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INHOUD

AMPTELIKE KENNISGEWING

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OFFICIAL NOTICE

Notice is hereby given that the Council of the Municipality of the City of Cape Town is to consider the draft by-law in the Schedule hereunder. Any person desirous of submitting comments or making representations in regard thereto is requested to do so in writing by not later than 2 April 2001 to the Acting Municipal Manager, Private Bag X9181, Cape Town 8000.

Dr. S. Fisher, Acting Municipal Manager

SCHEDULE
CITY OF CAPE TOWN
BY-LAW 1 OF 2001

Adopted by the Council:

Date of commencement:

To establish the metropolitan subcouncils provided for herein; to determine an area for each such subcouncil; to assign a name to each subcouncil; to provide for an equitable financial framework for such subcouncils; to set out the composition of each subcouncil; to assign certain functions to subcouncils; to delegate powers and functions to subcouncils; and to provide for those matters reasonably necessary for, or incidental to, the effective functioning of subcouncils.

INTRODUCTORY PROVISIONS

1. DIVISION OF BY-LAW

This By-law is divided as follows:

PART 1: ESTABLISHMENT AND INSTITUTIONAL MATTERS
PART 2: FUNCTIONS AND POWERS
PART 3: EQUITABLE FINANCIAL FRAMEWORK
PART 4: DISPUTE RESOLUTION
PART 5: MONITORING AND INTERVENTION
PART 6: GENERAL

2. DEFINITIONS

In this By-law, unless the context otherwise indicates—

“Constitution” means the Constitution of the Republic of South Africa Act 108 of 1996;

“Council” means the Council of the Municipality of the City of Cape Town, being a council as provided for in section 18 of the Structures Act;

“councillor” means a member of the Council;

“Executive Committee” means the Executive Committee of the Municipality of the City of Cape Town, established in terms of section 43 of the Structures Act, the members of which were duly elected by the Council;

“Executive Member” means a member of the Executive Committee;

“Mayor” means the mayor of the Council elected in terms of section 48 of the Structures Act;

“Portfolio” means the functions assigned to the Mayor or an Executive Member and the delegations conferred on such Mayor or such Executive Member in connection therewith;

“Structures Act” means the Local Government : Municipal Structures Act 117 of 1998;

“subcouncil” means a metropolitan subcouncil referred to in section 62 of the Structures Act;

“Systems Act” means the Local Government : Municipal Systems Act 32 of 2000;

“ward” means a ward delimited in terms of Part 1 of Schedule 1 to the Structures Act.

PART 1: ESTABLISHMENT AND INSTITUTIONAL MATTERS

3. ESTABLISHMENT

- (1) The wards grouped together as clusters in Schedule 1 are established as subcouncils with the name for each such subcouncil as set out against each cluster.
- (2) The subcouncils established in terms of subsection (1) are submunicipal entities of the Municipality of the City of Cape Town and shall function subject to—
 - (a) The Constitution;
 - (b) Part 3 of Chapter 4 of the Structures Act;
 - (c) any other legislation, including a By-law passed by the Council, and which applies to or deals with subcouncils;

- (d) the provisions of this By-law, and the policies, plans and strategies of the Council; and
- (e) the instructions and requirements of the Council's Executive Committee or of the Mayor or an Executive Member.

4. COMPOSITION

- (1) In accordance with the provisions of section 63 of the Structures Act, the members of a subcouncil shall be—
 - (a) the councillors representing wards in each cluster; and
 - (b) additional councillors to the number determined by resolution of the Council.
- (2) The distribution of the additional seats referred to in subsection 1(b) between the parties represented on the Council shall be in accordance with Schedule 4 to the Structures Act.
- (3) The designation of councillors to the seats allotted to a party in terms of subsection (2) shall be done by such party from the councillors on its proportional representation list.

5. VACANCIES

- (1) Whenever a councillor representing a ward ceases to be a councillor, the ensuing vacancy shall be filled by the councillor elected to fill that vacancy.
- (2) Whenever a councillor elected according to the system of proportional representation referred to in Part 3 of Schedule 1 to the Structures Act, and who is a member of a subcouncil, ceases to be a councillor, the ensuing vacancy shall be filled by the party concerned designating another councillor from its list to represent it on that subcouncil.

6. ELECTION OF CHAIRPERSON

The chairperson of a subcouncil shall be elected by the members of that subcouncil in accordance with the provisions of Schedule 3 to the Structures Act.

7. COMMITTEES

A subcouncil may decide to appoint one or more committees, including a management committee, as provided for in section 71 of the Structures Act.

8. ACCOMMODATION

- (1) The City Manager shall ensure that an adequate place is provided for the meetings of subcouncils and those committees they may establish.
- (2) The City Manager shall ensure that each member of a subcouncil shall be provided with an office within the area of his or her subcouncil.
- (3) The City Manager shall furthermore provide each office, referred to in subsection (2) with a telephone for official use and appropriate office furniture.

9. CO-ORDINATION AND CLERICAL ASSISTANCE

- (1) There shall be a subcouncil co-ordinator for each subcouncil.
- (2) The City Manager shall from among the Council's employees, designate so many of such employees as may be necessary to comply with subsection (1).
- (3) A subcouncil co-ordinator shall be responsible for:
 - (a) Conveying the decisions of the subcouncil to the appropriate part of the administration, for implementation.
 - (b) Arranging whenever necessary for members of the administration to attend meetings of the subcouncil or any committee thereof to discuss progress made in the implementation of a decision, the practicability of a proposed decision or any concerns or requests which are not political in nature.
 - (c) Ensuring that a record is kept of the activities, proceedings and decisions of the subcouncil.
 - (d) Generally acting on behalf of and under the directions of the City Manager in providing services to and supporting the subcouncil.
- (4) The City Manager shall from the employees of the Council assign such clerical and secretarial employees as may be necessary for the purposes of this section.

10. RECORDS

- (1) The records of a subcouncil shall be the property of the Council and in the custody of the City Manager.
- (2) The records referred to in subsection (1) are open to scrutiny by the public and the media save any record which in terms of a law or a By-law is not a public record.

11. MEETINGS

- (1) The meetings of a subcouncil or any committee thereof are open to the public and the media and such a meeting may be closed only when it is reasonable to do so having regard to the nature of the business being transacted.

- (2) An Executive Member may at any time attend a meeting of a subcouncil or any committee thereof.
- (3) Whenever a meeting of a subcouncil or a committee thereof is closed as contemplated in subsection (1), such subcouncil or such committee shall record in the minutes for that item or those items, full reasons as to why it was necessary to go into a closed session.
- (4) The provisions of items 3 and 4 of Schedule 1 to the Systems Act relating to attendance at meetings and sanctions for non-attendance apply to the members of a subcouncil or any committee thereof.
- (5) Representatives of the administration designated by the City Manager specifically or in general have the right to attend meetings of a subcouncil or any committee thereof but have no vote.

12. PROCEDURES

In determining its own procedures as provided for in section 69 of the Structures Act, a subcouncil shall as far as possible determine procedures similar to those in use by the Council.

PART 2: FUNCTIONS AND POWERS

13. NON-DELEGATED FUNCTIONS

- (1) For the purpose of enhancing public participation each subcouncil shall undertake public participation and public consultation in accordance with the policy of the Council and any By-law passed by the Council in order to obtain public views and information about public needs on the following matters:
 - (a) The capital budget for the next ensuing financial year in respect of the subcouncil area concerned.
 - (b) The formulation, consideration, adoption and implementation of the integrated development plan for the Municipality as it relates to or affects the needs of the residents in the area of the subcouncil.
 - (c) The measurement of the Council's performance in terms of the performance management system required in terms of the Systems Act and the effectiveness and efficiency of the administration.
 - (d) Matters of community participation generally.
 - (e) The selection and choice of a service provider where the Municipality is not to be the service provider.
 - (f) Any agreement, referred to as a service delivery agreement in the Systems Act, with an alternative service provider as contemplated in that Act.
 - (g) The policy framework on municipal service districts as required in terms of the Systems Act and the subsequent establishment of a municipal service district in terms of that Act in the area of any subcouncil.
 - (h) The effectiveness, efficiency and fairness of the Council's customer care and management system.
 - (i) The effectiveness and efficiency of the Council's policing and law enforcement.
 - (j) Any other matter as the Council, the Executive Committee, the Mayor or an Executive Member may from time to time decide.
- (2) In the performance of its functions and the exercise of its powers a subcouncil shall strictly observe all law and policy relating to public participation.

14. DELEGATED POWERS AND FUNCTIONS

Subject to the provisions of sections 15, 16 and 17 and in accordance with section 59(1)(a) of the Systems Act, the powers and functions set out in Schedule 2 are delegated to all subcouncils.

15. CONDITIONS OF DELEGATION

The performance of any function set out in Schedule 3 and the exercise of any power in connection therewith shall be subject to the following limitations and conditions—

- (a) A subcouncil shall not on any ground or for any reason or on any basis discriminate against any resident in the area of a subcouncil in the course of it performing any function or exercising any power other than in respect of meeting the needs of any special class of resident such as children, the aged or the disabled.
- (b) A subcouncil shall at all times adhere to the Constitution and shall comply with all the legislation pertaining to local government to the extent that such legislation relates to a matter set out in this By-law and Schedule 2.
- (c) A subcouncil shall quarterly send a report to the Mayor describing its decisions and other activities during that quarter. The Mayor shall table such report at the next meeting of the Executive Committee.
- (d) The performance of any power set out in Schedule 2 and the exercise of any power in connection therewith shall be subject to the provisions of Parts 4 and 5.
- (e) A subcouncil shall not by means of conduct or decision do anything, issue any instruction or in any other way take any action that will or may result in the performance of an illegal act including unlawful discrimination or any contravention of the Code of Conduct for Councillors in Schedule 1 to the Systems Act, or any item of expenditure in the Council's budget being exceeded or resulting in any unauthorised expenditure.

- (f) A member of a subcouncil shall not interfere or intervene in the management or operations of the administration or any part thereof in regard to the carrying into effect of any decision relating to a matter set out in Schedule 2.

16. EXTENT OF DELEGATIONS

- (1) The extent to which a subcouncil or a committee thereof may exercise a power delegated to it in terms of section 14 shall be as provided for in the succeeding provisions of this section.
- (2) In exercising any power delegated to it in terms of section 14, a subcouncil or any committee thereof shall not—
- (a) Approve or reject any building plan with a value as assessed by the Building Control Officer of more than R1 000 000.
 - (b) Grant or refuse any rezoning, departure or consent use for a casino or for any business, commercial or industrial development, or any amendment of or variation to such a development whether in respect of land owned by the Council or otherwise where the casino or development in question has been determined by the Executive Committee or the Executive Member holding the urban planning and environment portfolio, as a strategic development. A subcouncil may make recommendations to the Executive Committee or Executive Member as the case may be in respect of any matter determined as aforesaid.
 - (c) A subcouncil shall not without the prior approval of the Executive Committee or Executive Member responsible for the matter concerned, launch any application or institute any trial action in the High Court of South Africa or any other court of equal or higher status.
 - (d) Whenever any municipal building or facility referred to in item 3 of Schedule 2 is let for commercial purposes or gain, the letting price shall be in accordance with the guidelines determined by the Executive Committee for lettings of that nature.
 - (e) Should a subcouncil establish a market, a pound or a place for public parking referred to in items 11, 14 and 16 of Schedule 2, the acquisition of any land required for any of these purposes shall be dealt with solely by the Executive Committee.
 - (f) The power to control uses on public places referred to in item 15 of Schedule 2 shall not include the power to take any decision or action in terms of the Regulation of Gatherings Act 205 of 1993.

17. PHASING IN OF DELEGATIONS

- (1) A subcouncil may only exercise a delegated power to the extent that provision therefor has been made in an approved budget and there is legislation or a Council policy to support the exercise of such a power.
- (2) Within 30 days of subcouncils being established, each subcouncil shall meet to consider the extent to which, and the order in which, in terms of local priorities, the delegations in Schedule 2 ought to be exercised in its area, and rank those delegations in order of priority.
- (3) Each subcouncil co-ordinator shall within 14 days of the meeting referred to in subsection (2) provide the City Manager with a list prioritising the order in which the subcouncils wish to exercise their delegations.
- (4) The City Manager shall consolidate the priority lists referred to above into a single schedule and place such schedule before the Executive Committee.
- (5) The Executive Committee after considering the schedule referred to in subsection (4) may—
- (a) approve the schedule as submitted; or
 - (b) approve the schedule with alterations or variations in respect of one, or more or all subcouncils; or
 - (c) request one or more or all subcouncils to re—consider the whole or particular aspects of its or their priorities; or
 - (d) reject the whole or any part of the priorities submitted by one or more or all subcouncils and require that the procedure in subsection (2) again be followed.
- (6) The Executive Committee when it acts in terms of subsection (5)(a) or (b) shall do so only if provision for the expenditure concerned has been made in an approved budget and there is legislation or a Council policy to support the exercise of the delegated power.
- (7) After the Executive Committee has taken a decision in terms of subsection (5)(a) or (b) which complies with subsection (6), the City Manager shall give public notice thereof by a notice published in the Provincial Gazette and the daily press.
- (8) Notwithstanding anything to the contrary in the preceding provisions, a subcouncil may at any time make representations to the Executive Committee about any matter referred to in subsection (2).

18. SUBDELEGATION

- (1) A subcouncil may subdelegate to any committee established by it any power delegated to it in terms of section 14, subject to that committee reporting on a monthly basis to the subcouncil on the exercise of that power.
- (2) A subcouncil, by a resolution adopted by the members present at a meeting, may withdraw any delegation given in terms of subsection (1).
- (3) Any subdelegation provided for in subsection (1) shall be subject to the provisions of sections 15, 16 and 17.

19. ANCILLARY POWERS

- (1) Subject to the provisions of sections 15, 16 and 17, a subcouncil or any committee thereof acting in terms of a subdelegation to it in terms of section 18, when exercising a power delegated in terms of section 14, may perform such acts and do such things as may be necessary for the effective performance of such power.

(2) A subcouncil may in the name of the Municipality—

- (a) in connection with any matter which it has the power to administer in terms of section 14, launch civil proceedings in any court contemplated in the Magistrates' Courts Act 32 of 1944; and
- (b) authorise an employee of the Council as contemplated in section 112 of the Systems Act to institute criminal proceedings and conduct the prosecution in respect of a contravention of or failure to comply with a provision of a by-law, the administration of which has been delegated to that subcouncil in terms of section 14.

PART 3: EQUITABLE FINANCIAL FRAMEWORK

20. FINANCE

There shall for the Municipality be—

- (a) One revenue fund
- (b) One capital budget
- (c) One operating budget.

21. FINANCING SUBCOUNCIL ACTIVITY

- (1) The Council shall in its budgeting processes and subject to its integrated development plan, annually in its operating budget make provision for the following items of expenditure—
 - (a) The maintenance and operation of the offices and other facilities allocated to a subcouncil.
 - (b) The maintenance and where a matter referred to in Schedule 2 requires operational expenditure, also the operational costs involved, of the matters set out in Schedule 2.
- (2) The Council shall annually in its capital budget make provision for works or development in the area of a subcouncil in accordance with the integrated development plan for the Municipality : Provided that until such a plan has been adopted by the Council, the allocation of funds in the capital budget shall principally, but not exclusively, be to upgrade, improve and extend services and facilities in the areas of greatest need.

22. AUTHORIZATION OF EXPENDITURE

Expenditure in respect of a subcouncil area on the capital and operating budgets shall be authorised by the Executive Committee or an Executive Member empowered thereto and such Committee or Member shall determine how and in what manner such authorizations shall be given.

23. FINANCIAL RECORDS

All financial records relating to the financing and revenue and expenditure for subcouncil areas shall be the property of the Council in the custody of the City Manager; Provided that copies thereof may be kept at the offices of a subcouncil for public information.

