Umthethosisekelo Iriphabhuliki Yaseningizimu Afrika

—

1996

Njengoba yamukelwe mhlaka 8 Meyi 1996 futhi yachitshiyelwa mhlaka 11 Okthoba 1996 isiGungu soMthethosisekelo

UMTHETHOSISEKELO WERIPHABHULIKI YASENINGIZIMU AFRIKA

(Indlela okuqondiswe ngayo eMthethweni, waphambilini 'uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, uMthetho we-108 we-1996', okungene endaweni yawo isigaba soku-1(1) okungene kuwo iziQeshana zeMithetho yoMthethosisekelo, wezi-2005 (uMthetho wesi-5 wezi-2005)

[USUKU OMENYEZELWE NGALO: 18 DISEMBA,1996]
[USUKU OZOQALA NGALO UKUSEBENZA: 4 FEBHUWARI, 1997]
(Ngaphandle uma kubekwe ngenye indlela - bheka futhi isigaba sama- 243(4))
(*Umbhalo wesiNgisi usayinwe nguMongameli*)

njengoba uchitshiyelwe ngo—
Mthetho wokuQala oChibiyela uMthethosisekelo we 1997
Mthetho wesiBili oChibiyela uMthethosisekelo we 1998
Mthetho wesiThathu oChibiyela uMthethosisekelo we 1998
Mthetho wesiNe oChibiyela uMthethosisekelo we 1999
Mthetho wesiHlanu oChibiyela uMthethosisekelo we 1999
Mthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001
Mthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001
Mthetho wesiShiyagalombili oChibiyela uMthethosisekelo wezi 2002
Mthetho wesiShiyagalolunye oChibiyela uMthethosisekelo wezi 2002
Mthetho weShumi oChibiyela uMthethosisekelo wezi 2003
Mthetho weShumi nanye oChibiyela uMthethosisekelo wezi 2003
Mthetho weShumi nambili oChibiyela uMthethosisekelo wezi 2005
Mthetho weShumi nantathu oChibiyela uMthethosisekelo wezi 2007
Mthetho weShumi nane oChibiyela uMthethosisekelo wezi 2008
Mthetho weShumi nanhlanu oChibiyela uMthethosisekelo wezi 2008
Mthetho weShumi nesithupha oChibiyela uMthethosiskelo wezi 2009
Mthetho weShumi nesikhombisa Wokuchibiyela uMthethosisekelo wezi 2012

Ngokwemigomo yesiMemezelo sama 26 mhlaka 26 Meyi 2001, ukusetshenziswa kwalo Mthetho kunikezwe uNgqongqoshe wezoBulungiswa kanye nokuThuthukiswa koMthethosisekelo.

UMTHETHO

Ukwethula uMthethosisekelo omusha weRiphabhuliki yaseNingizimu Afrika nokuhlinzekela izindaba ezihambisana nawo.

OKUQUKETHWE

ISENDLALELO

ISAHLUKO 1 **3**
Imibandela Yokwesekwa

ISAHLUKO 2 **6**
Umqulu Wamalungelo

ISAHLUKO 3 **25**
Uhulumeni Wobumbano

ISAHLUKO 4 **27**
Iphalamende

ISAHLUKO 5 **54**
Umongameli Neziphathimandla Zikazwelonke

ISAHLUKO 6 **62**
Izifundazwe

ISAHLUKO 7 **87**
Uhulumeni Wezindawo

ISAHLUKO 8 **96**
Izinkantolo Nokusingathwa Kwezobulungiswa

ISAHLUKO 9 **109**
Izikhungo Zombuso Eziseka Umthethosisekelo Wentando Yeningi

ISAHLUKO 10 **117**
Ukuphathwa Kwemisebenzi Yombuso

ISAHLUKO 11 **122**
Amaziko Ezokuphepha

ISAHLUKO 12 **129**
Abaholi Bendabuko

ISAHLUKO 13 **130**
Izimali

ISAHLUKO 14 **142**
Imibandela Ejwayelekile

Isheduli 1	**Ifulegi Likazwelonke**	**147**
Isheduli 1A	**Imingcele Yezindawo Nezifundazwe**	**147**
Isheduli 2	**Izifungo Neziqinisekiso**	**152**
Isheduli 3	**Izinqubo Zokhetho**	**156**
Isheduli 4	**IMikhakha eLawulwa ngeMithetho kaZwelonke neyeziFundazwe ngokuBambisana**	**160**
Isheduli 5	**IMikhakha eLawulwa ngeMithetho yeziFundazwe kuphela**	**163**
Isheduli 6	**Amalungiselelo Esikhashana**	**165**
Isheduli 6A	**[Isithasiselo 6 A sishuthekwe ngesigaba sesi-6 soMthetho weShumi oChibiyela uMthethosisekelo wezi-2003 futhi sachithwa ngesigaba sesi 6 soMthetho weShumi nane oChibiyela uMthethosisekelo wezi-2008.]**	**201**
Isheduli 6B	**[Isithasiselo sesi-6B, phambilni ebesiyisithasiselo sesi-6A, sishuthekwe ngesigaba sesi 2 soMthetho weShumi nesiShiyagalombili oChibiyela uMthethosisekelo wezi-2002, futhi sanikezwa kabusha inombolo yesigaba sesi 6 soMthetho weShumi oChibiyela uMthethosisekelo wesi 2003 futhi sachithwa isigaba sesi 5 soMthetho weShumi nanhlanu oChibiyela uMthetho sisekelo wezi 2008.]**	**202**
Isheduli 7	**Imithetho Echithiwe**	**203**

UHLA LWEZIHLOKO
ISENDLALELO

Thina, bantu baseNingizimu Afrika,
Siyazamukela izenzo ezingalungile zesikhathi esadlula;
Siphakamisa labo abahluphekela ubulungiswa nenkululeko emhlabeni wethu;
Sihlonipha labo abasebenzele ukwakha nokuthuthukisa izwe lethu; futhi
Sikholelwa ukuthi iNingizimu Afrika ingeyabo bonke abahlala kuyo, sibumbene nakuba singafani.
Ngakho-ke, ngokusebenzisa labo abasimele esibakhethe ngokukhululeka, samukela lo Mthethosisekelo njengomthetho omkhulu weRiphabhuliki ukuba -

> *Silungise ukwehlukana kwesikhathi esedlule futhi sakhe umphakathi Silungise ukwehlukana kwesikhathi esidlule futhi sakhe umphakathi owesekelwe ngamagugu entando yeningi, ubulungiswa emphakathini nakumalungelo abantu ayisisekelo;*
>
> *Sibeke izisekelo zomphakathi oqhuba ngendlela yentando yeningi novulelekile, lapho uhulumeni esekelwe ngentando yabantu futhi zonke izakhamuzi zivikelwe ngumthetho ngokulinganayo;*
>
> *Senza ngcono izinga lokuphila lazo zonke izakhamuzi futhi sikhulula abantu kwabangakwenza; futhi*
>
> *Sakha iNingizimu Afrika ebumbene futhi yentando yeningi ekwazi ukuthatha indawo yayo efanele njengombuso ozimele emkhakheni yamazwe.*

Sengathi uNkulunkulu angavikela abantu bakithi.
Nkosi Sikelel' i-Afrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.

Mudzimu fhatutšhedza Afurika. Hosi katekisa Afrika.

ISAHLUKO 1

IMIBANDELA YOKWESEKWA

IRiphabhuliki yaseNingizimu Afrika

1. IRiphabhuliki yaseNingizimu Afrika ingumbuso ozimele wentando yeningi owesekwe phezu kwezibopho ezilandelayo:
   (a) Isithunzi sobuntu, ukuzuza ukulingana nenqubekela phambili yamalungelo esintu nenkululeko.
   (b) Ukungabandlululi ngokobuhlanga nangokobulili.
   (c) Ubukhulu bomthethosisekelo nokubusa komthetho.
   (d) Ilungelo lokuvota kwabobonke abantu abadala, uhlu lwabo bonke abavoti, ukhetho olwenziwa njalo ngezikhathi ezimisiwe nohlelo lwamaqembu amaningi kuhulumeni wentando yeningi, ukuze kuqinisekiswe ukubhekelela, ukunakekela nokuvuleleka.

Ubukhulu boMthethosisekelo

2. Lo Mthethosisekelo ungumthetho omkhulu weRiphabhulikhi; umthetho noma isenzo esingahambisani nawo asikho emthethweni, futhi izibopho ezibekwe yiwo kufanele zilandelwe.

Ubuzwe

3. (1) Ubuzwe bezakhamuzi zaseNingizimu Afrika buyafana.
   (2) Zonke izakhamuzi -
      (a) zinegunya elilinganayo lokuthola amalungelo, ilungelomvume nezinzuzo zobuzwe; futhi
      (b) zethweswe ngokulinganayo izibopho nemithwalo ehambisana nobuzwe.
   (3) Umthetho kazwelonke kufanele uhlinzekele ukutholakala, ukulahlekelwa nokubuyiselwa kobuzwe.

Iculo lesizwe

4. Iculo lesizwe laseRiphabhuliki linqunywa nguMongameli ngokwenza isimemezelo.

Ifulegi lesizwe

5. Ifulegi lesizwe laseRiphabhuliki linombala omnyama, osagolide, oluhlaza okotshani, omhlophe, obomvu noluhlaza okwesibhakabhaka, njengoba lichaziwe futhi ladwetshwa esiThasiselweni soku 1.

Izilimi

6 (1) Izilimi ezisemthethweni eRiphabhuliki iSepedi, iSesotho, iSetswana, iSiswati, iTshivenda, iXitsonga, isiBhunu, isiNgisi, isiNdebele, isiXhosa nesiZulu.

(2) Ngokubuka umlando wokwehla kokusetshenziswa nezinga lezilimi zendabuko zabantu bethu, umbuso kufanele uthathe izinyathelo ezingasebenza nezinenqubekela phambili ukuphakamisa izinga nokudlondlobalisa ukusetshenziswa kwalezi zilimi.

(3) (a) Uhulumeni kazwelonke nohulumeni bezifundazwe bangasebenzisa noma yiziphi izilimi ezithile ezisemthethweni emsebenzini kahulumeni, ngokubheka ukusetshenziswa kwalezo zilimi, isidingo, izindleko, izimo zezifunda, kanye nokuqhathaniswa kwezidingo nalokho okuthandwa ngumphakathi wonkana noma okuthandwa esifundazweni esithintekile; kodwa uhulumeni kazwelonke noma uhulumeni wesifundazwe ngasinye kufanele asebenzise okungenani izilimi ezimbili ezisemthethweni.

(b) Omasipala kufanele babhekele ukusetshenziswa kwezilimi nokuthandwa kwazo izakhamuzi.

(4) Uhulumeni kazwelonke nohulumeni bezifundazwe, kufanele balawule futhi baqaphe ukusetshenziswa kwezilimi ezisemthethweni ngokuthi basebenzise izinyathelo zomthetho kanye nezinye. Ngaphandle kokuphambuka kumibandela yesigatshana sesi-(2), zonke izilimi ezisemthethweni kufanele zihlonishwe ngokufanayo futhi ziphathwe ngendlela efanayo.

(5) IBhodi yeziLimi zonke zaseNingizimu Afrika esungulwe ngomthetho kazwelonke kufanele-

(a) ikhuthaze, futhi yakhe izimo ezilungele ukuthuthukiswa nokusetshenziswa -

(i) kwazo zonke izilimi ezisemthethweni;

(ii) kolimi lwamaKhoi, amaNama namaSan; kanye

(iii) nolimi lwabakhuluma ngezandla; futhi

(b) ikhuthaze iphinde iqinisekise ukuhlonishwa -
   (i) kwazo zonke izilimi ezivame ukusetshenziswa emiphakathini yaseNingizimu Afrika ezimbandakanya isiJalimani, isiGrikhi, isiGujerati, isiHindi, isiPhuthukezi, isiTamil, isiTelegu, nesi-Urdu; kanye
   (ii) nesi-Arabhu, isiHebheru, isiSanskrit nezinye izilimi ezisetshenziselwa ezenkolo eNingizimu Afrika.

ISAHLUKO 2

UMQULU WAMALUNGELO

Amalungelo

7. (1) Lo Mqulu wamaLungelo uyisisekelo sentando yeningi eNingizimu Afrika. Ugcizelela amalungelo abo bonke abantu ezweni lethu futhi uqinisekisa amagugu entando yeningi yokwazisa isithunzi somuntu, ukulingana nokukhululeka.

(2) Umbuso kufanele uhloniphe, uvikele, ukhuthaze, futhi ufeze amalungelo akuMqulu wamaLungelo.

(3) Amalungelo akuMqulu wamaLungelo anemikhawulo equkethwe noma okukhulunywe ngayo esigatsheni sama-36, noma kwezinye izingxenye zoMqulu.

Ukusebenza koMqulu

8. (1) UMqulu wamaLungelo usebenza kuyo yonke imithetho futhi ubophezela isishayamthetho, iziphathimandla, izinkantolo, nazo zonke inhlaka zombuso.

(2) Umbandela woMqulu wamaLungelo ubophezela abantu noma lezo zakhiwo ezithathwa ngumthetho njengabantu uma, futhi ngezinga elingasebenza, uma kubhekwe uhlobo lwelungelo nomsuka wanoma yiziphi izibopho ezibekwa yilelo lungelo.

(3) Uma kusetshenziswa izimiso zoMqulu wamaLungelo kubantu noma kulezo zakhiwo ezithathwa ngumthetho njengabantu, ngokwemigomo yesigatshana sesi-(2), inkantolo -

(a) ukuze ilenze libenomphumela ilungelo elikuMqulu, kufanele isebenzise, noma uma kunesidingo, ithuthukise umthetho owesekwe kuzinqumo nasezinkambisweni ngendlela ezonika ilungelo umphumela lapho umthetho osemabhukwini ungakwenzi lokhu; futhi

(b) ingathuthukisa imitheshwana yomthetho owejwayelekile ukuze ikhawule ilungelo, inqobo uma lowo mkhawulo uhambisana nesigaba sama-36(1).

(4) Lezo zakhiwo ezithathwa njengabantu ngumthetho zinegunya lokuthola amalungelo akuMqulu Wamalungelo, ngendlela edingwa uhlobo lwamaLungelo kanye nolwaleso sakhiwo esithathwa njengomuntu ngumthetho.

Ukulingana

9. (1) Wonke umuntu uyalingana phambi komthetho, futhi unelungelo elilinganayo lokuvikelwa ngumthetho nokusizakala ngomthetho.

(2) Ukulingana kumbandakanya ukuthokozela onke amalungelo nenkululeko ngokugcwele nangokulingana. Ukuze kukhuthazwe ukulingana, kungahle kuthathwe izinyathelo zomithetho nezinye ezenzelwe ukuthi kuvikelwe noma kuthuthukiswe abantu noma imikhakha yabantu, abancishiselwe amathuba ngenxa yobandlululo olungafanele.

(3) Umbuso ungebandlulule umuntu ngokungafanele, ngendlela esobala noma ngendlela ecashile, ngesizathu noma ngezizathu ezimbandakanya ukubandlulula ngokobuhlanga, ubulili, ukukhulelwa, isimo somuntu kwezomshado, ubuzwe noma umphakathi umuntu adabuka kuwo, ibala, ubulili umuntu azifanisa noma afaniswa nabo, iminyaka, kukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi kanye nokuzalwa.

(4) Akekho umuntu ovunyelwe ukubandlulula omunye ngokungafanele ngendlela esobala noma ecashile ngesizathu noma ngezizathu ngokwemigomo yesigatshana sesi (3). Kufanele kushaywe umthetho kazwelonke ukuze kugwenywe noma kunqandwe ubandlululo olungafanele.

(5) Ukubandlulula ngesizathu noma ngezizathu ezibalulwe esigatshaneni sesi (3) akufanele ngaphandle uma kuboniswa ukuthi lolo bandlululo lufanele.

Isithunzi somuntu

10. Wonke umuntu unesithunzi ngokwemvelo futhi unelungelo lokuthi isithunzi sakhe sihlonishwe futhi sivikelwe.

Impilo

11. Wonke umuntu unelungelo lokuphila.

Inkululeko nokuphepha komuntu

12. (1) Wonke umuntu unelungelo lenkululeko nokuphepha kwakhe, okumbandakanya ilungelo -

(a) lokungephucwa inkululeko ngaphandle kokunikwa ithuba lokuziphendulela

noma ngaphandle kwesizathu esilungile;
(b) lokungavalelwa ngaphandle kokuqulwa kwecala;
(c) lokukhululeka kuzo zonke izinhlobo zodlame ezivela emithonjeni yombuso noma yangasese;
(d) lokungahlukunyezwa nganoma iyiphi indlela; kanye
(e) nelokungaphathwa noma ukujeziswe ngendlela enesihluku, engenabo ubuntu nelulazayo.

(2) Wonke umuntu unelungelo lokukhululeka nokuhlonishwa komzimba kanye nengqondo, okumbandakanya ilungelo -
(a) lokwenza izinqumo ezimayelana nokuzala;
(b) lokuphepha komzimba nokuzilawulela umzimba; kanye
(c) nelokungasetshenziselwa ukufunisela kwezokwelapha noma kwezesayensi ngaphandle kwemvume yakhe ayinikeza lapho esethole ulwazi.

Ubugqila, ukusetshenziswa njengesigqila, nokusetshenziswa ngenkani

13. Akekho umuntu ongenziwa isigqila, asetshenziswe njengesigqila noma asetshenziswe ngenkani.

Ukungaphazanyiswa

14. Wonke umuntu unelungelo lokungaphazanyiswa, okumbandakanya ilungelo lokunga -
(a) seshwa umzimba noma umuzi wakhe;
(b) seshwa kwempahla yakhe;
(c) phucwa impahla anelungelo layo; noma
(d) phazanyiswa kokuxhumana kwakhe nabanye abantu.

Inkululeko kwezenkolo, yenkolelo neyombono

15. (1) Wonke umuntu unelungelo lokuba nenkululeko kanembeza, eyenkolo, eyokucabanga, eyenkolelo kanye neyombono.

(2) Imigubho yezenkolo ingabanjelwa ezikhungweni zombuso, noma kulezo zikhungo ezisizwa ngumbuso ngezimali inqobo nje uma -
(a) leyo migubho yezenkolo ilandela imitheshwana eyenziwe yiziphathimandla zomphakathi ezifanele;
(b) iqhutshwa ngendlela efanele; futhi

(c) ukuthanyelwa kwayo kumahhala futhi kungaphoqelelwa.

(3) (a) Lesi sigaba asivimbeli umthetho ovumela -

(i) imishado ehlanganiswe ngaphansi kwanoma yiliphi isiko noma ngokohlelo lomthetho wenkolo, noma womuntu noma womdeni; noma

(ii) izinhlelo zomthetho womuntu nowomndeni ngaphansi kwanoma yiliphi isiko noma olandelwa ngabantu benkolo ethile.

(b) Okwemukelwa ngokwemigomo yendima (a), kufanele kuhambisane nalesi sigaba kanye nezinye izimiso zoMthethosisekelo.

Ukuveza imibono ngokukhululeka

16. (1) Wonke umuntu unelungelo lokuveza imibono yakhe ngokukhululeka, Okumbandakanya,

(a) inkululeko yamaphephandaba neminye imithombo yabezindaba;

(b) inkululeko yokuthola noma ukudlulisa imininingwane noma imibono;

(c) inkululeko yobuchule ko\wezobuciko; kanye

(d) nenkululeko kwezemfundo kanye nenkululeko yocwaningo lwesayensi.

(2) Ilungelo elikusigatshana soku (1) aledluleli -

(a) kunkulumoze egqugquzelela impi;

(b) ekugqugquzeleni udlame olufufusayo; noma

(c) ekutshaleni inzondo eyesekwe ngokobuzwe, ubuhlanga, ubulili noma inkolo, kanye nalokho okungukugqugquzela ngenhloso yokudala umonakalo.

Ukubuthana, ukubhikisha, ukuphikhetha nokwethula izicelo

17. Wonke umuntu unelungelo lokubuthana nabanye, ukubhikisha, ukuphiketha nokwethula izicelo ezibhaliwe ngokuthula futhi kungahlonyiwe.

Ilungelo lokuzimbandakanya

18. Wonke umuntu unelungelo lokuzimbandakanya ngokukhululeka.

Amalungelo ezombusazwe

19. (1) Yileso naleso sakhamuzi sikhululekile ukuzikhethela nokuzenzela izinqumo eziphathelene nezombusazwe, okumbandakanya ilungelo -

(a) lokusungula iqembu lezombusazwe;

(b) lokubamba iqhaza emisebenzini yenhlangano yezombusazwe, noma lokuyifunela amalungu; kanye

(c) nelokukhankasela iqembu lezombusazwe noma izinjongo ezithile zezombusazwe.

(2) Yileso naleso sakhamuzi sinelungelo lokhetho olukhululekile, olungenzeleli nolubanjwa njalo ngezikhathi ezimisiwe lwanoma yisiphi isakhiwo sesishayamthetho esisungulwe ngokoMthethosisekelo.

(3) Yileso naleso sakhamuzi esingumuntu omdala sinelungelo -

(a) lokuvota okhethweni lwanoma yisiphi isishayamthetho esisungulwe ngokoMthethosisekelo, futhi lokwenza lokhu ngokuyimfihlo; kanye

(b) nelokungenela ukhetho lwesikhundla sokumela umphakathi, futhi uma sikhethiwe , sithathe leso sikhundla.

Ubuzwe

20. Asikho isakhamuzi okufanele sincishwe ilungelo lobuzwe.

Ilungelo lokuhamba nokuhlala

21. (1) Wonke umuntu unelungelo lokuhamba ngenkululeko.

(2) Wonke umuntu unelungelo lokushiya iRiphabhuliki.

(3) Wonke umuntu unelungelo lokungena, lokusala nokuhlala noma kuphi eRiphabhuliki.

(4) Yileso naleso sakhamuzi sinelungelo lokuthola iphasiphothi.

Ilungelo lomsebenzi wezandla, lomsebenzi owenziwayo nelomsebenzi ofundelwe

22. Yileso naleso sakhamuzi sinelungelo lokukhetha ngokukhululeka umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe. Indlela yokuqhuba umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe ungase ulawulwe ngomthetho.

Ubudlelwane phakathi kwabasebenzi nabaqashi

23. (1) Bonke abantu banelungelo lokuphathwa ngendlela efanele emsebenzini.

(2) Yilowo nalowo msebenzi unelungelo -

(a) lokusungula nokujoyina inyunyana yabasebenzi;
(b) lokuzimbandakanya kokwenziwayo nasezinhlelweni zenyunyana yabasebenzi; kanye
(c) nelokuteleka.

(3) Yilowo nalowo mqashi unelungelo-
(a) lokusungula nokujoyina izinhlangano zabaqashi; futhi
(b) nelokuzimbandakanya kokwenziwayo nasezinhlelweni zezinhlangano zabaqashi.

(4) Zonke izinyunyana zabasebenzi nezinhlangano zabaqashi zinelungelo -
(a) lokuzithathela izinqumo ngezokuphathwa, ngezinhlelo kanye nangezikwenzayo;
(b) lokuhlela; kanye
(c) nokusungula nelokujoyina umfelandawonye.

(5) Zonke izinyunyana zabasebenzi, izinhlangano zabaqashi nomqashi banelungelo lokuvumelana ngokuhlanganyela. Umthetho kazwelonke ungabekwa ukulawula ukuvumelana okwenziwa ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi saHluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1).

(6) Umthetho kazwelonke ungavumela amalungiselelo okuphepha enhlangano yabasebenzi aqukethwe kuzivumelwano ezenziwe ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi sahluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1).

Indawo okuphilwa kuyo

24. Wonke umuntu unelungelo-
(a) lokuphila endaweni engesiyo ingozi empilweni noma kunhlalakahle yakhe; kanye
(b) nelokuba kuvikelwe imvelo, ukuze kusizakale izizukulwana zamanje nezizayo, ngemithetho nezinye izinyathelo ezemukelekayo -
(i) ezivimbela ukunukubezeka nokucekelwa phansi kwempilo yezitshalo neyezilwane;
(ii) ezikhuthaza ukulondolozwa kwemvelo; kanye
(iii) neziqinisekisa intuthuko engapheli nokusetshenziswa kahle

kwemithombo yemvelo kube kugqugquzelwa intuthuko efanele yezomnotho nakwezenhlalakahle.

Impahla

25. (1) Akekho umuntu ongephucwa impahla ngaphandle kwalapho kumiswe umthetho osebenza ngokufanayo kubo bonke abantu, futhi awukho umthetho ongavumela ukuthi umuntu enqatshelwe impahla engazange anikezwe ithuba lokuziphendulela.

(2) Impahla ingathathwa kuphela njengoba kubekwe wumthetho osebenza kubo bonke abantu ngokufanayo -

(a) uma kuyisidingo somphakathi noma kuzozuza umphakathi; futhi

(b) uma kuzoba nesinxephezelo, futhi isikhathi nendlela yokusikhokha okuvunyelwane ngayo ngabathintekayo noma okunqunywe noma okwamukelwe yinkantolo.

(3) Inani lesinxephezelo nesikhathi kanye nendlela yokunxephezela kufanele kube ngokulungile nokulinganayo, kuveze ukulingana phakathi kwezintshisekelo zomphakathi kanye nezintshisekelo zalabo abathintekayo, kubhekela zonke izimo ezifanele ezimbandakanya -

(a) ukusetshenziswa kwempahla ngaleso sikhathi;

(b) umlando wokutholwa kwempahla nokusetshenziswa kwayo;

(c) inani engadayiswa ngalo emakethe;

(d) ubungako benani lezimali ezatshalwa umbuso ngqo nexhasomali umbuso owasiza ngalo ekutholakaleni kwaleyo mpahla nasekuyithuthukiseni ukuze ibe yinzuzo; kanye

(e) nenjongo yokudliwa kwempahla.

(4) Mayelana nalesi sigaba-

(a) intshisekelo yomphakathi imbandakanya ukuzibophezela kwesizwe enguqukweni yezomhlaba, nasezinguqukweni zokuletha ukufinyeleleka okulinganayo kuyo yonke imithombo yemvelo yaseNingizimu Afrika; nokuthi

(b) impahla ayigcini kuphela ngomhlaba.

(5) Umbuso kufanele uthathe izinyathelo zomthetho nezinye izinyathelo ezamukelekayo, ngokusemandleni awo, ukweseka izimo ezivumela izakhamuzi ukuba zikwazi ukuthola umhlaba ngendlela egculisayo.

(6) Umuntu noma umphakathi onomhlaba ongaphephile ngomthetho ngesizathu semithetho eyayibandlulula ngokohlanga noma okwakuqhutshwa unelungelo, ngendlela ehlinzekelwe nguMthetho wePhalamende, lobunikazi bomhlaba elivikelwe ngomthetho noma lokunikezwa usizo olufanayo.

(7) Umuntu noma umphakathi owathathelwa impahla ngemuva komhla zi 19 Juni 1913, ngenxa yemithetho noma izinqubo zangaphambilini zobandlululo ngokohlanga, unelungelo njengoba kuhlinzekelwa nguMthetho wePhalamende, lokubuyiselwa leyo mpahla, noma lokuthola usizo olulinganayo.

(8) Akukho zimiso zalesi sigaba ezingavimba umbuso ekubeni uthathe izinyathelo zomthetho nezinye izinyathelo ngenhloso yokuzuza umhlaba, amanzi nokunye okuhambelana nalokho, ukuze ulungise imiphumela yobandlululo ngokohlanga lwangaphambilini, inqobo nje uma ukuqhela ezimisweni zalesi sigaba kufanele kuhambisana nezimiso zesigaba sama 36(1).

(9) IPhalamende kufanele lishaye umthetho oshiwo esigatshaneni sesi (6).

Izindlu

26\. (1) Wonke umuntu unelungelo lokuthola indlu efanelekile.

(2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, zokwenza ukuba leli lungelo libe yimpumelelo eyinqubekela phambili.

(3) Akukho bantu abangasuswa emzini wabo noma kudilizwe ikhaya labo ngaphandle kwesinqumo senkantolo esenziwe ngemuva kokuba kubhekwe zonke izimo ezifanele. Awukho umthetho oyovumela ukususwa kwabathintekayo benganikwanga ithuba lokuziphendulela.

Ukunakekelwa ngezempilo, ukudla, amanzi, nenhlalakahle

27\. (1) Wonke umuntu unelungelo lokukwazi ukuthi athole -

(a) ukunakekelwa kwezempilo, okumbandakanya ukunakekelwa kwezempilo okuqondene nokubeletha;

(b) amanzi nokudla okwenele; kanye

(c) nenhlalakahle, okumbandakanya, usizo lomphakathi olufanele uma umuntu engakwazi ukuzondla yena kanye nalabo okufanele abondle.

(2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, zokwenza ukuba leli lungelo libe nokuphumelela okuqhubekela phambili.

(3) Akukho umuntu okufanele anqatshelwe ukuthola usizo lwezokwelashwa oluphuthumayo.

Izingane

28. (1) Zonke izingane zinelungelo -

(a) lokuba negama nobuzwe kusukela ngesikhathi zizalwa;

(b) lokuthola ukunakekelwa ngumndeni, noma ukunakekelwa ngabazali noma okunye ukunakekelwa okufanele uma lowo mntwana esusiwe ngaphansi kwesimo somndeni;

(c) lokuthola ukudla okunomsoco, indawo yokuhlala, ukusizakala ngokwelashwa okuyisisekelo kanye nokusizakala ngezenhlalakahle;

(d) lokuvikelwa ekuphathweni ngendlela engafanele, ukunganakekelwa, ukuhlukunyezwa nokuphathwa ngendlela eyehlisa isithunzi;

(e) lokuvikelwa kuzinqubo zokuxhashazwa emsebenzini;

(f) lokuthi kungadingeki noma kungavunyelwa ukuthi zenze umsebenzi -

(i) ongamfanele umuntu oneminyaka yobudala

(ii) elingana neyaleyo ngane; noma

(iii) obeka engcupheni inhlalakahle, imfundo, impilo ngokomzimba noma ngokwengqondo, noma ngokomoya, kwesimilo noma kobudlelwano nomphakathi, kwengane;

(g) lokungaboshwa ngaphandle kwalapho ukuboshwa kwazo kuyisinyathelo sokugcina esingathathwa, okuyothi uma kwenzeka, ngaphezulu kwamaLungelo anikwe ingane ngaphansi kwesigaba se 12 nesama 35, ingane ingaboshwa kuphela isikhathi okuyisona esifanele esifushane engaboshwa sona, futhi inelungelo -

(i) lokungahlanganiswa nabanye abantu ababoshiwe abaneminyaka yobudala engaphezulu kwe-18; futhi

(ii) iphathwe ngendlela, ibuye igcinwe ezimweni ezikhombisa ukubonelela iminyaka yayo yobudala;

(h) lokuba nommeli okhishwe umbuso, ozokhokhelwa uhulumeni, emacaleni

ombango athinta ingane, uma ukunganikezwa ummeli kungaba nomphumela wokwehluleka okukhulu kobulungiswa; kanye

(i) lokungasetshenziswa ngqo ekulweni kuhlonyiwe, kanye nelokuvikelwa ngazozonke izikhathi lapho kuliwa kuhlonyiwe.

(2) Kuzona zonke izinto ezithinta ingane, kuyobekwa phambili izidingo zayo.

(3) Kulesi sigaba "ingane" isho umuntu oneminyaka yobudala engaphansi kweyi 18.

Imfundo

29. (1) Wonke umuntu unelungelo -

(a) lokuthola imfundo eyisisekelo, kuhlanganisa imfundo eyisisekelo yabantu abadala; kanye

(b) nelemfundo eqhubekayo, okufanele ukuthi umbuso ngezinyathelo ezifanele uyenze iqhubeke nokutholakala futhi kufinyeleleke kuyona.

(2) Wonke umuntu unelungelo lokuthola imfundo ngolimi olusemthethweni noma ngolimi aluthandayo ezikhungweni zemfundo zomphakathi lapho imfundo ikwazi ukutholakala ngendlela efanelekile. Ukuze kuqinisekiswe ukuyafinyelela ngempumelelo, ukusetshenziswa kwaleli lungelo, umbuso kufanele uhlolisise yonke imigudu efanele yemfundo, kumbandakanya nezikhungo zemfundo ezifundisa ngolimi olulodwa, kube kuqikelelwa -

(a) ukulingana;

(b) ukuthi kungenzeka yini; kanye

(c) nesidingo sokulungisa imiphumela yemithetho nenqubo yangaphambilini yobandlululo ngokohlanga.

(3) Wonke umuntu unelungelo lokusungula nokugcina, ngokukhokhela izindleko zakhe, izikhungo zemfundo ezizimele -

(a) ezingabandlululi ngokohlanga;

(b) ezibhaliswe kumbuso; futhi

(c) ezigcina amazinga angekho ngaphansi kwamazinga asezikhungweni ezingaqhathaniswa nazob ezikhungo zomphakathi.

(4) Isigatshana sesi (3) asizivimbeli izikhungo zemfundo ezizimele ezimalini zoxhaso lombuso.

Ulimi namasiko

30. Wonke umuntu unelungelo lokusebenzisa ulimi aluthandayo futhi abambe iqhaza empilweni yamasiko ayithandayo, kodwa akekho ovunyelwe ukusebenzisa lawa malungelo ngendlela engahambisani nanoma yisiphi isimiso soMqulu wamaLungelo.

Imiphakathi yamasiko, izinkolo kanye nezilimi ezithile

31. (1) Abantu abangamalungu emiphakathi yamasiko, izinkolo noma izilimi ezithile abanakuphucwa ilungelo, kanye namanye amalungu alowo mphakathi -
   (a) lokuthokozela amasiko abo, ukuqhuba inkolo yabo nokusebenzisa ulimi lwabo; kanye
   (b) nokubumba, bajoyine futhi bagcine izinhlangano zamasiko, zenkolo nezezilimi kanye nezinye izinhlaka zomphakathi wezakhamuzi.

(2) Amalungelo esigatshana sesi (1) akufanele asetshenziswe ngendlela engahambisani nanoma yisiphi isimiso esikuMqulu wamaLungelo.

Ukuthola ulwazi

32. (1) Wonke umuntu unelungelo lokuthola -
   (a) nanoma yiluphi ulwazi olusezandleni zombuso; kanye
   (b) nanoma yiluphi ulwazi olusezandleni zomunye umuntu noludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma yimaphi amalungelo.

(2) Kufanele kushaywe umthetho kazwelonke ukuze leli lungelo lisebenze, futhi ungahlinzekela ngezinyathelo ezifanele ukunciphisa umthwalo wokwengamela nowezimali embusweni.

Ukuphatha ngokusemthethweni okulungileyo

33. (1) Wonke umuntu unelungelo lokuphathwa ngendlela esemthethweni, efanele kanye nengenzeleli ngokwenqubo elandelwayo.

(2) Wonke umuntu onamalungelo ahlukunyezwe kabi yisinyathelo sokuphatha, unelungelo lokunikezwa izizathu ezibhaliwe ngalokho.

(3) Kufanele kushaywe umthetho kazwelonke ukuze lawa malungelo asebenze futhi lo mthetho kufanele -
   (a) uhlinzekele ukubukezwa kwesinyathelo sokuphatha yinkantolo noma, lapho

kufanele, kubukeze inkundla ezimele nengavuni hlangothi;

(b) ubeke isibopho phezu kombuso ukuthi amalungelo akuzigatshana soku (1) nesesi (2) asebenze; futhi

(c) ukhuthaze ukusingatha ngempumelelo.

Ukufinyelela ezinkantolo

34. Wonke umuntu unelungelo lokuthi noma iyiphi ingxabano engaxazululwa ngokusebenzisa umthetho, inqunywe ngokulalela okungenzeleli yinkantolo yomphakathi noma, lapho kulungile, leyo ngxabano ingaxazululwa yinkundla noma yisithangamu esizimele nesingavuni hlangothi.

Abantu ababoshiwe, abavalelwe nababekwe amacala

35. (1) Wonke umuntu oboshwe ngoba esolwa ukuthi wenze icala unelungelo -

(a) lokuthula angasho lutho;;

(b) lokwaziswa ngokushesha -

(i) ngelungelo lokuthula angasho lutho; kanye

(ii) nangomphumela wokuthi angathuli;

(c) lokuba angaphoqwa ukuhlambuluka noma ukuvuma izinto ezingase zisetshenziswe njengobufakazi ecaleni lakhe;

(d) lokuba ayiswe enkantolo ngokushesha okungase kwenzeke, kodwa kungakedluli -

(i) amahora angama 48 emuva kokuboshwa; noma

(ii) ekupheleni kosuku lokuqala lwenkantolo ngemuva kokudlula kwesikhathi esingamahora angama-48, uma ngabe amahora angama-48 edlula ngaphandle kwesikhathi esejwayelekile sokusebenza kwenkantolo, noma ngosuku olungelona olwejwayelekile lokusebenza kwenkantolo;

(e) ekuveleni kokuqala phambi kwenkantolo emuva kokuboshwa, lokuba ethweswe icala noma aziswe ngesizathu sokuthi aqhubeke nokuvalelwa, noma adedelwe; kanye

(f) nelokudedelwa ekuvalelweni uma izidingo zobulungiswa zivuma, kodwa lokho kunqike emibandeleni efanele.

(2) Wonke umuntu ovalelwe, kumbandakanya noma yisiphi isiboshwa esidonsa

isigwebo, unelungelo -

(a) lokwaziswa ngokushesha ngezizathu zokuvalelwa kwakhe;
(b) lokuzikhethela kanye nokubonana nommeli nokwaziswa ngokushesha ngaleli lungelo;
(c) lokunikezwa ummeli ngezindleko zombuso, uma ngabe ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi aziswe ngaleli lungelo ngokushesha;
(d) lokuphikisa ukuba semthethweni kokuvalelwa kwakhe akwenze ngaphambu kwenkantolo, futhi uma kutholakala ukuthi lokho kuvalelwa akukho emthethweni, adedelwe;
(e) lokuba avalelwe ngaphansi kwezimo ezihlonipha isithunzi sobuntu, kumbandakanye okungenani ukukwazi ukuzilolonga umzimba futhi ahlinzekwe, ngezindleko zombuso, indawo yokumgcina eyanele, ukondliwa okwanele, izinto zokufunda ezanele kanye nokwelashwa kwezempilo okwanele; kanye
(f) nelokuxhumana, futhi avakashelwe -
    (i) ngowakwakhe noma lowo azwana naye;
    (ii) yisihlobo esisondelene naye;
    (iii) umeluleki wezenkolo oqokwe nguye; futhi
    (iv) udokotela oqokwe nguye.

(3) Wonke umuntu owethweswe icala unelungelo lokuthi icala lakhe lithethwe ngendlela elungile, okumbandakanya ilungelo –
(a) lokwaziswa ngecala abekwe lona ngokunikwa imininingwane eyanele ukuze aziphendulele;
(b) lokuba nesikhathi esanele nezidingo ezanele ukulungiselela ukuziphendulela;
(c) lokuba icala lakhe lethanyelwe ngumphakathi ngaphambi kwenkantolo eyejwayelekile;
(d) lokuba ukuthethwa kwecala lakhe kuqalwe futhi kuqedwe ngaphandle kokulibaziseka okungafanele;
(e) lokuba khona uma kuthethwa icala lakhe;
(f) lokukhetha ummeli nokumelwa ngummeli futhi abenelungelo lokwaziswa ngaleli lungelo ngokushesha;
(g) lokuba nommeli onikezwe ngumbuso futhi ngezindleko zombuso uma ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi

nelungelo lokwaziswa ngaleli lungelo ngokushesha;

(h) lokuthathwa ngokuthi akanacala, lokuthula angasho lutho, kanye nelokunganiki bufakazi ngesikhathi kuqulwa icala lakhe;

(i) lokunika kanye nelokuphikisa ubufakazi;

(j) lokungaphoqwa ukuba anike ubufakazi obuzomethwesa ngecala;

(k) lokuba icala liqulwe ngolimi aluzwayo, noma uma lokho kungaphumeleli, athole ithuba lokuthi ukuqulwa kwalo kutolikwe ngalolo limi;

(l) lokungagwetshelwa ukwenza noma ukungenzi okuthile okwakungelona icala ngokomthetho wezwe noma wamazwe ngamazwe ngesikhathi ekwenza noma engakwenzi;

(m) lokungabhekani necala eliphathelene nalokho asatholwa engenacala lako noma asagwetshelwa kona;

(n) lokunikezwa isigwebo esisinda kancane kunesinye esimisiwe uma isigwebo esimiselwe lelo cala sishintshiwe phakathi kwesikhathi sokwenziwa kwecala nesikhathi sokugwetshwa; kanye

(o) nelokufaka isicelo sokudlulisa icala, noma ukuhlaziywa kwalo, yinkantolo ephakeme.

(4) Lapho lesi sigaba sidinga ukuba umuntu aziswe okuthile, lolo lwazi kufanele lowo muntu alunikwe ngolimi aluqondayo.

(5) Ubufakazi obutholakale ngendlela ephambene nanoma yiliphi ilungelo elikuMqulu wamaLungelo kufanele bungafakwa njengobufakazi ecaleni uma ukufakwa kwalobo bufakazi bungenza ukuthi icala lingagculisi noma kungakhinyabeza ukuphathwa kobulungiswa.

Ukuncishiswa kwamalungelo

36. (1) Amalungelo aqukethwe kuMqulu wamaLungelo angancishiswa kuphela ngokwemigomo yomthetho osebenza ngendlela yokuthi ukuncishiswa kufanele futhi kwamukelekile emphakathini ovulekile, nowentando yeningi nowesekelwe isithunzi sobuntu, ukulingana nenkululeko, ngokubheka zonke izinto ezithintekayo ezimbandakanya -

(a) ubunjalo belungelo;

(b) ukubaluleka kwezinjongo zokuncishiswa;

(c) ubunjalo nobungako bokuncishiswa;

(d) ubudlelwane phakathi kokunciphisa nezinjongo zako; kanye
(e) nezinye izindlela ezinezihibe ezincane ukufeza injongo leyo.

(2) Ngaphandle uma kuhlinzekelwe esigatshaneni soku (1) noma komunye umbandela woMthethosisekelo, awukho umthetho onganciphisa noma yiliphi ilungelo elihlinzekelwe kuMqulu wamaLungelo.

Izimo ezibucayi

37. (1) Isimo esibucayi singamenyezelwa kuphela ngokulandela uMthetho wePhalamende, futhi kuphela uma -
(a) impilo yezwe yesatshelwa ngenxa yempi, ukuphanga, ukuvukela umbuso, yeziphithiphithi, yenhlekelele yemvelo noma yesinye isehlakalo esibucayi emphakathini; futhi
(b) isimemezelo sidingekile ukuze kubuyiselwe uxolo nokuthula.

(2) Ukumenyezelwa kwesimo esibucayi, kanye nomthetho oshayiwe noma isinyathelo esithathwe kulandela leso simemezelo, kungasebenza kuphela -
(a) kuye esikhathini esilandelayo; futhi
(b) ngesikhathi esingeqile ezinsukwini ezingama 21 kusukela osukwini lwesimemezelo sesimo esibucayi ngaphandle uma isiGungu sikaZwelonke sinquma ukwelula isikhathi sesimemezelo. IsiGungu sikaZwelonke singelula isikhathi sokusebenza kwesimemezelo sesimo esibucayi ngesikhathi esingeqile ezinyangeni ezintathu. Ukwelulwa kokuqala kwesikhathi sesimo esibucayi kufanele kwenziwe ngesinqumo esivunywe yiningi lamavoti angamalungu esiGungu. Ukwelulwa kwesikhathi sesimo esibucayi okulandelayo kufanele kwenziwe ngesinqumo esesekwe okungenani ngamalungu angamaphesenti angama 60 angamalungu esiGungu. Isinqumo esishiwo kulesi sigatshana kufanele sithathwe ngemuva kwenkulumompikiswano ebandakanya umphakathi esiGungwini.

(3) Noma iyiphi inkantolo efanele ingathatha isinqumo mayelana nokubasemthethweni -
(a) kwesimemezelo sesimo esibucayi;
(b) ngokwelulwa kwesimemezelo sesimo esibucayi; noma
(c) umthetho oshayiwe, noma isinyathelo esithathiwe ngokulandelwa kwaleso simemezelo sesimo esibucayi.

(4) Noma yimuphi umthetho oshayiwe ngenxa yokumenyezelwa kwesimo esibucayi ungachithwa kancane kuMqulu wamaLungelo kuphela uma –
   (f) ukuchithwa kwawo kancane kufanele ngokwesimo esibucayi kuphela; futhi (b) umthetho -
      (i) uvumelana nezibopho zeRiphabhuliki ngaphansi komthetho wamazwe ngamazwe omiselwe izimo ezibucayi; futhi
      (ii) uhambisana nesigatshana sesi (5); futhi
      (iii) ushicelelwe kuSomqulu kaHulumeni kazwelonke ngokushesha ngaphambi kokuba umisiwe.

(5) Awukho uMthetho wePhalamende onikeza igunya lokumenyezelwa kwesimo esibucayi, futhi awukho umthetho oshayiwe noma esinye isinyathelo esithathwe ngenxa yesimemezelo ongavumela noma onganikeza igunya –
   (a) lokuxolelwa kombuso, noma komuntu mayelana nesenzo esingekho emthethweni;
   (b) ukuchithwa kwalesi sigaba; noma
   (c) ukuchithwa kwesigaba esishiwo kukholomu yoku 1 yoHla lwamaLungelo Angenakuchithwa, ngendlela evezwe maqondana naleso sigaba sekholomu yesi 3 soHla.

Uhla lwamaLungelo angeke ajivazwa

1 Inombolo yesigaba	**2 Isihloko sesigaba**	**3 Izinga lokuvikelwa kwelungelo**
9	Ukulingana	Mayelana nokubandlulululwa okungamukelekile ngokobuhlanga, ibala, ubuzwe noma imvelaphi, ubulili, inkolo noma ulimi.
10	Isithunzi somuntu	Ngokuphelele
11	Impilo	Ngokuphelele.
12	Inkululeko nokuphepha komuntu	Mayelana nezigatshana soku (1) (d) no (e) kanye nesesi 2(c)

1 Inombolo yesigaba	2 Isihloko sesigaba	3 Izinga lokuvikelwa kwelungelo
13	Ubugqila, ukwenziwa isigqila nokusetshenziswa ngempoqo	Mayelana nobugqila nokwenziwa isigqila.
28	Izingane	Mayelana: - nesigatshana soku 1(d), kanye no (e); - namalungelo ezindimana (i) kanye no (ii) zesigatshana soku (1)(g); kanye - nesigatshana soku (1)(i) esimayelana nezingane ezineminyaka eyi 15 nezingaphansi.
35	Abantu ababoshiwe, abatokile nabethweswe icala	Mayelana: - nesigatshana soku (1)(a), (b) no (c) nesesi (2)(d); - amalungelo ezindimeni (a) kuye ku (o) esigatshana sesi (3), ngaphandle kwendima (d); - isigatshana sesi (4); kanye - nesigatshana sesi (5) mayelana nokukhishwa ngaphandle kobufakazi uma ukwamukelwa kwalobo bufakazi kungenza ukuqulwa kwecala kwenzelele

(6) Noma yinini lapho umuntu evalelwe ngaphandle kokuthethwa kwecala ngenxa yokuzitshwa kwamaLungelo okuqhamuka ekumenyezelweni kwesimo esibucayi, kufanele kuqikelelwe izimo ezilandelayo -

(a) Umuntu omdala oyilungu lomndeni noma umngane walowo ovalelwe kufanele athintwe ngokushesha okungase kwenzeke, bese aziswa ngokuvalelwa kwalowo muntu.

(b) Isaziso kufanele sishicilelwe kuGazethi kazwelonke kaHulumeni zingakapheli izinsuku ezinhlanu umuntu evalelwe, sisho igama lomuntu nalapho evalelwe khona, sibuye sisho nesimo esibucayi aboshwe ngenxa yaso.

(c) Umuntu ovalelwe kufanele avunyelwe ukuqoka, kanye nokuvakashelwa ngudokotela noma ngasiphi isikhathi esamukelekayo.

(d) Umuntu ovalelwe kufanele avunyelwe ukuqoka, ukuvakashelwa ngummeli noma ngasiphi isikhathi esamukelekayo.

(e) Inkantolo kufanele ibuyekeze ukuvalelwa komuntu ngokushesha okungase kwenzeke, kodwa zingakapheli izinsuku eziyi-10 ngemuva kosuku lokuvalelwa kwakhe, futhi inkantolo kufanele imdedele lowo ovalelwe ngaphandle uma kunesidingo sokuqhubeka nokumvalela ukuze kubuyiselwe isimo soxolo nokuthula.

(f) Umuntu ovalelwe ongadedelwanga ngokwemigomo yesibuyekezo sendimana (e) noma ongadedelwanga ngemuva kokubuyekezwa ngaphansi kwale ndima angenza isicelo enkantolo sokuba kuphinde kubuyekezwe ukuvalelwa kwakhe noma ngasiphi isikhathi ngemuva kwezinsuku eziyi-10 lwenziwe uhlaziyo lwangaphambilini, futhi inkantolo kufanele imdedele umuntu ovalelwe ngaphandle uma kusadingekile ukuba aqhubeke evalelwe ukuze kubuyiselwe uxolo nokuthula.

(g) Umuntu ovalelwe kufanele avunyelwe ukuvela mathupha phambi kwanoma iyiphi inkantolo ebhekene nokuvalelwa kwakhe, amelwe ngummeli kuloko kwethanyelwa, futhi akwazi ukwethula izizathu eziphikisa ukuthi aqhubeke nokuvalelwa.

(h) Umbuso kufanele wethule phambi kwenkantolo izizathu ezibhalwe phansi zokuthi kubaluleke ngani ukuvalelwa kwalowo ovalelwe, futhi kufanele ulethe ikhophi yalezo zizathu kumuntu ovalelwe okungenani esikhathini esiyizinsuku ezimbili ngaphambi kokuthi inkantolo ibuyekeze ukuvalelwa kwakhe.

(7) Uma inkantolo idedela obevalelwe, lowo muntu angeke aphinde avalelwe ngezizathu ezifanayo, ngaphandle uma umbuso ungethula phambi kwenkantolo isizathu esiqinile esenza kube nesidingo sokuthi lowo muntu aphinde avalelwe.

(8) Izigatshana sesi (6) nesesi (7) azisebenzi kubantu abangezona izakhamuzi zaseNingizimu Afrika futhi abavalelwe ngenxa yokulwa kuhlonyiwe okuphakathi kwamazwe. Esikhundleni salokho, umbuso kufanele uhambisane nemigomo ebopha iRiphabhuliki ngaphansi komthetho wobuntu wamazwe ngamazwe mayelana nokuvalelwa kwalabo bantu.

Ukuphoqelelwa kwamalungelo

38. Noma ngubani obalulwe kulesi sigaba unelungelo lokufaka isicelo enkantolo efanele, aveze ukuthi ilungelo eliseMqulwini wamaLungelo lephuliwe noma kungenzeka lephulwe, futhi nenkantolo inganikeza usizo olufanele, olumbandakanya ukumenyezelwa kwamalungelo. Abantu abangaya enkantolo -
    - (a) yinoma ngubani ozifakela yena isicelo;
    - (b) yinoma ngubani owenza isicelo egameni lomunye umuntu ongakwazi ukuzenzela yena;
    - (c) yinoma ngubani ofaka isicelo njengelungu, noma owenza lokho egameni leqembu noma lomkhakha othile wabantu;
    - (d) yinoma ngubani ofaka isicelo ukuzuzela umphakathi; kanye
    - (e) nenhlangano efaka isicelo ngenhloso yokuzuzela amalungu ayo.

Ukuhunyushwa koMqulu wamaLungelo

39. (1) Uma kuhunyushwa uMqulu wamaLungelo, yileyo naleyo nkantolo, inkundla noma isithangamu –
    - (a) kufanele sikhuthaze imigomo eyeseka umphakathi ovulekile nobuswa yinqubo yentando yeningi eyesekelwe yisithunzi somuntu, ukulingana nenkululeko;
    - (b) kufanele sibheke umthetho wamazwe ngamazwe; futhi
    - (c) singabuka umthetho wezinye izizwe.

    (2) Uma kuhunyushwa noma omuphi umthetho, futhi uma kuthuthukiswa umthetho owejwayelekile noma umthetho wesintu, yileyo naleyo nkantolo, inkundla noma isithangamu kufanele sikhuthaze umoya, inhloso kanye nezinjongo zoMqulu wamaLungelo.

    (3) UMqulu wamaLungelo awukuphiki ukuba khona kwanoma yimaphi amanye amalungelo noma izinkululeko ezemukelwe noma ezibekwe ngumthetho owejwayelekile,umthetho wesintu noma umthetho oshayiwe, ngendlela ohambisana ngayo noMqulu.

ISAHLUKO 3

UHULUMENE OBUMBENE

Uhlumeni weRiphabhuliki

40. (1) ERiphabhuliki, uhulumeni ubunjwe waba yimikhakha kazwelonke, yezifundazwe kanye neyezindawo, engafani, enobudlelwano nehlobene.

(2) Yonke imikhakha kahulumeni kufanele iqaphele futhi ilandele imigomo ebekwe kulesi saHluko futhi kufanele yenze imisebenzi yayo ngokulandela uhlaka olunikezwa yisaHluko.

