IMITHETHO ELAWULA UKWAKHEKA

NOKUSEBENZA

KWAMAKOMIDI

EZIGCEME

ISANDULELO

NJENGOKUBA

Isigaba 152 soMthethosisekelo wezwe sibeka ukubamba iqhaza komphakathi enkabeni yokuhanjiswa kwezinsiza emiphakathini kanye nezinye izindaba eziphathelene noHulumeni Basekhaya.

I-Municipal Structures Act ka 1998 kanye ne-Municipal Systems Act ka 2000 ihlinzeka ngohlaka lomthetho wokwakhiwa kwamaKomidi Ezigceme.

Isigaba 73(3) se-Municipal Structures Act sihlinzeka ngokuthi:-

"UMasipala wedolobha elikhulu (Metro) noma uMkhandlu kamasipala wendawo kufanele wakhe imithetho elawula

a) Indlela yenqubo yokukhetha amalunga eKomidi Lesigceme, kodwa futhi kukhunjulwe isidingo:-
   i. sokuba abantu besifazane bameleleke ngokulinganayo ekomidini lesigceme; kanye nesidingo
   ii. sokuba kubhekeleleke zonke izimfuno ezikhona esigcemeni ngokulinganayo;
      - izimo eziyodala ukuba lawo malunga ashiye ehhovisi; kanye
      - nokuthi imihlangano yamaKomidi Ezigceme iyobanjwa kangaki."

UMasipala waseThekwini unguMasipala onohlelo lokuphatha ngokubambisana okusezingeni leKomidi Lesigungu Esiphezulu oluhlangene nohlelo lokubamba iqhaza kwezigceme, njengokulandisa kweSaziso 648 sika 2005.

NGAKHO-KE MANJE, imithetho engezansi izolawula ukwakhiwa kanye nokusebenza kwamaKomidi Ezigceme ngaphakathi kuMasipala waseThekwini.

1. UKUSEBENZA KWALE MITHETHO

1.1 Le mithetho isebenza kuyo yonke imihlangano yamaKomidi Ezigceme.

1.2 Singujuqu noma siyisibopho isinqumo esikhishwa yiKhansela Lesigceme/uSihlalo ekusetshenzisweni noma ekuhunyushweni kwale mithetho kanye nezinye izinto ezimayelana nendlela yenqubo ezingadingidiwe kule Mithetho.

2. IZINCAZELO

Kule mithetho, igama noma ibinzana lamagama linencazelo elinikwe yona kwi-Local Government Municipal Structures Act ka 1998, kanye nakwi-Local Government Municipal Systems Act ka 2000, ngaphandle uma okuqukethwe enkulumeni kunenye incazelo.

3. INJONGO

Injongo yokuba khona kweKomidi Lesigceme ukuba kusimamiswe intando yeningi efaka phakathi iqhaza lomphakathi kohulumeni basekhaya.

IKomidi Lesigceme:-

3.1 liwuhlaka olwelulekayo kuphela olungenawo amandla okwenza okusuke kunqunyiwe;
3.2 liwuhlaka oluzimele;
3.3 liwuhlaka olumele isigceme;
3.4 liwuhlaka olungachemile futhi lenza umsebenzi walo ngaphandle kokwesaba, ngaphandle kokwenzelela nangaphandle kokuchema;
3.5 liwuhlaka olungasebenzi ngokwezombusazwe;
3.6 liwuhlaka oluhlangene oluvikela bonke abantu noluqinisekisa ukudidiyelwa kwezinhlelo zentuthuko esigcemeni.

4. UBULUNGU EMAKOMIDINI EZIGCEME

Isigaba 73(2) se-Municipal Structures Act sihlinzeka ngokuthi iKomidi Lesigceme libunjwa yiKhansela likaMasipala elimele isigceme eMkhandlwini kaMasipala, okuyilona futhi okufanele libe nguSihlalo wekomidi kanye namanye amalungu angeqile eshumini.

5. INDLELA ESEBENZA UKUKHETHELWA UBULUNGU

Umuntu uyokwazi ukukhethwa ukuba angene ekomidini kuphela uma yena:-

5.1 engumvoti obhalisiwe kuleso sigceme futhi ogama lakhe liyavela Ohlwini Lwabavoti lwaleso siGceme;
5.2 ekhethwe yiqeqeba labantu abanezimfuno ezifana nezakhe ukuba ayosebenza ekomidini;
5.3 engakweleti uMasipala isikhathi esingaphezulu kwezinyanga ezintathu (3), ngaphandle uma engabuveza ubufakazi bokuthi sezivele zenziwe izinhlelo noMasipala zokuthi (lowo okhethwayo) uzosikhokha kanjani isikweletu futhi uzohlala enegama elihle kuMasipala kuze kuphele isikhathi sokusebenza kwakhe ekomidini;
5.4 engesona isisebenzi sikaMasipala:
5.5 engesona isisebenzi sentuthuko yomphakathi noma umuntu othola isibonelelo kunoma yimuphi umnyango kaHulumeni Kazwelonke noma wesiFundazwe ngokwenza imisebenzi ethile yomphakathi;
5.6 engakaze aboshwe emuva kukaNhlolanja 1997 eboshelwa icala lapho wagwetshwa khona, kubhadla ejele isikhathi esiyizinyanga ezingaphansi kweziyi -12 ngaphandle kokunikwa ithuba lokukhetha ukuba ahlawuliswe; futhi
5.6 engeyena umuntu onokuphazamiseka engqondweni futhi okunqunywe lokho yinkantolo efanele ukuthi ukuleso simo.

6. IQHAZA LEKHANSELA LE PR

6.1 USomlomo, ngokubonisana noSotswebu bamanye amaqembu ehlukahlukene ezombusazwe akhona eMkhandlwini, uyothumela amaKhansela e-PR emaKomidini Ezigceme.
6.2 AmaKhansela e-PR ayosebenza emaKomidini Ezigceme ngokwezikhundla zawo.
6.3 AmaKhansela e-PR ayolekelela futhi ahlangabezane nomsebenzi owenziwa ngamaKhansela Ezigceme.
6.4 AmaKhansela e-PR ayobamba iqhaza ezingxoxweni zamaKomidi Ezigceme kodwa ngeke abe nalo ilungelo lokuvota nxa kuvotwa.

7. IMISEBENZI YAMAKOMIDI EZIGCEME

7.1 Ikomidi Lesigceme lingenza izincomo nganoma yiluphi udaba oluthinta isigceme salo; luzenza eKhanseleni lesiGceme, noma lithume iKhansela Lesigceme eMkhandlwini kaMasipala, Ekomidini Lesigungu Esiphezulu noma eKomidili Lokweseka.

