UYILO OLUHLAZIYIWEYO OLULUNGISELELWE UKUTHATYATHWA KWENXAXHEBA LULUNTU

UMGAQO-NKQUBO KULAWULO LWEEPROPATI (IZAKHIWO) EZITHILE ZESIXEKO SASEKAPA

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ISAHLUKO A : OKUBANZI

1. Iinkcazelo

1.1 Ezi ntetho zilandelayo ziqulathe intsingiselo enikelwe kuzo ngasezantsi:

1.1.1 “**Iinyanga ngokweKhalenda”** ithetha isithuba esisuka kumhla wenyanga ngokwekhalenda uye kumhla ohambelana nawo kwinyanga elandelayo;

1.1.2 “**iSixeko**” sithetha iSixeko saseKapa, umasipala;

1.1.3 “**UMlawuli weSixeko**” uthetha uMlawuli weSixeko okanye umntu amnike amagunya okummela;

1.1.4 “**Ipropati (Isakhiwo) seSixeko**” okanye “**Ipropati (Isakhiwo)**” sithetha zonke iipropati (izakhiwo) eziselungelweni nezilawulwa siSixeko ngokwemiqathango yalo Mgaqo-nkqubo;

1.1.5 “**INkqubo yoKhuphiswano**” ithetha ukufunwa kwezindululo ezizezinye ithenda evaliweyo, ithenda kawonke-wonke okanye ifandesi kawonke-wonke;

1.1.6 “**UMgaqo-siseko**” uthetha uMgaqo-siseko woMzantsi Afrika we-1996;

1.1.7 “**Ukuthengisa**” nangona intsingiselo apho kwiMATR, ithetha ukukhutshelwa kobunini;

1.1.8 “**INkqubo yoLawulo lokuThengisa**” ithetha inkqubo yolawulo lokulahla enikezelweyo kwiSahluko B salo Mgaqo-nkqubo;

1.1.9 “**IXabiso eliPhezulu**” lithetha into yokokuba ixabiso elifanelekileyo[1] lePropati (leSakhiwo) elingaphezulu kwezigidi ezingama-R50 okanye i-1% yesambuku sexabiso seepropati (sezakhiwo) zeSixeko njengoko imiselwe kwiingxelo zemali ezisandula ukufumaneka eziphengululweyo zeSixeko, okanye eso sambuku sinjalo siphantsi njengoko sinokumiselwa kumathuba ngamathuba ngesisombululo seBhunga leSixeko;

1.1.10 **“MATR”** ithetha uMasipala : uMthetho ulawulo lweMali kaMasipala, wama-2003, iMithetho yokuKhutshelwa kweMpahla kaMasipala oqulunqwe ngokwemiqathango yeMFMA yaze yapapashwa *kwiGazethi kaRhulumente* enguNombolo 31346 yama-22 kuAgasti wama-2008;

1.1.11 **“MFMA”** ithetha uMasipala : uMthetho woLawulo lweMali kaMasipala, wama-56 wama-2003;

1.1.12 “**Ipropati (Isakhiwo) esingekwenzeka**” sithetha ipropati (isakhiwo) esinokuthi, ngenxa yocwangciso lwedolophu, sibe nezithintelo okanye singabi nakho ukuba siphuhliswe ngokokwaso okanye usebenze njengesakhiwo esizimeleyo esiya kuthi ngoko sibe nokusebenza kuphela xa sisetyenziswa ngumnini omelene naso esisebenzisa kunye naloo propati (isakhiwo) yakhe;

1.1.13 **"Amasebe kaRhulumente” athetha amasebe karhulumente njengoko echaziwe kwiMATR;**

1.1.14 “**UMthetho wesiCwangciso-nkqubo soMgaqo-nkqubo weNtengo eKhethiweyo**” uthetha uMthetho wesiCwangciso-nkqubo soMgaqo-nkqubo weNtengo eKhethiweyo, wesi-5 wama-2000, kubandakanywa nayiphi na imimiselo equlunqwe ngokwemiqathango ekhoyo kumaxesha ngamaxesha,

1.1.15 **“UMthetho kaMasipala wePropati (weSakhiwo)”** uthetha nawuphi na umthetho kamasipala omiselwe siSixeko kumathuba ngamathuba ohambelana nolawulo lwePropati (yeSakhiwo) yeSixeko;

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[1] Lichazwe kuMmiselo woku-1 weMATR njenge “*ngokuhambelana nesakhiwo, ixabiso apho umthengi owaziyo waye evuma ukuthenga kunye nomthengi onolwazi waye evuma ukuthengisa Ipropati (Isakhiwo) kwintengiselwano ekufutshane*”.

1.1.16 **"IMithetho yePropati (yeSakhiwo)"** ithetha izibonelelo ezifanelekileyo zeMFMA, iMATR kunye noMthetho kaMasipala wePropati (yeZakhiwo) ngokuhlangeneyo;

1.1.17 **"UMgaqo-nkqubo wePropati (weSakhiwo)"** okanye "loMgaqo-nkqubo" uthetha lo mgaqo-nkqubo ulawula uLawulo lwePropati (yeSakhiwo) yeSixeko;

1.1.18 **"ISikhundla seSakhiwo"** sithetha isikhundla njengoko siqulunqwe kwigatya 5.5 lalo Mgaqo-nkqubo;

1.1.19 "**ILungelo lePropati (leSakhiwo)**" lithetha ilungelo lokusebenzisa, lokulawula ipropati (isakhiwo) kwisithuba esingadlulanga kwiNyanga enye yekhalenda, njengoko kuvunyiwe siSixeko ngaphandle kokuncama ubunini obusemthethweni kwipropati (isakhiwo). Ukulungiselela ukuthintela nakuphi na ukuthandabuza ukubopheleleka, ukushiya okanye ungenelo kuso, ngaphezulu, ngaphaya okanye ngaphantsi kwePropati (kweSakhiwo) esinikezelwe siSixeko, elimiselwe liLungelo leePropati (leZakhiwo);

1.1.20 "**INtengiselwano yePropati (yeSakhiwo)**" ithetha mhlawumbi ukuLahlwa kwePropati (kweSakhiwo) okanye ukunikezelwa kweLungelo lePropati (leSakhiwo);

1.1.21 "**UThelelwano phakathi koRhulumente namashishini aNgasese**" luthetha uThelelwano phakathi kwamashishini kaRhulumente nawaNgasese njengoko kuchaziwe kwiMithetho kaMasipala yoThelelwano phakathi kwamashishini kaRhulumente nawaNgasese equlunqwe phantsi kweMFMA ze wapapashwa phantsi koGN R309 *kwiGazethi kaRhulumente* enguNombolo 27431 yomhla woku-1 kuEpreli wama-2005;

1.1.22 "**IMithetho yeSCM**" ithetha iMithetho yoLawulo lweSixokelelwano soNikezelo lukaMasipala equlunqwe ngokwemiqathango yeMFMA ze yapapashwa phantsi koGN 868 *kwiGazethi kaRhulumente* enguNombolo 27636 wama-30 kuMeyi wama-2005;

1.1.23 "**UMthetho weeNkqubo**" uthetha uMasipala : uMthetho weeNkqubo zikaMasipala, wama-32 wama-2010;

1.1.24 “**Ipropati (Isakhiwo) esinokwenzeka**” sithetha Ipropati (Isakhiwo) esinakho ukuphuhliswa ze sisebenze njengepropati (ngesakhiwo) esizimeleyo esinakho ukubhaliswa nguNobhala weziGqibo;

1.2 Amagama angachazwanga kulo Mgaqo-nkqubo anikwe intsingiselo kwiMATR.

2. Iinjongo zoLawulo lweePropati (lweZakhiwo)

2.1 Iinjongo zolawulo lwePropati (lweSakhiwo) yeSixeko, ngokulandelelana ngokubaluleka, zezi zilandelayo:-

2.1.1 ukusebenzisa, ukugcina nokulawula iPropati (iSakhiwo) yeSixeko ngokuba simelwe ukusetyenziswa, umzekelo, ngeenjongo zeeofisi zikamasipala, ngokunjalo nangeenjongo zokubonelelwa siSixeko, okanye ngabanikezeli benkonzo abatyunjwe siSixeko, kwiinkonzo zikamasipala ezifana namanzi, nokuhanjiswa kwamanzi amdaka, umbane njalo njalo;

2.1.2 ukusebenzisa, ukugcina nokulawula iPropati (iSakhiwo) yeSixeko ukulungiselela iinjongo zikamasipala ngokubanzi kumdla woluntu lwengingqi yeSixeko, umzekelo, ngokubhekiselele kwizibonelelo zemidlalo zengingqi, izibonelelo zololongo lwabantwana kunye namangcwaba abangcwabi kunye nendawo yokutshisa izidumbu;

2.1.3 ukulawula Ipropati (Isakhiwo) yeSixeko esingafunelwa nayiphi na injongo kwezi njongo zikamasipala zingentla ngelungelo elibhekiselele kumdla welungu/wamalungu azimeleyo oluntu lwengingqi, umzekelo, umntu ofuna ukuqesha Ipropati (Isakhiwo) ngeenjongo zokuqhuba ulimo, okanye othanda ukufumana Ipropati (Isakhiwo) kwiSixeko;

2.1.4 ukuhlutha ubunini bePropati (beSakhiwo) kwenzeka kuphela kwiimeko apho iSixeko sanelisekile yinto yokuba asinakufumana mbuyekezo ebambekayo yoqoqosho kunye/okanye yentlalo kubunini obuqhubekayo bePropati (beSakhiwo);

2.1.5 ukufumana Ipropati (Isakhiwo) okanye amalungelo esakhiwo ngeenjongo zikamasipala.

2.2 ISixeko ngaphezulu sithanda ukuqinisekisa ngozinzo, ukuba phandle ze sinikezele ngengxelo kulawulo lwePropati (lweSakhiwo) yeSixeko.

3. siCwangciso-nkqubo esiseMthethweni noMgaqo-nkqubo olungiselelwe uLawulo lwePropati (yeSakhiwo) yeSixeko

3.1 Isicwangciso-nkqubo esisemthethweni esilungiselelwe ulawulo lwePropati (lweSakhiwo) zeSixeko siqulathe kwinani elikhulu lemithetho, kubandakanywa kodwa kungaphelelwanga:-

3.1.1 kwiMFMA, ngakumbi icandelo le-14, elijongene nokulahlwa kwePropati (kweSakhiwo);

3.1.2 kwiMATR, ethi ilawule:-

3.1.2.1 ukukhutshelwa nokuthengiswa kwePropati (kweSakhiwo) ngoomasipala kunye namacandelo kamasipala; kunye

3.1.2.2 nokunikezelwa koomasipala kunye namacandelo kamasipala amalungelo okusebenzisa, okulawula iipropati (izakhiwo);

3.1.2.3 UMthetho kaMasipala wePropati (weSakhiwo);

3.2 Injongo yalo Mgaqo-nkqubo kukunikezela ngesicwangciso-nkqubo esisebenzayo esilungiselelwe iPropati (iSakhiwo) yeSixeko.