PART 4: DISPUTE RESOLUTION

24. DISPUTES OF A POLITICAL NATURE

Where—

- (a) a subcouncil on the one hand; or
- (b) the Executive Committee or an Executive Member on the other hand,

are in dispute over a matter of policy or strategy which is political in nature, the parties concerned shall negotiate and should such negotiations fail, the dispute shall be referred to a committee of councillors established by the Executive Committee, and after hearing both sides, the committee shall make a decision that is final and binding on all the parties concerned.

25. NON-POLITICAL DISPUTES

Where the City Manager or any member of the administration, as the result of an action or decision of a subcouncil for any reason set out in section 26, is not in agreement with such action or decision, the City Manager or member concerned shall refer the matter to the Executive Member within whose portfolio the matter falls, and if the matter does not fall within any portfolio, to the Mayor.

26. BASIS FOR A DISAGREEMENT ON A NON-POLITICAL MATTER

The City Manager or a member of the administration shall not agree with any action or decision of a subcouncil which—

- (a) may or will result in over-expenditure or unauthorised expenditure;
- (b) is in contravention of law or which may or will result in the Council or the administration acting unlawfully;
- (c) is contrary to any policy, plan, programme or strategy of the Council,

and they may also not agree with any action or decision as aforesaid if to comply therewith would in their opinion not be in the interests of the residents of that subcouncil, or the residents of the Municipality in general.

27. ACTION ON A DISPUTED NON-POLITICAL MATTER

Subject to subparagraph (b)—

- (a) the Executive Member or the Mayor to whom a dispute is referred in terms of section 25 shall, after considering the facts make a determination which shall be final and binding on the subcouncil concerned and the administration;
- (b) where the dispute in question affects or concerns both the portfolio of the Executive Member referred to in subparagraph (a) and another one or more other portfolios, the Executive Member concerned shall refer the matter to the Executive Committee for a determination;
- (c) the Executive Committee shall consider any matter referred to it in terms of subparagraph (b) and shall make a determination which is final and binding on the subcouncil concerned and the administration.

PART 5: MONITORING AND INTERVENTION**28. MONITORING**

- (1) The Executive Committee and Executive Members shall monitor the performance and activities of a subcouncil.
- (2) Should a subcouncil depart from, contravene or not comply with the provisions of this By-law or any other By-law, policy, programme, plan or strategy of the Council applicable to or in force in the area of a subcouncil, the Executive Committee shall in writing under the hand of the Mayor direct that subcouncil to comply with the provision of this By-law or the by-law, policy, programme, plan or strategy concerned within a period specified in the aforesaid notice.

29. INTERVENTION

- (1) In the event of a subcouncil not complying with a notice referred to in section 28(2) within the period therein specified, the Executive Committee may without further notice authorise any one or more of the following steps to be taken:
 - (a) The suspension of the decision-making power of a subcouncil in whole or in part.
 - (b) The withdrawal from a subcouncil of a delegation and the function associated with that delegation.
 - (c) The withdrawal from the authority of a subcouncil of the power to take any decision that would result in expenditure on the capital budget or the operating budget.
 - (d) The suspension of the members of a subcouncil.
 - (e) Any other action deemed appropriate in the circumstances.
- (2) Where the Executive Committee acts in terms of subsection (1)(a), (b) or (d) it shall assign the power concerned to another political structure of the Council.
- (3) Where the Executive Committee acts in terms of subsection (1)(c) it shall take the decisions relating thereto or authorise another political structure or the City Manager to do so.
- (4) Where the Executive Committee acts in terms of subsection (1)(d), the members of the subcouncil concerned shall cease to hold any power to take decisions.
- (5) Whenever the Executive Committee acts in terms of subsection (1) it shall determine a date on which any provision of paragraphs (a) to (d) thereof shall come into operation.

30. REPORTING TO THE COUNCIL

- (1) Whenever the Executive Committee acts in terms of section 28 or section 29 it shall submit a full report on its action and the reasons therefor to the next ensuing session of the Council.
- (2) In the case of action taken in terms of section 29, the Council may request the Executive Committee to reconsider the action it has taken and to submit a further report to the Council thereon.

31. TERMINATION OF INTERVENTION

- (1) Once the Executive Committee is satisfied that the conditions or situation which led to an intervention in terms of section 29 have ceased to exist or have been satisfactorily resolved, it shall terminate such intervention.
- (2) Upon termination of an intervention in terms of subsection (1), the subcouncil concerned shall thereafter resume functioning as a subcouncil in terms of this By-law.

PART 6: GENERAL**32. PUBLIC DISCLOSURE OF BY-LAW**

- (1) A subcouncil shall maintain an accurate copy of this By-law incorporating all amendments thereto, at—
 - (a) Its offices in the area of the subcouncil.
 - (b) Each library within the area of the subcouncil.
- (2) Any member of the public may free of charge make a copy of or extract from any of the copies of the By-law referred to in subsection (1).

33. DISESTABLISHMENT

- (1) Should the Council be dissolved in terms of section 34 of the Structures Act, the subcouncils shall likewise be dissolved.
- (2) The Council may subject to subsection (3) amend the boundaries of any one or more or all of the subcouncils in the event of the boundaries of wards in the Municipal area being redefined and the Council may also add to or remove from subcouncils any of the delegations referred to in section 14 and Schedule 2.
- (3) Whenever the Council amends the boundaries of subcouncils or adds to or removes from such subcouncils any of the delegations referred to in section 14 and Schedule 2, it shall do so only after following the process of public consultation referred to in section 62 of the Structures Act.

34. COUNCILLORS' REMUNERATION

Other than the remuneration, allowances and benefits provided for in law for the chairperson of a subcouncil, a member of a subcouncil or of any committee of a subcouncil and the chairperson of such a committee, shall not be paid any remuneration, allowances or benefits, other than the remuneration, allowances or benefits payable to a councillor in terms of the Remuneration of Public Office Bearers Act 20 of 1998.

35. APPEALS

- (1) Any person who believes that his or her rights or interests have been adversely or unfairly affected by any act or decision of a subcouncil, shall have the right to appeal against such act or decision in terms of the succeeding provisions of this section.
- (2) An appeal referred to in subsection (1) shall be in writing and shall specify—
 - (a) The right or interest adversely or unfairly affected.
 - (b) The act or decision concerned.
 - (c) The basis of the appeal.
 - (d) The redress sought.

and any person unable to read and write shall be assisted upon request by the subcouncil co-ordinator concerned in formulating his or her appeal.

- (3) The appeal shall be handed to the subcouncil co-ordinator concerned who shall transmit it expeditiously to the Executive Member within whose portfolio the matter falls and, if the appeal concerns more than one portfolio or cannot be related to a particular portfolio, to the Mayor. The subcouncil co-ordinator shall also simultaneously send a copy of the appeal to the City Manager.
- (4) The Executive Member or Mayor shall thereupon—
 - (a) require the subcouncil to submit a report on the appeal by a date specified to the subcouncil;
 - (b) request the City Manager for any comment he or she may wish to make;
 - (c) provide the appellant with copies of the report from the subcouncil and the comments, if any, of the City Manager;
 - (d) if deemed necessary request the appellant to appear personally to make a submission; and
 - (e) thereafter determine the matter and advise the appellant and the subcouncil of his or her decision;

Provided that instead of personally hearing the appeal the Executive Member or Mayor may, after following the procedures in paragraphs (a) to (d), refer the matter to the Executive Committee for a determination.

- (5) Should the Council establish a tribunal to hear appeals, including appeals of the sort contemplated in this section, the Executive Member concerned or the Mayor may, instead of following the procedures in subsection (4) direct that such appeal be referred to that tribunal to be dealt with in accordance with the procedures applying to it.

36. LIABILITY OF COUNCIL

Despite any delegation given to a subcouncil or any subdelegation given to a committee of such a subcouncil the Council remains liable for the acts or omissions of such subcouncil.

37. PRIVILEGES AND IMMUNITIES

Despite the provisions of section 28 of the Structures Act, councillors when acting as members of a subcouncil or any committee of such a subcouncil do not, when so acting, have the privileges and immunities provided for in such section 28.

38. SHORT TITLE

This By-law is called the City of Cape Town Subcouncil By-law 1 of 2001.

SCHEDULE 2

DELEGATED POWERS AND FUNCTIONS

1. Subject to the directions and authority of the Building Control Officer appointed in terms of section 5 of the National Building Regulations and Standards Act 5 of 1977, the approval of building plans in those cases where the aforesaid Building Control Officer does not hold delegated powers.
2. Subject to any overall land use, transport, strategic or other plans adopted by the Council and in force in the area of a subcouncil—
 - (a) The preparation, approval and administration in accordance with any legislation applying thereto, of a local structure plan for the whole or any part of the area of the subcouncil;
 - (b) The grant, with or without conditions, or the refusal of any application for a rezoning, departure or consent use in terms of any zoning or town planning scheme or regulations in force in the area of the subcouncil;
 - (c) The enforcement of any town planning or zoning scheme regulations:

Provided that until a local structure plan referred to in paragraph (a) has been approved, the provisions of any town planning scheme or zoning scheme in force in that area of a subcouncil shall apply for the purposes of paragraphs (b) and (c).

3. The maintenance, use and letting, where appropriate, of any municipal building or facility the administration of which the Executive Committee may from time to time assign to a subcouncil in the following categories—
 - (a) buildings in which a subcouncil has its offices and meeting place.
 - (b) libraries, except the purchase or acquisition of books and other stocks;
 - (c) in accordance with any regulations made in terms of the Sea-shore Act 21 of 1935 but excluding safety and security, the control of a beach within its area and any structure on such a beach excluding a structure the right of occupation of which has been granted to another person or body;
 - (d) any facilities provided by the Council for the accommodation, care and burial of animals;
 - (e) the administration of local amenities and local sports facilities;
 - (f) the administration of municipal parks and recreation, excluding any park or recreation area designated by the Executive Committee as not being under the administration of a subcouncil:

Provided that the Executive Committee may at any time withdraw the assignment of any building or facility if it is considered necessary to do so in the interests of the residents in the area of a subcouncil or the preservation of such building or facility.

4. In accordance with a By-law passed by the Council or any By-law lawfully in force within the area of a subcouncil, a subcouncil shall control billboards and the display of advertisements in public places.
5.
 - (a) A subcouncil must monitor the cleanliness of its area, including the removal of solid wastes and in the event that despite any decision taken by it, the cleanliness of the subcouncil area or a part thereof, is not properly managed, the subcouncil shall forthwith report the matter to the Executive Committee.
 - (b) A subcouncil shall also administer any regulations made in terms of section 24 of the Environment Conservation Act 73 of 1989.
6. In accordance with law, including any By-law passed by the Council, a subcouncil shall take action appropriate to the circumstances in order to prevent or abate any public nuisance in its area.
7. Subject to any legislation on the licensing of the sale of liquor and any By-law passed by the Council, a subcouncil shall exercise control over undertakings that sell liquor to the public.
8. A subcouncil may exercise control over and regulate fences and fencing, excluding fences and fencing on or around State- or Council-owned property. For the purposes of this paragraph the words fencing and fences includes walling and walls.
9. A subcouncil may, in accordance with any law, including a By-law passed by the Council, licence dogs and in connection therewith limit the number of dogs that may be kept on a residential property: Provided that any fee or tariff for the licensing of dogs shall first be approved by the Council and the proceeds thereof shall accrue to the Council's revenue fund.
10. In accordance with a By-law passed by the Council, a subcouncil shall—
 - (a) Licence for the first time that it becomes liable to be licensed, an undertaking that sells or intends to sell, food to the public.
 - (b) Annually renew the licence of an undertaking as aforesaid unless the management or operation of such an undertaking is such as on reasonable grounds considered by a majority of the members of the subcouncil to pose a risk or hazard to any member of the public who does or may patronise the undertaking, in which event such licence shall not be renewed.
 - (c) Cancel the licence of an undertaking that has been granted a licence in terms of paragraph (a) or has been granted a renewal of a licence in terms of paragraph (b) if on reasonable grounds the subcouncil has determined that the management or operation of such an undertaking poses a risk or hazard to any member of the public who does or may patronise the undertaking.
 - (d) Whenever a subcouncil cancels a licence in terms of paragraph (c) and the person conducting the undertaking fails, or neglects or refuses to cease operating the undertaking, the subcouncil concerned may apply for an appropriate order from a magistrate's court;

Provided that—

- (d) die bepalings van hierdie Verordening, en die beleide, planne en strategieë van die Raad; en
- (e) die instruksies en vereistes van die Raad se Uitvoerende Komitee of van die Burgemeester of 'n Uitvoerende Lid.

4. SAMESTELLING

- (1) In ooreenstemming met die bepalings van artikel 63 van die Strukturewet moet die lede van 'n subraad—
 - (a) die raadslede wees wat wyke in elke groep verteenwoordig; en
 - (b) bykomende raadslede wees benewens die getal wat by resoluë van die Raad bepaal word.
- (2) Die verspreiding van die bykomende setels in subartikel (1)(b) bedoel tussen die partye wat in die Raad verteenwoordig word, moet in ooreenstemming met Bylae 4 van die Strukturewet wees.
- (3) Die aanwysing van raadslede vir die setels wat ingevolge subartikel (2) aan 'n party toegeken is, moet deur sodanige party gedoen word uit die raadslede op sy lys vir proporsionele verteenwoordiging.

5. VAKATURES

- (1) Wanneer 'n raadslid wat 'n wyk verteenwoordig, ophou om 'n raadslid te wees, moet die gevolglike vakature gevul word deur die raadslid wat gekies is om daardie vakature te vul.
- (2) Wanneer 'n raadslid wat verkies is volgens die stelsel van proporsionele verteenwoordiging in Deel 3 van Bylae 1 van die Strukturewet bedoel en wat 'n lid van 'n subraad is, ophou om 'n raadslid te wees, moet die gevolglike vakature deur die betrokke party gevul word deur die aanwysing van 'n ander raadslid op sy lys om hom in daardie subraad te verteenwoordig.

6. VERKIESING VAN VOORSITTER

Die voorsitter van 'n subraad moet deur die lede van daardie subraad verkies word in ooreenstemming met die bepalings van Bylae 3 van die Strukturewet.

7. KOMITEES

'n Subraad kan besluit om een of meer komitees aan te stel, insluitende 'n bestuurskomitee, soos in artikel 71 van die Strukturewet bepaal.

8. AKKOMMODASIE

- (1) Die Stadsbestuurder moet verseker dat 'n toereikende plek verskaf word vir die vergaderings van subrade en die komitees wat hulle instel.
- (2) Die Stadsbestuurder moet verseker dat elke lid van 'n subraad voorsien word van 'n kantoor binne die gebied van sy of haar subraad.
- (3) Die Stadsbestuurder moet voorts elke kantoor in subartikel (2) bedoel, voorsien van 'n telefoon vir amptelike gebruik en van geskikte kantoormeubels.

9. KOÖRDINASIE EN KLERKLIKE BYSTAND

- (1) Daar moet 'n subraadkoördineerder vir elke subraad wees.
- (2) Die Stadsbestuurder moet vanuit die Raad se werknemers soveel van sodanige werknemers aanwys as wat nodig is om aan subartikel (1) te voldoen.
- (3) 'n Subraadkoördineerder is verantwoordelik—
 - (a) om die besluite van die subrade aan die gepaste deel van die administrasie oor te dra vir implementering;
 - (b) om wanneer nodig te reël dat lede van die administrasie vergaderings van die subrade of enige komitee daarvan bywoon om vordering te bespreek wat gemaak is met die implementering van 'n besluit, die doenlikheid van 'n voorgestelde besluit of enige besorgdhede of versoeke wat nie politieke van aard is nie;
 - (c) om te verseker dat daar rekord gehou word van die aktiwiteite, verrigtinge en besluite van die subraad;
 - (d) om oor die algemeen namens en in opdrag van die Stadsbestuurder op te tree vir die lewering van dienste aan en ondersteuning van die subraad.
- (4) Die Stadsbestuurder moet vanuit die werknemers van die Raad sodanige klerklike en sekretariële werknemers aanwys as wat nodig is vir die doel van hierdie artikel.

