UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA OCHIBIYELA UMTHETHO WOKULAWULA NOKUQOQA IZIKWELETU, KA-2021

Waphasiswa uMkhandlu mhla ka:

Washicilelwa kwigazethi mhla ka:

UMTHETHO KAMASIPALA OCHIBIYELA UMTHETHO WOKULAWULA NOKUQOQA IZIKWELETU, KA-2021

IPHUZU LOKUCHAZA:

[ ] Amagama abhalwe ngokugqamile akubakaki abayizikwele akhomba okukhishiwe kusomqulu wemithetho ekhona njengamanje.

_____ Amagama adwetshelwe umugqa ngaphansi yilawo amasha afakiwe kusomqulu wemithetho okhona njengamanje.

Ukuchibiyela uMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqa Izikweletu, ka-2017 ukuze kufakwe izincazelo ezintsha; ukunikeza imisebenzi ethile oConveyancer nabanye abantu abathinteka ekukhishweni kwama-Revenue Clearance Certificate; ukunikeza isiqiniseko ngokungenziwa nguMasipala ngokwamandla anawo ekuqedeni izenzo ezingemukelekile ezithinta ama-Revenue Clearance Certificate; ukuhlinzekela ukubunjwa, amandla nemisebenzi yekomidi lakwa-revenue management lokunquma ngokufakwa emabhukwini amnyama; ukuhlinzekela ukuba kube nemiphumela lapho umuntu enze khona okungemukelekile noma okungafanele; ukuhlinzekela ukuhoxiswa kwemithetho nokonga; nokuhlinzekela nokunye okuhambisana nalokhu okubaliwe.

UMkhandlu kaMasipala waseThekwini ngalokhu:

Uchibiyela isigaba 1 soMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqwa Kwezikweletu, ka-2017

1. Ngalokhu kuchitshiyelwa isigaba 1 soMthetho kaMasipala waseThekwini Wokulawulwa Nokuqoqwa Kwezikweletu, ka-2017 (kusukela manje ozobizwa ngoMthetho omkhulu weDolobha kaMasipala)
2.

(a) ngokufaka le ncazelo elandelayo ngemuva kwencazelo ye"ejenti":

“**"isicelo sezibalo zemali okufanele ikhokhwe"** kusho isicelo sezibalo zezimali okumele zikhokhelwe uMasipala mayelana nomhlaba/nezakhiwo ezibalwe ngokweSigaba 118 soMthetho iSystems Act sifundwa neNqubomgomo;";

(b) ngokufaka lezi zincazelo ezilandelayo ngemuva kwencazelo ye**"zimali ezisilele"**:

" "izibalo zemali okufanele ikhokhwe" kusho izibalo ezinikezwa yiCFO uma kucelwe umbiko wemininingwane yeRCA ezinazo zonke izamba zemali okumele zikhokhelwe uMasipala maqondana nomhlaba/nezakhiwo;";

" "ummeli" kusho ummeli obhaliswe futhi wemukelwa njengommeli ngaphansi koMthetho iLegal Practice Act, 2014;";

(c) ngokufaka incazelo elandelayo ngemuva kweka**"CFO"**:

" **"Conveyancer"** yinoma yimuphi ummeli osebenzayo obhaliswe futhi wemukelwa ukuba sebenza njengeconveyancer ngokoMthetho iLegal Practice Act;";

(d) ngokufaka le ncazelo elandelayo ngemuva kweye**"khasimende"**:

"**"Deeds Office"** yihhovisi likaRegistrar of Deeds, eMgungundlovu;";

(e) ngokufaka izincazelo ezilandelayo ngemuva kweye**"mali ekhokhwayo"**:

" " **ukukotela"** kuchaza ukwenza umbhalo ongamanga ngenhloso nangokungemthetho okulimaza noma okungalimaza omunye umuntu;";

" **"ukukhwabanisa"** kuchaza ukusho okungelona iqiniso ngenhloso nangokungemthetho okulimaza noma okungalimaza omunye umuntu;";

(f) ngokufaka incazelo elandelayo ngemuva kweyo**"kuxhuma ngokungemthetho"**:

" " **Ukwenza okungemukelekile"** kufaka kodwa akugcina kulokhu: (i) inkohlakalo, ukukokotela, ukudlulisa umbhalo okokoteliwe, okuwukwephula umthetho ngaphansi koMthetho iPrevention and Combating of Corrupt Activities Act, 2004; (ii) nokwenza nanoma yiliphi icala elifaka ukungethembeki; noma (iii) ukuziphatha kwanoma ngubani okuhlambalaza igama lomsebenzi othile okudala noma okungadala ukulahlekelwa noma ukulimala ngandlela thile komunye umuntu ";

