UMQULU WOKUGQIBELA WOMTHETHO OCETYWAYO WERHAFU

Uzakupapashwa uze uboniswe elubala ngohambisana necandelo lesine (Section 4 (2) woMthetho weRhafu yeZakhiwo zooMasipala womnyaka ka-2004 (Municipal Property Rates Act, Act No 6 of 2004)

05 Matshi 2009

OKUNGAPHAKATHI:

1. IINJONGO ZOLU XWEBHU……..2
2. INTSHAYELELO……..2
3. UBUME BOMTHETHO……..3
4. INTATHO NXAXHEBA YABAHLALI……..4
5. IZICHAZI MAGAMA……..4
6. IMIGAQO ESISIKHOKELO……..10
7. OKUNGAPHANDLE KOMTHETHO OLAWULA IRHAFU YEZAKHIWO KUMASIPALA (IRHAFU ENGAVUMELEKANGA)…..10
8. IZIPHAKAMISO ZOLUHLU LWEZAKHIWO……..11
9. UKUHLELWA KWEZAKHIWO EZISETYENZISWA NGEENDLELA EZININZI……11
10. UKWAHLULWA HLULWA KWERHAFU……..11
11. IZIPHAKAMISO ZOLUHLU LWABANIKAZI BEZAKHIWO……..11
12. UKUMISELWA KWERHAFU KWIZAKHIWO EZITSHA……12
13. IZIPHAKAMISO ZEZAPHULULO KWINTLAWULO YERHAFU KUNYAKA KA-2009, NEZINIKWA INGQWALASELA NGOKWEZICELO EZIFAKIWEYO……12
14. IMIGAQO YOKUNGAHLAWULI IRHAFU, IZAPHULELO NOKUTHOTYWA KWEMALI YERHAFU……13
15. UXANDUVA NOKUBUYEKEZWA KWERHAFU……15
16. UKUPHENGULULWA KOMTHETHO WERHAFU RHOQO NGONYAKA……..15

1. IINJONGO ZOLU XWEBHU

Iinjongo zolu xwebhu Lokugqibela Lusayilwayo kukuhambisana nokuqulathwe kwicandelo lesine (Section 4) olawula iRhafu yeZakhiwo kooMasipala wesitandathu kunyaka ka-2006 (Municipal Property Rates Act, Act No. 6 of 2004). Kananjalo oku kunika abahlali bakaMasipala iintsuku ezingamashumi amathathu (30) ukuba benze iziphakamiso okanye banike izimvo zabo ngalo mthetho uyilwayo.

Olu xwebhu lujolise ukufumana izimvo zethutyana ngendlela ozakusebenza ngayo lo mthetho werhafu kunyaka mali ka-2009/10.

2. INTSHAYELELO

UMthetho olawula iRhafu yeZakhiwo zikaMasipala wesithandathu kunyaka ka-2004 (Municipal Property Rates Act, Act No. 6 of 2004).nowaziwa njenge MPRA xa ufinyeziwe, ubeka uxanduva kooMasipala ukuba baqulunqe baze baphumeze imithetho ehambisana nalo mthetho xa behlawulisa okanye benikeza izaphulelo zerhafu yezakhiwo kubahlali phakathi kwimida kaMasipala.

OoMasipala kulindeleke ukuba babe nesiseko semali ngeniso esiqinileyo nesizinzileyo ukuze bazise iinkonzo eluntwini benze neminye imisebenzi kananjalo. Imali ngeniso evala kwirhafu yezakhiwo ingundoqo kwingeniso kaMasipala.

Imali ngeniso yiyo esetyenziswa ukunika inkxaso kubahlali ngokubanzi hayi iziqu kwizindlu ngezindlu. Oku kuquka ukwakhiwa nokuphuculwa kwezitalato, ulwakhiwo lweendlela zezithuthi nezo zenyawo, ukumisela izakhiwo zombane, ezokuhamba kwamanzi, ukwakhiwa kwezibhedlele, amabala okonwaba nalawo emithambo namangcwaba. Le mali ivela kwirhafu yezakhiwo yiyo ehlawula abasebenzi, ithenge nezixhobo zabo zokusebenza kwaye ihlawulele neenkcitho yolawulo efana neentlanganiso zeBhunga nezo zabahlali nezithi zikhuthaze intatho nxaxheba yabahlali kuPhuhliso Oludibeneyo (IDP) noHlahlo Lwabiwo Mali.

Irhafu yezakhiwo zikaMasipala imiselwa, iqokelelwe ize isetyenziswe ukuphuhlisa kwalapha ekhaya. Irhafu yezakhiwo isetyenziswa ukuphuhlisa uMasipala nalapho abahlali nabavoti bathi babe nelizwi ngendlela emayisetyenziswe ngayo imali leyo nxamnye noPhuhliso Oludibeneyo noHlahlo Lwabiwo Mali, nalapho uMasipala athi azuze izimvo kubahlali phambi kokuba aphumeze uHlahlo Lwabiwo Mali.

UMgaqo Siseko weli loMzantsi Afrika ka-1996 unika igunya kooMasipala ukuba bamisele intlawulo yerhafu kwindawo zabo bekhokelwa yimigaqo nemimiselo yomthetho kazwelonke.

UMgaqo Siseko ukhuthaza uMasipala ukuba asekelezwe kuphuhliso xa enikeza iinkonzo eluntwini kwanokuphuhlisa imiko yezoqoqosho nolawulo lwemali nxamnye nemimiselo yesolotya lekhukhulu namashumi amahlanu anesibini loMgaqo Siseko ka-1996.weli loMzantsi Afrika. Kukho imfuneko emandla yokunikeza oorhulumente basemakhaya ngoncedo kumathala emali ngengeniso eyoneleyo ukuphumeza iimfuno zabo zophuhliso.

URhulumente waseKhaya ufuna kubekho imali ngeniso eluqilima ukuphumeza iinjongo zakhe zophuhliso.

