INGABULA-ZIGCAWU

Thina, bantu bomZantsi Afrika,
Siyaziqonda iimeko zolwaphulo-bulungisa zamaxesha ethu adlulileyo;
Sibanika imbeko abo beva ubunzima bebulalekela ubulungisa nenkululeko elizweni lethu;
Siyabahlonela abo bathi basebenzela ukwakha nokuphuhlisa ilizwe lethu; kwaye
Sikholelwa ekubeni umZantsi Afrika ngowethu sisonke thina sihlala kuwo, simanyene nangani siziintlobo ngeentlobo.
Thina ke ngoko, ngabameli bethu abanyulwe ngokukhululekileyo, siyawuvuma lo mGaqo-siseko ukuba ungowona mthetho wongameleyo weRiphabliki ukuze –
Ungcibe udibanise izantlukwano zangaphambili uze wakhe uluntu olusekwe kwizithethe ezixabisekileyo zedemokhrasi, ubulungisa kwezentlalo namalungelo abantu asisiseko;
Wenze isiseko soluntu oluphila ngendlela yedemokhrasi nolwenza izinto elubala apho urhulumente asekelwe kwintando yabantu nalapho wonke ummi ekhuselwe ngokulinganayo ngumthetho;
Uphucule ixabiso lokuphila kwabo bonke abemi, uze uvumele ukusebenza kwesakhono somntu ngamnye; kanjalo
Wakhe umZantsi Afrika omanyeneyo nonedemokhrasi onakho ukuthabatha indawo yawo efanelekileyo njengelizwe elinobunganga kusapho lwezizwe ngezizwe.
Wanga uThixo angabakhusela abantu bakokwethu.
Nkosi Sikelel'iAfrika. Morena boloka setjhaba sa heso.
God seën Suid Afrika. God bless South Africa.
Mudzimu fhatutšhedza Afurika. Hosi katekisa Afrika.

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Isahluko 1
Imimiselo esisiSeko
IRiphabliki yomZantsi Afrika
1. IRiphabliki yomZantsi Afrika ililizwe elinye, elinobunganga nelinedemokhrasi elisekwe phezu kwezi zithethe zixabisekileyo zilandelayo:
(a) Isidima somntu, ukufezekiswa kokulingana kwanokuphuhliswa kwamalungelo abantu nokweendlela ngeendlela zokukhululeka kwabo.
(b) Inkqubo engenamkhethe ngokobuhlanga nangokwesini.
(c) Ukongama komGaqo-siseko nokulawula komthetho.
(d) Ilungelo jikelele lokuvota labantu abadala, umqulu wesizwe omnye wabavoti, unyulo oluthe gqolo, kunye nenkqubo yorhulumente wedemokhrasi ebandakanya amaqela ngamaqela, ukuqinisekisa ukuba kukho intembeko, ukugadwa kwentembeko nokungafihlakali.
Ukongama komGaqo-siseko
2. Lo mGaqo-siseko ngowona mthetho wongamileyo kwiRiphabliki; umthetho okanye izenzo ezingahambi kunye nawo azinamandla okusebenza, kwaye izimiselo ezimiselwe nguwo kufuneka zizalisekiswe.
Ubumi
3. (1) Kukho ubumi basemZantsi-Afrika bomntu wonke.
(2) Bonke abemi –
(a) banesabelo esilinganayo kuwo amalungelo, kwiinyhweba okanye kwiimfanelo zobumi; kanjalo
(b) bajongwe ngokulinganayo yimisebenzi naluxanduva lobumi.
(3) Uwiso-mthetho lwesizwe kufuneka lubonelele ngeendlela ngeendlela zokufumana ubumi, ukulahlekelwa bubo nokubuyiselwa kwabo.

Umhobe wesizwe

4. Umhobe wesizwe weRiphabliki umiselwa nguMongameli ngesihlokomiso.

Iflegi yesizwe

5. Iflegi yesizwe inombala omnyama, omthubi, oluhlaza, omhlophe, obomvu, kunye noblowu njengokuba kuchaziwe kwaza kwazotywa kwiShedyuli 1.

Iilwimi

6. (1) Iilwimi zoburhulumente zeRiphabliki sisiSuthu saseNtla, isiSuthu, isiTswana, isiSwati, isiVenda, isiTsonga, isiAfrikaans, isiNgesi, isiNdebele, isiXhosa, nesiZulu.

(2) Kufuneka urhulumente akuthathele ingqalelo ukungasetyenziswa ngokwaneleyo nokuthotywa komgangatho, kwangaphambili phaya, kweelwimi zeenkobe zabantu bakowethu, aze athathe amanyathelo asebenzayo nabonakalayo, okunyusa umgangatho wazo nokutyhalela phambili ukusetyenziswa kwazo.

(3) (a) Urhulumente wesizwe noorhulumente bamaphondo bangasebenzisa naziphi na kanye iilwimi zoburhulumente ekwenzeni umsebenzi woburhulumente, bethathela ingqalelo ukusetyenziswa, ukuba nokusebenziseka, iindleko, iimeko zemimandla kunye nokulungelelana kweemfuno zabemi neelwimi abakhetha zona xa bebonke, okanye ezifunwa nezikhethwa ngabephondo elithile; kodwa urhulumente wesizwe norhulumente wephondo ngalinye kufuneka asebenzise ubuncinci iilwimi zoburhulumente zibe mbini.

(b) OoMasipala kufuneka bathathele ingqalelo iilwimi ezisetyenziswa nezikhethwa ngabemi beendawo zabo.

(4) Urhulumente wesizwe noorhulumente bamaphondo kufuneka bathi, ngomthetho nangamanye amanyathelo, balawule baze bagade ukusebenzisa kwabo iilwimi zoburhulumente. Makuthi kungashenxwanga kwimimiselo yecandelwana (2), zonke iilwimi zoburhulumente zixatyiswe ngokulinganayo, futhi ziphathwe ngokufanayo.

(5) IBhodi yeeLwimi zoNke zomZantsi Afrika esekwe ngomthetho wesizwe kufuneka –

(a) ikhuthaze, kanjalo idale iimeko zokuphuhliswa nokusetyenziswa –

(i) kwazo zonke iilwimi zoburhulumente;

(ii) kweelwimi zesiRhoyi, isiNama nesiSan; kunye

(iii) nolwimi lokuthetha ngezandla; ize kanjalo

(b) ikhuthaze ize iqinisekise ukuhlonelwa –

(i) kwazo zonke iilwimi ezisetyenziswa ngokuxhaphakileyo ngabantu ngabantu emZantsi Afrika, kubandakanywa isiJamani, isiGrike, isiGujarati, isiHindi, isiPhuthukezi, isiThamili, isiThelegu, nesiUrdu; kunye

(ii) nesiArabhu, nesiHebhere, nesiSanskriti nezinye iilwimi ezisetyenziselwa unqulo emZantsi Afrika.

Isahluko 2

IBhili yamaLungelo

Amalungelo

7. (1) Le Bhili yamaLungelo lilitye lembombo ledemokhrasi emZantsi Afrika. Iqulethe ngokukhuselekileyo amalungelo abo bonke abantu kweli lizwe lethu, kanjalo iqinisekisa izithethe ezixabisekileyo zedemokhrasi ezizezi: isidima somntu, ukulingana kwanenkululeko.

(2) Urhulumente kufuneka ahlonele, akhusele, akhuthaze aze azalisekise amalungelo akule Bhili yamaLungelo.

(3) Amalungelo akwiBhili yamaLungelo alawulwa kuphela lusikelo-mda oluqulethwe okanye olukhankanywe kwicandelo 36, okanye kwenye indawo kwalapha kule Bhili.

Ukusebenza kwayo

8. (1) IBhili yamaLungelo isebenza kuwo wonke umthetho kwaye ibophelela ezowiso-mthetho, ezolawulo, iijaji kwakunye nawo onke amaziko karhulumente.

(2) Ummiselo okwiBhili yamaLungelo ubophelela umntu wokwenene okanye into ethathwa

njengomntu ukuba lo mmiselo unakho, nakangangokuba unakho, xa kuthathelwa ingqalelo uhlobo lwelungelo kunye nohlobo lwawo nawuphi na umsebenzi omiselwe lilungelo elo.

(3) Xa kusetyenziswa ummiselo othile weBhili yamaLungelo kumntu wokwenene okanye kwinto ethathwa njengomntu ngokwecandelwana (2), inkundla –

(a) ukuze yenze ilungelo elithile elikwiBhili le lisebenze, kufuneka isebenzise okanye, ukuba kuyimfuneko, iphuhlise umthetho woluntu apho elo lungelo lingafezekiswayo ngumthetho oqingqiweyo; kanjalo

(b) ingaphuhlisa imigaqo yomthetho woluntu yokulisikela umda ilungelo, kodwa kuthi kanti oko kusikelwa umda kuhambisana necandelo 36(1).

(4) Into ethathwa njengomntu ifanelwe ngokomthetho ngamalungelo akwiBhili yamaLungelo kangangoko kuyimfuneko ngokohlobo lwamalungelo lawo, nangokohlobo lwaloo nto ithathwa njengomntu ngokomthetho.

Ukulingana

9. (1) Wonke ubani ulingana nomnye phambi komthetho kwaye unelungelo lokukhuselwa nelokuncedeka ngokulinganayo emthethweni.

(2) Ukulingana kubandakanya ukuxhamla ngokupheleleyo nangokulinganayo onke amalungelo kunye nokukhululeka kwizinto-yinto. Ukukhuthaza ukufezekiswa kokulingana, kungawiswa umthetho, kuthathwe namanye amanyathelo anjongo ikukukhusela okanye ukuqhubela phambili abantu, okanye iindidi zabantu, abadlelwa indlala ngenxa yocalu-calulo olunesheyi.

(3) Urhulumente akufuneki acalule ngesheyi, nokuba kungokuthe ngqo okanye ngokungathanga ngqo, nawuphi na umntu ngenxa yesizathu okanye yezizathu ezibandakanya ubuhlanga, isini, ukukhulelwa, imo yomtshato, imvelaphi ngokobuhlanga okanye ngokwasekuhlaleni, ibala, uhlobo lokuthandana alukhethayo umntu, ubudala, ukukhubazeka, inkolo, isazela, inkolelo, ukuphila ngokwezithethe namasiko, ulwimi, nokuzalwa.

(4) Akukho mntu uvumelekileyo ukuba acalule ngesheyi, ngokuthe ngqo okanye ngokungathanga ngqo, nabani na ngesizathu okanye ngezizathu ezikwicandelwana (3). Kufuneka kwenziwe umthetho wesizwe wokuthintela okanye wokuvalela ucalulo ngendlela enesheyi.

(5) Ucalulo ngesizathu esinye okanye ezingaphezulu ezikwicandelwana (3) lunesheyi ngaphandle kokuba kufunyaniswe okokuba olo calulo alunasheyi.

Isidima somntu

10. Wonke ubani unesidima semvelo, kunye nelungelo lokuhlonitshwa nokukhuselwa kwesidima sakhe.

Ubomi

11. Wonke ubani unelungelo lokuba adle ubomi.

Inkululeko nokhuseleko lomntu

12. (1) Wonke ubani unelungelo lenkululeko nokhuseleko lobuntu, elibandakanya ilungelo –

(a) lokungavalelwa kwenkululeko yakhe kungakhange kube kho luthethwano okanye kungekho sizathu sinobulungisa;

(b) lokungabanjwa avalelwe enganikwanga thuba lokuvela enkundleni yamatyala;

(c) lokukhululeka kuzo zonke iintlobo zogonyamelo ezivela kuwonke-wonke okanye emntwini ngamnye;

(d) lokungangcungcuthekiswa nangayiphi na indlela;

(e) nelokungaphathwa okanye ohlwaywe ngendlela ekhohlakeleyo, engenabuntu okanye ethoba isidima.

(2) Wonke ubani unelungelo ekubeni nesihomo ngokwasemzimbeni nasengqondweni, nto leyo ibandakanya ilungelo –

(a) lokwenza izigqibo mayela nokuzala;

(b) lokhuseleko nolawulo lwemizimba yabo;

(c) nokungasetyenziselwa luphando ngokufunisela malunga nezonyango okanye ezobunzululwazi, ngaphandle kwemvume yakhe ayinike eyiqonda kakuhle into avuma yona.

Ubukhoboka, imbopheleleko nokusebenza ngokunyanzelwa

13. Akukho bani makenziwe ikhoboka, asetyenziswe ngembophelelo okanye ngokunyanzelwa.

Impilo yomntu yangasese/yabucala; Imfihlo yomntu

14. Wonke ubani unelungelo lokuba nemfihlo yakhe, nto leyo ibandakanya ilungelo –

(a) lokungasetshwa kwakhe isiqu okanye kwekhaya lakhe;

(b) lokungasetshwa kwezinto angumninizo;

(c) lokungathathwa kwezinto zakhe; okanye

(d) lokungabhencwa konxibelelwano lwakhe lwangasese/lwabucala.

Inkululeko yezenkolo, yenkolelo neyoluvo

15. (1) Wonke ubani unelungelo lokukhululeka ngokwesazela, ngokwenkolo, ngokokucinga, ngokwenkolelo nangokoluvo.

(2) Unqulo lungenziwa kumaziko karhulumente okanye kumaziko ancedwa ngurhulumente xa ngaba –

(a) olo nqulo lulandela imigaqo ebekwe ziziphatha-mandla ezifanelekileyo zaseburhulumenteni;

(b) lwenziwa ngendlela elinganayo; kwaye

(c) ukuya kunqula kukhululekile kwaye kungokuzithandela.

(3) (a) Eli candelo aliwuthinteli umthetho owamkela –

(i) imitshato eqhutywe phantsi kwaso nasiphina isithethe okanye phantsi kwenkqubo yomthetho wezenkolo, owomntu othile okanye umthetho wekhaya elithile; okanye

(ii) iinkqubo zomthetho womntu othile, okanye owekhaya elithile, olandela nasiphina isithethe okanye ekulandelwa zona ngabantu abalandela inkolo ethile.

(b) Ulwamkelo ngokwemigaqo yomhlathi (a) kufuneka lungqamene neli candelo kwakunye neminye imithetho yomGaqo-siseko.

Inkululeko yokuvakalisa into ayicingayo umntu

16. (1) Wonke ubani unelungelo lenkululeko yokuvakalisa into ayicingayo, ebandakanya –

(a) inkululeko yamaphepha-ndaba, namanye amajelo eendaba;

(b) inkululeko yokufumana okanye yokunika abanye ulwazi okanye izimvo;

(c) inkululeko yokudala nokuvelisa ngokobuchule; kunye

(d) nenkululeko kwezemfundo nenkululeko yokwenza uphando lwezobunzululwazi.

(2) Ilungelo elikwicandelwana (1) alibandakanyi –

(a) ukuntyontyela imfazwe;

(b) ukuphembelela udushe olufukamileyo; okanye

(c) ukuhlwayela intiyo esekelwe kubuhlanga, kwisini, okanye kwinkolo, ephembelela ukwenzakalisa/ukwenziwa kobubi.

Ukuhlangana, ukubonisa ukunganeliseki kunye noxwebhu lwezikhalazo

17. Wonke ubani unelungelo, lokudibana nabanye, lokuqhankqalaza, lokupiketha nelokuhambisa uxwebhu lwezibongozo, ngendlela enoxolo kwaye engaxhobanga.

Inkululeko yokuzibandakanya

18. Wonke ubani unelungelo lokuzibandakanya ngokukhululekileyo.

Amalungelo ezopolitiko

19. (1) Wonke ummi ukhululekile ukuba azikhethele ngokwezopolitiko, oku kubandakanya ilungelo –

(a) lokuseka iqela lezopolitiko;

(b) lokuthabatha inxaxheba kwiintshukumo zeqela lezopolitiko, okanye ukufunela iqela lezopolitiko amalungu; kunye

(c) nokugayela iqela elithile lezopolitiko okanye injongo ethile yezopolitiko.
(2) Wonke ummi unelungelo kunyulo olukhululekileyo, olungenamkhethe noluthe gqolo lwalo naliphi na iziko lezowiso-mthetho elisekwe ngokomGaqo-siseko.
(3) Wonke ummi ongumntu omdala unelungelo –
(a) lokuvota kunyulo lwalo naliphi na iziko lezowiso-mthetho elisekwe ngokomGaqo-siseko, akwenze oko emfihlakalweni;
(b) nelokuzigqatsela isikhundla eburhulumenteni, nelokuba kuso isikhundla eso ukuba unyulwe.

Ubumi

20. Akukho mmi uya kubandezelwa ilungelo lakhe lobumi.

Inkululeko yokuhamba nokuhlala

21. (1) Wonke ubani unelungelo lokuhamba-hamba.
(2) Wonke ubani unelungelo lokuyishiya iRiphabliki.
(3) Wonke ummi unelungelo lokungena ahlale naphi na, kwiRiphabliki.
(4) Wonke ummi unelungelo lokuba nepaspoti.

Inkululeko yokurhweba, yempangelo neprofeshini

22. Wonke ubani unelungelo lokukhetha ngokukhululekileyo umsebenzi worhwebo, impangelo, okanye iprofeshini. Ukuqhutywa komsebenzi worhwebo, impangelo okanye iprofeshini kungalawulwa ngumthetho.

Ubudlelwane kwezobusebenzi

23. (1) Wonke ubani unelungelo lokusebenza kwiimeko ezingenasheyi.
(2) Wonke ubani ongumsebenzi unelungelo –
(a) lokuseka nokujoyina umbutho wabasebenzi;
(b) lokuthabatha inxaxheba kwimisebenzi neeprogramu zombutho wabasebenzi;
(c) nelokugwayimba.
(3) Wonke ubani ongumqeshi unelungelo –
(a) lokuseka nokujoyina umbutho wabaqeshi;
(b) lokuthabatha inxaxheba kwiintshukumo neeprogramu zombutho wabaqeshi.
(4) Yonke imibutho yabasebenzi, nayo yonke imibutho yabaqeshi inelungelo –
(a) lokumisela ulawulo, iiprogramu, kunye neentshukumo zayo;
(b) lokuququzelela; kunye
(c) nelokwakha nelokujoyina umanyano oluthile.
(5) Yonke imibutho yabasebenzi, eyabaqeshi, naye wonke umqeshi unelungelo lokungenela uthethelelwano. Kungawiswa umthetho wesizwe wokulawula olu thethelelwano. Ukuba lo mthetho unelungelo olinciphisayo elikwesi Sahluko, olo nciphiso maluvumelane necandelo lama-36 (1).
(6) Umthetho wesizwe ungawavuma amalungiselelo ombutho wabasebenzi okhuseleko aqulethwe kwizivumelwano ezenzelwe onke amalungu. Ukuba umthetho unelungelo olinciphisayo elikwesi Sahluko, olo nciphiso maluvumelane necandelo 36 (1).

Indalo esingqongileyo

24. Wonke ubani unelungelo –
(a) lokungqongwa yindalo engenabungozi kwimpilo yakhe okanye kwintlalontle yakhe;
(b) lokuba indalo emngqongileyo ikhuselwe ukuze kuncedeke izizukulwana zangoku nezizayo, ikhuselwe ngamanyathelo ezomthetho afanelekileyo, kwakunye namanye amanyathelo –
(i) anqanda ukungcoliswa nokudodobaliswa kwendalo;
(ii) akhuthaza ulondolozo lwendalo; kanjalo
(iii) aqinisekisa uphuhliso oluhlala luqhuba lwezendalo kunye nokusetyenziswa kwamajelo ezendalo lo gama kukhuthazwa uphuhliso olulungileyo lwezoqoqosho nezentlalo.

Ipropati

25. (1) Akukho bani omakavaleleke ukuba abe nepropati ngaphandle kokuba oko kungqamene nomthetho osetyenziswayo jikelele, kanjalo akukho mthetho omawuvumele ukuvaleleka kokuba nepropati ngokwesigqibo esicalanye.

(2) Ipropati ingahluthwa kuphela ngokwemigaqo yomthetho osetyenziswa jikelele –

(a) ngenjongo yoburhulumente okanye ukunceda uluntu; kanjalo

(b) kube kho imbuyekezo, esixa-mali sayo, kwanexesha nendlela yokuhlawulwa kwayo ekuvunyelwene ngazo ngabo bachaphazelekayo, okanye ekugqitywe ngazo okanye ezivunywe yinkundla.

(3) Isixa-mali sembuyekezo leyo kwanexesha nendlela yokuhlawulwa kwayo kufuneka zibe zezinobulungisa nezingenasheyi, zibonise ukulungelelana okungenasheyi phakathi kwezinto ezilungele uluntu nezinto ezilungele abo bachaphazelekayo, kuthathelwa ingqalelo zonke iimeko ezinxulumeneyo, kubandakanywa –

(a) ukusetyenziswa ngelo xesha kwepropati;

(b) imbali yokufumaneka nokusetyenziswa kwayo ipropati leyo;

(c) ixabiso lentengiso lepropati leyo;

(d) ubungakanani botyalo-mali ngqo ngurhulumente kunye nenkxaso-mali ekufumaneni nasekuphuculeni ngokunenzuzo ipropati; kunye

(e) nenjongo yokuhluthwa.

(4) Ngokweli candelo –

(a) kwizinto ezilungele uluntu kubandakanywa ukuzibophelela kwesizwe kwiinguqulelo zemihlaba, nakwiinguqulelo ezizisa ukufikelela ngokulinganayo kuwo onke amajelo ezendalo omZantsi Afrika; kwaye

(b) ipropati ayiphelelanga kumhlaba kuphela.

(5) Urhulumente kufuneka athabathe amanyathelo afanelekileyo ezomthetho namanye amanyathelo, ngokweendlela anazo, ukukhuthaza iimeko ezenza ukuba abemi bafumane umhlaba ngendlela engenamkhethe/engenasheyi.

(6) Umntu okanye abantu abalungelo labo lomhlaba lingakhuselekanga ngokusemthethweni ngenxa yemithetho okanye izenzo zamandulo zocalulo ngokobuhlanga, kufanelekile, kangangoko kukho isibonelelo ngokomThetho wePalamente, ukuba umhlaba lowo ube ngowakhe/ngowabo ngokukhuselekileyo ngokwasemthethweni okanye abuyekezwe ngokufaneleneyo nelahleko yakhe/yabo.

(7) Umntu okanye abantu abaye bahluthwa ipropati yabo emva komhla we-19 kuJuni 1913 ngenxa yemithetho okanye izenzo zamandulo zocalulo ngokobuhlanga kufanelekile, kangangoko kukho isibonelelo ngokomThetho wePalamente, ukuba abuyiselwe loo propati okanye abuyekezwe alungiselelwe ngendlela enobulungisa/engenasheyi.

(8) Akukho mmiselo weli candelo unokuthi uthintele urhulumente ekuthabatheni amanyathelo omthetho okanye angamanye ukufezekisa iinguqulelo ezimalunga nomhlaba, namanzi nezinye ezinxulumene nazo ukuze kube nokulungiswa kwezenzo zocalulo lobuhlanga lwangaphambili, kuvumeleke ke kodwa ukuba kungakho ukunxaxha kwimimiselo yeli candelo, kodwa kuhambelane nemimiselo yecandelo 36(1).

(9) IPalamente kufuneka yenze le mithetho kubhekiselwe kuyo kwicandelwana (6).

Izindlu

26. (1) Wonke ubani unelungelo lokufumana indlu efanelekileyo.

(2) Urhulumente kufuneka athabathe amanyathelo afanelekileyo omthetho, kunye namanye amanyathelo, kangangokuba enakho, ukuze afezekise ukuthi gqolo kokufumaneka kweli lungelo.

(3) Akukho bani uya kukhutshwa endlwini yakhe okanye adilizelwe indlu yakhe, ngaphandle komyalelo wenkundla, okhutshwe emva kokuqwalasela zonke iimeko eziphathelelene noko. Akukho mthetho omawuvumele ukukhutshwa kwabantu ezindlwini ngokwesigqibo esicalanye.

Ulondolozo lwempilo, ukutya, amanzi nokhuseleko lwezentlalo

27. (1) Wonke ubani unelungelo lokufumana –

(a) iinkonzo zolondolozo lwempilo, kubandakanywa nolondolozo olumalunga nempilo yokuzala abantwana;

(b) ukutya kunye namanzi aneleyo;

(c) nokhuseleko lwezentlalo, olubandakanya uncedo olufanelekileyo lwezentlalo, ukuba umntu akanakho ukuzondla, yena nentsapho yakhe.

(2) Urhulumente kufuneka athabathe amanyathelo afanelekileyo omthetho, kunye namanye amanyathelo, kangangokuba enakho, ukuze afezekise ukuthi gqolo kokufumaneka kwelungelo ngalinye kula.

(3) Akukho bani omakalelwe nomakanganikwa uncedo lwezonyango olungxamisekileyo.

Abantwana

28. (1) Wonke umntwana unelungelo –

(a) lokuba negama nobuzwe ukususela ekuzalweni;

(b) lokulondolozwa likhaya, okanye ukulondolozwa ngabazali, okanye lokufumana olunye ulondolozo olufanelekileyo xa esusiwe phakathi kwekhaya;

(c) lesondlo esisisiseko, indawo yokuhlala, iinkonzo zonyango ezisisiseko, kunye neenkonzo zentlalo;

(d) lokukhuselwa kwimpatho embi, ukungahoywa, ukwenziwa into embi, okanye ukuthotywa isidima;

(e) lokukhuselwa kwizenzo zengqesho/zobusebenzi ezixhaphazayo;

(f) lokuba kungafuneki okanye angavunyelwa ukuba enze umsebenzi okanye anike iinkonzo –

(i) ezingamfanelanga umntu oneminyaka engangale yalo mntwana; okanye

(ii) ezibeka esichengeni intlalontle yalo mntwana, imfundo yakhe, impilo yakhe yasemzimbeni okanye yasengqondweni, okanye ukukhuliseka kwakhe ngokwasemoyeni, ngokwesimo okanye ngokwasentlalweni;

(g) lokungabi kho selugcinweni lwamapolisa ngaphandle kokuba oko kuba selugcinweni lwamapolisa linyathelo lokuncamela; kwimeko enjalo ke makusetyenziswe amalungelo omntwana aphantsi kwamacandelo 12 no-35, kuphinde kuqinisekiswe ukuba umntwana lowo uvalelwa okwelona xesha lifutshane lifanelekileyo, kwaye unelungelo –

(i) lokungadityaniswa nabanye abantu abavalelweyo abangaphezu kweminyaka eli-18 ubudala;

(ii) nelokuphathwa ngendlela, agcinwe kwiimeko, ezithathela ingqalelo iminyaka yakhe umntwana lowo;

(h) lokuba abe negqwetha elabelwe yena ngurhulumente nangeendleko zikarhulumente ekuxoxweni kwamatyala embambano achaphazela umntwana, ukuba ukungenziwa kwale nto kuya kudala ukungaphathwa ngabulungisa okucacileyo;

(i) nelokungasetyenziswa ngokuthe ngqo kungquzulwano ngezixhobo, nelokukhuselwa ngamaxesha ongquzulwano ngezixhobo.

(2) Ukulungelwa komntwana yeyona nto iphambili nebalulekileyo kuwo nawuphi na umbandela ophathelelene nomntwana lowo.

(3) Kweli candelo, igama elithi “umntwana” lithetha umntu ongaphantsi kweminyaka eli-18 ubudala.

Imfundo

29. (1) Wonke ubani unelungelo –

(a) lemfundo esisiseko, kubandakanywa imfundo yabantu abadala esisiseko; kunye

(b) nelemfundo ethe tyishi, ekufuneka urhulumente athi, ngamanyathelo afanelekileyo, enze ukuba ithi gqolo ukufumaneka, nokufikeleleka.

(2) Wonke ubani unelungelo lokufumana imfundo ngolwimi okanye ngeelwimi zoburhulumente azikhetheleyo, kumaziko karhulumente emfundo, apho loo mfundo inokuqhubeka khona ngendlela efanelekileyo. Ukuze kuqinisekiswe ukufikelela ngokukuko kweli lungelo, nokusetyenziswa okukuko kwalo, urhulumente kufuneka avelele zonke iinkalo zemfundo kubandakanywa amaziko afundisa ngolwimi olunye, kuthathelwe ingqalelo –

(a) ukulingana;

(b) ukuba nokwenzeka; kunye

(c) nemfuneko yokulungisa iimeko eziziphumo zomthetho wamandulo wocalulo nezenzo zawo.

(3) Wonke ubani unelungelo lokuseka agcine, ngeendleko zakhe, amaziko azimeleyo ezemfundo –

(a) angenacalu-calulo ngokobuhlanga;

(b) abhalisiweyo kurhulumente; kwaye

(c) anomgangatho ongekho ngaphantsi komgangatho wamaziko karhulumente emfundo anjengawo.

(4) Icandelwana (3) alikuvaleli ukubonelelwa ngemali ngurhulumente kwamaziko emfundo azimeleyo.

Ulwimi kunye nendlela yokuphila ngokwamasiko nezithethe

30. Wonke ubani unelungelo lokusebenzisa ulwimi azikhethela lona, nokuphila ubom ngokwamasiko nezithethe azikhethela wona, kodwa akukho namnye umntu oya kuwasebenzisa la malungelo ngendlela eyaphula nawo nawuphi na ummiselo weBhili yamaLungelo.

Abantu abanamasiko nezithethe ezithile, inkolo ethile neelwimi ezithile

31. (1) Abantu abaphila ngokwamasiko nezithethe, okanye inkolo okanye ulwimi oluthile abanakubandezelwa ilungelo lokuthi bekunye nabanye babo –

(a) bonwabe ngokwamasiko nezithethe zabo, baqhube inkolo yabo, basebenzise nolwimi lwabo; kanjalo

(b) baqulunqe, bajoyine, baqhube imibutho namanye amaziko oluntu angokwamasiko nezithethe, ngokwenkolo nangokolwimi lwabo.

(2) La malungelo akwicandelwana (1) makangasetyenziswa ngendlela engangqinelaniyo nawo nawuphi na ummiselo weBhili yamaLungelo.

Ukufikelela kulwazi

32. (1) Wonke ubani unelungelo lokufikelela –

(a) kulo naluphi na ulwazi olusezandleni zikarhulumente;

(b) nakulo naluphi na ulwazi olusezandleni zomnye umntu olufunelwa ukuze lusetyenziselwe okanye kukhuselwe nawaphi na amalungelo.

(2) Kufuneka kwenziwe umthetho wesizwe oya kuthi ufezekise eli lungelo, kanjalo ube nokubonelela ngamanyathelo afanelekileyo okuphungula umthwalo wezolawulo nowezemali kurhulumente.

Isenzo sezolawulo esinobulungisa

33. (1) Wonke ubani unelungelo kwisenzo sezolawulo esisemthethweni, esifanelekileyo, nesingenasheyi ngokomgaqo-nkqubo.

(2) Wonke ubani omalungelo akhe athe aphulwa ngenxa yesenzo esithile sezolawulo unelungelo lokuba anikwe izizathu ezibhaliweyo ngeso senzo sezolawulo.

(3) Kufuneka kwenziwe umthetho wesizwe ukufezekisa la malungelo, kwaye kufuneka –

(a) unike isibonelelo sokuqwalaselwa kwesenzo sezolawulo yinkundla yezomthetho okanye, apho kufanelekileyo, inkundla ezimeleyo nengakhethi cala;

(b) unike umsebenzi kurhulumente ukuba afezekise amalungelo akwicandelwana (1) nele-(2);

(c) ukhuthaze inkqubo yolawulo esebenza ngokunemfezeko.

Ukufikelela kwiinkundla zamatyala

34. Wonke ubani unelungelo lokuba nayiphi na imbambano enokusonjululwa ngokusetyenziswa komthetho, kugqitywe ngayo kwingxoxo esesidlangalaleni engenasheyi enkundleni okanye, apho kufanelekileyo, kwelinye iqumrhu okanye iqonga elizimeleyo nelingakhethi cala.

