



ISIXEKO SE-BUFFALO CITY

**To be used as the basis for public
consultations**

Version 3

**ISIXEKO SE-BUFFALO CITY
UMQULU OYILWAYO WOMTHETHO WERHAFU
Uzakusetyenziswa njengesiseko sokuzuza izimvo zoluntu ngokubanzi nezo zeeKomiti zeWadi**

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1. IINJONGO ZOLU XWEBHU

Iinjongo zolu xwebhu kukuba sisiseko sokuzuza izimvo zoluntu ngokubanzi ngokubhekiselele kumthetho olawula intlawulo yerhafu kaMasipala nezakuqala ukusebenza ngomhla wokuqala kuJulayi ka-2009, ngokunxamnye nokuhlengahlengiswa kwamaxabiso ezakhiwo kwisiXeko se-Buffero.

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

2. INTSHAYELELO

UMthetho olawula iRhafu yeZakhiwo zikaMasipala uyinombolo yesithandathu ka-2004 ubeka uxanduva kooMasipala ukuba baqulunqe baze baphumeze imithetho ehambisana nalo mthetho xa behlawulisa abahlali irhafu yezakhiwo kwindawo zabo.

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

Le mali ngeniso yiyo ethi isetyenziswe 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 neenkitho 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 imeko yezoqoqosho nolawulo lwemali nxamnye nemimiselo yesoloty lekhulu 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.

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. ISIKHOKELO SOMTHETHO

NgokoMhlathi wamakhulu amabini anamashumi amabini anesithoba woMgaqo Siseko woMzantsi Afrika oyinombolo yekhulu nesibhozo yomnyaka we-1996, uMasipala unalo ilungelo lokumisela irhafu yezakhiwo.

NgokoMhlathi we-4 (1)(a) weNkqubo zikaMasipala oyinombolo yamashumi amathathu anambini womnyaka we-2000, uMasipala unelungelo lokuhlawulela iinkonzo zakhe ngokuthi phakathi kwezinye izinto amisele intlawulo yerhafu kwizakhiwo.

NgokoMhlathi we-2(1) woMthetho Olawula IzaKhiwo zikaMasipala oyinombolo yesithandathu ka-2004, uMasipala unakho ukumisela intlawulo yerhafu kwizakhiwo ezikumda wakhe ngokwezimiselo zoMthetho.

IBhunga likaMasipala limisela irhafu ngokwalo mthetho uchazwe apha ngasentla. Ngokwenza njalo, lo mthetho werhafu uqulunqwe phakathi kwimida yomthetho. Umthetho werhafu uchaphazela izakhiwo zodwa, hayi inkqubo avavanywa ngayo amaxabiso ezakhiwo, nokuphunyezwa koluhlu lwezakhiwo ezivavanyiweyo nelawulwa ngumthetho.

4. INKQUBO YOKUZUZA IZIMVO

1. Uluntu ngokubanzi luzakunikwa ithuba lokunika ingqwalasela lo mqulu kwinyanga ka-Septemba 2008.
2. Iinkqubo zoluntu zokunikeza ngolwazi zizakubanjwa kwinyanga ka-Septemba 2008 kwaye imihla neendawo ziza kubhengezwa ngokusebenzisa izaziso.
3. **Imibutho, amaqumrhu, ii-foram noluntu jikelele abanomdla wokwenza iziphakamiso banokukwenza oko ngembalelwano engagqithanga kumaphepha amathathu baze bayithumele kwiziko elijongene nokuvavanywa kwamaxabiso ezakhiwo (GV) kule dilesi.....**

4. Abo bantu bafuna ukuphefumla ngentetho engagqithanga kwimizuzu engamashumi amabini banokukwenza oko ngokubekela bucala umhla, ixesha kwakunye nendawo nezizakubhengezwa ngendlela eyahlukileyo kwezinye izibhengezo.
5. Yakube iqkunjelwe inkqubo yokuthabatha izimvo eluntwini, uMasipala uzakunika ingqwalasela kuko konke okuqulathwe zezo zimvo aze apapashe uxwebhu lokugqibela olungekaphunyezwa ukuze kufakwe ezinye izimvo phambi kokuphela kuka-Febhuwari ka-2009. Uluntu luzakunikwa iintsuku ezingamashumi amathathu ukuveza iziphakamiso zokugqibela kulo mthetho.
6. Umthetho werhafu yomnyaka ka-2009/10 uzakuthi udakancwe phambi kweBhunga kunye nokuphunyezwa koHlahlo Lwabiwo Mali ukuze ibe ngumthetho weBhunga.