10. REKORDS

- (1) Die rekords van 'n subraad is die eiendom van die Raad en word deur die Stadsbestuurder bewaar.
- (2) Die rekords in subartikel (1) bedoel, is beskikbaar vir insae deur die publiek en die media, uitgesonderd enige rekord wat ingevolge enige wet of verordening nie 'n openbare rekord is nie.

11. VERGADERINGS

- (1) Die vergaderings van 'n subraad of enige komitee daarvan is oop vir die publiek en die media, en so 'n vergadering mag geslote wees slegs wanneer dit redelik is om dit te doen in die lig van die aard van die sake wat behandel word.

- (2) 'n Uitvoerende Lid kan 'n vergadering van 'n subraad of enige komitee daarvan te eniger tyd bywoon.
- (3) Wanneer 'n vergadering van 'n subraad of 'n komitee daarvan geslote is soos in subartikel (1) bedoel, moet sodanige subraad of sodanige komitee volle redes waarom dit nodig was om 'n geslote sessie te hou, in die notule vir daardie item of items aanteken.
- (4) Die bepalings van items 3 en 4 van Bylae 1 van die Stelselwet rakende die bywoning van vergaderings en sanksies vir nie-bywoning is van toepassing op die lede van 'n subraad of enige komitee daarvan.
- (5) Verteenwoordigers van die administrasie wat deur die Stadsbestuurder aangewys is in 'n spesifieke geval of in die algemeen, het die reg om vergaderings van 'n subraad of enige komitee daarvan by te woon, maar mag nie stem nie.

12. PROSEDURES

By die bepaling van sy eie prosedures soos in artikel 69 van die Struktuurewet bepaal, moet 'n subraad so ver moontlik prosedures bepaal wat soortgelyk is aan dié wat deur die Raad gebruik word.

DEEL 2: FUNKSIES EN BEVOEGDHEDE

13. NIE-GEDELEGEERDE FUNKSIES

- (1) Vir die doel van verbetering van openbare deelname moet elke subraad openbare deelname en openbare oorlegpleging onderneem in ooreenstemming met die beleid van die Raad en enige verordening wat deur die Raad aangeneem is, ten einde openbare menings en inligting in te win oor openbare behoeftes oor die volgende aangeleenthede:
 - (a) Die kapitaalbegroting vir die volgende finansiële jaar ten opsigte van die gebied van die betrokke subraad.
 - (b) Die formulering, oorweging, aanvaarding en implementering van die geïntegreerde ontwikkelingsplan vir die Munisipaliteit soos dit verband hou met of 'n uitwerking het op die behoeftes van die inwoners van die gebied van die subraad.
 - (c) Die meting van die Raad se prestasie ingevolge die prestasiebestuurstelsel wat ingevolge die Stelselwet vereis word, en die doeltreffendheid en effektiwiteit van die administrasie.
 - (d) Aangeleenthede van gemeenskapdeelname oor die algemeen.
 - (e) Die keuring en keuse van 'n diensverskaffer waar die Munisipaliteit nie die diensverskaffer gaan wees nie.
 - (f) Enige ooreenkoms, wat in die Stelselwet 'n diensleweringsooreenkoms genoem word, met 'n alternatiewe diensverskaffer soos in daardie Wet bedoel.
 - (g) Die beleidsraamwerk oor munisipale diensdistrikte soos vereis ingevolge die Stelselwet en die gevolglike instelling van 'n munisipale diensdistrik ingevolge daardie Wet in die gebied van enige subraad.
 - (h) Die doeltreffendheid, effektiwiteit en regverdigheid van die Raad se stelsel vir kliëntesorg en -bestuur.
 - (i) Die doeltreffendheid en effektiwiteit van die Raad se polisieëring en wetstoepassing.
 - (j) Enige ander aangeleentheid wat die Raad, die Uitvoerende Komitee, die Burgemeester of 'n Uitvoerende Lid van tyd tot tyd besluit.
- (2) By die verrigting van sy funksies en die uitoefening van sy bevoegdhede moet 'n subraad alle wette en beleide oor openbare deelname streng nakom.

14. GEDELEGEERDE BEVOEGDHEDE EN FUNKSIES

Behoudens die bepalings van artikels 15, 16 en 17 en in ooreenstemming met artikel 59(1)(a) van die Stelselwet word die bevoegdhede en funksies in Bylae 2 uiteengesit, aan alle subrade gedelegeer.

15. VOORWAARDES VAN DELEGERING

Die verrigting van enige funksie in Bylae 3 uiteengesit en die uitoefening van enige bevoegdheid in verband daarmee is onderworpe aan die volgende beperkings en voorwaardes:

- (a) 'n Subraad mag op geen gronde en om geen rede of op enige grondslag diskrimineer nie teen enige inwoner in die gebied van 'n subraad in die loop van die verrigting deur die subraad van enige funksie of die uitvoering van enige bevoegdheid, uitgesonderd ten opsigte van voorsiening in die behoeftes van enige spesiale klas inwoners soos kinders, bejaardes of gestremdes.
- (b) 'n Subraad moet te alle tye hou by die Grondwet en moet voldoen aan al die wetgewing rakende plaaslike regering in soverre sodanige wetgewing betrekking het op 'n aangeleentheid in hierdie Verordening en Bylae 2 uiteengesit.
- (c) 'n Subraad moet kwartaalliks 'n verslag aan die Burgemeester stuur waarin sy besluite en ander aktiwiteite gedurende daardie kwartaal beskryf word. Die Burgemeester moet sodanige verslag op die volgende vergadering van die Uitvoerende Komitee ter tafel lê.
- (d) Die verrigting van enige funksie in Bylae 2 uiteengesit en die uitoefening van enige bevoegdheid in verband daarmee geskied behoudens die bepalings van Dele 4 en 5.
- (e) 'n Subraad mag nie deur middel van optrede of besluit enigiets doen, enige instruksie uitreik of op enige ander wyse enige handeling verrig wat sal of kan lei tot die verrigting van 'n onwettige handeling, insluitende ongeoorloofde diskriminasie of enige oortreding van die Gedragskode vir Raadslede in Bylae 1 van die Stelselwet, of tot die oorskryding van enige uitgawe-item in die Raad se begroting of tot enige ongemagtigde uitgawe nie.

- (f) 'n Lid van 'n subraad mag nie inmeng of ingryp in die bestuur of bedrywighede van die administrasie of enige deel daarvan nie met betrekking tot die uitvoering van enige besluit rakende 'n aangeleentheid in Bylae 2 uiteengesit.

16. OMVANG VAN DELEGASIES

- (1) Die mate waarin 'n subraad of 'n komitee daarvan 'n bevoegdheid kan uitoefen wat ingevolge artikel 14 aan hom gedelegeer is, is soos in die volgende bepalings van hierdie artikel bepaal.
- (2) By die uitoefening van enige bevoegdheid wat ingevolge artikel 14 aan hom gedelegeer is, mag 'n subraad of enige komitee daarvan nie—
 - (a) enige bouplan met 'n waarde soos deur die Boubeheerbeampte aangeslaan, van meer as R1 000 000 goedkeur of verwerp nie;
 - (b) enige hersonering, afwyking of toestemmingsgebruik vir 'n casino of vir enige besigheids-, kommersiële of nywerheidsontwikkeling, of enige wysiging van of variasie op so 'n ontwikkeling toestaan of verwerp nie, hetsy ten opsigte van grond in besit van die Raad of andersins, waar die onderhawige casino of ontwikkeling deur die Uitvoerende Komitee of die Uitvoerende Lid wat die portefeulje stadsbeplanning en omgewing beklee, as 'n strategiese ontwikkeling bepaal is. 'n Subraad kan aanbevelings aan die Uitvoerende Komitee of die Uitvoerende Lid, na gelang van die geval, doen ten opsigte van enige aangeleentheid wat bepaal is soos voormeld;
 - (c) sonder die goedkeuring vooraf van die Uitvoerende Komitee of die Uitvoerende Lid verantwoordelik vir die betrokke aangeleentheid enige aansoek doen of enige verhoorsaak in die Hooggeregshof van Suid-Afrika of enige ander hof van gelyke of hoër status aanhangig maak nie.
- (3) Wanneer enige munisipale gebou of fasiliteit in item 3 van Bylae 2 bedoel vir kommersiële doeleindes of wins verhuur word, moet die huurprys in ooreenstemming wees met die riglyne wat deur die Uitvoerende Komitee vir verhuurings van dié aard bepaal is.
- (4) Indien 'n subraad 'n mark, 'n skut of 'n plek vir openbare parking in items 11, 14 en 16 van Bylae 2 bedoel instel, moet die verkryging van enige grond vir enige van hierdie doeleindes uitsluitlik deur die Uitvoerende Komitee hanteer word.
- (5) Die bevoegdheid om gebruike te beheer op openbare plekke in item 15 van Bylae 2 bedoel, sluit nie die bevoegdheid in nie om enige besluit te neem of stappe te doen ingevolge die Wet op Reëling van Byeenkomste, No 205 van 1993.

17. INFASERING VAN DELEGASIES

- (1) 'n Subraad kan 'n gedelegeerde bevoegdheid uitoefen net in soverre voorsiening daarvoor gemaak is in 'n goedgekeurde begroting en indien daar wetgewing of 'n Raadsbeleid is om die uitoefening van sodanige bevoegdheid te steun.
- (2) Binne 30 dae nadat subrade ingestel is, moet elke subraad vergader om oorweging te skenk aan die mate en die volgorde waarin, volgens plaaslike prioriteite, die delegasies in Bylae 2 uitgeoefen moet word in sy gebied, en moet hy daardie delegasies in prioriteitsorde rangskik.
- (3) Elke subraadkoördineerder moet binne 14 dae na die vergadering in subartikel (2) bedoel, die Stadsbestuurder voorsien van 'n prioriteitslys wat die volgorde toon waarin die subrade hulle delegasies wil uitoefen.
- (4) Die Stadsbestuurder moet die prioriteitslyste hierbo vermeld konsolideer in 'n enkele lys en sodanige lys aan die Uitvoerende Komitee voorlê.
- (5) Die Uitvoerende Komitee kan, na oorweging van die lys in subartikel (4) bedoel—
 - (a) die lys soos voorgelê goedkeur; of
 - (b) die lys goedkeur met wysigings of veranderings ten opsigte van een of meer of alle subrade; of
 - (c) een of meer of alle subrade versoek om die geheel of bepaalde aspekte van hulle prioriteite te heroorweeg; of
 - (d) die geheel of enige deel van die prioriteite wat deur een of meer of alle subrade voorgelê is, verwerp en vereis dat die prosedure in subartikel (2) weer gevolg word.
- (6) Die Uitvoerende Komitee moet, wanneer hy ingevolge subartikel (5)(a) of (b) optree, dit doen slegs indien daar in 'n goedgekeurde begroting voorsiening gemaak is vir die betrokke uitgawe en daar wetgewing of 'n Raadsbeleid is om die uitoefening van die gedelegeerde bevoegdheid te steun.
- (7) Nadat die Uitvoerende Komitee 'n besluit ingevolge subartikel (5)(a) of (b) geneem het wat voldoen aan subartikel (6), moet die Stadsbestuurder openbare kennis daarvan gee deur 'n kennisgewing wat in die Provinsiale Koerant en die dagbladpers gepubliseer word.
- (8) Ondanks andersluidende bepalings in die voorafgaande bepalings kan 'n subraad te eniger tyd vertoë tot die Uitvoerende Komitee rig oor enige aangeleentheid in subartikel (2) bedoel.

18. SUBDELEGERING

- (1) 'n Subraad kan enige bevoegdheid wat ingevolge artikel 14 aan hom gedelegeer is, subdelegeer aan enige komitee wat deur hom ingestel is, onderworpe daaraan dat sodanige komitee op 'n maandelikse grondslag aan die subraad verslag moet doen oor die uitoefening van daardie bevoegdheid.
- (2) 'n Subraad kan per resoluë wat aangeneem is deur die lede teenwoordig op 'n vergadering, enige delegering wat ingevolge subartikel (1) gegee is, intrek.
- (3) Enige subdelegering waarvoor subartikel (1) voorsiening maak, is onderworpe aan die bepalings van artikels 15, 16 en 17.

19. ONDERGESKIKTE BEVOEGDHEDE

- (1) Behoudens die bepalings van artikels 15, 16 en 17 kan 'n subraad of enige komitee daarvan wat ingevolge 'n subdelegasie aan hom ingevolge artikel 18 optree, by die uitoefening van 'n bevoegdheid wat ingevolge artikel 14 gedelegeer is, sodanige handelinge verrig en sodanige dinge doen as wat nodig is vir die doeltreffende uitoefening van sodanige bevoegdheid.
- (2) 'n Subraad kan namens die Munisipaliteit—
 - (a) in verband met enige aangeleentheid waarvoor hy ingevolge artikel 14 die bevoegdheid het om te administreer, siviele verrigtinge instel in enige hof bedoel in die Wet op Landdroshowe, No 32 van 1944; en
 - (b) 'n werknemer van die Raad magtig soos in artikel 112 van die Stelselwet beoog om strafregtelike verrigtinge in te stel en die vervolging te voer ten opsigte van 'n oortreding van of versuim om te voldoen aan 'n bepaling van 'n verordening waarvan die administrasie ingevolge artikel 14 aan daardie subraad gedelegeer is.

DEEL 3: BILLIKE FINANSIELE RAAMWERK**20. FINANSIES**

Daar is vir die Munisipaliteit—

- (a) een inkomstefonds;
- (b) een kapitaalbegroting;
- (c) een bedryfsbegroting.

21. FINANSIERING VAN SUBRAADSAKTIWITEITE

- (1) Die Raad moet in sy begrotingsprosesse, en behoudens sy geïntegreerde ontwikkelingsplan, jaarliks in sy bedryfsbegroting voorsiening maak vir die volgende uitgawe-items:
 - (a) Die instandhouding en bedryf van die kantore en ander fasiliteite wat aan 'n subraad toegewys is.
 - (b) Die instandhouding, en waar 'n aangeleentheid in Bylae 2 bedoel bedryfsbesteding vereis, ook die betrokke bedryfskoste, van die aangeleenthede in Bylae 2 uiteengesit.
- (2) Die Raad moet jaarliks in sy kapitaalbegroting voorsiening maak vir werke of ontwikkeling in die gebied van 'n subraad in ooreenstemming met die geïntegreerde ontwikkelingsplan vir die Munisipaliteit: Met dien verstande dat totdat so 'n plan deur die Raad aanvaar is, die toewysing van fondse in die kapitaalbegroting hoofsaaklik, maar nie uitsluitlik nie, moet gaan vir die opgradering, verbetering en uitbreiding van dienste en fasiliteite in die gebiede waar die grootste behoefte bestaan.

22. MAGTIGING VAN UITGAWES

Uitgawes ten opsigte van 'n subraad se gebied op die kapitaal- en bedryfsbegrotings moet deur die Uitvoerende Komitee of 'n Uitvoerende Lid wat daartoe gemagtig is, gemagtig word en sodanige Komitee of Lid moet bepaal hoe en op watter wyse sulke magtigings verleen moet word.

23. FINANSIËLE REKORDS

Alle finansiële rekords rakende die finansiering en inkomste en uitgawes vir subraadsgebiede is die eiendom van die Raad in die bewaring van die Stadsbestuurder: Met dien verstande dat afskrifte daarvan by die kantore van 'n subraad gehou kan word vir openbare inligting.

