

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WAMANZI

Ulawulo nomiselo lweenkonzo zamanzi kwiSixeko

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IS AHLUKO 1

Iinkcazelo kunye neziBonelelo ngokuBanzi

1. Iinkcazelo

Kulo mthetho kamasipala, ngaphandle kokuba imeko leyo mhlawumbi ibonakalisiwe

“amagosa agunyazisiweyo” kuthetha amagosa kamasipala agunyazisiweyo nguMlawuli weSixeko ukunyanzelisa izibonelelo zomthetho kaMasipala;

“unikezelo lwamanzi olusisiseko” luthetha imilinganiselo esemgangathweni

yonikezelo lweenkonzo zamanzi efanelekileyo yokunikezela amanzi ngokuthembekileyo kwimizi ukuxhasa ubomi kwakunye nococeko lomntu ngokuphantsi koMthetho weNkonzo zaManzi, Nombolo 108 ka 1997 ebekiweyo kwakunye nemiqathango eyabhengezwa ngokuphantsi kwawo;

“isitsala-manzi” sithetha umngxuma otshonileyo emhlabeni ngenjongo zokufumana, ukutsala okanye ukusebenzisa amanzi angaphantsi komhlaba; kunye nokuquka namanzi atsitsa phantsi komhlaba, umthombo, nendawo yomthombo;

“ISixeko” sithetha indawo yolawulo lukamasipala ngokusemthethweni, ecandwe ngokuphantsi koRhulumente weNgingqi: uMthetho woCando kaMasipala, 1998 (uMthetho Nombolo 27 ka 1998);

“UMlawuli weSixeko” uthetha umntu owonyulwe libhunga ngokwesikhundla somlawuli kamasipala;

“umbhobho wokudibanisa” uthetha umbhobho, onobunini obunikezelwe kumasipala waza wafakelwa nguye ngeenjongo zokugqithisa amanzi asuka kwindawo eyintloko ukuya kwindawo yofakelo, kunye nokuquka “umbhobho wonxibelelwano” obizwa nge-SANS 10252: 2004 iNdawo 1;

“umsebenzisi-nkonzo” uthetha nawuphi umntu osebenzisa amanzi asuka nakuluphi ufakelo oludityaniswe kumbhobho wokudibanisa onikezelwa ngamanzi ngoyintloko;

“ibhunga” lithetha ibhunga likamasipala okanye nawuphi na amanye amasebe/ amaqela kamasipala opolitiko, amalungu e-ofisi yopolitiko, oceba, okanye amalungu abasebenzi, agunyaziswe ngokufanelekileyo ngabathunywa;

“uLawulo lweNgeniso elityala kunye noLawulo lweNkqubo yoMthetho kaMasipala wamaTyala”, kuthetha ukuba uLawulo lweNgeniso elityala kunye noLawulo lweNkqubo yoMthetho kaMasipala wamaTyala, owamkelwa libhunga waza wapapashwa kwi-kwiPhephandaba likarhulumente lePondo *I-Gazette yePhondo*;

“ngeenjongo zasekhaya” ngokubhekiselele kunikezelo lwamanzi kuthetha amanzi anikezelelwa ukusela, ukuhlamba kunye neenjongo zokupheka ngaphakathi kwizakhiwo esetyenziselwa kuphela iinjongo zokuhlala;

“uMlawuli: Amanzi” uthetha umsebenzi kamasipala ojongene nemicimbi yaManzi neyoCoceko kumasipala;

“ukukhathazwa kwempilo” kuthetha imeko, okanye isimo esithi sibeke emngciphekweni ubomi okanye impilo okanye echaphazela ngokungalunganga intlalontle yabantu nasekuhlaleni okanye intlalontle yabantu ngokwasengqondweni okanye ngokwasekuhlaleni, okanye eyenza umngcipheko

kokusingqongileyo, kwaye ‘neengozi zempilo’ zikwanentsingiselo efanayo;

“umsebenzi wofakelo” uthetha ukusebenza ngokuphantsi kolwakhiwo lwe-, okanye lwenziwe kwi-, kufakelo lwamanzi;

“I-JASWIC” ithetha iNkqubo yeNdibaniselwano eyaMkelekileyo yeziXhobo zoFakelo lwaManzi, apho umasipala ayinxalenye yayo;

“oyintloko” uthetha umbhobho, ngaphandle kombhobho wonxibelelwano, ubunini obubobukamasipala ngokusemthethweni osetyenziswa nguye ngeenjongo zokugqithisela amanzi kubasebenzisi-nkonzo;

“isixhobo sokulinganisa” kuthetha isixhobo esilinganisa ubungakanani bamanzi agqitha ngaso;

“umasipala” uthetha uMasipala weSixeko saseKapa;

“umhlali” uthetha umntu ohlala kuzo naziphi na izakhiwo okanye kwisiqingatha sendawo ngoko, ngaphandle kokujonga ubunini bakhe lowo uhleliyo;

“umnini” uthetha -

- (a) umntu othi amaxesha amaninzi ubunini obusemthethweni bomhlaba nesakhiwo bube bobakhe;
- (b) kwimeko apho umntu onelungelo elisemthethweni lobunini besakhiwo nomhlaba engenakuhlulwa matyala okanye eswelekile, okanye ephantsi kwayo nayiphi na imeko yokukhubazeka ngokusemthethweni, umntu lowo ulawulo lwezo zakhiwo nemihlaba luphantsi kwelungelo lakhe ngokusemthethweni njengomgcini, umphathiswa, umsayini, umlawuli, umlawuli ongumgwebi, umsebenzisi-nkonzosi wempahla ukuze kuhlulwe ityala okanye omnye ummeli womthetho;
- (c) nakuyiphi imeko apho ibhunga lingakwaziyo ukufumanisa ukuba ngubani lowo mntu, umntu ofanelekileyo kuxhamlo lokusebenzisa ezo zakhiwo okanye isakhiwo okanye izakhiwo ngoko;
- (d) kwimeko apho ngaphakathi kwizakhiwo kungenwe kwisivumelwano sokuqeshisa seminyaka engama-30 nangaphaya, umqeshi /oqeshileyo ngoko;
- (e) umntu othenge isakhiwo nomhlaba ongasukiyo kumasipala, ngokuphantsi kwenkqubo evumela ukuba ixabiso ekuthengwe ngalo lihlawulwe ngezavenge nongakhange afumane utshintsho kumasipala;
- (f) ngokubhekiselele kwi -
 - (i) isiqingatha somhlaba esicaciswe kwisicwangciso somhlathi obhalisiweyo ngokuphantsi koMthetho woMhlathi weeTayitile, 1986 (uMthetho 95 ka 1986), umphuhlisi okanye iqumrhu ngokubhekiselele kumhlaba nesakhiwo salo lonke, okanye
 - (ii) icandelo njengoko licacisiwe kuMthetho ololo hlobo, umntu

ogama lakhe libhaliswe phantsi kwesahluko sobunini bomhlaba ngokusemthethweni; kuquka ne-arhente enyulwe ngokusemthethweni yomntu onjalo;

“**umntu**” uquka umntu ngokwasemthethweni;

“**Ungcoliseko**” luthetha uguqulo ngokubonakalayo, ngokwekhemikhali okanye ngokobugcisa obungqalileyo okanye obungangqalanga lwezixhobo zamanzi ukuze benziwe bu—

- (a) bungalungeli ngokwanelisayo iinjongo zokuxhasa nokunjani njengendlela ebebulindeleke ukuba busebenze ngayo; okanye
- (b) bubeyingozi okanye bubenokwenza ingozi —
 - (i) kwintlalontle, kwimpilo okanye kukhuseleko lwabantu;
 - (ii) kwizinto zendalo zamanzi nezasemhlabeni;
 - (iii) kubunjani bezixhobo; okanye
 - (iv) kwisakhiwo nomhlaba;

“**isaziso sikawonke-wonke**” sithetha isaziso esipapashwe kwiphephandaba ngekungenani ngeelwiimi ezimbini ezisemthethweni ezisetyenziswa ngokubanzi kwiPhondo leNtshona Koloni kwakunye, nalapho kufanelekileyo, isaziso, masipapashwe kwiphephandaba elivela kakhulu ngolwimi olusetyenziswa ekupapasheni isaziso;

“**upapasho**” luthetha:-

- (a) ukupapasha isaziso kwi-*Gazette yePhondo*, kunye
- (b) ukunikezela amaqela anomnqweno ngeekopi zopapasho olulolo hlobo, kunye
- (c) ukuxhoma isaziso ukupapasha kwiibhodi zezaziso zikamasipala.

“**intlawulo ebekiweyo**” ithetha imali, intlawulo okanye uluhlu lwamaxabiso olugqitywe nolubekwe libhunga ngokuphantsi koMthetho kaMasipala weNkqubo yoLuhlu lwamaXabiso;

“**I-SABS**” ithetha i-South African Bureau of Standards ebizwa ngokoMthetho weMingangatho, uNombolo. 29 ka 1993;

“**I-SANS**” ithetha umgangatho obekiweyo wakhutshwa yi-SABS ngokuphantsi kwezibonelelo zoMthetho weMigangatho, uNombolo. 29 ka 1993;

“**umbhobho wenkonzo**” uthetha umbhobho oyinxalenye yofakelo lwamanzi nofakelwe phakathi kombhobho wokunxibelelana nesilinganisi-manzi;

“**itanki yokugcina**” ithetha itanki eyenza inxalenye yofakelo lwamanzi esetyenziselwa ukugcina amanzi, nangaphandle kokuba yitanki yamanzi enceda amanzi kwipani evalekileyo okanye itanki yokuchamela kwakunye netanki esetyenziselwa ukugcina amanzi atshisayo;

“Umthetho kaMasipala weNkqubo yoLuhlu lwamaXabiso” uthetha umthetho kaMasipala woluhlu lwamaxabiso ophunyezwe libhunga ngokuphantsi kwecandelo 75 loMthetho weNkqubo zikaMasipala: woRhulumente weNgingqi, Nombolo 32 ka 2000, okanye ngokuxhomekeke kuphunyezo olo, lwesigqibo libhunga ngokuphantsi kwecandelo 75A laloo Mthetho ukurhafisa nokufumana kwakhona izimali, iintlawulo okanye uluhlu lwamaxabiso.

“ixesha elimisiweyo lokulinganisa amanzi ” lithetha ulinganiso lwamanzi kwindawo yokuphuma yofakelo lwamanzi elawula ukukhutshwa kwamanzi kufakelo lwamanzi;

“amanzi” athetha amanzi alungele ukuselwa ngaphandle kokuba kuchaziwe;

“Ugcino lwamanzi” luthetha ukugcinwa kwamanzi okanye ukusetyenziswa kwamanzi ngendlela efanelekileyo;

“ufakelo lwamanzi” luthetha imibhobho nolungiselelo lwamanzi olukuzo naziphi izakhiwo noluselungelweni lomnini ngokusemthethweni ngoko nolusetyenziswe okanye olulindeleke ukusetyenziswa ngokunxulumene nokusetyenziswa kwamanzi kwezo zakhiwo , kunye nokuquka-

- (a) umbhobho nolinganiselo lwamanzi ngaphandle kwemida yezakhiwo nomhlaba okanye mhlawumbi ibekwe ngokwemvume kamasipala, kwaye ikwaquka, kwakunye
- (b) no 'fakelo lomsebenzisi-nkonzo' njengoko kucingelwe nguMthetho weNkonzo zaManzi, uNombolo 108 ka 1997 kwakunye nemiqathango ephunyezwe ngokuphantsi kwawo ngoko;

“iinkonzo zamanzi” okanye nayiphi inxenye ngoko; zithetha ukuthatyathwa, ukugqithiswa, ukulungiswa nokuhanjiswa kwamanzi alungele ukuselwa, amanzi alindelwe ukutshintshelwa kumanzi okusela okanye amanzi asetyenziselwa ushishino nemveliso yaye oko kubandakanya neenkonzo zococeko;

“ubuchule benkonzo zamanzi” buthetha nawuphi umhlaba apho kukho isakhiwo senkonzo eziluncedo ebantwini, esifakelwe okanye esisetyenziswa ngumasipala, okanye indawo eqokelela amanzi emvula enxulumene nonikezelo lwamanzi.

“umlamli weenkonzo zamanzi” uthetha nawuphi umntu onyanzelekileyo ukuba anike iinkonzo zamanzi komnye ngokuphantsi kwesivumelwano apho isibophelelo sokunikeza iinkonzo zamanzi sihambiselana nento/ nomba ongundoqo weso sivumelwano;

“inkqubo yonikezelo lwamanzi” ithetha amaziko, imisele ephezu komhlaba, imibhobho, izivalo, iimpompo, izilinganisi-manzi, okanye nezinye izixhobo ezinxulumene noko ezizezikamasipala ngokuselungelweni nezisetyenziswa okanye ezilindeleke ukusetyenziswa nguye ngokunxulumene nonikezelo lwamanzi, kunye nokuquka nayiphi inxalenye yenkqubo; kunye

“indawo yomthombo” ithetha umbhobho omncinci onqumlayo otsazisela kwisanti engadibananga okanye kulwakiwo lwegrabile, olunempompo eyakhelwe kumgangatho ophantsi ukuze yonyuse isasaze namanzi.

2. Ukusebenza kunye nenjongo yalo mthetho kamasipala

- (1) Lo mthetho kamasipala ubophelela ilungu likarhulumente.
- (2) Ngaphandle kokuba enye into ephikisa oku, ukophulwa kwalo mthetho kamasipala okwenzeke ngaphakathi kwizakhiwo ngokubhekiselele -
 - (a) kufakelo lwamanzi, ngaphandle kwesibonelelo esinxulumene nokusetyenziswa kwamanzi akufakelo, luya kufanela lwaphulwe ngumnini wezakhiwo, kunye
 - (b) nokusetyenziswa kwamanzi asuka kufakelo kuya kuthathwa njengolwaphulo ngumsebenzisi-nkonzo.
- (3) Akukho mnini uya kunyanzeleka ukuba azibophelele kulo mthetho kamasipala ngokuphazamisana nofakelo lwamanzi okanye inxalenye yalo olwalumiselwe ngokusebenzisana nawo nawuphi na umthetho ofanelekileyo ophambi komhla wokuqala kwalo mthetho kamasipala.
- (4) Amanzi ayanyikezelwa ngokwemiqathango yezibonelelo zalo mthetho kamasipala, kodwa xa kuyimbono yoMlawuli: Amanzi yokuba akuzi kuba lula ukunikezela amanzi ngendlela ebonelelwa ngulo mthetho kamasipala okanye kuza kuba ziindleko oko kuye ngamnye umsebenzisi-nkonzo kulo mmandla uthile, uMlawuli: Amanzi anganakho, ngokothethwano negosa elilawulayo leenkonzo zempilo zikamasipala, ukuqinisekisa enye indlela yokunikezela amanzi.
- (5) Apho uMlawuli: Amanzi aqinisekise enye indlela yokunikezela ngamanzi ngokwemiqathango yecandelo (6) elingezantsi, lo mthetho kamasipala, ngokwemfuno leyo, uya kusetyenziswa kunikezelo-mhlaba kwimimandla enjalo, kodwa ngokwemiqathango ebekwe nguMlawuli: Amanzi.
- (6) Apho umasipala asebenzisa unikezelo ngeenkonzo zamanzi zangaphandle, lo mthetho kaMasipala uhlala usebenza kwaye ibhunga lihlala lingumlawuli onegunya.