Abantu ababanjiweyo, abaselugcinweni lwamapolisa kunye nababekwa izityholo

35. (1) Wonke ubani obanjiweyo ngenxa yesityholo sokwaphula umthetho unelungelo-

(a) lokuthula tu;

(b) lokuxelelwa ngoko nangoko –

(i) ngelungelo lakhe lokuthula;

(ii) nangeziphumo zokungathuli;

(c) lokunganyanzeliswa ukuba enze nasiphina isivumo sesityholo okanye isivumo semiba ethile yesityholo, nto ezo zinokusetyenziswa njengobungqina obuchasana naye loo mntu;

(d) lokuveliswa enkundleni yamatyala kwamsinyane kangangoko kunokwenzeka, kodwa kungadlulanga

(i) iiyure ezingama-48 emva kokubanjwa; okanye

(ii) ukuphela kosuku lokuqala lwenkundla emva kokuphela kwezi yure zingama-48, ukuba ezi yure zingama-48 ziphela emva kweeyure zesiqhelo zenkundla okanye ngosuku olungelulo lwesiqhelo lwenkundla;

(e) lokuba ekuveleni kwakhe okokuqala enkundleni, emva kokuba ebanjiwe, abekwe isityholo okanye aziswe ngesizathu sokuba luqhubeke uvalelo lwakhe, okanye akhululwe;

(f) nelokukhululwa eluvalelweni, ukuba imeko yobulungisa iyavuma, ngokuhambisana nemiqathango efanelekileyo.

(2) Wonke ubani ovalelweyo, kubandakanywa naye wonke umbanjwa ogwetyiweyo, unelungelo –

(a) lokuxelelwa kwamsinyane ngesizathu sokuvalelwa kwakhe;

(b) lokuzikhethela nokubonisana negqwetha, nokuxelelwa kwamsinyane ngeli lungelo;

(c) lokuba negqwetha elikhutshelwe umntu ovalelweyo, likhutshwa ngurhulumente, ngeendleko zikarhulumente, ukuba ukungabi kho kwalo kungabangela isiphumo esingenabulungisa kakhulu, nelokuba axelelwe kwamsinyane ngeli lungelo;

(d) lokufuna ukuziqondela buqu enkundleni ngokuba semthethweni kokuvalelwa kwakhe nelokuba akhululwe ukuba oko kuvalelwa akukho mthethweni;

(e) lokuvalelwa phantsi kweemeko ezihambisana nesidima somntu, kubandakanywa, ubuncinci, ukushukumisa umzimba nokubonelelwa, ngeendleko zikarhulumente, ngendawo yokuhlala efanelekileyo, isondlo, izinto zokufunda, kunye nonyango lwamayeza;

(f) nelokunxibelelana, nokutyelelwa –

(i) ngumyeni, inkosikazi, okanye liqabane lakhe umntu lowo;

(ii) sisizalwane sakhe;

(iii) umluleki kwezakwaliZwi azikhethele ngokwakhe; kunye

(iv) nogqirha azikhethele ngokwakhe.

(3) Wonke ummangalelwa unelungelo lokuba ityala lakhe lixoxwe ngokungenasheyi, nto leyo ibandakanya ilungelo –

(a) lokwaziswa ngesityholo, enikwa iinkcukacha ezaneleyo ukuze akwazi ukuziphendulela;

(b) lokuba nexesha elaneleyo kwanezinto ezaneleyo zokulungiselela impendulo yokuzikhusela;

(c) lokuxoxwa kwetyala lakhe esidlangalaleni kwinkundla eqhelekileyo;

(d) lokuba ityala liqaliswe ukuxoxwa lize liphethwe ngaphandle kokulibazisa okungenasihlahla;

(e) lokuba khona buqu xa kuxoxwa ityala lakhe;

(f) lokukhetha igqwetha aze amelwe lilo, nelokuba axelelwe ngeli lungelo ngoko nangoko;

(g) lokuba negqwetha elabelwe ummangalelwa ngurhulumente, ngeendleko zikarhulumente,

ukuba ngaba kungakho isiphumo esingenabulungisa ngendlela engathandabuzekiyo xa kungenziwanga njalo, kwaye axelelwe ngeli lungelo;
(h) lokuthathwa njengomntu ongenatyala, nelokuthula tu, nelokunganiki bungqina xa kuxoxwa ityala;
(i) lokuveza nokuphikisa ubungqina;
(j) lokunganyanzelwa ukuba anike ubungqina obumbeka ibala;
(k) lokuxoxwa kwetyala lakhe ngolwimi loo mmangalelwa alwaziyo okanye, ukuba oko akunakho ukwenzeka, iingxoxo zitolikelwe kolo lwimi alwaziyo;
(l) lokungagwetywa ngesenzo okanye utyeshelo olwalungelolwaphulo-mthetho phantsi komthetho wesizwe okanye wamazwe ngamazwe ehlabathi ngexesha lokwenzeka kwaso okanye lotyeshelo olo;
(m) lokungatshutshiselwa ityala elisisenzo okanye utyeshelo asele wagwetyelwa okanye wagwetywa ngenxa yalo;
(n) lokuzuza esona sohlwayo silula kwezo zimiselweyo ukuba ngaba isohlwayo esimiselweyo solo lwaphulo-mthetho siye satshintshwa apha kweli xesha liphakathi kokwenziwa kolwaphulo-mthetho nokugwetywa; kunye
(o) nelungelo lokubhenela kwinkundla engentla, okanye lokuba isigwebo siqwalaselwe kwakhona, yile nkundla.
(4) Nanini na eli candelo lifuna ukuba kunikwe umntu iinkcukacha ezithile, ezo nkcukacha kufuneka zinikwe ngolwimi alwaziyo loo mntu.
(5) Ubungqina obufunyenwe ngendlela eyaphula naliphi na ilungelo elikwiBhili yamaLungelo mabungafakwa ukuba ukwamkelwa kobo bungqina kungabangela ukuba ukuxoxwa kwetyala kube nesheyi, okanye ukwenzeka kobulungisa kuphazamiseke ngendlela ethile.
Usikelo-mda lwamalungelo
36. (1) Amalungelo akwiBhili yamaLungelo angasikelwa umda kuphela ngokulandela umthetho wokusetyenziswa jikelele, kuphela kangangoko usikelo-mda olo lufanelekile kwaye lulungile kwintlalo yoluntu ekhululekileyo neyedemokhrasi, esekelwe kwisidima somntu, ukulingana nenkululeko, kuthathelwe ingqalelo yonke imibandela enxulumeneyo, kubandakanywa –
(a) uhlobo lwelungelo;
(b) ukubaluleka kwenjongo yosikelo-mda;
(c) uhlobo kunye nobungakanani bosikelo-mda olo;
(d) ubudlelwane phakathi kosikelo-mda nenjongo yalo; kunye
(e) nendlela engabopheleli kakhulu yokufezekisa le njongo.
(2) Ngaphandle kwemimiselo ekwicandelwana (1) okanye nawuphi na omnye ummiselo womGaqo-siseko, akukho mthetho unokusikela umda naliphi na ilungelo elikhuselweyo elikwiBhili yamaLungelo.
Iimo zonxunguphalo
37. (1) Imo yonxunguphalo ingamiselwa kuphela ngokomThetho wePalamente, nakuphela xa –
(a) ubomi besizwe busemngciphekweni wemfazwe, wohlaselo, wovukelo-mbuso ngokubanzi, wokungabi kho kocwangco, wentlekele ebangelwe yimo yendalo, okanye enye imo yonxunguphalo kawonke-wonke;
(b) naxa ukumiselwa oko kwayo kuyimfuneko ukuze kubuyiselwe uxolo okanye ucwangco.
(2) Umiselo lwemo yonxunguphalo, kwakunye nawuphi na umthetho owisiweyo, okanye elinye inyathelo elithatyathiweyo ngenxa yolo miselo zingasebenza kuphela –
(a) ukubheka phambili; kanjalo
(b) ithuba elingadlulanga kwiintsuku ezingama-21 ukususela kumhla womiselo olo, ngaphandle kokuba iNdibano yesiZwe igqiba ekubeni ilongeze ixesha lomiselo. INdibano le,

ingalongeza ixesha lokumiselwa kwemo yonxunguphalo, lingagqithi kodwa kwiinyanga ezintathu kwisihlandlo ngasinye. Ukongezwa okokuqala kwexesha lemo yonxunguphalo kufuneka kwenziwe ngokwesigqibo esithathwe ngokuxhaswa yivoti yoninzi lwamalungu eNdibano. Nakuphi na ukongezwa okulandelayo kufuneka kube ngokwesigqibo esithathwe ngokuxhaswa yivoti yamalungu eNdibano angamashumi amathandathu ekhulwini (60%), ubuncinci. Esi sigqibo kubhekiswa kuso kulo mhlathi makufikelelwe kuso kuphela emva kwengxoxo eselubala kwiNdibano leyo.

(3) Nayiphi na inkundla esemthethweni ingenza isigqibo malunga nokusebenza –

(a) komiselo lwemo yonxunguphalo;

(b) kwako nakuphi na ukongezwa komiselo lwemo yonxunguphalo;

(c) kwawo nawuphi na umthetho owenziweyo, okanye elinye inyathelo elithatyathiweyo, ngenxa yomiselo lwemo yonxunguphalo.

(4) Nawuphi na umthetho owiswe ngenxa yomiselo lwemo yonxunguphalo unganxaxha kwiBhili yamaLungelo kuphela kangangokuba –

(a) kuyimfuneko ngokungqongqo ngenxa yonxunguphalo; kanjalo

(b) umthetho lowo –

(i) uhambisana nezimiselo zeRiphabliki phantsi komthetho wamazwe ngamazwe osebenza kwiimo zonxunguphalo;

(ii) uthobela icandelwana (5); kanjalo

(iii) upapashwa kwiGazethi kaRhulumente yesizwe kwamsinyane nje emva kokuwiswa kwawo.

(5) Akukho mThetho wePalamente ogunyazisa umiselo kwemo yonxunguphalo, namthetho owenziweyo nanyathelo lithatyathiweyo, ngenxa yomiselo lwemo yonxunguphalo, ungavumela okanye ugunyazise-

(a) ukusus'ityala urhulumente, okanye nawuphi na umntu ngaso nasiphi na isenzo esingekho mthethweni;

(b) nakuphi na ukunxaxha kweli candelo; okanye

(c) nakuphi na ukunxaxha kwicandelo ngalinye elikhankanywe kuluhlu loku-1 lwesiCwangciso samaLungelo angenakuDlelelelwa, kangangobungakanani bokungadleleleki kwecandelo ngalinye, njengoko buboniswe ngokumelene nelo candelo, kuluhlu lwesi-3 lweso siCwangciso.

Isicwangciso samaLungelo angenakuDlelelelwa

1	2	3
Inombolo yeCandelo	Itayitile yeCandelo	Ubungakanani bokungadleleleleki kwelungelo ngalinye
9	Ukulingana	Ngokumayela nocalulo olunesheyi oluzizathu zalo zibubuhlanga, umbala womntu, imvelaphi ngokobuhlanga okanye ngokwemo yentlalo, isini,unqulo okanye ulwimi lomntu.
10	Isidima somntu	Lonke
11	Ubomi	Lonke
12	Inkululeko nokhuseleko lomntu	Ngokumayela namacandelwana (1) (d), (1) (e) no (2) (c).
13	Ubukhoboka, imbopheleleko, nokusebenza ngokunyanzelwa	Ngokumayela nobukhoboka, nokusebenza ngembophelelo.
28	Abantwana	Ngokumayela: namacandelwana (1)(d) no (e): namalungelo akumhlathana,woku (i) nowesi (ii) wecandelwana (1) (g); kunye necandelwana (1) (i) elimalunga

nabantwana abane –15 leminyaka
nobangaphantsi koko.

35 Abantu ababanjiweyo, Ngokumayela –namacandelwana (1) (a), abavalelweyo (b) no(c) no (2) (d); –namalungelo nababekwa izityholo akwimihlathi (a) ukuya ku (o) yecandelwana (3), ngaphandle komhlathi (d); – icandelwana (4); kunye – neccandelwana (5) elimalunga nokungasetyenziswa kobungqina ukuba ukwamkelwa kobo bungqina kuya kubangela ukuba ukuthethwa kwetyala kube nesheyi.

(6) Xa kuthe kwavalelwa umntu kungaxoxwanga tyala, oko ikukudlelelelwa kwamalungelo okubangwe lumiselo lwemo yonxunguphalo, kufuneka kulandelwe le miqathango ilandelayo:

(a) Kufuneka kuqhagamshelwane nomntu omdala ongowakokwabo mvalelwa okanye omdala ongumhlobo wakhe, kwamsinyane kangangoko kunokwenzeka, axelelwe ukuba umntu lowo uvalelwe (ngamapolisa).

(b) Kufuneka kupapashwe isaziso kwiGazethi kaRhulumente yesizwe kwithuba leentsuku ezintlanu eselugcinweni lwamapolisa loo mntu, kuchazwe igama lomvalelwa nendawo avalelwe kuyo futhi kuboniswe iimeko zonxunguphalo avalelwe phantsi kwazo loo mntu.

(c) Umvalelwa kufuneka avunyelwe azikhethele ugqirha, oya kumtyelela ngalo naliphi na ixesha elifanelekileyo.

(d) Umvalelwa kufuneka avunyelwe azikhethele igqwetha, eliya kumtyelela ngalo naliphi na ixesha elifanelekileyo.

(e) Makube kho inkundla eqwalasela olo valelo kwamsinya kangangoko kunokwenzeka, kodwa zingedlulanga iintsuku ezili-10 emva komhla wokuvalelwa kwaloo mntu; inkundla kufuneka imkhulule lowo uselugcinweni lwamapolisa, ngaphandle kokuba kusafuneka evalelwe ukuze kubuyiselwe uxolo nocwangco.

(f) Umntu oselugcinweni lwamapolisa ongakhululwanga ngokohlengahlengiso phantsi komhlathi (e), okanye ongakhululwanga ngokohlengahlengiso oluphantsi kwalo mhlathi, angafaka isicelo enkundleni solunye uhlengahlengiso loko kuvalelwa kwakhe nanini na, emva kokudlula kweentsuku ezili-10 emva kohlengahlengiso lwangaphambili; ke inkundla kufuneka imkhulule umvalelwa lowo ngaphandle kokuba kusafuneka evalelwe ukuze kubuyiselwe uxolo nocwangco.

(g) Umvalelwa kufuneka avunyelwe avele buqu phambi kwayo nayiphi na inkundla eqwalasela uvalelo lwakhe, amelwe ligqwetha koko kuvavanywa kwetyala, nokuba abeke izikhalazo malunga nokuhlala evalelwe.

(h) Urhulumente kufuneka anike inkundla izizathu ezibhaliweyo ezixhasa ukuhlala evalelwe loo mntu, futhi amnike umvalelwa ikopi yezo zizathu, ubuncinane, iintsuku ezimbini phambi kokuba inkundla iqwalasele uvalelo olo.

(7) Ukuba inkundla ithe yamkhulula umvalelwa, loo mntu makangaphindi avalelwe kwangezaa zizathu, ngaphandle kokuba urhulumente athi kuqala anike inkundla izizathu ezivakalayo zokuphinda avalelwe loo mntu.

(8) Icandelwana (6) nelesi (7) awasebenzi kubantu abangengobemi bomZantsi Afrika nabavalelwe ngenxa yongquzulwano ngezixhobo phakathi kwamazwe ngamazwe ehlabathi. Endaweni yoko, urhulumente kufuneka athobele imiqathango ebophelela iRiphabliki phantsi komthetho wamazwe ngamazwe wobuntu malunga nokuvalelwa kwabo bantu.

Ukusetyenziswa kwamalungelo

38. Nabani na odwelisiweyo kweli candelo unelungelo lokwenza isicelo kwinkundla efanelekileyo, ebika ukuba ilungelo elithile elikwiBhili yamaLungelo laphulwe okanye libekwe emngciphekweni; inkundla ke ingamnika uncedo olufanelekileyo, kubandakanywa nokumiselwa

kwamalungelo. Abantu abangenza izicelo enkundleni ngaba balandelayo –

(a) nabani na oneenjongo ezizezakhe;

(b) nabani na omele omnye umntu ongenakho ukuzimela yena ngegama lakhe;

(c) nabani na omele iqela elithile okanye udidi oluthile lwabantu, nokuba ungomnye wabo, okanye ujonge ukubanceda;

(d) nabani na omele ukunceda uluntu;

(e) nombutho omele amalungu awo.

Ukucaciswa kweBhili yamaLungelo

39. (1) Xa icacisa iBhili yamaLungelo inkundla, isigqeba okanye iqonga elithile, kufuneka –

(a) ikhuthaze izithethe ezixabisekileyo ezisisiseko sentlalo yoluntu olungenamfihlo nolunedemokhrasi, lona lusekelwe kwisidima somntu, ukulingana nakwinkululeko;

(b) ithathele ingqalelo umthetho wamazwe ngamazwe ehlabathi; kanjalo

(c) ingathathela ingqalelo nomthetho wobudlelwane namazwe angaphandle.

(2) Xa icacisa nawuphi na umthetho, naxa iphuhlisa umthetho woluntu, okanye umthetho wesintu, inkundla, isigqeba okanye iqonga elithile, kufuneka ikhuthaze umoya, neenjongo zeBhili yamaLungelo.

(3) IBhili yamaLungelo ayiphikisani nobukho bawo nawaphina amanye amalungelo okanye iinkululeko ezaziwayo okanye ezinikwa abantu ngumthetho woluntu, umthetho wesintu okanye umthetho owiswe yindlu yowiso-mthetho kangangoko zihambisana neBhili le.

Isahluko 3

URhulumente weNtsebenziswano

URhulumente weRiphabliki

40. (1) KwiRiphabliki le, urhulumente wenziwe zizigaba zoburhulumente ezahlukeneyo, ezixhomekeke esinye kwezinye, ezikwanxulumene, ezizezi: isigaba sorhulumente wesizwe, esoorhulumente bamaphondo, sorhulumente weengingqi.

(2) Zonke izigaba zikarhulumente kufuneka zilandele, zinamathele kwimigqalisela ekwesi Sahluko zize zenze imicimbi yazo zilawulwa zizikhokelo ezinikwa sesi Sahluko.

Imigqalisela yorhulumente wentsebenziswano nobudlelwane phakathi koorhulumente

41. (1) Zonke izigaba zikarhulumente, kunye nawo onke amaziko karhulumente kwisigaba ngasinye, kufuneka –

(a) zigcine uxolo, umanyano lwesizwe kunye nokungahlula-hluleki kweRiphabliki le;

(b) ziqinisekise intlalo-ntle, yabantu beRiphabliki;

(c) zenzele iRiphabliki le iyonke uburhulumente obunemfezeko, obuzenzo ziselubala, obunentembeko, nobunolungelelwano;

(d) zinyaniseke kumGaqo-siseko, kwiRiphabliki, nakubantu bayo;

(e) zihlonele inqanaba ngokomgaqo-siseko, amaziko, amagunya, nemisebenzi karhulumente kwezinye izigaba, nto ezo zimiselwe ngumGaqo-siseko;

(f) zingathathi naliphi na igunya okanye umsebenzi ngaphandle kwamagunya okanye imisebenzi ephathiswe zona ngokomGaqo-siseko;

(g) zisebenzise amagunya azo, zenze nemisebenzi yazo ngendlela engangeneleli kumhlaba, kwimisebenzi okanye kwisidima samaziko orhulumente wesinye isigaba;

(h) zisebenzisane ngokuthembana nangokuthembeka –

(i) ngokukhuthaza ubuhlobo phakathi kwazo;

(ii) ngokuncedana nokuxhasana;

(iii) ngokuxelelana nokudlana indlebe ngemicimbi enomdla neluncedo ngokufanayo kuzo;

(iv) ngokunxibelelanisa izenzo nemithetho yazo;

(v) ngokuyibamba imigaqo-nkqubo ekuvunyelwene ngayo;

(vi) nangokuphepha ukuthathelana amanyathelo ezomthetho.

(2) UmThetho wePalamente kufuneka –

(a) useke okanye ubonelele ngemibutho namaziko okukhuthaza nokuqhubela phambili ubudlelwane phakathi kwezigaba ezi zikarhulumente; kanjalo

(b) wenze kube kho iindlela ezifanelekileyo nemigaqo-nkqubo ekwanjalo yokwenza lula ukusonjululwa kweembambano eziphakathi kwezigaba zikarhulumente.

(3) Iziko likarhulumente elibandakanyekayo kwimbambano ephakathi kwezigaba zikarhulumente kufuneka lenze iinzame kangangoko zokusombulula imbambano leyo ngeendlela kunye nemigaqo-nkqubo eyenzelwe oko, kwaye kufuneka lizame zonke ezinye iindlela phambi kokuba lize kwinkundla ukuzokusombulula loo mbambano.

(4) Ukuba inkundla ayanelisekanga ukuba imimiselo yecandelwana (3) iphunyeziwe, ingayibuyisela imbambano kuloo maziko karhulumente abeyichophele.

Isahluko 4

IPalamente

Ukuqulunqwa kwePalamente

42. (1) IPalamente yakhiwe –

(a) yiNdibano yesiZwe; kunye

(b) neBhunga lesiZwe lamaPhondo.

(2) INdibano yesiZwe kunye neBhunga lesiZwe lamaPhondo zithabatha inxaxheba kwinkqubo yowiso-mthetho ngokwendlela ebekiweyo kumGaqo-siseko.

(3) INdibano yesiZwe inyulelwa ukumela abantu nokuqinisekisa urhulumente ophethwe ngabantu phantsi kwalo mGaqo-siseko. Ikwenza oku ngokunyula uMongameli, ngokubonelela ngeqonga lesizwe lokuqwalasela imicimbi ngokuphandle, ngokuwisa imithetho nangokuphonononga nangokuba liliso kwinyathelo lokusebenziseka kwemithetho.

(4) IBhunga lesiZwe lamaPhondo limele amaphondo ukuqinisekisa ukuba imicimbi yamaphondo iyaqwalaselwa kwisigaba sesizwe sikarhulumente. Likwenza oku ikakhulu ngokuthabatha inxaxheba kwinkqubo yowiso-mthetho yesizwe nangokubonelela ngeqonga lesizwe lokuqwalasela ngokuphandle imicimbi echaphazela amaphondo.

(5) UMongameli angayibiza iPalamente ukuba ihlangane kwindibano engeyoyesiqhelo ngalo naliphi na ixesha ukuze kuqhutywe umcimbi othile.

(6) Indawo yokuhlangana kwePalamente iseKapa, kodwa umThetho wePalamente, owenziwe ngokungqinelana necandelo 76(1) no-(5), ungagqiba ukuba le ndawo yokuhlangana kwePalamente ibe kwenye indawo.

Igunya leRiphabliki lokuwisa imithetho

43. KwiRiphabliki, igunya lowiso-mthetho –

(a) kwisigaba sesizwe sikarhulumente lixakathiswe iPalamente, njengoko kubekiwe kwicandelo 44;

(b) kwisigaba samaphondo sikarhulumente lixakathiswe indlu yowiso-mthetho yephondo, njengoko kucasisiweyo kwicandelo 104; ize

(c) kwisigaba seengingqi sikarhulumente lixakathiswe amaBhunga ooMasipala, njengoko kucaciswe kwicandelo 156.

Igunya lowiso-mthetho lesizwe

44. (1) Igunya lowiso-mthetho lesizwe elixakathiswe iPalamente –

(a) liphathisa iNdibano yesiZwe igunya –

(i) lokutshintsha umGaqo-siseko;

(ii) lokuwisa umthetho malunga nawo nawuphi na umbandela, kubandakanywa nombandela okwindawo yemisebenzi edweliswe kwiShedyuli 4, kodwa kungabandakanywa, ngokulawulwa licandelwana (2), umbandela okwiindawo zemisebenzi ezidweliswe kwiShedyuli 5; kanti

(iii) nelokuthi inike nawaphina kumagunya ayo owiso-mthetho kulo naliphi na iziko lowiso-mthetho elikwesinye isigaba soburhulumente ngaphandle kweli lokutshintsha

umGaqo-siseko; kanjalo
(b) liphathisa iBhunga lesiZwe lamaPhondo igunya –
(i) lokuthabatha inxaxheba ekutshintsheni umGaqo-siseko, ngokungqinelana necandelo 74;
(ii) lokupasisa, ngokungqinelana necandelo 76, umthetho malunga nawo nawuphi na umbandela okwindawo yemisebenzi edweliswe kwiShedyuli 4, kunye nayo nayiphi na enye into ekufuneka ipasisiwe ngokomGaqo-siseko, ngokungqinelana necandelo 76;
(iii) nelokuqwalasela, ngokungqinelana necandelo 75, nawuphi na omnye umthetho opasiswe yiNdibano yesiZwe.
(2) Ipalamente ingangenelela ngokuwisa umthetho, ngokungqinelana necandelo 76 (1), kumcimbi ophantsi kwendawo yemisebenzi edweliswe kwiShedyuli 5, xa oko kufuneka ukuze –
(a) kugcinwe ukhuseleko lwesizwe;
(b) kugcinwe ubunye kwezoqoqosho;
(c) kugcinwe imigangatho yesizwe eyimfuneko;
(d) kusekwe imigangatho ekwelona nqwanqwa lisezantsi efunekayo ukuze kwenziwe iinkonzo ezithile; okanye
(e) kuthintelwe inyathelo elingafanelekanga elithatyathwe liphondo elithile, nyathelo elo libeka engozini ukulungelwa kwelinye iphondo okanye kwelizwe liphela.
(3) Kusenokuthi xa kufuneka kusetyenziswe ngokufezekileyo igunya elithile elichaphazela umbandela okwiShedyuli 4, kwenziwe umthetho malunga nomcimbi othile, osuke wafuneka kakhulwana okanye wazalwa kuko oku kusetyenziswa kwelaa gunya; loo mthetho uthathwa njengomthetho omalunga nqo nombandela odweliswe kwiShedyuli 4.
(4) Xa isebenzisa igunya layo lezowiso-mthetho iPalamente ibotshelelwe kuphela ngumGaqo-siseko, kwaye kufuneka isebenze ngokungqinelana nawo, futhi ingaphumi kwimida ebekwa nguwo umGaqo-siseko.
Imigaqo nemiyalelo edibeneyo, neekomiti ezidibeneyo
45. (1) Kufuneka iNdibano yesiZwe kunye neBhunga lesiZwe lamaPhondo ziseke ikomiti edibeneyo yemigaqo eza kwenza imigaqo nemimiselo emalunga nomsebenzi odibeneyo weNdibano le neBhunga eli, kubandakanywa imigaqo nemimiselo –
(a) yokuqingqa iinkqubo zokwenza lula inkqubo yowiso-mthetho, kubandakanywa ukumiselwa kwexesha lokugqiba naliphi na inyathelo laloo nkqubo;
(b) yokuseka iikomiti ezidibeneyo ezinamalungu angabameli abasuka kwiNdibano nakwiBhunga nokunika abaza kuchophela, banike nengxelo, ngeeBhili ekuthethwa ngazo kwicandelo 74 nele-75 ezithe zasiwa kule komiti;
(c) yokuseka ikomiti edibeneyo yokuqwalasela umGaqo-siseko, ubuncinane, rhoqo ngonyaka;
(d) neyokulawula imicimbi –
(i) yekomiti edibeneyo yemigaqo;
(ii) yeKomiti eLamlayo;
(iii) yekomiti yoqwalaselo lomGaqo-siseko; kunye
(iv) nazo naziphi na iikomiti ezidibeneyo ezisekwe ngokwemigaqo yomhlathi (b).
(2) Amalungu eKhabhinethi, amalungu eNdibano yesiZwe kunye nabathunywa kwiBhunga lesiZwe lamaPhondo baneenyhweba neemo zokuvikeleka phambi kwekomiti edibeneyo yeNdibano neBhunga ezifana nezo banazo phambi kweNdibano okanye phambi kweBhunga.
INdibano yesiZwe
Ukubunjwa nokunyulwa kwayo
46. (1) INdibano yesiZwe inamalungu angekho nganeno kuma-350 nangekho ngaphezulu kuma-400 abasetyhini namadoda abanyulwe njengamalungu ngokwenkqubo yonyulo –
(a) emiselwe ngumthetho wesizwe;
(b) esekelwe kuluhlu olunye lwesizwe lwabavoti;
(c) emisela ubudala bokuvota obuli-18 leminyaka ubuncinane;

(d) nethi ke ngoko ibangele ukuba abantu bamelwe phantse ngokulinganayo, ngokubanzi.
(2) Kufuneka kube kho umThetho wePalamente omisela indlela yokuqingqa inani lamalungu eNdibano yesiZwe.
Ubulungu (amalungu)
47. (1) Wonke ummi okufaneleyo ukuvotela INdibano yesiZwe unakho ukuba lilungu leNdibano, ngaphandle –
(a) kwakhe nabani na oqeshwe ngurhulumente, okanye osebenzela urhulumente efumana umvuzo ngoko kuqeshwa okanye loo msebenzi, kodwa ingenguye/ingengabo –
(i) uMongameli, uSekela-Mongameli, abaPhathiswa, namaSekela abaPhathiswa; kunye
(ii) nabanye ababambe izikhundla, abamisebenzi yabo ingangquzulaniyo nemisebenzi yelungu leNdibano kwaye iqinisekiswe njengengangquzulaniyo naloo misebenzi ngomthetho wesizwe;
(b) kwabathunywa abasisigxina kwiBhunga lesiZwe lamaPhondo okanye amalungu endlu yowiso-mthetho yephondo okanye aweBhunga likaMasipala;
(c) kwabantu abanamatyala abangasenakukwazi ukuwabhatala;
(d) kwakhe nabani na oqinisekiswe yinkundla yamatyala yeRiphabliki ukuba akemanga kakuhle engqondweni; okanye
(e) kwakhe nabani na othe, emva kokusebenza kweli candelo, wafunyaniswa enetyala lokwaphula umthetho wagwetywa ithuba elingaphezulu kweenyanga ezili-12, wavalelwa akwabizwa nefayini, apha kwiRiphabliki, okanye ngaphandle kweRiphabliki, xa ngaba isenzo eso sokwaphulwa komthetho besiya kuthathwa njengokwaphulwa komthetho nalapha kwiRiphabliki, kodwa akukho mntu omakathathwe njengosele egwetyiwe de sibe isibheno malunga nokufunyanwa enetyala, okanye nesigwebo eso, sele siqwalaselwe, okanye lide ixesha lesibheno libe liphelile. Ukungafaneleki phantsi kwalo mhlathi kuphela emva kweminyaka emihlanu eqale emva kokugqitywa kwesigwebo.
(2) Umntu ongafanelekanga ukuba abe lilungu leNdibano yesiZwe ngokwecandelwana 1(a) okanye (b) angazigqatsela iNdibano phantsi kosikelo-mda okanye kwemiqathango emiselwe ngumthetho wesizwe.
(3) Umntu uyaphulukana nobulungu bakhe beNdibano yesiZwe ukuba loo mntu –
(a) akasafanelekanga; okanye
(b) akakho kwiNdibano ngaphandle kwemvume, oko kungabikho kusenzeka kwiimeko zokuphulukana nobulungu ezimiselwe yimigaqo nemimiselo yeNdibano.
(4) Izithuba kwiNdibano yesiZwe kufuneka zivalwe ngokwemigaqo yomthetho wesizwe.
Isifungo okanye isingqiniso
48. Phambi kokuba amalungu eNdibano yesiZwe aqale ukwenza imisebenzi yawo kwiNdibano, kufuneka afunge okanye enze isingqiniso sokuthembeka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana noShedyuli 2.
Ubungakanani bexesha lokusebenza kweNdibano yesiZwe
49. (1) INdibano yesiZwe inyulelwa ithuba lokusebenza eliyiminyaka emihlanu.
(2) Ukuba iNdibano yesiZwe ichithiwe ngokwecandelo 50; okanye xa kuphela ixesha layo, kufuneka uMongameli athi ngesihlokomiso, abize unyulo, abeke nemihla yalo, ekufuneka lubekho zingaphelanga iintsuku ezingama-90, ukusuka kulo mhla wokuchithwa kweNdibano okanye wokuphela kwexesha lokusebenza kwayo.
(3) Ukuba iziphumo zonyulo lweNdibano azibhengezwanga ngeli xesha limiswe ngokwecandelo 190, okanye ukuba unyulo lubekelwe bucala yinkundla, kufuneka uMongameli athi ngesihlokomiso, abize olunye unyulo, abeke nemihla yalo, nyulo olo kufuneka lubekho zingaphelanga iintsuku ezingama-90 ukusuka kuloo mhla wokuphela kwelo xesha okanye ukusuka kumhla olwabekelwa bucala ngawo unyulo.
(4) INdibano yesiZwe ihlala ikulungele ukusebenza ukususela kwixesha lokuchithwa kwayo okanye lokuphela kwexesha layo lokusebenza kude kube lusuku oluphambi kosuku lokuqala

lonyulo lweNdibano elandelayo.