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) Ukwanikela 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 wezokhenketho okanye urhwebo okanye ukuzingela izilwanyana.

“Ngonyaka” ithetha ukuba rhoqo ngonyaka mali.

“Ibhodi yezibheni” le yibhodi yezibheni nemiselwe ngokoMhlathi wamashumi amahlanu anesithandathu.

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

“Amafama oqobo” ngumntu ozinikeleyo njengomfama nosebenzisa umhlaba ngendlela efanelekileyo.

“Uluhlu”

- (a) Ngokubhekiselele kwizakhiwo, oku kuthetha uluhlu lwezakhiwo njengoko luchazwa kuMhlathi wesibhozo.
- (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 nkukacha” ngumntu ochongelwe ukuqokelela ulwazi okanye iinkukacha 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” isichazi magama sizakuphinda sihlonyelwe.

“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” (IDZ) Yinxalenye yoPhuhliso lwaMashishini eMzantsi Afrika nelicebo likarhulumente ukuphuhlisa ezoqoqosho. Iinjongo kukukhuthaza ukhuphiswano namanye amazwe ehlabathi nokuphuhlisa uqoqosho notyalo mali. Ezi ndawo iinjongo zazo kukukhuthaza ukwakhiwa kwamashishini ngokudibene namachweba ehlabathi jikelele okanye amaziko okubhabha nokuhlala iinqwelo moya nezakhelwe utyalo mali. Iinkampani ezi zinze kwezi ndawo zilawulwa yimithetho yeli, kodwa ziye zixhamle kumaqithi qithi enxaso avela kurhulumente. Yona i-IDZ yase Montii izinze kwisiXeko se-Buffero nesiquka iBhisho neQonce.

“Oxhamla kuhlengahlengiso 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” lo 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 woRhulumente bamaKhaya” lilungu leQoqo loLawulo kwiNdlu yoWiso Mthetho yePhondo nojongene nolawulo 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 ngendlela 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 weNkqubo 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.

“Umdlali” ngumntu ohlala endlwini enalo ilungelo loko okanye engenalo.

“Isigaba sikhulumente” 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 sakhiwo 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 singekatshintshelwa kulawulo lwakhe.

“Usetyenziso oluvunyiweyo” ukusetyenziswa kwesakhiwo ngale ndlela ingezantsi;

- (a) Xa imiqobo imiselwe ngokwetayitile, isibonelelo ngokocetyo lwedolophu okanye 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 woKhuselo lwendawo.

“UMthetho weNdawo eziKhuselekileyo” 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 nguNdunkulu okanye iPhondo neenkonziso 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 wamashumi 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 zasezilalini” lo ngumhlaba wasezilalini nobekela bucala ezo zakhiwo zihlawula irhafu kunye nomhlaba karhulumente ophantsi kwe-Trust njengoko uchazwa ngumthetho.

“UMthetho wetayitile zesiqingatha” lo ngumthetho wemhlaba 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” lo ngumhlaba 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 ukuhlawula*, 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 uqinisekise ukuba uphuhliso lwabahlali nolo loqoqosho luyenzeka.
- *Inkonzo yemali ezinzileyo*, umthetho werhafu kufuneka uzinzise ulawulo lwemali kuMasipala ngendlela engenancitho.
- *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. IRHAFU ENGAVUMELEKANGA

UMhlathi weshumi elinesixhenxe ubeka elubala irhafu engavumelekanga kwaye iquka oku kulandelayo;

- Amashumi amathathu epesenti okuqala kwixabiso lesakhiwo sikarhulumente njengoko sichazwa ngumthetho.
- Nayo nayiphina indawo eselwandle.
- Nayo nayiphina indawo engasemanzini kweli loMzantsi Afrika
- Naso nasiphina isiqithi apho urhulumente angumnikazi wesakhiwo eso
- Iindawo ezikhuselekileyo
- Umhlaba onamalungelo ezimbiwa
- Umhlaba olawulwa ngabo baxhamla kwinkonzo yohlehlengiso lomhlaba
- Ishumi elinesihlanu lamawaka eerandi lexabiso lesakhiwo nezinye izakhiwo ezisetyenziselwa izinto ezininzi nalapho enye yazo isetyenziswa njengendawo yokuhlala.
- Isakhiwo esisetyenziselwa inkonzo zonqulo kubandakanya nesakhiwo esihlala lowo wongameleyo.

