

## **IDRAFTI 3**

### **ISIXEKO SASEKAPA**

**UMTHETHO KAMASIPALA WEZENDLELA OSAYILWAYO, 2010**

### **IDrafti 3**

**Wenzelwa ukuwisa umthetho malunga nolawulo lwezothutho lukawonkewonke, ndawonye nolawulo lwezithuthi kuyo yonke imimandla ephantsi kolawulo lweSixeko saseKapa; nokuwisa umthetho malunga nazo zonke izinto ezibandakanyeka kwezothutho.**

#### **Intshayelelo**

NANGONA iCandelo 156(2) loMgaqo-siseko limemelela iSixeko ukuba ibe siso esinoxanduva lokusungula nokunqonqozisa imithetho kamasipala nje, ukuze siqinisekise ukuba yonke imiba ephantsi kolawulo lwaso ilawulwa ngendlela eyiyo;

NANGONA iSixeko sinamagunya okuyila imithetho kamasipala malunga nezothutho loluntu, nokuhamba kwezithuthi ndawonye nokumisa kwazo kuphela kwiindawo ezenzelwe oko, ngokwemiqathango yeSigaba B yeCandelo 4 neCandelo 5 loMgaqo-siseko ngokokulandelelana kwawo;

**NGOKO KE** iBhunga leSixeko saseKapa likhupha isindululo malunga nendlela oza **KUSEBENZA NGAYO LO MTHETHO KAMASIPALA:-**

#### **Ingcaciso**

1. Kulo Mthetho kaMasipala, ngaphandle kokuba iimeko ezithile zithetha enye into, esi sigama silandelayo sithetha oku:

**“uMthetho”** ubhekiselele kuMthetho wezeNdlela weSizwe, 1996 (Umthetho 93 ka-1996);

**“igosa eligunyazisiweyo”** eli binzana liquka aba bantu balandelayo:

- (a) Nabani na osebenzela iSixeko omsebenzi wakhe ikukuphonononga imiba yeelayisenisi zokusebenza ngeeteksi, ukuhlola izithuthi, ukuhlola iilayisenisi zokuqhuba, oligosa lindlela okanye oligosa elinqonqozisa umthetho wendlela, kungenjalo nabani na ke ogunyaziswe nguMphathiswa wezoThutho ngemiqathango yoMthetho wezeNdlela weSizwe ukuba abe liliso kwezendlela;

- (b) Nabani na ke owonyulwe siSixeko njengomhloli wezendlela ngokwemiqathango yecandelo 86 loMthetho ka-2009 weziThuthi ezihamba eMhlabeni weSizwe (uMthetho 5 ka-2009) ;

**“igosa eligunyazisiweyo”** uthetha ukuthi lowo uqeshwe siSixeko onikwe uxanduva lokwenza umsebenzi ngokwemiqathango yalo mthetho kamasipala;

**“ibhasi / uduladula”** uxela isithuthi esenzelwe ukukhwelisa abantu abangaphezi kwama-35, oko kuquka nomqhubi;

**ISixeko:** iSixeko saseKapa esasekwa ngokwesaziso sikarhulumente wePhondo esingunombolo 479 ka-2000 ngokwemiqathango yecandelo 12 loMthetho weziGqeba zikaMasipala (Municipal Structures Act) ophantsi koRhulumente wengingqi, 1998 (uMthetho 117 ka-1998);

**IBhunga: iBhunga leSixeko;**

**Umqhubi:** nabani na oqhuba okanye ozama ukuqhuba isithuthi, oqhuba okanye ozama ukuqhuba ibhayisekile, otsala isithuthi, umthwalo, okanye isilwanyana esinesali, okanye okhokela umhlambi. Igama **‘Ukuqhuba’** linentsingiselo ehambelana nale ixeliweyo;

**Indawo yokugcinisa:** ngokubhekiselele eziteksini – le yindawo yokugcinisa iteksi lo gama yona ingekafumani ndawo kwisikhululo seeteksi;

**Umnini:** ngokubhekiselele kwithokheni yokurenkisha / yokuthutha abantu – umnini-sithuthi onikwe ithokheni yokurenkisha / yokuthutha abantu ngokwemiqathango yecandelo 3(2);

**Umqokumbelo wendlela:** umda ophakathi kweligxa lendlela nodini lwendlela, le ndawo iphakathi kwesiphelo / komphetho wendlela nodini;

**Isithuthi:** nasiphi na isithuthi esizihambelayo, oko kuquka ezi zilandelayo:

(a) itreyila;

(b) isithuthi esinesinyathelo nenjini, zixhobo ezo ziyinxalenye yesithuthi eso/ zenzelwe kwisithuthi eso nezilungiselelwe ukusenza sihambe, kodwa sibe singaquki olu hlobo lulandelayo lwezithuthi:

(i) isithuthi esihamba ngamandla kagesi asuka kwiibhetri zogcino mandla futhi zilawulwa / zibhexeshwa ngabahambi ngeenyawo; okanye

(ii) isithuthi esinobunzima obungabethi ngaphaya kwe 230 kilogram nesibunjwe sakhiwa ngohlobo olulodwa, futhi silungiswe saluhlobo oluthile ngeenjongo zokuba sisetyenziswe ngabantu abakhubazekileyo futhi sisetyenziswe ngabo bantu kuphela;

;

**Isithuthi esingeyiyo imoto:** esi sisithuthi okanye isakhelo esisetyenziswa kwindlela yomhlaba sisenzelwa ukuthutha iimpahla okanye abantu. Sinokutsalwa sisilwanyana okanye ngabantu, kungenjalo sitsalwe ngabantu bencediswa luhlobo oluthile lwamandla – njengamandla asuka kumafutha amandulo;

**Ilayisenisi yokusebenza / iphepha-mvume lokusebenza:** eli binzana libhekiselele kwilayisenisi yokusebenza njengoko kuchaziwe kwicandelo 1 lomthetho weziThuthi ezihamba kwindlela yoMhlaba weSizwe, 2009 (uMthetho 5 ka-2009);

**Umnini:** ngokubhekiselele kwisithuthi, uxela:

- (a) nabani na onelungelo lokusebenzisa isithuthi ngokwemiqathango yomthetho / yesivumelwano asityikitye nalowo ukhutshelwe amagunya okuba nesithuthi eso;
- (b) nabani na lowo uxelwayo apha kumhlathana (a), ongadanga abe usibuyisele isithuthi kulowo unamagunya okuba nesithuthi eso ngokwesivumelwano esityikityiweyo phakathi kwesi sibini nesichaziweyo kumhlathana (a); okanye
- (c) lowo unezithuthi ngeenjongo zokuzithengisa, futhi elubhalisile ushishino olo ngokwemiqathango yemimiselo ephantsi kwecandelo 4 lomthetho. Igama elithi “**obangayo**” liyahambelana nentsingiselo echaziweyo ngalo mntu;

