
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 151 OF 2015**KWAZULU-NATAL DEPARTMENT OF ARTS, CULTURE,
SPORT AND RECREATION
REGULATION NOTICE****KWAZULU-NATAL ARCHIVES AND RECORDS SERVICE REGULATIONS, 2014**

I hereby make the Regulations contained in the Schedule hereto under section 24 of the KwaZulu-Natal Archives and Records Service Act, 2011 (Act No. 8 of 2011), in order to regulate archives and record services matters in the Province.

Given under my Hand at Pietermaritzburg on this 02nd day of April, Two thousand and Fourteen.

**MS NN SIBHIDLA-SAPHETHA, MPL**

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Arts, Culture, Sport and Recreation

SCHEDULE**ARRANGEMENT OF REGULATIONS***Regulation***PART 1
DEFINITIONS**

1. Definitions

**PART 2
TRANSFER OF RECORDS**

2. Application for transfer of public records

3. Transfer of public records to archives repository

**PART 3
ACCESS AND USE OF ARCHIVALIA**

4. Access and use of archivalia

**PART 4
MANAGEMENT AND CARE OF PUBLIC RECORDS**

5. Management of Public Records

6. Records Manager

**PART 5
SHORT TITLE**

7. Short Title

PART 1 DEFINITIONS

Definitions

1. In these Regulations "the Act" means the KwaZulu-Natal Archives and Records Service Act, 2011 (Act No. 8 of 2011), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

"**head of an archives repository**" means an employee appointed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), and who is in charge of an archives repository, established in terms of section 20 of the Act;

"**records manager**" means an employee of any governmental body designated as a records manager of the governmental body concerned, in terms of section 18(8) of the Act; and

"**strong room**" means a secured room or place in an archives repository where records are stored.

PART 2 TRANSFER OF RECORDS

Application for transfer of public records

2.(1) A governmental body wishing to transfer public records to an archives repository must obtain written permission to do so from the Provincial Archivist.

(2) A request to the Provincial Archivist to transfer public records must –

- (a) be in writing;
 - (b) be accompanied by a transfer list, which must–
 - (i) describe each item to be transferred;
 - (ii) record the date of each item or the beginning and end date of each item;
 - (iii) record the reference number of each item; and
 - (iv) indicate the linear metres required to store the item or items concerned;
- and

(c) contain the reference number of the relevant disposal authority, if such disposal authority was obtained from the Provincial Archivist in terms of section 18(2) of the Act; and

(d) be accompanied by such other information as the Provincial Archivist may require.

(3) A request to the Provincial Archivist for permission to transfer public records without a disposal authority must include a summary of items stating the following –

(a) the type of record;

(b) the office of origin; and

(c) an indication –

(i) of the nature of the records classification system used;

(ii) whether the records classification system was approved by the Provincial Archivist; and

(iii) whether the records classification system is still in use.

(4) The Provincial Archivist may, upon receipt of a request for the transfer of public records –

(a) require further information or documents; or

(b) issue instructions or special conditions relating to the transfer of such public records.

Transfer of public records to archives repository

3.(1) Records transferred to an archives repository, must–

(a) be accompanied by a transfer list;

(b) be arranged in the same sequence followed in the transfer list; and

(c) be packed in suitable containers in accordance with the directives issued by the Provincial Archivist in terms of regulation 2(4).

(2) The Provincial Archivist, or his or her authorised representative, must acknowledge receipt of the transferred public records by signing a copy of the accompanying transfer list.

(3) The Provincial Archivist may, subject to such terms and conditions as he or she may determine, temporarily return the records transferred to an archives repository in terms of regulation 3(1) to the governmental body which transferred such records or its successor: Provided that such records shall be returned to the archives repository –

- (a) within 60 days of receipt; or
- (b) on such other date as the Provincial Archivist may determine.

(4) All costs relating to the transfer and temporary return of public records shall be borne by the governmental body –

- (a) transferring the records; or
- (b) requesting the temporary return of the records in terms of regulation 3(3).

PART 3 ACCESS AND USE OF ARCHIVALIA

Access and use of archivalia

4.(1) The members of the public shall, subject to these Regulations, the Act, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and any other applicable law, be allowed to view archivalia in an archives repository: Provided that such viewing of archivalia –

- (a) must take place in the reading room of that archives repository; or
- (b) may only take place in the strong room of an archives repository with the approval of the head of that archives repository.

(2) The head of an archives repository may require a member of the public who seeks admission to an archives repository to –

- (a) present an identity document or any other form of identification acceptable to the head of an archives repository;
- (b) complete and sign a register recording such information as may be required by the head of an archives repository; or
- (c) complete a request for the archivalia required for viewing.

(3) The head of an archives repository may determine –

- (a) the condition under which the archivalia may be viewed;

- (b) the number of archivalia that may be viewed simultaneously;
 - (c) rules and procedures that must be observed by the members of the public when viewing archivalia in an archives repository;
 - (d) whether archivalia may be copied;
 - (e) the length of time for which a user may use any facility provided by an archives repository; and
 - (f) the number of copies that may be made using the facilities provided by an archives repository.
- (4) When viewing archivalia in an archives repository, a member of the public –
- (a) must exercise the greatest care in handling such archivalia;
 - (b) must not disturb the order of archivalia;
 - (c) must report to the head of an archives repository or any designated officer in the archives repository, any damage or disturbance in the order of archivalia caused or discovered by the member of the public; and
 - (d) may not write or make any mark on any archivalia.
- (5) The head of an archives repository may, subject to subregulation (8), deny a member of the public access to an archives repository if he or she –
- (a) fails to comply with –
 - (i) these regulations; or
 - (ii) the conditions, rules and procedures issued by the head of an archives repository in terms of regulation 4(3); or
 - (b) damages or marks archivalia;
 - (c) behaves in an inappropriate manner in the archives repository; or
 - (d) disturbs the order in which archivalia is kept.
- (6) The head of an archives repository must report, in writing, to the Provincial Archivist, every incident where he or she denied a member of the public access to an archives repository in terms of regulation 3(5).
- (7) The report contemplated in subregulation (6) must be –
- (a) accompanied by detailed reasons in support of the decision to deny the member of the public concerned access to an archives repository; and

(b) delivered to the Provincial Archivist before the expiry of 48 hours after the decision to deny the member of the public concerned access to an archives repository.

(8) The Provincial Archivist may, upon receipt of the report contemplated in regulation 4(7)–

(a) on good reason, ratify the decision of the head of an archives repository; or
(b) if he or she believes that the decision of the head of an archives repository to deny a particular member of the public access to an archives repository, was –

- (i) unreasonable;
- (ii) without good reason; or
- (iii) irrational,

overrule the decision of the head of an archives repository and direct the head of an archives repository to grant access to the person concerned to an archives repository.

PART 4 MANAGEMENT AND CARE OF PUBLIC RECORDS

Management of Public Records

5.(1) The head of a governmental body must ensure that –

- (a) all records under his or her control are –
 - (i) properly maintained;
 - (ii) protected by appropriate security measures; and
 - (iii) managed in terms of these regulations, the Act, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), or any other applicable legislation; and
- (b) a records classification system approved by the Provincial Archivist is used;
- (c) all directives issued by the Provincial Archivist are complied with;
- (d) all information relating to the records of the governmental body requested by the Provincial Archivist is provided;
- (e) all cases of serious damage, loss, or unauthorised destruction of records are reported to the Provincial Archivist; and

(f) the Provincial Archivist is provided with a certificate of destruction whenever records are destroyed, unless exempted in terms of section 18(9) of the Act.

(2) The head of a governmental body must report to the Provincial Archivist the intention of that governmental body to –

- (a) microfilm records; or
- (b) introduce an electronic records system.

(3) The Provincial Archivist may issue directives to the head of a governmental body relating to the –

- (a) management and care of public records;
- (b) transfer of records to an archives repository;
- (c) preparation of records for destruction; and
- (d) procedure for an application for the –
 - (i) approval of a records classification system;
 - (ii) issue of a disposal authority;
 - (iii) revision of an approved records classification system; and
 - (iv) the procedure to be followed when informing the Provincial Archivist of a governmental body's intention to microfilm records or to introduce an electronic records system.