DEEL 4: GESKILBESLEGTING**24. GESKILLE VAN 'N POLITIEKE AARD**

Waar—

- (a) 'n subraad aan die een kant; of
- (b) die Uitvoerende Komitee of 'n Uitvoerende Lid aan die ander kant,

in 'n geskil is oor 'n kwessie van beleid of strategie wat polities van aard is, moet die betrokke partye onderhandel en indien sodanige onderhandeling misluk, moet die geskil verwys word na 'n komitee van raadslede wat deur die Uitvoerende Komitee ingestel word, en na aanhoor van albei kante moet die komitee 'n besluit neem wat finaal en bindend vir alle betrokke partye is.

25. NIE-POLITIEKE GESKILLE

Waar die Stadsbestuurder of enige lid van die administrasie, as gevolg van 'n handeling of besluit van 'n subraad om enige rede in artikel 26 uiteengesit, nie met sodanige handeling of besluit saamstem nie, moet die Stadsbestuurder of die betrokke lid die aangeleentheid verwys na die Uitvoerende Lid in wie se portefeulje die aangeleentheid val, en indien die aangeleentheid nie binne enige portefeulje val nie, na die Burgemeester.

26. GRONDSLAG VIR 'N VERSKIL OOR 'N NIE-POLITIEKE AANGELEENTHEID

Die Stadsbestuurder of enige lid van die administrasie mag nie akkoord gaan nie met enige handeling of besluit van 'n subraad wat—

- (a) kan of sal lei tot oorbesteding of ongemagtigde besteding;
- (b) onwettig is of wat daartoe kan of sal lei dat die Raad of die administrasie onwettig optree;
- (c) strydig is met enige beleid, plan, program of strategie van die Raad.

en hulle mag ook nie akkoord gaan nie met enige handeling of besluit soos voormeld indien die nakoming daarvan na hulle mening nie in belang van die inwoners van daardie subraad of die inwoners van die Munisipaliteit in die algemeen sal wees nie.

27. OPTREDE OOR 'N NIE-POLITIEKE AANGELEENTHEID IN GESKIL

Behoudens subparagraaf (b)—

- (a) moet die Uitvoerende Lid of die Burgemeester na wie 'n geskil ingevolge artikel 25 verwys is, na oorweging van die feite, 'n bepaling doen wat finaal en bindend is vir die betrokke subraad en die administrasie;
- (b) waar die onderhawige geskil op sowel die portefeulje van die Uitvoerende Lid in subparagraaf (a) bedoel as nog een of meer ander portefeuljes betrekking het of dit raak, moet die betrokke Uitvoerende Lid die aangeleentheid na die Uitvoerende Komitee verwys vir 'n bepaling;
- (c) moet die Uitvoerende Komitee enige aangeleentheid wat ingevolge paragraaf (b) na hom verwys is, oorweeg en 'n bepaling maak wat finaal en bindend is vir die betrokke subraad en die administrasie.

DEEL 5: MONITERING EN INGRYPING

28. MONITERING

- (1) Die Uitvoerende Komitee en Uitvoerende Lede moet die prestasie en aktiwiteite van 'n subraad monitor.
- (2) Indien 'n subraad afwyk van die bepalings, of dit oortree of nie daaraan voldoen nie, van hierdie Verordening of enige ander verordening, beleid, program, plan of strategie van die Raad wat van toepassing is op of van krag is in die gebied van 'n subraad, moet die Uitvoerende Komitee daardie subraad skriftelik onder die handtekening van die Burgemeester gelas om binne 'n tydperk in voormelde kennisgewing vermeld, te voldoen aan die bepaling van hierdie Verordening of die betrokke verordening, beleid, program, plan of strategie.

29. INGRYPING

- (1) Indien 'n subraad nie aan 'n kennisgewing in artikel 28(2) bedoel voldoen nie binne die tydperk daarin vermeld, kan die Uitvoerende Komitee sonder verdere kennisgewing magtiging verleen dat enige een of meer van die volgende stappe gedoen word:
 - (a) Die opskorting van die besluitnemingsbevoegdheid van 'n subraad in geheel of gedeeltelik.
 - (b) Die onttrekking aan 'n subraad van 'n delegasie en die funksie wat met daardie delegasie verband hou.
 - (c) Die onttrekking aan die gesag van 'n subraad van die bevoegdheid om enige besluit te neem wat sal lei tot besteding op die kapitaalbegroting of die bedryfsbegroting.
 - (d) Die skorsing van die lede van 'n subraad.
 - (e) Enige ander handeling wat in die omstandighede gepas geag word.
- (2) Waar die Uitvoerende Komitee ingevolge subartikel (1)(a), (b) of (d) optree, moet hy die betrokke bevoegdheid aan 'n ander politieke struktuur van die Raad opdra.
- (3) Waar die Uitvoerende Komitee ingevolge subartikel (1)(c) optree, moet hy die besluite neem wat daarmee verband hou of 'n ander politieke struktuur of die Stadsbestuurder magtig om dit te doen.
- (4) Waar die Uitvoerende Komitee ingevolge subartikel (1)(d) optree, hou die lede van die betrokke subraad op om enige bevoegdheid te hê om besluite te neem.
- (5) Wanneer die Uitvoerende Komitee ingevolge subartikel (1) optree, moet hy 'n datum bepaal waarop enige bepaling van paragrawe (a) tot (d) daarvan in werking moet tree.

30. VERSLAGDOENING AAN DIE RAAD

- (1) Wanneer die Uitvoerende Komitee ingevolge artikel 28 of artikel 29 optree, moet hy 'n volledige verslag van sy optrede en die redes daarvoor aan die daaropvolgende vergadering van die Raad voorlê.
- (2) In die geval van optrede ingevolge artikel 29 kan die Raad die Uitvoerende Komitee versoek om die stappe wat hy gedoen het, te heroorweeg en om 'n verdere verslag daarvoor aan die Raad voor te lê.

31. BEÏNDIGING VAN INGRYPING

- (1) Sodra die Uitvoerende Komitee oortuig is dat die toestand of situasie wat tot ingryping ingevolge artikel 29 gelei het, nie meer bestaan nie of bevredigend opgelos is, moet hy sodanige ingryping beëindig.
- (2) By beëindiging van ingryping ingevolge subartikel (1) moet die betrokke subraad sy funksionering as 'n subraad ingevolge hierdie Verordening hervat.

DEEL 6: ALGEMEEN

32. OPENBAARMAKING VAN VERORDENING

- (1) 'n Subraad moet 'n akkurate afskrif van hierdie Verordening, wat alle wysigings daarvan bevat, byhou by—
 - (a) sy kantore in die gebied van die subraad;
 - (b) elke biblioteek in die gebied van die subraad.

- (2) Elke lid van die publiek kan kosteloos 'n afskrif maak van of 'n uittreksel maak uit enige van die afskrifte van die Verordening in subartikel (1) bedoel.

33. ONTBINDING

- (1) Indien die Raad ingevolge artikel 34 van die Strukturewet ontbind word, moet die subrade insgelyks ontbind word.
- (2) Die Raad kan behoudens subartikel (3) die grense van enige een of meer van of al die subrade wysig indien die grense van wyke in die Munisipale gebied herafgebaken word, en die Raad kan ook enige van die delegasies in artikel 14 en Bylae 2 bedoel, aan subrade opdra of terugtrek.
- (3) Wanneer die Raad die grense van subrade wysig of enige van die delegasies in artikel 14 en Bylae 2 bedoel aan sodanige subrade opdra of terugtrek, mag hy dit doen slegs nadat hy die proses van openbare oorlegpleging in artikel 62 van die Strukturewet bedoel, gevolg het.

34. RAADSLEDE SE BESOLDIGING

Uitgesonderd die besoldiging, toelaes en voordele waarvoor 'n wet voorsiening maak vir die voorsitter van 'n subraad, mag 'n lid van 'n subraad of van enige komitee van 'n subraad en die voorsitter van so 'n komitee geen besoldiging, toelaes of voordele betaal word nie uitgesonderd die besoldiging, toelaes of voordele betaalbaar aan 'n raadslid ingevolge die Wet op die Besoldiging van Openbare Ampsbekleërs, No 20 van 1998.

35. APPELLE

- (1) Enige persoon wat voel dat sy of haar regte of belange nadelig of onbillik geraak word deur enige handeling of besluit van 'n subraad, het die reg om teen sodanige handeling of besluit te appelleer ingevolge die volgende bepalinge van hierdie artikel.

- (2) 'n Appèl in subartikel (1) bedoel, moet skriftelik wees, met vermelding van—

- (a) die reg of belang wat nadelig of onbillik geraak word;
- (b) die betrokke handeling of besluit;
- (c) die grondslag van die appèl;
- (d) die herstel wat verlang word,

en enige persoon wat nie kan lees en skryf nie, moet op versoek van die betrokke subraadkoördineerder bygestaan word met die formulering van sy of haar appèl.

- (3) Die appèl moet aan die betrokke subraadkoördineerder oorhandig word, wat dit spoedig aan die Uitvoerende Lid moet deurstuur binne wie se portefeulje die aangeleentheid val, en indien die appèl meer as een portefeulje raak of nie met 'n bepaalde portefeulje in verband gebring kan word nie, aan die Burgemeester. Die subraadkoördineerder moet ook terselfdertyd 'n afskrif van die appèl aan die Stadsbestuurder stuur.

- (4) Die Uitvoerende Lid of Burgemeester moet daarop—

- (a) van die subraad verlang om 'n verslag oor die appèl voor te lê teen 'n datum wat aan die subraad vermeld word;
- (b) die Stadsbestuurder versoek om enige kommentaar wat hy of sy wil lewer, voor te lê;
- (c) die appellant voorsien van afskrifte van die verslag van die subraad en die kommentaar, as daar is, van die Stadsbestuurder;
- (d) indien dit nodig geag word, die appellant versoek om persoonlik te verskyn om 'n voorlegging te doen; en
- (e) daarna die aangeleentheid beslis en die appellant en die subraad van sy of haar besluit in kennis stel;

Met dien verstande dat in plaas daarvan om die appèl persoonlik aan te hoor, die Uitvoerende Lid of Burgemeester, nadat die prosedures in paragrawe (a) tot (d) bedoel gevolg is, die aangeleentheid na die Uitvoerende Komitee kan verwys vir 'n bepaling.

- (5) Indien die raad 'n tribunaal instel om appèlle aan te hoor, insluitende appèlle van die tipe in hierdie artikel bedoel, kan die betrokke Uitvoerende Lid of die Burgemeester, in plaas daarvan om die prosedures in subartikel (4) te volg, gelas dat sodanige appèl na daardie tribunaal verwys word om hanteer te word in ooreenstemming met die prosedures wat daarop van toepassing is.

36. AANSPEEKLIKHEID VAN RAAD

Ondanks enige delegasie aan 'n subraad of enige subdelegasie aan 'n komitee van so 'n subraad bly die Raad aanspreeklik vir die handelinge of versuime van sodanige subraad.

37. PRIVILEGES EN IMMUNITEITE

Ondanks die bepalinge van artikel 28 van die Strukturewet het raadslede, wanneer hulle as lede van 'n subraad of enige komitee van so 'n subraad optree, nie die privilegies en immuniteite waarvoor sodanige artikel 28 voorsiening maak nie.

38. KORT TITEL

Hierdie Verordening heet die Stad Kaapstad se Verordening op Subrade, No 1 van 2001.

BYLAE 2

GEDELEGEERDE BEVOEGDHEDE EN FUNKSIES

1. Behoudens die lasgewings en gesag van die Boubheerbeampte aangestel kragtens artikel 5 van die Wet op Nasionale Bouregulasies en Boustandaarde, No 103 van 1977, die goedkeuring van bouplanne in gevalle waar die gemelde Boubheerbeampte nie gedelegeerde bevoegdheede het nie.
2. Behoudens enige oorkoepelende grondgebruiks-, vervoer-, strategiese of ander planne wat deur die Raad aangeneem is en in die gebied van so 'n subraad van krag is—
 - (a) die opstel, goedkeuring en administrasie in ooreenstemming met enige wetgewing wat daarop van toepassing is, van 'n plaaslike struktuurplan vir die hele of enige deel van die gebied van die subraad;
 - (b) die toestaan, met of sonder voorwaardes, of die weiering van enige aansoek om 'n hersonering, afwyking of toestemmingsgebruik ingevolge enige sonerings- of stadsbeplanningskema of regulasies van krag in die gebied van die subraad;
 - (c) die toepassing van enige stadsbeplannings- of soneringskema regulasies;

Met dien verstande dat tot dat 'n plaaslike struktuurplan in paragraaf (a) bedoel goedgekeur is, die bepalinge van enige stadsbeplanningskema of soneringskema van krag in daardie gebied van 'n subraad van toepassing is vir doeleindes van paragrafe (b) en (c).

3. Die instandhouding, gebruik en verhuring, waar gepas, van enige munisipale gebou of fasiliteit waarvan die administrasie van tyd tot tyd deur die Uitvoerende Komitee aan 'n subraad opgedra kan word in die volgende kategorieë:
 - (a) geboue waarin 'n subraad sy kantore en vergaderplek het;
 - (b) biblioteke, uitgesonderd die aankoop of verkryging van boeke en ander voorrade;
 - (c) in ooreenstemming met enige regulasies uitgevaardig kragtens die Strandwet, No 21 van 1935, maar uitgesonderd veiligheid en sekuriteit, die beheer van 'n strand binne sy gebied en enige struktuur op so 'n strand, uitgesonderd 'n struktuur waarvan die reg op okkupasie aan 'n ander persoon of liggaam verleen is;
 - (d) enige fasiliteite wat die Raad verskaf vir die akkommodasie, versorging en begrawing van diere;
 - (e) die administrasie van plaaslike geriewe en plaaslike fasiliteite;
 - (f) die administrasie van munisipale parke en ontspanning, uitgesonderd enige park of ontspanningsgebied wat deur die Uitvoerende Komitee aangewys is as nie onder die administrasie van 'n subraad nie;

Met dien verstande dat die Uitvoerende Komitee te eniger tyd die opdra van enige gebou of fasiliteit kan intrek indien dit nodig geag word om dit te doen in belang van die inwoners in die gebied van 'n subraad of die bewaring van sodanige gebou of fasiliteit.