3. Izicwangciso zethutyana

- (1) Ukuba igunya lofakelo lalinikezelwe ngaphambi komhla wokuqala kwalo mthetho kaMasipala, okanye ukuba umsebenzi osemthethweni uyaqhubeka ngalo mhla, lowo msebenzi kuya kufuneka uthobele nayiphi imithetho elawula uhlobo lwalo msebenzi eyayinyanzelekile kwiSixeko ngaphambi kwalo mhla.
- (2) Umlawuli: Amanzi unakho, ngokwesithuba seentsuku ezingama-90 emva kokuqala kwalo mthetho kamasipala, anike igunya lokwenza umsebenzi wofakelo ngokuhambiselana nayo nayiphi imithetho elawula olo hlobo lomsebenzi owawunyanzelekile kwiSixeko ngaphambi kwalo mhla.
- (3) Nasiphi isivumelwano sonikezelo lwamanzi, phakathi komasipala nomsebenzisi-nkonzo ongengomnini wesakhiwo abangena kuso ngaphambi kophunyezo lwalo mthetho kamasipala, siya kuhlala sinyanzelekile, de kube lixesha apho
 - (a) umsebenzisi-nkonzo eshiya isakhiwo nomhlaba, okanye

(b) kukho utshintsho kubunini obusemthethweni bomnini wezakhiwo nomhlaba, kusemva koko apho umasipala aya kungena kwisivumelwano nomnini wesakhiwo.

4. Amagunya oMlawuli : Amanzi

- (1) Ukuba, ngokwembono yoMlawuli: Amanzi, ufakelo lwamanzi okanye inxalenye yalo kwizakhiwo nomhlaba lunophazamiseko okanye ngokwemeko enokuthi idale ukonakala okanye ukusebenziseka kwamanzi okugqithisileyo, ungcoliseko lwamanzi, okanye ubungozi kwimpilo nakukhuseleko, uMlawuli: Amanzi ngokwesaziso esibhaliweyo kuya kufuneka ukuba umnini athobele izibonelelo zalo mithetho kamasipala ngokwethuba elimiselweyo.
- (2) UMlawuli: Amanzi kufuneka athethane negosa elikulawulo leenkonzozempilo zikamasipala kwimiba yonke apho kukho ukucingeleka kwengozi yempilo okanye ungcoliseko lwempilo.
- (3) Ukuba uMlawuli: Amanzi unesizathu sokukholelwa ukuba ufakelo lwamanzi lunokuba nesiphene esinokukhokelela okanye sibeke emngciphekweni impilo nokhuseleko kubahlali bezakhiwo nomhlaba, unokufuna ukuba ufakelo lwamanzi luhlolwe okanye lulungiswe isiphene ngendleko yomnini.

5. Imigangathoyenkonzo

- (1) Ibhunga linakho, kumaxesha ngamaxesha, nangokuhambiselana nomgaqo-nkqubo kazwelonke, kodwa ngaphantsi kwemiqathango yokugcina nokuba nakho, ngesaziso sikawonke-wonke, ligqibe imigangathoyenkonzo enokuzinika abasebenzisi-nkonzo.
- (2) Ibhunga linokuthi ekugqibeni umgangathowenkonzo lahlule phakathi kweendidi zabasebenzisi-nkonzo, imimandla ngokwemida kwakunye nemimandla ngokwentlalo noqoqosho.
- (3) Lemigangathoyenkonzo ilandelayo inakho, ngokuphantsi kwecandelo (1) elingezantsi inikezwe ngumasipala ngexa lokubhengezwa kwale mithetho kamasipala-
 - (a) iinkonzozonikezelo lwamanzi zemizi -
 - (i) ziquka umlinganiselo womgangathowenkonzo enikwa ngumasipala;
 - (ii) zinemibhobho elungisiweyo nemileyo okanye itanki yamanzi emileyo elungiswe nokuba kungombhobho oxananazileyo okanye itanki emiswe kumgama olingeneyo onokufikeleleka ngenyawo ukusuka nakuwuphi umzi;
 - (iii) zifakelwa simahla ngaphandle kwentlawulo;

- (iv) inikezwa kubasebenzisi-nkonzo simahla ngaphandle kwayo nayiphi intlawulo, kwaye
- (v) zigcinwa zisebenza ngumasipala.
- (b) ukudityaniswa okungaphakathi kwenxiwa okungadibenanga nalo naluphi ufakelo lwamanzi-
 - (i) okunombhobho omileyo ongenasilinganisi-manzi ngaphakathi kwizakhiwo ezingadibananga nofakelo lwamanzi;
 - (ii) kufakelwa simahla ngaphandle kwentlawulo; kwaye
 - (iii) kugcinwa kusebenza ngumasipala.
- (c) ukudityaniswa kwesilinganisi-manzi samanzi ephuma ngamandla-
 - (i) kufakelwa ngokuhambelana neentlawulo ezimiselweyo;
 - (ii) kufakelwa ngokuchasene neentlawulo ezimiselweyo, kwaye
 - (iii) kwanofakelo lwamanzi olugcinwa lusebenza ngumsebenzisi-nkonzo.

6. Ukuqeshwa kwamagosa agunyazisiweyo

Umlawuli weSixeko angaqesha amagosa anegunya.

7. Ulwabiwo-msebenzi

- (1) Umlawuli weSixeko angabela nabani neliphi igosa likamasipala amagunya nemisebenzi yakhe ngokwemiqathango yalo mthetho kamasipala.
- (2) Umlawuli: Amanzi angabela neliphi igosa likamasipala amagunya nemisebenzi yakhe.

1) 8. Ukungena kwiinkonzo zoncedo lwamanzi

- (1) Wonke umntu ongena kwiinkonzo zoncedo lwamanzi, makathobele imiqathango yoMlawuli: Amanzi esetyenziswa kunye nemiqathango yokungena kwisiza ebonakaliswe ngohlobo lwesaziso ekungeneni kwinxiwa.
- (2) Umntu ongazithobeli ezi ziqulatho zesaziso ekungeneni kwiinkonzo zoncedo zamanzi unetyala.

9. Amaxesha kaxakeka afutshanisileyo kunye neemeko apho kufuneka kuthathwe amanyathelo ngokukhawuleza

- (1) Umlawuli: Amanzi unakho, kwimeko zamaxesha kaxakeka afutshanisileyo okanye kwimeko apho kufuneka kuthathwe amanyathelo ngokukhawuleza athathe nayiphi na imiqathango efanelekileyo ukukhusela okanye ukususa loo meko okanye oko kuxakeka kufutshanisileyo.
- (2) Xa ixesha okanye imeko yokuxakeka efutshanisileyo isenzeka kwisakhiwo nomhlaba ozimeleyo, njengoko kucingeleka kwicandelo (1) elingezantsi,

uMlawuli: Amanzi unakho-

- (a) ngesaziso esibhaliweyo ukunika umgqaliselo kumnini ukuba athathe imiqathango enjalo nanjengoko kunokuba yimfuneko ukukhusela okanye ukususa imeko okanye ukuxakeka okufutshanisileyo, okanye
 - (b) kwisithuba apho umnini engenakufumaneka okanye engakwazi ukuthobela kwangethuba iimfuno zoMlawuli: Amanzi, unokuthatha imiqathango elolo hlobo njengoko kuyimfuneko ukukhusela okanye ukususa loo meko okanye ukuxakeka okufutshanisileyo.
- (3) Kwisithuba apho ixesha lokuxakeka livela kufakelo lwamanzi umnini wolo fakelo lwamanzi unoxanduva ngokusemthethweni kwiintlawulo ezenziwe ngumasipala.
 - (4) Kwisithuba apho inyathelo lithathwa ngokokucingela komhlathi (b) wecandelo (2) elingezantsi, uMlawuli: Amanzi unika ingxelo ngomba lowo kuMlawuli weSixeko ngaphandle kokulibazisa.
 - (5) Ukuba ngokwembono zoMlawuli: Amanzi ubona ukuba elo nyathelo lifanelekile njengomba ongxamisekileyo ukukhusela ukonakaliswa kwamanzi, ukonakaliswa kwesakhiwo nomhlaba, ayingozi kubomi okanye kungcoliseko lwamanzi, unoku -
 - (a) qumamisa unikezelo lwamanzi nakuziphi izakhiwo nomhlaba, ngaphandle kokwenza isaziso kuqala, kwaye
 - (b) unokungena kwezo zakhiwo enze umsebenzi wexesha lokuxakeka , ngendleko zomnini, ukuba unokubona kuyimfanelo, kwaye ngaphezulu ngesaziso esibhaliweyo afune umnini enze lo msebenzi wongezelekileyo ngethuba elimiselweyo njengoko enokubona kufanelekile.

10. Imisebenzi kawonke-wonke

- (1) Ilungu ngalinye likawonke-wonke kufuneka, lazi ngexesha lokuxakeka nanini, nangemeko efutshanisileyo efuna umqwalasela okhawulezileyo okanye nayiphi imeko enokwenza ukuba konakaliswe amanzi okanye angcoliseke, ukuba kufuneka lazise uMlawuli ngokukhawuleza.
- (2) Naye nawuphi na umntu othathe amanyathelo ngokwemiqathango yecandelo (1) elingezantsi onganqweneli kwaziwa, unokucela ukuba igama lakhe lingaziswa nakwawaphi na amanyathelo athatyathwayo.

11. Ukufunyanwa ngokutsha kweendleko

- (1) Wonke umntu owaphula izibonelelo zalo mthetho kamasipala unoxanduva lokubuyekeza umasipala ngayo nayiphi ilahleko okanye umonakalo owenziwe ngenxa lesiphumo solo lwaphulo-mthetho.
- (2) Umasipala angafumana ngokutsha naziphi indleko ezenzeke ngokuthatha

imiqathango ngokuphantsi komthetho kaMasipala kuye nawuphi na umntu owayephantsi kwesibophelelo ngokusemthethweni sokuba alandele loo miqathango, kuquka-

- (a) umntu owayenikezwe isaziso sokuthobela;
- (b) umnini wezakhiwo nomhlaba ochaphazelekayo, okanye
- (c) umsebenzisi-nkonzo.

(3) UMlawuli weSixeko unokukhupha umqathango wendleko ofuna ukuba umntu onoxanduva lokuhlawula indleko ezenzeke ngokuphantsi kwemiqathango yecandelo (1) elingezantsi ahlawule ezo ndleko ngomhla omiselweyo ukuze loo mqathango uthathwe njengomthetho wexabiso elifunekayo.

12. Izaziso zokuthobela

(1) Xa ilungu elinegunya lifumanise ukuba isibonelelo saphulwe/ sisetyenziswe ngokungekho mthethweni okanye imeko yenokubangela ukuba sibe kwizinga elinokukhokelela kulwaphulo lwalo mthetho kamasipala, elo gosa linegunya linokukhupha isaziso sokuthobela kumsebenzisi-nkonzo okanye kumnini owaphula izibonelelo zalo mthetho kamasipala.

(2) Isaziso esikhutshwa ngokwemiqathango yecandelo (1) elingezantsi masibonise-

- (a) ukuba isibonelelo somthetho kaMasipala ukuba saphulwe okanye siza kophulwa ukuba imeko iyavunyelwa ukuba iqhubeka;
- (b) imiqathango emayithathwe ukulungisa imeko, kwakunye
- (c) nesithuba sexesha apho isaziso kufuneka sibe sesithontyelwe.

(3) Ukuba umntu owayenikwe isaziso ngokwemiqathango yecandelo (2) elingezantsi, akathobeli imfuno zesaziso, uMlawuli: Amanzi unokuthatha lawo manyathelo njengemfuneko yokulungisa loo meko ngendleko zalowo mntu uchaphazelekayo, okanye athathe nawuphi amanyathelo afanelekileyo ukuqinisekisa ukuthobela.

13. Uxanduva lokuthobela lo mthetho kamasipala.

(1) Umnini unoxanduva lokuqinisekisa ukuthobela lo mthetho kamasipala ngokubhekiselele kuyo yonke imiba enxulumene nofakelo lwamanzi nokugcinwa kwalo lusemgangathweni ngoko.

(2) Umsebenzisi-nkonzo unoxanduva lokuthobela lo mthetho kamasipala ngokubhekiselele kwimiba nayiphi yokusetyenziswa kwamanzi.

14. Amatyala nezigwebo

Nawuphi na umntu -

- (a) owaphula okanye ongathobeli naziphi izibonelelo zalo mthetho kamasipala;
- (b) ongathobeli naso nasiphi isaziso esikhutshwe ngokwemiqathango yalo mthetho kamasipala;
- (c) ongathobeli nayo nayiphi imiqathango esemthethweni enikwe ngokwemiqathango yalo mthetho kamasipala, okanye
- (d) ophazamisa okanye ongumqobo kummeli okanye umqeshwa kamasipala ekwenzeni imisebenzi yakhe ngokuphantsi kwalo mthetho kamasipala,

abekwe ityala kwaye kuyimfanelo ngokusemthethweni ukuba anikwe isigwebo.

15. Ukukhululwa kwimfanelo ngokusemthethweni

Umasipala akanatyala ngokusemthethweni kuko nakuphi ukonakaliswa kwesakhiwo nomhlaba okwenziwe kukuphuma kwamanzi asuka kwincam yesilinganisi esishiywe sivulekile xa unikezelo lwamanzi belufakelwa kwakhona, obelulandela uphazamiseko ngenxa yaso nasiphi isizathu

16. Ukurhoxisa

Imithetho eyayivunywe ngokusemthethweni libhunga okanye ngamalungu alo angaphambili ngokubhekiselele kwisiqingatha seSixeko, iyarhoxiswa, kangangendlela/ngokwemiqathango yeCandelo 1 ngokwalapha.

17. Izibheni

Umntu omalungelo akhe achatshazelwe linyathelo elithathwe ngokwemiqathango yegunya okanye ngokomsebenzi ogunyazisiweyo okanye ogunyaziswe ngezantsi ngokwemiqathango yalo mthetho kamasipala, angabhena ngokuchasene neso sigqibo ngokubhekiselele kwicandelo 62 loMthetho weNkqubo zikaMasipala, uNombolo 32 ka 2000 : woRhulumente weNgingqi.

ISAHLUKO 2

IZIBONELELO NGOKUBHEKISELELE KUNIKEZELO LWAMANZI

18. Ukusetyenziswa kwamanzi okungekho mthethweni

Akukho mntu onokusebenzisa amanzi asuka kwisixokelelwane sokunikezela ngamanzi -

- (a) ngaphandle kokuba isivumelwano ekubhekiselele kuso kwicandelo 19 okanye 20 sesigqityiwe, okanye
- (b) ngaphandle kuphela kungombobho wonxibelelwano onikezelwe ngokwemiqathango yecandelo 26 okanye ukusuka kumbobho wamanzi wokucima umlilo ngokwemiqathango yecandelo 35, okanye

- (c) ngaphandle kuphela kungendawo yesilinganisi-manzi sonikezelo manzi efakele ngokukhethekile ngumasipala ukunikezela amanzi.

