



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

SPECIAL RATING AREA AMENDMENT BY- LAW, 2016

APPROVED BY COUNCIL : 28 JANUARY 2016
C08/01/16

PROMULGATED 04 MARCH 2016
PG 7578; LA 61065



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

Provinsiale Koerant

7578

7578

Friday, 4 March 2016

Vrydag, 4 Maart 2016

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

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CITY OF CAPE TOWN

SPECIAL RATING AREA

AMENDMENT BY-LAW

2016

CITY OF CAPE TOWN
SPECIAL RATING AREA AMENDMENT BY-LAW, 2016

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

To amend the provisions of the City of Cape Town: Special Rating Area By-law, 2012, so as to amend and insert certain definitions; to provide for the amendment of provisions relating to public meetings; to provide for the provisions relating to advertising of applications and objections requirements; and to provide for matters connected thereto.

BE IT ENACTED by the Council of the City of Cape Town, as follows:—

Amendment of section 1 of the City of Cape Town: Special Rating Area By-law, 2012

1. Section 1 of the City of Cape Town: Special Rating Area By-law, 2012, (hereinafter referred to as “the principal By-law”) is hereby amended—
 - (1) by the substitution for the definition of “applicant” of the following definition:

“‘**applicant**’ means any owner who makes an application for the determination of a special rating area in accordance with the provisions of Chapter 1, or if a management body is established in terms of section [10] 11, any reference to ‘**the Applicant**’ means the management body;”;
 - (2) by the substitution for the definition for “Companies Act” of the following definition:

“ ‘**Companies Act**’ means the Companies Act, 2008 (Act No. 71 of 2008) [**, as amended or replaced**];” ;

- (3) by the substitution for the definition of "majority" of the following definition:

"**majority**' means the majority of property owners [**as**] contemplated in section 22 of the Property Rates Act and as may be amplified in the Policy"; and

- (4) by the deletion of the definition of "motivation report".

Amendment of section 5 of the City of Cape Town: Special Rating Area By-law, 2012

2. Section 5 of the principal By-law is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The public meeting must be held not less than seven days and not more than 30 days after the date of the notice referred to in subsection (3)(a)".

Amendment of section 7 of the City of Cape Town: Special Rating Area By-law, 2012

3. Section 7 of the principal By-law is hereby amended by the substitution for subsection (1)(b) of the following:

"(b) either before or up to seven days after the date of publication of the notice referred to in subsection (1)(a), give written notice of the application to all owners within the proposed special rating area, who will be liable for payment of the additional rate, such notice to be given by pre-paid registered post, hand delivery or in any other manner approved of in writing by the CFO."

Amendment of section 11 of the City of Cape Town: Special Rating Area By-law, 2012

4. Section 11 of the principal By-law is hereby amended—

- (1) by the substitution of subsection (2) of the following subsection:

"(2) The management body must be a non-profit company incorporated in accordance with the provisions of the Companies Act.";

- (2) by the substitution of subsection (4) of the following subsection:

"(4) [**A Subcouncil**] Every sub-council, having full or partial jurisdiction over a special rating area, must, nominate [a] one councillor as an observer and one other councillor as an alternate [representative to attend and participate, but not vote, at the meetings] observer of the management body.";

- (3) by the insertion of the following subsection after subsection (4):
- “(4A) The Executive Mayor of the City shall, after receiving sub-council nominations, appoint one or two Councillor(s) and one alternate Councillor for each Councillor appointed as observer, to serve on the board of the management body.”.
- (4) by the substitution of subsection (5) of the following subsection:
- “(5) Employees of the City may **[only]** not serve on the management body as representatives of the City **[on the management body if nominated to do so by the CFO in terms of section 13(b)(ii) of this By-law]** in any capacity.”;
- (5) by the insertion after subsection (5) of the following subsection:
- (5A) Any Councillor appointed by the Executive Mayor in terms of subsection (4A) must—
- (a) not have all the powers and duties of directors of companies as set out in the Companies Act and the memorandum of incorporation of the management body;
- (b) be deemed to have vacated their position should such observer no longer serve as a councillor and such observer shall be replaced in accordance with subsections (4) and (4A); and
- (c) not chair the board of the management body or any committee or sub-committee of the board.”;
- (6) by the substitution for the words preceding paragraph (a) of subsection (8) of the following words:
- “Within **[two]** three months after **[the]** its Annual General Meeting, the management body must provide the relevant **[Subcouncil]** sub-council(s) with—
- (7) by the addition of the following subsection after subsection (8):
- “(9) Within three months after its Special General Meeting, the management body of the newly established SRA must provide the relevant sub-council(s) with a progress report.”.

