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KWAZULU-NATAL PROVINSIE
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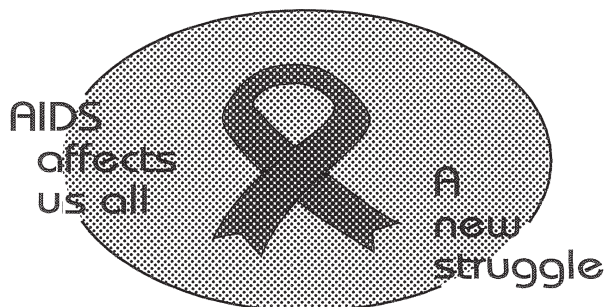
Vol: 15

PIETERMARITZBURG

22 JULY 2021
22 JULIE 2021

No: 2309

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 67 OF 2021



PUBLIC NOTICE

**PROPOSED eTHEKWINI METROPLITAN MUNICIPALITY:
CREDIT CONTROL AND DEBT COLLECTION
AMENDMENT BY-LAW, 2021**

NOTICE IS HEREBY GIVEN that the eThekweni Municipal Council is intending to enact, by way of resolution in terms of section 12 of the Local Government:

Municipal Systems Act, No. 32 of 2000, the above-mentioned By-law. The proposed By-law is available for viewing at the following offices: Sizakala Centres, Municipal libraries, City Hall as well as on the Municipality's website at

http://www.durban.gov.za/Resource_Centre/Pages/By-Laws.aspx. Any person who wish to comment or make representations on the proposed By-law may do so, in writing to eThekweni municipality, Finance Cluster, Ground Floor, Florence Mkhize Building, 251 Anton Lembede Street, Durban, 4000 before close of business Tuesday **31st August 2021** at 16h00. Alternatively, comments may be emailed to Fikile.Mangele@durban.gov.za.

Any person who cannot write may come to the above specified offices during office hours (7h30 – 16h00) where a staff member of the Municipality will assist the person in transcribing his or her comments or representations.

Mr Musa Mbhele

Acting City Manager

City Hall

Dr Pixley KaSeme Street

Durban



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**eTHEKWINI METROPLITAN MUNICIPALITY: CREDIT CONTROL AND DEBT
COLLECTION AMENDMENT BY-LAW, 2021**



Adopted by Council on the:

Promulgated on:

CREDIT CONTROL AND DEBT COLLECTION AMENDMENT BY-LAW, 2021

GENERAL EXPLANTORY NOTE

- [] Words in bold type in square brackets indicate omissions from the existing By-law.
_____ Words underlined with a solid line indicate insertions in existing By-law.

To amend the eThekweni Metropolitan Municipality: Credit Control and Debt Collection By-law, 2017 so as to insert new definitions; to impose certain duties on a Conveyancer and other persons involved in the revenue clearance certificate process; to provide for certainty on the discretion of the Municipality with regard to the combatting of improper practices relating to Revenue Clearance Certificates; to provide for the establishment, powers and functions of a revenue management blacklisting committee; to provide for consequences where a person has engaged in an improper practice or conduct; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

BE IT MADE by the eThekweni Municipal Council as follows:

Amendment of section 1 of eThekweni Municipality: Credit Control and Debt Collection By-law, 2017

1. Section 1 of the eThekweni Municipality: Credit Control and Debt Collection By-law, 2017 (hereinafter referred to as the principal By-law), is hereby amended

(a) by the insertion after the definition of "agent" of the following definition:

„**application for assessment figures**" means an application for indicative amounts due and payable to the Municipality in connection with a property, made in terms of Section 118 of the Systems Act read with the Policy;"

(b) by the insertion after the definition of "**arrears**" of the following definitions:

" **assessment figures**" means the figures that are furnished by the CFO in response to a request for a RCA Details Report comprising all amounts that are due and payable to the Municipality in connection with a property;"

" **attorney**" means a legal practitioner who is admitted and enrolled as such under the Legal Practice Act, 2014;"

- (c) by the insertion after the definition of "**CFO**" of the following definition:

" **Conveyancer**" means any practising attorney who is admitted and enrolled to practice as a conveyancer in terms of the Legal Practice Act;"

- (d) by the insertion after the definition of "**customer**" of the following definition:

"**Deeds Office**" means the Office of the Registrar of Deeds, Pietermaritzburg;"

- (e) by the insertion after the definition of "**fee**" of the following definitions:

" **forgery**" means the unlawful and intentional making of a false document to the actual or potential prejudice of another;"

" **fraud**" means the unlawful and intentional making of a misrepresentation which causes actual or potential prejudice to another;"

- (f) by the insertion after the definition of "**illegal connection**" of the following definition:

" **Improper practice**" includes but is not limited to: (i) fraud, forgery, uttering of a forged document, an offence under the Prevention and Combating of Corrupt Activities Act, 2004; (ii) any other offence involving dishonesty; or (iii) unprofessional conduct on the part of any person, where such act causes actual loss or prejudice, or has the potential to cause loss or prejudice to another";

- (g) by the insertion after the definition of "**juristic person**" of the following definitions:

' **"Legal Practice Act"** means the Legal Practice Act, 2014 (Act No.28 of 2014), as amended;"

" **"lodging agent"** means a person who appears before the Registrar of Deeds to register a transfer or other registrable transaction in the Deeds Office;"

(h) by the insertion after the definition of **"premises"** of the following definition:

(i) by the insertion after the definition of **"Rates Act"** of the following definitions:

" **"RCA Details Report"** means the report that is issued by the Municipality following receipt of an application for assessment figures;"

" **"Revenue Clearance Certificate"** means the certificate envisaged in subsections (1) and (4) of section 118 of the Systems Act;"

" **"revenue clearance certificate process"** means any activity leading to, or associated with, the lodging of a Revenue Clearance Certificate in the Deeds Office;"

" **"Revenue Management Blacklisting Committee"** means the administrative committee envisaged in section 34F of this By-law;"

(j) by the insertion after the definition of **"tenderer"** of the following definition:

" **"uttering of forged document"** means the unlawful and intentional passing off of a false document (forged) to the actual or potential prejudice of another;"

Insertion of Chapter 6A in eThekweni Municipality: Credit Control and Debt Collection Bylaw, 2017

2. The following Chapter is hereby inserted in the principal By-law after section 34-

**"CHAPTER 6A
REVENUE CLEARANCE CERTIFICATES****Application for assessment figures and Revenue Clearance Certificate**

34A. In addition to any other information required by law or determined in any policy of the Municipality, an application for assessment figures or an application for a Revenue Clearance Certificate must indicate the name of the Conveyancer who is authorised to act on behalf of the owner of the property.

Duties of a Conveyancer in the revenue clearance certificate process

34B. (1) A Conveyancer whose name appears on an application envisaged in section 34A accepts responsibility by virtue of such disclosure, for the accuracy of all information contained in such application.

(2) A Conveyancer must check-

- (a) the RCA Details Report against a seller's current billing statement;
- (b) his or her conveyancing records relating to the property transaction in question; and
- (c) the municipal valuation roll and the Revenue Clearance Certificate, as the case may be, for any discrepancies between the Conveyancer's records and those of the Municipality.

(3) In the event of any apparent discrepancies, the Conveyancer has a duty to query them with the Municipality.