19. Isicelo sokunikezelwa ngamanzi

- (1) Amanzi asuka kwinkqubo yonikezelo lwamanzi akayi kunikezelwa nakuziphi izakhiwo nomhlaba ngaphandle kokuba umnini wenze isicelo sonikezelo kumasipala kwaye nesicelo sivunyiwe.
- (2) Isicelo sonikezelo lwamanzi sivunyiwe nguMlawuli: Amanzi esiyinxalenye yesivumelwano phakathi kukamasipala nomnini esiqala ukusebenza ngomhla isicelo esibhekiselele kuwo
- (3) Kuyimfanelo yomnini ngokusemthethweni ukuhlawula zonke izimali ngokubhekiselele kunikezelo lwamanzi, ngokugqitywe ngokwemiqathango yomthetho kaMasipala weNkqubo yoLuhlu lwaMaxabiso, de lube unikezelo luphazamisekile ngokwesicelo somnini okanye kube isivumelwano siphelisiwe ngokubhekiselele kulo mthetho kamasipala, kwaye uxhomekeke kumsebenzisi-nkonzo ngazo zonke iinjongo ngethuba lesivumelwano.
- (4) Isicelo masibe ubuncinane sinolu lwazi lulandelayo-
- (a) isiqinisekiso sokuba umceli uyayazi yaye uyayiqonda imiba yesivumelwano;
 - (b) ulwamkelo lwezibonelelo zalo mthetho kamasipala nolwamkelo lwemfanelo ezisemthethweni zeendleko zofakelo lwamanzi ngumceli side isivumelwano sibe sinqunyanyisiwe;
 - (c) igama lomceli nenombolo yakhe yesazisi;
 - (d) idilesi okanye inombolo yesiza yesakhiwo nomhlaba okanye apho amanzi aza kunikezelwa khona;
 - (e) idilesi apho i-akhawunti iza kuthunyelwa khona;
 - (f) injongo ebonakalisa ukuba amanzi aza kusetyenziselwa ntoni;
 - (g) umhla ovunyiweyo wokuqala kokunikezelwa kwamanzi, kunye
 - (h) isibhambathiso ngumceli sokuba uza kumazisa umasipala ngazo naziphi iinguqu ngokumalunga noku kungasentla.
- (5) Amanzi anikezwa ngokuphantsi kwezibonelelo zalo mthetho kamasipala kunye nemiqathango ebekwe nguMlawuli: Amanzi.
- (6) Apho injongo iyeyo, okanye iyeye, amanzi enzelwe isicelo ngokwecandelo (4) (f) elingezantsi itshintshiwe, umnini makongeze ngokukuko ekucebiseni umasipala ngezo nguqu, atsho angene kwisivumelwano esitsha nomasipala.

20. Izivumelwano ezikhethekileyo zonikezelo lwamanzi

- (1) Ibhunga linokungena kwisivumelwano esikhethekileyo sokunikezwa kwamanzi

komceli ongaphandle kweSixeko.

- (2) Ukuba ibhunga liyavuma ukunikezela amanzi kumceli ongaphandle kweSixeko, ngokubhekiselele kwisicelo esikhethekileyo linokumvumela ukuba awathengise lawo manzi kwabanye abantu, ngokuphantsi kwalo miqathango njengoko kunokufaneleka.

21. Imibhobho ezitalatweni nakwiindawo zikawonke-wonke

Akukho mntu ngayo nayiphi injongo unokugqithisa amanzi asuka nakweyiphi imvelaphi yamanzi, abeke okanye akhele umbhobho okanye isixhobo esiyeleleyo kwi-, e- okanye ngaphantsi kwesitalato, kwindawo kawonke-wonke okanye komnye umhlaba onomnini okanye ophantsi kolawulo lukamasipala, ngaphandle kokuba kubhalwe imvume kuqala eya kuMlawuli: Amanzi nangokuphantsi kwalo miqathango nanjengoko enokuyibeka.

22. Izimali

Zonke ezimali ezihlawulwa ngokubhekiselele kunikezelo lwamanzi ngumasipala mazihambiselana noMthetho kaMasipala woLuhlu lwaMaxabiso.

23. Ukupheliswa/ukunqunyanyiswa kwesivumelwano

- (1) Umnini unokusinqumamisa isivumelwano sesibonelelo senkonzo yokunikezelwa ngamanzi ngokunika umasipala isaziso esingagqithanga iintsuku zesaziso ezisixhenxe ngokobhala iinjongo zokwenza oko.
- (2) UMLawuli: Amanzi unakho, ukucebisa umnini ngokunqunyanyiswa kwesivumelwano sonikezelo lwamanzi ngesaziso esibhaliweyo zingadlulanga iintsuku ezingamashumi amane, xa –
 - (a) xa engawasebenzisanga amanzi iinyanga ezintathu zilandelelana kwaye engenzanga malungiselelo anelisayo noMlawuli: Amanzi okuqhubeka kwesivumelwano, okanye
 - (b) engakwazanga ukuthobela izibonelelo zalo mthetho kamasipala kwaye engakwazanga ukulungisa oko kungaphumelelanga ukuthobela lo mba wesaziso, okanye
 - (c) engakwazanga ukuhlawula naziphi izimali ezifanelekileyo nezihlawulwayo ngokwemiqathango yoMthetho kaMasipala weNkqubo yoLuhlu lwaMaxabiso.
- (3) UMLawuli: Amanzi unokunqumamisa isivumelwano sokunikezela ngamanzi ukuba eso sakhiwo nomhlaba isivumelwano sibhekiselele kuso sashiywa/asihlalwa-mntu.

24. Ungenelelo kwinkqubo yonikezelo lwamanzi

Ngaphandle kokuba kugunyazisiwe ngokwemiqathango yalo mthetho kamasipala, akukho mntu ngaphandle kukamasipala onakho-

- (a) ukulawula, ukusebenzisa okanye ukugcina ngokusemgangathweni iziko loncedo lwabantu ngeenkonzo zesibonelelo samanzi, okanye
- (b) athathe inyathelo lokudibanisa kwinkqubo yonikezelo lwamanzi.

25. Uphazamiseko ekufikeleleni kwinkqubo yonikezelo lwamanzi

Akukho mntu unokuvalela okanye athintele ukufikelela kwamagosa kamasipala kwinkqubo yonikezelo lwamanzi.

26. Isibonelelo sombhobho wonxibelelwano

- (1) Akukho mntu unokuqala naluphi uphuhliso nakweziphi izakhiwo nemihlaba ngaphandle kokuba uMlawuli: Amanzi ufakele umbhobho wokudibanisa nesilinganisi-manzi.
- (2) Ukuba isivumelwano sokunikeza ngamanzi ngokubhekiselele kwizakhiwo nomhlaba sigqityiwe kwaye akukho mbhobho wonxibelelwano (okanye umbhobho wonxibelelwano olinganise ngokufanelekileyo) okhoyo ngokubhekiselele kwizakhiwo nemihlaba, umnini uza kwenza isicelo kwifomu emiselweyo aze ahlawule ixabiso elimiselweyo lofakelo lombhobho ololo hlobo ngokugqitywe ngokwemiqathango yoMthetho kaMasipala weNkqubo yoLuhlu lwaMaxabiso.
- (3) UMLawuli: Amanzi unokugqiba-
 - (a) isinqumla-sangqa sombhobho wonxibelelwano ngokolwazi olunike ngumceli ngexesha lokwenza isicelo;
 - (b) indawo yombhobho wonxibelelwano;
 - (c) indawo yokuphelisa umbhobho wonxibelelwano ngaphakathi komda womhlaba onobunini obungumasipala, okanye obuphezu kobukhoboka okanye naliphi elinye ilungelo;
 - (d) uhlobo lokudibanisa olunokusetyenziswa ukwenzela ukudibanisa, kwakunye
 - (e) nesixhobo apho isiqingatha sofakelo lwamanzi phakathi kombhobho wonxibelelwano nesivalo esizimeleyo somnini, ekubhekiselelwe kuso kwicandelo 56, kufuneka senziwe, kwakunye nendlela yofakelo lweso siqingatha.
- (4) Ukuba isicelo senzwe unikezelo lwamanzi kwizakhiwo nomhlaba okwindawo apho kuza kufuneka ukuba inkqubo yonikezelo lwamanzi yandiswe ukuze kunikezelwe amanzi kwezo zakhiwo nomhlaba, uMlawuli: Amanzi unokuvumela unyenyiso ngokuphantsi kwaloo miqathango nanjengoko enokufuna njalo.

- (5) Ngaphandle kokuba kubekwe nguMlawuli: Amanzi, umnini kufuneka, ngendleko zakhe, aqalise ukudibanisa phakathi kofakelo lwamanzi kunye nombhobho wonxibelelwano okanye umbhobho onceda izakhiwo nomhlaba.
- (6) Umnini makagcine isiqingatha sofakelo lwamanzi ekubhekiselelwe kuso kwicandelo (3) (e) elingezantsi ngokuchasene nokusuka.
- (7) Ngaphandle kokuba mhlawumbi kuvunyelwe nguMlawuli: Amanzi, ngumbhobho wonxibelelwano omnye kuphela onokunikezwa kuzo naziphi izakhiwo nomhlaba, kungajongwanga inani lamaqela ahlalayo, amaqela oshishino okanye abasebenzisi-nkonzo abahlala kwezo zakhiwo nomhlaba.
- (8) UMlawuli: Amanzi unokuvuma, ukudibanisa okungundoqo ngaphandle kwalowo uhleli ukhona wokunikeza amanzi kwizakhiwo nomhlaba; ngokuphantsi kwaloo miqathango inokubekwa, ngaphandle kokuba umnini unoxanduva lwalo naluphi unyenyiso lofakelo lwamanzi kwindawo yokudibanisa ebekwe bucala nangesivumelwano soMlawuli: Amanzi kwakunye nokuwafumana ngendleko yakhe, obo bukhoboka obuphezu kwesinye isakhiwo nomhlaba bunokufuneka.
- (9) Akukho fakelo lwamanzi luya kunikezwa namanzi ngombhobho wonxibelelwano owawufakelwe iinjongo zokwakha isakhiwo de sibe isiqinisekiso sokuthobela ekubhekiselelwe kuso kwicandelo 53 sifunyenwe ngumasipala, kwaye ukuba eso siqinisekiso esilolo hlobo asifumanekanga, uMlawuli: Amanzi unakho, ngokokucinga kwawo nangaphandle kokugweba kuqala, umasipala unakho ukuqhawula ukudibana okanye ukuthintela unikezelo lwamanzi kolo fakelo lwamanzi.
- (10) Ukuba uMlawuli: weZamanzi ubona ukuba umlinganiselo wombhobho wonxibelelwano awusifanelanga isizathu sobungakanani bamanzi anikiweyo kwizakhiwo nomhlaba, unakho ukufuna umnini ahlawule indleko ezimiselweyo zokususwa kombhobho okhoyo wonxibelelwano nokufakwa kombhobho wonxibelelwano onomlinganiselo ofanelekileyo ngesaziso esibhaliweyo.
- (11) (a) UMlawuli: weZamanzi unakho ngesaziso esibhaliweyo, ukufuna ukuba umnini wezakhiwo nomhlaba owahlulwe ngokwamaqela okuhlala, ukuba ngendleko zakhe ngaphakathi kwethuba elimiselweyo kwisaziso -
- (i) aguqule ufakelo lwamanzi olunceda naliphi iqela elinye ukuze lahluke kwi, kwaye luzimele, kolunye ufakelo lwamanzi olunceda naliphi elinye iqela;
 - (ii) enze isicelo sombhobho wonxibelelwano ukuze uncede iqela ngalinye, kwaye
 - (iii) udibanise ufakelo lwamanzi ekubhekiselelwe kulo kumhlathi (i) udibanise kumbhobho wokunxibelelanisa ekubhekiselelwe kuwo kumhlathi (ii).

- (b) UMlawuli: weZamanzi unokunika umnini weqela ekubhekiselelwe kulo kumhlathi (a)(i) isaziso esibhaliweyo sokuba ufanele enze isicelo ngokwemiqathango yecandelo 19 sonikezelo lomhlaba.
- (12) Ukuba uMlawuli: weZamanzi ujonge ukufaka umbhobho wonxibelelwano omtsha, uMlawuli: weZamanzi makanike umnini ochaphazelekayo kungabingaphantsi kweentsuku ezilishumi zokusebenza isaziso esibhaliweyo somhla apho aya kuqala ukudibanisa phakathi kofakelo lwamanzi kunye nokufakelwa kombhobho wokunxibelela ngokutsha.
- (13) Apho izakhiwo nomhlaba zinikezwe inani lemibhobho yokunxibelelana, uMlawuli: weZamanzi uya kufuna umnini anciphise inani leendawo zokudibanisa aze aguqule ufakelo lwamanzi ngokulinganayo.

27. Indibaniselwano phakathi kwezakhiwo nemihlaba

Umnini wezakhiwo nomhlaba makaqinisekise ukuba kukho indibaniselwano phakathi kofakelo lwamanzi kwizakhiwo nomhlaba naphakathi kofakelo lwamanzi kwezinye izakhiwo nomhlaba, ngaphandle kokuba umnini ufumene imvume yoMlawuli: weZamanzi naye athobele nayo nayiphi imiqathango ebekwe nguMlawuli: weZamanzi.

28. Isibonelelo nendawo yezivalo ezahlulayo

- (1) UMlawuli: weZamanzi makafakele isivalo esahlulayo phakathi kwesilinganisi-manzi ngasinye kunye nesingundoqo.
- (2) Umnini kufuneka, ngendleko yakhe, nangenjongo yokusebenzisa kwakhe okuzimeleyo, enze kubekho aze afakele izivalo sokohlula-
 - (a) kwimeko apho isilinganisi-manzi sifakelweyo kwizakhiwo nomhlaba, kwindawo efanelekileyo kwicala lakhe lesilinganisi-manzi;
 - (b) kwimeko apho isilinganisi-manzi sifakwe ngaphandle kwezakhiwo nomhlaba, kwindawo efanelekileyo kufutshane nangaphakathi komda wezakhiwo nomhlaba wakhe,

ngaphandle kokuba uMlawuli: weZamanzi unakho, ekungaphumelelini komnini kwakunye nakwindleko yomnini, enze kubekho aze abe sele efakela isivalo sokwahlula.

- (3) Akukho mntu ngaphandle kwemvume yoMlawuli: weZamanzi oya kuphazamisana nesivalo sokwahlula kumbhobho wokunxibelelana.

29. Imiqathango ngokubanzi yonikezelo

(1) Unikezelo lwamanzi ngumasipala aludibanisi isibhambathiso sokugcina inkqubo yonikezelo lwamanzi isemgangathweni nakweliphi na ixesha okanye nakweyiphi na indawo -

- (a) unikezelo olungenasiphazamiso;
- (b) amandla okanye izinga lokuhamba kolo nikezelo, okanye
- (c) umgangatho othile wobunjani bamanzi,

ngaphandle kokuba unikezelo lwamanzi oluya kumsebenzisi-nkonzo luphazamiseke ngaphezu kweeyure engama-24, ngoko umasipala uya kuzibophelela ukuba anike unikezelo olusisiseko samanzi ngokokukhawuleza anakho.