Ukuchithwa kweNdibano yesiZwe phambi kokuphela kwethuba layo lokusebenza

50. (1) UMongameli kufuneka ayichithe iNdlu yeNdibano yesiZwe ukuba –

(a) iNdibano ithabathe isigqibo sokuba mayichithakale, esixhaswe yivoti yesininzi samalungu ayo; naxa

(b) iminyaka emithathu sele idlule ukususela ekubeni yanyulwayo iNdibano le.

(2) IBambela likaMongameli kufuneka liyichithe iNdibano yesiZwe ukuba –

(a) kukho isithuba kwisikhundla sikaMongameli; kwaye

(b) iNdibano ayide inyule uMongameli omtsha ngethuba elikwiintsuku ezingama-30 emva kokuba sivelile eso sithuba.

Amaxesha okuhlangana nawokungahlangani

51. (1) Ukuhlangana kweNdibano yesiZwe okokuqala emva konyulo kufuneka kwenzeke ngexesha nangomhla omiselwe nguMongameli weNkundla yomGaqo-siseko, kodwa kungabi semva kweentsuku ezili-14 emva kokuba zibhengeziwe iziphumo zonyulo. INdibano yesiZwe ingamisela ixesha lokuhlangana, nobungakanani bamanye amaxesha ayo okuhlangana nawokungahlangani.

(2) UMongameli angathi abize iNdibano yesiZwe ukuba ize ekuhlanganeni okungesosiqhelo nangaliphi na ixesha, iqwalasele imicimbi eyodwa.

(3) Iindibano zeNdibano yesiZwe zivumelekile ukuba zibe kwezinye iindawo ezingeyiyo le yesiqhelo yokuhlanganela kwePalamente kuphela ngenxa yezi zizathu zilandelayo kuphela: ukulungelwa kukawonke-wonke, ukhuseleko, okanye ukwenza izinto zibe lula, naxa ivumeleka loo nto ngokwemigaqo nemiyalelo yeNdibano.

USomlomo noSekela-somlomo

52. (1) Ekuhlanganeni kwayo okokuqala emva kokunyulwa, okanye xa kufuneka kuvalwe isithuba, iNdibano yesiZwe kufuneka inyule uSomlomo kunye noSekela-Somlomo wayo, phakathi kwamalungu ayo.

(2) UMongameli weNkundla yezomGaqo-siseko kufuneka ongamele ukunyulwa kukaSomlomo, okanye acele enye ijaji ukuba yenze oko. USomlomo yena wongamela unyulo lukaSekela-Somlomo.

(3) Umgaqo-nkqubo ocaciswe kwiSahlulo A seShedyuli 3 usebenza ekunyulweni kukaSomlomo noSekela-Somlomo.

(4) INdibano yesiZwe ingamsusa uSomlomo okanye uSekela-Somlomo wayo esikhundleni ngokwesigqibo. Kufuneka sibe kho isininzi samalungu eNdibano xa kuthatyathwa esi sigqibo.

(5) Ngokokwemigaqo nemiyalelo yayo, iNdibano yesiZwe inganyula phakathi kwamalungu ayo amanye amagosa okongamela ukuncedisa uSomlomo kunye noSekela-Somlomo.

Izigqibo

53. (1) Ngaphandle kwalapho umGaqo-siseko unika mmiselo wumbi –

(a) kufuneka kube kho isininzi samalungu eNdibano yesiZwe phambi kokuba kuvotelwe iBhili okanye utshintsho kwiBhili;

(b) isinye kwisithathu samalungu ubuncinane, kufuneka sibe khona phambi kokuba kuvotelwe nawuphi na umcimbi ongomnye, kwiNdibano; kwaye

(c) yonke imicimbi ephambi kweNdibano kufuneka igqitywe ngesininzi senani leevoti ezivotiweyo.

(2) Ilungu leNdibano yesiZwe elongameleyo kwintlanganiso yeNdibano alinavoti yengxoxo, kodwa –

(a) kufuneka lenze ivoti yesigqibo xa inani leevoti lilingana macala omabini kuloo micimbi;

(b) lingafaka ivoti enika icala xa isigqibo emasenziwe malunga nomcimbi othile kufuneka sixhaswe yivoti yamalungu eNdibano asisibini kwisithathu, ubuncinane.

Amalungelo amalungu athile eKhabinethi kwiNdibano yesiZwe

54. UMongameli nalo naliphi na ilungu leKhabinethi elingelolungu leNdibano yesiZwe bangaya, futhi bathethe, kwiNdibano, kodwa abangevoti.

Amagunya eNdibano yesiZwe

55. (1) Xa isebenzisa igunya layo lowiso-mthetho, iNdibano yesiZwe ingathi –

(a) iqwalasele, ipasise, itshintshe okanye ikhabe nawuphi na umthetho ophambi kweNdibano le; kanjalo

(b) iqalise okanye ilungise umthetho, ngaphandle kweeBhili zemali.

(2) INdibano yesiZwe kufuneka imisele iindlela –

(a) zokuqinisekisa ukuba onke amaziko alawulayo karhulumente kwisigaba sesizwe sikaRhulumente athembekile kuyo;

(b) nezokugada –

(i) ukusetyenziswa kwegunya lesizwe lolawulo oluphezulu, kubandakanywa ukwenziwa komthetho usebenze;

(ii) nalo naliphi na iziko likarhulumente.

Ubungqina okanye iinkcukacha eziphambi kweNdibano yesiZwe

56. INdibano yesiZwe nayo nayiphi na kwiikomiti zayo –

(a) ingabiza nawuphi na umntu ukuba avele kuyo aze kunika ubungqina ngesifungo okanye isingqiniso okanye aze kuveza amaxwebhu athile;

(b) ingafuna ukuba nawuphi na umntu okanye iziko anike ingxelo kuyo;

(c) ingathi ngokomthetho wesizwe okanye ngokwemigaqo nemiyalelo, inyanzele nawuphi na umntu okanye iziko ukuba athobele oko kubizwa okanye loo nto ifunwa kuye ngokomhlathi (a) okanye (b); kananjalo

(d) ingamkela iipetishini, imibiko yemicimbi ethile okanye imicimbi ebhaliweyo evela kubo nabaphi na abantu abanomdla okanye amaziko anomdla.

Imicimbi yangaphakathi, iingxoxo nemigaqo-nkqubo yeNdibano yesiZwe

57. (1) INdibano yesiZwe –

(a) ingamisela ize ilawule imicimbi yayo yangaphakathi, iingxoxo nemigaqo-nkqubo; kanjalo

(b) ingenza imigaqo nemiyalelo mayela nemicimbi yayo, kodwa kuthathelwa ingqalelo inkqubo yedemokhrasi ebandakanya ilungelo lokuba nabameli, nelokuthatha inxaxheba, ukuthembeka, ukwenza izinto elubala, kunye nokubandakanyeka kukawonke-wonke.

(2) Imigaqo nemiyalelo yeNdibano yesiZwe kufuneka inike isikhokelo –

(a) sokusekwa, nokwakhiwa kweekomiti zayo, ndawonye nokumisela amagunya azo, nemisebenzi yazo, nemigaqo-nkqubo yazo, kwanobungakanani bexesha lobukho bazo iikomoti ezo;

(b) sokuthi onke amaqela ezopolitiko amancinane amelweyo kwiNdibano athabathe inxaxheba kwiingxoxo zeNdibano nezeekomiti zayo, ngendlela engqinelana nedemokhrasi;

(c) sokuthi kuncediswe, ngezemali nezolawulo, iqela ngalinye elimelweyo kwiNdibano ngokobungakanani bokumelwa kwalo, ukuze iqela ngalinye nenkokeli yalo libe nako ukuyenza imisebenzi yalo kwiNdibano ngokunemfezeko; kunye

(d) nesokuyivuma inkokeli yelona qela likhulu kwaphikisayo kwiNdibano njengeNkokeli yeQela eliPhikisayo.

Inyhweba

58. (1) Amalungu eKhabinethi namalungu eNdibano yesiZwe –

(a) anenkululeko yokuthetha kwiNdibano nakwiikomiti zayo, phantsi kolawulo lwemigaqo nemiyalelo yayo; kwaye

(b) awafanele ukuba afakwe ematyaleni embambano nawolwaphulo-mthetho, okanye abanjwe, okanye avalelwe entolongweni, okanye amangalelwe/ahlawuliswe/adliwe ngenxa

(i) yayo nayiphi na into ayithethileyo, ayivezileyo okanye ayingenisileyo, kwiNdibano okanye kuyo nayiphi na kwiikomiti zayo; okanye ngenxa

(ii) yayo nayiphi na into ethe yadula ngenxa yayo nayiphi na into ayithethileyo, ayivezileyo, okanye ayingenisileyo, kwiNdibano okanye kuyo nayiphi na kwiikomiti zayo.
(2) Ezinye iinyhweba neendlela zokuvikeleka kweNdibano yesiZwe, amalungu eKhabinethi namalungu eNdibano zingamiselwa ngomthetho wesizwe.
(3) Imivuzo, izibonelelo neemfanelo ezihlawulwa amalungu eNdibano yesiZwe ziindleko ngqo zeNgxowa-mali yeNgeniso yesiZwe.

Ukufikelela nokuthabatha inxaxheba kwabantu kwiNdibano yesiZwe

59. (1) INdibano yesiZwe kufuneka –
(a) yenze kube lula ukuthabatha inxaxheba kukawonke-wonke kwinkqubo yowiso-mthetho nakwezinye iinkqubo zeNdibano neekomiti zayo; kanjalo
(b) iqhube imicimbi yayo ngendlela eselubala, ibambe iintlanganiso zayo kunye nezo zeekomiti zayo elubala; kodwa asengathatyathwa amanyathelo afanelekileyo –
(i) okulawula ukungena kukawonke-wonke, kanye nokungena koonondaba, kwiNdibano nakwiikomiti zayo;
(ii) nawokwenza ukuba kusetshwe nawuphi na umntu, nawokuthi, apho kufanelekileyo, kungavunywa ukuba umntu angene, nokuba ungubani na, okanye akhutshwe nawuphi na umntu.
(2) INdibano yesiZwe ayinakho ukumvalela uwonke-wonke, kubandakanywa noonondaba, kwintlanganiso yekomiti ngaphandle kokuba kufanelekile futhi kunezizathu ukuyenza loo nto phakathi koluntu olusebenza elubala nolunedemokhrasi.

IBhunga lesiZwe lamaPhondo

Ukwakhiwa kweBhunga lesiZwe

60. (1) IBhunga lesiZwe lakhiwe ligqiza elinye labathunywa bephondo ngalinye; abathunywa abo bephondo ngalinye bona balishumi.
(2) Aba bathunywa balishumi ngaba –
(a) abathunywa abane ababodwa abangaba –
(i) iNkulumbuso yephondo okanye, ukuba iNkulumbuso ayifumaneki, naliphi na ilungu lendlu yowiso-mthetho yephondo elityunjwe yiNkulumbuso lizele yonke imicimbi okanye lizele ukwenza nawuphi na umcimbi owodwa ophambi kweBhunga lesiZwe lamaPhondo;
(ii) nabanye abathunywa abathathu ababodwa; kunye
(b) nabathunywa abathandathu abasisigxina abatyunjwe ngokwecandelo 61 (2)
(3) INkulumbuso yephondo ikhokela igqiza labathunywa bephondo layo; ukuba ke ayikho yona, kukhokela ilungu elityunjwe yiNkulumbuso, elikweli gqiza.

Ukwabiwa kwabathunywa

61. (1) Amaqela amelweyo kwindlu yowiso-mthetho yephondo anelungelo lokuba nabathunywa kwigqiza lephondo lawo ngendlela engqinelana nendlela ecaciswe kwiSahlulo B seShedyuli 3.
(2) Kufuneka kuthi zingekapheli iintsuku ezingama-30 emva kokuba kubhengezwe iziphumo zonyulo lwendlu yowiso-mthetho yephondo, indlu yowiso-mthetho le –
(a) igqibe, ngendlela engqinelana nomthetho wesizwe, ukuba bangaphi na abathunywa beqela ngalinye abaya kuba ngabathunywa abasisigxina nokuba bangaphi abaya kuba ngabathunywa ababodwa; ize
(b) ityumbe abathunywa abasisigxina ngokwamagama aphakanyisiweyo ngamaqela lawo.
(3) Umthetho wesiZwe ekuthethwa ngawo kwicandelwana (2) (a) kufuneka uqinisekise ukuthatha inxaxheba kwamaqela amancinci kuzo zozibini iziqendu ezakha igqiza labathunywa, ezizezi: isiqendu sabathunywa abasisigxina, nesabathunywa ababodwa, ngendlela engqinelana nedemokhrasi.
(4) Indlu yowiso-mthetho, ngokuvumelana kweNkulumbuso kunye neenkokeli zamaqela anelungelo lokuba nabathunywa ababodwa kwigqiza labathunywa lePhondo elo, kufuneka ityumbe abathunywa ababodwa, njengokuba kufuneka kumaxesha ngamaxesha, phakathi

kwamalungu endlu yowiso-mthetho.

Abathunywa abasisigxina

62. (1) Umntu otyunjwe njengomthunywa osisigxina kufuneka akufanele ukuba lilungu lendlu yowiso-mthetho yephondo.

(2) Ukuba umntu olilungu lendlu yowiso-mthetho yephondo utyunjwe wangumthunywa osisigxina, loo mntu uyayeka ukuba lilungu lendlu yowiso-mthetho.

(3) Abathunywa abasisigxina batyunjelwa ithuba eliphela kanye phambi kwendibano yokuqala yendlu yowiso-mthetho yephondo emva konyulo lwayo olulandelayo.

(4) Umntu uyayeka ukuba ngumthunywa osisigxina ukuba loo mntu –

(a) akasakufanele ukuba lilungu lendlu yowiso-mthetho yephondo ngenxa yaso nasiphina isizathu ngaphandle kokutyunjelwa ukuba ngumthunywa osisigxina;

(b) uye waba lilungu leKhabhinethi;

(c) uphelelwe kukuthenjwa yindlu yowiso-mthetho yephondo, laza iqela elalimkhethile loo mntu lathi makabuye;

(d) uyayeka ukuba lilungu leqela elalimkhethile lize ke iqela elo lithi makabuye; okanye

(e) akabi kho kwiBhunga lesiZwe lamaPhondo, engenamvume yokungabi kho, kwiimeko apho imigaqo nemiyalelo yeBhunga imisela ukuba umntu owenjenjalo aphulukane nesikhundla sokuba ngumthunywa osisigxina.

(5) Izithuba phakathi kwabathunywa abasisigxina kufuneka zivalwe ngokwemigaqo yomthetho wesizwe.

(6) Phambi kokuba abathunywa abasisigxina baqalise ukwenza imisebenzi yabo kwiBhunga lesiZwe lamaPhondo, kufuneka bafunge okanye benze isingqiniso sokunyaniseka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

Ukuhlala kweBhunga lesiZwe (Amathuba okuhlala eBhunga lesiZwe)

63. (1) IBhunga lesiZwe lamaPhondo lingalimisela ixesha lokuba neendibano zalo, nobungakanani belo xesha, kwanamathuba alo iBhunga okungahlangani.

(2) UMongameli angalibizela ukuhlala okungesosiqhelo iBhunga lesiZwe lamaPhondo nangaliphina ixesha ukuza kwenza umsebenzi owodwa.

(3) Iindibano zeBhunga lesiZwe lamaPhondo zivumeleke ukuba zibe kwezinye iindawo ezingeyiyo le yesiqhelo yePalamente phantsi kwezi zizathu zilandelayo kuphela: ukulungelwa kukawonke-wonke, ukhuseleko, okanye ukwenza izinto/iimeko zibe lula; nalapho ukuba kwimigaqo nemiyalelo yeBhunga kukho indawo eyivumelayo loo nto.

USihlalo nooSekela-Sihlalo

64. (1) IBhunga lesiZwe lamaPhondo kufuneka linyule uSihlalo kunye nooSekela-Sihlalo ababini phakathi kwabathunywa.

(2) USihlalo nomnye waba Sekela-Sihlalo banyulwa phakathi kwabathunywa abasisigxina, benyulelwa ithuba leminyaka emihlanu, ngaphandle kokuba ithuba labo lobuthunywa liphela ngaphambi koko.

(3) Omnye lo uSekela-Sihlalo unyulelwa ithuba lonyaka omnye, kwaye endaweni yakhe kufuneka kungene umthunywa ovela kwelinye iphondo, ukuze onke amaphondo abe nethuba lokumelwa.

(4) UMongameli weNkundla yezomGaqo-siseko kufuneka achophele unyulo lukaSihlalo, okanye atyumbe enye ijaji ukuba yenze oko. USihlalo yena uchophela unyulo looSekela-Sihlalo.

(5) Umgaqo-nkqubo ocaciswe kwiSahlulo A seShedyuli 3 usebenza kunyulo lukaSihlalo kunye nooSekela-Sihlalo.

(6) IBhunga lesiZwe lamaPhondo lingamsusa uSihlalo okanye uSekela-Sihlalo esikhundleni.

(7) Ngokwemigaqo nemimiselo yalo, iBhunga lesiZwe lamaPhondo linganyula amanye amagosa okongamela ukuze ancedise uSihlalo nooSekela-sihlalo.

Izigqibo

65. (1) Ngaphandle kwalapho umGaqo-siseko uthetha enye into –

(a) iphondo ngalinye linevoti enye, evotwa egameni lephondo elo yintloko yegqiza lalo; kanjalo

(b) yonke imicimbi ephambi kweBhunga lesiZwe lamaPhondo kuvunyelwana ngayo ngevoti evumayo yamaphondo amahlanu, ubuncinane.

(2) Kufuneka kube kho umThetho wePalamente owenziwe ngokungqinelana nenkqubo emiselwe licandelwana loku-(1) okanye elesi-(2) lecandelo 76, mThetho lowo omawunike umgaqo-nkqubo ofanayo eziya kuthi izindlu zowiso-mthetho zamaphondo zilandele wona ukunika igunya kumagqiza azo lokuba amagqiza la avote egameni lazo.

Ukuthabatha inxaxheba kwamalungu esigqeba sesizwe esinolawulo oluphezulu

66. (1) Amalungu eKhabinethi kunye nooSekela baPhathiswa bangaya, futhi bathethe kwiBhunga lesiZwe lamaPhondo, kodwa bangavoti.

(2) IBhunga lesiZwe lamaPhondo lingafuna ukuba ilungu leKhabinethi, uSekela-Mphathiswa okanye igosa elikwisigqeba sesizwe esinolawulo oluphezulu okanye sephondo, liye kwintlanganiso yeBhunga okanye yekomiti yeBhunga eli.

Ukuthabatha inxaxheba kwabameli borhulumente weengingqi

67. Abameli abangekho ngaphezu kweshumi, abasebenza ixeshana, abatyunjwe ngurhulumente weengingqi oqingqiweyo, ngokwecandelo 163, ukumela iindidi ngeendidi zoomasipala, bangathabatha inxaxheba xa kuyimfuneko kwiingxoxo zeBhunga lesiZwe lamaPhondo, kodwa bangavoti.

Amagunya eBhunga lesiZwe

68. Ekusebenziseni igunya lalo lezowiso-mthetho, iBhunga lesiZwe lamaPhondo lingathi –

(a) liqwalasele, lipasise, litshintshe, licebise ngeendawo emazitshintshwe, okanye liwukhabe nawuphi na umthetho ophambi kweBhunga, ngokungqinelana nesi Sahluko; kanjalo

(b) liqalise okanye lilungise umthetho okwindawo yomsebenzi edweliswe kwiShedyuli 4, okanye omnye umthetho okhankanywe kwicandelo 76(3), kodwa alingeqalisi okanye lilungise iiBhili zemali.

Ubungqina okanye iinkcukacha phambi kweBhunga lesiZwe

69. IBhunga lesiZwe lamaPhondo okanye nayiphi na kwiikomiti zalo –

(a) lingambiza nawuphi na umntu ukuba avele phambi kwalo anike ubungqina ngesifungo okanye ngesingqiniso okanye aveze amaxwebhu;

(b) lingafuna ukuba naliphi na iziko okanye nawuphi na umntu anike ingxelo kulo;

(c) lingamnyanzela, ngokomthetho wesizwe okanye ngokwemigaqo nemiyalelo, nawuphi na umntu okanye naliphi na iziko ukuba athobele isamani ethile, okanye iimfuneko ezithile ngokomhlathi (a) okanye (b); kanjalo

(d) lingamkela iipetishini, imibiko yemicimbi okanye imicimbi ebhaliweyo ezisuka kubo nabaphi na abantu abafuna ukuzizisa, okanye amaziko anomdla wokwenjenjalo.

Imicimbi yangaphakathi, iingxoxo, neenkqubo zeBhunga lesiZwe

70. (1) IBhunga lesiZwe lamaPhondo –

(a) lingamisela lize lilawule, imicimbi yalo yangaphakathi, iingxoxo neenkqubo; kanjalo

(b) lingenza imigaqo nemiyalelo mayela nemicimbi yalo, kuthathelwa ingqalelo inkqubo yedemokhrasi ebandakanya ilungelo lokuba nabameli nelokuthabatha inxaxheba, ukuthembeka, ukwenza izinto elubala, nokubandakanyeka kukawonke-wonke.

(2) Imigaqo nemiyalelo yeBhunga lesiZwe lamaPhondo kufuneka inike isikhokelo –

(a) sokusekwa, nokwakhiwa kweekomiti zalo, ndawonye nokumisela amagunya azo, imisebenzi yazo, imigaqo-nkqubo yazo, kwanobungakanani bexesha lobukho bazo;

(b) sokuthabatha inxaxheba kwawo onke amaphondo kwiingxoxo zalo iBhunga ngendlela engqinelana nedemokhrasi; kanjalo

(c) nesokuthi onke amaqela ezopolitiko amancinane amelweyo kwiBhunga eli athabathe

inxaxheba kwiingxoxo zalo iBhunga, nezeekomiti zalo, ngendlela engqinelana nedemokhrasi, nanini na kukho umcimbi ekufuneka kwenziwe isigqibo ngawo ngokwecandelo 75.

Inyhweba

71. (1) Abathunywa kwiBhunga lesiZwe lamaPhondo, nabantu abaxelwe kwicandelo 66 nelama 67 –

(a) banenkululeko yokuthetha kwiBhunga nakwiikomiti zalo, phantsi kolawulo lwemigaqo nemiyalelo yalo; kwaye

(b) abafanele ukuba bafakwe ematyaleni embambano nawolwaphulo-mthetho okanye babanjwe, okanye bavalelwe entolongweni okanye bamangalelwe/bahlawuliswe/badliwe ngenxa –

(i) yayo nayiphi na into abayithethileyo, abayivezileyo, okanye abayingenisileyo kwiBhunga okanye kuyo nayiphi na kwiikomiti zalo; okanye ngenxa

(ii) yayo nayiphi na into ethe yadula ngenxa yayo nayiphi na into abayithethileyo, abayivezileyo, okanye abayingenisileyo kwiBhunga okanye kuyo nayiphi na kwiikomiti zalo.

(2) Ezinye iinyhweba nokunye ukuvikeleka kweBhunga lesiZwe, lamaPhondo, nokwabathunywa kwiBhunga nokwabantu abakhankanywe kwicandelo 66 nelama-67, kungamiselwa ngumthetho wesizwe.

(3) Imivuzo, izibonelelo neemfanelo ezihlawulwa amalungu asisigxina eBhunga lesiZwe lamaPhondo ziindleko ngqo zeNgxowa-mali yeNgeniso yesiZwe.

Ukufikelela nokuthabatha inxaxheba kukawonke-wonke kwiBhunga lesiZwe

72. (1) IBhunga lesiZwe lamaPhondo kufuneka –

(a) lenze kube lula ukuthabatha inxaxheba kukawonke-wonke kwinkqubo yowiso-mthetho nakwezinye iinkqubo zeBhunga kunye nezeekomiti zalo; kanjalo

(b) liqhube imicimbi yalo ngendlela eselubala, lithi amathuba alo okuhlala, nalawo eekomiti zalo, liwenzele elubala, kodwa amanyathelo afanelekileyo angathatyathwa –

(i) okulawula ukungena kukawonke-wonke, kanye nokungena koonondaba kwiBhunga nakwiikomiti zalo;

(ii) nawokulungiselela ukusetshwa kwakhe nawuphi na umntu nokuthi, apho kufanelekileyo, angavunyelwa angene, okanye akhutshwe nawuphi na umntu.

(2) IBhunga lesiZwe lamaPhondo malingamvaleli uwonke-wonke, kubandakanywa noonondaba, kwintlanganiso yekomiti ethile, ngaphandle kokuba kufanelekile kwaye kukho isizathu zokwenjenjalo kuluntu olungafihlisi nto nolunedemokhrasi.

Inkqubo yoWiso-mthetho yesiZwe

Zonke iiBhili

73. (1) Nayiphina iBhili ingangeniswa kwiNdibano yesiZwe.

(2) Kuphela lilungu leKhabinethi okanye uSekela-mPhathiswa, okanye ilungu okanye ikomiti yeNdibano emayingenise iBhili kwiNdibano; kodwa lilungu leKhabinethi elijongene nemicimbi yezemali yesizwe lodwa emalingenise iBhili yemali kwiNdibano.

(3) IBhili ekhankanywe kwicandelo 76(3), kodwa engeyiyo eyemali, ingangeniswa kwiBhunga lesiZwe lamaPhondo.

(4) Kuphela lilungu okanye ikomiti yeBhunga lesiZwe lamaPhondo elingangenisa iBhili kwiBhunga eli.

(5) IBhili epasiswe yiNdibano yesiZwe kufuneka isiwe kwiBhunga lesiZwe lamaPhondo, ukuba kufuneka iBhunga liyiqwalasele. IBhili epasiswe liBhunga kufuneka isiwe kwiNdibano.

IiBhili ezitshintsha umGaqo-siseko

74. (1) Icandelo loku-1 kwakunye neli candelwana angatshintshwa ngeBhili epasiswe –

(a) yiNdibano yesiZwe, exhaswe yivoti efikileyo kuma-75 eepesenti amalungu ayo, ubuncinci;

(b) naliBhunga lesiZwe lamaPhondo, ixhaswe yivoti yamaphondo amathandathu ubuncinane.

(2) Isahluko 2 singatshintshwa yiBhili epasiswe –

(a) yiNdibano yesiZwe, exhaswe yivoti, ubuncinci, esisibini kwisithathu samalungu ayo;
(b) naliBhunga lesiZwe lamaphondo, ixhaswe yivoti yamaphondo amathandathu, ubuncinci.
(3) Nawuphi na omnye ummiselo womGaqo-siseko ungatshintshwa yiBhili epasiswe –
(a) yiNdibano yesiZwe, ixhaswe yivoti yesibini kwisithathu samalungu ayo, ubuncinci;
(b) naliBhunga lesiZwe lamaPhondo, ixhaswe yivoti yamaphondo amathandathu ubuncinci, ukuba utshintsho olo –
(i) lumayela nomcimbi ochaphazela iBhunga eli;
(ii) luguqula imida, amagunya, imisebenzi okanye amaziko amaphondo; okanye
(iii) lutshintsha ummiselo ochaphazela ngqo umcimbi ongowamaphondo.
(4) IBhili etshintsha umGaqo-siseko mayingaquki nemimiselo engezonguqulo zomGaqo-siseko namicimbi idibene neenguqulo ezo.
(5) Kwisithuba samashumi amathathu 30 eentsuku, ubuncinci, phambi kokuba iBhili etshintsha umGaqo-siseko ngokwecandelo 73 (2) ingenisiwe, umntu lowo okanye ikomiti leyo inenjongo yokuyingenisa kufuneka –
(a) ipapashe, kwiGazethi yoRhulumente wesiZwe nangokwemigaqo nemiyalelo yeNdibano yesiZwe, iinkcukacha zotshintsho olo lucetywayo ukuze zihlalutywe nguwonke-wonke;
(b) ise ezi nkcukasha, ngokwemigaqo nemiyalelo yeNdibano, kwizindlu zowiso-mthetho zamaphondo ukuze zona zivakalise izimvo zazo; kanjalo
(c) ise ezi nkcukacha, ngokwemigaqo nemiyalelo yeBhunga lesiZwe lamaPhondo, kweli Bhunga ukuze kuxoxwe ngazo ngokuphandle, ukuba olu tshintsho lupoposhwayo asilolutshintsho kufuneka lupasiswe liBhunga eli.
(6) Xa kungeniswa iBhili etshintsha umGaqo-siseko, loo mntu okanye loo komiti iyingenisayo loo Bhili kufuneka ize kunye nazo naziphi na izimvo ezibhaliweyo ezivela ebantwini nakwizindlu zowiso-mthetho zamaphondo, azinike-
(a) uSomlomo ukuze azandlale kwiNdibano yesiZwe;
(b) nakuSihlalo weBhunga lesiZwe lamaPhondo, ukuba lutshintsho ekuthethwa ngalo kumacandelwana (1), (2) okanye (3)(b), ukuze azandlale kwiBhunga elo.
(7) IBhili etshintsha umGaqo-siseko mayingavotelwa kwiNdibano yesiZwe kwisithuba sama-30 eentsuku -
(a) ingenisiwe, ukuba iNdibano ihlangene ngeli xesha ingeniswayo iBhili leyo; okanye
(b) yandlêlwè kwiNdibano, ukuba iNdibano ikwixesha lokungahlangani ngeli xesha ingeniswayo iBhili leyo.
(8) Ukuba iBhili ekuthethwa ngayo kwicandelwana (3) (b), okanye nayiphi na inxalenye yeBhili le, iphathelele kwiphondo elithile okanye kumaphondo athile kuphela, iBhunga lesiZwe lamaPhondo malingayipasisi loo Bhili, okanye loo nxalenye yayo ichaphazelekayo, ngaphandle kokuba ivunyiwe yindlu yowiso-mthetho yelo phondo okanye zizindlu zowiso-mthetho zaloo maphondo iphathelene nawo.
(9) IBhili etshintsha umGaqo-siseko epasisiweyo yiNdibano yesiZwe, naliBhunga lesiZwe lamaPhondo, apho lingena khona, kufuneka ithunyelwe kuMongameli ukuze ayivume.

IiBhili – Nje ezingawachaphazeliyo amaphondo

75. (1) Xa iNdibano yesiZwe ipasisa iBhili engeyiyo iBhili ekusebenza kuyo umGaqo-nkqubo ocaciswe kwicandelo 74 okanye 76, iBhili leyo kufuneka ibhekiswe kwiBhunga lesiZwe lamaPhondo ukuze kujongwane nayo ngokungqinelana nalo mGaqo-nkqubo ulandelayo:
(a) IBhunga kufuneka –
(i) liyipasise iBhili; okanye
(ii) liyipasise iBhili phantsi kwezilungiso eziphakanyiswa yiyo; okanye
(iii) liyikhabe iBhili.
(b) Ukuba iBhunga liyayipasisa iBhili ngaphandle kokuphakamisa utshintsho, iBhili leyo mayisiwe kuMongameli ukuze ayivume.

(c) Ukuba iBhunga liyayipasisa iBhili kodwa liyitshintshile, iNdibano kufuneka iyiqwalasele le Bhili kwakhona, ithathele ingqalelo nasiphi na isilungiso esiphakanyiswa liBhunga; ingathi ke –

(i) iyipasise iBhili kwakhona, inezilungiso okanye ingenazilungiso; okanye

(ii) igqibe ukuba ingaqhubeli phambili ngeBhili.

(d) IBhili epasiswe yiNdibano ngokomhlathi (c) kufuneka ithunyelwe kuMongameli ukuze ayivume.

