UMASIPALA WASETHEKWINI: UMTHETHO KAMASIPALA WEZINDAWO ZOKUNAKEKELA IZINGANE KA-2015

Wamukelwe wuMkhandlu mhlaka: 24 June 2015

UMTHETHO KAMASIPALA WEZINDAWO ZOKUNAKEKELA IZINGANE KA-2015

Ukudinga ukuthi abaphathi bezindawo zokunakekela izingane babe namalayisense; ukubeka izidingo okufanele kuhlangatshezwane nazo zezindawo zokunakekelwa kwezingane; ukulawula imisebenzi ethile ehlinzekwa ezindaweni zokunakekela izingane; ukuhlelela ukuphepha nokunakekelwa kokwelashwa kwezingane ezindaweni zokunakekela izingane; ukuphoqelela ukugcinwa kwamarekhodi nokunye okuyizidingo zezokuphatha kubaphathi; ukuvimbela okunye ukuziphatha; ukwakha amacala nezinhlawulo; ukuhlinzekela ukuhoxiswa kwamalayisense; ukuhlinzekela ukuchithwa kwemithetho nokunye okuhambisana nayo; kanye nokuhlinzekela izinto ezihambisana nalokho.

ISENDLALELO

NJENGOBA wonke umuntu enelungelo lokuba sendaweni engenakulimaza impilo noma inhlalakahle yakhe ngokwesigaba 24(a) soMthethosisekelo;

NJENGOBA enye yezinjongo zoMkhandlu kaMasipala weTheku, ngokwesigaba 152(d) soMthethosisekelo, kungukukhuthaza ukuba kube nezindawo eziphephile nezinempilo;

NJENGOBA kunesidingo sokulawula izindawo zokunakekela izingane kuyo yonke indawo engaphansi kukaMasipala weTheku ukuze kuqinisekiswe ukuthi ukuphepha nokuvikeleka kwabantwana;

NJENGOBA uMasipala unamandla ngokweNgxenye B kaSheduli 5 yoMthethosisekelo okulawula izindawo zokunakekela izingane;

NANJENGOBA uMkhandlu kaMasipala weTheku unamandla ngokwesigaba 156(2) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, ukumisa kanye nokwengamela iMithetho kaMasipala ukuze kuphathwe ngempumelelo izindaba onelungelo lokuzengamela.

MANJE NGAKHO-KE uMkhandlu kaMasipala weTheku, usebenza ngaphansi kwesigaba 156 sifundwa neNgxenye B kaSheduli 5 woMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, siphinde sifundwe nesigaba 11 soMthetho Wezinhlelo Zomasipala: Ohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000) ngalokhu umisa lo Mthetho kaMasipala olandelayo:

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3. Izinhloso zoMthetho kaMasipala
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ISHEDULI: IMITHETHO ECHITHIWE

ISAHLUKO 1
UKUHUNYUSHWA

Izincazelo

1. Kulo Mthetho kaMasipala, ngaphandle uma ingqikithi isho okunye –

"**UMthetho**" usho uMthetho Wezingane uNombolo 38 ka 2005, kuhlanganisa nemithethonqubo eyashaywa ngaphansi kwalowo Mthetho;

"**okwanele**" usho lokho okwanele ngeso likaMasipala ngemuva kokubheka umthetho othintekayo kanye nemihlahlandlela;

"**okuvunyiwe**" usho lokho okuvunywe nguMasipala, ngemuva kokubheka kahle izidingo zezokuphepha kwemvelo okungadingeka kuleso simo;

"**izandawo ezivunyiwe**" kusho noma yiziphi izindawo ezivunyelwe ukuthi zisetshenziswe njengendawo yokunakekela izingane futhi enesitifiketi sokuthobela ezempilo;

"isisebenzi esigunyaziwe" ngumuntu ogunyazwe ukulandela ukuthotshelwa kwezihlinzeko zalo mthetho wedolobha okufaka kodwa okungagcini ku:-

(a) abaqaphe ukuthula abachazwe esigabeni 334 soMthetho iCriminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) amaphoyisa kamasipala noma edolobha achazwe eMthethweni iSouth African Police Services Act, 1995 (Act No. 68 of 1995);

(c) nalabo basebenzi, ama-ejenti, abakhonjiwe, izithunywa nabajutshelwe ukwenzela umasipala imisebenzi njengokugunyazwa nguMasipala; ngalokhu.

"**isitifiketi sokwamukeleka**" sisho isitifiketi sokwamukeleka esikhishwa nguMasipala ngokweMithethonqubo Elawula Izidingo Zenhlanzeko Ezindaweni Zokudla Nokuthuthwa Kokudla eyashaywa ngokoMthetho Wokudla, Izimonyo kanye Nemithi Yokuhlanza, 1972 (uMthetho uNombolo 54 we-1972) futhi owashicilelwa ngeSaziso sikaHulumeni u-R962 samhlaka 23 Novemba 2012;

“isitifiketi esithobela ezempilo” kusho:

(a) Uma indawo yokunakekela izingane ingemukela izingane ezingekho ngaphezu kweziyisithupha, isitifiketi esikhishwe nguMasipala ngenhloso yokubhalisa ngokwalo Mthetho kaMasipala; noma

(b) Uma indawo yokunakekela izingane ingemukela izingane eziyisikhombisa noma ngaphezulu, isitifiketi esikhishwe nguMasipala ngenhloso yokubhalisa ngoko Mthetho,

futhi esiqinisekisa ukuthi amagceke, nezindawo kanye nemisebenzi ehlinzekwa yileyo ndawo iyahambisana nalo Mthetho kaMasipala.

"**ingane**" kusho noma imuphi umuntu oneminyaka engaphansi kweyi-18 kanti “abantwana” kusho okufanayo;

"**indawo yokunakekela izingane**" kusho noma iyiphi indawo lapho kunezingane eziyisithupha noma ngaphezulu ngesikhathi esisodwa ezithola ukunakekelwa kwesikhashana bengekho kubazali bazo, ngenhloso yokwenza inzuzo noma qha. Lokhu akufaki–

(a) izikole okufundwa kuhlalwa ngaphakathi;

(b) izindawo zokuhlala ezikoleni; kanye

(c) noma iziphi izindawo lapho kusetshenzwa kakhulu ngokufundisa noma ukuqeqesha izingane futhi ezilawulwa nguHulumeni noma ezibhaliswe noma ezigunyazwe nguHulumeni;

“**iminyaka yobudala yokuya esikoleni ephoqelekile**” kusho iminyaka yobudala lapho kuphoqelekile ukuthi ingane iqale ibanga lokuqala ngokomthetho ophathelene nalokho;

“umkhandlu” noma **“umkhandlu kamasipala”** kusho umkhandlu kaMasipala waseThekwini, umkhandlu kamasipala okukhulunywa ngawo eSigabeni 157(1) soMthethosisekelo;

"**isitifiketi esithobela ezempilo**" kusho isitifiketi esithobela ezempilo esikhishwa nguMkhandlu ngokweSigaba 6;

"**onesitifiketi esithobela ezempilo**" kusho umuntu onikwe isitifiketi ngokwalo Mthetho kaMasipala, futhi lokhu kuhlanganisa–

(a) umuntu osemthethweni;

(b) ababambisene;
(c) inhlangano;
(d) itrasti; kanye
(e) nomuntu osebenza egameni lalowo onesitifiketi esithobela ezempilo;

"**uMasipala**" kusho uMasipala waseThekwini, umasipala oyisigaba A njengoba kubekiwe eSigabeni 155(1) soMthethosisekelo waseNingizimu Afrika futhi owakhiwe ngokweSaziso sesiFundazwe uNombolo 343 sika 2000 (KZN);

"imenenja kamasipala" kusho umuntu obekwe ngokweSigaba 54A soMthetho weZinhlelo zoMasipala njengenhloko yezokuphatha umkhandlu kamasipala;

"**iMithethonqubo kaZwelonke Yezokwakha**" kusho iMithethonqubo kaZwelonke Yezokwakha kanye noMthetho Wamazinga Okwakha, ka 1977 (uMthetho uNombolo 103 ka 1977) kanye nazo zonke izichibiyelo zayo;

"**umuntu ophethe**" kuhlanganisa–
(a) umnikazi wendawo yokunakekela izingane;
(b) inhloko yendawo yokunakekela izingane; kanye
(c) noma imuphi umuntu okungathi ulawula indawo yokunakekela izingane;

"**indawo yokudlala**" kusho ingxenye yendawo ebekelwe ukuthi izingane zidlale kuyona;

"**indawo**" kusho noma imuphi umhlaba noma isakhiwo kanye nanoma yiphi ingxenye yendawoi noma yesakhiwe okwenzelwa kuso umsebenzi wokunakekela izingane;

"**fanelekile**" kusho lokho okufanelekile ngokubona kukaMasipala.

