CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

IMIGAQO YENKQUBO ELAWULA UKUZIPHATHA KWIINTLANGANISO ZEEKOMITI ZECANDELO 79 NO-80 ZEBHUNGA LESIXEKO SASEKAPA

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IMIGAQO YENKQUBO ELAWULA UKUZIPHATHA KWIINTLANGANISO

ZEEKOMITI ZECANDELO 79 NO-80

ZEBHUNGA LESIXEKO SASEKAPA

ISALATHISO

KWIMIGAQO YENKQUBO ELAWULA
UKUZIPHATHA KWIINTLANGANISO

ZEEKOMITI ZECANDELO 79 NO-80

ZEBHUNGA LESIXEKO SASEKAPA

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ISISHWANKATHELO SOKULINGANISELWA KWAMAXESHA

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UMGAQO 6: IZAZISO ZEENTLANGANISO	**Umgaqo 6.2** UMlawuli kaMasipala makanike isaziso sama 72 eeyure seentlanganiso zeeKomiti; **Umgaqo 6.4** Iintlanganiso ezikhethekileyo zifuna ama-48 eeyure zesaziso
UMGAQO 7: IIKHORAM	**Umgaqo 7.2** ukuba akukho khoram intlanganiso inqunyanyiswa isithuba esingekho ngaphezu kwama-30 emizuzu, xa ingekabikho ikhoram, intlanganiso imiselwe elinye ixesha, umhla njalo njalo.
UMGAQO 9: UKUZIMASA NEKHEFU LOKUNGABIKHO	**Umgaqo 9.3** ilungu elihambayo ngethuba lentlanganiso ngenxa yomba ongxamisekileyo kufuneka lazise uSihlalo ngokwalo, ze lifake isicelo sokungabikho kwisithuba se-14 leentsuku emva kwesiganeko **Umgaqo 9.6.3** kunikwa ikhefu lokungabikho xa isaziso sentlanganiso sikhutshwe ngaphantsi kwama-72 eeyure phambi kokuqala kwentlanganiso naxa uMlawuli kaMasipala efumene isaziso sokutshintsha kwedilesi yelo lungu ubuncinane kwiintsuku ezisi-7 phambi kwentlanganiso efanelekileyo
UMGAQO 13: ULAWULO LWEENGXOXO	**Umgaqo 13.1** iintetho zamalungu mazingegqithi kwimizuzu emi-5;
UMGAQO 14: IMIZUZU	**Umgaqo 14.7** ushicilelo lweentetho zazo zonke iintlanganiso zeeKomiti malugcinwe iminyaka emi-5
UMGAQO 15: IZIPHAKAMISO	**Umgaqo 15.1.2** iziphakamiso kufuneka zifunyanwe kwiintsuku ezili-10 zomsebenzi phambi kwentlanganiso apho kuza kuxoxwa khona ngeso siphakamiso **Umgaqo 15.5.1** isiphakamiso sokurhoxisa okanye ukwenza izilungiso kwisigqibo seBhunga esithathwe kwiinyanga ezi-3 ezingaphambili asizukuthathelwa ngqalelo
UMGAQO 17: IMIBA ENGXAMISEKILEYO	**Umgaqo 17.2** NguSihlalo oya kugqiba ngexesha elikhoyo lokuxoxa ngawo nawuphi na umba ongxamisekileyo
UMGAQO 18: IZILUNGISO KWIZINDULULO	**Umgaqo 18.2** umntu ophakamisa isilungiso makathethe ngaso imizuzu engedlulanga kwi-2 **Umgaqo 18.4** ilungu alinakuphakamisa ngaphezu kwesilungiso esi-1 kwisiphakamiso okanye isindululo
UMGAQO 21: UKUNGAFANELEKI, UPHINDAPHINDO OLUDIKAYO, ULWIMI OLUNGAPHUCUKANGA NOKUTYESHELWA KWENKQUBO	**Umgaqo 21.1** emva kwezilumkiso ezi-2 nesilumkiso sokugqibela ngethuba leengxoxo zentlanganiso yeKomiti, kungenziwa isindululo samanyathelo oluleko ngokweNdlela yokuZiphatha
UMGAQO 22: UKUSUSWA OKANYE UKUNGABANDAKANYWA KWELUNGU	**Umgaqo 22.2** amalungu alayo ukuthobela imiyalelo kaSihlalo ngokoMgaqo 21 angangabandakanywa kwiintlanganiso zeeKomiti ixesha eliya kuthi ligqitywe liBhunga nelingekho ngaphezu kwama-30 eentsuku
UMGAQO 24: IZIPHAKAMISO ZONQWANQWADO	**Umgaqo 24.4** ilungu malingathethi noSihlalo ngaphezu kwemizuzu emi-2 ngesiphakamiso sonqwanqwado
UMGAQO 25: AMANQAKU ENGCACISO	**Umgaqo 25.2** ilungu malingathethi noSihlalo ngaphezi komzuzu osi-1 ngenqaku lengcaciso

IMIGAQO YENKQUBO ELAWULA UKUZIPHATHA KWIINTLANGANISO ZECANDELO 79 NO-80 YEEKOMITI ZEBHUNGA LESIXEKO SASEKAPA

1. UKUSETYENZISWA KWEMIGAQO

1.1 Le migaqo yenkqubo isebenza kuzo zonke iintlanganiso zeeKomiti zeSixeko saseKapa ezisekwe ngokwecandelo 79 no-80 sooRhulumente beMimandla: uMthetho weZigqeba zooMasipala, uMthetho 117 ka-1998, njengoko wenziwe izilungiso.