(4) Any head of a governmental body intending to transfer public records to an off-site storage facility or any other site outside the ordinary premises of the governmental body concerned, as contemplated in subsection 18(2)(b) of the Act, must –

- (a) at least 30 days before the date of intended date of transfer request, in writing, the Provincial Archivist's authorisation in terms of section 18(2) of the Act;
- (b) provide the Provincial Archivist with the details of an off-site storage facility or any other site outside of the ordinary premises of the governmental body concerned; and
- (c) provide the Provincial Archivist with such other information that the Provincial Archivist may require in terms of subregulation (5).

(5) The Provincial Archivist may, upon receipt of the request in terms of subregulation (4)

–

- (a) inspect the off-site storage facility or any other site outside the ordinary premises of the governmental body concerned, in order to determine its suitability;
- (b) require to inspect any plans, drawings or diagrams necessary to determine the suitability of the identified premises;
- (c) require the head of the relevant governmental body to provide such further information or documents which are necessary to determine the suitability of the identified premises; and
- (d) require to inspect the mode of transport to be used in transporting the records to an off-site storage facility or any other site outside the ordinary premises of the governmental body concerned.

Records Manager

6. The official designated by the head of a governmental body in terms of section 18(8) of the Act as a records manager must –

- (a) be in possession of an appropriate university or technikon qualification or appropriate professional experience in the field of archives and records management;
- (b) have successfully completed an archives and records management course, approved by the Provincial Archivist;
- (c) have a thorough knowledge of the organisational structure, functions, and records system of the governmental body concerned; and
- (d) be appointed to a post level not below that of an assistant manager.

PART 5 SHORT TITLE

Short title

7. These Regulations are called the KwaZulu-Natal Archives and Records Service Regulations, 2014.

PROVINSIALE KENNISGEWING 151 VAN 2015
KWAZULU-NATAL DEPARTEMENT VAN KULTUUR,
SPORT EN ONTSPANNING
REGULASIEKENNISGEWING

KWAZULU-NATAL REGULASIES OP ARGIEF- EN REKORDDIENS, 2014

Hiermee maak ek die Regulasies vervat in die Bylae hierby kragtens artikel 24 van die KwaZulu-Natal Wet op Argief- en Rekorddiens, 2011 (Wet No. 8 van 2011), ten einde argief- en rekorddiensaangeleenthede in die Provinsie te reguleer.

Gegee onder my Hand te Pietermaritzburg op hierdie 02 dag van April, Tweeduisend-en-veertien.



ME NN SIBHIDLA-SAPHETHA, LPW

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Kultuur, Sport en Ontspanning

BYLAE

RANGSKIKKING VAN REGULASIES

Regulasie

**DEEL 1
OMSKRYWINGS**

1. Omskrywings

**DEEL 2
OORPLASING VAN REKORDS**

2. Aansoek om oorplasing van publieke rekords
3. Oorplasing van publieke rekords na argiefbewaarplek

**DEEL 3
TOEGANG EN GEBRUIK VAN ARGIEFSTUKKE**

4. Toegang en gebruik van argiefstukke

**DEEL 4
BESTUUR EN VERSORGING VAN PUBLIEKE REKORDS**

5. Bestuur van publieke rekords
6. Rekordbestuurder

**DEEL 5
KORT TITEL**

7. Kort titel

DEEL 1 OMSKRYWINGS

Omskrywings

1. In hierdie Regulasies beteken “die Wet” die KwaZulu-Natal Wet op Argief- en Rekorddiens, 2011 (Wet No. 8 van 2011), en enige woord of uitdrukking waaraan ’n betekenis geheg word in die Wet dra die betekenis so daaraan toegeken en, tensy uit die samehang anders blyk, beteken –

“brandkluis” ’n beveiligde kamer of plek in ’n argiefbewaarplek waar rekords gestoor word;

“hoof van ’n argiefbewaarplek” ’n werknemer aangestel ingevolge die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), en wat in beheer is van die argiefbewaarplek, ingestel ingevolge artikel 20 van die Wet; en

“rekordbestuurder” ’n werknemer van enige regeringsliggaam aangewys as ’n rekordbestuurder van die betrokke regeringsliggaam, ingevolge artikel 18(8) van die Wet.

DEEL 2 OORPLASING VAN REKORDS

Aansoek om oorplasing van publieke rekords

2.(1) ’n Regeringsliggaam wat verlang om publieke rekords oor te plaas na ’n argiefbewaarplek moet skriftelike toestemming vanaf die Provinsiale Argivaris verkry om so te doen.

(2) ’n Versoek aan die Provinsiale Argivaris om publieke rekords oor te plaas moet –

(a) skiftelik wees;

(b) vergesel gaan van ’n oorplasingslys waarin –

- (i) elke item wat oorgeplaas word beskryf moet word;
 - (ii) die datum van elke item of die begin- en einddatum van elke item aangeteken moet word;
 - (iii) die verwysingsnommer van elke item aangeteken moet word; en
 - (iv) die lineêre meters wat nodig word om die betrokke item of items te stoor aangedui moet word;
- (c) die verwysingsnommer van die betrokke beskikkingsbemaatiging insluit, indien sodanige beskikkingsbemaatiging van die Provinsiale Argivaris verkry is ingevolge artikel 18(2) van die Wet; en
- (d) vergesel gaan van sodanige ander inligting soos die Provinsiale Argivaris kan vereis.

(3) 'n Versoek aan die Provinsiale Argivaris om toestemming om publieke rekords oor te plaas sonder 'n beskikkingsbemaatiging moet 'n opsomming van items insluit wat die volgende aandui –

- (a) die soort rekord;
- (b) die kantoor van oorsprong;
- (c) 'n aanduiding –
 - (i) van die aard van die rekordklassifikasiesistelsel wat gebruik word;
 - (ii) hetsy die rekordklassifikasiesistelsel goedgekeur is deur die Provinsiale Argivaris; en
 - (iii) hetsy die rekordklassifikasiesistelsel steeds in gebruik is.

(4) Die Provinsiale Argivaris kan, by ontvangs van 'n versoek om die oorplasing van publieke rekords –

- (a) verdere inligting of dokumente vereis; of
- (b) instruksies of spesiale voorwaardes met betrekking tot die oorplasing van sodanige publieke rekords uitreik.

Oorplasing van publieke rekords na argiefbewaarplek

3.(1) Rekords oorgeplaas na 'n argiefbewaarplek moet –

- (a) vergesel gaan van 'n oorplasinglys;
- (b) gerangskik word in dieselfde volgorde as die van die oorplasinglys; en
- (c) verpak word in geskikte houers in ooreenstemming met die opdragte uitgereik

deur die Provinsiale Argivaris ingevolge regulasie 2(4).

(2) Die Provinsiale Argivaris, of sy of haar gemagtigde verteenwoordiger, moet ontvangs van die oorgeplaaste publieke rekord erken deur 'n afskrif van die meegaande oorplasingstelsel te teken.

(3) Die Provinsiale Argivaris, kan, behoudens sodanige terme en voorwaardes soos hy of sy kan bepaal, die rekords wat oorgeplaas is na 'n argiefbewaarplek, ingevolge regulasie 3(1), terugbesorg aan die regeringsliggaam, of sy opvolger, wat sodanige rekords oorgeplaas het: Met dien verstande dat sodanige rekords terugbesorg sal word aan die argiefbewaarplek –

(a) binne 60 dae vanaf ontvangs; of

(b) op sodanige ander datum soos die Provinsiale Argivaris kan bepaal.

(4) Alle kostes met betrekking tot die oorplasing en tydelike terugbesorging van publieke rekords sal gedra word deur die regeringsliggaam wat –

(a) die rekords oorplaas; of

(b) die tydelike terugbesorging van die rekords, ingevolge regulasie 3(3), versoek.