(4) If a Conveyancer mandates a lodging agent to lodge conveyancing documents on his or her behalf in the Deeds Office, such Conveyancer and lodging agent are liable, jointly and

severally to ensure that information on the Revenue Clearance Certificate matches, to the extent relevant, the RCA Details Report and that all amounts due to the Municipality have been paid.

- (5) A Conveyancer who is tasked with lodging conveyancing documents in the Deeds Office and who is furnished with a Revenue Clearance Certificate by a person other than a legal practitioner, must validate independently, the information contained on such Revenue Clearance Certificate.
- (6) The validation mentioned in subsection (5) above could include calling for the latest municipal bill to verify the paid-up status of the sellers municipal account, prior to allowing a transfer or registration envisaged by section 118 of the Systems Act, to be effected.
- (7) A Conveyancer must keep a copy of the Revenue Clearance Certificate, as forwarded to the Deeds Office, for a period of 3 years calculated from the date of transfer of a property or registration of a deed and provide a copy of the Revenue Clearance Certificate, as retained, to the Municipality, upon written request.

Right to apply for a Revenue Clearance Certificate

34C. (1) The right of a Conveyancer or any other person to make an application for assessment figures or to apply for a Revenue Clearance Certificate is not absolute and may be withdrawn or suspended temporarily by the Municipality on good cause shown.

- (2) In deciding what constitutes good cause, each case must be assessed on its own merit and may include but is not limited to—
 - (a) the Municipality has reason to believe that a person is engaging or has engaged in an improper practice or an act that is prohibited by law in relation to the revenue clearance certificate process;
 - (b) the Municipality has reason to believe that a person is aiding and abetting an improper practice in relation to the revenue clearance certificate process;
 - (c) a Conveyancer fails to respond to a written request from the Municipality for information and documents in connection with the revenue management certificate process or any enquiry relating to an improper practice; or

- (d) a person has lodged or caused to be lodged, conveyancing documents in the Deeds Office where—
- i) information on the Revenue Clearance Certificate, such as the rate number, the property description, or the account number applicable to the property, is inconsistent with the municipal valuation roll or the consolidated billing account;
 - ii) one Revenue Clearance Certificate has been used for the registration of multiple transfers or other registrable transactions in breach of the Policy; or
 - iii) a RCA Details Report has been issued by the Municipality showing debt due to the Municipality but a Conveyancer or a lodging agent has allowed the transfer or other registration to be effected in the Deeds Office, without such debt having been paid or secured in favour of the Municipality by way of a guarantee in a format acceptable to the Municipality.

Combating of abuse of revenue clearance certificate process

34D. (1) Any person may share information with the CFO on suspicious activities in relation to Revenue Clearance Certificates and the revenue clearance certificate process that may potentially impact on revenue collection or loss to the Municipality.

(2) The CFO must-

- (a) take all reasonable steps to prevent abuse of the revenue clearance certificate process;
- (b) investigate any allegation against any person of an improper practice in relation to the revenue clearance certificate process, and, take appropriate steps against such person, which includes but is not limited to:
 - (i) reporting any alleged criminal conduct to the South African Police Services;
 - (ii) lodging a complaint with any relevant regulatory body of a person regarding an improper practice; and
 - (iii) making an application or recommendation to the Revenue Management Blacklisting Committee to blacklist such person from the revenue clearance certificate process.

- (3) In terms of the process envisaged in subsection (2), the CFO—
- (a) must act expeditiously and properly consider prima facie evidence at his disposal;
 - (b) may require any relevant person to give further information or documentation;
 - (c) may require any relevant person to give information in the form of an affidavit or statement;
 - (d) may, subject to reasonable notice being given of the time and place, require any relevant person to come to the offices of the Municipality for an interview to clarify any aspect of the revenue clearance certificate process which may require further verification or audit where necessary; and
 - (e) may invite any relevant person whom the CFO reasonably considers to be able to assist him or her in arriving at a decision, to make written submissions to him, within a specified time period.
- (4) The interview conducted in terms of subsection (3)(d) must—
- (a) provide for a detailed description of all steps taken in relation to the revenue clearance certificate process; and
 - (b) detail the names of all persons and their personal details, who were involved in the process, including the details of the Conveyancer responsible for the revenue clearance certificate application.
- (5) A person referred to in subsection (3) may not, subject to the provisions of any other law, refuse to provide information or produce any document in relation to a revenue clearance certificate process on the grounds that it contains confidential information associated with—
- (a) his or her legal practice;
 - (b) a client; or
 - (c) a lodging agent attending to the lodging of conveyancing documentation in the Deeds Office.

Establishment of Revenue Management Blacklisting Committee

34E. (1) The Municipal Manager must establish a Revenue Management Blacklisting Committee to consider applications for the blacklisting of any persons involved in an improper practice.

- (2) The Revenue Management Blacklisting Committee must consist of senior officials in full-time service of the Municipality for a term to be determined by the Municipal Manager.

- (3) The Revenue Management Blacklisting Committee must consist of a minimum of three senior officials and up to the maximum of five.
- (4) When establishing a Revenue Management Blacklisting Committee, the following factors must be taken into account—
- (a) the need to promote the efficient resolution of an application or recommendation made in terms of subsection (2)(b)(iii) of section 34D or as contemplated in section 34G; and
 - (b) the requirements of administrative justice.

Composition of the Revenue Management Blacklisting Committee

34F. (1) The Committee must consist of—

- (a) a legal practitioner from the Municipality's Legal and Compliance Unit;
 - (b) a Head of Revenue Management of the Municipality's Finance Cluster; and
 - (c) senior officials with skills, knowledge and experience in forensic audit, risk management or revenue clearance certificate processes.
- (2) A vacancy in the Revenue Management Blacklisting Committee must be filled as soon as practicably possible in accordance with subsection 1.
- (3) Any person appointed to fill a vacancy holds office for the unexpired portion of the term of the vacating member.
- (4) No decision taken by the Revenue Management Blacklisting Committee or act performed under the authority of such Committee is invalid, by reason of a vacancy on the Committee, if the decision was taken or the act was authorised.
- (5) A member whose term of office has expired, may be reappointed.

Chairperson and Deputy Chairperson of the Revenue Management Blacklisting Committee

34G. (1) The Chairperson of the Revenue Management Blacklisting Committee must be the Head of Revenue Management of the Municipality's Finance Cluster.

- (2) A Deputy Chairperson must be appointed by the Municipal Manager from amongst the members mentioned in subsection (1) (a) and (c) of section 34F.
- (3) The Deputy Chairperson must, if the Chairperson is absent or is for any reason unable to act as Chairperson, perform all the functions and exercise all of the powers of the Chairperson.
- (4) If both the Chairperson and Deputy Chairperson are absent from any meeting, the members present must elect a person from amongst themselves to preside at that meeting and the person so presiding must, during that meeting and until the Chairperson or Deputy Chairperson resumes duty, perform all the functions and exercise all the powers of the Chairperson.

Meetings of the Revenue Management Blacklisting Committee

34H. (1) The Blacklisting Committee may only act on a blacklisting application received from—

- (a) the City Integrity and Investigations Unit;
 - (b) the CFO; or
 - (c) the Municipal Manager.
- (2) The majority of the members of the Revenue Management Blacklisting Committee constitutes a quorum at any meeting of the Committee.
- (3) The Revenue Management Blacklisting Committee must—
 - (a) determine the procedure for calling a meeting;
 - (b) determine the procedures to be followed at the meeting; and
 - (c) keep a record of all minutes.
- (4) A decision of the majority of the members constitutes a decision of the Revenue Management Blacklisting Committee.
- (5) In the event of a deadlock in the voting, the person presiding at the meeting has a casting vote in addition to a deliberative vote.
- (6) The administrative functions of the Revenue Management Blacklisting Committee must be performed by the Municipality's committee secretariat.