1.2 Le Migaqo ayiyi kusebenza kwiintlanganiso zeBhunga, amaBhungana neeKomiti zeeWadi nezilawulwa yeyazo iMigaqo yenkqubo okanye ukuZiphatha neKomiti yeZikhokelo elawulwa yiMigaqo yoBulungisa eYaziwayo.

1.3 Imigaqo yenkqubo ijoliswe ekuvumeleni ingxoxo ekhululekileyo neyakhayo ngethuba leentlanganiso. Le Migaqo ijoliswe ekukhuthazeni inkululeko yokuthetha ngendlela apha evumela ingxoxo enocwangco lelona nani likhulu laMalungu kangangoko kunokwenzeka kwimida yexesha eyamkelekileyo. Le Migaqo yenza konke ukudala ithuba kuMalungu eeKomiti ukuba avakalise izimvo zawo ngemiba ebalulekileyo kuluntu.

1.4 Le Migaqo ihlala isebenza de ilungiswe okanye irhoxiswe liBhunga.

1.5 Nakuphi na ukuthetha ngesini sobudoda kule migaqo kuya kuquka nesobufazi yaye isinye siya kuquka nesininzi, ngokulandelelana.

2. IINKCAZELO

Kule Migaqo, ngaphandle kokuba akungqinelani nemeko:

“uMthetho” uthetha iLocal Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998);

“uSihlalo” uthetha:

> NgokweKomiti yecandelo 80 – ilungu leKomiti kaSodolophu elibekwe nguSodolophu weSigqeba ngokwecandelo 80(2)(a) lalo Mthetho;
> NgokweKomiti yecandelo 79 – ilungu elibekwe liBhunga likaMasipala ngokwecandelo 79(2)(c);

“iKomiti” ithetha iKomiti yeBhunga leSixeko saseKapa esekwe ngokwecandelo 79 okanye 80 lalo Mthetho;

“iKomiti yokuZiphatha neyeZikhokhelo” ithetha iKomiti esekwe ngokweShedyuli 1 yeNdlela yokuZiphatha kooCeba kuMthetho weeNkqubo;

“iBhunga” lithetha iBhunga likaMasipala weSixeko saseKapa;

“uMlawuli weSigqeba” uthetha umlawuli onika ingxelo ngqo kuMlawuli kaMasipala ngokwecandelo 56 lalo Mthetho;

"uSodolophu" uthetha uSodolophu weSigqeba weBhunga;

"iKomiti kaSodolophu" ithetha iKomiti kaSodolophu yeBhunga;

"iNtlanganiso" ithetha nayiphi na intlanganiso yeKomiti efanelekileyo;

"iLungu" lithetha lithetha ilungu ngokweCandelo-79 okanye ele-80 leKomiti yeBhunga leSixeko saseKapa;

"iMMC" ithetha iLungu leKomiti kaSodolophu;

"iSiphakamiso" sithetha umba ongeniswe lilungu ngokoMgaqo 15;

"uMlawuli kaMasipala" uthetha umntu obekwe ngokweCandelo 54A lalo Mthetho nanjengoko kukhankanywe kwimiqathango;

"iNtlanganiso yeSiqhelo" ithetha intlanganiso ngokoMgaqo 6.1;

"iQela lezoPolitiko" lithetha iqela lezopolitiko elibhaliswe ngokoMthetho woNyulo (uMthetho 73 ka-1998);

"iSiphakamiso seNkqubo" sithetha umba ophakanyiswe lilungu entlanganisweni ngokoMgaqo 26;

"iNtlanganiso eKhethekileyo" ithetha intlanganiso ngokoMgaqo 6.4;

"uMthetho weeNkqubo" uthetha uMthetho iLocal Government: Municipal Systems Act (uMthetho 32 wama 2000);

"iKomiti embaxa okanye yendibanisela" ithetha iKomiti esekwe ngokwecandelo 79 lalo Mthetho.

3. UKUZIPHATHA EZINTLANGANISWENI

USihlalo kufuneka:

3.1 agcine ucwangco ngethuba leentlanganiso;

3.2 aqinisekise ukuthotyelwa kweNdlela yokuZiphatha kooCeba ezintlanganisweni;

3.3 aqinisekise ukuba iintlanganiso ziqhutywa ngokwale Migaqo yenkqubo;

3.4 aqinisekise ukuba nawuphi na umntu owala ukuthobela imiyalelo yakhe uyayishiya indawo yentlanganiso ngoko nangoko akuba eyalelwe njalo;

3.5 aqinisekise ukuba amalungu aziphatha ngendlela enesidima nocwangco;

3.6 aqinisekise ukuba amalungu asebenzisa amalungelo nenkululeko enikwa licandelo 28 lalo Mthetho ngengqiqo nangokuthathela ingqalelo ilungelo lesidima kwabo bangaxhamliyo kula malungelo nenkululeko.

4. UTOLIKO LWEMIGAQO

Isigqibo sikaSihlalo ngokuphathelele ekusetyenzisweni okanye ekutolikweni kwale Migaqo neminye imiba yeenkqubo engaqwalaselwanga kwiMigaqo yeNkqubo, sesokugqibela yaye siyabophelela akuba enike izizathu zakhe.

5. UKUCHOTSHELWA KWEENTLANGANISO

5.1 USihlalo uchophela iKomiti eMbaxa okanye yeNdibanisela.

5.2 Xa uSihlalo engekho entlanganisweni, kufuneka konyulwe uSihlalo obambeleyo kuloo ntlanganiso kumalungu akhoyo.

5.3 Xa uSihlalo ekhona entlanganisweni kodwa kukho imfuneko yokuba uSihlalo angabikho ixesha elifutshane ngethuba lentlanganiso, uSihlalo kufuneka onyule uSihlalo obambeleyo kuloo ntlanganiso kumalungu akhoyo.