DEEL 3 TOEGANG EN GEBRUIK VAN ARGIEFSTUKKE

Toegang en gebruik van argiefstukke

4.(1) Die lede van die publiek sal, behoudens hierdie Regulasies, die Wet, die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), en enige ander toepaslike wet, toegelaat word om argiefstukke in 'n argiefbewaarplek te besigtig: Met dien verstande dat sodanige besigtiging van argiefstukke –

(a) in die leeskamer van daardie argiefbewaarplek moet plaasvind; of

(b) slegs kan plaasvind in die brandkluis van 'n argiefbewaarplek, met die goedkeuring van die hoof van daardie argiefbewaarplek.

(2) Die hoof van 'n argiefbewaarplek kan 'n lid van die publiek, wat toegang tot 'n argiefbewaarplek verlang, versoek om –

- (a) 'n identiteitsdokument of enige ander vorm van identifkasië, wat aanvaarbaar is vir die hoof van 'n argiefbewaarplek, voor te lê;
- (b) 'n register waarin sodanige inligting, soos vereis kan word deur die hoof van 'n argiefbewaarplek, aangeteken word, te voltooi en te teken; of
- (c) 'n versoek om die argiefstukke wat vereis word vir besigtiging, te voltooi.

(3) Die hoof van 'n argiefbewaarplek kan –

- (a) die voorwaarde waaronder die argiefstukke besigtig kan word;
- (b) die getal argiefstukke wat tegelykertyd besigtig kan word;
- (c) reëls en prosedures wat deur die lede van die publiek nagekom moet word wanneer argiefstukke in 'n argiefbewaarplek besigtig word;
- (d) hetsy afskrifte van argiefstukke gemaak kan word;
- (e) die duur van die tydperk waartydens 'n gebruiker van enige fasiliteit, beskikbaar gestel deur 'n argiefbewaarplek, gebruik kan maak; en
- (f) die getal afskrifte wat gemaak kan word deur gebruik te maak van fasiliteite beskikbaar gestel deur 'n argiefbewaarplek,

bepaal.

(4) Wanneer 'n lid van die publiek argiefstukke in 'n argiefbewaarplek besigtig –

- (a) moet die lid van die publiek sodanige argiefstukke met die grootste sorg hanteer;
- (b) moet die lid van die publiek nie die volgorde van argiefstukke versteur nie;
- (c) moet enige skade aan, of versteuring van, die volgorde van die argiefstukke, veroorsaak of ontdek deur die lid van die publiek, aan die hoof van 'n argiefbewaarplek of enige aangewese beampte in die argiefbewaarplek gerapporteer word; en
- (d) kan die lid van die publiek nie op enige argiefstuk skryf of enige merk daarop maak nie.

(5) Die hoof van 'n argiefbewaarplek kan, behoudens subregulasie (8), 'n lid van die publiek toegang weier tot 'n argiefbewaarplek indien hy of sy –

- (a) versuim om te voldoen aan –
 - (i) hierdie regulasies; of
 - (ii) die voorwaardes, reëls en prosedures uitgereik deur die hoof van 'n

- argiefbewaarplek ingevolge regulasie 4(3);
- (b) argiefstukke beskadig of merke daarop maak;
 - (c) op 'n onvaspaste wyse in die argiefbewaarplek optree; of
 - (d) die volgorde waarin argiefstukke gehou word versteur.
- (6) Die hoof van 'n argiefbewaarplek moet, skriftelik, aan die Provinsiale Argivaris verslag lewer van elke insident waar hy of sy toegang tot die argiefbewaarplek aan 'n lid van die publiek geweier het, ingevolge regulasie 3(5).
- (7) Die verslag bedoel in subregulasie (6) moet –
- (a) vergesel gaan van breedvoerige redes ter ondersteuning van die besluit om die betrokke lid van die publiek toegang tot 'n argiefbewaarplek te weier; en
 - (b) aan die Provinsiale Argivaris voorgelê word voor die verstryking van 'n 48 uur tydperk na die besluit om die lid van die publiek toegang tot 'n argiefbewaarplek te weier.
- (8) Die Provinsiale Argivaris kan, by ontvangs van die verslag bedoel in regulasie 4(7) –
- (a) met goeie rede, die besluit van die hoof van 'n argiefbewaarplek bekragtig; of
 - (b) indien hy of sy glo dat die besluit van die hoof van 'n argiefbewaarplek om 'n spesifieke lid van die publiek toegang tot 'n argiefbewaarplek te weier –
 - (i) onredelik;
 - (ii) sonder goeie rede; of
 - (iii) irrasioneel,
- was, die hoof van 'n argiefbewaarplek se besluit kragteloos maak en die hoof van 'n argiefbewaarplek gelas om toegang tot 'n argiefbewaarplek aan die betrokke persoon te verleen.

DEEL 4 BESTUUR EN VERSORGING VAN PUBLIEKE REKORDS

Bestuur van publieke rekords

- 5.(1) Die hoof van 'n regeringsliggaam moet verseker dat –
- (a) alle rekords onder sy of haar beheer –
 - (i) behoorlik in stand gehou word;

- (ii) deur toepaslike sekuriteitsmaatreëls beskerm word; en
 - (iii) ingevolge hierdie regulasies, die Wet, die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), of enige ander toepaslike wetgewing, bestuur word; en
 - (b) 'n rekordklassifikasiesisteme goedgekeur deur die Provinsiale Argivaris gebruik word;
 - (c) daar voldoen word aan alle riglyne uitgereik deur die Provinsiale Argivaris;
 - (d) alle inligting ten opsigte van die regeringsliggaam se rekords wat deur die Provinsiale Argivaris versoek word, verskaf word;
 - (e) alle gevalle van ernstige skade, verlies, of ongemagtigde vernietiging van rekords aan die Provinsiale Argivaris gerapporteer word; en
 - (f) 'n sertifikaat van vernietiging aan die Provinsiale Argivaris verskaf word wanneer ook al rekords vernietig word, tensy vrygestel daarvan ingevolge artikel 18(9) van die Wet.
- (2) Die hoof van 'n regeringsliggaam moet die Provinsiale Argivaris inlig oor die voorneme van daardie regeringsliggaam om –
- (a) rekords op mikrofilm vas te lê; of
 - (b) 'n elektroniese rekordstelsel in gebruik te neem.
- (3) Die Provinsiale Argivaris kan riglyne aan die hoof van 'n regeringsliggaam uitreik ten opsigte van die –
- (a) bestuur en versorging van publieke rekords;
 - (b) oorsending van rekords na 'n argiefbewaarplek;
 - (c) voorbereiding van rekords vir vernietiging; en
 - (d) prosedure vir 'n aansoek om die –
 - (i) goedkeuring van 'n rekordklassifikasiesisteme;
 - (ii) uitreiking van 'n beskikkingsmagtiging;
 - (iii) hersiening van 'n goedgekeurde rekordklassifikasiesisteme; en
 - (iv) prosedure wat gevolg moet word wanneer die Provinsiale Argivaris ingelig word oor 'n regeringsliggaam se voorneme om rekords op mikrofilm vas te lê of om 'n elektroniese rekordstelsel in gebruik te neem.
- (4) Enige hoof van 'n regeringsliggaam wat van voorneme is om publieke rekords oor te

plaas na 'n buiteterreinstoorfasiliteit of enige ander terrein buite die gewone perseel van die betrokke regeringsliggaam, soos bedoel in subartikel 18(2)(b) van die Wet, moet –

- (a) minstens 30 dae voor die datum, of beoogde datum, van oorplasing die Provinsiale Argivaris se magtiging, skriftelik, aanvra ingevolge artikel 18(2) van die Wet;
- (b) die besonderhede van 'n buiteterreinstoorfasiliteit of enige ander terrein buite die gewone perseel van die betrokke regeringsliggaam aan die Provinsiale Argivaris verskaf; en
- (c) sodanige ander inligting wat die Provinsiale Argivaris kan vereis, ingevolge subregulasie (5), aan die Provinsiale Argivaris verskaf.