(2) UMlawuli: weZamanzi angagxininisa kumphakamo womlinganiselo apho amanzi anokunikezwa asuka kwinkqubo yonikezelo lwamanzi.

(3) Ukuba umnini ufuna unikezelo olungenasiphazamiso, amandla okanye izinga elithile lokuhamba okanye umgangatho othile wobunjani bamanzi kwizakhiwo nomhlaba, kuya kufuneka umnini enze awakhe amalungiselelo okuthobela kwiimfuno ezilolo hlobo.

(4) UMasipala angaphazamisa unikezelo lwamanzi nakweziphi izakhiwo nomhlaba ngaphandle kokwenza isaziso kuqala.

(5) Ukuba imbono yoMlawuli: weZamanzi yokusetyenziswa kwamanzi kwizakhiwo nomhlaba kuphazamisa ngokumandla unikezelo lwamanzi kwezinye izakhiwo nomhlaba, uMlawuli: Amanzi unokusebenzisa izithintelo ezilolo hlobo nanjengoko kunokufuneka nakanjani ekwimo yokunikezela ngamanzi kwizakhiwo nomhlaba wokuqala okhankanyiweyo ukuze aqinisekise unikezelo olufanelekileyo nakwezinye izakhiwo nomhlaba, aze azise umnini kunye/ okanye umsebenzisi-nkonzo ngezakhiwo nomhlaba okhankanywe kuqala ochatshazelwa zizithintelo ezilolo hlobo.

30. Uthintelo okanye ukuyekiswa konikezelo

(1) Ngokuphantsi kwalo naliphi ilungelo umasipala anokuba nalo, uMlawuli weSixeko unakho, ukuba umnini akaphumelelanga ukuhlawula isambuku asityalayo/setyala ngokwemiqathango yoMthetho kaMasipala woLuhlu lwaMaxabiso, amazise ngesaziso esibhaliweyo ngenjongo yokuthintela okanye ukuyekisa unikezelo lwamanzi ngomhla othile kunye nokuthintela okanye ukuyekisa unikezelo ngalo mhla okanye emva kwawo.

(2) Ngokuphantsi kwalo naliphi ilungelo umasipala anokuba nalo, uMlawuli: Amanzi unakho, ukuba umnini waphule lo mthetho kamasipala waza akakwazi ukulungisa olo lwaphulo singadlulanga isithuba esimiselweyo kwisaziso esibhaliweyo asinikiweyo esifuna enze njalo; ngesaziso esibhaliweyo aziswe ngenjongo

zesithintelo okanye sokuyekiswa konikezelo lwamanzi ngomhla omiselweyo kwakunye nokuthintela okanye ukuyekisa unikezelo ngomhla okanye emva komhla lowo.

- (3) Umsebenzisi-nkonzo/umnini makahlawule izimali zesithintelo okanye zokuyekiswa konikezelo nezokubuyiselwa kwakhona konikezelo lwamanzi ngokwemiqathango yoMthetho kaMasipala weNkqubo yoLuhlu lwaMaxabiso: ngaphandle kokuba zonke izimali ezilolo hlobo zihlawulwe ngaphambi kokubuyiselwa kwakhona konikezelo lwamanzi.
- (4) Umsebenzisi-nkonzo othe iinkonzo zonikezelo lwamanzi akakwazi ukufikelela kuzo ngenxa yokuthintelwa okanye ukuqhawulwa, azidibanisa ngenjongo, ziya kuqhawulwa ngohlobo lwesaziso esibhaliweyo.

31. Uphazamiseko lonikezelo ngesicelo somnini

- (1) UMlawuli: Amanzi unakho, ngesicelo esibhaliweyo somnini nangemihla eceliweyo, ukuba isakhiwo nomhlaba asinamntu okanye asihlali mntu -
 - (a) kuyekiswe okanye kuthintelwe unikezelo lwamanzi kwizakhiwo nomhlaba ezo, kuze
 - (b) kubuyiselwe unikezelo kwakhona.
- (2) Umnini uya kubanakho ngemvume yesicelo esicingelwe kwicandelo (1) elingezantsi, ahlawule intlawulo emiselweyo.

32. Ukususwa kokudityaniswa kwamanzi

UMlawuli: Amanzi unokususa ufakelo lwamanzi olusuka kumbhobho wokunxibelelanisa uze ususe umbhobho wokunxibelelanisa ukuba -

- (a) isivumelwano sonikezelo sinqunyanyisiwe ngokwemiqathango 23 nanguMlawuli: weZamanzi ukuba akafumani sicelo sonikezelo lwamanzi oluqhubekayo kwizakhiwo nomhlaba onikwa uncedo ngumbhobho zingadlulanga iintsuku ezingama-90 sokunqunyanyiswa, okanye
- (b) isakhiwo kwizakhiwo nomhlaba esichaphazelekayo sadilizwa, okanye
- (c) umnini okanye umhlali uphazamisene ngokungekho mthethweni nenkqubo yonikezelo lwamanzi enika uncedo kwizakhiwo nomhlaba ochaphazelekayo.

33. Ukufakelwa kwesilinganisi-manzi samanzi anikezweleyo

- (1) Amanzi aziswa kwizakhiwo nomhlaba makadlule ngesilinganisi-manzi, esifakelwe phakathi kombhobho wokunxibelelanisa nofakelo lwamanzi kwindawo egqitywe nguMlawuli: Amanzi, ngaphandle kokuba isilinganisi-manzi singasuswa -

- (a) xa kukho ufakelo lwesicheli somlilo esizilawulayo;
 - (b) apho amanyathelo athathiweyo okukhangela ukutsalwa kwamanzi ngokungekho mthethweni ngeenjongo yokulwa umlilo, okanye
 - (c) imeko ezigqitywe nguMlawuli: Amanzi.
- (2) Ukuba isilinganisi-manzi nezixhobo ezihamba naso sinikiwe safakelwa ngumasipala, sihlala isisixhobo sakhe, kwaye singafakwa ngokutsha xa imfuneko ikho ngokwesigqibo soMlawuli: Amanzi.
- (3) Umasipala angafaka isilinganisi-manzi nezixhobo ezihamba naso-
- (a) nakweyiphi indawo kufakelo lwamanzi onceda izakhiwo nomhlaba, kunye
 - (b) nakweyiphi indawo kumbhobho wokudibanisa onceda izakhiwo nomhlaba.
- (4) Isilinganisi-manzi, esifakwe ngokwemiqathango yecandelo (3)(a) elingezantsi, sihlala isisixhobo sikamasipala.
- (5) Ukuba umasipala ufaka isilinganisi-manzi kunye nezixhobo ezihamba naso kufakelo lwamanzi ngokwemiqathango yecandelo (3)(a) elingezantsi, umnini-
- (a) makanikeze indawo yofakelo eyamkelwe nguMlawuli: Amanzi;
 - (b) makaqinisekise ukufikelela okungenasithintelo ngawo onke amaxesha;
 - (c) unoxanduva lokhuseleko nemfanelo ngokusemthethweni yeendleko ezinokuvela zokonakaliswa ngoko; ngaphandle komonakalo ovele ngendlela eqhelekileyo yobudala nokusikela;
 - (d) makaqinisekise ukuba akukho kudityaniswa kwenziweyo kumbhobho apho isilinganisi-manzi senziweyo, phakathi kwesilinganisi-manzi nombhobho wonxibelelwano onceda ufakelo lwamanzi;
 - (e) makenze amalungiselelo okufunxwa kwamanzi anokuchitheka kumbhobho apho isilinganisi-manzi sifakelwe khona, apho umsebenzi kwisilinganisi-manzi wenziwe ngumasipala, kwaye
 - (f) akanakusebenzisa, avumele ukusetyenziswa, kufakelo lwamanzi, nasiphi isilinganisi, umatshini okanye isixhobo sombane esinokonakalisa okanye ngokwembono yoMlawuli: Amanzi, unokonakalisa kwinkqubo yonikezelo lwamanzi kuquka nesilinganisi-manzi.
- (6) Ngumasipala kuphela onoku -
- (a) kususa isilinganisi-manzi nesixhobo esihamba naso kumbhobho apho zifakelwe khona;
 - (b) onokususa isitywini kwisilinganisi-manzi, okanye
 - (c) nangeyiphi indlela angenelele ngesilinganisi-manzi nezixhobo ezihamba naso.
- (7) Nawuphi umntu owaphula icandelo (6) elingezantsi makahlawule umasipala ixabiso lobungakanani bamanzi ngokwembono yoMlawuli: Amanzi.

- (8) Ukuba umasipala ufakela isilinganisi-manzi kunye nezilinganisi ezihamba naso ngokuhambelana necandelo (3)(b) elingezantsi, umbhobho oncedayo uyasuswa kwaye nofakelo lwamanzi lufaneke luqale kudityaniso lombhobho wonxibelelwano, olo dityaniso lube zii-150mm ngaphakathi komda kumhlaba ogcinelwe umasipala okanye ophezu kobukhoboka okanye elinye ilungelo.
- (9) UMlawuli: Amanzi unakho ngeendleko zomnini, afake okanye afune ufakelo, lwesilinganisi-manzi okanye isixhobo sokulawula umthamo kwicandelo ngalinye, kushishino okanye kwindawo yeqela yokuhlala kuzo naziphi izakhiwo nomhlaba ezisetyenziswa ukwenza isigqibo ngobungakanani bamanzi anikezelwe kwicandelo ngalinye, kushishino nakwindawo yeqela yokuhlala.
- (10) Naluphi ulungiso/ugcino ngokusemangathweni olufanelekileyo nakwesiphi isiqingatha sombhobho woncedo uwandiselwe kumbhobho wokudibanisa kwisilinganisi-manzi nezivalo ezihamba naso zesakhiwo nomhlaba, eziphakathi kwizakhiwo nomhlaba, mazenziwe nguMlawuli: Amanzi ukufikelela kulo mbhobho kwakunye/nakwisilinganisi-manzi kusimahla kwakunye noxanduva lokufakela kwakhona okuzingqongileyo xa kugqitywe ukulungiswa.
- (11) Umhlali wezakhiwo nomhlaba kufuneka, ngokukhawuleza xa efumanise ukuvuza kombhobho woncedo okanye kwisiqu sesilinganisi-manzi okanye kwizilinganisi ezihamba naso, azise umasipala, apho isilinganisi-manzi esilolo hlobo ifakelwe ngokwemiqathango yecandelo (3)(a).
- (12) Ukuba imvume yokufikelela kwisilinganisi-manzi ngenjongo yokwenza ufundo lwesilinganisi esifakwe ngokwemiqathango yecandelo (3)(a) elingezantsi ayinikwa, uMlawuli: Amanzi unakho-
- (a) ngesaziso esibhalelwe umnini wezakhiwo nomhlaba, ukumazisa ngenjongo yawo yokufakela esinye isilinganisi-manzi kumbhobho wokudibanisa, ngendleko zakhe;
 - (b) ugqithise ityala lemali lamanzi asetyenzisiweyo kwezo zakhiwo nomhlaba njengoko kulinganisiwe ngesilinganisi-manzi esifakelwe kumbhobho wokudibanisa, kwaye
 - (c) ufumane ngokutsha kumnini indleko zesilinganisi-manzi esingasebenziyo esinikiweyo.
- (13) Ukuba imvume yokufikelela kwisilinganisi-manzi ngenjongo yokwenza ufundo lwesilinganisi esifakwe ngokwemiqathango yecandelo (3)(a) elingezantsi ayinikwa, umnini, ngelo xesha lokwala unemfanelo ngokusemthethweni yendleko zamanzi onakalisiweyo ukuba kuye kwenzeka ukuvuza kwisilinganisi-manzi kunye nakwisilinganisi ezihamba naso okanye sibonakale kwindawo yombhobho oncedayo kwizakhiwo nomhlaba ololo hlobo, ize ilinganiswe sisilinganisi-manzi esifakelwe ngokuhambiselana necandelo (12)(a) elingezantsi.
- (14) Ukuba umnini ungenisa isicwangciso kumasipala, ngokwemiqathango yecandelo 47, ukuze kwamkelwe ukumiswa komda wesakhiwo, apho isilinganisi-

- manzi esikhoyo sifakelwe khona ngokuhambiselana necandelo (3)(a), lowo mnini uya kufuneka ngokuxhomekeka ukuba isicwangciso sakhe samkelwe, enze isicelo sokususwa kweso silinganisi-manzi aze ahlawule uluhlu lwamaxabiso afanelekileyo ngokususwa kweso silinganisi-manzi kwizakhiwo nomhlaba wakhe ukuze kufakelwe isilinganisi-manzi esitsha kumbhobho wokudibanisa.
- (15) Ukuba umnini ungenisa isicwangciso kumasipala, ngokwemiqathango yecandelo 47, ukuze kwamkelwe iinguqu okanye unyenyiso kufakelo lomlilo olukhoyo olungenasilinganisi-manzi, lowo mnini umva kohlolo lofakelo oluguquliweyo, nasemva kokwamkelwa kwesicwangciso, enze isicelo sokuba nesilinganisi-manzi esinobukhulu nohlobo olukhethwe nguMlawuli aze ahlawule noluhlu lwendleko olufanelekileyo: Amanzi, afakelwe ngumasipala njengexalenye yokudibanisa kwezo zakhiwo nomhlaba.
 - (16) Ukuba umnini ungenisa isicwangciso, ngokwemiqathango yecandelo 47, ukuze kwamkelwe iinguqu nolwandiso kufakelo lwesilinganisi-manzi olukhoyo, umva kohlolo lofakelo oluguquliweyo, nasemva kokwamkelwa kwesicwangciso, enze isicelo sokuba nesilinganisi-manzi esinobukhulu nohlobo olukhethwe nguMlawuli aze ahlawule noluhlu lwendleko olufanelekileyo: Amanzi, afakelwe ngumasipala njengexalenye yokudibanisa kwezo zakhiwo nomhlaba.
 - (17) Ukuba uMlawuli: Amanzi ugqiba ekubeni kwenziwe isibonelelo sokudityaniswa kwamanzi okuzimeleyo lofakelo lwamanzi okusela kwakunye nofakelo lomlilo kwiskhiwo nomhlaba omnye, isilinganisi-manzi ezisemgangathweni snokufakelwa olo dityaniso.
 - (18) Ukuba uMlawuli: Amanzi ugqiba ukuba ufakelo oludibeneyo lwamanzi asekhaya nolomlilo, oluquka imibhobho emikhulu yokucima umlilo, mayinike izakhiwo nomhlaba, isilinganisi-manzi esidibeneyo okanye isilinganisi-manzi esikwafanayo neso sokuhlola amazanga okuhamba kwamanzi asezantsi masifakelwe kudibaniso olulolo hlobo.
 - (19) Umbhobho wonxibelelwano ozimeleyo mawubekwe usetyenziswe kwinkqubo zonke zochelo oluzenzelayo.
 - (20) Apho umnini, okanye umntu anelungelo okanye ulawulo lwazo naziphi izakhiwo nomhlaba apho indawo zokuhlala amaqela ezahlukeneyo zikhoyo, kufuneka unikezelo lwamanzi kwizakhiwo nomhlaba ezilolo hlobo zibe zezenjongo zonikezelo manzi lwamaqela okuhlala awohlukeneyo, uMlawuli: Amanzi unakho, ngokwemgqibo yakhe, ukunika nokufakela nayiphi-
 - (a) isilinganisi-manzi esinye esinceda izakhiwo nomhlaba zizonke okanye inani lawo maqela okuhlala; okanye
 - (b) isilinganisi-manzi esizimeleyo esihleli kumda wesakhiwo nomhlaba kumhlaba ogcinelwe umasipala, seqela lokuhlala ngalinye okanye neliphi inani ngoko.

