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THE ANALYSIS OF ISINDEBELE BY-LAWS: THE CASE OF CITY OF TSHWANE MUNICIPALITY

by

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(1803492)

A thesis submitted in accordance with the requirements for the award of the degree,

Master of Arts in Translation

in the School of Translation and Interpreting, University of the Witwatersrand, Johannesburg, South Africa

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May 2025

DECLARATION

I declare that THE ANALYSIS OF ISINDEBELE BY-LAWS: THE CASE OF CITY OF TSHWANE MUNICIPALITY

is my work and all the sources that I have used and

quoted have been indicated and acknowledged using complete references.

SIGNED:  **DATE: May 2025**

Vincent Mahlangu

ABSTRACT

This study looked at how IsiNdebele municipal by-laws are translated within the City of Tshwane Municipality. It focused on their cultural relevance, accuracy, and impact on community involvement and compliance. This research explored how translation intersects with local governance, particularly how effective legal communication could break down language barriers and encourage greater participation from the community. Using a qualitative case study approach, this study delved into the challenges faced when translating by-laws, such as addressing cultural nuances, legal terminology, ensuring clarity and legal accuracy. It also examined the role of functional equivalence and translation machine in the translation process, which helps maintain both legal correctness and cultural relevance. The findings emphasised the importance of hybrid translation method, the need for specialised training for legal translators, and the creation of standardised legal lexicons to ensure accurate and culturally sensitive translations. This study advocated for increased linguistic equity, suggesting that indigenous languages like IsiNdebele should be prioritised in by-laws, as this language is the most previously marginalised language, to promote inclusivity and access to municipality services. Overall, this research offered an understanding of the role of language in municipal governance and provides practical strategies to improve legal translations across South Africa.

Keywords:

Control of Outdoor Advertising By-law; Informal Trading By-law; Informal Trading By-law; Air Quality Management By-law; Control of Outdoor Advertising By-law; and Legal translation.

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CHAPTER 1: AN OVERVIEW OF THE STUDY

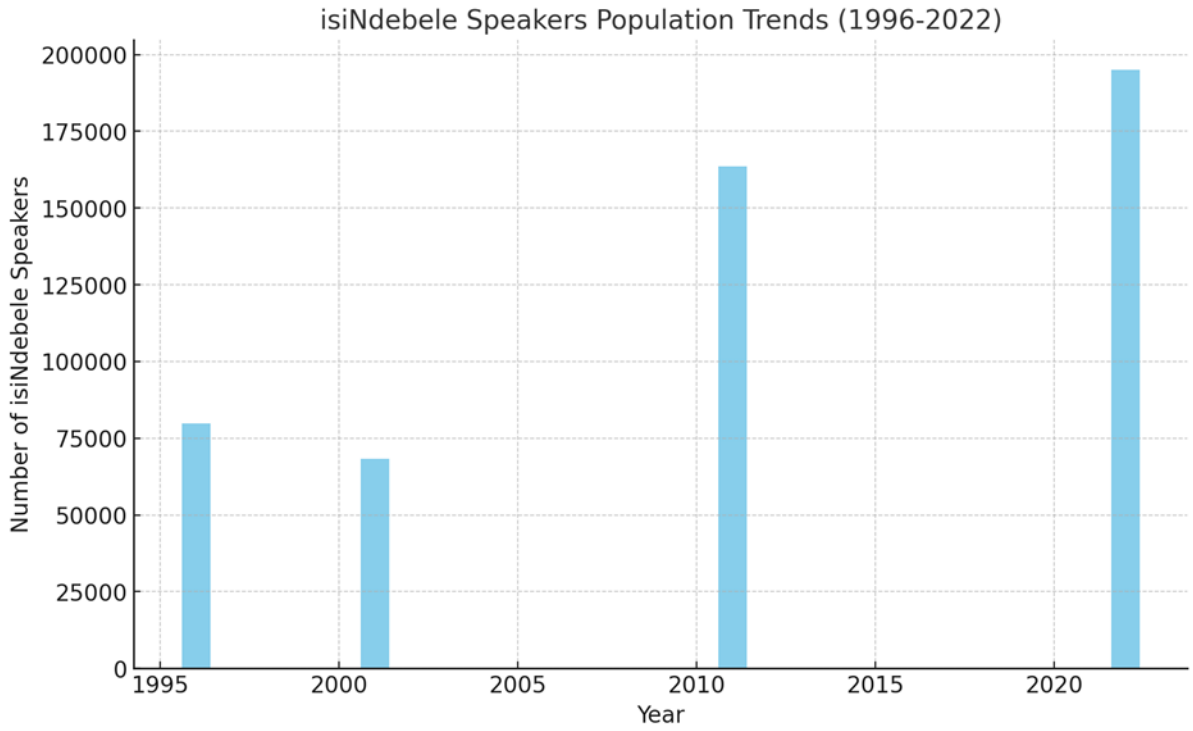
1.1 Introduction

In the City of Tshwane Municipality, the Language Services Section translates by-laws into at least eight languages upon request, enhancing accessibility for community members. These by-laws govern municipal services across all regions, reflecting municipal policies. This is done in accordance with the Municipal Systems Act 32 of 2000, which presents explicit practical guidelines for promoting the sustainability of the municipality through by-laws. Once by-laws are passed by the Council, municipal officials or appointed service providers must implement them. The legal department drafts the by-laws. These by-laws then undergo public consultation and provincial review before returning to the Municipal Council for final approval and promulgation. They are translated into languages to overcome language barriers. Meaning that there is an interplay between local governance and translation that shows understanding and cooperation between the community and local government.

The aim is to understand the formulation, implementation, and impact of by-laws on local governance and community engagement to effectively manage municipal jurisdictions. In multilingual countries like South Africa, translating by-laws into various indigenous languages, as mandated by the Constitution, fosters inclusivity and accessibility. As a result, this study aims to investigate the translation of municipal by-laws into IsiNdebele and to assess the accuracy, cultural relevance, and practical impact of these translations in promoting civic engagement and compliance among IsiNdebele-speaking communities. IsiNdebele is one of the South Africa's official languages.

1.2 Background of the Study

The chart below shows an improvement in the population increase from 79806 in 1996. Despite its official status, IsiNdebele-speakers often struggle to access government services and information in their language, underscoring the need for translating public documents, including by-laws.



Although there has been research on the strategies and challenges of legal translation in South Africa, studies specifically focusing on IsiNdebele are scarce. This gap is critical as it should provide insights into best practices for multilingual legal translation and inform policy regarding language use in South Africa.

A by-law is a legislation created by a municipality to provide detailed regulations within the framework set by the Act. It plays a crucial role in governance by maintaining order in a community and addressing issues in both the public and private sectors. South African municipalities are using by-laws to address local needs more effectively so that people can get basic services and use government infrastructures effectively. There are various types of by-laws: municipal by-laws, corporate by-laws, and association by-laws. However, this research focuses on municipal by-laws that govern municipalities. The by-laws used in this research are the Informal Trading By-law, Events Compliance By-law, Air Quality Management By-law, and Control of Outdoor Advertising By-law. These by-laws will be examined as they are fundamental instruments in the City of Tshwane Municipality to address local issues. The emphasis is on its translation to ensure legal uniformity and accessibility.

The by-law-making process involves several stages: drafting, consultation, approval, and promulgation. Drafting requires clear language to avoid ambiguity and ensure terminological clarity, which is critical given the legal weight these instruments carry (Bennion, 2002, p. 123). In practicality, by-law is drafted by experienced people who use legal language to pass the

message to a community. Therefore, Cao (2007, p. 14) argues that the legal language can be technical or plain. It is not compelling that legislative drafters should use legal language when drafting by-laws. Legislative drafters should also consider the intended function of the drafted by-laws so that they can be publicly accessible.

Once a by-law is drafted, it enters a consultation phase, allowing public or stakeholder input to enhance its comprehensiveness and applicability. After this input, a by-law returns to the Council and provincial authorities before it is officially promulgated. This final step involves publishing the by-laws in official gazettes or legal databases, ensuring they are accessible to the public (Roberts, 2009, p. 78).

Translation plays a critical role in this process. It is more than just converting words from one language to another; it acts as a bridge, fostering connections between source and target texts. Effective communication between governments and local communities promotes understanding, enabling citizens to comply with municipal laws and be aware of the consequences of violating specific by-laws. However, inadequate translation can lead to misunderstandings and potential legal issues, ultimately undermining the document's intended purpose (Du Toit, 2009, pp. 48-49).

Nevertheless, in order for a translator to produce a good translated by-law, he or she must have a legal background and knowledge of legal terminology. Legal language can be classified into three types: performative, normative and technical language (Cao, 2007, pp. 13-20). This knowledge is important in conserving the style and form of the source document.

Performative by-law language goes beyond mere words; it encompasses actions that can bring about change. For example, certain phrases, when spoken, can trigger legal consequences. It considers cultural context. For example, a relevant illustration whereby a traditional IsiNdebele term for bribery ***ukunyoba umsebenzi kamasipala akusisemthethweni*** means "bribing a municipal official is illegal." Although this phrase is largely outdated in modern IsiNdebele, it continues to be used in isiXhosa. Consequently, some IsiNdebele speakers may adopt ***ukunyoba*** from isiXhosa to refer to bribery. Interestingly, in contemporary IsiNdebele, ***ukunyoba*** has evolved to mean "to have sexual intercourse." In contrast, IsiNdebele speakers typically use ***ukuya emsemeni*** for that meaning. This shift suggests that ***itjotjo*** could serve as a more appropriate term for "bribe," as it carries a neutral connotation. However, this can create legal uncertainties if the text is not understood by the target culture.

On the other hand, the normative context in legal language is prescriptive; it aims to impose rights and obligations, playing a fundamental role in regulating human behaviour and relationships. Accurate translation is crucial for maintaining the law's authority. However, rigorous faithfulness to normative language can hinder translation because laws are often context-dependent, and details may be lost, leading to misunderstandings. This rigour can oversee local ethnicity, resulting in translations that are legally incorrect or culturally insensitive.

While technical language assists in preserving meaning and reducing misunderstandings, it is vital for the precision of legal text. However, technical terminology can hinder the accessibility of translated text because it will not serve any purpose to use technical language instead of literal language so that the message can be understood. There should be a balance between public understanding and technical language accuracy.

This challenge becomes especially pressing in multicultural societies, where precise translation is essential for maintaining fairness and harmony. To tackle this issue, one must identify the root causes of mistranslations or lost meanings and ensure that translated by-laws are both reliable and effective, particularly in municipal contexts.

1.3 Problem Statement

The clarity and directive nature of IsiNdebele translations of by-laws is a significant concern within the community. Legal terms such as law, rule, legislature, by-law, and Act, which carry nuanced meanings in English, are often uniformly translated as **"*umthetho*"** in IsiNdebele. This issue has been anonymously brought to the attention of the City of Tshwane's Language Functional Head through various communication channels, including emails to languages@tshwane.gov.za and phone calls.

Effective communication in legal contexts requires not just translation but also the simplification and cultural adaptation of information. The lack of accessible legal information in IsiNdebele hinders the community's ability to fully engage with the law, thus limiting their participation and informed decision-making in legal processes. Providing easier access to legal information in IsiNdebele is essential for fostering civic engagement and improving compliance with by-laws, particularly in the context of South Africa's constitutional mandate to promote multilingualism and protect linguistic rights.

Despite extensive research on translating by-laws into major South African languages like Zulu and Xhosa, IsiNdebele has received little attention. Existing studies highlight the challenges of translating legal jargon and emphasise the importance of translators having a strong grasp of both legal terminology and the target language. Additionally, involving community members in the translation process ensures that the translations are accurate and culturally appropriate.

Therefore, translating by-laws into IsiNdebele is crucial for inclusive local governance and enhancing civic engagement among IsiNdebele-speaking residents. This study aims to explore the translation process of municipal by-laws into IsiNdebele. It focuses on the procedures, techniques, and outcomes involved to ensure both accuracy and cultural relevance in legal communication.

1.4 Purpose of the study

This study analyses the translation of IsiNdebele municipal by-laws within the City of Tshwane Municipality. It aims to assess the cultural relevance, accuracy and practical impact of the translations, enhancing civic engagement and compliance amongst IsiNdebele-speaking community members. By examining the interplay between translation and local governance, the study seeks to brighten how effective communication of legal texts can bridge language barriers and foster improved processes of community participation in municipal communication.

1.4.1 Aim of the Study

This study aims to explore the processes involved in translating municipal by-laws into IsiNdebele. It focuses on the effectiveness of these translations in ensuring legal accessibility and promoting community engagement. This involves a detailed examination of the formulation, implementation and impact of the translations on local governance. It also involves the challenges faced by translators in culturally appropriate conveying of legal terminology.

1.4.2 Research Questions

1. What strategies can be employed to improve the quality and accessibility of translated by-laws in IsiNdebele?
2. How do the translations of municipal by-laws impact civic engagement and compliance among IsiNdebele-speaking residents?

3. What are the basic challenges encountered in translating municipal by-laws into IsiNdebele?
4. How do cultural nuances influence the accuracy and relevance of legal translations in IsiNdebele?

1.4.3 Research Objectives

1. To analyse the impact of translated by-laws on community engagement and compliance among IsiNdebele-speaking populations.
2. To identify and analyse the challenges faced in translating municipal by-laws into IsiNdebele, particularly in terms of cultural context and legal terminology.
3. To explore the role of cultural adaptation in the translation process and its effects on the clarity and legal accuracy of the translations.
4. To recommend operative strategies for developing the value of translations of municipal by-laws into IsiNdebele, guaranteeing both legal correctness and cultural significance.

In tackling these questions and objectives, this study pursues to contribute to understanding the important role of language in municipalities and the importance of effective legal translation in promoting inclusivity and access to municipal services for all citizens.

1.5 Rationale of the Study

Translating by-laws into indigenous languages such as IsiNdebele is essential for promoting legal inclusivity and understanding among citizens who are not fluent in the primary legislative language, which is English, and those who do not understand English. However, attempting to translate IsiNdebele is challenging because it requires a translator to be accurate, culturally sensitive and attempt to use translation technologies and resources.

A by-law is a document that often contains complex terminology and jargon that do not have direct equivalents in IsiNdebele, in most cases. Until today, IsiNdebele language does not have a legal dictionary. It depends on term loaning and one terminology list from Mpumalanga Provincial Legislature, which was authenticated by the IsiNdebele National Language Body in 2023. It is important to understand how translators navigate these linguistic nuances to produce translations that are both accurate and understandable to the community. By-laws are more than

just legal texts; they are social agreements that need to reflect the cultural context of the IsiNdebele-speaking community. IsiNdebele lacks modern translation technologies, like terminology databases, machine translation, and translation memory systems, which are becoming increasingly important and enable the translation process to be quicker.

The by-law makers and the leaders of the communities will gain valuable insights from the study. The findings of this study will help them to adapt practices and enhance the overall legal framework and make the law accessible to the communities in the language that is understood through social justice and equity. This study will reinforce the relationship between municipalities and the Ndebele community, benefiting several key stakeholders. Ndebele community members will gain enhanced legal clarity, enabling them to better understand their rights and responsibilities, thus reducing misunderstandings and potential legal disputes. Further, municipalities will also benefit from improved communication and trust, and reduced legal ambiguities, allowing for more effective governance. Additionally, the culturally nuanced translations will foster greater compliance with local regulations and encourage active community engagement in governance and decision-making processes.

1.6 Theoretical Framework

A successful translation conveys both the original message and aligns it with the cultural norms and functional requirements of the target text as an operational instrument (Newmark, 1988, pp. 133-145). This emphasises that translations resonate with the audience and serve their specific purposes effectively. This theory is influenced by scholars like Katharina Reiss and Hans Vermeer. It offers insight into how translated texts can be made comprehensible and applicable to their target communities. It is submitted that the functionalist school of thought is quintessential not only in maintaining both legal and cultural integrity in the Municipality of Tshwane, but also in the by-laws, these being the Event Compliance By-law (2019), Air Quality Management By-law (2019), and Control of Outdoor Advertising By-law (2022). In addition to this functionalist approach, there is a need for text adaptation to be localised and relevant to the local culture, even if such may be seen as a deviation from the original. It is the role of the translator to make the text more relevant and acceptable to the community through adaptation. Therefore, adaptability is essential in getting culturally bound practices included, thus making the text both comprehensible and applicable (Vermeer, 1998, p. 31). This suggests that in such

a culturally and linguistically diverse environment, it is already a necessity for a functionalist-based translation to get legal norms communicated.

By itself, extrinsic legal translation is already demanding as a balance between legal accuracy and cultural-linguistic appropriateness is always sought after. Through literal translation, preserved legal precision is made at the expense of cultural and linguistic relevance. As pointed by Toury (1995, p. 134), the necessity of text adaptation to meet standards in the target culture's language is with a set of more culturally normal and understandable terms. This idea is supported by Mahlangu (2007, pp. 94-95), who argues that there is indeed a trade-off between literal translation and adaptation, especially in legal translation into languages such as IsiNdebele. That is the conceptual aptness in legal texts for multicultural environments. On the other hand, Kruger (2012, p. 89) argues that, especially in multicultural and multilingual societies like South Africa, adaptation, without literal translation, and localisation are essential to make the legal text user-friendly and comprehensible. Therefore, one may come to the idea that a dual-text approach fulfils the needs of relevance, intent, culture, and sensitivity to the law. This approach serves the intended audience better in that it becomes more useful and culturally acceptable.

In equal measure, Nord (1997, p. 125) claims that the concept of loyalty in translation raises a debate, and the choice of the translational strategy hinges on the function that the target text is to play within the target culture. There must be functionality to the legal parameters of the source and adapted to the conditions of the target users (Nord, 2005, p. 47). This raises the need for an approach that will be balanced between the source and the target culture in establishing how functional and culturally sensitive the translations will be. Therefore, it is in pursuit of this delicate balance that by-law translation can best be achieved. On the other hand, Baker (2001, p. 153) observes that cultural adaptation of the source text is a necessary evil to make the text user-friendly to the target users. The right balance here is that, although functionalist translation fails to distort the legal content, it must remain sensitive to the culture of the target users.

It is observed in the premises of Vermeer's Skopos theory that translation ought to be guided by purpose to determine the way to translate and the manner of translation. Under this light, his theory forms the basis of the principles of cultural and linguistic adaptation, audience-oriented and source text orientation to establish relevance and accuracy in the final translation. Accuracy and relevance in by-law translation would be enhanced through this recommended dynamic hybrid approach, where strategies would be chosen contextually rather than applied

universally. This makes the translation legally accurate, culturally relevant, and contextually comprehensible. Therefore, the functionalist approach to legal translation, with a focus on cultural and functional adaptation, by far assures translation of by-laws that are not only legally accurate but culturally relevant.

Translating by-laws into indigenous languages like IsiNdebele is essential for ensuring that all members of the community, regardless of their proficiency in English, as a source of legislative language, have access to legal information that is both accurate and culturally pertinent. This study looks at the importance of translating by-laws into IsiNdebele from English to promote legal inclusivity and understanding. Through a qualitative case study of the City of Tshwane Municipality, the research study examines the factors affecting the quality and sufficiency of the by-law translations and the strategies translators use to ensure accuracy and cultural relevance.

1.7 Organisation of Study

This study is organised into five chapters as follows:

Chapter 1: Introduction: an overview of the study. This introductory chapter introduces the study by outlining the overview of the City of Tshwane Language Services and IsiNdebele language development in Tshwane, the purpose, aims, objectives, and rationale of the study, together with the method and theoretical framework employed to support the study.

Chapter 2: Literature Review. The literature review introduces the overview of the Historical Context of By-laws in South Africa. It also presents a review of the scholarly perspectives on language and cultural dynamics in by-law translation, translation methodologies and challenges, legal framework and technological innovations, to locate the study within a particular theoretical paradigm, and the importance of using AI applications in translating the by-laws. It ends with best practices and sustainable solutions for municipalities in particular.

Chapter 3: Research Methodology. This chapter explains in detail the research approach, the methods used, the sampling strategy followed, the research respondents, ethical considerations, and the methodological challenges experienced in data collection. It also examines the methodological strategies used in this study to gather data.

Chapter 4: Data Analysis. This chapter focuses on the different by-laws that have been translated into IsiNdebele language. Attention is also on the cleaning, transforming, and

analysis of data by identifying research questions and how they are answered by the respondents. This chapter is structured around the analysis methods incorporated in the study. It presented data transcribing, data cleaning, analysis of the translator data set the reliability and validity of the findings with emphasis on useful data set information that is used in the study.

Chapter 5: Research findings, recommendations and conclusion. This chapter highlights the fundings discovered in the research and its recommendations thereof. It examines the translator's struggle to balance accurateness with legibility, especially when translating texts for a broad audience. Municipal by-law translators require precise understanding of both legal systems and terminology. The lack of resources, such as legal dictionaries and consistent guidelines, and cultural differences further complicate the process. The research finds that a single translation method approach cannot solve the isiNdebele by-law translation challenges. The is a need for functional equivalence and sense-for-sense translation method to enhance precision and clarity while preserving the essence of legal content.

1.8 Summary

The translation of municipal by-laws into IsiNdebele within the City of Tshwane Municipality is a crucial step towards promoting inclusivity and enhancing civic engagement among IsiNdebele-speaking residents. This process, governed by the Municipal Systems Act 32 of 2000, highlights the interplay between local governance and translation, ensuring that legal information is accessible to all community members. Thus, the potential benefits of effective translations are substantial, as they foster better understanding of rights and responsibilities, reduce legal ambiguities, and encourage active participation in governance. However, the study identifies significant challenges in achieving accurate and culturally relevant translations due to the complexities of legal language and the lack of existing resources in IsiNdebele language.

This study emphasises the need for continued focus on multilingual legal translation as a means of upholding the constitutional mandate of promoting linguistic rights and fostering social justice within a diverse society. Through a functionalist approach that prioritises both legal accuracy and cultural adaptation, this research aims to address the gaps in current practices and provide insights into best practices for translating by-laws. Ultimately, enhancing the clarity and accessibility of by-laws, not only supports compliance with municipal legislations, but also strengthens the relationship between municipalities and their citizens.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction and Objectives

On one hand, by-law and its translation are both interdisciplinary fields related to intercultural communication, law, linguistics, translation, and, more generally, human rights. On the other hand, a by-law is considered as subordinate legislation to an Act that regulates different spheres of public and private life of people and governs the people and service delivery. In the City of Tshwane Municipality, the by-law is drafted in English because this municipality has more than one language. This makes it impractical to draft the by-law using all eight languages of the municipality. The English language is used as a source document in the translation of by-laws into each official municipal language to guarantee that local regulations are applied on a uniform basis across all different racial and language groups. In legal contexts, the importance of accurate translation in legal contexts cannot be overstated, as the smallest mishap can trigger serious misinterpretation and negative legal repercussions (Smith, 2022).

