

**SEHLUKO 7****HULUMENDE WASEKHAYA****Lizinga labomasipala**

151. (1) Umkhakha wahulumende wasekhaya ubunjwe bomasipala, lekumele basungulwe ngumtsetfo eveni lonkhe leRiphabhulikhi.
- (2) Ligunya lekwengamela nekushaya umtsetfo lamasipala lisemahlombe eMkhandlu waMasipala.
- (3) Masipala unelilungelo lekubusa, ngekutisungulela yena, yonkhe imisebenti yahlumende wasekhaya emiphakatsini yakhe, ngaphasi kwembandzela wekulandzela umtsetfo wavelonkhe newesifundza, njengoba kubekiwe kuMtsetfosisekelo.
- (4) Bohulumende wavelonkhe newesifundza akumelanga batsikamete noma bavimbele likhono noma lilungelo lamasipala lekusebentisa emandla akhe noma lekwenta imisebenti yakhe.

**Tinhloso tahulumende wasekhaya**

152. (1) Tinhloso tahulumende wasekhaya –
- kuniketa hulumende wentsandvo yelinyenti nalokwati kusebentela imiphakatsi;
  - kuniketa lusito emmangweni ngendlela lenekusimama;
  - kunconota kutfutfuka kwetenhlahalakahle netemnotfo;
  - kutfutfikisa indzawo lephephile nalenemphilo;
  - kugcugcutela kumbandzakanywa kwemango netinhlngano temiphakatsi etindzabeni tahulumende wasekhaya.
- (2) Masipala kumele atame ngemandla akhe etimali nangekukhona kwakhe kuphatsa, kuphumelelisa lemigomo lebekwe esigatjaneni (1).

**Imisebenti yekutfutfikisa yabomasipala**

153. Masipala kumele –
- ahlele aphindze alawule kuphatfwa kwawo, kuhlelwa kwetimali lekabelwe tona, kanye netinchubo tekuhlela kuniketa tidzingonchanti lizinga

leliphakeme, futsi atfutukise temphilo nentfutuko yetemnotfo wemmango;  
futsi

- (b) afake sandla etinhlelweni tekutfutukisa kuvelonkhe nasesifundzeni.

### BoMasipala kuhulumende welubambiswano

154. (1) Bohulumende wavelonkhe nebetifundza, ngekushaya imitsetfo naletinye tinyatselo, kumele basite futsi balekelele bomasipala kucinisa likhono labo lekuphatsa imisebenti yabo, kusebentisa emandla abo nekwenta imisebenti yabo.
- (2) Umtsetfosivivinyo wavelonkhe noma wesifundza lotsintsa lizinga, tikhungo, emandla noma imisebenti yahulumende wasekhaya kumele ushicilelwe kuze ummango uphefumule ngawo ungakangeniswa ePhalamende noma kusishayamtsetfo sesifundza ngendlela levumela hulumende wasekhaya lohlelekile, bomasipala nalabanye bantfu labatsintsekako litfuba lekwenza tiphakamiso ngalomtsetfosivivinyo.

### Kubunjwa kwabomasipala

155. (1) Kukhona letigaba letilandzelako taboMasipala -
- (a) Sigaba A: Masipala lonemandla laphelele amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.
- (b) Sigaba B: Masipala lohlanganyela nesigaba C samasipala lapho indzawo yakhe iphelela khona emandla amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.
- (c) Sigaba C: Masipala lonemandla amasipala kanye newekushaya umtsetfo endzaweni lefaka ekhatsi tindzawo letingetulu kwayinye tamasipala.
- (2) Umtsetfo wavelonkhe kumele uchaze letinhlobo letehlukene tamasipala letingasungulwa kusinye ngasinye sigaba.
- (3) Umtsetfo wavelonkhe kumele –
- (a) usungule indlela yekuncuma kutsi indzawo ifanele nini kuba namasipala munye wesigaba A noma kunini lapho indzawo ifanele kuba nabomasipala besigaba B nesigaba C;
- (b) usungule indlela netinchubo tekuncuma ngeminye yamasipala Sigungu lesitimele; futsi
- (c) ngekulandzela sigaba 229, wente tiphakamiso tekwabela bomasipala emandla

ngalokufanele kanye nemisebenti uma ngabe indzawo inabomasipala besigaba B nesigaba C. Kwabiwa kwemandla nemisebenti emkhatsini wamasipala wesigaba B namasipala wesigaba C kungehluka ekwabiweni kwemandla nemisebenti walomunye masipala wesigaba B kanye nalowo masipala wesigaba C.

