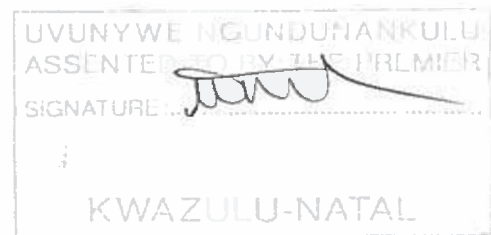


## NOTICE 3 OF 2018

[English text signed by the Premier]

**KWAZULU-NATAL JOINT MUNICIPAL  
PENSION FUND (SUPERANNUATION) ACT, 2017  
(Act No. 07 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 (Superannuation); for the renaming of the Natal Joint Municipal Pension Fund (Superannuation) as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation); 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 Constitution of the Republic of South Africa, 1996;

**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 (Superannuation) 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;

**“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 (Superannuation), renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation) 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 (Superannuation)”** means the regulations governing the Natal Joint Municipal Pension Fund (Superannuation) published in Provincial Notice No. 246 of 1974 on 24 May 1974;

**“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. 4 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 (Superannuation)**

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

- (a) is renamed as the KwaZulu-Natal Joint Municipal Pension Fund (Superannuation);
- (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 (Superannuation) 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;
- (b) by regulation, repeal, amend or substitute any existing Regulations governing the Natal Joint Municipal Pension Fund (Superannuation) 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 (Retirement); 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 (Superannuation) 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 (Superannuation) 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 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 laws and savings

9.(1) The laws mentioned in the first and second columns of Parts A and B of the Schedule to this Act are hereby repealed to the extent set out in the third column of the said Schedule.

(2) All regulations made under the Local Government Superannuation Ordinance, 1973 (Ordinance No. 24 of 1973), and the Rules, to the extent that they apply to the Natal Joint Municipal Pension Fund (Superannuation), 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 (Superannuation) Act, 2017.

### SCHEDULE LAWS REPEALED

(Section 9(1))

#### PART A: ORDINANCES OF THE FORMER PROVINCE OF NATAL

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Ordinance No. 24 of 1973	Local Government Superannuation Ordinance, 1973	The whole

#### PART B: REGULATIONS MADE IN TERMS OF ORDINANCES OF THE FORMER PROVINCE OF NATAL

<i>Number and year of law</i>	<i>Title</i>	<i>Extent of repeal</i>
Provincial Notice No. 246 of 1974	Regulations governing the Natal Joint Municipal Pension Fund (Superannuation), 1974	All references to "White"

## KENNISGEWING 3 VAN 2018

[Engelse teks deur die Premier geteken]

**WET OP DIE KWAZULU NATAL GEMEENSKAPLIKE  
MUNISIPALE PENSIOENFONDS (SUPERANNUASIE), 2017  
(No. 07 van 2017)**

Goedgekeur op 07-12-2017

**WET**

Om voorsiening te maak vir die voortgesette bestaan van, en die voortsetting van beide lidmaatskap van en assosiasie met, die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie); vir die hernoeming van die Natal Gemeenskaplike Munisipale Pensioenfonds as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie); 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 pre-1994 rassediskriminerende Natal Ordonnansies wat die instelling en inwerkingstelling van twee afsonderlike rasgebaseerde pensioenfondsstelsels vir munisipale werknemers bepaal het, te vervang, synde die Natal Gemeenskaplike Munisipale Pensioenfonds (Aftreding), wat toegewys is aan die Provinsie 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 inwerkingtreding van die demokratiese bedeling op 27 April 1994;

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

**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 Munisipale Pensioenfonds (Superannuasie) 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 wat –

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

(b) aangestel 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 in ooreenstemming met die bepalings van die Reëls;

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

**“hierdie Wet”** ingesluit die regulasies en kennisgewings uitgereik ingevolge sodanige regulasies ;

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

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

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

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

(c) op enige datum wat volg op die inwerkingtreddingsdatum 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 ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), ingestel;

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

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

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

**“Munisipale Strukturewet”** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 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 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 Trusteas;

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

**“proklamasie”** die proklamasie in die *Provinsiale Koerant*;

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

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

**“Raad op Finansiële Dienste”** die Raad op Finansiële Dienste ingestel ooreenkomstig artikel 2 van die Wet op die Raad op 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 Pensioenfondswet –

(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 inwerkingtreedingsdatum van hierdie Wet;

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

**“Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) beheer”** die regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), gepubliseer in Provinsiale Kennisgewing No. 246 van 1974 op 24 Mei 1974, beheer;

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

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

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

### **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) Die Wet is van toepassing op alle munisipaliteite in assosiasie met, en lede van, die Fonds.

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

### **Hernoeming, voortbestaan en bedryf van Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie)**

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

- (a) word hernoem as die KwaZulu-Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie);
- (b) bly voortbestaan met al sy verwante regte, bevoegdhede, pligte, verantwoordelikhede, bates en laste soos hulle was onmiddelik voor die inwerkingtreddingsdatum 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 (Superannuasie) beheer, en die Reëls, is van toepassing op die Fonds.

