

# ISAHLUKO 7

## URHULUMENTE WASEKUHLENI

### Ubume boomasipala

151. (1) Urhulumente wasekuhlaleni ngoomasipala, abamele babekho kuwo wonke umhlaba weRiphabliki.
- (2) Igunya loburhulumente nelokuwis' umthetho likamasipala likwiBhunga likaMasipala.
- (3) Umasipala unelungelo lokulawula, ngokwakhe, imicimbi yorhulumente wasekuhlaleni yoluntu lwakhe, ngokulawulwa yimithetho yepalamente yezwelonke nayeyephondo, njengoko kusitshiwo kuMgaqo-siseko.
- (4) Urhulumente wezwelonke okanye wephondo akavumelekanga ukuba abe ngumqobo ekukwazini kukamasipala ukusebenzisa amagunya akhe okanye ukwenza imisebenzi yakhe, okanye abe ngumqobo kwilungelo lakhe lokusebenzisa amagunya akhe okanye lokwenza imisebenzi yakhe.

### linjongo zikarhukumente wasekuhlaleni

152. (1) linjongo zikarhulumente wasekuhlaleni-
- (a) kukuba kubekho urhulumente wentando yesininzi nomakaphendule woluntu lwasekuhlaleni;
- (b) kukuqinisekisa ukuba uluntu lufumana iinkonzo ngokuzingisileyo;
- (c) kukuqhubela phambili uphuhliso entlalweni nakuqoqosho;
- (d) kukuqhubela phambili imeko yokusingqongileyo engenabungozi nenempilo;
- (e) nokukhuthaza ukubandakanyeka koluntu nemibutho yoluntu kwimicimbi karhulumente wasekuhlaleni.
- (2) Umasipala makazame, ngokwamandla anawo ngokwasemalini nangokwasemsebenzini, ukuba azifeze iinjongo ezichazwe kwisiqendwana (1)

**Imisebenzi yophuhliso yoomasipala**

153. Umasipala –

- (a) makazilawule iinkqubo zakhe zolawulo nezolwabiwo-mali nezokucwangcisa ngendlela ebeka phambili iimfuno ezisisiseko zoluntu, nekhuthaza uphuhliso loluntu entlalweni nakuqoqosho; kananjalo
- (b) makathabath'inxaxheba kwiinkqubo zophuhliso zezwelonke nezephondo.

**Oomasipala kurhulumente wentsebenziswano**

154. (1) Urhulumente wesizwe noorhulumente bamaphondo kufuneka bathi, Urhulumente wezwelonke noorhulumente bamaphondo, ngokuwis' imithetho nangokusebenzisa eziny' iindlela, mabakuxhase, bakomeleze ukukwazi koomasipala ukuphath' imicimbi yabo, ukusebenzisa amagunya abo nokwenza imisebenzi yabo.
- (2) Imithetho yepalamente eseluvavanyo yezwelonke okanye yamaphondo echaphazela ubume, amagunya okanye imisebenzi karhulumente wasekuhlaleni mayipapashwe ukuze abantu bavakalise uluvo ngayo ngaphambi kokuba ingeniswe ePalamente okanye kwindlu yowiso-mthetho yephondo, ngendlela enika urhulumente wasekuhlaleni ocvangcisiweyo, oomasipala nabanye abantu abachaphazelekayo ithuba lokutsho abafuna ukukutsho ngaloo mthetho wepalamente oseluvavanyo.