- (4) Umtsetfo lophawulwe esigatjaneni (3) kumele unake sidzingo sekuniketa lusito lwamasipala ngalokulinganako nangendlela lenekusimama.
- (5) Sishayamtsetfo sesifundza kumele sincume ngetinhlobo letehlukene tabomasipala lekumele tisungulwe esifundzeni.
- (6) Hulumende ngamunye wesifundza kumele asungule bomasipala esifundzeni sakhe ngendlela levumelana nemtsetfo loshaywe ngekulanzela tigatjana (2) na-(3) ngekwmsetfo noma ngaletinye tinyatselo; kumele -
  - (a) ente kube khona kwengamela nekuncedza hulumende wasekhaya esifundzeni; futsi
  - (b) atfutfikise intfutuko yemandla ahulumende wasekhaya kwenta bomasipala kutsi bakhone kwenta imisebenti yabo nekutsi bakwati kwengamela lokucondzene nabo.
- (6A) Uma letimfuneko letihlongotwe esigatjaneni (3)(b) tingeke taphumelela ngaphandle kwekutsi umnye wamasipala agabancele emnyeleni wesifundza -
  - (a) lowo mnye wamasipala ungancunywa ekugabanceni kwemnye wamasipala, kepha kuphela -
    - (i) ngekuvumelana nesifundza lesitsintsekako; futsi
    - (ii) ngemuva kwekutsi letigungu tekwegamela tetifundza tibe tigunyatwe ngumtsetfo wavelonkhe kutsi usungule masipala ngekhatshi kwalenzawo yamasipala; futsi
  - (b) umtsetfo wavelonkhe -
    - (i) ngaphasi kwembandzela wesigatjana (5), unganiketela ngekusungulwa kuleyo ndzawo yamasipala kweluhlobo lwamasipala lokuvunyenwe ngalo emkhatsini kwaletifundza letitsintsekako;
    - (ii) unganiketela ngeluhlakamsebenti lwekusetjentiswa kweligunya lekwegamela lesifundza kuleyo ndzawo yamasipala kanye namacondzana nalowo masipala; futsi
    - (iii) unganiketela ngekucutjungulwa kabusha kweminye yabomasipala

uma sinye setifundza letitsintsekako sihocisa kwesekela kwaso umnye  
lomiswe ngekulandzela indzima(a).

[Sigatjana (6A) singeniswe ngesigaba 1 seMtsetfo 87 wanga-1998.]

- (7) Hulumende wavelonkhe ngaphasi kwetimiso letisesigatjaneni 44, kanye nabohulumende betifundza unemandla ekushaya neligunya lekuphatsa, kwelusa, kusebenta ngalokufanele kwabomasipala kwemisebenti yabo mayelana neluhlu lwetintfo letihlelwe kuShejuli 4 na-5, ngekucondzisa kusetjentiswa kwemandla abomasipala ekuphatsa lashiwo esigabeni 156 (1).

