

ISINGENISO

Thina, Bantu baseNingizimu Afrika,
Siyakukhumbula ukucekelwa phansi kwamalungelo okwenzeka eminyakeni eyadlula;
Sibungaza labo abahluphekela ubulungiswa nenkululeko kulo mhlaba wethu;
Sihlonipha labo abasebenzele ukwakha nokuthuthukisa izwe lethu; futhi
Sikholelwa ekutheni iNingizimu Afrika ingeyabo bonke abahlala kuyo, sibumbene nakuba
singefani.

Ngakhoke, ngabameleli bethu esibakhethe ngokukhululeka, samukela lo Mthethosisekelo
njengomthetho-nqangi weRiphabhuliki ukuze –

Silungise ukwehlukana kwesikhathi esedlule bese sakha umphakathi owesekelwe yinkolelo
yenqubo yentando yeningi, ubulungiswa emphakathini, kanye namalungelo obuntu;

Sibeke isisekelo sokwakha umphakathi oqhuba ngendlela yentando yeningi; futhi ovulekile, lapho
uhulumeni wakhelwe phezu kwentando yabantu futhi lapho sonke isakhamuzi sivikelwe
ngumthetho ngendlela efanayo;

Sithuthukise izinga lokuphila lazo zonke izakhamuzi futhi sikhulule amakhono omuntu ngamunye;
isifuthi

Sakhe iNingizimu Afrika ebumbene futhi eqhuba ngenqubo yentando yeningi ekwazi ukuthatha
indawo yayo efanele njengezwe elizimele phakathi komndeni wamazwe ngamazwe.

Sengathi uNkulunkulu angabavikela abantu bakithi.

Nkosi Sikelel'iAfrika. Morena boloka setjhaba sa heso.

God seën Suid-Afrika. God bless South Africa.

Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

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Isahluko 1

Ukusekwa koMthethosisekelo

IRiphabhuliki yaseNingizimu Afrika

1. IRiphabhuliki yaseNingizimu Afrika iyizwe elilodwa elibumbene elibuswa ngumbuso
weningi elisekwe phezu kwezibopho ezilandelayo:

(a) Isithunzi somuntu, ukusebenzela ukulingana kwabantu nokuthuthukiswa kwamalungelo
nenkululeko yabantu.

(b) Ukungabandlululi ngokobuzwe nangokobulili.

(c) Ubukhulu bomthethosisekelo nokubusa komthetho okugculisayo.

(d) Ilungelo lokuvota kwabobonke abantu abadala, uhlu lwabobonke abavoti, ukhetho njalo
ngezikhathi ezimiswe ukuthi kubenokhetho ngazo kanye nohlelo lokubusa oluqhuba ngenqubo
yentando yeningi oluvumela iqhaza lamaqembu ahlukahlukene ukuze kuqinisekise
ukuphenduleka, ukunakekelwa kwezidingo nokusebenzela obala kukahulumeni.

UBukhulu boMthethosisekelo

2. LoMthethosisekelo ungumthetho omkhulu waseRiphabhuliki; umthetho noma isenzo
esingahambisani nawo akukho emthethweni, futhi imibandela ezibekwe nguMthethosisekelo
kufanele ilandelwe.

Ubuzwe

3. (1) Kukhona ilungelo lobuzwe elifanayo lazo zonke izakhamuzi zaseNingizimu Afrika.

(2) Zonke izakhamuzi –

(a) zinelungelo elilinganayo lokuthola wonke amalungelo, ilungelo mvumo nezinzuzo
zobuzwe; futhi

- (b) zethweswe ngokulinganayo izibopho nemithwalo ehambisana nobuzwe.
(3) Umthetho kazwelonke kufanele uhlinzekele ukutholakala, ukulahlekelwa nokubuyiselwa kobuzwe.

Iculo lesiZwe

4. Iculo lesizwe laseRiphabhuliki liyonqunywa nguMongameli ngesimemezelo ephephandabeni likaHulumeni lomthetho.

IFulegi lesizwe

5. Ifulegi lesizwe linombala omnyama, osagolide, oluhlaza okotshani, omhlophe, obomvu noluhlaza okwesibhakabhaka, njengoba lichazwe futhi ladwetshwa kuSheduli 1.

Izilimi

6. (1) Izilimi ezisemthethweni eNingizimu Afrika yisiPedi, isiSuthu, isiTswana, isiSwazi, isiVenda, isiTsonga, isiBhunu, isiNgisi, isiNdebele, isiXhosa kanye nesiZulu.

(2) Ngokubuka umlando wokwehliswa kokusetshenziswa nezinga lezilimi zendabuko zabantu bethu, umbuso kufanele uthathe izinyathelo ezingasebenza nezinenqubekelaphambili zokuphakamisa izinga nokuthuthukisa ukusetshenziswa kwalezi zilimi.

(3) (a) Uhulumeni kazwelonke kanye nohulumeni wezifundazwe angasebenzisa izilimi ezithile ezisemthethweni emsebenzini kahulumeni, ecabangela ukusetshenziswa kwalezo zilimi, ubunzima bokusebenzisa ezinye izilimi, izindleko, isimo sesifundazwe, kanye nokuqathaniswa kwezidingo nokukhethwa ngumphakathi uwonke noma kwisifundazwe esithintekile; kodwa uhulumeni okazwelonke noma owesifundazwe kumele usebenzise izilimi ezimbili ezisemthethweni.

(b) Omasipala kufanele babhekelele lezo zilimi ezisetshenziswayo nezikhethwa ngabahlala kumasipala ngamunye.

(4) Uhulumeni kazwelonke nabezifundazwe, kufanele balawule futhi baqaphe ukusetshenziswa kwezilimi ezisemthethweni. Ngaphandle kokususwa lokho okubekwa yisigatshana (2), zonke izilimi ezisemthethweni kufanele zihlonishwe ngendlela elinganayo futhi zithathwe ngendlela efanele.

(5) IBhodi yeziLimi zonke zaseNingizimu Afrika emiswe ngumthetho kazwelonke kufanele

–

(a) ikhuthaze futhi yakhe izimo ezilungele ukuthuthukiswa nokusetshenziswa –

(i) kwazonke izilimi ezisemthethweni;

(ii) ulimi lwamaKhoi, amaNama namaSan; futhi

(iii) ulimi lokukhuluma ngezimpawu; futhi

(b) ikhuthaze futhi iqinisekise ukuhlonishwa kanye nokuthuthukiswa –

(i) kwazo zonke izilimi ezijwayelekile emphakathini waseNingizimu Afrika ezibandakanya isiJalimani, isiGrikhi, IsiGujerati, isiHindi, isiPutukezi, isiTamil, isiTelegu, isi-Urdu; kanye

(ii) isi-Arabhu, isiHebheru, isiSanskrit nezinye izilimi ezisetshenziselwa ezenkolo ngokwejwayelekile yimiphakathi yaseNingizimu Afrika.

Isahluko 2

UMqulu wamaLungelo

Amalungelo

7. (1) Lomqulu wamalungelo uyisisekelo sombuso wenqubo yentando yeningi eNingizimu Afrika. Ugcizelela amalungelo awowonke umuntu ezweni lethu futhi uqinisa inkolelo yenqubo yentando yeningi yokwazisa isithunzi somuntu, ukulingana nokukhululeka.

(2) Umbuso kufanele uhloniphe, uvikele, uphakamise, futhi uphelelise amalungelo akuMqulu wamaLungelo.

(3) Amalungelo akuMqulu wamaLungelo angakhawulwa ngemikhawulo equkethwe noma okukhulunywe ngayo kwisigaba 36, noma kwezinye izingxenye zoMqulu.

Ukusebenza koMqulu

8. (1) UMqulu wamaLungelo usebenza kuyo yonke imithetho futhi uphoqa isishayamthetho, isigungu sokuphatha sikahulumeni, abaphethe izinkantolo, nazozonke izingxenye zombuso.

(2) Isimiso kuMqulu wamaLungelo sibopha abantu bemvelo nalezozakhiwo ezithathwa ngumthetho njengabantu uma, futhi kungadluli ezingeni okungenzeke ngakho lokhu, uma kubhekwe uhlobo lwelungelo nanoma yiziphi izibopho ezibekwa yilelo lungelo.

(3) Uma isebenzisa izimiso zoMqulu wamaLungelo kubantu bemvelo nakulezozakhiwo ezithathwa ngumthetho njengabantu, ngokubeka kwesigatshana (2), inkantolo-B.

(a) ukuze ilenze libenomphumela ilungelo elikuMqulu, inkantolo kufanele ilisebenzise, noma uma kunesidingo, ithuthukise umthetho ojwayelekile ngendlela ezonika ilungelo umphumela lapho umthetho osemabhukwini ungakwenzi lokhu; futhi

(b) ingathuthukisa imitheshwana yomthetho ojwayelekile ukuze ikhawule ilungelo, kodwa lowo mkhawulo kufanele uhambisane nesigaba 36(1).

(4) Lezozakhiwo ezithathwa njengabantu ngumthetho zingabanamalungelo akuMqulu wamaLungelo kuphela ngendlela edingwa uhlobo lwelungelo kanye nolwaleso sakhiwo esithathwa njengomuntu ngumthetho.

Ukulingana

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

(2) Ukulingana kubandakanya ukuthokozela onke amalungelo nenkululeko ngokugcwele nangokulingana. Ukuze kukhuthazwe impumelelo yelungelo lokulingana, kungathathwa izinyathelo zokushaya imithetho nezinye izinyathelo okuqondwe ngazo ukuthi kuvikelwe noma kuthuthukiswe abantu noma imikhakha yabantu abancishiselwe amathuba ngenxa yobandlululo olungafanele.

(3) Umbuso ungebandlulule noma yimuphi umuntu ngokungafanele, ngendlela esobala noma ngendlela ecashile, ngesizathu esisodwa noma ezingaphezulu, ezibandakanya ukubandlulula ngokobuhlanga, ubulili, ukukhulelwa, isimo somuntu kwezomshado, isizwe kambe umphakathi umuntu adabuka kuwo, ibala, ubulili umuntu azifanisa noma afaniswa nabo, iminyaka yobudala, ukukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi kanye nokuzalwa.

(4) Akekho umuntu ovunyelwe ukubandlulula omunye ngokungafanele ngendlela esobala noma ecashile ngesizathu esisodwa noma ngaphezulu njengokusho kwesigatshana (3). Kufanele kushaywe umthetho kazwelonke ukuze kugwenywe noma kunqandwe ubandlululo olungafanele.

(5) Ubandlululo ngesizathu esisodwa noma ezingaphezulu ezibalululwe kwisigatshana (3) akufanele ngaphandle uma kuboniswa ukuthi lolo bandlululo lufanele.

Isithunzi sabantu

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

Impilo

11. Wonke umuntu unelungelo lokuphila.

Inkululeko nokuphepha komuntu

12. (1) Wonke umuntu unelungelo lenkululeko nokuphepha kwakhe, okubandakanya ilungelo –

(a) lokungephucwa inkululeko ngaphandle kokunikwa ithuba lokuziphendulela noma ngaphandle kwesizathu esilungile;

(b) lokungavalelwa ngaphandle kokuqulwa kwecala;

(c) lokukhululeka kuzozonke izinhlobo zodlame ezivela ezakhiweni zombuso noma ngasese;

(d) lokungahlukunyezwa nganoma iyiphi indlela; futhi

(e) lokungaphathwa noma ajeziswe ngendlela enesihluku, engenabo ubuntu nelulazayo.

(2) Wonke umuntu unelungelo lokukhululeka nokuhlonishwa komzimba kanye nengqondo,

okubandakanya ilungelo –

- (a) lokwenza izinqumo ezimayelana nokuzala;
- (b) lokuphepha komzimba nokuzilawulela umzimba; futhi
- (c) lokungasetshenziselwa ukufuniseka ngezokwelapha noma ngezesayensi ngaphandle kwemvume yakhe.

Ubugqili, ukwesetshenziswa njengesigqila, nokusetshenziswa ngenkani

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

Ukungaphazanyiswa

14. Wonke umuntu unelungelo lokungaphazanyiswa, okubandakanya ilungelo –

- (a) lokungaseshwa umzimba noma umuzi wakhe;
- (b) lokungaseshwa kwempahla;
- (c) lokungaphucwa impahla anelungelo layo; noma
- (d) lokungaphazanyiswa kokuxhumana kwakhe nabanye abantu.

Inkululeko kwezenkolo, inkolelo noma umbono

15. (1) Wonke umuntu unelungelo lenkululeko kanembeza, yenkolo, yokucabanga, yenkolelo kanye neyombono.

(2) Izinkonzo zingabanjelwa ezikhungweni zombuso, noma kulezo zikhungo ezisizwa ngumbuso ngezimali kodwa uma –

- (a) labo ababambe izinkonzo belandela imitheshwana eyenziwe abaphathi abaqondene naleyo ndawo abafanele;
- (b) zibanjwe ngendlela efanele; futhi
- (c) ukuhambela lezo zinkonzo kungaphoqelelwe kodwa kungokokukhululeka nangokuzithandela.

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

(i) imishado ehlanganiswe ngokwesiko noma ngokohlelo lomthetho wenkolo, noma wemiphakathi ethile ebusa abantu nemindeni kuleyo miphakathi; noma

(ii) uhlelo lomthetho womphakathi othile obusa abantu nemindeni kuleyomiphakathi ngaphansi kwanoma yiliphi isiko noma oluhlonishwa abantu abalandela inkolo ethile.

(b) Imishado eyamukelwe noma izinhlelo zemithetho yemiphakathi ezamukelwe njengoba kusho isigatshana (a), kufanele zihambisane nezimiso zomthethosisekelo.

Ukuveza imibono ngokukhululeka

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

- (a) inkululeko yamaphephandaba neminye imithombo yezindaba;
- (b) inkululeko yokufumana nokudlulisela phambili ulwazi nemibono;
- (c) inkululeko yokwakha izinto ngokusebenzisa ubuciko; futhi
- (d) inkululeko kwezemfundo kanye nenkululeko yokwenza ucwaningo olunzulu.

(2) Ilungelo elikwisigatshana (1) alihlanganisi –

- (a) inkulumo egqugquzelela impi;
- (b) ukugqugquzela udlame olufufusayo; noma
- (c) ukutshala umoya wenzondo ngokobuzwe, ngokobuhlanga, ubulili noma ngokwenkolo okudala inxushunxushu.

Ukubuthana, ukubhikisha, ukugculisa abanye ukuthi beseke umbikisho nokwethula izicelo ezibhalwe phansi

17. Wonke umuntu unelungelo lokubuthana nabanye lokubhikisha, lokugculisa abanye ukuthi beseke lowo mbhikisho nelokwethula izicelo ezibhaliwe, kodwa uma lokho kwenziwa ngokuthula futhi kungahlonyiwe.

Ilungelo lokuzibandakanya

18. Wonke umuntu unelungelo lokuzibandakanya ngokukhululeka.

Amalungelo ezepolitiki

19. (1) Yilesi naleso sakhamuzi sikhululekile ukuzikhethela nokuzenzela izinqumo eziphathelene nezepolitiki, okubandakanya ilungelo –

(a) lokusungula iqembu lezepolitiki;

(b) ukubamba iqhaza emisebenzini yenhlangano yezepolitiki, noma ukuyifunela amalungu; futhi

(c) nokukhankasela iqembu lezombango noma izinjongo ezithile zepolitiki.

(2) Yilesi naleso sakhamuzi sinelungelo lokuthi kubekhona ukhetho olukhululekile nolubanjwa njalo ngezikhathi ezimisiwe lwanoma yisiphi isakhiwo sesishayamthetho esisungulwe ngokulandela umthethosisekelo.

(3) Yilesi naleso sakhamuzi esidala sinelungelo –

(a) lokuvota okhethweni lwanoma yisiphi isishayamthetho esisungulwe njengokusho koMthethosisekelo futhi lokuvota ngokuyimfihlo; futhi

(b) lokungenela ukhetho lwesikhundla sokumela umphakathi kuthi uma sikhethiwe, sithathe lesi sikhundla.

Ubuzwe

20. Asikho isakhamuzi okufanele sincishwe ilungelo laso lobuzwe.

Ilungelo lokuhamba nokuhlala

21. (1) Wonke umuntu unelungelo lokuhamba.

(2) Wonke umuntu unelungelo lokushiya iRiphabhuliki.

(3) Yilesi naleso sakhamuzi sinelungelo lokungena, nokuhlala noma kuyiphi indawo eRiphabhuliki.

(4) Yilesi naleso sakhamuzi sinelungelo lokuthola iphasiphothi.

Ilungelo Lokuhweba, lesikhundla kanye nohlobo lomsebenzi

22. Yilesi naleso sakhamuzi sinelungelo lokukhetha ngokukhululeka uhwebo, umsebenzi noma iprofeshini. Indlela yokubhubha nokuphatha uhwebo umsebenzi noma iprofeshini ingahlelwa ngumthetho.

Ubudlelwane phakathi kwabasebenzi nabaqashi

23. (1) Yilowo nalowo muntu unelungelo lokuphathwa ngendlela efanele emsebenzini.

(2) Bonke abasebenzi banelungelo –

(a) lokusungula nokujoyina izinhlangano zabasebenzi;

(b) lokuzibandakanya ezenzweni nasezinhlalweni zezinhlangano zabasebenzi; futhi

(c) lokuteleka.

(3) Bonke abaqashi banelungelo –

(a) lokusungula nokujoyina izinhlangano zabaqashi; futhi

(b) lokuzibandakanya ezenzweni nasezinhlalweni zezinhlangano zabaqashi;

(4) Zonke izinhlangano zabasebenzi nezinhlangano zabaqashi zine nelungelo –

(a) lokuzithathela izinqumo ngezokuphathwa, ngezinhlelo kanye nangezenzo zehlangano;

(b) lokugququzela; futhi

(c) lokuxoxisana ngokuhlanganyela; futhi lokusungula nokujoyina imifelandawonye.

(5) Zonke izinyunyane zabasebenzi, izinhlangano zabaqashi kanye nomqashi zinelungelo lokuvumelana ngokuhlanganyela. Umthetho kazwelonke ungamiswa ukulawula isivumelwano esihlanganyelwe. Esimweni lapho umthetho unganciphisa ilungelo kulesi sahluko, ukuncishiswa kwelungelo makhambisane nesigaba 36(1).

(6) Umthetho kazwelonke ungagunyaza ukuhlelelwa ezokuphepha enyonyanini okungavunyelwana ngakho ngokuhlanganyela. Esimweni lapho umthetho unganciphisa ilungelo kulesi sahluko, ukuncishiswa kwelungelo makhambisane nesigaba 36 (1).

Indawo okuphilwa kuyo

24. Wonke umuntu unelungelo –

- (a) lokuphila endaweni engesiyo ingozi empilweni noma kwinhlalakahle yakhe; futhi
- (b) lokuba kuvikelwe imvelo, ukuze kusizakale izizukulwana zamanje nezizayo, ngemithetho efanele nangezinye izinyathelo ezimisiwe okuqondwe ngazo –
 - (i) ukuvimbela ukunukubezeka nokucekelwa phansi kwempilo yezitshalo neyezilwane;
 - (ii) ukukhuthaza ukulondolozwa kwemvelo; futhi
 - (iii) nokuqinisekisa intuthuko engapheli nokusetshenziswa ngendlela efanele kwemithombo yemvelo kube kugququzelelwa ukuthuthuka okufanele komnotho nendlela yokuphila yomphakathi.

Impahla

25. (1) Akekho umuntu ongephucwa impahla ngaphandle uma kumiswe umthetho osebenza ngokufanayo kubobonke abantu, futhi awukho umthetho ongavumela ukuthi umuntu aphucwe impahla engazange anikezwe ithuba lokuziphendulela.

(2) Impahla ingathathwa kuphela njengoba kubekwe wumthetho osebenza kubobonke abantu ngokufanayo –

- (a) uma kuyisidingo somphakathi noma kuzozuza umphakathi; futhi
- (b) uma kuzoba nesinxephezelo inani, isikhathi nendlela yokusikhokha isinxephezelo okuvunyelwane ngaso noma kunqunywe noma kwamukelwe yinkantolo.
- (3) Inani, isikhathi nendlela yokunxephezela kufanele kube elinganayo negculisayo, eveza ukulingana phakathi kwemali yomphakathi kanye nakulabo abathintekile, emva kokubhekela bonke abathintekile izimo ezibandakanya –
 - (a) ukusetshenziswa kwempahla ngaleso sikhathi;
 - (b) umlando wobunikazi bempahla nokusetshenziswa kwayo;
 - (c) inani engathengiswa ngalo ngaleso sikhathi;
 - (d) inani lezimali ezatshalwa umbuso nemali umbuso owasiza ngayo, ekutholakaleni kwaleyo mpahla nasekuyithuthukiseni ukuze ibeyinzuzo; futhi
 - (e) isizathu sokuthathwa kwempahla.

(4) Kulesisigaba -

(a) inzuzo yomphakathi ibandakanya ukuzibophezela kwesizwe ekuthini kuguqulwe uhlelo lobunikazi bomhlaba, nasekuthini; futhi

(b) kube noguquko oluzoqinisekisa ukuthi kufinyeleleka ngendlela egculisayo kuwo wonke umnotho wemvelo waseNingizimu Afrika.

(5) Umbuso kumele uthathe izinyathelo zomthetho nezinye izinyathelo, ezilungile, ngokusemandleni awo, ukweseka isimo esizokwenza izakhamuzi zikwazi ukuthola umhlaba ngendlela egculisayo.

(6) Umuntu noma umphakathi onelungelo lomhlaba elintengantengayo ngokomthetho ngenxa yomthetho noma izenzo zesikhathi esedlule ezibandlulula ngobuzwe, unelungelo ngendlela eshiwo ehlinzikelwe ngumthetho wePhalamende, lokuthola ilungelo elime laqina emthethweni noma lokunikezwa usizo olungafaniswa nokuqiniswa kwalelolungelo.

(7) Umuntu noma umphakathi owathathelwa impahla emva kuka 19 June 1913, ngenxa yemithetho noma izenzo unelungelo njengoba kuhlinzekelwa ngumthetho wePhalamende lokubuyiselwa leyo mpahla, noma lokuthola usizo olufanele.

(8) Akukho okushiwo kulesisigaba okungavimba umbuso ekubeni uthathe izinyathelo zokushaya imithetho nezinye izinyathelo ngenhloso yokuphumelelisa uguquko kwezomhlaba, amanzi nokunye okuyelene nalokho, ukuze ulungise imiphumela yobandlululo ngobuzwe lwesikhathi esedlule, kodwa konke okuqhelile ezimisweni zalesisigaba kufanele kuhambisane nezimiso zesigaba 36(1).

(9) IPhalamende kufanele lishaye umthetho oshiwo kwizigatshana (6).

Izindlu

26. (1) Wonke umuntu unelungelo lokukwazi ukuthola indlu efanelekile.
- (2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni ombuso ukwenza ukuba ukuphumelela kwaleli lungelo kuqhubekele phambili.
- (3) Akekho umuntu ongasuswa emzini wakhe noma kudilizwe indlu yakhe ngaphandle kwesinqumo senkantolo esenziwe ngemuva kokuba ibheke izimo ezithile ezifanelekile Awukho umthetho oyovumela ukususwa abathintekayo benganikwanga ithuba lokuziphendulela.

Impilo, ukudla, amanzi, nenhlalakahle

27. (1) Wonke umuntu unelungelo –
- (a) lokunakekelwa kwezempilo, okubandakanya ukunakekelwa kwezempilo okuqondene nokubeletha;
- (b) lokuthola amanzi nokudla okwenele; futhi
- (c) lenhlalakahle okubandakanya, usizo olufanele uma umuntu engakwazi ukuzondla nokondla labo okufanele abondle.
- (2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo ngokusemandleni ombuso ukuze ukuphumelela kwalelo nalelolungelo kuqhubekele phambili.
- (3) Akekho umuntu ongalelwa ukuba athole usizo lwezokwelashwa oluphuthumayo.

Abantwana

28. (1) Wonke umntwana unelungelo –
- (a) lokuba negama nobuzwe kusukela ngesikhathi ezalwa;
- (b) lokunakekelwa ngumndeni, noma ukunakekelwa ngabazali noma ukunakekelwa okunye okufanele uma lowo mntwana esusiwe emndenini;
- (c) lokuthola ukudla okunomsoco, indawo yokuhlala, ukwelashwa kanye nezenhlalakahle;
- (d) lokuvikelwa ekuphathweni ngendlela engafanele, ekubeni anganakekelwa, ekuhlukunyezweni nasekuphathweni ngendlela eyehlisa isithunzi;
- (e) lokuvikelwa ezimweni zokuxhashazwa emsebenzini;
- (f) lokuthi kungadingeki noma kungavunyelwa ukuthi enze umsebenzi –
- (i) ongamfanele umuntu oneminyaka yobudala elingana neyalowo mntwana; noma
- (ii) obeka inhlalakahle engozini, imfundo, impilo yomzimba noma yengqondo, noma ukuthuthuka komoya, kwesimilo noma kobudlelwano nomphakathi, komntwana, esimweni esibucayi;
- (g) lokungaboshwa ngaphandle uma ukuboshwa kwakhe kuyisinyathelo sokugcina esingathathwa, okuyothi uma kwenzeka, ngaphezulu kwamalungelo anikwe umntwana esigabeni 12 kanye no 35 umntwana angaboshwa kuphela isikhathi okuyisona esifushane angaboshwa ngaso, futhi unelungelo –
- (i) lokungahlanganiswa nabanye abantu ababoshiwe abaneminyaka yobudala engaphezulu kuka 18; futhi
- (ii) lokuphathwa ngendlela futhi aboshwe ezimweni ezikhombisa ukubonelela iminyaka yakhe;
- (h) lokuba nommeli amnikezwa umbuso ngezindleko zombuso, emacaleni ombango athinta umntwana, uma ukunganikezwa ummeli kungaba nomphumela wokwehluleka kakhulu kobulungiswa; futhi
- (i) lokungasetshenziswa ngqo ekulweni izimpi futhi avikelwe ngazozonke izikhathi lapho kuliwa.
- (2) Kuzona zonke izinto ezithinta umntwana, kuyobekwa phambili izidingo zakhe.
- (3) Kulesisigaba “umntwana” kusho umuntu oneminyaka yobudala engaphansi kwengu-18.

Imfundo

29. (1) Yilowo nalowo muntu unelungelo –
- (a) lokuthola imfundo eyisisekelo, kuhlanganisa imfundo eyisisekelo yabantu abadala, ezikhungweni zombuso noma ezikhungweni ezithola usizo embusweni; futhi

(b) lemfundo engaphezu kweyisisekelo, sokuthatha izinyathelo ezinqala, kufanele wenze intuthuko ibe khona kunoma ngubani.

(2) Wonke umuntu unelungelo lokuthola imfundo ngolimi alukhethayo esakhiweni semfundo somphakathi lapho leyo mfundo inganikezwa Ukuze kuqinisekiswa ukuthi leli lungelo kuyafinyelelwa kulona ngempela, nokuphoqelelwa kwaleli lungelo, umbuso kufanele uhlolisise yonke imigudu efanele yemfundo, kubandakanya nezakhiwo zemfundo ezifundisa ngolimi olulodwa, kube kunakekelwe okulandelayo –

(a) lokho okugculisayo wonke othintekile;

(b) ukuthi kungenzeka yini; futhi

(c) isidingo sokulungisa imiphumela yemithetho nenqubo eyedlule eyayibandlulula ngokobuzwe.

(3) Yilowo nalowo muntu unelungelo lokusungula nokugcina, ngezindleko zakhe, izikhungo zemfundo zangasese –

(a) ezingabandlululi ngokohlanga;

(b) ezibhaliswe nombuso; futhi

(c) ezigcina amazanga angekho ngaphansi kwamazinga asezikoleni ezingaqhathaniswa nezixhaswa yizimali zombuso.

(4) Isigatshana (3) asizivimbeli izimali zombuso ezixhasa izakhiwo zemfundo ezizimele.

Ulimi namasiko

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

Imiphakathi enamasiko, izinkolo kanye nezilimi ezithile

31. (1) Abantu abangamalungu emiphakathi enamasiko, izinkolo noma izilimi ezithile kufanele bangaphucwa ilungelo, kanye namanye amalungu emiphakathi yabo, lokwenza okulandelayo –

(a) ukuthokozela amasiko abo, ukuqhuba inkolo yabo nokusebenzisa ulimi lwabo; futhi

(b) bakhe, bajoyine futhi bagcine izinhlangano zamasiko, zenkolo nezezilimi kanye nezinye izinhlangano zomphakathi.

(2) Leli lungelo kwisigatshana (1) malingasetshenziswa ngendlela engahambisani nanoma yisiphi isimiso esikuMqulu wamaLungelo.

Ukuthola Ulwazi

32. (1) Wonke umuntu unelungelo lokuthola –

(a) nanoma yiluphi ulwazi olusezandleni zombuso; futhi

(b) nanoma yiluphi ulwazi olusezandleni zomunye umuntu oludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma yimaphi amalungelo.

(2) Umbuso kufuneka wenze amalungelo asesigatshaneni (1) asebenze ngokushaya umthetho kazwelonke futhi lomthetho ungahlinzekela izinyathelo ezifanele ezinganciphisa umsebenzi wokwengamela izidingo zalelilungelo kanye nezindleko kumbuso.

Ukuphatha ngokusemthethweni

33. (1) Yilowo nalowo muntu unelungelo lokuphathwa yiminyango nezakhiwo zombuso ngendlela esemthethweni, efanele futhi elandela inqubo egculisayo.

(2) Yilowo nalowo muntu onamalungelo athintwe yisinyathelo sokuphatha, unelungelo lokunikezwa izizathu ezibhaliwe zaleso sinyathelo.

(3) Kufanele kushaywe umthetho kazwelonke ukuze la malungelo asebenze futhi lo mthetho kufanele –

(a) uhlinzekele ukuhlaziywa kabusha kwaleso sinyathelo enkantolo noma, esimweni esilungile kuhlaziye inkundla ezimele nengavuni cala;

(b) ubeke isibopho phezu kombuso ukuthi uhloniphe amalungelo akwisigatshana (1) no (2);

futhi

(c) ukhuthaze ukuthi kubenombuso osebenza ngokukhuthala.

Ukuvumeleka ukuya eNkantolo

34. Wonke umuntu unelungelo lokuthi noma yiyiphi ingxabano engaxazululwa ngokusebenzisa umthetho, inqunywe yinkantolo yomthetho ecaleni eligculisayo elivulekele umphakathi noma, lapho kulungile, leyo ngxabano ingaxazululwa yinkundla ezimele nengavuni hlangothi.

Abantu ababoshiwe, abavalelwe nababekwe amacala

35. (1) Wonke umuntu oboshiwe ngoba kuthiwa wenze icala, unelungelo –

(a) lokuthula angasho lutho;

(b) lokwaziswa ngokushesha –

(i) ngelungelo lokuthula angasho lutho; futhi

(ii) ngomphumela wokungasho lutho;

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

(d) lokuba ayiswe enkantolo ngokushesha okungase kwenzeke kodwa engakadluli -

(i) amahora angu-48 emva kokuboshwa; noma

(ii) ekupheleni kosuku lokuqala lwenkantolo emva kwesikathi esingamahora angu-48 sesidlulile ngaphandle kwesikhathi esejwayelekile sokusebenza kwenkantolo, noma nosuku olungelona lokusebenza kwenkantolo;

(e) ekuveleni kokuqala phambi kwenkantolo emva kokuboshwa, lokuba adedelwe ngaphandle uma ethweswa icala futhi inkantolo inquma ukuthi aqhubeke evalelwe; futhi

(f) lokukhululwa ekuvalelweni uma izidingo zobulungiswa zivuma, kodwa ngemibandela efanelekile.

(2) Wonke umuntu ovalelwe, kubandakanya noma yisiphi isiboshwa esidonsa isigwebo, unelungelo –

(a) lokwaziswa ngokushesha ngezizathu zokuvalelwa kwakhe;

(b) lokuzikhethela kanye nokubonana nommeli nokwaziswa ngokushesha ngalelilungelo;

(c) lokunikezwa ummeli ngezindleko zombuso, uma ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi aziswe ngaleli lungelo ngokushesha;

(d) lokuphikisa ukubasemthethweni kokuvalelwa kwakhe mathupha phambi kwenkantolo, futhi uma kutholakala ukuthi loko kuvalelwa akukho emthethweni adedelwe;

(e) lokuba avalelwe ngaphansi kwesimo esihlonipha isithunzi sobuntu, kubandakanye ukuthi okungenani ukulolonga umzimba nokuhlinzeka ngezindleko zombuso, indawo eyanele, umsoco owanele, izinto zokufunda ezanele kanye nokwelashwa kwempilo okwanele; futhi

(f) lokuxhumana nokuvakashelwa –

(i) ngowakwakhe noma lowo azwana naye;

(ii) yisihlobo esisondelene naye;

(iii) umkhokheli kwezenkolo oqokwe nguye; futhi

(iv) udokotela oqokwe nguye.

(3) Wonke umuntu obekwe icala unelungelo lokuba icala lakhe liqulwe ngendlela egculisayo, lokhu kuhlenganisa ilungelo –

(a) lokuba aziswe ngecala athweswe lona ngokunikwa imininingwane eyanele ukuze akwazi ukuziphendulela;

(b) lokuba anikwe isikhathi nezidingo ezanele zokulungisela ukuziphendulela;

(c) lokuba icala lakhe lethanyelwe ngumphakathi enkantolo ejwayelekile yamacala;

(d) lokuba icala liqalwe futhi liphethwe ngaphandle kokuchitha isikhathi kungafanele;

(e) lokuba khona enkantolo uma kuthethwa icala lakhe;

(f) lokukhetha ummeli nokumelwa ngummeli futhi abenelungelo lokwaziswa ngaleli lungelo ngokushesha;

- (g) lokubanommeli onikezwe ngumbuso futhi ngezindleko zombuso uma ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi nelungelo lokwaziswa ngaleli lungelo ngokushesha;
 - (h) lokuthathwa ngokuthi akanacala futhi lokungasho lutho ngecala futhi lokunganiki bufakazi ngesikhathi kuqulwa icala lakhe;
 - (i) lokunika futhi lokuphikisa ubufakazi;
 - (j) lokungaphoqwa ukuba anike ubufakazi obuzomethwesa ngecala;
 - (k) lokuba icala liqulwe ngolimi aluzwayo, noma uma loko kungaphumeleli ukuqulwa kwecala kutolikelwe kulolo limi alwaziyo;
 - (l) lokungagwetshelwa ukwenza noma ukungenzi okuthile okwakungelona icala ngokomthetho wezwe noma wamazwe ngamazwe ngesikhathi ekwenza noma engakwenzi;
 - (m) lokungabhekani necala enkantolo eliphathelene nalokho asatholwa engenacala lako noma asagwetshelwa kona;
 - (n) lokunikezwa isigwebo esisinda kancane kunesinye esimisiwe uma isigwebo esimiselwe lelo cala sishintshiwe phakathi kwesikhathi sokwenziwa kwecala nesikhathi sokugwetshwa; futhi
 - (o) lokufaka isicelo sokudlulisa icala noma ukuhlaziywa kwalo yinkantolo enkulu.
- (4) Lapho lesi sigaba sidinga ukuba umuntu aziswe okuthile, lolo lwazi kufanele lowo muntu alunikwe ngolimi aluqonda kahle.
- (5) Ubufakazi obutholakale ngendlela ephambene nanoma yiliphi ilungelo elikuMqulu wamaLungelo kufanele bungangeniswa njengobufakazi ecaleni uma ukungeniswa kwalobo bufakazi bungenza ukuthi icala lingagculisi noma kungakhinyabeza ukuphathwa kobulungiswa. Ukuncishiswa Kwamalungelo

36. (1) Amalungelo aqukethwe kuMqulu wamaLungelo angancishiswa kuphela ngokusho komthetho osebenza kunoma yimuphi umuntu, kungadluli ezingeni lokuthi ukuncishiswa kube kufanele futhi kwamukelekile emphakathini ovulekile, onombuso wentando yeningi nosekelwe yisithunzi sobuntu, ukulingana, nenkululeko, kunakwe zonke izinto ezithintekayo ezibandakanya

- (a) ubunjalo belungelo;
 - (b) ukubaluleka kwezinjongo zokuncishiswa;
 - (c) ubunjalo nobungako bokunciphisa;
 - (d) ubudlelwane phakathi kokunciphisa nezinjongo zawo; futhi
 - (e) ezinye izindlela ezinezihibe ezingaphansi ezingafeza injongo efanayo.
- (2) Ngaphandle uma kwenziwe ngendlela ehlinzekelwe kwisigatshana (1) noma esinye sezimiso zoMthethosisekelo awukho umthetho onganciphisa noma yiliphi ilungelo elihlinzekelwe kuMqulu wamaLungelo.

Isimo esibucayi

37. (1) Isimo esibucayi singamenyezelwa kuphela ngokulandela uMthetho wePhalamende, futhi kuphela uma –

- (a) impilo yezwe yesatshiswa ngenxa yempi, yokuhlaselwa, yokuvukelwa kombuso, yeziphithiphithi, yenhlekelele yemvelo noma yesehlakalo esibucayi emphakathini; futhi
 - (b) isimemezelwe sesimo esibucayi sidingekile ukuze kubuyiselwe uxolo nokuthula.
- (2) Ukumenyezelwa kwesimo esibucayi, kanye nomthetho owenziwe noma isinyathelo noma yisiphi esithathwe kulandela leso simemezelwe, kungasebenza kuphela –
- (a) kuya esikhathini esilandelayo; futhi
 - (b) isikhathi esingeqile ezinsukwini ezingu 21 kusukela osukwini lwesimemezelwe ngaphandle uma uMkhandlu kaZwelonke unquma ukwelula isikhathi sesimemezelwe. UMkhandlu kaZwelonke unganquma ukwelula isikhathi sokusebenza kwesimemezelwe sesimo esibucayi ngesikhathi esingeqile ezinyangeni ezintathu. Ukwelulwa kokuqala kwesikhathi sesimo esibucayi kufanele kwenziwe ngesinqumo esivunjwe yiningi lamalungu oMkhandlu. kaZwelonke Noma yikuphi

ukwelulwa kwesikhathi okulandelayo kufanelwe kwenziwe ngesinqumo esesekwe okungenani ngamalungu oMkhandlu angamaphesenti angu-60 Isinqumo esishiwo kulesi sigatshana kufanele sithathwe ngemuva kwenkulumompikiswano eMkhandlwini.

- (3) Noma iyiphi inkantolo ingathatha isinqumo mayelana nokubasemthethweni –
- (a) kwesimemezelo sesimo esibucayi;
 - (b) kokwelulwa kwesimemezelo sesimo esibucayi; noma
 - (c) kwanoma yimuphi umthetho owenziwe, noma isinyathelo esithathiwe ngokulandelwa kwaleso simemezelo sesimo esibucayi.
- (4) Noma yimuphi umthetho omisiwe ngenxa yokumenyezelwa kwesimo esibucayi kungazitshwa kumthetho-sivivinywa kulezi zimo kuphela –
- (a) ukuzitshwa kwesimemezelo kudingwa yisimo esibucayi kuphela; kanye
 - (b) umthetho unga –
 - (i) vumelana nezimiso zeRiphabliki ngaphansi komthetho womhlaba wonke omiselwe isimo esibucayi;
 - (ii) hambisana nesigatshana (5); futhi
 - (iii) ushicelelwa kusomqulu kahulumeni kazwelonke ngokushesha uma kunokwenzeka emva kokuba umisiwe.
- (5) Awukho uMthetho wePhalamende noma umthetho oshaywe ngenxa yesimemezelo sesimo esibucayi noma esinye isinyathelo esithathwe ngenxa yesimemezelo sesimo esibucayi esingavumela –
- (a) ukuxolelwa kombuso, noma komuntu noma yimuphi mayelana nesenzo esingekho emthethweni;
 - (b) ukuzitshwa kwalesi sigaba noma ngayiphi indlela; noma
 - (c) ukuzitshwa kwesigaba esishiwo kwingxenye 1 yoluhla lwamalungelo angeke azitshwe, ngezinga elivezwe ngaphesheya kwesigaba engxenyeni 3 yoluhla.

Uhla lwamalungelo angeke ajivazwa

- | 1 | 2 | 3 | |
|----------|----------|-------------------------------|--|
| Inombolo | Isihloko | Izinga lokuvikelwa kwelungelo | |
| yesigaba | sesigaba | | |
9. Ukulingana. Mayelana nokubandlululwa okungamukelekile ngokohlanga, ibala, ubuzwe noma imvelaphi, ubulili, inkolo noma ulimi.
10. Isithunzi somuntu. Ngokuphelele.
11. Ukuphila. Ngokuphelele.
12. Ukukhululeka Mayelana nezigatshana (1)(d) no (e) no 2(c) nokuphepha komuntu
13. Ubugqili, Mayelana nobugqili nokwenziwa isigqila ukwenziwa isigqila nokusetshenziswa ngempoqo.
28. Izingane. Mayelana nesigatshana 1(d), kanye no (e); namalungelo kwisigatshana (i) kanye no (ii) wesigatshana (1)(g); kanye nesigatshana (1)(i) esimayelana nabantwana abaneminyaka engu-15 nabangaphansi.
35. Abantu ababoshiwe, Mayelana :
abatokile noma - nezigatshana (1) (a), (b) no (c) 2(d);
abethweswe amac- - amalungelo akupharagrafu (a) ku yaku (o)
ala esigatshana (3), ngaphandle kweppharagrafu (d);

-isigatshana (4); kanye
-nesigatshana (5) ngokumayelana nokukhishelwa
ngaphandle kobufakazi uma ukwamukelwa kwalobo bufakazi
kungakhinyabeza ukuthethwa

kwekala ngendlela efanele

(6) Noma yinini lapho umuntu evalelwe ngaphandle kokuthethwa kwecala ngaphansi komthetho wesimo esibucayi izimiso ezilandelayo kufanele ziqikelelwe:

(a) umuntu omdala oyilungu lomndeni noma umngane walowo ovalelwe kufanele atshelwe ngokushesha okungase kwenzeka ngokuvalelwa kwalowo muntu.

(b) Isaziso kufanele sishicilelwe kwiphephandaba iGazethi kaHulumeni kazwelonke zingakapheli izinsuku ezinhlanu umuntu evalelwe, lesi saziso kumele sisho igama lomuntu nalapho evalelwe khona nesimo esibucayi aboshwe ngaphansi kwaso;

(c) Umuntu ovalelwe kumele avunyelwe ukuqoka, kanye nokuvakashelwa ngudokotela noma ngasiphi isikhathi esifanele;

(d) Umuntu ovalelwe kumele avunyelwe ukuqoka, kanye nokuvakashelwa ngummeli noma ngasiphi isikhathi esifanele;

(e) Inkantolo yamacala kumele ibuyekeze ukuvalelwa kwomuntu ngokushesha okungase kwenzeka, kodwa zingakapheli izinsuku ezingu 10 emuva kokuvalelwa kwakhe, futhi inkantolo kumele imdedele lowo ovalelwe ngaphandle uma kunesidingo sokuqhubeka nokumvalela ukuze kubuyiselwe isimo soxolo nokuthula;

(f) Umuntu ongadedelwanga njengokusho kwesibuyekezo esikwindima (e) noma ongadedelwanga ngemuva kokubuyekezwa ngaphansi kwalesi sigaba angenza isicelo enkantolo ukuba kuphinde kubuyekezwe ukuvalelwa kwakhe noma ngasiphi isikhathi ngemuva kwezinsuku ezingu-10 lwenziwe uhlaziyo oludala, futhi kunoma yikuphi ukubuyekezwa inkantolo kufanele imdedele umuntu ngaphandle uma kudingekile ukuba aqhubeke evalelwe ukuze kubuyiselwe uxolo nokuthula;

(g) Umuntu ovalelwe unelungelo lokuvela qobo lwakhe phambi kwenkantolo, ukumelwa ngummeli kulolo daba futhi nokwethula izizathu eziphikisa ukuthi aqhubeke esekuvalelweni; futhi

(h) Umbuso kufanele wethule phambi kwenkantolo izizathu ezibhalwe phansi zokuthi kubaluleke ngani ukuvalelwa noma ukuqhubeka nokuvalelwa lowo muntu, ikhophi yezizathu zinikwe lowo ovalelwe okungenani esikhathini esiyizinsuku ezimbili ngaphambi kokuthi inkantolo ibuyekeze ukuvalelwa kwakhe.

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

(8) Izigatshana (6) no (7) azisebenzi kubantu abangezona izakhamuzi zaseNingizimu Afrika futhi abavalelwe ngenxa yempi phakathi kwamazwe Esikhundleni salezo zigatshana, umbuso kufanele uhambisane nemigomo ebophe iRiphabhuliki ngaphansi komthetho wobuntu wamazwe ngamazwe mayelana nokuvalelwa kwalabo bantu.

Ukuphoqelelwa kwamalungelo

38. Nanoma wubani obaliwe kulesi sigaba unelungelo lokufaka isicelo enkantolo, esho ukuthi ilungelo elikuMqulu wamaLungelo, liphuliwe noma kungenzeka liphulwe, inkantolo inganikeza usizo okufanele okubandakanya ukumenyezelwa kwamalungelo Abantu abangenza izicelo zosizo yilaba –

(a) noma yimuphi umuntu ozifakela yena isicelo;

(b) noma yimuphi umuntu owenza isicelo egameni lomunye umuntu ongakwazi ukuzenzela yena;

(c) noma yimuphi umuntu ofaka isicelo njengelungu, noma owenza lokho egameni leqembu noma lomkhakha othile wabantu;

- (d) noma yimuphi umuntu ofaka isicelo ukuzuzela umphakathi; kanye
- (e) nenhlango efa isicelo ngenhloso yokuzuzela amalungu ayo.

Ukunyushwa komqulu wamalungelo

39. (1) Uma kunyushwa uMqulu wamaLungelo, yileyo naleyo nkantolo –
- (a) kufanele ikhuthaze imigomo eyeseka umphakathi ovulekile nobuswa yinqubo yentando yeningi eyesekelwe yisithunzi somuntu, ukulingana nenkululeko;
 - (b) kufanele ibheke umthetho wamazwengamazwe; futhi
 - (c) ingabuka umthetho wezinye izizwe.
- (2) Uma kunyushwa noma yimuphi umthetho, futhi uma kuthuthukiswa umthetho owejwayelekile noma umthetho wesintu, yileyo naleyo nkantolo, noma inkundla kumele ikhuthaze umoya, inhloso kanye nezinjongo zoMqulu wamaLungelo.
- (3) UMqulu wamaLungelo awukuphiki ukubakhona kwamanye amalungelo avela emthethweni owejwayelekile, umthetho wesintu noma imithetho eshaywe izishayamthetho, kugcine ezingeni lokuhambisana kwayo noMqulu wamalungelo.

