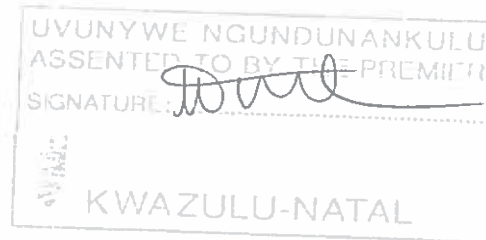


NOTICE 2 OF 2018

[English text signed by the Premier]

**KWAZULU-NATAL JOINT MUNICIPAL
PENSION FUND (RETIREMENT) ACT, 2017
(Act No. 06 of 2017)**



Assented to on 07/12/2017

ACT

To provide for the continued existence of, and the continuation of, both membership of and association with, the Natal Joint Municipal Pension Fund (Retirement); for the renaming of the Natal Joint Municipal Pension Fund (Retirement) as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement); for the power of the responsible Member of the Executive Council to make regulations; for transitional arrangements; for the repeal of laws and savings; and for matters incidental thereto.

PREAMBLE

WHEREAS there is a need to replace pre-1994 racially discriminatory Natal Ordinances that determined the establishment and implementation of two separate race-based pension systems for municipal employees, being the Natal Joint Municipal Pension Fund (Superannuation) and the Natal Joint Municipal Pension Fund (Retirement), which have

been assigned to the Province by the President in accordance with section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and which have become obsolete with the commencement of the democratic dispensation on 27 April 1994;

WHEREAS the assigned racially based pre-1994 Ordinances have become provincial legislation as determined by section 239 of the Constitution of the Republic of South Africa, 1996, and the Provincial Legislature is consequently competent to repeal, amend and substitute such legislation in accordance with section 104(1)(b) of the 1996 Constitution;

WHEREAS there is a need to ensure that all race-based references and that all forms of differentiation between the two pension funds regarding the categories of beneficiaries and their dependants are removed;

AND WHEREAS it is necessary to replace the current Natal Joint Municipal Pension Fund (Retirement) statutory framework with a framework that is solely regulated by, aligned to, and compliant with the Constitution of the Republic of South Africa, 1996, the nationally applicable Pension Funds Act, 1956 (Act No. 24 of 1956), and the principles of good governance,

BE IT THEREFORE ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise –

"actuary" means a person who is –

(a) a fellow of an institute, faculty, society or chapter of actuaries registered as such in accordance with the applicable legislation; and

(b) appointed by the –

(i) Registrar; and

(ii) Board of Trustees,

as a valuator as contemplated in section 9A of the Pension Funds Act, 1956 (Act No. 24 of 1956);

"auditor" means a public accountant and auditor who is –

(a) registered as such in accordance with the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991); and

(b) appointed by the Board of Trustees;

“benefit” means any pension granted or other amount due in accordance with the regulations to a member, pensioner, dependant or other person;

“Board of Trustees” means the Board of Trustees contemplated in section 7A of the Pension Funds Act, 1956 (Act No. 24 of 1956), and established as prescribed;

“committee of management” means the committee of management elected in accordance with the provisions of the Rules;

“employee” means an employee as contemplated in sections 8(2) and (3);

“Financial Services Board” means the Financial Services Board established in accordance with section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

“Fund” means the Natal Joint Municipal Pension Fund (Retirement), renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement) in accordance with section 4 from the commencement date of this Act;

“general committee” means the general committee elected in accordance with the provisions of the Rules;

“KwaZulu-Natal Joint Municipal Provident Fund” means the KwaZulu-Natal Joint Municipal Provident Fund, established in accordance with section 2 of the KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. 4 of 1995);

“member” unless the context determines otherwise, means a natural person who –

(a) at any stage prior to the commencement date of this Act contributed to the Fund, and from the commencement date of this Act continues to contribute to the Fund; or

(b) on any date subsequent to the commencement date of this Act starts to contribute to the Fund;

“municipality” –

(a) includes a metropolitan municipality, a district municipality or a local municipality as contemplated in section 155(6) of the Constitution of the Republic of South Africa, 1996;

(b) means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

(c) when contemplated as an entity or a corporate body, means a municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

(d) when contemplated as a geographic area, means a municipal area determined as contemplated in the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Natal Joint Municipal Pension Fund (Retirement)" means the Natal Joint Municipal Pension Fund (Retirement), established by section 2 of the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974);

"Natal Joint Municipal Pension Fund (Superannuation)" means the Natal Joint Municipal Pension Fund (Superannuation) established by section 2 of the Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);

"notice" means a notice issued in terms of a regulation;

"ordinance" includes the regulations made thereunder;

"Pension Funds Act" means the Pension Funds Act, 1956 (Act No. 24 of 1956);

"prescribed" means prescribed by the responsible Member of the Executive Council by regulation made or notice issued in accordance with section 7;

"principles of good governance" means the principles as set out in the King Code and Report on Governance in South Africa, 2009, and any amendments thereto, or revision thereof;

"promulgation" means promulgation in the *Provincial Gazette*;

"Province" means the Province of KwaZulu-Natal;

"Provincial Gazette" means the Provincial *Gazette* of the Province of KwaZulu-Natal;

"regulation" means a regulation made under this Act, and includes any Schedule to such regulations;

"Regulations governing the Natal Joint Municipal Pension Fund (Retirement)" means the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) published in Provincial Notice No. 180 of 1975 on 13 May 1975;

"responsible Member of the Executive Council" means the Member of the Executive Council responsible for local government;

"Rules" for purposes of the Pension Funds Act, means –

(a) the Rules for the Management and Administration of the Natal Joint Municipal Pension Fund (Superannuation), the Natal Joint Municipal Pension Fund (Retirement), and the KwaZulu-Natal Joint Municipal Provident Fund issued in accordance with the regulations made under the –

(i) Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973);

(ii) Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974); and

(iii) KwaZulu-Natal Joint Municipal Provident Fund Act, 1995 (Act No. of 1995); and

(b) any further Schedules made in accordance with section 7, after the date of commencement of this Act; and

"this Act" includes the regulations and notices issued in terms of such regulations.