Ukuhunyushwa koMthetho kaMasipala

2. Uma kunokushayisana phakathi kokuhunyushwa kwalo Mthetho kaMasipala ngesiNgisi kanye nalowo ohunyushiwe, kuyosebenza lowo obhalwe ngesiNgisi.

Izinhloso zoMthetho kaMasipala

3. Izinhloso zalo Mthetho kaMasipala uku –

(a) lawula ukusebenza kwezindawo zokunakekela izingane ngokuthi abanikazi balezi zindawo bafake izicelo zezitifiketi ezithobela ezempilo;

(b) qinisekisa ukuthi izindawo lapho kunakekelwa khona izingane ziyilungele iminyaka yazo futhi zifanelekile ngokwezempilo kanye nenhlalakahle yezingane;

(c) beka amazinga afanelekile ezokuphepha; kanye

(d) kwenza izihlinzeko zokwelashwa kwezingane ngenkathi zisezikhungweni zokunakekelwa kwezingane.

Ukusetshenziswa koMthetho kaMasipala

4. Lo Mthetho kaMasipala usebenza kuzo zonke izindawo ezingaphansi kwemingcele kaMasipala waseThekwini.

Izindawo ezikhona zokunakekela izingane

5.(1) Isisebenzi esigunyaziwe singakwazi ukwelula isikhathi kumuntu onendawo yokunakekela izingane ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho kaMasipala ukuze lowo muntu akwazi ukuthobela izihlinzeko zalo Mthetho kaMasipala zingakapheli izinyanga eziyisi-9 uqalile ukusebenza.

(2) UMasipala angakwazi ukuthi, kunoma yiluphi udaba lapho kunezizathu eziwenelisayo ezibekwe kuwo, welule isikhathi esibekwe esigatshaneni (1) ngesikhathi esingekho ngaphezulu kwezinye izinyanga eziyi-12.

ISAHLUKO 2
IZITIFIKETI

Izitifiketi Zokuthobela Ezempilo

6.(1) Akekho umuntu ongaba nendawo yokunakekela izingane ngaphandle –

(a) kokunikwa isitifiketi sokuthobela ezempilo lapho isikhungo sakhe sinakekela izingane eziyisithupha noma ngaphansi; noma

(b) kokubhalisa ngokoMthetho lapho isikhungo sakhe sinakekela izingane eziyisikhombisa noma ngaphezulu.

(2) Isicelo sokuthola isitifiketi sokuthobela ezempilo ngokwalo Mthetho kaMasipala kumele sifakwe kuMasipala ngokumubhalela nokugcwalisa kanye nokuthumela ifomu elifanele lokufaka isicelo.

(3) UMasipala, kungathi ngaphambi kokucubungula leso sicelo, acele ukuba anikwe noma iluphi ulwazi alubona ludingeka maqondana nesicelo leso.

(4) Ngaphansi kwesigatshana (5) isisebenzi esigunyaziwe singakhipha isitifiketi sokuthobela ezempilo uma sigculiseka –

(a) ngendawo okuzokwenziwa kuyo umsebenzi wokunakekela izingane; kanye

(b) izinto kanye nemisebenzi eyenziwa kuleyo ndawo ihambisana nalo Mthetho kaMasipala.

(5) Isitifiketi sokuthobela ezempilo esikhishwe ngokwesigatshana (4) singakhishwa ngaphandle kwemibandela noma ngaphansi kwemibandela uMasipala angayibona ifanele.

(6) Isitifiketi esithobela ezempilo ngasinye kufanele sibe okungenani nale mininingwane elandelayo:

(a) isibalo esiphelele esinqunyiwe sezingane ezinganekekelwa kuleyo ndawo evunyiwe;

(b) isibalo esiphelele esinqunyiwe sezingane ezineminyaka ehlukene ezinganakekelwa kuleyo ndawo evunyiwe;

(c) iminyaka ephansi nephezulu yezingane ezivumeleke ukunakekelwa kule ndawo evunyiwe;

(d) amahora indawo yokunakekela izingane engawasebenza; kanye

(e) nosuku okuphela ngaso isikhathi sokusebenza kwesiytifiketi sokuthobela ezempilo.

(7) Isitifiketi esithobela ezempilo kufanele sibekwe kuzo zonke izindawo ezivunyiwe ngendlela yokuthi sibonakale kahle ngaso sonke isikhathi kumuntu ongena kule ndawo.

(8) Isitifiketi sokuthobela ezempilo sikhishwa siqondane nendawo evunyiwe. Lokhu kusho ukuthi isitifiketi esithobela ezempilo–

(a) asibe sisasebenza uma ophethe isitifiketi esithobela ezempilo eshona noma eyeka ukuqhubeka nokunakekela izingane endaweni evunyiwe;

(b) asedluliselwa kunoma imuphi omunye umuntu;

(c) asedluliselwa futhi angeke sisebenze kwenye indawo yokunakekela izingane okungaba eyomuntu onesitifiketi esithobela ezempilo, noma umuntu onentshisekelo

noma angabuye abe ngumnini noma abe nentshisekelo emsebenzini wokunakeke izingane;

(d) asedluliswa uma onesitifiketi esithobela ezempilo eseyichitha indawo yokunakekela izingane noma indawo evunyiwe; futhi

(e) asikwazi ukuthi sabiwe njengefa ngonesitifiketi esithjobela ezempilo kunoma iyiphi indlalifa noma ozothola ifa.

(9) Uma onesitifiketi sokuhambisana nezempilo efisa ukususa indawo yakhe yokunakekela izingane ayiyise kwenye indawo okungeyona le ndawo evunyiwe, kufanele afake isicelo futhi athole isitifiketi esisha esithobela ezempilo esiqondene naleyo ndawo entsha.

(10) Uma onesitifikethi sesithobela ezempilo efisa ukwenza izinguquko endaweni eqondene naleso sitifiketi esithobela ezempilo, kufanele–

(a) azise uMasipala ngezinhloso zakhe ngaphambi kokuthi aqale ngezinguquko; futhi

(b) afake isicelo futhi athole isitifiketi esithobela ezempilo esisha ngaphambi kokuthi aqale ukunakekela izingane kuleyo ndawo esiyenziwe izinguquko.

(11) Isitifiketi sokuthobela ezempilo esikhishwe ngokwalesi sigaba, singakhanselwa nguMasipala emva kokunika isaziso senyanga eyodwa senhloso yakhe yokwenza njalo kulowo onaleso sitifiketi. UMasipala angalalela noma ikuphi ukuphawula okungathunyelwa umnikazi wesitifiketi emva kokuba esenikwe leso saziso.

