

SENDLALELO

Tsine, bantfu baseNingizimu Afrika;

Siyakubona kungabi khona kwebulungiswa esikhatsini lesengcile;

Setfulela sigcoko labo labahlukunyetwa kuze sitfole bulungiswa nenkhululeko eveni letfu;

Sihlonipha labo labasebentile kwakha nekutfufukisa live letfu; Siyakholwa futsi kutsi iNingizimu Afrika yabo bonkhe labahlala kuyo, sihlange ngekwehlukahlukana kwetfu.

Ngaloko-ke, ngetitfunywa lesitikhetsese tona ngenkhululeko, siyawemukela loMtsetfosisekelo njengemtsetfo lophakeme kunayo yonkhe eRiphabhulikhi kuze –

Kupheliswe kwehlukana kwayitolo futsi kwakhiwe umphakatsi losekelwe yintsandvo yelinyenti, bulungiswa ekuphileni kanye nemalungelosisekelo ebuntfu;

Kubekwe sisekelo semphakatsi wentsandvo yelinyenti, longenamfihlo lapho khona hulumende abekwe ngetifiso tebantfu futsi sonkhe sakhamuti ngalokulinganako sivikelwe ngumtsetfo;

Kwentiwe ncono lizinga lemphilu yetakhamuti tonkhe futsi kukhululwe emakhono emuntfu ngamunye; futsi

Kwakhiwe iNingizimu Afrika lehlange futsi yentsandvo yelinyenti lekwati kutsatsa indzawo yayo leiyifanele njengelive lelitibusako njengawo onkhe emave latibusako.

Somandla akasikelele bonkhe bantfu bakitsi.

Nkhosi Sikelel'iAfrika. Morena boloka setjhaba sa heso.

God seën Suid Afrika. God bless South Afrika.

Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

Sehluko 1

Timiso Letisisekelo

IRiphabhulikhi yeNingizimu Afrika

1. IRiphabhulikhi yeNingizimu Afrika live linye lelitibusako ngekweentsandvo yelinyenti lelakhelwe etu kwaletintfo letibalulekile letilandzelako:

(a) Sitfunti sebuntfu, kutfolakala kwekulingana kanye nekutfufukiswa kwemalungelo ebuntfu nekukhululeka.

(b) Kungabi khona kwelubandlululo ngekwebuhlanga nangekwebulili.

(c) Kuphakama kunayo yonkhe imitsetfo kwemtsetfosisekelo nekubusa ngekweemtsetfo.

(d) Kuvumeleka kuvota kulabadzala, luhlu lolwetayelekile lwebavoti, lukhetfo loluba khona njalo, inchubo yekwetfula luhlu lwemagama ebantfu labasezingeni lekuvota, kwentiwa kwelukhetfo njalo nje, hulumende wentsandvo yelinyenti lowakhiwe ngemacembu etembusave lehlukene, kuze kube nekucinisekisa kwekwenetiswa kwetidzingo tebavoti nome kufeza tetsembiso, kutinikela emsebenzini nekungabi nemfihlo.

Kuphakama kunayo yonkhe imitsetfo kweMtsetfosisekelo

2. LoMtsetfosisekelo ngumtsetfo lophakeme kunayo yonkhe imitsetfo yeRiphabhulikhi; umtsetfo nome tento letiphambene nalomtsetfosisekelo katinamandla ekusebenta futsi tibopho letiphocelwa nguloMtsetfosisekelo kufute nakanjani tifezwe.

Buve

3. (1) Kunebuve lobufanako eNingizimu Afrika.

(2) Tonkhe takhamuti ngalokulinganako –

(a) tineligunya lemalungelo, lemalungelomvume kanye nelenzuzo yekuba takhamuti; futsi

(b) titawulandzela tibopho nemitfwalo yebuve.

(3) Umtsetfo welive lonkhe kufute ucinisekise kutfolakala, kuphela kanye nekubuyiselwa kwekuba sakhamuti.

Ingoma Yesive

4. Ingoma Yesive yeNingizimu Afrika incunyuwa nguMengameli ngesatiso semtsetfo. Umtjeka weNingizimu Afrika
5. Umtjeka weNingizimu Afrika unemibala lomnyama, logolide, loluhlata satjani, lomhlophe, lobovu naloluhlata sasibhakabhaka, njengobe kuchaziwe kwaphindze kwadvwetjwa kuShejuli 1. Tilwimi
6. (1) Tilwimi letigunyatwe ngumtsetfo taseRiphabhulikhi siSutfu saseNyakatfo, Sisutfu, siTswana, siSwati, siVenda, siTsonga, siBhunu, siNgisi, siChosa kanye nesiZulu.
- (2) Ngekubona kuncishiswa kwekusebenta nebumcoka betilwimi tebantfu bendzabuko yeRiphabhulikhi itolo, umbuso kufute utsatse tinyatselo leticinile kanye naletinye tilinganiso letingenteka kuze kuphakanyiswe bumcoka kanye nenchubekela embili yaletilwimi futsi kutfutukiswe kusentjentsiswa kwato.
- (3) (a) Hulumende welive lonkhe kanye nebetifundza bangasebentisa nome ngutiphi tilwimi letisemtsetfweni emisebentini yahulumende, ngekubuketa loku lokulandzelako; kusentjentsiswa kwelulwimi, kudula, timo tesifundza, sisindvo setidzingo kanye nekukhetsa kwesive sonkhe nome sifundza ngesifundza; kodvwa-ke hulumende welive lonkhe nome wesifundza uphococelelwe kutsi asebentise tilwimi letigunyatiwe letingekho ngaphansi kwaletimbili.
- (b) Bohulumende basekhaya kufute babuke kusentjentsiswa kwelulwimi nekukhetsa kwebahlali.
- (4) Hulumende welive lonkhe kanye nebetifundza, ngetinyatselo temtsetfo nangaletinye, kufute bacondzise babuye bagadze kusentjentsiswa kwetilwimi letigunyatiwe. Ngaphandle kwekwehluka esigatjaneni (2) saloMtsetfosisekelo, tonkhe tilwimi letigunyatiwe kufute tiphafwe futsi tinikwe kuhlonishwa lokufanako futsi kufute tiphafwe ngalokufanele.
- (5) IBhodi yeTilwimi teNdzabuko teNingizimu Afrika lesungulwe sishayamtsetfo selive lonkhe kufute –
- (a) itfutukise futsi yakhe simo sekutfutukisa nekusebentisa –
- (i) tilwimi tonkhe letigunyatiwe;
- (ii) tilwimi temaKhoi, temaNama netemaSan; kanye
- (iii) nelulwimi lwekukhuluma ngetandla.
- (b) kutfutukisa nekucinisekisa kuhlonishwa –
- (i) kwetilwimi tonkhe letivamiswe kusentjentsiswa yimiphakatsi yeNingizimu Afrika, letifaka ekhatsi siJalimane, siGrekhi, siGurati, siHindi, siPhuthukezi, siTamili, siTelugu, si-Urdu; ne
- (ii) si-Arabi, siHebhelu, iSanisikriti kanye naletinye tilwimi letisetjentsiswa kutenkhola lapha eNingizimu Afrika.

Sehluke 2

UMtsetfo Wemalungelo Ebuntfu

Emalungelo

7. (1) LoMtsetfo weMalungelo eBuntfu usisekelo sentsandvo yelinyenti eNingizimu Afrika. Uvikela emalungelo abo bonkhe bantfu eveni lakitsi uphindze ugczizelele timphawu tentsandvo yelinyenti tekuhlonishwa kwebuntfu, kulingana nenkhululeko.
- (2) Umbuso kufute uhloniphe, uvikele, ukhutsate futsi ufeze tidzingo temalungelo lacuketfwe nguMtsetfo weMalungelo eBuntfu.
- (3) Emalungelo lakuloMtsetfo weMalungelo eBuntfu anemkhawulo lobekwe nome lochazwe esigabeni 36, nome lokuletinye tindzawo kuloMtsetfo.

Kusetjentsiswa

8. (1) UMtsetfo weMalungelo eBuntfu usebenta kuyo yonkhe imitsetfo futsi ubopha sishayamtsetfo, sigungu lesiphetse, tinkantolo, nato tonkhe titfo tembuso.
- (2) Simiso saloMtsetfo weMalungelo eBuntfu sibopha umuntfu ngekwemvelo nayo yonkhe intfo letsatfwa ngekutsi ingumuntfu ngekwemtsetfo, uma sisetjentsiswa, nome kuze kufike ezingeni lapho sisetjentsiswa khona, kubukwa inhlobo yalelo lungelo kanye nemtfwalo leliwetfwesako lelo

lungelo.

(3) Uma kusetjentiswa timiso teMtsetfo weMalungelo eBuntfu kumuntfu ngekwemvelo nakuleyo ntfo letsatfwa ngekutsi ingumuntfu ngekwemtsetfo ngekulandzela sigatjana (2), inkantolo –

(a) kuze inikete emandla lelo lungelo lelikuloMtsetfo weMalungelo eBuntfu, kufute isebentise, uma kudzingekile itfutukise, umtsetfo lowetayelekile kuze kufike ezingeni lapho umtsetfo lobekiwe ungaliniketi emandla lelo lilungelo; futsi

(b) ingatfutukisa imisimeto yemtsetfo lowetayelekile kunciphisa emandla alelo lungelo, nangabe nje lokuncishiswa kwemandla kulandzela sigaba 36(1).

(4) Intfo letsatfwa ngekutsi ingumuntfu ngekwemtsetfo inemalungelo latfolakala kuloMtsetfo weMalungelo eBuntfu kufika ezingeni lenhlobo yemalungelo kanye nesimo salentfo letsatfwa ngekutsi ingumuntfu ngekwemtsetfo.

Kulingana

9. (1) Wonkhe umuntfu uyalingana embi kwemtsetfo futsi ngalokulinganako unelilungelo lekuvikeleka nekuzuza emtsetfweni.

(2) Kulingana kwebantfu kufaka ekhatsi kutfokotela emalungelo nekukhululeka ngalokuphelele nangalokulinganako. Kukhutsatwa kwekutfolakala kwekulingana, emanyatselo emtsetfo kanye nalamanye emanyatselo lekentelwe kuvikela nome kutfutukisa bantfu, nome tinhlobo letitsite tebantfu, letancishwa ematfuba ngenca yelubandlululo lolungakalungi angatsatfwa.

(3) Umbuso angeke ubandlulule muntfu ngalokungakalungi ngekucondzisa nome ngekugegisa ngesizatfu sinye nome letinyenti, letifaka ekhatsi buhlanga, inkhuliso, bulili, kwemitsa, kutsi umuntfu ushadile nome akashadi, kwehlukana kwebantfu ngebuve nome indzawo yekudzabuka, libala, inkholelo yekutsandzana, budzala, kukhubateka, inkholo, nembeza, intfo umuntfu lakholelwa kuyo, emasiko, lulwimi, kanye nekutalwa.

(4) Kute namunye umuntfu longabandlulula ngalokungakalungi lomunye ngalokucondzile nome ngekugegisa ngesizatfu sinye nome letinyenti tizatfu letibekwe esigabeni (3). Umtsetfo welive lonkhe kufute ubekwe kuvimbela nekwencabela lubandlululo lolungakalungi.

(5) Lubandlululo lolwentiwe ngasinye nome letinyenti taletizatfu letibekwe esigatjaneni (3) alukalungi ngaphandle nangabe kutfolakala bufakazi bekutsi lolo lubandlululo lulungile.

Sitfunti sebuntfu

10. Wonkhe umuntfu unesitfunti semvelo kanye nelilungelo lekutsi sitfunti sakhe sihlonishwe futsi sivikelwe.

Imphilo

11. Wonkhe umuntfu unelilungelo lekutsi aphile.

Kukhululeka nekuvikeleka kwebuntfu

12. (1) Wonkhe umuntfu unelilungelo enkhululekweni nasekukhoselekeni kwemuntfu, lokufaka ekhatsi lilungelo –

(a) lekungamani emukwe inkhululeko nje ngalokungakafaneli nome ngaphandle kwesizatfu lesifanele;

(b) lekungavalelwa ejele ngaphandle kwekushushiswa;

(c) lekukhululeka kuto tonkhe tinhlobo tekuhlunyetwa letiphuma nome embusweni nome etimeni letitimele;

(d) lekungaviswa buhlungu emtimbeni nganome nguyiphi indlela; nome

(e) lekungaphatfwa nome lekungajeziswa ngendlela lenelunya, lengenabuntfu nome leyehliswa sitfunti.

(2) Wonkhe umuntfu unelilungelo ekuvikelekeni kwemtimba nekwasengcondvweni, lokufaka ekhatsi lilungelo –

(a) lekwenta tincumo mayelana nekutala;

- (b) lekuvikeleka kwemitimba nekutiphatsela imitimba yabo; kanye
- (c) nelekungentiswa imisebenti yekulinga kutekweleshwa nome tesayensi ngephandle kwemvume lecebisekile yaloyo muntfu.

Bugcili, kusebenta matima njengesigcili kanye nekusetjentiswa ngenkhani

13. Kute umuntfu longangentiswa ebugcilini, emsebentini lolukhuni nome ekusetjentisweni ngenkhani.

Kungaphatanyiswa

14. Wonkhe umuntfu unelilungelo lekungaphatanyiswa, lokufaka ekhatsi lilungelo –

- (a) lekutsi umuntfu nome likhaya lakhe lingaseshwa;
- (b) lekutsi imphahla yakhe ingaseshwa;
- (c) lekutsi tintfo lekanato tingabanjwa; kanye
- (d) nelekutsi kuchumana kwakhe kwangasese kungaphatanyiswa.

Inkhululeko kutenkholo, inkholelo kanye nembono.

15. (1) Wonkhe umuntfu unelilungelo enkhululekweni yanembeza wakhe, enkholweni, emcabangweni, enkholelweni kanye nasekubekeni umbono wakhe.

(2) Tenkholo tingabanjelwa etikhungweni tembuso nome etikhungweni letisitwa ngemali ngumbuso, kuphela nje nangabe –

- (a) loko kugcinwa kwetenkholo kwentiwa ngekulandzela imitsetfo yenchubo lebekwe baphatsi bambuso labafanele;
- (b) tentiwa ngendlela lengakhetsi lelungile; futsi
- (c) kungenela loko kugcinwa kwetenkholo kukhululekile futsi kuya ngentsandvo yemuntfu.

(3) (a) Lesigatjana asivimbeli kutsi umtsetfo uhloniphe loku lokulandzelako –

- (i) imishado lephetfwe ngendlela yanome nguwaphi emasiko nome umtsetfo wetenkholo, umtsetfo webantfu nome lophatseleni netemndeni; kanye
- (ii) netinchubo tenkholo letsite tebantfu netemndeni ngaphansi kwanome nguwaphi emasiko nome inchubo yenkholo lesetjentiswa bantfu labalandzela inkholo letsite.

(b) Kuhlonishwa lokushiwo esigatjaneni (a) kufute kuhambisane nalesigaba kanye netimiso teMtsetfosisekelo.

Inkhululeko yekubeka luvo

16. (1) Wonkhe umuntfu unelilungelo lekubeka luvo lwakhe ngekukhululeka, lokufaka ekhatsi –

- (a) inkhululeko yemaphaphandzaba naletinye tinhlobo tekusakata tindzaba;
- (b) inkhululeko yekwemukela nome kuniketa lwati nome imibono;
- (c) inkhululeko yekusebentisa emakhono nome kwakha lokukhangako; futsi
- (d) inkhululeko kutemfundvo lephakeme kanye neyekwenta lucwaningo ngetesayensi.

(2) Lelilungelo lelishiwo esigatjaneni (1) alenabeli kuloku lokulandzelako –

- (a) tinkhulumo letimbi letingasilo liciniso letigcugcutela imphi;
- (b) kufaka umoya weludlame lolungase lucubuke nome nini; nome
- (c) kushumayela intondvo ngenca yebuhlanga, buve, bulili, nome inkholo lokukhomba kutsi kufakwe umoya lobanga kulimata.

Umbutsano, umshuco, kuphatsa tincwembe letibhalwe tikhalo kanye nekubeka ticelo ngekutibhala phansi

17. Wonkhe umuntfu unelilungelo, ngekuthula futsi angakahlomi, lekubutsana, lekushuca, lekuphatsa tincwembe letibhalwe tikhalo nekwetfula ticelo letibhalwe phansi.

Inkhululeko yekuhlanganyela

18. Wonkhe umuntfu unelilungelo enkhululekweni yekuhlanganyela.

Emalungelo etembusave

19. (1) Sonkhe sakhamuti sikhululekile ekwenteni tincumo mayelana netembusave, lokufaka ekhatsi lilungelo –

- (a) lekubumba licembu letembusave;
- (b) lekufaka sandla emisebentini yelicembu letembusave, nome lekukhankhasela lelicembu letembusave emalunga; futsi
- (c) lekukhankhasela lelicembu letembusave kutsi lincobe lukhetfo nome kukhankhasela inhloso yalo.
- (2) Sonkhe sakhamuti sinelilungelo lwelukhetfo lolukhululekile, lolulungile, futsi loluba khona njalo nje lwekuvotela nome liphi libandla lelakha umtsetfo lelisungulwe ngekulandzela uMtsetfosisekelo.
- (3) Wonkhe umuntfu lomdzala unelilungelo: –
 - (a) lekuvota elukhetfweni lwanome nguliphi libandla lelakha umtsetfo lelisungulwe ngekulandzela uMtsetfosisekelo, futsi avote ngasese; futsi
 - (b) lekungenela lukhetfo lwesikhundla kuhulumende, futsi uma akhetsiwe, lekubamba lesikhundla.

Buve

20. Kute sakhamuti lesingemukwa lilungelo laso lekuba sakhamuti.

Inkhululeko yekuhamba nekuhlala nome kuphi

- 21. (1) Wonkhe umuntfu unelilungelo enkhululekweni yekuhamba nome kuphi.
- (2) Bonkhe bantfu banelilungelo lekuhamba bayishiye iRiphabhulikhi.
- (3) Tonkhe takhamuti tinelilungelo lekungenela, futsi tihlale, nekutsi tihlale nome kuphi iRiphabhulikhi.
- (4) Tonkhe takhamuti tinelilungelo lekutfo iphasipoti.

Inkhululeko yetemsebenti lodzinga kuceceshwa, yemsebenti nje kanye nemsebenti lofundzelwa ngekujula

22. Tonkhe takhamuti tinelilungelo lekukhetha ngekukhululeka umsebenti leticeceshelwa wona, umsebenti nje kanye nemsebenti lofundzelwa ngekujula ngentsandvo yato. Kodvwa kwenta umsebenti lebaseceshwe kuwo, umsebenti nje nome umsebenti lodzinga kufundzelwa kungabuswa ngumtsetfo.

Budlelwano emkhatsini webacashi nebasebenti

- 23. (1) Bonkhe bantfu banelilungelo lekuphatfwa ngalokufanele emsebentini.
- (2) Tonkhe tisebenti tinelilungelo –
 - (a) lekubumba futsi tjoyine inyonyana yetisebenti;
 - (b) lekufaka sandla emishikashikeni nasetinhlelweni tetinyonyana tebasebenti; futsi
 - (c) lekuteleka.
- (3) Bonkhe bacashi banelilungelo –
 - (a) lekubumba futsi bajoyine tinhlango tebacashi; futsi
 - (b) lekufaka sandla etintfweni nasetinhlelweni tinhlango yebacashi.
- (4) Tonkhe tinyonyana kanye nato tonkhe tinhlango tebacashi tinelilungelo –
 - (a) lekutincumela kulawulwa kwato, tinhlelo kanye nemisebenti yato;
 - (b) lekubutsana; futsi
 - (c) lekubumba kanye nelekungenela inhlango leyengamele letinye tinhlango.
- (5) Tonkhe tinyonyana, tonkhe tinhlango tebacashi kanye nebacashi banelilungelo lekucocisana ngekulanganyela mayelana nemibandzela letsite. Sishayamtsetfo selive lonkhe singasungulelwa kucondzisa kucocisana ngekulanganyela kwebacashi nebasebenti. Kuze kufike ezingeni lapho lesishayamtsetfo singanciphisa lelilungelo lelikulesehluko, lokuncishiswa kufute kuhambelane nesigaba 36(1).
- (6) Sishayamtsetfo selive lonkhe singatemukela tinhlelo tekuphepha tetinyonyana letitfolakele ngetivumelwano letihlanganyelwe. Kuze kufike ezingeni lapho lesishayamtsetfo singanciphisa lelilungelo lelikulesehluko, lokuncishiswa kufute kuhambelane nesigaba 36(1).

Bunjalondzawo

24. Wonkhe wonkhe unelilungelo –
- (a) lekuba sendzaweni lengasiyo ingoti emphilweni yakhe nome ekuphileni kahle kwakhe; futsi
 - (b) lekutsi indzawo lekahlala kuyo ivikeleke, kuze kuzuze netitukulwane letikhona naletitako, ngekusebentisa imitsetfo netinyatselo letifanele letentelwe –
 - (i) kuvimbela kungcola nekuvimbela kwehla kwelizinga lendzawomvelo;
 - (ii) kukhutsata konga imvelo; futsi
 - (iii) kugcina intfutuko lenenchubekela embili nekusetjentiswa kwemitfombo yemvelo kubuye kutfutukiswe ngendlela lengiyo temnotfo netenhlalakahle.

Imphahla

25. (1) Kute umuntfu longemukwa imphahla ngaphandle nakwentiwa ngekwemtsetfo losebenta ngalokwetayelekile, futsi kute umtsetfo longavumela kutsatselwa imphahla ngalokungekho emtsetfweni.

(2) Imphahla ingatsatfwa kumnikati ngumbuso kuphela ngekulandzela umtsetfo losetjentiswa ngalokwetayelekile –

- (a) kuze isetjentiswe entfweni yemphakatsi nome entfweni letsintsa umphakatsi; futsi
- (b) ngekubhadalwa kwesincephetelo, linani laso, nesikhatsi kanye nendlela lekubhadalwa ngayo kufute kube ngulekuvunyelwane ngayo ngulabo labatsintsekako nome lencunye nome leyemukelwe yinkantolo.

(3) Linani lesincephetelo nesikhatsi, kanye nendlela lokufanele kubhadalwe ngayo sincephetelo kufanele kube ngulokulungile nalokufanele, kukhombise umkhawu lokhona emkhatsini wetidzingo tesive mayelana nalemphahla kanye nalabo labatsintsekako ngalemphahla, ngemuva kwekubuketa tonkhe timo letifanele, lokufaka ekhatsi –

- (a) kusetjentiswa kwalemphahla ngaleso sikhatsi;
- (b) umlandvo wekutfolakala kwalemphahla nekusetjentiswa kwayo;
- (c) linani lekutsengiswa kwalemphahla;
- (d) lizinga kanye nebubanti bekutalisa nekwelekelela ngetimali kwembuso ekutfolakaleni nekwenteni ncono lemphahla; futsi
- (e) inhloso yekutsatsa lemphahla kumnikati.

(4) Ngenhloso yalesigaba –

- (a) tifiso tesive tifaka ekhatsi kutimisela kwesive kuhlela kahle umhlaba, nekuletsa tingucuko tekutfolakala kahle kwemhlaba kanye nemnotfo wemvelo kubo bonkhe eNingizimu Afrika; futsi
- (b) imphahla ayisiwo umhlaba kuphela.

(5) Umbuso kufute utsatse tinyatselo letisemtsetfweni naletinye, ngalokusemandleni awo, kuze kutewukwakheka simo lesitawenta kutsi takhamuti titfole umhlaba ngendlela lelinganako.

(6) Umuntfu nome umphakatsi kuhlala kwawo emhlabatsini lokungakesekelwa ngumtsetfo ngesizatfu semtsetfo wakadzeni welubandlululo nome inchubo lenjalo, unelilungelo kuze kufike ezingeni lelibekwe nguMtsetfo wePhalamende, kutsi acashe ngalokusekelwe ngumtsetfo, nome ancephetelwe ngalokucatsanisekako.

(7) Umuntfu nome umphakatsi lowephucwa imphahla ngemuva kwe Nhlaba 19 1913 ngesizatfu semtsetfo wakadzeni welubandlululo nome inchubo lenjalo, unelilungelo kuze kufike ezingeni lelibekwe nguMtsetfo wePhalamende, kutsi abuyiselwe imphahla yakhe nome ancephetelwe ngalokucatsanisekako.

(8) Kute simiso kulesigaba lesingavimbela hulumende kutsi atsatsa tinyatselo letingito nome letisemtsetfweni naletinye kuze kutfolwe kwabiwa kahle kwemhlaba, kwemanti nalokunye kuhlela, ngesizatfu sekulungiswa kwemiphumela yelubandlululo lwayitolo ngekwwebuhlanga, kuphela nje nangabe kungalandzeli timiso letikulesigaba kuvumelana netimiso tesigaba 36(1).

(9) IPhalamende kufute ibeke umtsetfo loshiwo esigatjaneni (6).

Tindlu tekuhlala

26. (1) Wonkhe umuntfu unelilungelo lekutsi atfole indlu lefanele.

(2) Umbuso kufanele utsatse tinyatselo letifanele futsi letisemtsetfweni naletinye, ngalokusemandleni awo, kuze kuzuzeke inchubekela embili yalilungelo.

(3) Kute umuntfu lotawususwa ekhaya lakhe, nome likhaya lakhe libhidlitwe, ngaphandle kwemlayeto lophuma enkantolo lowentiwe ngemuva kwekubuketa timo letitsintsekako. Kute umtsetfo longagunyata kususwa nje kwemuntfu ekhaya lakhe.

Temphilo, kudla, emanti, kanye nekuvikeleka kwetenhlahakahle

27. (1) Bonkhe bantfu banelilungelo lekuba nendlela yekutfo –

(a) lusito kutemphilo, lokufaka ekhatsi tekutfolwa kwebantfwana;

(b) kudla lokwenele kanye nemanti lekenele; futsi

(c) kuvikeleka kwetenhlahakahle yakhe, kantsi nangabe akakwati kutondla yena nebantfwana bakhe, lusito lwembuso lolufanele mayelana netenhlahakahle yakhe.

(2) Umbuso kufute utsatse tinyatselo letifanele nome letisemtsetfweni naletinye, ngalokusemandleni awo, kutfo inchubekela embili yalinye ngalinye lalamalungelo.

(3) Kute umuntfu lotawuncishwa lilungelo lekwelashwa etimeni letiphutfumako.

Bantfwana

28. (1) Wonkhe umntfwana unelilungelo –

(a) lekuba neligama kanye nebuve kusukela atalwa;

(b) lekunakekelwa ngumndeni, nome kunakekelwa batali, nome lokunye kunakekelwa nangabe asuswe emndenini wakhe;

(c) lekunikwa kudlasisekelo lokunemsoco, indzawo yekufihla inhloko, lusitosisekelo kutemphilo, kanye nelusito kutenhlalakahle;

(d) lekuvikeleka ekuphatfweni kabi, ekutsini anganakwa, nome ekuhlukumetweni, nasekwehlisweni kwesitfunti sakhe;

(e) lekuvikeleka ekuphatfweni kabi emsebentini;

(f) lekungentiswa futsi lekungavunyelwa kutsi ente imisebenti nome ante imisebenti –

(i) lengamlungeli umntfwana waleyo minyaka; nome

(ii) lebeka engotini imphilo yaloyo mntfwana, imfundvo yakhe, umtimba wakhe nome ingcondvo yakhe nome umoya wakhe, kutiphatsa kwakhe nome kutfutfuka kutenhlalakahle yakhe;

(g) lekungavalelwa ejele, ngaphandle nangabe sekute lenye indlela yekumjezisa, kantsi nangabe kunjalo, kwengeta kulamalungelo emntfwana labekwe ngaphansi kwetigaba 12 na-35, lomntfwana angavalelwa kuphela sikhatsi lesifanele lesincane, futsi unelilungelo –

(i) lekugcinwa ngekwehlukaniswa nalabanye bantfu labavalelwe ejele labaneminyaka lengetulu kwa-18; futsi

(ii) lekuphatfwa ngendlela, agcinwe esimeni lesibonelela iminyaka yakhe.

(h) lekuniketwa ummeli ngumbuso, ngetimali tembuso, emacaleni langafaki umbuso latsintsa lomntfwana, nangabe kungaba bate bulungiswa nakungentiwa loku; futsi

(i) lekungasetjentiswa ngco nakuliwa ngetikhali, nelekuvikeleka ngetikhatsi tekulwa ngetikhali.

(2) Inhlalakahle yalomntfwana iyintfo lebaluleke kakhulu kuto tonkhe tintfo letiphatselene nalomntfwana.

(3) Kulesigaba, ligama “umntfwana” lisho umuntfu loneminyaka lengaphansi kwa-18.

Temfundvo

29. (1) Wonkhe umuntfu unelilungelo –

(a) lemfundvo lesisekelo, lokufaka ekhatsi imfundvo lesisekelo yalabadzala; futsi

(b) lekuchubeka nemfundvo, lapho umbuso kufute utsatse tinyatselo letisemtsetfweni naletinye tinyatselo letifanele naletinenchubekela embili, kwenta kutsi lelilungelo libe khona futsi litfolakale.

(2) Wonkhe umuntfu unelilungelo lekutfo imfundvo ngelulwimi nome ngetilwimi letigunyatiwe etikhungweni temfundvo letiphetfwe nguhulumende nome sive nangabe loku kungenteka. Kucinisekisa kutfolakala nekusebenta kwalelilungelo, umbuso kufute ubuke letinye

tindlela tekufundzisa letingentiwa, lokufaka ekhatsi kusungula tikhungo temfundvo letisebentisa lulwimi lunye ekufundziseni, kubukwe loku –

- (a) kulingana;
- (b) kwentakala; futsi
- (c) sidzingo sekulinganisa imiphumela leyabangwa ngumtsetfo nenchubo yelubandlululo ngekwebuhlanga.

(3) Wonkhe umuntfu unelilungelo lekusungula nekugcina, ngekusebentisa timali takhe, tikhungo tangasese temfundvo –

- (a) letingabandlululi ngebuhlanga;
- (b) letibhalisiwe emtsetfweni; futsi
- (c) letigcina emazinga langekho ngaphansi kwemazinga etikhungo tembuso temfundvo nome letisitwa ngumbuso.

(4) Sigatjana (3) asencabeli kwelekelelwa ngumbuso ngetimali kwetikhungo temfundvo letitimele.

Lulwimi kanye nemasiko

30. Wonkhe umuntfu unelilungelo lekusebentisa lulwimi kanye nekwenza tintfo ngekulandzela lisiko lelitsandvwa nguye, kepha kute umuntfu longatsi nakasebentisa lamalungelo awasebentise ngendlela lengahambisani nesimiso nome siphilise Mtsetfo weMalungelo eBuntfu.

Imiphakatsi leyehlukaniseka ngemasiko, tenkholo nangelulwimi

31. (1) Imiphakatsi lelandzela emasiko, inkholo nome lekhuluma lulwimi lunye ingete yephucwa lilungelo, nalamanye emalungu emiphakatsi yayo –

- (a) lekutfokotela emasiko ayo, ichube inkholo yayo iphindze isebentise tilwimi tayo; futsi
- (b) lekubumba, lekujoyina futsi nelekgucina tinhlanganiso nemibutsano yetemasiko, tenkholo netetilwimi kanye naletinye nje-ke tinhlanganiso temiphakatsi.

(2) Lamalungelo lasesigatjaneni (1) angete asetjentsiswa ngendlela lengahambisani nanome ngusiphilise simiso seMtsetfo weMalungelo eBuntfu.

Kutfolakala kwelwati

32. (1) Wonkhe umuntfu unelilungelo lekutfola –

- (a) nome ngimiphi imininingwane yelwati lolugcinwe ngumbuso; futsi
- (b) nome ngimiphi imininingwane yelwati lolugcinwe ngulomunye umuntfu lekayidzingela kuyisebentisa nome kuvikela nome nguwaphe emalungelo akhe.

(2) Umtsetfo lobusa live lonkhe kufute ubekwe kutewuniketa kusebenta kwalelilungelo, lomtsetfo ungabeka tindlela letifanelekako tekuphungula umtfwalo kuhulumende ngasetinyatselweni tekwegamela nome ngasetimalini.

Sinyatselo Sembuso Lesilungile

33. (1) Wonkhe umuntfu unelilungelo lekutsi sinyatselo sembuso lesitsetfwe sibe ngulesisemtsetfweni, ngulesifanale futsi lesitsetfwe ngenchubo lefanele.

(2) Wonkhe umuntfu emalungelo akhe latsikanyetwe sinyatselo sembuso unelilungelo lekuniketwa tizatfu letibhalwe phansi.

(3) Umtsetfo lobusa live lonkhe kufute ubekwe kutewuniketa kusebenta kwalamalungelo, futsi kufute –

- (a) uchaze kubuketwa kwetinyatselo tembuso yinkantolo, nome lapho kufanele, libandla lelitimele lelingakhetsi;
- (b) wetfwese umtfwalo tonkhe titfo tembuso, kutewuniketa kusebenta kwalamalungelo lasetigatjaneni (1) na-(2); futsi
- (c) kutfutukisa kuphatsa kwembuso losebenta ngendlela lefanele.

Kukhona kuya enkantolo

34. Wonkhe umuntfu unelilungelo lekutsi aletse nome ngabe nguluphi ludzaba enkantolo lolungacatululwa ngekwenmtsetfo kutsi luncunye ngalokufanele yinkantolo leteka loludzaba

ngalokusebaleni nome lapho kudzingeke khona, lubuketwe ngulelinye libandla lelitimele futsi lelingakhetsi nome inhlanganiso letsite.

Bantfu lababoshiwe, labavalelwe ejele kanye nalababekwe emacala

35. (1) Wonkhe umuntfu loboshelwe kusoleka kutsi wente licala lelitsite unelilungelo –

(a) lekubindza angasho lutfo;

(b) lekwasiswa ngekushesha –

(i) ngelilungelo lakhe lekubindza angasho lutfo; futsi

(ii) ngemphumela longaba khona nangabe angabindzi;

(c) angaphocelelwa kuvuma nome kwemukela intfo lengasetjentiswa njengebufakazi lobungabubopha;

(d) lekuletfwa ngembali kwenkantolo ngekushesha, kepha hhayi ngemuva –

(i) kwema-awa langu-48 ngemuva kwekuboshwa kwakhe; nome

(ii) kwekuphetfwa kwelusuku lwekutsetfwa kwemacala lwekucala emuva kwekuphela kwalama-awa langu-48, uma lesikhatsi lesingema-awa langu-48 siphela ema-aweni langesiwo ekutsetsa emacala nome siphela ngelilanga lelingesilo lekutsetsa emacala;

(e) ekuveleni kwakhe kwekucala enkantolo ngemuva kwekuvallelwa, etfweswe licala nome atiswe ngesizatfu sekuchubeka nekuvallelwa, nome akhululwe; futsi

(f) akhululwe ekuvallelweni ejele nangabe timo tebulungiswa tivuma, ngephansi kwemibandzela lefanele.

(2) Wonkhe umuntfu lovalelwe ejele, lokufaka ekhatsi tonkhe tiboshwa letigwetjiwe, unelilungelo –

(a) lekwasiswa ngekushesha sizatfu sekuvallelwa kwakhe;

(b) lekukhatsa kanye nelekutsintsana nemmeli, kanye nekwasiswa ngalelilungelo ngekushesha;

(c) lekuba nemmeli lekanikwe yena ngumbuso, ngetindleko tembuso, nangabe kuphatfwa kwelicala kungahle kube nesikhinyabeto ngakuye, kantsi futsi atiswe ngalelilungelo ngekushesha;

(d) lekubuta matfupha mayelana nekuba semtsetfweni kwekuvallelwa kwakhe enkantolo kantsi nangabe loko kuvalelwa kungekho emtsetfweni, akhululwe;

(e) lekuvallelwa ngaphansi kwetimo letihambisana nekuhlonishwa kwebuntfu, lokufaka ekhatsi lokungenani simiso sekutsi atfole indzawo yekuhlala leyenele, kudla lokunemsoco, tintfo tekufundza, kwekutelula umtimba, kanye nekwelashwa, tindleko tako konkhe loku tibhadalwe ngumbuso; futsi

(f) lekuchumana, nelekuvakashelwa, kwalowo muntfu –

(i) nguwakakhe/nome singani sakhe;

(ii) tihlobo takhe letisedvute naye;

(iii) ngumeluleki wetenkholo lokhetsiwe; futsi

(vi) ngudokotela lokhetsiwe.

(3) Wonkhe umuntfu lobekwe licala unelilungelo lekushushiswa ngendlela lesemtsetfweni, lokufaka ekhatsi lilungelo –

(a) lekwasiswa mayelana nelicala labekwe lona, kanye neminingwane leyenele kutsi uyakwati kutiphendvulela mayelana nalelicala;

(b) lekuniketwa sikhatsi lesenele netintfo letidzingekele ekulungiseleni kutivikela kwakhe;

(c) lekushushiswa enkantolo yesive naleyetayelekile;

(d) lekutsi lelicala litsetfwe lize liyewuphela ngaphandle kwekubanjelelwa mahhala;

(e) lekuba khona enkantolo ngesikhatsi ashushiswa;

(f) lekukhatsa, nelekumelwa, ngummeli, kanye nelekwasiswa mayelana nalelilungelo ngekushesha;

(g) lekuba nemmeli lanikwe yena ngumbuso lona lobekwe licala futsi kubhadale umbuso, nangabe kuphatfwa kwelicala kungahle kube nesikhinyabeto ngakuye, kantsi futsi atiswe ngalelilungelo ngekushesha;

- (h) lekutsatfwa njengemuntfu longenacala, lekubinza angasho lutfo, futsi anganiki bufakazi ngesikhatsi sekutekwa kwelicala;
 - (i) lekwetfula kanye nele kubuphikisa bufakazi;
 - (j) lekungaphocelelwa kuniketa bufakazi lobungambophisa;
 - (k) lekugwetjwa ngelulwimi lekalwatiko nome, nangabe loko akukhonakali, lekuhunyushelwa ngelulwimi lekalwatiko;
 - (l) lekungagwetjelwa kwephula nome kweca umtsetfo lebekungasilo licala ngaphansi kwemtsetfo welive lonkhe nome umtsetfo wemave emhlaba ngalesikhatsi kwephulwa nome kweciwa lowo mtsetfo;
 - (m) lekungashushiselwa nome nguliphi licala nome kweciwa kwemtsetfo nangabe loyo muntfu uke waniketwa sigwebo ngaphambilini nome wakhululwa yinkantolo mayelana nalelo cala;
 - (n) lekutfole sigwebo lesilula kunaleti letinye letibekiwe nangabe sigwebo lesibekelwe lelo cala sintjintjiwe emkhatsini wesikhatsi sekwephulwa kwemtsetfo naleso sekwetfulwa kwesigwebo; futsi
 - (o) lekwendlulisela, nome lekubuyeketwa kwalelo cala, yinkantolo lenkhulu.
- (4) Nangabe lesigaba sidzinga imininingwane yelwati letsite kutsi iniketwe umuntfu, leyo mininingwane yelwati kufute iniketwe ngelulwimi lekalwatiko lowo muntfu.
- (5) Bufakazi lobutfolakele ngendlela leyephula nome ngu wuphi uMtsetfo weMalungelo eBuntfu kufute bulahlelwe ngephandle, nangabe kwemukelwa kwalobo bufakazi kutawenta kutsetfwa kwalelicala kube ngulokungekho emtsetfweni nome-ke kutawenta kuchutjwa kwebulungiswa kube matima.

Kuncishiswa kwemalungelo

36. (1) Emalungelo lakuMtsetfo weMalungelo eBuntfu angancishiswa kuphela ngekulandzela umtsetfo losetjentiswa ngalokwetayelekile kuphela kuze kufike ezingeni lapho khona lokuncishiswa kunetizatfu letibonakalako emphakatsini losebenta ngekungafihli nangentsandvo yelinyenti lobekwe esisekelweni sekuhlonishwa kwesitfunti sebuntfu, kulingana kanye nekukhululeka, ngekubuketa lokumcoka lokufaka ekhatsi –

- (a) inhlobo yelilungelo;
- (b) kubaluleka kwenhloso yalokuncishiswa;
- (c) inhlobo nelizinga lekunchishiswa;
- (d) budlelwano emkhatsini wekuncishiswa nenhloso yako; futsi
- (e) indlela lengabophi kakhulu yekutfole lenhloso.

(2) Ngaphandle-ke njengobe kuchaziwe esigatjaneni (1) nome kukusiphi lesinye simiso seMtsetfosisekelo, kute umtsetfo lotawunciphisa nanome nguliphi lilungelo lelishicilelwe eMtsetfweni weMalungelo eBuntfu.

Umtsetfo wetimo Letiphutfumako

37. (1) Umtsetfo wesimo lesiphutfumako ungabekwa kuphela ngekulandzela uMtsetfo wePhalamende, futsi ungabekwa kuphela –

- (a) nangabe imphilo yesive yetfuswa ngekuba khona kwemphi, kuhlaselwa, kuvukela umbuso lokwetayelekile, kungalandzelwa kwemtsetfo, umonakalo wemvelo, nome letinye tintfo letiphutfumako emphakatsini; futsi
- (b) lokubekwa kwemtsetfo wesimo lesiphutfumako kudzingekile kutewuletsa kuthula nekulandzelwa kwemtsetfo.

(2) Kubekwa kwemtsetfo wesimo lesiphutfumako, kanye nanome ngu wuphi umtsetfo lobekiwe nome lesinye sinyatselo lesitsetfwe ngekulandzela loko kubekwa, kungasebenta kuphela –

- (a) ngemuva kwelilanga lobekwe ngalo; futsi
- (b) ungasebenta emalanga langendluli ku-21 ngemuva kwekubekwa, ngaphandle nangabe UMkhandlu weLive lonkhe, uncuma kukuchubekisa. LoMkhandlu ungakuchubekisa kusebenta

kwemtsetfo wesimo lesiphutfumako sikhatsi lesingendluli etinyangeni letintsatfu ngesikhatsi sinye. Kuchutjekiswa kwekucala kwemtsetfo wesimo lesiphutfumako kufute kwentiwe ngesincumo lesitsetfwe sesekelwa linyenti lemalunga aloMkhandlu. Nome ngukuphi kuchutjekiswa lokulandzelako kufute kwentiwe ngesincumo lesitsetfwe sesekelwa ngemalunga langekh ngaphansi kwema-60% aloMkhandlu. Sincumo lesitsetfwe ngekulandzela lesigaba kufute sitsatfwe ngemuva kwekubonisana kwaloMkhandlu.

- (3) Nome nguyiphi lenemandla inkantolo ingancuma ngekuba semtsetfweni –
- (a) kwekubekwa kwemtsetfo wesimo lesiphutfumako;
- (b) kwekuchutjekiswa kwekubekwa kwemtsetfo wesimo lesiphutfumako; futsi
- (c) nanganome nguwuphi umtsetfo lobekiwe, nome sinyatselo lesitsetfwe, ngekulandzela kubekwa kwemtsetfo wesimo lesiphutfumako.
- (4) Nome nguwuphi umtsetfo lobekwe ngesizatfu sekubekwa kwemtsetfo wesimo lesiphutfumako ungehluka eMtsetfweni weMalungelo eBuntfu kufika ezingeni kuphela –
- (a) lekutsi lokwehluka kudzingwa nguleso simo lesiphutfumako; futsi
- (b) lomtsetfo –
- (i) uhambelana netibopho teRiphabhulikhi ngaphansi kwemtsetfo wemave emhlaba losebentako kuleto timo letiphutfumako;
- (ii) uhambelana nesigatjana (5); futsi
- (iii) utawukhishwa kuGazethi yaHulumende welive lonkhe ngekushesha ngemuva kwekutsi ubekwe.
- (5) Kute uMtsetfo wePhalamende loniketa ligunya lekubekwa kwemtsetfo wesimo lesiphutfumako, futsi kute umtsetfo loshayiwe nome lesinye sinyatselo lesitsetfwe ngenca yaloko kubekwa kwemtsetfo wesimo lesiphutfumako, longavumela nome unike ligunya –
- (a) lekuvikela umbuso, nome muphi umuntfu, ngetento letingekho emtsetfweni;
- (b) nome yini lekhwasha kulesigaba; futsi
- (c) nome yini lekhwasha esigabeni lesishiwo eluhleni 1 kuleliCansi leMalungelo Langenakuncishiswa, kuze kufike ezingeni lelikhonjiswe ngesheya kwalesigaba eluhlwini 3 lwaleliCansi.

LiCansi leMalungelo laNgenakuncishiswa

| 1 | 2 | 3 | | | |
|----------|-------------------|--|----------|----------|--|
| Inombolo | Sihloko | Lizinga lekunganciphiseki | yeSigaba | Sesigaba | |
| 9 | Kulingana | Nakuphatselene nekubandlulula ngekwebuhlanga, libala, buve nome katalwa, bulili, inkholo nome lulwimi | | | |
| 10 | Sitfunti Sebuntfu | Lonkhe | | | |
| 11 | Imphilo | Lonkhe | | | |
| 12 | Inkhululeko | Nakunguletigatjana: –sigatjana neKuvikeleka (1)(d) na(e); kanye na(2)(c) kwemuntfu | | | |
| 13 | Bugcili, | Nakuphatselene nebugcili nekusetjentiswa Kusetjentiswa njengesigcili njengesigcili kanye nekusetjentiswa ngenkhani | | | |
| 28 | Bantfwana | Nakunguletigatjana: – sigatjana (1)(d) na(e) – emalungelo lasetindzimeni tesigatjana (1)(g)(i) na(ii) kanye | | | |

– sigatjana (1)(i) nakuphatselene
nebantfwana labaneminyaka lengu-15
nome ngaphansi.

35 Bantfu lababoshiwe, Nakunguletigatjana:
labavalelwe – sigatjana (1)(a), (b) na(c) na(2)(d);
nalababekwe – emalungelo lasetindzimeni (a)-(o)
emacala tesigatjana (3), ngaphandle kwa(d);
– sigatjana (4); futsi
– sigatjana (5) nakuphatselene nekungatsatfwa
kwebufakazi uma kutsatfwa kwabo kutawenta
kutsetfwa kwelicala kungalungi.

(6) Nome nini lapho umuntfu avalelwe ngaphandle kwekushushiswa ngenca yesizatfu sekuncishiswa kwemalungelo akhe lesibangelwe kubekwa kwemtsetfo wesimo lesiphutfumako, kufute kulandzelwe lemibandzela lelandzelako:

(a) Umuntfu lomdzala lolilunga lemndeni nome umngani waloyo muntfu lovalelwe kufanele atsintfwe ngekungephuti lokungakadzingeki, futsi atjelwe kutsi loyo muntfu uvalelwe.

(b) Satiso kuGazethi yaHulumende welive lonkhe kufute setfulwe kungakapheli emalanga lasihlanu avalelwe loyo muntfu, leso satiso sisho ligama laloyo lovalelwe kanye nendzawo lavalelwe kuyo kanye nemtsetfo wesimo lesiphutfumako lavalelwe ngaphansi kwaso loyo muntfu.

(c) Lovalelwe kufute avunyelwe kutsi akhetse, nekutsi avakashelwe ngudokotela ngesikhatsi lesifanele.

(d) Lovalelwe kufute avunyelwe kutsi akhetse, nekutsi avakashelwe ngummeli ngesikhatsi lesifanele.

(e) Inkantolo kufute ibukete kabusha lokuvalelwa kwalomuntfu ngekushesha, kodvwa kungakapheli emalanga lalishumi ngemuva kwekuvalelwa kwaloyo muntfu, kantsi inkantolo kufute ikhulule lomuntfu ngaphandle nangabe lokuchubeka nekuvalelwa kudzingekile futsi kuletsa kuthula nekulandzelwa kwemtsetfo.

(f) Lovalelwe kodvwa angakakhululwa ngekulandzela kubuketwa kabusha kwesigatjana (e), nome longakakhululwa ngekwesibuketo ngephansi kwalesigatjana, angenta sicelo enkantolo kutsi iphindze ibukete kuvalelwa kwakhe esikhatsini lesingemalanga langu-10 ngemuva kwekubuketwa lokwendlulile, futsi inkantolo kufute ikhulule loyo muntfu ngaphandle nangabe lokuvalelwa solo kudzingekile kuletsa kuthula nekulandzelwa kwemtsetfo.

(g) Lovalelwe kufute avunyelwe kuta matfupha enkantolo lebuketa indzaba yakhe yekuvalelwa, amelwe ngummeli ekutekweni kwelicala, kanye nekubeka tikhalo tekutsi kuvalelwa kungachubeki.

(h) Umbuso kufute unikete inkantolo tizatfu letibhalwe phansi letivuma kuchubekisa kuvalelwa kwaloyo muntfu, uphindze unikete loyo muntfu lovalelwe umbhalo waletizatfu kungakapheli lokungenani emalanga lamabili inkantolo isengakabuketi lokuvalelwa.

(7) Nangabe inkantolo ikhulula lovalelwe, loyo muntfu angere aphindza avalelwe ngetizatfu letifana naleto lebekavalelwe tona ngaphandle nangabe umbuso uniketa inkantolo sizatfu lesicinile sekumvalela futsi.