- (21) Apho uMlawuli: Amanzi afakele isilinganisi-manzi esinye njengokophulwa okuboniswe kwicandelo (20)(a) elingezantsi, umnini okanye umntu onegunya okanye ulawulo lwezakhiwo nomhlaba, ukuba imeko inganjalo, makafakele aze agcine ngokusemgangathweni umbhobho ngamnye ophuma ecaleni unyenyisa ukusuka kumbhobho wonxibelelwano ukuya kwindawo zokuhlala amaqela ezahlukeneyo-
- (a) isilinganisi-manzi esizimeleyo; kunye/okanye
 - (b) isivalo esizimeleyo, kwaye
 - (c) iya kuba yimfanelo yakhe ngokusemthethweni ukuhlawula iintlawulo ezimiselayo zawo onke amanzi anikezwe izakhiwo nomhlaba ngeso silinganisi-manzi, ngaphandle kokujonga ubuninzi obahluka-hlukeneyo obusetyenziswe ngabasebenzisi-nkonzo abohlukeneyo ngeso silinganisi-manzi.

34. Ubungakanani bamanzi anikezelweyo

Ngenjongo yokuhlola ubungakanani bamanzi anikezelweyo ngesilinganisi-manzi ngesithuba esithile, kunyanzelekile, ngaphandle kokuba ngokuchaseneyo ingabonakaliswa, ukuba -

- (a) ubuninzi bubonakaliswe ngokomahluko ophakathi kwofundo lwesilinganisi-manzi esithatyathwe ekuqaleni nasekugqibeleni kweso sithuba;
- (b) isilinganisi-manzi sasibhalisa ngokulungileyo ngeso sithuba, kwaye
- (c) imibhalo kwirekhodi/ ukubhalwa phantsi kwincwadi egciniweyo kamasipala zazenziwe ngokulungileyo;

ngaphandle kokuba amanzi anikwa okanye athathwa ngaphandle kokugqitha kwisilinganisi-manzi, ngoqikelelo nguMlawuli: Amanzi anobuninzi obulolo hlobo aya kunyanzeleka alungiswe.

35. Amanzi anikezelweyo asuka kombhobho omkhulu wokucima umlilo kamasipala

- (1) Umlawuli: Amanzi unokuvumela unikezelo lwamanzi ethutyana manzi lawo aza kuthathwa kumbhobho omkhulu wokucima umlilo, ngokuphantsi kwemiqathango nemigaqo nanjengoko inokimiselwa.
- (2) Umntu onqwenela unikezelo lwamanzi ethutyana ngokubhekiselele kwicandelo (1) elingezantsi makenze isicelo ngendlela emiselweyo kwicandelo 19.

36. Ukuthengiswa ngokutsha kwamanzi

- (1) Akukho mntu onikezelwa ngamanzi ngokwemiqathango yalo mthetho kamasipala onokuthengisa amanzi ngaphandle-
 - (a) amalungiselelo enziwe ngoko ngesivumelwano esikhethekileyo

- ekubhekiselelwe kuso kwicandelo 20, okanye
- (b) wafumana ngaphambili imvume ebhaliweyo yoMlawuli: Amanzi
- (2) Ukuba uMlawuli: Amanzi unika imvume ngokubhekiselele kwicandelo (1)(b) elingezantsi, unokuqikelela ixabiso, eligqitywe libhunga, apho amanzi anokuthengiswa aze abeke eminye imiqathango elolo hlobo ngokwemfuneko.
- (3) Imvume ebhekiselele kwicandelo (1) (b) elingezantsi lingasuswa nangeliphi na ixesha.

37. Izilinganisi-manzi ezineziphene

- (1) Ukuba umsebenzisi-nkonzo unezizathu zokukholelwa ukuba isilinganisi-manzi sinesiphene unakho, ngokuchasene nekuhlawula intlawulo emiselweyo, enze isicelo sokuhlolwa kwesilinganisi-manzi.
- (2) Intlawulo emiselweyo ekubhekiselelwe kuyo licandelo (1) elingezantsi iya kuba -
- (a) igcinwa ngumasipala ukuba isilinganisi-manzi sifumaniseke ngokwemiqathango yecandelo (3) okanye (4) elingezantsi lingenasiphene, okanye
- (b) ibuyiselwe kumceli ukuba isilinganisi-manzi sifumaneke sinesiphene.
- (3) Isilinganisi-manzi apho imiqathango ebhekiselele kwizilinganisi-manzi ipapashwe phantsi koMthetho woRhwebo lweMetroloji, 1973 (uMthetho 77 ka 1973) iyakusetyenziswa xa kukho isiphene ukuba, kuhlolwe ngokubhekiselele kuloo miqathango, kwaza kufumaniseka ukuba kubekho ipesenti yempazamo kubhaliso okugqithisileyo okanye kubhaliso olungaphantsi kunolo luvumelekileyo lwesilinganisi- manzi esisetyenziswa ngokuphantsi kweyo miqathango.
- (4) Isilinganisi- manzi apho imiqathango ibhekiselele khona kwicandelo (3) ayinakusetyenziswa xa kufumaniseke kungekho siphene ukuba kufumaniseke ipesenti yesiphene kubhaliso olugqithisileyo okanye kubhaliso olusezantsi olungaphezulu kunolo luvumelekileyo kwi-SABS 1529:1999 iNdawo 4 kunye ne-SANS 1525:1999 iNdawo 1, okanye kulungiso lwayo.

38. Uqikelelo lobungakanani bamanzi anikiwe umsebenzisi-nkonzo ngesilinganisi- manzi esinesiphene

- (1) Ukuba isilinganisi- manzi sifumaniseke sinesiphene ngokwemiqathango yecandelo 37 (3) okanye (4) elingezantsi, uMlawuli: Amanzi unokuqikelela ubungakanani bamanzi anikiwe umsebenzisi-nkonzo ochaphazelekayo ngethuba apho, ngokwembono yakhe, isilinganisi- manzi eso besinesiphene, ngokomyinge wobungakanani wonikezelo lwamanzi wemihla ngemihla -
- (a) isithuba esiphakathi kofundo lwesilinganisi- manzi esilandelelanayo emva

- (b) kokufakelwa ngokutsha kwesilinganisi- manzi, okanye isithuba kunyaka odlulileyo esilingana nesithuba apho isilinganisi- manzi sasinesiphene, okanye
- (c) isithuba esiphakathi kofundo oluthatha olulandelelanayo lwesilinganisi- manzi phambi kokuba isilinganisi- manzi sibenesiphene,

Nalapho uMlawuli: Amanzi ebona efanelekile.

- (2) Ukuba ubungakanani bamanzi obabunikwe umsebenzisi-nkonzo ngethuba isilinganisi- manzi sinesiphene abunakuqikelelwa ngokwemiqathango yecandelo (1) elingezantsi, uMlawuli: Amanzi unokuqikelela ubungakanani bawona manzi asetyenzisiweyo.
- (3) Umsebenzisi-nkonzo makaziswe ngendlela esetyenzisiweyo nguMlawuli: Amanzi ukuqikelela ubungakanani bamanzi anikeziweyo kuye njengoko kucingelwe kwicandelo (1) kunye (2) elingezantsi aze anikwe ithuba lokwenza intetho kuMlawuli: Amanzi ngaphambi kokuba kufikwe kuqikelelo lokugqibela.

39. Ukulungiswa kobungakanani bamanzi anikiweyo ukuxa isilinganisi- manzi sinesiphene

- (1) Ukulungiswa kobungakanani bamanzi anikiwe ngesilinganisi- manzi esinesiphene kuya kwenziwa ngesithuba esiya kugqitywa ngokwemiqathango yecandelo 38.
- (2) Ngenjongo yokulungisa ubungakanani bamanzi ngokwemiqathango yecandelo (1) elingezantsi kuya kufuneka ukuba ubungakanani bamanzi obubhaliweyo bube babunikeziwe phakathi kwisithuba seeyure ezilishumi elinambini ngasinye ngokwesithuba ekubhekiselelwe kuso kwicandelo (1) elingezantsi.
- (3) Umnini akayi kubanxaxheba kunciphiso lwexabiso elihlawulelwa amanzi onakalisiweyo okanye kufakelo lwamanzi, ngenxa yokuvuza okubonakalayo.

40. Imilinganiselo ekhethekileyo

- (1) Ukuba uMlawuli: Amanzi ufuna, ngeenjongo ezingezizo ezokutshintshela amanzi asetyenzisiweyo, ukuqinisekisa ubungakanani bamanzi asetyenziswe njengenxalenye yofakelo lwamanzi, anakho, ngesaziso esibhaliweyo, acebise umnini ochaphazelekayo malunga neenjongo zakhe zokufakela isixhobo sokulinganisa nakweyiphi indawo anokuyikhetha kufakelo lwamanzi.
- (2) Ufakelo lwesixhobo sokulinganisa ekubhekiselelwe kuso kwicandelo (1) elingezantsi, ukususwa kwaso, kwakunye nokufakelwa kwakhona kofakelo lwamanzi emva kokuba lususiwe luya kwenziwa ngendleko zikamasipala.
- (3) Amalungiselelo amacandelo 33(5)(b) kunye no 34(6) asebenza, kangangokuba enokusebenza, ngokubhekiselele kwisixhobo sokulinganisa esifakwe

ngokwemiqathango zecandelo (1) elingezantsi.

- (4) Umasipala unakho xa efumene isaziso esibhaliweyo kumnini ukucwangcisa malunga nokuhlawula intlawulo efanelekileyo emiselweyo, afunde isilinganisi-manzi ukuqinisekisa ubungakanani bamanzi anikiweyo ngexesha, okanye ngosuku, ngangaphezu kokuba isilinganisi-manzi sinokufundwa ngesiqhelo.

ISAHLUKO 3

IZITHINTELO ZAMANZI KUNYE NOGCINO LWAMANZI

41. IZITHINTELO ZAMANZI

- (1) Ibhunga linakho ngokwenza isaziso kuwonke-wonke, nanini xa kukho ukunqaba kwamanzi akusasazelwa nawokunikeza abasebenzisi-nkonzo, okanye nawesiphi isizathu esilungileyo-
- (a) angavumeli okanye athintele usebenziso lwamanzi kuso sonke okanye kwisiqingatha seSixeko
- (i) ngezizathu ezikhethekileyo okanye eziphangaleleyo;
- (ii) ngethuba leeyure zemini ezicacisiweyo okanye ngeentsuku ezithile, kunye
- (iii) ngendlela ekhethekileyo, kunye
- (b) agqibe okanye abeke imilinganiselo kubungakanani bamanzi anokusetyenziswa ngesithuba esikhethekileyo;
- (c) abeke izithintelo okanye ukungavumeleki ekusebenziseni okanye kwindlela yokusebenzisa okanye kukulahlwa kwayo neyiphi into /isixhobo esisebenzisa umbane, okanye ukudityaniswa kweso sixhobo kufakelo lwamanzi, kunye
- (d) abize uluhlu lwamaxabiso akhethekileyo ngokubhekiselele kwizithintelo, ezigqitywe ngokwemiqathango yoMthetho kaMasipala woLuhlu lwaMaxabiso.
- (2) Ibhunga linokunciphisa isicelo sesaziso sezibonelelo ezicingelwa licandelo (1) elingezantsi kwimimandla ekhethekileyo kunye/ okanye kwindidi ezikhethekileyo zabasebenzisi-nkonzo, zezakhiwo nomhlaba kunye nemisebenzi, kunye nakukohlukana kwemvume nokupheliswa kwi, nakunyenyiso, kwazo naziphi izibonelelo ngezizathu ezivakalayo, xa nagaba akuyi kubakho kohluha kuluhlu lwamaxabiso ekubhekiselelwe kuwo licandelo (1)(d).elingezantsi
- (3) Umlawuli: Amanzi unokuyalela umsebenzisi-nkonzo ukuba, ngendleko yakhe, athathe imiqathango, equka ufakelo lwezilinganisi-manzi kunye nezixhobo zokulawula ukuhamba kwamanzi, kwanjengoko imbono yakhe inokuba iyimfuneko yokuqinisekisa ukuthobela isaziso esipapashwe ngokwemiqathango yecandelo (1) elingezantsi.

(4) UMlawuli: Amanzi -

- (a) angayeka okanye, ngeso sithuba sifanelekileyo, anciphise unikezelo lwamanzi kuzo naziphi izakhiwo nomhlaba kwisithuba apho kungekho kuthotyelwa kwemiqathango yesaziso ekubhekiselelwe kuso kwicandelo (1) elingezantsi, kwakunye
- (b) kufuneka, apho unikezelo lwamanzi luye lwayekiswa ngokwemiqathango yomhlathi (a), abuyiselwe kuphela xa imali yokuyekiswa neyokufakelwa kwakhona unikezelo lwamanzi ihlawulwe.

(4) Izibonelelo zeli candelo ziya kusebenza nangokubhekiselele kumanzi anikwe abasebenzisi-nkonzo ngumasipala ngokwakhe ngaphandle kweSixeko, nangona ngokuchasene kwimiqathango elawula olu nikezelo, ngaphandle kokuba kuchazwe ngokukodwa kwisaziso esipapashwe ngokwemiqathango yecandelo (1) elingezantsi.

(6) Naye nawuphi umntu owaphula izibonelelo zesaziso esipapashwe ngokwemiqathango yecandelo (1) elingezantsi unetyala.

42. Ukonakaliswa kwaManzi

(1) Akukho mntu ngokwembono yoMlawuli: Amanzi, unokungahoyi, ngenjongo okanye ngokonakalisa -

- (a) avulele amanzi kwisilinganisi esingundoqo okanye avumele oko kuvulelwa;
- (b) avumele imibhobho okanye izilinganisi ukuba ivuze;
- (c) asebenzise izilinganisi ezingalungiswa kakuhle okanye ezineziphene okanye avumele usetyenziso olulolo hlobo;
- (d) avumele okuchitheka kwamanzi kuqhubeleke, okanye
- (e) ukusetyenziswa kwamanzi okungafanelekanga okanye avumele ukusetyenziswa okungafanelekanga kwamanzi kuqhubeleke.

(2) Umnini makalungise okanye afakele ngokutsha nayiphi indawo yofakelo lwamanzi ekuloo meko yokungalungi kangangoko, ngokwembono yoMlawuli; Amanzi, kangangokuba anokwenzeka okanye anokudala isenzeko esidweliswe kwicandelo (1) elingezantsi.

(3) Ukuba umnini akaphumeleli ukuthobela icandelo (2) elingezantsi, uMlawuli: Amanzi unokuthatha lawo manyathelo ngokwemfuneko afumane ngokutsha intlawulo kumnini.