### **Emandla nemisebenti yabomasipala**

156. (1) Masipala uneligunya lekwengamela futsi unelilungelo lekuphatsa –
- (a) tindzaba tahlumende wasekhaya letihleliswe eNcenyeni B yeShejuli 4 neNcenyeni B yeShejuli 5; kanye
  - (b) nanoma nguluphi ludzaba loluniketwe masipala ngumtsetfo wavelonkhe noma ngumtsetfo wesifundza.
- (2) Masipala angabeka aphindze aphaatse imitsetfo-sigodzi kuze kusebenteke ngendlela lekahle kwetindzaba lanelilungelo lekutiphatsa.
- (3) Ngaphasi kwemandzela wesigaba 151 (4), umtsetfo-sigodzi wamasipala longcubutana nemtsetfo wavelonkhe noma wesifundza awusebenti. Uma ngabe kunekungcubutana kwemtsetfo-sigodzi wamasipala nemtsetfo wavelonkhe wesifundza longasebenti ngenca yalokungcubutana lokushiwo esigabeni 149, lomtsetfo-sigodzi wamasipala kumele utsatfwe ngekutsi uyasebenta kuleso sikhatsi lowo mtsetfo ungasebenti.
- (4) Hulumende wavelonkhe nabohulumende betifundza kumele babele masipala, ngesivumelwano, nanganoma nguyiphi imibandzela, kuphatfwa kweludzaba lolubekwe eNcenyeni A seShejuli 4 noma iNcenyeni A seShejuli 5 lesiphatselene nahulumende wasekhaya uma ngabe –
- (a) loludzaba lungaphatseka ngendlela lengiyo ekhaya; noma
  - (b) masipala unawo emandla ekuluphatsa.
- (5) Masipala unelilungelo lekusebentisa emandla laphatselene neludzaba lolusondzelene naloludzingekako, ekwenteni imisebenti yakhe.

**Kubunjwa nekukhetfwa kwemikhandlu yabomasipala**

157. (1) umkhandlu wamasipala ubunjwe –
- (a) ngemalunga lakakhetfwe ngekulandzela tigatjana (2) na-(3); noma
  - (b) uma ngabe kubekwe ngumtsetfo wavelonkhe –
    - (i) emalunga lakhetfwe nguleminywe iMikhandlu yaboMasipala kutsi atewumela leyo Mikhandlu leminywe; noma
    - (ii) omabili emalunga lakhetfwe ngekulandzela indzima(a) nemalunga lakhetfwe ngekulandzela indzinyana(i) yalenzima.

[Sigatjana (1) sivalwe ngesigaba 1(a) seMtsetfo weSiphohlango wekuChitjiyelwa kweMtsetfosisekelo wanga-2002.]

- (2) Kukhetfwa kwemalunga eMkhandlu waMasipala njengoba kushiwo esigatjaneni (1)(a) kumele kulandzele umtsetfo wavelonkhe, lekumele ubeke indlela –
  - (a) yekumelwa ngalokunekulingana lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwavelonkhe futsi lebeka ngekukhetfwa kwemalunga kuloluhlu lwemagama lowakhiwe ngekulandzela kukhetsa kwelicembu, noma
  - (b) yekumelwa ngalokunekulingana njengoba kuchaziwe esigatjaneni(a) kuhlangene nenchubo yekumelwa ngemawadi lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwavelonkhe.
- (3) Indlela yelukhetfo ngekulandzela sigatjana (2) kumele iholele, jikelele, kumiphumela yekumelwa ngelinani lekuvotelwa kwelicembu letembusave.

[Sigatjana (3) sivalwe ngesigaba 1(b) seMtsetfo weSiphohlango wekuChitjiyelwa kweMtsetfosisekelo wanga-2002.]

- (4) (a) Uma ngabe lendlela yelukhetfo ifaka kumelwa kwemawadi, kubekwa kwemawadi kumele kwentiwe Sigungu lesitimele lesibekwe ngekulandzela, futsi lesisebenta ngekulandzela, tincumo netimiso letibekwe ngumtsetfo wavelonkhe.
- (b) Uma umnye wamasipala uye wabekwa ngekulandzela sigaba 155 (6A), liwadi lelisebente ngekhatshi kwalowo mnye wamasipala akumelanga ligabancele emnyeleni wesifundza lesisintsekako.

[Sigatjana (4) sivalwe ngesigaba 2 seMtsetfo weSitsatfu wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

[Umugca (b) ucitfwe ngesigaba 3 seMtsetfo weLishumi naKubili wekuChitjiyelwa kweMtsetfosisekelo wanga-2005]

- (5) Umuntu angavota endzaweni yamasipala kuphela uma ngabe lowo muntu ubhaliswe encenyeni yalomasipala eluhlwini lwebavoti lwavelonkhe.
- (6) Umtsetfo wavelonkhe lophawulwe esigatjaneni (1)(b) kumele usungule indlela levumela emacembu netimfuno letibonakalako kuloMkhandlu waMasipala kwenta kubekwa etikhundleni, kube ngulokulingana kahle kuloMkhandlu waMasipala lapho lokubekwa etikhundleni kwentelwe khona.