**Ukupaka / ukumisa imoto:** ukugcina isithuthi, sinabantu okanye singenabo, simile kangangexesha elide, elide ukwedlula elo lokukhwelisa okanye lokothula abantu / iimpahla, kodwa oko kungaquki elo lokugcinwa kwesithuthi sime kuloo ndawo ixesha elide kunene ngesizathu esingaphaya kwamandla omniniso;

**Ukunyuka isehla:** ukusebenza kwesithuthi sithutha abantu ukuze bona bahlawule okanye barhume;

**Ipemethe:** Ipemethe okanye iphepha-mvume elichaziweyo kwicandelo 1 lomthetho weziThuthi ezihamba kwindlela yoMhlaba weSizwe, 2009 (uMthetho 5 ka-2009);

**Isithuthi sikawonke-wonke:** esi sisithuthi esenzelwe ukuthutha abantu neempahla / imithwalo ukuze bona bahlawule okanye barhume, oko kuquka iitekisi neebhasi;

**Umsebenzi wothutho loluntu:** lo ngumsebenzi (ucwangcisiwe okanye ungacwangcwiswanga) wothutho lwabantu ezindleleni, loo nto isenokwenziwa phantsi kwesivumelwano okanye ngaphandle kwesivumelwano, nekulindeleke ukuba kubekho imali ehlawulwayo ngawo (mhlawumbi ke kubekho nolunye nje

uhlobo lwembuyekezo, oko kuquka *icabotage* ngokubhekiselele kuthutho lwabahambi ngeenyawo njengoko kucacisiwe kuMthetho weziThuthi zeNdlela oXananazileyo (Cross-Border Road Transport Act), 1998 (uMthetho 4 ka-1998). Ibinzana elithi “**isithuthi sikawonkewonke**” malitolikwe ngendlela eyiyo, ngaphandle kwakumaxa apho lingangeniyiyo ncam;

**Isikhululo / irenki:** ngokubhekiselele eziteksini, oko kuquka:

- (a) Indawo yotshintsha-tshintshwano lwezithuthi zikawonke-wonke okanye indawo ethile kwindlela kawonke-wonke apho iteksi inelungelo lokwehla isonyuka ithutha abantu ngeenjongo zokubuyekwezwa (zokuba abantu bahlawule okanye barhume);
- (b) Nayiphi na ke indawo ekhethiweyo okanye esikwe ngophawu lwendlela yangumda obonisa indawo yokumisa iiteksi kuphela,

**Ukurenkisha / ukuthutha abantu:** eli binzana lihambelana noku kuchazwe ngentla;

**Ithokheni yokurenkisha / yokuthutha abantu:** ithokheni efunyanwa ngokwemiqathango yecandelo 3;

**Indlela yezithuthi:** isiqephu sendlela, isitalato, okanye indlela ecanda phakathi kwezindlu (ephuculiweyo, eyakhiweyo, okanye eyenzelwe izithuthi nephakathi kwemiqumbelo yendlela);

**Iligxa:** isiqephu sendlela, isitalato, okanye indlela ecanda phakathi kwezindlu nephakathi komqumbelo wendlela kunye nomphetho wayo;

**Indawo yokumisa:** ngokubhekiselele:

- (a) Kwiteksi: indawo ekhethwe / ebunjwe siSixeko apho iteksi inelungelo lokukhwelisa okanye lokothula abantu ;
- (b) kwibhasi: indawo yokumisa eyahluliweyo apho ibhasi inelungelo lokumisa ikhwelise okanye yothule abantu;

**Iteksi:** isithuthi sikawonke-wonke esingeyiyo ibhasi, esenzelwe ukuthutha abantu okanye imithwalo / iimpahla ngeenjongo zembuyekezo (zokuba abantu bahlawule okanye barhume – njenge*minibus* okanye *imidibus*, okanye *imeter taxi*;

**Ummandla / indawo yeeteksi:** indawo yokupaka iteksi ngamaxesha athile, indawo yokumisa iiteksi, irenki / isikhululo seeteksi, nayiphi na ke enye indawo exelwe ngokucacileyo siSixeko ukuba ingumda wokusebenza kweeteksi;

**Unogada weeteksi:** nabani na lowo unikwe igunya lokonganela imicimbi yokumisa kweeteksi (nokuba kukwibala nje lazo okanye kusendleleni), oko kuquka le misebenzi ilandelayo:

- (a) Ukukhomba indawo evulelekileyo yokumisa; okanye
- (b) Ukuba liliso kwizithuthi xa abaninizo besabambeke kweminye imicimbi;

**Irenki yeeteksi / isikhululo seeteksi:** nayiphi na indawo exelwe ngokucacileyo ngophawu lwendlela ukuba ingumda wokusebenza kweeteksi;

**Ukurhwebesha:** ukucela abakhweli ngokubakhwaza, ubabethele ihuta kungenjalo ubabethele umlozi okanye wenze nayiphi na into ebarhwebeshayo.

**Isithuthi:** isakhelo esenzelwe ukuhamba ngamavili okanye ngokurhubuluza, oko kuquka isakhelo esithi sibotshelelwe kwisithuthi esitsalwayo mhla ngengxaki, elo ilicebo lokusisusa kwindawo yexhwayela, ngokuxhasa ii-asi ezi zesithuthi esitsalwayo (le ndlela yokutsala ayisebenzi kwizithuthi ezenzelwe ukuhamba emzileni kuphela).

## **ISAPHLUKO 2 INDAWO YOKUMISA**

### **Indawo yokumisa ngeenjongo zokwenza imali/ zokurhwebisa**

2.(1) Ngokwemiqathango yecandelwana (2), unoteksi orhweba ngokuthutha abantu ebasa kwiindawo ngeendawo, obathatha kwindawo ethile aye kubabeka kwenye, umele ze amise isithuthi sakhe kwisikhululo seeteksi kuphela, kungenjalo amise nakuyiphi na ke indawo yokumisa engumda osikelwe iiteksi kuphela.

(2) Singanxaxhanga kuyaphi kwimiqathango yecandelo (1), iSixeko sinegunya lokulungisa zonke izixhobo zethutyana ezifunekayo (kwiindawo zokumisa) ezalathwa ligosa eligunyazisiweyo njengezixhobo ezifanelekileyo kwiindawo zokumisa iiteksi ngamaxeshwa kaXakeka, okanye xa kukho iziyunguma ezikhoyo.

(3) Akusayi kubakho namnye umqhubi weteksi oya kuvunyelwa ukuba amise isithuthi sakhe kwindawo engengomda usikelwe iiteksi.