(8) Tigatjana (6) na-(7) atisebenti kubantfu labangenabo buve beNingizimu Afrika futsi lababoshwe ngesizatfu sekulwa ngetikhali ngaphansi kwemtsetfo wemave emhlaba. Esikhundleni saloko, umbuso kufute ulandzele emazinga laphocelela iRiphabhulikhi ngaphansi kwemtsetfo wemave emhlaba mayelana nekuvalelwa bantfu baloluhlobo.

Kucinisekisa kuhlonishwa kwemalungelo

38. Nome ngubani lobalwe kulesigaba unelilungelo lekuletsa sicelo enkantolo lefanele, lesisho kutsi lilungelo lelibekwe eMtsetfweni weMalungelo eBuntfu lephuliwe nome lesatjisiwe, kantsi inkantolo inganiketa sinesitelo lesifanele lokufaka ekhatsi kucinisekiswa kwemalungelo. Bantfu

labangaletsa enkantolo sicelo sesincesitelo ngulaba labalandzelako:

- (a) Nome ngubani lotiletsela sicelo egameni lakhe;
- (b) nome ngubani loletsa sicelo esikhundleni salomunye umuntfu longakwati kutentela loko egameni lakhe;
- (c) nome ngubani loletsa sicelo njengelilunga lelibandla, nome esikhundleni selibandla nome sicumbi sebantfu;
- (d) nome ngubani umuntfu loletsa sicelo egameni lemphakatsi; futsi
- (e) inhlango leyenta loku egameni lemalunga ayo.

Kuhunyushwa kweMtsetfo weMalungelo eBuntfu

39. (1) Uma kuhunyushwa uMtsetfo weMalungelo eBuntfu, inkantolo, libandla nome inkhundla –

- (a) kufute ikhutsate timo letisisekelo temphakatsi longenamfihlo nalonentsandvo yelinyenti letibekwe esisekelweni sesitfunti sebuntfu, kulingana nenkhululeko;
- (b) kufute ibuke umtsetfo wemave emhlaba; futsi
- (c) ingabuketa umtsetfo wemave angaphandle.

(2) Uma kuhunyushwa nome nguwuphi umtsetfo, futsi uma kutfutukiswa umtsetfo lowetayelekile nome umtsetfo wesintfu, tonkhe tinkantolo, emabandla nome tinkhundla kufute tikhutsate umoya, tinhloso kanye netinjongo teMtsetfo weMalungelo eBuntfu.

(3) UMtsetfo weMalungelo eBuntfu awukuphikisi kuba khona kwalamanye emalungelo nome inkhululeko levunywa nome laniketwe ngumtsetfo lowetayelekile, ngumtsetfo wesintfu nome kushaywa kwemtsetfo, kuyawufika ezingeni lapho ahambisana khona neMtsetfo weMalungelo eBuntfu.

Sehluco 3

Hulumende weLubanjiswano

Hulumende weRiphabhulikhi

40. (1) ERiphabhulikhi, hulumende ubunjwe ngewelive lonkhe, wetifundza nahulumende wabomasipala, lekutigaba letehlukene, letinekudzingana naletisebentelanako.

(2) Tonkhe tigaba tahulumende kufute tibuke tiphindze tilandzele timiso letikuleSehluco futsi tente imisebenti yato ngephansi kwaletakhiwo leSehluco lesitibekako.

Imigomosisekelo yaHulumende weLubanjiswano nebudlelwano emkhatsini wabohulumende

41. (1) Tonkhe tigaba tahulumende nato tonkhe tikhungo tembuso kusinye ngasinye sigaba kufute –

- (a) ticine kuthula, lubumbano lwelive kanye nekungachekeki kweRiphabhulikhi;
- (b) tilondvolote inhlalakahle yebantfu beRiphabhulikhi;
- (c) tinikete hulumende losebentako, longenamfihlo, losebentela bavoti nalohlangene weRiphabhulikhi yonkhe;
- (d) tetsembeke eMtsetfwenisisekelo, kuyiRiphabhulikhi, nakubantfu bayo;
- (e) tihloniphe lizinga lemtsetfosisekelo, tikhungo, emandla nemisebenti yahulumende kulelinye lizinga;
- (f) tingatsatsi emandla nome imisebenti ngaphandle kwaleyo letiniketwe yona nguMtsetfosisekelo;
- (g) tisebentise emandla nome tente imisebenti yato ngendlela lengacumukeli eminyeleni, ekusebenteni nasekutimeleni kwahulumende kulesinye sigaba; futsi
- (h) tisebentisane ngekwetsembana nangemoya lomuhle –
- (i) ngekwakha budlelwano lobunebungani;
- (ii) ngekwesekelana nekusitana;
- (iii) ngekwatisana, nekubonisana, ngetintfo letitsintsa onkhe emalunga ahulumende;
- (iv) ngekumatana tento tato nemitsetfo;
- (v) nekulandzela tinchubo lekuvunyenwe ngato; futsi

- (vi) kugwema kumikisana etinkantolo.
- (2) UMtsetfo wePhalamende kufute –
 - (a) usungule nome wente kube khona takhiwo tekukhutsata tiphindze tente budlelwano kubohulumende.
 - (b) ubeke takhiwo letifanele netinchubo tekwenta nekucatulula kungevani emkhatsini wabohulumende.
- (3) Sitfo sembuso lesitsintsekako ngekungevani emkhatsini wabohulumende kufute sente imizamo yekutsatsa tinyatselo tekucatulula lokungevani ngekusebentisa letakhiwo netinchubo letibekelwe loko, futsi sitsatse tonkhe tinyatselo letinye letifanele singakayi enkantolo kutsi sicutulule lokungevani.
- (4) Nangabe inkantolo iyeneliswa kutsi tidzingo tesigatjana (3) atikalanzelwa, ingabuyisela emuva loludzaba lwekungevani kuleto titfo tembuso letitsintsekako.

Sehluke 4

Iphalamande

Kubunjwa kwePhalamende

- 42. (1) Iphalamende ibunjwe –
 - (a) nguMkhandlu weLive lonkhe; kanye
 - (b) neMkhandlu weLive lonkhe weTifundza.
- (2) UMkhandlu weLive lonkhe neMkhandlu weLive lonkhe weTifundza ifaka sandla kulenchubo yekwakha umtsetfo ngendlela lebekwe ngayo eMtsetfwenisisekelo.
- (3) UMkhandlu weLive lonkhe ukhetselwe kumela bantfu nekucinisekisa hulumente webantfu ngephansi kweMtsetfosisekelo. Ukwenta loku ngekukhetsa uMengameli, ngekuniketa sive sonkhe inkhundla kutsi sive sibuke tindzaba, ngekubeka imitsetfo nangekubukisisa nekwelusa tento talabaphetse.
- (4) UMkhandlu weLive lonkhe weTifundza umele tifundza kucinisekisa kutsi tintfo letitsintsa tifundza tiyanakwa ezingeni lahulumente welive lonkhe. Ukwenta loku kakhulukati ngekufaka sandla ekwakhweni kwemtsetfo welive lonkhe nangekuniketa sive sonkhe inkhundla kutsi sibuke tindzaba letitsintsa tifundza.
- (5) UMengameli angabita iPhalamende kutsi ite emhlanganweni lophutfumako nome nini kutewukwenta umsebenti lophutfumako.
- (6) Indzawo yekuhlanganela iPhalamende kusedolobheni laseKapa, kodvwa uMtsetfo wePhalamende, lobekwe ngekulanzela tigaba 76 (1) na-(5), ungabeka lenye indzawo kutsi kube yekuhlanganela iPhalamende.

Ligunya lekushaya umtsetfo weRiphabhulikhi

- 43. (1) ERiphabhulikhi, ligunya lekushaya umtsetfo –
 - (a) welizinga lahulumente welive lonkhe liniketwe iPhalamende, njengobe kuhlelwe esigabeni 44;
 - (b) welizinga lahulumente wesifundza liniketwe tishayamtsetfo tesifundza, njengobe kuhleliwe esigabeni 104; futsi
 - (c) welizinga lahulumente wasekhaya liniketwe imikhandlu yaboMasipala, njengobe kuhleliwe esigabeni 156.

Ligunya lekushaya umtsetfo welive lonkhe

- 44. (1) Ligunya lekushaya umtsetfo welive lonkhe njengobe liniketwe iPhalamende –
 - (a) linika uMkhandlu weLive lonkhe emandla –
 - (i) ekuchibela uMtsetfosisekelo;
 - (ii) ekushaya umtsetfo lophatselene nanome yini, lekufaka neludzaba loluwela kuleto tintfo letikuloluhlu lolukuShejuli 4, kodvwa ngaphandle, njengobe sigaba (2) sichaza, ludzaba lapho emandla ekushaya umtsetfo awela ngephansi kweShejuli 5; futsi
 - (iii) ekuniketa emandla awo ekushaya umtsetfo, ngaphandle kwemandla ekuchibela

uMtsetfosisekelo, kunome ngusiphi sishayamtsetfo kulelinye lizinga lahulumende; futsi

(b) linika uMkhandlu weLive lonkhe weTifundza emandla –

(i) ekufaka sandla ekuchitjelweni kweMtsetfosisekelo, ngekulanzela sigaba 74;

(ii) ekushaya umtsetfo ngekulanzela sigaba 76, lophatselene nanome nguluphi ludzaba loluwela kuleto tintfo letikuloluhlu lolukuShejuli 4, nome nguluphi lolunye ludzaba njengobe kuchaza uMtsetfosisekelo kutsi luhanjiswe ngekulanzela sigaba 76; futsi

(iii) ekubuka, ngekulanzela sigaba 75, nome nguwuphi lomunye umtsetfo loshaywe nguMkhandlu weLive lonkhe.

(2) IPhalamende ingangenela ngekushaya umtsetfo, ngekulanzela sigaba 76 (1), eludzabeni loluwela ngaphansi kwanome nguluphi ludzaba lolubekwe kuloluhlu lolukuShejuli 5, nangabe kudzingekile –

(a) kugcina emazinga ekuphepha eveni lonkhe;

(b) kugcina kuhlangu kwemnotfo;

(c) kugcina emazinga lafunekako eveni lonkhe;

(d) kusungula emazinga laphansi lafunekako nakwentiwa imisebenti; nome

(e) kuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza, nome live lonkhana.

(3) Umtsetfo lophatselene neludzaba lolubonakala lusidzingo, nome lolusondzelene ngengoti nje, ekusetjentisweni kwemandla ngalokusezingeni leliphakeme lokuphatselene neludzaba lolubekwe kuShejuli 4, ngato tonkhe tinhliso, ngumtsetfo lophatselene nako konkhe lokubekwe kuShejuli 4.

(4) Nayisebentisa ligunya layo lekushaya umtsetfo iPhalamende iboshwa kuphela nguMtsetfosisekelo, futsi kufute yente umsebenti wayo ngekulanzela iminyele yeMtsetfosisekelo. Imitseshwana lelanganyelwe netibopho kanye nemakomidi lahlanganyelwe

45. (1) UMkhandlu weLive lonkhe neMkhandlu weLive lonkhe weTifundza kufute ibeke likomidi lelihlanganyelwe lelingabeka imitsetshwana netibopho letiphatselene nemisebenti yayo lelanganyelwe, lokufaka imitseshwana netibopho –

(a) tekusungula tinchubo tekuchuba kushaya umtsetfo lokufaka kubekwa kwesikhatsi lekufanele kutsi sinyatselo nome siphi sicedvwe ngaso kuleyo nchubo;

(b) tekusungula emakomidi lahlanganyelwe labunjwe ngemalunga lavela eMkhandlwini weLive lonkhe neweTifundza ekubuka nekubika ngeMitsetfosivivinyo leshiwo etigabeni 74 na-75, nekuphatsa lawo makomidi;

(c) tekusungula likomidi lelihlanganyelwe lekubuketa uMtsetfosisekelo lokungenani kanye ngemnyaka; futsi nekuphatsa lelikomidi;

(d) tekuphatsa inchubo nemisebenti yelikomidi –

(i) lelihlanganyelwe lemitseshwana netibopho;

(ii) lekulamula;

(iii) lekubuketa umtsetfosisekelo; kanye

(iv) nelanome nguwuphi emakomidi lahlanganyelwe ngekwendzima (b).

(2) Emalungu eSigungu setiNdvuna teMbuso, emalunga eMkhandlu weLive lonkhe netitfunywa teMkhandlu weLive lonkhe weTifundza anemalungelomvume nekuvikeleka lokufanako embi kwekomidi leyinhlanganisela yeMkhandlu weLive lonkhe neMkhandlu weTifundza njengobe anawo embi kweMkhandlu weLive lonkhe neMkhandlu weTifundza.

Umkhandlu weLive Lonkhe

Kubunjwa nekukhetfwa

46. (1) UMkhandlu weLive lonkhe wakhiwe ngemalunga lasemkhatsini wema-350 nema-400 langewesifazane newesilisa lekakhetfwe njengemalunga ngekulanzela indlela yelukhetfo –

(a) lebekwe ngumtsetfo welive lonkhe;

- (b) leyakhelwe etu kweluhlu lwebavoti bonkhe;
 - (c) lebeka buncane beminyaka yekuvota kutsi ngu-18 weminyaka; futsi
 - (d) leba nemiphumela, ngalokwetayelekile, yekumelwa ngelinani lekuvotelwa kwelicembu letembusave.
- (2) UMtsetfo wePhalamende kufute umise indlela yekubeka linani lemalunga eMkhandlu weLive lonkhe.

Bulunga

47. (1) Sonkhe sakhamuti lesivumelekile kutsi sivotele uMkhandlu weLive lonkhe singakwati kukhetfwa kuba lilunga leMkhandlu, ngaphandle –

(a) kwanome ngubani lobekwe esikhundleni nome losebentela umbuso futsi aholelwa ngiwo kulowo msebenti, ngaphandle –

(i) kweMengameli, liSekela leMengameli, tiNdvuna teMbuso nemaSekela etiNdvuna teMbuso;

(ii) kwanome ngubaphi bantfu labasetikhundleni lapho imisebenti yabo ihambelana neyemalunga eMkhandlu, futsi lebekwe yahambelana ngumtsetfo welive lonkhe;

(b) kwetitfunywa letingesuswa teMkhandlu weLive lonkhe weTifundza nome emalunga esishayamtsetfo sesifundza nome Sigungu lesiphetse seMkhandlu waMasipala;

(c) kwebantfu labangakabuyiselwa emalungelo abo ngekwemtsetfo ngesizatfu sekutsi banetikweleti;

(d) kwanome ngumuphi umuntfu, lotfolwe kwekutsi akaphili engcondvweni yinkankantolo letsite yeRiphabhulikhi; nome

(e) kwanome ngubani lokutsite, ngemuva kwekucala kwekusebenta kwalesigaba, watfolwa anelicala waniketwa sigwebo setinyanga letingetulu kweli-12 ejele ngaphandle kwekunikwa lilungelo lekutsi akhiphe inhlawulo, nome eRiphabhulikhi, nome ngaphandle kweRiphabhulikhi, nangabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha, kute umuntfu lokungatsiwa ugwetjiwe uma kusengakancunywa kwendluliselwa kwelicala yinkantolo lephakeme nome sigwebo sisengakancunya ngulenkantolo, nome kusengakaniketwa sigwebo, nome sikhatsi sekwendlulisela licala enkantolo lephakeme sesiphelile. Kwemukwa lemvume ngekulandzela lendzima kuphela ngemuva kweminyaka lesihlanu kuphele lesigwebo.

(2) Umuntfu longakavumeleki kuba lilunga leMkhandlu weLive lonkhe ngekwetigatjana (1)(a) nome (b) angamela lukhetfo lweMkhandlu weLive lonkhe, ngaphansi kwekulandzela imikhawulo nemibandzela lebekwe nguhulumende welive lonkhe.

(3) Umuntfu ulahlekelwa bulunga beMkhandlu weLive lonkhe nangabe loyo muntfu –

(a) angasavumeleki kuba lilunga; nome

(b) angekho eMkhandlwini weLive lonkhe ngaphandle kwemvume, esimeni lapho khona imitseshwana nenchubo yeMkhandlu ibeka kutsi umuntfu longekho utawulahlekelwa bulunga.

(4) Tikhala talabaphumile eMkhandlwini weLive lonkhe kufute tigcwaliswe ngekulandzela umtsetfo welive lonkhe.

Kufunga nome kuvuma ngekutibopha

48. Ngembi kwekutsi emalunga eMkhandlu weLive lonkhe acale kwenta imisebenti yawo eMkhandlwini, kufute afunge nome avume ngekutibopha kutsi atawetsembeka kuyiRiphabhulikhi nekutsi atawulandzela uMtsetfosisekelo, loku akwente ngekulandzela iShejuli 2.

Budze besikhatsi sekusebenta kweMkhandlu weLive lonkhe

49. (1) UMkhandlu weLive lonkhe ukhetfwe kutsi usebente iminyaka lesihlanu.

(2) Nangabe uMkhandlu weLive lonkhe uhlakatwa ngekulandzela sigaba 50, nome nakuphela sikhatsi sawo sekusebenta, uMengameli, ngesatso semtsetfo, kufute abite futsi abeke emalanga elukhetfo, lokufute lubanjwe kungakapheli emalanga langema-90 ngemuva kwekuhlakateka kweMkhandlu nome ngemuva kwekuphela kwesikhatsi sawo sekusebenta.

(3) Nangabe imiphumela yelukhetfo lweMkhandlu weLive lonkhe ayikaniketwa ngesikhatsi

lesibekwe esigabeni 190, nome nangabe lukhetfo lubekwe eceleni yinkantolo, uMengameli, ngesatso semtsetfo, kufute abite futsi abeke emalanga elukhetfo lolunye, lokufute lubanjwe kungakapheli emalanga langema-90 ngemuva kwekuphela kwaleso sikatsi nome ngemuva kwelilanga lekwabekwa ngalo eceleni lolukhetfo.

(4) UMkhandlu weLive lonkhe utawuchubeka kuba nemandla ekusebenta kusukela ngesikhatsi uhlakateka nome ngesikhatsi uphelelwa sikhatsi sekusebenta, kuze kube lilanga ngembi kwelilanga lekucala lekuvotela lukhetfo lolulandzelako lweMkhandlu.

Kuhlakateka kweMkhandlu weLive lonkhe kungakapheli sikhatsi sawo sekusebenta

50. (1) UMengameli kufute ahlakate uMkhandlu weLive lonkhe nangabe –

(a) uMkhandlu, utsatse sincumo sekubhidlika, wesekelwa linyenti lemalunga awo; futsi

(b) iminyaka lemitsatfu seyendlulile kusukela uMkhandlu wakhetfwa.

(2) Loyo longuMengameli kwesikhashana kufute ahlakate uMkhandlu weLive lonkhe nangabe –

(a) kute losesikhundleni sekuba nguMengameli, futsi

(b) uMkhandlu wehluleka kukhetsa uMengameli lomusha kungakapheli emalanga langema-30 ngemuva kwekuvela kwesikhala seMengameli.

Tikhatsi tekuhlangana nekuphumula

51. (1) Ngemuva kwelukhetfo, kuhlangana kwecucala kweMkhandlu weLive lonkhe kufute kwenteke ngesikhatsi nangelilanga lelincunye nguMengameli weNkantolo yeMtsetfosisekelo, kodvwa kungakapheli emalanga lali-14 ngemuva kwekuniketwa kwemiphumela yelukhetfo. UMkhandlu weLive lonkhe ungancuma tikhatsi nebudze betikhatsi tekuhlangana kanye netikhatsi tekuphumula kwawo.

(2) UMengameli angabita uMkhandlu weLive lonkhe, ute emhlanganweni lophutfumako nome ngasiphi sikhatsi kutewusebenta ludzaba loluphutfumako.

(3) Kuhlangana kweMkhandlu weLive lonkhe kuvumelekile kuletinye tindzawo ngaphandle kwePhalamende ngetizatfu tetidzingo tempakatsi kuphela, kuphepha nome kuba sedvute, futsi nangabe loko kubekiwe emitseshwaneni nasenchubeni yaloMkhandlu.

Somlomo kanye neliSekela laSomlomo

52. (1) Emhlanganweni wawo wekucala ngemuva kwelukhetfo lwawo, nome uma kunesidzingo sekugcwalisa sikhala, uMkhandlu weLive lonkhe kufute ukhetse Somlomo kanye neliSekela laSomlomo emalungeni awo.

(2) UMengameli weNkantolo yeMtsetfosisekelo utawuphatsa lukhetfo lwekukhetsa Somlomo, nome abeke lelinye lijaji lelitakwenta loko. Somlomo yena uphatsa lukhetfo lweIliSekela laSomlomo.

(3) Inchubo lebekwe kuShejuli 3 isebenta elukhetfweni lwaSomlomo kanye neliSekela laSomlomo.

(4) UMkhandlu weLive lonkhe ungakwati kukhipha Somlomo nome liSekela laSomlomo esikhundleni ngesincumo. Linyenti lemalunga eMkhandlu kufute libe khona ngesikhatsi kutsatfwa lesincumo.

(5) Ngekulandzela imitseshwana nenchubo yawo, uMkhandlu weLive lonkhe ungakhetsa emalungeni awo labanye labangaba bosihlalo kutewekelelela Somlomo nelisekela laSomlomo.

Tincumo

53. (1) Ngaphandle nangabe uMtsetfosisekelo usho lokunye –

(a) linyenti lemalunga eMkhandlu weLive lonkhe kufanele libe khona ngembi kwekutsi kuvotelwe uMtsetfosivivinyo nome sichibelo seMtsetfosivivinyo;

(b) lokungenani linyenti lakunye kulokutsatfu lemalunga kufute libe khona ngembi kwekutsi kuvotelwe nome nguluphi lolunye ludzaba lolusembi kweMkhandlu; futsi

(c) yonkhe imibuto lesembi kweMkhandlu weLive lonkhe kufanele incunye bunyenti bemalunga lavotele loko lokusembi kweMkhandlu ngaleso sikhatsi.

(2) Lilunga leMkhandlu weLive lonkhe lelingusihlalo emhlanganweni alinako kuvota lokusincumo, kodvwa –

(a) kufute livotele kwenta sincumo lapho khona inombolo yebavoti labesekela umbono ilingana neyalabo labawuphikisako lowo mbono;

(b) kufute lifake livoti lesincumo uma ngabe umbono kufute uncunye ngekwesekelwa linani lemalunga lokungenani lalokubili kulokutsatfu kwelinani lemalunga eMkhandlu.

Emalungelo emalunga latsite eSigungu setiNdvuna teMbuso eMkhandlwini weLive lonkhe

54. UMengameli kanye nanome nguliphi lilunga leSigungu setiNdvuna teMbuso lelingasilo lilunga leMkhandlu weLive lonkhe lingaba khona, liphindze likhulume, eMkhandlwini, kodvwa lingete lavota.

Emandla eMkhandlu weLive lonkhe

55. (1) Ekusebentiseni emandla awo ekushaya umtsetfo, uMkhandlu weLive –

(a) ungabuka, ushaye, uchibele nome ucitse nome nguwuphi umtsetfo losembi kweMkhandlu; futsi

(b) ungasungula nome ulungise umtsetfo ngaphandle kweMitsetfosivivinyo yetetimali.

(2) UMkhandlu weLive lonkhe kufute wente tindlela –

(a) tekucinisekisa kutsi tonkhe tiffo letiphetse tembuso ezingeni lahulumende welive lonkhe tisebentela wona; futsi

(b) tekubeka liso –

(i) ekusetjentisweni kwemandla ekuphatsa live lonkhe, lokufaka kuphatfwa kwemitsetfo; futsi

(ii) kunome ngusiphi sitfo sembuso.

Bufakazi nome imininingwane yelwati lesembi kweMkhandlu weLive lonkhe

56. UMkhandlu weLive lonkhe, nome-ke nguwaphi emakomidi awo –

(a) ungabita nome muphi umuntfu kutsi ete embi kwawo kutewuniketa bufakazi ngekubufungela nome ngekuvuma nome aletse emabhuku;

(b) ungafuna nome muphi umuntfu nome sikhungo kutsi sitetfule kuwo;

(c) ungaphocelela, ngekulandzela umtsetfo welive lonkhe nome imitseshwana netibopho, umuntfu nome sikhungo kutsi sinake lokubitwa nome lesidzingo ngaphansi kwetigatjana (a) nome

(b);

(d) ungemukela tikhalo, kubekwa kweluvo, nome yini leletfwa nome ngubani umuntfu lotsintsekako nome sikhungo.

Kutilawula, tinchubo netinchubeko teMkhandlu weLive lonkhe

57. (1) UMKhandlu weLive lonkhe ungakwati –

(a) kulawula nekuphatsa kusebenta kwawo, tinchubo netincubeko tawo; futsi

(b) kwenta imitseshwana netibopho macondzana nemisebenti yawo, mayelana nekumela kanye nekubambisana ngentsandvo yelinyenti, kusebentela bavoti, kungabi nemfihlo kwembuso nekufaka sandla kwemphakatsi.

(2) Imitseshwana netibopho teMkhandlu weLive lonkhe kufute tente kube khona –

(a) kwakhiwa, kubunjwa, emandla, imisebenti, inchubo nebudze besikhatsi semakomidi awo;

(b) kusebentisana emisebentini yeMkhandlu weLive lonkhe, nemakomdi awo emacembu etembusave lamancane lekamelwe kuloMkhandlu, ngendlela lehambisana nentsandvo yelinyenti;

(c) lusito lwetimali nelwekusebenta emacenjini etembusave lekamelwe kuloMkhandlu ngekulandzela linani lemalunga awo, kutewusita lamacembu kanye nebaholi bawo kutsi bakhone

kwenta imisebenti yabo eMkhandlwini ngemandla; futsi

(d) kuhlonishwa kwemholi welicembu letembusave lelikhulu leliphikisako kuloMkhandlu njengeMholi welicembu laliPhikisako.

Lilungelomvume

58. (1) Emalunga eSigungu setiNdvuna teMbuso neweMkhandlu weLive lonkhe –

(a) anenkhululeko yekukhuluma eMkhandlwini kanye nasemakomidini awo, ngekulandzela

imitseshwana kanye netibopho teMkhandlu; futsi

(b) akukafaneli abekwe licala takhamuti nome ngumbuso, aboshwe, avalelwe ejele nome ahlawuliswe –

(i) mayelana nanome yini lekayishito, lekayibonakalisile, nome lekayiletsile kuloMkhandlu nome kunome nguliphi likomidi lawo; nome

(ii) nome yini levetwe ebaleni ngesizatfu sanome yini lekayishito, lekayivetile nome lekayiletsile kuloMkhandlu nome likomidi lawo.

(2) Lamanye emalungelomvume nekuvikeleka kwemalunga eMkhandlu weLive lonkhe, emalunga eSigungu setiNdvuna teMbuso nemalunga eMkhandlu weLive lonkhe angabekwa ngumtsetfo welive lonkhe.

(3) Imiholo, timadlana lekatitfolako ngebulunga bawo, nenzuzo letfolwa ngemalunga eMkhandlu weLive lonkhe kukhishwa eSikhwameni seTimali seLive.

Kuvumeleka kwemphakatsi nekufaka sandla kuloMkhandlu weLive lonkhe

59. (1) Umkhandlu weLive lonkhe kufute –

(a) ucinisekise kufaka sandla kwemphakatsi etinchubeni tekushaya umtsetfo naletinye taloMkhandlu kanye nasemakomidini awo; futsi

(b) wente umsebenti wawo ngendlela lengenamfihlo, ubambe imihlangano yawo, kanye neyemakomidi awo, ebaleni; kodvwa, tinyatselo letifanele tingatsatfwa –

(i) tekucondzisa kungenisa umphakatsi lekufaka ekhatsi tekungenisa betindzaba, kuloMkhandlu nasemakomidini awo; futsi

(ii) tekwenta kube khona tindlela tekuseshwa kwanome ngubani futsi, nakufunele, kwalela nome bani kungena nome kukhishwa kwemuntfu lapho kuhlangelele khona loMkhandlu.

(2) UMkhandlu weLive lonkhe ungete wencabela umphakatsi, lokufaka ekhatsi betindzaba, kungenela umhlangano wekomidi yawo ngaphandle nangabe kufanelekile futsi kunetizatfu tekwenta njalo emphakatsini lokhululekile newentsandvo yelinyenti.

UMkhandlu weLive lonkhe weTifundza

Kubunjwa kweMkhandlu weLive lonkhe weTifundza

60. (1) UMkhandlu weLive lonkhe weTifundza ubunjwe libandla linye letitfunywa letili-10 letibuya esifundzeni ngasinye.

(2) letitfunywa letili-10 –

(a) tingemalunga lamane lakhetsiwe lafaka –

(i) Ndvunankhulu wesifundza, nome nakangekho, lilunga nome nguliphi lesishayamtsetfo leliphetfwe nguye kutsi lente yonkhe imisebenti nome umsebenti lotsite embi kwaloMkhandlu; kanye

(ii) nemalunga lamatsatfu lakhetsiwe; kanye

(b) netitfunywa letitfupha letingesuswa letiphetfwe ngekulanzela sigaba 61(2).

(3) Ndvunankhulu wesifundza, nome nangabe angekho Ndvunankhulu, lilunga letitfunywa tesifundza lelaphetfwa nguNdvunankhulu, lihola letitfunywa.

Kubekwa kwetitfunywa

61. (1) Emacembu etembusave lekemelwe esishayenimtsetfo sesifundza anelilungelo lekuba netitfunywa kuletitfunywa tesifundza letili-10 ngekulanzela lendlela lebekwe eSiceshini B seShejuli 3.

(2) Kungakapheli emalanga langema-30 ngemuva kwemphumela welukhetfo lwesishayamtsetfo sesifundza umenyetelwe, sishayamtsetfo kufute –

(a) sincume, ngendlela lebekwe ngumtsetfo welive lonkhe, kutsi tingaphi titfunywa talinye ngalinye licembu letitawuba titfunywa letingesuswa nekutsi tingaphi letitawuba titfunywa letikhetsiwe; futsi

(b) sibeke titfunywa letingesuswa ngekulanzela kuphakanyiswa kwemagama ngemacembu.

(3) Kushaywa kwemtsetfo welive lonkhe lohlongotwe esigatjaneni (2)(a) kufute kucinisekise

kuba khona kumelwa kwemacembu lamancane kuto totimbili letinhlobo tetitfunywa; titfunywa letingesuswa netitfunywa letikhetsiwe ngendlela lehambisana nentsandvo yelinyenti.

(4) Sishayamtsetfo, ngekuvumelana kwaNdvunankhulu kanye nebaholi bemacembu lanelilungelo lekuba netitfunywa letikhetsiwe etitfunyweni tesifundza, kufute sibeke titfunywa letikhetsiwe, njengobe kudzingeka ngesikhatsi nesikhatsi, kulamalunga esishayamtsetfo.

Titfunywa letingesuswa

62. (1) Umuntfu lokhetfwe njengesitfunywa lesingesuswa kufute abe ngulovumelekile kuba lilunga lesishayamtsetfo sesifundza.

(2) Nangabe umuntfu lolilunga lesishayamtsetfo akhetfwa njengesitfunywa lesingesuswa, loyo muntfu akabe asaba lilunga lesishayamtsetfo.

(3) Titfunywa letingesuswa tikhetselwa sikhatsi lesiphela ngembali nje kwekuhlangu kwekucala kwesishayamtsetfo sesifundza ngemuva kwelukhetfo lwaso lolulandzelako.

(4) Umuntfu uyemukwa lilungelo lekuba sitfunywa lesingesuswa nangabe loyo muntfu –

(a) angasavumeleki kuba lilunga lesishayamtsetfo sesifundza ngesizatfu lesinye ngaphandle kwaleso sekubekwa abe lilunga lelingesuswa;

(b) asaba yiNdvuna yeMbuso;

(c) asalahlekelwe kwetsenjwa sishayamtsetfo sesifundza nome asabitwe licembu lelamkhetsa;

(d) ayekela kuba lilunga lalelicembu letembusave lelamkhetsa loyo muntfu futsi asabuyiselwe emuva ngulelo cembu; nome

(e) angekho eMkhandlwini weLive lonkhe weTifundza ngaphandle kwemvumo etimeni lapho imitseshwana netibopho tibeka kulahlekelwa sikhundla sekuba sitfunywa lesingesuswa.

(5) Tikhala ecenjini letitfunywa letingesuswa kufute tivalwe ngekulandzela umtsetfo welive lonkhe.

(6) Tingakacali kwenta umsebenti wato titfunywa letingesuswa eMkhandlwini weLive lonkhe weTifundza, kufute tifunge nome tivume ngekutibopha kwetsembeka kuyiRiphabhulikhi nekutfobela uMtsetfosisekelo, ngekulandzela iShejuli 2.

Kuhlangana kweMkhandlu weLive lonkhe weTifundza

63. (1) UMkhandlu weLive lonkhe weTifundza ungancuma tikhatsi nebudze bekuhlangu kwawo kanye netikhatsi tekuphumula.

(2) UMengameli angabita uMkhandlu weLive lonkhe weTifundza, kutsi ute emhlanganweni lophutfumako nome nini kutewusebenta ludzaba loluphutfumako.

(3) Kuhlangana kweMkhandlu weLive lonkhe weTifundza kuvumelekile etindzaweni letinye letingasito tekuhlanganela iPhalamende kuphela nakudzingwa ngumphakatsi, kuphepha nome kuba sedvute, futsi nakubekiwe emitseshwaneni nasebopheni taloMkhandlu.

Sihlalo nemaSekela aSihlalo

64. (1) UMkhandlu weLive lonkhe weTifundza kufute ukhetse Sihlalo nemaSekela aSihlalo lamabili etitfunyweni.

(2) Sihlalo nalinye liSekela laSihlalo bakwetfwa etitfunyeni letingesuswa kutsi baphatse letikhundla iminyaka lesihlanu ngaphandle nangabe sikhatsi sabo sekuba titfunywa siphela kungakapheli leminyaka lesihlanu.

(3) Leli lesibili liSekela laSihlalo likhetselwa kuphatsa lesikhundla umnyaka munye, kantsi kufute lelanywe sitfunywa lesibuya kulesinye sifundza, kuze tifundza tonkhe timelwe ngekulandzelana.

(4) UMengameli weMtsetfosisekelo kufute aphantse lukhetfo lwaSihlalo, nome abeke lelinye lijaji kutsi lente loku. Sihlalo uphatsa lukhetfo lwemaSekela aSihlalo.

(5) Lendlela lebekwe eSiceshini A seShejuli 3 isebenta elukhetfweni lwaSihlalo nemaSekela aSihlalo.

(6) LoMkhandlu weLive lonkhe weTifundza unemandla ekucitsa Sihlalo nome liSekela laSihlalo esikhundleni.

(7) Ngekwemitseshwana netibopho tawo, uMkhandlu weLive lonkhe weTifundza ungabeka kumalunga etitfunywa letinye tiphatsimandla kutewelelekela Sihlalo nemaSekela aSihlalo.

Tincumo

65. (1) Ngaphandle lapho uMtsetfosisekelo usho ngalenywe indlela –

(a) sifundza ngasinye sinelivoti linye lelifakwa esikhundleni sesifundza yinhloko yetitfunywa taso; futsi

(b) yonkhe imibono lesebenzi kweMkhandlu weLive lonkhe weTifundza kusuke kuvunyelwene nangabe lokungenani tifundza letisihlanu tivotele kuvumela lowo mbono.

(2) UMtsetfo wePhalamende, lobekwe yinchubo lebekwe ngekulandzela nome tigatjana (1) nome (2) tesigaba 76, kufute ubeke indlela lefanako lekufute tifundza tinikete ngayo ligunya etitfunyweni tato tekufaka emavoti esikhundleni setifundza.

Kufaka sandla kwemalunga eSigungu lesiphetse selive lonkhe

66. (1) Emalunga eSigungu setiNduna teMbuso nemaSekela etiNduna teMbuso angaba khona, futsi angakhuluma, eMkhandlwini weLive lonkhe weTifundza, kodvwa angete avota.

(2) UMkhandlu weLive lonkhe weTifundza ungabita lilunga leSigungu setiNduna teMbuso, liSekela leNduna yeMbuso, nome lesigungu lesiphetse selive lonkhe nome lesigungu lesiphetse sesifundza libe khona emhlanganweni weMkhandlu nome welikomidi laloMkhandlu.

Kufaka sandla kwalabemele hulumende wasekhaya

67. Emalunga ngalokungakagcwali langengci kulali-10 lakhetfwe bohulumende labahlelekile basekhaya ngekulandzela sigaba 163, kutewumela tigaba letehlukene tabomasipala, angafaka sandla uma kudzingekile enchubekeni yeMkhandlu weLive lonkhe weTifundza, kodvwa bangete bavota.

Emandla eMkhandlu weLive lonkhe weTifundza

68. Ekusebentiseni emandla awo ekushaya umtsetfo, uMkhandlu weLive lonkhe weTifundza –

(a) ungabuka, uphasise, uchibele, uphakamise tichibelo, nome ucitise nome wuphi umtsetfo losebenzi kweMkhandlu weLive lonkhe weTifundza ngekulandzela leSehluko; futsi

(b) ungasungula, nome ulungise umtsetfo lowela ngaphansi kwendzawo yekusebenta lehlelwe kuShejuli 4 nome lomunye umtsetfo loshiwo esigabeni 76(3), kodvwa ungete wasungula nome ulungise iMtsetfosivivinyo yetetimali.

Bufakazi nome imininingwane yelwati embi kweMkhandlu weLive weTifundza

69. UMkhandlu weLive lonkhe weTifundza nome nawaphi emakomidi awo –

(a) ungabita nome muphi umuntfu kutsi ete embi kwawo kutewuniketa bufakazi ngekubufungela nome ngekuvuma nome aletse emabhuku;

(b) ungafuna nome siphi sikhungo nome umuntfu kutsi ate kuwo;

(c) ungaphelela, ngemtsetfo welive lonkhe nome ngemitseshwana yenchubo, umuntfu nome sikhungo kutsi sinake lokubitwa nome lesidzingo ngaphansi kwetigatjana (a) nome (b); futsi

(d) ungemukela tikhalo, kubekwa kweluvo, nome yini leletfwa nome ngubani umuntfu lotsintsekako nome sikhungo.

Kutilawula, tinchubo netinchubeko teMkhandlu weLive lonkhe weTifundza

70. (1) UMkhandlu weLive lonkhe weTifundza ungakwati –

(a) kulawula nekuphatsa kusebenta kwawo, tinchubo netincubeko tawo;

(b) kwenta imitseshwana netibopho macondzana nemisebenti yawo, mayelana nekumela kanye nekubambisana ngentsandvo yelinyenti, kusebentela bavoti, kungabi nemfihlo kwembuso nekufaka sandla kwemphakatsi.

(2) Lemitseshwana netibopho teMkhandlu weLive lonkhe weTifundza kufute tente kube khona –

(a) kusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze besikhatsi bekusebenta kwemakomidi awo;

- (b) kufaka sandla kwetifundza tonkhe etinchubekweni tawo lokuhambisana nendlela yentsandvo yelinyenti; futsi
- (c) kufaka sandla etinchubekweni teMkhandlu weLive lonkhe weTifundza kwemacembu etembusave lamancane lekemelwe kuloMkhandlu, nasemakomidini awo ngendlela lehambisana nentsandvo yelinyenti, nangabe ludzaba lutawuncunywa ngekulandzela sigaba 75.

Lilungelomvume

71. (1) Titfunywa teMkhandlu weLive lonkhe weTifundza, kanye nebantfu labashiwo etigabeni 66(1) na-67 –

(a) banelilungelo lekukhuluma eMkhandlwini weLive lonkhe weTifundza nasemakomidini awo, ngekulandzela imitseshwana netibopho tawo, futsi

(b) abanawubekwa licala nome bamangalelwe, baboshwe, badvonse sigwebo nome bahlawule –

(i) nganome yini labayishito, bayikhipha, nome bayiletsa eMkhandlwini nome nguliphi likomidi lawo; nome

(ii) nganome yini levele ngesizatfu sentfo lebayishito, bayikhipha nome bayiniketa uMkhandlu nome likomidi lawo.

(2) Lamanye emalungelomvume nekuvikeleka kweMkhandlu weLive lonkhe weTifundza, titfunywa letikuloMkhandlu kanye nebantfu lebashiiwo etigabeni 66 na-67, kungabekwa ngumtsetfo welive lonkhe.

(3) Imiholo, timadlana letitfolakala ngekwenta lokutsite, nemvuzo lokutfolwa titfunywa letingesuswa teMkhandlu weLive lonkhe weTifundza tikhishwa eSikhwameni seTimali sahumende welive.

Kuvumeleka kwemphakatsi nekufaka sandla eMkhandlwini welive lonkhe

72. (1) UMkhandlu welive lonkhe weTifundza kufute –

(a) ucinisekise kufaka sandla kwemphakatsi etinchubeni tekushaya umtsetfo naletinye taloMkhandlu kanye nasemakomidini awo; futsi

(b) wente umsebenti wawo ngendlela lengenamfihlo, ubambe imihlangano yawo, kanye neyemakomidi awo, ebaleni; kodvwa, tinyatselo letifanele tingatsatfwa –

(i) tekucondzisa kungenisa umphakatsi, lokufaka ekhatsi kungenisa betindzaba, kuloMkhandlu nasemakomidini awo; kanye

(ii) nekwenta kube khona tindlela tekuseshwa kwanome ngubani futsi, nakufunele, kwalela nome bani kungena nome kukhishwa kwemuntfu lapho kuhlangelele khona loMkhandlu.

(2) UMkhandlu weLive lonkhe ungete wencabela umphakatsi, lokufaka ekhatsi betindzaba, kungenela umhlangano wekomidi yawo ngaphandle nangabe kufanelekile futsi kunetizatfu tekwenta njalo emphakatsini lokhululekile newentsandvo yelinyenti.

Inchubo yekushaya umtsetfo weLive lonkhe

Imitsetfosivivinyo yonkhe

73. (1) Nome nguwuphi uMtsetfosivivinyo ungetfulwa embi kweMkhandlu weLive lonkhe.

(2) Lilunga leSigungu setiNdvuna teMbuso kuphela, nome liSekela leNdvuna yeMbuso, nome lilunga lekomidi yeMkhandlu, lelingetfula uMtsetfosivivinyo embi kweMkhandlu kodvwa lilunga leliyiNdvuna yeMbuso leliphetse tetimali telive kuphela lelingetfulwa uMtsetfosivivinyo wetimali embi kweMkhandlu weLive lonkhe.

(3) UMtsetfosivivinyo loshiwo esigabeni 76(3), ngaphandle kwewemali, ungetfulwa embi kweMkhandlu weLive lonkhe weTifundza.

(4) Lilunga nome ikomidi yeMkhandlu weLive lonkhe weTifundza kuphela lelingetfulwa uMtsetfosivivinyo embi kweMkhandlu weLive lonkhe weTifundza.

(5) UMtsetfosivivinyo lophasiswe nguMkhandlu weLive lonkhe lekufute ubukwe nguMkhandlu weLive lonkhe weTifundza, nangabe kufute ubuketwe nguloMkhandlu weTifundza.

UMtsetfosivivinyo lophasiswe nguMkhandlu weLive lonkhe weTifundza kufute uye kuloMkhandlu welive lonkhe.

Imitsetfosivivinyo lechibela uMtsetfosisekelo

74. (1) Sigaba 1 kanye nalesigatjana tingachitjelwa nguMtsetfosivivinyo lophasiswe –
- (a) nguMkhandlu weLive lonkhe usekelwe ngemavoti lokungenani yincenye yalokungema-75% kwemalunga eMkhandlu weLive lonkhe; futsi
 - (b) nguMkhandlu weLive lonkhe weTifundza, usekelwe ngemavoti lokungenani etifundza letisitfupha.
- (2) Sehluko 2 singachitjelwa nguMtsetfosivivinyo –
- (a) nguMkhandlu weLive lonkhe, usekelwe ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga awo;
 - (b) nguMkhandlu weLive lonkhe weTifundza, usekelwe ngemavoti lokungenani etifundza letisitfupha.
- (3) Letinye tiphakamiso teMtsetfosisekelo tingachitjelwa nguMtsetfosivivinyo lophasiswe –
- (a) NguMkhandlu weLive lonkhe, usekelwe ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga awo; futsi
 - (b) nguMkhandlu weLive lonkhe weTifundza, usekelwe ngemavoti lokungenani etifundza letisitfupha, uma ngabe lokuchitjelwa –
 - (i) kuphatselene neludzaba lolutsintsa uMkhandlu welive lonkhe weTifundza;
 - (ii) kugucula iminyele yesifundza, emandla, imisebenti nome tikhungo; nome
 - (iii) kuchibela siphakamiso lesicondzeni ngco neludzaba lwesifundza.
- (4) UMtsetfosivivinyo lochibela uMtsetfosisekelo ungete wafaka ekhatsi letinye tiphakamiso ngaphandle kwetichibelo letiphatselene nemtsetfosisekelo nalokunye lokuphatselene nalesichibelo.
- (5) Lokungenani emalanga langema-30 ngembi kwekutsi uMtsetfosivivinyo lochibela uMtsetfosisekelo wetfulwe ngekulandzela sigaba 73(2), umuntu nome ikomidi lefuna kwetfula loMtsetfosivivinyo kufute –
- (a) ushicilelwe kuGazethi yaHulumende, futsi ngekuvumelana nemitseshwana netibopho teMkhandlu weLive lonkhe, imininingwane yalesichibelo lesihlongotwako kuze sive sikwati kubeka luvo lwaso;
 - (b) wetfulwe, ngekuvumelana nemitseshwana netibopho teMkhandlu, leyo mininingwane etishayenimtsetfo tetifundza kuze tibeke imibono yato;
 - (c) wetfulwe, ngekuvumelana nemitseshwana netibopho teMkhandlu weLive lonkhe weTifundza, leyo mininingwane eMkhandlwini kuze sive sikwati kucocisana ngawo, uma ngabe lesichibelo lesihlongotiwe akusiso sichibelo lesidzinga kuphasiswa nguMkhandlu.
- (6) Uma uMtsetfosivivinyo lochibela uMtsetfosisekelo wetfulwa, umuntu nome ikomidi leyetfula loMtsetfosivivinyo kufute etfule nome ngutiphi tincomo letibhaliwe letitfolakale esiveni nasetishayenimtsetfo teTifundza –
- (a) kuSihlalo lotawendlala embi kweMkhandlu weLive lonkhe; futsi
 - (b) uma kusichibelo lesishiwo etigatjaneni (1), (2), nome (3)(b), kuSihlalo weMkhandlu weLive lonkhe weTifundza lotawendlala embi kweMkhandlu.
- (7) UMtsetfosivivinyo lochibela uMtsetfosisekelo ungete wavotelwa eMkhandlwini weLive lonkhe emalangenani langema-30 –
- (a) wetfuliwe, uma uMkhandlu uhlangene ngalesikhatsi loMtsetfosivivinyo wetfulwa; nome
 - (b) wendlaliwe embi kweMkhandlu, uma uMkhandlu usephumulile ngalesikhatsi loMtsetfosivivinyo wetfulwa.
- (8) Uma uMtsetfosivivinyo loshiwo esigatjaneni (3)(b), nome ngabe yiphi incenye yaloMtsetfosivivinyo, uphatselene ngco nesifundza lesitsite nome tifundza, uMkhandlu weLive lonkhe weTifundza ungete wawuphasisa loMtsetfosivivinyo nome lencenye yawo letsintsekako ngaphandle nangabe wemukelwe sishayamtsetfo sesifundza nome tishayamtsetfo tetifundza

letitsintsekako.

(9) UMtsetfosivivinyo lochibela uMtsetfosisekelo losewuphasiswe nguMkhandlu weLive lonkhe futsi, lapho kufanele khona, nguMkhandlu weLive lonkhe weTifundza, kufute utfunyelwe kuMengameli kusti atewubusisa.

IMtsetfosivivinyo leyetayelekile lengakacondzani netifundza

75. (1) Nangabe uMkhandlu weLive lonkhe uphasisa uMtsetfosivivinyo ngaphandle kweMtsetfosivivinyo lolenchubo lebekwe esigabeni 74 nome 76 isebenta, lomtsetfosivivinyo kufute utfunyelwe eMkhandlwini weLive lonkhe weTifundza usetjentwe ngekuvumelana nalenchubo lelandzelako:

(a) UMkhandlu kufute –

(i) uphasisa loMtsetfosivivinyo

(ii) uphasisa loMtsetfosivivinyo kodvwa ngelitsemba lekufakwa kwetichibelo letiphakanyiswe ngiwo; nome

(iii) ucitse loMtsetfosivivinyo.

(b) Nangabe uMkhandlu uphasisa lowo Mtsetfosivivinyo ngaphandle kwekuphakamisa tichibelo, loMtsetfosivivinyo kufute umikiswe kuMengameli atewubusisa.