4. In ooreenstemming met 'n verordening wat deur die Raad aangeneem is of enige ander verordening wettig van toepassing in die gebied van 'n subraad moet 'n subraad beheer uitoefen oor reklameborde en die vertoning van advertensies in openbare plekke.
5. (a) 'n Subraad moet die sindelikhed van sy gebied moniteer, insluitende die verwydering van vaste afval, en indien die sindelikhed van die subraad se gebied of 'n deel daarvan, ondanks enige besluit wat hy geneem het, nie behoorlik bestuur word nie, moet die subraad die aangeleentheid onverwyld aan die Uitvoerende Komitee rapporteer.
- (b) 'n Subraad moet ook enige regulasies administreer wat kragtens artikel 24 van die Wet op Omgewingsbewaring, No 73 van 1989, uitgevaardig is.
6. In ooreenstemming met die wet, insluitende enige verordening wat deur die Raad aangeneem is, moet 'n subraad geskikte stappe doen volgens die omstandighede ten einde enige openbare steurnis in sy gebied te voorkom of te verminder.
7. Behoudens enige wetgewing oor die lisensiëring van die verkoop van drank en enige verordening wat deur die Raad aangeneem is, moet 'n subraad beheer uitoefen oor ondernemings wat drank aan die publiek verkoop.
8. 'n Subraad kan beheer uitoefen oor heinings en omheinings en dit reguleer, uitgesonderd heinings en omheinings op of rondom eiendom van die Staat of die Raad. Vir doeleindes van hierdie paragraaf sluit die woorde heinings en omheinings mure in.
9. 'n Subraad kan, in ooreenstemming met enige wet, insluitende 'n verordening wat deur die Raad aangeneem is, honde lisensieer en in verband daarmee die getal honde beperk wat op 'n residensiële eiendom aangehou mag word: Met dien verstande dat enige gelde of tarief vir die lisensiëring van honde eers deur die Raad goedgekeur moet word en die opbrengs daaruit aan die Raad se inkomstefonds toeval.
10. In ooreenstemming met 'n verordening wat deur die Raad aangeneem is—
 - (a) moet 'n subraad 'n onderneming wat voedsel aan die publiek verkoop of voornemens is om dit te doen, lisensieer vir die eerste keer wanneer hy gelisensieer moet word;
 - (b) moet 'n subraad die lisensie van 'n onderneming soos voormeld jaarliks hernu, tensy die bestuur of bedryf van so 'n onderneming sodanig is dat dit op redelike gronde deur 'n meerderheid van die lede van die subraad geag word 'n risiko of gevaar in te hou vir enige lid van die publiek wat die onderneming ondersteun of kan ondersteun, in welke geval sodanige lisensie nie hernu mag word nie;
 - (c) moet 'n subraad die lisensie kanselleer van 'n onderneming aan wie 'n lisensie ingevolge paragraaf (a) verleen is of wie se lisensie ingevolge paragraaf (b) hernu is, indien die subraad op redelike gronde bepaal het dat die bestuur of bedryf van sodanige onderneming 'n risiko of gevaar inhou vir enige lid van die publiek wat die onderneming ondersteun of kan ondersteun;

- (d) kan 'n subraad, wanneer hy 'n lisensie ingevolge paragraaf (c) kanselleer en die persoon wat die onderneming bedryf, versuim of nalaat of weier om die bedryf van die onderneming te staak, by 'n landdroshof aansoek doen om 'n gepaste bevel:
- Met dien verstande dat—
- (i) enige lisensiegeld of tarief van lisensiegelde in verband met die voorgaande bepalings deur die Raad goedgekeur moet word; en
 - (ii) die opbrengs van enige gelde of tarief van gelde aan die Raad se inkomstefonds toeval.
11. 'n Subraad kan varsproduktemarkte of handwerk- of soortgelyke markte oprig, bedryf en bestuur, uitgesonderd die oprigting, bedryf en bestuur van nasionale en streekvarsproduktemarkte.
12. 'n Subraad kan in sy gebied—
- (a) die herstel van voorstedelike paaie binne sodanige gebied magtig; en
 - (b) die bou van voorstedelike paaie magtig:
- Met dien verstande dat 'n subraad geen gesag het nie oor enige nasionale of provinsiale of geproklameerde pad of enige pad wat deur die Uitvoerende Komitee aangewys is as 'n pad ten opsigte waarvan 'n subraad geen gesag het nie.
13. 'n Subraad moet in ooreenstemming met enige regulasies uitgevaardig kragtens artikerl 25 van die Wet op Omgewingsbewaring, No 73 van 1989, en enige verordening wat deur die Raad aangeneem is, stappe doen om enige geraasbesoedeling te voorkom of te verminder en om enige geraasbesoedeling wat in sy gebied voorkom, te laat ophou.
14. 'n Subraad kan in ooreenstemming met 'n verordening wat deur die Raad aangeneem is, skutte vir die skut van rondlopervee oprig, in stand hou, bedryf en bestuur: Met dien verstande dat enige gelde of tarief van gelde vir hierdie doel deur die Raad goedgekeur moet word en dat die opbrengs daaruit aan die Raad se inkomstefonds toeval.
15. 'n Subraad moet beheer uitoefen oor die gebruik van openbare plekke waarvan die eienaarskap by die Raad berus, uitgesonderd die gebied van enige serwituut wat by die Raad berus of ten opsigte waarvan 'n verpligting op die Raad geplaas is, tensy die Uitvoerende Komitee skriftelik daartoe instem, en verder uitgesonderd die administrasie van die Wet op Reëling van Byeenkomste, No 205 van 1993.
16. 'n Subraad kan plekke oprig, in stand hou, bedryf en bestuur vir openbare parkering van motorvoertuie soos omskryf in die toepaslike padverkeerswetgewing of vir die parkering van fietse, perdevoertuie en dies meer: Met dien verstande dat—
- (i) enige gelde of tarief van gelde vir sodanige doel deur die Raad goedgekeur moet word;
 - (ii) die opbrengs uit enige gelde of tarief van gelde aan die Raad se inkomstefonds toeval; en
 - (iii) die bevoegdheid wat hierby gedelegeer word om sulke plekke in stand te hou, te bedryf en te bestuur, nie die bevoegdheid om enige verkeerswette op te lê of af te dwing, insluit nie.

P.N. 70/2001

2 kuMatshi 2001

ISAZISO ESISEBURHULUMENTENI

Isaziso kengoko siyagqithiswa sokuba iBhunga likaMasipala weSixeko saseKapa liya kuqwalasela ummiselo oyidrafti kuLudwe lweeNkqubo olulapha ngezantsi. Nawuphina umntu onqwenela ukugqithisa izimvo zakhe okanye onomnqweno wokwenza ingxelo malunga noku, kengoko, uyacelwa ukuba enze njalo, abhale phantsi ungagqithanga umhla wesi-2 ku-Apreli 2001, azigqithise kuManejala kaMasipala oBambeleyo kule dilesi: Acting Municipal Manager, Private Bag X9181, Cape Town 8000.

Dr. S. Fisher, UManejala kamaSipala Obambeleyo

ULUDWE LWEENKQUBO

ISIXEKO SASEKAPA

UMMISELO WOKUQALA KA-2001

Wamkelwe liBhunga:

Umhla wokuqalisa:

Ekusekeni amabhunga angaphantsi kulawulo lwenqila nalungiselelwe apha; ukuchaza ummandla ngamnye webhunga elingaphantsi; ukunikeza igama kwibhunga elingaphantsi ngalinye; unikezelo lwesiseko esilungileyo sezimali kumabhunga angaphantsi anjalo; ukusekwa kwako konke okuza kwenziwa ngala mabhunga angaphantsi; ukunikeza amagunya kunye nemisebenzi kumabhunga angaphantsi; kwakunye nonikezelo lwemiba ebonwa ifanelekile okanye ebingalindelekanga ekusebenzeni ngendlela efanelekileyo yamabhunga angaphantsi.

INTSHAYELELO YAMALUNGISELELO

1. ULWAHLULO LOMMISELO

Lo Mmiselo wohlulwe ngale ndlela ilandelayo:

ISIAHLULO 1: UKUSEKWA KUNYE NEMIBA YEZIKO
 ISIAHLULO 2: IMISEBENZI KUNYE NAMAGUNYA
 ISIAHLULO 3: ISIXEKO ESILUNGILEYO SEZIMALI
 ISIAHLULO 4: UKUPHIKISANA NGEZISOMBULULO
 ISIAHLULO 5: ULAWULO KUNYE NOPHAZAMISEKO
 ISIAHLULO 6: IMIBA JIKELELE

2. IINKCAZELO

Kulo Mmiselo, ngaphandle kokuba iimeko zibonisa ngenye indlela—

“uMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika uMthetho 108 ka-1996;

“iBhunga” lithetha iBhunga likaMasipala weSixeko saseKapa, njengebhunga elilungiselelwe kwicandelo 18 loMthetho obizwa ngokuba yi-Structures Act;

“iLungu leBhunga” lithetha umntu olilungu leBhunga;

“iKomiti yesiGqeba esiLawulayo” ithetha iKomiti yesiGqeba esiLawulayo sikaMasipala weSixeko saseKapa nasekwe ngokwecandelo 43 le-Structures Act, nalapho amalungu athi onyulwa liBhunga;

“iLungu lesiGqeba esiLawulayo” lithetha ilungu leKomiti yesiGqeba esiLawulayo;

“uSibonda” uthetha usibonda weBhunga owonyulwe ngokwecandelo 48 le-Structures Act;

“iSikhundla” sithetha imisebenzi eyabelwe uSibonda okanye iLungu lesiGqeba esiLawulayo kwakunye nokugunyaziswa okanye amagunya athe anikwa uSibonda lowo okanye iLungu elo lesiGqeba esiLawulayo ngokuxulumene noku;

“I-Structures Act” sithetha uRhulumente weeDolophu : Municipal Structures Act 117 ka-1998;

“ibhunga elingaphantsi” lithetha ibhunga elingaphantsi lolawulo lwenqila ekuthethwa ngalo kwicandelo 62 le—Structures Act;

“I-Systems Act” ithetha uRhulumente weeDolophu : Municipal Systems Act 32 ka-2000;

“iwadi” ithetha iwadi emiswe ngokweSahlulo soLudwe lweeNkqubo kwi-Structures Act.

ISIAHLULO 1: UKUSEKWA KUNYE NEMIBA YEZIKO

3. ISIXEKO

(1) Iiwadi ezidityanise kunye njengamaqela kuLudwe lweeNkqubo 1 zisekwe njengamabhunga angaphantsi nekuya kuthi kubekho igama kwibhunga elingaphantsi ngalinye njengoko kusekwe njalo kwiqela ngalinye.

(2) Amabhunga angaphantsi aseke ngokwecandelwana (1) angomasipalana abakhoyo bakaMasipala weSixeko saseKapa kwaye aya kusebenza njengoko kuchazwe—

(a) kuMgaqo-siseko;

(b) iSahlulo 3 seSahluko 4 se-Structures Act;

- (c) naluphina uwiso-mthetho olungolunye ukuquka uMmiselo ogqithiswe liBhunga, noya kuthi usebenze kumabhunga angaphantsi okanye ojongene nawo;
- (d) amalungiselelo alo Mmiselo, kunye neenkqubo, izicwangciso kunye nobuchule beBhunga; kwakunye
- (e) nemiyalelo kunye neemfuno zeKomiti yesiGqeba esiLawulayo okanye uSibonda okanye iLungu lesiGqeba esiLawulayo.

4. ISAKHIWO

- (1) Ngokuhambelana namalungiselelo ecandelo 63 omthetho obizwa ngokuba yi-Structures Act, amalungu ebhunga elingaphantsi kufuneka abe—
 - (a) ziiwadi ezimele amalungu ebhunga kwiqela ngalinye; kunye
 - (b) namalungu ebhunga awongeziweyo kwinani elichazwe ngokwesigqibo seBhunga.
- (2) Unikezelo lwezihlalo ezongeziweyo ekuthethwa ngazo kwicandelwana 1(b) phakathi kwamaqela amelwe kwiBhunga ziya kuthi zihambelane noLudwe lweeNkqubo 4 kwi-Structures Act.
- (3) Ukubekwa kwamalungu ebhunga kwizihlalo ezabelwe iqela ngokwecandelwana (2) kuya kwenziwa lelo qela kumalungu ebhunga kuluhlu lwabameli oonxulumene nalo.

5. IZITHUBA ZOMSEBENZI

- (1) Ngalo naliphina ixesha xa ilungu lebhunga elimele iwadi liyeke ukuba lilungu lebhunga, isithuba esivelayo somsebenzi kuya kuthi kungene kuso ilungu lebhunga elonyulelwe ukungena kweso sithuba somsebenzi.
- (2) Ngalo naliphina ixesha xa ilungu lebhunga elonyulwe ngokuhambelana nenkqubo yobumeli obuchazwe kwiSahlulo 3 soLudwe lweeNkqubo 1 kwi- Structures Act, nelikwalilungu lebhunga elingaphantsi lithi liyeke ukuba lilungu lebhunga, eso sithuba sivelayo kuya kuthi kungene kuso iqela elichaphazelekayo nelithi libeke elinye ilungu lebhunga kuluhlu lwalo ukuba lilimele kwibhunga elo elingaphantsi.

6. UKONYULWA KUKASIHLELO

Usihlalo webhunga elingaphantsi uya konyulwa ngamalungu elo bhunga elingaphantsi ngokuhambelana namalungiselelo oLudwe lweeNkqubo 3 kumthetho obizwa ngokuba yi—Structures Act.

7. IIKOMITI

Ibhunga elingaphantsi lingenza isigqibo sokonyula ikomiti enye okanye iikomiti ezininzi, ukuquka ikomiti yabalawuli, njengoko kwenziwe amalungiselelo ayo kwicandelo 71 le-Structures Act.

8. IINDAWO ZOKUHLALA

- (1) UManejala weSixeko uya kuqinisekisa ukuba indawo eyoneleyo iya nikelwa kwiintlanganiso zamabhunga angaphantsi kwakunye neendawo zekomiti ziya kuthi zisekwe.
- (2) UManejala weSixeko uya kuqinisekisa ukuba ilungu ngalinye lebhunga elingaphantsi liya kunikezwa i—ofisi kummandla wakhe webhunga elingaphantsi.
- (3) UManejala weSixeko, ukongeza koku, kufuneka anike i—ofisi nganye echazwe kwicandelwana (2) ifowuni eya kusetyenziswa kwimisebenzi yaseburhulumenteni kwakunye nenenitshala efanelekileyo ye-ofisi.

9. ULUNGELELANISO KUNYE NONCEDO LOBUNOBHALA

- (1) Kuya kubakho umlungelanelani webhunga elingaphantsi kwibhunga elingaphantsi ngalinye.
- (2) UManejala weSixeko uya kuthi kubasebenzi beBhunga, anikeze uninzi lwabasebenzi abanjalo njengoko kuya kube kufanelekile ukuba bathobele icandelwana (1).
- (3) Umlungelelanisi webhunga elingaphantsi uya kuba noxanduva loku kulandelayo:
 - (a) Ukugqithisa izigqibo zebhunga elingaphantsi kwinxenye efanelekileyo yolawulo ukuze zizalisekise.
 - (b) Ukwenza amalungiselelo nangaliphina ixesha xa kufanelekile ukuba amalungu olawulo azimase iintlanganiso zebhunga elingaphantsi okanye nayiphina ikomiti ekuxovuleni imiba yenkqubo—phambili eyenziweyo ekuzalisekiseni kwesigqibo, indlela esinokusebenza ngayo isigqibo eso esicetywayo okanye nakuphina ukuxhalaba okanye izicelo ezinganxulumananga nezopolitiko.
 - (c) Ukuqinisekisa ukuba ingxelo igciniwe malunga nemisebenzi, iinkqubo kunye nezigqibo zebhunga elingaphantsi.
 - (d) Ukusebenza jikelele egameni okanye phantsi kwemiyalelo yeManejala yeSixeko ngokunikezela iinkonzo kwakunye nokuxhasa ibhunga elingaphantsi.
- (4) UManejala weSixeko uyakwabela kubasebenzi beBhunga abasebenzi abaya kuba ngoomabhalana noonobhala xa kufanelekile njengeenjongo zeli candelo.

10. IINGXELO

- (1) Iingxelo zebhunga elingaphantsi ziya kuba zezeBhunga kwaye zibe kugcino lukaManejala weSixeko.

- (2) Ezi ngxelo kuthethwa ngazo kwicandelwana (1) zivumelekile ukuba zingaphicothwa luluntu lonke jikelele baze oonondaba bagcine nayiphina ingxelo ethi ngokwasemthethweni okanye ngokoMmiselo ingabiyo ingxelo yoluntu jikelele.