Objects of Act

2. The objects of this Act are to replace the current Fund statutory framework with a framework that is solely regulated by, aligned to, and compliant with the –

(a) Constitution of the Republic of South Africa, 1996;

(b) Pension Funds Act; and

(c) principles of good governance.

Application of Act

3.(1) This Act applies to all municipalities associated with, and members of, the Fund.

(2) The provisions of the Pension Funds Act, apply to this Act, and the Pension Funds Act, prevails in the event of an irreconcilable conflict between the application of the Pension Funds Act and the provisions of this Act.

Renaming, continuation and operation of Natal Joint Municipal Pension Fund (Retirement)

4.(1) The Natal Joint Municipal Pension Fund (Retirement) –

- (a) is renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Retirement);
- (b) continues to exist with all its associated rights, powers, duties, responsibilities, assets and liabilities as they were immediately prior to the commencement date of this Act; and
- (c) operates in accordance with the provisions of this Act, subject to the provisions of section 3(2) of this Act.

(2) The regulations governing the Natal Joint Municipal Pension Fund (Retirement) and the rules apply to the Fund.

Continuation of membership of Fund

5. Subject to the provisions of this Act or any other law a person who, immediately prior to the date of commencement of this Act, was a member of the Fund, continues to be a member of the Fund.

Continuation of association with Fund

6. Every municipality that, immediately prior to the commencement of this Act, was associated with the Fund continues to be associated with the Fund.

Powers of responsible Member of Executive Council

7.(1) The responsible Member of the Executive Council, after consultation with the Fund, may –

(a) appoint an –

(i) actuary to conduct an actuarial valuation of the Fund; and

(ii) auditor to audit financial statements of the Fund; and

(b) by regulation, repeal, amend or substitute any existing Regulations governing the Natal Joint Municipal Pension Fund (Retirement) and Rules;

(c) by regulation, make, repeal, amend or substitute any regulations –

(i) in respect of the asset base, investments and financial and other sources of income of the Fund;

(ii) to provide that members of the Fund may elect to transfer to the –

(aa) Natal Joint Municipal Pension Fund (Superannuation); or

(bb) KwaZulu-Natal Joint Municipal Provident Fund,

and vice versa, in accordance with the provisions of section 14 of the Pension Funds Act; and

(iii) not inconsistent with this Act, for any matter that he or she considers necessary or expedient to facilitate the application of this Act: Provided that the generality of this power is not limited by any of the provisions of paragraph (a), (b), (c)(i) or (c)(ii); and

(d) issue notices pertaining to this Act or regulations made in accordance with this Act by publication in the *Provincial Gazette*.

(2) Any regulation made or notice issued by the responsible Member of the Executive Council in accordance with subsection (1) may be made or issued with effect from any date whether prior or subsequent to the date of promulgation thereof.

Transitional arrangements

8.(1) Subject to the protection of existing rights contemplated in sections 4(1)(b) and 9(2), the –

(a) Committee of Management established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) continues, for all purposes, to operate, without interruption, as the Board of Trustees of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the Committee of Management of the Fund;

(b) General Committee established in accordance with regulation 7 of the Regulations governing the Natal Joint Municipal Pension Fund (Retirement) continues, for all purposes, to operate, without interruption, as the General Committee of the Fund with all the powers, functions, duties and roles that, prior to the commencement of this Act, vested in the General Committee of the Fund; and

(c) Fund continues to be governed, managed and operated, with the necessary changes, in compliance with the provisions of every –

(i) law; and

(ii) administrative and financial procedure,

that applied to the Fund prior to the date of commencement of this Act, and as amended from time to time.

(2) Subject to subsection (3), an employee is any person in the service of a municipality, who –

(a) is employed in a full-time capacity in the said municipality; and

(b) has attained the age of 17 years but had not, at the time of joining the said municipality, reached an age eight years less than the pension age.

(3) For the purposes of this Act –

(a) any person who is employed by a municipality and whose services will be terminated on completion of the purpose for which he or she is employed, within a maximum period of three (3) years, may be regarded by the municipality not to be an employee;

(b) a person joining the service of a municipality after having reached an age eight years less than the pension age may elect, with the consent of the employing municipality, to be regarded as an employee; and

(c) subject to the approval of the Board of Trustees, a person joining the service of a municipality in a part-time capacity may elect, with the consent of the employing municipality, to be regarded as an employee.

(4) A special general meeting, consisting of all associated municipalities and employee members of the Fund, must be held within a period not exceeding 12 months after the date of publication of this Act in the *Provincial Gazette*.

Repeal of law and savings

9.(1) The law mentioned in the first and second columns of the Schedule to this Act is hereby repealed to the extent set out in the third column of the said Schedule.