(c) Nangabe uMkhandlu uwucitsa loMtsetfosivivinyo nome uwuphasisa ngekutsi utawubuye uchitjelwe, uMkhandlu kufute uwubukete unake lesichibelo lesiphakanyiswe nguloMkhandlu weTifundza weLive lonkhe futsi –

(i) ungawuphasisa lowo Mtsetfosivivinyo futsi, nome netichibelo nome kute tichibelo; nome

(ii) ungancuma kungachubeki nalowo Mtsetfosivivinyo.

(d) UMtsetfosivivinyo lophasisiswe nguMkhandlu weLive Lonkhe ngekulandzela sigatjana

(c) kufute umikiswe kuMengameli kutsi awubusise.

(2) Nangabe uMkhandlu weLive lonkhe weTifundza uvota mayelana neliphuzu lelitsite ngaphansi kwalesigaba, sigaba 65 asisebenti; kodvwa

(a) ngasinye sitfunywa lesibandleni letitfunywa tesifundza sinelivoti linye;

(b) linyenti lemalunga etitfunywa langukunye kulokutsatfu kufute libe khona kungakatsatfwa livoti ngaleliphuzu; futsi

(c) leliphuzu lemukelwe ngekutfole emavoti lamanyenti, kodvwa nakunelinani lelilinganako alabalemukelako nalabalicitsako, sitfunywa lesisesihlalweni sifaka livoti lesincumo.

IMtsetfosivivinyo leyetayelekile lecondzene netifundza

76. (1) Nangabe uMkhandlu weLive lonkhe uphasisa uMtsetfosivivinyo loshiwo esigatjaneni (3), (4) nome (5), lowo Mtsetfosivivinyo kufute umikiswe eMkhandlwini weLive lonkhe weTifundza futsi usetjentwe ngalendlela lelandzelako:

(a) UMkhandlu kufute –

(i) uphasisa loMtsetfosivivinyo;

(ii) uphasisa loMtsetfosivivinyo lochitjelwe; nome

(iii) ucitse loMtsetfosivivinyo.

(b) Nangabe uMkhandlu uphasisa uMtsetfosivivinyo ngaphandle kwetichibelo, loMtsetfosivivinyo kufute umikiswe kuMengameli kusti awubusise.

(c) Nangabe uMkhandlu uphasisa loMtsetfosivivinyo lochitjelwe, lowo Mtsetfosivivinyo lochitjelwe kufute umikiswe eMkhandlwini, kantsi nangabe loMkhandlu uyawuphasisa loMtsetfosivivinyo lochitjelwe, kufute umikiswe kuMengameli awubusise.

(d) Nangabe uMkhandlu uwuchitsa lowo Mtsetfosivivinyo nome nangabe uMkhandlu wala kuphasisa uMtsetfosivivinyo loshiwo esigabeni (c), lowo Mtsetfosivivinyo futsi, lapho kufanele khona, naloMtsetfosivivinyo lochitjelwe, kufute uyiswe eKomidini lekuLamula, lelingavumelana

–

(i) naloMtsetfosivivinyo njengobe uphasiswe nguMkhandlu weLive lonkhe;

(ii) nekuchitjelwa kwaloMtsetfosivivinyo njengobe uphasiswe nguMkhandlu weLive lonkhe

weTifundza; nome

(iii) nalomunye umbhalo lwaloMtsetfosivivinyo.

(e) Nangabe liKomidi lekuLamula lehluleka kuvumelana kungakapheli emalanga langema-30 ngeMtsetfosivivinyo lotfunyelwe kulo, lowo Mtsetfosivivinyo kufute ulahlwe ngaphandle nangabe uMkhandlu weLive lonkhe uwuphasisa futsi loMtsetfosivivinyo, kodvwa kufanele usekelwe ngelinani lokungenani lemalunga langulokubili kulokutsatfu wemalunga awo.

(f) Nangabe leliKomidi lekuLamula liwemukela lowo Mtsetfosivivinyo njengobe uphasiswe nguMkhandlu weLive lonkhe, loMtsetfosivivinyo kufute utfunyelwe eMkhandlwini weLive lonkhe weTifundza, futsi nangabe loMkhandlu weLive lonkhe weTifundza uyawuphasisa loMtsetfosivivinyo, kufute uyiswe kuMengameli kutsi awubusise.

(g) Nangabe liKomidi lekuLamula livumelana ngeMtsetfosivivinyo lochitjelwe waphasiswa nguMkhandlu weLive lonkhe weTifundza, lowo Mtsetfosivivinyo kufute utfunyelwe eMkhandlwini weLive lonkhe, futsi nawuphasisiwe nguloMkhandlu weLive lonkhe, kufute umikiswe kuMengameli kutsi awubusise.

(h) Nangabe liKomidi lekuLamula livumelana ngeMtsetfosivivinyo lowehlukile kunalowo lovunyiwe, lolo luhlobo lweMtsetfosivivinyo kufute lutfunyelwe kuyo yomibili uMkhandlu welive kanye neMkhandlu weTifundza kutsi tiwemukele, nangabe uphasisiwe nguMkhandlu weLive nome weTifundza kufute utfunyelwe kuMengameli kutsi awubusise.

(i) Nangabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weLive lonkhe weTifundza ngekulandzela sigatjana (f) nome (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi ngaphandle nangabe uMkhandlu weLive lonkhe uwuphasisa ngekwesekelwa livoti lokungenani lalokubili kulokutsatfu lemalunga awo.

(j) Nangabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weLive lonkhe weTifundza ngekulandzela sigatjana (g) nome (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi, kodvwa lowo Mtsetfosivivinyo njengobe waphasiswa nguloMkhandlu ekucaleni ungaphindze futsi uphasiswe nguloMkhandlu, kodvwa ngekusekelwa livoti lemalunga langulokubili kulokutsatfu lemalunga awo.

(k) UMtsetfosivivinyo lophasiswe nguMkhandlu weLive ngekulandzela sigatjana (e), (i) nome (j) kufute utfunyelwe kuMengameli awubusise.

(2) Uma uMkhandlu weTifundza uphasisa uMtsetfosivivinyo loshiwo esigatjaneni (3) lowo Mtsetfosivivinyo kufute utfunyelwe eMkhandlwini weLive futsi usetjentwe ngekulandzela lenchubo lelandzelako:

(a) UMkhandlu welive kufute –

(i) uphasiswe loMtsetfosivivinyo

(ii) uphasiswe loMtsetfosivivinyo lochitjelwe; nome

(iii) ucitise loMtsetfosivivinyo.

(b) UMtsetfosivivinyo lophasiswe nguMkhandlu weLive ngekulandzela sigatjana (a)(i) kufute utfunyelwe kuMengameli awubusise.

(c) Nangabe uMkhandlu weLive uphasisa uMtsetfosivivinyo lochitjelwe, lowo Mtsetfosivivinyo lochitjelwe kufute utfunyelwe eMkhandlwini weTifundza, futsi nangabe loMkhandlu uphasisa lowo Mtsetfosivivinyo lochitjelwe kufute utfunyelwe kuMengameli awubusise.

(d) Nangabe uMkhandlu weLive uyawucitisa loMtsetfosivivinyo, nome nangabe uMkhandlu weTifundza uyala kuphasisa loMtsetfosivivinyo lochitjelwe loshiwo esigatjaneni (c), lowo Mtsetfosivivinyo futsi, lapho kufanele khona, naloMtsetfosivivinyo lochitjelwe kufute utfunyelwe eKomidini lekuLamula, lelingavumelana –

(i) naloMtsetfosivivinyo njengobe uphasisiwe nguMkhandlu weTifundza;

(ii) naloMtsetfosivivinyo lochitjelwe njengobe uphasiswe nguMkhandlu weLive; nome

(iii) nalomunye umbhalo waloMtsetfosivivinyo.

(e) Nangabe liKomidi lekuLamula liyehluleka kuvumelana kungakapheli emalanga langema-30 kusukela loMtsetfosivivinyo wetfulwa kulo, lowo Mtsetfosivivinyo uphelelwa sikhatsi.

(f) Nangabe liKomidi lekuLamula livumelana ngaloMtsetfosivivinyo njengobe uphasisiwe nguMkhandlu weTifundza, loMtsetfosivivinyo kufute utfunyelwe eMkhandlwini weLive, futsi nangabe loMkhandlu uyawuphasisa loMtsetfosivivinyo, loMtsetfosivivinyo kufute utfunyelwe kuMengameli kutsi awubusise.

(g) Nangabe liKomidi lekuLamula livumelana ngaloMtsetfosivivinyo lochitjelwe njengobe uphasisiwe nguMkhandlu weLive, lowo Mtsetfosivivinyo kufute utfunyelwe eMkhandlwini weTifundza, futsi nangabe loMkhandlu uwuphasisa, kufute utfunyelwe kuMengameli kutsi awubusise.

(h) Nangabe liKomidi lekuLamula livumelana ngembhalo lomunye waloMtsetfosivivinyo, lowo mbhalo lomusha waloMtsetfosivivinyo kufute utfunyelwe kuyomibili leMikhandlu; weTifundza neweLive, futsi nangabe uphasisiwa nguMkhandlu weTifundza neweLive kufute utfunyelwe kuMengameli kutsi awubusise.

(i) Nangabe uMtsetfosivivinyo lofunyelwe eMkhandlwini weLive ngekulandzela sigatjana (f) nome (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi.

(3) UMtsetfosivivinyo kufute usetjentwe ngekulandzela inchubo lechazwe esigatjaneni (1) nome esigatjaneni (2) nangabe uwela ngaphansi kwemandla ekusebenta labekwe kuShejuli 4 nome nangabe wenta kube khona kushaywa kwemtsetfo lokubekwe nome ngusiphi sigaba saleti letilandzelako:

(a) sigaba 65 (2);

(b) sigaba 163;

(c) sigaba 182;

(d) sigaba 195 (3) na-(4);

(e) sigaba 196; kanye

(f) nesigaba 197.

(4) UMtsetfosivivinyo kufute usetjentwe ngekulandzela inchubo lechazwe esigatjaneni (1) nangabe wenta kube khona kushaywa kwemtsetfo –

(a) lebekwe esigabeni 44(2) nome 220 (3); nome

(b) lebekwe eShlukweni 13, lephatselene netindzaba tetimali tahlumende wetifundza.

(5) UMtsetfosivivinyo loshiwo esigabeni 42 (6) kufute usetjentwe ngalenchubo lechazwe esigatjaneni (1), ngaphandle nje –

(a) Uma uMkhandlu weLive uvota ngaloMtsetfosivivinyo, timiso tesigaba 53 (1) atisebenti; esikhundleni saloko, loMtsetfosivivinyo ungaphasiswa kuphela nje nangabe linyenti lemalunga eMkhandlu weLive livota ngekuwesekela; futsi

(b) nangabe loMtsetfosivivinyo wendluliselwa eKomidini lekuLamula, kusetjentiswa lemitseshwana lelandzelako:

(i) Nangabe uMkhandlu weLive ubuka uMtsetfosivivinyo lochazwe esigatjaneni (1)(g) nome (h), lowo Mtsetfosivivinyo ungaphasiswa kuphela nje nangabe linyenti lemalunga eMkhandlu weLive liwesekela.

(ii) Nangabe uMkhandlu weLive ubuka nome ubuketa uMtsetfosivivinyo lochazwe esigatjaneni (1)(e), (i) nome (j), lowo Mtsetfosivivinyo ungaphasiswa kuphela nje nangabe emalunga langulokubili kulokutsatfu eMkhandlu weLive awesekela.

(6) Lesi sigaba asisebenti eMtsetfwenisivivinyo yetetimali.

IMtsetfosivivinyo yetetiMali

77. (1) UMtsetfosivivinyo lowaba timali nome lobeka tintsela, tinhlawulo netimali letibhadalwako nguMtsetfosivivinyo wetetimali. UMtsetfosivivinyo wetetimali ungete watsintsa lokunye ngaphandle kwekubekwa kwemitsetfo yetimali letikhishwako, tinhlawulo nome letinye tinhlawulo tetimali.

(2) Yonkhe iMitsetfosivivinyo yetetimali kufute ibekwe ngekulandzela inchubo lechazwe esigabeni 75. UMtsetfo wePhalamende kufute wente kube khona inchubo yekuchitjelwa kweMitsetfosivivinyo yetetimali ePhalamende.

LiKomidi LekuLamula

78. (1) liKomidi lekuLamula libunjwe –

(a) ngemalunga layimfica eMkhandlu weLive lekakhetfwe nguloMkhandlu ngekulandzela inchubo yemitseshwana netibopho yaLoMkhandlu futsi leyenta kube nemphumela wekumelwa kwemacembu etembusave ngendlela lefana naleyo lekamelwe ngayo eMkhandlwini weLive; futsi
(b) ngesitfunywa sinye lesiphuma kulelo nalelo cembu letitfunywa tetifundza lesikhetfwe ngemalunga esifundza eMkhandlwini weTifundza.

(2) LiKomidi lekuLamula lisuke livumelene ngembhalo lotsite weMtsetfosivivinyo, nome lincumile ngembuto lotsite uma lowo mbhalo lomusha nome lelinye licala lalowo mbuto, lisekelwe

–

(a) lokungenani ngemalunga lasihlanu lamele uMkhandlu weLive; futsi

(b) lokungenani ngemalunga lasihlanu lekamele uMkhandlu weTifundza.

Kubusiswa kweMitsetfosivivinyo

79. (1) UMengameli kufute abusise aphindze futsi asayine uMtsetfosivivinyo lophasiswe ngekwaleSehluko nome, nangabe uMengameli anekungabata ngebumtsetfosisekelo kwaloMtsetfosivivinyo, awubuyisele emuva eMkhundlwini weLive uyewubuketwa kabusha.

(2) Lemitseshwana netibopho letihlanganyelwe kufute tibeke inchubo yekubuketwa kabusha kweMtsetfosivivinyo nguMkhandlu weLive kanye neyekumbambisana neMkhandlu weTifundza kulenchubeko.

(3) UMkhandlu weTifundza kufute ufake sandla ekubuketweni kabusha kwaloMtsetfosivivinyo lobuyiselwe emuva eMkhandlwini weLive nguMengameli nangabe –

(a) kungabata kweMengameli ngebumtsetfosisekelo baloMtsetfosivivinyo kuphatselene nenchubo letsintsa uMkhandlu weTifundza; nome

(b) sigaba 74(1), (2) nome (3)(b) nome 76 sasebenta nakuphasiswa loMtsetfosivivinyo.

(4) Nangabe, ngemuva kwekubuketwa kabusha, loMtsetfosivivinyo uyatenelisa ngalokugcwele tidzingo teMengameli, uMengameli kufute awubusise aphindze futsi awusayine loMtsetfosivivinyo; nangabe kungasinjalo, uMengameli kufute –

(a) awubusise aphindze futsi awusayine lowo Mtsetfosivivinyo; nome

(b) awutfumele eNkantolo yeMtsetfosisekelo kutsi ikhiphe sincumo sayo ngekuhambisana kwawo nemtsetfosisekelo.

(5) Nangabe iNkantolo yeMtsetfosisekelo incuma kutsi uMtsetfosivivinyo uyahambisana neMtsetfosisekelo uMengameli kufute awubusise aphindze futsi awusayine.

Sicelo Semalunga eMkhandlu weLive eNkantolo yeMtsetfosisekelo

80. (1) Emalunga eMkhandlu weLive angasenta sicelo eNkantolo yeMtsetfosisekelo sekutfola sincumo lesibeka kutsi wonkhe nome incenye yeMtsetfo wePhalamende ayihambisani nemtsetfosisekelo.

(2) Sicelo kufute –

(a) sesekelwe lokungenani ngemalunga langukunye kulokutsatfu eMkhandlu; futsi

(b) sentiwe kungakapheli emalanga langema-30 kusukela ngalelo langa uMengameli labusisa waphindze futsi wawusayina ngalo loMtsetfo.

(3) INkantolo yeMtsetfosisekelo ingancuma kutsi loMtsetfo nome incenye yawo lekusenesicelo ngawo nome ngayo ngekwesigatjana (1) awunawo emandla kuze kufike lapho iNkantolo incuma mayelana nesicelo kutsi –

(a) tinjongo tebulungiswa tiyakudzinga loku; futsi

(b) lesicelo sibonakala sengatsi sitawuphumelela.

(4) Nangabe lesicelo singaphumeleli, futsi besingenato timphawu tekuphumelela, iNkantolo

yeMtsetfosisekelo ingaphocelela labo labafake lesicelo kutsi betfwale tindleko.

Kushicilelwa kweMitsetfo

81. UMtsetfosivivinyo lobusiswe waphindze futsi wasayinwa nguMengameli uba nguMtsetfo wePhalamende, kufute ushicilelwe masinyane, futsi ucala kusebenta uma sewushicilelwe nome ngemalanga lalandzelako ngekubeka kwalowo Mtsetfo.

Kulondvolotwa kweMitsetfo yePhalamende

82. Lencwajana lesayiniwe yeMtsetfo wePhalamende ibufakazi lobuphelele betimiso talowo Mtsetfo, futsi kufute ngemuva kwekushicilelwa uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.

Sehluke 5

UMengameli kanye

neSigungu lesiphetse

UMengameli

83. UMengameli –

(a) uyiNhloko yeMbuso futsi uyinhloko yesigungu selive lesiphetse;

(b) kufute esekele, avikele futsi ahloniphe uMtsetfosisekelo njengemtsetfo lophakeme kunayo yonkhe imitsetfo yeRiphabhulikhi; futsi

(c) ukhutsata lubumbano lwesive kanye naloko lokutawuchubekisela embili iRiphabhulikhi.

Emandla kanye nemisebenti yeMengameli

84. (1) UMengameli unemandla laniketwe wona nguMtsetfosisekelo nemtsetfo, lokufaka ekhatsi nalawo ladzingeka kutsi akwati kwenta imisebenti yeNhloko yeMbuso nenhloko yesigungu lesiphetse selive.

(2) UMengameli wetfweswe umfwalo –

(a) wekubusisa aphindze futsi asayine iMitsetfosivivinyo;

(b) wekubuyisela emuva uMtsetfosivivinyo eMkhandlwini weLive kutsi ubuketwe kabusha kuhambisana kwawo neMtsetfosisekelo;

(c) wekwendlulisela uMtsetfosivivinyo eNkantolo yeMtsetfosisekelo kutsi yente sincumo kutsi lowo Mtsetfosivivinyo uyahambisana yini neMtsetfosisekelo;

(d) wekubita uMkhandlu weLive, uMkhandlu weTifundza nome iPhalamende kutsi ite emhlanganweni lophutfumako kutewudzingidvwa ludzaba loluphutfumako;

(e) wekubeka bantfu etikhundleni lapho uMtsetfosisekelo nome umtsetfo udzinga kutsi uMengameli akwente loko, ngaphandle kwekutsi unguhlalo wesigungu lesiphetse selive;

(f) wekubeka emakhomishana eluphenyo;

(g) wekubita kutsi sive sibeke luvo lwaso sonkhe ngekweMtsetfo wePhalamende;

(h) wekuhlonipha nekweemukela bosomachinga lababuya emaveni angaphandle nemancusa lakatewumela emave awo kuleli;

(i) wekukhetsa emancusa lakayuwuhlala, titfunywa letinemandla ekutitsatsela tincumo, bosomachinga nemancusa layawumela lelive ngaphandle kwaleli;

(j) wekucolela tiboshwa nome wekwehlisa tigwebo futsi wekwehlisa tinhlawulo, kujeziswa nome kulahlekelwa tinhlawulo; futsi

(k) ekuniketa buhlonishwa.

Ligunya lekushaya umtsetfo eRiphabhulikhi

85. (1) Ligunya lekushaya umtsetfo eRiphabhulikhi libekwe etu kwemahlombe eMengameli.

(2) UMengameli usebentisa leligunya lekushaya umtsetfo, kanye nalamanye emalunga etiNdvuna teMbuso, –

(a) kusebentisa umtsetfo welive lonkhe ngaphandle lapho uMtsetfosisekelo nome uMtsetfo wePhalamende usho lokunye;

(b) kutfutukisa nekusebentisa inchubomgomo yelive lonkhe;

- (c) kumatanisa imisebenti yeminyango yembuso neyemibuso yetifundza;
- (d) kulungisa nekusungula imitsetfo; futsi
- (e) kwenta leminyane imisebenti yalesikhundla lebekwe nguMtsetfosisekelo nome ngumtsetfo welive.

Kukhetfwa kweMengameli

86. (1) Emhlanganweni wekucala ngemuva kwelukhetfo lwawo, kanye nanome nini uma kudzingekile kutsi kugcwaliswe sikhala, uMkhandlu weLive kufute ukhetse umuntfu wesifazane nome wesilisa emalungeni awo kutsi abe nguMengameli.

(2) UMengameli weNkantolo yeMtsetfosisekelo kufute ahole lolukhetfo lweMengameli, nome abeke lelinye lijaji kutsi lente loko. Inchubo lebekwe eSiceshini A seShejuli 3 isebenta nakukhetfwa uMengameli.

(3) Lukhetfo lwekuvala sikhala sesikhundla seMengameli kufute lwentiwe ngesikhatsi nangelizana lelincunye nguMengameli weNkantolo yeMtsetfosisekelo, kodvwa loku kwentiwe kungakapheli emalanga langema-30 ngemuva kwekuvela kwalesikhala.

Kucala kusebenta kweMengameli

87. Ngesikhatsi sekakhetsiwe kutsi abe nguMengameli, umuntfu uyayekela kuba lilunga leMkhandlu weLive futsi, kungakapheli emalanga lasihlanu kufute acale kusebenta esikhundleni sakhe sebungameli ngekufunga nome avume ngekucinisekisa kutsi utawetsembeka kuyiRiphabhulikhi futsi utawulandzela uMtsetfosisekelo, ngekweShejuli 2.

Sikhatsi sekuba sesikhundleni kweMengameli

88. (1) Sikhatsi sekusebenta seMengameli sicala ngesikhatsi angena esikhundleni futsi siphela ngesikhatsi kuvela sikhala nome ngesikhatsi loyo lokhetfwe kutsi abe nguMengameli lolandzelako angena esikhundleni.

(2) Kute umuntfu longabamba sikhundla sekuba nguMengameli kwendlula tikhatsi letimbili tekuba sesikhundleni; kepha, uma umuntfu akhetfwe kutsi avale sikhundla seMengameli, lesi sikhatsi emkhatsini walolo lukhetfo nelukhetfo lolulandzelako lweMengameli asitsatfwa njengesikhatsi sekuba esikhundleni.

Kususwa kweMengameli esikhundleni

89. (1) UMkhandlu weLive, ngesincumo lesitsatfwe ngekwesekelwa linani lemalunga awo lelingulokubili kulokutsatfu, ungamsusa uMengameli esikhundleni ngaletizatfu letilandzelako kuphela –

- (a) kwepulwa lokukhulu kweMtsetfosisekelo nome umtsetfo;
- (b) kutiphatsa kabi kakhulu; nome
- (c) kwehluleka kwenta imisebenti lebekelwe leso sikhundla.

(2) Nome ngubani losekakhishwe esikhundleni sekuba nguMengameli ngekulandzela sigatjana

(1)(a) nome (b), kungenteka angawutfole umvuzo wekuba kuleso sikhundla, kantsi futsi kungenteka angasaphindzi atfole litfuba lekubekwa kunome ngusiphi sikhundla sembuso.

LiBambela leMengameli

90. (1) Nangabe uMengameli angekho eRiphabhulikhi nome angakwati kwenta imisebenti yeMengameli, nome uma kunesikhala esikhundleni seMengameli, loyo lobambe sikhundla lesilandzela seMengameli angaba liBambela leMengameli –

- (a) liSekela leMengameli;
- (b) iNdvuna yeMbuso lekhetfwe nguMengameli;
- (c) iNdvuna yeMbuso lekhetfwe Sigungu setiNdvuna teMbuso;
- (d) Somlomo, kuze emalunga eMkhandlu weLive akhetse munye wawo.

(2) LiBambela leMengameli linemitfwalo, emandla kanye nemisebenti yeMengameli.

(3) Lingakacali kwetfwala, kusebentisa emandla nekwenza imisebenti yeMengameli, liBambela leMengameli kufute lifunge nome livume ngekutibopha kwetsembeka kuyiRiphabhulikhi nekuhlonipha uMtsetfosisekelo, ngekweShejuli 2.

Sigungu setiNdvuna teMbuso weLive

91. (1) Sigungu setiNdvuna teMbuso weLive sibunjwe ngeMengameli, njengenhloko yaleSigungu, liSekela leMengameli kanye netiNdvuna teMbuso weLive.

(2) UMengameli ubeka esikhundleni liSekela leMengameli kanye netiNdvuna teMbuso weLive, atinikete imisebenti yato, kantsi futsi uMengameli angabasusa etikhundleni labantfu lekababekile.

(3) UMengameli –

(a) kufute akhetse liSekela leMengameli emalungeni eMkhandlu weLive;

(b) angakhetsa nome linani nome ngabe lingakanani letiNdvuna teMbuso emalungeni eMkhandlu weLive; futsi

(c) angakhetsa bantfu labangengi kulababili labangaphandle kweMkhandlu weLive kutsi babe tiNdvuna teMbuso.

(4) UMengameli kufute abeke lilunga leSigungu setiNdvuna teMbuso kusti libe ngumholi wemisebenti yahulumende eMkhandlwini weLive.

(5) LiSekela leMengameli kufute lisite uMengameli ekwenteni imisebenti yembuso.

Imitfwalo kanye nalokulindzelekile

92. (1) Lisekela leMengameli netiNdvuna teMbuso betfwele umtfwalo wemandla kanye newemisebenti yeligunya lebaliniketwe nguMengameli.

(2) Emalunga eSigungu setiNdvuna teMbuso onkhe eluswa yiPhalamende ekusebentiseni emandla awo nasekwenteni imisebenti yawo.

(3) Emalunga eSigungu setiNdvuna teMbuso kufute –

(a) asebente ngekulandzela uMtsetfosisekelo; futsi

(b) anikete iPhalamende imibiko legcwele futsi leyetfulwa njalo nje macondzana netindzaba letingephansi kwawo.

EmaSekela etiNdvuna teMbuso weLive

93. UMengameli angabeka etikhundleni emaSekela etiNdvuna teMbuso awakhetsa emalungeni eMkhandlu weLive kutewusita emalunga eSigungu setiNdvuna teMbuso, kantsi futsi angawasusa kuletikhundla.

Kuchubeka kweSigungu setiNdvuna teMbuso ngemuva kwelukhetfo

94. Uma lukhetfo lweMkhandlu weLive lubanjwa, Sigungu seNdvuna teMbuso, liSekela leMengameli, tiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso ayachubeka asebente ate loyo muntfu lokhetfwe nguMkhandlu lolandzelako kutsi abe nguMengameli acale esikhundleni sakhe.

Sifungo sekutsatsa nome kwemukela sikhundla

95. Ngembali kwekube liSekela leMengameli, tiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso bacale kwenta imisebenti yabo, kufute bafunge nome bavume ngekucinisekisa kwetsembeka kuyiRiphabhulikhi kanye nekutfobela uMtsetfosisekelo ngekweShejuli 2.

Kutiphatsa kwemalunga eSigungu setiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso

96. (1) Emalunga eSigungu setiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso kufute asebente ngekulandzela imitsetfo yekutiphatsa lebekwe ngumtsetfo welive lonkhe.

(2) Emalunga eSigungu setiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso angete akwati –

(a) kwenta nome nguwuphi lomunye umsebenti lokhokhelwako;

(b) kwenta lutfo nganome nguyiphi indlela lephambene netikhundla tawo nome abe sesimeni lesifaka ekhatsi ingoti yekushayisana emkhatsini wemisebenti yawo kanye netimphilo tawo tangasese; nome

(c) kusebentisa tikhundla tawo, nome nguluphi lwati lekaniketwe lona, alusebentisele kutizuzela wona nome asite lomunye umuntfu ngendlela lengakafaneli.

Kususwa kwemisebenti

97. UMengameli ngesatiso semtsetfo angesusa anikete lilunga leSigungu setiNdvuna teMbuso

–

(a) kuphatfwa kwemtsetfo nome wuphi lobewuniketwe lelinye lilunga; nome

(b) emandla nome umsebenti loniketwe lelunye lilunga ngumtsetfo.

Kuniketwa kwemisebenti kwesikhashana

98. UMengameli anganiketa lilunga leSigungu setiNdvuna teMbuso nome nguwaphi emandla kanye nemisebenti yalelinye lilunga lelingekho emsebentini nome lelingakhoni kusebentisa lawo mandla nome kwenta leyo misebenti.

Kuniketwa kwemisebenti

99. Lilunga leSigungu setiNdvuna teMbuso linganiketa nome waphi emandla nome umsebenti lofanele uchutjwe nome wentiwe ngekulandzela uMtsetfo wePhalamende lilunga leSigungu seMkhandlu wesifundza nome uMkhandlu waMasipala. Lokuniketwa –

(a) kufute kwentiwe ngekulandzela sivumelwano emkhatsini walelo lungu leSigungu setiNdvuna teMbuso nalelo lungu leSigungu seMkhandlu nome leMkhandlu waMasipala;

(b) kufute kuhambisane neMtsetfo wePhalamende kuchutjwa nome kusebentisa lawo mandla nome kwenta lowo msebenti lotsintsekako; kanye

(c) kucala kusebenta ngemuva kwekumenyetelwa nguMengameli ngesatiso semtsetfo.

Kweluswa kwekuphatfwa kwetifundza

100. (1) Nangabe sifundza sehluleka nome singatifezi tidzingo temsebenti wekuphatsa lobekwe ngumtsetfo welive nome nguMtsetfosisekelo, Sigungu setiNdvuna teMbuso welive singangenela ngekutsi sitsatse tinyatselo letifanele kucindzetela kufezekiswa kwalesibopho, lokufaka –

(a) kukhipha umyaletu uye eSigungwini lesiphetse sesifundza, uchaza lizinga lalokwehluleka kwenta imisebenti yaso uphindze ubeke tinyatselo lekufute titsatfwe kuze sihlangabetane nalemisebenti yaso; kanye

(b) kutsatsa umtfwalo wekufezekisa lesidzingo kuleso sifundza kuze kufike ezingeni lelifanele

–

(i) kugcina lizinga lelidzingekele lelive lonkhe, nome kutfolakale lizinga lelemukelekele nalelidzingekele ekwentiweni kwemisebenti;

(ii) kugcina lubambano kutemnotfo;

(iii) kugcina kuvikeleka kwesive; nome

(iv) kuvimbela tinyatselo letingakafaneli letingahle titsatfwe nguleso sifundza, naletikhombisa kubandlulula lesinye sifundza nome live jikelele.

(2) Nangabe uMkhandlu weLive ungenela esifundzeni ngekwesigatjana (1)(b) –

(a) satiso sekungenela kufute setfulwe embi kweMkhandlu weLive lonkhe weTifundza kungakapheli emalanga lali-14 ekuhlanganei kwawo kwekucala kucalile lokungenela;

(b) lokungenela kufute kuphele ngaphandle uma ngabe kuvunywe nguMkhandlu weLive lonkhe weTifundza kungakapheli emalanga langema-30 kucalile lokungenela; futsi

(c) uMkhandlu weLive lonkhe weTifundza kufute ukubukete kabusha lokungenela njalo nje bese wenta tiphakamiso letifanele esigungwini lesiphetse selive.

(3) UMtsetfo welive ungayicondzisa ngekemtsetfo lenchubo lebekwe ngulesigaba.

Tincumo tesigungu

101. (1) Sincumo seMengameli kufute kube ngulesibhalwe phansi nangabe –

(a) sitsatfwe ngekulandzela umtsetfo; nome

(b) sinemiphumela yekwemtsetfo.

(2) Sincumo seMengameli lesibhalwe phansi kufute siphindze sisayinwe ngulelinye lilunga leSigungu setiNdvuna teMbuso uma ngabe lesi sincumo siphatselene neliphakelo lalalo lungu leSigungu setiNdvuna teMbuso.

(3) Tatiso, imitsetfo kanye naleminyane imitseshwana lephatselene nekushaywa kwemtsetfo

kufute umphakatsi ukwati kuyitfolo.

(4) Umtsetfo welive ungachaza lizinga, nendlela, lekufute lemitseshwana leshiwo esigatjaneni

(3) –

(a) yetfulwe ngayo ePhalamende; futsi

(b) ivunywe yiPhalamende.

Tishukumo tekungetsembakali

102. (1) Nangabe uMkhandlu weLive lonkhe, ngelinyenti lemalunga awo, utsatsa livoti lekungetsembakali kweSigungu setiNdvuna teMbuso weLive lokungafaki ekhatsi uMengameli, uMengameli kufute abumbe kabusha Sigungu setiNdvuna teMbuso.

(2) Nangabe uMkhandlu weLive lonkhe, ngelinyenti lemalunga awo, utsatsa livoti lekungetsembakali kweMengameli, uMengameli kanye nalawa lamanye emalunga eSigungu setiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso kufute bayekele umsebeni.

Sehluko 6

Tifundza

Tifundza

103. (1) IRiphabhulikhi inaletifundza letilandzelako:

(a) Eastern Cape

(b) Free State

(c) Gauteng

(d) Kwazulu-Natal

(e) Mpumalanga

(f) Northern Cape

(g) Northern Province

(h) North West

(i) Western Cape.

(2) Iminyele yaletifundza ngileyo lebeyikhona ngesikhatsi loMtsetfosisekelo ucala kusebenta.

Tishayamtsetfo teTifundza

Ligunya leSishayamtsetfo setifundza

104. (1) Ligunya lekushaya umtsetfo lesifundza lisetandleni tesishayamtsetfo sesifundza, futsi loko kunika sishayamtsetfo sesifundza, emandla –

(a) ekuphasisa umtsetfosisekelo wesifundza nome kuchibela nanome nguwuphi umtsetfosisekelo lophasiswe ngiso sishayamtsetfo ngekwetigaba 142 na-143;

(b) ekuphasisa umtsetfo waleso sifundza mayelana –

(i) nanome nguluphi ludzaba kuleto letihlelwe kuShejuli 4;

(ii) nanome nguluphi ludzaba kuleto letihlelwe kuShejuli 5; kanye

(iii) nome nguluphi ludzaba lolungekho kuleto letiseluhlwini, kodvwa sishayamtsetfo lesijutjelwe lona ngumtsetfo welive lonkhe; kanye

(iv) nanome nguluphi ludzaba siphakamiso seMtsetfosisekelo lesihlongote kubekwa kwalo sishayamtsetfo sesifundza.

(c) kwehlisela emandla aso ekushaya umtsetfo eMkhandlwini waMasipala kuleso sifundza.

(2) Sishayamtsetfo sesifundza, ngesincumo lesitsatfwe ngekwesekelwa linani lemalunga aso lokungenani lelingulokubili kulokutsatfu, singacela iPhalamende intjintje ligama laleso sifundza.

(3) Sishayamtsetfo sesifundza siboshwa nguMtsetfosisekelo kuphela futsi, nangabe siphasisa umtsetfosisekelo wesifundza waso, futsi ngulowo mtsetfosisekelo, futsi kufute sisebente ngendlela lehambisana naloko lokubekwe nguMtsetfosisekelo futsi silandzele iminyele yeMtsetfosisekelo kanye nalomtsetfosisekelo wesifundza.

(4) Umtsetfo lophasiswe sifundza lekunesidzingo lesifanele, nome lohambelana ngengoti nje, kuze sifundza sikwati kuchuba tinjongo nemisebenti yaso letiseluhlwini lolukuShejuli 4, utsatfwa njengemtsetfo lowela ngephansi kwalawo mandla etifundza.

(5) Sishayamtsetfo sesifundza singenta siphakamiso eMkhandlwini weLive lonkhe ngemtsetfo lophatselene nanome nguluphi ludzaba lolungaphandle kwemandla aleso sishayamtsetfo, nome loluphatselene neMtsetfo wePhalamende losebenta ngetulu kweMtsetfo wesifundza.

Kubunjwa nekukhetfwa kwetishayamtsetfo tetifundza

105. (1) Sishayamtsetfo sesifundza sibunjwe besifazane nebesilisa labakhetfwe kutsi babe ngemalunga ngekulanzela indlela yekukhetsa –

- (a) lebekwe ngumtsetfo welive lonkhe;
- (b) lesukela eluhlwini lwebavoti balesifundza eluhlwini lwebavoti lwelive lonkhe;
- (c) lebeka kutsi iminyaka yekuvota isukela ku-18; futsi
- (d) lenemphumela, ngalokwetayelekile, wekumelwa kulesishayamtsetfo ngendlela yebungako bebavoti belicembu letembusave.

(2) Sishayamtsetfo sesifundza sinemalunga lasemkhatsini kwema-30 nema-80. Linani lemalunga, lelingehlukahlukana etifundzeni ngasinye, kufute libekwe ngekwendlela lebekwe ngumtsetfo welive lonkhe.

Bulunga

106. (1) Tonkhe takhamuti letivumelekile kutsi tivotele uMkhandlu weLive lonkhe tivumelekile kuba ngemalunga esishayamtsetfo sesifundza, ngaphandle –

(a) nome ngubani lobekwe esikhundleni ngumbuso nome losebentela umbuso futsi aholelwa ngiwo kulomsebenti lekawentako, ngaphandle kwalaba labalandzelako –

(i) Ndvunankhulu wesifundza nalamanye emalunga eSigungu seMKhandlu lophetse esifundzeni; futsi

(ii) nome ngubaphi labanye lababambe tikhundla letinemisebenti lehambelana nemisebenti yelilunga lesishayamtsetfo sesifundza, futsi lokuhambelana kugunyatwe ngumtsetfo welive lonkhe;

(b) emalunga eMkhandlu weLive lonkhe, titfunywa letingesuswa teMkhandlu weLive lonkhe weTifundza nome emalunga eMkhandlu waMasipala;

(c) bantfu labalahlekelwe ngemalungelo abo ngesizatfu sekutsi behluleke kukhokhela tikweleti tabo;

(d) nome ngubani umuntfu inkantolo yaseRiphabhulikhi lencume kutsi akaphili engcondvweni; futsi

(e) nome ngubani, ngemuva kwekucala kwekusebenta kwalesigaba, lotfolakale anelicala waniketwa sigwebo setinyanga letendlula ku-12 ejele ngaphandle kwekuniketwa ligunya lekutsi angakhetsa kubhadala inhlawulo, nome eRiphabhulikhi, nome ngaphandle kweRiphabhulikhi nangabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha kute umuntfu longatsatfwa ngekutsi ugwetjiwe kuze kuncunywe mayelana nekwendluliselwa kwelicala nome sigwebo sakhe enkantolo lephakeme, nome kuze kuphele sikhatsi sekwendlulisa licala nome sigwebo enkantolo lephakeme. Kungavunyelwa ngephansi kwalesigatjana kuphela ngemuva kweminyaka lesihlanu sigwebo sesiphelile.

(2) Umuntfu longakavumeleki kuba lilunga lesishayamtsetfo sesifundza ngekwetigatjana (1)(a) nome (b) angamela lukhetfo lwesifundza, ngephansi kwemikhawulo nome imibandzela lebekwe ngumtsetfo welive.

(3) Umuntfu ulahlekelwa bulunga besishayamtsetfo sesifundza nangabe loyo muntfu –

(a) angasavumeleki kutsi angakhetfwa; nome

(b) akekho ekuhlanganeni kwesishayamtsetfo ngaphandle kwemvume esimeni lapho imitseshwana netibopho tesishayamtsetfo tibeka kulahlekelwa bulunga.

(4) Tikhala esishayenimtsetfo sesifundza kufute tigwaliswe ngekulanzela umtsetfo welive lonkhe.

Kufunga nome kuvuma kwemukela sikhundla kwemalunga

107. Ngembili kwekutsi emalunga esishayamtsetfo sesifundza acale kwenta imisebenti yawo yesishayamtsetfo, kufute afunge nome avume ngekutibopha kutsi atawetsembeka

kuyiRiphabhulikhi futsi atawulandzela uMtsetfosisekelo, loku akwenta ngekutibopha ngekulandzela iShejuli 2.

Sikhatsi sekusebenta kwesishayamtsetfo sesifundza

108. (1) Sishayamtsetfo sesifundza sikhethwa kutsi sisebente iminyaka lesihlanu.

(2) Nangabe sishayamtsetfo sesifundza sihlakatwa ngekulandzela sigaba 109, nome nangabe kuphela sikhatsi sekusebenta kwaso, Ndvunankhulu wesifundza, ngesimemetelo semtsetfo, kufute abite futsi abeke tinsuku telukhetfo, lolufute lubanjwe kungakapheli emalanga langema-90 kusukela ngelilanga sishayamtsetfo sihlakatiwe, nome lilanga lekuphelelwa sikhatsi kwaso.

(3) Nangabe imiphumela yelukhetfo lwesishayamtsetfo sesifundza ayikacinisekiswa ngalesikhatsi lesibekwe esigabeni 190 nome nangabe lukhetfo lubekwe eceleni yinkantolo, uMengameli, ngesimemetelo semtsetfo, kufute abite futsi abeke tinsuku telukhetfo lolunye, lokufute lubanjwe kungakapheli emalanga langema-90 ngemuva kwekuphela kwaleso sikhatsi nome ngemuva kwelilanga lukhetfo lolwabekwa eceleni ngalo.

(4) Sishayamtsetfo sesifundza siyakwati kusebenta kusukela ngesikhatsi sihlakateka nome ngesikhatsi kuphela sikhatsi sekusebenta kwaso, kuze kube lilanga lelisembi kwelilanga lekucala lelukhetfo lwesishayamtsetfo lesisha sesifundza.

Kuhlakatwa kwesishayamtsetfo sesifundza kungakapheli sikhatsi saso sekusebenta

109. (1) Ndvunankhulu wesifundza kufute asihlakate sishayamtsetfo sesifundza nangabe sishayamtsetfo –

(a) sitsatsa sincumo lesisekela lokubhidlitwa lesesekelwe linyenti lemalunga aso; futsi

(b) iminyaka lemitsatfu seyiphelile sishayamtsetfo sakhethwa.

(2) Loyo loliBambela laNdvunankhulu kufute ahlakate sishayamtsetfo nangabe –

(a) kunesikhala kulesikhundla saNdvunankhulu; futsi

(b) sishayamtsetfo sehluleka kukhetha Ndvunankhulu lomusha kungakapheli emalanga langema-30 ngemuva kwekuvela kwalesikhala.

Tikhatsi tekuhlangana netekuphumula

110. (1) Emuva kwelukhetfo, umhlangano wekucala wesishayamtsetfo sesifundza kufute ubanjwe ngesikhatsi nangelusuku loluncunywe lijaji lelibekwe nguMengameli weNkantolo yeMtsetfosisekelo, kodvwa loku kwenteke kungakapheli emalanga langu-14 ngemuva kwekumenyetelwa kwemiphumela yelukhetfo. Sishayamtsetfo sesifundza singancuma tikhatsi nebudze baleminye imihlangano yaso kanye netikhatsi tekuphumula.

(2) Ndvunankhulu wesifundza angabita sishayamtsetfo sesifundza kutsi site emhlanganweni lophutfumako nganome ngusiphi sikhatsi kutewudzingidza ludzaba loluphutfumako.

(3) Sishayamtsetfo sesifundza singancuma indzawo lesitawuvama kuhlanganela kuyo.

BoSomlomo neMasekela aboSomlomo

111. (1) Emhlanganweni wekucala ngemuva kwelukhetfo, nome nangabe kunesidzingo sekugcwalisa sikhala, sishayamtsetfo sesifundza kufute sikhethse Somlomo kanye neliSekela laSomlomo emalungeni aso.

(2) Lijaji lelikhetfwe nguMengameli weNkantolo yeMtsetfosisekelo kufute lihole lukhetfo lwaSomlomo. Somlomo uholo lukhetfo lweliSekela laSomlomo.

(3) Elukhetfweni lwaSomlomo neliSekela laSomlomo kulandzelwa inchubo lebekwe eSiceshini A seShejuli 3.

(4) Sishayamtsetfo sesifundza singakhipha Somlomo nome liSekela laSomlomo esikhundleni ngesincumo lesisentile. Linyenti lemalunga esishayamtsetfo kufute libe khona ngesikhatsi kwemukelwa lesincumo.

(5) Ngekwemitseshwana netibopho taso, sishayamtsetfo sesifundza singakhetha emalungeni aso labanye labangaba bosihlalo kutewekelelela Somlomo neliSekela laSomlomo.

Tincumo

112. (1) Ngaphandle nangabe uMtsetfosisekelo ubeka ngalokunye –

- (a) linyenti lemalunga esishayamtsetfo sesifundza kufute libe khona ngembi kwekutsi kungatsatfwa livoti leMtsetfosivivinyo nome sichibelo seMtsetfosivivinyo.
- (b) lokungenani linyenti lemalunga lakunye kulokutsatfu kufute libe khona ngembi kwekutsi kungatsatfwa livoti lanome nguluphi lolunye ludzaba embi kwesishayamtsetfo; futsi
- (c) tonkhe tindzaba letisembi kwesishayamtsetfo sesifundza kufute tincunye ngelinyenti lemavoti lafakiwe.

(2) Lilunga lesishayamtsetfo sesifundza lelihola umhlangano alinawo emandla ekuvota lokusincumo; kodvwa –

- (a) kufute lente livoti lelisincumo nangabe kunelinani lemavoti lelilinganako etinhlangotsini totimbili; futsi
- (b) lingenta livoti lelisincumo nangabe ludzaba kufute luncunye ngekusekelwa ngemavoti lokungenani emalunga langulokubili kulokutsatfu esishayamtsetfo.

Emalungelo etitfunywa letingesuswa tetishayamtsetfo tetifundza

113. Titfunywa tesifundza letingesuswa eMkhandlwini weLive lonkhe weTifundza tingaba khona, tingakhuluma, etishayenimtsetfo tetifundza, emakomidini ato, kodvwa tingete tavota. Sishayamtsetfo singadzinga kutsi sitfunywa lesingesuswa sibe khona esishayenimtsetfo nome emakomidini aso.

Emandla etishayamtsetfo tetifundza

114. (1) Ekusebentiseni emandla aso sishayamtsetfo sesifundza –

(a) singabuketa, siphasise, sichibele nome sicitse uMtsetfosivivinyo losembi kwesishayamtsetfo sesifundza; nome

(b) singabumba nome sakhe umtsetfo, ngaphandle kweMtsetfosivivinyo wetetimali.

(2) Sishayamtsetfo sesifundza kufute sibeke tindlela –

(a) tekugcizelela kutsi yonkhe imitimba yembuso lephetse kulesifundza iyakwati kusebentela sona; kanye

(b) nekubeka liso –

(i) ekusetjentisweni kwemagunya ngumkhandlu wesifundza lophetse esifundzeni, lokufaka kusetjentiswa kwemtsetfo; kanye

(ii) nakunome nguwuphi umtimba wembuso.

Bufakazi nome iminingwane yelwati embi kwetishayamtsetfo tetifundza

115. Sishayamtsetfo sesifundza nome nawaphi emakomidi aso –

(a) singabita nome ngubani umuntfu ete embi kwaso kutewetfula bufakazi lobucinisekisiwe nome akhiphe emabhuku;

(b) singafuna nome siphi sikhungo nome umuntfu ete kuso;

(c) singaphocelela, ngekulandzela umtsetfo welive lonkhe nome imitseshwana nome tibopho, nome muphi umuntfu kutsi alalele nome ente lokufuneka etigatjaneni (a) nome (b); futsi

(d) singemukela ticelo, tinkhulumo kanye nalokuletfwe ngunome ngubaphi bantfu nome tikhungo letitsintsekako.

Kutilawula, tinchubeko netinchubo tetishayamtsetfo tetifundza

116. (1) Sishayamtsetfo sesifundza nemakomidi aso –

(a) singabeka siphindze siphatse emalungiselelo aso angekhatsi, tinchubeko netinchubo; futsi

(b) singenta imitseshwana netibopho mayelana nemisebenti yaso, sinakekele kumelwa nekufaka sandla ngekwentsandvo yelinyenti, kusebentela bavoti, kungabi namfihlo nekufaka sandla kwemphakatsi etinchubekweni tembuso.

(2) Lemitseshwana netibopho yesishayamtsetfo sesifundza kufute tente kube khona –

(a) kusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze bekusebenta kwemakomidi;

(b) kufaka sandla etinchubekweni tawo kwemacembu lamancane lokuhambisana nentsandvo yelinyenti;

(c) lusito lwetimali nelwekuphatsa kulinye ngalinye licembu letembusave lelimelwe esishayenimtsetfo, lokulingana nekumelwa kwalo, kuze licembu ngalinye nemholi walo likwati kwenta imisebenti yalo esishayenimtsetfo; futsi

(d) kuhlonishwa kwemholi welicembu lelikhulu kunawo onkhe lamacembu etembusave laphikisako esishayenimtsetfo, njengeMholi welicembu leliPhikisako.

Emalungelomvume

117. (1) Emalunga esishayamtsetfo sesifundza netifunyuwa teMkhandlu weLive lonkhe weTifundza –

(a) anelilungelomvume lekukhuluma esishayenimtsetfo nasemakomidini awo, ngekulandzela imitseshwana netibopho tawo; futsi

(b) akanawubekwa licala nome amangalelwe, aboshwe, advonse sigwebo nome ahlawule –

(i) nganome yini lekayisho, ayikhipha, nome ayiletsa esishayenimtsetfo nome nguliphi likomidi lawo; nome

(ii) nganome yini levele ngesizatfu sentfo lekayishito, ayikhipha nome ayiniketa sishayemtsetfo nome likomiki laso.

