ISINQUMO SOMKHANDLU: A – PS (11-2005) SANGOMHLA ZINGAMA-24 KUNOVEMBA 2005

INOMBOLO YEGAZETHI YESIFUNDAZWE:60 INIKWE USUKU ZINGAMA-22 KUFEBHUWARI 2006

ISAZIZO ESINGUNOMBOLO: 380

1 UMASIPALA OMKHULU WASEKURHULENI
IMITHETHO KAMASIPALA EMAYELANA NEZIMO EZIPHUTHUMAYO

LAPHA KUKHISHWA ISAZISO, ngokwemigomo yezimiso zesigaba sesi-7 soMthetho Wokwenziwa Ngcono Kwezindaba Zohulumeni Basemakhaya ka 1998 (uMthetho onguNo 10 ka 1998), ofundwa ngokuhlanganyela nezigaba se-11, se-12 kanye nese-13 zoMthetho Wezindlela Zohulumeni Bomasipala ka 2000 (uMthetho onguNo 32 ka 2000), nanokuthi uMasipala Omkhulu WasEkurhuleni emhlanganweni owawubanjwe mhla zingama-24 kuNovemba 2005, wanquma ukwenza kanye nokuphasisa IMITHETHO KAMASIPALA YEZIMO EZIPHUTHUMAYO ngale ndlela elandelayo:

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5. Ukuzama ukuzenza ilungu
6. Amandla amalungu kanye nezisebenzi eziqokiwe
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10. Ukuvumbuka komlilo
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12. Ukufinyeleleka kwezimfanelo zokulwa nomlilo
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26. Ukuthola inkululeko
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INGXENYE I
IZINCAZELO

1. Kule mithetho kamasipala, ngaphandle-ke uma ingqikithi isho okunye -

"umnyango wokufinyelela" kusho noma yimuphi nje umnyango onikezela ngomgudu kwisimo esiphuthumayo;

"umsebenzi" kusho noma yimuphi umsebenzi odinga ukwenziwa ukuze kuhlolwe, kulungiswe, kweniwe kabusha futhi/noma kushintshwe isicishamlilo, ipayipi lokucisha umlilo, indawo yokufaka umlilo futhi/noma ukufakwa kwendawo yokusebenzela;

"isilwane" kusho noma yisiphi isilwane esigcinwa ekhaya ngenhloso yokuba naso yokusisebenzisela ezolimo ngaphakathi kwindawo yoMkhandlu;

"indawo" kusho noma iyiphi indawo yokuhlala abantu noma iyiphi-ke nje enye indawo ngaphakathi kwemingcele kaMasipala;

"isakhiwo" kufaka phakathi -

(a) noma iyiphi into eyakhiwe, okungaba eyesikhashana noma eyaphakade kungabhekwe zinto eyakhiwe ngazo, nanokuthi yakhiweleni noma isetshenziselwani noma imayelana nalokhu -

(i) indawo yokuhlala noma into yokusiza abantu noma izilwane;
(ii) ukwakha, ukwedlulisa, ukugcina, ukubonisa noma ukudayisa noma iziphi izimpahla;
(iii) ukunikezelwa kwanoma yimuphi umsebenzi;
(iv) ukushabalalisa noma ukwelashwa kokungcola noma ezinye izinto ezingcolile; kanye
(v) nokulinywa kwanoma yisiphi isitshalo noma isilimo;

(b) noma yiluphi udonga, indawo yokugezela, idamu lokubhukuda, okusathangi noma ibhuloho, noma yisiphi-ke esinye isakhiwo esixhumene nakho;

(c) noma yisiphi isifutho samafutha noma yiliphi ithange elisetshenziselwa lokho;

(d) noma iyiphi ingxenye yesakhiwo kubalwa nebhilidi njengalokhu lichazwe kwipharagrafu (a), (b) noma (c); kanye

(e) noma yikuphi okunye noma ihlelo noma ingxenye noma isigatshana salo, ngaphakathi noma ngaphandle kodwa okuncike esakhiweni, esisetshenzisela ukunikezela ngamanzi, ukukhanywa, ukuchithwa kwamanyala, ukudedelwa kwamanzi esiphepho, ukunikezelwa kogesi noma ezinye izinsiza ezifanayo kwisakhiwo leso;

"Isisebenzi Esiphethe Isakhiwo Sokusebenzela" kusho umuntu oqokwe noma okufanele ukuba uqokwe ukuba abe isisebenzi esiphethe isakhiwo sokusebenzela yisigungu sendawo ngokwemibandela yesigaba sesi-5 Somthetho Wokwakha Kazwelonke kanye Namazinga Okwakha ka 1977 (uMthetho onguNo 103 ka 1977);

"isitifiketi sokuqokwa" kusho umbhalo wokuzazisa okhishwe Yisikhulu Esiphezulu Kwezomlilo kwilungu;

"isitifiketi sokulungela" kusho isitifiketi okukhulunywe ngaso kwisigaba sama-20 sale mithetho kamasipala, nokuyisitifiketi esikhishwe Yisikhulu Esiphezulu Kwezomlilo ngokwemibandela kanye nezidingo ezihambisana nomlilo esinika umuntu igunya lokusebenzisa izindawo ezithile ezibekiwe (okuyisakhiwo somphakathi) ngendlela efanele;

"isitifiketi sokubhalisa" kusho isitifiketi esikhishwe Yisikhulu Esiphezulu Kwezomlilo ngokulandisa kwesigaba sama-24 semithetho kamasipala esigunyaza umuntu ukuba asebenzise indawo ethile ebhalisiwe, noma ukusebenzisa indawo leyo ukwenza imisebenzi yokuchela ngesifutho noma

ukugcina noma ukuphatha izimpahla eziyingozi, kodwa sihambisane nazo zonke izidingo ezihlobene nomlilo.

"Isikhulu Esiphezulu Kwezomlilo" kusho umuntu oqokwe uMkhandlu ngokwemibandela yesigaba sesi-5 (a) soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho onguNo 99 ka 1987), futhi kufaka phakathi noma yiliphi ilungu elisebenzisa noma yimaphi amandla noma lenza noma yimuphi umsebenzi onikelwe Yisikhulu Esiphezulu Kwezomlilo kwilungu ngaphansi kwesigaba se-19 soMthetho, futhi kufaka phakathi nalowo obambile njengeSikhulu Esiphezulu Kwezomlilo oqokwe ngokwemibandela yesigaba sesi-5(3) soMthetho, kanti isikhundla esithi "uMphathi: Ezezicishamlilo" kuchaza into eyodwa nalena esishiwo**;**

"indlela yokwenza" kusho the indlela yokwenza njengalokhu ichazwe kwisigaba 1 soMthetho njengalokhu kuchazwe kwisigaba 1 soMthetho Wamazinga ka 1993 (uMthetho onguNo 29 ka 1993);

"isigungu esiphethe" kusho isigungu sendawo esiphethe uMnyango njengalokhu sichazwe KuMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987;

"indlu yokusebenzela" kusho indlu kunoma yimaphi amagceke eyenziwe yagxiliswa, yakhiwa futhi yafakwa izinto zokuqondanisa kanye nokwengamela isimo esiphuthumayo ngaphakathi kulawo magceke noma yikuphi-ke nje kulawo magceke okukhulunywa ngawo;

"uMkhandlu " kusho uMasipala Omkhulu WasEkurhuleni omiswe ngendlela efanele kanti negama elithi **uMasipala** linomqondo ofanayo;

"izimpahla eziyingozi" kusho noma iyiphi into, ingxubevange yezinto, umkhiqizo noma into ethile ehlonzwe yaba Yiqoqo I, II, III, IV, V, VI, VII, VIII noma IX lezimpahla eziyingozi ngokwemibandela yesigaba sesi- 2(1) soMthetho Wezinto Eziyingozi ka 1973;

"amagceke akaliwe" kusho noma yimaphi amagceke akalwe Yisikhulu Esiphezulu Kwezomlilo ngenhloso yokuhambisana nohlelo lokutakula esimweni esiphuthumayo njengalokhu kucebiswe ngakho kwisigaba se-19 sale mithetho kamasipala;

"into" kusho noma iyiphi into yemoto, okungaba eyokuyilungisa, emayalana nogesi kuyo imoto, okuphendukayo okusebenza ngogesi, umshini, into yokwenza utho, umshini noma impahla yokwenza okuthile noma into yokwenza umsebenzi othola ukuthi yonke noma ingxenye yayo isetshenziselwa ukwenza okuthile noma ingakwazi ukusetshenziselwa ukuthi yenze okuthile mayelana nokwakhiwa, ukubhekelwa, ukusizwa, ukulethela, ukunikezela, ukupakisha, ukufaka ilebula, ukugcina, ukudlulisa, ukulayisha nokudiliza, ukuphatha, ukulungisa, ukwenzela noma ukuphatha noma yiziphi izimpahla eziyingozi eziqoqelwe ndawonye, futhi kufaka phakathi noma iyiphi iphampu yokuletha okuthile, into yokugcwalisa, into yokuchela, kanye nomshini wokukhuphula impahla;

"dedela" kusho ukulayithwa noma ukusetshenziswa kwanoma yiziphi iziqhumane ezikhipha umlilo noma yini-ke nje;

"ibanga okumele lihanjwe" kusho ibanga umuntu ezimweni ezivamile okudingeka alihambe ukuphuma endlini, likalwe ukusuka kwindawo eqhelile ngaphakathi endlini;

"lahla", mayelana nezimpahla eziyingozi ezingamaqoqo, kusho into efakwayo, ededelwayo, echithwayo noma eyekwayo (kungakhathalekile noma leyo nto isesitsheni esivaliwe noma cha), noma wenze ukuthi noma uvumele ukuthi ifakwe, idedelwe, ichithwe noma iyekwe ngendlela noma endaweni, noma ngaphansi kwezimo noma esikhathini noma ngendlela ekhombisa ngokusobala ukuthi inhloso ukwehlukana nayo noma ukuyichitha, futhi amagama athi "ukulahla, "ukuchitha" kanye "nokuchithela" asho into efanayo.

"ukuphuthuma" kusho isimo noma isehlakalo esiletha ukwesaba noma esingaletha ukwesaba okunzima kunoma yimuphi umuntu, imvelo noma impahla, kanti igama elithi "isimo esiphuthumayo" linomqondo ofanayo nalona;

"uhlelo lokutakula ngokushesha" kusho indlela ebhaliwe kanye neqoqo lezinhlelo njengalokhu kucebiswe ngakho kwiMpelesi III yale mithetho kamasipala;

"umgudu wesimo esiphuthumayo" kusho leyo ngxenye yomgudu yokuphunyula enikeza labo abasebenzisa noma yisiphi isakhiwo esithile eholela kumnyango wokuphunyula ukuze bavikeleke emlilweni;

"umnyango wokuphunyula" kusho noma yimuphi umnyango ekupheleni komgudu wokuphunyula, futhi kufaka phakathi noma yimuphi umnyango oholela ukusuka ngaphakathi kwisakhiwo uya ngaphandle kwaso;

"umgudu wokuphunyula" kusho indlela yonke yokuhamba, ekalwe isuka kumnyango wokuphunyula iye iyofinyelela kwindawo eqhelile kunoma iyiphi indlu esakhiweni;

"is(z)iqhumane" kusho isiqhumane njengalokhu sichazwe kuMthetho Weziqhumane, uMthetho onguNo 15 ka 2003 kanye nanoma iyiphi eminye imithetho eyenziwe ngaphansi kwalo Mthetho(a)

"umfudlana wokucima" kusho inani lamanzi elidingwa uMnyango ukucima umlilo;

"igumbi" kusho noma iliphi ithangi lokugcina okuthile, lingaba ngaphezu komhlaba noma ngaphansi komhlaba, noma-ke yisiphi isitsha esithuthekayo noma esigcwalisekayo esingasetshenziselwa ukugcina izimpahla eziyingozi, futhi kufaka phakathi ithangi lemoto likaphethiloli/likadizili, lebhanoyi, elomkhumbi omncane, elomkhumbi noma elesikebhe;

"umgudu wokondla" kusho leyo ngxenye yomgudu wokuphunyula, evumela ukuthi kuhanjwe kwizindlela ezimbili ezahlukene ukuze okungenani kufinyelelwe kwimigudu emibili yezimo eziphuthumayo;

"indawo yomlilo" kusho indawo yesilinganiso yoMkhandlu lapho khona kwenziwa isimiso sokuvikeleka emlilweni njengalokhu kuchazwe kwi-SANS 10090;

"into yokucima umlilo" kusho noma yikuphi okokucisha umlilo okuphathekayo, okuhambayo nomaokuhambeka nakho, ipayipi lokucima umlilo noma ipayipi lamanzi;

"ukubeka ezingeni elithile ngokomlilo" kusho, mayelana nezinto ezithile, izingxenye kanye nezinto ezisetshenziswa ekwakheni kanye nasekuqedeleni izakhiwo, lezo zinto , izingxenye kanye nezinto ezisetshenziswayo ezihloliwe futhi zahlelwa ngokwekilasi ngokulandela i-SANS 10177, Izingxenye II kuya ku-V, njengalokhu zichitshiyelwe;

"isigameko somlilo" kusho umlilo kunoma iyiphi indawo yokusebenzela endaweni;

"ukugxunyekwa komlilo" kusho noma yikuphi ukufakelwa kwamanzi, okwedlulisa amanzi okuthi kuliwe nomlilo;

"inhlobo esengcupheni yomlilo" kusho indawo yomlilo ehlukaniswe izindawana ezincane, engena ngaphansi kweyodwa yalezi zinhlobo zezindawo ezisengcupheni yomlilo:

Uhlobo A: Izifunda eziphakathi nendawo zokwenza ibhizinisi kanye nezindawo ezigxile kakhulu kwibhizinisi kwezokuhwebelana kanye nezimboni nezivame ukutholakala kumadolobha amancane kanye namadolobha amakhulu (izindawo lapho khona ukuba sengcupheni kwempilo kanye nempahla kuba phezulu kakhulu khona ngenxa yokwenzeka komlilo kanye nokubhebhetheka kwawo).

Uhlobo B: Izifunda ezinqundekile eziphakathi nendawo lapho kusetshenzwa khona ibhizinisi ngokuvamile kuvame ukuba kube semadolobheni amancane kanye nezindawo ezingekho enkabeni yedolobha kanye namadolobha amaakhulu (izindawo lapho impilo kanye nempahla kuvame nje ukuba phakathi nendawo ngenxa yokwenzeka komlilo kanye nokubhebhetheka kwawo).

Uhlobo C: Izifunda zokuhlala ezakhiwe ngendlela eyamukelekile.

Uhlobo D: Izingcuphe zezakhiwo ezithile zasemakhaya futhi eziqhelelene nezindawo zasemadolobheni.

Uhlobo E: Izingcuphe eziyisipesheli ezithile. Izingcuphe ezibhekene nomuntu ngamunye ezidinga ukuthi ukuba kulezo zindawo kuhleliwe ngaphambilini ngaphezu kanye nangaphambi kohlelo olukhona lwezingcuphe endaweni. Lokhu kufaka izindawo ezinkulu zokuthenga/zokuzithokozisa, imijondolo, amachweba, izibhedlela, amajele, izakhiwo ezinkulu zezikhumulo zamabhanoyi, izakhiwo eziphakeme kakhulu kanye nezitshalo ezenziwe ngamakhemikhali ephetroliyamu.

QAPHELA: Izakhiwo eziphakeme, njengalokhu zichazwe kwi-SANS 10400, ziyingxenye engumgogodla wesizinda sebhizinisi ngakho-ke lokho kwenza ukuthi zifakwe ngaphansi Kohlelo A. Kepha izakhiwo ezisolakala ukuthi aziphephile ngokwanele ekuhlaselweni umlilo, zingabizwa njengezakhiwo eziyingcuphe eyisipesheli.

"iziqhumane ezikhipha umlilo" kusho iziqhumane ezingaphansi kweKilasi 7, Isahluko 2, isitolo sezimpahla kuphela, njengalokhu kucebiswe ngakho kuMthetho 9.1 ngaphansi koMthetho Weziqhumane ka 1956 (uMthetho onguNo 26 ka 1956);

"izimpahla eziyingozi ezingamaqoqo" kusho Iqoqo lezimpahla eziyingozi njengalokhu kucebiswe ngalo kwisigaba soku-1 soMthetho Wezimpahla Eziyingozi, uMthetho ka 1973 (uMthetho 15 ka 1973);

"into eyingozi" kusho noma iyiphi into eyingozi njengalokhu ichazwe kuMthetho Wezinto Eziyingozi, uMthetho onguNo 15 ka 1973, noma imiphi imithetho eyenziwe ngaphansi kwalo Mthetho."
"UMthetho Wezinto Eziyingozi" kusho uMthetho Wezinto Eziyingozi, uMthetho onguNo 15 ka 1973"

"igesi yephethiloliyamu esaluketshezi" kusho ingxubevange yezithako ezithile ezilekelela ekwakhiweni kwamandla ogesi ngomoya ongugesi owaziwa ngokuthi yi-hydrocarbon, ikakhulukazi okuba yingxubevange yomoya ongugesi olula othi uma uhlanganiswa ne-oksijini kuvele amanzi (leyo mimoya kuba yilena eyaziwa ngokuthi yi-propane, i-propene, i-butane, i-butene) nephuma umoya ngaphansi kwezimo ezithile zomoya kwindawo evaleke ngci ikakhulukazi kwizinto ezisaluketshezi ngokuthi kukhuliswe umoya noma kwehliswe izinga lokushisa nokubanda"

"umhloli" kusho ilungu eliqokwe njengomhloli ngokwemibandela yesigaba sesi-2(5) soMthetho Weziqhumane ka 2003, ukunqanda iziqhumane ezikhipha umlilo mayelana nokugcinwa, ukusetshenziswa kanye nokuthengiswa kweziqhumane ezikhipha umlilo;

"ilungu" kusho ilungu loMnyango njengalokhu kucebiswe ngalo kwisigaba sesi-6 kanye nesesi-6A(5) soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987;

"Imithetho Kazwelonke Yokwakha" kusho Imithetho Kazwelonke Yokwakha eyenziwe ngokwemibandela yesigaba se-17 soMthetho futhi okumele ifundwe ngokuhlanganyela noMthetho Wamazinga Okwakha onguNo 103 ka 1977, njengalokhu uchitshiyelwe;

"uhlu lwezinto okumele zilandelwe" kusho uhlu lwezinto ezinqala noma amakhodi e-SANS, abhalwe kwiMpelesi V yale mithetho kamasipala;

"ukuhlalwa", mayelana nanoma yisiphi isakhiwo somphakathi, kusho ukuhlanganyela noma ukuhlangana kwabantu ngaphakathi kumagceke noma emagcekeni kanti kanti ukuthi **"lowo osebenzisa"** kusho noma yimuphi umuntu osebenzisa noma okunguyena onamandla okuphatha kunoma yimaphi amagceke;

"umnikazi", mayelana nomhlaba noma amagceke, lokhu kusho umninindawo noma umninigceke obhalisiwe futhi kufaka phakathi noma yimuphi umuntu othola imali yokurentelwa noma owenza inzuzo ngomhlaba noma ngamagceke, noma ngabe leyo nzuzo iya kwi-akhawunti yakhe noma emele othile futhi, mayelana nohlelo lwetayiteli lokwabiwa kwezindawo ngokwemibandela yoMthetho Wamatatiyitela Okwabelana ka 1986 (uMthetho onguNo 95 ka 1986), ngezinhloso zesigaba se-18 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987 uma kukhulunywa ngezinkaphani njengalokhu kucebiswe ngawo kuMthetho Wamatatiyitela Okwabelana ka 1986 (uMthetho onguNo 95 ka 1986), bese kuthi lapho uma kukhulunywa ngomufi noma ngefa elingabiwanga, kube yilowo owaba ifa noma obheka ifa lomufi elingakabiwa.

"isiqhebezo esivikela amandla kagesi" kusho isiqhebezo esikuma kubili esikwazi ukusebenza ngokhiye omise kohlamvu u-L okuthi kwelinye icala ekugcineni isiqhebezo sibe nento eyisigobhe emise kwensabula;

"amagceke" kusho izwe, isakhiwo noma okwakhiwe noma uhlelo lwesakhiwo noma iyiphi-ke nje ingxenye yakho futhi kufaka phakathi -

(a) isitimela, isikebhe, umkhumbi, ibhanoyi noma iyiphi into yokuhamba, kepha kungafaki lapho kufanele khona, ithangi likaphethiloli noma likadizili laleyo nto yokuhamba; futhi

(b) noma yisiphi isakhiwo lapho kubekwa, kugcinwa noma kuphathwa khona iziqhumane

"isakhiwo somphakathi" kusho noma yisiphi isakhiwo lapho abantu behlanganela khona ukubuka imidlalo yasesiteji kanye nemidlalo efaka nemidanso, imiculo yamaqembu abantu abaningi kanye nemizwilili kanye nezithombe zasesinema noma-ke nje ukuyobukela noma ukuyobamba iqhaza kwimidlalo edlalelwa ngaphakathi endlini, okubala noma iyiphi indawo lapho khona abantu bedansa noma bezilungiselela khona noma benza noma yimiphi imisebenzi eyenziwa ngomzimba;

"indawo yomphakathi" kusho noma iyiphi indlela, isitaladi, inyathuko, indledlana, ipaki, indawo yokuphumula noma enye indawo lapho khona umphakathi ukwazi ukufinyelela ngemuva kokuthola imvume futhi ungavinjwe muntu;

“Oqeqeshelwe ukubhekana neziqhumane” kusho noma yimuphi umuntu oqeqeshwe ngokufanele ukubhekana neziqhumane ezikhipha umlilo”

"ukuklama okunomqondo" njengalokhu ichazwe kwi-SANS 10400;

“Ibhuku Elibomvu” kusho Imihlahlandlela yezimiso Zezinsiza Zobunjiniyela kanye Nezezinhlalakahle

"amagceke abhalisiwe" kusho noma yimaphi amagceke lapho khona isitifiketi sokubhalisa sikhishelwe wona,

"umthengisi othengisa ngakunye" kusho umuntu noma umuzwa wokuthi, kwinhloso yokusebenzisa iziqhumane, onikezela ngalezo ziqhumane kunoma yimuphi umuntu ukuze zisetshenziswe yilowo muntu, hhayi ukuthi naye abuye azithengise futhi;

"indlu" kusho noma iyiphi indlu okanye umdiyadiya kwisakhiwo;

"uMnyango" kusho uMnyango Wezokucinywa Komlilo osungulwe uMkhandlu njengalokhu kucebiswe ngawo kwisigaba soku-1 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987;

“chela” kusho ukuchela, ukwemboza, ukumboza ngokusasiliva noma asebenzise into ethile efana nenhlaka nganoma iyiphi into eyingozi kanti ukuchela nakho kunomqondo ofanayo **“nokugxumeka izinto zokusebenza”** kusho noma iyiphi into egxunyekiwe ezisebenzela ngokwayo, okukuxhuma iphampu yomlilo, iphampu yomlilo, ijeneretha yamandla esimo esiphuthumayo noma/okanye ijeneratha ehlala ilindele, uhlelo lokuvukuza umlilo, uhlelo lokuthola umlilo, uhlelo lwe-alamu yomlilo, uhlelo lokukhanyisa kwisimo esiphuthumayo, uhlelo lokuxhumana esimweni esiphuthumayo, uhlelo lokushayisa ngomoya olusebenza ngogesi, uhlelo lokulawula umoya, uhlelo lokukhipha isisi sentuthu, imishini yokukhuphula impahla kanye nezimpawu zokuphepha, futhi kufaka ukuhlanganiswa kweminyango yentuthu nomlilo;

"chithekela kwi" (bheka ukuchazwa kwegama elithi "lahla");

"imvume yokuchela" kusho imvume ekhishwe Yisikhulu Esiphezulu Kwezomlilo ngokwemibandela yesigaba sama-45(1)(a) sale mithetho kamasipala;

"indlu yokuchela" kusho noma iyiphi indlu, isakhiwo noma isimiso esikalnywe, sakhiwa, safakelwa noma samiselwa nje ukuthi sichele noma simboze izinto zokuhamba, izingxenye zezinto zokuhamba noma yiziphi-ke ezinye izinto ezinezimpahla eziyingozi ezikwiqoqo III futhi/noma ukuhlanganiswa kwezimpahla eziyingozi zeqoqo III, noma nezinye izinto, ukwenza ungwengwezi lokuhlobisa

noma/okanye lokuvikela ukubola, noma lwanoma yisiphi-ke isizathu, kanti amagama athi “indlwana yokuchela kanye “nethangi lokucwilisa”, kanye nezinye izinhlelo ezihlobene nalokho ezifaka phakathi ukusetshenziswa kogesi, kunemiqondo okuthi mayifane;

"indlu yokugcina izimpahla" kusho indlu eyakhiwe, yafakelwa izinto zakhona futhi yabhekwa ngendlela echazwe kwisigaba sama-43 sale mithetho kamasipala;

"isahlukaniso sendlu phezu kwesitezi" kusho leyo ngxenye yesakhiwo, eyakhiwe phakathi kwephezulu lephansi kanye nendawo engaphezu kwayo noma uma kungekho sakhiwo esinye esinephansi ngaphezu kwaso, leyo ngxenyana ephakathi kwalezi zindawo kanye nosilingi ngaphezulu (kungaba yinoma yiliphi iphansi eliphakathi nendawo, elivulekile, kungaba yindledlana encane noma igalari konke kuthathwa njengengxenye yesehlukaniso phezu kwesitezi lapho kusungulwe khona): Kodwa-ke kufanele ukuthi isakhiwo –

(a) iphansi lesahlukaniso lendlu phezu kwesitezi liyothathwa njengesahlukaniso sendlu phezu kwesitezi lapho kukhona indawo yokungena esakhiweni isuka kwileveli yendawo ebhekene nayo noma, uma kunesahlukaniso sendlu phezu kwesitezi esingaphezu kwesisodwa, kube esiphansi noma esiphansi kunazo zonke kulezi zahlukaniso zendlu phezu kwesitezi;
(b) indlu noma ikamelo elingaphansi kwamanye liyothathwa njengengxenye yesakhiwo, esingaphansi kweleveli yesahlukaniso sendlu phezu kwesitezi esingaphezudlwana;
(c) isahlukaniso sendlu phezu kwesitezi esingaphezulu siyothathwa njengesahlukaniso sendlu phezu kwesitezi sesakhiwo esingaphezu kweleveli yesahlukaniso sendlu phezu kwesitezi esingaphezudlwana; futhi
(d) ubude, obuyobe buchazwa yizahlukaniso, buyothathwa njengenani lezahlukaniso zezindlu phezu kwesitezi, obuyofaka zonke izihlanukaniso zezindlu ngaphandle-ke kwezindlu ezakhiwe ngaphansi kwezinye ezakhiwe emgodini;

"isakhiwo sesikhashana" kusho noma yisiphi isakhiwo okungesesikhashana ngokwemvelo;

"imoto" kufaka phakathi okuthi makube sanqola, noma inqodlana okungenani enamasondo amane anomphini ozimele azungezela kuwo kanye nezimo zokuyithwala ezinanyatheliswe kwiloli esagandaganda, noma iyiphi-ke enye imoto njengalokhu kucebiswe ngakho kuMthetho Kazwelonke Wezemigwaqo ka 1996 (uMthetho onguNo 93 ka 1996);

"umthengisi wesamba esiningi" kusho umuntu noma umnako okuthi, ngenhloso yokuhweba nokuwhebelana, onikezekezela ngeziqhumane kunoma yimuphi umthengisi ukuthi naye azithengise kabusha.