- (7) The Revenue Management Blacklisting Committee may, in alternate, hold a virtual meeting where necessary.

Grounds for Blacklisting

34I. The grounds for blacklisting any person involved in an improper practice may include, but are not limited to:

- (a) engaging directly or indirectly in any improper practice;
- (b) lodging or causing to be lodged in the Deeds Office, a Revenue Clearance Certificate in circumstances where a person knew or ought reasonably to have known, that debt due to the Municipality had not been paid in full or secured by a guarantee in the Municipality's favour and, payable on date of registration of transfer of a property; and (d) a conviction by a competent court of law in respect of criminal related activity.

The effects of blacklisting 34J. (1) The Policy must include provisions relating to backlisting and provide guidelines relating to sanctions.

(2) Effects of blacklisting may include, but are not limited to-

- (a) disallowing a blacklisted person from making application for, or receiving a Revenue Clearance Certificate either manually or using the Municipality's on-line platform, for a specified duration of time determined in the Policy;
- (b) extending the blacklisting of a person to other directors, members, partners or any persons in the employ of the legal practice who may be sufficiently complicit; or
- (c) any other action contemplated in this By-law.

Powers of the Revenue Management Blacklisting Committee

34K. The Revenue Management Blacklisting Committee have the powers to—

- (a) dismiss an application for blacklisting;
- (b) uphold an application and blacklist a person;
- (c) defer the matter to request further and detailed information from the person making the application: Provided that a deferment may not be extended for a period exceeding 30 days;
- (d) temporarily suspend a person from using the revenue clearance certificate process pending the outcome of the deliberations of the Blacklisting Committee where prima

- facie evidence exists that the person has previously engaged in an improper practice or where the Municipality may suffer irreparable harm by virtue of such person's continued access to the revenue clearance certificate process;
- (e) request the affected person to provide information by a specified date, that will enable the Blacklisting Committee to make a justifiable order to blacklist: Provided that the Blacklisting Committee may grant an extension for the discharge of such obligation of a further period of 14 days if reasonable grounds exist for the extension;
 - (f) impose any sanction as determined in this By-law;
 - (g) in addition to any of the above, advise the Head: Legal and Compliance to—
 - (i) apply to the High Court for an appropriate interdict against the affected person;
 - (ii) initiate legal proceedings against the affected person for recovery of loss or property;
 - (iii) report prima facie evidence of an improper practice to the regulatory body of any person involved in an improper practice; and
 - (h) communicate its decision with reasons to the affected person.

The blacklisting process

- 34L.** (1) The person applying for blacklisting must submit to the Chairperson of the Revenue Management Blacklisting Committee, a written report for the consideration.
- (2) The person applying for blacklisting must attach supporting documents as documentary evidence to the application which may include but are not limited to—
 - (a) reports from the City Integrity and Investigations Unit;
 - (b) communications between parties; or
 - (c) statements by any person indirectly or directly connected.
 - (3) The Chairperson must convene a meeting as soon as it is reasonably possible in order to ensure that actual or potential risks of financial loss to the Municipality are mitigated.
 - (4) All members of the Revenue Management Blacklisting Committee must be furnished with supporting documents within a period of not less than 14 days prior to the date of a meeting.
 - (5) The Municipality's committee secretariat must prepare an agenda the Revenue Management Blacklisting Committee meeting on the instructions of the Chairperson of the Committee.

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- (6) Upon receiving an application envisaged in subsection (2)(b)(iii) of section 34D or as contemplated in section 34H (1), the Chairperson of the Revenue Management Blacklisting Committee must give written notice to the affected person, advising them that an application for blacklisting has been received for consideration by the Committee.
- (7) Where an affected person requests to view the report annexed to the agenda recommending blacklisting, the affected person must submit a written request to the Chairperson within 14 days of date of receipt of such notice.
- (8) The Revenue Management Blacklisting Committee must consider any written submissions received timeously from the affected person and late submission may not be considered.
- (9) In the event the affected person fails to request a copy of the report within the prescribed period, the Revenue Management Blacklisting Committee must proceed to consider and decide on the matter.
- (10) The merits of the matter must be decided on the information and submissions made to the Revenue Management Blacklisting Committee, unless the Committee decides otherwise.
- (11) The decision of the Revenue Management Blacklisting Committee must be minuted and the record of minutes be kept for a period of three years.
- (12) The Revenue Management Blacklisting Committee must keep a register of all decision notices.
- (13) A decision notice must be served on the affected party within 30 days of the decision of the Revenue Management Blacklisting Committee and must contain—
- (a) the details of the application;
 - (b) the outcome of the application;
 - (c) the reasons for the decision contemplated in paragraph (b); and
 - (d) any other matter as the Revenue Management Blacklisting Committee considers fit, including the right of appeal.
- (14) A decision notice must be served on the affected person and complainant by any mode of transmission contemplated in section 30.

Proceedings after the Blacklisting Committee hearing and sanctions

34M. (1) If the Revenue Management Backlisting Committee finds that a person is guilty of an improper practice and imposes a sanction on such person, it must in its decision notice inform the person of the right of appeal contemplated in section 35.

(2) The lodging of an appeal must not interrupt an investigation by the Legal Practice Council of a complaint lodged by the Municipality against a person involved in an improper practice in terms of the Legal Practice Act.

Urgent High Court Proceedings

34N. Despite the provisions of this Chapter, if upon considering an application for backlisting, the Revenue Management Backlisting Committee is satisfied that a prima facie evidence exists of an improper practice or serious unprofessional conduct, it must inform the Head: Legal and Compliance Unit to institute an urgent legal proceeding in the High Court to protect the municipal fiscus or property, or to obtain alternative appropriate interim relief.

Powers of the High Court

34O. The provisions of this By-law do not derogate in any way from the power of the High Court to consider and decide upon and make appropriate orders in respect of matters concerning the revenue clearance certificate process or alleged improper practice on the part of any person.

Responsibility for unpaid debt and joint and vicarious liability for loss

34P. (1) In the event where there are Municipal service amounts legally due and payable to the Municipality and the issuing of a Revenue Clearance Certificate, a transfer or any other conveyancing transaction is effected, the previous owner who incurred such debt shall continue to be liable for all unpaid amounts up to the date of registration or transfer of the property into the name of such owner's successor in title.

(2) Notwithstanding the provisions of subsection (1), a Conveyancer or any person involved in the revenue clearance certificate process pertaining to a particular conveyancing transaction may, together with the firm of which the Conveyancer or person is a director, partner, proprietor or employee, be held liable, jointly or severally, by any competent court for any loss suffered by the Municipality arising from an improper practice."

Insertion of section 37A in eThekweni Municipality: Credit Control and Debt Collection By-law, 2017

3. The following section is hereby inserted in the principal By-law after section 37:

"Limitation of liability

37A. the Municipality or any authorised official or committee is not liable for any damage or loss caused by-

- (a) the exercise of a power or the performance of @ duty under this By-law or any other applicable law;
- (b) the failure to exercise a power or perform a duty under this By-law or any other applicable law, unless the exercise of} or failure to exercise the power or performance or failure to perform the duty was grossly negligent or in bad faith."

