereedskap en voorraad <b>Gesondheid/Tresoure hulp plan</b>			1 634 466	4 800	57 000	1 696 266
6	<b>Gesondheidswetenskappe en Opleiding</b> Om voorsering te maak vir die opleiding en ontwikkelingsgeleenthede vir huidige en potensiële gesondheidswerkers in die departement.	1 241 683	946 604	287 832	7 247	-	
7	<b>Gesondheidsondersteuningdienste</b> Om die voorsering van farmaseutiese en mediese diverse items aan hospitale, gemeenskaps-gesondheidssentrum, klinike en plaaslike overhede te bestuur, en wasgoed dienste en gespesialiseerde orthotiese en prostetiese dienste te voorser.	229 354	216 363	777	12 214	-	
8	<b>Bestuur van Gesondheidssatelliete</b> Om voorsering te maak vir die satellietbestuur van gemeenskapsgesondheidsklinike en -gesondheidssentrum, distrikshospitale, provinsiale hospitale, sentrale en tersiêre hospitale, asook ander geboue en strukture.	1 457 978	432 369	-	1 025 609	-	
	waarvan voorwaardelike toekenning: Gesondheidslasiliteit hermyngstoekenning UOWP Geïntegreerde Toekenning vir Provincies waarvan spesifieke toekenning: Wisselkoers druk - medisyne, gereedskap en voorraad <b>Gesondheid/Tresoure hulp plan</b> Voedramp van 10 Oktober 2017			126 089 8 400		1 023 266	1 149 355 8 400
				5 000		236 789	236 789 5 000
						50 450	50 450

(Bylaag)

Pos	Beskrywing	Totaal	Besonderhede van bewilligde bedrae				Bedrae bewilliging spesifiek en uitsluitlik
			Lopende Betalings	Oordragte en subsidies	Betalinge vir kapitaalsbates	Betalinge vir finansiële bates	
		R'000	R'000	R'000	R'000	R'000	R'000
8	Mensele Nedersettings <i>Om oor die volgende vyf jaar gesukte geleë behuisingsgeleenthede en verbyfragte te lewer, deur samewerking met vennootskappe, wetsbeplanning prosesse en bemagtiging van vroue in konstrukte.</i>	3 866 734	469 792	3 365 528	31 416	-	3 525 378
1	Administrasie <i>Om knelpunte te identificeer en te elimineer, sowel as die voortdurende verbetering van die vloei van finansiële, administratiewe en bestuursinligting.</i>	214 780	208 577	1 639	4 564	-	-
2	Behuisingbehoefté, navorsing en beplanning <i>Om hulpmiddels te ontwikkel om die departement se beleggingsbesluite te bestuur en om beleid en ondersteuning te bied aan die behuisingswewers proses.</i>	16 679	16 668	-	11	-	-
3	Behuisingontwikkeling implementering, beplanning en doelwitte <i>Om die levering van behuising in alle distrikte, insluitende eThekweni Metro, te implementeer en te monitor deur verskeie subsidie mekanismes in terme van nasionale en provinsiale beleid.</i>	3 437 834	244 547	3 166 446	26 841	-	-
	waarvan voorwaardelike toekenning: Menselike vestigingsontwikkeling toekenning waarvan voorwaardelike toekenning aan munisipaliteite: Operasionele onkoste van gekrediteerde munisipaliteite Gemeenskaps residensiële eenheid program UOWP Geïntegreerde Toekenning vir Provincies	150 149	3 145 445	26 716		3 322 310	
4	Behuising Bestuur, Elendombestuur <i>Om voorraad van die voormalige Natalse Provinsiale Administrasie en Eis Sake te beurt, insluitende residensiële siendomme, vakante land en 'n verskeidenheid van ander nie-residensiële elendomme.</i>	197 441	-	197 441	-	55 210 69 000 5 625	
	waarvan oordragte na ander entiteit: KZN Behuising Fonds waarvan voorwaardelike toekenning: Menselike vestigingsontwikkeling toekenning			197 441		197 441	
				156 829		156 829	
9	Gemeenskapveiligheid en Skakeling <i>Om die leidingsgewende departement in die koordinasie van geïntegreerde, deelnemende gemeenskap-veiligheids initiatiewe te wees en polisie aanspreklikheid ten einde 'n mistydrye KwaZulu-Natal te bevorder.</i>	204 486	195 402	115	8 869	-	1 487
1	Administrasie <i>Om strategiese leiding en ondersteuning, administratiewe, finansiële, uitvoerende en resonderteuning en menselike hulpbrondienste te verskaf.</i>	83 645	75 450	40	8 155	-	-
2	Burgerlike Oorsig <i>Om oorgeskiklike funksies oor die kantoor van die Provinsiale Kommissaris en gespesialiseerde eenhede, sowel as gemeenskap polisie verhoudings op 'n provinsiale vlak uit te voer.</i>	120 841	119 952	75	814	-	-
	waarvan voorwaardelike toekenning: Maatskaplike Sektor UOWP Aansporingstoekenning vir Provincies			1 487			1 487
10	Sport en Ontspanning <i>Om die sport en rekreasie omgewing te herskep deur geïnlegerde, volhoubare massa deelname, onwakkering en hoog prestasie programme op alle vlakke en deur gelykwaardige toegang en genietbaarheid op staatsuitslae te verskaf, sodat die kwaliteit van lewe vir alle inwoners van KwaZulu-Natal verbeter word.</i>	463 953	343 289	94 644	26 020	-	158 672
1	Administrasie <i>Om die algemene bestuur van die departement te behartig.</i>	85 140	79 039	501	5 600	-	-
2	Sport en ontspanning <i>Om sport in die provinsie van KwaZulu-Natal te bevorder, ontwikkel, administreer en te befrons.</i>	378 813	264 250	94 143	20 420	-	-
	waarvan voorwaardelike toekenning aan munisipaliteite: Sport fasiliteite waarvan voorwaardelike toekenning: Deelname aan Massa Sport en Rekreasie UOWP Geïntegreerde Toekenning vir Provincies waarvan voorwaardelike toekenning aan munisipaliteite: Instandhoudings toekenning Maatskaplike Sektor UOWP Aansporingstoekenning vir Provincies			46 080		46 080 98 427 2 000 2 000 12 165	
11	Koöperatiewe Bestuur en Tradisionele Sake <i>Om samewerking tussen bestuur instansies te koördineer en te bevorder en kapasiteit te bou om dienslewering van 'n hoog gehalte aan gemeenskappe te versnel.</i>	1 626 726	1 518 417	41 102	67 207	-	199 702
1	Administrasie <i>Om voorstiening te maak vir ondersteuningsdienste aan die departement, sowel as aan die kantoor van die Voorvordering Owerheid en spesiale projekte.</i>	395 940	373 957	10 878	11 104	-	-
2	Plaaslike Bestuur <i>Om bestuur, administrasie en publieke deelname in plaaslike regering te koördineer, te ondersteun, te bevorder en te verbeter.</i>	262 112	259 720	1 196	1 196	-	-
3	Ontwikkeling en Beplanning <i>Om ingeligte geïntegreerde beplanning en ontwikkeling in die provinsie te bevorder.</i>	377 427	298 478	27 841	51 110	-	1 000
	waarvan voorwaardelike toekenning: UOWP Geïntegreerde Toekenning vir provinsies waarvan voorwaardelike toekenning aan munisipaliteite: Konstruktiewe van Tradisionele dienssentrum en gemeenskaps-dienssentrum Ontwikkelings-beplanning en gedeelde dienste Skemas ondersteuningsprogram Landelike ontwikkelingsraamwerk ondersteuning GIS buurts ondersteuning Klein Dorp Rehabilitatings program waarvan spesifieke toekenning: Mandela Dag Marathon gebeurtenis 4			1 000 3 338		3 338 7 500 1 250 7 000 1 200 1 000 9 750 1 500	
	Tradisionele en Institusionele Bestuur <i>Om tradisionele instellings te ondersteun en kwaliteit te verbeter.</i>	591 247	586 264	1 186	3 797		1 500
	waarvan spesifieke toekenning: Vergadering vir Izinduna Tradisionele Raad verklesing			126 164 40 000		126 164 40 000	