The purpose of this literature review is to give a thorough analysis of the by-law process, considering the theoretical underpinnings, methodologies used and practical implications. Developing from a consideration of existing scholarship and provoking further academic discourse in the translation of by-laws might lead to the avoidance of judicial disputes that might end up undermining law enforcement. This undermining of the law might be caused by the challenges in translating by-law documents that need to be carefully considered by necessitating a high level of cultural sensitivity and an understanding of legal terminology as by-law is a by-law that connects the international community to local laws where languages may be a major barrier in communicating service delivery.

This literature review provides an overview of the methods and strategies implemented in legal translation, examining aspects such as multilingual legal frameworks, translations for communities and the difficulties related to translating underdeveloped languages like IsiNdebele.

2.2 Language of By-laws and its Drafter

By-law is defined as a rule, regulation, or ordinance enacted by a local association, corporation, or similar organisation to govern its communities or regulate its affairs (Hunt, 2007, p. 45).

This standpoint perspective interprets by-laws as essential tools for internal governance, applicable to both private and municipal entities or organisations. For instance, a municipal institution or organisation might adopt by-laws for public peace and security, regulate local affairs, and protect its inhabitants, highlighting their role in local governance (Jones, 2019, p. 67). However, the researcher may argue that even though the limitations inherent in by-laws govern the municipal citizens or organisations, their scope is restricted by constitutional constraints. By-laws, although crucial for controlling specific community issues, are not universally powerful. Their enforcement is geographically and jurisdictionally limited, and they cannot supersede state or sovereign authority. This view supports the researcher's view that whilst by-laws are crucial for local regulation, they should not be confused with Acts that carry broader state-level authority.

Nevertheless, in metro municipalities like the City of Tshwane, Johannesburg, Ekurhuleni, eThekwini and Cape Town Municipalities, by-laws offer substantial authority and innovation, allowing local governments to enact comprehensive regulations, such as a full police code under a broad city charter. However, in areas with more restrictive charters, the same by-laws might be considered inefficacious or even constitutionally impermissible, particularly when they attempt to regulate areas like municipal taxation (Brown, 2017, p. 104). This argument underscores the nuanced and often contested nature of by-laws, where their applicability and control can vary significantly depending on municipal legal frameworks and constitutional margins.

A law puts down obligatory rules that must apply to all citizens, especially to those in that particular municipality, so that they can be accepted into the existing legal structure. Accordingly, by-law uses a particular style, form and terminology, but no special rules of grammar (Filson, 1992, p. 8). By-law, as a law, is written in a legal language crafted by legal experts, and it is coined from certain terms mainly existing in standard language. A standard language is the language that is generally accepted in school and includes a totality of vocabulary which most tribes use in a particular language group. It constitutes "the base on which the various technical languages are built up" (Lane, 1982, p. 221). The standard language is an entity, whereas specialised technical languages are derived from and dependent on standard languages. As legal language is the language in which legal rules are formulated, and in which one can speak about legal rules, the meagre knowledge of the standard language is insufficient for the production of a by-law (Wroblewski, 2012, pp. 64-86). Therefore, it should

be noted that the producer of a by-law is expected to keep expertise of legal and administrative terminology in crafting the by-laws.

Legal language, according to the nature of its use, is described as normative, performative and technical (Cao, 2007, pp. 13-20). In the normative, the language of law is used to enforce obligations and rights and is thus largely prescriptive. The by-law's function is to control human relations and behaviour. As performative, it is speech that is not only words but also actions. When certain words are uttered, facts may be altered. By-law language, known as technical legal language, is designed to be interpreted accurately as it may contain jargon terms. It is therefore clear that to interpret this language, one needs to have legal knowledge or legal terminology knowledge. Therefore, one may ask if the language translators should have legal background or expertise or not.

Legal effects and legal consequences are commonly obtained by merely uttering certain words. The language of the law is also used to pass a judgment or grant permission by legal practitioners, for example, if a person is guilty of an offence without notice. Furthermore, the technicality of by-law language is not apparent consistently, but legal language is seen as technical language because it does not use the normal day-to-day language that is used in normal lives. For example, a battery, which is normally known in IsiNdebele, is ***ibhethri*** (electric battery). On the contrary, battery in legal language is the use of physical force on someone either intentionally or carelessly and without their agreement, which is supposed to be translated as ***ukulimaza ngehloso*** (intentional harm) in the IsiNdebele language.

Furthermore, by-law is crafted when a particular issue emerges or when a problem grows. That is why municipalities use by-laws as a tool to pass the message to the citizens through the medium of written language. For example, the City of Tshwane Municipality's Events Compliance By-law manages and regulates events so that the event can be safe. This is why the by-law drafter, also known as the dual drafter, needs to "develop an obsession to draft laws" so that he could be interpreted correctly (Thorton, 1996, p. viii). Therefore, a by-law translator also needs to develop the same skills since the translated by-law will be the tool that the municipality will use to transfer the rules to the communities who do not understand the source language, which is English. By-law drafting is regarded as a process of translating ideas into language that will effectively convey the message.

Furthermore, whilst legal translation is seen as a bridge for understanding between nations, facilitating the resolution of vital human issues (Cornelius, 2011, p. 121), it is a significant tool

that should be recognised by jurists and linguists. Having said that, a by-law is an essential regulatory instrument at the municipal level in South Africa, significantly influencing local governance and the daily lives of citizens. Its origins and formulation processes are fundamentally anchored in the constitutional sections that empower municipalities to address local matters.

2.3 South Africa's By-laws: Their History and Functions

This section clarifies the historical development of by-laws in South Africa, details the procedural instruments intricated in their formulation and enactment, and inspects their implications for local governance. By-laws are repeatedly referred to as subordinate legislation to an Act that is its primary legislation. These regulations are enacted by designated institutions or organisations, serving to elaborate on and govern specific issues within the framework established by primary legislation (Craig, 2012, p. 56). The process of by-law formulation encompasses several important stages, including drafting, public consultation, approval, and promulgation.

The drafting stage dictates the use of precise language to mitigate ambiguity and ensure the enforceability of the regulations (Bennion, 2002, p. 123). Public consultation aims to incorporate stakeholder input, ensuring that the by-laws are relevant and applicable to the community. The approval process, which varies by jurisdiction, typically requires oversight by a higher authority. Subsequently, promulgation involves the publication of the by-laws in official gazettes or legal databases, ensuring public access (Roberts, 2009, p. 78). However, a community plays a significant role in by-laws through a consultative process. It does not matter if a by-law is well drafted and approved, but it is valued if a community is consulted, it is then that it will be accepted as binding legislation by a municipal community. Municipalities must conduct public consultation processes before passing by-laws to ensure transparency and community involvement.

The evolution of by-laws in South Africa can be traced back to the colonial and apartheid eras, during which local authorities were vested with the control to enact regulations appropriate to local administration and control (Maharaj, 2020, pp. 50-54). The post-1994 democratic transition prefigured substantial reforms in local governance, with the Constitution of the Republic of South Africa, 1996, enshrining the authority of municipalities to govern local

affairs. This decentralisation enhanced participatory democracy and effectively addressed community-specific needs. In the context of South African amaNdebele communities, by-laws should not only embody legal principles but also capture the language.

2.4 Impact of Colonial and Post-apartheid Policies in IsiNdebele Language

It is undoubtful that the exploration of IsiNdebele's literary history has been relatively limited within the field of South African linguistic research; even though the Ndebele people have played a noteworthy task in South Africa's broader historical context, there remains a significant lack of scholarly focus on the literary development of the IsiNdebele language (Skhosana, 2003, pp. 111-116). This oversight positions a challenge, as understanding the evolution of IsiNdebele's literary traditions is essential for a more comprehensive grasp of the Ndebele people's cultural and historical journey. Unlike other South African languages, such as isiZulu, Sepedi and isiXhosa, which have a rich literary history documented since the early 1800s, IsiNdebele has not received equivalent scholarly attention or generated substantial written records. This might be caused by a lack of early literary productions, limited educational resources, cultural and linguistic marginalisation, colonial and apartheid policies and late authentication and recognition. These influences combined have led to the delay in promoting and developing IsiNdebele written materials. The slow pace of developing written materials in IsiNdebele has hampered its growth and visibility. This imbalance has not only diminished the prominence of IsiNdebele but also modelled considerable challenges in promoting it on an equal level with other South African languages.

In response to these challenges, the post-apartheid government has placed a strong emphasis on promoting and preserving the linguistic diversity of South Africa. The official recognition of IsiNdebele as one of the country's twelve languages is a pivotal step towards embracing and valuing the nation's cultural and linguistic plurality. This recognition goes beyond mere symbolism to signifying a serious commitment to nurturing and safeguarding all South African languages, including IsiNdebele, as an integral part of the nation's cultural heritage.

One significant policy that addresses the issues surrounding IsiNdebele and other indigenous languages is the Use of Official Languages Act of 2012. This legislation ensures that all official languages are used fairly in governmental and public communications, thereby fostering the growth and sustainability of languages like IsiNdebele. The Act represents a critical move

towards providing the necessary attention and resources for the development and preservation of previously and present marginalised languages.

The roots of by-laws in IsiNdebele culture are deeply embedded in the traditional leadership structures that predate colonial rule by using the entrusted systems to maintain social order. They implemented unwritten rules based on the customs, traditions, and collective wisdom of the community. However, the traditional by-laws were vital in upholding social harmony within Ndebele communities (Ncube, 2010, p. 34). The advent of the colonial era introduced a formalised set of by-laws imposed by the colonial administration. These new regulations often clashed with traditional Ndebele customs, resulting in a hybrid legal system that merged elements of both traditional practices and colonial laws (Moyo, 2008, p. 58). This integration formed the basis for the contemporary translated by-laws in IsiNdebele communities today.

2.5 Historical Background and Policy Shifts in Municipal By-laws

By-laws serve as local regulations enacted by municipalities to address the unique needs of their communities. In South African municipalities, the development and implementation of by-laws have evolved significantly over time, reflecting broader socio-political changes. Therefore, this section explores the historical background of by-law formulation in South African municipalities. It also examines how the policy shift affects these local regulations by focusing on how they respond to modern governance challenges.

Further, the concept of by-laws in municipalities can be traced back to the colonial and apartheid eras when municipalities were predominantly governed by white residents, outlining that during this time, by-laws were often utilised as tools of segregation and control. A prominent example is the laws that were used during apartheid to restrict public place utilisation and restrict the movement of black South Africans in municipalities (Thompson, 1995, p. 82).

Policymaking during the colonial and apartheid periods prioritised English and Afrikaans, effectively marginalising indigenous languages. The 1996 Constitution of RSA marked a turning point by recognising 12 official languages, establishing a new precedent for linguistic inclusivity in governance (Republic of South Africa, 1996). Following these constitutional mandates, municipalities such as City of Tshwane began translating by-laws to enhance

accessibility and engagement among all linguistic groups in the municipality, thereby adopting English, IsiNdebele, Afrikaans, Sepedi, Xitsonga, Setswana, isiZulu, Tshivenda and the South African Sign Language as the official languages of the municipality.

The end of apartheid in 1994 signaled a fundamental shift in local governance. The new democratic government emphasized inclusive governance, which necessitated a comprehensive overhaul of local by-laws to eradicate discriminatory practices and promote fairness in local governance (Republic of South Africa, 1996, p. 58). Post-1994, South Africa underwent a substantial reconfiguration of local government structures, with the introduction of the Local Government: Municipal Structures Act of 1998 and the Municipal Systems Act of 2000 being pivotal in shaping contemporary by-law policies. These Acts mandated that local by-laws comply with the National Constitution and uphold democratic principles, thereby fostering transparency, public participation, and improved service delivery. The City of Tshwane Municipality's pre-1994 by-laws mainly maintained racial segregation. However, after 1994, there was a turn whereby the City of Tshwane Municipal by-laws, like Informal Trading By-laws, 2021, were formulated to promote the development of the economy and social settlement and safe environment, and to conduct municipal planning, trading regulations, licencing and control of undertakings that sell food to the public markets, public places and municipal roads, and street trading. The municipality therefore uses such by-laws to recognise the need to adopt a developmental approach to enable access to job and entrepreneurial opportunities within the informal trading sector to harmonise the relationship between the informal trading sector and the formal trading sector, and to facilitate the migration of informal trading into the formal trading sector (City of Tshwane Municipality, 2002-2024). This example shows how local by-laws in municipalities have transitioned from instruments of control to tools of public service and trading. The shift toward more inclusive and crisis-responsive governance through by-law reform reflects a broader trend in South African policymaking in the post-apartheid era.

However, challenges persist. The enforcement of by-laws is often uneven across different municipalities, and there can be a significant gap between policy formulation and implementation. Additionally, public awareness and participation in the by-law formulation process remain inadequate in many areas, undermining the effectiveness of these local laws (Hunt, 2007).

As the nation continues to grapple with the legacies of apartheid and contemporary challenges, by-laws represent a crucial area for local governance reform, and the challenge is equal access to public legal information, hence the establishment of the Language Services Unit. Sustaining these gains will require ongoing public engagement and adherence to democratic principles in the formulation and enforcement of by-laws.

2.6 Bridging the Culture: Functional Approach to By-laws Translation

Bridging cultures through cross-cultural communication in South Africa's municipalities is more than a mere technical task. It rather serves as an essential bridge between communities and governance. This favours a functionalist and Skopos views, by Vermeer, that translation as the most optimal one for our purposes should be done in such a manner that it will sound natural as if originally composed by following well-established principles for producing an equivalent message from one language to another (Vermeer, 1989, pp. 123-129).

This review aims to be the intricate and pivotal task of translating by-laws within the multilingual and multicultural City of Tshwane Municipality, and to explore how various theoretical frameworks in translation studies ensure cultural relevance and not only maintain legal integrity, thereby enhancing the governance and compliance across all communities. The functionalist approach to translation studies as a theoretical framework for this study will be emphasised through an overview of other approaches, namely the linguistic, descriptive and social understanding of the target audience, purpose and social context (Vermeer, 1989, pp. 123-129). With regard to Vermeer's functionalist approach, it is important to look at the functionalist approach, translation process and role of the translator when translating by-laws. It is also important to discuss the problems translators face during the process of translation.

2.7 Approaches to Translations

Nida's linguistic approach to translation aims to produce a translated text for readers as nearly as possible with the same effect as produced by the original. The approach contends that a translation should be interesting and joyful as if it is a source text. The linguistic approach is the idea that a translation should communicate the expected truth; what is needed is the truest

possible feel of the original document (Nida, 2000, p. 132). According to this approach, a translation must convey the spirit and manner of the original.

Toury's descriptive approach to translation is target-oriented because it focuses on the relationships between target and source texts. Descriptive translation maintains that a translation cannot share the same systematic space as its original, not even when the two are physically present. By saying this, it does not mean that having been worked from it, a translation would never be able to bear on the source culture again, on occasion, even on the source text itself (Toury, 1995, p. 26). Toury introduced the idea of translation as a norm-governed activity in an attempt to redefine the vexed notion of equivalence instead of taking equivalence as the central criterion for judging translations. He claims that the relationship between a translation and its source is determined by the translator's choices along the way. However, these choices are governed by norms as performance instructions.

The third approach is Venuti's social approach to translation, which differs from the above two approaches because it views translation as a way of maintaining conflict and as a way of fighting injustice (Venuti, 1998, pp. 391-394). Translation often involves having to mediate between two cultures. The wider the two cultures involved, the greater the problems to be encountered in translating from one to the other. Public narratives are also adapted domestically within the same culture in response to evolving political and social space reconfigurations. This approach states that even a concrete personal story told in one language cannot necessarily be retold or translated into another language unproblematically. This approach suggests that translation is not a by-product of the physical movement of texts and people. It is part and parcel of the very process that makes these developments and movements possible in the first place (Baker, 2006, p. 15). However, narratives are usually treated as an optional mode of communication that is often contrasted with arguments. Translation plays a key role in naturalising and promoting such narratives across linguistic boundaries. Therefore, translation happens in a society where it mediates, whether successfully or not, between peoples, nations, groups and individuals. Translations are done by translators who are part of a society that has norms and values that they are supposed to adhere to. For translators to be regarded as professionals, they have to remain socialised individuals. These translators learn to be open-minded to other cultures, learn to be rash and avoid biases. In their evaluations of the people for whom they translate.

A translation enactment or product is embedded within a social context (Wolf, 2007, p. 5). This means that translation in a social system is viewed as a specific kind of communication where the initiator of a text communicates by using a translator who understands the language, needs and culture of that particular society. The social function and the socio-communicative value of a translation can best be located within the contact zone where the translated text and the various socially driven agencies meet (Wolf, 2007, p. 1). This shows that there are relations that exist between the initiator and the text that can reveal characteristics of a translation and the function that the translation can fulfil in that society through the functionalist approach, which is the effective approach in this regard.

Theoretical frameworks in translation studies such as those outlined by Baker and Nord provide critical guidance for navigating the intricacies of legal translation as a tool for language acquisition (Baker, 2018, p. 89) and (Nord, 2023). These frameworks balance literal accuracy and cultural adaptability, ensuring that by-laws are comprehensible and relevant to diverse linguistic groups like amaNdebele. For instance, the Skopos Theory voiced by Vermeer (and the Functional School approach by Nord (1997, p. 55); and Vermeer (1987, p. 29) suggest that translations should make legal texts accessible and enforceable across different cultural contexts. For example, the translation of the City of Tshwane Municipality by-laws into IsiNdebele using a functional approach ensured that translated by-laws are functionally pertinent within various cultural contexts.

2.8 Functional Approach

Vermeer's functionalist approach focuses on the aims of a text and how it is translated, not the vocabulary used. It seeks to liberate translators from servitude to the source text. This approach sees translation as a new communicative act that must be purposeful concerning the client and readership, which is why it is regarded as the practical approach for this research. The main difference between the approaches above is that the other one looks mainly at equivalence and sentences, whilst the other one looks at description and explanation of the translation that is translated by a translator (Snell-Hornby, 1988, p. 16), and the last approach discussed below is the functionalist approach, which differs from the abovementioned approaches because it emphasises the functions of text and translations and not on equality between the source and target texts.

Reiss and Vermeer functional approach can be seen as the appropriate approach to by-law's translation. To conclude that this approach is the best one, one looks at factors like functions to ensure that the legal text or law is accessible and promotes inclusivity and equal access to the by-laws. They can also be used for legal clarity and compliance to help prevent misunderstandings and misinterpretations, and to address the cultural and linguistic diversity within the communities. By-laws may be translated by focusing mainly on the spirit of the message, and due to these reasons, a functionalist approach will be chosen in this review.

However, some critics highlight the inherent difficulties in this approach to translation. The complexity of legal language and the subtle differences in cultural expressions can lead to misunderstandings and even legal ambiguities. Experts like Šarčević stress how challenging it can be to achieve a translation that truly captures both the literal and implied meanings of legal terms (Sarcevic, 1997, p. 112); Therefore, there is a need to balance fidelity and adaptation in by-laws translation.

2.9 Balance Between Fidelity and Adaptation in Translation

The way translation is approached has changed dramatically over time. Instead of focusing strictly on translating each word exactly as it appears in the original text, there is now a deeper understanding of the translator's role in conveying the true meaning across different languages and cultures. At the heart of this shift is the Skopos theory, which emphasises that the purpose of a translation, called Skopos, should guide how it is done. This theory moves away from traditional methods that prioritise sticking closely to the original text, suggesting instead that what really matters is how the translated text works for its new audience. Scholars like Nida and Newmark still believe that a translation should 'stay as close as possible to the original,' but Skopos theory encourages a more adaptable approach, where the translation is shaped to fit the needs of those who will be reading it (Nida, 1964, pp. 165-167); (Newmark, 1988, pp. 46-47). In the end, a translation is not just about how closely it mirrors the source text; but how well it achieves its purpose in the target culture, making sure the message connects with the audience while staying true to the original intent.

To address the translation challenges, functionalism could be a regarded model (Trosborg, 1997, p. 44). Hans Vermeer and Nord contributed a lot in functionalism translation model. Nord (2014, p.9) states that "the ideal translation would be the one in which the aim in the target

language is equivalence as regards the conceptual content, linguistic form and communicative function of a source language text". In the context of translational action theory, translators play a crucial role as the people responsible for conveying messages across different languages and cultures. This theory, which involves not just text but other forms of media, sees translation as a complex task with a clear goal to bridge cultural and linguistic gaps. Translators are skilled professionals who create the tools needed to effectively communicate messages in intercultural or cross-cultural settings. Their expertise lies in crafting these 'message transmitters' to ensure that the original meaning is accurately conveyed and understood in the target culture.

Therefore, the goals of the original text usually differ from those of the targeted text, which means that achieving direct equivalence between the two is not always necessary. Instead, translation is recognised as a vital communicative process, one that adapts to the unique needs of each situation (Nord, 2014, p. 9). In practice, there are many instances where perfect equivalence is not possible or even desirable. For instance, the translator's function becomes less about finding exact parallels and more about ensuring that the translation meets the specific requirements tabled out in the translation instructions, which is a brief. Nord's approach to translation criticism is grounded in this reality, acknowledging that exceptions to the rule of equivalence are not just inevitable but sometimes essential to achieving the intended communication goals in the target culture (Nord, 2014, p. 9).

The word Skopos can sometimes be referred to as an 'aim', 'purpose', 'intention' and 'function'. Skopos require free translation reproducing the matter without the manner or the content without the form of the original. The Skopos of a translation needs to be defined by the initiator or explained before a translation even begins. "A faithful translation attempts to reproduce the precise contextual meaning of the original text within the constraints of the target language's grammatical structures. It transfers cultural words and preserves the degree of grammatical and lexical 'abnormality' (deviation from source language norms) in the translation" (Nord, 2014, p. 29).

A well-defined Skopos will attempt to be completely faithful to the intentions of the author and the text-realisation of the source language writer. The target text reader will be the one who will determine whether the translation is a good translation or not. A good translation will offer information to the target audience the way the source text will offer the same information to the source text readers. However, in a good translation, it will not be possible for a reader to get lost in the middle of the text (Nord, 2014, p. 29).

2.10 Translation Obligation

The translation process follows a certain channel whereby the one who is a receiver is not from the same language group as the sender. In this case, the sender will be from the Western culture, an English-speaking person, and the receiver from the traditional African culture will be an IsiNdebele-speaking person. Non-verbal forms of behaviour for these two groups are different; some verbal behaviours may have a meaning in the other culture but not bearing any meaning in the one culture, e.g. In the English culture, when someone looks the speaker directly in his or her eyes when speaking to him or her, it is a sign of respect and concentration whilst in IsiNdebele culture it can be seen as a sign of disrespect, especially when talking to an adult who is older than you. Senders and receivers thus need help from someone who is familiar with both languages and cultures and is willing to play the role of a translator or intermediary between them. In professional settings, translators do not normally act on their own account; they are asked to intervene by either the sender or the receiver or perhaps by a third person. That is why text analysis is so important when targeting the translation assignment.