Amendment of section 12 of the City of Cape Town: Special Rating Area By-law, 2012

5. Section 12 of the principal By-law is hereby amended—
- (1) by the substitution of subsection (5) of the following subsection:
- “(5) The Council may, for the purpose of carrying out the provisions of the business plan of the special rating area and subject to section 67 of the Local Government: Municipal Finance Management Act, 2003 (Act

No. 56 of 2003), make **[payment] payments** to the management body of a special rating area.”; and

- (2) by the substitution of subsection (6) of the following subsection:

“(6) The **[payment] payments** contemplated in subsection (5) **[is] are** conditional upon the conclusion of a finance agreement to be entered into between the Council and the relevant management body, and such agreement must regulate, among other things—

- (a) the mechanisms and manner of **[payment] payments**; and
 (b) terms on which **[payment] payments** to the relevant management body **[is] are** to be made.”.

Substitution of section 13 of the City of Cape Town: Special Rating Area By-law, 2012

6. The following section is hereby substituted for paragraph (b) section 13 of the principal By-law:
- (b) monitor compliance with the applicable legislation, including this By-law and the Policy. **[, by—**
- (i) **receiving and considering the audited financial statements and reports regarding the carrying out of duties laid out in the business plan;**
- (ii) **if he or she elects to do so, nominating representatives to attend and participate but not vote at meetings of the management body as provided for in section 11(5).]**”.

Amendment of section 15 of the City of Cape Town: Special Rating Area By-law, 2012

7. Section 15 of the Principal By-law is hereby amended by the substitution for the words in subsection (1) preceding paragraph (a) of the following words:
- “A management body must, if it elects to extend the term of the SRA for a further period, **[on or before 1 September in the year before which the business plan is due to terminate,]** submit an application to the City for approval of extension of the term of the SRA, provided that—”.

Amendment of section 16 of the City of Cape Town: Special Rating Area By-law, 2012

8. Section 16 of the Principal By-law is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “**for any good cause,** after prior consultation by the CFO with the management body or the community **[, for any good cause, whereupon he or she may cause the management body to be wound up].**”.

Short title

9. This By-law is called the Special Rating Area Amendment By-law, 2016 and comes into operation upon promulgation in the *Provincial Gazette*.



STAD KAAPSTAD

WYSIGINGSVERORDENING OP SPESIALE-AANSLAGGEBIEDE

2016

STAD KAAPSTAD

WYSIGINGSVERORDENING OP SPESIALE-AANSLAGGEBIEDE, 2016

ALGEMENE VERDUIDELIKENDE AANTEKENING:

[] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordening aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordening aan.

Om die bepalings van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012, te wysig ten einde sekere woordomsrywings te wysig en in te voeg; om voorsiening te maak vir die wysiging van bepalings met betrekking tot openbare vergaderings; om voorsiening te maak vir die bepalings met betrekking tot die advertering van aansoeke en vereistes vir besware; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.