Pos	Beskrywing	Totaal	Besonderhede van bewilligde bedras				Bedras bewilliging spesifiek en uitstuklik
			Lopende Betalings	Oordragte en subsidies	Betalings vir kapitaalsbates	Betalings vir finansiële bates	
			R'000	R'000	R'000	R'000	
12	<b>Vervoer</b> <i>Om die publiek met mobiliteit te voorsien deur 'n bekostigbare vervoerselsel wat veilig, geïntegreerd, geregeleer, bekostigbaar en toeganklik is en voldoen aan die ontwikkelingsbehoeftes van die provinsie.</i>	10 074 270	5 082 812	1 100 816	3 879 847	795	3 378 354
	1 Administrasie <i>Om die departement te voorsien van algemene bestuur en administratiewe, strategiese, finansiële en korporatiewe ondersteundienste, ten einde te verseker dat dit sy mandaat in 'n geïntegreerde, doeltreffende, effekiewe en volhoubare wyse nakom.</i>	347 052	320 839	8 888	18 325	-	
	2 Vervoer Infrastruktur <i>Om toegang tot die veilige en bekostigbare beweging van mense, goedere en dienste te bevorder deur die levering en instandhouding van vervoer infrastruktur wat volhoubaar, geïntegreerd en omgewing sensibel is, en wat sosiale bemagtiging en ekonomiese groei ondersteun.</i> waarvan voorwaardelike toekenning: UOWP Geïntegreerde Toekenning vir Provincies Provinciale Padinstandhoudings-toekenning waarvan spesifieke toekenning: Oorgrensse Misdaadbeskydingsstruktuur Vloedsake	7 405 129	3 552 368	12 534	3 839 657	560	33 645 1 828 970
	3 Vervoer Bedrywigheide <i>Om die voorstiening van geïntegreerde landvervoer dienste te beplan, te reguleer en te bewerkstellig deur die koordinasie en samewerking met nasionale beplannings, owerhede, nie-regeringsorganisasies (NROs) en die privaatsktor om die beweging van alle gemeenskappe te bevorder, veral dié sonder of met beperkte toegang.</i> waarvan voorwaardelike toekenning: Openbare Vervoer bedrywigheide toekenning waarvan spesifieke toekenning: Leerder vervoer	1 437 403	365 634	1 071 512	257	-	1 071 439
	4 Vervoer Regulasie <i>Om die voorstiening van 'n veilige vervoer omgewing te verseker deur die regulering van verkeer op openbare infrastruktur, wetstoepassing, implementering van padverkeer opvoeding en bewusstheidsopleiding en die registrasie en lisensiëring van voertuie en bestuurders.</i>	849 447	820 697	5 017	23 498	235	195 300
	5 Gemeenskaps Gebaseerde program <i>Om die implementering van programme en strategieë, wat lei tot die ontwikkeling en bemagtiging van gemeenskappe en kontakteurs, te lei en bestuur.</i>	35 230	33 274	1 885	100	-	
13	<b>Maatskaplike Ontwikkeling</b> <i>Om die samelewings te onskep deur bewusste en bekwarende burgers daar te stel deur die voorstiening van geïntegreerde maatskaplike ontwikkelingsdienste.</i>	2 986 364	1 862 898	959 581	164 005	-	1 018 473
	1 Administrasie <i>Om algemene strategiese bestuur en ondersteuningsdienste aan die departement, politieke en wetgewende tussenvoering tussen die staat, siviele gemeenskap en alle relevante belanghebbende, om beleidsinterpretasie en die strategiese rigting van die departement te voorsien, en om ondersteuning ten opsigte van korporatiewe bestuur, menslike hulpbron bestuur, logistiek, kommunikasie, finansiële en regsdienste, ens. te verskaf.</i>	449 640	414 850	9 123	25 067	-	
	2 Maatskaplike Welsynsdienste <i>Om ontwikkelings-maatskaplike welsynsdienste te voorsien.</i> waarvan voorwaardelike toekenning: Maatskaplike Sektor UOWP Aansporings-toekenning vir Provincias waarvan spesifieke toekenning: "Versorging van en dienste aan bejaarde" Dienste aan gesetrumdes" MIV en VIGS" "waarvan spesifieke toekenning 6 persent verhoging in oordragte na NPOs insluit" Inklusiewe dagorg sentrum vir bejaardes	738 150	386 384	275 411	76 355	-	19 498
	3 Kinders en Families <i>Om omvattende kinder-en familië ondersteuningsdienste aan gemeenskappe te lewer, in vennootskap met belanghebbendes en burgerlike organisasies.</i> waarvan voorwaardelike toekenning: Vroeë kinderontwikkeling toekenning Maatskaplike werker indienstaneming toekenning waarvan spesifieke toekenning: "Versorging van en dienste aan families" Kindersorg en beskerming" "Vroeë kinderontwikkeling en gedeeltelike versorging" "Kinders en jeug versorging" Gemeenskaps-gebaseerde versorgingsdienste vir kinders" "waarvan spesifieke toekenning 6 persent verhoging in oordragte na NPOs insluit"	1 279 651	665 307	567 450	46 684	-	1 000 120 099 74 236 63 239 16 690 1 000 10 580 79 769 295 660 88 068 32 921 29 422 71 879 53 459 10 580 79 769 295 660 88 068 32 921 29 422

## (Bylaag)

Pos	Beskrywing	Totaal	Besonderhede van bewilligde bedreue				Bedree bewilliging spesifiek en uiteluilik
			Lopende Betalings	Oordragte en subsidiee	Betalings vir kapitaalsbates	Betalings vir finansiële bates	
		R'000	R'000	R'000	R'000	R'000	R'000
	4 Herstellende dienste..... <i>Om geïntegreerde ontwikkelings maatskapplike misdaadvorsking en anti-dwelkmaibruk dienste te lever aan die kwasbeartsie, in vernoootskap met belanghebbendes en burgerlike organisasies. waaran spesifieke toekenning: Misdaad voorwering en ondersteuning" Slagooffer bemagtiging" Dwelkmaadaad, voorwering en rehabilitering" "waaran spesifieke toekenning 8 persent verhoging in oordragte na NPO's insluit:</i>	315 404	258 114	54 307	2 983	-	
	5 Ontwikkeling en Navorsing..... <i>Om volhoubare ontwikkelingsprogramme, wat op empiriese navorsing en demografiese informasie gebaseer is te voorstel. waaran spesifieke toekenning: Armoede verligting en volhoubare lewensbestaan Jeug ontwikkeling Vroue onwikkeling</i>	203 519	138 243	53 370	11 906	-	
14	Openbare Werke <i>Om die lewens van mense in KZN te verbeter deur volhoubare infrastruktuuronderhouding en eiendomsbestuur</i>	1 542 617	871 698	602 928	68 191	-	682 739
	1 Administrasie..... <i>Om strategiese leierskap en bestuursondersteuning te verskaf aan die Lid van die Uitvoerende Raad, 'n positiwe korporatiewe kultuur te bou, ondersteuning en raad in terme van menslike hulpbron praktyke, alle wettige sake, sekuriteit en logistiek en effektiwe kommunikasié en inligtingsbeheer stelsels te verskaf, en om gesonde finansiële bestuurdienste en raakbestuur te lever</i>	389 540	359 646	8 060	21 634	-	
	2 Eiendomsbestuur..... <i>Om die voorsering van akkommodasie en geïntegreerde bestuurdienste aan kliente te verskaf en te faciliteer, deur middel van beplante eiendomsleweensaaihus (verkryging, instandhouding en ekskalifing), optimale gebruik van staat vaste eiendom, grond waardasse, instandhouding van die vaste bate register, betaling van eiendomsarbeie en geïntegreerde dienslewening, waaran voorwaardelike toekenning: Betaling van munisipale eiendomsarbeie waaran spesifieke toekenning: Regering Vaste Bate Bestuursplan Wet Vaste Bate Register</i>	675 563	63 351	591 092	220	-	
	3 Voorsiening van Geboue, Strukture en Toerusting..... <i>Om vir die bou en/of aanskaffing van geboue, strukture en ingenieursvoerusting, asook die instandhouding van geboue volgens klientspesifikasie voorsering te maak. waaran voorwaardelike toekenning: UOWP Geïntegreerde Toekenning vir Provincies waaran spesifieke toekenning: Verbetering van infrastruktuur ondersteuning Provinciale Infrastruktuur Maestersplan Mayville Konferensie Sentrum Regering Vaste Bate Bestuursplan Wet - Voorwaardelike assessering</i>	477 714	428 701	2 876	48 137	-	
15	Kuns en Kultuur <i>Om geïntegreerde kuns en kultuur dienste vir die mense van KwaZulu-Natal te lever deur die ontwikkeling en bevordering van kuns en kultuur en hoofstroming van die departement se rol in sosio-economiese ontwikkeling.</i>	838 814	466 409	249 948	122 457	-	371 330
	1 Administrasie..... <i>Om effektiwe bestuur en administrasie van die departement te behartig en om effektiwe en doeltreffende gebruik van finansiële en menslike hulpbronne te verskaf.</i>	149 367	146 055	1 414	1 018	-	
	2 Kulturele Aangeleenthede..... <i>Om vir projekte en tussenbedres in kuns, kultuur en taalkunsdiene te voorser en 'n omgewing bevorderlik tot die vierung, opbou en ontwikkeling van hierdie sektore te skep. waaran voorwaardelike toekenning: UOWP Geïntegreerde Toekenning vir Provincies waaran voorwaardelike toekenning aan munisipaliteite: Museum subsidies Kunssentrum Operasionele onkosie waaran oordragte aan openbare entiteite: The Playhouse Company waaran spesifieke toekenning: Hermuwing van Winston Churchill Teater Argiewe bewaarplek</i>	235 099	162 367	55 071	16 741	-	
	3 Biblioteek- en Argiefdienste..... <i>Om biblioteek en informasiedienste, asook argiedienste te voorser. waaran voorwaardelike toekenning: Gemeenskaps Biblioteekdienste toekenning waaran voorwaardelike toekenning aan munisipaliteite: Gemeenskaps Biblioteekdienste toekenning waaran voorwaardelike toekenning aan munisipaliteite: Provinisialelaaste van biblioteke</i>	454 328	157 067	102 563	103 798	-	
	Total	116 352 924	96 353 373	11 788 499	8 070 640	140 412	25 679 458