6. IZAZISO ZEENTLANGANISO

6.1 USihlalo, kufuneka aqinisekise ukuba iintlanganiso zesiqhelo ziyaphunyezwa kwikhalenda yeBhunga yeentlanganiso eziza kuqhutywa njengoko kucwangcisiwe.

6.2 UMlawuli kaMasipala kufuneka anike ubuncinane isaziso sama-72 eeyure seentlanganiso ezikhankanywe ngentla apha, ukuze amalungu akwazi ukuzilungiselela ngokufanelekileyo.

6.3 Into yokuba ilungu alikhange lisifumane isaziso sentlanganiso ngokwale Migaqo, ayiyi kuchaphazela ukuba semthethweni kweengxoxo zaloo ntlanganiso.

6.4 Xa uSihlalo enqwenela ukubiza iNtlanganiso eKhethekileyo, uSihlalo kufuneka athethane noMbhexeshi oyiNtloko weBhunga ukubeka umhla ofanelekileyo, yaye ixesha lezaziso kumalungu kufuneka ubuncinane libe ngama-48 eeyure.

6.5 Ilungu ngalinye kufuneka lichaze ngokubhala idilesi yeimeyile kunye/okanye idilesi elihlala kuyo kummandla kamasipala waseKapa, apho liza kufumana khona izaziso zeentlanganiso nenye imbalelwano esesikweni.

7. IIKHORAM

7.1 Ikhoram yentlanganiso yeKomiti sisininzi samalungu ayo.

7.2 Rhoqo xa kungekho khoram, intlanganiso kufuneka inqunyanyiswe isithuba esingegqithanga kuma-30 emizuzu. Ukuba, ukuphela kwelo xesha, akukabikho khoram, uSihlalo angayimisela elinye ixesha intlanganiso neliya

kugqitywa emva kokubonisana noMbhexeshi oyiNtloko weBhunga yaye kufuneka kwaziswe amalungu ngokoMgaqo 6.2.

8. IAJENDA

8.1 NgokoMgaqo 8.2, zonke iintlanganiso kufuneka ziqhutywe ngokwendlela imicimbi evele ngayo kwiajenda, yaye yimicimbi ekwiajenda kuphela eya kuxoxwa.

8.2 USihlalo unako, emva kokuqwalasela izizathu ezifanelekileyo, ukuguqula indlela evele ngayo imicimbi kwiajenda.

8.3 UMlawuli kaMasipala usenokuyalela ukuba nawuphi na umcimbi ufakwe kwinxalenye eyimfihlelo yeajenda yeKomiti. Loo mcimbi kufuneka ungaziswa kuye nawuphi na umntu ngaphandle kwabo bawufumana ngokwezikhundla zabo ezisesikweni, yaye loo mcimbi kufuneka uxoxwe kwintlanganiso esekhusini yeKomiti.

8.4 USihlalo unako, emva kokuqwalasela izizathu ezifanelekileyo, ukuyalela ukuba umcimbi uhanjiswe phakathi kweajenda eyimfihlelo nevulelekileyo.

8.5 Ngaphandle kwaxa isisiphakamiso, uSihlalo angawurhoxisa umcimbi okanye awubuyisele kulawulo okanye kwiKomiti efanelekileyo.

9. UKUZIMASA NEKHEFU LOKUNGABIKHO

9.1 Ilungu ngalinye elizimase intlanganiso yeKomiti kufuneka libhalise ubukho balo ngesandla okanye ngokwe-elektroniki, kuxhomekeke ukuba yeyiphi na inkqubo esetyenziswayo, oko kukuthi, ubhaliso nge-elektroniki okanye irejista yokuzimasa.

9.2 Ilungu kufuneka lizimase intlanganiso nganye yeKomiti elililungu layo, ngaphandle kwaxa-

9.2.1 linikwe ikhefu lokungabikho nguMbhexeshi oyiNtloko ngokweMigaqo yenkqubo;

9.2.2 elo lungu kufuneka ngokomthetho lirhoxe kuloo ntlanganiso.

9.3 Isicelo sekhefu lokungabikho (ngokuyinxalenye okanye ngokupheleleyo) kwintlanganiso yeKomiti kufuneka sibhekiswe kuMbhexeshi oyiNtloko ngokweSiqendu 4 soGunyaziso(*Delegation)* 1(1) lweNkqubo yeBhunga yoGunyaziso, kwifomu elungiselelwe oko, emayityikitywe yaye ibhalwe umhla lilungu elo. Xa kuthe kwafuneka ukuba ilungu lihambe ngethuba lentlanganiso ngenxa yomba ongxamisekileyo, umz., ukubhubha kothile okanye esinye isiganeko, ilungu kufuneka lazise uSihlalo buqu phambi kokuba lihambe, lize lingenise isicelo kwisithuba seentsuku ezili-14 emva kweso siganeko.

9.4 UMbhexeshi oyiNtloko uya kuqwalasela kuphela izicelo zekhefu lokungabikho ezibhaliweyo ngaphandle kweziganeko ezithile ezingxamisekileyo

neziqwalaselwa njengoko zichazwe kuMgaqo 9.3 ngentla. Izicelo zekhefu lokungabikho ezingabhalwanga aziyi kuqwalaselwa.

9.5 Nangona kukho uMgaqo 9.2 ngentla, izicelo zekhefu lokungabikho entlanganisweni zithathwa njengezivunyiweyo xa:

9.5.1 iBhunga okanye uSodolophu ethume ilungu elifanelekileyo ukuba limele ibhunga kumcimbi othile endaweni ethile; okanye

9.5.2 xa iBhunga, uSodolophu okanye iKomiti yeBhunga icele elo lungu lifanelekileyo ukuba liyishiye loo ntlanganiso phantsi kweemeko ezivelelwe kuMba 3(b) weShedyuli 1 yoMthetho weeNkqubo, okanye ilungu lizikhwebule ngokwalo.