#### **Voortgesette lidmaatskap van Fonds**

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 inwerkingtreding van die hierdie Wet, in assosiasie was met die Fonds se assosiasie met die Fonds duur voort.

#### **Bevoegdhede van verantwoordelike Lid van Uitvoerende Raad**

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

(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;

(b) deur regulasie, enige bestaande Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie) 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 (Aftreding); of

(bb) KwaZulu-Natal Gemeenskaplike Munisipale Voorsorgfonds,

en omgekeerd, ooreenkomstig die bepalings van artikel 14 van die Pensioenfondswet; en

(iii) nie onverenigbaar met hierdie Wet is nie, vir enige 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 vervolgens 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 (Superannuasie) 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 Bestuurskomitee van die Fonds gesetel was;

(b) gaan die Algemene Komitee, ingestel ooreenkomstig regulasie 7 van die Regulasies wat die Natal Gemeenskaplike Munisipale Pensioenfonds 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 Fonds 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 die 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 of haar indiensneming, binne 'n tydperk van hoogstens drie 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 beskou te word; en

(c) behoudens die goedkeuring van die Raad van Trustees kan 'n persoon, wat in diens van 'n munisipaliteit aansluit in 'n deeltydse hoedanigheid kies, met die instemming van die indiensnemingsmunisipaliteit, om as 'n werknemer beskou 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 wette en behoud**

9.(1) Die wet vermeld in die eerste en tweede kolomme van Dele A en B 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 Plaaslike Regering Superannuasie, 1973 (Ordonnansie No. 24 van 1973), en die Reëls, tot die omvang wat dit van toepassing is op die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), 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 KwaZulu-Natal Wet op Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), 2017 genoem.

**BYLAE**  
**WETTE HERROEP**  
*(Artikel 9(1))*

**DEEL A: ORDONNANSIES VAN DIE VOORMALIGE PROVINSIE VAN NATAL**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Ordonnansie No. 24 van 1973	Ordonnansie op Plaaslike Regering Superannuasie, 1973	Die geheel

**DEEL B: REGULASIES GEMAAK INGEVOLGE ORDONNANSIES VAN DIE VOORMALIGE PROVINSIE VAN NATAL**

<i>Nommer en jaar van wet</i>	<i>Titel</i>	<i>Omvang van herroeping</i>
Provinsiale Kennisgewing No. 246 van 1974	Regulasies vir die beheer van die Natal Gemeenskaplike Munisipale Pensioenfonds (Superannuasie), 1974	Alle verwysings na "Wit"

[Umbhalo weSingisi unyathelwe nguNdunankulu]

**UMTHETHOSIVIVINYO WESIHWAMA SEMPESHENI  
ESIHLANGANYELE SOMASIPALA WAKWAZULU-NATALI  
(SEZIMALI EZIBANJWA EMHOLWENI), 2017  
(Umthetho Na. 07 ka 2017)**

Uvunywe mhlaka 07-12-2017

## **UMTHETHO**

**Wokuhlinzekela ubukhona, nokuqhubeka, nokuba yilungu nokuzibandakanya esiKhwameni seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni); wokuhlinzekela ukuqanjwa kabusha kwesiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) ngesiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (seziMali eziBanjwa eMholweni); wokuhlinzekela amandla eLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya okusungula imithethonqubo; wokuhlinzekela izinhlinzeko zesikhashana; wokuhlinzekela ukuchithwa kwemithetho nezingxenye zemithetho ezishiywa zinjalo; nokuhlinzekela 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 kuMbaso 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 ngobuhlanga 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 (seziBanjwa eMholweni) 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) oyingxenywe yesikhungo, yophiko, yenhlangano noma yeqembu longoti bezezimali obhaliswe ngokuhambisana nemithetho esebenzayo; futhi

(b) oqokwe –

(i) wuMbhalisi; kanye

(ii) neBhodi labaPhathi,

njengobhekele izilinganiso njengoba kuhlangozwe esigabeni 9A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 kq 1956);

**“umcwaningimabhuku”** kushiwo umbhali wamabhuku ezimali kanye nomcwaningimabhuku –

(a) obhaliswe kanjalo ngokoMthetho obizwa nge-*Public Accountant's and Auditor's Act*, 1991 (uMthetho No. 80 ka 1991); futhi

(b) oqokwe yiBhodi labaPhathi;

**“iBhodi labaPhathi”** kushiwo iBhodi labaPhathi elihlongozwe esigabeni 7A soMthetho weziKhwama zeMpesheni, 1956 (uMthetho No. 24 ka 1956), futhi esasungulwa njengoba kunqunyiwe;

**“ikomidi labaphathi”** kushiwo ikomidi labaphathi elikhethwe ngokuhambisana nezinhlinzeko zeMithetho;

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

**“iBhodi yezeziMali”** kushiwo iBhodi yezeziMali esungulwe ngokuhambisana nsigaba 2 soMthetho weBhodi yezeziMali, 1990 (uMthetho No. 97 ka 1990);