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

## **UMTHETHO WAKWAZULU-NATALI WESABELOZIMALI**

### **MAPHAKATHI NONYAKAMALI, 2017**

(Umthetho Na. 10 ka 2017)

Uvunywe mhlaka 07-12-2017

## **UMTHETHO**

**Ukuhlinzekela ukwabiwa kwezimali maphakathi nonyakamali esiKhwameni Semali Yesifundazwe ngokwezidingo zesiFundazwe onyakeni wezimali ka-2017/18 ophela mhla zingama-31 kuNdasa 2017 kanye nokuhlinzekela ezinye izindaba eziphathelene nakho.**

## **ISANDULELO**

**NAKUBA** isigaba 226(2) soMthethosisekelo WeRiphabhlik YaseNingizimu Afrika ka-1996 ubalula ukuthi imali ingakhishwa esiKhwameni Semali Yesifundazwe kuphela ngokuhambisana nokwabiwa kwezimali ngoMthetho oshaywe iPhalamende lesiFundazwe;

**NAKUBA** uMthetho wokwabiwa kwezimali, ka-2017 (uMthetho wesibili ka-2017) ubalula ukwabiwa kwezimali esiKhwameni Semali Yesifundazwe ukuhlinzekela izidingo zesifundazwe zonyakamali ka-2017/18

**NAKUBA FUTHI** isigaba 26 soMthetho Wokuphathwa Kwezimali Zomphakathi, ka-1999 (uMthetho No.1 ka-1999) uhuhlinzekela ukuthi izinguqoko zingenziwa ezimalini ezabiwe ngokoMthetho Wokwabiwa kweZimali ;

**MAKUMISWE UMTHETHO** yiPhalamende lesiFundazwe saKwaZulu-Natali kanje:  
**Izincazelo**

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okunye, noma yiliphi igama noma ibinza lamagama elinikezwe incazelko kuMthetho wesibili Fundazwe saKwaZulu-Natali Wokwabiwa Kwezimali wonyaka-2017 (uMthetho wesibili ka-2017) noma kuMthetho Wokuphathwa Kwezimali Zomphakathi lithatha leyo ncazelko elinikezwe yona kuleyoMthetho futhi –

“uMthetho” uhlanganisa iSheduli;

“uxhasomali olunemibandela” kusho izabelo ezinikezwa isifundazwe, ohulumeni basekhaya noma omasipala oluvela esikhwameni semali sikahulumeni kazwelone, oluhlinzekelwe esigabeni 214(1)(c) soMthethosisekelo WeRiphabhlik YaseNingizimu Afrika, ka-1996.

“izinkokhelo zamanje” kusho noma yiziphi izinkokhelo ezenziwa umnyango ezichazwe njengezinkokhelo zamanje ngokwemigomo yokwethulwa kwendlela yokubikwa kwezimali ngokomnotho (kuMandulo ka-2009) ekhishwe nguMphathizimali kaZwelone ngaphansi kwesigaba sama-76 soMthetho wokuPhathwa kweZimali zikaHulumeni.

“izinkokhelo zempahla” kusho noma yiziphi izinkokhelo ezenziwa umnyango ezichazwe njengezinkokhelo zempahla ngokoMhlahlandlela yokwethulwa koHlelo Lokubika Ngezimali (kuMandulo ka-2009) kanye noHlaka Lokuphathwa Kwempahla (“Asset Management Framework”) (kuMbasu wonyaka we-2004, Isihumusho sesi-3.3), ekhishwe uMgcinimafa Kazwelone ngaphansi kwesigaba 76 soMthetho Wokuphathwa Kwezimali Zikahulumeni. lomthetho uqukethe ukuthi noma iyiphi inkokhelo eyenziwe umnyango wesifundazwe kukhokhelwa impahla engasetshenziswa umnyango ukukhiqiza ngokuphindiwe ngokungaphezu konyaka owodwa, nangokwenzozo elindeleke ukuba ingene emnyangweni wesifundazwe

“izinkokhelo zezimpahla zezimali” kusho noma yiziphi izinkokhelo ezenziwa umnyango ezichazwe njengezinkokhelo zezimpahla zezimali ngokwemigomo yokwethulwa kwendlela yokubikwa kwezimali ngokomnotho (kuMandulo ka-2009) ekhishwe nguMphathizimali kaZwelone ngaphansi kwesigaba sama-76 soMthetho wokuPhathwa

kweZimali zikaHulumeni. Lomthetho uqukethe isilinganiso semali engakhokhelwa ukuthengwa kwezimpahla zezimali ezingancikile emakethe.

**“IsiFundazwe”** kusho isifundazwe saKwaZulu-Natali esasungulwa ngokwesigaba 103 soMthethosisekelo waseNingizimu Afrika, wonyaka we-1996;

**“IsiShayamthetho Sesifundazwe”** kusho isishayamthetho sesiFundazwe saKwaZulu-Natali

**“uMthetho Wokupathwa Kwezimali Zomphakathi”** kusho uMthetho Wokupathwa Kwezimali Zomphakathi, ka-1999 (uMthetho No. 1 ka-1999); futhi

**“izinkokhelo ezidlulisiwe nemixhaso”** kusho noma yiziphi izinkokhelo ezenziwa umnyango ezichazwe njengezinkokhelo ezidluliswayo nemixhaso edluliselwa ko somabhinisi besifundazwe, izigaba zikahulumeni ezisebenza ngokuzimela kanye nenkokhelo enemibandela edluliselwa kohulumeni basekhaya ngokwemigomo yokwethulwa kwendlela yokubikwa kwezimali ngokomnotho (kuMandulo ka-2009) ekhishwe nguMphathizimali kaZwelonke ngaphansi kwasigaba sama-76 soMthetho wokuPhathwa kweZimali zikaHulumeni. Lokhu kusho noma yiziphi izinkokhelo ezenziwa ngumnyango wesifundazwe kwenye ingxene kahulumeni kumbe kunoma yimuphi omunye umuntu, umnyango ongatholi lutho kuye olunenani elifanayo, futhi kuLanganisa ukukhokhelwa kwezibonelelo ezikhishwa ngenxa yezimo ezithile.

### Izinguuko ngokwabiwa kwezimali zezidingo zesiFundazwe

2. (1) Ukwabiwa kwezimali maphakathi nonyakamali yiPhalamende Lesifundazwe esikhwameni Semali Yesifundazwe ukuze kubhekewi izidingo zikahulumeni onyakeni wezimali ka-2017/18, kuminyango kahulumeni ehlukene nezingxene ezinkulu zeminyango, kanye nezinguuko ngokwezinloso ezibaluliwe, kuchaziwe kwiSheduli.