Applied to the case study at hand, the City of Tshwane Municipality's Language Services Unit receives its assignments from the employees of the City of Tshwane Municipality, and 90 percent of the assignments from the employees do not come with a translation brief as the translator expectation. If a client needs a text for a particular purpose and calls upon the translator for a translation, thus the client will be acting as the initiator of the translation process. In an ideal case, the client would give as much detail as possible about the purpose, explaining the intention and function the text intended to have. The translation instructions, called translation brief, should state the type of translation required. In this case study, the reasons would be access to information and law enforcement.

2.11 Functional Classification of Translation

The functionalist approach in municipalities plays a critical role in translation in bridging the gap between the country's diverse communities and its legal system. This approach is an effective strategy, stressing the importance of tailoring legal texts to be culturally and linguistically relevant to all citizens. Doing so ensures that laws are comprehensible and

enforceable across various language groups and honours and reflects the nation's cultural diversity.

However, by utilising the Skopos and functionalist theories, translators can skilfully manage the challenge of balancing legal precision with cultural sensitivity. These two methodical approaches result in legally accurate and culturally considerate by-laws, fostering better understanding and compliance among the population. Therefore, incorporating these frameworks into the translation process is crucial for achieving effective governance in a multilingual municipality.

2.12 Interplay Between Legal and Cultural Systems

The challenge of ensuring that translations of by-laws retain their original intent and function, while also navigating the intricate interplay between different legal and cultural systems, has sparked a vigorous debate among scholars and practitioners. This debate revolves around the most effective strategies for legal translation, particularly in balancing the need for accuracy with the necessity of cultural adaptation.

Nord (1997, p. 48) claims that the foremost objective of legal translation should be to replicate the purpose and effect of the original text in the target language. This method emphasises the legal enforceability and effect of the by-law, ensuring that the translation faithfully reflects the original legal intent. As Nord (Nord, 1997, p. 48) asserts, this approach is crucial for maintaining the integrity of the legal system, as it prevents any deviation from the intended legal outcomes. For example, if a by-law is designed to regulate public behaviour, its translation should impose the same restrictions and consequences in the target language to preserve its legal function and ensure consistency across legal systems.

However, strict functional equivalence might raise concerns about its potential limitations, particularly the risk of overlooking cultural nuances and contextual differences that are essential for the by-law to be properly understood and applied in the target culture. Snell-Hornby (2009, pp. 41-51) contends that legal texts are deeply embedded in their cultural and social contexts and failing to account for these factors in translation can lead to misunderstandings or even legal conflicts. From this perspective, a more dynamic equivalence approach is often recommended, where the translator adapts the text to align with the cultural

and legal norms of the target audience while still striving to achieve the original intent. For instance, an Air Quality Management By-law from the City of Tshwane Municipality may require significant adaptation when translated into a legal system that prevents pollution and ecological degradation, promotes conservation, and secures ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. Such adaptation ensures that the translation is legally accurate and culturally relevant, thereby enhancing its applicability and acceptance within the target context.

The role of a translator in this process should not only be a mere function as a conduit for language transfer but also as a cultural mediator who understand the underlying principles of both legal systems. This role involves navigating the differences between legal cultures to produce a text that is both legally sound and culturally appropriate. This perspective highlights the necessity for translators to have a deep understanding of both the source and target cultures, and the ability to make informed decisions about when and how to adapt the text. In this way, translators become active participants in the legal process, contributing to the preservation of legal intent while ensuring that the translated text resonates with the cultural and legal expectations of the target audience.

Yet, the task of balancing these two approaches - functional equivalence and cultural adaptation - presents a significant challenge. Baker (2011, p. 89) argues that it may be impossible to fully achieve both goals simultaneously, forcing translators to prioritise one over the other depending on the context. This dilemma is particularly acute in cases where legal systems have fundamentally different concepts or where there is no direct equivalent for a legal term in the target language. In such instances, translators must carefully weigh the legal implications of their choices, recognising that every decision carries the potential to alter the meaning and impact of the law. Again, this mixed method seeks to maintain the legal intent and function of the original by-law while allowing for necessary cultural adaptations, thereby ensuring that the translation is both meaningful and applicable in the target context. Vermeer (1987, p. 29) advocates for this approach, arguing that it offers a balanced solution by retaining the core legal principles of the original text while adapting specific terms or examples to reflect the priorities and legal frameworks of the target culture. This approach ensures that the translation is not only legally robust but also culturally attuned to the specific context in which it will be applied.

While functional equivalence provides a strong foundation for preserving legal intent, the dynamic equivalence approach emphasises the importance of cultural context. Therefore, there

is a need to balance the approaches to uphold legal integrity while making the text accessible and relevant to the target audience.

2.13 Translation Process

In our increasingly globalised society, where communication often crosses linguistic and cultural boundaries, the importance of precise text analysis and translation is undeniable. Text analysis involves dissecting and comprehending written material to grasp the subtleties, context, and underlying meaning. When integrated with translation, this process becomes even more potent, enabling the accurate conveyance of ideas across different languages. This overview will delve into how text analysis and translation collaborate to overcome language barriers, ensuring that communication is effective, accurate, and resonates appropriately with varied audiences.

2.14 Source Text Analysis

Reading and understanding the source text thoroughly before translating is essential to capture its full meaning and intent. As Nord (2005, p. 1) and other language experts suggest that a comprehensive text analysis is crucial for ensuring translation accuracy. This process should cover not just the content, but also the structure and function of the text, enabling the translator to select the most appropriate translation strategy for the task at hand.

Nord's (2005, p. 42) looping model of text analysis is particularly noteworthy because it is adaptable to all types of texts and operates independently of the specific characteristics of the source or target language. This adaptability is vital as it makes the model applicable regardless of the translator's expertise level. Moreover, this approach recognises that a single source text can serve multiple functions depending on the context and audience.

The looping model also stresses the importance of iterative analysis, encouraging translators to revisit the text multiple times to refine their understanding and ensure precision. This iterative process is critical because initial interpretations may be flawed, as Nord (2014, p. 25) notes. Regularly revisiting the text helps to produce a translation that accurately reflects the original text's meaning and purpose.

In this model, Nord outlines two phases of source text analysis. Initially, the translator evaluates whether the original text material aligns with the requirements of the translation instructions

(brief). The second phase involves a detailed analysis, focusing on elements crucial for creating a functional translation according to the Skopos, or purpose, of the target text (Nord, 2005, p. 25). This two-step approach ensures that the translation is not only accurate but also tailored to the target audience's needs.

When analysing a source text, Nord (Nord, 2014, p. 62) suggests using various text-linguistic models, provided they include a pragmatic analysis of the communicative situations. The key is to ensure that the analysis results for both the source text and the translation brief are comparable, aiding in a clear understanding of the differences in addressee and text function hierarchy. This comparison is vital for determining the most effective translation strategy. For example, Nord (2014, p. 63) points out that comparing the source and target texts may highlight differences in cultural knowledge and genre expectations. Such differences might require adjustments in the translation to meet the target audience's expectations.

Therefore, Nord's looping model offers a comprehensive framework for text analysis in translation, ensuring that translations are both accurate and contextually relevant. By consistently revisiting the text and comparing it with the translation brief, translators can make well-informed decisions, leading to translations that effectively fulfil their intended purpose. This approach underlines the essential role of thorough text analysis in achieving successful translation outcomes.

2.15 Translation Brief Analysis

A translation brief contains instructions that highlight the pedagogical aspect of translation. "The term brief implicitly compares the translator with a barrister who has received the basic information and instruction but is then free to carry out those instructions as they see fit and as the responsible expert" (Nord, 2014, p. 30). The Skopos in the translation brief often has to be negotiated between the client and the translator, especially when the client has only a vague or even incorrect idea of what kind of text is needed for the situation in question, and only to find out that the translator can be the one who can come up with an idea. Clients do not normally bother to give the translator an explicit translation brief. Because they are not experts in intercultural communication, they often do not know that a good brief spells a better translation.

The translation brief does not instruct the translator on how to go about their translation assignment, the translation strategy they are supposed to use and the type of translation type to choose. The decision on the above facts lies in the translator's responsibility. However, a

functionally adequate translation can only be produced by a person who knows the target situation for which the text is intended and is familiar with the communicative conventions valid in the target culture (Nord, 2024, p.78). All these will be contained in the brief provided.

2.16 Multilingual Legal Frameworks in South Africa

The success of multilingual legal frameworks in South Africa is a crucial element in ensuring governance that respects and embraces the country's linguistic diversity. In a nation with twelve official languages, the accessibility and legitimacy of the legal system hinge on the ability of all citizens to comprehend and engage with the law in their native languages.

There is no doubt that translating by-laws into indigenous languages like IsiNdebele is essential for upholding the democratic principles enshrined in the South African Constitution (Republic of South Africa, 1996). This translation effort is more than a symbolic gesture; it is a practical necessity that ensures all citizens, regardless of their primary language and ethnic group, can understand their rights and obligations under the law. By making legal texts accessible in IsiNdebele, the government facilitates greater civic engagement and ensures that citizens can participate fully in the legal process, thereby enhancing the legitimacy and inclusivity of the legal system.

However, translating complex legal concepts into IsiNdebele is not without its challenges. The nuances of legal language often do not have direct equivalents in indigenous languages, leading to potential inaccuracies that could mislead citizens about their legal rights and duties (Mkhize, 2019, p. 302). Such translation issues risk undermining the authority of the law and could contribute to non-compliance or legal disputes, particularly if citizens are misinformed about their legal obligations.

The lack of employment in IsiNdebele language practitioners in the translation sector points to the significant financial and logistical burdens as an excuse. Ensuring accurate translations across multiple languages requires considerable resources, which can strain already limited municipal budgets. Furthermore, the complexities of maintaining consistency and accuracy in legal translations could complicate legal proceedings and delay the administration of justice.

Therefore, supporters of multilingual legal frameworks like Cox (2024, pp. 36-54) argue that the broader societal benefits outweigh these challenges. Ensuring that all citizens can understand and engage with the legal system in their language is essential for justice and

equality. Increased understanding of legal texts among the public is likely to lead to higher compliance rates and fewer legal disputes, which could ultimately reduce the long-term costs associated with legal misunderstandings. Moreover, advances in technology, particularly in AI and machine translations, offer promising solutions to some of the logistical challenges by enhancing the efficiency and accuracy of translations.

2.17 Translation Strategies and Methods in Legal Contexts

The significance of translating by-laws into IsiNdebele extends far beyond a mere academic exercise; it represents a pivotal effort to ensure equitable access to municipal information and services for all citizens. In any democratic society, transparency and inclusivity are not just abstract values but practical necessities, with language serving as a fundamental channel for these ideals. When by-laws are made available in the native languages of citizens, it not only fosters greater civic participation but also ensures that no group is excluded from the democratic process (Maseko, 2012, p. 45).

However, the process of translating legal terminology into IsiNdebele is strained with challenges. A primary difficulty lies in the absence of direct equivalents for many legal terms, which are often deeply embedded within specific cultural and linguistic contexts. The complexity of translating such concepts goes beyond mere word substitution, requiring a nuanced understanding of both source and target languages.

One of the most discussed methods in modern legal translation is machine translation. The researcher views by-law translations as naturally cultural, complex and nuanced, and need technological tools to support human translators to achieve better precision and efficiency. Machine translation can accelerate large-scale by-law document translation and adhere to linguistic accuracy, especially in the languages that lack resources. An Artificial Intelligence (AI) translation system can be used to manage terminology systems through a term bank to ensure that by-law translators maintain legal uniformity across documents. Therefore, the researcher suggests that Artificial Intelligence (AI) be used to bridge communication gaps in translation as a multilingual society's resolution to consistency in translation by providing swift translation and standardised multilingual legal terms, as a result, the digitalised IsiNdebele language can be conserved and be visible online through artificial intelligence translation tools.

This technique leverages the efficiency of machine translation while relying on human translators to refine and correct the output to ensure both accuracy and cultural relevance. As

Garcia (2012, p.219) asserts, this method allows translators to focus on the subtler aspects of the text, ensuring that the translation not only retains its legal precision but also respects the cultural sensitivities of the target language. Nevertheless, Mackenzie (2004, p. 112) this method by cautioning that it often struggles with the intricacies of legal language, potentially leading to inaccuracies unless the output is meticulously reviewed by experts. The translation machine does not recognise homographs. For example, it cannot differentiate between a teacher and a priest because these words are written the same in IsiNdebele but with different meanings.

Another effective strategy is comparative law analysis, which involves identifying functional equivalents for legal concepts by comparing different legal systems. Sarcevic (1997, p. 130) notes that this method is particularly valuable when no direct translation exists in the target language. By focusing on the foundational principles behind legal terms rather than their literal meanings, translators can create texts that remain faithful to the original intent while adapting to the unique features of the target legal system.

Componential and taxonomic analyses also play a significant role in legal translation. These methods enable translators to dissect the elements of legal terms, laying the groundwork for finding appropriate equivalents. However, as Munday (2016, p. 65) points out, this approach can sometimes be rigid, prioritising structural accuracy over adaptability to the target language's legal framework. A more flexible alternative is the proximity principle, which, according to Nida (1964, p. 159) allows translators to seek the closest possible meaning when no direct equivalent exists. While this method offers greater adaptability, it risks losing critical nuances, especially in complex by-laws.

The importance of cultural context in legal translation cannot be overstated. Jakobson (1959, p. 223) emphasises the role of intersemiotic translation, which involves incorporating non-verbal and contextual elements into the process. This method ensures that the translation resonates with the target audience while maintaining the original text's intent. However, balancing cultural nuances with legal precision is a delicate task, and overemphasising one aspect may compromise the other.

Another innovative strategy in legal translation is the use of hypernyms, or broader terms, to bridge gaps between different legal systems. Koller (2011, p. 89) suggests that this method can be effective when direct equivalents are unavailable, though it requires careful attention to avoid oversimplifying complex legal concepts.

Bilingual and multilingual co-drafting, as practised in multilingual countries like Switzerland, involves collaboration across languages to ensure that the translation reflects diverse perspectives (Sieber, 1998, p. 54). However, even if this hybrid approach allows for creativity and flexibility, it raises concerns about the dilution of legal specificity. An interdisciplinary approach, as advocated by Gémar (2014, p. 79), integrates insights from fields like jurilinguistics and comparative law, offering a more holistic view of legal translation. While this approach is comprehensive, it also demands that translators possess expertise across multiple disciplines, which can complicate the translation process.

Translating by-laws into IsiNdebele, therefore, is far from a straightforward task. Translators must navigate complex legal terminology, cultural nuances, and methodological choices to produce a text that effectively serves its intended purpose within the target legal system. The strategies and methods discussed here, from machine translation to comparative legal text analysis, highlight the multifaceted nature of this task. Ultimately, successful translation ensures that all citizens, regardless of linguistic background, have access to the legal and municipal information they need to fully participate in society. However, most language specialists adopted their own individual translation strategy as flexibility is essential to them because they want to foster a maintenance of their precision while adapting to the linguistic and cultural realities of the target audience. In South Africa, a country that celebrates linguistic diversity, translating legal texts into indigenous languages like IsiNdebele is not only a legal requirement but also a moral imperative that upholds the principles of inclusivity and equity.

2.18 Challenges in Legal Translation

The intricacies of translating by-laws into IsiNdebele are rooted in cultural and legal system disparities because their translation is not merely a linguistic exercise, but an endeavour deeply embedded in the socio-legal fabric of both the source and target languages. The challenge of finding direct equivalents for legal terms often grapples with significant difficulties (Sarcevic, 1997, p. 56). The crux of the problem lies in the stark differences between the legal systems that shape the language. These disparities can lead to translation loss or even a distortion of meaning, particularly when legal concepts in the source language lack direct parallels in IsiNdebele. This issue is not just a linguistic challenge but also a cultural one, where the translator must navigate the delicate task of conveying legal meanings across diverse legal traditions and cultural landscapes. For example, in Section 2(4) of the City of Tshwane Municipality's Air Quality Management By-law (City of Tshwane Municipality, 2019, p. 14),

there is a challenge with the correct term for "policy". The translator uses a transliteration method for the equivalent word to a "policy", which is ***"ipholisi".*** However, there is a typing error in the translation version whereby the translator wrote ***"ipholisa*** instead of ***ipholisi". Ipholisa*** is a policewoman or a policeman. Just a little vowel error can cause a lost translation.

To avoid the above complexity of non-equivalent, which can result in translations that are either too vague or overly precise, thereby failing to capture the original text's intent accurately, there should be delicate to functional approach in order to balance a literal translation and sense-for-sense translation. This is not a mere technical issue but a fundamental challenge that strikes at the heart of legal translation and that can be solved by being culturally sensitive when translating by-laws like by-laws.

Furthermore, the institutional and sociocultural contexts in which legal translation occurs play a pivotal role in shaping translation practices. According to Cao (2007, p. 32), the expectations and roles of legal translators vary significantly across different legal and institutional settings. This variance can lead to discrepancies in translation standards, making it imperative for translators to be acutely aware of these contextual factors. A deep understanding of the legal, cultural, and institutional frameworks is crucial, as these factors profoundly influence both the translation process and its outcomes.

One of the most significant challenges we face is the issue of asymmetric equivalence. Koskinen (2000, p. 115) underscores that achieving a one-to-one correspondence between legal terms is particularly challenging, especially when the languages involved belong to different legal traditions. This asymmetry often results in inconsistencies and potential misunderstandings within the legal context. The fundamental differences in legal systems and terminologies between the source language and IsiNdebele can exacerbate these challenges, leading to translations that might be legally inadequate or culturally inappropriate.

Gender sensitivity in legal translation is another critical challenge. Pym (2010, p. 88) rightly emphasises the importance of ensuring that translations do not perpetuate gender biases inherent in the source language. This is particularly vital in legal texts that carry religious or cultural significance. Translators must be culturally sensitive and aware of the broader implications of their choices, balancing the need for accuracy with the imperative to promote gender equality. This is not just a linguistic issue but one that touches upon the social values and legal intents of the communities involved.

In response to these challenges, several strategies have been proposed. One effective approach is comparative conceptual analysis, as Sarcevic (1997, p. 130) suggests. This method involves a deep analysis and comparison of legal concepts across different legal systems to identify functional equivalents that best convey the intended meaning in the target language. Such an approach ensures that translations are not only accurate but also contextually appropriate, thereby reducing the risk of misinterpretation. The proximity principle, advocated by Nida (Nida, 1964, p. 159), offers another practical solution. When perfect equivalence is unattainable, this principle suggests aiming for an approximate meaning to minimise potential legal misunderstandings. This approach provides translators with the flexibility needed to navigate the complexities of legal language while preserving the original text's intent. Innovative translation alternatives, such as the use of hypernyms, also present creative solutions. Koller (Koller, 2011, p. 89) suggests that hypernyms offer greater flexibility in capturing the broader meaning of legal terms without losing the integrity of the original text. This technique is particularly useful when dealing with legal concepts that lack direct equivalents in IsiNdebele, enabling the translator to find suitable alternatives that still convey the intended legal meaning.

Recognising sociological and institutional considerations is equally crucial in legal translation. As Cao (2007, p. 34) suggests understanding of the institutional dynamics and sociocultural factors that influence legal translation practices can help translators develop more tailored and effective strategies. This approach ensures that translations are not only accurate but also aligned with the expectations and needs of the target audience.

Lastly, the integration of technology, particularly through machine translation, offers a promising solution. Garcia (2012, p. 221) argues that combining machine translation with human expertise provides a balanced approach to the challenges of legal translation. This approach leverages technological advancements to streamline the translation process while ensuring that the final product meets the high standards required in legal contexts. Therefore, translating by-laws into IsiNdebele is a complex and multifaceted task that requires a careful balance of methods, techniques, and strategies. While machine translation tools and comparative law analysis offer valuable tools for enhancing translation accuracy, the proximity principle and innovative alternatives provide the necessary flexibility to address issues of non-equivalence. Understanding the institutional and sociocultural contexts further enriches the translator’s approach, ensuring that the final product is both legally sound and culturally appropriate. As Nord (Nord, 2014, p. 59) reminds us, that every source text can be translated

into any target language, but the translator must navigate the pragmatic, intercultural, and interlingual challenges that arise, particularly when dealing with text-specific problems like metaphors and similes. These challenges, while formidable, can be overcome with a nuanced and informed hybrid approach that respects both the source and target cultures.

2.19 Challenges to the IsiNdebele By-laws Translations

Legal texts, by their very nature, demand precision. The terminology used in these documents often carries specific legal meanings that do not always have direct equivalents in languages such as IsiNdebele, which are less developed in legal discourse. As Sarcevic (1997, p. 142) astutely observes, this lack of direct equivalents can lead to misinterpretations and inconsistencies in legal outcomes. Translating by-laws is not merely about finding the right words but requires a profound understanding of the legal concepts embedded in these texts. This is where the challenge becomes more than just linguistic; it becomes a legal and cultural conundrum.

Legal systems are deeply intertwined with the cultural and historical contexts of the societies they serve. Therefore, when we translate by-laws, we are not just translating words; we are adapting complex legal ideas to fit into the cultural framework of another society. Mattila (2016, p. 59) provides a poignant example, noting how certain legal concepts, like “trust” in Anglo-American law, may not have direct equivalents in South African cultures. This forces us to innovate in our translation approaches, ensuring that while the legal accuracy is maintained, the cultural context is also respected.

One of the most significant barriers we face in this endeavour is the lack of adequate resources. Legal dictionaries, specialised glossaries, and experienced translators are in short supply, especially for languages like IsiNdebele. This scarcity of resources in developing languages like IsiNdebele, makes it difficult to translate complex by-laws both accurately and in a manner that is legally sound, and without these resources, we run the risk of producing translations that are inconsistent and potentially misleading the community or citizen. Therefore, the usage of Artificial Intelligence (AI) in translating by-laws can assist in maintaining consistency when using terminology.

However, the implementation of AI application on underdeveloped and previously marginalised languages like the IsiNdebele languages is still a challenge because of a lack of digital resources and well-trained translators. AI application accepts words in digital platforms

as the only correct words or terms to be used in digital translation, and that causes errors and misinterpretations in legal translation. AI translation cannot be used in IsiNdebele translations as it depends more on highly developed South African languages like IsiZulu and IsiXhosa instead of using the actual IsiNdebele terms and words. It lacks legal specificity, dialects and idioms, and cultural and contextual understanding, for example, in using AI application to translate the word 'by-law' into IsiNdebele, it translates as '**umthetho omncani'**, back translated as 'small law'. In contrast, by-law is a municipal law that is passed by a council. There are negative results when community members violating municipal by-laws. Therefore, a by-law is not a 'small law'.

However, the IsiNdebele language has developed the first of its kind of legal terminology, published by the Mpumalanga Legislature, which can be a step towards the right direction. This term list provides translators with the references they need to ensure consistency and improve the overall quality of translations. But one legal term list alone is not enough. There is a need to invest in training programmes that enhance the legal and linguistic capabilities of translators. Johnson (2011, p. 98) argues that such programmes are vital, as they equip translators with the skills necessary to handle the intricacies of legal texts, thereby raising the standard of legal translations in underdeveloped languages.