(g) ngokufaka izincazelo ezilandelayo ngemuva kweyo**"muntu ngamehlo omthetho"**:

' **"Legal Practice Act"** ichaza uMthetho iLegal Practice Act, 2014 (uMthetho No. 28 ka-2014), njengokuchitshiyelwa kwawo;";

" **"umuntu obhalisa ukudluliselwa kwesakhiwo komunye umuntu"** uchaza umuntu oya kwaRegistrar of Deeds eyobhalisa ukwedluliselwa kwesakhiwo egameni lomunye noma okunye okunjalo okudinga ukubhaliswa eDeeds Office;";

(h) ngokufaka incazelo elandelayo ngemuva kwencazelo ye**"sakhiwo"**:

(i) ngokufaka izincazelo ezilandelayo ngemuva kwencazelo yoMthetho i**"Rates Act"**:

" **"RCA Details Report"** uchaza umbiko okhishwa nguMasipala uma esethole isicelo sezibalo zemali okufanele ikhokhwe;";

" **"I-Revenue Clearance Certificate"** yisitifiketi esishiwo ezigatshaneni (1) no-(4) zesigaba 118 soMthetho iSystems Act;";

" **"ukukhishwa nokuhanjiswa kwe-Revenue Clearance Certificate"** ichaza noma yini eqondene nokuhambisa i-Revenue Clearance Certificate eDeeds Office;";

" **"I-Revenue Management Blacklising Committee"** yikomidi eliqondwe esigabeni 34F salo Mthetho kaMasipala;";

(j) ngokufaka incazelo elandelayo ngemuva kwencazelo ka**"mfaki wethenda"**:

" **"ukuhambisa umbhalo okokotelwe"** kusho ukuhambisa umbhalo ongamanga (okokotelwe) ngabomu nangokungemthetho okulimaza noma okungalimaza omunye umuntu;".

Ukufakwa kweSahluko 6A eMthethweni kaMasipala waseThekwini Wokulawulwa Nokuqoqwa Kwezikweletu, ka-2017

2. Ngalokhu kufakwa lesi Sahluko esilandelayo ngemuva kwesigaba 34 eMthethweni omkhulu kaMasipala -

"ISAHLUKO 6A

AMA-REVENUE CLEARANCE CERTIFICATE

Isicelo sezibalo zemali okufanele ikhokhwe ne-Revenue Clearance Certificate

34A. Ngaphezu kwanoma yiluphi olunye ulwazi oludingekayo ngokomthetho noma olukhonjwe noma kuyiphi inqumbomgomo kaMasipala, isicelo sezibalo zemali okufanele ikhokhwe noma seRevenue Clearance Certificate kumele siveze igama leConveyancer egunyaziwe ezomela umnikazi womhlaba/wesakhiwo.

Imisebenzi yeConveyancer ekukhishweni nasekuhanjisweni kweRevenue Clearance Certificate

34B. (1) IConveyancer igama layo elivela esicelweni esiqondwe esigabeni 34A iyona ethwele umthwalo ngokunikeza imininingwane edingekayo nokuqikelela ubuqiniso nokuphelela kwakho konke okufakwa kuleso sicelo.

(2) IConveyancer kufanele ibheke-

(a) umbiko wemininingwane yeRCA iqhathaniswa nesitatimende sangaleso sikhathi sokukhokhelwa somdayisi;

(b) amarekhodi ayo okuthengwa komhlaba aqondene nokudayiswa kwalowo mhlaba; kanye

(c) nanoma yikuphi ukungefani phakathi kwamarekhodi eConveyancer nakaMasipala ohlwini lukamasipala lokuklanywa kwamanani aleso sakhiwo nakwiRevenue Clearance Certficate.

(3) Uma kuba khona ukungefani okubonakalayo, kungumsebenzi weConveyancer ukukubuza kuMasipala.

(4) Uma iConveyancer igunyaza umuntu obhalisa ukudluliselwa kwesakhiwo komunye eDeeds Office egameni layo, leyo Conveyancer kanye nalowo muntu obhalisa ukudluliselwa kwesakhiwo komunye banesibopho behlangene noma ngokwahlukana sokuqinisekisa ukuthi imininingwane ekwiRevenue Clearance Certificate iyefana nombiko wemininingwane yeRCA futhi zonke izamba okumele zikhokhwe kuMasipala zikhokhiwe.