(2) Xa iBhunga lesiZwe lamaPhondo livota ngomcimbi othile ngokweli candelo, icandelo 65 alisebenzi; endaweni yoko –

(a) umthunywa ngamnye kwigqiza lephondo ngalinye unevoti enye;

(b) ubuncinci, isinye kwisithathu sabathunywa kufuneka sibe khona phambi kokuba kuvotwe ngaloo mcimbi;

(c) umcimbi kugqitywa ngawo ngesininzi seevoti ezenziweyo, kodwa ukuba kukho inani elilinganayo leevoti kwicala ngalinye lalo mcimbi, umthunywa ochopheleyo kufuneka afake ivoti eyahlulayo.

IiBhili – Nje eziwachaphazelayo amaphondo

76. (1) Xa iNdibano yesiZwe ipasisa iBhili ekubhekiswa kuyo kwicandelwana (3), (4) okanye elesi (5) iBhili leyo kufuneka ibhekiswe kwiBhunga lesiZwe lamaPhondo kuze kujongwane nayo ngokungqinelana nalo mgaqo-nkqubo ulandelayo:

(a) IBhunga kufuneka –

(i) liyipasise iBhili;

(ii) lipasise iBhili etshintshiweyo; okanye

(iii) liyikhabe iBhili.

(b) Ukuba iBhunga liyayipasisa iBhili leyo ngaphandle kotshintsho, iBhili leyo kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(c) Ukuba iBhunga lipasisa iBhili enotshintsho, iBhili leyo inotshintsho kufuneka ithunyelwe kwiNdibano, ukuba iNdibano iyayipasisa iBhili leyo itshintshiweyo, kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(d) Ukuba iBhunga liyayikhaba iBhili, okanye ukuba iNdibano iyala ukuyipasisa iBhili etshintshiweyo yaza yeziswa kuyo ngokomhlathi (c), iBhili leyo, neBhili etshintshiweyo, xa ikhona, kufuneka zithunyelwe kwiKomiti eLamlayo, enokuvuma –

(i) iBhili njengoko ipasiswe yiNdibano;

(ii) iBhili etshintshiweyo epasiswe liBhunga; okanye

(iii) iBhili le, ibekwe ngolunye uhlobo.

(e) Ukuba iKomiti eLamlayo ayinakho ukuvumelana neBhili le ngeentsuku ezingama-30 ukususela mhla iBhili yeziswa kuyo, iBhili iyaphelelwa ngaphandle kokuba iNdibano iyipasise kwakhona iBhili, kodwa ngokuxhaswa yivoti yesibini kwisithathu samalungu ayo, ubuncinane.

(f) Ukuba iKomiti eLamlayo ivumelana neBhili njengokuba ipasiswe yiNdibano, iBhili kufuneka ibhekiswe kwiBhunga; ukuba ke iBhunga liyayipasisa iBhili, iBhili le kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(g) Ukuba iKomiti eLamlayo iyavumelana neBhili elungisiweyo njengoko ipasiswe liBhunga, iBhili kufuneka ibhekiswe kwiNdibano; ukuba ipasisiwe yiNdibano, kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(h) Ukuba iKomiti eLamlayo ivumelana nolunye uhlobo lweBhili, olo hlobo lulolunye lweBhili kufuneka luthunyelwe kwiNdibano nakwiBhunga; ize ukuba ipasiswe yiNdibano naliBhunga, ithunyelwe kuMongameli ukuze ayamkele.

(i) Ukuba iBhili ebhekiswe kwiBhunga ngokomhlathi (f) okanye (h) ayipasiswanga liBhunga, iBhili iyaphelelwa ngaphandle kokuba yiNdibano ethi iyipasise iBhili leyo, ixhaswa yivoti yamalungu ayo asisibini kwisithathu, ubuncinane.

(j) Ukuba iBhili ebhekiswe kwiNdibano no ngokomhlathi (g) okanye (h) ayipasiswanga yiNdibano, loo Bhili iyaphelelwa; kodwa laa Bhili ibikhe yapasiswa kuqala yiNdibano ingathi kwakhona ipasiswe yiNdibano, kodwa ixhaswe yivoti yamalungu ayo asisibini kwisithathu, ubuncinane.

(k) IBhili epasiswe yiNdibano ngokwemihlathi (e),(i) okanye (j) kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(2) Xa iBhunga lesiZwe lamaPhondo lipasisa iBhili ekuthethwa ngayo kwicandelwana (3), iBhili leyo kufuneka ibhekiswe kwiNdibano yesiZwe kuze kujongwane nayo ngokungqinelana nalo mgaqo-nkqubo ulandelayo:

(a) INdibano kufuneka –

(i) iyipasise iBhili, okanye

(ii) ipasise iBhili etshintshiweyo, okanye

(iii) iyikhabe iBhili.

(b) IBhili epasiswe yiNdibano ngokomhlathi (a)(i) kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(c) Ukuba iNdibano ipasisa iBhili etshintshiweyo, iBhili leyo itshintshiweyo kufuneka ithunyelwe kwiBhunga, ize ukuba iBhunga liyayipasisa iBhili leyo itshintshiweyo, yona ithunyelwe kuMongameli ukuze ayamkele.

(d) Ukuba iNdibano iyayikhaba iBhili, okanye ukuba iBhunga liyala ukuyipasisa iBhili etshintshiweyo ethunyelwe kuyo ngokomhlathi (c), iBhili leyo, nale Bhili itshintshiweyo, xa ikhona, kufuneka zithunyelwe kwiKomiti eLamlayo, enokuvuma –

(i) iBhili njengoko ipasiswe liBhunga

(ii) iBhili elungisiweyo njengoko ipasiswe yiNdibano; okanye

(iii) ivume olunye uhlobo lwale Bhili.

(e) Ukuba iKomiti eLamlayo ayinakho ukuyivuma ngeentsuku ezingama-30 ukususela mhla iBhili yasiwa kuyo, iBhili iyaphelelwa.

(f) Ukuba iKomiti eLamlayo iyavumelana neBhili njengoko ipasisiwe liBhunga, iBhili leyo kufuneka ibhekiswe kwiNdibano, ukuba iNdibano iyayipasisa, iBhili leyo kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(g) Ukuba iKomiti eLamlayo iyayivuma iBhili elungisiweyo njengoko ipasiswe yiNdibano, iBhili kufuneka ibhekiswe kwiBhunga, ize ukuba ipasisiwe liBhunga, ithunyelwe kuMongameli ukuze ayamkele.

(h) Ukuba iKomiti eLamlayo ivuma olunye uhlobo lweBhili, olo hlobo lweBhili kufuneka luthunyelwe kwiBhunga nakwiNdibano, ukuba ipasisiwe liBhunga nayiNdibano, kufuneka ithunyelwe kuMongameli ukuze ayamkele.

(i) Ukuba iBhili ebhekiswe kwiNdibano ngokwemihlathi (f) okanye (h) ayipasiswanga yiNdibano, iBhili leyo iyaphelelwa.

(3) IBhili mayiqwalaselwe ngokungqinelana nomgaqo-nkqubo osekwe licandelwana (1) okanye (2) ukuba ikwindawo yomsebenzi edweliswe kuShedyuli 4, okanye iyawumisela umthetho okhankanywe kuwo nawaphi na kula macandelo alandelayo:

(a) icandelo 65 (2);

(b) icandelo 163;

(c) icandelo 182;

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

(e) icandelo 196; kunye

(f) necandelo 197

(4) IBhili kufuneka kujongwane nayo ngokungqinelana nomgaqo-nkqubo osekwe licandelwana (1) ukuba imisela umthetho –

(a) ekuthethwa ngawo kwicandelo 44 (2) okanye 220 (3); okanye

(b) ekuthethwa ngawo kwiSahluko 13, ochaphazela imicimbi yezemali yesigaba samaphondo sikarhulumente.

(5) IBhili ekuthethwa ngayo kwicandelo 42 (6) kufuneka kujongwane nayo ngokungqinelana nomgaqo-nkqubo omiselwe licandelwana (1), ngaphandle kokuba –

(a) xa iNdibano yesiZwe ivotela iBhili le, imimiselo yecandelo 53 (1) ayisebenzi; endaweni yaloo nto, iBhili ingapasiswa kuphela ukuba isininzi samalungu eNdibano ayayivotela eyamkela;

(b) ukuba iBhili ibhekiswe kwiKomiti eLamlayo, le migaqo ilandelayo iyasebenza:

(i) Ukuba iNdibano yesiZwe iqwalasela iBhili ekuthethwa ngayo kwicandelwana (1) (g) okanye (h), loo Bhili ingapasiswa kuphela ukuba isininzi samalungu eNdibano siyayivotela siyamkela.

(ii) Ukuba iNdibano yesiZwe iqwalasela, okanye iyiqwalasela ngokutsha, iBhili ekuthethwa ngayo kwicandelwana (1) (e), (i) okanye (j) loo Bhili ingapasiswa kuphela ukuba, ubuncinane, isibini kwisithathu samalungu eNdibano ayayivotela eyamkela.

(6) Eli candelo alingeni ndawo kwiiBhili zemali.

IiBhili zeMali

77. (1) (a) IBhili ecalu-calula imali okanye emisela iirhafu, iintlawuliso okanye iintlawulelo-zinto yiBhili yemali. IBhili yemali ayimele kujongana nawo nawuphi na omnye umcimbi ngaphandle komcimbi owayamileyo ozalwa lucalu-calulo lwemali okanye kukumiselwa kweerhafu, okweentlawuliso okanye okweentlawulelo-zinto.

(2) Zonke iiBhili zemali kufuneka ziqwalaselwe ngokomgaqo-nkqubo omiselwe licandelo 75. Kufuneka kube kho umThetho wePalamente omisela umgaqo-nkqubo wokutshintsha iiBhili zemali ePalamente.

IKomiti eLamlayo

78. (1) IKomiti eLamlayo –

(a) inamalungu asithoba eNdibano yesiZwe anyulwe yiNdibano ngokungqinelana nomgaqo-nkqubo omiselwe yimigaqo nemiyalelo yeNdibano; lo mgaqo-nkqubo mawube ngobangela ukuba amaqela ezopolitiko abe nabameli, kule komiti, abanani labo lilungelelene nenani labameli bawo kwiNdibano;

(b) ikwanomthunywa omnye ovela kulo ngalinye igqiza lephondo elikwiBhunga lesiZwe lamaPhondo, umthunywa lowo otyunjwe ligqiza akulo.

(2) IKomiti eLamlayo iluvumile uchazo oluthile lweBhili, okanye igqibile ngomcimbi othile, xa olo chazo lweBhili okanye elinye icala laloo mcimbi, lixhaswa –

(a) ngabameli abahlanu, ubuncinane, beNdlu yeNdibano yesiZwe;

(b) nangabameli abahlanu, ubuncinane, beBhunga lesiZwe.

Ukuvunywa kweeBhili

79. (1) UMongameli kufuneka ayivume, ayisayine iBhili epasiswe ngokwesi Sahluko okanye, ukuba uMongameli unamathandabuzo ngokungqinelana kweBhili nomGaqo-siseko, angayiphindisela kwiNdibano yesiZwe ukuba iyokuqwalaselwa kwakhona.

(2) Imigaqo nemiyalelo edibeneyo kufuneka imisele umgaqo-nkqubo wokuqwalaselwa ngokutsha kweBhili yiNdibano yesiZwe nowokuthatha inxaxheba kweBhunga lesiZwe lamaPhondo kolo qwalaselo.

(3) IBhunga lesiZwe lamaPhondo kufuneka lithathe inxaxheba ekuqwalaselweni ngokutsha kweBhili uMongameli athe wayibuyisela kwiNdibano yesiZwe ukuba –

(a) amathandabuzo kaMongameli ngokungqinelana kweBhili nomGaqo-siseko aphathelele kumcimbi womgaqo-nkqubo obandakanya iBhunga; okanye

(b) icandelo 74 (1), (2) okanye (3) (b) okanye icandelo 76 lalisetyenzisiwe ekupasiseni iBhili leyo.

(4) Ukuba iBhili, emva kokuqwalaselwa kwayo ngokutsha, iyawasusa amathandabuzo kaMongameli, uMongameli kufuneka ayamkele, ayisayine iBhili; kungenjalo, uMongameli

kufuneka:
(a) ayamkele ayisayine iBhili; okanye
(b) ayise kwiNkundla yezomGaqo-siseko ukuze kuthatyathwe isigqibo malunga nokungqinelana kwayo nomGaqo-siseko.
(5) Ukuba iNkundla yezomGaqo-siseko igqiba ekubeni iBhili iyangqinelana nomGaqo-siseko, uMongameli kufuneka ayamkele aze ayisayine.
Ukwenziwa kwesicelo kwiNkundla yezomGaqo-siseko ngamalungu eNdibano yesiZwe
80. (1) Amalungu eNdibano yesiZwe angenzela isicelo kwiNkundla yezomGaqo-siseko sokuba iNkundla leyo ikhuphe umyalelo othi umThetho uwonke, okanye inxalenye yomThetho wePalamente awungqinelani nomGaqo-siseko.
(2) Isicelo –
(a) kufuneka sixhaswe ubuncinane sisinye kwisithathu samalungu eNdibano; kwaye
(b) kufuneka senziwe zingaphelanga iintsuku ezingama-30 ukususela kumhla athe ngawo uMongameli wawamkela waze wawusayina umThetho.
(3) INkundla yezomGaqo-siseko ingayalela ukuba wonke okanye inxalenye yomThetho ophantsi kwesicelo ngokwecandelwana (1) awunamandla okusebenza ide ibe iNkundla iye yenza isigqibo ngesicelo, ukuba –
(a) iinjongo zobulungisa zifuna oku; kwaye
(b) kukho ithemba lokuba isicelo singaphumelela.
(4) Ukuba isicelo asiphumelelanga, saye sasingenathuba lihle lokuphumelela, iNkundla yezomGaqo-siseko isengayalela abafaki-sicelo ukuba bahlawule iindleko.
Ukupapashwa kwemiThetho
81. IBhili eyamkelweyo yaze yasayinwa nguMongameli iba ngumThetho wePalamente, kwaye kufuneka ipapashwe ngoko nangoko, kwaye iqalisa ukusebenza yakupapashwa okanye ngomhla omiselwe ngokomThetho lowo.
Ukugcinwa kakuhle kwemiThetho yePalamente
82. Ikopi esayiniweyo yomThetho wePalamente ibubungqina obupheleleyo bemimiselo yaloo mThetho kwaye, emva kokupapashwa, kufuneka unikwe iNkundla yezomGaqo-siseko ukuze iwugcine kakuhle.
Isahluko 5
UMongameli nesigqeba sesiZwe
esinoLawulo oluPhezulu
UMongameli
83. UMongameli –
(a) uyiNtloko yomBuso kwanentloko yesigqeba sesizwe esinolawulo oluphezulu;
(b) kufuneka awuxhase, awukhusele aze awuhlonele umGaqo-siseko njengowona mthetho uphezulu weRiphabliki; kwaye
(c) ukwakhuthaza umanyano lwesizwe kwanoko kuya kuthi kuyiqhubele phambili iRiphabliki.
Amagunya nemisebenzi kaMongameli
84. (1) UMongameli unamagunya awaphathiswe ngumGaqo-siseko kunye nomthetho, kubandakanywa amagunya afunekayo ukuze kwenziwe imisebenzi yeNtloko yomBuso kunye neyentloko yesigqeba sesizwe esinolawulo oluphezulu.
(2) UMongameli ufanele ukuba enze ezi zinto zilandelayo –
(a) ukwamkela nokusayina iiBhili;
(b) ukuphindisela iBhili kwiNdibano yesiZwe ukuze kuqwalaselwe kwakhona ukungqinelana kweBhili leyo nomGaqo-siseko;
(c) ukuthumela iBhili kwiNkundla yezomGaqo-siseko ukuba yenze isigqibo malunga nokungqinelana kweBhili leyo nomGaqo-siseko;
(d) ukubizela iNdibano yesiZwe, iBhunga lesiZwe lamaPhondo okanye iPalamente ukuba

mayihlale kwintlanganiso yexesha elingelolesiqhelo ukuze iqwalasele imicimbi engxamisekileyo;
(e) ukumisela abantu nakweziphi na izithuba apho umGaqo-siseko okanye umthetho ufuna ukuba uMongameli enjenjalo, ngaphandle kokumisela abantu akwenza kuba eyintloko yesigqeba sesizwe esinolawulo oluphezulu;
(f) ukumisela iikhomishini zophando;
(g) ukubiza uvavanyo-zimvo lwesizwe ngokomThetho wePalamente;
(h) ukwamkela nokunika ingqalelo abameli bozakuzo bamanye amazwe;
(i) ukutyumba oonozaku-zaku, noonozakuzaku abanokuzimela;
(j) ukuxolela okanye ukukhulula izaphula-mthetho nokucima naziphi na iifayini, izohlwayo okanye izohlutho;
(k) nokuwonga ngeembasa

Igunya loLawulo oluPhezulu leRiphabliki

85. (1) Igunya lolawulo oluphezulu leRiphabliki lixakathiswe uMongameli.
(2) UMongameli usebenzisa igunya lolawulo oluphezulu, ekunye namanye amalungu eKhabinethi –
(a) ngokuwenza umthetho wesizwe usebenze, ngaphandle kwalapho umGaqo-siseko okanye umThetho othile wePalamente unammiselo wumbi;
(b) ukuphuhlisa nokwenza inkqubo-sikhokelo yesizwe isebenze;
(c) ukulungelelanisa imisebenzi yamasebe karhulumente kunye namaziko olawulo;
(d) ukulungiselela nokuqalisa umthetho; kunye
(e) nokwenza nawuphi na omnye umsebenzi wolawulo omiselwe kumGaqo-siseko okanye kumthetho wesizwe.

Unyulo lukaMongameli

86. (1) Ekuhlaleni kwayo okokuqala emva kokunyulwa kwayo, kwakunye nanini na xa kufuneka kuvalwe isithuba, iNdibano yesiZwe kufuneka inyule owasetyhini okanye indoda phakathi kwamalungu ayo ukuba abe nguMongameli.
(2) UMongameli weNkundla yezomGaqo-siseko kufuneka achophele unyulo lukaMongameli, okanye atyumbe enye ijaji ukuba yenjenjalo. Umgaqo-nkqubo ocaciswe kwiSahlulo A seShedyuli 3 kusebenza wona ekunyulweni kukaMongameli.
(3) Unyulo lokuvala isithuba kwisikhundla sikaMongameli kufuneka lubanjwe ngexesha nomhla ogqitywe nguMongameli weNkundla yezomGaqo-siseko, kodwa zingadlulanga iintsuku ezingama-30 emva kokuvela kwesithuba eso.

Ukungena esikhundleni kukaMongameli

87. Xa enyulwe njengoMongameli, umntu uyayeka ukuba lilungu leNdibano yesiZwe, kwaye kufuneka athi, zingaphelanga iintsuku ezintlanu, athabathe isikhundla ngokufunga okanye ngokuvuma ukuthembeka kwiRiphabliki nokuthobela umGaqo-siseko ngokokweShedyuli 2.

Ixesha lokubamba isikhundla sikaMongameli

88. (1) Ixesha lokuba sesikhundleni kukaMongameli liqala ekuthatheni kwakhe isikhundla eso lize liphele xa kuthe kwavela isithuba okanye xa omnye umntu onyuliweyo njengoMongameli ethabatha isikhundla.
(2) Makungabi kho mntu ubamba isikhundla njengoMongameli ngaphezulu kwezihlandlo ezibini; kodwa, xa umntu enyulwe ukuvala isithuba esikhundleni sikaMongameli, ithuba eliphakathi kolo nyulo, nonyulo olulandelayo lukaMongameli alithathwa njengethuba lokuba sesikhundleni.

Ukususwa kukaMongameli

89. (1) INdibano yesiZwe, ngesigqibo esithathwe ngokuxhaswa yivoti, yesibini esithathwini samalungu ayo ubuncinci, ingamsusa uMongameli esikhundleni sakhe kuphela ngenxa yezi zizathu zilandelayo –
(a) ukwaphulwa komGaqo-siseko okanye komthetho okugqithisileyo;

(b) ukungakwazi ukuziphatha okugqithisileyo; okanye
(c) ukungakwazi ukwenza umsebenzi wesikhundla.
(2) Nabani na othe wasuswa kwisikhundla sobuMongameli ngokwecandelwana (1) (a) okanye (b) akanakho ukufumana iimfanelo zeso sikhundla, kwaye akanakho ukubamba naso nasiphi na isikhundla eburhulumenteni.

UMongameli oBambeleyo

90. (1) Xa uMongameli engekho kwiRiphabliki, okanye engakwazi ukwenza umsebenzi wakhe wesikhundla sikaMongameli ngasizathu simbi, okanye ngethuba kukho isithuba kwisikhundla sikaMongameli, igosa elisesikhundleni lingabambela njengoMongameli ngokolu landelelwano lungezantsi –
(a) uSekela-Mongameli;
(b) uMphathiswa otyunjwe nguMongameli;
(c) uMphathiswa otyunjwe ngamanye amalungu eKhabinethi;
(d) uSomlomo, ide iNdibano yesiZwe ityumbe elinye lamalungu ayo.
(2) UMongameli oBambeleyo unoxanduva, amagunya, nemisebenzi kaMongameli.
(3) Phambi kokuthabatha uxanduva, amandla nemisebenzi kaMongameli, uMongameli oBambeleyo kufuneka afunge okanye avume ukuthembeka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

IKhabhinethi

91. (1) IKhabhinethi yakhiwa nguMongameli, njengentloko yeKhabhinethi, uSekela-Mongameli kunye nabaPhathiswa.
(2) UMongameli utyumba uSekela-Mongameli nabaPhathiswa, abanike amagunya nemisebenzi yabo, kwaye unakho ukubagxotha.
(3) UMongameli –
(a) kufuneka akhethe uSekela-Mongameli phakathi kwamalungu eNdibano yesiZwe;
(b) angakhetha nokuba bangaphi abaPhathiswa phakathi kwamalungu eNdibano; futhi
(c) angakhetha abaPhathiswa bangabi ngaphezu kwesibini abangengomalungu eNdibano.
(4) UMongameli kufuneka atyumbe ilungu leKhabhinethi libe yinkokeli yemicimbi karhulumetne kwiNdibano yesiZwe.
(5) USekela-Mongameli kufuneka amncedise uMongameli ekwenzeni imisebenzi karhulumente.

Ukuthembeka nezinto eziluxanduva

92. (1) USekela-Mongameli nabaPhathiswa bajongene namagunya nemisebenzi yolawulo abayabelwe nguMongameli.
(2) Amalungu eKhabhinethi kufuneka athembeke kwiPalamente ngokudibeneyo okanye ngokomntu ngamnye, malunga nokusetyenziswa kwamandla awo nokwenziwa kwemisebenzi yawo.
(3) Amalungu eKhabhinethi kufuneka –
(a) enze ngokungqinelana nomGaqo-siseko; aze
(b) anike iPalamente iingxelo ezizeleyo nezithe gqolo malunga nemicimbi ephantsi kolawulo lwawo.

AmaSekela abaPhathiswa

93. UMongameli angatyumba amaSekela abaPhathiswa phakathi kwamalungu eNdibano yesiZwe ukuba ancedise amalungu eKhabhinethi, kwaye usengawagxotha.

Ukuqhuba kweKhabhinethi emva konyulo

94. Xa kubanjwe unyulo lweNdibano yesiZwe, iKhabhinethi, uSekela-Mongameli, abaPhathiswa nawo nawaphi na amaSekela abaPhathiswa bahlala bekufanele ukusebenza de umntu onyulwe ukuba abe nguMongameli yiNdibano elandelayo athabathe isikhundla.

Isifungo okanye isingqiniso

95. Phambi kokuba uSekela-Mongameli, abaPhathiswa nawo nawaphi na amaSekela abaPhathiswa baqale ukwenza imisebenzi yabo, kufuneka bafunge okanye bavume ukuthembeka kwabo kwiRiphabliki, nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

Ukuziphatha kwamalungu eKhabhinethi namaSekela abaPhathiswa

96. (1) Amalungu eKhabhinethi kunye namaSekela abaPhathiswa kufuneka baziphathe ngokwendlela yokuziphatha emiselwe ngumthetho wesizwe.

(2) Amalungu eKhabhinethi namaSekela abaPhathiswa akuvumelekanga ukuba –

(a) benze nawuphi na omnye umsebenzi obabhatalayo;

(b) benze nangayiphi na indlela engahambisaniyo nezikhundla zabo, okanye bazibeke esichengeni sayo nayiphi imeko engathi ibangele umngcipheko wokungquzulana koxanduva lwabo lwaseburhulumenteni neemfuno zabo zabucala; okanye

(c) basebenzise izikhundla zabo okanye naluphi na ulwazi olusezandleni zabo besenzela ukutyebisa, okanye ukulungelwa, ngendlela engeyiyo kwakhe nawuphi na omnye umntu.

Ukutshintshelwa kwamagunya nemisebenzi

97. UMongameli angathi ngesihlokomiso atshintshele kwilungu elithile leKhabhinethi –

(a) usetyenziso lwawo nawuphi na umthetho olunikwe elinye ilungu; okanye

(b) naliphi na igunya okanye umsebenzi onikwe elinye ilungu ngokomthetho.

Ukuphathiswa / ukwabelwa okwethutyana kwemisebenzi

98. UMongameli angaphathisa ilungu leKhabinethi naliphi na igunya okanye umsebenzi welinye ilungu elingekhoyo kweso sikhundla, okanye elingakwaziyo ukusebenzisa elo gunya okanye ukwenza loo msebenzi.

Ukuphathiswa / ukwabelwa kwemisebenzi

99. Ilungu leKhabhinethi lingabela naliphi na igunya emalisetyenziswe okanye umsebenzi omawenziwe ngokomThetho wePalamente kwilungu leBhunga lokuLawula lephondo okanye kwiBhunga likaMasipala. Ulwabelo –

(a) kufuneka lube ngokwemigaqo yesivumelwano phakathi kwelo lungu leKhabhinethi lichaphazelekayo kunye nelungu leBhunga esinoLawulo oluPhezulu okanye leBhunga likaMasipala;

(b) kufuneka lungqinelane nomThetho wePalamente lowo ulawula ukusetyenziswa kwelo gunya okanye ukwenziwa kwaloo msebenzi:

(c) lwenzeka emva kokwaziswa ngesihlokomiso nguMongameli.

Ukugadwa kolawulo lwamaphondo ngurhulumente wesiZwe

100. (1) Xa iphondo lingakwazi okanye lingawufezekisi umsebenzi wezolawulo ngokwemigaqo yomthetho okanye yomGaqo-siseko, isigqeba esilawulayo sesizwe singangenelela ngokuthabatha nawaphi na amanyathelo afanelekileyo, ukuqinisekisa ukufezekiswa kwaloo msebenzi kubandakanywa –

(a) ukukhupha umyalelo uye kwisigqeba sephondo esinolawulo oluphezulu, ochaza ubungakanani bokusilela ukufezekisa imisebenzi yalo, okwachaza nawaphi na amanyathelo afunekayo ukuze iphondo elo liwufezekise loo msebenzi walo;

(b) nokuthabatha uxanduva lwaloo msebenzi kwelo phondo kangangoko kukho imfuneko –

(i) yokugcina imigangatho yesizwe efunekayo okanye yokuhlangabezana nemigangatho ekubuncinane esekiweyo yokwenziwa komsebenzi;

(ii) yokugcina umanyano lwezoqoqosho;

(iii) yokugcina ukhuseleko lwesizwe; okanye

(iv) yokuthintela elo phondo ekuthabatheni inyathelo elingafanelekanga elinokudlelelela amathuba okulungelwa kwelinye iphondo okanye kwelizwe ngokubanzi.

(2) Ukuba isigqeba sesizwe esinolawulo oluphezulu siyangenelela kwiphondo ngokwemigaqo yecandelwana (1)(b) –

(a) isaziso sokungenelela kufuneka sandlalwe kwiBhunga lesiZwe lamaPhondo ngeentsuku

ezi-14 zokuhlala kwalo okokuqala emva kokuba ungenelelo olo luqalisile;
(b) ungenelelo olo kufuneka lupheliswe ngaphandle kokuba lwamkelwe liBhunga ngeentsuku ezingama-30 emva kokuhlala kwalo okokuqala emva kokuba ungenelelo luqalisile; futhi
(c) iBhunga kufuneka liluqwalasele rhoqo ungenelelo olo, lize lenze naziphi na iingcebiso ezifanelekileyo kwisigqeba sesizwe esinolawulo oluphezulu.
(3) Umthetho wesizwe unokuyilawula inkqubo esekwe leli candelo.
Izigqibo zoLawulo oluPhezulu
101. (1) Isigqibo sikaMongameli kufuneka sibe sesibhaliweyo ukuba –
(a) isigqibo eso senziwe ngokomthetho; okanye
(b) sinemiphumela ephathelele emthethweni.
(2) Isigqibo esibhaliweyo nguMongameli kufuneka sisayinwe kwakhona lelinye ilungu leKhabhinethi ukuba eso sigqibo sichaphazela umsebenzi othile ophathiswe elo lungu leKhabhinethi lilelinye.
(3) Izihlokomiso, imigaqo nezinye iindlela zomthetho owayamileyo kufuneka zibe nokufikeleleka kubantu/nokufunyanwa lula ngabantu.
(4) Umthetho wesizwe ungayichaza indlela yokuthi, nobungakanani bokuthi, izinto ezikhankanywe kwicandelwana (3) –
(a) zandlalwe ePalamente; kanjalo
(b) zamkelwe yiPalamente.
Izindululo zokuphela kokuthenjwa
102. (1) Ukuba iNdibano yesiZwe ithe, ngevoti exhaswa sisininzi samalungu ayo, yapasisa isindululo sokuphela kokuthenjwa kweKhabhinethi, kungabandakanywa uMongameli, kufuneka uMongameli ayakhe ngokutsha iKhabhinethi.
(2) Ukuba iNdibano yesiZwe ithe, ngevoti exhaswa sisininzi samalungu ayo, yapasisa isindululo sokuphela kokuthenjwa kukaMongameli, uMongameli namanye amalungu eKhabhinethi nawo nawaphi na amaSekela-baPhathiswa kufuneka bazibeke phantsi iintambo.
Isahluko 6
AmaPhondo
Amaphondo
103. (1) IRiphabliki inala maphondo alandelayo:
(a) IMpuma-Koloni
(b) IFreyistata
(c) IRhawuti
(d) IKwaZulu-Natala
(e) IMpumalanga
(f) UmNtla-Koloni
(g) IPhondo lasemNtla
(h) IPhondo lasemNtla-Ntshona
(i) INtshona-Koloni
(2) Imida yamaphondo yileyo yayikho ukuqalisa kokusebenza komGaqo-siseko.
IziNdlu zoWiso-mthetho zamaPhondo
Igunya loWiso-mthetho lamaPhondo
104. (1) Igunya lephondo lokuwisa umthetho liphathiswe indlu yowiso-mthetho yephondo elo, kwaye linika indlu yowiso-mthetho yephondo amandla –
(a) okupasisa umGaqo-siseko wephondo layo okanye okutshintsha nawuphi na umGaqo-siseko opasiswe yiyo ngokwecandelo 142 nele-143;
(b) okuwisela iphondo layo umthetho, malunga –
(i) nawo nawuphi na umcimbi ophantsi kwendawo yemisebenzi edweliswe kwiShedyuli 4;
(ii) nawo nawuphi na umcimbi ophantsi kwendawo yemisebenzi edweliswe kwiShedyuli 5;

(iii) nawo nawuphi na umcimbi ongekhoyo kwezo ndawo zemisebenzi, onikwe elo phondo ngumthetho wesizwe;
(iv) kwanawo nawuphi na umcimbi omiselwe ngummiselo womGaqo-siseko ukuba kuwiswe umthetho wephondo ngawo;
(c) nawokunikela nawaphi na amagunya ayo ezowiso-mthetho kwisiGqeba sikaMasipala esikwelo phondo.
(2) Indlu yowiso-mthetho yephondo, ngesigqibo esithathwe ngokuxhaswe yivoti yesibini kwisithathu samalungu ayo, ubuncinci, ingayicela iPalamente ukuba itshintshe igama lephondo elo.
(3) Indlu yowiso-mthetho yephondo ibopheleleke kuphela kumGaqo-siseko, nakumGaqo-siseko wephondo layo, ukuba sele iwupasisile, kwaye kufuneka yenze ngokungqinelana nawo, kanjalo isebenze phakathi kwemida yawo umGaqo-siseko kwanomgaqo-siseko wephondo elo.
(4) Umthetho wephondo, omalunga nombandela oyimfuneko ngokuvakalayo ukuze kusetyenziswe ngokufezekileyo igunya elithile, okanye omalunga nombandela ozalwa koku kusetyenziswa kweli gunya, gunya elo liphathelele kumbandela odweliswe kwiShedyuli 4, ungumthetho omayela nomcimbi odweliswe kwiShedyuli 4, ngandlela zonke.
(5) Indlu yowiso-mthetho yephondo ingenza iingcebiso kwiNdibano yesiZwe ngomthetho omayela nawo nawuphi na umcimbi ongaphandle kwegunya laloo ndlu yowiso-mthetho, okanye ekuthi ngawo umThetho wePalamente ube ngaphezulu kwaloo mthetho wephondo.