(2) All regulations made under the Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974 (Ordinance No. 27 of 1974), and the Rules, to the extent that they apply to the Natal Joint Municipal Pension Fund (Retirement), remain in full force and effect as if the said Ordinance has not been repealed as contemplated in subsection (1).

Short title

10. This Act is called the KwaZulu-Natal Joint Municipal Pension Fund (Retirement) Act, 2017.

SCHEDULE
LAW REPEALED
(Section 9(1))

ORDINANCE OF THE FORMER PROVINCE OF NATAL

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Ordinance No. 27 of 1974	Natal Joint Municipal Pension Fund (Retirement) Ordinance, 1974	The whole

KENNISGEWING 2 VAN 2018

Engelse teks deur die Premier geteken]

**WET OP DIE KWAZULU-NATAL
GEMEENSKAPLIKE MUNISIPALE PENSIOENFONDS
(AFTREDING), 2017
(No. 06 van 2017)**

Goedgekeur op 07-12-2017

WET

Om voorsiening te maak vir die voortgesette bestaan van, en die voorsetting van, beide lidmaatskap van, en assosiasie met, die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding); vir die hernoeming van die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding); vir die bevoegdheid van die verantwoordelike Lid van die Uitvoerende Raad om regulasies te maak; vir oorgangsreëlings; vir die herroeping van wette en behoud; en vir aangeleenthede wat daarmee verband hou.

AANHEF

AANGESIEN dit nodig is om rasgebaseerde, diskriminerende Natal Ordonnansies voor 1994, wat die instelling en inwerkingstelling van twee afsonderlike rasgebaseerde pensioenstelsels vir munisipale werknemers bepaal het, te vervang, synde die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) en die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), wat aan die Provinsie toegewys is deur die President ooreenkomstig artikel 235(8) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en wat uitgedien geraak het met die aanvang van die demokratiese bedeling op 27 April 1994;

AANGESIEN die toegewysde rasgebaseerde Ordonnansies provinsiale wetgewing geword het voor 1994, soos bepaal deur artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996, en die Provinsiale Wetgewer gevolglik bevoeg is om sodanige wetgewing te herroep, wysig en vervang ooreenkomstig artikel 104(1)(b) van die 1996 Grondwet;

AANGESIEN daar 'n behoefte bestaan om te verseker dat alle rasgebaseerde verwysings en alles wat deel vorm van onderskeid tussen die twee pensioenfondse met betrekking tot die kategorieë begunstigdes en hul afhanklikes verwyder word;

EN AANGESIEN dit nodig is om die statutêre raamwerk van die huidige Natal Gemeenskaplike Pensioenfonds (Aftreding) te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig word met, en ooreenkomstig die Grondwet van die Republiek van Suid-Afrika, 1996, die nasionaal toepaslike Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en die beginsels van goeie regering,

WORD DAAR DERHALWE VERORDEN deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal soos volg:-

Omskrywings

1. In hierdie Wet, tensy die samehang anders aandui, beteken –

“aktuaris” 'n persoon wie –

(a) 'n genoot is van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse as sodanig geregistreer ooreenkomstig toepaslike wetgewing; en

(b) aangestel is deur die –

(i) Registrateur; en

(ii) Raad van Trustees,

as 'n waardeerder soos bedoel in artikel 9A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

“algemene komitee” die algemene komitee verkies ooreenkomstig die bepalings van die Reëls;

“beginsels van goeie regering” die beginsels soos uiteengesit in die King-verslag oor Bestuur in Suid-Afrika, 2009 en enige wysigings daaraan, of hersiening daarvan;

“bestuurskomitee” die bestuurskomitee verkies ooreenkomstig die bepalings van die Reëls;

“Fonds” die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), hernoem as die KwaZulu-Natal Gemeenskaplike Pensioenfonds (Aftreding) ooreenkomstig artikel 4 vanaf die inwerkingtreedingsdatum van hierdie Wet;

“hierdie Wet” sluit die regulasies en kennisgewings uitgereik ingevolge sodanige regulasies in;

“kennisgewing” 'n kennisgewing uitgereik ingevolge 'n regulasie;

“KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds” die KwaZulu-Natal Gemeenskaplike Voorsorgfonds, ooreenkomstig artikel 2 van die KwaZulu-Natal Wet op Gemeenskaplike Voorsorgfonds, 1995 (Wet No. 4 van 1995), ingestel;

“lid” tensy uit die samehang anders blyk, 'n natuurlike persoon wie –

(a) op enige stadium voor die inwerkingtreedingsdatum van hierdie Wet tot die Fonds bygedra het en vanaf die inwerkingtreedingsdatum van hierdie Wet voortgaan om tot die Fonds by te dra; of

(b) op enige datum wat volg op die inwerkingtreedingsdatum van hierdie Wet begin om tot die Fonds by te dra;

“munisipaliteit” –

(a) ingesluit 'n metropolitaanse munisipaliteit, 'n distriksmunisipaliteit of 'n plaaslike munisipaliteit soos bedoel in artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika, 1996;

(b) 'n munisipaliteit ingestel ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

(c) 'n munisipaliteit, wanneer bedoel as 'n entiteit of 'n korporatiewe liggaam, soos in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) omskryf; en

(d) 'n munisipale gebied, wanneer bedoel as 'n geografiese gebied, bepaal soos bedoel in die Wet op Plaaslike Regering: Munisipale Afbakeningswet, 1998 (Wet No. 27 van 1998);

“Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding)” die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), ingestel deur artikel 2 van die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974);

“Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie)” die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) ingestel deur artikel 2 van die Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