(4) Akusayi kubakho namnye umqhubi weteksi oya kuvunyelwa ukuba alande undlela-mfutshane ngokuthi aphinya-phinyele kwiindlela zasekuhlaleni ecanda imida engamiselwanga ziteksi kuba efuna ukukhwelisa okanye ukothula abantu, eyenza loo nto ngaphandle kwemvume yegosa eligunyaziselwe ukujongana nemiba yeempepa ezigunyazisayo.

### **lithokheni zokurenkisha/ zokuthutha abantu**

**3.(1)** Akusayi kubakho namnye umntu onelungelo lokurenkisha/ lokuthutha abantu kwisikhululo seetekisi engenayo ithokheni ekhutshelwa abaqhubi abavumelekileyo kwezi ndawo ngokwemiqathango yecandelwana (5).

(2) Akusayi kubakho namnye umntu oya kufumana ithokheni yokurenkisha / yokuthutha abantu engangenisanga (emagunyeni) iimpepha ezizezi zilandelayo:

- (a) Iphepha-mvume elibonisayo ukuba unalo ilungelo lokusebenza kuloo ndawo aza kuthutha kuyo;
- (b) Iphepha-mvume elibonisayo ukuba isithuthi sakhe sinelungelo lokuhamba kuloo ndlele;
- (c) Isazisi okanye iphepha-mvume lokuqhuba (ilayisensi);
- (d)** Amaphepha abonisayo ukuba esi sithuthi sakhe sibhaliswe ngokusemthethweni;
- (e) Incwadi engqinayo evela kumbutho weeteksi ovumelekileyo.

(3) Akusayi kubakho namnye umntu oya kufumana ithokheni yokurenkisha / yokuthutha abantu enamatyala amabi okungahlawuli amatikiti awafumana ngokwaphula imithetho yendlela.

(4) Le thokheni yokurenkisha / yokuthutha abantu kuthethwa ngayo phaya kwicandelwana iphelelwa rhoqo emva kweenyanga ezilishumi elinambini (12).

(5) Igosa eligunyazisiweyo liya kukhupha ithokheni ebonisayo ukuba isithuthi sakho sinelungelo lokurenkisha / lokuthutha abantu kuloo mmandla uthile ngokwemiqathango yomhlathana ( 2) nomhlathana (3) apha ngasentla. Le thokheni iza kubonisa ezi nkukacha zilandelayo:

- (a) isikhululo seteksi esimele kusebenza kuso isithuthi sakho;
- (b) ithuba eya kusebenza lona ithokheni yakho;
- (c) inombolo yobhaliso eyabelwe isithuthi sakho;
- (d) uhlobo lwesithuthi osiqhubayo;

- (e) (ngokubhekiselele kwiimeter tekisi) inombolo ebonisa iimitha ezivumelekileyo ngesithuthi sakho;
- (f) Inombolo yelayisensi ebonisayo ukuba sivumelekile ukuba sisebenze endleleni isithuthi sakho;
- (g) (ngokubhekiselele eziteksini) neendlela omele kukhangela kuzo amathuba okurhwebisa / okwenza imali ngesithuthi eso..

(6) Isicelo sokufumana ithokheni yokuthutha abantu masifakwe kwigosa eligunyazisiweyo ukuze ibe lilo elibonayo ukuba siyavunywa okanye asivunywa na eso sicelo.

Nazi izinto emazenziwe xa kufakwa izicelo:

- (a) Masifakwe ngumnini-sithuthi uqobo;
- (b) Masifane twatse nesiya sizotywe kwicandelo elibandakanyekayo lalo mthetho kamasipala.

(7) Igosa eligunyazisiweyo malikhuphe ithokheni enye ngesithuthi ngasinye.

(8) Ngokwemiqathango yecandelo 77 lomthetho weziThuthi ezihamba eMhlabeni (uMthetho 5 ka-2009), umnini-sithuthi onikwe ithokheni ngokwasemthethweni umele ze azise igosa eligunyazisiweyo malunga noku kulandelayo:

- (a) xa idilesi yakhe itshintshile ngethuba lokusebenza kwethokheni yakhe;
- (b) xa mhlawumbi esithengisile okanye engasenguye umnini weso sithuthi ebekhutshelwe ithokheni ngaso ngethuba lokusebenza kwethokheni yakhe;
- (c) igama lomntu asithengisele yena isithuthi sakhe nedilesi yaloo mntu;
- (d) isizathu sokuba ayeke ukuba ngumnini-sithuthi eso.

(Konke oku kuchaziweyo apha makwenziwe kwiintsuku ezisixhenxe (7) zotshintsho olwenzekileyo).

(9) Ngokwemiqathango yecandelo, umnini-sithuthi uza kuhlawulela ithokheni nganye ayizuzayo, ntlawulo leyo aza kuyenza phaya kwiSixeko. Ixabiso lale ntlawulo liza kumana liphononongwa liBhunga.

(10) Akusayi kubakho nabani na oya kuvunyelwa ukuba azenzele owakhe umfanekiso wethokheni, okanye onakalise inkangeleko yayo, ayixhokoze, ayitshintshe, okanye enze nokuba ngumkrwelo apha kuyo.

**lindawo evumeleke kuzo ithokheni yokurenkisha/ yokuthutha abantu**

4.(1) Akusayi kubakho namnye ubani oya kurhwebis / oua kwenza imali ngesithuthi sakhe kwiindawo ezingezizo ezo zibonisiweyo kwithokheni yakhe (nezivunywe ngokwemiqathango yecandelo 3 (5)), ngaphandle kokuba ufumene amagunya okwenza oko kwigosa eligunyazisiweyo.

(2) Akukho bani uya kuvunyelwa ukuba enze nanye into kwezi zilandelayo:

- (a) Ukuba ancamathisele ithokheni ayikhutshelweyo kwisithuthi esingesiso esiya ebefake isicelo sethokheni ngaso;
- (b) ukuba arhwebise / enze imali ngesithuthi eso –
  - (i) ngaphandle kokuba ithokheni leyo ikhutshelwe eso sithuthi enza imali ngaso incanyathiselwa apha ngasekhohlo kwe*windscreen* ukuze ibonakale ngokucace gca apha ngaphandle;
  - (ii) xa encamathisele ithokheni engeyiyo leyo ikhutshelwe eso sithuthi enza imali ngaso kwisithuba saloo nyaka ivumeleke ngawo loo thokheni;
  - (iii) xa encamathisele ithokheni ephelelweyo kweso sithuthi enza imali ngaso.