Moreover, the value of collaborative workshops cannot be overstated. These workshops bring together legal experts, linguists, and community members, creating a space where the gap between legal concepts and local cultural contexts can be bridged. Lopez (2015, p. 165) underscores the importance of these collaborations, which ensure that translations are not only legally accurate but also culturally relevant. This makes the legal system more accessible and equitable for all community members.

One would argue that enhancing our translation practices requires a multifaceted approach. This could involve the development of legal dictionaries and glossaries tailored to underdeveloped languages, increased investment in legal education within these communities, and the establishment of standardised systems for legal translation that are overseen by both linguistic and legal experts. Such an approach would not only improve the accuracy and reliability of translations but also ensure that they are culturally relevant and accessible to all citizens.

The challenges of translating legal texts into IsiNdebele and other indigenous languages are significant. The experiences of municipalities like Tshwane and Mpumalanga underscore the

difficulties in ensuring that legal translations are clear, accurate, and accessible across different linguistic and cultural contexts. Therefore, it is clear that continued research, investment, and policy refinement are essential. One must assist in addressing the inherent difficulties in translating by-laws in a multilingual society.

2.20 Solutions to the IsiNdebele By-laws Translations

While the municipalities can agree on the importance of the country's constitution giving rights to access to information, it is essential to acknowledge the complexities and challenges that come with it. Nevertheless, translations of by-law documents into languages such as IsiNdebele demand close attention, not merely for the linguistic intricacies involved but also for the socio-cultural and technological implications these translations carry. Solutions to some of the translation challenges discussed above can be solved through the creation of resources specifically for the languages in translation. Therefore, in translating IsiNdebele and other African languages, especially the previously marginalised languages, by-laws, the human touch is crucial to ensure cultural and legal accuracy. It is therefore crucial to develop South African AI-powered platforms like *Vulavula by Lelapa AI* and *Shakai* to address the unique needs of South African languages in translation services.

2.20.1 Developing Legal Glossaries and Enhancing Training

One of the most promising strategies to improve the accessibility and fairness of legal systems in South African municipalities is the development of legal glossaries specifically tailored to underdeveloped languages like IsiNdebele. By creating these resources, we can enhance the consistency and accuracy of translations, providing translators with the tools they need to deliver precise and reliable legal texts on time.

In tandem with this, there is a pressing need to enhance training programmes for translators and legal professionals, especially within the context of multilingualism. These programmes should focus not only on linguistic skills but also on the deep understanding of legal concepts that are necessary to produce high-quality translations (Johnson, 2011, p. 98). By investing in such training, we can ensure that our translators are well-equipped to handle the complexities of legal texts, thus raising the standard of legal translations across all languages.

2.20.2 Facilitating Collaborative Workshops

Another crucial solution lies in facilitating collaborative workshops that bring together legal experts, linguists, and community members. These workshops are invaluable because they

allow for a collective approach to translation, ensuring that the final product is not only legally accurate but also culturally relevant (Lopez, 2015, p. 165). Through these collaborations, municipalities can bridge the gap between legal concepts and local cultural contexts, making the legal system more accessible and equitable for all community members. However, policymakers play a pivotal role in ensuring that these solutions are implemented effectively. Nkomo (Chibike, 2022) emphasises the need for a robust policy framework that provides equal technological access and support for all South African languages. Such policies are vital for overcoming the barriers posed by the digital divide and ensuring access to legal information.

2.20.3 Community Engagement and Inclusivity

Indigenous knowledge is within the members of the community. Involving community helps to avoid misinterpretations that could lead to legal misunderstandings, ensuring that the translations resonate with the cultural context of the target audience. Engaging the community in the translation process is not crucial, as the community is only interested in the completed translated documents. Community is engaged through translated documents as they are critical for ensuring equitable access to information and fostering trust between the municipality and diverse linguistic communities.

However, community members can be consulted in the process of translation only when the translator wants to enhance comprehension, cultural relevance and linguistic accuracy, especially in by-laws translation. This engagement can improve communication and empower the community to have access to their languages. Nevertheless, community-involved translation can be time-consuming, costly, and may lead to inconsistencies when the community uses more than one dialect as spoken language is different from written language and that community does not use a standardised language when engaging each other, and when multiple translators with varying linguistic competencies are involved (Baker, 2018, pp. 43-85).

Moreover, the potential for bias or misinterpretation may increase if contributors lack formal training in translation practices. It is therefore important to consult the community that you are translating for, to hear and investigate if they follow and understand your translations.

2.21 Summary

In wrapping up this exploration of translating by-laws into IsiNdebele, it is apparent that language, law, and culture are deeply intertwined in South Africa’s context. The journey of by-laws, influenced by both colonial and post-apartheid shifts, shows just how crucial it is to

maintain our rich linguistic diversity while making sure that everyone has access to the law. The functionalist approach to translation, which carefully balances staying true to the original text with adapting to cultural nuances, emerges as a key strategy in making by-laws more accessible across different languages. This approach does not just translate words but bridges cultural divides, ensuring that legal texts resonate with the people they serve. While translating IsiNdebele by-laws presents its own set of challenges, the challenges can be overcome. By embracing technology, creating comprehensive legal glossaries, and encouraging collaboration through workshops and community involvement, one can make significant strides. Sustainable translation practices are essential, and they need the backing of strong policies and ongoing training. These efforts are not just about overcoming obstacles but building a legal system that truly reflects and respects the diversity of all South Africans. By doing so, one ensures that everyone, no matter what language they speak, has fair and equal access to the law.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

This chapter explains the methodology used to explore the challenges and successes of translating by-laws in South Africa's multilingual municipalities, with a focus on the City of Tshwane Municipality and its use of IsiNdebele language. Using a qualitative approach and case study design, this research combines questionnaires as a tool to get responses from the legislative language practitioners and analysis of translated by-laws, to provide a thorough understanding of the complexities involved in legal translation.

3.1 Qualitative Methodology

Qualitative research design is all about diving deep into human experiences and social phenomena. This approach prioritises understanding the rich context and complexity of participants' perspectives, enabling researchers to interpret their stories in a nuanced way (deMarrais, 2024, p. 3). Rather than just looking at numbers, qualitative research seeks to capture the essence of what people feel and think, revealing the intricate layers of meaning behind their experiences. The researcher adopted a qualitative research design in the form of a case study and the functionalist method for this project. This type of research is inherently flexible, adapting to the evolving nature of the study as new insights emerge. In this case, the entity being studied will be the Language Services Section in the City of Tshwane as an institution. The case study method is a qualitative research approach that digs deep into a specific instance or phenomenon within its real-life context. According to Gallagher (2024, p. 45), case studies shine when it comes to unravelling complex issues, offering a thorough look at the dynamics, relationships, and contextual factors at play. The researcher will use the functionalist method, which often examines social phenomena and links them to sociological viewpoints by looking at their contribution to societal stability, and functions and analysing the roles that particular behaviours or structures play within a larger context. This approach seeks to understand their purpose and impact on the community or system as a whole (deMarrais, 2024, p. 105). Further, this approach helps researchers explore how different components of a social system operate and interact (Tracy, 2024, p. 89). To achieve the aim of the study, the following data collection methods and analysis will be used.

3.2 Case Study

This research focuses on the City of Tshwane Municipality as a case study for by-laws document translation, due to its unique offering of the IsiNdebele language alongside eight official languages. These languages reflect the municipality's diverse population. Accurate legal translations are vital to avoid misinterpretation that could affect people's rights. The City of Tshwane Municipality employs skilled translators who understand both legal contexts and cultural nuances to serve the community. The municipality's commitment to language rights, as outlined in South Africa's Constitution, Act 108 of 1996, ensures effective translation of by-laws, promoting social equity and justice.

The challenges and successes of Tshwane's multilingual approach provide valuable insights into legal translation practices, emphasising the need for qualified translators and continuous training in legal terminology. The lessons learned in Tshwane Municipality can be used in other municipalities worldwide facing similar challenges.

The research adopts a qualitative case study design to explore Tshwane's language services. It uses qualitative methods, such as questionnaires, to understand social phenomena and human behaviour in natural settings. The researcher aims to analyse how the municipality's by-laws are translated using a functional approach, drawing meaningful conclusions based on data gathered from respondents.

3.3 Research Design and Sampling Methods

The researcher has identified five sampling methods that might be relevant to this research: the first one is case study sampling, which can focus more on municipal processes or specific documents. However, this sampling method does not directly relate to selecting the participants involved in the translation, which is crucial for answering the research questions. The second one is stratified sampling, which is useful for ensuring a broad representation of cultural groups and linguistic individuals. Nevertheless, this method might not prioritise gathering insights from language practitioners or translators as they are the key decision-makers directly involved in the translation, editing and proofreading processes. Purposive sampling is still needed to reach an objective in this qualitative research. The third method is convenience sampling, which is less rigorous and might not fully capture the depth of knowledge. The fourth one is

snowball sampling, which can assist in accessing difficult-to-access individuals. This method can be more relevant in sampling the general population than the targeted and knowledgeable population. The fifth and last sampling is purposive, and it is the most relevant sampling to the research focus.

The research aims to explore the experiences of translators, language practitioners or language experts who are employed by the City of Tshwane Municipality to translate and edit the by-laws. Purposive sampling is more relevant because it allows the researcher to deliberately select participants with in-depth knowledge and relevant experience as legal translators.

Qualitative research requires a deep understanding of the context and subject matter, and purposive sampling ensures that participants can provide detailed insights, as they are chosen for their relevant experience and expertise. This aligns with the qualitative research design of the study, which prioritises understanding social phenomena in natural settings. Participants selected have to answer research questions about translation practices, challenges, and the effectiveness of the municipality's approach to multilingual legal texts.

Purposive sampling is a practical method of using experienced legal translators who can provide insights into the by-law during the translation process within the specific context of Tshwane Municipality. It aligns perfectly with the case study design and qualitative approach of the research.

3.4 Data Collection and analysis

The researcher has chosen questionnaires as a tool in qualitative research because this method explores human experiences and social phenomena through open-ended responses. Questions invite participants to voice their thoughts and experiences in their own words. Therefore, questionnaires used are structured in a way that they assist the researcher in collecting qualitative data, particularly through open-ended questions and allow deeper exploration of participants' perspectives (deMarrais, 2024, p. 92). For example, "*How do you deal with ambiguous terms or phrases in the original language or source text*?" This question encourages the participants to elaborate rather than simply respond with a 'yes' or 'no' (Tracy, 2024, p. 106). Questionnaires are conducted in a familiar environment that encourages honest and detailed responses (Gallagher, 2024, p. 45).

Data will be collected through questionnaires. Questionnaires are designed to gather insights from legal translators who translate the City of Tshwane IsiNdebele by-laws. A questionnaire is distributed to the participants, who are legal translators, through email and hardcopies and collect their responses. A set of open-ended questions crafted aimed at gathering insights into current practices related to by-law translation and legal translation challenges and successes, translator training, equitable language use, practical experiences of translators in the field, and legal translation methods. A similar questionnaire was sent to all IsiNdebele legal language translators who participated in the research. After responses are collected, they are transcribed and organised for analysis. This preparation is essential for facilitating thorough and accessible analysis (Gallagher, 2024, p. 45). The researcher will then develop codes that represent significant concepts or themes emerging from the responses. This step distils complex data into manageable segments, enabling key insights to be identified (deMarrais, 2024, p. 95). Once coding is complete, researchers group the codes into broader themes, highlighting key patterns across the responses (Tracy, 2024, p. 110). Then the final stage will be interpreting the identified themes to conclude participants' experiences, ensuring that their voices are accurately represented (Gallagher, 2024, p. 48).

The researcher uses closed and open-ended questions in this qualitative research and analyse the responses using qualitative content analysis. This approach systematically uncovers themes, patterns, and meanings within the text, providing invaluable insights into participants' perspectives (deMarrais, 2024, p. 92). Qualitative content analysis is the primary method for analysing qualitative data from questionnaires, but thematic analysis is also applicable in this research. Participants provide open-ended responses to questionnaires, which generates valuable qualitative data. The quality of these responses is crucial, as it directly influences the findings (Tracy, 2024, p. 106)).

When analysing the IsiNdebele translated by-laws, one has to identify the strategies employed and their effectiveness. The by-laws will include both the original (English source texts) and translated versions (IsiNdebele target texts). These by-laws will be obtained from the City of Tshwane Municipality as a case study. The following by-laws will be used as instruments: Informal Trading By-law, 2021; Events Compliance By-law, 2019; Air Quality Management By-law, 2019; and Control of Outdoor Advertising By-law, 2022.

3.5 Ethical Considerations

Ethics plays a crucial role in research, raising the pursuit of knowledge, and preventing misconduct. This study emphasises informed consent, confidentiality, and voluntary participation. Participants identified are clearly informed about the study's purpose, their rights, and the measures taken to protect their information. Ethical standards also promote accountability and support for research, enhancing values like trust and fairness.

For the purpose of the study, nine by-law translators were selected. They are legal translators who are employed in different South African companies, organisations and government departments as the City of Tshwane municipality's freelancers, including a Bill's Manager who is responsible for editing and translation of all Bills before Parliament. IsiNdebele language is the only official South African language, excluding South African Sign Language, which has a lesser number of professional language practitioners in the country. The translators willingly participated in the research and all questions were responded to in regard to the research project. There were no threats or pressure on them. There were instances where the participants delayed their responses.

The participants were carefully selected based on the functions of their translations. They are involved with the translation of the City of Tshwane Municipality legal texts, and they have more than 5 years and more than 10 years of experience in by-law translation practice. As such, they were able to provide more information required.

The ethical requirements for research of this nature are to obtain permission from the City of Tshwane Municipality's Communication Divisional Head to conduct the study, as I did. Ethical research practices should include transparency and informed consent, which resonate with the legislative environment (Gallagher, 2024, p. 45). The practitioners' responsibility to ensure that participants understand their rights and the purpose of their involvement is essential. This alignment reinforces the ethical imperative to promote trust and accountability in both the translation process and research practices. A researcher got consent from the individuals, and it will be included in the addenda. Consent involves the procedure by which an individual may choose whether to participate in a study. The researcher's task is to ensure that participants have a complete understanding of the purpose and methods to be used in the study, the risks involved, and the demands placed upon them as participants. Getting the participants to answer

the questions and sending them back in time was a challenge. However, the process was a success. The questionnaires were sent and received back through email.

3.6 Summary

The importance of cultural relevance, accuracy, and the role of skilled translators in ensuring that by-laws serve the intended purpose. The methodology used contributes valuable insights into the broader context of language rights and social equity, particularly in the context of South Africa's constitutional commitment to linguistic diversity. This chapter highlights the significance of effective by-law translation into IsiNdebele within the City of Tshwane Municipality. By adopting a qualitative research design and a case study approach, the study provides an in-depth examination of the challenges and successes associated with translating by-laws for a diverse, multilingual community. Ethical considerations, including informed consent and confidentiality, have been paramount throughout the research process, ensuring the integrity of the study and the protection of participants. Ultimately, this research will not only enrich our understanding of legal translation practices but also to offer practical recommendations that can inform language policy and improve translation practices in other municipalities and contexts globally. The following Chapter 4 presents data presentation and analysis to answer the research questions and to address the objectives of the study.

CHAPTER 4: DATA ANALYSIS AND PRESENTATION

4.1 Introduction

This chapter looks at data analysis and presentation. It focuses on the challenges and successes of translating by-laws into IsiNdebele at the City of Tshwane Municipality. The analysis is guided by the qualitative approach. Data were collected through questionnaires and examining translated by-laws. Responses from language practitioners were analysed using qualitative content and thematic analysis was employed to analyse the responses, and the key themes identified were challenges, strategies, and insights. Furthermore, this analysis digs the insights from nine legal language translators who specialise in IsiNdebele legal text translation from English into IsiNdebele language. The researcher identifies key challenges, methodologies, and insights into the translation process, focusing on the importance of translation terminology resources, institutional support, legal qualifications, and the socio-political context that shapes legal translation in South Africa.

4.2 Language Practitioner as Participant

South African Language Practitioner's Council Act defines a language practitioner as a paid occupation which involves work that is done by language practitioners, including but not limited to translators, interpreters, language planners, terminologists, lexicographers, text editors and any other person conducting language-related work, who is registered as such under this Act. In South African municipalities, a translator is expected to be a general translator who can translate all types of documents. Therefore, there is no specialisation.

The researcher obtained consent from the participants (cf. Appendix 1). Consent involves the procedure by which an individual may choose whether or not to participate in a study. The researcher's task is to ensure that participants have a complete understanding of the purpose and methods to be used in the study, the risks involved, and the demands placed upon them as participants.

The data collection tool is designed to elicit responses on the challenges faced by the participants, strategies used to ensure translation accuracy, and their opinions on the overall effectiveness of the translation process. This approach allowed for an in-depth exploration of

the participants' experiences, and an analysis of how their insights aligned with existing literature on legal translation and multilingualism in South African municipalities (deMarrais, 2024, p. 92). The responses are analysed using thematic analysis to identify recurring patterns, challenges, and best practices.

For example:

Legal terms	Legal explanations	isiNdebele equivalents
Record	Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceived form.	***Irekhodi***
Lien	The right to keep possession of something owed by someone who owes a debt, until the debt has been settled.	***Isibambiso***
Damages	The name for money awarded by a court as compensation.	***Isililiso***
Battery	Using physical force on someone either intentionally or carelessly and without their agreement. It would not be battery if two boxes took part in a boxing match, because they would have agreed to fight each other.	***Ukulimaza ngehloso***
Affidavit	A written statement which is sworn to be true by the person signing it. It is sworn	***Isitatimende esifungelweko / i-avidavidi***

	before someone authorised by the court.	***(Borrowing method – i-avidavidi from affidavit)***
Action	Using the law to make a claim.	***Isitatimende esifungelweko***
Act	A law or statute passed by a legislative body, or a specific action or deed performed by someone.	***Umthetho***
Rule	A guideline or principle established by an authority or organisation, often in the context of how legal processes or procedures should be carried out.	***Umthetho***
Legislation	The body of laws or regulations made by a governing body, such as a parliament or congress, aimed at regulating behaviour within society	***Umthetho***
Regulation	A rule or directive issued by a government or authority to control or manage specific activities or industries.	***Umthetho***
Law	A system of rules created and enforced by a governing body to regulate behaviour and ensure order and justice in society.	***Umthetho***
By-law	A rule or regulation created by a local government or organisation to manage	***Umthetho kaMasipala***

	specific activities within a particular area or community.	

The most interesting example mentioned above is the term "***umthetho***." In English, by-law, law, regulation, rule, regulation and act have different meanings and they are used in different contexts. In IsiNdebele, these different words are translated by one word, as indicated above. IsiNdebele language lacks terminology like all other underdeveloped languages. These words are called hyponyms. This is where the objectives and aims of the brief are important. Again, like the term "battery," without context, it can be mistranslated into ordinary battery, e.g. of a car or source of energy. Legally, this term means "***ukulimaza ngehloso***." This means using physical force on someone either intentionally or carelessly and without their agreement. It would not be battery if two boxers took part in a boxing match, because they would have agreed to fight each other.

When the translator faces a term with no direct equivalent in the target language, he or she must find the closest possible meaning while ensuring the translation is understandable and relevant in the new context by using a descriptive translation. The translators can use a descriptive translation to describe the concept in a way that conveys its meaning clearly, even if the exact term does not exist in the target language.

4.3 Overview of Data Collection

Data were collected using a questionnaire. This questionnaire comprised a combination of closed and open-ended questions, and distributed to nine freelancer legal language practitioners at the City of Tshwane Municipality. These are practitioners who are directly involved in translating municipal by-laws from English into IsiNdebele. All participants have significant experience in translation, ranging from 10 to 20 years, and were selected based on their direct involvement in by-law translation within the municipality.

4.3.1 Demographic Overview

By examining the diverse range of translators, the study provides a detailed understanding of the complexities surrounding legal translation, especially when it comes to indigenous

languages and the intersection of legal and linguistic expertise. This analysis looks at a variety of factors, including the demographics of the practitioners, the methods they use, the challenges they encounter, and their views on the need for formal legal qualifications in the field of legal translation.

4.3.1.1 Experience and Age

The group of language practitioners in the study spans a broad age range, from the mid-30s to the late 50s, with a mix of both seasoned professionals and emerging talents. Those with over 15 years of experience bring a depth of knowledge shaped by decades of practical involvement in both general and legal translation. This diversity in experience reflects a wide variety of approaches to translation, with more experienced practitioners drawing on years of expertise while newer practitioners bring fresh perspectives to the table.

4.3.1.2 Gender Representation

The group shows a slight gender imbalance, with seven male participants and two females. Examining gendered experiences in legal translation could uncover different approaches, especially in a field that blends both linguistic and legal knowledge. In the South African language field, females are generally more than males. Although there is no explicit analysis conducted on how gender might influence translation practices or challenges, this imbalance could serve as a potential area for further research.

4.3.1.3 Qualifications and Educational Background

Showcasing their strong academic foundations, all the legislative translators involved in this analysis have postgraduate degrees. However, most of them lack formal legal qualifications specifically tailored to translation, which has emerged as a gap in the field. This gap highlights a potential opportunity for growth, offering specialised training in legal translation could better bridge the divide between legal expertise and linguistic skills, ensuring more accurate translations of legal texts.

4.3.1.4 Geographic Setting

All the participants have lived in the City of Tshwane Municipality for more than five years, a municipality known for its linguistic and cultural diversity. With the country's legal system now mandated to use indigenous languages alongside English and Afrikaans, the need for skilled translators in languages like IsiNdebele and IsiZulu is crucial. This shared context is significant for their work in translating legal texts, particularly when it comes to South Africa's multilingual landscape.

4.4 Translation Practices and Challenges

The legislative language translators involved work with a variety of South African languages, including IsiNdebele, IsiZulu, Siswati, and Afrikaans. The role of indigenous languages, especially those with less developed legal lexicons like IsiNdebele, is particularly important in this context. IsiNdebele has not historically been represented in formal by-laws, posing significant challenges for translators. The practitioners' multilingual expertise enables them to navigate the complexities of legal translation, but they often face the added challenge of translating between languages with very different legal structures.

The analysis of these documents revealed that the translations generally adhered to the principles of accuracy and cultural relevance. However, some sections contained ambiguous language, particularly in areas where the original English legal terms lacked clear equivalents in IsiNdebele. This illustrates the ongoing challenge of achieving clarity in legal translations, especially when dealing with legal jargon and technical terminology.

4.5 Analysis of Translated By-laws

In addition to the questionnaire responses, a sample of translated by-laws is analysed to assess the effectiveness of the translation strategies employed by the City of Tshwane Municipality. The by-laws selected for analysis included the Informal Trading By-law (2021), the Events Compliance By-law (2019), the Air Quality Management By-law (2019), and the Control of Outdoor Advertising By-law (2022). Several prominent themes emerged from the analysis responses to the translated by-laws. These included language complexity, cultural relevance, resource constraints, and quality control in the translation process.