“ordonnansie” die regulasies daarkragtens gemaak ingesluit;

“ouditeur” 'n openbare rekenmeester en ouditeur wie –

(a) as sodanig geregistreer is ooreenkomstig die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991); en

(b) aangestel is deur die Raad van Trustees;

“proklamasie” in die Provinsiale *Koerant* geproklameer;

“Provinsiale *Koerant*” die Provinsiale *Koerant* van die Provinsie van KwaZulu-Natal;

“Provinsie” die Provinsie van KwaZulu-Natal;

“Raad op Finansiële Dienste” die Raad op Finansiële Dienste ingestel ooreenkomstig artikel 2 van die Wet op die Raad van Finansiële Dienste, 1990 (Wet No. 97 van 1990);

“Raad van Trustees” die Raad van Trustees bedoel in artikel 7A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), en ingestel soos voorgeskryf;

“Reëls” vir die doeleindes van die Wet op Pensioenfondse –

(a) die Reëls vir die Bestuur en Administrasie van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), en die KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds, uitgereik ooreenkomstig die regulasies gemaak kragtens die –

(i) Ordonnansie op Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973);

(ii) Ordonnansie op Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974); en

(iii) KwaZulu-Natal Wet op Gemeenskaplike Munisipale Voorsorgfonds, 1995 (Wet No. 4 van 1995); en

(b) enige verdere Bylaes gemaak, ooreenkomstig artikel 7, na die inwerkingtreddingsdatum van hierdie Wet;

“regulasie” ’n regulasie gemaak kragtens hierdie Wet, ingesluit enige Bylae tot sodanige regulasies;

“Regulasies wat die Natal Gemeenskaplike Munisipale Pensionfonds (Aftreding) beheer” die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), gepubliseer in Provinsiale Kennisgewing No. 180 van 1975 op 13 Mei 1975 beheer;

“verantwoordelike Lid van die Uitvoerende Raad” die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering;

“voordeel” enige pensioen toegestaan of ander bedrag verskuldig aan ’n lid, pensioenaris, afhanklike of ander persoon, ooreenkomstig die regulasies;

“voorgeskryf” deur die verantwoordelike Lid van die Uitvoerende Raad voorgeskryf deur regulasie gemaak of kennisgewing uitgereik ooreenkomstig artikel 7;

“werknemer” ’n werknemer soos bedoel in artikels 8(2) en (3);

“Wet op Munisipale Stelsels” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

“Wet op Munisipale Strukture” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 117 van 1998); en

“Wet op Pensioenfondse” die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956).

Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om die huidige statutêre raamwerk van die Fonds te vervang met 'n raamwerk wat uitsluitlik gereguleer word deur, berig is met, en voldoen aan die

–

- (a) Grondwet van die Republiek van Suid-Afrika, 1996;
- (b) Pensioenfondswet; en
- (c) beginsels van goeie regering.

Toepassing van Wet

3.(1) Hierdie Wet is van toepassing op alle munisipaliteite in assosiasie met, en lede van, die Fonds.

(2) Die bepalings van die Wet op Pensioenfondse, is van toepassing op hierdie Wet, en die Wet op Pensioenfondse geld in die geval van 'n onverenigbare konflik tussen die toepassing van die Pensioenfondswet en die bepalings van hierdie Wet.

Hernoeming, voortbestaan en bedryf van Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding)

4.(1) Die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) –

- (a) word hernoem as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding);
- (b) bly voortbestaan met al sy verwante regte, bevoegdhede, pligte, verantwoordelikhede, bates en laste soos hulle was onmiddelik voor die inwerkingtredingsdatum van hierdie Wet; en
- (c) word bedryf ooreenkomstig die bepalings van hierdie Wet, behoudens die bepalings van artikel 3(2) van hierdie Wet.

(2) Die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer en die Reëls is van toepassing op die Fonds.

Voortgesette Fondslidmaatskap

5. Behoudens die bepalings van hierdie Wet of enige ander wet gaan 'n persoon, wie onmiddelik voor die inwerkingtreddingsdatum van hierdie Wet lid was van die Fonds, voort om 'n lid van die Fonds te wees.

Voortgesette assosiasie met Fonds

6. Elke munisipaliteit wat, onmiddelik voor die inwerkingtredding van hierdie Wet, in assosiasie was met die Fonds se assosiasie met die Fonds duur voort.

Bevoegdhede van verantwoordelike Lid van die Uitvoerende Raad

7.(1) Die verantwoordelike Lid van die Uitvoerende Raad, na oorlegpleging met die Fonds, kan –

(a) die volgende aanstel –

(i) 'n aktuaris, ten einde 'n aktuariële waardasie van die Fonds uit te voer; en

(ii) 'n ouditeur, ten einde finansiële verslae van die Fonds te oudit; en

(b) deur regulasie, enige bestaande Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer en Reëls, herroep, wysig of vervang;

(c) deur regulasie, enige Regulasies maak, herroep, wysig of vervang –

(i) ten opsigte van die bategrondslag, beleggings en finansiële en ander inkomstebronne van die Fonds;

(ii) ten einde te voorsien dat lede van die Fonds kan kies om oorgeplaas te word na die –

(aa) Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie); of

(bb) KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds,

en omgekeerd; en

(iii) wat nie onverenigbaar met hierdie Wet is nie, vir enige ander aangeleentheid wat hy of sy nodig of wenslik beskou ten einde die toepassing van hierdie Wet te fasiliteer: Met dien verstande dat die algemeenheid van hierdie bevoegdheid nie beperk word deur enige van die bepalings van paragraaf (a), (b), (c)(i) of (c)(ii) nie; en

(d) kennisgewings uitreik betreffende hierdie Wet of regulasies gemaak ooreenkomstig hierdie Wet deur publikasie in die *Provinsiale Koerant*.