Ukwakhiwa nokunyulwa kwezindlu zowiso-mthetho zamaphondo

105. (1) Indlu yowiso-mthetho yephondo yenziwa ngabasetyhini namadoda anyulwe njengamalungu ngokwemigaqo yenkqubo yonyulo –
(a) emiselwe ngumthetho wesizwe;
(b) esekelwe kuluhlu lwabavoti olunye lwesizwe, kodwa kweli cala linamagama abantu belo phondo;
(c) emisela ubudala bokuvota obuyiminyaka eli-18, ubuncinci;
(d) nedala ukuba amaqela ezopolitiko akwelo phondo amelwe ngokulungeleleneyo, ngokubanzi.
(2) Indlu yowiso-mthetho yephondo inamalungu aphakathi kwama-30 nama-80. Inani lamalungu, elinokwahluka phakathi kwamaphondo, kufuneka liqingqwe ngokwendlela emiselwe ngumthetho wesizwe.

Ubulungu

106. (1) Wonke ummi okufaneleyo ukuvotela iNdibano yesiZwe ukufanele ukuba lilungu lendlu yowiso-mthetho yephondo, ngaphandle –
(a) kwakhe nabani na oqeshwe ngurhulumente okanye okwinkonzo ethile karhulumente, efumana umvuzo ngoko kuqeshwa okanye ngaloo nkonzo, ingengabo kodwa aba –
(i) iNkulumbuso namanye amalungu eBhunga sePhondo elo esinoLawulo oluPhezulu;
(ii) kwanabanye ababambi-zikhundla abamisebenzi yabo ingqinelana nemisebenzi yelungu lendlu yowiso-mthetho yephondo, kwaye iqinisekisiwe ngumthetho wesizwe ukuba iyangqinelana naloo misebenzi;
(b) kwamalungu eNdibano yesiZwe, abathunywa abasisigxina kwiBhunga lesiZwe lamaPhondo okanye amalungu eBhunga sikaMasipala;
(c) kwabantu abanamatyala abangasoze baphinde bakwazi ukuwabhatala;
(d) kwakhe nabani na oqinisekiswe yinkundla yamatyala yeRiphabliki ukuba akemanga kakuhle engqondweni; okanye
(e) nabani na, othe emva kokusebenza kweli candelo, wafunyaniswa enetyala lokwaphula umthetho waza wagwetywa ithuba elingaphezulu kweenyanga ezili-12 esentolongweni, engavunyelwanga ukuhlawula nefayini, nokuba kulapha kwiRiphabliki, okanye ngaphandle kweRiphabliki, ukuba isenzo eso sokwaphulwa komthetho besiya kuba kukwaphulwa komthetho

kwiRiphabliki; kodwa, akakho umntu oya kuthathwa njengomntu ogwetyiweyo de sibe isibheno sakhe ngokufunyanwa enetyala okanye ngesigwebo, sele kugqityiwe ngaso, okanye de libe lidlulile ixesha lokwenza isibheno. Ukungafaneleki ngokwalo mhlathi kuphela emva kweminyaka emihlanu sigqityiwe isigwebo eso.

(2) Umntu ongafanelanga ukuba lilungu lendlu yowiso-mthetho yephondo ngokwemigaqo yecandelwana (1) (a) okanye (b) angazigqatsela unyulo lwendlu leyo yowiso-mthetho, kodwa engalutyeshelanga naluphi na usikelo-mda kunye nemiqathango esekwe ngumthetho wesizwe.

(3) Umntu uyalahlekelwa bubulungu bendlu yowiso-mthetho yephondo ukuba loo mntu uthe –

(a) waphelelwa kukufanela ukunyulwa; okanye

(b) akabi kho kwindlu yowiso-mthetho engenamvume yokwenjenjalo, kwiimeko apho imigaqo nemiyalelo yendlu yowiso-mthetho imisela ukuphulukana nobulungu.

(4) Izithuba kwindlu yowiso-mthetho yephondo kufuneka zivalwe ngokwemigaqo yomthetho wesizwe.

Isifungo okanye isingqiniso

107. Phambi kokuba amalungu endlu yowiso-mthetho yephondo aqalise ukwenza imisebenzi yawo kwindlu yowiso-mthetho, kufuneka afunge okanye enze isingqiniso sokuthembeka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

Ubungakanani bexesha lezindlu zowiso-mthetho zamaphondo

108. (1) Indlu yowiso-mthetho yephondo inyulelwa ithuba lokusebenza eliyiminyaka emihlanu.

(2) Ukuba indlu yowiso-mthetho yephondo ichithwe ngokwecandelo 109, okanye xa kuphela ithuba layo, iNkulumbuso yephondo kufuneka ithi, ngesihlokomiso, ibize unyulo, ibeke nemihla yalo; olo nyulo kufuneka lubanjwe zingaphelanga iintsuku ezingama-90, ukusuka kuloo mhla wokuchithwa kwendlu yowiso-mthetho okanye wokuphela kwethuba layo lokusebenza.

(3) Ukuba iziphumo zonyulo lwendlu yowiso-mthetho yephondo azibhengezwanga lingekapheli ixesha elixelwe kwicandelo 190, okanye ukuba unyulo lumisiwe yinkundla, uMongameli kufuneka athi, ngesihlokomiso, abize olunye unyulo, abeke nemihla yalo; lona kufuneka lubanjwe zingaphelanga iintsuku ezingama-90 ukusuka kuloo mhla wokumiswa konyulo.

(4) Indlu yowiso-mthetho yephondo ihlala ikulungele ukusebenza ukususela kwixesha lokuchithwa kwayo okanye ukuphela kwethuba layo lokusebenza kude kube lusuku oluphambi kosuku lokuqala lonyulo lwendlu yowiso-mthetho elandelayo.

Ukuchithwa kwezindlu zowiso-mthetho zamaphondo phambi kokuphela kwethuba lazo lokusebenza

109. (1) INkulumbuso yephondo kufuneka iyichithe indlu yowiso-mthetho ukuba –

(a) indlu yowiso-mthetho ithabathe isigqibo sokuba ichitheke, esixhaswa yivoti yoninzi lwamalungu ayo; kwaye

(b) sekudlule iminyaka emithathu emva kokuba indlu yowiso-mthetho yanyulwayo.

(2) IBambela leNkulumbuso kufuneka liyichithe indlu yowiso-mthetho yephondo ukuba –

(a) kukho isithuba kwisikhundla seNkulumbuso; ize

(b) indlu yowiso-mthetho ingakwazi ukunyula iNkulumbuso entsha ngethuba leentsuku ezingama-30 emva kokuba sivelile eso sithuba.

Amaxesha okuhlangana nawokungahlangani

110. (1) Emva konyulo, indlu yowiso-mthetho yephondo kufuneka ihlangane okokuqala ngexesha nangomhla ogqitywe yijaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko, kodwa kungadanga kwadlula iintsuku ezili-14 emva kokubhengezwa kweziphumo zonyulo. Indlu yowiso-mthetho ingamisela ixesha nobungakanani bamanye amaxesha ayo okuhlangana nawokungahlangani.

(2) INkulumbuso yephondo ingathi ibizele indlu yowiso-mthetho yephondo kwindibano engeyoyesiqhelo nanini na ukuza kwenza umsebenzi owodwa.
(3) Indlu yowiso-mthetho yephondo ingagqiba okokuba iya kuhlanganela phi na ngokwesiqhelo.

OoSomlomo nooSekela-somlomo

111. (1) Kwindibano yokuqala emva kokunyulwa kwayo, okanye xa kukho imfuneko yokuvala isithuba, indlu yowiso-mthetho yephondo kufuneka inyule uSomlomo kunye noSekela-Somlomo, phakathi kwamalungu ayo.
(2) Ijaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko kufuneka yongamele ukunyulwa kukaSomlomo. USomlomo wongamela unyulo lukaSekela-Somlomo.
(3) Umgaqo-nkqubo ocaciswe kwiSahlulo A seShedyuli 3 nguwo osebenzayo ekunyulweni kooSihlalo beNdlu nooSekela-Sihlalo beNdlu.
(4) Indlu yowiso-mthetho yephondo ingamsusa uSomlomo okanye uSekela-Somlomo esikhundleni ngesigqibo. Isininzi samalungu endlu yowiso-mthetho kufuneka abe khona xa kuthatyathwa esi sigqibo.
(5) Indlu yowiso-mthetho yephondo ingathi, ngokokwemigaqo nemiyalelo yayo, inyule phakathi kwamalungu ayo amanye amagosa ongamelayo ukuncedisa uSomlomo kunye noSomlomo.

Izigqibo

112. (1) Ngaphandle kwalapho umGaqo-siseko unammiselo wumbi –
(a) isininzi samalungu endlu yowiso-mthetho yephondo kufuneka abe khona phambi kokuba kuvotelwe iBhili okanye isilungiso kwiBhili;
(b) ubuncinane isinye kwisithathu samalungu kufuneka abe khona phambi kokuba kuvotelwe nawuphi na umcimbi ongomnye ophambi kwendlu yowiso-mthetho; kanjalo
(c) yonke imicimbi ephambi kwendlu yowiso-mthetho yephondo igqitywa ngesininzi senani leevoti ezikhoyo.
(2) Ilungu elongameleyo kwintlanganiso yendlu yowiso-mthetho alinavoti enika icala kodwa –
(a) kufuneka lenze ivoti yesigqibo xa kukho inani elilinganayo leevoti macala omabini omcimbi othile; kwaye
(b) lingafaka ivoti enika icala xa umcimbi kufuneka kugqitywe ngawo ngokuthi uxhaswe yivoti yamalungu ayo asisibini kwisithathu, ubuncinane.

Amalungelo abathunywa abasisigxina kwizindlu zowiso-mthetho zamaphondo

113. Abathunywa abasisigxina bephondo abakwiBhunga lesiZwe lamaPhondo bangaya, futhi bathethe kwindlu yowiso-mthetho yabo nakwiikomiti zayo, kodwa bangavoti. Indlu yowiso-mthetho ingayalela ukuba umthunywa osisigxina aye kwindlu yowiso-mthetho okanye kwiikomiti zayo.

Amagunya ezindlu zowiso-mthetho zamaphondo

114. (1) Xa isebenzisa igunya layo lowiso-mthetho, indlu yowiso-mthetho yephondo ingathi –
(a) iqwalasele, ipasise, ilungise okanye ikhabe nayiphi na iBhili ephambi kwendlu leyo yowiso-mthetho; kanjalo
(b) iqalise okanye ilungise umthetho, ngaphandle kweeBhili zemali.
(2) Indlu yowiso-mthetho yephondo kufuneka imisele iindlela –
(a) zokuqinisekisa ukuba onke amaziko alawulayo karhulumente wephondo akulo iphondo elo athembekile kuyo;
(b) nezokugada –
(i) ukusetyenziswa kwegunya lephondo elinolawulo oluphezulu kwiphondo elo, kubandakanywa ukusetyenziswa komthetho;

(ii) nalo naliphi na iziko likarhulumente lephondo.

Ubungqina okanye iinkcukacha eziphambi kwezindlu zowiso-mthetho zamaphondo

115. Indlu yowiso-mthetho yephondo okanye nayiphi na kwiikomiti zayo –

(a) ingabiza nawuphi na umntu ukuba avele phambi kwayo ukuza kunika ubungqina, ngesifungo okanye ngesingqiniso, okanye aveze amaxwebhu;

(b) ingayalela ukuba nawuphi na umntu okanye naliphi na iziko lephondo, linike ingxelo kuyo;

(c) inganyanzela, ngokomthetho wephondo okanye ngokwemigaqo nemiyalelo yephondo, nawuphi na umntu okanye iziko ukuba athobele oko kubizwa okanye loo myalelo ngokomhlathi (a) okanye (b); kwaye

(d) ingamkela amaxwebhu ezikhalazo, imibiko yemicimbi okanye imicimbi ebhaliweyo yangeniswa, esuka kubo nabaphi na abantu abafuna ukuza nayo okanye amaziko afuna ukwenjenjalo.

Amalungiselelo emicimbi yangaphakathi, iingxoxo nemigaqo-nkqubo yezindlu zowiso-mthetho zamaphondo

116. (1) Indlu yowiso-mthetho yephondo-

(a) ingamisela, ilawule amalungiselelo emicimbi yayo yangaphakathi, neengxoxo nemigaqo-nkqubo yayo;

(b) ingenza imigaqo nemiyalelo malunga nemicimbi yayo, kuthathelwa ingqalelo inkqubo yedemokhrasi yokuba nabameli okanye neyokuthabatha inxaxheba, ukuthembeka, ukwenza izinto elubala, kunye nokubandakanyeka kukawonke-wonke.

(2) Imigaqo nemiyalelo yendlu yowiso-mthetho yephondo kufuneka inike isikhokelo –

(a) sokusekwa, nokwakhiwa kweekomiti zayo, ndawonye namagunya, nemisebenzi, nemigaqo-nkqubo, nobungakanani bexesha lokuba kho kwezi komiti;

(b) sokuthatha inxaxheba kwamaqela amancinane (ezopolitiko) amelweyo kwindlu yowiso-mthetho, kwiingxoxo zayo nezeekomiti zayo, ngendlela engqinelana nedemokhrasi;

(c) sokunika uncedo lwezemali nolwezolawulo kwiqela ngalinye (lezopolitiko) elimelweyo kwindlu yowiso-mthetho, ngokulungelelene nenani labameli balo, ukuze iqela ngalinye nenkokeli yalo likwazi ukwenza imisebenzi yalo kwindlu yowiso-mthetho ngokufezekileyo;

(d) nesokuvuma inkokeli yelona likhulu iqela eliphikisayo kwindlu yowiso-mthetho, njengeNkokeli yeQela eliPhikisayo.

Inyhweba

117. (1) Amalungu endlu yowiso-mthetho yephondo kunye nabathunywa abasisigxina bephondo kwiBhunga lesiZwe lamaPhondo-

(a) akhululekile ukuba angathetha nantoni na kwindlu yowiso-mthetho nakwiikomiti zayo, kodwa elawulwa yimigaqo nemiyalelo yayo; kwaye

(b) akafanele ukuba asiwe ematyaleni embambano nawolwaphulo-mthetho, okanye abanjwe, okanye avalelwe entolongweni okanye amangalelwe ngenxa –

(i) yayo nayiphi na into ayithethileyo, ayivezileyo okanye ayingenisileyo kwindlu yowiso-mthetho okanye nakuyiphi na kwiikomiti zayo; okanye ngenxa

(ii) yayo nayiphi na into ethe yadula ngenxa yayo nayiphi na into ayithethileyo, ayivezileyo, okanye ayingenisileyo, kwindlu yowiso-mthetho okanye nakuyiphi na kwiikomiti zayo.

(2) Ezinye iinyhweba nokuvikeleka kwendlu yowiso-mthetho yephondo namalungu ayo kungamiselwa ngomthetho wesizwe.

(3) Imivuzo, izibonelelo neemfanelo ezihlawulwa amalungu endlu yowiso-mthetho yephondo ziindleko ngqo zeNgxowa-mali yeNgeniso yePhondo.

Ukufikelela nokuthabatha inxaxheba kukawonke-wonke kwizindlu zowiso-mthetho zamaphondo

118. (1) Indlu yowiso-mthetho yephondo kufuneka –

(a) yenze kube lula ukuba abantu bathabathe inxaxheba kwinkqubo yowiso-mthetho nakwezinye iinkqubo zendlu yowiso-mthetho nezeekomiti zayo; kanjalo

(b) iqhube imicimbi yayo ngendlela eselubala, ibambe iintlanganiso zayo kunye nezo zeekomiti zayo, elubala; kodwa amanyathelo afanelekileyo angathatyathwa –

(i) okulawula ukungena kwabantu, kubandakanywa ukungena koonondaba, kwindlu yowiso-mthetho nakwiikomiti zayo;

(ii) nawokusetshwa kwakhe nawuphi na umntu, kanti nokwalelwa ukungena okanye ukususwa kwakhe nawuphi na umntu, apho kufanelekileyo ukwenjenjalo.

(2) Indlu yowiso-mthetho yephondo ayinakubavalela abantu, kubandakanywa noonondaba, kwintlanganiso yekomiti ngaphandle kokuba kuyafuneka kwaye kufanelekile ukwenjenjenjalo kuluntu olungafihlisi nto nolunedemokhrasi.

Ukungeniswa kweeBhili

119. Ngamalungu eBhunga esinoLawulo oluPhezulu sephondo okanye ikomiti okanye ilungu lendlu yowiso-mthetho yephondo kuphela abantu abanokungenisa iBhili kwindlu yowiso-mthetho; kodwa lilungu leBhunga esinoLawulo oluPhezulu elijongene nemicimbi yezemali kwiphondo kuphela elingangenisa iBhili yemali kwindlu yowiso-mthetho.

IiBhili zeMali

120. (1) IBhili ecalu-calula imali okanye emisela iirhafu, iintlawuliso okanye iintlawulelo-zinto yiBhili yemali. IBhili yemali ayimele kujongana nawo nawuphi na omnye umcimbi ngaphandle komcimbi owayamileyo ozalwa kukucalu-calulwa kwemali okanye kukumiselwa kweerhafu, iintlawuliso okanye iintlawulelo-zinto.

(2) Kufuneka umThetho othile wephondo umisele umgaqo-nkqubo eya kuthi ngawo indlu yowiso-mthetho yephondo elo ibe nokutshintsha iBhili yemali.

Ukuvunywa kweeBhili

121. (1) INkulumbuso yephondo kufuneka iyamkele, iyisayine iBhili epasiswe yindlu yowiso-mthetho yephondo ngokwesi Sahluko okanye, ukuba iNkulumbuso inamathandabuzo malunga nokungqinelana kweBhili nomGaqo-siseko, iyithumele iBhili leyo kwindlu yowiso-mthetho yephondo ukuba iyokuqwalaselwa kwakhona.

(2) Ukuba, emva kokuqwalaselwa kwakhona, iBhili iyawasusa ngokupheleleyo amathandabuzo eNkulumbuso, iNkulumbuso kufuneka iyamkele ize iyisayine iBhili; ukuba ayiwasusi ngokupheleleyo amathandabuzo eNkulumbuso, iNkulumbuso ingathi-

(a) iyamkele iyisayine iBhili; okanye

(b) iyithumele iBhili kwiNkundla yezomGaqo-siseko ukuze kuthatyathwe isigqibo malunga nokungqinelana kwayo nomGaqo-siseko.

(3) Ukuba iNkundla yezomGaqo-siseko igqiba kwelokuba iBhili iyangqinelana nomGaqo-siseko iNkulumbuso kufuneka iyamkele ize iyisayine.

Ukwenziwa kwesicelo ngamalungu kwiNkundla yezomGaqo-siseko

122. (1) Amalungu endlu yowiso-mthetho yephondo angenza isicelo kwiNkundla yezomGaqo-siseko somyalelo othi umThetho uwonke, okanye inxalenye yawo umThetho othile wephondo awungqinelani nomGaqo-siseko.

(2) Isicelo –

(a) kufuneka sixhaswe, ubuncinane, ngama-20 epesenti yamalungu endlu yowiso-mthetho; kanjalo

(b) kufuneka senziwe zingaphelanga iintsuku ezingama-30 ukususela ngomhla iNkulumbuso eyawamkela yaze yawusayina ngawo umThetho.

(3) INkundla yezomGaqo-siseko ingathi wonke umThetho, okanye inxalenye yawo, ophantsi kwesicelo ngokwecandelwana (1), awunamandla okusebenza ide ibe iNkundla iye yenza isigqibo ngesicelo, ukuba –

(a) iinjongo zobulungisa zifuna oku; kwaye

(b) kukho ithemba lokuba isicelo singaphumelela.

(4) Ukuba isicelo asiphumelelanga, kwaye kwakungekho themba licacileyo lokuba

singaphumelela, iNkundla yezomGaqo-siseko ingayalela abo bafake isicelo ukuba bahlawule iindleko.

Ukupapashwa kwemiThetho yephondo

123. IBhili eyamkelweyo yaze yasayinwa yiNkulumbuso yephondo iba ngumThetho wephondo, kufuneka ipapashwe ngoko nangoko kwaye iqalisa ukusebenza yakupapashwa okanye kumhla omiselwe ngomThetho lowo.

Ukugcinwa kakuhle kwemiThetho yePalamente

124. Ikopi esayiniweyo yomThetho wephondo ibubungqina obupheleleyo bemimiselo yaloo mThetho kwaye, emva kokupapashwa, kufuneka unikwe iNkundla yomGaqo-siseko ukuze iwugcine kakuhle.

IBhunga sePhondo esinoLawulo oluPhezulu

Igunya lolawulo oluphezulu lamaphondo

125. (1) Igunya lolawulo oluphezulu lephondo liphathiswe iNkulumbuso yelo phondo.

(2) INkulumbuso iwasebenzisa amandla ayo olawulo oluphezulu ikunye namanye amalungu eBhunga esinoLawulo oluPhezulu –

(a) ngokuwenza usebenze umthetho wephondo kwelo phondo;

(b) ngokuyenza isebenze yonke imithetho yesizwe ekwiindawo zemisebenzi ezidweliswe kwiShedyuli 4 okanye 5 ngaphandle kwalapho umGaqo-siseko okanye umThetho wePalamente unammiselo wumbi;

(c) ngokuwenza usebenze kwiphondo elo umthetho wesizwe ongaphandle kweendawo zemisebenzi ezidweliswe kwiShedyuli 4 kunye neyesi-5, ophathiswe isigqeba sephondo esinolawulo oluphezulu, ngokomThetho wePalamente;

(d) ngokuyiphuhlisa nokuyenza isebenze inkqubo-sikhokelo yephondo;

(e) ngokulungelelanisa imisebenzi yamasebe ephondo namaziko alo olawulo;

(f) ngokulungisa nokuqalisa umthetho wephondo;

(g) nangokwenza nawuphi na omnye umsebenzi ophathiswe isigqeba sephondo elo ngokomGaqo-siseko okanye umThetho othile wePalamente.

(3) Igunya lolawulo oluphezulu elinalo iphondo nokwecandelwana (2)(b) likangangokuba elo phondo linawo amandla olawulo okuthwala uxanduva ngokufezekileyo. Urhulumente wesizwe, ngenyathelo lezowiso-mthetho kunye namanye amanyathelo, kufuneka ancedise amaphondo ukuphuhlisa amandla olawulo afunekayo ukuze akwazi ukuwasebenzisa ngokufezekileyo amagunya awo, nokwenza ngokufezekileyo imisebenzi yawo exelwe kwicandelwana (2).

(4) Nayiphi na imbambano emalunga namandla olawulo ephondo elithile, okwenza nawuphi na umsebenzi kufuneka ibhekiswe kwiBhunga lesiZwe lamaPhondo ukuze kuthatyathwe isigqibo ngayo ngeentsuku ezingama-30 ukususela kumhla wokubhekiswa kwayo kwiBhunga elo.

(5) Ukwenziwa komthetho wephondo usebenze kwiphondo ngalinye, ligunya lolawulo oluphezulu lelo phondo lodwa, kodwa elo gunya lilawulwa licandelo 100.

(6) Isigqeba sephondo esinolawulo oluphezulu kufuneka sisebenze ngokungqinelana –

(a) nomGaqo-siseko; kunye

(b) nomGaqo-siseko wephondo ukuba umGaqo-siseko sele upasisiwe kwiphondo elo.

Ulwabiwo lwemisebenzi

126. Ilungu leBhunga sephondo esinoLawulo oluPhezulu kufuneka linike naliphi na igunya ekufuneka lisetyenziswe okanye umsebenzi ekufuneka wenziwe ngokomThetho wePalamente, okanye umThetho wePhondo, kwiBhunga likaMasipala. Ulwabiwo –

(a) kufuneka lulandele imvumelwano phakathi kwelungu elo leBhunga esinoLawulo oluPhezulu kunye neBhunga likaMasipala;

(b) kufuneka lungqinelane nomThetho lowo lisetyenziswa ngokwemigaqo yawo elo gunya okanye wenziwa ngokwemigaqo yawo umsebenzi ochaphazelekayo; kwaye

(c) luqalisa ukusebenza emva kwesihlokomiso esenziwe yiNkulumbuso.

Amandla nemisebenzi yeeNkulumbuso

127. (1) INkulumbuso yephondo inamagunya nemisebenzi ephathiswe eso sikhundla ngumGaqo-siseko kunye nawuphi na umthetho.

(2) INkulumbuso yephondo inoxanduva lokuba –

(a) yamkele isayine iiBhili;

(b) ibuyisele iBhili ethile kwindlu yowiso-mthetho ukuze iBhili leyo iqwalaselwe kwakhona malunga nokungqinelana kwayo nomGaqo-siseko;

(c) ithumele iBhili ethile kwiNkundla yezomGaqo-siseko ukuze kuthatyathwe isigqibo malunga nokungqinelana kwayo nomGaqo-siseko;

(d) ibizele indlu yowiso-mthetho kwindibano engeyoyesiqhelo ukuzokuqwalasela imicimbi eyodwa;

(e) ityumbe iikhomishini zophando; ize kanjalo

(f) ibize uvavanyo-zimvo kwiphondo ngokungqinelana nomthetho wesizwe.

Ukunyulwa kweeNkulumbuso

128. (1) Kwindibano yayo yokuqala emva konyulo lwayo, nangalo naliphi na ixesha ekufuneka ukuba kuvalwe isithuba, indlu yowiso-mthetho yephondo ngalinye kufuneka ukuba inyule owasetyhini okanye indoda phakathi kwamalungu ayo ukuba ibe yiNkulumbuso yephondo elo.

(2) Ijaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko kufuneka ukuba ichophele unyulo lweNkulumbuso. Umgaqo-nkqubo ocaciswe kwiSahlulo A seShedyuli 3 nguwo osebenzayo ekunyulweni kweNkulumbuso.

(3) Unyulo lokuvala isithuba esikhundleni seNkulumbuso kufuneka lubanjwe ngexesha nangomhla omiselwe nguMongameli weNkundla yezomGaqo-siseko, kodwa kungadlulanga iintsuku ezingama-30 emva kokuvela kwesithuba eso.

Ukungena kweeNkulumbuso kwizikhundla

129. Umntu oza kuba yiNkulumbuso kufuneka angene kwisikhundla sobuNkulumbuso, zingaphelanga iintsuku ezintlanu enyuliwe, ngokufunga okanye ukuvuma ukuthembeka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

Ithuba lokubamba isikhundla leeNkulumbuso nokususwa kwazo

130. (1) Ixesha leNkulumbuso lokuba sesikhundleni liqala yakungena iNkulumbuso esikhundleni eso, liphele xa kuvele isithuba okanye xa umntu olandelayo onyulwe njengeNkulumbuso ethabatha isikhundla.

(2) Akukho mntu omakabambe isikhundla sobuNkulumbuso izihlandlo ezingaphezu kwezibini; kodwa, xa umntu enyulelwe ukuvala isithuba esikhundleni seNkulumbuso, ithuba eliphakathi kolo nyulo, nonyulo olulandelayo lweNkulumbuso alithathwa njengethuba lokuba sesikhundleni.

(3) Indlu yowiso-mthetho yephondo inganako ukuthi, ngesigqibo esithatyathwe ngokuxhaswe yivoti yesibini kwisithathu samalungu ayo, ubuncinci, iyisuse iNkulumbuso esikhundleni, iyenza loo nto ngenxa yezi zizathu zilandelayo kuphela –

(a) ukwaphulwa komGaqo-siseko okanye komthetho okuxhomis' amehlo;

(b) ukuziphatha kakubi okuxhomis' amehlo; okanye

(c) ukungabi nakho ukwenza imisebenzi yesikhundla eso.

(4) Nabani na othe wasuswa esikhundleni sobuNkulumbuso ngokwecandelwana (3) (a) okanye (b) akamele kufumana naziphi na iimfanelo zeso sikhundla, futhi akamele kusebenza nakwesiphi na isikhundla sikarhulumente.

IiNkulumbuso eziBambeleyo

131. (1) Xa iNkulumbuso ingekho okanye ingakwazi, ngasizathu simbi, ukwenza imisebenzi ekwisikhundla sobuNkulumbuso, okanye xa kukho isithuba kwisikhundla sokuba yiNkulumbuso, omnye umbambi-sikhundla, usebenza njengeNkulumbuso, angene ngokolu landelelwano lungezantsi:

(a) Ilungu leBhunga elinoLawulo oluPhezulu elityunjwe yiNkulumbuso;
(b) Ilungu leBhunga elinoLawulo oluPhezulu elityunjwe ngamanye amalungu eBhunga elo;
(c) USomlomo, ide indlu yowiso-mthetho ityumbe omnye wamanye amalungu ayo.
(2) INkulumbuso eBambeleyo inoxanduva, amagunya, nemisebenzi yeNkulumbuso.
(3) Phambi kokuthabatha uxanduva, amagunya nemisebenzi yeNkulumbuso, iBambela leNkulumbuso kufuneka lifunge okanye livume ukuthembeka kwiRiphabliki nokuthobela umGaqo-siseko ngokungqinelana neShedyuli 2.

AmaBhunga anoLawulo oluPhezulu

132. (1) IBhunga lephondo elinoLawulo oluPhezulu lakhiwe yiNkulumbuso, njengentloko yeBhunga, kunye namalungu angekho nganeno kwesihlanu nangekho ngaphezulu kweshumi atyunjwe yiNkulumbuso phakathi kwamalungu endlu yowiso-mthetho yephondo.
(2) INkulumbuso yephondo ityumba amalungu eBhunga elinoLawulo oluPhezulu, inike amagunya nemisebenzi yawo, kanti inakho ukuwagxotha.

Ukuthembeka kwanoxanduva

133. (1) Amalungu eBhunga lephondo elinoLawulo oluPhezulu athwele imisebenzi yolawulo anikwe yona yiNkulumbuso.
(2) Amalungu eBhunga lephondo elinoLawulo oluPhezulu kufuneka athi ngokuhlangeneyo, nangokomntu ngamnye, athembeke kwindlu yowiso-mthetho malunga nokusetyenziswa kwamagunya nokwenziwa kwemisebenzi yawo.
(3) Amalungu eBhunga lephondo elinoLawulo oluPhezulu kufuneka –
(a) enze ngokungqinelana nomGaqo-siseko; kanjalo, ukuba umGaqo-siseko wephondo elo sele upasisiwe, ngokungqinelana nawo nalowo umGaqo-siseko; aze
(b) anike indlu yowiso-mthetho iingxelo ezizeleyo nezithe gqolo malunga nemicimbi ephantsi kolawulo lwawo.

Ukuqhuba kwamaBhunga anoLawulo oluPhezulu emva konyulo

134. Xa kubanjwe unyulo lwendlu yowiso-mthetho yephondo, iBhunga elinoLawulo oluPhezulu namalungu alo bahlala bekufanele ukusebenza de umntu onyulwe ukuba abe yiNkulumbuso yindlu yowiso-mthetho elandelayo athabathe isikhundla.