(5) IConveyancer enikwe umsebenzi wokuhambisa amaphepha okudayiswa komhlaba/kwesakhiwo eDeeds Office futhi yanikwa neRevenue Clearance Certificate ngomunye umuntu ongeyona ummeli, kufanele ngokwayo iqinisekise imininingwane ekwiRevenue Clearance Certificate.

(6) Ukuqinisekiswa okushiwoyo esigatshaneni (5) ngenhla kungafaka ukufunakala kwencwadi egcinile ye-akhawunti kaMasipala ukufakazela ukuthi umdayisi akamkweleti uMasipala, ngaphambi kokuvumela ukwedluliselwa noma ukubhaliswa okuqondwe esigabeni 118 soMthetho iSystems Act.

(7) IConveyancer kufanele igcine ikhophi yeRevenue Clearance Certificate ethunyelwe eDeeds Office, yeminyaka emithathu ebalwa kusukela osukwini lokubhaliswa kwesakhiwo/komhlaba noma lokubhaliswa kwetayitela lobunikazi futhi inikeze uMasipala ikhophi yeRevenue Clearance Certificate, egciniwe, uma kwenziwa isicelo esibhalwe phansi.

Ilungelo lokufaka isicelo seRevenue Clearance Certificate

34C. (1) Ilungelo leConveyancer kumbe lanoma ngubani omunye lokufaka isicelo sezibalo zemali okufanele ikhokhwe noma lokufaka isicelo seRevenue Clearance Certificate lingahoxiswa noma limiswe nguMasipala isikhashana ngesizathu esizwakalayo asibekile.

(2) Ekunqumeni ukuthi ngesinjani isizathu esizwakalayo, udaba ngalunye kumele lucutshungulwe lubukwa lodwa kanti kungafaka ukuthi—

(a) uMasipala unesizathu sokukholwa ukuthi umuntu wenza noma wenze okungemukelekile kumbe okungavunyelwe ngumthetho maqondana nemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;

(b) uMasipala unesizathu sokukholwa ukuthi umuntu unesandla kokungemukelekile maqondana nemigudu yokukhishwa nokuhanjiswaa kweRevenue Clearance Certificate;

(c) iConveyancer ayisiphenduli isicelo sikaMasipala esibhaliwe solwazi nemibhalo eqondene nemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate kumbe noma imuphi umbuzo oqondene nokwenza okungemukelekile; noma

(d) umuntu ufake noma wenze kwafakwa amaphepha okuthengwa komhlaba eDeeds Office lapho—

i) imininingwane kwiRevenue Clearance Certificate, njengerate number, ukuchazwa komhlaba, noma inombolo ye-akhawunti yalowo mhlaba, kungavumelani nohlu lukaMasipala lokuklanywa kwamanani ezakhiwo/emihlaba noma i-akhawunti ehlanganisile kaMasipala;

ii) kusetshenziswe iRevenue Clearance Certificate eyodwa ukubhalisela ukwedlulisela noma ukudayiselana okubhaliswayo okuningana okuphambene neNqubomgomo; noma

iii) umbiko wemininingwane yeRCA ukhishwe nguMasipala ukhombisa ukukweletwa kukaMasipala kodwa iConveyancer noma umuntu obhalisayo evumele ukuba ukwedlulisela noma okunye ukubhalisa kwenziwe eDeeds Office, ngaphandle kokukhokhwa kumbe ukuhlelelwa kwaleso sikweletu ngendlela eyamukeleke kuMasipala, kodwa akugcini lapho.

Ukuqeda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate

34D. (1) Noma yimuphi umuntu angayiluma indlebe iCFO ngokwenzekayo okusolisayo maqondana nama-Revenue Clearance Certificate nendlela yokuhanjiswa kwawo engase ibe nomthelela ekungeneni kwemali noma ukulahlekelwa kukaMasipala.

(2) I-CFO kufanele-

(a) yenze konke okungalindeleka ukunqanda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;

(b) iphenye noma imaphi amahlebezi okwenza okungemukelekile kwanoma ngubani okuthinta imigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate, bese imthathela izinyathelo ezifanele, okufaka:

(i) ukubika isenzo sobelelesi esishiwoyo embuthweni wamaphoyisa (akwaSouth African Police Services);

(ii) ukufaka isikhalo ohlakeni olufanele oluqondisayo lwalowo muntu mayelana nokungenzi ngendlela eyamukelekayo;

(iii) ukwenza isicelo noma isincomo ekomidini iRevenue Management Blacklisting Committee sokuba afakwe emabhukwini amnyama lowo muntu angasakwazi ukubamba iqhaza ekuhanjisweni kwama-Revenue Clearance Certificate.