3.3 UMgaqo-nkqubo kufuneka ufundwe ngokuhlangeneyo yaye ngokuhambelana neMithetho yePropati (yeSakhiwo)

4. Ukusetyenziswa koMgaqo-nkqubo

4.1 ICandelo le-14 leMFMA kunye neMATR lisebenza kwiipropati (kwizakhiwo) noomatshini ezichazwe kwiMATR kubandakanywa iipropati (izakhiwo), ngokunjalo nenye impahla enokususwa. Lo Mgaqo-nkqubo usebenza kuphela kwiipropati (kwizakhiwo).

4.2 Lo Mgaqo-nkqubo awusebenzi:-

4.2.1 kwiipropati (kwizakhiwo) umninizo ingamacandelo kamasipala ngokubhekiselele ukuba sisiphi na iSixeko esinomasipala omkhulu;

4.2.2 kwiipropati (kwizakhiwo) eziphantsi kwengingqi yolawulo lweSebe leZindlu leSixeko;

4.2.3 kwiipropati (kwizakhiwo) ezimnini wazo isiSixeko yaye kuxhonyekekwe kuThelelwano kumashishini kaRhulumente nawaNgasese[2];

4.3 Ukuthintela nayiphi na intandabuzo, lo Mgaqo-nkqubo awusebenzi kumnikelo siSixeko welungelo lokusebenzisa, lokulawula iPropati (iSakhiwo) kwisithuba senyanga okanye ngaphantsi.

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[2] Uthelelwano phakathi kwamashishini karhulumente nawangasese luchazwe kwiMithetho yoThelelwano phakathi kwamashishini kaRhulumente nawaNgasese njenge, “ntengiselwano yorhwebo phakathi komasipala neqela langasese ngokwemiqathango yokokuba iqela lanasese-

(a) lenze umsebenzi kamasipala lisenzela okanye egameni likamasipala, okanye lifumane ulawulo okanye lisebenzise Ipropati (Isakhiwo) sikamasipala ngeenjongo zorhwebo laso, okanye lenze yomibini ukuqhuba umsebenzi kamasipala okanye egameni likamasipala yaye lifumane ulawulo okanye usetyenziso lwesakhiwo sikamasipala ngeenjongo zorhwebo lwalo; yaye

(b) lithabathele kulo iingozi ezinkulu zemali, zobugcisa nezokusebenza ezibhekiselele
  (i) kwindlela yokwenziwa komsebenzi kamasipala;
  (ii) kulawulo okanye ukusetyenziswa kwepropati (kwesakhiwo) sikamasipala; okanye
  (iii) zombini; yaye

(c) lifumane isibonelelo ngokwenza umsebenzi kamasipala okanye ngokusebenzisa Ipropati (Isakhiwo) sikamasipala okanye kuzo zombini ngendlela –
  (i) “yokunikwa ingqwalasela yentlawulo okanye linikwe ngumasipala okanye icandelo likamasipala phantsi kolawulo olulolwalo lodwa okanye ekwabelwana nalo lukamasipala;
  (ii) lokufuna umrhumo okanye irhafu eya kuqokelelwa liqela langasese kubasebenzisi okanye abathengi benkonzo enikezelweyo kubo; okanye
  (iii) intlanganisela yezibonelelo ekubhekiselelwe kuzo kumhlathana (i) kunye (ii)”

5. INdlela yoLawulo lweSikhundla

5.1 Isebe lolawulo lwePropati (lweSakhiwo) yeSixeko ngumgcini wePropati (weSakhiwo) yeSixeko yaye liya kulawula iPropati (iSakhiwo) yeSixeko ngokuhambela nalo Mgaqo-nkqubo, kubandakanywa kodwa kungaphelelwanga, kwizibonelelo zeSahluko C ngokubhekiselele kugcino lwePropati (lweSakhiwo) ukulungiselela iinjono zikamasipala.

5.2 IPropati (iSakhiwo) yeSixeko yenza izakhiwo ezingama-87 000 ezinemisebenzi eyahlukeneyo nemininzi kunye nabasebenzisi abaninzi kubandakanywa, umzekelo : iiofisi zikamasipala ezisetyenziswa ngamagosa, iiPropati (iZakhiwo) ezisetyenziswa siSixeko ngeli thuba linikezela ngeenkonzo zikamasipala, iiPropati (iZakhiwo) ezisetyenziswa ngabanikezeli ngenkonzo abatyunjwe siSixeko ukuba banikezele ngeenkonzo zikamasipala egama laso, ukuqeshiswa kwamabala emidlalo, iicawa, amaziko ololongo lwabantwana nezinto ezinjalo.

5.3 Ukulungiselela ukufezekisa iinjongo zolawulo lweePropati (lweZakhiwo) zeSixeko, yayo ngokuhambelana nendlela ezilungileyo zamazwe angaphandle, iSixeko samlele uyilo lomjikelo wobomi kunye nendlela yolawulo lwesikhundla ngokubhekiselele kulawulo lweePropati (lweZakhiwo) zeSixeko. Uyilo lomjikelo wobomi usebenza kucwangciso, ukufunyanwa, ukugcina (ukunikezelwa kwaMalungelo eSakhiwo kwiqela lesithathu okanye ukusetyenziswa siSixeko ukulungiselela iinjongo zikamasipala) nokuThengiswa kwePropati (kweSakhiwo).

5.4 ISixeko sikwinkqubo yokuqulunqa irejista yeePropati (yeZakhiwo) zayo eya kubandakanya inkcazelo ezeleyo yePropati (yeSakhiwo) ngasinye, kubandakanywa koko kungaphelelwanga, kubungakanani, ukusetyenziswa, iwonga locwangciso kunye nexabiso lePropati (leSakhiwo) yeSixeko. Ukulungiselela ukuqhuba le nkqubo, ubhaliso lwazo zonke iiPropati (iZakhiwo) egameni leSixeko kuNobhala weNcwadana yeziGqibo luya kukhuthazwa.

5.5 Ipropati (Isakhiwo) ngasinye siya kuthi sinikwe isikhundla ukulungiselela iinjongo zolawulo (umzekelo, uTyalo-mali, uKwenziwa kweNgeniso, uLolongo lweNtlalo, iiNjongo zikaMasipala, iiProjekti zeThutyana kunye noMncono) yaye ucwangciso olufanelekileyo lomjikelo wobomi luya kuqhutywa ngokubhekiselele kwiiPropati (kwiZakhiwo) ezinikezelwe kwiZikhundla zePropati (zeZakhiwo). ISixeko sinakho, kumathuba ngamathuba, silungise iSikhundla sePropati (seZakhiwo) sibe sinye okanye ngaphezulu ze/okanye sinikezele Ipropati (Isakhiwo) kwiSikhundla sePropati (seSakhiwo) esithile.

5.6 Ukuqalisa ucwangciso lomjikelo wobomi ngokubhekiselele kwiSikhundla seePropati (seZakhiwo), iSixeko siya kuba nelungelo ngokubhekiselele kumagunya kunye nemisebenzi enikezelwe njengoxanduva loo masipala ngokwemiqathango yoMgaqo-siseko.

6. IMithetho-siseko yokuLawula iPropati (iSakhiwo)

6.1 ISixeko samkele indlela epheleleyo kulawulo lwepropati (lwesakhiwo) ethe yanika ilungelo elibhekiselele kwimithetho-siseko elandelayo:-

6.1.1 ukusetyenziswa ngokufanelekileyo nangokupheleleyo kwePropati (kweSakhiwo);

6.1.2 imithetho-siseko yolawulo lwesikhundla ngokwemiqathango ezithi iiPropati (iZakhiwo) zilawulwe ngayo ngendlela apha efanelekileyo ngokweSikhundla sePropati (seSakhiwo) esifanelekileyo;

6.1.3 ukwenziwa kwezinto elubala, ukunikwa kwengxelo nokungaguqu-guquki;

6.1.4 kwinkathalo yoluntu lwengingqi lweSixeko;

6.1.5 iinjongo zeqhinga lokusebenza leSixeko, njengoko zisamkelwa kumathuba ngamathuba, nanjengoko ziboniswe kweminye imigaqo-nkqubo eyamkelwe siSixeko, ezinjengesiCwangciso soPhuhliso oluHlangeneyo seSixeko kunye nesiCwangciso-nkqubo soPhuhliso lwesiThuba;

6.1.6 imfuno zokokuba iiNtengiselwano zePropati (zeSakhiwo) kufuneka zihambelane nenkqubo elungileyo, enobulungisa, eyenziwa ngokuphandle nenokhuphiswano;

6.1.7 ukumiliselwa kweMATR ngokuhambelana nemithetho-siseko yolawulo lweMATR lokuqikelela ixabiso, ukuqhubekeka kwenkonzo, ukukhutshelwa kwengozi nokugcinwa kwesakhiwo[3];

[3] Njengoko ichaziwe kwicandelo lomthetho wesi-3 weMATR.

6.1.8 ukukhuthazwa kokukhethwa kwabantu ababevinjwe amathuba ngaphambili ngocalulo olungenabulungisa;

6.1.9 ukusetyenziswa kwePropati (kweSakhiwo) yeSixeko ukukhuthaza umanyaniso lwentlalo, ukunika ingqwalasela nokulungisa intswela bulungisa ekhoyo ukukhuthaza ukukhula koqoqosho, ukwakha uluntu olomeleleo, olumanyeneyo nolunesidima nokunikezela ngelungelo lokufumana amathuba endawo yokuhlala, iinkonzo, izinto eziluncedo, uthutho kunye namathuba engqesho;

6.1.10 ulawulo lwePropati (lweSakhiwo) yeSixeko njengomthombo wozinzo, yaye apho kufanelekileyo, noxhathiso lokusingqongileyo, kwintlalo kunye nembuyekezo yoqoqosho kwiPropati (kwiSakhiwo) ezinjalo ngelo xesha iSixeko sigcine ubunini bazo.

7. Amagunya

7.1 ISixeko sinamagunya anikelwe kuso ngokwemiqathango yeMithetho yePropati (yeSakhiwo) ngenjongo zoku:-

7.1.1 funyanwa siSixeko kwePropati (kweSakhiwo) kunye namalungelo kwizakhiwo nemihlaba;

7.1.2 thengiswa kwePropati (kweSakhiwo) siSixeko nokunikezelwa siSixeko kwaMalungelo ePropati (eSakhiwo);

7.1.3 setyenziswa siSixeko kwamagunya anjalo njengoko kuya kufaneleka, okanye ngokuhambelana nawo, ukulungiselela ukwenziwa ngokufanelekileyo kwemisebenzi yeSixeko.