Imigomo kahulumeni obumbane kanye nobudlelwane obuphakathi kohulumeni

41. (1) Yonke imikhakha kahulumeni nazo zonke izingxenye zombuso emkhakheni ngamunye kufanele –

(a) zigcine uxolo, ubumbano lwesizwe, nokungahlukaniseki kweRiphabhuliki;

(b) ziphephise inhlalakahle yabantu baseRephabhliki;

(c) zihlinzeke ngokuphathwa kweRiphabhuliki yonkana okusebenza ngempumelelo, okusobala nokuhlangene;

(d) zethembeke kuMthethosisekelo, kuRiphabhuliki nakubantu bayo;

(e) zihloniphe isimo somthethosisekelo, izikhungo, amandla kanye nemisebenzi kahulumeni kweminye imikhakha;

(f) zingazithatheli noma yimaphi amanye amandla noma imisebenzi ngaphandle kwaleyo eziyinikezwe ngokoMthethosisekelo;

(g) zisebenzisi amandla azo zenze imisebenzi yazo ngendlela engagxambukeli ezindaweni, emisebenzini noma kubuqotho bezikhungo zikahulumeni komunye umkhakha; futhi

(h) zisebenzisane ngokwethembana nangomoya omuhle -ngokwakha ubudlelwane obunokuzwana;

(ii) ngokusizana nokwesekana;

(iii) ngokwazisana, kanye nangokubonisana mayelana nezindaba ezizithinta ngokufanayo;

(iv) ngokuqondanisa ezikwenzayo kanye nemithetho eshaywayo;

(v) ngokulandela izinqubo okuvunyelwene ngazo; kanye

(vi) nangokugwema ukwethwesana amacala ngaphambi komthetho.

(2) UMthetho wePhalamende kufanele -

(a) usungule noma uhlinzekele izakhiwo nezikhungo zokukhuthaza nokuqhubekisa ubudlelwane phakathi kohulumeni; futhi

(b) uhlinzekele indlela efanele yokusebenza kanye nezinqubo zokuqgugquzela ukuxazululwa kwezingxabano eziphakathi kohulumeni.

(3) Ingxenye yombuso ethintekayo ezingxabanweni eziphakathi kohulumeni kufanele yenze yonke imizamo efanele ukuxazulula leyo ngxabano ngokusebenzisa izindlela nezinhlelo ezibekelwe leyo nhloso, futhi kufanele isebenzise yonke eminye imigudu ekhona ngaphambi kokudlulisela udaba enkantolo ukuba ixazulule leyo ngxabano.

(4) Uma inkantolo ingagculisekile ukuthi izidingo zesigatshana sesi (3) azifeziwe, ingayibuyisela leyo ngxabano kulezo zingxenye zombuso ezithintekile.

ISAHLUKO 4

IPHALAMENDE

Ukwakheka kwePhalamende

42. (1) IPhalamende lakhiwe –

(a) isiGungu sikaZwelonke; kanye

(b) noMkhandlu kaZwelonke weziFundazwe.

(2) IsiGungu sikaZwelonke kanye noMkhandlu kaZwelonke weziFundazwe kokubili kubamba iqhaza ekushayweni kwemithetho ngendlela ebekwe kuMthethosisekelo.

(3) IsiGungu sikaZwelonke sikhethelwe ukuba simele abantu kanye nokuqinisekisa ukuphatha kwabantu ngaphansi koMthethosisekelo. Lokhu sikwenza ngokukhetha uMongameli, ngohlinzeka ngesithangamu sikazwelonke esicwaningwa izingqinamba zomphakathi, ngokushaya imithetho nangokuhlolisisa nokuqapha okwenziwa ngabaphethe.

(4) UMkhandlu kaZwelonke weziFundazwe umele izifundazwe ukuze uqinisekise ukuthi izidingo zezifundazwe ziyaqikelelwa emkhakheni kahulumeni kazwelonke. Lokhu ukwenza ikakhulukazi ngokubamba iqhaza ekushayweni kwemithetho kazwelonke nangokuhlinzeka ngesithangamu sikazwelonke sokucwaningwa kwezingqinamba ezithinta izifundazwe emphakathini.

(5) UMongameli angabizela iPhalamende emhlanganweni ongajwayelekile noma ngasiphi isikhathi ukuze lenze umsebenzi okhethekile.

(6) Indawo yokuhlala kwePhalamende iseKapa, kodwa umthetho wePhalamende oshaywe ngokulandela isigaba sama 76(1) nesesi (5), unganquma ukuthi indawo yokuhlala iPhalamende ibe kwenye indawo.

Igunya lokushaya imithetho eRiphabhuliki

43. ERiphabhuliki igunya lokushaya imithetho –

(a) lomkhakha kahulumeni kazwelonke linikezwe iPhalamende, njengoba kushiwo esigabeni sama 44;

(b) lomkhakha kahulumeni wezifundazwe linikezwe izishayamthetho zezifundazwe njengoba kushiwo esigabeni se 104; futhi

(c) elomkhakha kahulumeni wendawo linikezwe imiKhandlu yoMasipala,

njengoba kushiwo esigabeni se 156.

Igunya lokushaya imithetho kazwelonke

44. (1) Igunya lokushaya imithetho kazwelonke njengoba linikezwe iPhalamende –

(a) libeka amandla phezu kwesiGungu sikaZwelonke –

(i) okuchibiyela uMthethosisekelo;

(ii) okubeka imithetho mayelana nanoma yiluphi udaba, kumbandakanya udaba olusengxenyeni yokwenziwayo okusohlwini lweSheduli yesi-4, kodwa kungambandakanywa, ngokusebenzisa isigatshana sesi-(2), udaba olusohlwini lweSheduli yesi- 5; kanye

(iii) nawokudlulisela noma yimaphi amandla awo okushaya umthetho, ngaphandle kwamandla okuguqula uMthethosisekelo, kunoma iyiphi inhlangano yesishayamthetho ekomunye umkhakha kahulumeni; futhi

(b) libeka amandla phezu koMkhandlu kaZwelonke weziFundazwe -

(i) okubamba iqhaza ekuchibiyeleni uMthethosisekelo, ngokwesigaba sama 74;

(ii) okushaya umthetho ngokwesigaba sama 76, omayelana nanoma yiluphi udaba olusengxenyeni yokwenziwayo ohlwini lukaSheduli yesi 4, kanye nangolunye udaba oludingwa ukuthi lubekwe nguMthethosisekelo ngokwesigaba sama 76; kanye

(iii) nawokucwaninga, ngokwesigaba sama 75, omunye umthetho oshaywe isiGungu sikaZwelonke.

(2) IPhalamende lingangenelela, ngokuthi lishaye umthetho ngokuhambisana nesigaba sama 76(1), mayelana nodaba olungena ngaphansi kwengxenye yokusebenza olufakwe ohlwini lweSheduli yesi 5, uma udingeka –

(a) ukugcina ukuphepha kwezwe;

(b) ukugcina ubumbano kwezomnotho;

(c) ukugcina amazinga asemqoka kazwelonke;

(d) ukusungula amazinga okungafanele ehliswe okunikezela ngezidingo; noma

(e) ukunqanda isenzo esingafanele esithathwa yisifundazwe esingakhinyabeza izintshisekelo zesinye isifundazwe noma zezwe ngokuphelele.

(3) Imithetho emayelana nodaba oludingeka ngendlela eyamukelekayo, noma olungumphumela wokunye okubalulekile, ukuze kusetshenziswe ngempumelelo

amagunya amayelana nanoma yiluphi udaba olusohlwini lweSheduli yesi 4, iyimithetho emayelana nodaba olusohlwini lweSheduli yesi 4.

(4) Lapho lisebenzisa igunya lalo lokushaya imithetho, iPhalamende libekelwe imigomo nguMthethosisekelo kuphela, futhi kufanele lisebenze ngokulandela uMthethosisekelo, nangaphakathi kwemikhawulo yoMthethosisekelo.

Imitheshwana nezinqumo ezihlanganyelwe namakomiti ahlanganyelwe

45 (1) IsiGungu sikaZwelonke noMkhandlu kaZwelonke weziFundazwe kufanele zisungule ikomiti elihlanganyelwe lemithetho elizokwenza imitheshwana nezinqumo mayelana nokwenziwa ngokuhlanganyela kwesiGungu noMkhandlu, kumbandakanya imitheshwana nezinqumo –

(a) zokumiswa kwezinqubo ezilandelwayo zokugqugquzela uhlelo lokushaya imithetho, kumbandakanya ukubeka imikhawulo yesikhathi sokuqeda isinyathelo esithile ohlelweni;

(b) zokumiswa kwamakomiti ahlanganyelwe akhiwe ngabamele imikhakha yomibili yePhalamende, isiGugungu kanye noMkhandlu, ukuze acwaninge futhi ethule imibiko ngemiThethosivivinywa ehlongozwa esigabeni sama 74 nesama 75 esidluliselwe kulawo makomiti;

(c) zokumiswa kwekomiti elihlanganyelwe elizobukeza uMthethosisekelo okungenani njalo ngonyaka; kanye

(d) nezokulawula umsebenzi –

(i) wekomiti elihlangenyelwe lemitheshwana;

(ii) weKomiti labaLamuli;

(iii) wekomiti elibukeza uMthethosisekelo; kanye

(iv) nowanoma yimaphi amakomiti ahlanganyelwe asungulwe ngokwendima (b).

(2) Amalungu eKhabhinethi, amalungu esiGungu sikaZwelonke kanye nezithunywa zoMkhandlu kaZwelonke weziFundazwe anelungelo nokuvikeleka okufanayo ngaphambi kwekomiti elihlanganyelwe lesiGungu noMkhandlu njengoba benalo ngaphambi kwesiGungu noma uMkhandlu.

IsiGungu sikaZwelonke

Ukwakheka nokukhethwa

46. (1) IsiGungu sikaZwelonke sakhiwe yinani labesifazane nabesilisa elingekho ngaphansi kwama 350 nelingekho ngaphezulu kwama 400 abakhethwe njengamalungu ngokohlelo lokhetho –
    (a) olubekwe ngumthetho kazwelonke;
    (b) olwakhelwe phezu kohlu lukazwelonke lwabovoti;
    (c) oluhlinzekela ukuthi iminyaka yobudala yokuvota ingabi ngaphansi kweyi-18; kanye
    (d) noluba nomphumela, ngokubanzi, wokumelwa ngokwamanani amavoti atholiwe.

(2) Umthetho wePhalamende kumele uhlinzeke ngendlela yokuthola inani lamalungu esiGungu sikaZwelonke.

[Isigatshana soku (1) esichitshiyelwe yisigaba soku 1 soMthetho Weshumi oChibiyela uMthethosisekelo wezi-2003 kanye nesigaba soku 1 soMthetho Weshumi Nanhlanu oChibiyela uMthethosisekelo wezi 2008.]

Ubulungu

47. (1) Zonke izakhamuzi ezivunyelwe ukuvotela amalungu esiGungu sikaZwelonke zingaba amalungu esiGungu ngaphandle –
    (a) kwanoma ngubani oqashiwe, noma osebenzela umbuso, futhi okhokhelwayo ngalokho kuqashwa noma umsebenzi, ngaphandle –
        (i) kukaMongameli, iPhini likaMongameli, oNgqongqoshe namaPhini oNgqongqoshe; kanye
        (ii) nabanye abasezikhundleni imisebenzi yabo ehambisana nemisebenzi yelungu lesiGungu, futhi okushiwo ngumthetho kazwelonke ukuthi iyahambisana naleyo misebenzi;
    (b) kwabayizithunywa ngokugcwele kuMkhandlu kaZwelonke weziFundazwe, noma abangamalungu esishayamthetho sesifundazwe noma oMkhandlu kaMasipala;
    (c) kwasebehlulwe yizikweletu abangasenakubuyiselwa amalungelo abo;
    (d) noma ngubani omenyezelwe inkantolo yaseRiphabhuliki ukuthi akaphilile

kahle engqondweni; noma

(e) noma ngubani okwathi emuva kokuthi lesi sigaba siqale ukusebenza, watholwa enecala wagwetshwa isikhathi esingaphezulu kwezinyanga eziyi 12 ejele ngaphandle kokunikezwa ithuba lokuhlawuliswa imali, lapha eRiphabhuliki noma ngaphandle kweRiphabhuliki uma isenzo esiyicala sasingaba yicala eRiphabhuliki; kodwa, akekho umuntu oyothathwa ngokuthi ugwetshiwe kuze kube kuthathwe isinqumo maqondana nokulahlwa kwakhe icala noma kuze kukhishwe isigwebo, noma kube sekuphele isikhathi sokwedlulisa icala. Isithiyo ngaphansi kwale ndima siphela eminyakeni emihlanu ngemuva kokuqedwa kwesigwebo.

(2) Umuntu ongavunyelwe ukuba yilungu lesiGungu sikaZwelonke ngokusho kwezigatshana soku (1)(a) noma u (b)angalumela ukhetho lesiGungu, uma kuhambisana nemikhawulo noma imibandela emiswe ngumthetho kazwelonke.

(3) Umuntu ulahlekelwa wubulungu besiGungu sikaZwelonke uma lowo muntu –

(a) eyeka ukuba ngumuntu ovunyelwe; noma

(b) engekho esiGungwini ngaphandle kwemvume kulezo zimo lapho imitheshwana nezinqumo zisho khona ukuthi ulahlekelwa ubulungu.

(c) eyeka ukuba yilungu lenhlangano emkhethile ukuba abe yilungu lesiGungu.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi-2 soMthetho weShumi oChibiyela uMthethosisekelo wezi-2008]

(4) Izikhala zomsebenzi esiGungwini sikaZwelonke kumele zigcwaliswe ngokulandela umthetho kazwelonke.

Isifungo noma ukuvuma ngokuzibophelela

48. Ngaphambi kokuba amalungu esiGungu sikaZwelonke aqale ukwenza imisebenzi yawo esiGungwini, kufanele afunge noma ethembise ukwethembeka kuRiphabhuliki kanye nokuthobela uMthethosisekelo, ngokulandela iSheduli yesi 2.

Isikhathi esihlalwa isiGungu sikaZwelonke

49. (1) IsiGungu sikaZwelonke sikhethelwa isikhathi esiyiminyaka emihlanu.

(2) Uma isiGungu sikaZwelonke sihlakazwe ngokwesigaba sama 50, noma lapho sesiphelelwa yisikhathi saso, uMongameli, kufanele ahlele futhi abeke nezinsuku zokhetho ngesimemezelo esishicilelwe, okufanele senziwe zingakapheli izinyanga ezingama

90 ukusuka osukwini okwahlakazwa ngalo noma okwaphela ngalo isikhathi saso. Isimemezelo esihlela futhi sibeka izinsuku zokhetho singahle sikhishwe ngaphambili noma ngemuva kokuphela kwesikhathi sesiGungu sikaZwelonke.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho Wesihlanu oChibiyela uMthethosisekelo we 1999.]

(3) Uma umphumela wokhetho lwesiGungu sikaZwelonke ungamenyezelwanga kungakapheli isikhathi esibekwe ngokwesigaba se 190, noma uma ukhetho luchithwe yinkantolo, uMongameli, kufanele ahlele futhi abeke nezinsuku zolunye ukhetho ngesimemezelo esishicilelwe, okufanele lwenziwe zingakapheli izinsuku ezingama 90 zokuphela kwaleso sikhathi noma ukusuka ngelanga ukhetho olwachithwa ngalo.

(4) IsiGungu Sikazwelonke siyaqhubeka nokuba namandla okusebenza ukusuka esikhathini ohlakazwe ngaso noma ophelelwe ngaso yisikhathi, kuze kube yilanga elingaphambi kwelanga lokuqala lokuvotela isiGungu esilandelayo.

Ukuhlakazwa kwesiGungu sikaZwelonke ngaphambi kokuphela kwesikhathi sawo

50. (1) UMongameli kufanele asihlakaze isiGungu sikaZwelonke uma –

(a) IsiGungu sikaZwelonke sithathe isinqumo sokuhlakazeka esesekwe yiningi lamalungu aso; futhi

(b) sekwedlule iminyaka emithathu selokhu kwakhethwa isiGungu.

(2) IBamba likaMongameli kufanele lisihlakaze isiGungu sikaZwelonke uma –

(a) kunesikhala esikhundleni sikaMongameli; futhi

(b) nesiGungu sehluleka ukukhetha uMongameli omusha zingakapheli izinsuku ezingama 30 sivelile leso sikhala.

Izikhathi zokuhlangana nezamakhefu

51. (1) Ngemuva kokhetho, umhlangano wokuqala wesiGungu sikaZwelonke kufanele ubanjwe ngesikhathi kanye nangelanga elibekwe nguMongameli weNkantolo, kodwa kungakapheli izinsuku eziyi 14 ngemuva kokumenyezelwa komphumela wokhetho. IsiGungu Sikazwelonke singabeka izikhathi nobude beminye imihlangano yaso kanye namakhefu aso.

[Isigatshana sesi (1) indawo yaso ithathwe yisigaba soku 1 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(2) UMongameli angabiza ngokushesha isiGungu ukuba size emhlanganweni ongejwayelekile noma ngasiphi isikhathi ukuze senze umsebenzi okhethekile.

(3) Imihlangano yesiGungu Sikazwelonke ivunyelwe ukubanjwa ezindaweni ezingeyona indawo yokuhlala kwePhalamende kuphela ngenxa yezizathu eziyizidingo zomphakathi, ezokuphepha noma ezokufinyeleleka kalula, futhi uma ngabe kuhlinzekelwe emitheshwaneni nasemiyalweni esiGungu.

USomlomo noma iPhini likaSomlomo wesiGungu

52. (1) Emhlanganweni wokuqala wesiGungu ngemuva kokukhethwa kwaso, noma kudingeka kuvalwe isikhala, isiGungu Sikazwelonke kufanele sikhethe uSomlomo nephini likaSomlomo phakathi kwamalungu aso.

(2) UMongameli weNkantolo kufanele engamele ukhetho lukaSomlomo, noma aqoke elinye ijaji ukuthi lengamele. USomlomo wengamela ukhetho lwePhini likaSomlomo.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiThupha wokuChibiyela uMthethosisekelo we 2001.]

(3) Inqubo elandelwayo ebekwe engxenyeni A kuSheduli yesi-3 iyasebenza ekukhethweni kukaSomlomo nephini likaSomlomo.

(4) IsiGungu Sikazwelonke singasusa uSomlomo noma iPhini likaSomlomo esikhundleni ngokuthatha isinqumo sokwenza njalo. Iningi lamalungu esiGungu kufanele libekhona lapho kuthathwa lesi sinqumo.

(5) Ngokwemitheshwana nemiyalo, isiGungu Sikazwelonke singakhetha phakathi kwamalungu aso ezinye iziphathimandla ezingengamela imihlangano yesiGungu ukuze zisize uSomlomo nePhini likaSomlomo.

Izinqumo

53. (1) Ngaphandle kwalapho uMthethosisekelo ubeka ngandlela yimbe –

(a) iningi lamalungu esiGungu Sikazwelonke kufanele libekhona ngaphambi kokuthi kuvotelwe uMthethosivivinywa noma isichibiyelo kuMthethosivivinywa;

(b) okungenani ingxenye engoku 1/3 yamalungu kufanele ibe khona ngaphambi kokuthi kuvotelwe noma yiluphi olunye udaba olubekwe phambi kwesiGungu; futhi

(c) isinqumo ngazo zonke izinto ezibekwe phambi kwesiGungu kufanele sithathwe ngokwesekwa yiningi lamavoti afakiwe.

(2) Ilungu lesiGungu Sikazwelonke elengamele umhlangano wesiGungu alikwazi ukufaka ivoti elejwayelekile kodwa –

(a) kufanele lifake ivoti eliletha isinqumo uma inani lamavoti lilingana ezinhlangothini zombili zodaba oluvotelwayo; futhi

(b) lingafaka ivoti elejwayelekile uma udaba kufanele lunqunywe ngokwesekwa okungenani yinani lamavoti elingo 2/3 kumalungu esiGungu.

Amalungelo amalungu athile eKhabinethi kanye nawamaPhini oNgqongqoshe esiGungwini sikaZwelonke

54. UMongameli nelungu leKhabhinethi noma nePhini likaNgqongqoshe elingelona ilungu lesiGungu sikaZwelonke, ngokwemithetho nemiyalelo, yesiGungu, bangathamela futhi bakhulume esiGungwini, kodwa abavunyelwe ukuvota.

[Isigaba sama-54 indawo yaso ithathwe yisigaba sesi-3 soMthetho wesiThupha oChibiyela uMthetho-sisekelo wezi-2001.]

Amandla esiGungu sikaZwelonke

55. (1) Ekusebenziseni amandla okushaya imithetho, isiGungu sikaZwelonke –

(a) singacwaninga, samukele, sichibiyele noma sichithe noma yimuphi umthetho obekwe phambi kwesiGungu; futhi

(b) singasungula noma silungise umthetho oshaywayo ngaphandle kweMithethosivivinywa yemali.

(2) IsiGungu sikaZwelonke kufanele sihlinzekele ngezindlela –

(a) zokuqinisekisa ukuthi zonke izingxenye zombuso emkhakheni kahulumeni kaZwelonke ziphendula kuwona; futhi

(b) zokubeka iso –

(i) ekusetshenzisweni kwegunya lokuphatha ngokukaZwelonke, kumbandakanya nokusetshenziswa komthetho; futhi

(ii) kunoma yiyiphi ingxenye yombuso.

Ubufakazi noma ulwazi oluphambi kwesiGungu sikaZwelonke

56. IsiGungu sikaZwelonke nanoma yiliphi elinye lamakomiti aso –
   (a) bangabiza noma yimuphi umuntu ukuthi avele phambi kwaso ukuze anike ubufakazi obufungelwe noma obuqinisekisiwe, noma ukuze aveze imibhalo ethile;
   (b) bangafuna noma ubani noma inhlangano ukuba inikeze umbiko kusona;
   (c) bangaphoqa, ngokomthetho kazwelonke noma imitheshwana nemiyalo yaso, ukuthi noma yimuphi umuntu noma inhlangano ukuba ilandele okushiwo yisamanisi noma yizidingo ngokwendima (a) noma u-(b); futhi
   (d) bangemukela izicelo ezisayinwe ngabazesekayo, imibono noma iziphakamiso ezivela kunoma yimuphi umuntu othintekayo noma kwezinye izinhlangano ezithintekayo.

Amalungiselelo angaphakathi, okuqhubekayo kanye nezinqubo ezilandelwayo zoMkhandlu kaZwelonke

57. (1) IsiGungu sikaZwelonke –
   (a) singazithathela izinqumo futhi sizilawulele amalungiselelo angaphakathi, okuqhubekayo kanye nezinqubo ezilandelwayo; futhi
   (b) senze imitheshwana nezibopho maqondana nomsebenzi waso, sibe sibonelela ukuqhutshwa kwenqubo yentando yeningi ebheka ukumelwa nokubamba iqhaza, ukuba nezibopho, ukusebenzela obala nokuthintwa komphakathi.

(2) Imitheshwana nemiyalo yesiGungu sikaZwelonke kufanele ihlinzekele –
   (a) ukumiswa, ukwakheka, amandla, imisebenzi, inqubo elandelwayo kanye nesikhathi sokubakhona kwamakomiti;
   (b) ukubamba iqhaza kokuqhubekayo ePhalamende kanye nakumakomiti alo amaqembu amancane ezombusazwe amelwe ePhalamende, ngendlela ehambisana nenqubo yentando yeningi;
   (c) usizo lwezemali nezokuphathwa komsebenzi eqenjini ngalinye elimelwe ngendlela elinganisiwe ePhalamende, ukusiza iqembu kanye nomholi walo ekwenzeni umsebenzi walo ngempumelelo ePhalamende; kanye
   (d) nokwamukelwa komholi weqembu elikhulu kunawo wonke eliphikisayo elisePhalamende njengoMholi weQembu Eliphikisayo.

Ilungelomvume

58. (1) Amalungu eKhabinethi kanye namalungu esiGungu sikaZwelonke –
(a) avumelekile ukukhuluma ngokukhululeka kusiGungu sikaZwelonke nasemakomitini aso, ngendlela evumelana nemitheshwana nemiyalo; futhi
(b) angeke athweswe amacala ombango noma obulelesi, aboshwe, avalelwe noma ahlawuliswe ngenxa –
(i) yanoma yini ayishilo, ayivezile noma ayinikeze isiGungu noma yinoma yiliphi ikomiti laso; noma
(ii) ngenxa yanoma yini evelile ngenxa yalokho akushilo, akuvezile noma akunikeze isiGungu noma yiliphi ikomiti laso.
(2) Amanye amalungelomvume nokuvikeleka kwesiGungu sikaZwelonke, kwamalungu eKhabinethi, kanye nokwamalungu esiGungu angabekwa ngumthetho kazwelonke.
(3) Amaholo, izimali zokubonelela okuthile kanye nezimali eziyinzuzo ezikhokhelwa amalungu esiGungu sikaZwelonke kubizwa ngqo esiKhwameni Sikazwelonke seziMali.

[Isigaba sama 58 sichibiyelwe yisigaba sesi 4 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.]

Ukukwazi ukufinyelela kanye nokubamba iqhaza komphakathi kusiGungu sikaZwelonke

59. (1) isiGungu sikaZwelonke kufanele –
(a) sigqugquzele ukubanjwa kweqhaza ngumphakathi kunqubo yokushaywa komthetho nakwezinye izinqubo zasePhalamende nezamaKomiti aso; futhi
(b) siqhube umsebenzi ngendlela esobala, sibambe imihlangano yaso, nemihlangano yalawo makomiti aso obala, kodwa kungahle kuthathwe izinyathelo ezifanele –
(i) ukulawula ukufinyelela komphakathi; kumbandakanya ukufinyelela kwabezindaba kusiGungu kanye nasemakomitini aso; kanye
(ii) nokuhlinzekela ukuseshwa kwanoma yimuphi umuntu, futhi lapho kufanele, ukwenqatshelwa imvume yokungena, noma ukukhishelwa ngaphandle kwanoma yimuphi umuntu.
(2) IsiGungu sikaZwelonke asinakushiya ngaphandle umphakathi, kumbandakanya abezezindaba, emhlanganweni wekomiti ngaphandle kwalapho kufanelekile futhi kunesidingo sokukwenza lokho emphakathini wentando yeningi.

UMkhandlu kaZwelonke weziFundazwe

Ukwakheka koMkhandlu kaZwelonke

60. (1) UMkhandlu kaZwelonke weziFundazwe wakhiwe yiqembu elilodwa lezithunywa elivela esifundazweni ngasinye elinezithunywa eziyishumi.

(2) Izithunywa eziyishumi –

(a) yizithunywa ezikhethekile ezine ezibunjwe –

(i) uNdunankulu wesifundazwe noma, uma engekho uNdunankulu noma yiliphi ilungu lesishayamthetho sesifundazwe eliqokwe nguNdunankulu okwesikhathi esithile noma maqondana nomsebenzi othile ophambi koMkhandlu kaZwelonke weziFundazwe; kanye

(ii) nezinye izithunywa ezikhethekile ezintathu; kanye

(b) nezithunywa ezikhona unomphelo eziyisithupha eziqokwe ngokwesigaba sama 61(2).

(3) UNdunankulu wesifundazwe, noma uma engekho uNdunankulu, ilungu lezithunywa zesifundazwe eliqokwe nguNdunankulu, lihola izithunywa.

Ukwabiwa kwezithunywa

61. (1) Amaqembu amelwe kusishayamthetho sesifundazwe anelungelo lokuba nezithunywa eqenjini lezithunywa zesifundazwe ngokulandela indlela yokubala ebhalwe eNgxenyeni B kuSheduli yesi 3.

(2) (a) Kungakapheli izinsuku ezingama 30 ngemuva kokumenyezelwa kwemiphumela yokhetho lwaleso sishayamthetho sesifundazwe, isishayamthetho sesifundazwe kufanele –

(i) sinqume, ngendlela ebekwe ngumthetho kazwelonke, ukuthi zingaki izithunywa zeqembu ngalinye ezizoqokwa njengezithunywa esizoqokwa ngokugcwele kanye nokuthi bangaki abazoba yizithunywa ezikhethekile; futhi

(ii) siqoke izithunywa zamalungu ngokugcwele ngokulandela amagama aphakanyiswe ngamaqembu.

(b) ....

[Indima (b) ikhishwe yisigaba soku 1 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho wesiShiyagalolunye oChibiyela uMthethosisekelo wezi 2002 futhi ngokunjalo nayisigatshana sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

(3) Umthetho kazwelonke ovezwe kusigatshana sesi (2)(a) mawuqinisekise ukubanjwa kweqhaza ngamaqembu amancane ezombusazwe emikhakheni yomibili yezithunywa eziqokwe ngokugcwele neyezikhethekile yethimba elimele amaqembu ezombusazwe ngendlela ehambelana nentando yeningi.

(4) Isishayamthetho, ngokuvumelana noNdunankulu kanye nabaholi bamaqembu abanegunya lokuba nezithunywa ezikhethekile ethimbeni lesifundazwe, kufanele baqoke izithunywa ezikhethekile, njengoba zidingeka ngezikhathi ezahlukahlukene, phakathi kwamalungu esishayamthetho.

Izithunywa eziqokwe ngokugcwele

62. (1) Umuntu ophakanyiswe njengesithunywa ngokugcwele kufanele kube ngumuntu ovunyelwe ukuba yilungu lesishayamthetho sesifundazwe.

(2) Uma umuntu oyilungu lesishayamthetho sesifundazwe eqokelwe esikhundleni sokuba yisithunywa ngokugcwele, lowo muntu uyayeka ukuba yilungu lesishayamthetho.

(3) Izithunywa eziqokwe ngokugcwele ziqokelwa ezikhundleni isikhathi esiphela –

(a) masishane ngaphambi kokuhlangana kokuqala kwesishayamthetho sesifundazwe ngemuva kokhetho lwaso olulandelayo.

(b) ....

[Indima (b) ikhishiwe indawo yayo ithathwe yisigaba sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]
[Isigatshana sesi (3) indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiShiyagalolunye oChibiyela uMthethosisekelo wezi 2002 futhi indawo yaso yabe isithathwa yisigaba sesi 2 soMthetho weShumi Nane oChibiyela uMthethosisekelo wezi 2008]

(4) Umuntu uyayeka ukuba yisithunywa ngokugcwele uma lowo muntu–

(a) eseyeka ukuba yilungu lesishayamthetho sesifundazwe nganoma yisiphi isizathu ngaphandle kokuqokwa njengesithunywa ngokugcwele;

(b) eba yilungu leKhabhinethi;

(c) eselahlekelwe ukwethenjwa yisishayamthetho sesifundazwe futhi wabuyiselwa emuva yilelo qembu elaphakamisa igama lalowo muntu;

(d) eyeka ukuba yilungu leqembu elaphakamisa igama lalowo muntu futhi ebuyiselwa emuva yilelo qembu; noma

(e) engekho esiMkhandlwini kaZwelonke weziFundazwe ngaphandle kwemvume ezimweni lapho imitheshwana nemiyalo yoMkhandlu ibeka ukuthi kufanele alahlekelwe yisikhundla sokuba yisithunywa ngokugcwele.

(5) Izikhala ezivela ezithunyweni ezisebenza ngokugcwele kufanele zigcwaliswe njengokusho komthetho kazwelonke.

(6) Ngaphambi kokuthi amalungu asebenza ngokugcwele aqale ukwenza umsebenzi wawo eMkhandlwini kaZwelonke weziFundazwe, kufanele bafunge noma bethembise ukwethembeka kuRiphabhuliki kanye nokuthobela uMthethosisekelo, ngokulandela iSheduli yesi 2.

Izithangamu zoMkhandlu kaZwelonke

63. (1) UMkhandlu kaZwelonke weziFundazwe ungazinqumela isikhathi nobude bezithangamu kanye nezikhathi zamakhefu.

(2) UMongameli angabizela uMkhandlu kaZwelonke weziFundazwe emhlanganweni ongejwayelekile noma yinini ukuba uzokwenza umsebenzi okhethekile.

(3) Imihlangano yoMkhandlu kaZwelonke weziFundazwe uvunyelwe ukubanjwa kwezinye izindawo ngaphandle kwesePhalamende kuphela ngenxa yezizathu zezidingo zomphakathi, zokuphepha noma zokwenza lula, futhi uma lokhu kubonelelwe ngemitheshwana nezinqumo zoMkhandlu.

USihlalo namaPhini kaSihlalo

64. (1) UMkhandlu kaZwelonke weziFundazwe kufanele ukhethe uSihlalo namaPhini amabili kaSihlalo ezithunyweni.

(2) USihlalo nePhini likaSihlalo elilodwa bakhethwa ezithunyweni ezisebenza ngokugcwele isikhathi esiyiminyaka emihlanu ngaphandle kwalapho isikhathi sabo njengezithunywa siphela ngaphambi kwaleso sikhathi.

(3) Elinye iPhini likaSihlalo likhethelwa isikhathi esingunyaka owodwa, futhi kufanele lilandelwe yisithunywa esivela kwesinye isiFundazwe, ukuze isifundazwe ngasinye sithole ithuba lokumelwa.

(4) UMongameli weNkantolo kufanele engamele ukhetho lukaSihlalo, noma aqoke

elinye ijaji elizokwenza lokho. USihlalo wengamela ukhetho lwePhini likaSihlalo.

[Isigatshana sesi (4)indawo yaso ithathwe yisigaba sesi-5 soMthetho wesiHlanu oChibiyela uMthethosisekelo wezi 2001.]

(5) Inqubo elandelwayo ebekwe kuSheduli yesi 3 iyasebenza ekukhethweni kukaSihlalo namaPhini kaSihlalo.

(6) UMkhandlu kaZwelonke weziFundazwe ungamsusa uSihlalo noma iPhini likaSihlalo esikhundleni.

(7) Ngokwemitheshwana kanye nemiyalo yawo, uMkhandlu kaZwelonke weziFundazwe ungaqoka phakathi kwezithunywa ezinye izikhulu ezengamele ezizokwelekelela uSihlalo kanye namaPhini kaSihlalo.

Izinqumo

65. (1) Ngaphandle kwalapho uMthethosisekelo ubeka ngokuhlukile –

(a) isiFundazwe ngasinye sinevoti elilodwa, elifakwa egameni lesifundazwe lifakwa ngumholi wethimba laso; futhi

(b) zonke izindaba eziphambi koMkhandlu kaZwelonke weziFundazwe ziyamukelwa uma okungenani izifundazwe eziyisihlanu zivotele ukulweseka udaba.

(2) UMthetho wePhalamende omiswe ngokuhambisana nenqubo elandelwayo esungulwe ngokwesigatshana soku (1) noma isigatshana sesi (2) sesigaba sama 76, kufanele ubonelele inqubo efanayo okuthi ngokuyisebenzisa izishayamthetho zezifundazwe zinikeze igunya ezithunyweni zazo zokuba nelungelo lokuvota egameni lazo.

Ukubamba iqhaza kwamalungu eziphathimandla zikazwelonke

66. (1) Amalungu eKhabinethi kanye namaPhini oNgqongqoshe, bangabakhona, bakhulume, eMkhandlwini kaZwelonke weziFundazwe, kodwa abavunyelwe ukuvota.

(2) UMkhandlu kaZwelonke weziFundazwe ungabiza ilungu leKhabinethi, iPhini likaNgqongqoshe noma osebenzela isigungu esiphethe sikazwelonke noma esesifundazwe ukuthi beze emhlanganweni woMkhandlu noma wekomiti loMkhandlu.

Ukubamba iqhaza kwabamele ohulumeni bendawo

67. Abangeqi eshumini abangabameli besikhashana abakhethwe ngohulumeni abahlelekile bendawo ngokwesigaba se 163, ukuthi bamele izinhlobo ezahlukene zomasipala, abangabamba iqhaza uma kunesidingo emisebenzini yoMkhandlu kaZwelonke weziFundazwe, kodwa bebe bengavunyelwe ukuvota.

Amandla oMkhandlu kaZwelonke

68. Ekusebenziseni amandla awo asemthethweni, uMkhandlu kaZwelonke weziFundazwe –
    - (a) ungacwaninga, wamukele, uchibiyele, uphakamise ukuchitshiyelwa, noma uchithe nanoma yimiphi imithetho ebekwe phambi koMkhandlu ngokwalesi Sahluko; futhi
    - (b) ungaqala noma ulungiselele umthetho ongena phakathi kwezinto ezenziwayo ezisohlwini olukuSheduli yesi-4 noma omunye umthetho oshiwo kusigaba sama 76(3), kodwa awunakuqala noma ulungiselele iMithethozivivinywa yemali.

Ubufakazi nolwazi olunikezwa uMkhandlu kaZwelonke

69. UMkhandlu Zwelonke weziFundazwe noma yiliphi ikomiti lawo –
    - (a) ungabiza noma yimuphi umuntu ukuthi avele phambi kwawo ukuze anike ubufakazi ngaphansi kwesifungo noma isethembiso noma ukuzoveza imibhalo ethile;
    - (b) ungadinga noma iyiphi inhlangano noma umuntu awunikeze umbiko;
    - (c) ungaphoqa, ngokomthetho kazwelonke noma kwemitheshwana nemiyalo, noma yimuphi umuntu ukuthi alandele amasamanisi noma isidingo esiphathelene nokushiwo endimeni (a) noma u (b); futhi
    - (d) ungemukela izicelo ezisayiniwe, imibono noma iziphakamiso ezivela kunoma yibaphi abantu noma izinhlangano ezithintekile.

Amalungiselelo angaphakathi, okwenzekayo nezinqubo ezilandelwayo zoMkhandlu kaZwelonke

70. (1) UMkhandlu kaZwelonke weziFundazwe –
    - (a) ungazinqumela futhi uzilawulele amalungiselelo awo angaphakathi, okwenzekayo kanye nezinqubo ezilandelwayo; futhi

(b) ungazenzela imitheshwana nemiyalo ephathelene nomsebenzi wawo, uqikelele ukumelwa nokubanjwa kweqhaza kwenqubo yentando yeningi, ukuba nezibopho ngokuthile, ukusebenzela obala kanye nokubamba iqhaza komphakathi.

(2) Imitheshwana nemiyalo yoMkhandlu kaZwelonke kufanele ihlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi, izinqubo ezilandelwayo kanye nesikhathi samakomiti ayo;

(b) ukubamba iqhaza kwazo zonke izifundazwe kokwenziwayo ngendlela ehambisana nenqubo yentando yeningi; kanye

(c) nokubamba iqhaza kokwenziwa nguMkhandlu namakomiti awo amaqembu amancane amelwe eMkhandlwini, ngendlela ehambisanayo nenqubo yentando yeningi ngazo zonke izikhathi lapho kufanele kuthathwe isinqumo ngokwesigaba sama 75.

Amalungelomvume

71. (1) Izithunywa eMkhandlwini kaZwelonke weziFundazwe kanye nabantu okukhulunywa ngabo ezigabeni sama 66 nesama 67 –

(a) banelungelo lokukhuluma bakhululeke eMkhandlwini nasemakomitini awo, ngendlela ehambisanayo nemitheshwana nemiyalo yawo; futhi

(b) angeke baquliswe amacala ombango noma obelelesi, baboshwe, bavalelwe noma bakhokhiswe inhlawulo ngenxa –

(i) yanoma yini abayishilo, abayivezile noma abayilethe eMkhandlwini noma yinoma ekomotini lawo;

(ii) yanoma yini evezwe ngesizathu sanoma yini abayishilo, abayivezile noma abayilethe eMkhandlwini noma ekomitini lawo.

(2) Amanye amalungelomvume nokuvikeleka koMkhandlu kaZwelonke weziFundazwe, ezithunywa zoMkhandlu kanye nabantu abashiwo ezigabeni sama 66 nesama 67, zingabekwa ngumthetho kazwelonke.

(3) Amaholo, izimali ezikhokhelwa okuthile kanye nezinye izimali eziyinzuzo ezikhokhelwa amalungu asebenza ngokugcwele oMkhandlu kaZwelonke weziFundazwe ziphuma ngqo eSikhwameni seMali kaZwelonke.

Ukufinyelela komphakathi eMkhandlwini kaZwelonke nokubamba kwawo iqhaza

72. (1) UMkhandlu kaZwelonke weziFundazwe kumele –
    (a) ugqugquzele ukuthi umphakathi ubamba iqhaza kokwenziwayo uma kushaya imithetho nakweminye imisebenzi yoMkhandlu namakomiti awo; futhi
    (b) wenze umsebenzi wawo ngendlela esobala, wenze ukuthi imihlangano yawo neyamakomiti awo ivulelwe umphakathi; kodwa kungahle kuthathwe izinyathelo ezifanelekile –
        (i) ukulawula ukuvunyelwa komphakathi, kumbandakanya nabezezindaba, eMkhandlwini nasemakomitini awo, futhi
        (ii) ukuhlinzekela ukuseshwa kwanoma yimuphi umuntu, futhi, uma kufanele, ukuvinjelwa ukungena, noma ukukhishelwa phandle kwanoma yimuphi umuntu.

(2) UMkhandlu kaZwelonke weziFundazwe awunakushiya ngaphandle umphakathi, kumbandakanya nabezezindaba, ukuba babe ingxenye yomhlangano wekomiti ngaphandle kwalapho kufanelekile futhi kuvumelekile ukuba kwenziwe kanjalo emphakathini wentando yeningi.

INQUBO YOKUSHAYWA KWEMITHETHO KAZWELONKE

Yonke imithethosivivinywa

73. (1) Noma yimuphi uMthethosivivinywa ungethulwa esiGungwini sikaZwelonke.

(2) Ilungu leKhabinethi noma iPhini likaNgqngqoshe, noma ilungu noma iKomidi lesiGungu sikaZwelonkedlu kuphela elingethula uMthethosivivinywa esiGungwini, kodwa ilungu leKhabhinethi kuphela elibhekele izindaba zezimali zikaZwelonke elingethula iMithethosivivinywa elandelayo esiGungwini -
    (a) uMthethosivivinywa wezimali; noma
    (b) uMthethosivivinywa ohlinzekela umthetho ocatshangwa kusigaba sama 214.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1(a) soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

(3) UMthethosivivinywa obalulwe esigabeni sama 76(3), ngaphandle koMthethosivinywa obalulwe esigatshaneni sesi (2)(a) noma (b) salesi sigaba,

ungethulwa eMkhandlwini kaZwelonke weziFundazwe.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba soku 1(b) soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

(4) Ilungu, noma yikomiti loMkhandlu kaZwelonke weziFundazwe kuphela elivunyelwe ukwethula uMthethosivivinywa phambi koMkhandlu sentimental

(5) UMthethosivivinywa owamukelwe yisiGungu sikaZwelonke kufanele udluliselwe kuMkhandlu kaZwelonke weziFundazwe uma kufanele ucwaningwe nguMkhandlu. UMthethosivivinywa ovunywe nguMkhandlu kufanele uyiswe kusiGungu sikaZwelonke.

IMithethosivivinywa echibiyela uMthethosisekelo

74. (1) Isigaba soku 1 kanye nalesi sigatshana kungachitshiyelwa nguMthethosivivinywa owamukelwe –
   (a) yisiGungu sikaZwelonke, ngokwesekwa okungenani yivoti lamalungu aso elingamaphesenti angama 75; kanye
   (b) nanguMkhandlu kaZwelonke weziFundazwe, ngokwesekwa okungenani yivoti lezifundazwe eziyisithupha.

(2) IsaHluko sesi-2, singachitshiyelwa ngumthethosivivinywa owamukelwe –
   (a) yisiGungu sikaZwelonke, ngokusekwa okungenani yivoti lamalungu aso amabili kwamathathu; kanye
   (b) nanguMkhandlu kaZwelonke weziFundazwe wesekwe yivoti lezifundazwe okungenani eziyisithupha.

(3) Noma yimuphi umbandela woMthethosisekelo ungachitshiyelwa nguMthethosivivinywa owamukelwe –
   (a) yisiGungu sikaZwelonke, wesekwe okungenani yivoti lamalungu amabili kwamathathu; kanye
   (b) nanguMkhandlu kaZwelonke weziFundazwe, wesekwe yivoti lezifundazwe okungenani eziyisithupha uma ukuchibiyela -
      (i) kuphathelene nodaba oluthinta uMkhandlu;
      (ii) kuguqula imingcele yezifundazwe, amandla, imisebenzi noma izinhlangano; noma
      (iii) kuchibiyela umbandela obhekene ngqo nodaba lwesifundazwe.

(4) Umthethosivivinywa ochibiyela uMthethosisekelo awunakufaka imibandela eminye ngaphanlde kokuchitshiyelwa komthethosisekelo kanye nezindaba ezihambisana nokuchibiyela.

(5) Okungenani kusasele izinsuku ezingama 30 ngaphambi kokwethulwa koMthethosivivinywa ochibiyela uMthethosisekelo ngokwesigaba sama 73(2), umuntu noma ikomiti elizimisele ukwethula uMthethosivivinywa kufanele -

- (a) lishicilele kuSomqulu kaHulumeni, ngokulandela imitheshwana nemiyalo yesiGungu sikaZwelonke, iminingingwane yesichibiyelo esihlongozwayo ukuze umphakathi ube nezwi;
- (b) lethule, ngokulandela imitheshwana kanye nemiyalo yesiGungu, leyo mininingwane kuzishayamthetho zezifundazwe ukuzwa uvo lwazo; futhi
- (c) lethule, ngokulandela imitheshwana kanye nemiyalo yoMkhandlu kaZwelonke weziFundazwe, leyo mininingwane eMkhandlwini ukuze kube nenkulumompikiswano esobala ngayo, uma ukuchibiyela okuhlongozwayo kungekhona ukuchibiyela okudinga ukuba kwamukelwe nguMkhandlu.

(6) Uma uMthethosivivinywa ochibiyela uMthethosisekelo wethulwa, umuntu noma ikomiti elethula uMthethosivivinywa kufanele lilethe noma yiziphi iziphakamiso ezibhalwe phansi zanoma yiluphi uhlobo ezilethwe ngumphakathi kanye nezishayamthetho zezifundazwe –

- (a) kuSomlomo ukuze zethulwe ePhalamende likaZwelonke; futhi
- (b) mayelana nezichibiyelo okuphawulwe ngazo kusigatshana soku (1), sesi (2), noma sesi (3)(b), kuSihlalo woMkhandlu kaZwelonke weziFundazwe ukuze zethulwe kuMkhandlu.

(7) UMthethosivivinywa ochibiyela uMthethosisekelo awunakuvotelwa ePhalamende zingakapheli izinsuku ezingama 30 -

- (a) wethuliwe uma isiGungu sihlangena ngenkathi uMthethosivivinywa wethulwa; noma
- (b) zokwethulwa kwawo ePhalamende, uma iPhalamende lisahlabe ikhefu ngenkathi uMthethosivivinywa wethulwa.

(8) Uma uMthethosivivinywa okuphawulwe ngawo kusigatshana sesi (3)(b), noma yinoma iyiphi ingxenye yoMthethosivivinywa, ithintene kuphela nesifundazwe esithile noma izifundazwe, uMkhandlu kaZwelonke weziFundazwe awunakuvumela uMthethosivivinywa noma ingxenye yawo efanele ngaphandle kwalapho uvunywe

yisishayamthetho noma izishayamthetho zesifundazwe noma zezifundazwe ezithintekile.

(9) UMthethosivivinywa ochibiyela uMthethosisekelo ovunywe yiPhalamende likaZwelonke futhi, uma kudingekile, nanguMkhandlu kaZwelonke weziFundazwe, kufanele wedluliselwe kuMongameli ukuze kutholakale imvume yakhe.

IMithethosivivinywa engathinti izifundazwe

75. (1) Uma isiGungu sikaZwelonke semukela uMthethosivivinywa ngaphandle koMthethosivivinywa lapho okusebenza kuwo inqubo elandelwayo kusigaba sama 74 noma esama 75, lowo Mthethosivivinywa kufanele uyiswe eMkhandlwini kaZwelonke weziFundazwe futhi udingidwe ngendlela ehambisana nenqubo elandelayo -

(a) UMkhandlu kufanele –

(i) wamukele uMthethosivivinywa;

(ii) wamukele uMthethosivivinywa ngokulandela ukuchibiyela okuhlongozwa yiwo; noma

(iii) uwuchithe uMthethosivivinywa.

(b) Uma uMkhandlu wamukela uMthethosivivinywa ngaphandle kwezichibiyelo ezihlongozwayo, uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(c) Uma uMkhandlu ungawamukeli noma uwemukela uMthethosivivinywa ngokwezichibiyelo, isiGungu kufanele siwucwaninge kabusha uMthethosivivinywa, sibheke noma yikuphi ukuchibiyela okuhlongozwa uMkhandlu, futhi –

(i) ungawemukela futhi uMthethosivivinywa, unezinguquko noma ungenazo; noma

(ii) unganquma ukungaqhubeki noMthethosivivinywa.

(d) UMthethosivivinywa owemukelwe yisiGungu ngokwesigaba (c), kufanele uyiswe kuMongameli ukuze uthole imvume.

(2) Uma uMkhandlu kaZwelonke weziFundazwe uvotela udaba ngokusho kwalesi sigaba, isigaba sama 65 asisebenzi; esikhundleni salokho –

(a) isithunywa ngasinye ethimbeni lezithunywa zesifundazwe sibanevoti elilodwa;

(b) okungenani ingxenye eyodwa kwezintathu yezithunywa kufanele ibe khona ngaphambi kokuba kuvotelwe udaba; futhi
(c) udaba lunqunywa ngeningi lamavoti afakiwe, kodwa uma kunenani lamavoti alinganayo ezinhlangothini zombili, isithunywa esengamele umhlangano kufanele sifake ivoti elizoveza isinqumo.

IMithethosivivinywa eyejwayelekile ethinta izifundazwe

76. (1) Uma isiGungu sikaZwelonke semukela uMthethosivivinywa okubhekiswe kuwo ezigatshaneni sesi (3), sesi (4) noma esesi (5), lowo Mthethosivivinywa kufanele wedluliselwe kuMkhandlu kaZwelonke weziFundazwe futhi uphathwe ngokulandela le nqubo elandelwayo -
(a) UMkhandlu kufanele –
(i) wemukele uMthethosivivinywa;
(ii) wemukele uMthethosivivinywa ochitshiyelwe; noma
(iii) uwuchithe uMthethosivivinywa.
(b) Uma uMkhandlu wamukela uMthethosivivinywa ngaphandle kokuchibiyelwa, lowo uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.
(c) Uma uMkhandlu wamukela uMthethosivivinywa ochitshiyelwe, uMthethosivivinywa ochitshiyelwe kufanele uyiswe kusiGungu, futhi uma isiGungu samukela uMthethosivivinywa ochitshiyelwe, kufanele uyiswe kuMongameli ukuze uthole imvume.
(d) Uma uMkhandlu uchitha uMthethosisekelo, noma uma isiGungu senqaba ukwemukela uMthethosivivinywa ophawulwe kundima (c), lowo Mthethosivivinywa futhi, uma kunesidingo, kanye noMthethosivivinywa ochitshiyelwe, kufanele kuyiswe eKomitini Lokulamula, elingahle livumelane –
(i) ngoMthethosivivinywa njengoba wemukelwe yisiGungu;
(ii) ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe uMkhandlu; noma
(iii) ngenye inhlobo yoMthethosivivinywa.
(e) Uma iKomiti Lokulamula lingakwazi ukuvumelana ezinsukwini ezingama 30 ngemva kokuyiswa koMthethosivivinywa kulona, uMthethosivivinywa uphelelwa yisikhathi ngaphandle uma isiGungu siphinde siwamukele lowo

Mthethosivivinywa, kodwa wesekwe yivoti okungenani lababili kwabathathu bamalungu aso.

(f) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa njengoba wamukelwe nguMkhandlu, uMthethosivivinywa kufanele uyiswe esiGungwini, kuthi uma isiGungu siwamukela lowo Mthethosivivinywa, lowo Mthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa ochitshiyelwe njengoba wamukelwe nguMkhandlu, uMthethosivivinywa kufanele uyiswe esiGungwini, futhi uma isiGungu siwamukela, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomiti Lokulamula livumelana ngenye inhlobo yoMthethosivivinywa, leyo nhlobo yoMthethosivivinywa kufanele iyiswe kusiGungu nakuMkhandlu, futhi uma wemukelwa nguMkhandlu kanye nesiGungu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivivinywa oyiswe eMkhandlwini ngokwesigaba (f) noma u (h) ungemukelwa uMkhandlu, uMthethosivivinywa uphelelwa yisikhathi ngaphandle kwalapho isiGungu sivumela lowo uMthethosivivinywa ngokwesekwa okungenani yivoti lababili kwabathathu bamalungu aso.

(j) Uma uMthethosivivinywa oyiswe kusiGungu ngokwesigaba(g) no (h), ungemukelwa yisiGungu, lowo Mthethosivivinywa uphelelwa yisikhathi, kodwa uMthethosivivinywa njengoba wawamukelwa yisiGungu ekuqaleni ungaphinde futhi wamukelwe yisiGungu, kodwa ngokwesekwavokungenani yivoti lababili kwabathathu bamalungu aso.

(k) UMthethosivivinywa owamukelwe yisiGungu njengokusho kwesigaba (e), (i) noma u (j) kufanele uyiswe kuMongameli ukuze uthole imvume.

(2) Uma uMkhandlu kaZwelonke weziFundazwe wamukela uMthethosivivinywa ophathelene nemisebenzi esesigatshaneni sesi (3), uMthethosivivinywa kufanele uyiswe esiGungwini sikaZwelonke futhi udingidwe ngokulandela le nqubo elandelayo -

(a) isiGungu kufanele –

(i) semukele uMthethosivivinywa;

(ii) semukele uMthethosivivinywa ochitshiyelwe; noma

(iii) siwuchithe uMthethosivivinywa.

(b) UMthethosivivinywa owamukelwe yisiGungu ngokwesigaba (a)(i) kufanele

uyiswe kuMongameli ukuze uthole imvume.

(c) Uma isiGungu samukela uMthethosivivinywa ochitshiyelwe, uMthethosisekelo ochitshiyelwe kufanele uyiswe eMkhandlwini; futhi uma uMkhandlu wamukela uMthethosivivinywa ochitshiyelwe, lowo Mthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(d) Uma isiGungu sichitha uMthethosivivinywa noma uma uMkhandlu wenqaba ukwamukela uMthethosivivinywa ochitshiyelwe oyiswe kuwona ngokwendima (c), uMthethosivivinywa futhi, uma kunesidingo, kanye noMthethosivivinywa ochitshiyelwe, kufanele kudluliselwe eKomitini Lokulamula, elingavumelana ngalokhu –

(i) ngoMthethosivivinywa njengoba wemukelwe nguMkhandlu ;

(ii) ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe yisiGungu; noma

(iii) ngenye inhlobo yoMthethosivivinywa.