7.2 Ikomidi Lesigceme liyothathwa njengohlaka olusemthethweni oluyokwaziswa uMkhandlu kaMasipala njengomgwamanda wokuxhumana futhi libe wumgudu wokuxhumana mayelana ngezindaba ezithinta isigceme, kuhlanganisa, kodwa kungagcini kulokhu:-

- ukumela umphakathi ekuhlelweni nokwenziwa kwezinhlelo ezididiyelwe zentuthuko (IDP);
- ukuqinisekisa ukuxhumana okubumbene nokunokuthula phakathi kukaMasipala kanye nomphakathi;

7.3 Ukusebenza njengengomxhumanisi ohlanganisa umphakathi uma kukhona okumele kwenziwe. Lokhu kungenziwa ngale ndlela ebekiwe elandelayo:-

- Ukubhekela zonke izindaba ezithinta futhi ezizohlomulisa lowo mphakathi eliwumele
- Ukusebenza ngokucabangela izidingo zalowo mphakathi eliwumele;
- Ukuqinisekisa ukubamba iqhaza okunamandla komphakathi kulokhu;
  - Imikhankaso egqugquzela ukukhokhelwa kwamasevisi;
  - Uhlelo lwesabelomali sikaMasipala;
  - Izinqumo mayelana nokuhlinzekwa kwamasevisi kaMasipala;
  - Izinqumo mayelana neMithetho kaMasipala,
  - Kanye neminye imisebenzi okungenzeka ukuba inikezwe kulona iKomidi nguMkhandlu kaMasipala.

7.4 Ikomidi Lesigceme lingazwakalisa ukungenami ngokuthi libhalele uSomlomo uma linengwa wukungasebenzi ngendlela egculisayo kweKhansela Lesigceme.

8. UKUQAGULWA KWALEZO ZIDINGO OKUFANELE ZIMELELEKE EMAKOMIDINI EZIGCEME

8.1 Ukumeleleka emaKomidini Ezigceme kumele kuhambisane nomthetho [Isigaba 73 (3) se-Municipal Structures Act] esibeka ukuthi:-

"73. Ukwakhiwa kwamaKomidi Ezigceme. (1) Nxa uMasipala wedolobha elikhulu noma umkhandlu kaMasipala wendawo uthatha isinqumo sokuba ube namakomidi ezigceme, kufanele wakhe ikomidi lesigceme kuleso naleso sigceme kuMasipala.

(2) Ikomidi lesigceme libunjwa yilaba

(a) ikhansela elimele leso sigceme emkhandlwini, okuyilona futhi okufanele libe ngusihlalo wekomidi; kanye

(b) nabanye abantu abangeqile eshumini (10).

(3) Umasipala wedolobha elikhulu noma uMkhandlu kaMasipala wendawo kufanele wenze imithetho ezolawula

(a) indlela yenqubo yokuqoka ngokwesigatshana (2) (b) amalunga ekomidi lesigceme, kodwa kungakhohlakali isidingo sokuthi

(i) abantu besifazane bameleleke ngokulinganayo ekomidini lesigceme; nokuthi

(ii) izidingo zabantu zimeleleke kahle zonke ngokwahlukahlukana kwazo;

(b) izimo okufanele ukuthi lawo malunga ashiye ngaphansi kwazo ehhovisi; kanye

(c) nokuthi imihlangano yamakomidi ezigceme iyobanjwa kangaki.

(4) UMasipala wedolobha elikhulu noma uMkhandlu kaMasipala wendawo ungazenzela wona izinhlelo ezizokwenza ukuba amakomidi ezigceme enze imisebenzi yawo futhi asebenzise amandla awo ngendlela ephusileyo."

9. UHLELO LOKUKHETHWA KWAMALUNGA EKOMIDI LESIGCEME

9.1 USomlomo uyobiza umhlangano esigcemeni wokuba kukhethwe iKomidi Lesigceme.

9.2 Kuyovulelwa ithuba lokuba kukhethwe abantu abalishumi kodwa bangabi ngaphezulu kweshumi nanhlanu.

9.3 Ukuvalwa kokukhethwa kwabantu kungaphakanyiswa uma sekukhethwe abantu abalishumi futhi, uma kuvunyelwana, ngeke sisaba khona isidingo sokuba kuvotwe.

9.4 Uma abantu abakhethwayo bedlula eshumini, kuyobe sekudlulelwa ethubeni lokuba kuvotwe.

9.5 IKhansela Lesigceme kanye noMnyango wakwa Community Participation and Action Support kufanele baqiniseke ukuthi:-

a) Imihlangano imele ngokweqiniso yonke imikhakha eyaziwayo ehlonzwe nguMasipala futhi kube ngebekwe eqhulwini ekuthuthukisweni kwaleso sigceme futhi kube khona ikhoramu yabantu okungenani abali -100 abanelungelo lokuba bavote futhi abangamalunga omphakathi.

b) Lusayiniwe uhla lwabantu abathamele umhlangano.

9.6 Indlela yenqubo yokukhetha amalunga kufanele ibhekele isidingo sokuba abantu besifazane bameleke ngokulinganayo eKomidini Lesigceme futhi nezidingo zabantu zimeleke zonke ngokwahlukahlukana kwazo.

9.7 Ikomidi lesigceme liyokhetha unobhala walo eliyomkhetha kuwona amalunga ekomidi lesigceme.

10 UBUNGAKO BEHLANDLA ELIZOHLALWA NGAMALUNGA EHHOVISI

Ihlandla eliyohlalwa ngamalunga eKomidi Lesigceme liyonqunywa yisinqumo somkhandlu ngokwesigaba 75 seLocal Government: Municipal Structures Act (Ongunombolo 117 ka 1998).