8. Ukuthengiswa

8.1 **Iipropati (izakhiwo) ezingezizo eziza kuThengiswa** – iSixeko asinakho ukuthengisa ipropati (isakhiwo) esifunelwa ukunikezela ngenqanaba eliphantsi leenkonzo zesiseko zikamasipala[4], silondolozwe apho iNtengiso isiya kwelinye iSebe likaRhulumente, njengoko kubonelelwe kwicandelo le-14(6) leMFMA ofundwa kunye neSahluko sesi-3 seMATR.

8.2 **UkuThengiswa okukhululweyo kuMasebe kaRhulumente** – Kubume obuchazwe kwiSahluko sesi-3 seMATR, ukuThengiswa kwePropati (kweSakhiwo) kwamanye aMasebe kaRhulumente kukhululwe kwiimfuno zamacandelo le-14(1)-(5) eMFMA. Xa kuthethwa ngokubanzi, iNtengiso enjalo ikhululwe apho iNtengiso iyeyenjongo yoluntu, xa kuthelekiswa neNtengiso kubume bentengiselwano yorhwebo eqhelekileyo phakthi komasipala neSebe likaRhulumente (kwimeko enjalo iNtengiso ayikulungelanga ukuba yiNtengiso eKhululweyo).

8.3 Apho izidingo ezichaziwe kwiSahluko sesi-3 zeMATR zithe zahlangatyezwa, ngoko nangona inyaniso yokuba iNtengiso isenakho ukubhekiselela kwIpropati (Isakhiwo) esifunekayo ukuba sinikezele ngeenkonzo zesiseko zikamasipala, iNtengiso enjalo akudingeki ukuba ihambelane neNkqubo yoLawulo lweNtengiso yeSixeko, yaye akufuneki ibe nexabiso elihambelana nemarike yaye ayifuni nkqubo yokuthatyathwa kwenxaxheba luluntu njengoko kuchaziwe kwiMATR ngokubhekiselele kukungakhululwa kwiNtengiso.

8.4 **ICandelo le-14 iNtengiso (engakhululwanga)** - Ngokubhekiselele kwiNtengiso exhomekeke kumacandelo 14(1)-(5) eMFMA, iSixeko sinakho ukuThengisa iPropati (iSakhiwo) ezinjalo kuphela emva kokufezekiswa kwezi mfuno zilandelayo:-

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[4] Ichazwe kuMthetho weeNkqubo njenge; "*nkonzo kamasipala eyimfuneko ukuqinisekisa ngobomi obamkelekileyo nobulungileyo yaye, ukuba ayinikezelwa, kuya kuba yingozi kwimpilo okanye ukhuseleko loluntu kwindalo*".

8.4.1 ISixeko, kwintlanganiso evuleleke kuluntu, kufuneka sibe senze isigqibo kwimihlaba eyamkelekileyo yokokuba ipropati (isakhiwo) asidingeki ukuba sinikezele amanqanaba aphantsi eenkonzo zesiseko zikamasipala;

8.4.2 ISixeko kufuneka sinike ingqwalasela ixabiso elilungileyo lemarike lePropati (leSakhiwo) kunye nexabiso loqoqosho noluntu eliza kufunyanwa kutshintshiselwano neSakhiwo.

8.4.3 Nayiphi na iNtengiso kufuneka ihambelane nemithetho-siseko sokulunga sobulungisa, sokuba phandle, sibe nokhuphiswano ze sibe nendleko ezifikelelekayo.

8.5 Ngokubhekiselele kwicandelo le-14 iiNtengiso (ezingaKhululwanga), izibonelelo zeSahlulo sesi-2 seMATR, esithi sinikezele isicwangciso-nkqubo ukulungiselela umiliselo lwale miba yecandelo le-14 leMFMA, kufuneka ngokunjalo kuhanjelwane nalo.

9. Ukwenziwa kwezigqibo ngokubhekiselele kwiNtengiso yePropati (yeSakhiwo) kuxhonyekekwe kwiCandelo le-14 leMFMA.

9.1 ISahluko sesi-2 seMATR silawula ukuThengiswa kwePropati (kweSakhiwo) esixhomekeke kwicandelo le-14 leMFMA.

9.2 Eli candela loMgaqo-nkqubo longezelela imiba ethile yenkqubo yokuthatyathwa kwezigqibo ebonelelweyo kwiSahluko sesi-2 seMATR

9.3 ISahluko soku-1 seSahluko sesi-2 seMATR sichaza inkqubo ethe ngqo yokuthatyathwa kwezigqibo ngumasipala.

9.4 Inqanaba lokuqala kwinkqubo yokuthatyathwa kwezigqibo luthatho-nxaxheba luluntu. Ngokwemiqathango yeMATR, eli nqanaba lisebenza kuphela kwiXabiso eliPhezulu leZindlu yaye libandakanya:-

9.4.1 isicelo kwiBhunga, esikhatshwa yiNgxelo yeNgcaciso[5], ukugunyazisa uMlawuli weSixeko ukuba aqhube inkqubo yokuthatyathwa kwenxaxheba luluntu;

9.4.2 uMlawuli weSixeko uqhuba inkqubo yokuthatyathwa kwenxaxheba njengoko ichaziwe kwiMATR[6].

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[5] Ekufuneka ihlangabezene neemfuno ezichazwe kwicandelo lomthetho 5(3)(6) weMATR njengoku kulandelayo: "*Isicelo kwibhunga likamasipala ukulungiselela ukugunyaziswa kokuthatyathwa kwenxaxheba luluntu kufuneka sikhatshwe yingxelo yengcaciso echaza –*

(i) uqikelelo lwexabiso lwesakhiwo ekufuneka, sikhutshelwe okanye sithengisiwe kunye nendlela yokubala esetyenzisiweyo ukumisela elo xabiso;
(ii) isizathu sesindululo sokukhuphela oknaye sokuthengisa Ipropati (Isakhiwo);
(iii) nasiphi naisibonelelo esiya kumasipala esinokuba sisiphumo sokukhutshelwa okanye sentengiso;
(iv) nayiphi na inzuzo eya kufunyanwa ngumasipala evela kukhutshelo okanye kwintengiso kunye
(v) nayiphi na ingeniso okanye ilahleko eya kubakho okanye yenzeke kumasipala evela kukhutshelo okanye intengiso."

[6] ISixeko sidingeka, malunga neentsuku ezingama-60 phambi kwentlanganiso yeBhunga apho iBhunga liya kwenza khona iCandelo le-14 loMiselo yaye ligqibe ngokokuba linganikezela na ngoLwamkelo loMthetho-siseko ukulungiselela iNtengiso, ngokuhambelana neCandelo 21A loMthetho weeNkqubo,

9.5 ISixeko sinakho, ngokubona kwaso, ukugqiba ngokuqhuba inkqubo yokuthatyathwa kwenxaxheba luluntu ngokubhekiselele kwiXabiso eliNgaphakamanga leNtengiso yaye sinakho ukumisela indlela enokuthi le nkqubo iyithabathe.

9.6 Ukuba ngaba inqanaba lokuthatyathwa kwenxaxheba lenkqubo yokwenziwa kwezigqibo lithe laqukunjelwa, iBhunga lilindeleke ukuba lithabathe izigqibo ngokubhekiselele kwiNtengiso.

9.7 Isigqibo sokuqala ekufuneka iBhunga lisenze kukumisela ngokwemiqathango yecandelo le-14 leMFMA:-

9.7.1 kwimihlaba eyamkelekileyo, into yokokuba ipropati (isakhiwo) asidingeki ukuba sinikezele ngamanqanaba aphantsi eenkonzo zesiseko zikamasipala; yaye

9.7.2 ingqwalasela yexabiso lemarike elilungileyo lePropati (leSakhiwo) kunye nexabiso loqoqosho neloluntu kufuneka lifunyanwe kutshintshiselwano nePropati (neSakhiwo), ngokuhambelana nezibonelelo zembuyekezo yeNkqubo yoLawulo lweNtengiso;

(“iCandelo le-14 UMiselo)

9.8 Isigqibo sesibini ekufuneka iBhunga lisenze, njengesizathu seCandelo le-14 uMiselo, sibhekiselele ekubeni siwamkele na okanye singawamkeli umthetho-siseko wokokuba Ipropati (Isakhiwo) inakho ukuThengiswa (uLwamkelo lomthetho-siseko).

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ukubhengeza isindululo seNtengiso, kunye neNgxelo yeNgcaciso ukulungiselela ukumema uluntu lwengingqi kunye nabanye abantu abanomdla ukuba bangenise kwiSixeko amagqabantshintshi okanye umelo ngokubhekiselele kwiNtengiso endululwayo; nokufumana iimbono neengcebiso zeCandelo loLawulo-mali leSizwe kunye neCandelo loLawulo-mali lePhondo.

9.9 I MATR imisela imiba emayiqwalaselwe liBhunga xa lisenza iCandelo le-14 loMiselo naxa liqwalasela into yokokuba linike imvume kuLwamkelo loMthetho-siseko.[7]

9.10 ISixeko sinakho ukunikezela ngoLwamkelo loMthetho-siseko kuxhonyekekwe nakuyiphi na imiqathango, kubandakanywa kodwa kungaphelelwanga, kuleyo ichazwe kwiMATR.[8] Ukuba ngaba uLwamkelo loMthetho-siseko luthe lwavunywa kuxhonyekekwe kwimiqathango, ze omnye wemiqathango ungahlangatyezwa, uLwamkelo loMthetho-siseko weNtengiso uyaphelelwa ngoko nangoko, yaye iSixeko asinalo ilungelo lokuThengisa ipropati (isakhiwo) eso sifanelekileyo ngaphandle kokufumana uLwamkelo loMthetho-siseko olutsha.

9.11 I MATR ayiwachazi ngokucacileyo nawaphi na amanyathelo angaphezulu okuthatyathwa kwenxaxheba amakathatyathwe liBhunga xa umasipala sele enze iCandelo le-14 loMiselo ze kwanikezelwa ngoLwamkelo loMthetho-siseko.