(3) Ngokwemigudu eqondwe esigatshaneni (2), i-CFO-

(a) kufanele ilusukumele phezulu udaba futhi ibucubungulisise ubufakazi enikwe bona;

(b) ingadinga ukuba noma ubani ofanele anikeze obunye ubufakazi noma imibhalo;

(c) ingadinga ukuba noma ubani ofanele anikeze ulwazi ngencwadi noma ngesitatimende esifungelwe;

(d) ingadinga ukuba noma ubani ofanele eze emahhovisi kaMasipala azophendula imibuzo ecacisa nganoma yini emaqondana nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate okungadinga okunye ukuqinisekiswa noma ukucwaningwa lapho kunesidingo khona, inqobo nje uma enikwe isaziso esingalindeleka sesikhathi nendawo;

(e) ingabiza noma ngubani ofanele enesizathu esizwakalayo sokucabanga ukuthi angayisiza ekuthatheni isinqumo, ukuba ayibhalele izincazelo ezithile singakapheli isikhathi esibekiwe.

(4) Ukuphendulwa kwemibuzo okwenziwa ngokwesigatshana (3)(d) kufanele—

(a) kuhlinzekele ukunikezwa kwemininingwane yazo zonke izinyathelo ezithathiwe maqondana nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate;

(b) kunikeze imininingwane yamagama abo bonke abantu abebethinteka kulokhu nemininingwane eqondene ngqo nabo, okufaka nemininingwane yeConveyancer eqondene nesicelo seRevenue Clearance Certificate.

(5) Umuntu oshiwo esigatshaneni (3) akavumelekile ukuba anqabe ukunikeza ulwazi noma ukukhipha noma yimuphi umbhalo oqondene nokukhishwa nokuhanjiswa kweRevenue Clearance Certificate, phansi kwemibandela yanoma yimuphi umthetho, ngoba ethi iqukethe eziyisifuba ezithinta—

(a) ibhizinisi lakhe njengommeli;

(b) umuntu ammele; noma

(c) umuntu obhalisa isakhiwo egameni lomunye umuntu ofake amaphepha eDeeds Office.

Ukubunjwa kweRevenue Management Blacklisting Committee

34E. (1) IMenenja kaMasipala kufanele ibumbe iRevenue Management Blacklisting Committee ukucubungula izicelo zokufaka emabhukwini amnyama abantu abathinteka ezenzweni ezingemukelekile.

(2) iRevenue Management Blacklisting Committee kufanele ibe neziphathimandla eziphezulu ezisebenza kuMasipala ngokugcwele isikhathi esizonqunywa yiMenenja kaMasipala.

(3) iRevenue Management Blacklisting Committee kufanele ibe neziphathimandla eziphezulu ezingekho ngaphansi kwezintathu kepha zingeqi kwezinhlanu.

(4) Lapho kubunjwa iRevenue Management Blacklisting Committee kufanele kuqashelwe lezi zinto ezilandelayo—

(a) isidingo sokukhuthaza ukuxazululwa ngokushesha kwezithinta isicelo noma isincomo esenziwe ngokwesigatshana (2)(b)(iii) sesigaba 34D noma njengoba kushiwo esigabeni 34G; kanye

(b) nezidingo zokwenza izinto ngobulungiswa.

Amalungu eRevenue Management Blacklisting Committee

34F. (1) IKomidi kufanele libe—

(a) nommeli wakwaLegal and Compliance Unit kaMasipala;

(b) iNhloko yakwaRevenue Management yeFinance Cluster kaMasipala; kanye

(c) neziphathimandla eziphezulu ezinamakhono, ulwazi nesipiliyoni emkhakheni wakwa-forensic audit, risk management noma wokukhishwa nokuhanjiswa kwama-revenue clearance certificate.

(2) Isikhala kwiRevenue Management Blacklisting Committee kufanele sigcwaliswe ngokushesha okungenzeka ngokwesigatshana 1.

(3) Noma yimuphi umuntu oqokelwe ukugcwalisa isikhala uba sesikhundleni ingxenye esasele yesikhathi selungu eliphumile .

