



KwAZULU-NATAL PROVINCE
KwAZULU-NATAL PROVINSIE
ISIFUNDAZWE sAKwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 9

20 NOVEMBER 2015
20 NOVEMBER 2015
20 KULWEZI 2015

No. 1552

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1994-4558



9 771994 455008

01552



Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect from **01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS



GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

DISCLAIMER:

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

ADVERTISEMENT

Gazette *Page*
No. *No.*

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

209	Local Government: Municipal Systems Act (32/2000): uMgeni Municipality: Erratum: Informal Economy and Street Trading By-laws	1552	4
-----	--	------	---

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 209 OF 2015

uMNGENI MUNICIPALITY

MUNICIPAL NOTICE NO: 36 /2015

ERRATUM

uMNGENI MUNICIPALITY INFORMAL ECONOMY AND STREET TRADING BYLAW

MUNICIPAL NOTICE 182 OF 2015

The municipality wishes to advise the public that the above aforementioned promulgation on the Provincial Gazette, Extraordinary on the 25th of September 2015 from page 68-92, Vol 9, No. 1500 was not a draft however a bylaw adopted and approved by uMngeni Municipal Council. This bylaw will be enforced in the financial year 2015/2016 onward.

We apologise for any inconvenienced caused.

G. GUMBI-MASILELA
ACTING MUNICIPAL MANAGER
P.O. BOX 5
HOWICK
3290

UMngeni Municipality informal Economy and street trading Bylaw



Informal Economy



And Street Trading

Bylaw

The Municipal Manager of UMGENI Local Municipality hereby, in terms of section 156 of the constitution. 1996 (Act No.108 of 1996), read in 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws.

INFORMAL ECONOMY AND STREET TRADING BY-LAWS

TABLE OF CONTENTS

1. Definitions
2. Meaning of words and expressions in Business Act 71 of 1991 (Act no 71 of 1991, as amended) incorporated in this By-Law
3. Single act constitutes street trading and informal economy
4. Reference to legislation includes regulations made thereunder
5. Assigning powers of a council employee to employee of a service provider where a service provider has been appointed
6. Prohibited conduct
7. Restricted conduct
8. Cleanliness
9. Signs indicating restricted and prohibited areas
10. Removal and impoundment
11. Vicarious responsibility/Liability of persons carrying on business
12. Offences and penalties
13. Short title

DEFINITIONS

1. In this By-Law, unless the context otherwise indicates-

“Approval” means approval by the Council and “approved” has a corresponding meaning;

“Authorized Official” means any official of the Council who has been authorised by it to administer, Implement and enforce the provisions of this By-Law;

“Council” means -

(a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

“Council Services” means any system conducted by or on behalf of a local authority, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

“Council Service Works” means all property or works of whatever nature necessary for or incidental to any Council services;

“Demarcated stand” means a stand demarcated by Council for the purposes of street trading in terms of section 6(a)(3)(b) of the Act;

“Foodstuff” means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“Garden or Park” means a garden or park to which the public has a right of access;

“Goods” means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

“Informal Economy” means activities as defined in the KZN Policy on Informal Economy, 2010.

“Intersection” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Litter” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

“Motor Vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

“Prescribed” means determined by resolution of the Council from time to time;

“Property”, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“Public Building” means a building belonging to or occupied solely by the State or the Council;

“public monument” means any one of the “public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

“Public Place” means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

“Public Road” means a public road as defined in section 1 of the National Road Traffic Act, 1996;

“Roadway” means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

“Sell” includes

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward; and “sale” or

“Selling” has a corresponding meaning;

“Sidewalk” means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

“Street Furniture” means any furniture installed by the Council on the street for public use;

“Street Trader” means a person who carries on the business of street trading and includes any employee of such person;

“Street Trading” means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

“the Act” means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

“Verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996;

MEANING OF WORDS AND EXPRESSIONS IN BUSINESSES ACT INCORPORATED IN THIS BY-LAW

2. In this By-Law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in this By-Law.

3. SINGLE ACT CONSTITUTES STREET TRADING

For the purpose of this By-Law a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

4. REFERENCE TO LEGISLATION INCLUDES REGULATIONS MADE THEREUNDER

For the purpose of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

5. ASSIGNING POWERS OF A COUNCIL EMPLOYEE TO EMPLOYEE OF A SERVICE PROVIDER, WHERE A SERVICE PROVIDER HAS BEEN APPOINTED

If any provision in this By-Law vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

6. PROHIBITED CONDUCT

(1) No person shall carry on the business of a street trader –

(a) at a place or in an area declared by the Council in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;

(b) in a garden or a park to which the public has a right of access;

(c) on a verge contiguous to –

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship;

(iii) a building declared to be a Public monument;

(iv) an auto teller bank machine; banking premises

(d) at a place where it causes an obstruction in front of –

(i) a fire hydrant;

(ii) an entrance to or exit from a building;

(e) at a place where it could obstruct vehicular traffic;

(f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;

(g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;

(h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Business Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;

(i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996; and

(j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.

(2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such lease or allocation.