Isahluko 3

Uhulumeni wobumbano

Uhulumeni eRiphabhuliki

40. (1) Uhulumeni eRiphabhuliki, wakheke waba yimikhakha kazwelonke, yezifundazwe kanye neyezindawo, engafani, enobudlelwano nokuhlobana.
- (2) Yonke imikhakha kahulumeni kufanele iqaphele futhi ilandele imigomo ebekwe kulesi sahluko futhi kumele yenze imisebenzi yayo ngokulandela uhlaka olunikezwa yilesi sahluko.

Izibopho zikahulumeni wobambiswano

41. Yonke imikhakha kahulumeni nazo zonke izingxenye zombuso emkhakheni ngamunye kufanele –
- (a) kugcine uxolo, ubumbano lwesizwe, nokungahlukaniseki kweRiphabhuliki;
 - (b) kuphephise inhlalakahle yabantu baseRiphabhuliki;
 - (c) kumise uhulumeni weRiphabhuliki wonkana onobuciko, osebenzela obala, ophendulayo futhi odidiyelwe kahle;
 - (d) kuthembeke kuMthethosisekelo, kwiRiphabhuliki, nakubantu bayo;
 - (e) kuhloniphe amazanga ohulumeni bakweminye imikhakha abekwe ngumthethosisekelo, izakhiwo, amandla kanye nemisebenzi yohulumeni abakweminye imikhakha;
 - (f) kungazithatheli amanye amandla nemisebenzi eminye ngaphandle kwaleyo enikezwe ngokoMthethosisekelo;
 - (g) kusebenzise amandla ako futhi nokwenza nemisebenzi ngendlela yokungeyi amandla endawo, ukusebenza kanye nobuqotho bohulumeni beminye imikhakha; futhi
 - (h) kusebenzisane ngokwethembana nangomoya omuhle -
 - (i) ngokwakha ubudlelwano bokuzwana;
 - (ii) ngokusizana nokwesekana;
 - (iii) ngokwazisana nokubonisana nezindaba ezithinta imikhakha ngokufanayo;
 - (iv) ngokudidiyela izenzo kanye nemithetho;
 - (v) ngokulandela izindlela zokusebenza okuvunyelwenwe ngazo; futhi
 - (vi) ngokugwema ukwethwesana ngamacala phambi komthetho.
- (2) Umthetho wePhalamende kumele -
- (a) uhlinzekele izindlela ezifanele kanye nezinhlelo zokugquguzela ukuxazululwa kwezinxabano phakathi kohulumeni abehlukahlukene; futhi.
 - (b) uhlinzekele indlela efanele yokusebenza kanye nenqubo yokugquguzela ukusonjululwa kwengxabano phakathi kohulumeni.
- (3) Ingxenye yombuso ethintekayo engxabanweni ephakathi kohulumeni kufanele yenze yonke imizamo efanele yokuxazulula leyo ngxabano ngokusebenzisa izindlela nezinhlelo ezibekelwe lesi

sidingo, futhi kufanele isebenzise yonke eminye imigudu ekhona ngaphambi kokudlulisela udaba enkantolo ukuba ixazulule leyo ngxabano.

(4) Uma inkantolo ingaculisekile ukuthi izidingo zesigatshana (4) zigcwalisiwe, ingayibuyisela leyo ngxabano kuleyo ngxenye yombuso ethintekile.

Isahluko 4

IPhalamende

Ukwakheka kwePhalamende

42. (1) IPhalamende lakhiwe –

(a) nguMkhandlu kaZwelonke; kanye

(b) noMkhandlu kaZwelonke wesiFundazwe.

(2) UMkhandlu kaZwelonke kanye noMkhandlu kaZwelonke weziFundazwe babamba iqhaza ekushayweni kwemithetho ngendlela ebekwe kulo Mthethosisekelo.

(3) UMkhandlu kaZwelonke ukhethelwe ukuba umele abantu futhi noqinisekisa umbuso wabantu ngaphansi koMthethosisekelo Ukwenza loku ngokukhetha uMongameli, ngokuba yinkundla kazwelonke yokucwaningwa kwezindaba phambi komphakathi, ngokushaya imithetho kanye nokuhlolisisa nokuqapha izenzo zikahulumeni.

(4) UMkhandlu kaZwelonke eziFundazwe umele izifundazwe ukuze siqinisekise ukuthi izidingo zezifundazwe ziyaqikelelwa emkhakheni kahulumeni kazwelonke Sikwenza loku ikakhulukazi ngokubamba iqhaza ekushayweni kwemithetho kazwelonke nokuba yinkundla kazwelonke yokucwaningwa kwezindaba ezithinta izifundazwe phambi komphakathi.

(5) UMongameli angabizela iPhalamende emhlanganweni ongewe wayelekile noma ngasiphi isikhathi ukuze lenze umsebenzi ongewe wayelekile.

(6) Indawo yokuhlala kwePhalamende ise Kapa, kodwa umthetho wePhalamende oshaywe ngendlela ehambisana nezigaba 76(1) no (5), unganquma ukuthi iPhalamende lihlala kwenye indawo.

Igunya lokushaya imithetho eRiphabhuliki

43. ERiphabhuliki igunya lokushaya imithetho –

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

(b) emkhakheni kahulumeni wezifundazwe linikezwe isishayamthetho njengoba kushiwo esigabeni 104; futhi

(c) emkhakheni kahulumeni wendawo linikezwe ezigungwini zikamasipala, njengoba kushiwo esigabeni 156.

Igunya lokushaya imithetho kazwelonke

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

(a) libeka amandla phezu koMkhandlu kaZwelonke –

(i) okushintsha uMthethosisekelo;

(ii) okwamukelwa imithetho mayelana nazozonke izindaba, kubandakanya lokho okufakwe kuluhlu lukaSheduli 4, kodwa kungahlanganisi, ngaphandle kwendlela eshiwo yisigatsana (2), udaba olufakwe kuluhlu lukaSheduli 5; futhi

(iii) okudlulisela noma yimaphi amandla okushaya umthetho, ngaphandle kwamandla okushintsha uMthethosisekelo, kunoma yisiphi isishayamthetho komunye umkhakha kahulumeni; futhi

(b) libeka amandla phezu koMkandlu weziFundazwe kaZwelonke -

(i) okubamba iqhaza ekuguqulweni koMthethosisekelo, njengokusho kwesigaba 74;

(ii) okwamukelwa imithetho njengokusho kwesigaba 76, umthetho omayelana nanoma yiluphi udaba olufakwe ohlwini lukaSheduli 4, futhi nanoma yiluphi olunye udaba okudingeka lamukelwe ngendlela ebekwe nguMthethosisekelo egasibeni 76; futhi

(iii) okucwaninga, ngendlela eshiwo yisigaba 75, noma yimuphi omunye umthetho

owamukelwe nguMkhandlu kaZwelonke.

(2) IPhalamende lingaxambukela ngokwamukela umthetho, ngendlela ehambisana nesigaba 76(1), mayelana nodaba olufakwe ohlwini lukaSheduli 5, uma kunesidingo –

- (a) sokugcina ukuphepha kwezwe;
- (b) sokugcina ubumbano lomnotho;
- (c) sokugsima amazinga asemqoka kazwelonke
- (d) sokumisa amazinga okungafanele ehliswe okunikela ngemisebenzi yombuso; noma
- (e) sokuvimbela isenzo esingafanele esithathwa yisifundazwe esingakhinyabeza esinye isifundazwe noma izwe ngokuphelele.

(3) IsiGungu sikaZwelonke seziFundazwe sinamandla okushaya imithetho mayelana nodaba oludingekile ukuze kusetshenziswe ngendlela kwamandla, noma oluncikene nokusetshenziswa ngendlela kwamandla aphantelene nanoma yiluphi udaba olufakwe ohlwini lukaSheduli 4.

(4) Uma lisebenzisa igunya lalo lokushaya imithetho, iPhalamende libekelwe imigomo nguMthethosisekelo kuphela, futhi kufanele lenze njengoba kusho uMthethosisekelo, lilandela imibandela yoMthethosisekelo.

Amakomiti emitheshwana nezinqumo okuhlanganyelwe

45. (1) UMkhandlu kaZwelonke neisGungu sikaZwelonke weziFundazwe kufanele kokubili kumise ikomidi elihlangene lokushaya le mitheshwana elizomisa imitheshwana nezinqumo mayelana nomsebenzi odidiyelwe woMkhandlu neisGungu, kubandakanya imitheshwana nezinqumo –

- (a) yokumiswa kwezinqubo zokugqugquzela uhlelo lokushaya imithetho, kubandakanya ukubeka imikhawulo yesikhathi sokuqeda isinyathelo esithile ohlelweni;
- (b) yokumiswa kwamakomidi ahlangenyelwe akhiwe ngabamele imikhakha yomibili yePhalamende, uMkhandlu nesiGungu, ukuze acwaninge futhi wethule imibiko ngeMithethosivinywa ehlongozwa ezigabeni 74 no 75 esidluliselwe kulawo makomiti;
- (c) yokumiswa kwekomidi elihlangenyelwe lokubuyekeza uMthethosisekelo minyaka yonke; futhi
- (d) yokulawula umsebenzi –
 - (i) wekomidi elihlangenyelwe lemitheshwana;
 - (ii) weKomidi labaLamuli;
 - (iii) wekomidi lokubuyekeza komthethosisekelo; futhi
 - (iv) wanoma yiliphi ikomidi elimiswe ngokusho kwesigaba (b).

(2) Amalungu eKhabhinethi, amalungu ePhalamende likazwelonke kanye namalungu amele uMkhandlu seziFundazwe sikazwelonke anelungelo elilinganayo ngaphambi kwekomidi elihlanganyelwe lePhalamende kanye noMkhandlu njengoba benalo ngaphambi kwePhalamende noma uMkhandlu.

UMkhandlu KaZwelonke

Ukwakheka nokukhethwa kwamalungu

46. (1) UMkhandlu kaZwelonke wakhiwe yinani labantu besifazane nabesilisa elisuka ku 350 kodwa elingedlulile ku 400 abakhethwe njengamalungu njengoba kubekwe nguhlelo lokhetho –

- (a) olubekwe ngumthetho kazwelonke;
- (b) olwakhelwe phezu koluhla lwabobonke abavoti;
- (c) oluhlinzekela ukuthi kuvotela abantu abaneminyaka engu 18 kuya kwengaphezulu; futhi
- (d) olunomphumela, kabanzi, wokumelwa ngokwamanani amavoti atholiwe.

(2) Umthetho wePhalamende kumele uhlinzeke indlela yokunquma inani lamalungu oMkhandlu kaZwelonke.

Ubulungu

47. (1) Zonke izakhamuzi ezivunyelwe ukuvotela amalungu oMkhandlu kaZwelonke

zingaba amalungu oMkhandlu, ngaphandle –

(a) kwanoma ngubani oqashwe noma osebenzela umbuso, futhi owuholelayo lowomsebenzi, ngaphandle kwabalandelayo –

(i) uMongameli wezwe, iSekela likaMongameli, oNgqongqoshe namaSekela oNgqongqoshe; futhi

(ii) abanye abasezikhundleni imisebenzi yabo ehambisanayo nemisebenzi yelungu loMkhandlu, futhi sekumiswe ngumthetho kaZwelonke ukuthi iyahambisana naleyomisebenzi;

(b) izithunywa ezigcwele zesiGungu kaZwelonke weziFundazwe, noma amalungu esishayamthetho sesiFundazwe noma uMkhandlu kamasipala;

(c) abehlulwe yizikweletu inkantolo yaze yanquma ukuthi abanalutho okungolwabo, uma lesi sinqumo singakususwa;

(d) noma ngubani onesinqumo senkantolo yaseRiphabhuliki sokuthi unomqondo ongaphilile kahle; noma

(e) noma ngubani okwathi emuva kuthi lesi sigaba siqale ukusebenza, watholwa enecala wagwetshwa isikhathi esingaphezulu kwezinyanga ezingu-12 ejele ngaphandle kwesijeziro semali, lapha eRiphabhuliki noma ngaphandle kweRiphabhuliki uma lesi senzo asigwetshelwa sasingaba yicala eRiphabhuliki; kodwa, akekho umuntu oyothathwa ngokuthi ugwetshiwe kuze kubenesinqumo maqondana nokudluliswa kwecala noma kuze kudlule isikhathi sokulidlulisa icala Isithibe ngaphansi kwalesi sigaba siphela eminyakeni emihlanu emuva kokuqedwa kwesigwebo.

(2) Umuntu ongavunyelwe ukuba yilungu loMkhandlu kaZwelonke ngokusho kwezigatshana

(1)(a) noma (b) angalumela ukhetho loMkhandlu, uma kuhambisana nemikhawulo noma imbandela emiswe ngumthetho kaZwelonke.

(3) Umuntu ulahlekelwa wubulungu boMkhandlu kaZwelonke uma lowo muntu –

(a) eyeka ukuba ngumuntu ovunyelwe; noma

(b) ephuthe eMkhandlwini ngaphandle kwemvume kuleso simo esibekwa yimitheshwana nezinqumo ukuthi kufanele alahlekelwe ngubulungu.

(4) Izikhala eMkhandlwini kaZwelonke kumele zigcwaliswe ngokusho komthetho kaZwelonke.

Izifungo nokuvuma ngokuzibophelela

48. Ngaphambi kokuba ilungu loMkhandlu kaZwelonke liqale ukwenza imisebenzi yoMkhandlu, kufanele lifunge noma lethembise ukwethembeka kwiRiphabhuliki kanye nokuthobela uMthethosisekelo, ngendlela ebekwe kwiSheduli 2.

Isikhathi uMkhandlu kaZwelonke okhethelwe sona

49. (1) UMkhandlu kaZwelonke ukhethelwa isikhathi esiyiminyaka emihlanu.

(2) Uma uMkhandlu kaZwelonke uhlakazwe njengoba kubekiwe esigabeni 50, noma emva kokuphelelwa yisikhathi sawo, uMongameli, kufanele abize ukhetho ngesimemezelo esishicilelwe futhi asho kuleso simemezelo ukuthi luzobanjwa ngaziphi izinsuku lolo khetho, kodwa kufanele lubanjwe phakathi kwezinsuku ezingu-90 kusukela ekuhlakazweni koMkhandlu noma ekuphelelweni kwawo yisikhathi.

(3) Uma umphumela wokhetho loMkhandlu kaZwelonke ungamenezelwanga phakathi kwesikhathi esibekwe kwisigaba 190 noma uma ukhetho luchithwe yinkantolo, uMongameli, kufanele abize abeke nezinsuku zolunye ukhetho ngesimemezelo esishicilelwe phakathi kwezinsuku ezingu 90 kusukela ekweqeni kwesikhathi sokumemezela umphumela noma kusukela ngelanga ukhetho olwachithwa ngalo.

(4) UMkhandlu kaZwelonke uyaqhubeka nokubanamandla okusebenza kusukela esikhathini ohlakazwe ngaso, noma ophelelwe ngaso yisikhathi, kuze kube yilanga elingaphambi kwelanga lokuqala lokuvotela uMkhandlu olandelayo.

Ukuhlakazwa koMkhandlu kaZwelonke ngaphambi kokuphela kwesikhathi sawo

50. (1) UMongameli kufanele awuhlakaze uMkhandlu kaZwelonke uma –

- (a) UMkhandlu uthathe isinqumo sokuhlakazeka esesekwe yiningi lamalungu; futhi
- (b) sekwedlule iminyaka emithathu emva kokukhethwa koMkhandlu.
- (2) IBamba likaMongameli kufanele liwuhlakaze uMkhandlu uma –
 - (a) kunesikhala esikhundleni sikaMongameli; futhi
 - (b) UMkhandlu wehluleka ukukhetha uMongameli omusha phakathi kwezinsuku ezingu-30 sivelile lesi sikhala.

Izikhathi zokuhlangana nezamakhefu

51. (1) Emva kokhetho, umhlangano wokuqala woMkhandlu kaZwelonke kufanele uhlale ngesikhathi kanye nangelanga elibekwe nguMongameli weNkantolo yoMthethosisekelo, kodwa lingabingaphezulu kwezinsuku ezingu-14 emva kokumenyezela komphumela wokhetho UMkhandlu kaZwelonke ungabeka izikhathi nobude beminye imihlangano yawo kanye namakhefu awo.

(2) UMongameli angabiza ngokushesha uMkhandlu ukuba uze emhlanganweni ongaywayelekile noma ngasiphi isikhathi ukuze wenze umsebenzi ongaywayelekile.

(3) Imihlangano yoMkhandlu kaZwelonke ivunyelwe ezindaweni ezingeyona indawo yokuhlala kwePhalamende kuphela ngezizathu eziyizidingo zomphakathi, zokuphepha noma ubulula bamalungiselelo, futhi uma kuhlinzekelwe emitheshwaneni yoMkhandlu.

USomlomo noma iSekela likaSomlomo woMkhandlu

52. (1) Emhlanganweni wokuqala woMkhandlu ngemuva kokukhethwa kwawo, noma uma kudingekile ukuze kuvalwe isikhala, uMkhandlu kaZwelonke kufanele ukhethe uSomlomo nesekele likaSomlomo phakathi kwamalungu awo.

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

(3) Uhlelo olubekwe kwingxenye A kuSheduli 3 lusebenza nalapho kukhethwa uSomlomo nesekele likaSomlomo.

(4) UMkhandlu kaZwelonke ungasusa uSomlomo noma iSekela likaSomlomo esikhundleni ngokuthatha isinqumo sokwenza njalo Iningi lamalungu oMkhandlu kufanele abekhona lapho kuthatha lesi sinqumo.

(5) Ngokusho kwemitheshwana nezibopho, UMkhandlu kaZwelonke ungakhetha phakathi kwamalungu awo abanye abangangamela imihlangano yoMkhandlu ukuze basize uSomlomo neSekela likaSomlomo.

Izibopho

53. (1) Ngaphandle uma uMthethosisekelo ubeka ngokukwehlukile –

(a) iningi lamalungu oMkhandlu kaZwelonke kufanele libekhona ngaphambi kokuthi kuvotelwe uMthethosivivinywa noma isichibiyelo kuMthethosivivinywa;

(b) okungenani ingxenye engu-1/3 yamalungu kufanele ibekhona ngaphambi kokuthi kuvotelwe noma yiluphi olunye udaba olubekwe phambi koMkhandlu; futhi

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

(2) Ilungu loMkhandlu kaZwelonke elengamele umhlangano woMkhandlu alikwazi ukufaka ivoti elejwayelekile kodwa –

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

(b) lingafaka ivoti elejwayelekile uma udaba kufanele lunqunywe ngokwesekwa okungenani yinani lamavoti eliyingu-2/3 kumalungu oMkhandlu.

Amalungelo amalungu athile eKhabinethi eMkhandlwini kaZwelonke

54. UMongameli kanye nanoma yiliphi ilungu leKhabinethe elingelona ilungu loMkhandlu kaZwelonke, bangawuhambela umhlangano woMkhandlu, bakhulume eMkhandlwini kodwa

abavunyelwe ukuvota.

Amandla oMkhandlu kaZwelonke

55. (1) Ekusebenziseni amandla okushaya imithetho, uMkhandlu kaZwelonke –
- (a) ungacwaninga, wemukele, ushintshe noma uchithe noma yimuphi umthetho obekwe phambi koMkhandlu; futhi
 - (b) ungasungula noma ulungise umthetho ngaphandle kweMithethosivivinywa yemali.
- (2) UMkhandlu kaZwelonke kufanele uhlinzekele izindlela –
- (a) zokuqinisekisa ukuthi zonke izingxenye zombuso emkhakheni kahulumeni kaZwelonke ziphendula kuwona; futhi
 - (b) ukugcina iso kuloku –
 - (i) ukusetshenziswa kwegunya lokuphatha ngokukaZwelonke, kubandakanya ukuthatha lawo manyathelo okwenza ukuthi umthetho usebenze; futhi
 - (ii) noma yiyiphi ingxenye yombuso.

Ubufakazi noma ulwazi oluphambi koMkhandlu kaZwelonke

56. UMkhandlu kaZwelonke noma ikomidi lawo noma yiliphi –
- (a) ungabiza noma yimuphi umuntu ukuthi avele phambi kwawo ukuze anike ubufakazi obufungelwe noma obuqinisekisiwe noma ukuze aveze amaphepha athile;
 - (b) ungafuna ukuthi noma yimuphi umuntu noma isakhiwo sinikeze umbiko kuwona;
 - (c) ungaphoqa, ngokomthetho kazwelonke noma imitheshwana nezinqumo zawo, ukuthi noma yimuphi umuntu noma isakhiwo silandele okushiwo yisamanisi noma okushiwo kwisigaba (a) noma (b); futhi
 - (d) ungemukela izicelo, imibono noma iziphakamiso ezivela kunoma yimuphi umuntu othintwa wudaba noma eminye imikhakha.

Amalungiselelo ezangaphakathi, imisebenzi nezinkambiso zoMkhandlu kaZwelonke

57. (1) UMkhandlu kaZwelonke –
- (a) ungazithathela izinqumo futhi uzilawulele amalungiselelo ezangaphakathi; futhi
 - (b) wenze imitheshwana nezibopho maqondana nomsebenzi wawo ube ubhekelele ukuqhuba ngenqubo yentando yeningi eyazisa ukumeleka komphakathi nokubamba kwawo iqhaza, ukuphendula, ukusebenzela obala nokuthintwa komphakathi.
- (2) Imitheshwana nezibopho zoMkhandlu kaZwelonke kufanele kuhlinzekele –
- (a) ukumiswa, ukwakheka, amandla, imisebenzi, inqubo kanye nesikhathi sokubakhona kwamakomidi;
 - (b) ukubamba iqhaza emisebenzini wePhalamende, kanye namakomidi amaqembu amancane ezezipolitiki amelwe ePhalamende, ngendlela ehambisana nenqubo yentando yeningi;
 - (c) usizo lwezemali nezokuphathwa komsebenzi emaqenjini amelwe ePhalamende okulinganisiwe ngokumelwa kwawo; ukuze kusimamisiwe iqembu kanye nomholi walo ekwenzeni umsebenzi ababekelwe wona ePhalamende ngendlela elindelekile; kanye
 - (d) ukwamkelwa, komholi weqembu elikhulu kunawo wonke eliphikisayo elisePhalamende njengomholi weqembu eliphikisayo.

Ilungelo mvumo

58. (1) Amalungu eKhabinethi kanye namalungu oMkhandlu kaZwelonke –
- (a) avumelekile lokukhuluma ngokukhululeka kuMkhandlu kaZwelonke nasemakomidini awo, ngendlela evumelana nemitheshwana nezinqumo; futhi
 - (b) angeke athweswe amacala ombango noma obulelesi, aboshwe, avalelwe noma akhokhiswe amademeshe ngenxa –
 - (i) yanoma yini ayishilo, ayivezile noma ayinikeze uMkhandlu noma ikomidi lawo noma yiliphi; noma
 - (ii) yanoma yini evelile ngenxa yalokho akushilo, akuvezile akunikeze uMkhandlu noma ikomidi lawo noma yiliphi.

(2) Ezinye izibonelelo nokuvikeleka koMkhandlu kaZwelonke amalungu eKhabinethi, kanye namalungu oMkhandlu kaZwelonke kungabekwa ngumthetho kazwelonke.

(3) Amaholo, nezinye izinkokhelo ezihlangene namaholo ezikhokhelwa amalungu oMkhandlu kaZwelonke kuvela ngqo esikhwameni sikaZwelonke seMali.

Ukuvumeleka komphakathi kuMkhandlu kaZwelonke kanye nokuthinteka kwawo

59. (1) Iphalamende likaZwelonke kufanele –

(a) ligqugquzele ukubanjwa kweqhaza ngumphakathi ekushayweni umthetho nakwezinye izinhlelo zasePhalamende kanye namaKomidi alo; futhi

(b) ukuqhuba umsebenzi ngendlela esobala, libambe imihlangano yalo, nemihlangano yalawo makomidi alo, obala, kodwa makuqashelwe lokhu –

(i) ukulungisa amathuba avumela umphakathi; kubandakanya ukungena nokuphuma kwabezindaba babe khona ePhalamende kanye nasemakomidini alo; kanye

(ii) nokuhlinzekela ukusesha noma yimuphi umuntu, futhi lapho kufanele, ukwenqatshelwa imvume yokungena, noma ukukhishelwa phandle kwanoma yimuphi umuntu.

(2) Iphalamende likazwelonke alisoze lawukhipha inyumbazane umphakathi, kanye nabezokusakaza, emhlanganweni wekomidi ngaphandle uma kufanelekile futhi kunesidingo sokukwenza lokho emphakathini wonkana nowentando yeningi.

UMkhandlu kaZwelonke weziFundazwe

Ukwakheka koMkhandlu kaZwelonke

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

(2) Lezithunywa eziyishumi ziyilaba abalandelayo –

(a) izithunywa eziyizipesheli ezine ezilandelayo –

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

(ii) ezinye izithunywa ezikhethiwe ezintathu; futhi

(b) izithunywa ezigwele eziyisithupha eziqokwe ngokusho kwesigaba 61(2).

(3) UNdunankulu wesiFundazwe, noma uma engekho, ilungu lezithunywa zesifundazwe eliqokwe nguNdunankulu, liholo izithunywa.

Ukwabiwa kwezithunywa

61. (1) Amaqembu amelwe kwisishayamthetho sesifundazwe anelungelo lokuba nezithunywa eqenjini lezithunywa zesifundazwe ngokulandela indlela yokubala ebhalwe kwiNgxenywe B ekuSheduli 3.

(2) Esikhathini esingangezinsuku ezingu-30 ngemuva kokumenyenzelwa kwemiphumela yokhetho lwesishayamthetho sesifundazwe, isishayamthetho kufanele –

(a) sinqume, ngendlela ebekwe ngumthetho kazwelonke, inani lezithunywa ezivela eqenjini ngalinye elizoqokwa njengezithunywa ezimile nokuthi bangaki abazoba yizithunywa ezikhethiwe; futhi

(b) siqokele esikhundleni lezo zithunywa ezigwele ngendlela elandela iziphakamiso zamaqembu ezombusazwe.

(3) Umthetho kazwelonke ovezwe kwisigatshana (2) (a) mawuqhakambise ukubanjwa kweqhaza kwamaqembu amancane ezombusazwe emikhakheni yomibili yabaqokwe ngokugcwele kanye namalungu ayisipesheli akhe ithimba elimele amaqembu ezombusazwe ngendlela evumelana nentando yeningi.

(4) Isishayamthetho, ngokuvumelana noNdunankulu kanye nabaholi bamaqembu abanegunya lokuba yizithunywa zezeiFundazwe, mabaqoke izithunywa ezikhethiwe ezidingekayo ngezikhathi ezahlukahlukene, phakathi kwamalungu eSishayamthetho.

Izithunywa eziqokwe ngokugcwele

62. (1) Umuntu ophakanyiswe njengesithunywa esimile kufanele abengumuntu ovunyelwe ukuba yilungu lesishayamthetho sesifundazwe.

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

(3) Izithunywa ezigcwele ziqokelwa ezikhundleni kuze kube yisikhathi ngaphambili nje kokuhlala kokuqala kwesishayamthetho sesifundazwe emuva kokhetho olulandelayo.

(4) Umuntu uyayeka ukuba yisithunywa esimile uma lowomuntu –

(a) engasavunyelwe ukuba yilungu lesishayamthetho sesifundazwe nganoma yisiphi isizathu ngaphandle kokuqokwa njengesithunywa esigcwele;

(b) useqokelwe esikhundleni seKhabhinethe;

(c) uselahlekelwe ukwethenjwa yisishayamthetho sesifundazwe futhi wabuyiselwa emuva yilelo qembu elaphakamisa lowo muntu;

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

(e) ephutha kuMkhandlu kaZwelonke weziFundazwe engenamvume esimweni lapho imitheshwana nezibopho zoMkhandlu zibeka ukuthi kufanele alahlekelwe yisikhundla sokubayisithunywa esimile.

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

(6) Ngaphambi kokuthi amalungu amile aqale ukwenza umsebenzi wawo eMkhandlwini kaZwelonke wezifundazwe, kufanele bafunde noma bathembise ukwethembeka kwiRiphabhuliki kanye nokuthobela uMthethosisekelo, ngendlela ebekwe kuSheduli 2.

Imihlangano yoMkhandlu kaZwelonke

63. (1) UMkhandlu kaZwelonke ungazinqumela isikhathi sokuqala nobude bemihlangano yaso kanye nezikhathi zamakhefu.

(2) UMongameli angabizela uMkhandlu kaZwelonke emhlanganweni ongewayelekile noma yinini ukuba sizokwenza umsebenzi ongewayelekile ovelile.

(3) Imihlangano yoMkhandlu kaZwelonke weziFundazwe ugabanjwa kwezinye izindawo ngaphandle kwesihlalo sePhalamende kuphela ngezizathu zezidingo zomphakathi, zokuphepha noma ubulula, futhi uma imitheshwana nezinqumo zesiGungu kukuvumela loku.

Usihlalo neSekela likaSihlalo

64. (1) UMkhandlu kaZwelonke weziFundazwe singakhetha usihlalo namaSekela amabili kaSihlalo phakathi kwezithunywa.

(2) USihlalo nomunye wamaSekela kaSihlalo ukhethwa phakathi kwezithunywa ezimile ekhethelwa isikhathi esingangeminyaka emihlanu ngaphandle uma isikhathi sabo njengezithunywa siphela ngaphambi kwaleso sikhathi.

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

(4) UMongameli weNkantolo yoMthethosisekelo kufanele engamele ukhetho lukaSihlalo, noma aqoke elinye ijaji elizokwenza loko USihlalo wengamela ukhetho lweSekela likaSihlalo.

(5) Inkambiso ebekwe kuSheduli 3 iyasebenza ekukhethweni kukaSihlalo neSekela likaSihlalo.

(6) UMkhandlu kaZwelonke weziFundazwe ungamsusa usihlalo noma iSekela likaSihlalo esikhundleni.

(7) Ngokumaqondana nemitheshwana kanye nezinqumo, uMkhandlu kazwelonke weziFundazwe ungaqoka phakathi kwezithunywa esinye isikhulu esengamele ukhetho ukulekelela uSihlalo kanye namasekela kaSihlalo.

Izinqumo

65. (1) Ngaphandle kwalapho uMthethosisekelo ubeka ngokuhlukile –

- (a) isiFundazwe ngasinye sinevoti elilodwa elifakwa egameni lesifundazwe lifakwa umholi wezithunywa zaleso sifundazwe; futhi
- (b) zonke izindaba eziphambi koMkhandlu kaZwelonke weziFundazwe zisuke zemukelwe uma okungenani izifundazwe eziyisihlanu zivote ngokulweseka udaba.
- (2) Umthetho wePhalamende, omiswe ngokuhambisana nokwakheka kwesigatshana (1) noma isigatshana (2) kwisigaba 76, kufanele unikeze inqubo efanayo ngokumaqondana nokugunyazwa okuvumelana nesishayamthetho seziFundazwe ezithunyweni zaso ukuba nelungelo lokuvota egameni laso.

Ukubamba iqhaza kwamalungu oMkhandlu kazwelonke wokuphatha

66. (1) Amalungu eKhabinethe kanye namaSekela oNgqongqoshe, bangabakhona, bakhulume, kuMkhandlu, kodwa abavunyelwe ukuvota.

(2) UMkhandlu kaZwelonke ungabiza ilungu leKhabinethe, iSekela likaNgqongqoshe noma umuntu osebenzela isigungu sokuphatha sikaZwelonke noma sesifundazwe ukuthi eze emhlanganweni woMkhandlu noma wekomidi loMkhandlu.

Ukubamba iqhaza kwabamele ohulumeni bendawo

67. Abamele ohulumeni abanqenqile kwabayishumi abathunyelwe ohulumeni bendawo abahlelekile ngendlela ebekwa yisigaba 163, ukuthi bamele izinhlobo ezahlukile zomasipala, uma kunesidingo bangabamba iqhaza emisebenzini yoMkhandlu kaZwelonke wezifundazwe, kodwa abavunyelwe ukuvota.

Amandla oMkhandlu kaZwelonke

68. Ekusebenziseni amandla aso, uMkhandlu kaZwelonke weziFundazwe –

(a) ungacwaninga, samukele, ushintshe, uncome ushintsho, noma sichithe noma yimuphi umthetho obekwe phambi koMkhandlu ngendlela eshiwo kulesi sahluko; futhi

(b) Ungaziqalela noma uzilungiselele umthetho ongena phakathi kwemisebenzi ebalwe ohlwini lukaSheduli 4 noma omunye umthetho oshiwo esigabeni 76(3), kodwa angeke uziqalele noma uzilungiselele iMithethosivivinywa yemali.

Ubufakazi nolwazi olunikezwa uMkhandlu kaZwelonke

69. UMkhandlu kaZwelonke kanye nanoma yiliphi ikomidi lawo –

(a) ungabiza noma yimuphi umuntu ukuthi avele phambi kwawo ukuze anike ubufakazi ngaphansi kwesifungo noma isethembiso sokukhuluma iqiniso noma ukuzoveza amaphepha athile;

(b) ungafuna ukuthi noma yisiphi isakhiwo noma umuntu asinikeze umbiko;

(c) ungaphoqa njengokusho komthetho kazwelonke noma kwemitheshwana nezinqumo, ukuthi noma yimuphi umuntu ukuthi enze njengoba kushiwo kwisamanisi eliphathelene nokushiwo kwisigaba (a) noma (b) ongenhla; futhi

(d) ungemukela izicelo, imibono kanye neziphakamiso ezivela kunoma yimuphi umuntu othintekile.

Amalungiselelo angaphakathi, umsebenzi nezinkambiso zoMkhandlu kaZwelonke wesiFundazwe

70. (1) UMkhandlu kaZwelonke weziFundazwe –

(a) ungazinqumela sizilawulele amalungiselelo aso angaphakathi, imisebenzi yaso kanye nezinkambiso zaso; futhi

(b) ungazenzela imitheshwana nezibopho eziphathelene nomsebenzi waso, siqikelele ukumelwa nokubanjwa kweqhaza kwinqubo yentando yeningi, ukuphenduleka, ukusebenzela obala kanye nokubamba iqhaza komphakathi.

(2) Imitheshwana nezibopho zoMkhandlu kaZwelonke kufanele uhlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi kanye nobungako besikhathi samakomidi aso;

(b) ukubamba iqhaza kwazozonke izifundazwe emisebenzini yaso, ngendlela ehambisana nenqubo yentando yeningi; futhi

(c) ukubamba iqhaza emisebenzini yoMkhandlu namakomidi aso kwawowonke amaqembu amancane amelwe eMkhandlwini, ngendlela ehambisanayo nenqubo yentando yeningi,

ngazozonke izikhathi lapho kufanele kuthathwe isinqumo ngendlela ebekwe esigabeni 75.

Amalungelomvume

71. (1) Izithunywa eMkhandlwini kaZwelonke weziFundazwe kanye nabantu abashiwo ezigabeni 66 no 67 –

(a) banelungelo lokukhuluma bakhululeke eMkhandlwini nasemakomidini aso, ngendlela ehambisanayo nemitheshwana nezinqumo; futhi

(b) angeke baquliswe amacala ombango noma obelelesi, baboshwe, bavalelwe noma bakhokhiswe amademeshe

ngenxa –

(i) yanoma yini abayishilo, abayivezile noma abayilethile eMkhandlwini noma ekomidini laso noma yiliphi;

(ii) yanoma yini evezwe ngesizathu sanoma yini abayishilo, abayivezile noma abayilethile eMkhandlwini noma ekomidini laso noma iliphi.

(2) Amanye amalungelomvume nokuvikeleka koMkhandlu kaZwelonke, kwezithunywa zoMkhandlu kanye nabantu abashiwo ezigabeni 66 no 67, zingahlinzekelwa ngumthetho kazwelonke.

(3) Amaholo nezinye izinkokhelo ezihambisana namaholo aholelwa amalungu agcwele oMkhandlu kaZwelonke avela ngqo esikhwameni semali sikaZwelonke.

Ukufinyelela komphakathi eMkhandlwini kaZwelonke nokubamba kwawo iqhaza

72. (1) UMkhandlu kaZwelonke weziFundazwe kumele –

(a) ugqugquzele ukubanjwa kweqhaza ngumphakathi emisebenzini yokushaya imithetho nakweminye imisebenzi yoMkhandlu namakomidi awo; futhi

(b) wenze umsebenzi wawo ngendlela esobala sivumele umphakathi emihlanganweni yawo neyamakomidi awo; kodwa kufanele kuqashelwe lokhu –

(i) ukuvumela umphakathi ukuba ungene emhlanganweni, kubandakanya nabezokusakaza izindaba, eMkhandlwini nasemakomidini aso, futhi

(ii) uhlinzekele nokuseshwa kwanoma yimuphi umuntu, futhi, uma kufanele, ukuvinjelwa ukungena noma ukukhishwa kwanoma yimuphi umuntu.

(2) UMkhandlu kazwelonke weziFundazwe awungakhiphi umphakathi inyumbazane, kubandakanya nabasakaza izindaba, ukuba bababekhona emhlanganweni wekomidi ngaphandle uma lokho kufanelekile ukuba kwenzekile emphakathini wentando yeningi.

Ukushaywa Kwemithetho KaZwelonke

Yonke imithethosivivinywa

73. (1) Noma yimuphi uMthethosivivinywa ungethulwa eMkhandlwini kaZwelonke.

(2) Yilungu leKhabinethe noma iSekela likaNgqngqoshe, noma ilungu loMkhandlu noma ikomidi loMkhandlu kuphela abangethula uMthethosivivinywa eMkhandlwini kodwa yilungu leKhabinethe elibhekele izindaba zezimali zikaZwelonke kuphela elingethula uMthethosivivinywa ophathelene nemali eMkhandlwini.

(3) UMthethosivivinywa, ophathelene nemisebenzi ebalwe ohleni kulaSheduli 4 noma eshiwo esigabeni 76(3), ngaphandle koMthethosivivinywa ophathelene nemali, ungethulwa eMkhandlwini kaZwelonke weziFundazwe.

(4) Yilungu, noma yikomidi loMkhandlu kaZwelonke weziFundazwe kuphela elivunyelwe ukwethula uMthethosivivinywa phambi koMkhandlu.

(5) UMthethosivivinywa owamukelwe nguMkhandlu kaZwelonke kufanele udluliselwe kuMkhandlu kaZwelonke weziFundazwe uma kufanele ucwaningwe uMkhandlu kaZwelonke; uMthethosivivinywa ovunywe uMkhandlu kaZwelonke kufanele uyiswe kuMkhandlu kaZwelonke.

IMithethosivivinywa echibiyela uMthethosisekelo

74. (1) Isigaba 1 kanye nalesi sigatshana kungachitshiyelwa ngumthethosivivinywa

owamukelwe ngu –

(a) Mkhandlu kaZwelonke ngokwesekwa yivoti okungenani elingamaphesenti ang -75 kumalungu awo; futhi

(b) Mkhandlu kaZwelonke weziFundazwe wesekwe yivoti okungenani lezifundazwe eziyisithupha.

(2) Isalukho 2, singachitshiyelwa ngumthethosivivinywa owamukelwe ngu –

(a) Mkhandlu kaZwelonke, ngokusekwa yivoti okungenani lamalungu amabili kwamathathu; futhi

(b) Mkhandlu kaZwelonke weziFundazwe wesekwe yivoti okungenani lezifundazwe eziyisithupha.

(3) Noma yimuphi umbandela womthethosisekelo ungachitshiyelwa nguMthethosivivinywa owamukelwe –

(a) uMkhandlu kaZwelonke, wesekwe yivoti okungenani lamalungu amabili kwamathathu; futhi

(b) uMkhandlu kaZwelonke weziFundazwe, wesekwe yivoti okungenani lezifundazwe;

(4) IPhalamende alivunyelwe ukwemukela uMthethosivivinywa wokushintsha uMthethosisekelo futh ophathelene nemandla, imingcele kanye nemisebenzi yezifundazwe, ngaphambi kokuba udluliselwe kwisishayamthetho sesifundazwe esithintekile ukuze sinikeze imibono yaso.

(5) Okungenani izinsuku engu-30 ngaphambi kokwethulwa kwesichibiyelo somthethosisekelo ngokulandela isigaba 73(2), umuntu noma ikomidi elizimisele ngokwethula umthethosivivinywa kufanele -

(a) lishicilele kusomqulo kabulumeni, ngokulandela imitheshwana nezinqumo zoMkhandlu kaZwelonke, iminingwane yesichibiyelo esihlongozwayo ukuze uphakathi ube nezwi;

(b) lithule, ngokulandela imitheshwana kanye nezinqumo zoMkhandlu, leyo mininingwane kwisiShayamthetho sesiFundazwe ukuzwa uvo lwaso; futhi

(c) lithule, ngokulandela imitheshwana kanye nezinqumo zoMkhandlu kaZwelonke weziFundazwe, leyo mininingwane eMkhandlwini ukuze kuphikiswane ngawo obala, uma isichibiyelo esihlongozwayo kungesona isichibiyelo esidinga ukuba samukelwe nguMkhandlu.

(6) Uma kwethulwa isichibiyelo somthethosivivinywa, umuntu noma ikomidi elethula umthethosivivinywa kufanele lilethe iziphakamiso ezibhalwe phansi zanoma yiluphi uhlobo eziphakanyiswe ngumphakathi kanye nezishayamthetho zezifundazwe –

(a) ku Somlomo ukuze zethulwe ePhalamende likazwelonke; futhi

(b) mayelana nezichibiyelo okuphawlwe ngazo kwisigatshana (1), (2), noma (3)(b), ku Sihlalo woMkhandlu sikazwelonke sezifundazwe ukuze zethulwe kuMkhandlu.

(7) Umthethosivivinywa ochibiyela umthethosisekelo awunakuvotelwa ePhalamende ezinsukwini ezingu-30

(a) lo mthethosivivinywa uthuliwe uma iPhalamende lihlangene ngenkathi umthethosivivinywa wethulwa; noma

(b) ukwethulwa kwawo ePhalamende, uma iPhalamende lisahlabe ikhefu ngenkathi umthethosivivinywa wethulwa.

(8) Uma umthethosivivinywa okuphawulwe ngawo kwisigatshana (3)(b), noma iyiphi ingxenye yomthethosivivinywa, ethintene nesifundazwe esithile noma izifundazwe, uMkhandlu kaZwelonke seziFundazwe asinakuvuma umthethosivivinywa noma ingxenye yomthethosivivinywa ngaphandle uma kuvunywe yisiShayamthetho noma iziShayamthetho zesiFundazwe noma iziFundazwe ezithintekile.

(9) Umthethosivivinywa ochibiyela umthethosisekelo ovunywe yiphalamende likaZwelonke futhi uma kudingekile, noMkhandlu kaZwelonke weziFundazwe, mawudluliselwe kuMongameli

ukuze kutholakale imvume yakhe.

IMithethosivinywa engachaphazeli izifundazwe

75. (1) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa ongumthetho lapho kulandelwe inqubo ebekwe kwisigaba 74 noma 75, lowo Mthethosivinywa kufanele uyiswe eMkhandlwini kaZwelonke wesiFundazwe futhi uphathwe ngendlela ehambisana nenkambiso elandelayo:

- (a) UMkhandlu kaZwelonke kufanele –
 - (i) wamukele uMthethosivinywa;
 - (ii) wamukele uMthethosivinywa kodwa kuphela uma ushintsho olunconywa uMkhandlu lwenziwa; noma
 - (iii) siwuchithe uMthethosivinywa.
- (b) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa singazange sincome isichibiyelo kuwona, uMthethosivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.
- (c) Uma uMkhandlu singawamukeli noma siwamukela uma kufakwa ushintsho, uMkhandlu kaZwelonke kufanele uwucwaninge kabusha uMthethosivinywa ugxile kulolo shintsho olunconywe uMkhandlu futhi –
 - (i) singawemukela futhi uMthethosivinywa, noshintsho noma ngaphandle koshintsho; noma
 - (ii) singanquma ukungaqhubeki nalowoMthethosivinywa.
- (d) UMthethosivinywa owemukelwe nguMkhandlu kaZwelonke ngokusho kwesigaba (c) ngenhla, kufanele uyiswe kuMongameli ukuze uthole imvume.

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

- (a) isithunywa ngasinye eqenjini lezithunywa zesifundazwe sibanevoti elilodwa;
- (b) okungenani ingxenye eyodwa kwezintathu yezithunywa kufanele ibekhona ngaphambi kokuba kuvotelwe udaba; futhi
- (c) udaba lunqunywa ngokuthi iningi lamavoti afakiwe lesekani, uma kunamavoti alinganayo ezinhlangothini zombili isithunywa esengamele umhlangano kufanele sifake ivoti elizoveza isinqumo.

IMithethosivinywa echaphazela izifundazwe

76. (1) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa ophathelene nomsebenzi obalwe kwizigotshana (3),(4) noma (5), lowo Mthethosivinywa kufanele udluliselwe kuMkhandlu kaZwelonke weziFundazwe futhi uphathwe ngendlela elandela lenkambiso:

- (a) UMkhandlu kaZwelonke kufanele wenze okukodwa kulokhu –
 - (i) wamukele uMthethosivinywa;
 - (ii) wamukele uMthethosivinywa oshintshiwe; noma
 - (iii) uwuchithe uMthethosivinywa.
- (b) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa ngaphandle koshintsho, lowoMthethosivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.
- (c) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa oshintshiwe, lowoMthethosivinywa kufanele uyiswe kuMkhandlu kaZwelonke, futhi uma uMkhandlu wamukela loMthethosivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.
- (d) Uma uMkhandlu ungawuvumi uMthethosisekelo, noma uma uMkhandlu kaZwelonke wenqaba ukuwemukela uMthethosivinywa oshiwo kwisigaba (c) ngenhla, lowo Mthethosivinywa futhi, uma kunesidingo, kanye noMthethosivinywa oshintshiwe, kufanele kuyiswe kwikomidi lokuBuyisana elingavumelana –
 - (i) ngoMthethosivinywa njengoba wemukelwe uMkhandlu;
 - (ii) ngoMthethosivinywa oshintshiwe njengoba wemukelwe uMkhandlu; noma
 - (iii) ngenye inhlobo yalo Mthethosivinywa.