(4) Akukho sinqumo esithathwe yiRevenue Management Blacklisting Committee kumbe isenzo esenziwe ngaphansi kwegunya lalelo Komidi esingeke saba semthethweni ngesizathu sokuba khona kwesikhala eKomidini uma isinqumo sathathwa noma isenzo sagunyazwa.

(5) Ilungu eseliphelelwe yisikhathi salo lisengaphinda liqokwe.

USihlalo nePhini likaSihlalo weKomidi leRevenue Management Blacklisting Committee

34G. (1) USihlalo weRevenue Management Blacklisting Committee kufanele kube yiNhloko yakwaRevenue Management yeFinance Cluster kaMasipala.

(2) IPhini likaSihlalo kufanele liqokwe yiMenenja kaMasipala emalungwini ashiwo esigatshaneni (1) (a) no-(c) wesigaba 34F.

(3) IPhini likaSihlalo kufanele lenze yonke imisebenzi lisebenzise wonke amandla kaSihlalo uma uSihlalo engekho kumbe engakwazi ukwenza umsebenzi wakhe njengoSihlalo.

(4) Uma bobabili uSihlalo nePhini lakhe bengekho emhlanganweni, amalungu akhona kufanele akhethe umuntu ozoba ngusihlalo walowo mhlangano, lowo muntu kufanele enze yonke imisebenzi kuze kubuye uSihlalo noma iPhini lakhe.

Imihlangano yeRevenue Management Blacklisting Committee

34H. (1) I-Revenue management Blacklisting Committee lingafaka umuntu emabhukwini amnyama uma isicelo salokho senziwe yilaba—

(a) uCity Integrity and Investigations Unit;

(b) uCFO; noma

(c) iMenenja kaMasipala.

(2) Iningi lamalungu eRevenue Management Blacklisting Committee liyisibalo esanele sokuqhubeka nomhlangano kunoma yimuphi umhlangano waleli Komidi.

(3) I-Revenue Management Blacklisting Committee kufanele—

(a) ihlahle inqubo yokubiza umhlangano;

(b) ihlahle inqubo ezolandelwa emihlanganweni; futhi

(c) igcine amaminithi ayo yonke imihlangano.

(4) Isinqumo seningi lamalungu yisona sinqumo seRevenue Management Blacklisting Committee.

(5) Uma kufikwa kwangqingetshe lapho kuvotwa, yivoti lalowo ongusihlalo kulowo mhlangano elixazulula ungqingetshe ngaphezu kwevoti lakhe njengelungu.

(6) Imisebenzi yokuphatha yeRevenue Management Blacklisting Committee kufanele yenziwe umnyango wakwa-Committee Secretariat kaMasipala.

(7) I-Revenue Management Blacklisting Committee eminye imihlangano yayo ingayenza ngokusebenzisa ubuchwepheshe bamakhompuyutha uma kunesidingo.

Izizathu zokufakwa kwabantu emabhukwini amnyama

341. Izizathu zokufaka emabhukwini amnyama noma ngubani othinteka ezenzweni ezingemukelekile zingafaka:

(a) ukuthnteka ngqo noma ngandlela thize kunoma yini engemukelekile;

(b) Ukufaka noma ukuba yimbangela yokufakwa kweRevenue Clearance Certificate eDeeds Office lapho umuntu kade enolwazi noma bekungalindeleka ukuba azi ukuthi isikweletu okumele sikhokhwe kuMasipala asikhokhiwe sonke noma ukukhokhwa kwaso akuhlelelwe ngendlela eyamukeleke kuMasipala, sikhokhwe ngosuku lokubhaliswa kokwedluliselwa egameni lomunye kwalowo mhlaba/kwaleso sakhiwo; kanye (d) nokulahlwa yinkantolo efanele ngalelo cala, kungagcini lapho.

Imiphumela yokufaka emabhukwini amnyama 34J. (1) Inqubomgomo kufanele ifake nemibandela yokufaka emabhukwini amnyama nemikhombandlela okufanele ilandelwe maqondana nezijeziso.

(2) Imiphumela yokufakwa emabhukwini amnyama-

(a) ukwenqabela umuntu ofakwe emabhukwini amnyama ukufaka isicelo seRevenue Clearance Certificate noma ukuyamukela ngesandla noma ngezindlela ezisebenzisa ubuchwepheshe bamakhompuyutha zikaMasipala isikhathi esibekwe yiNqubomgomo;

(b) ukukwelulela kwabanye abaqondisi, amalungu, ophathina babo kumbe nanoma ngubani osebenza kuleyo nkampani yabameli okungenzeka ukuba naye unesandla ngokwanele ukufakwa emabhukwini amnyama; noma

(c) nasenzo sini esinye esiqondwe kulo Mthetho kaMasipala, kungagcini lapho.