(5) Die Provinsiale Argivaris kan, by ontvangs van die versoek ingevolge subregulasie (4) –

- (a) die buiteterreinstoorfasiliteit of enige ander terrein buite die gewone perseel van die betrokke regeringsliggaam inspekteer ten einde die geskiktheid daarvan te bepaal;
- (b) vereis om enige planne, tekeninge of diagramme noodsaaklik vir die bepaling van die geskiktheid van die geïdentifiseerde perseel te bepaal, te inspekteer;
- (c) van die hoof van die betrokke regeringsliggaam vereis om sodanige verdere inligting of dokumente, wat noodsaaklik is vir die bepaling van die geskiktheid van die geïdentifiseerde perseel, te verskaf; en
- (d) vereis om die vorm van vervoer wat gebruik sal word vir die vervoer van die rekords na 'n buiteterreinstoorfasiliteit of enige ander terrein buite die gewone perseel van die betrokke regeringsliggaam te inspekteer.

Rekordbestuurder

6. Die beampte aangewys deur die hoof van 'n regeringsliggaam ingevolge artikel 18(8) van die Wet moet, as 'n rekordbestuurder –

- (a) in besit wees van 'n toepaslike universiteits- of tegnikonkwalifikasie of toepaslike professionele ondervinding op die gebied van argief- en rekordbestuur;
- (b) 'n argief- en rekordbestuurkursus, goedgekeur deur Provinsiale Argivaris, suksesvol voltooi het;
- (c) oor deeglike kennis van die organisatoriese struktuur, werksaamhede en

rekordstelsel van die betrokke regeringsliggaam beskik; en
 (d) aangestel wees op 'n posvlak nie laer as die van 'n assistentbestuurder nie.

DEEL 5
 KORT TITEL

Kort titel

7. Hierdie Regulasies word die KwaZulu-Natal Regulasies op Argief- en Rekorddiens, 2014 genoem.

PROVINCIAL NOTICE 151 OF 2015

UMNYANGO WEZOBUCIKO, AMASIKO,

IMIDLALO NEZOKUNGCEBELEKA

ISAZISO SOMTHETHONQUBO

IMITHETHONQUBO YOKUGCINWA KWEMIBHALO NAMAREKHODI YAKWAZULU-NATALI, 2014

Ngalokhu ngisungula iMithethonqubo equkethwe kulolu Hlelo olungezansi ngokwesigaba 24 soMthetho wokuGcinwa kweMibhalo namaRekhodi waKwaZulu-Natali, 2011 (uMthetho No. 8 ka 2011), ukuze kulawulwe izindaba eziphatelene nokugcinwa kwemibhalo namarekhodi esiFundazweni.

Sikhishwe ngaphansi kwesandla sami e ^{Mangundoru} ngalolu suku lomhla zi ⁰² ku ^{Umbasa}..., oNyakeni weziNkulungwane eziMbili neShumi naNe.



NKK.NN. SIBHIDLA-SAPHETHA

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ezobuCiko, amaSiko, iMidlalo nezokuNgcebeleka

UHLELO

UKUHLELWA KWEMITHETHONQUBO

iMithethonqubo

INGXENYE 1

IZINCAZELO

1. Izincazelo

INGXENYE 2

UKUDLULISELWA KWAMAREKHODI

2. Isicelo sokudluliselwa kwamarekhodi kahulumeni
3. Ukudluliselwa kwamarekhodi omphakathi endaweni yokugcina imibhalo

INGXENYE 3

UKUTHOLAKALA NOKUSETSHENZISWA KWEMIBHALO EGCINIWE

4. Ukutholakala nokusetshenziswa kwemibhalo egciniwe

INGXENYE 4

UKUPHATHWA KANYE NOKUNAKEKELWA KWAMAREKHODI KAHULUMENI

5. UkuPhathwa kwamaRekhodi kaHulumeni
6. Umphathi wamaRekhodi

INGXENYE 5

ISIHLOKO ESIFINGQIWE

7. Isihloko esifingqiwe

INGXENYE 1 IZINCAZELO

Izincazelo

1. Kule Mithethonqubo "uMthetho" kushiwo uMthetho wokuGcinwa kweMibhalo namaRekhodi waKwaZulu-Natali, 2011 (uMthetho No. 8 ka 2011), futhi noma iliphi igama noma isisho esinikezwe incazelo kulo Mthetho sinaleyo ncazelo esinikezwe yona, ngaphandle uma ingqikithi isho okwehlukile –

"inhloko yenqolobane yokugcina imibhalo" kushiwo umsebenzi oqokwe ngokoMthetho wabaSebenzi bakaHulumeni, 1994 (Isimemezelo No. 103 sika 1994), nophethe inqolobane yokugcina imibhalo esungulwe ngokwesigaba 20 soMthetho;

"umphathi wamarekhodi" kushiwo umsebenzi wanoma imuphi umgwamanda kahulumeni oqokwe njengomphathi wamarekhodi omgwamanda kahulumeni othintekayo ngokwesigaba 18(8) soMthetho;

"igumbi lokugcina nokuvikelaamarekhodi" kushiwo igumbi elivikelekile noma indawo kwinqolobane yokugcina imibhalo lapho kugcinwe khona amarekhodi.

INGXENYE 2

UKUDLULISELWA KWAMAREKHODI

Isicelo sokudluliselwa kwamarekhodi kahulumeni

2.(1) Umgwamanda kahulumeni ofisa ukudlulisela amarekhodi kahulumenikwinqolobane yokugcina imibhalo, kumele uthole imvume yokwenza lokho kuNgoti wokuGcinwa kweMibhalo wesiFundazwe.

(2) Isicelo sokudlulisela amarekhodi kahulumeni esifakwa kuNgoti wokuGcinwa kweMibhalo wesiFundazwe kumele –

(a) sibhalwe phansi;

(b) sihambisane nohlu lwezinto ezizodluliswa, okumele –

(i) luchaze okudluliselwe ngakunye;

(ii) lukhombise usuku okudluliselwe ngalo irekhodi ngalinye noma

umbhalo ngamunye nosuku ogcinwe nokhishwe ngalo;

(iii) lukhombise inkomba yerekhodi ngalinye noma yombhalo ngamunye; futhi

(iv) lukhombise ubungako bamamitha azodingeka ukugcina imibhalo noma amarekhodi athintekayo;

(c) sibe nenkomba yemvume yokushisa noma yokudabula amarekhodi, uma leyo mvume yakhishwa uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngokwesigaba 18(2) soMthetho; futhi

(d) sihambisane neminye imininingwane engadingwa uNgoti wokuGcinwa kweMibhalo wesiFundazwe.

(3) Isicelo sokuthola imvume kuNgoti wokuGcinwa kweMibhalo wesiFundazwe yokudlulisa amarekhodi kahulumeni ngaphandle kwemvume yokushisa noma yokudabula amarekhodi kumele sibandakanye incazelo emfishane yalokhu okulandelayo –

(a) uhlobo lwamarekhodi;

(b) ihhovisi asuka kulo;

(c) inkomba –

(i) yohlelo lokugcina amarekhodi olusetshenziwe;

(ii) yokuthi uhlelo lokugcina amarekhodi lwagunyazwa kuNgoti wokuGcinwa kweMibhalo wesiFundazwe;

(iii) neyokuthi uhlelo lokugcina amarekhodi lusasetshenziswa.

(4) UNgoti wokuGcinwa kweMibhalo wesiFundazwe uma ethola isicelo sokudluliswa kwamarekhodi kahulumeni –

(a) angadinga olunye ulwazi noma imibhalo eyengeziwe; noma

(b) angakhipha imiyalelo noma imibandela ethile ephathelene nokudluliswa kwalawo marekhodi kahulumeni.

Ukudluliselwa kwamarekhodi kahulumeni kwinqolobane yokugcina imibhalo

3.(1) Amarekhodi adluliselwa kwinqolobane yokugcina imibhalo kumele –

(a) ahambisane nohlu lokudluliswayo;

(b) abhalwe ngendlela alandelana ngayo ohlwini; futhi

(c) afakweeziqakathinieziwane ngokuhambisana nomyalelo okhishwe uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngokomthethonqubo 2(4).

(2) UNgoti wokuGcinwa kweMibhalo wesiFundazwe noma ommele ogunyaziwe, kumele aqinisekise ukuthi uwatholile amarekhodi kahulumeni adluliselwe kuyena ngokusayina ikhophi ehambisana nohlu lwayo.