(2) Ukusetshenziswa kwezimali ezabiwe ngokwesigaba sokuqala kumele kuhambisane noMthetho Wokupathwa Kwezimali zomphakathi kanye nesigaba 3 salo Mthetho.

### Ukwabiwa kwezimali okubaLulwe ngokukhethekileyo

3. Ngaphezu kwezinlinzeko zanoma yimuphi umthetho, izimali ezabelwe umnyango noma izingxene/izigaba zomnyango ezibalulwe ngokukhethekileyo ziphatelene -

- (a) noxhasomali olunemibandela lukazwelonke, zingasetshenziselwa kuphela lezozinhloso ezibalulwe eMthethweni Wokwabiwa Kezimali kanye nangokwemigomo ebekwe yiwo lowomthetho; futhi
- (b) Izimali ezibalulwe ngokukhethekileyo, zingasetshenziselwa kuphela inhlosi ebaluliwe futhi azikwazi ukusetshenziselwa enye inhlosi, ngaphandle uma uMthetho wePhalamende Lesifundazwe uchibiyela noma uguqula inhlosi ezazabelwe yona.

### Ukwabiwa okwengeziwe kanye nokunyakaziswa kwemali

### Isihloko Esifushane nokuqala ukusebenza

4. Lomthetho uzokwaziwa ngoMthetho waKwaZulu-Natali wokwabiwa kwezimali maphakathi nonyakamali ka-2017

H

(Ischeduli)

IVot I	Incazalo	Sekundenke	Imininingwane yemali eyabiwe				
			Izinkokhele zamane	Izinkokhele ezidullawayo nemiheso	Izinkokhele zempahla	Izinkokhele zezimpahla zezimall	Imali eyabiwe yabaliwa ngokukhethek ileyo
R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
1	Ithovisi ikaNdunankulu <i>Ukusiza uNdunankulu ekwenzeni imisebenzi yakhe ebekwe nguthethosisekelo nemiheso imithetho ngokuti! kwenzwa ngobungwati imylelo enikezwe imnyango, ukuhlela nokwenza zonke izinhlo zeSifundazwe, ukukwitheza ukusebenza ngokubambisena nokubusa kahle.</i>	783 471	598 151	140 654	24 768	-	218 379
1	Ezokuphathe <i>Ukwenza imisebenzi yokusiza uNdunankulu kanye neNhlolo Yomnyango ekulawulen iHovisi ikaNdunankulu, ngokuhlizuka ngamisebenzi yokusiza abaphathi emnyangweni.</i>	81 098	89 425	1 119	1 454	-	-
2	Ukuthuhukiswa Kwezikhungo <i>Ukwenza ngecong ukwenziva komsebenzi ngokuhlomise ngamakhono Izikhungo kanye nokutuwala kwezinguquku.</i>	369 908	3 054 296 122	83 354	10 432	-	3 218
3	Izinqubomgomgo nokuphathe <i>Ukusungulwa nokubekwa kwezinqubomgomgo zesiFundazwe ezisiza ekukhulweni nasekuthukuthukiswa kwezafundazwe.</i>	301 568	212 604	76 081	12 880	-	20 033
	<i>imali edulisewa esikhungweni sikhulumeni esizimele:</i> Amata eKwaZulu-Natal <i>isabelo esikhethetekile okuyilesi:</i> Isikhungo seifundazwe esibhekene nokuqedu ububha Royal Household <i>imali edulisewa esikhungweni sikhulumeni esizimele:</i> Royal Household Trust		40 805 63 198 20 033 32 263 9 000 44 850 18 603 8 444 18 501			-	40 805 63 198 20 033 32 263 9 000 69 887 18 501
2	IeShayamihetho seifundazwe <i>Ukuginisa intando yeningi nokuzikhuthaza KwaZulu-Natali ngokukapha umsebenzi kahulumeni, ukuzibandakanya komphakathi nokube imithetho eqotho.</i>	529 752	385 400	102 676	41 674	-	-
1	Ezokuphathe <i>Ukubeka utawulo-jikeleto Lwesishayamihetho Sifundazwe kuhlenzeks noxhaso iherenisebenzi yangaphakathi eShayamihetho.</i>	249 025	206 955	396	41 674	-	-
2	Imisebenzi Yephalamende <i>Ukuhlenzeka ngemisebenzi yezokuphathe nokusiza amelungu ePhalamende ngezinsizakusebenza kanye nokukekela ukuzbandskanza komphakathi ezinhleweni zikhulumeni.</i>	280 727	178 445	102 282	-	-	-
3	Ezolimo nokuthukiswa kwemiphakathi yasemaphandleni <i>Ukuthuthukiswa imkhuba emphle kwezolimo eguguguzela ukuthula kwezomnotho, ukuthulakala kokudla nokuyisa phembili imiphakathi yasemakhaya ngokubambisana nabanye.</i>	2 187 144	1 750 425	292 873	153 846	-	486 091
1	Ezokuphathe <i>Ukwenza tizingrenye eziqondene nemisebenzi ethile zomnyango, ekulezeni izinhloso zazo.</i>	517 077	459 316	9 523	48 238	-	-
2	Ezolimo <i>Ukunikeza ngemisebenzi yezolimo ethlanganisa ukuthula, ukufuya, ukusebenza komkhala nokubuyisewa kwayo nemisebenzi yokwelasuthwa kweziwane nyengokukapha izlo zezivane, ukuvuka izlo zezivane zasendie kanye nokuqinisekisa ukuphepha kokudla ukuvula ezihwaneni.</i>	1 649 815	1 263 580	280 945	105 290	-	-
	<i>uthasomali olunemebanda yilu:</i> Uthasolokunekelwa komkhala Uthole olubanzu lokwesekwa kwezplimo <i>imali edulisewa esikhungweni zikhulumeni esizimele:</i> Agri-business Development Agency (ADA) Izinhloso ze-Ilma/Letsima Uthasomali oludiyile lokunikeza umphakathi umsebenzi kaithulumeni <i>imali edulisewa esikhungweni sikhulumeni esizimele (evela kusabolo mal):</i> Agri-business Development Agency (ADA) <i>imali edulisewa ebhizisini ikehulumeni esizimele:</i> Ithala Mjindi Farming (Pty) Ltd		11 062 98 783 8 466	50 68 834 27 087 51 606 15 750 94 248 11 323 56 001		-	12 012 209 598 27 087 67 356 8 466 94 248 11 323 56 001
3	Ukuthuhukiswa kwezindawo zasemaphandleni <i>Ukugala, ukuhlela nokupapha intuthuko ezindaweni zasemaphandleni nokuhola intuthuka kwezindawo ngokusebenzisana nomphakathi ekubhekeli izidigo ezhakulekile nokupapha izinhloka zamphakathi.</i>	30 252	27 529	2 405	318	-	-
4	Ezokuthuhukiswa komnotha, ezokupaksha nezelMvela <i>Ukusungula nokupasisa ameceba okudlodofehla ukuthula komnotha, nokuba umgogodla wokushintsha ukupathwa nokuthuhukiswa komnotha, ukuhola ekuhleheni nokuthuhukiswa komnotha okudidiyele nokwenza isimo esikumela ukutshalwa kwezimali.</i>	2 796 453	734 882	2 051 842	9 829	-	2 049 082
1	Ezokuphathe <i>Ukuhlenzeka ngayo yonke imisebenzi yezokuphathe komnyango, nokwenza umsebenzi nokusiza eznye izinhlole ngokwemisebenzi ekhona eyehlukehlukene.</i>	281 016	255 550	749	4 717	-	-
2	Imisebenzi Yezokuthuhukiswa Komnotha Edidylewe <i>Ukuhlenzeka ngabuholi abunohlanza, umgudu kanye nokuhunyanisa kwemisebenzi yokuhlenzisa ngemzomtho esitundazweni.</i>	373 889	152 630	220 985	274	-	-
	<i>imali edulisewa ebhizisini ikehulumeni esizimele:</i> Ithala Development Finance Corp (Ithala) <i>isabelo esikhethetekile okuyilesi:</i> Enterprise Development Fund KZN Property Development Holdings SDC Ltd Small Business Growth Enterprise (SBGE) Radical Economic Transformation Funding Ithala SOC Limited Thokazi Royal Lodge <i>isabelo esikhethetekile okuyilesi:</i> KZN Growth Fund Trust		150 624 40 022 2 000 3 052 40 050 60 000 6 500 54 400		-	-	150 624 40 022 2 000 3 052 40 050 60 000 5 500 54 400