(e) Uma iKomiti Lokulamula lingakwazi ukuvumelana zingakapheli izinsuku ezingama 30 ngemuva kokuyiswa koMthethosivivinywa kulo, uMthethosivivinywa uphelelwa yisikhathi.

(f) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa njengoba wamukelwe yisiGungu, uMthethosivivinywa kufanele uyiswe eMkhandlwini, kuthi uma uMkhandlu uwemukela lowo Mthethosivivinywa, uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomiti Lokulamula livumelana ngoMthethosivivinywa ochitshiyelwe njengoba wemukelwe yisiGungu, uMthethosivivinywa kufanele uyiswe eMkhandlwini, futhi uma wemukelwa uMkhandlu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomiti Lokulamula livumelana ngolunye uhlobo loMthethosivivinywa, lowo Mthethosivivinywa kufanele uyiswe esiGungwini naseMkhandlwini, futhi uma wemukelwa yisiGungu noMkhandlu uyiswe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivivinywa oyiswe esiGungwini ngokwendima (f) noma u (h) ungemukelwanga yisiGungu, uMthethosivivinywa uphelelwa yisikhathi.

(3) UMthethosivivinywa kufanele udingidwe ngokwenqubo elandelwayo ebekwe isigatshana soku (1) noma esesi (2) uma ungena ngaphakathi komsebenzi owenziwayo osohlwini olukuSheduli yesi 4 yemithetho ecatshangwayo kunoma

yisiphi isigaba kwezilandelayo -

(a) isigaba sama 65(2);

(b) isigaba se 163;

(c) isigaba se 182;

(d) isigaba se 195(3) nesesi (4);

(e) isigaba se 196; kanye

(f) nesigaba se 197.

(4) UMthethosivivinywa kufanele udingidwe ngokulandela inqubo esungulwe yisigatshana soku (1) uma uhlinzekela umthetho -

(a) ohlongozwe esigabeni sama 44(2); noma sama 220(3); noma

(b) ohlongozwe kuSahluko se-13, futhi ofaka noma yimiphi imibandela ethinta ezezimali zomkhakha kahulumeni wezifundazwe.

[Indima (b) indawo yayo ithathwe yisigaba soku 1 soMthetho wokuweShumi nane oChibiyela uMthethosisekelo wezi 2003.]

(5) UMthethosivivinywa ocatshangwa esigabeni sama 42(6) kufanele udingidwe ngokulandela inqubo emiswe ngesigatshana soku (1), ngaphandle –

(a) uma isiGungu sikaZwelonke sivotela uMthethosivivinywa, imibandela yesigaba sama 53(1) ayilandelwa, esikhundleni salokho uMthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende liwuvotela; futhi

(b) uma uMthethosivivinywa uyiswa eKomitini Lokulamula, kulandelwa imithetho elandelayo –

(i) Uma isiGungu sikaZwelonke sicubungula uMthethosivivinywa ocatshangwa kusigatshana soku (1)(g) noma u (h), lowo Mthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende liwuvotela;

(ii) Uma isiGungu sikaZwelonke sicubungula noma sicubungula kabusha uMthethosivivinywa ocatshangwa esigatshaneni soku (1)(e),(i) noma (j), lowo Mthethosivivinywa ungavunywa kuphela uma okungenani amalungu amabili kwamathathu ePhalamende ewuvotela.

(6) Lesi sigaba asisebenzi kuMthethosivivinywa weziMali.

IMithethosivivinywa yemali

77. (1) UMthethosivivinywa unguMthethosivivinywa wemali uma -

(a) waba imali;

(b) ubeka izintela zikazwelonke, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;

(c) uqeda noma wehlisa, noma unikeza ukukhululwa ekukhokheni izintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;

(d) ugunyaza izimali ezibizwa ngqo esiKhwameni seMali kaZwelonke, ngaphandle koMthethosisekelo ohlongozwa esigabeni sama 214 esigunyaza ukubizwa ngqo kwezimali.

(2) UMthethosivinywa wemali awunakudingida nanoma yiluphi olunye udaba ngaphandle –

(a) kodaba olungaphansi olulandela ukwabiwa kwemali;

(b) kokubekwa, ukuqedwa noma ukwehliswa kwezintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke;

(c) kokunikezwa kokukhululwa ekukhokheni izintela, izimali ezikhokhiswayo, izimali ezitheliswa ngempahla noma izimali ezikhokhiswa ngaphezulu kuzwelonke; noma

(d) ukugunyazwa kwezimali ezibizwa ngqo esiKhwameni seMali kaZwelonke.

(3) Yonke iMithethosivivinywa kufanele ibhekisiswe ngokulandela inqubo elandelwayo esungulwe yisigaba sama 75. UMthetho wePhalamende kufanele uhlinzekele inqubo elandelwayo yokuchibiyela iMithethosivivinywa yemali ngaphambi kwePhalamende.

[Isigaba sama 77 indawo yaso ithathwe yisigaba sesi 2 soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi 2001.]

Ikomiti Lokulamula

78. (1) IKomiti Lokulamula lakhiwe –

(a) ngamalungu ayisishiyagalolunye esiGungu sikaZwelonke akhethwe yisiGungu ngokulandela inqubo ebekwe yimitheshwana nemiyalo yesiGungu futhi enomphumela wokuthi amaqembu akwazi ukumelwa ngendlela efanayo nameleke ngayo esiGungwini; kanye

(b) nesithunywa esisodwa esivela ethimbeni lesifundazwe ngasinye, esiqokwe

yilezo zithunywa.

(2) Ikomiti Lokulamula lisuke selivumelene ngohlobo loMthethosivivinywa othile noma selinqumile ngodaba, uma lolo hlobo, noma uhlangothi olulodwa lodaba lusekwa –

(a) okungenani ngabahlanu abamele isiGungu sikaZwelonke; futhi

(b) okungenani abahlanu abamele uMkhandlu kaZwelonke weziFundazwe.

Ukuvunywa kweMithethosivivinywa

79. (1) UMongameli kufanele avume futhi asayine uMthethosisekelo owemukelwe ngokwalesi Sahluko noma, uma uMongameli engagculisekile ngokuthi uMthethosivivinywa uyahambisana noMthethosisekelo, kufanele awuphindisele esiGungwini sikaZwelonke ukuze siwucwaninge kabusha.

(2) Imitheshwana nemiyalo ehlanganisiwe kufanele ihlinzekele inqubo elandelwayo uma kucwaningwa kabusha uMthethosivivinywa yisiGungu sikaZwelonke ngokuhlanganyela noMkhandlu kaZwelonke weziFundazwe kulokho okwenziwayo.

(3) UMkhandlu kaZwelonke weziFundazwe kufanele ubambe iqhaza ekucwaningeni kabusha koMthethosivivinywa ophindiselwe emuva esiGungwini sikaZwelonke nguMongameli uma –

(a) ukungagculiseki kukaMongameli mayelana nokungahambisani koMthethosivivinywa noMthethosisekelo kuphathelene nodaba lwenkambiso oluthinta uMkhandlu; noma

(b) isigaba sesi 74(1),(2) noma sesi (3)(b)noma sama 76 sasetshenziswa ekwamukelweni koMthethosivivinywa.

(4) Uma, ngemuva kokucwaningwa kabusha, uMthethosivivinywa wenelisa ngokuphelele ukungagculiseki kukaMongameli, uMongameli kufanele awuvume futhi awusayine lowo Mthethosisekelo; uma kungenzeki lokho, uMongameli kufanele enze okunye kwaloku -

(a) avume futhi asayine uMthethosivivinywa; noma

(b) awedlulisele eNkantolo yoMthethosisekelo ezonquma ngokuhambisana kwawo noMthethosisekelo.

(5) Uma iNkantolo yoMthethosisekelo inquma ukuthi uMthethosivivinywa uyahambisana noMthethosisekelo, uMongameli kufanele awuvume futhi awusayine.

Izicelo ezifakwa ngamalungu esiGungu sikaZwelonke eNkantolo yoMthethosisekelo

80. (1) Amalungu esiGungu sikaZwelonke angafaka isicelo eNkantolo yoMthethosisekelo sokuthi inkantolo ikhiphe umyalo othi wonke noma ingxenye yoMthetho wePhalamende awuhambisani nomthethosisekelo.

(2) Isicelo –

(a) kufanele sesekwe okungenani yivoti loyedwa kwabathathu bamalungu esiGungu sikaZwelonke; futhi

(b) kufanele senziwe kungakapheli izinsuku ezingama 30 kusukela osukwini uMongameli awuvume futhi awusayina ngalo uMthetho.

(3) INkantolo yoMthethosisekelo ingayalela ukuthi wonke umthetho noma ingxenye yomthetho okufakwe isicelo ngawo ngokwesigatshana soku (1), angeke usebenze kuze kube yilapho iNkantolo ikhiphe isinqumo ngesicelo uma –

(a) izidingo zobulungiswa zikudinga lokhu; futhi

(b) isicelo sinamathuba anele okuphumelela.

(4) Uma isicelo singaphumeleli, futhi singenamathuba anele okuphumelela, iNkantolo yoMthethosisekelo inganquma ukuthi labo abafake isicelo kufanele bakhokhe izindleko.

Ukushicilelwa kweMithetho

81. UMthethosivivinywa ovunywe futhi wasayinwa nguMongameli uba nguMthetho wePhalamende, kufanele ushicilelwe ngokushesha, futhi uqala ukusebenza lapho usushicilelwe noma ngosuku olubekwe ngokoMthetho.

Ukugcinwa ngokuphepha kweMithetho yePhalamende

82. Ikhophi esayiniwe yoMthetho wePhalamende ingubufakazi obugcwele balokho okuqukethwe kulowo mthetho, futhi ngemuva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuze iwugcine ngokuphepha.

ISAHLUKO 5

UMONGAMELI NEZIPHATHIMANDLA ZIKAZWELONKE

Umongameli

83. UMongameli –
    - (a) uyiNhloko yoMbuso nenhloko yomkhandlu kazwelonke Omkhulu;
    - (b) kufanele eseke, avikele, ahloniphe uMthethosisekelo njengomthetho omkhulu kunayo yonke eRiphabhuliki; futhi
    - (c) akhuthaze ubumbano lwesizwe nalokho okuqhubela iRiphabhuliki phambili.

Amandla nemisebenzi kaMongameli

84. (1) UMongameli unamandla awanikezwe nguMthethosisekelo nomthetho, kumbandakanya lawo mandla afanele ukuze enze imisebenzi yeNhloko yoMbuso nenhloko yeziphathimandla zikazwelonke.
    (2) UMongameli ubheke okulandelayo –
    - (a) ukwemukela nokusayina iMithethosivivinywa;
    - (b) ukubuyisela uMthethosivivinywa emuva ePhalamende ukuze licubungule kabusha ukuhambisana kwawo noMthethosisekelo;
    - (c) ukwedlulisela uMthethosivivinywa eNkantolo yoMthethosisekelo ukuze ikhiphe isinqumo ngokuhambisana kwawo noMthethosisekelo;
    - (d) ukubizela isiGungu sikaZwelonke, uMkhandlu kaZwelonke weziFundazwe noma iPhalamende emhlanganweni ongajwayelekile ukuze kwenziwe umsebenzi okhethekile;
    - (e) ukuqoka noma yibaphi abazophatha izikhundla ezimiswe kuMthethosisekelo noma ngumthetho, ukuthi kufanele kwenziwe nguMongameli, ngaphandle kokuqoka akwenza njengenhloko yeziphathimandla zikazwelonke;
    - (f) ukuqoka amakhomishana okuphenya;
    - (g) ukubiza inhlololuvo kazwelonke ngokomthetho wePhalamende;
    - (h) ukwemukela futhi azise izithunywa zakwamanye amazwe kanye nabamele amanye amazwe;
    - (i) ukuqoka amanxusa, amanxusa agunyaziwe, abaphathelene nezindaba zamazwe kanye nabamele amanye amazwe;

(j) ukuxolela, noma asindise abagwetshelwe amacala futhi ehlise nanoma iyiphi inhlawulo, izigwebo noma ukudliwa kwempahla; futhi

(k) aklomelise ngezindondo zokuhlonipha.

[Incazelo ejwayelekile: Ukutuswa ngokuhlonishwa okwenziwe kuSomqulu kaHulumeni we 24155 mhlaka 6 Disemba 2002 kanye noSomqulu kaHulumeni we 25213 mhlaka 25 Julayi 2003.]

Igunya lokuphatha eRiphabhuliki

85. (1) Amandla okuphatha eRiphabhuliki abekwe kuMongameli.

(2) UMongameli usebenzisa amandla okuphatha, ebambisene namanye amalungu eKhabhinethi –

(a) ngokusebenzisa umthetho kazwelonke ngaphandle kwalapho uMthethosisekelo noma umthetho wePhalamende usho okunye okwehlukile;

(b) ngokuthuthukisa nokusebenzisa izinqubomgomo zikazwelonke;

(c) ngokuqondanisa imisebenzi yeminyango yombuso kanye neyezakhiwo zombuso;

(d) ngokulungisa nokungenisa umthetho; kanye

(e) nokwenza noma yimiphi eminye imisebenzi yokuphatha ehlinzekelwe kuMthethosisekelo noma kumthetho kazwelonke.

Ukukhethwa kukaMongameli

86. (1) Emhlanganweni waso wokuqala ngemuva kokukhethwa kwaso, futhi nalapho kunesidingo sokuvala isikhala, isiGungu sikaZwelonke kufanele sikhethe umuntu wesifazana noma wesilisa phakathi kwamalungu aso ukuthi abe nguMongameli.

(2) UMongameli weNkantolo yoMthethosisekelo kufanele angamele lolu khetho noma aqoke elinye ijaji ukwenza lokhu. Inqubo elandelwayo ebekwe kuNgxenye A yeSheduli yesi-3 iyona esebenzayo ekukhethweni kukaMongameli.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 6 soMthetho WwesiThupha oChibiyela uMthethosisekelo wezi 2001.]

(3) Ukhetho lokuvala isikhala esikhundleni sikaMongameli kufanele lubekelwe isikhathi nosuku nguMongameli weNkantolo yoMthethosisekelo, kodwa zingakadluli izinsuku ezingama-30 ngemuva kokuvela kwesikhala.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba sesi 6 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.)

Ukuqala ukusebenza kukaMongameli

87. Uma esekhethwe njengoMongameli, umuntu uyayeka ukuba yilungu lesiGungu sikaZwelonke futhi, zingakapheli izinsuku eziyisihlanu, kufanele aqale umsebenzi wokweNgamela ngokufunga noma aqinisekise ukwethembeka eRiphabhuliki nokuthobela uMthethosisekelo, ngokuhambelana neSheduli yesi 2.

Isikhathi sesikhundla sikaMongameli

88. (1) Isikhathi esibekelwe isikhundla sikaMongameli siqala kusukela eqala umsebenzi futhi siphele lapho kuvela isikhala noma uma umuntu olandelayo okhethelwe esikhundleni sokuba nguMongameli eqala umsebenzi.

(2) Akekho umuntu ovunyelwe ukuba sesikhundleni njengoMongameli isikhathi esingaphezulu kwamahlandla amabili, kodwa uma umuntu ekhethelwe ukuthi agcwalise isikhala abe uMongameli, isikhathi esiphakathi kokugcwalisa isikhala nokhetho olulandelayo, asithathwa njengesikhathi soBungameli.

Ukususwa kukaMongameli esikhundleni

89. (1) IsiGungu sikaZwelonke, ngesinqumo esesekwe ngababili kwabathathu bamalungu aso, singamsusa kuphela uMongameli esikhundleni ngezizathu –

(a) zokwephulwa okubucayi koMthethosisekelo noma komthetho;
(b) zokungaziphathi kahle ngendlela embi kakhulu; noma
(c) zokungakwazi ukwenza imisebenzi yesikhundla.

(2) Noma ngubani osuswe esikhundleni sikaMongameli ngokwesigatshana soku 1(a) noma u (b) angeke athole izinzuzo zaleso sikhundla futhi akavunyelwe ukumela ukhetho lwesikhundla somphakathi.

IBamba likaMongameli

90. (1) Uma uMongameli engekho eRiphabhuliki noma engakwazi ukufeza izidingo zomsebenzi kaMongameli ngenxa yokuthile; noma uma kunesikhala kuleso sikhundla, iziphathimandla zingambambela njengoMongameli ngalokhu kulandelana -

(a) IPhini likaMongameli.
(b) UNgqongqoshe ojutshwe nguMongameli.

(c) UNgqongqoshe ojutshwe ngamanye amalungu eKhabhinethi.

(d) USomlomo, isiGungu sikaZwelonke size sijube omunye wamalungu aso.

(2) IBamba likaMongameli linezibopho, amandla nemisebenzi kaMongameli.

(3) Ngaphambi kokuthatha izibopho, amandla nemisebenzi kaMongameli iBamba likaMongameli kufanele lifunge noma liqinisekise ukwethembeka kuRiphabhuliki nokuthobela uMthethosisekelo, ngokweSheduli yesi 2.

(4) Umuntu okuthe njengeBamba likaMongameni wafunga noma waqinisekisa ukwethembeka kuRiphabhuliki akudingeki ukuthi aphinde inqubo elandelwayo yokufungiswa nokuqinisekisa esikhathini esilandelayo sokuba yiBamba likaMongameli esikhathini esilandelayo uma eba iBamba likaMongameli ngesikhathi kuphela isikhathi lapho umuntu okhethelwe ukuba nguMongameli engena esikhundleni.

[Isigatshana sesi (4) esengezwe yisigaba soku 1 soMthetho wokuQlala oChibiyela uMthethosisekelo we 1997]

Ikhabhinethi

91. (1) IKhabhinethi yakhiwe uMongameli, njengenhloko yeKhabhinethi, iPhini likaMongameli kanye noNgqongqoshe.

(2) UMongameli uqoka iPhini likaMongameli kanye noNgqongqoshe, abanike amandla nemisebenzi yabo, futhi angabasusa esikhundleni.

(3) UMongameli –

(a) kufanele akhethe iPhini likaMongameli phakathi kwamalungu esiGungu sikaZwelonke;

(b) angakhetha nanoma yiliphi inani loNgqongqoshe phakathi kwamalungu esiGungu sikaZwelonke; futhi

(c) angakhetha oNgqongqoshe abangeqile kwababili abavela ngaphandle koMkhandlu.

(4) UMongameli kufanele aqoke ilungu leKhabhinethi elizoba umholi womsebenzi kahulumeni esiGungwini sikaZwelonke.

(5) IPhini likaMongameli kufanele lisize uMongameli ekwenzeni imisebenzi kahulumeni.

Imithwalo kanye nokulindelekile

92. (1) IPhini likaMongameli kanye noNgqongqoshe babheke amandla nemisebenzi yeziphathimandla abaqokelwe yona nguMongameli.

(2) Amalungu eKhabhinethi anezibopho ewonke kanyekanye nangokwelungu ngalinye ePhalamende mayelana nokusetshenziswa kwamandla nokwenziwa kwemisebenzi yawo.

(3) Amalungu eKhabhinethi kufanele –

(a) asebenze ngokuhambisana noMthethosisekelo; futhi

(b) anikeze iPhalamende imibiko ephelele njalo ngemuva kwezikhathi ezejwayelekile maqondana nezindaba ezilawulwa yiwo.

AmaPhini oNgqongqoshe

93. (1) UMongameli angaqoka –

(a) nanoma yiliphi inani lamaPhini oNgqongqoshe phakathi kwamalungu esiGungu sikaZwelonke; kanye

(b) namaPhini oNgqongqoshe angekho ngaphezulu kwamabili aqhamuka ngaphandle kwesiGungu, ukuba asize amalungu eKhabhinethi, futhi angawasusa esikhundleni.

(2) AmaPhini oNgqongqoshe aqokwe ngokwemigomo yesigatshana soku (1)(b) anesibopho ePhalamende sokusebenzisa amandla awo kanye nokwenza imisebenzi yawo.

[Isigaba sama 93 indawo yaso ithathwe yisigaba sesi 7 soMthetho wesiThupha oChibiyela uMthetho-sisekelo wezi 2001.]

Ukuqhubeka kweKhabhinethi emuva kokhetho

94. Uma kubanjwe ukhetho lwesiGungu sikaZwelonke, iKhabhinethi, iPhini likaMongameli, oNgqongqoshe kanye nanoma yiliphi iPhini likaNgqongqoshe baqhubeka nokusebenza aze athathe isikhundla njengoMongameli umuntu okhethwe yisiGungu sikaZwelonke esilandelayo.

Isifungo noma isiqinisekiso

95. Ngaphambi kokuthi iPhini likaMongameli, oNgqongqoshe kanye namaPhini oNgqongqoshe baqale imisebenzi yezikhundla zabo, kufanele bafunge noma

baqinisekise ukuthi bazokwethembeka kuRephabhliki futhi bathobele uMthethosisekelo, ngokweSheduli yesi 2.

Ukuziphatha kwamalungu eKhabhinethi namaPhini oNgqongqoshe

96. (1) Amalungu eKhabhinethi kanye namaPhini oNgqongqoshe kufanele aziphathe ngendlela ehambisana nohlelo lokuziphatha olubekwe ngumthetho kazwelonke.

(2) Amalungu eKhabhinethi namaPhini oNgqongqoshe akufanele –

(a) enze omunye umsebenzi okhokhelwayo;

(b) aziphathe noma ngayiphi indlela engahambisani nezikhundla zawo, noma azibeke kunoma yisiphi isimo esingadala ukuthi babonakale benobunzima bokwehlukanisa phakathi kwezintshisekelo zabo zomsebenzi nezintshisekelo zomuntu zangasese;

(c) asebenzise izikhundla zawo noma ulwazi lwanoma uluphi uhlobo olunikezelwe wona, ukuzinothisa noma ukwenzela omunye inzuzo ngendlela engafanele.

Ukudluliswa kwemisebenzi

97. UMongameli angadlulisela kwilungu leKhabhinethi ngesimemezelo esishicilelwe –

(a) ukwengamelwa kwanoma yimuphi umthetho onikezwe elinye ilungu; noma

(b) ngamaphi amandla noma umsebenzi onikezwe elinye ilungu ngokomthetho.

Ukunikezwa kwemisebenzi okwesikhashana

98. UMongameli anganikeza ilungu leKhabhinethi noma yimaphi amandla noma umsebenzi welinye ilungu leKhabhinethi elingekho noma elingakwazi ukusebenzisa lawo mandla noma ukwenza lowo msebenzi.

Ukwabiwa kwemisebenzi

99. Ilungu leKhabhinethi lingabela ilungu loMkhandlu Omkhulu wesifundazwe noma loMkhandlu Kamasipala noma yimaphi amandla noma umsebenzi okufanele wenziwe ngokoMthetho Wephalamende. Ukwabiwa –

(a) kufanele uhambisane nesivumelwano phakathi kwelungu leKhabhinethi elithintekile kanye nelungu loMkhandlu Omkhulu noma loMkhandlu Kamasipala;

(b) kufanele uhambisane nomthetho wePhalamende ophathelene nokusetshenziswa kwalawo mandla noma ukwenziwa kwalowo msebenzi; futhi

(c) kuqala ukusebenza lapho kumenyezelwa nguMongameli.

Ukungenelela kukazwelonke ekubusweni kwesifundazwe

[Isihloko sichibiyelwe yisigaba sesi 2(a) soMthetho weShumi nanye oChibiyela uMthethosisekelo wezi 2003.]

100. (1) Uma isifundazwe singakwazi noma singafezi izibopho zaso zokuphatha ezibekwe nguMthethosisekelo noma ngumthetho, isigungu esiphethe singalungena udaba ngokuthatha izinyathelo ezifanele ukuqinisekisa ukufezwa kwezibopho, kumbandakanya –

(a) ukukhipha isiyalelo esiya kumkhandlu omkhulu wesifundazwe esichaza indlela esehluleka ngayo ukufeza izibopho zaso futhi sisho izinyathelo okufanele zithathwe ukuze kufezwe izibopho zaso; kanye

(b) nokuzithathela umsebenzi wokubhekela lezo zibopho ezithintekile kuleso sifunda ngezinga elidingekile ukuze –

(i) kugcinwe amazinga abalulekile ngokukazwelonke noma kuhlangatshezwane namazinga okungafanele ehliswe okwethula izidingo;

(ii) kugcinwe ubumbano lwezomnotho;

(iii) kugcinwe ukuphepha kwezwe; noma

(iv) kuvinjwe leso sifundazwe ukuze singathathi izinyathelo ezingafanele ezikhinyabeza izintshisekelo zezinye izifundazwe noma zezwe lonke.

[Isigatshana soku (1) sichibiyelwe yisigaba sesi 2(b) soMthetho weShumi naNye oChibiyela uMthethosisekelo wezi 2003.]

(2) Uma isigungu esiphethe singena udaba esifundazweni ngokwesigatshana(1)(b) –

(a) isaziso esibhaliwe sokulungena udaba kufanele sifakwe phambi koMkhandlu kaZwelonke weziFundazwe zingakapheli izinsuku eziyi 14 ngaphambi kokungenelela udaba;

(b) ukungenenelela udaba kufanele kuyekwe uma uMkhandlu ungakwemukeli ukungenelela zingakapheli izinsuku eziyi 180 ngemuva kokungenelelwa kodaba noma uma kuphela leso sikhathi kungakagunyazwa;

(c) uMkhandlu kufanele, ngenkathi ukungenelela udaba kuqhubeka, ubukeze njalo ukungenelela udaba futhi wenze noma yiziphi izincomo ezifanele esiGungwini sikazwelonke.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 2(c) soMthetho weShumi naNye oChibiyela uMthethosisekelo wezi 2003.]

(3) Umthetho kazwelonke ungalawula uhlelo olumiswe yilesi sigaba.

[Isigaba se 100 sichibiyelwe yisigaba sesi 2(a) soMthetho weShumi naNye oChibiyela uMthetho-sisekelo wezi 2003.]

Izinqumo zesigungu esiphethe

101. (1) Isinqumo sikaMongameli kufanele sibhalwe phansi uma –
   (a) sithathwe maqondana nomthetho; noma
   (b) sinemiphumela esemthethweni.

(2) Isinqumo esibhalwe phansi nguMongameli kufanele sisayinwe ngelinye lamalungu eKhabhinethi uma leso sinqumo sixhumene nomsebenzi owabelwe lelo lungu leKhabhinethi.

(3) Izimemezelo, imitheshwana kanye neminye imithombo yemithetho engaphansi kweminye kufanele umphakathi ukwazi ukufinyeleleka kuyo.

(4) Umthetho kazwelonke ungacacisa indlela, kanye nebanga izinto ezishiwo kusigatshana sesi (3) okufanele -
   (a) zethulwe ngayo phambi kwePhalamende;
   (b) zamukelwe ngayo yiPhalamende.

Iziphakamiso zokungethembeki

102. (1) Uma isiGungu sikaZwelonke semukela ngevoti elesekwe yiningi lamalungu aso, isiphakamiso sokungalethembi iKhabhinethi, ngaphandle kokubala uMongameli, uMongameli kufanele alakhe kabusha iKhabhinethi.

(2) Uma isiGungu sikaZwelonke samukela ngevoti elesekwe yiningi lamalungu aso, isiphakamiso sokungamethembi uMongameli, uMongameli namanye amalungu eKhabhinethi kanye nanoma yimaphi amaPhini oNgqongqoshe kufanele bashiye izikhundla.

ISAHLUKO 6

IZIFUNDAZWE

Izifundazwe

103. (1) IRiphabhuliki inezifundazwe ezilandelayo:

(a) iMpumalanga Koloni;
(b) iFuleyisitata;
(c) iGauteng;
(d) iKwaZulu-Natali;
(e) iLimpopo
(f) iMpumalanga;
(g) iNyakatho Koloni;
(h) iNyakatho Ntshonalanga;
(i) iNtshonalanga Koloni.

[Isigatshana soku (1) indawo yaso ithathwe isigaba sesi 3 soMthetho wesiKhombisa oChibyela uMthethosisekelo wezi 2003 yaphinde yathathwa yisigaba soku 1 soMthetho weShumi naMbili oChibiyela uMthethosisekelo wezi 2005.]

(2) Imingcele yezifunda ihlanganisa inani laleyo migcele yezifundazwe eziveziwe kumabalazwe ahlukene ashiwo kuSaziso esibalulwe kuSheduli yoku 1A.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho weShumi naMbili oChibiyela uMthethosisekelo wezi 2005.]

(3) (a) Noma inini uma kuklanywa kabusha imingcele yezifunda ngokuchibiyelwa koMthethosisekelo, uMthetho wePhalamende ungahlinzeka ngezinyathelo zokulawula, ngaphansi kwesikhathi esifanele, imiphumela yomthetho, ukusetshenziswa kanye nokunye okumayelana nokuklama kabusha.

(b) UMthetho wePhalamende obalulwe yindima (a) ungamiswa futhi usetshenziswe ngaphambi kokuba kuchitshiyelwe uMthethosisekelo, kodwa nanoma imiphi imisebenzi yesifundazwe, impahla, amalungelo, izimiselo, imisebenzi noma izikweletu kungasuswa kuphela ngokwemigomo yalowo Mthetho ngemuva kokuchibiyelwa koMthethosisekelo.

[Isigaba se 103 indawo yaso ithathwe yisigaba soku 1 soMthetho weShumi naMbili oChibiyela uMthethosisekelo wezi 2005.]

Izishayamthetho zesifundazwe

Igunya lokushaya imithetho yezifundazwe

104. (1) Igunya lokushaya imithetho lesifundazwe libekwe kusishayamthetho sesifundazwe, futhi linikeza isishayamthetho sesifundazwe amandla –
(a) okwamukela umthethosisekelo wesifundazwe noma ukuchibiyela noma yimuphi umthethosisekelo owamukelwe yiso ngokwezigaba se 142 nese 143;
(b) okwamukela imithetho yesifundazwe saso mayelana –
(i) nanoma yiluphi udaba olungaphakathi kwemisebenzi eyenziwayo esohlwini olukuSheduli yesi 4;
(ii) nanoma yiluphi udaba elisohlwini olukuSheduli yesi 5;
(iii) nanoma yiluphi udaba olungekho ngaphakathi kwaleyo misebenzi eyenziwayo, futhi olwabelwe isifundazwe ngokusho komthetho kazwelonke; kanye
(iv) nanoma oluphi udaba umbandela woMthethosisekelo ohlongoze ukumiswa komthetho wesifundazwe; kanye
(c) okwaba noma yimaphi amandla aso okushaya imithetho kunoma yimuphi uMkhandlu kaMasipala kuleso sifundazwe.

(2) Isishayamthetho sesifundazwe, ngesinqumo esesekelwe okungenani ngababili kwabathathu bamalungu aso, singacela iPhalamende ukuthi liguqule igama laleso sifundazwe.

(3) Isishayamthetho sesifundazwe siboshwe kuphela nguMthethosisekelo futhi, uma sesamukele umthethosisekelo wesifundazwe waso, ngalowo mthethosisekelo, futhi kufanele senze okuhambisana nemikhawulo ebekwe nguMthethosisekelo kanye nomthethosisekelo waleso sifundazwe.

(4) Umthetho wesifundazwe mayelana nodaba oludingekile ukuze kusetshenziswe amandla ngendlela noma oluhlangene nokusetshenziswa ngendlela kwamandla athintene nanoma yiluphi udaba olusohlwini olukuSheduli yesi 4, ungumthetho ngazo zonke izinhloso mayelana nodaba olusohlwini olukuSheduli yesi 4.

(5) Isishayamthetho sesifundazwe singenza izincoma esiGungwini sikaZwelonke umthetho ophathelene nanoma yiluphi udaba olungaphandle kwamagunya aleso sishayamthetho, noma owenganyelwe nguMthetho wePhalamende ngaphezu komthetho wesifundazwe.

Ukwakheka nokhetho lwezishayamthetho zezifundazwe

105. (1) Isishayamthetho sesifundazwe sakhiwe ngabantu besifazane nabesilisa abakhethwe njengamalungu ngokohlelo lokhetho –
   (a) olumiswe ngumthetho kazwelonke;
   (b) olwakhelwe phezulu kwengxenye yesifundazwe yoluhlu lukazwelonke lwabo bonke abavoti;
   (c) oluhlinzekela ngeminyaka yokuvota esuku kweyi 18 ubudala; futhi
   (d) olunomphumela, jikelele, wokumelwa okuhambisana nenani lamavoti elitholiwe.

[Isigatshana soku (1) sichitshiyelwe yisigaba sesi 3 soMthetho weShumi naMbili wokuChibiyela uMthethosisekelo wezi 2003 futhi nayisigaba sesi 3 soMthetho weShumi naNe oChibiyela uMthetho-sisekelo wezi 2008.]

(2) Isishayamthetho sesifundazwe sinamalungi aphakathi kwama 30 kuye kuma 80. Inani lamalungu, elingahle lehluke phakathi kwezifundazwe, kufanele linqunywe ngokusebenzisa uhlelo lwezinombolo olubekwe ngumthetho kazwelonke.

Ubulungu

106. (1) Isakhamuzi esifanele ukubamba iqhaza okhethweni lwesiGungu sikaZwelonke, singaba yilungu lesishayamthetho sesifundazwe, ngaphandle –
   (a) komuntu oqokwe noma osebenzela umbuso futhi ekhokhelwa ngenxa yalowo msebenzi, ngaphandle –
      (i) kukaNdunankulu namanye amaLungu oMkhandlu weziPhathimandla zesiFundazwe; kanye
      (ii) nanoma yiziphi ezinye iziphathimandla ezenza imisebenzi ehambisana nemisebenzi yelungu lesishayamthetho sesifundazwe, futhi ezishiwo ngumthetho kazwelonke ukuthi zihambisana naleyo misebenzi;
   (b) kwamalungu esiGungu sikaZwelonke, izithunywa ngokugcwele zoMkhandlu kaZwelonke weziFundazwe noma amalungu oMkhandlu kaMasipala;
   (c) komuntu onezikweletu angakwazi ukuzikhokha nongasenakubuyiselwa amalungelo;
   (d) kwanoma ngubani inkantolo yaseRiphabhuliki ethe akaphilile ngokwengqondo; noma
   (e) kwanoma ngubani okuthe ngemuva kokuqala ukusebenza kwalesi sigaba,

walahlwa yicala futhi wagwetshwa isikhathi esingaphezulu kwezinyanga eziyi 12 ngaphandle kokuthi akhethiswe isijeziso senhlawulo, eRiphabhuliki, ngaphakathi eRiphabhuliki, noma ngaphandle kweRiphabhuliki uma leso senzo esiyicala sasingaba yicala eRiphabhuliki; kodwa akekho ongathathwa njengogwetshiwe, kuze kube nesinqumo ngokwedluliswa kwecala noma kuze kuphele isikhathi sokwedluliswa kwecala. Ukungabinalungelo ngaphansi kwale ndima kuphela eminyakeni emihlanu emuva kokuqedwa kwesigwebo.

(2) Umuntu ongafanelekile ukuba yilungu lesiShayamthetho sesiFundazwe, mayelana nesigatshana soku (1)(a) noma u (b) angathathwa njengomuntu ongaqokwa abe yilungu lesishayamthetho, ngaphansi kwemibandela noma isimo esimiswe ngumthetho kazwelonke.

(3) Umuntu ulahlekelwa ubulungu besishayamthetho sesifundazwe uma lowo muntu –

(a) engasakulungele ukuba yilungu; noma

(b) ephutha kusiShayamthetho ngaphandle kwemvume, esimweni lapho umthetho nemiyalo yesiShayamthetho ibeka ukulahlekelwa wubulungu; noma

(c) eyeka ukuba yilungu leqembu elaphakamisa igama lalowo muntu njengelungu lesishayamthetho, ngaphandle kwalapho ilungu selibe yilungu lelinye iqembu ngokweSheduli 6A.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba sesi 4 soMthetho weShumi oChibiyela uMthethosisekelo kanye nayisigaba sesi 4 soMthetho weShumi naNe oChibiyela uMthethosisekelo wezi 2008.)

(4) Izikhala kusishayamthetho sesifundazwe kufanele zigcwaliswe ngokulandela umthetho kazwelonke.

Ukufunga noma ukuqinisekisa

107. Ngaphambi kokuba amalungu esishayamthetho sesifundazwe enze imisebenzi yawo kusishayamthetho kufanele afunge noma enze isiqiniseko sokwethembeka kuRiphabhuliki nokuthobela uMthethosisekelo, ngokuhambisana noSheduli yesi-2.

Isikhathi sokusebenza kwezishayamthetho zezifundazwe

108. (1) Isishayamthetho sesifundazwe sikhethelwa iminyaka emihlanu.

(2) Uma isishayamthetho sesifundazwe sihlakazwa ngokwesigaba se 109, noma lapho

isikhathi saso siphela, uNdunankulu wesifundazwe ngesimemezelo esishicilelwe, kufanele ahlele futhi abeke izinsuku zokhetho okufanele lubanjwe zingakapheli izinsuku ezingama 90 isishayamthetho sahlakazwa, noma kwaphela isikhathi sokusebenza kwaso. Isimemezelo esibiza nesibeka izinsuku zokhetho singakhishwa ngaphambi noma ngemuva kokuphela kwesikhathi sesishayamthetho sesifundazwe.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba soku 1 soMthetho wesiNe oChibiyela uMthetho-sisekelo we 1999.)

(3) Uma umphumela wokhetho lwesishayamthetho sesifundazwe, ungamenyezelwanga kungakapheli isikhathi esishiwo esigabeni se 190, noma uma ukhetho luchithwa yinkantolo, uMongameli, ngesaziso, kufanele abize futhi abeke usuku lokhetho okufanele lubanjwe zingakapheli izinsuku ezingama 90 ngemuva kokwedlula kwaleso sikhathi noma kosuku ukhetho olwamiswa ngalo.

(4) Isishayamthetho sesifundazwe siqhubeka sibe namandla okusebenza kusukela ngesikhathi sihlakazwa noma siphelelwa yisikhathi, kuze kube wusuku olungaphambi kosuku lokuqala lokuvotelwa kwesishayamthetho esilandelayo.

Ukuhlakazwa kwezishayamthetho zezifundazwe ngaphambi kokuphela kwesikhathi

109. (1) UNdunankulu kufanele ahlakaze isishayamthetho sesifundazwe uma –
   (a) isishayamthetho sithathe isinqumo sokuhlakazeka esisekelwe yiningi lamalungu aso; futhi
   (b) iminyaka emithathu isidlulile ngemuva kokukhethwa kwesishayamthetho.

(2) Ibamba likaNdunankulu kufanele lihlakaze isishayamthetho sesifundazwe uma –
   (a) kukhona isikhala esikhundleni sikaNdunankulu; futhi
   (b) isishayamthetho sehluleka ukukhetha uNdunankulu omusha zingakapheli izinsuku ezingama 30 ngemuva kokuvela kwesikhala.

Izikhathi zokuhlangana nezamakhefu

110. (1) Ngemuva kokhetho, umhlangano wokuqala kufanele ubanjwe ngesikhathi nangosuku olunqunywe yijaji eliqokwe nguMongameli weNkantolo yoMthethosisekelo, kodwa zingakapheli izinsuku eziyi 14 ngemuva kokumenyezelwa komphumela wokhetho. Isishayamthetho sesifundazwe

singanquma isikhathi nobude bemihlangano eminye yaso kanye nezikhathi zaso zekhefu.

[Isigatshana soku (1) indawo yaso ithathwe yisigaba sesi 8 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.]

(2) UNdunankulu wesifundazwe angabiza isishayamthetho sesifundazwe ukuba size emhlanganweni ongejwayelekile ukuze kwenziwae umsebenzi okhethekile.

(3) Isishayamthetho sesifundazwe singanquma ukuthi sizohlangana ndawanaphi ngokwejwayelekile.

OSomlomo kanye namaPhini oSomlomo

111. (1) Ekuhlaleni kwaso kokuqala ngemuva kokhetho, noma uma kudingekile ukuba kugcwaliswe isikhala, isishayamthetho sesifundazwe kufanele sikhethe uSomlomo nePhini likaSomlomo kumalungu aso.

(2) IJaji elijutshwe nguMongameli weNkantolo yoMthethosisekelo kufanele lengamele ukukhethwa kukaSomlomo. USomlomo wengamela ukukhethwa kwePhini likaSomlomo.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 9 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.]

(3) Inqubo elandelwayo kuNgxenye A yeSheduli yesi 3 iyasebenza ekukhethweni koSomlomo namaPhini oSomlomo.

(4) Isishayamthetho sesifundazwe singamsusa esikhundleni uSomlomo noma iPhini likaSomlomo ngokuthatha isinqumo. Iningi lamalungu esishayamthetho kufanele libekhona uma kwemukelwa leso sinqumo.

(5) Njengokusho kwemitheshwana nemiyalo yaso, isishayamthetho sesifundazwe singakhetha phakathi kwamalungu aso ezinye iziphathimandla ukuze zisize uSomlomo noPhini likaSomlomo.

Izinqumo

112. (1) Ngaphandle kwalapho uMthethosisekelo uhlinzekela ngokunye –

(a) iningi lamalungu esishayamthetho sesifundazwe kufanele libekhona ngaphambi kokuba kuvotelwe uMthethosivivinywa noma ukuchitshiyelwa koMthethosivivinywa;

(b) okungenani oyedwa kwabathathu bamalungu esishayamthetho kufanele

abekhona ngaphambi kokuba kuvotelwe noma yiluphi udaba okufanele kunqunywe ngalo phambi kwesishayamthetho; futhi

(c) zonke izindaba ezingaphambi kwesishayamthetho sesifundazwe kufanele zinqunywe ngokwesekwa yiningi lamavoti afakiwe.

(2) Ilungu elengamele umhlangano wesishayamthetho sesifundazwe alinavoti kobekuxoxwa, kodwa –

(a) kufanele lifake ivoti elizoveza isinqumo lapho kunamanani amavoti alinganayo ezinhlangothini zombili zodaba; futhi

(b) lingavota ngokucatshangiwe uma udaba lufanele lunqunywe ngokwesekwa yivoti okungenani lababili kumalungu amathathu esishayamthetho.

Amalungelo ezithunywa ezigcwele kwizishayamthetho zezifundazwe

113. Izithunywa zesifundazwe ezisebenza ngokugcwele eMkhwandlwini kaZwelonke weziFundazwe zingahambela isishayamthetho futhi zikhulume kwizishayamthetho zezifundazwe zazo kanye nasemakomitini azo, kodwa azivunyelwe ukuvota. Isishayamthetho singadinga ukuba isithunywa esisebenza ngokugcwele ukuba siye kusishayamthetho noma emakomidini aso.

Amandla ezishayamthetho zezifundazwe

114. (1) Ekusebenziseni amandla okushaya imithetho, isishayamthetho sesifundazwe –

(a) singacwaninga, semukele, siguqule noma sichithe noma yimuphi umthetho obekwe phambi kwesishayamthetho; futhi

(b) singasungula noma silungise imithetho, ngaphandle kweMithethosivivinywa yemali.

(2) Isishayamthetho sesifundazwe kufanele sihlinzekele izindlela –

(a) zokuqinisekisa ukuthi zonke izingxenye zombuso emkhakheni kahulumeni wesifundazwe ziphendula kusona; futhi

(b) zokugcina iso –

(i) ekusetshenzisweni kwegunya lesifundazwe lokuphatha, kumbandakanya nokusetshenziswa kwemithetho; kanye

(ii) nakunoma iyiphi ingxenye yombuso.

Ubufakazi noma ulwazi phambi kwesishayamthetho sesifundazwe

115. Isishayamthetho sesifundazwe nanoma yiliphi ikomiti laso –

(a) singabiza noma yimuphi umuntu ukuthi avele phambi kwaso ukuze anike ubufakazi obufungelwe noma obuqinisekisiwe noma ukuze aveze imibhalo ethile;

(b) singafuna ukuthi noma yimuphi umuntu noma inhlangano inikeze umbiko kusona;

(c) singaphoqa, ngokomthetho wesifundazwe noma imitheshwana nemiyalo yaso, ukuthi noma yimuphi umuntu noma inhlangano ilandele okushiwo yisamanisi noma okushiwo yisidingo sesigaba (a) noma u (b); futhi

(d) singemukela izicelo ezisayiniwe, imibono noma iziphakamiso ezivela kunoma yibaphi abantu abanetshisekelo noma kunoma yiziphi izinhlangano.

Amalungiselelo angaphakathi, okwenziwayo nenqubo elandelwayo yezishayamthetho zezifundazwe

116. (1) Isishayamthetho sesifundazwe –

(a) singazithathela izinqumo futhi silawule amalungiselelo aso angaphakathi, esikwenzayo kanye nezinqubo; futhi

(b) senze imitheshwana nemiyalo mayelana nomsebenzi waso, sibe sibhekele ukuqhuba ngenqubo yentando yeningi eyazisa ukumelwa nokubanjwa kweqhaza, ukuba nesibopho, ukusebenzela obala nokumbandakanywa komphakathi.

(2) Imitheshwana nemiyalo yesishayamthetho sesifundazwe kufanele ihlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi, inqubo elandelwayo kanye nesikhathi sokuba khona kwamakomiti aso;

(b) ukubanjwa kweqhaza emisebenzini yesishayamthetho sesifundazwe, kanye namakomiti aso amaqembu amancane ezombusazwe amelwe eMkhandlwini, ngendlela ehambisana nenqubo yentando yeningi;

(c) usizo lwezemali nokuphathwa eqenjini ngalinye elimelwe kusishayamthetho sesifundazwe, olulingana nokumelwa kwalo, ukuze iqembu ngalinye nomholi walo likwazi ukwenza imisebenzi yalo kusishayamthetho; kanye

(d) nokwemukelwa komholi weqembu elikhulu eliphikisayo kusishayamthetho, njengoMholi wabaPhikisayo.

Ilungelomvume

117. (1) Amalungu esishayamthetho sesifundazwe kanye nezithunywa ezisebenza ngokugcwele eMkhandlwini kaZwelonke weziFundazwe –
   (a) anelungelo lokukhuluma ngokukhululeka kusishayamthetho nasemakomitini aso, ngendlela evumelana nemitheshwana nemiyalo; futhi
   (b) angeke athweswe amacala ombango noma obulelesi, aboshwe, avalelwe noma akhokhiswe inhlawulo ngenxa –
      (i) yanoma yini ayishilo, ayivezile noma ayinikeze isishayamthetho nanoma yiliphi ikomiti laso;
      (ii) yanoma yini evelile ngenxa yalokho akushilo, akuvezile akunikeze isishayamthetho nanoma yiliphi ikomiti laso.

(2) Ezinye izibonelelo nokuvikeleka kwesishayamthetho sesifundazwe namalungu aso zingabekwa ngumthetho kazwelonke.

(3) Amaholo, nezinye izimali ezikhokhelwa okuthile kanye nokusizakala okukhokhelwa amalungu esishayamthetho kuvela ngqo esiKhwameni seMali yesiFundazwe.

Ukuvumeleka nokumbandakanyeka komphakathi kusishayamthetho

118. (1) Isishayamthetho sesifundazwe kufanele –
   (a) senze kube lula ukuthi umphakathi umbandakanywe emsebenzini wokushaya imithetho neminye imisebenzi yesishayamthetho nasemakomiti aso; futhi
   (b) senze umsebenzi waso ngendlela esobala, sivumele umphakathi emihlanganweni yaso naleyo yamakomiti aso; kodwa, izinyathelo ezifanele zingathathwa ukuze –
      (i) kulawulwe ukufinyelela komphakathi, kumbandakanya ukufinyelela kwabezindaba, kusishayamthetho nasemakomitini aso; kanye
      (ii) nokuhlinzekela ukusesha noma yimuphi umuntu, futhi uma kunesidingo ukwenqatshelwa ukuba angene noma ukukhishwa kwanoma yimuphi umuntu.

(2) Isishayamthetho sesifundazwe asinakukhiphela ngaphandle umphakathi, kubalwa nabezindaba, ukuba babe ingxenye yezithangamu zekomidi ngaphandle uma kunezizathu futhi kufanele ukwenza njalo emphakathini ovulelekile wentando yeningi.

Ukwethulwa kwemithethosivivinywa

119. Ngamalungu esiGungu esiPhethe sesifundazwe kuphela noma ekomiti noma ilungu lesishayamthetho sesifundazwe angethula uMthethosivivinywa kusishayamthetho; kodwa yilungu lesiGungu esiPhethe kuphela elibhekene nezindaba zezimali zesifundazwe, elingethula uMthethosivivinywa wemali kusishayamthetho.

IMithethosivivinywa yemali

120. (1) UMthethosivivinywa unguMthethosivivinywa wemali uma –
   (a) ....
   (b) waba imali;
   (c) wethwesa izintela zesifundazwe, izimali ezikhokhelwa okuthile, izimali ezikhokhelwa izimpahla ezithile kanye nezimali ezihlawuliswa ngaphezulu zesifundazwe;
   (d) uqeda noma wehlisa, noma unikeza ukukhululwa ezinteleni, izimali ezikhokhelwa okuthile, izimali ezikhokhelwa izimpahla ezithile kanye nezimali ezihlawuliswa ngaphezulu zesifundazwe; noma
   (e) ugunyaza ukukhokhiswa ngqo kwesiKhwama seMali yesiFundazwe.

(2) UMthethosivivinywa wemali wesifundazwe awunakubhekana nanoma yiluphi udaba ngaphandle –
   (a) kodaba oluncane oluhambisana nokwabiwa kwemali;
   (b) kokubekwa kwezintela, izimali ezikhokhelwa okuthile, izimali ezikhokhelwa izimpahla ezithile kanye nezimali ezihlawuliswa ngaphezulu zesifundazwe;
   (c) kokunikeza ukukhululwa ezinteleni, izimali ezikhokhelwa okuthile, izimali ezikhokhelwa izimpahla ezithile kanye nezimali ezihlawuliswa ngaphezulu zesifundazwe;
   (d) kokugunyaza ukukhokhiswa ngqo kwesiKhwama seMali yesiFundazwe.

(3) UMthetho wesifundazwe kufanele uhlinzekele inqubo engalandelwa isishayamthetho sesifundazwe esingachibiyela ngayo uMthethosivivinywa wemali.

[Isigaba se 120 indawo yaso ithathwe yisigaba sesi 3 soMthetho wesiKhombisa oChibiyela uMthethosisekelo wezi-2001.)

Ukuvuma iMithethozivivinywa

121. (1) UNdunankulu kufanele avume futhi asayine uMthethosivivinywa owemukelwe yisishayamthetho sesifundazwe ngokwalesi Sahluko noma, uma uNdunankulu engagculisekile ngokuthi uMthethosivivinywa uyahambisana noMthethosisekelo, kufanele awuphindisele kusishayamthetho ukuze siwucwaninge kabusha.

(2) Uma ngemuva kokucwaningwa kabusha, uMthethosivivinywa ugculisa ngokwanele uNdunankulu, uNdunankulu kufanele awuvume futhi awusayine uMthethosivivinywa; uma kungenzeki lokho, uNdunankulu kufanele enze okunye kwalokhu -

(a) avume futhi asayine uMthethosivivinywa; noma

(b) awudlulisele eNkantolo Yomthethosisekelo ezonquma ngokuhambisana kwawo noMthethosisekelo.

(3) Uma iNkantolo yoMthethosisekelo inquma ukuthi uMthethosivivinywa uyahambisana noMthethosisekelo, uNdunankulu kufanele awuvume futhi awusayine.

Izicelo ezifakwa ngamalungu eNkantolo yoMthethosisekelo

122. (1) Amalungu esishayamthetho angafaka isicelo eNkantolo yoMthethosisekelo sokuthi inkantolo ikhiphe umyalo wokuthi wonke noma ingxenye yoMthethosivivinywa awuhambisani nomthethosisekelo.

(2) Isicelo –

(a) kufanele sesekwe amavoti okungenani angamaphesenti angama 20 amalungu esishayamthetho; futhi

(b) kufanele senziwe kungakapheli izinsuku ezingama 30 kusukela osukwini uNdunankulu awuvume futhi awusayine ngalo uMthetho.

(3) INkantolo yoMthethosisekelo inganquma ukuthi wonke uMthetho noma ingxenye yawo okufakwe isicelo ngayo ngokwesigatshana soku-(1), angeke usebenze ngaphambi kokuthi iNkantolo ibe ikhiphe isinqumo ngesicelo uma –

(a) izidingo zobulungiswa ziphoqelela lesi sinqumo; futhi

(b) isicelo sinamathuba anele okuphemelela.

(4) Uma isicelo singaphumeleli, futhi besingenathuba elanele lokuthi singaphumelela, iNkantolo yoMthethosisekelo inganquma ukuthi abafake isicelo bakhokhe izindleko.

Ukushicilelwa kweMithetho

123. UMthethosivivinywa ovunyiwe futhi wasayinwa nguNdunankulu uba nguMthetho wesifundazwe, kufanele ushicilelwe ngokushesha, futhi uqala ukusebenza lapho usushicilelwe noma ngosuku olunqunywe ngokoMthetho.

Ukugcinwa ngokuphepha kwemithetho yesifundazwe

124. Ikhophi esayiniwe yoMthetho wesifundazwe ingubufakazi obugcwele balokho okuqukethwe yilowo Mthetho, futhi ngemuva kokushicilelwa, kufanele unikezwe iNkantolo Yomthethosisekelo ukuze iwugcine ngokuphepha.

IziPhathimandla zeziFundazwe

Igunya lokuphatha lesifundazwe

125. (1) Amandla okuphatha isifundazwe abekwe kuNdunankulu waleso sifundazwe.

(2) UNdunankulu usebenzisa amandla okuphatha ebambisene namanye amalungu oMkhandlu weziPhathimandla ngoku –

- (a) sebenzisa umthetho wesifundazwe esifundazweni;
- (b) sebenzisa yonke imithetho kazwelonke esemisebenzini esohlwini olukuSheduli yesi 4 noma eyesi 5 ngaphandle kwalapho uMthethosisekelo noma uMthetho wePhalamende uhlinzeka okwahlukile;
- (c) phathi esifundazweni, imithetho kazwelonke engaphandle kwemisebenzi esohlwini olukuSheduli yesi 4 kanye neyesi 5, ukuphatha kwayo osekwabelwe iziphathimandla zesifundazwe ngokoMthetho wePhalamende;
- (d) thuthukisa nokuphoqelela inqubomgomo yesifundazwe;
- (e) qondanisa imisebenzi yeziphathimandla zesifundazwe neminyango yaso;
- (f) lungiselela nokusungula imthetho yesifundazwe; kanye
- (g) nokwenza noma yimiphi eminye imisebenzi eyabelwe iziphathimandla zesifundazwe ngokoMthethosisekelo noma ngokoMthetho wePhalamende.