Amendment in the Table of Contents of the eThekweni Municipality: Credit Control and Debt Collection By-law, 2017

4. The Table of Contents is hereby amended by the insertion of the following headings:

(a)

"CHAPTER 6A
REVENUE CLEARANCE CERTIFICATES

34A. Application for assessment figures and Revenue Clearance Certificate 34B.

Duties of a Conveyancer in the revenue clearance certificate process

34C. Right to apply for a Revenue Clearance Certificate

34D. Combating of abuse of revenue clearance certificate process

34E. Establishment of Revenue Management Backlisting Committee

34F. Composition of the Revenue Management Backlisting Committee

34G. Chairperson and Deputy Chairperson of the Revenue Management Backlisting Committee

34H. Meetings of the Revenue Management Blacklisting Committee

34I. Grounds for Backlisting

34J. The effects of blacklisting 34K. Powers of the Revenue
Management Blacklisting Committee

34L. The backlisting process

34M. Proceedings after the Blacklisting Committee hearing and sanctions

34N. Urgent High Court Proceedings

34O. Powers of the High Court

34P. Responsibility for unpaid debt and joint and vicarious liability for loss"

(b)

CHAPTER 7 GENERAL

35. Appeals

36. Offences and penalties

37. Delegations

37A. Limitation of Liability

38. Repeal of laws and savings

39. Short title and commencement".

Short title and commencement

5. This By-law is called the Credit Control and Debt Collection Amendment By-law, 2021 and comes into operation on the date of publication in the Provincial Gazette.

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UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA OCHIBIYELA
UMTHETHO WOKULAWULA NOKUQOQA IZIKWELETU, KA-2021



Waphasiswa uMkhandlu mhla ka:

Washicilelwa kwigazethi mhla ka:

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UMTHETHO KAMASIPALA OCHIBIYELA UMTHETHO WOKULAWULA
NOKUQOQA IZIKWELETU, KA-2021

IPHUZU LOKUCHAZA:

[] Amagama abhalwe ngokugqamile akubakaki abayizikwele akhomba okukhishiwe kusomqulu wemithetho ekhona njengamanje.

_____ Amagama adwetshelwe umugqa ngaphansi yilawo amasha afakiwe kusomqulu wemithetho okhona njengamanje.

Ukuchibiyela uMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqa Izikweletu, ka-2017 ukuze kufakwe izincazelo ezintsha; ukunikeza imisebenzi ethile oConveyancer nabanye abantu abathinteka ekukhishweni kwama-Revenue Clearance Certificate; ukunikeza isiqiniseko ngokungenziwa nguMasipala ngokwamandla anawo ekuqedeni izenzo ezingemukelekile ezithinta ama-Revenue Clearance Certificate; ukuhlinzekela ukubunjwa, amandla nemisebenzi yekomidi lakwa-revenue management lokunquma ngokufakwa emabhukwini amnyama; ukuhlinzekela ukuba kube nemiphumela lapho umuntu enze khona okungemukelekile noma okungafanele; ukuhlinzekela ukuhoxiswa kwemithetho nokonga; nokuhlinzekela nokunye okuhambisana nalokhu okubaliwe.

UMkhandlu kaMasipala waseThekwini ngalokhu:

Uchibiyela isigaba 1 soMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqa Kwezikweletu, ka-2017

1. Ngalokhu kuchitshiyelwa isigaba 1 soMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqa Kwezikweletu, ka-2017 (kusukela manje ozobizwa ngoMthetho omkhulu weDolobha kaMasipala)

2.

- (a) ngokufaka le ncazelo elandelayo ngemuva kwencazelo ye"ejenti":

„**isicelo sezibalo zemali okufanele ikhokhwe**” kusho isicelo sezibalo zezimali okumele zikhokhelwe uMasipala mayelana nomhlaba/nezakhiwo ezibalwe ngokweSigaba 118 soMthetho iSystems Act sifundwa neNqubomgomo;”;

- (b) ngokufaka lezi zincazelo ezilandelayo ngemuva kwencazelo ye"**zimali ezisilele**":

" **izibalo zemali okufanele ikhokhwe**” kusho izibalo ezinikezwa yiCFO uma kucelwe umbiko wemininingwane yeRCA ezinazo zonke izamba zemali okumele zikhokhelwe uMasipala maqondana nomhlaba/nezakhiwo;”;

" **ummeli**” kusho ummeli obhaliswe futhi wemukelwa njengommeli ngaphansi koMthetho iLegal Practice Act, 2014;”;

- (c) ngokufaka incazelo elandelayo ngemuva kweka"**CFO**”:

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" **"Conveyancer"** yinoma yimuphi ummeli osebenzayo obhaliswe futhi wemukelwa ukuba sebenza njengeconveyancer ngokoMthetho iLegal Practice Act;"

- (d) ngokufaka le ncazelo elandelayo ngemuva kweye **"khasimende"**:

„**"Deeds Office"** yihhovisi likaRegistrar of Deeds, eMgungundlovu;"

- (e) ngokufaka izincazelo ezilandelayo ngemuva kweye **"mali ekhokhwayo"**:

„ **" ukukotela"** kuchaza ukwenza umbhalo ongamanga ngenhloso nangokungemthetho okulimaza noma okungalimaza omunye umuntu;"

" **"ukukhwabanisa"** kuchaza ukusho okungelona iqiniso ngenhloso nangokungemthetho okulimaza noma okungalimaza omunye umuntu;"

- (f) ngokufaka incazelo elandelayo ngemuva kweye **"kuxhuma ngokungemthetho"**:

„ **" Ukwenza okungemukelekile"** kufaka kodwa akugcina kulokhu: (i) inkohlakalo, ukukokotela, ukudlulisa umbhalo okokoteliwe, okuwukwephula umthetho ngaphansi koMthetho iPrevention and Combating of Corrupt Activities Act, 2004; (ii) nokwenza nanoma yiliphi icala elifaka ukungethembeki; noma (iii) ukuziphatha kwanoma ngubani okuhlambalaza igama lomsebenzi othile okudala noma okungadala ukulahlekelwa noma ukulimala ngandlela thile komunye umuntu ";

- (g) ngokufaka izincazelo ezilandelayo ngemuva kweye **"muntu ngamehlo omthetho"**:

„ **"Legal Practice Act"** ichaza uMthetho iLegal Practice Act, 2014 (uMthetho No. 28 ka-2014), njengokuchitshiyelwa kwawo;"

" **"umuntu obhalisa ukudluliselwa kwesakhiwo komunye umuntu"** uchaza umuntu oya kwaRegistrar of Deeds eyobhalisa ukwedluliselwa kwesakhiwo egameni lomunye noma okunye okunjalo okudinga ukubhaliswa eDeeds Office;"

- (h) ngokufaka incazelo elandelayo ngemuva kwencazelo ye **"sakhiwo"**:

- (i) ngokufaka izincazelo ezilandelayo ngemuva kwencazelo yoMthetho i **"Rates Act"**:

" **"RCA Details Report"** uchaza umbiko okhishwa nguMasipala uma esethole isicelo sezibalo zemali okufanele ikhokhwe;"

" **"I-Revenue Clearance Certificate"** yisitifiketi esishiwo ezigatshaneni (1) no-(4) zesigaba 118 soMthetho iSystems Act;"