**Ithokheni yokurenkisha / yokuthutha abantu mayikhutshwe xa ifuneka**

5.(1) Ngokwemiqathango yalo mthetho kamasipala umnini-thokheni umele ukwenza oku kulandelayo:

- (a) ukugcuna ithokheni yakhe ikwimeko entle;
- (b) ukuyigcina ibonakala incanyathiselwe apha kwisithuthi sakhe rhoqo isithuthi sakhe sisendleleni.

(2) Naliphi na igosa leSixeko eligunyazisiweyo linelungelo lokumisa isithuthi sakho, lifune oku kulandelayo:

- (a) ukubona ithokheni yakho ngokwemiqathango yalo mthetho kamasipala;

- (b) igama lakho nedilesi yakho njengomqhubi ogunyaziselwe ukuqhuba eso sithuthi.

(3) Akusayi kubakho nabani na ongumqhubi ochaziweyo ngokwecandelo (2) , oya kuthi emiswa ligosa eligunyazisiweyo enze oku kulandelayo:

- (a) ale ukumisa;
- (b) ale ukuxela igama lakhe nedilesi;
- (c) ale ukuxela igama lomnini-sithuthi amsebenzelayo okanye amqhubelayo ngelo xesha;
- (d) ale ukukhupha ithokheni efunwayo; okanye
- (e) anike igama elingelilo okanye idilesi engeyiyo.

### **Ukurhoxiswa okanye ukupheliswa kwethokheni**

6.(1) nabani na umqhubi onale thokheni othe wafunyaniswa ophule nokuba mnye umqathango walo mthetho kamasipala, nokuba ubesele ohlwayelwe kwa-eso senzo sinye yinkundla yomthetho, uza kohlwaywa siSixeko, ngokwemiqathango yecandelo 7, emva kokuba sele zivelelwe zonke iinkalo malunga netyala elo njengoko isitsho imiqathango yecandelo 2.

(2) ISixeko sona, emva kokuba sele sizivelele zonke iinkalo malunga netyala elo, siza kurhoxisa ukusetyenziswa kwaloo thokheni kangangexesha eliza kugqitywa ligosa eligunyazisisweyo, okanye sikuphelise tu ukusetyenziswa kwaloo thokheni ukuba lifumanisa ukuba –

- (a) umqhubi okanye umnini-sithuthi -
  - (i) uyala ukwenza into ekuthiwa makayenze ngokwemiqathango yalo mthetho kamasipala; okanye
  - (ii) akasigcini sikwimeko entle okanye sicocekile isithuthi sakhe, futhi silungele ukuba sendleleni; kwaye
  - (iii) unamatyala angahlawulwayo awafumene ngokwaphula imithetho yendlela.

(b) ukuba lithe igosa eligunyazisiweyo xa lihlola imeko yesithuthi eso lafumanisa ukuba -

- (i) sakhiwe ngohlobo apha olwenza ukuba kubonakale ukuba asikhuselekanga ukuba singathwala inani eligunyazisiweyo labakhweli; okanye
- (ii) siyakhatywa yimiqathango yalo mthetho kamasipala okanye yoMthetho nje gabalala malunga nemeko emasibe yiyo isithuthi esilungele ukuhamba endleleni.

(3) Akusayi kubakho nabani na oya kuvunyelwa ukuba asebenzise isithuthi sakhe njengeteksi kwisikhululo seeteksi, okanye avumele ubani ukuba asebenzise isithuthi sakhe (egameni lakhe) njengeteksi kwisikhululo seeteksi, ukuba ngaba ithokheni yakhe irhoxisiwe, iphelisiwe okanye iphelelwe.

(4) ukuba ngaba ilayisenisi yokusebenza kuloo ndawo ithile irhoxisiwe okanye iphelisiwe ligosa eligunyazisiweyo, ngokunjalo ibe kanti nethokheni yokurenkisha /yokuthutha abantu ekhutshwe siSixeko nayo irhoxisiwe okanye iphelisiwe (oko kuxhomekeke kwimeko ukuba ithini na yona).

(5) Ukuba ke umnini-layisenisi uvela phambi kwegosa eligunyazisiwe ngelingxengxezayo, ilayisenisi yakhe yokusebenza iya kubuyiswa, ngokunjalo neSixeko siya kuyibuyisa ithokheni yokurenkisha / yokuthutha abantu kodwa phantsi kwemiqathango ethile.

### **Inkqubo malunga nokurhoxisa okanye ukuphelisa ithokheni**

7. (1) Phambi kokuba lirhoxise okanye liphelise ukusebenza kwethokheni, igosa eligunyazisiweyo limele ukwenza oku kulandelayo -

- (a) malikhuphele (ngembalelwano) umqhubi nombutho weeteksi obandakanyekayo isilumkiso sokurhoxiswa okanye sokupheliswa kwethokheni leyo kwiintsuku ezili-14 phambi kweso senzeko. Le mbalelwano mayiquke oku kulandelayo:
  - (i) izizathu zesohlwayo, futhi nenkcazelo eyaneleyo edandalazisa iinkcukacha zohlobo lwesohlwayo eso;
  - (ii) isimemo esimvumelayo umnini-thokheni ukuba azifumanele ummeli oya kumthethelela kweso sohlwayo;
  - (iii) idilesi apho umnini-thokheni anokufaka igama lommeli azikhethele yena njengoko usitsho umhlathana (ii) walo mthetho kamasipala; kunye
  - (iv) nomhla, ixesha, nendawo yokuxoxwa kwetyala. Le mini yokuxoxwa kwetyala mayibe kwiintsuku ezingama-28 ukusuka kolu lwembalelwano enesilumkiso, ukuze lowo ukhutshelwe

isilumkiso afumane ithuba elaneleyo lokuzifumanela ummeli wakhe kwityala abekwa lona.

- (b) Malinike lowo unethokheni erhoxisiweyo / ephelisiweyo ithuba lokuzimela kwityala abekwa lona okanye ke lokuzifumanela ummeli ogama lakhe limelwe kufakwa kwiSixeko kwiintsuku eziphambi kokuxoxwa kwetyala.

(2) Ukuba ke lowo ufumene isilumkiso esixeliweyo kwicandelwana 1 unga angafaka isibheno malunga netyala abekwa lona makafake isicelo sakhe kwiSixeko kwiintsuku ezili-14 emva kokuba efumene isilumkiso, okanye kwezo ntsuku ziya kugqitywa siSixeko. Angasifaka ngesandla esi sicelo, okanye ke asithumele ngeposi eqinisekisiweyo esebenzisa laa dilesi ibhalwe ngasentla kwalo mthetho kamasipala.