(12) Ukukhanselwa kwesitifiketi sokuthobela ezempilo kuyoqala ukusebenza ngalolo suku olubhalwe esazisweni esikhishwe nguMasipala, kanti lolo suku angeke lube ngaphansi kwezinsuku eziyi 60 kusukela osukwini okwakhishwa ngalo isaziso sokukhansela.

(13) Isicelo sokuvuselela minyaka yonke isitifiketi sokuthobela ezempilo, siyokwenziwa kuMasipala ngokumbhalela nokugcwalisa kanye nokuthumela ifomu lesicelo elifanele kusasele okungenani inyanga eyodwa ngaphambi kokuba isitifiketi sokuthobela ezempilo siphelelwe isikhathi sokusebenza.

ISAHLUKO 3
IZIDINGO EZIJWAYELEKILE KULEZI ZINDAWO

Ukuthobela iMithethonqubo kaZwelonke Yezokwakha

7.(1) Zonke izakhiwo ezisendaweni lapho okuzonakekelwa noma lapho kunakekelwa khona izingane kufanele zihambisane nezidingo zeMithethonqubo kaZwelonke Yezokwakha.

(2) Isikhulu esigunyaziwe sizoba nelungelo lokuvumela isakhiwo esingeyona indlu kunoma iyiphi indawo yokunakekela izingane noma okuzonakekelwa kuyo izingane, uma leso sakhiwo–

(a) siqinile;

(b) singangenwa ngamanzi;

(c) singenisa umoya ngokwanele;

(d) sakhiwe ngezinto eziphephile;

(e) sifakelwe isicishamlilo esiphathekayo noma enye impahla efanele yokucisha umlilo;

(f) singenazo izinto ezibonakalayo ezingadala noma zibe nobungozi ezinganeni; futhi

(g) sihambisana nezinye izidingo ezengeziwe ezinqunywe nguMasipala izikhathi ngezikhathi.

(3) UMasipala noma ingasiphi isikhathi angachibiyela uhla olusesigatshaneni (2) ukuze ahlale ehambisana nezokuphepha nenhlalakahle yezingane.

Izindawo zokudlala ezingaphakathi

8.(1) Kufanele kube nendawo yokudlala engaphakathi eseceleni ehlinzekiwe kuyo yonke indawo lapho kunendawo yokunakekela izingane.

(2) Indawo yokudlala engaphakathi kufanele–

(a) isetshenziselwe ukudlala kuphela;

(b) ibe nendawo yaphansi engekho ngaphansi kuka 1,5 m^2 ngengane nganye;

(c) ihlukanise izingane ezineminyaka engaphansi kwemithathu ubudala ezinganeni ezingaphezu kweminyaka emithathu (kungasetshenziswa impahla yokuhlukanisa amagumbi ukuze kuhlukaniseke lezi zindawo);

(d) ibe nodonga lwangaphandle kanye nophahla olungangenwa ngumoya kanye nemvula;

(e) ibe namafasitela avulekayo ukuze kube nokukhanya okwanele kwemvelo kanye nokushaya komoya;

(f) ibe nephansi elibushelelezi, elinendawo yangaphezulu engagqobhozeki futhi ehlanzeka kalula; futhi

(g) ibe nempahla ephephile yokudlala yangaphakathi eyanele.

Izindawo zokudlala ezingaphandle

9.(1) Indawo yokudlala engaphandle kufanele ibe khona kuzo zonke izindawo lapho kunakekelwa khona izingane.

(2) Indawo yokudlala kufanele –

(a) ibe nendawo engaphandle engekho ngaphansi kuka 2 m^2 ngengane ngayinye;

(b) ibe, ngokubona kukaMasipala, yindawo ephephile ukudlala izingane ezineminyaka eqondene naleyo ndawo;

(c) ingabi nendawo embiwe, izitebhisi, izinto eziphumele ngaphandle, indawo yangaphezulu okungathi, ngokubona kukaMasipala, ibe yingozi noma engadala ubungozi; futhi

(d) ibe nempahla yokudlala ngaphandle ephephile neyanele.

(3) Uma ingekho indawo yokudlala engaphandle egcekeni, ophethe isitifiketi esithobela ezempilo angakwazi, uma uMasipala evuma, ukuthi abeke enye indawo yokudlala engaphakathi eyi 1.5 m^2 ngengane ngayinye njengendawo yokudlala engaphandle.

Izindlu zangasese

10.(1) Izindlu zangasese ezanele kufanele zihlinzekelwe izingane kuzo zonke izindawo lapho kunakekelwa khona izingane.

(2) Lapho uhlelo lokuhambisa indle ngamazi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, kanye namanzi, lutholakala egcekeni kule ndawo, kufanele kuhlinzekwe indlu eyodwa evunyiwe ngezingane ezingama-20.

(3) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, kanye namanzi ahambayo, lungatholakali egcekeni kule ndawo, kufanele kuhlinzekwe ngalokhu okulandelayo:

(a) indlu yangasese evunyiwe egcekeni lale ndawo noma eduze kakhulu nale ndawo; noma

(b) indlu yangasese yamakhemikhali evunyiwe noma olunye uhlobo lwendu yangasese oluvunyiwe oluhlanzekile futhi oluphephile ukuthi lungasetshenziswa izingane.

(4) Lapho kuhlinzekwe ngeziqukathi njengoba kubekiwe esigabeni (3)(b) –

(a) okuphakathi kulezi ziqukathi kufanele kuchithwe njalo ngosuku, kufakwe endlini yangasese evunyiwe;

(b) iziqukathi kufanele zigcinwe zihlanzekile futhi zisesimweni esifanele ngaso sonke isikhathi;

(c) isiqukathi kufanele sibe nobukhulu obufanele ukusetshenziswa njengendlu yangasese futhi kufanele sibekwe ngaphansi kwendawo yokuhlala eyakhiwe ngendlela efanele; futhi

(d) isitsha kufanele sibe nesivalo esivala ngci esisetshenziswa uma kuthathwa lezi ziqukathi seziyothululwa.

(5) Izindlu zangasese kufanele zibe nalokhu okwanele ─

(a) amaphepha asendlini yangasese, insipho kanye nephepha lokusula izandla kutholakale futhi kufinyeleleke ezinganeni; kanye

(b) nedlanzana lemigqomo enezivalo ezizivalekela zona ukuze kulahlwe khona amaphepha, amaphepha okusula izandla, amaphepha okusula ubuso kanye nokunye okungcolile okulahlwayo.

Izindawo zokugeza

11.(1) Kufanele kuhlinzekwe izingane ngezindawo zokugeza ezanele kuleyo naleyo ndawo lapho kunakekelwa khona izingane.

(2) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, kanye namanzi ahambayo, kutholakala egcekeni kule ndawo, kufanele kuhlinzekwe ngezitsha zokugeza izandla ngale ndlela elandelayo:

(a) usinki wokugeza izandla owodwa ngezingane ezingama-20;

(b) osinki bokugeza izandla kufanele babe sendaweni ephakeme ngokwanele ukuthi izingane zifinyelele kalula kuzona; futhi

(c) osinki bokugeza izandla kufanele babe namanzi ahambayo.

(3) Lapho uhlelo lokuhambisa indle ngamanzi noma olunye uhlelo lokuthutha indle oluvunywe nguMasipala, namanzi ahambayo, kungatholakali egcekeni kule ndawo ─

(a) kufanele izindawo zokugeza zihlinzekwe okungenani ngamalitha angama-25 amanzi ngosuku abe ngezitsha zokuphatha amanzi ezi–

(i) valekayo; futhi

(ii) kufinyeleleke kuwo ukuze afakwe ezitsheni zokugeza izandla: Uma nje amanzi ezophuma ezitsheni zokuphatha angene ezitsheni zokugeza izandla futhi kungabibikho ngane ezogezela phakathi esitsheni sokuphatha amanzi; futhi

(b) kufanele kuhlinzekwe ngesitsha sokuphatha esisodwa ngezingane ezingama-20; kanye

(c) nesitsha sokuphatha noma izitsha zokuphatha kufanele zibekwe endaweni ephakeme ngokwanele ukuthi izingane zifinyelele kalula kuzona.