7. RESTRICTED CONDUCT

A person carrying on the business of a street trader -

(a) may not sleep overnight at the place of such business;

(b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;

(c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996; so authorised by council as a specially designated area for trading as per Informal Economy policy.

(d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;

(e) may not trade on a sidewalk where the width of such sidewalk is less than four meters;

(f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;

(g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

(h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;

- (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to
- (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property;
or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place; unless demarcated so by council.
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this By-Law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and
- (u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A (2) (a) of the Act.
- (v) may not use substance or any materials that can harm the health of the public.
- (w) may not act as agent or sell on behalf of any other individual or business.

8. CLEANLINESS

A street trader must-

- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) Keep his or her property in a clean, sanitary and well maintained condition;
- (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
- (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
- (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
- (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

9. SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS.

(a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-

- (i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;
- (ii) the locations of boundaries of restricted or prohibited areas;
- (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
- (iv) the fact that any such stand or area has been let or otherwise allocated; and
- (v) any restriction or prohibition against street trading in terms of these Bylaws;

(b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;

(c) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and

(d) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law, and shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.

(e) No other signage or advertising boards shall be permitted unless approved so by council.

10. REMOVAL AND IMPOUNDMENT

(1) A peace officer / authorized official may remove and impound any property of a street trader-

(a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and

(b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

2) A peace officer / authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-

(i) itemize the property to be removed and impounded;

(ii) provide the address where the impounded property will be kept, and the period thereof;

(iii) state the conditions for the release of the impounded property;

(iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and

(v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

(3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.

(4) When any person fails to comply with an order to remove the property referred to in subsection 3 (5), A peace officer / authorized official of the Council may take such steps as may be necessary to remove such property.

(6) The owner of any goods other than perishable foodstuffs already dealt with by the municipality in terms of subsection (1) who wishes to claim the return thereof must, within a period of one month of the date of the impoundment thereof, apply to the municipality and must present the receipt contemplated in subsection 2, failing which the goods may be sold by the municipality, and in the event of a sale thereof the provision of subsection (1).

11. VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

(1) When an employee of a street trader contravenes a provision of this By-Law the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-

- (a) he or she neither connived at nor permitted such contravention and;
- (b) he or she took reasonable steps to prevent such contravention.

(2) The fact that the employer issued instructions prohibiting such contravention shall not in itself constitute sufficient proof of such reasonable steps.

12. OFFENCES AND PENALTIES

Any person who –

- (a) Contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with any notice issued in terms of this By-Law; or
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under this By-Law - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R50 per day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

(e) SCHEDULE OF FINES

OFFENCE	PENALTY
Failure to produce a trading permit upon request	R50
Dealing in illegal / counterfeits good	R1000 plus imprisonment
Penalty fee for impounded goods	R50
Failure to clean up site after trading	R20 each offence

13. Short title and commencement

This bylaw be cited as uMngeni Municipality Informal Economy and Street Trading Bylaw and commences on the date of approval by the Council.

**IMithetho kaMasipala emayelana noMnotho Ongabanjelwa Ntela kanye Nokuhweba
Emgwaqeni kuMasipala uMngeni**



**UMnotho
Ongabanjelwa Ntela**



**Kanye Nokuhweba
Emgwaqeni**

**IMithetho
kaMasipala**

IMenenja kaMasipala kuMasipala Wendawo UMNGENI lapha, ngokweSigaba 156 soMthethosisekelo, we-1996 (uMthetho No. 108 we-1996), ufundwa engxenyeni 11 kanye no-98 yoMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi -2000), yenze le Mithetho kaMasipala elandelayo.

**IMITHETHO KAMASIPALA EMAYELANA NOMNOTHO ONGABANJELWA NTELA KANYE NOKUHWABA
EMGWAQENI**

OKUQUKETHWE

1. Izincazelo
2. Incazelo yamagama kanye nezisho eziseMthethweni Wezamabhizinisi 71, we- 1991 (uMthetho no 71 we-1991, njengalokhu uchitshiyelwe) zisetshenzisiwe kulo Mthetho kaMasipala
3. Isenzo esisodwa senza kube ngokuhweba emgwaqeni kanye nomnotho ongabanjelwa ntela
4. Ukubheka emthethweni kubandakanya imithethonqubo esuselwe kuyo
5. Ukunikezelwa kwamandla omsebenzi womkhandlu kumsebenzi wohlinzeka ngemisebenzi esimweni lapho kusuke kuqokwe khona ozohlinzeka ngemisebenzi
6. Indlela yokuziphatha engavumelekile
7. Indlela yokuziphatha ethibelwe
8. Inhlanzeko
9. Izimpawu ezikhombisa izindawo ezinezithibelo nokungavumelekile ukuba kuzo
10. Ukususwa kanye nokuboshwa kwempahla
11. Umsebenzi wokucacisa/ Isibopho sabantu abaqhuba ibhizinisi
12. Amacala kanye nezinhlawulo
13. Isihloko esifushane

IZINCAZELO

1. Kule Mithetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye-

“Ukuvuma” kusho ukuvuma koMkhandlu kanti “okuvunyiwe” kunencazelelo efanayo;