(3) Xa sele lixoxiwe ityala (emo yalo icacisiweyo kwicandelwana 1), iya kuba siSixeko esiya kugqiba ukuba masiyirhoxise okanye siyiphelise nya na ithokheni yomtyholwa, ze igosa eligunyazisiweyo lazise umtyholwa ngembalelwano apho liya kudandalazisa izizathu zesigqibo esibekiweyo malunga netyala elo. Le mbalelwano mayenziwe kwiintsuku ezili-14 emva kokuba lixoxwe lagqitywa ityala.

(4) Imiba ebhaliweyo malunga nendlela elixoxwe ngayo ityala mayiquke ezi nkukacha zilandelayo :

- (a) ubungqina obufunyenweyo, ukuba bebukho;
- (b) amanqaku aphikisa ubungqina obufunyenweyo, okanye obufakiweyo;
- (c) isigwebo esikhutshiweyo ngemini yetyala.

### **Xa kutshintsha idilesi**

8. Umnini-thokheni makazise iSixeko xa etshintshe idilesi. Oku makakwenze ngembalelwano ethunyelwa ngeposi eqinisekisiweyo, okanye ngefekisi kungenjalo ifakwe ngesandla, kwiintsuku ezili-14 emva kotshintsho olo.

### **Ukulungiswa nokutshintshwa kwethokheni**

9.(1) NgokweMiqathango yecandelo 3, ukuba ngaba iinkukacha ezikwithokheni yakho ayizizo, mhlawumbi kuba utshintshe idilesi (okanye ke nangasiphi isizathu), yingenise kwiSixeko ngoko nangoko loo thokheni ukuze ilungiswe.

(2) Ukuba ithokheni yakho ithe yonakala kangangokuba kube nzima ukubona iinkcukacha ezibhalwe apho kuyo, wena mnini-thokheni yingenise kwisixeko ngoko nangoko loo thokheni. Igosa eligunyazisiweyo liza kukukhuphela enye, kodwa ke yazi ukuba uza kuyihlawulela ke le yona ithokheni.

### **ICANDELO 3 IZINTO EZALIWA NGUMTHETHO**

#### **Ukumisa kwindawo yokuma kweebhasi**

**10.** Akusayi kubakho nabani na oya kuvunyelwa ukuba amise isithuthi sakhe apho zimisa khona iibhasi.

#### **Izinto ezimele kwenziwa ngabahambi ngeenyawo**

**11.(1)** umhambi ngeenyawo makawele indlela esebenzisa kuphela indawo eyenzelwe abahambi ngeenyawo, okanye ekudibaneni kweendlela, kungenjalo awele umgama oyi 50 yeemitha ukusuka kwindawo ewela abantu okanye ukusuka ekudibaneni kweendlela.

(2) Ukuba ekudibaneni kweendlela kupeyintwe uphawu olubonisa iindawo yokuwela abahambi ngeenyawo, wena mhambi ngenyawo hamba ngqo apho lupeyintwe khona olo phawu.

(3) Xa iirobhothi zidanyaza ekudibaneni kweendlela oko kuquka ukuvela kweempawu zabahambi ngeenyawo, wena mhambi ngenyawo sukuwela indlela (nokuba ubona indawo eyenzelwe abahambi ngenyawo) kusabonakala uphawu lomntu olubomvu kwiirobhothi ezikweli cala uya ngakulo .

(4) Ukuba ke azikho iimpawu ezenzelwe abahamba ngenyawo ekudibaneni kweendlela kodwa kube kukho iirobhothi ezilawulayo kuloo ndawo, wena mhambi ngenyawo sukuqalisa ukuwela indlela (nokuba ubona indawo eyenzelwe abahambi ngenyawo) iirobhothi zisebomvu kweli cala uya ngakulo.

(5) Ukuba ke iirobhothi zidanyaza kwindawo nje engekho ekudibaneni kweendlela, oko kuquka ukuvela kweempawu ezenzelwe abahamba ngeenyawo, wena mhambi qalisa ukuwela indlela (kwindawo eyenzelwe abahambi ngenyawo) kuphela xa iirobhothi ziluhlaza kweli cala uya ngakulo.

(6) Akusayi kubakho namnye umhambi ngeenyawo oya kuvunyelwa ukuba azonzakalise okanye onzakalise abanye abasebenzisi-ndlela (oko kuquka nezithuthi) ngenxa yokungakhathali, ukungahoyi, nokungaqapheli.

## **Ukusetyenziswa kwehutala**

**12.** Akusayi kuvunyelwa nabani na ukuba akhalise ihutala okanye nantoni na ebanga ingxolo endleleni, ngaphandle kokuba esi senzo siyimfuneka kwaye sithobela imiqathango yalo mthetho kamasipala, okanye sithobela nawuphi na ke umthetho ovunyiweyo, kungenjalo senziwe ngeenjongo zokukhusela umntu othile / isithuthi esithile.

## **Imute emayiboniswe xa kutshintshwa iindlelana / iileyini**

**13.(1)** Umqhubi wesithuthi esisendleleni akasayi kuvunyelwa ukuba atshintshe iindlelana ezahlulwe ngeempawu zendlela ngaphandle kokuqondisisa kuqala ukuba eso senzo asisayi kuphazamisa / kwenzakalisa ezinye izithuthi na.

(2) Umqhubi akasayi kuvunyelwa ukuba atshintshe / awele iindlelana engakhange akhuphele abanye abasebenzisi-ndlela isilumkiso esisiso, kunjalo nje ayenze loo nto kwangethuba ukuze lowo uza phambi kwakhe, emva kwakhe, okanye ecaleni kwakhe azibone ngokuthe gca ezona njongo zakhe.

## **Ukuqhuba emagxeni endlela**

**14.(1)** Ngokwemiqathango yecandelwana 2, akusayi kubakho namnye umqhubi oya kuvunyelwa ukuba aqhube emagxeni endlela.

(2) kungabhoxwanga laa miqathango yomhlathana (1), umqhubi wesithuthi unakho ukuqhuba emagxeni endlela eyenziwe yayindlelana esingise caleni linye (kwicala ngalinye lendlela), kodwa **kuphela** kwisithuba esiphakathi kokuphuma nokutshona kwelanga, kwezi meko zilandelayo:

- (a) xa kukho isithuthi esifuna ukugqitha;
- (b) xa isenzo eso esenza engazonzakalisi; engonzakalisi ezinye izithuthi ezisendleleni, okanye abahambi ngeenyawo, okanye nasiphi na ke isakhiwo esinxuse loo ndlela;
- (c) ukuba kukho abantu okanye izithuthi ezibonakala ngokuthe gca kumgama oyi-150 yeemitha.