(3) Isifundazwe sinamandla okuphatha ngokwesigatshana sesi-(2)(d) ngendlela esinamandla ngayo isifundazwe kunqike ekutheni isifundazwe sinekhono yini lokuphatha ngempumelelo. Uhulumeni kazwelonke, ngezinyathelo zomthetho noma ezinye, kufanele asize izifundazwe ukuthi zakhe ikhono elidingekayo

lokuphatha ukuze zisebenzise ngempumelelo amandla futhi zenze nemisebenzi yazo ekubhekiswe kuyo esigatshaneni sesi (2).

(4) Noma iyiphi inqxabano evelayo maqondana nekhono lokuphatha lesifundazwe mayelana nanoma yimuphi umsebenzi, kufanele idluliselwe kuMkhandlu kaZwelonke weziFundazwe ukuze ixazululwe kungakapheli izinsuku ezingama 30 ngemuva kokudluliselwa kuMkhandlu.

(5) Ngokwesigaba se 100, ukusetshenziswa kwemithetho yesifundazwe esifundazweni kungamandla akhethekile eziphathimandla zesifundzwe kuphela.

(6) Iziphathimandla zesifundazwe kufanele zisebenze ngokulandela –
   (a) uMthethosisekelo; kanye
   (b) nomthethosisekelo wesifundazwe, uma umthethosisekelo sewamukelwe yisifundazwe.

Ukwabiwa kwemisebenzi

126. Ilungu loMkhandlu weziPhathimandla zesifundazwe lingabela uMkhandlu kaMasipala, noma yimaphi amandla okufanele asetshenziswe noma umsebenzi okufanele wenziwe, ngokoMthetho wePhalamende, noma ngokoMthetho wesifundazwe. Ukwabiwa –
   (a) kufanele kuhambisane nesivumelwano phakathi kwelungu loMkhandlu weziPhathimandla noMkhandlu kaMasipala;
   (b) kufanele kuhambisane noMthetho ofanele amandla noma ukwenziwa komsebenzi; futhi
   (c) kuqala ukusebenza ngemuva kokumenyezelwa nguNdunankulu.

Amandla nemisebenzi yoNdunankulu

127. (1) UNdunankulu wesifundazwe unamandla nemisebenzi futhi unikwe umsebenzi ngokwethenjwa kuleso sikhundla nguMthethosisekelo nanoma yimuphi omunye umthetho.

(2) UNdunankulu wesifundazwe ubhekele okulandelayo -
   (a) ukwamukela nokusayina iMithethozivivinywa;
   (b) ukubuyisela uMthethosivivinywa emuva kwisishayamthetho sesifundazwe ukuze kubuyekezwe ukuhambisana kwawo noMthethosisekelo;
   (c) ukudlulisela uMthethosivivinywa eNkantolo yoMthethosisekelo ukuze ikhiphe isinqumo ngokuhambisana kwawo noMthethosisekelo;

(d) ukubizela isishayamthetho emhlanganweni ongejwayelekile ukuze senze umsebenzi okhethekile;
(e) ukumisa amakhomishana ophenyo; kanye
(f) nokumemezela uhlololuvo esifundazweni ngokulandela umthetho kazwelonke.

Ukukhethwa koNdunankulu

128. (1) Emhlanganweni wawo wokuqala ngemuva kokhetho, nalapho kunesidingo sokuvala isikhala, isishayamthetho sesifundazwe kufanele sikhethe umuntu wesifazane noma wesilisa phakathi kwamalungu aso ukuthi abe nguNdunankulu wesifundazwe.

(2) UMongameli weNkantolo yoMthethosisekelo kufanele angamele ukhetho lukaNdunankulu. Inqubo elandelwayo ebekwe eNgxenyeni A kuSheduli yesi-3 iyasebenza ekukhethweni kukaNdunankulu.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba se 10 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.)

(3) Ukhetho lokugcwalisa isikhala esikhundleni sikaNdunankulu kufanele lubekelwe isikhathi nosuku nguMongameli weNkantolo yoMthethosisekelo kodwa zingakedluli izinsuku ezingama 30 ngemuva kokuvela kwesikhala.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba se 10 soMthetho wesiThupha oChibiyela uMthethosisekelo wezi 2001.)

Ukuqala ukusebenza koNdunankulu

129. Umuntu okhethelwe isikhundla sikaNdunankulu kufanele aqale umsebenzi esikhundleni sikaNdunankulu zingakapheli izinsuku ezinhlanu ekhethiwe, ngokufunga noma ngokuqinisekisa ukwethembeka eRiphabhuliki nokuthobela uMthethosisekelo ngokweSheduli sesi 2.

Isikhathi esihlalwa esikhundleni nokususwa koNdunankulu

130. (1) Isikhathi sikaNdunankulu sokuba sesikhundleni siqala lapho uNdunankulu engena esikhundleni futhi siphele uma kuvela isikhala noma uma umuntu olandelayo okhethelwe esikhundleni sokuba nguNdunankulu eqala umsebenzi

wobuNdunankulu.

(2) Akekho umuntu ovunyelwe ukuba sesikhundleni njengoNdunankulu isikhathi esingaphezulu kwamahlandla amabili, kodwa uma umuntu ekhethelwe ukuthi agcwalise isikhala esikhundleni sobuNdunankulu, isikhathi esiphakathi kokugcwalisa isikhala nokhetho olulandelayo, asithathwa njengesikhathi sobuNdunankulu kulowo muntu.

(3) Isishayamethetho sesifundazwe, ngesivumelwano esithathwe ngokusekwa yivoti okungenani lamalungu aso amabili kwamathathu, singasusa esikhundleni uNdunankulu kuphela ngalezi zizathu –

(a) zokwephulwa okubucayi koMthethosisekelo noma uMthetho;

(b) zokuziphatha kabi; noma

(c) zokwehluleka ukwenza imisebenzi yesikhundla leso.

(4) Noma yimuphi umuntu osuswe esikhundleni sokuba nguNdlunankulu ngokwesigatshana sesi (3)(a) noma u (b) akanukuthol zinzuzo zaleso sikhundla, futhi akavunyelwe ukusebenza kunoma yiliphi ihhovisi likahulumeni.

AmaBamba oNdunankulu

131. (1) Uma UNdunankulu engekho noma engakwazi ukufeza izidingo zomsebenzi kaNdunankulu, noma kunesikhala esikhundleni sikaNdunankulu, isiphathimandla singabamba njengoNdunankulu ngokulandelana ngale ndlela elandelayo -

(a) Ilungu loMkhandlu weziPhathimandla eliqokwe nguNdunankulu.

(b) Ilungu loMkhandlu weziPhathimandla eliqokwe ngamanye amalungu oMkhandlu.

(c) USomlomo, isishayamthetho size siqoke omunye wamalungu aso.

(2) IBamba likaNdunankulu linezibopho, amandla nemisebenzi kaNdunankulu.

(3) Ngaphambi kokuthatha izibopho, amandla nemisebenzi kaNdunankulu iBamba likaNdunankulu kufanele lifunge noma liqinisekise ukwethembeka eRiphabhuliki nokuthobela uMthethosisekelo, ngokweSheduli yesi 2.

Imikhandlu ePhethe

132. (1) UMkhandlu weziPhathimandla wakhiwe nguNdunankulu, njengenhloko yoMkhandlu, kanye namalungu angekho ngaphansi kwamahlanu nangekho

ngaphezulu kwayishumi aqokwe nguNdunankulu phakathi kwamalungu esishayamthetho sesifundazwe.

(2) UNdunankulu wesifundazwe uqoka amalungu oMkhandlu weziPhathimandla, awanikeze amandla kanye nemisebenzi yawo, futhi angawasusa.

Ukuphendula nokuba nezibopho

133. (1) Amalungu oMkhandlu weziPhathimandla zesifundazwe anesibopho ngemisebenzi yomkhandlu athweswe yona nguNdunankulu.

(2) Amalungu oMkhandlu Ophethe esifundazwe aphendula ehlangene kanyekanye nanjengelungu ngalinye kusishayamthetho mayelana nokusetshenziswa kwamandla nokwenziwa kweemisebenzi yawo.

(3) Amalungu oMkhandlu weziPhathimandla zesifundazwe kufanele –

(a) asebenze ngokuhambisana noMthethosisekelo; futhi uma umthethosisekelo wesifundazwe uvunyiwe esifundazweni, nangokuhambisana nalowo mthethosisekelo; futhi

(b) anikeze isishayamthetho imibiko ephelele nelethwa njalo emayelana nezindaba ezilawulwa yiwo.

Ukuqhubeka koMkhandlu weziPhathimandla ngemuva kokhetho

134. Uma kwenziwe ukhetho lwesishayamthetho sesifundazwe, uMkhandlu weziPhathimandla zesifundazwe, namalungu awo ayaqhubeka nokusebenza kuze kukhethwe umuntu yisishayamthetho esilandelayo ukuba abe uNdunankulu futhi athathe isikhundla.

Izifungo neziqinisekiso

135. Ngaphambi kokuba amalungu oMkhandlu weziPhathimandla zesifundazwe aqale ukwenza imisebenzi yezikhundla zawo, kufanele afunge noma aqinisekise ukuthi azokwethembeka eRiphabhuliki futhi athobele uMthethosisekelo, ngokuhambisana neSheduli yesi 2.

Ukuziphatha kwamalungu oMkhandlu weziPhathimandla

136. (1) Amalungu oMkhandlu weziPhathimandla zesifundazwe kufanele asebenze ngokulandela uhlelo lokuziphatha olubekwe ngumthetho kazwelonke.

(2) Amalungu oMkhandlu weziPhathimandla zesifundazwe akufanele –
   (a) enze nanoma imuphi omunye umsebenzi okhokhelwayo;
   (b) aziphathe ngendlela engahambisani nezikhundla zawo, noma azibeke kunoma yisiphi isimo esingadala ukuthi abonakale enobunzima bokwehlukanisa phakathi kwezintshisekelo zawo zomsebenzi nezintshisekelo zawo zangasese;
   (c) asebenzise isikhundla sawo noma yiluphi ulwazi aluphathisiwe, ukuzinothisa noma ukwenzela omunye umuntu inzuzo ngendlela engafanele.

Ukudluliswa kwemisebenzi

137. UNdunankulu angadlulisela elungwini loMkhandlu weziPhathimandla ngokusebenzisa isimemezelo –
   (a) ukusetshenziswa kwanoma yimuphi umthetho onikezwe elinye ilungu; noma
   (b) yinoma yimaphi amandla noma umsebenzi onikezwe elinye ilungu ngokomthetho.

Ukunikezwa kwemisebenzi okwesikhashana

138. UNdunankulu wesifundazwe anganikeza ilungu loMkhandlu weziPhathimandla noma yimaphi amandla noma umsebenzi welinye ilungu elingekho noma elingakwazi ukusebenzisa lawo mandla noma ukwenza lowo msebenzi.

Ukungenelela kwesifundazwe kuhulumeni wendawo

139. (1) Uma umasipala ungakwazi noma ungafezi izibopho zawo zokuphatha ngokoMthethosisekelo noma ngokoMthetho, uMkhandlu weziPhathimandla othintekayo ungalungena udaba ngokuthatha izinyathelo ezifanele ukuqinisekisa ukufezwa kwezibophezelo, kumbandakanya –
   (a) ukukhipha umyalelo oya kuMkhandlu kaMasipala esichaza ibanga lokwehluleka ukufeza izibopho zawo futhi sisho izinyathelo okufanele zithathwe ukuze kuhlangatshezwe izibopho zawo.
   (b) ukuqhuba umsebenzi wezibopho ezithile kulowo masipala ngendlela efanele ukuze –
      (i) kugcinwe amazinga abalulekile kazwelonke noma kuhlangatshezwane namazinga amisiwe okungafanele ehliswe okwethulwa kwezidingo;
      (ii) kunqandwe lowo Mkhandlu kaMasipala ukuze ungathathi izinyathelo

ezingafanele ezikhinyabeza izintshisekelo zomunye umasipala noma zesifundazwe sonke; noma

(iii) kugcinwe ubumbano lomnotho; noma

(c) kuhlakazwe uMkhandlu kaMasipala bese kubekwa umlawuli kuze kube sekumenyezelwe ukuthi sekukhethwe uMkhandlu kaMasipala okhethwe kabusha, uma izimo ezithile zihambisana nalesi sinyathelo.

(2) Uma umkhandlu weziphathimandla ungenelela odabeni lukamasipala ngokwesigatshana soku (1)(b) –

(a) kufanele ufake isaziso esibhaliwe sokungenelela udaba -

(i) elungwini leKhabhinethi elibhekene nezindaba zohulumeni basekhaya; kanye

(ii) nakusishayamthetho esifanele kanye nakuMkhandlu kaZwelonke weziFundazwe, kungakapheli izinsuku ezi 14 ngemuva kokuqala ukungenelelwa kodaba;

(b) ukungenelelwa kodaba kufanele kuphele uma –

(i) ilungu leKhabhinethi elibhekene nezindaba zohulumeni basekhaya likugxeka ukungenelela udaba kungakapheli izinsuku ezingama 28 ngemuva kokuqala kokungenelelwa kodaba noma uma ekupheleni kwaleso sikhathi lingakakuvumeli ukungenelelwa kodaba; noma

(ii) uMkhandlu ukugxeka ukungenelela udaba kungakapheli izinsuku eziyi 180 ngemuva kokuqala kokungenelelwa kodaba noma uma ekupheleni kwaleso sikhathi ungakakuvumeli ukungenelelwa kodaba; futhi

(c) uMkhandlu kufanele, ngenkathi ukungenelelwa kodaba kusaqhubeka, ubukeze ukungenelela lokho njalo futhi ungenza noma yiziphi iziphakamiso ezifanele kusishayamthetho sesifundazwe.

(3) Uma uMkhandlu kaMasipala uhlakazwa ngokwesigatshana sesi (1)(c)-

(a) iziphathimandla zesifundazwe kufanele masishane zilethe isaziso esibhaliwe sokuwuchitha –

(i) elungwini leKhabhinethi elibhekene nezindaba zohulumeni besakhaya; kanye

(ii) nakusishayamthetho sesifundazwe esifanele kanye nakuMkhandlu kaZwelonke weziFundazwe; futhi

(b) ukuhlakazwa kuqala ukusebenza ezinsukwini eziyi 14 ukusuka osukwini lokuthola isaziso nguMkhandlu ngaphandle kwalapho sibekelwe eceleni yilelo

lungu leKhabhinethi noma nguMkhandlu ngaphambi kokuphela kwalezo zinsuku eziyi 14.

(4) Uma umasipala ungakwazi noma ungazifezi izibopho ngokoMthethosisekelo noma ngokomthetho zokugunyaza isabelozimali noma ezinye ezinye izinyathelo zokungenisa imali ezidingekayo ukuze kuphunyeleliswe ukusetshenziswa kwesabelozimali, iziphathimandla zesifundazwe eziqondene kufanele zingenelele odabeni ngokuthatha noma yiziphi izinyathelo ezifanele ukuqinisekisa ukuthi isabelozimali noma lezo zinyathelo zokungenisa imali ziyavunywa, kumbandakanya nokuchithwa koMkhandlu kaMasipala futhi –

- (a) baqoke umlawuli kuze kube sekumenyezelwe ukuthi sekukhethwe uMkhandlu kaMasipala okhethwe kabusha; futhi
- (b) bavume isabelozimali sesikhashana noma izinyathelo zokungenisa imali ukubonelela ukusebenza okuqhutshekiswayo kukamasipala.

(5) Uma umasipala, ngenxa yenkinga ezindabeni zakhe zezezimali, ephula noma elokhu eqhubeka nokwephula izibopho zakhe zokuhlinzekela ngezidingo eziyisisekelo noma ukuhlangabeza izibopho zakhe zezezimali, noma uvuma ukuthi awukwazi ukuhlangabeza izibopho zawo noma izibopho zezezimali, iziphathimandla zesifundazwe eziqondene kufanele –

- (a) zibeke uhlelo lokusindisa oluqondiswe ekuqiniseni ikhono likamasipala lokuhlangabezana nezibopho zakhe zokuhlinzekela ngezidingo eziyisisekelo noma izibopho zezezimali, okufanele –
  - (i) zilungiswe ngokulandela umthetho kazwelonke; futhi
  - (ii) ezibophezela umasipala ekusebenziseni igunya lawo lomthetho neleziphathimandla, kodwa ngendlela efanele ukuxazulula inkinga ezindabeni zawo zezezimali; futhi
- (b) zihlakaze uMkhandlu kaMasipala, uma umasipala ungakwazi noma ungazivumi izinyathelo zomthetho, kumbandakanywa isabelozimali nanoma yiziphi izinyathelo zokungenisa imali, ezidingekayo ukuze kuqaliswe uhlelo lokusindisa, futhi –
  - (i) uqoke umlawuli kuze kube sekumenyezelwa ukuthi sekukhethwe uMkhandlu kaMasipala okhethwe kabusha; futhi
  - (ii) uvumele isabelozimali sesikhashana nanoma yiziphi izinyathelo zokungenisa imali zesikhashana ukuze kuqaliswe uhlelo lokusindisa

ukuhlinzekelela ukusebenza okuqhubekayo kukamasipala; noma

(c) uma uMkhandlu kaMasipala ungachithwa ngokwendima (b), ziqale umsebenzi wokusetshenziswa kohlelo lokuwuhlenga ngendlela lapho umasipala ungeke akwazi noma angeke akwazi ngenye indlela ukusebenzisa uhlelo lokuwuhlenga.

(6) Uma iziphathimandla zesifundazwe zingenelela kumasipala ngokwesigatshana sesi (4) noma sesi (5), kufanele zifake isaziso esibhaliwe sokungenelela udaba –

(a) elungwini leKhabhinethi elibhekene nezindaba zohulumeni basekhaya; kanye

(b) nakusishayamthetho sesifundazwe esifanele kanye nakuMkhandlu kaZwelonke weziFundazwe, kungakapheli izinsuku eziyisikhombisa ngemuva kokuqala kokungenelela odabeni.

(7) Uma iziphathimandla zesifundazwe zingakwazi noma zingakwenzi noma zingawasebenzisi ngokwenele amandla noma zenza imisebenzi okubhekiswe kuyo ezigatshaneni sesi (4) noma sesi (5), iziphathimandla zikazwelonke kufanele zilungenelele udaba ngokwesigatshana sesi (4) noma sesi (5) esikhundleni seziphathimandla zesifundazwe eziqondene.

(8) Umthetho kazwelonke unganquma indlela okuzosetshenziswa ngayo lesi sigaba, kumbandakanya nezinqubo ezisungulwe yilesi sigaba.

[Isigaba se 139 indawo yaso ithathwe yisigaba sesi 4 soMthetho weShumi naNye oChibiyela uMthethosisekelo wezi 2003.]

Izinqumo zeziPhathimandla

140. (1) Isinqumo sikaNdunankulu kufanele sibhalwe phansi uma –

(a) sithathwe ngokomthetho; noma

(b) sinemiphumela yasemthethweni.

(2) Isinqumo esibhalwe nguNdunankulu kufanele siphinde sisayinwe ngelinye ilungu loMkhandlu weziPhathimandla uma ngabe leso sinqumo sithinta umsebenzi onikezwe lelo lungu.

(3) Izimemezelo, imithetho kanye namanye amathuluzi emithetho emncane yesifundazwe kufanele umphakathi ukwazi ukufinyelela kuyona.

(4) Umthetho wesifundazwe ungacacisa indlela, kanye nebanga amathuluzi emithetho eshiwo kusigatshana sesi (3) okufanele -

(a) yethulwe ngayo phambi kwesishayamthetho sesifundazwe; futhi

(b) yamukelwe yisishayamthetho sesifundazwe.

Iziphakamiso zokungethembeki

141. (1) Uma isishayamthetho sesifundazwe, ngevoti elesekwe yiningi lamalungu aso, semukela isiphakamiso sokuthi uMkhandlu weziPhathimandla zesifundazwe ngaphandle kukaNdunankulu, awusathembekile kusishayamthetho, uNdunankulu kufanele awakhe kabusha uMkhandlu.

(2) Uma isishayamthetho sesifundazwe, ngevoti elesekwe yiningi lamalungu aso, semukela isiphakamiso sokuthi uNdunankulu akasethembekile kusona, uNdunankulu namanye amalungu oMkhandlu weziPhathimandla kufanele bashiye izikhundla.

Imithethosisekelo Yezifundazwe

Ukwamukelwa kwemithethosisekelo yezifundazwe

142. Isishayamthetho sesifundazwe singemukela umthethosisekelo wesifundazwe noma, lapho kungenzeka khona, sichibiyele umthethosisekelo waso, uma okungenani ababili kwabathathu bamalungu aso bevote beseka uMthethosivivinywa.

Okuqukethwe yimithethosisekelo yezifundazwe

143. (1) Umthethosisekelo wesifundazwe, noma isichibiyelo somthethosisekelo, akufanele kungahambisani nalo Mthethosisekelo, kodwa kungahlinzekela –

(a) izinhlaka zesifundazwe zokushaya imithetho nezokuphatha nezinqubo ezehlukile kulezo ezihlinzekelwe kulesi Sahluko; noma

(b) ubukhosi bendabuko, iqhaza labo, amagunya kanye nesimo sesikhundla senkosi yendabuko, lapho kusebenza khona.

(2) Imibandela efakwe kumthethosisekelo wesifundazwe noma izichibiyelo zomthethosisekelo ngokwendima (a) noma (b) yesigatshana soku-(1) –

(a) kufanele ihambisane nesigaba soku 1 kanye neSahluko sesi 3; futhi

(b) ayinakunikeza isifundazwe amandla noma imisebenzi ewela –

(i) ngaphandle kwezinga lamandla esifundazwe ngokweSheduli yesi 4 noma eyesi 5; noma

(ii) ngaphandle kwamandla nemisebenzi enikezwe isifundazwe ngezinye izigaba zoMthethosisekelo.

Ukuqinisekiswa kwemithethosisekelo wezifundazwe

144. (1) Uma isishayamthetho sesifundazwe sesamukele noma sichibiyela umthethosisekelo, uSomlomo wesishayamthetho kufanele ahambise umbhalo woMthethosisekelo noma wezichibiyelo zoMthethosisekelo eNkantolo yoMthethosisekelo ukuze uqinisekiswe.

(2) Akukho mbhalo womthethosisekelo wesifundazwe noma izichibiyelo zomthethosisekelo okuba ngumthetho ngaphambi kokuba iNkantolo yoMthethosisekelo iqinisekise –

(a) ukuthi umbhalo wamukelwe ngokulandela isigaba se 142; kanye

(b) nokuthi wonke umbhalo uhambisana nesigaba se 143.

Ukusayinwa, ukushicilelwa nokugcinwa ngokuphepha kwemithethosisekelo yezifundazwe

145. (1) UNdunankulu wesifundazwe kufanele avume futhi asayine umbhalo womthethosisekelo wesifundazwe noma ukuchibiyelwa komthethosisekelo oqinisekiswe yiNkantolo yoMthethosisekelo.

(2) Umbhalo ovunyiwe wasayinwa nguNdunankulu kufanele ushicilelwe kuSomqulu kaHulumeni kazwelonke futhi uqala ukusebenza ngenkathi ushicilelwa noma ngosuku lwakamuva olunqunywe ngokwalowo mthethosisekelo noma ukuchibiyelwa kwawo.

(3) Umbhalo osayiniwe womthethosisekelo wesifundazwe noma wokuchibiyela umthethosisekelo ungubufakazi obuphelele bemibandela yawo futhi, emuva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuba iwugcine ngokuphepha.

Ukungqubuzana koMthetho

Ukungqubuzana phakathi komthetho kazwelonke nomthetho wesifundazwe

146. (1) Lesi sigaba sisebenza lapho kunokungqubuzana phakathi komthetho kazwelonke nowesifundazwe okungena emsebenzini owenziwayo osohlwini lweSheduli yesi 4.

(2) Umthetho kazwelonke osebenza ngendlela efanayo ezweni lonke ubusa ngaphezulu komthetho wesifundazwe uma noma yimiphi yemibandela elandelayo ihlangatsheziwe:

(a) Umthetho kazwelonke uphathelene nodaba olungakwazi ukulawulwa ngomthetho owenziwe umthetho yizifundazwe ngazinye .

(b) Umthetho kazwelonke ubheke udaba lokuthi, ukuze ludingidwe ngempumelelo, kufanele izinto zenziwe ngendlela efanayo ezweni lonke, futhi umthetho kazwelonke uhlinzekela ngendlela efanayo ngokuthi umise –

(i) izinkambiso namazinga;

(ii) izinhlaka; noma

(iii) imigomo kazwelonke.

(c) Umthetho kazwelonke udingelwa –

(i) ukugcinwa kokuphepha kwezwe;

(ii) ukugcinwa kobumbano lwezomnotho;

(iii) ukuvikelwa kwezimakethe ezihlanganyelwe mayelana nokunyakaza kwempahla, izinsizo zomphakathi, izimali kanye namandla okusebenza;

(iv) ukukhuthaza izenzo zomnotho nangale kwemingcele yezifundazwe;

(v) ukukhuthaza amathuba alinganayo kanye nokufinyeleleka okufanayo kuzinzizo zikahulumeni; noma

(vi) ukuvikeleka kwedawo okuphilwa kuyo.

(3) Umthetho kazwelonke ubusa ngaphezulu komthetho wesifundazwe uma umthetho kazwelonke uqondiswe ekunqandeni izenzo ezingafanele zesifundazwe –

(a) ezingakhinyabeza umnotho, impilo noma izidingo zokuphepha zesinye isifundazwe noma zezwe lonke; noma

(b) ezivimbezela ukwenziwa kwemigomo kazwelonke yomnotho.

(4) Lapho kukhona ukushayisana mayelana nokuthi ngabe umthetho kazwelonke uyadingeka yini ngokwenhloso ebekwe kusigatshana sesi-(2)(c) futhi nalokho

kushayisana kuvela ngaphambi kwenkantolo ukuze kuxazululwe, inkantolo kufanele ibheke ngokufanele ukugunyazwa noma ukunqatshwa komthetho nguMkhandlu kaZwelonke weziFundazwe.

(5) Umthetho wesifundazwe ubusa umthetho kazwelonke uma isigatshana sesi (2) noma sesi (3) singasebenzi.

(6) Umthetho oshaywe ngokoMthetho wePhalamende noma uMthetho wesifundazwe ungabusa kuphela uma lowo mthetho wamukelwe nguMkhandlu kaZwelonke weziFundazwe.

(7) Uma uMkhandlu kaZwelonke weziFundazwe ungafinyeleli ekuthatheni isinqumo kungakapheli izinsuku ezingama 30 zokuhlangana kwawo kokuqala ngemuva kokuba umthetho wedluliselwe kuwona, lowo mthetho kufanele uthathwe ngokuthi ngazo zonke izinhloso wamukelwe uMkhandlu.

(8) Uma uMkhandlu kaZwelonke weziFundazwe ungawemukeli umthetho odluliselwe kuwona ngokwesigatshana sesi (6), kufanele, kungakapheli izinsuku ezingama 30 ngemuva kwesinqumo sawo, unikeze ngezizathu zokuthi kungani ungawemukeli lowo mthetho kuleso siphathimandla esiwudlulisile.

Okunye ukungqubuzana

147. (1) Uma kunokungqubuzana phakathi komthetho kazwelonke nemibandela yomthethosisekelo wesifundazwe mayelana –

(a) nodaba oluthinta lo Mthethosisekelo ngqo oludinga noma oluhlongoza ukushaywa komthetho kazwelonke, umthetho kazwelonke uyabusa ngaphezu kwalowo mbandela womthethosisekelo wesifundazwe esithintekile;

(b) nokungenelela komthetho kazwelonke ngokwesigaba sama 44(2), umthetho kazwelonke ubusa ngaphezu kombandela womthethosisekelo wesifundazwe; noma

(c) nodaba oluphakathi kwemisebenzi esohlwini olukuSheduli yesi 4, isigaba se 146 sisebenza sengathi umbandela othintekile womthethosisekelo wesifundazwe ungumthetho wesifundazwe okubhekiswe kuwo kuleso sigaba.

(2) Umthetho kazwelonke okubhekiswe kuwo esigabeni sama 44(2) ubusa ngaphezu komthetho wesifundazwe mayelana nezindaba eziphakathi kwemisebenzi esohlwini olukuSheduli yesi 5.

Ukungqubuzana okungaxazululeki

148. Uma ingxabano emayelana nokushayisana ingakwazi ukuxazululwa yinkantolo, umthetho kazwelonke ubusa ngaphezulu komthetho wesifundazwe noma komthethosisekelo wesifundazwe.

Isimo somthetho ongasebenzi ngaphezu komunye

149. Isinqumo senkantolo sokuthi umthetho ubusa ngaphezulu komunye umthetho asiwuqedi lowo mthetho omunye, kodwa lowo mthetho omunye awube usasebenza ngesikhathi kusenokungqubuzana.

Ukuhunyushwa kokungqubuzana

150. Uma kudingidwa ukungqubuzana okubonakala kukhona phakathi komthethhto kazwelonke nowesifundazwe, noma phakathi komthetho kazwelonke nomthethosisekelo wesifundazwe, zonke izinkantolo kufanele ziqoke noma okuphi ukuhunyushwa komthetho okufanele noma komthethosisekelo okuvimbela ukungqubuzana, ngaphezu kokunye ukuhunyushwa okubangela ungquzulwano.

ISAHLUKO 7

UHULUMENI WENDAWO

Ukuma komasipala

151. (1) Umkhakha kahulumeni wendawo wakhiwe ngomasipala, okufanele bamiswe kuyo yonke indawo yaseRiphabhuliki.

(2) Igunya lokuphatha nelokushaya imithetho likamasipala libekwe kuMkhandlu kaMasipala.

(3) Umasipala unelungelo lokubusa, ngendlela ozibekele yona izindaba zikahulumeni wasekhaya emphakathini wawo, ngendlela ehambisana nomthetho kazwelonke nowesifundazwe njengoba kubekiwe kuMthethosisekelo.

(4) Uhulumeni kazwelonke noma wesifundazwe akufanele abeke ebucayini noma akhinyabeze ikhono noma ilungelo likamasipala lokusebenzisa amandla akhe noma lokwenza imisebenzi yakhe.

Izinjongo zikahulumeni wendawo

152. (1) Izinjongo zikahulumeni wasekhaya –

(a) ukuhlinzekela uhulumeni obusa ngenqubo yentando yeningi nophendulayo emiphakathini yendawo;

(b) ukuqinisekisa ukuhlinzekelwa kwezidingo emiphakathini ngendlela enenqubekela phambili;

(c) ukugqugquzelela ukuthuthukiswa kwenhlalakahle nezomnotho;

(d) ukugqugquzelela indawo okuphilwa kuyo ephephile nephilile; kanye

(e) nokukhuthaza ukubamba iqhaza kwemiphakathi kanye nezinhlangano zomphakathi ezindabeni zikahulumeni wasekhaya.

(2) Umasipala kufanele azame, ngokusebenzisa amandla emali nawokuphatha ukufeza izinjongo ezibekwe esigatsheni soku (1).

Izibopho zomasipala zokuthuthukisa indawo

153. Umasipala kufanele –

(a) akhe futhi aphathe iminyango yakhe eyahlukene, uhlelo lokwabiwa kwezimali nokuhlelwa kwenqubo ebeka phambili izidingo zomphakathi eziyisisekelo,

kanye nokugqugquzelela ukuthuthukiswa kwenhlalakahle nomnotho emphakathini; futhi

(b) abambe iqhaza ezinhlelweni zentuthuko kazwelonke neyezifundazwe.

Ukubusa ngokubambisana komasipala

154. (1) Uhulumeni kazwelonke kanye nohulumeni bezifundazwe, ngokusebenzisa umthetho nezinye izinyathelo, kufanele beseke futhi baqinise amandla omasipala okuphatha izindaba zabo, ukusebenzisa amandla abo nokwenza imisebenzi.

(2) Umthetho kazwelonke ohlongozwayo noma wesifundazwe onomthelela esimweni, ezikhungweni, emandleni nasemsebenzini yohulumeni basekhaya kufanele ushicilelwe ukuze umphakathi uphawule ngaphambi kokuthi wethulwe ePhalamende noma kusishayamthetho sesifundazwe, ngendlela evumela uhulumeni wasekhaya ohlelekile, omasipala nabanye abantu abanentshisekelo, ithuba lokwethula iziphakamiso mayelana nomthetho ohlongozwayo.

Ukumiswa komasipala

155. (1) Kunalezi zinhlobo ezilandelayo zomasipala -

(a) Uhlobo A: Umasipala onegunya lokuphatha nelomthetho eliphelele njengomasipala endaweni yakhe.

(b) Uhlobo B: Umasipala owabelana amandla okuphatha negunya lomthetho endaweni yawo nomasipala oluhlobo C owela ngaphansi kwendawo yawo.

(c) Uhlobo C: Umasipala onegunya lokuphatha nelomthetho endaweni efaka omasipala abangaphezu koyedwa.

(2) Umthetho kazwelonke kufanele uchaze izinhlobo ezahlukene zikamasipala abangamiswa ngaphakathi kohlobo ngalunye lukamasipala.

(3) Umthetho kazwelonke kufanele –

(a) umise indlela ezolandelwa ukunquma uma indawo kufanele ibe nomasipala oyedwa oluhlobo A noma uma kufanele ibe nomasipala abayizinhlobo zombili u B no C;

(b) umise indlela nenqubo ezolandelwa yokunqunywa kwemingcele yomasipala yisiphathimandla esizimele; kanye

(c) ngokwesigaba sama 229, ahlinzekele ukwehlukaniswa kwamandla nemisebenzi okufanele phakathi komasipala lapho indawo inomasipala

abazinhlobo zombili u B no C. Ukwahlukaniswa kwamandla nemisebenzi phakathi kohlobo u B lukamasipala kanye nohlobo u C lukamasipala kungehluka ekwahlukanisweni kwamandla nemisebenzi omunye umasipala oluhlobo B nolukamasipala oluhlobo C.

(4) Umthetho okubhekiswe kuwo isigatshana sesi (3) kufanele uqikelele isidingo sokuhlinzekela ngezinsiza zikamasipala ngendlela elinganayo nekwazi ukuzimela.

(5) Umthetho wesifundazwe kufanele unqume ukuthi yiziphi izinhlobo ezahlukene zikamasipala okufanele zimiswe esifundazweni.

(6) Uhulumeni wesifundazwe ngamunye kufanele amise omasipala esifundazweni sakhe ngendlela ehambisana nomthetho omiswe ngokwezigatshana sesi (2) nesesi (3), futhi ngokwezinyathelo zomthetho noma ezinye, kufanele –

(a) ahlinzekele ukubhekwa nokusekelwa kukahulumeni wasekhaya esifundazweni; futhi

(b) agqugquzele ukuthuthukiswa kwamandla kahulumeni wasekhaya okuvumela omasipala ukuba bakwazi ukwenza imisebenzi yabo futhi baziphathele nezindaba zabo.

(6A) ....

[Isigatshana sesi (6A) sifakwe isigaba soku 1 soMthetho wesiThathu oChibiyela uMthethosisekelo wezi 2003 futhi sacishwa isigaba sesi 2 soMthetho weShumi Nambili oChibiyela uMthethosisekelo wezi 2005.]

(7) Uhulumeni kazwelonke, ngokwesigaba sama 44, kanye nohulumeni bezifundazwe banegunya lomthetho nelokuphatha ukubheka ukwenziwa ngempumelelo komsebenzi ngomasipala mayelana nezindaba ezisohlwini olukuSheduli yesi 4 neyesi 5, ngokukulawula ngokusemthethweni ukusetshenziswa ngomasipala igunya labo lokuphatha okushiwo esigatsheni se 156(1).

Amandla nemisebenzi yomasipala

156. (1) Umasipala unegunya lokuphatha kulokhu okulandelayo, futhi unelungelo lokwengamela –

(a) izindaba zikahulumeni wasekhaya ezisohlwini oluseNgxenyeni B yeSheduli yesi 4 kanye neNgxenye B yeSheduli yesi 5; kanye

(b) nanoma yiluphi olunye udaba alwabelwe ngumthetho kazwelonke noma wesifundazwe.

(2) Umasipala angashaya futhi engamele imithetho yamadolobha ngenhloso yokuphatha ngempumelelelo izinto anelungelo lokuziphatha.

(3) Ngokulandela isigaba se 151(4), umthetho wamadolobha ongqubuzana nomthetho kazwelonke noma wesifundazwe awukwazi ukusebenza. Uma kunokungqubuzana phakathi komthetho wamadolobha nomthetho kazwelonke noma wesifundazwe ongasebenzi ngenxa yokungqubuzana okushiwo esigabeni se 149, umthetho wamadolobha kufanele uthathwe njengosebenzayo ngaso sonke isikhathi uma lowo mthetho ungasebenzi.

(4) Uhulumeni kazwelonke nohulumeni wesifundazwe kufanele babele umasipala, ngokwesivumelwano futhi nganoma yiziphi izimo, igunya lokwengamela udaba olubekwe ohlwini lweNgxenye A yeSheduli yesi 4 noma eNgxenyeni A yeSheduli yesi 5 oluphathelene nohulumeni wasekhaya, uma –

(a) lolo daba lungenganyelwa kahle kakhulu endaweni; futhi

(b) uma umasipala enamandla okulwengamela lolo daba.

(5) Umasipala unelungelo lokusebenzisa noma yimaphi amandla mayelana nodaba olubalulekile, noma oluhambisana nokwenziwa ngempumelelo komsebenzi yawo.

Ukwakheka nokukhethwa kweMikhandlu kaMasipala

157. (1) UMkhandlu kaMakasipala wakhiwe –

(a) ngamalungu akhethwe ngokulandela izigatshana sesi (2) nesesi (3); noma

(b) uma kuhlinzekelwe ngumthetho kazwelonke –

(i) amalungu aqokwe ngeminye iMikhandlu Kamasipala ukuba amele leyo Mikhandlu eminye; noma

(ii) kokubili amalungu akhethwe ngendlela ehambisana nendima (a) kanye namalungu aqokwe ngokulandela indima engaphansana u (i) yale ndima.

[Isigatshana soku (1) indawo yaso ithathwe yisigaba soku 1(a) soMthetho Wesishiyagalombili Wokuchibiyela uMthethosisekelo we 2002 kanye nayisigaba sesi 3 soMthetho Weshumi Nanhlanu Wokuchibiyela uMthethosisekelo we 2008.]

(2) Ukukhethwa kwamalungu oMkhandlu kaMasipala njengoba kulindelwe esigatshaneni soku (1)(a), kufanele kulandele umthetho kazwelonke okufanele ubeke uhlelo –

(a) lokumelwa ngokwenani lamavoti atholiwe olwesekelwe engxenyeni yalowo

masipala yohlu lukazwelonke lwabavoti, noluhlinzekela ukukhethwa kwamalungu avela ohlwini lwabaphakanyiswe yiqembu ababekwe ngokulandelana kuya ngokuthanda kweqembu; noma

(b) lokumelwa ngokwenani lamavoti njengoba kuchazwe kusigaba (a) luhlanganiswe nohlelo lokumelwa ngamawadi olwesekelwe kuleyo ngxenye kamasipala yohlu lukazwelonke lwabavoti.

(3) Uhlelo lokuvota ngokwesigatshana sesi (2) kufanele luphethe, jiekelel, nokumelwa ngokobungako benani lamavoti atholiwe.

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba soku 1(b) soMthetho weshumi Nesishiyagalombili Wokuchibiyela uMthethosisekelo we 2002.]

(4) (a) Uma uhlelo lokhetho lumbandakanya ukumelwa ngokwezifunda zedolobha, kufanele ukuklaywa kwamawadi kwenziwe yiziphathimandla ezizimele eziqokwe ngokuthi kulandelwe, futhi zisebenze, ngokwezinqubo ezilandelwayo kanye nezindlela ebekwe ngumthetho kazwelonke.

(b) ....

[Indima (b) isuswe yisigaba soku 1(b) soMthetho Weshumi Nesishiyagalombili Sokuchibiyela uMthethosisekelo we 2005]

[Isigatshana sesi (4) indawo yaso ithathwe yisigatshana sesi 2 soMthetho Wesithathu Wokuchibiyela uMthethosisekelo we 1998.]

(5) Umuntu angavota kumasipala kuphela uma ebhaliswe engxenyeni yalowo masipala yohlu lukazwelonke lwabavoti.

(6) Umthetho Kazwelonke oshiwo kusigatshana soku (1)(b) kufanele umise usungule uhlelo oluvumela amaqembu kanye nezifiso ezivezwe ngaphansi koMkhandlu Kamasipala oqokayo, ukuba umelwe ngendlela efanele eMkhandlwini Kamasipala oqokelwayo.

Ubulungu boMkhandlu kaMasipala

158. (1) Zonke izakhamuzi ezinelungelo lokuvotela uMkhandlu kaMasipala zingaba amalungu alowo Mkhandlu, ngaphandle –

(a) kwanoma ngubani oqokelwe esikhundleni, noma osebenzela umasipala, futhi ekuholelwa ukuqokwa noma ukusebenza kwakhe, futhi engazange akhululwe kulokhu kungavunyelwa ngokomthetho kazwelonke;

(b) kwanoma ngubani oqokelwe esikhundleni ngumbuso, noma osebenzela umbuso, komunye umkhakha, futhi ekuholelwa ukuqokwa noma ukusebenza kwakhe, futhi ongavunyelwe ukuba yilungu loMkhandlu kaMasipala ngokomthetho kazwelonke;

(c) kwanoma ngubani ongavunyelwe ukuvotela IsiGungu sikaZwelonke noma ongavunyelwe ngokwesigaba sama 47(1)(c)(d) noma (e) ukuba yilungu lesiGungu;

(d) kwelungu lesiGungu kaZwelonke, isithunywa soMkhandlu kaZwelonke weziFundazwe noma ilungu lesishayamthetho sesifundazwe; kodwa lokhu kungavunyelwa akusebenzi elungwini loMkhandlu kaMasipala elimele uhulumeni wasekhaya eMkhandlwini Kazwelonke; noma

(e) kwelungu lomunye uMkhandlu Kamasipala, kodwa lokhu kungavunyelwa akusebenzi elungwini loMkhandlu Kamasipala elimele lowo Mkhandlu komunye uMkhandlu Kamasipala wohlobo olwehlukile.

(2) Umuntu ongavunyelwe ukuba yilungu loMkhandlu Kamasipala ngokwesigatshana soku (1)(a),(b),(d), noma (e) angamela ukhetho loMkhandlu, kuye nganoma iyiphi imikhawulo nezimiso ezimiswe ngumthetho kazwelonke.

(3) Izikhala zomsebenzi kuMkhandlu Kamasipala mazigcwaliswe ngokwemigomo yomthetho kazwelonke.

[Isigatshana sesi 3 singezwe yisigaba sesi 4 soMthetho Weshumi Nanhlanu Wokuchibiyela uMthetho-sisekelo we 2008.]

Isikhathi soMkhandlu kaMasipala

159. (1) Isikhathi soMkhandlu Kamasipala asinakuba ngaphezulu kweminyaka emihlanu, ngonjengoba kunqunywe ngumthetho kazwelonke.

(2) Uma uMkhandlu Kamasipala uhlakazwa ngokomthetho kazwelonke, noma lapho kuphela isikhathi sawo, kufanele kwenziwe ukhetho zingakapheli izinsuku ezingama 90 kusukela ngosuku uMkhandlu owahlakazwa ngalo noma okwaphela isikhathi sawo.

(3) UMkhandlu Kamasipala, ngaphandle koMkhandlu ohlakazwe kulandela ukungeneelela ngokwesigaba se 139, uhlala ukulungele ukusebenza kusukela ngesikhathi uhlakazwa noma kuphela isikhathi sawo, kuze kube sekumenyezelwe ukukhethwa koMkhandlu osanda kukhethwa.

[Isigaba se 159 indawo yaso ithathwe yisigaba soku 1 soMthetho Wesibili Wokuchibiyela uMthetho-sisekelo we 1998.]

Izinqubo ezilandelwayo zangaphakathi

160. (1) UMkhandlu kaMasipala –

(a) uthatha izinqumo eziphathelene nokusetshenziswa kwamandla kanye nokwenziwa kwayo yonke imisebenzi kamasipala;

(b) kufanele ukhethe usihlalo wawo;

(c) ungakhetha ikomiti eliphethe kanye namanye amakomiti, ngokomthetho kazwelonke; futhi

(d) ungaqasha abasebenzi abadingekayo ukuze kwenziwe umsebenzi wawo ngempumelelo.

(2) Imisebenzi elandelayo ayinakugunyazwa nguMkhandlu Kamasipala:

(a) ukushaywa kwemithetho kamasipala;

(b) ukuvunywa kwezabelozimali;

(c) ukubekwa kwezintela ezikhokhela imisebenzi eyenziwe kanye nezinye zolunye uhlobo, izintela ezikhokhelwa okuthile kanye nezimali ezikhokhelwa izimpahla ezithile; kanye

(d) nokufaka isicelo semali ebolekwayo.

(3) (a) Iningi lamalungu oMkhandlu kamasipala kufanele libe khona ngaphambi kokuthathwa kwevoti nganoma yiluphi udaba.

(b) Yonke imibuzo ephathelene nezindaba eziphawulwe kusigatshana sesi (2) inqunywa ngesinqumo esithathwe uMkhandlu Kamasipala ube wesekwe yivoti leningi lamalungu awo.

(c) Yonke eminye imibuzo engaphambili koMkhandlu Kamasipala kuthathwa izinqumo ngayo ngokweningi lamavoti afakiwe.

(4) Akukho mthetho kamasipala ongavunywa uMkhandlu Kamasipala ngaphandle kokuthi -

(a) wonke amalungu oMkhandlu aziswe kusenesikhathi esifanele; futhi

(b) umthetho kamasipala ohlongozwayo ushicilelwe ukuze umphakathi uphawule ngawo.

(5) Umthetho kazwelonke ungahlinzekela indlela yokunquma –

(a) ubungako bomkhandlu Kamasipala;

(b) ukuthi ngabe uMkhandlu Kamasipala ungaliqoka yini ikomiti eliphethe noma yiliphi elinye ikomiti; noma

(c) ubukhulu bekomiti eliphethe nanoma yiliphi elinye ikomiti loMkhandlu Kamasipala;

(6) UMkhandlu Kamasipala ungashaya imithetho kamasipala ebeka imitheshwana kanye nemiyalo –

(a) yamalungiselelo awo angaphakathi;

(b) yemisebenzi yawo kanye nokwenziwayo; kanye

(c) neyokumiswa, ukwakhiwa, izinqubo, amandla kanye nemisebenzi yamakomiti awo.

(7) UMkhandlu Kamasipala kufanele wenze umsebenzi wawo obala, futhi ungavala ukuhlangana kwawo, noma kwamakomiti awo, kuphela uma kufanelekile ukwenza lokho kube kubhekwa ubunjalo bodaba olusuke ludingidwa.

(8) Amalungu oMkhandlu Kamasipala anegunya lokubamba iqhaza kokuqhubeka kuwo kanye nasemakomitini awo ngendlela –

(a) evumela amaqembu kanye nezintshisekelo ezikhonjiswa ngaphakathi koMkhandlu ukuba kumelwe ngendlela efanele.

(b) ehambisana nentando yeningi; kanye

(c) engalawulwa ngumthetho kazwelonke.

Amalungelomvumo

161. Umthetho wesifundazwe phakathi kohlaka lomthetho kazwelonke ungahlinzekela amalungelomvume nokuvikeleka kweMikhandlu Kamasipala namalungu ayo.

Ukushicilelwa kwemithetho kamasipala

162. (1) Umthetho wedolobha kamasipala ungaphoqelelwa kuphela ngemuva kokuthi ushicelelwe ephephandabeni likahulumeni laleso sifundazwe esifanele.

(2) Iphephandaba likahulumeni lesifundazwe kufanele lishicilele umthetho wedolobha kamasipala lapho licelwa ngumasipala.

(3) Imithetho kamasipala wendawo kufanele ikwazi ukufinyelelwa ngumphakathi.

Uhulumeni wasekhaya ohlelekile

163. UMthetho wePhalamende oshaywe ngokuhambisana nenqubo elandelwayo esungulwe yisigaba sama 76 kufanele –
    - (a) uhlinzekele ukuvunywa kwezinhlangano zikazwelonke nezesifundazwe ezimele omasipala;
    - (b) umise inqubo engavumela uhulumeni wendawo ukuba –
        - (i) abonisane nohulumeni kazwelonke nowesifundazwe;
        - (ii) akhombe abazomela babambe iqhaza kuMkhandlu Wezifundazwe Kazwelonke; futhi
        - (iii) abambe iqhaza kunqubo ebekwe emthethweni kazwelonke ocatshangwayo esigabeni sama 221(1)(c)

[Isigaba se 163 indawo yaso ithathwe yisigaba sesi 4 soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

Ezinye izindaba

164. Noma yiluphi udala oluphathelene nohulumeni wasekhaya olungadingidwa kuMthethosisekelo lungabekwa ngumthetho kazwelonke noma ngumthetho wesifundazwe ngaphakathi kohlaka lomthetho kazwelonke.

ISAHLUKO 8

IZINKANTOLO NOKUPHATHWA KWEZOBULUNGISWA

Igunya lokuphatha umthetho

165. (1) Igunya lokuphathwa komthetho waseRiphabhuliki libekwe ezinkantolo.

(2) Izinkantolo zizimele, futhi zisebenza ngokuholwa kuphela nguMthethosisekelo nomthetho, okufanele ziwusebenzise ngokungavuni hlangothi futhi ngaphandle kokwesaba, ukwenzelela noma ukukhetha.

(3) Akukho muntu noma ingxenye yombuso okufanele iphazamise ukusebenza kwezinkantolo.

(4) Izingxenye zombuso, kufanele zisize futhi zivikele izinkantolo ukuze ziqinisekise ukuzimela, ukungakhethi, isithunzi, ukufinyeleleka kanye nokusebenza ngendlela efanele kwezinkantolo, ngokusebenzisa umthetho nezinye izinyathelo.

(5) Umyalo noma isinqumo esikhishwe yinkantolo sibopha bonke abantu kanye nezingxenye zombuso ezithintekile.

(6) Ijaji Elikhulu liyinhloko yezobulungiswa futhi liqhuba umsebenzi wokusungula nokuqapha inkambiso namazinga okuqhuba imisebenzi yezobulungiswa ezinkantolo zonkana.

[Isigatshana sesi (6) singezwe ngesigaba soku 1 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Uhlelo lwezinkantolo

166. Izinkantolo yilezi -

(a) iNkantolo Yomthethosisekelo;
(b) iNkantolo Enkulu okwedluliselwa kuyo amacala;
(c) iziNkantolo Ezinkulu zaseNingizimu Afrika, kumbandakanya noma iyiphi inkantolo enkulu yokwedlulisela amacala engamiswa nguMthetho Wephalamende ukuze iqule amacala adlulisiwe avela eziNkantolo ezisezingeni elifanayo neleziNkantolo Eziphakeme zaseNingizimu Afrika;
(d) iziNkantolo Zomantshi; kanye
(e) nanoma yiziphi ezinye izinkantolo ezimisiwe noma ezamukelwe ngokoMthetho Wephalamende, kumbandakanya noma yiziphi izinkantolo

ezisezingeni elifanayo neleziNkantolo Eziphakeme zaseNingizimu Afrika noma iziNkantolo Zomantshi.

[Isigatshana (c) no (e) ziguqulwe ngesigaba sesi 2 soMthetho weshumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Inkantolo yoMthethosisekelo

167. (1) INkantolo Yomthethosisekelo yakhiwe nguMongameli Wamajaji aseNiningizimu Afrika, iPhini Likamongameli Wamajaji kanye namanye amajaji ayisishiyagalolunye.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-11 soMthetho Weshumi Nanye Wokuchibiyela uMthethosisekelo we-2001.]

(2) Udaba oluphammbi kweNkantolo Yomthethosisekelo kufanele lwethanyelwe ngamajaji ayisishiyagalombili okungenani.

(3) INkantolo Yomthethosisekelo –

(a) iyinkantolo ephakeme eRiphabhuliki; futhi

(b) inganquma

(i) ngezindaba zomthethosisekelo, kanye

(ii) nangezinto izindaba, uma iNkantolo yoMthethosisekelo ikhipha imvume yokulidlulisa ngesizathu sokuthi lolo daba liveza impikiswano kwezomthetho emphakathini ngokujwayelekile okufanele lubhekwe ileyo Nkantolo, futhi

(c) ithatha isinqumo esingujuqu mayelana nokuthi ngabe udaba luwudaba olungaphansi kwegunya layo.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi 3 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

(4) YiNkantolo Yomthethosisekelo kuphela –

(a) enganquma ngezingxabano ezingaba khona phakathi kwezingxenye zombuso zikazwelonke noma zesifundazwe eziphathelene nesimo ngokomthethosisekelo, amandla noma imisebenzi yanoma yiziphi lezo zingxenye zombuso;

(b) enganquma ngokuhambisana nomthethosisekelo kwanoma yimuphi uMthethosivivinywa wephalamende noma wesifundazwe, kodwa ingakwenza lokho kuphela ezimweni ezilindelwe esigabeni sama-79 noma se-121;

(c) enganquma ngezicelo ezicatshangwa esigabeni sama-80 noma se-122;

(d) enganquma ngokuhambisana nomthethosisekelo kwanoma yikuphi ukuchibiyela okwenziwe kuMthethosisekelo;

(e) enganquma ukuthi iPhalamende noma uMongameli behlulekile ukufeza isibopho somthethosisekelo; noma

(f) engaqinisekisa umthethosisekelo wesifundazwe ngokwesigaba se-144.