“UMsebenzi Ogunyaziwe” kusho nanoma yimuphi umsebenzi woMkhandlu ogunyazwe yiwo ukuba aphaathe, aqalise ukusebenza futhi aphoqebele izihlinzekelo zalo Mthetho kaMasipala;

“Umkhandlu” kusho -

(a) uMasipala owasungulwa ngeSaziso sesiFundazwe No. 6766 sowezi – 2000 samhla lu- 1 kuMfumfu wezi – 2000, njengalokhu sichitshiyelwe, osebenzisa igunya eliphezulu ngokomthetho usebenzisa uMkhandlu wawo kamasipala; noma

(b) abalandelayo ngokwezikhundla; noma

(c) uhlaka noma umuntu osebenzisa amandla awanikeziwe kumbe owenza njengokomyalelo, lapho kwedluliselwe khona nanoma yimaphi amandla noma kwedluliselwe amandla edlulisiwe akulo Mthetho kaMasipala, kumbe kukhishwe umyalelo, njengokuninga kwesigaba 59 soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 (uMthetho No. 32 wezi – 2000); noma

(d) ohlinzeka ngemisebenzi owenza umsebenzi ngaphansi kwalo Mthetho kaMasipala, ngokujutshelwa kuwo ngokwesigaba 81(2) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000 , kumbe nanoma yimuphi omunye umthetho, kuzoya ngesimo.

“Imisebenzi yoMkhandlu” kusho nanoma yiluphi uhlelo olwenziwa yisiphathimandla sendawo kumbe egameni laso, lokuqoqwa, ukuthuthwa, ukuphathwa noma ukulahlwa kwemfucuzo, izitamkoko noma amanzi ezikhukhula kumbe lokuhlanganiswa, ukuboshwa kwempahla, ukugcinwa noma ukuhlanzwa kumbe ukuphakelwa kwamanzi, igesi noma ugesi kumbe imisebenzi kamasipala;

“Imisebenzi yoMkhandlu yokuSevisa” kusho yonke impahla noma imisebenzi yanoma yiluphi uhlobo enesidingo noma ethuka seyikhona kunanoma yimiphi imisebenzi yoMkhandlu;

“Isitende esiklanywe” kusho isitende esiklanywe nguMkhandlu ngenhloso yokuthi kwenziwe kuso umsebenzi wokuhweba engwaqeni ngokwesigaba 6(a) (3) (b) soMthetho;

“Okudliwayo” kusho okudliwayo njengalokhu kuchazwe esigabeni 1 soMthetho Wezokudliwayo, Izimonyo kanye Nokokubulala Amagciwane, we- 1972 (uMthetho No. 54 we- 1972);

“INGadi noma iPaki” kusho ingadi noma ipaki umphakathi onelungelo lokungena kuyo;

“Izimpahla” kusho nanoma iyiphi impahla esusekayo esetshenziselwa ukuhweba emgwaqeni futhi, ngaphandle kokuvimbela okuningi okungahlekubalwe, kubandakanya imikhiqizo edayiswayo, amatafula okubukisa, izitende, izitsha, izimoto, izakhiwo noma izilwane;

“Umnotho ongabanjelwa ntela” kusho imisebenzi njengoba ichazwe kwiNqubomgomo Yomnotho Ongabanjelwa Ntela e-KZN, yowezi - 2010.

“Impambanamgwaqo” kusho impambanamgwaqo njengalokhu kuchazwe kwimithethonqubo emenyezelwe ngokoMthetho Kazwelonke Wezemigwaqo, we- 1996 (uMthetho No. 93 we- 1996);

“Udoti” kusho noma yisiphi isitsha kumbe nanoma yintoni elahliwe, yashiywa ngumhwebi wasemgwaqeni kumbe abathengi bakhe;

“Imoto” kusho imoto njengoba ichazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

“Okunqunyiwe” kusho okunqunywe ngesinqumo soMkhandlu izikhathi ngezikhathi;

“Impahla”, maqondana nomhwebi wasemgwaqeni, kusho nanoma yini, isitsha, imoto noma isakhiwo esisetshenziswa kumbe okuhloswe ukuba sisetshenziswe maqondana nalelo bhizinisi, futhi ibandakanya nezimpahla azidayisayo;

“Isakhiwo somphakathi” kusho isakhiwo okungesikaHulumeni noma soMkhandlu kumbe esisetshenziswa ngue/yiwo kuphela;

“Itshe lesikhumbuzo lomphakathi” kusho nanoma “yimaphi amatshe ezikhumbuzo omphakathi kanye nezikhumbuzo” njengalokhu kuchazwe eMthethweni Kazwelonke Wezinsiza Zezamagugu, we- 1999 (uMthetho No. 25 we- 1999);

“Indawo yomphakathi” kusho indawo yomphakathi njengalokhu ichaziwe esigabeni 2 se-Odinensi yezoHulumeni Basekhaya, ye- 1939 (I-Odinensi No. 17 ye- 1939);

“Umgwaqo womphakathi” kusho umgwaqo womphakathi njengalokhu uchazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

“Ingxenye yomgwaqo ephakathi” kusho umgwaqo njengalokhu uchazwe esigabeni 1 soMthetho, Kazwelonke Wezemigwaqo we- 1996;