(3) UNgoti wokuGcinwa kweMibhalo wesiFundazwe, kuncike kuleyo migomo nemibandela njengoba enganquma, angabuyisela okwesikhashana amarekhodi adluliselwe kwinqolobane yokugcina imibhalo ngokomthethonqubo 3(1) emgwamandeni kahulumeni odlulise lawo marekhodi noma kongene esikhundleni sawo: Kuncike ekutheni lawo marekhodi ayobuyiselwa kwinqolobane yokugcina imibhalo –

(a) ezinsukwini ezingama-60 etholakele; noma

(b) ngalolo suku olunganqunywa uNgoti wokuGcinwa kweMibhalo wesiFundazwe.

(4) Zonke izindleko eziphathelene nokudluliselwa noma nokubuyiselwa kwesikhashana kwamarekhodi kahulumeni ziyokhokhwa umgwamanda kahulumeni –

(a) odlulisela amarekhodi; noma

(b) ofaka isicelo sokubuyiselwa okwesikhashana kwamarekhodi ngokomthethonqubo 3(3).

INGXENYE 3

UKUTHOLAKALA NOKUSETSHENZISWA KWEMIBHALO EGCINIWE

Ukutholakala nokusetshenziswa kwemibhalo egciniwe

4.(1) Amalungu omphakathi, kuncike kule Mithethonqubo, eMthethweni, uMthetho wokuGqugquzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000) neminye imithetho ekhona, kufanele avunyelwe ukufunda imibhalo egciniwe kwinqolobane yokugcina imibhalo: Kuncike ekutheni lokho kufunda –

(a) kumele kwenzelwe egumbini lokufunda kuleyo nqolobane yokugcina imibhalo; noma

(b) kungenzelwa kuphela egumbini elivikelekile lokugcina imibhalo elikuleyo nqolobane yokugcina imibhalo ngemvume yenhloko yenqolobane yokugcina imibhalo.

(2) Inhlolo yenqolobane yokugcina imibhalo ingadinga ukuthi ilungu lomphakathi elifuna ukungena endaweni yokugcina imibhalo –

- (a) liveze umazisi walo nanoma iyiphi enye indlela yokuzazisa eyamukelekile kwihloko yenqolobane yokugcina imibhalo;
- (b) lingagcwalisa futhi lisayine irejista eqopha yonke imininingwane engadingwa inhloko yenqolobane yokugcina imibhalo; noma
- (c) ligcwalise isicelo sokuthola imibhalo egciniwe elifuna ukuyifunda.

(3) Inhlolo yenqolobane yokugcina imibhalo inganquma –

- (a) imibandela imibhalo egciniwe engafundwa ngayo;
- (b) isibalo semibhalo egciniwe engafundwa kanye kanye;
- (c) imithetho nezinqubo okumele zilandelwe amalungu omphakathi uma ezofunda imibhalo egcinwe kwinqolobane yokugcina imibhalo;
- (d) nokuthi bangawenza yini amakhophi emibhalo egciniwe;
- (e) isikhathi umuntu asibekelwe sokusebenzisa nanoma yini ehlinzekwe inqolobane yokugcina imibhalo; kanye
- (f) nesibalo esivumelekile samakhophi angenziwa uma kusetshenziwa izinsiza ezihlinzekwe inqolobane yokugcina imibhalo.

(4) Uma ilungu lomphakathi lifunda imibhalo egcinwe endaweni yokugcina imibhalo kumele –

- (a) iyiphathe ngokucophelela leyo mibhalo;
- (b) lingayibeki noma ingayiphi indlela leyo mibhalo;
- (c) libikele inhloko noma umsebenzi oqokiwe wenqolobane yokugcina imibhalo nganoma imuphi umonakalo noma ukuphazamiseka kwendlela okugcinwe ngayo imibhalo okudalwe yilo ilungu lomphakathi noma elikutholile; futhi
- (d) alivumelekile ukubhala noma limake noma imuphi umbhalo egciniwe.

(5) Inhlolo yenqolobane yokugcina imibhalo, kuncikekwisigatshana somthethonqubo (8), inganqabela ilungu lomphakathi ukuthi lingene kwinqolobane yokugcina imibhalo uma –

- (a) lehluleka ukuhambisana –
 - (i) nale mithethonqubo;
 - (ii) nemibandela, imithetho nezinqubo ezilandelwayo ezikhishwe inhloko yenqolobane yokugcina imibhalo ngokomthethonqubo 4(3);

- (b) lidala umonakalo noma limaka imibhalo egciniwe;
- (c) liziphatha ngendlela engafanele kwinqolobane yokucina imibhalo; noma
- (d) liphazamisa indlela okubekwe ngayo imibhalo kwinqolobane yokucina imibhalo.

(6) Inhloko yenqolobane yokucina imibhalo kumele ibikele uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngakho konke okwenzekile ngokuthi limbhalele uma linqabele ilungu lomphakathi ukuthi lingene kwinqolobane yokucina imibhalo ngokomthethonqubo 3(5).

(7) Umbiko ohlongozwe kwisigatshana somthethonqubo (6) kumele –

- (a) uhambisane nezizathu eziqala ezeseka isinqumo sokwenqabela ilungu lomphakathi elithintekayo ekutheni lingene kwinqolobane yokucina imibhalo; futhi
- (b) uhanjiswe kuNgoti wokuGcinwa kweMibhalo wesiFundazwe ngaphambi kokuthi kuphele amahora angama-48 ngemva kokuthathwa kwesinqumo sokwenqabela ilungu elithintekayo ukuthi lingene kwinqolobane yokucina imibhalo.

(8) UNgoti wokuGcinwa kweMibhalo wesiFundazwe, uma ethola umbiko ohlongozwe kumthethonqubo 4(7) –

- (a) ngezizathu ezizwakalayo, angaguqula isinqumo senhloko yenqolobane yokucina imibhalo; noma
- (b) uma ekholelwa ekutheni isinqumo senhloko yenqolobane yokucina imibhalo sokwenqabela lelo lungu elithintekayo ekutheni lingene kwinqolobane yokucina imibhalo –
 - (i) sasingafanele;
 - (ii) sasinangenasidingo; noma
 - (iii) sasingazwakali,

angaguqula isinqumo senhloko yenqolobane yokucina imibhalo bese eyalela inhloko ukuba ivumele lowo muntu othintekayo ukuthi angene kwinqolobane yokucina imibhalo.

INGXENYE 4

UKUPHATHWA KANYE NOKUNAKEKELWA KWAMAREKHODI KAHULUMENI

UkuPhathwa kanye nokuNakelelwa kwamaRekhodi kaHulumeni**5.(1) Inhloko yomgwamanda kahulumeni kumele iqinisekise ukuthi –**

(a) wonke amarekhodi alawulwa yiyo –

(i) agcinwe ngendlela efanele;

(ii) avikeleke ngendlela efanele;

(iii) aphethwe ngokwale mithethonqubo, ngokoMthetho, uMthetho wokuGquguzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000) nanoma imiphi eminye imithetho esebenzayo;

(b) kusetshenziswa uhlelo lokugcina amarekhodi olugunyazwe uNgoti wokuGcinwa kweMibhalo wesiFundazwe;

(c) kulandelwa yonke imiyalelo ekhishwe uNgoti wokuGcinwa kweMibhalo wesiFundazwe;

(d) yonke imininingwane ephathelene namarekhodi omgwamanda kahulumeni ecelwe uNgoti wokuGcinwa kweMibhalo wesiFundazwe ihlinzekiwe;

(e) konke okonakele, okulahlekile noma ukushiswa nokudatshulwa kwamarekhodi okungagunyaziwe kubikwa kuNgoti wokuGcinwa kweMibhalo wesiFundazwe; futhi

(f) uNgoti wokuGcinwa kweMibhalo wesiFundazwe uhlinzekwa ngesitifiketi sokulahlwa noma sokudatshulwa kwamarekhodi uma amarekhodi eshiswanoma edatshulwa, ngaphandle uma ekhululiwe ngokwesigaba 18(9) soMthetho.