**Ukusekwa koomasipala**

155. (1) Kukho ezi ndidi zilandelayo zoomasipala:
- (a) uDidi A: umasipala onegunya elipheleleyo lokuba ngurhulumente nelokuwis' imithetho;
  - (b) uDidi B: umasipala odlelana ngegunya lokuba ngurhulumente nelokuwis' umthetho kummandla wakhe edlelana nomasipala woDidi C okummandla wakhe;
  - (c) uDidi C: umasipala onegunya lokuba ngurhulumente nelokuwis' imithetho kummandla oquka oomasipala abaliqela.
- (2) Umthetho wepalamente wezwelonke mawuzicacise iintlobo zoomasipala ezinokusekwa ngaphakathi kudidi ngalunye.
- (3) Umthetho wepalamente wezwelonke –

- (a) mawuxele izinto emakuqondwe ngazo xa umasipala emele abe nodidi olunye olungu-A okanye xa emele abe noomasipala boDidi B no-C;
  - (b) mawuxele izinto emakuqondwe ngazo neenkqubo zokwenza isigqibo ngemida yoomasipala, sisenziwa ligunya elizimeleyo; kananjalo
  - (c) ngokulawulwa sisiqendu 229, makalungiselele ukuba ahlukwe ngokufanelekileyo amagunya nemisebenzi phakathi koomasipala xa ummandla unoomasipala boDidi B no-C. Ukwahlulwa kwamagunya nemisebenzi phakathi komasipala woDidi B nomasipala woDidi C kusenokungafani nokwahlulwa kwamagunya nemisebenzi phakathi komnye umasipala woDidi B nalo masipala woDidi C.
- (4) Umthetho wepalamente ekuthethwe ngawo kwisiqendwana (3) mawucingele imfuneko yokwenza iinkonzo zikamasipala ngendlela engakhalazisiyo nezingisileyo.
- (5) Umthetho wepalamente wephondo mawenze isigqibo ngeentlobo ezingafaniyo zikamasipala oza kusekwa kwiphondo.
- (6) Urhulumente ngamnye wephondo makaseke oomasipala kwiphondo lakhe ngendlela evisisana nomthetho wepalamente owiswe ngokwesiqendwana (2) nese-(3) kwaye, ngokuwis' umthetho okanye ngeziny' iindlela,–
- (a) makenze ukuba urhulumente wasekuhlaleni abekw' esweni kwaye axhaswe; kananjalo
  - (b) makakhuthaze ukuphuhlisa kokukwazi kukarhulumente wasekuhlaleni ukusebenza ukuze oomasipala bayenze imisebenzi yabo, baziphathele nemicimbi yabo.

(6A) . . . . .

[Isiqendwana (6A) safakelwa sisiqendu 1 soMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 saza sacinywa sisiqendu 2 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]

- (7) Urhulumente wezwelonke, ngokulawulwa sisiqendu 44, noorhulumente bamaphondo banegunya lokuwis' umthetho nelokuba ngurhulumente ukuqinisekisa ukuba yenziwa ngempumelelo ngoomasipala imisebenzi yabo kwimicimbi edweliswe kwiSihlomelo 4 nese-5, ngokukulawula ukusetyenziswa kwegunya lokuba ngurhulumente ngoomasipala ekuthethwe ngalo kwisiqendu 156(1).

**Amagunya oomasipala nemisebenzi yabo**

156. (1) Umasipala unegunya lokuba ngurhulumente mayela nemicimbi elandelayo, kwaye unelungelo lokuyilawula—
- imicimbi karhulumente wasekuhlaleni edweliswe kwiCandelo B leSihlomelo 4 neCandelo B leSihlomelo 5; kunye
  - nawo nawuphi na omnye umcimbi abelwe wona ngumthetho wepalamente wezwelonke okanye wephondo.
- (2) Umasipala unokwenz' imithetho eyekamasipala aze ayilawule ukuze ilawuleke ngempumelelo imicimbi anelungelo lokuyilawula.
- (3) Ngokulawulwa sisiqendu 151(4), umthetho kamasipala ongqubanayo nomthetho wepalamente wezwelonke okanye wephondo, uphuthile. Ukuba kukho ungqubano phakathi komthetho kamasipala nomthetho wepalamente wezwelonke okanye wephondo ongasebenziyo ngenxa yongquzulwano ekuthethwe ngalo kwisiqendu 149, umthetho kamasipala mawuthathwe njengophilayo ngalo lonke ixesha loo mthetho wepalamente ungasebenzi.
- (4) Urhulumente wezwelonke noorhulumente bamaphondo mababele oomasipala, ngokuvumelana nangokulawulwa yimiqathango, ukusingathwa komcimbi odweliswe kwiCandelo A leSihlomelo 4 okanye kwiCandelo A leSihlomelo 5 onento yokwenza ncakasana norhulumente wasekuhlaleni, ukuba—
- loo mcimbi ubungaphathwa kakuhle kakhulu ekuhlaleni; abe
  - nomasipala enako ukuwuphatha.
- (5) Umasipala unelungelo lokusebenzisa naliphi na igunya ngomcimbi oyimfuneko ukuze yenziwe ngempumelelo imisebenzi yakhe.