Imali ndzuzo evela kwirhafu yezakhiwo ngondoqo kwimali ngeniso yooMasipala ukuze baphumeze iinjongo zabo ezisemthethweni ingakumbi kwezo ndawo bezikade zihlelelekile kwixesha langaphambili ngenxa yenkqubo yocalu calulo ngokobuhlanga, imithetho engafaniyo okanye enomkhethe.

Kungundoqo ukuba ooMasipala basebenzise amandla abo ukumisela irhafu ngokuhambisana nomthetho ngendlela efanayo kwilizwe jikelele. Kodwa ke, kufuneka bathabathele ingqalelo imbali yokungalingani nobunzima bokuhlawula irhafu ngabo Bantu bahluphekileyo.

UMgaqo Siseko woMzantsi Afrika unikeza igunya kwiPalamente ukuba ilawule indlela ooMasipala abawasebenzisa ngayo amagunya abo kulawulo lwemali.

3. **UBUME BOMTHETHO**

Ngokuka-Section 229 woMgaqo Siseko weli loMzantsi Afrika Umasipala unelungelo lokuhlawulisa irhafu.

Ngokuka-Section 4(1)c) woMthetho olawula iinkqubo zikaMasipala, uMasipala unelungelo lokuphumeza imfuno zakhe ngokuhlawulisa irhafu yezakhiwo kumda wakhe.

Mthetho Olawula irhafu yezaKhiwo zikaMasipala oyinombolo yesithandathu ka-2004, (Municipal Property Rates Act, Act No 6 of 2004) uMasipala ulindeleke ukuba amisele intlawulo yerhafu kwizakhiwo ezikumda wakhe ngokwezimiselo zalo Mthetho.

IBhunga likaMasipala limisela irhafu ngokwalo mthetho uchazwe apha ngasentla. Ngokwenza njalo, lo mthetho werhafu uqulunqwe phakathi kwimida yomthetho.

UMthetho wokuGqibela osaCetywayo weRhafu (Final Draft Policy) uchaphazela izakhiwo zodwa, hayi inkqubo avavanywa ngayo amaxabiso ezakhiwo, nokuphunyezwa koluhlu lwezakhiwo ezivavanyiweyo nolulawulwa ngumthetho.

Xa besilungiselela uMqulu woLuhlu lwamaXabiso eZakhiwo (General Valuation Roll) ngokuhambisana ne-MPRA, isiXeko seBuffalo sisebenzise lo mgaqo ukhoyo kwinkqubo yeziniki maxabiso ezakhiwo.

Ukusetyenziswa kwalo mgaqo ngoko ke, kugxininisa iziphakamiso zomthetho olawula irhafu noqulathwe kolu xwebhu lusaqulunqwayo.

4. **INTATHO NXAXHEBA YABAHLALI**

4.1 Kwinyanga ka-Septemba 2008 isiXeko se-Buffalo sibandakanye bonke abahlali kwisithuba senyanga yonke, kwiingxikela zeentlanganiso zokwabelana ngolwazi nokufundisa abahlali ngenkqubo entsha yeziniki maxabiso kunye nedlela esebenza ngayo.

4.2 Kwinyanga ka-Okthobha no-Novemba 2008 abahlali banikwe ithuba lokufaka iziphakamiso kumqulu wokuqala womthetho werhafu. Kananjalo banikwa nethuba lothetha namagosa esiXeko ngokumalunga nemiba ethile yalo mthetho kwintlanganiso ebezicetyiwe.

4.3 Ngo-Januwari noFebruwari 2009 iintlanganiso zokunika ingxelo zathi zabanjwa nabahlali nabameli babo bahlawula irhafu nabathi bafaka iziphakamiso kuMasipala.

4.4 Xa besiqulunqa lo mqulo werhafu, sithabathele ingqalelo zonke iziphakamiso zabahlalo ezibhaliweyo nezo zinikezwe kwiintlanganiso ngexesha besineetlanganiso nabahlali.

5. IZICHAZI MAGAMA

"I-Act" ibhekiselele kuRhulumente waseKhaya: Umthetho Olawula Irhafu Yezakhiwo oyinombolo yesithandathu ka-2004 kwaye uquka nemimiselo woMhlathi wamashumi asibhozo anesithathu walo mthetho.

"I-arhente"ngokubhekiselele kumnikazi wesakhiwo, lo ngumntu ochongwe ngumnikazi wesakhiwo ukwenza oku kulandelayo;

(a) Ukwamnkela imali ndzuzo yerente okanye nayiphina intlawulo ngesakhiwo eso egameni lomnikazi waso.
(b) Ukwenza zonke iintlawulo zesakhiwo eso egameni lomnikazi.

"Isakhiwo sezolimo", ngokubhekiselele kusentyenziso lwesakhiwo eso, ngokungaphandle komsebenzi wezokhenkentho okanye urhwebo okanye ukuzingela izilwanyana.

"Ngonyaka" ithetha ukuba rhoqo ngonyaka mali.

"Ibhodi yezibheno" le yibhodi yezibheno nemiselwe ngokoMhlathi wamashumu amahlanu anesithandathu.

"Umncedisi wovavanyo kaMasipala" ngulo mntu uchongelwe ukuncedisa kuvavanyo lwamaxabiso ezakhiwo ngokoMhlathi wema-35(1) okanye (2).

"Amafama oqobo" ngumntu othe ngokwengeniso yakhe yerhafu okanye iinkcukacha zomqeshi wakhe abe kanti uchazwa njengomfama..

"Uluhlu"

(a) Ngokubhekiselele kwizakhiwo, oku kuthetha uluhlu lwezakhiwo njengoko luchazwa kuMhlathi wesibhozi.
(b) Ngokubhekiselele kubanikazi bezakhiwo, oku kuthetha uluhlu lwabanikazi zakhiwo njengoko luchazwa kuMhlathi we-15(2).

"UMlawuli weMali Owongameleyo" eli ligosa elongamele ezemali njengoko kuchazwa kuMthetho Olawula Imali.