(2) Inhloko yomgwamanda kahulumeni kumele ibike kuNgoti wokuGcinwa kweMibhalo wesiFundazwe ngezinhloso zomgwamanda kahulumeni –

(a) zokuthwebula amarekhodi; noma

(b) zokuqalisa uhlelo lokugcina amarekhodi kwikhompuyutha.

(3) UNgoti wokuGcinwa kweMibhalo wesiFundazwe anganikeza inhloko yomgwamanda kahulumeni imiyalelo ephathelene –

(a) nokuphathwa nokunakekelwa kwamarekhodi kahulumeni;

- (b) nokudluliselwa kwamarekhodi kahulumeni kwinqolobane yokugcina imibhalo;
- (c) nokulungiselela ukushiswanoma ukudatshulwa kwamarekhodi;
- (d) nenqubo elandelwayo yokufaka isicelo –
 - (i) semvume yokusebenzisa uhlelo lokugcina amarekhodi;
 - (ii) sokukhishwa kwemvume yokushisa noma yokudabula amarekhodi;
 - (iii) sokubuyekeza kohlelo lokugcina amarekhodi olusetshenziswayo;
 - (iv) senqubo okumele ilandelwe uma kwaziswa uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngenhloso yomgwamanda kahulumeni yokuthwebula amarekhodi noma yokuqalisa uhlelo lokugcina amarekhodi kwikhompuyutha.

(4) Nanoma iyiphi inhloko yomgwamanda kahulumeni ehlose ukudlulisela amarekhodi kahulumeni endaweni engaphandle noma kwenye indawo eseceleni engekho endaweni ejwayelekile yomgwamanda kahulumeni othintekayo yokugcina imibhalo, njengoba kuhlangozwe esigatshaneni 18(2)(b) soMthetho, kumele –

- (a) okungenani kusasele izinsuku ezingama-30 ngaphambi kosuku ahlose ukudlulisela ngalo isicelo, kumele ibhalele uNgoti wokuGcinwa kweMibhalo wesiFundazwe icele igunya ngokwesigaba 18(2)(b) soMthetho;
- (b) ihlinzeke uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngemininingwane yendawo engaphandle noma eseceleni engekho endaweni ejwayelekile yomgwamanda kahulumeni othintekayo; futhi
- (c) ihlinzeke uNgoti wokuGcinwa kweMibhalo wesiFundazwe ngemininingwane angayidinga ngokwesigatshana somthethonqubo (5).

(5) UNgoti wokuGcinwa kweMibhalo wesiFundazwe, uma ethola isicelo ngokwesigatshana somthethonqubo (4) –

- (a) angahlola indawo engaphandle noma eseceleni engekho endaweni ejwayelekile yomgwamanda kahulumeni othintekayo yokugcina imibhalo noma amarekhodi, ukuze anqume ukuthi ngabe ingefanelekile;
- (b) angadinga ukuhlola nanoma yimaphi amapulani, okudwetshiwe noma imiboniso mdwebo edingekayo ukuze athathe isinqumo ngokuthi kungani ebona leyo ndawo ehlonziwe njengefanelekile;
- (c) angadinga inhloko yomgwamanda kahulumeni ukuthi ihlinzeke eminye emininigwane noma imibhalo eyengeziwe edingekayo ukuze athathe isinqumo

esifanele ngokufaneleka kwendawo ehlonziwe; futhi

(d) angadinga ukuhlola uhlobo lwesithuthi oluzosetshenziswa ukuhambisa amarekhodi endaweni eseceleni engekho endaweni ejwayelekile yomgwamanda kahulumeni othintekayo yokugcina imibhalo noma amarekhodi.

UMphathi wamaRekhodi

6.(1) Umsebenzi oqokwe inhloko yomgwamanda kahulumeni ngokwesigaba 18(8) soMthetho njengomphathi wamarekhodi kumele –

(a) abe neziqu zasenyuvesi noma zasethekhnikhoni noma isipiliyoni esifanele emkhakheni wokugcinwa kwemibhalo nokuphathwa kwamarekhodi;

(b) abe ngofunde waphothula izifundo zokugcinwa kwemibhalo nokuphathwa kwamarekhodi, ezigunyazwe uNgoti wokuGcinwa kweMibhalo wesiFundazwe;

(c) abe nolwazi olunzulu ngomumohlaka wabasebenzi bomgwamanda kahulumeni, lwemisebenzi kanye nohlelo lokugcina amarekhodi komgwamanda kahulumeni othintekayo; futhi

(d) aqokwe esikhundleni esingekho ngaphansi komsizi womphathi.

INGXENYE 5

ISIHLOKO ESIFINGQIWE

Isihloko esifingqiwe

7.Le Mithethonqubo ibizwa ngokuthi iMithethonqubo yokuGcinwa kweMibhalo namaRekhodi yaKwaZulu-Natali, 2014.

PROVINCIAL NOTICE 151 OF 2015

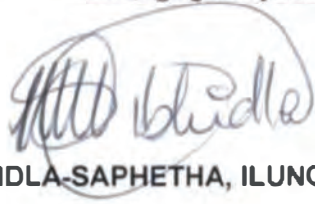
ISEBE LEZOBUGCISA, INKCUBEKO, EZEMIDLALO NOLONWABO LAKWAZULU-NATALA

ISAZISO SOMMISELO

IMIMISELO YENKONZO YEENDAWO EZILONDOLOZA IZIBHALO EZIBALULEKILEYO KUNYE NEENGXELO YAKWAZULU-NATALA, 2014

Ngokwenjenje ndimisa iMimiselo equlethwe apha kwiShedyuli ephantsi kwecandelo lama-24 loMthetho weNkonzo yeeNdawo ezilondoloza izibhalo ezibalulekileyo kunye neeNgxelo waKwaZulu-Natala, 2011 (uMthetho onguNombolo 8 ka-2011), khon'ukuze ilawule imiba yeenkonzo zeendawo ezilondoloza izibhalo ezibalulekileyo kunye neengxelo kwiPhondo.

Ikhutshwe phantsi kwesandla sam kule ndawo UMgungundlovu ngowe/wama ...02... umhla ka UTshazimpungomnyaka wamawaka amabini aneshumi elinesine.



NKSKZ NN SIBHIDLA-SAPHETHA, ILUNGU LENDLU YOWISO-MTHETHO YEPHONDO

ILungu leBhunga elisisiGqeba lePhondo laKwaZulu-Natala elijongene nezobuGcisa, iNkcubeko, eZemidlalo noLonwabo

ISHEDYULI**ULUNGELELWANISO LWEMIMISELO***Ummiselo***ISIQENDU 1
IINKCAZELO**

1. Iinkcazelo

**ISIQENDU 2
UKUGQITHISWA KWEENGXELO**

2. Isicelo sokugqithiswa kweengxelo zikarhulumente

3. Ukugqithiselwa kweengxelo zikarhulumente kumthombo wendawo elondoloza izibhalo ezibalulekileyo

**ISIQENDU 3
UKUFIKELELA KWIZIBHALO EZIGCINIWEYO NOKUZISEBENZISA**

4. Ukufikelela kwizibhalo ezigciniweyo nokuzisebenzisa

**ISIQENDU 4
ULAWULO NOKUKHATHALELA IINGXELO ZIKARHULUMENTE**

5. Ulawulo lweengxelo zikarhulumente

6. Umlawuli weengxelo

**ISIQENDU 5
ISIHLOKO ESIFUTSHANE**

7. Isihloko esifutshane

**ISIQENDU 1
IINKCAZELO****linkcazelo**

1. Kule mimiselo "uMthetho" uxela uMthetho weNkonzo yeeNdawo ezilondoloza izibhalo ezibalulekileyo kunye neeNgxelo waKwaZulu-Natala, 2011 (uMthetho onguNombolo 8 ka-2011), kwaye naliphi na igama okanye intetho enentsingiselo ebhekiselelwe kuMthetho iba nalo ntsingiselo iyinikiweyo ngaphandle kokuba umxholo uxela nto yimbi—

"intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo" kuxelwa umqeshwa oqeshwe ngokoMthetho weNkonzo kaRhulumente, 1994 (iSibhengezo esinguNombolo 103 sika-1994), nowongamele umthombo wendawo elondoloza izibhalo ezibalulekileyo emiselwe ngokwecandelo lama-20 loMthetho;

"umlawuli weengxelo" kuxelwa umqeshwa walo naliphi na iziko likarhulumente oqeshwe njengomlawuli weengxelo weziko elo likarhulumente ngokwecandelo le-18(8) loMthetho;

"igumbi elomeleleyo" kuxelwa igumbi elikhuselekileyo okanye indawo ekugcinwa kuyo iingxelo kumthombo wendawo elondoloza izibhalo ezibalulekileyo.