“dayisa” kubandakanya:

- (a) ukushintshiselana noma ukuqashisa;
- (b) ukukhangisa, ukuveza, ukunikezela noma ukulungisela ukudayisa;
- (c) ukugcina emgwaqeni womphakathi noma endaweni yomphakathi ngenhloso yokudayisa; noma
- (d) ukuhlinzeka ngomsebenzi ukuze kutholakale inzuzo; kanye “nendali” noma

“Ukudayisa” kunencazela efanayo;

“Indlela yezinyawo eseceleni komgwaqo” kusho indlela yabahamba ngezinyawo eseceleni komgwaqo njengalokhu ichaziwe eMthethweni Kazwelonke Wezemigwaqo, we- 1996;

“Impahla yaseMgwaqeni” kusho impahla egxunyekwe nguMkhandlu emgwaqeni ukuze isetshenziswe ngumphakathi;

“UMhwebi waseMgwaqeni” kusho umuntu oqhuba ibhizinisi lokuhweba emgwaqeni futhi kubandakanya nanoma ngubani oqashwe yilowo muntu;

“UkuHweba eMgwaqeni” kusho ukudayisa nanoma iyiphi impahla noma ukusabalalisa kumbe ukufisa ukusabalalisa nanoma yimuphi umsebenzi ngenhloso yokuzuza, emgwaqeni womphakathi noma endaweni yomphakathi, okwenziwa ngumuntu ohweba emgwaqeni;

“UMthetho” kusho uMthetho Wezamabhizinisi, we – 1991 (uMthetho No. 71 we- 1991) futhi ubandakanya imithethonqubo emenyezelwe lapha; kanti

“Unqenqema” kusho unqenqema njengalokhu luchazwe esigabeni 1 soMthetho Kazwelonke Wezemigwaqo, we- 1996;

IZINCAZELO ZAMAGAMA KANYE NEZISHO EZISEMTHETHWENI WEZAMABHIZINISI ZISETSHENZISIWE KULE MITHETHO KAMASIPALA

2. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi ikhomba okunye, nanoma yiyiphi incazelo enikezwe igama kumbe isisho eMthethweni Wezamabhizinisi, we- 1991 (uMthetho No. 71 we- 1991), iyokuba yincazelo efanayo nakule Mithetho kaMasipala.

3. ISENZO ESISODWA SENZA KUBE NGUKUHWABA EMGWAQENI KANYE NOMNOTHO ONGABANJELWA NTELA

Ngokwezinhloso zale Mithetho kaMasipala isenzo esisodwa sokudayisa noma sokufisa kumbe ukwenza umsebenzi emgwaqeni womphakathi noma endaweni yomphakathi kumele siyosho ukuhweba emgwaqeni.

4. UKUBHEKA EMTHETHWENI KUBANDAKANYA IMITHETHONQUBO ESUSELWE KUYO

Ngokwezinhloso zale Mithetho kaMasipala ukubheka kunoma yimuphi umthetho kuyoba ukubheka kulowo mthetho kanye nemithethonqubo emenyezelwe ngaphansi kwawo.

5. UKUNIKEZELWA KWAMANDLA OMSEBENZI WOMKHANDLU KUMSEBENZI OHLINZEKA NGEMISEBENZI ESIMWENI LAPHO KUSUKE KUQOKWE KHONA OZOHLINZEKA NGEMISEBENZI

Uma nanoma yiziphi izihlinzekelo ezikule Mithetho kaMasipala zinikeza nanoma yimaphi amandla noma umsebenzi woMkhandlu kongumsebenzi woMkandlu, lawo Mandla noma umsebenzi anikezwa ngokwesigaba 81(2) soMthetho Wezinhlelo Zomasipala kuHulumeni Wendawo, wezi-2000, kumbe nanoma yimuphi omunye umthetho kohlinzeka ngemisebenzi, ukubheka izihlinzekelo ezinjalo kulowo msebenzi kumele zifundwe njengalokhu zifundelwa ohlinzeka ngemisebenzi kumbe lapho kunesidingo khona umsebenzi oqashwe ngohlinzeka ngemisebenzi futhi agunyazwe yizo.

6. INDLELA YOKUZIPHATHA ENGAVUMELEKILE

(1) Akukho muntu oyoqhuba ibhizinisi lomhwebi wasemgwaqeni –

(a) endaweni noma engxenyeni emenyezelwe nguMkhandlu ngokwesigaba 6A (2) (a) soMthetho yaba yindawo okungavumelekile ukuhweba emgwaqeni kuyo;

(b) engadini noma epaki lapho umphakathi unelungelo lokungena khona;

(c) onqenqemeni oluncikene –

(i) nesakhiwo okungesikaHulumeni noma somkhandlu kumbe esisetshenziswa yiwo kuphela;

(ii) nesonto kumbe enye indawo yokudumisa;

(iii) nesakhiwo esimenyezelwe saba yindawo yeSikhumbuzo Somphakathi;