"Indlu ekhokelwa ziintsana" ichazwa njengekhaya apho intloko yalo ingumntu ongaphantsi kweminyaka elishumi elinesibhozo ezelwe. Eli likhaya eliphantsi kolawulo lweentsana njengoko kuchazwa kuMhlathi we-28(3) woMgaqo Siseko.

“Ikansile” eli libhunga loMasipala we-Buffalo City.

“Umqokeleli nkcukacha” ngumntu ochongelwe ukuqokelela ulwazi okanye iinkcukacha ngokoMhlathi wamashumi amathathu anesithandathu.

“Umhla weziniki maxabiso” lusuku oluchongwe nguMasipala ngokoMhlathi wama-31(1).

“Ulawulo lweNkqila” yindawo kaMasipala weNkqila nethi ngokoMhlathi wesithandathu woMthetho woBume boMasipala ilawulwa nguMasipala yedwa.

“Usetyenziso olungundoqo” ngokubhekiselele kwizakhiwo oku kuthetha eyona ndawo isetyenziswa kakhulu xa ithelekiswa nezinye.

“Umhla wokuvala” lo ngumhla obekiweyo wokukhutshwa kweembalelwano zerhafu nekufuneka zihlawulwe phambi komhla wokugqibela obekiweyo.

“Amaziko okuqeqesha abatwana” ziindawo zokululeka nokufundisa abantwana (Early Chuild Development Centres) neziphantsi kolawulo lweSebe leMfundo kuNdlunkulu okanye kumaPhondo**.**

“Umhla wokuqala ukusebenza”

(a) Ngokubhekiselele kuxwebhu lwamaxabiso, lo ngumhla wokuqala ukusebenza kolu xwebhu ngokoMhlathi wama-32(1),
(b) Ngokuhambisana noxwebhu lwamaxabiso olongeziweyo, lo ngumhla wokuqala ukusebenza kolu xwebhu.

“Ukubekwa bucala” ngokuhambisana namagunya kaMasipala oku kubhekisa ukunqanda la magunya ngokoMhlathi weshumi elinesixhenxe.

“Ukuxolelwa” ngokomthetho wokuhlawulwa kwerhafu, oku kubhekisa kuxolelo olunikezwa nguMasipala ngokoMhlathi weshumi elinesihlanu.

“Unyaka mali” eli lixesha eliqala kumhla wokuqala kuJulayi ukuya kuJuni wonyaka olandelayo.

“Umthetho werhafu yengeniso” yirhafu ngokomthetho wamashumi amahlanu anesibhozo womnyaka ka-1962.

“Indawo yoPhuhliso lwaMashishini” (Industrial Development Zone), yindawo eyakhelwe ushishino nezinze kufutshane kwizibuko lolwandle okanye iziko leenqwelo moya. Le yindawo eyakhelwe utyalo mali olutsha lwamashishini arhweba ngempahla kumazwe angaphandle ngokuhambisan neSebe loRhwebo namaShishini (Trade and Industry)

“Oxhamla kuhlengehlengiso lomhlaba” ngokwezakhiwo, lo ngumntu ochazwa ngolu hlobo lulandelayo;

(a) ufumene isakhiwo sakhe ngokoMthetho woNikezelo ngoMhlaba noncedo wekhulu namashumi amabini anesithandathu ka-1993 okanye uMthetho wokuBuyiswa koMhlaba naMalungelo oMhlaba wamashumi amabini anesibini ka-1994.
(b) Ungumnikazi mhlaba ngokoMthetho wokuHlala wamashumi amabini anesibhozo ka-1996.

(c) Usifumene isakhiwo eso ngokuhambisana noMhlathi wama-25(6) kunye nesixhenxe woMgaqo Siseko emva kokumiselwa kwalo mthetho.

"Ilungelo lobunini mhlaba" kubhekiselele kumthetho omdala okanye omtsha njengoko kuchazwa ngumthetho wamalungeklo okuhlala ka-1994.

"Urhulumente waseKhaya" lngokubhekiselele kuMasipala oku kubhekiselele koku;

(a) Indawo ehala abantu kubandakanya
    (i) Abahlali bakaMasipala,
    (ii) Abahlawuli berhafi bakaMasipala
    (iii) Nawo nawuphina umbutho kuquka imibutho engandle kurhulumente, imibutho yabucala okanye leyo yabasebenzi okanye imibutho ezibandakanya nemicimbi kaMasipala.
    (iv) Abatyeleli nabanye abantu abahlala ngaphandle kwemida kaMasipala nabasebenzisa iinkonzo zikaMasipala ngethuba bekwimida yakhe
(b) Kuquka, ingakumbi abantu abahlelelekileyo.

"UMasipala" o nguMasipala owabelana ngamagunya kwezolawulo nomthetho kwiNkqila nochazwa nguMhlathi we-155(1) woMgaqo Siseko njengokwinqanaba elingu-B.

"Ixabiso elisemakethini", eli lixabiso lesakhiwo ngokunxamnye nomHlathi wamashumi amane anesithandathu walo mthetho.

"UMphathiswa woRhuluimente bamaKhaya" lilungu leQoqo loLawulo kwiNdlu yoWiso Mthetho yePhondo nojongene lolawulo loorhulumente basemakhaya.

"UMasipala ombaxa" lo nguMasipala onamagunya akhethekileyo kwezolawulo nomthetho kwaye uchazwa ngokoMhlathi we-155(1) woMgaqo Siseko njengokwinqanaba elingu-A.

"UMphathiswa" eli lilungu lekhabinethi elijongene nolawulo lorhulumente bamakhaya.

"Usetyenziso oluzindidi ezahlukeneyo" oku kukusetyenziswa kwesakhiwo ngenendlela ezahlukeneyo.

"IBhunga likaMasipala" libhunga okanye ikansile njengoko ichazwa kuMhlathi weshumi elinesibhozo woMthetho wobume boMasipala.

"UMthetho olawula iiMali zika Masipala" lo ngumthetho onombolo ingamashumi amahlanu anesithandathu ka-2003.