(4)(a) Umsebenzisi-nkonzo unokuqinisekisa ukuba nasiphi isixhobo okanye umashini odityaniswe kufakelo lwamanzi usebenzisa amanzi ngendlela efanelekileyo.

(b) Ukuba ngokwembono yoMlawuli: Amanzi, usetyenziso lwaso nasiphi isixhobo kufakelo lwamanzi alufanelekanga okanye luyonakalisa, uMlawuli: Amanzi unakho, ukungavumeli usetyenziso lweso sixhobo ngesaziso esibhaliweyo.

- (5) Ukusetyenziswa kwesixhobo kwavalwa/ ngokwemiqathango yecandelo(4)(b) elingezantsi, eso sixhobo asisayi kubuya sisetyenziswe de sibe silungisiwe kwakhona kwaye kwenziwa isicelo esibhaliweyo asiye samkelwa nguMlawuli: Amanzi.

43. UGcino lwaManzi noLawulo oluyiMfuneko

Naye nawuphi umnini makathobele ugcino olulungileyo lwamanzi neendlela zolawulo oluyimfuneko njengoko kubonisiwe kuludwe lweNkqubo 2 lwalo mthetho kamasipala.

ISAHLUKO 4

ABAMELI BEENKONZO ZAMANZI

44. UBhaliso

Ibhunga linokwazisa ngesaziso somntu wonke ukuba lifuna abameli beenkonzo zamanzi okanye imigangatho yabameli beenkonzo zamanzi ukuba babhalise kumasipala ngohlobo olubonakalisiweyo kwisaziso somntu wonke.

45. Isibonelelo seenkonzo zamanzi

- (1) Abameli beenkonzo zamanzi mabaqinisekise ukuba iinkonzo zamanzi, kuquka iinkonzo ezingundoqo zebhunga, ziyanikezwa kwabo bantu kunyanzelekileyo ukuba banikwe iinkonzo zamanzi.
- (2) Ubunjani, ubungakanani kunye nokugcinakala kwenkonzo ezinikiweyo zamanzi ngabameli beenkonzo zamanzi mabube kungenani kumgangatho ofanayo njengoko kwenziwe ngumasipala kubasebenzisi-nkonzo.

46. INtlawulo zeenkono zamanzi anikiweyo

- (1) Ummeli weenkono zamanzi akanakho ukubiza intlawulo yeenkonzo zamanzi engahambiselani nemithetho kwanemigangatho abekiweyo nguMlawuli: Amanzi.
- (2) Ummeli weenkono zamanzi makanike inkxaso yeenkonzo zamanzi, njengoko igqitywe libhunga ngokwemiqathango YoLawulo lweNgeniso elityala neyoMthetho kaMasipala weNkqubo yoLawulo lwamaTyala enikwe abasebenzisi-nkonzo ngumasipala ngexabiso elifanayo okanye elisezantsi kunelo

limiselweyo lentlawulo umasipala anikezela ngalo iinkonzo.

ISAHLUKO 5

UKWAMKELWA KWEZICWANGCISO

47. Umgaqo wokwamkelwa kweziCwangciso

- (1) Ukuba umnini unqwenela ukufakela ufakelo lwamanzi olutsha, makaqale afumane ulwamkelo olubhaliweyo nguMlawuli: Amanzi kwisicwangciso esingeniselwe ukuqwalaselwa, ngaphandle kokuba ulwamkelo alusayi kufuneka xa kulungiswa okanye kufakelwa ngokutsha umbhobho obuhleli ukho okanye isilinganisi samanzi nangaphandle kwesifudumezi samanzi esingasukiyo kwakunye nezinye izixhobo zokukhusela ezihamba naso, nalapho isaziso zokwazisa sifuneka.
- (2) Isicelo sokwamkela ekubhekiselelwe kuso kwicandelo (1) elingezantsi masenziwe kwifomu emiselweyo sikhathshwe yi -
 - (a) yintlawulo emiselweyo, kunye
 - (b) inani elimiselweyo leekopi zemizobo zomsebenzi ocelwayo, njengoko kubonisiwe kwicandelo 49.
- (3) Izibonelelo zecandelo (1) no (2) angezantsi azisebenzi kwikontrakta olungisa isifudumezi samanzi esingasukiyo okanye izixhobo zokukhusela ezihamba naso.
- (4) Igunya elinikezwe ngokwemiqathango (1) liya, kuba ngokuphantsi kwecandelo 48, liphelelwe ngesithuba seenyanga ezingama-24 sokuphelelwa emva kosuku lokuqala lenyanga olulandela inyanga apho igunya lalinikezwe ngayo.

48. Unyenyiso lwesithuba solwamkelo

UMlawuli: Amanzi unakho, ngesicelo esenziwe ngumnini, ngaphambi kwesithuba sentsusa esichaphazelekayo sokuphelelwa nesiphantsi kwentlawulo emiselweyo, kumaxesha ngamaxesha sinyenyise isithuba sokuqinisekisa ulwamkelo olunikwe ngokwemiqathango yecandelo 47 ngokwesithuba esingadluli iinyanga ezili-12 ngexesha nangokuphantsi kwemiqathango anokubona ifanelekile.

49. Imizobo

- (1) Ngaphandle kokuba uMlawuli: Amanzi agqibe ngokubhala ngolunye uhlobo, imizobo mayibe semaphepheni elimlinganiselo ongekho ngaphantsi ko-A4 kwaye kufuneka anikele ulwazi kwifomu efunekayo liBinzana 4.1.1 le- SANS 10252: 2004 iNdawo 1, ikopi enokufumaneka kuMlawuli: Amanzi.

- (2) Ukuba iinkcukacha zofakelo lwamanzi kumgangatho ongaphezulu komnye kwisakhiwo ziyafana, ezo nkcukacha zinokuzotyelwa umgangatho omnye kuphela.
- (3) Ukuba ufakelo lungaphezulu kolunye olufakelweyo kwisakhiwo, ofakelo olulolo hlobo lunokuboniswa kumzobo omnye, ngaphandle kokuba kuboniswe umohluko ngokucacileyo.
- (4) Uluhlu lwenkqubo malinikwe kumzobo ngamnye okanye kwingqokolela yomzobo ngamnye, ibonakaliswe inombolo yohlobo lwesilinganisi sentsusa samanzi ngasinye kwakunye nobukhulu baso besiqhelo.

50. Iikopi zemizobo emazigcinwe kwixiwa

De sifunyanwe nguMlawuli: Amanzi isiqinisekiso sokuthobela esingeniswe ngokwemiqathango yecandelo 53, ingqokelela egqityiweyo yemizobo yomsebenzi wofakelo mayisoloko ikhona ngamaxesha onke kwixiwa lokusebenza.

51. Umsebenzi ongagunyaziswanga

Ukuba umsebenzi wofakelo wenziwe ngokwaphula icandelo 47, uMlawuli: Amanzi unakho ngesaziso esibhaliweyo ukufuna umnini wezakhiwo nomhlaba ochaphazelekayo athobele icandelo ngokwesithuba esimiselweyo, kwaye ukuba umsebenzi uyaqhubeleka, umiswe umsebenzi, kwaye ungafuna ukuba umnini awususe wonke umsebenzi ololo hlobo ongathobeli lo mthetho kamasipala.

IS AHLUKO 6

UFAKELO NGABATYWINI

52. Abantu abavumelekileyo ukwenza ufakelo neminye imisebenzi

- (1) Akukho mntu, ongenazimfuno zemfundo nongaqinisekiswa ngokwemiqathango yoMthetho weGunya leMfuno zeMfundo zaseMzantsi Afrika, Nombolo 58 ka 1995, anga-
 - (a) enza umsebenzi wofakelo apho ulwamkelo lufunekayo ngokwemiqathango yecandelo 47;
 - (b) afakele ngokutsha isifudumezi samanzi esingasukiyo okanye izixhobo zokukhusela ezihamba naso;
 - (c) ahlole, abulale iintsholongwane aze avavanye ufakelo lwamanzi, ufakelo lomlilo okanye itanki yokugcina, okanye

(d) ukulungiswa, ukulungiswa ngokutsha, okanye ukufakwa ngokutsha isikhuseli sokuphuma samanzi ngokwemiqathango yecandelo 59.

(2) UMlawuli: Amanzi unokugcina ubhaliso lwabatywini abaqinisekisiweyo abalolo hlobo.

53. Uxanduva lomnini sakhiwo nomhlaba

(1) Umnini sakhiwo nomhlaba makaqinisekise umsebenzi wofakelo wenziwe kwisakhiwo nomhlaba wakhe kwaye wenziwe ngumtywini onesiqinisekiso semfuno othobelana nalo mthetho kaMasipala.

(2) Ukuba umsebenzi wofakelo wenziwe ngokophula icandelo 52, uMlawuli: Amanzi uya kufuna ukuba umnini wezakhiwo nomhlaba anqumamise umsebenzi ololo hlobo ngesaziso esibhaliweyo de abe uqeshe umtywini onesiqinisekiso so -

- (a) kuhlola umsebenzi ololo hlobo nokulungisa nayiphi indawo engathobelani nalo mthetho kamasipala;
- (b) kuhlola nokubulala iintsholongwane ngokwemiqathango yecandelo 54, kunye
- (c) qinisekisa ukuba isiqinisekiso sokuthobela, esibonisa ukuba umsebenzi owenziweyo uthobelana nalo mthetho kamasipala, singeniswa kuMlawuli: Amanzi.

ISAHLUKO 7

UKUBULAWA KWEENTSHOLONGWANE

54. Ukubulawa kweentsholongwane kufakelo lwamanzi, kuquka neetanki zokugcina.

(1) Umnini makadale ufakelo lwamanzi olutsha oluthotywa ngamanzi asuka kwinkqubo yonikezelo lwamanzi de abe amanzi acocekileyo aphume kwisilinganisi samanzi ngasinye esingundoqo.

(2) Ukuba umsebenzi wombobho wofakelo lwamanzi oludityaniswe koyintloko uyoosuleleka, kufuneka ubulawe iintsholongwane ngokuhambiselana ne-SANS 10252:2004 iNdawo1.

(3) Umnini zakhiwo nomhlaba walapho itanki yogcino ifakelwe khona kufuneka, kungabikho kanye kwiminyaka emihlanu rhoqo, enze ukuba itanki ifunxwe, ihlolwe ize kubulawe iintsholongwane, ngokuhambiselana ne-SANS 10252:2004 iNdawo1.

- (4) Nangona izibonelelo zecandelo (3) -
- (a) uMlawuli: Amanzi unakho, ukuba umntu unembono yokuba amanzi kwitanki yogcino okanye kufakelo lwamanzi oluncedwa yitanki alulungelanga ukusetyenziswa, kufuneka umnini enze itanki ifunxwe ize ihlolwe ngesaziso esibhaliweyo, kwaye
 - (b) Ukuba itanki iye yatshona/yantwila, okanye iye yakwimeko enokwenza ukuba izinto ezingaphakathi zingcoliseke, umnini makenze ukuba itanki ifunxwe ize ihlolwe.
- (5) Phambi kokuba itanki okanye ufakelo lwamanzi oluziswa ngokubhekiselele kwicandelo (3) elingezantsi luphindiselwe kwimo yokusebenza, kufuneka luqale lucocwe lubulawe iintsholongwane ngokuhambiselana ne-SANS10252: 2004 iNdawo 1.

ISAHLUKO 8

IIMFUNO ZOFAKELO LWAMANZI NGOKUBANZI

55. Ubonelelo kunye nogcino ngokusemgangathweni ufakelo lwamanzi

- (1) Umnini makazibonelele/azifunele aze azigcinele ngokusemgangathweni ufakelo lwamanzi ngendleko yakhe, ngaphandle-

- (a) kwimeko yokudityaniswa kumbhobho wokunxibelelana, okanye
- (b) apho kuvumelekileyo ngokwemiqathango yecandelo 21, kwaye

aqinisekise ukuba ufakelo lungaphakathi kwemida yezakhiwo nomhlaba.

- (2) Phambi kokuba kuqalwe umsebenzi ngokubhekiselele kugcino lwesiqingatha sofakelo lwamanzi, umnini makafumane imvume ebhaliweyo kuMlawuli: Amanzi okanye kumnini womhlaba lowo isiqingatha sikuwo, nanjengoko kunokuba njalo.

56. Uluhlu lwenkqubo yemibhobho nezilinganisi zamanzi ezamkelekileyo

- (1) Akukho mntu unokufakela okanye asebenzise umbhobho okanye isilinganisi samanzi kufakelo lwamanzi ngaphandle kokuba oko kudwelisiwe kuLuhlu lweNkqubo yeMibhobho neZilinganisi zaManzi oLwamkelekileyo, kwaye okanye kungokuhambiselana nemiqathango ebekwe ngokwemiqathango yeCandelo 3.
- (2) Nangona isibonelelo secandelo (1) elingezantsi uMlawuli: Amanzi unakho ngosebenziso olukhethekileyo kufakelo olukhethekileyo, ukuvumela ufakelo

- okanye usebenziso lombhobho okanye isilinganisi samanzi esingaqukwanga kuluhlu lwenkqubo.
- (3) Umlawuli: Amanzi unakho, ngokubhekiselele kuwo nawuphi umbhobho okanye kwisinganisi samanzi esiqukwe kuluhlu lwenkqubo, lubeke leyo miqathango nanjengoko kunokuba yimfuneko ngokubhekiselele kusetyenziso okanye kwindlela yofakelo ngoko.
 - (4) Umlawuli: Amanzi unakho nangeliphi ixesha ukususa umbhobho okanye isilinganisi samanzi kuluhlu lwenkqubo ukuba umbhobho okanye umbhobho okanye isilinganisi samanzi-
 - (a) asisathobeli imigaqo apho uquko lwalusekwe khona, okanye
 - (b) ngokwembono yakhe, ayisalungelanga injongo apho usetyenziso lwayo lwalamkelelwe yona.
 - (5) Iikopi zoluhlu lwenkqubo olusebenzayo ziyafumaneka kwi-ofisi kamasipala ngeeyure zomsebenzi.
 - (6) Umbhobho okanye isilinganisi samanzi asizukuqukwa kuluhlu lwenkqubo ekubhekiselelwe kulo licandelo (1) elingezantsi ngaphandle kokuba si-
 - (a) inophawu lokubeka emgangathweni lwe-SABS ngokubhekiselele kwinkcukacha ezifanelekileyo ze-SANS luLawulo;
 - (b) inophawu lwesiqinisekiso esikhutshwe yi-SABS sokuqinisekisa ukuba umbhobho okanye isilinganisi samanzi sithobela inkcukacha zoPhawu lwe-SABS, ngaphandle kokuba akukho zimpawu zesiqinisekiso ziya kukhutshwa de kube sisithuba esigqitha iminyaka emibini/ de kuphele iminyaka emibini;
 - (c) iqukiwe kuluhlu lwezilinganisi zamanzi olwamkelwe ngu-JASWIC, okanye
 - (d) yamkelwe nguMlawuli: Amanzi.