Amandla eRevenue Management Blacklisting Committee

34K. IRevenue Management Blacklisting Committee inamandla—

(a) okuchitha isicelo sokufaka umuntu emabhukwini amnyama;

(b) okusivuma isicelo nokufaka umuntu emabhukwini amnyama;

(c) okuhlehlisa udaba ukucela olunye ulwazi oluneminingwane kumuntu ofake isicelo: Kodwa-ke ukuhlehlisa kungeze kwelulwa isikhathi eseqe ezinsukwini ezingu-30;

(d) okumisa umuntu okwesikhashana angakwazi ukusebenzisa imigudu yokukhishwa nokufakwa kweRevenue Clearance Certificate kuze kuphume umphumela wezingxoxo zaleli Komidi lapho ubufakazi obukhona benele bokuthi phambilini umuntu uke wathinteka ezenzweni ezingemukelekile noma lapho uMasipala engalimala khona ngendlela engenakuhleliseka uma lowo muntu eqhubeka nokukwazi ukucela nokufaka iRevenue Clearance Certificate;

(e) okucela lowo muntu ukuba lungakadlul usuku olunqunyiwe anikeze ulwazi oluzokwenza ukuba leli komidi likhiphe umyalelo onezizathu ezizwakalayo zokufaka lowo muntu emabhukwini amnyama: Kodwa-ke leli komidi lingavumela ukwelulwa kokwenziwa kwalowo msebenzi ngezinye izinsuku ezingu-14 uma kunesizathu esizwakalayo sokwelulwa;

(f) okusebenzisa isijeziso esikhonjwe kulo Mthetho kaMasipala;

(g) ngaphezu kwanoma yikuphi okungenhla, ukweluleka iNhloko: Legal and Compliance —

(i) ukuba ifake isicelo sokuvimbela umuntu othintekayo eNkantolo Ephakeme;

(ii) ukuqala izinyathelo zomthetho zibhekiswe kumuntu othintekayo ukukhokhela ukulahlekelwa kumbe ukubuyisa isakhiwo/umhlaba;

(iii) ukubika ubufakazi obukhona besenzo esingemukelekile sanoma ngubani othinteka esenzweni esingemukelekile emkhandlwini ofanele;

(h) ukwazisa umuntu othintekayo ngesinqumo salo nezizathu.

Imigudu yokufaka umuntu emabhukwini amnyama

34L. (1) Umuntu ofake isicelo sokufakwa komuntu emabhukwini amnyama kufanele alethe umbiko obhaliwe kuSihlalo weRevenue Management Blacklisting Committee ukuze awucubungule.

(2) Umuntu ofaka isicelo sokufakwa komuntu emabhukwini amnyama kufanele afake nombhalo owesekayo njengobufakazi obubhaliwe esicelweni ongafaka -

(a) imibiko yakwaCity Integrity and Investigations Unit;

(b) izingxoxo zokuxhumana phakathi kwabathintekayo;
noma

(c) izitatimende zanoma ngubani othinteke ngqo noma ngenye indlela.

(3) USihlalo kufanele abize umhlangano ngokushesha okungenzeka ukuze aqinisekise ukuncipha kobungozi obukhona noma obungaba khona bokulahlekelwa kukaMasipala ngokwezimali.

(4) Wonke amalungu amalungu eRevenue Management Blacklisting Committee kufanele anikwe imibhalo eyesekayo esikhathini esingekho ngaphansi kwezinsuku ezingu-14 ngaphambi kosuku lomhlangano.

(5) UCommittee Secretariat kaMasipala kufanele alungise uhlelo lomhlangano weRevenue Management Blacklisting Committee ngokwemiyalelo kaSihlalo weKomidi

(6)Uma uSihlalo weRevenue Management Blacklisting Committee ethola isicelo esishiwo esigatshaneni (2)(b)(iii) sesigaba 34D noma esiqondwe esigabeni 34H (1), kufanele anikeze umuntu othintekayo isaziso esibhaliwe amazise ngesicelo sokufakwa emabhukwini amnyama esitholwe yiKomidi ukuba lisicubungule.