9.6 UMbhexeshi oyiNtloko weBhunga unako, ngokweMigaqo 9.2 no 9.3 engentla, ukunika ikhefu lokungabikho kwilungu ngenxa yezi zizathu zilandelayo:

9.6.1 ukugula kwelungu;

9.6.2 umsebenzi obalulekileyo okanye into umntu ekufuneka eyihoye ngokwakhe, okanye iimeko zelungu elo.

9.6.3 xa kukhutshwe isaziso sentlanganiso, okanye kukhutshwe isaziso sentlanganiso kwisithuba esingaphantsi kwama-72 eeyure phambi kokuba iqale, xa oku kungazukusebenza kwintlanganiso yesiqhelo yeKomiti okanye xa ilungu lithe lafuduka alakwazi ukwazisa uMlawuli kaMasipala ubuncinane iintsuku ezi-7 phambi kwaloo ntlanganiso ngedilesi yalo entsha ukuze kukhutshwe amaxwebhu;

9.6.4 xa ilungu lingavumelekanga ukuzimasa intlanganiso ngenxa yeemeko ezivelelwe kumba 3(b) weNdlela yokuZiphatha kooCeba kwiShedyuli 1 yoMthetho weeNkqubo;

9.6.5 naziphi na iimeko apho ilungu lithintelweyo ukuba lizimase intlanganiso.

10. IINGXELO

IKomiti ayinakuthatha nasiphi na isigqibo ngaphandle kokuba inolwazi olwaneleyo phambi kwayo njengoko kuya kugqiba uSihlalo ukuba athathe isigqibo esisiso. Ngaphandle kwakwiimeko ezikhethekileyo, olo lwazi kufuneka lube kwingxelo ebhaliweyo.

11. IMIQOBO YEZOMTHETHO NEYEZIMALI

IKomiti ingathatha kuphela ezo ntetho nezindululo xa inobuchule bokwenjenjalo ngokomthetho nangokwezimali yaye zonke iingxelo ezingeniswe kwiajenda okanye ezenziwe ngomlomo kufuneka ziyikhankanye le miba.

12. IZIGQIBO NOKUVOTA

12.1 Zonke izigqibo zeeKomiti kufuneka zayamane nemisebenzi yezo Komiti yaye kufuneka ziphelele ekwenzeni iintetho nezindululo.

12.2 Zonke iziigqibo kufuneka zithathwe yivoti exhasayo yesininzi samalungu akhoyo nakweyiphi na intlanganiso yeKomiti.

12.3 Ukuba uSihlalo ubuza intlanganiso ukuba iyavumelana na nesindululo yaye isindululo asichaswa naliliphi na ilungu elikhoyo, isindululo siyamkelwa.

12.4 Xa kukho isichaso nakuwuphi na umba ekuza kugqitywa ngawo, uvoto kufuneka lwenziwe ngokuphakanyiswa kwezandla.

12.5 Linani lamalungu kuphela, hayi amagama amalungu, abavota bexhasa okanye bechasa, eliza kushicilelwe kwimizuzu.

12.6 Ilungu lisenokungavoti kodwa libe likhona kwintlanganiso.

12.7 Naliphi na ilungu lingacela ukuba ukuzikhwebula kwalo, ukungavoti okanye inkxaso ishicilelwe kwimizuzu yaloo ntlanganiso.

12.8 USihlalo kufuneka abhengeze isigqibo seKomiti esithathwe ngokweMigaqo 12.3 okanye 12.4.

12.9 Xa kuthe kwabakho ukulingana kweevoti nakuwuphi umba ngaphandle kwaleyo idweliswe kwiMigaqo 12.3 ukuya ku-12.4, uSihlalo kufuneka asebenzise ivoti yokwahlulela, ukongezelela kwivoti yakhe njengoSihlalo.

12.10 Xa iKomiti iqwalasela umthetho kwizindululo kufuneka iqwalasele isolotya ngalinye lomthetho ophakanyisiweyo ngokwahlukeneyo emva ngokuvumela ingxoxo ngesolotya ngalinye.

13. ULAWULO LWEENGXOXO

13.1 Ilungu liya kubhekisa intetho yalo kumba ekuxoxwa ngawo yaye akukho ntetho iya kuba ngaphezu kwemizuzu emi-5.

13.2 USihlalo angacutha okanye andise ixesha elinikiweyo ngendlela enobulungisa kuwo onke amaqela, ethathela ingqalelo imiba eseza kuxoxwa nexesha elikhoyo laloo ntlanganiso.

13.3 USihlalo angayishunqula intetho yelungu leKomiti ukuba, ngokoluvo lwakhe, elo lungu alisaxoxi ngomba okwi-ajenda, liyaphindaphinda, lenza izinyembo, okanye lithintela intlanganiso. Isigqibo sikaSihlalo emva kokusebenzisa uluvo lwakhe ngalo mba, siya kuba sesokugqibela.

14. IMIZUZU

14.1 UMlawuli kaMasipala kufuneka aqinisekise ukuba zonke izigqibo zeKomiti ziyashicilelwa kwincwadi yemizuzu, kwanokuba izigqibo zentlanganiso yeKomiti ebibanjelwe ekhusini zishicilelwa kwincwadi yemizuzu eyodwa.

14.2 Ukuba kunikwe ilungu ngalinye ikopi yemizuzu yentlanganiso ngendlela echazwe kuMgaqo 6, loo mizuzu iya kuthathwa njengefundiweyo ngenjongo yokuyiqinisekisa.