11 IMIHLANGANO

11.1 Indlela yenqubo yemihlangano

a) Imihlangano yeKomidi Lesigceme ibizwa yiKhansela Lesigceme futhi kube yilona uSihlalo womhlangano.

b) IKhansela Lesigceme lingakwazi ukuqoka ngokubhala phansi umuntu ozoliqhubela umhlangano ahlale esihlalweni salo oyilunga leKomidi Lesigceme nxa lona lingeke likwazi ukuphumelela ukuba khona emhlanganweni.

c) Uma kungekho muntu oqokwe nguSihlalo, amalunga kufanele akhethe phakathi kwawo ewonke umuntu ozoba ngusihlalo wosuku.
d) Ikomidi Lesigceme lingakwazi ukubumba elinye ikomidi elincane noma amakomidi azoba ngaphansi kwalo nxa kukhona isidingo sawo ukuba kwenziwe umsebenzi walo kanye nokubandakanya izinhlangano ngokubanzi.
e) Ilungu ngalinye leKomidi Lesigceme liyoba nguSihlalo wayo yonke imihlangano yekomidi elincane uma kuyimihlangano ephathelene nomsebenzi walo lelo lungu elikhethelwe wona ezingeni leKomidi Lesigceme.
f) Amalungu ekomidi elincane kufanele akhethwe yiKomidi Lesigceme.
g) Bonke abahlanganyeli esiGcemeni bayakhuthazwa ukuba babambe iqhaza emakomidini amancane aphathelene nemikhakha yabo nasekusebenzeni kwabo kwansuku zonke njengomkhakha.
h) Amalungu eKomidi Lesigceme kufanele alethe kuSihlalo amaphuzu afisa ukuba adingidwe emhlanganweni kusasele okungenani izinsuku eziyisikhombisa ngaphambi komhlangano.
i) USihlalo noNobhala yibona abayoba nomsebenzi wokuba balungise uhlelo lomhlangano weKomidi Lesigceme.

11.2 Ibanjwa kangaki futhi ngaziphi izikhathi imihlangano

a) Ikomidi Lesigceme kufanele lihlangane okungenani kanye ngenyanga.
b) Ikomidi Lesigceme kufanele liqhamuke nohlelo lwemihlangano yalo ekuqaleni konyaka ngamunye ukuze luhambisane nohlelo loMkhandlu kaMasipala.
c) Izikhathi zokubamba imihlangano kufanele ukuthi zinqunywe yilo ikomidi lesigceme.

11.3 Ikhoramu kanye nezinqumo

a) Iningi lamalunga eKomidi Lesigceme kufanele ukuthi abe khona ngaphambi kokuba kwenziwe ukuvota kunoma yiluphi udaba (uhhafu wenani lamalungu kanye nelinye elilodwa ngaphezulu).
b) Ikomidi Lesigceme liyozama ukuba lithathe izinqumo ngokuvumelana ngo elethu.
c) Uma ukuvumelana ngo elethu kunoma yiluphi udaba kungenzeki, lolo daba lungaxazululwa ngevoti leningi lamalunga ekomidi (50% + 1 kumalunga ekomidi akhona kulowo mhlangano).

11.4 Imihlangano yomphakathi

a) Imihlangano yomphakathi ibanjwa ukuze -
    i. Kuvezwe izikhalazo nemibono yomphakathi mayelana nokulethwa kwezidingo zawo, intuthuko ejwayelekile yomphakathi, ukuphathwa kohlelo lwezinhlekelele kanye nanoma yisiphi esinye isikhalo okungenzeka ukube umphakathi unaso.
    ii. Ukubikela umphakathi ngezinto ezithile ezithinta wona uqobo.
b) IKhansela Lesigceme kumele kube yilona eliba nguSihlalo wemihlangano yesigceme noma yomphakathi esuke ibizwe yiKomidi Lesigceme. IKhansela Lesigceme lingakwazi ukuthumela iKhansela le PR ngokubhala phansi nxa lizobe

lingekho ngosuku lomhlangano noma lithumele elinye ilunga leKomidi Lesigceme.

c) Singakhishwa isaziso sokuba kubizwe umhlangano womphakathi kusasele okungenani izinsuku ezilishumi nane (14) kushaye usuku lomhlangano sikhishwe ephephandabeni eliphuma emphakathini lowo othintekayo noma sikhishwe ngenye indlela eyamukelekile yokwazisa umphakathi sisho isikhathi, usuku nendawo lapho umhlangano uzoba khona noma umhlangano ngamunye futhi leso saziso kufanele simeme umphakathi ukuba uthamele lowo mhlangano noma imihlangano.

d) Nxa ikomidi lishicilela isaziso, kufanele sisho lapho kufanele khona, ngomsakazo noma ngenye indlela efanele yokuxhumana, njengezincwadi ezibhalwayo ziye emphakathini kanye namaphosta noma izaziso ezindaweni ezingumongo njengemitholampilo, izikole, izitobhi zamabhasi, imitapo yolwazi, kanye nokuqukethwe yisaziso endaweni leyo ethintekayo.

e) Usuku oluhleliwe lomhlangano, isikhathi kanye nendawo yomhlangano kufanele kube ngokungezukuphazamisa muntu ukuze kukhuthazeke iningi labantu ukuba liwuthamele. Indawo-
   i. Kufanele kube idawo eyaziwa kahle-hle;
   ii. Kufanele kungeneke noma kufinyeleleke kalula kuyona futhi, ikwazi ukubhekelela abantu abakhubazekile; futhi
   iii. Kumele ibe nkulu ngokwanele ukuthi ikwazi ukufaka abantu bonke abazobe bekhona emhlanganweni.

f) Emhlanganweni womphakathi lowo muntu omele ikomidi kufanele -
   i. Achaze indlela yenqubo yomhlangano, njengokwemukelwa kohlelo lomhlangano, isikhathi esivunyelwe ukuba kubuzwe imibuzo, nokunye nokunye.
   ii. Achaze izindaba okumele ukuba ikomidi lizidingide, kuhlanganisa nakho konke okunye okuvuleleke ekomidini;
   iii. Adedele amalunga omphakathi akhona emhlanganweni ukuba azwakalise uvo lwawo kulezi zindaba;
   iv. Aphendule imibuzo leyo efanele ukuba iphendulwe;
   v. Agcine amaminithi omhlangano futhi azise amalunga omphakathi ukuthi amaminithi omhlangano weKomidi Lesigceme nowomhlangano womphakathi ayizinto ezingafihliwe nokuthi umphakathi unalo ilungelo lokuwabona futhi angawathatha enze amakhophi ngemali yawo amalunga omphakathi; futhi
   vi. Anikeze izimpendulo ngezinto ezazikhulunywe emhlanganweni odlule, kuhlanganisa nezizathu uma kungekho nqubekelaphambili ekhona odabeni oluthile.

g) Ngenhloso yokuba abantu babambe iqhaza emihlanganweni yomphakathi, iKomidi Lesigceme lingakwazi ukuba ligcine irejista yamaqenjana nezinhlangano ezilwela izinto ezifanayo esigcemeni.

h) Imihlangano yomphakathi ayiyona neze inkundla yezombusazwe futhi amalunga eKomidi Lesigceme kanye namalunga omphakathi kufanele bangenzi izitatimende zezombusazwe, bangakhankaseli iqembu elithile banxenxe amavoti.