Isifungo okanye isingqiniso

135. Phambi kokuba amalungu eBhunga lephondo elinoLawulo oluPhezulu aqale ukwenza imisebenzi yawo, kufuneka afungele okanye avume ukuthembeka kwiRiphabliki nokuthobela umGaqo-siseko, ngokungqinelana neShedyuli 2.

Ukuziphatha kwamalungu amaBhunga anoLawulo oluPhezulu

136. (1) Amalungu amaBhunga anoLawulo oluPhezulu ephondo kufuneka aziphathe ngokokwendlela yokuziphatha emiselwe ngumthetho wesizwe.
(2) Amalungu eBhunga lephondo elinoLawulo oluPhezulu akuvumelekanga ukuba –
(a) enze namnye omnye umsebenzi owabhatalayo;
(b) enze nangayiphi na indlela engangqinelaniyo nezikhundla zawo, okanye azibeke esichengeni sayo nayiphi na imeko engathi ibangele umngcipheko wokungquzulana phakathi koxanduva lwawo lwaseburhulumenteni neemfuno zawo zabucala; okanye
(c) asebenzise izikhundla zawo okanye naluphi na ulwazi olusezandleni zawo ukuba azityebise okanye alungiselele ngendlela engeyiyo nawuphi na omnye umntu.

Ukutshintshelwa kwemisebenzi

137. INkulumbuso ingathi ngesihlokomiso itshintshele kwilungu elithile leBhunga elinoLawulo oluPhezulu –
(a) ukwenziwa kwawo nawuphi na umthetho usebenze, okungumsebenzi welinye ilungu; okanye
(b) naliphi na igunya okanye nawuphi na umsebenzi onikwe elinye ilungu ngokomthetho.

Ukwabelwa kwemisebenzi okwethutyana

138. INkulumbuso yephondo ingabela ilungu elithile leBhunga elinoLawulo oluPhezulu naliphi na igunya okanye nawuphi na umsebenzi welinye ilungu elingekhoyo kwisikhundla salo okanye elingakwaziyo ukulisebenzisa elo gunya okanye ukuwenza loo msebenzi.

Ukugadwa korhulumente weengingqi liphondo

139. (1) Xa umasipala engenakho okanye engazifezekisi iimfanelo zakhe zolawulo ngokwemigaqo yomthetho, ibhunga lolawulo lephondo akulo lingangenelela ngokuthabatha nawaphi na amanyathelo afanelekileyo ukuqinisekisa ukufezekiswa kwezo mfanelo, kubandakanywa –

(a) ukukhutshwa komyalelo uye kwiBhunga likaMasipala, ochaza ubungakanani boko kungafezekiswa kweemfanelo zalo, nobeka nawaphi na amanyathelo afunekayo ukuhlangabezana neemfanelo zalo;

(b) nokuthabatha uxanduva lwezo mfanelo zichaphazelekayo kuloo masipala kangangokuba kuyimfuneko, ukuze –

(i) kugcinwe imigangatho yesizwe eyimfuneko okanye kumiselwe eyona migangatho isezantsi yokwenziwa komsebenzi othile;

(ii) kuthintelwe elo Bhunga likaMasipala ekuthabatheni inyathelo elingafanelekanga elinokudlelelela ukulungelwa komnye umasipala okanye kwephondo lilonke; okanye

(iii) kugcinwe ubunye kwezoqoqosho

(2) Ukuba ibhunga lephondo elinolawulo oluphezulu liyangenelela kumasipala ngokwemigaqo yecandelwana (1)(b) –

(a) ukungenelela kufuneka kupheliswe, ngaphandle kokuba kuvunyiwe lilungu lekhabhinethi elijongene nemicimbi yoorhulumente beengingqi, zingaphelanga iintsuku ezili-14 zoko kungenelela;

(b) isaziso sokungenelela oko kufuneka sandlalwe kwindlu yowiso-mthetho yephondo nakwiBhunga lesiZwe lamaPhondo zingaphelanga iintsuku ezili-14 emva kokuba neendibano zazo zokuqala, emva kokuba kuqalise olo ngenelelo;

(c) ungenelelo olo kufuneka lupheliswe ngaphandle kokuba luvunyiwe liBhunga ngeentsuku ezingama-30 zendibano yalo yokuqala emva kokuqalisa kongenelelo; kanjalo

(d) iBhunga kufuneka liluqwalasele ungenelelo olo rhoqo, lenze naziphi na iingcebiso kwibhunga lephondo elinolawulo oluphezulu.

(3) Umthetho wesizwe ungayilawula le nkqubo imiselwe leli candelo.

Izigqibo ezikuLawulo oluPhezulu

140. (1) Isigqibo seNkulumbuso yephondo kufuneka sibe sesibhaliweyo ukuba –

(a) isigqibo eso senziwe ngokomthetho; okanye

(b) sinemiphumela ngokwasemthethweni.

(2) Isigqibo esibhaliweyo seNkulumbuso kufuneka sisayinwe kwakhona lelinye ilingu leBhunga elinoLawulo oluPhezulu ukuba eso sigqibo siphathelele kumsebenzi othile ophathiswe elo lungu lilelinye.

(3) Izihlokomiso, imigaqo, namanye amaxwebhu omthetho owayamileyo wephondo kufuneka zifikeleleke kubantu/zifunyanwe lula ngabantu.

(4) Umthetho wephondo ungacacisa ukuba la maxwebhu akhankanywe kwicandelwana (3) kufuneka kwenziwe njani, ukuya kuthi ga phi –

(a) ukuziswa kwawo kwindlu yowiso-mthetho yephondo; kunye

(b) nokwamkelwa kwawo yindlu yowiso-mthetho yephondo.

Izindululo zokuphela kokuthenjwa

141. (1) Ukuba indlu yowiso-mthetho yephondo, ngevoti exhaswa sisininzi samalungu ayo, ipasisa isindululo sokuphela kokuthenjwa kweBhunga lePhondo elinoLawulo oluPhezulu, kungabandakanywa iNkulumbuso, iNkulumbuso kufuneka yakhe iBhunga ngokutsha.

(2) Ukuba indlu yowiso-mthetho yephondo, ngevoti exhaswa sisininzi samalungu ayo, ipasisa isindululo sokuphela kokuthenjwa kweNkulumbuso, iNkulumbuso namanye amalungu la eBhunga elinoLawulo oluPhezulu kufuneka bazibeke phantsi iintambo.

ImiGaqo-siseko yamaPhondo

Ukwamkelwa kwemigaqo-siseko yamaphondo

142. Indlu yowiso-mthetho yephondo ingapasisa umgaqo-siseko wephondo okanye, apho kufunekayo, ingawutshintsha umgaqo-siseko wayo, ukuba, ubuncinane, isibini kwisithathu samalungu ayo avotela ukuyivuma iBhili yokwenjenjalo.

Isiqulatho semigaqo-siseko yamaphondo

143. (1) Umgaqo-siseko wephondo, okanye utshintsho lwawo umgaqo-siseko, akufuneki lungangqinelani nalo mGaqo-siseko (wesizwe), kodwa unokumisela/lunokumisela –

(a) amaziko nemigaqo-nkqubo yezowiso-mthetho neyolawulo yephondo eyahlukileyo kuleyo imiselwe kwesi Sahluko; okanye

(b) iziko, indima, igunya newonga lokumkani wemveli, apho kufanele ukuba kwenjwenjalo.

(2) Imimiselo equlethwe kumgaqo-siseko wephondo okanye kwisilungiso sawo ngokwemihlathi (a) okanye (b) yecandelwana (1) –

(a) kufuneka ingqinelane nezithethe zexabiso ezikwicandelo 1 kunye neSahluko 3; kwaye

(b) ayinakunika iphondo naliphi na igunya okanye umsebenzi –

(i) ongaphandle kwendawo yamandla ephondo ngokweShedyuli 4 neyesi-5; okanye

(ii) ongaphandle kwamagunya nemisebenzi ephathiswe iphondo ngamanye amacandelo omGaqo-siseko lo.

Ukuqiniselwa kwemigaqo-siseko yamaphondo

144. (1) Ukuba indlu yowiso-mthetho yephondo iye yapasisa okanye ya – tshintsha umgaqo-siseko, uSomlomo wendlu yowiso-mthetho leyo kufuneka athumele itekisi yomgaqo-siseko okanye yotshintsho lomgaqo-siseko kwiNkundla yezomGaqo-siseko ukuze iqiniselwe.

(2) Akukho tekisi yomgaqo-siseko wephondo okanye yotshintsho lomgaqo-siseko iba ngumthetho ide iNkundla yezomGaqo-siseko ibe iqinisele ukuba –

(a) itekisi le ipasiswe ngokungqinelana necandelo 142; nokuthi

(b) itekisi iphela ithobela icandelo 143.

Ukusayinwa, ukubhengezwa nokugcinwa ngokukhuselekileyo kwemigaqo-siseko yamaphondo

145. (1) INkulumbuso yephondo kufuneka iyivume kwaye iyisayine itekisi yomgaqo-siseko wephondo okanye yotshintsho lomgaqo-siseko eye yaqiniselwa yiNkundla yezomGaqo-siseko.

(2) Itekisi evunywe yaze yasayinwa yiNkulumbuso kufuneka ipapashwe kwiGazethi kaRhulumente yesizwe kwaye iqalisa ukusebenza ngomhla wokupapashwa okanye ngomnye umhla ozayo, obekwe ngokwaloo mgaqo-siseko okanye utshintsho olo lwawo.

(3) Itekisi esayiniweyo yomgaqo-siseko wephondo okanye wotshintsho lomgaqo-siseko ibubungqina obupheleleyo bemimiselo yawo kwaye, emva kokuba ipapashiwe, kufuneka inikelwe kwiNkundla yezomGaqo-siseko ukuze yona iyigcine ngokukhuselekileyo.

ImiThetho ePhikisanayo/eNgquzulanayo

Ukungangqinelani phakathi komthetho wesizwe nowephondo

146. (1) Eli candelo libhekisa kwimeko yokungangqinelani phakathi komthetho wesizwe nomthetho wephondo okwindawo yomsebenzi edweliswe kwiShedyuli 4.

(2) Umthetho wesizwe osebenza ngokufanayo ngokubhekisele kweli lizwe lilonke uyawongamela umthetho wephondo ukuba omnye wale miqathango ilandelayo uzalisekisiwe:

(a) Umthetho wesizwe ujongene nomcimbi ongenakulawulwa ngokufezekileyo ngumthetho owenziwe kwiphondo ngalinye, lilodwa.

(b) Umthetho lowo wesizwe ujongene nomcimbi othi, ukuze uphathwe ngokufezekileyo, ufune ukuphathwa ngokufanayo kwisizwe siphela, waye umthetho wesizwe lowo usenza kube kho

oko kufana ngokuthi umisele –
(i) izithethe nemigangatho;
(ii) izikhokelo; okanye
(iii) iinkqubo-sikhokelo zesizwe.
(c) Umthetho wesizwe uyimfuneko ukuze –
(i) kugcinwe ukhuseleko lwesizwe;
(ii) kugcinwe umanyano lwezoqoqosho;
(iii) kukhuselwe imarike yomntu wonke ngokuphathelele ekuhanjisweni kwempahla, kwiinkonzo, kwimali nakubasebenzi;
(iv) kukhuthazwe imisebenzi yezoqoqosho ukusuka kwiphondo ukuya kwelinye;
(v) kukhuthazwe amathuba alinganayo okanye ukufikelela ngokulinganayo kwiinkonzo zikarhulumente; okanye
(vi) kukhuselwe indalo esingqongileyo.
(3) Umthetho wesizwe uyawongamela umthetho wephondo ukuba umthetho wesizwe lowo wenzelwe ukuthintela inyathelo elingafanelekanga lephondo elithile, nyathelo elo –
(a) lidlelelela ukulungelwa kwelinye iphondo okanye kwelizwe eli liphela malunga nezoqoqosho, nezempilo okanye nokhuseleko; okanye
(b) livalela ukwenziwa kwenkqubo-sikhokelo yesizwe yezoqoqosho isebenze.
(4) Xa kukho imbambano malunga nokuthi kufuneka umthetho wesizwe na ukuze kwenzeke into echazwe kwicandelwana (2) (c), ize loo mbambano iziswe enkundleni ukuza kusonjululwa, inkundla leyo kufuneka ikuhloniphe ukuvunywa okanye ukwaliwa komthetho lowo liBhunga lesiZwe lamaPhondo.
(5) Umthetho wephondo uyawongamela umthetho wesizwe ukuba icandelwana (2) okanye (3) alisebenzi.
(6) Umthetho owenziwe ngokomThetho wePalamente okanye ngokomThetho wamaphondo unokongamela kuphela ukuba loo mthetho wamkelwe liBhunga lesiZwe lamaPhondo.
(7) Ukuba iBhunga lesiZwe lamaPhondo alifikeleli sigqibeni kwisithuba seentsuku ezingama-30 lihlangene okokuqala emva kokuba umthetho othile wawusiwe kulo, loo mthetho mawuthathwe, ngokweenjongo zawo zonke, njengothe wamkelwa liBhunga eli.
(8) Ukuba iBhunga lesiZwe lamaPhondo aliwamkeli umthetho ekuthethwa ngawo kwicandelwana (6), kufuneka, ngeentsuku ezingama-30 lisenzile isigqibo salo, lixele izizathu zokungawamkeli loo mthetho, lizixele kwelo gunya beliwuthumele kulo umthetho lowo.

Ezinye iimpikiswano / olunye ungquzulwano

147. (1) Ukuba kukho ungquzulwano phakathi komthetho wesizwe kunye nommiselo womgaqo-siseko wephondo malunga –
(a) nomcimbi ekufuneka okanye ekujongwe ngokukodwa, ngokwalo mGaqo-siseko, ukuba wenzelwe okanye ujonge umthetho wesizwe, umthetho wesizwe lowo uyawongamela loo mmiselo uchaphazelekayo womgaqo-siseko wephondo;
(b) nokungenelela komthetho wesizwe ngokwecandelo 44(2), loo mthetho wesizwe uyawongamela loo mmiselo womgaqo-siseko wephondo; okanye
(c) umcimbi okwindawo yomsebenzi edweliswe kwiShedyuli 4, icandelo 146 liyasebenza njengokungathi lo mmiselo uchaphazelekayo womGaqo-siseko wephondo ungumthetho wephondo ekubhekiselwe kuwo kwelo candelo.
(2) Umthetho wesizwe oxelwa kwicandelo 44 (2) uyawongamela umthetho wephondo ngokumayela nemicimbi ekwiindawo zemisebenzi ezidweliswe kwiShedyuli 5.

Ungquzulwano olungenakusombululeka

148. Ukuba ukungavisisani okuzalwa lungquzulwano akunakusonjululwa yinkundla, umthetho wesizwe uyawongamela umthetho wephondo okanye umgaqo-siseko wephondo.

Inqanaba lomthetho ongongameliyo

149. Isigqibo senkundla sokokuba umthetho othile uwongamele omnye umthetho asiwenzi ube yinto engekhoyo loo mthetho wonganyelweyo, koko loo mthetho wona uba ngongasebenziyo lo gama ungquzulwano lusekhoyo.

Ukuchazwa kweempikiswano / kongquzulwano

150. Xa kuqwalaselwa ungquzulwano olungathi lukho phakathi komthetho wesizwe nowephondo, okanye phakathi komthetho wesizwe nomgaqo-siseko wephondo, zonke iinkundla kufuneka zikhethe naluphi na uchazo olufanelekileyo lomthetho lowo okanye lomgaqo-siseko lowo, chazo olo luluphephayo ungquzulwano, endaweni yochazo olulolunye olubangela ungquzulwano.

Isahluko 7

URhulumente weeNgingqi

Inqanaba loomasipala

151. (1) Isigaba seengingqi sikarhulumente sakhiwe ngoomasipala, ekufuneka basekwe kummandla wonke weRiphabliki.

(2) Igunya lolawulo nelowiso-mthetho likamasipala liphathiswe iBhunga likaMasipala lowo.

(3) Umasipala unelungelo lokulawula, ngokuzibonela, imicimbi yoburhulumente beengingqi yabantu bakhe, kodwa ephantsi komthetho wesizwe nowephondo, njengoko kumiselweyo kumGaqo-siseko.

(4) Urhulumente wesizwe okanye owephondo abasayi kuchitha okanye bathintele amandla okanye ilungelo likamasipala lokusebenzisa amagunya akhe okanye lokwenza imisebenzi yakhe.

Iinjongo zorhulumente weengingqi

152. (1) Iinjongo zorhulumente weengingqi zezi-

(a) ukwenzela abantu kwiindawo abahlala kuzo urhulumente weengingqi onedemokhrasi nothembekileyo;

(b) ukuqinisekisa ubukho beenkonzo ebantwini kwiindawo-ndawo abahlala kuzo ngendlela ethe gqolo;

(c) ukukhuthaza uphuhliso lwezentlalo nezoqoqosho;

(d) ukukhuthaza imo ekhuselekileyo nenempilo yendawo nendalo esingqongileyo;

(e) ukukhuthaza kuthatha inxaxheba koluntu kunye nemibutho yoluntu kwimicimbi yorhulumente weengingqi.

(2) Umasipala kufuneka azame, ngokwamandla akhe ezemali nawolawulo, ukufezekisa iinjongo ezicaciswe kwicandelwana (1)

Imisebenzi yophuhliso yoomasipala

153. UMasipala kufuneka –

(a) abumbe aze ongamele ulawulo lwakhe, neenkqubo zolwabiwo-mali nezocwangciso, ukwenzela ukuba abeke phambili iimfuno ezisisiseko zabantu, nokuba akhuthaze uphuhliso lwabantu lwezentlalo nolwezoqoqosho; kanjalo

(b) athathe inxaxheba kwiiprogramu zophuhliso zesizwe nezephondo.

Oomasipala kurhulumente wentsebenziswano

154. (1) Urhulumente wesizwe noorhulumente bamaphondo kufuneka bathi, ngamanyathelo owiso-mthetho kunye nangamanye, kufuneka baxhase, baqinise amandla oomasipala okuziphathela imicimbi yabo, nawokusebenzisa amagunya abo, nokwenza imisebenzi yabo.

(2) Umthetho osaqulunqwayo worhulumente wesizwe okanye wephondo ochaphazela inqanaba, amaziko, amagunya okanye imisebenzi yorhulumente weengingqi kufuneka upapashwe ukuze uhlalutywe ngokuphandle, phambi kokuba usiwe ePalamente okanye kwindlu yowiso-mthetho yephondo, loo nto (yokupapashwa) yenziwe ngendlela eya kwenza ukuba urhulumente weengingqi oqingqekileyo, oomasipala, nabanye abantu abafunayo, babe nethuba lokuya kuzithethela malunga naloo mthetho usaqulunqwayo.

Ukusekwa koomasipala

155. (1) Kukho ezi ndidi zilandelayo zoomasipala:
(a) uDidi A: Umasipala onegunya elilelakhe yedwa lolawulo oluphezulu nelowiso-mthetho kwingingqi yakhe;
(b) uDidi B: Umasipala obambisene ngegunya lakhe lolawulo oluphezulu nelowiso-mthetho kwingingqi yakhe nomasipala woDidi C ekuthi kwingingqi yakhe kungene nale kamasipala woDidi B;
(c) uDidi C: Umasipala onegunya elilelakhe yedwa lolawulo oluphezulu nelowiso-mthetho kwingingqi ebandakanya omnye umasipala okanye abanye oomasipala.
(2) Kufuneka umthetho wesizwe uchaze iintlobo zoomasipala ezinokumiselwa phakathi kodidi ngalunye.
(3) Umthetho wesizwe kufuneka –
(a) wenze kube kho iimpawu ekuya kubonwa ngazo xa ingingqi ifanele ukuba nomasipala omnye ongowoDidi A okanye xa ifanelwe ngoomasipala bazo zombini uDidi B noDidi C;
(b) wenze kube kho iimpawu nemigaqo-nkqubo yokumisela imida yoomasipala, imiselwa ligunya elizimeleyo; kananjalo
(c) uthi uthobela icandelo 229, wenze indlela yokwahlula-hlulwa okufanelekileyo kwamagunya nemisebenzi phakathi koomasipala apho ingingqi inoomasipala bazo zombini uDidi B noDidi C. Ulwahlula-hlulo lwamagunya nemisebenzi phakathi komasipala woDidi B nomasipala woDidi C lusenokungafani nolo luphakathi komnye umasipala woDidi B nalo masipala woDidi C mnye.
(4) Lo mthetho kubhekiswa kuwo kwicandelwana (3) kufuneka uyithathele ingqalelo imfuneko yokuba kubonelelwe ngeenkonzo zikamasipala ngendlela elinganayo.
(5) Umthetho wephondo kufuneka uqondisise iintlobo ezahlukileyo zoomasipala emazimiselwe kwiphondo elo.
(6) Urhulumente wephondo ngamnye kufuneka amisele oomasipala kwiphondo lakhe ngendlela engqinelanayo nomthetho owenziwe ngokwecandelwana (2) nelesi-(3) aze, esebenzisa iindlela zowiso-mthetho nezinye iindlela –
(a) enze kube kho ukugadwa nokuxhaswa korhulumente weengingqi kwiphondo elo; kananjalo
(b) akhuthaze ukuphuhliswa kwamandla karhulumente weengingqi ukwenzela ukuba oomasipala bakwazi ukwenza imisebenzi yabo nokuphatha imicimbi yabo.
(7) Urhulumente wesizwe, elawulwa licandelo 44, noorhulumente bamaphondo banegunya lowiso-mthetho nelolawulo oluphezulu lokwenza ukuba oomasipala bayenze ngokufezikileyo imisebenzi yabo mayela nemicimbi edweliswe kwiShedyuli 4 neyesi-5, ngokuthi balawule ukusebenzisa koomasipala elabo igunya lolawulo oluphezulu elixelwe kwicandelo 156 (1).

Amagunya nemisebenzi yoomasipala

156. (1) Umasipala unegunya lolawulo oluphezulu malunga, nelungelo lokulawula –
(a) imicimbi yorhulumente weengingqi edweliswe kwiSahlulo B seShedyuli 4 neSahlulo B seShedyuli 5; kunye
(b) nawo nawuphi na omnye umcimbi owabelwe okanye othunywe yena ngumthetho wesizwe okanye wephondo.
(2) Umasipala angenza, aze asebenzise izinxuluma-mthetho ukuze kube kho ulawulo olunemfezeko lwemicimbi anelungelo lokuyilawula.
(3) Phantsi kwemimiselo yecandelo 151(4), isinxuluma-mthetho esiphikisanayo nomthetho wesizwe okanye wephondo asinamandla okusebenza. Ukuba kukho ungquzulwano phakathi kwesinxuluma-mthetho nomthetho wesizwe okanye wephondo ongasebenziyo ngenxa yokuba kukho ungquzulwano oluchazwe kwicandelo 149, isinxuluma-mthetho kufuneka sithatyathwe njengesisebenzayo ngelo thuba umthetho lowo ungasebenziyo ngalo.
(4) Urhulumente wesizwe noorhulumente bamaphondo kufuneka babele okanye bathume

umasipala, ngesivumelwano naphantsi kwayo nayiphi na imiqathango, ulawulo lomcimbi odweliswe kwiSahlulo A seShedyuli 4 okanye iSahlulo A seShedyuli 5 eziphathelele kurhulumente weengingqi ngokwemfuneko, ukuba –

(a) loo mcimbi unokwenziwa ngokufezekileyo kwingingqi; futhi

(b) umasipala lowo unawo amandla okuwenza.

(5) Umasipala unelungelo lokusebenzisa naliphi na igunya mayela nawo nawuphi na umbandela oyimfuneko okanye ozalwa koko kwenziwa ngokunemfezeko kwemisebenzi yakhe.

Ukwakhiwa nokunyulwa kwamaBhunga ooMasipala

157. (1) IBhunga likaMasipala lakhiwe –

(a) ngamalungu anyulwe ngokwecandelwana (2),(3),(4) nelesi- (5); okanye

(b) ukuba kukho ummiselo womthetho wesizwe otshoyo –

(i) ngamalungu atyunjwe ngamanye amaBhunga ooMasipala ukumela wona loo maBhunga angamanye; okanye

(ii) ngawo onke la malungu, la anyuliweyo ngokungqinelana nomhlathi (a), nala atyunjwe ngokungqinelana nomhlathana (i) walo mhlathi.

(2) Unyulo lwamalungu eBhunga likaMasipala oluxelwa kwicandelwana (1)(a) kufuneka lungqinelane nomthetho wesizwe, ekufuneka wona umisele inkqubo –

(a) yokumelwa ngokolungelelwano okusekwe kuluhlu lwabavoti olunye lwesizwe, kwicandelo lolu luhlu olunamagama abantu baloo masipala; le nkqubo kufuneka ibe yekwanika indlela yokunyulwa kwamalungu kwizicwangciso-ludwe zabavotelwa bamaqela ezopolitiko, abadweliswe ngokolandelelwano olukhethwa liqela ngalinye; okanye

(b) yokumelwa ngokolungelelwano njengoko kuchazwe kumhlathi (a), nkqubo leyo idityaniswe nenkqubo yokumelwa ngokweengingqana/ngokweewadi, esekwe kuluhlu lwabavoti kwiwadi nganye, abakhoyo, kwicandelo laloo masipala, kuluhlu lwabavoti olunye lwesizwe.

(3) Inkqubo yonyulo ngokwecandelwana (2) kufuneka iqinisekise okokuba inani lamalungu anyuliweyo kwiqela ngalinye libonisa ubungakanani beevoti ezibhalisiweyo zaloo maqela.

(4) Ukuba inkqubo yonyulo ibandakanya umelo ngokokweewadi, ukwahlulwa-hlulwa kweewadi kufuneka kwenziwe ligunya elizimeleyo elityunjwe, futhi lisebenza ngokwemigaqo-nkqubo neempawu ezibekwe ngumthetho wesizwe.

(5) Umntu angavota kumasipala kuphela ukuba loo mntu ubhaliswe kwicandelo laloo masipala kuluhlu lwabavoti olunye lwesizwe.

(6) Umthetho wesizwe ekuthethwa ngawo kwicandelwana (1) (b) kufuneka useke inkqubo eyenza ukuba amaqela neemeko zokulungelwa kwawo ezikhoyo kwelo Bhunga likaMasipala lityumbela amalungu alo kwelinye, amelwe, neemeko ezo zimelwe, ngokungenasheyi kwelo Bhunga likaMasipala kutyunjelwa kulo amalungu.

Ubulungu bamaBhunga ooMasipala

158. (1) Wonke ummi ofanelekileyo ukuvotela iBhunga likaMasipala ukufanele ukuba lilungu lelo Bhunga, ngaphandle –

(a) kwakhe nabani na oqeshwe, okanye okwinkonzo ethile kamasipala kwaye efumana intlawulo ngoko kuqeshwa okanye ngaloo nkonzo, kube oku kungafaneleki kwakhe kungayekiswanga ngokomthetho wesizwe;

(b) kwakhe nabani na oqeshwe, okanye okwinkonzo kaRhulumente, kwesinye isigaba, esamkela intlawulo ngokokuqeshwa okanye ngaloo nkonzo, abe kanjalo enziwe akafaneleka kubulungu beBhunga likaMasipala ngomthetho wesizwe;

(c) kwakhe nawuphi na umntu ongakufanelanga ukuvotela iNdibano yesiZwe okanye ongafanelekanga ngokwecandelo 47 (1) (c), (d) okanye (e) ukuba abe lilungu leNdibano;

(d) kwelungu leNdibano yesiZwe, komthunywa kwiBhunga lesiZwe lamaPhondo okanye kwelungu lendlu yowiso-mthetho yephondo; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimele urhulumente weengingqi kwiBhunga lesiZwe; okanye ngaphandle

(e) kwelungu lelinye iBhunga likaMasipala; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimele elo Bhunga kwelinye iBhunga likaMasipala lodidi olwahlukileyo.
(2) Umntu ongafanelekanga ukuba abe lilungu leBhunga likaMasipala ngokwamacandelwana (1) (a) (b), (d) okanye (e) angangumvotelwa weBhunga elo, phantsi kwalo naluphi na usikelo-mda okanye kwayo nayiphi na imiqathango emiselwe ngumthetho wesizwe.

Amathuba okusebenza kwamaBhunga kaMasipala

159. Ithuba lokuqhuba ukusebenza kweBhunga likaMasipala alingebi ngaphezulu kweminyaka emine, njengoko kumiselwe ngumthetho wesizwe.

Iinkqubo zangaphakathi

160. (1) IBhunga likaMasipala –
(a) lenza izigqibo malunga nokusetyenziswa kwawo onke amagunya nokwenziwa kwayo yonke imisebenzi kamasipala;
(b) kufuneka linyule usihlalo walo;
(c) linganyula ikomiti enolawulo oluphezulu nezinye iikomiti, lithobela umthetho wesizwe; kanjalo
(d) lingaqesha abasebenzi abafunekayo ukuze imisebenzi yalo yenziwe ngokufezekileyo.
(2) Le misebenzi ilandelayo akufuneki ithunywe abanye abantu liBhunga likaMasipala –
(a) ukupasiswa kwezinxuluma-mthetho;
(b) ukuvunywa kolwabiwo-mali;
(c) umiselo lwerhafu yepropati nezinye iirhafu, neentlawuliso, neentlawulelo-zinto;
(d) kwanokwenziwa kweemboleko-mali.
(3) (a) Kufuneka kube kho uninzi lwamalungu eBhunga likaMasipala phambi kokuba kuvotelwe nawuphi na umcimbi.
(b) Yonke imiba emalunga nemicimbi ekhankanywe kwicandelwana (2) iqondisiswa ngesigqibo esithathwe liBhunga likaMasipala esixhaswe yivoti yoninzi lwamalungu alo.
(c) Yonke eminye imiba ephambi kweBhunga likaMasipala yenzelwa izigqibo ngesininzi seevoti ezivotiweyo.
(4) Makungapasiswa sinxuluma-mthetho liBhunga likaMasipala ngaphandle kokuba –
(a) onke amalungu eBhunga elo ayinikiwe inotisi ebhadlileyo; kwaye
(b) eso sinxuluma-mthetho sipoposhwayo siye sapapashwa ukuze sihlalutywe (/sicikidwe) ngokuphandle.
(5) Umthetho wesizwe ungazinika iimpawu zokwenza isigqibo malunga –
(a) nobungakanani beBhunga likaMasipala;
(b) nokuthi amaBhunga kaMasipala angayinyula na ikomiti enolawulo oluphezulu okanye nayiphi na ikomiti; okanye
(c) nobungakanani bekomiti enolawulo oluphezulu okanye nobayiphi na enye ikomiti yeBhunga likaMasipala elithile.
(6) IBhunga likaMasipala lingazenza izinxuluma-mthetho ezimisela imigaqo nemiyalelo eyenzelwa –
(a) amalungiselelo alo angaphakathi;
(b) imicimbi yalo nokuxoxwa kwayo;
(c) nokusekwa, nokwakhiwa kweekomiti zalo, kwakunye nemigaqo-nkqubo, amagunya nemisebenzi yezi komiti.
(7) IBhunga likaMasipala kufuneka liqhube imicimbi yalo ngendlela engafihli nto, lize lizivale iintlanganiso zalo, okanye ezo zeekomiti zalo, kuphela xa kufanelekileyo ukuba kwenjwenjalo, xa kuthathelwa ingqalelo uhlobo lwengxaki leyo kuhlangenwe ngayo.
(8) Amalungu eBhunga likaMasipala anelungelo lokuthatha inxaxheba kwiingxoxo zalo nakwezo zeekomiti zalo ngendlela ethi –
(a) ivumele ukuba amaqela neemeko zokulungelwa ezikhoyo kwiBhunga elo zibe nokumelwa

ngokungenasheyi;
(b) ingqinelane nedemokhrasi; futhi
(c) ibe nokulawulwa ngumthetho wesizwe.
Inyhweba
161. Umthetho wephondo osebenza ngokwesikhokelo somthetho wesizwe ungamisela iinyhweba nokuvikeleka kwamaBhunga ooMasipala kunye namalungu awo.
Ukupapashwa kwezinxuluma-mthetho zoomasipala
162. (1) Isinxuluma-mthetho sikamasipala singasetyenziswa kuphela emva kokuba sipapashiwe kwigazethi yaseburhulumenteni yelo phondo akulo umasipala lowo.
(2) Igazethi karhulumente yephondo kufuneka ipapashe isinxuluma-mthetho sikamasipala ngesicelo sikamasipala.
(3) Izinxuluma-mthetho zikamasipala kufuneka zifikeleleke kuluntu.
URhulumente weeNgingqi oqingqiweyo
163. UmThetho wePalamente owenziwe ngokungqinelana nomgaqo-nkqubo osekwe licandelo 76 kufuneka –
(a) umisele indlela yokuhoywa kwamaziko esizwe nawephondo amele oomasipala; kanjalo
(b) umisele imigaqo-nkqubo angathi ngayo urhulumente
weengingqi –
(i) adlane indlebe norhulumente wesizwe okanye owephondo elithile;
(ii) atyumbe abameli abaza kuthabatha inxaxheba kwiBhunga lesiZwe lamaPhondo; kanjalo
(iii) akhethele abantu kwiKhomishini yezeMali neeRhafu.
Eminye imicimbi
164. Nawuphi na umcimbi omalunga norhulumente weengingqi ongaqwalaselwanga kumGaqo-siseko ungamiselwa ngumthetho wesizwe okanye ngumthetho wephondo phantsi kwesikhokelo somthetho wesizwe.
Isahluko 8
IiNkundla noSetyenziso lobuLungisa
Igunya lezeejaji
165. (1) Igunya lezomthetho kwiRiphabliki liphathiswe iinkundla zomthetho.
(2) Iinkundla zizimele, zilawulwa kuphela ngumGaqo-siseko nomthetho, ekufuneka ziwusebenzisile ngokungakhethi cala, nangaphandle koloyiko, nokuba nedolo, okanye nokudlel'indlala.
(3) Akukho mntu okanye ziko loburhulumente livumelekileyo ukuphazamisana nokusebenza kweenkundla.
(4) Amaziko karhulumente, ngamanyathelo ezowiso-mthetho kwakunye namanye amanyathelo, kufuneka azincedise, azikhusele iinkundla, ukuqinisekisa ukuzimela, ukungakhethi cala, isidima, ukufikeleleka, nokusebenza ngokufezekileyo kweenkundla.
(5) Umyalelo okanye isigqibo esikhutshwe yinkundla sibophelela bonke abantu kunye namaziko karhulumente obhekisa/ esibhekisa kubo/kuwo.
Inkqubo yezeejaji
166. Iinkundla zezi –
(a) INkundla yezomGaqo-siseko;
(b) INkundla ePhakamileyo yeziBheno;
(c) IiNkundla eziPhezulu, kubandakanywa nayo nayiphi na inkundla ephezulu yezibheno engathi isekwe ngumThetho wePalamente ukuze imamele izibheno ezivela kwiiNkundla eziPhezulu.;
(d) IiNkundla zooMantyi; kunye
(e) nayiphi na enye inkundla esekwe okanye evunywe ngokomThetho wePalamente, kubandakanywa nayiphi na inkundla ekwinqanaba elifanayo neleeNkundla eziPhezulu okanye

eleeNkundla zooMantyi.