14.3 Akuyi kubakho sindululo okanye ngxoxo ngemizuzu, ngaphandle kokuba kungokuchaneka kwayo.

14.4 Ukuchaneka kwemizuzu yentlanganiso yeKomiti kufuneka kuqwalaselwe kwintlanganiso yayo elandelayo, xa kungenzekanga, kwintlanganiso elandela leyo.

14.5 USihlalo kufuneka aqinisekise ukuba amagama amalungu azimase nayiphi intlanganiso, amalungu angekhoyo, kunye namagama alawo anikwe ikhefu lokungabikho, ayashicilelwa kwimizuzu.

14.6 USihlalo kufuneka aqinisekise ukuba amagama amalungu acele ukuba ukuzikhwebula kwawo, ukungavoti kwawo okanye ukuba inkxaso yawo ishicilelwe ngethuba kuvotwa, oko kuyashicilelwa kwimizuzu.

14.7 Ngenxa yezizathu zokuba kukwazeke ukuba kubuyelwe kushicilelo xa oko kudingeka, ushicilelo lweentetho kuzo zonke iintlanganiso zeeKomiti kufuneka lugcinwe iminyaka emi-5.

15. IZIPHAKAMISO

15.1 Ngokwemiqathango yawo nawuphi na omnye umthetho:

15.1.1 Nasiphi na isaziso sesiphakamiso kufuneka sibhalwe, sityikitywe lelo lungu lisingenisayo nalilungu elisixhasayo, yaye kufuneka singeniswe kuSihlalo;

15.1.2 Isaziso sesiphakamiso asinakuvela kwiajenda, ngaphandle kokuba sifunyenwe ubuncinanne kwiintsuku ezili 10 zomsebenzi phambi kwaloo ntlanganiso; yaye

15.1.3 Isiphakamiso siya kuphelelwa xa ilungu elisingenisileyo lingekho kuloo ntlanganiso kuxoxwa kuyo ngeso siphakamiso.

15.2 Ngokwesicelo selungu elinike isaziso seso siphakamiso, uSihlalo kufuneka angqine ukuba usifumene ngembalelwano.

15.3 Nasiphi na isiphakamiso kufuneka siqwalasele umba enamagunya ngawo iKomiti yaye kufuneka siqwalasele umba omnye kuphela.

15.4 Ilungu elingenisa isiphakamiso kufuneka lazise eso siphakamiso yaye kufuneka libe nelungelo lokuphendulwa ngaso.

15.5 Xa ilungu lisazisa isiphakamiso ngokwalo mgaqo:

15.5.1 nesijoliswe ekurhoxiseni okanye ekulungiseni isigqibo esaphunyezwa yiKomiti nesathathwa kwiinyanga ezi-3 ezingaphambili okanye;

15.5.2 esinenkxaso efanayo nesiphakamiso esingazange saxhaswa kwiinyanga ezingaphambili ezintathu;

Eso siphakamiso asiyi kuthathelwa ngqalelo.

15.6 Xa kuqwalaselwa iziphakamiso:

15.6.1 isiphakamiso kufuneka sifundwe kunye nenombolo yaso negama lalowo usiphakamisayo;

15.6.2 uSihlalo kufuneka aqinisekise ukuba ziziphi na iziphakamiso ezingachaswanga yaye ezo kufuneka ziphunyezwe ngaphandle kwengxoxo; emva koko uSihlalo kufuneka abize iziphakamiso ezichaswayo ngokulandelelana kwazo kwiajenda.

15.7 Xa uSihlalo engenise isiphakamiso ukuze sifakwe kwiajenda kufuneka asishiye iSihlalo xa esazisa eso siphakamiso nangexesha kuxoxwa ngeso siphakamiso. Kuloo meko, uSekela-Sihlalo uya kuchophela loo ntlanganiso.

16. IZIPHAKAMISO NEZINDULULO EZINGAVUMELEKANGA

16.1 USihlalo kufuneka angasivumeli isiphakamiso okanye isindululo xa:

16.1.1 sinokukhokelela ekuxoxweni komba osele uqwalaselwe kwiajenda, okanye ongenanto yakwenza nolawulo okanye iimeko kuMasipala; okanye

16.1.2 esiphembelela impikiswano, esivakalisa uluvo okanye esiqulethe iintetho ezingeyomfuneko, ezityabeka izityholo, ezijongela phantsi okanye ezingezizo, okanye ezo:

16.1.2.1 iKomiti ingenamagunya azo;
16.1.2.2 kusalindeleke isigqibo sequmrhu lomthetho okanye sequmrhwana lomthetho ngazo; okanye
16.1.2.3 ezingaxhaswanga ngokusesikweni;

16.1.3 ukuba isiphakamiso eso siphunyeziwe, singakhabana nemiqathango kunye nale Migaqo yeNkqubo okanye nawuphi omnye umthetho okanye elingenabuchule bakusiphumeza ngokwezimali iBhunga.

17. IMIBA ENGXAMISEKILEYO

17.1 UMlawuli weSigqeba usenokwazisa umba ongxamisekileyo ukuze uxoxwe nongekhoyo kwiajenda yaloo ntlanganiso.

17.2 USihlalo kufuneka agqibe ngexesha elifanelekileyo, ngethuba leengxoxo zeKomiti lokuqwalasela loo mba ungxamisekileyo, yaye kufuneka agqibe ngexesha elikhoyo lokuxoxa ngawo nawuphi na umba ongxamisekileyo.

17.3 Kungathathwa isigqibo ngomba ongxamisekileyo kungakhange kwangeniswa ngxelo ibhaliweyo, ukuba iKomiti iyavuma ukuba inolwazi olwaneleyo phambi kwayo.