(4) Izindawo zokugeza kufanele zibe nalokhu okwanele:

(a) insipho kanye namaphepha okusula izandla, kutholakale futhi izingane zikwazi ukufinyelela kukho; kanye

(b) nedlanzana lemigqomo enezivalo ezizivalekela zona ukuze kulahlwe amaphepha, amaphepha okusula izandla, amaphepha okusula ubuso kanye nokunye okungcolile okulahlwayo.

(5) Uma ukuthunyelwa kwamanzi endaweni yokunakekela izingane kuphazamiseka nganoma yisiphi isizathu, umuntu ophethe indawo yokunakekela izingane kufanele–

(a) enze olunye uhlelo lokuthunyelwa kwamanzi engakapheli amahora angama-24 ukuthunyelwa kwamanzi kuphazamisekile; futhi

(b) avale indawo yokunakekela izingane kuze kube ukuthunyelwa kwamanzi sekulungisiwe.

Amakhishi

12.(1) Ileyo naleyo ndawo yokunakekela izingane ehlinzeka izingane ngokudla emagcekeni ayo kufanele ibe nendawo evunyiwe eseceleni, kucoshelelwe ukuphepha kwezingane, ezoba yikhishi lapho kulungiswa khona ukudla futhi kugezwe bese kuhlanjululwa izitsha zokudlela, izipuni nemimese, amabhodwe, amapani kanye nokunye okusethenziswa ekhishini.

(2)Ikhishi kufanele –

(a) libe nendawo yokugeza izitsha ehamba ngambili;

(b) libe namanzi ashisayo

(c) libe nesitsha sokugeza izandla esiseceleni;

(d) lihlelwe ngendlela yokuthi okusetshenziswa ekhishini kanye nenye impahla yasekhishini kungabi lula ukuthi izingane zifinyelele kukho; futhi

(e) lenelise izidingo zeMithethonqubo Elawula Inhlanzeko Ezindaweni Zokudla kanye Nokuthuthwa Kokudla eyenziwe ngokoMthetho Wokudla, Izimonyo kanye neMithi Yokuhlanza, 1972 (uMthetho uNombolo 54 we-1972) futhi owashicilelwa ngeSaziso sikaHulumeni u-R962 samhlaka 23 Novemba 2012.

(3) Akekho umuntu onganikeza izingane ukudla endaweni yokunakekela izingane kube kuphuma ekhishini elikule ndawo ngaphandle uma enikwe nguMasipala isitifiketi sokwamukeleka esiqondene nalelo khishi.

(4) Uma kunengane encela ibhodlela endaweni yokunakekela izingane,–

(a) kufanele amabhodlela abhalwe ngokucacile igama lengane;

(b) kufanele amabhodlela abe nezivalo ezifanele;

(c) uma kukhona amabhodlela afika egcwele eqhamuka ekhaya kufanele agcinwe ngendlela efanele ekhishini, afakwe esikhwameni esiqandayo noma esiqandisini ngendlela yokuvikela ukonakala kanye nokubola; futhi

(d) amabhodlela engane kufanele ahlanjululwe ekhishini.

(5) Izingane akufanele zingene ekhishini elibalulwe ezigabeni (1), (2) noma (3), noma ekhosombeni lokubeka noma endaweni yokugcina impahla ebalulwe esigabeni (4).

(6) Lapho lingekho ikhishi elisemthethweni njengoba kubekwe esigabeni 12(2), kufanele kuklaywe indawo, ibekwe eceleni ukuze isetshenziselwe lokhu okungenhla.

Indawo yokubeka impahla

13.(1) Indawo nendawo okunakekelwa kuyo izingane kufanele ibe nendawo eyanele nefanele yokubeka impahla futhi kubekwe kuyo–

(a) ukudla, izitsha zokudlela, izipuni nemimese kanye nokusetshenziswa ekhishini, uma ikhishi likhona;

(b) impahla yengane ngayinye; kanye

(c) nempahla yabasebenzi basendaweni yokunakekela izingane.

(2) indawo yokubeka impahla kufanele ikhiyeke futhi kufanele kuqikelelwe ukuthi izingane azikwazi ukungena kunoma iyiphi indawo yokubeka impahla noma lapho kubekwa khona impahla njengoba kubalulwe esigatshaneni (1).

Indawo yokuhlala kanye neyokuphumula

14.(1) Indawo nendawo lapho okunakekelwa khona izingane kufanele–

(a) uma ikhona indawo yokuhlala, ibe nendawo yokuhlala efanele futhi ephephile; futhi

(b) uma ekhona amatafula, ibe namatafula afanele futhi aphephile okufanele abe nobukhulu obuyibo ukuqinisekisa ukuthi ingane ngayinye ihlala ngokunethezeka.

(2) Uma izingane zinakekelwa usuku lonke endaweni yokunakekela izingane, kufanele ingane nengane kule ndawo ibe nendawo evunyiwe yokuphumula noma umata noma umatilasi–

(a) obhalwe igama noma uphawu lwengane enikezwe lowo mata;

(b) owenziwe ngento engangenwa ngamanzi; futhi

(c) ombozwe ngento yokumboza ekhumukayo futhi ewashekayo nayo ebhalwe igama noma uphawu lwengane enikezwe lowo matilasi.

(3) Uma izingubo zokulala zikhona kule ndawo yokunakekela izingane, kufanele nazo zibhalwe igama noma uphawu lwengane enikezwe leyo ngubo yokulala.

(4) Kufanele kuqikekelwe ukuthi ingane ayilalisani nenye ingane kumata noma umatilasi noma ingubo.

Ukubiya

15.(1) Noma iyiphi ndawo okunakekelwa kuyo izingane kufanele ibiyelwe ngothango oluvunyiwe ukuze kuvinjelwe–

(a) ingane ukuba ingaziphumeli ngokwayo ngaphandle kwale ndawo;

(b) ukungena ngaphakathi kwezilwane zasekhaya kule ndawo; kanye

(c) nokungena kwabantu ngaphandle kwegunya.

(2) Ukubiyelwa kwendawo yokunakekela izingane kufanele kwenelise lezi zidingo ezilandelayo:

(a) uthango okubiywe ngalo akufanele lube ngaphansi kwama-2m ukuphakama;

(b) akufanele kube nezikhala ezingaphezu kwe-100mm ububanzi othangweni okubiywe ngalo;

(c) izintingo ezibheke phezulu kufanele zibekwe zingahlukani ngaphezu kwe 1000mm;

(d) izintingo ezilele kufanele zibekwe zibe yizikhala ezenza kube nzima ukuthi ingane igibele; futhi

(e) uthango kufanele lwakhiwe ngezinto ezingeke zilimaze izingane.

(3) Uthango okukhulunywa ngalo esigatshaneni (2) kufanele lube nesango elizivalekela lona futhi elizikhiya lona. Isango liyothathwa kuphela njengelizikhiya lona ukwenzela isigatshana (2) uma lingeke livulwe noma ikanjani ngumuntu ongagunyaziwe. Kulokhu, isango elivalwa ngenkintsho kuphela, kungekho okunye okubamba isango, angeke lithathwe njengelizikhiyayo.