(2) Enige regulasie gemaak of kennisgewing uitgereik deur die verantwoordelike Lid van die Uitvoerende Raad ooreenkomstig subartikel (1) kan gemaak of uitgereik word met inwerkingtreding vanaf enige datum, hetsy voor of volgende op die proklamasiedatum daarvan.

Oorgangsreëlings

8.(1) Behoudens die beskerming van bestaande regte bedoel in artikels 4(1)(b) en 9(2) –

(a) gaan die Bestuurskomitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer, voort, vir alle doeleindes, om werksaam te wees, sonder onderbreking, as die Raad van Trustees van die Fonds met al die bevoegdhede, werksaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Bestuurkomitee van die Fonds gesetel was;

(b) gaan die Algemene Komitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding) beheer, voort, vir alle doeleindes, om werksaam te wees, sonder onderbreking, as die Algemene Komitee van die Fonds met al die bevoegdhede, werksaamhede, pligte en rolle wat, voor die inwerkingtreding van hierdie Wet, in die Algemene Komitee van die Wet gesetel was; en

(c) gaan die Fonds voort om beheer, bestuur en bedryf te word, met die nodige veranderinge, ooreenkomstig die bepalings van elke –

(i) wet; en

(ii) administratiewe en finansiële prosedure,

wat van toepassing was op die Fonds voor die inwerkingtredingsdatum van hierdie Wet, en soos van tyd tot tyd gewysig.

(2) Behoudens subartikel (3) is 'n werknemer enige persoon in diens van 'n munisipaliteit en wie –

(a) in 'n voltydse hoedanigheid in diens geneem is deur die vermelde munisipaliteit; en

(b) die ouderdom van 17 jaar bereik het maar nie, ten tye van aansluiting by die vermelde munisipaliteit, 'n ouderdom van agt jaar minder as die pensioenouderdom bereik het nie.

(3) Vir die doeleindes van hierdie Wet –

(a) kan enige persoon wat in diens geneem is deur 'n munisipaliteit en wie se dienste beëindig sal word by voltooiing van die doel vir sy or haar indiensneming, binne 'n tydperk van hoogstens drie (3) jaar, nie beskou word as 'n werknemer van die munisipaliteit nie;

(b) 'n persoon wat in diens van 'n munisipaliteit aansluit nadat 'n ouderdom van agt jaar minder as die pensioenouderdom bereik is, kan, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer geag te word; en

(c) behoudens die goedkeuring van die Raad van Trustees, kan 'n persoon wat in 'n deelydse hoedanigheid in diens geneem word deur 'n munisipaliteit, met die instemming van die indiensnemingsmunisipaliteit, kies om as 'n werknemer geag te word.

(4) 'n Spesiale algemene vergadering, bestaande uit alle munisipaliteite in assosiasie met, en werknemerslede van, die Fonds moet binne 'n tydperk wat nie (12) maande na die publikasiedatum van hierdie Wet in die Provinsiale *Koerant* oorskry nie, gehou word.

Herroeping van wet en behoud

9.(1) Die wet vermeld in die eerste en tweede kolomme van die Bylae tot hierdie Wet word hiermee herroep tot die omvang uiteengesit in die derde kolom van die vermelde Bylae.

(2) Alle regulasies gemaak kragtens die Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974 (Ordonnansie No. 27 van 1974), en die Reëls, tot die omvang wat dit van toepassing is op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), bly van krag en afdwingbaar asof die vermelde Ordonnansie nie herroep is nie, soos bedoel in subartikel (1).

Kort titel

10. Hierdie Wet word die Wet op KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 2017 genoem.

BYLAE
WET HERROEP

(Artikel 9(1))

ORDONNANSIE VAN DIE VOORMALIGE PROVINSIE VAN NATAL

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 27 van 1974	Ordonnansie op die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), 1974	Die geheel

[Umbhalo weSingisi unyathelwe nguNdunankulu]

**UMTHETHO WESIKHWAMA SEMPESHENI
ESIHLANGANYELE SOMASIPALA SAKWAZULU-NATALI
(SOMHLALAPHANSI), 2017
(Umthetho Na. 06 ka 2017)**

Uvunywe mhlaka 07-12-2017

UMTHETHO

Wokuhlínzekela ukuqhubeka kokuba khona, nokuqhubeka nobulungu nokuzibandakanya esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi); wokuhlínzekela ukuqanjwa kabusha kwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) njengesikhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi); wokuhlínzekela amandla eLungu loMkhandlu oPhethe okusungula imithethonqubo; wokuhlínzekela izinhlinzeko zesikhashana; wokuhlínzekela ukuchithwa kwemithetho nezingxenye zemithetho ezishiywa zinjalo; nokuhlínzekela okunye okuphathelene nalokho.