(2) Lamanye emalungelomvume kanye nekuvikeleka kwesishayamtsetfo sesifundza kanye nemalunga aso kungabekwa ngumtsetfo welive lonkhe.

(3) Imiholo, timadlana letitfolakala ngekwenta lokutsite, nemvuzo lotfolwa ngemalunga esishayamtsetfo ukhishwa eSikhwameni Setimali saHulumende welive.

Kungenela kwemphakatsi nekufaka sandla Kwawo etishayenimtsetfo tetifundza

118. (1) Sishayamtsetfo sesifundza kufute –

(a) sicinisekise kufaka sandla kwesive etinchubeni tekushaya umtsetfo naletinye tinchubo tesishayamtsetfo nemakomidi; futsi

(b) siphatse umsebenzi waso ngendlela lengenamfihlo, sibambe imihlangano yaso newemakomidi aso, ebaleni, kodvwa tinyatselo letidzingekele tingatsatfwa –

(i) kutewucondziswa kungeniswa kwesive, lokufaka nekungeniswa kwebetindzaba, esishayenimtsetfo nasemakomidini aso;

(ii) kwenta kutsi kube khona kuseshwa kwemuntfu, lapho kufanele khona, kwalela kungena kwanome muphi umuntfu nome kukhishelwa ngaphandle kwanome muphi umuntfu.

(2) Sishayamtsetfo sesifundza singete savimbela sive, lokufaka ekhatsi betindzaba, kusti betsamele imihlangano yemakomidi ngaphandle nangabe loko kulungile kutsi kwentiwe emphakatsini lokhululekile nalowentsandvo yelinyenti.

Kwetfulwa kweMitsetfosivivinyo

119. Ngemalunga eSigungu seMkhandlu lesiphetse sesifundza kuphela nome likomidi nome lilunga lesishayamtsetfo sesifundza labangetfulwa uMtsetfosivivinyo embi kwesishayamtsetfo; kodvwa lilunga leSigungu lesiphetse eMkhandlwini weSifundza leliphetse tetimali kuleso sifundza kuphela, nome lilunga lelibekwe nguNdvunankhulu, lelingetfula uMtsetfosivivinyo wetetimali embi kwesishayamtsetfo.

IMitsetfosivivinyo yetetimali

120. (1) UMtsetfosivivinyo lowaba timali nome lobeka tintsele, tinhlawulo netimali letibhadalwako nguMtsetfosivivinyo wetetimali. UMtsetfosivivinyo wetetimali ungete watsintsa lokunye ngaphandle kwekubeka umtsetfo locondzene nome ngengoti nje netimali letikhishwako, tinhlawulo nome letinye tinhlawulo tetimali.

(2) UMtsetfo wesifundza kufute ubeke inchubo yekutsi sishayamtsetfo singawuchibela kanjani uMtsetfosivivinyo wetetimali.

Kubusiswa kweMitsetfosivivinyo

121. (1) Ndvunankhulu wesifundza kufute abusise aphindze futsi asayine uMtsetfosivivinyo lophasiswe sishayamtsetfo sesifundza ngekwaleSehluke nome, nakanekungabata ngekuhambisana neMtsetfosisekelo kwaloMtsetfosivivinyo, awubuyisele emuva esishayenimtsetfo uyewubuketwa

kabusha.

(2) Nangabe ngemuva kwekubuketwa kabusha kweMtsetfosivivinyo uyakwenetisa ngalokukugcwele loku Ndvunankhulu lekakushito, Ndvunankhulu kufute awubusise aphindze futsi awusayine lowo Mtsetfosivivinyo; kodvwa nangabe ungakwenetisi ngalokugcwele loku lokushiwo nguNdvunankhulu, Ndvunankhulu kufute –

(a) awubusise aphindze futsi awusayine loMtsetfosivivinyo; nome
(b) awutfumele eNkantolo yeMtsetfosisekelo kutsi incume ngekuhambisana kwawo neMtsetfosisekelo.

(3) Nangabe iNkantolo yeMtsetfosisekelo incuma kutsi uMtsetfosivivinyo uyambisana neMtsetfosisekelo, Ndvunankhulu kufute awubusise aphindze futsi awusayine.

Sicelo semalunga eNkantolo yeMtsetfosisekelo

122. (1) Emalunga esishayamtsetfo angasenta sicelo eNkantolo yeMtsetfosisekelo sekutfolela sincumo lesibeka kutsi uMtsetfo wesifundza lowemukelwe nome lophasisiwe nome incenye yawo, awuhambisani neMtsetfosisekelo.

(2) Sicelo –

(a) kufute sesekelwe lokungenani ngemalunga langema-20% esishayamtsetfo; futsi
(b) kufute sentiwe kungakapheli emalunga langema-30 ngemuva kwekutsi uMtsetfo wesifundza ubususiswe waphindze futsi wasayinwa nguNdvunankhulu.

(3) INkantolo yeMtsetfosisekelo ingancuma kutsi loMtsetfo wesifundza nome incenye yawo lekusenesicelo ngawo ngekwesigatjana (1) awunawo emandla kuze iNkantolo incume mayelana nalesicelo, nangabe –

(a) loku kuyadzingeka kuze tinjongo tebulungiswa tifezeke; futsi

(b) lesicelo sibonakala sengatsi sitawuphumelela.

(4) Nangabe lesicelo asiphumeleli iNkantolo yeMtsetfosisekelo ingaphocelela labo labafake lesicelo kutsi betfwale tindleko, ngaphandle nangabe lesicelo besibonakala sengatsi sitawuphumelela.

Kushicilelwa kweMtsetfo yetifundza

123. UMtsetfosivivinyo lobusiswe waphindze futsi wasayinwa nguNdvunankhulu uba nguMtsetfo wesifundza, futsi kufute ushicilelwe masinyane, ucale kusebenta nase ushicilelwe nome ngelusuku lolubekwe ngulowo Mtsetfo.

Kulondvolotwa kweMtsetfo yetifundza

124. Incwajana leyetfwele uMtsetfo weSifundza losayiniwe ibufakazi lobuphelele betimiso talowo Mtsetfo, kantsi kufute kutsi uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote masinyane ngemuva kwekushicilelwa kwawo.

IMikhandlu yeTifundza

Ligunya lekuphatsa lemikhandlu wetifundza

125. (1) Lingunya lekuphatsa esifundzeni lisetu kwemahlombe aNdvunankhulu waleso sifundza.

(2) Ndvunankhulu usebentisa emandla ekuphatsa futsi wenta nemisebenti leniketwe lesi sikhundla ngekuhonisana nalamanye emalunga eSigungu lesiphetse seMkhandlu weSifundza –

(a) kusebentisa imitsetfo yesifundza esifundzeni;

(b) kusebentisa yonkhe imitsetfo yelive jikelele lengephansi kweluhlu lolokuShejuli 4 nome 5 ngaphandle nangabe uMtsetfosisekelo nome uMtsetfo wePhalamende usho lokunye;

(c) kusebentisa kulesifundza, imitsetfo yelive jikelele lengephandle kweluhlu lolokuShejuli 4 na-5, kuphatfwa kwayo kwehliselwe kuso nguMtsetfo wePhalamende; futsi

(d) kutfutukisa nekusebentisa inchubomgomo yesifundza;

(e) kuhlanganisa imisebenti yeminyango yahulumende wesifundza;

(f) kwakha nekubumba imitsetfo yesifundza; kanye

(g) nekwenta nome ngimiphi leminyango imisebenti leniketwe sigungu lesiphetse semkhandlu

wesifundza nguMtsetfosisekelo nome uMtsetfo wePhalamende.

(3) Sifundza sineligunya lekuphatsa ngekwesigatjana (2)(b) kuze kufike esigabeni kuphela lapho sifundza sinawo emandla ekuphatsa futsi sesikwati kutsatsa lomtfwalo ngalokungiko. Hulumende welive lonkhe, ngetinyatselo temtsetfo naletinye, kufute asite tifundza kutsi titfutukise kukwati kuphatsa kwato lokudzingekile kuze tisebentise ngalokungiko lamandla ato nekwenza imisebenti yato leshiwo esigatjaneni (2).

(4) Nome ngukuphi kungevani lokusukela emandleni ekuphatsa esifundza mayelana nanome nguwuphi umsebenti kufute kutfunyelwe eMkhandlwini weLive lonkhe weTifundza utewutsatsa sincumo ngako kungapheli emalanga langema-30 kusukela ngalolusuku lokwatfunyelwa ngalo lokungaboni ngaso linye kuloMkhandlu.

(5) Kuphatfwa kwemitsetfo yesifundza kungumsebenti wesigungu lesiphetse kuphela; kodvwa lesigatjana kufute silandzele sigaba 100.

(6) Sigungu lesiphetse sesifundza kufute sisebntse ngekulandzela –

(a) uMtsetfosisekelo; kanye

(b) nemtsetfosisekelo wesifundza, nangabe umtsetfosisekelo wesifundza uphasisiwe.

Kuniketwa kwemisebenti

126. Lilunga leSigungu lesiphetse leMkhandlu wesifundza linganiketa nome waphi emandla nome umsebenti lokufute uchutjwe nome wentiwe ngekwMtsetfo wePhalamende nome uMtsetfo wesifundza, liwanikete uMkhandlu waMasipala. Lokuniketwa –

(a) kufute kulandzele sivumelwano emkhatsini walelo lunga leMkhandlu wesifundza lelitsintsekako neleMkhandlu waMasipala;

(b) kufute kuhambisane naloMtsetfo lokusetjentiswa kwalawo mandla nome kwentiwa kwalowo msebenti lokungaphansi kwawo; futsi

(c) kucala kusebenta ngesimemetelo semtsetfo lesentiwe nguNdvunankhulu.

Emandla nemisebenti yaboNdvunankhulu

127 (1) Ndvunankhulu wesifundza unemandla nemisebenti leniketwe lesikhundla nguMtsetfosisekelo nanome nguwuphi lomunye umtsetfo.

(2) Ndvunankhulu wesifundza wetfweswe umtfwalo –

(a) wekubusisa nekusayina iMtsetfosivivinyo;

(b) wekubuyisela emuva esishayenimtsetfo uMtsetfosivivinyo kutsi ubuketwe kabusha kungahambisani kwawo neMtsetfosisekelo;

(c) wekutfumela uMtsetfosivivinyo eNkantolo yeMtsetfosisekelo kutsi itsatse sincumo ngekuhambisana nome ngekungahambisani kwawo neMtsetfosisekelo;

(d) wekubitela sishayamtsetfo sesifundza emhlanganweni lophutfumako ngenhloso yekutsi sente umsebenti lophutfumako;

(e) wekubeka emakhomishane eluphenyo; kanye

(f) newekubita luvivinyotimvo esifundzeni ngekulandzela umtsetfo welive lonkhe.

Kukhetfwa kwaboNdvunankhulu

128. (1) Emhlanganweni waso wekucala ngemuva kwekukhetfwa kwaso, nome nangabe kunesidzingo sekugcwalisa sikhala, sishayamtsetfo sesifundza kufute sikhethse emalungeni aso umuntfu wesifazane nome wesilisa lotawuba nguNdvunankhulu wesifundza.

(2) Lijaji lelikhetfwe nguMengameli weNkantolo yeMtsetfosisekelo kufute lengamele kukhetfwa kwaNdvunankhulu. Inchubo lebekwe eSiceshini A seShejuli 3 ngiyo lesebentako uma kukhetfwa Ndvunankhulu.

(3) Lukhetfo lwekuvala sikhala sesikhundla saNdvunankhulu kufute lubanjwe ngesikhatsi nangelusuku loluncunywe nguMengameli weNkantolo yeMtsetfosisekelo, kodvwa akukafaneli kutsi kuze kwendlule tinsuku letingema-30 ngemuva kwekuvela kwaleso sikhala.

Kucala kwaNdvunankhulu esikhundleni

129. Umuntfu lokhetfwe njengaNdvunankhulu, utsatsa sikhundla sakhe sekuba

nguNdvunankhulu angakapheli emalanga lasihlanu akhetsiwe ngekufunga nome ngekuvuma ngekutibopha kutsi utakwetsembeka kuyiRiphabhulikhi atfobele uMtsetfosisekelo ngekulandzela iShejuli 2.

Sikhatsi sekuba sesikhundleni kwaboNdvunankhulu

130. (1) Sikhatsi sekuba sesikhundleni saNdvunankhulu sicala ekutsatfweni kwesikhundla site siphele uma kuvela sikhala nome uma umuntfu lokhetfwe kutsi abe nguNdvunankhulu lolandzelako atsatsa sikhundla.

(2) Kute umuntfu lovumeleke kutsi abambe sikhundla sekuba nguNdvunankhulu ngetulu kwemahlandla lamabili, kodvwa uma umuntfu lokhetselwe kuvala sikhala esikhundleni saNdvunankhulu, sikhatsi lesisemkhatsini kwekukhetfwa kwakhe, nekukhetfwa kwaNdvunankhulu lolandzelako asitsatfwa njengesikhatsi sekuba sesikhundleni.

(3) Sishayamtsetfo sesifundza, ngesincumo lesitsatfwe ngelivoti lelesekelwe ngemalunga aso langulokubili kulokutsatfu, singamsusa Ndvunankhulu esihlalweni kuphela ngaleti tizatfu –

(a) kwephulwa lokukhulu kweMtsetfosisekelo nome umtsetfo;

(b) kutiphatsa kabi kakhulu; nome

(c) kwehluleka kwenta imisebenti lebekelwe leso sikhundla.

(4) Nome ngubani losekakhishwe esikhundleni sekuba nguNdvunankhulu ngekulandzela sigatjana (3)(a) nome (b), kungenteka angawutfoli umvuzo wekuba kuleso sikhundla, kantsi futsi kungenteka angasaphindzi atfole litfuba lekubekwa kunome ngusiphi sikhundla sembuso.

EmaBambela aboNdvunankhulu

131. (1) Uma Ndvunankhulu angekho, nome angakwati kwenta umsebenti wesikhundla sakhe, nome uma sikhundla saNdvunankhulu singenamuntfu, tikhulu letikuloluhla lolandzelako tibambela Ndvunankhulu ngekulandzelana kwato –

(a) Lilunga leSigungu lesiphetse seMkhandlu wesifundza lelibekwe nguNdvunankhulu;

(b) Lilunga leSigungu lesiphetse seMkhandlu wesifundza lelibekwe ngulamanye emalunga eSigungu seMkhandlu lesiphetse wesifundza;

(c) Somlomo wesishayamtsetfo sesifundza, aze emalunga alesishayamtsetfo akhetse lomunye wemalunga aso.

(2) Libambela laNdvunankhulu linemtfwalo, emagunya, nemisebenti lefanako naleyo yaNdvunankhulu.

(3) Angakacali kutsatsa lemitfwalo, emandla nemisebenti yaNdvunankhulu, lobambele Ndvunankhulu kufute afunge nome avume ngekutibopha kwetsembeka kuyiRiphabhulikhi nekutfobela uMtsetfosisekelo ngekulandzela iShejuli 2.

Sigungu lesiphetse seMkhandlu wesifundza

132. (1) Sigungu lesiphetse seMkhandlu wesifundza sibunjwe ngaNdvunankhulu kanye nangemalunga langekho ngaphansi kwalasihlanu, futsi langengci eshumini, lakhetfwa nguNdvunankhulu emalungeni esishayamtsetfo sesifundza.

(2) Ndvunankhulu wesifundza ubeka emalunga eMkhandlu lophetse, awanike emandla nemisebenti, futsi angawasusa etikhundleni.

Imitfwalo nalokulindzelekile

133. (1) Emalunga eSigungu seMkhandlu wesifundza anemtfwalo wekuphatsa laniketwe wona nguNdvunankhulu.

(2) Emalunga eSigungu seMkhandlu wesifundza, kufute nguloyo atiphendvulele kuNdvunankhulu, kantsi onkhe emalunga eSigungu seMkhandlu ngekuhlanganyela kufute atiphendvulele esishayamtsetfo mayelana nemisebenti yabo.

(3) Emalunga eSigungu seMkhandlu wesifundza kufute –

(a) asebente ngekulandzela uMtsetfosisekelo; futsi

(b) anikete sishayamtsetfo imibiko legcwele ngetikhatsi letivamile ngetindzaba letingephansi kwabo.

Kuchubeka nemsebenzi kweTigungu teMikhandlu ngemuva kwelukhetfo

134. Uma kubanjwe lukhetfo lwesishayamtsetfo sesifundza, Sigungu seMkhandlu nemalunga aso singachubeka sisebente kuze kube sikhatsi lapho loyo muntfu lokhetfwe kuba nguNdvunankhulu sishayamtsetfo lesilandzelako angene esikhundleni.

Kufunga nome kuvuma ngekutibopha

135. Ngembi kwekutsi emalunga eSigungu seMkhandlu wesifundza acale kwenta imisebenzi yawo, kufute afunge nome avume ngekutibopha kwetsembeka kwawo kuyiRiphabhulikhi kanye nekulandzela uMtsetfosisekelo, loku akwenta ngekulandzela Shejuli 2.

Kutiphatsa kwemalunga eSigungu seMkhandlu wesifundza

136. (1) Emalunga eSigungu seMkhandlu wesifundza kufute atiphatsa ngekuhambisana nendlela yekutiphatsa lebekwe ngumtsetfo welive lonkhe.

(2) Emalunga eSigungu Semkhandlu weSifundza akavunyelwa –

(a) kwenta lomunye umsebenzi lowaholelako;

(b) kutiphatsa ngendlela lengahambisani netikhundla tawo, nome atfolakale esimeni lesingadala kungcubutana emkhatsini wemsebenzi wawo kanye netifiso tawo tangasese; nome

(c) kusebentisa tikhundla tawo nome nanome nguluphi lolunye lwati lolusetandleni tawo ngenhloso yekutizuzela lokutsi, nome ngendlela yekusita nome ngumuphi lomunye umuntfu ngendlela lengakafaneli.

Kuntjintjwa kwemagunya nemisebenzi

137. Ndvunankhulu, ngekuwebentisa simemetelo semtsetfo angantjintjela kulelinye lilunga leSigungu seMkhandlu wesifundza –

(a) kuphatfwa kwanome nguwapu umtsetfo lebewuniketwe lelinye lilunga; nome

(b) nanome nguluphi ligunya nome umsebenzi loniketwe lelinye lilunga ngekwemtsetfo.

Kunikwa kwesikhashana kwemagunya nemisebenzi

138. Ndvunankhulu anganika lilunga leSigungu seMkhandlu wesifundza nome nguwapu emagunya nemisebenzi yalelinye lilunga lelingekho esikhundleni salo, nome lelingakwati kusebentisa lawo magunya ekwenteni umsebenzi.

Kweluswa kwahulumende wasekhaya Sigungu seMkhandlu wesifundza

139. (1) Nangabe hulumende wasekhaya ehluleka nome angafezi umsebenzi wekuphatsa lobekwe ngumtsetfo, Sigungu sesifundza lesitsintsekako singangenela ngekutsi sitsatse tinyatselo letifanele kucinisekisa kufezekiswa kwaleso sibopho, lokufaka –

(a) kukhipha umyaleto uye eSigungwini seMkhandlu waMasipala, uchaza lizinga lalokwehluleka kufezekisa tibopho taso uphindze ubeke tinyatselo lekufute titsatfwe kuze sihlangabetane naletibopho taso; futsi

(b) singatsatse nanome ngukuphi kuphatfwa kwemtsetfo nome sente umsebenzi kuleso sifundza nangabe kunesidzingo kwentela kutsi –

(i) sikwati kugcina lizinga lelive lonkhe, nome kutfolakale lizinga lelemukelekile nalelidzingekako ekwentweni kwemisebenzi;

(ii) kuvimbela tinyatselo letingakafaneli naletikhombisa kubandlulula lesinye sifundza nome live jikelele.

(iii) kugcina lubambano kutemnotfo.

(2) Nangabe Sigungu seMkhandlu wesifundza singenela ekuphatseni kwamasipala ngekwesigatjana (1)(b) –

(a) kungenela kufute kuphele ngaphandle nangabe kuvunywa lilunga leSigungu setiNdvuna teMbuso leliphetsa hulumende wasekhaya kungakapheli emalanga langu-14 kucalile lokungenela;

(b) satiso salokungenela kufute setfulwe embi kwesishayamtsetfo sesifundza nasembi kweMkhandlu weLive lonkhe weTifundza kungapheli emalanga langu-14 emuva kwemihlangano yekucala yesishayamtsetfo neyeMkhandlu kucalile lokungenela;

(c) lokungenela kufute kuphele ngaphandle nangabe kuvunywa nguloMkhandlu weTifundza

kungakapheli emalanga langema-30 emuva kwemhangano wekucala waloMkhandlu kucalile lokungenela; futsi

(d) uMkhandlu weTifundza kufute ubukete lokungenela njalo nje bese wenta tiphakamiso letifanele utitfumele esigungu setifundza.

(3) UMtsetfo welive ungaccondzisa lenchubo lesungulwe ngulesigaba.

Tincumo tesigungu lesiphetse semkhandlu

140. (1) Sincumo saNdvunankhulu wesifundza kufute sibhalwe phansi nangabe –

(a) sentiwe ngekulandzela umtsetfo; nome

(b) sinemiphumela yangekwemtsetfo.

(2) Sincumo saNdvunankhulu kufute sibhalwe phansi siphindze futsi sisayinwe lilunga leSigungu setiNdvuna teMbuso weSifundza nangabe leso sincumo siphatselene neliphakelo lalelo lungu.

(3) Tatiso, imitsetfo kanye naleminye imitseshwana lephatselene nekushaywa kwemtsetfo kufute umphakatsi ukwati kuyitfolo.

(4) Umtsetfo wesifundza ungachaza lizinga, nendlela, lekufute lemitseshwana leshiwo esigatjaneni (3) –

(a) yetfulwe ngayo embi kwesishayamtsetfo sesifundza; futsi

(b) ivunywe sishayamtsetfo sesifundza.

Tishukumo Tekungetsembakali

141. (1) Nangabe sishayamtsetfo sesifundza, ngelivoti lelesekelwe lelinyenti lemalunga aso, siphasisa sincumo sekungetsembakali kweSigungu setiNdvuna teSifundza, lokungafaki ekhatsi Ndvunankhulu, Ndvunankhulu kufute abumbe kabusha leSigungu.

(2) Nangabe sishayamtsetfo seSifundza, ngelivoti lelesekelwe lelinyenti lemalunga aso, siphasisa sincumo sekungatsembakali kwakuNdvunankhulu weSifundza, Ndvunankhulu kanye nemalunga eSigungu setiNdvuna teMbuso weSifundza kufute bashiye phansi tikhundla tabo.

IMitsetfosisekelo yeTifundza

Kuvunywa kweMitsetfosisekelo yeTifundza

142. Sishayamtsetfo sesifundza singaphasisa umtsetfosisekelo wesifundza nome, lapho kufanele, singachibela umtsetfosisekelo waso, nangabe emalunga lalinani lelingulokubili kulokutsatfu avotela kwesekela lowo Mtsetfosivivinyo.

Lokucuketfwe ngumtsetfosisekelo wetifundza

143. (1) Umtsetfosisekelo wesifundza, nome sichibelo sawo, kufute uhambisane nchimishi neMtsetfosisekelo, kodwa ungabeka –

(a) tikhungo letishaya umtsetfo nome letiphatsako netinchubo letehlukile kuleto letibekwe kuleSehluke; nome

(b) tikhungo, kusebenta, ligunya nelizinga lenkhosi yekutalwa, lapho kudzingeke khona.

(2) Tiphakamiso letisemtsetfwenisisekelo wesifundza nome sichibelo sawo ngekulandzela tindzinyana (a) nome (b) tesigatjana (1) –

(a) kufute tihambisane netimiso letisesigabeni 1 kanye neSehluke 3; futsi

(b) tingeke tinikete sifundza emandla nemisebenti –

(i) lewela ngephandle kwemandla esifundza ngekweShejuli 4 nome 5; nome

(ii) lawela ngephandle kwalawo mandla nemisebenti leniketwe sifundza nguletinye tigaba teMtsetfosisekelo.

Kucinisekiswa kwemitsetfosisekelo yetifundza

144. (1) Nangabe sishayamtsetfo sesifundza sesiphasisa nome sesichibele umtsetfosisekelo, Somlomo wesishayamtsetfo sesifundza kufute etfule lombhalo walomtsetfosisekelo nome sichibelo eNkantolo yeMtsetfosisekelo utewucinisekiswa.

(2) Kute umbhalo wemtsetfosisekelo wesifundza nome sichibelo sawo lesingaba ngumtsetfo iNkantolo yeMtsetfosisekelo ingakacinisekise kutsi –

- (a) lombhalo uphasiswe ngekulandzela sigaba 142; futsi
- (b) wonkhe lombhalo uhambisana nesigaba 143.

Kusayinwa, kushicilelwa nekulondvolotwa kwemtsetfosisekelo yetifundza

145. (1) Ndvunankhulu wesifundza kufute abusise aphindze asayine umbhalo wemtsetfosisekelo wesifundza nome sichibelo salomtsetfosisekelo locinisekiswe yiNkantolo yeMtsetfosisekelo.

(2) Umbhalo lesewubusiswe waphindze wasayinwa nguNdvunankhulu kufute ushicilelwe kuGazethi yaHulumende welive kutsi nase ushicilelwe ucale kusebenta ngaleso sikhatsi nome ngelusuku lolulandzela kushicilelwa kwalombhalo lolubekwe ngekulandzela lowo mtsetfosisekelo nome lesichibelo sawo.

(3) Lombhalo lese usayiniwe wemtsetfosisekelo wesifundza nome sichibelo sawo ubufakazi lobuphelele betimiso tawo, futsi ngemuva kwekushicilelwa kwawo, kufute kutsi uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.

Imitsetfo leshayisanako

Kushayisana emkhatsini wemtsetfo welive lonkhe newesifundza

146. (1) Lesigaba sisebenta esimeni lapho khona kunekushayisana emkhatsini wemtsetfo welive lonkhe kanye nemtsetfo wesifundza longephansi kwaloluhlu lolubekwe kuShejuli 4.

(2) Umtsetfo welive lonkhe losebenta ngekufanana eveni lonkhe uba ngetulu kwemtsetfo loshayisana nawo wesifundza uma ngabe letimo letilandzelako tenteka:

(a) Umtsetfo welive lonkhe uphetse ludzaba lolungeke luphatseke kahle ngemtsetfo lobekwe tifundza ngekwehlukana kwato.

(b) Umtsetfo welive lonkhe utsintsa ludzaba, lokufute lusetjentwe kahle, ludzinga kufanana eveni lonkhe, futsi lomtsetfo welive lonkhe wenta kube khona lokufanana ngekubeka –

(i) tinchubo nemazinga;

(ii) takhiwo; nome

(iii) tinchubomigomo telive;

(c) Umtsetfo welive uyadzingeka –

(i) kugcinwa kwekuvikeleka kwesive sonke;

(ii) kugcinwa kwelubumbano lwetemnotfo;

(iii) kuvikelwa kwekuhweba ngekuhlanganyela mayelana nekusatjalaliswa kwemphahla lokuhwetjwa ngayo, temnotfo, imisebenti nebasebenti;

(iv) kugcugcutela temnotfo ngephandle kweminye yetifundza;

(v) kugcugcutela kulingana kanye nematfuba lalinganako ekufinyelela kubohulumende; nome

(vi) kuvikeleka kwemvelo.

(3) Umtsetfo welive lonkhe uba ngetulu kwemtsetfo wesifundza uma ngabe umtsetfo welive uhlose kuncandza sento sesifundza lesingakalungi –

(a) lesingakhinyabeta umnotfo, tempilo nome kuphepha kwalesinye sifundza nome live lonkhe; nome

(b) lesivimbela kusetjentiswa kwenchubomgomo yetemnotfo yelive lonkhe.

(4) Umtsetfo welive lophatselene neludzaba lolushiwo esigatjaneni (2)(c), futsi lophasiswe nguMkhandlu weTifundza weLive lonkhe, kufute utsatfwe kutsi udzingekile kuze kufezeke loko lokubekwe kuleso sigatjana.

(5) Umtsetfo loshaywe sifundza ngiwo lophakeme kunemtsetfo welive lonkhe lapho khona umtsetfo losesigatjaneni (2) nome (3) ungasebenti.

(6) Umtsetfo lowakhiwe ngekulandzela Umtsetfo wePhalamende nome Umtsetfo wesifundza ungasebenta kuphela uma lowo mtsetfo wemukelwe nguMkhandlu weLive lonkhe welifundza.

(7) Uma uMkhandlu weLive lonke weTifundza ungfiki esincumeni emalangeneni langema-30 ekuhlanganeni kwawo kwekucala ngemuva kwekwendluliselwa kwemtsetfo kuwo, lowo mtsetfo kufute kutsi utsatfwe ngekutsi wemukelwe nguloMkhandlu.

(8) Uma uMkhandlu weLive lonkhe weTifundza ungawemukeli umtsetfo lowendluliselwe kuwo ngekwesigatjana (6), kufute, kungakapheli emalanga langema-30 utsatse lesincumo, wetfule tizatfu tekungemukeli lomtsetfo esigungwini lesendlulisela lomtsetfo kuwo.

Lokunye kushayisana

147. (1) Nangabe kukhona kushayisana emkhatsini wemtsetfo welive lonkhe netimiso temtsetfosisekelo wesifundza mayelana –

(a) neludzaba, lapho uMtsetfosisekelo uncuma nome ufuna kutsi kushaywe umtsetfo welive lonkhe, lomtsetfo welive lonkhe ngiwo lotawusebenta ngetulu kwaletu timiso temtsetfosisekelo wesifundza letitsintsekako;

(b) kungenela kwelive lonkhe ngekulandzela sigaba 44(2), umtsetfo welive lonkhe usebenta ngetulu kwaleso simiso semtsetfosisekelo wesifundza; nome

(c) ludzaba lolumayelana netinfo letikuloluhlu lolukuShejuli 4, sigaba 146 lusebenta shengatsi lencenye yemtsetfosisekelo wesifundza letsintsekako bekungumtsetfo wesifundza loshiwo kuleso sigaba.

(2) Umtsetfo welive lonkhe loshiwo esigabeni 44(2) uba ngetulu kwemtsetfo wesifundza etintfweni letishiwo kuloluhlu lolukuShejuli (5).

Kushayisana lokungacatululeki

148. Nangabe kuphikisana mayelana nekushayisana kungete kwasonjululwa yinkantolo, umtsetfo welive lonkhe utawuba nemandla ngetulu kwemtsetfo wesifundza nome ngetulu kwemtsetfosisekelo wesifundza.

Lizinga lemtsetfo longenamandla

149. Sincumo senkantolo kutsi umtsetfo unemandla ngetulu kwalomunye asiwenti lona lomunye umtsetfo ungasasebenti, kodwa lomtsetfo lomunye awusebenti ngaleso sikhatsi kusenaloku kushayisana.

Kuhunyushwa kwekushayisana

150. Uma ngabe kubuketwa kushayisana lokukhona emkhatsini wemtsetfo welive lonkhe nemtsetfo wesifundza nome nemtsetfo welive lonkhe kanye nemtsetfosisekelo wesifundza, tonkhe tinkantolo kufute tikhetsa kuhunyushwa lokufanele kwalowo mtsetfo nome umtsetfosisekelo lokuvikela lokushayisana, ngetulu kwanome ngukuphi lokunye kuhunyushwa lokubanga kushayisana.

Sehluko 7

Hulumende waSekhaya

Lizinga labomasipala

151. (1) Sikhungo sahumende wasekhaya sibunjwe bomasipala, lekufute basungulwe ngumtsetfo eveni lonkhe leRiphabhulikhi.

(2) Ligunya lekuphatsa nelekushaya umtsetfo lamasipala lisetu kwemahlombe eMkhandlu waMasipala.

(3) Masipala unelilungelo lekubusa, ngekutisungulela yena, yonkhe imisebenti yahulumende wasekhaya emiphakatsini yakhe, kuphela alandzele umtsetfo welive lonkhe newesifundza njengobe kubekiwe eMtsetfwenisisekelo.

(4) Bohulumende welive lonkhe newesifundza bangete batsikameta nome bavimbele likhono nome lilungelo lamasipala lekusebentisa emandla akhe nome lekuenta imisebenti yakhe.

Tinhloso tahulumende wasekhaya

152. (1) Tinhloso tahulumende wasekhaya –

(a) kuniketa hulumente wentsandvo yelinyenti nalokwati kusebentela imiphakatsi;

(b) kuniketa lusito emiphakatsini ngendlela lengagucuki;

(c) kutfutukisa tenhlalo nentfutuko yetemnotfo;

(d) kutfutukisa indzawo lephephile nalenemphilo;

(e) kugcugcutela kufaka sandla kwemphakatsi netinhlango temiphakatsi etindzabeni

tahulumente wasekhaya.

(2) Masipala kufute etame, ngemandla akhe etimali nangekukhona kwakhe kuphatsa, kutfolalemigomo lebekwe esigatjaneni (1).

Imisebenti yekutfufukisa yabomasipala

153. UMkhandlu waMasipala kufute –

(a) ubumbe uphindze uphatse kuphatfwa kwawo, kuhlelwa kwetimali lekabelwe tona, kanye netinchubo tekuhlela kuniketa tidzingonchanti lizinga leliphakeme, futsi utfutukise temphilo nentfutuko yetemnotfo wemphakatsi; futsi

(b) ufake sandla etinhlelweni tentfutuko yesive sonkhe netesifundza.

BoMasipala kuhulumende welubambiswano

154. (1) Bohulumende belive nebetifundza, ngekushaya imitsetfo naletinye tinyatselo, kufute basite futsi belekelele bomasipala kucinisa likhono labo lekuphatsa imisebenti yabo, kusebentisa emandla abo nekwenta imisebenti yabo.

(2) Umtsetfosivivinyo welive lonkhe nome wesifundza lotsintsa lizinga, tikhungo, emandla nome imisebenti yahulumende wasekhaya kufute ushicilelwe kuze umphakatsi uphefumule ngawo ungakangeniswa eMkhandlwini weLive lonkhe nome esishayenimsetfo sesifundza, ngendlela levumela hulumente wasekhaya lohlelekile, bomasipala, nalabanye bantfu labatsintsekako litfuba lekwenza tiphakamiso ngaloMntsetfosivivinyo.

Kubunjwa kwabomasipala

155. (1) Kukhona letigaba letilandzelako taboMasipala:

(a) Sigaba A: Masipala lonemandla laphelile amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.

(b) Sigaba B: Masipala lohlanganyela nesigaba C samasipala lapho indzawo yakhe iphelela khona emandla amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.

(c) Sigaba C: Masipala lonemandla amasipala kanye newekushaya umtsetfo endzaweni lefaka ekhatsi tindzawo letingetulu kwayinye tamasipala.

(2) Umtsetfo welive lonkhe kufute uchaze letinhlobo letehlukene tamasipala letingasungulwa kusinye ngasinye sigaba.

(3) Umtsetfo welive lonkhe kufute –

(a) usungule indlela yekuncuma kutsi indzawo ifanele nini kuze namasipala munye wesigaba A nome kunini lapho indzawo ifanele kuba nabomasipala besigaba B nesigaba C;

(b) usungule indlela netinchubo tekuncuma ngeminyele yamasipala sigungu lesitimele; futsi

(c) ngekulandzela sigaba 229, wente tiphakamiso tekwabela bomasipala emandla ngalokufanele kanye nemisebenti uma ngabe indzawo inabomasipala besigaba B nesigaba C. Kwabiwa kwemandla nemisebenti emkhatsini wamasipala wesigaba B namasipala wesigaba C kungehluka ekwabiweni kwemandla nemisebenti emkhatsini walomunye masipala wesigaba B kanye nalowo masipala wesigaba C.

(4) Umtsetfo loshiwo esigatjaneni (3) kufute unake sidzingo sekuniketa lusito lwamasipala ngalokulinganako nangendlela lengagucuki.

(5) Sishayamtsetfo sesifundza kufute sincume ngetinhlobo letehlukene tabomasipala lekufute tisungulwe esifundzeni.

(6) Hulumente ngamunye wesifundza kufute asungule bomasipala esifundzeni sakhe ngendlela levumelana nemtsetfo loshaywe ngekulandzela tigatjana (2) na-(3) ngekwemtsetfo nome ngaletinye tinyatselo, kufute –

(a) ente kube khona kwengamela nekuncedza hulumente wasekhaya esifundzeni; futsi

(b) atfutukise intfutuko yemandla ahulumende wasekhaya kwenta bomasipala kutsi bakhone kwenta imisebenti yabo nekutsi bakwati kwengamela lokucondzene nabo.

(7) Hulumente welive lonkhe, ngephansi kwetimiso letisetigatjaneni 44, kanye nabohulumende betifundza unemandla ekushaya umtsetfo neligunya lekuphatsa kwelusa kusebenta

ngalokufanele kwabomasipala kwemisebenti yabo mayelana neluhlu lwetintfo letihlelwe kuShejuli 4 na-5, ngekucondzisa kusetjentiswa kwemandla abomasipala ekuphatsa lashiwo esigabeni 156(1). Emandla nemisebenti yabomasipala

156. (1) Masipala uneligunya lekuphatsa futsi unelilungelo lekusebentisa Hulumende wasekhaya lapho –

(a) tindzaba tahulumende wasekhaya eSiceshini B seShejuli 4 neSicephu B seShejuli 5; kanye
(b) nome yiphi indzaba leniketwe masipala ngumtsefo welive lonkhe nome ngumtsetfo wesifundza.

(2) Masipala angabeka aphindze aphantse imitsetfo lemincane kuze kusebenteke ngendlela tindzaba lanelilungelo lekuphatsa.

(3) Ngekulandzela sigaba 151 (4), umtsetfo lomncane wamasipala loshayisana nemtsetfo welive lonkhe nome wesifundza awusebenti. Nangabe kunekushayisana kwemtsetfo lomncane wamasipala nemtsetfo welive lonkhe nome wesifundza longasebenti ngenca yalokushayisana lokushiwo esigabeni 149, lomtsetfo lomncane wamasipala kufute utsatfwe ngekutsi uyasebenta kuleso sikhatsi lowo mtsetfo ungasebenti.

(4) Hulumende welive lonkhe nabohulumende betifundza kufute babele masipala, ngesivumelwano, nanganome nguyiphi imibandzela, kuphatfwa kweludzaba lolubekwe eSiceshini A seShejuli 4 nome Sicephu A seShejuli 5 lesiphatselene nahulumende wasekhaya, nangabe –

(a) loludzaba lungaphatseka ngendlela lengiyo ekhaya; nome
(b) masipala unawo emandla ekuluphatsa.

(5) Masipala unelilungelo lekusebentisa emandla laphatselene neludzaba lolusondzelene naloludzingekako, ekwenteni imisebenti yakhe.

Kubunjwa nekukhetfwa kwemikhandlu yabomasipala

157. (1) UMkhandlu wamasipala ubunjwe –

(a) ngemalunga lekakhatfwe ngekulandzela tigatjana (2), (3), (4) na-(5); nome

(b) nangabe kubekwe ngumtsetfo welive lonkhe –

(i) emalunga labekwe nguleminyane iMikhandlu yaMasipala kutsi atewumela leyo Mikhandlu leminyane; nome

(ii) omabili emalunga lekakhetfwe ngekulandzela indzinyana (a) kanye nemalunga lekakhetfwe ngekulandzela indzinyanyana b(i) yalendzinyana.

(2) Kukhetfwa kwemalunga eMkhandlu waMasipala njengobe kushiwo esigatjaneni (1)(a) kufute kulandzele umtsetfo welive, lekufute ubeke indlela –

(a) yekumelwa ngalokunekulingana lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwelive lonkhe futsi lebeke ngekukhetfwa kwemalunga kuloluhlu lwemagama lolwaxhiwe ngekulandzela kukhatsa kwelicembu; nome

(b) yekumelwa ngalokunekulingana njengobe kuchaziwe esigatjaneni (a) kuhlangele nenchubo yekumelwa ngemawadi lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwelive lonkhe.

(3) Indlela yelukhetfo ngekulandzela sigatjana (2) kufute icinisekise kutsi linani selilokhe lemalinga lekakhetfwe kulinye licembu likhomba linani selilokhe lelilingana nelemavoti latfolakele elicembu ngalinye.

(4) Nangabe lendlela yelukhetfo ifaka kumelwa kwemawadi, kubekwa kwemawadi kufute kwentiwe sigungu lesitimele lesibekwe ngekulandzela, futsi lesisebenta ngekulandzela tincumo netimiso letibekwe ngumtsetfo welive lonkhe.

(5) Umuntfu angavota endzaweni yamasipala kuphela nangabe lowo muntfu ubhaliswe encenyeni yalomasipala eluhlwini lwebavoti lwelive lonkhe.

(6) Umtsetfo welive loshiwo esigatjaneni (1)(b) kufute usungule indlela levumela emacembu netimfuno letibonakalako kuloMkhandlu waMasipala kwenta kubekwa etikhundleni, kube ngulokulingana kahle kuloMkhandlu waMasipala lapho lokubekwa etikhundleni kwentelwe khona. Bulunga beMikhandlu yaboMasipala

158. (1) Sonkhe sakhamuti lesinelilungelo lekuvotela uMkhandlu waMasipala sinelilungelo lekumela bulunga beMkhandlu, ngaphandle –

(a) nome ngubani lochashwe, losebentela, masipala futsi ahola kulokuchashwa nome kusebenta, futsi angakacolelwa kulokungavumeleki ngekwemtsetfo welive lonkhe;

(b) nome ngubani lochashiwe, nome losebentela uMbuso, kulelinye lizinga, futsi lekaholelwako kulokucashwa nome lowo msebenti, longakavumeleki kuba lilunga laloMkhandlu ngekwemtsetfo welive lonkhe;

(c) nome ngubani longakavumeleki kuvotela uMkhandlu weLive lonkhe nome longakavumeleki ngekwesigaba 47 (1)(c),(d) nome (e) kuba lilunga leMkhandlu weLive lonkhe;

(d) lilunga leMkhandlu weLive lonkhe, sitfunywa lesiseMkhandlwini welive weTifundza, nome lilunga lesishayamtsetfo sesifundza, kodvwa lokungavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele hulumende wasekhaya eMkhandlwini weSifundza; nome

(e) lilunga lalomunye uMkhandlu waMasipala; kodvwa lokungavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele lowo Mkhandlu kulomunye uMkhandlu waMasipala esigabeni lesehlukile.

(2) Umuntfu longavumeleki kuba lilunga leMkhandlu waMasipala ngekwetigatjana (1)(a),(b),(d) nome (e) angaba lilunga laloMkhandlu kuphela nje ngephansi kweminyele nemibandzela lebekwe ngumtsetfo welive lonkhe.

Sikhatsi sekusebenta kweMikhandlu yaboMasipala

159. Sikhatsi sekusebenta kweMkhandlu waMasipala singete sendlula iminyaka lemine, njengobe kuncume umtsetfo welive lonkhe.

Kutilawula kwamasipala

160. (1) UMkhandlu waMasipala –

(a) wenta tincumo mayelana nekusetjentiswa kwawo onkhe emandla kanye nayo yonkhe imisebenti yamasipala;

(b) kufute ukhetse sihlalo wawo;

(c) ungakhetsa likomidi lekuphatsa kanye nalamanye emakomidi; futsi

(d) ungachasha bantfu labadzingekile kutsi utewenta imisebenti yawo ngelizinga lelifanele.

(2) Lemisebenti lelandzelako uMkhandlu waMasipala ungete wayaba:

(a) kuphasisa imitsetfo lemincane;

(b) kwemukela lwabiwotimali;

(c) kubeka tintsela naleminyane imitselo, imitsedlwana nemitselo; futsi

(d) kukhulisa imalimboleko.

(3) (a) Linyenti lemalunga eMkhandlu waMasipala kufute libe khona ngembi kwekutsi kuvotelwe nome ngabe nguluphi ludzaba.

(b) Yonkhe imibuto lephatselene neludzaba lolushiwo esigatjaneni (2) incunyuwa ngesincumo lesitstfwe nguMkhandlu waMasipala lesesekelwe livoti lelinyenti lemalunga awo.

(c) Yonkhe leminyane imibuto lesembi kweMkhandlu waMasipala incunyuwa linyenti lemavoti lafakiwe.

(4) Kute imitseshwana lengaphasiswa nguMkhandlu waMasipala ngaphandle nangabe –

(a) onkhe emalunga aloMkhandlu aniketwe satiso ngesikhatsi lesenele; futsi

(b) umtseshwana lophakanyisiwe ushicilelwe kuze sive sikwati kwetfula tincomo ngawo.

(5) Umtsetfo welive lonkhe ungancoma indlela yekuncuma –

(a) bubanti beMkhandlu waMasipala;

(b) kutsi uMkhandlu waMasipala ungalikhetsa yini likomidi leliphetsa nome-ke naliphi likomidi; nome

(c) bubanti balelikomidi leliphetsa nome naliphi likomidi leMkhandlu waMasipala.

(6) UMkhandlu waMasipala ungenta imitseshwana lechaza imitsetfo netibopho –

(a) tekutilawula ngekwawo;

- (b) temisebenti yawo netinchubo; futsi
- (c) tekusungulwa, kubunjwa, tinchubo, emandla, imisebenti netinchubo temakomidi tawo.
- (7) UMkhandlu waMasipala kufute uchube imisebenti yawo ngendlela lengenamfihlo, futsi ungavala kutsi bantfu bangakungeneli kuhlanguana kwawo nome kwemakomidi awo, kuphela nangabe kufanelekile kwenta njalo nakubukwa lenhlobo yemsebenti lowentiwako.
- (8) Emalunga eMkhandlu weMasipala kufute akwati kufaka sandla enchubeni yawo naleyo yemakomidi awo ngendlela –
 - (a) levumela emacembu nemibono yawo kutsi ibonakale kuloMkhandlu futsi imelelwe ngendlela lefanele;
 - (b) lehambelana nentsandvo yelinyenti; futsi
 - (c) lengacondziswa ngumtsetfo welive lonkhe.

Emalungelomvume

161. Umtsetfo wesifundza ngekulandzela imibandzela yemtsetfo welive lonkhe ungabeka emalungelomvume nekukhuseleka kweMikhandlu yaboMasipala nemalunga ayo.

Kushicilelwa kwemitsetfo lemincane yamasipala

- 162. (1) Umtseshwana wamasipala ungacindzetela kusebenta kwawo ngemuva kwekushicilelwa kwawo kugazethi yembuso waleso sifundza.
- (2) Igazethi yahulumende wesifundza kufute ishicilele imitseshwana yamasipala nayiceliwe ngulomasipala.
- (3) Imitseshwana yamasipala kufute itfolakale esiveni.

Hulumende wasekhaya lohlelekile

- 163. UMtsetfo wePhalamende lobekwe ngekwenchubo lebekwe esigabeni 76 kufute –
 - (a) ubeke ngekuhlonishwa kwemitimba yabohulumende belive lonkhe nebetifundza lemele labomasipala; futsi
 - (b) uncume ngetinchubo lokutawutsi ngato hulumende wasekhaya akwati –
 - (i) kutsintsana nahulumende welive lonkhe nome wesifundza;
 - (ii) akhetse titfunywa letitawufaka sandla eMkhandlwini weLive lonkhe weTifundza; kanye
 - (iii) nekukhetha bantfu baye kuleliKhomishane leteTimali nekuPhatfwa kwetetimali.

Letinye tindzaba

164. Tonkhe tindzaba letiphatselene nahulumende wasekhaya letingakakatsintfwa eMtsetfwenisisekelo tingachazwa ngumtsetfo welive lonkhe nome umtsetfo wesifundza ngephansi kwetimiso temtsetfo welive lonkhe.

Sehluke 8

Tinkantolo neKuphatfwa

kweBulungiswa

Emandla etebulungiswa

- 165. (1) Emandla ekugcinwa kwemtsetfo eRiphabhulikhi asetu kwemahlombe etinkantolo.
- (2) Tinkantolo titimele kodvwa tingaphansi kweMtsetfosisekelo kanye nemtsetfo kuphela, lekufanele tiwusebentise ngaphandle kwekutsatsa luhlangotsi nangaphandle kwekwesaba, kwekwentela labanye umusa nome kubandlulula.
- (3) Kute umuntfu nome sitfo sembuso lesingatsikameta kusebenta kwetinkantolo.
- (4) Titfo tembuso, kufute ngekutsatsa tinyatselo temtsetfo naletinye tinyatselo telekelele futsi tivikele tinkantolo, kucinisekisa kutimela, kusebenta ngaphandle kwekutsatsa luhlangotsi, sitfunti, kutfolakala kanye nekusebenta lokubonakalako kwetinkantolo.
- (5) Umyalo nome sincumo lesikhishwe yinkantolo sibopha wonkke umuntfu netitfo tembuso lesisebenta kuto.