11.5 Izindlela zenqubo

Umsebenzi wamaKomidi Ezigceme uyoqhutshwa ngokweMithetho Yenqubo njengoba igunyazwe nguMkhandlu futhi yananyathiselwa lapha yabizwa ngokuthi “Isithasiselo A”.

11.6

Ihhovisi likaSomlomo yilona eliyoba nomsebenzi wokwenza isiqiniseko sokuthi izimpendulo ziyabuyela eKomidini Lesigceme mayelana nazo zonke izindaba ezisuke zidluliselwe eMkhandlwini kaMasipala.

11.7 Uhlelo Lomsebenzi

Ikomidi Lesigceme:

a) Kufanele lihambise uhlelo olunemininingwane yokuthi yini elilindeleke ukuba izuzwe ngalowo msebenzi onyakeni owodwa liluhambise ehhovisi likaSomlomo enyangeni kaMbasa (April) unyaka nonyaka.;
b) Kufanele lenze imisebenzi njengoba ilotshiwe futhi nangandlela evezwe ngayo ohlelweni lokusebenza;
    i. ngokucelwa ngabaphathi boMkhandlu kaMasipala; futhi
    ii. kulandelwe uhlelo lwezinto ezibekwe eqhulwini kanye nezikhathi zokuqeda umsebenzi okuvunyelwene ngazo.
c) Uhlelo lweKomidi Lesigceme kufanele lweyame ohlelweni loMkhandlu.

12 UKUBUYISELWA KWAMALUNGA IMALI ASUKE EYISEBENZISE NGOBA ENZA IZINTO ZEKOMIDI

Amalunga eKomidi Lesigceme ngeke aholelwe, ngaphandle kwesimo lapho khona esebenzise imali yawo ngoba ebamba iqhaza emisebenzini yeKomidi Lesigceme njengoba kubalula Isaziso Sikahulumeni esinguNombolo 973 somhla ka 09 kuMfumfu 2009.

13 UKUGCWALISWA KWESIKHALA ESIVULEKILE KANYE NOKUTHI ILUNGA LIPHUMA NINI NOMA KANJANI EHHOVISI

13.1 Noma nini lapho kunesikhala esivulekile bonke ababambe iqhaza bayokwaziswa kusasele amasonto amathathu ngaphambi kokuba kugcwaliswe leso sikhala esivulekile kusetshenziswa uhlelo lokhetho lokuchibiyela.

13.2 Uhlelo lokhetho lokuchibiyela luyokwenziwa lufane ncimishi nalolo olwenziwa ohlelweni lokuvota komphakathi futhi ngeke luze lushayisane nanoma yimuphi umthetho olawula Ohulumeni Basekhaya. (bheka Isigaba 25 se-Municipal Structures Act)

13.3 Lapho khona kungenzeki futhi/noma kungelula nhlobo ukulinda uhlelo lokhetho lokuchibiyela ngenxa yokumpintshwa yisikhathi, okuphuthumayo kanye nezinye izinto ezifanele njengoba ziqagulwe yihhovisi likaSomlomo, kunconywa ukuba izikhala ezivulekile zigcwaliswe ngendlela yokuthi kwenyulwe amalunga inqobo nje uma inombolo yezikhala ingeqile kwezintathu (3).

14 UKUNQANYULWA KOBULUNGU

Lokhu okulandelayo kuyoba yisizathu esenele sokuba kunqanyulwe ubulungu belunga leKomidid Lesigceme lapho kubonakala kunesidingo khona:

14.1 Ukudlula emhlabeni kwelunga;
14.2 Ukwesula kwelunga;
14.3 Ukufuduka kwelunga liyozinza kwesinye isigceme;
14.4 Ukukhethwa kwelunga leKomidi Lesigceme ukuba liyongenela ukhetho lukaMasipala
14.5 Ukuqokwa kwelunga liqokelwa esikhundleni esithile kuhulumeni isibonelo CDW
15.6 Uma kunobufakazi obenele ukuthi ilunga like labandakanyeka ekukhwabaniseni nenkohlakalo, ukusetshenziswa budlabha kwezinsiza zikahulumeni kuhlanganisa nokusebenzisa kabi isikhundla salo ukuze lizizuzise lona uqobo
14.7 Ukwehluleka kwelunga ukwethamela imihlangano emithathu ilandelana yeKomidi Lesigceme ngaphandle kokuthumela isixoliso;
14.8 Ukwehluleka kwelunga ukwethamela imihlangano emihlanu ilandelana yize lisithumele isixoliso;
14.9 Ukwehluleka kwelunga ukugcina indlela yenqubo yomhlangano noma ukuziphatha budlabha ngesikhathi kuqhubeka imihlangano yeKomidi Lesigceme;
14.10 Uma ilunga libandakanyeka ezenzweni ezinokubukela phansi uMkhandlu;
14.11 Uma ilunga liba nezikweletu ezixakayo noma litholwe yinkantolo efanele ukuthi alikho esimweni esihle sengqondo;
14.12 Uma umphakathi usuzwakalise ukungalethembi ilunga. Izizathu zokuzwakalisa ukungalethembi ilunga kumele zibhalwe phansi yilowo oqokelwe ukuba ngusihlalo walowo mhlangano ophuma naleso sinqumo bese zidluliselwa ehhovisi likaSomlomo ukuze azicubungule ngaphambi kokunquma indlela eya phambili.

15 UKUSIMAMISWA NGAMAKHONO KANYE NOKUQEQESHWA

15.1 Kungumsebenzi walowo nalowo Masipala ukuba kuhlinzekwe uqeqesho kulamalunga eKomidi Lesigceme.
15.2 Abakwa-Community Participation and Action Support kufanele njalo ngonyaka benze umsbenzi wokuhlola izidingo zoqeqesho nokusimamiswa kwamakhono kumalunga ekomidi.
15.3 Kufanele kwakhelwe ilunga ngalinye lekomidi njalo ngonyaka uhlelo lwalo lokusimamiswa kwamakhono nokuqeqeshwa.
15.4 Isabelomali sonyaka sokubhekela ukusimamiswa kwamakhono nokuqeqeshwa kwamalunga siyohlelwa ngokubuka izidingo ezihlonzwe ngesikhathi kwenziwa ukuhlola.
15.5 Lezi zidingo ezilandelayo zingakwazi ukuthi zifakwe ezinhlelweni zikaMasipala waseThekwini zokusimamiswa kwamakhono nokuqeqeshwa:

a) Izidingo ezivamile zoqeqesho, kuhlanganisa:
   i. Ezokuxhumana;
   ii. Amakhono okuxhumana nabanye abantu;
   iii. Amakhono okukwazi ukuxazulula ingxabano kanye nokukwazi ukubonisana nabanye abantu;
   iv. Intando yeningi kanye neqhaza lomphakathi, kanye
   v. Namakhono okuba ngumholi.