INGXENYE II

IZIMISO ZOKUSEBENZA

UKUHLELEKA KOMNYANGO

2. (1) UMkhandlu ususungule uMnyango Wezokulwa Nomlilo njengalokhu kucebiswe ngakho ngokwemibandela Yesigaba sesi-3 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, ka 1987, njengalokhu uchitshiyelwe,

(2) UMkhandlu kufanele uphathe ngendlela uMnyango ongaphansi kwawo, okufaka phakathi

(a) ukuqokwa Kwesikhulu Esiphezulu Kwezomlilo kanye namanye amalungu afanele oMnyango;
(b) ukuqinisekisa ukuthi amalungu kanye nabanye abasebenzi baqeqeshwa ngokufanele;
(c) ukutholakala kwezimoto, imishini, izinto zokusebenza, amacebo kanye nezinye izinto ezisizayo ukuqinisekisa ukuthi uMnyango usebenza ngendlela futhi uyakwazi ukufeza izinjongo zawo:

(i) zokuvimbela ukuvumbuka noma ukusabalala komlilo;
(ii) ukulwisana noma ukucima umlilo;
(iii) ukuvikela impilo noma impahla emlilweni noma enye ingozi esabisayo;

(iv) ukutakula impilo noma impahla emlilweni noma enye ingozi esabisayo;
(v) ukunikezela ngosizo lwe-ambulensi;
(vi) ukwenza noma yimuphi omunye umsebenzi oxhumene nezindaba okukhulunywe ngazo kwisigatshana soku-(1)(a) kuya ku-(e).

(3) (a) Isikhulu Esiphezulu Kwezomlilo yisona esiphethe uMnyango.

(b) Uma kwenzeka Isikhulu Esiphezulu Kwezomlilo singakwazi ngenxa yanoma yisiphi isizathu ukwenza imisebenzi yaso yehhovisi, uMkhandlu uyoqoka ilungu libe yibamba Lesikhulu Esiphezulu Kwezomlilo ukuze lenze imisebenzi kanye nokudinga ukwenziwa Yisikhulu Esiphezulu Kwezomlilo.

(4) UMkhandlu ungakwazi ukuthi, ngokwesivumelwano njengalokhu kucebiswe ngaso kwisigaba se-12 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987, uqashe uMnyango ngaphakathi noma ngaphandle kwendawo onamandla kuyo, noma ngaphakathi noma ngaphandle kwesifundazwe saseGauteng, ungazikhokhi izimali ezikhokhwayo ezinqunywe kwiMpelesi I yale mithetho kamasipala, noma ingahambisani nenkokhelo ngokwemibandela noma kwimigomo eyobe ikuleso sivumelwano okuyobe kusetshenzwa ngaphansi kwaso.

UKUSHAYELA IZIMOTO ZOMNYANGO

3. (1) Noma yiliphi ilungu, ngemvume Yesikhulu Esiphezulu Kwezomlilo ebhalwe phansi, lingashayela izimoto zoMnyango, uma nje lelo lungu linezincwadi zokushayela ezifanele leyo moto okukhulunywa ngayo njengalokhu kudingwa wuMthetho Kazwelonke Wezomgwaqo ka 1996.

(2) Ilungu elinikwe igunya lokwenza lokho, njengalokhu kucebiswe ngakho kwisigaba soku-(1), kufanele lishayele leyo moto yoMnyango ngokulandela izimiso zoMthetho Kazwelonke Wezomgwaqo ka 1996, kanye nanoma yimiphi eminye imithetho eyenziwe ngaphansi koMthetho omkhulu.

INQUBO KANYE NEMISEBENZI NGESIKHATHI KUNESIMO ESIPHUTHUMAYO

4. (1) Isikhulu Esiphezulu Kwezomlilo noma ilungu eliphethe isimo esiphuthumayo kufanele si(li)qinisekise ukuthi -

(a) kunabasebenzi abenele kanye nezinsizakusebenza ezifanele kanye nezidingo zokusebenza kuba khona futhi kusetshenziswa ngaphandle kokumosha isikhathi;

(b) isimo esiphuthumayo siyahlolwa kanye nokuthi izinto zokusebenza zokwengeza futhi noma usizo luyathunyelwa ngaphandle kokumosha isikhathi, lapho kufanele khona, njengoba kuvunyelwene futhi ngokuhambisana nesivumelwano njengoba sishiwo kwisigaba 2(3) sale mithetho kamasipala; futhi

(c) lonke ulwazi olufanele, okufaka phakathi ulwazi mayelana nezindawo kanye nezikhathi kanye nemininingwane ehambisana naleyo, kuqoshwa phansi ngesikhathi kunesimo esiphuthumayo noma ngokushesha oukhulu ngemuva kwalokho, nanokuthi lolo lwazi oluqoshiwe luyogcinwa ngokuhambisana nemiyalelo yoMthetho Wezokugcinwa Kwamagugu Kazwelonke eNingizimu Afrika ka 1996 (uMthetho wama-43 ka 1996), kanye nanoma yimiphi-ke eminye imithetho eshaywe ngaphansi koMthetho.

(2) Bonke abantu futhi/noma izinhlangano, kufaka noma yimuphi uMnyango kahulumeni njengalokhu kucebiswe ngakho kwisigaba se-17 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987, uMbutho Wamaphoyisa aseNingizimu Afrika kanye noMnyango Wezobulungiswa, abafisa ukuhlola noma yiluphi ulwazi okukhulunywe ngalo kwisigatshana soku-(1)(c) kufanele bathumele isicelo esibhalwe phansi esiya Kwisikhulu Esiphezulu Kwezomlilo, sihambisane nesimali ezichazwe kwiMpelesi I yale mithetho kamasipala kanye namaphuzu okwesekela ukuthi kungani lolo lwazi ludingeka.

(3) Noma yikuphi ukukhishelwa kwabezindaba izindaba ezithinta izimo eziphuthumayo noma yiluphi-ke nje olunye udaba oluthintana nesimo esiphuthumayo kufanele kuhambisane nemikhombandlela yenqubomgomo njengalokhu ibekwe nguMkhandlu.

UKUZAMA UKUZENZA ILUNGU

5. (1) Akukho muntu, ngaphandle kwelungu, ongagqoka noma yiziphi izimpahla ezisemthethweni, umfaniswano, ibheji noma uphawu loMnyango;

(2) Akukho muntu ovunyelwe ukuzenza ilungu loMnyango;

(3) Noma yimuphi umuntu ozethula njengelungu kufanele azihlonze yena siqu sakhe ngokuthi akhiphe isitifiketi sokuqokwa esifanele kanye futhi nomaki wokuqokwa, noma ngokuthi anikezele ngobufakazi bobuyena esikhathini esamukelekile.

AMANDLA AMALUNGU KANYE NEZISEBENZI EZIQOKIWE

6. (1) Ilungu ngalinye loMnyango, linawo wonke amandla agunyazwe kuMthetho Wezemisebenzi Yomlilo ka 1987.

(2) Isisebenzi esiqokiwe njengalokhu kucebiswe ngaso ku-6(4)(a) -

(a) singathatha noma yisiphi isitifiketi sokufaneleka, isitifiketi sokubhalisa noma imvume yokuchela okunikezelwe ngakho kwimithetho kamasipala uma imibandela yaso noma lokho okubhalwe kumbalo lowo kungalandelwa, noma uma ilungu linezizathu eziphusile zokusola ukuthi kube nokushintshwa okungagunyaziwe okwenziwe kumbhalo lowo;

(b) singaqalisa ukushushisa okufanele mayelana nesigatshana sesi-(2)(a) noma sense ukuthi kuqaliswe ukushushiswa, uma kungenzeka; futhi

(c) singathatha noma yini (lapha okubizwe ngokuthi “yinto") kunoma yimaphi amagceke axhumene nemvume yokuchela, isitifiketi sokubhalisa noma isitifiketi sokulungela, kodwa kufanele libe nobufakazi obuphusile nobubambekayo besenzo sokungahambisani nanoma yimuphi umbandela okanye umbhalo okuleyo mvume noma isitifiketi futhi kufanele sisuse leyo nto noma senze ukuthi leyo nto isuswe isiwe endaweni yokugcinwa ephephile: Kubuye futhi kuye ngokuthi lokho kuhlwithwa, okwenziwe ngaphansi kwesigaba sama-20 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987, kwenziwe ngaphansi kwale mibandela elandelayo:

(i) Isikhulu Esiphezulu Kwezomlilo noma ilungu eliqokiwe kufanele si(li)nikezele ngemvume ebhalwe phansi ngaphambi kokuba izinto lezo zihlwithwe okanye zithathwe.

(ii) Ubufakazi obusemthethweni bokuhlwithwa kwezinto kufanele bunikezelwe kulowo muntu into esuke ithathwe kuye, kanye nencazelo ngento ethathiwe.

(iii) Ngemuva komyalelo okhishwe ngokoMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987, noma ngemuva kokuba kuhanjiswene ngokugcwele nale mithetho kamasipala noma ngemuva kokushushiswa ngokwemibandela yesigaba sama-21 soMthetho Wemisebenzi Yamaqembu Ezicimamlilo, uMthetho ka 1987, noma yikuphi-ke okufanele, noma iyiphi into ehlwithiwe noma ethathiwe kufanele ibuyiselwe kulowo muntu eyayihlwithwe kuye ngokulandisa kwanoma yisiphi isinqumo senkantolo.

(3) Noma yiliphi ilungu lingakwazi ukuvala noma yisiphi isakhiwo ngokuthi livale okwesikhashana isitaladi, ipasishi noma indawo eliyibona ifanele ukuze kuphephe umphakathi noma

kwenzelwe ukulwa ngendlela nomlilo noma ukubhekana nanoma yisiphi esinye isimo esiphuthumayo esingahle siholele ekutheni kube nomlilo, ukuqhuma noma yisiphi isimo esibeka impilo noma ilunga engozini, kanti futhi ilungu lingasusa, lisebenzisa amandla angengaphezulu kwadingekayo, noma yimuphi umuntu onqaba ukusuka esitaladini, epasishi noma endaweni ethile ngemuva kokuba esecelwe yilungu ukuthi enze njalo.

(4) (a) Abasebenzi abaqokiwe kufanele –

(i) baqeqeshwe ngendlela efanele futhi baqinisikesiswe njengezisebenzi zokuthula futhi baqokelwe kulezi zikhundla Ngokwesaziso SikaHulumeni R159 sangomhla zimbili kuFebhuwari 1979, njengalokhu sichitshiyelwe;

(b) Bonke abasebenzi abaqokiwe banamandla -

(i) ngokwemigomo yezimiso zesigaba sama-56, esifundwa ngokuhlanganyela nesigaba sama-57, soMthetho Wokuqhutshwa Kwamacala Obugebengu ka 1977 (uMthetho wama-51 ka 1977), okukhipha amasanamisi amayelana nenhlawulo yangaleso sikhathi;

(ii) ngokwemigomo yezimiso zesigaba sama-341 soMthetho Wokuqhutshwa Kwamacala Obugebengu ka 1977, okubhala izinhlawulo ezingakhokhwa ngokushesha kumacala athile amancane;

(iii) ngokwemigomo yezimiso zesigaba sama-44 soMthetho Wokuqhutshwa Kwamacala Obugebengu ka 1977, okukhipha incwadi egunyaza ukuthi umuntu aboshwe;

(iv) ngokwemigomo yezimiso zesigaba sama-41 soMthetho Wokuqhutshwa Kwamacala Obugebengu ka 1977, okucela abantu abathile ukuba bazisho amagama abo kanye namakheli abo kanye futhi nokubopha abantu bengenayo incwadi egunyaza ukuthi bababophe; futhi

(v) ngokwemigomo yezimiso zesigaba sama-54 soMthetho Wokuqhutshwa Kwamacala Obugebengu ka 1977, okunikezela ngamasamanini ukuze beqinisekise ngokuba khona kommangalelwa enkantolo kamantshi.

UKWENZA IZIMFANELO ZOMNYANGO KANYE NABASEBENZI BAWO KUTHOLAKALE

7. (1) Ngemvume Yesikhulu Esiphezulu Kwezomlilo, uMnyango ungakwazi, ngemuva kwesicelo esifakwe noma yinhlangano ethile noma umuntu futhi ngokwezimali ezinqunywe kwiMpelesi I yale mithetho kamasipala, ukusebenzisa noma iyiphi imfanelo kanye/noma nabasebenzi abasemandleni ayo ukuze benze noma yimuphi umsebenzi oyisipesheli omayelana nezinhloso zoMnyango.

(2) Leyo mfanelo efanele noma/okanye abasebenzi bangahoxiswa okwesikhashana uma imfanelo leyo noma/okanye abasebenzi labo bedingeka kwenye indawo ukuze kubhekwane nesimo esiphuthumayo.

INGXENYE III
UKUVIKELA UMLILO KANYE NOKULWA NOMLILO

IZINTO EZIVUTHAYO KANYE NOKUNGCOLA

8. (1) Akukho muntu ovunyelwe ukugcina noma yiziphi izinto ezivuthayo zanoma yiluphi uhlobo, noma enze ukuthi zigcinwe noma avumele ukuthi zigcinwe ngendlela futhi nangesimo sokuthi kungenzeki ukuthi zidale isimo somlilo kunoma yimuphi umuntu, isilwane, isakhiwo noma amagceke.

(2) Akukho muntu ovunyelwe ukuthi avumele utshani, ukhula, umhlanga, izihlahlana, izihlahla noma yikuphi-ke nje okumilayo ukuthi kukhule kuze kweqe emagcekeni kuze kube ngendlela yokuthi kungaze kwenze ukuthi kube nesimo sangempela somlilo kunoma yimaphi amagceke

abhekene nalawo magceke noma/futhi kunoma iyiphi indawo yokusebenzela noma yokuhlala yomunye umuntu.

UKWENZA IMILILO

9. (1) Akekho umuntu, ngaphandle kwezimiso zoMthetho Womlilo Wamadlelo Namahlathi ka 1998 (uMthetho onguNo 101 ka 1998) kanye noMthetho Wokuphathwa Kwemvelo ka 1989 (uMthetho onguNo 73 ka 1989) ngaphakathi endaweni, ovunyelwe ukwenza umlilo ovulelekile, onganqandeki noma onganakwe muntu noma avumele umlilo ukuthi wenziwe endaweni enjalo noma/okanye ngendlela engafaka noma engahle ifake engcupheni umuntu, isilwane, isakhiwo, amagceke noma ezinye izindawo zokuhlala noma zokusebenzela: Kodwa-ke lokhu akusebenzi -

(a) kumlilo owenzelwe endaweni ephasisiwe, kwisitofu esenziwe ngenhloso yalokho, kwiziko noma kwindawo yokubasela nokuyingxenye ebalulekile yohlaka;

(b) kumlilo wokupheka ukudla kumagceke angasese noma kumagceke abekwe eceleni ukuthi enze lokho; futhi

(c) into yokulungisa ukudla, okuyinto leyo eshisiswa wugesi noma igesi yephethroliyamu esaluketshezi futhi ibekwe ngendlela yokuthi leyo nto ayinabungozi engabenza empilweni noma kwimpahla kunoma yimaphi amagceke.

(2) Akekho umuntu, ngaphandle kwemvume ebhalwe phansi Yisikhulu Esiphezulu Kwezomlilo, ongashisa noma yikuphi ukungcola, ukhuni, uthi noma ezinye izinto ezivuthayo ngaphakathi endaweni, noma enze ukuthi zishiswe noma avumele ukuthi zishiswe ngaphakathi endaweni, ngaphandle-ke uma lokho kungcola, ukhuni, uthi noma ezinye izinto ezivuthayo kushiswa ngaphakathi kwiziko elakhelwe ukushisa izinto noma isitsha esakhelwe ukushisa izinto esiphasisiwe, kepha kulandelwe izimiso zesigatshana soku-(1).

UKUVUMBUKA KOMLILO

10. (1) Umnikazi wendawo noma lowo ohlala kuyo emagcekeni endaweni angeke avumele ukuthi igcwale utshani osebukhulile, ukhula, umhlanga, izihlahlana kanye nezihlahla ngendlela yokuthi lobo tshani, ukhula, umhlanga, izihlahlana kanye nezihlahla kungaze kwenze ukuthi kube nesimo sangempela somlilo kunoma yimaphi amagceke abhekene nalawo magceke noma/futhi kunoma iyiphi indawo yokusebenzela noma yokuhlala omunye umuntu.

(2) Umninindawo noma lowo ohlala -

(a) kwisiza, kwisayithi, kwisitende noma kumagceke asungulwe ngaphakathi elokishini elaziwayo endaweni kufamele asuse izinto ezingadala umlilo noma aqinisekise ukuthi into engadala umlilo iyasuswa ngokuthi -

(i) anqume noma yibuphi utshani, umhlanga noma/okanye ukhula okungenzeka uma ububhekile ukuthi bungokheleka ngomlilo;

(ii) anqume zonke izihlahlana noma/okanye izihlahla ezingakwazi ukuma endaweni ekubeni zinqunywa;

(iii) athene, agawule noma asahe lezo zihlahlana noma/okanye izihlahla, kuye ngokuthi yikuphi okukhona; futhi

(iv) asuse noma yiziphi izinsalela ezisale kugawulwa noma/okanye kusahwa esizeni noma kumagceke noma aqinisekise ukuthi izinsalela ziyasuswa; futhi

(b) kwindawo esandawo eyipulazi noma ipulazi uqobo elisendaweni kufanele anciphise amathuba okuhlaselwa umlilo ngokuthi abonise ibhande lokuphepha emlilweni okungenani libe ngamamitha ayisihlanu ububanzi (lokhu kushiwo uma likalwa

ngokulingana ukusuka ongumngcele obiyele amagceke lawo kuya ngaphakathi kulawo magceke) ukuze kungabibikho zihlahla noma izinsalela ezithile okuba kuleli bhande, kanti umninindawo noma umhlali kufanele ngazo zonke izikhathi leli bhande lilondolozwa futhi ligcinwa likuleso simo. Lokhu kwenziwa kubuye kubhekelelwe ukuthi uma kunokuthikamezeka okungaphakathi kwamamitha amahlanu, leli bhandle elimamitha ayisihlanu lilungisa kulokho kuthikamezeka.

(3) Ngaphandle kokubukela phansi lokhu okushiwo ngenhla, izimiso zoMthetho Kazwelonke Wamadlelo Kanye Nemililo Yamahlathi, uMthetho onguNo 101 ka 1998 uyosebenza ngemuva kokuba izinguquko ezidingekayo sezenziwe kulesi sigaba.

UKUHLOLWA KWEZINDAWO ZOKUSEBENZELA/ZOKUHLALA KANYE NEMIYALELELO KUBAHLALI

11. (1) Noma imuphi umsebenzi ochazwe kwisigaba sesi-6(4) sale mithetho kamasipala engakwazi ukuthi, uma esebenzisa onke amandla anikwe wona ngokwemibandela yomthetho ofanele nosebenzayo kulokho, angene kunoma yimaphi amagceke nganoma yisiphi isikhathi esibonakala sifanele ukuthi ahlole ukuthi ngabe ukhona yini umlilo, izimpahla eziyingozi noma okungadala umlilo emagcekeni.

(2) Umsebenzi ochazwe kwisigatshana soku-(1) engakwazi ukuthi, kusuka kumbandela okukhulunywe ngawo kwisigatshana soku-(1), anikeze umhlali wakulawo magceke noma kunoma yimaphi-ke nje amagceke umyalelo obhalwe phansi kanye nemigudu yokuvikela ukuqubuka komlilo kanye nezidingo ezibalulekile ukulungisa leso simo esikulawo magceke ukuze kuncishiswe ingcuphe yokuqubuka komlilo noma/ okanye kuvikelwe impilo kanye nempahla, nokungumyalelo okufanele ube nosuku olungumnqamulajuqu wokwenza okufanele nokulandela izidingo.

(3) (a) Uma kuba nesimo esikhona noma esitholakala ukuthi sikhona kunoma yimaphi amagceke, noma ngabe simayelana nesakhiwo noma cha, noma uma kukhona enye into engakhulisa amathuba okuba sengcupheni yokuhlaselwa umlilo, noma ibeke impilo noma impahla engcupheni, futhi engeke yalungiseka ngokushesha, noma uma kudingeka ukuthi kube nezindleko ukuze ilungiswe, umnikazi wendawo kufanele, ngemuva kokuthola imiyalelo okumele ayilandele ukulungisa lokho okukhulunywe ngayo kwisigatshana sesi-(2), abikele Isikhulu Esiphezulu Kwezomlilo khona lapho ngokubhalwe phansi mayelana nenzindlela umnikazi lowo ahlela ukuzisebenzisa ukulungisa leso simo futhi kufanele alethe uhlelo eMnyangweni olunosuku lomnqamulajuqu ukuze uMnyango uluphasise lolo luhlelo.

(b) Isikhulu Esiphezulu Kwezomlilo singaziphasisa lezo zindlela kanye nosuku lomnqamulajuqu sifake noma singafaki izichibiyelo futhi singanikeza ngemiyalelo yokuthi kuhanjiswane kanjani nalazo zindlela.

UKUFINYELELEKA KWEZIMFANELO ZOKULWA NOMLILO KANYE NEZINYE IZINTO EZELEKELELA UKULWA NOMLILO

12. (1) Izimfanelo zokulwa nomlilo, okwelekelela ukulwa nomlilo kanye nezinsizakusebenza ezifanele kufanele kuhlale kulungele ukuthi kukwazi ukufinyeleleka kukho ngazo zonke izikhathi.

(2) Noma yimuphi umuntu okuthi, nganoma ngayiphi indlela, enze noma avumele ukuthi imfanelo yokulwa nomlilo, noma okwelekelela ukulwa nomlilo kanye nokufakwa okufanele kwezinsizakusebenza, kungatholakali ngesikhathi kufuneka uyofunyanwa enecala.

IZIDINGO ZOKUVIKELWA KOMLILO EMAGCEKENI

13. (1) Ukwengeza kunoma yiziphi ezinye izimiso ezikule mithetho kamasipala, Imithetho Yokwakha, eshicilelwe ngaphansi Kwesaziso Sikahulumeni esinguNo R2484 sangomhla zingama-24 ku-Okthoba ka 1990, njengalokhu sichitshiyelwe, indlela yokwenza ye-SANS 10400 futhi ebizwa ngokuthi “Ukusetshenziswa Kwemithetho Kazwelonke Yokwakha”, kanye nanoma yimiphi eminye imithetho yokwakha eshicilelwe ukuthi isetshenziswe endaweni,

ngokwenhloso yokusebenzisa le mithetho kamasipala, isebenza uma izinguquko ezithile okumele zenziwe sezenziwe kulawo magceke akuleyo ndawo

(2) Uma noma yimaphi amanzi angasadingeki kwenzeka ngokungenakuvimbeka echithekela noma eqoqanela kwindlu noma kwikamelo elingaphansi kwamanye ngenxa yanoma yisiphi isizathu ngesikhathi kunemisebenzi yokucinywa komlilo, kufanele kwenziwe ngazo zonke izindlela ezanele ukuthi lawo manzi achitheke ngaleyo ndlela adluliselwe kumsele wamanzi omhosha.