(iv) nomshini wokukhipha imali; namagceke ebhange

(d) endaweni lapho lidala khona ukusithenga ngaphambi –

(i) kwepayipi elikhulu lamanzi okucisha imililo;

(ii) endaweni yokungena noma yokuphuma esakhiweni;

(e) endaweni lapho lingavimbela khona ukuhamba kwezimoto;

(f) endaweni lapho lingacina selivimbela khona abahamba ngezinyawo ekusebenziseni indlela eseceleni komgwaqo;

(g) kuleyo ngxenye yomgwaqo womphakathi encikene nesakhiwo esisetshenziselwa ukuhlalisa abantu, uma umnikazi noma umuntu osilawulayo, kumbe nanoma ngubani ohlala kuso ephikisana nakho futhi lokho kuphikisana azisiwe ngakho umdayisi wasemgwaqeni ngumsebenzi ogunyaziwe;

(h) esitendenini kumbe kunoma iyiphi indawo eklanywe nguMkhandlu ngokwesigaba 6A(3)(b) soMthetho WezamaBhizinisi, uma engenabo ubufakazi obubhaliwe bokuthi usiqashile leso sitende kumbe indawo eMkhandlwini, noma bokuthi leso sitende sinikezwe yena nganoma iyiphi indlela;

(i) endaweni engamamitha amahlanu (5) anoma iyiphi impambanamgwaqo njengalokhu kuchaziwe kuMthethonqubo 322 woMthetho Kazwelonke Wezemigwaqo, we- 1996; kanye

(j) nasendleleni eseceleni komgwaqo encikene nesakhiwo okuqhutshwa kuso ibhizinisi, ngunoma ngubani odayisa izimpahla ezifanayo noma eziwuhlobo olufanayo nalezo ezidayiswa endleleni eseceleni komgwaqo ngumhwebi wasemgwaqeni, uma izimpahla zidayiswa ngaphandle kokuqala ngokuthola imvume kulowo muntu futhi umsebenzi ogunyaziwe esemazisile umhwebi wasemgwaqeni ukuthi ayikho leyo mvume.

(2) Umuntu oqashe isitende eMkhandlwini noma onikezwe isitende nguMkhandlu ngokwesigatshana (1) (h), angeke ahwebe ngokwephula imigomo nemibandela yaleso sivumelwane sokuqashiselana noma sokunikezelwa indawo.

7. INDLELA YOKUZIPHATHA ETHIBELWE

Umuntu oqhuba ibhizinisi lomhwebi wasemgwaqeni -

(a) akumele alale ubusuku bonke endaweni yalelo bhizinisi;

(b) akumele agxumeke isakhiwo ngenhloso yokwenza umpheme, ngaphandle kwalokho okuvunywe nguMkhandlu;

(c) akumele abeke impahla yakhe emgwaqeni womphakathi noma endaweni yomphakathi, ngaphandle kwemoto kumbe inqola yakhe adayisela kuyo, futhi inqobo uma leyo moto noma inqola ingaphazamisi abahamba ngezinyawo kanye nokuhamba kwezimoto, futhi ihambisana nezihlinzekelo zoMthetho Kazwelonke Wezemigwaqo we- 1996; egunyazwe kanjalo nguMkhandlu yaba yindawo eklanyelwe ukudayise ngokwenqubomgomo yoMnotho Ongabanjelwa Ntela.

(d) kumele aqinisekise ukuthi impahla yakhe noma indawo asebenzela kuyo ayiweleli endaweni esemgwaqeni womphakathi noma endaweni yomphakathi enobubanzi obungaphezu kwama-square metre ayisithupha (isilinganiso sobude singamamitha amathathu) kumbe uma kuvunywe nguMkhandlu, futhi kungukukuthi kunoma iyiphi indlela eseceleni komgwaqo ushiye indawo engaphazamisekile yabahamba ngezinyawo, ubude bendawo asebenzela kuyo noma bempahla ayisebenzisayo ingabi ngaphansi kwamamitha ayi – 1,5 ububanzi, ikalwa kusuka esakhiweni esincikene nayo kuya endaweni evimbekile; futhi indawo evimbekile, ubude bendawo asebenzela kuyo kumbe impahla ayisebenzisayo , ingabi ngaphansi kwamamitha ayi-0,5 ububanzi, ikalwa kusuka onqenqemeni lomgwaqo;