Now, a significant challenge highlighted by the respondents was the complexity of legal terminology. Legal texts often contain specialised terms that make it difficult to translate the text directly, particularly when there are no equivalent terms in IsiNdebele. Respondents reported frequent difficulties with translating terms such as "compliance" and "regulations," from the by-laws, which lack direct counterparts in the target language. This challenge aligns with the findings Gallagher (2024, p. 48) who notes that legal translation often requires finding linguistic equivalents for highly specific and technical terms. For example, English terms, like rule, law, act, regulation, and legislation, are translated as "***umThetho***" in IsiNdebele. (Informal

Trading By-law, 2021, pp. 4-6); (Control of Outdoor Advertising By-law, 2022, pp. 2-4); (Events Compliance By-law, 2019, pp. 11-21) and (Air Quality Management By-law, 2019, pp. 18-30). Even the by-law, in IsiNdebele translated by-laws, is translated as "***umthetho***" in all mentioned translated by-laws.

Some of the by-laws that the language practitioners are required to translate are very technical, and they find it difficult to find equivalent words as required by the clients. The practitioners mentioned that they are sometimes required to use some translation tools and strategies to try and solve the problem of non-equivalence. They find themselves using a large number of hyponyms. This is caused by the introduction of many new words and legal expressions into legal language. As seen above, the IsiNdebele word "***umthetho***" can mean different laws and regulations in English. These words are called hyponyms. The translators also mentioned that it is very important to understand the translation brief.

In response to these challenges, participants emphasised the importance of contextual translation and the adaptation of terminology. This strategy involves considering the broader context of the by-law and selecting terms that resonate with the legal culture and societal norms of the target language. However, some participants acknowledged the difficulty of achieving both accuracy and cultural relevance, particularly when translating from a language with a rich legal tradition, such as English, into a language with fewer legal-specific terms, like IsiNdebele.

4.6 Common Errors and Inconsistency in Legal By-law Translation

Translators need to use terms that are both culturally and linguistically appropriate, and that accurately reflect the legal concepts in the source text. Legal translation requires a deep understanding of both the language and the law – this has been evidenced by the majority of the qualified participants who responded to the research questions. Translators must ensure that their translations are not only accurate but also clear and understandable to the target audience. The goal is to preserve the legal meaning of the original text while ensuring it works within the legal system of the target language.

4.6.1 Translating the Official Title of By-laws

A recurring issue in legal translation is leaving the names of referenced By-laws and Acts untranslated. In this case, the names of specific Acts were left in their source language, which is English, and that could confuse readers who are unfamiliar with them. In multilingual legal

contexts, like in South Africa, it is important for translators to either translate the names of these Acts and By-laws or at least provide the English equivalents in parentheses. This helps to ensure that the reader understands the specific legislation being referred to and avoids potential confusion. This lack of translation can also lead to legal alienation, where citizens feel disconnected from the legal system, and may complicate enforcement by local authorities, resulting in misunderstandings or non-compliance. Not translating the short title of a by-law can hinder public accessibility and inclusivity, particularly for non-English speakers, creating barriers to understanding and engagement with the law. Furthermore, failing to translate the title can create a cultural disconnect, reducing the law's perceived relevance, and limiting the effectiveness of public awareness campaigns, thus undermining broader community participation.

4.6.2 Translation of "Policy"

The term "policy" was translated directly as "***ipholisi***," which is simply a transliteration of the English word. While this might be understood, it does not fully capture the legal meaning of a policy, which is the action taken by a municipality to address societal issues, influenced by ideas, institutions, and interests within the political environment. This term, if not translated carefully (transliterated), it can mean an insurance policy. The translator could have used the term "***umthethomgomo***." Using this term would help clarify the legal status of the document, distinguishing it from other types of documents, especially when the documents deal with loss and payment.

4.7 Translation Process: Nord's Looping Model

The functionalist approach to translation emphasises the importance of understanding the purpose, context, and audience of a text and a successful translation is not solely concerned with linguistic accuracy, but also with ensuring the intended function (Nord, 1991, p. 26). To attain this, the translator requires a complete set of instructions, often encapsulated in a *translation brief*, which outlines key factors such as the purpose (Skopos), the occasion, the medium, and the context in which the translated text will be received. This approach is especially crucial in legal translation, where the target text must be linguistically precise and culturally and contextually relevant.

The looping model developed by Nord (Nord, 1997) offers a clear framework for the translation process, which starts with the translation brief and proceeds through document analysis, strategy development, translation, and final target text production. When it happens that the client's understanding of the translation's purpose is unclear, he or she may require the translator to explain and clarify the brief to ensure that the translation aligns with the intended goals. A translation brief provides the necessary information but leaves room for the translator to exercise professional judgment in carrying out the task (Nord, 2014, pp. 9-13). The translation brief is foundational to this process, guiding the translator by specifying the purpose of the translation and identifying the target audience.

Besides, a well-crafted translation brief plays a critical role in guiding the translator, as it provides essential information about the text's intended function, the target audience, and the time constraints of the translation project. For instance, in the case of the *Air Quality Management By-law 2019*, the brief specifies that the translation's purpose is to inform the public across various regions of Tshwane about the importance of air quality, environmental justice, and compliance with national and international standards. The translation brief also outlines practical considerations, such as the deadline for committee approval and the requirement for the translation to be completed within a specified time frame.

While the translation brief may not always contain all the necessary details, experienced translators can often navigate gaps by drawing on their expertise and prior knowledge of the source and target cultures. Experienced translators possess the ability to make informed decisions even when instructions are incomplete, leveraging their understanding of both the source and target contexts to produce an effective translation (Nord, 2005, p. 35). This skill is particularly important in legal and official translation tasks, where cultural sensitivity and accuracy are paramount.

By-laws translation source text analysis becomes a vital step in the process. The translator must carefully examine both the content of the text and the extra-textual factors, such as the identity of the author, the purpose of the text, and the expectations of the target audience. Legal by-laws often contain terms and phrases that may not have direct equivalents in the target language, which requires the translator to make strategic decisions about how to convey meaning in a way that is both accurate and culturally appropriate. In the case of translating by-laws into IsiNdebele, for instance, the translator must consider not only the technical accuracy of legal terms but also how these terms will be understood by the target audience.

Additionally, the source text analysis process involves two key stages. First, the translator evaluates how well the source text aligns with the translation brief, ensuring that it meets the required functional goals. Second, the translator conducts a detailed examination of the intratextual features of the source text, including its subject matter, structure, lexical choices, and tone. This analysis helps the translator identify the essential elements that must be preserved in the translation, ensuring that the target text serves its intended purpose and meets the needs of the target audience.

After completing the source text analysis, the translator adopts a sense-for-sense translation strategy and plans carefully for any terminological challenges. Legal texts often contain specialised vocabulary, and the translator must ensure that the terms used in the target language are accurate and consistent with legal conventions. For example, in translating by-laws, the translator must ensure that technical terms are correctly conveyed in IsiNdebele, even if direct equivalents do not exist. In such cases, the translator may need to use paraphrasing, cultural adaptations, or even create new terms to ensure that the translation is both linguistically accurate and culturally appropriate.

Once the translation strategy has been adopted and translation resources organised, the translator proceeds with the translation. This phase is often iterative, with the translator revisiting earlier stages of the process as new linguistic, cultural, or pragmatic challenges arise. As Nord (1997) highlights, translation problems can be categorised into three types: pragmatic, cultural, and linguistic. Pragmatic problems arise from differences in the context of communication between the source and target cultures. The linguistic problems stem from differences in syntax, vocabulary, and grammar between the source and target languages. Addressing these issues involves careful attention to detail, ensuring that the translation stays true to the original while being functional in the new linguistic and cultural context.

4.8 Literal Translation and Cultural Relevance Methods

Functional equivalence is the approach that balances the maintenance of the original legal intent while ensuring that the translation is both culturally relevant and easily understood, using a sense-for-sense translation strategy. This method and its strategy, sense-for-sense, work well in translating IsiNdebele by-laws. This approach navigates the complexities of legal language more effectively. It allows for flexibility in phrasing, helping to produce translations that are not only legally truthful but also accessible to a wide audience, from legal professionals to

general readers. A clear example of applying the sense-for-sense strategy in by-law translation can be seen in the translation of the French term "*force majeure*" as "unplanned situation," which is translated in IsiNdebele as "***isehlakalo esingakalindelwa***." This literal translation of this phrase might be technically inaccurate, but using the sense-for-sense approach, this term carries similar legal weight and is more widely understood by Ndebele people depending on the legal context of the target jurisdiction (Newmark, 1988, p. 88).

Additionally, participants emphasised that translating legal by-laws into IsiNdebele is not just about linguistic accuracy but also about ensuring the meaning of the text resonated with the cultural understanding of the IsiNdebele-speaking community. The theme of cultural relevance emerged as a critical factor in the translation of legal by-laws. Language is inherently linked to culture, and by-laws must be understandable within the cultural context of the target community (deMarrais, 2024, p. 92).

4.8.1 Literal Translation: Document Analysis

It is crucial to use literal translation when translating by-laws to ensure that the applicability of the text remains intact and avoids discrepancies in interpretation and that the meaning and intention of the text are kept. This is an example of a literal translation from the Control of Outdoor Advertising By-law, 2022, p. 48: English (source text):

Example 1: 33(5) A sign in this class must be placed on a base that has been designed in accordance with the *National Building Regulations and Building Standards Act, 1977.*

(6) Spacing requirements for a sign in this class must be in accordance with the spacing of high-impact signs stipulated in Section 16 of this by-law

IsiNdebele (target text): (Control of Outdoor Advertising By-law, 2022, p. 50):

Example 2: 33(5) ***Itshwayo elisesigabenesi kufuze libekwe esisekelweni esitlanywe ngokwe-National Building Regulations and Building Standards Act, 1977.***

(6) Iimfuneko zesikhala setshwayo elisesigabenesi kufuze zikhambisane nalezo zesikhala setshwayo elinomthelela omkhulu ngokwesiGaba 16 somthetho lo.

Literal translation can be misleading if not used attentively. The word policy can also be used in insurance companies. That is why the translator used a transliteration to Ndebelesise the term policy, without cultural sensitivity. ***Ipholisi*** can be confused with an insurance policy. Instead, the translator could have used the term ***umthethomgomo***, which is a direct equivalent to this type of policy. Source text:

ADOPTION OF AN INFORMAL TRADING BY-LAW

Example 3: 10.1 The Council may adopt an informal trading policy or amend an existing informal trading policy. The policy may include a strategic plan for managing informal trade, particularly in areas where there –

(a) is a significant overlap between formal and informal trading.

IsiNdebele translation (Target text): Section 10 and 10.1 and 10.1(a):

UKWAMUKELWA KOMTHETHOMGOMO WOWOKURHWEBA OKUNGAKATLOLISWA

Example 4: ***10.1 UMkhandlu ungamukela ipholisi yokurhweba okungakatloliswa namkha ulungise ipholisi ekhona. Ipholisi ungabandakanya amano wokuphatha irhwebo elingakatloliswa ngokukhethekileko eendaweni lapho –***

(a) kutjhayisana khona irhwebo elingakatloliswa nalelo elitlolisiweko.

4.8.2 Sense-for-Sense Strategy in By-law Translation: Document Analysis

The sense-for-sense strategy, which is pivotal to Functionalist Translation Theory, emphasises the conveyance of meaning over literal translation, and legal terminology must be adapted to make sense in the target language (Nida, 1964, p. 13). Translating by-laws is not merely about converting words from one language to another; it involves ensuring that the meaning, intent, and cultural context of the original message are effectively conveyed to the target audience. That is why the sense-for-sense strategy can be effectively employed in translating by-laws from English into IsiNdebele. By examining the Informal Trading By-law (2021), the Control of Outdoor Advertising By-law (2022), the Events Compliance By-law (2019), and the Air Quality Management By-law (2019), it is therefore important to ensure that translated legal texts are both legally precise and culturally meaningful.

A sense-for-sense translation allows the translator to focus on conveying the core message in a manner that resonates with the target audience, ensuring that the translation feels natural and comprehensible, especially when there is no straightforward equivalent in the IsiNdebele language. This strategy helps to achieve this by adapting the text, where necessary, to ensure clarity and relevance for the target audience.

Practical Application of the Sense-for-Sense Strategy

The sense-for-sense strategy prioritises the intended meaning of a source text over its exact wording. This strategy is essential when translating idiomatic expressions or culturally specific terms, which might not have direct equivalents in the target language (Hatim and Mason, 1990, p. 118).

(a) Informal Trading By-law (2021)

The Informal Trading By-law (2021) regulates informal trading in public spaces, outlining the requirements for obtaining trading permits and designating specific trading zones. Phrases like "lease and allocation of stands" may not have an immediate equivalent in IsiNdebele, and a literal translation could confuse. That is why literary it is translated as, example 5:
"isivumelwano selisi nokunikelwa kweendawo zokuthengisela." A sense-for-sense translation might render this phrase as ***"isivumelwano nokwatjelwa indawo yokuthengisela***," which captures the idea of areas that are specifically allocated for trade. The word "lease" in the original context is not just an agreement but a formal contract between an informal trader and the local municipality or council. By choosing a culturally appropriate phrase, the legislative language practitioner ensures that the target audience understands the legal concept clearly.

(b) Control of Outdoor Advertising By-law (2022)

The Control of Outdoor Advertising By-law (2022) regulates advertisements displayed in public spaces, ensuring they meet specific placement, content, and size standards. Legal phrases in this by-law, such as the following one, could be problematic if translated literally.

Example 6: Section 2(8) of this by-law: Notwithstanding the area of control, the Municipality may designate roads or portions of a road as protected areas where free-standing and/or street furniture signs shall not be permitted.

This phrase is translated as:

Example 7: ***IsiGaba 2(8) somthetho lo: Ngaphezu kwendawo elawulwako, uMasipala angathatha iindlela namkha ingcenye yendlela njengendawo evikelekileko lapha amatshwayo wefinitjhara yendleleni wokukhangisa angakavumeleki khona.***

Which more directly conveys the idea of street furniture signs that are not permitted. However, it is not clear in IsiNdebele literal translation as it uses the street furniture, as the real furniture on a street with a sign. Translating this clause using sense-for-sense translation, will be as follows:

Example 8: ***IsiGaba 2(8) somThetho kaMasipala lo: Ngaphandle kwendawo elawulwako, uMasipala angathatha iindlela namkha ingcenye yendlela njengendawo evikelekileko lapha amatshwayo wokukhangisa asendleleni angekhe avunyelwa khona***.

This translation ensures that the cultural context is not lost, allowing the target audience to understand the regulatory nature of the law while staying within their conceptual framework for free-standing and/or street furniture signs.

(c) Events Compliance By-law (2019)

The Events Compliance By-law (2019) governs the organisation of public events, specifying requirements for permits, crowd management, and safety regulations. By-law legal phrases like the following are central to this by-law but may require a sense-for-sense strategy to make sense in IsiNdebele not just to prefix it by "i-." Example 9:

39) Event Disaster Plan, Emergency Action Plan/Major Incident Plan, Contingency Plans (as applicable) (including event, event site, security, traffic, emergency medical care, facilities, emergency evacuation).

The lack of standardised IsiNdebele legal dictionaries is still a challenge in language development. The legal lexicon in IsiNdebele and some African languages is not as fully developed as it is in English, which complicates the task of translating legal concepts. However, a translator could have used his or her translation experience in translating the above clause rather than to use a "languid strategy" that is hopeless to the language speakers. IsiNdebele language has an equivalent word to "traffic" and that is "***isiphithiphith***i." That is why one end up saying the translator used a "languid translation strategy." Example 10:

39) I-Event Disaster Plan, i-Emergency Action Plan/Major Incident Plan, Contingency Plans ***(ngokusetjenziswa kwazo) (kuhlanganise nombuthano, indawo yombuthano, bezokuphepha, ithrafiki, ezokwelapha zobujamo oburhabileko, ukuphuma ngokurhabako ekundleni yombuthano).***

Instead, the translator could have used adaptation and focus more on aspects of the regulations, making them more understandable for a community concerned with public safety.

(d) Air Quality Management By-law (2019)

The Air Quality Management By-law (2019) deals with air pollution and sets emissions standards. The translator successfully used contextual and cultural adaptation to make the text easily understandable to language speakers, as seen below. Example 11:

(1) The Municipality may, by notice –

(a) identify substances that might include any of the following definitions by Chapter 1(1): combustible liquid, dangerous goods, flammable gas, flammable liquid, flammable solid or flammable substance.

Example 12:

IsiNdebele translation follows:

(1) UMasipala, ngesiyeleliso –

(a) ungathola bona isisetjenziswa esihlanganisa nasi ihlathululo elandelako ngokwesAhluko 1(1): iketjezi elibamba umlilo msinya, ipahla enobungozi, irhasi ebamba umlilo msinya, iketjezi ebamba umlilo msinya, okuqinileko okubamba umlilo msinya namkha isisetjenziswa esibamba umlilo.

The sense-for-sense strategy is essential in legal translation, especially when translating complex regulatory texts like by-laws from English into IsiNdebele. This approach ensures that the translation prioritises the meaning of the original text rather than its literal form, adapting it to the cultural and linguistic norms of the target language. Through a careful balance of fidelity to the original meaning and sensitivity to the target audience's cultural context, the sense-for-sense strategy ensures that by-laws, such as the Informal Trading By-law, Control of Outdoor Advertising By-law, Events Compliance By-law, and Air Quality Management By-law, can be accurately understood and effectively implemented by the target community. By

using this strategy, translators can ensure that legal texts not only remain precise but also remain relevant and accessible to the people they are meant to govern.

4.9 Resource Constraints, Quality and Consistency

Limitations in legal translation can undermine translation quality, as inadequate resources hinder consistency and accuracy (Gallagher, 2024, p. 45). This is a significant challenge faced by the participants. This includes human resources, such as a shortage of skilled IsiNdebele translators, and material resources, such as limited access to translation tools, reference materials, and translation software. These constraints often led to delays in the translation process and resulted in the use of less effective methods, such as relying on general bilingual dictionaries or outdated translation tools. Participants in this study mentioned that access to specialised legal translation training and resources was essential for improving both the speed and accuracy of the translation process. Continuous professional development and updating of reference materials were identified as critical strategies to address these challenges (deMarrais, 2024, p. 95).

Ensuring quality control and consistency across translated by-laws was another key theme identified in the responses. By-laws must be translated with precision, as any mistranslation could have serious legal implications. Respondents highlighted the role of the Functional Head in ensuring the consistency and quality of translations. However, in the case of the City of Tshwane Municipality, there are only two Functional Heads, one is responsible for English and Afrikaans and the other for all African languages. These individuals review and edit all translated texts, providing an additional layer of oversight to ensure that the translations meet the municipality's standards.

Translators must use specific strategies, such as documentary and instrumental translation, along with cultural adaptations or paraphrasing, so that the translation remains true to the original while being suitable for the target audience. This is particularly true when translating legal texts, such as the IsiNdebele versions of by-laws, where the challenges are more complex. Legal language often includes terms that do not have direct equivalents in the target language, which makes the translation process especially challenging. The emphasis is on the challenges, particularly when accuracy and clarity are of utmost importance, as is the case with legal texts (Nord, 2006, p. 30).

The functionalist approach, with its focus on the hybrid method and the sense-for-sense strategy, underscores the importance of balancing linguistic precision with cultural sensitivity. The works of Nida and Taber (1969), Nord (1997), and Vermeer (1989) stress that translation decisions should be driven by the purpose of the text and the specific needs of the audience. The hybrid method, which blends formal and dynamic equivalence, allows translators to have the flexibility to adapt the translation while still preserving the core meaning. Similarly, the sense-for-sense strategy prioritises meaning over literal translation, ensuring that the translated text communicates the intended message in a way that resonates with the target audience.

Ultimately, the translation process, as described in Nord's functionalist framework, is an active and ongoing procedure that requires careful consideration of both textual and contextual factors (Nord, 1997, p. 36). By applying a translation brief, engaging in iterative analysis, and making informed strategic decisions, translators can produce translations that not only meet the communicative needs of the target audience but also respect both linguistic accuracy and cultural norms. In the case of legal translation, this balanced approach is crucial for ensuring that the final text functions as intended within the legal and cultural context of the target clients. The success of by-law translation is to ensure that the translation fulfils its intended purpose in the target context.

4.10 Summary

This analysis explored the challenges and successes of translating municipal by-laws into IsiNdebele within the City of Tshwane Municipality, with a focus on the experiences of legal language practitioners. This research stressed the importance of investing in professional development, creating targeted legal translation training, and developing legal lexicons for indigenous languages to improve the quality and accessibility of legal texts in South Africa's diverse linguistic landscape. While experienced translators applied strategies like the sense-for-sense approach to address linguistic and cultural differences, this study revealed a gap in formal legal qualifications among translators, which can affect the accuracy and effectiveness of translations. It highlighted several key issues, including the lack of specialised legal training and the absence of developed legal terminology in IsiNdebele, which complicated the translation process. Resources limitations, such as insufficient access to specialised tools and reference materials, further hindered the consistency and quality of the translations.

CHAPTER 5: RESEARCH FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Introduction

This section focuses on the key research findings and recommendations aimed at addressing these issues regarding by-laws translation. After this, I conclude the study.

5.2 RESEARCH FINDINGS

5.2.2 Challenges Faced by Municipal Legislative Translators

The research finds critical challenges faced by legal translators in the municipalities. The lack of standardised legal terminology in the IsiNdebele language remains a pressing issue, which makes it difficult for the legislative language practitioner to use the correct term equivalents. Again, resource shortages, tight deadlines, and the absence of specialised legal training contribute to the difficulties faced by linguists and legislative language practitioners in the field.

- **Inconsistency in Translating the Original Names of the By-laws**

From the document analysis, it has been found that legal translators are not consistent when translating the original names of the by-laws. Some choose to underline, bold, or italicise the original name of the by-law in translation, whilst some do not bother at all translating any by-law name, including the recent by-laws or recently promulgated by-laws.

- **Specialised Training and Resources**

Lack of access to specialised resources like legal dictionaries, terminology databases, and opportunities to collaborate with legal professionals is a challenge. There is a need for a focused training programme in legal translation for legislative translators so that legislative translators can accurately convey legal concepts in both English and IsiNdebele.

- **Institutional Investment**

The researcher finds that there is a lack of support from the institution or employer in creating standardised legal lexicons. To improve the standardised legal lexicon, there should be an improvement in accessing training resources and particularly those that address the needs of

IsiNdebele language, as the most previously marginalised and underdeveloped language in South Africa.

- **Promoting Linguistic Equity**

There is a lack of linguistic equity in translation that causes barriers in accessing crucial information for marginalised languages. The South African legal system must prioritise linguistic equity to ensure that all official languages, especially indigenous languages, are represented in by-laws. This will be essential to ensure access to justice for all citizens, regardless of their language background.