HIERMEE WORD soos volg deur die Raad van die Stad Kaapstad verorden:—

Wysiging van artikel 1 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

1. Artikel 1 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012 (hierna die "hoofverordening" genoem), word hiermee gewysig—
 - (1) deur die vervanging van die woordomskrywing van "aansoeker" met die volgende woordomskrywing:

“ **'aansoeker'** enige eienaar wat aansoek doen om die bepaling van 'n spesiale-aanslaggebied ooreenkomstig die bepalings van hoofstuk 1, of indien 'n bestuursliggaam ingevolge artikel [10] 11 ingestel is, beteken 'n verwysing na **'die aansoeker'** die bestuursliggaam;”;
 - (2) deur die vervanging van die woordomskrywing van "Maatskappywet" met die volgende woordomskrywing:

“ **'Maatskappywet'** die Maatskappywet, 2008 (Wet van 2008)[, **soos gewysig of vervang**];”;

- (3) deur die vervanging van die woordomskeywing van “meerderheid” met die volgende woordomskeywing:

“**‘meerderheid’** die meerderheid van eiendomsbesitters [**soos**] beoog in artikel 22 van die Wet op Eiendomsbelasting en soos toegelig in die beleid;”; en

- (4) deur die skapping van die woordomskeywing van “motiveringsverslag”.

Wysiging van artikel 5 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

2. Artikel 5 van die hoofverordening word hiermee gewysig deur die vervanging van subartikel (4) met die volgende subartikel:

“(4) Die openbare vergadering moet nie minder nie as sewe dae en nie meer nie as 30 dae ná die datum van die kennisgewing waarna in subartikel (3)(a) verwys word, plaasvind.”

Wysiging van artikel 7 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

3. Artikel 7 van die hoofverordening word hiermee gewysig deur die vervanging van subartikel (1)(b) met die volgende:

“(b) binne of tot en met sewe dae ná die datum van publikasie van die kennisgewing waarna in subartikel (1)(a) verwys word, skriftelike kennis van die aansoek gee aan alle eienaars in die voorgestelde spesiale-aanslaggebied wat die bykomende belasting sal moet betaal, welke kennisgewing per voorafbetaalde geregistreerde pos versend, met die hand afgelewer of op enige ander manier gestuur moet word wat die HFB skriftelik goedkeur.”.

Wysiging van artikel 11 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

4. Artikel 11 van die hoofverordening word hiermee gewysig—

- (1) deur die vervanging van subartikel (2) met die volgende subartikel:

“(2) Die bestuursliggaam moet ’n maatskappy sonder winsoogmerk wees wat ooreenkomstig die bepalings van die Maatskappywet geïnkorporeer is.”;

- (2) deur die vervanging van subartikel (4) met die volgende subartikel:

“(4) **[’n Subraad]** Elke subraad, wat volle of gedeeltelike jurisdiksie oor ’n spesiale-aanslaggebied het, moet [’n] een raadslid as ’n waarnemer en een ander raadslid as ’n alternatiewe [verteenwoordiger] waarnemer [benoem om die vergaderings] van die bestuursliggaam [by te woon en daaraan deel te neem, maar sonder stemreg] benoem.”;

- (3) deur die invoeging van die volgende subartikel na subartikel (4):

“(4A) Die Uitvoerende Burgemeester van die Stad moet, nadat benoemings vir subrade ontvang is, een of twee raadslede en een alternatiewe raadslid vir elke raadslid wat as waarnemer aangestel word, aanstel om in die raad van die bestuursliggaam te dien.”.

- (4) deur die vervanging van subartikel (5) met die volgende subartikel:

“(5) Werknemers van die Stad mag [slegs] nie in enige hoedanigheid as verteenwoordigers van die Stad in die bestuursliggaam dien nie [as hulle deur die HFB ingevolge artikel 13(b)(ii) van hierdie verordening benoem word].”;

- (5) deur die invoeging van die volgende subartikel na subartikel (5):

(5A) 'n Raadslid wat ingevolge subartikel (4A) deur die Uitvoerende Burgemeester aangestel word—

- (a) het nie al die bevoegdhede en pligte van direkteure van maatskappye soos in die Maatskappywet en die akte van inkorporasie van die bestuursliggaam uiteengesit word nie;
- (b) word geag sy/haar amp te ontruim het indien sodanige waarnemer nie meer as 'n raadslid dien nie en sodanige waarnemer moet ooreenkomstig subartikel (4) en (4A) vervang word; en
- (c) mag nie as voorsitter van die raad van die bestuursliggaam of enige komitee of subkomitee van die raad dien nie.”;