(3) Akukho sakhiwo okumele sibe ne(zi)ndlu e(zi)namadla aphezulu noma/futhi aphansi esigujana sikagesi kunoma iyiphi ileveli ngaphandle kweleveli elingana nenhlabathi: Lokho-ke kwenziwe kwimibandela yokuthi -

(a) indawo yokufinyelela kuleyo ndlu (noma kulezo zindlu) yakhiwe ngaphandle kwesakhiwo leso; futhi

(b) kwenziwe nendlela yokufinyelela ngendlela eyanele kuleyo ndlu (noma kulezo zindlu) zesigujana sikagesi uma kwenziwa imisebenzi yokulwa nomlilo noma/okanye yokulungisa leyo ndawo.

(4) Uma kwenzeka kudingeka uhlelo lokufafaza amanazi ngokulandisa kwezimiso ze-SANS 10400; SANS 10087, Ingxenye III; kanye ne-SANS 10089, Ingxenye I, uhlelo lokufafazwa kwamanzi lolo kufanele luhlelwe, luklanywe bese lufakwa ngokulandela imihlahlandlela ye-SANS 10287 emayelana nokufakwa kohlelo lokufafaza amanzi oluzenzayo futhi lokho kwenziwa ngemuva kokubonisana Nesikhulu Esiphezulu Kwezomlilo .

(5) Noma yimuphi umuntu owehluleka ukuhambisana nezimiso zesigatshana sesi-(2), (3) nese-(4) noma ezinye izimiso ezikwiNgxenye A, Ingxenye K, Ingxenye M, Ingxenye O, Ingxenye T, Ingxenye V kanye Nengxenye W ye-SANS 10400, njengalokhu zichitshiyelwe, lapho khona izimiso zimayelana nezindaba zokuvikelwa komlilo, uyofunywa enecala lokwenza lokho.

UKUFINYELELA NGEZINHLOSO ZOKULWA NOMLILO KANYE NOKUTAKULA

14. (1) Wonke amagceke endaweni kufanele ahleleke, asunguleke futhi akheke ngendlela yokuqinisekisa ukuthi -

(a) izidingo Zebhuku Elibomvu ziyosetshenziswa;

(b) uma isakhiwo singabhekile esitaladini, kunikezelwe ngomgwaqo wokufinyelela, nokuyothi ububanzi bawo kanye nokukwazi ukuthwala kwawo kuyofanele kumelane nezinqola zezicimamlilo ezisetshenziswa uMnyango kubhekakale ikakhulukazi ubude, ububanzi kanye nesisindo sezinqola zezicimamlilo: Kufanele ukuthi ububanzi bawo bulingane nenqola enkulu yesicimamlilo nokungenzeka kuthi isetshenziswe kulawo magceke okukhulunywa ngawo; futhi

(c) uma noma yimuphi umnyango wokungena uhamba ngomgudu odlulela kwiqoqo lezindlu, kwisidlidli sezindlu noma kwizindlu ezihlangene zasedolobheni noma wakhiwe kwindawo engenela kwindawo enezitolo eziningi ndawonye noma kwindawo enenqwaba yamahhovisi, ububanzi bendawo yokungena kufanele okungenani bube ngamamitha amathathu nengxenye ububanzi bese buba amamitha amane nohhafu ukuya phezulu futhi kufanele kungabibikho lutho olwenza ukuthi kube nokuthikamezeka kwindawo yokungena: Uma kwenzeka ukuthi ububanzi bendawo yokungena bungaphansi, kufanele kube nenye indawo okungafinyeleleka ngayo nokuyindawo leyo ekwazi ukuvuleka ibe ngamamitha amathathu nengxenye.

(2) (a) inombolo efanele yesitaladi yawo wonke amagceke anezakhiwo ngaphakathi endaweni kufanele ibekwe ibonakale kumngcele wesitaladi salawo magceke okukhulunywa ngawo. Le nombolo kufanele ibe ngamamilimitha angama-75 ukuya phezulu futhi kufanele ibonakale ukusuka esitaladini.

(b) Umnikazi wendawo noma umhlali kufanele aqinisekise ukuthi inombolo yesitaladi iyafundeka futhi iyabonakala ngaso sonke isikhathi.

UKUGCINA IMFANELO YOKULWA NOMLILO KANYE NEZINYE IZINTO EZILEKELELA UKULWA NOMLILO

15. (1) Umnikazi wanoma iyiphi indawo kumele aqinisekise ukuthi -

(a) yonke imfanelo yokulwa nomlilo, nezinye izinto ezisiza ukwenza lokho kanye nezinye izinto ezifanele ezilethiwe noma ezigxunyekiwe emagcekeni ilondolozwa ngendlela efanele futhi ihlala isesimweni esihle yenziwa ngumuntu oqeqeshiwe ukwenza lokho okanye/noma ifemu ephasiswe yi-SABS njengalokhu kucebiswe ngakho kwi-SANS 1475 futhi ibhalisiwe ngokwemibandela ye-SANS 1475;

(b) izicimalilo eziphathekayo nokuhambeka kayo nazo kanye namasondo amapayipi okucima umlilo kuyalungiswa futhi kulondolozwe ngokulandela izimiso ze-SANS 10105 kanye ne-SANS 1475;

(c) izinto ezifakelwe ukubhekana nomlilo kanye nezinye izinto eziyizinsizakusebenza ziyahlolwa futhi zilungiswe kulandelwa lokho okushiwe ngabenzi balezo zinto; futhi

(d) lezo zinto ezigxunyekiwe zihlolwa ngumuntu okubhalisele ukwenza lokho okungenani kanye ngemuva kwezinyanga eziyishumi nambili zekhalenda.

(2) Noma yimuphi umuntu ohlola, alungise, owenza kabusha, okhipha okuthile afake okunye noma osebenza kunoma yikuphi okokulungisa okugxunyekiwe kufanele -

(a) ekuqedeni kwakhe umsebenzi, aqinisekise ukuthi leyo nto egxunyekiwe isebenza ngokugcwele; futhi

(b) azise Isikhulu Esiphezulu Kwezomlilo ngokushesha ngokubhalwe phansi uma leyo nto egxunyekwayo ingeke yakwazi, ngenxa yanoma yiziphi-ke izizathu, ukuthi isheshe ilungiseke ukuze isebenze.

(3) Umnikazi wanoma yimaphi amagceke kufanele agcine irekhodi elichaza konke mayelana nokulungiswa kwazo zonke izimfanelo zokulwa nomlilo kanye nezinye izinto ezigxunyekiwe ezifanele emagcekeni akhe bese kuthi lelo rekhodi alilethe Kwisikhulu Esiphezulu Kwezomlilo uma licelwa umsebenzi oqokiwe.

IZINHLELO ZOKUSHAYISA NGOMOYA EZIZUNGEZAYO

16. (1) Izinhlelo zokushayisa ngomoya ezizungezayo kanye nezimbotshana zokushayisa ngomoya ezihambisana nalokho noma okusashimula okuthi akufane nalokho kufanele kuklanywe futhi kugxunyekwe ngendlela yokuthi kukwazi ukunikezela ukufinyeleleka ngendlela efanele (emakwe yacaca kahle) ukuze kukwazi ukuhlolwa kuyo ngaphandle kwezinkinga kanye nokuyigcina isesimweni esikahle kanye nokulungisa lezo zinto ezidinga ukulungiswa.

(2) Zonke izisefo, izivimbo, isikrini noma umbhobho omkhulu wamanzi kodwa okuyingxenye ebalulekile yohlelo okukhulunywe ngalo kwisigatshana souk-(1) kufanele kuhlale kuhlanjwa, kulondolozwe futhi kuhlolwe ukuqinisekisa ukuthi isisi esinamafutha nanoma yini-ke ekwazi ukuthi ivuthe ayivunyelwa ukuthi yakhe isidleke.

(3) Umbhobho omkhulu wamanzi kanye nanoma yini-ke nje eyenza ukuthi kube khona okuphumayo nokukhulunywe ngayo kwisigatshana soku-(1) kufanele kufakwe noma kugxunyekwe ngendlela engeke yadala ingozi yomlilo noma umlilo kunoma yimaphi amagceke noma impahla.

IMIKLAMO ENOMQONDO

17. (1) Ukwakhiwa, umklamo noma/okanye ukumiswa kwe -

(a) Izindlu zokuhlala amabhanoyi;

(b) izindawo zokuhlala amabhanoyi anophephela emhlane;

(c) izinqolobane zokugcina ukudla okuyizinhlamvu;

(d) izakhiwo ezivulekile;

(e) imibhoshongo yokulawula amabhanoyi emoyeni;

(f) noma yiliphi elinye ibhilidi noma isakhiwo esihlonzwe Yisikhulu Esiphezulu Kwezomlilo ngokuthandwa kwaso endaweni, kufanele sihambisane nemiklamo enomqondo eyamukelekile, elethiwe futhi yaphasiswa Yisikhulu Esiphezulu Kwezomlilo, futhi elihambisanayo nezidingo Zomthetho u-T1(1) Wemithetho Kazwelonke Yokwakha.

(2) Kuye ngokuthi izimiso zesigatshana soku-(1), nokuyisimiso leso esenziwe, ikakhulukazi ukubhekana nezindlu zokuhlala amabhanoyi noma izindawo zokuhlala amabhanoyi anophephela emhlane, ukuze -

(a) kukhanywe noma yini esaluketshezi kwindlu yokuhlala amabhanoyi noma kwindawo yokuhlala amabhanoyi anophephela emhlane noma/okanye indawo eya kwindlu yokuhlala amabhanoyi;

(b) kuhanjiswe noma yikuphi okusaluketshezi kwindawo yokukhama, nokuyinto leyo okumele ixhunywe kwinto eyehlukanisa amanzi namafutha futhi;

(c) kuvinjelwe noma yiluphi uketshezi ukuthi luchitheke lusuka kwiphansi lendawo noma lendlu yokuhlala amabhanoyi yonke noma kwindawo yokuhlala amabhanoyi anophephela emhlane luye kunoma yiziphi izindlu eziseduzane, izakhiwo eziseduzane noma ngaphandle kwendlu yokuhlala amabhanoyi; futhi

(d) kubekwe phansi zonke izinto zizinze emhlabathini ezikhipha ugesi omile.

IZINDAWO ZOKULAHLA UDOTI

18. (1) Ukuklama, isakhiwo kanye nokwakhiwa kwanoma iyiphi indawo yokulahla udoti kufanele kwenziwe ngokubambisana nemiyalelo kanye nezidingo zoMnyango Kazwelonke Wezamanzi Namahlathi kanye noMnyango Kazwelonke Wezemvelo Nokuvakasha, uMnyango Wendawo Wezempilo & noMnyango Wezokuthuthukiswa Komphakathi, kanye neyoMnyango.

(2) Noma yimuphi umuntu owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

IZINHLELO ZOKUTAKULA NGOKUSHESHA

19. (1) Umnikazi wendawo noma lowo osebenzisa indawo eqokiwe kufanele -

(a) zingakapheli izinsuku ezingama-30 ngemuva kokuba lawo magceke eseqokiwe Yisikhulu Esiphezulu Kwezomlilo, alungise uhlelo olubanzi lokutakula ngokushesha kulawo magceke, lube ngamakhophi amathathu futhi abe nalo lulungile futhi lulindile ukuthi luhlolwe lubuye luphasiswe Yisikhulu Esiphezulu Kwezomlilo, kanti lolo luhlelo kufanele luhambisane nemihlahlandlela yokuhleleka ivela kwiMpelesi III kule mithetho kamasipala;

(b) asungule ikomidi lezimo eziphuthumayo langaphakathi elenziwe ngabasebenzi bangaphakathi kanye nabahlali ukuze basize ngokuhlelwa kanye nokuhleleka kohlelo lokuvikela umlilo, nohlelo lolo olufaka

phakathi amadilili enziwa ngesikhathi esithile okuphuma nokukhishwa kwezinto uma kunomlilo;

(c) aqinisekise ukuthi -

(i) uhlelo lokutakula ngokushesha luyabuyekezwa futhi lwenziwe kabusha njalo uma iphansi lesakhiwo lishintsha noma lapho Isikhulu Esiphezulu Kwezomlilo sidinga ukuthi lubuyekezwe kabusha noma lwenziwe kabusha, kodwa-ke lona kufanele vese lubuyekezwe okungenani kanye ngemuva kwezinyanga eziyishumi nambili;

(ii) amarekhodi ahlale esesimweni ezinhlelo ezibuyekeziwe zokutakula ngokushesha, izinhlelo zokuvikelwa komlilo, amadilili okuphuma nokukhishwa kwezinto yma kunomlilo kanye nokuthi imibhalo ephathelene nalokho iyagcinwa futhi ilondolozwe ngazo zonke izikhathi; futhi

(iii) uhlelo lokutakula ngokushesha kanye nemibhalo ehambisana nalokho kuyatholakala ngazo zonke izikhathi endlini yokusebenzela ukuze kuhlolwe Yisikhulu Esiphezulu Kwezomlilo; futhi

(d) uhlonza indawo ekaliwe yokuphepha ngaphandle, kodwa eseduzane namagceke ashiwo, lapho abahlali bengahlangana ndawonye ngesikhathi kunesimo esiphuthumayo ukuze kubhalwe uhlu lwabo bonke abasindile.

(e) Ibhokisi Lohlelo Lokutakula Ngokushesha, ngesiNgisi elaziwa ngokuthi yi-EEP njengalokhu lichazwe kwiMpelesi IV liyobakhona endaweni ebonakalayo kumasango amakhulu angenela kumagceke.

(2) Isikhulu Esiphezulu Kwezomlilo kwizikhathi ezahluke singenza lokhu okulandelayo -

(a) singanikezela ngemiyalelo yokuthi kwenziwe kabusha noma/okanye kuchitshiyelwe ibhokisi lohlelo lokutakula ngokushesha;

(b) singatshela uminkazi wendawo noma umhlali wamagceke akaliwe ngokubhalwe phansi ukuthi achibiyele lezo zinhlelo zokuvikela umlilo lezo okutholakala ukuthi ngokombono Wesikhulu Esiphezulu Kwezomlilo ziyadingeka ukuqinisekisa ukuphepha kwabahlali balawo magceke aqokiwe; futhi

(c) Singadinga ukuthi umnikazi wendawo noma umhlali wamagceke aqokiwe anike Isikhulu Esiphezulu Kwezomlilo ikhophi eqinisekisiwe yanoma yiluphi uhlelo lokutakula ngokushesha noma/okanye imibhalo efanele ngalolo lusuku nanganleso sikhathi kanye nakuleyo ndawo engagagulwa Yisikhulu Esiphezulu Kwezomlilo.

(3) Isikhulu Esiphezulu Kwezomlilo singakwazi ukuthi ngokubhalwe phansi sikhethe noma yimaphi amagceke ukuthi siwabize ngamagceke adinga uhlelo lokutakula ngokushesha.

(4) Noma yimuphi umuntu owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

ISITIFIKETI SOKULUNGELA KUZONA ZONKE IZAKHIWO ZOMPHAKATHI

20. (1) Umnikazi wanoma yisiphi isakhiwo noma wanoma yisiphi isakhiwo sesikhashana esimiswe noma okunhloso yaso ukubanjelwa kuso imihlangano yomphakathi, kufanele afake isicelo ngokubhalwe phansi Kwisikhulu Esiphezulu Kwezomlilo ukuthi sikhiphe isitifiketi sokulungela nanoma yikuphi ukuhlanganyela ndawonye lapho noma sezinto ezenziwa kulawo magceke noma kuleso sakhiwo, futhi kufanele akhokhe izimali, njengalokhu zinqunywe kwiMpelesi I yale mithetho kamasipala, lapho ehambisa ifomu lesicelo (imihlahlandlela yokuhleleka ivela kwiMpelesi II kule mithetho kamasipala).

(2) Akukho sitifiketi sokulungela esiyokhishwa kwisakhiwo somphakathi kungahanjiswananga

nemiyalelo efanele yale mithetho kamasipala.

(3) Isitifiketi sokulungela esikhishwe sanikezwa umninindawo wesakhiwo somphakathi siyobhalwa lolu lwazi olulandelayo, lapho kufanele khona:

(a) Igama lokuhweba kanye nekheli lomuntu ngamunye osebenzisa leyo ndawo

(b) Uhlobo lomsebenzi olwenziwe ngumuntu ngamunye osebenzisa imdawo

(c) Amagama abantu abasesigungwini esiphezulu

(d) Inani elivumelekile labantu ukuthi libe kuleyo ndawo ngokubhekela ukukwazi ukusebenziseka kwendawo yaphansi kuleyo ndawo

(e) Inani lezindawo zokuphuma zezimo eziphuthumayo kanye nobubanzi bazo

(f) Umusho wokwesula uma kwenzeka ngokwesimiso efanele yale mithetho kamasipala inganakwa

(g) Isibopho ngasohlangathini lomnikazi wesitifiketi sokuthi -

(i) abonise isitifiketi ngendlela ebonakalayo emagcekeni ngazo zonke izikhathi; futhi

(ii) alondoloze isitifiketi sisesimweni esifundekayo ngazo zonke izikhathi

(h) Usuku, unyaka kanye nenombolo yokunombola

(i) Usuku lokuphelelwa yisikhathi kwesitifiketi.

(4) Kuye ngokulandela izimiso zesigaba sama-22 sale mithetho kamasipala, isitifiketi sokulungela asidingeki kwisakhiwo somphakathi, esimiswe ngokusemthethweni ekuqaleni kwale mithetho kamasipala.

(5) Uma igama lokuhweba lesakhiwo somphakathi lishintsha, lowo onesitifiketi sokulungela kufanele aqinisekise ukuthi lolo lushintsho luyafinyelela ngokushesha kanye nangokubhalwe phansi Kwisikhulu Esiphezulu Kwezomlilo.

(6) Akukho isitifiketi sokulungela esiyokhishwa noma esiyovuselelwa, kuye ngokuthi yikhona kuphi okufisa ukwenziwa, ngaphandle futhi kuze kuba uMkhandlu

(a) usuthole uhlelo lwezinhlelo okuxoxwe ngazo kwisigaba se-13 sale mithetho kamasipala futhi lwaphasiswa Yisikhulu Esiphezulu Kwezomlilo; okanye

(b) usuthole ifomu lesicelo elinqunyiwe elichazwe kwiMpelesi II yale mithetho kamasipala, nokuyifomu okuyobe kufanele ukuthi libe seligcwaliswe ngokuphelele futhi ngangendlela efanele.

(7) Lowo onesitifiketi sokulungela kufanele aqinisekise ukuthi ngaso sonke isikhathi uhlale enesitifiketi sokulungela esilungile.

(8) (a) Noma yikuphi ukunwetshwa noma ukususwa kwanoma yini okumeyalan noma okuxhumene namagceke akhishelwe isitifiketi sokulungela kuyohelela ekutheni ngenxa yaleso senzo sesulwe kwasitifiketi sokulungela leso, kubalwa nanoma yiliphi igunya ebelikhona elinekezwe ngenxa yale mithetho kamasipala.

(b) Izimiso zalesi sigatshana azisebenzi kunoma yikuphi ukwenza okuholela ekutheni kususwe okwesikhashana kwento ethile ngenhloso yokuthi kunlungiswe okuthile noma kufakwe okuthile esikhundleni sokunye emagcekeni.

(9) (a) Umnikazi wendawo kufanele alethe, ngosuku lokuqala lokusebenza noma ngaphambi

kwalokho okanye ngosuku lokuphelelwa yisikhathi kwemvume, isicelo sokuvuselelwa kwemvume yokulungela kanye nezimali ezinqunyiwe okubhalwe kwiMpelesi I yale mithetho kamasipala Kwisikhulu Esiphakeme Kwezomlilo kwifomu elinqunyiwe. Kepha-ke uma Isikhulu Esiphakeme Kwezomlilo ngenxa yesizathu esithile, sidinga uhlelo lwamagceke okuyobe kukhulunywa ngawo ngenhloso yokuthi kuvuselwe isicelo, uhlelo lolo kufanele lufike kanye nesicelo.

(b) Isikhulu Esiphezulu Kwezomlilo singayithumela incwadi yesikhumbuzo mayelana nokuvuselelwa.

(c) Lapho isakhiwo sisetshenziswa futhi sibekwe ngendlela efanele saba yisakhiwo esisetsheniswa singu-A, ngokwemibandela Yemithetho Kazwelonke Yokwakha, Isikhulu Esiphezulu Kwezomlilo singanikezela ngalesi sitifiketi kube ngesesikhathi esingengaphezulu kweminyaka emihlanu. Zonke ezinye iziza, izitende, noma amgceke ziyobe sezinikezelwa ngezitifiketi zokulungela ezingedluli esikhathini esingunyaka owodwa wekhalenda.

(10) Lapho kudingwa khona Yisikhulu Esiphezulu Kwezomlilo ukuba khona eMsebenzini kuyonikezelwa ngakho.

(11) Noma yimuphi umuntu owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

UKUNIKEZELWA KWAMANZI UKULWA NOMLILO

21. (1) Wonke umuntu othuthukisa noma othuthukisa kabusha ilokishi kufanele:
(a) Aklame futhi athuthukise lelo lokishi enamanzi anele ukulwa nomlilo okwenziwa ngamalungu oMnyango njengalokhu kuchazwe kabanzi:
(i) kwi-SANS 10090 (Ukuvikela Umphakathi Emlilweni)
(ii) kwi-SANS 11200 kanye
(iii) Nakwibhuku Elibomvu
(b) aqinisekise ukuthi izindawo zonke lapho kunamapayipi okuncima umlilo abekwe kwindawo lapho eyokwazi ukusetshenziswa khona ngamalungu oMnyango;
(c) abeke wonke amapayipi okucima umlilo ngokulandela i-SANS 10090 (Ukuvikela Umphakathi Emlilweni), i-SANS 11200 kanye nanjengokusho Kwebhuku Elibomvu;
(d) uma kwenzeka ukuthi kuba nengcuphe edalekayo noma esidaleka okwesibili endaweni, nedaleka ngendlela yokuthi ibekeka ngaphansi kwendawo esengcupheni kakhulu, adedele amanzi ngendlela efanela ngaphandle kokumosha isikhathi,

(2) Isikhulu Esiphezulu Kwezomlilo kufanele sihlole amapayipi okucima umlilo ngezikhawu ezithile njengalokhu kuchaziwe kwi-SANS 10090, futhi kufanele senze uhlelo uhlelo lokubheka ukuhamba kanye nokuphuma komoya kwisihosha samanzi leso ukuze sibone ukuthi ngabe siyahambisana yini nendlela eyamukelekile yokwenza izinto.

(3) Akukho muntu ovunyelwe ukuxhuma amanzi ewasusa ohlelweni lomunxa lwamanzi oMkhandlu ngaphandle-ke uma izinhlelo zokuvikelwa komlilo kulawo magceke njengalokhu kucebiswe ngazo Kumthetho ongu-A9 Wemithetho Kazwelonke Yokwakha, ziphasiswe Yisikhulu Esiphezulu Kwezomlilo –

(4) Wonke umuntu noma umnikazi wamagceke odinga ukufakelwa amanzi esuka kumunxa wokuhambisa amanzi woMkhandlu kufanele-

(a) uma lawo magceke evikelwe ngokuba nohlelo lokufafaza amanzi, aqinisiekise ukuthi -
i. ukuxhunywa lokho kucutshungulwe kahle futhi kuklanyelwe uhlelo lokufafaza ngalunye lufakwe ngendlela ehambisana nokuklama okunomqondo njengalokhu kucebiswe ngakho Kwimithetho Kazwelonke Yokwakha kanye Nomthetho Wamazinga Okwakha; futhi
ii. nobungako, umfutho wokuza kwamanzi kanye nokwazi ngokugeleza kwamanzi kwenziwa ngonjiniyela ofanele singakashayi isikhathi sokuthi kuxhunywe lawo manzi;

(b) Uma Isikhulu Esiphezulu Kwezomlilo sidinga amanzi amaningi amagceke ukuqinisekisa ukuthi izimfanelo zokulwa nomlilo zisebenza ngendlela enqunyiwe njengalokhu kubekwe kwingxenye W ye-SANS 10400, umnikazi walawo magceke kufanele anikezele ngokuxhunywa kwamanzi okungaphezulu; futhi

(c) aqinisekise ubungako, umfutho wokuza kwamanzi kanye nokugeleza kwanoma yimaphi amanzi, ngaphandle kokuza kwamanzi okucebiswe ngakho kwisigatshana sesi-(5)(a), kufanele kubalwe futhi kuklanywe ngokulandela izimiso zengxenye W ye-SANS 10400 kanye ne-SANS 10252, ingxenye 1.

IZICELO ZOKUBHALISA AMAGCEKE AVESE EKHONA

22. (1) Uma umnikazi wendawo akha kabusha, enza ngcono, enweba noma eshintsha iphansi lesakhiwo esivesi sikhona esakhiwa samiswa ngokusemthethweni futhi sasetshenziswa, noma uma ubunikazi noma ukuphathwa kwesakhiwo kushintsha izandla, akukho sitifiketi sokulungela esikhona, isitifiketi sokubhalisa noma imvume yokuchela, njengalokhu ibalulwe kwiMpelesi II yale mithetho kamasipala, eyovuselelwa, ngaphandle-ke futhi kuze kuba zonke izimiso ezifanele zale mithetho kamasipala mayelana nesicelo sakuqala esingungqo kuhanjiswene nayo.

(2) akukho kwengezwa noma kwenza ngcono okungenziwa kumagceke akhona abhalisiwe ngaphandle-ke noma kuze kuba –

(a) umnikazi wamagceke uselethile Kwisisebenzi Esiphethe Izakhiwo kanye Nakwisikhulu Esiphezulu Kwezomlilo uhlelo lwamagceke akhona kanye nohlelo lomsebenzi ohlongozwayo, njengalokhu kudingeka ngokwemibandela Yomthetho u-A2 Wemithetho Kazwelonke Yokwakha; futhi

(b) Isisebenzi Esiphethe Izakhiwo kanye Nesikhulu Esiphezulu Kwezomlilo beluphasisile uhlelo.