## (I Shoduli)

IVot I	Incazelo	Sekukonke	Imininngwane yemali syabiwe				Imali syabiwe yabulwa ngokukhethek ileyo
			Izinkokhelo zamenje	Izinkokhelo ezidiliswayo nemthaso	Izinkokhelo zemphala	Izinkokhelo sezimpahla zezimall	
		R'000	R'000	R'000	R'000	R'000	R'000
3	Ukuthuthukiswa Kwezohwebo Nezimboni Ukuhuthukiswa ukukhulwa komnotha ngokuthuthukisa izimboni, azohwebo kanye nakuthuthukiswa kothamoni. Imali eduliselwa komasipala uMhethuze municipality: Richards Bay Airport Umhlosoing Development Agency: Mkhuzi Airport King Cetshwayo municipality Imali eduliselwa ezikhungweni zikahulumeni eziizimele: Dube Trade Port Corporation (DTPC) Trade and Investment KwaZulu-Natal (TIK) Uthasomali olivvele kuR100 000 olugondene ne: Essence Festival New Orleans Investment Conference KZN Film Commission Imali eduliselwa ezikhungweni zikahulumeni zezaamabhizini: Richards Bay Industrial Development Zone (RBIDZ) isabelo esikhethelile okuyile: Moses Kotane Institute	823 352	38 877	784 312	153	-	-
4	Ukulawuwa Nokupathwa Kwanabhitini Ukuhulwa indawo yazmanabhitini enokulungana nofukuphezele komphakathi. Imali eduliselwa ezikhungweni zikahulumeni eziizimele: KZN Liquor Authority (KZNA)	105 311	27 182	77 990	139	-	77 990
5	Ukuhlelwa Kwezomnoti Ukwakha inqubompomo kanye namusu okusebenza ezomnotha zesifundazwe kanye namusu okusebenza okuleza nokukala intuthu yazmanopho esimeme. Uthasomali olunemibandela oludulizelwa komasipala eThakwini Metro: Innovation Forum initiative uMlalatyulindana municipality: Kosi Bay border development Jozini municipality: Cecil Mark border development	33 053	19 440	13 330	283	-	-
6	Ezokuvasha Ukuhuphula Izinga komnotha ngokuthuthukisa ezokuvasha. Uthasomali olunemibandela oludulizelwa komasipala eThakwini Metro: Waza Durban uMthanyakude municipality: Ingodini Border Caves Imali eduliselwa ezikhungweni zikahulumeni eziizimele: KwaZulu-Natal Sharks Board (KZNSB) isabelo esikhethelile okuyile: Ucwangingo ngezindilela zokuviniba oshaka ezingenabungozi KwaZulu-Natal Tourism Authority (TKZN)	225 862	28 448	196 859	455	-	-
7	Ezemvelo Ukuqinisekisa kokulandela kwemithethi sqondene nokupathwa kwezemvelo. uthasomali olunemibandela yilo: Uthasomali oludiyilelo lokuneza umphakathi umsebenzi kaHulumeni isabelo esikhethelile okuyile: Uhlelo lokususa izitshale ezinobungozi Imali eduliselwa ezikhungweni zikahulumeni eziizimele: Ezemvelo KZN Wildlife (uthasomali oluvele ku EDETA bayi R653 380 million) isabelo esikhethelile okuyile: Bambatha Lodge, Ingodini Border Caves Uhlelo lokususa izitshale ezinobungozi Ukvikele ukubulawa kobhejane Uhlelo lokujuswa kohkula olunobungozi/Parthenium eradication Ukuhuthukiswa kweNdlomo Lodge Ukuhlelwa komngwa oya eCathedral Peak Ukulungiswa kwezinidawo ezithala abasebenzi	973 970	212 855	757 517	3 598	-	-
8	Ezemfundo Ukuhlinzeka ngamathuba slengene amfundo yeqaphela eliphazulu kubantu besiFundawo saKwaZulu-Natali ngokwethetho yezefundu elukuhakuthene.	47 900 093	44 234 596	1 752 699	1 880 905	31 893	3 858 151
1	Ezokupatha Ukuza amakhovisi ahukene omnyango ukwenza imisebenzi yewo isabelo esikhethelile okuyile: Ukwenze kangcone usizo lokwakha Izinggalasizinda	1 833 503	1 751 932	36 160	13 518	31 893	-
2	Imfundo yasezikoleni zomphakathi Ukuhlinzeka ngemfundo yomphakathi esifundazweni kusukela kwibanga lukuqale kuya kumukuletheni ngokwethetho waZikole waseNingizimu Afrika. uthasomali olunemibandela yilo:	39 721 781	38 305 074	1 075 067	40 840	-	11 283
3	Uthasomali iwezikole eziizimele Ukuza iwezikole eziizimele ngokwethetho waZikole waseNingizimu Afrika	86 036	-	86 038	-	-	-
4	Izkole zomphakathi eziizipelehi Ukuhlinzeka ngemfundo yomphakathi ezikoleni eziyisiphezehi, nangazo zonke Izidango zato gokwethetho waZikole waseNingizimu Afrika nePhopho eMhlapho festiphupa ngemfundo ebandakanya wonke umuntu. uthasomali olunemibandela yilo: Abalundi abalukhupaza ka ngokwengqondo	1 062 809	946 356	135 344	1 109	-	-
5	Ukuhuthukiswa kwemlundo yezingane Ukuhlinzeka ngemfundo yokuthuthukisa Izingane ebangeni festigabe-A na kawamanye angaphambili, ukuze kugqinisekisa ukuthi bonke ebefundi bathola imfundo yasemazengeri sphansi ngaphambili kokuba bangene esiqeleni.	1 231 595	1 201 067	30 528	-	-	5 558
6	Ukuhuthukiswa kwezingalelsinda Ukuhlinzeka nokubhekela Izinggalasizinda zamahovisi ezokupatha kanye nezezikole uthasomali olunemibandela yilo: Uthaso Iwengpalasizinda yesilundawo isabelo esikhethelile okuyile: Amanzi nokuthuthuka kwandile ezikoleni Ukulungisa umonakalo odawo yisiphopho ezikoleni Ukulungisa umonakalo odawo yizikhukhla zangomhlaka 10 Kumfumu 2017	2 414 834	589 396	-	1 825 438	-	-
7	Imisebenzi eyengazezo nemnye elibene nayo Ukuhlinzeka ngemisabenzi yokwesa ngesikhethi sokuhulwa kwabulundi emabangeni afanele, kanye nokupinisekisa ukuthi umsebenzi wezemfundo uasezingeni eliphazulu. uthasomali olunemibandela yilo: Isabelomali sekulundiswa ngeNgulazi nesandulela Ngulazi	1 529 533	1 440 771	88 762	-	-	58 115