- (6) deur die vervanging van die woorde wat paragraaf (a) van subartikel (8) voorafgaan met die volgende woorde:

“Binne [twee] drie maande na die algemene jaarvergadering moet die bestuursliggaam die tersaaklike subraad/subrade voorsien van—

- (7) deur die toevoeging van die volgende subartikel na subartikel (8):

“(9) Binne drie maande na die spesiale algemene vergadering moet die bestuursliggaam van die nuut ingestelde SAG die tersaaklike subraad/subrade van 'n vorderingsverslag voorsien.”.

Wysiging van artikel 12 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

5. Artikel 12 van die hoofverordening word hiermee gewysig—

- (1) deur die vervanging van subartikel (5) deur die volgende subartikel:

“(5) Ten einde die bepalings van die sakeplan vir die spesiale-aanslaggebied uit te voer, en onderworpe aan artikel 67 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003), kan die raad [’n betaling] betalings aan die bestuursliggaam van 'n spesiale-aanslaggebied maak.”; en

- (2) deur die vervanging van subartikel (6) deur die volgende subartikel:
- “(6) Dit is ’n voorwaarde van die **[betaling]** betalings wat in subartikel (5) beoog word dat daar ’n finansiële ooreenkoms tussen die raad en die tersaaklike bestuursliggaam gesluit word, welke ooreenkoms onder andere die volgende moet reguleer:
- (a) die betaalmeganismes en -metode; en
 - (b) die bepalinge waarvolgens **[betaling]** betalings aan die tersaaklike bestuursliggaam gemaak sal word.”.

Vervanging van artikel 13 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

6. Paragraaf (b) van artikel 13 van die hoofverordening word hiermee deur die volgende artikel vervang:
- (b) nakoming van die toepaslike wetgewing, wat hierdie verordening en die beleid insluit, moniteer. **[, deur—**
- (i) die geouditeerde finansiële state en verslae met betrekking tot die uitvoering van pligte soos in die sakeplan uiteengesit in ontvangs te neem en te oorweeg; en**
 - (ii) indien hy/sy so besluit, verteenwoordigers te benoem om die vergaderings van die bestuursliggaam by te woon en daaraan deel te neem, maar sonder stemreg, soos in artikel 11(5) bepaal.]”.**

Wysiging van artikel 15 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

7. Artikel 15 van die hoofverordening word hiermee gewysig deur die vervanging van die woorde in subartikel (1) wat paragraaf (a) voorafgaan met die volgende woorde:
- “Indien ’n bestuursliggaam kies om die termyn van die SAG met ’n verdere tydperk te verleng, moet sodanige bestuursliggaam **[voor of op 1 September van die jaar waarin die sakeplan ten einde gaan loop,]** ’n aansoek om verlenging van die termyn van die SAG by die Stad indien, met dien verstande dat—”.

Wysiging van artikel 16 van die Stad Kaapstad: Verordening op Spesiale-aanslaggebiede, 2012

8. Artikel 16 van die hoofverordening word hiermee gewysig deur die vervanging van paragraaf (b) van subartikel (1) met die volgende paragraaf:
- “om enige gegronde rede, nadat die HFB die bestuursliggaam of die gemeenskap vooraf geraadpleeg het **[, en om enige gegronde rede, in welke geval hy/sy die bestuursliggaam kan laat ontbind.]”.**

Kort titel

9. Hierdie verordening staan bekend as die Wysigingsverordening op Spesiale-aanslaggebiede, 2016, en tree in werking by afkondiging in die *Provinsiale Koerant*.