INkundla yezomGaqo-siseko

167. (1) INkundla yezomGaqo-siseko inoMongameli, uSekela Mongameli, kunye nezinye iijaji ezisithoba.

(2) Umcimbi ophambi kweNkundla yezomGaqo-siseko kufuneka umanyelwe ziijaji ezisibhozo ubuncinane.

(3) INkundla yezomGaqo-siseko –

(a) yeyona nkundla iphezulu kuyo yonke imicimbi yezomGaqo-siseko;

(b) ingathatha izigqibo ngemicimbi yezomGaqo-siseko kuphela nangemibandela edibene nezigqibo ezingemicimbi yezomGaqo-siseko; kanjalo

(c) yenza isigqibo ekungadlulwayo kuso malunga nokuthi umcimbi othile ngowomGaqo-siseko kusini na, okanye nokuthi umbandela othile udibene na nesigqibo esimalunga nomcimbi womGaqo-siseko.

(4) YiNkundla yezomGaqo-siseko kuphela engathi –

(a) ithathe isigqibo ngeembambano eziphakathi kwamaziko karhulumente kwisigaba sesizwe okanye samaphondo malunga nenqanaba ngokomGaqo-siseko, namagunya, okanye nemisebenzi yawo nawaphi na loo maziko karhulumente;

(b) igqibe ngemo engokomGaqo-siseko yayo nayiphi na iBhili yepalamente okanye yephondo, kodwa ingakwenza oko kuphela kwiimeko ezithelekelelwe kwicandelo 79 okanye ele-121;

(c) igqibe malunga nezicelo ekuthethwa ngazo kwicandelo 80 okanye elama-22;

(d) yenze isigqibo malunga nemo-mGaqo-siseko yalo naluphi na utshintsho lomGaqo-siseko lo;

(e) yenze isigqibo sokuba iPalamente okanye uMongameli uye wasilela ukuzalisekisa imfanelo ethile yezomGaqo-siseko; okanye

(f) iqinisele umGaqo-siseko wephondo ngokwecandelo 144.

(5) INkundla yezomgaqo-siseko yenza isigqibo ekungenakudlulwa kuso malunga nokuthi umThetho othile wePalamente, okanye umThetho wePhondo okanye isenzo sikaMongameli singokomGaqo-siseko, yaye kufuneka iqinisekise nawuphi na umyalelo wokungabi nakusebenza owenziwe yiNkundla ePhakamileyo yeziBheno, iNkundla ePhezulu okanye inkundla ekwinqanaba elifana nelezi nkundla, phambi kokuba loo myalelo ube unawo nawaphi na amandla okusebenza.

(6) UmThetho wesizwe okanye imigaqo yeNkundla yezomGaqo-siseko kufuneka ivumele umntu, xa oko kulungileyo ngokwezobulungisa futhi nangemvume yeNkundla yezomGaqo-siseko, ukuba –

(a) awuzise umcimbi ngqo eNkundleni yezomGaqo-siseko; okanye

(b) abe nokubhenela ngqo kwiNkundla yezomGaqo-siseko, ukusuka kuyo nayiphi na inkundla.

(7) Umcimbi wezomGaqo-siseko ubandakanya nawuphi na umbandela odibanisa ukutolikwa, ukukhuselwa, okanye ukwenziwa usebenze komGaqo-siseko.

INkundla ePhakamileyo yeziBheno

168. (1) INkundla ePhakamileyo yeziBheno yakhiwe, yiJaji eyiNtloko, iSekela leJaji eyiNtloko, kwakunye nenani leejaji zezibheno elimiselwe ngumThetho wePalamente.

(2) Umcimbi ophambi kweNkundla ePhakamileyo yeZibheno kufuneka ugqitywe ziijaji ezilinani elimiselwe ngumThetho wePalamente.

(3) INkundla ePhakamileyo yeziBheno ingenza izigqibo ngezibheno kuwo nawuphi na umcimbi. Yeyona nkundla iphezulu yezibheno, ngaphandle kwakwimibandela yezomGaqo-siseko; kwaye ingenza izigqibo kuphela malunga –

(a) nezibheno;

(b) nemibandela enxulumene nezibheno; kunye

(c) nawuphi na omnye umbandela ongathi uthunyelwe kuyo phantsi kweemeko ezichazwe

ngumThetho wePalamente.

IiNkundla eziPhezulu

169. INkundla ePhezulu ingagqiba –

(a) ngawo nawuphi na umbandela womGaqo-siseko, ngaphandle kwalowo –

(i) iyiNkundla yezomGaqo-siseko kuphela engathabatha isigqibo ngawo; okanye

(ii) uphathiswe enye inkundla ekwinqanaba elifanayo neleNkundla ePhezulu ngomThetho wePalamente;

(b) nangawo nawuphi na umbandela ongaphathiswanga enye inkundla ngumThetho wePalamente.

IiNkundla zooMantyi nezinye iinkundla

170. IiNkundla zooMantyi nazo zonke ezinye iinkundla zingagqiba ngawo nawuphi na umbandela omiselwe ngumThetho wePalamente, kodwa inkundla enqanaba layo lingaphantsi kweleNkundla ePhezulu ayinakho ukuphanda okanye igwebe ngokungqinelana nomGaqo-siseko kwawo nawuphi na umthetho okanye nasiphi na isenzo sikaMongameli.

Imigaqo-nkqubo yeenkundla

171. Zonke iinkundla zisebenza ngokomthetho wesizwe, kwaye imigaqo nemigaqo-nkqubo yazo kufuneka imiselwe ngokomthetho wesizwe.

Amagunya eenkundla kwimicimbi yezomGaqo-siseko

172. (1) Xa isenza isigqibo ngomcimbi wezomgaqo-siseko osemandleni ayo, inkundla –

(a) kufuneka ivakalise ukuba nawuphi na umthetho okanye isenzo esingangqinelaniyo nomGaqo-siseko unokungasebenzi okungangokungangqinelani kwawo nomGaqo-siseko; kanjalo

(b) ingenza nawuphi na umyalelo onobulungisa nongenasheyi, kubandakanywa –

(i) umyalelo osikela umda isiphumo sokusebenza kususelwa emva kokuvakaliswa kokungabi nakusebenza;

(ii) nomyalelo onqumamisa ukuvakaliswa kokungabi nakusebenza ngalo naliphi na ithuba, naphantsi kwayo nayiphi na imiqathango, ukuvumela elo gunya lifanelekileyo ukuba lilungise eso siphene.

(2) (a) INkundla ePhakamileyo yeziBheno, iNkundla ePhezulu okanye inkundla ekwinqanaba elinye nezi inganika umyalelo malunga nokuba nokusebenza, ngokomGaqo-siseko, komThetho othile wePalamente, umThetho wePhondo okanye nasiphi na isenzo sikaMongameli, kodwa umyalelo wokungabi nakusebenza ngokomGaqo-siseko awunamandla ngaphandle kokuba uqinisekiswe yiNkundla yezomGaqo-siseko.

(b) Inkundla eyenza umyalelo wokungabi nakusebenza ngokomGaqo-siseko inganika umyalelo onqandayo wexeshana okanye olunye uphumzo lwexeshana kwiqela elithile, okanye ingamisa ukuxoxwa kwetyala, lo gama kusajongwe isigqibo seNkundla yezomGaqo-siseko malunga nokungabi nakusebenza kwaloo mThetho okanye kweso senzo.

(c) Umthetho wesizwe kufuneka umisele indlela yokubhekiswa kwiNkundla yezomGaqo-siseko, komyalelo wokungabi nakusebenza ngokomGaqo-siseko.

(d) Nawuphi na umntu, okanye naliphi na iziko likarhulumente, onomdla ngokwaneleyo angafaka isibheno, okanye enze isicelo, kwiNkundla yomGaqo-siseko, ngqo ukuqinisekisa, okanye ukuphikisa, umyalelo wokungabi nakusebenza ngokomGaqo-siseko, owenziwe yinkundla ngokweli candelwana.

Amandla Emvelo

173. INkundla yezomGaqo-siseko, iNkundla ePhakamileyo yeziBheno, kunye neeNkundla eziPhezulu, zinamandla emvelo okukhusela nokuzilawulela inkqubo yazo, nokuphuhlisa umthetho woluntu, kuthathelwa ingqalelo iinjongo zobulungisa.

Ukutyunjwa kwamagosa ezeejaji

174. (1) Nawuphi na umntu wasetyhini okanye oyindoda onemfundo efanelekileyo ongumntu okulungeleyo nogqibeleleyo angatyunjwa abe ligosa lezeejaji. Nawuphi na umntu oza

kutyunjelwa kwiNkundla yezomGaqo-siseko kufuneka abe ngummi womZantsi Afrika.
(2) Imfuneko yokuba kwezeejaji kubonakaliswe ngokubanzi ubukho babantu abahlukileyo ngokweentlanga ngeentlanga, nangokwesini, apha emZantsi Afrika, kufuneka iqwalaselwe xa kutyunjwa amagosa ezeejaji.
(3) UMongameli, njengentloko yesigqeba solawulo oluphezulu sesizwe, emva kokucebisana neKhomishini yeNkonzo yezeeJaji, kunye neenkokeli zamaqela amelweyo kwiNdibano yesiZwe, utyumba uMongameli neSekela likaMongameli weNkundla yezomGaqo-siseko; aze, emva kokucebisana neKhomishini yeNkonzo yezeeJaji, atyumbe iJaji eyiNtloko neSekela leJaji eyiNtloko.
(4) Ezinye iijaji zeNkundla yezomGaqo-siseko, zityunjwa nguMongameli njengentloko yesigqeba solawulo oluphezulu sesizwe, emva kokucebisana noMongameli weNkundla yezomGaqo-siseko kunye neenkokeli zamaqela amelweyo kwiNdibano yesiZwe, ngokungqinelana nalo mgaqo-nkqubo ulandelayo:
(a) IKhomishini yeNkonzo yezeeJaji kufuneka ilungise uludwe lwabantu abakhethiweyo, oludlule ngamagama amathathu kwinani labantu abaza kutyunjelwa izikhundla, ize ilunike uMongameli uludwe olo.
(b) UMongameli angatyumba abantu abakolu ludwe; kufuneka ke ayazise iKhomishini yeNkonzo yezeeJaji, enika izizathu, ukuba kukho abantu abakolo ludwe, abangamkelekiyo, nokuba ingaba kusafuneka kutyunjiwe.
(c) IKhomishini yeNkonzo yezeeJaji kufuneka yongeze amanye amagama abantu abakhethiweyo kolu ludwe, aze ke uMongameli enze utyumbo olusaseleyo, esebenzisa olo ludwe longeziweyo.
(5) Ngalo lonke ixesha amalungu eNkundla yezomGaqo-siseko amane, ubuncinane, kufuneka ibe ngabantu ababeziijaji ngexesha lokutyunjelwa kwabo kwiNkundla yezomGaqo-siseko.
(6) UMongameli kufuneka atyumbe iijaji zazo zonke ezinye iinkundla, ngokucetyiswa yiKhomishini yeNkonzo yezeeJaji.
(7) Amanye amagosa ezeeJaji kufuneka atyunjwe ngokwemigaqo yomThetho wePalamente, omawuqinisekise ukuba utyumbo, unyuselo, ukutshintshwa, nokugxothwa kwala magosa ezeeJaji, namanyathelo esohlwayo athathwayo ngakuwo, kwenzeka ngokungenamkhethe nangokungawadleli ndlala.
(8) Phambi kokuba amagosa ezeeJaji aqalise ukwenza umsebenzi wawo, kufuneka ukuba afunge, okanye angqinise ngokungqinelana noShedyuli 2 ukuba aya kuwugcina, awukhusele umGaqo-siseko.

Iijaji ezibambeleyo

175. (1) UMongameli angatyumba umntu wasetyhini okanye oyindoda ukuba abe libambela lejaji kwiNkundla yezomGaqo-siseko ukuba kukho isikhewu, okanye ukuba kukho ijaji engekhoyo. Olo tyumbo kufuneka lwenziwe ngengcebiso yelungu leKhabhinethi elijongene nolawulo lwezobulungisa, likwenza oko ngokuvumelana noMongameli weNkundla yezomGaqo-siseko kunye neJaji eyiNtloko.
(2) Ilungu leKhabhinethi elijongene nolawulo lwezobulungisa kufuneka lityumbele iijaji ezibambeleyo kwezinye iinkundla emva kokucebisana nejaji enkulu yaloo nkundla ibambela lejaji liya kusebenza kuyo.

Amathuba okubamba isikhundla nentlawulo

176. (1) Ijaji yeNkundla yomGaqo-siseko ityunjelwa ithuba elingahlaziywayo leminyaka eli-12, kodwa kufuneka ithathe umhlala-phantsi yakuba neminyaka engama-70.
(2) Ezinye iijaji zibamba isikhundla de zikhutshwe ekusebenzeni ngokomThetho wePalamente.
(3) Imivuzo, izibonelelo neemfanelo ezifunyanwa ziijaji azinakuncitshiswa.

Ukususwa esikhundleni

177. (1) Ijaji ingasuswa esikhundleni kuphela ukuba –

(a) iKhomishini yeNkonzo yezeeJaji ifumanisa ukuba ijaji leyo ayinakho ukusebenza, iyohlulwa ngumsebenzi ngendlela engathethekiyo okanye inetyala lentswela-kuziphatha ngokugqithisileyo; nokuba

(b) iNdibano yesiZwe ithi ijaji leyo mayisuswe, ngesigqibo esixhaswa, ubuncinane, sisibini esithathwini senani lawo onke amalungu ayo.

(2) UMongameli kufuneka ayisuse ijaji esikhundleni emva kokuthathwa kwesigqibo sokuba loo jaji mayisuswe.

(3) UMongameli, ngokucetyiswa yiKhomishini yeNkonzo yezeeJaji, angayinqumamisa ijaji ekwimeko yomgaqo-nkqubo ongokwecandelwana (1).

IKhomishini yeNkonzo yezeeJaji

178. (1) Kukho iKhomishini yeNkonzo yezeeJaji enala malungu –

(a) iJaji eyiNtloko, echophela iintlanganiso zeKhomishini;

(b) uMongameli weNkundla yezomGaqo-siseko;

(c) uMongameli-Jaji omnye otyunjwe ngaBongameli-Jaji;

(d) ilungu elinye leKhabhinethi elijongene nolawulo lwezobulungisa, okanye omnye umntu otyunjwe lelo lungu leKhabhinethi;

(e) abathetheli ababini abasebenzayo abatyunjwe kumbutho wabathetheli ukumela abathetheli bebonke, kwaye atyunjwa nguMongameli;

(f) amagqwetha amabini asebenzayo atyunjwe kumbutho wamagqwetha ukumela amagqwetha ewonke, kwaye atyunjwa nguMongameli;

(g) ititshala enye yezomthetho etyunjwe ziititshala zomthetho kwiiyunivesithi zasemZantsi Afrika;

(h) abantu abathandathu abatyunjwe yiNdibano yesiZwe kumalungu ayo, abathathu kubo, ubuncinane, babe ngamalungu amaqela aphikisayo amelweyo kwiNdibano;

(i) abathunywa abasisigxina abane abakwiBhunga lesiZwe lamaPhondo, abatyunjwe kunye liBhunga, abaxhaswe yivoti yamaphondo amathandathu, ubuncinane;

(j) abantu abane abatyunjwe nguMongameli njengentloko yesigqeba sesizwe esinolawulo oluphezulu, emva kokucebisana neenkokeli zawo onke amaqela akwiNdibano yesiZwe; kunye,

(k) xa kujongwa imiba ephathelele ngqo kwicandelo lephondo okanye leengingqi leNkundla ePhezulu, neJaji enguMongameli yelo candelo, neNkulumbuso okanye omnye otyunjwe yiNkulumbuso, yelo phondo lichaphazelekayo.

(2) Ukuba inani labantu abakhethwe phakathi kwabathetheli okanye kwamagqwetha ngokwecandelwana (1) (e) okanye (f) lilingana nenani lezithuba emazizaliswe, uMongameli kufuneka atyumbe bona. Ukuba inani labantu abakhethiweyo liyalidlula inani lezithuba emazizaliswe, uMongameli, emva kokucebisana naloo mbutho wobungcali-mfundo, kufuneka atyumbe abakhethiweyo abaneleyo ukuba bazalise izithuba ezo, kuthathelwa ingqalelo imfuneko yokuqinisekisa ukuba abo batyunjiweyo bamele elo khondo lobungcali-mfundo lilonke.

(3) Amalungu eKhomishini atyunjwe liBhunga lesiZwe lamaPhondo asebenza kude kufakwe amanye kunye endaweni yawo okanye kude kuvele nasiphi na isithuba phakathi kwawo. Amanye amalungu awaye alathethwe okanye awayetyunjelwe kwiKhomishini asebenza ade asuswe ngabo babewatyumbile, kufakwe amanye endaweni yawo.

(4) IKhomishini yeNkonzo yezeeJaji inamagunya nemisebenzi abelwe yona kumGaqo-siseko nakumthetho wesizwe.

(5) IKhomishini yeNkonzo yezeeJaji ingamcebisa urhulumente wesizwe ngawo nawuphi na umcimbi ophathelele kwiijaji okanye usetyenziso lwezobulungisa; kodwa xa iqwalasela nawuphi na umcimbi, ngaphandle kokutyunjwa kwejaji, kufuneka ihlale engekho laa malungu atyunjwe ngokokwecandelwana (1) (h) no (i).

(6) IKhomishini yeNkonzo yezeeJaji ingamisela umgaqo-nkqubo wayo, kodwa izigqibo zeKhomishini kufuneka zixhaswe luninzi lwamalungu ayo.

IGunya eliTshutshisayo

179. (1) Kukho iGunya elinye lesiZwe eliTshutshisayo kwiRiphabliki, elimiswe ngokomThetho wePalamente laye linaba bantu –

(a) UmLawuli wesiZwe kwezoTshuthiso lwabaNtu, oyintloko yegunya elitshutshisayo, kwaye utyunjwa nguMongameli njengentloko yesigqeba sesizwe esinolawulo oluphezulu;

(b) nabaLawuli kwezoTshutshiso lwabaNtu kunye nabatshutshisi njengoko kumiselwe ngumThetho wePalamente.

(2) Igunya elitshutshisayo linamandla okumisela ukuba kutshutshiswe, egameni likarhulumente, kwanawokuqhuba nayiphi na imisebenzi eyimfuneko ezalwa kukumisela utshutshiso lo.

(3) Umthetho wesizwe kufuneka uqinisekise ukuba abaLawuli kwezoTshutshiso lwabaNtu –

(a) banemfundo efanelekileyo; kwaye

(b) bajongene nokutshutshisa kwimiba ethe ngqo yokuxoxwa kwamatyala, ngokwecandelwana (5).

(4) Umthetho wesizwe kufuneka uqinisekise ukuba igunya elitshutshisayo lenza imisebenzi yalo ngaphandle koloyiko, ukwenza idolo, okanye ukudlela indlala.

(5) UmLawuli wesiZwe kwezoTshutshiso lwabaNtu –

(a) kufuneka amisele inkqubo-sikhokelo yokutshutshisa ekufuneka ilandelwe kwinkqubeko yokutshutshisa; kufuneka akwenze oku ngemvumelwano nelungu leKhabhinethi elijongene nolawulo lwezobulungisa, nasemva kokucebisana nabaLawuli boTshutshiso lwabaNtu.

(b) kufuneka akhuphe imiyalelo yenkqubo-sikhokelo ekufuneka ilandelwe kwinkqubeko yokutshutshisa;

(c) angangenelela kwinkqubeko yokutshutshisa xa ngaba imiyalelo yenkqubo-sikhokelo ayithotyelwa; kanjalo

(d) angasiqwalasela isigqibo sokutshutshisa okanye sokungatshutshisi, emva kokucebisana naloo mLawuli wesiZwe wezoTshutshiso lwabaNtu nasemva kokumamela imibiko yemicimbi, ngethuba eliqingqiweyo ngumLawuli wesiZwe kwezoTshutshiso lwabaNtu, evela kwaba bantu:

(i) Umntu omangalelweyo.

(ii) Ummangali

(iii) Nawuphi na omnye umntu okanye iqela umLawuli wesiZwe wezoTshutshiso acinga ukuba ufanelekile.

(6) Ilungu leKhabinethi elijongene nolawulo lwezobulungisa kufuneka libe nelizwi eligqibelayo phezu kwegunya elitshutshisayo.

(7) Yonke eminye imicimbi malunga negunya elitshutshisayo kufuneka imiselwe ngomthetho wesizwe.

Eminye imiba mayela nolawulo lobulungisa

180. Umthetho wesizwe ungalungiselela nawuphi na umbandela omalunga nosetyenziso lwezobulungisa olungaphathwanga kumGaqo-siseko,

kwakunye –

(a) neeprogramu zoqeqesho lwamagosa ezeeJaji;

(b) nemigaqo-nkqubo yokujongana nezikhalazo ngamagosa ezeeJaji; kunye

(c) nokuthabatha inxaxheba kwabantu abangengawo amagosa ezeeJaji, kwizigqibo zenkundla.

Isahluko 9

AmaZiko kaRhulumente aXhasa iDemokhrasi engokomGaqo-siseko

Ukusekwa kwawo, nemigqalisela alawulwa yiyo

181. (1) La maziko karhulumente alandelayo aqinisa idemokhrasi engomGaqo-siseko kwiRiphabliki:

(a) UmKhuseli woluNtu.

(b) IKhomishini yamaLungelo oluNtu.
(c) IKhomishini yokuKhuthazwa nokuKhuselwa kwamaLungelo abaNtu ngokwamaSiko neziThethe zabo, ngokwezeNkolo nangokweeLwimi.
(d) IKhomishini yoLingano ngokwesiNi (phakathi kwabantu basetyhini nabangamadoda).
(e) UmPhicothi-zincwadi-Jikelele
(f) IKhomishini yoNyulo.
(2) La maziko azimele, alawulwa kuphela ngumGaqo-siseko nangumthetho; kufuneka angakhethi cala, asebenzise amagunya awo enze nemisebenzi yawo ngaphandle koloyiko, ukwenza idolo, okanye ukudlel'indlala.
(3) Amanye amaziko karhulumente kufuneka athi, ngamanyathelo omthetho namanye amanyathelo, ancedise akhusele la maziko ukuqinisekisa ukuzimela, ukungakhethi cala, isidima, nokusebenza ngokufezekileyo kwala maziko.
(4) Akukho mntu naziko likarhulumente emaliphazamisane nokusebenza kwala maziko.
(5) La maziko athembeke kwiNdibano yesiZwe, kwaye kufuneka enze ingxelo ngezenzo zawo nokwenza kwawo imisebenzi yawo kwiNdibano, ubuncinane kanye ngonyaka.

UmKhuseli woluNtu

Imisebenzi yomKhuseli woluNtu

182. (1) UmKhuseli woluNtu unegunya, elilawulwa ngumthetho wesizwe –
(a) ukuphanda ngaso nasiphi na isenzo kwimicimbi karhulumente, okanye kulawulo loluntu kuso nasiphi na isigaba sikarhulumente, ekuthiwa, okanye ekurhanelwa ukuba, aluhambi ngendlela eyiyo, okanye olungathi lube neziphumo ezingezizo, okanye udlelo-ndlala.
(b) ukwenza ingxelo ngeso senzo;
(c) nokuthatha amanyathelo afanelekileyo okulungisa eso senzo.
(2) UmKhuseli woluNtu unamagunya athe chatha nemisebenzi emiselwe ngumthetho wesizwe.
(3) UmKhuseli woluNtu akanakho ukuphanda izigqibo zenkundla.
(4) UmKhuseli woluNtu kufuneka afikeleleke kuye wonke umntu ngamnye, nakubo bonke abantu ngokwamaqela oluntu.
(5) Nayiphi na ingxelo ekhutshwe ngumKhuseli woluNtu kufuneka ibe selubala kuwonke-wonke, ngaphandle kokuba iimeko ezizodwa, eziya kumiselwa ngumthetho wesizwe, zifuna ukuba ingxelo ethile ibe semfihlakalweni.

Ixesha lokubamba isikhundla

183. UmKhuseli woluNtu utyunjelwa esikhundleni ithuba leminyaka esixhenxe elingahlaziywayo.

Ikhomishini yamaLungelo oluNtu

Imisebenzi yeKhomishini yamaLungelo oluNtu

184. (1) Ikhomishini yamaLungelo oluNtu kufuneka –
(a) ikhuthaze ukuhlonitshwa kwamalungelo oluntu kunye nokuphila ngokwamalungelo oluntu;
(b) ikhuthaze ukukhuselwa, ukuphuhliswa nokufumaneka kwamalungelo oluntu; ize kanjalo
(c) ijonge, ivavanye ukukhathalelwa nokulandelwa kwamalungelo oluntu kwiRiphabliki.
(2) IKhomishini yamaLungelo oluNtu inamagunya, ngokokulawulwa ngumthetho wesizwe, ayimfuneko ekwenzeni imisebenzi yayo, kubandakanywa negunya –
(a) lokuphanda nokwenza ingxelo ngokukhathalelwa nokulandelwa kwamalungelo oluntu;
(b) lokuthatha amanyathelo okulungiswa ngokufanelekileyo apho amalungelo oluntu aye ophulwa khona;
(c) lokwenza uphando; kunye
(d) nokufundisa.
(3) Kunyaka ngamnye iKhomishini yamaLungelo oluNtu kufuneka ifune ukuba amaziko karhulumente achaphazelekayo anike iKhomishini le ulwazi ngamanyathelo awathabathileyo ukuzama ukufezekisa amalungelo akwiBhili yamaLungelo amalunga nezindlu, ulondolozo

lwempilo, ukutya, amanzi, ukhuseleko lwezentlalo, imfundo kunye nendalo esingqongileyo.
(4) IKhomishini yamaLungelo oluNtu inamanye amandla kunye neminye imisebenzi emiselwe ngumthetho wesizwe.
IKhomishini yokuKhuthazwa nokuKhuselwa kwamaLungelo abaNtu ngokwamaSiko neziThethe zabo, nezeNkolo, nezeeLwimi
Imisebenzi yeKhomishini
185. (1) Iinjongo eziphambili zeKhomishini yokuKhuthazwa nokuKhuselwa kwamaLungelo abaNtu ngokwamaSiko neziThethe zabo, nezeNkolo nezeeLwimi, zezi zilandelayo –
(a) ukukhuthaza intlonelo yamalungelo abantu ngokwamasiko nezithethe zabo, ngokwenkolo yabo, nangokweelwimi zabo;
(b) ukukhuthaza nokuphuhlisa uxolo, ubuhlobo, ubuntu, ukunyamezelana, nobunye ngokwesizwe, phakathi kwabantu abanamasiko nezithethe zabo, iinkolo zabo, neelwimi zabo; isiseko solu khuthazo nolu phuhliso ikukuphathana njengabalinganayo, ukungacalu-calulani nokuzibandakanya ngokukhululekileyo;
(c) nokwenza ingcebiso malunga nokusekwa, ngokungqinelana nomthetho wesizwe, kwebhunga lezamasiko nezithethe, okanye elinye ibhunga okanye amanye amabhunga eqela loluntu okanye amaqela oluntu emZantsi Afrika.
(2) IKhomishini inalo igunya, njengoko limiselwe ngumthetho wesizwe, eliyimfuneko ukuze ifezekise iinjongo zayo eziphambili, kubandakanywa igunya lokugada, lokuhlola, lokuphanda, lokufundisa, lokutsala umdla wabenzi-mthetho, lokucebisa nokunika ingxelo ngemiba emayela namalungelo abantu ngokokwamasiko nezithethe zabo, ezenkolo nezeelwimi zabo.
(3) IKhomishini inganika ingxelo nangawuphi na umcimbi osemagunyeni ayo, nongumsebenzi wayo, kwiKhomishini yamaLungelo oluNtu ukuze yona yenze uphando.
(4) IKhomishini inamagunya nemisebenzi eyeminye emiselwe ngumthetho wesizwe.
Ukwakhiwa kweKhomishini
186. (1) Inani lamalungu eKhomishini yokuKhuthazwa nokuKhuselwa kwamaLungelo abaNtu ngokwamaSiko neziThethe zabo, ezeNkolo nezeeLwimi, nokutyunjwa kwawo kunye nethuba lawo lokubamba izikhundla kufuneka zimiselwe ngumthetho wesizwe.
(2) Ukwakhiwa kwayo iKhomishini le kufuneka –
(a) kubandakanye ngokubanzi amaqela aphambili abantu ngokokwamasiko nezithethe zabo, ezenkolo nezeelwimi, emZantsi Afrika; kanjalo
(b) kubonise ngokubanzi umahluko ngokwesini kubantu bomZantsi Afrika.
IKhomishini yokuLingana ngokwesiNi
Imisebenzi yeKhomishini yokuLingana ngokwesiNi
187. (1) IKhomishini yokuLingana kwabaseTyhini namaDoda (yokuLingana ngokwesiNi) kufuneka ikhuthaze ukuhlonitshwa kokulingana ngokwesini, nokuphuhliswa, nokukhuselwa, nokufumaneka kwako oku kulingana phakathi kwababhinqileyo namadoda.
(2) IKhomishini yokuLingana ngokwesiNi, inamandla, ngokokulawulwa ngumthetho wesizwe, ayimfuneko ekwenzeni imisebenzi yayo, kubandakanywa negunya lokugada, ukuhlola, ukuphanda, ukufundisa, ukutsala umdla wabenzi-mthetho, ukucebisa, nokwenza ingxelo ngemiba ephathelelene nokulingana phakathi kwabasetyhini namadoda.
(3) IKhomishini yokuLingana ngokwesiNi inamagunya athe chatha nemisebenzi eyeminye emiselwe ngumThetho wesiZwe.
UmPhicothi-zincwadi-Jikelele
Imisebenzi yomPhicothi-zincwadi-Jikelele
188. (1) UmPhicothi-zincwadi-Jikelele kufuneka aphicothe aze anike ingxelo ngee-akhawunti, ngeengcaciso-zimali, kwakunye nokuphathwa kwezeemali –
(a) zawo onke amasebe karhulumente wesizwe nowamaphondo kwakunye namaziko olawulo;
(b) zabo bonke oomasipala; kunye

(c) nezalo naliphi na elinye iziko locwangciso-mali othi umthetho wesizwe okanye wephondo ufune ukuba kuphichothwe iincwadi zalo zemali ngumPhicothi-zincwadi-Jikelele.