" **"ukukhishwa nokuhanjiswa kwe-Revenue Clearance Certificate"** ichaza noma yini eqondene nokuhambisa i-Revenue Clearance Certificate eDeeds Office;"

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" **"I-Revenue Management Blacklisting Committee"** yikomidi eliqondwe esigabeni 34F salo Mthetho kaMasipala;"

- (j) ngokufaka incazelo elandelayo ngemuva kwencazelo ka**"mfaki wethenda"**:

" **"ukuhambisa umbhalo okokotelwe"** kusho ukuhambisa umbhalo ongamanga (okokotelwe) ngabomu nangokungemthetho okulimaza noma okungalimaza omunye umuntu;"

Ukufakwa kweSahluko 6A eMthethweni kaMasipala waseThekwini Wokulawulwa Nokuqoqwa Kwezikweletu, ka-2017

2. Ngalokhu kufakwa lesi Sahluko esilandelayo ngemuva kwesigaba 34 eMthethweni omkhulu kaMasipala -

"ISAPHLUKO 6A

AMA-REVENUE CLEARANCE CERTIFICATE

Isicelo sezibalo zemali okufanele ikhokhwe ne-Revenue Clearance Certificate

34A. Ngaphezu kwanoma yiluphi olunye ulwazi oludingekayo ngokomthetho noma olukhonjwe noma kuyiphi inqumbomgomo kaMasipala, isicelo sezibalo zemali okufanele ikhokhwe noma seRevenue Clearance Certificate kumele siveze igama leConveyancer egunyaziwe ezomela umnikazi womhlaba/wesakhiwo.

Imisebenzi yeConveyancer ekukhishweni nasekuhanjiseni kweRevenue Clearance Certificate

34B. (1) IConveyancer igama layo elivela esicelweni esiqondwe esigabeni 34A iyona ethwele umthwalo ngokunikeza imininingwane edingekayo nokuqikelela ubuqiniso nokuphelela kwakho konke okufakwa kuleso sicelo.

(2) IConveyancer kufanele ibheke-

- (a) umbiko wemininingwane yeRCA iqhathaniswa nesitatimende sangaleso sikhathi sokukhokhelwa somdayisi;
- (b) amarekhodi ayo okuthengwa komhlaba aqondene nokudayiswa kwalowo mhlaba; kanye
- (c) nanoma yikuphi ukungefani phakathi kwamarekhodi eConveyancer nakaMasipala ohlwini lukamasipala lokuklanywa kwamanani aleso sakhiwo nakwiRevenue Clearance Certificate.

(3) Uma kuba khona ukungefani okubonakalayo, kungumsebenzi weConveyancer ukukubuza kuMasipala.

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- (4) Uma iConveyancer igunyaza umuntu obhalisa ukudluliselwa kwesakhiwo komunye eDeeds Office egameni layo, leyo Conveyancer kanye nalowo muntu obhalisa ukudluliselwa kwesakhiwo komunye banesibopho behlangene noma ngokwahlukana sokuqinisekisa ukuthi imininingwane ekwiRevenue Clearance Certificate iyefana nombiko wemininingwane yeRCA futhi zonke izamba okumele zikhokhwe kuMasipala zikhokhiwe.
- (5) IConveyancer enikwe umsebenzi wokuhambisa amaphepha okudayiswa komhlaba/kwesakhiwo eDeeds Office futhi yanikwa neRevenue Clearance Certificate ngomunye umuntu ongeyona ummeli, kufanele ngokwayo iqinisekise imininingwane ekwiRevenue Clearance Certificate.
- (6) Ukuqinisekiswa okushiwoyo esigatshaneni (5) ngenhla kungafaka ukufunakala kwencwadi egcinile ye-akhawunti kaMasipala ukufakazela ukuthi umdayisi akamkweleti uMasipala, ngaphambi kokuvumela ukwedluliselwa noma ukubhaliswa okuqondwe esigabeni 118 soMthetho iSystems Act.
- (7) IConveyancer kufanele igcine ikhophi yeRevenue Clearance Certificate ethunyelwe eDeeds Office, yeminyaka emithathu ebalwa kusukela osukwini lokubhaliswa kwesakhiwo/komhlaba noma lokubhaliswa kwetayitela lobunikazi futhi inikeze uMasipala ikhophi yeRevenue Clearance Certificate, egciniwe, uma kwenziwa isicelo esibhalwe phansi.

Ilungelo lokufaka isicelo seRevenue Clearance Certificate

34C. (1) Ilungelo leConveyancer kumbe lanoma ngubani omunye lokufaka isicelo sezibalo zemali okufanele ikhokhwe noma lokufaka isicelo seRevenue Clearance Certificate lingahoxiswa noma limiswe nguMasipala isikhashana ngesizathu esizwakalayo asibekile.

- (2) Ekunqumeni ukuthi ngesinjani isizathu esizwakalayo, udaba ngalunye kumele lucutshungulwe lubukwa lodwa kanti kungafaka ukuthi—
- (a) uMasipala unesizathu sokukholwa ukuthi umuntu wenza noma wenze okungemukelekile kumbe okungavunyelwe ngumthetho maqondana nemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;
- (b) uMasipala unesizathu sokukholwa ukuthi umuntu unesandla kokungemukelekile maqondana nemigudu yokukhishwa nokuhanjiswaa kweRevenue Clearance Certificate;
- (c) iConveyancer ayisiphenduli isicelo sikaMasipala esibhaliwe solwazi nemibhalo eqondene nemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate kumbe noma imuphi umbuzo oqondene nokwenza okungemukelekile; noma
- (d) umuntu ufake noma wenze kwafakwa amaphepha okuthengwa komhlaba eDeeds Office lapho—

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- i) imininingwane kwiRevenue Clearance Certificate, njengate number, ukuchazwa komhlaba, noma inombolo ye-akhawunti yalowo mhlaba, kungavumelani nohlu lukaMasipala lokuklanywa kwamanani ezakhiwo/emihlaba noma i-akhawunti ehlanganisile kaMasipala;
- ii) kusetshenziswe iRevenue Clearance Certificate eyodwa ukubhalisela ukwedlulisela noma ukudayiselana okubhaliswayo okuningana okuphambene neNqubomgomo; noma
- iii) umbiko wemininingwane yeRCA ukhishwe nguMasipala ukhombisa ukukweletwa kukaMasipala kodwa iConveyancer noma umuntu obhalisayo evumele ukuba ukwedlulisela noma okunye ukubhalisa kwenziwe eDeeds Office, ngaphandle kokukhokha kumbe ukhulelelwa kwaleso sikweletu ngendlela eyamukeleke kuMasipala, kodwa akugcini lapho.

Ukuqeda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate

34D. (1) Noma yimuphi umuntu angayiluma indlebe iCFO ngokwenzekayo okusolisayo maqondana nama-Revenue Clearance Certificate nendlela yokuhanjiswa kwawo engase ibe nomthelela ekungeneni kwemali noma ukulahlekelwa kukaMasipala.

(2) I-CFO kufanele-

- (a) yenze konke okungalindeleka ukunqanda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;
- (b) iphenye noma imaphi amahlebezi okwenza okungemukelekile kwanoma ngubani okuthinta imigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate, bese imthathela izinyathelo ezifanele, okufaka:
 - (i) ukubika isenzo sobelelesi esishiwoyo embuthweni wamaphoyisa (akwaSouth African Police Services);
 - (ii) ukufaka isikhalo ohlakeni olufanele oluqondisayo lwalowo muntu mayelana nokungenzi ngendlela eyamukelekayo;
 - (iii) ukwenza isicelo noma isincomo ekomidini iRevenue Management Blacklisting Committee sokuba afakwe emabhukwini amnyama lowo muntu angasakwazi ukubamba iqhaza ekuhanjiseni kwama-Revenue Clearance Certificate.