57. Umgaqo/Indlela eyiliweyo yofakelo lwamanzi

- (1) Umnini makaqinisekise-
 - (a) ukuba ufakelo lwamanzi luthobelana ne-SANS 10252: 2004 iNdawo 1 , okanye njengoko lunokulungiswa;
 - (b) ukuba ufakelo lwesilinda yamanzi ashushu luthobelana ne-SANS 10254: 2004 okanye njengoko lunokulungiswa;
 - (c) ukuba ufakelo lwamanzi afudunyezwa ngombane luthobelane ne-SANS 10106:1972 okanye njengoko lunokulungiswa;
 - (d) umyinge wogcino wobungakanani bamanzi, usetyenziswe ngeenjongo ezingaphandle kokulwa umlilo okanye umoya onokufudunyezwa okanye onokupholiswa, uze unikezwe ngokuhambiselana neTafile 1;

- (d) umyinge wogcino wobungakanani bamanzi, usetyenziselwe ukuthoba ngamanzi kumagunjana kunye nemichamo kwizakhiwo nomhlaba zorhwebo noshishino unikwe ngokuhambiselana neTafile 2;
 - (f) uyilo lweetanki zokugcina luhambiselane ne-SANS 10252: 2004 iNdawo 1 kunye necandelo 58;
 - (g) ukusetyenziswa kwemibhobho enikezela amanzi nakuluphi ufakelo luhambiselane neSANS 10252: 2004 iNdawo 1 kunye neSihlomelo “3” okanye njengoko lunokulungiswa;
 - (h) ukuqukuqela/ukuqengqeleka kwezivalo okuya ezantsi okukhawulezileyo, ekubhekiselelwe kuko kwicandelo 28(2)(a) kunye (b), kunye nokufakwa kwesivalo esingajijekiyo esinobukhulu obufanayo nombhobho woncedo.
 - (i) apho ukusebenza okufanelekileyo kwezivalo okanye izilinganisi zamanzi ezingundoqo zingaba sengozini ngenxa yokugqitha kwezinto eziqinileyo ezinokuthintela/ezinokuvalela okanye onakalise ngokufanayo, kufakelwe isihluzo, kwindawo ukuze sivumele ukugcinwa usemgangathweni ngokulula.
- (2) UMlawuli: Amanzi unakho, ukugqiba nokwazisa, ngesicelo somnini nokuhlawulwa kwendleko ezimiseliweyo ngexabiso lamandla lendlela yonikezelo lwamanzi olubhekiselele kwizakhiwo nomhlaba wakhe kangangethuba anokwenza isicelo salo.
- (3) Ukuba uMlawuli: Amanzi unombono wokuba umbhobho okanye isilinganisi samanzi sohlobo oluthile asifanelekanga ukuba sisetyenziselwe imeko ethile, unakho umnini ngesaziso esibhaliweyo uku-
- (a) thintela ukusetyenziswa kwaso, okanye
 - (b) afune kusetyenziswe imiqathango eyamkelekileyo yokhuselo.
- (4) Akukho mntu unokudibanisa kufakelo lwamanzi isilinganisi samanzi okanye isixhobo esidala okanye esinokudala ubungozi kwindlela yonikezelo lwamanzi okanye kufakelo lwamanzi ngenxa yokugaleleka ngamandla.

ITAFILE 1

Uhlobo loMsebenzisi-nkonzo	UGcino oluFunwayo
Izibhedlele, iikliniki, izindlu zabongikazi, amakhaya abantu abadala kunye nezinye izakhiwo apho abahlali bengenakususwa ngokulula kwimeko yophazamiseko lonikezelo lwamanzi.	Iilitha ezingama-250 zebhedi nganye isakhiwo esifaneleke ukuba nayo.
Amaziko emfundo.	Iilitha ezingama-40 ukuya kwezingama-50 i(capita) nganye
Iindawo zokuhlala abantu abaninzi ezidlula umphakamo ogqitywe licandelo 29(2), okanye ogqitha imigangatho emithathu yesakhiwo, engowona uphantsi.	Iilitha ezingama-135 kwiqela ngalinye.
Iihotele, izindlu zamabhoda kunye neehotele.	Iilitha ezingama-90 kumntu ngamnye isakhiwo esakhelwe ukubanaye (kuquka abasebenzi).
Amakhitshi okutyela (apho kulungiselelwa isidlo esizeleyo)	Iilitha ezi-8 ukuya kwezili- 12 kwisindlo ngasinye esilungisiweyo.
Indawo zokulungisa iinwele kunye neyamazinyo	iiyure ezi-4 eziyimfuneko ngosuku.
Ushishino (kugcino ngeenjongo zemveliso)	iiyure ezi-8 eziyimfuneko ngosuku.

ITAFILE 2

Uhlobo loMsebenzisi-nkonzo	UGcino oluFunwayo
Izakhiwo nemihlaba yoshishino (kuquka iivenkile nee-ofisi)	iilitha ezingama-70 kwii-100 sq zemitha nganye zendawo yobukhulu bomgangatho.
Amaziko eshishini	Iilitha ezi-5 kwi-capita nganye
Oobhaza-bhaza beevenkile (ezinje ngeemalike ezinkulu)	Iilitha ezingama-125 i-WC yeSitya okanye isixwexwe sokuchamela esizi-600mm
Amaziko emfundo.	Iilitha ezi-5 kwi-capita nganye

58. Amatanki okuGcina/oGcino

- (1) Nawuphi umntu ofakela itanki yogcino makayifake ngendlela ekwindawo eya kuthi umphandle nomphakathi uhlolwe ngokulula, ucocwe, ugcinwe usemgangathweni, ngaphandle kokuba wenziwe ichibi elenziwe ngesamente efihlakeleyo okanye elinenxalenye yalo elitshone emhlabeni kwaye libe liyiliwe, lakhiwe laze lahlolwa ngokuhambiselana ne-SANS 10100-1 kunye ne-SANS 1200-G apho ingumphakathi kuphela ofikelelekayo ukuze kwenziwe ucoco

nohlolo.

(2) Akukho mntu ngaphandle kwemvume ebhaliweyo yoMlawuli: Amanzi unokwenza okanye avumele itanki, eqhushekwe okanye ebekwe emhlabeni, ukuba isetyenziselwe ukwamkela/ukungenisa okanye ukugcina amanzi anikezwa ngumasipala.

(3) Naye nawuphi na umntu osebenzisa itanki yogcino ukugcina amanzi asemgangathweni wokuselwa makaqinisekise ukuba-

- (a) iyilwe ngohlobo olunokumelana/ olungenakuvumela usuleleko kwaye ngokuhambiselana neemfuno zoMlawuli; Amanzi;
- (b) ukuphuphuma nentunja yetanki emelana nosuleleko yenzelwe umkhusane ukukhusela ukungena kwezimbuzane, izilwanyana, nezinye imvelaphi zongcoliseko, kunye
- (c) itanki enokumelana/engavumeli usuleleko ivalwe ngokupheleleyo ayinayo enye indawo yokufikelela kumphakathi, ngaphandle kokubakho kwesigqumathelo secandelo lodonga ecaleni ukulungiselela uhlolo nokucocwa, isigqumathelo sodonga masibe kumgangatho apho itanki ingenakusetyenziswa ngaphandle kokuba sendaweni kwesigqumathelo sodonga ekunokufikelelwa kuso.

(4) Ngaphandle kokuba igunya linikwe nguMlawuli: Amanzi, isibilisi ngasinye, iketile ekhupha umphunga, okanye nezinye izixhobo zokukhupha umphunga, imveliso zerhasi, injini yerhasi okanye injini ye-oyile okanye nasiphi esinye isixhobo, okanye nakanjani apho amanzi anikezwa ngumasipala asetyenziswayo makanikezwe kuphela ngetanki ezalisa ngamanzi abandayo esebenzisa isithuba somoya ukohlula amanzi angundoqo angenayo kwizinto eziqulethwe yitanki.

59. Ukhuselo loNgcoliseko lwaManzi

(1) Umnini makasebenzise aze agcine ngokusemgangathweni imiqathango eyamkelwe nguMlawuli: Amanzi ukukhusela ukungena kwento enokuba yingozi empilweni okanye ichaphazele ngokungalunganga ukuphathwa kwamanzi -

- (a) kwisixokelelwane sonikezelo lwamanzi, kunye
- (b) nayiphi indawo yofakelo lwamanzi kwizakhiwo nomhlaba wakhe.

(2) Umlawuli: Amanzi makamkele umgangatho ofanelekileyo wokhuseleko lokubuyela umva (kwe-backflow) kwamanzi okufunekayo kwimeko nganye.

ISAHLUKO 9

UFAKELO LOMLILO

60. UFAKELO LOMLILO

- (1) Umnini makaqinisekise ukuba-
 - (a) ibhobhili yethumbu lokunkcenceshela nofakelo lombhobho wokucima umlilo uthobelana ne-SANS 10252: 2004 iNdawo 1, kunye
 - (b) neenkqubo zokuchela ezizisebenzela ngokwazo zithobelana ne- SANS 10287: 2000.
- (2) Umlawuli: Amanzi anganika okanye ale isicelo sokudityaniswa kofakelo lwesicimi-mlilo kundoqo kamasipala.
- (3) Akukho manzi aya kunikwa nakuluphi ufakelo lwesicimi-mlilo ngaphandle kwesiqinisekiso esamkelwe ngokwemiqathango yecandelo 53 kwaye olo fakelo luthobelane neemfuno zalo mthetho kamasipala.
- (4) Ukuba uMlawuli: Amanzi unombono wokuba isicimi-mlilo sifakelwe, asivumeleyo ukuba sidityaniswe kwesikamasipala, asigcinwanga ngendlela yokusebenza eyiyo, okanye asigcinwa ngendlela efanelekileyo, okanye sisetyenziselwa iinjongo ezingezizo ezokulwa umlilo, unokufuna ufakelo olusuka kundoqo okanye alususe, ngendleko yomnini.
- (5) Nanini xa kufuneka kunyuswe amandla ofakelo lomlilo, umnini makafakele umbhobho osebenza kubini, osebenza ngeenjongo zokucima umlilo ize enye ibe yeyeenjongo ngokubanzi zasekhaya.
- (6) Yonke imibhobho nezilinganisi mazibe nakho ukuthwala amandla angaphezulu kwee-1800 kPa, xa lawo mandla enokulindeleka xa ukonyuswa kusenzeka kwaye ibe nakho ukugcina imfezeko yayo xa isetyenziswe kwiimeko zomlilo.
- (7) Umbhobho wokudibanisa ozimeleyo mawufakwe uze usetyenziselwe zonke inkqubo zokuchela nokuphelisa umlilo.
- (8) Umlawuli: amanzi angagqiba ukuba iinkqubo zokuchela ezizenzelayo zinokufakwa na isilinganisi-manzi.

ISAHLUKO 10

INGQOKOLELA YEZIBONELELO NGOKUBHEKISELELE KUMANZI ANGASELWAYO

61. Ukusetyenziswa kwamanzi amvelaphi zizezinye indawo ngaphandle

kwamanzi anikezelwa ngumasipala

- (1) Akukho namnye umntu onokusebenzisa, okanye avumele ukusetyenziswa kwamanzi avela kwezinye iimvelaphi ngaphandle kwamanzi anikezelwa ngumasipala esebenzisela izinto zasekhaya, ngaphandle kokuba amanzi ekubhekiselelwe kuwo amkelwe nguMlawuli: Amanzi ngezo njongo nangokuhabiselelana nemiqathango egqitywe nguMlawuli: Amanzi.
- (2) Akukho mntu unokudibanisa unikezelo lwamanzi asuka nakweyiphi indawo ngokwenkqubo yosasazo lwamanzi ngaphandle kwasuka kunikezelo lwamanzi lukamasipala ngaphambi kolwamkelo olubhaliweyo loMlawuli: Amanzi, nangokuhambiselana nemiqathango egqitywe nguMlawuli: Amanzi.
- (3) Nawuphi umnini wezakhiwo nomhlaba apho imvelaphi yamanzi ikhoyo, makanikezele ngenkcukacha ngokubhekiselele kwimvelaphi yamanzi kuMlawuli: Amanzi njengoko kunokufuneka.
- (4) Umnini wezakhiwo nomhlaba owaphule icandelo (3) elingezantsi, makaxhobise ngeziqinisekilso zohlalutyo nophando lweentsholongwane (bacteriological) ngokubhekiselele kwimvelaphi yamanzi kwezo zakhiwo nomhlaba njengoko kunokufuneka kuMlawuli: Amanzi ngeendleko zakhe xa exelelwe ukuba enze njalo.
 - (4) U-Mlawuli: Amanzi unokurhoxisa nasiphi isivumelwano ngokubhekiselele kwicandelo (1) elingezantsi ukuba, ngokwembomo yoMlawuli: Amanzi-
 - (a) imeko ebekwe ngokwemiqathango yelo ecandelo elisezantsi yophulwe, okanye
 - (b) amanzi akasathobeli iimfuno ezibekwe nguMlawuli: Amanzi.
 - (6) Izibonelelo zeli candelo azisusi nawuphi umntu ukuba angathobeli nezibonelelo ezikhoyo zoMthetho waManzi kaZwelonke, 1998 (uMthetho 36 ka 1998) okanye naliphi iqumrhu likazwelonke lowiso-mthetho elifanelekileyo.

62. Imithombo, Izitsala-manzi ngaphantsi komhlaba, indawo zemithombo, kunye neendawo ezigrunjiweyo

Wonke umnini zakhiwo nomhlaba makaqinisekise ukuba nawuphi umthombo, indawo yomthombo, isitsala-manzi ngaphantsi komhlaba, kunye nendawo egrunjiweyo kwizakhiwo nomhlaba wakhe-

- (a) ikhuseleke ngokufanelekileyo ekudaleni ingxaki kwimpilo, kwaye
- (b) ayizaliswanga nangayiphi indlela, zizinto ezinokudala umthombo osecaleni, isitsala-manzi ngaphantsi komhlaba okanye ukuba imvelaphi

yamanzi esuka ngaphantsi komhlaba angcoliseke okanye osuleleke.

63. Isaziso sezitsala-manzi ngaphantsi komhlaba, imithombo neendawo zemithombo ezimbiwayo

- (1) Akukho namnye ovumelekileyo ukomba/ukugrumba, okanye enze okanye avumele ukombiwa/ukugrunjwa, komthombo, indawo yomthombo okanye isitsali-manzi ngaphantsi komhlaba ngaphandle kokuba uMlawuli: Amanzi unikwe isaziso esibhaliweyo seentsuku ezi-14 ubuncinane senjongo yokwenza oko.
- (2) Isaziso esiphulwe ngokwecandelo (1) elingezantsi masazise indawo eceliweyo kunye nenjongo amanzi aza kusetyenziselwa yona.
- (3) Ukuba amanzi afumaneka kwisitsala-manzi ngaphantsi komhlaba okanye nakweyiphi imvelaphi yonikezelo lwamanzi nakweziphi izakhiwo nomhlaba asetyenziselwa iinjongo ezinokukhokelela ekuchithekeni kwalawo manzi okanye intsalela yawo kwisixokelelwane sogutyulo sikamasipala, umnini makafakele isilinganisi-manzi kwindawo ekhethwe ngumasipala ekumbhobho lowo ukhokelela kwisitsala-manzi sangaphantsi komhlaba okanye kwenye imvelaphi yonikezelo lwamanzi kwindawo okanye kwiindawo apho isetyenziswa njalo khona.
- (4) Ibhunga linakho, ngesaziso sikawonke-wonke, ukufuna ukuba umnini wezakhiwo nomhlaba ongaphakathi kommandla kamasipala apho isitsala-manzi sikhoyo, okanye ukuba umnini akahlali kwezo zakhiwo nomhlaba, umhlali azise ngokubakho kwesitsala-manzi sangaphantsi komhlaba esilolo hlobo kwezo zakhiwo nomhlaba, aze anikezele ngolwazi olubhekiselele kwisitsala-manzi phantsi komhlaba olunokufuneka.
- (5) UMlawuli: Amanzi, ukuba ubona kufanelekile, unokufuna ufundo lwenziwe ngendleko zomnini ukuze kuhlolwe nayiphi impembelelo enokuchaphazela umphakathi kumthombo, kwindawo yomthombo okanye kwisitsala-manzi esiceliweyo.