ISENDLALELO

NJENGOBA kunesidingo sokuthi kushintshwe ama-Odinensi aseNatali abandlulula ngokobuhlanga asungulwa ngaphambi konyaka ka 1994 ayenquma ukuthi kusungulwe futhi kusetshenziwe izinhlelo zempesheni ezimbili ezihlukanisa ngokobuhlanga zabasebenzi bomasipala, okuyisiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) kanye nesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) ezagunyazwa ukuthi zisetshenziswe yisiFundazwe uMengameli ngokulandela isigaba 235(8) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1993 (uMthetho No. 200 ka 1993), futhi esezidlulelwe yisikhathi njengoba kuqale ukusebenza imithetho yentando yeningi mhla zingama-27 kuMbasa ka 1994;

NJENGOBA ama-Odinensi asungulwa ngokubhekelela ubuhlanga ngaphambi kuka 1994 enziwe aba yimithetho yesifundazwe njengoba kunquma isigaba 239 soMthethosisekelo waseNingizimu Afrika, 1996, futhi isiShayamthetho sesiFundazwe sinamandla ngokomthetho okuchitha, okuchibiyela nokushintsha leyo mithetho ngokuhambisana nesigaba 104(1)(b) soMthethosisekelo ka 1996;

NJENGOBA kunesidingo sokuqinisekisa ukuthi konke okukhuluma nobuhlanga nazo zonke izinhlobo zokwehlukana phakathi kwezikhwama zempesheni mayelana nezigaba zabahlomuli kanye nemindeni yabo kuyasuswa;

NANJENGOBA kunesidingo sokuthi kushintshwe uhlaka olusemthethweni lwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) olukhona kube nohlaka oluzolawulwa noluzohambosana noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, noMthetho weziKhwama zeMpesheni kaZwelonke, 1956 (uMthetho No. 24 ka 1956) osebenzayo, kanye nemigomo yokubusa okuhle;

NGAKHO-KE MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:–
Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“ungoti wezezimali” kushiwo umuntu –

(a) oyingxenye yesikhungo, yophiko, yenhlangano noma yeqembu longoti bezezimali obhalisiwe ngokuhambisana nemithetho ekhona; kanye

(b) noqokwe –

(i) uMbhalisi; kanye

(ii) neBhodi lesiKhwama,

njengobhekele izilinganiso njengoba kuhlangozwe esigabeni 9A soMthetho wesiKhwama seMpesheni, 1956 (uMthetho No. 24 ka 1956);

“umcwaningimabhuku” kushiwo umbali wezimali zomphakathi kanye nomcwaningimabhuku –

(a) obhaliselwe lokhu ngokuhambisana noMthetho wabaBali beziMali zoMphakathi kanye nabaCwaningimabhuku, 1991 (uMthetho No. 80 ka 1991); futhi

(b) oqokwe yiBhodi labaPhathi;

“umhlomulo” kushiwo noma yimuphi umhlomulo wempesheni noma wezinye izimali okumele zikhokhelwe ilungu, osethathe umhlalaphansi, owomndeni noma omunye umuntu ngokuhambisana nemithethonqubo;

“iBhodi labaPhathi” kushiwo iBhodi labaPhathi elihlongozwe esigabeni 7A soMthetho wesiKhwama seMpesheni, 1956 (uMthetho No. 24 ka 1956), futhi elisungulwe ngendlela ebekiwe;

“ikomidi labaphathi” kushiwo ikomidi labaphathi eliqokwe ngokuhambisana nezinhlinzeko zeMithetho;

“umsebenzi” kushiwo umsebenzi njengoba kuhlangozwe ezigabeni 8(2) no (3);

“iBhodi lezeziMali” kushiwo iBhodi lezeziMali esungulwe ngokuhambisana nesigaba 2 soMthetho weBhodi lezeziMali, 1990 (uMthetho No. 97 ka 1990);

“isiKhwama” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), esiqanjwe kabusha njengesisiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi) ngokuhambisana nesigaba 4 kusukela ngosuku lokusebenza kwalo Mthetho;

“ikomidi elikhulu” kushiwo ikomidi elikhulu eliqokwe ngokuhambisana nezinhlinzeko zeMithetho;

“isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-Provident Fund)” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-Provident Fund) esisungulwe ngokuhambisana nesigaba 2

soMthetho wesikhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-Provident Fund), 1995 (uMthetho No. 4 ka 1995);

“ilungu” ngaphandle uma inqgikithi isho okwehlukile, kushiwo umuntu –

(a) ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho obefaka izimali esiKhwameni, futhi kusukela ngosuku lokuqala ukusebenza kwalo Mthetho ophinde aqhubeke nokufaka izimali esiKhwameni; noma

(b) kusukela kunoma yiluphi usuku olwandulela usuku loqala kokusebenza kwalo Mthetho oqalisa ukufaka imali esiKhwameni;

“umasipala” –

(a) kubandakanya umasipala wodolobha elikhulu, umasipala wesifunda noma umasipala wendawo njengoba kuhlangezwe esigabeni 155(6) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

(b) kushiwo umasipala osungulwe ngokoMthetho weziNhlaka zoMasipala woHulumeni baseKaya, 1998 (uMthetho No. 117 ka 1998);

(c) uma uhlongozwe njengebhizinisi, kushiwo umasipala njengoba uchazwe esigabeni 2 soMthetho weziNhlelo zoMasipala woHulumeni baseKaya, 2000 (uMthetho No. 32 ka 2000); kanti

(d) uma uchazwe njengendawo ngokomumo wezwe noma njengenhlango, kushiwo indawo kamasipala enqunywe njengoba kuhlangezwe eMthethweni wokuKlanywa kweMingcele yoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 27 ka 1998);

“uMthetho weziNhlaka zoMasipala” kushiwo uMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998);