8. ULUHLU LWEZAKHIWO

Uluhlu lwerhafu lunokugqitywa ngolu hlobo;

- (a) Ukusetyenziswa kwesakhiwo eso
- (b) Imvume enikwe kwesakhiwo eso
- (c) Indawo esizinze kuyo isakhiwo

Olu luhlu olucetywayo sisiXeko se-*Buffalo*

- (a) Izakhiwo zokuhlala
- (b) Izakhiwo zorhwebo ne-industries
- (c) Izakhiwo zolimo
- (d) Izakhiwo zoluntu
- (e) Iindawo zokuhlala zasezilalini
- (f) Umhlaba karhulumente ophantsi kwe-trust
 - Umhlaba karhulumente ophantsi kwe-trust njengoko uchazwa kuMhlathi wokuqala woMthetho waMalungelo okuHlala ka-2004.
 - Izakhiwo ezifumaneka phantsi koMthetho woNcedo ngoNikezelo ngoMhlaba okanye uMthetho wokuBuyekezwa koMhlaba okanye uMthetho waMalungelo okuHlala.
- (g) Iindawo ezikhuselekileyo
- (h) Imihlaba ekhethiweyo karhulumente. Le yimihlaba ephantsi kukarhulumente kaNdlunkulu okanye owePhondo nesetyenziswa ngabahlali bengarhwebi kuyo iminyaka emine akube amaxabiso ayo ethe avanywa.
- (i) Imihlaba kaMasipala
- (j) Izikolo, kuquka ezoluntu, ezabucala kunye nezo zinika uqeqesho nokuphuhlisa abantwana abancinane.
- (k) Imihlaba engasetyenziswayo
- (l) Iindawo ezikhethelwe uphuhliso

9. UHLELO LOKUSETYENZISWA KWEZAKHIWO NGENDLELA EZININZI

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

10. UKWAHLULWA HLULWA KWERHAFU

Olu luhlu lungezantsi luzakuthatyathelwa ingqalelo xa kumiselwa irhafu eyahlukileyo;

- Uhlobo lwesakhiwo eso kuquka ubuzaza baso ngokubhekiselele kwezolimo.
- Ifuthe lerhafu kwisakhiwo eso nesisetyenziselwa ukuphuhlisa imeko yasekuhlaleni noqoqosho lukaMasipala.
- Irhafu ezahlukileyo kwizakhiwo ngezakhiwo izakumiselwa ngendlela yeyantlukwano phakathi kwazo.
- Ngokunxamnye nezi njongo zokumisela irhafu eyahlukileyo kwizakhiwo zokuhlala, nxamnye nezo zakhiwo zoshishino nenye irhafu eyahlukileyo yezinye iintlobo zomhlaba ongasebenziyo njengoko kuchazwa kulo mthetho uqulunqwayo.
- Njengesongezelelo kuxolelo lokuhlawula irhafu, izaphulelo kwixabiso lesakhiwo kwanembuyekezo ngokwemali ntlawulo, iyakuqwalaselwa kubanikazi bezakhiwo abohlukileyo (abo baxhamla indodla yobudala okanye isibonelelo sokukhubazeka) ngokuhambisana neziphumo zenkqubo yokuzuza izimvo zabahlali nezigqibo zokuhlengahlengiswa kwirhafu.

11. IZIPHAKAMISO ZOXOLELO KWIRHAFU, IZIBONELELO NEZAPHULELO

Uxolelo kwintlawulo yerhafu, isaphulelo nesibonelelo zizakunikezwa kubanikazi bezakhiwo kuluhlu ngalunye oluzakuqwalaselwa rhoqo ngonyaka ngokuhambisana nohlengahlengiso lomthetho werhafu kunye nekqubo yohlahlo lwabiwo mali. Ukunikezwa kwezibonelelo kuzama ukuqinisekisa ukothula umthwalo onzima wokuhlawula irhafu ukuze ulingane kuzo zonke izintlu zezakhiwo kuMasipala.