(3) Ngokwemigudu eqondwe esigatshaneni (2), i-CFO-

- (a) kufanele ilusukumele phezulu udaba futhi ibucubungulise ubufakazi enikwe bona;

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- (b) ingadinga ukuba noma ubani ofanele anikeze obunye ubufakazi noma imibhalo;
 - (c) ingadinga ukuba noma ubani ofanele anikeze ulwazi ngencwadi noma ngesitatimende esifungelwe;
 - (d) ingadinga ukuba noma ubani ofanele eze emahhovisi kaMasipala azophendula imibuzo ecacisa nganoma yini emaqondana nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate okungadinga okunye ukuqinisekiswa noma ukucwaningwa lapho kunesidingo khona, inqobo nje uma enikwe isaziso esingalindeleka sesikhathi nendawo;
 - (e) ingabiza noma ngubani ofanele enesizathu esizwakalayo sokucabanga ukuthi angayisiza ekuthatheni isinqumo, ukuba ayibhalele izincazelo ezithile singakapheli isikhathi esibekiwe.
- (4) Ukuphendulwa kwemibuzo okwenziwa ngokwesigatshana (3)(d) kufanele—
- (a) kuhlinzekele ukunikezwa kwemininingwane yazo zonke izinyathelo ezithathiwe maqondana nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;
 - (b) kunikeze imininingwane yamagama abo bonke abantu abebethinteka kulokhu nemininingwane eqondene ngqo nabo, okufaka nemininingwane yeConveyancer eqondene nesicelo seRevenue Clearance Certificate.
- (5) Umuntu oshiwo esigatshaneni (3) akavumelekile ukuba anqabe ukunikeza ulwazi noma ukukhipha noma yimuphi umbhalo oqondene nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate, phansi kwemibandela yanoma yimuphi umthetho, ngoba ethi iqukethe eziyisifuba ezithinta—
- (a) ibhizinisi lakhe njengommeli;
 - (b) umuntu ammele; noma
 - (c) umuntu obhalisa isakhiwo egameni lomunye umuntu ofake amaphepha eDeeds Office.

Ukubunjwa kweRevenue Management Blacklisting Committee

34E. (1) IMenenja kaMasipala kufanele ibumbe iRevenue Management Blacklisting Committee ukucubungula izicelo zokufaka emabhukwini amnyama abantu abathinteka ezenzweni ezingemukelekile.

- (2) iRevenue Management Blacklisting Committee kufanele ibe neziphathimandla eziphezulu ezisebenza kuMasipala ngokugcwele isikhathi esizonqunywa yiMenenja kaMasipala.
- (3) iRevenue Management Blacklisting Committee kufanele ibe neziphathimandla eziphezulu ezingekho ngaphansi kwezintathu kepha zingeqi kwezinhlanu.

(4) Lapho kubunjwa iRevenue Management Blacklisting Committee kufanele kuqashelwe lezi zinto ezilandelayo—

- (a) isidingo sokukhuthaza ukuxazululwa ngokushesha kwezithinta isicelo noma isincomo esenziwe ngokwesigatshana (2)(b)(iii) sesigaba 34D noma njengoba kushiwo esigabeni 34G; kanye
- (b) nezidingo zokwenza izinto ngobulungiswa.

Amalungu eRevenue Management Blacklisting Committee

34F. (1) IKomidi kufanele libe—

- (a) nommeli wakwaLegal and Compliance Unit kaMasipala;
 - (b) iNhloko yakwaRevenue Management yeFinance Cluster kaMasipala; kanye
 - (c) neziphathimandla eziphezulu ezinamakhono, ulwazi nesipiliyoni emkhakheni wakwa-forensic audit, risk management noma wokukhishwa nokuhanjiswa kwama-revenue clearance certificate.
- (2) Isikhala kwiRevenue Management Blacklisting Committee kufanele sigcwaliswe ngokushesha okungenzeka ngokwesigatshana 1.
- (3) Noma yimuphi umuntu oqokelwe ukugcwalisa isikhala uba sesikhundleni ingxenye esasele yesikhathi selungu eliphumile .
- (4) Akukho sinqumo esithathwe yiRevenue Management Blacklisting Committee kumbe isenzo esenziwe ngaphansi kwegunya lalelo Komidi esingeke saba semthethweni ngesizathu sokuba khona kwesikhala eKomidini uma isinqumo sathathwa noma isenzo sagunyazwa.
- (5) Ilungu eseliphelelwe yisikhathi salo lisengaphinda liqokwe.

USihlalo nePhini likaSihlalo weKomidi leRevenue Management Blacklisting Committee

34G. (1) USihlalo weRevenue Management Blacklisting Committee kufanele kube yiNhloko yakwaRevenue Management yeFinance Cluster kaMasipala.

- (2) IPhini likaSihlalo kufanele liqokwe yiMenenja kaMasipala emalungwini ashiwo esigatshaneni (1) (a) no-(c) wesigaba 34F.
- (3) IPhini likaSihlalo kufanele lenze yonke imisebenzi lisebenzise wonke amandla kaSihlalo uma uSihlalo engekho kumbe engakwazi ukwenza umsebenzi wakhe njengoSihlalo.
- (4) Uma bobabili uSihlalo nePhini lakhe bengekho emhlanganweni, amalungu akhona kufanele akhethe umuntu ozoba ngusihlalo walowo mhlango, lowo muntu kufanele enze yonke imisebenzi kuze kubuye uSihlalo noma iPhini lakhe.

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Imihlangano yeRevenue Management Blacklisting Committee

34H. (1) I-Revenue management Blacklisting Committee lingafaka umuntu emabhukwini amnyama uma isicelo salokho senziwe yilaba—

- (a) uCity Integrity and Investigations Unit;
 - (b) uCFO; noma
 - (c) iMenenja kaMasipala.
- (2) Iningi lamalungu eRevenue Management Blacklisting Committee liyisibalo esanele sokuqhubeka nomhlangano kunoma yimuphi umhlangano waleli Komidi.
- (3) I-Revenue Management Blacklisting Committee kufanele—
- (a) ihlahle inqubo yokubiza umhlangano;
 - (b) ihlahle inqubo ezolandelwa emihlanganweni; futhi
 - (c) igcine amaminithi ayo yonke imihlangano.
- (4) Isinqumo seningi lamalungu yisona sinqumo seRevenue Management Blacklisting Committee.
- (5) Uma kufikwa kwangqingetshe lapho kuvotwa, yivoti lalowo ongusihlalo kulowo mhlango elixazulula ungqingetshe ngaphezu kwevoti lakhe njengalungu.
- (6) Imisebenzi yokuphatha yeRevenue Management Blacklisting Committee kufanele yenziwe umnyango wakwa-Committee Secretariat kaMasipala.
- (7) I-Revenue Management Blacklisting Committee eminye imihlangano yayo ingayenza ngokusebenzisa ubuchwepheshe bamakhompuyutha uma kunesidingo.