"UMthetho weNkqubo" lo ngumthetho onombolo ingamashumi amathathu anesibini ka-2000

"UMasipala"
(a) Liziko likarhulumente njengoko lichazwa kuMhlathi wesibini woMthetho weNkqubo zikaMasipala

(b) Ngokobume bomhlaba, le yindawo kaMasipala nechazwa ngokomthetho wocando mihlaba onombolo ingamashumi amabini anesixhenxe ka-1998.

"UMlawuli kaMasipala" ngulo mntu ochongwe ngokoMhlathi wamashumi asibhozo anesibini woMthetho olawula indlela yokwakhiwa koMasipala.

"Izakhiwo zikaMasipala" lo ngumhlaba obhaliswe egameni likaMasipala nosetyenziswa nguMasipala ngokwakhe okanye awunikezele kwabanye abantu bawusebenzise ngentlawulo okanye felefele.

"UMthetho wokwakhiwa kooMasipala" lo nguMthetho wekhulu neshumi elinesixhenxe ka-1998.

"UMthetho weeNkqubo zikaMasipala" lo ngumthetho wamashumi amathathu anesibini ka-2000.

"**Onika amaxabiso kwizakhiwo zikaMasipala"** ngumntu ochongelwe ukwenza oko ngokoMhlathi wama-33(1) olawula izakhiwo zikaMasipala.

"Isakhiwo esiqala ukuhlawula irhafu" seso sakhiwo besingahlawuli rhafu ngaphambili kokuphela konyaka mali kodwa azizidibanisi ezi zilandelayo izakhiwo;
(a) Isakhiwo esashiywa ngaphandle ngempazamo ngethuba kuhlolwa amaxabiso ezakhiwo ngeso sizathu zange sibekwe kwinqanaba laso phambi komhla obekiweyo.
(b) Sisakhiwo esichongwe nguMphathiswa ngesibhengezo kwiGazethi karhulumente.

"Umhlali" ngumntu ohlala endlwini enalo elungelo loko okanyane engenalo.

"Isigaba sikarhulumente" sisigaba njengoko sichazwa kuMhlathi wamakhulu amabini anamashumi amathathu anesithoba woMgaqo Siseko.

"Umnikazi"

(a) Ngumntu ebhaliswe ngaye indlu leyo.
(b) Ngumntu onikwe ilungelo elo lendlu.
(c) Ngokwelungelo lobunini bomhlaba, lo ngumntu onikwe elo lungelo ngokusemthethweni.
(d) Ngokwenkqubo karhulumente, esi sisakhiwo nesithi ulawulo lwaso lunikezwe kolu luhlu lulandelayo lwabantu;
(i) I-trust, ngokwesakhiwo esikwi-trust ukhuphele ngaphandle umhlaba we-trust karhulumente
(ii) Umlawuli, ngokwesakhiwo kwilifa longasekhoyo.
(iii) Onikwe igunya elisemthethweni ukujongana nesakhiwo, xa umnikazi waso esematyaleni.
(iv) UManejala osemthethweni, xa isakhiwo eso sililifa kumntu ongaphantsi kweminyaka ebekiweyo.
(v) I- Curator, xa isakhiwo eso siphantsi komntu okulawulo lwe-curator.
(vi) Isakhiwo esibhaliswe phantsi komntu osebukhobokeni
(vii) Umntu oqeshe isakhiwo eso sisegameni likaMasipala kwaye siqeshiswa nguye.
(viii) Umthengi, ngokwesakhiwo esithengiswe nguMasipala nesiphantsi kolawulo lomthengi ngeli xesha singetshintshelwa kulawulo lwakhe.

"Usetyenziso oluvunyiweyo" ngokubhekiselele kwizakhiwo, kuthethat ukusetyenziswa kwesakhiwo ngale ndlela ingezantsi;

(a) Xa imiqobo imiselwe;
(i) ngokwetayitile,
(ii) isibonelelo ngokocetyo lwedolophu okanye
(iii) nawo nawuphina umthetho obhekiselele kwizakhiwo.
(b) Naliphina inyathelo lokuphelisa olo xinzelelo.

"Umntu" ngokungaphandle kwezigaba zikarhulumente.

"Ukuchaza" kukuchaza ngokusemthethweni ngokoMhlathi wamashumi asibhozo anesithathu.

"Isakhiwo" sithetha oko kulandelayo

(a) Isakhiwo esimi ndawonye esingahambiyo nesibhaliswe egameni lo mntu.
(b) Ilungelo elibhaliswe kwisakhiwo esingahambiyo ngokungaphandle kweso sihlawulelwayo (bond).
(c) Ilungelo lobunini mhlaba nelisegameni lo mntu okanye elinikezwe kuye
(d) Izakhiwo zikarhulumente.

"Uxwebhu lwezakhiwo" luqulathe zonke izakhiwo ngokoMhlathi wamashumi amabini anesithathu woMthetho weZakhiwo zikaMasipala.

"Indawo ekhuselekileyo" yindawo ekufuneka ibandakanyiwe kuxwebhu lwezakhiwo ngokoMhlathi weshumi woMthetho woKhuseleko lweNdawo (Protected Areas Act).

"UMthetho weeNdawo eziKhuselekileyo" ubhekisa kuMthetho woKhuseleko lweNdalo ka-2003 (National Environmental Management: Protected Areas Act, 2003) lo nguMthetho wokhuseleko lwendalo ka-2003.

"Indawo elawulwa luluntu" le yindawo karhulumente;

(a) Ngokoluhlu loMthetho olawula imali inombolo yokuqala ka-1999.
(b) UMasipala okanye
(c) Indawo kaMasipala njengoko ichazwa kuMthetho weNkqubo zikaMasipala.