ISIXEKO SASEKAPA

**UMTHETHO OLUNGISIWEYO KAMASIPALA OPHATHELENE NEENTLAWULO
ZOBUHLALI EZIZODWA**

2016

ISIXEKO SASEKAPA

UMTHETHO OLUNGISIWEYO KAMASIPALA OPHATHELENE NEENTLAWULO ZOBUHLALI EZIZODWA, 2016

INKCAZA JIKELELE:

[] Amagama achwethezwe ngoonobumba abacacileyo avalelwe kwizibiyeli ezizikwere abonisa ukushiywa kwemithetho ekhoyo emisiweyo.

_____ Amagama akrwelwe umgca ongqongqo ngaphantsi abonisa ukufakelwa kwemithetho ekhoyo emisiweyo.

Ukulungisa imiqathango yoMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012, ngenjongo yokulungisa nokufakela iinkcazelo ezithile; ukubonelela ngezilungiso okanye imiqathango kwiintlanganiso zoluntu; ukubonelela ngemiqathango ephathelene nokubhe-ngezwa kwezicelo neemfuno zenkcaso; nokubonelela ngemicimbi enxulumene noku.

MAKUMISELWE NGOKOMTHETHO liBhunga leSixeko saseKapa, ngolu hlobo:—

Ukulungiswa kwecandelo loku-1 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

1. ICandelo loku-1 loMthetho weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012, (apha ochazwe ngokuba “nguMthetho kaMasipala ophambili oyintloko”) olungisiweyo apha —

(1) ngokufaka endaweni yenkcaza “yomfaki-sicelo” kwale nkcazelo ilandelayo:

“‘**umfaki-sicelo**’ kuthethwa nawuphi na umnini-propati owenza isicelo sokumiselwa kommandla weentlawulo zobuHlali ezizodwa ngoku-ngqinelana namagatya eSahluko 1, okanye ukuba kumiselwe iqela elilawulayo ngokungqinelana necandelo [10] 11, nakuphi okubhe-kiselele ‘**kuMfaki-sicelo**’ kuthethwa iqela elilawulayo;”;

(2) ngokufaka endaweni yenkcaza “yoMthetho olawula iiNkampani” kwale nkcaza ilandelayo:

“‘**uMthetho olawula iiNkampani**’ kuthethwa uMthetho olawula iiNkampani, 2008 (uMthetho onguNomb. 71 ka-2008);” ;

(3) *ngokufaka endaweni yenkcaza* "isininzi" kwale nkcaza ilandelayo:

"'isininzi' kuthethwa isininzi sabanini-propati **[njengoko]** kuchaziwe kwicandelo lama-22 loMthetho weeRhafu zeePropati nanjengoko kunokongezwa kulo Mgaqo-nkqubo"; kunye

(4) nangokucinywa kwenkcaza ethi "ingxelo yenkuthazo".

Ukulungiswa kwecandelo le-5 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

2. Ngenxa yoko iCandelo le-5 oloMthetho kaMasipala oyintloko liyalungiswa ngokutshintshwa kwecandelwana (4) ngeli candelwana lilandelayo:

"(4) Makubanjwe intlanganiso yoluntu kwiintsuku ezingekho ngaphantsi kwezisixhenxe nezingekho ngaphezu kwezingama-30 emva komhla wesaziso esikhankanywe kwicandelwana (3)(a)".

Ukulungiswa kwecandelo le-7 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

3. Ngenxa yoko iCandelo le-7 loMthetho kaMasipala oyintloko lilungiswa ngokutshintshwa kwecandelwana (1)(b) ngolu hlobo:

"(b) nokuba kuphambi okanye ukuya kuma kwiintsuku ezisixhenxe emva komhla wokubhengezwa kwesaziso esikhankanywe kwicandelwana (1)(a), makukhutshwe isaziso esibhaliweyo sesicelo esijoliswe kubo bonke abanini-propati abahlala kulo mmandla weentlawulo zobuhlali ezizodwa eziphakanyisiweyo, nabaza kuba noxanduva lokuhlulwa iirhafu ezongeziweyo, eso saziso masikhutshwe ngeposi ebhalisiweyo nehlawulelwe kwangaphambili, sisiwe buqu okanye ngayo nayiphi na indlela eyamkelekileyo ngokubhaliweyo liGosa eliyiNtloko lezeMali."