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[7] Imiba echazwe kwicandelo lomthetho 7 yile ilandelayo: "*IBhunga likamasipala kufuneka, xa linika ingqwalasela kulo naluphi na ukhutshelwe olucetywayo lwentengiso okanye nasiphi na Ipropati (Isakhiwo) esingakhululwanga ngokwemiqathango yomthetho 5(1)(b)(i) kunye (ii) lithathele ingqalelo – (a) ukuba ingaba Ipropati (Isakhiwo) sinakho na ukufunelwa ukusetyenziswa ngumasipala kwixa elizayo; (b) ilahleko okanye ingeniso ethe yalindeleka kwiziphumo zokhutshelo okanye intengiso ecetywayo; (c) ubungakanani enokuthi nayiphi na imbuyekezo eya kuthi yamkelwe ngokubhekiselele kukhutshelo okanye intengiso ecetywayo iya kuba neziphumo kuqoqosho olubonakalayo okanye kwiindleko zemali okanye kwizibonelelo kumasipala; (d) ingozi nomvuzo enxulunyaniswa nokusebenza okanye ulawulo lwesakhiwo eso kufuneka sikhutshelwe okanye sithengisiwe ngokuhambelana nengeniso kamasipala; (e) uphembelelo oluya kuthi ukhutshelo okanye intengiso ecetywayo ibe nayo kumlinganiselo wobutyala bukamasipala, kwikhono lokudala amathuba emboleko kwixesha elide nelikufutshane exesha elizayo kunye nobume bezemali kunye nokungena nokuphuma kwemali (f) naluphi na unyino okanye imiqathango ehanjiswa nesakhiwo okanye ukhutshelo okanye ukuthengiswa kwesakhiwo, kunye neziphumo zalo naliphi na ikhono lokungahambelana nalo miqathango; (g) iindleko ezithelekelelweyo zokhutshelo okanye zentengiso ecetywayo; ukukhutshelwa kwawo nawaphi na amatyala nezixa-mali eziselugcinweni ezinxulunyaniswa nesakhiwo; (i) nawaphi na amagqabantshintshi okanye umelo kukhutshelo olucetywayo okanye afunyenwe kuluntu lwengingqi kunye nabanye abantu abachaphazelekayo; (j) naziphi na iimbono ezibhaliweyo kunye neengcebiso kukhutshelo okanye intengiso ecetywayo liCandelo loLawulo-mali leSizwe kunye necandelo lolawulo-mali lephondo elifanelekileyo; (k) umdla walo naliphi na isebe likarhulumente elibandakanyekayo, iqhinga lokusebenza likamasipala, umdla osemthethweni nowoqoqosho kunye nomdla woluntu lwengingqi; kunye (l) nohambelwano kunye nolawulo olusemthethweni olusebenzayo kukhutshelo okanye intengiso ecetywayo.*"

[8] Imiqathango echaziweyo kwicandelo lomthetho 11 kubandakanywa okulandelayo: "*(a) indlela esiza kuthengiswa ngayo; (b) ixabiso lasevenkileni okanye imbuyekezo ephantsi yePropati (yeSakhiwo); (c) nokokuba Ipropati (Isakhiwo) sinakho ukukhutshelwa okanye ukuthengiswa ngexabiso elingaphantsi kwexabiso lemarike elilungileyo, kuloo meko ibhunga likamasipala kufuneka kuqala liqwalasele iinqobo ezisesikweni ezithiwe thaca kumthetho 13(2); yaye (d) isicwangciso-nkqubo apho uthethwano ngqo lokukhutshelwa okanye ukuthengiswa kwesakhiwo kufuneka kuqhutywe nomnye umntu, ukuba ngaba ukhutshelo okanye ukuthengiswa kuxhomekeke kuthethwano ngqo.*"

9.12 I MATR ithi, nangona kunjalo, ichaze into yokokuba uMasipala unakho ukuThengisa Ipropati (Isakhiwo) ukuba ngaba iNtengiso leyo ihambelana neNkqubo yoLawulo lweNtengiso yaye unakho ukuba aqalise ngenkgqubo yolawulo lwentengiso xa athe wanikezelwa imvume yoLwamkelo loMthetho-siseko liBhunga.

9.13 Kwimeko apho iNkqubo yoKhuphiswano ithe yalandelwa ngokuhambelana neNkqubo yoLawulo lweNtengiso emva kokunikezelwa ngemvume yoLwamkelo loMthetho-siseko liBhunga, nalapho isiphumo seNkqubo yoKhuphiswano sinempembelelo ngokwemali kwiCandelo le-14 loMiselo apho iBhunga lithe lalenza phambi kokuba linikezele ngemvume yoLwamkelo loMthetho-siseko, iNtengiso iya kubuyiselwa kwiBhunga.

10. Amalungelo ePropati (eSakhiwo)

10.1 ISahluko sesi-4 seMATR silawula ukunikezelwa kweLungelo lePropati (leSakhiwo) kwiimeko apho icandelo le-14 leMFMA lingasebenzi khona.

10.2 UMthetho wama-33(3) kwiSahluko sesi-4 seMATR uchaza iimeko apho kufuneka iLungelo lePropati (leSakhiwo) libe nokuqwalaselwa khona kube ngathi ukunikezelwa kwelungelo lePropati (leSakhiwo) kuxhomekeke kwicandelo le-14 leMFMA okanye lifanelekile njengeNtengiso ekhululweyo evela kwiCandelo le-14. Ezi zibandakanya ngokomzekelo iimeko apho iLungelo lePropati (leSakhiwo):-

10.2.1 linikezelwe kangangesithuba esingenasiphelo okanye esingamiselwanga;

10.2.2 linikezelwe kumntu ekuthe kwanikezelwa iLungelo lePropati (leSakhiwo) nelungelo lokunyula lokuba athenge okanye afumane ubunini beSakhiwo;

10.2.3 linikezelwe ngokwemiqathango yengqeshiso yexesha elide kwiimeko apho ingqesho ithe yasekwa ngendlela apha yokokuba umqeshi usebenza, nangazo zonke iinjongo, ukwindawo yomnini, kusala nje kuphela into yokokuba umnini/umqeshisi ehlala engumnini obhalisiweyo wesakhiwo.

10.3 Ukulungiselela iinjongo zesi Sahluko:-

10.3.1 "**ILungelo lePropati (leSakhiwo) Esibalulekileyo**" lithetha iLungelo lePropati (leSakhiwo) enexabiso elingaphezulu kwezigidi ezili-R10 enikezelwe isithuba esingaphezulu kweminyaka emi-3.

10.3.2 "**Ilungelo lePropati (leSakhiwo) Esingabalulekanga**" lithetha iLungelo lePropati (leSakhiwo) ngokubhekiselele kula macandelo eZakhiwo alandelayo: -

10.3.2.1 IXabiso lePropati (leSakhiwo) elingaphantsi kwezigidi ezili-R10, iLungelo lePropati (leSakhiwo) elide ngaphezulu kweminyaka emi-3;

10.3.2.2 IXabiso lePropati (leSakhiwo) elingaphezulu kwezigidi ezili-R10, iLungelo leSakhiwo lingaphantsi kweminyaka emi-3;

10.3.2.3 IXabiso lePropati (leSakhiwo) elingaphantsi kwezigidi ezili-R10, iLungelo lePropati (leSakhiwo)lingaphantsi kweminyaka emi-3;

10.4 ISahluko soku-1 seSahluko sesi-4 seMATR sichaza inkqubo yokuthatyathwa kwezigqibo ngumasipala ngokubhekiselele kwiLungelo lePropati (leSakhiwo).

10.5 Inqanaba lokuqala kwinkqubo yokuthatyathwa kwezigqibo kukuthatyathwa kwenxaxheba luluntu. Ngokwemiqathango yeMATR, eli nqanaba lisebenza kuphela kwiLungelo lePropati (leSakhiwo) Ebonakalayo yaye libandakanya:-

10.5.1 isicelo kwiBhunga, esikhatshwa yiNgxelo yeNgcaciso,[9] ukugunyazisa uMlawuli weSixeko ukuba aqhube inkqubo yokuthatyathwa kwenxaxheba luluntu;

10.5.2 uMlawuli weSixeko uqhuba inkqubo yokuthatyathwa kwenxaxheba luluntu njengoko kuchaziwe kwiMATR [10];

10.6 ISixeko sinakho, ngokubona kwaso, ukugqiba ngokuqhuba inkqubo yokuthatyathwa kwenxaxheba luluntu ngokubhekiselele kwiLungelo lePropati (leSakhiwo) Esingabalulekanga, saye sinakho ukumisela indlela le nkqubo eza kuyilandela;

10.7 Inkqubo yokuthatyathwa kwenxaxheba kufuneka ukuba ilandelwe kuphela ngokubhekiselele kwizinto ezenziwa kube kanye nangokwemiqathango yokunikezelwa kwiLungelo lePropati (leSakhiwo) apho linikezelwe ngokwesithuba esingadlulanga kwiintsuku ezingama-90 nalapho iNkqubo yoKhuphiswano ingena kusebenza njengenjongo elulutho.

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[9] Ekufuneka ihlangabezane neemfuno ezichazwe kwicandelo lomthetho 34(1)(b) weMATR njengoku kulandelayo: "*ibhunga likamasipala wamkele ngokomthetho-siseko into yokokuba ilungelo linakho ukunikezelwa.*"

[10] ISixeko kufuneka, malunga neentsuku ezingama-60 phambi kwentlanganiso yeBhunga apho iBhunga liya kugqiba ngento yokunikezela uLwamkelo loMthetho-siseko ukulungiselela ukunikezelwa kweLungelo leSakhiwo, ngokuhambelana necandelo 21A loMthetho weeNkqubo, ukubhengeza isindululo sokuNikezela iLungelo lePropati (leSakhiwo), kunye neNgxelo yeNgcaciso, simeme uluntu lwengingqi kunye nabantu abanomdla ukuba bangenise kwiSixeko amagqabantshintshi okanye umelo ngokubhekiselele kunikezelo olucetywayo lweLungelo lePropati (leSakhiwo) nokufumana iimbono neengcebiso zeCandelo loLawulo-mali leSizwe kunye neCandelo loLawulo-mali lePhondo.

10.8 Xa inqanaba lokuthatyathwa kwenxaxheba luluntu lenkqubo yokuthatyathwa kwezigqibo igqityiwe, isigqibo kufuneka sithatyathwe sokokuba kunganikezelwa na ngoLwamkelo loMthetho-siseko ngokubhekiselele kunikezelo lweLungelo lePropati (leSakhiwo).

10.9 I MATR ibonisa umahluko phakathi kweLungelo lePropati (leSakhiwo) esibalulekileyo kunye neLungelo lePropati (leSakhiwo) Esingabalulekanga ukulungiselela iinjongo zogunyaziwe ukunikezela ngoLwamkelo loMthetho-siseko: -

10.9.1 Ngokubhekiselele kwiLungelo lePropati (leSakhiwo) Esibalulekileyo, liBhunga kuphela elinegunya lokunikezela ngoLwamkelo loMthetho-siseko;

10.9.2 Ngokubhekiselele kwiLungelo lePropati (leSakhiwo) Esingabalulekanga, uMlawuli weSixeko, okanye ukuba ngaba uthobele amagunya anjalo komnye umntu, ummeli wakhe, unegunya lokunikezela ngoLwamkelo loMthetho-siseko;

10.10 ISixeko siya kuba negunya lokuhlaziya iLungelo lePropati (leSakhiwo) ukuba ngaba isivumelwano esibhaliweyo phakathi kweSixeko nomntu onelungelo leLungelo lePropati (leSakhiwo) babandakanye ngenkcazelo ilungelo lokukhetha ngendlela yokuhlaziya isivumelwano.