"Izakhiwo zikarhulumente" ziquka olu luhlu lulandelayo;

(a) Iindlela ezilawulwa nguNdlunkulu okanye iPhondo neenkozno ezinikezwa kumhlaba kaMasipala.
(b) Amanzi, amaziko ococo lwamanzi, amadama, amathala amanzi, imibhobho yamanzi nanikeza inkonzo eluntwini.
(c) Amaziko ombane nanikeza umbane ebantwini.
(d) Amathala kagesi okanye awamafutha ezithuthi nathi ahambise iinkonzo eluntwini.
(e) Iinkonzo zikaloliwe.
(f) Iinkonzo zonxibelelwano.
(g) Amaziko okubhabha iinqwelo moya.
(h) Amalwandle nezinye iinkonzo ezibonelela ngamanzi, umbane, ilindle ukuqinisekisa ukhuseleko lweenqanawa.
(i) Naso nasiphina isakhiwo sikarhulumente.

"Irhafu" yirhafu kaMasipala ngokoMhlathi wama-229(1)(a) woMgaqo Siseko.

"Isakhiwo esihlawula irhafu" esi sisakhiwo athi uMasipala asihlawulise irhafu ngokusemthethweni.

"Uxolelo"ngokubhekiselele kwirhafu yesakhiwo, olu luxolelo olunikezwa ngokoMhlathi weshumi elinesihlanu kwixabiso lerhafu yesakhiwo eso.

"Isaphulelo" ngokwerhafu yesakhiwo, esi sisaphulelo ngokoMhlathi weshumi elinesihlanu nosisiseko sohlengahlengiso lwexabiso elo lesakhiwo ngokwesaphulelo.

"Ubhaliso"
(a) Luthetha oku kungezantsi;
- (i) Ubhaliso kuluhlu lwe-Deeds ngokomthetho wemashumi amane anesixhenxe ka-1987 okanye
- (ii) UMthetho woluhlu lwemiGodi weshumi elinesithandathu ka-1967 kunye

(b) Nawo nawuphina umthetho woku kulandelayo.
- (i) Ilungelo lokusebenzisa umhlaba okanye ukombiwa kwezimbiwa okanye
- (ii) Ilungelo lobunini mhlaba.

"Isakhiwo sokuhlala", esi sisakhiwo esiyinxalenye yoluhlu lokuvavanywa kwezakhiwo ngokoMhlathi wa-48(2)(b).

"Izakhiwo **zasez**ilalini" lo ngumhlaba wasezilalini nobekela bucala ezo zakhiwo zihlawula irhafu kunye nomhlaba karhulumente ophantsi kwe-Trust njengoko uchazwa ngumthetho.

"UMthetho wetayitile zesiqingatha" lo ngumthetho wemihlaba esisiqingatha ngokomthetho wamashumi asithoba ka-1986.

"Iitayitile zesiqingatha", esi sisiqingatha njengoko sichazwa kuMhlathi wokuqala olawula iitayitile.

"Izakhiwo zikarhulumente ezikhethiwe", ezi zizakhiwo eziphantsi korhulumente kaNdlunkulu okanye owePhondo nezisetyenziswa ngabahlali kwaye azilungeneli urwebo kwiminyaka emine lwakube lwenziwe uvavanyo lwamaxabiso.

"Umhlaba karhulumente ophantsi kwe-trust" ubhekisa kolu luhlu lungezantsi;
- (a) Uphantsi kwe-trust njengoko usetyenziswa ngabantu abo bahlala kuwo.
- (b) Amalungelo okuma umhlaba kulowo ubhalisiweyo aze anikezwa.
- (c) Uchongelwe ukuthengiswa ngokuhambisana namalungelo okubuyekezwa komhlaba.

"Lo Mthetho" uquka imimiselo phantsi koMhlathi wamashumi asibhozo anesithathu. Ngokwalo mthetho igama okanye intetho esuka egameni okanye intetho enentsingiselo ehambelanayo ngaphandle kokuba imeko ezo ithethwa phantsi kwazo inenye intsingiselo.

"**Umhlaba ongenamntu"** kubhekiselele kumhlaba apho kungekho sakhiwo khona.

6. IMIGAQO ESISIKHOKELO

Xa kuqulunqwa uMthetho weRhafu kuMasipala we-Buffalo lemigaqo ilandelayo izakunikwa ingqalelo.

- *Ukulingana,* oku kuthetha ukuba zonke izintlu zezakhiwo nabanikazi bazo bazakuphathwa ngokulinganayo omnye komnye.
- *Ukubanakho uuhlawula,* umthetho werhafu kufuneka uthabathele ingqalelo imeko zokubanakho ukuhlawula irhafu jikelele kubanikazi bezakhiwo.
- *Ukuthotywa kwezinga lentlupheko*, oku kuthetha ukuba umthetho werhafu kufuneka uqwalasele ukumiselwa kwenkqubo yokuthoba ulwamvila lwentlupheko kubarhafi.
- *Uphuhliso lwasekuhlaleni noloqoqosho,* lo mthetho werhafu kufuneka uqinisekisa ukuba uphuhliiso lwabahlali nolo loqoqosho luyenzeka.
- *Inkonzo yemali ezinzileyo*, umthetho werhafu kufuneka uzinise ulawulo lwemali kuMasipala ngendlela engenankcitho.
- *Uphuhliso lwezakhiwo,* lo mthetho werhafu kufuneka ukhuthaze uphuhliso lwezakhiwo ngokuhambisana nophuhliso lokuhlala nemeko yezoqoqosho neemfuno zikaMasipala.
- *Intatho nxaxheba yabahlali,* lo mthetho kufuneka ube kanti uqulathe zonke izimvo neziphakamiso zoluntu.