(4) Uma ichibi lokubhukuda livunyelwe kunoma iyiphi indawo yokunakekela izingane, lelo chibi lokubhukuda kufanele–

(a) lakhiwe kulandelwa uhlelo oluvunyiwe, luhambisana nesitifiketi esamukelekile esivela kunjiniyela kanye noma imuphi umuntu onekhono elifanele;

(b) libe nenethi evunyiwe;

(c) libiyelwe ngendlela ebalulwe esigatshaneni (2); futhi

(d) libe nohlelo lwamasango amabili olunamasango azivala wona futhi azikhiya wona (okungaba ngelivalwa ngenkintsho).

(5) Amachibi okubhukuda athwalekayo awavunyelwe kunoma iyiphi indawo yokunakekela izingane.

ISAHLUKO 4
OKUNYE OKUDINGEKAYO KWEZINDLU ZANGASESE: IZINGANE EZINGAPHANSI NEZINGAPHEZU KWEMINYAKA EMI-3

Izindlu zangasese: zabangaphezu kweminyaka emi-3

16.(1) Izindlu zangasese zezingane ezingaphezu kweminyaka emithathu kufanele zibe sendaweni evunyiwe, esithekile futhi enophahla ngaphakathi egcekeni, ihlukane nezindlu zangasese zezingane ezingaphansi kweminyaka emithathu.

(2) Kufanele zihlukaniswe izindlu zangasese zabafana kanye nezamantombazane asebeseminyakeni yokuya esikoleni.

Izindlu zangasese: zabangaphansi kweminyaka emithathu

17.(1) Izindlu zangasese zezingane ezingaphansi kweminyaka emithathu, noma ezisafaka amanabukeni, kufanele zihlanganise nendawo evunyiwe eseceleni yokushintsha amanabukeni.

(2) Indawo yokushintsha amanabukeni kufanele ibe–

(a) nendawana yokushintsha amanabukeni enendawo yangaphezulu engangenwa ngamanzi futhi ehlanzeka kalula;

(b) kube okungenani nesitsha esisodwa sokugeza izandla;

(c) namanzi: Uma engatholakali amanzi ahambayo kule ndawo, kufanele kube nendawo evunyiwe okutholakala kuyo amanzi aphuzwayo futhi ahlanzekile abekwe futhi atholakale endaweni yokushintsha amanabukeni nsuku zonke;

(d) nezinto ezingalahlwa zokuhlanza izingane ezifaka amanabukeni;

(e) nendawo evunyiwe yokuhlanza amanabukeni endwangu uma kunezingane ezifaka amanabukeni endwangu eziza kule ndawo yokunakekela izingane;

(f) nezitsha ezivunyiwe ezihlukene zokugcina amanabukeni ahlanzekile namanabukeni angcolile kanye nokunye okungcolile, kanjalo kube nendawo evunyiwe yokugcina izitsha ezinamanabukeni angcolile kanye nokunye okungcolile; kanye

(g) nendawo evunyiwe yokuhlanza amanabukeni endwangu.

ISAHLUKO 5
OKUNYE OKUDINGEKAYO KWEZAKHIWO:
INDAWO ENAKEKELA IZINGANE UMA SEKUPHUME ISIKOLE

Izindawo ezihlukene zendawo yokunakekela izingane uma sekuphume isikole

18. Uma indawo yokunakekela izingane inakekela izingane eziseminyakeni ephoqolelwe yokuya esikoleni kanye nezingane ezingaphansi kweminyaka ephoqelelwe yokuya esikoleni endaweni eyodwa, indawo yezingane eziseminyakeni ephoqelelwe yokuya esikoleni kufanele ihlukane nendawo yezingane ezingaphansi kweminyaka ephoqelelwe yokuya esikoleni.

Indawo engaphakathi yokufundela

19.(1) Kufanele kube nendawo engaphakathi yokufundela enendawo yaphansi eyi-1.5 m ngengane ngayinye kunoma iyiphi indawo okunakekelwa kuyo izingane lapho kunakekelwa

khona izingane uma sekuphume isikole kwenzelwa izingane ezisemimyakeni ephoqelelwe yokuya esikoleni.

(2) Indawo engaphakathi yokufundela kufanele ibe–

(a) nezindonga zangaphandle kanye nophahla okungangenwa ngumoya kanye nemvula;

(b) namafasitela avulekayo akwazi ukungenisa ukukhanya kwemvelo futhi ishaye umoya; futhi

(c) nephansi elibushelelezi, elingagqobhozeki futhi elihlanzeka kalula.

ISAHLUKO 6
IZINDAWO ZABASEBENZI

Izindlu zangasese zabasebenzi kanye nezindawo zokugeza izandla

20.(1) Noma iyiphi indawo okunakekelwa kuyo izingane kufanele ibe nezindlu zangasese kanye nezindawo zokugeza izandla zabasebenzi bakule ndawo yokunakekela izingane.

(2) Izindlu zangasese kanye nezindawo zokugeza izandla zabasebenzi kufanele ─

(a) kube lula kubasebenzi ukufinyelela kuzo;

(b) zihlukane nezindlu zangasese kanye nezindawo zokugezela ezisetshenziswa yizingane; futhi

(c) zibe nensipho kanye nezindwangu zokusula ngaso sonke isikhathi.

Izindlu zokugezela zabasebenzi abahlala kule ndawo

21. Uma kunomsebenzi wendawo yokunakekela izingane ohlala khona kule ndawo lapho kunakekelwa khona izingane, kufanele indlu yangasese kanye nendlu yokugezela yakhe lowo msebenzi kufinyeleleke kalula kuyo uma esuka lapho ehlala khona.

ISAHLUKO 7
EZOKUPHEPHA KANYE NOKUNAKEKELWA KWEMITHI

Indawo yabagulayo

22.(1) Zonke izindawo okunakekelwa kuzo izingane kufanele zibe nendawo ebekwe eceleni njengendawo yabagulayo lapho kwelashwa futhi kunakekelwe noma iyiphi ingane egulayo noma elimele kuze kube ilandwa ngabazali bayo.

(2) Indawo yabagulayo ingasetshenziselwa kuphela ukwelapha izingane ezigulayo noma ezilimele. Indawo yabagulayo akufanele, ngokujwayelekile, isetshenziselwe ukwelapha noma ukunakekela izingane ezigule noma ezilimale ngale kwesikhathi sokusebenza kwendawo yokunakekela izingane.

(3) Indawo yabagulayo kufanele ibe nalokhu –

(a) ibhokisi elivunyiwe, elikhiyeka kahle futhi elinakho konke okokwelapha kosizo lokuqala, okufanele ligcinwe endaweni lapho izingane zingeke zikwazi ukufika kulo; kanye

(b) nombhede noma umatilasi.

(4) Ngaphezulu, yonke indawo yabagulayo kufanele ibe nendlela evunyiwe yokugeza izandla futhi yonke indawo yokunakekela izingane kufanele ibe nocingo lukathelefoni olusebenzayo ukuze kwaziswe abazali noma abaphathi bengane ngokugula noma ukulimala, uma kudingeka, kubizwe abosizo lwezokwelapha.

Ukunakekela impilo yezingane ezigulayo

23. (1) Umuntu ophethe indawo yokunakekela izingane kufanele–

(a) uma ingane igula, noma ilimala, idinga ukwelashwa–

(i) azise umzali wengane noma umphathi wayo ngokushesha; futhi

(ii) abize abezosizo lokwelapha noma athathe ingane ayise kudokotela wayo;

(b) uma ingane igula, noma ilimala, kodwa ingadingi usizo lokwelashwa, ayinike ukunakekelwa okufanele kanye nokwelashwa endaweni yabagulayo khona endaweni yokunakekela izingane;

(c) uma ingane inesifo esibikwayo, abikele iziphathimandla ezifanele ngokushesha;

(d) uma ingane ingaphansi kweminyaka ephoqelelwe yokuya esikoleni, aqinisekise ukuthi iyigcwalisile isheduli yokugonywa njengoba kunqunywe uHlelo Lokugoma LukaZwelonke;

(e) alandele izihlinzeko zemithetho emaqondana nokuvinjelwa kwezingane ukuya esikoleni ngenxa yesifo esithelelanayo, ezenziwe ngaphansi koMthetho WezeMpilo, 1977 (uMthetho uNombolo 63 we-1977); futhi

(f) abike izintwala zasekhanda kubazali futhi aqiniseke ukuthi izingane azivunyelwa ukuthi zibuyele kule ndawo kuze kube izintwala seziqediwe.