(e) Uma iKomidi Labalamuli lingakwazi ukuvumelana phakathi kwezinsuku ezingu-30 emva kukuyiswa koMthethosivinywa kulona, uMthethosivinywa uphelelwa yisikhathi ngaphandle kokuthi uMkhandlu kaZwelonke uphinde uwamukele lo Mthethosivinywa, kodwa wesekwe yivoti okungenani lababili kwabathathu bamalungu awo.

(f) Uma iKomidi Labalamuli livumelana ngoMthethosivinywa njengoba wamukelwe nguMkhandlu kaZwelonke, uMthethosivinywa kufanele uyiswe eMkhandlwini kaZwelonke, kuthi uma uMkhandlu siwamukela lowo Mthethosivinywa, lowo Mthethosivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomidi Labalamuli livumelana ngoMthethosivinywa oshintshiwe njengoba wamukelwe nguMkhandlu kaZwelonke, uMthethosivinywa kufanele uyiswe eMkhandlwini kaZwelonke, futhi uma wamukelwa uMkhandlu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomidi Labalamuli livumelana ngenye inhlobo yoMthethosivinywa, lowo Mthethosivinywa kufanele uyiswe kuMkhandlu kaZwelonke nakwisiGungu kaZwelonke, futhi uma wemukelwa nguMkhandlu kanye noMkhandlu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivinywa oyiswe eMkhandlwini kaZwelonke njengokusho kwesigaba (f) noma (h) ngenhla awemukelwa uMkhandlu, uMthethosivinywa uphelelwa yisikhathi ngaphandle uma lowoMthethosivinywa wemukelwa nguMkhandlu kaZwelonke ngokwesekwa yivoti okungenani lababili kwabathathu bamalungu awo.

(j) Uma uMthethosivinywa oyiswe kuMkhandlu kaZwelonke njengokusho kwesigaba (g) no (h) ngenhla, ungemukelwa nguMkhandlu, lowoMthethosivinywa uphelelwa yisikhathi, kodwa uMthethosivinywa owawamukelwe nguMkhandlu ekuqaleni ungaphinde futhi wamukelwe nguMkhandlu kodwa wesekwe yivoti okungenani lababili kwabathathu bamalungu awo.

(k) UMthethosivinywa owamukelwe nguMkhandlu kaZwelonke njengokusho kwesigaba (e), (i) noma (j) ngenhla kufanele uyiswe kuMongameli ukuze uthole imvume.

(2) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa ophathelene nemisebenzi esesigatshaneni, uMthethosivinywa kufanele uyiswe kuMkhandlu kaZwelonke futhi uphathwe ngendlela elandela lenkambiso:

(a) UMkhandlu kaZwelonke kufanele wenze okukodwa kulokhu –

(i) wemukele uMthethosivinywa;

(ii) wemukele uMthethosivinywa oshintshiwe; noma

(iii) uwuchithe uMthethosivinywa.

(b) UMthethosivinywa owamukelwe nguMkhandlu kaZwelonke njengokubeka kwesigaba (a)(i) ngenhla kufanele uyiswe kuMongameli ukuze uthole imvume.

(c) Uma uMkhandlu kaZwelonke wamukela uMthethosivinywa oshintshiwe, uMthethosisekelo oshintshiwe kufanele uyiswe eMkhandlwini kaZwelonke; futhi uma uMkhandlu wamukela uMthethosivinywa oshintshiwe, lowo Mthethosivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(d) Uma uMkhandlu uwuchitha uMthethosivinywa noma uma uMkhandlu kaZwelonke wenqaba ukwamukela uMthethosivinywa oshintshiwe oyiswe kuwona njengokusho kwesigaba (c) ngenhla, lowo Mthethosivinywa futhi, uma kunesidingo, kanye noMthethosivinywa oshintshiwe, kufanele udluliselwe kwiKomidi Labalamuli, elingavumelana ngokulandelayo –

(i) UMthethosivinywa njengobawamukelwe uMkhandlu ;

(ii) Umthethosivinywa oshintshiwe njengoba wemukelwe nguMkhandlu; noma

(iii) enye inhlobo yoMthethosivinywa.

(e) Uma iKomidi Labalamuli lingakwazi ukuvumelana phakathi kwezinsuku ezingu-30 emva kokuyiswa koMthethosivinywa kulona, uMthethosivinywa uphelelwa yisikhathi.

(f) Uma iKomidi Labalamuli livumelana ngoMthethosivivinywa njengoba wamukelwe nguMkhandlu kaZwelonke, uMthethosivivinywa kufanele uyiswe eMkhandlwini kaZwelonke, kuthi uma iKomidi liwamukela lowoMthethosivivinywa, uMthethosivivinywa kufanele uyiswe kuMongameli ukuze uthole imvume.

(g) Uma iKomidi Labalamuli livumelana ngoMthethosivivinywa oshintshiwe njengoba wamukelwe nguMkhandlu kaZwelonke, uMthethosivivinywa kufanele uyiswe eMkhandlwini kaZwelonke, futhi uma wemukelwa uMkhandlu, kufanele uyiswe kuMongameli ukuze uthole imvume.

(h) Uma iKomidi Labalamuli livumelana ngolunye uhlobo loMthethosivivinywa, lowoMthethosivivinywa kufanele uyisiwe uMkhandlu ikaZwelonke wesiFundazwe naseMkhandlwini kaZwelonke, futhi wamukelwa uMkhandlu uyisiwe kuMongameli ukuze uthole imvume.

(i) Uma uMthethosivivinywa oyiswe kuMkhandlu kaZwelonke njengokusho kwesigaba (f) noma (h) ungemukelwanga nguMkhandlu, uMthethosivivinywa uphelelwa yisikhathi.

(3) UMthethosivivinywa ungaphathwa ngendlela ebekwe kwisigatshana (1) noma (2) kulesigaba uma uhlinzekela umthetho ohlongozwe kunoma yisiphi kulezizigaba ezilandelayo;

(a) isigaba 65(2);

(b) isigaba 163;

(c) Isigaba 182;

(d) isigaba 195(3) no (4);

(e) isigaba 196; futhi

(f) isigaba 197

(4) UMthethosivivinywa kufanele uphathwe ngendlela ebekwe kwisigatshana (1) salesi sigaba uma ungewona uMthethosivivinywa wemali, futhi uma uhlinzekela umthetho –

(a) ohlongozwe esigabeni 44(2); noma

(b) ohlongozwe kwenye ingxenye kwiSahluko 13, futhi othinta izidingo zezimali zomkhakha kahulumeni wezifundazwe.

(5) Umthethosivivinywa okuphawulwe ngawo kwisigaba 42(6) kufanele uhlangatshenzwe ngokulandela inqubo emiswe kwisigatshana (1), ngaphandle uma –

(a) uma iphalamende likaZwelonke livotela umthethosivivinywa, imibandela yesigaba 53(1) ayilandelwa, esikhundleni salokho umthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende liwuvotela; futhi

(b) uma umthethosivivinywa okuphawulwe ngawo ekomidini laBalamuli, kulandelwa imithetho elandelayo: –

(i) Uma iPhalamende likaZwelonke licubungula umthethosivivinywa okuphawulwe ngawo kwisigatshana (1)(g) noma (h), lowo mthethosivivinywa ungavunywa kuphela uma iningi lamalungu ePhalamende ewuvotela;

(ii) Uma iPhalamende likaZwelonke licubungula noma licubungulisisa kabusha umthethosivivinywa okuphawulwe ngawo kwisigatshana (1)(e), (i) noma (j), lowo mthethosivivinywa ungavunywa kuphela uma okungenani amalungu amabili kwamathathu ePhalamende ewuvotela.

(6) Lesi sigaba asilandelwa emthethwenisivivinywa wezeZimali.

IMithethosivivinywa yemali

77. (1) UMthethosivivinywa osebenzisa imali noma owethwesa izintela, amalevi noma ezinye izinkokhelo zombuso unguMthethosivivinywa wemali NguMthethosivivinywa wemali kuphela ongasebenzisa imali, noma wethweswe izintela, amalevi noma ezinye izinkokhelo zombuso futhi uMthethosivivinywa wemali awuvunyelwe ukuphatha ezinye izinto ngaphandle kokwethweswa kwezintela zokusebenzisa imithombo yomphakathi, noma izigwebo nezinye izizeziso zemali.

(2) Umthetho wePhalamende kufanele uhlinzekele inkambiso engalandelwa ukuma iPhalamende lishintsha iMithethosivivinywa yemali. UMthethosivivinywa wemali kufanele ucwaningwe ngokulandela inkambiso obekwe esigabeni 75.

IKomidi Labalamuli

78. (1) IKomidi Labalamuli lakhiwe –

(a) amalungu ayisishiyagalolunye oMkhandlu kaZwelonke akhethwe nguMkhandlu ngokulandela inkambiso ebekwe yimitheshwana nezinqumo zoMkhandlu futhi enomphumela wokuthi amaqembu amaleleke ngendlela enokufana nokumeleleka kwawo eMkhandlwini; futhi
(b) isithunywa esisodwa esivela ezithunyweni zesifundazwe ngasinye, esiqokwe yilezo zithunywa.

(2) IKomidi Labalamuli lisuke selivumelene ngoMthethosivivinywa othile noma selinqumile ngodaba uma lowoMthethosivivinywa noma uhlangothi oluthile lobaba lusekwa –

(a) okungenani abahlanu babamele uMkhandlu kaZwelonke; futhi
(b) okungenani abahlanu babamele uMkhandlu kaZwelonke weziFundazwe.

Ukuvunywa iMithethosivivinywa

79. (1) UMongameli kufanele avume futhi asayine uMthethosisekelo owemukelwe njengokusho kwalesi Sahluko noma, uma uMongameli engagculisekile ngokuthi uMthethosivivinywa uyahambisana noMthethosisekelo, kufanele awuphindisele kuMkhandlu kaZwelonke ukuze uwucwaninge kabusha.

(2) Imitheshwana ehlangene kanye neziqhumo kufanele ihlinzekele inqubo uma uMkhandlu kaZwelonke noma isiGungu sikaZwelonke seziFundazwe sicwaninga kabusha uMthethosivivinywa.

(3) IsiGungu sikaZwelonke seziFundazwe sibamba iqhaza ekucwaningeni kabusha koMthethosivivinywa ophindiswe emuva eMkhandlwini kaZwelonke nguMongameli kuphela uma –

(a) ukungagculiseke kukaMongameli mayelana nokungahambisani koMthethosivivinywa noMthethosisekelo kuphathelene nodaba lwenkambiso oluthinta isiGungu; noma

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

(4) Uma, emuva kokucwaningwa kabusha, uMthethosivivinywa wenelisa ngokuphelele ukungagculiseki kukaMongameli, uMongameli kufanele awuvume futhi awusayine lowoMthethosisekelo; uma kungenzeki loko, uMongameli kufanele enze okunye kwaloku -

(a) avume futhi asayine uMthethosivivinywa; noma

(b) awudlulisele eNkantolo yoMthethosisekelo ezonquma ngokuhambisana kwawo noMthethosisekelo.

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

Izicelo ezifakwa ngamalungu oMkhandlu kaZwelonke eNkantolo yoMthethosisekelo

80. (1) Amalungu oMkhulu kaZwelonke angafaka isicelo eNkantolo yoMthethosisekelo sokuthi inkantolo ikhiphe izwi lokuthi wonke noma ingxenye yoMthethosivivinywa noma uma sewushicilelewe, uMthetho, owamukelwe yiPhalamende awuhambisani noMthethosisekelo.

(2) Isicelo –

(a) kufanele sesekwe amavoti okungenani loyedwa kwabathathu bamalungu oMkhandlu; futhi

(b) kufanele senziwe phakathi kwezinsuku ezingu 30 kusukela osukwini uMongameli awuvume futhi awusayina ngalo umthetho.

(3) INkantolo yoMthethosisekelo inganquma ukuthi wonke umthetho noma ingxenye yomthetho okufakwe isicelo ngawo njengokusho kwesigatshana (1) ngenhla, angeke usebenze ngaphambi kokuthi iNkantolo ikhiphe isinqumo ngesicelo uma –

(a) izidingo zobulungiswa ziphoqelela lesi sinqumo; futhi

- (b) isicelo sinamathuba anele okuphumelela
- (4) Uma isicelo singaphumeleli, iNkantolo yoMthethosisekelo kufanele inqume ukuthi labo abafake isicelo kufanele bakhokhe izindleko ngaphandle uma isicelo besinamathuba anele okuphumelela.

Ukushicilelwa kweMithetho

81. UMthethosivivinywa ovunyiwe futhi wasayinwa nguMongameli uba nguMthetho wePhalamende, kufanele ushicilelwe ngokungachithi sikhathi, futhi uqala ukusebenza uma ushicilelwa noma ngelanga elingemuva elinqunywe ngokusho kwalowo Mthetho.

Ukucina ukuphepha kwemithetho yePhalamende

82. Ikhophi esayiniwe yomthetho wePhalamende ingubufakazi obugcwele balokho okuqekethwe kulowo mthetho futhi emuva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuze iwugcine ngokuphepha.

Isahluko 5

UMongameli noMkhandlu

kaZwelonke

UMongameli

83. UMongameli –

- (a) uyiNhloko yoMbuso nenhloko yoMkhandlu kaZwelonke;
- (b) kufanele aseke, avikele, ahloniphe uMthethosisekelo njengomthetho omkhulu kunayoyonke eRiphabhuliki; futhi
- (c) akhuthaze ubumbano lwesizwe naloko okuqhubela iRiphabhuliki phambili.

Amandla nemisebenzi kaMongameli

84. (1) UMongameli unamandla awanikezwe nguMthethosisekelo nomthetho, kubandakanya lawo mandla afanele ukuze enze imisebenzi yeNhloko yombuso nenhloko yesigungu sikazwelonke.

(2) UMongameli ubhekele okulandelayo –

- (a) ukwamukela nokusayina iMithethosivivinywa;
- (b) ukubuyisela uMthethosivivinywa emuva ePhalamende ukuze liwubuyekeze ukuze uhambisane noMthethosisekelo;
- (c) ukudlulisela uMithethosivivinywa kwiNkantolo yoMthethosisekelo ukuze ikhiphe isinqumo ngokuhambisana kwawo noMthethosisekelo;
- (d) ukubizela uMkhandlu kaZwelonke, uMkhandlu kaZwelonke zesiFundazwe noma iPhalamende emhlanganweni oyisipesheli;
- (e) ukuqoka abazophatha izikhundla okumiswe kuMthethosisekelo noma ngumthetho, ukuthi kufanele kwenziwe nguMongameli ngaphandle kokuqoka akwenza njengenhloko yesigungu sikazwelonke;
- (f) ukumisa amakhomishana okuphenya;
- (g) ukumisa uhlololuvo lukazwelonke njengokumisa komthetho wePhalamende;
- (h) ukwemukela futhi azise izithunywa zakwamanye amazwe kanye nabamele amanye amazwe;
- (i) ukuqoka aManxusa, aManxusa agunyaziwe, abaphathelene nezindaba zamazwe kanye nabamele amanye amazwe;
- (j) ukuxolela abagwetshelwe amacala futhi ehlise nezigwebo; futhi
- (k) uklomelisa ngezindondo zokuhlonipha ubuqhawe.

Igunya lokuphatha eRiphabhuliki

85. (1) Amandla okuphatha eRiphabhuliki abekwe kuMongameli.

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

- (a) ngokuphoqelela umthetho kazwelonke ngaphandle uma uMthethosisekelo noma umthetho

wePhalamende usho okunye okwehlukile;

- (b) ngokuthuthukisa nokuphoqelela imigomo kazwelonke;
- (c) ngokudidiyela imisebenzi yeminyango yombuso kanye neyezakhiwo zombuso;
- (d) ngokulungisa nokungenisa umthetho; futhi
- (e) nokwenza noma yimiphi eminye imisebenzi yokuphatha ehlinzekelwe kuMthethosisekelo noma kumthetho kazwelonke.

Ukukhethwa kukaMongameli

86. (1) Emhlanganweni wawo wokuqala nalapho kunesidingo sokuvala isikhala, uMkhandlu kaZwelonke kufanele ukhethe umuntu wesifazana noma wesilisa phakathi kwamalungu awo ukuthi abe nguMongameli.

(2) UMongameli weNkantolo yoMthethosisekelo kufanele engamele lolu khetho noma aqoke elinye ijaji ukuba likwenze loko Inqubo ebekwe kwiSheduli 3 iyona esebenzayo ekukhethweni kukaMongameli.

(3) Ukhethe lokugcwalisa isikhala esikhundleni sikaMongameli kufanele lubekelwe isikhathi nelanga nguMongameli weNkantolo yoMthethosisekelo kodwa zingakadluli izinsuku ezingu-30 emuva kokucela kwalesosikhala.

Ukuqala ukusebenza kukaMongameli

87. Uma esekhethwe njengoMongameli, umuntu uyayeka ukuba yilungu loMkhandlu kaZwelonke futhi, phakathi kwezinsuku eziyisihlanu, kufanele aqale umsebenzi esikhundleni sikaMongameli ngokufunga noma ukuqinisekisa ukwethembeka kwiRephabhliki nokuthobela uMthethosisekelo, njengokusho kukaSheduli 2.

Isikhathi sesikhundla sikaMongameli

88. (1) UMongameli unesikhathi esikhundleni esiqala kusukela eqala umsebenzi sipele lapho kuvela isikhala noma uma umuntu olandelayo okhethelwe esikhundleni sokuba nguMongameli eqala umsebenzi wobuMongameli.

(2) Akekho umuntu ovunyelwe ukuba sesikhundleni njengoMongameli ngaphezulu kwezikhathi ezimbili uma umuntu ekhethelwe ukuthi agcwalise isikhala esikhundleni sobuMongameli, isikhathi esiphakathi kokugcwalisa isikhala nokhethe olulandelayo, asithathwa njengesikhathi soBungameli kulowomuntu.

Ukususwa kukaMongameli esikhundleni

89. (1) UMkhandlu kazwelonke ngesinqumo esesekwe ngababili kwabathathu bamalungu, ungamsusa uMongameli esikhundleni kuphela ngezizathu ezilandelayo –

- (a) ukwepulwa koMthethosisekelo noma umthetho obalulekile;
- (b) ukungaziphathi kahle ngendlela embi kakhulu; noma
- (c) ukungakwazi ukwenza imisebenzi yesikhundla.

(2) Noma ngubani osuswe esikhundleni sikaMongameli ngendlela ebekwe ngu 1(a) noma (b) angeke athole izinuzo zaleso sikhundla futhi akavunyelwe ukumela ukhethe lwesikhundla somphakathi.

IBamba likaMongameli

90. (1) Uma UMongameli engekho kwiRiphabhuliki noma engakwazi ukufeza izidingo zomsebenzi kaMongameli; noma kunesikhala kuleso sikhundla, iziphathimandla ezilandelayo zingambambela njengoMongameli:

- (a) Isekela likaMongameli.
- (b) UNGqongqoshe ojutshwe nguMongameli.
- (c) UNGqongqoshe ojutshwe ngamanye amalungu eKhabhinethi.
- (d) USomlomo, uMkhandlu kaZwelonke uze ujube omunye wamalungu awo.

(2) IBamba likaMongameli linezibopho, amandla nemisebenzi kaMongameli.

(3) Ngaphambi kokuthatha izibopho, amandla nemisebenzi kaMongameli IBamba likaMongameli kufanele lifunge noma liqinisekise ukwethembeka kwiRiphabhuliki nokuthobela

uMthethosisekelo, njengokubeka kukaSheduli 2.

IKhabhinethi

91. (1) IKhabhinethi inoMongameli, njengenhloko yeKhabhinethe, iSekela likaMongameli kanye nawoNgqongqoshe.

(2) UMongameli uqoka iSekela likaMongameli kanye noNgqongqoshe, ubanika amandla nemisebenzi, futhi angabasusa esikhundleni.

(3) UMongameli –

(a) kufanele akhethe iSekela likaMongameli phakathi kwamalungu oMkhandlu kaZwelonke;

(b) angakhetha noma yinani elingakanani loNgqongqoshe phakathi kwamalungu oMkhandlu; futhi

(c) angakhetha oNgqongqoshe abangeqile kwababili abavela ngaphandle koMkhandlu.

(4) UMongameli kufanele aqoke ilungu leKhabhinethe elizoba umholi womsebenzi kahulumeni eMkhandlwini kaZwelonke.

(5) ISekela likaMongameli kufanele lize uMongameli ekwenzeni imisebenzi kahulumeni.

Imithwalo kanye nokulindelekile

92. (1) ISekela likaMongameli kanye noNgqongqoshe babhekele amandla nemisebenzi yesigungu abethweswe yona nguMongameli.

(2) Amalungu eKhabhinethi aphenula ewonke kanye nelungu ngalinye kwiPhalamende mayelana namandla nokwenza imisebenzi yawo.

(3) Amalungu eKhabhinethi kufanele –

(a) enze njengokuhambisana noMthethosisekelo; futhi

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

Osekela boNgqongqoshe

93. UMongameli angaqoka oSekela boNgqongqoshe phakathi kwamalungu oMkhandlu kaZwelonke ukuba basize amalungu eKhabhinethe futhi angabasusa esikhundleni.

Ukuqhubeka kweKhabhinethi emuva kokhetho

94. Uma kubanjwe ukhetho loMkhandlu kaZwelonke, iKhabhinethi, iSekela likaMongameli, oNgqongqoshe nanoma yimuphi uSekela kaNgqongqoshe usengakwazi ukusebenza aze athathe isikhundla njengoMongameli lowomuntu okhethwe nguMkhandlu kaZwelonke omusha ukuthi abe nguMongameli.

Izifungo neziqinisekiso

95. Ngaphambi kokuthi iSekela likaMongameli, oNgqongqoshe kanye namaSekela oNgqongqoshe baqale imisebenzi yezikhundla zabo, kufanele bafunge noma baqinisekise ukuthi bazokwethembeka kwiRephabhliki futhi bathobele uMthethosisekelo, ngokuhambisana ne Sheduli 2.

Ukuziphatha kwamalungu eKhabhinethi namaSekela oNgqongqoshe

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

(2) Amalungu eKhabhinethe namaSekela oNgqongqoshe akufanele –

(a) benze omunye umsebenzi okhokhelwayo;

(b) baziphathe noma ngayiphi indlela engahambisani nezikhundla zabo, noma bazibeke kunoma yisiphi isimo esingadala ukuthi babonakale benobunzima bokwehlukana phakathi kwezidingo zomsebenzi nezidingo zomuntu zangasese;

(c) basebenzise isikhundla noma ulwazi lwanoma uluphi uhlobo elunikezelwe kubona ukuzenzela inzuzo noma ukwenzela omunye inzuzo engafanele.

Ukudluliswa kwemisebenzi

97. UMongameli angadlulisela kwilungu leKhabhinethi ngesimemezelo esishicilelwe okulandelayo –

- (a) ukwengamelwa kwanoma yimuphi umthetho onikezwe elinye ilungu; noma
- (b) amandla noma umsebenzi onikezwe elinye ilungu ngokomthetho.

Ukunikezwa kwemisebenzi okwesikhashana

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

Ukwabiwa kwemisebenzi

99. Ilungu leKhabhinethi lingabela ilungu loMkhandlu esikhulu sesifundazwe noma uMkhandlu sikaMasipala noma yimaphi amandla noma umsebenzi okufanele wenziwe ngokomthetho wePhalamende Ukwabiwa –

- (a) kufanele kuhambisane nesivumelwano phakathi kwelungu leKhabhinethe elithintekile nelungu loMkhandlu esikhulu sesifundazwe noma uMkhandlu sikaMasipala;
- (b) kufanele kuhambisane nomthetho wePhalamende ophathelene nalawomandla noma umsebenzi.
- (c) kuqala ukusebenza emva kokumenyenzelwa nguMongameli.

Ukulawulwa ngokukazwelonke kombuso wesiFundazwe

100. (1) Uma isifundazwe singakwazi noma singagcwalisi izibopho zaso ezibekwe ngumthetho noma uMthethosisekelo, isiGungu esikhulu singalungena udaba ngokuthatha izinyathelo ezifanele ukuqinisekisa ukugcwaliswa kwezibopho, kubandakanya –

(a) ukukhipha isiyalelo esiya kuMkhandlu esikhulu sesifundazwe esichaza indlela esehluleka ngayo ukugcwalisa izibopho zaso futhi sisho izinyathelo okufanele zithathwe ukuze kugcwaliswe lezozibopho; futhi

(b) nokuzithathela umsebenzi wokubhekela lezo zibopho ezithintekile kuleso sifunda ngendlela edingekile ukuze –

- (i) kugcinwe amazinga abalulekile ngokukazwelonke noma kuhlangatshezwane namazinga amisiwe okungafanele ehliswe okunikezwa izidingo zomphakathi;
- (ii) kugcinwe ubumbano lwezomnotho;
- (iii) kugcinwe ukuphepha kwezwe; noma
- (iv) kunqandwe lesi sifundazwe ukuze singathathi izinyathelo ezingafanele ezikhinyabeza ezinye izifundazwe noma izwe lonke.

(2) Uma isiGungu esikhulu singena udaba kwisifundazwe ngokubeka kwesigatshana (1)(b)

–

(a) isaziso sokulungena udaba kufanele sibekwe phambi koMkhandlu kaZwelonke weziFundazwe phakathi kwezinsuku ezingu 14 zomhlangano waso wokuqala emuva kokungenwa kodaba;

(b) ukungenwa kodaba kufanele kuphele ngaphandle uma kwamukelwe uMkhandlu phakathi kwezinsuku ezingu-30 emuva komhlangano wokuqala emuva kokungenwa kodaba; futhi

(c) uMkhandlu kufanele sikuphenye kabusha ukungenwa kodaba njalo emva kwezikhathi ezithile futhi senze noma yiziphi izincomo ezilungile isiGungu esikhulu.

(3) Umthetho kazwelonke ungalawula uhlelo olumiswe kulesi sigaba.

Izinqumo zesiGungu esikhulu

101. (1) Isinqumo sikaMongameli kufanele sibhalwe phansi uma –

(a) sithathwe maqondana nomthetho kaZwelonke; noma

(b) sinemiphumela esemthethweni.

(2) Isinqumo esibhalwe phansi nguMongameli kufanele sisayinwe ngomunye wamalungu eKhabhinethi uma lesi sinqumo sixhumene nomsebenzi owabelwe lelo lungu leKhabhinethi.

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

(4) Umthetho kazwelonke ungacacisa indlela imithombo yemithetho eshiwo kwisigatshana

(2) okufanele,

(a) ibekwe phambi kwePhalamende;

(b) yamukelwe yiPhalamende.

Iziphakamiso zokungethembeki

102. (1) Uma uMkhandlu kaZwelonke wemukela isiphakamiso sokuthi iKhabhinethi, ngaphandle kukaMongameli, ayisathembekile eMkhandlwini, ngevoti elesekwe yiningi lamalungu oMkhandlu, uMongameli kufanele alakhe kabusha iKhabhinethi.

(2) Uma uMkhandlu kaZwelonke wamukela isiphakamiso sokuthi uMongameli akasathembekile kubona, ngevoti elesekwe yiningi lamalungu oMkhandlu, uMongameli namanye amalungu eKhabhinethi kanye nanoma yiliphi iSekela likaMongameli kufanele bashiye isikhundla.

Isahluko 6

Izifundazwe

Izifundazwe

103. (1) IRiphabhuliki inezifundazwe ezilandelayo:

(a) iMpumalanga Koloni

(b) iFuleyisitata

(c) iGauteng

(d) iKwaZulu/Natali

(e) iMpumalanga

(f) iNyakatho Koloni

(g) iNyakatho

(h) iNyakatho Ntshonalanga

(i) INtshonalanga Koloni.

(2) Imingcele yezifunda yileyo ekhona ngesikhathi uMthethosisekelo uqala ukusebenza.

Izishayamthetho zesifundazwe

Igunya lokushaya imithetho lezifundazwe

104. (1) Igunya lokushaya imithetho lesifundazwe libekwe kwisishayamthetho sesifundazwe, futhi linikeza izishayamthetho zesifundazwe amandla –

(a) okwamukela umthethosisekelo wesifundazwe noma okushintsha noma yimuphi umthethosisekelo owamukelwe yiso ngokusho kwezigaba 142 no 143;

(b) ukwamukela imithetho kwisifundazwe futhi yesifundazwe maqondana –

(i) nanoma yiluphi udaba olubalulwe kuSheduli 4;

(ii) nanoma yiluphi udaba olubalulwe kuSheduli 5;

(iii) nanoma yiluphi udaba olungabalulwanga lapho, futhi olwabelwe isifundazwe ngokusho komthetho kazwelonke; futhi

(iv) noma yiluphi udaba olubalulwe wumthethosisekelo, ukumiswa komthetho wesiFundazwe; kanye

(c) ukwabela noma yimaphi amandla aso okushaya imithetho kunoma yisiphi uMkhandlu sikaMasipala kwisifundazwe.

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

(3) Isishayamthetho zesifundazwe siboshwe kuphela nguMthethosisekelo futhi, uma sesamukele umthethosisekelo wesifundazwe saso, yilowomthethosisekelo, futhi kufanele senze okuhambisana nalokho okubekwe ngumthethosisekelo nalowomthethosisekelo wesifundazwe.

(4) Umthetho wesifundazwe maqondana nodaba oludingekile ukuze kusetshenziswe amandla ngendlela noma oluhlangene nokusetshenziswa ngendlela kwamandla athintene nanoma yiluphi udaba olukuluhlu lukaSheduli 4, ungumthetho maqondana nodaba olukuluhlu lukaSheduli 4.

(5) Isishayamthetho zesifundazwe singancoma eMkhandlwini kaZwelonke umthetho ophathelene nanoma yiluphi udaba olungaphandle kwamagunya alesosishayamthetho, noma

okubusa kulo, umthetho wePhalamende ngaphezu komthetho wesifundazwe.

Ukwakheka nokukhethwa kwezishayamthetho zezifundazwe

105. (1) Isishayamthetho sesifundazwe sakhiwe ngabantu besifazane nabesilisa abakhethwe njengamalungu njengokusho kohlelo lokhetho –

- (a) olumiswe ngumthetho kazwelonke;
- (b) olwakhelwe phezulu kwengxenywe yesifundazwe yoluhlu lukazwelonke lwabobonke abavoti;
- (c) oluhlinzekela iminyaka yobudala yokuvota engu 18; futhi
- (d) olunomphumela, jikelele, wokumelwa okuhambisana nenani lamavoti elitholiwe.

Ubulungu

106. (1) Yilesi naleso sakhamuzi esinelungelo lokuvotela uMkhandlu kaZwelonke, singaba yilungu lesishayamthetho sesifundazwe, ngaphandle –

(a) kwanoma ngubani oqokwe noma osebenzela umbuso futhi ekhokhelwa ngenxa yalowo msebenzi, ngaphandle –

- (i) kukaNdunankulu namanye amaLungu oMkhandlu soMkhandlu wesifundazwe, futhi
- (ii) nanoma yiziphi ezinye iziphathimandla ezenza imisebenzi ehambisana nemisebenzi yelungu lesishayamthetho sesifundazwe futhi oshiwo ngumthetho kazwelonke ukuthi uhambisana naleyomisebenzi;

(b) kwamalungu omkhandlu kaZwelonke, amalungu agcwele oMkhandlu kaZwelonke wesifundazwe noma amalungu oMkhandlu sikaMasipala;

(c) komuntu onezikweletu angeke akwazi ukuzikhokha;

(d) kwanoma ngubani inkantolo yaseRephabhliki ethe akaphilile engqondweni; noma

(e) kwanoma ngubani okuthe ngemuva kokuqala ukusebenza kwalesi sigaba, walahlwa yicala futhi wagwethshwa isikhathi esingaphezulu kwezinyanga ezingu-12 ngaphandle kwesijeziso semali, kweRiphabhuliki noma ngaphandle kweRiphabhuliki uma lesi senzo esiyicala sasingaba yicala eRiphabhuliki; kodwa akekho ongathathwa njengogwethshiwe, kuze kubenesinqumo ngokudluliswa kwecala noma kuze kuphele isikhathi sokudluliswa kwecala Ukungabinalungelo ngaphansi kwalesigaba kuphela eminyakeni emihlanu emuva kokuqedwa kwesigwebo.

(2) Umuntu ongafanelekile ukuba yilungu lesiShayamthetho sesiFundazwe ngokumaqondana nesigatshana (1) (a) noma (b) angathathwa njengomuntu ongaqokwa abe yilungu lesiShayamthetho, ngaphansi kwemibandela noma isimo esimiswe wumthetho kaZwelonke.

(3) Umuntu ulahlekelwa ubulungu besiShayamthetho sesiFundazwe uma lowo muntu –

(a) engasakulungele ukuba yilungu; noma

(b) ephutha kwisiShayamthetho ngaphandle kwemvume, esimweni lapho umthetho nezinqumo zesiShayamthetho zibeka ukulahlekelwa wubulungu.

(4) Izikhala kwisiShayamthetho sesiFundazwe kufanele zigcwaliswe ngokulandela umthetho kaZwelonke.

Ukufunga noma ukuqinisekisa

107. Ngaphambi kokuba amalungu esishayamthetho sesifundazwe enze imisebenzi yawo kwisishayamthetho kufanele afunge noma enze isiqiniseko sokwethembeka kwiRiphabhuliki nangokuthobela uMthethosisekelo, ngokuhambisana noSheduli 2.

Isikhathi sokusebenza kwezishayamthetho zezifundazwe

108. (1) Isishayamthetho sesifundazwe sikhethelwa iminyaka emihlanu.

(2) Uma isishayamthetho sesifundazwe sihlakazwa njengokusho kwesigaba 109, noma lapho isikhathi saso siphela, uNdunankulu wesifundazwe ngesimemezelwe esishicilelwe, kufanele abize ukhetho okufanele lubanjwe lubanjwe zingakapheli izinsuku ezingu 90 ngemuva kokuhlakazwa kwesishayamthetho, noma ngemuva kokuphela kwesikhathi sokusebenza kwaleso sishayamthetho.

(3) Uma umphumela wokhetho lwesishayamthetho sesifundazwe, ungamenyenzelwanga ngaphakathi kwesikhathi esishiwo esigabeni 190 noma uma ukhetho luchithwa yinkantolo,

uMongameli kufanele abize futhi abeke usuku lokhetho okufanele lubanjwe zingakapheli izinsuku ezingu 90 ngemuva kokudlula kwalesosikhathi noma kosuku ukhetho olwamiswa ngalo.

(4) Isishayamthetho sesifundazwe sinamandla okusebenza kusukela ngesikhathi sihlakazwa noma siphelwa yisikhathi, kuze kube wusuku olungahambi kosuku lokuqala lokuvotelwa isishayamthetho esilandelayo.

Ukuhlakazwa kwezishayamthetho zezifundazwe ngaphambi kokuphela kwesikhathi

109. (1) UNdunankulu kufanele ahlakaze isishayamthetho sesifundazwe uma –

(a) lesosishayamthetho sithathe isinqumo sokuhlakazeka esisekelwe yiningi lamalungu aso; futhi

(b) iminyaka emithathu isidlulile emuva kokukhethwa kwalesosishayamthetho.

(2) Ibamba likaNdunankulu kufanele lihlakaze isishayamthetho sesifundazwe uma –

(a) kukhona isikhala esikhundleni sikaNdunankulu; futhi

(b) isishayamthetho sehluleka ukukhetha uNdunankulu omusha zingakapheli izinsuku ezingu 30 ngemuva kokubela kwesikhala.

Izikhathi zokuhlangana nezamakhefu

110. (1) Emuva kokhetho, umhlangano wokuqala kufanele ubanjwe ngesikhathi nangosuku olunqunywe nguMongameli weNkantolo yoMthethosisekelo, kodwa zingakapheli izinsuku ezingu-14 emuva kokumenyezela komphumela wokhetho Isishayamthetho sesifundazwe singanquma isikhathi nobude bemihlangano yaso eminye kanye namakhefu aso.

(2) UNdunankulu wesifundazwe angabizela isishayamthetho sesifundazwe emhlanganweni ongavamile noma ngasiphi isikhathi ukuze senze umsebenzi oyisipesheli.

(3) Isishayamthetho sesifundazwe singanquma indawo esizohlanganela kuyo ngokujwayelekile.

OSomlomo kanye namaSekela oSomlomo

111. (1) Ekuhlaleni kwaso kokuqala emuva kokhetho, noma uma kudingekile ukuba kugcwaliswe isikhala, isishayamthetho sesifundazwe kufanele sikhethe uSomlomo neSekela likaSomlomo phakathi kwamalungu aso.

(2) Ijaji elijutshwe nguMongameli weNkantolo yoMthethosisekelo kufanele lengamele ukukhethwa kukaSomlomo USomlomo wengamela ukukhethwa kwesekela likaSomlomo.

(3) Inqubo kwingxenywe A ebekwe kuSheduli 3 iyasebenza ekukhethweni koSomlomo namaSekela oSomlomo.

(4) Isishayamthetho sesifundazwe singamsusa esikhundleni uSomlomo noma iSekela likaSomlomo ngokuthatha lesi sinqumo Iningi lamalungu esishayamthetho kufanele libekhona uma kuthathwa lesi sinqumo.

(5) Njengokusho kwemitheshwana nezinqumo yaso, isishayamthetho sesifundazwe kufanele sikhethe phakathi kwamalungu aso abanye abengameli ukuze basize uSomlomo noSekela likaSomlomo.

Izinqumo

112. (1) Ngaphandle uma uMthethosisekelo uhlinzekela ngokunye –

(a) iningi lamalungu esishayamthetho sesifundazwe kufanele libekhona ngaphambi kokuba kuvotelwe uMthethosivivinywa noma ushintsho loMthethosivivinywa;

(b) okungenani oyedwa kwabathathu bamalungu esishayamthetho kufanele babekhona ngaphambi kokuba kuvotelwe noma yiluphi udaba okufanele kunqunywe ngalo phambi kwesishayamthetho; futhi

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

(2) Ilungu elingamele isishayamthetho sesifundazwe alinali ivoti elicatshangiwe, kodwa –

(a) kufanele livote uma kukhona amavoti alinganayo ezinhlangothini zombili zodaba; futhi

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

Amalungelo ezithunywa ezigcwele kwizishayamthetho zezifundazwe

113. Izithunywa zesifundazwe ezigcwele kuMkhandlu kaZwelonke weziFundazwe zingahambela isishayamthetho futhi zikhulume kwizishayamthetho zezifundazwe zazo kanye nasemakomidini azo, kodwa azivunyelwe ukuvota Isishayamthetho singadinga ukuba isithunywa esimile sibekhona kwizishayamthetho noma emakomidini aso.

Amandla ezishayamthetho zezifundazwe

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

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

(b) singasungula noma silungise umthetho ngaphandle kweMithethosivivinywa yemali.

(2) Usishayamthetho sesifundazwe kufanele sihlinzekele izindlela –

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

(b) zokucina iso kuloku –

(i) ukusetshenziswa kwegunya lesifundazwe lokuphatha kwisifundazwe, kubandakanya nokuphoqelelwa kwemithetho; futhi

(ii) noma yiyiphi ingxenye yombuso.

Ubufakazi noma ulwazi phambi kwesishayamthetho sesifundazwe

115. Isishayamthetho sesifundazwe noma ikomidi laso noma yiliphi –

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

(b) singafuna ukuthi noma yimuphi umuntu noma isakhiwo sinikeze umbiko kusona;

(c) singaphoqa, ngokomthetho wesifundazwe noma imitheshwana nezinqumo zaso, ukuthi noma yimuphi umuntu noma isakhiwo silandele okushiwo yisamanisi noma okushiwo kwisigaba

(a) noma (b); futhi

(d) singemukela izicelo imibono noma iziphakamiso ezivela kunoma yimuphi umuntu othintwa wudaba noma izikhungo.

Amalungiselelo ezangaphakathi, imisebenzi nenqubo yezishayamthetho zezifundazwe

116. (1) Isishayamthetho sesifundazwe –

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

(b) senze imitheshwana nezinqumo maqondana nomsebenzi waso sibe ubhekele ukuqhuba ngenqubo yentando yeningi eyazisa ukumelwa nokubanjwa kweqhaza, ukuphendula, ukusebenzela obala nokuthintwa komphakathi.

(2) Imitheshwana nezibopho yesishayamthetho sesifundazwe kufanele kuhlinzekele –

(a) ukumiswa, ukwakheka, amandla, imisebenzi, inqubo kanye nesikhathi sokubakhona kwamakomidi aso;

(b) ukubanjwa kweqhaza emisebenzini yesishayamthetho sesifundazwe, kwawo wonke amaqembu amancane ezipolitiki amelekile eMkhandlwini, ngendlela ehambisana nenqubo yentando yeningi;

(c) usizo lwezemali nokuhanjiswa ngendlela komsebenzi eqenjini ngalinye elimelwe kwizishayamthetho sesifundazwe, olulingana nokumeleka kwalo, ukuze iqembu ngalinye nomholi walo likwazi ekwenza imisebenzi yalo kwizishayamthetho; futhi

(d) ukwaziswa, njengoMholi wabaPhikisayo, komholi weqembu elikhulu kunawo wonke amaqembu amancane kwizishayamthetho kwiKhabinethi.

Ukubonelelwa kwaMalungu

117. (1) Amalungu esishayamthetho sesifundazwe kanye nezithunywa ezigcwele

zoMkhandlu kaZwelonke weziFundazwe –

(a) anelungelo lokukhuluma ngokukhululeka kwisishayamthetho nasemakomidini aso, ngendlela evumelana nemitheshwana nezinqumo; futhi

(b) angeke athweswe amacala ombango noma obulelesi, aboshwe, avalelwe noma akhokhiswe amademeshe ngenxa –

(i) yanoma yini ayishilo, ayivezile noma ayinikeze isishayamthetho noma ikomidi laso noma yiliphi;

(ii) yanoma yini evelile ngenxa yalokho akushilo, akuvezile akunikeze isishayamthetho noma ikomidi lawo noma yiliphi.

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

(3) Amaholo, nezinye izinkokhelo ezihlangene namaholo ezikhokhelwa amalungu esishayamthetho kuvela ngqo esiKhwameni seMali sesiFundazwe.

Ukuvumeleka komphakathi kwisishayamthetho kanye nokuthinteka kwawo

118. (1) Isishayamthetho sesifundazwe kufanele –

(a) senze kubelula ukuthi umphakathi uthintwe ngomsebenzi wokushaya imithetho neminye imisebenzi yesishayamthetho namakomidi aso; futhi

(b) senze umsebenzi waso ngendlela esobala, sivumele umphakathi emihlanganweni yaso naleyo yamakomidi aso; kodwa, amanyathelo afanele angathathwa ukuze –

(i) kulawulwe ukungena nokuphuma komphakathi, kubandakanya ukungena nokuphuma kwabezindaba, kwisishayamthetho nasemakomidini aso;

(ii) nokuhlinzekela ukusesha noma yimuphi umuntu, futhi lapho kufanele, ukwenqatshelwa ukuba angene noma ukususwa kwanoma yimuphi umuntu. uMkhandlu kaZwelonke weziFundazwe

(2) Isishayamthetho sesiFundazwe angeke sakhipele ngaphandle umphakathi, kubalulwa nabezindaba, ukuba babe khona emhlangaweni wekomidi ngaphandle uma lokho kufanelekile futhi kusemthethweni ukwenza lokho emphakathini wetando yeningi.

Ukwethulwa kwemithethosivivinywa

119. Ngamalungu esiGungu esiKhulu sesifundazwe kuphela noma ekomidi noma esishayamthetho sesifundazwe angethula uMthethosivivinywa kwisishayamthetho; kodwa yilungu lesiGungu esiKhulu elibhekele izindaba zezimali kwisifundazwe kuphela, elingethula uMthethosivivinywa wemali kwisishayamthetho enokungabaza ngokuhambisana koMthethosisekelo, angawuthumela kwisishayamthetho ukuba siphinde siwubeke.

IMithethosivivinywa yemali

120. (1) UMthethosivivinywa osebenzisa imali noma owethwesa izintela, amalevi noma ezinye izinkokhelo zombuso unguMthethosivivinywa wemali.

NguMthethosivivinywa wemali kuphela ongasebenzisa imali, noma wethweswe izintela, amalevi noma ezinye izinkokhelo zombuso futhi uMthethosivivinywa wemali awuvunyelwe ukuphatha ezinye izinto ngaphandle kokwethweswa kwezintela zokusebenzisa imithombo yomphakathi, noma izigwebo nezinye izijezi zemali.

(2) Umthetho wesifundazwe kufanele uhlinzekele inqubo engalandelwa ukuma isishayamthetho sesifundazwe sishintsha iMithethosivivinywa yemali.

Ukuvuma iMithethosivivinywa

121. (1) UNdunankulu kufanele avume futhi asayine uMthethosisekelo owemukelwe njengokusho kwalesiSahluko noma, uma uNdunankulu engagculisekile ngokuthi uMthethosivivinywa uyahambisana noMthethosisekelo, kufanele awuphindisele kwisishayamthetho ukuze siwucwaninge kabusha.

(2) Uma, emuva kokucwaningwa kabusha, uMthethosivivinywa wenelisa ngokuphelele ukungagculiseki kukaNdunankulu, uNdunankulu kufanele awuvume futhi awusayine

lowoMthethosisekelo; uma kungenzeki loko, uNdunankulu kufanele enze okunye kwaloku -

(a) avume futhi asayine uMthethosivivinywa; noma
(b) awudlulisele eNkantolo yoMthethosisekelo ezonquma ngokuhambisana kwawo noMthethosisekelo.

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

Izicelo ezifakwa ngamalungu kwiNkantolo yoMthethosisekelo

122. (1) Amalungu esishayamthetho angafaka isicelo eNkantolo yoMthethosisekelo sokuthi inkantolo ikhiphe izwi lokuthi wonke noma ingxenye yoMthethosivivinywa noma uma sewushicilelewe, uMthetho, owamukelwe yisishayamthetho awuhambisani noMthethosisekelo.

(2) Isicelo –

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

(b) kufanele senziwe phakathi kwezinsuku ezingu 30 kusukela osukwini uNdunankulu awuvume futhi awusayina ngalo umthetho.

(3) INkantolo yoMthethosisekelo inganquma ukuthi wonke umthetho noma ingxenye yomthetho okufakwe isicelo ngawo njengokusho kwesigatshana (1) ngenhla, angeke usebenze ngaphambi kokuthi iNkantolo ikhiphe isinqumo ngesicelo uma –

(a) izidingo zobulungiswa ziphoqelesa lesi sinqumo; futhi

(b) isicelo sinamathuba anele okuphemelela.