b) Izidingo zoqeqesho mayelana nezinqubomgomo kanye nezinhlelo zikaMasipala, kuhlanganisa:
   i. Imigomo yokubusa okuhle;
   ii. Ukwakhiwa kwamaKomidi Ezigceme, izinto okumele zenziwe ngamakomidi, uhlobo lwalo kanye nemisebenzi;
   iii. Izinhlaka zikaMasipala, imithetho kanye nezinhlelo okuqhutshwa ngazo;
   iv. Ukuthuthukiswa komphakathi okwenziwa yizinhlaka zikahulumeni ngokubambisana kanye
   v. Nokukhokhelwa kwemisebenzi (ukulawulwa kwezikweletu)

c) Izidingo zoqeqesho olukhethekile, kuhlanganisa:
   i. Izindlela zenqubo yemihlangano kanye nemisebenzi yokubhala okwenzekayo emhlanganweni (ukubhala amaminithi omhlangano, ukubhala umbiko, ukubhala incwadi, nokunye);
   ii. Ezokuphatha (amakhono obubhalane/okuphatha indawo yokusebenza, ukugcinwa kwamabhuku esesimweni, ukubalwa kwezimali okulula, nokunye, nokunye);
   iii. Ukuhlahlwa kwesabelomali;
   iv. Ukuqapha nokuhlola umsebenzi;
   v. Ukwakhiwa kwezinqubomgomo;
   vi. Ukuphathwa kwemisebenzi noma kwamaphrojekthi;
   vii. Ukulawulwa kwezinga lokusebenza kanye
   viii. Nokuhlela okugxile emphakathini.

16 UKWESEKA EZOKUPHATHA

Ukuze kuqaguleke izinga lokwelekelelwa kwezokuphatha okumele kunikwe amaKomidi Ezigceme, kuyaqoshwa ngokusemthethweni ukuthi izihlinzeko zeNdima 3 (iqhaza loMasipala ekwelekeleleni amaKomidi Ezigceme) eziqukethwe yi-Government Notice Number 973 yomhla zili 09 kuMfumfu 2009 ziyosetshenziswa.

a) AboMnyango wakwa-Community Participation and Action Support bayokwenza izinhlelo ezimayelana nokuphatha ukuze balekelele amaKomidi Ezigceme ukuthi akwazi ukwenza kahle imisebenzi yawo futhi asebenzise amandla awo ngendlela ephusile.
b) Izinsiza kusebenza ziyonikezwa iKomidi Lesigceme ngalinye ukuze kuqinisekiswe ukuthi umphakathi uyalibamba iqhaza.
d) Ukwelekelelwa kwezokuphatha okuyonikezwa amaKomidi Ezigceme kuyohlanganisa lokhu okulandelayo:

   i. Ukukhuthazwa kokuba khona kwamaKomidi Ezigceme emphakathini – ukwazisa imiphakathi ngeqhaza kanye nemisebenzi yamaKomidi Ezigceme. Isibonelo nje esiphilayo kulokhu kungaba ukunikezwa kwamakhadi asemthethweni okuhlonzwa kwamalunga eKomidi Lesigceme ukuze bakwazi ukubonakala njengamalunga eKomidi Lesigceme uma behlangana namalunga omphakathi;

ii. Ukuhlonza noma ukuhlela izindawo zemihlangano okufinyeleleka kalula kuzo wonke umuntu esigcemeni lapho khona imiphakathi ikwazi ukuthola ulwazi nokuyilapho amaKomidi Ezigceme ezokwazi ukuhlanganela khona;
iii. Ukulekelela ngokuhunyushwa kolwazi kanye neminye imibhalo kuhunyushelwe umphakathi;
iv. Ukuthuthukisa kanye nokuhlinzeka ngokuqhubekayo ngezinhlelo zokusimamiswa kwamakhono nokuqeqeshwa kumaKomidi Ezigceme ngesikhathi kuseyisikathi sawo sokuba sezikhundleni; kanye
v. Nokuhlela ukhetho lwamaKomidi Ezigceme.

17 ISABELOMALI

UMasipala waseThekwini uyohlela isabelomali sokusebenza kwamaKomidi Ezigceme njalo ngonyaka.

18 UKUPHENDULA NGEZINQUMO NOMA IZINTO EZENZEKAYO

Njengomuntu okuwuyena obhekeke ukuba aphendule ngezinto ezithile ezenziwa noma izinqumo ezithathwa yiKomidi Lesigceme, iKhansela Lesigceme kufanele:

18.1 Liqinisekise ukuthi amarekhodi alokhu okulandelayo agcinwa endaweni ephephile:
a) Amaminithi emihlangano ebanjwayo;
b) Yonke imali engenayo kanye nesetshenziswayo yiKomidi; kanye
c) Nayo yonke impahla, izikweletu kanye nezimali ezikhokhwayo nezemukelwayo yiKomidi

18.2 Liqinisekise ukuthi izinsizakusebenza zeKomidi ezikhona ziphathiswa okwezikhali zamaNtungwa futhi zisetshenziswe ngendlela enomphumela nenokongeka kwemali;

18.3 Liqinisekise ukuthi yonke imithetho elawula ukusebenza kweKomidi iyagcinwa;

18.4 Liqinisekise ukuthi zonke izinqumo ezithathwa yiKomidi Lesigceme ziyaphasiswa zibe semthethweni bese zilethwa ehhovisi likaSomlomo ukuze zethulwe eMkhandlwini ngezikhathi eziyoqagulwa nguyena uSomlomo;

18.4 Kufanele libikele uMkhandlu umbono okuvunyelwene ngawo eKomidini Lesigceme;

18.6 Lilethe umbiko ngenqubekela phambili ehhovisi likaSomlomo ukuze kubukezwe izinga lokusebenza kwekomidi, umbiko lowo uveze izinto ezinqala ezenziwe ikomidi kanye nezingxenye lapho ikomidi lihluleke khona nezizathu zalokho zingakapheli izinyanga ezimbili kuphele unyaka wezimali;

18.7 Lenze izinto ezifanele ukulungisa isimo ukuze liqinisekise ukuthi iKomidi lisebenza ngokusezingeni eliphakeme njengoba kusho ihhovisi likaSomlomo.