11. IINTLANGANISO

- (1) Iintlanganiso zebhunga elingaphantsi okanye nayiphina ikomiti zivumelekile kuluntu lonke jikelele kunye noonondaba kwaye intlanganiso enjalo ingavalwa kuphela xa kufanelekile ukwenza njalo, ngokujonga umba lowo oshukuxwayo okanye ekujongenwe nawo.
- (2) ILungu lesiGqeba esiLawulayo lingathi ngalo naliphina ixesha lizimase intlanganiso yebhunga elingaphantsi okanye nayiphina ikomiti.
- (3) Nangaliphina ixesha xa intlanganiso yebhunga elingaphantsi okanye ikomiti ithe yavalwa njengoko kuchaziwe kwicandelwana (1), ibhunga elingaphantsi elinjalo okanye ikomiti iya kubhala kwimizuzu ngomba okanye imeko enjalo okanye imiba enjalo, izizathu ezigcweleyo ezichaza ukuba kutheni na kwakufanelekile ukuba kuyiwe kwiseshini evaliweyo.
- (4) Amalungiselelo ka-3 no-4 kuLudwe lweeNkqubo 1 kwi—Systems Act anxulumene nokuhanjwa kweentlanganiso kwakunye nemvume yokungaphumeleli iyasebenza kumalungu ebhunga elingaphantsi okanye nayiphina ikomiti.
- (5) Abameli bolawulo olwabiwe nguManejala weSixeko ngokukodwa okanye jikelele banelungelo lokuzimasa iintlanganiso zebhunga elingaphantsi okanye nayiphina ikomiti noxa zingabalwa iivoti zabo.

12. IMIGAQO

Ngokuchaza imigaqo yalo njengoko kuchaziwe kwicandelo 69 le-Structures Act, ibhunga elingaphantsi kufuneka kangangoko lichaze imigaqo efanayo naleyo isetyenziswa liBhunga.

ISIAHLULO 2: IMISEBENZI KUNYE NAMAGUNYA

13. IMISEBENZI ENGAGUNYAZISWANGA

- (1) Ngenjongo yokwandisa ukuthatha inxaxheba koluntu lonke jikelele, ibhunga elingaphantsi ngalinye liya kwamkela ukuthatha inxaxheba koluntu lonke jikelele kunye nokucebisana kwalo ngokuhambelana nenkqubo yeBhunga kunye nawuphina uMmiselo ogqithiswe liBhunga ukuze lifumane iimbono zoluntu lonke jikelele kunye nolwazi malunga neemfuno kule miba ilandelayo:
 - (a) Uhlahlo lwabiwo-mali lulonke lonyaka-mali olandelayo ngokunxulumene nommandla webhunga elingaphantsi ekuthethwa ngalo.
 - (b) Ukusekwa, ukuqwalaselwa, ukwamkelwa kunye nokuzalisekiswa kwesicwangciso sophuhliso olumanyanayo kuMasipala njengoko sinxulumene noku okanye sichaphazela iimfuno zabahlali kummandla webhunga elingaphantsi.
 - (c) Umlinganiselo wemisebenzi eyenziwa liBhunga ngokuhambelana nenkqubo yolawulo lomsebenzi kwi-Systems Act kwakunye nokusebenza ngendlela efanelekileyo kunye nokuba nempumelelo ekwenzeni umsebenzi wolawulo.
 - (d) Imiba ejongene nokuthatha inxaxheba jikelele koluntu kwimimandla.
 - (e) Ukukhethwa nokuzikhethela umnikezeli weenkonzo xa apho uMasipala engasayi kuba ngumnikezeli weenkonzo.
 - (f) Nasiphina isivumelwano, esibizwa ngokuba sisivumelwano sonikezelo lweenkonzo kwi-Systems Act esinomnikezeli weenkonzo ongomye njengoko kuchaziwe kulo Mthetho.
 - (g) Isiseko senkqubo kwizithili zeenkonzo zikamasipala njengoko kufuneka njalo ngokwe—Systems Act kwakunye nokusekwa okulandelayo kwesithili seenkonzo zikamasipala ngokwalo Mthetho kummandla walo naliphina ibhunga elingaphantsi.
 - (h) Ukusebenza ngendlela efanelekileyo, ukuba nempumelelo kunye nobulungisa kwiinkathalelo yabathengi beBhunga kunye nenkqubo yolawulo.
 - (i) Ukusebenza ngendlela efanelekileyo kunye nokuba nempumelelo kwiinkqubo zeBhunga kunye nogunyaziso lomthetho.
 - (j) Nayiphina imeko okanye umba ongomye njengoko iBhunga, iKomiti yesiGqeba esiLawulayo, uSibonda okanye naliphina iLungu lesiGqeba esiLawulayo xa lithe lenza isigqibo nangaliphina ixesha.
- (2) Ekwenzeni imisebenzi yalo kunye nokusebenzisa amagunya alo, ibhunga elingaphantsi kufuneka ngokungqongqo liqwalasele yonke imithetho neenkqubo ezinxulumene nokuthatha inxaxheba koluntu jikelele.

14. ULWABIWO LWAMAGUNYA KUNYE NEMISEBENZI

Ngokuxhomekeka kumalungiselelo amacandelo 15, 16 no-17 nangokuhambelana necandelo 59(1)(a) le-Systems Act, amagunya kunye nemisebenzi ebekiweyo kuLudwe lweeNkqubo 2 yabelwe onke amabhunga angaphantsi.

15. IIMEKO ZOKWABELWA IMISEBENZI

Ukwenziwa kwawo nawuphina umsebenzi ochazwe kuLudwe lweeNkqubo 3 kwakunye nokusetyenziswa kwawo nawuphina amagunya ngokuxhomekeke noku kuya kuba phantsi kwale mida kunye nezimeko zilandelayo—

- (a) Ibhunga elingaphantsi, phantsi kwayo nayiphina imeko okanye nasiphina isizathu okanye phantsi kwaso nasiphina isiseko alisayi kuthi lenze ucalucalulo okanye likhethe nawuphina umhlali kummandla webhunga elingaphantsi xa lisenza nawuphina umsebenzi okanye lisebenzisa amagunya alo ngaphandle kokuba lijongane neemfuno zakhe nawuphina umhlali, walo naluphina udidi njengabantwana, abantu abadala okanye abakhubazekileyo.
- (b) Ibhunga elingaphantsi liya kuthi ngamaxesha onke lixhase uMgaqo-siseko kwaye lithobele uwiso-mthetho lulonke olunxulumene norhulumente weedolophu kangangokuba uwiso-mthetho olunjalo luhambelana nemiba esekwe apha kulo Mmiselo kunye noLudwe lweeNkqubo 2.

- (c) Ibhunga elingaphantsi liya kuthi rhoqo ngekota yonyaka lithumele ingxelo kuSibonda echaza izigqibo zalo kunye neminye imisebenzi ngalo kota yonyaka. USibonda uya kuxoxa ngalo ngxelo kwintlanganiselo elandelayo yeKomiti yesiGqeba esiLawulayo.
- (d) Ukusetyenziswa kwawo nawaphina amagunya achazwe kuLudwe lweeNkqubo 2 kwakunye nokusetyenziswa kwamagunya anxulumene noku aya kuxhomekeka kumalungiselelo eSahlulo 4 no-5.
- (e) Ibhunga elingaphantsi alisayi kuthi ngendlela yokuziphatha okanye yesigqibo salo lenze nantonina, ligqithise nawuphina umyalelo okanye nangayiphina indlela lithathe naliphina inyathelo eliya kuthi okanye libe nokubangela inyathelo elingekho mthethweni ukuquka ucalucalulo olungekho semthethweni okanye nayiphina indlela echasana noMgaqo wokuziphatha kwamaLungu eBhunga kuLudwe lweeNkqubo 1 kwi-Structures Act, okanye nayiphina into yenkcitho kuhlahlo lwabiwo-mali lweBhunga oluthe lwagqithisa okanye olungunobangela wayo nayiphina inkcitho engagunyaziswanga.
- (f) Ilungu lebhunga elingaphantsi akufunekanga lingenelele okanye liphazamisane nabalawuli okanye imisebenzi yolawulo okanye nayiphina inxenywe emalunga nokwenziwa kwaso nasiphina isigqibo esinxulumene nemiba echazwe kuLudwe lweeNkqubo 2.

16. UBUNGAKANANI BOMSEBENZI

- (1) Ubungakanani elinokuthi ibhunga elingaphantsi okanye ikomiti isebenzise amagunya ayo ewanikezelweyo ngokwecandelo 14 kufuneka abe njengoko enikeziwe kumalungiselelo alandelayo kweli candelo.
- (2) Ekusebenziseni nawaphina amagunya ewanikeziweyo ngokwecandelo 14, ibhunga elingaphantsi okanye nayiphina ikomiti akufunekanga—
 - (a) Yamkele okanye ingamkeli nasiphina isicwangciso solwakhiwo esinexabiso, njengoko sivavanywe liGosa loLawulo lweZakhiwo, elingaphezulu kwama-R1 000 000.
 - (b) Inikeze okanye ingavumi naluphina utshintsho lwendawo yokuhlala, ukuyishiya okanye ukuvunywa kokusebenzisa ungcazazo lwemali (casino) okanye naluphina ushishino, urhwebo okanye uphuhliso lwamashishini, okanye naluphina ulungiso okanye ukuguquguquka kuphuhliso olunjalo nokuba lumalunga nomhlaba ongoweBhunga okanye mhlawumbi xa ungcazazo lwemali okanye uphuhliso ekuthethwa ngalo luthe lachazwa yiKomiti yesiGqeba esiLawulayo okanye iLungu lesiGqeba esiLawulayo elibambe isikhundla socwangciso ezidolophini kunye nendalo esingqongileyo njengophuhliso lobuchule. Ibhunga elingaphantsi lingagqithisa izimvo zalo kwiKomiti yesiGqeba esiLawulayo okanye kwiLungu lesiGqeba esiLawulayo ngokwalo ndlela kuyiyo, malunga ngawo nawuphina umba osele ukhankanyiwe.
 - (c) Ibhunga elingaphantsi akufunekanga ukuba ngaphambi kokuba, kuqala, iKomiti yesiGqeba esiLawulayo okanye iLungu lesiGqeba esiLawulayo elijongene nemiba enjengalo livumele ukucetywa kwesindululo sokwenza nasiphina isicelo okanye liqalise naliphina inyathelo lamatyala kwiNkundla ePhakamileyo yaseMzantsi Afrika okanye nayiphina inkundla yezinga elilinganayo okanye eliphezulu.
 - (d) Nangaliphina ixesha isakhiwo nesiphina esikaMasipala okanye nayiphina into echazwe ku—3 kuLudwe lweeNkqubo 2 iza kusetyenziselwa iinjongo zorhwebo okanye inzuzo, ixabiso loko liya kuhambelana nezikhokhelo ezichazwe yiKomiti yesiGqeba esiLawulayo kusetyenziso olunjalo.
 - (e) Xa lithe ibhunga elingaphantsi laseka imarke, indawo yokugcina okanye indawo yokupakisha iimoto zoluntu jikelele echazwe ku-11, 14 no-16 kuLudwe lweeNkqubo 2, ukufunyanwa kwawo nawuphina umhlaba ofunekayo kuyo nayiphina injongo kwezi zichaziweyo, oko kuya kujongwa kuphela yiKomiti yesiGqeba esiLawulayo.
 - (f) Igunya lokulawula ukusetyenziswa kweendawo zikawonke-wonke okuchazwe ku-15 woLudwe lweeNkqubo 2 akusayi kuquka igunya lokuthatha nasiphina isigqibo okanye inyathelo ngokomthetho obizwa ngokuba yi-Regulation of Gatherings Act 205 ka-1993.

17. INQANAM LOKUNGENISWA KWEMISEBENZI

- (1) Ibhunga elingaphantsi lingasebenzisa kuphela igunya elilinikeyo kangangoko xa amalungiselelo enziwe kuhlahlo lwabiwo-mali oluvunyiweyo kwaye kukwakho nowiso-mthetho okanye inkqubo yeBhunga ekuxhaseni ukusetyenziswa kwelo gunya.
- (2) Zingaphelanga iintsuku ezingama-30 emva kokusekwa kwamabhunga angaphantsi, ibhunga elingaphantsi ngalinye liya kudibana ukuze liqwalasele ubungakanani kwakunye nohlobo elinokuthi, ngokwezinto zengingqi ekufuneka zenziwe kuqala, imisebenzi ekuLudwe lweeNkqubo 2 ekufuneka yenziwe kummandla walo, lize libeke loo misebenzi ngohlobo lokuba ngowuphina ekufuneka wenziwe kuqala kunomnye.
- (3) Umlungelelanisi kwibhunga elingaphantsi ngalinye uya kuthi zingaphelanga iintsuku ezilishumi elinesine (14) zentlanganiselo echazwe kwicandelwana (2), anikeze uManejala weSixeko uluhlu olubonisa amabhunga angaphantsi indlela anqwenela ngayo ukwenza imisebenzi yawo engendlela ebeka imisebenzi ngohlobo lokuba ngowuphina ekufuneka wenziwe kuqala kunomnye.
- (4) UManejala weSixeko uya kudibanisa olu luhlu lwezinto zokuqala oluchazwe apha ngasentla kuludwe olunye aze agqithise olo ludwe ngaphambi kweKomiti yesiGqeba esiLawulayo.
- (5) IKomiti yesiGqeba esiLawulayo emva kokuba iqwalasele olu ludwe lweenkqubo oluchazwe kwicandelwana (4) inga—
 - (a) lwamkela uludwe lweenkqubo njengoko lugqithisiwe; okanye
 - (b) lwamkela uludwe lweenkqubo lineenguqulelo okanye ukutshintsha okuthile ngokunxulumene nebhunga elingaphantsi elinye okanye amaninzi okanye ewonke; okanye
 - (c) cela ibhunga elingaphantsi elinye okanye amaninzi okanye ewonke ukuba aqwalasele ngokutsha uluhlu lulonke okanye imiba ethile kwimisebenzi yawo ebekwe ngohlobo lokuba ngowuphina ekufuneka wenziwe kuqala kunomnye; okanye
 - (d) bekela bucala uluhlu lulonke okanye nayiphina inxenywe yalo kwimisebenzi ebekwe ngohlobo lokuba ngowuphina ekufuneka wenziwe kuqala kunomnye egqithiswe libhunga elinye okanye amaninzi okanye ewonke ize ifune ukuba umgaqo obekwe kwicandelwana (2) uphinde ulandele.

- (6) IKomiti yesiGqeba esiLawulayo xa isebenza ngokwecandelwana (5)(a) okanye (b) iya kwenza njalo kuphela xa kwenziwe amalungiselelo enkcitho leyo ichaziweyo nethe yamkelwa kuhlalo lwabiwo-mali kwaye kukwakho nowiso-mthetho okanye inkqubo yeBhunga ekuxhaseni ukwenziwa kwamagunya anikezelweyo.
- (7) Emva kokuba iKomiti yesiGqeba esiLawulayo ithe yathatha isigqibo ngokwecandelwana (5)(a) okanye (b) nelithobelana necandelwana (6), uManejala weSixeko uya kuthi aqithise isaziso kuluntu lonke jikelele nesiya kuthi sibhengezwe kwiGazethi yePhondo kunye nakoonondaba bemihla ngemihla.
- (8) Ngaphandle kokuphikisana nalo naliphina kumalungiselelo awandulelayo, ibhunga elingaphantsi lingathi nangaliphina ixesha lenze iingxelo kwiKomiti yesiGqeba esiLawulayo malunga ngawo nawuphina umba okuthethwa ngawo kwicandelwana (2).

18. UNIKEZELO LWAMAGUNYANA (SUBDELEGATION)

- (1) Ibhunga elingaphantsi linganikezela amagunyana kuyo nayiphina ikomiti esekwe lilo naliphina igunya enikezwe lona ngokwecandelo 14, ngokuxhomekeka kulo komiti eya kuthi inikeze ingxelo rhoqo ngenyanga kwibhunga elingaphantsi ekusetyenzisweni kwamagunya.
- (2) Ibhunga elingaphantsi, ngesisombululo esamkelwe ngamalungu akhoyo kwintlanganisano, lingarhoxisa naluphina ugunyaziso olunikezwe phantsi ngokwecandelwana (1).
- (3) Naluphina unikezelo lwamagunyana olwenzelwe amalungiselelo kwicandelwana (1) luya kuxhomekeka kumalungiselelo kumacandelo 15, 16 no-17.