10.11 ISixeko siya kuba nelungelo lokunika imvume yokumiswa okanye ukugcinwa kweveranda, ibhalkoni okanye nayiphi na ipropati (isakhiwo) esithi sibonise okanye sandise kwindawo okanye ngaphezulu kwendawo yoluntu okanye isitalato sikawonke-wonke ngokuhambelana neemfuno ezinjalo njengoko zinakho kumaxesha ngamaxesha sichazwe ngokubhekiselele kuso.

ISAHLUKO B: INKQUBO YOLAWULO LWENTENGISO UKULUNGISELELA INTENGISELWANO YEPROPATI (YESAKHIWO)

11. Imigaqo-nkqubo esebenzayo

11.1 Esi sahluko soMgaqo-nkqubo senza inkqubo yolawulo lwentengiso weSixeko ngokubhekiselele kwiNtengiseo yePropati (yeSakhiwo) okanye ukunikezelwa kwaMalungelo eSakhiwo siSixeko.

11.2 UMgaqo-nkqubo weSCM yeSixeko ubandakanya inkqubo yolawulo lwentengiso othi usebenze kwizakhiwo noMatshini. Nangona kunjalo, izibonelelo ezisebenzayo kuphela zezo zoMthetho wama-40 weMithetho yeSCM, ethe yadityaniswa kulo Mgaqo-nkqubo.

11.3 Ukuthintela nayiphi na intandabuzo, ugcino lwesahluko esijongene nenkqubo yolawulo lwentengiso kuMgaqo-nkqubo weSCM yeSixeko, uMgaqo-nkqubo weSCM yeSixeko isebenza kuphela kwintengo yempahla neenkonzo siSixeko ingeyiyo iNtengiso yePropati (yeSakhiwo) okanye ukunikezelwa kwaMalungelo eSakhiwo.

11.4 ICandelo le-113 leMFMA kunye nomthetho wama-37 wemithetho yeSCM awusebenzi kwiNtengiselwano yePropati (yeSakhiwo) kuba izibonelelo ezichazwe ngaphambili zisebenza ngokunjalo kuphela kwintengo yempahla neenkonzo.

12. IMithetho-siseko enguNdoqo

12.1 Ngokwemiqathango yecandelo 14(5) leMFMA, ukuThengiswa kweSakhiwo siSixeko kufuneka kube kokulungileyo, kube nobulungisa, kube selubala, kube nokhuphiswano kube nokuhambelana kunye noMgaqo-nkqubo weSCM yeSixeko (“iMithetho-siseko enguNdoqo”).

12.2 IMithetho-siseko enguNdoqo ayisebenzi kwiNtengiso yePropati (yeSakhiwo) kuMasebe kaRhulumente phantsi kweemeko ezichazwe phantsi kweSahluko sesi-3 seMATR.

12.3 ISixeko, ngaphandle kokuba kuvunyelwe ukwenza njalo ngokwemiqathango yalo Mgaqo-nkqubo, ngokunjalo siya kusebenzisa iMithetho-siseko eNgundoqo ukunikezela ngaMalungelo eSakhiwo.

12.4 Ngenxa yeMithetho-siseko enguNdoqo, njengomthetho ngokubanzi, xa Ipropati (Isakhiwo) siThengiswa yaye/okanye aMalungelo eSakhiwo enikezelwa, inkqubo yokhuphiswano kufuneka ilandelwe.

13. IiNkqubo zoKhuphiswano

13.1 IMithetho-siseko ngokubanzi

ISixeko sinelungelo lokusebenzisa nayiphi na kwezi ndlela zilandelayo ukuqukumbela iNtengiselwano yePropati (yeSakhiwo) ukuqinisekisa ngento yokokuba umthetho-siseko wokhuphiswano unika impembelelo:-

13.1.1 KwiThenda kawonke-wonke;

13.1.2 Kwifandesi kawonke-wonke;

13.1.3 KwiThenda evaliweyo;

13.1.4 Ukucelwa kwezindululo ezizezinye;

13.2 IThenda kawonke-wonke

13.2.1 Inkqubo yethenda evulelekileyo nephandle yeyona ndlela igxininiswayo eya kuthi inike impembelelo kwiMithetho-siseko enguNdoqo. Inkqubo enjalo inakho, kuxhonyekekwe kubume bentengiselwano, ukubandakanya inkqubo yokubhida okumanqanaba mabini ngokwemiqathango apho ngabo babhidi kuphela abathi bahlangabezane neenqobo zokufaneleka zokuqala ezichazwe kwinqanaba lokuqala abaya kuba nelungelo lokuthabatha inxaxheba kwinqanaba lesibini.

13.2.2 Nangona into yokokuba uMthetho wesiCwangciso-nkqubo soMgaqo-nkqubo weNtengo eKhethiweyo ulawula *kuxoxwa* ngaphaya kwamagunya awo ukusebenza kokuXhobisa ngokubhekiselele kukusebenza kwawo kwiNtengiselwano yePropati (yeSakhiwo), iSixeko siya kusebenzisa uMthetho wesiCwangciso-nkqubo soMgaqo-nkqubo yeNtengo xa silandela inkqubo yokubhida enokhuphiswano ngokubhekiselele kwiNtengiselwano yePropati (yeSakhiwo).

13.3 **IFandesi kawonke-wonke**

Izakhiwo ezisebenzayo zinokuhluthwa ubunini yifandesi kawonke-wonke kwiimeko apho ISixeko sikwimbono yokokuba inkumdla yoluntu neSixeko. Imiqathango yefandesi nganye iya kumiselwa ngokweprojekti ukuya kwenye iprojekti, efaneleke kwiimpawu ezithe ngqo kunye nokubalelwa kwesakhiwo, kunye neenjongo zeqhinga lokusebenza. Apho kuthe kwasetyenziswa iinkonzo zomthetheli fandesi, iKomishini iya kuhlawulwa ngumbhidi ophumelelayo yaye ayisayi kuba yinxalenye yomnikelo wemali oya kwiSixeko.

13.4 **IThenda evaliweyo**

Ukuba ngaba Ipropati (isakhiwo) inabanini abamelene naso abangaphezulu komnini omnye yaye ukuba ngaba eso Sakhiwo sinakho ukumanyaniswa nezakhiwo ezingaphezulu kwesakhiwo esinye abanini bazo bamelene naso, ngoko ubhido oluvaliweyo luya kubizwa kubo bonke abanini ababhalisiweyo abanezakhiwo ezimelene nesi Sakhiwo sinakho ukuba singamanyaniswa.

13.5 **Ukufunwa kweZindululo ezizezinye**

Kwimeko apho kungekho nanye indlela kwezi zintathu zokhuphiswano ezichazwe ngasentla ezifanelekileyo kubume beNtengiselwano yePropati (yeSakhiwo) ekuthethwa ngaso, ngoko iSixeko siya, apho kungekho nanye imeko ngokubhekiselele apho unxaxho lunokunikezelwa ngokufanelekileyo, ukufunwa kwezindululo ezizezinye ngokubhekiselele kwiNtengiselwano yePropati (yeSakhiwo) ekuthethwa ngaso. Imizekelo yeemeko apho kunokufunwa izindululo ezizezinye ezinokufaneleka kubandakanywa ezilandelayo:-

13.5.1 **Izakhiwo zololongo lwentlalo/ izakhiwo zemidlalo yoluntu**

Kwiimeko ezizodwa apho Ipropati (Isakhiwo) esiza kusetyenziselwa ulololongo lwentlalo/ injongo yemidlalo yoluntu singabekelwanga ecaleni ngokuhambelana neenkqubo ezinikezelwa kwiSahluko C salo Mgaqo-siseko, nalapho isebe lolawulo lwesakhiwo leSixeko lifumana isicelo esingabongoziyo seNtengiselwano yePropati (leSakhiwo), ngoko ezi meko zinokuthathelwa ingqalelo ukunika isizathu sokungalandelwa kwenkqubo yobhido lokhuphiswano:-

13.5.1.1 Ingaba umenzi wesicelo ubenecham lokuba nesakhiwo ngokwembali yeLungelo lePropati (leSakhiwo) esinikezelwa siSixeko yaye, ukuba kunjalo, kangangethuba elingakanani;

13.5.1.2 Imiqathango yokusisebenzisa;

13.5.1.3 Ubume obuthe ngqo bololongo lwentlalo okanye yemidlalo yoluntu;

13.5.1.4 Ingaba umenzi wesicelo uthe kwixesha elidlulileyo wenza uphuulo kwIpropati (Isakhiwo) na yaye, ukuba kunjalo, ixabiso lolophuculo;

13.5.1.5 Ingaba iSixeko sanelisekile na okanye asanelisekanga yindlela umenzi wesicelo uhe wanika impembelelo kulolongo lwentlalo okanye kwinjongo yemidlalo yoluntu.

13.5.2 **Iimeko ezizodwa**

Kwezinye iimeko ezizodwa, ngapandle kokuba:-

13.5.2.1 Ngokungqinelana neNtengiselwano yePropati (yeSakhiwo), Ipropati (Isakhiwo) siya kusetyenziselwa injongo kawonke-wonke luluntu lwengingqi yeSixeko; kunye/okanye

13.5.2.2 iSixeko sanelisekile yinto yokuba iNtengiselwano yePropati (yeSakhiwo) iya kuxhanyulwa ngokukodwa, okanye ibe neendleko eziyinzuzo eyodwa kwiSixeko.

14. Iinkqubo ezingezizo ezokhuphiswano : Ezingaphaya / uThethwano oluthe Ngqo

14.1 Ipropati (Isakhiwo) ekungena kusetyenziswa ukhuphiswano

Ngokubhekiselele kwIpropati (isakhiwo) ekungenakho ukusetyenziswa kokhuphiswano esinokuthi sisetyenziswe ngumnini okanye ngabanini bezakhiwo ezimelene nesi, iNtengiselwano yePropati (yeSakhiwo) inakho ukwamkelwa ngaphandle kwenkqubo yokhuphiswano ibe ilandelwe ngenxa yokokuba akusayi kubakho njongo inakho ukufezekisa yinkqubo yokhuphiswano.