Ngokusekelezwe kwimigaqo enika umkhomba ndlela kulo mthetho ucetywayo, olu luhlu lulandelayo lwabanikazi bezakhiwo luzakunikwa ingqwalasela kuxolelo, izibonelelo kwanezaphulelo;

- Imibutho yenzuzo ebhalisiweyo
- Abaxhamla kwinkqubo yohlengahlengiso lomhlaba
- Abo bahluphekileyo njengoko kuchazwa kumthetho kaMasipala olawula ezi meko
- Abo bafumana indodla yobudala
- Abo bafumana indodla yokukhubazeka
- Abo bangabanikazi bezakhiwo kodwa bengaxhamli kwindodla yobudala okanye ukukhubazeka, kodwa ibe kanti imali ndzuzo yabo iyalingana nabo baxhamla kwezi nkonzo kananjalo babe bayachatshazelwa ngumthetho olawula ukuhlupheka kumaMasipala.
- Amakhaya akhokelwa ngabantwana
- Abo banezakhiwo babe bengaxelengi ndawo
- Amafama okwenyani
- Amaqela ezemidlalo
- Abo banezakhiwo ezi zinze kwindawo entlithwe yintlekele njengoko kuchazwa nguMthetho oLawula iiNtlekele wamashumi amahlanu anesixhenxe ka-2002.

IsiXeko se-Buffero siceba ukumisela ezi zaphulelo, izibonelelo kwanoxolelo lwerhafu kwaba balandelayo;

Amakhaya ahlupekileyo: Ibhunga liphumeze umthetho olawula abo baphantsi kwentlupheko ukuze kuthotywe ulwamvila lwendlala nakwabo bafumana imali ndzuzo encinane. Abo banelungelo lokuxhamla phantsi kwalo mthetho mabafake izicelo ukuze baxhamle ukuba oko akwenzeki ngoku sithethayo.

Olu luhlu lulandelayo lwabanikazi bezakhiwo kufuneka lunikwe ingqwalasela njengabantu “abahluphekileyo” kwaye abasayi kuyihlawula irhafu;

- Abaxhamla kiwindodla yabadala
- Abo bangabanikazi bezakhiwo kodwa bengaxhamli kwindodla yobudala okanye ukukhubazeka, kodwa ibe kanti imali ndzuzo yabo iyalingana nabo baxhamla kwezi nkonzo. Kananjalo babe kanti bayachatshazelwa ngumthetho olawula ukuhlupheka kumaMasipala.
- Abo bangaxelengi ndawo kwaye banabo ubungqina bokuba abaxelengi
- Amakhaya akhokelwa ngabantwana
- Abanikazi bezindlu abahluphekileyo njengoko umthetho wokuhlupheka ubachaza

Amafama okwenyani: Ngokubhekiselele kwizakhiwo ezisetyenziselwa ezolimo, umnikazi unakho ukufumana isibonelelo phantsi kwezi meko zilandelayo;

- a) Isakhiwo masisetyenziselwe ezolimo ngokwenyani
- b) Ukusetyenziswa kwesakhiwo makuhambelane nokwahlulwa kwendawo leyo
- c) Umnikazi fama leyo makabe kanti ubhalisile kwiZiko leNgeniso loMzantsi Afrika njengomfama azise ngaphambili ikopi ye-IT48 yakhe yokugqibela kunye nesicelo sakhe sesibonelelo. Ukuba akanayo i-IT48 igosa likaMasipala ngokuyalelwa nguMphathi kaMasipala lizakukhupha isatifikethi sezolimo akube enze uhlolo kwifama leyo. Kuqala igosa elo kufuneka lizanelise ukuba ngenene ngenene isakhiwo eso siqhuba ushishino lwezolimo.
- d) Ukuba umnikazi yinkampani nebekela bucala iZiko leNgeniso loMzantsi Afrika ukuba likhuphe i-IT48 egameni lomnikazi xa esenza isicelo, igosa likaMasipala ngokuyalelwa nguMphathi kaMasipala lizakukhupha isatifikethi sezolimo akube enze uhlolo kwifama leyo. Kuqala igosa elo kufuneka lizanelise ukuba ngenene ngenene isakhiwo eso siqhuba ushishini lwezolimo.
- e) Umnikazi mhlaba kufuneka aqinisekise ukuba uyahambisana noMthetho weMiliyo yaMadlelo naMahlathi yekhulu elinanye ka-1998 neminye imithetho yolawulo lwezityalo ezingavumelekanga.
- f) Isakhiwo esisetyenziswa kwezokhenketho, urwebo okanye ukuzingelwa kwezilwanyana asisayi kuxhamla kwisibonelelo.