19 UKUXHUNYANISWA KWAMAKOMIDI EZIGCEME OHLELWENI LOKUSEBENZA KWAMAKOMIDI OMKHANDLU

Izindaba ezivela kumaKomidi Ezigceme ezidinga ukuba zicutshungulwe nguMkhandlu, amaKomidi awo kanye/noma abasebenzi boMkhandlu ziyolethwa yiKhansela Lesigceme ngokunikeza omabhalane.

20 UKUHLAKAZWA KWAMAKOMIDI EZIGCEME

20.1 UMkhandlu ungakwazi ukuhlakaza ikomidi lesigceme uma ikomidi lihluleka ukufeza izinjongo zalo.

20.2 Lokhu okulandelayo kungaba yinkomba yokuthi ikomidi liyehluleka ukufeza izinjongo zalo:-

a) Uma lihluleka ukubamba umhlangano izikhathi ezintathu zilandelana;
b) Uma amalunga ethatha isinqumo sokulihlakaza ikomidi; kanye nokuthi
c) Uma kukhona ukungaphathi kahle, ukukhwabanisa, inkohlakalo noma yikuphi-ke okunye ukuphatha budlabha noma kukhona isizathu sokukholwa ukuthi lezi zinto ziyenzeka ekomidini.

20.3 Kumele kukhishwe isaziso ngaphambi kokuba umkhandlu uqhubeke nokuhlakaza ikomidi lesigceme.

INDLELA ESEMTHETHWENI YOKUZIPHATHA KWAMALUNGA EKOMIDI LESIGCEME

ISANDULELO

Inhloso yalo mthetho wendlela yokuziphatha ukuba kuhlinzekwe amalunga eKomidi Lesigceme ngemikhombandlela yokuthi yikuphi okulindeleke kuwona, indlela aziphatha ngayo kanye nobudlelwano aba nabo. Inhloso akukhona ukuba kuvinjwe amalunga ukuba enze izinto zawo ngokukhululeka. Kuphakanyiswa imigomo ejwayelekile, futhi ekubonakala ukuthi ingasiza ngokuhamba kwesikhathi nangokwenzeka kwezinto.

Izingxenye ezithile zalo mthetho wendlela yokuziphatha sezivele zilawulwa ngumthetho.

Ingqikithi yalo mthetho wendlela yokuziphatha ilula nje wukuthi, ngesikhathi umuntu eqala isikhundla somsebenzi wakhe, ilunga ngalinye lisuke lithatha umthwalo okhethekile kakhulu emkhandlwini nakwizakhamizi akhe nazo. Lo mthwalo kumele uthwalwe kahle ngokukhuthala. Izinto ezithinta umuntu uqobo lwakhe neziyizimfuno zakhe uqobo zisala eceleni kubekwe phambili izinto ezithinta intshisekelo nenhlalakhle yomphakathi wonkana, kanti futhi kuwumsebenzi welunga ngalinye lesigceme ukuba ligweme izimo ezingase zidinge ukuba libeke eceleni unembeza walo noma igama lalo elihle. Futhi kuwumsebenzi welunga ngalinye ukuba lingenzi noma yini engabeka engcupheni elinye ilunga.

Uma ilunga ngokwenza okuthile (noma ukungenzi okuthile) ndlela thile lidala ukuba isakhamuzi nje esinganasikhundla silahlekelwe yithemba kulona ekuphathweni ngokwethembeka nokungachemi kwezindaba zikaMasipala wedolobha. Ilunga elenza kanjalo liyobe lephula umthetho wokuziphatha. Uhlelo lokusebenza koHulumeni Basekhaya kufanele njalo luhlale lungaphezulu kwezinsolo ngazo zonke izikhathi.

INGXENYE 1

IZIHLINZEKO ZOMTHETHO WENDLELA YOKUZIPHATHA EZIYOSEBENZA KUMALUNGA EKOMIDI LESIGCEME

1. Amalunga akufanele kube khona nanoma yimuphi umuntu amenzelelayo noma akhombise ukuchema naye ezimweni lapho ukuchema nokwenzelela kungeke kwakhonjiswa komunye umuntu osesimweni esifanayo.

2. Amalungu kufanele ahlale njalo ezama ukuthi akhuphule ukwethembeka kohulumeni basekhaya emehlweni omphakathi; ngaleso sizathu-ke indlela yawo yokuziphatha ezindabeni zomsebenzi noma eziqondene nawo kumele ihlale njalo inokukhulu ukucophelela. Kufanele acophelele ukuthi angakhulumi noma enze noma iziphi izinto ezingadala inkolelo yokuthi kukhona akutsheliwe ngendlela engalungile ekwenzeni imisebenzi yawo esemthethweni.

3. Ulwazi oluyimfihlo olutholwe yilunga ngeke lwakwazi ukuthi lusetshenziswe yilunga ukuze lizizuzise lona noma lizuzise noma ubani omunye umuntu, kanti futhi lona lolo lwazi ngeke lwasatshalaliselwa umphakathi.

4. Izihlinzeko zomthetho okhona osebenzayo mayelana namalunga abandakanyeka emisebenzini ayenza noMasipala waseThekwini noma amela umkhandlu phambi kwamaqembu kufanele ukuthi zilandelwe. Kumqoka ngokulinganayo futhi nokuthi amalunga ahloniphe umoya walo mthetho wendlela yokuziphatha futhi agweme noma yikuphi ukushayisana okungaba khona phakathi kwemisebenzi yawo yomphakathi kanye nezindaba eziqondene nawo uqobo.

5. Lapho khona ilunga liyingxenye yezingxoxo thizeni bese kucaca bha ukuthi intshisekelo yalo iyathintana nezinto ezixoxwa lapho, kumele lona lihoxe ngokushesha.

Kulokho-ke le mithetho eqonde ngqo elandelayo iyosebenza:

(a) Ngaphambi kokuba ilunga libambe iqhaza kunoma yini eyenziwayo eyinqubo esemthethweni, kufanele licubungulisise kahle ukuthi liyathinteka yini ndlela thize kulolo daba. Uma kunjalo, kumele lihoxe ukubamba iqhaza.

(b) Uma kwenzeka kuba khona ungabazane mayelana nokuthi iqhaza lelunga kunoma iyiphi into ewumsebenzi osemthethweni owenziwayo liyaphambana nomthetho, kumele lihoxe ekubambeni iqhaza.