(5) INkantolo yoMthethosisekelo yenza isinqumo esingujuqu ngokuthi uMthetho Wephalamende, uMthetho wesifundazwe noma isenzo sikaMongameli siyahambisana yini nomthethosisekelo, futhi kufanele iqinisekise ukungasebenzi kwanoma yimuphi umyalo owenziwe yiNkantolo Enkulu Yokwedluliswa Kwamacala, yiNkantolo Ephakeme, noma yinkantolo yezinga elifanayo, ngaphambi kokuthi lowo myalo ube namandla athile.

[Isigatshana sesi –(5) siguqulwe ngesigaba sesi 3 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

(6) Umthetho kazwelonke noma imitheshwana yeNkantolo Yomthethosisekelo kufanele ivumele umuntu, uma kuzosebenzela ubulungiswa kanye nangemvume yeNkantolo Yomthethosisekelo –

(a) ukuthi ase udaba ngqo eNkantolo Yomthethosisekelo; noma

(b) ukuthi edlulisele udaba luqonde ngqo eNkantolo Yomthethosisekelo luvela kunoma iyiphi enye inkantolo.

(7) Udaba olumayelana nomthethosisekelo lumbandakanya noma yini ephathelene nokuhunyushwa, ukuvikelwa nokuphoqelelwa koMthethosisekelo.

INkantolo Enkulu Yamajaji yokwedluliswa kwamacala

168. (1) INkantolo Enkulu Yamajaji yokwedluliselwa kwamacala inoMongameli, iPhini likaMongameli kanye nenani lamajaji okweldulilselwa kwamacala elibekwe nguMthetho wePhalamende.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-12 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(2) Udaba oluphambi kweNkantolo Enkulu yokwedluliselwa kwamacala kufanele lunqunywe yinani lamajaji elishiwo nguMthetho Wephalamende.

[Isigatshana sesi-(2) indawo yaso ithathwe yisigaba se-12 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(3) (a) INkantolo Enkulu yokwedluliselwa kwamacala, inganquma nganoma yiziphi izindaba ezedlulisiwe ezivela eNkantolo ePhakeme yaseNingizimu Afrika noma enkantolo esezingeni elifanayo neleNkantolo ePhakeme yaseNingizimu Afrika, ngaphandle uma kuwudaba oluphathelene nomsebenzi noma nokuncintisana ngaleyo ndlela olunganqunywa ngoMthetho wePhalamende.

(b) Inkantolo Enkulu Yokudlulisa amacala inganquma kuphela —

(i) ngamacala edlulisiwe;

(ii) ngezinto eziphathelene nokwedluliswa kwamacala; kanye

(iii) nanganoma yiluphi olunye udaba olungabhekiswa kuyo ezimweni ezichazwe nguMthetho Wephalamende.

[Isigatshana sesi (3) siguqulwe ngesigaba sesi 4 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

IziNkantolo eziPhakeme zaseNingizimu Afrika

169. (1) INkantolo ePhakeme yaseNingizimu Afrika inganquma -

(a) nganoma yiluphi udaba lomthethosisekelo ngaphandle kodaba –

(i) iNkantolo yoMthethosisekelo evumile ukululalela ngqo ngokwemigomo yesigaba se 167(6)(a); noma

(ii) olwabelwe enye inkantolo yezinga elifanayo neleNkantolo Ephakeme yaseNingizimu Afrika; futhi

(b) nanganoma yiluphi olunye udaba olungabelwe enye inkantolo nguMthetho Wephalamende.

(2) INkantolo ePhakeme yaseNingizimu Afrika yakhiwe amaGatsha anqunywe ngoMthetho wePhalamende, lowo Mthetho okufanele uhlinzekele –

(a) ngokusungula amaGatsha, enezihlalo esisodwa noma ezingaphezulu kwesisodwa oeGatsheni; futhi

(b) ukuthwesa iGatsha igunya noma isihlalo eGatshani.

(3) IGatsha ngalinye leNkantolo ePhakeme yaseNingizimu Afrika –

(a) lineJaji Elingamele;

(b) lingaba naPhini leJaji Elingamele elilodwa noma angaphezulu kwelilodwa; futhi

(c) linelinye inani lamanye amajaji anqunywe ngokwemigomo yomthetho kazwelonke.

[Isigaba 169 siguqulwe ngesigaba sesi 5 soMthetho weShumi nesikhombisa oChibiyela uMthetho-sisekelo wezi 2012.]

Ezinye izinkantolo

170. Zonke izinkantolo ngaphandle kwalezo ezivezwe esigabeni 167, 168, 169 zinganquma nganoma iluphi udaba olushiwo nguMthetho Wephalamende, kodwa izinkantolo ezisezingeni elingaphansi kweleNkantolo ePhakeme yaseNingizimu Afrika azivunyelwe ukucwaninga noma zibeke isinqumo ngokuhambisana nomthethosisekelo kwanoma yimuphi umthetho noma isenzo sikaMongameli.

[Isigaba 170 siguqulwe ngesigaba sesi 6 soMthetho wesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Izinqubo ezilandelwa yinkantolo

171. Zonke izinkantolo zisebenza ngokomthetho kazwelonke, futhi imitheshwana nezinqubo ezilandelwayo zazo kufanele zihlinzekelwe ngokomthetho kazwelonke.

Amandla ezinkantolo ezindabeni zomthethosisekelo

172. (1) Lapho yenza isinqumo odabeni lomthethosisekelo olusemandleni ayo, inkantolo –
- (a) kufanele isho ukuthi noma yimuphi umthetho noma isenzo esingahambisani nomthethosisekelo awusebenzi ngokomthetho kuye ngezinga lokungahambisani kwalokho nomthethosisekelo; futhi
- (b) ingenza noma yimuphi umyalo olungile nofanele, kumbandakanya –
  - (i) umyalo obeka umkhawulo wokusebenza kwesiphakamiso sokuphambana nomthetho esikhathini esedlule; kanye
  - (ii) nomyalo olengisa isiphakamiso sokuphambana nomthetho kwanoma yisiphi isikhathi futhi nanganoma yiziphi izimo, ukuze iziphethimandla ezifanele zilungise lelo phutha.

(2) (a) INkantolo Enkulu yokwedluliswa kwamacala, iNkantolo Ephakeme yaseNingizimu Afrika noma inkantolo yezinga elifanayo neleNkantolo Ephakeme ingenza umyalo mayelana nokuthi uMthetho Wephalamende, uMthetho wesifundazwe kanye nanoma yisiphi isenzo sikaMongameli, kuyahambisana yini nomthethosisekelo, kodwa umyalo wokuthi okuthile

akuhambisani nomthethosisekelo awukwazi ukusebenza ngaphambi kokuthi kuqinisekiswe yiNkantolo Yomthethosisekelo.

[ndima (a) iguqulwe ngesigaba sesi 7 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

(b) Inkantolo ekhipha umyalo mayelana nokungahambisani nomthethosisekelo ingenza isinqumo sesikhashana esinqanda noma esiphoqa ukuthi kwenziwe okuthile noma inike, noma yenze esinye isinqumo sesikhashana esingasiza othintekile odabeni, noma ingamisa ukuqhutshwa kodaba enkantolo, kuze kuphume isinqumo seNkantolo Yomthethosisekelo mayelana nokubasemthethweni kwalowo Mthetho noma isenzo.

(c) Umthetho kazwelonke kufanele uhlinzekele ukwedluliselwa komyalo wokuthi okuthile akuhambisani nomthethosisekelo eNkantolo Yomthethosisekelo.

(d) Noma yimuphi umuntu noma ingxenye yombuso ethinteke ngokwanele ingedlulisela udaba eNkantolo Yomthethosisekelo noma ifake isicelo siqonde ngqo eNkantolo Yomthethosisekelo, ukuba iqinise noma iguqule umyalo wokuthi okuthile kuphambene nomthethosisekelo okhishwe yinkantolo ngokwalesi sigatshana.

Amandla avele akhona ezinkantolo

173. INkantolo Yomthethosisekelo, iNkantolo Enkulu yokwedlulisela amacala kanye neziNkantolo Eziphakeme zaseNingizimu Afrika ngayinye zinamandla avele akhona okuvikela nokulawula izinhlelo zazo, kanye nawokuthuthukisa umthetho ojwayelekile, kube kuqikelelwe izidingo zobulungiswa.

[Isigaba 173 siguqulwe ngesigaba sesi 8 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2012.]

Ukuqokelwa ezikhundleni kwabehluleli basezinkantolo

174. (1) Noma yimuphi umuntu wesifazane noma wesilisa ofanele futhi ongumuntu okulungele ukuthi abe kulesi sikhundla angaqokwa njengomehluleli wasenkantolo. Noma yimuphi umuntu ozoqokelwa esikhundleni seNkantolo Yomthethosisekelo kufanele abeyisakhamuzi saseNingizimu Afrika.

(2) Isidingo sokuthi abehluleli basezinkantolo babonise kabanzi, ukwakheka kweNingizimu Afrika ngokobuhlanga nangokobulili kufanele sicatshangwe uma

abehluleli basezinkantolo beqokelwa ezikhundleni.

(3) UMongameli, njengenhloko yabaphathi bakazwelonke, ngemuva kokubonisana neKhomishani Yemisebenzi Yobulungiswa nabaholi bamaqembu amelwe kusiGungu Sikazwelonke, uqoka uMongameli Wenkantolo Yomthethosisekelo nePhini Likamongameli Wamajaji Enkantolo Yomthethosisekelo futhi ngemuva kokubonisana neKhomishana Yemisebenzi Yobulungiswa, uqoka uMongameli kanye nePhini likaMongameli beNkantolo Enkulu Yokwedluliselwa Kwamacala.

[Isigatshana sesi-(3) indawo yaso ithathwe yisigaba se-13 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(4) Amanye amajaji eNkantolo Yomthethosisekelo aqokwa nguMongameli njengenhloko ephethe kuzwelonke, ngemuva kokubonisana noMongameli Wamajaji Enkantolo Yomthethosisekelo, kanye nabaholi bamaqembu amelwe kusiGungu Sikazwelonke elandela inqubo elandelayo:

(a) IKhomishani Yemisebenzi Yobulungiswa, kufanele yenze uhlu lwamagama abantu abaphakanyisiwe lube namagama amathathu ngaphezu kwaleso sibalo sabantu abafanele baqokelwe ezikhundleni, bese elunikeza uMongameli loluhla.

(b) UMongameli angaqokela ezikhundleni abantu abasohlwini, futhi kufanele azise iKhomishani Yemisebenzi Yobulungiswa ngezizathu, uma kukhona abaphakanyisiwe abangemukelekile, futhi kusenesidingo sokuqokelwa kwabanye ezikhundleni.

(c) IKhomishani Yemisebenzi Yobulungiswa, kufanele linezelele uhla ngamanye amagama aphakanyisiwe, futhi uMongameli kufanele aqoke laba abasele ohlwini olunezezelwe.

[Isigatshana sesi-(4) indawo yaso ithathwe yisigaba se-13 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(5) Ngazo zonke izikhathi, kufanele okungenani amalungu amane eNkantolo Yomthethosisekelo kube ngabantu ababengamaJaji ngesikhathi beqokelwa ukuba ngamaJaji Enkantolo Yomthethosisekelo.

(6) UMongameli kufanele aqoke amaJaji azo zonke ezinye izinkantolo, ngokuyalelwa yiKhomishani Yemisebenzi Yobulungiswa.

(7) Abanye abehluleli basezinkantolo kufanele baqokwe ngokoMthetho Wephalamende okufanele uqikelele ukuthi ukuqokwa kwabo, ukukhushulelwa

ezikhundleni ezithe xaxa, ukushintshelwa kwenye indawo noma ukuxoshwa emsebenzini, noma ukuqondiswa kwezigwegwe, lokhu kwenziwa ngaphandle ngokuvuna abathile noma ukukhetha abathile.

(8) Ngaphambi kokuthi abehluleli basezinkantolo baqale ukwenza imisebenzi yabo kufanele bafunge noma benze isiqinisekiso ngokulandela lokho okushiwo kuSheduli yesi-2, ukuthi bazowuphakamisa bawuvikele uMthethosisekelo.

Amajaji angamabamba

175. (1) UMongameli angaqoka umuntu wesifazana noma wesilisa ukuba asebenze njengeJaji eliyibamba lePhini leJaji elinguMongameli noma leNkantolo Yomthethosisekelo uma kunesikhala kulawa mahhovisi, noma uma umuntu okuleso sikhundla engekho. Ukuqokwa kweJaji kufanele kwenziwe ngokulandela izincomo zelungu leKhabinethi elibhekele ukuphathwa kwezobulungiswa ezenziwa ngokwesekwa nguMongameli weNkantolo yoMthethosisekelo futhi ukuqokwa kwebamba lePhini leJaji elinguMongameli kufanele kwenziwe kumazinga amajaji ayeqokwe eNkantolo yoMthethosisekelo ngokwemigomo yesigaba 174(4).

(2) Ilungu leKhabinethi elibhekele ukuphathwa kwezobulungiswa kufanele liqoke amaJaji angamabamba kwezinye izinkantolo ngemuva kokubonisana neJaji elisesikhundleni esiphezulu kuleyo nkantolo lapho iJaji eliyibamba lizosebenza khona.

[Isigatshana 175 siguqulwe ngesigaba sesi 9 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi 2001.]

Isikhathi sokuba sesikhundleni kanye nokukhokhelwa

176. (1) Amajaji eNkantolo Yomthethosisekelo aqokelwa isikhathi esingenakuvuselelwa esiyiminyaka eyi-12, noma kuze kufike lapho efika eminyakeni engama-70 yobudala, kwencike ekutheni yikuphi okufika kuqala, ngaphandle kwalapho uMthetho Wephalamende welula isikhathi sokuba sesikhundleni seJaji leNkantolo Yomthethosisekelo.

[Isigatshana soku-(1) indawo yaso ithathwe yisigaba se-15 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(2) Amanye amajaji ahlala ezikhundleni aze ayekiswe emsebenzini njengokusho koMthetho Wephalamende.

(3) Amaholo, izimali ezibonelela okuthile kanye nokusizakala okuyingxenye yeholo lamajaji akufanele kuncishiswe.

Ukususwa esikhundleni

177. (1) Ijaji lingasuswa esikhundleni kuphela uma –

(a) iKhomishani Yemisebenzi Yobulungiswa iithola ukuthi ijaji lehluleka kakhulu ukuwenza ngendlela umsebenzi walo, noma litholakale linecala elibi lokungaziphathi ngendlela efanele, futhi

(b) nesiGungu Sikazwelonke uthi ijaji lelo lisuswe esikhundleni, ngesinqumo esesekwa okungenani ngamalunga aso amabili kwamathathu.

(2) UMongameli kufuneka alisuse ijaji esikhundleni ngemuva kokwamukelwa kwesinqumo sokususwa kwalelo jaji.

(3) UMongameli ngokwelulekwa yiKhomishani Yemisebenzi Yobulungiswa, angalimisa emsebenzini okwesikhashana ijaji elithintekayo kulezo zinqubo ezishiwo kusigatshana soku-(1).

IKhomishani Yemisebenzi Yobulungiswa

178. (1) IKhomishani Yemisebenzi Yobulungiswa Yakhiwe –

(a) nguMongameli Wamajaji Enkantolo Yomthethosisekelo, elengamela imihlangano yeKhomishani;

(b) nguMongameli Wenkantolo Enkulu yokwedluliselwa kwamacala;

[Indima (b) indawo yayo ithathwe yisigaba se-16(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(c) iJaji eleNgamele isifundazwe elikhethwe ngamanye amaJaji eNgamele kwezinye izifundazwe;

(d) Ilungu leKhabinethi elibhekene nokuphathwa kwezobulungiswa, noma umuntu okhethwe yilelo lungu ukuba alimele kwiKhomishani;

(e) abameli ababili bezinkantolo zamajaji abasebenzayo ngaleso sikhathi abaphakanyiswe ngabanye abameli basemaJajini ukuba bamele bonke abameli basemajajini, futhi beqokwe nguMongameli wezwe;

(f) abameli ababili abakhethwe ngabanye abameli bakwezinye izinkantolo, ukuba bamele bonke laba bameli, futhi beqokwe nguMongameli wezwe;
(g) umfundisi oyedwa wezomthetho okhethwe ngabafundisi bezomthetho kuziyunivesi zaseNingizimu Afrika;
(h) amalungu esiGungui Sikazwelonke ayisithupha aqokwe yisiGungu Sikazwelonke, okungenani abathathu kubona kufuneka kube ngamalungu amaqembu aphikisayo amelwe kusiGungu:
(i) amalungu amane oMkhandlu Wezifundazwe Kazwelonke aqokwe kanyekanye nguMkhandlu ngevoti lisekwe okungenani yizifunda eziyisithupha;
(j) amalungu amane aqokwe nguMongameli njengenhloko ephethe kaZwelonke ngemuva kokubonisana nabaholi bamaqembu wonke kusiGungu Sikazwelonke; kanye
(k) nalapho kucutshungulwa izindaba eziqondene neGatsha leNkantolo ethile ePhakeme eNingizimu Afrika iJaji Elengamele lelo Gatsha noNdunakulu waleso sifundazwe noma umuntu okhethwe nguNdunankulu waleso sifundazwe.

[Indima (k) indawo yayo ithathwe yisigaba sesi 2 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998 kanye nayisigaba se 16(b) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001 futhi kanye nangesigaba 10 soMthetho weShumi nesikhombisa oChibiyela uMthethosisekelo wezi2012.]

(2) Uma inani labantu abaphakanyiswe ngabameli basemajajini nabanye abameli ngokwesigatshana soku-(1)(e) noma (f) lilingana nezikhala okufanele zigcwaliswe, uMongameli wezwe kufanele abaqokele ezikhundleni. Uma inani labantu abaphakanyisiwe leqile enanini lezikhala okufanele zigcwaliswe, uMongameli kufanele aqoke abantu abaphakanyisiwe abalingana izikhala ngemuva kokubonisana nalowo mkhakha wabameli othintekayo, futhi kufanele aqikelele ukuthi laba abaqokwayo bawumele lowo mkhakha wabameli jikelele.
(3) Amalungu eKhomishani akhethwe uMkhandlu Wezifundazwe Kazwelonke asebenza aze ashintshwe ewonke, noma kuze kuvele isikhala kuwona. Abanye abangamalungu eKhomishani basebenza kuyona baze bahoxiswe yilaba ababebaphakamisile.
(4) IKhomishani Yemisebenzi Yobulungiswa inamandla nemisebenzi enikezwe yona nguMthethosisekelo nomthetho kazwelonke.

(5) IKhomishani Yemisebenzi Yobulungiswa ingaluleka uhulumeni kazwelonke kunoma yiluphi udaba oluhambisana nobulungiswa noma nokuphathwa komthetho kodwa, uma icubungula noma yiluphi udaba ngaphandle kokuqokwa kweJaji, kufuneka ihlangane ngaphandle kwamalungu aqokwe njengokusho kwesigatshana soku-(1) (h) no-(i).

(6) IKhomishani Yemisebenzi Yobulungiswa ingamisa izinqubo zayo, kodwa izinqumo zeKhomishana kufuneka zesekwe yiningi lamalungu ayo.

(7) IJaji Elikhulu noma uMongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala angakwazi ukusebenza kuKhomishani okwesikhashana, iPhini Lejaji Elikhulu noma iPhini Likamongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala, kulokho okuzobe kwenzeka, lizosebenza njengozolimela kuKhomishani.

[Isigatshana sesi-(7) singezwe yisigaba sesi-2(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we-1998 futhi indawo yaso ithathwe sisigaba se-16(c) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we-2001.]

(8) Umongameli kanye nabantu abaqoka, baphakamise noma bakhombe amalungu eKhomishani ngokwesigaba soku-(1) (c), (e), (f) noma (g), ngendlela efanayo bangaqoka, baphakamise noma bakhombe omunye ongangena esikhundleni selungu ngalinye, ukuba asebenze kuKhomishani njalo lapho ilungu elithenkile lingakwazi ukwenza njalo ngenxa yesizathu sokwehluleka noma sokungabikho eRiphabhuliki noma ngenxa yanoma yisiphi esinye isizathu esanele.

[Isigatshana sesi-(8) singezwe yisigaba sesi-2(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we-1998]

IsiPhathimandla sezokushushisa

179. (1) Kukhona isigungu sezokushushisa esisodwa eRiphabhuliki esimiswe ngokoMthetho Kazwelonke, futhi esakhiwe yilaba –

(a) uMqondisi Kazwelonke Wezokushushiswa Komphakathi, oyinhloko yesigungu sezokushushisa, futhi uqokwa nguMongameli njengenhloko kazwelonke ephethe, kanye

(b) nabaQondisi Bezokushushiswa Komphakathi ababekwe nguMthetho Wephalamende.

(2) Isiphathimandla sezokushushisa sinamandla okushushisa egameni lombuso, nelokwenza noma yikuphi okuhambisana nokushushisa ukuze amacala athethiwe ezinkantolo.

(3) Umthetho kazwelonke kufanele uqikelele ukuthi abaQondisi Bezokushushiswa Komphakathi –

- (a) banemfundo elungele leso sikhundla; futhi
- (b) babhekana nokushushisa ezindaweni ezithile ezigaguliwe ngaphansi kwesigatshana sesi-(5).

(4) Umthetho kazwelonke kufanele uqikelele ukuthi isiphathimandla sezokushushisa senza umsebenzi waso ngaphandle kokwesaba, ukwenzelela nokukhetha abanye.

(5) UMqondisi Kazwelonke Wezokushushiswa Komphakathi –

- (a) kufanele, ngokuvumelana nelungu leKhabhinethi elibhekene nokuphathwa kwezobulungiswa, futhi nangemuva kokubonisana nabaQondisi Bezokushushiswa Komphakathi, amise imigomo yokushushisa okufanele ilandelwe uma kushushiswa;
- (b) kufanele akhiphe imiyalo ecacisa imigomo okufanele ilandelwe uma kushushiswa;
- (c) angangenelela ohlelweni lokushushisa uma ngabe imiyalo yemigomo ingalandelwanga; futhi
- (d) angasihlolisisa kabusha isinqumo sokuthi udaba lushushiswe noma lungashushiswa, ngemuva kokubonisana noMqondisi Wezokushushiswa Komphakathi ofanele futhi ngemuva kokuzwa izethulo esikhathini esibekwe nguMqondisi Kazwelonke Wezokushushiswa Komphakathi, ezivela:
  - (i) Kumuntu obekwe icala.
  - (ii) Kummangali.
  - (iii) Kunoma yimuphi omunye umuntu noma iqembu uMqondisi Kazwelonke Wokushushiswa Komphakathi athatha ukuthi lithintekile.

(6) Ilungu leKhabinethi elibhekene nokuphathwa kobulungiswa kufanele libe nokwengamela okungumnqamula juqu ngaphezu kwesiphathimandla sezokushushisa.

(7) Zonke ezinye izindaba eziphathelene nesiphathimandla sezokushushisa kufanele zinqunywe ngumthetho kazwelonke.

Ezinye izindaba ezimayelana nokuphathwa kwezobulungiswa

180. Umthetho kazwelonke ungahlinzekela noma yiluphi udaba olumayelana nokuphathwa kwezobulungiswa olungadingidwanga kuMthethosisekelo, kumbandakanya –

(a) izinhlelo zokuqeqesha abengameli basezinkantolo;

(b) izinqubo ezilandelwayo zokubhekana nezikhalo ezithinta abengameli basezinkantolo; kanye

(c) nokubamba iqhaza kwabantu abangebona abengameli bezinkantolo ekuthathweni kwezinqumo zenkantolo.

ISAHLUKO 9

IZIKHUNGO ZOMBUSO EZESEKA UMTHETHOSISEKELO WENTANDO YENINGI

Ukumiswa nemigomo ephethe

181. (1) Lezi zikhungo ezilandelayo zisiza ekuqiniseni umbuso wentando yeningi eRiphabhuliki -
   - (a) UMvikeli Womphakathi.
   - (b) IKhomishani YaseNingizimu Afrika Yamalungelo Esintu.
   - (c) IKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi.
   - (d) IKhomishani Yokulingana Ngokobulili.
   - (e) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso.
   - (f) IKhomishani Yokhetho.

(2) Lezi zikhungo zizimele futhi zisebenza kuphela ngokulandela uMthethosisekelo nomthetho, futhi kufanele zingathathi hlangothi futhi kufanele zisebenzise amandla ezinikwe wona ngaphandle kokwesaba, ukwenzelela, nokukhetha.

(3) Ezinye izingxenye zombuso, ngokusebenzisa imithetho nangezinye izinyathelo, kufanele zelekelele futhi zivikele lezi zikhungo ukuze kuqinisekiswe ukuzimela, ukungathathi cala, isithunzi kanye nokusebenza kwazo ngendlela efanele.

(4) Akukho muntu futhi akukho ngxenye yombuso okufanele igxambukele ekusebenzeni kwalezi zikhungo.

(5) Lezi khungo ziphendula kusiGungu Sikazwelonke futhi kufanele zethule imibiko ngokusebenza kwazo okungenani kanye ngonyaka kusiGungu.

Imisebenzi Yomvikeli Womphakathi

182. (1) UMvikeli Womphakathi unamandla, njengoba elawulwa ngumthetho kazwelonke –
   - (a) okuphenya nganoma yisiphi isenzo ezindabeni zezwe, noma ekuphathweni kwemisebenzi yomphakathi kunoma yimuphi umkhakha kahulumeni, okuthiwa noma okusolelwa ukuthi asilungile noma esingaba nomphumela ongalungile noma onokwenzelela;
   - (b) okunika umbiko ngaleso senzo; kanye

(c) nawokuthatha izinyathelo ezifanele zokusilungisa.

(2) UMvikeli Womphakathi unamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

(3) UMvikeli Womphakathi akanakuphenya izinqumo zenkantolo.

(4) Umvikeli Womphakathi kufanele akwazi ukufinyelelwa yibo bonke abantu nemiphakathi.

(5) Umbiko okhishwe nguMvikeli Womphakathi abantu kufanele bavunyelwe ukuba bawubone ngaphandle kwalapho kunezimo ezithile ezingavamile, eziyonqunywa ngumthetho kazwelonke nezidinga ukuba umbiko ugcinwe uyimfihlo.

Isikhathi sesikhundla

183. UMvikeli Womphakathi uqokelwa isikhathi esiyiminyaka eyisikhombisa esingavuselelwa.

Ikhomishani YaseNingizimu Afrika YamaLungelo Esintu

Imisebenzi Yekhomishani Yamalungelo Esintu

184. (1) IKhomishani YaseNingizimu Afrika Yamalungelo Esintu kufanele –

(a) ikhuthaze ukuhlonishwa kwamaLungelo esintu nesiko lamalungelo obuntu;

(b) ikhuthaze ukuvikelwa, ukuthuthukiswa nokutholakala kwawamaLungelo esintu; futhi

(c) iqaphe futhi ihlole izinga lokuhlonishwa kwamaLungelo esintu eRiphabhuliki.

(2) IKhomishani YaseNingizimu Afrika Yamalungelo Esintu inamandla, njengoba ilawulwa ngumthetho kazwelonke, adingekile okwenza imisebenzi yayo, kumbandakanya amandla –

(a) okuphenya nokubika ngokuhlonishwa kwamaLungelo esintu;

(b) okuthatha izinyathelo ezifanele zokunikeza ukunxeshezelwa okufanele lapho kuhlukunyezwe amalungelo esintu;

(c) okwenza ucwaningo; kanye

(d) nawokufundisa.

(3) Minyaka yonke iKhomishani YaseNingizimu Afrika Yamalungelo Esintu kufanele ifune ukuthi izingxenye zombuso ezifanele zihlinzeke iKhomishani ngolwazi mayelana nezinyathelo ezizithathayo ukufeza amalungelo akuMqulu WamaLungelo

Esintu athintene nezezindlu, ukunakekelwa kwezempilo, ukudla, amanzi, ezenhlalakahle yomphakathi, imfundo, kanye nendawo okuphilwa kuyo.

(4) IKhomishani Yamalungelo Esintu inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

IKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi

Imisebenzi yeKhomishani

185. (1) Izinjongo ezisemqoka zeKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi –

(a) ukukhuthaza ukuhlonishwa kwamaLungelo amasiko, enkolo nezilimi zemiphakathi;

(b) ukukhuthaza nokuthuthukiswa kokuthula, ubungane, ubuntu ukubekezelelana kanye nokubumbana kwesizwe phakathi kwemiphakathi enamasiko, nezinkolo nezilimi ezahlukene, phezu kwesisekelo sokulingana nokungabandlululani nokuhlangana ngokukhululeka; kanye

(c) nokuncoma ukumiswa nokwemukelwa, ngokuhambisana nomthetho kazwelonke, komkhandlu noma eminye imikhandlu yamasiko noma imikhandlu yomphakathi noma yemiphakathi eNingizimu Afrika.

(2) IKhomishani inamandla, njengoba kulawula umthetho kazwelonke, adingekayo ukuphumelelisa izinjongo zayo ezimqoka, kumbandakanya amandla okuqapha, okuphenya, okucwaninga, okufundisa, okukhankasela imibono ethile, okweluleka nawokubika mayelana namalungelo amasiko, enkolo nezilimi zemiphakathi.

(3) IKhomishani ingenza umbiko nganoma yiluphi udaba oluwela ngaphakathi kwamandla nemisebenzi yeKhomishani YaseNingizimu Afrika Yamalungelo ntu, ukuze luphenywe.

(4) IKhomishani inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

Ukwakheka kweKhomishani

186. (1) Inani lamalungu eKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi nokuqokwa kwawo nesikhathi sokuba sesikhundleni kumelwe kumiswe ngumthetho kazwelonke.

(2) Ukwakheka kweKhomishana kufanele –
(a) kubonise ukumelwa kabanzi kwemiphakathi ebalulekile yamasiko, yezinkolo nezilimi eNingizimu Afrika; futhi
(b) kubonise kabanzi ukwakheka ngokobulili komphakathi waseNingizimu Afrika.

IKhomishani Yokulingana Ngokobulili

Imisebenzi yeKhomishana yokuLingana ngokoBulili

187. (1) IKhomishani Yokulingana Ngokobulili kufanele ikhuthaze ukuhlonishwa kokulingana ngokobulili kanye nokuvikelwa, ukuthuthukiswa nokuphumelelisa ukulingana ngokobulili.
(2) IKhomishani Yokulingana Ngokobulili inamandla, ngokulawulwa ngumthetho kazwelonke, adingekayo ukuze yenze imisebenzi yayo, kuhlanganisa amandla okuqapha, ukuphenya, ukucwaninga, ukufundisa, ukukhankasela, ukweluleka nokubika ngezindaba ezithinta ukulingana ngokobulili.
(3) IKhomishani Yokulingana Kobulili inamandla nemisebenzi eyengeziwe, njengoba kumiswe ngumthetho kazwelonke.

UMcubunguli-Mabhuku Jikelele Wezimali Zombuso

Imisebenzi yoMcubunguli-Mabhuku Jikelele Wezimali Zombuso

188. (1) Umcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele acubungule futhi anikeze imibiko mayelana nokusetshenziswa kwezimali, isimo samabhuku ezimali kanye kuphathwa kwezimali –
(a) kwayo yonke iminyango nemisebenzi yombuso kazwelonke nowezifundazwe;
(b) yabo bonke omasipala; kanye
(c) neyanoma iyiphi enye inhlangano noma abantu abanesibopho sokuphendula okudingekayo ukuthi bacutshungulwe nguMcubunguli Mabhuku Jikelele Wezimali Zombuso, ngokomthetho kazwelonke noma wesifundazwe.
(2) Ngaphezulu kwezibopho ezibekwe kusigatshana soku (1), kanye nangokwanoma yimuphi umthetho, uMcubunguli Mabhuku Jikelele angacubungula futhi anikeze umbiko ngokusetshenziswa kwezimali, isimo samabhuku ezimali kanye nokuphathwa kwezimali -

(a) kwanoma iyiphi inhlangano ethola imali esiKhwameni Sezimali Sikazwelonke, esiKhwameni Sezimali Zesifundazwe, noma kumasipala; noma
(b) kwanoma iyiphi inhlangano egunyazwe ngokusho kwanoma yimuphi umthetho ukuba yemukele izimali ezizosetshenziselwa izinjongo zomphakathi.

(3) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele anikeze imibiko yokucutshungulwa kwanoma yisiphi isishayamthetho esithintekayo ngalokho kucubungula, futhi nakunoma iyiphi enye inhlangano ephethe ebekwe ngumthetho kazwelonke. Yonke imibiko kufanele ivezelwe umphakathi.

(4) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso unamanye amandla nemisebenzi ayinikezwe ngumthetho kazwelonke.

Isikhathi sesikhundla

189. UMcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele aqokelwe esikhundleni isikhathi esimile, esingenakuvuselelwa seminyaka ephakathi kweyisihlanu neyishumi.

IKhomishani Yokhetho

Imisebenzi yeKhomishani yoKhetho

190. (1) IKhomishani yoKhetho kufanele –

(a) iphathe ukhetho lwezinhlangano zokushaya imithetho zikazwelonke, zezifundazwe kanye nezomasipala, njengoba kubekwe ngumthetho kazwelonke;
(b) iqinisekise ukuthi ukhetho lolo lukhululekile futhi luyagculisa; futhi
(c) imemezele umphumela wokhetho lolo singakapheli isikhathi okufanele simiswe ngumthetho kazwelonke futhi nesifushane ngendlela efanelekile.

(2) IKhomishani Yokhetho inamandla nemisebenzi eyengeziwe ebekwe ngumthetho kazwelonke.

Ukwakhekha kweKhomishani Yokhetho

191. IKhomishani Yokhetho kufanele yakhiwe okungenani ngabantu abathathu. Inani lamalungu kanye nesikhathi abazoba sesikhundleni ngaso kufanele kubekwe ngumthetho kazwelonke.

IsiPhathimandla Esizimele Esilawula Ukusakaza

IsiPhathimandla Sokusakaza

192. Umthetho kazwelonke kufanele umise isiphathimandla esizimele esizolawula ukusakaza ngokwezidingo zomphakathi, futhi siqinisekise imibono elungile neyehlukahlukene emele kabanzi umphakathi waseNingizimu Afrika.

Izimiso ezejwayelekile

Ukuqokelwa ezikhundleni

193. (1) UMvikeli Womphakathi kanye namalungu anoma iyiphi iKhomishani emiswe ngokwalesi Sahluko kufanele kube ngabesifazane nabesilisa –
   (a) abayizakhamuzi zaseNingizimu Afrika;
   (b) abakulungele nabakufanele ukuphatha isikhundla ehhovisi elithile; futhi
   (c) bahambisana nanoma iziphi izidingo ezimiswe ngumthetho kazwelonke.

(2) Isidingo sokuthi iKhomishani imiswe ngalesi Sahluko ukubonisa kabanzi ukwakheka ngokobulili nangokobuzwe komphakathi waseNingizumu Afrika kufanele siqashelwe uma kuqokwa amalungu.

(3) Umcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele kube umuntu wesifazane noma wesilisa oyisakhamuzi saseNingizimu Afrika okulungele nokufanele ukuphatha leso sikhundla. Ulwazi olukhethekile kanye, noma ukuthi umuntu uke wasebenza yini njengomcubunguli wamabhuku ezemali, lwezimali zombuso, kufanele kunakwe ngendlela efanele uma kuqokelwa esikhundleni uMcubunguli-Mabhuku Jikelele Wezimali Zombuso.

(4) UMongameli, ngokulandela isincomo sePhalamende, kufanele aqokele esikhundleni uMvikeli Womphakathi, uMcubunguli-Mabhuku Jikelele Wezimali Zombuso, kanye namalungu –
   (a) eKhomishani Yaseningizimu Afrika Yamalungelo Esintu;
   (b) eKhomishani Yokulingana Ngobulili ; kanye
   (c) neKhomishani Yokhetho.

(5) IsiGungu Sikazwelonke kufanele siphakamise izincomo ngabantu –
   (a) amagama abo aphakanyiswe yikomiti lesiGungu elakhiwe ngamalungu awo wonke amaqembu amelwe esiGungwini; futhi
   (b) abemukelwe yiPhalamende ngesinqumo esithathwe ngokwesekwa amavoti –
      (i) okungenani angamaphesenti angama 60 amalungu ePhalamende, uma izincomo ziphathelene nokuqashwa koMvikeli womphakathi noma uMcubunguli-Mabhuku Jikelele Wezimali; noma
      (ii) eningi lamalungu ePhalamende, uma isincomo siphathelene nokuqashwa kwelungu leKhomishani.

(6) Ukubamba iqhaza komphakathi ekwenzeni izincomo kungahlinzekelwa njengoba kulindelwe esigabeni sama 59(1)(a).

Ukususwa esikhundleni

194. (1) UMvikeli Womphakathi, uMcubunguli-Mabhuku Jikelele Wezimali Zombuso noma umuntu oyilungu leKhomishani omiswe yilesi Sahluko bangasuswa esikhundleni kuphela –
   (a) ngezizathu zokungaziphathi kahle, ukungakwazi ukusebenza noma ukungawenzi ngendlela umsebenzi;
   (b) uma ikomiti loMkhandlu lithole kukhona leso simo; kanye
   (c) ngokwemukelwa kwesiGungu Sikazwelonke kwesinqumo sokuthi lowo muntu asuswe esikhundleni.

(2) Isinqumo sesiGungu Sikazwelonke esiphathelene nokususwa esikhundleni –
   (a) koMvikeli Womphakathi noma uMcubunguli Mabhuku Jikelele Wezimali Zombuso kufanele sivunywe ngokwesekwa okungenani ngamavoti ababili kwabathathu amalungu esiGungu; noma
   (b) kweselungu leKhomishani kufanele sivunywe ngokwesekwa ngamavoti eningi lamalungu esiGungu.

(3) UMongameli –

(a) angammisa umuntu esikhundleni okwesikhashana noma yinini ngemuva kokuqala kwezinyathelo zekomiti lesiGungu Sikazwelonke esiphathelene nokususwa kwalowo muntu esikhundleni; futhi

(b) kufanele amsuse esikhundleni umuntu ngemuva kokuthathwa kwesinqumo sokususwa kwalowo muntu esikhundleni yisiGungu Sikazwelonke.

ISAHLUKO 10

UKUPHATHWA KWEMISEBENZI YOMBUSO

Imigomo nokwamukelwa njengokulungile okuyisisekelo okulawula ukuphatha kombuso

195. (1) Ukuphatha kombuso kufanele kuhanjiswe ngendlela eyamukelekile njengelungile nangemigomo equkethwe kuMthethosisekelo, kuhlanganisa imigomo elandelayo -

(a) kufanele kukhuthazwe futhi kugcinwe izinga eliphezulu lenkambiso elungileyo emisebenzini eyenziwayo;

(b) kufanele kukhuthazwe ukusetshenziswa kwemithombo ngendlela ekhombisa ikhono, eyongayo nenomphumela omuhle;

(c) Umsebenzi wokuphathwa kombuso, kufanele uphokophele ukuthuthukisa;

(d) Imisebenzi kufanele ihlinzekelwe ngokungakhethi, ngobuqotho, ngokulingene nangaphandle kokwenzelela;

(e) Izidingo zabantu kufanele zibonelelwe, futhi umphakathi kufanele ukhuthazwe ukuthi ubambe iqhaza lapho kwenziwa imigomo;

(f) Umbuso kufanele ukwazi ukubikela umphakathi ngendlela ophethe ngayo;

(g) Ukusebenza kombuso ngokusobala kufanele kukhuthazwe ngokuhlinzekela umphakathi ngolwazi olutholakala ngokushesha, nokuyilona;

(h) Kufanele kukhuthazwe amakhono okuphatha kahle abantu kanye nokuthuthukiswa kwemisebenzi efundelwe, ngenhloso yokuthi abantu benze imisebenzi yezinga eliphezulu;

(i) Ukuphatha umbuso kufanele kumele bonke abantu baseNingizimu Afrika, nezinkambiso zokuqasha nokuphatha abasebenzi kufanele zesekelwe ekukhoneni, ukungakhethi hlangothi, ukungenzeleli, kanye nasesidingweni sokuqeda ukulingalingani kwesikhathi esedlule ukuze kufinyeleloswe ukumelwa okubanzi kwabantu.

(2) Le migomo engenhla isebenza kokulandelayo–

(a) ukuphatha kuyo yonke imikhakha kahulumeni;

(b) ezingxenyeni zombuso; kanye

(c) nakumabhizinisi kaHulumeni.

(3) Umthetho kaZwelonke kufanele uqiniseke ukukhuthazwa kwalokho okulungile nemigomo ebalulwe kusigatshana soku (1).

(4) Ukuqokwa emsebenzini kaHulumeni kwenani labantu ngokuhambisana nemigomo akuvinjelwe, kodwa umthetho kazwelonke kufanele ulawule lokho kuqokwa emisebenzini yombuso.

(5) Umthetho olawula ukuphatha kombuso ungehlukanisa phakathi kwemikhakha eyahlukene, iminyango ephethe noma izikhungo.

(6) Uhlobo nemisebenzi yemikhakha ehlukene, yeminyango ephethe noma izikhungo zokuphathwa kwezombuso ngamaphuzu afanele okufanele acatshangwe emthethweni olawula ukuphathwa kwemisebenzi yombuso.

IKhomishani Ephethe Imisebenzi Kahulumeni

196\. (1) Kukhona iKhomishani eyodwa Ephethe Imisebenzi Kahulumeni yeRiphabhuliki.

(2) IKhomishani izimele futhi kufanele ingakhethi, futhi kufanele isebenzise amandla ayo ibuye yenze imisebenzi yayo ngaphandle kokwesaba, ukubonelela noma ukubandlulula ngenhloso yokugcina ukuphatha ngempumelelo nangendlela esebenza kahle kanye nezinga eliphakeme lenkambiso elungileyo emsebenzini womphakathi. IKhomishani kufanele ilawulwe ngumthetho kazwelonke.

(3) Ezinye izingxenye zombuso, ngokusebenzisa umthetho nezinye izinyathelo, kufanele zelekelele futhi zivikele iKhomishani ukuqinisekisa ukuzimela, ukungachemi, isithunzi kanye nokusebenza ngempumelelo kweKhomishani. Akekho umuntu noma ingxenye yombuso engaphazamisa ukusebenza kweKhomishani.

(4) Amandla kanye nemisebenzi yekhomishani -

(a) ukugqugquzela okuthathwa njengokulungile nemigomo ebekwe esigabeni se 195, kuyo yonke imisebenzi kahulumeni;

(b) ukuphenya, ukuqapha nokuhlaziya inhlangano nokuphatha, kanye nokwenziwa ngabasebenzi, kwemisebenzi kahlumeni;

(c) ukuphakamisa izinyathelo zokuqinisekisa ukwenziwa komsebenzi ngempumelelo nakangcono emsebenzini kahulumeni;

(d) ukukhombisa ukuhloswe ukuqinisekisa ukuthi izinqubo ezilandelwayo ngabasebenzi eziphathelene nokuqasha, ukudlula kwabasebenzi baye kwezinye izindawo, ukukhushulwa ezikhundleni kanye nokuxoshwa

kwabasebenzi ziyahambisana nokuthathwa njengokungile kanye nemigomo ebekwe esigabeni se 195;

(e) ukubika mayelana nemisebenzi yayo kanye nokwenziwa kwemisebenzi, kumbandakanya noma yikuphi ekutholile kanye nezinkomba nezeluleko engazinikeza, futhi ihlinzekele ukuhlaziywa ukuthi okuthathwa njengokulungile nemigomo ebekwe esigabeni se-195 ilandelwe yini; kanye

(f) nangokuthanda kwayo noma ngokuvela kwezikhalo –

  (i) icubungule ibuye ihlaziye izicelo zabasebenzi kanye nezinkambiso zokuphetha umbuso kanye nokubika kusiphathimandla esiphethe kanye nakusishayamthetho;

  (ii) icubungule izikhalo zabasebenzi ngomsebenzi kahulumeni eziphathelene nokwenziwa yiziphathimandla noma amaphutha, kanye nokwenza izincomo ezifanele ngezixazululo;

  (iii) ukuqapha nokuphenya ukulandelwa kwezinqubo ezisebenza emisebenzini kahulumeni; futhi

  (iv) yeluleke izingxenye zombuso zikazwelonke nezezifundazwe mayelana nezenzo zabasebenzi emsebenzini wombuso, kumbandakanya nalokho okuhambisana nokuqasha, ukuqokelwa ezikhundleni, ukushintshelwa kwenye indawo, ukuxoshwa kanye neminye iminxa yemisebenzi yabaqashwa emsebenzini kahulumeni.

(g) ukusebenzisa noma ukwenza amandla noma imisebenzi eyengeziwe ebekwe nguMthetho wePhalamende.

[Indima (g) ingezwe yisigaba sesi 3 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(5) IKhomishani ibikela iPhalamende ngokusebenza kwayo.

(6) IKhomishani kufanele ibike okungenani kanye ngonyaka njengoba kubhalwe kusigatshana sesi (4)(e) –

  (a) ePhalamende; futhi

  (b) namayelana nekwenzayo esifundazweni, kusishayamthetho saleso sifundazwe.

(7) IKhomishani inokhomishani abayi 14 abaqokwe nguMongameli -

  (a) Okhomishani aba 5 abavunywe yiPhalamende ngokwesigatshana sesi (8)(a); kanye

(b) nokhomishani oyedwa ngesifundazwe ngasinye oqokwe nguNdunankulu wesifundazwe ngokwesigatshana sesi (8)(b).

(8) (a) Ukhomishani oqokwe ngokwesigatshana sesi (7)(a) kufanele –
(i) aphakanyiswe yikomiti lesiGungu elakhiwe ngamalungu azo zonke izinhlangano ezimelwe kusiGungu; futhi
(ii) avunywe yisiGungu ngesiphakamiso esithathwe ngokwesekwa ngamavoti eningi lamalungu aso.
(b) Ukhomishani oqokwe nguNdunankulu wesifundazwe kufanele –
(i) aphakanyiswe yikomiti lesishayamthetho sesifundazwe elakhiwe ngamalungu azo zonke izinhlangano ezimelwe kusishayamthetho; futhi
(ii) avunywe yisishayamthetho ngesiphakamiso esithathwe ngokwesekwa ngamavoti eningi lamalungu aso.

(9) UMthetho wePhalamende kufanele wakhe inqubo elandelwayo yokuqasha okhomishani.

(10) Ukhomishani uqokelwa isikhathi esiyiminyaka emihlanu, esivuselelwa isikhathi esisodwa kuphela, kanti kufanele abe ngowesifazane noma owesilisa –
(a) oyisakhamuzi saseNingizimu Afrika; futhi
(b) ongumuntu ophilile futhi okulungele ukuqokwa onolwazi, noma ongumakadebona, ekulawulweni, ekuphatheni nasekuhlinzekweni kwezidingo zomphakathi.

(11) Ukhomishani angasuswa esikhundleni sakhe kuphela –
(a) ngenxa yokuziphatha kabi, ukungabi sesimweni sokusebenza noma ukungasebenzi ngendlela efanele;
(b) ngenxa yokuthathwa kwesinqumo ngalokho yikomiti lesiGungu Sikazwelonke noma, uma kungukhomishani oqokwe nguNdunankulu wesifundazwe, yikomiti lesishayamthetho laleso sifundazwe; kanye
(c) ngokuvunywa yiPhalamende noma yisishayamthetho sesifundazwe esithintekile, kwesiphakamiso esesekwe ngamavoti eningi lamalungu aso efuna kususwe esikhundleni ukhomishani.

(12) UMongameli kufanele asuse esikhundleni ukhomishani lapho –
(a) iPhalamende livuma isiphakamiso esithi ukhomishani lowo akasuswe esikhundleni; noma
(b) kunesaziso esibhalwe phansi nguNdunankulu esamukelwe yisishayamthetho sokuthi kususwe ukhomishani.

(13) Okhomishani okuphawulwe ngabo kusigatshana sesi (7)(b) bangasebenzisa amandla futhi benze imisebenzi yeKhomishani ezifundazweni zabo njengoba kubekiwe emthethweni kazwelonke.

Abasebenzi bakaHulumeni

197. (1) Ngaphakathi kokuphathwa kombuso kukhona abasebenzi beRiphabhuliki, okufanele basebenze, bahlelwe, ngokwezimiso zomthetho kazwelonke, futhi benze ngokwethembeka ekwenzeni izinqubomgomo ezisemthethweni kahulumeni wangaleso sikhathi.

(2) Izimiso nemibandela yokuqashwa emsebenzini kahulumeni kufanele ilawulwe ngumthetho kazwelonke. Abasebenzi banelungelo lokuthola impesheni efanele njengoba ilawulwa ngumthetho kazwelonke.

(3) Akukho muntu osebenzela uhulumeni okufanele avunwe noma abandlululwe ngenxa yokuthi lowo muntu weseka iqembu noma inkolelo ethile yezombusazwe.

(4) Ohulumeni bezifundazwe babhekene nokufuna abasebenzi, ukuqasha, ukukhushulwa ezikhundleni, ukushintshela kwenye indawo umsebenzi kanye nokuxosha amalungu abasebenzi bakahulumeni emahhovisi okuphatha ngaphakathi kohlaka lwemigomo efanayo namazinga asetshenziswayo kubasebenzi bakahulumeni.

ISAHLUKO 11

AMAZIKO EZOKUPHEPHA

Imigomo ebusayo

198. Imigomo elandelayo yengamela ukuphepha kwezwe eRiphabhuliki -

(a) Ukuphepha kwezwe kufanele kubonise ukuzinikela kwabo bonke abantu baseNingizimu Afrika, njengabantu ngabanye futhi nanjengesizwe, ukuphilisana njengabantu abalinganayo, ngokuthula nokuzwana, ngokungasabi kanye nokufuna impilo engcono.

(b) Ukuzinikela ekuphileni ngokuthula nangokuthula nangokuzwana kuvimbela wonke umuntu oyisakhamuzi saseNingizimu Afrika ukuthi abambe iqhaza empini, ngaphakathi ezweni noma namanye amazwe, ngaphandle kwalapho kunokwenzeka khona njengokuhlinzeka koMthethosisekelo noma umthetho kazwelonke.

(c) Ukuphepha kwezwe kufanele kuqikelelwe ngendlela ehambisana nomthetho, kumbandakanya umthetho wamazwe ngamazwe.

(d) Ukuphepha kwezwe kulawulwa yiPhalamende nomkhandlu ophathe kuzwelonke.

Ukumiswa, ukuhleleka nokuziphatha kwezikhungo zezokuphepha

199. (1) Izikhungo zokuphepha zeRiphabhuliki zakhiwe ngumbutho wokuvikela owodwa, umbutho wamaphoyisa owodwa kanye namaziko obunhloli amiswe ngokoMthethosisekelo.

(2) Umbutho wezokuvikela yiwona wodwa umbutho ohlomile osemthethweni eRiphabhuliki.

(3) Ngaphandle kwamaziko okuphepha amiswe ngokoMthethosisekelo, izinhlangano noma amaziko ahlomile, zingamiswa kuphela ngokusho komthetho kazwelonke.

(4) Amaziko okuphepha kufanele akhiwe futhi aqhutshwe ngokomthetho kazwelonke.

(5) Amaziko okuphepha kufanele enze, futhi kufanele afundise abuye aphoqelele amalungu awo ukuba enze izinto,ngendlela ehambisana nokushiwo nguMthethosisekelo nomthetho, kumbandakanya umthetho ongamasiko wamazwe ngamazwe kanye nezivumelwano zamazwe ngamazwe ezibophezela iRiphabhuliki.

(6) Akukho lungu lanoma yiliphi iziko lokuphepha elivunyelwe ukulandela umyalo ophambene ngokusobala nomthetho.

(7) Amaziko okuphepha, noma yinoma yimaphi amalungu awo, awanakwenza imisebenzi yawo ngendlela –

(a) ekhinyabeza izinjongo zeqembu lezombusazwe elisemthethweni ngokoMthethosisekelo; noma

(b) eqhuba, ngendlela eqhuba izinjongo zeqembu lezombusazwe elithile.

(8) Ukuze kufezeke imigomo yokusebenzela obala neyokuziphendulela, amakomiti asePhalamende amele amaqembu amaningi kufanele aqaphe konke ukwenza kwamaziko ezokuphepha ngendlela equnywe ngumthetho kazwelonke noma imitheshwana noma imiyalo yePhalamende.

Ezokuvikela

Umbutho wezokuvikela

200. (1) Umbutho wokuvikela kufanele uhleleke futhi uphathwe njengombutho ohlomile onokuzithiba.

(2) Injongo ebalulekile yombutho wokuvikela ukuvikela nokukhusela iRiphabhuliki, ukuhlonishwa kwemingcele yayo kanye nabantu bayo ngokwemigomo yomthetho wamazwe ngamazwe olawula ukusetshenziswa kwamandla.

Izibopho ngokwezombusazwe

201. (1) Ilungu leKhabhinethi kufanele libheke ukuvikela.

(2) NguMongameli kuphela, njengehloko yomkhandlu ophethe, ongagunyaza ukuqashwa kombutho wezokuvikela –

(a) ngokubambisana nombutho wamaphoyisa;

(b) ngenhloso yokuvikela iRiphabhuliki; noma

(c) ngokufeza isibopho samazwe ngamazwe.

(3) Uma iziko lezokuvikela liqashwa nganoma iyiphi inhloso eshiwo kusigatshana sesi (2), uMongameli kufanele azise iPhalamende, ngokushesha futhi abike imininingwane efanele –

(a) ngezizathu zokusetshenziswa kombutho wezokuvikela;

(b) nganoma yiziphi izindawo lapho umbutho usetshenziswa khona;
(c) ngenani labantu elithintekayo; kanye
(d) nangesikhathi okulindelwe ukuthi umbutho uzosetshenziswa ngaso.

(4) Uma iPhalamende lingahlangani ezinsukwini zokuqala eziyisikhombisa ngemuva kokuqokwa kombutho wezokuvikela njengokucatshangwa esigatshaneni sesi (2), uMongameli kufanele anikeze ulwazi oludingekile kusigatshana sesi (3) ekomitini eliqaphayo elifanele.