Indlela yekusebenta kwetebulungiswa

166. Tinkantolo:

- (a) iNkantolo yeMtsetfosisekelo;

- (b) iNkantolo yekwendlulisela emacala lePhakeme kunato tonkhe;
- (c) tiNkantolo letiPhakeme, lokufaka ekhatsi nome ngutiphi tinkantolo tekwendlulisela emacala letisungulwe ngekulandzela uMtsetfo wePhalamende, kutewulalela emacala latfunyelwe tiNkantolo letiPhakeme;
- (d) tiNkantolo taboMantji; kanye
- (e) nanome ngutiphi letinye tinkantolo letisungulwe nome letihlonishwa nguMtsetfo wePhalamende, lokufaka ekhatsi tinkantolo telizinga lelifana neletiNkantolo letiPhakeme nome tiNkantolo taboMantji.

INkantolo yeMtsetfosisekelo

167. (1) INkantolo yeMtsetfosisekelo ibunjwe ngeMengameli, liSekela leMengameli kanye nalamanye emajaji layimfica.

(2) Ludzaba lolusembi kweNkantolo yeMtsetfosisekelo kufute lulalelwe lokungenani ngemajaji lasiphohlongo.

(3) INkantolo yeMtsetfosisekelo –

(a) yinkantolo lephakeme kunato tonkhe tinkantolo etindzabeni temtsetfosisekelo;

(b) ingancuma kuphela tindzaba temtsetfosisekelo netintfo letiphatselene netincumo ngemtsetfosisekelo; futsi

(c) ngiyo letsatsa sincumo sekugcina mayelana nekutsi ngabe ludzaba luyindzaba yemtsetfosisekelo nome luyintfo lephatselene nesincumo ngemtsetfosisekelo.

(4) YiNkantolo yeMtsetfosisekelo kuphela –

(a) lengancuma tindzaba lekuphikiswana ngato emkhatsini wetitfo tembuso ezingeni lelive lonkhe nome lesifundza mayelana nelizinga ngekwemtsetfosisekelo, emandla kanye nemisebenti yanome nguwuphi umnyango wembuso;

(b) ingancuma ngebumtsetfosisekelo weMtsetfosivivinyo nome wephalamende nome wesifundza, kodvwa loku ingakwenta esimeni lesicatjangwe esigabeni 79 nome 121;

(c) ingancuma ngeticelo letihlongotwe esigabeni 80 nome 122;

(d) ingancuma ngebumtsetfosisekelo besichibelo seMtsetfosisekelo;

(e) ingancuma kutsi iPhalamende nome uMengameli wehlulekile kwenta umsebenti ngekwesibopho semtsetfosisekelo; nome

(f) ingacinisekisa umtsetfosisekelo wesifundza ngekulandzela sigaba 144.

(5) INkantolo yeMtsetfosisekelo ngiyo letsatsa sincumo sekugcina kutsi uMtsetfo wePhalamende, uMtsetfo wesifundza, sento seMengameli siyahambelana yini neMtsetfosisekelo, futsi kufute icinisekise nome nguwuphi umyalo wekumisa lotsetfwe yiNkantolo lePhakeme kunato tonkhe yekwendlulisela emacala, yiNkantolo lePhakeme nome yinkantolo lenelizinga lelifanana naleti tinkantolo ngembi kwekutsi lowo myalo ube nemandla.

(6) Umtsetfo welive lonkhe nome imtseshwana yeNkantolo yeMtsetfosisekelo kufute ivumele umuntfu, nangabe kunesidzingo sebulungiswa futsi nangemvumo yeNkantolo yeMtsetfosisekelo

–

(a) kuletsa ludzaba ngco eNkantolo yeMtsetfosisekelo; nome

(b) kwendlulisela ngco sikhalo eNkantolo yeMtsetfosisekelo lesisuka kulenye inkantolo.

(7) Ludzaba loluphatselene nemtsetfosisekelo lufaka nome yini lephatselene nekuhunyushwa, kuvikela nekucinisekisa kusebenta kweMtsetfosisekelo.

INkantolo lePhakeme kunato tonkhe yekwendlulisela emacala

168. (1) INkantolo lePhakeme kunato tonkhe yekwendlulisela emacala ibunjwe ngaSomajaji, liSekela laSomajaji kanye nelinani lemajaji lekwendluliselwa kuwo emacala lelincunye nguMtsetfo wePhalamende.

(2) Ludzaba lolusembi kweNkantolo lePhakeme kunato tonkhe yekwendlulisela emacala kufute luncunye linani lemajaji lelibekwe nguMtsetfo wePhalamende.

(3) INkantolo lePhakeme kunato tonkhe yekwendlulisela emacala ingancuma emacala

lakendluliselwa kuyo kuto tonkhe tintfo. Iyinkantolo lephakeme kunato tonkhe yekwendlulisela emacala ngaphandle kwemacala emtsetfosisekelo futsi ingancuma kuphela –

- (a) ticelo letendlulisiwe;
- (b) tindzaba letiphatselene nekwendluliswa kwemacala; futsi
- (c) nome nguluphi ludzaba lolungaletfwa kuyo esimeni lesichazwe nguMtsetfo wePhalamende.

TiNkantolo LetiPhakeme

169. (1) INkantolo lePhakeme ingancuma –

- (a) tonkhe tindzaba temtsetfosisekelo, ngaphandle kwaletfo –
 - (i) letingancunyuwa yiNkantolo yeMtsetfosisekelo kuphela; nome
 - (ii) letiniketwe nguMtsetfo wePhalamende kulenye inkantolo lizinga layo lelifanana neleNkantolo lePhakeme; futsi
- (b) nome nguluphi ludzaba lolungakaniketwa lenye inkantolo nguMtsetfo wePhalamende.

TiNkantolo taboMantji naletinye tinkantolo

170. Tinkantolo taboMantji nato tonkhe letinye tinkantolo tingancuma tindzaba letibekwe nguMtsetfo wePhalamende welive lonkhe kodvwa inkantolo yelizinga lelingephansi kweNkantolo lePhakeme ingeke ikwati kubuka nome incume ngekuhambisana nemtsetfosisekelo kwanome nguwuphi umtsetfo nome sento seMengameli.

Tinchubo tetiNkantolo

171. Tonkhe tinkantolo tisebenta ngekulandzela umtsetfo welive lonkhe, futsi imitseshwana netinchubo tato kufute tibekwe ngekwemtsetfo welive lonkhe.

Emandla etinkantolo etindzabeni temtsetfosisekelo

172. (1) Nangabe yenta sincumo mayelana nekuhambisana nemtsetfosisekelo kwenzaba lewela ngephansi kwemandla ayo, inkantolo –

- (a) kufute ibeke kutsi nome wuphi umtsetfo nome sento lesingahambisani neMtsetfosisekelo kasinamandla kuze kufike ezingeni laso lekushayisana kwaso neMtsetfosisekelo; futsi
- (b) ingenta nome wuphi umyalo lolungile, nalofanelekile, lokufaka –
 - (i) umyalo lonciphisa kusebenta ngekubuyela emuva kwalokubekwa kwekungasebenti; futsi
 - (ii) umyalo losusa lokubekwa kwekungasebenti sikhatsi nome singakanani futsi ubeke nemibandzela, kuvumela siphatsimandla lesineligunya kutsi silungise lesi siphosiso.

(2) (a) INkantolo lePhakeme kunato tonkhe yekwendlulisela emacala nome inkantolo yelizinga lelifanako ingenta sincumo ngebumtsetfosisekelo kweMtsetfo wePhalamende, uMtsetfo wesifundza, nanome ngukuphi kutiphatsa kweMengameli, kodvwa sincumo ngekungahambisani neMtsetfosisekelo asisebenti ngephandle nasigcizelelwe yiNkantolo yeMtsetfosisekelo.

(b) Inkantolo leyenta sincumo sekungasebenti ngekwemtsetfosisekelo inganiketa sivimbelo sesikhashana, nome lolunye lusito lwesikhashana kumuntfu, nome ingake imise lelicala, kuze kuphume sincumo seNkantolo yeMtsetfosisekelo ngekusebenta kweMtsetfo nome sento.

(c) Umtsetfo welive lonkhe kufute ubeke indlela yekwendluliselwa kweticelo tetincumo tekungasebenti kwemtseshwana ngekwemtsetfosisekelo eNkantolo yeMtsetfosisekelo.

(d) Nome ngumuphi umuntfu nome sitfo sembuso lonesifiso, angendlulisela licala kutsi ligwetjwe kabusha, nome afake sicelo lesicondze ngco eNkantolo yeMtsetfosisekelo, kuze inkantolo icinisekise nome iphikisane nesincumo senkantolo sekungasebenti ngekwemtsetfosisekelo kwemtseshwana ngekulandzela lesigatjana.

Emandla lahlala akhona

173. INkantolo yeMtsetfosisekelo, iNkantolo yekweNdlulisela emacala lePhakeme kunato tonkhe kanye netiNkantolo letiPhakeme tinemandla lahlala akhona ekuvikela nekucondzisa inchubo letisebenta ngayo, kanye nekutfufukisa umtsetfo lowetayelekile, tinake kuphela tinhloso tebulungiswa.

Kubekwa etikhundleni kwetikhulu tetinkantolo

174. (1) Nome muphi umuntfu wesifazane nome wesilisa lofundzele lomsebenti ngalokwenele lonemandla futsi lokulungele kuba sesikhundleni, angabekwa njengesikhulu senkantolo. Nome muphi umuntfu longabekwa kuba siphatsimandla seNkantolo yeMtsetfosisekelo kufute futsi abe sakhamuti saseNingizimu Afrika.

(2) Uma kubekwa tikhulu tetinkantolo, kufanele kubukwe sidzingo sekutsi kubekwa kwaletikhulu tetinkantolo kukhombisa kwakheka kwemphakatsi waseNingizimu Afrika, lonetinhlanga kanye nebulili lobehlukene.

(3) Mengameli njengenhloko yesigungu lesiphetse eveni lonkhe, ngemuva kwekubonisana neliKhomishane leKuphatfwa kweMisebenti yetetiNkantolo nebaholi bemacembu lekamelwe eMkhandlwini weLive lonkhe, ubeka uMengameli weNkantolo yeMtsetfosisekelo kanye nelisekela leMengameli weNkantolo yeMtsetfosisekelo, futsi ngemuva kwekubonisana naleliKhomishane leKuphatfwa kweMisebenti yetetiNkantolo, ubeka Somajaji kanye neliSekela laSomajaji.

(4) Lawa lamanye emajaji eNkantolo yeMtsetfosisekelo abekwa nguMengameli njengenhloko yesigungu lesiphetse eveni lonkhe, ngemuva kwekubonisana neMengameli weNkantolo yeMtsetfosisekelo nebaholi bemacembu etembusave lekamelwe eMkhandlwini weLive lonkhe, ngekulandzela lenchubo:

(a) LiKhomishane leKuphatfwa kwetiMisebenti yetetiNkantolo kufanele lilungise luhlu lwemagama ebantfu labaphakanyisiwe, lolunegama lamatsatfu ngetulu kwaleso sibalo seabantfu labafanele babekwe etikhundleni, bese iluyisa kuMengameli.

(b) UMengameli angabeka bantfu labakuloluhlu lwemagama, kodvwa kufanele achazele leliKhomishane leKuphatfwa kweMisebenti yetetiNkantolo, abeke netizatfu kuleliKhomishane, tekutsi kungani labanye balabantfu labaphakanyisiwe bangemukeleki, nekutsi kusadzinga kutsi kubekwe labanye futsi.

(c) LiKhomishane leKuphatfwa kweMisebenti yetetiNkantolo, kufute lengete kuloluhlu ngalamanye emagama laphakanyisiwe kantsi futsi uMengameli kufute abeke labo bebasele abatsatsa kuloluhlu lolwengetiwe.

(5) Ngato tonkhe tikhatsi, kufute lokungenani emalunga lamane eNkantolo yeMtsetfosisekelo kube bantfu lebebangemajaji ngesikhatsi banikwa tikhundla eNkantolo yeMtsetfosisekelo.

(6) UMengameli kufute abeke emajaji ato tonkhe letinye tinkantolo ngekuhloliswa liKhomishane leKuphatfwa kweMisebenti yetetiNkantolo.

(7) Letinye tikhulu tetinkantolo kufute tibekwe ngekulandzela uMtsetfo wePhalamende lokufute ucinisekise kutsi kubekwa, kukhushulwa, kuntjintjelwa kulenye indzawo nome kucoshwa nome tinyatselo tekucondziswa, kwaletikhulu kwenteka ngaphandle kwekuvuna nome kukhatsa.

(8) Tingakacali kusebenta letikhulu tetinkantolo kufute tifunge nome tivume ngekutibopha, ngekulandzela iShejuli 2, kutsi titawuphakamisa tiphindze tivikele uMtsetfosisekelo.

Emabambela emajaji

175. (1) UMengameli angabeka esikhundleni umuntfu wesifazane nome wesilisa eNkantolo yeMtsetfosisekelo kutsi abambe sikhundla kwesikhashana nangabe kunesikhala semsebenti webujaji nome nangabe lijaji lingekho. Lokubekwa esikhundleni kwesikhashana kufute kwentiwe ngesiphakamiso selilunga leSigungu setiNdvuna teMbuso leliphetse kuphatfwa kwetebulungiswa, ngekutsintsana neMengameli weNkantolo yeMtsetfosisekelo kanye naSomajaji.

(2) Lilunga leSigungu setiNdvuna teMbuso leliphetse kuphatfwa kwetebulungiswa kufute libeke emajaji latawubamba tikhundla kwesikhashana kuletinye tinkantolo ngemuva kwekubonisana nelijaji lelikhulu lalenkantolo lapho khona kutawusebenta lelijaji lelilibambela. Sikhatsi sekusebenta kwemajaji kanye nekuholelwa kwawo

176. (1) Lijaji leNkantolo yeMtsetfosisekelo libekwa esikhundleni kutsi lisebente sikhatsi lesingavuseleleki seminyaka lelishumi nakubili, kodvwa kufute litsatse umhlalaphansi naselineminyaka lengema-70.

(2) Lamanye emajaji abamba sikhundla ate akhishwe ngekuMtsetfo wePhalamende.

(3) Imiholo, timali netimfanelo temajaji tingete tancishiswa.

Kukhishwa esikhundleni

177. (1) Lijaji lingakhishwa esikhundleni kuphela nje nangabe –

(a) liKhomishane leKuphatfwa kweMisebenti yetetiNkantolo litfola kutsi lelo jaji alinawo emandla ekwenta umsebenti, lehluleka ngalokwendlulele kwenta umsebenti nome litfolakale linelicala lekutiphatsa kabi kakhulu; futsi

(b) uMkhandlu weLive lonkhe utsatsa sincumo kutsi lelo jaji likhishwe esikhundleni, lesincumo sisekelwe ngemavoti lokungenani linyenti lalokubili kulokutsatfu kwemalunga awo.

(2) UMengameli kufute akhiphe lijaji esikhundleni nangabe sincumo sekutsi lelo jaji alikhishwe semukelwe.

(3) UMengameli, ngeseluleko seliKhomishane leKuphatfwa kweMisebenti yetetiNkantolo angayekelisa kwesikhashana lijaji lelichazwe kulenchubo lebekwe esigatjaneni (1).

LiKhomishane leKuphatfwa kweMisebenti yetetiNkantolo

178. (1) KuneliKhomishani leKuphatfwa kweMisebenti yetetiNkantolo, lelibunjwe –

(a) nguSomajaji, lohola imihlangano yaleliKhomishane;

(b) nguMengameli weNkantolo yeMtsetfosisekelo;

(c) nguMengameli wemaJaji lokhetfwe Bengameli bemaJaji;

(d) lilunga leSigungu setiNdvuna teMbuso leliphetse temtsetfo, nome lomunye lokhetfwe ngulelo lunga;

(e) bameli baseMajajini lababili labakwetfwe kulobungcweti bebumeli kutsi bemele bameli lobungcweti jikelele, futsi babekwe nguMengameli;

(f) bameli lababili labakhetfwe kulobungcweti bebumeli kutsi bemele lobungcweti jikelele, futsi babekwe nguMengameli;

(g) ngutishela munye wetifundvo temtsetfo lokhetfwe botishela bemtsetfo emaNyuvesi aseNingizimu Afrika;

(h) bantfu labasitfupha lebakhetfwe nguMkhandlu weLive lonkhe emalungeni awo, lokungenani labatsatfu kubo bantfu labangemalunga emacembu etembusave laphikisako lekamelwe kuloMkhandlu;

(i) titfunywa letine letingesuswa eMkhandlwini weLive lonkhe weTifundza letibekwe kanye kanye nguloMkhandlu, loku kufute kwesekelwe lokungenani tifundza letisitfupha;

(j) bantfu labane lababekwe nguMengameli njengenhloko yesigungu lesiphetse eveni lonkhe, ngemuva kwebonisana nebaholi bemacembu etembusave onkhe laseMkhandlwini weLive lonkhe; futsi

(k) uma kubuketwa ludzaba loluphatselene ngco neNkantolo ezingeni lesifundza nome leNkantolo lePhakeme kuleyo ndzawo, liJaji lelinguMengameli waleyo ncnene kanye naNdvunankhulu nome lomunye lokhetfwe nguNdvunankhulu wesifundza lesitsintsekako.

(2) Nangabe linani lebantfu labaphakanyisiwe kulomtimba webameli basemajajini nome bameli nje ngekulandzela sigatjana (1)(e) nome (f) lilingana tikhala lekufute tigcwaliswe, uMengameli kufute ababeke. Nangabe linani lebantfu labaphakanyisiwe lengca letikhundla lokufute tigcwaliswe, uMengameli, ngemuva kwebonisana nalomtimba webungcweti bebumeli, kufute abeke linani lelenele kugcwalisa leto tikhala, anake sidzingo sekutsi lababekiwe bemele bungcweti bebumeli bonkhana.

(3) Emalunga aleliKhomishane lekakhetfwe nguMkhandlu weLive lonkhe weTifundza asebenta aze akhishwe kanye kanye, nome kuze kuvele sikhala enanini lawo. Lamanye emalunga lakhetselwa nome emagama abo laphakamiselwa kuleKhomishane asebenta aze asuswe ngulabo lebawakhetsa nome labaphakamisa emagama abo.

(4) Likhomishane letekuPhatfwa kweMisebenti yetetiNkantolo linemagunya nemisebenti leliyiyabelwe nguMtsetfosisekelo nangumtsetfo welive lonkhe.

(5) Likhomishane leKuphatfwa kweMisebenti yetetiNkantolo lingeluleka hulumende welive

lonkhe nome ngatiphi tindzaba letiphatselene netetinkantolo nome nekuphatfwa kwetemtsetfo; kodvwa nalibuketa nome yiphi indzaba ngaphandle kwekubekwa kwelijaji, kufute lihlangane lodvwa ngaphandle kwemalunga lakhetfwe ngekulandzela sigatjana (1)(h) nome (i).

(6) LiKhomishane leKuphatfwa kweMisebenti yetetiNkantolo lingabeka tinchubo talo, kodvwa tincumo taleliKhomishane kufute tesekelwe linyenti lemalunga alo.

Sigungu lesiShushisako

179. (1) Kunesigungu sinye lesishushisako selive lonkhe eRiphabhulikhi, lesakhiwe ngekwemtsetfo wePhalamende futsi lesibunjwe –

(a) nguMcondzisi weTekushushisa welive lonkhe, loyinhloko yalesigungu sekushushisa, futsi lesibekwe nguMengameli njengenhloko yesigungu lesiphetse eveni lonkhe; futsi

(b) Bacondzisi beTekushushisi nebashushisi njengekubeka kweMtsetfo wePhalamende.

(2) Sigungu lesishushisako sinemandla ekusungula tinchubo tekushushisa emacala, egameni lembuso, newekuchuba yonkhe imisebenti ledzingekile ekusunguleni tinchubo tekushushisa.

(3) Umtsetfo welive lonkhe kufute ucinisekise kutsi Bacondzisi beTekushushisa –

(i) bafundzele ngalokwenele; futsi

(ii) banetindzawo lapho bashushisa khona, ngekulandzela sigatjana 5.

(4) Umtsetfo welive lonkhe kufute ucinisekise kutsi sigungu sekushushisa senta imisebenti yaso ngaphandle kweluvalo, kukhetsa nekubandlulula.

(5) UMcondzisi weLive lonkhe wetekushushisa –

(a) kufute ancume, ngekuvumelana nelilunga leSigungu setiNdvuna teMbuso leliphetse temtsetfo; futsi ngemuva kwekubonisana neBacondzisi beTekushushisa, tinchubomgomo tekushushisa lekute tihlonishwe kuyo yonkhe inchubo yekushushisa;

(b) akhiphe tibopho tenchubomgomo lekufute tilandzelwe kuyo yonkhe inchubo yekushushisa;

(c) angangenelela kulenchubo yekushushisa nangabe tibopho tenchubomgomo tingakalandzelwa; futsi

(d) angabuketa kabusha nome akhiphe imilayeto yekutsi kushushiswe emacala latsite, ngemuva kwekubonisana neMcondzisi weTekushushisa lotsintsekako futsi ngemuva kwekutsatsa tiphakamiso kungakapheli sikhatsi lesincunywe nguMcondzisi welive lonkhe, mayelana nalaba labalandzelako:

(i) Umbekwacala.

(ii) Simangali.

(iii) Nome muphi umuntfu nome licembu uMcondzisi weTekushushisa lekambona afanele.

(6) Lilunga leSigungu setiNdvuna teMbuso leliphetse temtsetfo kufute kube ngilo lelinemtfwalo wekubeka liso kulesigungu setekushushisa.

(7) Tonkhe letinye tindzaba letiphatselene netekushushisa kufute tincunywe ngukwemtsetfo welive lonkhe.

Letinye tindzaba letitsintsa kuphatfwa kwetemtsetfo

180. Umtsetfo welive lonkhe ungalungisela nome nguluphi ludzaba lolumayelana nanome ngukuphi kuphatfwa kwemtsetfo lokungakakhulunywa ngako eMtsetfwenisisekelo, lokufaka ekhatsi –

(a) tinhlelo tekucecesha tikhulu tetinkantolo;

(b) tindlela tekubukana netikhalo ngetikhulu tetinkantolo; kanye

(c) nekufaka sandla kwebantfu ngaphandle kwalabo labatikhulu tetinkantolo ekwenteni tincumo tenkantolo.

Sehluko 9

Tikhungo Tembuso Letesekele Intsandvo Yelinyenti Ngekwemtsetfosisekelo

Kusungulwa kanye nemgomisisekelo wekubusa

181. (1) Letikhungo tembuso letilandzelako tesekela intsandvo yelinyenti ngekwemtsetfosisekelo eRiphabhulikhi:

- (a) UMvikeli weMphakatsi.
 - (b) LiKhomishane lelibukene neMalungelo eBuntfu.
 - (c) Likhomishane lekuTfutukiswa nekuVikelwa kweMalungelo eMiphakatsi lehlanganiswe ngeMasiko, teNkholo neTilwimi.
 - (d) LiKhomishane lelibukene nekuLingana ngeBulili.
 - (e) UMcwaningitimali Jikelele.
 - (f) LiKhomishane lelibukene neLukhetfo.
- (2) Letikhungo titimele, futsi tiboshwa kuphela nguMtsetfosisekelo nemtsetfo, futsi kufute tingavuni luhlangotsi lunye kulolunye, futsi tisebentise emandla ato futsi tente imisebenti yato ngaphandle kwekwesaba, kwekukhetsa nome kwekubandlulula.
- (3) Letinye titfo tembuso, kufute ngekutsatsa tinyatselo temtsetfo naletinye, tisite futsi tivikele letikhungo kutewucinisekisa kutimela, kungavuni luhlangotsi, sitfunti kanye nekusebenta ngemphumelelo kwaletikhungo.
- (4) Kute umuntfu nome sitfo sembuso lesingacumukela ekusebenteni kwaletikhungo.
- (5) Letikhungo tisebentela uMkhandlu weLive lonkhe kantsi kufute tiletse umbiko wemisebenti yato nekwenta kwato kuloMkhandlu lokungenani kanye ngemnyaka.

UMvikeli weMphakatsi

Imisebenti yeMvikeli weMphakatsi

182. (1) UMvikeli weMphakatsi unalamandla lalandzelako, njengobe acondziswa ngumtsetfo welive lonkhe –

- (a) ekuphenya nome ngusiphi sento etindzabeni tembuso, nome kulawulwa kwembuso kunome nguliphi lizinga kuhulumende, lekutsiwa nome lekusolakala kutsi alikalungi nome litawuletsa kungalungi nome lubandlululo;
- (b) ekubika mayelana naleso sento; futsi
- (c) ekutsatsa sinyatselo lesifanele lesilikhambi laloku.

(2) UMvikeli weMphakatsi unemandla nemisebenti leyengetiwe laniketwe yona ngumtsetfo welive lonkhe.

(3) UMvikeli weMphakatsi angete aphenya tincumo tetinkantolo.

(4) UMvikeli weMphakatsi kufute atfolakale kuye wonkhe umuntfu nemiphakatsi.

(5) Nome nguwuphi umbiko lokhishwe nguMvikeli weMphakatsi kufute umphakatsi ukwati kuwutfo, ngaphandle nangabe timo letitsite letingakavami, letitawuncunywa ngumtsetfo welive lonkhe, tibeka kutsi umbiko lotsite ugcinwe uyimfihlo.

Sikhatsi sekuba sesikhundleni

183. UMvikeli weMphakatsi ubekwa esikhundleni kutsi asebente iminyaka lesikhombisa lengavuselelwa.

Likhomishane Lelibukene neMalungelo eBuntfu

Imisebenti yeliKhomishane leMalungelo eBuntfu

184. (1) LiKhomishane lelibukene neMalungelo eBuntfu kufute –

- (a) likhutsate kuhlonishwa kwemalungelo ebuntfu kanye nekutfutukiswa kwelisiko lemalungelo ebuntfu eRiphabhulikhi;
- (b) likhutsate kutfutukiswa, kuvikelwa kanye nekutfolakala kwemalungelo ebuntfu; futsi
- (c) libeke liso futsi livivinye kuhlonishwa kwemalungelo ebuntfu eRiphabhulikhi.

(2) LiKhomishane lelibukene neMalungelo eBuntfu linemandla, njengobe kubekwe ngumtsetfo welive lonkhe, ladzingekile kutsi lente imisebenti yalo, lokufaka ekhatsi –

- (a) emandla ekuphenya kanye nekubika mayelana nekuhlonishwa kwemalungelo ebuntfu;
- (b) ekutsatsa tinyatselo kucinisekisa sincesitelo lesifanele nangabe emalungelo ebuntfu ephuliwe;
- (c) ekwenta lucwaningo; futsi
- (d) ekufundzisa.

- (3) Umnyaka ngamunye, liKhomishane leMalungelo eBuntfu kufute libophelele titfo tembuso kutsi tetfule kuleliKhomishane imininingwane yelwati ngetinyatselo letititsetse kuze kutewutfolakala emalungelo lakuloMtsetfo weMalungelo eBuntfu laphatselene netindlu, lusito kutemphilo, kudla, emanti, kuphepha emphilweni, imfundvo, kanye nendzawo lekuhlalwa kuyo.
- (4) LiKhomishane lelibukene neMalungelo eBuntfu linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo welive lonkhe.

LiKhomishane lekuTfutfukiswa nekuVikelwa kweMalungelo eMiphakatsi lebunjwe ngeMasiko, teNkholo neTilwimi

Imisebenti yaleliKhomishane

185. (1) Tinhloso letinkhulu taleliKhomishane lekuTfutfukiswa nekuVikelwa kweMalungelo eMiphakatsi lebunjwe ngeMasiko, teNkolo neTilwimi –

(a) kutfutukisa kuhlonishwa kwemalungelo emiphakatsi lebunjwe ngemasiko, tenkholo netilwimi;

(b) kutfutukisa, nekugcina kuthula, bungani, buntfu, kubeketelelana nebunye besive emiphakatsini lebunjwe ngemasiko, tenkholo netilwimi, lokumiswe esisekelweni sekulingana, kungabandlululi nekuhlangana ngenkhululeko; kanye

(c) nekwenza tiphakamiso tekusungulwa nome tekuhlonishwa, ngekulandzela umtsetfo welive lonkhe, kwemkhandlu wetemasiko nalomunye umkhandlu nome imikhandlu yemphakatsi nome imiphakatsi eNingizimu Afrika.

(2) LeliKhomishane linemandla, njengobe kubeka umtsetfo welive lonkhe, leliwadzingako kufeza tinhlosanhanti talo, lokufaka ekhatsi emandla ekugadza, ekusesha, ekwenza lucwaningo, ekufundzisa, ekufuna kusekelwa, ekuhlolisa nekwenza imibiko ngetindzaba letiphatselene nemalungelo etemphakatsi lebunjwe ngetemasiko, ngetenkolo nangetilwimi temiphakatsi.

(3) LeliKhomishane lingetfula imibiko ngeludzaba loluwela ngephansi kwemandla nemisebenti alo eKhomishane yeMalungelo eBuntfu lolufuna kubukwa.

(4) LeliKhomishane linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo welive lonkhe.

Kubunjwa kwaleliKhomishane

186. (1) Linani lemalunga aleliKhomishane lekuTfutfukiswa nekuVikela eMalungelo eMiphakatsi lebunjwe ngeteMasiko, ngeteNkolo nangetiLwimi kanye nekubekwa etikhundleni nemibandzela yekuchashwa kwabo kufute ibekwe ngumtsetfo welive lonkhe.

(2) Kubunjwa kwaleliKhomishane –

(a) kufute kukhombise kumelwa ngalokubanti kwalemiphakatsi lemikhulu kutemasiko, tenkholo netilwimi eNingizimu Afrika; futsi

(b) kukhombise ngalokubanti bunyenti bebulili lobukhona eNingizimu Afrika.

Likhomishane Lelibukene

nekuLingana ngekweBulili

Imisebenti yeliKhomishane lelibukene nekuLingana ngekweBulili

187. (1) LeliKhomishane lelibukene nekuLingana ngekweBulili kufute likhutsate kuhlonishwa, kutfutukiswa, kuvikelwa kanye nekutfolakala kwekulingana ngekwebulili.

(2) LiKhomishane lelibukene nekuLingana ngekweBulili linemandla, njengobe kubekwe ngumtsetfo welive lonkhe, ladzingekako ekwenteni imisebenti yalo, lokufaka ekhatsi emandla ekugadza, ekuphenya, ekusesha, ekufundzisa, ekukhankhasela kusekelelwa, ekweluleka kanye nekwetfula umbiko mayelana nekulingana kwebulili.

(3) LeliKhomishane lelibukene nekuLingana ngekweBulili linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo welive lonkhe.

UMcwaningitimali Jikelele

Imisebenti yeMcwaningitimali Jikelele

188. (1) UMcwaningitimali Jikelele kufute acwaninge aphindze ente imibiko ngemabhuku

etetimali, netititimende tetetimali kanye nekuphatfwa kwetetimali –

(a) kuwo onkhe ematiko embuso ezingeni lelive lonkhe newesifundza kanye nemahhovisi embuso;

(b) kubo bonkhe bohulumende bamasipala; futsi

(c) kunome ngusiphi lesinye sikhungo nome licadzi letekugcinwa kwemabhuku etetetimali lekufuneka ngekwemtsetfo welive nome wesifundza kutsi ticwaningwe nguMcowaningitimali Jikelele.

(2) Ngetulu kwalemisebenti lebekwe esigatjaneni (1), futsi nangekulandzela nome nguwuphi umtsetfo, uMcowaningitimali Jikelele angacwaninga aphindze abike ngekugcinwa kwetetimali, tititimende tetetimali nekuphatfwa –

(a) kwanome siphi sikhungo lesinikwa timali letiphuma eSikhwameni seTimali seLive, Sikhwana seTimali sesifundza nome samasipala; nome

(b) kwanome siphi sikhungo lesivunyelwe ngunome nguwuphi umtsetfo kwemukela imali ngesizatfu semisebenti yesive.

(3) UMcwaningitimali Jikelele kufute etfule imibiko kunome ngusiphi sishayamtsetfo lesitsintsekako ngco kulolo lucwaningo, nakunome ngusiphi lesinye siphatsimandla lesishiwo ngumtsetfo welive lonkhe. Yonkhe imibiko kufute ingabi yimfihlo.

(4) UMcwaningitimali Jikelele unemandla nemisebenti leyengetekile layiniketwa ngumtsetfo welive lonkhe.

Sikhatsi sekuba sesikhundleni

189. UMcwaningitimali Jikelele kufute abekwe sikhatsi lesimisiwe, lesingavusetelwa lesisemkhatsini weminyaka lesihlanu nalelishumi.

LiKhomishane leLukhetfo

Imisebenti yeliKhomishane leLukhetfo

190. (1) LiKhomishane leLukhetfo kufute –

(a) liphatse lukhetfo lwetishayamtsetfo telive lonkhe, tetifundza netabomasipala ngekulandzela umtsetfo welive lonkhe;

(b) licinisekise kutsi lolo lukhetfo lukhululekile futsi lulungile; futsi

(c) likhokhe imiphumela yalolo lukhetfo ngesikhatsi lesitawubekwa ngumtsetfo welive lonkhe lesifishane kahle.

(2) LeliKhomishane leLukhetfo linemisebenti leyengetiwe leliyinetwa nguMmtsetfo welive lonkhe.

Kubunjwa kweliKhomishane leLukhetfo

191. LiKhomishane leLukhetfo lifute libunjwe bantfu lokungenani labatsatfu. Linani lemalunga nebudze betikhatsi tekusebenta kwalo kufute kubekwe ngumtsetfo welive lonkhe.

Sigungu Lesitimele sekuPhatsa

tekuSakata

Sigungu lesiPhetse tekuSakata

192. Umtsetfo welive lonkhe kufute ubeke sigungu lesitimele kutewuphatsa tekusakata kutewuba khona kubonelelwa kwemiphakatsi, futsi nekucinisekisa kutsi kunekulunga nemibono leyehlukile lemele kabanti imiphakatsi yaseNingizimu Afrika.

Tiphakamiso letetayelekile

Kubekwa esikhundleni

193. (1) UMvikeli weMphakatsi kanye nemalunga eliKhomishane lelisungulwe nguleSahluko kufanele babe besifazane nome besilisa –

(a) labatakhamuti taseNingizimu Afrika;

(b) labalungele futsi labafanele kubamba leto tikhundla; futsi

(c) labenetisa tonkhe tidzingo letibekwe ngumtsetfo welive lonkhe.

(2) Sidzingo seliKhomishane lelisungulwe nguleSehluke kukhombisa kabanti bunjalo

bebuhlanga nebulili lobukhona eNingizimu Afrika kufute sinakwe uma kubekwa emalanga.

(3) UMcwaningitimali Jikelele kufute kube ngumuntfu wesifazane nome wesilisa losakhamuti seNingizimu Afrika futsi lofanele nalolungele kubamba lesi sikhundla. Lwati lolujulile, nesipiliyoni ekucwaningeni tetetimali, timali tembuso kanye nekuphatfwa kwembuso kufute kunakwe uma kucashwa uMcwaningitimali Jikelele.

(4) UMengameli, ngetincomo teMkhandlu weLive lonkhe, kufute akhetse uMvikeli weMphakatsi neMcwaningitimali Jikelele nemalunga –

- (a) eliKhomishane leMalungelo eBuntfu;
- (b) eliKhomishane lekuLingana ngekweBulili; kanye
- (c) neweliKhomishane leLukhetfo.

(5) UMkhandlu weLive lonkhe kufute uncome bantfu –

- (a) labaphakamiswe likomidi leMkhandlu weLive lonkhe lelinemalunga lamele onkhe emacembu etembusave ngebuncane nengebukhulu bawo kuloMkhandlu;
- (b) labemukelwe nguloMkhandlu ngesincumo lesivunywe livoti lelesekelwe –
- (i) linyenti lemalunga langulokungema-60 ekhulwini aloMkhandlu, uma ngabe lesincomo siphatselene nekubekwa esikhundleni kweMvikeli weMphakatsi nome uMcwaningitimali jikelele; nome
- (ii) linyenti lemalunga aloMkhandlu, uma ngabe lesincomo siphatselene nekubekwa esikhundleni kwelilunga leKhomishane.

(6) Kufaka sandla kwesive kulenchubo yetincoma bantfu kungentiwa kutsi kwenteke njengobe kushiwo esigabeni 59(1)(a).

Kwehliswa esikhundleni

194. (1) UMvikeli weMphakatsi, uMcwaningitimali Jikelele nome lilunga leliKhomishane lelisungulwe nguleSehluko bangakhishwa esikhundleni kuphela nje –

- (a) ngesizatfu sekutiphatsa kabi, kwehluleka kwenta umsebenti nome kuba bete lwati lolwenele lokwenta umsebenti;
- (b) kunebufakazi baloko lobutfolwe likomidi leMkhandlu weLive lonkhe; kanye
- (c) nekwemukelwa kwesincumo nguMkhandlu weLive lonkhe sekutsi loyo muntfu akakhishwe esikhundleni.

(2) Sincumo lesitsetfwe nguMkhandlu weLive lonkhe lesiphatselene nekwehliswa esikhundleni –

- (a) kweMvikeli weMphakatsi nome uMcwaningitimali Jikelele kufute semukelwe ngelivoti lelesekelwe ngemalunga langulokubili kulokutsatfu aloMkhandlu; nome
- (b) kwelilunga lelikhomishane kufute semukelwe ngelivoti lelesekelwe linyenti lemalunga aloMkhandlu.

(3) UMengameli –

(a) angammisa kwesikhashana umuntfu esikhundleni nome nini ngemuva kwekucala kwaloluphenyo lwekomidi yeMkhandlu weLive lonkhe ngekwehliswa kwalowo muntfu esikhundleni; futsi

(b) kufute amehlise umuntfu esikhundleni uma uMkhandlu weLive lonkhe sewutsetse sincumo lesitsi loyo muntfu akehliswe.

Sehluko 10

Kuphatfwa kweMbuso

Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso

195. (1) Kuphatfwa kwembuso kufute kubuswe yimibandzela yentsandvo yelinyenti nemigomosekelo letishicilelwe eMtsetfwenisisekelo lokufaka lemigosisekelo lelandzelako:

- (a) Lizinga lelisetulu lebungcweti bekutiphatsa emsebetini kufute litfutukiswe liphindze ligcinwe.
- (b) Kukhutsatwe kusetjentiswa kwengebo ngendlela lekhombisa likhono, konga nemandla.

- (c) Umsebenti wekuphatfwa kwembuso kufute uhlose kutfutukisa.
- (d) Imisebenti kufute yentiwe ngendlela lengakhetsi, lecotfo, ngalokulinganako, nangaphandle kwelubandlululo.
- (e) Tidzingo tebantfu kufute tinakwe, futsi umphakatsi kufute ukhutsatwe kutsi ufake sandla ekubekweni kwenchubomgomo.
- (f) Umbuso kuute ukwati kubikela umphakatsi ngendlela losebenta ngayo.
- (g) Kusebenta kwembuso kufute kube ngulokungasiyo imfihlo ngekutsi umphakatsi uniketwe lwati ngaleso sikhatsi, kutfolakala malula kwemininingwane yelwati futsi kube lwati lolungemaciniso.
- (h) Kufute kukhutsatwe emakhono ekuphatsa kahle tisebenti kanye nekutfutukiswa kwekufundzelwa kwemisebenti, ngenhloso yekutsi bantfu bente imisebenti ngelizinga lelisetulu.
- (i) Kuphatfwa kwembuso kufute kumele ngalokubanti bonkhe bantfu baseNingizimu Afrika, kantsi tento tekucasha kanye netekuphatsa tisebenti kufute tisinyiswe ekutseni bantfu banemakhono, baphatsi abakhetsi, nekutsi kunesidzingo sekucedza kungaphatfwa ngalokungalinganako kwebantfu baseNingizimu Afrika kwesikhatsi lesendlulile, kuze tonkhe tinhlobo tebantfu timelwe kabanti.
- (2) Lemigomosisekelo lengenhla isebenta –
 - (a) ekuphatfweni kwawo onkhe emazinga ahulumende;
 - (b) ekuphatfweni kwetitfo tembuso; futsi
 - (c) etikhungweni temphakatsi.
- (3) Umtsetfo welive lonkhe kufute ucinisekise kutfutukiswa kwalemigosisekelo nemibandzela lebalwe esigatjaneni (1).
- (4) Kubekwa etikhundleni kwelinani lebantfu labatawusebentela hulumende ngekunaka imigomosisekelo akukashiywa ngaphandle, kodvwa umtsetfo welive lonkhe kufute ucondzise lokuchashelwa kwalabantfu emisebentini wembuso.
- (5) Umtsetfo lobusa indlela yekuphatsa umbuso ungehlukanisa emkhatsini weminyango, kwengamela kanye netikhungo.
- (6) Inhlobo nemisebenti yeminyango leyehlukene, kwengamela nome tikhungo tekuphatfwa kwembuso tintfo letiphatsakako letifute tibukwe nakubekwa umtsetfo lophatsa kuphatfwa kwembuso.

LiKhomishane lekuPhatfwa kweMbuso

196. (1) KuneliKhomishane linye lekuPhatfwa kweMbuso eRiphabhulikhi.
- (2) LeliKhomishane litimele futsi kufute lingakhetsi, futsi kufute lisebentise emandla alo liphindze lente umsebenti walo ngaphandle kwekwesaba, kwekukhatsa nome kuncuma kucala ngenhloso yekugcina kuphatfwa kwembuso ngendlela lenemandla nalefanele kanye nelizinga leliphakeme lebungcweti bekuiphatsa emisebentini wembuso. LeliKhomishane kufute liphatfwe ngumtsetfo welive lonkhe.
 - (3) Letinye titfo tembuso, ngemtsetfo nome ngaletinye tinyatselo, kufute tisite futsi tivikele leliKhomishane kucinisekisa kutimela, kungakhetsi, sitfuni nemandla aleliKhomishane. Kute umuntfu nome sitfo sembuso lesingatsikameta kusebenta kwaleliKhomishane.
 - (4) Emandla nemisebenti yaleliKhomishane –
 - (a) kukhutsata imibandzela nemigomosisekelo leshiwo esigabeni 195, kuto tonkhe tisebenti tembuso;
 - (b) kuphenya, kwelusa nekuvivinya inhlango nekwengamela, kanye nemikhubo yetisebenti, wetisebenti tembuso;
 - (c) kuncoma tinyatselo letitsite kutewucinisekisa kusebenta lokunemandla nalokufanele etisebentini tembuso;
 - (d) kuniketa tindlela lekuhloswe ngato kucinisekisa kutsi tinchubo tetisebenti letiphatselene nekufunwa, kuntjinjwa, kukhushulwa kanye nekusakatwa tiyavumelana yini nemibandzela kanye

nemigomosisekelo leshiwo esigabeni 195;

(e) kubika mayelana nalokwentiwa nguleliKhomishane kanye nekwenza kwalo imisebenti yalo, lokufaka ekhatsi nome yini letfolakele lelingayenta netindlela kanye neteluleko lelingatiniketa, nekwenza kube khona kuhlola lizinga imibandzela nemigomosisekelo leshiwo esigabeni 195 lehambelana ngalo nayo; futsi

(f) nome ngentsandvo yalo nome ngekutfola sikhalo –

(i) kuphenya nekuhlola sicelo setisebenti nemkhubo wekuphatfwa kwetembuso, futsi nekubikela sigungu nome sishayamtsetfo lesifanele;

(ii) kuphenya tikhalo tebasebenti bembuso mayelana nekwenziwa nome kwentiwa kwetento letisemtsetfweni, futsi letfule tincomo letifanele tekulungisa lesimo;

(iii) kwelusa nekuphenya kulandzela tinchubo letisebentisekako etisebentini tembuso;

(iv) kweluleka titfo tembuso welive lonkhe netetifundza mayelana nemkhubo wetisebenti tembuso, lokufaka ekhatsi letiphatselene kufunwa, kucashwa, kuntjintjwa, kusakatwa kanye nalokunye lokuphatselene nemisebenti yebasebenti bembuso.

(5) LeliKhomishane, lisebentela uMkhandlu weLive lonkhe.

(6) LeliKhomishane kufute litfule lokungenani kanye ngemnyaka ngekwesigatjana (4)(e) –

(a) embi kweMkhandlu weLive lonkhe; futsi

(b) mayelana nemisebenti yalo esifundzeni, embi kwesishayamtsetfo saleso sifundza.

(7) LeliKhomishane lina-14 wabokhomishana labalandzelako lababekwe nguMengameli:

(a) Bokhomishana labasihlanu labemukelwe nguMkhandlu weLive lonkhe ngekulandzela sigatjana (8)(a); futsi

(b) Khomishana munye wesifundza ngesifundza lophakamiswe nguNdvunankhulu wesifundza ngekulandzela sigatjana (8)(b).

(8) (a) Khomishana lobekwe ngekwesigatjana (7)(a) kufute –

(i) anconywe likomidi leMkhandlu weLive lonkhe lolakhiwe ngelinani lebungako bemalunga elicembu ngelicembu letembusave lelimelwe kuloMkhandlu; futsi

(ii) emukelwe nguloMkhandlu ngesincumo lesitsatfe ngekwesekelwa livoti lelinyenti lemalunga awo.

(b) Khomishana lophakamiswe nguNdvunankhulu wesifundza kufute –

(i) aconywe likomidi lesishayamtsetfo sesifundza lesakhiwe ngelinani lebungako bemalunga elicembu ngelicembu letembusave lelimelwe kulesishayamtsetfo; futsi

(ii) emukelwe ngulesishayamtsetfo ngesincumo lesitsetfwe ngekwesekelwa livoti lelinyenti lemalunga aso.

(9) UMTsetfo wePhalamende kufute ucondzise inchubo yekubekwa kwabokhomishana.

(10) Khomishana ubekwa kutsi asebente sikhatsi lesiyiminyaka lesihlanu, lesivuselelwako kutsi sisebente kwesibili kanye, futsi kufute kube ngumuntfu wesifazane nome wesilisa –

(a) losakhamuti seNingizimu Afrika; futsi

(b) umuntfu lophilile futsi lolungele nalonelwati, nome longumakadzabona, wetekuphatsa, wetekwengamela nome wetimiso tebasebenti bembuso.

(11) Khomishana angehliswa esikhundleni kuphela nje –

(a) ngesisatfu sekutiphatsa kabi, kwehluleka nome kungabi namandla;

(b) kuvetwa ebaleni kwaloko likomidi leMkhandlu weLive lonkhe nome, uma ngabe kungukhomishana lophakamiswe nguNdvunankhulu wesifundza, likomidi lesishayamtsetfo saleso sifundza; futsi

(c) ngekutsatfwa nguMkhandlu nome sishayamtsetfo sesifundza lesitsintsekako, kwesincumo ngelivoti lelisekelwe linyenti lemalunga awo nome aso laphakamisa kutsi khomishana ehliwe esikhundleni.

(12) UMengameli kufute ehliwe loyo khomishana lotsintsekako esikhundleni emuva –

(a) kwekutsatfwa nguloMkhandlu kwesincumo sekwehliswa kwakhomishana esikhundleni;

nome

(b) kwekubhalwa kwesatiso nguNdvunankhulu kutsi sishayamtsetfo sesifundza sesitsatse sincumo sekwehliswa kwakhomishana esikhundleni.

(13) Bokhomishana labashiwo esigatjaneni (7)(b) bangasebentisa emandla futsi bangenta imisebenti yaleliKhomishana etifundzeni tabo njengobe kuchazwa ngumtsetfo wlive lonkhe.

Kusebenta Kuhulumende

197. (1) Embusweni kunesikhungo semisebenti yahulumende weRiphabhulikhi, lokufute sisebente, futsi sihlelwe, ngekulandzela umtsetfo welive lonkhe, futsi lokufute sigcine ngekwetsembeka inchubomgomo lesemntsetfweni yahulumende wangaleso sikhatsi.

(2) Imibandzela yekucashwa netimfanelo tetisebenti tahulumende kufute kuphatfwe ngumtsetfo welive lonkhe. Tisebenti tinelilungelo lekutfo la umhlalaphansi lofanele, njengekusho kwemtsetfo welive lonkhe.

(3) Kute sisebenti sahumende lesingavunwa nome sibandlululwe ngesizatfu sekutsi loyo muntfu wesekela licembu lelitsite letembusave nome ludzaba lolutsite.

(4) Bohulumende betifundza banelilungelo lefuna, kuchasha, kukhuphula, kuntjintja nekusakata tisebenti tahulumende letingaphansi kwabo kodvwa ngaphansi kwesitfungeletelo senchubo nemazinga lafanako lasebenta etisebentini tahulumende jikelele.

Sehluke 11

Tekuvikela

Imigomosisekelo lemisiwe

198. Lemigomosisekelo lelandzelako ibusa tekuvikelwa kwelive eRiphabhulikhi:

(a) Kuvikelwa kwelive lonkhe, kufute kubonakalise kutinikela kwabo bonkhe bantfu baseNingizimu Afrika, kwemuntfu ngamunye nesive sonkhe, kutsi baphile ngendlela yekulingana, bahlale ngekuthula nangekuvana, bangabi neluvalo nekweswela, futsi bafune imphilo lencono.