**Indlela akheke ngayo amaBhunga ooMasipala nokunyulwa kwawo**

157. (1) IBhunga likaMasipala—
- ngamalungu anyulwe ngokwesiqendwana (2) nese-(3); okanye
  - ukuba kutsho umthetho wepalamente wezwelonke—
    - ngamalungu amiselwe ngamanye amaBhunga ooMasipala ukuba amele amanye amaBhunga; okanye
    - gawo kokubini amalungu anyulwe ngokwesiqendu (a) namalungu amiselwe ngokwesiqendwana (i) sesi siqendu.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 1(a) soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002 nasisiqendu 3 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

- (2) Ukunyulwa kwamalungu ukuba abe kwiBhunga likaMasipala njengoko kulindelekile ngokwesiqendwana (1)(a) makube ngokomthetho wepalamente wezwelonke, omawuxele inkqubo—
- (a) yokumelwa ngokulinganayo esekelwe kwelo candelo likamasipala lomqulu wabavoti wezwelonke, nothi makunyulwe amalungu kuludwe lwabagqatswa bamaqela oluqulunqwe ngokolandelwano lokuthandwa kwabantu embuthweni; okanye
- (b) yokumelwa ngokulinganayo njengoko kuchazwe kwisiqendu (a) idityaniswe nenkqubo yokumelwa kweewadi esekelwe kwicandelo laloo masipala lomqulu wabavoti wezwelonke.
- (3) Inkqubo yonyulo engokwesiqendwana (2) maybe nesiphumo, ngokubanzi, esikumelwa ngokulinganayo.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 1(b) soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002.]

- (4) (a) Ukuba inkqubo yonyulo iquka ukumelwa kweewadi, ukususwa kwemida yeevadi makwenziwe ligunya elizimeleyo elimiselwe ngokweenkqubo, nelisebenza ngokweenkqubo neemfuneko ezitshiwo ngumthetho wepalamente wezwelonke.
- (b) . . . . .

[Isiqendu (b) sacinywa sisiqendu 3 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]

[Isiqendwana (4) sathatyathelw' indawo sisiqendu 2 soMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

- (5) Umntu unokuvota kumasipala kuphela ukuba ubhalisiwe kwicandelo laloo masipala lomqulu wabavoti wezwelonke.
- (6) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1)(b) mawuseke inkqubo evumela ukuba amaqela nezinto ezibonakaliswa ngaphakathi kwiBhunga likaMasipala owenza umiselo, ibe yemelwe ngokungakhalazisiyo kwiBhunga likaMasipala umntu amiselwa kulo.

## Ubulungu bamaBhunga ooMasipala

158. (1) Wonke ummi ofanelekayo ukuba avotele iBhunga likaMasipala uyafaneleka ukuba abe lilungu lelo Bhunga, ngaphandle —