Ukukhuzwa kombutho wokuvikela

202. (1) UMongameli, njengenhloko ephethe ezweni unguMkhuzi oMkhulu wombutho wezokuvikela, futhi kufanele aqokele esikhundleni abaKhuzi Bempi bombutho wezokuvikela.

(2) Ukukhuzwa kwombutho wezokuvikela kufanele kwenziwe ngendlela ehambisana nokuyalela kwelungu leKhabhinethi elibhekene nezokuvikela, ngaphansi kokugunyazwa nguMongameli.

Isimo sezokuvikelwa kwezwe

203. (1) UMongameli njengenhloko ephethe ezweni angakhipha isimemezelo sokuthi kunesimo sokuvikela izwe, futhi kufanele azise iPhalamende ngokushesha futhi anikeze imininingwane efanele –

(a) ngezizathu zesimemezelo;
(b) nganoma iyiphi indawo lapho kusetshenziswa khona umbutho; kanye
(c) nangenani labantu abathintekayo.

(2) Uma lingahlangene iPhalamende ngesikhathi kumenyezelwa isimo sokuvikela izwe, uMongameli kufanele abizele iPhalamende emhlanganweni ongejwayelekile zingakapheli izinsuku eziyisikhombisa senziwe isimemezelo.

(3) Isimemezelo sesimo sokuvikela izwe siyaphela ngaphandle kwalapho semukelwe yiPhalamende zingakapheli izinsuku eziyisikhombisa senziwe.

Abasebenzela ukuvikela umphakathi abangamalungu omphakathi

204. Kufanele umthetho kazwelonke umise iziko labasebenzela ezokuvikela bengewona amalungu ombutho kodwa bengamalungu ajwayelekile omphakathi, azosebenza ngaphansi kwelungu leKhabhinethi elibheke ezokuvikela.

Amaphoyisa

Iziko lezamaphoyisa

205. (1) Iziko lezamaphoyisa likazwelonke kufanele lihleleke ngendlela yokuba lisebenze emikhakheni kazwelonke, eyezifundazwe futhi, lapho kufanele, ezingxenyeni zohulumeni basekhaya.

(2) Umthetho kazwelonke kufanele umise amandla nemisebenzi yeziko lamaphoyisa futhi uvumele amaphoyisa ukuba enze umsebenzi wawo ngendlela enempumelelo, enaka isidingo zezifundazwe.

(3) Izinjongo zeziko lezamaphoyisa ukuvimbela, ukulwisa nokuphenya ubelelesi, ukugcina ukuthula emphakathini nokuvikela nokuphephisa abahlali baseRiphabhuliki nempahla yabo, kanye nokuphakamisa nokuphoqelela umthetho.

Izibopho ngokwezombusazwe

206. (1) Ilungu leKhabhinethi kufanele libheke ukwenziwa komsebenzi wobuphoyisa, futhi kufanele linqume inqubomgomo kazwelonke yomsebenzi wobuphoyisa ngemuva kokubonisana nohulumeni bezifundazwe nangokuqaphela izidingo zobuphoyisa kanye nezidingongqangi zezifundazwe ngokwesinqumo sabaphethe isifundazwe.

(2) Inqubo yobuphoyisa kazwelonke ingabekela izinqubomgomo ezehlukene imibandela mayelana nezifundazwe ezahlukene ngemuva kokucabangela izidingo zobuphoyisa kanye nezidingongqangi zalezo zifundazwe.

(3) Isifundazwe ngasinye sinelungelo –

(a) lokuqapha ukuziphatha kwamaphoyisa;

(b) lokubeka iso ekusebenzeni ngempumelelo kweziko lamaphoyisa , kumbandakanya nokwemukela imibiko ngeziko lamaphoyisa;

(c) lokuthuthukisa ubudlelwane obuhle phakathi kwamaphoyisa nomphakathi;

(d) lokubhekisisa impumelelo yokwenza umsebenzi wamaphoyisa ngokusobala; kanye

(e) nelokuxhumana nelungu leKhabhinethi elibhekene nomsebenzi wobuphoyisa mayelana nobelelesi kanye nokusebenza kwamaphoyisa esifundazweni.

(4) Abaphethe esifundazweni banesibopho sokubheka imisebenzi yobuphoyisa –

(a) egunyazwe yilesi Sahluko;

(b) egunyazwe ngokomthetho kazwelonke; kanye

(c) nabayabelwe ngokwenqubomgomo kazwelonke yezamaphoyisa.

(5) Ukuze isifundazwe sikwazi ukwenza imisebenzi ebekwe kusigatshana sesi (3) –

(a) singacubungula, noma siqoke ikhomishani yophenyo, nganoma yiziphi izikhalo zokungasebenzi ngokugculisa kwamaphoyisa noma ukunqamuka kobudlelwane phakathi kwamaphoyisa kanye nanoma yimuphi umphakathi; futhi

(b) kufanele senze izincomo elungwini leKhabhinethi elibheke ezamaphoyisa.

(6) Ngemuva kokwamukela kwesikhalo esifakwe ngabaphethe isifundazwe, inhlangano yezamaphoyisa ezimele yezikhalo emiswe ngumthetho kazwelonke kufanele iphenye noma yikuphi ukungaziphathi kahle okusolwayo, noma icala okusolwa ukuthi lenziwe, yilungu labasebenzela amaphoyisa esifundazweni.

(7) Umthetho kazwelonke kufanele uhlinzeke ngohlaka lokwakhiwa, lamandla, lemisebenzi kanye nokulawulwa komsebenzi wamaphoyisa kamasipala.

(8) Ikomiti elakhiwe ngamalungu eKhabhinethi kanye namalungu oMkhandlu Omkhulu obheke umsebenzi wamaphoyisa kufanele lakhiwe ukuze kuqikelelwe ukusebenza ngempumelelo kwamaphoyisa kanye nokubambisana okuyimpumelelo neminye imikhakha kahulumeni.

(9) Isishayamthetho sesifundazwe singadinga ukuthi ukhomishani wesifundazweavele ngaphambi kwaso noma kunoma yiliphi elinye lamakomiti aso ukuphendula imibuzo.

Ukulawulwa kweziko lamaphoyisa

207. (1) UMongameli njengenhloko yabaphethe kuzwelonke kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengoKhomishani Kazwelonke wamaphoyisa, ukuze alawule futhi aphathe amaphoyisa.

(2) UKhomishani kaZwelonke kufanele alawule futhi aphathe amaphoyisa ngendlela ehambisana nemigomo kazwelonke yokwenza umsebenzi wamaphoyisa kanye neziyalelo zelungu leKhabhinethi elibhekene nomsebenzi wobuphoyisa.

(3) UKhomishani Kazwelonke, ngokuvumelana nabaphethe isifundazwe, kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengokhomishani waleso sifundazwe, kodwa uma uKhomishani Kazwelonke kanye nabaphethe isifundazwe behluleka ukuvumelana ngokuqoka lowo muntu, ilungu leKhabhinethi

elibhekene nomsebenzi wamaphoyisa kufanele lilamule phakathi kwamaqembu ezombusazwe.

(4) OKhomishani besifundazwe banesibopho kwezamaphoyisa ezifundazweni zabo –
  (a) njengoba kubekwe ngumthetho kazwelonke; kanye
  (b) nangokuhlonipha amandla kaKhomishana Kazwelonke okulawula nokuphatha umsebenzi wamaphoyisa njengokusho kwesigatshana sesi (2).

(5) UKhomishani wesifundazwe kufanele abike kusishayamthetho sesifundazwe minyaka yonke ngomsebenzi wobuphoyisa esifundazweni, futhi kufanele athumele ikhophi yombiko kuKhomishani Kazwelonke.

(6) Uma ukhomishani wesifundazwe engasabethembi abaphethe isifundazwe, labo baphathi bangamisa inqubo efanele yokususa noma ukushintshwa, noma ukuthathela izinyathelo zoqondisa izigwegwe, lowo khomishani, ngokulandela umthetho kazwelonke.

Abasebenzela amaphoyisa bengamalungu omphakathi

208. Kufanele kumiswe iziko labasebenzela amaphoyisa abangamalungu omphakathi, ngomthetho kazwelonke ukuthi basebenze ngokuyalelwa yilungu leKhabhinethi elibheke umsebenzi wobuphoyisa.

Ubunhloli

Ukumiswa nokulawulwa kwemisebenzi yobunhloli

209. (1) Noma yimiphi imisebenzi yobunhloli, ngaphandle kwengxenye yobunhloli engaphansi kombutho wezokuvikela, ingamiswa kuphela nguMongameli, njengenhloko ephethe kuzwelonke, futhi kuphela njengokusho komthetho kazwelonke.

(2) UMongameli njengenhloko ephethe kuzwelonke kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengenhloko yezomsebenzi ngamunye wobunhloli, omiswe ngokwesigatshana soku-(1), futhi kufanele athathe isibopho ngokwezombusazwe mayelana nokulawulwa nokuyalelwa kwanoma yimiphi yale misebenzi noma aqoke ilungu leKhabinethi okuyilona elizothatha leso sibopho.

Amandla, imisebenzi kanye nokuqapha

210. Umthetho kazwelonke kufanele ulawule izinjongo, amandla kanye nemisebenzi yobunhloli, kumbandakanya nanoma iluphi uphiko lobunhloli lombutho wezokuvikela noma wezamaphoyisa, futhi kufanele uhlinzekele –

   (a) ukuqondaniswa kwayo yonke imisebenzi yobunhloli; kanye
   (b) nokuqaphelwa kwamalungu omphakathi kwezenzo zaleyo misebenzi yenhloli eqokelwe esikhundleni nguMongameli, njengenhloko ephethe kuzwelonke, futhi kwamukelwe ngesinqumo sePhalamende esesekwe yivoti lamalungu amabili kwamathathu okungenani.

ISAHLUKO 12

ABAHOLI BENDABUKO

Ukuvunywa

211. (1) Isikhungo, izinga kanye neqhaza elibanjwa ngubuholi bendabuko, njengoba kubekwa ngumthetho wamasiko, kuyavunywa, kuphela uma kuhambisana noMthethosisekelo.

(2) Umbuso wendabuko olandela uhlelo lomthetho wamasiko ungasebenza kuphela ngokwanoma yimuphi umthetho osetshenziswayo kanye namasiko, ombandakanya ukuchibiyelwa noma ukuqedwa kwalowo mthetho noma amasiko.

(3) Izinkantolo kufanele zisebenzise imithetho yamasiko uma lowo mthetho kuyiwona usebenza, kuye ngokoMthethosisekelo kanye nanoma yimuphi umthetho ophathelene ngqo nomthetho wamasiko.

Iqhaza eibanjwa ngabaholi bendabuko

212. (1) Umthetho kazwelonke ungahlinzekela iqhaza lobuholi bendabuko, njengesikhungo ezingeni lendawo ezindabeni ezithinta imiphakathi yendawo.

(2) Ukuze kubhekanwe nezindaba eziphathelene nobuholi bendabuko, iqhaza labaholi bendabuko, umthetho wamasiko kanye namasiko emiphakathi elandela uhlelo lomthetho wamasiko –

(a) umthetho kazwelonke noma wesifundazwe ungahlinzekela ukumiswa kwezindlu zabaholi bendabuko; futhi

(b) umthetho kazwelonke ungamisa umkhandlu wabaholi bendabuko.

ISAHLUKO 13

IZIMALI

Okuphathene nezimali ngokubanzi

Isikhwama seMali sikaZwelonke

213. (1) Kunesikhwama Semali Sikazwelonke okufakwa kuso yonke imali kanye nemali etholwe nguhulumeni kazwelonke, okufanele ikhokhwe, ngaphandle kwemali eshiywe ngaphandle ngumthetho wePhalamende.

(2) Imali ingakhishwa esiKhwameni Semali Sikazwelonke kuphela –

(a) ngokuthi ibekwe eceleni ngokoMthetho Wephalamende; noma

(b) njengemali ebekelwe umsebenzi othile ikhishwa esiKhwameni Semali Sikazwelonke, uma ihlinzekelwe kuMthethosisekelo noma kuMthethweni Wephalamende.

(3) Ingxenye elingene yemali yezifundazweni evela ezimalini zikazwelonke ikhishwa ngqo esiKhwameni Semali Kazwelonke.

[Usuku lokuqala ukusebenza kwesigaba sama 213: umhla zi 1 Januwari 1998.]

Ukwabiwa ngokulingana kanye nokwabiwa kwezimali

214. (1) UMthetho Wephalamende kufanele uhlinzekele –

(a) ukwehlukaniswa ngokulingana kwezimali eziqoqwe ezweni lonke phakathi kwemikhakha kahulumeni kazwelonke, yezifundazwe nohulumeni basekhaya;

(b) ukutholwa kwendlela egculisayo yokunquma ngokulinganayo ubungako bengxenye yemali etholwa yisifundazwe ngasinye esabelweni sesifundazwe saleyo mali; kanye

(c) nanoma yikuphi okunye ukwabiwa okuya kohulumeni bezifundazwe, basekhaya noma komasipala, kuvela esabelweni semali sikahulumeni kazwelonke, kanye nanoma yiziphi izimo okungenzelwa phezu kwazo lokho kwabiwa.

(2) UMthetho oshiwo kusigatshaneni soku-(1) ungashaywa kuphela ngemuva kokubonisana nohulumeni besifundazwe, ohulumeni basekhaya abahlelekile kanye

neKhomishani Yezezimali Neyesikhwama Sombuso, futhi kwabhekisiswa noma yisiphi isincomo seKhomishani; futhi kufanele ubhekele –

(a) izidingo zezwe;
(b) noma iyiphi imibandela okufanele yenziwe mayelana nesikweletu sezwe kanye nezinye izibopho zikazwelonke;
(c) izidingo nezintshisekelo zikahulumeni kazwelonke, ezitholakele ngokuthi kusetshenziswe imigomo engathathi hlangothi;
(d) isidingo sokuqinisekisa ukuthi izifundazwe nomasipala bayakwazi ukufeza izidingongqangi nokwenza imisebenzi abayabelwe;
(e) amandla ezezimali kanye nokusebenza ngekhono kwezifundazwe nomasipala;
(f) izidingo zokuthuthukiswa nezinye izidingo zezifundazwe, zohulumeni basekhaya kanye nomasipala;
(g) ukwehluka kwezimo zomnotho kuzifundazwe naphakathi kwezifundazwe;
(h) izibopho zezifundazwe nomasipala ngokomthetho kazwelonke;
(i) ukufuneka kokwabiwa kwezabelo zemali ezisimeme nezilindelekile; kanye
(j) nesidingo sokungaqinisi izintamo uma kubhekwana nezimo eziphuthumayo noma ezinye izidingo zesikhashana, kanye namanye amaphuzu esekelwe kuzimo ezifanayo.

[Usuku lokuqala kwesigaba sama 214: umhal zi 1 Januwari 1998.]

Izabelozimali zikazwelonke, zesifundazwe nezomasipala

215. (1) Izabelozimali zikazwelonke, zesifundazwe nezomasipala kanye nezinqubo zokwabiwa kwezimali kufanele zigqugquzelele ukusebenzela obala, ukuphenduleka, kanye nokuphathwa kwezimali okunempumelelo kwezomnotho, kwezikweletu kanye nomkhakha womphakathi.

(2) Umthetho kazwelonke kufanele ubeke imiyalo –

(a) uhlobo izabelozimali zikazwelonke, ezezifundazwe nezomasipala okufanele uhlobo izabelozimali zikazwelonke, ezezifundazwe nezomasipala okufanele lube yilona;
(b) ngokuthi izabelozimali zikazwelonke, ezezifundazwe noma zendawo kufanele zethulwe nini; kanye
(c) nokuthi izabelozimali emkhakheni ngamunye kahulumeni kufanele zibonise ukuthi izimali zivelaphi nokuthi izindleko ezihlongozwa zizohambisana

ngayiphi indlela nomthetho kazwelonke.

(3) Isabelozimali nagsinye emkhakheni kahulumeni ngamunye kufanele siqukathe –

(a) izilinganiso zezimali ezizotholwa nezizosetshenziswa ezehlukanisa phakathi kwezindleko zesikhthi eside kanye nezindleko eziqhubekayo;

(b) iziphakamiso zokuthi izikweletu noma yikuphi ukuntuleka kwemali okulindelekile kuzokhokhwa kanjani kuleso sikhathi okuzobe kwenzeka ngaso; kanye

(c) nokukukhombisa izinhloso mayelana nokwebolekwa kwemali nezinye izinhlobo zezikweletu zomphakathi ezizokwandisa izikweletu zomphakathi onyakeni olandelayo.

[Usuku lokuqala kwesigaba sama 215: umhla zi 1 Januwari 1998.]

Ukulawulwa kwezimali zombuso

216. (1) Umthetho kazwelonke kufanele umise ihhovisi likazwelonke lokugcina izimali zombuso bese ubeka izindlela zokuqinisekisa kokubili ukusebenza ngendlela esobala kanye nokulawulwa kokusetshenziswa kwezimali emkhakheni ngawunye kahulumeni, ngokuthi wethule –

(a) izindlela zokugcinwa kwama-akhawunti ezijwayelekile njengezamukeliwe zokubika ngezimali;

(b) izigaba imali esetshenziselwa zona ngokufanayo mayelana nokusetshenziswa kwemali; kanye

(c) nemigomo nezilinganiso ezifanayo mayelana nezimali zombuso.

(2) Ihhovisi likazwelonke lezimali zombuso kufanele liphoqelele ukulandelwa kwezinyathelo ezisungulwe ngokwesigatshana soku (1), futhi lingavimba ukwedluliselwa kwezimali engxenyeni yombuso uma ngabe leyo ngxenye yombuso yephule lezo zinyathelo ngendlela embi kakhulu noma elokhu iphindaphindwa.

[Isigatshana sesi (2) indawo yaso ithathwe yisigaba sesi 5(a) soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

(3) Isinqumo sokumisa ukwedluliswa kwezimali okufanele zitholwe yisifundazwe ngokwesigaba sama 214(1) (b) singathathwa kuphela ngaphansi kwezimo eziphawulwe esigatshaneni sesi (2), futhi –

(a) asinakumisa ukwedluliswa kwemali isikhathi esingaphezulu kwezinsuku

eziyi-120; futhi

(b) singaphoqelelwa ngokushesha, kodwa sizophela kusukela esikhathini esedlule ngaphandle uma iPhalamende lisemukela kulandela uhlelo olufana kakhulu nalolo olumiswe ngokwesigaba sama 76(1) futhi lwamiswa yimitheshwana nemiyalo ehlanganyelwe yePhalamende. Lolu hlelo kufanele lwenziwe luqedwe kungakapheli izinsuku ezingama-30 senziwe isinqumo sehhovisi likazwelonke lezimali zombuso.

[Isigatshana sesi (3) sichibiyelwe yisigaba sesi 5(b) soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

(4) IPhalamende lingasivuselela isinqumo sokumisa ukwedluliswa kwemali zingeqi izinsuku eziyi 120 ngasikhathi ngasinye, ngemuva kokulandela uhlelo olubekwe ngokwesigatshana sesi (3).

(5) Ngaphambi kokuthi iPhalamende lemukele noma livuselele isinqumo sokumisa ukwedluliselwa kwezimali esifundazweni –

(a) uMcubunguli Mabhuku Jikelele Wezimali Zombuso kufanele anikeze iPhalamende umbiko; futhi

(b) isifundazwe kufanele sinikwe ithuba lokuziphendulela ngalokho esethweswe icala ngakho, futhi sibeke udaba lwaso phambi kwekomiti.

Impahla nemisebenzi ekhokhelwa ngezimali zikahulumeni

217. (1) Uma ingxenye yombuso emkhakheni kahulumeni kazwelonke, wesifundazwe noma wasekhaya, noma iyiphi enye inhlangano evezwe emthethweni kazwelonke, ungena ezivumelwaneni mayelana nempahla noma imisebenzi, kufanele zikwenze lokhu ngokuhambisana nohlelo olungenzeleli, olulinganayo, olusobala, olufanele nolungabizi.

(2) Isigatshana soku (1) asizivimbeli izingxenye zombuso noma izikhungo okubhekiswe kuzo kuleso sigatshana ukuthi zisebenzise inqubomgomo yokutholwa kwempahla noma wokwenziwa kwemisebenzi ehlinzekela -

(a) izigaba ezinconywayo kunezinye lapho kwabiwa izivumelwano ezenziwayo; kanye

(b) nokuvikelwa noma ukuthuthukiswa kwabantu noma izigaba zabantu, ababekwe esimweni esingesihle ngenxa yobandlululo.

(3) Umthetho kazwelonke kufanele ubeke uhlaka okufanele kwenzelwe ngaphakathi

kwalo inqubomgomo ephawulwe ezigatshaneni sesi (2).

[Isigatshana sesi (3) indawo yaso ithathwe yisigaba sesi 6 soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

Iziqinisekiso zikahulumeni

218. (1) Uhulumeni kazwelonke, uhulumeni wesifundazwe noma umasipala anganikeza isiqinisekiso ngemali etshelekwayo kuphela uma isiqinisekiso sihambisana nanoma yimiphi imibandela ebekwe emthethweni kazwelonke.

(2) Umthetho kazwelonke ophawulwe esigatshaneni soku (1) ungashaywa kuphela ngemuva kokuthi noma yiziphi izincomo zeKhomishani Yezezimali Neyesikhwama Sombuso sezicutshunguliwe.

(3) Minyaka yonke, uhulumeni ngamunye kufanele ashicilele umbiko ngeziqinisekiso azinikile.

[Usuku lokuqala ukusebenza kwesigaba sama 218: umhla zi 1 Januwari 1998.]

Ukukhokhelwa kwabantu abasezikhundleni zikahulumeni

219. (1) UMthetho Wephalamende kufanele umise uhlaka lokunquma –

(a) ngamaholo, izibonelelo nezinzuzo zamalungu esiGungu Sikazwelonke, izithunywa ezisezikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke, zamalungu eKhabhinethi, zamaPhini oNgqongqoshe, zabaholi bendabuko kanye nezamalungu anoma yimiphi imikhandlu yabaholi bendabuko; kanye

(b) nokubeka umkhawulo ongenakweqiwa ngamaholo, izibonelelo noma izinzuzo zamalungu ezishayamthetho zezifundazwe, zamalungu emiKhandlu ePhethe kanye namalungu eMikhandlu Yomasipala bezinhlobo ezahlukene.

(2) Umthetho kazwelonke kufanele umise ikhomishani ezimele yokwenza izincomo mayelana namaholo, izibonelelo kanye nezinzuzo eziphawulwe esigatshaneni soku (1).

(3) IPhalamende lingemukela umthetho ophawulwe esigatshaneni soku (1) kuphela ngemuva kokucubungula nanoma yiziphi izincomo ezenziwe yiKhomishani emiswe njengoba kushiwo esigatshaneni sesi (2).

(4) Abaphethe kuzwelonke, abaphethe esifundazweni, umasipala noma yisiphi esinye

isiphathimandla bangasebenzisa umthetho kazwelonke ophawulwe esigatshaneni soku (1), kuphela ngemuva kokucubungula noma yisiphi isincomo esenziwe yiKhomishani emiswe ngokwesigatshana sesi (2).

(5) Umthetho kazwelonke kufanele umise izinhlaka zokunquma ngamaholo, izibonelelo nezinzuzo zamajaji, zoMvikeli Womphakathi, zoMcubunguli Mabhuku Jikelele Wezimali Zombuso kanye nezamalungu anoma iyiphi iKhomishani ehlinzekelwe kuMthethosisekelo, kumbandakanya isiphathimandla sezokusakaza esiphawulwe esigabeni se 192.

IKhomishani Yezezimali Neyesikhwama Sombuso

Ukumiswa nokusebenza kwayo

220. (1) KuneKhomishani Yezezimali Neyesikhwama Sombuso YeRiphabhuliki eyenza izincomo ezicatshangwayo kulesi Sahluko, noma emthethweni kazwelonke, izethule ePhalamende, kuzishayamthetho zezifundazwe kanye nakunoma yiziphi ezinye iziphathimandla ezibekwe ngumthetho kazwelonke.

(2) IKhomishani izimele futhi ilawulwa kuphela nguMthethosisekelo nangumthetho, futhi kufanele ingachemi.

(3) IKhomishani kufanele isebenze ngokoMthetho Wephalamende futhi, ekwenzeni imisebenzi yayo, kufanele icubungule wonke amaphuzu athintekayo, kumbandakanya lawo asihlwini olusesigabeni sama 214(2).

Ukuqokelwa esikhundleni nesikhathi sesikhundla samalungu

221. (1) IKhomishani yakhiwe yilaba bantu besifazane nabesilisa abalandelayo abaqokelwe esikhundleni nguMongameli, njengenhloko yabaphethe kuzwelonke -

(a) Usihlalo kanye nephini likasihlalo;

(b) abantu abathathu abakhethwe, ngemuva kokubonisana noNdunankulu, ohlwini olwenziwe ngokuhambisana nenqubo ebekwe ngumthetho kazwelonke;

(c) abantu ababili abakhethwe, ngemuva kokubonisana nohulumeni basekhaya abahlelekile, ohlwini olwenziwe ngohambisna nenqubo ebekwe ngumthetho kazwelonke; kanye

(d) nabanye abantu ababili.

[Isigatshana soku (1) indawo yaso ithathwe yisigaba sesi 7(a) soMthetho Wesihlanu Wokuchibiyela uMthethosisekelo we 1999] futhi yaphinda yathathwa yisigaba sesi 7(a) soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

(1A) Umthetho kazwelonke okubhekiswe kuwo esigatshaneni soku (1) kufanele ubonelele ukubamba iqhaza –

(a) koNdunankulu ekwenziweni kohlu olucatshangwa esigatshaneni soku-(1)(b); kanye

(b) nokukahulumeni wasekhaya ohlelekile ekwenziweni kohlu oluhlongozwa esigatshaneni soku (1)(c).

[Isigatshana soku (1A) sifakwe yisigaba sesi 7(b) soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

(2) Amalungu eKhomishani kufanele abenolwazi obufanele.

(3) Amalungu asebenza ezikhundleni ngokomthetho kazwelonke. UMongameli angasusa ilungu esikhundleni ngezizathu zokungaziphathi kahle, zokungakwazi ukwenza umsebenzi ngenxa yesimo esithile noma zokungawazi umsebenzi.

Imibiko

222. IKhomishani kufanele inikeze imibiko ngezikhathi ezibekiwe ePhalamende nakuzishayamthetho zezifundazwe.

IBhange Elikhulu Lesizwe

Ukumiswa

223. IBhange Lesizwe LaseNingizimu Afrika liyibhange elikhulu laseRiphabhuliki futhi lilawulwa ngokoMthetho Wephalamende.

Inhloso ebalulekile

224. (1) Inhloso ebalulekile yeBhange Lesizwe LaseNingizimu Afrika ukuvikela intengo yemali ukuze kuqinisekiswe ukukhula komnotho okungantengantengi nokuqhubekayo eRiphabhuliki.

(2) IBhange Lesizwe LaseNingizimu Afrika, ekufezeni inhloso yalo ebalulekile, kufanele

lenze imisebenzi yalo ngokuzimela nangaphandle kokwesaba, ukukhetha noma ukujivaza, kodwa kufanele kube nokubonisana njalo phakathi kweBhange nelungu leKhabhinethi elibheke ezezimali zikazwelonke.

Amandla nemisebenzi

225. Amandla nemisebenzi yeBhange Lesizwe LaseNingizimu Afrika yileyo evame ukusetshenziswa futhi yenziwe ngamabhange amakhulu, nekufanele imiswe nguMthetho Wephalamende futhi kufanele isetshenziswe noma yenziwe ngokwemibandela ebekwe ngokwalowo Mthetho.

IziNdaba Eziphathelene Nezezimali Zesifundazwe Nezendawo

IsiKhwama seziMali zesiFundazwe

226. (1) KunesiKhwama Sezimali Zesifundazwe sesifundazwe ngasinye okufanele kufakwe kuso zonke izimali ezitholwe nguhulumeni wesifundazwe, ngaphandle kwemali eshiywe ngaphandle ngokufanele ngokwalo Mthetho Wephalamende.

(2) Imali ingakhishwa esiKhwameni Semali Sesifundazwe kuphela –

(a) ngokuthi ithathwe ngokoMthetho wesifundazwe; noma

(b) njengemali ebezelwe umsebenzi othile kusiKhwameni Semali Sesifundazwe, uma ihlinzekelwe kuMthethosisekelo noma kumthetho wesifundazwe.

(3) Izimali ezabiwe ngokusebenzisa isifundazwe ziya kuhulumeni wasekhaya kuleso sifundazwe, ngokwesigaba sama 214(1), zikhishwa ngqo esiKhwameni Semali saleso sifundazwe.

(4) Umthetho kazwelonke unganquma ngohlaka okumele kusetshenzelwe ngaphakathi kwalo ukuthi -

(a) uMthetho wesifundazwe ngokwesigatshana sesi (2)(b) ungagunyaza ukuba kukhishwe imali njengemali ebibizwa ngqo kusiKhwama Semali Sesifundazwe; kanye

(b) nemali eyabiwe ngesifundazwe yanikwa uhulumeni wasekhaya kuleso sifundazwe ngokwesigatshana sesi (3) kufanele ikhokhelwe omasipala kuleso sifundazwe.

[Isigatshana sesi (4) singezwe yisigaba sesi 8 soMthetho Wesikhombisa Wokuchibiyela uMthetho-sisekelo we 2001.]
[Usuku lokuqala ukusebenza kwesigaba sama-226: umhla zi 1 kuMasingana 1998.]

Imithombo kazwelonke yezimali zesifundazwe nezikahulumeni wasekhaya

227. (1) Uhulumeni wasekhaya nesifundazwe ngasinye –

(a) banelungelo lokuthola ingxenye egculisayo yemali eqoqwe kuzwelonke ukuze bakwazi ukuhlinzekela izidingo zomphakathi nokwenza imisebenzi abayabelwe; futhi

(b) bangathola okunye ukwabiwa okuqhamuka emalini kahulumeni kazwelonke, okungabekelwa izimiso noma kungabinazimiso.

(2) Izimali ezingaphezulu eziqoqwe yizifundazwe noma ngomasipala zingesuswe engxenyeni yabo yemali eqoqwe ngokukazwelonke, noma kokunye ukwabiwa abakuthole ezimalini zikahulumeni kazwelonke. Ngokulinganayo, uhulumeni kazwelonke akaphoqwe yilutho ukuba anxephezelise izifundazwe noma omasipala abangaqoqi izimali ezilingana nezimali ezingaqoqwa noma izintela ezingakhokhwa.

(3) Ingxenye yemali egculisayo yesifundazwe eqoqwe kuzwelonke kufanele yedluliselwe kusifundazwe ngokushesha futhi kungazange kubanjwe zimali kuyo, ngaphandle kwalapho ukwedluliswa kumiswe ngokwesigaba sama 216.

(4) Isifundazwe kufanele sizihlinzekele ngokwaso noma yiziphi izinto esizidingayo, ngokokuhlinzeka komthethosisekelo waso wesifundazwe, ezingaphezulu kwezidingo ezihlongozwe kuMthethosisekelo.

[Usuku lokuqala ukusebenza kwesigaba sama 227: umhla zi 1 Januwari 1998.]

Izintela zesifundazwe

228 .(1) Isishayamthetho sesifundazwe singabeka –

(a) izintela, izimali ezikhokhewa okuthile nezimali ezikhokhelwa izimpahla ezithile, ngaphandle kwentela yeholo, intela efakwa enanini lentengo yokuthile, intela eyejwayelekile kokuthengiswayo, intela yomhlaba nezakhiwo noma intela yemikhiqizo yakwamanye amazwe; kanye

(b) nemali eyinani elingaguquki ehlawuliswa ngaphezu kwanoma iyiphi intela, imali ekhokhelwa okuthile noma imali ekhokhelwa izimpahla ezithile ebekwe ngumthetho kazwelonke, ngaphandle kwezimali zezintela ezivela emalini etholwa ngezohwebo, emalini efakwa enanini lentengo yokuthile, intela yomhlaba nezakhiwo noma izintela zemikhiqizo evela kwamanye amazwe.

[Indima (b) indawo yayo ithathwe yisigaba sesi 9 soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

(2) Amandla esishayamthetho sesifundazwe okubeka izintela, izimali ezikhokhiselwa okuthile, izimali ezikhokhelwa izimpahla ezithile kanye nezimali ezihlawuliswa ngaphezulu –

(a) awanakusetshenziswa ngendlela engakhinyabeza kakhulu futhi ngendlela engafanele izinqubomgomo zikazwelonke zezomnotho, izinyathelo eziphathelene nezomnotho ezeqe imingcele yezifundazwe, noma ukuhanjiswa ngokukazwelonke kwezimpahla, imisebenzi eyenziwayo, izimali noma abasebenzi; futhi

(b) kufanele alawulwe ngokoMthetho Wephalamende, ongashaywa kuphela ngemuva kokucutshungulwa kwanoma yiziphi izincomo zeKhomishani Yezezimali Neyesikhwama Sombuso.

[Usuku lokuqala ukusebenza kwesigaba sama 228: umhla zi 1 Januwari 1998.]

Amandla nemisebenzi yesikhwama sezimali sikamasipala

229. (1) Ngokwesigatshana sesi (2), sesi (3) kanye nesesi 4), umasipala angahlawulisa –

(a) intela yempahla umuntu anayo kanye nezimali ezihlawuliswa ngaphezulu ezimalini ezikhokhiselwa umsebenzi owenziwe noma owenziwe egameni likamasipala; futhi

(b) uma egunyazwe ngumthetho kazwelonke, angabeka ezinye izintela, izimali ezikhokhiselwa okuthile nezimali ezikhokhelwa izimpahla ezithile ezifanele uhulumeni waskhaya noma uhlobo lukahulumeni wasekhaya okungena ngaphansi kwalo lowo masipala, kodwa akunamasipala ovunyelwe ukubeka intela yeholo, intela efakwa enanini lentengo yezinto, intela ejwayelekile yokuthengiswayo noma intela yemikhiqizo evela kwamanye amazwe.

(2) Amandla kamasipala okuhlawulisa izintela empahleni yabantu, izimali ezihlawuliswa ngaphezulu kwezimali ezikhokhiselwa umsebenzi owenziwe noma owenziwe egameni likamasipala, noma ezinye izintela, izimali ezikhokhiselwa okuthile noma izimali ezikhokhelwa izimpahla ezithile zemikhiqizo evela kwamanye amazwe –

(a) awanakusetshenziswa ngendlela engakhinyabeza kakhulu futhi ngendlela engafanele izinqubomgomo zikazwelonke zezomnotho, izinyathelo

eziphathelene nezomnotho ezeqe imingcele yezifundazwe, noma ukuhanjiswa ngokukazwelonke kwezimpahla, imisebenzi eyenziwayo, izimali noma abasebenzi; futhi

(b) angalawulwa ngumthetho kazwelonke.

(3) Uma omasipala ababili benamandla afanayo ngokwesikhwama sombuso nangokwemisebenzi emayelana nendawo efanayo, ukwabiwa ngendlela efanele kwalawo mandla nemisebenzi kufanele kwenziwe ngokomthetho kazwelonke. Ukwabiwa kungenziwa kuphela ngemuva kokuqashelwa kwale migomo elandelayo -

(a) Isidingo sokuhambisana nemigomo ezwakalayo yokukhwa kwentela;

(b) Amandla nemisebenzi eyenziwa ngumasipala ngamunye;

(c) Ubungako besikhwama sombuso sikamasipala ngamunye;

(d) Ukusebenza ngempumelelo nangekhono lokwenziwa kokuhlawuliswa kwezintela, izimali ezikhokhiselwa okuthile nezimali ezikhokhelwa izimpahla ezithile.

(e) Ukulingana.

(4) Akukho lutho kulesi sigaba okuvimbela ukwabelana ngemali etholwe ngokwalesi sigaba phakathi komasipala abanamandla phezu kwesikhwama sombuso kanye nemisebenzi kuleyo ndawo.

(5) Umthetho kazwelonke ocatshangwa kulesi sigaba ungamiswa kuphela ngemuva kokubonisana nohulumeni wasekhaya kanye neKhomishani Yezezimali Neyesikhwama Sombuso, futhi uma sekucutshungulwe noma yisiphi isincomo seKhomishani.

[Usuku lokuqala ukusebenza kwesigaba sama 229: umhla zi 1 Januawari 1998.]

Imali ebolekwa yisifundazwe

230. (1) Isifundazwe singaboleka izimali zokuhlangabeza izindleko ezingaveli njalo nezezindleko eziqhubekayo ngokomthetho kazwelonke, kodwa imali ebolekelwa izindleko eziqhubekayo ingabolekwa kuphela uma kunesidingo sokuvala lapho kunokuntula khona onyakeni othile wezimali.

(2) Umthetho kazwelonke ophawulwe esigatshaneni soku (1) ungashaywa kuphela ngemuva kokuba izincomo zeKhomishani Yezezimali Neyesikhwama Sombuso sezicutshunguliwe.

[Isigaba sama 230 indawo yaso ithathwe yisigaba se 10 soMthetho Wesikhombisa Wokuchibiyela uMthethosisekelo we 2001.]

Imali ebolekwa ngumasipala

230A. (1) UMkhandlu Kamasipala, ngokulandela umthetho kazwelonke -

(a) ungabolekela umasipala izimali zokuhlangabezana izindleko ezingaveli njalo nezezindleko eziqhubekayo, kodwa imali ebolekelwa izindleko eziqhubekayo ingabolekwa kuphela uma kunesidingo sokuvala lapho kunokuntula khona onyakeni othile wezimali; futhi

(b) ungazibophezela wona kanye noMkhandlu wakusasa ekusetshenzisweni kwegunya lawo lomthetho nelokuphatha ukutholela umasipala izimali ezibolekwayo noma ukumtshalela izimali.

(2) Umthetho kazwelonke ophawulwe esigatshaneni soku (1) ungashaywa kuphela ngemuva kokuba izincomo zeKhomishani Yezezimali Neyesikhwama Sombuso sezicutshunguliwe.

[Isigaba sama 230A sifakwe yisigaba se 17 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

ISAHLUKO 14

IZIMISO EZIXUBILE

Umthetho wamazwengamazwe

Izivumelwano zamazwe ngamazwe

231. (1) Ukuxoxisana nokusayinwa kwazo zonke izivumelwano zamazwe ngamazwe kungumsebenzi woMkhandlu Ophethe Kazwelonke.

(2) Isivumelwano samazwe ngamazwe sibophezela iRiphabhuliki kuphela ngemuva kokuthi samukelwe ngesinqumo esithathwe ndawo zombili yiPhalamende kanye noMkhandlu Wezifundazwe Kazwelonke, ngaphandle kwalapho kuyisivumelwano esiphawulwe esigatshaneni sesi-(3).

(3) Isivumelwano samazwe ngamazwe sohlobo oluphathelene nezobuciko obuthile, nezokuhambisa kahle imisebenzi noma ezokuphatha, noma isivumelwano esingadingi ukwemukelwa noma ukwesekwa, esenziwe nguMkhandlu Ophethe, sibophezela iRiphabhuliki ngaphandle kokwamukelwa yisiGungu Sikazwelonke noma uMkhandlu Wezifundazwe Kazwelonke, kodwa kufanele sethulwe phambi kwePhalamende kanye noMkhandlu kungakedluli ngesikhathi esifanele.

(4) Noma yisiphi isivumelwano samazwe ngamazwe siba ngumthetho kuRiphabhuliki uma senziwe umthetho ngokushaywa komthetho kazwelonke; kodwa isimiso sesivumelwano esizisebenzayo ngokwaso esamukelwe yiPhalamende singumthetho eRiphabhuliki ngaphandle kwalapho siphambene noMthethosisekelo noma uMthetho Wephalamende.

(5) IRiphabhuliki iboshezelwa yizivumelwano zamazwe ngamazwe ezazibophelela iRiphabhuliki ngesikhathi uMthethosisekelo uqala ukusebenza.

Umthetho wamazwe ngamazwe osuyisiko

232. Umthetho wamazwe ngamazwe osuyisiko ungumthetho kuRiphabhuliki ngaphandle kwalapho ungahambisani noMthethosisekelo noma uMthetho Wephalamende.

Ukusetshenziswa komthetho wamazwe ngamazwe

233. Uma kuhunyushwa noma yimuphi umthetho, yonke inkantolo kufanele ikhethe noma yikuphi ukuhunyushwa komthetho okuhambisana nomthetho wamazwe ngamazwe kunokunye ukuhunyushwa okungahambisani nomthetho wamazwe ngamazwe.

Ezinye izindaba

Imiqulu yamaLungelo

234. Ukuze kujuliswe isiko lenqubo yentando yeningi elimiswe nguMthethosisekelo, iPhalamende lingamukela imiQulu Yamalungelo ehambisana nemibandela yoMthethosisekelo.

Ukuzimela

235. ILungelo labantu baseNingizimu Afrika beboke lokuba bazimele, njengoba kukhonjisiwe kulo Mthethosisekelo, alikuvimbeli, ohlakeni lwaleli lungelo, ukwemukelwa komqondo welungelo lokuzimela kwanoma yimuphi umphakathi ohlanganyele amasiko nolimi olufanayo, endaweni ethile yeRiphabhuliki noma yingayiphi enye indlela, ebekwe ngumthetho kazwelonke.

Ukwesekwa ngezimali kwamaqembu ezombusazwe

236. Ukuthuthukisa inqubo yentando yeningi yamaqembu ahlukahlukene, imithetho kazwelonke kufanele ihlinzekele ukwesekwa ngezimali kwamaqembu ezombusazwe abamba iqhaza kuzishayamthetho zikazwelonke nezesifundazwe ngokulingana nangokufaneleka kwawo ngokwamanani.

Ukwenziwa kwemisebenzi ngokukhuthala

237. Zonke izibopho zoMthethosisekelo kufanele zenziwe ngokukhuthala nangokungachithi sikhathi.

Ukwenzelwa imisebenzi nokwedluliswa kwamandla okwenza imisebenzi

238. Ingxenye kahulumeni ephethe kunoma yimuphi umkhakha kahulumeni –
   (a) ingedlulisela noma yimaphi amandla noma umsebenzi okumele usetshenziswe noma wenziwe ngokomthetho kunoma iyiphi enye ingxenye kahulumeni ephethe, inqobo nje uma ukwedluliselwa kwamandla nemisebenzi kuhambisana nomthetho ngokokusetshenziswa kwamandla noma ukwenziwa komsebenzi; noma
   (b) ingasebenzisa noma yimaphi amandla noma yenze noma iyiphi imisebenzi iyenzela noma iyiphi enye ingxenye kahulumeni ephethe ngokuthi isebenze ukwenzela abanye umsebenzi noma yedluliselwe umsebenzi.

Izincazelo

239. KuMthethosisekelo, ngaphandle kwalapho isimo sikhombisa okwehlukile -

“umthetho kazwelonke” umbandakanya –
   (a) umthetho ongaphansi komunye owenziwe ngokoMthetho Wephalamende; kanye
   (b) nomthetho owawusetshenziswa ngesikhathi uMthethosisekelo uqala ukusebenza futhi olawulwa nguhulumeni kazwelonke;

“ingxenye yombuso” isho –
   (a) noma yimuphi umnyango wombuso noma wokuphatha emkhakheni kahulumeni kazwelonke, wesifundazwe noma kahulumeni wasekhaya; noma
   (b) noma yisiphi esinye isikhungo sokusebenza noma inhlangano –
      (i) esebenzisa amandla noma eyenza umsebenzi ngokoMthethosisekelo noma umthethosisekelo wesifundazwe; noma
      (ii) esebenzisa amandla okusebenza emphakathini noma eyenza umsebenzi womphakathi ngokwanoma yimuphi umthetho, kodwa ayifaki inkantolo noma isikhulu sezomthetho;

“umthetho wesifundazwe” umbandakanya –
   (a) umthetho ongaphansi komunye owenziwe ngokomthetho wesifundazwe; kanye
   (b) nomthetho owawusetshenziswa ngesikhathi uMthethosisekelo uqala ukusebenza futhi owawulawulwa nguhulumeni wesifundazwe.

Ukungahambisani emibhalweni eyahlukene

240. Uma kukhona ukungahambisani phakathi kwemibhalo eyahlukahlukene yoMthethosisekelo, umbhalo wesiNgisi yiwona osebenzayo.

Amalungiselelo esikhashana

241. ISheduli yesi-6 isebenza okuguqukeni lomthethosisekelo omusha osungulwe yilo Mthethosisekelo, kanye nakunoma yiluphi udaba olungavela mayelana naleyo nguquko.

Ukupheliswa kwemithetho

242. Imithetho ephawulwe kuSheduli yesi 7 iphelisiwe, ngokulandelwa kwesigaba sama 243 kanye noSheduli yesi 6.

Isihloko esifushane kanye nokuqala ukusebenza

243. (1) Lo Mthetho ubizwa ngokuthi uMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, we 1996, futhi uqala ukusebenza masishane ngokusemandleni ngosuku olubekwe nguMongameli ngokwesimemezelo, olungenakuba usuku olungemuva komhla zi 1 Julayi 1997.

(2) UMongameli angabeka izinsuku ezahlukene ngaphambi kosuku olushiwo esigatshaneni soku (1), mayelana nokuhlinzekela okwehlukene kwezimiso zoMthethosisekelo.

(3) Ngaphandle kwalapho kuhloswe ukuthi kwehluke, ukuphawula ngesimiso soMthethosisekelo esikhathini uMthethosisekelo oqale ukusebenza ngaso kufanele kuthathwe njengokubhekisa esikhathini leso simiso esaqala ukusebenza ngaso.

(4) Uma noma yisiphi isimiso esithile soMthethosisekelo sibekelwe usuku olwehlukile ngokwesigatshana sesi (2), noma yisiphi isimiso esihambelana nesoMthethosisekelo WaseNingizimu Afrika we 1993 (uMthetho wama-200 we 1993), ophawulwe esimemezelweni uyapheliswa ukusuka ngosuku olufanayo.

(5) Isigaba sama 213, sama 214, sama 215, sama 216, sama-218, sama 226, sama 227, sama 228, sama 229 nesama 230 zizoqala ukusetshenziswa mhla zi 1 Januwari 1998, kodwa lokhu akushiyi ngaphandle ukumiswa ngokwalo Mthethosisekelo komthetho ocatshangwa kunoma yiziphi lezi zimiso ngaphambi kwalolo suku. Kuze

kube yilolo suku noma yiziphi izimiso ezihambisanayo nezenzeka ngenxa yokuthile zoMthethosisekelo WeRephabliki YaseNingizimu Afrika, we 1993, ziyaqhubeka nokusebenza.

ISHEDULI 1

IFULEGI LIKAZWELONKE

(1) Ifulegi likazwelonke linezinhlangothi ezine; lungubude obungokukodwa nohhafu ngaphezulu kobubanzi.

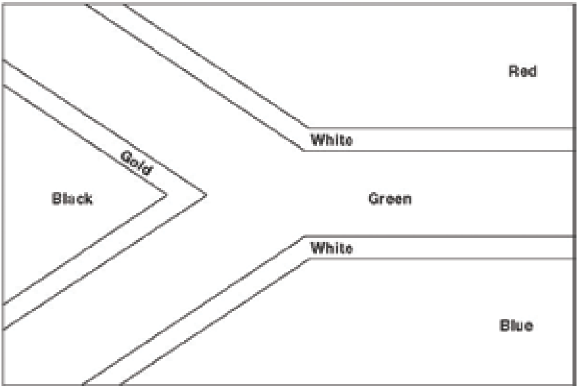
(2) Linombala omnyama, osagolide, oluhlaza okotshani, nomhlophe, obomvu okukapelepele kanye noluhlaza okwesibhakabhaka.

(3) Linebhande eliluhlaza okotshani elime okuka-Y elinobubanzi obungokukodwa kokuhlanu efulegini. Imigqa ephakathi nendawo yebhande iqala ezingosini ezingenhla nezingezansi eziseduze kwesigxobo sefulegi, ihamba iyohlangana maphakathi nefulegi, bese iqhubeka owodwa eduze komunye ize iphelele phakathi nohlangothi oluzimele.

(4) Ibhande eliluhlaza okotshani likakwe, ngenhla nangezansi ngumbala omhlophe, bese kuthi ngasesigxotsheni sefulegi likakwe ngumbala osagolide. Umbala okake indawo eluhlaza okotshani, ngamunye ungokukodwa kokuyishumi nesihlanu kobubanzi befulegi.

(5) Unxantathu oseduze kwesigxobo sefulegi umnyama.

(6) Ibhande elilele ngenhla linombala obomvu okusapelepele kuthi ibhande elilele ngezansi libe luhlaza okwesibhakabhaka. La mabhande angokukodwa kokuthathu lilinye ebubanzini befulegi.



Black	-	omnyama
Gold	-	osagolide
Red	-	obomvu
White	-	omhlophe
Green	-	oluhlaza okotshani
Blue	-	oluhlaza okwesibhakabhaka

ISHEDULI 1A

IMINGCELE YEZINDAWO ZEZIFUNDAZWE

[Isheduli yoku 1A ifakwe yisigaba sesi 4 soMthetho Weshumi Nambili Wokuchibiyela uMthethosisekelo we 2005 futhi nayisigatshana soku (1) indawo yaso ithathwe yisigaba soku 1 soMthetho Weshumi Nantathu Wokuchibiyela uMthethosisekelo we 2009]

Isifundazwe saseMpumalanga Kapa

[Ukuklanywa kwesifundazwe saseMpumalanga Kapa osuswe nguMthetho Weshumi Nantathu Wokuchibiyela uMthethosisekelo we 2007]

Ibalazwe 3 lweSheduli 1 kuSaziso 1998 siwe 2005
Ibalazwe 6 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 7 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 8 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 9 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 10 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 11 lweSheduli 2 kuSaziso 1998 siwe 2005

Isifundazwe saseFreyistata

Ibalazwe 12 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 13 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 14 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 15 lweSheduli 2 kuSaziso 1998 siwe 2005
Ibalazwe 16 lweSheduli 2 kuSaziso 1998 siwe 2005

Isifundazwe saseGauteng

[Ukuklanywa kwesifundazwe saseGauteng ochitshiyelwe nguMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 4 lweShedulu 1 esikuSaziso 1490 siwe 2005

[IUkuphawula okukubalazwe lesi 4 indawo yaso ithathwe yisigaba soku 1(a) soMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 17 lweShedulu 2 kuSaziso 1998 siwe 2005

Ibalazwe 18 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 19 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 20 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 21 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saKwaZulu-Natali

Ibalazwe 22 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 23 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 24 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 25 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 26 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 27 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 28 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 29 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 30 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 31 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 32 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseLimpopo

Ibalazwe 33 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 34 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 35 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 36 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 37 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseMpumalanga

Ibalazwe 38 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 39 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 40 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNtshonalanga Kapa

Ibalazwe 41 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 42 lweShedulu 2 kuSaziso 1998 siwe 2005

Ibalazwe 43 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 44 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 45 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNyakatho Ntshonalanga

[Ukuklanywa kwesiFundazwe saseNyakatho Ntshonalanga ochitshiyelwe nguMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 5 lweSheduli 2 kuSaziso 1490 siwe 2008

[IUkuphawula okukubalazwe lesi 5 indawo yako ithathwe yisigaba soku 1(b) soMthetho Weshumi Nesithupha Wokuchibiyela uMthethosisekelo we 2009]

Ibalazwe 46 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 47 lweShedulu 2 kuSaziso 1998 siwe 2005
Ibalazwe 48 lweShedulu 2 kuSaziso 1998 siwe 2005

Isifundazwe saseNtshonalanga Kapa

Ibalazwe lama 49 lweShedulu yesi 2 kuSaziso se 1998 siwe 2005
Ibalazwe lama 50 lweShedulu yes -2 kuSaziso 1998 siwe 2005
Ibalazwe lama 51 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 52 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 53 lweShedulu yesi 2 kuSaziso 1998 siwe 2005
Ibalazwe lama 54 lweShedulu yesi 2 kuSaziso 1998 siwe 2005

ISHEDULI 2

IZIFUNGO NEZIQINISEKISO

[Isheduli yesi 2 ichibiyelwe yisigaba sesi 2 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997 futhi indawo yayo ithathwe yisigaba se 18 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Isifungo noma isiqinisekiso sikaMongameli neseBamba LikaMongameli

1. UMongameli noma iBamba LikaMongameli, kufanele afunge noma aqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo, noma ngaphambi kwejaji elinye elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle ukubaluleka kwesikhundla engibizelwe kuso njengoMongameli /njengeBamba LikaMongameli WeRiphabhuliki YaseNingizimu Afrika, mina, A.B. ngiyafunga /ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika, futhi ngizothobela ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekile nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –
    - ngiqhubela phambili konke okuzothuthukisa iRiphabhuliki; futhi ngiphikise konke okungayikhinyabeza;
    - ngivikela futhi ngiqhubela phambili amalungelo abo bonke abantu baseNingizimu Afrika;
    - ngenza imisebenzi yami ngawo wonke amandla namakhono ami ngokwazi kwami okuphelele nekhono lokwenza futhi ngilandela iziyalo zikanembeza wami;
    - ngenza ubulungiswa kubo bonke; futhi
    - ngizinikezela kunhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso sePhini LikaMongameli

2. IPhini LikaMongameli, kufanele lifunge noma liqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma kwelinye ijaji elijutshwe nguMongameli

Wenkantolo Yomthethosisekelo ngendlela elandelayo -
Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle ukubaluleka kwesikhundla engibizelwe kuso njengePhini LikaMongameli eRiphabhuliki YaseNingizimu Afrika, mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki yaseNingizimu Afrika, futhi ngizothobela, ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekile nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –

- ngiqhubela phambili lokho okuzothuthukisa, futhi ngiphikisa konke okungayikhinyabeza;
- ngingumeluleki weqiniso nowethembekile;
- ngenza imisebenzi yami ngawo wonke amandla namakhono ami ngokwazi kwami okuphelele nekhono lokwenza futhi ngilandela iziyalo zikanembeza wami;
- ngenza ubulungiswa kubo bonke; futhi
- ngizinikezela kunhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso soNgqongqoshe kanye namaPhini Ongqongqoshe

3. UNgqongqoshe ngamunye nePhini Likangqongqoshe ngalinye kufanele afunge aqinisekise, phambi kukaMongameli Wenkantolo Yomthethosisekelo noma elinye ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo -
Mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika futhi ngizothobela ngihloniphe futhi ngiphakamise uMthethosisekelo nayo yonke imithetho yaseRiphabhuliki; futhi ngethembisa ukuphatha isikhundla sami njengoNgqongqoshe / njengePhini LikaNgqongqoshe ngokuhlonipheka nangesithunzi; ukuba ngumeluleki weqiniso nowethembekile; ukungedlulisi ngendlela eqondile noma ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; kanye nokwenza imisebenzi yesikhundla sami ngokuzinikela kanye nangawo wonke amandla enginawo.
(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso samalungu esiGungu Sikazwelonke, izithunywa ezisezikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke namalungu ezishayamthetho zezifundazwe

4. (1) Amalungu esiGungu Sikazwelonke, izithunywa ezisezikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke namalungu ezishayamthetho zezifundazwe kufanele afunge noma aqinisekise, phambi kukaMongameli Wenkantolo Yomthethosisekelo, noma elinye ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—

Mina, A.B., ngiyafunga/ngiyaqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngethembisa ngokuqinisekile ukuthi ngizokwenza imisebenzi yami njengelungu lesiGungu Sikazwelonke / njengesithunywa esisesikhundleni unomphela kuMkhandlu Wezifundazwe Kazwelonke /njengelungu lesishayamthetho sesifundazwe sase-C.D. ngawo wonke amandla enginawo.