(b) Kutimisela kuhlala ngekuthula kuvimbela sonkhe sakhamuti seNingizimu Afrika ekungeneleni kulwa kuhlonyiwe, nome ngekhatshi nome ngephandle kwaleli, ngaphandle njengobe kubeka uMtsetfosisekelo nome umtsetfo welive lonkhe.

(c) Kuvikelwa kwelive lonkhe kufute kwentiwe ngekulandzela umtsetfo, lokufaka ekhatshi nemtsetfo wemave emhlaba.

(d) Kuvikelwa kwelive lonkhe kuphetfwe sigungu lesishaya umtsetfo ePhalamende kanye neselive lonkhe.

Kusungulwa, kuhlelwa kanye nekutiphatsa kwetekuvikela

199. (1) Tekuvikela eRiphabhulikhi timbunjwe ngembutfo munye wetemphi, nembutfo wetebuphoyisa kanye naleminye imibutfo yetebunhloli, lesungulwe ngekulandzela uMtsetfosisekelo.

(2) Umbutfo wetemphi ngiwo wodvwa umbutfo wetemphi losemtsetfweni eRiphabhulikhi.

(3) Ngaphandle kwetekuvikela letisungulwe ngekulandzela uMtsetfosisekelo, tinhlangano letiphatsa tikhali nome lokunye lokusebenta loko, tingasungulwa ngekulandzela umtsetfo welive lonkhe.

(4) Tekuvikela kufute tihlelwe futsi tiphathfwe ngumtsetfo welive lonkhe.

(5) Tekuvikela kufute tente futsi; kufute tifundzise tiphindze tiphoccelele kutsi emalunga ato ente njengobe kuphoccelela uMtsetfosisekelo kanye nemtsetfo, lokufaka ekhatshi umtsetfo lophatselene nesintfu kanye netivumelwano temave emhlaba letibopha iRiphabhulikhi.

(6) Alikho lilunga letekuvikela lelingalalela umyalo lokucace ngalokuphelele kutsi uphambene nemtsetfo.

(7) Kute umbutfo wetekuvikela nome linye lemalunga alombutfo nabenta imisebenti yabo –

(a) bangakhinyabeta tinhloso telicembu letembusave lelisemtsetfweni ngekweMtsetfosisekelo; nome

(b) bangachubela embili, ngendlela yekwesekela, nome tishi tinhloso telicembu linye

letembusve.

(8) Kuniketa kuciniseka kwemgomosisekelo wekusebenta lokungenamfihlo nekusebentela bavoti, emakomidi emacembu etembusave onkhe lasephalamende kufute abeke liso kuto tonkhe tekuvikela ngendlela lebekwe yimitsetshwana nemibandzela yePhalamende.

Kuvikelwa ngumbutfo wetemphi

Umbutfo Wetemphi

200. (1) Umbutfo wetemphi kufute uhlelwe futsi uphatfwe njengumbutfo wetemphi lohloniphako.

(2) Inhloso lenkhulu yembutfo wetemphi kulwela nekuvikela iRiphabhulikhi, kuvikela iminyele yayo, kanye nebantfu bayo, ngekulandzela uMtsetfosisekelo nemigomosisekelo yemtsetfo wemave emhlaba lecondzisa kusetjentiswa kwekulwa.

Sibopho ngetembusave

201. (1) Lilinga leSigungu setiNdvuna teMbuso kufute liphatse tembutfo wetemphi.

(2) NguMengameli kuphela, njengenhloko yesigungu lesiphetse live, longaniketa emandla ekusetjentiswa kwembutfo wetemphi –

(a) kanye nembutfo wetebuphoyisa;

(b) kuvikela iRiphabhulikhi; nome

(c) kuphumelelisa sibopho semave emhlaba.

(3) Nangabe umbutfo wetemphi usetjentiselwa nome ngabe nguyiphi inhloso leshiwo esigatjaneni (2), uMengameli kufute abikele iPhalamende ngekushesha futsi nangemininingwane leyenele –

(a) ngetizatfu tekusebentisa lombutfo;

(b) ngendzawo nome kuphi lapho lombutfo usetjentsiswa khona;

(c) ngelinani lebantfu labatsintsekako; futsi

(d) nebudze besikhatsi lekubhekeke kusti usicitse kuleyo ndzawo lombutfo.

(4) Nangabe iPhalamende ingahlangani emuva kwemalanga lasikhombisa lombutfo ubekiwe kusti usebente ngekwesigatjana (2), uMengameli kufute anikete ikomidi lefanele imininingwane ledzingekile esigatjaneni (3).

Kulawulwa kwembutfo wetemphi

202. (1) UMengameli njengenhloko yesigungu lesiphetse live lonkhe unguMekhuti loMkhulu wembutfo wetemphi, futsi kufute abeke Khomanda walombutfo wetemphi.

(2) Kulawulwa kwembutfo wetemphi kufute kwentiwe ngekulandzela indlela lebekwe lilunga leSigungu setiNdvuna teMbuso leliphetse temphi, ngephansi kweligunya leMengameli.

Simo sekuvikelwa kwelive ngumbutfo wetemphi

203. (1) UMengameli njengenhloko yesigungu lesiphetse live lonkhe angabeka simo sekuvikelwa kwelive ngumbutfo wetemphi, futsi kufute abikele iPhalamende ngekushesha anikete nemininingwane leyenele –

(a) ngetizatfu talokubekwa kwalesimo;

(b) ngendzawo nome kuphi lapho lombutfo usetjentiswa khona; futsi

(c) nangesibalo sebantfu labatsintsekako.

(2) Nangabe iPhalamende ingahlangani nakubekwa lesimo sekuvikelwa kwelive ngumbutfo wetemphi, uMengameli kufute abite iPhalamende kusti ite emhlanganweni lophutfumako kungakapheli emalanga lasikhombisa sibekiwe lesimo.

(3) Kubekwa kwesimo sekuvikelwa kwelive ngumbutfo wetemphi kuphelelwa sikhatsi ngaphandle nangabe kuvunywe yiPhalamende kungapheli emalanga lasikhombisa kubekiwe.

Licadzi letebubhalane lebantfu labangekho embutfweni wetemphi

204. Lihhovisi letebubhalane lebantfu labangekho embutfweni wetemphi kufute kubekwe ngumtsetfo welive lonkhe ngephansi kwesandla selilunga leSigungu setiNdvuna teMbuso welive lonkhe leliphetse temphi.

Tebuphoyisa

Umbutfo wetemaphoyisa

205. (1) Umbutfo wetekuvikela live lonkhe kufute nome wetebuphoyisa uhlelwe ngendlela yekutsi usebente eveni lonkhe, etifundzeni, nangabe kufanele, nakuhulumende wasekhaya.

(2) Umtsetfo welive lonkhe kufute usungule emandla nome imisebenti yembutfo wetekuvikela futsi wente kutsi umbutfo wetekuvikela ukwati kuyenta kahle imisebenti yawo, kulandzelwe tidzingo tetifundza.

(3) Tinhloso tembutfo wetekuvikela kuvimbela, kulwa kanye nekuphenya ngebugebengu, kugcina kusebenta kwemtsetfo emphakatsini, kugcina umtsetfo, kanye nekuvikela nekuphephisa bantfu labahlala eRiphabhulikhi kanye nemphahla yabo nekuphakamisa futsi nekucindzela kusebenta kwemtsetfo.

Sibopho ngetembusave

206. (1) Lilunga leSigungu setiNdvuna teMbuso kufute liphatse umsebenti wetekuvikelwa ngemaphoyisa futsi libeke inchubomgomo yelive lonkhe yetekuvikelwa ngesiphoyisa ngemuva kwekuhlolisana nabohulumende betifundza futsi kulandzelwe tidzingo tetifundza njengobe tinconwe tigungu letiphetse tetifundza.

(2) Inchubomgomo yetebuphoyisa yelive lonkhe ingenta tiphakamiso ngetinchubomgomo letehlukene ngekwehlukana kwetifundza emuva kwekubuketa tidzingo tekuvikelwa ngebuphoyisa nalokumcoka kwaletifundza.

(3) Sifundza ngasinye sineligunya –

(a) lekugadza kutiphatsa kwemaphoyisa;

(b) kubeka liso ekusebenteni lokunemandla nalokunemphumelelo kwembutfo wetekuvikela, lokufaka ekhatsi kwemukela imibiko ngembutfo wetekuvikela;

(c) kutfutukisa budlelwano lobuhle emkhatsini wemaphoyisa kanye nemphakatsi;

(d) kuphenya imphumelelo lebonakalako yekuvikelwa kwemiphakatsi ngulombutfo; kanye

(e) nekuchumana nelilunga leSigungu setiNdvuna teMbuso leliphetse tekuvikelwa ngumbutfo wetekuvikela mayelana nebugebengu nekuvikelwa kwetifundza.

(4) Sigungu lesiphetse sesifundza setfwele umtfwalo wemisebenti yemaphoyisa –

(a) lesetfweswe wona ngulesehluko;

(b) lesabelwe wona ngumtsetfo welive lonkhe; futsi

(c) loniketwe kuso enchubenimngomo wetebuphoyisa welive lonkhe.

(5) Kuze sikwati kwenta imisebenti lehlelwe esigatjaneni (3), sifundza –

(a) singaphenya, nome sibeke ikhomishane yeluphenyo, nome tishi tikhalo ngekungakhoni kusebenta kwemaphoyisa nome kuphela kwebudlelwano emkhatsini wemaphoyisa nanome nguwuphi umphakatsi; futsi

(b) kufute sente tincomo elungeni leSigungu setiNdvuna teMbuso leliphetse tebuphoyisa.

(6) Ngemuva kwekutfofolo sikhalo lesifakwe sigungu lesiphetse sesifundza, ibhodi letimele yetikhalo ngebuphoyisa lesungulwe ngumtsetfo welive lonkhe kufute iphenye nome kuphi kutiphatsa kabi, nome kwephulwa kwemtsetfo, lilunga letembutfo webuphoyisa esifundzeni.

(7) Umtsetfo welive lonkhe kufute wente kube khona sitfungeletelo sekusungulwa, semandla, semisebenti nesekuphatfwa kwembutfo wemaphoyisa abomasipala.

(8) Likomidi lelibunjwe ngelilunga leSigungu setiNdvuna teMbuso nemalunga eMkhandlu weLive lonkhe weTifundza letfweswe umtfwalo wetebuphoyisa kufute lisungulwe kutewucinisekisa kusebentisana lokunemphumela ngumbutfo wemaphoyisa nelubambiswano lolunemphumela emkhatsini wetikhungo tahulumende.

(9) Sishayamtsetfo sesifundza singacela khomishana wesifundza kutsi atetfule emi kwaso nome kukuwaphi emakodi aso kutewuphendvula imibuto letsite.

Kulawulwa kwembutfo wetekuvikela

207. (1) UMengameli njengenhloko njengenhloko yesigungu lesiphetse live lonkhe kufute

abeke umuntfu wesifazane nome wesilisa kutsi abe nguKhomishana welive lonkhe wemaphoyisa, kucondzisa nekuphatsa umbutfo wetekuvikela.

(2) Khomishana welive lonkhe wemaphoyisa, kufute aphantse futsi acondzise umbutfo wetekuvikela ngekulandzela inchubomgomo yelive lonkhe yetekuvikela kanye nemiyalo yelilunga leSigungu setiNdvuna teMbuso lelengamele tekuvikelwa ngumbutfo wetekuvikela.

(3) Khomishana welive lonkhe wemaphoyisa, kufute abeke umuntfu wesifazane nome wesilisa kutsi abe ngukhomishana wesifundza waleso sifundza, kodwa uma ngabe Khomishana weLive lonkhe nesigungu lesiphetse sesifundza bangakhoni kuvumelana ngalomuntfu lobekewe, lilunga leSigungu setiNdvuna teMbuso leliphetse umbutfo wetebuphoyisa kufute libe ngumlamuli emkhatsini walamacembu laphikisanako.

(4) BoKhomishana bemaphoyisa betifundza banemtfwalo wetekuvikela etifundzeni tabo ngasinye –

(a) njengobe kuchaza umtsetfo welive lonkhe; futsi

(b) ngekulandzela emandla aKhomishane wemaphoyisa weLive lonkhe ekucondzisa nekuphatsa umbutfo wetekuvikela ngekulandzela sigatjana (2).

(5) Khomishana wesifundza kufute abike esishayenimtsetfo sesifundza njalo nje ngemnyaka ngekuvikela ngembutfo wemaphoyisa esifundzeni, futsi kufute atfumele ikhophi yalombiko kuKhomishana weLive lonke.

(6) Uma khomishana wesifundza asalahlekelwe kwetsenjwa singugu lesiphetse sesifundza, leso sigungu singenta tinyatselo letisemtsetfweni tekumehlisa esikhundleni, tekumntjintja nome tekumjezisa, lowo khomishana, ngekulandzela umtsetfo welive lonke.

Licadzi letebubhalane lebantfu labangekho ebuphoyiseni

208. Lihhovisi letebubhalane lebantfu labangekho embutfweni wetebuphoyisa kufute livulwe ngekulandzela umtsetfo welive lonkhe, futsi lisebente ngaphansi kwesandla selilunga leSigungu setiNdvuna teMbuso lelibukene nemsebenti webuphoyisa.

Bunhloli

Kusungulwa nekuphatfwa kwemibutfo yebunhloli

209. (1) Nome wuphi umbutfo webunhloli, ngaphandle kwemibutfo yebunhloli lebunebuciko lobusetulu yembutfo wetemphi nome wetekuvikela ngebuphoyisa, ingasungulwa kuphela nguMengameli njengenhloko yesigungu lesiphetse live lonkhe, futsi kuphela nangekulandzela umtsetfo welive lonkhe.

(2) UMengameli njengenhloko yesigungu lesiphetse live lonkhe kufute abeke umuntfu wesifazane nome wesilisa njengenhloko yalowo nalowo mbutfo webunhloli lobunebuciko lobusetulu bembutfo wetemphi nome wetekuvikela ngebuphoyisa lowakhiwe ngekwesigatjana (1), futsi kufute nome atsatse umtfwalo ngekwepolitiki wekucondzisa nekuphatsa kwanome nguwuphi walembutfo, nome akhetse lilunga leSigungu setiNdvuna teMbuso kutsi litsatse lowo mtfwalo. Emandla, imisebenti nekweluswa

210. Umtsetfo welive lonkhe kufute uphatse tinhloso, emandla kanye nemisebenti yemibutfo yebunhloli, lokufaka nome wuphi umbutfo webunhloli lobunebuciko lobusetulu wembutfo wetemphi nome wetekuvikela ngebuphoyisa, futsi kufute wente kube khona –

(a) kumataniswa kahle kwayo yonkhe imibutfo yebunhloli; futsi

(b) kweluswa sive kwemisebenti yalemibutfo yebunhloli ngumhloli lobekwe nguMengameli njengenhloko yesigungu lesiphetse live lonkhe, futsi loko kwemukelwa ngesincumo lesitsetfwe nguMkhandlu weLive lonkhe ngekwesekelwa ngemalunga awo langulokubili kulokutsatfu.

Sehluke 12

Baholi Bendzabuko

Kuhlonishwa

211. (1) Bukhosi, lizinga, indzima yebaholi bendzabuko, ngekwe mtsetfo wesintfu, kuyahlonishwa, kuphela nje nakutfobela uMtsetfosisekelo.

(2) Sigungu seabholi bendzabuko lesilandzela umtsetfo wesintfu singasebenta ngekulandzela nome wuphi umtsetfo losebentako, nemasiko lokufaka ekhatsi tichibelo, kucitfwa, kwalowo mtsetfo nome lawo masiko.

(3) Tinkantolo kufute tisebentise umtsetfo wesintfu nangabe lowo mtsetfo usebenta, ngaphansi kweMtsetfosisekelo nanome ngu wuphi lomunye umtsetfo locondzene ngco nemtsetfo wesintfu.

Indzima yebaholi bendzabuko

212. (1) Umtsetfo welive lonkhe ungenta kube khona indzima yebaholi bendzabuko njengesigungu lesiphetse ezingeni lanahulumende wasekhaya etintfweni letitsintsa tindzaba temiphakatsi etindzaweni tayo.

(2) Kusebenta tindzaba letiphatselene nebaholi bendzabuko, indzima yebaholi bendzabuko, umtsetfo wesintfu nemasiko emiphakatsi legcina leyo nchubo yemtsetfo wesintfu –

(a) umtsetfo welive lonkhe nome wetifundza ungenta kube khona kusungulwa kwetindlu tebaholi bendzabuko; futsi

(b) umtsetfo welive lonkhe ungasungula umkhandlu webaholi bendzabuko.

Sehluko 13

Tetimali

Tindzaba Jikelele teTimali

Sikhwama Selive lonkhe seTimali letingenako

213. (1) Kukhona Sikhwama seTimali teMbuso lapho tonkhe timali letemukelwe ngulumende welive lonkhe lekufute tibhadalwe kuso, ngaphandle kwetimali letibekwe eceleni ngalokufanele nguMtsetfo wePhalamende.

(2) Imali ingakhishwa eSikhwameni setiMali teMbuso letingenako selive lonkhe kuphela –

(a) ngekulandzela sabelo lesentiwe nguMtsetfo wePhalamende; nome

(b) njengesikwelete lesikhishwa kuleSikhwama seTimali teMbuso letingenako selive lonkhe, nangabe loku kwentiwe kutsi kube khona eMtsetfwenisisekelo nome nguMtsetfo wePhalamende.

(3) Incenye yesifundza lefanele kuletimali letibutfwe eveni lonkhe ikhishwa kuleSikhwama Selive lonkhe seTimali teMbuso letingenako.

Tincenye tetimali letifanele nekwabiwa kwetimali

214. (1) UMtsetfo welive kufute wente kube khona –

(a) kwehlukaniselana ngalokufanele kwemali lebutfwe eveni lonkhe emkhatsini wahulumende welive lonkhe nabohulumende betifundza nebasekhaya.

(b) kuncunyuwa kwesabelo lesifanele sesifundza ngasinye kwetimali tetifundza; futsi

(c) kuniketwa kwanome ngutiphi letinye tabelo tetimali etifundzeni nakubomasipala letiphuma encenye yahulumende welive lonkhe, kanye nemibandzela loko kuniketwa lokwentiwe ngayo.

(2) UMtsetfo loshiwo esigatjaneni (1) ungasetjentiswa kuphela ngemuva kwekubonisana nabohulumende betifundza nabohulumende basekhaya labahlelekile futsi neliKhomishane lekuphatfwa kweteTimali neSikhwama saHulumende litsintsiwe, futsi nome ngutiphi tincomo teliKhomishane lelibukene nekuphatfwa kwetetimali nesikhwama saHulumende setibuketiwe, futsi kufute kunantisiswe –

(a) tidzingo telive lonkhe;

(b) nome ngutiphi timiso lokufute tentiwe mayelana nesikwelete selive lonkhe kanye naletinye tibopho telive lonkhe;

(c) tidzingo kanye netimfuno tahulumende welive lonkhe, letincunyuwe ngekusetjentiswa kwetindlela tekubuka letifanele;

(d) sidzingo sekwenta nakanjani kutsi tifundza nabomasipala bakwati kuniketa imisebenti lesisekelo nekwenta imisebenti lebanikwe yona;

(e) emandla nelikhono letifundza nabomasipala labanalo lekuphatsa tetimali;

(f) tidzingo tentfutfuko, nalentinye nje tidzingo tetifundza, tahulumende wasekhaya

newabomasipala;

- (g) kwehlukana ngetemnotfo esifundzeni nakuletinye tifundza;
- (h) tibopho tetifundza nabomasipala ngekwemtsetfo welive lonkhe;
- (i) kufuneka kwekwabelwa kwetincye lokutintile nalokucagelekako; futsi
- (j) sidzingo sekwetama kulungisa melula timo letiphutfumako nome tidzingo tesikhashana naletinye tintfo letisime ekubukisiseni ngekufanana.

Lwabiwomali lwelive lonkhe, lwetifundza nelwabomasipala

215. (1) Lwabiwomali lwelive lonkhe, lwetifundza nelwabomasipala netinchubo telwabiwomali kufute titfutukise kusebenta lokungenamfihlo, kwetsembeka, kanye nekuphatfwa ngendlela lengiyo kwemnotfo, tikwelete neligumbi lembuso.

- (2) Umtsetfo welive kufute uchaze –
 - (a) simo selwabiwomali lwelive lonkhe, lwetifundza nelwabomasipala;
 - (b) sikhatsi lapho lwabiwomali lwelive lonkhe nelwesifundza kufute lwetfulwe ngaso etafuleni; futsi
 - (c) lolo lwabiwomali kulinye ngalinye lizinga lahulumende kufute lukhombwe imitfombo yaletu timali nendlela lababona ngayo kutsi lokusetjentiswa kutawuhambisana nemtsetfo wahulumende welive lonkhe.
- (3) Lwabiwomali kulelo nalelo zinga lahulumende kufute lube –
 - (a) nesicombelelo ngetimali nangekusentjiswa kwato, lesehlukana emkhatsini wetimali letikhona naletidzingekekako ngaleso sikhatsi;
 - (b) netiphakamiso tekubhadala kushoda lokungase kwenteke ngaleso sikhatsi selwabiwotimali; futsi
 - (c) netinhloso tekwebolekwa kwetimali naletinye tikwelete tembuso letingakhuphula sikwelete sembuso emnyakeni lolandzelako.

Kuphatfwa kwesigcinamafa

216. (1) Umtsetfo welive lonkhe ungasungula lihhovisi lekugcinwa kwetimali telive lonkhe (sigcinamafa sesive) futsi uchaze netindlela tekwenta nakanjani kucinisekisa kungabi namfihlo, nekuvimbela kusentjiswa kabi kwetimali kuwo onkhe emazinga ahulumende, ngekwefula –

- (a) inchubo lehlonishwako yekuphatfwa kwetimali;
 - (b) kwekwehlukaniwa kwekusebentisa timali lekufanako; futsi
 - (c) imigomo nemazinga ekugcina timali lafanako.
- (2) Lihhovisi lembuso lekugcinwa kwetimali telive lonkhe, ngekuvumelana nelilunga leSigungu setiNdvuna teMbuso lelengamele temafa lingavimbela nome ngukuphi kwendluliselwa kwetimali kunome ngusiphi sitfo sembuso, nangabe kukhona kuphatfwa kwetimali ngendlela lembi nome kuchubeka kwekwephula tinyatselo letisungulwe esigatjaneni (1).
- (3) Sincumo sekuvimba kwendluliswa kwetimali tendluliselwa esifundzeni singatsatfwa kuphela ngekwesigatjana (2), futsi –
 - (a) singeke sivimbele kwendluliswa kwetimali emalanga langetulu kwalangu-120; futsi
 - (b) singacindzetela kusebenta kwaso ngaleso sikhatsi kodvwa siphelelwa sikhatsi ngekubuyela emuva kwaso ngaphandle nangabe iPhalamende ivuma kutsi silandzele inchubo lefananako kakhulukati njengaleyo lebekwe esigabeni 76(1) futsi lebekwe yimitseshwana netibopho letihlanganyelwe. Lenchubo kufute iphele esikhatsini semalanga langema-30 kusukela sacala kusebenta lesincumo lesitsatfwe lihhovisi letekugcinwa kwetimali.
- (4) IPhalamende ingasivusetela lesincumo sekuvimbela kwendluliswa kwetimali kungakengci emalanga langu-120 ngekulandzelana kwawo lokungakaphatamiseki, ngekulandzela lenchubo lechazwe esigatjaneni (3).
- (5) IPhalamende ingakasemukeli nome ingakasivuseteli sincumo sekuvimbela kwendluliswa kwetimali tiye esifundzeni –
 - (a) uMcwaningitimali Jikelele kufute etfule umbiko ePhalamende, futsi

(b) sifundza kufute sinikwe litfuba lekutiphendvulela ngaletinsolo letibhekiswe kuso futsi sibeke luhlangotsi lwaso ngalenzaba ekomidini lesungulelwe tindzaba letinjalo.

Kutfolakala kwemphahla

217. (1) Nangabe sitfo sembuso ezingeni lahulumende welive, wesifundza nome wasekhaya, nome siphil lesinye sikhungo lesiphawuliwe emtsetfweni welive lonkhe, sitsatsa emakhontileka etimphahla nome emisebenti, kufute sikwente loko ngekulanzela imitsetfo yelive lonkhe neyetyfundza lechaza indlela lengiyo, lelungile, lefanelekile, lengenamfihlo, lenekucudzelana futsi leyongako.

(2) Sigatjana (1) asivimbeli titfo tembuso nome tikhungo letishwo kuleso sigatjana kusetjentiswa kwenchubomgomo yekutfolakala kwetimphahla lesenta kube khona –

(a) tigaba tekunconota nakuniketwa emakhontileka; kanye

(b) nekuvikelwa nome kutfutukiswa kwabantfu, ticuku tebantfu labakhinyabetwa lubandlululo lolungakafaneli.

(3) Umtsetfo welive lonkhe kufute uncume sikhatsi lenchubomgomo loshiwo esigatjaneni (2) lengasetjentiswa ngaso.

Ticiniseko tahulumende ngetikwelete

218. (1) Hulumende welive lonkhe, hulumende wesifundza nome hulumende wamasipala anganika siciniseko ngemali lebolekiwe kuphela nje uma leso siciniseko sihambisana nemibandzela lebekwe emtsetfeni welive lonkhe.

(2) Umtsetfo welive lonkhe loshiwo esigatjaneni (1) ungasebenta kuphela ngemuva kwekubukisisa nome tihliphakamiso teliKhomishane leteTimali nekuPhatfwa kweTimali.

(3) Ngalowo nalowo mnyaka wonkhe hulumende kufute etfule umbiko ngeticinisekiso lakatentile.

Kuholelwa kwabantfu labanetikhundla embusweni

219. (1) Umtsetfo welive lonkhe kufute usungule sikali sekubeka –

(a) imiholo, timadlana letitfolwa nome nemivuzo letfolwa ngemalunga eMkhandlu weLive lonkhe, titfunywa letingesuswa eMkhandlwini weLive lonkhe weTifundza, emalunga etiNdvuna teMbuso, emaSekela etiNdvuna teMbuso, baholi bendzabuko nemalunga etigungu tebaholi bendzabuko; kanye

(b) nemazinga ebukhulu bemiholo, netimadlana letitfolwa nome nemivuzo letfolwa ngemalunga etishayamtsetfo tetifundza, emalunga eTigungu leTiphetsa nemalunga eMikhandlu yaboMasipala betinhlobo letehlukile.

(2) Umtsetfo welive lonkhe kufute usungule likhomishane lelitawenta tincomo ngemiholo, timadlana letitfolwa nome nemivuzo letfolwa ngemalunga letishiwo esigatjaneni (1).

(3) IPhalamende ingaphasisa umtsetfo loshiwo esigatjaneni (1) kuphela nje ngemuva kwekubuketa tincomo talelikhomishane lelisungulwe ngekwesigatjana (2).

(4) Sigungu lesiphetsa selive lonkhe, sigungu lesiphetsa sesifundza, masipala nome suphi lesinye sigungu lesiphetsa singasebentisa umtsetfo welive lonkhe loshiwo esigatjaneni (1) kuphela nje ngemuva kwekubuketa tincomo talelikhomishane lelisungulwe ngekwesigatjana (2).

(5) Umtsetfo welive lonkhe kufute usungule iminyele yekuncuma imiholo, timadlana letitfolwa, nome imivuzo letfolwa ngemajaji, uMvikeli weSive, uMchwaningitimali Jikelele kanye nemalunga anome nguliphi likhomishane lelibekwe ngekweMtsetfosisekelo, lekufaka nesigungu setekusakata lesishiwo esigabeni 192.

LiKhomishane leteTimali neSikhwama saHulumende

Kusungulwa kwaso nemisebenti yaso

220. (1) KuneliKhomishane leteTimali neSikhwama saHulumende eRiphabhulikhi lelenta tincomo letishiwo kuleSehluko, nome emtsetfweni welive lonkhe, ePhalamende, etishayenimtsetfo tetifundza nakuletinye tigungu letiphatsa letincunye ngumtsetfo welive lonkhe.

(2) LeliKhomishane litimele kodvwa lilanzela kuphela nje uMtsetfosisekelo nemtsetfo nje,

futsi kufute lingabandlululi.

(3) LeliKhomishane kufute lisebente ngekulandzela uMtsetfo wePhalamende futsi, ekwenteni imisebenti kwalo, kufute libuke tonkhe tintfo letitsintsekako lokufaka ekhatsi leto letihlelwe esigabeni 214(2).

Kubekwa nesikhatsi sekusebenta kwemalunga

221. (1) LeliKhomishane libunjwe ngalabantfu besifazane nebesilisa labalandzelako, labakhetfwe nguMengameli njengenhloko yesigungu selive lesiphetse –

(a) Sihlalo kanye nelisekela lasihlalo labangemalunga lasebenta ngalokugcwele kuleKhomishane;

(b) bantfu labayimfica, ngamunye uphakanyiswa Sigungu seMkhandlu wetifundza, sifundza ngasinye siphakamisa munye umuntfu;

(c) bantfu lababili labaphakanyiswe nguhulumende wasekhaya ngekwesigaba 163; kanye

(d) nalabanye bantfu labayimfica.

(2) Emalunga aleliKhomishane kufute abe nelwati lolulungele lomsebenti.

(3) Emalunga aleliKhomishane asebenta sikhatsi lesincunye ngekulandzela umtsetfo welive lonkhe. UMengameli angakhokha lilunga laleliKhomishane kuleKhomishane ngekutiphatsa kabi kwalo, kungakhoni kusebenta nekungakwati kwenta umsebenti.

Imibiko

222. LeliKhomishane kufute letfule umbiko walo ePhalamende kanye nasetishayenimtsetfo tetifundza njalo nje.

LiBhange leSive

Kusungulwa kwalo

223. LiBhange lesive, iSouth African Reserve Bank, ngulona bhange lesive leRiphabhulikhi futsi liphethfwe ngekulandzela umtsetfo wePhalamende.

Inhloso lebalulekile

224. (1) Inhloso lebaluleke kakhulu yeliBhange lesive kuvikela emandla emali yeRiphabhulikhi kute kube khona kutfutuka lokukahle futsi lokuchubekako nalokukhulako kwetemnotfo eRiphabhulikhi.

(2) LiBhange lesive, ekulandzeleni inhloso yalo lebaluleke kakhulu, kufute lisebente ngekutimele futsi ngaphandle kwekwesaba, kwekukheta, kwekuvuna luhlangotsi lolutsite, kodvwa kufute kube khona kubonisana njalo nje emkhatsini waleliBhange kanye nalelilunga leSigungu setiNdvuna teMbuso lelibukene netindzaba tetimali eveni lonkhe.

Emandla nemisebenti

225. Emandla kanye nemisebenti yaleliBhange lesive leNingizimu Afrika, ngileyo levamise kusetjentwa iphindze eyentiwe ngemabhange esive, lamandla nalemisebenti kufute kuncunye ngumtsetfo wePhalamende futsi kufute kusetjentiswe futsi kwentiwe ngekulandzela imibandzela lechazwe ngulowo Mtsetfo.

Tindzaba tetimali teMbuso tetifundza netasekhaya

Tikhwama Tetimali teMbuso letingenako Tetifundza

226. (1) Kukhona Sikhwama seTimali teMbuso letingenako tesifundza ngasinye lapho tonkhe timali letemukelwe nguhulumende wesifundza kufute tifikwe khona, ngaphandle kwetimali letibekwe eceleni ngalokufanele nguMtsetfo wePhalamende.

(2) Imali ingakhishwa eSikhwameni setiMali teMbuso letingenako sesifundza kuphela nje –

(a) ngesabelo lesentiwe ngeMtsetfo wesifundza; nome

(b) njengesikwelete lesikhishwa kuleSikhwama seTimali teMbuso letingenako tesifundza, nangabe loku kubekwe nguMtsetfosisekelo nome uMtsetfo wesifundza.

(3) Imali leniketwe hulumente wasekhaya kodvwa leyendluliswe kuhulumente wesifundza, ngekulandzela sigaba 214(1), ikhishwa ngco eSikhwameni seTimali teMbuso letingenako tesifundza.

Imitfombo yelive lonkhe yetimali tabohulumende betifundza nebasekhaya

227. (1) Hulumende wasekhaya newesifundza ngasinye –

(a) unelilungelo lekutfola incenye lemfanele yetimali letibutfwe eveni lonkhe kute akwati kuniketa tidzingosisekelo nekwenta imisebenti lekabelwe yona; futsi

(b) angemukela letinye tabelo letibuya esikhwameni selive lonkhe setimali letingenako, nome tinemibandzela nome tite.

(2) Imali lengetako lebutfwe tifundza nome bomasipala angeke ikhishwe encenyeni yabo yetimali letibutfwe eveni lonkhe, nome kuletinye tabelo tabo lebatinikwa nguhulumende welive lonkhe. Ngalokunjalo, kute sibopho kuhulumende welive lonkhe sekungetela tifundza nabomasipala labangabutsi timali ngekulandzela likhono labo letetimali netintsela.

(3) Incenye yesifundza lefanele lebutfwe eveni lonkhe kufute yendluliselwe kulesifundza ngekushesha futsi ingakahleshulwa, ngaphandle nangabe lokwendluliswa kumisiwe ngekwesigaba 216.

(4) Sifundza kufute sitibekele sona ngekwaso imitfombo ledzingekako ngekwetiphakamiso temtsetfosisekelo wesifundza, leyengetela etu kwedzingo taso letishiwo eMtsetfwenisisekelo.

Tintsela tesifundza

228. (1) Sishayamtsetfo sesifundza singabeka –

(a) tintsela, umtsedlwana nemtselo ngaphandle kwemtselo ngekwekuhola, kwentsela yentsengo yekubita kwemphahla, intsela yentsengo jikelele, kanye nentsela yenzawo nome yemphahla lengeniswa kulelive eminyeleni yalo; futsi

(b) tintsela letilinganako ngetulu kwanome yiphi intsela, umtsedlwana nome umtselo lebekwe ngumtsetfo welive lonkhe, kepha ngaphandle kwentsela yemiholo etinkampanini, intsela yentsengo yekubita kwemphahla nentsela yenzawo nome yemphahla lengeniswa kulelive eminyeleni yalo.

(2) Emandla esishayamtsetfo sesifundza ekutsi sibeke tintsela, umtsedlwana, timali letibadalwa nakungeniswa timphahla naletinye timali –

(a) angeke asetjentiswe ngendlela lebeke inchubomgomo yemnotfo yelive lonkhe esimeni lesibi, budlelwano betifundza kutemnotfo, nome kuhanjiswa kwetimphahla, kwelusito, kwemali nome kwebasebenti; futsi

(b) kufute kuphatfwe ngumtsetfo wePhalamende, longabekwa kuphela nje ngemuva kwekutsi nome tiphi tincomo teliKhomishane letetiTimali nekuphatfwa kwetimali setibuketiwe.

Emandla amasipala ekuphatsa timali nemisebenti

229. (1) Ngekulandzela tigatjana (2),(3) na-(4), Masipala angabeka –

(a) intsela emphahleni futsi engete ngetulu etimalini letikhokhela lusito lolwentiwe ngumasipala nome lowentiwe esikhundleni sakhe; futsi

(b) uma agunyatwe ngumtsetfo welive, letinye tintsela, imitsedlwana naletinye timali letibhadalwako letifanele hulumende wasekhaya nome sigaba sahumende wasekhaya lapho lomasipala awela khona, kodvwa masipala angeke abeke intsela yemiholo, intsela yentsengo lengetiwe, intsela yentsengo leyetyelekile nome imali lebhadalwa nakungeniswa timphahla.

(2) Emandla amasipala ekubeka intsela emphahleni, ekwengeta ngetulu etimalini letibhadalwako ngelusito lolwentiwe nguye nome lolwentiwe esikhundleni samasipala, nome leminyane imitselo, imitsedlwana nome imali lebhadalwa ngekungeniswa kwemphahla –

(a) angeke asetjentiswe ngendlela lebeke inchubomgomo yemnotfo yelive lonkhe esimeni lesibi, budlelwano babomasipala kutemnotfo, nome kuhanjiswa kwetimphahla, kwelusito, kwemali nome kwebasebenti; futsi

(b) angacondziswa ngumtsetfo welive lonkhe.

(3) Uma ngabe bomasipala lababili banemandla nemisebenti lefananako yekuphatsa timali mayelana nenzawo yinye, kwehlukaniswa lokufanele kwalawo mandla nemisebenti kufute kwentiwe ngekulandzela umtsetfo welive lonkhe. Lokwehlukaniswa kungentiwa kuphela nje emuva kwekutsatsa lokungenanu letindlela letilandzelako:

- (a) Sidzingo sekuhambelana imigomosisekelo yekutselisa lelungile;
 - (b) emandla nemisebenti leyentiwa ngumasipala ngamunye;
 - (c) emandla ekuphatsa timali amasipala ngamunye;
 - (d) emandla nelikhono lekubutsa imtselo, umtsedlwana naletinye timali letibhadalwako; kanye
 - (e) nebulungiswa.
- (4) Kute kulesigaba lokuvimbela kwabelana ngemali lebutfwe ngelandzela lesigaba emkhatsini wabomasipala labanemandla ekuphatsa timali nemisebenti lefananako endzaweni yinye.
- (5) Umtsetfo welive lonkhe loshiwo kulesigaba ungasebenta kuphela nje ngemuva hulumende wasekhaya lohlelekile neliKhomishane leteTimali neSikhwama saHulumende kwatishiwe, futsi nome tishi tincomo taleliKhomishane setibuketiwe.

Timali tekubolekwa tifundza nabomasipala

230. (1) Sifundza nome masipala angaboleka timali tekucina tidzingo letimile nome tidzingo tesikhashana ngekulandzela imibandzela lefanele letincunye ngumtsetfo welive lonkhe, kodvwa imali yetidzingo tanyalo –

- (a) ingabolekwa nangabe kudzingeke kuvalwe tidzingo kwesikhashana ngaloyo mnyakatimali; futsi
 - (b) kufute ibhadalwe tingakapheli tinyanga letilishumi nambili yebolekwa.
- (2) Umtsetfo welive lonkhe loshiwo esigatjaneni (1) ungasebenta kuphela nje ngemuva nome tishi tincomo teliKhomishane leteTimali nekuphatfwa kwetimali setibukiwe.

Sehluke 14

Timiso Jikelele

Umtsetfo wemave emhlaba

Tivumelwano nemave emhlaba

231. (1) Kucocisana nekusayina tivumelwano nemave emhlaba kusibopho sesigungu lesiphetse eveni lonkhe.

(2) Sivumelwano nemave emhlaba sibopha iRiphabhulikhi kuphela nje nangabe semukelwe ngesincumo kuyo yomibili iMikhandlu yeLive lonkhe neMkhandlu weTifundza ngaphandle nangabe kusivumelwano lesishiwo esigatjaneni (3).

(3) Sivumelwano nemave emhlaba senhlobo yebuchwepheshe, yekuphatsa nome yesigungu lesiphetse, nome sivumelwano lesingadzingi kwemukelwa nome kucinisekiswa losentiwe sigungu lesiphetse, sibopha iRiphabhulikhi ngaphandle kwekuvunywa nguMkhandlu weLive lonkhe neMkhandlu weTifundza, kodvwa kufute setfulwe embi kweMkhandlu weLive lonkhe kanye nemi kweMkhandlu weTifundza kungakepheli sikhatsi lesidze.

(4) Nome sishi sivumelwano nemave emhlaba siba ngumtsetfo eRiphabhulikhi nasibekwa saba ngumtsetfo sishayamtsetfo selive lonkhe; kodvwa siba siphakamiso lesinemandla eRiphabhulikhi ngaphandle nangabe singahambisani neMtsetfosisekelo nome neMtsetfo wePhalamende.

(5) IRiphabhulikhi iboshwa tivumelwano nemave emhlaba lebetivele tiyibopha iRiphabhulikhi loMtsetfosisekelo nawucala kusebenta.

Umtsetfo wesintfu wemave emhlaba

232. Umtsetfo wesintfu wemave emhlaba ungumtsetfo eRiphabhulikhi ngaphandle nangabe unghambisani neMtsetfosisekelo nome uMtsetfo wePhalamende.

Kusetjentiswa kwemtsetfo wemave emhlaba

233. Nakuhunyushwa nome wuphi umtsetfo, tonkhe tinkantolo kufute tikhetse kuhunyushwa lokungiko kwalowo mtsetfo lokuhambisana nemtsetfo wemave emhlaba ngetulu kwalokunye kuhunyushwa lokungahambisani nemtsetfo wemave emhlaba.

Letinye Tindzaba

Tivumelwano temaLungelo

234. Kuze kwandziswe lisiko lentsandvo yelinyenti lelisungulwe nguMtsetfosisekelo, iPhalamende ingatemukela Tivumelwano temaLungelo letihambisana netimiso teMtsetfosisekelo.

Kutibusa ngekwabo

235. Lilungelo labo bonkhe bantfu baseNingizimu Afrika lekutibusa ngekwabo njengobe lichaziwe kuloMtsetfosisekelo, alishiyi ngaphandle, ngekhatsi kweminyele yalilungelo, kuhlonishwa kwemcabango ngelilungelo lekutibusa ngekwawo umphakatsi lobunjwe ngemasiko lafanako nelulwimi lolufanako ngekwentalelwana, indzawo letsite khona lapha eRiphabhulikhi nome futsi ngayiphi lenye indlela, lencunywe ngumtsetfo welive lonkhe.

Kwelekelelwa ngetimali kwemacembu etembusave

236. Kuze kubonakale intsandvo yelinyenti, umtsetfo welive lonkhe kufute wente kube khona kuniketwa kwetimali emacembu etembusave lafaka sandla esishayenimtsetfo selive lonkhe netetifundza ngalokufanele nangebunyenti nome bungako bemavoti licembu ngelicembu lelawatfola elukhetfweni lwelive lonkhe nelwetifundza.

Kwentiwa kwemisebenti ngekutimisela

237. Yonkhe imisebenti lebekwe ngekwemtsetfosisekelo kufute yentiwe ngekutimisela futsi nangaphandle kwekucitsa sikhatsi.

Kuphutfuma netitfunywa

238. Sitfo lesiphetse sembuso kunome liphi lizinga lahulumende –

(a) singaniketa nome waphi emandla lokufute asetjentiswe nome umsebenti lokufute wentiwe ngekulandzela umtsetfo welive lonkhe nome siphi lesinye sitfo tembuso kuphela nje nangabe lokuniketa kuhambisana nalowo mtsetfo lowo mandla asetjentiswa lowo msebenti wentiwa ngephansi kwawo; nome

(b) singasebentisa nome waphi emandla nome sente nome wuphi umsebenti siwentela nome siphi lesinye sitfo sembuso lesiphetse ngekuphutfuma nome ngesizatfu sekutfunywa.

Tinchazelo

239. KuloMtsetfosisekelo, ngaphandle nakungavumi kwasanhlobo –

”umtsetfo welive lonkhe” ufaka ekhatsi –

(a) umtsetfo longaphansi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wePhalamende; futsi

(b) umtsetfo lebewusebenta ngesikhatsi loMtsetfetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende welive lonkhe;

“titfo tembuso” tisho –

(a) nome wuphi umnyango wembuso nome wekuphatsa ezingeni hulumente welive lonkhe, wesifundza nome wasekhaya; nome

(b) nome siphi siphatsimandla nome sikhungo –

(i) lesisebentisa emandla nome senta umsebenti ngekulandzela uMtsetfosisekelo nome umtsetfosisekelo wesifundza; nome

(ii) lesisebentisa emandla emphakatsi nome lesenta umsebenti wemphakatsi ngekulandzela nome wuphi umtsetfo, kodvwa loko akufaki ekhatsi inkantolo nome sikhulu setebulungiswa;

“sishayamtsetfo sesifundza” sifaka ekhatsi –

(a) umtsetfo longaphansi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wesifundza; futsi

(b) umtsetfo lebewusebenta ngesikhatsi loMtsetfetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende wesifundza.

Kungahambelani emkhatsini wemibhalo leyehlukene

240. Nakwenteka kuba khona kungahambisani emkhatsini wemibhalo leyehlukene yeMtsetfosisekelo, mayelana netihumusho, umbhalo wesiNgisi weMtsetfosisekelo ngiwo longetulu kwato tonkhe tihumusho.

Emalungiselelo esikhashana

241. IShejuli 6 isebenta kulesikhashana ngalesikhatsi sekwetfulwa kwenchubo lensha yekulandzelwa kwemtsetfosisekelo lesungulwe nguloMtsetfosisekelo, kanye nanome nguluphi lolunye ludzaba loluhambelana ngengoti nje nalesikhashana sengucuko.

Kucitfwa kwemitsetfo

242. Lemitsetfo leshiwo kuShejuli 7 iyacitfwa, ngekulandzela sigaba 243 neShejuli 6.

Sihloko lesifinyetiwe nekucala kusebenta

243. (1) LoMtsetfo utawubitwa ngekutsi nguMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wa-1996, futsi ucala kusebenta masinyane nje ngelusuku loluhlelwe nguMengameli ngesatiso semtsetfo, kodvwa lusuku lolungeke lube semuva kwaKholwane 1 1997.

(2) UMengameli angahlela tinsuku letehlukile lungakefiki lusuku lolo lusushiwo esigatjaneni (1) mayelana netiphakamiso letehlukene taloMtsetfosisekelo.

(3) Ngaphandle nakushiwo ngalenywe indlela, kucashunwa kwesiphakamiso seMtsetfosisekelo ngesikhatsi uMtsetfosisekelo ucala kusebenta kufute kutsatfwe lokucashunwa njengekwesikhatsi lesiphakamiso sicala kusebenta.

(4) Nangabe kuhlelwe lusuku lolwehlukile lwekusebenta kwesiphakamiso lesitsite seMtsetfosisekelo ngekulandzela sigatjana (2), nome siphakamiso lesifana naleso seMtsetfosisekelo weRiphabhulikhi yeNingizimu, wa-1993, loshiwo kulesatiso semtsetfo, uyacitfwa kusukela ngalolo lusuku.

(5) Tigaba 213, 214, 215, 216, 218, 226, 227, 228, 229 na-230 ticala kusebenta ngaBhimbidwane 1 1998, kodvwa loko akuvimbela kusebenta ngekulandzela loMtsetfosisekelo kwemtsetfo lochazwe kunome ngutiphi taletiphakamiso kungakefiki lolo lusuku. Kuze kufike lolo lusuku nome siphakamiso lesifana nome ngengoti netiphakamiso taloMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wa-1993, sicubeka nekusebenta.

IShejuli 1

Umtjeka weLive

(1) Umtjeka welive lonkhe ungumdvwebomacalamadze; lonebudze lobuphindwe kanye nesigamu nabucatsaniswa nebubanti bawo.

(2) Unemibala lomnyama, losagolide, loluhlata njengetjani, lomhlophe, lobovu njengapelepele naloluhlata njengesibhakabhaka.

(3) Uneliphaca leliluhlata njengetjani, bubanti balo liyincenye yakunye kulokusihlanu kwebubanti bemtjeka. Imigca lesemkhatsini yaleliphaca icala emnyeleni losetulu nasemnyeleni lophansi wemakhona alomtjeka madvutane nje nensika yemaphetselo le kangasekudla salomtjeka uma uwubuka ulenga esigcotjeni, ichubeke yehle njalo sengatsi iyawuhlangana emkhatsini walomtjeka, bese iyajika masinyane nje ichubeke ivundle ite iyewuphelela ensikeni yemaphetselo le kangasesancele salomtjeka.

(4) Leliphaca leliluhlata njengetjani likakwe, ngetulu nangaphansi, ngumushi lomhlophe, kantsi ngakulensika yemaphetselo le kangasekudla, likakwe ngumushi losagolide. Lokukakwa ngakunye kungakunye kulokulishumi nesihlanu nakucatsaniswa nebubanti bemtjeka.

(5) Lomdvwebomacalamatsatfu losedvute nensinka yemaphetselo le kangasekudla umnyama.

(6) Lesicephu lesivundlile ngenhla kwaleliphaca sibovu njengapelepele, kantsi lesicephu lesivundlile ngentansi kwaleliphaca siluhlata kwesibhakabhaka. Sicephu ngasinye siyincenye yakunye kulokutsatfu nakuchatsaniswa nebubanti bemtjeka.