(2) Umuntu ophethe indawo yokunakekela izingane angavumela kuphela ukuthi ingane iphuziswe imithi ngokwemvume yabazali bengane ebhalwe phansi–

(a) echaza imithi;

(b) esho isilinganiso kanye nezikhathi okufanele imithi iphuzwe ngazo; futhi

(c) esho ubungako besikhathi okufanele imithi iphuzwe ngaso.

Ezokuphepha

24. Umuntu ophethe indawo yokunakekela izingane kufanele aqiniseke ukuthi ─

(a) izingane zivikeleke ngokwanele emililweni, ezindaweni ezikhipha amanzi ashisayo, kugesi kanye nezinto ezisebenza ngogesi kanye nanoma yini enye into noma utho okungaba yingozi noma kulimaze noma iyiphi ingane;

(b) kunezicishamlilo ezanele nokuthi indawo iyahambisana nezimiso zoMthethonqubo kaZwelonke Wokwakha noMthetho Wamazinga Okwakha, 1977 (uMthetho uNombolo 103 we-1977);

(c) uma izingane zingaphansi kweminyaka ephoqelelwe yokuya esikoleni, wonke amapulangwe noma izindawo zokubambelela eziyingxenye yothango lokubiya, isango, indawo yokudlala, umbhede, umbhede wengane obiyelwe, isibambelelo sasesitezi, noma yiluphi olunye utho noma isakhiwo noma okwanhloboni -

(i) akuqhelelani ngaphezu kwama-75 mm;

(ii) kufakwe ngendlela efanele futhi kugcinwe kusesimweni esihle;

(iii) kupendwe kuphela ngopende ongenabungozi; futhi

(iv) akukho ngaphansi kwemitha eli-1 ukuphakama, ngaphandle kothango lokubiya okufanele, ngokwesigaba 15(2), lungabi ngaphansi kwamamitha ama-2 ukuphakama;

(d) yonke imithi, imithi yokubulala izinambuzane, imithi yokuhlanza izinto kanye nolunye utho olungaba yingozi ezinganeni kukhiyelwe endaweni yokugcina impahla futhi kugcinwe ngendlela yokuthi ingane ingafinyeleli kukho;

(e) azikho izitshalo noma izihlahla ezibulalayo noma ezinobuthi ezikhula kule ndawo;

(f) asikho isilwane esigcinwe kule ndawo ngaphandle kwemvume yomhloli wezempilo wendawo okuhlalwa kuyo;

(g) akekho umuntu owaziwayo noma osolwa ngokuthi unesifo esithelelanayo noma esithathelwanayo noma oke wathintana nomuntu onjalo, ovunyelwa ukungena kule ndawo uma lowo muntu, ngokubona komhloli wezempilo yendawo, osengakwazi ukuthelela abanye ngalesi sifo esithelelanayo noma esithathelwanayo;

(h) uma izingane zingaphansi kweminyaka ephoqelelwe yokuya esikoleni, alikho ichibi lokubhukuda, umgodi onesihlabathi sokudlala noma esinye isakhiwo okuvunyelwe kule ndawo ngaphandle kokuvunywa ngumhloli wezempilo yendawo; futhi

(i) kuthathwa noma isiphi isinyathelo esinomqondo esingathi, ngokubona komhloli wezempilo yendawo, sidingeke ukuze kuvikelwe izingane kunoma iyiphi ingozi.

Ukunakekela impahla

25. Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi zonke izingxenye zendawo okunakekelwa kuyo izingane, okuhlaganisa noma iyiphi indawo yangaphandle nazo zonke izakhiwo kanye nempahla, kunakekelwa futhi kugcinwe kusesimweni esihle, kuhlanzekile futhi kuphethwe kahle.

Udoti

26. Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele ahlinzeke –

(a) ngenani elanele lemigqomo efakwe oplastiki bangaphakathi, ibe ngaphakathi kule ndawo ukuze kulahlwe kuyo amaphepha, amaphepa okusula izandla, amaphepha okusula ubuso kanye nokunye okulahlwayo;

(b) ngendawo evunyiwe kadoti, enophahla futhi egandawe yaba udonga; futhi

(c) ngemigqomo kadoti ibe kule ndawo kadoti ukuze kugcinwe kuyo udoti ngenkathi kulindwe ukuthi uMasipala awususe.

Abasebenzi

27.(1) Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi–

(a) bonke abasebenzi abasebenza kule ndawo bahlanzekile emizimbeni futhi basesimweni esihle sempilo;

(b) akekho umuntu okule ndawo osebenzisa ugwayi, noma yini eyenziwe ngogwayi, utshwala noma isiphi isidakamizwa noma enye into enobungozi uma kukhona izingane; futhi

(c) akekho umuntu okule ndawo odakwe utshwala, noma isiphi isidakamizwa noma iyiphi enye into enobungozi.

(2) Bonke abasebenzi kufanele bahlolwe ukuthi abakaze babe namacala obugebengu ngaphambi kokuthi baqashwe kule ndawo yokunakekela izingane.

(3) Okungenani isisebenzi esisodwa kumele sibe ngesiqeqeshwe ngokufanele ukuba sense usizo lokuqala.

(4) Isisebenzi ngasinye kumele sibheke izingane ngokwalezi zibalo ezilandelayo –

(a) 0-2 iminyaka, zidinga umsebenzi oyedwa, umsizi oyedwa ngezingane eziyi 8;

(b) 2-3 iminyaka, zidinga umsebenzi oyedwa, umsisi oyedwa ngezingane eziyi 15;

(c) 3-6 iminyaka, zidinga umsebenzi oyedwa, umsizi oyedwa ngezingane eziwu 20; kanti

(d) ezineminyaka eyisithupha nangaphezulu zidinga umsebenzi oyedwa ngezingane eziwu 30

Ukudla

28. Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi, uma izingane zizonikwa ukudla, lokho kudla kuyazenelisa izidingo zeminyango ephethe lokho.

Ezokuthutha

29.(1) Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele, uma izingane zinikwa into yokuzithutha ziza noma zisuka kule ndawo noma iyiphi enye indawo, aqinisekise ukuthi–

(a) iminyango yento yokuthutha inokhiye bezingane, ngendlela yokuthi ayivuleki ngaphakathi uma ivulwa ingane;

(b) ayikho ingane ethi uma ithuthwa ihlaliswe esihlalweni esiphambili sento yokuthutha noma ihlaliswe ngaphansi kwesihlalo sento yokuthutha;

(c) alukho usana olusembhedeni obiyelwe wengane oluhlaliswa ngaphansi kwesihlalo sento yokuthutha;

(d) into yokuthutha ethutha izingane ayilayishwa ngokweqile ngokomthetho ophathelene nalokho;

(e) umshayeli wento yokuthutha ethutha izingane unamalayisense okuthutha abagibeli ngokulandela imithetho ephathelene nalokho;

(f) into yokuthutha okuthuthwa ngayo izingane inelayisense yokuthutha abagibeli, inezihlalo zemoto kanye namabhande asezihlalweni futhi ibe sesimweni sokuba semgaqweni ngokulandela imithetho ephathelene nalokho; futhi

(g) into yokuthutha ifakwe amabhande asezihlalweni kanye nezihlalo zemoto, ezivumelana nemithetho ephathelene nalokho, uma kuthathwa iminyaka yezingane ezithuthwayo.