18. IZILUNGISO KWIZINDULULO

18.1 Isilungiso esiphakanyisiweyo:

18.1.1 kufuneka singqinelane nesindululo, isiphakamiso okanye isindululo esiphakanyiselwa sona;
18.1.2 kufuneka sibhalwe, sityikitywe ngosiphakamisayo nomxhasayo, sinikezelwe kuSihlalo; yaye
18.1.3 singaphakanyiswa kuphela lilungu ngethuba lisathetha ngesindululo, isiphakamiso okanye isindululo ekuxoxwa ngaso.

18.2 Ilungu eliphakamise isilungiso lingathetha ngaso ixesha elingegqithanga kwimizuzu emi-2, kodwa oxhasayo akayi kuvunyelwa ukuba athethe ngaso, yaye akuyi kubakho lungelo lampendulo.

18.3 Kungaphakanyiswa ngaphezu kwesilungiso esinye kwisiphakamiso okanye kwisindululo, yaye ngokoMgaqo 18.9, zonke izilungiso eziphakanyisiweyo kufuneka zivotelwe xa kuvalwa ingxoxo ngeso siphakamiso okanye isindululo.

18.4 Akukho lungu linokuphakamisa ngaphezu kwesilungiso esi-1 kwisiphakamiso okanye kwisindululo.

18.5 Ukuba uSihlalo okanye umntu ophakamise isiphakamiso sokuqala unqwenela ukubhekisa kwiKomiti nangasiphi isilungiso esiphakanyiswe kweso siphakamiso okanye isindululo, lingenza njalo kuphela ngethuba lalo lempendulo.

18.6 Ingxoxo iya kuvalwa akube uSihlalo ephendule kuso.

18.7 Ukuba kuphakanyiswe ngaphezu kwesilungiso esinye kwisiphakamiso okanye isindululo, ezo zilungiso kufuneka zivotelwe ngokokulandelelana kokuphakanyiswa kwazo.

18.8 Isilungiso ngasinye kwisiphakamiso okanye isindululo kufuneka sichazwe ngokucacileyo kwintlanganiso nguSihlalo phambi kokuba sivotelwe.

18.9 Ukuba isilungiso siyaqhutywa, isiphakamiso okanye isindululo esilungisiweyo kufuneka singene endaweni yesiphakamiso okanye isindululo sakuqala nekuya kuthi ibe zizilungiso eziya kuphakanyiswa kuphela eziya kuvotelwa.

18.10 Ukuba uSihlalo unoluvo lokuba isilungiso esamkelweyo senza ukuba esinye isilungiso singabi yomfuneko okanye singabi nasihlahla, anganika isigqibo sokuba esinye isilungiso eso kufuneka sivotelwe, emva koko siphelelwe isilungiso samva.

19. ISIGQIBO ESENZIWE YIKOMITI

19.1 Qho xa uSihlalo ethetha, naliphi na ilungu elithethayo ngelo xesha, okanye elifuna ukuthetha, kufuneka lithule yaye amalungu kufuneka athule ukuze uSihlalo eviwe ngaphanndle kokuphazamiseka.

19.2 Ilungu elibhekisa kwintlanganiso kufuneka lenjenjalo ngokubhekisa kuSihlalo*.*

20. UKUFANELEKA

20.1 Ilungu elithethayo kufuneka lijolise intetho yalo ngqo nangokukodwa kumba ekuxoxwa ngawo okanye kwingcaciso okanye kwisiphakamiso sonqwanqwado, yaye akukho ngxoxo iya kuvunyelwa:

20.1.1 eya kwandulela nawuphi na umba okwiajenda; okanye
20.1.2 ngawo nawuphi umba ekusalindeleke kuwo isigqibo sequmrhu lomthetho okanye iqumrhwana lomthetho okanye ikomishoni yophando, nokuba imiselwe ngokomthetho okanye hayi.

21 UKUNGAFANELEKI, UPHINDAPHINDO OLUDIKAYO, ULWIMI OLUNGAPHUCUKANGA NOKUTYESHELWA KWENKQUBO

21.1 USihlalo kufuneka anqande ilungu xa lisenza okunngafanelekanga, uphindaphindo oludikayo, ulwimi olungaphucukanga okanye nakuphi na ukutyeshelwa kwenkqubo lelo lungu, yaye uya kuyalela elo lungu, ukuba liyathetha, ukuba liyiyeke intetho yalo de elo lungu libuyele kucwangco. Loo myalelo uya kuthathwa njengesilumkiso. Emva kwezilumkiso ezi-2 nesilumkiso sokugqibela ngethuba leengxoxo zentlanganiso yeKomiti, kuya kusebenza imiqathango yoMgaqo 22 yaye uSihlalo angandulula ukuba kuthathwe amanyathelo oluleko ngakwelo lungu ngokweNdlela yokuZiphatha kooCeba.

21.2 USihlalo angayalela ilungu ukuba licele uxolo okanye lirhoxise isityholo ukuba asiphucukanga okanye senzakalisa okanye sithoba isidima selungu okanye igosa leBhunga.

22 UKUSUSWA OKANYE UKUNGABANDAKANYWA KWELUNGU

22.1 Ukuba ilungu liyala ukuthobela umyalelo ngokoMthetho 21, uSihlalo angayalela igosa ukuba lilikhuphe elo lungu okanye lenze ukuba ukukhutshwa kwalo kwenzeke ngokwezigaba ukuthintela ukuba libuyele kwintlanganiso, xa uSihlalo eya kuthi, ngokokubona kwakhe okukodwa nokupheleleyo, avumele ukubuyela kwelo lungu entlanganisweni lakuba elo lungu lingenise kuSihlalo ukuvakalisa ukuzisola ngokubhaliweyo, oko kuvakalisa ukuzisola kufuneka kube yinxalenye yemizuzu yentlanganiso.