## **Wonke umqhubi wesithuthi makabe nephepha-mvume / nelayisenisi yokuqhuba**

**15.** Akusayi kubakho nabani na umqhubi oya kuvunyelwa ukuba aqhube endleleni:

- (a) ngaphandle kokuba abe ugunyazisiwe futhi eqhuba ngokwemiqathango exeliweyo kwiphepha-mvume lakhe lokuqhuba/ kwilayisenisi yakhe

awayifumana ngokwemiqathango yoMthetho, okanye yalo naliphi na iphepha elixhasa uMthetho;

- (b) ngaphandle kokuba iphepha-mvume lakhe/ ilayisense yakhe okanye naliphi na ke iphepha elimgunyazisayo nelixhasa uMthetho ligcinwe kwalapha kwisithuthi asiqhubayo.

### **Masibe kanti sibhalisiwe isithuthi sakho**

**16.** Ngokwemiqathango yoMthetho, yonke into ekuthiwa sisithuthi kwesi Sixeko (sihamba okanye singahambi endleleni) masibe kanti sibhalisiwe ngokusemthethweni (ngumniniso) kwiziko lobhaliso lwezithuthi eligunyazisiweyo, ngokwemiqathango yoMthetho.

### **Wonke umqhubi makabe unalo igunya lokusebenzisa isithuthi sakhe / okanye ipemethe yakhe**

**17.** Ngokwemiqathango yecandelo 32 lomthetho, akusayi kubakho namnye umntu oya kuvunyelwa ukuba aqhuba isithuthi nokuba sesaliphi na ihlelo kulawo agunyazisiweyo kwimiqathango yoMthetho, ngaphandle kokuba:

- (a) abe uyenza loo nto ngokwemiqathango yepemethe ayinikwe phantsi kwemiqathango yoMthetho;
- (b) abe uyigcine kwalapha kwisithuthi sakhe ipemethe yakhe.

(Eli candelwana alibhekisi kulowo unelayisensi asafunda ngayo ukuqhuba, yena umele kuqhuba isithuthi ekhatshwa ngulowo ubhaliswe njengomqhubi ogunyaziselwe ukuqhuba elo hlelo lesithuthi asiqhubayo.

### **limpahla nendlela esiya kubabona ngayo oonogada beeteksi**

**18.** (1) Wonke unogada weteksi, rhoqo esemsebenzini futhi ezixelele ukuba ukulungele ukwenza umsebenzi, makanxibe **ibhibhi** ebonakala nangasemva, kungenjalo anxibe **ibhatyi**, kunjalonje aqinisekise ukuba **ikhadi elimazisayo** ukuba ungubani ulinxibe labonakala gca apha kwibhibhi okanye apha ebhatyini.

(2) Akusayi kubakho namnye unogada weteksi / okanye nabani na ke oya kuvunyelwa ukuba arhwebeshe okanye abize abantu ngokubakhwaza/ ngobabethela ihutala okanye umlozi.

## ISAHLUKO 4

### IZIKHULULO / IIRENKI ZEETEKSI

#### Inkqubo kwizikhululo zeeteki

19. (1) Nawuphi na umqhubi weteki, kwiphulo lakhe lokwenza imali ezikhululweni zeeteki, umele ame etyhwini, futhi enze oku kulandelayo:

- (a) amise iteki yakhe kwisithuba esivulelekileyo kanye apha emva kwaleyo ifike kuqala kunaye kwindledlana ezotyweyo ekhokelela apho anelungelo lokusebenza khona ;
- (b) futhi amane ukuyisa phambilana iteki yakhe okuya netyhu le isiya phambili.

(2) Xa umqhubi ekwiphulo lokwenza imali esikhululweni seeteki makenze oku kulandelayo:

- (a) xa ekumgca wokuqala, wesibini, okanye wesithathu makaqinisekise ukuba uliliso kuyo yonke into eqhubekayo ngeteki yakhe;
- (b) makaqiniseke ukuba akangeneleli etyhwini; kwaye
- (c) xa iteki yakhe ikumgca wokuqala apha etyhwini, makatake kuqala xa kubizwa iteki, ngaphandle kokuba ke uwubonisa ucace gca umnqweno wakhe wokuba ukhetha ukuqhuba iteki engekho kumgca wokuqala apha etyhwini.

(3) Akusayi kubakho namnye umntu oya kuvunyelwa ukuba amise iteki engekho kwimeko entle yokusebenza kwisikhululo seeteki / erenkini (njengoko noMthetho uyicacisa nje kakuhle le nto), okanye amise kungenjalo avumele ukuba kumiswe iteki esikhululweni seeteki / erenkini ixesha elide.

(4) Akusayi kubakho nabani na oya kuvunyelwa ukuba amise isithuthi kwisikhululo seeteki/ erenkini singeyiyo iteki afumene ithokheni ngayo – thokheni leyo ibonisayo ukuba iphelelwa nini, ikwabonisa nesikhululo amele kusebenza kuso umniniyo ngokwemiqathango yecandelo 3.

(5) Akusayi kubakho nabani na oya kuvunyelwa ukuba ahlambe iteki naphi na apha esikhululweni, ngaphandle kwakwibala elenzelwe kanye loo nto (elinokuba kwalapha esikhululweni / erenkini).

### **Ukuthintela iteksi ekwenzeni umsebenzi**

**20.** Akusayi kubakho namnye umntu oya kuvunyelwa ukuba ale (nokuba kungebhaxa, ngezikwekwo, okanye ngezoyikiso) ukuba:

- (a) omnye umntu afumane okanye asebenzise iteksi; okanye
- (b) omnye umqhubi athuthe abantu.

### **Ukuhambisa / ukuthutha abantu / izixhobo ezinobungozi okanye ezanyelisayo ngesithuthi sakho**

**21.** Akusayi kuvunyelwa nabani na ukuba ahambise / athuthe ngabom abantu okanye izixhobo ukuba abo bantu okanye ezo zixhobo ba/zinobungozi okanye ezi mpawu zingavumelekanga zilandelayo:

- (a) Bathuthwa okanye zithuthwa ngokunxamnye nemimiselo; okanye
- (b) Banezifo ezasulelayo (ezibaliweyo kuMthetho), okanye izixhobo ezinobungozi / ebezisetyenziswa ngumntu onesifo esasulelayo.

### **Ukubulala iintsholongwane emva kokuba iteksi yakho ibithuthe abantu abanezifo ezasulelayo**

**22.(1)** umnini-teksi, umqhubi okanye nabani na ke ophetheyo kuloo teksi, makakhawuleze enze iinzame zokubulala iintsholongwane kwisithuthi sakhe xa efumanise ukuba:

- (a) isithuthi sakhe besithwele umntu onesifo esasulelayo;
- (b) isithuthi sakhe besithwele umzimba womntu osweleke ngenxa yesifo esasulelayo; okanye
- (c) isithuthi sakhe besithwele nantoni na ekucaca ukuba ibisetyenziswa kwindawo enokungcola mhlawumbi ebinabantu abanezifo ezasulelayo.