(4) Uma isicelo singaphumeleli, iNkantolo yoMthethosisekelo kufanele inqume ukuthi labo abafake isicelo kufanele bakhokhe izindleko.

Ukushicilelwa kweMithetho

123. UMthethosivivinywa ovunyiwe futhi wasayinwa nguNdunankulu uba nguMthetho wesifundazwe, kufanele ushicilelwe ngokushesha, futhi uqala ukusebenza uma ushicilelwa noma ngelanga elingemuva elinqunywe ngokusho kwalowoMthetho.

Ukugcina ngokuphepha kwemithetho yesifundazwe

124. Ikhophi esayiniwe yoMthetho wesifundazwe ingubufakazi obugcwele balokho okuqukethwe kulowo mthetho futhi emuva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuze iwugcine ngokuphepha.

Izigungu Ezinkulu zesifundazwe

Igunya lokuphatha lesifundazwe

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

(2) UNdunankulu usebenzisa amandla okuphatha ebambisene namanye amalungu esigungu esikhulu sesifundazwe ngalezizindlela –

(a) ngokuphoqelesa umthetho wesifundazwe kwisifundazwe;

(b) ngokuphoqelesa yonke imithetho kazwelonke ephakathi koluhlu lukaSheduli 4 noma 5 ngaphandle uma uMthethosisekelo noma uMthetho wePhalamende uhlinzeka okwahlukile;

(c) ngokuphathwa kwisifundazwe kwemithetho kaZwelonke engaphandle koluhlu lukaSheduli 4 kanye no 5, ukuphathwa kwayo osekwabelwe isifundazwe njengokusho koMthetho wePhalamende;

(d) ngokuthuthukisa nokuphoqelesa imigomo yesifundazwe;

(e) ngokudidiyela imisebenzi yeminyango yesifundazwe nokuphathwa kwemisebenzi;

(f) ngokulungisa nokusungula imithetho yesifundazwe; futhi

(g) ngokwenza noma yimiphi eminye imisebenzi eyabelwe sona ngokusho koMthethosisekelo noma koMthetho wePhalamende.

(3) Isifundazwe sinamandla okuphatha njengokusho kwezigatshana(2)(d) kodwa ubungako balamandla buncike ekutheni isifundazwe singakwazi yini ukuphatha umsebenzi ohlangene nokusetshenziswa kwalawo mandla ukuze sikwazi ukuqala ukubhekela ngendlela efanele

Uhulumeni kazwelonke kufanele usize ohulumeni bezifundazwe ngemithetho nangezinye izindlela ukuba zithuthukise amakhono namandla okuphatha imisebenzi adingekayo ukuze zikwazi ukusebenzisa amandla azo zenze nemisebenzi yazo eshiwo kwisigatshana (2), ngendlela efanele.

(4) Noma iyiphi inqxabano evelayo maqondana nekhono namandla esifundazwe okuphatha noma yimuphi umsebenzi, kufanele idluliselwe kuMkhandlu kaZwelonke weziFundazwe ukuze sixazululwe phakathi kwezinsuku ezingu-30 emuva kokodluliselwa kuMkhandlu.

(5) Ngokunakekela okushiwo yisigaba 100 ukuphoqeelwa kwemithetho kwisifundazwe kusemandleni aphelele esifundazwe kuphela.

(6) Isigungu esikhulu sesifundazwe kufanele senze ngokulandela –

(a) uMthethosisekelo; kanye

(b) nomthethosisekelo wesifundazwe, uma umthethosisekelo sewamukelwe yisifundazwe.

Ukwabiwa kwemisebenzi

126. Ilungu loMkhandlu esikhulu sesifundazwe lingabela uMkhandlu sikaMasipala noma yimaphi amandla okufanele asetshenziswe noma umsebenzi okufanele wenziwe, ngendlela eshiwo kumthetho wePhalamende, noma wesifundazwe, ende Ukwabiwa –

(a) kufanele kuhambisane nesivumelwano phakathi kwelungu leKhabhinethe elithintekile nelungu loMkhandlu esikhulu sesifundazwe noma uMkhandlu sikaMasipala;

(b) kufanele kuhambisane nomthetho ophathelene nokusetshenziswa kwalawo mandla nokwenziwa kwalowomsebenzi;

(c) kuqala ukusebenza emva kokumenyezelwa nguNdunankulu.

Imisebenzi kaNdunankulu

127. (1) UNdunankulu unamandla nemisebenzi okubekwe kuleso sikhundla nguMthethosisekelo nomthetho.

(2) UNdunankulu wesifundazwe ubhekele okulandelayo -

(a) ukwamukela nokusayina iMithethosivivinywa;

(b) ukubuyisela uMthethosivivinywa emuva kwisishayamthetho sesifundazwe ukuze siwubuyekeze ukuze uhambisane noMthethosisekelo;

(c) ukudlulisela uMthethosivivinywa kwiNkantolo yoMthethosisekelo ukuze ikhiphe isinqumo ngokuhambisana kwawo noMthethosisekelo;

(d) ukubizela isishayamthetho emhlanganweni ongewayelekile ukuze senze umsebenzi oyisipesheli;

(e) ukumisa amakhomishana ophenyo; kanye

(f) nokumemezela uhlooluluvo kwisifundazwe ngendlela emiswe ngumthetho.

Ukukhethwa kukaNdunankulu

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

(2) UMongameli weNkantolo yoMthethosisekelo kufanele engamele lolukhetho noma aqoke elinye ijaji ukuba likwenze loko Inqubo ebekwe kwingxenye A kwiSheduli 3 iyona esebenzayo ekukhethweni kuka Ndunankulu

(3) Ukhetho lokugcwalisa isikhala esikhundleni sikaNdunankulu kufanele lubekelwe isikhathi nelanga nguMongameli weNkantolo yoMthethosisekelo kodwa zingakadluli izinsuku ezingu 30 emuva kokuvela kwalesosikhala.

Ukuqala ukusebenza kukaNdunankulu

129. Umuntu okhethelwe isikhundla sikaNdunankulu, kufanele aqale umsebenzi esikhundleni sikaNdunankulu phakathi kwezinsuku ezinhlanu ekhethiwe, ngokufunga noma ukuqinisekisa ukwethembeka kwiRephabhliki nokuthobela uMthethosisekelo, njengokusho kukaSheduli 2.

Isikhathi sesikhundla sikaNdunankulu

130. (1) UNdunankulu unesikhathi sokuba esikhundleni esiqala kusukela eqala umsebenzi

siphele lapho kuvela isikhala noma uma umuntu olandelayo okhethelwe esikhundleni sokuba nguNdunankulu eqala umsebenzi wobuNdunankulu.

(2) Akekho umuntu ovunyelwe ukuba sesikhundleni njengoNdunankulu ngaphezulu kwezikhathi ezimbili uma umuntu ekhethelwe ukuthi agcwalise isikhala esikhundleni sobuNdunankulu, isikhathi esiphakathi kokugcwalisa isikhala nokhetho olulandelayo, asithathwa njengesikhathi sobuNdunankulu kulowomuntu.

(3) IsiShayamthetho sesiFundazwe, ngesivumelwano esithathwe ngokusekwa yivoti okungenanai lamalungu awo amabili kwamathathu, angasusa esikhundleni uNdunankulu kuphela ngaphansi kwemibandela –

(a) ukwaphulwa kanzima koMthethosisekelo noma umthetho;

(b) ukuziphatha kabi; noma

(c) ukwehluleka ukwenza imisebenzi yesikhundla sakhe.

(4) Noma yimuphi umuntu osuswe esikhundleni sokuba nguNdunankulu ngokwesigatshana

(3)(a) noma (b) akanukuthola lutho lwaleso sikhundla, futhi akavunyelwe ukusebenza kunoma yiliphi ihhovisi likahulumeni.

IBamba likaNdunankulu

131. (1) Uma UNdunankulu engekho noma engakwazi ukufeza izidingo zomsebenzi kaNdunankulu; noma kunesikhala kulesosikhundla, iziphathimandla ezilandelayo ngokulandelana zingambambela njengoNdunankulu:

(a) Ilungu lesiGungu esikhulu sesifundazwe elijutshwe nguNdunankulu.

(b) Ilungu lesiGungu esikhulu elijutshwe ngamanye amalungu esiGungu.

(c) USomlomo, isishayamthetho size sijube omunye wamalungu aso

(2) IBamba likaNdunankulu linezibopho, amandla nemisebenzi kaNdunankulu.

(3) Ngaphambi kokuthatha izibopho, amandla nemisebenzi kaNdunankulu iBamba likaNdunankulu kufanele lifunge noma liqinisekise ukwethembeka kwiRiphabhuliki nokuthobela uMthethosisekelo, njengokubeka kukaSheduli 2.

UMkhandlu esiKhulu

132. (1) IsiGungu esiKhulu sakhawe nguNdunankulu, njengenhloko yesiGungu, namalungu esishayamthetho aqokwe nguNdunankulu amahlanu noma ngaphezulu kodwa angeqile eshumini.

(2) UNdunankulu wesifundazwe uqoka amalungu esiGungu esikhulu, uwanika amandla nemisebenzi, futhi angawasusa esikhundleni.

Ukuphendula nokubhekela

133. (1) Amalungu oMkhandlu esikhulu sesifundazwe abhekele amandla nemisebenzi yesigungu abethweswe yona nguNdunankulu.

(2) Amalungu oMkhandlu esikhulu sesifundazwe aphenhla ebumbene wonke kanye nanjengalungu ngalinye kwisishayamthetho mayelana namandla okwenziwa kwemisebenzi yawo.

(3) Amalungu oMkhandlu esikhulu sesifundazwe kufanele –

(a) enze ngokuhambisana noMthethosisekelo; futhi uma umthethosisekelo wesifundazwe uvunyiwe kwisifundazwe, futhi lowo mthethosisekelo; futhi

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

Ukuqhubeka koMkhandlu esikhulu emuva kokhetho

134. Uma kubanjwe ukhetho lwesishayamthetho sesifundazwe, uMkhandlu esikhulu sesifundazwe, namalungu aso asakwazi ukusebenza aze athathe isikhundla njengoNdunankulu lowo muntu okhethwe yisishayamthetho esilandelayo.

Izifungo neziqinisekiso

135. Ngaphambi kokuthi uMkhandlu esikhulu sesifundazwe siqale imisebenzi yezikhundla zaso, kufanele amalungu afunge noma aqinisekise ukuthi azokwethembeka kwiRiphabhuliki futhi athobele uMthethosisekelo, ngokuhambisana neSheduli 2.

Ukuziphatha kwamalungu oMkhandlu esiKhulu

136. (1) Amalungu oMkhandlu esiKhulu sesifundazwe kufanele aziphathe ngendlela ehambisana nohlelo lokuziphatha olubekwe ngumthetho kazwelonke.

(2) Amalungu oMkhandlu esiKhulu sesifundazwe akufanele –

(a) enze omunye umsebenzi okhokhelwayo;

(b) aziphathe noma ngayiphi indlela engahambisani nezikhundla zabo, noma azibeke kunoma yisiphi isimo esingadala ukuthi abonakale enobunzima bokwehlukana phakathi kwezidingo zomsebenzi nezidingo zomuntu zangasese;

(c) basebenzise isikhundla noma ulwazi lwanoma uluphi uhlobo elunikezelwe kubona ukuzenzela inzuzo noma ukwenzela omunye inzuzo engafanele.

Ukudluliswa kwemisebenzi

137. UNdunankulu angadlulisela kwilungu loMkhandlu esiKhulu ngesimemezelo esishicilelwe okulandelayo –

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

(b) amandla noma umsebenzi onikezwe elinye ilungu ngokomthetho.

Ukunikezwa kwemisebenzi okwesikhashana

138. UNdunankulu anganikeza ilungu loMkhandlu esiKhulu noma yimaphi amandla noma umsebenzi welinye ilungu elingekho noma elingakwazi ukusebenzisa lawo mandla noma ukwenza lowomsebenzi.

Ukulawulwa kukahulumeni wendawo yisiFundazwe

139. (1) Uma umasipala ungakwazi noma ungagcwalisi izibopho zawo ezibekwe ngumthetho, uMkhandlu esikhulu esithintekayo singalungena udaba ngokuthatha izinyathelo ezifanele ukuqinisekisa ukugcwaliswa kwezibopho, kubandakanya –

(a) ukukhipha isiyalelo esiya kuMkhandlu sikaMasipala, esichaza indlela esehluleka ngayo ukugcwalisa izibopho zaso futhi sisho izinyathelo okufanele zithathwe ukuze kugcwaliswe lezo zibopho; futhi

(b) nokuzithathela umsebenzi wokubhekela lezo zibopho ezithintekile kuleso sifunda ngendlela edingekile ukuze –

(i) kugcinwe amazinga abalulekile ngokukazwelonke noma kuhlangatshezwane namazinga amisiwe okungafanele ehliswe okunikezwa kwezidingo zomphakathi;

(ii) kunqandwe lesiGungu sikaMasipala ukuze singathathi izinyathelo ezingafanele ezikhinyabeza omunye umasipala noma isifundazwe sonke; noma

(iii) kugcinwe ubumbano lomnotho.

(2) Uma isiGungu esikhulu sesifundazwe singena udaba lukamasipala ngokubeka kwesigatshana (1)(b) –

(a) ukungenwa kodaba kufanele kuphele ngaphandle uma kwamukelwe yilungu leKhabhinethi likahulumeni waseKhaya phakathi kwezinsuku ezingu-4 emuva kokungenwa kodaba;

(b) isaziso sokulungena udaba kufanele sibekwe phambi kwesishayamthetho soMkhandlu kaZwelonke weziFundazwe phakathi kwezinsuku ezingu 14 zemihlangano yazo yokuqala emuva kokungenwa kodaba; futhi

(c) ukungenwa kodaba makupheliswe ngaphandle uma kuvunywa yisiGungu ezinsukwini ezingu-30 zomhlangano waso wokuqala emva kokuba sekuqaliswe ukungenwa kodaba; futhi

(d) isiGungu kufanele sikuphenye kabusha ukungenwa kodaba njalo emva kwezikhathi ezithile futhi senze noma yiziphi izincomo ezilungile kwisiGungu esikhulu sesifundazwe.

(3) Umthetho kazwelonke ungalawula uhlelo olumiswe kulesi sigaba.

Izinqumo zesiGungu esikhulu

140. (1) Isinqumo sikaNdunankuklu kufanele sisayinwe futhi ngelinye ilungu lesiGungu esikhulu uma –

(a) lesosinqumo senziwe ngokusho komthetho; futhi

- (b) lowomthetho uyingxenyane unomphumela osemthethweni.
- (2) Isinqumo esibhalwe phansi nguNdunankulu masisayinwe ngelinye lamalungu esiGungu esikhulu uma leso sinqumo sixhumene nomsebenzi owabelwe lelo lungu.
- (3) Izimemezelo, imitheshwana kanye neminye imithombo yemithetho engaphansi kweminye yesifundazwe kufanele umphakathi ukwazi ukufinyelela kuyo.
- (4) Umthetho wesifundazwe ungacacisa indlela imithombo yemithetho eshiwo kwisigatshana (3) okufanele,
 - (a) ibekwe phambi kwesishayamthetho sesifundazwe; futhi
 - (b) yamukelwe yisishayamthetho sesifundazwe.

Iziphakamiso zokungethembeki

141. (1) Uma isiGungu sesishayamthetho samukela isiphakamiso sokuthi isiGungu esikhulu sesifundazwe, ngaphandle kukaNdunankulu, asisathembekile kwisishayamthetho ngevoti elesekwe yiningi lamalungu esiGungu, uNdunankulu kufanele asakhe kabusha iSigungu.

(2) Uma isishayamthetho sesifundazwe, samukela isiphakamiso sokuthi UNdunankulu akasathembekile kubona, ngevoti elesekwe yiningi lamalungu esishayamthetho, uNdunankulu namanye amalungu esiGungu esikhulu kufanele bashiye isikhundla.

Imithethosisekelo yezifundazwe

Ukwamukelwa kwemithethosisekelo yezifundazwe

142. Isishayamthetho sesifundazwe singemukela umthethosisekelo wesifundazwe noma, uma kungenzeka, singawushintsha umthethosisekelo waso, uma okungenani ababili kwabathathu bamalungu aso bevote beseka uMthethosichibiyelo.

Okuqukethwe ngumthethosisekelo wesifundazwe.

143. (1) Umthethosisekelo wesifundazwe akufanele ungahambisani naloMthethosisekelo, kodwa ungahlinzekela –

- (a) izakhiwo zesifundazwe zokushaya imithetho nokuphatha nezinhlelo ezehlukile kulezo ezihlinnzekelwe kulesi sahluko; noma
- (b) ubukhosi bendabuko, iqhaza labo, amagunya kanye nezinga lobukhosi bendabuko, lapho kungenzeka.

(2) Izimiso ezifakwe kumthethosisekelo wesifundazwe noma kushintsho lomthethosisekelo okuhambisana nesigaba (a) noma (b) yesigatshana (1) –

- (a) kufanele zihambisane nesaHluko 3 kanye nomqondo wesigaba (1); futhi
- (b) zinganika isifundazwe noma yimaphi amandla noma imisebenzi ewela –
 - (i) ngaphandle kwezinga lamandla esifundazwe njengokusho kukaSheduli 4 no 5; noma
 - (ii) ngaphandle kwamandla nemisebenzi enikezwe isifundazwe ngezinye izigaba zoMthethosisekelo.

Ukuqinisekiswa komthethosisekelo wesifundazwe

144. (1) Uma isishayamthetho sesifundazwe sesamukele noma sashintsha umthethosisekelo, uSomlomo wesishayamthetho kufanele ahambise umbhalo woMthethosisekelo noma woshintsho loMthethosisekelo eNkantolo yoMthethosisekelo ukuze uqinisekise.

(2) Akukho mbhalo womthethosisekelo wesifundazwe noma ushintsho lomthethosisekelo olungaba ngumthetho ngaphambi kokuba iNkantolo yoMthethosisekelo iqinisekise –

- (a) ukuthi umbhalo wamukelwe ngokuhambisana nesigaba 142; futhi
- (b) ukuthi wonke umbhalo uhambisana nesigaba 143.

Ukusayinwa, ukushicilelwa nokugcinwa kokukuphepha kwemithethosisekelo yesifundazwe

145. (1) UNdunankulu wesifundazwe kufanele avume futhi asayine umbhalo womthethosisekelo wesifundazwe noma ushintsho lomthethosisekelo oseluyinqinisekise yiNkantolo yoMthethosisekelo.

(2) Umbhalo ovunyiwe wasayinwa nguNdunankulu kufanele ushicilelwe kwiGazethi kaHulumeni kazwelonke futhi uqala ukusebenza njengomthetho ngokushicilelwa kwawo noma

emuva kokushicilelwa ngelanga elinqunywe ngokusho kwalowomthethosisekelo noma ushintsho lomthethosisekelo.

(3) Umbhalo womthethosisekelo wesifundazwe noma wesichibiyelo somthethosisekelo osayiniwe ungubufakazi obuphelele bezimiso zawo futhi, emva kokushicilelwa, kufanele unikezwe iNkantolo yoMthethosisekelo ukuba iwugcine.

Ukungqubuzana kwemithetho

Ukungqubuzana phakathi komthetho kazwelonke nomthetho wesifundazwe

146. (1) Lesisigaba sisebenza lapho kunokungqubuzana phakathi komthetho kazwelonke nowesifundazwe mayelana nodaba olungena kuluhlu lwemisebenzi olubalulwe kuSchedule 4.

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

(a) Umthetho kazwelonke uphatelene nodaba olungakwazi ukulawulwa ngendlela efanele ngemithetho eshaywe yisifundazwe ngasinye.

(b) Izidingo zezwe lonke zidinga ukuthi udaba luphathwe ngendlela efanayo ezweni lonke, futhi umthetho kazwelonke unikeza lokokuphatha ngendlela efanayo ngokumisa –

(i) indlela eyiyo namazinga;

(ii) izinhloko; noma

(iii) imigomo kazwelonke.

(c) Umthetho kazwelonke udingelwa –

(i) ukugcinwa kokuphepha kwesizwe;

(ii) ukugcinwa kobumbano lwezomnotho;

(iii) ukuvikelwa kwezimakethe ezihlanganyelwe maqondana nokunyakaza kwempahla, izidingo zomphakathi, izimali kanye namandla okusebenza;

(iv) ukukhuthazwa izenzo zomnotho nangale kwemingcele yezifundazwe;

(v) ukukhuthazwa kwamathuba alinganayo kanye nokufinyelela okufanayo kwizidingo zomphakathi zikahulumeni; noma

(vi) ukuvikelekwa kwemvelo.

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

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

(b) ezicindezela ukuphoqelelwa kwemigomo kazwelonke yomnotho.

(4) Uma kukhona ukuxabana okuxhumene nesidingo somthetho kaZwelonke ngehloso ebekwe kwisigatshana (2)(c) futhi lokho kuxabana kuvela ngaphambi kwekantolo yezisombululo, inkantolo ikhathalele ukuvunywa noma ukwenqatshwa komthetho nguMkhandlu kaZwelonke weziFundazwe.

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

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

(7) Uma uMkhandlu kaZwelonke weziFundazwe ungafinyeleli ungawemukeli phakathi kwezinsuku ezingu-30 zokuhlala kwawo kokuqala emuva kokuba umthetho udluliselwe kuwona, lowo mthetho kufanele uthathwe ngokuthi wamukelwe uMkhandlu.

(8) Uma uMkhandlu kaZwelonke weziFundazwe ungawemukeli umthetho odluliselwe kusona ngokusho kwesigatshana (6), kufanele, phakathi kwezinsuku ezingu-30 emuva kwesinqumo, sithumele izizathu zokungawemukeli umthetho kuleso siphathimandla esandlulisa lowo mthetho eMkhandlwini.

Okunye ukungqubuzana

147. (1) Uma kunokungqubuzana phakathi komthetho kazwelonke nesimiso somthethosisekelo wesifundazwe maqondana –

(a) nodaba loMthethosisekelo odinga noma ohlongoze ukuthi makushaywe umthetho kazwelonke maqondana nalo, umthetho kazwelonke ubusa ngaphezu kwalesosimiso somthethosisekelo esithintekile;

(b) nokugqumbukela ngokukazwelonke ngokushaya umthetho njengoba kushiwo esigabeni 44(2), umthetho kazwelonke ubusa ngaphezu kwesimiso somthetho-sisekelo wesifundazwe; noma

(c) nodaba oluphakathi kwemisebenzi ekuluhlu lukaSheduli 4, isigaba 146 sisebenza sengathi isimiso esithintekile somthethosisekelo wesifundazwe singumthetho wesifundazwe oshiwo kuleso sigaba.

(2) Umthetho kazwelonke oshiwo kwisigaba 44(2) ubusa ngaphezu komthetho wesifundazwe mayelana nezindaba eziphakathi kwemisebenzi equkethwe kuSheduli 5.

Ukungqubuzana okungaxazululeki

148. Uma ingxabano ehlangene nokungqubuzana ingakwazi ukuxazululwa yinkantolo, umthetho kazwelonke ubusa ngaphezulu komthetho wesifundazwe noma umthethosisekelo wesifundazwe.

Izinga lomthetho ongasebenzi ngaphezu komunye

149. Isinqumo senkantolo sokuthi umthetho ubusa ngaphezulu komunye umthetho asiwucimi lowo mthetho omuye, kodwa lowo mthetho omunye awusebenzi ngasosonke isikhathi ukungqubuzana kusekhona.

Ukuhunyushwa kokungqubuzana

150. Uma idingida ukungqubuzana okungathi kukhona phakathi komthetho kazwelonke nowesifundazwe, noma phakathi komthetho kazwelonke nomthethosisekelo wesifundazwe, zonke izinkantolo kufanele ziqoke ukuhumusha okulungile kwalowo mthetho noma komthethosisekelo okuvimbela ukungqubuzana, ngaphezu kokunye ukuhumusha okungaba nophumela wokungqubuzana.

Isahluko 7

Uhulumeni wendawo

Izinga lomasipala

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

(2) Amandla okuphatha nokushaya imithetho kamasipala abekwe esiGungwini sikaMasipala.

(3) Umasipala unelungelo lokubusa, ngendlela aziqokele yona, izindaba zikahulumeni wendawo zomphakathi wawo, ngendlela ehambisana nomthetho kazwelonke nowesifundazwe njengoba kubekiwe kumthethosisekelo.

(4) Uhulumeni kazwelonke nowesifundazwe abavunyelwe ukukhinyabeza noma ukuvimbela ikhono noma ilungelo likamasipala lokusebenzisa amandla awo noma lokwenza imisebenzi yawo.

Izinjongo zikahulumeni wendawo

152. (1) Izinjongo zikahulumeni wendawo yilezi –

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

(b) ukuqinisekisa ukuhlinzekelwa kwezidingo emiphakathini ngendlela eqhubekayo;

(c) ukugqugquzelela ukuthuthuka komphakathi nokomnotho;

(d) ukugqugquzelela ukuphepha nokuba nempilo kwendawo; kanye

(e) nokugqugquzele ukubamba iqhaza kwemiphakathi kanye nezinhlangano zomphakathi ezindabeni zikahulumeni wendawo.

(2) Umasipala ungazama, kangangoba uvunyelwa yizimali kanye namandla okwengamela imisebenzi, ukufeza zonke izinjongo ezibekwe kwisigatshana (1).

Izibopho zomasipala zokuthuthukisa indawo

153. Umasipala kufanele –

- (a) wakhe futhi uphathe iminyango yawo eyahlukene, uhlelo lokusetshenziswa kwezimali, kanye nokuhlelwa kwezinhlelo zawo, ngendlela ebeka phambili izidingo zomphakathi eziyisiseko, kanye nokugququzelela ukuthuthuka komphakathi nezomnotho emphakathini; futhi
- (b) ukubamba iqhaza ezinhlelweni zikazwelonke nezezifundazwe zokuthuthuka.

Omasipala phakathi kukahulumeni wobambiswano

154. (1) Uhulumeni kazwelonke kanye nowezifundazwe, ngomthetho kanye nangezinye izinyathelo, kufanele beseke futhi baqinise amandla omasipala okuphatha izindaba zabo, okusebenzisa amandla abo kanye nokwenza imisebenzi yabo.

(2) Umthetho osongozwayo kazwelonke noma wesifundazwe ophathelene nokuma, izikhungo, amandla noma imisebenzi yohulumeni bendawo kumele kushicilelwe ukuze kuzwiwe uvo lomphakathi ngaphambi kokwethulwa kwawo ePhalamende noma isishayamthetho sesifundazwe, ngendlela evumela uhulumeni wendawo ohlelekile, umasipala kanye nabanye abantu abanothando, ithuba lokwethula iziphakamiso maqondana nomthetho osongozwayo.

Ukumiswa komasipala

155. (1) Kunalezi zinhlobo ezilandelayo zomasipala:

- (a) Uhlobo A: Umasipala onegunya eligcwele lokuba ngumasipala endaweni yakhe.
- (b) Uhlobo B: Umasipala oshiyelana amandla agcwele okuba ngumasipala negunya lokushaya umthetho endaweni yakhe ebambisene nohlobo C lukamasipala ngaphansi kwalezo zindawo akuzona.

(c) Uhlobo C: Umasipala onamandla okuba ngumasipala negunya lokushaya umthetho endaweni efaka omasipala abangaphezu koyedwa.

(2) Umthetho kazwelonke kumele uchaze izinhlobo ezahlukene zikamasipala abangamiswa ngaphansi kohlobo ngalunye lukamasipala.

(3) Umthetho kazwelonke kumele –

(a) umise indlela yokuthatha isinqumo uma indawo ilindeleke ukuba nohlobo olulodwa olungu A lukamasipala noma uma ilindeleke ukuba nezinhlobo zombili u-B no-C lukamasipala;

(b) umise indlela kanye nenqubo yokunqunywa kwemingcele yomasipala ngumgwamanda ozimele; kanye

(c) maqondana nesigaba 229, uhlinzekele ukwahlukaniswa ngendlela efanele amandla kanye nemisebenzi phakathi komasipala lapho indawo inomasipala bezinhlobo ezimbili u-B no-C. Ukwahlukaniswa kwamandla kanye nemisebenzi phakathi kohlobo u-B kanye no-C kungehluka ekwahlukanisweni kwamandla kanye nemisebenzi phakathi komunye umasipala onguhlobo olungu-B kanye nalolo olunguhlobo C.

(4) Umthetho oshiwo kwisigatshana (3) kumele uqikelele isidingo sokuhlinzekela imisebenzi kamasipala ngendlela elinganayo futhi ngendlela eqinileyo.

(5) Umthetho wesifundazwe kumele unqume izinhlobo ezahlukene zikamasipala ezingamiswa esifundazweni.

(6) Uhulumeni wesifundazwe ngamunye umele umise omasipala esifundazweni sawo ngendlela ehambisana nomthetho omiswe ngokwesigatshana (2) kanye no (3), futhi ngokomthetho noma ezinye izinyathelo, kufanele –

(a) uhlinzekele ukubhekela kanye nokweseka uhulumeni wendawo esifundazweni; futhi

(b) ugququzele amandla entuthuko yohulumeni wendawo ukuze omasipala bakwazi ukwenza umsebenzi wabo babuye bakwazi ukuphatha izindaba zabo.

(7) Uhulumeni kazwelonke, maqondana nesigaba 44, kanye nohulumeni wesifundazwe banegunya ngokusemthethweni lokubheka ukuthi umsebenzi womasipala uqhubeka ngendlela efanele mayelana nezindaba ezibekwe kwisheduli 4 kanye no-5, ngokuhlelela igunya lokusebenza komasipala okuphawulwe kwisigaba 156(1).

Amandla nemisebenzi yomasipala

156. (1) Umasipala unegunya lokuphatha maqondana nokulandelayo, futhi unelungelo lokwengamela, –

(a) izindaba zikahulumeni wendawo ezibalwe kwiNgxenywe B kaSheduli 4 kanye neNgxenywe B kaSheduli 5; futhi

(b) noma yiluphi olunye udaba olwabelwe noma olunikezelwe kuwona ngomthetho kazwelonke noma wesifundazwe.

(2) Umasipala ungashaya futhi wengamele imithetho yendawo ngenhloso yokuphatha ngendlela lezo zinto anelungelo lokuziphatha.

(3) Ngaphandle uma kungahambisani nesigaba 151 (4), umthetho wendawo ophikisana nomthetho kazwelonke noma wesifundazwe uphambene nomthetho Uma kunempikiswano phakathi komthetho wendawo nomthetho kazwelonke noma wesifundazwe ongasebenzi ngenxa yokuphikisana nomthetho wendawo njengoba kushiwo esigabeni 149, umthetho wendawo kufanele uthathwe ngokuthi usemthethweni ngasosonke isikhathi lowomthetho ungakasebenzi.

(4) Umthetho kazwelonke noma wesifundazwe kufanele wabele noma unikeze umasipala, ngesivumelwano nangaphansi kwanoma yimiphi imibandela, igunya lokwengamela noma yiluphi udaba olubalwe kwiNgxenywe A kaSheduli 4 noma kwiNgxenywe A kaSheduli 5 oluphathelene nohulumeni wendawo, uma –

(a) lolo daba lungengamelwa kangcono emkhakheni wendawo; futhi

(b) umasipala enamandla okulwengamela lolo daba.

(5) Umasipala unelungelo lokusebenzisa noma yimaphi amandla maqondana nodaba olubalulekile ekutheni noma elincikelene nokuthi umasipala enze umsebenzi wakhe ngendlela efanele.

Ukwakheka nokukhethwa koMkhandlu kaMasipala

157. (1) UMkhandlu kaMakasipala wakhiwe yilaba –

(a) amalungu akhethwe ngendlela ehambisana nezigatshana (2),(3),(4) no (5); noma

(b) uma kuhlinzekelwe ngumthetho kazwelonke –

(i) amalungu aqokwe ngomunye uMkhandlu kaMasipala ukuba amele lowo Mkhandlu omunye; noma

(ii) amalungu akhethwe ngendlela ehambisana nesigaba (a)) ngenhla kanye namalungu aqokwe ngendlela ehambisana nesigatshana (i) sale pharagrafu.

(2) Ukukhethwa kwamalungu oMkhandlu kaMasipala njengoba kulindelwe esigatshaneni (1)(a) ngenhla, kufanele kubengendlela ehambisana nomthetho kazwelonke okufanele ubeke uhlelo –

(a) lokumelwa ngokwenani lamavoti atholiwe uma kuqhathaniswa nenani labavoti abangaphansi kwalowo masipala, futhi oluhlinzekela ukukhethwa kwamalungu avela kuluhlu lweqembu olwakhiwe ngendlela enqunye yiqembu; noma

(b) lokumelwa ngokwenani lamavoti njengoba kushiwo kwisigaba (a) ngenhla luhlanganiswe nohlelo lokumelwa ngamawadi aklaywa kusetshenzelwa phezu kwengxenywe yalowo masipala etholakala uma kuqhathaniswa noluhlu lwabavoti lukazwelonke.

(3) Uhlelo lokuvota okushiwo kwisigatshana (2) kufanele luqinisekise ukuthi inani eliphelele lamalungu akhethiwe evela eqenjini ngalinye liyahambisana nobungako benani lamavoti atholwe yilawo maqembu.

(4) Uma uhlelo lokhetho lubandakanya ukumelwa ngamawadi, kufanele ukuklaywa kwamawadi kwenziwe yisakhiwo esigunyaziwe esizimele, esimiswe njengoba kusho umthetho kazwelonke futhi esisebenza ngokulandela izinkambiso nezinkomba ezibekwe ngumthetho kazwelonke.

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

(6) Umthetho kaZwelonke okuphawulwe ngawo kwisigatshana (1)(b) kumele umise indlela

evumela amaqembu kanye nezifiso ezivezwe ngaphansi kwesiGungu sikaMasipala oqashayo, ukuba imelwe ngendlela efanele esiGungwini sikaMasipala ozoqasha.

Ubulungu boMkhandlu kaMasipala

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

(a) noma ngubani oqokwe esikhundleni, noma osebenzela umasipala; futhi oholayo futhi engazange akhishwe ngumthetho kazwelonke ekuvinjweni yilesi sigatshana;

(b) noma ngubani oqokelwe esikhundleni ngumbuso, noma osebenzela umbuso, komunye umkhakha futhi othola umholo ngaleso sikhundla noma umsebenzi, futhi ongavunyelwe ukuba yilungu loMkhandlu ngumthetho kazwelonke;

(c) noma ngubani ongavunyelwe ukuvotela uMkhandlu kamasipala noma ongavunyelwe ngokusho kwesigaba 47(1)(c)(d) noma (e) ukuba yilungu loMkhandlu;

(d) ilungu loMkhandlu kaZwelonke, eliyisithunywa soMkhandlu kaZwelonke seziFundazwe noma lesishayamthetho sesifundazwe; kodwa lomkhawulo awusebenzi kwilungu loMkhandlu kaMasipala omele uhulumeni wendawo eMkhandlwini kaZwelonke; noma

(e) ilungu lomunye uMkhandlu kaMasipala; kodwa lomkhawulo awusebenzi kwilungu loMkhandlu kaMasipala elimele lesosiGungu komunye uMkhandlu kaMasipala sengxenye ehlukile.

(2) Umuntu ongavunyelwe ukuba yilungu loMkhandlu kaMasipala ngokusho kwesigatshana (1)(a), (b), (d), noma (e) angamela ukhetho loMkhandlu, ngaphansi kwemikhawulo nemibandela emiswe ngumthetho kazwelonke.

Isikhathi soMkhandlu kaMasipala

159. Isikhathi soMkhandlu kaMasipala asingeke sibe ngaphezulu kweminyaka emine, njengokusho komthetho kazwelonke.

Inqubo yangaphakathi

160. (1) UMkhandlu kaMasipala –

(a) ukuthatha izinqumo eziphathelene namandla kanye nokusebenza kukamasipala;

(b) ukuqoka usihlalo wawo;

(c) ungaqoka ikomidi eliyisigungu kanye namanye amakomidi, ngokumaqondana nomthetho kazwelonke; futhi

(d) ungaqasha abasebenzi abadingekile ekwenzeni umsebenzi wawo.

(2) Imisebenzi elandelayo ayinakugunyazwa nguMkhandlu kamasipala:

(a) ukuvuma imithetho-kamasipala;

(b) ukuvuma amabhajethi;

(c) ukuthwesa izintela ezikhokhela imisebenzi eyenziwe kanye nezinye zolunye uhlobo, amalevi kanye nenkokhelo yombuso; kanye

(d) ukufaka isicelo semali ebolekisayo.

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

(b) Yonke imibuzo ephathelene nezindaba okuphawulwe ngazo kwisigatshana (2) inqunywa ngesinqumo esithathwe uMkhandlu kamasipala ube wesekwe yivoti lobuningi bamalungu.

(c) Yonke eminye imbibuzo engaphambili koMkhandlu kaMasipala inqunywa ubuningi bamavoti.

(4) Akukho mthetho kamasipala ongavunywa uMkhandlu kaMasipala ngaphandle –

(a) onke amalungu oMkhandlu enikezwe inothi; futhi

(b) umthetho kamasipala osongozwayo ushicilelwe ukuthola uvo lomphakathi.

(5) Umthetho kazwelonke ungalinzekele indlela yokunquma –

(a) ubungako bomkhandlu kaMasipala;

(b) ngabe uMkhandlu kaMasipala ungaqoka yini isigungu sekomiti noma amanye amakomidi;

noma

- (c) ubungako isigungu sekomidi noma yimaphi amanye amakomidi oMkhandlu kaMasipala;
- (6) UMkhandlu kaMasipala ungashaya imithetho kamasipala ebeka imithetho kanye nezinqumo –
 - (a) kumalungiselelo angaphakathi;
 - (b) imisebenzi yaso kanye nezindaba; kanye
 - (c) ukumiswa, ukwakhiwa, inqubo, amandla kanye nemisebenzi yamakomidi aso.
- (7) UMkhandlu kaMasipala kumele wenze umsebenzi waso obala, futhi singavala ukuhlangana kwaso, noma kwamakomiti aso, uma kuphela kufanelekile ukwenza lokho uma kulandelwa isimo sodaba okusuke kuxoxwa ngalo.
- (8) Amalungu oMkhandlu kaMasipala anegunywa lokubamba iqhaza emihlanganweni yaso kanye neyamakomidi ngendlela yoku –
 - (a) vumela amaqembu ezombusazwe kanye nabathintekayo phakathi koMkhandlu ukuba bamelwe ngendlela efanele.
 - (b) hambisana nentando yeningi; futhi
 - (c) ingalungiswa ngumthetho kazwelonke.

Amalungelomvumo

161. Umthetho wesifundazwe phakathi kohlaka lomthetho kazwelonke ungahlinzekela amalungelomvume nokuvikeleka kweziGungu zoMasipala namalungu azo.

Ukushicilelwa kwemithetho kamasipala wendawo

162. (1) Umthetho kamasipala wendawo ungaphoqelelwa kuphela emuva kokuthi ushicilelwe ephaphandabeni likahulumeni elisemthethweni kulesosifundazwe.

(2) Uhulumeni wesifundazwe kufanele ushicilele umthetho kamasipala wendawo ngesicelo sikamasipala.

(3) Imithetho kamasipala wendawo kufanele ifinyeleleke emphakathini.

Uhulumeni wendawo ohlelekile

163. Umthetho kazwelonke oshaywe ngendlela ebekwe yisigaba 76 kumele –

(a) uhlinzekele ukwaziswa ngokomthetho kwezinhlangano zikazwelonke nezesifundazwe ezimele omasipala;

(b) umise inqubo engavumela uhulumeni wendawo ukuba –

(i) abonisane nohulumeni kazwelonke nowesifundazwe;

(ii) uphakamise izithunywa ukuba zibambe iqhaza kuMkhandlu kaZwelonke weziFundazwe; futhi

(iii) uphakamise abantu abangaba kwiKhomishana yezimali nesiKhwama semali kaHulumeni.

Ezinye izindaba

164. Zonke izinto eziphathelene nohulumeni wendawo ezingathintwanga kulo Mthethosisekelo zingabekwa ngumthetho kazwelonke noma umthetho wesifundazwe phakathi kohlaka lomthetho kazwelonke.

Isahluko 8

Izinkantolo nokuphathwa kwezobulungiswa

Igunya lokuphatha umthetho

165. (1) Igunya lokuphatha komthetho waseRiphabhuliki lisezinkantolo.

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

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

(4) Izingxenye zombuso kufanele zisize futhi zivikele izinkantolo ukuze ziqinisekise ukuzimela, ukungakhethi, isithunzi, ukufinyeleleka kanye nokusebenza ngendlela efanele kwezinkantolo, ngokushaya imithetho nangezinye izindlela.

(5) Isiphoqelelo noma isinqumo esikhishwe yinkantolo sibopha wonke umuntu kanye nezingxenye zombuso ezithintekile.

Uhlelo lwezinkantolo

166. Izinkantolo yilezi -

- (a) iNkantolo yoMthethosisekelo;
- (b) iNkantolo eNkulu yamajaji okwedluliselwa kuyo amacala;
- (c) iziNkantolo eziPhakeme, kubandakanya noma yiyiphi inkantolo enkulu yokwedlulisela amacala engamiswa nguMthetho wePhalamende ukuze iqule amacala adluliswe yiziNkantolo eziPhakeme;
- (d) iziNkantolo zeziMantshi; kanye
- (e) noma yiziphi ezinye izinkantolo ezimiswe noma ezamukelwe nguMthetho wePhalamende, kubandakanya izinkantolo ezisezingeni elifanayo neziNkantolo eziPhakeme noma iziNkantolo zeziMantshi.

Inkantolo yoMthethosisekelo

167. (1) INkantolo yoMthethosisekelo inoMongameli, iSekela likaMongameli namanye amajaji ayisishagalolunye.

(2) Okungenani amajaji ayisishagalombili kufanele athathe isinqumo ngodaba oluphambi kweNkantolo yoMthethosisekelo.

(3) INkantolo yomthethosisekelo –

- (a) iyinkantolo ephakeme kunazo zonke ezinye kuzo zonke izindaba zomthethosisekelo;
- (b) inganquma kuphela ngezindaba zomthethosisekelo; kanye nalokho okuhlangene nezinqumo ezindabeni zomthethosisekelo; futhi
- (c) ithatha isinqumo esingujuqu mayelana nokuthi ngabe udaba luwudaba lomthethosisekelo noma luhlangene yini nesinqumo sodaba lomthethosisekelo.

(4) YiNkantolo yoMthethosisekelo kuphela –

- (a) enganquma ngengxabano engaba khona phakathi kwezingxenye zombuso zikazwelonke noma zesifundazwe eziphatelene namazinga ngokomthethosisekelo, amandla nemisebenzi yanoma yiziphi lezo zingxenye zombuso;
- (b) enganquma ngokusemthethweni wePhalamende ukuthi noma yimuphi uMthethosivivinywa noma wesifundazwe, kodwa ingakwenza lokho kuphela uma isimo sivuma kwisigaba 79 noma 121;
- (c) enganquma ngezicelo ezivele kwisigaba 80 noma 122;
- (d) enganquma ngokusemthethweni noma yiluphi uguquko lomthethosisekelo;
- (e) enganquma ukuthi iPhalamende noma uMongameli uhlulekile ukufeza imibandelo yomthethosisekelo; noma

(f) engenza isiqinisekiso ngomthethosisekelo wesifundazwe ngokumaqondana nesigaba 144.

(5) INkantolo yoMthethosisekelo yenza isinqumo esingujuqu ngokuthi uMthetho wePhalamende, uMthetho wesifundazwe noma isenzo sikaMongameli kuyahambisana yini nomthethosisekelo, futhi kufanele iqinise noma yisiphi isiphoqelelo sokungabisekethweni esenziwe yiNkantolo eNkulu yamaJaji yokudluliswa kwamacala, seNkantolo ePhakeme, noma senkantolo yezinga elifanayo, ngaphambi kokuthi lokho kuphoqelela kube namandla omthetho.

(6) Umthetho kazwelonke noma imitheshwana yeNkantolo yoMthethosisekelo kufanele ivumele umuntu, uma kunesidingo sobulungiswa futhi ngemvume yeNkantolo yoMthethosisekelo

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- (a) ukuletha udaba luqonde ngqo eNkantolo yoMthethosisekelo; noma
 - (b) ukudlulisa udaba luqonde ngqo eNkantolo yoMthethosisekelo luvela kunoma iyiphi enye inkantolo.
- (7) Udaba olumayelana nomthethosisekelo lubandakanya noma yini ephathelene nokuhunyushwa, ukuvikelwa nokuphoqelelwa koMthethosisekelo.

INkantolo eNkulu yamaJaji yokudluliswa kwamacala

168. (1) INkantolo eNkulu yamaJaji yokudluliselwa kwamacala ineJaji eliKhulu, isekela leJaji eliKhulu kanye namanye amajaji okudluliselwa kuwo amacala inani lawo elibekwe nguMthetho wePhalamende.

(2) Udaba oluphambi kweNkantolo enkulu yamaJaji yokudlulisa amacala kufanele lunqunywe yinani lamajaji elishiwo nguMthetho wePhalamende.

(3) INkantolo eNkulu yamaJaji yokudluliselwa kwamacala, inganquma ngezindaba ezidlulisiwe Iyinkantolo ephakeme kunazonke yokudluliswa kwamacala ngaphandle kwezindaba eziphathelele nomthethosisekelo, futhi inganquma kuphela –

(a) ngokudluliselwa kwamacala;

(b) ngezinto eziphathelele nokwedluliswa kwamacala; futhi

(c) noma yiluphi olunye udaba olungabhekiswa kuyo kwizimo ezichazwe nguMthetho wePhalamende.

IziNkantolo eziPhakeme

169. INkantolo ePhakeme inganquma -

(a) noma yiluphi udaba ngaphandle kodaba –

(i) olunganqunywa yiNkantolo yoMthethosisekelo kuphela; noma

(ii) olwabelwe enye inkantolo yezinga elifanayo neleNkantolo ePhakeme nguMthetho wePhalamende; futhi

(b) noma yiluphi olunye udaba olungabelwe enye inkantolo ngokoMthetho wePhalamende.

IziNkantolo zeziMantshi nezinye izinkantolo

170. IziNkantolo zeziMantshi nazo zonke ezinye izinkantolo zinganquma noma iluphi udaba olushiwo nguMthetho wePhalamende, kodwa izinkantolo ezisezingeni elingaphansi kweNkantolo ePhakeme azivunyelwe ukucwaninga noma ukunquma ukuthi umthetho, noma yimuphi, noma isenzo sikaMongameli, ngabe kuyahambisana yini noMthethosisekelo.