(2) Uma kuthuthwa izingane ezingaphansi kweminyaka ephoqelelwe yokuya esikoleni, umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi ngenkathi izingane zithuthwa zigadwe okungenani ngumuntu omdala oyedwa ngale komshayeli wento yokuthutha.

(3) Noma yimuphi umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi iyathotshelwa imiyalo yezigatshana (1) kanye ne (2) kungakhathaleki noma into yokuthutha ihlinzekwe nguye lo muntu, yindawo yokunakekela izingane, noma umuntu wesithathu ekwenzela lo muntu noma indawo yokunakekela izingane.

ISAHLUKO 8
IZIDINGO ZEZOKUPHATHA

Izicelo zokwamukelwa

30.(1) Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi umzali nomzali wengane noma umphathi wayo wenza isicelo esibhalwe phansi sokuthi ingane ingene kule ndawo.

(2) Sonke isicelo sokwamukelwa kwengane endaweni yokunakekela izingane kufanele sifake lokhu okulandelayo:

(a) amagama aphelele engane;

(b) usuku lokuzalwa kwengane;

(c) iminyaka yengane;

(d) inombolo kamazisi wengane, uma ikhona;

(e) ubulili bengane;

(f) amagama omzali ngamunye noma umphathi wayo;

(g) ikheli kanye nezinombolo zocingo (eyocingo lwasendlini kanye nekamakhalekhukhwini uma ikhona) zomzali ngamunye noma umphathi wayo;

(h) indawo lapho kusebenza khona umzali ngamunye noma umphathi wayo kanye nezinombolo zocingo lwasemsebenzini;

(i) igama, ikheli kanye nezinombolo zocingo lomuntu othembekile (ngale komzali noma umphathi wayo) ongathintwa uma kunezimo eziphuthumayo; kanye

(j) negama, ikheli kanye nenombolo yocingo kadokotela wengane.

(2) Kufanele sonke isicelo sokwamukelwa kwengane endaweni yokunakekela izingane sifake nemvume yomzali noma umphathi wayo ukuthi umnikazi akwazi ukubonisana nodokotela wengane uma ingane idinga ukwelashwa.

(3) Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi usuku ingane eyamukelwa ngalo kule ndawo kanye nosuku ingane eyagcina ngalo ukunakekelwa kule ndawo zibhalwe phansi encwadini yesicelo sokwamukelwa.

Imibiko yokwelashwa

31. Umuntu ophethe indawo yokunakekela izingane kufanele, ngesikhathi kugcwaliswa incwadi yokucela ukwamukelwa, athole kumzali noma kumphathi wengane ngayinye eyamukelwa kule ndawo yokunakekela izingane umbiko oqukethe lolu lwazi olulandelayo:

(a) isimo sempilo yengane kanye nesimo somzimba wayo;

(b) uhlobo kanye nezinsuku zanoma ikuphi ukuhlinzwa okwake kwenziwa enganeni;

(c) uhlobo kanye nezinsuku zanoma ikuphi ukugula noma izifo ezithathelwanayo ingane eke yaphathwa yizo;

(d) imininingwane yezinto eziyigulisayo ingane uma ike yathintana nazo;

(e) ulwazi ngokwelashwa ingane esike yakuthola noma esakuthola; kanye

(f) nokuthi uma ingane isengaphansi kweminyaka ephoqelewe yokuya esikoleni, imininingwane yokugonywa ingane esikutholile.

Amarejista

32. Umuntu ophethe indawo yokunakekela izingane kufanele abe–

(a) nerejista kawonkewonke lapho kulotshwe khona imininingwane ebhalwe ezigatsheni 30(2) no 31 maqondana nayo yonke ingane eyamukelwe ngaleso sikhathi kule ndawo; kanye

(b) nerejista yokufika lapho kulotshwe khona ukufika kanye nokungafiki kwengane ngayinye usuku nosuku, kanye; uma ingafikanga, nezizathu zokungafiki.

Ibhuku lokubhala okwenzekile

33. Umuntu ophethe indawo yokunakekela izingane kufanele abe nencwadi yokuloba izigigaba zosuku, incwadi yokubhala okwenzeka nsuku zonke noma enye incwadi efanayo lapho kulotshwa khona izehlakalo ezibalulekile noma ezimqoka maqondana nendawo yokunakekela izingane, kuhlanganisa ukugula kanye nezingozi, kanye nemininingwane yemithi ephuziwe.

Ibhuku lokuxhumana

34. Umuntu ophethe indawo yokunakekela izingane kufanele aqinisekise ukuthi ingane ngayinye inikwa ibhuku lokuxhumana ephathiswa lona usuku nosuku iye nalo ekhaya futhi okuyilona elakha indlela yokuxhumana phakathi kwendawo yokunakekela izingane kanye nabazali.

Ukugcinwa kwamarekhodi

35.(1) Umuntu ophethe indawo yokunakekela izingane kufanele agcine amarekhodi izikhathi ezingangalezi ezilandelayo:

(a) izincwadi zokucela ukwamukelwa kanye nezincwadi zezokwelashwa: ubuncane kube yiminyaka emi-2 ngemuva kosuku ingane eyagcina ngalo ukunakekelwa kule ndawo; kanye

(b) namarejista kawonkewonke, amarejista okufika kanye nencwadi yokuloba okwenzeka nsuku zonke: ubuncane kube yiminyaka emi-2 ngemuva kosuku okwabhalwa ngalo okokugcina ebhukwini ngalinye kulawo.

(2) Amarekhodi kufanele agcinwe endaweni ephephile evumela ukutholakala kwawo kalula kulowo ophethe indawo yokunakekela izingane. Izinyathelo ezifanele kufanele zithathwe ukuvimbela ukonakaliswa noma ukucekelwa phansi kwamarekhodi.

Ukumiswa noma ukuvalwa kokusebenza

36. Ophethe isitifiketi esithobela ezempilo kufanele azise uMasipala kusenesikhathi futhi akubhale phansi uma ehlongoza ukumisa noma ukuvala ukusebenza kwendawo yokunakekela izingane.

ISAHLUKO 9

AMACALA, IZINHLAWULO NOKUHOXISWA KWEZITIFIKETI

Amacala

37.(1) Umuntu unecala lokwephula umthetho ngaphansi kwale Mithetho kaMasipala uma–

(a) enqabela ngokungekho emthethweni isikhulu esigunyaziwe ukuthi singene endaweni yakhe noma ebangela noma evumela noma yimuphi omunye umuntu ukuthi anqabe ukuthi kungenwe;

(b) evimbela noma ethikameza isikhulu esigunyaziwe ekwenzeni umsebenzi waso noma ebangela noma evumela noma yimuphi omunye umuntu ukuthi avimbele noma athikameze isikhulu leso;

(c) enqaba noma ehluleka ukunika isikhulu esigunyaziwe lolo lwazi njengoba kudingeka ukuze isikhulu esigunyaziwe senze umsebenzi njengokwalo Mthetho kaMasipala;

(d) ethi azi kepha anikezele ngolwazi oluyinkohliso noma oludukisayo esikhulwini esigunyaziwe;

(e) ezenza isikhulu esigunyaziwe;

(f) ephula noma ehluleka ukuvumelana nanoma yimuphi umyalelo walo Mthetho kaMasipala;

(g) ephula noma yimuphi umyalelo noma umbandela maqondana nesitifiketi sakhe sokuthobela ezempilo; noma

(h) ephula noma ehluleka ukuvumelana nomyalelo noma isaziso esikhishwe ngokusemthethweni ngaphansi kwalo Mthetho kaMasipala.