- (a) komntu oqeshwe ngumasipala, okanye okwinkonzo kamasipala, kananjalo abe efumana umvuzo ngoko kuqeshwa okanye ngaloo nkonzo, kananjalo kungekho nto imkhululayo koko kungafaneleki ngokomthetho wepalamente wezwelonke;
  - (b) komntu oqeshwe ngurhulumente, okanye okwinkonzo karhulumente, kwelinye inqwanqwa likarhulumente, abe efumana umvuzo ngoko kuqeshwa kwakhe okanye ngaloo nkonzo yakhe, kananjalo engafaneleki ukuba abe lilungu leBhunga likaMasipala ngokomthetho wepalamente wezwelonke;
  - (c) komntu ongafanelekiyo ukuba avotele indlu yowiso-mthetho okanye ongafanelekiyo ngokwesiqendu 47(1)(c), (d) okanye (e) ukuba abe lilungu leNdlu;
  - (d) kwelungu leNdlu yoWiso-mthetho, umthunywa kwiBhunga lamaPhondo leZwelonke okanye ilungu lendlu yowiso-mthetho yephondo; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimela urhulumente wasekuhlaleni kwiBhunga lezwelonke; okanye
  - (e) kwelungu lelinye iBhunga likaMasipala; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimela elo Bhunga kwelinye iBhunga likaMasipala wodidi olwahlukileyo.
- (2) Umntu ongafanelekiyo ukuba abe lilungu leBhunga likaMasipala ngokwesiqendwana (1)(a), (b), (d) okanye (e) unokuba ngumgqatswa wokungena kwiBhunga, kodwa ngokulawulwa yimida okanye yimiqathango ebekwe ngumthetho wepalamente wezwelonke.
- (3) Izithuba ezikwiBhunga likaMasipala mazivalwe ngokomthetho wepalamente wezwelonke.

[Isiqendwana (3) songezwa sisiqendu 4 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

## Amaxesha okuba sesikhundleni kwamaBhunga ooMasipala

159. (1) Ixesha lokuba sesikhundleni leBhunga likaMasipala alinakuba ngaphezu kweminyaka emihlanu, ngokwendlela ekugqitywe ngayo ngumthetho wepalamente wezwelonke.
- (2) Ukuba iBhunga likaMasipala liyachithwa ngokomthetho wepalamente wezwelonke, okanye xa ixesha lalo liphela, makubekho unyulo zingaphelanga iintsuku

ezingama-90 ukususela kumhla elachithwa ngawo elo Bhunga okanye ukususela kumhla elaphela ngawo ixesha lalo.

- (3) IBhunga likaMasipala, elingelilo iBhunga eliye lachithwa ngenxa yongenelelo olungokwesiqendu 139, liqhubeka linegunya lokusebenza ukususela kwixesha lokuchithwa kwalo okanye ukususela kwixesha lokuphela kwexesha lalo, de libe iBhunga elinyulwe ngokutsha libhengezwe njengelinyuliweyo.

[Isiqendu 159 sathatyathelw' indawo sisiqendu 1 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

### linkqubo zangaphakathi

160. (1) IBhunga likaMasipala—
- (a) lenza izigqibo ngokusetyenziswa kwawo onke amagunya nangokwenziwa kwayo yonke imisebenzi kamasipala;
  - (b) malinyule usihlalo walo;
  - (c) lisenokunyula ikomiti yokuba ngurhulumente nezinye iikomiti, ngokulawulwa ngumthetho wepalamente wezwelonke; kananjalo
  - (d) lisenokuqesha abasebenzi abayimfuneko ukuze yenziwe ngempumelelo imisebenzi yabo.
- (2) Imisebenzi elandelayo ayinakuphathiswa omnye umntu liBhunga likaMasipala:
- (a) ukuphunyezwa kwemithetho kamasipala;
  - (b) ukuvunywa kolwabiwo-mali;
  - (c) ukufunwa kwemirhumo nezinye iirhafu, neentlawulo; kwakunye
  - (d) nokufunwa kweemali-mboleko.
- (3) (a) Makubekho isininzi samalungu eBhunga likaMasipala ngaphambi kokuba kuvotelwe nawuphi na umcimbi.
- (b) Yonke imibandela engemicimbi ekhankanywe kwisiqendwana (2) igqitywa ngesigqibo esithathwe liBhunga likaMasipala ngevoti exhasayo yesininzi samalungu alo.
- (c) Yonke eminye imibandela ephambi kweBhunga likaMasipala igqitywa sisininzi seevoti ezifakiweyo.
- (4) Akukho mthetho kamasipala omawuphunyezwe liBhunga likaMasipala azisiwe ngaphandle kokuba—
- (a) onke amalungu eBhunga azisiwe kuselixesha; kwaye