7. OKUNGAPHANDLE KOMTHETHO NGOKUKA –SECTION 17 WE-MPRA (IRHAFU ENGAVUMELEKANGA)

Lo Mthetho wokuGqibela uCetywayo ubeka elubala okungachatshazelwayo ngumthetho ngokuhambisana no-Section 17 we-MPRA. Uquka oku kulandelayo;

7.1 Amashumi amathathu epesenti okuqala kwixabiso lesakhiwo sikarhulumente njengoko sichazwa ngumthetho.
7.2 Nayo nayiphina indawo eselwandleNayo nayiphina indawo engasemanzini kweli loMzantsi Afrika
7.3 Naso nasiphina isiqithi apho urhulumente angumnikazi wesakhiwo eso lindawo ezikhuselekileyo
7.4 Umhlaba onamalungelo ezimbiwa
7.5 Indawo ezikhuselekileyo ngokusemthethweni
7.6 Amalungelo ezimbiwa.
7.7 Umhlana wabo baxhamle kwinkqubo yobuyekezo lomhlaba
7.8 Amawaka alishumi elinesihlanu (R15 000) exabiso lesakhiwo nesisetyenziswa ngeendlela ezahlukileyo okanye esetyenziswa njengendawo yokuhlala.
7.9 Isakhiwo esisetyenziselwa unqulo nalapho igosa lenkonzo leyo lihlala khona.

8. IZIPHAKAMISO NGOKUBHEKISELELE KWINTLOBO ZEZAKHIWO

Lo mthetho uyacebisa ukuba ezintlobo zilandelayo zezakhiwo maziqwalaselwe;

8.1 Izakhiwo eziyindawo yokuhlala
- Izakhiwo zoshishino
- Izakhiwo zolimo
- Iindawo ezisetyenziswa luluntu

8.2 Umhlaba osezilalini noquka uMhlaba kaRhulumente njengoko kuchazwa ngumthetho wamalungelo emihlaba (Communal Land Rights Act, Provision of Land Assistance Act and Communal Property Association Act).

8.3 Iindawo ezikhuselekileyo njengoko kuchazwa nguMthetho olawula ezeNdalo (National Environmental Management: Protected Areas Act, Act No 57 of 2003 and the National Environmental Management: Biodiversity Act, Act No. 10 of 2004).

8.4 Amaziko eMfundo njengoko echazwa nguMtrhetho weZikolo (Act No. 84 of 1996)

8.5 Izakhiwo ezingasebenziyo ngokungaphandle komhlaba wezoLimo.

8.6 Imihlaba yezimbiwa kuquka iiqwari

8.7 Amathala eencwadi, i-Museum, i-National Monuments, i-National Botanical Gardens kunye ne-Heritage sites

9. UKUHLELWA KWEZAKHIWO EZISETYENZISWA NGENDLELA EZININZI

Xa sithabatha isigqibo ngemali rhafu yokusetyenziswa kwezakhiwo ngendlela ezakhukileyo isiXeko se-Buffalo sithi sizahlule ezi zakhiwo ngokoMhlathi u-9(1)(b) walo mthetho. Ngoko irhafu ehlawulwayo ixhomekeke kwindlela ezisetyenziselwa yona izakhiwo ezo.

10. UKWAHLULWA HLULWA KWERHAFU

Ngokwezimiselo zika-Section 8 we-MPRA, isiXeko se-Buffalo siceba ukumisela irhafu ezahlukileyo ngoko luluhlu lungezantsi;

	Uhlobo Lwesakhiwo
10.1	Isakhiwo esiyindawo yokuhlala
10.2	Izakhiwo zoshishino
10.3	Izakhiwo zolimo
10.4	Iindawo ezisetyenziswa luluntu
10.5	Amaziko eMfundo njengoko echazwa nguMthetho weZikolo
10.6	Izakhiwo ezingasebenziyo ngokungaphandle komhlaba wezoLimo.

11. IZIPHAKAMISO ZOLUHLU LWABANIKAZI BEZAKHIWO

Ngokwemimiselo ka-Section 8 we-MPRA kukho ezi ziphakamiso zilandelayo ngokoluhlu lwabanikazi bezakhiwo;

11.2 Imibutho yenzuzo ebhalisiweyo

11.3 Abaxhamla kwinkqubo yohlengahlengiso lomhlaba njengoko kuchazwa kuMthetho weRhafu yeZakhiwo.
11.4 Abo bahluphekileyo njengoko kuchazwa kumthetho kaMasipala olawula ezi meko
11.5 Abo bafumana indlodla yobudala
11.6 Abo bafumana indodla yokukhubazeka
11.7 Abo bangabanikazi bezakhiwo kodwa bengaxhamli kwindodla yobudala okanye ukukhubazeka, kodwa benabo ubungqina bokuba imali ndzuzo yabo iyalingana naleyo yabo baxhamla kwezi nkonzo.
11.8 Abantu abadala nabangabanikazi bezakhiwo beneminyaka enyi-60 nangaphezulu benaso isazisi kwaye isakhiwo sibe sibhaliswe ngabo. Kufuneka kananjalo babe bahlala kwisakhiwo eso isigxina nemali ndzuzo yabo ingadluli kumawaka amahlanu (5000).
11.9 Amakhaya akhokelwa ngabantwana (xa abazali bebhubhile okanye bekhubazekile, abe kanti umntwana nguye intloko yekhaya elo kwaye uhlala apho isigxina. Kufuneka imeko yekhaya elo ibe kanti iyaziwa ngooNontlalontle.
11.10 Amafama oqobo (ngabantu abanobungqina bomsebenzi wabo wokuthabatha inxaxheba kumsebenzi wefama.
11.11 Amaqela ezemidlalo
11.12 Abo banezakhiwo ezi zinze kwindawo entlithwe yintlekele njengoko kuchazwa nguMthetho oLawula iiNtlekele wamashumi amahlanu anesixhenxe ka-2002.
11.13 Izakhiwo zikaMasipala nezisetyenziselwa ukuphumeza iinkqubo zoMgaqo Siseko.

12. UKUMISELWA KWERHAFU KWIZAKHIWO EZITSHA

12.1 Oku kubhekisa kwizakhiwo ezitsha nebezingahlawuli rhafu kwixesha langaphambili nalapho uMthetho we-MPRA usebenzayo khona. Oku akuziquki izakhiwo ezingahlawuli rhafu ngempazamo kuba zingekho kuluhlu lokuvavanywa kwamaxabiso ezakhiwo okanye isakhiwo esichongwe nguMphathiswa ngesaziso.