(7) Uma umuntu othintekayo ecela ukubona umbiko ohambisana nohlelo lomhlangano oluncoma ukufakwa emabhukwini amnyama, kufanele asethule kuSihlalo sibhaliwe zingakapheli izinsuku ezingu-14 kusukela osukwini athole ngalo leso saziso.

(8) IRevenue Management Blacklisting Committee kufanele icubungule zonke izethulo ezibhaliwe ezifike ngesikhathi zivela kubantu abathintekayo kanti ezifike ngemuva kwesikhathi ziyoshaywa indiva.

(9) Uma umuntu othintekayo engayiceli ikhophi yombiko singakapheli isikhathi esibekiwe, iRevenue Management Blacklisting Committee kufanele iqhubeke nokucubungula nokuthatha isinqumo ngodaba.

(10) Isinqumo ngodaba kumele sithathelwe phezu kolwazi nezincazelo ezibhaliwe ezethulwe kwiRevenue Management Blacklisting Committee, ngaphandle uma iKomidi linquma ngenye indlela.

(11) Isinqumo seKomidi leRevenue Management Blacklisting Committee kufanele singene emaminithini amarekhodi omhlangano bese egcinwa iminyaka emithathu.

(12) IRevenue Management Blacklisting Committee kufanele igcine irejista yazo zonke izaziso zezinqumo.

(13) Isaziso sesinqumo kufanele sihanjiswe kumuntu othintekayo zingakapheli izinsuku ezingu-30 iRevenue Management Blacklisting Committee ikhiphe isinumo futhi kufanele sibe—

(a) nemininingwane yesicelo;

(b) nomphumela wesicelo;

(c) nezizathu zesinqumo eziqondwe kwisigatshana (b);

(d) nanoma iluphi olunye udaba iRevenue Management Blacklisting Committee elubona lufanele, okufaka nelungelo lokwedlulisela phambili isinqumo.

(14) Isaziso sesinqumo kufanele sinikwe umuntu othintekayo nommangali noma ngandlelani eqondwe esigabeni 30.

Inqubo ngemuva kokuqulwa kwamacala nezijeziso zeBlacklisting Committee

34M. (1) Uma iRevenue Management Blacklisting Committee umuntu imlahla ngecala lokwenza okungemukelekile ifake nesijeziso salowo muntu esazisweni sesinqumo sayo kufanele yazise umuntu othintekayo ngelungelo lokwedlulisela phambili udaba lwakhe eliqondwe esigabeni 35.

(2) Ukufaka isicelo sokwedluliselwa phambili kodaba kufanele kungaluphazamisi uphenyo olwenziwa yiLegal Practice Council lwesimangalo esifakwe nguMasipala emangalela umuntu othinteka esenzweni esingemukeleki ngokoMthetho iLegal Practice Act.

Izinyathelo eziphuthumayo zaseNkantolo Ephakeme

34N. Yize kunale mibandela yalesi Sahluko, uma iRevenue Management Blacklisting Committee igculisekile lapho ibheka isicelo ukuthi bukhona ubufakazi obenele besenzo esingemukelekile noma bokuziphatha ngendlela ehlambalaza umsebenzi, kufanele yazise iNhloko yomnyango wakwa-Legal & Compliance ukuba ithathe izinyathelo zomthetho

eziphuthumayo eNkantolo ePhakeme ukuvikela izimali kumbe impahla kaMasipala, noma ukuthola enye indlela efanele yesinqumo sesikhashana.

Amandla eNkantolo Ephakeme

340. Imibandela yalo Mthetho kaMasipala ayiwanciphisi amandla enkantolo ephakeme okucubungula nokunquma nokukhipha imiyalelo efanele mayelana nezindaba ezithinta izicelo zeRevenue Clearance Certificate nokuhanjiswa kwayo noma isenzo esishiwoyo esingemukelekile sanoma ngubani.

Umthwalo wesikweletu esingakhokhiwe nomthwalo kumuntu kanye nabanye ngokubambisana ngokulahlekelwa

34P. (1) Uma kunemali okufanele ikhokhelwe uMasipala ngokusemthethweni kanye nokukhishwa kweRevenue Clearance Certificate, ukwedluliswa noma yikuphi okunye ukubhaliswa kwelinye igama komhlaba/kwesakhiwo okwenziwayo, umnikazi waphambilini okungesakhe leso sikweletu uzoqhubeka abe nomthwalo wazo zonke izimali ezingakhokhiwe kuze kushaye usuku lokubhaliswa noma lokwedluliselwa komhlaba/kwesakhiwo egameni lolandela lowo mnikazi.