Izinqubo zenkantolo

171. Zonke izinkantolo zisebenza njengokusho komthetho kazwelonke futhi imitheshwana nezinqumo zazo kufanele zihlinzekelwe njengokusho komthetho kazwelonke.

Amandla ezinkantolo ezindabeni zomthethosisekelo

172. (1) Uma yenza isinqumo odabeni lomthethosisekelo olusemandleni ayo, inkantolo –

(a) kufanele iphakamise ukuthi noma yimuphi umthetho noma isenzo esingahambisani nomthethosisekelo kuphambene nomthetho kuya ngezinga lokungahambisani noMthethosisekelo; futhi

(b) ingenza noma yisiphi isiphoqelelo esilungile nesifanele, kubandakanya –

(i) isiphoqelelo esinciphisa ukusebenza kwesiphakamiso sokuphambana nomthetho esikhathini esedlule; futhi

(ii) isiphoqelelo esilungisa isiphakamiso sokuphambana nomthetho noma yisikhathi esingakanani kanye nangaphansi kwanoma yimiphi imibandela, ukuze isiphathimandla esifanele sinikezwe ithuba lokulungisa loko kuphambuka.

(2) (a) INkantolo eNkulu yamaJaji yokudluliswa kwamacala, iNkantolo ePhakeme noma inkantolo yezinga elifanayo neleNkantolo ePhakeme ingenza isiphoqelelo mayelana nokuthi umthetho wePhalamende, umthetho wesifundazwe noma isenzo sikaMongameli, kuyahambisana yini noMthethosisekelo, kodwa leso sinqumo ngokuhambisana noMthethosisekelo asikwazi ukusebenza ngaphambi kokuthi iNkantolo yoMthethosisekelo isho ukuthi iyavumelana nalesi sinqumo.

(b) Inkantolo ekhipha ukuphoqelela mayelana nokuhambisana noMthethosisekelo inganika isinqumo sesikhashana esinqanda noma esiphoka ukuthi kwenziwe okuthile noma inike noma yisiphi esinye isinqumo esingasiza othintekile odabeni, noma ingamisa ukuqhutshwa kodaba enkantolo, kuze kuphume isinqumo seNkantolo yoMthethosisekelo maqondana

nokubasemthethweni koMthetho noma isenzo.

(c) Umthetho kazwelonke ungahlinzekela ukudluliselwa kwesiphoqelelo sokungahambisani nomthethosisekelo eNkantolo yoMthethosisekelo.

(d) Noma yimuphi umuntu noma ingxenywe yombuso ethintekile ngokwanele ingadlulisela udaba eNkantolo yoMthethosisekelo noma ifake isicelo siqonde ngqo eNkantolo yoMthethosisekelo, ukuba ivume noma iguqule isiphoqelelo sokuphambana nomthethosisekelo esikhishwe yinkantolo ngokuhambisana nalesi sigatshana.

Amandla endalo ezinkantolo

173. INkantolo yoMthethosisekelo, iNkantolo eNkulu yamaJaji yokudlulisela amacala kanye neNkantolo ePhakeme zinamandla endalo okuvikela nokulawula izinhlelo zazo, kanye nokuthuthukisa umthetho wezwe, kube kuqikelelwe izidingo zobulungiswa.

Ukuqokelwa ezikhundleni kwabehluleli basezinkantolo

174. (1) Noma yimuphi umuntu wesifazane noma wesilisa onemfundo elungele lesi sikhundla, futhi nangezinye izindlela okulungele ukuba kulesi sikhundla angaqokwa ukuthi abengumehluleli wasenkantolo Umuntu ongaqokelwa esikhundleni seNkantolo yoMthethosisekelo kufanele abeyisakhamuzi saseNingizimu Afrika.

(2) Isidingo sokuthi isakhiwo sabehluleli basezinkantolo sibonise kabanzi, ukwakheka kweNingizimu Afrika ngokobuhlanga nangokobulili kufanele kucatshangwe uma abehluleli basezinkantolo beqokelwa ezikhundleni.

(3) UMongameli, njengenhloko yokuphatha kukazwelonke uqoka uMongameli neSekela likaMongameli ngemuva kokubonisana neKhomishani leMisebenzi yoBulungiswa kanye nabaholi bamaqembu amelwe kuMkhandlu kaZwelonke, futhi, aqoke iJaji eliyinhloko ngemuva kokubonisana neKhomishana yeMisebenzi yoBulungiswa.

(4) Amanye amaJaji eNkantolo yoMthethosisekelo aqokwa nguMongameli njengenhloko yokuphatha kukazwelonke, emva kokubonisana noMongameli weNkantolo yoMthethosisekelo, kanye nabaholi bamaqembu amelwe kuMkhandlu kaZwelonke elandela inqubo elandelayo:

(a) IKhomishana leMisebenzi yoBulungiswa, kufanele yenze uhla lwamagama abantu abaphakanyisiwe futhi kufanele kube namagama amathathu ngaphezu kwaleso sibalo sabantu abafanele baqokelwe ezikhundleni, bese inikeza uMongameli loluhla.

(b) UMongameli angaqokela ezikhundleni abantu abasohlwini, futhi kufanele azise iKhomishani leMisebenzi yoBulungiswa ngezizathu, uma kukhona abaphakanyisiwe abangemukelekile, futhi kusenesidingo sokuqokwa kwabanye ezikhundleni.

(c) IKhomishani leMisebenzi yoBulungiswa, kufanele linezelele uhla ngamanye amagama aphakanyisiwe, futhi uMongameli kufanele aqoke laba abasele ohlwini olunezelele.

(5) Ngazonke izikhathi, kufanele okungenani amalungu amane eNkantolo yoMthethosisekelo kube ngabantu ababengamaJaji ngesikhathi beqokelwa ukuba ngamaJaji eNkantolo yoMthethosisekelo.

(6) UMongameli kufanele aqoke amaJaji azo zonke ezinye izinkantolo, ngokuyalelwa yiKhomishani leMisebenzi yoBulungiswa.

(7) Abanye abahluleli basezinkantolo kumele baqokwe ngokomthetho wePhalamende okumele uqikelele ukuthi ukuqokwa kwabo, ukukhushulelwa ezikhundleni ezithe xaxa, ukushintshelwa kwenye indawo noma ukumiswa emsebenzini kwalowo, noma ukujeziswa, lokhu kwenziwa ngaphandle ngokuvuna abathile noma ukukhetha abathile.

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

Amajaji angamabamba

175. (1) UMongameli angaqoka umuntu wesifazana noma wesilisa ukuba abe yiJaji eliyibamba leNkantolo yoMthethosisekelo uma kunesikhala, noma uma iJaji lingekho Ukuqokwa

kweJaji kumele kwenziwe ngokulandela izincomo zelungu leKhabinethi elibhekele ukuphathwa kwezobulungiswa ezesekwe nguMongameli weNkantolo yoMthethosisekelo neJaji eliKhulu.

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

Isikhathi sokuba sesikhundleni kanye nokukhokhelwa

176. (1) AmaJaji eNkantolo yoMthethosisekelo aqokelwa isikhathi esiyiminyaka engu-12, kodwa kufanele athathe umhlalaphansi uma eneminyaka engu-70.

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

(3) Amaholo, izibonelelo, nezinzuzo zamajaji akufanele kuncishiswe.

Ukususwa esikhundleni

177. (1) Ijaji lingasuswa esikhundleni kuphela uma –

(a) iKhomishana leMisebenzi yoBulungiswa lithola ukuthi linesifo esililulazayo, lehluleka kakhulu ukuwenza ngendlela umsebenzi walo noma litholakale linecala elibi lokungaziphathi ngendlela efanele, futhi

(b) uMkhandlu kaZwelonke uthatha isinqumo sokuthi iJaji lelo lisuswe esikhundleni esesekwa okungenani ngamalunga awo amabili kwamathathu.

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

(3) UMongameli ngokwelulekwa yiKhomishani leMisebenzi yoBulungiswa, angalimisa emsebenzini okwesikhashana ijaji elithintekayo kulezo zinqubo ezishiwo kwisigatshana (1).

IKhomishana leMisebenzi yoBulungiswa

178. (1) IKhomishana leMisebenzi yoBulungiswa lakhiwe –

(a) yiJaji eliKhulu, elengamele iKhomishana;

(b) nguMongameli weNkantolo yoMthethosisekelo;

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

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

(e) abammeli ababili bezinkantolo zamajaji abaphakanyiswe ngabanye abammeli basemaJajini ukuba bamele bonke abammeli basemajajini, futhi beqokwe nguMongameli wezwe;

(f) abammeli ababili abakhethwe ngabanye abammeli bakwezinye izinkantolo, ukuba bamele bonke laba bammeli, futhi beqokwe nguMongameli wezwe;

(g) umfundisi oyedwa wezomthetho okhethwe ngabafundisi bezomthetho kumaYunivesithi aseNingizimu Afrika;

(h) amalungu oMkhandlu kaZwelonke ayisithupha aqokwe nguMkhandlu kaZwelonke, okungenani abathathu kubona kufuneka kubengamalungu amaqembu aphikisayo amelwe kuMkhandlu;

(i) amalungu amane oMkhandlu kaZwelonke weziFundazwe aqokwe kanyekanye yileso uMkhandlu ngesinqumo esithathwe ngokwesekwa okungenani yizifunda eziyisithupha;

(j) amalungu amane aqokwe nguMongameli njengenhloko yokuphatha kaZwelonke emuva kokubonisana nabaholi bamaqembu wonke kuMkhandlu kaZwelonke; futhi

(k) uma kucutshungulwa izindaba eziqondene ngqo neNkantolo ePhakeme yesiFundazwe noma yendawo iJaji eleNgamele leyonkantolo noNdunakulu waleso sifundazwe noma umuntu okhethwe nguNdunakulu waleso sifundazwe.

(2) Uma inani labantu abaphakanyiswe ngabammeli basemajajini nabanye abammeli ngokusho kwesigatshana (1)(e) noma (f) lilingana nezikhala okufanele zigcwaliswe, uMongameli wezwe kufanele abaqokele ezikhundleni Uma inani labantu abaphakanyisiwe leqile enanini lezikhala

okufanele zigcwaliswe, uMongameli kufanele aqoke abantu abalingana nezikhala emuva kokubonisana nalowo mkhakha wabammeli othintekayo, futhi kufanele aqikelele ukuthi laba abaqokwayo bawumele lowomkhakha wabammeli jikelele.

(3) Amalungu eKhomishana akhethwe uMkhandlu kaZwelonke weziFundazwe asebenza aze ashintshwe ewonke, noma kuze kuvele isikhala kuwona Abanye abangamalungu eKhomishana basebenza kuyona baze bahoxiswe yilaba ababebaphakamisile.

(4) IKhomishana yeMisebenzi yoBulungiswa inamandla nemisebenzi enikezwe yona nguMthethosisekelo nomthetho kazwelonke.

(5) IKhomishana yeMisebenzi yoBulungiswa lingaluleka uhulumeni kazwelonke kunoma yiluphi udaba oluhambisana nobulungiswa noma nokuphathwa komthetho kodwa, uma icubungula noma yiluphi udaba ngaphandle kokuqokwa kweJaji, kufuneka ihlale ngaphandle kwamalungu aqokwe njengokusho kwesigatshana (1)(h) no (i).

(6) IKhomishana yeMisebenzi yoBulungiswa ingamisa izinqubo zayo, kodwa izinqumo zeKhomishana kufuneka zesekewe yiningi lamalungu ayo.

Isigungu soKushushisa

179. (1) Kukhona isigungu sokushushisa esisodwa eRephabhliki esimiswe njengokusho komthetho kazwelonke, futhi esakhiwe yilaba –

(a) uMqondisi kaZwelonke wokuShushiswa koMphakathi oyinhloko yesigungu sokushushisa, futhi uqokwa nguMongameli njengenhloko kazwelonke yokuphatha, kanye

(b) nabaQondisi bokuShushiswa koMphakathi ababekwe ngumthetho kazwelonke.

(2) Isigungu sokushushisa sinamandla okushushisa egameni likahulumeni senze noma yikuphi okuhambisana nokushushisa ukuze amacala athethwe ezinkantolo.

(3) Umthetho kazwelonke kufanele uqikelele ukuthi abaQondisi bokuShushiswa koMphakathi –

(a) banemfundo elungele lesi sikhundla; futhi

(b) babhekelele ukushushisa ezindaweni ezithile ezigaguliwe ngaphansi kwalokho okushiwo yisigatshana (5).

(4) Umthetho kazwelonke kumele uqikelele ukuthi isigungu sokushushisa senza umsebenzi waso ngaphandle kokwesaba, ukwenzelela nokukhetha abanye.

(5) UMqondisi kaZwelonke wokuShushiswa koMphakathi –

(a) kufanele amise imigomo yokushushisa okufanele ilandelwe uma kushushiswa, ngokuvumelana nelungu leKhabinethe elibhekelele ukuphathwa kwezobulungiswa, futhi emuva kokubonisana nabaQondisi bezokuShushiswa koMphakathi;

(b) kufanele akhiphe imiyalo ecacisa imigomo okufanele ilandelwe uma kushushiswa;

(c) angagxambukela ohlelweni lokushushisa uma ngabe imiyalo yemigomo ingalandelwanga; futhi

(d) angasihlolisisa kabusha isinqumo sokuthi udaba oluthile lushushiswe noma lungashushiswa, emuva kokubonisana noMqondisi wokushushiswa koMphakathi ohlangene naleso sinqumo futhi emuva kokuzwa iziphakamiso phakathi kwesikhathi esibekwe nguMqondisi kaZwelonke wokuShushiswa koMphakathi, ezivela kwabalandelayo:

(i) Umuntu obekwe icala.

(ii) Ummangali.

(iii) Noma yimuphi omunye umuntu noma iqembu uMqondisi kaZwelonke wokuShushiswa koMphakathi abona kuthintekile.

(6) Ilungu leKhabinethi elibhekelele ukuphathwa kobulungiswa kufanele lengamele lesi siphathimandla sokushushisa.

(7) Konke okunye okuphathelene nesiphathimandla sokushushisa kuzonqunywa ngumthetho kazwelonke.

Ezinye izindaba ezimayelana nokuphathwa kwezobulungiswa

180. Umthetho kazwelonke ungahlinzekela noma yiluphi udaba olumayelana nokuphathwa kwezobulungiswa okungakhulunywanga ngalo kuMthethosisekelo, kuhlanganisa –

- (a) izinhlelo zokuqeqesha abengameli basezinkantolo;
- (b) izindlela zokubhekana nezikhalo ezithinta abehluleli basezinkantolo; futhi
- (c) nokubamba iqhaza kwabantu abangebona abehluleli bezinkantolo ekuthathweni kwezinqumo zenkantolo.

Isahluko 9

Izikhungo Zombuso Ezeseka

umthethosisekelo wetando yeningi

Ukumiswa nemigomo ephethe

181. (1) Lezi zikhungo ezilandelayo zisiza ekuqiniseni umbuso wentando yeningi eRiphabhuliki:

- (a) UMvikeli woMphakathi.
 - (b) IKhomishana yamaLungelo oBuntu.
 - (c) IKhomishana yokuthuthukiswa nokuvikelwa kwamalungelo amasiko, enkolo nezilimi zemiphakathi.
 - (d) IKhomishana yokuLingana ngokoBulili.
 - (e) UMcubunguli-Jikelele wamabhuku ezimali zombuso.
 - (f) IKhomishana yokhetho.
- (2) Lezi zikhungo zizimele futhi zisebenza kuphela ngokulandela uMthethosisekelo nomthetho, futhi kufanele zingathathi hlangothi futhi kufanele zisebenzise amandla ezinikwe wona ngaphandle kokwesaba, ukwenzelela, nokukhetha.
- (3) Ezinye izingxenyane zombuso, ngemithetho nangezinye izinyathelo, kufanele zelekelele futhi zivikele lezi zikhungo ukuze kuqinisekiswa ukuzimela, ukungakhethi cala, isithunzi kanye nokusebenza kwazo ngendlela efanele.
- (4) Akukho muntu futhi akukho ngxenye yombuso okufanele igxambukele ekusebenzeni kwalezi zikhungo.
- (5) Lezi khungo ziphendula kuMkhandlu kaZwelonke futhi kufanele zethule imibiko ngokusebenza kwazo okungenani kanye ngonyaka kuMkhandlu.

UMvikeli woMphakathi

Imisebenzi yoMvikeli woMphakathi

182. (1) UMvikeli woMphakathi unamandla alandelayo, ngokulawulwa ngumthetho kazwelonke –

- (a) okuphenya noma yisiphi isenzo ezindabeni zezwe, noma ekuphathweni kwemisebenzi yomphakathi kunoma yimuphi umkhakha kahulumeni, okuthiwa noma okusolelwa ukuthi asilungile noma esingaba nomphumela ongalungile noma onokukhetha;
 - (b) okunika umbiko ngaleso senzo; futhi
 - (c) okuthatha izinyathelo ezifanele zokulungisa isimo.
- (2) UMvikeli woMphakathi unamandla nemisebenzi engeziwe amiswe ngumthetho kazwelonke.
- (3) UMvikeli woMphakathi angeke aphenye izinqumo zenkantolo.
- (4) Bonke abantu nemiphakathi kumele bakwazi ukufinyelela kumvikela womphakathi.
- (5) Noma yimuphi umbiko okhishwe nguMvikeli woMphakathi abantu kufanele bavunyelwe ukuba bawubone ngaphandle uma kunezimo ezithile ezingavamile eziyonqunywa ngumthetho kazwelonke nezidinga ukuba umbiko ugcinwe uyimfihlo.

Isikhathi sesikhundla

183. UMvikeli woMphakathi uqokelwa inkathi eyiminyaka eyisikhombisa futhi engavuselelwa. IKhomishana yamaLungelo oBuntu

Imisebenzi yeKhomishana yamaLungelo oBuntu

184. (1) IKhomishana yamaLungelo oBuntu kufanele –
- ikhuthaze ukuhlonishwa kwamalungelo obuntu nokuthuthukiswa kwendlela yokuphila eyazisa amalungelo oBuntu eRephabhliki;
 - ikhuthaze ukuthuthukiswa, ukuvikelwa nokutholakala kwawamalungelo obuntu; futhi
 - iqaphe futhi ihlole izinga lokuhlonishwa kwamalungelo obuntu eRiphabhuliki.
- (2) IKhomishana yamaLungelo oBuntu inamandla, ngokulawulwa ngumthetho kazwelonke, adingekile ukuze yenze imisebenzi yayo, kubandakanya amandla –
- okuphenya nokubika ngokuhlonishwa kwamalungelo obuntu;
 - okuthatha izinyathelo ezifanele zokunikeza ukunxeshezela okufanele lapho kuhlukunyezwe amalungelo obuntu;
 - okwenza ucwaningo;
 - okufundisa.
- (3) Minyaka yonke iKhomishana yamaLungelo oBuntu ingafuna ukuthi izingxenye zombuso ezifanele zihlinzeke iKhomishana ngolwazi maqondana nezinyathelo ezizithathayo ukuze amalungelo akuMqulu wamaLungelo oBuntu athintene nendle, ukunakekelwa kwezempilo, ukudla, amanzi, ezenhlalakahle yomphakathi, imfundo, kanye nendawo.
- (4) IKhomishana yamaLungelo oBuntu inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

IKhomishana yokuThuthukiswa nokuVikelwa kwamaLungelo amaSiko, eNkolo neziLimi zemiPhakathi

Imisebenzi yeKhomishana

185. (1) IKhomishana yokuThuthukiswa nokuVikelwa kwamaLungelo amaSiko, eNkolo neziLimi zemiPhakathi, inezinjongo ezimqoka ezilandelayo –
- ukukhuthaza ukuhlonishwa kwamalungelo amasiko enkolo nezilimi zemiphakathi;
 - ukukhuthaza nokuthuthukiswa kokuthula, ubungane ubuntu kanye nokubekezelelana phakathi kwemiphakathi enamasiko, nezinkolo nezilimi ezahlukene phezu kwesisekelo sokulingana nokungabandlululani nokuhlangana ngokukhululeka; futhi
 - ukuncoma ukumiswa ngokuhambisana nomthetho kazwelonke kwemikhandlu yamasiko noma eminye imikhandlu yomphakathi noma yemiphakathi ethile eNingizimu Afrika.
- (2) IKhomishana inamandla njengoba kulawula umthetho kazwelonke, adingekayo ukuphumelelisa injongo zayo ezimqoka, kubandakanya amandla okuqapha, okuphenya, okucwaninga, okufundisa, okukhankasela imibono ethile, okweluleka nokubika mayelana namalungelo amasiko, enkolo nezilimi zemiphakathi.
- (3) IKhomishana ingenza umbiko nganoma yiluphi udaba oluwela ngaphakathi kwamandla nemisemsebenzi yeKhomishana yamaLungelo oBuntu, ukuze luphenywe.
- (4) IKhomishana inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

Ukwakheka kweKhomishana

186. (1) Inani lamalungu eKhomishana yokuThuthukiswa nokuVikelwa kwamaLungelo amaSiko, eNkolo neziLimi zemiPhakathi nokuqokwa kwawo nesikhathi sokuba sesikhundleni kumelwe kumiswe ngumthetho kazwelonke.

(2) Ukwakheka kweKhomishana kufanele –

- kubonise ukumelwa kabanzi kwemiphakathi, kwamasiko, izinkolo nezilimi ezahlukene ezigqamile eNingizimu Afrika; futhi
- kubonise kabanzi ukwakheka ngokobulili komphakathi waseNingizimu Afrika.

IKhomishani yokuLingana ngokoBulili

Imisebenzi yeKhomishana yokuLingana ngokoBulili

187. (1) IKhomishani yokuLingana ngokoBulili kumele ikhuthaze ukuhlonishwa kokulingana kobulili futhi nokuthuthukiswa, ukuvikela nokufinyelela ekulinganeni kobulili.
- (2) IKhomishani yokuLingana ngokoBulili inamandla, ngokulawulwa ngumthetho

kazwelonke, adingekayo ukuze yenze imisebenzi yayo, kuhlenganisa amandla okuqapha, ukuphenya, ukucwaninga, ukufundisa, ukugqugquzela, ukweluleka nokubika ngezindaba ezithinta ukulingana kobulili.

(3) IKhomishana yokuLingana koBulili inamandla nemisebenzi eyengeziwe, njengoba kumiswe ngumthetho kazwelonke.

UMcubunguli-Jikelele wamabhuku

ezimali zombuso

Imisebenzi yoMcubunguli-Jikelele wamabhuku ezimali zombuso

188. (1) Umcubunguli-Jikelele wamabhuku ezimali zombuso kufanele acubungule futhi anikeze imibiko mayelana nokusetshenziswa kwezimali, isimo samabhuku ezimali kanye nokuphathwa kwezimali kwabalandelayo –

(a) yonke iminyango nemisebenzi kahulumeni kazwelonke nowesifunda;

(b) bonke omasipala; futhi

(c) noma yisiphi esinye isakhiwo noma okunye okusebenzisa imali okudingeka ukuthi kucubungulwe nguMcubunguli-Jikelele wamabhuku ezimali zombuso, ngokusho ngomthetho kazwelonke noma wesifundazwe.

(2) Ngaphezulu kwezibopho ezibekwe kwisigatshana (1) ngenhla, futhi njengokusho kwanoma yimuphi umthetho, angacubungula futhi anikeze umbiko ngokusetshenziswa kwezimali, isimo samabhuku ezimali kanye nokuphathwa kwezimali zalaba -

(a) noma yisiphi isakhiwo esithola imali esiKhwameni seMali kaZwelonke, esiKhwameni seMali sesifundazwe, noma kumasipala; noma

(b) isakhiwo esigunyazwe ngokusho kwanoma yimuphi umthetho ukuba samukele izimali sizamukelela injongo yomphakathi.

(3) UMcubunguli-Jikelele wamabhuku ezimali zombuso kufanele anikeze imibiko yokucubungula kwanoma yisiphi isishayamthetho esithintekayo ngaloko kucubungula, futhi kunoma isiphi esinye isakhiwo esishiwo ngumthetho kazwelonke Yonke imibiko kufanele ivezelwe umphakathi.

(4) UMcubunguli-Jikelele wamabhuku ezimali zombuso unamanye amandla nemisebenzi ayinikezwe ngumthetho kazwelonke.

Isikhathi sesikhundla

189. UMcubunguli-Jikelele wamabhuku ezimali zombuso kufanele aqokelwe esikhundleni isikhathi esimile esingavuselelwa seminyaka ephakathi kweyisihlanu neyishumi.

IKhomishana yoKhetho

Imisebenzi yeKhomishana

190. (1) IKhomishana yoKhetho kufanele –

(a) iphathe ukhetho lwezakhiwo zokushaya imithetho zikazwelonke, zezifundazwe kanye nezomasipala, njengoba kubekwe ngumthetho kazwelonke;

(b) uqinisekise ukuthi ukhetho lukhululekile futhi luyagculisa; futhi

(c) amemezele umphumela wokhetho phakathi kwesikhathi esimiswe ngumthetho kazwelonke futhi esifishane ngendlela efanelekile.

(2) Ikhomishani yokhetho inamandla nemisebenzi engaphezulu kwalena njengokubeka komthetho kazwelonke.

Ukwakhekha kweKhomishani yokhetho

191. IKhomishani yokhetho kufanele yakhiwe okungenani ngabantu abathathu Inani lamalungu kanye nesikhathi abazoba sesikhundleni ngaso kufanele kubekwe ngumthetho kazwelonke.

IsiPhathimandla esiZimele esiLawula ukuSakaza

Isiphathimandla sokusakaza

192. Umthetho kazwelonke kufanele umise isiphathimandla esizimele esizolawula ukusakaza sinakekele loko okuyizidingo zomphakathi, futhi siqinisekise ukuthi kusakazwa ngendlela elungile

futhi nokuvezwa ngendlela elungile futhi nokuvezwa kwemibono eyahlukahlukile emele kabanzi, umphakathi waseNingizimu Afrika.

Izimiswe ezejwayelekile

Ukuqokelwa ezikhundleni

193. (1) UMvikeli woMphakathi kanye namalungu anoma iyiphi iKhomishani emiswe njengokusho kwalesi sigaba kumele kubengabesifazane nabesilisa –

- (a) abayizakhamuzi zaseNingizimu Afrika;
- (b) abakulungele ukuphatha isikhundla elithile; futhi
- (c) behambisana nanoma iziphi izidingo ezimiswe ngumthetho kazwelonke.

(2) Isidingo sokuthi ikhomishani imiswe ngalesi sahluko kubonise kabanzi ukwakheka, ngokobulili nangokobuzwe, komphakathi waseNingizimu Afrika kufanele siqashelwe uma kuqokelwa amalungu eKhomishani.

(3) Umcubunguli wamabhuku ezimali zikahulumeni kumele kube umuntu wesifazane noma wesilisa oyisakhamuzi saseNingizimu Afrika futhi umuntu okulungele ukuphatha lesi sikhundla Ulwazi olunzulu kanye, noma ukuthi umuntu uke wasebenza yini njengomcubunguli wamabhuku ezemali, ngezimali zombuso, kumele kunakwe ngendlela efanele uma kuqokelwa esikhundleni umcubunguli omkhulu wamabhuku ezimali zikaHulumeni.

(4) UMongameli, kumele aqokele esikhundleni ngokulandela isincomo sePhalamende likaZwelonke, uMvikeli womphakathi, umcubunguli omkhulu wamabhuku kahulumeni, kanye namalungu –

- (a) eKhomishani lamaLungelo aBantu;
- (b) eKhomishani lokuLingana ngoBulili ; kanye
- (c) neKhomishani loKhethe.

(5) IPhalamende likaZwelonke kumele liphakamise izincomo zabantu –

- (a) abaphakanyisiwe yikomidi lePhalamende kaZwelonke elakhiwe amalungu awo wonke amaqembu amelwe eMkhandlwini ngezingxenye zokumelwa kwawo ePhalamende; futhi
- (b) abemukelwe yiPhalamende ngesinqumo esithathwe ngokwesekwa amavoti –
 - (i) okungenani amaphesenti angamashumi angu-60 amalungu ePhalamende, uma izincomo eziphathelene nokuqashwa koMvikeli woMphakathi noma uJenene ophathelene nokugcinwa kwamabhuku ezimali; noma
 - (ii) iningi lamalungu ePhalamende, uma izincomo ziphathelene nokuqashwa kwelungu leKhomishani.

(6) Ukubamba iqhaza komphakathi ekwenzeni izincomo kungahlinzekelwa njengoba kulindelwe esigabeni 59(1)(a).

Ukususwa esikhundleni

194. (1) UMvikeli woMphakathi, uMcubunguli -jikelele wamabhuku ezimali zikahulumeni noma ilungu leKhomishani emiswe yilesisahluko bangasuswa esikhundleni kuphela –

- (a) ngezizathu zokungaziphathi kahle, ukungakwazi ukusebenza noma ukungawenzi ngendlela umsebenzi;
- (b) uma ikomidi loMkhandlu lithole kukhona noma yisiphi isimo esishiwo ngenhla ku (a);
- (c) Ukwamukelwa nguMkhandlu kaZwelonke kwesinqumo, sokuthi lowo muntu akasuswe esikhundleni.

(2) Isinqumo sePhalamende esiphathelene nokususwa esikhundleni –

- (a) soMvikeli woMphakathi noma uJenene ophethe ukugcinwa kwamabhuku ezimali kumele sivunywe ngokwesekwa ngamavoti okungenani amabili kwamathathu kumalungu ePhalamende; noma
- (b) ilungu leKhomishani kumele livunywe ngokusekwa ngamavoti eningi lamalungu ePhalamende.

(3) UMongameli –

(a) angammisa umuntu esikhundleni okwesikhashana noma yinini emva kokuqala kwamanyathelo ekomidi loMkhandlu kaZwelonke aphaathelene nokususwa kwalowo muntu esikhundleni; futhi

(b) Kumele amsuse esikhundleni umuntu emva kokuthathwa kwesinqumo, nguMkhandlu kaZwelonke, sokususwa kwalowo muntu esikhundleni.

Isahluko 10

Ukuphathwa kwemisebenzi

yombuso

Lokhu ukwamukelwa njengokulungile nemigomo eyengamele ukuphatha

195. (1) Ukuphatha koMbuso kufanele kuhanjiswa ngendlela eyamukelekile njengelungile nangemigomo equkethwe kuMthethosisekelo, kuhanjisa le migomo elandelayo:

(a) kufanele kukhuthazwe futhi kugcinwe izinga eliphezulu lobungcweti.

(b) kufanele kukhuthazwe ukusetshenziswa kwemithombo yomnotho ngendlela ekhombisa ikhono, yokonga, nenomphumela omuhle.

(c) Umsebenzi wokuphathwa kombuso, kufanele uphokophele ukuthuthukisa.

(d) Imisebenzi kufanele ihlinzekelwe ngokungakhethi ngobuqotho ngokufaneleyo, nangaphandle kokwenzelela.

(e) Izidingo zabantu kufanele zibhekelelwe, futhi umphakathi kufanele ukhuthazwe ukuthi ubambe iqhaza lapho kwenziwa imigomo.

(f) Umbuso kufanele ukwazi ukubikela umphakathi ngendlela ophethe ngayo.

(g) Ukusebenza kombuso ngokusobala kufanele kukhuthazwe ngokuhlinzekela umphakathi ngolwazi olutholakala ngokushesha, nakuyilona.

(h) kufanele kukhuthazwe amakhono okuphatha kahle abantu kanye nemisebenzi efundelwe, ngenhloso yokuthi abantu benze imisebenzi yezinga eliphezulu.

(i) Ukuphatha umbuso kufanele kumele bonke abantu baseNingizimu Afrika, futhi ukuqasha nokuphatha abasebenzi kufanele kuxhumekeke ekutheni abantu banamakhono, abaphathi abakhethi, nokuthi kunesidingo sokuqeda ukulingalingani kwesikhathi sakudala, ukuze zonke izinhlobo zabantu zimelwe.

(2) Le migomo engenhla isebenza kokulandelayo –

(a) ukuphatha yonke imikhakha kaHulumeni;

(b) izingxenywe zombuso; futhi

(c) izinkampani nemisebenzi kaHulumeni.

(3) Umthetho kaZwelonke kufanele uqiniseke ukukhuthazwa kwaloko okulungile futhi nemigomo ebalulwe kwisigatshana (1).

(4) Ukuqokwa emsebenzini kaHulumeni kwenani labantu ngokuhambisana nemigomo ebusayo ngaleso sikhathi njengoba kuhlinzekwe umthetho kaZwelonke akunqatshelwe.

(5) Umthetho ohambisa kahle ukuphatha kombuso, ungehlukanisa izindlela zokuphathwa kwemikhakha eyahlukene nezikhungo ezikhona zombuso.

(6) Uhlobo nemisebenzi yemikhakha ehlukeneyo, yezikhungo zokuphathwa kubasebenzi bombuso kuyizinto ekufanele zicatshangwe uma kuhanjiswa kahle ukuphathwa kwabasebenzi.

Ikhomishani yokuphatha umsebenzi womphakathi

196. (1) Kukhona iKhomishani yokuphatha imisebenzi yomphakathi eyodwa yayingo iNingizimu Afrika.

(2) Ikhomishani izimele futhi kufanele ingakhethi futhi kumele isebenzise amandla ibuye yenze imisebenzi yayo ngaphandle kokusaba, ukubonelela abathile noma ukukhipha abathile inyumbazane ngenhloso yokulungisa ngendlela efanele kanye nokuphatha kahle umphakathi kanye nokukhuphula amazanga obuciko bokwethembeka emsebenzini womphakathi. Ikhomishani kumele isebenze ngokomthetho kaZwelonke.

(3) Ezinye izingxenywe zombuso, ngenxa yomthetho kanye nezinye izimiso, kumele ilekelele

futhi ivikele iKhomishani ukuqikelela ukuzimela, ukungakhethi, isithunzi kanye nokusebenza ngendlela elindelekile kweKhomishani. Akekho umuntu noma ingxenye yombuso ongaphazamisa ukusebenza kweKhomishani.

(4) Amandla kanye nemisebenzi ekhomishani yilena -

(a) Ukugqugquzela okumisiwe kanye nemigomongqangi ebekwe esigabeni 195, kubasebenzi bomphakathi bonkana;

(b) ukucubungula, ukubhekela kanye nokuhlaziya inhlango kanye nabaphathi, nokusebenza kwabasebenzi, bomphakathi;

(c) ukuphakamisa izimiso ukuqikelela ukwenziwa komsebenzi ngendlela elindelekile kanye nefanele emsebenzini womphakathi;

(d) ukunikeza inkomba ehlose ekuqikeleleni ukuthi inqubo yabasebenzi ephathelene nokuqasha, ukushintshwa kwabasebenzi basiwe kwezinye izindawo, ukukhushulwa ezikhundleni kanye nokuxoshwa kwabasebenzi iyahambisana nokumisiwe kanye nemigomongqangi ebekwe esigabeni 195;

(e) ukubika mayelana nemisebenzi kanye nokwenziwa kwemisebenzi, kubandakanya noma yikuphi okuphakanyisiwe yiyo kanye nezinkomba nezaluleko engazinikeza, futhi ihlinzekelele ukuhlaziya ukuthi izimiso kanye nemigomongqangi ebekwe esigabeni 195 ilandelwe yini; kanye

(f) noma ngokuthanda kwayo noma ngokuvela kwezikhalo -

(i) icubungule ibuye ihlaziye izicelo zabasebenzi kanye nabaphathi bomphakathi, ibuye ibike esigungwini esithentekile kanye nesishayamthetho;

(ii) ukucubungula izikhalo zabasebenzi emsebenzini womphakathi eziphathelene nokwenziwa yiziphathimandla noma amaphutha, kanye nokwenza izincomo ezifanele ngezithombululo;

(iii) ukubhekela kanye nokucubungula okusondelene nenqubo emsebenzini womphakathi; futhi

(iv) ukweluleka izingxenye zombuso zikazwelonke kanye nezezifundazwe mayelana nezenzo zabasebenzi emsebenzini womphakathi, kubandakanya nalokho okuhambisana nokuqasha, ukuqokelwa ezikhundleni, ukushintshelwa kwenye indawo, ukuxoshwa kanye neminye iminxa yemisebenzi yabaqashwa emsebenzini womphakathi.

(5) IKhomishani ibikela iPhalamende ngokusebenza kwayo.

(6) IKhomishani kufanele ibike okungenani kanye ngonyaka njengoba kubhalwe kwisigatshana

(4)(e) -

(a) ePhalamende; kanye

(b) nokumayelana nokwenzeka esifundazweni, kwisishayamthetho saleso sifundazwe.

(7) IKhomishani inoKhomishani abangu-14 abaqokwe nguMongameli abahlelwe ngendlela elandelayo:

(a) Okhomishani abangu-5 abavunye yiPhalamende ngokumaqondana nesigatshana (8) (a); kanye

(b) UKhomishani oyedwa ngesifundazwe sisinye oqokwe nguNdunankulu wesifundazwe ngokumaqondana nesigatshana (8) (b)

(8) (a) UKhomishani oqokiwe ngokumaqondana nesigatshana (7)(a) kufanele -

(i) aphakanyiswe yikomidi lePhalamende elakheke ngamalungu alinganayo ezinhlangano zonke ezimelwe ePhalamende; futhi

(ii) avunye yiPhalamende ngesiphakamiso esithathwe ngokwesekwa ngamavoti eningi lamalungu.

(b) UKhomishani oqokwe nguNdunankulu wesifundazwe kufanele -

(i) aphakanyiswe yikomidi lesishayamthetho sesifundazwe elakhiwe ngamalungu alinganayo ezinhlangano zonke ezimelwe kwisishayamthetho; futhi

(ii) avunye yiSishayamthetho ngesiphakamiso esithathwe ngokwesekwa ngamavoti eningi lamalungu.

(9) Umthetho wePhalamende kufanele wakhe inqubo yokuyiqasha koKhomishani.

- (10) UKhomishani uqokelwa isikhathi esiyiminyaka engu-5, esivuselelwa kanye kuphela, kanti kumele abe ngowesifazane noma owesilisa o –
- yisakhamuzi saseNingizimu Afrika; futhi
 - umuntu ophilile futhi okulungele ukuqokwa onolwazi, noma ongumakadebona, ekuphatheni, nokudidiyela umsebenzi womphakathi.
- (11) UKhomishani angasuswa esikhundleni sakhe kuphela uma –
- ngokuziphatha kabi, ukungakwazi ukuphatha umsebenzi noma ububhimbi emsebenzini;
 - ngesiphakamiso esimayelana nalokho sekomidi lePhalamende noma, uma kwenzeka uKhomishani eqokwe nguNdunankulu wesifundazwe, yikomidi leSishayamthetho lesifundazwe; futhi
 - ukuvuma kwePhalamende noma iSishayamthetho sesifundazwe esithintekile, ngesiphakamiso esesekwe ngamavoti eningi lamalungu aso efuna kususwe esikhundleni uKhomishani.
- (12) UMongameli kumele asuse esikhundleni uKhomishani phezu –
- ukuvuma kwePhalamende ngesiphakamiso esithi uKhomishani akasuswe esikhundleni; noma
 - isaziso esibhalwe phansi nguNdunankulu weSishayamthetho saleso sifundazwe esithathwe ngesiphakamiso sokususwa kukaKhomishani.
- (13) OKhomishani okuphawulwe ngawo kwisigatshana (7)(b) angasebenzisa igunya lamandla akhe futhi enze imisebenzi kakhomishani kwizifundazwe zawo njengoba kubalulwe kumthetho kazwelonke.

Abasebenzi bakaHulumeni

197. (1) Ngaphakathi kokuphathwa kombuso, kukhona abasebenzi bakaHulumeni beRiphabhuliki, okufanele basebenze, bahlelwe, ngokulandela umthetho kazwelonke, futhi okufanele zigcine imigomo ehambisana nomthetho kaHulumeni wangaleso sikhathi.
- (2) Izimiso nemibandela yokuqashwa kumsebenzi womphakathi kufanele iphathwe ngumthetho kaZwelonke Abasebenzi banelungelo lokuthola impesheni efanele, njengoba ingahanjiswa kahle ngumthetho kazwelonke.
- (3) Akukho msebenzi kaHulumeni okufanele avunwe noma ajivazwe ngenxa nje yokuthi lowo muntu weseka iqembu noma inkolelo yepolitiki.
- (4) Ohulumeni bezifundazwe babhekene nokufuna abasebenzi, ukuqasha, ukukhushulwa ezikhundleni, ukushintshela kwenye indawo umsebenzi kanye nokuxosha amalungu abasebenzi bakahulumeni emahhovisi okuphatha ngaphansi kombandela wamazanga afanayo kulokho okumiselwe abasebenzi bakahulumeni.

Isahluko 11

Amaziko okuphepha

Imibutho ebusayo

198. Imigomo elandelayo iphathelele nokuphepha kukaZwelonke Riphabhuliki:

- Ukuphepha kukaZwelonke, kumele kuveze ukuzinikela kwabobonke abantu baseNingizimu Afrika, umuntu ngamunye futhi nanjengesizwe, ukuphilisana njengabantu abalinganayo, ngokuthula, nokuzwana, bangabi nokwesaba nokweswela futhi baphokophelele impilo engcono.
- Ukuzinikela ekuphileni ngokuthula nangokuthula nangokuzwana kuvimbela wonke oyisakhamuzi saseNingizimu Afrika ukuthi abambe iqhaza empini, ngaphakathi ezweni noma namanye amazwe, ngaphandle uma kwenzeka njengokuhlinzeka koMthethosisekelo noma umthetho kazwelonke.
- Ukuphepha kwezwe kumele kuqikelelwe ngendlela ehambisana nomthetho, kubandakanya umthetho wamazwe ngamazwe.
- Ukuphepha kwezwe kulawulwa yiPhalamende nomkhandlu wokuphatha kazwelonke.

Ukumiswa, ukuhleleka nokuziphatha kwezikhungo zokuphepha

199. (1) Izikhungo zokuphepha zeRiphabhuliki zakhiwe ngumbutho wokuvikela owodwa, iziko lamaphoyisa elilodwa kanye namaziko obunhloli amiswe njengokusho koMthethosisekelo
- (2) Umbutho wokuvikela yiwona wodwa umbutho ohlomile osemthethweni eRephabhliki.
- (3) Ngaphandle kwamaziko okuphepha amiswe njengokusho koMthethosisekelo, izinhlangano noma amaziko ahlomile, zingamiswa njengokusho komthetho kazwelonke.
- (4) Amaziko okuphepha kufanele akhiwe futhi aqhutshwe ngokomthetho kaZwelonke
- (5) Amaziko okuphepha kumele enze, futhi afundise futhi aphoqebele amalungu awo ukuba enze izinto njengendlela ehambisana nokushiwo nguMthethosisekelo nomthetho, kuhlenganisa umthetho osungamasiko wamazwengamazwe ezibophezela iRephabhliki.
- (6) Akukho lungu lanoma yiliphi iziko lokuphepha elivunyelwe ukulandela isiyalo esiphambene nomthetho ngokusobala.
- (7) Amaziko okuphepha kanye namalungu awo awavunyelwe ukwenza imisebenzi yawo ngendlela –
- (a) ekhinyabeza izinjongo zepolitiki ezizemthethweni ngokusho koMthethosisekelo; noma
- (b) ngendlela eqhuba izinjongo zeqembu lepolitiki elithile, ngendlela evuna leloqembu.
- (8) Ukuze kufezeke imigomo yokusebenzela obala nakuziphendulela kwamakomidi asePhalamende akhiwe okumelwe kuwo amaqembu ahlukahlukene kumele aqaphe ukwenza kwawo wonke amaziko okuphepha, ngendlela ebekwe ngumthetho kazwelonke noma yimitheshwana noma izinqumo zePhalamende.

Ukuvikela

Umbutho wokuvikela

200. (1) Umbutho wokuvikela kumele uhleleke futhi uphathwe njengombutho ohlomile onokuzithiba.
- (2) Injongo ebalulekile yombutho wokuvikela nokukhusela iRephabhliki, ukuhlonishwa kwemingcele yayo kanye nangemigomo yomthetho wamazwengamazwe olawula ukusetshenziswa kwamandla.

Ukuphathwa ngabezepolitiki

201. (1) Ilungu leKhabinethe kumele libhekelele ukuvikela.
- (2) Umongameli kuphela, njengehloko yoMkhandlu kaZwelonke, angagunyaza ukuqashwa kweziko lokuvikela –
- (a) ngokubambisana nombutho wamaphoyisa;
- (b) ngenhloso yokuvikela uMphakathi; noma
- (c) ukugcwalisa isibopho somthetho wamazwe ngamazwe.
- (3) Uma iziko lezokuvikela liqashwa nganoma iyiphi inhloso eshiwo kwisigatshana (2), uMongameli kumele azise iPhalamende ngokushesha futhi abike imininingwane efanele maqondana nokulandelayo –
- (a) izizathu zokusetshenziswa kombutho wokuvikela;
- (b) izindawo lapho kusetshenziswa amandla khona;
- (c) inani labantu elithintekayo; futhi
- (d) isikhathi okulindelwe ukuthi umbutho uzosetshenziswa ngaso.
- (4) Uma iPhalamende lingahlangani ezinsukwini eziyisikhombisa emva kokuqokwa kombutho weZokuvikela njengoba kubhalwe kwisigatshana (2), uMongameli kumele anikeze ulwazi oludingekile kwisigatshana (3) ekomidini elifanele.

Ukukhuzwa kombutho wokuvikela

202. (1) UMongameli, njengehloko yokuphathwa kukaZwelonke unguMkhuzi oMkhulu wombutho wokuvikela, futhi kumele aqokele esikhundleni abakhuzi bempi bombutho wokuvikela.
- (2) UKukhuzwa kwombutho wokuvikela kumele kwenziwe ngendlela ehambisana nokuyalela kwelungu leKhabinethe elibhekelele ukuvikela.

Isimo sokuvikela izwe

203. (1) UMongameli angakhipha isimemezelo sokuthi kunesimo sokuvikela izwe, futhi kumele azise iPhalamende ngokushesha futhi anikeze imininingwane efanele mayelana –

- (a) nezizathu zesimemezelo sesimo;
- (b) namoma iyiphi indawo lapho kusetshenziswa khona amandla; futhi
- (c) Inani labantu abathintekayo.

(2) Uma lingahleli iPhalamende, ngesikhathi kumenyezelwa isimo sokuvikela izwe, uMongameli kumele abizele iPhalamende emhlanganweni oyisipesheli phakathi kwezinsuku eziyisikhombisa senziwe isimemezelo.