Amaqela ezemidlalo: La ngamaqela ezemidlalo asaqalayo okanye lawo aphumeleleyo nasebenzisa amabala ukuziqeqesha bewaqeshile okanye ingawabo. Ngoko ke inkxaso enikizelwa amaqela aphumeleleyo yahlukile kunaleyo inikwa la asakhasayo.

Iindawo zophuhliso ezibekelwe bucala: Xa ibhunga lichonge indawo yophuhliso, uphuhliso luthi lukhuthazwe ngokunikeza izibonelelo kwirhafu okanye kubekho irhafu ezahlukileyo kwindawo leyo njengoko uMhlathi wamashumi amabini anesibini olawula irhafu yooMasipala ka-2004 usitsho.

Imibutho yoluntu eyenza ingeniso: Xa sithabathela ingqalelo ifuthe lerhafu kule mibutho nebhaliswe ngokweRhafu yeNgeniso ukuze ifumane isaphulelo, siphakamisa ukuba yonke imibutho eyenza ezi nkonzo zingezantsi mayingahluli rhafu;

- Imibutho enikeza uncedo kuluntu, umzekelo ngexesha lentlekele
- Imibutho yezeMpilo, njengaleyo inceda abantu abanesifo sikaGawulayo kuquka uncedo oluya kwizalamane zabo neentsapho zabo.
- Imibutho yeMfundo noPhuhliso, umzekelo leyo inika uqeqesho kwiintsana ezisaqalayo.

IsiXeko se-Buffalo asisayi kuhlululisa irhafu kwizakhiwo ezibhaliselwe unqulo kubandakanya isakhiwo esibhaliswe egameni labahlali nesihlala umlawuli wenkonzo leyo yonqulo ngokoMhlathi we-17(1)(i) walo mthetho.

IsiXeko siyakuqwalasela izibonelelo kwizikolo zoluntu nezo ziphuhlisa iintsana ezisaqalayo. Kwakhona isiXeko sizakunika izibonelelo kwizakhiwo zikarhulumente ezikhethekileyo nezisetyenziswa ngabahlali kodwa bengashishini kuzo kwiminyaka emine kwakube kwenziwe uvavanyo maxabiso lwezakhiwo ezo.

Kananjalo, isiXeko siyakuqwalasela isibonelelo sohlobo olwahlukileyo kwiziko lophuhliso lwaseMonti (IDZ).

12. IMIGAQO YONIKEZELO KOXOLELO KWIRHAFU, KWIZIBONELELO NEZAPHULELO

Isicelo sokungahlawuli irhafu, isibonelelo kunye nesaphulelo zithi ziqwalaselwe xa ubani efake isicelo esibhaliswe 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 isibonelelo sakhe siyakucinywa ze siphinde sisebenze xa isicelo sakhe sesibini sinikwe ingqwalasela.

Zonke izicelo mazenziwe phantsi kofungo. Xa sisongeza, zona izicelo zemibutho yabahlali eyenza ingeniso mazikhathshwe yimbalelwano esuka kwiZiko leNgeniso loMzantsi Afrika neqinisekisa ukuba iziko elo linalo ilungelo lokuxhamla ukuba lingahlawuli irhafu. Bonke abanye abanikazi bezakhiwo abafuna ukungahlawuli irhafu mabafake imbalelwano esuka kwinkampani yabaphicothi ncwadi okanye ingxelo yemali yonyaka nengqina isicelo eso sabo.

Ezo nkampani 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.

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

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

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

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.

UMasipala unalo ilungelo lokungasiphumezi isicelo sokungahlawuli irhafu okanye ukufumana isibonelelo ukuba iinkcukacha ezingenisweyo aziphelanga, 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.

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

13. UPHENGULULO LOMTHETHO OLAWULA IRHAFU

UMasipala uyakufakela isihlomelo kumthetho olawula ukuhlawulwa kwirhafu kananjalo athabathele ingqalelo iziphakamiso nezimvo zabahlali, rhoqo ngonyaka xa oko kuyimfuneko,