(Uma kuthathwa isifungo: INkosi ingisize).

(2) Abantu abagcwalisa isikhundla kusiGungu Sikazwelonke, sesithunywa esisesikhundleni umomphela soMkhandlu Wezifundazwe Kazwelonke noma izishayamthetho zezifundazwe bangafunga noma baqinisekise, njengoba kushiwo ku (1), ngaphambi kophethe uhlelo lwePhalamende, lesuGungu, loMkhandlu noma lwesishayamthetho, kuye ngokuthi kugcwaliswa siphi isikhundla.

Izifungo neziqinisekiso zoNdunankulu, amaBamba ONdunankulu namalungu emiKhandlu ePhethe yesifundazwe

5. UNdunankulu noma iBamba likaNdunankulu wesifundazwe, kanye nelungu ngalinye loMkhandlu Ophethe kusifundazwe, kufanele afunge/aqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—

Mina, A.B. ngiyafunga/ngiqinisekisa ukuthi ngizokwethembeka kuRiphabhuliki yaseNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yeRiphabhuliki; futhi ngiyethembisa ukuphatha isikhundla sami njengoNdunankulu/njengeBamba

LikaNdunankulu/njengelungu loMkhandlu Ophethe wesifundazwe sase C.D. ngokuhlonipheka nangesithunzi; ukuba ngumeluleki weqiniso nowethembekile; ukungedlulisi ngokusobala noma ngendlela ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; nokwenza imisebenzi yesikhundla sami ngokwethembeka nangawo wonke amandla enginawo.
(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso sabenza umsebenzi wezamajaji

6. (1) Ijaji noma ibamba lejaji ngalinye, kufanele lifunge noma liqinisekise phambi kukaMongameli Wenkantolo Yomthethosisekelo noma ijaji elijutshwe nguMongameli Wenkantolo Yomthethosisekelo, ngendlela elandelayo—
Mina, A.B. ngiyafunga/ngiyaqinisekisa ukuthi, njengejaji leNkantolo YoMthethosisekelo/leNkantolo Enkulu Yokwedluliselwa Kwamacala/leNkantolo Ephakeme/leNkantolo yase E.F, ngizokwethembeka kuRiphabhuliki YaseNingizimu Afrika, ngizophakamisa futhi ngivikele uMthethosisekelo namalungelo obuntu atholakala kuwo; futhi ngizokwabela ubulungiswa kubo bonke abantu ngokufana ngaphandle kokwesaba, kokuvuna noma ukukhinyabeza ngokulandela uMthethosisekelo kanye nomthetho.
(Uma kuthathwa isifungo: INkosi ingisize).

(2) Umuntu oqokelwe esikhundleni sokuba yiJaji Elikhulu Lenkantolo YoMthethosisekelo ongelona ijaji ngaleso sikhathi sokuqokelwa esikhundleni, kufanele afunge noma aqinisekise ngaphambi kwePhini Likamongameli Wenkantolo Yomthethosisekelo, noma uma lingekho lelo jaji, phambi kwejaji elikhulu leNkantolo Yomthethosisekelo elitholakalayo.

(3) Abasebenza ezinkantolo zomthetho, kanye namabamba abasebenza ezinkantolo zomthetho, ngaphandle kwamajaji, kufanele bafunge/baqinisekise njengoba kushiwo umthetho kazwelonke.

ISHEDULI 3

INQUBO ELANDELWAYO NGOKHETHO

[Isheduli yesi 3 ichibiyelwe yisigaba sesi 2 soMthetho Wesine Wokuchibiyela uMthethosisekelo we 1999, kanye nayisigaba se 19 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001, nayisigaba sesi-3 soMthetho Wesishiyagalalunye Wokuchibiyela uMthethosisekelo we 2002 kanye nayisigaba soku 1 soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008]

Ingxenye A

Inqubo yokhetho lwabaphathi bezikhundla abahlinzekelwe nguMthethosisekelo

Ukusetshenziswa

1. Inqubo ebekwe kule Sheduli isetshenziswa njalo uma –
   (a) isiGungu Sikazwelonke sihlangana ukuze sikhethe uMongameli, noma uSomlomo noma iPhini LikaSomlomo wesiGungu;
   (b) uMkhandlu Wezifundazwe Kazwelonke uhlangana ukuze ukhethe uSihlalo noma iPhini LikaSihlalo wawo; noma
   (c) isishayamthetho sesifundazwe sihlangana ukuze sikhethe uNdunankulu wesifundazwe noma uSomlomo noma iPhini LikaSomlomo wesishayamthetho.

Ukuphakanyiswa Kwamagama

2. Umuntu ongusihlalo emhlanganweni okusebenza kuwo leSheduli kufanele acele ukuba kuphakanyiswe emhlanganweni abantu abazomela ukhetho.

Okudingekayo okungumthetho

3. (1) Ukuphakanyiswa kwamagama kufanele kenziwe efomini elibekwe yimitheshwana ephawulwe kusi 9.
   (2) Ifomu okuphakanyiswa kulo amagama kufanele lisayinwe –
   (a) ngamalungu amabili esiGungu Sikazwelonke, uma kuzokhethwa uMongameli

noma uSomlomo noma iPhini LikaSomlomo;

(b) egameni lamathimba amabili ezifundazwe, uma kuzokhethwa uSihlalo noma iPhini LikaSihlalo loMkhandlu Wezifundazwe Kazwelonke; noma

(c) ngamalungu amabili esishayamthetho sesifundazwe esifanele, uma kozokhethwa uNdunankulu wesifundazwe noma uSomlomo noma iPhini LikaSomlomo wesishayamthetho.

(3) Umuntu ogama lakhe liphakanyisiwe kufanele akhombise ukusemukela isiphakamiso ngokuthi asayine ifomu lesiphakamiso noma asayine noma yiliphi elinye ifomu lokukhombisa ukwamukela isiphakamiso ngokuthi kubhalwe phansi lokho.

Ukumenyezelwa kwamagama abamele ukhetho

4. Emhlanganweni okusebenza kuwo leSheduli, umuntu owengamele umhlangano kufanele amemezele amagama alabo bantu abaphakanyiswe njengabamele ukhetho, kodwa akanakuyivumela noma iyiphi inkulumompikiswano.

Omele ukhetho eyedwa

5. Uma kuphakanyiswe umuntu oyedwa kuphela, umuntu owengamele umhlangano kufanele amemezele ukuthi lowo muntu ophakanyisiwe ukhethelwe esikhundleni.

Inqubo elandelwayo yokhetho

6. Uma kuphakanyiswe abantu abangaphezulu komuntu oyedwa -

(a) kufanele kuvotwe emhlanganweni ngevoti langasese;

(b) ilungu ngalinye elikhona, noma uma kungumhlangano woMkhandlu Wezifundazwe Kazwelonke, isifundazwe ngasinye esimelwe emhlanganweni, singafaka ivoti elilodwa; futhi

(c) umuntu owengamele kufanele amemezele ukuthi bakhethiwe labo abathole iningi lamavoti.

Inqubo elandelwayo yokuchitha abanye

7. (1) Uma kungekho othola iningi lamavoti, lowo othole amavoti amancane kunabo bonke kufanele achithwe okhethweni, bese kuphindwa kuvotelwa labo abasele

njengoba kushiwo ephuzwini lesi 6. Le nqubo kufanele iphindwe kuze kube nothola iningi lamavoti.

(2) Uma kusetshenziswa iphuzwana loku (1), uma abamele ukukhethwa ababili noma abangaphezulu benamavoti alinganayo amancane kunawabo bonke, kufanele kuvotwe ngokwehlukana kuvotelwa labo bantu, futhi kuphindwe njengoba kudingeka ukuze kucace ukuthi kuchithwa muphi omele ukukhethwa.

Eminye imihlangano

8. (1) Uma kuphakanyiswe abantu ababili kuphela, noma uma kusele ababili kuphela ngemuva kokusetshenziswa kwenqubo yokuchitha, bese labo ababili bethola amavoti inani lamavoti elifanayo, kufanele kubanjwe omunye umhlangano kungakapheli izinsuku eziyisikhombisa, ngesikhathi esinqunywe ngumuntu owengamele.

(2) Uma kubanjwa omunye umhlangano njengokusho kwephuzwana loku (1), inqubo elandelwayo ebekwe kule Sheduli kufanele isetshenziswe kulowo mhlangano sengathi kusengumhlangano wokuqala wokhetho oludingidwayo.

Imitheshwana

9. (1) UMongameli Wenkantolo Yomthethosisekelo kufanele enze imitheshwana ebeka –

(a) inqubo elandelwayo emihlanganweni okusebenza kuyo leSheduli;

(b) imisebenzi yomuntu owengamele kulowo mhlangano, neyanoma yimuphi umuntu omsizayo;

(c) ifomu okufanele kufakwe iziphakamiso kulo; kanye

(d) nendlela okufanele kuvotwe ngayo.

(2) Le mitheshwana kufanele yaziswe ngendlela enqunywe nguMongameli Wenkantolo Yomthethosisekelo abona ngayo.

Ingxenye B

Indlela yokunquma ukuthi amaqembu alibamba kanjani iqhaza kuzithunywa zemiKhandlu Yezifundazwe Kazwelonke

1. Inani lezithunywa lezithunywa eziya kuMkhandlu Wezifundazwe Kazwelonke iqembu ngalinye elinelungelo lokulithola, kufanele liqunywe ngokuthi kuphindaphindwe ngeshumi inani lezihlalo iqembu elinazo kusishayamthetho sesifundazwe bese umphumela wehlukaniswa ngenani lezihlalo kusishayamthetho uhlanganiswe nesihlalo esisodwa.
2. Uma isibalo esenziwe ngokwephuzu loku 1, sinika insalela engangeni kuzithunywa ezinikezwa iqembu elithile njengokusho kwalokho, insalela kufanele iqhathwe nezinsalela ezitholwa ngelinye iqembu noma amanye amaqembu, futhi noma yiziphi izithunywa ezingekabiwa ethimbeni lezithunywa kufanele zabelwe iqembu lelo noma amaqembu lawo ngokulandelana kwensalela ephezulu kunazo zonke.
3. Uma izinsalela ezincintisanayo ezicatshangwa ephuzwini lesi-2 zilingana, izithunywa ezingabiwe kufanele zabelwe iqembu noma amaqembu anensalela efanayo, ngokulandelana kusuka kwanenani lamavoti amaningi kye kwamancane arekhodwe kulawo maqemb ngesikhathi sokugcina sokhetho lwesishayamthetho sesifundazwe esithintekayo.

   [Iphuzu lesi 3 lengezwe yisigaba sesi 2 soMthetho Wesine Wokuchibiyela uMthethosisekelo we 1999 futhi indawo yalo yaphinde yathathwa yisigaba lesi 3 soMthetho Wesishiyagalolunye Wokuchibiyela uMthethosisekelo we 2002 kanye naysigaba lesi 5(a) soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008.]

4. Uma amaqembu angaphezu kwelilodwa anezinsalela ezifanayo ethole amavoti alinganayo ngesikhathi sokhetho lokugcina lwesishayamthetho sesifundazwe esifanele, isishayamthetho esifanele kufanele sabe izithunywa ezingabiwanga kuzithunywa zeqembu noma amaqembu anezinsalela ezifanayo ngendlela ehambisana nentando yeningi.

   [Iphuzu 4 lengezwe yisigaba sesi 5(b) soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we2008.]

ISHEDULI 4

IZINDAWO OKUSETSHENZISWA KUZO AMANDLA OKUSHAYA UMTHETHO KAZWELONKE NOWEZIFUNDAZWE

INGXENYE A

- Ukulawulwa kwamahlathi emvelo
- Ezolimo
- Izikhumulo zezindiza ngaphandle kwezikhumulo zezindiza zamazwe ngamazwe nezikazwelonke
- Ukulawulwa kwezilwane nezifo
- Amakhasino, imijaho, ukugembula nokubheja, ngaphandle kwamalotho nemihlanganyela yezemidlalo
- Ukuvikelwa kwabathengi
- Izindaba zezamasiko
- Ukulawulwa kwezinhlekelele
- Imfundo kuyo yonke imikhakha, ngaphandle kwemfundo ephakeme
- Indawo okuphilwa kuyo
- Ezempilo
- Ezezindlu
- Umthetho wendabuko kanye nomthetho wamasiko, okuphethwe yiSahluko se 12 soMthethosisekelo
- Ukuqhutshekiselwa phambili kwezezimboni
- Inqubomgomo yezilimi kanye nokulawulwa ngokomthetho kwezilimi ezisemthethweni kangangoba imibandela yesigaba sesi-6 soMthethosisekelo sinika ngokucacile izishayamthetho zezifundazwe amandla okushaya umthetho mayelana nalokhu
- Ezokusakazwa kolwazi ezilawulwa ngqo noma ezihlinzekwa nguhulumeni wesifundazwe, ngokuphathwa yisigaba se-192
- Ukuvikelwa kwemvelo, ngaphandle kwamapaki kazwelonke, izingadi zezitshalo zikazwelonke kanye nengcebo yasolwandle
- Amaphoyisa kangangoba imibandela yeSahluko se-11 soMthethosisekelo sinikeza

izishayamthetho zezifundazwe amandla okushaya imithetho mayelana nalokhu

- Ukulawulwa kokunukubezeka kwemvelo
- Ukuthuthukiswa kwabantu
- Izimali zokwedlulisa ubunikazi bempahla
- Izinkampani noma imisebenzi kahulumeni wesifundazwe mayelana nezindawo okusetshenzwa kuzo ezikule Sheduli nakuSheduli se-5
- Izinto zokuhamba zomphakathi
- Imisebenzi yomphakathi kuphela mayelana nezidingo zeminyango kahulumeni wesifundazwe, ekwenzeni imisebenzi yayo yokulawula imisebenzi enikezelwe yona ngokoMthethosisekelo noma nanoma yimuphi omunye umthetho
- Ukuhlelelwa nokuthuthukiswa kwezifunda
- Ukulawulwa kwezinto ezihamba emigwaqweni
- Ukungiwa kwenhlabathi
- Ezokuvakasha
- Uhwebo
- Ubuholi bendabuko kuphela uma kuhambisana neSahluko se-12 soMthethosisekelo
- Ukuthuthukiswa kwezindawo ezisemadolobheni nezasemakhaya
- Ukuthelelwa kwezinqola zokuhamba
- Ezenhlalakahle

INGXENYE B

Izindaba zikahulumeni wendawo ezilandelayo kangangoba kubekwe esigabeni se 155(6)(a) nesesi (7);

- Ukunukubezeka komoya
- Imitheshwana elawula ukwakha
- Izindawo zokunakekela izingane
- Ukutholakala kukagesi kanye negesi
- Ezokucishwa kwemililo
- Ezokuvakasha zendawo
- Izikhumulo zikamasipala zezindiza
- Ukuhlelwa kukamasipala
- Ezempilo zikamasipala

- Izinto zokuhamba umphakathi zikamasipala
- Imisebenzi yomphakathi eyenziwa ngumasipala kuphela mayelana nezidingo umasipala ahlangabezana nazo ekwenzeni umsebenzi wokulawula imisebenzi enikezelwe ngqo kuye ngaphansi kwalo Mthethosisekelo noma kwanoma yimuphi omunye umthetho
- Isikejana esisetshenziswa uma kudingeka ukuntanta emanzini, isikejana sokuthutha abantu nezimpahla emanzini, izakhiwo ezenziwe ogwini zokuhamba abantu kanye namatheku, ngaphandle kokulawulwa kokuthutha kwezinto olwandle kwamazwe ngamazwe kanye nakuzwelonke nemidanti encikene nakho
- Ukulawulwa kwamanzi emvula ezindaweni okwakhiwe kuzo
- Imitheshwana elawula uhwebo
- Izinsizo zamanzi nokuthuthwa kwendle kusiwe ezinhlelweni zokuthwala amanzi aphuzwayo kanye nasezinhlelweni zokuqoqwa kwamanzi angcolile nezokulahlwa kwendle emakhaya

ISHEDULI 5

IZINDAWO OKUSETSHENZWA KUZO EZISHAYELWA IMITHETHO YISIFUNDAZWE KUPHELA

INGXENYE A

- Amadele
- Ama-ambulense
- Izikhungo zokugcinwa kwemilando okungezona izikhungo zokugcina imilando zikazwelonke
- Imitapo yezincwadi okungeyona imitapo yezincwadi kazwelonke
- Amalayisense otshwala
- Amamnyuziyamu okungewona amamnyuziyamu kazwelonke
- Ukuhlelwa kwesifundazwe
- Izindaba zesifundazwe eziphathelene namasiko
- Ukuzijabulisa kanye nezindawo zokuzijabulisa zesifundazwe
- Ezemidlalo zesifundazwe
- Imigwaqo yesifundazwe nokuhamba kuyo
- Ezokwelashwa kwezilwane, ngaphandle kokulawulwa kwalowo msebenzi

INGXENYE B

Izindaba ezilandelayo zikahulumeni wasekhaya njengangoba zibekelwe izifundazwe esigabeni se 155(6)(a) nesesi (7):

- Amabhishi kanye nezinto zokuzijabulisa
- Izinqwembe ezinkulu zokwazisa kanye nokukhonjiswa kwezikhangiso ezindaweni zomphakathi
- Amathuna, amakhaza nezindawo zokushisa izidumbu
- Ukuhlanza
- Ukulawula uthikamezo lomphakathi
- Ukulawulwa kwezindawo ezithengisela umphakathi utshwala
- Izindawo zokugcina, zokunakekela kanye nokungcwaba izilwane
- Ukubiyela kanye nezinto zokubiyela

- Ukuthelelwa kwezinja
- Ukuthelelwa kanye nokulawulwa kwezindawo ezidayisela umphakathi ukudla
- Izikhungo zokusiza umphakathi ezisendaweni
- Izikhungo zemidlalo ezisendaweni
- Izimakethe
- Amadele kamasipala
- Amapaki kamasipala nezokuzijabulisa
- Imigwaqo kamasipala
- Ukunukubeza ngokubanga umsindo
- Izindawo zokugcina izinto ezephucwe emphakathini
- Izindawo zomphakathi
- Ukuthuthwa kukadoti, izindawo zokulahla udoti kanye nokulahlwa kwemfucuza eqinile
- Ukudayisa emigwaqeni
- Ukukhanyiswa kwemigwaqo
- Ukusetshenziswa kwemigwaqo nezindawo zokupaka

ISHEDULI 6

AMALUNGISELELO ESIKHASHANA

[Isheduli yesi 6 ichibiyelwe yisigaba sesi 3 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997, nayisigaba sesi 5 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998 kanye nayisigaba sama 20 soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Izincazelo

1. Kule Sheduli, ngaphandle kwalapho kungahambisani nesimo—

"isabelo" kushiwo ingxenye yeRiphabhuliki, eyayithathwa njengendawo ezimele noma ezibusayo ngomthetho waseNingizimu Afrika, ngaphambi kokuthi uMthethosisekelo wangaphambili uqale ukusebenza;

"uMthethosisekelo omusha" kushiwo uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika we 1996;

"imithetho yohlelo oludala" kushiwo imithetho eyashaywa ngaphambi kokuba uMthethosisekelo ongaphambi kwalo uqale ukusebenza;

"UMthethosisekelo owandulela lo" kushiwo uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika, we 1993,(uMthetho wama 200 we 1993).

Ukuqhubeka kwemithetho esikhona

2. (1) Wonke umthetho owawusebenza uma uMthethosisekelo omusha uqala ukusebenza uyaqhubeka nokusebenza, kodwa kuye ngokuthi –
   (a) uchishiyelwe noma ususiwe yini; kanye
   (b) nokuhambisana noMthethosisekelo omusha.

   (2) Umthetho wohlelo oludala oqhubeka ukusebenza ngokwephuzwana loku 1 –
   (a) awunakusetshenziswa okubanzi, ngokwendawo nangayiphi enye indlela, kunngesikhathi sangaphambili kokuthi uMthethosisekelo ongaphambi kwalona uqale ukusebenza ngaphandle kwalapho uye waguqulwa ukuze usebenze kabanzana; futhi
   (b) Uyaqhubeka nokuphathwa yilezo ziphathimandla ezaziwuphethe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ngendlela ephawulwe nguMthethosisekelo omusha.

Ukuhunyushwa komthetho okhona

3. (1) Ngaphandle kwalapho kungahambisani nalokho okuhlosiwe noma ngokucacile okungafanele, okushiwo kunoma yimuphi umthetho owawukhona lapho uMthethosisekelo omusha uqala ukusebenza –
   - (a) kuRiphabhuliki yaseNingizimu Afrika noma ngesabelo(ngaphandle kwalapho ukhuluma ngendawo engeyabathile), kufanele kuthathwe ngokuthi ukhuluma ngeRiphabhuliki yaseNingizimu Afrika ngaphansi koMthethosisekelo omusha;
   - (b) kuPhalamende, esiGungwini Sikazwelonke noma eMkhandlwini weziGele kufanele kuthathwe ngokuthi usho iPhalamende, isiGungu Sikazwelonke noma uMkhandlu Wezifundazwe Kazwelonke ngaphansi koMthethosisekelo omusha;
   - (c) kuMongameli, iPhini Eliphethe LikaMongameli, uNgqongqoshe, iPhini LikaNgqongqoshe noma iKhabhinethi, kufanele kuthathwe ngokuthi ukhuluma ngoMongameli, iPhini LikaMongameli, uNgqongqoshe, iPhini LikaNgqongqoshe noma iKhabhinethi ngaphansi koMthethosisekelo omusha, kulawulwe yiphuzu lesi 9 lale Sheduli;
   - (d) kuMongameli Womkhandlu Wezigele, kufanele kuthathwe ngokuthi ukhuluma ngoSihlalo woMkhandlu Wezifundazwe Kazwelonke;
   - (e) kusishayamthetho sesifundazwe, uNdunankulu, uMkhandlu noma ilungu loMkhandlu Omkhulu wesifundazwe kufanele kuthathwe ngokuthi ukhuluma ngesishayamthetho sesifundazwe, uNdunankulu, uMkhandlu Omkhulu noma ilungu loMkhandlu Omkhulu ngaphansi koMthethosisekelo omusha, kulawulwe yiphuzu u 12 lale Sheduli; noma
   - (f) ngolimi noma izilimi ezisemthethweni, kufanele kuthathwe ngokuthi ukhuluma nganoma yiluphi ulimi olusemthethweni ngaphansi koMthethosisekelo omusha.

(2) Ngaphandle uma kungahambisani nokuhlosiwe noma kungafanele ngokucacileyo, okushiwoyo kunoma yimuphi umthetho wohlelo lwakudala –
   - (a) kuPhalamende, eNdlini yePhalamende noma umkhandlu wokushaya imithetho, noma inhlangano yeRiphabhuliki noma yesabelo, kufanele kuthathwe ngokuthi ukhuluma –
     - (i) ngePhalamende ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma le Sheduli

emkhandlwini ophethe kazwelonke; noma

(ii) ngesishayamthetho sesifundazwe, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe, ngokoMthethosisekelo ongaphambi kwalona noma kwale Sheduli emkhandlwini ophethe wesifundazwe; noma

(b) kuMongameli Wezwe, uNgqongqoshe oMkhulu, uMlawuli noma omunye umphathi omkhulu, iKhabhinethi, uMkhandlu WoNgqongqoshe noma umkhandlu ophethe weRiphabhuliki noma wesabelo, kufanele kuthathwe ngokuthi kukhulunywa–

(i) ngoMongameli ngaphansi komthethosisekelo omusha, uma ukuphathwa kwalo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma ngokwale Sheduli emkhandlwini ophethe kazwelonke; noma

(ii) ngoNdunankulu wesifundazwe ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe ngokoMthethosisekelo ongaphambi kwalona noma ngokwale Sheduli emkhandlwini ophethe wesifundazwe.

Isigungu Sikazwelonke

4. (1) Noma yimuphi umuntu owabe eyilungu noma owabe esesikhundleni sesiGungu Sikazwelonke lapho uMthethosisekelo omusha uqala ukusebenza, uba yilungu noma umphathisikhundla esiGungwini Sikazwelonke ngaphansi koMthethosisekelo omusha, futhi uphatha isikhundla njengelungu noma umphathisikhundla ngokoMthethosisekelo omusha.

(2) IsiGungu Sikazwelonke njengoba sakhiwe ngokwephuzwana loku (1), kufanele sithathwe ngokuthi singokhethwe ngaphansi koMthethosisekelo omusha sikhethelwa isikhathi esiphela mhla zi 30 Ephreli 1999.

(3) IsiGungu Sikazwelonke sakhiwe ngamalungu angama 400 esikhathini esiphela mhla zi 30 Ephreli 1999, kuye ngesigaba sama 49(4) soMthethosisekelo omusha.

(4) Imitheshwana nemiyalo yesiGungu Sikazwelonke ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza, iyaqhubeka nokusebenza, kodwa kuye ngokuchibiyela noma yikuphi noma ukupheliswa.

Umsebenzi ongaqedwanga ophambi kwePhalamende

5. (1) Noma yimuphi umsebenzi ongaphelile phambi kwePhalamende lapho uMthethosisekelo omusha uqala ukusebenza kufanele uqhutshekwe ngokoMthethosisekelo omusha.

(2) Noma yimuphi umsebenzi ongaphelile phambi kweziGele lapho uMthethosisekelo omusha uqala ukusebenza kufanele uyiswe kuMkhandlu Wezifundazwe Kazwelonke, futhi uMkhandlu kufanele uqhubeke nalowo msebenzi ngokoMthethosisekelo omusha.

Ukukhethwa kwesigungu Sikazwelonke

6. (1) Kungebanjwe ukhetho lesiGungu Sikazwelonke ngaphambi kwamhla zi 30 Ephreli 1999 ngaphandle kwalapho uMkhandlu uhlakazwa njengokubeka kwesigaba sama 50(2) ngemuva kokuthathwa kwesinqumo sokungamethembi uMongameli ngokwesigaba se 102(2) soMthethosisekelo omusha.

(2) Isigaba sama 50(1) soMthethosisekelo omusha siyalengiswa kuze kube mhla zi 30 Ephreli 1999.

(3) Ngaphandle kokupheliswa koMthethosisekelo ongaphambi kwalona, iSheduli yesi-2 yalowo Mthethosisekelo, njengoba ichitshiyelwe yisijobelelo A sale Sheduli, iyasebenza –

(a) okhethweni lokuqala lesigungu Sikazwelonke ngaphansi koMthethosisekelo omusha;

(b) ekulahlekelweni ubulungu besiGungu ezimweni ezingaphandle kwezihlinzekelwe esigabeni sama 47(3) soMthethosisekelo omusha; kanye

(c) nasekugcwaliseni izikhala esiGungwini, nokugcwaliselwa, ukuhlolwa kabusha, nokusetshenziswa kwezinhla zeqembu ukuze kugcwaliswe izikhala, kuze kube ukhetho lwesibili lesiGungu ngaphansi koMthethosisekelo omusha.

(4) Isigaba sama 47(4) soMthethosisekelo omusha siyalengiswa kuze kube wukhetho lwesibili lesigungu Sikazwelonke ngaphansi koMthethosisekelo omusha.

UMkhandlu Wezifundazwe Kazwelonke

7. (1) Esikhathini esiphela masishane ngaphambi kokuhlala komhlangano wokuqala wesishayamthetho sesifundazwe obanjwe ngemuva kokhetho lwaso lokuqala

ngaphansi koMthethosisekelo omusha –

(a) ubungako bokumelwa yizithunywa ezimele amaqembu ethimbeni lezithunywa lesifundazwe eMkhandlwini Wezifundazwe Kazwelonke kufanele kufane nobungako bezigele eziyi 10 zesifundazwe ezaziphakanyiswe ngokwesigaba 48 soMthethosisekelo ongaphambi kwalona; futhi

(b) ukwabelwa kwezithunywa ezisezikhundleni unomphela kanye nezithunywa ezikhethekile emaqenjini amelwe kusishayamthetho sesifundazwe, kunjengokulandelayo -

ISIFUNDAZWE	IZITHUNYWA EZISESIKHUNDLENI UNOMPHELA	IZITHUNYWA EZIKHETHEKILE
1. IMpumalanga Kapa	ANC 5 NP 1	ANC 4
2. IFreyistata	ANC 4 FF 1 NP 1	ANC 4
3. IGauteng	ANC 3 DP 1 FF 1 NP 1	ANC 3 NP 1
4.KwaZulu-Natali	ANC 1 FF 1 IFP 3 NP 1	ANC 2 IFP 2
5. IMpumalanga	ANC 4 FF 1 NP 1	ANC 4
6. INyakatho Kapa	ANC 3 FF 1 NP 2	ANC 2 NP 2
7. ILimpopo	ANC 6	ANC 4

ISIFUNDAZWE	IZITHUNYWA EZISESIKHUNDLENI UNOMPHELA	IZITHUNYWA EZIKHETHEKILE
8. Inyakatho-Ntshonalanga	ANC 4 FF 1 NP 1	ANC 4
9. INtshonalanga Kapa	ANC 2 DP 1 NP 3	ANC 1 NP 3

(2) Iqembu elimelwe kusishayamthetho sesifundazwe –

(a) kufanele liphakamise izithunywa zalo ezisesikhundleni unomphela phakathi kwabantu ababeyizigele lapho uMthethosisekelo omusha uqala ukusebenza futhi abangabakhona ukuze basebenze njengezithunywa ezisezikhundleni unomphela; futhi

(b) lingaphakamisa abanye abantu njengezithunywa ezisesikhundleni unomphela kuphela uma kungekho noma kutholakala inani elingenele lababeyizigele zalo alanele.

(3) Isishayamthetho sesifundazwe kufanele siqokele esikhundleni izithunywa zaso ezisesikhundleni unomphela ngokuhambisana namagama aphakanyiswe ngamaqembu.

(4) Iphuzwana lesi (2) nelesi (3), asebenza kuphela ekuqokweni kokuqala kwezithunywa ezisesikhundleni unomphela zoMkhandlu Wezifundazwe Kazwelonke.

(5) Isigaba sama 62(1) soMthethosisekelo omusha asisebenzi ekuphakanyisweni kwamagama nasekuqokelweni esikhundleni kwababeyizigele njengezithunywa ezisesikhundleni unomphela ngokwaleli phuzu.

(6) Imithethwana nemiyalo yeziGele ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele isetshenziswe mayelana nemisebenzi yoMkhandlu kaZwelonke kangangoba ingasetshenziswa, kuye nganoma yikuphi ukuchiyelwa noma ukuchithwa.

Ababeyizigele

8. (1) Owayeyisigele ongaqokelwanga ukuba yisithunywa esisesikhundleni unomphela eMkhandlwini Wezifundazwe Kazwelonke unelungelo lokuba yilungu eliphelele elingavota lesishayamthetho sesifundazwe leso ayephakanyiswe kuso njengesigele ngokwesigaba sama 48 somthethosisekelo wangaphambili.

(2) Uma owayeyisigele ekhetha ukungabi yilungu lesishayamthetho sesifundazwe lowo muntu uthathwa ngokuthi wesulile esikhundleni sokuba yisigele ngosuku olwendulela uMthethosisekelo omusha oqale ngalo ukusebenza.

(3) Iholo, izibonelelo, kanye nezinzuzo zowayeyisigele oqokelwe esikhundleni sokuba yisithunywa esisesikhundleni unomphela noma njengelungu lesishayamthetho sesifundazwe azinakuncishiswa ngenxa yokuqokwa lokho.

UMkhandlu Ophethe

9. (1) Noma yimuphi umuntu owayenguMongameli, iPhini LikaMongameli Eliphethe, uNgqongqoshe noma iPhini LikaNgqongqoshe ngaphansi koMthethosisekelo owendulela lona, ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla ngokoMthethosisekelo omusha, kodwa ngokulandela okushiwo ephuzwaneni lesi (2).

(2) Kuze kube mhla zi 30 Ephreli 1999, izigatshana esama 84, sama 89, sama 90, sama 91, sama 93, nesama 96 zoMthethosisekelo omusha kufanele zifundwe sengathi zibhalwe kusiJobelelo B sale Sheduli.

(3) Iphuzwana loku (2), alimvimbeli uNgqongqoshe owayeyisigele ngesikhathi uMthethosisekelo omusha uqala ukusebenza ekubeni aqhubeke njengoNgqongqoshe ophawulwe esigabeni sama 91(1)(a) soMthethosisekelo omusha, njengoba leso sigaba sisho kusiJobelelo B.

Izishayamthetho zezifundazwe

10. (1) Noma ngubani owayeyilungu noma eyilungu loMkhandlu Ophethe wesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokuba yilungu noma umphathisikhundla wesishayamthetho saleso sifundazwe ngaphansi koMthethosisekelo omusha, futhi uba sesikhundleni njengelungu noma njengomphathisikhundla ngokoMthethosisekelo omusha kanye nanoma yimuphi

umthethosisekelo wesifundazwe ongaba khona.

(2) Isishayamthetho sesifundazwe njengoba sakhiwe ngokwephuzwana sesi (1), kufanele sithathwe ngokuthi sakhethwa ngaphansi koMthethosisekelo omusha sikhethelwa isikhathi esiphela mhla zi 30 Ephreli 1999.

(3) Kuze kube ngukuphela kwesikhathi sesishayamthetho wesifundazwe mhla zi 30 Ephreli 1999, futhi kunakwe okushiwo esigabeni 108(4), isishayamthetho sesifundazwe sakhiwa yinani lamalungu elinqunyelwe leso sishayamthetho ngaphansi koMthethosisekelo owendulela lona kanye nenani lababeyizigele ababangamalungu esishayamthetho ngokwephuzu lesi 8 lale Sheduli.

(4) Imitheshwana nemiyalo yesishayamthetho sesifundazwe ebisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza iyaqhubeka nokusebenza, kuye nganoma yikuphi ukuchibiyelwa noms ukuphelisiwa.

Ukhetho lwezishayamthetho zezifundazwe

11. (1) Yize uphelisiwe uMthethosisekelo wangaphambili, iSheduli yesi 2 yalowo Mthethosisekelo, njengoba iguqulwe yisiJobelelo A saleyo Sheduli, iyasebenza –

(a) okhethweni lokuqala lwesishayamthetho sesifundazwe ngaphansi koMthethosisekelo omusha;

(b) ekulahlekelweni ngubulungu besishayamthetho ezimweni ezingezona ezihlinzekelwe yisigaba se 106(3) soMthethosisekelo omusha; kanye

(c) nasekugcwaliseni izikhala kusishayamthetho, kanye nokutha indawo, ukubheka kabusha, nokusetshenziswa kwezinhla zamaqembu ukuze kugcwaliswe izikhala, kuze kube yisikhathi sokhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.

(2) Isigaba se 106(4) soMthethosisekelo omusha siyalengiswa mayelana nesishayamthetho sesifundazwe kuze kube ukhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.

Abaphethe izifundazwe

12. (1) Noma yimuphi umuntu owayenguNdunankulu noma ilungu loMkhandlu OPhethe wesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka futhi aphathe leso sikhundla ngokoMthethosisekelo omusha kanye nangokomthethosisekelo wesifundazwe ongabekwa, kodwa ngokuhambisana

nephuzwana lesi (2).

(2) Kuze kube uthathe isikhundla ngaphansi koMthethosisekelo omusha uNdunankulu okhethwe ngemuva kokhetho lokuqala lwesifundazwe, noma isifundazwe size sizishayele umthethosisekelo waso, lokho okwenzeka kuqala kunokunye, isigaba se 132 nese 136 zoMthethosisekelo omusha kufanele zithathwe njengoba zibekwe kusiJobelelo C sale Sheduli.

Imithethosisekelo yezifundazwe

13. Umthethosisekelo owamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza kufanele ulandele isigaba se 143 soMthethosisekelo omusha.

Ukunikezelwa kwemithetho ezifundazweni

14. (1) Imithetho ephathelene nodaba oluphakathi kwemisebenzi eyenziwayo ebalwe ohlwini olukuSheduli yesi 4 noma yesi 5 yoMthethosisekelo omusha, ngesikhathu uMthethosisekelo omusha uqala ukusebenza, yayiphethwe yisiphathimandla phakathi komkhandlu ophethe, inganikezelwa nguMongameli, ngokwenza isimemezelo, esiya kusiphathimandla esiphakathi kwabaphethe esifundazweni esiqokwe uMkhandlu Ophethe wesifundazwe.

(2) Kuze kufike ekutheni kunesidingo sokuthi kunikezelwe umthetho ngaphansi kwephuzwana loku (1), uMongameli, ngokusebenzisa isimemezelo –

(a) angachibiyela noma aphendule umthetho ukuze alawule ukuhunyushwa noma ukusebenza kwawo;

(b) lapho ukunikezelwa komthetho kungasebenzi kuyo yonke ingxenye yanoma yimuphi umthetho, angawususa bese ewushaya kabusha, ube noma ungabi nokucuchibiyela noma ukuphendulwa okuphawulwe endimeni (a), lezo zimiso okusebenza kuzo ukunikezelwa noma kugcine lapho ukunikezelwa kusebenza khona kuzo; noma

(c) angalawula noma yiluphi olunye udaba okunesidingo sokuthi lulawulwe ngenxa yaloku kunikezelwa, kumbandakanya ukwedluliselwa noma ukwebolekisa ngabasebenzi, noma ukwedluliselwa kwempahla, izikweletu, amalungelo kanye nezibopho, eziya noma ezivela kubaphathi bakazwelonke noma besifundazwe noma kunoma yimuphi umnyango kahulumeni, ukuphathwa, ezokuphepha noma iyiphi enye inhlangano.

(3) (a) Ikhophi yesimemezelo ngasinye esikhishwe ngokuku (1) noma kwesi (2), kufanele inikezwe isiGungu Sikazwelonke kanye noMkhandlu Kazwelonke Wezifundazwe kungakapheli izinsuku eziyi 10 kushicilelwe isimemezelo.

(b) Uma kokubili isiGungu Sikazwelonke kanye noMkhandlu Ophethe ngesinqumo ingasivumeli isimemezelo noma yinoma yisiphi isimiso saso, leso simemezelo noma isimiso siphelelwa yisikhathi, kodwa ngaphandle kokuthikameza –

(i) ukuba semthethweni kwanoma yini eyenziwe ngokwesimemezelo noma isimiso singakaphelelwa isikhathi; noma

(ii) ilungelo noma isibonelelo esitholiwe noma isibopho noma isikweletu esivele ngaphambi kokuba isimiso siphelelwe isikhathi.

(4) Uma umthetho unikezelwe ngokwephuzwana loku (1), noma yikuphi okushiwoyo emthethweni kusiphathimandla esiwuphethe, kufanele kuthathwe ngokuthi kubhekiswe kusiphathimandla esiwunikezelwe.

(5) Noma yikuphi ukunikezelwa komthetho ngaphansi kwesigaba sama235(8) soMthethosisekelo wangaphambili, kumbandakanya noma iyiphi ukuchibiyelwa, ukuphendulwa noma ukupheliswa nokushaywa kabusha kwanoma yimuphi umthetho kanye nanoma yisiphi esinye isinyathelo esithathwe ngaphansi kwaleso sigaba, kuthathwa ngokuthi kwenziwe ngaphansi kwalesi sigaba.

Imithetho esekhona engaphandle kwamandla okushaya umthetho ePhalamende

15. (1) Isiphathimandla phakathi kwabaphethe kuzwelonke esengamele noma yimuphi umthetho owela ngaphandle kwamandla ePhalamende okushaya imithetho ngesikhathi uMthethosisekelo omusha uqala ukusebenza, sihlala sinamandla okwengamela lowo mthetho uze unikezwe isiphathimandla esiphakathi kwabaphethe isifundazwe ngokwephuzu le 14 lale Sheduli.

(2) Iphuzwana loku (1), liyeka ukusebenza ngemuva kweminyaka emibili uMthethosisekelo omusha uqale ukusebenza.

Izinkantolo

16. (1) Zonke izinkantolo, kumbandakanya nezinkantolo zabaholi bendabuko, ezazikhona ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ziyaqhubeka

nokusebenza nokusebenzisa amandla eziwanikwa yimithetho ezithintayo, futhi noma ngubani ophethe isikhundla njengowenza umsebenzi wezamajaji uyaqhubeka asiphethe leso sikhundla ngokomthetho osebenzayo kuleso sikhundla, kuye –

(a) noma yikuphi ukuchibiyelwa noma ukupheliswa kwalowo mthetho; kanye

(b) nokuhambisana noMthethosisekelo omusha.

(2) (a) Inkantolo yoMthethosisekelo emiswe nguMthethosisekelo wangaphambili iba yiNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo omusha.

(b) ....

[Iphuzwana (b) licishwe yisigaba sama 20(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(3) (a) INgxenye Yokwedlulisela Amacala yeNkantolo eNkulu yaseNingizimu Afrika iba yiNkantolo Enkulu yokwedlulisela amacala ngaphansi koMthethosisekelo omusha.

(b) ......

[Iphuzwana (b) licishwe yisigaba sama 20(a) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

(4) (a) Ingxenye yesifundazwe noma yendawo yeNkantolo Enkulu yaseNingizimu Afrika noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yenkantolo enjenga lena, iba yiNkantolo Ephakeme ngaphansi koMthethosisekelo omusha kungazange kuguqulwe lutho mayelana namandla ayo, kube kunakekelwe ukudidiyelwa okucatshangwa ephuzwaneni lesi (6).

(b) Noma yimuphi umuntu ophethe isikhundla noma othathwa njengosiphethe njengeJaji elinguMongameli, iPhini Lejaji Elingumongameli noma ijaji lenkantolo okukhulunywe ngalo endimeni (a), uma uMthethosisekelo omusha uqala ukusebenza, uba yiJaji elinguMongameli, iPhini Lejaji Elingumongameli noma yijaji lenkantolo efana nalena ngaphansi koMthethosisekelo omusha, kunakekelwe ukudidiyelwa okucatshangwa ephuzwaneni lesi (6).

(5) Ngaphandle kwalapho kungahambisani nesimo noma ngokucacile kungafanele, uma umthetho noma okwenziwayo kukhuluma –

(a) ngeNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo owandulela lona, kufanele kuthathwe njengothi kusho iNkantolo yoMthethosisekelo

ngaphansi koMthethosiselo omusha;

(b) ngeNgxenye Yokwedlulisela Amacala Yenkantolo Enkulu yaseNingizimu Afrika, kufanele ithathwe njengesho iNkantolo eNkulu Yokwedluliselwa Kwamacala; kanye

(c) neNgxenye yesifundazwe noma yendawo yeNkantolo Enkulu yaseNingizimu Afrika noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yaleyo nkantolo, kufanele ithathwe njengesho iNkantolo ePhakeme.

(6) (a) Ngokushesha okungase kwenzeke ngemuva kokuthi uMthethosisekelo omusha uqalile ukusebenza zonke izinkantolo, kumbandakanya isakhiwo sazo, ukukwakheka kwazo, ukusebenza kanye namandla azo, kanye nayo yonke imithetho ethintekayo, kufanele ididiyelwe ngenhloso yokumisa uhlelo lwezinkantolo oluhambisana nezidingo zoMthethosisekelo omusha.

(b) Ilungu leKhabhinethi elibhekene nokulawulwa kwezobulungiswa, ngemuva kokubonisana neKhomishani Yezemisebenzi Yezinkantolo, kufanele liphathe ukudidiyelwa okucatshangwa endimeni (a).

(7) (a) Noma ngubani osesikhundleni, lapho uMthetho Wokuchibiyelwa koMthethosisekelo waseNingizimu Afrika we 2001 uqala ukusebenza -

(i) njengoMongameli Wenkantolo Yomthethosisekelo, uba yiJaji Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha;

(ii) njengePhini Likamongameli Wenkantolo Yomthethosisekelo, uba yiPhini Lejaji Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha.

(iii) njengeJaji Elikhulu, uba nguMongameli wenkantolo Enkulu Yokwedluliselwa Kwamacala njengoba kucatshangwa esigabeni se 168(1)soMthethosisekelo omusha; futhi

(iv) njengePhini Lejaji Elikhulu, uba yiPhini Likamongameli Wenkantolo Enkulu Yokwedluliselwa Kwamacala njengoba kucatshangwa esigabeni se 168(1) soMthethosisekelo omusha.

(b) Yonke imithetho nemitheshwana noma ukuyalela okwenziwe nguMongameli Wenkantolo Yomthethosisekelo noma yiJaji Elikhulu esebenzayo ngaphambili nje kokuba uMthetho Wokuchibiyelwa koMthethosisekelo waseNingizimu Afrika we 2001, uqale ukusebenza, iyaqhubeka isebenze ize ipheliswe noma iguqulwe.

(c) Ngaphandle kwalapho kungahambisani nesimo noma ngokucacile

kungafanele, ukubhekiswa okukunoma yimuphi umthetho noma okwenziwayo okukhuluma ngeJaji Elikhulu noma ngoMongameli Wenkantolo yoMthethosisekelo, kufanele kuthathwe njengokubhekisa eJajini Elikhulu njengoba kucatshangwa esigabeni se 167(1) soMthethosisekelo omusha.

[Iphuzwana lesi (7) lingezwe yisigaba sama 20(b) soMthetho Wesithupha Wokuchibiyela uMthethosisekelo we 2001.]

Amacala asalindwe phambi kwezinkantolo

17. Onke amacala abesephambi kwenkantolo ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele edluliswe sengathi uMthethosisekelo omusha awuzange ube khona, ngaphandle kwalapho izidingo zobulungiswa zimisa ukuthi kungabi njalo.

Isiphathimandla sokushushisa

18. (1) Isigaba se 108 soMthethosisekelo owandulela lona siyaqhubeka nokusebenza kuze kuqale ukusebenza uMthetho Wephalamende ocatshangwa yisigaba se 179 soMthethosisekelo omusha. Leli phuzwana alithikamezi ukuqokelwa esikhundleni koMqondisi Kazwelonke Wezokushushisa Komphakathi ngokwesigaba se 179.

(2) Umshushisi omkhulu ophethe isikhundla ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokusebenza ngokomthetho osetshenziswa kuleso sikhundla, kunakwe iphuzwana loku (1).

Izifungo neziqinisekiso

19. Umuntu oqhubekayo esesikhundleni ngokwale Sheduli futhi othathe isifungo noma owenze isiqinisekiso uma ethatha isikhundla, ngaphansi koMthethosisekelo owendulela lona, akaphoqelekile ukuthi aphinde athathe isifungo sesikhundla noma isiqinisekiso ngaphansi koMthethosisekelo omusha.

Ezinye izikhungo zomthethosisekelo

20. (1) Kulesi sigaba uma kuthiwa "izikhungo zomthethosisekelo" kushiwo –

(a) uMvikeli Womphakathi;

(b) iKhomishani Yamalungelo Esintu;

[Indima (b) ichibiyelwe yisigaba sesi 4 soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(c) IKhomishani Yokulingana Ngokobulili;
(d) uMcubunguli-Mabhuku oMkhulu Wezimali Zombuso;
(e) iBhange Elikhulu LaseNingizimu Afrika;
(f) iKhomishani Yezezimali Neyesikhwama Sombuso;
(g) iKhomishani Yezokuphathwa Kwezobulungiswa; noma
(h) iBhodi Yezilimi Zonke ZaseNingizimu Afrika.

(2) Isikhungo soMthethosisekelo esimiswe ngokoMthethosisekelo owandulela lona siyaqhubeka nokusebenza ngokomthetho obhekene nalo, futhi noma ngubani osesikhundleni njengelungu lekhomishani, ilungu lebhodi yeBhange Elikhulu noma leBhodi Yezilimi Zonke ZaseNingizimu Afrika, uMvikeli Womphakathi noma uMcubunguli-Mabhuku Omkhulu Wezimali Zombuso ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla ngokomthetho osebenza kuleso sikhundla, kunakwe –
(a) noma yikuphi ukuchibiyelwa noma ukuphelisiwa kwalowo mthetho; kanye
(b) nokuhambisana noMthethosisekelo omusha.

(3) Izigaba se 199(1), sama 200(1),(3) kanye no (5) kuya ku (11) kanye nesama 201 ukuya kwesama 206 zoMthethosisekelo owandulela lona ziyaqhubeka zisebenze zize zipheliswe nguMthetho Wephalamende owemukelwe ngokwesigaba se 75 soMthethosisekelo omusha.

(4) Amalungu eKhomishani Yezokuphathwa Kwezobulungiswa ephawulwe esigabeni se 105(1)(h) soMthethosisekelo owendulela lona, ayayeka ukuba ngamalungu eKhomishani uma sekuqokelwe ezikhundleni amalungu aphawulwe esigabeni se 178(1)(i) soMthethosisekelo omusha.

(5) (a) UMkhandlu Wezezwe Elizimele LamaBhunu omiswe ngokoMthethosisekelo owandulela lona uyaqhubeka nokusebenza ngokomthetho osebenza kuwo, futhi noma ngubani osesikhundleni njengelungu loMkhandlu ngesikhathi uMthethosisekelo omusha uqala ukusebenza uyaqhubeka ngokuba kuleso sikhundla ngokomthetho osebenza kuleso sikhundla, kunakwe –
(i) noma yikuphi ukuchibiyelwa noma ukupheliswa kwalowo mthetho; kanye
(ii) nokuhambisana noMthethosisekelo omusha.
(b) Isigaba se 184A nese 184B(1)(a),(b) no (d) zoMthethosisekelo owandulela lona ziyaqhubeka zisebenza zize ziphelisiwe nguMthetho Wephalamende

owamukelwa ngokwesigaba sama 75 soMthethosisekelo omusha.

Ukushaywa komthetho odingwa nguMthethosisekelo omusha

21. (1) Lapho uMthethosisekelo omusha udinga ukuthi kushaywe umthetho kazwelonke noma wesifundazwe, lowo mthetho kufanele ushaywe yisiphathimandla esifanele singakapheli isikhathi esamukelekile ngemuva kosuku uMthethosisekelo owaqala ukusebenza ngalo.

(2) Isigaba se 198(b) soMthethosisekelo omusha asinakuphoqelelwa kuze kube sekushaywe umthetho ocatshangwayo kuleso sigaba.

(3) Isigaba se 199(3)(a) soMthethosisekelo omusha asinakuphoqelelwa ngaphambi kokuthi kube sekuphele izinyanga ezintathu ngemuva kokushaywa komthetho ocatshangwayo kuleso sigaba.

(4) UMthetho kazwelonke ocatshangwa esigabeni sama-217(3)soMthethosisekelo omusha kufanele ushaywe kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha owaqala ngalo ukusebenza, kodwa ukungabikho kwalo mthetho ngalesi sikhathi akuvimbeli ukuqala kusetshenziswe izinqubomgomo eziphawulwe esigabeni sama 217(2).

(5) Kuze kube yilapho kumiswa uMthetho Wephalamende okuphawulwe ngawo esigabeni sama 65(2) somthethosisekelo omusha, isishayamthetho sesifundazwe ngasinye singanquma eyaso inqubo ngokulandela igunya eligunyazwe izithunywa zaso lokuba livote egameni loMkhandlu Wezifundazwe Kazwelonke.

(6) Kuze kube yilapho kumiswa uMthetho ocatshangwa esigabeni sama 229(1)(b) soMthethosisekelo omusha, umasipala uzohlala enamandla okukhokhisa noma iyiphi intela, izimali ezikhokhelwa okuthile noma izimali ezikhokhela impahla evela kwamanye amazwe eyayigunyazwe ukuba ikhokhwe ngenkathi uMthethosisekelo uqala ukusebenza.

Ubumbano lwezwe nokubuyisana

22. (1) Yize ezinye izimiso zoMthethosisekelo omusha futhi ngaphandle kokupheliswa koMthethosisekelo owandulela lona, zonke izimiso eziphathelene nokuxolelwa kwamacala eziqukethwe kuMthethosisekelo owandulela lona ngaphansi kwesihloko, "Ubumbano Lwesizwe Nokubuyisana" zithathwa ngokuthi ziyingxenye

yoMthethosisekelo omusha ngezinhloso zoMthetho oGqugquzelela uBumbano Lwesizwe Nokubuyisana we-1995,(uMthetho wama 34 we 1995), njengoba uchibiyelwe, kumbandankanya nezinhloso zokusebenza kwawo.

(2) Mayelana nezinhloso zephuzwana loku (1), umhla zi '6 Disemba 1993', lapho uvela khona ezimisweni zoMthethosisekelo owandulela lona ngaphansi kwesihloko "Ubumbano Lwesizwe Nokubuyisana", kufanele ufundwe njengomhla zi '11 Meyi 1994'.