(c) Ngisho ngabe kuthiwa ilunga linesiqiniseko sokuthi lizokwenza umsebenzi ngaphandle kokuchema odabeni oluthile, kufanele libheke ukuthi umuntu wangaphandle angakubheka kanjani ukuba khona kwalo nokuthi umuntu othile ngeke yini akungabaza ukungachemi kwalo.

(d) Uma ingxoxo evulelekile yento ethile ehlongozwa ukwenziwa izoba yimpoxo, amalunga ayokwazi ukuthi kumele ahoxe ukubamba iqhaza lapho.

6. Ubudlelwano phakathi kwamalunga ewodwa kufanele buveze izinga eliphakeme lokuhloniphana emibonweni yawo, futhi indlela yokuziphatha kwawo akufanele ukuba idicilele phansi uhlelo lohulumeni basekhaya.

INGXENYE II

AMALUNGU EKOMIDI LESIGCEME KANYE NOBUDLELWANO BAWO NOMPHAKATHI

1. Ilunga liyisithunywa esikhethiwe somkhandlu walo hhayi nje kuphela isigceme salo. Ngakho-ke umsebenzi walo wokuqala ngowomphakathi wonkana kanti lingakhulumela isigceme salo uma nje kuphela lokho kungezukushayisana nezimiso zomsebenzi walo nowomphakthi wonkana. Akumele ilunga lilwele izimfuno zeqeqebana elithile likhohlwe noma licindezele ezomphakathi.

2. Umsebenzi wamalunga ohamba phambili ukusebenza eyingxenye yeKomidi Lesigceme elibhekene nezindaba ezithinta isigceme. IKomidi Lesigceme:

   (a) Liyocubungula futhi lenze izincomo ezindabeni ezidluliselwe kulona nguMkhandlu uma kunaleso sidingo.

   (b) Liyoxhumana ngezikhathi ezithile njalo nabahlali besigceme mayelana nezindaba ezithinta sona isigceme, futhi lenze bese lihambisa imibiko kanye nezincomo eMkhandlwini ngalezo zindaba, lapho kunesidingo, lisebenzise iKhansela Lesigceme.

   (c) Ngazo zonke izikhathi liyokhuthaza futhi liqhubezele phambili izimfuno zesigceme kangangokuthi lokhu likwenze ngokucabangela izimfuno zawo wonke umasipala wedolobha.

3. Akuyona injongo yalo mthetho wendlela yokuziphatha ukuba ugxambukele kwilungelo lamalunga lokweluleka kanye nokwelekelela amalunga omphakathi lapho ekhulumisana noMkhandlu. Kodwa-ke, ngaso sonke isikhathi kuyancomeka ukuba uma kulethwa izethulo eMkahndlwini, kulandelwe imigudu efanele.

ISITHASISELO A

IMITHETHO ELAWULA IMIHLANGANO YAMAKOMIDI EZIGCEME

1. Ukuqala komhlangano weKomidi Lesigceme

USihlalo kufanele ukuthi avule umhlangano ngamunye weKomidi Lesigceme ngesikhathi esihleliwe somhlangano futhi aqhubeke ngokushesha nomsebenzi ohlalelwe wumhlangano.

2. **Uhlelo Lomsebenzi**

Umsebenzi womhlangano ojwayelekile weKomidi Lesigceme kumele ungabi nendlela eyodwa eqinile yokwenza izinto kodwa kuncomeka ukuba uqhubeke ngalolu hlelo olulandelayo:-

(a) Izixoliso, izicelo zelivu/zokungbikhona.

(b) Ukusayinwa kwamaminithi.

(c) Ukudalulwa kokuthinteka.

(d) Izitatimende, ukuxhumana noma udaba olulethwe nguSihlalo.

(e) Izinkulumo-ngxoxo nabathunyiwe noma abantu ababizwe ukuba bazokwethamela umhlangano.

(f) Umsebenzi womthetho.

(g) Udaba oluhamba phambili ngokwesinqumo somhlangano owedlule.

(h) Izindaba ezaguqiswa kunoma yimuphi umhlangano owandulelayo.

(i) Ukulethwa kwemibiko, ukuxhumana, izikhumbuzo, amaphethishini kanye nezicelo eziphathelene nezindaba eziphuthumayo okumele ukuba zidingidwe, kulethwa omabhalane.

(j) Ukuxhumana/izincwadi ezifikile

(k) Izindaba ezivamile.

Noma kunjalo, ilunga lingakwazi ukuthi noma nini ngesikhathi kuqhubeka umhlangano lenze isiphakamiso sokuthi udaba oluthile olukhona ohlelweni lomhlangano ludingidwe kuqala kanti futhi lingadedelwa ukuba libeke izizathu zaleso siphakamiso. Uma leso siphakamiso sithola ukwesekelwa, kufanele sifakwe evotini ngokushesha futhi nangaphandle kokubonisana. Uma kuwukuthi kuyavunyelwana ngaleso siphakamiso, udaba lolo luyobe selubekwa eqhulwini.

3. Ukwethulwa kodaba oluphuthumayo

(a) USihlalo angakwazi ukuthi kunoma yimuphi umhlangano ngaphandle kokunikeza isaziso enze isitatimende noma afunde noma yikuphi ukuxhumana. Noma yiliphi ilunga elifisa ukwethula udaba oludinga ukudingidwa masinyane, kufanele lilulethe eKomidini Lesigceme ngoSihlalo walo. Inani elingedlulile kokuthathu lamaphuzu anjalo lingethulwa emhlanganweni owodwa.

(b) Ilunga lingalwethula udaba oluphuthumayo uma lukwazile ukuba lulethwe kuSihlalo kusasele okungenani amahora angamashumi amabili nane (24) ngaphambi kosuku lomhlangano lapho kuhloswe ukuba lolo daba lwethulwe khona.

4. **Uhla lwabantu abethamele umhlangano**

Ilunga ngalinye elikhona emhlanganweni weKomidi Lesigceme kufanele lisayine igama lalo ohlwini lwabantu abethamele umhlangano, okufanele ukuba lube khona ukuze lusayinwe.

5. Amaminithi

(1) Amaminithi okuqhubeka kwemihlangano yonke yeKomidi Lesigceme kufanele abhalwe noma alotshwe ngomshini futhi kufanele anikwe uSihlalo ukuze aqinisekiswe emhlanganweni olandelayo ojwayelekile.

(2) Amaminithi kufanele athathwe njengafundiwe ngenhloso yokuba aqinisekiswe, uma ikhophi yawo yathunyelwa elungeni ngalinye leKomidi Lesigceme okungenani kusasele amahora angamashumi amane nesishiyagalombili ngaphambi komhlangano.