Izizathu zokufakwa kwabantu emabhukwini amnyama

341. Izizathu zokufaka emabhukwini amnyama noma ngubani othinteka ezenzweni ezingemukelekile zingafaka:

- (a) ukuthinteka ngqo noma ngandlela thize kunoma yini engemukelekile;
- (b) Ukufaka noma ukuba yimbangela yokufakwa kweRevenue Clearance Certificate eDeeds Office lapho umuntu kade enolwazi noma bekungalindeleka ukuba azi ukuthi isikweletu okumele sikhokhwe kuMasipala asikhokhiwe sonke noma ukukhokhwa kwaso akuhlelwe ngendlela eyamukeleke kuMasipala, sikhokhwe ngosuku lokubhaliswa kokwedluliselwa egameni lomunye kwalowo mhlaba/kwaleso sakhiwo; kanye (d) nokulahlwa yinkantolo efanele ngalelo cala, kungagcini lapho.

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Imiphumela yokufaka emabhukwini amnyama 34J. (1) Inqubomgomo kufanele ifake nemibandela yokufaka emabhukwini amnyama nemikhombandlela okufanele ilandelwe maqondana nezijeziso.

(2) Imiphumela yokufakwa emabhukwini amnyama-

- (a) ukwenqabela umuntu ofakwe emabhukwini amnyama ukufaka isicelo seRevenue Clearance Certificate noma ukuyamukela ngesandla noma ngezindlela ezisebenzisa ubuchwepheshe bamakhompuyutha zikaMasipala isikhathi esibekwe yiNqubomgomo;
- (b) ukukwelulela kwabanye abaqondisi, amalungu, ophathina babo kumbe nanoma ngubani osebenza kuleyo nkampani yabameli okungenzeka ukuba naye unesandla ngokwanele ukufakwa emabhukwini amnyama; noma
- (c) nasenzo sini esinye esiqondwe kulo Mthetho kaMasipala, kungagcini lapho.

Amandla eRevenue Management Blacklisting Committee

34K. IRevenue Management Blacklisting Committee inamandla—

- (a) okuchitha isicelo sokufaka umuntu emabhukwini amnyama;
- (b) okusivuma isicelo nokufaka umuntu emabhukwini amnyama;
- (c) okuhlehlisa udaba ukucela olunye ulwazi olunemininingwane kumuntu ofake isicelo: Kodwa-ke okuhlehlisa kungeze kwelulwa isikhathi eseqe ezinsukwini ezingu-30;
- (d) okumisa umuntu okwesikhashana angakwazi ukusebenzisa imigudu yokukhishwa nokufakwa kweRevenue Clearance Certificate kuze kuphume umphumela wezingxoxo zaleli Komidi lapho ubufakazi obukhona benele bokuthi phambilini umuntu uke wathinteka ezenzweni ezingemukelekile noma lapho uMasipala engalimala khona ngendlela engenakuhleliseka uma lowo muntu eqhubeka nokukwazi ukucela nokufaka iRevenue Clearance Certificate;
- (e) okucela lowo muntu ukuba lungakadlul usuku olunqunyiwe anikeze ulwazi oluzokwenza ukuba leli komidi likhiphe umyalelo onezizathu ezizwakalayo zokufaka lowo muntu emabhukwini amnyama: Kodwa-ke leli komidi lingavumela ukwelulwa kokwenziwa kwalowo msebenzi ngezinye izinsuku ezingu-14 uma kunesizathu esizwakalayo sokwelulwa;
- (f) okusebenzisa isijeziso esikhonjwe kulo Mthetho kaMasipala;
- (g) ngaphezu kwanoma yikuphi okungenhla, ukweluleka iNhloko: Legal and Compliance —
 - (i) ukuba ifake isicelo sokuvimbela umuntu othintekayo eNkantolo Ephakeme;
 - (ii) ukuqala izinyathelo zomthetho zibhekiswe kumuntu othintekayo ukukhokhela ukulahlekelwa kumbe ukubuyisa isakhiwo/umhlaba;

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- (iii) ukubika ubufakazi obukhona besenzo esingemukelekile sanoma ngubani othinteka esenzweni esingemukelekile emkhandlwini ofanele;
- (h) ukwazisa umuntu othintekayo ngesinqumo salo nezizathu.

Imigudu yokufaka umuntu emabhukwini amnyama

- 34L.** (1) Umuntu ofake isicelo sokufakwa komuntu emabhukwini amnyama kufanele alethe umbiko obhaliwe kuSihlalo weRevenue Management Blacklisting Committee ukuze awucubungule.
- (2) Umuntu ofaka isicelo sokufakwa komuntu emabhukwini amnyama kufanele afake nombhalo owesekayo njengobufakazi obubhaliwe esicelweni ongafaka -
- (a) imibiko yakwaCity Integrity and Investigations Unit;
 - (b) izingxoxo zokuxhumana phakathi kwabathintekayo; noma
 - (c) izitatimende zanoma ngubani othinteka ngqo noma ngenye indlela.
- (3) USihlalo kufanele abize umhlangano ngokushesha okungenzeka ukuze aqinisekise ukuncipha kobungozi obukhona noma obungaba khona bokulahlekelwa kukaMasipala ngokwezimali.
- (4) Wonke amalungu amalungu eRevenue Management Blacklisting Committee kufanele anikwe imibhalo eyesekayo esikhathini esingekho ngaphansi kwezinsuku ezingu-14 ngaphambi kosuku lomhlangano.
- (5) UCommittee Secretariat kaMasipala kufanele alungise uhlelo lomhlangano weRevenue Management Blacklisting Committee ngokwemiyalelo kaSihlalo weKomidi
- (6) Uma uSihlalo weRevenue Management Blacklisting Committee ethola isicelo esishiwo esigatshaneni (2)(b)(iii) sesigaba 34D noma esiqondwe esigabeni 34H (1), kufanele anikeze umuntu othintekayo isaziso esibhaliwe amazise ngesicelo sokufakwa emabhukwini amnyama esitholwe yiKomidi ukuba lisicubungule.
- (7) Uma umuntu othintekayo ecela ukubona umbiko ohambisana nohlelo lomhlangano oluncoma ukufakwa emabhukwini amnyama, kufanele asethule kuSihlalo sibhaliwe zingakapheli izinsuku ezingu-14 kusukela osukwini athole ngalo lesa sazi.
- (8) IRevenue Management Blacklisting Committee kufanele icubungule zonke izethulo ezibhaliwe ezifike ngesikhathi zivela kubantu abathintekayo kanti ezifike ngemuva kwesikhathi ziyoshaywa indiva.

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- (9) Uma umuntu othintekayo engayiceli ikhophi yombiko singakapheli isikhathi esibekiwe, iRevenue Management Blacklisting Committee kufanele iqhubeke nokucubungula nokuthatha isinqumo ngodaba.
- (10) Isinqumo ngodaba kumele sithathelwe phezu kolwazi nezincazelo ezibhaliwe ezethulwe kwiRevenue Management Blacklisting Committee, ngaphandle uma iKomidi linquma ngenye indlela.
- (11) Isinqumo seKomidi leRevenue Management Blacklisting Committee kufanele singene emaminithini amarekhodi omhlangano bese egcinwa iminyaka emithathu.
- (12) IRevenue Management Blacklisting Committee kufanele igcine irejista yazo zonke izaziso zezinqumo.
- (13) Isaziso sesinqumo kufanele sihanjisiwe kumuntu othintekayo zingakapheli izinsuku ezingu-30 iRevenue Management Blacklisting Committee ikhiphe isinumo futhi kufanele sibe—
- (a) neminingwane yesicelo;
 - (b) nomphumela wesicelo;
 - (c) nezizathu zezinqumo eziqondwe kwisigatshana (b);
 - (d) nanoma iluphi olunye udaba iRevenue Management Blacklisting Committee elubona lufanele, okufaka nelungelo lokwedlulisela phambili isinqumo.
- (14) Isaziso sesinqumo kufanele sinikwe umuntu othintekayo nommangali noma ngandlelani eqondwe esigabeni 30.