### Bulunga beMkhandlu yaboMasipala

158. (1) Sonkhe sakhamuti lesinelilungelo lekuvotela uMkhandlu waMasipala sinelilungelo lekumela bulunga beMkhandlu, ngaphandle –
  - (a) kwanoma ngubani locashwe, noma losebenta, kumasipala futsi ahola kulokucashwa noma kusebenta, futsi angakacolelwa kulokungavumeleki ngekweMtsetfo wavelonkhe;
  - (b) kwanoma locashiwe, noma losebentela uMbuso kulelinye lizinga, futsi lekaholelwako kulokucashwa noma lowo msebenti, longakavumeleki kuba lilunga laloMkhandlu ngekweMtsetfo wavelonkhe;
  - (c) kwanoma ngubani longakavumeleki kuvotela Sigungu saVelonkhe noma longakavumeleki ngekwesigaba 47 (1)(c),(d) noma (e) kuba lilunga leSigungu saVelonkhe;
  - (d) kwelilunga leSigungu saVelonkhe, sitfunywa seMkhandlu waVelonkhe weTifundza, noma lilunga lesishayamtsetfo sesifundza, kepha lokungavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele hulumende wasekhaya eMkhandlwini waVelonkhe; noma
  - (e) kwelilunga lalomunye uMkhandlu waMasipala; kepha longakavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele lowo Mkhandlu kulomunye uMkhandlu waMasipala esigabeni lesehlukile.
- (2) Umuntu longavumeleki kuba lilunga leMkhandlu waMasipala ngekwesigatjana (1) (a),(b),(d) noma (e) angaba lilunga laloMkhandlu kuphela nje ngaphasi kweminyele nemibandzela lebekwe ngumtsetfo wavelonkhe.
- (3) Tikhala temisebenti Emikhandlwini waMasipala kufanele tigcwatjiswe ngekwekushaywa kwemtsetfo kwavelonkhe.

[Sigatjana (3) sengetwe ngesigaba 4 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-2008 nangeMtsetfo weLishumi neSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009.]

**Sikhatsi sekusebenta kweMkhandlu yaboMasipala**

159. (1) Sikhatsi sekusebenta kweMkhandlu waMasipala angeke sendlule iminyaka lesihlanu, njengekuncuma kwemtsetfo wavelonkhe.
- (2) Uma uMkhandlu waMasipala uhlakatwa ngekulandzela umtsetfo wavelonkhe, noma uma sikhatsi sawo siphela, lukhetfo kumele lubanjwe kungakapheli emalanga langu-90 ngemuva kwelilanga lowo Mkhandlu uhlakatwe ngalo ngobe sikhatsi sawo siphelile.
- (3) UMkhandlu waMasipala, ngaphandle kweMkhandlu loye wahlakatwa kulandzela kungenenela ngekulandzela sigaba 139, uyachubeka nekuba neligunya lekusebenta kusukela ngalesikhatsi uhlakatwe ngaso noma sikhatsi sawo siphelile, kudzimate kumenyetelwe uMkhandlu lomusha lokhetsiwe.

[Sigaba 159 sivalwe ngesigaba 1 seMtsetfo weSibili wekuChitijyelwa kweMtsetfosisekelo wanga-1998.]

**Tichubo tangekhatsi**

160. (1) Umkhandlu waMasipala –
- wenta tincumo mayelana nekusetjentiswa kwawo onkhe emandla kanye nayo yonkhe imisebenti yamasipala;
  - kumele ukhetse sihlalo wawo;
  - ungakhetsa likomidi lekwegamela kanye nalamanye emakomiti; futsi
  - ungacasha bantfu labadzingekile kutsi utewenta imisebenti yawo ngelizinga lelifanele.
- (2) Lemisebenti lelandzelako uMkhandlu waMasipala ungete wayaba -
- kuphasisa imitsetfo-sigodzi;
  - kwemukela umcombelelotimali;
  - kubeka tintsetse naleminye imitselo, imitsedlwana netimali letibhadalwako; kanye
  - kukhulisa imalimboleko.
- (3) (a) linyenti lemalunga eMkhandlu waMasipala kumele libe khona ngembi kwekutsi kuvotelwe noma ngabe nguluphi ludzaba.
- (b) Yonkhe imibuto lephatselene neludzaba lolushiwo esigatjaneni (2) incunywa ngesincumo lesitsetfwe nguMkhandlu waMasipala lesesekelwe livoti lelinyenti lemalunga awo.