Ukulungiswa kwecandelo le-11 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

4. Ngenxa yoko iCandelo le-11 loMthetho kaMasipala oyintloko liyalungiswa—

(1) ngokutshintshwa kwecandelwana (2) ngeli candelwana lilandelayo:

"(2) Iqela elilawulayo mayibe yinkampani engenzi-nzuzo emanywe ngokungqinelana nemiqathango yoMthetho olawula iiNkampani."

(2) ngokutshintshwa kwecandelwana (4) ngeli candelwana lilandelayo:

"(4) **[IBhungana]** Ibhungana ngalinye, elinolawulo olupheleleyo okanye ulawulo oluyinxalenye kummandla ohlawula iirhafu zobuhlali ezizodwa, malonyule **[a]** uceba omnye njengomakhimkhanya kunye nomnye uceba onokungena endaweni yalo **[njengommeli onokuzimasa ze athathe inxaxheba, kodwa**

angavoti, kwiintlanganiso] umakhi-mkhanya weqela elilawulayo.”;

(3) ngokufakela eli candelwana lilandelayo emva kwecandelwana (4):

“(4A) USodolophu weSigqeba weSixeko uya kuthi, emva kokufumana ulonyulo kwibhungana, onyule uCeba omnye okanye ababini kunye nomnye uCeba ongomnye kuCeba ngamnye owonyulwe njengomakhi-mkhanya, oza kusebenza kwibhodi yeqela elilawulayo.”.

(4) ngokutshintsha icandelwana (5) ngeli candelwana lilandelayo:

“(5) **Abasebenzi beSixeko abavumelekanga [kuphela] ukusebenza kwiqela elilawulayo njengabameli beSixeko [kwiqela elilawulayo ukuba bonyulelwe ukwenza oko liGosa eliyiNtloko leziMali ngokungqinelana necandelo le-13(b)(ii) lalo Mthetho kaMasipala] kuso nasiphi na isikhundla.”;**

(5) ngokufakela emva kwecandelwana (5) eli candelwana lilandelayo:

(5A) Nawuphi na uCeba owonyulwe nguSodolophu weSigqeba ngokungqinelana necandelwana (4A) kufanele—

(a) angabi nawo onke amagunya noxanduva lwabalawuli beenkampani njengoko kuchaziwe kuMthetho olawula iiNkampani nakwisivumelwano sokubandakanywa kweqela elilawulayo;

(b) athatyathwe njengosishiyileyo isikhundla sakhe xa kunokwenzeka ukuba lo makhi-mkhanya engasasebenzi njengoceba kwaye lo makhi-mkhanya uya kutshintshwa ngokungqinelana namacandelwana (4) no-(4A); kwaye

(c) angachopheli njengosihlalo ibhodi yeqela elilawulayo okanye navyiphi ikomiti okanye ikomitana yebhodi.”;

(6) ngokutshintshwa kwamagama andulela umhlathi (a) ecandelwana (8) ngala magama alandelayo:

“Kwisithuba seenyanga **[ezimbini] ezintathu** emva **[i]** iNtlanganiso yayo Jikelele yoNyaka, iqela elilawulayo malibonelele ibhungana **[iBhungana]** elifanelekileyo nge-

(7) ngokongeza eli candelwana lilandelayo emva kwecandelwana (8):

“(9) Kwisithuba seenyanga ezintathu emva kweNtlanganiso yalo Jikelele eseKhusini, iqela elilawulayo loMmandla weeNtlawulo zobuHlali eziZodwa elisandula ukusekwa malibonelele ibhungana elifanelekileyo ngengxelo yenkqubela-phambili.”.