19. AMAGUNYA ASECALENI

- (1) Ngokuxhomekeka kumalungiselelo amacandelo 15, 16 no—17, ibhunga elingaphantsi okanye nayiphina ikomiti esebenza phantsi konikezelo lwamagunyana ngokwecandelo 14, lingazenza izenzo ezinjalo liphinde lenze izinto ezinjalo xa zifanelekile ukuze lisebenze ngendlela efanelekileyo igunya elinjalo.
- (2) Ibhunga elingaphantsi egameni likaMasipala lingenza oku kulandelayo—
 - (a) ngokunxulumene nawo nawuphina umba okanye imeko elinamagunya kuyo ekulawuleni ngokwecandelo 14, liqalise iinkqubo zoluntu kuyo nayiphina inkundla echazwe kumthetho obizwa ngokuba yi-Magistrates' Courts Act 32 ka-1944; kunye
 - (b) nogunyaziso lomsebenzi weBhunga njengoko kuchazwe kwicandelo 112 le-Systems Act ekuqaliseni iinkqubo zolwaphulo-mthetho ngokunxulumene nokuchasana okanye ukungaphumeleli ekuthobeleni amalungiselelo ommiselo, ulawulo obelunikezwe kwelo bhunga elingaphantsi ngokwecandelo 14.

ISIAHLULO 3: ISISEKO ESILUNGILEYO SEZIMALI

20. IMALI

KuMasipala kuya kubakho oku kulandelayo—

- (a) Ingxowa-mali enye yengeniso
- (b) Uhlalo lwabiwo-mali olunye olukhulu
- (c) Uhlalo lwabiwo-mali olunye olusebenzayo.

21. UNCEDO NGEZIMALI KWIMISEBENZI YAMABHUNGA ANGAPHANTSI

- (1) IBhunga liya kuthi kwiinkqubo zalo zohlalo lwabiwo-mali nangokuxhomekeka kwisicwangciso salo sophuhliso olumanyanayo, rhoqo ngonyaka kuhlalo lwabiwo-mali lwalo olusebenzayo lenze amalungiselelo enkcitho koku kulandelayo—
 - (a) Ukugcinwa kunye nokusebenza kwee-ofisi kwakunye nezinye izibonelelo zomsebenzi elibonelelwe ngazo ibhunga elingaphantsi.
 - (b) Ukugcinwa nalapho umba othile ochazwe kuLudwe lweeNkqubo 2 uthi ufune inkcitho esebenzayo, kananjalo namaxabiso omsebenzi adibene noku kwimiba ebekwe kuLudwe lweeNkqubo 2.
- (2) IBhunga liya kuthi rhoqo ngonyaka kuhlalo lwabiwo-mali lwalo olukhulu lwenze amalungiselelo lwemisebenzi okanye uphuhliso kummandla webhunga elingaphantsi ngokuhambelana nesicwangciso sophuhliso olumanyanayo kuMasipala : Ingakumbi ukuba isicwangciso esinjalo siye samkelwa liBhunga, ulwabiwo lwengxowa-mali kuhlalo lwabiwo-mali olukhulu luya kuthi, ngokubalulekileyo ingekuko okukodwa, ibe kukunyusa umgangatho, ukuphucula nokwandisa iinkonzo kunye nemisebenzi kwimimandla eneemfuno ezininzi.

22. UGUNYAZISO LWENKCITHO

Inkcitho ngokunxulumene nommandla webhunga elingaphantsi kuhlalo lwabiwo-mali olukhulu kunye nolusebenzayo iya kugunyaziswa yiKomiti yesiGqeba esiLawulayo okanye iLungu lesiGqeba esiLawulayo eligunyazisiweyo kwaye iKomiti enjalo okanye iLungu liya kuchaza uhlobo nobunjani bonikezelo lwalo magunya.

23. IINGXELO ZEZIMALI

Zonke iingxelo zezimali ezinxulumene nonikezelo lwemali kunye nengeniso kwakunye nenkcitho kwimimandla yamabhunga angaphantsi iya kuba yeyeBhunga neselugcinweni lukaManejala weSixeko; Ingakumbi ukuba iikopi zingagcinwa kwii-ofisi zebhunga elingaphantsi ukuze uluntu jikelele lufumane ulwazi.

ISIAHLULO 4: UKUPHIKISANA NGEZISOMBULULO

24. IIMPIKISWANO EZILUDIDI LWEZOPOLITIKO

Xa—

- (a) ibhunga elingaphantsi kwelinye icala; okanye
- (b) iKomiti yesiGqeba esiLawulayo okanye iLungu lesiGqeba esiLawulayo kwelinye icala. Iphikisana ngomba wenkqubo ethile okanye ubuchule obusisiseko sezopolitiko, la maqela achaphazelekayo aya kuthi enze uthethathethwano kuze xa uthethathethwano olunjalo luthi alwaphumelela, lo mpikiswano iya kugqithiselwa kwikomiti yamalungu ebhunga esekwe yiKomiti yesiGqeba esiLawulayo, ize ithi yakuba macala omabini, ikomiti iya kwenza isigqibo esiya kuba sesokugqibela sikwadibanisa lo maqela achaphazelekayo.

25. IIMPIKISWANO EZINGEZIZO EZOPOLITIKO

Xa uManejala weSixeko okanye naliphina ilungu lolawulo, ngenxa yenyathelo okanye isigqibo sebhunga elingaphantsi kuso nasiphina isizathu esibekwe kwicandelo 26, lithe alavumelana nenyathelo elinjalo okanye isigqibo, uManejala weSixeko okanye ilungu elo elichaphazelekayo liya kuwugqithisela umba lowo kwiLungu lesiGqeba esiLawulayo kwezo zikhundla umba uwela kuzo, kuze apho umba lowo ungaweli kuso nasiphina isikhundla, uyakuthi ugqithiselwe kuSibonda.

26. ISISEKO SOKUNGAVUMELANI KUMBA ONGENGUWO OWEZOPOLITIKO

UManejala weSixeko okanye ilungu lolawulo alisayi kuvumelana nalo naliphina inyathelo okanye isigqibo sebhunga elingaphantsi elinokuthi—

- (a) lingangunobangela okanye libe ngunobangela wenkcitho engaphaya okanye inkcitho engagunyaziswa;
- (b) lichasana nomthetho okanye isizathu esinokubangela okanye obangela ukuba iBhunga okanye ulawulo lusebenze ngokungekho semthethweni;
- (c) liphikisana nayo nayiphina inkqubo, isicwangciso, udweliso lwenkqubo okanye ubuchule beBhunga, nako okungavumelaniyo nalo naliphina inyathelo okanye isigqibo njengoko sele kuchaziwe ngasentla xa kufuneka lithobelene ngokwecandelo zalo, lingadali mdlala kubahlali belo bhunga langaphantsi okanye abahlali bakaMasipala jikelele.

27. INYATHELO KUMBA OPHIKISIWEYO ONGENGUWO OWEZOPOLITIKO

Ngokuxhomekeka kumhlathana (b)—

- (a) iLungu lesiGqeba esiLawulayo okanye uSibonda ekuthe ukuphikisana okukhoyo kwagqithiselwa kuye ngokwecandelo 25 uya kuthi, emva kokuqwalasela imiba yonke, enze ukuzimisela okuya kuthi ibe kokokugqibela bokudibanisa ibhunga elingaphantsi elichaphazelekayo kunye nolawulo;
- (b) xa le mpikiswano kuthethwa ngayo ithi ichaphazele isikhundla seLungu lesiGqeba esiLawulayo elichazwe kumhlathana (a) kunye nelinye ilungu okanye ezinye izikhundla ezininzi, iLungu lesiGqeba esiLawulayo elichaphazelekayo liya kuwugqithisela lo mba kwiKomiti yesiGqeba esiLawulayo ukuze umiswe;
- (c) iKomiti yesiGqeba esiLawulayo iya kuqwalasela nawuphina umba ochazwe kumhlathana (b) ize yenze ukuzimisela okuya kuthi ibe kokokugqibela nokudibanisa ibhunga elingaphantsi elichaphazelekayo kunye nolawulo.

ISIAHLULO 5: ULAWULO KUNYE NOPHAZAMISEKO

28. ULAWULO

- (1) iKomiti yesiGqeba esiLawulayo kunye namaLungu esiGqeba esiLawulayo aya kulawula indlela asebenza ngayo kunye nomsebenzi wamabhunga angaphantsi.
- (2) Xa lithe ibhunga elingaphantsi lashiya, lachasa okanye alathobelana namalungiselelo alo Mmiselo okanye nawuphina ummiselo, inkqubo, udweliso lwenkqubo, isicwangciso okanye ubuchule beBhunga obusebenzayo okanye obugunyazisiweyo kummandla webhunga elingaphantsi, iKomiti yesiGqeba esiLawulayo liya kuthi phantsi kwesandla sikaSibonda ibhale phantsi, iyalele elo bhunga elingaphantsi ukuba lithobele amalungiselelo alo Mmiselo okanye inkqubo, udweliso lwenkqubo, isicwangciso okanye ubuchule obuchaphazelekayo kwixesha elichaziweyo kwesi saziyo sichazwe apha ngasentla.

29. UKUPHAZAMISA

- (1) Kwimiba apho ibhunga elingaphantsi lithi lingathobeli isaziyo esichazwe kwicandelo 28(2) kwixesha elichaziweyo, iKomiti yesiGqeba esiLawulayo iya kuthi, ngaphandle kwesaziyo esingezinye, igunyazise nabanina okanye amanye amaninzi kula manyathelo alandelayo ukuba athatyathwe:
 - (a) Ukupheliswa kukonke okanye inxenye yamagunya okwenza isigqibo kwibhunga elingaphantsi.
 - (b) Ukurhoxiswa kwibhunga elingaphantsi ugunyaziso kunye nomsebenzi onxulumene nolo gunyaziso.
 - (c) Ukurhoxiswa emagunyeni kwebhunga elingaphantsi kwigunya lokuthatha nasiphina isigqibo esiya kubangela inkcitho kuhlalo lwabiwo-mali olukhulu okanye ulwabiwo-mali olusebenzayo.
 - (d) Ukuyekiswa umsebenzi kwamalungu ebhunga elingaphantsi.
 - (e) Naliphina elinye inyathelo elibonwa lifanelekile kwiimeko ezinjalo.
- (2) Xa iKomiti yesiGqeba esiLawulayo isebenza ngokwamacandelwana (1)(a), (b) okanye (d) kufuneka yabele amagunya elinye iqela lezopolitiko lweBhunga.

- (3) Xa iKomiti yesiGqeba esiLawulayo isebenza ngokwecandelwana (1)(c) kufuneka ithathe izigqibo ezinxulumene noko okanye igunyazise elinye iqela lezopolitiko okanye uManejala weSixeko ukuba enze njalo.
- (4) Xa iKomiti yesiGqeba esiLawulayo isebenza ngokwecandelwana (1)(d), amalungu ebhunga elingaphantsi elichaphazelekayo kufuneka ayke ukubamba nawaphina amagunya ekuthatheni isigqibo.
- (5) Xa iKomiti yesiGqeba esiLawulayo isebenza ngokwecandelwana (1) iya kuchaza umhla oyakuthi nawaphina amalungiselelo emihlathi (a) ukuya ku-(d) aqalise ukusebenza.

30. UKWENZA INGXELO KWIBHUNGA

- (1) Xa iKomiti yesiGqeba esiLawulayo isebenza ngokwecandelo 28 okanye icandelo 29 kufuneka igqithise ingxelo egcweleyo ngamanyathelo ayo kunye nezizathu kwiseshini elandelayo yeBhunga.
- (2) Kwimiba apho inyathelo lithathwe ngokwecandelo 29, iBhunga lingacela iKomiti yesiGqeba esiLawulayo ukuba iphinde iqwalasele ngokutsha inyathelo ethe yalithatha ize igqithise ingxelo engenye kwiBhunga.

31. UKUPHELISSA KOKUPHAZAMISANA

- (1) Xa sele iKomiti yesiGqeba esiLawulayo yonelisekile ukuba iimeko ezithe zakhokhelela ekuphazamisaneni ngokwecandelo 29 ziyekile ukucela okanye zisonjululwe ngendlela eyoneliso, iya kukuphelisa oko kuphazamisana.
- (2) Xa sele kuphelisiwe oku kuphazamisana ngokwecandelo (1), ibhunga elingaphantsi elichaphazelekayo liya kuqalisa ukusebenza njengebhunga elingaphantsi ngokwalo Mmiselo.

ISIAHLULO 6: IMIBA JIKELELE

32. UKUBHENGEZWA KULUNTU JIKELELE KOMMISELO

- (1) Ibhunga elingaphantsi liya kugcina ikopi echanekileyo yalo Mmiselo ebandakanye zonke izilungiso kwi—
 - (a) Oofisi zalo kummandla webhunga elingaphantsi.
 - (b) Kwithala leencwadi ngalinye kummandla webhunga elingaphantsi.
- (2) Nawuphina umntu kuluntu jikelele, ngaphandle kwentlawulo, angenza ikopi okanye acaphule kuyo nayiphina kwiikopi zalo Mmiselo njengoko kuchaziwe kwicandelwana (1).

33. UKWAHLUKANISWA

- (1) Xa iBhunga linokuphela ngokwecandelo 34 le-Structures Act, amabhunga angaphantsi nawo ngokunjalo aya kupheliswa.
- (2) IBhunga lingaxhomekeka kwicandelwana (3) ngokulungisa imida yalo naliphina okanye amaninzi okanye ewonke amabhunga angaphantsi kwimiba yemida yeewadi kummandla kaMasipala ukuba kumiswe imida ngokutsha kwaye iBhunga nalo lingathi longeze okanye lisuse kumabhunga angaphantsi naliphina igunya elichazwe kwicandelo 14 noLudwe lweeNkqubo 2.
- (3) Xa lithe iBhunga lalungisa imida yamabhunga angaphantsi okanye longeze okanye lisuse kulo mabhunga angaphantsi naliphina igunya kwicandelo 14 noLudwe lweeNkqubo 2, liya kwenza njalo kuphela emva kokulandela inkqubo yokucebisana noluntu jikelele njengoko kuchaziwe kwicandelo 62 le-Structures Act.

34. IMIVUZO YAMALUNGU EBHUNGA

Ngaphandle kwemivuzo, imali evunyelweyo (allowances) kunye nenzuzo enikezwayo (benefits) ngokusemthethweni kuSihlalo webhunga elingaphantsi, ilungu lebhunga elingaphantsi okanye nayiphina ikomiti yebhunga elingaphantsi kunye nosihlalo wekomiti enjalo, abasayi kuhlululwa nawuphina umvuzo, imali evunyelweyo okanye inzuzo efumanekayo, ngaphandle komvuzo wesiqhelo okanye inzuzo enikezwayo ehlululwa ilungu lebhunga ngokomthetho obizwa ngokuba yi-Public Office Bearers Act 20 ka-1998.