- (c) Yonkhe leminy e imibuto lesembi kweMkhandlu waMasipala incunywa linyenti lemavoti lafakiwe.
- (4) Kute imitsetfomgomo lengaphasiswa nguMkhandlu waMasipala ngaphandle uma ngabe –
- (a) onkhe emalunga aloMkhandlu aniketwe satiso ngesikhatsi lesenele; futsi
- (b) umtsetfo-sigodzi lophakanyisiwe ushicelelwe kuze sive sikwati kwetfula tincumo ngawo.
- (5) Umtsetfo wavelonkhe ungancoma indlela yokuncuma –
- (a) bukhulu beMkhandlu waMasipala;
- (b) kutsi uMkhandlu waMasipala ungalikhetsa yini likomidi lekwengamela noma naliphi likomidi; noma
- (c) bukhulu belikomidi lekwengamela noma naliphi likomidi leMkhandlu waMasipala.
- (6) Umkhandlu waMasipala ungenta imitsetfomgomo lechaza imitsetfo netibopho –
- (a) tetinchubo tangekhatsi;
- (b) temisebenti yawo netinchubo; futsi
- (c) tekusungulwa, kubunjwa, tinchubo, emandla, imisebenti netinchubo temakomiti tawo.
- (7) Umkhandlu waMasipala kumele uchube imisebenti yawo ngendlela lengenamfihlo, futsi ungalava kutsi bantfu bangakungeneli kuhlangana kwawo noma kwemakomiti awo, kuphela uma ngabe kufanelekile kwenta njalo uma kubukwa lenhlobo yemisebenti lowentiwako.
- (8) Emalunga eMkhandlu weMasipala kumele akwati kufaka sandla enchubeni yawo naleyo yemakomiti awo ngendlela –
- (a) levumela emacembu nemibono yawo kutsi ibonakale kuloMkhandlu futsi imelelwe ngendlela lefanele;
- (b) lehambelana nentsandvo yelinyenti; futsi
- (c) lengacondziswa ngumtsetfo wavelonkhe.

### Emalungelomvume

161. Umtsetfo wesifundza ngekulandzela imibandzela yemtsetfo wavelonkhe ungabeka emalungelomvume nekukhuseleka kweMikhandlu yaboMasipala nemalunga ayo.



### **Kushicilelwa kwemitsetfo-sigodzi yamasipala**

162. (1) Umtsetfo-sigodzi wamasipala ungasebenta kuphela ngemuva kwekushicilelwa kwawo kugazethi yembuso yesifundza lesintsintsekako.
- (2) Igazethi yahulumende wesifundza kumele ishicilele imitsetfomgomo yamasipala uma iceliwe ngulomasipala.
- (3) Imitsetfo-sigodzi yamasipala kumele itfolakale esiveni.

### **Hulumende wasekhaya lohlelekile**

163. UMtsetfo wePhalamende lobekwe ngekwenchubo lebekwe esigabeni 76 kumele –
- (a) ubuke ngekuhlonishwa kwemitimba yabohulumende bavelonkhe nebetifundza lemele labomasipala; futsi
- (b) uncume ngetinchubo lokutawutsi ngato hulumende wasekhaya akwati –
- (i) kutsintsana nahulumende wavelonkhe noma wesifundza;
- (ii) akhetse titfunywa letitawufaka sandla eMkhandlwini waVelonkhe weTifundza; kanye
- (iii) kufaka sandla eluhlelweni lolwendlalwe emtsetfweni wavelonkhe lohlongotwe esigabeni 221 (1)(c).

[Indzima (b) ivalwe ngesigaba 4 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

### **Letinye tindzaba**

164. Tonkhe tindzaba letiphatselene nahulumende wasekhaya letingakatsintfwa kuMtsetfosisekelo tingachazwa ngumtsetfo wavelonkhe noma umtsetfo wesifundza ngaphasi kwetimiso temtsetfo wavelonkhe.