(3) Isimemezelo sesimo sokuvikela izwe siyaphela ngaphandle uma ngabe samukelwe yiPhalamende phakathi kwezinsuku eziyisikhombisa ezenziwe.

Abasebenzela ukuvikela umphakathi bengewona amalungu ombutho

204. Kufanele umthetho kazwelonke umise isakhiwo sabasebenzela ukuvikela bengewona amalungu ombutho kodwa bengamalungu ajwayelekile omphakathi, esizosebenza ngokulayelwa yilungu lekhabinethe elibhekelele ukuphepha.

Amaphoyisa

Isakhiwo samaphoyisa

205. (1) Isakhiwo samaphoyisa sikaZwelonke kumele sihleleke ngendlela yokuba sisebenze emikhakheni kazwelonke, yezifundazwe neyezifundazwe neyezindawo.

(2) Umthetho kazwelonke kumele umise amandla nemisebenzi yesakhiwo samaphoyisa enze umsebenzi wawo ngendlela enempumelelo, enaka isidingo zezifundazwe.

(3) Izinjongo zesakhiwo samaphoyisa wokuqonda ukuvimbela nokuphenya amacala, ukugcina ukuthula emphakathini nokuvikela nokuphephisa abahlali baseRephabhliki nempahla yabo, kanye nokuphakamisa nokuphoqelela umthetho.

Ukuphatha kwabezepolitiki

206. (1) Ilungu leKhabinethe kumele libhekelele umsebenzi wobuphoyisa, futhi kumele liseke imigomo kazwelonke yomsebenzi wobuphoyisa emva kokubonisana noHulumeni bezifunda nokuqaphela izidingo zokuphoyisa kanye nezidingongqangi zezifundazwe ngokwesinqumo sesiGungu sesifundazwe.

(2) Inqubo yokuphoyisa kazwelonke ingahlinzekela izinqubo ezahlukene ngokwezifundazwe ezahlukene emva kokuhlangabezana nezidingo zokuphoyisa kanye nezidingongqangi zalezo zifundazwe.

(3) Isifunda ngasinye sinelungelo –

- (a) lokuqapha ukuziphatha kwamaphoyisa;
- (b) lokubaneso okumbandakanya ukunikezwa imibiko ngempumelelo yemisebenzi yawo kanye nokwenziwa ngobuchwephesha komsebenzi wawo ;
- (c) ukuthuthukisa ubudlelwane obuhle phakathi kwamaphoyisa nomphakathi;
- (d) lokubhekisisa impumelelo yokwenza umsebenzi wamaphoyisa ngokusobala; futhi
- (e) lokuxhumana nelungu leKhabhinethi elibhekele nomsebenzi wobuphoyisa futhi senze izincomo maqondana nobugebengu kanye nokusebenza kwamaphoyisa kwisifundazwe

(4) IsiGungu sesifundazwe sibhekele imisebenzi yokuphoyisa –

- (a) egunyazwe kulesi sahluko;
- (b) egunyazwe ngokumaqondana nomthetho kazwelonke; futhi
- (c) eyabelwe kuyona ngokwenqubo yokuphoyisa kazwelonke.

(5) Ukuze isifundazwe sikwazi ukwenza imisebenzi ebekwe kwisigatshana (3) –

(a) ingacubungula, noma iqoke ikhomishani yophenyo ngalolu daba, noma yisiphi isikhalo sokungagculisi kwamaphoyisa noma ukunqamuka kobudlelwane phakathi kwamaphoyisa kanye nomphakathi; futhi

(b) yenze izincomo elungwini leKhabhinethi elibhekelele ukuphoyisa.

(6) Emva kokwamukela kwesikhalo esifakwe yisiGungu sesifundazwe, ithimba elizimele lezikhalo zamaphoyisa elimiswe ngumthetho kazwelonke malicubungule noma yisiphi isenzo sokungaziphathi kahle, noma icala elenziwe, yilungu labasebenzela amaphoyisa esifundazweni.

(7) Umthetho kazwelonke mawuhlinzekele indlela yokwakhiwa, amandla, imisebenzi kanye nokulawulwa komsebenzi wamaphoyisa kamasipala.

(8) Ikomidi elakhiwe ngamalungu eKhabhinethi kanye namalungu oMkhandlu soMkhandlu obhekele umsebenzi wamaphoyisa kumele sakhiwe ukuze siqikelele ukusebenzisana ngendlela efanele phakathi kwamaphoyisa neminye imikhakha kahulumeni.

(9) ISishayamthetho sesifundazwe singadinga uKhomishane wesifunda ukuba avele ngaphambi kwaso noma yinoma yiliphi elinye lamakomidi akhe ukuphendula imibuzo.

Ukulawulwa kwesakhiwo samaphoyisa

207. (1) UMongameli njengenhloko WoMkhandlu sikazwelonke kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengoKhomishana kaZwelonke wamaphoyisa, ukuze alawule futhi aphaathe amaphoyisa.

(2) UKhomishana kaZwelonke kufanele alawule futhi aphaathe amaphoyisa ngendlela ehambisana nemigomo kazwelonke yokwenza umsebenzi wamaphoyisa kanye neziyalelo zelungu leKhabinethe elibhekele umsebenzi wobuphoyisa.

(3) UKhomishana kaZwelonke, ngokuvumelana noMkhandlu wesifundazwe, kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengokhomishana waleso sifundazwe, kodwa uma uKhomishani kazwelonke kanye noweMkhandlu wesifundazwe behluleka ukuvumelana ngokuqoka lowo muntu, ilungu leKhabhinethi elibhekele umsebenzi wamaphoyisa kumele libonisane namaqembu ezombungazwe.

(4) OKhomishani besifundazwe babhekele ubuphoyisa ezifundazweni zabo –

(a) njengoba kubekwe ngumthetho kazwelonke; futhi

(b) ngokuhlonipha amandla kaKhomishana kaZwelonke okulawula nokuphatha umsebenzi wamaphoyisa njengokusho kwesigatshana (2).

(5) UKhomishani wesifundazwe kumele abike kwiSishayamthetho sesifundazwe minyaka yonke ngomsebenzi wobuphoyisa esifundazweni, futhi kumele athumele ikhophi yombiko kuKhomishani kazwelonke.

(6) Uma uKhomishane wesifundazwe engawesethembi uMkhandlu wesifundazwe, lowo uMkhandlu singamisa umthetho ofanele wokususa noma ukushintshwa, noma ukuthathela izinyathelo zomthetho lowo Khomishani, ngokumaqondana nomthetho kazwelonke.

Abasebenzela amaphoyisa bengamalungu ajwayelekile omphakathi

208. Kumele kumiswe isakhiwo sabasebenzela amaphoyisa abangewona amaphoyisa, bengamalungu ajwayelekile omphakathi, ngomthetho kazwelonke abasebenza ngokuyalelwa yilungu leKhabhinethe elibhekele umsebenzi wobuphoyisa.

Ubunhloli

Ukumiswa nokulawulwa kwemisebenzi yobunhloli

209. (1) Noma yimiphi imisebenzi yobunhloli, ngaphandle kwengxenyane yobunhloli engaphansi lombutho wokuvikela nguMongameli njengenhloko yokuphatha kazwelonke, futhi kuphela njengokusho komthetho kazwelonke.

(2) Umongameli njengenhloko yokuphatha kaZwelonke kufanele aqokele esikhundleni umuntu wesifazane noma wesilisa njengenhloko yomsebenze yobunhloli ngamunye, omiswe njengokusho kwesigatshana (1), futhi kumele aphenyule kwezopolitiki maqondana nokulawulwa nokuyalelwa kwanoma yimiphi yalemisebenzi noma aqoke ilungu leKhabinethi okuyilona elizophendula.

Amandla, imisebenzi kanye nokuqapha

210. Umthetho kazwelonke kufanele uhlele izinjongo, amandla kanye nemisebenzi yobunhloli, kuhlenganisa noma iyiphi ingxenyane yobunhloli, kuhlenganisa noma iyiphi ingxenyane yobunhloli, yombutho wokuvikela noma yamaphoyisa futhi kufanele uhlinzekele okulandelayo –

- (a) ukudidiyelwa kwayo yonke imisebenzi yobunhloli; kanye
- (b) nokugadwa kwezenzo zaleyo misebenzi yobunhloli nomhloli ongelona ilungu lombutho yokuphepha oqokelwe esikhundleni nguMongameli njengenhloko yokuphatha kazwelonke, futhi owamukelwe ngesinqumo esesekwe okungenani amalungu oMkhandlu kaZwelonke amabili kwamathathu.

Isahluko 12

Abaholi bendabuko

Ukuvunywa ngokomthetho

211. (1) Uhlelo, izinga kanye nendawo edlalwa ngubuholi bendabuko, nje ngoba kubekwa ngumthetho wamasiko, kuyaboniswa ngokomthetho kodwa kuphela uma kuhambisana noMthethosisekelo.

(2) Umbuso wendabuko olandela uhlelo lomthetho wamasiko ungasebenza kuphela ngokuhambisana nomthetho noma yimuphi kanye namasiko, kanye nanoma yiluphi ushintsho noma ukucishwa kwalomthetho noma amasiko.

(3) Izinkantolo kufanele zisebenzise imithetho yamasiko uma lowo mthetho kuyiwona okufanele usebenze kodwa kuphela uma kuhambisana noMthethosisekelo kanye nanoma yimuphi umthetho ophathelene ngqo nomthetho wamasiko.

Indawo engadlalwa ngabaholi bendabuko

212. (1) Umthetho kazwelonke ungahlinzekela ukuthi ubuholi bendabuko, njengohlelo lokuphatha emkhakheni wezindawo, njengohlelo lokuphatha emkhakheni wezindawo, bube nesandla maqondana nezindaba ezithinta imiphakathi yezindawo.

(2) Ukuze ubhekelele izindaba eziphathelene nobuholi bendabuko, iqhaza abaholi bendabuko abangabanalo, umthetho wamasiko kanye namasiko emiphakathi elandela uhlelo lomthetho wamasiko –

(a) Umthetho kazwelonke noma wesifundazwe ungahlinzekela ukumiswa kwezindlu zabaholi bendabuko; futhi

(b) Umthetho kazwelonke ungamisa uMkhandlu sabaholi bendabuko.

Isahluko 13

Izimali

Okuphathene nezimali jikelele

Isikhwama semali sikazwelonke

213. (1) Kunesikhwama semali sikazwelonke okufakwa kusona yonke imali kanye nemali etholwe nguhulumeni kazwelonke, okufanele ikhokhwe, ngaphandle kwemali ekhishelwe ngaphandle komthetho wePhalamende.

(2) Imali ingakhishwa esikhwameni semali sikazwelonke kuphela –

(a) Njengokusho komthetho wePhalamende okuphathelene nokusetshenziswa kwemali; noma

(b) njengokuhlinzeka koMthethosisekelo noma umthetho wePhalamende, omisa ukuthi imali ethile ibekelwe umsebenzi othile.

(3) Ingingxenywe yemali kazwelonke eya kwizifundazwe evela ezimalini zikazwelonke ingakhishwa ngqo esikhwameni semali kazwelonke.

Izingxenywe ezigculisayo zemali kanye nokwabiwa kwezimali

214. (1) Umthetho wePhalamende kufanele uhlinzekele –

(a) ukwehlukaniwa ngendlela egculisayo kwezimali eziqoqelwe esikhwameni sikazwelonke, zehlukaniselwa imikhakha kahulumeni kazwelonke, yezifundazwe neyezindawo;

(b) indlela egculisayo yokunquma ubungako bengxenywe yemali etholwa yisifunda ngasinye;

(c) noma yikuphi okunye ukwabiwa kwezimali okuya kohulumeni bezifundazwe nokamasipala, kuvela esabelweni semali sikazwelonke kanye nemibandela engabekelwa lokukwaba.

(2) Umthetho oshiwo kwisigatshana (1) ungashaywa kuphela emva kokubonisana nohulumeni

besifundazwe, ohulumeni bendawo abahlelekile kanye neKhomishana yezimali nokusetshenziswa kwezimali zikahulumeni, futhi kwabekelwa noma yisiphi isincomo sekhomishani; futhi ubhekele

-
- (a) izidingo zezwe;
- (b) noma yiziphi izimiso okufanele zenziwe maqondana nesikweletu sezwe kanye neminye imibandela kazwelonke;
- (c) izidingo nezinto ezibalulekile kuhulumeni kazwelonke, ezinqunyelwe emuva kokubhekela kwayo yonke imicabango efanele;
- (d) isidingo sokuqinisekisa ukuthi omasipala banamandla okufeza izidingo ezisemqoka zabantu okulindelwe ukuthi zifezwe ngumasipala futhi benze imisebenzi eyabelwe kubona;
- (e) amandla ezezimali kanye nokusebenza ngobunyonyo kwezifundazwe nawo masipala;
- (f) izidingo zokuthuthukiswa nezinye izidingo zezifundazwe, zohulumeni bendawo kanye nawomasipala;
- (g) ukwehluka kwezimo zomnotho phakathi kwesifundazwe ngasinye naphakathi kwezifundazwe ezahlukahlukile;
- (h) izibopho zezifundazwe nawomasipala njengokubeka komthetho kazwelonke;
- (i) ukudingeka kwezabelo zemali ezingaguqulwa kalula futhi ezilindelekile; kanye
- (j) nesidingo sokungaqinisi izintamo uma kubhekwana nezimo ezibucayi ezivelayo noma ezinye izidingo zesikhashana, kanye nezinye izimo ezinesisekela esifanayo.

Ukuhlelwa kokusetshenziswa kwemali emkhakheni kazwelonke, wesifundazwe kanye nowendawo 215. (1) Ukuhlelwa kokusetshenziswa kwemali emkhakheni kazwelonke, wesifundazwe nowendawo kanye nako konke okuphathelene nokuhlela ukusetshenziswa kwezimali kufanele kugququzelele ukusebenzela obala, ukuphenduleka, kanye nokuphathwa kwezimali okunempumelelo emnothweni, nokuphathwa okunempumelelo kwesikweletu kanye nemisebenzi yomphakathi.

- (2) Umthetho kazwelonke kufanele umise ukuthi –
 - (a) uhlelo lwezimali lukazwelonke, lwezifunda nolwezindawo lufanele lubanjani.
 - (b) izinhlelo zokusetshenziswa kwezimali zikazwelonke zezifundazwe noma zendawo kufanele zethulwe nini; futhi
 - (c) izinhlelo zokusetshenziswa kwezimali kuyo yonke imikhakha kahulumeni kufanele ibonise ukuthi izimali zivelaphi nokuthi izimali okuhlongozwa ukuthi zisetshenziswe zizohambisana ngayiphi indlela nomthetho kazwelonke.
- (3) Izinhlelo zokusetshenziswa kwezimali emkhakheni kahulumeni ngamunye kufanele zibonise –
 - (a) izilinganiso zezimali ezizotholwa kanye nezizosetshenziswa ezehlukanisa phakathi kwezindleko zesikhathi eside nezindleko zesikhashana;
 - (b) iziphakamiso zokuthi izikweletu ezilindelekile zizokhokhwa kanjani kuleso sikhathi salolo hlelo; kanye
 - (c) nokuthi kuhlongozweni maqondana nokubolekwa kwemali nezinye izinhlobo zesikweletu ezizokwandisa izikweletu zomphakathi onyakeni olandelayo.

Ukulawulwa kokugcinwa kwezimali

216. (1) Umthetho kazwelonke kufanele umise ihhovisi likazwelonke futhi abeke izindlela zokuqinisekisa ukusebenza ngendlela esobala kanye nokulawulwa kokusetshenziswa kwezimali emkhakheni ngamunye kahulumeni, ngokuthi ethule –

- (a) izinkambiso ezamukelwa njengezizwayelekile zokubika ngezimali;
 - (b) izigaba imali esetshenziselwa zona ezisetshenziswa ngokufana ezincwadini zezimali zombuso;
 - (c) izindlela ezifanayo zokuphathwa kwemali.
- (2) Ihhovisi likazwelonke lokuphathwa kwemali, ngokuvunyelwa njengelungu leKhabinethe

elibhekele izindaba zezimali zikazwelonke, lingamisa ukudluliselwa kwemali engxenyeni kahulumeni kuphela ngesizathu sokuthi imigomo nezimiso ezibekwe kwisigatshana (1) ngenhla zephulwe kabi kakhulu noma ngokuphindaphindwa.

(3) Isinqumo sokumisa ukudluliselwa kwemali esifundazweni singathathwa kuphela njengokusho kwesigatshana (2), ngenhla, futhi –

(a) asivunyelwe ukumisa ukudluliselwa kwemali isikhathi esingaphezulu kwezinsuku ezingu-120; futhi

(b) singaphoqelelwa khona kanjalo kodwa singasuswa kusekela esikhathini esedlule ngaphandle uma iPhalamende lisamukela lesi sinqumo emuva kokulandela uhlelo olusondelene nalolo olumiswe kwisigaba 76(1) futhi lwamiswa yimitheshwana nezibopho zePhalamende. Lolu hlelo kufanele lwenziwe luqedwe phakathi kwezinsuku ezingu 30 senziwe isinqumo sehhovisi likazwelonke lokuphatha izimali.

(4) IPhalamende lingasivuselela isinqumo sokumisa ukudluliselwa kwemali isikhathi esingeqile ezinsukwini ezingu-120 ngesikhathi, emva kokulandela uhlelo olubekwe njengokusho kwesigatshana (3).

(5) Ngaphambi kokuthi iPhalamende lamukele noma livuselele isinqumo sokumisa ukudluliselwa kwezimali esifundazweni –

(a) UMcubunguli omkhulu wamabhuku ezimali zikahulumeni kufanele anikeze iPhalamende umbiko; futhi

(b) isifundazwe kufanele sinikwe ithuba lokuziphendulela kuloko esithweswe icala ngako sibeke udaba lwaso phambi kwekomidi.

Impahla nemisebenzi ekhokhelwa ngezimali zikahulumeni

217. (1) Uma izingxenywe zikahulumeni zifuna ukuthenga impahla noma ubuciko bokwenza imisebenzi ethile, kufanele zikwenze lokhu ngendlela ehambisana nemithetho kazwelonke noma yesifundazwe emisa uhlelo olugculisayo, olulungile, olusobala, oluvumela ukuqhudelana futhi olusebenzisa imali ngendlela efanele.

(2) Isigatshana (1) asivimbeli ukusetshenziswa kwezimiso zokuthengwa kwempahla nobuciko bokwenza imisebenzi ezibekwe yingxenywe kahulumeni ezihlinzekela okulandelayo:

(a) Izigaba ezinconywayo ekwabiweni kwezivumelwano zokuthengwa kwempahla noma ubuciko bokwenza imisebenzi; futhi

(b) ukuvikelwa noma ukuthuthukiswa kwabantu noma izigaba zabantu abuyisele emuva ubandlululo olungalungile.

(3) Umthetho kazwelonke kufanele uhlinzekele uhlaka lokusetshenziswa kwezimiso ezishiwo kwisigatshana (2) ngenhla.

Iziqinisekiso zikahulumeni

218. (1) Uhulumeni kazwelonke, wesifundazwe noma umasipala angaqinisekisa ukukhokhwa kwesikweletu kuphela uma isiqinisekiso sihambisana nemibandela ebekwe emthethweni kazwelonke.

(2) Umthetho kazwelonke oshiwo kwisigatshana (1) ungashaywa kuphela emuva kokuthi kubhekelelwe noma yiziphi izincomo zeKhomishana yezimali nokusetshenziswa kwezimali.

(3) Minyaka yonke uhulumeni ngamunye kufanele ashicilele umbiko ngezinqinisekiso azinikile. Ukukhokhelwa kwabantu abasezikhundleni zikahulumeni

219. (1) Umthetho wePhalamende kufanele umise uhlaka lokufinyelela ezinqumweni ngokulandelayo –

(a) amaholo, izibonelelo nezinzuzo zamalungu omkhandlu kazwelonke, izithunywa ezimile zesiGungu sikazwelonke sezifundazwe, zamalungu eKhabinethe, zosekela bongqongqoshe, zabaholi bendabuko kanye namalungu anoma yiziphi izigungu zabaholi bendabuko; kanye

(b) nezinga elingeke leqiwe lamaholo, izibonelelo nezinzuzo zamalungu ezishayamthetho zezifundazwe, amalungu eziGungu zokuphatha zomasipala zezigaba ezahlukene.

(2) Umthetho kazwelonke kufanele umise ikhomishani ezimele yokwenza izincomo maqondana namaholo, izibonelelo kanye nezinzuzo ezishiwo kwisigatshana (1).

(3) IPhalamende lingemukela umthetho oshiwo kwisigatshana (1) kuphela emuva kokubhekelela noma yiziphi izincomo ezenziwe yikhomishana emiswe njengoba kushiwo kwisigatshana (2), ngenhla.

(4) UMkhandlu sokuphatha sikazwelonke, sesifundazwe, umasipala noma yisiphi esinye isiphathimandla singaphoqelela umthetho kazwelonke oshiwo esigatshaneni (1), ngenhla, kuphela emuva kokubhekelela noma yisiphi isincomo esenziwe yiKhomishana emiswe njengoba kushiwo kwisigatshana (2), ngenhla.

(5) Umthetho kazwelonke kufanele umise izinhloko zokunquma amaholo, izibonelelo nezinzuzo zamajaji, zoMvikeli woMphakathi, zoMcebunzulu omkhulu wamabhuku ezimali zikahulumeni kanye namalungu anoma iyiphi ikhomishana ehlinzekelwe kuMthethosisekelo, kubandakanya isiphathimandla sokusakaza esishiwo esigabeni 192.

Ikhomishana yezimali nokusetshenziswa kwezimali

Ukumiswa nokusebenza kwayo

220. (1) KuneKhomishana yezimali nokusetshenziswa kwezimali yeRephabhliki eyenza izincomo ezilindelwe kulesi sahluko, noma emthethweni kazwelonke, izethule kwiPhalamende, kwizishayamthetho zezifundazwe kanye nakunoma ngumthetho kazwelonke.

(2) IKhomishana izimele futhi ilawulwa kuphela nguMthethosisekelo kanye nomthetho futhi kumele ingavuni muntu.

(3) IKhomishana kufanele isebenze njengoba kushiwo ngumthetho wePhalamende futhi, ekwenzeni umsebenzi wayo kufanele ibhekelele zonke izinto ezithintekayo kubandakanya lezo ezibalwe ohleni olusesigabeni 214 (2).

Ukuqokelwa esikhundleni nesikhathi sesikhundla samalungu

221. (1) IKhomishana yakhiwe yilaba bantu besifazana nabesilisa abalandelayo abaqokelwe esikhundleni nguMongameli, njengenhloko yokuphatha kazwelonke:

(a) USihlalo kanye nesekele likasihlalo abangamalungu aphelele;

(b) abantu abayisishiyagalolunye, umuntu ngamunye ophakanyiswe uMkhandlu sokuphatha sesifundazwe, isifundazwe ngasinye sinelungelo lokuphakamisa umuntu oyedwa;

(c) abantu ababili abaphakamiswe ohulumeni bendawo abahleleke njengoba kushiwo esigabeni 163; kanye

(d) nabantu abayisishiyagalolunye abanye.

(2) Amalungu eKhomishana kufanele abenobuciko obufanele.

(3) Amalungu asebenza kulezozikhundla njengoba kusho umthetho kazwelonke uMongameli ongalisusa ilungu esikhundleni ngezizathu zokungaziphathi kahle, zokungakwazi ukuwenza umsebenzi ngenxa yesimo esithile noma zokungawazi umsebenzi.

Imibiko

222. IKhomishana kufanele inikeze imibiko izikhathi ezijwayelekile ePhalamende nakwezishayamthetho zezifundazwe.

Ibhangela elikhulu lesizwe

Ukumiswa

223. IBhangela lesizwe laseNingizimu Afrika liyibhangela elikhulu laseRephabhliki futhi lilawula njengokusho komthetho wePhalamende.

Inhlobo ebalulekile

224. (1) Uhlobo olubalulekile lweBhangela lesizwe laseNingizimu Afrika ukuvikela intengo yemali ukuze kuqinisekise ukukhula komnotho okungantengantengi nokuqhubeka njalo eRephabhliki.

(2) IBhangela lesizwe laseNingizimu Afrika, ngenhloso yokufeza izinjongo zayo, kufanele yenze imisebenzi yayo ngokuzimela kanye nokungabi nokwesaba, ukukhetha noma ukujivaza; kodwa

kufanele kube nokubonisana phakathi kweBhange nelungu leKhabhinethe ebhekelele izindaba zezimali zikazwelonke.

Amandla nokusebenza kwawo

225. Amandla nemisebenzi yeBhange lesizwe laseNingizimu Afrika yileyo ejwayelekile kumabhange amakhulu, futhi okufanele imiswe emthethweni wePhalamende futhi kufanele asetshenziswe noma enziwe ngokulawulwa yimibandela ebekwe njengoba kusho lowo mthetho. Izindaba eziphathelene nezimali zesifundazwe nezendawo

Isikhwama sezimali zesifundazwe

226. (1) Kunesikhwama sezimali zesifundazwe sesifundazwe ngasinye okufanele kufakwe kuso zonke izimali ezitholwe nguhulumeni wesifundazwe.

(2) Imali ingakhishwa esikhwameni semali sesifundazwe kuphela –

(a) njengoba kushiwo ngumthetho wesifundazwe; noma

(b) njengesikweletu esiqonde ngqo esikhwameni uma lokho kuhlinzekelwe ngumthethosisekelo noma umthetho wesifundazwe.

(3) Izimali ezabiwe ngesifundazwe ziya kuhulumeni wendawo kuleso sifundazwe, njengoba kusho isigaba 214(1), ziyisikweletu esiqonde ngqo esikhwameni semali yesifundazwe.

Imithombo kazwelonke yezimali zesifundazwe nezikahulumeni wendawo

227. (1) Uhulumeni wendawo nesifundazwe ngasinye –

(a) unelungelo lokuthola ingxenye egculisayo yemali eqoqwe ngokukazwelonke ukuze akwazi ukuhlinzekela izidingo zomphakathi nokwenza imisebenzi enikezelwe kuwona; futhi

(b) ungathola ezinye izabelo zemali zikahulumeni kazwelonke ezinemibandela noma ezingenamibandela.

(2) Izimali ezingaphezulu eziqokwe yizifundazwe noma ngomasipala akufanele zisuswe engxenyeni yazo yemali eqoqwe ngokukazwelonke noma kwezinye izabelo ezenzelwe kubona ezivela ezimalini zikahulumeni kazwelonke ngokulinganayo, uhulumeni kazwelonke akaphoqwe yilutho ukuba anxephezulise izifundazwe noma omasipala abangaqoqi izimali ezilingana nezimali ezingaqoqwa noma izintela ezingakhokhwa.

(3) Ingxenye yemali egculisayo yesifundazwe eqoqwe ngokukazwelonke kufanele idluliselwe kwisifundazwe ngokushesha futhi kungazange kubanjwe zimali kuyo, ngaphandle uma ukudluliswa kumiswe njengoba kusho isahluko 216.

(4) Isifundazwe kufanele sizihlinzekele sona loko esikudingayo, njengoba kusho izimiso zomthethosisekelo waleso sifundazwe, ezingaphezulu kwezidingo ezilindelekile kumthethosisekelo.

Izintela zesifundazwe

228. (1) Isishayamthetho sesifundazwe singabeka –

(a) izintela, amalevi noma ezinye izintelo ngaphandle kwentela yeholo, intela yempahla noma imisebenzi ekhokhelwayo, intelo yentengo, intela yomhlaba nezakhiwo noma intela yemikhiqizo yakwamanye amazwe; futhi

(b) izintela ezingaquki ezibalwe ngokulinganisa intela engaqoqwa kunoma yisiphi isigaba sentela, samalevi noma sezinhlobonhlobo zentela ebekwe ngumthetho kazwelonke ngaphandle kwezimali zezintela ezivela ezinzuzweni zohwebo, kwintela yohwebo, intela yomhlaba nezakhiwo, noma izintela zemikhiqizo evela kwamanye amazwe.

(2) Amandla esifundazwe okubeka izintela, amalevi ezinye izimali ezingena esikhwameni semali sikahulumeni ngezinkokhelo ezahlukile, noma ngezimali ezikhokhelwa izidingo zomphakathi –

(a) angesetshenziswa ngendlela engakhinyabeza kakhulu futhi ngendlela engafanele imigomo kazwelonke yezomnotho, izinyathelo eziphathelene nomnotho ezeqe imingcele yezifundazwe noma ukuhwebelana ngokukazwelonke ngempahla, amasevisi, izimali noma imisebenzi; futhi

(b) kufanele alawulwe ngumthetho wePhalamende, ongashaywa kuphela emuva

kokubhekelelwa kwezincomo yiKhomishana yezimali nokusetshenziswa kwezimali zikahulumeni. Izintela nezintela zobunikazi bomhlaba nezakhiwo komasipala

229. (1) Ngokumaqondana nesigatshana (2),(3) kanye no(4), umasipala angahlawulisa –

(a) Umasipala angabeka intela yempahla umuntu anayo, kanye nezintela zokukhiqiza, ngomsebenzi owenziwe egameni likamasipala; futhi

(b) ngokugunyazwa ngumthetho kazwelonke, angabeka ezinye izintela, amalevi noma ezinye izimali ezingena esikhwameni semali sikahulumeni ngezinkokhelo ezahlukehukene, kodwa umasipala akavunyelwe ukubeka intela yeholo, intela yokuhweba, intela yentengo ejwayelekile, intela yokusebenzisa izidingo zomphakathi noma izintela zemikhiqizo evela kwamanye amazwe.

(2) Amandla kamasipala okuhlawulisa izintela empahleni yabantu, nezinye izintela zokukhiqiza nezemisebenzi eyenziwe noma egameni likamasipala, noma ezinye izintela, amalevi noma izintela zemikhiqizo evela kwamanye amazwe –

(a) angeke yenziwa ngendlela engalungile yokubandlulula inqubo yezomnotho kazwelonke, imisebenzi yezomnotho ngaphandle kokulandela imingcele kamasipala, noma ukuhanjiswa kwempahla kukazwelonke, imisebenzi, imali yebhizinisi noma yokusebenza; futhi

(b) ingalawulwa ngokomthetho kazwelonke.

(3) Uma umasipala ababili benamandla afanayo ngokwesikhwama sombuso kanye nemisebenzi emaqondana nendawo efanayo, ukwabiwa ngendlela efanele kwalawo mandla kanye nemisebenzi kumele kwenziwe ngokulandela umthetho kazwelonke. Ukwabiwa kungenziwa kuphela emva kokuqashelwa kwale ndlela elandelayo:

(a) isidingo sokuhlangabezana a nemigomngqangi ezwakalayo yokukhishwa kwentela;

(b) amandla kanye nemisebenzi eyenziwa ngumasipala ngamunye;

(c) ubungako besikhwama sombuso sikamasipala ngamunye;

(d) indlela efanele nenomphumela omuhle wokuhlawulisa izintela, amalevi kanye nemali ekhokhela imikhiqizo evela kwamanye amazwe angaphandle; futhi

(e) ukulingana.

(4) Akukho lutho kulesi sigaba okuvimbela ukwabelana ngemali engenile yombuso ngokumaqondana nalesi sigaba phakathi komasipala labo abanamandla phezu kwesikhwama sombuso kanye nemisebenzi kuleyo ndawo.

(5) Umthetho kazwelonke ovezwe kulesi sigaba ungamiswa kuphela emva kokuthintana nohulumeni wendawo kanye nabeZimali neKhomishani yesikhwama sombuso, futhi uma sekucutshungulwe noma yisiphi isincomo sikaKhomishani.

Imali ebolekwe yisifundazwe noma ngumasipala

230. (1) Isifundazwe noma umasipala angaboleka izimali zokuhlangabezana ndleko ezingaveli njalo, zezinto ezizokwenza ukuthi umasipala akwazi ukuqhuba umsebenzi lowo noma zokuhlangabezana nezindleko ezijwayelekile ezisheshe zedlule ngokulandela imibandela efanele emiswe ngumthetho kazwelonke, kodwa izimali ezibolekelwa izindleko ezijwayelekile ezisheshe zedlule –

(a) zingabolekwa kuphela uma kunesidingo sokuvala isikhala esikhathini sonyaka wezimali; futhi

(b) kufanele zibuyiselwe phakathi kwesikhathi esingangezinyanga eziyishumi nambili.

(2) Umthetho kazwelonke oshiwo esigatshaneni (1) ngenhla, ungashiywa kuphela emuva kokuba izincomo zeKhomishana yezimali nokusetshenziswa kwezimali zikahulumeni zibhekelelwe.

Isahluko 14

Izimiso ezixubile

Umthetho wamazwengamazwe

Izivumelwano zamazwe ngamazwe

231. (1) Ukuxoxiswa nokusayinwa kwezivumelwano zamazwe ngamazwe

kungumsebenzi wesigungu sokuphatha sikazwelonke.

(2) Isivumelwano samazwe ngamazwe sibophelela iRephabhliki kuphela uma samukelwe ngesinqumo esithathwe nguMkhandlu kaZwelonke kanye noMkhandlu kaZwelonke sezifundazwe, ngaphandle uma siyisivumelwano esishiwo kwisigatshana (3).

(3) Isivumelwano samazwe ngamazwe sohlobo oluphathelene nezinto zobuciko obuthile, zokuhambisa kahle imisebenzi noma zokuphatha, noma isivumelwano esingadingi ukwemukelwa noma ukwesekwa, esenziwe yisigungu sikazwelonke sokuphatha, sibophelela iRephabhliki ngaphandle kokwemukelwa nguMkhandlu kazwelonke noma uMkhandlu kaZwelonke sesifundazwe, kodwa kufanele sethulwe phambi komkhandlu kazwelonke kanye noMkhandlu kaZwelonke weziFundazwe ngesikhathi esifanele.

(4) Noma yisiphi isivumelwano samazwe ngamazwe siba yimithetho kwiRephabhliki uma singeniswe emthethweni ngokushaywa komthetho kazwelonke; kodwa isimiso sesivumelwano esizisebenzayo ngokwaso futhi esamukelwe yiPhalamende sibangumthetho eRephabhliki ngaphandle uma siphambene noMthethosisekelo noma umthetho wePhalamende.

(5) IRephabhliki ibophelelwa yizivumelwano zamazwengamazwe ezazibophelela iRephabhliki ngesikhathi soMthethosisekelo uqala ukusebenza.

Umthetho wamazwe ngamazwe osuyisiko

232. Umthetho wamazwe ngamazwe osuyisiko ngumthetho kwiRephabhliki ngaphandle uma unghambisani noMthethosisekelo noma umthetho wePhalamende.

Ukusetshenziswa komthetho wamazwe ngamazwe

233. Uma kuhunyushwa noma yimuphi umthetho, yonke inkantolo kufanele incamele noma yikuphi ukuhumusha okufanele okuhambisana nomthetho wamazwe ngamazwe kunokunye ukuhumusha okungahambisani nomthetho wamazwe ngamazwe.

Ezinye izindaba

Imiqulu yamaLungelo

234. Ukuze kujuliswe isiko lenqubo yentando yeningi elimiswe ngumthethosisekelo, iPhalamende kufanele lamukele imiqulu yamalungelo ehambisana noMthethosisekelo.

Ukuzimela

235. ILungelo labantu baseNingizimu Afrika ngobuningi babo ukuba bazimele njengoba kukhonjisiwe kulo Mthethosisekelo, alikuvimbela, phakathi kohlaka kwale lilungelo, ukwaziswa kwelungelo lokuba noma yimuphi umphakathi onamasiko nolimi olufanayo uzimele endaweni ethile yeRephabhliki noma ngayiphi enye indlela ebekwe ngumthetho kazwelonke.

Ukwesekwa ngezimali kwamaqembu ezombusazwe

236. Ukuthuthukisa inqubo yentando yeningi evumela amaqembu ahlukahlukene ezombusazwe ukuba abambe iqhaza, imithetho kazwelonke kufanele ihlinzekele ukwesekwa ngezimali kwamaqembu epolitiki ameleleke ngokukazwelonke nakwizishayamthetho zesifundazwe indlela egculisayo nelandela ukumeleleka kwamaqembu.

Ukwenziwa kwemisebenzi ngokukhuthala

237. Yonke imisebenzi ebekwe ngokomthethosisekelo kufanele yenziwe ngokukhuthala futhi ngokungachithi sikhathi.

Ukwenzelwa imisebenzi nokudluliswa kwamandla okwenza imisebenzi

238. Ingxenye kahulumeni ehlangene nokuphatha kunoma yimuphi umkhakha kahulumeni ingenza okulandelayo –

(a) ingadlulisa amandla noma okwenza noma yimuphi umsebenzi okufanele wenziwe ngokusho komthetho, kwenye ingxenye kahulumeni ehlangene nokuphatha; noma

(b) isebenzise amandla noma yenze imisebenzi yenzela enye ingxenye kahulumeni ehlangene nokuphatha njengomele leyongxenye kahulumeni noma ngokuthatha amandla ayo.

Izincazelo

239. Kulo mthethosisekelo ngaphandle uma kuhlangozwe okwehlukile

“umthetho kazwelonke” kuchaza okulandelayo –

- (a) umthetho ongaphansi komunye owenziwe maqondana nomthetho wePhalamende; futhi
- (b) umthetho owawusetshenziswa ngesikhathi umthethosisekelo uqala ukusebenza futhi olawulwa nguhulumeni kazwelonke;

“izingxenye zombuso” kusho –

- (a) noma yimuphi umnyango kahulumeni wokuphatha kukazwelonke, kwesifundazwe noma uhulumeni wendawo; noma
- (b) noma yisiphi isikhungo sokusebenza –
 - (i) sisebenzisa amandla noma ukwenza umsebenzi omayelana nomthethosisekelo noma umthethosisekelo wesifundazwe; noma
 - (ii) sisebenzisa amandla okusebenza emphakathini noma kwenziwa umsebenzi womphakathi mayelana nanoma yimuphi umthetho, kodwa kungafaki inkantolo noma isikhulu esibhekele umthetho;

“umthetho wesifundazwe” ubandakanya –

- (a) umthetho ongaphansi komunye owenziwe kulandelwa umthetho wesifundazwe; futhi
- (b) umthetho owawusetshenziswa ngesikhathi umthethosisekelo uqala futhi owawubhekela nguhulumeni wesifundazwe.

Ukungahambisani kokushiwo emibhalweni eyahlukene yomthethosisekelo

240. Uma kukhona ukungahambisani phakathi kwemibhalo eyahlukahlukene yomthethosisekelo, umbhalo weSingisi yiwona obusayo.

Umthetho wobudlelwane phakathi kwabasebenzi nabaqashi, ka 1995

241. ISheduli 6 uhambelana nenguquko yohlelo yomthethosisekelo omusha osungulwe yilo mthethosisekelo, futhi nanoma yiluphi udaba olungavela mayelana naleyo nguquko.

Ukususwa kwemithetho

242. Imithetho eshiwo kwiSheduli 7 isusiwe, kodwa loku kulawulwa yisigaba 243 kanye noSheduli 6.

Isihloko esifushane kanye nokuqala ukusebenza

243. (1) Lo mthetho ubizwa ngokuthi umthethosisekelo weRephabliki yaseNingizimu Afrika, 1996, futhi uzoqala ukusebenza ngelanga elibekwe nguMongameli ngokwesimemezelwe, ngaphambi kokuba kushaye umhlaka 1 Julayi 1997.

(2) UMongameli angabeka izinsuku ezahlukene ngaphambi kwelanga elishiwo kwisigatshana (1), mayelana nokuhlinzekela ukusebenza kwezimiso ezehlukene ezishowo uMthethosisekelo.

(3) Ngaphandle uma kuhloswe ukuthi kwehluke, isimiso sikhuluma ngesikhathi sokuqala kokusebenza komthethosisekelo kusuke kushiwo isikhathi sokuqala ukusebenza kwaleso simiso.

(4) Uma isimiso sibekelwe ilanga elitheli elahlukile kulelo elishiwo kwisigatshana (2), ngenhla, isimiso esifana naleso esikuMthethosisekelo waseNingizimu Afrika ka 1993 (Umthetho 200 ka 1993) esishiwo esimemezelweni sisuswa kusukela ngelanga elifanayo.

(5) Izigaba 213, 214, 215, 216, 218, 226, 227, 228, 229, 230 zizoqala ukusetshenziswa ngomhlaka 1 ku Januwari 1998, kodwa lokhu akushiya ngaphandle ukuniswa mayelana nalo mthethosisekelo womthetho obhekelekile kunoma yikuphi okuhlinzekelwe ngaphambi kwalolo suku. Ngaphambi kwalolo suku noma yikuphi okuhambisanayo futhi ukuhlinzekela obekungabhekelekile kumthethosisekelo weRephabliki yaseNingizimu Afrika, 1993, uzoqhubeka usetshenziswe.

ISheduli 1

IFulegi likaZwelonke

(1) Ifulegi likaZwelonke linamacala amane; ubude balo buyingxenye nanye ngaphezulu kobubanzi.

(2) Linombala omnyama, osagolide, oluhlaza okotshani, nomhlophe, obomvu okukapelepele kanye noluhlaza okwesibhakabhaka.

(3) Inendawo eluhlaza okotshani eyakheke njengombhalo u enobubanzi obungangengxenyeyodwa kwezinhlanu nanye yefulegi. Imigqa ephakathi nendawo yale ndawo eluhlaza okotshani iqala ekhloneni elingenhla nelingezansi eduze kwesigxobo sefulegi, iyasondelana maphakathi nefulegi iqhubeke, owodwa eduze komunye ize iphelele phakathi nendawo kwicala elibhekene nalelo imigqa eqale kulona.

(4) Lendawo eluhlaza okotshani ikakwe ngumbala omhlophe ngenhla nangezansi kuthi ngasesigxotsheni sefulegi ikakwe ngumbala osagolide Umbala okake indawo eluhlaza okotshani, ngayinye iwububanzi obuyingxenyeyokukodwa kokuhlanu yobubanzi befulégi.

(5) Unxantathu oseduze kwesigxobo sefulégi umnyama.

(6) Indawo elele engenhla inombala obomvu kuthi indawo elele engezansi ibeluhlaza okwesibhakabhaka Lezi zindawo ziwububanzi obungangengxenyeyodwa kwezintathu zobubanzi befulégi.

ISheduli 2

Izifungo neziqinisekiso

Isifungo noma isiqinisekiso sikaMongameli kanye nebamba likaMongameli

1. UMongameli noma ibamba likaMongameli, kufanele afunge noma aqinisekise phambi kukaMongameli weNkantolo yoMthethosisekelo ngendlela elandelayo:

Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle wukubaluleka kwesikhundla engibizelwe kuso njengoMongameli weRiphabhuliki yaseNingizimu Afrika, mina, A B ngiyafunga / ngiyaqinisekisa ukuthi ngizokwethembeka kwiRiphabhuliki yaseNingizimu Afrika, futhi ngizothobela ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekileyo nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –

s ngiqhubela phambili lokho okuzothuthukisa futhi ngiphikisa konke okungakhinyabeza, iRiphabhuliki;

s ngivikela futhi ngiqhubela phambili amalungelo abo bonke abantu baseNingizimu Afrika;

s ngenza imisebenzi yami ngawo wonke amandla ami namakhono enginawo futhi ngilandela iziyalo zikanembeza wami;

s Ngenza ubulungiswa kubo bonke; futhi

s ngizinikezela kwinhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso sesekela likaMongameli

2. Isekela likaMongameli, kufanele lifunge noma liqinisekise phambi kukaMongameli weNkantolo yoMthethosisekelo ngendlela elandelayo:

Phambi kwabo bonke abantu ababuthene lapha, futhi ngicacelwa kahle ukubaluleka kwesikhundla engibizelwe kuso njengesekela likaMongameli eRiphabhuliki yaseNingizimu Afrika, mina, A B, ngiyafunga /ngiyaqinisekisa ukuthi ngizokwethembeka kwiRiphabhuliki yaseNingizimu Afrika, futhi ngizothobela, ngilandele, ngiphakamise futhi ngigcine uMthethosisekelo nayo yonke eminye imithetho yaseRiphabhuliki; futhi ngokuqinisekileyo nangokuzinikela ngiyethembisa ukuthi ngiyohlala njalo –

s ngiqhubela phambili lokho okuzothuthukisa, futhi ngiphikisa konke okungakhinyabeza, iRiphabhuliki;

s ngingumeluleki weqiniso nowethembekile;

s ngenza imisebenzi yami ngawo wonke amandla ami namakhono enginawo futhi ngilandela iziyalo zikanembeza wami;

s ngenza ubulungiswa kubo bonke; futhi

s ngizinikezela kwinhlalakahle yeRiphabhuliki nabo bonke abantu bayo.

(Uma kuthathwa isifungo: INkosi ingisize).

Isifungo noma isiqinisekiso soNgqongqoshe kanye namasekela oNgqongqoshe

3. UNgqongqoshe ngamunye kufanele afunge aqinisekise, phambi kukaMongameli weNkantolo yoMthethosisekelo noma elinye ijaji elijutshwe nguMongameli weNkantolo yoMthethosisekelo, ngendlela elandelayo:

Mina, A B ngiyafunga/ ngiyaqinisekisa ukuthi ngizokwethembeka kwiRiphabhuliki yaseNingizimu Afrika futhi ngizothobela ngihloniphe futhi ngiphakamise uMthethosisekelo nayo yonke imithetho yaseRiphabhuliki; futhi ngethembisa ukuphatha isikhundla sami njengoNgqongqoshe / njengeSekela likaNgqongqoshe ngokuhlonipheka nangesithunzi; ukungadlulisi ngendlela eqondile noma ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; kanye nokwenza imisebenzi yesikhundla sami ngokuzinikela kanye nangawo wonke amandla enginawo.

(Uma kuyisifungo: INkosi ingisize).

Isifungo noma isiqinisekiso samalungu oMkhandlu kaZwelonke, izithunywa ezimile zesiGungu kaZwelonke weziFundazwe kanye namalungu esishayamthetho zezifundazwe

4. (1) Amalungu oMkhandlu kaZwelonke, izithunywa ezimile zesiGungu kaZwelonke sezifundazwe kufanele afunge noma aqinisekise, phambi kukaMongameli weNkantolo yoMthethosisekelo, noma elinye ijaji elijutshwe nguMongameli weNkantolo yoMthethosisekelo, ngendlela elandelayo:

Mina, AB ngiyafunga/ ngiyaqinisekisa ukuthi ngizokwethembeka kwiRiphabhuliki yeNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yaseRiphabhuliki, futhi ngethembisa ngokuqinisekile ukuthi ngizokwenza imisebenzi yami njengelungu loMkhandlu kaZwelonke / njengesithunywa esimile kuMkhandlu kaZwelonke sezifundazwe /amalungu esishayamthetho sesifundazwe sase CD ngawo wonke amandla enginawo.