22.2 IBhunga lingangabandakanyi ilungu kwiintlanganiso zeBhunga ixesha elilibone lifanelekile kodwa lingegqithi kwiintsuku ezingama-30 yaye lingafumani namaqithiqithi amalungu, xa ilungu liphazamisa ngabom intlanganiso yeBhunga neeKomiti zalo.

22.3 Isindululo sokukhutshwa kwakhe nawuphi umntu singaphakanyiswa nanini na ngethuba lentlanganiso.

23 UKUZIPHATHA KAKUBI NOKUGCINWA KOCWANGCO

23.1 Amalungu akufuneki azibandakanye ekuziphatheni kakubi kwiGumbi leengxoxo kunye/okanye kwiindawo zeentlanganiso zeBhunga, kuquka:

23.1.1 ukudala umbhodamo okanye ukuphazamisa kwiGumbi leengxoxo kunye/okanye kwiindawo zeentlanganiso zeBhunga;

23.1.2 nangayiphi na indlela ukungenelela ngezandla, ukuthintela, ukunqanda okanye ukuphazamisa ukukhutshwa kwelungu kwiGumbi leeNgxoxo kunye/okanye kwiindawo zeentlanganiso zeBhunga ebeliyalelwe ukuba lilishiye iGumbi leengxoxo kunye/okanye indawo yentlanganiso;

23.1.3 ukudelela amagunya kaSihlalo okanye ukwala ukuthobela izigqibo zikaSihlalo okanye ukuthi gqolo lingahloniphi okanye liphazamisa uSihlalo ngethuba exakeke kukuthetha neKomiti;

23.1.4 ukwenza izityholo ngakwilungu ngaphandle kobungqina obuphathekayo okanye ukulandela iinkqubo ezifanelekileyo;

23.1.5 ukusebenzisa okanye ukugrogrisa ngobundlobongela elinye ilungu okanye umntu; okanye

23.1.6 ukwenza nangayiphi na indlela ephazamisa isidima, isithozela okanye inkqubo enocwangco yentlanganiso yeKomiti.

23.2 USihlalo unako, nangaliphi ixesha lentlanganiso, ukuba ubona kuyimfuneko ukuze kugcinwe ucwangco, ukuyalela igosa ukuba likhuphe okanye lenze ukuba kukhutshwe nawuphi na umntu, kuquka ilungu, kwindawo yentlanganiso, okanye ayalele ukuba abantu abakwiqonga lokuphulaphula loluntu (igalari) baphume.

24. IZIPHAKAMISO ZONQWANQWADO

24.1 Ngenxa yalo mgaqo, isiphakamiso sonqwanqwado sithetha nakuphi na ukushenxa, okanye nayiphi na into echasene nale migaqo.

24.2 Isiphakamiso sonqwanqwado singaphakanyiswa nangaliphi na ithuba leengxoxo zentlanganiso, ngaphandle kwaxa uSihlalo eqinisekisa ubukho bekhoram okanye ngethuba kuvotwa.

24.3 Ilungu elenza isiphakamiso sonqwanqwado kufuneka lichaze loo mgaqo/migaqo, uMthetho kaMasipala okanye nawuphi na omnye umthetho ekutyholwa ngokuba utyeshelwe okanye kutenxiwe kuwo.

24.4 Isiphakamiso sonqwanqwado masingabi yontetho yaye ngoko masingachaphazeli ilungelo lalo naliphi na ilungu lokuthetha ngomba othile,

yaye ilungu elibhekisa kuSihlalo ngesiphakamiso sonqwanqwado malingavunyelwa ukuba libhekise kuSihlalo ngaphezu kwemizuzu emi-2 ngeso siphakamiso sonqwanqwado.

24.5 Naliphi na ilungu, nokuba belibhekisa kwiKomiti ngomba ekuxoxwa ngawo okanye hayi, lingaphakama okanye liphakamise isandla salo ngesiphakamiso sonqwanqwado.

24.6 Ilungu elichazwe kuMgaqo 24.3, liya kuba nelungelo lokumanyelwa ngoko nangoko, yaye ilungu elithetha ngelo xesha kufuneka lithule lihlale phantsi, de kunikwe isigqibo nguSihlalo.

24.7 Isigqibo sikaSihlalo ngesiphakamiso sonqwanqwado sesokugqibela yaye akukho nto inokuxoxwa ngaso.

25. AMANQAKU ENGCACISO

25.1 Ngenxa yalo mgaqo, inqaku lengcaciso lithetha ukucaciswa kwenxalenye ethile ebalulekileyo yentetho yelungu engakhange iqondwe kakuhle okanye eneembono ezingachanekanga ngethuba leengxoxo, kodwa hayi emva kokuba ingxoxo ivaliwe.

25.2 Inqaku lengcaciso malingabi yontetho yaye ngoko lingachaphazeli ilungelo lalo naliphi ilungu lokuthetha ngomba othile, kwanokuba ilungu elibhekisa kuSihlalo ngenqaku lengcaciso alizukuvunyelwa ukuba libhekise kuSihlalo ngaphezu komzuzu omnye ngelo nqaku lengcaciso.

25.3 Naliphi na ilungu, nokuba libhekise kwiKomiti ngomba ekuxoxwa ngawo okanye hayi, lingaphakama okanye liphakamise isandla salo ngenqaku lengcaciso ekupheleni kwengxoxo.

25.4 Ilungu elichazwe kuMgaqo 25.3, liya kuba nelungelo lokumanyelwa ngoko nangoko, yaye ilungu elithethayo ngelo xesha kufuneka lithule lihlale phantsi, de kunikwe isigqibo nguSihlalo.