Ukulungiswa kwecandelo le-12 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

5. Ngenxa yoko iCandelo le-12 loMthetho kaMasipala oyintloko liyalungiswa—
- (1) ngokutshintshwa kwecandelwana (5) ngeli candelwana lilandelayo:
- “(5) IBhunga linakho, ngenjongo yokuqhuba imiqathango yesi-cwangciso somsebenzi sommandla weentlawulo zobuhlali ezizodwa nangokuxhomekeke kwicandelo lama-67 loMthetho woLawulo lweZimali zikaMasipala: kubuRhulumente beNgingqi, 2003 (uMthetho onguNomb. 56 ka-2003), ukwenza **[intlawulo]** iintlawulo kwiqela elilawulayo lommandla ohlawula iirhafu ezi-khethekileyo zobuhlali.”; kwaye
- (2) Ngokutshintsha icandelwana (6) ngeli candelwana lilandelayo:
- “(6) **[Intlawulo]** iintlawulo ezichazwe kwicandelwana (5) **[i]** zixhomekeke ekuqunjelweni kwesivumelwano sezimali ekuza kungenwa kuso phakathi kweBhunga neqela elilawulayo elifanelekileyo, kwaye eso sivumelwano kufuneka simisele, phakathi kwezinye izinto—
- (a) iinkqubo nendlela **[yentlawulo]** yeentlawulo; kunye
- (b) nemiqathango apho **[intlawulo]** iintlawulo eziza kwenziwa kwiqela elilawulayo elifanelekileyo.”.

Ukutshintshwa kwecandelo le-13 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

6. Ngenxa yoko eli candelo lilandelayo liyatshintshwa ngomhlathi (b) icandelo le-13 loMthetho kaMasipala oyintloko:
- (b) ngokujonga ukuthotyelwa komthetho ofanelekileyo, kuqakwa lo Mthetho kaMasipala kunye noMgaqo-nkqubo. **[, ngokuthi—**
- (i) **kufunyanwe kwaye kuqwalaselwe iingxelo zezimali eziphicothiweyo neengxelo ezinxulumene nokuqhutywa komsebenzi omiselwe kwisicwangciso somsebenzi;**
- (ii) **ukuba ukhetha ukwenza njalo, ukunyula abameli ukuba bazimase kwaye bathathe inxaxheba kodwa bangavoti kwiintlanganiso zeqela elilawulayo njengoko kumiselweyo kwicandelo 11(5).]**”.

Ukulungiswa kwecandelo le-15 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

7. Ngenxa yoko icandelo le-15 loMthetho kaMasipala oyiNtloko lilungiswa ngokutshintshwa kwamagama akwicandelwana (1) andulela umhlathi (a) ngala magama alandelayo:
- “Iqela elilawulayo kufuneka, ukuba likhetha ukwandisa ixesha loMmandla weeNtlawulo zobuHlali eziZodwa elinye ixesha elongeziweyo, **[ngomhla okanye phambi komhla woku-1 Septemba kunyaka ophambi kokuba isicwangciso somsebenzi simele ukuba siphelwe,]** malingenise isicelo

kwiSixeko ukuze kuphunyezwe ukwamkelwa kokwandiswa kwexesha loMmandla weeNtlawulo zobuHlali eziZodwa, ukuba—”.

Ukulungiswa kwecandelo le-16 loMthetho kaMasipala weSixeko saseKapa: ophathelene neeNtlawulo zobuHlali eziZodwa, 2012

8. Ngenxa yoko icandelo le-16 loMthetho kaMasipala oyiNtloko lilungiswa ngokutshintshwa komhlathi (b) wecandelwana (1) ngalo mhlathi ulandelayo:

“ngayo nayiphi injongo efanelekileyo, emva kokubonisana kwangaphambili kweGosa eliyiNtloko kwezeZimali neqela elilawulayo okanye noluntu [, **ngayo nayiphi injongo efanelekileyo, emva koko igosa eli linakho ukumisela ukuba iqela elilawulayo lipheliswe**].”.

Isihloko esifutshane

9. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala oLungisiweyo weeNtlawulo zobuHlali eziZodwa, 2016 kwaye uza kuqala ukusebenza usa kubhengezwa kwiPhepha-ndaba loMbuso lePhondo.

WESTERN CAPE GOVERNMENT

Western Cape
Government

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