IShejuli 2

Tifungo tekungena eSikhundleni

nekuVuma ngekutibopha

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kweMengameli neliBambela leMengameli

1. UMengameli nome liBambela leMengameli, embi kweMengameli weNkantolo yeMtsetfosisekelo, kufute afunge/avume ngalendlela lelandzelako:

Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti ngiyasitsatsa sikhundla sekuba nguMengameli weRiphabhulikhi yeNingizimu Afrika, Mine, A.B. ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika, ngitawutfofela, ngitawulandzela, ngitawuphakamisa futsi ngitawugcina uMtsetfosisekelo nayo

yonkhe imitsetfo yeRiphabhulikhi; futsi ngiyacinisekisa futsi ngiyetsembisa ngekutifoba kutsi ngaso sonkhe sikhatsi –

s ngitawugcugcutela loko lokuchubekisa iRiphabhulikhi, ngilwe nako konkhe lokungayilimata;

s ngitawuvikela futsi ngigcugcutele emalungelo abo bonkhe bantfu baseNingizimu Afrika;

s ngitawukwenta yonkhe imisebenti yami ngemandla ami onkhe nangetiphiwo tami nangako konkhe kwati kwami nako konkhe kukhona kwami futsi ngitawetsembeka etifisweni tanembeza wami;

s ngitawukwenta bulungiswa kubo bonkhe; futsi

s ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.

(Uma ngabe kusifungo: INkhosi ingisite.)

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kweliSekela leMengameli

2. Lisekela leMengameli, embi kweMengameli weNkantolo yeMtsetfosisekelo, kufute lifunge/livume ngalendlela lelandzelako:

Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti ngiyasitsatsa sikhundla sekuba liSekela leMengameli weRiphabhulikhi yeNingizimu Afrika, Mine, A.B. ngiyafunga/ngiyavuma ngekutipopha kutsi ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika, ngitawutfobela, ngitawulandzela, ngitawuphakamisa futsi ngitawugcina uMtsetfosisekelo nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngiyacinisekisa futsi ngiyetsembisa ngekutifoba kutsi ngaso sonkhe sikhatsi –

s ngitawugcugcutela loko lokuchubekisa iRiphabhulikhi, ngilwe naloko lokungayilimata;

s ngitawuba ngumeluleki loneliciniso nalowetsembekile;

s ngitawukwenta yonkhe imisebenti yami ngemandla ami onkhe nangetiphiwo tami nangako konkhe kwati kwami nako konkhe kukhona kwami futsi ngitawetsembeka etifisweni tanembeza wami;

s ngitawukwenta bulungiswa kubo bonkhe; futsi

s ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.

(Uma ngabe kusifungo: INkhosi ingisite.)

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kwetiNdvuna teMbuso nome emaSekela ato

3. INdvuna ngayinye liSekela leNdvuna yeMbuso, embi kweMengameli weNkantolo yeMtsetfosisekelo nome embi kwelijaji lelikhetfwe nguMengameli weNkantolo yeMtsetfosisekelo, kufute ifunge/ivume ngalendlela lelandzelako:

Mine, A.B. ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika futsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kuphatsa sikhundla sami njengeNdvuna yeMbuso/liSekela leNdvuna yeMbuso ngekwetsembeka nangesizotsa; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi ngco nome nsombo timfihlo lengetfweswe tona, nekwenza imisebenti yesikhundla sami ngekwetsembakala nangekutimisela.

(Uma ngabe kusifungo: INkosi ingisite.)

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kweMalunga eMkhandlu Weline Lonkhe, eMalunga Langesuswa eMkhandlu weLive lonkhe weTifundza neMalunga etishayamtsetfo tetifundza

4. (1) Emalunga eMkhandlu weLive lonkhe, emalunga latitfunywa langesuswa eMkhandlu weLive lonkhe wetifundza, embi kweMengameli weNkantolo yeMtsetfosisekelo nome lijaji lelikhetfwe nguMengameli weNkantolo yeMtsetfosisekelo kufute afunge nome avume ngalendlela lelandzelako:

Mine, A.B ngiyafuna/ngiyavuma ngekutibopha kutsi ngitawetsembeka eRiphabhulikhi

yeNingizimu Afrika, nekutsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengelilunga leMkhandlu weLive lonkhe/ sitfunywa lesingesuswa seMkhandlu weLive lonkhe weTifundza/lilunga lesishayamtsetfo sesifundza seC.D. ngekutimisela.

(Uma ngabe kusifungo: INkosi ingisite.)

(2) Bantfu labavala tikhala eMkhandlwini weLive lonkhe, titfunywa letingesuswa kuloMkhandlu weLive lonkhe weTifundza nome tishayamtsetfo tetifundza kufute bafunge nome bavume ngekutibopha ngekulandzela sigatjana (1) embi kwalowengamele lowo Mkhandlu, Sigungu nome sishayamtsetfo, nome ngukuphi kwaloku.

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kwaNdvunankhulu, emaBamela aboNdvunankhulu nemalunga eTigungu teMikhandlu yeTifundza

5. Ndvunankhulu nome liBambela laNdvunankhulu wesifundza nalinye ngalinye lilunga leSigungu seMkhandlu lesiPhetse sesifundza, embi kweMengameli weNkantolo yeMtsetfosisekelo nome embi kwelijaji lelikhetfwe nguMengameli weNkantolo yeMtsetfosisekelo, kufute bafunge nome bavume ngekutibopha ngalendlela lelandzelako:

Mine, A.B ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika, nekutsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengeNdvunankhulu/liBambela laNdvunankhulu/lilunga leSigungu lesiPhetse seMkhandlu wesifunda ngekuzotsa nangekwetsembeka; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi timfihlo ngco nome nsombo lengetfweswe tona; nekwenza imisebenti yesikhundla sami ngekwetsembekala nangekutimisela.

(Uma ngabe kusifungo: INkosi ingisite)

Sifungo sekungena esikhundleni nome kuvuma ngekutibopha kwetikhulu tetiNkantolo

6. (1) Lijaji ngalinye nome lijaji lelilibambela, embi kwaSomajaji weNkantolo lephakeme kunato tonkhe yekwendlulisela emacala nome lelinye lijaji lelikhetfwe nguSomajaji, kufute lifunge nome livume ngalendlela lelandzelako:

Mine, A.B. ngiyafunga/ngiyavuma ngekutibopha kutsi, njengeliJaji leNkantolo yeMtsetfosisekelo, leNkantolo lephakeme kunato tonkhe yekwendlulisela emacala/leNkantolo lephakeme/leNkantolo ye-EF, ngitawetsembeka eRiphabhulikhi yeNingizimu Afirka, ngitawuphakamisa futsi ngitawuvikela uMtsetfosisekelo nemalungelo ebuntfu labekwe kuwo futsi ngitawusebentisa umtsetfo kubo bonkhe bantfu ngekufanana ngaphandle kwekesaba, nekukhetsa nome kubandlulula, ngekulandzela uMtsetfosisekelo kanye nemtsetfo.

(Uma ngabe kusifungo: INkosi ingisite)

(2) Umuntfu lobekwe esikhundleni saSomajaji weNkantolo lephakeme kunto tonkhe yekwendlulisela emacala lobekavele angasilo lijaji ngesikhatsi abekwa kufute afunge nome avume ngekutibopha embi kweMangemeli weNkantolo yeMtsetfosisekelo.

(3) Tikhulu tetinkantolo, kanye nemabambela ato, lekungesiwo emajaji, kufute tifunge/tivume ngekutibopha ngekulandzela umtsetfo welive lonkhe.

IShejuli 3

Tinchubo teLukhetfo

Sicephu A

Tinchubo teLukhetfo lwebantfu labaneTikhundla ngekwMtsetfosisekelo

Kusebenta

1. Lenchubo lehlelwe kuleShejuli isebenta nangabe –

(a) uMkhandlu welive lonkhe uhlanganela kutewukhetsa uMengameli, nome Somlomo nome liSekela laSomlomo waloMkhandlu;

(b) uMkhandlu welive lonkhe wetifundza uhlanganela kutewukhetsa Sihlalo nome liSekela laSihlalo saloMkhandlu; nome

(c) Sishayamtsetfo sesifundza sihlanguanela kutewukhetsa Ndvunankunkhulu nome Somlomo nome liSekela laSomlomo waloMkhandlu wesifundza.

Kuphakanyiswa

2. Umuntu lowengamele umhlangano lapho leShejuli isebente khona kufute amemetela kuphakanyiswa kwebantfu labangenela lukhetfo kulowo mhlango.

Tidzingo letibekiwe

3. (1) Kuphakanyiswa kwebantfu kufute kwentiwe kulelo fomu lelichazwe yimitseshwana letfolakala ephuzwini 9.

(2) Lelifomu lekubhalwe kulo libito lemuntu lophakamiswako kufute lisayinwe –

(a) ngemalunga lamabili eMkhandlu weLive lonkhe, uma kutawukhetfwa uMengameli nome Somlomo nome liSekela laSomlomo weMkhandlu;

(b) esikhundleni setitfunywa letimabili tesifundza, uma kutawukhetfwa Sihlalo nome liSekela laSihlalo weMkhandlu weTifundza; nome

(c) ngemalunga lamabili aleso sishayamtsetfo sesifundza lesitsintsekako, uma kutawukhetfwa Ndvunankhulu wesifundza, Somlomo nome liSekela laSomlomo lesishayamtsetfo.

(3) Umuntu ligama lakhe leliphakamisiwe kufute atjengise kwemukela lokuphakaanyiswa ngekusayina nome lelifomu lelibhalwe emagama ebantfu labaphakanyisiwe nome ngasiphi siboniso lesibhaliwe lesitjengisa kwemukela kuphakanyiswa.

Kumenyetelwa kwemabito alabaphakanyisiwe

4. Emhlanganweni lapho leShejuli isebente khona, lomuntu losesihlalweni kufute amemetele emagama alabantfu labaphakanywe kusti bangenele lukhetfo, kodvwa angavumeli inkhulumiswano.

Kuphakanyiswa kwalinye libito

5. Nangabe linye kuphela ligama leliphakanyisiwe, sihlalo kufute amemetele kusti loyo muntu sewukhetsiwe.

Inchubo yelukhetfo

6. Nangabe kuphakanyisiwe bantfu labendlula kumunye –

(a) kufute livoti litsatfwe ngekukhetsa ngasese;

(b) onkhe emalunga lekakhona, nome nakungumhlangano weMkhandlu weLive lonkhe weTifundza, sifundza ngasinye lesimelwe kulowo mhlango, singafaka livoti linye; futsi

(c) umuntu lowengamele lowo mhlango kufute amemetele kubekwa kwaloyo muntu lotfole emavoti lamanyenti.

Inchubo yekukhishwa

7. (1) Uma kute kulabaphakanyisiwe lotfole emavoti lamanyenti, lophakanyisiwe lotfole emavoti lamancane kunawo onkhe kufute akhishwe kuphindze kutsatfwe livoti kulabo labasele ngekulandzela sigatjana 6. Lenchubo kufute iphindvwe kuze kube khona munye lotfole emavoti lamanyenti.

(2) Nangabe kusetjentiswa sigatjana (1), uma babili nome ngetulu kwamunye labaphakanyisiwe batfole emavoti lamancane kunabo bonkhe, livoti leliseceleni kufute litsatfwe kulabo bantfu futsi liphindvwe kanengi kuze kutfolakale loyo muntu lokufute akhishwe.

Leminye imihlangano

8. (1) Uma kuphakanyisiwe emabito lamabili kuphela, nome uma bababili kuphela labasele ngemuva kwenchubo yekukhishwa, kantsi futsi labo lababili batfole emavoti lalinganako, lomunye umhlangano kufute ubanjwe kungakapheli emalanga lasikhombisa (7), ngesikhatsi lesincunye ngulomuntu longusihlalo.

(2) Uma umhlangano lomunye ubanjwa ngekulandzela sigatjana (1), lenchubo lebekwe kuleShejuli kufute ilandzelwe sengatsi lowo mhlango wekucala walolo lukhetfo.

Imitseshwana

9. (1) UMengameli weNkantolo yeMtsetfosisekelo kufute ente imitseshwana lechaza –

- (a) inchubo yemihlangano lapho leShejuli isebente khona;
 - (b) imisebenti yaloyo longusihlalo wemhlangano, futsi nome ngumuphi umuntfu losita losihlalo;
 - (c) lifomu lekufute kubhalwe kulo emagama alabaphakanyiswako; kanye
 - (d) nendlela lekufute kuchutjwe ngayo kuvota.
- (2) Lemitseshwana kufute yatiswe bantfu ngendlela uMengameli weNkantolo yeMtsetfosisekelo layincumile.

Incenye B

Inchubo yeKutfola Kungenela kwemaCembu eteMbusave eMkhandlwini weLive lonkhe weTifundza

1. Linani letifunywa telicembu letembusave lelinelilungelo lalo letikulelibandla lelimele sifundza eMkhandlwini weLive lonkhe weTifundza, kufute litfolakale ngekutsatsa linani letihlalo talelo cembu esishayenimtsetfo sesifundza liphindvwe ngalokulishumi bese umphumela wehlukaniswa ngelinani letihlalo esishayenimtsetfo bese kwengetwa sinye ngetulu.
2. Uma kubala lokwentiwe ngekulandzela lihpuzu 1 ngenhla kukhipha linani lelingetulu lelingeneli lelo leliniketwe lelo cembu ngekulandzela leliphuzu, lelo nani lelingetulu kufute libangisane nemanani lafana nalo ngekuba ngetulu kwaleli lelinye licembu nome kwalawa lamanye emacembu kulelibandla letitfunywa, emalunga langakabiwa kufute afakwe ngekwecembu ngekulandzelana kucale linani lelikhulu kunawo onkhe kuye ngekuya.

IShejuli 4

Tinzawo lapho Hulumende welive lonkhe kanye nebeTifundza banemandla ekushaya umtsetfo ngekuhlanganyela

Incenye A

Kuphatfwa kwemahlatsi emvelo

Tebulimi

Tikhumulo tetindiza, ngaphandle kwetikhumulo tetindiza letiphumela emaveni langephandle netikhumulo tetindiza letisebenta ngekhatshi kwelive kuphela

Kuphatfwa kwetilwane netifo

EmaKhasino, imijaho, kugembula, kubheja, lokungafaki imincintiswano nekubheja kwetimidlalo lokwentiwa ndzawonye

Tinzaba letiphatselene nemasiko

Kuvikelwa kwebatsengi

Kuphatfwa kwetimo temonakalo

Imfundvo kuwo onkhe emazinga, ngaphandle kwemfundvo lephakame.

Simo semvelo

TeMphilo

Tetindlu

Umtsetfo wesintfu kanye nalophatselene nemasiko, ngekulandzela Sehluko 12 seMtsetfosisekelo Kutfutukiswa kwetimboni

Inchubomgomo yelulwimi nekulawulwa kwetilwimi letigunyatwe ngumtsetfo esifundzeni ngekulandzela tiphakamiso tesigaba 6 seMtsetfosisekelo lapho lesigaba sivumela sifundza kushaya umtsetfo

Imitfombo yemphakatsi yetinzaba tesifundza lephetfwe ngco nome lebekwe nguhulumende wesifundza ngekulandzela sigaba 192.

Kulondvolotwa kwemvelo, kungafakwa ekhatshi tikhungo tekonga imvelo telive lonkhe, tinzawo tetingadze tesive kanye nemitfombo yaselwandle

Tekuvikelwa ngemaphoyisa uma kufika etiphakamisweni letibekwe

eSehlukweni 11 seMtsetfosisekelo lesinika emandla sishayamtsetfo sesifundza

Tekugadza kungcoliswa kwemoya

Tekutfufukisa sibalo sebantfu
Inkhokhelo yekushintjiselana imphahla/umhlaba
Tikhungo temphakatsi teluhwebo kuleto tindzawo tekusebenta letibekwe kuleShejuli nakuShejuli
5
Tekutfutsa umphakatsi
Imisebenti yesive etidzingweni kuphela tahulumende wesifundza
ematiko akhe leketfeswe umtfwalo wekuphatsa lemisebenti nguMtsetfosisekelo nome lomunye
umtsetfo
Kuhlelwa kwesifundza nekutfufukiswa kwaso
Kuphatfwa kwekuhamba kwetimoto emgwacweni
Kulondvolotwa kwemhlabatsi
Tekuvakasha
Tetimboni
Baholi bendzabuko ngekulanzela Sehluko 12 seMtsetfosisekelo
Kutfufukiswa kwetindzawo letisemadolobheni naletisemaphandleni
Kuniketwa kwetimoto imvume
Tenhlalakahle.
Incenye B
Letindzaba letilandzela tahulumende wasekhaya kuyawufika kulelizinga lelihlelwe esigabeni 155
(6)(a) na-(7):
Kungcoliswa kwemoya
Imitsetfo yekwakha takhiwo
Tindzawo/tintfo tekunakekelwa kwebantfwana
Gezi kanye nekukhishwa kwagesi
Tikhungo tekulwa nemililo
Tekuvakasha tasekhaya
Tikhumulo tetindzaba tabomasipala
Kuhlelwa kwabomasipala
Temphilo tabomasipala
Tekutfufwa kwebantfu tabomasipala
Temisebenti yesive tabomasipala kufika ezingeni letidzingo
tabomasipala ekufezeni imisebenti yabo yekwengamela imisebenti lebayinikwe ngco
nguMtsetfosisekelo nome lomunye umtsetfo
Emabhuloho ngetulu kwemitfula, tikebhe/tindizanyana, tindzawo
tekuvikela tikebhe/imikhumbi, tindzawo letima tikebhe/imikhumbi kanye netikhumulo temikhumbi
ngaphandle kwekuphatfwa kwetekuhamba kwemikhumbi emaveni onkhe nakuleli kanye netintfo
letiphatselene nekuhanjiswa ngemkhumbi
Kuphatfwa kwemanti etimvula etindzaweni letakhiwe
Imitseshwana yekutsengisa
Emanti nekuhlelwa nekwetfwalwa kwetibi ezingeni lemanti leketfwalekako nekulahlwa kwemanti
lesekasebentile nenchubo yekulahlwa kwemangcoliso
IShejuli 5
Tindzawo lapho hulumende
wesifundza yedwana anemandla ekushaya umtsetfo
Incenye A
Temadzele
Ema-ambulensi
Tikhungo temisamo ngaphandle kwemisamo yelive lonkhe
Imitapo yetincwadzi ngaphandle kwemitapo yelive lonkhe

Imvume yekutsengisa tjwala
 Tindzawo tekubeka tintfo letimcoka tesive ngaphandle kwaletu telive lonkhe
 Kuhlelwa kwesifundza
 Tindzaba temasiko esifundza
 Tindzawo tesifundza tekutijabulisa netikhungo
 Temidlalo yesifundza
 Temigwaco nekuhamba kwetimoto kwesifundza
 Tekwelashwa kwetilwane ngaphandle kwekuphatfwa kwalobuchwepheshe
 Incenye B
 Letindzaba tahulumende wasekhaya letilandzelako kufike ezingeni lelihlelwe esigabeni 155(6)(a)
 na-(7):
 Tihlabatsi taselwandle netindzawo tekutijabulisa
 Tincwembe tekukhangisa nekubeka kwekukhangisa endzaweni yemphakatsi
 Emathuna, timoshali, netindzawo tekushisela tidvumbu
 Kuhlotjiswa ngekwesintfu
 Kwenganyelwa kwetintfo letenyanyisako emphakatsini
 Kwenganyelwa kwetindzawo letitsengisela umphakatsi tjwala
 Tindzawo tekubeka, tekunakekelwa nekungcwatjwa kwetilwane
 Kubiyela ngamafenisi
 Timvume tetinja
 Timvume nekuphatfwa kwetindzawo letitsengisela umphakatsi kudla
 Tikhungo tasekhaya
 Tindzawo temidlalo tasekhaya
 Timakethe
 Emadzele amasipala
 Emapaki amasipala netekutijabulisa
 Imigwaco yamasipala
 Kungcoliswa ngemsindvo
 Tikidi
 Tindzawo temphakatsi
 Kutfutwa kwetibi/emangcoliso, tindzawo tekulahla tibi/emangcoliso nekulahlwa kwetibi leticinile
 Kutsengisa emigwacweni
 Kukhanyisa emigwacweni
 Tetimoto nekupaka
 IShejuli 6
 Emalungiselelo Esikhashana
 Inchazelo

1. KuleShejuli, ngaphandle nangabe kungahambisani nendlela lekubekwe ngayo –
 “sabelo” sisho indzawo leyincenye yeRiphabhulikhi lapho ngesikhatsi ungakacalisi kusebenta
 uMtsetfosisekelo lowelanywa ngulona walomuhla, beyiphethwe nguMtsetfo weNingizimu Afrika
 itsatfwa njengelive lelitimele nome sabelo lesitibusako;
 “UMtsetfosisekelo lomusha” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika,
 wa-1996;
 “Imitsetfo lemidzala” isho imitsetfo leyabekwa kungakacalisi kusebenta kweMtsetfosisekelo
 lowelanywa ngulona;
 “UMtsetfosisekelo lomdzala” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika,
 wa-1993, (uMtsetfo 200 wa-1993).
 Kuchubeka kwekusebenta kwemitsetfo lekhona
2. (1) Yonkhe imitsetfo lebeyikhona isebenta kungakacali kusebenta

kwaloMtsetfosisekelo lomusha, iyachubeka nekusebenta, ngekulandzela –

(a) nome kuphi kuchitjelwa nome kucitfwa; futsi

(b) uhambisana neMtsetfosisekelo lomusha.

(2) Imitsetfo lemidzala letawuchubeka nekusebenta ngekulandzela sigatjana (1) –

(a) kayinawusebenta ngalokwengetekile, nome ngekwendzawo nome nangayiphi lenye indlela kwendlula ngesikhatsi uMtsetfosisekelo lomdzala ucala kusebenta ngaphandle nangabe yacitjiyelwa kuze isebente ngalokwengetekile, futsi

(b) iyachubeka nekusetjentiswa tiphatsimandla lebetivele tiyisebentisa kungacali kusebenta kweMtsetfosisekelo lomusha, kodvwa ngekulandzela uMtsetfosisekelo lomusha.

Kuhunyushwa kwemitsetfo levele ikhona

3. (1) Ngaphandle nangabe kungahambisani nendlela lekubekwe ngayo nome kungakafaneli kwasanhlobo, kucashunwa kwemitsetfo lobewuvele ukhona nakucala kusebenta loMtsetfosisekelo lomusha nangabe kukhulunywa –

(a) ngeRiphabhulikhi yeNingizimu Afrika nome ngesabelo, (ngaphandle nangabe kushiwo umhlaba) kufute kutsatfwe ngekutsi kushiwo iRiphabhulikhi yeNingizimu Afrika ngaphansi kwaloMtsetfosisekelo lomusha;

(b) ngePhalamende, ngeMkhandlu weLive lonkhe, ngetiMphunga, kufute kutsatfwe ngekutsi kushiwo iPhalamende, uMkhandlu weLive lonkhe nome uMkhandlu weLive lonkhe weTifundza ngaphansi kweMtsetfosisekelo lomusha;

(c) ngeMengameli, ngeliSekela leMengameli, ngeNdvuna yeMbuso, liSekela leNdvuna yeMbuso nome Sigungu setiNdvuna teMbuso weLive lonkhe, kufute kutsatfwe ngekutsi kushiwo uMengameli, liSekela leMengameli, iNdvuna yeMbuso, liSekela leNdvuna yeMbuso nome Sigungu setiNdvuna teMbuso weLive lonkhe ngaphansi kweMtsetfosisekelo lomusha, kodvwa ngekulandzela liphuzu 9 laleShejuli;

(d) ngeMengameli weTiphunga, kufute kutsatfwe ngekutsi kushiwo Sihlalo weMkhandlu weLive lonkhe weTifundza;

(e) ngesishayamtsetfo sesifundza, Ndvunankhulu, Sigungu lesiPhetse nome lilunga leSigungu lesiPhetse seMkhandlu wesifundza, kufute kutsatfwe ngekutsi kushiwo sishayamtsetfo sesifundza, Ndvunankhulu nome Sigungu lesiPhetse nome lilunga leSigungu lesiPhetse seMkhandlu wesifundza ngaphansi kweMtsetfosisekelo lomusha, kodvwa ngekulandzela liphuzu 12 saleShejuli; nome

(f) ngelulwimi lolusemtsetfweni nome tilwimi, kufute kutsatfwe ngekutsi kushiwo nome ngabe ngutiphi tilwimi letisemtsetfweni ngaphansi kwaloMtsetfosisekelo lomusha.

(2) Ngaphandle nangabe kungahambisani nendlela lekubekwe ngayo nome kungakafaneli kwasanhlobo, nakukhulunywa ngemitsetfo lomdzala –

(a) ngePhalamende, iNdlu yePhalamende nome sishayamtsetfo nome sigungu seRiphabhulikhi nome wesabelo, kufute kutsatfwe ngekutsi kushiwo –

(i) iPhalamende ngaphansi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalomtsetfo kwehliselwe nome kuniketwe ngekulandzela uMtsetfosisekelo lomdzala nome nguleShejuli kuhulumende welive lonkhe; nome

(ii) sishayamtsetfo sesifundza, uma kuphatfwa kwalowo mtsetfo kuniketwe nome kwehliselwe ngekulandzela uMtsetfosisekelo lomdzala nome ngekulandzela leShejuli kuhulumende wesifundza;

(b) ngeMengameli weMbuso, Ndvunankhulu, uMphatsi nome uMphatsi wesigungu, tiNdvuna teMbuso, Sigungu setiNdvuna teMbuso nome Sigungu seMkhandlu seRiphabhulikhi nome sesabelo, kufute kutsatfwe ngekutsi kushiwo –

(i) uMengameli ngaphansi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalowo mtsetfo kwehliselwe nome kuniketwe ngekulandzela uMtsetfosisekelo lomdzala nome leShejuli kuHulumende welive lonkhe; nome

(ii) Ndvunankhulu wesifundza ngaphansi kweMtsetfosisekelo lomusha, uma kuphatfwa

kwalowo mtsetfo kwehliswe nome kuniketwe ngekulandzela uMtsetfosisekelo lomdzala nome leShejuli kuhulumende wesifundza.

UMkhandlu weLive Lonkhe

4. (1) Nome ngubani lobekalilunga nome anesikhundla eMkhandlwini weLive lonkhe ungakacali kusebenta loMtsetfosisekelo lomusha, uba lilunga nome abambe sikhundla kuloMkhandlu weLive lonkhe ngaphansi kweMtsetfosisekelo lomusha.

(2) LoMkhandlu weLive lonkhe njengobe ubunjiwe ngaphansi kweliphuzwana (1) ngetindlela tonkhe utstafwa ngekutsi wakhetfwa ngaphansi kwaloMtsetfosisekelo lomusha kutsi usebente kuze kuphele sikhatsi sawo nga-April 30 1999.

(3) UMkhandlu weLive lonkhe unemalunga langema-400 kuze kuyewuphela sikhatsi sekusebenta kwawo, kuze kufike April 30 1999, ngekulandzela sigaba 49(4) seMtsetfosisekelo lomusha.

(4) Imitseshwana kanye nenchubo yaloMkhandlu weLive lonkhe lebeyisebenta kungakangeni loMtsetfosisekelo lomusha, itawujinge ichubeke nekusebenta ngaphandle nayingachitjelwa kumbe icitfwe ngaphansi kwaloMtsetfosisekelo lomusha.

Ludzaba lolungakapheli ePhalamende

5. (1) Nome nguluphi ludzaba lolungakapheli lolusembi kweMkhandlu weLive lonkhe kungakacali kusebenta kwaloMtsetfosisekelo lomusha kufute kuchutjekwe ngalo ngaphansi kwaloMtsetfosisekelo lomusha.

(2) Nome nguluphi ludzaba lolungakapheli lolusembi kwetiMphunga kungakacali kusebenta kwaloMtsetfosisekelo lomusha kufute lumikiswe eMkhandlwini weLive lonkhe weTifundza, futsi loMkhandlu kufute uchubeke nalo ngaphansi kweMtsetfosisekelo lomusha.

Lukhetfo lweMkhandlu weLive lonkhe

6. (1) Kute lukhetfo lweMkhandlu weLive lonkhe lolungabanjwa kungakafiki Mabasa 30 1999 ngaphandle nangabe loMkhandlu ubhidlitiwa ngekulandzela sigaba 50(2) ngemuva kwesishukumiso sekungetsembeki kwekusebenta kweMengameli ngekulandzela sigaba 102(2) seMtsetfosisekelo lomusha.

(2) Sigaba 50(1) seMtsetfosisekelo lomusha siyemiswa kuze kube nguMabasa 30 1999.

(3) Nome uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo, njengobe uchitjelwe Sihlomelo A saleShejuli, uyasebenta –

(a) elukhetfweni lwekucala lweMkhandlu weLive lonkhe ngaphansi kweMtsetfosisekelo lomusha;

(b) ekulahlekelweni bulunga beMkhandlu etimeni ngaphandle kwaletu letichazwe esigabeni 47(3) seMtsetfosisekelo lomusha; futsi

(c) nasekugcwaliseni tikhala kuloMkhandlu weLive lonkhe, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kugcwaliswa tikhala eluhlweni lwemacembu, kuze kufike lukhetfo lwesibili laloMkhandlu ngaphansi kweMtsetfosisekelo lomusha.

(4) Sigaba 47(4) seMtsetfosisekelo lomusha simisiwe kuze kufike lukhetfo lwesibili lweMkhandlu weLive lonkhe ngaphansi kweMtsetfosisekelo lomusha.

UMkhandlu weLive lonkhe weTifundza

7. (1) Kuze kuphele lesikhatsi lesiphela singakahlangani kwekucala sishayamtsetfo sesifundza lesibunjwe ngemuva kwelukhetfo lwaso lwekucala ngekwaloMtsetfosisekelo lomusha –

(a) kumelwa kwemacembu nguletitfunywa tesifundza kuloMkhandlu weLive lonkhe weTifundza kufute kufanane nekumelwa kwesifundza timphunga letingu-10 njengekubekwa kwato ngaphansi kwesigaba 48 seMtsetfosisekelo lomdzala; futsi

(b) kubekwa kwetifunywa letingesuswa netitfunywa letisipesheli emacenjini lamelwe esishayamtsetfo sesifundza, kume kanje:

| Sifundza | Titfunyiwa | Titfunywa |
|----------------------|--------------|-------------|
| | Letingesuswa | Letihetsiwe |
| 1. Eastern Cape | ANC 5 | ANC 4 |
| | NP 1 | |
| 2. Free State | ANC 4 | ANC 4 |
| | FF 1 | |
| | NP 1 | |
| 3. Gauteng | ANC 3 | ANC 3 |
| | DP 1 | |
| | FF 1 | |
| | NP 1 | NP 1 |
| 4. KwaZulu-Natal | ANC 1 | ANC 2 |
| | DP 1 | |
| | IFP 3 | IFP 2 |
| | NP 1 | |
| 5. Mpumalanga | ANC 4 | ANC 4 |
| | FF 1 | |
| | NP 1 | |
| 6. Northern Cape | ANC 3 | ANC 2 |
| | FF 1 | |
| | NP 2 | NP 2 |
| 7. Northern Province | ANC 6 | ANC 4 |
| 8. North West | ANC 4 | ANC 4 |
| | FF 1 | |
| | NP 1 | |
| 9. Western Cape | ANC 2 | ANC 1 |
| | DP 1 | |
| | NP 3 | NP 3 |

(2) Licembu lelimelwe esishayenimtsetfo sesifundza –

(a) kufute likhetse emalunga lengesuswa kulabo bantfu lebebatimphunga ngesikhatsi kucala kusebenta kwaloMtsetfosisekelo lomusha njengetitfunywa letingesuswa; futsi

(b) lingakhetsa labanye bantfu kutsi babe titfunywa letingesuswa kuphela nangabe kute nome aleneli linani lalabo labebatimphunga lelidzingeakako.

(3) Sishayamtsetfo sesifundza kufute sibeke titfunywa taso letingesuswa ngekulandzela tiphakamiso temacembu.

(4) Tigatjana (2) na (3) tisebenta kuphela ekubekeni titfunywa letingesuswa tekucala kuloMkhandlu weLive weTifundza.

(5) Sigaba 62(1) seMtsetfosisekelo lomusha asisebenti etiphakamisweni nekubekwa kwalabo bebatimphunga njengetitfunywa letingesuswa ngekwaleliphuzu.

(6) Imitseshwana netinchubo tetiMphunga lebeyisebenta nakucala kusebenta loMtsetfosisekelo lomusha, kufute ichubeke isebente emisebentini yeMkhandlu weLive lonkhe weTifundza kuze kufike ezingeni lapho isebenta khona, kodvwa nje ngaphansi kwetichibelo nome kwekucitfwa kwayo.

LabebaTimphunga

8. (1) Umuntfu lobekayimphunga longakakhetfwa njengesitfunywa lesingesuswa seMkhandlu weLive lonkhe weTifundza unelilungelo kutsi abe lilunga lelivotako ngalokuphlele lesishayamtsetfo saleso sifundza lesakhetfwa loyo muntfu njengelilunga letimphunga ngekulandzela sigaba 48 ngaphansi kweMtsetfosisekelo lomdzala.

(2) Uma lobekayimphunga ukhetsa kungabi lilunga lesishayamtsetfo loyo muntfu utsatfwa

ngekutsi sewuhleli phansi akasesiyo imphunga ngayitolo nje ngembali kwekutsi uMtsetfosisekelo ucale kusebenta.

(3) Umholo, timadlana nome timfanelo temuntfu lobekayimpunga lokhetfwe njengesitfunywa lesingesuswa nome njengelilunga lesishayamtsetfo sesifundza tingete tehliswa ngasizatfu saloko kukhetfwa.

Sigungu setiNdvuna teMbuso weLive lonkhe

9. (1) Nome ngubani lobekanguMengameli, liSekela leMengameli, iNdvuna yeMbuso nome liSekela leNdvuna yeMbuso weRiphabhulikhi ngaphansi kweMtsetfosisekelo lomdzala ungakacali kusebenta loMtsetfosisekelo lomusha, utawuchubeka futsi abambe sikhundla ngaphansi kwaloMtsetfosisekelo lomusha, kodvwa ngekulandzela sigatjana (2).

(2) Kuze kufike April 30 1999, tigaba 84, 89, 90, 91, 93 na-96 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengobe tihleliwe eSihlommelweni B saleShejuli.

(3) Sigatjana (2) asivimbeli iNdvuna yeMbuso lebeyiyimpunga ungakacali kusebenta loMtsetfosisekelo lomusha, kutsi ichubeke njengeNdvuna yeMbuso lesiwo esigabeni 91(1)(a) seMtsetfosisekelo lomusha, njengobe lesi sigaba sifundzeka eSihlommelweni B.

Tishayamtsetfo tetifundza

10. (1) Nome ngubani lobekalilunga nome abambe sikhundla esishayenimtsetfo sesifundza ungakacali kusebenta uMtsetfosisekelo lomusha, uba lilunga nome abambe sikhundla esishayenimtsetfo sesifundza ngaphansi kweMtsetfosisekelo lomusha, abambe sikhundla njengelilunga nome umuntfu lonesikhundla ngaphansi kwaloMtsetfosisekelo nangaphansi kwanome nguwuphi umtsetfosisekelo wesifundza longabekwa.

(2) Sishayamtsetfo sesifundza njengobe sibunjwe ngekulandzela sigatjana (1) ngetindlela tonkhe sitsatfwa ngekutsi sikhethfwe ngaphansi kweMtsetfosisekelo lomusha esikhatsini lesitawuphela ngaMabasa 30 1999.

(3) Kuze kuphele sikhatsi sekusebenta kwesishayamtsetfo sesifundza nangekulandzela sigaba 108 (4), sishayamtsetfo sibunjwe linani lemalunga labekelwe lesi sishayamtsetfo ngaphansi kweMtsetfosisekelo lomdzala kanye nelinani lalabo bantfu labebatimpunga lesebangemalunga esishayamtsetfo ngekulandzela liphuzu 8 laleShejuli.

(4) Imitshwana nenchubo yesishayamtsetfo sesifundza lesebentako ungakacali kusebenta loMtsetfosisekelo lomusha, iyachubeka nekusebenta ngaphandle nangabe ichtjelwe nome icitsiwe. Kukhetfwa kweTishayamtsetfo teTifundza

11. (1) Nome njena uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo, njengobe uchitjelwe Sihlommel A saleShejuli uyasebenta –

(a) elukhetfweni lwekucala lesishayamtsetfo sesifundza ngaphansi kweMtsetfosisekelo lomusha;

(b) ekulahlekelweni bulunga besishayamtsetfo kwesimo ngaphansi kwaleso lesishiwo esigabeni 106 (3) saloMtsetfosisekelo lomusha, futsi

(c) ekugcwaliseni tikhala esishayenimtsetfo, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kuze kugcwaliswe tikhala, kuze kufike lukhetfo lwesibili ngaphansi kweMtsetfosisekelo lomusha.

(2) Sigaba 106 (4) seMtsetfosisekelo lomusha simisiwe esishayenimtsetfo kuze kube lukhetfo lwesibili lwaleso sishayamtsetfo ngaphansi kweMtsetfosisekelo lomusha.

Tigungu teMikhandlu yeTifundza

12. (1) Nome ngubani lobekanguNdvunankhulu nome lilunga leSigungu seMkhandlu wesifundza ungakacali kusebenta loMtsetfosisekelo lomusha, uyachubeka nekusebenta futsi abambe sikhundla ngaphansi kweMtsetfosisekelo lomusha nangaphansi kwanome wuphi umtsetfosisekelo wesifundza longabekwa, kodvwa ngaphansi kweliphuzwana (2).

(2) Kuze Ndvunankhulu akhetfwe ngemuva kwelukhetfo lwesishayamtsetfo sesifundza ngaphansi kweMtsetfosisekelo lomusha atsatse sikhundla sakhe, nome sifundza sibeke

umtsetfosisekelo waso, nome ngukuphi lokungenteka kucala, tigaba 132 na-136 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengobe kuhleliwe eSihlomelweni C saleShejuli.

Imitsetfosisekelo yetifundza

13. Umtsetfosisekelo wesifundza lobekwe kungakacali kusebenta kweMtsetfosisekelo lomusha kufute ulandzele sigaba 143 saloMtsetfosisekelo lomusha.

Kuniketwa kweMitsetfo eTifundzeni

14. (1) Imitsetfo lephatselene neludzaba loluwela ngaphansi kweluhlu lolutfolakala eShejulini 4 nome eShejulini 5 kuloMtsetfosisekelo lomusha, futsi lo ngesikhatsi ungakacali kusebenta loMtsetfosisekelo lomusha, bewuphetfwe siphatsimandla setiNdvuna teMbuso weLive lonkhe, unganiketwa nguMengameli, ngesimemetelo semtsetfo, esiphatsinimandla seSigungu lesiphetse seMkhandlu wesifundza lesikhetfwe nguNdvunankhulu waleso sifundza.

(2) Nangabe kunesidzingo kuze kuniketwa kwemtsetfo ngaphansi kweliphuzwana (1) kwenteke ngendlela, uMengameli, ngesimemetelo semtsetfo –

(a) angachibela nome antjintje lomtsetfo kuze kuhambe kahle kuhunyushwa kwawo nome kusetjentiswa kwawo;

(b) lapho kuniketwa kwemtsetfo kungasebenti kuleyo ncenye yemtsetfo wonkhana, angacitsa futsi avuselele, netichibelo nome ngaphandle kwato letishiwo endzinyenyeni (a), leto ticeshana tawo lapho kuniketwa kusebenta khona nome kuze kufike lapho tisebenta khona;

(c) angacondzisa lapho kuhambisana kahle nome nguluphi lolunye ludzaba lolungahle ludzingeke ngenca yalokuniketwa, lokufaka ekhatsi kucoconyiswa nome kutfutukiswa kwetisebenti nome kucoconyiswa kwetintfo letingumnotfo, tikwelete, emalungelo kanye netibopho letibuya nome letiya esigungwini sembuso nome sesifundza nome lamanye ematiko embuso, ekuphatsa, ekuvikela nome letinye tikhungo.

(3) (a) Umbhalo wesimemetelo ngasinye semtsetfo lesikhishwe ngekweliphuzwana (1) nome (2) kufute wetfulwe kuloMkhandlu weLive lonkhe neweTifundza angakapheli emalanga lali-10 sikhishiwe lesimemetelo.

(b) Uma uMkhandlu weLive lonkhe neweTifundza ngesincumo ungasemukeli lesimemetelo semtsetfo nome siphakamiso saso, leso simemetelo nome siphakamiso sipheliswa sikhatsi, kodvwa singatsikameti –

(i) kusebenta kwanome yini intfo leyentiwe ngalesimemetelo semtsetfo nome siphakamiso singakaphelelwa sikhatsi; nome

(ii) lilungelo nome lilungelomvume lelitfolakele nome sibopho nome umtfwalo lotfolakele singakaphelelwa sikhatsi.

(4) Nangabe kuniketwa umtsetfo ngaphansi kweliphuzwana (1), nome kuphi lokushiwo kuleyo mtsetfo siphatsimandla, kufute kutsatfwe ngekutsi kusho siphatsimandla leso lokuniketwe sona emandla.

(5) Nome kuphi kuniketwa kwemtsetfo ngaphansi kwesigaba 235(8) saloMtsetfosisekelo lomdzala, lokufaka nome siphakamiso sichibelo, kuntjintjwa, nome kuchitfwa kanye nekuvusetelwa kwemtsetfo nome lesinye sinyatselo lesitsetfwe ngaphansi kwaleso sigaba, kufute kutsatfwe ngekutsi kwentiwe ngaphansi kwaleliphuzu.

Imitsetfo lebeyivele ikhona ngaphandle kwemandla ekushaya umtsetfo kwePhalamende

15. (1) Siphatsimandla esigungwini selive lonkhe lesiphetse nome wuphi umtsetfo lowela ngaphandle kwemandla ekushaya umtsetfo kwePhalamende nakucala kusebenta loMtsetfosisekelo lomusha, siyachubeka kuba nemandla ekuphatsa lowo mtsetfo kuze kufike sikhatsi lapho uniketwe khona siphatsimandla sesifundza lesisisegungwini lesiphetse ngekulandzela liphuzu 14 laleShejuli.

(2) Liphuzwana (1) liphelelwa sikhatsi ngemuva kweminyaka lemibili ucalile kusebenta loMtsetfosisekelo lomusha.

Tinkantolo

16. (1) Tonkhe tinkantolo, lokufaka tebaholi bendzabuko lebetikhona kusukela

kungakacali kusebenta kwaloMtsetfosisekelo lomusha, tiyachubeka kusebenta nekusebentisa emandla ato ngekwemtsetfo losebenta kuto, futsi nome ngubani lonesikhundla njengemehluleli achubeke kubamba lesi sikhundla ngekulandzela umtsetfo losebenta mayelana nalesi sikhundla, kodvwa ngekulandzela –

- (a) nome ngusiphi sichibelo nome kuchitfwa kwalowo mtsetfo; futsi
- (b) kuhambisana neMtsetfosisekelo lomusha.
- (2) (a) INkantolo yeMtsetfosisekelo lesungulwe nguMtsetfosisekelo lomdzala iba yiNkantolo yeMtsetfosisekelo ngaphansi kwaloMtsetfosisekelo lomusha.
- (b) Nome ngubani longuMengameli, liSekela leMengameli nome lijaji leNkantolo yeMtsetfosisekelo kungakacali kusebenta kweMtsetfosisekelo lomusha, uba nguMengameli, liSekela leMengameli nome lijaji leNkantolo yeMtsetfosisekelo ngaphansi kweMtsetfosisekelo lomusha futsi ubamba sikhundla ngekulandzela loMtsetfosisekelo lomusha kuze kuphele lesikhatsi bekachashelwe sona njengobe kuchaza sigaba 176(1) seMtsetfosisekelo lomusha.
- (3) (a) INkantolo yekweNdlulisela emacala yeNkantolo lePhakeme kunato tonkhe eNingizimu Afrika iba yiNkantolo yekweNdlulisela emacala lephakeme kunato tonkhe ngaphansi kweMtsetfosisekelo lomusha.
- (b) Nome ngubani lonesikhundla sekuba nguSomajaji nome lisekela laSomajaji, lijaji, kungakacali kusebenta kwaloMtsetfosisekelo lomusha uba nguSomajaji, liSekela laSomajaji nome lijaji leNkantolo yekweNdlulisela emacalal lephakeme kunato tonkhe ngaphansi kwaloMtsetfosisekelo lomusha.
- (4) (a) INkantolo yesifundza nome yenzawo yelizinga leNkantolo lephakeme yeNingizimu Afrika, nome iNkantolo lephakeme yesifundza nome yelizinga leletayelekile iba yiNkantolo lephakeme ngaphansi kweMtsetfosisekelo lomusha ngaphandle kwekutjintja kwenzawo lapho isebenta khona ngaphansi kwebulungiswa lebuchazwe ephuzwaneni (6).
- (b) Nome ngubani lobambe sikhundla nome lotsatfwa kutsi ubambe sikhundla seMengameli nome liSekela leMengameli nome lijaji leNkantolo lekukhulunywa ngalo endzinyaneni (a) kungakacali kusebenta kweMtsetfosisekelo lomusha, uba nguMengameli weMajaji, liSekela leMengameli nome lijaji laleyo nkantolo ngaphansi kweMtsetfosisekelo lomusha njengobe kubekwe ephuzwaneni (6).
- (5) Ngaphandle nakungahambisani nekusho nome kungasingiko mbamba nakukhulunywa kunome nguwuphi umtsetfo nome inchubo –
 - (a) yeNkantolo yeMtsetfosisekelo ngaphansi kweMtsetfosisekelo lomdzala, kufute kutsatfwe ngekutsi kushiwo iNkantolo yeMtsetfosisekelo ngaphansi kwaloMtsetfosisekelo lomusha;
 - (b) yeNkantolo yekweNdlulisela emacala yeNingizimu Afrika, kufute itsatfwe njengeNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala; futsi
 - (c) yeNkantolo yesifundza nome yenzawo yelizinga leNkantolo lePhakeme yaseNingizimu Afrika nome yeNkantolo lePhakeme yesabelo nome yeNkantolo lePhakeme yenzawo, kufute itsatfwe ngekutsi kushiwo yeNkantolo lePhakeme.
- (6) (a) Nangabe sekukhonakala ngemuva kwekucala kusebenta kweMtsetfosisekelo lomusha, tonkhe tinkantolo, kumiswa kwato, kubunjwa, kusebenta kanye nemandla ato, nayo yonkhe imitsetfo letisebentako, kufute kuhlelwe kahle kuze tebulungiswa tifeze tidzingo taloMtsetfosisekelo lomusha.
- (b) Lilunga leSigungu setiNdvuna teMbuso leliphetse teMtsetfo, lihloliswa liKhomishane leliphetse kubekwa kwetikhulu tetinkantolo kufute lisungule lokuhlelwa kahle lokucatjangwa endzinyaneni (a).

Emacala langakacedvwa etinkantolo

17. Onkhe emacala langakacedvwa lasembi kwetinkantolo kungakacali kusebenta kwaloMtsetfosisekelo lomusha kufute kuchutjekwe ngawo aze acedvwe kube ngatsi loku kwentiwa usengakacali kusebenta loMtsetfosisekelo lomusha, ngaphandle nangabe bulungiswa

bufuna ngaleny indlela.

Sigungu sekushushisa

18. (1) Sigaba 108 seMtsetfosisekelo lomdzala siyachubeka kusebenta kuze uMtsetfo wePhalamende loshiwo esigabeni 179 seMtsetfosisekelo lomusha ucale kusebenta. Leliphuzwana alitsikameti kubekwa kweMcondzisi waloMtimba loshushisako lobekwe ngekwesigaba 179.

(2) Umshushisi jikelele lobambe sikhundla nawucala kusebenta loMtsetfosisekelo lomusha, uyachubeka kusebenta ngekulandzela umtsetfo losebenta kuleso sikhundla, ngaphansi kweliphuzwana (1).

Tifungo nekuvuma ngekutibopha

19. Umuntfu lochubeka esikhundleni ngekwaleShejuli futsi lowatsatsa sifungo sekungena esikhundleni ngaphansi kweMtsetfosisekelo lomdzala, akukadzingeki kutsi aphindze sifungo sekungena esikhundleni nome avume ngekutibopha ngaphansi kweMtsetfosisekelo lomusha.

Letinye Tikhungo Temtsetfosisekelo

20. (1) Kulesigaba “sikhungo semtsetfosisekelo” sisho –

(a) uMvikeli weMphakatsi;

(b) liKhomishane lelibukene neMalungelo eBuntfu;

(c) liKhomishane lelibukene nekuLingana ngekweBulili;

(d) uMcwaningitimali Jikelele;

(e) liBhange leSive laseNingizimu Afrika;

(f) liKhomishane lelibukene nekuPhatfwa kwetimali;

(g) liKhomishane lelibukene nekubekwa kwetikhulu tetiNkantolo; nome

(h) iBhodi yeTilwimi talabaMnyama.

(2) Sikhungo seMtsetfosisekelo lesakhiwa ngekweMtsetfosisekelo lomdzala siyachubeka kusebenta ngekulandzela imitsetfo lesebenta kuso, futsi nome ngubani lobambe sikhundla njengelilunga leKhomishane, lilunga lebhodi yeliBhange leSive, uMvikeli weMphakatsi nome uMcwaningitimali Jikelele nangabe uMtsetfosisekelo lomusha ucala kusebenta uyachubeka abambe leso sikhundla ngekulandzela lowo mtsetfo losebenta kuso, kodvwa ngekulandzela –

(a) nome ngusiphi sichibelo nome kuchitfwa kwalowo mtsetfo; futsi

(b) kuhambisana kwawo neMtsetfosisekelo lomusha.