64. Unikezelo lwamanzi angaselwayo ngumasipala

- (1) UMlawuli: Amanzi angavuma unikezelo lwamanzi angaselwayo kumsebenzisi-nkonzo xa kwenziwe isicelo ngokwemiqathango yecandelo 19 nangaphantsi kokuba ezinokuyilungela loo miqathango.
- (2) Naluphi unikezelo lwamanzi ngokwemiqathango yecandelo (1) elingezantsi alunakuvumela ukusetyenziselwa nawuphi umsebenzi wasekhaya okanye naziphi ezinye iinjongo, ngokwembono yoMlawuli: Amanzi, olunokwenza ubungozi empilweni.

65. Ukuzibhekela ngokubhekiselele kubunjani bamanzi angaselwayo

- (1) Akukho siqinisekiso, esichaziweyo okanye esibekiweyo kucoco lwawo nawaphi amanzi angaselwayo anikezwe ngumasipala okanye afanele injongo unikezelo lwamanzi olwalwenzelwe yona.
- (2) Ukusetyenziswa kwamanzi angaselwayo kungumngcipheko womsebenzisi-nkonzo wonke, kwaye umasipala akanamfanelo ngokusemthethweni yeziphumo eziyingozi okanye ilahleko evele ngokuthe ngqo okanye ngokungekho njalo ngoko.

66. Izaziso zezilumkiso

- (1) Umnini wezakhiwo nomhlaba, apho amanzi angaselwayo ayesetyenzisiwe, makaqinisekise ukuba zonke izilinganisi ezingundoqo zamanzi nazo zonke izixhobo ezisebenzisa okanye ezinikeza ngamanzi zinophawu olucacileyo lwesaziso esimelana nemozulu ezibonisa ukuba lawo manzi akafanelekanga kusetyenziselwa iinjongo zasekhaya.
- (2) Kummandla apho umlanjana ocociweyo wamanzi amdaka usetyenziswa, umsebenzisi-nkonzo uya kumisa izaziso ezimelana nemozulu kwindawo ezibonakalayo elumkisa ukuba amanzi alolo hlobo akafanelanga kusetyenziselwa iinjongo zasekhaya.
- (3) Isaziso esilumkiso ngasinye esibekwe/ esenziwe ngokwemiqathango yecandelo (1) kunye no (2) elingezantsi masibe ngeelwimi ezintathu ezisetyenziswa kwiphondo.

Uluhlu lweNkqubo 1

UKURHOXISWA KWEMITHETHO KAMASIPALA

UMasipala wase-Brackenfell 499/1970	UMthetho kaMasipala woNikezelo lwaManzi: PN
ISixeko saseKapa, iSixeko se 30/1996	UMthetho kaMasipala waManzi: PN
ISixeko saseKapa, iSixeko se	UMthetho kaMasipala weeNkonzo zaManzi wokuLinganisela okanye ukuThintela ukuSetyenziswa kwaManzi, i-Gazette yePhondo 5994 yama- 28 Matshi 2003
UMasipala wase-Durbanville	UMthetho kaMasipala waManzi: PN 665/1968
UMasipala wase-Durbanville oWongezelelekileyo: PN 612/1994	UMthetho kaMasipala waManzi

UMasipala wase-Goodwood njengoko ulungisiwe	UMthetho kaMasipala waManzi: PN 337/1991
IBhunga leSixeko sase-Kapa Town Council woNikezelo lwaManzi: GN R1107/1984	UMthetho kaMasipala
UMasipala wase-Kraaifontein 842/1960, njengoko ulungisiwe	UMthetho kaMasipala waManzi: PN
UMasipala wase-Kraaifontein oWongezelelekileyo: PN 848/1979, njengoko ulungisiwe	UMthetho kaMasipala waManzi
UMasipala wase-Kuils River UMasipala wase-Kuils River oWongezelelekileyo: PN 216/1978, njengoko ulungisiwe	UMthetho kaMasipala waManzi: PN 581/1962 UMthetho kaMasipala waManzi
IBhunga leDolophu lase-Lingelethu-West lwaManzi: GN R1107/1984	UMthetho kaMasipala woNikezelo
IBhunga leDolophu lase-Lwandle lwaManzi: GN R1107/1984	UMthetho kaMasipala woNikezelo
IBhunga leDolophu lase-Mfuleni lwaManzi: GN R1107/1984	UMthetho kaMasipala woNikezelo
UMasipala wase-Milnerton oWongezelelekileyo: PN 110/1982	UMthetho kaMasipala waManzi
UMasipala wase-Parow njengoko ulungisiwe	UMthetho kaMasipala waManzi oWongezelelekileyo: PN 98/1930, njengoko ulungisiwe
UMasipala wase-Pinelands: 198/1924, njengoko ulungisiwe	UMthetho kaMasipala woNikezelo lwaManzi: PN
UMasipala wase-Simon`s Town lwaManzi: PN 662/1954, njengoko ulungisiwe	UMthetho kaMasipala woNikezelo
UMasipala wase-Simon`s Town oWongezelelekileyo: PN 663/1954	UMthetho kaMasipala waManzi
UMasipala wase-Simon`s Town lwaManzi: PN 1059/1975, njengoko ulungisiwe	UMthetho kaMasipala woNikezelo

UMasipala wase-Somerset West
lwaManzi: PN 310/1910, njengoko ulungisiwe

UMthetho kaMasipala woNikezelo

UMasipala wase-West Coast Peninsula
lwaManzi: PN 14/1997

UMthetho kaMasipala woNikezelo

Uluhlu lweNkqubo 2

ULAWULO OLUNYANZELEKILEYO LWAMANZI

1. Akukho mntu ngaphambi kwegunya elibhaliweyo elisuka kuMlawuli: Amanzi, uyakunkcenkceshela igadi, amabala okudlala, ipaki, okanye nayiphi eminye imimandla enengca esebenzisa amanzi okusela, phakathi kweyure ye-10:00 neye-16:00.
2. Apho umbhobho wokunkcenkceshela usetyenzisiweyo ukunkcenkceshela igadi, ipaki, okanye amabala okudlala amanzi esuka kwisiseko samanzi aselwayo isixhobo sokulawula esinje ngesitshizi sakuncanyathiselwa kwisiphelo sombhobho.
3. Akukho mntu ngaphandle kokuqala afumane igunya elibhaliweyo kuMlawuli: Amanzi oya kumanzisa umphantsi oqinileyo okanye indawo elungiselelwe ukuhamba esebenzisa amanzi okusela asuka kwisiseko samanzi okusela.
4. Umbhobho wokunkcenkceshela osetyenziselwa ukuhlamba imoto, isikhephe, ikharavani mawufakwe isixhobo esizilawulayo esizivala ngokwaso.
5. Iinkqubo zokuzalisa ezizenzelayo ezisebenzisa isivalo esijingayo esizaliswa kwindawo/kwintsusa yamanzi aselwayo ukusa kumachibi okudada namachibi egadi ayivumelekanga.
6. Amashishini okuhlamba inqwelo zorhwebo makalungise ngokutsha umlinganiselo ongama-50% wamanzi asetyenziswe kwimisebenzi.
7. Izitya zokuhlamba izandla kumaziko/kwindawo zikawonke-wonkemazifakelwe uhlobo lwempompi ezizilinganiselayo.
8. Iishawari ezikwindawo zikawonke-wonke mazifakelwe uhlobo lwezivalo ezizilinganiselayo.
9. Amanzi okusela akanakusetyenziselwa ukumanzisa isanti yesakhiwo nezinyeizixhobo zokwakha ukuzikhusela ukuba zingaphatheki.
10. Imibhobho emileyo etsalwa kwiimpompo mayibe nomphakamo okungenani ozii-450 mm, ngokomlinganiselo womphezulu womhlaba.

11. Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi impompo efakiweyo kwisitya sokuhlamba izandla ayinakodlula iilitha ezi-6 ngomzuzu.
12. Obona bukhulu bomgama wokuhamba kwamanzi nakweyiphi intloko yeshawari ayinakodlula iilitha ezili-10 ngomzuzu.
13. Amagunjana etanki yamanzi akanakodlula iilitha ezili-9,5 ngomthamo.
14. Akukho gunjana lizenzelayo okanye itanki echithayo inokusetyenziselwa ukuhlisa umchamo.
15. Ingadlulanga iminyaka emini emva kokubhengezwa kwalo mthetho kamasipala onke amagunjana azenzelayo afakwe ukuthoba imichamo, makasuswe kufakelwe nokuba ziinkqubo ezisetyenziswa ngezandla okanye isixhobo esingasetyenziswa ngasandla esidala ukuthotywa sisebenze emva komchamo/kokusetyenziswa ngakunye kwesixhobo kokuchama.
16. Izilinganisi zamanzi ezingundoqo zifakwe ngaphandle kwezakhiwo ngazinye ngaphandle kwendawo zokuhlala apho kufuneka-
 - (a) kudityaniswe isixhobo esizivallayo, okanye
 - (b) kubekho indawo yokubamba eshukumayo ngeenjongo zokuyisebenzisa, okanye
 - (c) ibenakho ukutshixwa ukukhusela ukusetyenziswa ongekho mthethweni, okanye
 - (d) ibe luhlobo olunyazelisa ukulawula ubungakanani bamanzi aphumayo ekusebenzeni kwayo ngakunye.
17. Uphicotho lwamanzi
 - (a) Abasebenzisi kakhulu bamanzi (abo basebenzisa ngaphezulu kwama- 3 650 kilolitres ngonyaka), ngaphandle kwabo benendawo zokuhlala amaqela abantu, kufuneka benze uphicotho lwamanzi rhoqo ngonyaka. Ingxelo yophicotho mayibekho ukuze ihlolwe ngamagosa asuka kwiSebe leMicimbi yaManzi namaHlathi, yiBhodi yaManzi (apho kukho imfuneko) kunye nomasipala.
 - (b) Uphicotho maluqulathe ezi nkukacha zilandelayo-
 - (i) ubuninzi bamanzi asetyenziswe ngethuba lonyaka-mali;
 - (ii) ixabiso elihlawulelwe amanzi lonyaka-mali;
 - (iii) inani labantu abahlala kwindawo yokuhlala engasiyoyabo okanye kwizakhiwo nomhlaba;
 - (iv) inani labantu abasebenza isigxina kwindawo yokuhlala engasiyoyabo okanye kwizakhiwo nomhlaba;
 - (v) uthlekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo);
 - (vi) ukwahluka ngokwamaxesha onyaka ngokwemfuno (amanani osetyenziso

- enyanga nenyanga);
- (vii) iinkcukacha zendlela yokujongwa kongcoliseko lwamanzi;
 - (viii) iinkcukacha zamanyathelo okuqala asetyenziswayo ukulawula imfuno zolawulo losetyenziso lwamanzi;
 - (ix) iinkcukacha zezicwangciso zokulawula iimfuno zabo zamanzi;
 - (x) uthelekiso lwale miba ingasentla naleyo bekunikwe ingxelo yayo kunyaka ngamnye kwemithathu edlulileyo (apho ikhoyo); kunye
 - (xi) uqikelelo losetyenziso lwamanzi ngezixhobo ezahlukeneyo ezisetyenziswayo.
- 18 Akukho mntu unokuvumela amanzi, asetyenziswe njengendlela yokutshintshisa ubushushu nakwesiphi isixhobo okanye umatshini odityanisiweyo ize inikezele amanzi kufakelo lwamanzi, isebenze ngokuqhubelekayo ukonakalisa amanzi ngaphandle kokugcina umgangatho omiselweyo wamanzi aqinileyo ewonke kumatshini ojikelezayo.

Uluhlu lweNkqubo 3

IMIBHOBHO ESETYENZISELWA UKUGQITHISA AMANZI

IMibhobho yoBhedu

Umgangatho 0 kunye noMgangatho 1 wemibhobho yobhedu awunakusetyenziswa kusetyenziso lwaphantsi komhlaba ngaphandle kokuba ikhuselwe ngokufanelekileyo kwisingxobo.

UMgangatho 0 wemibhobho yobhedu ayinakugotywa, ivulwe ezantsi/idlabhuzwe, okanye iziphelo zayo zandiswe ize zenziwe izingxobo ukwenzela uhlobo olutywinwa ngelotha lomthanjana.

Imibhobho yoBhedu ayinakutywinwa ngombala wobhedu omthuqwa okanye ngesinyithi sesilivere.

IMibhobho yePlastiki (iplastiki yokusongela kungangeni manzi/i-Polyethylene, i-Polypropylene, i-Polyvinyl)

Imibhobho yeplastiki ayinakusetyenziswa kwimililo okanye idibanise ufakelo oludibeneyo lwemililo yasekhaya kwindawo ekumhlaba ongaphezulu.

Imibhobho egqithisa amanzi okusela mayikhuselwe elangeni..

Imibhobho yeplastiki ayinakusetyenziswa kwindawo apho irhasi inokungenelwa okanye nawaphi amachiza/ izinto zekhemikhali ezinokosulela amanzi agqithiswayo kuyo, ngaphandle kokuba ikhuselwe ngokufanelekileyo kwisingxomo esingenakuchukunyiswa/ kungenelwa.

Apho umbhobho weplastiki usetyenziselwe ukugqithisa amanzi kumgqomo wofakelo olungasukiyo wamanzi ashushu, iimitha zokuqala eziyi- 2,5 zombhobho kwicala lokuphuma lombhobho mazibe zezobhedu.

IMibhobho eMnyama yeNtsimbi

Umbhobho ophakathi omnyama wentsimbi kunye nezilinganisi ezihamba nawo awunakusetyenziselwa ukugqithisa amanzi kufakelo lwasekhaya, ngaphandle kokuba ucocwe ngokufanelekileyo walekiwe kumphakathi, kwaye awuzukufakelwa kufakelo lwecandelo lomlilo oludityanisiweyo, kangangendlela apho unokubeka engozini uthwalo lwamanzi kwicandelo lofakelo lwamanzi olu lolo hlobo lofakelo lomdibaniso/ lwendibaniselwano.

Imibhobho ephakathi yentsimbi exonxwe ngesinyithi kunye nezilinganisi zamanzi ayinakusetyenziswa kufakelo oludityaniswe nombhobho oyintloko kamasipala, nefumana amanzi avela kuyo.

Nawuphi umbhobho ogqithisela amanzi asuka koyintloko awunakufakelwa njengowona mbhobho ungundoqo wesakhiwo.