12.2 Ukufakelwa kwesaphulelo kwizakhiwo ezitsha singamashumi asixhenxe anesihlanu ekhulwini (75%) kwirhafu ekulindeleke ukuba ihlawulwe kunyaka wokuqala. Amashumi amahlanu ekhulwini (50%) erhafu ahlawulwa kunyaka wesibini aze amashumi amabini anesihlanu ekhulwini (25%) ahlawulwe kunyaka wesithathu.

13. IZIPHAKAMISO ZEZAPHULELO KWIRHAFU KUNYAKA KA-2009/10 NEZINIKWA INGQWALASELA XA UBANI EFAKE ISICELO

Ngokuhambisana no-Section 15 we-MPRA olu luhlu lungezantsi luyaxhamla kwisaphulelo serhafu;

13.1 Izakhiwo ezibhaliswe njengezo zenza ingeniso ngokuka-Section 30 weMali Ngeniso (Income Tax Act) nezisetyenziselwa inkonzo zeMpilo, intlalonte yoluntu, ezeMfundo okanye uPhuhliso.
13.2 Izakhiwo ezihlala abo baxhamla kwinkqubo yokubuyekezwa komhlaba.
13.3 Amakhaya abo baxhamla kiwndodla yobudala.
13.4 Amakhaya ahlaba abo bakhubazekileyo.
13.5 Amakhaya ahlala abantu abahluphekileyo ngokwenkqubo kaMasipala.

13.6 Abo bangabanikazi bezakhiwo kodwa bengaxhamli kwindodla yobudala okanye ukukhubazeka, kodwa benabo ubungqina bokuba imali ndzuzo yabo iyalingana naleyo yabo baxhamla kwezi nkonzo.

13.7 Abantu abadala nabangabanikazi bezakhiwo beneminyaka enyi-60 nangaphezulu benaso isazisi kwaye isakhiwo sibe sibhaliswe ngabo. Kufuneka kananjalo babe bahlala kwisakhiwo eso isigxina nemali ndzuzo yabo ingadluli kumawaka amahlanu (5000).

13.8 Amakhaya akhokelwa ngabantwana (xa abazali bebhubhile okanye bekhubazekile, abe kanti umntwana nguye intloko yekhaya elo kwaye uhlala apho isigxina. Kufuneka imeko yekhaya elo ibe kanti iyaziwa ngooNontlalontle.

13.9 Izakhiwo zikaMasipala nezisetyenziselwa ukuphumeza iinkqubo zoMgaqo Siseko.

13.10 Izakhiwo ezisetyenziselwa imveliso yezolimo

13.11 Izakhiwo zamaqela emidlalo

13.12 Izakhiwo ezizinze kwindawo echatshazelwe yintlekele.

14. IMIGAQO YONIKEZELO KOXOLELO KWIRHAFU, KWIZIBONELELO NEZAPHULELO

14.1 Isicelo sokungahlawuli irhafu, isibonelelo kunye nesaphulelo zithi ziqwalaselwe xa ubani efake isicelo esibhaliweyo aze asithumele kuMlawuli Owongamelwyo weMali rhoqo ngonyaka. Izicelo mazifike kuMasipala phambi komhla wamashumi amathathu ananye kwinyanga ka-Meyi phambi kokuqala konyaka mali lo isicelo sifakelwa yena. Xa ubani engakwenzanga oko, isaphulelo okanye isibonelo sakhe siyakucinywa ze siphinde sisebenze xa isicelo sakhe sesibini sinikwe ingqwalasela.

14.2 Zonke izicelo mazenziwe phantsi kofungo

14.3 Ezo nkampanini okanye izakhiwo ezinikwe igunya lokungahlawuli irhafu mazibe zisetyenziselwa kanye lo msebenzi uchaziweyo kwisicelo. Xa oku kungenzeki, isakhiwo eso siyakuthatyathwa njengesisebenza imisebenzi emininzi sisinye. Ezo ndawo zaso singasebenziyo njengoko kuchaziwe kwisicelo, ayakuphinda avavanywe amaxabiso azo ukuze zihlawule irhafu efanelekileyo

14.4 Isicelo esifakiweyo masinike uMasipala igunya lokuhlola isakhiwo eso ngexesha elifanelekileyo kunyaka mali ngamnye ukuqinisekise ukuba siyayithobela imiqathango nemimiselo yokungahlawuli irhafu okanye ukuxhamla kwayo kwisibonelelo eso..Xa imvume inganikezwanga kuMasipala, ngumnikazi wesakhiwo, isibonelelo okanye igunya lokungahlawuli irhafu liyoxuthwa ngoko nangoko ukuba belisebenza.

14.5 Isicelo sokwaphulelwa kwirhafu sihambisana nesaphulelo kwixabiso lesakhiwo eso kwaye masifakwe kwifomu yaso kwiintsuku ezingamashumi amathathu lakube ixabiso lesakhiwo eso lithotyiwe.

14.6 Uxanduva lukumnikazi wendlu aqinisekise ukuba zonke iinkcukacha ezibhaliweyo uza nazo ngaphambili kwaye nedlu leyo yakhe ikulungele ukuxhamala kwigunya lokungahlawuli irhafu, ukuzuza isibonelelo okanye okanye ukuzuza isaphulelo.

14.7 Umhla wokuqala ukusebenza wegunya lokungahlawuli irhafu okanye ukuzuza isibonelelo iyakuba ngumhla uMasipala aphumeza ngawo isicelo eso. Oku akuthabatheli ngqalelo ukuba isakhiwo eso sinalo ilungelo lokungahlawuli irhafu okanye sifumane isibonelelo ngendlela esisebenza ngayo phambi kwalo mhla.