- (b) nomthetho kamasipala ocetywayo upapashiwe ukuze uluntu luvakalise izimvo.
- (5) Umthetho wepalamente wezwelonke usenokuxela izinto emakuqwalaselwe zona ekwenzeni isigqibo—
  - (a) ngobukhulu beBhunga likaMasipala;
  - (b) mayela nokuba amaBhunga ooMasipala anokuyinyula kusini na ikomiti yokuba ngurhulumente okanye nayiphi na enye ikomiti; okanye
  - (c) ngobungakanani bekomiti yokuba ngurhulumente okanye nayiphi na enye ikomiti yeBhunga likaMasipala.
- (6) IBhunga likaMasipala linokwenza imithetho etsho imigaqo nemiyalelo—
  - (a) yamalungiselelo alo angaphakathi;
  - (b) yemisebenzi yalo nendlela emakuqhutywe ngayo;
  - (c) yokusekwa kweekomiti zalo, indlela emazakheke ngayo, iinkqubo zokulandelwa, amagunya azo nemisebenzi yazo.
- (7) IBhunga likaMasipala maliyenzele elubala imisebenzi yalo, kanaanjalo linokuzivalela libe lodwa xa lihleli, okanye xa kuhleli iikomiti zalo, kuphela xa kufanelekile ukwenza njalo xa kucingelwa ubunjani bemisebenzi egwadlwayo.
- (8) Amalungu eBhunga likaMasipala anelungelo lokuthabath'inxaxheba ekuhlalelweni kwemicimbi yalo naleyo yeekomiti zalo, ngendlela—
  - (a) evumela ukuba amaqela amelweyo ngaphakathi kwiBhunga amelwe kakuhle nemicimbi emelweyo ngaphakathi kwiBhunga imelwe kakuhle;
  - (b) evisisana nentando yesininzi; nangendlela
  - (c) enokuthi ilawulwe ngumthetho wepalamente wezwelonke.

### Ukungabi nakubekwa tyala

161. Umthetho wepalamente wephondo, ngaphakathi kwemida yomthetho wepalamente wezwelonke, usenokuxela ukungabi nakubekwa tyala kwamaBhunga ooMasipala namalungu awo.

### Ukupapashwa kwemithetho yoomasipala

162. (1) Umthetho kamasipala unokunyanzeliswa emva kokuba upapashwe kushicilelo-mithetho oluvunyiweyo lwephondo akulo umasipala lowo.



- (2) Ushicilelo-mithetho oluvunyiweyo lwephondo malupapashe umthetho kamasipala lusakucelwa ngumasipala.
- (3) Uluntu malukwazi ukufikelela kwimithetho kamasipala.

### **Urhulumente wasekuhlaleni ocwangcisiweyo**

163. UMthetho wePalamente owiswe ngokwenkqubo yesiqendu 76–
- (a) mawubonise ukuyamkela imibutho yezwelonke neyephondo emela oomasipala; kwaye
  - (b) mawuxele iinkqubo anokuthi ngazo urhulumente wasekuhlaleni–
    - (i) abonisane norhulumente wezwelonke okanye wephondo;
    - (ii) achonge abameli bokuthabath' inxaxheba kwiBhunga lamaPhondo leZwelonke; kananjalo
    - (iii) athabath' inxaxheba kwinkqubo exelwe kumthetho wepalamente wezwelonke ekuthethwa ngawo kwisiqendu 221(1)(c).

[Isiqendu 163(b) sathatyathelw' indawo sisiqendu 4 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

### **Eminye imicimbi**

164. Nawuphi na umcimbi ongorhulumente wasekuhlaleni ekungathethwanga ngawo kuMgaqo-siseko unokucaciswa ngumthetho wepalamente wezwelonke okanye ngumthetho wepalamente wephondo, kodwa ngaphakathi kwemida yomthetho wepalamente wezwelonke.