Izinhlawulo

38.(1) Noma yimuphi umuntu otholwa enecala lokwephula umthetho ngaphansi kwalo Mthetho kaMasipala angabhekana nenhlawulo engeqile ku-R40 000 noma aboshwe isikhathi esingeqile eminyakeni emi-2, noma abhekane nakho kokubili inhlawulo leyo kanye nokuboshwa.

(2) Odabeni lokwephulwa komthetho okuqhubekayo, inhlawulo eyengeziwe yenani elingeqile ku R200 ngosuku noma ukuboshwa isikhathi esingeqile ezinsukwini eziyi-10, usuku ngalunye lapho lokhu kwephulwa komthetho kuqhubeka noma anikwe kokubili inhlawulo leyo kanye nokuboshwa.

Ukuhoxiswa kwezitifiketi ezithobela ezempilo

39. UMkhandlu ungathi, ngokubona kwawo, uhoxise isitifiketi esithobela ezempilo kanye nesitifiketi sokwamukeleka (uma sikhona) uma ophethe isitifiketi esithobela ezempilo etholwa enecala lokwephula noma yimuphi wemiyalelo yalo Mthetho kaMasipala.

Ilungelo lokungena kanye nokuhlola indawo kanye namarekhodi

40. Isikhulu sikaMasipala esigunyazwe ngokuyikho singakwazi, noma ngayiphi inhloso exhumene nokuqinisa ukusebenza kwalo Mthetho kaMasipala, ngazo zonke izikhathi ezifanele futhi ngaphandle kokwazisa ngaphambilini ukuthi singene kunoma iyiphi indawo–

(a) lapho okunakekelwa khona izingane; noma

(b) uma sona sinezizathu eziphathekayo zokusola ukuthi kunendawo yokunakekela izingane esebenzayo kuleyo ndawo,

ukuze enze lokho kuhlola, ukuphenya noma ukubheka kule ndawo njengoba yena ebona kufanele.

ISAHLUKO 10
IZIHLINZEKO EZIYINGXUBEVANGE

Ukudluliselwa kwamandla

41. (1) Kweyame kuMthethosisekelo nemithetho efanele kazwelonke neyesifundazwe –

(a) namaphi amandla, ngaphandle kwamandla okukhulunywa ngawo esigabeni 160(2) soMthethosisekelo;

(b) namuphi umsebenzi; noma

(c) nasiphi isibopho,

ngokwalo Mthetho KaMasipala, okunikezwe uMasipala noma naziphi ezinye izinhlaka zikaMasipala zezombusazwe, abaphathizikhundla bezombusazwe, ikhansela, umsebenzi, kungaphinde kudluliselwe yilolo hlaka lwezombusazwe, yilowo mphathisikhundla wezombusazwe, yilelo khansela, noma yilowo msebenzi esikhungweni sangaphakathi, noma kumsebenzi oqashwe wuMasipala.

(2) Ukudliliselwa kwamandla ngokwesigaba (1) kufanele kwenziwe ngokulandela uhlelo lokwedlulisela amandla olwamukelwa nguMkhandlu ngokulandela isigaba 59(1) soMthetho Wezinhlelo ZoMasipala: uHulumeni WaseKhaya, 2000 (uMthetho uNombolo 32 wezi-2000), nangokulandela indlela ebekwe esigabeni 59(2) salo Mthetho okukhulunywa ngawo.

(3) Nakuphi ukudluliselwa kwamandla okuhlongozwa kulesi sigaba kumele kuqoshwe ohleni lwamandla adluliseliwe, okumele luqukathe ulwazi mayelana –

(a) naleso sikhungo noma lowo muntu odlulisela amandla noma odlulisa amandla adlulisiwe;

(b) nowemukela lawo mandla adlulisiwe noma odluliselwe amandla adlulisiwe; kanye

(c) nemibandela ehambisana nalawo mandla adluliselwe.

Ukudlulisa isikhalo

42. (1) (1) Umuntu omalungelo akhe achashazelwe yisinqumo somsebenzi ogunyaziwe ngokulandela lo Mthetho KaMasipala angafaka isicelo sokuphikisana naleso sinqumo ngokulandela uhlinzeko lokudlulisa isinqumo oluqukethwe eMthethweni Wezinhlelo Zomasipala: uMthetho Wohulumeni Basekhaya ka-2000 (uMthetho No. 32 ka-2000)

ngesaziso esibhaliwe sokudlulisa isinqumo kanye nezizathu kwiMenenja kaMasipala zingakapheli izinsuku ezingama-21 kusukela ngosuku lwesaziso ngesinqumo.

(2) IMenenja kaMasipala kumele ngokushesha yethule lesi sicelo sokuphikisana nesinqumo kwisiphathimandla sokudluliswa kwezinqumo esifanele.

(3) Isiphathimandla sokudluliswa kwezinqumo kumele siqalise uhlelo lokudlulisa isinqumo engakapheli amasonto ayisithupha futhi sinqume ngaleso sicelo esikhathini esifanele.

(4) Isiphathimandla sokudluliswa kwezinqumo kumele sivumelane, siguqule noma sichithe isinqumo, kodwa akukho guquko noma kuchithwa kwesinqumo okungahoxisa namaphi amalungelo angabe atholakele ngenxa yaleso sinqumo.

(5) Isiphathimandla sokudluliswa kwezinqumo kumele sinikeze izizathu ezibhaliweyo ngesinqumo saso kuzo zonke izindaba ezithinta ukudluliswa kwezinqumo.

(6) Zonke izicelo zokudluliswa kwezinqumo zenziwa ngokulandela uMthetho Wezinhlelo Zomasipala: uMthetho Wohulumeni Basekhaya, ka-2000 (uMthetho No. 32 ka-2000) hhayi ngokulandela lo Mthetho KaMasipala.

Ukuchithwa kwemithetho nokuhambisana nayo

43. (1) Imithetho ebekiwe kwikholomu yokuqala neyesibili yeSheduli yalo Mthetho KaMasipala ngalokhu iyachithwa ngale ndlela echaziwe kwikholomu yesithathu kule Sheduli esikhuluma ngayo.

(2) Zonke izaziso ezishicilelwe ngaphansi kwe SAZISO SESIFUNDAZWE NOMBOLO 94 SIKA-1991 zizoqhubeka nokusebenza kube sengathi uMthetho kaMasipala okukhulunywa ngawo awuzange uchithwe njengoba kuchazwe esigatshaneni (1).

(3) Noma imaphi amalungelo atholakele noma izibopho ezidalekile njengoba kubekiwe kule mithetho okukhulunywa ngayo esigatshaneni (2) kuyohlala kusebenza ngokugcwele kube sengathi leyo mithetho ayizange ichithwe.

Isihloko esifingqiwe kokuqala ukusebenza komthetho

44. Lo Mthetho kaMasipala ubizwa ngoMthetho KaMasipala Wezindawo Zokunakekela Izingane kaMasipala waseThekwini, ka-2015 kanti uqala ukusebenza emva kwezinyanga

eziyisithupha ushicilelwe *kwiGazethi Yesifundazwe* noma ngalolo suku elungaphambili olunganqunywa ngokuba kushicilelwe isaziso sosuku lokuqala ukusebenza esiyofakwa *kwiGazethi Yesifundazwe.*

ISHEDULI

IMITHETHO ECHITHIWE

(Isigaba 43(1))

Inombolo nonyaka komthetho	***Isihloko***	***Ingxenye echithwayo***
uMthetho kaMasipala uNombolo 94 ka 1991	uMthetho kaMasipala Umsebenzi Wokunakekela Izingane	Wonke
uMthetho kaMasipala uNombolo 87 ka 973	uMthetho kaMasipala Ofanayo, Mount Edgecombe	Isahluko XIV