INGXENYE IV
IZIMPAHLA EZIYINGOZI

ISICELO SOKUPHASISWA KWEZINHLELO

23. (1) Kuye ngokuthi izimiso Zemithetho Kazwelonke Yokwakha kanye Nomthetho Wamazinga Okwakha ka 1977 kanye nezimiso Zemithetho Yokugxunyekwa Kwezinto Ezinobungozi, wonke umnikazi wamagceke lapho khona kunesakhiwo othola ukuthi iphansi laso kungenzeka lishintshwe, lengezwe, lenziwe ngcono, lenziwe kabusha noma/okanye licolwe, noma uma umnikazi wamagceke lapho uthola khona ukuthi kunezinto eziningi ezigxunyekwayo kuwo, ezingaphezu komhlaba kanye nezingaphansi komhlaba kanye nanoma yimaphi amanye amabhilidi adinga ukumiswa ukuze asetshenziswe, kugcinwe okuthile kuwo noma aphathwe, kufanele alethe izinhlelo zingamakhophi amathathu uhlelo ngalunye kuMkhandlu kwifomu elinqunyiwe elitholakala ehhovizini Lesisebenzi Esiphethe Nezakhiwo.

(2) Izimali ezinqunyiwe ezikhokhwa Kwisikhulu Esiphezulu Kwezomlilo ukuze kuphasiswe izinhlelo zibekiwe kwiMpelesi I kule mithetho kamasipala ngokubonisana Nesisebenzi Esiphethe Izakhiwo.

(3) Isisebenzi Esiphezulu Kwezomlilo asiyikulamukela noma yiluphi uhlelo (ngaphandle-ke kohlelo okuyothi Isisebenzi Esiphethe Izakhiwo siluthathe njengohlelo “lomsebenzi omncane wokwakha”) ngaphandle-ke uma kunesiqiniseko esisemthethweni sokuhanjiswa kohlelo Sesisebenzi Esiphethe Izakhiwo futhi sivela kuleso siqiniseko.

(4) Akukho msebenzi wokwakha ongaqalwa kunoma yimaphi amagceke ngaphandle kokuba usonkontileka ozokwakha enohlelo olufanele nolugxiziwe kwathiwa luphasiwe Wuphiko

Lwezokuphepha Emlilweno loMnyango, kuye ngokuthi yikhona kuphi okusebenzayo. Kuze kuba kuyaphela ukwakha okwenzeka kulawo magceke okukhulunyw ngawo, uhlelo lokwakha kufanele luhlale lukhona ukuze luhlolwe Yisikhulu Esiphezulu Kwezomlilo.

(5) Izimiso zesigaba sama-23 Semithetho Kazwelonke kanye noMthetho Wamazinga Okwakha, ka 1977 ziyasebenza uma kuphasiswa izinhlelo njengalokhu kulawuliwe kulesi sigaba.

(6) Ibhokisi i-MSDS (Iphepha Elinemininingwane Yezinto Zokuphepha), njengalokhu lichazwe kwiMpelesi IV liyobekwa endaweni ebonakalayo emasangweni amakhulu okungena emagcekeni lawo.

(7) Noma yimuphi umnikazi wendawo ethile owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba okanye noma yimuphi umuntu okuthi egameni lomnikazi wendawo azibandakanye kunoma yimuphi umsebenzi ochazwe kulesi sigaba futhi ehluleka ukuhambisa ngokwemiyalelo yalesi sigaba, uyofunywana enecala

UKUKHISHWA KWEZITIFIKETI ZOKUBHALISA

24. (1) Akukho muntu ovunyelwe kunoma yimaphi amagceke ukuthi asebenzise, aphathe noma agcine izinqwaba zezimpahla eziyingozi ezingaphezu kwamanani avumelekile okukhulunywe ngawo ngaphansi noma avumele ukuthi asetshenziswe, aphathwe noma agcinwe, ngaphandle-ke futhi kuze kuba lowo muntu uba nesitifiketi sokubhalisa njengalokhu sidingeka ngokweMpelesi II kule mithetho kamasipala futhi esikhishwe saqondana ngqo nalawo manani kanye nezinto ezifanele kulawo magceke aphasisiwe. Kepha uma kuyiqoqo elilodwa lalawa maqoqo ashiwo ngezansi eligcinwe emagcekeni futhi namanani avumelekile kungeqiwe kuwo, lapho-ke izimiso zalesi sigaba azisebenzi:

Iqoqo I:	**Iziqhumane**		
	Iziqhumane ezikhipha umlilo		Akukho nkululeko
Iqoqo II:	**Amagesi**		
	2.1	Amagesi avuthayo	Umthamo ophelele wesilinda ungeze waba ngaphezu kwamakhilogremu ayi-100
	2.2	Amagesi angavuthi	Umthamo ophelele wesilinda ungeze waba ngaphezu kwamakhilogremu angama-333
	2.3	Amagesi anesihlungu	Akukho nkululeko
Iqoqo III:	**Izinto ezisaluketshezi ezivuthayo**		
	3.1	Ezinokushisa/ukubanda okuyi->18 °C	Inani lonke seliphelele ngeke laba ngaphezulu kwamalitha ayi-100
	3.2	Ezinokushisa/ukubanda okuyi->18 °C kodwa <23 °C	Inani lonke seliphelele ngeke laba ngaphezulu kwamalitha angama-40
	3.3	Ezinokushisa/ukubanda okuyi->23 °C kodwa < 61 °C	Inani lonke seliphelele ngeke laba ngaphezulu kwamalitha ayi-1 100

	3.4	Ezinokushisa/ukubanda okuyi-> kodwa < 100 °C	61 °C Inani lonke seliphelele ngeke laba ngaphezulu kwamalitha ayi-1 100
Iqoqo IV:	**Izinto eziqinile ezivuthayo**		
	4.1	Izinto ezivuthayo	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-250
	4.2	Izinto ezivutha kalula	Akukho nkululeko
	4.3	Izinto ezivusa umdlwenga uma zihlangana namanzi	Akukho nkululeko
Iqoqo V:	**Izinto zokuthombisa kanye nemithi ehlihlayo emsulwa**		
	5.1	Izinto zokuthombisa	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-200
	5.2	Iqoqo I emsulwa	Akukho nkululeko imithi ehlihlayo kumaphakethe
	5.3	Iqoqo II emsulwa	Inani selilonke lemithi ehlihlayo lingeze laba ngaphezulu kwamakhilogremu ayi-200
Iqoqo VI:	**Izinto ezinoshevu/ezithathelanayo**		
	6.1	Iqoqo I izinto ezinobungozi ezikumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu ayisi-5
	6.2	Iqoqo II izinto ezinobungozi ezikumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-50
	6.3	Iqoqo III izinto ezinobungozi ezikumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-500
	6.4	Izinto ezithathelanayo	Akukho nkululeko
Iqoqo VII:	**Izinto ezikhipha imisebe ephethe okugijimayo ngokushesha**		Akukho nkululeko
Iqoqo VIII:	**Izinto ezigevuzayo/ezibabayo**		
	8.1	Iqoqo I i-esidi kumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-50
	8.2	Iqoqo II i-esidi kumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-200
	8.3	Iqoqo III i-esidi kumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu ayi-1 000
	8.4	Iqoqo I izinto ze-alkhali ezikumaphakethe	Inani lesisindo lingeze laba

			ngaphezulu kwamakhilogremu angama-50
	8.5	Iqoqo II izinto ze-alkhali Ezikumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-200
	8.6	Iqoqo III izinto ze-alkhali ezikumaphakethe	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu ayi-1 000
Iqoqo IX:	**Izinto ezingxubevange**		
	9.1	Ezisaluketshezi	Inani lesisindo lingeze laba ngaphezulu kwamalitha angama-210
	9.2	Eziqinile	Inani lesisindo lingeze laba ngaphezulu kwamakhilogremu angama-210

(2) Akekho umuntu, kunoma yimaphi amagceke angabhalisiwe, ongagcina, asebenzise noma aphathe noma yiziphi izimpahla eziyingozi okukhulunywe ngazo kwisigatshana soku-(1), noma avumele ukuthi zigcinwe, zisetshenziswe noma ziphathwe, ngaphandle-ke lezo zimpahla eziyingozi zigcinwe, zasetshenziswa noma zaphathwa endaweni noma ngendlela eqinisekisa ukuthi -

(a) akukho zimpahla eziyingozi noma ukuthunqa okuvelayo noma okukwaziyo ukuthi kuvele ngenxa yokuthintana nanoma yimuphi umlilo, ilangabi noma ukukhanya okumpumpununu noma yikuphi-ke nje okungaba wumthombo wokokheleka nokungahle kwenze ukuthi izimpahla eziyingozi noma ukuthunqa kokheleke; futhi

(b) ukuphunyula kwabantu noma kwezilwane akuvinjelwa noma akuthikamezwa uma kwenzeka kuba nomlilo noma isimo esiphuthumayo.

(3) Akekho umuntu, kunoma yimaphi amagceke angabhalisiwe, ongagcina, asebenzise noma aphathe noma yiziphi izimpahla eziyingozi noma avumele ukuthi zigcinwe, zisetshenziswe noma ziphathwe, ngaphandle-ke kwasendaweni engaphandle futhi efanele ukuqinisekisa ukuthi noma yikuphi ukuthunqa okungaphunyula ngokukhululeka, noma kwindlu efanele futhi enezimbobo zokuphefumula zemvelo ukuqinisekisa ukuthi ukuthunqa noma igesi ayikwazi ukuzenza iqoqo kuleyo ndlu kodwa ivese ihlakazeke nje.

(4) Izimpahla eziyingozi zingagcinwa kumagceke angabhalisiwe kuphela, uma lezo zimpahla eziyingozi, zingasetshenziswa ngaleso sikhathi, zisezitsheni ezinamalebula futhi ezivalwe thaqa.

(5) Akukho sitifiketi sokubhalisa esiyokhishwa kumagceke ukuze sisetshenziswe, siphathwe noma kugcinwe izimpahla eziyingozi, ngaphandle uma zonke izimiso ezifanele zale mithetho kamasipala kuhanjiswene nazo futhi kunesicelo sokubhaliswa esibhalwe kwifomu elifanele, njengalokhu kuchazwe kwiMpelesi II kule mithetho kamasipala salethwa Kwisikhulu Esiphezulu Kwezomlilo, kanye nezimali ezinqunyiwe kwiMpelesi I yale mithetho kamasipala.

(6) Uma kukhishwa isitiketi sokubhalisa, isitifiketi leso kufanele sibhalwe le mibandela elandelayo, okungukuthi isitifiketi -

(a) kufanele ngazo zonke izikhathi sibonakale sikwisitsha esikwazi ukulwisana nezimo zezulu endaweni ecacile emagcekeni ehlelwe yilungu loMnyango;

(b) kufanele sihlale sisendaweni efundekayo ngazo zonke izikhathi;

(c) kufanele sibonise amaqoqo kanye namanani ezimpahla eziyingozi nokuyizona amagceke abhaliselwe zona;

(d) kufanele sibonise inani lamathangi okugcina okuthile abekwe ngaphezulu kanye/noma ngaphansi noma izindawo zokugcina okuthile, kanye nanomthamo wethangi ngalinye noma waleyo nto ngayinye;

(e) kufanele sibonise inani lezindlu zokugcina izimpahla kanye nomthamo wendlu yokugcina impahla ngayinye;

(f) kufanele sibonise inani lezinto zokufakelwa kwamagesi, uhlobo lwamagesi afakiwe kanye nomthamo usuwonke futhi/noma umthamo ongakwazi ukulethwa yilokho okufakiwe ngakunye;

(g) kufanele sichaze inani lezindawo lokugcina okuthile zezinye izimpahla eziyingozi futhi sibonise umthamo wendawo ngayinye;

(h) kufanele sibonise inombolo yokunombola;

(i) kufanele sibonise ukuthi ngabe ukukhishwa kwaleso sitifiketi okwaphakade yini noma okwesikhashana;

(j) kufanele sibonise isikhathi sokuba semthethweni kanye nosuku lokuphelelwa yisikhathi kwaso isitifiketi: Kanti isikhathi leso kuyoba yizinyanga eziyishumi nambili kuphela zonyaka wekhalenda eziyobe zibalwe ukusuka ngosuku esishicilelwe ngaso kanti nesicelo sokwelulelwa isikhathi esibhalwe phansi kufanele sifinyelele Kwisikhulu Esiphezulu Kwezomlilo okungenani kusasele inyanga yonke egcwele ngokwekhalenda ngaphambi kokuba siphelelwe yisikhathi.

(k) asedluliseki sisuka kwamanye amagceke siya kwamanye;

(l) kufanele, ngokulandela isigaba sama-22 sale mithetho kamasipala, sidluliseke ukusuka kumnini waso omunye siya komunye futhi/noma sisuka endlini yokusebenzela siya kwenye indlu yokusebenzela kumagceke afanayo: Kuye ngokuthi -

(i) Isicelo leso sicelo sokwedluliswa senziwe Kwisikhulu Esiphezulu Kwezomlilo kwifomu elinqunyiwe; futhi

(ii) uma igama lokuhweba lamagceke lishintsha, lowo ongumnikazi wemvume yokuchela noma/okanye wesitifiketi sokubhalisa kufanele aqinisekise ukuthi lolo lushintsho luabikwa ngokushesha Kwisikhulu Esiphezulu Kwezomlilo;

(m) angeke sakhishwa ngaphandle kokuba Isikhulu Esiphezulu Kwezomlilo sibe nesethi yezinhlelo eziphasisiwe njengalokhu zidingekile ngokwesigaba sama-23 sale mithetho kamasipala; futhi

(n) angeke sakhishwa noma sivuselelwe ifomu elifanele lingagcwalisiwe ngokugcwele futhi ngokuphelele lase lahanjiswa.

(7) (a) Noma yimuphi umuntu onesitifiketi sokubhalisa esisemthethweni esikuye, angafaka isicelo ngokubhalwe phansi kwifomu elinqunyiwe ukuthi inani lezimpahla eziyingozi, izinto ezisaluketshezi ezivuthayo, kanye nenani lamathangi angaphansi komhlaba, izindlu zokugcina izimpahla, ukufakwa kwamagesi kanye nezinye izindawo zokugcina okuthile njengalokhu kuchitsheyelwe, kuye ngokwesidingo, kanye nefomu kufanele kuhambisane nemali enqunyiwe.

(b) Isikhulu Esiphezulu Kwezomlilo siyophasisa isicelo kuphela uma izichibiyelo ezihlongozwayo zihambisnaa nezimiso zale mithetho kamasipala.

(c) Uma isicelo siphasiswa, umfakisicelo kufanele alethe isitifiketi sokubhalisa Kwisikhulu Esiphezulu Kwezomlilo ukuze sisichibiyele.

(8) Isikhulu Esiphezulu Kwezomlilo singathumela lowo ongumnini wesitifiketi sokubhalisa isikhumbuzo sokuvuselela ukubhalisa. Umuntu onesitifiketi futhi ongasitholanga isikhumbuzo sokuyovuselela angeke aphunyula ekushushisweni ngenxa yokungasinikwa isikhumbuzo.

(9) lowo ongumnini wesitifiketi sokubhalisa kufanele aqinisekise ukuthi ngazo zonke izikhathi uhlala enesitifiketo sokubhalisa esilungile.

(10) Akukho muntu ovunyelwe ukushintsha noma ukuzama ukushintsha isitifiketi sokubhalisa.

UKUNIKEZELA NGEZIMPAHLA EZIYINGOZI

25. (1) Akukho muntu ovunyelwe-

(a) ukunikezela izimpahla eziyingozi eziyingozi ezingaphezu kwamanani okokhulunywe ngawo kwisigaba sama-24(1) sale mithetho kamasipala kunoma yimaphi amagceke angabhalisiwe noma enze ukuthi zinikezelwe noma avumele ukuthi zinikezelwe;

(b) ukuhambisa noma ukuletha izimpahla eziyingozi ezingaphezu kwenani elishiwo kwisitifiketi sokubhalisa noma izimpahla eziyingozi Zeqoqo elinye elingashiwongo kwisitifiketi sokubhalisa kunoma yimaphi amagceke noma umuntu, noma enze ukuthi zihanjiswe noma zilethwe noma avumele ukuthi zihanjiswe noma zilethwe.

(2) Akukho muntu ovunyelwe ukuphatha noma isiphi isitsha esinezimpahla eziyingozi ngendlela ezolimaza noma engalimaza leso sitsha, noma avumele ukuthi leso sitsha silinyazwe.

UKUTHOLA INKULULEKO

26. (1) Ngaphandle kokuvumela noma yini ephikisana nale mithetho kamasipala -

(a) izinto ezisaluketshezi ezivuthayo azithathwa njengezigciniwe, eziphethwe noma ezihanjiswayo uma lezo zinto ezisaluketshezi, zisetshenziselwa ezijwayele ukusetshenziselwa khona, zisethangini lemoto likaphethiloli noma likadizili;

(b) izinto ezisaluketshezi azithathwa njengezigciniwe, eziphethwe noma ezihanjiswayo uma lezo zinto ezisaluketshezi zisethangini likaphethiloli noma likadizili lemoto emile: Kodwa-ke kumele umthamo wokuphakathi ethangini ungabi ngaphezulu kwamalitha ayi-1 100 kanti futhi nalo ithangi lelo kumele lizungezwe wudonga oluvikelekile kwizinto ezisaluketshezi futhi lunalokhu -

(i) igwadle eliqinile elinebanga elinquma phakathi ububanzi besiyengelezi okungenani obungamamilimitha angama-40; noma

(ii) itshe elinegcaki gwadle elinebanga elinquma phakathi ububanzi besiyengelezi okungenani obungamamilimitha angama-50. Kuye ngokuthi lelo thange lamafutha kufanele likwazi ukuba namafutha amaningi ngokwanele, kuhlanganisa namaphesenti ayi-10 omthamo wethangi.

UKUVUSELELWA KWEZIMVUME ZOKUCHELA KANYE/FUTHI NEZITIFIKETI ZOKUBHALISA

27. (1) Noma yimuphi umuntu ongumnini wesitifiketi sokubhalisa noma imvume yokuchela kufanele, okungenani kusasele inyanga eyodwa ngaphambi kokuphelelwa yisikhathi, alethe isicelo sokuvuselelwa kwesitifiketi noma kwemvume Kwisikhulu Esiphezulu Kwezomlilo kwifomu elinqunyiwe, okufomu lelo okumele lihambisane nezimali ezinqunyiwe kwiMpelesi I yale mithetho kamasipala: Kepha futhi Isikhulu Esiphezulu Kwezomlilo singadinga futhi, izinhlelo ezengeziwe noma/futhi ezichitshiyelwe zalawo magceke okukhulunywa ngawo ngenhloso yokuthi kuvuselelwe.

(2) Isikhathi sokulungelwa siyoba yizinyanga eziyishumi nambili zekhalenda, zibalwa kusukela ngosuku lokushicilelwa kwesitifiketi sokuqala.

UKUGCINA IZIMPAHLA EZIYINGOZI OKWESIKHASHANA

28. (1) Isikhulu Esiphezulu Kwezomlilo singanikezela ngesitifiketi sokubhalisa sesikhashan

isikhathi esingengaphezulu kwezinyanga eziyisithupha kunoma yimuphi umuntu, okuthi ngezizathu ezizwakalayo, adinge izimpahla eziyingozi ezithe xaxa emagcekeni ache futhi eziyinani elingaphezulu kwaleli okukhulunywe ngalo kwisigaba sama-24(1) sale mithetho kamasipala: Kuye ngokuthi –

(a) uma izimpahla eziyingozi zidingekela, mayelana, nokumba, umasebenzi wokwakha kanye nokwakhiwa komgwaqo, inani lazo kufanele lifinyelele kuphela kwizi-14 000 ℓ;

(b) isicelo silethiwe kwifomu elifanele, siphelezelwa izimali ezinqunywe kwiMpelesi I yale mithetho kamasipala, kanye nezinhlelo ezidingekalayo ngokwesigaba sama-23 sale mithetho kamasipala; futhi

(c) ubude besikhathi sokugcina lezi zimpahla eziyingozi okwesikhashana buyonqunywa Yisikhulu Esiphezulu Kwezomlilo ngendlela sona esibona ngayo.

(2) Noma yimuphi umuntu osicelo sakhe sokugcina izimpahla eziyingozi okwesikhashana siyaphunyeleliswa kufanele -

(a) ithangi lokugcina okuthile lizungezwe udonga olulibambile olungangenwa yizinto ezisaluketshezi olunalokhu okulandelayo -

(i) igwadle eliqinile elinebanga elinquma phakathi ububanzi besiyengelezi okungenani obungamamilimitha angama-40; noma

(ii) itshe elinegcaki gwadle elinebanga elinquma phakathi ububanzi besiyengelezi okungenani obungamamilimitha angama-50. Kuye ngokuthi lelo thange lamafutha kufanele likwazi ukuba namafutha amaningi ngokwanele, kuhlanganisa namaphesenti ayi-10 omthamo wethangi.

(b) enze uhlelo lokubhekela amanzi aphuphumayo okungaba noma yimaphi amanzi emvula asuka kwizindonga ezibuyisiwe noma asuka kwizinqenqema ezibuyile;

(c) ithangi lokugcina okuthile angalimisi ngaphakathi kommango ongamamitha amahlanu ukusuka kunoma yimuphi umngcele wesiza, isakhiwo, indawo embiwe, umgwaqo noma/okanye indawo yokuhamba izimoto;

(d) aqiniseke ukuthi akukho lutho olungokhela umlilo olukummango ongaphakathi kwamamitha amahlanu ukusondela kwithangi lokugcina okuthile;

(e) kunezimpawu ezinqabela ukubhema kanye namalangabi avulekile, okungenani ezibungako bazo bulinganiselwa kumamilimitha ayi-300 uwaphindaphinda ngamamilimitha ayi-300, futhi zigxunyekwe kuzona zonke izinhlangothi zesakhiwo esigxunyekwe okwesikhashana; futhi

(f) kube okungenani nezicimamlilo zamakhemikhali omile ezingamakhilogremu ayisi-9 ezigxunyekwe kummango ongaphakathi kwamamitha ayi-10 esakhiwo esigxunyekwe okwesikhashana.

(3) Noma yimuphi umuntu owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

UKUHANJISWA KWEZIMPAHLA EZIYINGOZI

29. (1) Noma yimuphi umuntu ohambisa izampahla eziyingozi kunoma yimuphi ozidingayo noma umsebenzisi wazo –

(a) angeke akwazi, ngesikhathi ezihambisa izimpahla, ukupaka noma iyiphi imoto yokuhambisa izimpahla kunqenqema noma ngaphesheya konqenqema noma emgwaqeni womphakathi noma ngaphakathi kuwona;

(b) angeke akwazi, ngesikhathi ehambisa lezi zimpahla, avumele noma yiliphi ipayiphi lilale kunqenqema, emgwaqeni womphakathi noma kwamanye amagceke, noma linqamule esakhiweni noma enze ukuthi ligingqike laphayana;

(c) kufanele aqinisekise ukuthi, ngesikhathi ethula izimpahla, kunesicimamlilo esingamakhilogremu ayisishiyagalombili esihlala silindile ngazo zonke izikhathi;

(d) kufanele aqinisekise ukuthi, ngesikhathi sokwedluliswa kwezimpahla eziyingozi, imoto ethutha izimpahla itshaleke phansi emhlabathini ngesilayishi sayo lapho izimpahla eziyingozi ezifakwa khona;

(e) kufanele aqinisekise ukuthi ngesikhathi ethutha izimpahla, imoto ethutha izimpahla ime ngendlela yokuthi ingasuswa ngokushesha kanye nakalula uma kwenzeka kuba nesimo esiphuthumayo ngaphandle kokwenza isimo sibe sibi kakhulu;

(f) Kufanele aqinisekise ukuthi akukho zimpahala eziyingozi ezidluliswa zisuswa kwimoto yokuthutha izimpahla zisiwa kwinto evuzayo noma ephukile; futhi

(g) lapho khona ukulethwa kwempahla kwenziwa ngento ehamba emgwaqeni njengalokhu ichazwe nguMthetho Wezemigwaqo kuyokwenziwa uhlelo lokuqinisekisa ukuthi leyo moto eletha lezo zimpahla akudingekile ukuba ifake igiya eliya emuva uma iphuma endaweni yesimo esiphuthumayo.

(2) Umnikazi wanoma iyiphi into eexhumene noma esetshenziselwa ukuthutha noma ukuthwala izimpahla eziyingozi kufanele aqinisekise ukuthi into leyo yenzelwe khona ukwenza lokho futhi iphephile okanye isesimweni esikahle ukuthi ingasetshenziswa.

(3) Umuntu okunguyena ophethe noma olawula noma yiluphi uhlelo lokuthuthwa noma lokuhanjiswa kwempahla eyingozi, kufanele athathe izinyathelo eziphusile ukuqinisekisa ukuthi akukho mpahla eyingozi echithekayo ngesikhathi ithuthwa kunoma iyiphi indawo uma leyo nto ethuthwayo isisuswa kwimoto ebiyithwele isifakwa kwinto ezogcinwa kuyo.