(2) Umnini-teksi, umqhubi okanye nabani na ke ophetheyo kuloo teksi akanalo ilungelo lokukhwelisa abantu kwisithuthi ebesinomntu onesifo esasulelayo de aqinisekise ukuba uzibulele nya iintsholongwane kwisithuthi eso.

(3) Umnini-teksi, umqhubi okanye nabani na ke ophetheyo kuloo teksi makazise igosa eligunyazisiweyo ngeenjongo zakhe zokubulala iintsholongwane kwisithuthi sakhe ngokweminqweno edandalazisiweyo kumhlathana (1), kunjalonje enze konke aza kukucetyiswa leli gosa malunga nomsebenzi lowo.

(4) Ngokwemiqathango yemithetho nje gabalala, akusayi kubakho nabani na oya kuvunyelwa ukuba akhwele iteksi enesifo esasulelayo.

### **Ukukhwela okanye ukwehla eteksini**

**23.**(1) Akusayi kubakho nabani na oya kuvunyelwa ukuba akhwele eteksini de abe wehlile lowo ufuna ukwehla.

(2) Akusayi kubakho nabani na oya kuvunyelwa ukuba anyanzelise akhwele eteksini kodwa inani labantu abamele kukhwela kuloo teksi liphelele.

(3) Akusayi kubakho nabani na oya kuvunyelwa ukuba akhwele okanye ahle iteksi ihamba.

### **lityhu kwizikhululo zeeteksi / kuyo nayiphi indawo engumda weeteksi**

**24.**(1) kuzo zonke izikhululo zeeteksi iSixeko siza kumisa imibhalo ebonisa iindawo ngeendawo eziya kuzo iteksi, futhi nemibhalo eya kubonisa indlela amabame ngayo abantu ezityhwini. Le mibhalo ingakhatshwa yimiqolo okanye yimigca ezotyweyo eya kusebenza njengoothintela ababonisa imida abamele kuma kuyo abantu kwezi tyhu.

(2) Wonke umntu ozimisele ukukhwela iteksi kuso nasiphi na isikhululo seeteksi makame etyhwini kuloo ndawo ayiboniswayo kusithiwa iteksi aza kuyikhwela iza kusuka kuyo.

(3) Kwindawo engenaluphawu luzotyweyo / lumisiweyo, abantu abalindele ukukhwela eteksini bangazenzela ityhu kodwa ingadluli kwisibini semigca enxuseneyo, okanye benze umgca omnye xa unogada weteksi okanye igosa eligunyazisiweyo leSixeko libayalela njalo.

(4) Wonke umntu makangene eteksini kuphela xa sele engoyena uphambili kule tyhu akuyo.

(5) Wonke umntu osetyhwini makathobele imiyalelo yalowo wongameleyo apho eziteksini, okanye yalo naliphi na igosa eligunyazisiweyo xa lisenza umsebenzi walo.

### **Malunga neentlawulo ezenziwayo**

**25.** Wonke umntu okhwele eteksini makahlawule loo mali kugqitywe kuyo (elungiselelwe loo ndawo aya kuyo) kunjalonje le ntlawulo mayiphelele.

## **Amalungelo abantu nento abamele kuyenza xa begagana neengxaki eziteksini**

**26.(1)** Ukuba kuyenzeka ukuba iteksi okhwele kuyo ibe nengxaki, mhlawumbi masithi ngesizathu esithile ingabi nakho ukufikelela apho usingise khona, wena mkhweli wehla kuphela xa ufumene umyalelo othi yenza oko kumqhubi. Ukuba ubusele uhlawule, unelungelo lokuba uyibuyiselwe imali yakho, kunjalonje ibuyiswe iphelele.

(2) Maxawambi ungavumelana nomqhubi wesithuthi esinengaki ukuba ukhweliswe enye iteksi ukuze yona igqibezele uhambo lwakho ngokwemali oyihlawulileyo, kodwa intlawulo yaloo teksi iya kuphuma kumqhubi weteksi enengxaki.

(3) Umqhubi owalayo ukubuyisela abantu iintlawulo zabo mhla ngemeko ecacisiweyo kwicandelwana (1), okanye owalela abantu ukuba baqhubeke nohambo lwabo mhla ngengxaki (ngohlobo olucacisiweyo kwicandelwana (2)), uya kuba waphula umthetho.

## **Izilwanyana**

**27.** Akusayi kubakho namnye umntu oya kuvunyelwa ukuba akhwele nesilwanyana eteksini, ngaphandle kokuba isilwanyana eso yinja emnceda ekuboneni xa engaboni.

## **Nazi izinto ezingavumelekanga eteksini**

**28.** Le mikhwa ilandelayo ayivumelekanga kwaphela eteksini:

- (a) ukutshaya;
- (b) ukudlala umculo owonyelisayo okanye ophezulu;
- (c) ukunkqangaza / ukuthukisela;
- (d) ukwenza into enxamnye nomthetho;
- (e) ukugxuphuleka ezintweni zabantu de udike / ukruqule abanye;
- (f) ukonakalisa izinto zeteksi ngakumbi amacango neefestile;
- (g) ukubamba-bamba izixhobo zeteksi nakanjani na;
- (h) ukukhupha umqhubi endleleni yakhe ngebhaxa;
- (i) ukubeka ubomi bomntu okhwele naye emngciphekweni;

- (j) ukugxuphuleka kwizinto ezimele kwenziwa ngumqhubi.

### **Malunga nendlela yokuziphatha kwisikhululo seeteksi / erenkini**

**29.** Umntu ophazamisayo okanye oziphatha kakubi esikhululweni seeteksi uya kuba waphula umthetho (itsho imiqathango yalo mthetho kamasipala). Lowo ke uya kugxothwa ligosa eligunyazisiweyo leSixeko aphume aphele athi tu etyhwini, esikhululweni nakuyo nayiphi na ke indawo engumda ozotyelwe ukusebenza kweeteksi.

### **Ilayisenisi yokusebenza / iphepha-mvume lokusebenza malikhutshwe xa lifuneka**

**30.** (1) Lowo unelayisenisi yokusebenza / unephepha-mvume lokusebenza ngeeteksi ulindeleke ukuba enze oku kulandelayo:

- (a) agcine ilayisenisi yakhe yokusebenza ikwimeko entle futhi oko kubhaliweyo kuyo kucace gca;
- (b) agcine ilayisenisi yakhe yokusebenza ilapha kwisithuthi ayifumene ngaso rhoqo isithuthi sakhe sisemsebenzini.