14.2 Ipropati (Isakhiwo) ekusetyenziswa inkqubo yokhuphiswano ; Unxaxho kwinkqubo yokhuphiswano

14.2.1 UMlawuli weSixeko unakho unokungangeni kwiinkqubo zokhuphiswano ezisekwe kule Nkqubo yoLawulo lweNtengiso, yaye unakho ukungena kwiNtengiselwano yePropati (yeSakhiwo) ngokusebenzisa nayiphi na inkqubo emlungeleyo, enokubandakanya uthethwano ngqo, kodwa kuphela kwezi meko zilandelayo:-

14.2.1.1 xa kukho umba ongxamileyo; okanye

14.2.1.2 ngenxa yeemeko ezizodwa ezingaqhelekanga kwipropati (kwisakhiwo) esiphantsi kwengqwalasela, sinakho ukusetyenziswa ngumntu omnye/umbutho ofuna ukungena kwiNtengiselwano yePropati (yeSakhiwo); kunye / okanye

14.2.1.3 umntu ofuna ukunena kwiNtengiselwano yePropati (yeSakhiwo) nguye kuphela umboneleli wenkonzo okanye wemveliso ngokubhekiselele kwindlela Ipropati (Isakhiwo) esiya kusetyenziswa ngayo yaye ukusetyenziswa kwePropati (kweSakhiwo) sinxulumene ngokungenakuconjululwa kwisibonelelo salo nkonzo injalo okanye imveliso; okanye

14.2.1.4 UMlawuli weSixeko wanelisekile yinto yokokuba iNtengiselwano yePropati (yeSakhiwo) iya kuba luncedo olukhulu, okanye iya kuba nexabiso eliluncedo kakhulu kwiSixeko ixabiso elo belingenakho ukufumaneka ukuba ngaba bekulandelwe iNkqubo yoKhuphiswano siSixeko; okanye

14.2.1.5 nakuyiphi na imeko eyodwa apho bekungenakho tu ukulandela inkqubo esesikweni yokhuphiswano.

14.2.2 Ngaphandle kokuphuma ecaleni kumba ongasentla we-12.4 kwiimeko ekubhekiselelwe kuzo kwi-14.2.1.5, kwiMithetho-siseko enguNdoqo.

14.2.3 UMlawuli weSixeko kufuneka arhekhode izizathu zokunxaxa ngokwemiqathango yesi sibonelelo ze anike ingxelo ngazo kwintlanganiso elandelayo yeBhunga aze azibandakanye njengenqaku kwingxelo zemali zonyaka.

15. INkqubo yeKomiti elungiselelwe iiBhidi zoKhuphiswano

15.1 Apho uMlawuli weSixeko abona kufanelekile, ethathela ingqalelo ubume beNtengiselwano yePropati (yeSakhiwo), iSixeko sinakho ukuseka iikomiti ukulungiselela amaxwebhu ebhidi, kunye novavanyo nochophelo lwebhodi.

15.2 Nayiphi na ikomiti enjalo iya kudingeka ibandakanye ummeli wesebe leSCM yeSixeko.

15.3 Akukho lungu leBhunga leSixeko elinokuba lilungu layo nayiphi na ikomiti enjalo.

16. Iinqobo ezilungiselelwe iMbuyekezo neXabiso leMarike eliLungileyo

16.1 IPropati (ISakhiwo) sinokuThengiswa kuphela ngamaxabiso ahambelana nemarike, ngaphandle kwemeko yamahlwempu okanye eminye imiba ekumdla woluntu ethi ibe nempembelelo kuqoqosho nexabiso loluntu elamkelwe siSixeko esinebango ngenye indlela.

16.2 Ukuba ngaba iSixeko ngenxa yomdla woluntu, ingakumbi ngokubhekiselele kwimeko yamahlwempu, lixhibe ukuThengisa iPropati (iSakhiwo) Esingakhululwanga ngaphantsi kwexabiso lemarike kufuneka sithathele ingqalelo iimeko ezichazwe kwicandelo lomthetho 13(2) le MATR.[11]

16.3 Kuxhonyekekwe kwiCandelo le-14 leBhunga noLwamkelo loMthetho-siseko ngokubhekiselele kwiNtengiso ethile, (kubandakanywa ukuthathelwa kwengqalelo kwemiba echazwe kwicandelo 13(2) lweMATR, ngaphadle kokuthintela amagunya eBhunga ukuba amisele ngenye indlela), iSixeko siya kuThengisa iipropati (izakhiwo) zololongo lwentlalo ngexabiso lokuthenga eliphakahi kwe-10% nama-25% exabiso lemarike elilungileyo kuxhonyekekwe kwigatya elifanelekileyo lorhoxiso emalibhaliswe kunye noxwebhu lwelungelo leSakhiwo. Igatya lorhoxiso elinjalo kufuneka linyanzele umhluthwa wobunini ukuba ahlawule iSixeko imali engumahluko phakathi kwexabiso lokuthenga elihlawulweyo kunye nexabiso elilungileyo lemarike lePropati (leSakhiwo) kwimeko apho umhluthwa lowo uthe wayeka ukusebenzisa iPropati (iSakhiwo) esilungiselelwe iinjongo zololongo lwentlalo, akusilela iSixeko siya kuba nelungelo lokufumana kwakhona ubunini bePropati (beSakhiwo). Ixabiso elilungileo lemarike liya kumiselwa ukususela ngomhla apho umhluthwa athe waphelelwa kukusebenzisa iPropati (iSakhiwo) ngenjongo yololongo lwentlalo.

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[11] Imiba injengale ilandelayo: "*[I Ukuba ngaba umasipala okanye okanye icandelo likamasipala ngenxa yomdla woluntu, ingakumbi ngokuhambelana nemeko yamahlwempu, uxhibe ukukhuphela ipropati (isakhiwo) eingakhululwanga ngexabiso elingaphantsi kwexabiso elilungileyo lemarike umasipala okanye icandelo kufuneka, xa liqwalasela ukhutshelo olucetywayo, kuthathelwa ingqqalelo – (a) umdla – (i) kaRhulumente; ze (ii) noluntu lwengingqi; (b) umdla weqhinga nowoqoqosho kamasipala okanye icandelo likamasipala, kubandakanywa impembelelo yexesha elide yesigqibo kumasipala okanye icandelo; (c) amalungelo omgaqo-siseko kunye nomdla osemthethweni wawo onke amaqela achaphazelekayo; (d) nokokuba umdla wamaqela kukhutshelo kufuneka ube ngowona uthathelwa ingqalelo ngaphezulu komdla woluntu lwengingqi, nento yokokuba ingaba yenzeka njani into yokokuba umdla womntu omnye ungangothathelwa phezulu kunomdla wabantu abaninzi, nento yokuba (e) ingaba uluntu lwengingqi lungabonelelwa ngcono na ukuba ngaba ipropati (isakhiwo0 sikhutshelwe ngexabiso elingaphantsi kwelilungileyo lemarike, xa kuthelekiswa nokhutshelo lwepropati (isakhiwo) ngexabiso elilungileyo lemarike.*"

16.4 Ukuba ngaba iSixeko sityumba iqela loshishino lwangasese okanye iSebe likaRhulumente ngokusetyenziswa kwenkqubo yokhuphiswano lokubhida njengomnikezeli nkonzo wenkonzo yorhwebo, imbuyekezo ehlawulwa kwiSixeko ngokubhekiselele kwiNtengiso yePropati (yeSakhiwo) njengecandelo elibalulekileyo lokwenziwa kwenkonzo yorhwebo enjalo kumnikezeli nkonzo, iya kubonakalisa ixabiso lemarike elilungileyo.

16.5 IPropati (iSakhiwo) sinakho ukuqeshiswa kuphela ngemilinganiselo enxulumene nemarike, ngaphandle kwalapho imeko yamahlwempu okanye imiba yomdla woluntu onokuthi ube nempembelelo kuqoqosho nakwixabiso loluntu elinokufunyanwa siSixeko linyanzelisa enye into.

16.6 Ngokubhekiselele kumacandelo athole ePropati (eSakhiwo), iSixeko siya kuba nelungelo lokwamkela umrhumo ongaphantsi konxulumene nemarike ngokubhekiselele kuMalungelo ePropati (eSakhiwo), umzekelo, iipropati (izakhiwo) ezixhomekeke kwingqesho yegadi, ungenelo kunye nezakhiwo zololongo lwentlalo.

16.7 ISixeko siya kuba nelungelo, ngokubona kwaso kumathuba ngamathuba, ukuchaza iindidi zeeNtengiselwano zeSakhiwo ngokubhekiselele kwinto yokokuba ingaba izicelo zivumelekile na ukuba zenziwe kwiSixeko nokunyanzelisa ukuhlawulwa komrhumo wokwenziwa kwesicelo, umlinganiselo iirhafu, izikali zomrhumo okanye naziphi na ezinye iirhafu ezinxulumene neNtengiselwano yeSakhiwo (ngoqukaniso “iiRhafu”).

16.8 Kwiimeko ezinjalo, iSixeko siya kuba nelungelo lokungasiqwalaseli isicelo seNtengiselwano yeSakhiwo ngaphandle kokuba umenzi wesicelo: -

16.8.1 Uqinisekise ngokubhaliweyo ngento yokuba uya kuhlawula iiRhafu aze athwale zonke iindleko ezinjalo ngokubhekiselele kwiNtengiselwano yeSakhiwo njengoko iSixeko sinakho ukufuna (umzekelo iindleko zezomthetho, iindleko zocando, iindleko zocando ngokutsha, zolwahlulo kunye nokumanyanisa, iindleko zopapasho, iindleko zokufuduka okanye iindleko zobonelelo ngeenkonzo); kunye/okanye

16.8.2 Ukuba kufunwa siSixeko, ahlawule idipozithi njengoko ichaziwe siSixeko ukuqwalasela iindleko ezifana nezingalindelekanga.

ISAHLUKO C: UKUGCINWA KWESAKHIWO UKULUNGISELELA IINJONGO ZIKAMASIPALA

17. Ukugcinwa kunye nezivumelwano zenqanaba lenkonzo

17.1 Iinjongo zolawulo lwesakhiwo seSixeko ngokubhekiselele kwiPropati (kwiSakhiwo) esiza kusetyenziselwa iinjongo zikamasipala, ngokulandelelana ngokokubaluleka kwazo, zinjengezi zilandelayo”-

17.1.1 ukusebenzisa, ukugcina nokulawula iSakhiwo seSixeko ukulungiselela iimfuno zaso, umzekelo ngeenjongo zeeofisi zikamasipala ngokunjalo neenjongo zokubonelela kweSixeko okanye ngabanikezeli benkonzo abatyunjwe siSixeko seenkonzo zikamasipala ezifana namanzi nohanjiso lwamanzi amdaka, umbane njalo njalo;

17.1.2 ukusebenzisa, ukugcina nolawulo iPropati (iSakhiwo) seSixeko ukulungiselela iinjongo ezibanzi zikamasipala kumdla woluntu lwengingqi lweSixeko, umzekelo, ngokubhekiselele kwizibonelelo zemidlalo yengingqi, izibonelelo zololongo lwabantwana kunye namangcwaba, abangcwabi kunye nendawo yokutshisa izidumbu.