(4) Akukho muntu ovunyelwe ukwedlulisa noma iyiphi impahla eyingozi ayise emotweni, endizeni, emkhunjini omncane, emkhunjini noma esikebheni sibe siduma noma avumele ukuthi leyo nto ilayishwe.

(5) Akukho muntu ovunyelwe ukwedlulisa izimpahla eziyingozi azifake ebhanoyini ngaphandle-ke uma lihleli phansi emhlabathini futhi linento edlulisa lezo zimpahla kusetshenziswa intambo egxile phansi emhlabeni.

UKUNGAVUNYELWA KWEZENZO EZITHILE

30. (1) Noma yimuphi umuntu ogcina, osebenzisa noma aphathe izimpahla eziyingozi emagcekeni noma owenza ukuthi zigcinwe, zisetshenziswe noma ziphathwe noma avumele ukuthi zigcinwe, zisetshenziswe noma ziphathwe emagcekeni angeke akwazi -

(a) ukuvunyelwa ukuthi enze noma yini okanye avumele noma yini yenziwe nengaholela ekutheni ngokomqondo ophusile kudaleke umlilo noma ukuqhuma; okanye

(b) enze noma yini noma avumele noma yini ukuba yenziwe nengathikameza ukuphunyula kwabantu noma isilwane uma kunesimo esiphuthumayo.

(2) Akukho muntu ovunyelwe

(b) (a) ukulahla noma ukuchitha noma iyiphi impahla eyingozi emgodini wamanzi, kwimbobo ethile, kwipayipi lokuchitha amanyala ngamanzi, kuhlelo lokumuncwa kwamanazi noma kwindawo enamanzi ajwayelekile noma avumele ukuthi lokhu kwenziwe,

(c) Ukulahla noma avumele ukulahlwa kwezimpahla eziyingozi nganoma iyiphi indlela ngaphandle kwenhlangano enamandla onke okwenza lokho ngokwemibandela yale mithetho kamasipala.

(d) Ukubasa, ukuletha noma ukusebenzisa, noma yimuphi umlilo noma yini-ke enye ekhipha noma ekwazi ukuthi ikhiphe amalangabi avulelekile noma avumele ukuthi noma yimuphi omunye umuntu enze kanjalo, ngaphakathi kommango wamamitha amahlanu ukusukela lapho izimpahla eziyingozi ezigcinwe khona.

(e) Ukusebenzisa noma avumele ukuthi kusetshenziswe noma iyiphi into emayalana nezimpahla eziyingozi kunoma iyiphi iyiphi indlu engaphansi kwezinye izindlu eyakhiwe emgodini kunoma iyiphi ileveli yesakhiwo, ngaphandle kwegesi yokushisela noma/okanye kwento esetshenziselwa ukusika utshani ngenhloso kuphela yokulungisa leso sakhiwo sibukeke.

(f) ngesikhathi omunye umuntu, ngaphandle komshayeli noma-ke omunye umuntu onesibopho sebhasi okukhulunywe ngalo kuMthetho Kazwelonke Wezomgwaqo, ukuba ngaphakathi noma khona kanye ebhasini -

i. uma kugcwaliswa uphethiloli noma udizili ethangini noma kuvunyelwe ukuba lethiwe lokho, noma
ii. athuthe noma avumele ukuba kuthuthwe nom iyiphi impahala eyingozi kulelo bhasi ngaphakathi noma yikuphi kulona, ngaphandle kwethangi lamafutha, .

(g) ukuhambisa noma ukunikezela noma ukuvuma ukuthi kunikezelwe noma kulethwe noma yiziphi izimpahla kunoma yimaphi amagceke ngaphandle kokuba umnikazi noma lowo muntu olawula kulawo magceke enesitifiketi sokubhalisa esilungile nesingaphelelwe yisikhathi.

IZIMPAWU EZITHI "AKUBHENYWA"

31. Umnikazi wesakhiwo, lapho izinto ezivuthayo noma/okanye izimpahla eziyingozi eziqhumayo ezisetshenziswa, zigcinwe noma ziphathwe khona, kufanele, kulezo zindawo ezithintekayo beke izimpawu ezibonisa lokho -

(a) ezenqabela ukubhema kanye namalangabi avulekile, okuhambisana ne-SANS 1186 futhi zinobungako obufanele njengalokhu kushiwo Yisikhulu Esiphezulu Kwezomlilo; futhi

(b) uzibeka zicace ezindaweni ezifanele ukuba kuzo lapho uphawu ngalunye lubonakala khona.

IZIMFANELO ZOKULWA NOMLILO KANYE NEZINTO EZIHAMBISANA NALOKHO

32. (1) Ngaphandle kokuvumela noma yini ephikisana nale mithetho kamasipala lowo muntu okukhishelwe kuye wanikwa isitifiketi sokubhalisa ngokwemibandela yesigaba sama-24 yale mithetho kamasipala noma/okanye imvume yokuchela ngokwemibandela yesigaba sama-45(1) sale mithetho kamasipala kufanele aqinisekise ukuthi wonke amagceke akhishelwe leso sitifiketi sokubhalisa noma/okanye leyo mvume yokuchela analokhu okulandelayo -

(a) izicimamlilo eziphathekayo ezishiwo kwi-SANS 1567 (uhlobo lwekhabhoni dayoksayidi), kwi-SANS 810 (uhlomo lwekhemikhali eyomile), kwi-SANS 1573 (uhlobo oluyisikhephukhephu) kanye ne-SANS 1571 (uhlobo oluthuthekayo), ezisisindo zazo okungenani kumele kube ngamakhilogremu ayisi-9 noma angamalitha ayisi-9, kuye ngokuthi yikhona kuphi okufanele, kusetshenziswe isikalo

sokuthi kwindawo ngayinye eyizikwemitha eziyikhulu kube nesicimamlilo sakhona esibhekene naleyo ndawo noma ingxenye yayo. Kodwa-ke futhi Isikhulu Esiphezulu Kwezomlilo singasho uhlobo oluthile lwesicimamlilo sona esifisa ukuba sisetshenziswe futhi uma Isikhulu Esiphezulu Kwezomlilo sinombono wokuthi izinkinga ezingaba khona ngenxa yomilo kungaba ezidlangile noma izingcuphe zidinga ukuthi kube nezicimamlilo ezengeziwe, Isikhulu Esiphezulu Kwezomlilo singadinga ukuthi izicimamlilo zengezwe, zibhekele indawo ezincanyana ukunaleso silinganiso esinikwe lapha ngenhla;

(b) amapayiphi okucima umlilo njengalokhu echazwe kwi-SANS 543 (amapayipi okucima umlilo), axhunywe kwinto enikela ngamanzi njengalokhu ibonisiwe kwingxenye W ye-SANS 10400, eyokwenza ukuthi ipayipi lokucima umlilo ngalinye likwazi ukugelezisa amanzi abalelwa ku-0,5 welitha ngesekhondi kumsebenzi olinganiselwa kumandla ayizi-300 kPa;

(c) amapayipi amanzi, anamahhuku achazwe kwi-SANS 1128, ingxenye I (Izimfanelo zokulwa nomlilo - Amahhuku), okungenani kwisilingani sokuthi kube nelilodwa okungenani kummango wezikwemitha eziyi-1 000 noma ingxenye yazo; futhi

(d) uhlelo oluphasisiwe olufafaza amanzi ngokulandela izidingo ezibekwe kwi-SANS 10087, nakwi-SANS 10089, nakwi-SANS 10131.

(2) Izimfanelo zokulwa nomlilo kufanele zihlolwe futhi zilondolozwe ngumuntu obhalisiwe ngokulandela izimiso ze-SANS 10105 kanye ne-SANS 1475 okungenani kanye ngemuva kwezinyanga eziyishmumi nambili kuze kweneliseke Isikhulu Esiphezulu Kwezomlilo.

(3) Uma izimfanelo zokulwa nomlilo zingabekiwe obala zabonakala, kufanele zikhonjiswe lapho zikhona ngokwezimpawu ngokulandela okushiwo yi-SANS 1186 futhi kuze kweneliseke Isikhulu Esiphezulu Kwezomlilo.

UKUBIKWA KWEMILILO, IZINGOZI KANYE NOKULAHLA

33. Umhlali wanoma yimaphi amagceke kufanele ngokushesha abike noma yimuphi umlilo, ingozi noma ukulahla okufaka izimpahla eziyingozi emagcekeni osekwenze kwaba nokulimala kwempahla, ubudlelwano bemvelo noma ukulimala kwabantu noma kwezilwane Kwisikhulu Esiphezulu Kwezomlilo.

UKUTHATHWA KWESAMPULA

34. (1) Uma ilungu lihlola amagceke athile futhi lisola ukuthi kunento ethile enobungozi emagcekeni, ilungu lingenza ukuthi isampula ithathwe ngumuntu okanye inkampani egunyazwe ngendlela efanele, noma elayiphi into okufanele ithathwe ukuze iyohlaziywa: Kepha-ke lelo sampula-

(a) elithathwe kanjalo kufanele lithathwe kukhona uminikazi wendawo leyo noma umhlali noma omunye-ke umuntu omele omunye walaba;

(b) kufanele lehlukaniswe libe yizingxenye ezimbili ezilinganayo bese zivalelwa kwizitsha ezifanele nalolu lwazi olulandelayo kwizitsha lezo:

(i) Ikheli kanye nendawo lapho amagceke ekhona

(ii) Igama lokuhweba lamagceke noma lokho okuthintekayo

(iii) Igama kanye namasiginesha abantu abakhona, njengalokhu kucebiswe ngakho kwisigatshana soku-(1)(a)

(iv) Usuku kanye nesikhathi isampula eyathathwa ngalo

(v) Incazelo ecacile yendawo emagcekeni okwathathwa kuyo isampula; futhi

(vi) kufanele lithathwe ngokushesha lisiwe kwisikhungo esigunyaziwe esiyoqokwa Yisikhulu Esiphezulu Kwezomlilo ukuze liyohlaziywa bese kwenziwa umbiko: Kepha-ke kuqikekelwe futhi ukuthi imiphumela yokuhlolwa nokuhlaziywa kwesampula, kuye ngokuthi imithetho yokulalelwa kobufakazi ime kanjani, ingasetshenziswa njengobufakazi kunoma yiziphi izinyathelo zezomthetho Isikhulu Esiphezulu Kwezomlilo esinganquma ukuthi noma/okanye esingabona kufanele ukuthi zilandelwe, kuye ngokuthi yikuphi okwenziwayo.

(2) Noma yiziphi izindleko ezenzeke ngenxa yokuthatha, ukuthutha noma ukuhlaziywa kwesampula elithathwe kunoma yimaphi amagceke ngokwenhloso yale mithetho kamasipala kanye nombiko ngalelo sampula ovela kwisikhungo esigunyaziwe Yisikhulu Esiphezulu Kwezomlilo, ngokwaleyo nhloso kungenzeka zithathwe kumnikazi wesampula noma lowo ohlala lapho lithathwe khona uma lowo mnikazi noma lowo ohlala kulawo magceke engahambisananga nezimiso zale mithetho kamasipala mayelana naleyo nto okungabe kuthathwe isampula layo.

AMATHANGI OKUGCINA OKUTHILE KANYE NEZINYE IZINTO OKUNGASASETSHENZISWA

35. Umnikazi noma lowo osebenzisa noma iliphi ithangi lokugcina okuthile noma/okanye into ethile ehlobene nalokho engasasebenzi kufanele ngokulandela izimiso zesigaba sama-37 sale mithetho kamasipala, alisuse lelo thangi, leyo nto egxunyekiwe noma into leyo noma enze ukuthi ithangi lisuswe, noma aligcwalise lelo thangi ngento ethile ephasiswe wuMnyango Wezemvelo Nokuvakasha ukuze lelo thangi lithathwe njengeliphephile.

UKUFINYELELA KUMATHANGI OKUGCINA OKUTHILE UKUZE ALUNGISWE FUTHI AHLANZWE

36. Akukho muntu ovunyelwe ukungena noma avumele omunye umuntu ukuthi angene kwithangi lokugcina okuthile elinezimpahla eziyingozi Ezikwiqoqo III,

(a) kuze kuba lelo thangi selihlanziwe lenziwa laba msulwa kwigesi kanye nokuthunqa, njengalokhu kuchazwe kwi-SANS 10089, ingxenye I, njengalokhu kuchitshiyelwe, noma
(b) ngaphandle-ke uma lowo muntu

egqoke into yokuphefumula esebenzayo; futhi
kunentambo yokutakula ayisebenzisayo ebanjwe umuntu ofanele ukukwenza lokho futhi okwaziyo akwenzayo

UKUGXUNYEKWA, UKUMISWA UKUSUSWA KANYE NOKUBHIDLIZWA

37. (1) Ukwengeza kunoma yimuphi omunye umthetho osebenzayo kulokhu, noma yimuphi umuntu ofisa ukumisa, ukugxumeka, ukubhidliza, ukunweba noma ukushintsha iphampu yokuhambisa okuthile, ithangi lokugcina okuthile, indlu yokugcina izimpahla, indlu yokuchela, ukugxumeka igesi, into yokugcina okuthile, izinhlelo zokuvikela umlilo kanye nesakhiwo sephansi lendlu kumagceke noma enye into exhumene namagceke, noma enze ukuthi noma yikuphi lokhu okubalwe ngenhla kumiswe, kugxunyekwe, kususwe, kunwetshwe noma kushintshwe, kufanele azise Isikhulu Esiphezulu Kwezomlilo ngezinhloso zakhe okungenani kusasele izinsuku ezintathu zokusebenza ngaphambi kokuba lokho okwenziwayo kuqale kanti usuku lokuphetha kanye nalesi saziso kufanele kwenziwe kwifomu elichazwe kwiMpelesi II yale mithetho kamasipala

(2) Noma yikuphi ukwehluleka ukwenza njengalokhu kucebiswe ngakho kwisigaba soku-(1) lokho kwehluleka ukwenza okanye ukungenzi kanye kucima isitifiketi sokubhalisa noma/okanye imvume yokuchela, kuye ngokuthi yikuphi okwenzakalayo, kubalwa ngisho namanye amagunya, okubalwa nenkululeko ekhona ngokwemibandela yale mithetho kamasipala: Kepha-ke izimiso zalesi sigaba azisebenzi uma -

(a) noma iyiphi into isuswa okwesikhashana ukuze leyo ndawo ilungiswe noma kwenziwe okuthi makufane nalokho;

(b) noma yiziphi izimfanelo eziba ngaphezu komhlaba noma ngaphansi komhlaba zikhishwa kufakwa ezinye; futhi

(c) noma yimaphi amathange angaphansi komhlaba noma angaphezu komhlaba ekhishwa kufakwa amanye amathange anobungako obulinganayo namanye amathange.

(3) (a) Akukho bhilidi, into egxunyekiwe noma isakhiwo, okungathi ngemuva kokuba sekuqediwe ukwenza lokho okukhulunywe ngakho kwisigatshana soku-(1) siphinde simiswe futhi kuwona lawo magceke okukhulunywa ngawo, ngaphandle-ke uma isicelo sokuphasisa uhlelo njengalokhu kucebiswe ngaso kwisigaba sama-23 sale mithetho kamasipala, siphinde senziwa futhi.

(b) Ngemuva kokuqedwa kokumiswa kwalelo bhilidi, isakhiwo noma lokho okugxunyekwayo, isicelo kufanele sibuye senziwe futhi sesitifiketi sokulungela, imvume yokuchela noma/okanye isitifiketi sokubhalisa ngokulandela izimiso zengxenye IV, izimpahla eziyingozi zale mithetho kamasipala.

IQOQO I IZIMPAHLA EZIYINGOZI

38. Zonke izimpahla eziyingozi Zeqoqo I (iziqhumane) kufanele ziphathwe, zisetshenziswe, zigcinwe futhi zihanjiswe ngokulandela izimiso ze-SANS 10228, 10229, 10232 kanye neye-10263, uMthetho Weziqhumane ka 2003, kanye noMthetho Wezinto Eziyingozi ka 1973, kanye nanoma iyiphi eminye imithetho eyenziwe ngaphansi kwale Mithetho.

IQOQO II IZIMPAHLA EZIYINGOZI

Izitsha eziphathekayo

39. (1) Zonke izitsha eziphathekayo zensimbi kanye nezizinto ezihambisana nazo Zeqoqo II lezimpahla eziyingozi kufanele zenziwe, zikalwe, zilondolozwe, zigcwaliswe futhi zigcinwe ngokulandela izimiseo ze-SANS 10019, i-SANS 10228, i-SANS 10229 kanye ne-SANS 10238, kuye ngokuthi-ke yikhona kuphi okufanele.

(2) Zonke izitsha eziphathekayo zensimbi zokugcina izinto ezisaluketshezi zeegesi yephethroliyamu kufanele zigcinwe, zigcwaliswe noma/okahye zigxunyekwe ngokulandela izimiso ze-SANS 10228, i-SANS 10229, i-SANS 10238, i-SANS 10019 kanye ne-SANS 10087, Izingxenye I kuya ku-VIII, kuye ngokuthi yikhona kuphi okufanele.

(3) Zonke izitsha eziphathekayo zensimbi Zeqoqo II ezenzeka zibe saluketshezi, ezivuthayo, ezinobungozi, ezikhumuzekayo kanye namagesi ashabalalisekayo njengalokhu kuchazwe kwi-SANS 10019 kufanele ngazo zonke izikhathi kuthuthwe, kugcinwe noma/okanye kugxunyekwe kume kuthi thwi.

Izitsha Ezinkulu

(4) Zonke izitsha ezinkulu zezimpahla eziyingozi Zeqoqo II kufanele ziklanywe, zakhiwe, zilondolozwe futhi zigxunyekwe ngokwemibandela yezimiso zoMthetho Wezempilo kanye Nokuphepha Emsebenzini ka 1993 (uMthetho onguNo 85 ka 1993), kanye nanoma imiphi eminye imithetho eyenziwe ngaphansi koMthetho, i-SANS 10087, Ingxenye III, kanye nezimiso Zemithetho Kazwelonke Yokwakha kanye noMthetho Wamazinga Okwakha ka 1977, kanye nanoma yimiphi eminye imithetho eyenziwe ngaphansi koMthetho, kuye ngokuthi yikhona kuphi okufanele.

Ukugxunyekwa Okuningi

(5) (a) Akukho qoqo II lamagesi avuthayo, anobungozi futhi akhumuzekayo, elingasetshenziswa, ligcinwe, liphathwe noma ligxunyekwe ngaphakathi kunoma yikuphi lapho kunezinto eziningi ezigxunyekiwe noma yikanjani kunoma yimaphi amagceke.

(b) Izimiso zalesi sigaba azisebenzi ekugcinweni ekusebenziseni noma ekuphatheni noma ekugxunyekweni kwesitsha segesi yephetroliyamu eluketshezi enesilinganiso ngokwamanzi esingaba ngamalitha angama-45 ngaphakathi kwindlu yokuhlala yangasese (lena yindawo okuhlalwa kuyo ebekwe yaba ngu-H4 ngokwemibandela Yomthetho A 20 Wemithetho Kazwelonke Yokwakha) ngaphansi komgomo wokuthi leso sitsha sisetshenziselwa kuphela izizathu ezimayelana nokuhlala kuleyo ndawo. Kepha igesi esaluketshezi yephethroliyamu iyovumeleka ngaphakathi kuphela ngaphansi kombandela wokuthi lowo muntu oyobe eyisebenzisa uyokwazi ukunika Isikhulu Esiphezulu Kwezomlilo ubufakazi obuvela kososayensi obuthi kunokushaya komoya okwanele okusuka kwindlu leyo kuya ngaphandle ukuqinisekisa ukuthi noma yikuphi ukuthikamezeka okungadalwa ukuvuza kwegesi noma ukuvusa okungahle kube khona kwegesi kuleyo ndlu noma/okanye okungenziwa ubudedengu bokusetshenziswa kwegesi, kuyokwazi ukuthi kubhekwane nakho ngokuthi kuthenwe amandla futhi kungalokothi nje kuze kufinyelele eduzane nesimo sokuthi leyo gesi ingaqhuma.

(c) Noma yimuphi umuntu onikeza ubufakazi njengalokhu kucebiswe ngakho kwisigatshana sesi-(5)(b), kufanele:

i. kube ngunjiniyela ophasisiwe noma omunye umuntu owaziyo umsebenzi wakhe futhi obhalisiwe,

ii. ngokwemibandela Yomthetho ongu-A19 Wemithetho Kazwelonke Yokwakha, kufanele aqokwe ngumnikazi noma umhlali waleso sakhiwo okukhulunywa ngaso,

iii. anikezele ngokubalwa okugxile kwisayensi kanye nezivivinyo zalokho kube yingxenye yalobo bufakazi.

(d) Ukuklanywa kanye nokwakha kwanoma yiziphi izindawo eziningi zokuhlala igesi esaluketshezi yephethroliyamu kuyomele kuhambisane nezimiso ze-SANS 10087-1.

(6) (a) Akekho umuntu, ngaphandle kwemvume Yesikhulu Esiphezulu Kwezomlilo, ongasebenzisa, aphathe, abonise noma asebenzise noma yiziphi izitsha ezinomoya ongugesi okuthi uma uhlanganiswa ne-oksijini kuvele amanzi, izinto ezinomoya ongugesi okuthi uma uhlanganiswa ne-oksijini kuvele amanzi noma/okanye amabhaluni anomoya ongugesi okuthi uhlanganiswa ne-oksijini kuvele amanzi, noma ngabe uzokusebenzisela yiphi inhloso.

(b) Ekwenzeni lesi sigatshana ukuthi sisebenze, igama elithi “igesi okuthi uma ihlanganiswa ne-oksijini kuvele amanzi” lifaka phakathi noma iyiphi igesi enezinhlayiya zale gesi ngaphandle-ke uma isimo sokungavuthi kwegesi noma/okanye ukungakwazi ukuqhuma kwegesi lokho kungaqinisekiswa ngokwesayensi.

(c) Izimiso zesigaba sama-39(5)(b) sale mithetho kamasipala zisebenza ngemuva kokuba izinguquko ezifanele sezenziwe kulesi sigatshana.

(7) Uma noma yimuphi umuntu osebenzisa izinto zokushisela ezinegesi engenambala kodwa evuthayo noma/okanye izinto zokusika utshani ngaphakathi endaweni embozekile, lezo zinto kufanele azisebenzise ngokulandela izidingo ze-SANS 10238: Kepha-ke Isikhulu Esiphezulu Kwezomlilo singakwazi ukusho izidingo zokuvikelwa komlilo mayelana nokugxunyekwa, ukugcinwa kanye nokusetshenziswa kwalezo zinto.

(8) Ukugxunyekwa ngaphakathi endaweni engaphansi komhlaba okungeyamapayipi anoma yiziphi izimpahla eziyingozi Zeqoqo II, kanye namagatsha noma izinqwaba zamapayipi, kuye ngokuthi yikhona kuphi okusebenzayo kuyokwenziwa ngemuva kokuba izinguquko ezifanele sezenziwe: Kepha kulandelwe izimiso zezigaba zama-22, 23, 24, 25, 27, 29 kanye nesama-31 zale mithetho kamasipala.

Amapayipi angaphansi komhlaba

(9) Noma yiliphi ipayipi elingaphansi komhlaba lezimpahla eziyingozi Eziyiqoqo III kufanele ahambisane nalezi zidingo ezilandelayo ngaphandle-ke kwalapho khona umnikazi wepayipi noma lowo onesibopho kwipayipi enenkululeko ngokwemibandela yesigaba se-15 soMthetho Wegesi onguNo 48 ka 2001 yokuthi azitholele incwadi emgunyazayo noma ilayisensi Kumalawuli Wegesi:

(a) Uminkazi wepayipi kufanele anikezele ngamapayipi amakhulu okucima umlilo, nokungamapayipi lawo okufanele ukuthi ipayipi elikhulu ngalinye lokucima umlilo likwazi ukufutha likhiphe amalitha amanzi ayi-1 600 ngomzuzu owodwa kumandla ayi-300kPa, futhi lawa mapayipi amakhulu omlilo kufanele alale ahambisane nanoma yimaphi amanye amapayipi kunoma yisiphi isiteshi sokumpompa esikhona endaweni. Umnikazi wepayipi kufanele agcine amapayipi amakhulu esebenza ngazo zonke izikhathi.

(b) Umnikazi wepayipi kufanele anikezele ngokuvikeleka okwanele ukuvikela ipayipi ekudlekeni futhi agcine lokho okuvikela ipayipi ekudlekeni kusesimweni sokusebenza ngazo zonke izikhathi.

(c) (Lelo payipi kufanele likalwe ngezinto zokukala eziphasiswe Yisikhulu Esiphezulu Kwezomlilo futhi kufanele lilondolozwe ngumnikazi wepayipi futhi libe sesimweni sokuthi liyasebenza ngazo zonke izikhathi.

(d) Ukugxunyekwa kanye nokwelulwa kwepayipi kanye/noma kwamagatsha kumagceke abathengi, kanye nokusingathwa kwepayipi ngaphakathi kuleyo ndawo, kufanele kukonkana kwenziwe ngokulandela izinga eliphasiswe Yisikhulu Esiphezulu Kwezomlilo.

(e) Akukho msebenzi wokwakha ngaphezu komhlaba noma ngaphansi komhlaba okungenziwa ngaphakathi kommango ongamamitha ayi-16 ukusuka lapho kukhona khona ipayipi, ngaphandle-ke uma leyo nkampani eyakhayo inegunya elibhalwe phansi lokwenza lokho, nokuyigunya okuyofanele ukuba liyobe likhishwe uMkhandlu kanye nomnikazi womgudu wepayipi lelo.