14.8 UMasipala unalo ilungelo lokungasiphumezi isicelo sokungahlawuli irhafu okanye ukufumana isibonelelo ukuba iinkcukacha ezingenisiweyo aziphelelanga, azifanelekanga okanye aziyonyani. Ngokuhambisana noMhlathi we-15(3) walo mthetho, uManejala kaMasipala uzakudakanca phambi kweBhunga minyaka le oku kulandelayo;

(a) Uluhlu lwabo bangahlawuli rhafu, abafumana izibonelelo nezaphulelo kunyaka mali ongaphambili, aze

(b) Aveze uxwebhu oluchaza ingeniso kaMasipala kunyaka mali ongaphambili ngokwegunya lokungahlawuli rhafu, ukunikezwa kwezibonelelo nezaphulelo njengoko kuchazwa kuMhlathi 17(1)(a), (e), (g), (h) kunye no-(i) walo mthetho.

14.9 Ukungahlawuli rhafu, izibonelelo kwanezaphulelo kuyakushicilelwa kuxwebhu lwerhafu noluthunyelwa kwikhaya ngalinye, rhoqo ngenyanga.

14.10 Le migaqo il;andelayo kufuneka inikwe ingqwalasela xa kufakwa isicelo sesaphulelo kwintlawulo yerhafu;

14.10.1 zicelo zemibutho yabahlali eyenza ingeniso mazikhatshwe yimbalelwano esuka kwiZiko leNgeniso loMzantsi Afrika neqinisekisa ukuba iziko elo linalo ilungelo lokuxhamla ukuba lingahlawuli irhafu.

14.10.2 Izakhiwo zabantu abaxhamla kubuyekezo ngemihlaba. Zona izicelo zabo masikhatshwe bubungqina bemeko yominikazi ndawo leyo.

14.10.3 Izakhiwo zabantu abaxhamla kwindodla nazo mazikhankanywe bubungqina book.

14.10.4 Izakhiwo zabo bakhubazekileyo, nazo mazikhankanywe bubungqina boko.

14.10.5 Abanikazi bezindlu abahluphekileyo njengoko umthetho wokuhlupheka ubachaza. Isicelo sabo masikhatshwe bubungqina ubuchaza imeko yabo.

14.10. 6 Abo bangabanikazi bezakhiwo kodwa bengaxhamli kwindodla yobudala okanye ukukhubazeka, kodwa ibe kanti imali ndzuzo yabo iyalingana nabo baxhamla kwezi nkonzo. Nabo mabaze ngaphambili nobungqina obuchaza imeko yabo

14.10.7 Abantu abadala nabangabanikazi bezakhiwo beneminyaka enyi-60 nangaphezulu benaso isazisi kwaye isakhiwo sibe sibhaliswe ngabo. Kufuneka kananjalo babe bahlala kwisakhiwo eso isigxina nemali ndzuzo yabo ingadluli kumawaka amahlanu (5000) Isicelo masikhatshwe bubungqina bemali ngeniso yomnikazi wendlu leyo..

14.10.8 Amakhaya akhokelwa ngabantwana (xa abazali bebhubhile okanye bekhubazekile, abe kanti umntwana nguye intloko yekhaya elo kwaye uhlala apho isigxina. Kufuneka imeko yekhaya elo ibe kanti iyaziwa ngooNontlalontle.kwaye banikeze ubungqina obubhaliweyo.

14.10.9 Izakhiwo zikaMasipala nezisetyenziselwa ukuphumeza iinkqubo zoMgaqo Siseko ngokungaphandle koshishino. Zona ezi izakhiwo mazichazwe kuMlawuli wezimali kaMasipala.

14.10.10 Izakhiwo ezisetyenziselwa imveliso yezolimo. Isicelo masikhatshwe bubungqina berhafu yalowo ufaka isicelo okanye umqeshi wakhe iqulathe oku kulandelayo

- Ubukho beendlela zikaMasipala nemko yazo
- Ubukho benkonzo yelindle kaMasipala
- Ubukho bombane kaMasipala
- Inkonzo yokuthutha inkunkuma kaMasipala
- Ifute lengqesho nemisebenzi (inani labantu abaxelengayo isigxina)
- Ubukho bezindlu zabantu abaxelengayo kwindawo leyo
- Amanzi kwizakhiwo ezo

- Umbane kwizakhiwo ezo
- Ukufumaneka komhlaba nezakhiwo zokuhlala kubasebenzi ngokubhekiselele kumangcwaba, ezikolo neendawo zokudlala abantwana

14.10.11 Izakhiwo zemidlalo. Izicelo zazo mazikhatshwe yingxelo yemali nechazayo ukuba akukho mali ngeniso yokuhlawula irhafu. Kananjalo kubekho negxelo echazayo ukuba indawo leyo ayicaluli abantu ngokwebala labo na okanye isini kwaye nabantu abahlelekileyo bayaxhamla.

14.10.12 Abantu abanezakhiwo ezizinze kwindawo yentlekele. Izicelo zabo mazikhatshwe bubungqina bomonakalo.

15. UXANDUVA LUHLAWULISA IMALI YERHAFU

15.1 Lowo sibhaliswe ngaye isakhiwo unoxanduva lokuhlawula irhafu

15.2 Xa indlu leyo ibhaliwe ngabantu ababini, bobabini banoxanduva lokuhlawula irhafu

15.3 Xa kukho itayitile, lowo ibhaliswe ngaye uzakuhlawula irhafu

15.4 UMasipala unelungelo lokuhlawulisa irhafu rhoqo ngenyanga

15.5 Amatyala erhafu ayachaza imali ekufaneleke ihlawulwe, usuku emayihlawulwe ngalo, indlela ebalwe ngayo, ixabiso lendlu kwimakethi, isaphulelo ukuba sikhona nemali eyongezekileyo yerhafu ukuba ikhona.

15.6 Ukuba imali yerhafu ayihlawulwanga, uMasipala unako ngokulandela uSection 28 no 29 we-MPRA, anyanzelise ukuhlawulwa kwayo ngumikazi okanye lowo uyiqeshileyo.

16. UPHENGULULO LOMTHETHO OLAWULA IRHAFU

Ngokuhambisana no-Section 5 we-MPRA, uMasipala rhoqo ngonyaka uzakufaka izihlomelo kumthetho werhafu ethabathela ingqalelo iziphakamiso zoluntu jikelele.