## (Schedule)

IVoti	Incazelo	Sekukonke	Imlininingwana yemali syabiwe				Imali syabiwe yabaluliwa ngokukhethekileyo
			Izinkokhelo zamano	Izinkokhelo esidulilewayo nemishaso	Izinkokhelo zempahla	Izinkokhelo zeziimpahla zeziimall	
R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
6 uMgcinimata wesifundazive	Ukwenza kangocong ukuthulwa kwemisebenzi kahulumeni ngokugqinisekisa ukuthi okuhindelwa Izinhla ka esibandsakanyekayo zithola lokho esikudingayeo ngokunikelela izimali kuba kwenziswa ngcono ukugoqwa kwezimali nokusefenziswa kwazo.	631 368	613 379	5 785	12 235	-	14 500
1 Ezokuphathe	Ukuhinzekela ngomsebenzi wokweseka uNgongqoqhe kanye nomnyango.	158 382	148 254	4 553	5 575	-	-
2 Ukuhathwa kwezimalizakusebenza eziyimali	Ukuhathwa nokvalusa ngendela izinsizakusebenza eziyimali zikahulumeni wesifundazive novasekhaya.	97 925	97 492	67	368	-	-
3 Ukuhathwa Kwezimali	Ukuqinisekisa ukuphathe ngendela kwempahla nezimali zkahulumeni wesifundaziveni novasekhaya.	212 389	206 202	654	5 533	-	-
4 Ukuwaningwa Kwamabhalu Kwangaphakathi	Ukusungula emasus saphusie ozawulo kwangaphakathi, lokulawulwa kwezimo ezinobungazi, ukwakha nokupcina ubudelwane obuhle nesisebenzisana nabo, ukuthala ulwazi nokwakha isiko lokufunda nokwakha isisekalo sokusebenza kahle ukweseka ukulumeni wesifundazive sakwa-Natali ekufenzeni inklosi yawo.	145 491	144 549	181	761	-	-
5 Ukuhula Nentuthuka	Ukuhinzekela izintlo ezikethekile esigumyazwe i-Khabhinethi ezizoneka ukukhula nentuthuka esifundaziveni	17 182	16 882	300	-	-	-
	ukhasomali olunembandela yilou!			14 500			14 500
	Uhlelo lokusiza olwenziswa umnyango wezempilo kanye nowezezimali						
7 Ezempilo	Ukuhuthukisa uhlelo hwezempilo olusimeme noludiyilewe kuwanwa wonke amazinga okunakelwa, ngokubuka unakeketonggangi hwezempilo ngoHlalo Lwezempilo Lwezfundazive.	38 830 478	37 215 923	1 027 358	1 570 473	107 724	10 718 122
1 Ezokuphathe	Ukuhinzekaza ngawo wonke amasu okuhola, ukurhumanisa nokulawula kwemisebenzi esikethekile esipokopheli sesimo sempilo esibulekile yayo yonke imphakathi esifundaziveni, kanye nokuphathe komnyago okuhambisana nemisebenzi yokubusa okuhlelo.	897 415	771 446	6 594	11 651	107 724	-
2 Ulizo Lwezempilo Lwezfundazive	Ukuhinzekela ngosizo hwezempilo kanye nezibhledela zesifundazive.	18 441 200	18 710 274	475 617	255 309	-	-
	Isabelo esinembandela esidulilesha komasipal:						
	Imhilampilo yomasipal			23 880			23 880
	ukhasomali olunembandela yilou:			6 244			6 244
	Uhasomali Olukidiyilewe LweNgulazi, Isandulela Ngulazi nesilo sofuba						
	Uhasomali lomswaleso wezempilo kazwelone			4 705 745	117 746	29 004	4 852 495
	Uhasomali lukuholomilia ekunikezeni umphakathi imisebenzi yesenitakahle isabelo esikethekile okuyile:			311			311
	Isikhungo sezochnawingo hwezempilo kuZwelone			47 058			47 058
	Ukusiza isabelo sokuthengwa kweMthi nemishini phesheywa ngenxa yengcindezi yokwehla kwamandia eRandi						
	Uhlelo lokusiza olwenziswa umnyango wezempilo kanye nowezezimali			185 498			185 498
	Isikhungo sezochnawingo hwezempilo kuZwelone			795 135			795 135
3 Imisebenzi Yezempilo Ephuthumayo	Ukuhinzekaza ngosizo hwezempilo oluphuthumayo ngaphambili kokufika esibhledela kubandakanye nokweduliselewa kwezinje isibhledela nokuhlela kwezinto zokuthutha iziqui.	1 358 514	1 301 802	4 703	52 000	-	165 000
4 Imisebenzi Yasebihedela Esifundaziveni	Ukuhinzekaza ngosizo hwezempilo oluphuthumayo ngaphambili kokufika esibhledela kubandakanye nokweduliselewa kwezinje isibhledela nokuhlela kwezinto zokuthutha iziqui.	10 622 756	10 266 740	240 139	115 868	-	-
	Isabelo esibhledela esifundaziveni:						
	Ukuhinzekaza ngosizo hwezempilo oluphuthumayo ngaphambili kokufika esibhledela kubandakanye nokweduliselewa kwezinje isibhledela nokuhlela kwezinto zokuthutha iziqui.			331 844			331 944
	Isabelo esikethekile okuyile:						
	Isikhungo sezochnawingo hwezempilo kuZwelone			111 826			111 826
	Ukusiza isabelo sokuthengwa kweMthi nemishini phesheywa ngenxa yengcindezi yokwehla kwamandia eRandi			418 075			418 075
	Uhlelo lokusiza olwenziswa umnyango wezempilo kanye nowezezimali			83 000			83 000
5 Imisebenzi Yestzo Lwaseabhedola	Ukuhinzekaza ngemisebenzi yezempilo esazingeni eliphezulu nesigcawu sokuqeleshwa kubasebenzi bezempilo.	4 681 578	4 570 316	11 698	99 566	-	-
	ukhasomali olunembandela yilou:						
	Imisebenzi Esazingeni Eliphezulu Kazwelone:			1 634 466	4 800	57 000	1 696 266
	Isabelo esikethekile okuyile:						
	Isikhungo sezochnawingo hwezempilo kuZwelone			31 800			31 800
	Ukusiza isabelo sokuthengwa kweMthi nemishini phesheywa ngenxa yengcindezi yokwehla kwamandia eRandi			241 312			241 312
	Uhlelo lokusiza olwenziswa umnyango wezempilo kanye nowezezimali			62 000			62 000
6 Izifundo Zezemphilo Nogqeqato	Ukuhinzekaza ngamathuba ogqeqato nentuthuko yalabo abengase bebe abasebenzi noma abayiblo abasabenzi bonnyango.	1 241 683	946 604	287 832	7 247	-	-
7 Imisebenzi Yokusiza kwemisebenzi Ezempilo	Ukuhinzekaza ngamathuba ogqeqato nentuthuko yalabo abengase bebe abasebenzi noma abayiblo abasabenzi bonnyango.	229 354	216 363	777	12 214	-	-
8 Ukuhathwa Kwezinalisa Zezemphilo	Ukuhinzekela ukuphathe kwezinalisa zezemphilo emtholampilo yomphakathi kanye nasezikhungweni zezemphilo, esibhledela zesifundazive esikhungweni setimo ziphuthumayo zezemphilo, esibhledela zokufunda kanye nekwezinje izakhiwo nezinhlike, ngokusebenzia iku zhasomali oluphuthumayo.	1 457 978	432 369	-	1 025 603	-	-
	ukhasomali olunembandela yilou:						
	Uhasomali Lokwakhlu Kabusha Kwezalihlo Zezemphilo			125 089			1 149 355
	Uhasomali Olukidiyilewe lokunkene umphakathi umsebenzi kaHlumeni			8 400			8 400
	Isabelo esikethekile okuyile:						
	Ukusiza isabelo sokuthengwa kweMthi nemishini phesheywa ngenxa yengcindezi yokwehla kwamandia eRandi				236 789		236 789
	Uhlelo lokusiza olwenziswa umnyango wezempilo kanye nowezezimali			5 000			5 000
	Ukulungisa umonakalo odatla yizikhukhula zangomhlaka 10 KuMlumfu 2017				50 450		50 450