IQOQO III IZIMPAHLA EZIYINGOZI

Ukwakha ithangi

40. (1) Akukho muntu ovunyelwe ukufaka, ukusebenzisa noma ukuphatha noma azame ukufaka, ukusebenzisa noma ukuphatha noma yiliphi ithangi lokugcina okuthile ukuze kugcinwe Iqoqo III lezimpahla eziyingozi ngaphansi, ngaphandle-ke uma lelo thangi lakhiwe ngokulandela izimiso ze-SANS 1535.

(2) Noma yimuphi umuntu okufaka, osebenzisa noma ozama ukufaka, noma ukusebenzisa noma yiliphi ithangi lokuphatha okuthile elingaphansi komhlaba, elingahambisani nezidingo ze-SANS 1535, uyofunywana enecela ngokwenza lokho.

(3) Noma yiliphi ipayipi elingaphansi komhlaba lezimpahla eziyingozi Eziyiqoqo III kufanele ahambisane nalezi zidingo ezilandelayo ngaphandle-ke kwalapho khona umnikazi wepayipi noma lowo onesibopho kwipayipi enenkululeko ngokwemibandela yesigaba se-15 soMthetho Wegesi onguNo 48 ka 2001 yokuthi azitholele incwadi emgunyazayo noma ilayisensi Kumalawuli Wegesi:

(a) Uminkazi wepayipi kufanele anikezele ngamapayipi okucima umlilo, nokungamapayipi lawo okufanele ukuthi ipayipi ngalinye lokucima umlilo likwazi ukufutha likhiphe amalitha amanzi ayi-1 600 ngomzuzu owodwa kumandla ayi-300kPa, futhi lawa mapayipi omlilo kufanele alale ahambisane nanoma yimaphi amanye amapayipi kunoma yisiphi isiteshi sokumpompa esikhona endaweni. Umnikazi wepayipi kufanele agcine amapayipi amakhulu esebenza ngazo zonke izikhathi.

(b) Umnikazi wepayipi kufanele anikezele ngokuvikeleka okwanele ukuvikela ipayipi ekudlekeni futhi agcine lokho okuvikela ipayipi ekudlekeni kusesimweni sokusebenza ngazo zonke izikhathi.

(c) Lelo payipi kufanele likalwe ngezinto zokukala eziphasiswe Yisikhulu Esiphezulu Kwezomlilo futhi kufanele lilondolozwe ngumnikazi wepayipi futhi libe sesimweni sokuthi liyasebenza ngazo zonke izikhathi.

(d) Ukugxunyekwa kanye nokwelulwa kwepayipi kanye/noma kwamagatsha kumagceke abathengi, kanye nokusingathwa kwepayipi ngaphakathi kuleyo ndawo, kufanele kukonkana kwenziwe ngokulandela izinga eliphasiswe Yisikhulu Esiphezulu Kwezomlilo.

(e) Akukho msebenzi wokwakha ngaphezu komhlaba noma ngaphansi komhlaba okungenziwa ngaphakathi kommango ongamamitha ayi-16 ukusuka lapho kukhona khona ipayipi, ngaphandle-ke uma leyo nkampani eyakhayo inegunya elibhalwe phansi lokwenza lokho, nokuyigunya okuyofanele ukuba liyobe likhishwe uMkhandlu kanye nomnikazi womgudu wepayipi lelo.

UKUFAKWA KWAMATHANGI OKUGCINA OKUTHILE

41. (1) Noma yiliphi ithangi lokugcina izimpahla eziyingozi ezingaphansi Kweqoqo III kufanele lifakelwe ngokulandela izimiso ze-SANS 10400; SANS 10089, Izingxenye I, II kanye no-III; SANS 10131, Izingxenye I, II kanye no-III; SANS 10108 kanye ne-SANS 10086, kuye ngokuthi yikuphi okufanele: Kodwa-ke kubhekekelwe ukuthi -

(a) wonke amathangi okugcina okuthile afakwe ngaphakathi kufanele afakwe ngokulandela izimiso ze-SANS 10131, Izingxenye I, II kanye no-III, kuye ngokuthi yikuphi okufanele;

(b) wonke amaphampu kanye nezinto zokugcwalisa okugxunyekwe ngaphakathi kufanel kwnezelwe inhloso ethile, futhi kube semagcekeni abhalisiwe;

(c) konke ukufakelwa kwalezi zinto, njengalokhu kucebiswe ngakho kwisigaba soku-(1) (a) futhi

(d) kuye ngokuthi yikhona kuphi okufanele, kuhambisane nokuthi izinguquko ezifanele zenziwe nezibalulwe ngokwezimiso zesigaba sama-23 kanye nesigaba sama-24 sale mithetho kamasipala, kuye ngokuthi yikuphi okufanele; futhi

INGXENYE V
UKWAKHIWA KWEZIMOTO, KANYE NOKUTHUTHWA KANYE NEZIMVUME ZOKUTHUTHA

IMVUME YOMNYANGO YEZOKUTHUTHA IZINTO EZIVUTHAYO

42. (1) Umnikazi wanoma iyiphi imoto esetshenziselwa ukuthutha izinto ezivuthayo endaweni kufanele abe nemvume yokuthutha egunyaziwe ngokwemibandela yalesi sigaba ykuthuthwa kwezinto ezivuthayo: Kuye ngokuthi -

(a) imoto ngayinye ekhishelwe le mvume kufanele ihambisane nezimiso zale lesi sigaba;

(b) ifomu lesicelo, okukhulunywe ngalo kwiMpelesi II kule mithetho kamasipala futhi elitholakala Kwisikhulu Esiphezulu Kwezomlilo, kufanele ligcwaliswe ngendlela efanele futhi ephelele;

(c) ifomu lesicelo kufanele liphelezelwe yizimali ezinqunyiwe kwiMpelesi I yale mithetho kamasipala; futhi

(d) isicelo kufanele silethwe kwihhovisi loMnyango lokubhalisa okungenani kusasele izinsuku ezinhlanu (ungayibali iMigqibelo, amaSonto kanye namaholide omphakathi) ukuthi kube nalokho kuhlolwa okuhlongozwayo.

(2) Imvume yento yokuhamba kufanele -

(a) ibonise usuku lokushicilelwa kanye nosuku ephelelwa ngalo yisikhathi;

(b) ibe ngelungele ukusetshenziswa izinyanga eziyishumi nambili kusukela ngosuku eyakhishwa ngalo;

(c) ibonise igama, ngezinhlamvu ezigqamile, zesisebenzi esikhiphe leyo mvume futhi ine nesiginesha yaleso sisebenzi;

(d) ibonise inombolo yokunombolo exhumene nonyaka;

(e) ibonise Iqoqo kanye nobungako benani lezimpahla eziyingozi ezizobe zizothuthwa; futhi

(f) ibonise izinombolo zokubhaliswa kwaleyo moto okukhulunywa ngayo;

(3) Isikhulu Esiphezulu Kwezomlilo singathumela isikhumbuzo sokuvuselelwa kwemvume yento yokuhamba kumnininto noma kumnikazi wezimoto. Umuntu onemvume yento yokuhamba ongayitholanga incwadi emkhumbuzayo ukuthi ayoyivuselela angeke aphunyula ekushushisweni ngenxa yalokho.

(4) Akukho muntu ovunyelwe ukushintsha noma ukuvumela ukuthi kushintshwe lokho okubhalwe kwimvume yento yokuhamba.

INGXENYE VI
IZINDLU ZOKUGCINA IZIMPAHLA EZIYINGOZI
IZIDINGO ZEZINDLU ZOKUGCINA IZIMPAHLA

Umthamo

43. (1) Isitifiketi sokubhalisa esikhishelwe noma iyiphi indlu yokugcina izimpahla yezimpahla eziyingozi njengalokhu kucebiswe ngakho kwisigaba sama-24 sale mithetho kamasipala kufanele ibonise Iqoqo kanye nezimpahla eziyingozi ezingagcinwa kwindlu yokugcina izimpahla .

Izaziso ngengozi kwindlu yokugcina izimpahla

(2) Akukho muntu ovunyelwe ukusebenzisa noma iyiphi indlu yokugcina izimpahla noma avumele noma iyiphi indlu yokugcina ukuthi isetshenziselwe izimpahla eziyingozi Zeqoqo III, ngaphandle-ke -

(a) uma izimpawu eziphikisana namalangabi avulekile kanye nokubhema, okungenani ezingamamilimitha angama-290 ephindaphindwa ngamamilimitha angama-290 ububanzi, zakhiwe, zagxunyekwa ngokulandela izimiso ze-SANS 1186, ngaphakathi kanye nangaphandle kwayo yonke iminyango yendlu yokuchela.

Ukuboniswa kwesitifiketi sokubhaliswa

(3) Isitifiketi sokubhalisa sendlu yokugcina izimpahla, esinakho konke okubhalwe kuso kubonakala ngokucacile, kufanele sigcinwe futhi silondolozwe kwisitsha esisesimweni esilwisanayo nesimo sezulu ngaphandle komnyango ovamise ukusetshenziswa njengendawo yokungena endlini yokugcina izimpahla.

Ukwakhiwa kwezindlu zokugcina izimpahla ukuze kugcinwe izinto eziluketshezi ezivuthayo (kazibalwa izindlu zokugcina izimpahla ezikumadepho aziwayo kanye nokugxunyekwa okuningi)

(4) Ukwakhiwa kwanoma iyiphi indlu yokugcina izimpahla kufanele kuhambisane Nemithetho Evamile Yezokuphepha yoMthetho Wezempilo Nokuphepha Emsebenzi kanye nalezi zidingo ezilandelayo:

(a) iphansi lendlu yokugcina izimpahla kufanele libe usimende;

(b) izindonga zendlu yokugcina izimpahla kufanele zakhiwe ngogqinsi olukwazi ukulwa nomlilo okungenani imizuzu engama-120; futhi

(c) uphahla lwendlu yokugcina izimpahla kufanele lwakhiwe ngosimende oqinile oluyokwazi ukumelana nomlilo okungenani imizuzu engama-120; noma kube yinoma iyiphi into engavuthi, uma indlu yokugcina izimpahla ingakhiwe endaweni engaphansi kwamamitha ayisihlanu ukusuka kunoma yisiphi isakhiwo ebhekene naso noma imingcele yegceke; noma yakhelene nodonga oluphakeme olungenandawo evulekile ngaphakathi kumamitha ayishumi ngaphezulu kanye namamitha ayisihlanu kuzona zombili izinhlangaothi zendlu yokugcina izimpahla.

Iminyango

(5) Noma iyiphi indlu yokugcina izimpahla kufanele ibe neminyango yokulwa nomlilo nebekwe yakleliswa yaba yiKilasi B eyakhiwe futhi yafakelwa ngokulandisa kwe-SABS 1253: Kuye ngokuthi -

(a) leyo minyango kufanele ikwazi ukuvuleleka ngaphandle futhi ibe nokhiye noma nezikhiye njengalokhu kuphasiswe Yisikhulu Esiphezulu Kwezomlilo;

(b) uma ibanga okumele lihanjwe ukusuka kunoma iyiphi indlu yokugcina izimpahla lingamamitha amane noma ngaphezulu, indlu yokugcina izimpahla kufanele okungenani ibe neminyango yomlilo eyiKilasi elingu-B, nokuyiminyango okufanele ifakwe iqhelelane ngendlela eyamulekelekile; futhi

(c) noma yimuphi umnyango owenza ukuthi kufinyeleleke kwindlu yokugcina izimpahla kufanele ngazo zonke izikhathi ukwazi ukuthi uvuleke kalula ngaphakathi ngaphandle kokusebenzisa isikhiye.

Amawindi

(6) Wonke amafulemu amawindi kufanele akhiwe ngensimbi futhi kufanele -

(a) afakelwe ingilazi elucingo elugqinsi lwayo okungenani lungamamilimitha ayisi-8; futhi

(b) abe nezinto zasemawindini ezingamapulangwe ezivulekayo, izinto lezo okufanele zibe okungenani ubungako obungamamilimitha angama-450 ephindaphindwa namamilimitha angama-450;

(c) Kungabibikho windi elikwazi ukuthi lingavuleka.

Umgodi Wokukhama amanzi

(7) Noma iyiphi indlu yokugcina izimpahla yenziwe futhi yakhiwe ngendlela yokuthi iphansi lendlu yokugcina izimpahla lakheke ngaphansi kweleveli yonqenqema lwewindi ukuze lakhe umgodi wokukhama amanzi: Bese kuthi-ke -

(a) lowo mgodi wokukhama amanzi owenziwe waba ngaphansi kweleveli yonqenqema lwewindi kufanele ukwazi ukubhekela ukuhlalisa inani lezimpahla eziyingozi eziyokwazi ukuthi zigcinwe kwindlu yokugcina izimpahla, kanye nezinye ezingamaphesenti ali-10, ezinokuphakama kwazo kungaye kufinyelele kumamilimitha angama-450;

(b) uma kudingwa Yisikhulu Esiphezulu Kwezomlilo umgodi wokukhama amanzi kufanele umbozwe kwileveli yonqenqema lwewindi, ngesivalo esiqinile, esizinzile, esingashi futhi esingathombi, nokuyisivalo leso okufanele sibuye sisebenze njengephansi lendlu lapho kungabekwa khona amashalofu angadlekile kanye/noma nezinto ezigcinwe endlini yokugcina izimpahla kufanele kodwa bese kuba nendawana encane yokungena um indawo leyo ihlanzwa futhi kufanele ukuthi ibe sendaweni efanele kwiphansi lendlu; futhi

(c) umgodi wokukhama amanzi kufanele, phansi lapho ugcina khona, ube nesivimbo sokuhlanza kanye nokuthola izinto okungenzeka zehle namanzi.

Ukushayisa ngomoya

(8) Noma iyiphi indlu yokugcina izimpahla kufanele iklanywe futhi yakhiwe ngendlela yokuqinisekisa ukuthi ukuqoqeka kokuthunqa kwezinto ezasaluketshezi kukhishwa ngendlela efanele, noma kuziphumela noma kusetshenziswa umshini othile, kuzona zonke izingxenye zendlu yezimpahla. Ukuthunqa lokhu kufanele kuphume kuye phezulu emoyeni okhululekile endaweni noma ezindaweni lapho khona lokho kuthunqa kungelula ukuthi kuhlangane nento eyenza ukuthi kuvuthe nanto leyo engenza ukuthi lokhu kuthunqa kuvuthe.

Ukushayisa ngomoya kwemvelo

(9) Umnikazi wendawo noma umuntu ophethe noma iyiphi indlu yokugcina izimpahla kufanele ayifake izimbobo ezifanele zokukhipha umoya indlu yokugcina izimpahla okungenani zikwazi ukudedela umoya ozungeza izithuba ezingama-30 ngehora, lokhu engakwenza ngokufaka izitini zomoya ezingashi, okungenani ezingamamilimitha ayi-140 ephindaphindwa namamilimitha angama-215 ububanzi, nocingo olusafenisi olungakhumuzeki (olungadleki) nokufanele ukuthi imbobo yokuvuleka kwayo ibe okungenani amamilimitha ayi-0,5. Kanti-ke izitini ezinezimbobo kumele -

(a) kunizekezelwe ngazo okungenani kwizindonga zangaphandle ezintathu; futhi

(b) zibekwe zibe kwindawo engamamilimitha ayi-100 ngaphezu konqenqema lweleveli futhi lube ngamamilimitha ayi-100 ngaphansi kophahla futhi akumele zehlukaniswe yindawo engaphezu kwamamilimitha ayi-450.

Ukushayisa ngomoya okwenziwa ngomshini

(10) Uma ukushayisa ngomoya kwemvelo njengalokhu kucebiswe ngakho kwisigatshana sesi-(9) kungeke kwakwazi ukusebenza kanti nokujula konqenqema kwedlula kumamilimitha ayizi-300, umnikazi wendawo noma umuntu lowo ophethe indlu yokugcina izimpahla kufanele enze izimbotshana zokufaka nokukhipha umoya kwindlu yokugcina izimpahla eziklanywe zafakelwa yona le nhloso. Kubhekelwe ukuthi -

(a) umthamo wohlelo lokufaka nokukhipha umoya kufanele ukwazi ukushintsha izinga lomoya kwindlu yokugcina izimpahla okugenani izikhathi ezingama-30 ngehora;

(b) amaphiko ohlelo lokushayisa ngomoya kufanele akhiwe ngento engami;

(c) ukuthunqa kufanele kuphumele emoyeni ovulekile kanti nezimbotshana zokushayisa umoya kufanele kungabi ngaphakathi kumamitha amahlanu kwinoma iyiphi indawo evulekile kwisakhiwo noma umngcele wesiza;

(d) zonke izinto zokushayisa umoya kufanele zinanyatheliswe ziqine ngaphakathi ezindongen;

(e) izinto zokushaiya ngomoya ezimaphansi kufanele zifakwe zisondele kakhulu kunqenqema; futhi

(f) zonke izimbobo zokushayisa ngomoya/ izishayisimoya kufanele zifakwe odongeni olubhekene nalolo okufakwa kulo, zibe ngamamilimitha ayi-100 ngaphezu kweleveli yonqenqema ukuqiniskeisa ukuthi umoya ushaya zindawo zonkana ukususka kwisikhayisimoya okukhulunywa ngaso.

Izinto ezisebenza ngogesi

(11) Umnikazi noma umuntu ophethe indlu yokugcina izimpahla kufanele aqinisekise ukuthi -

(a) zonke izinto ezisebenza ngogesi, izinto ezifakwayo kanye neziqhebezo ezisetshenziswa noma ezigxunyekwe kwindlu yokugcina izimpahla ziyavikelwa futhi zigxunyekwa ngokulandela izimfanelo zakhona nangendlela ezihlelelwe ngakhona indawo ithile ngokulandisa kwemigomo ye-SANS 10108;

(b) zonke iziqhebezo, amabhokisi okwaba ugesi, izintambo zokokhelisa ugesi kanye nanoma iyiphi enye into esebenza ngogesi engahambisani nezimiso ezibhalwe kwi-SANS 10108 kufanele zibekwe ngaphandle kwendlu yokugcina izimpahla futhi zibekwe kwindawo lapho zingeke zakwazi khona ukuthintana nokuthunqa okusuka endlini yokugcina izimpahla;

(c) zonke izingxenye zezinsimbi kanye nezinto ezifakelwe ezisebenza ngogesi nanoma yini enye ephakathi noma emayelana nendlu yokugcina izimpahla kufanele zihlale zizinze phansi futhi zigxile emhlabathini;

(d) iziqhebezo zokwenza ukuthi izishayisimoya ezisebenza ngogesi zisebenze zikhandelwe ngaphandle kwendlu yokugcina izimpahla;

(e) noma yikuphi ukusebenza kwesishayisimoya okusebenza ngogesi kuhlale kusebenza ngazo zonke izikhathi uma kunabantu ngaphakathi, ngaphandle-ke uma leso sishayisimoya silungiswa noma/okanye sishintshwa kufakwa esinye. Kepha futhi-ke uma isishayisimoya sephuka, isishayisimoya kufanele kufanele silungiswe ngaphandle kokumosha isikhathi, kanti uma isishayisimoya sephuka ngendlela yokuthi asisalungiseki, isishayisimoya kufanele sikhishwe kufakwe esinye ngale kokumosha isikhathi; futhi

(f) uma noma iyiphi indlu yokugcina izimpahla ingenamuntu, zonke izinto ezisebenza ngogesi kuyo kanye nolokho okwakhiwe ngawo, ngaphandle kwesishayisimoya, kufanele kuvalwe kungasebenzi.

Ukufakelwa kogesi ufakwa abantu abaqeqeshelwe ukufakela ugesi

(12) Konke ukufakelwa kogesi kufanele kufakelwe futhi kuqinisekiswe umuntu okuqeqeshelwe ukusebenza ngogesi. Ngemuva kwalokho isitifiketi kufanele sihanjiswe Kwisikhulu Esiphezulu Kwezomlilo ukuze sigcine amarekhodi ngokushesha ngemuva kokuba lokho kufakelwa kogesi kwenziwe.

Izindlu zokugcina izimpahla ezakhiwe ngezinye izinto ezingashi

(13) Ngaphandle kokuvumela noma yini ephikisana lesi sigaba, indlu yokugcina izimpahla ingakhandwa ngezinye izinto ezingashi. Kepha kubhekelelwe ukuthi -

(a) indlu yokugcina izimpahla ayikhiwe yaba ngaphakathi kwamamitha amathathu kwinoma yisiphi isakhiwo noma/okanye imingcele yamagceke;

(b) indlu yokugcina izimpahla izungezwe yizindonga ezingangenwa yinto esaluketshezi noma izindonga zokuvimbela eziyokwazi ukuhlalisa izimpahla eziningi zendlu yokugcina izimpahla ezikwazi ukuthi zigcinwe kwindlu yokugcina izimpahla, kuhlanganisa namaphesenti ali-10;

(c) iphansi lendlu noma indawo ngaphakathi kulezi zindonga noma izindonga zokuvimba azingenwa okusaluketshezi ukuvikela ukuthi lingangcoliswa yimvelo; futhi

(d) kuthi lapho lokho okugcinwe ngaphakathi kuthinteka ngaphandle kwendlu yokugcina izimpahla, lokhu kuvunyelwe uma lokho okugciniwe kungekho kumamitha ayisihlanu ento engahle ivuse umlilo.

Ukungena noma ukufinyelela okungagunyaziwe

(14) Akukho muntu ovunyelwe ukungena, noma ukwenza omunye umuntu ukuthi angene noma avumele omunye umuntu ukuthi angene kunoma iyiphi indlu yokugcina izimpahla ngaphandle kwemvume etholakele yalowo osebenzisa leyo ndawo noma yanoma yimuphi nje-ke omunye umuntu onesibopho futhi ophethe leyo yindlu yokugcina izimpahla.

Ukusetshenziselwa ngendlela engafanele kwendlu yokugcina izimpahla

(15) Akukho muntu ovunyelwe -

(a) ukusebenzisa noma iyiphi indlu yokugcina izimpahla, noma abe nendlu yokugcina izimpahla isetshenziselwa noma avumele indlu yokugcina izimpahla ukuthi isetshenziselwe enye inhloso ngaphandle kokugcina, ukusebenzisa kanye nokuphatha izimpahla eziyingozi endlini yokugcina izimpahla;

(b) ukuqasha omunye nje umuntu noma avumele omunye umuntu ukuthi asebenze edlini yokugcina izimpahla ngaphandle-ke uma yonke iminyango yendlu yokugcina izimpahla ivuleke ngokwenele futhi/noma isimo sokufakwa komoya sisebenza; futhi

(c) abeke noma isiphi isithiyo noma into ephazamisayo, noma enze ukuthi noma isiphi isithiyo noma into ephazamisayo noma avumele ukuthi noma isiphi isithiyo noma into ephazamisayo ukuthi ibekwe kwimihubhe noma ngaphambi komnyango (kweminyango) yanoma iyiphi indlu yokugcina izimpahla .

(16) Noma yimuphi umuntu osebenzisa izindlu zokugcina izimpahla noma ovumela ukuthi izindlu zokugcina izimpahla zisetshenziswe futhi engahambisi ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

UKUGCINA KANYE NOKUPHATHA IZIMPAHLA EZIYINGOZI ENDLINI YOKUGCINA IZIMPAHLA

44. (1) Noma iyiphi indlu yokugcina izimpahla okukhulunywe ngayo kwisigaba sama-43 sale mithetho kamasipala ingasetshenziselwa ukugcina noma yiziphi izimpahla eziyingozi eziqoqelwe ndawonye ngaphandle-ke kwezimpahla eziyingozi ezingaphansi Kweqoqo I (iziqhumane), njengalokhu kuchazwe kwisigaba sesi-2(1) soMthetho Wezimpahla Eziyingozi, ka 1973: Bese kuthi zonke lezo zimpahla eziyingozi ezixabanayo namakhemikhali kufanele zehlukaniswe kuzona zodwana ngokuthi kube nezindonga zezehlukaniso zokuvikela umlilo nezingamagunjana ezingangenwa yizinto ezisaluketshezi ngendlela eyokwenelisa Isikhulu Esiphezulu Kwezomlilo, kanti lezo zindonga zokulwa nomlilo kuyofanele zeluleke zisuka phansi emgodini zibe yimitha elilodwa ngaphezu kweqoqo ngalinye elingaphakathi kwindlu yokugcina izimpahla.

(2) Ngaphandle kokuvumela noma yini ephikisana nale mithetho kamasipala izimiso zesigaba sama-46 sale mithetho kamasipala, noma yiziphi izimpahla eziqoqiwe eziyingozi okukhulunywe ngazo kulesi sigaba, ngaphandle-ke Kweqoqo I lezimpahla eziyingozi (iziqhumane), zingagcinwa nazo zibekwe ngokwemibandela ye-SANS 10263: Kuye ngokuthi noma iyiphi indlu yokugcina izimpahla uma izinguquko okudingeka zenziwe kwizimiso zezigaba zama-22, 23 kanye nesama-23 zale mithetho kamasipala, kuye ngokuthi yikuphi okwenzakalayo.

(3) Noma yimuphi umuntu owehluleka ukuhambisa ngokwemiyalelo yalesi sigaba uyofunyanwa enecala lokungawuthobeli lo mthetho.