- **Context-Specific Translation**

The problematic sequence of outcomes in both reception and meaning occurs when literal translation is used as the only method of translation. Language practitioners were not considering the specific legal and cultural setting of the text, and not adapting to the tone and style to ensure that the translation reflects both legal meaning and cultural relevance.

- **Standardised Legal Lexicons and Term Banks**

The absence of standardised legal lexicons and term banks makes it difficult for legal translators to uniformly represent legal terms when translating the by-laws. IsiNdebele language does not have even a single legal dictionary. It only depends on the translators' experience in translating by-laws. The lack of standardised legal lexicons and term banks presents a challenge to reliable and accurate legal translation.

- **Training and Capacity Building**

Poor translation quality leads to miscommunication and misunderstanding. There is broad agreement that continuous professional development and specialised training are essential for improving the competence of legal translators. This is particularly important for less commonly spoken languages, such as IsiNdebele, when a need arises for targeted skills development.

- **Workshops and Back-Translation**

There is a need for back-translation. Back-translation is a method used to assist in identifying and correcting errors before finalising translations, increasing accuracy and minimising the risk of misinterpretation, especially in legal contexts. There is a scarcity of regular legal translators' workshops to train legal translators on how to use AI applications and back-translation.

- **Research and Access to Resources**

Outdated and inaccurate terminology compromises the credibility and accuracy of the translated by-laws. Translators must have access to comprehensive legal resources and engage in thorough research to navigate the complexities of legal texts. The absence of direct equivalents for certain legal terms in various languages makes research essential for accurate translations.

- **Translation Briefs, Consistency in Translating Short Titles and Consultation**

Misalignment with the intended purpose or reader results in inappropriate or misleading, or confusing translation. The inconsistency in translating the official titles of the by-laws is a challenge in many languages. If the recent by-law's official title is not translated into the target language and left in the source language can result in reduced accessibility, legal alienation, and less effective enforcement, all of which can undermine the law's intended impact.

Therefore, it is crucial to address these challenges by suggesting the need for institutional capacity and training, resources, infrastructure, and educational support for legal translators. This will improve the quality and accuracy of legal translations in the municipalities.

5.2.3 Translation Methods

The research highlights the agreement on the importance of specialised training and the need for dynamic translation methods. The responses indicate that while *literal translation* has its place, it is not always appropriate for legal texts, especially when translating between languages with different legal structures. There is a need for *dynamic equivalence* or *functional translation*, and the purpose and cultural context should be considered when translating by-laws. This will balance the accuracy with cultural and legal adaptation when translating by-laws.

There is a need for a translation method that seeks to balance the legal intent and cultural nuances of a by-law while also maintaining literal accuracy. The functional equivalence method involves translating the meaning of the source text in a way that is contextually and culturally appropriate for the target audience, while also aiming to preserve the original legal intent. All participants agreed that the sense of a document is crucial in legal translation. Therefore, the findings highlight a need for a dynamic hybrid method when translating the by-laws. This method, which is also known as functional equivalence, brings results that enhance clarity and precision while preserving the essence of the legal content.

5.3 RESEARCH RECOMMENDATIONS

The mixed opinions on the necessity of formal legal qualifications underscore the ongoing debate within the profession regarding the balance between formal legal training and practical experience in by-law translation. As the field continues to grow, addressing these gaps will be important for improving the quality of legal translation in South African municipalities.

- **The use of the Functional Equivalence Method**

It is recommended that this method be employed as it strikes a balance between readability and accuracy, providing legal professionals and the public with reliable translations that maintain the original intent of the by-law. It ensures that legal terms and concepts without a direct equivalent in IsiNdebele are rendered in a way that preserves their intended legal effect and significance. This approach recognises that legal language involves not only literal wording but also the underlying concepts and principles, thereby making the translated text accessible to IsiNdebele speakers while remaining faithful to the original by-law. This method uses both sense-for-sense and literal translation strategies. The method that focuses on conveying the intended meaning of the original text while adapting to fit the cultural and legal context of the target audience is essential to balance accuracy with cultural sensitivity, ensuring that the translated document does not just reflect the structure but also the sense of the by-law. Sense-for-sense in by-law translation is essential because it is contextually appropriate.

- **Consistency in Translating the Original Names of the By-laws**

It is recommended that the original names of by-laws published before 1994 (before South African democracy) should not be translated into target languages. This is to preserve legal consistency and accuracy. Many legal professionals, scholars, and institutions are familiar with these by-laws in their original names, which are often cited in by-laws, case law, and academic writing. The pre-1994 by-laws were not promulgated in South African languages except in Afrikaans and English. Changing the names could lead to confusion or misinterpretation of the law, especially in legal proceedings where precise references are critical. Additionally, the original names of these Acts reflect the historical context in which they were enacted, serve as important legal markers for understanding South Africa's legal evolution. Translating or renaming these Acts might obscure their original meaning or disrupt the continuity of legal interpretation and application. It is recommended that all by-law names promulgated after 1994 be translated into the target languages.

- **Linguistic Equity and Translation Practices**

It is recommended that cultural relevance, inclusivity and linguistic equity should be considered when creating frameworks and technologies that support marginalised languages, and this can be done through translators' empowerment, with necessary training and skills. Translators need to engage in back-translation and consultation with legal experts to ensure that their translations are both legally accurate and culturally appropriate. By supporting legal translators with proper knowledge and creating a more equitable language landscape, by-laws can truly be accessible to everyone. Adequate time for consultation with legal professionals is also critical to ensure that the translated text is legally sound and contextually accurate. A translation brief is needed to clarify difficult terms and concepts before beginning the translation process, and this can improve accuracy.

- **Capacity Building and Resources**

It is not enough just to have the right resources or legal training. It is also about promoting linguistic equity and ensuring that all languages, especially indigenous ones, like the IsiNdebele language, are represented fairly in legal texts. In multilingual societies like South Africa, where languages like IsiNdebele have historically been underrepresented, by-laws must be accessible to all, regardless of language. Translators need not only the functional equivalence theory to translate by-law documents, but also the AI tool and specialised training, understanding of the legal source text, and legal term lists when using a source document to translate target text that has different structures and concepts. By-law translators often have to rely on their knowledge and experience, and this can lead to inconsistencies or inaccuracies. It is therefore recommended to use technology, such as translation tools and artificial intelligence, to implement human translation efforts and improve translation processes. Legal translators should regularly attend legal translators' workshops to use AI applications and back-translation exercises to refine their work. Through AI, syntax and structure can be handled well, whilst humans can ensure that function and cultural meaning are well preserved. The AI application should be used with the functional equivalent method, as the hybrid method for translating by-laws.

5.4 Future Research Recommendation

While this study has expanded on the role of community involvement in translation, it acknowledges a significant limitation in direct engagement with community members who interact with the translated materials. The focus has primarily been on legal translation and the

perspectives of professional language practitioners. However, to enhance the practical relevance and societal impact of the findings, it is essential to incorporate a broader range of community perspectives to provide a more comprehensive understanding of the effectiveness and accessibility of the translated by-laws. Future research should aim to include the perspectives of community members, such as IsiNdebele-speaking residents who rely on translated content for access to critical services. Participatory research methods, such as focus groups, community-led interviews, or ethnographic case studies, could provide rich insights into the effectiveness, accessibility, and cultural resonance of translated materials.

5.5 Summary

In summary, functional equivalence is recommended in translating by-laws as it strikes a balance between sense-for-sense and word-for-word translation strategies. This research also finds that there is a need to maintain consistency when translating the official title of by-laws, those that passed or promulgated before 1994, as translating these titles could lead to confusion and disrupt legal continuity. By investing in better training, resources, use of AI and cooperation, the City of Tshwane municipalities and other municipalities in South Africa could improve the quality of legal translations, ensuring they are accurate, clear, and accessible to everyone.

5.6 Conclusion

The translation of municipal by-laws from English into IsiNdebele within the City of Tshwane Municipality is a crucial step towards promoting inclusivity and enhancing civic engagement among IsiNdebele-speaking residents. This process, governed by the Municipal Systems Act 32 of 2000, highlights the interplay between local governance and translation, ensuring that legal information is accessible to all community members. Thus, the potential benefits of effective translations are substantial, as they foster a better understanding of rights and responsibilities, reduce legal ambiguities, and encourage active participation in governance. Chapter 1 identifies significant challenges in achieving accurate and culturally relevant translations due to the complexities of legal language and the lack of existing resources in IsiNdebele.

Further, this study emphasises the need for continued focus on multilingual legal translation as a means of upholding the constitutional mandate of promoting linguistic rights and fostering social justice within a diverse society. Through a functionalist approach that prioritises both

legal accuracy and cultural adaptation, this research aims to address the gaps in current practices and provide insights into best practices for translating by-laws. Ultimately, enhancing the clarity and accessibility of by-laws not only supports compliance with municipal legislation but also strengthens the relationship between municipalities and their citizens.

Chapter 2 explores the journey of by-laws, influenced by both colonial and post-apartheid shifts, and shows just how crucial it is to maintain our rich linguistic diversity while making sure that everyone has access to the law. The functionalist approach to translation, which carefully balances staying true to the original text with adapting to cultural nuances, emerges as a key strategy in making by-laws more accessible across different languages. This approach does not just translate words but bridges cultural divides, ensuring that legal texts resonate with the people they serve. While translating IsiNdebele by-laws presents its own set of challenges, the challenges can be addressed. By embracing technology (like using AI system), creating comprehensive legal glossaries, and encouraging collaboration through workshops and community involvement, one can make significant strides. Sustainable translation practices are essential, and they need the backing of strong policies and ongoing training. These efforts are not just about overcoming obstacles but about building a legal system that truly reflects and respects the diversity of all South Africans. By doing so, one ensures that everyone, no matter what language they speak, has fair and equal access to the law.

The importance of cultural relevance, accuracy, and the role of skilled translators in ensuring that by-laws serve the intended purpose. Further, chapter 3 shows the methodology used contributes valuable insights into the broader context of language rights and social equity, particularly in the context of South Africa's constitutional commitment to linguistic diversity. The significance of effective by-law translation within the City of Tshwane Municipality, particularly concerning its use of the IsiNdebele language is highlighted. By adopting a qualitative research design and a case study approach, the study provides an in-depth examination of the challenges and successes associated with translating by-laws for a diverse, multilingual community. Despite the challenges posed by limited resources and the complexity of legal terminology, this study emphasises the crucial role of language accessibility in promoting fairness and inclusion in governance. Ethical considerations, including informed consent and confidentiality, have been paramount throughout the research process, ensuring the integrity of the study and the protection of participants. Ultimately, this research will not only enrich our understanding of legal translation practices but also offer practical

recommendations that can inform language policy and improve translation practices in other municipalities and contexts globally.

In addition, chapter 4 presents the analysis that explores the challenges and successes of translating municipal by-laws from English into IsiNdebele within the City of Tshwane Municipality, with a focus on the experiences of legal language practitioners. The research stresses the importance of investing in professional development, creating targeted legal translation training, and developing legal lexicons for indigenous languages to improve the quality and accessibility of legal texts in South Africa's diverse linguistic landscape. While experienced translators apply strategies like the sense-for-sense approach and AI application usage to address linguistic and cultural differences, the study reveals a gap in formal legal qualifications among translators, which can affect the accuracy and effectiveness of translations. It highlights several key issues, including the lack of specialised legal training and the absence of developed legal terminology in IsiNdebele, which complicates the translation process. Resource limitations such as insufficient access to specialised tools and reference materials further hinder the consistency and quality of the translations.

Lastly, chapter 5 concludes with the findings and recommendations. It is recommended that functional equivalence is the best method to be used in translating by-laws as it strikes a balance between sense-for-sense and word-for-word translation strategies and this hybrid method can be used with AI application. This research also finds that there is a need to maintain consistency when translating the official title of by-laws, those that passed or promulgated before 1994, as translating these titles could lead to confusion and disrupt legal continuity. By investing in better training, resources, and cooperation, the City of Tshwane municipalities and other municipalities in South Africa can improve the quality of legal translations, ensuring they are accurate, clear, and accessible to everyone.

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Appendix

1. Participant's Consent

2 Certificate of Competence in Research Ethics

3 Research Permission

4 Participant's Information Sheet

5 Participants' Questionnaire

6 English By-laws (Source Texts)

7 IsiNdebele By-laws (Target Texts)

1. Participant's Consent

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

LANGUAGE PRACTITIONER'S CONSENT TO PARTICIPATE IN THE STUDY

RESEARCH STUDY ON THE ANALYSIS OF ISINDEBELE TRANSLATED LEGAL TEXTS: CITY OF TSHWANE AS A CASE STUDY.

Researcher's name: Vincent Mahlangu

I, _____ (Participant's name), agree to participate in this research project.

I agree to the following:

(Please circle/underline/tick the relevant options below)

I have read (or had explained to me). I understand what this study is about.	YES	NO
I understand that I can volunteer to take part in the study	YES	NO
I agree that the interview may be audio recorded	YES	NO
I agree that direct quotations from my interview may be used by the researcher in their research report	YES	NO
I agree that other researchers may use the information I provide in my interview (depending on their own ethics clearance being obtained) but my name and any personal information will not be used or passed on	YES	NO
I have received a signed copy of the informed consent agreement.	YES	NO

Participant's Name and Surname _____.
Participant's Signature_____. Date:_____.

Researcher's Name and Surname: **Vincent Mahlangu.** Researcher's

Signature:  . Date: **8 April 2024**

2 Certificate of Competence in Research Ethics

CERTIFICATE OF COMPETENCE IN RESEARCH ETHICS

Name: **Vincent Mahlangu**

Student/Staff No: **1803492**

Date of Certification: 23 January 2024- 22 January 2027 (This certificate is valid for a period of three years)

TRAINED BY:

PROF JASPER KNIGHT

(RESEARCH ETHICS)

SIGNATURE:

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG

ISSUED BY:

DR. ROBIN DRENNAN

(DIRECTOR: RESEARCH
OFFICE)

SIGNATURE:

This certificate is confirmation of successful completion of a training course in Research Ethics for Non-Medical human research, based upon achieving a minimum level of competence in different assessment tasks.

3 Research Permission

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Dear Mr V Mahlangu

MA IN TRANSLATION RESEARCH PERMISSION: THE ANALYSIS OF ISINDEBELE TRANSLATED LEGAL TEXTS: CITY OF TSHWANE MUNICIPALITY AS A CASE STUDY

On behalf of the Strategic Communication Division in the City of Tshwane Municipality, we are pleased to inform you that you have been granted permission to conduct your research in our division, especially with language practitioners and gather data on documents meant for public use.

Please note that the statements of the participants are not that of the City of Tshwane Municipality.

As the management of the division, we can appreciate if you can share the findings around your topic: The analysis of isiNdebele translated legal texts: City of Tshwane Municipality as a case study.

16 April 2024

Lindela Mashego
ACTING DIVISIONAL HEAD: STRATEGIC COMMUNICATION

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rulo ya Voxavisi, Vuhlanganisi na Minkhuvo • Umnyango Wezokuxhumana, Exokumaketha Nezemicimbi • Kommunikasie, Bemarking en Geleenthede • Muhasho wa Vhudavhidzano,
Mbambadzo, Vhutambo na Mishumo

4 Participant's Information Sheet

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

Good day Sir

I am Vincent Mahlangu, a Masters in Translation student in the School of Literature, Language and Media at the University of the Witwatersrand, Johannesburg. My supervisor is Colfar Hlongwana. I am conducting a research study on legal translation. The study title is: The analysis of isiNdebele translated legal texts: City of Tshwane as a case study.

I am inviting you to take part in an interview questionnaire. If you decide to take part, your participation in this research study will last about 10 minutes. The questionnaire activity can be done at your preferred place, this week.

Data collected through the questionnaire will be stored in locked cupboard and password protected computer folder, if scanned, and will be deleted after 5 years. Only the researcher will have access to the data. Personal information that will be on the questionnaires is your age, academic qualifications, ethnic group, language combination and work experience.

Your replies to the questionnaire will be confidential, but anonymity is not guaranteed. However, When I share the results of the research study, I will not include your name or anything else that could identify you. With your permission, other researchers may use the data collected from this research study, but your name and any personal information will not be used or passed on.

If you decide to take part in the research study, it should be because you want to volunteer. You do not have to take part. You can stop being in the study at any time. You do not have to answer any questions if you do not want to. You will not get any direct benefits if you choose to join the research study. You will not lose any services, benefits or rights you would normally have if you decided not to join. Taking part in the research study will not cost you anything. You will not be paid for being in this research study.

The risks for this research study are low to minimal as the questions that will be asked are your daily working challenges and not sensitive. Feel free to omit any question that makes you feel sad or upset. If you need some support or counselling services following the interview questionnaire, please contact the Acting Divisional Head: Communication, Mr Lindela Mashigo, at: lindelama@tshwane.gov.za / 012 358 6126 for free counselling service.

This research study will be written up as a research report. The report will be available on the university library website. If you would like to receive a summary of this report, I will be happy to send it to you.

If you have any questions during or afterwards about this research study, feel free to contact me or my supervisor on the details listed below. If you have any concerns or complaints about the ethical procedures of this research study, you are welcome to contact the University Human Research Ethics Committee (Non-Medical), telephone +27(0) 11 717 1408, email hrecnon-medical@wits.ac.za.

Yours sincerely,



2 May 2024

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Tel: 0117174265

5 Participant's Questionnaire

Answer both Sections A and B

Participant's name (optional) _____

	SECTION A: DEMOGRAPHIC QUESTIONS
1	**Please indicate your age group** (*Please mark with X*) 18 to 20 years ☐ 21 to 29 years ☐ 30 to 39 years ☐ 40 to 49 years ☐ 50 years and more ☐
2	**Please indicate your gender** (*Please mark with X*) Male ☐ Female ☐
3	**How long have you been staying in Pretoria/City of Tshwane?** (*Please mark with X*) 0 to 2 years ☐ 2 to 5 years ☐ 5 years and more ☐
4	**What language qualifications do you have?** (*Please mark with X*) Postgraduate degree ☐ Undergraduate degree ☐ Diploma ☐ National certificate ☐ No formal education attended ☐

	SECTION B: QUESTIONS

1. What is your home language and please indicate any other languages that you can speak/read/write?
2. How many years of experience do you possess as a translator (language practitioner)?
3. Is it necessary for a translator to have a legal qualification to translate legal documents?
4. What are the main challenges facing institutions that translate legal documents?
5. Does your institution (or company appointed by the Council) have the necessary capacity to translate and produce good quality legal translated documents?

6. Have you received training or hold a post-graduate qualification to translate legal documents?
7. Which translation method do you use to translate legal text? Why?
8. What are the translation challenges that are encountered by legal translators when translating legal documents?
9. Do you think literal translation is relevant in translating legal documents? Why?
10. When it comes to legal translations, what is your position on the fair application of Section 6 of the Constitution regarding the use of IsiNdebele language?
11. Share your thoughts on the quality usage and development of legal terminology when translating IsiNdebele legal text. Do you have any general comments or suggestions on how to improve the translation process for legal documents?

6 English By-laws (Source Texts)

CITY OF TSHWANE

AIR QUALITY MANAGEMENT BY-LAW

PREAMBLE

WHEREAS the City of Tshwane has a legal mandate and obligation, in terms of the Constitution of the Republic of South Africa, 1996, read together with the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and other statutory provisions as referred to in this by-law, to make by-laws that give effect thereto;

AND WHEREAS Section 24 of the said Constitution provides for individual rights with regard to a clean and healthy environment;

AND WHEREAS the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), enforces this right by regulating the same;

AND WHEREAS the said Municipality in its capacity as licencing authority in terms of the said National Environmental Management: Air Quality Act, 2004, is charged with certain duties and responsibilities in order to implement an emission licencing system as provided for in Section 22 of the said act;

AND WHEREAS everyone has the constitutional right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –

(a) prevent pollution and ecological degradation;
(b) promote conservation; and
(c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

AND WHEREAS this by-law is aimed at advancing the said rights and regulation of all activities with the aim of achieving those objects as provided for in Section 2 hereunder in order to strengthen government strategies for the protection of the environment and, more specifically, the enhancement of the quality of ambient air, in order to secure an environment that is not harmful to the health and well-being of people;

BE IT THEREFORE ENACTED by the City of Tshwane as follows:

CHAPTER 3

PART 1: LOCAL EMISSION STANDARDS

Legal mandate

(1) The Municipality may, by notice –

(a) identify substances that might include any of the following definitions in accordance with Chapter 1(1): combustible liquid, dangerous goods, flammable gas, flammable liquid, flammable solid or flammable substance;

(b) identify substances or mixtures of substances in ambient air which, through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health, well-being or the environment in Tshwane, or which the air quality officer reasonably believes to present such a threat;

(c) in respect of each of those substances or mixtures of substances identified in Sections 6(1)(a) and 6(1)(b), publish local standards for emissions from point, non-point or mobile sources in Tshwane (refer to Schedule 1 of this by-law);

(d) in respect of each of those substances or mixtures of substances identified in Sections 6(1)(a) and 6(1)(b), publish emission control zones for those substances.

(2) No person may manufacture, mix, store or use any dangerous goods, flammable substance, whether flammable solid, flammable liquid, flammable gas, combustible liquid or any mixtures thereof, unless they adhere to the Occupational Health and Safety Act, 1993 (Act 85 of 1993), Regulation 1179 of the – Hazardous Chemical Substances, and Regulation 1007: Classification and Labelling of Chemical Substances (General Notice 30393 of 26 October 2007).

(3) No person may manufacture, mix, store or use any dangerous goods, flammable substances, whether flammable solid, flammable liquid, flammable gas, combustible liquid or any mixtures thereof unless they adhere to Sections 24(2) and 24D of the National Environmental Management Act, 1998, and any amendments thereto after the commencement date.

(4) No person may manufacture, mix, store or use any dangerous goods, flammable substance, whether flammable solid, flammable liquid, flammable gas, combustible liquid or any mixtures thereof unless they adhere to Part 9 of the Fire Brigade Services By-law (Local Authority Notice 396 of 2016).

(5) The Municipality shall take the following factors into consideration in setting local emission standards:

(a) Health, safety and environmental protection objectives

(b) Analytical methodology

(c) Technical feasibility

(d) Monitoring capability

(e) Socio-economic consequences

(f) The ecological role of fire in vegetation remnants

(g) Best practicable environmental option

(6) Any person who is emitting substances or mixtures of substances as referred to in Subsection (1) [above?] must comply with the local emission standards published in terms of this by-law.

PART 2: NORMS AND STANDARDS

Substance identification process

(1) When identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment, the City must consider –

(a) the possibility, severity and frequency of effects on human health; and

(b) the environment as a whole, with irreversible effects being of special concern.

City of Tshwane Metropolitan Municipality

Public Events By-law

PREAMBLE

To supplement the Safety at Sports and Recreational Events 2010 (Act 2 of 2010) and its' Regulations regarding the management and regulation of certain events within the area of jurisdiction of the City of Tshwane; and to provide for the enforcement of this By-law; and to provide for matters incidental thereto.