- (e) akumele ahwebe endleleni eseceleni komgwaqo enobubanzi obungaphansi kwamamitha amane;
- (f) akumele abeke noma anqwabelanise impahla yakhe ngendlela engadala ingozi kunoma ngubano kumbe esakhiweni noma ebukeka sengathi ingadala ingozi kunanoma yisiphi isakhiwo;
- (g) akumele akhangise izimpahla zakhe noma enye impahla esakhiweni, ngaphandle kokuthola imvume yomnikazi, yalowo ohlala kuso ngokusemthethweni kumbe yomuntu olawula lesa sakhiwo kumbe umhlaba;
- (h) kumele asuse impahla yakhe uma ecelwa umsebenzi woMkhandlu ogunyaziwe noma abahlinzeka ngempahla yezokuxhumana ngocingo kumbe yiogesi noma eminye imisebenzi yomkhandlu ukuze bakwazi ukuqhubeka benze umsebenzi wabo omaqondana nomgwaqo womphakathi kumbe umsebenzi onjalo;
- (i) akumele anathisele nanoma iyiphi impahla yakhe nganoma iyiphi indlela esakhiweni, endaweni yabahamba ngezinyawo eseceleni komgwaqo, esihlahleni, emitheni lokupaka, esigxitsheni selambu, esigxitsheni, esigujini socingo, ebhokisini leposi, kuphawu lomgwaqo, ebhentshini kumbe nakunoma iyiphi impahla yasemgwaqeni esemgwaqeni womphakathi noma endaweni yomphakathi.
- (j) akumele aqhube ibhizinisi elinjalo ngendlela
- (i) ezobanga isicefe;
 - (ii) ezolimaza noma yonakalise iphansi lanoma yimuphi umgwaqo womphakathi, kumbe indawo yomphakathi, kumbe nanoma iyiphi indawo kahulumeni noma enomnikazi wayo; noma
 - (iii) ezodala isiminyamina sezimoto kanye/noma ubungozi kwezempilo noma ibeke impilo ebucayini kumbe ikwenze kokubili .
- (k) akumele abase umlilo ovulelekile emgwaqeni womphakathi kumbe endaweni yomphakathi; ngaphandle uma uMkhandlu leyo ndawo uyiklamele lokho.
- (l) akumele avimbele abantu abasebenzisa indlela eseceleni komgwaqo ukuthi bakwazi ukubona izimpahla ezikhangiswe efasiteleni lesitolo kumbe avimbe lezo zimpahla ukuthi zingabonakali.
- (m) akumele avimbele ukufinyelela endaweni yokuwela abahamba ngezinyawo, indawo yokupaka noma yokulayisha impahla kumbe enye indawo ehamba izimoto noma yabahamba ngezinyawo;
- (n) akumele aphazamise ukufinyelela, noma ukusetshenziswa kwempahla yasemgwaqeni kanye nanoma iyiphi enye indawo eyenza impilo ibe lula elungiselwe ukuba isetshenziswe ngumphakathi;
- (o) akumele avimbe nanoma yiluphi uphawu lomgwaqo olubekwe ngokoMthetho Kazwelonke Wezemigwaqo we- 1996, kumbe nanoma yimuphi umaka, isaziso noma uphawu olukhonjiswe noma olwenziwe ngokwale Mithetho kaMasipala;
- (p) akumele aqhubeke nebhizinisi, noma ame kumbe abeke impahla yakhe engxenyeni yendlela eseceleni komgwaqo noma endaweni yomphakathi ngendlela eiphikisana nesaziso noma uphawu okugxunyekwe kumbe olukhangiswe nguMkhandlu ngokwezinhloso zale Mithetho kaMasipala;
- (q) akumele anqwabelanise, alahle, agcine, kumbe ashiye, noma adale kumbe avumele ukuba kunqwabelaliswe, kulahlwe, kugcinwe noma kushiwe nanoma yimuphi udoti kunoma iyiphi indawo noma

amagceke kumbe umgwaqo womphakathi noma indawo yomphakathi kumbe esakhiweni sikahulumeni, ngaphandle uma kusemgqonyeni kadoti ovunywe kumbe ohlinzekwe nguMkhandlu;

(r) akumele abeke emgwaqeni womphakathi noma endaweni yomphakathi, impahla yakhe engeke ikwazi ukususeka kalula iyobekwa endaweni yokuyigcina ekude nalowo mgwaqo womphakathi kumbe indawo yomphakathi uma kuphela usuku lokusebenza;

(s) kufanele ekupheleni komsebenzi wosuku asuse impahla yakhe, ngaphandle kwanoma yisiphi isakhiwo esivinyelwe nguMkhandlu, ayiyise endaweni engeyona ingxenye yomgwaqo womphakathi kumbe indawo yomphakathi;

(t) akumele agcine impahla yakhe epayipini elikhulu elihamba amanzi, emseleni wamanzi ezikhukhula, ezindlini zangasese zomphakathi, endaweni yokukhosela uma kulindwe ibhasi noma esihlahleni; futhi

(u) akumele aqhube ibhizinisi endaweni ephikisana nanoma yikuphi okungavunyelwe kumbe okuthibelwe okuvunywe nguMkhandlu ngokwesigaba 6A (2) (a) soMthetho.

(v) akumele asebenzise izinto kumbe okuthile okungaba nobungozi kwezempilo yomphakathi.

(w) akumele abe yisithunywa kumbe adayisele omunye umuntu kumbe elinye ibhizinisi.