“uMthetho weziNhlelo zoMasipala” kushiwo uMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

“isikhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi)” kushiwo isikhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), esasungulwa yisigaba 2 se-Odinensi yesikhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), 1974 (i-Odinensi No. 27 ka 1974);

“isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni)” kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) esasungulwa yisigaba 2 se-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

“isaziso” kushiwo isaziso esikhishwe ngokomthethonqubo;

“i-odinensi” kubandakanya nemithethonqubo esungulwe ngaphansi kwayo;

“uMthetho weziKhwama zeMpesheni” kushiwo uMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956);

“okunqunyiwe” kushiwo okunqunywe yiLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya ngomthethonqubo osungulwe noma ngesaziso esikhiwe ngokuhambisana nesigaba 7;

“imigomo yokubusa okuhle” kushiwo imigomo njengoba ibekwe kwi-*King Code and Report on Governance in South Africa*, 2009, nanoma yiziphi izichibiyelo zayo, noma ukubuyezekwa kwayo;

“isimemezelo” kushiwo isimemezelo esikhishwe kwiGazethi yesiFundazwe;

“isiFundazwe” kushiwo isiFundazwe saKwaZulu-Natali;

“iGazethi yesiFundazwe” kushiwo iGazethi yesiFundazwe saKwaZulu-Natali;

“umthethonqubo” kushiwo umthethonqubo osungulwe ngaphansi kwalo Mthetho, futhi kubandakanya noma yiluphi uHlelo lwaleyo mithethonqubo;

“iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi)” kushiwo iMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) eyashicilelwa kwiSaziso sesiFundazwe No. 180 sika 1975 mhla ziyi-13 kuNhlaba 1975;

“iLungu loMkhandlu oPhethe” kushiwo iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya;

“iMithetho” ngokwezinhloso zoMthetho weziKhwama zeMpesheni, kushiwo –

(a) iMithetho yokuPhatha nokuLawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), kanye nesiKhwama soMhlalaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), ekhishwe ngokwemithethonqubo esungulwe –

(i) ngokwe-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973);

(ii) ngokwe-Odinensi yesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi), 1974 (i-Odinensi No. 27 ka 1974); kanye

(iii) nangokoMthetho wesikhwama soMhlalaphansi esiHlanganyele soMasipala saKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995); kanye

(b) nazo zonke ezinye iziNhlelo ezisungulwe ngokuhambisana nesigaba 7, ngemuva kosuku lokuqala lokusebenza kwalo Mthetho;

“Io Mthetho” kubandakanya imithethonqubo nezaziso ezikhishwe ngokwaleyo mithethonqubo.

Izinhloso zoMthetho

2. Izinhloso zoMthetho ukushintsha uhlaka olusemthethweni lwesiKhwama olusebenzayo kufakwe uhlaka oluwalwa kuphela, nolulandela, noluhambisana, –

(i) noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika;

(ii) noMthetho weziKhwama zeMpesheni; kanye

(iii) nemigomo yokubusa okuhle.

Ukusebenza koMthetho

3.(1) Lo Mthetho usebenza kubona bonke omasipala abayingxenye futhi abangamalungu esiKhwama.

(2) Izinhlinzeko zoMthetho weziKhwama zeMpesheni ziyasebenza kulo Mthetho, futhi uMthetho weziKhwama zeMpesheni yiwona oyosebenza uma kwenzeka kuba nokushayisana phakathi kwezinhlinzeko zoMthetho weziKhwama zeMpesheni nezinhlinzeko zalo Mthetho.

Ukuqanjwa kabusha, ukuqhubeka nokusebenza kwesiKhwama seMpesheni eziHlanganyele zoMasipala baseNatali (soMhlalaphansi)

4.(1) IsiKhwama seMpesheni eziHlanganyele zoMasipala saseNatali (soMhlalaphansi)

–

- (a) siqanjwa kabusha njengesikhwama seMpesheni eziHlanganyele zoMasipala saKwaZulu-Natali (soMhlalaphansi);
- (b) siyaqhubeka nokusebenza nawo wonke amalungelo, amandla, amajoka, imisebenzi, impahla nezikweletu zaso njengoba bekunjalo, kusukela ngosuku lokuqalisa kokusebenza kwalo Mthetho; futhi
- (c) sisebenza ngokuhambisana nezinhlinzeko zalo Mthetho, kuncike ezinhlinzekweni zesigaba 3(2) zalo Mthetho.

(2) Imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) kanye neMithetho iyasebenza esiKhwameni seMpesheni.

Ukuqhubeka nokuba yilungu lesiKhwama seMpesheni

5. Kuncike ezihlinzekweni zalo Mthetho nanoma yimuphi omunye umthetho, umuntu ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho, obekade eyilungu lesiKhwama, uyoqhubeka nokuba yilungu lesiKhwama seMpesheni.

Ukuqhubeka nokuzibandakanya nesiKhwama seMpesheni

6. Bonke omasipala, ngaphambi kokuqala kokusebenza kwalo Mthetho, abebeyingxenye yesiKhwama seMpesheni, bathathwa njengabayingxenye yesiKhwama seMpesheni.