25.5 Isigqibo sikaSihlalo ngokunyaniseka kwenqaku lengcaciso sesokugqibela yaye asinakuvuleleka ukuba sixoxwe.

26. IZIPHAKAMISO ZEENKQUBO

26.1 Xa kuxoxwa umba nakuyiphi intlanganiso yeKomiti, akukho ngxoxo iyenye ekufuneka ivunyelwe ukuba naziphi kwezi ziphakamiso zeenkqubo ziyamkelwa:

26.1.1 ukuba uqwalaselo lomba malumiswe luze luqaliswe ngexesha ekugqitywe ngalo yiKomiti;

26.1.2 ukuba intlanganiso yeKomiti imiswe ize ibuye idibane ngexesha eligqitywe nguSihlalo;

26.1.3 ukuba loo mba mawubuyiselwe kwikomiti kunye nezizathu zoko.

27. IINTLANGANISO EZIVULELEKE KULUNTU NAKUMAJELO EENDABA

27.1 IKomiti kufuneka iqhube umsebenzi wayo ngokungafihlisiyo yaye ingazivala iintlanganiso zayo kuphela xa kufanelekile ukwenjenjalo, ithathela ingqalelo uhlobo lomsebenzi oqhutywayo, nangokwemiqathango yoMgaqo-nkqubo weBhunga weeNtlanganiso eziyiMfihlelo zeBhunga neeKomiti zalo owamkelwa ngomhla wama- 24 April 2003 - C10/04/03.

28. ISIMEMO SOKUTHETHA KWIKOMITI

USihlalo unako, ngokwemiqathango yeKomiti nokunikezelwa kwamagunya, ukumema nawuphi na umntu okanye abantu ukuba bathethe kuyo nayiphi na intlanganiso yeKomiti eMbaxa okanye yeNdibanisela.

29. UKUZIMASA IINTLANGANISO ZEEKOMITI

Naliphi na ilungu leBhunga lingazimasa nayiphi na intlanganiso yeKomiti elingelolungu layo, ukuba:

29.1 liza kuthetha kwiKomiti kuphela ngemvume kaSihlalo; yaye
29.2 alizukuvota kuloo ntlanganiso.

30. INTATHO-NXAXHEBA YOLUNTU

30.1 IKomiti inako, nangokuyalelwa liBhunga, IKomiti kaSodolophu, iKomiti yeNdibanisela yoLawulo noZinzo, uSodolophu weSigqeba, okanye iMMC, ukuzibandakanya kwiinkqubo ezifanelekileyo zentatho-nxaxheba yoLuntu ngokweSahluko 4 soMthetho weeNkqubo.

30.2 Xa kusenziwa isindululo ngomthetho okanye umgaqo-nkqubo, iKomiti kufuneka yazise isigqeba solawulo esifanelekileyo senkqubo yentatho-nxaxheba yoluntu esilandelweyo ngethuba leengxoxo zayo njengoko kuyimfuno ngokweMiqathango yeKomiti nangokweeNkqubo zeSixeko zeNtatho-nxaxheba yoLuntu.

30.3 Imeko yenkqubo yentatho-nxaxheba yoluntu kufuneka ilungele ukuxhasa ngamandla imeko nobungakanani bomba ophethweyo yaye ingaqhubeka ngokolu hlobo okanye ezi ntlobo zilandelayo:

30.3.1 izimemo kumajelo eendaba ukuze uluntu luphawule, zisandulelwa, ukuba kukho imfuneko, ziingxelo zamajelo eendaba;

30.3.2 iindibano zasesidlangalaleni, ucweyo nemiboniso;

30.3.3 Iintlanganiso zodliwano-ndlebe zeeKomiti;

30.3.4 ugayo lwasesidlangalaleni, kuquka ugayo kusetyenziswa ubuchwepheshe beekhompyutha;

30.3.5 amaphetshana okanye izaziso ezingeniswa kwizindlu kwimimandla echaphazelekayo;

30.3.6 imiboniso yasezindleleni, imiboniso okanye imifuziselo;

30.3.7 ukutsala umnxeba;

30.3.8 amaphepha-mibuzo nophando;

30.3.9 nayiphi na inkqubo okanye indlela ekugqitywe kuyo yiKomiti;

30.3.10 unxibelelwano ngobuchwepheshe bekhompyutha.

30.4 Ngaphezu kwale ntatho-nxaxheba yoluntu, abalawuli nabasebenzi beSixeko bangabizwa ukuba bangenise iingxelo okanye banike ubungqina kwiKomiti.

31. INDLELA YESINXIBO

31.1 Bonke ooCeba naMagosa eSixeko, njengabameli beBhunga kufuneka ngawo onke amaxesha xa bezimase intlanganiso yeBhunga, banxibe ngokufanelekileyo ukubonakalisa umfanekiso wophucuko noweziko ngokoMgaqo-nkqubo weNdlela yeSinxibo. Iimpahla ezineempawu zopolitiko azithathwa njengezifanelekileyo, yaye ngenxa yoko, mazinganxitywa xa kuzinyaswa ezi ntlanganiso.

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QAPHELA: LE MIGAQO INGAPHONONONGWA QHO NGONYAKA OKANYE RHOQO KANGANGOKO KUBONWA KUFANELEKILE. IZILUNGISO KULE MIGAQO YENKQUBO ZIXHOMEKEKE EKUPHUNYEZWENI LIBHUNGA LIKAMASIPALA YAYE ZIYA KUSEBENZA UKUSUSELA NGOMHLA WOKUPHUNYEZWA KWAZO DE ZILUNGISWE LIBHUNGA LIKAMASIPALA. IMIGAQO YENKQUBO EPHUNYEZIWEYO IYA KUPAPASHWA KWIWEBHUSAYITHI KAMASIPALA UKUKHUTHAZA UKUFUMANEKA KOLWAZI KUBO BONKE ABACHAPHAZELEKAYO.