8. INHLANZEKO

Umhwebi wasemgwaqeni kumele-

(a) agcine indawo noma isiza asisebenzisayo ngenhloso yalelo bhizinisi sihlanzekile futhi sisesimweni esikhombisa impilo;

(b) agcine impahla yakhe ihlanzekile, inesimo esikhomba impilo futhi igcinwe kahle;

(c) alahle wonke udoti odalwe nguye noma yibhizinisi lakhe kunoma yisiphi yimuphi umgqomo ohlinzekelwe umphakathi nguMkhandlu noma endaweni yoMkhandlu okulahlwa kuyo;

(d) angalahli udoti epayipini elikhulu elihamba amanzi, epayipini elihamba amanzi ezikhukhula kumbe kunoma iyiphi enye indawo engakhelwe ukuthi kulahlwe kuyo udoti;

(e) aqinisekise ukuthi ekupheleni kosuku, indawo noma isiza asebenzela kuyo ukudayisa ayinadoti;

(f) aqaphele ukuthi ngesikhathi eqhuba ibhizinisi lakhe njengalokhu kufanele, uvimbela ukuba kungachithekelisi emgwaqeni womphakathi noma endaweni yomphakathi kumbe emseleni wamanzi ezikhukhula nanoma yimaphi amafutha, uwoyela noma u-grease;

(g) aqinisekise ukuthi ukukho ntuthu, ukushunqa noma okunye okunjalo, iphunga noma umsindo oqhamuka emsebenzini wakhe odala ukungcola kwanoma yiluphi uhlobo;

(h) uma ecelwa ngumsebenzi woMkhandlu ogunyaziwe, asuse impahla yakhe ukuze kuhlazwe indawo noma isiza adayisela kuso kumbe kwenziwe umsebenzi woMkhandlu.

9. IZIMPAWU EZIKHOMBISA IZINDAWO EZINEZITHIBELO NOKUNGAVUMELEKILE UKUBA KUZO

(a) UMkhandlu ngesinqumo nangokwesigaba 6A(2) soMthetho, ungamemezela nanoma iyiphi indawo esendaweni engaphansi kwawo ukuba ibe yindawo okungavumelekile kumbe okuthibelwe kuyo ukuhweba kwasemgwaqeni, futhi kumele wenze kube lula ukulandela imigomo ngokuthi ubeke noma wakhe izimpawu, omaka noma izinto ezikhombisa -

(i) amahora anqunyiwe, izindawo, izimpahla noma imisebenzi engavunyelwe kumbe ethibelwe ukuba kuhwetshwe ngayo emgwaqeni;

(ii) izindawo lapho kunemingcele yezindawo okungavunyelwe kumbe okuthibelwe kuzo;

(iii) imingcele yesitende noma indawo ebekwe eceleni ngenhloso yokuqhuba ibhizinisi lokuhweba emgwaqeni;

(iv) ukuthi nanoma yisiphi isitende kumbe indawo iqashiwe kumbe inikezelwe ngandlela thile; futhi

(v) nanoma yikuphi ukungavumeleki kumbe ukuthibelwa kokuhweba emgwaqeni ngokwale Mithetho kaMasipala;

(b) UMkhandlu ungakhangisa nanoma yiluphi uphawu olunjalo, umaka noma yini enye ngendlela ezokhombisa nanoma yikuphi ukungavumeleki noma ukuthibelwa kanye / noma indawo noma imingcele yendawo noma isitende esithintekayo;

(c) Nanoma yiluphi uphawu olugxunyekwe ngokwale Mithetho kaMasipala kumbe nanoma yimuphi omunye umthetho, oluyosebenza lube isaziso ngokwanele kumhwebi wasemgwaqeni maqonda nokungavumeleki kumbe ukuthibelwa kwaleyo ndawo ethintekayo; futhi

(d) Nanoma yiluphi uphawu lungacitshiyelwa izikhathi ngezikhathi bese lukhangiswa nguMkhandlu ngokwenhloso yale Mithetho kaMasipala, futhi luyoba nomthelela ofanayo nowophawu lomgwaqo ngokoMthetho Kazwelonke Wezemigwaqo we- 1996.

(e) Azikho ezinye izimpawu noma amabhodi okukhangisa azovunyelwa ngaphandle uma evunye nguMkhandlu.

10. UKUSUSWA KANYE NOKUBOSHA KWEMPAHLA

(1) UMsebenzi ogunyaziwe angasusa futhi abophe nanoma iyiphi impahla yomhwebi wasemgwaqeni-

(a) uma esola ukuthi isetshenziselwa noma kuhloswe ukuba isetshenziselwe kumbe ibisetshenziselwa noma ihlobene nokuhweba kwasemgwaqeni; futhi

(b) uma eyithola endaweni lapho kungavunyelwe noma kuthibelwe khona ukuhweba kwasemgwaqeni futhi kubukeka kungukweqa lokho kungavumeleki nokuthibela kungakhathalekile ukuthi leyo ndawo inomnikazi kumbe ilawulwa ngumuntu othile noma cha ngesikhathi salokho kususwa kumbe ukuboshwa kwempahla.