(3) Tigaba 199(1), 200(1), (3) na-(5) kuyawufika ku-(11) na-201 kuyawufika ku-206 teMtsetfosisekelo lomdzala tiyachubeka kusebenta tize tichitfwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.

(4) Emalunga eliKhomishane lekuPhatfwa kweTikhulu tetiNkantolo lashiwo esigabeni 105 (1)(h) seMtsetfosisekelo lomdzala ayayekela kuba ngemalunga aleliKhomishane nangabe lamalunga lashiwo esigabeni 178(1)(i) seMtsetfosisekelo lomusha abekwa.

(5) (a) UMkhandlu wemaBhunu lowasungulwa ngekweMtsetfosisekelo lomdzala uyachubeka kusebenta ngekwemtsetfo losebenta kuwo, futsi nome ngubani lobambe sikhundla njengelilunga laloMkhandlu nawucala kusebenta uMtsetfosisekelo lomusha, lowo mtsetfo losebenta kuso, kodvwa ngekulandzela –

(i) nome ngusiphi sichibelo nome kuchitfwa kwalowo mtsetfo; futsi

(ii) kuhambisana kwawo neMtsetfosisekelo lomusha.

(b) Tigaba 184A na-184B(1)(a), (b) na-(d) teMtsetfosisekelo lomdzala tiyachubeka kuba nemandla tize tichitfwe nguMtsetfo wePhalamende lophasiswe ngesigaba 75 seMtsetfosisekelo lomusha.

Kushaywa kwemitsetfo lefunwa nguMtsetfosisekelo lomusha

21. (1) Lapho uMtsetfosisekelo lomusha udzinga kushaywa kwemtsetfo welive lonkhe nome wesifundza, lowo mtsetfo kufute ushaywe nguleso sigungu lesifanele ngekungaphuti kusukela kungene uMtsetfosisekelo lomusha.

(2) Sigaba 198(b) seMtsetfosisekelo lomusha singete sasetjentsiswa kuze umtsetfo loshiwo

kuleso sigaba ushaywe.

(3) Sigaba 199(3)(a) seMtsetfosisekelo lomusha singete sasetjentiswa kungakapheli tinyanga letingu-3 ngemuva kwekushaywa kwalomtsetfo loshiwo kuleso sigaba.

(4) UMtsetfo welive lonkhe loshiwo esigabeni 217(3) seMtsetfosisekelo lomusha kufute ushaywe kungakapheli iminyaka lemitsatfu kucale kusebente uMtsetfosisekelo lomusha, kodvwa kungabikho kwalomtsetfo ngalesikhatsi akuvimbela kusebenta kwenchobomgomo leshiwo esigabeni 217(2).

(5) Kuze kufike sikhatsi lapho uMtsetfo wePhalamende loshiwo esigabeni 65(2) seMtsetfosisekelo lomusha ucala kusetjentiswa, ngasinye sishayamtsetfo sesifundza singatincumela inchubo yaso mayelana nemandla laniketwe titfunywa taso kutsi tifake livoti esikhundleni saso eMkhandlwini weLive lonkhe weTifundza.

(6) Kufike sikhatsi lapho umtsetfo loshiwo esigabeni 229(1)(b) seMtsetfosisekelo lomusha ucala kusetjentiswa, hulumende wamasipala uhlala unawo emandla ekushaya umtsetfo mayelana nemtselo, umtsedlwana netimali letibhadalelwa imphahla lengenako lebekavele anikwe kutsi awasebentise uMtsetfosisekelo lomusha usengakacali kusebenta.

Lubumbano lwesive nekubuyisana

22. Kungasho lutfu kwaletinye tipkakamiso teMtsetfosisekelo lomusha kanye nekucitfwa kweMtsetfosisekelo lomdzala, tonkhe tiphakamiso letiphatselene nashwele letikuloMtsetfosisekelo lomdzala ngaphansi kwesihloko “Lubumbana lweSive nekuBuyisana” titsatfwa kutsi tiyincenye yaloMtsetfosisekelo lomusha letiyinhloso yekuTfutukiswa kweLubumbano lweSive nekuBuyisana uMtsetfo, 1995 (uMtsetfo 34 wa-1995), njengobe uchitjelwe, lokufaka ekhatsi tinhloso tekuciniseka kwato.

UMtsetfo weMalungelo eBuntfu

23. (1) Umtsetfo welive lonkhe loshiwo etigabeni 9(4), 32(2), na-33(3) teMtsetfosisekelo lomusha kufute usebente kungakapheli iminyaka lemitsatfu uMtsetfosisekelo lomusha ucale kusebenta.

(2) Kuze kusebente lomtsetfo loshiwo etigabeni 32(2) na-33(3) teMtsetfosisekelo lomusha –

(a) sigaba 32 (1) kufute sitsatfwe ngekutsi sifundzeka ngalendlela:

“Bonkhe bantfu banelilungelo lekutfola imininingwane lesetandleni tembuso nome tikhungo tawo kunome nguliphi lizinga lahulumende nangabe lemininingwane bayidzingela kuyisebentisa nome kuvikela emalungelo abo.”; futsi

(b) tigaba 33(1) na-(2) kufute titsatfwe ngekutsi tifundzeka ngalendlela lelandzelako:

“Bonkhe bantfu banelilungelo –

(a) letento tahulumende letisemtsetfweni tekuphatsa letiphatselene nabo lapho emalungelo netimfuno tabo titsintseka nome tesatjiswa ngekutsikanyetwa;

(b) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo nome tifiso titsikameteka nome tesatjiswa;

(c) ekuniketwa tizatfu letibhaliwe taleso sento sahumumende sekuphatsa lesitsikameta emalungelo netifiso tabo ngaphandle nangabe tizatfu talesento umphakatsi watisiwe ngato; futsi

(d) letento tekuphatsa letivumelekako ngekwetizatfu letiniketive lapho lamalungelo atsikameteka nome esatjiswa khona.”.

(3) Tigaba 32(2) na-33(3) teMtsetfosisekelo lomusha tiphelwa sikhatsi nangabe lomtsetfo loshiwo kuletigaba, ngekulandzelana kwato, ungakabekwa ngemuva kweminyaka lengu-3 kucale kusebenta loMtsetfosisekelo lomusha.

Kuphatfwa kwembuso netekuvikela

24. (1) Tigaba 82(4)(b), 215, 218(1), 219(1), 224 kuyaku-228, 236(1), (2), (3), (6), 7(b) na-8, 237(1) na-2(a) na-239 (4) na-(5) teMtsetfosisekelo lomdzala tiyachubeka tisebente sengatsi loMtsetfosisekelo lomdzala awukacitfwa, kodvwa ngekulandzela –

(a) tichibelo taleto tigaba njengobe tihlelwe eSihlomelweni D;

(b) nome tphi letinye tichibelo nome kucitfwa kwaletu tigaba nguMtsetfo wePhalamende lophasiswe ngekwesigaba 75 seMtsetfosisekelo lomusha; futsi

(c) kuhambisana neMtsetfosisekelo lomusha.

(2) LiKhomishane lekuphatfwa kweTisesebenti taHulumende kanye nalawo etifundza lashiwo eSehlukweni 13 seMtsetfosisekelo lomdzala ayachubeka kusebenta ngekwaeso sehluke nangekwemtsetfo losebenta kuwo sengatsi leSehluke asikacitfwa, kuze leliKhomishane nalawo etifundza abhidlitwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.

(3) Kuchitfwa kweMtsetfosisekelo lomdzala kakutsikameti nome sphi sato semtsetfo lesikhishwe ngaphansi kwesigaba 237 (3), seMtsetfosisekelo lomdzala, futsi nome sphi lesato semtsetfo sisebenta ngemandla, kuphela nje –

(a) nasilandzela sichibelo nome kucitfwa; nome

(b) nasihambisana neMtsetfosisekelo lomusha.

Kungavumeleki kwebulunga lobengetiwe betishayamtsetfo

25. (1) Nome ngubani ngesikhatsi uMtsetfosisekelo lomusha ucala kusebenta lobekadvonsa sigwebo eRiphabhulikhi setinyanga letengca ku-12 ngaphandle kwekunika lilungelo lekukhipha inhlawulo, akavumeleki kuba lilunga leMkhandlu weLive lonkhe nome lesishayamtsetfo sesifundza.

(2) Lokungavumeleki kwemuntfu ngekweliphuzwana (1) –

(a) kuyaphela nangabe sigwebo sibekwe eceleni nome sehliwa nakendlulisele lelicala lakhe embili sase siba ngulesingamvimbeli loyo muntfu; futsi

(b) kuphela ngemuva kweminyaka lesihlanu sigwebo saphela.

Hulumende wasekhaya

26. (1) Kungasho lutfo kwetiphakamiso tetigaba 151, 155, 156 nesigaba 157 teMtsetfosisekelo lomusha –

(a) tiphakamiso teMtsetfo weSikhashana waHulumende wasEkhaya, 1993, (uMtsetfo 209 wa-1993), njengobe ungachitjelwa njalo njalo ngumtsetfo welive lonkhe ngekuhambisana nemtsetfosisekelo lomusha, tihlala tinemandla kuze kufike Mabasa 30 1999 nome tize tichitfwe, nome ngukuphi lokufika kucala; futsi

(b) umholi wenzabuko wemphakatsi lohlonipha umtsetfo wesintfu futsi losakhamuti sendzawo lesenzaweni yemkhandlu wasekhaya wesikhashana, umkhandlu wasemakhaya wesikhashana nome umkhandlu webameleli wesikhashana, loshiwo eMtsetfweni waHulumende weSikhashana wasEkhaya, 1993, lotfolakele njengobe kuhleliwe esigabeni 182 seMtsetfosisekelo lomdzala, unelilungelo ngelizinga lakhe lekuba lilunga lalowo mkhandlu kuze kufike Mabasa 30 1999 nome kuze uMtsetfo wePhalamende ubeke ngalenywe indlela.

(2) Sigaba 245(4) seMtsetfosisekelo lomdzala siyachubeka sibe nemandla kuze kusetjentiswa kwaleso sigaba kuphele. Sigaba 16(5) na-(6) seMtsetfo waHulumende wasEkhaya, 1993, singete sachitfwa ngembili kwaMabasa 30 1999.

Kulondvolotwa kweMitsetfo yePhalamende neyatifundza

27. Tigaba 82 na-124 teMtsetfosisekelo lomusha katitsikameti kulondvolotwa kweMitsetfo yePhalamende nome yeTifundza leyabekwa ungakacali kusebenta loMtsetfosisekelo lomusha.

Kubhaliswa kwemphahla yembuso lenganyakati

28. (1) Uma sigungu lesiphetse sekukhiphe sitifiketi sekutsi leyo mphahla lenganyakati yembuso ibekwe kuhulumende lotsite ngekwesigaba 239 seMtsetfosisekelo lomdzala, umbhalisi wetimphahla kufute ayibhale lempahla nome acinisekise nome encwadzini lefanele, sihloko salemphahla nome lokunye lokungumbhalo encwadzini yetimphahla letinganyakati egameni lalowo hulumente.

(2) Kute inkhokhelo, imali nome kuhlawuliswa lokubhadalwako mayelana nekubhaliswa ngekulandzela liphuzwana (1).

SIHLOMELO A

Tichibelo eShejulini 2 yeMtsetfosisekelo lomdzala

1. Kususwa kweliphuzu (1) kufakwe loku lokulandzelako:

“1. Emacembu labhaliswe ngekulandzela umtsetfo welive lonkhe, futsi lekangenele lukhetfo lweMkhandlu welive lonkhe, atawuphakamisa emagama ebantfu labatawungenela lolukhetfo ngeluhlu lwemagama ebantfu lolwentiwe ngekulandzela leSheduli nesishayamtsetfo selive lonkhe.”.

2. Kususwa kweliphuzu 2 kufakwe leliphuza lesilandzelako:

“2. Tihlalo kuloMkhandlu welive lonkhe njengobe tincunye ngekulandzela sigaba 46 seMtsetfosisekelo lomusha, titawugcwaliswa ngalendlela lelandzelako:

(a) Linani lelinguhhafu laletihlalo litawutsatfwa kuloluhlu lwetifundza loluletfwe ngemacembu lakehlukene, kantsi linani letihlalo lelibekiwe litawubekelwa sifundza ngasinye njengobe kuncume liKhomishane lwelukhetfo lolulandzelako lweMkhandlu, kunakwe kuphela imininingwane leyentiwe ngekwwebuciko lephatselene nebavoti, nekumelwa kwemacembu latsintsekako.

(b) Lolomunye hhafu wetihlalo uneluhlu loluvela eveni lonkhe loluletfwe ngemacembu lakehlukene, nome, kuloluhlu loluvela etifundzeni nangabe luhlu loluvela eveni lonkhe lungakaletfwa.”.

3. Kususwa kweliphuzu 3 livalwe nguloku lokulandzelako:

“3. Loluhlu lwalabemele lukhetfo loluletfwe licembu, naseluhlangene lutawuba nemagama langengci linani lebantfu labalingana netihlalo kuloMkhandlu weLive lonkhe, futsi luhlu ngalunye lutawubeka lamagama ngendlela lelinconota ngayo umuntfu licembu ngalinye.”.

4. Kuchitjelwa kweliphuzu 5 ngekufaka lamagama lendvulela indzima (a) ngalawa lalandzelako:

“5. Letihlalo letishiwo ephuzwini 2(a) titawuniketwa ngekwesifundza emacenjini lekangenele lukhetfo, ngalendlela lelandzelako:”.

5. Kuchitjelwa kweliphuzu 6 –

(a) ngekufaka lamagama lendvulela indzima (a) ngalawa lalandzelako:

“6. Tihlalo letishiwo ephuzwini 2(b) titawuniketwa emacembu lekangenele lukhetfo, ngalendlela lelandzelako:”; futsi

(b) ngekuvala indzima (a) ngalendzima lesilandzelako:

“(a) Incenye yemavoti ngesihlalo ngasinye itawutfolakala ngekwehlukanisa linani lonkhe lemavoti eveni lonkhe ngelinani letihlalo kuloMkhandlu weLive lonkhe, nakunye ngetulu, umphumela nakunye ngetulu, kunganakwa tincenyana, kutawuba incenye yemavoti ngesihlalo sinye.”.

6. Kuchitjelwa kweliphuzu 7(3) ngekususa liphuzu (b) kufakwe leli lelandzelako:

“(b) Incenye lelungisiwe yemavoti ngesihlalo ngasinye itawutfolakala ngekwehlukanisa kwemavoti lafakiwe eveni lonkhe lakesekela licembu, kususwe linani lemavoti lakesekela licembu lelishiwo endzimeni (a), ngelinani letihlalo kuloMkhandlu, kwengetwe sinye, kususwe linani letihlalo letiniketwe lelo cembu ekugcineni ngekulandzela indzima (a).”.

7. Kukhishwa kweliphuzu 10 kufakwe leli lelandzelako:

“10. Linani letihlalo esishayenimtsetfo sesifundza ngasinye litawuba njengekuncuma kwesigaba 105 seMtsetfosisekelo lomusha.”.

8. Kukhishwa kweliphuzu 11 kufakwe leli lelandzelako:

“11. Emacembu labhalisiwe ngekwemtsetfo welive lonkhe futsi lekangenele lukhetfo lwesishayamtsetfo sesifundza atawenta luhlu lwemagama ebantfu labatawufakwa kulesishayamtsetfo sesifundza lolungiswe ngekulandzela leShejuli nemtsetfo welive lonkhe.”.

9. Kususwa kweliphuzu 16 kufakwe leli lelandzelako:

“Kubekwa kwetitfunywa

16. (1) Nasekucedziwe kubalwa kwemavoti, linani letitfunywa telicembu ngalinye

selibekiwe nemphumela welukhetfo sewukhishiwe ngekulandzela sigaba 190 seMtsetfosisekelo lomusha, liKhomishane, kungakapheli emalanga lamabili umphumela ukhishiwe, litawubeka kuluhlu ngalunye lwemagama, lolushicilelwe ngekulandzela umtsetfo welive lonkhe, labamele licembu ngalinye esishayenimtsetfo.

(2) Kulandzela lokubekwa lokushiwo ephuzwaneni (1), nangabe ligama lalobekiwe livela etinhlwini letingetulu kwalunye lweMkhandlu weLive lonkhe nome kuto totimbili tinhlu lweMkhandlu weLive lonkhe nelwesishayamtsetfo sesifundza (uma lukhetfo lweMkhandlu nelwesishayamtsetfo lubanjwe sikhatsi sinye), futsi lolobekiwe utawuyekela kusinye saletikhundla, licembu leliletse loluhlu, kufute ngemalanga lamabili alokubekwa, lisho kuleliKhomishane kutsi loyo muntfu utawubekwa kuluphi luhlu futsi utawungena kusiphi sishayamtsetfo, kuze kutsi ligama lakhe licishwe kuloluhlu lolunye.

(3) LeliKhomishane litawushicilela ngekushesha emagama alabo labakhetsiwe esishayenimtsetfo nome etishayenimtsetfo.”.

10. Kuchitjewa kweliphuzu 18 ngekuuswa kwenzima (b) kufakwe lendzima lelendzelako: “(b) sitfunywa sikhethwa njengesitfunywa lesingesuswa eMkhandlwini weLive lonkhe weTifundza;”.

11. Kususwa kweliphuzu 19 kufakwe leli lelilandzelako:

“19. Luhlu lwetitfunywa letishiwo ephuzwini 16 (1) lungengetwa kanye kuphela nome nini etinyangeni letingu-12 kusukela ngelilanga lekwabekwa ngalo titfunywa ngaphansi kweliphuzu 16, kuze kugcwaliswe tikhala letivelile: Kuphela nje nangabe loko kwengetwa kwentiwa ekugcineni kweluhlu.

12. Kususwa kwelophuzu 23 kufakwe leli lelilandzelako:

“Tikhala

“23. (1) Uma ngabe kuvela sikhala esishayenimtsetfo sesifundza lapho leShejuli isebenta khona, licembu lelikhetse lilunga leliphumako litawugcwalisa leso sikhala ngekukhetsa umuntfu –

(a) ligama lakhe lelikhona kuloluhlu lwebantfu lapho lelilunga leliphumako lakhethwa khona ekucaleni; futsi

(b) lokungunye lolandzelako lofanele nalokhona kuloluhlu.

(2) Kuphanyiswa kwemagaba ebantfu labatawugcwalisa leso sikhala kutawuniketwa Somlomo kubhalwe phansi.

(3) Nangabe licembu lelimelwe esishayenimtsetfo libhidlitwa nome lingasekho nemalunga alo ashiya tihlalo tawo ngekulandzela liphuzu 23A(1), letihlalo titawuniketwa emacembu lekasele ngalokunjalo kube sengatsi tihlalo letemukwa licembu ngekweliphuzu 7 nome 14, njengobe kungenteka.”.

13. Kufakwa kweliphuzu lelilandzelako ngemuva kweliphuzu 23:

“Tizatfu letengetiwe tekulahlekelwa bulunga besishayamtsetfo

“23A. (1) Lilunga lilahlekelwa bulunga besishayamtsetfo lapho leShejuli inemandla khona uma loyo muntfu ayekela kuba lilunga lelicembu lelamkhetsa kutsi abe lilunga lesishayamtsetfo.

(2) Ngaphandle kweliphuzwana (1) nome liphi licembu letembusave lingantjintja ligama lalo nome nini.

(3) UMtsetfo wePhalamende, kungakendluli sikhatsi lesidze loMtsetfosisekelo lomusha ucale kusebenta, ungaphasiswa ngekulandzela sigaba 76(1) seMtsetfosisekelo lomusha kuchibela leliphuzu kanye neliphuzu 23 kuze kubekwe indlela lokungentiwa ngayo kutsi lilunga lesishayamtsetfo leseliyekelile kuba lilunga lalelicembu lelalikhetsa, kutewugcina bulunga balo esishayenimtsetfo.

(4) UMtsetfo wePhalamende loshiwo ephuzwini (3) ungenta kube khona futsi –

(a) kuhlangu kwelicembu nalelinye licembu; nome

(b) kuhlephuka kwelicembu libengemacembu lamanyenti.”.

14. Kucishwa kweliphuzu 24.
15. Kucitjilwa kweliphuzu 25 –
 - (a) ngekufaka lenchazelo “yeliKhomishane” ephuzwini 25 – “liKhomishane’ lisho liKhomishane lelukhetfo lelishiwo esigabeni 190 seMtsetfosisekelo lomusha;”; futsi
 - (b) ngekufaka lenchazelo lelandzelako ngemuva kwenchazelo “luhlu lwelive lonkhe”: “UMtsetfosisekelo lomusha’ usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996;”.
16. Kucishwa kweliphuzu 26.

SIHLOMELO B

Hulumende weLubumbono: Lizinga leLive lonkhe

1. Sigaba 84 seMtsetfosisekelo lomusha sitsatfwa kwekutsi sicuketse lesigatjana lesengetako lesilandzelako:

“(3) UMengameli kufute abonisane neMasekela eMengameli –

- (a) nakutfufukiswa nanakuchutjwa inchubomgomo yaHulumende welive lonkhe;
- (b) kuto tonkhe tindzaba letiphatselene nekuphatfwa kwetiNdvuna teMbuso nekusetjentwa imisebenti yetiNdvuna teMbuso;
- (c) ekuniketeni imisebenti emasekeleni eMengameli;
- (d) kungakabekwa muntfu ngaphansi kweMtsetfosisekelo nome ngaphansi kwanome nguwuphi umtsetfo, lokufaka kubekwa kwemancusa nome titfunywa letimele lelive kulamanye emave;

(e) kungakabekwa emakhomishane eluphenyo;

(f) kungakabitwa luvivinyoluvo; futsi

(g) kungakacolelwa nome kungancishiswa sigwebo sesiboshwa.”.

2. Sigaba 89 seMtsetfosisekelo lomusha kufute sitsatfwe ngekutsi sicuketse lesigatjana lesengetako lesilandzelako:

“(3) Tigatjana (1) na-(2) tiyasebenta futsi naseSekeleni leMengameli.”.

3. Indzima (a) yesigaba 90(1) saloMtsetfosisekelo lomusha itsatfwa ngekutsi ifundzeka kanje:

“(a) liSekela leMengameli lelikhetfwe nguMengameli;”.

4. Sigaba 91 seMtsetfosisekelo lomusha sitsatfwa kutsi sifundzeka kanje:

“Sigungu setiNdvuna teMbuso

91. (1) Sigungu setiNdvuna teMbuso sibunjwe ngeMengameli, emaSekela eMengameli –

(a) netiNdvuna teMbuso letingengci ku-27 letingemalunga eMkhandlu weLive lonkhe letibekwe ngekulandzela sigatjana (8) kuya ku-(12); futsi

(b) neNdvuna yeMbuso yinye lengasilo lilunga leMkhandlu weLive lonkhe, futsi lebekwe ngekulandzela sigatjana (13), kodvwa abeka leNdvuna uMengameli, ahlolisana nemaSekela aMengameli kanye nebaholi bemacembu lekamelwe eMkhandlwini, nakabona kubekwa kwaleyo Ndvuna yeMbuso kudzingekile.

(2) licembu ngalinye lelinetihlalo letisukela ku-80 kuloMkhandlu weLive lonkhe linelilungelo lekukhetsa lisekela leMengameli emalungeni aloMkhandlu.

(3) Nakute licembu nome linye kuphela licembu lekungilo lelinetihlalo letingu-80 nome ngetulu kwaloko kuloMkhandlu, licembu lelinetihlalo letinyenti kanye nalelo lelinetihlalo letilandzelako anelilungelo ngalinye lekukhetsa linye liSekela leMengameli emalungeni aloMkhandlu.

(4) Uma lilunga selibekiwe kuba liSekela leMengameli, lingakhetsa kuchubeka nome liyekele kuba lilunga laloMkhandlu.

(5) LiSekela leMengameli lingasebentisa emandla alo liphindze lente nemisebenti yalo leliyefwese ngulesikhundla sebuSekela Mengameli nguMtsetfosisekelo nome leniketwe lesikhundla nguMengameli.

(6) LiSekela leMengameli liba sesikhundleni –

- (a) kute kufike Mabasa 30 1999 ngaphandle nalikhishiwe nome libuyiselwe emuva ngulelicembu lelinelilungelo lekulikhetsa ngaphansi kwetigatjana (2) na-(3); nome
- (b) kuze umuntfu lokhetfwe kuba nguMengameli ngemuva kwanome luphi lukhetfo lweMkhandlu weLive lonkhe lolubanjwe kungakefiki Mabasa 30 1999, atsatse sikhundla sakhe.
- (7) Sikhala sesikhundla seliSekela leMengameli singavalwa ngulelo cembu lebelikhetse liSekela leMengameli.
- (8) Licembu lelinetihlalo llokungenani letingu-20 kuloMkhandlu weLive lonkhe futsi lelingenile kuhulumende welubumbano, linelilungelo lekuniketwa sikhundla sinye nome ngetulu kwaloko kuletikhundla teSigungu setiNdvuna teMbuso lekutawukhetselwa kuto tiNdvuna teMbuso njengekusho kwesigaba (1)(a) tingabekwa, ngekucatsaniswa kwetihlalo letiphethfwe ngulelicembu koloMkhandlu kanye netihlalo letiphethfwe ngulamanye emacembu lekakhona.
- (9) Tikhundla teSigungu setiNdvuna teMbuso kufute tabiwe kulawo macembu lekakhona ngekulandzela lendlela lelandzelako:
- (a) Incenye yetihlalo ngesikhundla kufute incunye ngekwehlukana linani letihlalo kuloMkhandlu weLive lonkhe letibanjwe ngekuhlanganyela ngemacembu lekakha hulumente welubanjiswano ngelinani letikhundla lelishiwo esigatjaneni (1)(a), nasinye ngetulu.
- (b) Umphumela, kungabukwa tincenyana kusukela kuyesitsatfu, nangabe tikhona, ngiyona ncenye yetihlalo ngesikhundla ngasinye.
- (c) Linani letikhundla letabelwa emacembu lekakhona lapho libekwa ngekwehlukana linani letihlalo selilongkhe leliphetfwe ngulelo cembu kuloMkhandlu weLive lonkhe ngalencenye lechazwe endzimeni (b).
- (d) Umphumela, ngekulandzela indzima (e), ukhomba linani letikhundla leliniketwa licembu lelo.
- (e) Lapho kulandzela kusetjentiswa kwalendlela lechazwe ngenhla kukhipha umphumela longetulu kulongatsatfwa nguletikhundla letineketwe licembu, lomphumela longetulu ubangisana naleminye imiphumela lengutulu yalamanye emacembu, futsi nome sippi sikhundla nome tikhundla letisele lekufute tiniketwe lelo cembu nome lawo macembu ngekulandzelana kwaleyo miphumela lengetulu, kufute tiniketwe lelo cembu nome lawo macembu lanemphumela longetulu lomnyenti kunaleminye ngekulandzelana.
- (10) UMengameli ngemuva kwekubonisna nemaSekela aMengameli nebaholi bemacembu lekakhona lapho, kufute –
- (a) ancume tikhundla letifanele lekufanele tiniketwe emacembu lekakhona kuhulumende welubanjiswano ngekulandzela linani letikhundla letiniketwe lamacembu ngaphansi kwesigatjana (9);
- (b) abeke kuleso naleso sikhundla lilunga leMkhandlu weLive lonkhe leliphindze libe lililunga lelicembu leliniketwe leso sikhundla ngaphansi kwendzima (a), njengeNdvuna yeMbuso lephetse leso sikhundla;
- (c) Nangabe kuba nesidzingo ngekweMtestfosisekelo nome ngesizatfu sahumumende lokahle, agucule lokuncunye ngaphansi kwendzima (a), kodvwa kuphela ngekulandzela sigatjana (9);
- (d) acitse kubekwa nome ngukuphi esikhundleni ngaphansi kwendzima (b) –
- (i) nangabe Mengameli ucelwa ngumholi welicembu lelo iNdvuna yeMbuso letsintsekako ililunga lalo; nome
- (ii) nakuba nesidzingo ngekweMtsetfosisekelo nome ngesizatfu sahumumende lokahle; nome
- (e) agcwalise, nakunesidzingo, kodvwa kuphela ngekulandzela indzima (b), sikhala lesivele esikhundleni seNdvuna yeMbuso.
- (11) Sigatjana (10) kufute silandzelwe ngemoya locuketfwe ngulomcondvo wahulumende welubumbano, futsi Mengameli naletinye tiphatsimandla letitsintsekako kufute awusebentsise ngekufuna kutfola kuvumelana ngato tonkhe tikhatsi: Nangabe kuvumelana kungatfolakali –
- (a) ekusebentseni emandla latfolakala etindzimeni (a), (c) nome (d)(ii) taleso sigatjana,

sincumo seMengameli siyema;

(b) ekusebentiseni emandla latfolakala etindzimeni (b), (d) (i) nome (e) taleso sigatjana lokutsintsa umuntfu longasilo lilunga lelicembu leMengameli, sincumo semholi welicembu laloyo muntfu lalilunga lalo siyema; futsi

(c) ekusebentiseni emandla lekashiwo endzimeni (b) nome (e) alesigaba lesitsintsa umuntfu lolilunga lelicembu leMengameli, sincumo seMengameli siyema.

(12) Uma kubekwa etikhundleni kuguculwa ngaphansi kwesigatjana (10)(c), tiNdvuna teMbuso letitsintsekako kufute tishiye tikhundla tato kodvwa tivumelekile, lapho kunekwenteka, kutsi tingaphindze tibekwe kuletinye tikhundla letinikwe emacembu ato ngekulandzela loluntjintjo.

(13) UMengameli –

(a) ngekuhlolisana nemaSekela aMengameli nebaholi bemacembu lekakhona kuhulumende welubanjiswano, kufute –

(i) ancume sikhundla lesitsite seNdvuna yeMbuso lekukhulunywa ngaso esigatjaneni (i)(b) nangabe kunesidzingo lesilandzela sincumo seMengameli ngaphansi kwaleso sigatjana;

(ii) abeke kuleso sikhundla loyo muntfu longasilo lilunga leMkhandlu weLive lonkhe, njengeNdvuna yeMbuso lephetse leso sikhundla;

(iii) agcwalise, nakudzengekile sikhala kuleso sikhundla; nome

(b) ngemuva kwekubonisana nemaSekela aMengameli kanye nebaholi bemacembu lekakhona kuhulumende welubanjiswano, kufute acitse kubekwa esikhundleni ngaphansi kwendzima (a) nangabe loku kuyadzingeka ngesizatfu seMtsetfosisekelo nome sahumumende lokahle.

(14) Imihlangano yeSigungu setiNdvuna teMbuso kufute iholwe nguMengameli, nome, uma Mengameli asho njalo, liSekela leMengameli: Loku kwenteke ngekutsi emaSekela eMengameli ahole lemihlangano ngekuntjintjana ngaphandle nangabe tidzingo tahulumumende nemoya wahulumumende welubumbano kukhomba ngalenywe indlela.

(15) Sigungu setiNdvuna teMbuso kufute sisebente ngendlela leniketa kucatjangelwa kwemoya wekufuna kuvumelana ngekulandzela sifiso sekuba nahulumumende welubumbano kanye nahulumumende losebenta ngendlela lengiyo.”

5. Sigatjana 93 seMtsetfosisekelo sitsatfwa ngekutsi sifundzeka kanje:

“Kubekwa kwemaSekela etiNdvuna teMbuso

93. (1) UMengameli ngemuva kwekubonisana neMasekela aMengameli nebaholi bemacembu lekakhona eSigungwini setiNdvuna teMbuso, angakha tikhundla temaSekela etiNdvuna teMbuso.

(2) Licembu linelilungelo lekunikwa sinye nome ngetulu sikhundla sebuSekela Ndvuna yeMbuso ngendlela lefananako ngalokulingene njengobe kwentiwe nakwabiwa tikhundla tetiNdvuna teMbuso.

(3) Letiphakamiso tesigaba 91(10) kuya ku-(12) tiyasebenta, netingucuko letidzingekekako, nasemaSekeleni etiNdvuna teMbuso, futsi kulokusetjentiswa kutsintfwa kulesigaba kweNdvuna yembuso nome sikhundla kufute kutsatfwe ngekutsi kushiwo liSekela leNdvuna yeMbuso nome sikhundla seliSekela leNdvuna yeMbuso, ngalokunjalo.

(4) Uma umuntfu abekwe njengeliSekela leNdvuna yeMbuso kunome ngusiphi sikhundla lesiniketwe iNdvuna yeMbuso –

(a) lelo liSekela leNdvuna yeMbuso kufute lisebentise emandla alo liphindze lente imisebenti yalo egameni laleyo Ndvuna yeMbuso leniketwe kwengamela leso sikhundla ngekulandzela nome nguwuphi umtsetfo nome ngalenywe indlela, ngekulandzela imiyalo yeMengameli, nome lebewunganiketwa liSekela leNdvuna yeMbuso nguleyo Ndvuna yeMbuso; futsi

(b) nakukhulunywa nganome nguwuphi umtsetfo ngaleyo Ndvuna yeMbuso loku kufute kutsatfwe ngekutsi kukhulunywa ngeliSekela leNdvuna yeMbuso lelisebenta ngekulandzela kuniketwa emandla ngaphansi kwendzima (a) liniketwa yiNdvuna yeMbuso, lelisebentela yona.

(5) Nangabe liSekela leNdvuna yeMbuso lingekho nome ngesizatfu lesinye lingakwati kusebentisa emandla alo nome lente imisebenti yaleso sikhundla, Mengameli angabeka lelinye

liSekela leNdvuna yeMbuso nome lomunye umuntfu kutsi aphantse kwesikhashana lesi sikhundla seliSekela leNdvuna yeMbuso lengekho, nome ente wonkhe umsebenti, lokukanye asebente umsebenti nome asebentise emandla latsite.”.

6. Sigaba 96 seMtsetfosisekelo sitsatfwa kutsi sinaletigatjana lesetengetiwe letilandzelako: “(3) TiNdvuna teMbuso kufute titiphendvulele ngamunye kuMengameli naseMkhandlwini weLive lonkhe ngekuphatfwa kwetikhundla tato, kantsi onkhe emalunga eSigungu setiNdvuna teMbuso ngalokunjalo atiphendvulela ngekuhlanyela ngekusebenta kwahulumende welive lnkhe nangenchubomigomo yakhe.

(4) TiNdvuna teMbuso kufute tiphantse tikhundla tato ngekulandzela inchubomgomo lencunywe Sigungu setiNdvuna teMbuso.

(5) Uma iNdvuna yeMbuso yehluleka kuphatsa sikhundla sayo ngekulandzela inchubomgomo yeSigungu setiNdvuna teMbuso, Mengameli angayitjela leyo Ndvuna yeMbuso kutsi iphatse lesi sikhundla sayo ngekulandzela leyo nchubomgomo.

(6) Uma leyo Ndvuna yeMbuso yehluleka kulandzela lomyalo weMengameli ngaphansi kwesigatjana (5), Mengameli angayisusa esikhundleni –

(a) uma kuyiNdvuna yeMbuso leshiwo esigabeni 91(1)(a), ngemuva kwekubonisana nayo leNdvuna yeMbuso, kantsi uma leyo Ndvuna yeMbuso ingasilo lilunga lelicembu leMengameli nome ingasiye umholi welicembu laleyo Ndvuna yeMbuso; nome

(b) uma iNdvuna yeMbuso leshiwo esigabeni 91(1)(b), ngemuva kwekubonisana nemaSekela eMengameli nebaholi bemacembu lahlanyele hulumende welubanjiswano.”.

SIHLOMELO C

Hulumende weLubumbano:

Hulumende weTifundza

1. Sigaba 132 seMtsetfosisekelo lomusha sitsatfwa ngekutsi sifundzeka kanje:

“IMikhandlu lephetse yeTifundza

132. (1) UMkhandlu lophetse weSifundza ubunjwe ngaNdvunakhulu kanye nemalunga langengci ku-10 lekakhetfwe nguNdvunankhulu ngekulandzela lesigaba.

(2) Licembu lelinencenye yetihlalo lengu-10% esishayenimtsetfo sesifundza, futsi lelikhetse kufaka sandla kuhulumende welubumbano, linelilungelo lekuniketwa sinye nome ngetulu kwasinye setikhundla eMkhandlwini lophetse weSifundza ngekubuka incenye yetihlalo letibanjwe ngulelo licembu esishayenimtsetfo nakucatsaniswa netihlalo letibanjwe ngulamanye emacembu lafaka sandla kulesishayamtsetfo.

(3) Tikhundla teMkhandlu lophetse weTifundza kufute tiniketwe lawo macembu langenele kubuswa kwesifundza ngekulandzela lendlela lehlelwe esigabeni 91 (9), kantsi ekulandzeleni leyo ndlela nakuphatfwa kulesigaba –

(a) Sigungu setiNdvuna teMbuso, kufute kufundvwe kutsi kushiwo uMkhandlu lophetse weSifundza;

(b) iNdvuna yeMbuso, kufute kufundvwe kutsi kushiwo lilunga leMkhandlu lophetse weSifundza; kantsi

(c) uMkhandlu weLive lonkhe, kufute kufundvwe kutsi kushiwo sishayamtsetfo sesifundza.

(4) Ndvunankhulu wesifundza ngemuva kwekubonisana nebaholi bemacembu langenele kuphatfwa kwesifundza kufute –

(a) ancume ngendlela yakhona leto tikhundla letinikwa lamacembu langenele kubuswa kwesifundza ngekulandzela linani letikhundla lekaniketwe tona lawo macembu ngaphansi kwesigatjana (3);

(b) abeke kuleso sikhundla lilunga lesishayamtsetfo lalelo cembu leliniketwe lesi sikhundla ngaphansi kwenzima (a), njengelilunga leMkhandlu lophetse weSifundza lelengamele lesi sikhundla;

(c) uma kuba nesidzingo ngetizatfu teMtsetfosisekelo nome ngekufuneka kwahulumende

lokahle, antjintje nome ngukuphi kubekwa ngaphansi kwenzima (a), kodvwa ngekulandzela sigatjana (3);

(d) acitse kubekwa esikhundleni ngaphansi kwenzima (b) –

(i) uma Ndvunankhulu acelwa kwenta loko ngumholi walelo cembu lalelo lunga leMkhandlu lophetse weSifundza lelitsintsekako; nome

(ii) uma kudzingekile ngetizatfu teMtsetfosisekelo nome tahulumende lokahle; nome

(e) agcwalise, nangabe kudzingeka, ngekulandzela indzima (b), sikhala esikhundleni selilunga leMkhandlu lophetse weSifundza.

(5) Sigatjana (4) kufute sisetjentiswe ngemoya wesidzingo sahumumende welubumbano, kantsi Ndvunankhulu naletinye tiphatsimandla letitsintsekako kufute ekwenteni loku kulesigatjana bafune kutfolo kuvumelana ngaso sonkhe sikhatsi: Kodvwa nangabe kungavunyelwana –

(a) ekusetjentisweni kwalamandla lashiwo endzimeni (a), (c), nome (d)(ii) yaleso sigaba, sincumo saNdvunankhulu siyema;

(b) ekusetjentisweni kwalamandla lashiwo endzimeni (b), (d)(i) nome (e) yaleso sigaba lesitsintsa umuntfu longasilo lilunga lelicembu laNdvunankhulu, sincumo semholi walelo cembu loyo muntfu lalilunga lalo siyema; futsi

(c) ekusetjentisweni kwemandla lashiwo endzimeni (b) nome (e) yaleso sigaba latsintsa umuntfu lolilunga lelicembu laNdvunankhulu, sincumo saNdvunankhulu siyema.

(6) Uma nome siphilincumo sekwabikwa kwetikhundla sigukulwa ngaphansi kwesigatjana (4)(c), emalunga latsintsekile kufute ashiye tikhundla tawo kodvwa aphindze avumeleke, kubekwa kuletinye tikhundla letiniketwe emacembu alawo malunga ngekulandzela lokugukulwa.

(7) Imihlangano yeMkhandlu lophetse weSifundza kufute yenganyelwe nguNdvunankhulu wesifundza.

(8) UMkhandlu lophetse weSifundza kufute usebente ngenlela lekhombisa kucatjangelwa kwemoya wekufuna kuvumelana ngekwemgomo wahulumende welubumbano, kanye nesidzingo sahumumende lokahle.”.

2. Sigaba 136 seMtsetfosisekelo lomusha sitsatfwe ngekutsi sicuketse lesigatjana lesengetako lesilandzelako:

“(3) Emalunga eMkhandlu lophetse weSifundza kufute atiphendvulele kuNdvunankhulu nasesishayenimsetfo sesifundza ngekuphatfwa kwetikhundla tawo, futsi onkhe emalunga aloMkhandlu ngalokunjalo kufute aphendvule sekawonkhe ngekusebenta kwahulumende wesifundza nenchubomgomo yakhe.

(4) Emalunga eMkhandlu lophetse weSifundza kufute aphantse tikhundla tawo ngekulandzela inchubomgomo lebekwe nguloMkhandlu.

(5) Uma lilunga lelitsintsekako lehluleka kulandzela inchubomgomo yeMkhandlu lophetse weSifundza, Ndvunankhulu angalicela lelo lunga kutsi liphatse sikhundla salo ngekuhambisana nalenchubomgomo lehleliwe.

(6) Uma lehilunga lelitsintsekako liyehluleka kulandzela imiyalo yaNdvunankhulu ngaphansi kwesigatjana (5), Ndvunankhulu angalisusa esikhundleni ngemuva kwekubonisana nalo, kodvwa uma lelo lunga lingasilo lilunga lelicembu laNdvunankhulu nome lingasiye umholi welicembu lelingenele kubuswa kwesifundza, ngemuva kwekubonisana nemholi walelo cembu.”.

SIHLOMELO D

Kuphatfwa kwembuso netekuvikela: Tichibelo etigabeni teMtsetfosisekelo lomdzala

1. Kuchitjelwa kwesigaba 218 seMtsetfosisekelo lomdzala –

(a) ngekususa esigatjaneni (1) lamagama lendvulela indzima (a) ngalawa lalandzelako:

“(1) Ngekulandzela imibandzela yeNdvuna yeMbuso yeteKuphepha neteKuvikeleka, Khomishane weMaphoyisa weLive lonkhe utawetfwe –”;

(b) ngekususa indzima (b) yesigatjana (1) kufakwe lena lelandzelako:

“(b) kubekwa kwabokhomishane bemaphoyisa betifundza;”;

- (c) ngekususa indzima (d) yesigatjana (1) kufakwe lena lelandzelako:
“(d) kuphenywa nekuvinjelwa kwebugelekece lobuhlelekile nome bugelekece lobudzinga kuphenywa kwelive lonkhe kanye nekuvinjelwa nome buciko lobujulile;”; futsi
- (d) ngekususa indzima (k) yesigatjana (1) kufakwe lena lelandzelako:
“(k) kusungulwa nekugcinwa kwemtsetfo sive ngumbutfo wemaphoyisa lotawutfunyelwa kutsi uyewusita futsi ngekuwelwa nguKhomishane weSifundza wemaphoyisa;”.
2. Kuchitjelwa kwesigaba 219 seMtsetfosisekelo lomdzala ngekususa sigatjana (1) emagama lendvulela indzima (a) kufakwe lawa lalandzelako:
“(1) Ngekulandzela sigaba 218(1), Khomishane weMaphoyisa weSifundza wetfweswe –”.
3. Kuchitjelwa kwesigaba 224 seMtsetfosisekelo lomdzala ngekususa siphakamiso sesigatjana (2) kufakwe lesi lesilandzelako:
“Kodvwa lesigatjana sitawusebenta futsi emalungeni anome nguwuphi umbutfo lohlomile lowaletsa luhlu lemalunga awo ngemuva kwekucala kusebenta kweMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1993 (uMtsetfo 200 wa-1993), kodvwa kungakemukelwa lombhalo lomusha weMtsetfosisekelo njengobe kubekiwe esigabeni 73 salowo Mtsetfosisekelo, uma lelicembu letembusave ngaphansi kweligunya nemandla alo lime khona nome lelitihlanganise nawo futsi tinhloso tawo lelitifufukisako lafaka sandla emkhandlini lobewuphetse kwesikhashana futsi longazange ufake sandla kuloMkhandlu welive lonkhe newetishamtsetfo tetifundza ngaphansi kwaloMtsetfosisekelo.”.
4. Kuchitjelwa kwesigaba 227 seMtsetfosisekelo lomdzala ngekususa sigatjana (2) kufakwe lesi lesilandzelako:
“(2) UButfo weTekuvikela wetemphi utawusebentisa emandla awo wente nemisebenti yawo ngekuwubekela tidzingo tesive ngekulandzela Sehluco 11 seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996.”.
5. Kuchitjelwa kwesigaba 236 seMtsetfosisekelo lomdzala –
- (a) ngekususa sigatjana (1) kufakwe lesi lesilandzelako:
“(1) Litiko letekuphatfwa kwetisebenti tembuso, umnyango wembuso, kuphatsa nome umbutfo wetekuvikela lekwatsi ngembidlana nje ungakacali kusebenta uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996 (losewatiwa ngekuksi “nguMtsetfosisekelo lomusha”), kwenta imisebenti yahulumende, kutawuchubeka kusebente ngekulandzela nome kufakwe kuletinye tikhungo letifanele nome kuhlelwe kabusha nome kuhlenganiswe naletinye tikhungo.”;
- (b) ngekususa sigatjana (6) kufakwe lesi lesilandzelako:
“(6) (a) UMengameli angabeka liKhomishane lekubuketa siphetfo nome kuguculwa kwesivumelwano, kubekwa esikhundleni nome kukhushulwa, nome kunikwa kwemvuzo nome timfanelo temsebenti, lokwenteka emkhatsini waMabasa 27 1993 neLweti 30 1994 kwanome muphi umuntu loshiwo esigatjaneni (2) nome licembu lebantfu labanjalo.
(b) Lelikhomishane lingasibuyisela emuva nome lisintjintje sivumelwano, kubekwa esikhundleni, kukhushulwa nome kuniketwa kwemfanelo nakungakafaneli nome kungakalungi kuleyo ndzawana.”; futsi
- (c) ngekuwufaka “loMtsetfosisekelo”, lapho kuvela khona loku esigabeni 236, “ngeMtsetfosisekelo lomusha”.
6. Kuchitjelwa kwesigatjana 237 seMtsetfosisekelo lomdzala –
- (a) ngekuwufaka endzimeni (a) yesigatjana (1) loku lokulandzelako:
“(a) kuhlelwa kabusha kwetikhungo lekushiwo esigabeni 236(1), lokungafaki imibutfo yetemphi leshiwo esigabeni 224(2), kutawutsi ngemuva kwekucala kusebenta kweMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996, kuchubeke ngenhloso yekusungula –
- (i) kuphatfwa kahle kwembuso ezingeni lahulumende welive lonkhe kutekwati kuphatsa tindzaba letiwela ngaphansi kwelizinga lahulumende welive lonkhe; futsi
- (ii) nekuphatfwa kahle kwembuso wahulumende wesifundza ngasinye kuze sikwati kulungisa

tinzaba letiwela ngaphansi kwesigaba sahumende wesifundza.”; futsi

(b) Ngekususa indzima (i) yesigatjana (2)(a) kufakwe lena lelandzelako:

“(1) Tikhungo letishiwo esigabeni 236 (1), lokungafaki imibutfo yetemphi, titawuhlala kuhulumende welive lonkhe, lotawusebentisa emandla akhe ngekubambisana nabohulumende betifundza;”.

7. Kuchitjelwa kwesigaba 239 seMtsetfosisekelo lomdzala kususwe sigatjana (4) kufakwe lesi lesilandzelako:

“(4) Ngaphansi kwemtsetfo nangekulandzela umtsetfo losebentako, imphahla, emalungelo netibopho tayo yonkhe imibutfo leshiwo esigabeni 224 (2) itawuba semahlombe eMbutfo weSive wetekuvikela weteMphi ngekulandzela tecwayiso teNdvuna yeMbuso yeTekuvikela ngeteMphi.”.

Shejuli 7

Imitsetfo Lecitfwako

INOMBOLO NEMNYAKA SIHLOKO

WEMTSETFO

Umtsetfo 200 wa-1993 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1993

UMtsetfo 2 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo seMtsetfo, 1994

UMtsetfo 3 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo seMtsetfo, 1994

UMtsetfo 13 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo seMtsetfo, 1994

UMtsetfo 14 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo Sesitsatfu seMtsetfo, 1994

UMtsetfo 24 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo Sesine seMtsetfo, 1994

UMtsetfo 29 wa-1994 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo Sesitfupha seMtsetfo, 1994

UMtsetfo 20 wa-1995 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo Sesihlanu seMtsetfo, 1994

UMtsetfo 44 wa-1995 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo seMtsetfo, 1995

UMtsetfo 7 wa-1996 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo Sesibili seMtsetfo, 1995

UMtsetfo 26 wa-1996 UMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika Sichibelo seMtsetfo, 1996

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uMtsetfosisekelo ngeMphala 11 1996

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