17.2 Ukulungiselela ukunika impembelelo kwiinjongo zolawulo lwepropati (lwesakhiwo) ngokubhekiselele kwiinjongo ezinjalo zikamasipala, iSixeko sigcina iPropati (iSakhiwo) esifunelwa iinjongo ezinjalo.

17.3 Kuzo zonke iimeko apho iPropati (iSakhiwo) okanye iiPropati (iZakhiwo) zigcinelwe injongo ethi iqulathwe kuxanduva lomsebenzi welinye isebe elikwiSixeko, iSebe loLawulo lweZakhiwo zeSixeko, liya kungena kwisivumelwano senqanaba lenkonzo (SLA) kunye nelaa sebe.

17.4 Imizekelo yeentloko zeZakhiwo eziluxanduva lokusebenza lesebe elifanelekileyo yile ilandelayo:-

17.4.1 IiNdawo zokuzonwabisa zikaMasipala:- iMidlalo noLonwabo;

17.4.2 IiPaki:- IZithuba ezingena nto zoLuntu;

17.4.3 liPropati (iZakhiwo) zoLolongo lweNtlalo:- UPhuhliso loQoqosho neNtlalontle;

17.4.4 IZibonelelo zeMidlalo : IMidlalo noLonwabo.

17.5 I SLA iya kulawula indima noxanduva olwahlukeneyo lwesebe loLawulo lweePropati (lweZakhiwo) kunye nesebe elichaphazelekayo ngokubekiselele kwiiPropati (kwiZakhiwo) ezigciniweyo yaye, kwinqanaba eliphantsi, iya kuqwalasela:-

17.6 IiPropati (iZakhiwo) ezisetyenziswa lisebe elichaphazelekayo ngokwalo, umzekelo, apho isebe elichaphazelekao lisebenzisa iiPropati (iZakhiwo) ukulungiselela unikezelo lwenkozo kamasipala (apho inkonzo kamasipala inikezelwa ngesixhobo sangaphakathi njengoko kubonelelwe nguMthetho weeNkqubo);

17.7 IiPropati (iZakhiwo) ezisetyenziswa liqela lesithathu labanikezeli ngenkonzo, umzekelo, apho isebe elichaphazelekayo lityumbe umnikezeli ngenkonzo ukubonelela ngenkonzo kamasipala;

17.8 IiPropati (iZakhiwo) apho isebe elichaphazelekayo lityumbe iqela langasese ukulawula iPropati (iSakhiwo), umzekelo, ngokwemiqathango yezivumelwano zoLawulo lweZibonelelo (lwaMaziko).

17.9 IiSLA ziya kubandakanya izibonelelo ezinika ingqwalasela:-

17.9.1 Kwinjongo apho iPropati (iSakhiwo) sithi sigcinwe;

17.9.2 inkcazelo ecacileyo yenjongo yokutyunjwa kweqela langasese siSixeko kunye noxanduva lwesivumelwano seqela langasese ngokubhekiselele kwinjongo yotyunjo lwalo (olufana nesibonelelo senkonzo), ngokunjalo nangokubhekiselele nakuwo nawaphi na amaLungelo ePropati (eSakhiwo) elinokuthi libe liwanikiwe ngokubhekiselele kwiPropati (kwiSakhiwo);

17.9.3 indlela yokutyunjwa kweqela langasese kunye neNtengiselwano yePropati (iSakhiwo) iya kuthengwa ngokuhambelana nezibonelelo ezisebenzayo zomgaqo-kqubo ezingezantsi;

17.9.4 ukungena kwisivumelwano kunye neqela langasese nokwabiwa koxanduva lwesebe elichaphazelekayo kwaye neSebe Lolawulo lwePropati / isakhiwo ngokubhekiselele koko;

17.9.5 uxanduva olucacileyo lweSebe loLawulo lwePropati (isakhiwo) kunye nesebe elichaphazelekayo ngokubhekiselele kubeko liso ngokulawulwa kokusetyenzisa, ulawulo lwePropati (isakhiwo) nje ukuba iqela langasese lithe latyunjwa;

17.9.6 uxanduva lwesebe elichaphazelekayo ngokubhekiselele kunikezelo lwePropati (lweSakhiwo) esigciniweyo kwiSebe loLawulo lwaPropati (lweSakhiwo) nje ukuba isebe elichaphazelekayo libe alisayifuni iPropati (iSakhiwo) ukulungiselela iinjongo ebe igcinelwe yona.

17.10 Njengoko iSebe loLawuo lwePropati yeSixeko lingumgcini wePropati (isakhiwo) yeSixeko, lilo lodwa iSebe kwiSixeko elinokuthi liqukumbele isivumelwano kunye neqela lesithathu ngokubhekiselele kwiNtengiselwano yePropati (isakhiwo). Ukuthintela nayiphi na intandabuzo, oku kusebenza nakusiphi na isivumelwano, kungakhathalelwe nkcazelo yesivumelwano (umzekelo, isivumelwano solawulo esibizwa njengesibonelelo) esijongene nokunikezelwa kweLungelo lePropati (eSakhiwo) siSixeko.

17.11 Apho kuba yimfuneko khona okanye kokufanelekileyo ukwenza njalo, iSebe loLawulo lwePropati (isakhiwo) kunye nesebe elichaphazelekayo liya kuzama ukungena kwintengiselwano ethe ngqo yeSLA.

18. INtengiselwano yePropati (isakhiwo) njengenxalenye yeCandelo lokuKhetha uMnikezeli

18.1 Zininzi iindidi zezivumelwano ekungenwa kuzo siSixeko ngokwemiqathango yenjongo engundoqo yentengiselwano ekutyunjwe ngayo siSixeko umnikezeli ngenkonzo nokuThengiswa okanye ukunikezelwa kweLungelo lePropati (isakhiwo) yinxalenye yecandelo yendlela yokusebenza kwenkonzo ekujoliswe kuyo.

18.2 **INkonzo kaMasipala okanye iNkonzo yoRhwebo**

18.2.1 I MATR ibandakanya izibonelelo ezilawula indlela iNtengiselwano yePropati (isakhiwo) kufuneka iqwalaselwe ngayo kwiimeko apho intengiselwano engundoqo ikukutyumba umnikeli ngenkonzo ukuba enze inkonzo kamasipala okanye inkonzo yorhwebo.

18.3 Ukulungiselela iinjongo zeMATR:-

18.3.1 Inkonzo yorhwebo ithetha inkonzo engaphandle kwale nkonzo kamasipala enikezelwa liqela loshishino lwangasese okanye isebe likarhulumente kumasipala ngesiseko sorhwebo ethi ithengwe ngumasipala ngokusetyenziswa komgaqo-nkqubo wolawulo lomxokelelwano wonikezelo “*isiseko sorhwebo*” asichazwanga kwiMATR;

18.3.2 Inkonzo kamasipala ithetha inkonzo kamasipala njengoko ichaziwe kuMthetho weeNkqubo, ongulo inkonzo athi umasipala ngokwemiqathango yamagunya akhe kunye nemisebenzi abonelela okanye abe nakho ukuyinikezela ilungiselela uluntu lwengingqi engakhathalele nokokuba:-

18.3.2.1 Inkonzo enjalo inikezelwe, okanye iza kunikezelwa, ngumasipala ngokusebenzisa indlela yangaphakathi okanye yangaphandle njengoko icamngcwe kwicandelo lama-76 oMthetho weeNkqubo; yaye

18.3.2.2 Imirhumo, iintlawulo okanye iirhafu ziyarhafiswa ngokubhekiselele kuloo nkonzo injalo okanye hayi.

18.4 Kwiimeko ezinjalo, iNkqubo yoLawulo lweNtengiselo ayisebenzi kuba intengiselwano engundoqo yokutyunjwa komnikezeli wenkonzo sele iqhutyiwe kungqinelana neenkqubo zokhuphiswano zebhidi ezichazwe kuMthetho weeNkqubo kunye noMgaqo-nkqubo weSCM yeSixeko ngokubhekiselele kwintengo yempahla kunye neenkonzo.

18.5 ISixeko sinakho ngoko ukuthethana ngqo nomnikezeli ngenkonzo otyunjiweyo ngokubhekiselele kwiNtengiselwano yePropati (isakhiwo). Ngamanye amazwi, akukho mfuneko yokuba iSixeko sihambelana neMithetho-siseko enguNdoqo ngokuqala ngendlela ethile yenkqubo yokhuphiswano ngokubhekiselele kwiNtengiselwano yePropati (isakhiwo).

18.6 Nangona kunjalo, kungakhathaliseki nokokuba intengiselwano engundoqo imiswe njani na, ukuba ngaba iSixeko sivumela umnikezeli ngenkonzo ukuba asebenzise, alawule iPropati (isakhiwo) ngeenjongo zokubonelela ngenkonzo kamasipala okanye yorhwebo (nokokuba ngokwemiqathango yesivumelwano sengqesho, isivumelwano somnikezeli ngenkonzo, isivumelwano solawulo lwamaziko okanye ngenye indlela), ngokwemiqathango yeMATR, iSixeko sisadingeka ukuba sihambelane kunye neemfuno zokuthatyathwa kwenxaxheba njengoko kuchaziwe kwiMATR (ukuba iyasebenza) yaye kusafuneka ngokunjalo ukuba kwenziwe izigqibo ngokubhekiselele kusekelo okanye kwisincedisi seNtengiselwano yePropati (isakhiwo).

18.7 I MATR ichaza into yokokuba:-

18.7.1 ngokubhekiselele kwintengiselwano yamaLungelo ePropati Ebalulekileyo, ukunikezelwa koLwamkelo loMthetho-siseko kufuneka kuthatyathwe njengenxalenye yesahluko senkqubo ebanzi yokuthatyathwa kwezigqibo ekutyunjweni komnikezeli ngenkonzo ukulungiselela indlela yokunikezelwa kwenkonzo (nokokuba ngumasipala okanye lurhwebo);

18.7.2 ngokubhekiselele kwiNtengiso, iCandelo le-14 loMiselo kunye oLwamkelo loMthetho-siseko liBhunga ngokubhekiselele kwiXabiso eliPhezulu neliNgekho Phezulu leePropati (izakhiwo) kufuneka zenziwe ze zinikezelwe njengenxalenye yayo nayiphi na inkqubo ebanzi yokuthatyathwa kwezigqibo ekuchongweni komnikezeli ngenkonzo.