(3) Ngaphandle uma kufanele kucaciswe, akukho siphakamiso noma ingxoxo eyovulwa emaminithini.

(4) Kodwa isiphakamiso sokulungisa iphutha elikhona emaminithini siyovunyelwa, futhi uma kuvunyelwana ngaso, amaminithi kufanele ukuba alungiswe ngokushesha bese esayinwa.

6. Ukulandelana kwethuba lokukhuluma

Ukulandelana kwamalungu ngokukhuluma kuyonqunywa nguSihlalo.

7. **Ithuba lokukhuluma kuqala likaSihlalo**

Noma nini lapho uSihlalo efisa khona ukubeka okuthize ngesikhathi kusaxoxwa, noma yiliphi ilunga elikhulumayo noma elinenhloso yokukhuluma kufanele lithule futhi wonke amalunga kufanele athule ukuze kulalelwe uSihlalo ekhuluma ngaphandle kokuthikanyezwa.

8. Isinqumo sikaSihlalo mayelana nephuzu lokuqondisa

(1) Isinqumo sikaSihlalo siyoba ngujuqu futhi ngeke sivuleleke ukuba sidingidwe ephuzwini lokuqondisa, ephuzwini lolwazi, noma ekwemukeleni incazelo elethwa umuntu.

(2) Isinqumo sikaSihlalo kunoma yiliphi iphuzu eliphakanyisiwe mayelana nokuhunyushwa kwale mithetho siyofakwa emaminithini yilowo onguNobhala.

9. Udaba olungaphikiswa

(1) Uma umhlangano weKomidi Lesigceme usuhlale isikhathi esingaphezulu kwamahora amabili, uSihlalo unelungelo lokuphazamisa ukuqhubeka komhlangano bese ekhipha umyalelo wokuthi iKomidi Lesigceme liqhubeke ligoqe udaba oluxoxwayo ngaphandle kodaba oluphikiswayo.

(2) Emva kokuphothulwa kwalolo daba, ukuqhubeka kodaba kumele kuqhubeke kulelo phuzu obekuphazamiseke kulona, ngaphandle uma zonke ezinye izindaba seziguqiselwe umhlangano olandelayo.

10. Ikhoramu

Noma nini lapho khona ekuqaleni komhlangano noma ngesikhathi sokuqhubeka komhlangano weKomidi Lesigceme ingahlangani ikhoramu, uSihlalo kufanele amemezele lokho, uma emizuzwini eyishumi nanhlanu emva kwalokho kungekho khoramu futhi, amagama amalunga akhona kufanele abizwe nguNobhala bese kuqoshwa emaminithini, bese uSihlalo esememezela ukuthi umhlangano usuphelile.

11. Ukuvota ngokuphakamisa izandla

Isinqumo seKomidi Lesigceme kunoma yiluphi udaba oluphambi kwalo, kufanele lunqunywe ngokuthi kuvotwe ngokuthi kuphakanyiswe izandla bese kuhanjwa neningi, okusho ukuthi 50% + 1 kumalunga akhona emhlanganweni.

12. Imihlangano Yekomidi Lesigceme

(1) Imihlangano kufanele ukuba ibanjwe kanye ngenyanga, futhi ihlelwe njalo ngonyaka kusasele unyaka

(2) Uma kwenzeka ukuthi iKomidi Lesigceme alikwazi ukuhlanganisa ikhoramu emizuzwini eyishumi nanhlanu kusuka esikhathini ebesibekelwe ukuqala komhlangano, umhlangano ngeke usaqhubeka.

(3) Ilunga leKomidi Lesigceme elikhetha ukulova emhlanganweni ngaphandle kokugunyazwa yiKomidi Lesigceme, lilova imihlangano emithathu ilandelana yalelo Komidi, liyoyeka ukuba yilunga lalelo Komidi futhi ngeke livumeleke ukuba liphinde likhethelwe kunoma yiliphi iKomidi Lesigceme kuze kuphele isikhathi esingangezinyanga eziyisithuphakusukela limisiwe.

(4) Ilunga leKomidi Lesigceme lingakwazi ukwesula kulelo Komidi Lesigceme ngokuthi linike isaziso ngokubhala phansi, sisayinwe yilona bese sihanjiswa kuNobhala.

13. Ukugcinwa kokuhleleka emihlanganweni yeKomidi Lesigceme

(1) Uma ilunga liziphatha budlabha noma liphazamisa umsebenzi wanoma yimuphi umhlangano weKomidi Lesigceme noma liphonsela inselelo isinqumo sikaSihlalo kunoma yiliphi iphuzu lokuqondisa noma linqaba ukuhoxisa into eliyishilo uma liyalelwa kanjalo nguSihlalo, noma liphikelela into eyodwa noma lisebenzisa ulimi olungemukelekile, noma lenza noma yikuphi ewekwephula le mithetho, uSihlalo uyoyalela lelo lunga ukuba liziphathe kahle bese libuyela esihlalweni salo.

(2) Uma liphikelela ukushaya indiva imiyalelo kaSihlalo, uSihlalo uyoyalela lelo lunga ukuba liphume liphele emhlanganweni nasendaweni yomhlangano kuze kuphele umhlangano futhi uma kunesidingo uSihlalo angahlela ukuba lelo lunga likhishwe ngendlakadla emhlanganweni.

(3) (a) Noma yiliphi lelo lunga:

(i) elinqaba noma elehluleka ukulalela umyalelo okhishwa nguSihlalo ewukhipha ngokuyalela kwe sub-regulation (3); noma

(ii) elibuyela endaweni yomhlangano ungakapheli wona lowo mhlangano elixoshwe kuwona; noma

(iii) elinqabayo ngesikhathi likhishwa endaweni lapho kubanjelwe khona umhlangano, liyoba necala futhi liyonikezwa isixwayiso esibhalwe phansi kanye nokumiswa umhlangano owodwa lingawuthameli, oyobe usuthathwa njengokuthi liphuthe linganikiwe imvume yokulova.

(b) Uma kwenzeka lelo lunga liphinda futhi lenza iphutha elifanayo kuze kube kabili, uyobe esexoshwa ekutheni abe yilunga leKomidi Lesigceme, kanti futhi umthetho 16(3) uyosebenza ngokuguquguquka okudingekayo.

(4) Amalunga ngeke avunyelwe ukuba abophezele ikomidi noma enze izitatimende ezisemthethweni kwabezindaba ngaphandle uma ethole imvume kaSihlalo weKomidi Lesigceme.