(2) Igosa lendlela linelungelo lokumisa nawuphi na umqhubi weteksi okanye webhasi, lifune oku kulandelayo:

- (a) ilayisenisi yokusebenza / iphepha-mvume lokusebenza;
- (b) igama lakhe nedilesi, ndawonye negama nedilesi yomnini-teksi / yomnini-bhasi.

(3) Lo mqhubi kuthethwa ngaye kwicandelwana (2) akasayi kuvunyelwa ukuba enze nenye kwezi zilandelayo:

- (a) asebenze ngokuthutha abantu engenayo ilayisenisi yokusebenza / iphepha-mvume lokusebenza; okanye
- (b) avumele ukuba kusetyenziswe ilayisenisi yokusebenza / iphepha-mvume lokusebenza ekuqhubeni esinye nje isithuthi esingesiso eso afumene loo layisenisi/ elo phepha-mvume ngaso.

### **Ukunikisa ngesithuthi sakho ngokungekho mthethweni okanye ukungasinanzi isithuthi sakho (nokuba yiteksi okanye yibhasi leyo)**

**31.** Akusayi kubakho namnye umqhubi weteksi / webhasi oya kuvunyelwa ukuba:

- (a) angasinanzi / angasikhathaleli isithuthi sakhe; okanye
- (b) avumele nabani na ukuba asebenzise isithuthi esiphantsi kolawulo lwakhe ngaphandle kwemvume yalowo unepemethe / iphepha-mvume lokusebenzisa eso sithuthi.

**Xa unogada weeteki enyanzelisa ukungena kwisikhululo seeteki / kwindawo enxulumene neeteki**

**32.** Igosa eligunyazisiweyo linalo ilungelo lokunyanzelisa lifike kwezi ndawo zilandelayo lingakhange nje lixele ukuba liyeza, ukuba loo nto lize kuyenza imalunga nokuhlola ukuba ingaba iyathotyelwa na imiqathango yalo mthetho kamasipala:

- (a) Esikhululweni seeteki okanye kuloo ndawo inxulumene neeteki **lize kuhlola**; futhi
- (b) likwanelungelo lokubuza 9kulowo wongameleyo apho) iinkcukacha ngendawo leyo.

**Impahla eshiywe eziteksini / ezibhasini**

**33.** Umqhubi weteki / webhasi umele kusiphonononga isithuthi sakhe emva kohambo, ajonge ukuba akukho mpahla ishiyiweyo na. Xa efumanisa ukuba ikho impahla eshiyiweyo, makenze oku kulandelayo:

- (a) makase impahla leyo ishiyiweyo kumniniyo; okanye
- (b) ukuba akakwazi kuyisa kumniniyo ngasizathu sithile le mpahla, makayithathe ngokukhawuleza ayise kwi-ofisi yezinto ezilahlekileyo kwindawo yomqeshi wakhe, okanye ayise esikhululweni samapolisa apho aya kuyishiya nepolisa eliphangeleyo afumane nerisithi exelayo ukuba uyishiye apho.

**Xa iteksi / ibhasi igcwele ichichimala**

**34.** Akusayi kubakho namnye umqhubi oya kuvunyelwa ukuba agcwalise iteksi yakhe de ibethe ngaphaya kwenani labantu elivumelekileyo kwisithuthi sakhe nelibhaliweyo kwipemethe yakhe.

**Ukuthintela iteksi ekwenzeni umsebenzi**

**35.** Akusayi kubakho namnye umntu oya kuvunyelwa ukuba ale (nokuba kungebhaxa, ngezikweko, okanye ngezoyikiso) ukuba:

- (a) omnye umntu afumane okanye asebenzise iteksi; okanye

- (b) omnye umqhubi athuthe abantu.

### **Ukusebenzisa izixhobo zonxibelelwano uqhuba akuvumelekanga**

**36.(1)** Ngokwemiqathango yemithetho iyonke, akusayi kubakho nabani na oya kuvunyelwa ukuba aqhuba endleleni esenza oku kulandelayo:

- (a) ephethe iselula okanye umnxeba ohambayo ngesinye isandla, okanye ngezandla zozibini, kungenjalo ewuphethe nangaliphi na ke ilungu lomzimba;
- (b) ethetha kwiselula okanye emnxebeni ohambayo, kungenjalo esebenzisa nasiphi na ke isixhobo sonxibelelwano, ngaphandle kokuba isixhobo eso sonxibelelwano sibe siyinxalenye yesithuthi eso ngokuthi sincanyathiselwe apho kuso ukuze sihlale sinjalo ngelixa umniniso ethetha kuso okanye esisebenzisa, kungenjalo sibe sincanyathiselwe kanye apha kuye (njenge *headgear*), okanye nasiphi na ke isixhobo sonxibelelwano anokusisebenzisa umqhubi engakhange ade abe usibambe ngesandla okanye ngale ndlela icaciswe ngayo kumhlathana (a) apha ngasentla.
- (3) Xa sicacisa eli candelo ngakumbi:
- (a) igama u “*headgear*” uquka nasiphi na isixhobo esenzelwe ukuba umqhubi akwazi ukusebenzisa iselula okanye umnxeba ohambayo (nasiphi na ke isixhobo sonxibelelwano) engakhange ade abe usibambe ngesandla okanye ngezandla zozibini, okanye nangaliphi na ke ilungu lomzimba – sixhobo eso siqhotyoshelwa (ngokuthe ngqo okanye ngokungathanga ngqo) apha kwiselula okanye emnxebeni ohambayo (okanye kuso nasiphi na ke isixhobo sonxibelelwano) ze sifakwe apha endlebeni okanye ezindlebeni zomqhubi;
- (b) amagama / amabinzana u“**iselula, umnxeba ohambayo, isixhobo sonxibelelwano**” akabhekisi nakanye kwisixhobo esine *frequency band* engu2 megahertz ukuya ku500 megahertz esihlonyelwe apha kwisithuthi okanye esiyinxalenye yendawo ethile apha kwisithuthi.

### **Amatyala nezohlwayo**

**37.(1)** Nabani na owophula nokuba mnye umqathango walo mthetho kamasipala uya kuba unetyala.

(2) Nabani na ke owenza ityala elichazwayo apha kumhlathana (1) umele ze afumane isohlwayo sokuhlululiswa xa sele egwetyiwe, okanye avelwe ixesha elingaphantsi kweminyaka emithathu, kungenjalo afumane ezi zohlwayo zozibini ngaxesha-nye.

## **Igama lalo mthetho kamasipala ngokufutshane**

**38.** Igama lalo mthetho kamasipala liya kwaziwa njengo: Umthetho kaMasipala wezeNdlela weSixeko saseKapa, 2010.

### **ISHEDYULI**



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