IVoti I	Incasato	Sekukonke	(IScheduli)				
			Imininigwane yemali eyabiwa				Imali eyabiwe yabeluwa ngokukhetak leyo
			Izinkokhelo zamanje	Izinkokhelo esidiluwayo nemishaso	Izinkokhelo zemphala	Izinkokhelo sezimpahle zezimall	
R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
8	Ezokuhlalawa kwabentu <i>Ukunikeza ngamathuba ezindu ezindaweni ezfanele eminyakeni emithanu azayo ngokuhlanganyela raznyi iznhlaka, ukuhlela imithetho nokuthuthukisa abasitazene emkhakheni wezolwaktha.</i>	3 866 734	459 792	3 365 526	31 416	-	3 525 376
1	Ezokuphatha . <i>Ukuthombwa nokukususa iznto eziphamaria ukuphatha kanye nokwenza kangcongo indela okudlulwa ngayo imininigwane yezemali nokuphatha.</i>	214 780	208 577	1 639	4 564	-	-
2	Izidingo, uwawango nokuhlelwa nokwakhwa kwezzindu <i>Ukusungulu izinsizakusebenza zokukhombisa indela Izinqumo zomnyango zakusihawa kwezimali nokuhlaza ngezingubomgomgo rikusiza ekuthulweni kwemisebenzi yeziyu.</i>	16 679	16 668	-	11	-	-
3	Ukuqalisa Kokwakhwa Kwezzindlu <i>Ukuhlinze ka nokuqapha ukwethulwa kwemisebenzi yezeziyu kuzozonka izifunda okuhlanganisa nomasapala wethoku, ngokusebenza imiheso shukuhlaza uxhasomali olunembandela yilo:</i>	3 437 634	244 547	3 166 446	26 841	-	-
	<i>Uxhasomali lokaqhlelo kwezzindlu nofukuhlaza kwabantu Isabelo esinembandela esidiluwayo komaspala Izindako zomasebenza zomaspala abakhethele Uhlelo tzwindawo zokuhlaza umphakathi Uxhasomali oludidylelo lokunikeza umphakathi umsebenzi kahulumeni</i>		150 149	3 145 445	26 716	-	3 322 310
4	Ezokuphatha Kwempatha Ezylakkho <i>Ukuphatha impala otwakungekahulumeni ormdala, okuhlanganisa izindawo zokuhlaza, umhlabe ongakasetshenzwa nezinye izindawo okungezona ezokuhlaza. Isabelo esinembandela esidiluwayo emabizimini kahulumeni Isikhwama sokwakhwa kwezzindu zaseKZN Uxhasomali olunembandela yilo: Uxhasomali lokaqhlelo kwezzindlu nokuhlaza kwabantu</i>	197 441	-	197 441	-	-	-
5	Ezokuphephha nokuxhumenta nomphakathi <i>Ukuba ngabeboli abehola yonke imizano yezokuphephha komphakathi, nemizamo eyokwanzu ikwazulu-Natali ingabi nobugebengu.</i>	204 486	193 402	115	8 969	-	1 487
1	Ezokuphatha .. <i>Ukuqinisekisa ulawulo jikelele eminyangeni, nokwenza imisebenzi eqondene nezokuphatha, serezimali, usizo hwezomihetho nobwasebenzi.</i>	83 645	75 450	40	8 155	-	-
2	Izlungu sesiFundazwe esibhekile ukusebenza kwamaPhoyisa <i>Ukwenzusenbeni wokuhlaza ukusebenza KwaThovisa IkaKhomishana WasFundazwe, nezinhlaka ezkhelihetho, kanye nobudlelwano bomphakathi namaphovisa. Uxhasomali olunembandela yilo:</i>	120 841	119 952	75	814	-	-
10	EzeMidalo nezokuNgabeleka <i>Ukutaka Izinguquka kwazimidlelo nokungabebela ngokudidylelo, nangokubemba iqhaza kwabeningi, ukuthuthukisa kanye nezinhlelo eisizabenza kahuluna kuwoonone amabanga, ngokutqinisekisa ukuthembisa naezibopho zikuhlumeni zakwenza ngcono izindolo zezakhamidi sesiFundazwe saKwaZulu-Natali</i>	463 953	343 289	94 644	26 020	-	158 672
1	Ezokuphatha .. <i>Ukusingathe ukuphatha jikelele komnyango, ukwakhwa kwenqubomgomgo nguNgongqoshe kanye nabaphathi bomnyango.</i>	85 140	79 039	501	5 600	-	-
2	Ezumidalo nezokuNgabeleka .. <i>Ukuqakhambisa, ukuthuthukisa nokuhlinze ka ngezimali ezemidalo esifundazweni, isabelo esinembandela esidiluwayo komaspala: Inqqaqalanda yezemidalo Uxhasomali olunembandela yilo: Ukumbaba iqhaza kweningi nokuthuthukisa kwezeMidalo Uxhasomali oludidylelo lokunikeza umphakathi imisenzi kahulumeni isabelo esinembandela esidiluwayo komaspala Uxhasomali lokuvuselela Izakhwo Uxhasomali oludidylelo lokunikeza umphakathi imisenzi yesatahalakhe kaHulumeni</i>	378 813	264 250	94 143	20 420	-	-
11	Ukulawula ngokuhlange, nezindaba zomdabu <i>Ukuthuthaza ulawulo lohulumeni basekhaya olugxie kubantu, olunesibopho sokubika nolushesha ukulethwa kwezidigo lubuya luqimisekisa imphakathi esimeme.</i>	1 625 726	1 518 417	41 102	67 207	-	199 702
1	Ezokuphatha .. <i>Ukuqelale uNgongqoshe nokwenza eminye imisebenzi yokwalekela ngaphakathi eminyangeni, okubewa kuyo ukuphatha kwazimali.</i>	395 940	373 957	10 879	11 104	-	-
2	Ulawulo Lohulumeni Basekhaya .. <i>Ukudidylelo, ukusiza, ukuthuthaza kanye nokwenza ngcono ukusebenza ngobuqotho, ukuphatha nokuzibandanya komphakathi kohulumeni basekhaya. Isabelo esinembandela esidiluwayo komaspala: Inqquqalanda elhangene yokuthuthukisa kohusa</i>	262 112	259 720	1 196	1 196	-	-
3	Intuthuko Nokuhlela .. <i>Ukuthuthaza ukulethwa kwenluthuko okudidylelo kanye nokuqinisekisa ukwenziwa kwezimhlelo zeNtuthuko ezididylelo ezikholekile. Uxhasomali olunembandela yilo: Uxhasomali oludidylelo lokunikeza umphakathi umsebenzi kahulumeni isabelo esinembandela esidiluwayo komaspala: ukwakhwa kwama TSCs nama CSCs Ukuthuthukisa kwezimhlelo nemisebenzi esatshenzwa iminyango Uhlelo lokudidylelo zonke izmhlelo eindaweni Ukuthuthukisa kwezimhlelo eziphalihelene neminocele yomasipala Uxhaso iwe GIS Prencit Uhlelo lokuthuthukisa kwamadoloba amancane isabelo esikhethelelo okytiles: Umjalo wokugubha usuku lukaMandela</i>	377 427	298 476	27 841	51 110	-	-
4	Ukulawula Kwezikhungo Zomdabu .. <i>Ukuthuthukisa nokuqinisekisa izigungu zomdabu. isabelo esikhethelelo okytiles: Amaholo ezInduna Imali yolkhetlo yemakomili ezendabuko</i>	591 247	586 264	1 186	3 787	-	-
			1 500	7 500	7 500	-	1 500
			126 164	1 250	1 250	-	126 164
			40 000	7 000	7 000	-	40 000