(2) Yize imibandela yesigatshana (1) isho lokhu ekushoyo, iConveyancer kumbe omunye umuntu othinteka ekufakweni kwesicelo seRevenue Clearance Certificate nokufakwa kwaso maqondana nokwedluliselwa noma ukubhaliswa komhlaba/isakhiwo egameni lomunye umuntu, kuhlangene nenkampani yabameli iConveyancer kumbe omunye umuntu angumqondisi, uphathina, umnikazi noma umsebenzi kuyona, noma iyiphi inkantolo efanele ingamethwesa umthwalo wokukhokhela uMasipala nganoma ikuphi ukulahlekelwa yena siqu noma ekanye nabanye ngokudalwe yisenzo esingemukelekile.".

Ukufakwa kwesigaba 37A eMthethweni kaMasipala WaseThekwini Wokulawula Nokuqoqa Izikweletu, ka-2017

3. Ngalokhu kufakwa isigaba esilandelayo eMthethweni omkhulu kaMasipala waseThekwini ngemuva kwesigaba 37:

"Umkhawulo ngokuthwala icala

37A. uMasipala kumbe noma yimuphi umsebenzi wakhe ogunyaziwe noma ikomidi ngeke bathweswe cala nganoma yimuphi umonakalo kumbe ukulahlekelwa okudalwa-

(a) ukusebenzisa amandla noma ukwenza umsebenzi ngaphansi kwalo Mthetho kaMasipala kumbe noma yimuphi omunye ofanele;

(b) ukungawasebenzisi amandla noma ukungawenzi umsebenzi ngaphansi kwalo Mthetho kaMasipala kumbe noma yimuphi omunye ofanele, ngaphandle

uma ukusebenzisa noma ukungawasebenzisi amandla noma ukungawenzi umsebenzi kuwubudedengu obukhulu noma kungenxa yezinhloso ezimbi."

Ukuchitshiyelwa kwethebula Lokuqukethwe loMthetho kaMasipala waseThekwini Wokulawula Nokuqoqa Izikweletu, ka-2017

4. Ngalokhu kuchitshiyelwa uhlu lokuqukethwe ngokufaka izihloko ezilandelayo:

(a)

"ISAHLUKO 6A

IZITIFIKETI ZOKUHLAKAZA AMABHIZINISI ABHALISIWE

34A. Isicelo sezibalo zemali okufanele ikhokhwe neRevenue Clearance Certificate 34B. Imisebenzi yeConveyancer ekukhishweni nasekuhanjisweni kweRevenue Clearance Certificate

34C. Ilungelo lokufaka isicelo seRevenue Clearance Certificate

34D. Ukuqeda ukusetshenziswa ngokungafanele kwemigudu yokukhishwa nokuhanjiswa kweRevenue Clearance Certificate

34E. Ukubunjwa kweRevenue Management Blacklisting Committee

34F. Amalungu eRevenue Management Blacklisting Committee

34G. USihlalo nePhini likaSihlalo weRevenue Management Blacklisting Committee

34H. Imihlangano yeRevenue Management Blacklisting Committee

341.Izizathu zokufakwa kwabantu emabhukwini amnyama

34J. Imiphumela yokufaka umuntu emabhukwini amnyama

34K. Amandla eRevenue Management Blacklisting Committee

34L. Imigudu yokufaka umuntu emabhukwini amnyama

34M. Inqubo emva kokuqulwa kwamacala nezijeziso zeBlacklisting Committee

34N. Izinyathelo eziphuthumayo zaseNkantolo Ephakeme

340. Amandla Enkantolo Ephakeme

34P. Umthwalo wesikweletu esingakhokhiwe nomthwalo kumuntu kanye nabanye ngokubambisana ngokulahlekelwa"

(b)

ISAHLUKO 7

OKWEJWAYELEKILE

35. Ukudluliswa kwamacala

36. Amacala nezinhlawulo

37. Ukudluliselwa kwamandla

37A. Umkhawulo ngokuthwala icala

38. Imithetho echithwayo nemibandela egcinwayo

39. Igama lomthetho elifinyeziwe ukusebenza kwawo".

Igama lomthetho elifinyeziwe nokuqala ukusebenza kwawo

5. Lo Mthetho kaMasipala ubizwa ngoMthetho kaMasipala Ochibiyela uMthetho Wokulawula Nokuqoqa Izikweletu, ka-2021 futhi uqala ukusebenza ngosuku oshicilelwe ngalo kwiGazethi yeSifundazwe.