WHEREAS the City of Tshwane Metropolitan Council recognises that:—

- the physical well-being and safety of all persons attending sports, recreational, religious, cultural, exhibitional, organisational or similar events as well as the safety of their property—
  at stadiums or other venues; and
  in the case of a race, tour or procession, along a route, must be promoted and protected;
- the rights of persons who attend sports, recreational, religious, cultural, exhibitional, organisational or similar events must be protected;

AND WHEREAS the City of Tshwane recognises that the hosting of events comprises a significant part of its' competitiveness strategy and acknowledges that events have an important role to enhance cultural and social cohesion in communities, support rejuvenation and greening principles and economic growth;

AND WHEREAS the City of Tshwane aims to regulate the holding of events in a manner that ensures proper management thereof;

AND WHEREAS the City of Tshwane wishes to support the coordination and collaboration between all role-players, to promote partnerships and to enhance the effect of events in the Municipality's area of jurisdiction;

AND WHEREAS Municipality wants to ensure that events take place safely and securely in a coordinated manner within the boundaries of City of Tshwane;

THEREFORE, BE IT ENACTED by the Municipality as follows:

22) The application to conduct open air musical festival or similar gathering must be submitted by an event
organizer to the relevant Municipal Heath services office within the region where the event will take place
at least 14 days(fourteen) days prior to the holding of the approved event

23) Food/Non-food/Catering: Copies of Certificate of Acceptance (CoA), copies of Vendor/Trader/ Business Licences.

24) A receipt slip of Landfill after the events from the Event Organiser is required for the proof of records.

25) Fire safety: Fire Safety Plan (pro-active, re-active), location map/Placement Plan of fire extinguishers, compliance letter from Local Fire Dept.

27) Temporary Population Certificate application.

28) Flammable Substance Certificate: Copy of application, LPG Placement Plan.

29) Fireworks Permit application (see Pyrotechnics).

30) Open Burning Permit application (if applicable)

31) Firebreak Plan (if applicable)

a. All environmental health issues to conform with the Health Act, Act No. 63 of 1977.

32) Helicopter landing: Situation map, coordinates, CAA application and approval.

33) Attractions/Amusements: Copy of owner's Professional Liability Insurance cover, risk assessment.

34) Liquor licence: Proof of submission of special event liquor license application or approval copy or copy of existing valid liquor license of venue owner/manager.

a. Application for a Liquor License must conform to the Liquor Act, Act 27 of 1989. Applications can be submitted to the local Designated Police Officer of the SAPS within the precinct of jurisdiction.

35) Medical and emergency care: Event Medical Plan, copy of valid, current Professional Indemnity Insurance cover, Valid HPCSA copies of paramedics, Operating License, Medical waste removal permit, operating disks OHSA 37(2) agreement signed, Medical SP Statement of Intent (an agreement has been reached to provide a minimum level of medical services standby at the event).

36) Transport and Traffic Management: Transport and Traffic Management Plan, map/s (roads, traffic points, parking, etc.), and may include road/s closures, times of road/s closures, traffic control required, sections of road/s, time/s, parking arrangements, over-flow parking, emergency services vehicles (medical, fire, tow trucks) parking area, emergency access/egress route/s.

a. Should signage for "no stopping", "parking" and other devices be required, the signage must be in compliance with the South African Road Traffic Signs Manual.

37) Event H&S Policy and Plan, Event Safety Management Plan and System, Site Safety rules.

38) OHSA Mandatory appointments.

39) Event Disaster Plan, Emergency Action Plan/Major Incident Plan, Contingency Plans (as applicable)(including event, event site, security, traffic, emergency medical care, facilities, emergency evacuation).

40) Communications: Media Accreditation Plan, Communications Plan (medial, internal).

b. The special use of airspace (e.g., tethered balloon (blimps), fireworks display, search lights, etc.) is subject to the approval of the CAA: Air Traffic Services in terms of Part 172 of the Civil Aviation Regulations, 1997.

48) Camping events: Site plan submitted.

b. The special use of airspace (e.g., tethered balloon (blimps), fireworks display, search lights, etc.) is subject to the approval of the CAA: Air Traffic Services in terms of Part 172 of the Civil Aviation Regulations, 1997.

48) Camping events: Site plan submitted.

b. The special use of airspace (e.g., tethered balloon (blimps), fireworks display, search lights, etc.) is subject to the approval of the CAA: Air Traffic Services in terms of Part 172 of the Civil Aviation Regulations, 1997.

48) Camping events: Site plan submitted.

41) Electrical installations, lighting: Floor/Site plan (permanent and/or temporary), appointed qualified, registered Electrician (name, surname, registration no., e-mail address, mobile no.), copy of electrician registration no. with Department of Labour (DoL), Infrastructure Plan, Electricity Contingency Plan.

a. Should extra power supply be required; a request for the supply of temporary electricity must be submitted for the operation on the event (such details to be depicted on the floor plan outlay). If a private company have been contract such person and/or company to comply with the Electrical Installation Regulations (Regulations made under the repealed Machinery and Occupational Safety Act 1983 and now applicable under the Occupational Health and Safety Act 1993 (GN R2920, 23 October 1992 amended to GN 962, 20 May 1994).

42) All SPs: CIPC company registration copy/Copy of Sole Proprietor letter, valid, current COID Letter of Good Standing/proof of payment/application copy, valid, current Professional Indemnity Insurance cover copy, H&S Plan, Event Site Manager (name, surname, e-mail address, mobile no.), Drawings/Safe Work Procedures (SWPs), Risk assessment/s pertaining to event, Fall Protection Plan (if applicable).

43) Temporary structures (as applicable): Method Statement/SWPs for each individual temporary structure, temporary structure design report by Designer, appointment Structural Engineer/s, tented structures: One (1) copy of the manufacturer's specifications, checklists for tents completed, site inspection and report (tent/s larger than 500 m2), roofs, stages, seating, platforms: Drawing/s submitted for approval by Local Authority, drawing/s approved by a structural engineer before construction, staging: Supervisor Certificate To Occupy (staging lower than 750 mm), Structural Engineer sign-off staging higher than 750 mm, lifting equipment: Copy of last examination report, competent person inspection report.

a. Complete the Application Form for the temporary erection of a tent, exhibition stalls, temporary seating stand and stage in terms of Section 4(2) of the National Buildings Regulations Act, Act 103 of 1977. In terms of Section 4 of the National Buildings Regulations Act, Act 103 of 1977 it is an offence for anyone to erect any type of structure without the prior permission of the Local Authority.

44) Signage, advertising (where applicable): Street lamp poles/billboard/pamphlets copy of applications, Escape Route Plan/s.

45) Sound, noise, vibration: Application Noise Exemption Certificate, approval/comments from Ward Councillor and Ratepayers Association/s.

a. The volume of any amplified sounds must conform and complied with in terms of Regulation 7(2) of the Noise Control Regulations P.N. 627/1989, made under Section 25 of the Environmental Conservation Act, Act No. 73 of 1989.

b. Events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used need not submit an application. However, the Municipality may determine whether the impact and risk attached to an event of fewer than 50 persons would require the submission of an application.

46) Municipal services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.

47) Aircraft events: In the event of aircraft operations (i.e., helicopter flights) such application to be submitted in terms of CAR 91.07.4 – Application for Non-Scheduled Helicopter flying operations. Please visit http://www.caa.co.za.

a. In terms of Part 101 the Operation of Line-Controlled Kites, Model Aircraft, Captive and Unmanned Free Balloons [GN R 1664 of 14 December 1998] as prohibited. Applications for exemptions must be sought via the Local Authority to the South African Civil Aviation Authority (to be read with General Operating and Flight Rules as prescribed in Part 91 of the Civil Aviation Regulations, 1997.

LOCAL AUTHORITY NOTICE .....

CITY OF TSHWANE

BY-LAW FOR THE CONTROL OF OUTDOOR ADVERTISING

In terms of Sections 5 and 6 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), read with Section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and Section 162 of the Constitution of the Republic of South Africa, 1996, the City Manager of the City of Tshwane Metropolitan Municipality hereby publishes the City of Tshwane By-law for the Control of Outdoor Advertising, as contemplated hereunder and approved by its Council on **(date)**.

This by-law will come into operation on the date of its promulgation in the *Provincial Gazette*.

_____
CITY MANAGER

(Notice No **(number)** of 2022)
(date)

- Residential areas: All residential properties that have a residential purpose as defined in a town-planning or land use scheme, as amended from time to time, which in the opinion of the Municipality are used for residential purposes, including a property development as defined in this by-law, single residences, group housing and medium- and high-density residential areas.

- Agricultural holdings: Land as laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919.

- Section 2(8) of this by-law: Notwithstanding the area of control, the Municipality may designate roads or portions of a road as protected areas where free-standing and/or street furniture signs shall not be permitted.

- Skylines: The outlines of buildings, trees, hills, etc seen against the sky, as may be determined by the Municipality from time to time.

- Other areas of control: These include embassies and green belts, as determined by the Municipality from time to time.

"Area of minimum control" means an area that is subject to minimal control of advertising signs due to its concentrated economic activity, the dominant concern and motivation being to conduct business and to sell products and services, as may be determined by the Municipality from time to time, including the following areas:

- Agriculture: Land and buildings used for any *bona fide* farming activities, such as, *inter alia,* market gardens, game farming, cattle and sheep farming, bee farming, bird breeding, plant nurseries, plantations, agriculture and orchards, and activities normally regarded as incidental thereto, including abattoirs, cattle feeding lots, poultry farming and pig farming.

- Commercial areas: Commercial districts, central business districts, business districts, office precincts, commercial enclaves, open spaces, commercial use and residential buildings inside a commercial central business district, and shopping centres, as defined in the town-planning or land use scheme, as determined by the Municipality from time to time.

- Industrial areas: Areas that may be determined as industrial areas, industrial use or industrial parks, as determined by the Municipality from time to time.

- Entertainment areas: Entertainment districts or complexes, as determined by the Municipality from time to time.

- Transportation nodes: Prominent public transport nodes such as railway stations, large bus stations and taxi ranks, and airports, as determined by the Municipality from time to time.

- Institutional areas: Governmental, municipal and educational premises or buildings.

"Area of partial control" means that portion of an area of minimum control of advertising signs that is located within 50 m of an area of maximum control and as determined by the Municipality from time to time.

"Area surrounding the advertising sign" means an area with a radius of no less than 5 m that immediately surrounds the footing of the sign or as determined by the Municipality from time to time.

"Arterial road" means a road determined by the Municipality from time to time as a specific class of road.

"Authorised agent" means any person, firm or entity that is duly appointed by the Municipality to act on its behalf in the application, enforcement or administration of this by-law.

LEASE AND ALLOCATION OF STANDS

14.1 Any person who intends to carry on a business as informal trader in terms of the provisions of this by-law may apply to the Municipality in the prescribed manner for a lease or allocation of a stand in terms of Section 6A(3)(c) of the Businesses Act, 1991.

14.2 The Municipality may grant or refuse an application referred to in Subsection 14.1, subject to conditions.

14.3 If such application is successful, –

(a) an informal trader must enter into a lease agreement with the Municipality in respect of such stand, which lease agreement must be produced at the request of an authorised official;

(b) in respect of the allocation as well as the lease of a stand, a token shall be issued to an informal trader as proof of an informal trader's rights to occupy the stand for the purpose of conducting informal trading;

(c) an informal trader must, at all times while carrying on business on the stand or public space, retain such token on his person ready for display to an authorised official, if requested; and

(d) the Municipality may, on the written request of an informal trader, issue a token to a *bona fide* employee of the informal trader.

14.4 Any person who carries on informal trading on a stand or public place and who, without a reasonable explanation, is unable to produce a valid lease agreement or token as envisaged in Subsection 14.3 above, shall be guilty of an offence.

14.5 Any person who carries on informal trading on a stand or public place and who, without a reasonable explanation, fails to comply with the terms and conditions of the lease agreement, shall be guilty of an offence.

CITY OF TSHWANE
IGNITING EXCELLENCE

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

INFORMAL TRADING BY-LAW, 2021

In terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the City Manager of the City of Tshwane hereby publishes the Informal Trading By-law of the City of Tshwane as approved by Council on [add date], as set out hereunder.

ECONOMIC DEVELOPMENT AND SPATIAL PLANNING DEPARTMENT
ECONOMIC DEVELOPMENT DIVISION
BUSINESS COMPLIANCE AND REGULATION SECTION
AUGUST 2021

LEASE AND ALLOCATION OF STANDS

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7 IsiNdebele By-laws (Target Texts)

UmThetho KaMasipala WeDorobhokazi LeTshwane

WemiButhano YomPhakathi

ISENDLALELO

Ukungezelela umThetho wango-2010 wokuPhepha kwemiBbuthano yezemiDlalo neyezokuziThabisa (umThetho 2 wango-2010) neeNqophiso zawo ezimalungana nokulawulwa nokunqotjhiswa kwemibuthano ethileko esendaweni ephethwe yiDorobho leTshwane; nokuqinisekisa bona umThetho kaMasipala lo uyalandelwa; nokubeka imithetho eendabeni ezinjengalezi nemiphumela ezingaba nayo.

NJENGOMBANA umKhandlu weDorobhokazi leTshwane ulemuka bona:—

- lhlalakuhle nokuphepha kwawo woke umuntu oze embuthanweni wezemidlalo, wezokuzithabisa, wezamasiko, wezokukhangisa, wezehlangano namkha oze emibuthanweni efana nale nokuphepha kwabo nokwepahlabo—
  eentediyamini nakezinye iindawo;
  begodu endabeni yokugijima, ikhambo lokuvakatjha namkha elimjeje, endleleni, kufuze kuthuthukiswe bekuvikelwe;
- amalungelo wabantu abeze kwezemidlalo, kwezokuzithabisa, kwezekolo, kwezamasiko, kwezokukhangisa, kwezehlangano namkha emibuthanweni ezifana nalezi kufuze avikelwe.

NJENGOMBANA iDorobho leTshwane lilemuka bona ukwenza imibuthano kunengcenye eqakathekileko ngamano walo wezephaliswano nokuvuma bona imibuthano le idlala indima eqakathekileko ekubumbeni abantu ngokwamasiko nangokomphakathi, begodu isekela ukuvuseleleka neenkambisolawulo ezithuthukisako nokukhula komnotho;

BEGODU NJENGOMBANA iDorobho leTshwane linqophe ukunqophisa ukubanjwa kwemibuthano le ngendlela eqinisekisa bona kuba nelawulo elifaneleko;

BEGODU NJENGOMBANA iDorobho leTshwane lifisa ukusekela ukuhlelwa nokubambisana phakathi kwalabo abadlala indima, bona kuthuthukiswe itjhebiswano labo, kukhuphule nepumelelo yemibuthano le endaweni ephethwe nguMasipala lo;

BEGODU NJENGOMBANA uMasipala afuna ukuqiniseka bona imibuthano yenzeka ngokuphepha nangevikeleko ngendlela ehleliwekoe endaweni engaphasi kweDorobho leTshwane;

NGEBANGA LALOKHO-KE, uMasipala UBEKA IMITHETHO LE ngendlela elandelako:

27) I-*Event H&S Policy and Plan*, I-*Event Safety Management Plan and System*, nemithetho yokuphepha kwendawo.

28) Ukubekwa kwe-*OHSA Mandatory*.

29) I-*Event Disaster Plan,* i-*Emergency Action Plan/Major Incident Plan, Contingency Plans* (ngokusetjenziswa kwazo)(kuhlanganise nombuthano, indawo yombuthano, bezokuphepha, ithrafiki, ezokwelapha zobujamo oburhabileko, ukuphuma ngokurhabako ekundleni yombuthano).

30) Ezokuthintana: i-*Media Accreditation Plan*, iPlani lezokuThintana (zeembikiindaba, nezangaphakathi).

31) Ukufaka izinto zegezi, ukukhanyisa: IPlani yendawo (yamlibe namkha/neyesitjhana) ebeka umuntu oneziqu, umuntu osebenza ngegezi otlolisiweko, (ibizo, isibongo, inomboro yokutlolisa, i-imeyili, inomboro yomtato) ikhophi yonomboro yokutlolisa ne-*Department of Labour (DoL)*, iPlani yomakhiwo, i-*Electricity Contingency Plan*.

a. Nangabe kuzokufuneka igezi engeziweko, isibawo segezi yesikhatjhana kufuze sithunyelwe ngokwamahlelo wombuthano (imininggwana le kufuze ibe khona eplanini yebala). Nangabe ikhamphani yangeqadi ibe nekontraga nomuntu onjalo/namkha ikhamphani ikhambisana nomthetho i-*Electrical Installation Regulations* (linqophiso ezenziwe ngaphasi kwe-*Machinery and Occupational Safety Act 1983* okwanje esebenza ngaphasi kwe-*Occupational Health and Safety Act 1993* (*GN R2920, 23 October 1992* elungisiweko kuya ku-*GN 962, 20 May 1994*).

32) Woke ama-SP: ikhophi yokutloliswa kwekhamphani ye-CIPC nekhophi yencwadi yeKhamphani yomuntu munye, incwadi yanje esemthethweni ye-COID ye-*Good Standing*/ubufakazi bokubhadela/ikhophi yesibawo, esisemthethweni, ikhophi yanje i-*Professional Indemnity Insurance*, i-*H&S Plan*, iMenenja yeNdawo yomButhano (ibizo, isibongo, i-imeyili, inomboro yomtato) Imidwebo/i-*Safe Work Procedures* (ama-SWP), ukuhlolwa kobungozi/obuphathelene nombuthano, i-*Fall Protection Plan* (nakutlhogekako).

33) Umakhiwo wesikhatjhana (nawutlhogekako): i-*Method Statement*/ama-SWP womakhiwo wesikhatjhana ngamunye, umbiko wokutlanywa komakhiwo wesikhatjhana ngumTlami, ukubekwa kwaboNjiniyere bomAkhiwo/betende: Ikhophi yinye (1) yemininingwana evela kumenzi womakhiwo, irhelo amatende elizalisiweko, ukuhlolwa kwendawo nombiko (ama/itende elikhulu ukudlula 500 m2) amaphahla, iinteji, iinhlalo, namaplatfomo: Imi/umdwebo othunyelwa bona uthole imvumo eLawulweni langeKhaya, imidwebo esele ivunyelwe ngunjiniyere ngaphambi kobana yakhiwe, ukufaka isiteji: I-*Supervisor Certificate To Occupy* (ukwakha isiteji esingaphasi kwe-750 mm), I-*Structural Engineer* etlikitliweko engaphezu kuka-750 mm, Iintlabagelo zokukhuphula into: Ikhophi yombiko wokugcina wokuhlolwa, umbiko ozalisiweko wokuhlolisisa umuntu ofaneleko.

a. Zalisa iForomo lesiBawo lakwakha itende lesikhatjhana, iintlabagelo zokukhangisa, iinhlalo zesikhatjhana nesiteji ngokwesiGaba 4(2) ye-*National Buildings Regulations Act, Act 103 of 1977*. NgokwesiGaba 4 se-*National Buildings Regulations Act, Act 103 of 1977* kumlandu kinanyana ngubani ukwakha umakhiwo ngaphandle kwemvumo yeLawulo langeKhaya.

34) Ukutlikitla, nokukhangisa (nakutlhogekako): Amalampa wesitaradeni/amabhodi wemikhangiso/amaphetjhana nekhophi yesibawo, i-*Escape Route Plan/s*.

35) Itjhada, umdumo, nokusikinyeka: I-*Application Noise Exemption Certificate*, imvumo/amezwi weKhansela leWadi newe-*Ratepayers Association/s*.

a. Ivolomu yananyana ngimuphi umdumo okhulisiweko kufuze ivumelane nesiNqophiso 7(2) ze-*Noise Control Regulations P.N. 627/1989*, eyenziwe ngaphasi kwesiGaba 25 ze-*Environmental Conservation Act, Act No. 73 of 1989*.

b. Embuthwaneni onabantu abangaphasi kwabangu-50 lapho umdumo okhulisiweko ungekho khona namkha umakhiwo wesikhatjhana ozokusetjenziswa ungasithumeli isibawo. Nanyana kunjalo uMasipala nguye ozokuqunta bona umphumela nobungozi bombuthano wabantu abangaphasi kuka-50 uzokutlhoga ukuthunyelwa kwesibawo.

ISAZISO SELAWULO LANGEKHAYA .....

UMTHETHO KAMASIPALA WEDOROBHO LETSHWANE

OLAWULA UKUKHANGISELA NGAPHANDLE

NgokwesiGaba 5 no-6 somthetho i-*Local Government: Municipal Property Rates Act, 2004* (umThetho 6 wango-2004), sifundwa kunye nesiGaba 7 somthetho i-*Gauteng Rationalisation of Local Government Affairs Act, 1998* (umThetho 10 wango-1998), nesiGaba 13 somthetho kaRhulumende wangeKhaya: UmThetho wamaHlelo kaMasipala wango-2000 (umThetho 32 wango-2000) nesiGaba 162 somThethosisekelo weSewula Afrika wango-1996, umPhathi kaMasipala weDorobhokazi leTshwane ugadangisa naku umThetho kaMasipala weDorobho leTshwane oLawula ukuKhangisela ngaPhandle, begodu ucatjangelwe bewavunywa ngenzasi mKhandlu wawo ngomhlaka- **(ilanga)**.

UmThetho lo uthoma ukusebenza ngelanga omenyezelwe ngalo ku-*Provincial Gazette*.

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UMPHATHI WEDOROBHO

(Isaziso No (inomboro) yango-2022)
(ilanga)

- Iindawo zokuhlala: Yoke imakhiwo yokuhlala enehloso yokuhlaliswa kwabantu ngokweziko lokuhlelwa kwedorobho nesikimu sokusetjenziswa kwenarha, njengombana ngasikhathi iba neenlungiso, ngokombono kaMasipala ingasetjenziselwa ukuhlalisa abantu, okuhlanganiswa ukwakhiwa kwezindlu ngokomthetho lo, iindawo zokuhlala zomuntu munye namkha zabantu abanengi, endaweni enabantu abanengi, nabanengi khulu.

- Inarha yezokulima: Yinarha njengombana ihlathululwe ku-*Agricultural Holdings (Transvaal) Registration Act, 1919*.

- IsiGaba 2(8) somthetho lo: Ngaphezu kwendawo elawulwako, uMasipala angathatha iindlela namkha ingcenye yendlela njengendawo evikelekileko lapha amatshwayo wokukhangisa angakavumeleki khona.

- Iindawo zemkayini: Maphethelo wemakhiwo, imithi, imibundu njll, nomkayi ngokwesiqunto sikaMasipala kuye ngesikhathi.

- Ezinye iindawo ezilawulwako: Lezi zihlanganisa nama-embasi neendawo okungakhiwako kizo ngokwesiqunto sikaMasipala kuye ngesikhathi.