[Iphuzwana lesi (2) lingezwe yisigaba sesi 3 soMthetho Wokuqala Wokuchibiyela uMthethosisekelo we 1997.]

UMqulu Wamalungelo

23. (1) Umthetho kazwelonke ocatshangwa esigabeni sesi 9(4), sama 32(2), nesama 33(3) zoMthethosisekelo omusha kufanele zishaywe kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha owaqala ukusebenza ngalo.

(2) Kuze kube lapho kushaywa umthetho ocatshangwa esigabeni sama 32(2) nesama 33(3) zoMthethosisekelo omusha –

(a) isigaba sama 32(1) kufanele sithathwe ngokuthi sifundeka ngendlela elandelayo -
"(1) Wonke umuntu unelungelo lokuthola lonke ulwazi olusezandleni zombuso noma zanoma iyiphi ingxenye yawo kunoma yimuphi umkhakha kahulumeni, uma lolo lwazi ludingeka ukuze kusetshenziswe noma kuvikelwe noma yiliphi lamalungelo lakhe"; futhi

(b) isigaba sama 33(1) nesesi (2) kufanele zithathwe ngokuthi zifundeka ngendlela elandelayo -
"Wonke umuntu unelungelo –

(a) lokuthola izinyathelo ezisemthethweni kwabaphethe lapho noma yimaphi amalungelo abo noma izidingo zabo zithinteka noma zisengozini;

(b) lokuthola izinyathelo ezisemthethweni ezilungile lapho noma yimaphi amalungelo abo noma amathemba abo afanele ethinteka noma esengozini;

(c) lokunikezwa izizathu ezibhaliwe zezinyathelo ezisemthethweni ezithathwe ngabaphethe ezithinta noma yimaphi amalungelo noma izidingo ngaphandle kwalapho lezo zizathu zimenyezelwe; kanye

(d) nelokuthola izinyathelo kwabaphethe ezifanele uma kuqhathaniswa nezizathu ezinikiwe zazo lapho amalungelo akhe ethinteka noma esengozini".

(3) Izigaba sama 32(2) nesama 33(3) zoMthethosisekelo omusha ziphelelwa isikhathi uma umthetho ocatshangwayo kulezo zigaba ngokulandelana kwazo, ungashaywa kungakapheli iminyaka emithathu kusukela ngosuku uMthethosisekelo omusha oqale ukusebenza ngalo.

Ukuphathwa kwemisebenzi yombuso nezikhungo zokuphepha

24. (1) Izigaba sama 82(4)(b), sama 215, sama 218(1), sama 219(1), sama 224 ukuya kwesama 228, sama 236(1), (2), (3), (6), (7)(b) nesesi (8), sama 237(1) nesesi (2)(a) kanye nesama 239(4) nesesi (5) zoMthethosisekelo owandulela lona ziqhubeka ngokusebenza sengathi uMthethosisekelo owandulela lona awupheliswanga, kuye–

(a) ngokuchibiyela kukulezo zigaba ezibekwe kusiJobelelo D;

(b) nganoma yikuphi okunye ukuchibiyela noma ukupheliswa kwalezo zigaba nguMthetho Wephalamende owamukelwe ngokwesigaba sama 75 soMthethosisekelo omusha; futhi

(c) ngokuhambisana noMthethosisekelo omusha.

(2) IKhomishani Yezemisebenzi Yombuso kanye namakhomishani ezifundazwe emisebenzi yombuso aphawulwe kuSahluko se 13 soMthethosisekelo owandulela lona, aqhubeka nokusebenza ngokwaleso Sahluko kanye nomthetho osebenza kuwo sengathi iSahluko asipheliswanga, kuze kube kususwa iKhomishani namakhomishani ezifundazwe ngokoMthetho Wephalamende owamukelwe ngokwesigaba sama 75 soMthethosisekelo omusha.

(3) Ukupheliswa koMthethosisekelo owandulela lona akuthikamezi noma yisiphi isimemezelo esikhishwe ngaphansi kwesigaba sama 237(3), soMthethosisekelo owandulela lona, futhi noma yiziphi izimemezelo ezifana nalezi ziyaqhubeka nokusebenza, kube kuye –

(a) nganoma yikuphi ukuchibiyelwa noma ukupheliswa; kanye

(b) nokuhambisana noMthethosisekelo omusha.

Izizathu ezinezezelwe zokungavunyelwa ukuba yilungu lesishayamthetho

25. (1) Noma yimuphi umuntu, owayedonsa isigwebo sasejele eRiphabhuliki esingaphezulu kwezinyanga eziyi 12 ngaphandle kokunikezwa ithuba lenhlawulo yemali, lapho uMthethosisekelo omusha uqala ukusebenza, akavunyelwe ukuba yilungu lesiGungu kaZwelonke noma lesishayamthetho sesifundazwe.

(2) Lokhu kungavunyelwa komuntu ngokwephuzu loku (1) –

(a) kuyaphela uma isigwebo sibekwa eceleni ngemuva kokwedluliswa kwecala, noma isigwebo sehlisiwe, ngemuva kokwedluliswa kwecala saba yisigwebo esingamvimbeli lowo muntu; futhi

(b) kuyaphela eminyakeni emihlanu ngemuva kokuqedwa kwesigwebo.

Uhulumeni wendawo

26. (1) Yize kunezimiso zezigaba se-151, se 155, se 156, nese 157 zomthethosisekelo omusha –

(a) izimiso zoMthetho Wesikhashana Kahulumeni Wasekhaya, we 1993 (uMthetho wama 209 we 1993), njengoba ungachitshiyelwa noma nini ngumthetho kazwelonke ohambisana noMthethosisekelo omusha, zizohlala zisebenza mayelana noMkhandlu Kamasipala kuze kube kumenyezelwe ukuthi sekukhethwe uMkhandlu Kamasipala othatha isikhundla salowo Mkhandlu ngenxa yomphumela wokhetho jikelele lokuqala lweMikhandlu Yomasipala ngemuva kokuqala koMthethosisekelo omusha; futhi

[Iphuzwana (a) indawo yalo ithathwe yisigaba sesi 5(a) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(b) umholi wendabuko womphakathi olandela indlela yomthetho wendabuko nohlala emhlabeni osendaweni yomkhandlu wesikhashana wendawo, yomkhandlu wesikhashana wasemaphandleni noma yomele umkhandlu wesikhashana, ophawulwe eMthethweni Wesikhashana Kahulumeni Wasekhaya, we 1993, futhi okhonjwe esigabeni 182 soMthethosisekelo owandulela lona, unamandla ngokwesikhundla (ex officio) okuba yilungu lalowo mkhandlu kuze kube uMkhandlu Kamasipala othatha isikhundla salowo mkhandlu umenyezelwe ngenxa yomphumela wokhetho jikelele lokuqala lweMikhandlu Yomasipala ngemuva kokuqala koMthethosisekelo

omusha.

[Iphuzwana (b) indawo yalo ithathwe yisigaba sesi 5(a) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

(2) Isigaba se 245(4) soMthethosisekelo owandulela lona siyaqhubeka nokusebenza kuze kuphele ukusebenza kwaleso sigaba. Isigaba se 16(5) nese (6) soMthetho Wesikhashana kaHulumeni Wasekhaya, we 1993, asinakususwa ngaphambi komhla zingama 30 Ephreli 2000.

[Iphuzwana lesi (2) lichibiyelwe yisigaba sesi 5(b) soMthetho Wesibili Wokuchibiyela uMthethosisekelo we 1998.]

Ukugcinwa ngokuphepha kweMithetho Yephalamende neMithetho Yezifundazwe

27. Izigaba sama 82 nese 124 zoMthethosisekelo omusha azithikamezi ukugcinwa ngokuphepha kweMithetho Yephalamende noma kweMithetho yesifundazwe eyamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza.

Ukubhaliswa kwempahla engagudluki yoMbuso

28. (1) Ekuvezweni kwesitifiketi yisiphathimandla esifanele sokuthi impahla engagudluki yoMbuso inikezwe uhulumeni othile ngokwesigaba sama-239 soMthethosisekelo owandulela lona, unobhala wamafa kufanele akubhale lokho noma lezo zivumelwano encwadini efanele yokubhalisa, kumatayitela noma komunye umbhalo wokubhalisa leyo mpahla engagudluki egameni lalowo hulumeni.

(2) Akunanhlawulo, imali ekhokhwayo noma ezinye izindleko ezikhokhwayo mayelana nokubhaliswa ngokwephuzwana loku (1).

OKUJOTSHELELWE A

Ukuchibiyela Kusheduli yesi 2 YoMthethosisekelo Owandulela Lona

1. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu loku 1:

'1. Amaqembu abhaliswe ngokomthetho kazwelonke namele ukhetho lesiGungu Sikazwelonke, kufanele aphakamise amagama abazomela ukhetho lolo kuzinhla zabamele ukhetho ezenziwe ngokuhambisana nale Sheduli nomthetho kazwelonke.'.

2. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lesi 2:

'2. Izihlalo esiGungwini Sikazwelonke njengoba kunqunywe ngokwesigaba sama 46 soMthethosisekelo omusha, zizogcwaliswa ngendlela elandelayo -

(a) Ingxenye yezihlalo evela ohlwini lwezifundazwe lweqembu ngalinye, kube kunenani elingaguquki lezihlalo elibekelwe isifunda ngasinye njengoba kunqunywe yiKhomishani inqumela ukhetho olulandelayo loMkhandlu, kube kubhekwe ulwazi olwesekelwe kusayensi mayelana nabavoti, kanye neziphakamiso ezivela emaqenjini anezintshisekelo.

(b) Enye ingxenye yezihlalo evela ohlwini lukazwelonke lweqembu ngalinye, noma ohlwini lesifunda uma uhlu lukazwelonke lungangeniswanga.'.

3. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lesi 3:

'3. Izinhla zabamele ukhetho olufakwa yiqembu, kufanele uma seziphelele zibe nesamba samagama esingeqile enanini labantu abaphakanyisiwe elilingana nezihlalo ezikhona esiGungwini Sikazwelonke, futhi uhlu ngalunye luzohlela amagama lawo ngendlela engaguquki efiswa iqembu lelo njengoba linganquma ngalokho.'.

4. Ukuchibiyelwa kwephuzu lesi (5) ngokufakelwa kwamagama alandelayo esikhundleni samagama endulela indima(a):

'5. Izihlalo okukhulunywa ngazo ephuzwini lesi 2(a) zizokwabelwa ngesifunda ngasinye amaqenjini amele ukhetho, ngale ndlela elandelayo:'.

5. Ukuchibiyelwa kwephuzu lesi (6):

(a) ngokufaka esikhundleni samagama angaphambi kwendima (a) lawa magama alandelayo:

'**6**. Izihlalo okukhulunywa ngazo ephuzwini lesi 2(b) zizokwabelwa amaqembu amele ukhetho, ngendlela elandelayo:"; kanye

(b) nangokufaka esikhundleni sendima (a) indima elandelayo:

'(a) Isabelo samavoti esihlalo ngasinye sizobalwa ngokwehlukanisa isamba samavoti afakwe kukazwelonke ngenani lezihlalo eziseMkhandlwini kaZwelonke, kuhlanganiswe nesisodwa, bese kuthi umphumela uhlanganiswe nokukodwa, kunganakwa izingcezu ezingaphelele, ube yisabelo samavoti aya esihlalweni ngasinye.".

6. Ukuchitshiyelwa kwephuzu lesi 7(3) ngokufaka indima elandelayo esikhundleni sendima (b):

'(b) Isabelo esichitshiyelwe samavoti esihlalweni ngasinye sizobalwa ngokwehlukanisa isamba samavoti afakwe ngokukazwelonke, kususwe inani lamavoti afakelwe iqembu okukhulunywa ngalo endimeni (a) ngokukazwelonke, ngenani lezihlalo esiGugwini, kuhlanganiswe nesisodwa, bese kususwa inani lezihlalo eligcine labelwe iqembu elishiwo ngokwesigaba (a).'.

7. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 10:

'10. Inani lezihlalo kusishayamthetho sesifundazwe ngasinye lizoba njengoba kunqunyiwe ngokwesigaba se 105 soMthethosisekelo omusha.'.

8. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 11:

'11. Amaqembu abhaliswe ngokomthetho kazwelonke futhi amele ukhetho lwesishayamthetho sesifundazwe, azophakamisa amagama abamele ukhetho lwaleso sishayamthetho sesifundazwe ezinhleni zesifundazwe ezilungisiwe ngokuhambisana nale Sheduli kanye nomthetho kazwelonke.".

9. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 16:

"**Ukubekwa kwabameleli**.

16 (1) Ngemuva kokuqedwa kokubalwa kwamavoti, inani labameleli beqembu ngalinye selinqunyiwe nomphumela wokhetho usumenyezelwe ngokwesigaba se 190 soMthethosisekelo omusha, iKhomishani, kungakapheli izinsuku ezimbili ngemuva kokumenyezelwa, izobeka isusela ohlwini ngalunye lwabamele ukhetho, olushicilelwe ngokomthetho kazwelonke, abazomela iqembu ngalinye kusishayamthetho.

(2) Ngemuva kokubekwa ngokwephuzwana loku (1), uma igama lalowo obemele

ukhetho livela ohlwini olungaphezu kolulodwa lesiGungu Sikazwelonke noma ezinhleni zesiGungu Sikazwelonke kanye nolwesishayamthetho sesifundazwe (uma ukhetho lesiGungu nolwesishayamthetho sesifundazwe lubanjwa ngesikhathi esifanayo), futhi obemele okhethweni kulindeleke ukuthi abekwe njengommeleli ezikhundleni ezingaphezulu kwesisodwa, iqembu elizingenise lezo kuzinhla, kungakapheli izinsuku ezimbili ngemuva kwesimemezelo leso, lizosho kuKhomishani ukuthi umuntu kufanele abekwe kususelwa koluphi uhlu noma ukuthi uzosebenza kusiphi isishayamthetho, ngokwesimo esizobe sikhona, okuzokwenza ukuthi igama lalowo obemele ukhetho licishwe kwezinye izinhla.

(3) IKhomishani khona lapho izobe isishicilela uhlu lwamagama abameleli kusishayamthetho noma kuzishayamthetho".

10. Ukuguqulwa kwephuzu le 18 ngokufaka indima elandelayo esikhundleni sendima (b):

'(b) ummeleli uqokelwa ukuba yisithunywa esisesikhundleni unomphela eMkhandlwini Wezifundazwe Kazwelonke;".

11. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu le 19:

'**19.** Izinhla zabamele ukhetho beqembu elishiwo ephuzwini le 16(1) zinganezezelwa kube kanye kuphele noma ngasiphi isikhathi phakathi kwezinyanga zokuqala eziyi 12 ngemuva kokuthi ukuqokwa kwabameleli ngokwephuzu le 16 kuqediwe, ukuze kugcwaliswe izikhala ezivela zingalindelwe: Inqobo uma ukunezezelwa lokho kwenziwa ekugcineni kohlu.'.

12. Ukufakwa kwephuzu elilandelayo esikhundleni sephuzu lama 23:
'**Izikhala zomsebenzi.**

23. (1) Uma kwenzeka kuba nesikhala kusishayamthetho esithintwa yile Sheduli, iqembu elaphakamisa ilungu elishiyayo lizogcwalisa isikhala ngokuphakamisa umuntu –

(a) ogama lakhe likhona ohlwini lwabamele ukhetho lolo lowo oshiyayo ayephakanyiswe kulo ngaphambilini; futhi

(b) ongolandelayo ofanele ohlwini futhi otholakalayo kulo.

(2) Isiphakamiso sokugcwalisa isikhala sizonikezwa uSomlomo sibhalwe phansi.

(3) Uma iqembu elimelwe kusishayamthetho lishabalala noma liyeka ukuba khona futhi amalungu alelo qembu eshiya izihlalo zawo ngenxa yephuzu lama 23A(1),

izihlalo ezithintekayo kufanele zabelwe amaqembu asele ngokuguquguquka kwezimo okudingekayo (mutatis mutandis) sengathi lezo zihlalo zishiywe ngokwephuzu lesi 7 noma le 14, kuye ngesimo esivelile'.

13. Ukufakelwa kwephuzu elilandelayo ngemuva kwephuzu lama 23:
'**Izizathu ezinezezelwe zokulahlekelwa ngubulungu kuzishayamthetho**

23A. (1) Umuntu ulahlekelwa ngubulungu kusishayamthetho esithintwa yile Sheduli uma lowo muntu eyeka ukuba yilungu leqembu elaphakamisa lowo muntu njengelungu laso.

(2) Nangaphandle kokushiwo yiphuzu loku (1), noma yiliphi iqembu lezombusazwe elikhona lingalishintsha igama lalo nganoma yingasiphi isikhathi.

(3) UMthetho Wephalamende, ungashaywa kungakapheli isikhathi esamukelekile ngemuva kokuthi uMthethosisekelo omusha uqale ukusebenza, ngokuhambisana nesigaba sama 76(1) soMthethosisekelo omusha ukuze uchibiyele leli phuzu kanye nephuzu lama 23 ukuhlinzekela indlela engenza ukuthi ilungu lesishayamthetho eliyeka ukuba yilungu leqembu elaliphakamise lelo lungu, likwazi ukugcina ubulungu baleso sishayamthetho.

(4) UMthetho wePhalamende ophawulwe ephuzwaneni lesi (3) ungabuye uhlinzekele nokuthi –

(a) nanoma yiliphi iqembu elikhona lihlangane nelinye iqembu kube yiqembu elilodwa; noma

(b) nanoma yiliphi iqembu lehlukane libe ngamaqembu angaphezulu kwelilodwa.'.

14. Ukucinywa kwephuzu lama 24

15. Ukuchibiyelwa kwephuzu lama 25:

(a) ngokufakwa esikhundleni sencazelo ka'Khomishani' ngencazelo elandelayo: "iKhomishani' ichaza iKhomishani yoKhetho ephawulwe esigabeni se 190 soMthethosisekelo omusha;"; futhi

(b) ngokufaka incazelo elandelayo ngemuva kwencazelo yo'hlu lukazwelonke:' "uMthethosisekelo omusha' uchaza uMthethosisekelo weRiphabhuliki YaseNingizimu Afrika we 1996;".

16. Ukucinywa kwephuzu lama 26.

OKUJOTSHELELWE B

UHULUMENI WOBUMBANO LWESIZWE: UMKHAKHA KAZWELONKE

1. Isigaba sama 84 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lesi sigatshana esilandelayo ngaphezu kwesikhona:

'(3) uMongameli kufanele abonisane namaPhini KaMongameli Aphethe –

(a) ekuthuthukiseni nasekwenziweni kwezinqubomigomo zikahulumeni kazwelonke;

(b) kuzo zonke izindaba eziphathelene nokuphathwa kweKhabhinethi nokwenziwa komsebenzi weKhabhinethi;

(c) ekwabiweni kwemisebenzi kumaPhini KaMongameli Aphethe;

(d) ngaphambi kwanoma yikuphi ukuqokela ezikhundleni ngaphansi koMthethosisekelo noma kwanoma yimuphi umthetho, kumbandakanya ukuqokwa kwamanxusa noma kwabamele izwe kwamanye amazwe;

(e) ngaphambi kokuqoka amakhomishani ophenyo;

(f) ngaphambi kokubiza inhlolovo; kanye

(g) nangaphambi kokuxolela noma ukukhululwa kwalabo abenze amacala'.

2. Isigaba sama 89 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ngaphezu kwalezo ezikhona:

'(3) Izigatshana soku (1) nesesi (2) ziyasebenza nasePhinini LikaMongameli Eliphethe.'.

3. Indima(a) yesigaba sama 90(1) soMthethosisekelo omusha ithathwa ngokuthi ifundeka ngendlela elandelayo:

'(a) SePhini likaMongamelieliPhethe eliqokwe nguMongameli;'.

4. Isigaba sama 91 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo:

'**Ikhabhinethi**

91. (1) IKhabhinethi yakhiwe nguMongameli, ngamaPhini KaMongameli Aphethe kanye –

(a) noNgqongqoshe abangeqile kuma 27 abangamalungu oesiGungu Sikazwelonke futhi beqokwe ngokwesigatshana sesi(8) kuya kwese (12); kanye

(b) noNgqongqoshe ongeqile koyedwa ongelona ilungu lesiGungu Sikazwelonke oqokwe ngokwesigatshana se (13), inqobo uma uMongameli, esebenza ngokubonisana namaPhini KaMongameli Aphethe nabaholi bamaqembu abambe iqhaza, ebona kufanele ukuqokwa kwalowo Ngqongqoshe.

(2) Iqembu ngalinye elinezihlalo okungenani ezingama-80 esiGungwini Sikazwelonke linelungelo lokuqoka iPhini LikaMongameli Eliphethe phakathi kwamalungu esiGungu.

(3) Uma lingekho iqembu noma kuyiqembu elilodwa kuphela elinezihlalo ezingama-80 noma ngaphezulu esiGungwini, iqembu elinezihlalo eziningi kunawo wonke neqembu elinenani elilandelayo lezihlalo ngalinye linelungelo lokuqoka iPhini LikaMongameli Eliphethe elilodwa phakathi kwamalungu esiGungu.

(4) Uma seliqokiwe iPhini LikaMongameli Eliphethe lingakhetha ukuhlala liyilungu lesiGungu noma ukuyeka ubulungu.

(5) IPhini LikaMongameli Eliphethe lingasebenzisa amandla futhi kufanele lenze imisebenzi ebekelwe isikhundla sePhini LikaMongameli Eliphethe nguMthethosisekelo noma eyabelwe leso sikhundla nguMongameli.

(6) IPhini LikaMongameli Eliphethe liba sesikhundleni –

(a) kuze kube mhla zi 30 Ephreli 1999 ngaphandle kwalapho kufakwe omunye esikhundleni salo noma libuyiselwe emuva yiqembu elinelungelo lokwenza isiphakamiso ngokwezigatshana sesi (2) noma sesi (3); noma

(b) kuze kube yilapho umuntu okhethelwe ukuba nguMongameli ngemuva kwanoma yiluphi ukhetho lesiGungu Sikazwelonke olubanjwe ngaphambi kwamhla zi 30 Ephreli 1999, ethatha esikhundla.

(7) Isikhala esikhundleni sePhini LikaMongameli eliPhethe singagcwaliswa yiqembu eliphakamise lelo Phini LikaMongameli.

(8) Iqembu elinezihlalo ekungenani ezingama 20 esiGungwini Sikazwelonke futhi elinqume ukubamba iqhaza kuhulumeni wobumbano lwesizwe, linelungelo lokwabelwa isikhundla esisodwa noma ngaphezulu seKhabhinethi, esiqokelwa oNgqongqoshe abaphawulwe esigatshaneni soku (1)(a), ngendlela ehambisanayo nenani lezihlalo zalelo qembu esiGungwini Sikazwelonke uma kuqhathaniswa nenani lezihlalo zamanye amaqembu abamba iqhaza.

(9) Izikhundla zeKhabhinethi kufanele zabelwe iqembu ngalinye elibambe iqhaza ngokulandela uhlelo lokubala olulandelayo -

(a) Isabelo sezihlalo esiqondene nesikhundla ngasinye kufanele sibalwe ngokwehlukanisa inani eliphelele lezihlalo esiGungwini Sikazwelonke elibanjwe ngokuhlanganyela ngamaqembu abambe iqhaza ngenani lezikhundla ezizoqokelwa oNgqongqoshe abaphawulwe esigatshaneni soku (1)(a), bese kuhlanganiswa noyedwa.

(b) Umphumela, kunganakwa izingxenye kusukela enombolweni yesithathu nezilandelayo, uma zikhona izabelo zezihlalo ngesikhundla ngasinye.

(c) Inani lezikhundla ezizokwabelwa iqembu ngalinye elibamba iqhaza linqunywa ngokwehlukanisa inani lesamba sezihlalo zalelo qembu esiGungwini Sikazwelonke ngesabelo esiphawulwe esigabeni (b).

(d) Umphumela, owencike endimeni (e), ukhomba inani lezikhundla okufanele zabelwe lelo qembu.

(e) Uma ukusetshenziswa kohlelo lokubala olungenhla kugcina kunikeza kunensalela engathathwanga yinani lezikhundla ezabelwe iqembu, leyo nsalela iqhudelana nezinye izinsalela ezifana nayo zelinye iqembu noma zamanye amaqembu, futhi noma yiziphi izikhundla, ezisele zingabiwanga kufanele zabelwe iqembu noma amaqembu athintekile ngokulandelana kwensalela enkulu kunazo zonke.

(10) UMongameli ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza kufanele –

(a) anqume ngezikhundla ezithile ezizokwabelwa iqembu ngalinye elibamba iqhaza ngokulandela inani lezikhundla elizabelwe ngokwesigatshana sesi (9);

(b) aqoke mayelana naleso sikhundla ngasinye ilungu lesiGungu Sikazwelonke eliyilungu leqembu elabelwe leso sikhundla ngaphansi kwendima (a), njengoNgqongqoshe obhekene naleso sikhundla;

(c) uma kuba nesidingo ngezizathu zoMthethosisekelo noma ngenxa yezidingo zokubusa kahle kukahulumeni, aguqule noma yisiphi isinqumo esingaphansi kwendima (a), ngokwencike esigatshaneni sesi (9);

(d) asuse noma yikuphi ukuqokwa ngaphansi kwendima (b) –

(i) uma uMongameli ecelwe ukuthi enze kanjalo ngumholi weqembu

lowo Ngqongqoshe uyilungu lalo; noma

(ii) uma kuba nesidingo ngezizathu zoMthethosisekelo noma ngenxa yezidingo zokubusa kahle kukahulumeni; noma

(e) agcwalise isikhala esikhundleni sikaNgqongqoshe, uma kunesidingo, ngokwencika esigabeni (b).

(11) Isigatshana se (10) kufanele sisetshenziswe ngomoya oqukethwe emqondweni wohlobo lukahulumeni wobumbano lwesizwe, futhi uMongameli kanye nabanye abamsebenzelayo abathintekile, kufanele uma besebenzisa leso sigatshana bazame ukuvumelana ngezikhathi zonke: Ngaphandle uma ukuvumelana kungakwazi ukufinyelelwa mayelana -

(a) ngokusetshenziswa kwamandla aphawulwe endimeni (a), (c) noma (d) (ii) yaleso sigatshana, isinqumo sikaMongameli siyasetshenziswa;

(b) ngokusetshenziswa kwamandla aphawulwe endimeni (b),(d)(i) noma (e) yaleso sigatshana athinta umuntu ongelona ilungu leqembu likaMongameli, isinqumo somholi weqembu lowo muntu ayilungu lalo siyasetshenziswa; kanye

(c) ngokusetshenziswa kwamandla aphawulwe endimeni (b) noma (e) yaleso sigatshana athinta umuntu oyilungu leqembu likaMongameli, isinqumo sikaMongameli siyasetshenziswa.

(12) Uma noma yisiphi isinqumo ngokwabiwa kwezikhundla siguqulwa ngaphansi kwesigatshana se (10)(c), oNgqongqoshe abathintekile kufanele bashiye izikhundla zabo kodwa bavunyelwe, uma kungenzeka, ukuthi baqokwe kabusha baqokelwe kwezinye izikhundla ezabelwe iqembu labo ngalinye ngokwesinqumo esiguquliwe.

(13) UMongameli –

(a) ebonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza, kufanele –

(i) anqume ukuthi uNgqongqoshe ophawulwe esigatshaneni soku (1) (b) uzophatha siphi isikhundla uma kunesidingo ngemuva kwesinqumo sikaMongameli ngaphansi kwaleso sigatshana;

(ii) aqoke mayelana naleso sikhundla umuntu ongelona ilungu lesiGungu Sikazwelonke, njengoNgqongqoshe obhekene naleso sikhundla;

(iii) agcwalise, uma kunesidingo, isikhala esiqondene naleso sikhundla,

noma

(b) ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abambe iqhaza, kufanele aqede noma yikuphi ukuqokwa okungaphansi kwendima (a) uma kuba nesidingo ngezizathu zoMthethosisekelo noma zokubusa kahle kukahulumeni.

(14) Imihlangano yeKhabhinethi kufanele yenganyelwe nguMongameli, noma, uma uMongameli enikeza umyalo, kube yiPhini LikaMongameli Eliphethe: Ngaphandle kokuthi amaPhini KaMongameli Aphethe ayashintshisana ngokwengamela imihlangano yeKhabhinethi ngaphandle kwalapho ukuphuthuma kwezidingo zikahulumeni kanye nomoya oqukethwe ngumqondo kahulumeni wobumbano lwesizwe, kudinga ukuthi kwenzeke ngenye indlela.

(15) IKhabhinethi kufanele isebenze ngendlela ecabangela ukutholakala komoya wokuvumelana ngokomqondo kahulumeni wobumbano lwesizwe kanye nangokwesidingo sokuba nohulumeni osebenza ngendlela efanele.".

5. Isigaba sama 93 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo

"**Ukuqokwa kwamaPhini oNgqongqoshe**

93. (1) UMongameli, ngemuva kokubonisana namaPhini KaMongameli Aphethe kanye nabaholi bamaqembu abamba iqhaza kuKhabhinethi, angasungula izikhundla zamaphini ongqongqoshe.

(2) Iqembu linelungelo lokwabelwa isikhundla esisodwa noma ezingaphezulu zamaphini ongqongqoshe ngamanani alinganayo kanye nangendlela yokubala efana naleyo esentshenziselwe ukwabiwa kwezikhundla zeKhabhinethi.

(3) Izimiso zesigaba sama 91(10) kuya kwese (12) ziyasebenza, nezinguquko eziufanele, mayelana namaPhini oNgqongqoshe, futhi kulokho kusetshenziswa ukuphawula okubhekise kuNgqongqoshe noma esikhundleni kufanele kufundwe njengokuphawula ngePhini LikaNgqongqoshe noma ngesikhundla sePhini LikaNgqonqoshe, ngokulandelana kwalokho.

(4) Uma umuntu eqokwe njengePhini LikaNgqongqoshe lanoma yisiphi isikhundla esinikezwe uNgqongqoshe –

(a) lelo Phini LikaNgqongqoshe kufanele ngegama lalowo Ngqongqoshe, lisebenzise futhi lenze nganoma yimaphi amandla noma imisebenzi

eyabelwe lowo Ngqongqoshe ngokomthetho noma yimuphi noma okunye, yabelwe iPhini likaNgqongqoshe, ngokuhambisana nemiyalelo kaMongameli; futhi

(b) noma yimuphi umthetho okhuluma ngalowo Ngqongqoshe kufanele uthathwe ngokuthi umbandakanya iPhini LikaNgqongqoshe elibambe ngokokujutshwa ngaphansi kwendima (a) nguNgqongqoshe obanjelwe yilelo Phini LikaNgqongqoshe.

(5) Lapho iPhini LikaNgqongqoshe lisuke lingekho noma ngenxa yanoma yisiphi isizathu lingakwazi ukusebenzisa noma ukwenza noma yimaphi amandla noma imisebenzi yesikhundla, uMongameli angaqoka noma yiliphi elinye iPhini LikaNgqongqoshe noma yimuphi omunye umuntu ukuba abambe isikhundla salelo Phini LikaNgqongqoshe, ekwenza lokho ngokuphelele noma mayelana nokusetshenziswa noma ukwenziwa kwanoma yimaphi amandla noma imisebenzi abaluliwe.'.

6. Isigaba sama 96 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ezilandelayo ezinezezelwe:

'(3) ONgqogqoshe banezibopho ngamunye kuMongameli kanye nasesiGungwini Sikazwelonke mayelana nokuphathwa kwezikhundla zabo, futhi wonke amalungu eKhabhinethi anezibopho njengembumba mayelana nokwenziwa kwemisebenzi kahulumeni kazwelonke kanye nangenqubomigomo yakhe.

(4) ONgqongqoshe kufanele baphathe izikhundla zabo ngokulandela inqubomgomo enqunywe yiKhabhinethi.

(5) Uma uNgqongqoshe ehluleka ukuphatha isikhundla ngokuhambisana nenqubomgomo yeKhabhinethi, uMongameli angadinga ukuthi uNgqongqoshe othintekile aqondise ukuphathwa kwaleso sikhundla ukuze kuhambisane nalowo mgomo.

(6) Uma uNgqongqoshe othintekile ehluleka ukuhlangabezana nezidingo zikaMongameli ngaphansi kwesigatshana sesi (5), uMongameli angamsusa uNgqongqoshe esikhundleni –

(a) uma kunguNgqongqoshe ophawulwe esigabeni sama 91(1)(a), ngemuva kokubonisana noNgqongqoshe futhi, uma uNgqongqoshe engelona ilungu leqembu likaMongameli noma engeyena umholi weqembu elibamba iqhaza, nangemuva kokubonisana nomholi weqembu lalowo Ngqongqoshe; noma

(b) uma kunguNgqongqoshe ophawulwe esigabeni sama 91(1)(b), ngemuva kokubonisana namaPhini KaMongameli Aphethe nabaholi bamaqembu abamba iqhaza.'.

OKUJOTSHELELWE C

UHULUMENI WOBUMBANO LWESIZWE:UMKHAKHA WESIFUNDAZWE

1. Isigaba se 132 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo

"**ImiKhandlu Ephethe**

132. (1) UMkhandlu Omkhulu isifundazwe wakhiwe uNdunankulu kanye namalungu angengaphezulu kwayi 10 aqokwe nguNdunankulu ngokulandela lesi sigaba.

(2) Iqembu elinezihlalo ezingamaphesenti ayi 10 okungenani kusishayamthetho sesifundazwe nelinqume ukuzimbandakanya kuhulumeni wobumbano lwesizwe, linegunya lokunikwa isikhundla esisodwa noma ngaphezulu zoMkhandlu Omkhulu ngokulingana nenani lezihlalo elinazo kusishayamthetho okuncike enanini lezihlalo zamanye amaqembu abambe iqhaza kusishayamthetho.

(3) Izikhundla eMkhandlwini Omkhulu kufanele zabelwe amaqembu abambe iqhaza ngokulandela indlela yokubala efanayo nesesigabeni sama 91(9), futhi uma kusetshenziswa leyo ndlela ukuphawula okukuleso sigaba –

(a) ngeKhabhinethi, kufanele kufundwe njengokubhekisa eMkhandlwini Omkhulu;

(b) ngoNgqongqoshe, kufanele kufundwe njengokubhekisa elungwini loMkhandlu Omkhulu; kanye

(c) nangesiGungu Sikazwelonke, kufanele ufundwe ngokubhekisa kusishayamthetho sesifundazwe.

(4) UNdunankulu wesifundazwe kufanele, ngemuva kokubonisana nabaholi bamaqembu abamba iqhaza –

(a) anqume izikhundla ezibaluliwe ezizonikezwa amaqembu afanele abamba iqhaza ngokulandela inani lezikhundla azinikezwe ngokwesigatshana sesi (3);

(b) aqoke ngokwesikhundla ngasinye, ilungu lesishayamthetho elimele iqembu elinikezwe isikhundla ngokwendima (a), njengelungu loMkhandlu Omkhulu elibhekene naleso sikhundla;

(c) uma kuba nesidingo ngenxa yezinhloso zomthethosisekelo noma ngenxa yokubonelela ukuphatha ngendlela elungile, ahlukanise noma yikuphi ukuqoka okungaphansi kwendima (a); kuye ngesigatshana sesi (3);

(d) aphelise noma yikuphi ukuqoka okungaphansi kwendima (b) –

  (i) uma uNdunankulu eceliwe ukwenze njalo ngumholi weqembu okungukuthi ilungu lelo okukhulunywa ngalo liyilungu loMkhandlu Omkhulu; noma

  (ii) uma kuba nesidingo ngenxa yezinhloso zomthethosisekelo noma ngenxa yokuphatha okulungile; noma

(e) agcwalise, uma kunesidingo, ngokwesigaba (b); isikhundla ehhovisi lelungu loMkhandlu Omkhulu.

(5) Isigatshana sesi (4) kufanele sisetshenziswe ngomoya ongaphakathi komqondo kahulumeni wobumbano lwesizwe, kanti futhi uNdunankulu nabanye asebenza nabo abathintekile kufanele ukuthi ekusetshenzisweni kwesigatshana leso, baphokophela ukufinyelela ekuvumelaneni ngezikhathi zonke: ngaphandle uma kungafinyelelwa ekuvumelaneni mayelana –

(a) nokusetshenziswa kwamandla aphawulwe endimeni (a), (c) noma (d)(ii) yaleso sigatshana, isinqumo sikaNdunankulu siyasetshenziswa;

(b) nokusetshenziswa kwamandla aphawulwe endimeni (b),(d)(i) noma (e) yesigatshana esithinta umuntu ongelona ilungu leqembu likaNdunankulu, isinqumo somholi weqembu lowo muntu ayilungu lalo siyasetshenziswa; kanye

(c) nokusetshenziswa kwamandla aphawulwe endimeni (b) noma (e) yaleso sigatshana esithinta umuntu oyilungu leqembu likaNdunankulu, isinqumo sikaNdunankulu siyasetshenziswa.

(6) Uma noma yikuphi ukunqunywa kokunikezwa kwezikhundla kuguqulwa ngokwesigatshana sesi 4(c), amalungu athintekayo kufanele ashiye izikhundla zawo kodwa avumelekile, lapho kunesidingo khona, ukuba aqokwe kabusha kwezinye izikhundla ezinikezwe amaqembu awo ngokwesinqumo esiguquliwe.

(7) Imihlangano yoMkhandlu Omkhulu kufanele yenganyelwe nguNdunankulu Wesifundazwe.

(8) UMkhandlu Omkhulu kufanele usebenze ngendlela ecabangela umoya

wokufuna ukuvumelana oqukethwe kuhulumeni wobumbano lwesizwe, kanye nangokwesidingo sikahulumeni osebenza ngempumelelo".

2. Isigaba se 136 soMthethosisekelo omusha sithathwa njengesiqukethe lezi zigatshana ezenezezelwe

'(3) Amalungu oMkhandlu Omkhuluu anesibopho ilungu ngalinye kuNdunankulu nakusishayamthetho sesifundazwe ngokuphathwa kwezikhundla zawo, kanti futhi wonke amalungu oMkhandlu Omkhulu ngokufanayo, anesibopho njengembumba mayelana nokwenziwa komsebenzi kahulumeni wesifundazwe kanye nangemigomo yakhe.

(4) Amalungu oMkhandlu Omkhulu kufanele engamele izikhundla zawo ngokulandela inqubomgomo ekhishwe nguMkhandlu.

(5) Uma ilungu loMkhandlu Omkhulu lehluleka ukuphatha isikhundla salo ngokulandela inqubomgomo yoMkhandlu, uNdunankulu angaba nesidingo sokuba acele ilungu elithintekile ukuba liphathe isikhundla salo ngokuhambisana nenqubomgomo leyo.

(6) Uma ilungu elithintekile lehluleka ukuhambisana nesidingo sikaNdunankulu esingaphansi kwesigatshana sesi-(5), uNdunankulu angalisusa lelo lungu esikhundleni ngemuva kokubonisana nalo, kanti uma ilungu lingelona eleqembu likaNdunankulu noma lingeyena umholi weqembu elibamba iqhaza, nangemuva kokubonisana nomholi weqembu lelungu lelo.".

OKUJOTSHELELWE D

IZIDINGO ZOKUPHATHWA KANYE NEZOKUPHEPHA KOMPHAKATHI: IZICHIBIYELO EZIGABENI ZOMTHETHOSISEKELO OWENDULELA LO

1. Ukuchibiyelwa kwesigaba sama 218 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni samagama endulela indima (a) esigatshaneni soku (1) ngamagama alandelayo:
'(1)Ngokwencika emiyalelweni kaNgqongqoshe wezoKuphepha nezokuVikela, uKhomishani kaZwelonke uzoba nesibopho –';

(b) ngokufaka esikhundleni sendima (b) yesigatshana soku (1) indima elandelayo:
'(b) ukuqokwa kokhomishani bezifundazwe;';

(c) ngokufaka esikhundleni sendima (d) yesigatshana soku (1) indima elandelayo:
'(d) ukuphenya kanye nokuvimbela ubugebengu obuhleliwe noma ubugebengu obudinga uphenyo kanye nokuvimbela ubugebengu okwenziwa kuzwelonke noma amakhono akhethekile;"; kanye

(d) nangokufaka indima (k) yesigatshana (l) indima elandelayo:
'(k) ukwakhiwa kanye nokugcinwa kophiko lukazwelonke olubheka ukusimama kwezimo emphakathini ukuze luthunyelwe ukuyokweseka kanye nalapho kunesicelo sikaKhomishani wesiFundazwe;'.

2. Ukuguqulwa kwesigaba sama 219 soMthethosisekelo owendulela lo ngokufaka amagama endulela indima (a) esigatshaneni soku (1) ngamagama alandelayo

'(1) Ngokuya kwesigaba sama 218(1), uKhomishani Wesifundazwe uzoba nesibipho –".

3. Ukuguqulwa kwesigaba sama 224 soMthethosisekelo owendulela lo ngokufaka esikhundleni sombandela obekelwe isigatshana sesi (2) umbandela olandelayo:

'Inqobo uma lesi sigatshana sizobuye sisebenze kumalungu anoma yimuphi umbutho ohlomile ofake uhlu lwabasebenzi bawo ngemuva kokuqala ukusebenza koMthethosisekelo waseNingizimu Afrika, we 1993 (uMthetho wama 200 we 1993), kodwa ngaphambi kokuvunywa komqulu womthethosisekelo omusha njengoba kucatshangwa esigabeni sama 73 salowo Mthethosisekelo, uma inhlangano yezezombusazwe umbutho lowo ogxile ngaphansi kwegunya lawo nokulawula

kwawo negqugquzela izinhloso zawo iye yabamba iqhaza eMkhandlwini Omkhulu wesiKhashana noma yabamba iqhaza okhethweni lokuqala loMkhandlu kaZwelonke nowezishayamthetho zezifundazwe ngaphansi koMthethosisekelo okukhulunywa ngawo.'.

4. Ukuguqulwa kwesigaba sama 227 soMthethosisekelo owendulela lo ngokufaka esikhundleni sesigatshana sesi (2) isigatshana esilandelayo:

'(2) UMbutho wezokuVikela kaZwelonke uzosebenzisa amandla awo futhi uzokwenza umsebenzi wawo ngokwenza kuphela lokho okubhekene nezidingo zezwe ngokweSahluko se 11 soMthethosisekelo waseNingizimu Afrika, we 1996.'.

5. Ukuguqulwa kwesigaba sama-236 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni sesigatshana soku (1) isigatshana esilandelayo:

'(1) Uhulumeni, umnyango kahulumeni, ukuphathwa kukahulumeni noma ezokuphepha okwathi masinyane ngaphambi kokuqaliswa koMthethosisekelo waseNingizimu Afrika, we 1996(ngemuva kwalapha obizwa ngokuthi 'uMthethosisekelo omusha'), wabe wenza imimsebenzi kahulumeni, uyaqhubeka nokusebenza ngokomthetho osebenza lapho kuze kube ukuthi uyaqedwa noma ufakwa noma uhlanganiswa kunoma iyiphi inhlangano efanele noma udidiyelwa noma uqiniswe kanye nanoma iyiphi enye inhlangano.'.

(b) ngokufaka esikhundleni sesigatshana sesi (6) isigatshana esilandelayo:

'(6)(a)UMonUMongameli angaqoka ikhomishani ezobuka kabusha ukuphethwa noma ukuguqulwa kwesivumelwano, ukuqashwa noma ukukhushulelwa esikhundleni esiphakeme, noma ukunikezwa kwesikhathi esimisiwe noma isimo sokusebenza noma ezinye izinzuzo, okwenzeka phakathi kwamhla zi 27 Epheli 1993 namhla zi 30 Sephtemba 1994 kunoma yimuphi umuntu okuphawulwe ngaye esigatshaneni sesi (2) noma kunoma yiliphi izinga labantu abanjalo.

(b) Ikhomishani ingahlehlisa ibuyisele emuva noma iguqule isivumelwano, ukuqashwa, ukukhushulelwa esikhundleni esiphakeme noma ukunikezwa kokuthile uma kungalungile noma kwamukelekile ezimweni zalolo daba"; kanye

(c) ngokufaka esikhundleni samagama athi, "lo Mthethosisekelo", noma yikuphi lapho evela khona esigabeni sama236, amagama athi, "uMthethosisekelo omusha".

6. Ukuguqulwa kwesigaba sama 237 soMthethosisekelo owendulela lo –

(a) ngokufaka esikhundleni sendima (a) yesigatshana soku (1) indima elandelayo:

'(a) Ukuhlelwa kudidiyelwe zonke izinhlangano eziphawulwe esigabeni sama 236(1), ngaphandle kwemibutho yamasotsha ephawulwe esigabeni sama

224(2), kuzoqhubeka ngemuva kokuqala ukusebenza koMthethosisekelo waseNingizimu Afrika we 1996, ngenhloso yokusungula –

(i) ukuphathwa okusebenza ngempumelelo emkhakheni kahulumeni kazwelonke ukubhekana nezindaba ezingena ngaphansi kwesandla somkhakha kazwelonke;

(ii) ukuphatha okusebenza ngempumelelo kwesifundazwe ngasinye ukubhekana nezindaba ezingaphansi kwesandla sesifundazwe ngasinye.”; futhi

(b) ngokufaka esikhundleni sendinyana (i) yesigatshana sesi (2)(a)indinyana elandelayo:

‘(i) izinhlangano eziphawulwe esigabeni sama 236(1), ngaphandle kwemibutho yamasotsha, zizoba ngaphansi kukahulumeni kazwelonke, ozosebenzisa leso sibopho ngokubambisana nohulumeni bezifundazwe,’.

7. Ukuguqulwa kwesigaba sama 239 soMthethosisekelo owendulela lo ngokufaka esikhundleni sesigatshana sesi (4) isigatshana esilandelayo

‘(4) Ngokwencika nangokulandela yinoma yimuphi umthetho osebenzayo, izimpahla, amalungelo, imisebenzi kanye nezindleko zayo yonke imibutho ephawulwe esigabeni sama 224(2) zizokwehlela phezu koMbutho Kazwelonke Wezokuvikela ngokulandlela imiyalelo kaNgqongqoshe wezokuVikela.’.

ISHEDULI 6A

[Isheduli yesi 6 A ifakwe yisigaba sesi 6 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2003 yaphinde yachithwa yisigaba sesi 6 soMthetho Weshumi Nane Wokuchibiyela uMthethosisekelo we 2008]

ISHEDULI YESI-6B
KANYE NOKUGCWALISWA KWEZIKHALA

[ISheduli yesi 6B, ngaphambilini ebiyiSheduli yesi 6A, ifakwe yisigaba sesi 2 soMthetho Weshumi Nesishiyagalombili Wokuchibiyela uMthethosisekelo we 2002, yachibiyelwa yisigaba sesi 5 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2003, yabe seyinikezwa inombolo entsha yesigaba sesi 5 soMthetho Weshumi Wokuchibiyela uMthethosisekelo we 2008 futhi yachithwa yisigaba sesi 5 soMthetho Weshumi Nanhlanu Wokuchibiyela uMthethosisekelo .]

ISHEDULI 7

IMITHETHO EPHELISIWE

INombolo kanye Nonyaka Womthetho	Isihloko
UMthetho wama-200 we- 1993	UMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1993
UMthetho wesi-2 we- 1994	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wesi-3 we-1994	UMthetho Wesibili Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho we-13 we-1994	UMthetho Wesithathu Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho we-14 we-1994	UMthetho Wesine Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-24 we-1994	UMthetho Wesithupha Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-29 we-1994	UMthetho Wesihlanu Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1994
UMthetho wama-20 we-1995	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1995
UMthetho wama-44 we-1995	UMthetho Wesibili Wokuchibiyela uMthethosisekelo WeRiphabhuliki yaseNingizimu Afrika, we-1995
UMthetho wesi-7 we- 1996	UMthetho Wokuchibiyela uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, we-1996
UMthetho wama-26 we- 1996	UMthetho Wesithathu Wokuchibiyela uMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika we-1996

IZIHLOKO

(Qaphela: izinombolo ezilandela umbhalo zimele izigaba zezinombolo)

Iculo lesizwe, 4
UMcwaningimabhuku-Jikelele, 181, 188
UMqulu wamaLungelo —
Ukufinyelela ezinkantolo, 34
Ukuthola iminininingwane, 32
Ukusebenza komqulu, 8
Abantu ababoshiwe, abasezitokisini nababekwe amacala, 35
Ukubuthana, ukubhikisha, ukuphikhetha nokwethula izicelo, 17
Izingane, 28
Ubuzwe, 20
Imiphakathi yezamasiko, ezenkolo nezilimi, 31
Ezemfundo, 29
Ukubophezela amalungelo, 38
Ezemvelo, 24
Ukulingana, 9
Isithunzi somuntu, 10
Inkululeko nokuphepha komuntu, 12
Ilungelo lokuzibandakanya, 18
Ukuveza imibono ngokukhululeka, 16
Ilungelo lokuhamba nokuhlala, 21
Inkululeko kwezenkolo, yenkolelo neyombono, 15
Ilungelo lomsebenzi wezandla, lomsebenzi owenziwayo nelomsebenzi ofundelwe, 22
Ukunakekelwa ngezempilo, ukudla, amanzi nenhlalakahle, 27
Izindlu, 26
Ukuhunyushwa koMqulu wamaLungelo, 39
Ubudlelwane phakathi kwabasebenzi nabaqashi, 23
Ulimi namasiko, 30
Impilo, 11
Ukuncishiswa kwamalungelo, 36
Amalungelo ezombusazwe, 19
Ukungaphazanyiswa, 14
Impahla, 25

Ukuphatha ngokusemthethweni okulungileyo, 33
Ubugqila, ukusetshenziswa njengesigqila, nokusetshenziswa ngenkani, 13
Izimo ezibucayi, 37
Ukusakaza, IsiPhathimandla Esizimele Esilawula Ukusakaza, 181, 192
Isabelomali, 215
Ibhange lombuso, 223 - 225
Uhulumeni Obumbene, 41
Ubuzwe, 3
Ikhabhinethi, 91 - 99, 101, 102
IKhomishani Yokulingana Ngokobulili, 181, 187
IKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo,
Nezilimi Zomphakathi, 181, 185, 186
Ukungqubuzana koMthetho, 146 - 150
Izinkantolo —
Inkantolo yoMthethosisekelo, 167
Izinkantolo eziPhakeme zaseNingizimu Afrika, 169
Ezinye izinkantolo, 170
Amandla ezinkantolo ezindabeni zomthethosisekelo, 172
Inkantolo Enkulu Yamajaji yokudluliswa kwamacala, 168
Ezokuvikela, 200 - 204
IKhomishani Yokhetho, 181, 190, 191
Inqubo Yokukhetha abasezikhundleni zoMthethosisekelo, Isithasiselo 3, Ingxenye A
Igunya lokuphatha—
lesifundazwe, 125
laseRiphabhuliki, 85
Imikhandlu ePhethe, Yezifundazwe, 132 -141
Izimali, zikaZwelonke, 213, 214, 216, 217
Izimali Zesifundazwe Nezendawo, 226 - 230
IKhomishani Yezezimali Neyesikhwama Sombuso, 220 - 222
Ifulegi, 5
Ukwesekwa ngezimali kwamaqembu ezombusazwe, 236
Ikhomishani YaseNingizimu Afrika YamaLungelo Esintu, 181, 184
IsiPhathimandla Esizimele Esilawula Ukusakaza, 192
Ukumiswa nokulawulwa kwemisebenzi yobunhloli, 209, 210
Umthetho wamazwengamazwe, 231 - 233

Ukuphathwa kwezobulungiswa, 165
Abahluleli bezinkantolo, 174 - 177
IKhomishani Yemisebenzi Yobulungiswa, 178
Uhlelo lwezinkantolo, 166
Izilimi, 6
Ukushaywa kweMithetho, 73 - 82
Igunya lokushaya imithetho eRiphabhuliki, 43, 44
Uhulumeni wendawo, 152, 163
Omasipala, 151 - 164
IsiGungu sikaZwelonke —
    Ukwakheka nokukhethwa, 46
    Izinqumo, 53
    Ubufakazi noma ulwazi oluphambi kwesiGungu sikaZwelonke, 56
    Amandla esiGungu sikaZwelonke, 55
    Ukukwazi ukufinyelela kanye nokubamba iqhaza komphakathi kusiGungu sikaZwelonke, 59
UMkhandlu kaZwelonke weziFundazwe —
    Ukwabiwa kwezithunywa, 61
    Ukwakheka koMkhandlu kaZwelonke, 60
    Izinqumo, 65
    Ubufakazi nolwazi olunikezwa uMkhandlu kaZwelonke, 69
Ukuzibandakanya kweqembu uma kudluliswa amandla esifundazweni, Isithasiselo 3, Ingxenye B
    Ukubamba iqhaza kwabamele ohulumeni bendawo, 67
    Izithunywa eziqokwe ngokugcwele, 62
    Amandla, 68
    Ukufinyelela komphakathi eMkhandlwini kaZwelonke nokubamba kwawo iqhaza, 72
Iphalamende, 42
Amaphoyisa, 205 - 208
Ondunankulu, 127 - 130
Umongameli, 83 - 89
IsiPhathimandla sezokushushisa, 179
Izifundazwe, 103
Imithethosisekelo Yezifundazwe, 142 - 121
Izishayamthetho zesifundazwe, 104 - 121
    Izicelo ezifakwa ngamalungu eNkantolo yoMthethosisekelo, 122
    Amalungelo ezithunywa ezigcwele kwizishayamthetho zezifundazwe, 113

Ukuvumeleka nokubandakanyeka komphakathi kusishayamthetho, 118
Ukuphathwa kwemisebenzi yombuso, 195
IKhomishanai Ephethe Imisebenzi Kahulumeni, 195
Abasebenzi bakaHulumeni, 197
Umvikeli Womphakathi, 181, 182
Amaziko Ezokuphepha, 198, 199
Ukuzimela, 235
Ubukhulu boMthethosisekelo, 2
Abaholi Bendabuko, 211, 212