2) Nanoma yimuphi umsebenzi ogunyaziwe osebenza ngokwesigatshana 1 ngenhla kumele anikeze umhwebi wasemgwaqeni irisidi yanoma iyiphi impahla esusiwe noma eboshiwe, ngaphandle uma izimpahla zishiyiwe noma zilahlwe, leyo risidi kumele-

(i) ibalule impahla okumele isuswe futhi iboshwe;

(ii) ihlinzeke ikheli lapho kuzogcinwa khona impahla eboshiwe, kanye nesikhathi ezosihlala;

(iii) isho imibandela yokukhululwa kwempahla eboshiwe;

(iv) isho imigomo nemibandela emaqondana nokufakwa endalini kwempahla engalandwanga lapho kudayiselwa khona umphakathi ngendlela yokubhida; futhi

(v) ihlinzeke igama kanye nekheli lomsebenzi womkhandlu okungenziwa kuye nanoma yiziphi izethulo ezimayelana nokuboshwa kwempahla, usuku kanye nesikhathi ezingenziwa ngaso.

(3) Uma kungukuthi nanoma iyiphi impahla osekumele iboshwe inanyatheliswe esakhiweni esingagudluki, futhi leyo mpahla kucaca ukuthi ilawulwa ngumuntu okhona lapho, nanoma yimuphi umsebenzi woMkhandlu ogunyaziwe angayalela lowo muntu ukuba asuse impahla, uma lowo muntu enqaba noma ehluleka ukulalela, uyotholakala enecala.

(4) Uma nanoma ngubani ehluleka ukulandela umyalelo wokususa impahla okukhulunywe ngayo esigatshaneni (3),

(5) Nanoma yimuphi umsebenzi womkhandlu ogunyaziwe angathatha izinyathelo ezingadingeka zokuba asuse leyo mpahla.

(6) Umnikazi wezimpahla ngaphandle kwezibolayo ngokucacisa kwesigatshana 1 ofisa ukuthola izimpahla zakhe eziboshiwe kumele esikhathi esingangenyaka eyodwa kusukela ngosuku okuboshwe ngalo izimpahla angafaka isicelo kuMkhandlu sokubuyiselwa izimpahla akhombise incwajana ebalulwe esigatshaneni 2, uma umnikazi ehluleka ukuveza leyoncwajana zimpahla ziyodayiswa.

11. UMSEBENZI WOKUCACISA/ ISIBOPHO SABANTU ABAQHUBA IBHIZINISI

(1) Uma umsebenzi osebenzela umhwebi wasemgwaqeni ephula izihlinzekelo zale Mithetho kaMasipala kuyothathwa ngokuthi umqashi nguyena owephule umthetho, ngaphandle uma lowo msebenzi eyanelisa inkantolo ukuthi-

(a) akakhanga uzungu noma akavumelanga ukuba kwephulwe umthetho, futhi;

(b) uthathe izinyathelo ezifanele ukugwema lokho kwephulwa komthetho.

(2) Ukuthi lowo mqashi ukhiphe imiyalelo engavumelani nalokho kwephulwa komthetho, lokho ngeke ngokwakho nje kube ubufakazi obanele bokuthi zithathiwe izinyathelo ezifanele.

12. AMACALA KANYE NEZINHLAWULO

Nanoma ngubani –

(a) owephula noma owehluleka ukulandela nanoma yiziphi izihlinzekelo zale Mithetho kamasipala;

(b) owehluleka ukulandela nanoma yisiphi isaziso esikhishwe ngokwale Mithetho kaMasipala; noma

(c) owehluleka ukulandela nanoma yimuphi umyalelo osemthethweni okhishwe ngokwale Mithetho kaMasipala; noma

(d) ovimbela kumbe ophazamisa nanoma yimuphi umkhulumeli woMkhandlu ogunyaziwe ekwenzeni imisebenzi yakhe ngaphansi kwale Mithetho kaMasipala - unecala futhi angabhekana nesigwebo sokukhokha inhlawulo noma uma ehluleka ukukhokha, aboshwe isikhathi esingevile ezinyangeni ezintathu, futhi uma kutholakala ukuthi uyaqhubeka nokwenza icala, angakhokha enye inhlawulo engokho ngaphezu kwama-R50 ngosuku, kumbe uma ehluleka ukukhokha, aboshwe isikhathi esingekho ngaphezu kosuku, njalo ngosuku aqhubeka ngalo ukwenza icala, emva kokuba uMkhandlu ukhiphe isaziso esibhalwe phansi, wasidlulisela kumuntu othintekayo, esicela ukuba ayeke ukwenza lelo cala.

(e) ISHEDULI YEZINHLAWULO

ICALA	INHLAWULO
Ukwehluleka ukuveza imvume yokuhweba uma icelwa	Ama- R50
Ukudayisa izimpahla ezingekho emthethweni /eziyimikokotelo	Ama- R1000 kanye nokugqunywa ejele
Ukwehluleka ukuhlanza indawo emva kokuhweba	Ama- R20 icala ngalinye
Inhlawulo yokukhipha izimpahla eziboshiwe	Ama – R50

13. Isihloko esifushane kanye nokuqalisa

Le Mithetho kaMasipala izobizwa ngokuthi iMithetho kaMasipala emayelana noMnotho Ongabanjelwa Ntela kanye Nokuhweba Emgwaqeni kuMasipala uMngeni futhi izoqala ukusebenza ngosuku eyovunywa ngalo nguMkhandlu.


IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

- 
1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
 2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
 4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
 5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
 6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
 7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
 8. All re-submissions by customers will be subject to the above cut-off times.
 9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
 10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