18.8 Ukuba ngaba iPropati (isakhiwo) ethile iyafunwa ukulungiselela iinjongo zokutyunjwa komnikezeli ngenkonzo, iSebe loLawulo lwePropati (isakhiwo) seSixeko, xa kufunyenwe isicelo liSebe eliChaphazelekayo elifanelekileyo, liya kugcina iPropati liyigcinele iinjongo ezinjalo (ukuba ngaba ayikagcinelwa enye into) yaye la masebe mabini aya kuthi mhlawumbi ahambelane kunye nezibonelelo zeNkqubo yokuSebenza yesiQhelo esele ikho okanye angene kwintengiselwano ethe ngqo yeSOP ethi inike ingqwalasela kwimisebenzi noxanduva lweSebe loLawulo lwePropati kunye neSebe eliChaphazelekayo ngokubhekiselele kuhlobo oluthile lwentengiso ezicetywayo (okt ukutyunjwa komnikezeli ngenkonzo kuye nomanyaniso lweNtengiselwano yePropati) nokumanyaniswa kwenkqubo zokuthatyathwa kwezigqibo nokuthatyathwa kwenxaxheba luluntu ngokubhekiselele kwiintengiselwano.

18.9 **ISikhundla soLolongo lweNtlalo**

18.9.1 Esinye seZIkhundla zePropati yeSixeko luLolongo lweNtlalo.

18.9.2 IiPropati ezikwiSikhundla soLolongo lweNtlalo zisetyenziselwa uluhlu olubanzi lweenkonzo zololongo lentlalo ezibonelelwa yimibutho efana nentlalo-ntle, ezesisa, ezenkcubeko nemibutho yenkolo, kubandakanywa kodwa kungaphelelwanga apho, ezi ndidi zosetyenziso zilandelayo:-

18.9.2.1 indawo yonqulo ukuya kwiqondo elithile yaye ngokweso sahlulo sesibonelelo esithi sisetyenziselwe iindibano yomoya, kunye nentlalo / umalusi / indlu yenkonzo / nentlalo-ntle ekhathalayo nexhasao kubanquli kunye noluntu ngokubanzi;

18.9.2.2 iziko lololongo lwabantwana uya kuthi ga njengoko inkela ekusebenzeni kwesibonelelo sololongo lwabantwana esisetyenziselwa izinto ezininzi yaye sisetyenziswa kwisixeko sokungafumani ngeniso;

18.9.2.3 njengendawo yabadla umhlalaphantsi ukulungiselela eso sahlulo sesakhiwo okanye isibonelelo esikhoyo ukulungiselela ukuba sisetyenziswe luluntu ngokubanzi ngokuxhaswa ngemali / ngamaxabiso aphantsi;

18.9.2.4 izikolo okanye amaziko – ukusetyenziswa njengamakhaya ukulungiselela abanezithintelo emzimbeni nabantu abalimeleyo;

18.9.2.5 amaziko okubuyisela umntu kwisidima sakhe sangaphambili angafumani ngeniso;

18.9.2.6 amakhaya amaziko amahlwempu , ababethiweyo okanye abantu abasweleyo;

18.9.2.7 imibutho elungiselelweyo abangenamakhaya nabadala;

18.9.2.8 amaziko emisebenzi yolutsha;

18.9.2.9 amaziko alungiselelwe ukuhlala kwabantu, ulolongo nokungcwatywa kwezilwanyana;

18.9.2.10 amangcwaba, abangcwabi abangenzi ngeniso kunye neendawo zokutshisa izidumbu ezingenzi ngeniso;

18.9.3 Le miba ilandelayo iya kuqwalaselwa njengefanelekileyo xa kukhethwa nakulwabiwo lwezakhiwo kwiindawo zonqulo:

18.9.3.1 ubungakanani bebandla / bamalungu;

18.9.3.2 ubukho bemali ukulungiselela ukuthenga isiza nousiphuhlisa ngokunjalo kwisithuba sonyaka omnye;

18.9.3.3 ingaba elo hlelo sele limelwe na kwingingi;

18.9.3.4 ingaba izibonelelo /imisebenzi yohlobo lwezentlalo iya kunikezelwa ukwangezelela kwizibonelelo zonqulo;

18.9.3.5 ingaba ibandla/amalungu avela kule ngingqi kwenziwa isicelo sesiza na okanye hayi.

18.9.4 Phambi kolwamkelo lwalo Mgaqo-nkqubo, indlela yokusebenza ngokubanzi yeSixeko ibe iyileyo yokokuba abanikezela ngeenkozo zololongo lwentlalo bebekhethwa ngokusetyenziswa kwenkqubo zepropati (izakhiwo) elawulwa yindlela okuphendula liSebe loLAwulo lwePropati (isakhiwo) leSixeko. Umzekelo, umntu ofuna ukuqhuba ikhreshi kwiPropati esetyenziselwa iinjongo zoko uya kwenza isicelo kwiSixeko ukulungiselela ukunikezelwa kwemvume yokuqesha yaye

isicelo siya kuvavanywa kuphela ngokufaneleka kwemiba enxulumene nepropati kwingqesho ecetywayo. Imiba efana nokokuba ingaba iPropati inakho na ukuqeshiselwa umnikezeli wenkonzo yololongo lwentlalo kungakhange kulandelwe ukumiselwa kweNkqubo yoKhuphiswano ngokwemiqathango yemigaqo-nkqubo yepropati esebenzayo.

18.9.5 Nangona kunjalo, kwiimeko ezininzi, iya kuba yinto efanelekileyo nefunekayo into yenkqubo yoTyumbo loMnikezeli ngeNkonzo yoLolongo lweNtlalo ukuba iqaliswe ze iqhutywe lisebe elichaphazelekayo elikwiSixeko elinoxanduva lokwenza umsebenzi olungiselelwe olu hlobo lololongo lwentlalo.

18.9.6 Nangona ke utyumbo loMnikezeli weeNkonzo zoLolongo lweNtlalo siSixeko zingekho phantsi kwezibonelelo zikamasipala, okanye inkonzo yorhwebo, apho kunakho nalapho kunokwenzeka, iSixeko siya kujongana neePropati (izakhiwo) kwiSikhundla sololongo lweNtlalo ngendlela eyiyo ngokuhambelana neenkqubo ezinye zogcino, kubandakanwa ukuqukunjelwa kweeSLA, njengoko zidweliswe apha ngasentla.

18.9.7 IPropati inakho ukuqeshiswa kuphela ngomlinganiselo onxulumene nemarike, ngaphandle kwaxa kujongwe imeko yamahlwempu okanye eminye imiba yomdla woluntu ethi ibe nempembelelo kuqoqosho kunye nexabiso loluntu eliza kwamkelwa siSixeko ibe ibanga enye into. Ngokubhekiselele kwiipropati zololongo lwentlalo, iSixeko siya kumisela irhente engaphantsi kwemarike ngokwemiqathango yerhafu yonyaka.

18.10 **Izibonelelo zemidlalo kune noBume bezinto ezilncedo zoLuntu**

18.10.1 Olunye uXanduva lwePropati yeSixeko zezibonelelo zemidlalo kuye nezinto eziluncedo zoluntu.

18.10.2 Ezinye iipropati ezikwizibonelelo zemidlalo nakubume bezinto eziluncedo zoluntu zisetyenziswa yaye / okanye zilawulwa ngokungenziwa kwengeniso ngesiseko soluntu, nangona ezinye, ezifana nezibonelelo zemidlalo ezisetyenziswa yimibutho yobugcisa zisetyenziswa ngeziseko zorhwebo nokwenziwa kwengeniso.

18.10.3 Apho kufanelekileyo nalapho kunokwenzeka, iSixeko siya kunika ingqwalasela kwiiPropati ezikwizibonelelo zemidlalo nakuxanduva lwezinto eziluncedo zoluntu ezingasetyenziselwa isiseko sorhwebo, ukwenziwa kwengeniso ngendlela enye njengeePropati ezikwisikhundla sololongo lwentlalo.

19. Ukufunyanwa kwepropati ukulungiselela iinjongo zikamasipala

19.1 Eli candelo loMgaqo-nkqubo lilawula iinkqubo zangaphantsi kwiSixeko ukuungiselela ukufunyanwa siSixeko kwesakhiwo ukulungiselela iinjongo zikamasipala.

19.2 ISixeko sinakho, ngokwemiqathango yoMthetho kaMasipala wePropati, ukufumana isakhiwo kunye namalungelo ezakhiwo ngokuzithenga, ngokuzihlutha, ngesipho okanye enye indlela.

19.3 ISebe loLawulo lwePropati yeSixeko liqalise ngokufumana (ngokuthenga okanye ukuhlutha) izakhiwo (umhlaba) kunye namalungelo kwizakhiwo / umhlaba (ubuhlwempu) ukulungiselela iinjongo zikamasipala egameni lawo onke amasebe enkonzo yeSixeko, ngaphandle kweleZindlu.

19.4 Luxanduva lwesebe lenkonzo ukuthi ngethuba, ngomhla omiselwe kwangaphambili njengoko uchaziwe liSebe loLawulo lwePropati, ukucebisa iSebe loLawulo lwePropati ngomhlaba ofunekayo kunyaka othile wemali. Isebe lenkonzo kufuneka linikezele iSebe loLawulo lwePropati ngeenkcukacha ezipheleleyo zomhlaba ofunekayo. Iinkcukacha ezifunekayo kufuneka zichaze isiza, inombolo yefama ukuba ngaba isiza esipheleleyo okanye ifama iyafunwa, okanye lilungelelanise ubungakanani bomhlaba ukuba ngaba sisahlulo sefama okanye sisiza esifunekayo.

19.5 ISebe lenkonzo kufuneka iqinisekise ngento yokokuba umhlaba uyafunwa ukulungiselela iprojekti kamasipala eyamkelweyo nento yokuba inkxaso-mali yamelwe kuhlahlo lwabiwo-mali olwamkelweyo ukulungiselela intlawulo yexabiso lokuthenga kunye neendleko eziyakuthwalwa siSixeko xa kukhutshelwa umhlaba okanye kubhaliswa ilungelo ngegama leSixeko kuBhaliso kwiNcwadi yeZigqibo.

19.6 ISixeko siya kuthenga umhlaba ngexabiso lemarike lomlba njengoko kumiselwe ngumniki maxabiso onobugcisa okanye ngesixa-mali esiphantsi njengoko kunokuvunyelwana kuko nomthengisi.

19.7 Kwimeko yokuhluthwa imbuyekezo ehlawulwayo yomhlaba iya kumiselwa ngokuhambelana nezigunyaziso zomthetho ngokwemiqathango ekuthe umhlaba lowo wahluthwa ngazo.

19.8 Ukuba ngaba isakhiwo/umhlaba sithe safunyanwa, siya kugcinelwa injongo kamasipala ebe sifunelwe yona ze siqwalasele ngokuhambelana neenkqubo zogcino ezidweliswe ngasentla.