**“isiKhwama”** kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), esiqanjwe kabusha kwathiwa isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali (seziMali eziBanjwa eMholweni) ngokuhambisana nesigaba 4 kusukela ngosuku lokuqala kokusebenza kwalo Mthetho;

**“ikomidi elikhulu”** “kushiwo ikomidi elikhulu elikhethwe ngokulandela izinhlinzeko zeMithetho;

**“isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali”** kushiwo isiKhwama seMpesheni esiHlanganyele soMasipala saKwaZulu-Natali, esisungulwe ngokwesigaba 2 soMthetho wesiKhwama seMpesheni esiHlanganyele soMasipala waKwaZulu-Natali (*se-Provident Fund*), 1995 (uMthetho No. 4 ka 1995);

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

(a) noma yinini ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho

obefaka imali esiKhwameni, futhi kusukela ngosuku lokuqala kokusebenza kwalo Mthetho oqhubekayo nokufaka imali esiKhwameni; noma

(b) ngemuva kosuku lokuqala kokusebenza kwalo Mthetho oqala ukufaka imali esiKhwameni;

**“umasipala” –**

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

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

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

(d) uma uchazwe njengendawo ngokomumo wezwe noma njengenhlango, kushiwo indawo kamasipala enqunywe njengoba kuhlangozwe 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 osunguliwe 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 zayi, noma ukubuyekezwa 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 (seziMali eziBanjwa eMholweni)”** kushiwo imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) eyashicilelwa kwiSaziso sesiFundazwe No. 246 sika 1974 mhla zingama-24 kuNhlaba 1974;

**“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);
- (c) nazo zonke ezinye iziNhlelo ezisungulwe ngokuhambisana nesigaba 7, ngemuva kosuku lokuqala lokusebenza kwalo Mthetho;

“Io Mthetho” kubandakanya nemithethonqubo nezaziso ezikhishwe ngokwaleyo mithethonqubo.

### **Izinhloso zoMthetho**

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

- (i) noMthethosesekelo weRpihabhulikhi yaseNingizimu Afrika;
- (ii) noMthetho weziKhwama zeMpesheni; Kanye
- (iii) nemigomo yokubusa okuhle.

### **Ukusebenza koMthetho**

3.(1) Lo Mthetho usebenza kubona bonke omasipala abayingxenywe nakamalungu 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 (seziMali eziBanjwa eMholweni)**

4.(1) IsiKhwama seMpesheni eziHlanganyele zoMasipala saseNatali (seziMali eziBanjwa eMholweni)

–

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

(2) Imithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) 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 (seziMali eziBanjwa eMholweni) 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 (soMhlalaphansi); 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 eziphathelene 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 nganoma yiluphi 4usuku ngaphambi noma ngemuva kosuku lokumenyenzelwa kwaso.

### **Izinhlinzeko zesikhashana**

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

(a) iKomidi labaPhathi elisungulwe ngokuhambisana nomthethonqubo 7 weMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni) liyaqhubeka, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeBhodi lesiKhwama 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 (seziMali eziBanjwa eMholweni) liyaqhubeka, ngazo zonke izinjongo, nokusebenza, ngaphandle kokuphazamiseka, njengeKomidi eliKhulu lesiKhwama seMpesheni elinawo wonke amandla, imisebenzi, amajoka namaqhaza, ngaphambi

lokuqala kokusebenza kwalo Mthetho, abekade enikezwe iKomidi eliKhulu lesiKhwama 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 kwesi-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 bonke omasipala amalungu nabasebenzi abangamalungu esikhwama seMpesheni, zingakadluli izinyanga eziyi-12 ngemva kokushicilelwa kwalo Mthetho kwiGazethi yesiFundazwe.

### **Ukuchithwa kwemithetho nezingxenye zemithetho ezishiywa zinjalo**

9.(1) Imithetho ebalulwe ohlwini lokuqala nolwesibili lohlelo lweziNgxenye A no B zoHlelo lwalo Mthetho ngalokhu iyachithwa 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 (seziMali

eziBanjwa eMholweni), 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 (seziMali eziBanjwa eMholweni), 2017.

**UHLELO**  
**IMITHETHO ECHITHWAYO**  
*(Isigaba 9(1))*

**INGXENYE A: AMA-ODINENSI ESIFUNDAZWE SASENATALI SAKUDALA**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
I-Odinensi No. 24 ka 1973	I-Odinensi yeziMali eziBanjwa eMholweni yoHulumeni baseKhaya, 1973	Yonke

**INGXENYE B: IMITHETHONQUBO ESUNGULWE NGOKWAMA-ODINENSI ESIFUNDAZWE SASENATALI SAKUDALA**

<i>Inombolo nonyaka womthetho</i>	<i>Isihloko</i>	<i>Okuchithwayo</i>
ISaziso sesiFundazwe No. 246 sika 1974	IMithethonqubo elawula isiKhwama seMpesheni esiHlanganyele soMasipala saseNatali (seziMali eziBanjwa eMholweni), 1974	Konke okukhuluma "ngabamhlophe"