(Uma kuyisifungo: INkosi ingisize).

(2) Abantu abagcwalisa isikhundla kuMkhandlu kaZwelonke, sesithunywa esigcwele sesiGungu kaZwelonke weziFundazwe noma izishayamthetho zezifundazwe bangafunga noma baqinisekise, njengoba kushiwo ku(1), ngenhla, phambi komphakathi wohlelo loMkhandlu, woMkhandlu noma wesishayamthetho, kuya ngokuthi kugcwaliswa siphilisi isikhundla.

Izifungo neziqinisekiso zoNdunankulu kanye namalungu eziGungu zokuphatha zezifundazwe,

5. UNdunankulu wesifundazwe, kanye nelungu ngalinye loMkhandlu sokuPhatha kwisiFundazwe, kufanele afunge/ aqinisekise phambi kukaMongameli weNkantolo yoMthethosisekelo noma ijaji elijutshwe nguMongameli wenkantolo yoMthethosisekelo, ngendlela elandelayo:

Mina, AB ngiyafunga / ngiyaqinisekisa ukuthi ngizokwethembeka kwiRiphabhuliki yeNingizimu Afrika futhi ngizothobela, ngihloniphe futhi ngiphakamise uMthethosisekelo kanye nayo yonke eminye imithetho yeRiphabhuliki; futhi ngiyethembisa ukuphatha isikhundla sami njengoNdunankulu/ njengelungu loMkhandlu wokuPhatha wesiFundazwe sase CD ngokuhlonipheka nangesithunzi; ukuba ngumeluleki weqiniso nowethembekile; ukuba ngumeluleki weqiniso nowethembekile; ukungadlulisi ngokusobala noma ngendlela ecashile noma yiluphi udaba oluyimfihlo engethenjwe ngalo; futhi ukwenza imisebenzi yesikhundla sami ngokwethembeka nangawo wonke amandla enginawo.

(Uma kuyisifungo: INkosi ingisize).

6. (1) Ijaji ngalinye noma ibamba lejaji, kufanele lifunge noma liqinisekise phambi kweJaji elikhulu leNkantolo enkulu yokudluliselwa kwamacala noma elinye ijaji elijutshwe yiJaji elikhulu, ngendlela elandelayo:

Mina, AB ngiyafunga/ ngiyaqinisekisa ukuthi, njengejaji leNkantolo yoMthethosisekelo /lenkantolo eNkulu yokudluliselwa kwamacala / leNkantolo ePhakeme yase EF / leNkantolo yase GH ngizokwethembeka kwiRiphabhuliki yaseNingizimu Afrika, ngizophakamisa futhi ngivikele uMthethosisekelo; futhi ngizokwabela ubulungiswa kubo bonke abantu ngokufana ngaphandle

kokwesaba, kokuvuna noma ukukhinyabeza ngokulandela uMthethosisekelo kanye nomthetho. (Uma kuyisifungo: INkosi ingisize).

(2) Umuntu oqokelwe esikhundleni sokuba yiJaji elikhulu leNkantolo eNkulu yokudluliselwa kwamacala engelona ijaji ngaleso sikhathi sokuqokelwa esikhundleni, kufanele afunge noma aqinisekise ngaphambi kukaMongameli weNkantolo yoMthethosisekelo.

(3) Abehluleli basezinkantolo zomthetho kanye namabamba abehluleli bezinkantolo zomthetho ngaphandle kwamajaji kufanele bafunge/ baqinisekise njengoba kusho umthetho kazwelonke.

ISheduli 3

Inqubo yokhetho

Ingxenye A

Inqubo yokhetho lwabaphathi bezikhundla abahlinzekelwe nguMthethosisekelo

Ukusetshenziswa

1. Inqubo ebekwe kule Sheduli isetshenziswa njalo uma –

(a) UMkhandlu kaZwelonke uhlangana ukuze ukhethe uMongameli, noma uSomlomo noma iSekela likaSomlomo loMkhandlu;

(b) UMkhandlu kaZwelonke sezifundazwe siyahlangana ukuze sikhethe usihlalo noma iSekela likaSihlalo; noma

(c) isishayamthetho sesifundazwe siyahlangana ukuze sikhethe uNdunankulu wesifundazwe noma uSomlomo noma iSekela likaSomlomo lesishayamthetho.

Iziphakamiso

2. Umuntu ongusihlalo emhlanganweni okusebenza kuwo leSheduli kufanele abize ukuba kuphakanyiswe emhlanganweni abantu abazomela ukhetho.

Izidingo

3. (1) Isiphakamiso kufanele senziwe kwifomu elibekwe yimitheshwana eshiwo ku 9, ngezansi.

(2) Ifomu okwenziwe kulo lezi ziphakamiso kumele lisayinwe –

(a) ngamalungu amabili oMkhandlu kaZwelonke, uma kuzokhethwa uMongameli noma uSomlomo noma iSekela likaSomlomo;

(b) ngesandla sezithunywa ezimbili sezifundazwe, uma kuzokhethwa uSihlalo noma iSekela likaSihlalo loMkhandlu kaZwelonke kwisifundazwe; noma

(c) ngamalungu amabili esishayamthetho sesifundazwe esithintekile uma kozokhetha uNdunankulu wesifundazwe noma uSomlomo noma iSekela likaSomlomo wesishayamthetho.

(3) Umuntu ophakanyisiwe kufanele abonise ukusamukela isiphakamiso ngokuthi asayine ifomu lesiphakamiso noma ngayiphi enye indlela yokubonisa ukwamukela isiphakamiso esibhaliwe.

Ukumenyenzelwa kwamagama abamele ukhetho

4. Emhlanganweni okusebenza kuwo leSheduli, umuntu owengamele kufanele amemezele amagama alabo bantu abaphakamisiwe njengabamele ukhetho, kodwa angayivumeli inkulumompikiswano.

Omele ukhetho eyedwa

5. Uma kuphakanyiswe umuntu oyedwa, umuntu owengamele umhlangano kufanele amemezele ukuthi ukhethelwe esikhundleni.

Inqubo yokhetho

6. Uma kuphakanyiswe ngaphezulu komuntu oyedwa -

(a) kufanele kuvotwe emhlanganweni ngevoti langasese;

(b) ilungu ngalinye elikhona, noma uma kungumhlangano woMkhandlu kaZwelonke weziFundazwe, isifundazwe ngasinye esimelwe, emhlanganweni singavota ngevoti elilodwa; futhi

(c) umuntu owengamele kufanele amemezele ukuthi bakhethiwe labo abathole iningi lamavoti.

Inqubo yokuchitha abanye

7. (1) Uma kungekho othola iningi lamavoti, lowo othole amavoti amancane kunabobonke kufanele achithwe okhethweni bese kuvotwa futhi kuvotelwa labo abasele njengoba kushiwo ku 6 ngenhla. Lenqubo kufanele iphindwe kuze kubenothola iningi lamavoti.

(2) Uma kusetshenziswa u(1), ngenhla, uma kunababili noma abangaphezulu kwababili abanamavoti alinganayo amancane kunabobonke, kufanele kuvotwe ngokwehlukana kuvotelwa laba bantu, futhi kuphindwe lokuvota uma kunesidingo kuze kucace ukuthi kuchithwa bani.

Eminye imihlangano

8. (1) Uma kuphakanyiswe abantu ababili kuphela, noma uma kusele ababili kuphela emva kwenqubo yokuchitha isetshenzisiwe, labo ababili benamavoti alingangayo, kufanele kubanjwe omunye umhlangano phakathi kwezinsuku eziyisikhombisa, ngesikhathi esishiwo ngumuntu owengamele.

(2) Uma kubanjwe omunye umhlangano njengokusho kuka (1), ngenhla, inqubo ebekwe kule Sheduli kufanele isetshenziswe kulowo mhlangano sengathi umhlangano wokuqala walolo khetho. Imitheshwana

9. (1) UMongameli weNkantolo yoMthethosisekelo kufanele enze imitheshwana ebeka –

(a) inqubo emihlanganweni okusebenza kuyo leSheduli;

(b) imisebenzi yomuntu owengamele kulowo mhlangano, neyanoma yimuphi umuntu omsizayo;

(c) ifomu okwenziwa iziphakamiso kulo; futhi

(d) indlela okufanele kuvotwe ngayo.

(2) Le mitheshwana kufanele yaziswe ngendlela uMongameli weNkantolo yoMthethosisekelo abeka ngayo.

Ingxenye B

Indlela yokunquma ukuthi amaqembu alibamba kanjani iqhaza kwizithunywa zezifundazwe eziya eMkhandlwini kaZwelonke weziFundazwe

1. Inani lezithunywa eliya kuMkhandlu kaZwelonke weziFundazwe iqembu ngalinye elinelungelo lazo kufanele libalwe ngokuthi kuphindaphindwe inani lezihlalo iqembu elinazo kwisishayamthetho sesifundazwe, ngeshumi bese umphumela wehlukaniswa ngenani lezihlalo zalelo qembu kwisishayamthetho lihlanganiswe nesihlalo esisodwa.

2. Uma isibalo esiku 1, ngenhla, sinika insalela engabalelwa kwizithunywa ezinikezwa iqembu elithile njengokusho kuka 1, leyonsalela kufanele iqhathaniswe nezinsalela zamanye amaqembu, futhi noma yiziphi izithunywa ezingekabiwa kulelo qembu lezithunywa zabelwe lelo qembu noma lawo maqembu ngobuningi bezinsalela lezo.

ISheduli 4

Izindawo zemisebenzi uhulumeni

kaZwelonke nabezifundazwe

abanamandla okushaya imithetho kuzo

Ingxenye A

Ukulawulwa kwamahlathi emvelo

Ezolimo

Izikhungo zezindiza ezibandakanya ezamazwe ngamazwe nezikazwelonke

Ukulawulwa kwezilwane nezifo

Amakhasino, imijaho, ukugembula, nokubheja, ngaphandle kwamalotho namalotho emidlalo

Ukuvikelwa kwabathengi

Ukulawulwa kwezinhlekelele

Imfundo kuyo yonke imikhakha, ngaphandle kwemfundo ephakeme

Imvelo

Ezempilo

Izindlu

Umthetho wendabuko kanye nomthetho wamasiko kodwa uma kuhambisana neSahluko 12 soMthethosisekelo

Ukuthuthukiswa kwezimbongi

Izimiso ngezilimi kanye nokulawulwa kwezilimi ngokomthetho kangangoba izimiso zesigaba 6 kuMthethosisekelo zinika ngokucacile isishayamthetho sesifundazwe amandla okushaya imithetho maqondana nalokhu

Ukuvikelwa kwemvelo, ngaphandle kwamapaki kazwelonke,

Izingadi zezitshalo zikazwelonke kanye nengcebo yasolwandle

Ezokusakaza ezilawulwa ngqo nguhulumeni wesifundazwe kodwa kuphela uma kuhambisana nesigaba 192

Amaphoyisa kangangoba isahluko 11 soMthethosisekelo sinikeza isishayamthetho sesifundazwe amandla okushaya imithetho maqondana nalokhu

Izimali zokudlulisa ubunikazi bempahla

Izinkampani noma imisebenzi kahulumeni wesifundazwe mayelana nezindawo zemisebenzi ezikule Sheduli nakuSheduli 5

Izindaba zamasiko zesifundazwe

Izinto zokuhamba zomphakathi

Imisebenzi yomphakathi kuphela maqondana nezidingo

Zeminyango kahulumeni wesifundazwe, ekwenzeni imisebenzi yayo yokulawula imisebenzi enikezelwe kuyona ngokusho koMthethosisekelo nanoma yimuphi omunye umthetho

Ukuhlelwa kwesifundazwe nokuthuthukiswa

Ukulawulwa kwezinto zokuhamba emigwaqweni

Ukuvikelwa kwesihlabathi

Ezokuvakasha

Uhwebo

Ubuholi bendabuko kuphela uma kuhambisana neSahluko 12 saloMthethosisekelo

Ukuthuthukiswa kwamadolobha nezindawo zasemakhaya

Ukuthelwa kwezinqola zokuhamba

Ezenhlalakahle

Ingxenye B

Izindaba zikahulumeni wendawo ezilandelayo kangangoba kubekwe kwisigaba 155(6) no (7);

Ukudungeka komoya

Imitheshwana elawula ukwakha

Izindawo zokunakekela izingane

Ukudonswa kukagesi kanye negesi

Abacishi bemililo

Ezokuvakasha zendawo

Izikhungo zezindiza zendawo

Ukuhlelwa kukamasipala

Izinto zokuhamba zomphakathi zikamasipala

Imisebenzi yomphakathi yakumasipala kuphela mayelana nezidingo umasipala ahlangebezana nazo ekwenzeni umsebenzi wokulawula imisebenzi enikezelwe ngqo kuwona ngaphansi kwalo Mthethosisekelo noma ngamuphi omunye umthetho

Izinto zokuhamba zaselwandle

izindawo ezakhiwe zangenela olwandle kanye nasemitatani ngaphandle kokulawulwa kwezindaba zolwandle zamazwe ngamazwe ngamandla noma zikazwelonke nezinto ezincikene nazo

Ukulawulwa kwamanzi ezikhukhula ezindaweni okwakhiwe kuzo

Imitheshwana elawula uhwebo

UKunikezwa kwamanzi nokuqoqwa kwendlela
Okuphathelene nohlelo lwamanzi endawo kuphela kanye nokuqoqwa kwamanzi angcolile
ngendlela yasekhaya
Isheduli 5
Izindawo zemisebenzi
ezingashayelwa imithetho
yisiFundazwe kuphela
Ingxenye A
Amadele
Ama-ambulense
Izikhungo zokugcina wonke amadokodo kahulumeni ngaphandle kwezikhungo zikazwelonke
Imithombo yolwazi ngaphandle kwekaziwelonke
Amalaysense otshwala
Izindawo ezilondoloze futhi ezibukisa ngomlando ngaphandle kwezikazwelonke
Ukuhlalwa kwesifundazwe
Izindaba zesifundazwe eziphathelene namasiko
Ukungcebeleka kanye nezindawo zalokhu zesifundazwe
Imidlalo yesifundazwe
Imigwaqo yesifundazwe nokusetshenziswa kwayo
Ukwelashwa kwezilwane ngaphandle kokulawulwa kwalowo msebenzi
Ingxenye B
Izindaba ezilandelayo zikahulumeni wendawo njengangoba zibekwe esigabeni 155(6) no (7)
Amabhishi kanye nezinto zokungcebeleka
Imithetho ebhalwe ezingqwebeni kanye nezimemezelo ezindaweni zomphakathi
Amathuna, amakhaza nezindawo zokushisa izidumbu
Ukuhlalwa
Ukulawula uthikamezo lomphakathi
Ukulawulwa kwemisebenzi ethengisela umphakathi utshwala
Izindawo zokugcina, zokunakekela kanye nokungcwaba izilwane
Ukubiyela kanye nezinto zokubiyela
Ukuthelwa kwezinja
Ukuthelwa kanye nokulawulwa kwemisebenzi edayisela umphakathi ukudla
Ukulawulwa kwemisebenzi edayisela umphakathi utshwala
Izikhungo zomphakathi zendawo
Izikhungo zemidlalo zendawo
Izimakethe
Amadele kamasipala
Amapaki nezokungcebeleka zikamasipala
Imigwaqo kamasipala
Ukubanga umsindo
Ukugcinwa kwezinto ezisuswe emphakathini
Izindawo zomphakathi
Ukususwa, ukulahla kukadoti kanye nokuqoqwa kwendle
Uhwebo lwasemigwaqeni
Ukukhanyiswa kwemigwaqo
Ukusetshenziswa kwemigwaqo nokupakwa kwezinto zokuhamba
Isheduli 6
Amalungiselelo esikhashana
Izincazelo

1. KuleSheduli ngaphandle uma kungahambisani nalokho okuhlongozwe kuleso simiso – “isabelo “ kusho indawo yeRiphabhuliki eyayithathwa njengendawo ezimele noma ezibusayo ngomthetho waseNingizimu Afrika ngaphambi kokuthi uMthethosisekelo ongaphambi kwalona uqale ukusebenza;

“uMthethosisekelo omusha” kusho uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;

“imithetho yohlelo oludala” kusho imithetho eyashaywa ngaphambi kokuba uMthethosisekelo ongaphambi kwalo uqale ukusebenza;

“UMthethosisekelo ongaphambi kwalona” kusho uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1993, (Umthetho 200 ka 1993).

Ukuqhubeka kwemithetho esikhona

2. (1) Wonke umthetho owawusebenza uma uMthethosisekelo omusha uqala ukusebenza uyaqhubeka nokusebenza kodwa kuya ngokuthi –

(a) ushintshiwe noma ususiwe yini, futhi

(b) uyahambisana yini noMthethosisekelo omusha.

(2) Umthetho wohlelo oludala ohambisana nokushiwo kwisigatshana (1) ngenhla, –

(a) awusebenzi kabanzi ngokwendawo nangayiphi enye indlela kunangesikhathi esingaphambi kokuthi uMthethosisekelo ongaphambi kwalona uqale ukusebenza ngaphandle uma ushintshiwe ukuze usebenze kabanzi; futhi

(b) Uyaqhubeka nokuphethwa yilesi siphathimandla esasiwuphethwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza ngendlela eshiwo nguMthethosisekelo omusha.

Ukunyushwa komthetho okhona

3. (1) Ngaphandle uma kungahambisani nalokho okuqonde ukushiwo noma ngokucacile kungafanele, uma umthetho owawukhona ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza –

(a) eRephabhuliki yaseNingizimu Afrika noma isabelo (ngaphandle uma ukhuluma ngomhlaba uqobo), kufanele uthathwe ngokuthi ukhuluma ngeRephabhuliki yaseNingizimu Afrika ngaphansi koMthethosisekelo omusha;

(b) ePhalamende, uMkhandlu kaZwelonke noma uMkhandlu weziGele kufanele uthathwe ngokuthi usho iPhalamende, uMkhandlu kaZwelonke noma uMkhandlu kaZwelonke weziFundazwe ngaphansi koMthethosisekelo omusha;

(c) kuMongameli, iSekela likaMongameli, uNgqongqoshe, iSekela likaNgqongqoshe noma iKhabhinethi, kufanele ithathwe ngokuthi ikhuluma ngoMongameli, iSekela likaMongameli, uNgqongqoshe, iSekela likaNgqongqoshe noma iKhabhinethi ngaphansi koMthethosisekelo omusha njengoba kushiwo ku 9 wale Sheduli;

(d) kuMongameli woMkandlu wezigele, kufanele kuthathwe ngokuthi kukhulunywa ngosihlalo woMkhandlu kaZwelonke weziFundazwe;

(e) ngesishayamthetho sesifundazwe, uNdunankulu, uMkhandlu noma ilungu loMkhandlu esiphethwe lesifundazwe kufanele kuthathwe ngokuthi kukhulunywa ngesishayamthetho sesifundazwe, uNdunankulu, uMkhandlu sokuphatha noma ilungu loMkhandlu sokuphatha ngaphansi koMthethosisekelo omusha, njengoba sokuphathwa ngaphansi koMthethosisekelo omusha, njengoba kushiwo ku 12, waleSheduli; noma

(f) ngolimi noma izilimi ezisemthethweni, kufanele kuthathwe ngokuthi kukhulunywa nganoma yiluphi ulimi olusemthethweni ngaphansi koMthethosisekelo omusha.

(2) Ngaphandle uma kungahambisani nokuhlosiwe noma kungafanele ngokucacileyo, uma umthetho wohlelo lwakudala –

(a) ePhalamende, ngeNdlu yePhalamende noma umkhandlu wokushaya imithetho, noma isakhiwo seRephabhuliki noma sesabelo, kufanele kuthathwe ngokuthi kukhulunywa –

(i) ngePhalamende ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo

mthetho kwabelwe noma kunikezelwe njengokusho koMthethosisekelo ongaphambi kwalona noma leSheduli kuMkhandlu sokuphatha sikazwelonke; noma

(ii) isishayamthetho sesifundazwe, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe, njengokusho koMthethosisekelo ongaphambi kwalona noma kwale Sheduli kuMkhandlu sokuphatha sesifundazwe; noma

(b) kuMongameli weZwe, uNgqongqoshe oMkhulu, uMphathi noma omunye umphathi omkhulu, iKhabhinethi, uMkhandlu soNgqongqoshe noma uMkhandlu sokuphatha seRephabhliki noma sesabelo, kufanele kuthathwe ngokuthi kukhulunywa –

(i) ngoMongameli ngaphansi komthethosisekelo omusha, uma ukuphathwa kwalo mthetho kwabelwe noma kunikezelwe ngokusho koMthethosisekelo ongaphambi kwalona noma kwale Sheduli esigungwini sokuphatha kaZwelonke; noma

(ii) uNdunankulu wesifundazwe ngaphansi koMthethosisekelo omusha, uma ukuphathwa kwalowo mthetho kwabelwe noma kunikezelwe ngokusho koMthethosisekelo ongaphambi kwalona noma leSheduli esigungwini sokuphatha sesifundazwe.

UMkhandlu kaZwelonke

4. (1) Noma yimuphi umuntu owayeyilungu loMkhandlu kaZwelonke uma uMthethosisekelo omusha uqala ukusebenza, uba yilungu noma isiphathi sikhundla soMkhandlu kaZwelonke ngaphansi koMthethosisekelo omusha, futhi uphatha isikhundla njengelungu noma umphathi sikhundla njengoba kushiwo nguMthethosisekelo omusha.

(2) UMkhandlu kaZwelonke njengoba wakhiwe ngokusho kuka (1), ngenhla, kufanele uthathwe ngokuthi ukhethwe ngaphansi koMthethosisekelo omusha ukhethelwa isikhathi esiphela ngomhlaka 30 Epreli 1999.

(3) UMkhandlu kaZwelonke wakhiwe ngamalungu angu-400 esikhathini esiphela ngo 30 Epreli 1999, kodwa lokhu kulawulwa okushiwo kwisigaba 49(4) soMthethosisekelo omusha.

(4) Imitheshwana nezinqumo zoMkhandlu kaZwelonke ezisebenzayo ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokusebenza, kodwa kunakekelwe ushintsho olwenziwe noma loko okususiwe.

Umsebenzi ongaqedwanga ophambi kwePhalamende

5. (1) Noma yimuphi umsebenzi ongaphelile phambi kwePhalamende kufanele kuqhutshekwe nawo njengokusho koMthethosisekelo omusha.

(2) Noma yimuphi umsebenzi ongaphelile phambi komkhandlu weziGele uma uMthethosisekelo omusha uqala ukusebenza kufanele uyiswe kuMkhandlu kaZwelonke weziFundazwe, futhi uMkhandlu kufanele siqhubeke nalowo msebenzi ngokusho koMthethosisekelo omusha.

Ukukhethwa koMkhandlu kaZwelonke

6. (1) Kungebanjwe ukhetho loMkhandlu kaZwelonke ngaphambi komhlaka 30 Epreli 1999 ngaphandle uma uMkhandlu uhlakazwa njengokubeka kwesigaba 50(2) emva kokuthathwa kwesinqumo sokungamethembi uMongameli njengokwesigaba 102(2) soMthethosisekelo omusha.

(2) Isigaba 50(1) soMthethosisekelo omusha siyalengiswa kuze kube ngumhlaka 30 Epreli 1999.

(3) Nangaphandle kokususwa koMthethosisekelo ongaphambi kwalona emabhukwini omthetho, iSheduli 2 yalowo Mthethosisekelo njengoba itshintshwe yisijobelelo A sale Sheduli iyasebenza –

(a) okhethweni lokuqala loMkhandlu kaZwelonke ngaphansi koMthethosisekelo omusha;

(b) ubulungu boMkhandlu buphela esimweni esingahlinzekelwe esigabeni 47(3) soMthethosisekelo omusha; futhi

(c) ekugcwaliseni izikhala kuMkhandlu, nokugcwaliselwa, ukuhlolwa kabusha, nokusetshenziswa koluhla lweqembu ukuze ligcwalise isikhala, kuze kufike ukhetho lwesibili loMkhandlu ngaphambi koMthethosisekelo omusha.

(4) Isigaba 47(4) soMthethosisekelo omusha siyalengiswa kuze kube wukhetho lwesibili loMkhandlu kaZwelonke ngaphansi koMthethosisekelo omusha.

UMkhandlu kaZwelonke weziFundazwe

7. (1) Esikhathini esiphela ngaphambi kokuhlala komhlangano wokuqala wesishayamthetho sesifundazwe obanjwe emva kokhetho lawo lokuqala ngaphansi koMthethosisekelo omusha –

(a) ukumeleleka kwezithunywa ezimele amaqembu eqenjini lezithunywa lesifundazwe eliya kuMkhandlu kaZwelonke weziFundazwe kufanele kufane nokumeleleka kwezigele eziyishumi zesifunda ezaziphakanyiswe ngokusho kwesigaba 48 soMthethosisekelo ongaphambi kwalona; futhi

(b) ukwabela kwezithunywa ezimile kanye nezithunywa ezikhethiwe emaqenjini amelwe kwisishayamthetho sesifundazwe sinjengalokhu okulandelayo:

Isifundazwe Izithunywa Ezimile Izithunywa
Eziyisipesheli

1. Impumalanga Kapa ANC 5 ANC 4

NP 1

2. IFleyistata. ANC 4 ANC 4

FF 1

NP 1

3. EGauteng. 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. EMpumalanga. ANC 4 ANC 4

FF 1

NP 1

6. INyakatho Kapa. ANC 3 ANC 2

FF 1

NP 2 NP 2

7. Isifundazwe ANC 6 ANC 4

8. INyakatho yase- ANC 4 ANC 4

Ntshonalanga FF 1

NP 1

9. INtshonalanga ANC 2 ANC 1

Kapa DP 1

NP 3 NP 3

(2) Iqembu elimelwe kwisishayamthetho sesifundazwe –

(a) kufanele liphakamise izithunywa zalo esingasuswa phakathi kwabantu ababengamalungu omkhandlu wezigele uma uMthethosisekelo omusha uqala ukusebenza futhi abangabakhona ukuze basebenze njengezithunywa ezimile; futhi

(b) ingaphakamisa abanye abantu njengezithunywa esingasuswa kuphela uma kungekho noma lingenele inani lababengamalungu omkhandlu wezigele angabakhona ukuze asebenze njengezithunywa ezimile.

(3) Isishayamthetho sesifundazwe kufanele siqokele esikhundleni izithunywa zaso esingasuswa

ngokuhambisana neziphakamiso zamaqembu.

(4) U (2) no (3), ngenhla, basebenza kuphela ekuqokweni kokuqala kwezithunywa zesiGungu kaZwelonke.

(5) Isigaba 62(1) soMthethosisekelo omusha asisebenzi ekuphakamisweni nasekuqokelweni esikhundleni kwababengamalungu omkhandlu wezigele, njengezithunywa esingasuswa njengokusho kwalesi simiso.

(6) Imithethwana nezinqumo zomkhandlu wezigele obusebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele isetshenziswe mayelana nemisebenzi yoMkhandlu kaZwelonke kangangoba ingasetshenziswa kunakekelwe lokho okushintshiwe nokususiwe.

Ababengamalungu omkhandlu wezigele

8. (1) Owayeyilungu lomkhandlu wezigele ongaqokelwanga esikhundleni sesithunywa esimile sesiGungu kaZwelonke sesifundazwe unelungelo lokuba yilungu eliphelele elingavota lesishayamthetho sesifundazwe leso ayephakanyiswe kuso njengelunga loMkhandlu wezigele njengokusho kwesigaba 48 somthethosisekelo omdala.

(2) Uma owayeyilungu lomkhandlu wezigele ekhetha ukungabi yilungu lesishayamthetho sesifundazwe lowo muntu uthathwa ngokuthi usishiye isikhundla sokubayilungu lomkhandlu weziGele ngelanga elandulela ilanga uMthethosisekelo omusha oqale ngalo ukusebenza.

(3) Iholo, izibonelelo, kanye nezinzuzo zowayeyilungu lendlu yezigele oqokelwe esikhundleni sokuba yisithunywa esimile noma njengelunga lesishayamthetho sesifundazwe alingeke lincishiswe ngenxa nje yokuthatha lesi sikhundla.

Isigungu esikhulu

9. (1) Noma yimuphi umuntu owayenguMongameli, iSekela likaMongameli, uNgqongqoshe noma iSekela likaNgqongqoshe ngaphansi koMthethosisekelo owendulela lona, ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla njengoba kusho uMthethosisekelo omusha, kodwa ngokulandela okushiwo ku(2), ngenhla.

(2) Kuze kube ngumhlaka 30 Epreli 1999, izigatshana 84, 89, 90, 91, 93, no 96 zoMthethosisekelo omusha kufanele zifundwe sengathi zibhalwe njengesijobelelo B sale Sheduli.

(3) U (2), ngenhla, akamuvimbela uNgqongqoshe owayeyilungu lendlu yezigele ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ekubeni aqhubeka njengoNgqongqoshe oshiwo esigabeni 91(1)(a) soMthethosisekelo omusha, njengoba lesi sigaba sibhaliwe kwisiJobelelo B. Izishayamthetho zezifundazwe

10. (1) Noma ngubani owayeyilungu noma ebanke isikhundla sesishayamthetho sesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uba yilungu noma umphathi sikhundla wesishayamthetho saleso sifundazwe ngaphansi koMthethosisekelo omusha kanye nanoma yimuphi umthethosisekelo wesifundazwe ongabakhona.

(2) Isishayamthetho sesifundazwe njengokusho kuka (1) ngenhla, kufanele sithathwe ngokuthi sakhethwa ngaphansi koMthethosisekelo omusha sikhethelwa isikhathi esiphela ngomhlaka 30 Epreli 1999.

(3) Kuze kube ngokuphela kwesikhathi sesishayamthetho wesifundazwe ngomhlaka 30 Epreli 1999, kodwa kunakekelwe okushiwo esigabeni 108(4), isishayamthetho sakhiwa yinani lamalungu elinqunyelwe lesi sishayamthetho ngaphansi koMthethosisekelo owendulela lona kanye nenani lababengamalungu endlu yezigele ababangamalungu esishayamthetho njengokusho kuka 8 wale Sheduli.

(4) Imitheshwana nezibopho zesishayamthetho sesifundazwe ebezisebenza ngesikhathi uMthethosisekelo omusha uqala ukusebenza ziyaqhubeka nokusebenza, kodwa kunakekelwe lokho okushintshiwe nokususiwe.

Ukhethe lwezishayamthetho zezifundazwe

11. (1) Yize ususiwe emabhukwini emithetho uMthethosisekelo owendulela lona, iSheduli 2 yalowo Mthethosisekelo, njengoba ushintshwe yisiJobelelo A saleyo Sheduli, iyasebenza –

- (a) okhethweni lokuqala lesishayamthetho sesifundazwe ngaphansi soMthethosisekelo omusha;
 - (b) ekulahlekelweni ngubulungu besishayamthetho ezimweni ezingahlinzekelwanga yisigaba 106(3) soMthethosisekelo omusha; futhi
 - (c) ekugcwaliseni izikhala kwisishayamthetho, kanye nokugcwalisa, ukubheka kabusha, nokusetshenziswa kwezinhla zamaqembu ukuze kugcwaliswe izikhala, kuze kube yisikhathi sokhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.
- (2) Isigaba 106(4) soMthethosisekelo omusha siyalengiswa maqondana nesishayamthetho sesifundazwe kuze kube ukhetho lwesibili lwesishayamthetho ngaphansi koMthethosisekelo omusha.

Isigungu sokuphatha sesifundazwe

12. (1) Noma yimuphi umuntu owayenguNdunankulu noma ilungu loMkhandlu sokuphatha sesifundazwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla futhi apha the leso sikhundla ngokusho koMthethosisekelo omusha kanye nomthethosisekelo wesifundazwe ongabakhona, kodwa ngokuhambisana no (2), ngenzansi.

(2) Aze athathe isikhundla ngaphansi koMthethosisekelo omusha uNdunankulu okhethwe emva kokhetho lokuqala lwesifundazwe, noma isifundazwe size sizishaye le umthethosisekelo wesifundazwe, lokho okwenzeka kuqala kunokunye, izigaba 132 no 136 zoMthethosisekelo omusha kufanele zithathwe ngokuthi zibhalwe njengoba kushiwo kwisiJobelelo C sale Sheduli. Imithethosisekelo yesifundazwe

13. Umthethosisekelo owamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza kufanele uhambisane nesigaba 143 soMthethosisekelo omusha.

Ukunikezelwa kwemithetho kwisifundazwe

14. (1) Imithetho ephathelene nodaba oluphakathi kwemisebenzi ebalwe kuluhlu lukaSheduli 4 noma 5 lo Mthethosisekelo omusha futhi eyayiphethwe yisiphathimandla phakathi kwesigungu sokuphatha kaZwelonke, ngesikhathi uMthethosisekelo omusha uqala ukusebenza, unganikezelwa nguMongameli, ngesimemezelo ephephandabeni lomthetho kahulumeni, kwisiphathimandla esiphakathi kwesifundazwe esiqokwe uMkhandlu sokuphatha sesifundazwe.

(2) Uma kunesidingo sokunikezelwa komthetho njengoba kushiwo ku (1) ngenhla, uMongameli, ngesimemezelo ephephandabeni likahulumeni elisemthethweni, angenza okulandelayo –

(a) angashintsha noma aguqule umthetho ukuze alawule ukuhumushwa noma ukusebenza kwawo;

(b) uma ukunikezelwa komthetho kuthinta ingxenye yalowomthetho kuphela, angawususa bese eshaya kabusha, ashintshe nezinguquko ezishiwo ku (a), ngenhla, noma ngaphandle kwazo, lezi zimiso ezithintekile nokunikezelwa; noma

(c) angalawula noma yiluphi olunye udaba okunesidingo sokuthi lulawulwe ngenxa yaloku kunikezela, kubandakanya ukudluliswa noma ukwetshelekisa ngabasebenzi, noma ukwedluliselwa kwempahla, izikweletu, amalungelo, kanye nezibopho eziya noma ezivela kwisigungu sokuphatha sikazwelonke noma sesifundazwe noma kumnyango kahulumeni, umsebenzi kahulumeni, izikhungo zokuphepha noma yisiphi esinye isakhiwo.

(3) (a) Ikhophi ngesimemezelo ngasinye esikhishwe njengokubeka kuka (1) noma (2), ngenhla, kufanele inikezwe uMkhandlu kaZwelonke kanye noMkhandlu kaZwelonke weziFundazwe phakathi kwezinsuku ezingu-10 kushicilelwe isimemezelo.

(b) Uma uMkhandlu kaZwelonke kanye noMkhandlu kaZwelonke ngesinqumo abasivumeli isimemezelo noma yisiphi isimiso saso isimemezelo noma isimiso kuyaphelelwa isikhathi, kodwa akuthikamezi okulandelayo –

(i) ukubasemthethweni kwanoma yiziphi izezo ezenziwe leso simemezelo noma isimiso singaphelelwa isikhathi; noma

(ii) ilungelo noma isibonelelo esitholwe noma isibopho noma isikweletu esakiwe ngaphambi kokuba siphelwe isikhathi.

(4) Uma umthetho unikezelwe ngokusho kuka (1), ngenhla, uma ukukhulunywa ngesiphathimandla esiphethe lowo mthetho kufanele kuthathwe ngokuthi kubhekiswe kwisiphathimandla esinikezelwe ngokomthetho.

(5) Noma yikuphi ukunikezelwa komthetho ngaphansi kwesigaba 235(8) soMthethosisekelo owandulela lona kubandakanya noma yiluphi ushintsho, inguquko noma ukususwa kanye nokushaywa kabusha kwanoma yimuphi umthetho kanye nanoma yisiphi esinye isinyathelo esithathwe ngaphansi kwalesi sigaba, kuthathwa ngokuthi kwenziwe ngaphansi kwalesi sigaba. Imithetho esekhona engaphandle kwamandla eSishayamthetho sasePhalamende

15. (1) Isiphathimandla phakathi kwesigungu sokuphatha sikazwelonke esengamele noma yimuphi umthetho owela ngaphandle kwamandla ePhalamende okushaya imithetho ngesikhathi uMthethosisekelo omusha uqala ukusebenza, sihlala sinamandla okwengamela lowo mthetho uze unikezelwe kwisiphathimandla esiphakathi kwesigungu sokuphatha sesifundazwe ngokubeka kuka 14 wale Sheduli.

(2) U(1), ngenhla akasebenzi emva kweminyaka emibili uMthethosisekelo omusha waqala ukusebenza.

Izinkantolo

16. (1) Zonke izinkantolo, kumbandakanya nezinkantolo zabaholi bendabuko, ezazikhona ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ziyaqhubeka nokusebenza nokuba namandla eziwanikwa yimithetho ezithintayo, futhi umuntu ophethe isikhundla njengomehluleli wenkantolo uyaqhubeka esiphethe leso sikhundla njengoba kusho umthetho osebenzayo kuleso sikhundla, kube kunakekelwe –

(a) lokho okushintshiwe noma okususiwe kulowo mthetho; kanye

(b) nokuhambisana noMthethosisekelo omusha.

(2) (a) Inkantolo yoMthethosisekelo emiswe nguMthethosisekelo owandulela lona iba yiNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo omusha.

(b) Noma ngubani ophethe isikhundla sokuba nguMongameli, iSekela likaMongameli noma iJaji leNkantolo yoMthethosisekelo ngesikhathi uMthethosisekelo omusha uqala ukusebenza, ubanguMongameli, yiSekela likaMongameli noma iJaji leNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo omusha, futhi aqhubeke esesikhundleni isikhathi esisasele esikhathini esibekwe ngokwesigaba 176(1) soMthethosisekelo omusha.

(3) (a) Inkantolo enkulu yamajaji yaseNingizimu Afrika yamacala adlulisiwe iba yinkantolo enkulu yokudlulisela amacala ngaphansi koMthethosisekelo omusha.

(b) Noma yimuphi umuntu ophethe isikhundla njengeJaji elikhulu, iSekela leJaji eliKhulu, noma iJaji lenkantolo yamacala adlulisiwe ngesikhathi uMthethosisekelo omusha uqala ukusebenza uba yiJaji eliKhulu, iSekela leJaji eliKhulu noma iJaji lenkantolo enkulu yokudluliselwa kwamacala ngaphansi koMthethosisekelo omusha.

(4) (a) Inkantolo eNkulu yaseNingizimu Afrika yesifundazwe noma yendawo noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yaleyo nkantolo, iba yiNkantolo ePhakeme ngaphansi koMthethosisekelo omusha kungazange kushintshwe lutho mayelana namandla ayo, kodwa kunakekelwe ukudidiyelwa okulindelwe ku (6), ngezansi

(b) Noma yimuphi umuntu ophethe isikhundla njengeJaji elengamele kwisifundazwe noma iSekela leJaji elengamele kwisifundazwe noma iJaji lenkantolo okukhulunywe ngalo ku(a), ngenhla, uma uMthethosisekelo omusha uqala ukusebenza, uba yiJaji elengamele isifundazwe noma yijaji laleyo nkantolo ngaphansi koMthethosisekelo omusha, kodwa kube kunakekelwe ukudidiyelwa okulindelwe ku(6), ngezansi.

(5) Ngaphandle uma kungahambisani nalokho okuhlosiwe noma ngokucacile kungafanele, uma umthetho noma uhlelo lukhuluma ngokulandelayo –

- (a) iNkantolo yoMthethosisekelo ngaphansi koMthethosisekelo owandulela lona, kufanele kuthathwe njengeNkantolo yoMthethosisekelo phansi koMthethosisekelo omusha;
- (b) iNkantolo eNkulu yaseNingizimu Afrika yamacala adlulisiwe, kufanele ithathwe njengeNkantolo eNkulu yokudluliselwa kwamacala;
- (c) iNkantolo eNkulu yaseNingizimu Afrika yesifundazwe noma yendawo noma inkantolo enkulu yesabelo noma ingxenye eyejwayelekile yaleyo nkantolo, kufanele ithathwe njengeNkantolo ePhakeme.

(6) (a) Ngokushesha okungase kwenzeke emuva kokuthi uMthethosisekelo omusha uqalile ukusebenza, zonke izinkantolo, kumbandakanya ukwakheka kwazo, ukumeleleka, ukusebenza kanye namandla azo futhi nayo yonke imithetho ethintekayo, kufanele ididiyelwe ngenhloso yokumisa uhlelo lwezinkantolo oluhambisana nezimiso zoMthethosisekelo omusha.

(b) Ilungu leKhabinethe elibhekele ukwenganyelwa kwezobulungiswa, emva kokubonisana neKhomishana yezemisebenzi yezinkantolo, kufanele athathe izinyathelo zokuphatha loku kudidiyela okushiwo ku(a), ngenhla.

Amacala asengaphambi kwezinkantolo

17. Onke amacala ayesengaphambi kwenkantolo ngesikhathi uMthethosisekelo omusha uqala ukusebenza, kufanele abhekwe sengathi uMthethosisekelo omusha awukho, ngaphandle uma izidingo zobulungiswa zimisa ukuthi kungabinjalo.

Isiphathi mandla sokushushisa

18. (1) Isigaba 108 soMthethosisekelo owandulela lona siyaqhubeka sisebenza kuze kuqale ukusebenza umthetho wePhalamende obhekwe yisigaba 179 soMthethosisekelo omusha Lesi sigaba asithikamezi ukuqokelwa esikhundleni koMqondisi kaZwelonke wokuShushisa koMphakathi njengokusho kwesigaba 179.

(2) Umshushisi omkhulu ophethe isikhundla ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka nokusebenza njengokusho komthetho othinta lesi sikhundla, kodwa kube kubhekelelwe okushiwo ngu (1), ngenhla.

Izifungo neziqinisekiso

19. Umuntu oqhubekayo esesikhundleni ngokubeka kwale Sheduli futhi othathe isifungo noma owenze isiqinisekiso uma ethatha isikhundla, ngaphansi koMthethosisekelo owandulela lona, akaphoqelekile ukuthi aphinde athathe isifungo sesikhundla noma isiqinisekiso ngaphansi koMthethosisekelo omusha.

Ezinye izakhiwo zomthethosisekelo

20. (1) Kulesi sigaba uma kuthiwa “izakhiwo zomthethosisekelo” kusho –

- (a) uMvikeli woMphakathi;
- (b) iKhomishana yaMalungelo Abantu;
- (c) Ikhomishana yokuLingana ngoBulili;
- (d) uMcubunguli oMkhulu wamabhuku ezimali zikahulumeni;
- (e) iBange iRizevu yaseNingizimu Afrika;
- (f) iKhomishana yezimali nokusetshenziswa kwezimali zikahulumeni;
- (g) iKhomishana yemisebenzi yezomthetho; noma
- (h) iBhodi yezilimi zonke zaseNingizimu Afrika.

(2) Isakhiwo soMthethosisekelo esimiswe ngokubeka koMthethosisekelo owandulela lona siyaqhubeka nokusebenza njengokusho komthetho obhekene naso, futhi umuntu ophethe isikhundla njengelungu leKhomishana, ilungu lebhodi yeBhange iRizevu noma iBhodi yazo zonke izilimi zaseNingizimu Afrika, uMvikeli woMphakathi noma uMcubunguli oMkhulu wamabhuku ezimali zikaHulumeni ngesikhathi uMthethosisekelo omusha uqala ukusebenza, uyaqhubeka kuleso sikhundla njengokusho komthetho othinta lesi sikhundla, kodwa kube kunakekelwe –

- (a) lokho okushintshiwe noma okususiwe kulowo mthetho; futhi
- (b) ukuhambisana noMthethosisekelo omusha.

(3) Izigigaba 199(1), 200(1), (3) kanye no(5) kuya ku(11) kanye no 201 kuya ku206 zoMthethosisekelo owandulela lona ziyaqhubeka zisebenza zize zisuswe yinoma yimuphi uMthetho wePhalamende owamukelwe njengokusho kwesigaba 75 soMthethosisekelo omusha.

(4) Amalungu eKhomishana yemisebenzi yezemithetho ashiwo kwisigaba 105(1)(h) soMthethosisekelo owandulela lona, ayayeka ukuba ngamalungu eKhomishana uma sekuqokelwe ezikhundleni amalungu ashiwo kwisigaba 178(1)(i) soMthethosisekelo omusha.

(5) (a) UMkhandlu esibhekene nodaba lokuzimela kwamaBhunu esimiswe ngokusho koMthethosisekelo owandulela lona iyaqhubeka nokusebenza njengokusho komthetho obhekene naso, futhi noma yimuphi umuntu ophethe isikhundla njengelungu loMkhandlu ngesikhathi uMthethosisekelo omusha uqala ukusebenza uyaqhubeka esikhundleni njengokubeka komthetho obhekene naleso sikhundla, kodwa kube kunakekelwe –

(i) lokho okushintshiwe nokususiwe kulowo mthetho; futhi

(ii) ukuhambisana noMthethosisekelo omusha.

(b) Izigaba 184A no 184B (1)(a), (b) no (d) zoMthethosisekelo owandulela lona ziyaqhubeka zisebenza zize zisuswe ngumthetho wePhalamende owamukelwa njengokubeka kwesigaba 75 soMthethosisekelo omusha.

Ukushaywa komthetho odingwa nguMthethosisekelo omusha

21. (1) Uma uMthethosisekelo omusha udinga ukuthi kushaywe umthetho kazwelonke noma wesifundazwe lowo mthetho kufanele ushaywe yisiphathimandla esifanele phakathi kwesikhathi esamukelekile emuva kwelanga uMthethosisekelo owaqala ukusebenza ngalo.

(2) Isigaba 198(b) soMthethosisekelo omusha angeke siphokelelwe kuze kushaywe umthetho olindelekile kuleso sigaba.

(3) Isigaba 199(3)(a) soMthethosisekelo omusha angeke siphokelelwe ngaphambi kokudlula kwezinyanga ezintathu emva kokushaywa komthetho elindelekile kulesi sigaba.

(4) UMthetho kazwelonke olindeleke kwisigaba 217(3) soMthethosisekelo omusha kufanele ushaywe phakathi kweminyaka emithathu kusukela ngelanga uMthethosisekelo omusha owaqala ngalo ukusebenza, kodwa ukungabikho kwalo mthetho ngalesi sikhathi akuvimbeli ukuthi kuphokelelwe izimiso ezishiwo kwisigaba 217(2).