**ISIQENDU 2
UKUGQITHISWA KWEENGXELO****Isicelo sokugqithisa iingxelo zikarhulumente**

2.(1) Iziko likarhulumente elifuna ukugqithisela iingxelo zikarhulumente kumthombo wendawo elondoloza izibhalo ezibalulekileyo kufuneka lifumane imvume ebhaliweyo yokwenza oko kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo.

(2) Isicelo esiya kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo sokugqithisa iingxelo zikarhulumente kufuneka —

(a) sibe sesibhaliweyo;

- (b) sikhathshwe luluhlu lokugqithiswa ekufuneka–
- (i) luchaze into nganye eza kugqithiswa;
 - (ii) lubhale umhla wento nganye okanye umhla wesiqalo nesiphelo sento nganye;
 - (iii) lubhale inombolo yesalathisi sento nganye; kwaye
 - (iv) luxele umlinganiselo wobude beemitha ofunekayo ukuze kugcinwe into okanye izinto ezo zichaphazelekayo; kwaye
- (c) siqulathe inombolo yesalathisi yegunya eliselungelweni elifanelekileyo ukuba ngaba igunya elo eliselungelweni lifunyenwe kuMgcini weNdawo elondoloza izibhalo ezibalulekileyo wePhondo ngokwecandelo le-18(2) loMthetho; kwaye
- (d) sikhathshwe zizo naziphi na ezinye iinkcukacha ezinokuthi zifunwe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo.

(3) Isicelo esifuna imvume yokugqithisa iingxelo zikarhulumente esingenalo igunya eliselungelweni esiya kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo kufuneka siqulathe isishwankathelo sezinto esichaza oku kulandelayo –

- (a) uhlobo lwengxelo;
- (b) iofisi evela kuyo kwasekuqaleni; kwakunye
- (c) nento ebonisa –
 - (i) imo yenkqubo yokuhlelwa kweengxelo esetyenzisiweyo;
 - (ii) ukuba inkqubo yokuhlelwa kweengxelo yavunywa nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo;
 - (iii) kwanokuba inkqubo yokuhlelwa kweengxelo isasetyenziswa kusini na.

(4) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unokuthi esakuba efumene isicelo sokugqithisa iingxelo zikarhulumente –

- (a) afune ezinye iinkcukacha okanye amanye amaxwebhu; okanye
- (b) akhuphe imiyalelo okanye imiqathango ekhethekileyo enxulumene nokugqithiswa kweengxelo ezo zikarhulumente.

Ukugqithiselwa kweengxelo zikarhulumente kumthombo wendawo elondoloza izibhalo ezibalulekileyo

3.(1) Kufuneka iingxelo ezigqithiselwa kumthombo wendawo elondoloza izibhalo

ezibalulekileyo–

- (a) zikhatshwe luluhlu lokugqithiselwa;
- (b) zilungelelaniswe ukuze zilandelelane ngohlobo olufanayo nolo loluhlu lokugqithiselwa; kwaye
- (c) zipakishwe kwiziqukathi ezifanelekileyo ngokungqinelana nemiyalelo ekhutshwe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo ngokommiselo wesi-2(4).

(2) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo okanye ummeli wakhe ogunyazisiweyo kufuneka avume ukuba uzifumene iingxelo zikarhulumente ezigqithisiweyo ngokuthi atyikitye ikopi yoluhlu lokugqithiswa kweengxelo olukhaphayo.

(3) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unokuthi ngenxa yemiqathango nemimiselo ayimiseleyo azibuyisele okwethutyana iingxelo ezigqithiselwe kumthombo wendawo elondoloza izibhalo ezibalulekileyo ngokommiselo wesi-3(1) kwiziko likarhulumente elizigqithisileyo ezo ngxelo okanye kulowo ungena endaweni yalo: Xa iingxelo ezo ziza kuphinda zibuyiselwe kumthombo wendawo elondoloza izibhalo ezibalulekileyo –

- (a) kwisithuba seentsuku ezingama-60 zifunyenwe; okanye
- (b) ngaloo mhla oya kumiselwa nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo.

(4) Zonke iindleko ezinxulumene nokugqithiswa nokubuyiselwa okwethutyana kweengxelo zikarhulumente ziza kuhlawulwa liziko likarhulumente –

- (a) eligqithisa iingxelo; okanye
- (b) elicela ukubuyiswa okwethutyana kweengxelo ngokommiselo wesi-3(3).

ISIQENDU 3 UKUFIKELELA KWIZIBHALO EZIGCINIWEYO NOKUZISEBENZISA

Ukufikelela kwizibhalo ezigciniweyo nokuzisebenzisa

4.(1) Amalungu oluntu aza kuthi avunyelwe ukuba azibone izibhalo ezigciniweyo ezikumthombo wendawo elondoloza izibhalo ezibalulekileyo phantsi kwale mimiselo, uMthetho, uMthetho oKhuthaza ukuFikelela kuLwazi, 2000 (uMthetho onguNombolo 2

ka-2000), kwakunye nawo nawuphi na ke omnye umthetho ofaneleyo: Ukuba ukubonwa oko kwezibhalo ezigciniweyo –

- (a) kwenziwa kwigumbi lokufundela lomthombo wendawo leyo elondoloza izibhalo ezibalulekileyo; okanye
- (b) kunokwenziwa kuphela kwigumbi elomeleleyo lomthombo wendawo yokulondoloza izibhalo ezibalulekileyo ngemvume yentloko yomthombo waloo ndawo elondoloza izibhalo ezibalulekileyo.

(2) Intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo inokuthi ifune ilungu loluntu elifuna ukungena kumthombo wendawo elondoloza izibhalo ezibalulekileyo ukuba –

- (a) livelise isazisi okanye nayiphi na enye into yokuzazisa eyamkelekileyo kwintloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo;
- (b) lizalise lize lityikitye irejista ebhala iinkcukacha ezinokuthi zifunwe yintloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo; okanye
- (c) lizalise isicelo sokubona izibhalo ezigciniweyo ezo lizifunayo.

(3) Intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo inokuthi imisele –

- (a) imeko ezinokuthi zibonwe phantsi kwayo izibhalo ezigciniweyo;
- (b) inani lezibhalo ezigciniweyo ezinokuthi zibonwe ngaxeshanye;
- (c) imithetho neenkqubo ekufuneka zilandelwe ngamalungu oluntu xa ebona izibhalo ezigciniweyo kumthombo wendawo elondoloza izibhalo ezibalulekileyo;
- (d) ukuba izibhalo ezigciniweyo zinokwenziwa iikopi kusini na;
- (e) ubude bexesha elinokuchithwa ngumntu osebenzisa nasiphi na isixhobo somthombo wendawo elondoloza izibhalo ezibalulekileyo; kwakunye
- (f) nenani leekopi ezinokuthi zenziwe kusetyenziswa izixhobo zomthombo wendawo elondoloza izibhalo ezibalulekileyo.

(4) Xa libona izibhalo ezigciniweyo kumthombo wendawo elondoloza izibhalo ezibalulekileyo ilungu loluntu –

- (a) kufuneka libe nenkathalo kakhulu xa liphatha izibhalo ezo;
- (b) kufuneka lingakuphazamisi ukulandelelana kwezibhalo ezigciniweyo;
- (c) kufuneka liwuxele nawuphi na umonakalo okanye uphazamiseko kulandelelwano lwezibhalo ezigciniweyo olwenziwe okanye olufunyaniswe lilungu

elo loluntu kumthombo wendawo elondoloza izibhalo ezibalulekileyo okanye kwigosa elisebenza apho kumthombo wendawo elondoloza izibhalo ezibalulekileyo; kwaye

(d) akufuneki libhale okanye lenze naluphi na uphawu kuzo naziphi na izibhalo ezigciniweyo.