IVolti	Incazalo	Sekukonke	(Schedule)				
			Izinkokhezo zamane	Izinkokhezo azidilulawayo nemizha	Izinkokhezo zemphele	Izinkokhezo zazimpahlo zezemali	Imali eyabiwe yahabulwa ngokukhetek iloya
R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
12	Ezokuthutha Ukuhlinzeka umphakathi ngengqalasizinda edidiyelwe yezokuthutha, ukukuthutha, ukuphepha kwezokuthutha emgwageni kanye nokutnisikisa ukuthi ekwenzeni loku, umnyango uyahlangabezana nezidingo zentuthuke zesiifundazwo.	10 074 270	5 092 812	1 100 816	3 879 847	795	3 378 354
1	Ezokuphathe Ukuhlinzeka umnyango ukuphathe jikele, ukuphathe kwezinali nemisebenzi yokusiza (shlanganisa ukuphathe kwabesebenzi izindaba zebesenzu nezomthetho) ukuze kuqinisekiswe ukwenziswa komsebenzi wonnyango ngendifela edidiyelayo, esebezenza kahe nesebenza iikhathi eside.	347 052	320 838	9 888	16 325	-	-
2	Inqalasizinda yezokuthutha..... Ukuhlinzambisa ukuthuthwa kweabantu, nezimpahla okutholakala kalula, ukuphephe ngokunikezela ngazingqalasizinda zokuthutha ezihlala iikhathi eside, nezingalmazi invelo. uxhasomali olunemibandela yilo: Uxhasomali lokutholomisa ekunikezeni umphakathi umsebenzi kahulumeni Uxhasomali lokulungiswa kwezingqalasizinda zokuthutha isabelo esikhetekile okuyilezi: Ukwakhwa kwevisikile imizamweni yokuwa nobugebengu emngceleni Imali yokulungisa inqalasizinda inlyazwe izkhukhula	7 405 129	3 552 368	12 534	3 839 667	560	-
3	Imisebenzi yezokuthutha..... Ukuhlela, nokularwa ukuhlinzeka ngemisebenzi yezokuthutha ngomhlaba, ngokubamisana nemikhando kwezelonko, Izinhlangano ezizimile nezinkampani ezizimile ukusimamisa ukuthembu komphakathu, iikhuthukazi tapho kungatholakali nokutqaisa ukufundisa ngokuphepha emgwageni uxhasomali olunemibandela yilo: Uxhasomali lwemisebenzi yokuthuthwa komphakathi isabelo esikhetekile okuyilezi: Ukuthuthwa kwabafundi	1 437 403	365 634	1 071 512	257	-	-
4	Ukulawuthwa Kwezokuthutha..... Ukuqinisekisa isimo esiphephile emgwageni ngokulawuthwa kwezomoto emgwageni yomphakathi, ukulonjwa komthetho, ukupalisa lwemihlanhaka so yokephtha emgwageni kanye nezinhlelo zokugwashisa nokubhalawa nokunikezwa kwamalayisene ezipato nwabashayeli.	849 447	820 697	5 017	23 498	235	-
5	Izinhlelo Ezigile Empifikathini .....	35 230	33 274	1 885	100	-	-
13	Ezenhlatakale nokuthuthukiswa komphakathi Ukuqinisekisa imphakathi ngokugqquzela ukuzibheka nokuzibembela matupha ngokuhlinzeka nokuthuthukisa ezenhlatakale ezidiyelwe.	2 988 364	1 862 698	859 651	164 005	-	1 018 473
1	Ezokuphathe..... Ukuhlinzeka ngolawulo jikelelo olwesekaleka emaswini okusebenza kanye nemisebenzi yohwalekela umnyango.	449 640	414 650	9 123	25 867	-	-
2	Usizo Lomphakathi .....	738 150	386 384	275 411	76 355	-	-
3	Izingane neminden..... Ukuhlinzeka ngolawulo jikelelo izwenzihlakale empifikathini nezibonelelo zomphakathi kanye nemihlo yezingane, imdeni, abantu abadala, abantu abagetsengwayo nabahukunyezwayo, abantu abahukunyezwa yisandulelengcuza nengcuza, abantu abahukunyezile, kanye nasemhakheni wokuhukunyezwa izidikanizwa nokutqawema ubugebengu empifikathini. uxhasomali olunemibandela yilo: Uxhasomali lwemisebenzi kahulumeni yezehlakale eyenziwa umphakathi isabelo esikhetekile okuyilezi: Ukuhlinzaka izinhlangano ezizimile Ukunakekela nemisebenzi yabada Imisebenzi yokusiza atakhubazekele Isandulela-nqculaza nesto sengculaza "Temi! itakwe nokutqawesa kwemali ngamaphesenti ayisithupha Indawo yokunakekela abadala INkhuleko	1 279 651	665 307	567 450	46 894	-	-
4	Imisebenzi yokubulyisa isimilo Ukuhlinzeka ngemisebenzi yokutqawesa nobugebengu nokuseishenziswa kwezidakanizwa kulaabo abahukuthakala ngokubamisana nezinye Izinhlelo nezihlangano zomphakathi. isabelo esikhetekile okuyilezi: Ukuvuka ubugebengu nokusiza abahukumenzwe ubugebengu" Ukuveka abahukumenzile" Ukuvuka nokubulyela esimweni abahukunyezwa Izidakanizwa." "Temi! itakwe nokutqawesa kwemali ngamaphesenti ayisithupha	315 404	258 114	54 307	2 883	-	-

## (Schedule)

IVet I	Incazalo	Sekukonke	Imininingwane yemali eyabiwe				Imali eyabiwe yabeluwe ngokukhethek lleyo
			Izinkokhelo zemanje	Izinkokhelo ezidiluwayo nemixeso	Izinkokhelo zemphala	Izinkokhelo sezimphala zazimali	
			R'000	R'000	R'000	R'000	R'000
14	Ezemisebenzi kahulumeni <i>Ukuhinzeka ngezokwakha ezingabizi nemisebenzi yokulawula kwezezindlu ngendlela etanele ezokukhuthaza amathuba emisebenzi ukuze kuqedwe ububhe kuleli lakwasulu-Natal.</i>	1 542 817	871 888	502 928	68 191	-	682 739
1	Ezokuphatha . <i>Ukusingatha ukuphatha jikele komnyango, ukwakhwa kwenqbomgomgo ngyuNgongqasho kanye naphethi bolnyango kanye nokuhinzeka ngemisebenzi yezokuphatha neyasehnhavo enobungcweli.</i>	389 540	359 648	8 060	21 834	-	-
2	Ukuphatha kwampahla. <i>Ukuqinisekisa ukusebenza kahle kophiko fwezemihla kanye nokuqinisekisa ukuthi abantu esisebenzana nabo bahlizelwala ngendawo engabizi nayanele, ukusetsenizwa ngokwanele kwezindawo, mananani ezindawo, ukunakekelwa kohlu hwezindawo, ukuhokwewha kwentela yezindawo, kanye nokuhambia izinsiza kuperiu nookubembisana.</i> izabelo ezinemibandela ezidiluwayo komasipala: Ukuhokhelo izintela zikamasipala izabelo ezikhethetkile yilezi: Umthetho Wokuphatha kweMpahla kahulumeni I-register yeMpahla kaHulumeni	675 583	83 351	591 992	220	-	-
3	Ukuhinzeka ngezakhivo, izinhla kanye nezinsizakusebenza <i>Ukuhinzeka linyango esisebenzana nayo ngezindlu, Izakhivo, kanye nempahla ngesikhathli esilanele iuthi ngokuhandela izimiso zayo.</i> uxhasomali olunemibandela yilo: Uxhasomali ohudiyele lokunikeza umphakathi imisebenzi kahulumeni izabelo esikhethetkile okuyilez: Ukovenza kangcono usizo lokwakha Ingqalasizinda Uhlelo lokuthuthulwesa kwenqgalasizinda kahulumeni wesifundazwe Ukulungiswa kweMayville Conference centre Umthetho Wokuphatha kweMpahla kahulumeni-UkuhlaZulu Ingqalasizinda	477 714	428 701	2 676	46 137	-	-
15	Ezobuciko namasiko <i>Ukuhinzeka nokukhuthaza imisebenzi edondlobelo yezamasiko nokuvakasha ebhekela izidingo ezahlukene zabantu bakuleli sifundazwe ukuze kwenzive ngecono izinga labo lempilo.</i>	838 814	466 409	249 948	122 457	-	371 330
1	Ezokuphatha . <i>Ukusingatha ukuphatha jikele okumphlonze komnyango kanye nokuphatha kwezezimati nazabasebenzi.</i>	149 387	146 055	1 414	1 918	-	-
2	Ezamasiko <i>Ukuza iznhlangano zerobuciko namasiko, nokusebenza kwaiznhlangano ukukhuthaza nokugcina amasiko ukuze kuhlamule abantu baKwaZulu-Natali.</i> uxhasomali olunemibandela yilo: Uxhasomali ohudiyele lokunikeza umphakathi imisebenzi kahulumeni izabelo ezinemibandela ezidiluwayo komasipala: Uxhaso Wezicgcinemargugu izindeku zokusebenza kwezikhungo zobuciko uxhasomali ofuya esikhungweni esizmele: IPlayhouse Company Inkampani yemidalo yeshashalazi izabelo esikhethetkile okuyilez: Isikhungo sokutundisa ngamaciko namasiko Ukulungiswa kwezikhungo aeshashalazi (Winston Churchill)	235 099	182 387	55 971	16 741	-	-
3	Imisebenzi Yezemtapo Yowlazi Nezokugcina Kwamagugu <i>Ukuhuthukisa imitapo yowlazi yomphakathi kanye nezinqolobane zokugcina amagugu uxhasomali olunemibandela yilo:</i> Uxhaso Lwemisebenzi Yemtapo Yowlazi izabelo esinemibandela esidiluwayo komasipala: Uxhaso Lwemisebenzi Yemtapo Yowlazi izabelo esikhethetkile esibambandela esidiluwayo komesipala okuyilesi: Ukuduliselwa imitapo yowlazi kuhlyumeni wesifundazwe	454 328	157 967	192 583	103 788	-	-
Konke		116 352 824	98 353 373	11 788 499	8 070 640	140 412	28 679 458

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