INGXENYE VII
IZINDABA EZIMAYELANA NOKUCHELWA KWEZIMOTO KANYE NEZIMVUME ZOKUCHELA

UKUBHALISWA KWEZINDLU ZOKUCHELA KWEZIMOTO

45. (1) (a) Akukho muntu ovunyelwe ukuchela, ukwemboza, ukumboza ngokusasiliva noma asebenzise into ethile efana nenhlaka kunoma iyiphi imoto, noma ingxenye yemoto, noma ezinye-ke izinto, noma izakhiwo noma izingxenye zalokho, noma avumele ukuthi zichelwe, zembozwe, zembozwe ngokusasiliva, noma kusetshenziswa okuthile

okufana nenhlaka, noma ngaphakathi okanye ngaphandle, Neqoqo III lezimpahla eziyingozi, noma nezinto ezisaluketshezi Zeqoqo III lezimpahla eziyingozi noma naziphi-ke ezinye izimpahla eziyingozi, ngaphandle-ke uma lowo muntu enemvume yokuchela ehambisana nezidingo ze-Annexure II yale mithetho kamasipala.

(b) Uma isimo sikudinga lokho, noma iyiphi imoto, into ethile, noma ingxenye yayo, ingachelwa kunoma iyiphi indawo ngaphezu kwendawo okuvunyelwe ukuba ibe yindlu yokuchela futhi/noma indlwana yokuchela yinoma imuphi umuntu onemvume yokuchela kulawo magceke okukhulunywa ngawo. Kodwa-ke kubhekekelwe ukuthi mancane amathuba okuthi leyo misebenzi eyobe yenziwa ingabeka leyo ndawo engozini okanye yenze isimo esiphuthumayo kunoma yimuphi umuntu, isilwane noma impahla.

Ukunqatshelwa kwezenzo ezithile

(2) Akukho muntu ovunyelwe ukusebenzisa noma ukuphatha izimpahla eziyingozi, noma ukuvumela ukuthi izimpahla eziyingozi zisetshenziswe noma ziphathwe, kumagceke angabhalisiwe, ngaphandle-ke uma ilungu lenelisekile ukuthi lezo zimpahla eziyingozi zizosetshenziswa noma zizophathwa endaweni kanye futhi nangendlela ezoqinisekisa ukuthi-

(a) akukho zimpahla eziyingozi noma ukuthunqa okuvelayo noma okukwaziyo ukuthi kuvele ngenxa yokuthintana nanoma yimuphi umlilo, ilangabi noma ukukhanya okumpumpununu noma yikuphi-ke nje okungaba wumthombo wokokheleka nokungahle kwenze ukuthi izimpahla eziyingozi noma ukuthunqa kokheleke; futhi

(b) ukuphunyula kwabantu noma kwezilwane akuvinjelwa noma akuthikamezwa uma kwenzeka kuba nomlilo noma isimo esiphuthumayo.

Ukuboniswa kanye nemibandela yemvume yokuchela

(3) Imvume yokuchela ikhishwa ngaphansi kwale mibandela elandelayo:

(a) Imvume yokuchela kufanele ngazo zonke izikhathi ibonakale ngendlela efanele kwisitsha esivikelekile kwisimo sezulu khona emagcekeni endaweni ehlonzwe yilungu.

(b) Imvume yokuchela kufanele ifundeke ngazo zonke izikhathi.

(c) Inani lezindlu zokuchela kanye/noma lezindlwana zokuchela kufanele ukuthi kuboniswe kwimvume yokuchela.

(d) Inombolo yokunombola kufanele iboniswe kwimvume yokuchela.

(e) Imvume yokuchela kufanele ibonise isikhathi enaso kanye nosuku lokuphelelwa yisikhathi: Kuye ngokuthi isikhathi esifanele sokusebenza kwayo siyizinyanga eziyishumi nambili.

(f) Imvume yokuchela ayidluliswa isuswa kwamanye amagceke iya kwamanye amagceke.

(g) Lapho kwakhiwa kabusha, imvume yokuchela, kuye ngezimiso zesigaba sama-22 sale mithetho kamasipala, iyadluliseka isuka kwenye indlu yokusebenzela iya kwenye noma isuka kumnikazi othile iya komunye umnikazi othile emagcekeni afanayo: Kuye ngokuthi -

(i) isicelo sokwedlulisa kufanele senziwe Kwisikhulu Esiphezulu Kwezomlilo kwifomu elinqunyiwe; futhi

(ii) uma igama lokuhweba lamagceke lishintsha, lowo ongumnikazi wemvume yokuchela kufanele aqinisekise ukuthi lolo lushintsho luyadluliselwa Kwisikhulu Esiphezulu Kwezomlilo ngokushesha.

(h) Isikhulu Esiphezulu Kwezomlilo kufanele sibe nohlelo lwezinhlelo eziphasisiwe njengalokhu zithintiwe kwisigaba sama-23 sale mithetho kamasipala.

(i) Imvume yokuchela angeke yakhishwa noma ivuselelwe ngaphandle-ke uma ifomu elifanele ligcwalisiwe ngokugcwele futhi lahanjiswa Kwisikhulu Esiphezulu Kwezomlilo .

(i) Noma yimuphi umuntu onemvume yokuchela ngendlela esemthethweni kufanele afake isicelo Kwisikhulu Esiphezulu Kwezomlilo ngokubhalwe phansi kwifomu elinqunyiwe uma kungukuthi lowo muntu efisa ukuchibiyela inani lezindlu zokuchela futhi/noma izindlana zokuchela, kuye ngesidingo sakhe.

(ii) Izimali ezinqunywe kwiMpelesi I kule mithetho kamasipala kufanele zihambisane nesicelo. Isikhulu Esiphezulu Kwezomlilo siyonikezela ngemvume yokuchela kuphela uma lezo zichibiyelo ezihlongozwayo zihambisana nemiyalelo efanele yale mithetho kamasipala.

(iii) Lapho Isikhulu Esiphezulu Kwezomlilo siphasisa lesi sicelo, lowo muntu othintekayo kufanele anikezele ngemvume yakhe yokuchela Kwisikhulu Esiphezulu Kwezomlilo ukuze ichitshiyelwe.

(4) Isikhulu Esiphezulu Kwezomlilo singathumela isikhumbuzo sokuvuselelwa kwemvume kumnikazi noma kulowo osebenzisa leyo ndawo eyindawo ebhalisiwe. Umnikazi wendawo noma umhlali wayo ongasitholanga isikhumbuzo angeke ahlengwa ekushushisweni ngenxa yalokho.

(5) Umnikazi wemvume yokuchela noma isitifiketi sokubhalisa kufanele aqinisekise ukuthi ngaso sonke isikhathi unemvume yokuchela elungile kanye/noma isitifiketi sokubhalisa.

(6) Noma yimuphi umuntu owehluleka ukuhambisa nezimiso zalesi sigaba, noma oshintsha imvume yokuchela noma ozama ukushintsha imvume yokuchela noma ovumela ukuthi imvume yokuchela ishintshwe uyofunyanwa enecala lokungawuthobeli lo mthetho.

UKWAKHIWA KANYE NOKUKLANYWA KWEZINDLU ZOKUCHELA

46. (1) Ukwakhiwa kwendlu yokuchela futhi/noma indlwana yokuchela kufanele kuhambisane nalezi zidingo ezilandelayo:

(a) Iphansi lendlu kufanele lakhiwe ngento eqinile.

(b) Izindonga kufanele kube ngezesitini futhi/noma usimende.

(c) Uphahla kufanele kube ngolosimende oqinile.

(d) Iminyango kufanele kube ngeyeKilasi elingu-B njengalokhu kucebiswe ngayo ku-SABS 1253.

(e) Amafulemu amawindi kufanele kube ngawensimbi futhi kufanele abe nezinto ezingamapulangwe ezivulekayo, izinto lezo okufanele zibe okungenani ubungako obungamamilimitha angama-450 ephindaphindwa namamilimitha angama-450 futhi zifakwe ingilazi esalucingo elugqinsi lwayo lungamamilimitha ayisi-8.

(2) Izimiso zesigatshana (1) azisebenzi ekwakhiweni endlini yokuchela futhi/noma kwizindlwana zokuchela uma, ngokwemibandela yokuhleleka kwalapho, indlu okanye indlwana ihambisana nalezi zidingo ezilandelayo:

(a) Umqolo wesakhiwo sonkana, okubalwa nokuhlanganiswa kweminyango, kufanele ube nohlangothi lwensimbi oluqinile nodonga lwe-aluminiyamu enogqinsi olungamamilimitha ayi-2,5.

(b) Umqolo, kubalwa kanye neminyango, kufanele kugqokiswe kwizinhlangothi zombili ungcwecwe wensimbi onogqinsi lwe-aluminiyamu olungamamilimitha ayi-1,3.

(c) Uma ungcwecwe wensimbi uhlanganiswa, lapho uhlangana khona noma/futhi amajoyinti ongcwecwe wensimbi lapho ehlangana khona kubalwa noma yikuphi ukuhlanganiswa kweminyango okungaba khona okuyingxenye yohlelo lonkana, kufanele ube ungcwecwe okwazi ukuzivikela ekusheni, emalangabini kanye nasekungenweni yizinto ezikuluketshezi.

(d) Iphansi lendlu kufanele lakhiwe ngento eqinile noma ngensimbi.

(e) Amafulemu amawindi kufanele kube ngawensimbi futhi kufanele abe nezinto ezingamapulangwe ezivulekayo, izinto lezo okufanele zibe okungenani ubungako obungamamilimitha angama-450 ephindaphindwa namamilimitha angama-450 futhi zifakwe ingilazi esalucingo elugqinsi lwayo lungamamilimitha ayisi-8.

(f) Zonke izinto ezisetshenzisiwe kufanele zibe sesimweni sokukwazi ukumelana nomlilo okungenani imizuzu engama-60.

(3) Isakhiwo leso esenziwe ngenhlanganisela yezinto okukhulunywe ngaso kwisigatshana soku-(1) nesesi-(2), okubalwa phakathi noma yikuphi okunye okuyingxenye enkulu yesakhiwo noma okudingekayo kwisakhiwo, kufanele kwakhiwe, kugxunyekwe futhi kuqedelwe ngendlela yokuthi zonke izindawo zaso zibushelelezi ngendlela efanele ukuvikela noma yikuphi ukuvaleka okungaphazamisa ukungena komoya, ukuhlanzwa kanye nezinhlelo zokucola isakhiwo.

(4) Isakhiwo esakhiwe sifanele kuphela uma leso sakhiwo sivivinywe sahlolwa yi-SABS noma i-CSIR futhi satholakala sikufanele ukusetshenziselwa lokho esenzelwa ukusetshenziselwa khona.

Ukubekeka kanye nokufinyelela endlini yokuchela

(5) (a) Ngaphandle-ke komnyango (kweminyango) eyenzelwe ukuthi izimoto zikwazi ukungena noma ezinye izinto okumele zichelwe kunoma iyiphi indlu yokuchela, indlu yokuchela kufanele ibe neminyango emibili enezinkintsho noma izibambo ngezinhloso zokuthi kukwazeke ukuphepha kusetshenziswa yona, kanti iminyango leyo kufanele -

(i) ivuleleke ngaphandle;
(ii) ibe okungenani ngamamilimitha angama-800 aphindaphindwe ngamamilimitha ayizi-2 000 ukuvuleka kwayo;
(iii) ibekwe ibe sezinhlangothini ezibhekene, kuye ngokuthi uma kunento okumele iqhutshwe kwindlu yokuchela, ibanga okumele lihanjwe ukuya kunoma yimiphi iminyango lingeqi kumamitha amane; futhi
(iv) ifakelwe izinto zokuyikhiya ezingavuleka kalula uma ungaphakathi ngaphandle kokuthi uze usebenzise isikhiye.

(b) Noma iyiphi indlu yokuchela kufanele ibe sendaweni lapho khona ngazo zonke izikhathi yehlukanisekile kweminye imisebenzi futhi/noma izindawo ngokuthi ibe nembobo yokuphunyula ebubanzi bayo okungenani buyi-1 200 yamamilimitha, nokuyimbobo leyo okumele ihlale ikhululekile ngaso sonke isikhathi, ingabi nakho ukuthikamezeka, udoti noma ezinye izinto ezivuthayo.

(c) Uma noma yimuphi umsebenzi futhi/noma uhlelo olwenziwa fushane nendlu yokuchela ungahle ubeke indlu yokuchela engcupheni yokuthintana nomlilo, leyo mbobo eshiwoyo yokuphunyula yamamilimitha ayi-1 200 kufanele ibonakale ngezindonga ezehlukanisa umlilo ezikwazi ukungangenwa umlilo okungenani imizuzu engama-60, kanti ukuphakama kwalezi zindonga kufanele okungenani kube ngamamilimitha angama-300 ngaphezu kodonga lwendlu yokuchela siqu sayo.

(d) Noma iyiphi indlu yokuchela echazwe kwisigatshana sesi-(2) ingakhiwa ngaphakathi noma ngaphandle incikane nezindonga zomlilo: Kepha-ke kubhekelelwe ukuthi azikho ngaphezulu kwezimbili izinhlangothi zendlu yokuchela ezakhelene ngokwemingcele nezindonga zomlilo.

Amanzi kwiphansi lendlu

(6) (a) Indlu yokuchela kungenzeka ibe nephansi elicwile emanzini futhi elimbozwe amanzi kwileveli yesili kanye nensimbi enezimbobo eqinile, ezinzile, engavuthi futhi engakhumuzeki kalula futhi ekwazi ukuthwala isisindo sento esinda kakhulu kwizinto ezisendlini yokuchela.

(b) Amanzi kwiphansi lendlu elicwilile kufanele akhishwe ngento yokuwasefa esebenzayo engashi futhi ehlanzekayo ngokuthi kusetshenziswe iphampu ekwazi ukwedlulisa umlilo yamapayipi engakhumuzeki futhi kube nebanga elanele nelifanele elinquma ububanzi besiyingi kanye nodonga olunogqinsi olwanele.

Izinto ezisebenza ngogesi

(7) Zonke izinto ezisebenza ngogesi, amalambu, izinto ezibethelwayo kanye nezinto ezisetshenziselwa ukuvuthisa ugesi noma ezigxunyekelwe ukwenza lokho kunoma iyiphi indlu yokuchela kufanele zivikelwe futhi zifakwe noma zigxunyekwe ngokulandela izimiso zezimfanelo zohlobo olufanele kwizindawo ezithile ngokwemibandela ye-SANS 10108.

(8) Zonke izinto ezisetshenziselwa ukuvuthisa ugesi, amabhokisi okuwaba, izintambo zokokhelisa umlilo (amafiyuzi) kanye nanoma yiziphi ezinye izinto ezisebenza ngogesi ezingalandeli izimiso eziqukethwe kwi-SANS 10108 kufanele be zibe ngaphandle kwendlu yokuchela futhi zibekwe ngendlela yokuthi zingathintani noma kungenzeki zithintane nezintambo zokokhelisa umlilo eziphuma kwindlu yokuchela.

(9) Iziqhebeza ezenza ukuthi ukushayisa ngomoya okusebenza ngogesi kusebenze kufanele zakhelwe ngaphandle kwendlu yokuchela.

(10) Zonke izingxenye zensimbi kanye nezinto ezigxukenyekelwe ukusebenza ngogesi nanoma iyiphi enye into noma emayelana nokuxhumana nendlu yokuchela kufanele zigxiliswe ngendlela efanele zona zodwa futhi zithinte kahle emhlabathini.

(11) Umuntu onelungelo lokufaka izinto zikagesi uyena okufanele afake izinto ezisebenza ngogesi bese futhi eqinisekisa ukuthi zonke izinto ezigxunyekiwe zisebenza ngendlela. Futhi kufanele ikhophi yesitifiketi ihanjiswe Kwisikhulu Esiphezulu Kwezomlilo ukuze kube namarekhodi ngokushesha ngemuva kokuba kugxunyekiwe lokho obekuzogxunyekwa.

Ukushayisa ngomoya ngokwemvelo

(12) (a) Noma iyiphi indlu yokuchela kufanele ibe nohlelo lokushayisa ngmoya oluzisebenzela ngokwalo olwenzelwe ukufaka kanye nokukhipha umoya futhi kufanele lufakelwe le nhloso: Kubhekakale ukuthi -

(i) umthamo wawo kufanele ukwazi ukushintsha ukungena komoya ngokuphindwe kathathu kwindlu yokuchela okungenani izikhawu engimashumi amathathu ngehora noma uhambe ngesivinini sika-0,5m/s;

(ii) amaphiko okushayisa ngomoya kufanele akhiwe ngento engami;

(iii) isivuthevuthe esiphuma lapho kufanele siphumele emoyeni okhululekile futhi kufanele ungabi sendaweni engaphansi kwamamitha ayisihlanu anoma iyiphi indawo evulekile yesakhiwo noma umngcele wesiza;

(iv) zonke izinto zokufaka umoya kufanele zifakwe aqine kwizindonga ngaphakathi;

(v) izinto zokufaka umoya ezingezansi kufanele zifakwe zisondele kakhulu

kwileveli lephansi lendlu;

(vi) zonke izimbobo zokushayisa umoya noma/okanye izishayisimoya kufanele zenziwe odongeni, em(i)nyangweni noma ophahleni olubhekene nolunye ukuqinisekisa ukuthi umoya ungena uye nangaphesheya kwendawo leyo ngokubambisana naleyo nto esetshenziselwa ukufaka umoya; futhi

(vii) yonke indlu yokuchela okungenani iyoba nowodwa weminyango yayo ibe newindi elingavuleki eliqinile elinengilazi engafi kalula elingengaphezulu kwamamilimitha angama-450 ephindaphindwa ngamalimitha angama-450.

Izinto ezibulala umlilo, okokufuna umlilo kuwothole kanye nama-alamu omlilo

(b) Into yokubulala umlilo kufanele ifakwe ngaphambi kwanoma isiphi isisefo sokuhlanza umoya, noma iyiphi ingxenye yohlelo lwamaventiletha, ngaphakathi kwindlu yokuchela, kanti leyo nto yokubulala umlilo kufanele yenziwe futhi igxunyekwe ngokulandela izimiso ze-SANS 193: Kepha-ke kubhekekelwe ukuthi leyo nto yokubulala umlilo kufanele -

(i) izivale yona ngokwayo isebenzisa umuzwa obekwe ndawana thile efanele futhi ekwazi ukusebenza uma kube nokukhuphuka komuzwa kwaba ngaphezu kuka-10 °C ekushiseni kanye nasekuqandeni okusebenzayo;
(ii) igxunyekwe ngendlela yokuthi into ebulala umlilo izohlala ikuleyo ndawo ngisho noma ngabe imbobo yokuphuma umoya iyasonteka ngesikhathi kunomlilo; futhi
(iii) ibhekelelwe ngokuthi inikezwe ukuxhumana okusebenzisa izintambo zokokheleka komlilo.

(c) Into yomuzwa okukhulunywe ngayo kwisigatshana se-(12)(b)(i) kufanele futhi -

(i) ikwazi ukuvala noma ukucima uhlelo lokufakwa komoya nanoma iyiphi into eshisisayo esetshenziswa mayelana nendlu yokuchela uma kuba nomlilo noma uma kunokwenyuka kwezinga lokushisa nokubanda okungaphezu kuka-10 °C kwinto yokushisa nokubanda ekaliwe ngaphamblini ngaphakathi kwindlu yokuchela; futhi
(ii) ikwazi ukwenza i-alamu elibonakalayo futhi elizwakalayo ukuthi lisebenze ngaphakathi kanye nangaphandle kwindlu yokuchela.

Ukubekwa kwezinto zamaventiletha

(13) Zonke izindawo ezivulekile kufanele ziklanywe futhi zibekwe endaweni eziyokwazi ukukhulula ukusthunqa kumoya ovulekile okungenani imitha elilodwa ngaphezu kophahla noma amamitha amane ngaphezu kokuhleleka kwenhlabathi futhi okungenani kube amamitha amahlanu ukusuka kunoma iyiphi imbobo noma endawo evulekile kwisakhiwo.

(14) Izimbobo zokushayisa umoya kufanele zisebenze uma kenemisebenzi emayelana nokuchela eyenziwayo endlini yokuchela.

Ukuboniswa kwezimpawu ezinqabela amalangabi avulelekile kanye nokubhema

(15) Akukho muntu ovunyelwe ukusebenzisa noma iyiphi indlu yokuchela noma avumele noma iyiphi indlu yokuchela ukuthi isetshenziswe, anduba futhi izimpawu eziphikisana namalangabi avulekile kanye nokubhema, okungenani ezingamamilimitha angama-290 ephindaphindwa ngamamilimitha angama-290 ububanzi, zakhiwe, zagxunyekwa ngokulandela izimiso ze-SANS 1186, ngaphakathi kanye nangaphandle kwayo yonke iminyango yendlu yokuchela.

Ukulondolozwa kwezindlu zokuchela

(16) Zonke izindlu zokuchela kufanele zilondolozwe ngazo zonke izikhathi ngokwezimiso zalesi sigaba kanye nangendlela eshiwo ngumakhi wazo. Ubufakazi bokulondolozwa kwalezo zindlu kufanele bukhishwe uma bucelwa yilungu.

Ukungena ngaphandle kwegunya

(17) Akukho muntu ovunyelwe ukungena endlini yokuchela noma ukuvumela omunye umuntu

ukuthi angene endlini yokuchela ngaphandle kwemvume ecacile yomnikazi wendawo noma/futhi umhlali noma omunye-ke nje umuntu onesibopho kuleyo ndlu yokuchela.

Ukusetshenziswa kwendlu yokuchela ngendlela engafanale

(18) Akukho muntu ovunyelwe -

(a) ukusebenzisa noma iyiphi indlu yokuchela okanye avumele noma iyiphi indlu yokuchela ukuba isetshenziselwe enye inhloso ngaphandle kokwenza imisebenzi emayelana nokupenda ngokuchela kwindlu yokuchela;

(b) ukuqasha omunye umuntu endlini yokuchela noma avumele omunye umutnu ukuthi asebenze endlini yokuchela ngaphandle-ke uma ukusebenza kokufakwa komoya kusebenza ngaleso sikhathi; futhi

(c) abeke noma yisiphi isivimbo noma isiphazamiso noma enze ukuthi isiphazamiso noma isivimbo sibekwe noma avumele ukuthi noma isiphi isiphazamiso noma isivimbo sibekeke kwizimbobo zokuphunyula noma ngaphambi kwanoma yimiphi iminyango yendlu yokuchela.

Ukunikezelwa kwezimfanelo zokulwa nomlilo

(19) (a) Noma iyiphi indlu yokuchela kufanele ibe nesicimamlilo esomili esenziwe ngamakhemikhali esinesisindo esingamakhilogremu ayisi-9, ngaphandle nokuyisicimamlilo okufanele okumele sibekwe kwindawo eyogagulwa Yisikhulu Esiphezulu Kwezomlilo.

(b) Zonke izindlu zokuchela kufanele zivikelwe yipayipi lokucima umlilo, okukhulunywe ngalo kwisigaba sama-32(1)(b) sale mithetho kamasipala.

Izindlu zokomisa/izinto zokushisisa

(20) Uma ngabe Iqoqo II lezimpahla eziyingozi liyingxenye enkulu yezinto ezifakwayo zokushisisa indlu yokuchela, lokho okufakwayo kufanele kuhambisane nezimiso ze-ANS 10087, Ingxenye I, kanye nezinye izimiso zale mithetho kamasipala ziyosebenza lapho izinguquko ezifanele sezenziwe ekusebenzeni kwalesi sigaba.

INGXENYE VIII
IZILWANE

UKUPHATHWA KWEZILWANE NGEZIKHATHI ZEZIMO EZIPHUTHUMAYO

47. Kufanele kuhlinzekwe ngendlela eqeqeshekile ukuphathwa kwezilwane ngezikhathi zezimo eziphuthumayo kunoma yimaphi amagceke, ikakhulukazi ezingadini ezisaziqiwi, ezindaweni zokondla izilwane, kwizitebele, kwizikhungo zokucwaninga, kwizindawo zokwelashwa kwezilwane futhi/noma nasezindaweni zokufunda kabanzi ngokwelapha izilwane: Lokho kwenzeka phezu komgomo wokuthi Isikhulu Esiphezulu Kwezomlilo -

(a) singagunyaza umuntu oqeqesheke ngendlela efanele ukuthi aphathe noma/futhi abulale izilwane lapho kunesimo esiphuthumayo, kuye ngokuthi yikuphi okwenzakalayo; futhi

(b) singafuna ukukhokhelwa zonke izindleko ezibe khona ngenxa yalolo ludaba kumnikazi noma kwisikhungo leso okusibopho saso ukubhasobha izilwane.

INGXENYE IX
IZINHLAWULO

IZINHLAWULO ZOKWEPHULWA KOMTHETHO

48. Noma yimuphi umuntu owephula lo thetho ngoma owehluleka ukuhambisana nanoma yisiphi isimiso sale mithetho kamasipala, okubalwa phakathi noma isiphi isimo noma isidingo sesitifiketi sokubhaliswa noma imvume yokuchela noma yimuphi umyalelo ovela kwilungu loMnyango, uyofunyanwa enecela, futhi uma limlahla angase akhokhiswe inhlawulo engengaphezulu kwezi-R5000,00 noma, okungathi uma engayikhokhi le nhlawulo, afakwe ejele isikhathi esingengaphezulu

kwezinyanga eziyisithupha.

INGXENYE X
OKUVAMILE

UKUSEBENZA KWALE MITHETHO KAMASIPALA MAYELANA NEMINYE IMITHETHO

49. Izimiso zale mithetho kamasipala zengeza futhi azisusi noma azimele omunye umthetho ongashayisani noma ongaphambani nale mithetho kamasipala.