(5) Intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo inokuthi ikukhabe ukufikelela kwelungu loluntu kumthombo wendawo elondoloza izibhalo ezigciniweyo phantsi kommiselwana wesi-(8) xa ilungu elo –

(a) lisilela ukuthobela –

(i) le mimiselo; okanye

(ii) imiqathango, imithetho kunye neenkqubo ezikhutshwe yintloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo ngokommiselo wesi-4(3); okanye

(b) lisonakalisa okanye liphawula izibhalo ezigciniweyo;

(c) liziphatha ngendlela engafanelekanga kumthombo wendawo elondoloza izibhalo ezibalulekileyo; okanye

(d) liphazamisa ukulandelelana kwezibhalo ezigciniweyo.

(6) Intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo kufuneka inike ingxelo ebhaliweyo kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo ngazo zonke izehlo apho ithe yakukhaba khona ukufikelela kwelungu loluntu kumthombo wendawo elondoloza izibhalo ezibalulekileyo ngokommiselo wesi-3(5).

(7) Kufuneka ingxelo ecamngcwe kummiselwana wesi-(6) –

(a) ikhatshwe zizizathu ezinabileyo ezixhasa isigqibo sokukhaba ukufikelela kwelungu loluntu elichaphazelekayo kumthombo wendawo elondoloza izibhalo ezibalulekileyo; kwaye

(b) ihanjiswe kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo zingaphelanga iiyure ezingama-48 sisakuba sithatyathiwe isigqibo sokukhaba ukufikelela kwelungu loluntu elichaphazelekayo kumthombo wendawo elondoloza izibhalo ezibalulekileyo.

(8) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unokuthi

esakuyifumana ingxelo ecamngcwe kummiselo wesi-4(7)–

(a) ngesizathu esivakalayo asiqinisekise isigqibo sentloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo; okanye

(b) xa ekholelwa ekubeni isigqibo sentloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo sokukukhaba ukufikelela kwelungu elithile loluntu kumthombo wendawo elondoloza izibhalo ezibalulekileyo –

(i) besingafanelekanga;

(ii) besingenasizathu sibambekayo; okanye

(iii) besingenangqiqo

unokusiguqula isigqibo eso sentloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo aze ayalele intloko yomthombo wendawo elondoloza izibhalo ezibalulekileyo ukuba ivumele umntu lowo uchaphazelekayo ukuba afikelele kumthombo wendawo elondoloza izibhalo ezibalulekileyo.

ISIQENDU 4

ULAWULO NOKUKHATHALELA IINGXELO ZIKARHULUMENTE

Ulawulo lweengxelo zikarhulumente

5.(1) Intloko yeziko likarhulumente kufuneka iqinisekise ukuba –

(a) zonke iingxelo eziphantsi kolawulo lwayo –

(i) zigcinwe ngokufanelekileyo;

(ii) zikhuselwe ngamanyathelo okhuseleko afanelekileyo; kwaye

(iii) zilawulwa ngokwale mimiselo, uMthetho, uMthetho oKhuthaza ukuFikelela kuLwazi, 2000 (uMthetho onguNombolo 2 ka-2000), okanye nawo nawuphi na omnye umthetho ofaneleyo; kwanokuba

(b) kusetyenziswa inkqubo yokuhlelwa kweengxelo evunywe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo;

(c) yonke imiyalelo ekhutshwe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo iyathotyelwa;

(d) zonke iinkcukacha ezimalunga neengxelo zeziko likarhulumente ezicelwe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo zinikezelwe;

(e) zonke izehlo zomonakalo omkhulu, ukulahleka okanye ukutshatyalaliswa okungagunyaziswanga kweengxelo kuyaxelwa kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo, kwanokuba

(f) uMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unikwa isiqinisekiso sokutshabalalisa nanini na xa kutshatyalaliswa iingxelo, ngaphandle kokuba ukhululwe ngokomqathango wecandelo le-18(9) loMthetho.

(2) Intloko yeziko likarhulumente kufuneka inike ingxelo kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo ngenjongo zeziko elo likarhulumente–

- (a) zokwenza iingxelo zibe yifilimu; okanye
- (b) zokwazisa ngenkqubo yokugcina iingxelo ngekhompyutha.

(3) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unokukhupha imiyalelo kwindawo yeziko likarhulumente enxulumene –

- (a) nokulawulwa nokukhathalelwa kweengxelo zikarhulumente;
- (b) ukugqithiselwa kweengxelo kumthombo wendawo elondoloza izibhalo ezibalulekileyo;
- (c) ukulungiselelwa kweengxelo ukuze zitshatyalaliswe; kunye
- (d) nenkqubo yokufaka isicelo –
 - (i) sokuvunywa kwenkqubo yokuhlelwa kweengxelo;
 - (ii) sokukhutshwa kwegunya lokulahla;
 - (iii) sokulungiswa kwenkqubo yokuhlela iingxelo evunyiweyo; kwakunye
 - (iv) nesenkqubo emayilandelwe xa kusaziswa uMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo ngenjongo zeziko likarhulumente zokwenza iingxelo zibe yifilimu okanye zokusungula inkqubo yokugcina iingxelo ngekhompyutha.

(4) Nayiphi na intloko yeziko likarhulumente enenjongo zokugqithisa iingxelo zikarhulumente kwindawo yocino engaphandle kwesiza seziko elo likarhulumente njengoko kumiselwe kwicandelwana le-18(2)(b) lomthetho kufuneka–

- (a) ifake isicelo esibhaliweyo kuMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo sokugunyaziswa ngokwecandelo le-18(2) loMthetho kwisithuba seentsuku ezingama-30 phambi komhla eceba ukugqithisa ngawo;
- (b) inike uMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo iinkcukacha zendawo yokugcina iingxelo engaphandle kwesakhiwo seziko elo likarhulumente; kwaye

(c) inike uMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo ezinye iinkcukhacha anokuthi azifune ngokwecandelwana (5).

(5) UMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo unokuthi esakuba esifumene isicelo ngokommmiselwana (4) –

- (a) ahlole indawo yogcino engaphandle kwesiza seziko likarhulumente ukuze abone ukuba ifanelekile kusini na;
- (b) angafuna ukuhlola izicwangciso, imizobo okanye izazobe ezifunekayo ukuze aqinisekise ukufaneleka kwendawo leyo echongiweyo;
- (c) afune ukuba intloko yeziko likarhulumente imnike iinkcukacha okanye amaxwebhu afunekayo ukubona ukufaneleka kwendawo echongiweyo;
- (d) afune ukuhlola uhlobo lwesithuthi oluza kusetyenziswa ukuhambisa iingxelo kwindawo yogcino engaphandle kwesiza seziko likarhulumente elo lichaphazelekayo.

UMlawuli weeNgxelo

6. Igosa elibekwe yintloko yeziko likarhulumente ngokwecandelo le-18(8) loMthetho njengomlawuli weengxelo kufuneka –

- (a) libe nemfundo ekumgangatho waseDyunivesithi okanye etechnikon okanye libe namava afanelekileyo omsebenzi kwicandelo lolawulo lweengxelo neendawo ezilondoloza izibhalo ezibalulekileyo.
- (b) libe lenze ngempumelelo izifundo zolawulo lwendawo elondoloza izibhalo ezibalulekileyo neengxelo eziphunyezwe nguMgcini wendawo elondoloza izibhalo ezibalulekileyo wePhondo;
- (c) libe nolwazi oluphangaleleyo lobume bezikhundla zabasebenzi, imisebenzi kunye nenkqubo yeengxelo yeziko likarhulumente elichaphazelekayo; kwaye
- (d) liqashwe kwisikhundla esingekho nganeno kweso sokuba ngumncedisi womlawuli..

ISIQENDU 5 ISIHLOKO ESIFUTSHANE

Isihloko esifutshane

7. Le mimiselo ibizwa ngokuba yiMimiselo yeNkonzo yeendawo ezilondoloza izibhalo ezibalulekileyo kunye neeNgxelo yaKwaZulu-Natala, 2014.