(5) Ngaphambi kokumiswa komthetho wePhalamende okuphawulwe ngawo esigabeni 65(2) womthethosisekelo omusha onqunywe yiSishayamthetho sesifundazwe ngasinye ngokwenqubo yaleso sifundazwe ngokulandela igunya eligunyaze izithunywa zaso okuvota egameni loMkhandlu sezifundazwe sikazwelonke.

(6) Ngaphambi kokumiswa komthetho ovezwe esigabeni 229(1)(b) somthethosisekelo omusha, umasipala uzohlala enamandla okuhlululisa noma iyiphi intela, ilevi noma imali ekhokhela umkhiqizo ovela kwamanye amazwe ogunyazwe ukuhlululisa uma uMthethosisekelo usuqale ukusebenza.

Ubumbano lwezwe nokubuyisana

22. Ngaphandle kwalokho okushiwo kunoma yisiphi esinye isimiso soMthethosisekelo omusha nangaphandle kokususwa koMthethosisekelo owandulela lona, zonke izimiso eziphatelene nokuxolelwa kwamacala ezitholakala kuMthethosisekelo owandulela lona ngaphansi kwesihloko, “Ubumbano lwezwe nokubuyisana” zithathwa ngokuthi ziyingxenye yoMthethosisekelo omusha ngenhloso yokuGqugquzelela umthetho woBumbano lweSizwe nokuBuyisana wango 1995, (umthetho 34 ka 1995), njengoba uguquliwe, kubandankanya nenhloso yokumiswa kwawo.

UMqulu wamaLungelo

23. (1) Umthetho kaZwelonke olindeleke kwisigaba 9(4), 32(2), no 33(3) zoMthethosisekelo omusha kufanele zishaywe phakathi kwesikhathi seminyaka emithathu kusukela ngelanga uMthethosisekelo omusha owaqala ngaso ukusebenza.

(2) Ngaphambi kokuba umthetho olindeleke kwisigaba 32(2) no 33(3) zoMthethosisekelo, ushaywe –

(a) isigaba 32(1) kufanele sithathwe ngokuthi sibhalwe ngendlela elandelayo:

“(i) wonke umuntu unelungelo lokuthola lonke ulwazi olusezandleni zombuso noma yiyiphi yezingxenye zawo kunoma yimuphi umkhakha kahulumeni, uma lolo lwazi ludingeka ukuze kusetshenziswe noma kuvikelwe noma yiliphi ilungelo”; futhi

(b) Izigaba 33(1) no (2) kufanele zithathwe ngokuthi zibhalwe ngendlela elandelayo:

“Wonke umuntu unelungelo –

(a) lokuthathelwa izinyathelo ezisemthethweni ngabasebenzela umbuso uma amalungelo akhe noma izidingo zakhe zithinteka noma ezihanjisiwe ngenkambiso zesatshiswa;

(b) lezinyathelo elungile lapho amalungelo omuntu noma amathemba afanele ethinteka noma esatshiswa;

(c) lokunikezwa izizathu ezibhaliwe zezinyathelo ezithathwe ngabasezinkhundleni zombuso ezithinta noma yimaphi amalungelo noma izidingo ngaphandle uma lezo zizathu zimenyezwe; futhi

(d) lokuthola izinyathelo ezifanele uma kuqhathaniswa nezizathu ezinikiwe zalezo zinyathelo uma amalungelo ethinteka noma esatshiswa”.

(3) Izigaba 32(2) no 33(3) zoMthethosisekelo omusha ziphelelwa isikhathi uma umthetho olindelekile kulezi zigaba ngokulandelana kwazo, ungashaywa phakathi kweminyaka emithathu kusukela ngelanga lapho uMthethosisekelo omusha uqale ukusebenza.

Ukuphathwa kwemisebenzi yombuso nezikhungo zokuphepha

24. (1) Izigaba 82(4)(b), 215, 218(1), 219(1), 224 kuya ku 228, 236(1), (2), (3), (6), (7)(b) no (8), 237(1) no(2)(a) no 239(4) no (5) zoMthethosisekelo omusha ziqhubeka zisemthethweni sengathi uMthethosisekelo owandulela lona awususiwe, kodwa kuncike ku –

(a) lokho okushintshiwe kulezo zigaba ezibekwe kwisiJobelelo. D;

(b) noma yiluphi olunye ushintsho noma ukususwa kwalezozigaba nguMthetho wePhalamende owamukelwe njengoba kushiwo esigabeni 75 soMthethosisekelo omusha; futhi

(c) ukuhambisana noMthethosisekelo omusha.

(2) IKhomishana yemisebenzi yombuso kanye namakhomishana emisebenzi yombuso ezifundazwe ashiwo esahlukweni 13 soMthethosisekelo owandulela lona, aqhubeka nokusebenza njengoba kusho lesi sahluko kanye nomthetho osebenza kulesi sahluko sengathi iSahluko asisusiwe, kuza kususwe iKhomishana namaKhomishana ezifundazwe ngomthetho wePhalamende owamukelwe ngendlela ebekwe kwisigaba 75 soMthethosisekelo omusha.

(3) Ukususwa koMthethosisekelo owandulela lona akuthikamezi izimemezelo ezikhishwe ngaphansi kwesigaba 237(3), soMthethosisekelo owandulela lona futhi lezo zimemezelo ziqhubeka nokusebenza, kodwa kube kunakwe –

(a) lokho okushintshiwe noma okususiwe; futhi

(b) ukuhambisana noMthethosisekelo omusha.

Izizathu ezinezezelwe zokungavunyelwa ukuba yilungu lesishayamthetho

25. (1) Noma yimuphi umuntu owayedonsa isigwebo sasejele eRiphabhuliki esingaphezulu kwezinyanga ezingu-12 ngaphandle kwefayini ngesikhathi uMthethosisekelo omusha uqala ukusebenza akavunyelwe ukuba yilungu loMkhandlu kaZwelonke noma lesishayamthetho sesifundazwe.

(2) lokhu kuvinjelwa komuntu okuku(1) –

(a) kuyaphela uma isigwebo sibekwa eceleni emva kokudluliswa kwecala, noma isigwebo sehlisiwe, emva kokudluliswa kwecala saba yisigwebo esingavimbeli umuntu; futhi

(b) kuyaphela eminyakeni emihlanu emuva kokuqeda isigwebo.

Uhulumeni weNdawo(WaseKhaya)

26. (1) kwala ukuhlinzekelwa kwesigaba 151,155,156,kanye no157 womthethosisekelo omusha –

(a) ukuhlinzekelwa komthetho Wesikhashana kaHulumeni Wendawo ka 1993 (umthetho 209

ka 1993), njengoba ungaguqulwa noma nini ngumthetho kazwelonke ohambisana noMthethosisekelo omusha, kuzohlala kusebenza kuze kube ngumhlaka 30 ku Apreli 1999 noma uze ususwe, noma yikuphi okungenzeka kuqala kunokunye; futhi

(b) uMholi Wendabuko womphakathi obhekele indlela yomthetho wendabuko kanye nohlala ngaphansi komhlaba osendaweni yoMkhandlu sesikhashana sendawo, uMkhandlu esisemaphandleni noma omele leso uMkhandlu, esishiwo kumthetho kaHulumeni weNdawo ka 1993, futhi okhonjiswe esigabeni 182 somthethosisekelo omdala, unamandla ngokwesikhundla (ex officio) agunyazwe ukuba yilungu loMkhandlu kuze kube ngumhlaka 30 ku Apreli 1999 noma kuze kube umthetho wePhalamende usho okwahlukile kunalokhu.

(2) Isigaba 245(4) soMthethosisekelo owandulela lona siyaqhubeka nokusebenza kuze kuphelelwe ukusebenza kwalesi sigaba. Isigaba 16(5) no (6) somthetho kaHulumeni Wesikhashana weNdawo, ka 1993, angeke ususwe ngaphambi komhlaka 30 Epreli 1999.

Ukugcinwa ngokuphepha kwemithetho yePhalamende neyezifundazwe

27. Izigaba 82 no 124 zoMthethosisekelo omusha azithikamezi ukugcinwa ngokuphepha kwemithetho yePhalamende noma yesifundazwe eyamukelwe ngaphambi kokuthi uMthethosisekelo omusha uqale ukusebenza.

Ukubhaliswa kwempahla engagudluki yoMbuso

28. (1) Ekwakhiweni kwesitifiketi ngabasemagunyeni sokuthi impahla engagudluki yoMbuso imisiwe ngokomthetho kahulumeni kulandelwa isigaba 239 somthethosisekelo omdala, Unobhala wamafa kufanele abhale lokhu kushintshana noma izivumelwano noma amanye amaphepha okubhalisa impahla yoMbuso engagudluki egameni lalowo hulumeni.

(2) Akukho nhlawulo, imali ekhokhwayo noma ezinye izindleko ezikhokhwayo mayelana nokubhaliswa okubekwe kwingxenyanana (1).

Okujotshelelwe A

Ushintsho kwiSheduli 2 yoMthethosisekelo owandulela lona

1. Ukufakwa esikhundleni sika (1) loku okulandelayo:

“1. Amaqembu abhalise ngokusho komthetho kazwelonke futhi emela ukhetho loMkhandlu kaZwelonke, kufanele aphakamise abamele ukhetho kuluhlu lwabamele ukhetho olwenziwe ngokulandela izimiso zale Sheduli nomthetho kazwelonke.”

2. Ukufakwa esikhundleni sika (2) loku okulandelayo:

“2. Izihlalo eMkhandlwini kaZwelonke njengoba kunqunywe kwisigaba 46 soMthethosisekelo omusha, zizogwaliswa ngalendlela:

(a) Ingxenywe yezihlalo evela kuluhlu lwezifundazwe lweqembu ngalinye, kube kunenani elimile lezihlalo elibekelwe isifundazwe ngasinye njengoba kunqunywe yiKhomishana inqumela ukhetho oluzayo loMkhandlu, ibhekelele ulwazi olukhona maqondana nabavoti kanye neziphakamiso ezivela ebantwini.

(b) Ingxenywe yesibili yezihlalo ezivela kuluhlu lukazwelonke olufakwe yiqembu ngalinye, noma uluhlu lwesifunda uma uluhlu lukaZwelonke lungangeniswanga.”

3. Ukufakwa esikhundleni sika (3) loku kulandelayo:

“3. Uluhlu lwabamele ukhetho olungeniswa yiqembu, kufanele libenesamba samagama esingeqile enanini lezihlalo ezikhona eMkhandlwini kaZwelonke, futhi uluhlu ngalinye luhlela amagama ngendlela efiswa yiqembu elifake lolo luhlu.”

4. Ukushintshwa kuka (5) ngokufakelwa kwamagama alandelayo esikhundleni salawo angaphambi kwesigaba (a);.

“5. Izihlalo okukhulunywa ngazo ku 2(a) kufanele zabelwe amaqembu amele ukhetho ngokwezifundazwe, ngale ndlela elandelayo.”

5. Ukushintshwa kuka 6 –

(a) ngokufaka esikhundleni amagama angaphambi kwesigaba (a) lamagama alandelayo:

“6. Izihlalo okukhulunywa ngazo ku 2(b) zizokwabelwa amaqembu amele ukhetho ngendlela

elandelayo:” ; futhi

(b) ngokufaka esikhundleni sesigaba (a) okulandelayo:

“(a) Isabelo samavoti sesihlalo ngasinye sizobalwa ngokwehlukana isamba samavothi afakwe ngokukazwelonke ngenani lezihlalo ezikuMkhandlu kaZwelonke, kuhlangukane nesisodwa, bese umphumela uhlangukane nokukodwa, kuzitshwe insalela engaphelele, kuzoba yisona isabelo samavoti aya esihlalweni ngasinye.”.

6. Ukushintshwa kuka 7(3) ngokufaka esikhundleni sesigaba (b) okulandelayo:

“(b) Isabelo samavoti esihlalweni ngasinye esishintshiwe sizobalwa ngokwehlukana isamba samavoti afakwe ngokukazwelonke, kususwe isamba samavoti afakelwe iqembu okukhulunywa ngalo esigabeni (a) ngokukazwelonke, ngenani lezihlalo kuMkhandlu, kuhlangukane nesisodwa, bese kususwa inani lezihlalo eligcine labelwe iqembu elishiwo njengokusho kwesigaba (a).”.

7. Ukufakwa esikhundleni sika 10 kwaloku okulandelayo:

“10. Inani lezihlalo kwisishayamthetho sesifundazwe ngasinye lizoba njengoba kunquniwe ngokusho kwesigaba 105 soMthethosisekelo omusha.”.

8. Ukufakwa esikhundleni sika 11 kwalokhu okulandelayo”

“11. Amaqembu abhaliswe ngokusho komthetho kazwelonke futhi emele ukhetho lwesishayamthetho sesifundazwe, kufanele aphakamise abamele ukhetho lwaleso sishayamthetho sesifundazwe kuluhlu lwesifundazwe oluhlelwe ngokuhambisana nale Sheduli kanye nomthetho kaZwelonke.”.

9. Ukufakwa esikhundleni sika 16 kwalokhu okulandelayo:

“Ukubekwa kwabameleli

16. (1) Emva kokubalwa kwamavoti, inani labameleli bamaqembu ahlukahlukile selitholakele nomphumela wokhetho usumenyezwe njengokusho kwesigaba 190 soMthethosisekelo omusha, iKhomishana phakathi kwezinsuku ezimbili emuva kokumemezela kufanele ibeke abameleli ithatha kuluhlu lweqembu ngalinye, ishicilele njengoba kusho umthetho kaZwelonke.

(2) Emva kokubekwa kwabameleli uma ngabe igama lalowo obemele ukhetho luvela ngaphezulu koluhlu olulodwa loMkhandlu kaZwelonke noma kuluhlu loMkhandlu kanye nolwesishayamthetho sesifundazwe (uma lolu khetho lubanjwa ngesikhathi esifanayo), futhi obemele ukhetho angabekwa njengommeleli ezikhundleni ezingaphezulu kwesisodwa, iqembu elimphakamisile kufanele, phakathi kwezinsuku ezimbili lisho ukuthi lowo muntu kufanele abekwe ngaluphi uluhlu noma ukuthi uzosebenza kusiphi isishayamthetho, emva kwalokho igama lalowo muntu lizosuswa kolunye uluhlu.

(3) IKhomishana emva kwalokhu izoshicilela uluhlu lwamagama abameleli kwisishayamthetho noma kwizishayamthetho.”.

10. Ukushintshwa kuka 18 ngokufakwa esikhundleni sengaba (b) lengaba elandelayo

“(b) ummeleli uqokelwa ukuba yisithunywa esimile eMkhandlwini kaZwelonke weziFundazwe;”.

11. Ukufakwa esikhundleni sika 19 kwaloku okulandelayo:

“19. Izinhla zabamele ukhetho beqembu elishiwo ku 16(1) zinganezelwa kube kanye kuphele noma ngasiphi isikhathi phakathi kwezinyanga zokuqala ezingu 12 emuva kokuthi ukuqokwa kwabameleli njengokusho kuka 16 kuqediwe, ukuze kugcwaliswe izikhala ezivela zingalindelwe: Kodwa lokho kunezelwa kufanele kwenziwe ekugcineni koluhlu.”.

12. Ukufakwa esikhundleni sika 23 kwalokhu okulandelayo:

“Izikhala

23. (1) Uma kwenzeka kuba nesikhala kwisishayamthetho esithintwa yile Sheduli, iqembu elaphakamisa ilungu elishiyayo lizogcwalisa isikhala ngokuphakamisa omunye umuntu –

(a) ogama lakhe likhona kuluhlu lwabamelele ukhetho lolo ayephakanyiswe kulo lowo oshiyayo; futhi

- (b) ongolandelayo kuluhlu ovunyelwe futhi okhona ukuze agcwalise isikhala.
- (2) Isiphakamiso sokugcwalisa isikhala kufanele sinekezwe uSomlomo sibhalwe phansi.
- (3) Uma iqembu elimelwe kwisishayamthetho lishabalala noma liyeka ukuba khona njengeqembu futhi amalungu alelo qembu eshiya izihlalo zawo ngenxa ka 23A(1) izihlalo lezo kufanele zabelwe amaqembu asele njengokuvuma kwezimo, sengathi lezozihlalo zishiywe njengokuvuma kwesimo, sengathi lezozihlalo zishiywe njengoba kushiwo ku 7 noma 14, kuya ngesimo esivelile.”.

13. Ukufakelwa kwalokhu okulandelayo emuva kuka 23:

“Izizathu ezinezezalwe zokulahlekelwa ngubulungu besishayamthetho

23A. (1) Umuntu ulahlekelwa ngubulungu besishayamthetho esithintwa yile Sheduli uma lowo muntu eyeka ukuba yilungu leqembu elaphakamisa lowo muntu njengelungu laleso sishayamthetho.

(2) Nangaphandle kokushiwo ku (1) ngenhla, noma yiliphi iqembu lepolitiki elikhona lingalishintsha igama lalo noma ngasiphi isikhathi.

(3) Umthetho we Phalamende ungashaywa phakathi kwesikhathi esamukelekile emuva kokuthi umthethosisekelo omusha uqale ukusebenza, ngokuhambisana nesigaba 76(1) soMthethosisekelo omusha ukuze ushintshe okuqokethwe ku 23 ukuhlinzekela indlela engenza ukuthi ilungu lesishayamthetho eliyeka ukuba yilungu leqembu elaliphakamise lelolungu likwazi ukuqhubeka nobulungu balesosishayamthetho.

(4) Umthetho wePhalamende oshiwo ku (3) ngenhla ungahlinzekela nokuthi –

(a) noma yiliphi iqembu elikhona lihlangane nelinye iqembu kube yiqembu elilodwa; noma

(b) yiliphi iqembu lehlukane libe ngamaqembu angaphezulu kwelilodwa.”.

14. Ukucinywa kuka 24

15. Ukushintshwa kuka 25 –

(a) ngokufakwa esikhundleni sencazelo ka “Khomishana” kwale ncazelo elandelayo:

“iKhomishana” ichaza iKhomishana yoKhethe eshiwo esigabeni 190 soMthethosisekelo omusha;”;

futhi (b) ngokufaka incazelo elandelayo emuva kwencazelo ka “uluhlu lukazwelonke:”

““uMthethosisekelo omusha’ uchaza uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;”.

16. Ukucinywa kuka 26.

Okujotshelwe B

uHulumeni woBumbano: Umkhakha kazwelonke

1. Isigaba 84 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ezilandelayo ukwenezela kwesikhona:

“(3) uMongameli kufanele abonisane namaSekela kaMongameli –

(a) ekuthuthukiseni nasekuphoqeeleni imigomo kahulumeni kazwelonke;

(b) kuzo zonke izindaba eziphathelene nokuphathwa kweKhabhinethi nokwenziwa komsebenzi weKhabhinethi;

(c) ekwabeni kwemisebenzi kumaSekela kaMongameli;

(d) ngaphambi kokuqokela ezikhundleni ngaphansi koMthethosisekelo noma komthetho noma yimuphi, kubandakanya ukuqokwa komele izwe kwamanye amazwe;

(e) ngaphambi kokuqoka amakhomishana ophenyo;

(f) ngaphambi kokubiza inhlolovo; futhi

(g) ngaphambi kokuxolela noma ukukhululwa kwalabo abangwetshiwe.”.

2. Isigaba 89 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ngaphezu kwalezo ezikhona:

“(3) Izigatshana (1) no (2) ziyasebenza nakwiSekela likaMongameli.”.

3. Isigaba (a) sesigaba 90(1) soMthethosisekelo omusha sithathwa ngokuthi sifundeka

ngendlela elandelayo:

“(a) iSekela likaMongameli eliqokwe ngu Mongameli;”.

4. Isigaba 91 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngalendlela:

“iKhabhinethi

91. (1) IKhabhinethi yakhiwe nguMongameli, ngamaSekela kaMongameli kanye –

(a) noNgqongqoshe abangeqile ku 27 abangamalungu oMkhandlu kaZwelonke futhi beqokwe njengokusho kwezigatshana (8) kuya ku (12); kanye

(b) noNgqongqoshe ongeqile koyedwa ongelona ilungu loMkhandlu ka Zwelonke oqokwe njengokusho kwesigatshana (13), kodwa nguMongameli, ebonisana neSekela likaMongameli nabaholi bamaqembu abambe iqhaza, ngokubona kufanele ukuqokwa kwalowo Ngqongqoshe.

(2) Iqembu ngalinye elinezihlalo okungenani ezingu 80 emkhandlwini kaZwelonke linelungelo lokuqoka isekela likaMongameli phakathi kwamalungu oMkhandlu.

(3) uma lingekho iqembu elinezihlalo ezingu 80 noma ezingaphezulu eMkhandlwini, iqembu elinezihlalo eziningi kunawo wonke neqembu elinenani elilandelayo lezihlalo ngalinye linelungelo lokuqoka iSekela likaMongameli elilodwa phakathi kwamalungu oMkhandlu.

(4) Uma seliqokiwe iSekela likaMongameli lingakhetha ukuhlala liyilungu loMkhandlu noma ukuyeka ubulungu.

(5) ISekela lika Mongameli lingasebenzisa amandla futhi lenze imisebenze abekelwe isikhundla seSekela likaMongameli nguMthethosisekelo noma abelwe lesi sikhundla nguMongameli.

(6) ISekela likaMongameli liba sesikhundleni –

(a) kuze kube ngumhlaka 30 Epreli 1999 ngaphandle uma kufakwe omunye esikhundleni sakhe noma ebuyiselwe emuva yiqembu elinelungelo lokwenza isiphakamiso njengokusho kwesigatshana (2) noma (3); noma

(b) kuze kubeyisikhathi lapho umuntu okhethelwe ukuba nguMongameli emuva kokhetho loMkhandlu kaZwelonke olubanjwe ngaphambi komhlaka 30 Epreli 1996, ethatha esikhundla.

(7) Isikhala esikhundleni seSekela likaMongameli singagcwaliswa yiqembu eliphakamise lelo Sekela likaMongameli.

(8) Iqembu elinezihlalo ekungenani ezingu 20 eMkhandlwini kaZwelonke futhi elinqume ukubamba iqhaza kuhulumeni wobumbano, linelungelo lokwabelwa isikhundla esisodwa noma ngaphezulu seKhabhinethe, esiqokelwa oNgqongqoshe abashiwo kwisigatshana (1)(a), ngendlela ehambisanayo nenani lezihlalo zalelo qembu eMkhandlwini kaZwelonke uma kuqhathaniswa nenani lezihlalo zamanye amaqembu abamba iqhaza.

(9) Izikhundla zeKhabhinethe kufanele zabelwe iqembu ngalinye elibambe iqhaza ngokulandela uhlelo lokubala olulandelayo:

(a) Isabelo sezihlalo esiqondene nesikhundla ngasinye kufanele sibalwe ngokwehlukana inani eliphelele lezihlalo kuMkhandlu kaZwelonke elibanjwe yiwowonke amaqembu abambe iqhaza ngenani lezikhundla ezizoqokelwa oNgqongqoshe abashiwo esigatshaneni (1) (a) bese kuhlanganiswa noyedwa.

(b) Umphumela, kunganakwa izingxenye kusukela enombolweni yesithathu nezilandelayo, uma zikhona izabelo zezihlalo zesikhundla ngasinye.

(c) Inani lezikhundla ezizokwabelwa iqembu elibamba iqhaza ngalinye linqunywa ngokwehlukana inani eliphelele lezihlalo zaleloqembu kuMkhandlu kaZwelonke ngesabelo esishiwo kwisigaba (b).

(d) Umphumela, ngaphandle kokushiwo kwingaba (e), ukhomba inani lezikhundla okufanele zabelwe leloqembu.

(e) Uma ukusetshenziswa kohlelo lokubala olungenhla kugcina kunensalela engathathwanga yinani lezikhundla ezabelwe iqembu, leyonsalela iqhudelana nezinye izinsalela ezifana nayo zelinye iqembu noma zamanye amaqembu, futhi izikhundla noma yiziphi, ezisele zingabiwanga kufanele zabelwe iqembu noma amaqembu athintekile ngokulandela insalela enkulu kunazo zonke.

- (10) UMongameli emuva kokubonisana namaSekela kaMongameli kanye nabaholi bamaqembu abamba iqhaza kufanele –
- (a) anqume ngezikhundla ezizokwabelwa iqembu elibamba iqhaza ngalinye ngokulandela inani lezikhundla eza belwe amaqembu ngokusho kwesigatshana (9);
 - (b) aqoke maqondana naleso sikhundla ngasinye ilungu lo Mkhandlu kaZwelonke eliyilungu leqembu elabelwe lesi sikhundla ngaphansi kwesigaba (a), njengoNgqongqoshe obhekelele lesi sikhundla;
 - (c) uma kubanesidingo ngezizathu zoMthethosisekelo noma ngenxa yokubusa kahle kukahulumeni, ashintshe noma yisiphi isinqumo ngaphansi kwesigaba (a), ngaphandle kokushiwo esigatshaneni (9);
 - (d) aqede noma yikuphi ukuqokwa ngaphansi kwesigaba (b) –
 - (i) uma uMongameli ecelwe ukuthi enze kanjalo ngumholi weqembu, lowo Ngqongqoshe ayilungu lalo
 - (ii) uma kunesidingo ngezizathu zoMthethosisekelo noma ngenxa yokubusa kahle kukahulumeni; noma
 - (e) agcwalise isikhala esikhundleni sikaNgqongqoshe, uma kunesidingo, ngaphandle kokushiwo kwisigaba (b).
- (11) Isigatshana (10) kufanele siphophelelwe ngomoya oqukethwe kumqondo wohlobo lukahulumeni olunguhulumeni wobumbano futhi uMongameli kanye nabanye abawusebenzelayo abathintekile, kufanele uma bephophelela lesi sigatshana bazame ukuthola ukuvumelana: kungatholakali maqondana –
- (a) nokusetshenziswa kwamandla ashiwo kwisigaba (a), noma (d) (ii) kuleso sigatshana, isinqumo sikaMongameli siyabusa;
 - (b) ukusetshenziswa kwamandla ashiwo kwisigaba (b), (d) (i) noma (e) kuleso sigatshana athinta umuntu ongesilo ilungu leqembu likaMongameli, isinqumo somholi weqembu lowo muntu ayilungu lalo siyabusa, futhi
 - (c) ukusetshenziswa kwamandla ashiwo kwingaba (b) noma (e) kuleso sigatshana athinta umuntu oyilungu leqembu lika Mongameli, isinqumo sikaMongameli siyabusa.
- (12) Uma isinqumo ngokwabiwa kwezikhundla sishintshwa ngaphansi kwesigatshana (10)(c), oNgqongqoshe abathintekile kufanele bashiye izikhundla zabo kodwa bavunyelwe, uma kungenzeka ukuthi baqokwe kabusha, kwezinye izikhundla ezabelwe amaqembu abo ngalinye ngokusho kwesinqumo esishintshiwe.
- (13) UMongameli –
- (a) ebonisana namaSekela kaMongameli kanye nabaholi bamaqembu abamba iqhaza, kufanele
 - (i) anqume ukuthi uNgqongqoshe oshiwo kwisigatshana (1) (b) uzophatha isikhundla siphu uma kunesidingo emuva kwesinqumo sikaMongameli ngaphansi kwale so sigatshana;
 - (ii) aqoke maqondana naleso sikhundla umuntu ongelona ilungu loMkhandlu kaZwelonke, njengoNgqongqoshe obhekelele lesi sikhundla;
 - (iii) agcwalise, uma kunesidingo, isikhala esiqondene naleso sikhundla, noma
 - (b) emuva kokubonisana namaSekela kaMongameli kanye nabaholi bamaqembu abambe iqhaza, kufanele afinyelele esinqunyweni nganoma yikuphi ukuqoka okungaphansi kwesigaba (a) uma kubanesidingo ngezizathu zoMthethosisekelo noma zokubusa kahle kukahulumeni.
- (14) Imihlangano yeKhabhinethe kufanele yenganyelwe nguMongameli, noma, uma uMongameli esho kanjalo, kube yisekela likaMongameli: Kodwa amaSekela kaMongameli ayashintshisana ngokwengamela imihlangano yeKhabhinethe ngaphandle uma ukuphuthuma kwezidingo zikahulumeni kanye nomoya oqukethwe ngumqondo wohlobo likahulumeni olunguhulumeni wobumbano, kudinga ukuthi kwenzeka ngenye indlela.
- (15) Ikhabinethi kumele lisebenze ngendlela ecabangela ukutholakala komoya kokuvumelana ngokwesimiso sikahulumeni wobumbano futhi njengokwesidingo sokuba nohulumeni osebenza

ngendlela efanele.”.

5. Isigaba 93 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngalendlela elandelayo:

“Ukuqokwa kwamaSekela oNgqongqoshe

93. (1) UMongameli, emuva kokubonisana namaSekela oMongameli kanye nabaholi bamaqembu abamba iqhaza kwiKhabhinethi, angamisa izikhundla zobusekela bukangqongqoshe.

(2) Iqembu linelungelo lokwabelwa isikhundla esisodwa noma ezingaphezulu zobusekela bukangqongqoshe ngamanani alinganayo kanye nangendlela efana naleyo esentshenziselwe ukwabiwa.kwezikhundla zeKhabhinethe.

(3) Izimiso zezigaba 91 (10) kuya (12) zisebenza noshintsho olufanele maqondana namaSekela oNgqongqoshe, futhi kulokho kusetshenziswa uma kuleso sigaba kukhulunywa ngoNgqongqoshe noma isikhundla sikaNgqongqoshe noma isikhundla seSekela likaNgqongqoshe, ngokuqondana.

(4) Uma umuntu eqokwe njengeSekela likaNgqongqoshe lanomayisiphi isikhundla esinikezwe uNgqongqoshe –

(a) lelo Sekela likaNgqongqoshe kufanele ngegama lalowo Ngqongqoshe, lisebenzise futhi lenze noma yimaphi amandla noma imisebenzi eyabelwe lowo Ngqongqoshe ngokusho konthetho noma yimuphi noma ngenye indlela uNgqongqoshe angabela ngayo iSekela likaNgqongqoshe ngokuhambisana nemiyalelo kaMongameli; futhi

(b) noma yimuphi umthetho okhuluma ngalowo Ngqongqoshe kufanele uhunyushwe ngokuthi ubandakanye iSekela lika Ngqongqoshe elibambe ngokusho kwesabelo ngaphansi kwesigaba (a) sikaNgqongqoshe obanjelwe yilelo Sekela likaNgqongqoshe.

(5) Uma iSekela likaNgqongqoshe lingekho noma ngesizathu esithile lingakwazi ukusenbenzisa noma ukwenza noma yimaphi amandla noma imisebenzi yesikhundla, uMongameli angaqoka noma yiliphi elinye iSekela likaNgqongqoshe noma omunye umuntu noma yimuphi ukuba abambe isikhundla saleloSekela likaNgqongqoshe sonke, ngokujwayelekile noma maqondana nokusetshenziswa noma ukwenziwa kwanoma yimaphi amandla noma imisebenzi ebaluliwe.”.

6. Isigaba 96 soMthethosisekelo omusha sithathwa ngokuthi siqukethe lezi zigatshana ezilandelayo ezinezezelwe:

“(3) ONgqongqoshe baphendula ngamunye kuMongameli futhi naku Mkhandlu kaZwelonke maqondana nokuphathwa kwezikhundla zabo, futhi wonke amalungu eKhabhinethe aphenhula njengembumba maqondana nokwenziwa kwemisebenzi kahulumeni kazwelonke kanye nangemigomo yawo.

(4) ONgqongqoshe kufanele baphathe izikhundla zabo ngokulandela imigomo enqunywe yiKhabhinethi.

(5) Uma uNgqongqoshe ehluleka ukuphatha isikhundla ngokuhambisana nomgomo weKhabhinethe, uMongameli angafuna ukuthi uNgqongqoshe othintekile aqondise ukuphathwa kwaleso sikhundla ukuze kuhambisane nalowo mgomo.

(6) Uma uNgqongqoshe othintekile ehluleka ukuhlangabezana nezidingo zikaMongameli ngaphansi kwesigatshana (5), uMongameli angamususa uNgqongqoshe esikhundleni –

(a) uma kunguNgqongqoshe oshiwo esigabeni 91(1)(a), emuva kokubonisana noNgqongqoshe futhi, uma uNgqongqoshe engelona ilungu leqembu likaMongameli noma engeyena umholi weqembu elibamba iqhaza, futhi emuva kokubonisana nomholi weqembu lalowo Ngqongqoshe; noma

(b) uma kunguNgqongqoshe oshiwo esigabeni 91(1)(b), emuva kokubonisana namasekela kaMongameli nabaholi bamaqembu abamba iqhaza.”.

Okujotshelwe C

UHulumeni woBumbano Umkhakha Wesifundazwe

1. Isigaba 132 soMthethosisekelo omusha sithathwa ngokuthi sifundeka ngendlela elandelayo:

“IsiGungu esikhulu sesifundazwe

132. (1) Isigungu esikhulu sesifundazwe sakhiwe nguNdunankulu kanye namalungu angevile kwayishumi aqokwe nguNdunankulu ngokumayelana nalesi sigaba.

(2) Inhlangano enezihlalo okungenani ezingamaphesenti ayishumi kwisishayamthetho sesifundazwe abanqume ukuzibandakanya nohulumeni wobumbano, banegunya lokunikwa isikhundla esisodwa noma ngaphezulu kuMkhandlu esikhulu ngokulingana nenani lezihlalo zenhlangano kwisishayamthetho okuncike enanini lezihlalo zezinye izinhlangano ezibambe iqhaza kwisishayamthetho.

(3) Izikhundla kwiSigungu Esikhulu kumele zabiwe kwizinhlangano ezibambe iqhaza njengoba kushiwo esigabeni 91 (9), futhi uma kusetshenziswa lowo mthetho oshiwo kuleso sigaba: –

(a) somkhandlu kaHulumeni, kufanele ifundwe ngokubheka kuMkhandlu eSikhulu;

(b) sikaNgqongqoshe, kufanele ifundwe ngokubheka ilungu lesiGundu eSikhulu; futhi

(c) somkhandlu ka Zwelonke, kufanele ufundwe ngokubheka kwisishayamthetho sesifundazwe.

(4) UNdunankulu Wesifundazwe kufanele, emva kokuxhumana nabaholi bezinhlangano ezibamba iqhaza, enze lokhu –

(a) anqume izikhundla eziqondene ngqo nokufunekayo azozinika izinhlangano ezibambe iqhaza ngendlela eshiwo yisigatshana (3);

(b) aqoke ngokwesikhundla ngasinye, ilungu lesishayamthetho elimele inhlangano okungukuthi leso sikhundla sikhishwe ngokwesigaba (a), leli lungu lizoba njengelungu loMkhandlu eSikhulu eliqokelwe leso sikhundla;

(c) uma kuba khona isidingo ngenxa yomthethosisekelo noma ngenxa kahulumeni olungile, ahlukalise noma yikuphi ukuqoka okungaphansi kwesigaba (a); okuncike kwisigatshana (3);

(d) aphelelise ukuqoka okushiwo kwisigaba (b) –

(i) uma uNdunankulu eceliwe ukwenzenjalo ngumholi wenhlangano okungukuthi lelo lungu okukhulunywa ngalo liyilungu loMkhandlu eSikhulu; noma

(ii) uma kuba nesidingo ngenxa yomthethosisekelo noma ngenxa kahulumeni omuhle; noma

(e) agcwalise, uma kunesidingo, okungukuthi kuncike kwisigaba (b); isikhundla ehovisi lelungu loMkhandlu eSikhulu.

(5) Isigatshana (4) kufanele sisetshenziswe ngomoya ongaphakathi kuHulumeni woBumbano, kanti futhi uNdunankulu nabanye asebenza nabo abathintekile kufanele ekusebenziseni kwesigatshana, azuze ukuvumelana kwabo bonke zikhathi zonke: Ngaphandle uma ukuvumelana kungeke kwazuzeka ngenxa yalokhu –

(a) ukusebenzisa amandla ashiwo kusiqephu (a), (c) noma (d) (ii) saleso sigatshana isinqumo sikaNdunankulu singumnqamulajuqu;

(b) ukusebenzisa amandla ashiwo kusiqephu (b), (d) (i) noma (e) sesigatshana esithinta umuntu ongelona ilungu lenhlangano kaNdunankulu, isinqumo soMholi wenhlangano nesalowo muntu othintekile, singumnqamulajuqu; futhi

(c) ukusebenzisa amandla ashiwo kusiqephu (b) noma (e) saleso sigatshana esithinta umuntu oyilungu lenhlangano kaNdunankulu, isinqumo sikaNdunankulu singumnqamulajuqu.

(6) Uma ukunqunywa kokunikeza isikhundla kuhlukaniswa ngokwesigatshana 4 (c), amalungu athintekayo kufanele ashiye izikhundla zawo kodwa avumelekile lapho kunesidingo khona ukuba aqokwe kabusha kwezinye izikhundla ezinikezwe izinhlangano zabo ngokwehluka kwezinqumo.

(7) Imihlangano yoMkhandlu eSikhulu kufanele yenganyelwe nguNdunankulu wesiFunda.

(8) UMkhandlu eSikhulu kufanele sisebenze ngendlela enomoya wokuzuzisa ukuvumelana okhona kuHulumeni woBumbano, nangokwesidingo soHulumeni osebenza ngokuzikhandla.”.

2. Isigaba 136 soMthethosisekelo omusha sithathwa njengokuthi sinalezi zigatshana ezongeziwe:

“(3) Amalungu oMkhandlu eSikhulu ayazibikela ilungu ngalinye kuNdunankulu nakuSishayamthetho sesiFundazwe ngokuphathwa kwezikhundla zawo, kanti futhi wonke amalungu oMkhandlu eSikhulu ngendlela efanayo, ayazibikela esehlangene wonke ngomsebenzi awenzayo kuHulumeni wesiFunda, nangemigomo yawo.

(4) Amalungu oMkhandlu eSikhulu kufanele engamele izikhundla zawo ngokumayelana nenqubo ekhishwe uMkhandlu.

(5) Uma ilungu loMkhandlu eSikhulu lehluleka ukuphatha isikhundla salo ngokumayelana nenqubo yoMkhandlu, uNdunankulu angaba nesidingo sokuba acele ilungu elithintekile ukuba liphathe isikhundla salo ngokuhambisana nenqubo yoMkhandlu.

(6) Uma ilungu elithintekile lehluleka ukuhambisana nesidingo sikaNdunankulu esibekwe ngaphansi kwesigatshana (5), uNdunankulu angalisusa lelo lungu ehhovisi emva kokuxoxisana nalo, kanti uma ilungu lingelona elenhlango kaNdunankulu noma lingeyena umholi weqembu elibambe iqhaza, futhi emva kokuxoxisana nomholi weqembu lelungu.”.

Okujotshelwe D

Izidingo zokuphathwa kanye nezokhuphepha zomphakathi:

Izichibiyelo kwizigaba zomthethosisekelo owedlule

1. Ukuchibiyelwa kwesigaba 218 kumthetho-sisekelo owedlule –

(a) ukufaka esikhundleni sesigatshana (1) amagama andulela upharagrafu (a) ngamagama alandelayo:

“(1) Ngokumayelana nezinkomba zikaNgqongqoshe WezoKuphepha nokuVikela, uKhomishani kaZwelonke uzoba nalo mthwalo –”;

(b) ukufaka esikhundleni sepharagrafu (b) sesigatshana (1) ipharagrafu elandelayo:

“(b) ukuqokwa koKhomishani beZifundazwe;”;

(c) ukufaka esikhundleni sepharagrafu (d) sesigatshana (1) ipharagrafu elandelayo:

“(d) ukuphenya kanye nokuvimbela ubugebengu obuhleliwe noma ubugebengu obudinga uphenyo kanye nokuvimbela ubugebengu kukaZwelonke noma amakhono aphezulu;”;

(d) ukufaka upharagrafu (k) wesigatshana (1) ipharagrafu elandelayo:

“(k) ukwakhiwa kanye nokubhasojwa kophiko lwenqubo kaZwelonke ukuba iphakwe ukuze yeseke futhi ngokwesicelo sikaKhomishani wesiFundazwe;”.

2. Ukuchibiyelwa kwesigaba 219 kumthetho-sisekelo owedlule ngokufaka amagama alandelayo andulela upharagrafu (a) kwisigatshana (1):

“(1) Maqondana nesigaba 218(1), Ukhomishani wesiFunda uzobhekela lokhu –”.

3. Ukuchibiyelwa kwesigaba 224 kumthetho-sisekelo owedlule ngokufaka umbandela kwisigatshana (2) ngalo mbandela olandelayo:

“Inqobo uma lesi sigatshana sizobuyise sisebenze kumalungu ombutho wamaphoyisa anoma yiluphi uhlobo adlulisele uhlu lwabasebenzi bawo emva kokuqala ukusebenza komthetho-sisekelo waseNingizimu Afrika, ngo 1993 (umthetho ongunombolo 200 ka 1993), kodwa ngaphambi kokuvunywa komqulu womthetho-sisekelo omusha njengoba kuvezwe kwisigaba 73 salowo mthetho-sisekelo, uma inhlango yezepolitiki igxile ngaphansi kwegunya nokulawulwa noma inhlango inokuxhumana futhi igququzela izinhloso ibuye yabamba iqhaza eMkhandlwini eSikhulu Senguquko yabuye yabamba iqhaza okhethweni lokuqala Lwesishayamthetho kaZwelonke neseziFundazwe ngaphansi komthetho-sisekelo oshiwo ngenhla.”.

4. Ukuchibiyelwa kwesigaba 227 kumthetho-sisekelo owedlule ngokufaka isigatshana esilandelayo esikhundleni sesigatshana (2):

“(2) Umbutho Wezokuvikela KaZwelonke uzoba namandla futhi uzokwenza umsebenzi wawo ngokwenza lokho okuzozuza umphakathi kaZwelonke kuphela ngokumaqondana nesahluko 11 somthetho-sisekelo waseNingizimu Afrika, 1996.”.

5. Ukuchibiyelwa kwesigaba 236 kumthetho-sisekelo owedlule –
- (a) ngokufaka lesi sigatshana esilandelayo esikhundleni sesigatshana (1):
“(1) Uhulumeni, umnyango kahulumeni, ukuphathwa kukahulumeni noma eZokuphepha okwathi masinyane ngaphambi kokuqaliswa komthethosisekelo waseNingizimu Afrika, ngo 1996 (okuthiwa lapha “umthetho-sisekelo omusha”), wenza umsebenzi kahulumeni, waqhubeka nokwenza umsebenzi ngokumayelana nomthetho ohambisana nalowo msebenzi kuze kushaye isikhathi lapho uqedwa khona noma ufakwa noma uba mdibi kunoma iyiphi inhlangano efanele noma ezwakalayo noma egzile kunoma iyiphi inhlangano.”.
- (b) ngokufaka lesi sigatshana esilandelayo esikhundleni sesigatshana (6):
“(6) (a) UMongameli angaqoka ikhomishani ezobuka kabusha isiphetho noma isichibiyelo sesivumelwano, ukuqashwa noma ukukhushulelwa esikhundleni esiphakeme, noma ukuklomelisa kwesikhathi esimisiwe noma isimo sokusebenza noma ezinye izinzuzo, okwenzeka phakathi komhlaka 27 Apreli 1993 no 30 Septemba 1994 kunoma ubani okuphawulwe ngaye kwisigatshana (2) noma yiliphi izinga labantu abanjalo.
(b) Ikhomishani ingaguqula noma ichibiyele isivumelwano, ukuqashwa, ukukhushulelwa esikhundleni esiphakeme noma umklomelo uma kungalungile noma kwamukelekile esimweni salolo daba”; futhi
(c) ngokususa amagama athi, “lo Mthetho-sisekelo”, noma yikuphi lapho kuvela khona kwisigaba 236, kufakwe ukuthi, “Umthetho-sisekelo omusha”.
6. Ukuchibiyelwa kwesigaba 237 kumthetho owedlule –
- (a) ngokufaka ipharagrafu elandelayo esikhundleni sika pharagrafu (a) kwisigatshana (1):
“(a) Ukwenza zonke izinhlangano zibe ngezizwakalayo kulezo ezishiwo kwisigaba 236(1), ngaphandle kwemibutho yamasotsha eshiwo kwisigaba 224(2), kuzothi emva kokuqala ukusebenza koMthetho-sisekelo waseNingizimu Afrika wango 1996, ziqhubeke, zinombono wokwakha –
(i) ukuphatha okunqala kwezindaba eziphathelene nombuso wakuleli; futhi
(ii) ukuphatha okunqala kwesiFundazwe ngasinye ukuze kubhekelle izindaba ezingaphansi kwesiFundazwe ngasinye.”; futhi
(b) ngokufaka ipharagrafu elandelayo esikhundleni sika pharagrafu (i) wesigatshana (2)(a):
“(i) izinhlangano ezishiwo kwisigaba 236(1), ngaphandle kwemibutho yamasotsha, zizoba ngaphansi kukahulumeni kaZwelonke, ozobusa ehlanganyele nohulumeni beziFundazwe.”.
7. Ukuchibiyelwa kwesigaba 239 kumthetho owedlule ngokufaka lesi sigatshana esilandelayo esikhundleni sesigatshana (4):
“(4) Maqondana futhi nokumayelana nanoma yimuphi umthetho, impahla, amalungelo, imisebenzi kanye nezindleko zayo yonke imibutho eshiwo kwisigaba 224(2) zizokwehlela phezu Kombutho Wezokuvikela kaZwelonke ngokumayelana nokulawulwa nguNgqongqoshe weZokuvikela.”.

ISHEDULI 7

IMITHETHO ECHITHIWE

INOMBOLO KANYE ISIHLOKO SOMTHETHO

NONYAKA YOMTHETHO

Umthetho 200 ka 1993. Umthetho-sisekelo waseNingizimu Afrika, 1993

Umthetho 2 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Umthetho Ochibiyelwe, 1994

Umthetho 3 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesibili, 1994

Umthetho 13 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesithathu, 1994

Umthetho 14 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesine, 1994

Umthetho 24 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesithupha, 1994

Umthetho 29 ka 1994. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesihlanu, 1994
Umthetho 20 ka 1995. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe ngo 1995
Umthetho 44 ka 1995. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesibili ngo 1995
Umthetho 7 ka 1996. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe ngo 1996
Umthetho 26 ka 1996. Umthetho-sisekelo waseNingizimu Afrika,. Ochibiyelwe okwesithathu ngo 1996

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 Ngokwesichibiyelo Sangomhlaka 11 ku Okuthoba 1996

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