UKUCINYWA KWEMITHETHO KAMASIPALA

50. Le mithetho kamasipala elandelayo iyacinywa:

(1) Imithetho kamasipala yezindawo ezingasemadolobheni yaseTransvaal eyayishicilelwe ngaphansi Kwesaziso Somlawuli 1116 sangomhla ziyi-11 Julayi 1984, njengalokhu ichitshiyelwe, lapho khona imayelana nendawo engaphansi kukaMasipala Omkhulu WasEkurhuleni

(2) Le mithetho kamasipala elandelayo yomasipala abangasungulwanga ngaphakathi kwindawo kaMasipala Omkhulu WasEkurhuleni kanye nanoma yimiphi eminye imitshetho kamasipala ehambisana nayo futhi/noma izigaba zemithetho kamasipala yomasipala abangabange besasungulwa ngaphakathi endaweni yoMasipala Omkhulu WasEkurhuleni:-

(a) Imithetho kamasipala YoMnyango Wezicimamlilo

1	EBenoni	Isaziso Somlawuli 495 sangomhla ziyisi-5 Meyi 1982
2	EBoksburg	Isaziso Somlawuli 40 sangomhla ziyi-17 Agasti 1983
3	EBrakpan	Isaziso Somlawuli 1771 sangomhla zingama-23 Disemba 1981
4	E-Edenvale	Isaziso Somlawuli 344 sangomhla ziyi-19 Ephreli 1967
5	E-EGSC	Isaziso Somlawuli 1116 sangomhla ziyi-11 Juni 1984
6	EGermiston	Isaziso Somlawuli 1771 sangomhla zingama-23 Disemba 1981
7	EKempton Park	Isaziso Somlawuli 1771 sangomhla zingama-23 Disemba 1981
8	ENigel	Isaziso Somlawuli 1576 sangomhla zingama-23 Disemba 1983
9	EModderfontein	Isaziso Somlawuli 231 sangomhla ziyi-16 Febhuwari 1982
10	ESprings	Isaziso Somlawuli 1771 sangomhla zinga-23 Disemba 1981

(b)Imithetho kamasipala yezinto ezivuthayo:

1	Boksburg	Isaziso Somlawuli 2113 sangomhla zingama-21 Novemba 1984
2	E-Edenvale	Isaziso Somlawuli 720 sangomhla zingama-20 Septhemba 1961
3	E-Germiston	Isaziso Somlawuli 720 sangomhla zingama-20 Septhemba 1961 Isaziso Somlawuli 1548 sangomhla ziyi-19 Okthoba 1977
4	EKempton Park	Isaziso Somlawuli 502 sangomhla ziyi-14 Julayi 1967
5	ESprings	Isaziso Somlawuli 567 sangomhla ziyi-18 Julayi 1956
6	E-EGSC	Isaziso Somlawuli 1116 sangomhla ziyi-11 Julayi 1984

ISIHLOKO ESIFUSHANE

51. Le mithetho kamasipala ibizwa ngokuthi Yimithetho Kamasipala YeMinyango Yezimo Eziphuthumayo.

INGXENYE XI
IMPELESI I: IZIMALI EZIKHOKHWAYO

IZIMALI EZIKHOKHWAYO KUMNYANGO NGOKWEMIBANDELA YESIGABA SE-10 SOMTHETHO WEMISEBENZI YAMAQEMBU EZICIMAMLILO, UMTHETHO KA 1987 (UMTHETHO ONGUNO 99 KA 1987), ZOKUNIKEZELA NGEMISEBENZI YEZIMO EZIPHUTHUMAYO

A. IZIMALI ZEZIMO EZIPHUTHUMAYO

1. Zonke izimali ziyonqunywa nguMkhandlu ngezikhathi obona ngazo.

2. Imigomo Evamile Ekukhokhweni Kwezimali

(1) Zonke izitifiketi zokubhalisa, isitifiketi sokulungela kanye/noma izimvume zokuchela kuyoba semthethweni izinyanga eziyishumi nambili ngokwekhalenda. Isicelo sokwelulelwa isikhathi esibhalwe phansi kufanele sifinyelele Kwisikhulu Esiphezulu Kwezomlilo okungenani kusasele inyanga yonke egcwele ngokwekhalenda ngaphambi kokuba siphelelwe yisikhathi.

(2) Uma kwenziwa isicelo sokubhalisa, ifomu lesicelo elifanele, eligcwaliswe lonke ngendlela efanele, kufanele lihambisane nemali yakhona enqunyiwe.

(3) Wonke amafomu afanele ayatholakala Kwisikhulu Esiphezulu Kwezomlilo futhi kufanele agcwaliswe ngendlela, bese kuthi lapho kufanele khona, asayinwe ngokufanele.

(4) Uma kwenzeka, ngenxa yanoma yisiphi isizathu, Isikhulu Esiphezulu Kwezomlilo sichitha isicelo leso, isitifiketi sokukwazi noma iyiphi-ke imvume, lowo owenza isicelo kufanele, zingapkapheli izinsuku eziyishumi nane (singazibali izimpelasonto kanye namaholide omphakathi), athathe izinyatheo zokuqinisekisa ukuthi leso sitifiketi okukhulunywa ngaso siyakhishwa ngaphandle kokukhokhiswa enye imali, okungathi uma lowo ofaka isicelo ehluleka ukukukwenza lokho kummele futhi abuye akhokhe izimali ezikhokhwayo.

(5) Uma kuneminyango eyahlukene futhi/noma imixhantela ngaphakathi kwibhizinisi futhi/noma kwinkampani esemagcekeni afanayo kodwa futhi-ke manje umnyngo ngamunye futhi/noma umxhantela ngamunye uphethwe ngokwehlukana, umnyango ngamunye futhi/noma umxhantela ngamunye unesibopho sokuthi ubhaliswe ngokwehlukile.

IMPELESI II: AMAPHEPHA ASEMTHETHWENI

A. OKUVAMILE

Isikhulu Esiphezulu Kwezomlilo kufanele senze futhi sidwebe yonke imibhalo esemthethweni mayelana nale mithetho kamasipala silandele inqubomgomo esebenzayo, kanti nemibhalo kufanele ihambisane nezidingo ezithile kanye nalokho okudingwa uMnyango kanye noMkhandlu, kodwa futhi kufanele kungehluki kwizinhloso kanye nezimiso zale mithetho kamasipala.

B. ULWAZI LOKUSEBENZA OLUFANELE KWIMIBHALO

Lokhu okulandelayo kufanele kubonakale kuyona yonke imibhalo:

1. Iqophasikhungo loMnyango futhi/noma loMkhandlu
2. Igama eligwele lalawo magceke okukhulunywa ngawo
3. Igama ledolobhanyana okukhulunywa ngalo
4. Ikheli lendawo lendawo okukhulunywa ngalo, ngokugcwele
5. Ikheli leposi, eligcwele, laleyo ndawo okukhulunywa ngayo, okubalwa ikhodi lokuposa (kuwona wonke amafomu okufaka isicelo)
6. Imininingwane egcwele yalowo osebenzisa amagceke noma yefwmu esegcekeni
7. Ucingo kanye nezinombolo zefekisi zebhizinisi okukhulunywa ngalo (kuwona wonke amafomu okufaka isicelo)
8. Isiginesha saleso sikhulu esikhipha lowo mbhalo
9. Usuku umbhalo owakhishwa ngalo
10. Usuku lokuphelelwa yisikhathi kombhalo
11. Uhlobo lombhalo, olufana:
    (1) "Nesicelo sokubhaliswa oyinqwaba noma Isitifiketi Sokubhaliswa okuyinqwaba"
    (2) "Nesicelo sokunikwa isitifiketi sokulungela" noma "Isitifiketi Sokulungela"
    (3) "Nesicelo sokubhalisa/imvume yokuchela" noma "Isitifiketi sokubhalisa/ Imvume yokuchela"
    (4) "Nesicelo sesicelo sokuthutha" noma "Imvume Yokuthutha"
    (5) "Nesicelo sokuphasiswa kwezinhlelo" noma "Isicelo sokukhishwa kwesitifiketi sokuphatha"
12. Noma yiluphi olunye ulwazi, olufana nalolu:
    (1) Amaqoqo noma amaqoqwana ezimpahla eziyingozi asuke edinga ukubhaliswa
    (2) Inani Leqoqo ngalinye lezimpahla eziyingozi

(3) Indlela okumele lezi zimpahla zigcinwe ngayo, isibonelo -
(a) kwithangi lokugcina izinto elingaphansi komhlaba;
(b) kwithangi lokugcina izinto elingaphezu komhlaba;
(c) kwindlu yokugcina izimpahla eziyingozi; noma
(d) kwizinto eziningi ezifakiwe

(4) Ukuboniswa kwazo zonke izindlu zokuchela kanye namathangi acwilisiwe, kuye ngokuthi yikhona kuphi okufanele

13. Inombolo yokunombola (kuzona zonke izimvume kanye nezitifiketi)

14. Inombolo yeresidi (kuzona zonke izimvume kanye nezitifiketi)

15. Isigxivizo esisemthethweni soMnyango.

C. IMIBHALO ESEMTHETHWENI MAYELANA NALE MITHETHO KAMASIPALA

1. AMAFOMU OKUFAKA ISICELO

(1) Inhloso okumele amafomu okufaka isicelo asetshenziselwe wona kufanele ivele phezulu kuwona wonke amafomu okufaka isicelo.

(2) (a) Wonke amafomu okufaka isicelo kufanele ukuthi abe nolwazi lokusebenza njengalokhu lubhalwe kupharagrafu **B (ULWAZI OLUFANELE LOKUSEBENZA OLUKWIMIBHALO)**.

(b) Kuwona wonke amafomu okufaka isicelo, kufanele kushiywe isikhala lapho kuyobhalwa khona imali ekhokhwayo, njengalokhu ikhonjisiwe kwiMpelesi I yale mithetho kamasipala, futhi kungakhonjiswa ngokucacile ngezinombolo ezibomvu.

(c) Isexwayiso kumele sivele ngaphansi kwindawo yemali yesicelo lapho khona umfakisicelo enikezwa izinsuku zokusebenza eziyishumi nane kuphela (izimpelasonto kanye namaholidi omphakathi awabalwa) ukwenza noma yiziphi izilungiso ezingabonakala kuhlelo lokuhlola, ngaphandle kokkhokha enye imali eyengeziwe, kodwa uma lezo zinsuku eziyishumi nane kweqiwe kuzona, imali enqunyiwe kumele ikhokhwe futhi ngaphambi kokuba kukhikshwe noma iyiphi imvume noma isitifiketi.

(3) Uhlu lokuhlola olufanele kufanele lube yingxenye yefomu lesicelo ngasinye futhi kufanele ludwetshwe ngokulandelana luhambisane nezidingo ezifanele ezikwimithetho kamasipala futhi/noma kwindlela yokusebenza yeSABS efanele noma kwizinacazelo ezithile kuye ngokuthi yikhona kuphi okungenayo.

(4) Phezulu ohwlini lokuhlola ngalunye -

(a) kufanele kubhalwe ukuthi uhlu lokuhlola lolo lusetshenziswa yihhovisi kuphela;
(b) kufanele kushiywe indawo lapho kuzobhalwa khona usuku, isikhathi kanye nendawo yokwenzelwa kuyo umcimbi wokuhlola; futhi
(c) indawo kufanele ibekwe eceleni lapho kuzobhalwa khona imininingwane yomuntu okumele athintwe nokunguyena oyomela umfakisicelo ngesikhathi kwenziwa ukuhlola.

(5) Ekupheleni kohlu lokuhlola, kufanele kube nendawo eshiyelwa -

(a) Isiginesha yelungu loMnyango okuyilona elenza uhlu lokuhlola;
(b) usuku uhlu lokuhlola olwaqedelwa ngalo; kanye
(c) nokukhombisa ukuthi ngabe isicelo saba yimpumelelo yini noma cha.

(6) Kufanele kube nendawo futhi kwifomu ngalinye ezobhekela -

(a) imininingwane egcwele yesikhulu esibhalisayo esemukela imali yesicelo;
(b) indlela yokukhokha, isibonelo ukheshi, iphostali oda noma isheke; kanye

(c) nenombolo yeresidi esemthethweni.

2. IZIMVUME KANYE NEZITIFIKETI

(1) Inhloso okumele izimvume kanye nezitifiketi kusetshenziselwe khona, njengalokhu kucebiswe ngakho kupharagrafu **A.1 (UKUCHAZWA KOMNYANGO)** kwiMpelesi I yale mithetho kamasipala kufanele ivele phezulu kuzona zonke izimvume kanye nezitifiketi.

(2) Zonke izimvume kanye nezitifiketi kufanele kube nalo lonke ulwazi lokwenziwa komsebenzi njengalokhu lubhalwe kupharagrafu **B (ULWAZI OLUFANELE LOKUSEBENZA OLUKWIMIBHALO)**.

3. IMVUME YOKUTHUTHA

Phezu kwezinto ezikhona ngokwemibandela yokusebenza ebhalwe kwipharagrafu **B (ULWAZI OLUFANELE LOKUSEBENZA OLUKWIMIBHALO)**, idisikhi eyindilinga enalolu lwazi olulalndelayo kufanele ibe yingxenye yemibhalo esemthethweni yoMnyango ngasohlangathini lwezimvume zokuthutha:

(1) Inombolo imoto leyo okukhulunywa ngayo ebhaliswe ngayo
(2) Inombolo ye-chassis yemoto leyo oukhulunywa ngayo
(3) Uhlobo lwemoto, isibonelo imoto esanqola, inqola, iloli eliyisicaba noma iloli
(4) Isisindo esiphelele semoto okukhunyulwa ngayo
(5) Isisindo semoto okukhunyulwa ngayo
(6) Uhlobo lomthwalo olayishwayo, isibonelo umthwalo owodwa noma imithwalo eminingi, kanye nenani okumele lithuthwe ngokwamalitha noma ngokwamakhilogremu, kuye ngokuthi yikhona kuphi okufanele
(7) Iqoqo le(zi)mpahla e(zi)yingozi kumele lithuthwe, isibonelo ngokwamaQoqo I, II noma III, noma axutshwe, ngaleyo ndlela okungenzeka ngayo
(8) Lapho kufanele khona, isakhiwo semoto
(9) Usuku lokukhishwa kwemvume
(10) Usuku lokupheplelwa yisikhathi kwemvume
(11) Isiginesha yesikhulu esikhipha imvume
(12) Inombolo yokunombola
(13) Uphawu olucashile olusephepheni.

IMPELESI III: IZINHLELO ZOKUTAKULA EZIMWENI EZIPHUTHUMAYO

A. OKUVAMILE

1. Uhlelo lokutakula ezimweni eziphuthumayo kufanele okungenani lube nalolu lwazi olulandelayo ngaohansi kwezihlokwana ezibhalwe ngezansi. Zonke izinhlelo zokutakula ezimeni eziphuthumayo kufanele zenziwe ngcono okungenani kanye ngonyaka, noma kungenjalo, uma ilungu eliqavile lomqashi lishiya kulowo msebenzi ebeliqashwe kuwona.

2. Zonke izinhlelo zokutakula ezimweni eziphuthumayo kufanele zenziwe okungenani kanye ngonyaka kanti bonke abasebenzi kufanele babambe iqhaza. Umqashi kufanele futhi aqinisekise ukuthi zonke izinhlaka ezithintekayo zaziswe ngokubhalwe phansi mayelana nezinhlelo zokutakula ezimweni eziphuthumayo okungenani kusasele izinsuku ezingamshumi amabili nanye ngaphambi kwalokho.

3. Bonke abasebenzi bomqashi kufanele bazi ngohlelo lokutakula lomqashi wabo. Uma uhlelo lokutakula lwenziwa ngcono, umuntu oqokelwe ukuqoqa kanye nokushabalalisa izinhlelo zokutakula okungatholakala ukuthi ithimba labaphathi babatakuli linazo ukuze kuqedwe ukudideka kokuthi yilona luih uhlelo olusasebenza futhi lushaya khona kanjani lolu hlelo lokutakula ngokushesha.

B. UKUSETSHENZISWA KOHLELO LOKUTAKULA OLUPHUTHUMAYO

1. Uhlelo lokutakula ngokuphuthuma kufanele ludwetshwe ukuze noma yiluphi ulwazi olungafanelwe ukusabalaliswa kunoma ngubani olukulo mbhalo lungakwazi ukuthi lususwe kalula ukuze lutholakale kubantu abathile kwithimba labaphathi bezimo eziphuthumayo.

2. UKUBHEKANA KANYE NOKUNIKEZELA NGOLWAZI OHLELWENI LOKUTAKULA NGOKUSHESHA ESIMWENI ESIPHUTHUMAYO

(1) UHLELO LOKUTAKULA NGOKUPHUTHUMA LULONKE

(a) Uhlelo lokutakula ngokuphuthuma kufanele lutholakale kuwona wonke amalungu ethimba labaphathi bezimo eziphuthumayo.

(b) Inqwaba yamakhophi kufanele igcinwe kwisisefo kwindlu yokuhlela izinto.

(2) IZINOMBOLO ZEZINGCINGO KANYE NEPHEPHA LEMIBUZO MAYELANA NEBHOMU ELISIKAZWAYO

Izinombolo zezimo eziphuthumayo kufanele zitholakale kalula kuzona zonke izingcingo ezisemagcekeni kanti nephepha lemibuzo mayelana nebhomu kufanele lihlale litholakala kwizingcingo eziqokiwe emagcekeni.

(3) IMISEBENZI KANYE NEZIMISO ZABASEBENZI BEZIMO EZIPHUTHUMAYO

Bonke abasebenzi ababambe iqhaza kufanele baziswe ngokubhalwe phansi mayelana nemisebenzi yabo kanye nezibopho zabo kulo mkhakha.

(4) IZINHLELO ZOKWENZA KANYE NEMISEBENZI EYENZIWA UMA KUTAKULWA

Izinhlelo zokwenza kufanele zitholakale kubona bonke abasebenzi ukuqinisekisa ukuthi wonke umsebenzi wazi kahle ukuthi kumele enzenjani uma kunesimo esiphuthumayo.

(5) IZINHLELO MAYELANA NOKUMA KWAMAGCEKE KANYE NEMIZILA YOKUPHUNYULA

Izinhlelo zokuphunyula emagcekeni kanye nemizila yokuphunyula kufanele kube khona ngokugcwele kuzona zonke izindawo zokuphuma nokungena kanye nakwezinye izindawo ezingabasemaqhingeni okusiza uma sekuphunywa ngaphakathi emagcekeni.

3. UKUQEQESHWA KWABASEBENZI

Abasebenzi abanele kumele baqeqeshwe kulokhu okulandelayo:

(1) Usizo lokuqala futhi/noma ukulwa nomlilo

(2) Usizo oluphuthumayo

(3) Izinqubo zezimo eziphuthumayo

(4) Izindlela zokuphatha izimo eziphuthumayo

(Amadilili noma amafolo ohlelo lokutakula ngokushesha ayizindlela ezihamba phambili zokuqeqesha futhi anikezela ngethuba lokwenza ngcono uhlelo.)

C. OKUQUKETHWE WUHLELO LOKUKHISHWA LOKUTAKULA NGOKUPHUTHUMA

Uhlelo lokukhishwa ngokuphuthuma kufanele lube nalokhu okulandelayo:

(1) Izinombolo zezimo eziphuthumayo;

(2) Yilolu lwazi oluvamile olulandelayo:

(a) Ikheli laleyo ndawo okukhulunywa ngayo

(b) Uhlobo lwemisebenzi eyenziwa emagcekeni

(c) Inani labasebenzi abasegcekeni nganoma isiphi isikhathi

(d) Ukusho ukuthi ngabe indlu yokubhasobha indawo yokusebenzela ingaphakathi yini emagcekeni noma cha

(e) Ukusho ukuthi ngabe i-alamu likhona yini emagcekeni noma alikho

(f) Imininingwane yabantu abangathintwa

(3) Ucwaningo lwendawo olulanalolu lwazi olulandelayo:

(a) Umlando wezigameko kumagceke okukhulunywa ngawo

(b) Izinto ezibalulekile/ omaki mayelana nendawo lapho amagceke ekhona

(c) Ulwazi olubalulekile lwamagceke aqondene naleyo ndawo

(4) Imininingwane mayelana nezimo ezethusayo kwezenhlalo-mnotho nokunye kanye nomthelela lokhu okungaba nayo kuleyo ndawo yokusebenzela

(5) Imininingwane yalezi zinto zokusebenza ezitholakala emagcekeni:

(a) Izinto zokusebenza ezisendlini elawula ukusebenza

(d) Izinto zokusebenza ezilwa nomlilo kanye nezosizo lokuala kuwona wonke amagceke

(c) Nanoma iyiphi enye into yokusebenza

(6) Yilolu lwazi olulandelayo mayelana nabantu abasebenzayo:

(a) Abaphathi besimo esiphuthumayo

(b) Izikhulu zokuqhubeka

(c) Amathimba ezomlilo

(d) Amathimba osizo lokuqala

(7) Imisebenzi kanye nezibopho zamalungu ethimba lesimo esiphuthumayo

(8) Izinhlelo zokunyakaza kanye nezinqubo zokuphuthuma

(9) Izinhlelo zamabhilidi kanye namabalazwe acacisayo ngalawo magceke

(10) Uhlelo lokuphuma ngokushesha olunalolu lwazi olulandelayo:

(a) Irejista yakamuva yokuphuma ezimweni ezisheshayo

(b) Irejista yedilili noma yefolo lohlelo lokutakula ngokushesha

(11) Iphepha lemibuzo mayelana nesimo sebhomu

IMPELESI IV

1. Ibhokisi Lezinto Zokuphepha kanye Nohlelo Lokutakula Ngokushesha

i. Isitsha esingeke sibe sincane ngaphansi kwamamilimitha angama-300 ephindaphindwe ngamamilimitha angama-400 siyonikezelwa ukuze siphathe zonke izinto zokuphepha, ama-MSDS's
ii. Ulwazi lokuphepha kufanele kunikezelwe ngalo kwikhemikhali ngayinye uma leyo nto itholakala emagckeni lawo futhi leyo nto ingangeni kwizinto okukhululekiwe ngazo ukuthi zingaphathwa njengalokhu kuchazwe ku-SABS 0228,
iii. Lezo zinto zokuphepha, ama-MSDS aziyukuba nolwazi olungaphansi kunalolo olukhonjisiwe kwifomu ye-NOSA 2.17.05.01 "Irekhodi Lezinto Ezinobungozi"
iv. Leso sitsha siyonanyathiselwa ngaphandle kwesakhiwo eduzane nendawo yokungena enkulu futhi siyobekwa sibe yimitha elilodwa nohhafu ngaphazu kwenhlabathi,
v. Leso sitsha siyoba nento yokusikhiya eyokwanelisa Isikhulu Esiphezulu Kwezomlilo

2. Ibhokisi Lohlelo Lokutakula Ngokushesha

i. Isitsha esingengaphansi kwamamilimitha angama-300 uwaphindaphinde ngamamilimitha angama-400 siyonikezelwa ukuze sibe nazo zonke izinto zokutakula
ii. Leso sitsha siyoba nento yokusikhiya eyokwanelisa Isikhulu Esiphezulu Kwezomlilo
iii. Leso sitsha siyopendwa ngopende osawolintshi ocwebezelayo futhi siyobhalwa ngoyinki omnyama ngosonhlamvukazi nangamagama angengaphansi kwamamilimitha ayi-150 ephindaphindwe namamilimitha ayi-15 futhi siyofundeka kanje ngesiNgisi: ‘EEP’

IMPELESI V: UHLU LWEZINTO OKUMELE ZILANDELWE

IZINTO OKUMELE ZILANDELWE

Lapho khona kukhulunywa ngale mithetho kamasipala ngenombolo yakwa-SABS, lokho kukhulunywa kumayelana nombhalo onenombolo kanye negama okukhonjiswe kuleli tafula elilandelayo:

INOMBOLO YE-SANS	ISIHLOKO
193	Izinto zokubulala umlilo
543	Amasondo amapayipi omlilo (anamapayipi)
186	Izimpawu zokuphepha ezimele okuthile
1253	Izinto zokuhlanganisa iminyango yomlilo
10087	Ukuphatha, ukugcina kanye nokwaba igesi yephethiliyamu esaluketsheni ukuthi isetshenziswe emakhaya, ezindaweni zokuthengisa kanye nasezindaweni zezimboni Ingxenye III Ingxenye VI
10089	Indlela yokwenza kwimboni yephethiliymu Ingxenye III
10087	Ukuphatha, ukugcina kanye nokwaba igesi yephethiliyamu esaluketsheni ukuthi isetshenziswe emakhaya, ezindaweni zokuthengisa kanye nasezindaweni zezimboni Ingxenye III Ingxenye VI
10105	Ukubekwa ngononina, ukusebenzisa kanye nokulondoloza okuvamile kwezicimamlilo eziphathekayo
10131	Ukugcina kanye nokuphatha amafutha aluketshezi - Ingxenye I; Ingxenye II; Ingxenye III
10400	Ukusetshenziswa Kwemithetho Kazwelonke Yokwakha
10080	Ikhodi yokusagesi
1193	Izinto zokubulala umlilo
10263	Ukugcinwa kwezimpahla eziyingozi

Le ndawana iyosetshenziswa yihhovisi
Igazethi Yesifundazwe saseGauteng 22 Febhuwari 2006
Igazethi Yesifundazwe saseMpumalanga 17 Febhuwari 2006