35. IZIBHENO

- (1) Nawuphina umntu okholelwa ukuba amalungelo akhe okanye izinto anomdla kuzo zichaphazeleka ngendlela engalunganga okanye engenabulungisa kulo naliphina inyathelo okanye isigqibo esithathwe libhunga elingaphantsi uya kuba nelungelo lokwenza isibheni ngokuchasene nelo nyathelo okanye isigqibo ngokwala malungiselelo alandelayo eli candelo.
- (2) Isibheni ekuthethwa ngaso kwicandelwana (1) siya kubhalwa phantsi kwaye sicacise ngokukodwa oku kulandelayo—
 - (a) Ilungelo okanye into onomdla kuyo echaphazeleka ngendlela engalunganga okanye engenabulungisa.
 - (b) Inyathelo okanye isigqibo eso kuthethwa ngaso.
 - (c) Isiseko sesibheni.
 - (d) Indlela yokulungisa, kwaye nawuphina umntu ongakwaziyo ukufunda nokubhala kufuneka ancedwe xa ecela njalo ngumlungelelanisi webhunga elingaphantsi ojongene nokwenza ingxelo ecacileyo yesibheni salo mntu.
- (3) Esi sibheni kufuneka sigqithiswe kumlungelelanisi webhunga elingaphantsi noya kuthi asigqithisele kwiLungu lesiGqeba esiLawulayo elinesikhundla esijongene nokwenza oko, ukuze xa isibheni sinxulumene nezikhundla ezininzi okanye asinako ukunxulumaniswa nesikhundla esithile, sigqithiselwa kuSibonda. Umlungelelanisi webhunga elingaphantsi uya kuthi kwangexesha elinye athumele ikopi yesibheni kuManejala weSixeko.
- (4) ILungu lesiGqeba esiLawulayo okanye uSibonda kengoko uya—

- (a) kufuna ibhunga elingaphantsi ukuba ligqithise ingxelo ngesi sibheni ngomhla ochaziweyo kwibhunga elingaphantsi;
- (b) kucela uManejala weSixeko ukuba agqithise naziphina izimvo anqwenela ukuzigqithisa;
- (c) kunikeza umntu ofake isibheni (appellant) iikopi zengxelo evela kwibhunga elingaphantsi kunye nezimvo, xa zikhona, ezivela kuManejala weSixeko;
- (d) xa kucingwa ukuba kufanelekile, kuya kucelwa umntu ofake isibheni ukuba eze ngaphambili ngokwakhe ekugqithiseni isibheni;
- (e) emva koko, achaze umba lowo aze acebise lo mntu ofake isibheni kunye nebhunga elingaphantsi malunga nesigqibo sakhe.

Ngaphandle kokuba endaweni yokubela uqobo kudliwano-ndlebe lesibheni, iLungu lesiGqeba esiLawulayo okanye uSibonda emva kokuba elandele imigaqo ekwimihlathi (a) ukuya ku-(d) angawugqithisela lo mba kwiKomiti yesiGqeba esiLawulayo ukuze kwenziwe okuya kuthi kumiswe okanye kuzinziswe.

- (5) Xa iBhunga lithe lafumana inkundla yamatyala (tribunal) ukuba imamele izibheni, ukuqoka nezibheni ezilolu hlobo luchazwe kweli candelo, iLungu lesiGqeba esiLawulayo elijongene noku okanye uSibonda, endaweni yokulandela imigaqo yecandelwana (4) bangayalela ukuba isibheni esinjalo sigqithiselwe kwinkundla yamatyala ukuze kujongwane naso ngokuhambelana nemigaqo esetyenziswa kuyo.

36. UKUBEKA ESICHENGENI IBHUNGA

Ngaphandle kwalo naliphina igunya elinikwe ibhunga elingaphantsi okanye naliphina igunyana elinikwe ikomiti yebhunga elo elingaphantsi, iBhunga liya kuhlala lisesichengeni ngenxa yezenzo okanye iintshiyekela zelo bhunga elingaphantsi.

37. AMALUNGELO AWODWA KWAKUNYE NENDLELA YOKUNGACHUKUNYISWA(IMMUNITIES)

Ngaphandle kwamalungiselelo ecandelo 28 le-Structures Act, amalungu ebhunga xa esebenza njengamalungu ebhunga elingaphantsi okanye nayiphina ikomiti yebhunga elingaphantsi elo, awathi xa esebenza njalo, abe namalungelo awodwa kunye nokungachukunyiswa okuchazwe njalo kwicandelo 28.

38. ITAYITILE EMFUTSHANE

Lo Mmiselo ubizwa ngokuba nguMmiselo 1 ka-2001 wamaBhunga aNgaphantsi eSixeko saseKapa.

ULUDWE LWEENKQUBO 2

AMAGUNYA ANIKEZELWEYO KUNYE NEMISEBENZI

1. Ngokuxhomekeka kwimiyalelo kunye namagunya eGosa loLawulo lweZakhiwo eliqeshwe ngokwecandelo 5 le-National Building Regulations and Standards Act 5 ka-1977, ukuvunywa kwezicwangciso zolwakhiwo kwimiba apho eli Gosa loLawulo neZakhiwo lichazwe ngasentla linganikezwanga magunya.
2. Ngokuxhomekeka kusetyenziso lulonke lomhlaba, ezothutho, ubuchule okanye ezinye iindlela zocwangciso ezamkelwe liBhunga nezigunyazisiweyo kummandla webhunga elingaphantsi—
 - (a) Ukwenziwa kwamalungiselelo, ukwamkelwa kunye nolawulo ngokuhambelana nalo naluphina uwisio-mthetho olusebenza kulo ndawo, lwesicwangciso solwakhiwo lwengingqi iyonke okanye nayiphina inxenye yommandla webhunga elingaphantsi;
 - (b) Ukunikezelwa, ngaphandle kweemeko ezithile okanye kwiimeko ezinjalo, okanye ukungavunywa kwaso nasiphina isicelo solwakhiwo ngokutsha lwemida, ukushiya okanye imvume yokusebenzisa ngokwayo nayiphina indlela yolwahlulo lwemida okanye inkqubo yesicwangciso sedolophu okanye imimiselo egunyazisiweyo kummandla webhunga elingaphantsi;
 - (c) Ukugunyaziswa kwemimiselo yaso nasiphina isicwangciso sedolophu okanye inkqubo yolwahlulo lwemida;

Ngaphandle kokuba isicwangciso solwakhiwo lwengingqi ekuthethwa ngaso kumhlathi (a) side samkelwa, amalungiselelo ayo nayiphina inkqubo yesicwangciso sedolophu okanye ulwahlulo lwemida iya kusebenza ngeenjongo zemihlathi (b) no-(c).
3. Ukugcinwa, ukusetyenziswa kunye nokuqeshisa, xa kufanelekile, kwaso nasiphina isakhiwo sikamasipala okanye isibonelelo esinjalo, nalapho ulawulo luphantsi kweKomiti yesiGqeba esiLawulayo kungathi ngamaxesha athile kunikezwe kwibhunga elingaphantsi kula manqanaba alandelayo—
 - (a) izakhiwo apho kukho khona ii-ofisi zebhunga elingaphantsi kunye neendawo zokudibana.
 - (b) amathala eencwadi, ngaphandle kokuthengwa okanye ukufunyanwa kweencwadi nezinye izinto;
 - (c) ngokuhambelana nawo nawuphina ummiselo owenziwe phantsi komthetho obizwa ngokuba yi-Sea-shore Act 21 ka-1935 kodwa ongaquki ukhuselo nokhuseleko, ulawulo lolwandle elikulo mmandla kunye nasiphina isakhiwo esikolo lwandle ngaphandle kwesakhiwo omnye umntu okanye iqela elithile lithe lanikezwa ilungelo lokuba lingahlala kuso;
 - (d) naziphina izibonelelo ezithe zanikezwa liBhunga njengeendawo zokuhlala, ukukhathalelwa kunye nokungcwatywa kwezilwanyana;
 - (e) ulawulo lwezinto eziluncedo zengingqi kunye nezibonelelo zezemidlalo kwingingqi;
 - (f) ulawulo lweendawo zokuphola (iipaki) zikamasipala neendawo zokonwaba, ngaphandle kwayo nayiphina ipaki okanye indawo yokonwaba enikezwe yiKomiti yesiGqeba esiLawulayo nengekho phantsi kolawulo lwebhunga elingaphantsi;

Ngaphandle kokuba iKomiti yesiGqeba esiLawulayo ingathi, nangaliphina ixesha, irhoxise ukusetyenziswa kwaso nasiphina isakhiwo okanye isibonelelo esikhoyo xa icinga ukuba kufanelekile ukwenza njalo, xa abahlali benqwenela njalo kummandla webhunga elingaphantsi okanye ukugcinwa kwesakhiwo esinjalo okanye isibonelelo.
4. Ngokuhambelana noMmiselo ogqithiswe liBhunga okanye nawuphina uMmiselo osebenza ngokusemthethweni kummandla webhunga elingaphantsi, ibhunga elingaphantsi liya kulawula iibhodi zezibhengezo kwakunye nokuxhonywa kwezibhengezo kwiindawo zikawonke-wonke.
5. (a) Ibhunga elingaphantsi kufuneka lilawule ukucoceka kommandla walo, ukuquka ukususwa kwayo yonke inkunkuma, kwaye kumba onjalo, ngaphandle kwaso nasiphina isigqibo esithathiweyo, ukucoceka kommandla webhunga elingaphantsi okanye inxenye yalo, ukuba ngaba alilawulwa ngendlela efanelekileyo, ibhunga elingaphantsi liya kuwugqithisa umba onjalo kwiKomiti yesiGqeba esiLawulayo.
- (b) Ibhunga elingaphantsi liya kulawula nawuphina ummiselo owenziwe phantsi kwecandelo 24 lomthetho obizwa ngokuba yi-Environment Conservation Act 73 ka-1989.
6. Ngokuhambelana nomthetho, ukuquka nawuphina ummiselo ogqithiswe liBhunga, ibhunga elingaphantsi liya kuthatha inyathelo elifanelekileyo kwiimeko ezithile ukukhusela okanye ukudambisa naziphina iinkathazo zoluntu jikelele kummandla walo.
7. Ngokuxhomekeka kulo naluphina uwisio-mthetho kunikezelo lwephepha-mvume (ilayisensi) yokuthengiswa kotywala kunye nawuphina uMmiselo ogqithiswe liBhunga, ibhunga elingaphantsi liya kulawula iindawo ezinjalo ezithengisa utywala eluntwini.
8. Ibhunga elingaphantsi lingalawula liphinde limise kakuhle iingcingo neendlela zokubiya, ngaphandle kweengcingo kunye nobiyo olukufutshane nemihlaba nezakhiwo zikaRhulumente okanye ezeBhunga. Ngeenjongo zalo mhlathi, la magama ukubiywa kunye neengcingo kuquka ukwenziwa kwamabonda kunye namadonga.
9. Ibhunga elingaphantsi ngokuhambelana nawo nawuphina umthetho, ukuquka noMmiselo ogqithiswe liBhunga, linganikeza iphepha-mvume (ilayisensi) yezinja liphinde ngokuxulumene noku, linciphise inani lezinja ezinokugcinwa kumzi ngamnye. Ngaphandle kokuba iBhunga liya kwamkelwa umrhumo okanye irhafu kuqala ekunikezeni ilayisensi yezinja, inkqubo enjalo iya kongezeleka iye kwingxowa-mali yengeniso yeBhunga.
10. Ngokuhambelana noMmiselo ogqithiswe liBhunga, ibhunga elingaphantsi liya—
 - (a) Kunikeza iphepha-mvume okanye ilayisensi okokuqala kulo ndawo ekufaneleke ukuba iyinikwe nethengisa okanye eneenjongo zokuthengisa ukutya kuluntu jikelele.
 - (b) Kuhlaziya rhoqo ngonyaka ilayisensi yendawo echazwe apha ngasentla ngaphandle kokuba abalawuli okanye indlela esebenza ngayo lo ndawo ibonakala kuninzi lwabantu abangamalungu ebhunga elingaphantsi ngathi ingadala ingozi okanye ibenobungozi kulo naliphina ilungu loluntu jikelele elithenga rhoqo kule ndawo yentengiso, kwaye xa kunjalo, ilayisensi enjalo ayinako ukuphinda ihlaziye.

- (c) Kurhoxisa ilayisensi yendawo yentengiso ebitha yanikezelwa ilayisensi ngokomhlathi (a) okanye ibinikezwe ithuba lokuhlaziya ilayisensi ngokutsha ngokomhlathi (b), kwaye xa litha ibhunga elingaphantsi lafumanisa ukuba abalawuli okanye indlela esebenza ngayo lo ndawo ibonakala ngathi ingadala okanye ibenobungozi kulo naliphina ilungu loluntu jikelele elithenga rhoqo kule ndawo yentengiso.
- (d) Nanini na xa ibhunga elingaphantsi lirhoxisa ilayisensi ngokomhlathi (c) aze nomntu oqhuba olo shishino angaphumeleli okanye angahoyi okanye angafuni ukuyeka eli shishini, ibhunga elingaphantsi lalo ndawo lingasebenzisa umyalelo ofanelekileyo osuka kwinkundla kamantyi;
- Ngaphandle kokuba —
- (i) nawuphina umrhumo okanye irhafu yelayisensi ngokunxulumene nala malungiselelo angasentla iya kwamkelwa liBhunga; kunye nokuba
- (ii) ukuqhubeka kwawo nawuphina umrhumo okanye irhafu kufuneka wongezeleke kwingxowa-mali yengeniso yeBhunga.
11. Ibhunga elingaphantsi lingaseka, lisebenzise liphinde lilawule imveliso entsha okanye umsebenzi wobugcisa okanye iimarike ngaphandle kokusekwa, ukusebenza kunye nokulawula iimarike zemveliso entsha zikazwelonke nezemimandla.
12. Ibhunga elingaphantsi kummandla walo linga—
- (i) gunyazisa ukulungiswa kweendlela ezikumahlomela eedolophu (suburban roads) kulo mmandla;
- (ii) gunyazisa ukwakhiwa kweendlela ezikumahlumela eedolophu:
- Ngaphandle kokuba ibhunga elingaphantsi lingangabinalo naluphina ugunyaziso kuyo nayiphina indlela kwezikazwelonke okanye ezephondo okanye nayiphina indlela enikezwe yiKomiti yesiGqeba esiLawulayo njengendlela apho ibhunga elingaphantsi lingenalo naluphina ugunyaziso.
13. Ibhunga elingaphantsi ngokuhambelana nawo nawuphina ummiselo owenziwe ngokwecandelo 25 le-Environment Conservation Act 73 ka-1989 kunye nawuphina uMmiselo ogqithiswe liBhunga, lingathatha amanyathelo okukhusela okanye ukuphelisa naluphina ungcoliseko, lize lenze naluphina ungcoliseko olunokuvela kummandla walo ukuba luphele.
14. Ibhunga elingaphantsi ngokuhambelana noMmiselo ogqithiswe liBhunga, lingaseka, ligcine, lisebenzise liphinde lilawule iindawo zokugcina impahla efuyiweyo ethinjiweyo. Ngaphandle kokuba nawuphina umrhumo okanye irhafu yale njongo ingamkelwa liBhunga kufuneka yongezeleke kwingxowa-mali yengeniso yeBhunga.
15. Ibhunga elingaphantsi liya kulawula ukusetyenziswa kweendawo zoluntu jikelele, ubunini bazo obusezandleni zeBhunga ngaphandle kommandla wabo nabuphina ubukhoboka (servitude) obusezandleni zeBhunga okanye ngokunxulumene nemfanelo ebekwe kwiBhunga, ngaphandle kokuba iKomiti yesiGqeba esiLawulayo ngokubhala iimvume ikwakhuphela bucala ulawulo lwe-Regulation of Gatherings Act 205 ka-1993.
16. Ibhunga elingaphantsi lingaseka, ligcine, lisebenzise liphinde lilawule iindawo zokupaka iimoto njengoko kuchaziwe kuwiso-mthetho olusebenzayo lwezendlela okanye ukupakwa kweebhayisekile, iinqwelo zamahashe: Ngaphandle kokuba:
- (i) nawuphina umrhumo okanye irhafu yeenjongo ezinjalo ingamkelwa liBhunga;
- (ii) ukuqhubeka kwawo nawuphina umrhumo okanye irhafu kufuneka yongezeleke kwingxowa—mali yengeniso yeBhunga;
- (iii) igunya kengoko elinikezwe ukugcina, ukusebenzisa kunye nokulawula iindawo ezinjalo alisayi kuquka igunya lokunyanzelisa nawuphina umthetho wezendlela.

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