Amandla eLungu loMkhandlu oPhethe

7.(1) ILungu loMkhandlu oPhethe, ngemva kokubonisana nabesiKhwama seMpesheni –

(a) lingaqoka –

- (i) ungoti wezezimali ozohlola ezezimali esiKhwameni seMpesheni; kanye
 - (ii) nomcwaningimabhuku ozocwaninga izitatimende zezimali zesiKhwama seMpesheni; futhi
- (b) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo ekhona elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) neMithetho;

(c) ngomthethonqubo, lingachitha, lingachibiyela noma lingashintsha noma yimiphi iMithethonqubo –

(i) emayelana nempahla, notshalomali kanye nezimali kanjalo neminye imithombo yengeniso yesiKhwama seMpesheni; futhi

(ii) ehlinzeka ngokuthi amalungu esiKhwama seMpesheni angakhetha ukudluliselwa –

(aa) esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni); noma

(bb) esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (se-*Provident Fund*),

kunoma yisiphi phakathi kwalezi zikhwama, ngokuhambisana nezinhlinzeko zesigaba 14 soMthetho weziKhwama zeMpesheni; futhi

(iii) engashayisani nalo Mthetho, mayelana nanoma yiluphi udaba elilubona lunesidingo noma luwusizo ukuze kuhlinzekelwe ukusebenza kwalo Mthetho: Kuncike ekutheni ukusetshenziswa kwala mandla akuvinjelwa nanoma yiziphi izinhlinzeko zendima (a), (b), (c)(i) noma c(ii); futhi

(d) lingakhipha izaziso eziphathelele nalo Mthetho noma imithethonqubo ngokuhambisana nalo Mthetho ngokusishicilela kwiGazethi yesiFundazwe.

(2) Noma yimuphi umthethonqubo osungulwe noma isaziso esikhishwe yiLungu loMkhandlu oPhethe ngokuhambisana nesigatshana (1), singashicilelwa noma singakhishwa, siyoqala ukusebenza ngosuku olungaphambi noma ngemuva kosuku lokumenyenzelwa kwaso.

Izinhlinzeko zesikhashana

8.(1) Kuncike ekuvikelweni kwamalungelo akhona ahlongozwe ezigabeni 4(1)(b) kanye no 9(2) –

(a) iKomidi labaPhathi elisungulwe ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) liyaqhubeka, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeBhodi labaPhathi besiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi labaPhathi besiKhwama seMpesheni;

(b) iKomidi eliKhulu elasungulwa ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (soMhlalaphansi) liyaqhubeka, ngazo zonke izinjongo, nokusebenza,

ngaphandle kokuphazamiseka, njengeKomidi eliKhulu lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi kokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi eliKhulu zesiKhwama seMpesheni; futhi

(c) isiKhwama seMpesheni siyaqhubeka nokubuswa, nokuphathwa kanye nokulawulwa, ngezinguquko ezidingekayo, ngokuhambisana nezinhlinzeko zayo yonke –

(i) imithetho; kanye

(ii) nezinqubo zezokuphatha nezezimali,

ebezisebenza esiKhwameni seMpesheni ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho.

(2) Kuncike kwisigatshana (3), umsebenzi yinoma yimuphi umuntu osebenzela umasipala, –

(a) osebenza ngokugcwele kulowo masipala; futhi

(b) oneminyaka engaphezu kweyi-17 ubudala, kodwa ngenkathi ejoyina umasipala obeneminyaka engaphezu kweyi-8 emsalele ngaphambi kokuthola impesheni.

(3) Ngokwezinjongo zalo Mthetho –

(a) noma yimuphi umuntu oqashwe umasipala futhi ozoyeka ukusebenza ngemva kokuphela komsebenzi othile abeqashelwe wona, ingakapheli iminyaka emithathu, angeke athathwe njengomsebenzi kamasipala;

(b) umuntu oqashwa umasipala esesalelwe iminyaka engaphansi kweyi-8 ukuthi athole impesheni yokuguga angakhetha, ngemvume yalowo masipala omqashayo, ukuthi athathwe njengomsebenzi; futhi

(c) kuncike ekugunyazweni yiBhodi labaPhathi, umuntu oqashwa umasipala ezosebenza ngezikhathi ezithile angakhetha, ngemvume kamasipala omqashayo, ukuthi athathwe njengomsebenzi.

(4) Kumele kubanjwe umhlangano okhethekile, obandakanya wonke amalungu abasebenzi nomasipala abayingxenye yesiKhwama seMpesheni, zingakadluli izinyanga eziyi-12 ngemva kokushicilelwa kwalo Mthetho kwiGazethi yesiFundazwe.

Ukuchithwa komthetho nezingxenye zomthetho ezishiywa zinjalo

9.(1) Umithetho obalulwe ohlwini lokuqala nolwesibili loHlelo olukulo Mthetho ngalokhu uyachithwa ngendlela ebekwe ohlwini lwesithathu lwalolu Hlelo.

(2) Yonke imithethonqubo esungulwe yi-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973 (i-Odinensi No. 24 ka 1973), neMithetho, ngendlela esebenza ngayo esiKhwameni seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi), siyoqhubeka nokusebenza sengathi le-Odinensi okukhulunywa ngayo ayizange ichithwe njengoba kuhlangozwe kwisigatshana (1).

Isihloko esifingqiwe

10. Lo Mthetho ubizwa ngoMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (soMhlalaphansi), 2017.

UHLELO
UMTHETHO OCHITHIWAYO
(Isigaba 9(1))

I-ODINENSI YESIFUNDAZWE SASENATALI SAKUDALA

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
i-Odinensi No. 27 ka 1974	i-Odinensi yeziKhwama seMpesheni esiHlanganyele soMasipala yaseNatali (soMhlalaphansi), 1974	<i>Yonke</i>