Inqubo ngemuva kokuqulwa kwamacala nezijeziso zeBlacklisting Committee

34M. (1) Uma iRevenue Management Blacklisting Committee umuntu imlahla ngecala lokwenza okungemukelekile ifake nesijeziso salowo muntu esazisweni sesinqumo sayo kufanele yazise umuntu othintekayo ngelungelo lokwedlulisela phambili udaba lwakhe eliqondwe esigabeni 35.

(2) Ukufaka isicelo sokwedluliselwa phambili kodaba kufanele kungaluphazamisi uphenyo olwenziwa yiLegal Practice Council lwesimangalo esifakwe nguMasipala emangalela umuntu othinteka esenzweni esingemukeleki ngokoMthetho iLegal Practice Act.

Izinyathelo eziphuthumayo zaseNkantolo Ephakeme

34N. Yize kunale mibandela yalesi Sahluko, uma iRevenue Management Blacklisting Committee igculisekile lapho ibheka isicelo ukuthi bukhona ubufakazi obenele besenzo esingemukelekile noma bokuziphatha ngendlela ehlambalaza umsebenzi, kufanele yazise iNhloko yomnyango wakwa-Legal & Compliance ukuba ithathe izinyathelo zomthetho

eziphuthumayo eNkantolo ePhakeme ukuvikela izimali kumbe impahla kaMasipala, noma ukuthola enye indlela efanele yesinqumo sesikhashana.

Amandla eNkantolo Ephakeme

340. Imibandela yalo Mthetho kaMasipala ayiwanciphisi amandla enkantolo ephakeme okucubungula nokunquma nokukhipha imiyalelo efanele mayelana nezindaba ezithinta izicelo zeRevenue Clearance Certificate nokuhanjiswa kwayo noma isenzo esishiwoyo esingemukelekile sanoma ngubani.

Umthwalo wesikweletu esingakhokhiwe nomthwalo kumuntu kanye nabanye ngokubambisana ngokulahlekelwa

34P. (1) Uma kunemali okufanele ikhokhelwe uMasipala ngokusemthethweni kanye nokukhishwa kweRevenue Clearance Certificate, ukwedluliswa noma yikuphi okunye ukubhaliswa kwelinye igama komhlaba/kwesakhiwo okwenziwayo, umnikazi waphambilini okungesakhe leso sikweletu uzoqhubeka abe nomthwalo wazo zonke izimali ezingakhokhiwe kuze kushaye usuku lokubhaliswa noma lokwedluliselwa komhlaba/kwesakhiwo egameni lolandela lowo mnikazi.

(2) Yize imibandela yesigatshana (1) isho lokhu ekushoyo, iConveyancer kumbe omunye umuntu othinteka ekufakweni kwesicelo seRevenue Clearance Certificate nokufakwa kwaso maqondana nokwedluliselwa noma ukubhaliswa komhlaba/isakhiwo egameni lomunye umuntu, kuhlangene nenkampani yabameli iConveyancer kumbe omunye umuntu angumqondisi, uphathina, umnikazi noma umsebenzi kuyona, noma iyiphi inkantolo efanele ingamethwesa umthwalo wokukhokhela uMasipala nganoma ikuphi ukulahlekelwa yena siqu noma ekanye nabanye ngokudalwe yisenzo esingemukelekile."

Ukufakwa kwesigaba 37A eMthethweni kaMasipala WaseThekwini Wokulawula Nokuqoqa Izikweletu, ka-2017

3. Ngalokhu kufakwa isigaba esilandelayo eMthethweni omkhulu kaMasipala waseThekwini ngemuva kwesigaba 37:

"Umkhawulo ngokuthwala icala

37A. uMasipala kumbe noma yimuphi umsebenzi wakhe ogunyaziwe noma ikomidi ngeke bathweswe cala nganoma yimuphi umonakalo kumbe ukulahlekelwa okudalwa-

- (a) ukusebenzisa amandla noma ukwenza umsebenzi ngaphansi kwalo Mthetho kaMasipala kumbe noma yimuphi omunye ofanele;
- (b) ukungawasebenzisi amandla noma ukungawenzi umsebenzi ngaphansi kwalo Mthetho kaMasipala kumbe noma yimuphi omunye ofanele, ngaphandle

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uma ukusebenzisa noma ukungawasebenzisi amandla noma ukungawenzi umsebenzi kuwubudedengu obukhulu noma kungenxa yezinhloso ezimbi."

Ukuchitshiyelwa kwethebula Lokuqukethwe loMthetho kaMasipala waseThekwini Wokulawula Nokuqoqa Izikweletu, ka-2017

4. Ngalokhu kuchitshiyelwa uhlu lokuqukethwe ngokufaka izihloko ezilandelayo:

(a)

"ISAPHLUKO 6A

IZITIFIKETI ZOKUHLAKAZA AMABHIZINISI ABHALISIWE

34A. Isicelo sezibalo zemali okufanele ikhokhwe neRevenue Clearance Certificate 34B. Imisebenzi yeConveyancer ekukhishweni nasekuhanjiseni kweRevenue Clearance Certificate

34C. Ilungelo lokufaka isicelo seRevenue Clearance Certificate

34D. Ukuqeda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate

34E. Ukubunjwa kweRevenue Management Blacklisting Committee

34F. Amalungu eRevenue Management Blacklisting Committee

34G. USihlalo nePhini likaSihlalo weRevenue Management Blacklisting Committee

34H. Imihlangano yeRevenue Management Blacklisting Committee

34I. Izizathu zokufakwa kwabantu emabhukwini amnyama

34J. Imiphumela yokufaka umuntu emabhukwini amnyama

34K. Amandla eRevenue Management Blacklisting Committee

34L. Imigudu yokufaka umuntu emabhukwini amnyama

34M. Inqubo emva kokuqulwa kwamacala nezijeziso zeBlacklisting Committee

34N. Izinyathelo eziphuthumayo zaseNkantolo Ephakeme

34O. Amandla Enkantolo Ephakeme

34P. Umthwalo wesikweletu esingakhokhiwe nomthwalo kumuntu kanye nabanye ngokubambisana ngokulahlekelwa"

(b)

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ISAPHLUKO 7**OKWEJWAYELEGILE**

35. Ukudluliswa kwamacala

36. Amacala nezinhlawulo

37. Ukudluliselwa kwamandla

37A. Umkhawulo ngokuthwala icala

38. Imithetho echithwayo nemibandela egcinwayo

39. Igama lomthetho elifinyeziwe ukusebenza kwawo".

Igama lomthetho elifinyeziwe nokuqala ukusebenza kwawo

5. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala Ochibiyela uMthetho Wokulawula Nokuqoqa Izikweletu, ka-2021 futhi uqala ukusebenza ngosuku oshicilelwe ngalo kwiGazethi yeSifundazwe.

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