"Indawo elawulwa kancani" itjho indawo elawulwa kancani ematshwayweni wokukhangisa ngebanga lezenzakalo zezomnotho, ngebanga lokukhuthaza irhwebo lemikhiqizo nezenzelwa, ngokwesiqunto sikaMasipala kuye ngesikhathi:

- Ezokulima: Inarha nemakhiwo esetjenziselwa izenzo zokulima zamambala, njenge-*inter alia,* amasimu ayimakethe, ukufuya iinlwana zommango, ukufuya kwezimvu neenkomo, iinyosi, iinyoni, iintjalo, namathuthumbo, nezenzo ezimphumela walokhu, okuhlanganisa iindawo zokuhlabela ifuyo, iindawo zokudlisa iinkomo, zokufuya iinkukhu neengulube.

- Iindawo zerhwebo: Iingodi zokuthengisela, iingodi zamabubulo ayihloko, iingodi zamabubulo, zama-ofisi, iinkhala ezivulekileko, imakhiwo yerhwebo neyokuhlala engaphakathi kwesigodi samabubulo, imakhiwo eneentolo, ngokwesiqunto seziko lokuhlelwa kwedorobho namkha isikimu sokusetjenziswa kwenarha, ngokwesiqunto sikaMasipala kuye ngesikhathi.

- Iindawo zamafemu: Iindawo equntwe ukusetjenziselwa amafemu, ngokwesiqunto sikaMasipala kuye ngesikhathi.

- Eendaweni zokuzithabisa: Eengodini zokuzithabisa namkha eenthabathabeni zeentolo ngokwesiqunto sikaMasipala kuye ngesikhathi.

- Endaweni okuhlangana kiyo iinthuthi: Endaweni eyihloko yeenthuthi zomphakathi njengeentetjhi zeentimela, zamabhesi, erenkeni yamateksi emadoyelweni weemphaphamtjhini, ngokwesiqunto sikaMasipala kuye ngesikhathi.

14. ISIVUMELWANO SELISI NOKUNIKELWA KWEENDAWO ZOKUTHENGISELA

14.1 Nanyana ngimuphi umuntu onesifiso sokwenza irhwebo elingakatloliswa ngokuvumelana nomthetho lo angafaka isibawo kuMasipala ngendlela ehlathululweko bona aqatjhe namkha anikelwe isitandi ngokuvumelana ngokwesiGaba 6A(3)(c) ye-*Businesses Act, 1991*.

14.2 UMasipala angasamukela namkha angasamukeli isibawo okukhulunywa ngaso esiGatjaneni 14.1, ngokuvumelana namabanga naka.

14.3 Nange isibawo esinjalo siphumelele, –

(a) umuntu owenza irhwebo elingakatloliswa kufuze enze isivumelwano sokuqatjha esimalungana nesitandeso noMasipala, okusivumelwano sokuqatjhisa kufuze sikhutjhwe ngesibawo sesiphathiswa esigunyaziweko;

(b) malungana nokwabiwa kunye nokuqatjhwa kwesitandi umuntu owenza irhwebo elingakatloliswa uzokunikelwa iphepha lobufakazi bamalungelo wokusebenzisa isitandi ngehloso yokuraga irhwebo elingakatloliswa;

(c) umuntu owenza irhwebo elingakatloliswa kufuze, ngaso soke isikhathi nakaraga irhwebo esitandini namkha endaweni yomphakathi, ahlale aphethe iphepha lobufakazi eduze bona esiphathisweni esigunyaziweko.

(d) UMasipala anganikela isisebenzi samambala somrhwebi ongakatloliswa ngokuya ngokwesibawo esitlolliweko somrhwebi ongakatloliswa

14.4 Nanyana ngimuphi umuntu owenza irhwebo elingakatloliswa esitandini namkha endaweni yomphakathi begodu nonganahlathululo ezwakalako, abhalelwa kuveza isivumelwano sokuqatjha namkha iphepha lobufakazi njengombana kuveziwe esiGatjaneni 14.3 engehle, uzokufunyanwa amlandu.

14.5 Nanyana ngimuphi umuntu oraga irhwebo elingakatloliswa esitandini namkha endaweni yomphakathi begodu anganahlathululo ezwakalako, abhalelwa kulandela imigomo nemibandela yesivumelwano selisi, uzokufunyanwa amlandu.

UMTHETHO KAMASIPALA WEDOROBHO LETSHWANE

WOKUHLWENGEKA KOMMOYA

ISENDLALELO

NJENGOMBANA iDorobho leTshwane linegunya elingokomthetho nesibopho, ngokomThethosisekelo weRiphabliki yeSewula Afrika wango-1996, ofundwa kunye nomthetho kaRhulumende wangeKhaya: UmThetho WamaHlelo kaMasipala wango-2000 (umThetho 32 wango-2000) neminye imithetho evezwe emThethweni lo, bona kwenziwe imithetho kamasipala esebenzako;

BEGODU NJENGOMBANA isiGaba 24 somThethosisekelo okukhulunywa ngawo lo uveza amalungelo womuntu wokuba nebhoduluko elihlanzekileko nelinepilo;

BEGODU NJENGOMBANA umThetho we-*National Environmental Management: Air Quality Act, 2004 (*umThetho 39 wango-2004*),* ugandelela ilungelweli ngeenqophiso ezifanako;

BEGODU NJENGOMBANA uMasipala okukhulunywa ngaye lo unegunya lokukhupha amalayisensi njengombana umthetho i-*National Environmental Management: Air Quality Act, 2004,* unikela imisebenzi nemithwalo ethileko yokusungula ihlelo lelayisensi yokuthunyiswa kwamarhasi athileko emmoyeni ngokwesiGaba 22 somthetho okukhulunywa ngawo lo;

BEGODU NJENGOMBANA woke umuntu unelungelo elingokomthethosisekelo lokuvikelwa kwebhoduluko, okuzuzisa isizukulwana sanje nesizako, kusetjenziswa amabanga azwakalako wezomthetho namanye amagadango –

(a) wokuvikela ukusilaphazwa kwebhoduluko nokonakala kwalo;
(b) wokuthuthukisa ukubabalelwa kwebhoduluko; begodu
(c) wokuvikela ukubabalelwa kwebhoduluko nokusetjenziswa kweensetjenziswa zemvelo ekuthuthukiseni zomnotho ezinobulungiswa nezomphakathi;

NJENGOMBANA umThetho kaMasipala lo uhloselwe ukuthuthukisa amalungelo nokunqotjhiswa kwazo zoke izenzo ngomnqopho wemiphumela yazo evezwe esiGabeni 2 esingenzasi bona kunzinziswe amaqhinga karhulumende wokuvikela ibhoduluko, begodu ngokukhethekileko, uthuthukise ukuhlwengeka kommoya khona ibhoduluko lingazukulimaza ipilo nehlalakuhle yabantu;

NGEBANGA LALOKHO-KE, uMasipala **UBEKA IMITHETHO LE** ngendlela elandelako:

ISAHLUKO 3

INGCENYE 1: AMAZINGA ABEKIWEKO ENDAWENI WOKUTHUNYISELA AMARHASI EMMOYENI

6. Igunya elingokomthetho

(1) UMasipala, ngesiyeleliso –

(a) ungathola bona isisetjenziswa esihlanganisa nasi ihlathululo elandelako ngokwesAhluko 1(1): iketjezi elibamba umlilo msinya, ipahla enobungozi, irhasi ebamba umlilo msinya, iketjezi ebamba umlilo msinya, okuqinileko okubamba umlilo msinya namkha isisetjenziswa esibamba umlilo;

(b) uzokuveza isisetjenziswa namkha ihlanganisela yeensetjenziswa ezisemmoyeni ezingathi nazingathunyiselwa emmoyeni ngananyana ngiyiphi indlela zibe yingozi epilweni nehlalakuhleni yebhoduluko leTshwane, namkha isiphathiswa sokuhlwengeka kommoya silemuke ubungozi lobo,

(c) ngokuphathelene nesisetjenziswa ngasinye namkha ihlanganisela yazo ezivezwe eenGabeni 6(1)(a) no-6(1)(b), abeke amazinga wokulawula ukuthunyisa okusuka endaweni ethileko namkha okungasuki endaweni enqophileko, namkha okuvela entweni ekhambako eTshwane (qala iHlelo 1 lomthetho lo);

(d) ngokuphathelene nesisetjenziswa ngasinye namkha ihlanganisela yazo ezivezwe eenGabeni 6(1)(a) no-6(1)(b), abeke iindawo zokulawula ukuthunyiswa kweensetjenziswa.

(2) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo msinya okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu, ngaphandle nangabe zikhambisana nomthetho i- *Occupational Health and Safety Act, 1993* (umThetho 85 wango-1993), IsiNqophiso 1179 se – *Hazardous Chemical Substances, and Regulation 1007*: ne-*Classification and Labelling of Chemical Substances* (i-*General Notice 30393* yangomhlaka-26 October 2007).

(3) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu, ngaphandle nangabe zikhambisana nesiGaba 24(2) no-24D se-*National Environmental Management Act, 1998*, nananyana ngiziphi iinlungiso ezikhambisana naso ngemva kwelanga ezisungulwe ngalo.

IJMTHETHO KAMASIPALA WEDOROBHO LETSHWANE

WOKUHLWENGEKA KOMMOYA

ISENDLALELO

NJENGOMBANA iDorobho leTshwane linegunya elingokomthetho nesibopho, ngokomThethosisekelo weRiphabliki yeSewula Afrika wango-1996, ofundwa kunye nomthetho kaRhulumende wangeKhaya: UmThetho WamaHlelo kaMasipala wango-2000 (umThetho 32 wango-2000) neminye imithetho evezwe emThethweni lo, bona kwenziwe imithetho kamasipala esebenzako;

BEGODU NJENGOMBANA isiGaba 24 somThethosisekelo okukhulunywa ngawo lo uveza amalungelo womuntu wokuba nebhoduluko elihlanzekileko nelinepilo;

BEGODU NJENGOMBANA umThetho we-*National Environmental Management: Air Quality Act, 2004 (*umThetho 39 wango-2004*),* ugandelela ilungelweli ngeenqophiso ezifanako;

BEGODU NJENGOMBANA uMasipala okukhulunywa ngaye lo unegunya lokukhupha amalayisensi njengombana umthetho i-*National Environmental Management: Air Quality Act, 2004,* unikela imisebenzi nemithwalo ethileko yokusungula ihlelo lelayisensi yokuthunyiswa kwamarhasi athileko emmoyeni ngokwesiGaba 22 somthetho okukhulunywa ngawo lo;

BEGODU NJENGOMBANA woke umuntu unelungelo elingokomthethosisekelo lokuvikelwa kwebhoduluko, okuzuzisa isizukulwana sanje nesizako, kusetjenziswa amabanga azwakalako wezomthetho namanye amagadango –

(a) wokuvikela ukusilaphazwa kwebhoduluko nokonakala kwalo;
(b) wokuthuthukisa ukubabalelwa kwebhoduluko; begodu
(c) wokuvikela ukubabalelwa kwebhoduluko nokusetjenziswa kweensetjenziswa zemvelo ekuthuthukiseni zomnotho ezinobulungiswa nezomphakathi;

NJENGOMBANA umThetho kaMasipala lo uhloselwe ukuthuthukisa amalungelo nokunqotjhiswa kwazo zoke izenzo ngomnqopho wemiphumela yazo evezwe esiGabeni 2 esingenzasi bona kunzinziswe amaqhinga karhulumende wokuvikela ibhoduluko, begodu ngokukhethekileko, uthuthukise ukuhlwengeka kommoya khona ibhoduluko lingazukulimaza ipilo nehlalakuhle yabantu;

NGEBANGA LALOKHO-KE, uMasipala **UBEKA IMITHETHO LE** ngendlela elandelako:

(4) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo msinya, okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu ngaphandle kobana inamathela iNgcenye 9 ye- *Fire Brigade Services By-law* (iLawulo langeKhaya 396 lango-2016).

(5) UMasipala uzokucabangela amaphuzu naka alandelako nakabeka amazinga wokuthunyiswa kwentuthu endaweni:

(a) Ezamaphilo, ukuphepha neminqopho yokuvikela ibhoduluko

(b) Indlela yokuhlaziya

(c) Ikghonakalo yekambiso

(d) Ikghonakalo yokutjheja

(e) Imiphumela kwezomnotho nemphakathini

(f) Indima edlalwa mlilo eensaleleni zeentjalo

(g) Iindlela ezihle ezisebenzako zokubulunga ibhoduluko

(6) Nanyana ngimuphi umuntu othunyisa iinsetjenziswa namkha ihlanganisela yazo eqalilsele esiGatjaneni (1) [utjho esingaphezulu?] kufuze akhambisane namazinga abekiweko ngokomthetho lo.

INGCENYE 2: IMIKGHWA NAMAZINGA ABEKIWEKO

7. Ikambiso yokuhlola isisetjenziswa

(1) Nasihlola besithathela phezulu isisetjenziswa esithunyiselwa emmoyeni ohlwengileko esingaba yingozi epilweni nehlalakuhleni yomphakathi namkha ebhodulukweni, iDorobho kufuze licabangele –

(a) ikghonakalo, ubungozi nokubuyeleleka kwayo emaphilweni wabantu; begodu

(b) nebhoduluko seliloke, nemiphumela okufuze iqalisiswe engabuyiseleki emva.

UMTHETHO KAMASIPALA WEDOROBHO LETSHWANE

WOKUHLWENGEKA KOMMOYA

ISENDLALELO

NJENGOMBANA iDorobho leTshwane linegunya elingokomthetho nesibopho, ngokomThethosisekelo weRiphabliki yeSewula Afrika wango-1996, ofundwa kunye nomthetho kaRhulumende wangeKhaya: UmThetho WamaHlelo kaMasipala wango-2000 (umThetho 32 wango-2000) neminye imithetho evezwe emThethweni lo, bona kwenziwe imithetho kamasipala esebenzako;

BEGODU NJENGOMBANA isiGaba 24 somThethosisekelo okukhulunywa ngawo lo uveza amalungelo womuntu wokuba nebhoduluko elihlanzekileko nelinepilo;

BEGODU NJENGOMBANA umThetho we-*National Environmental Management: Air Quality Act, 2004 (*umThetho 39 wango-2004*),* ugandelela ilungelweli ngeenqophiso ezifanako;

BEGODU NJENGOMBANA uMasipala okukhulunywa ngaye lo unegunya lokukhupha amalayisensi njengombana umthetho i-*National Environmental Management: Air Quality Act, 2004,* unikela imisebenzi nemithwalo ethileko yokusungula ihlelo lelayisensi yokuthunyiswa kwamarhasi athileko emmoyeni ngokwesiGaba 22 somthetho okukhulunywa ngawo lo;

BEGODU NJENGOMBANA woke umuntu unelungelo elingokomthethosisekelo lokuvikelwa kwebhoduluko, okuzuzisa isizukulwana sanje nesizako, kusetjenziswa amabanga azwakalako wezomthetho namanye amagadango –

(a) wokuvikela ukusilaphazwa kwebhoduluko nokonakala kwalo;
(b) wokuthuthukisa ukubabalelwa kwebhoduluko; begodu
(c) wokuvikela ukubabalelwa kwebhoduluko nokusetjenziswa kweensetjenziswa zemvelo ekuthuthukiseni zomnotho ezinobulungiswa nezomphakathi;

NJENGOMBANA umThetho kaMasipala lo uhloselwe ukuthuthukisa amalungelo nokunqotjhiswa kwazo zoke izenzo ngomnqopho wemiphumela yazo evezwe esiGabeni 2 esingenzasi bona kunzinziswe amaqhinga karhulumende wokuvikela ibhoduluko, begodu ngokukhethekileko, uthuthukise ukuhlwengeka kommoya khona ibhoduluko lingazukulimaza ipilo nehlalakuhle yabantu;

NGEBANGA LALOKHO-KE, uMasipala **UBEKA IMITHETHO LE** ngendlela elandelako:

ISAHLUKO 3

INGCENYE 1: AMAZINGA ABEKIWEKO ENDAWENI WOKUTHUNYISELA AMARHASI EMMOYENI

6. Igunya elingokomthetho

(1) UMasipala, ngesiyeleliso –

(a) ungathola bona isisetjenziswa esihlanganisa nasi ihlathululo elandelako ngokwesAhluko 1(1): iketjezi elibamba umlilo msinya, ipahla enobungozi, irhasi ebamba umlilo msinya, iketjezi ebamba umlilo msinya, okuqinileko okubamba umlilo msinya namkha isisetjenziswa esibamba umlilo;

(b) uzokuveza isisetjenziswa namkha ihlanganisela yeensetjenziswa ezisemmoyeni ezingathi nazingathunyiselwa emmoyeni nganyana ngiyiphi indlela zibe yingozi epilweni nehlalakuhleni yebhoduluko leTshwane, namkha isiphathiswa sokuhlwengeka kommoya silemuke ubungozi lobo,

(c) ngokuphathelene nesisetjenziswa ngasinye namkha ihlanganisela yazo ezivezwe eenGabeni 6(1)(a) no-6(1)(b), abeke amazinga wokulawula ukuthunyisa okusuka endaweni ethileko namkha okungasuki endaweni enqophileko, namkha okuvela entweni ekhambako eTshwane (qala iHlelo 1 lomthetho lo);

(d) ngokuphathelene nesisetjenziswa ngasinye namkha ihlanganisela yazo ezivezwe eenGabeni 6(1)(a) no-6(1)(b), abeke iindawo zokulawula ukuthunyiswa kweensetjenziswa.

(2) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo msinya okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu, ngaphandle nangabe zikhambisana nomthetho i- *Occupational Health and Safety Act, 1993* (umThetho 85 wango-1993), lsiNqophiso 1179 se – *Hazardous Chemical Substances, and Regulation 1007*: ne-*Classification and Labelling of Chemical Substances* (i-*General Notice 30393* yangomhlaka-26 October 2007).

(3) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu, ngaphandle nangabe zikhambisana nesiGaba 24(2) no-24D se-*National Environmental Management Act, 1998*, nananyana ngiziphi iinlungiso ezikhambisana naso ngemva kwelanga ezisungulwe ngalo.

(4) Akunamuntu ovunyelwe ukukhiqiza, ukuvanga, ukubulunga nokusebenzisa ipahla eyingozi, iinsetjenziswa ezibamba umlilo msinya, okungaba ngeziqinileko, eziliketjezi, irhasi namkha umvango wakho koke lokhu ngaphandle kobana inamathela iNgcenye 9 ye- *Fire Brigade Services By-law* (iLawulo langeKhaya 396 lango-2016).

(5) UMasipala uzokucabangela amaphuzu naka alandelako nakabeka amazinga wokuthunyiswa kwentuthu endaweni:

(a) Ezamaphilo, ukuphepha neminqopho yokuvikela ibhoduluko

(b) Indlela yokuhlaziya

(c) Ikghonakalo yekambiso

(d) Ikghonakalo yokutjheja

(e) Imiphumela kwezomnotho nemphakathini

(f) Indima edlalwa mlilo eensaleleni zeentjalo

(g) Iindlela ezihle ezisebenzako zokubulunga ibhoduluko

(6) Nanyana ngimuphi umuntu othunyisa iinsetjenziswa namkha ihlanganisela yazo eqalilsele esiGatjaneni (1) [utjho esingaphezulu?] kufuze akhambisane namazinga abekiweko ngokomthetho lo.

INGCENYE 2: IMIKGHWA NAMAZINGA ABEKIWEKO

7. Ikambiso yokuhlola isisetjenziswa

(1) Nasihlola besithathela phezulu isisetjenziswa esithunyiselwa emmoyeni ohlwengileko esingaba yingozi epilweni nehlalakuhleni yomphakathi namkha ebhodulukweni, iDorobho kufuze licabangele –

(a) ikghonakalo, ubungozi nokubuyeleleka kwayo emaphilweni wabantu; begodu

(b) nebhoduluko seliloke, nemiphumela okufuze iqalisiswe engabuyiseleki emva.

CITY OF
TSHWANE
IGNITING EXCELLENCE

UMASIPALA WEDOROBHOKAZI LETSHWANE

UMTHETHO KAMASIPALA WOKURHWEBA OKUNGAKATLOLISWA, WANGO-2021

NgokwesiGaba 13(a) somThetho kaRhulumende wangeKhaya: UmThetho wamaHlelo kaMasipala, wango-2000 (umThetho 32 wango-2000), umPhathi weDorobho leTshwane ugadangisa naku umThetho kaMasipala wokuRhweba okungakaTloliswa weDorobho leTshwane begodu ovunywe mKhandlu [faka ilanga] njengombana utjengiswe ngenzasi.

MNYANGO WEZOKUTHUTHUTHUKISWA KWEZEEMALI NAMAPLANI WEENDAWO
I-*ECONOMIC DEVELOPMENT DIVISION*
I-*BUSINESS COMPLIANCE AND REGULATION SECTION*
URHOBOYI 2021

14. ISIVUMELWANO SELISI NOKUNIKELWA KWEENDAWO ZOKUTHENGISELA

14.1 Nanyana ngimuphi umuntu onesifiso sokwenza irhwebo elingakatloliswa ngokuvumelana nomthetho lo angafaka isibawo kuMasipala ngendlela ehlathululweko bona aqatjhe namkha anikelwe isitandi ngokuvumelana ngokwesiGaba 6A(3)(c) ye-*Businesses Act, 1991*.

14.2 UMasipala angasamukela namkha angasamukeli isibawo okukhulunywa ngaso esiGatjaneni 14.1, ngokuvumelana namabanga naka.

14.3 Nange isibawo esinjalo siphumelele, –

(a) umuntu owenza irhwebo elingakatloliswa kufuze enze isivumelwano sokuqatjha esimalungana nesitandeso noMasipala, okusivumelwano sokuqatjhisa kufuze sikhutjhwe ngesibawo sesiphathiswa esigunyaziweko;

(b) malungana nokwabiwa kunye nokuqatjhwa kwesitandi umuntu owenza irhwebo elingakatloliswa uzokunikelwa iphepha lobufakazi bamalungelo wokusebenzisa isitandi ngehloso yokuraga irhwebo elingakatloliswa;

(c) umuntu owenza irhwebo elingakatloliswa kufuze, ngaso soke isikhathi nakaraga irhwebo esitandini namkha endaweni yomphakathi, ahlale aphethe iphepha lobufakazi eduze bona esiphathisweni esigunyaziweko.

(d) UMasipala anganikela isisebenzi samambala somrhwebi ongakatloliswa ngokuya ngokwesibawo esitlolliweko somrhwebi ongakatloliswa

14.4 Nanyana ngimuphi umuntu owenza irhwebo elingakatloliswa esitandini namkha endaweni yomphakathi begodu nonganahlathululo ezwakalako, abhalelwa kuveza isivumelwano sokuqatjha namkha iphepha lobufakazi njengombana kuveziwe esiGatjaneni 14.3 engehle, uzokufunyanwa amlandu.

14.5 Nanyana ngimuphi umuntu oraga irhwebo elingakatloliswa esitandini namkha endaweni yomphakathi begodu anganahlathululo ezwakalako, abhalelwa kulandela imigomo nemibandela yesivumelwano selisi, uzokufunyanwa amlandu.