(2) Ukongeza kwimisebenzi emiselwe kwicandelwana (1), naphantsi kolawulo lawo nawuphi na umthetho, umPhicothi-zincwadi-Jikelele usenokuphicotha enze ingxelo ngee-akhawunti, ngeengcaciso-zimali nangokuphathwa kwezemali –

(a) zalo naliphi na iziko elifumana imali kwiNgxowa-mali yeNgeniso yesiZwe, iNgxowa-mali yeNgeniso yephondo okanye umasipala; okanye

(b) zalo naliphi na iziko eligunyazisiweyo ngokwemigaqo yawo nawuphi na umthetho ukuba lamkele imali lisenzela urhulumente.

(3) UmPhicothi-zincwadi-Jikelele kufuneka angenise iingxelo zophicotho-zimali kuyo nayiphi na indlu yowiso-mthetho ebandakanyeka ngqo ekuphicothweni kweencwadi zemali, nakuliphi na igunya elimiselwe ngumthetho wesizwe. Zonke iingxelo kufuneka zifumaneke eluntwini.

(4) UmPhicothi-zincwadi-Jikelele unamagunya athe chatha nemisebenzi emiselwe ngumthetho wesizwe.

Ithuba lokubamba isikhundla

189. UmPhicothi-zincwadi-Jikelele kufuneka alathelwe ithuba elisisigxina elingahlaziywayo eliphakathi kweminyaka emihlanu nelishumi.

IKhomishini yoNyulo

Imisebenzi yeKhomishini yoNyulo

190. (1) IKhomishini yoNyulo kufuneka –

(a) ilawule unyulo lwamaziko owiso-mthetho esizwe, awamaphondo, kunye nawoomasipala ngokungqinelana nomthetho wesizwe;

(b) iqinisekise ukuba unyulo lukhululekile kwaye alunasheyi; ize

(c) ibhengeze iziphumo zolo nyulo ngexesha ekufuneka limiselwe ngumthetho wesizwe nelifutshane kangangoko kunokwenzeka ngokwamkelekileyo.

(2) IKhomishini yoNyulo inamagunya ongezelelweyo nemisebenzi emiselwe ngumthetho wesizwe.

Ukwakhiwa kweKhomishini yoNyulo

191. IKhomishini yoNyulo kufuneka ukuba ibe nabantu abathathu ubuncinane. Inani lamalungu nethuba lokubamba kwabo izikhundla kufuneka lichazwe ngumthetho wesizwe.

IGunya eliziMeleyo lokuLawula ezoSasazo

IGunya lezoSasazo

192. Umthetho wesizwe kufuneka useke igunya elizimeleyo lokulawula ezosasazo ukuze kulungelwe uluntu, nokuqinisekisa ukungabi nasheyi kunye nokuvezwa kwezimvo ezahlukeneyo ngokubanzi ezimele uluntu lomZantsi Afrika.

ImiMiselo ngokuBanzi

Ukutyunjwa

193. (1) UmKhuseli woluNtu namalungu ayo nayiphi na iKhomishini esekwe sesi Sahluko, kufuneka ibe ngabasetyhini okanye amadoda –

(a) angabemi basemZantsi Afrika;

(b) abangabantu abalungele nabafanele ukubamba eso sikhundla;

(c) nabalungelelene nazo naziphi na ezinye iimfuno ezimiselwe ngumthetho wesizwe.

(2) Imfuneko yokuba iKhomishini esekwe sesi Sahluko mayibonakalise ngokubanzi ubukho babantu abahluka-hlukeneyo ngokweentlanga nangokwesini emZantsi-Afrika, kufuneka iqwalaselwe xa kutyunjwa amalungu ayo.

(3) UmPhicothi-zincwadi-Jikelele kufuneka ibe ngowasetyhini okanye indoda engummi wasemZantsi Afrika, ibe ngumntu okulungeleyo, nokufaneleyo ukubamba eso sikhundla. Ulwazi olulodwa okanye amava okuphicotha iincwadi zemali, okuphatha iimali zoburhulumente, nawolawulo loluntu kufuneka ibe ziimpawu ezijongwayo xa kutyunjwa

umPhicothi-zincwadi-Jikelele.
(4) UMongameli, ngengcebiso yeNdibano yesiZwe, kufuneka atyumbe umKhuseli woluNtu, umPhicothi-zincwadi-Jikelele, namalungu –
(a) eKhomishini yamaLungelo oluNtu;
(b) eKhomishini yokuLingana ngokwesiNi; kunye
(c) naweKhomishini yoNyulo.
(5) INdibano yesiZwe kufuneka inike ilizwi lokuthethelela abantu –
(a) abakhethwe yikomiti yeNdibano emiswe ngokobungaphi bamalungu awo onke amaqela amelweyo kwiNdibano: baze
(b) bavunywa yiNdibano ngesigqibo esixhaswe yivoti –
(i) yama-60 epesenti yamalungu eNdibano, ubuncinci, ukuba uthethelelo olo lumalunga nokutyunjwa komKhuseli woluNtu okanye umPhicothi-zincwali – jikelele; okanye
(ii) yoninzi lwamalungu eNdibano, ukuba uthethelelo olo lumalunga nokutyunjwa kwelungu leKhomishini.
(6) Ukuthath'inxaxheba kwabantu kwinkqubo yothethelelo kungalungiselelwa ngendlela ekuthethwa ngayo kwicandelo 59 (1) (a).
Ukususwa esikhundleni
194. (1) UmKhuseli woluNtu, umPhicothi-zincwadi-Jikelele, okanye ilungu leKhomishini, bantu abo bamiselwe sesi Sahluko, bangasuswa elowo esikhundleni kuphela ngenxa –
(a) yentswela-kuziphatha, yokungabi nakho ukusebenza, okanye ngenxa yokungasebenzi kakuhle;
(b) yokuba ikomiti ethile yeNdibano yesiZwe imfumanise ekwenye yezi meko ziku (a) apha ngentla;
(c) yokuba iNdibano yenze isigqibo esithi loo mntu makasuswe esikhundleni.
(2) Isigqibo seNdibano yesiZwe malunga nokususwa esikhundleni –
(a) komKhuseli woluNtu okanye umPhicothi-zincwadi-Jikelele kufuneka sithatyathwe ngokuxhaswa yivoti yesibini esithathwini samalungu eNdibano, ubuncinci; okanye
(b) kwelungu leKhomishini kufuneka sithatyathwe ngokuxhaswa yivoti yoninzi lwamalungu eNdibano.
(3) UMongameli –
(a) angamnqumamisa umntu esikhundleni nanini na emva kokuqalisa kweengxoxo zekomiti ethile yeNdibano yesiZwe zokuba asuswe loo mntu; kwaye
(b) kufuneka amsuse umntu kwisikhundla yakuba iNdibano yesiZwe yenze isigqibo sokuba loo mntu makasuswe.
Isahluko 10
ULawulo lwabaSebenzi bakaRhulumente
Izithethe ezixabisekileyo nemigqalisela esisiseko ekhokela ulawulo lwabasebenzi bakarhulumente
195. (1) Ulawulo lwabasebenzi bakarhulumente kufuneka lulandele isikhokelo esizizithethe ezixabisekileyo kwanemigqalisela yedemokhrasi, nto ezo zikokosiweyo kumGaqo-siseko, ekukho kuzo le migqalisela ilandelayo:
(a) Kufuneka kukhuthazwe, kuze kugcinwe umgangatho ophezulu wesimilo sokusebenza esinoqeqesheko.
(b) Kufuneka kukhuthazwe ukusetyenziswa kwezixhaso ngokufezekileyo, ngokunoqoqosho nangempumelelo.
(c) Ulawulo lwabasebenzi bakarhulumente kufuneka lube neenjongo zophuhliso.
(d) Iinkonzo kufuneka zenziwe ngokungenamkhethe nasheyi, ngokobulungisa, nangaphandle kokudlela indlala.
(e) Iimfuno zabantu kufuneka zisatyelwe, kwaye uluntu kufuneka lukhuthazwe ukuba luthabathe inxaxheba ekwenziweni kwenkqubo-sikhokelo.

(f) Ulawulo lwabasebenzi bakarhulumente kufuneka lwenzeke ngendlela enokuthembeka.
(g) Makuphenjelelwe ubeko-lubala lwezinto ngokuthi uluntu lunikwe kwangexesha ulwazi oluchanekileyo, nolufikelelekayo.
(h) Kufuneka kukhuthazwe uphatho olufanelekileyo lwesixhaso esingabantu kunye nezenzo zophuhliso lwekhondo lomsebenzi, ukuze kwandiswe isakhono sabantu.
(i) Xa kuqeshwayo kwarhulumente kufuneka kukhethwe phakathi kwabo bonke abantu basemZantsi Afrika ngokubanzi, izenzo zokuqesha nezophatho-basebenzi zisekelwe ekukwazini (komntu) ukuwenza umsebenzi, ekungakhethini icala elithile, ekungabini nasheyi, nakwimfuneko yokulungisa intswela-kulingana yamaxesha adlulileyo, ukuze kufezekiswe ukumelwa/umelo ngokubanzi.
(2) Le migqalisela ilapha ngentla isebenza –
(a) kulawulo kuzo zonke izigaba zikarhulumente;
(b) kumaziko karhulumente;
(c) nakumashishini karhulumente.
(3) Umthetho wesizwe kufuneka uqinisekise ukukhuthazwa kwezi zithethe zixabisekileyo nale migqalisela idweliswe kwicandelwana (1).
(4) Ukuqeshwa kulawulo lwabasebenzi bakarhulumente kwabantu abaliqela, befakwe ngendlela elandela inkqubo-sikhokelo, akunqandwa, kodwa kufuneka umthetho wesizwe ukulungelelanise oku kuqeshwa kwinkonzo yoburhulumente.
(5) Umthetho olungelelanisa ulawulo lwabasebenzi bakarhulumente ungacacisa umahluko phakathi kwamacandelo ngamacandelo, kweenkonzo ngeenkonzo zolawulo okanye kwamaziko ngamaziko.
(6) Umthetho olungelelanisa ulawulo lwabasebenzi bakarhulumente umelwe kukuba uthathele ingqalelo ezi meko zilandelayo zingqameneyo nawo: uhlobo nemisebenzi yamacandelo ngamacandelo, eyeenkonzo ngeenkonzo zolawulo, okanye eyamaziko ngamaziko olawulo lwabasebenzi bakarhulumente.

IKhomishini yeNkonzo yabaSebenzi bakaRhulumente

196. (1) Kukho iKhomishini yeNkonzo yabaSebenzi bakaRhulumente enye apha kwiRiphabliki.
(2) IKhomishini le izimele kwaye kufuneka ingakhethi cala, kukwafuneka isebenzise amagunya ayo yenze nemisebenzi yayo ngaphandle koloyiko, kokwenza idolo okanye kokuba nesheyi, ukuze igcine ulawulo iwabasebenzi lusebenza ngokuneziqhamo nangokufezekileyo, igcine nomgangatho ophezulu womoya omhle wokusebenza kubasebenzi bakarhulumente. IKhomishini le kufuneka ilawulwe ngumthetho wesizwe.
(3) Amanye amaziko karhulumente kufuneka athi, ngamanyathelo owiso-mthetho namanye, ayincedise kanjalo ayikhusele iKhomishini, ukwenzela ukuqinisekisa ukuzimela, ukungakhethi cala, isidima nokusebenza ngokuneziqhamo kwayo iKhomishini le. Makungabikho mntu okanye ziko likarhulumente liphazamisana nokusebenza kwale Khomishini.
(4) Amagunya nemisebenzi yeKhomishini le nanga –
(a) ukukhuthaza izithethe ezixabisekileyo kunye nemigqalisela ecaciswe kwicandelo 195, kwinkonzo karhulumente iphela;
(b) ukuphanda, ukugada nokuphononononga imo yokuqingqeka nokulawuleka, izenzo ezimalunga nabasebenzi kubasebenzi bakarhulumente;
(c) ukupoposha amanyathelo okuqinisekisa ukusebenza ngokuneziqhamo nangokufezekileyo kubasebenzi bakarhulumente;
(d) ukunika izikhokelo ezinjongo ikukuqinisekisa ukuba imigaqo-nkqubo yobusebenzi ephathelele kugayo, kutshintsho, kunyuselo nakudendo lwabasebenzi, iyangqinelana nezithethe ezixabisekileyo ezicaciswe kwicandelo 195;
(e) ukunika ingxelo malunga nezenzo zayo nokwenza kwayo imisebenzi yayo,

kubandakanywa nazo naziphi na izinto enokuthi izibhaqe kwanezikhokelo neengcebiso enokuthi izinike, kwanokwenza kufumaneke uphononongo olubonisa ukuba izithethe ezixabisekileyo nemigqalisela ecaciswe kwicandelo 195 ilandelwe kangakanani na; kwaneli (lilandelayo igunya)

(f) ukuthi izenzela ngokwayo okanye isuswe sisikhalazo esifumeneyo –

(i) ixilonge, iphononononge ukusetyenziswa kweendlela zolawulo lwabasebenzi nolweeofisi zikarhulumente, ize inike ingxelo kwelo gunya lifanelekileyo linolawulo oluphezulu okanye kuloo ndlu yowiso-mthetho ifanelekileyo;

(ii) ixilonge izikhalazo zabasebenzi abakwinkonzo karhulumente ezimalunga nezenzo okanye ushiyelelo, nto ezo zenziwe ngabasemagunyeni, ize icebise malunga neendlela ezifanelekileyo zokulungisa ezo meko zikhalazisayo;

(iii) igade kanjalo ixilonge ukulandelwa kwemigaqo-nkqubo esebenza kwinkonzo karhulumente; kanjalo

(iv) yazise amaziko karhulumente esigaba sesizwe nesamaphondo malunga nezenzo ezimalunga nabasebenzi kwinkonzo karhulumente, kubandakanywa nezo ziphathelele kugayo, ingqesho, utshintsho, ukuphelelwa ngumsebenzi kwanezinye iindawana zempangelo zabaqeshwa abakwinkonzo karhulumente.

(5) IKhomishini le kufuneka ithembeke kwiNdibano yesiZwe.

(6) IKhomishini kufuneka inike ingxelo kube kanye ngonyaka, ubuncinci ngokwecandelwana (4) (e) –

(a) kwiNdibano yesiZwe;

(b) nakwindlu yowiso-mthetho yephondo elithile, malunga nezenzo zayo kwelo phondo.

(7) IKhomishini le inaba mkhomishinari balandelayo bali-14 batyunjwe nguMongameli:

(a) oomkhomishinari abahlanu abavunywe yiNdibano yesiZwe ngokwecandelwana (8) (a);

(b) nomkhomishinari omnye wephondo ngalinye okhethwe yiNkulumbuso yelo phondo ngokwecandelwana (8) (b).

(8) (a) Umkhomishinari otyunjwe ngokwecandelwana (7) (a) kufuneka –

(i) athethelelwe yikomiti yeNdibano yesiZwe eyakhiwe ngokulungeleleneyo, ngamalungu awo onke amaqela amelweyo kwiNdibano; kananjalo

(ii) avunywe yiNdibano ngesigqibo esiXhaswe yivoti yoninzi lwamalungu ayo.

(b) Umkhomishinari otyunjwe yiNkulumbuso yephondo kufuneka –

(i) athethelelwe yikomiti yendlu yowiso-mthetho yephondo eyakhiwe ngokulungeleleneyo ngamalungu awo onke amaqela amelweyo kwindlu yowiso-mthetho leyo; kanjalo

(ii) avunywe yindlu yowiso-mthetho ngesigqibo esixhaswe yivoti yoninzi lwamalungu ayo.

(9) Kufuneka kube kho umThetho wePalamente olawula umGaqo-nkqubo wotyumbo loomkhomishinari.

(10) Umkhomishinari utyunjelwa ithuba leminyaka emihlanu, elinokuphindwa kube kanye kuphela, yaye kufuneka abe ngowasetyhini okanye indoda –

(a) engummi wasemZantsi Afrika;

(b) ekwangumntu olungeleyo nofaneleyo, onolwazi nonamava ngolawulo, ngokuphathwa okanye ngokwenziwa kwemisebenzi yakwarhulumente.

(11) Umkhomishinari angasuswa esikhundleni kuphela ngenxa –

(a) yokungaziphathi kakuhle, ukungakwazi ukusebenza okanye ukungawenzi kakuhle umsebenzi;

(b) yokufunyaniswa kwezi meko ziku (a) yikomiti yeNdibano yesiZwe okanye, kwimeko yomkhomishinari owayekhethwe yiNkulumbuso yephondo, yikomiti yendlu yowiso-mthetho yelo phondo;

(c) nangexa yokuthatyathwa kwesigqibo yiNdibano okanye yindlu yowiso-mthetho yephondo

elichaphazelekayo, sigqibo eso sixhaswe yivoti yoninzi lwamalungu ayo, sisithi makasuswe loo mkhomishinari esikhundleni.
(12) UMongameli kufuneka amsuse esikhundleni loo mkhomishinari uchaphazelekayo kusakuba –
(a) kuthatyathwe isigqibo yiNdibano esithi makasuswe loo mkhomishinari; okanye
(b) kukho isaziso esibhaliweyo yiNkulumbuso esixela ukuba indlu yowiso-mthetho ithabathe isigqibo esithi makasuswe loo mkhomishinari.
(13) Oomkhomishinari ekubhekiselwe kubo kwicandelwana (7) (b) bangawasebenzisa amagunya benze nemisebenzi yeKhomishini le kumaphondo abo ngokokumiselwe ngumthetho wesizwe.
INkonzo yabaSebenzi bakaRhulumente
197. (1) Apha kulawulo lwabasebenzeli-rhulumente kukho inkonzo yabasebenzi-rhulumente yeRiphabliki, ekufuneka isebenze, kanjalo yakhiwe, ngokomthetho wesizwe, ekufuneka kanjalo iphumeze ngokuthembekileyo iinkqubo-sikhokelo ezisemthethweni zikarhulumente ophetheyo.
(2) Imimiselo nemiqathango yengqesho kwinkonzo karhulumente kufuneka ilungelelaniswe ngumthetho wesizwe. Abaqeshwa banelungelo lokufumana umhlala-phantsi ongenasheyi njengoko kumiselwe ngumthetho wesizwe.
(3) Akukho mqeshwa wenkonzo yabasebenzeli-rhulumente uya kwenzelwa idolo okanye adlelwe indlala kuphela nje ngenxa yokuba loo mntu exhasa iqela elithile lezopolitiko okanye iinjongo ezithile zopolitiko.
(4) Luxanduva loorhulumente bamaphondo ukufuna, ukuqesha, ukunyusela, ukutshintsha nokuyekisa emsebenzini abasebenzeli-rhulumente bolawulo lwabo, beyenza yonke le nto ngokwemo-sikhokelo yezithethe nemigangatho efanayo, ekusetyenziswa yona kwinkonzo yabasebenzeli rhulumente.
Isahluko 11
IiNkonzo zoKhuseleko
Imigqalisela elawulayo
198. Le migqalisela ilandelayo ilawula ukhuseleko lwesizwe apha kwiRiphabliki:
(a) Ukhuseleko lwesizwe kufuneka lubonakalise ukuzimisela kwabantu basemZantsi Afrika, ngokomntu ngamnye nangokwesizwe, ukuhlala njengabantu abalinganayo, ukuhlala ngoxolo nemvisiswano, ukukhululeka kuloyiko nakwintswelo, nokuzamela ubomi obubhetele.
(b) Oku kuzimisela ukuhlala ngoxolo nemvisiswano kuthintela wonke ummi womZantsi Afrika ekuthabatheni inxaxheba kungquzulwano ngezixhobo, esizweni okanye phakathi kwamazwe ngamazwe, ngaphandle kwakwiimeko ezimiselwe ngumGaqo-siseko okanye ngumthetho wesizwe.
(c) Ukhuseleko lwesizwe kufuneka luqhutywe ngokuhambisana nomthetho kubandakanywa nomthetho wamazwe.
(d) Ukhuseleko lwesizwe luphantsi kwegunya lePalamente kunye nesigqeba esilawulayo sesizwe.
Ukumiselwa, ukubunjwa nokuziphatha kweenkonzo zokhuseleko
199. (1) Iinkonzo zokhuseleko zeRiphabliki zezi: umkhosi omnye wokhuselo, inkonzo enye yamapolisa kunye nazo naziphi na iinkonzo zobuntlola ezimiselwe ngokomGaqo-siseko.
(2) Umkhosi wokhuselo nguwo kuphela umkhosi wamajoni osemthethweni kwiRiphabliki.
(3) Ngaphandle kweenkonzo zokhuseleko ezimiselwe ngokomGaqo-siseko, imibutho yezixhobo okanye iinkonzo zosetyenziso-zixhobo zingasekwa kuphela ngokomthetho wesizwe.
(4) Iinkonzo zokhuseleko kufuneka zibunjwe, zilawulwe ngokomthetho wesizwe.
(5) Iinkonzo zokhuseleko kufuneka zenze, zifundise, ziyalele namalungu azo ukuba enze, ngokungqinelana nomGaqo-siseko kunye nomthetho, kubandakanywa umthetho wesiqhelo wamazwe ngamazwe kunye nezivumelwano zamazwe ngamazwe ezibophelelayo kwiRiphabliki.

(6) Akukho lungu layo nayiphi na inkonzo yezokhuseleko elimele ukuba lithobele umyalelo ocacileyo ukuba awukho mthethweni.
(7) Iinkonzo zokhuseleko, ndawonye namalungu onke azo, azivumelekanga ukuba zithi ekwenzeni imisebenzi yazo –
(a) zibeke engozini izinto ezikukulungelwa kweqela elithile lezopolitiko elisemthethweni ngokomGaqo-siseko, okanye
(b) ziqhubele phambili, ngokunomkhethe, nakuphi na ukulungelwa kweqela elithile lezopolitiko.
(8) Ukwenzela ukuba imigqalisela yobeko-lubala neyokuthembeka iphumelele, kufuneka iikomiti zepalamente zamaqela ngamaqela zongamele zonke iinkonzo zokhuseleko ngendlela eqingqwe ngumthetho wesizwe okanye yimithetho nemimiselo yePalamente.

Ukhuselo

Umkhosi wokhuselo

200. (1) Umkhosi wokhuselo kufuneka ubunjwe uze ubuye uphathwe njengomkhosi wezixhobo zokulwa oqeqeshekileyo.
(2) Injongo ephambili yomkhosi wokhuselo kukukhusela nokuvikela iRiphabliki, isidima sayo sobummandla kunye nabantu bayo, uyenza loo nto ngokungqinelana nomGaqo-siseko kwakunye nemigqalisela yomthetho wamazwe ngamazwe olawula ukusetyenziswa komkhosi.

Uxanduva lwezopolitiko

201. (1) Kufuneka kube kho ilungu leKhabinethi elijongene nezokhuselo.
(2) NguMongameli kuphela onokuthi, njengentloko yesigqeba sesizwe esinolawulo oluphezulu, agunyazise ukusetyenziswa komkhosi wezokhuselo –
(a) ngentsebenziswano nenkonzo yezobupolisa;
(b) ukukhusela iRiphabliki; okanye
(c) ukuzalisekisa izimiselo zamazwe ngamazwe ehlabathi.
(3) Xa umkhosi wokhuselo usetyenziselwa nayiphi na injongo exelwe kwicandelwana (2), kufuneka uMongameli ayazise iPalamente, ngoko nangoko, enika iinkcukacha ezifanelekileyo –
(a) zezizathu zokuba kusetyenziswe umkhosi wokhuselo;
(b) ngayo nayiphi na indawo apho umkhosi lo usetyenziswa khona;
(c) ngenani labantu ababandakanyekayo;
(d) nangethuba ekuthelekelelwa ukuba uya kusetyenziswa ngalo umkhosi lo.
(4) Ukuba iPalamente ayihlali kwiintsuku ezisixhenxe zokuqala emva kokusetyenziswa komkhosi wokhuselo ekuthethwa ngako kwicandelwana (2) kufuneka uMongameli anike ikomiti ekuyiyo eyongameleyo iinkcukacha ezifunekayo ezixelwe
kwicandelwana (3).

Ukuphathwa komkhosi wokhuselo

202. (1) UMongameli, njengentloko yesigqeba sesizwe esinolawulo oluphezulu, yiKhomanda eyiNtloko yomkhosi wokhuselo, kufuneka atyumbe iKhomanda yezobuJoni yomkhosi wokhuselo lo.
(2) Ukuphathwa komkhosi wokhuselo kufuneka kwenziwe ngokungqinelana nemiyalelo yelungu leKhabinethi elijongene nezokhuselo, phantsi kwegunya likaMongameli.

Imo yoKhuselo lwesiZwe

203. (1) UMongameli njengentloko yesigqeba sesizwe esinolawulo oluphezulu angayimisela imo yokhuselo lwesizwe, kuze kufuneke eyazisile iPalamente ngoko nangoko, anike iinkcukacha ezifanelekileyo –
(a) zezizathu zolo miselo;
(b) ngayo nayiphi na indawo apho kusetyenziswa khona umkhosi wokhuselo lowo;
(c) nangenani labantu ababandakanyekayo.
(2) Ukuba iPalamente ayihlali ngexesha ekumiselwa ngalo imo yokhuselo lwesizwe, kufuneka

uMongameli abizele iPalamente kwindibano ekuhlaleni okungesosiqhelo kwakwiintsuku ezisisixhenxe zomiselo olo.
(3) Umiselo lwemo yokhuselo lwesizwe luyaphelelwa, ngaphandle kokuba luyamkelwa yiPalamente kwakwiintsuku ezisixhenxe zomiselo olo.
Iofisi yoonobhala bezokhuselo abangengomalungu omkhosi
204. Iofisi yoonobhala bezokhuselo abangengomalungu omkhosi kufuneka isekwe ngomthetho wesizwe, isebenze phantsi kwenkokelo yelungu leKhabinethi elijongene nezokhuselo.
Amapolisa
Inkonzo yamapolisa
205 (1) Inkonzo yamapolisa yesizwe kufuneka ibunjwe ngendlela eyenza ukuba isebenze kwisigaba sorhulumente sesizwe nakwesamaphondo, kanti nakweseengingqi, apho kufanelekileyo.
(2) Umthetho wesizwe kufuneka useke amagunya nemisebenzi yenkonzo yamapolisa, kwaye kufuneka wenze ukuba inkonzo yamapolisa ibe nakho ukuyenza imisebenzi yayo ngokuphumeleleyo, kuthathelwa ingqalelo iimfuno zamaphondo.
(3) Iinjongo zenkonzo yamapolisa kukuthintela ukulwa nokuphanda ulwaphulo-mthetho; ukugcina ucwangco loluntu, ukuvikela nokwenza kukhuseleke abemi beRiphabliki nepropati yabo nokugcina umthetho kwanokuwenza usebenze.
Uxanduva lwabezopolitiko
206. (1) Kufuneka kube kho ilungu leKhabinethi elijongene nemicimbi yezamapolisa, ekufuneka liqingqe inkqubo-sikhokelo yezamapolisa yesizwe, emva kokubonisana noorhulumente bamaphondo, futhi lithathela ingqalelo iimfuno nemicimbi ephambili kwezobupolisa zamaphondo eziqiqwe zizigqeba zamaphondo ezinolawulo oluphezulu.
(2) Inkqubo-sikhokelo yesizwe yezobupolisa ingavula amathuba eenkqubo-zikhokelo ezahlukeneyo zamaphondo ahlukeneyo emva kokuthathela ingqalelo iimfuno nemicimbi ephambili yezobupolisa yala maphondo.
(3) Iphondo ngalinye linelungelo –
(a) lokugada izenzo zamapolisa;
(b) lokongamela ukusebenza ngokuneziqhamo nangokufezekileyo kwenkonzo yamapolisa, kubandakanywa nokufumana iingxelo ngenkonzo yamapolisa;
(c) lokukhuthaza ubudlelane obuhle phakathi kwamapolisa noluntu;
(d) lokuvavanya ukuba neziqhamo kokusebenza kwamapolisa ebonakala;
(e) nokunxibelelana nelungu leKhabhinethi elijongene nezamapolisa, mayela nolwaphulo-mthetho nomsebenzi wamapolisa kwelo phondo.
(4) Isigqeba sephondo esinolawulo oluphezulu sinoxanduva lwale misebenzi ilandelayo yezobupolisa –
(a) ephathiswe sona sesi Sahluko;
(b) eyabelwe sona ngokomthetho wesizwe;
(c) nenikwe sona kwinkqubo-sikhokelo yesizwe yezobupolisa.
(5) Ukuze lenze laa misebenzi icaciswe kwicandelwana (3) iphondo –
(a) lingenza uphando, okanye lityumbe ikhomishini yophando, ukuze liqwalasele naziphi na izikhalazo ezingokungasebenzi kakuhle kwamapolisa okanye ezingokuchitheka kobudlelwane phakathi kwamapolisa nalo naluphi na uluntu; yaye
(b) kufuneka linike iingcebiso kwelo lungu leKhabhinethi liphathiswe ezobupolisa.
(6) Kwakufika isikhalazo sifakwe sisigqeba sephondo esinolawulo oluphezulu sephondo makube kho iqumrhu elizimeleyo lezikhalazo ngamapolisa elisekwe ngomthetho wesizwe emaliphande nakuphi na ukungaziphathi kakuhle okubikwayo okanye nakuphi na ukwaphulwa komthetho okwenziwe lilungu lenkonzo yezobupolisa kwiphondo.
(7) Umthetho wesizwe kufuneka wenze kube kho imo-sikhokelo yokusekwa kweenkonzo zamapolisa zoomasipala, nezamagunya, nemisebenzi nokulawulwa kwazo.

(8) Kufuneka kusekwe ikomiti eyakhiwe lilungu leKhabhinethi kunye namalungu amaBhunga anoLawulo oluPhezulu anoxanduva lwezobupolisa ukuze kuqinisekiswe ulungelelwaniso lwenkonzo yezobupolisa oluneziqhamo nentsebenziswano eneziqhamo phakathi kwezigaba zikarhulumente.

(9) Indlu yowiso-mthetho yephondo isenokuthi umkhomishinala wephondo elo makeze kuvela phambi kwayo okanye phambi kwayo nayiphi na enye yeekomiti zayo aze kuphendula imibuzo.

Ukulawulwa kwenkonzo yamapolisa

207. (1) UMongameli, njengentloko yesigqeba sesizwe esinolawulo oluphezulu, kufuneka atyumbe umntu wasetyhini okanye oyindoda njengoKhomishinala wesiZwe wenkonzo yamapolisa, ukuze alawule, aphathe inkonzo yamapolisa.

(2) UKhomishinala wesiZwe kufuneka alawule, aphathe inkonzo yamapolisa ngokungqinelana nenkqubo-sikhokelo le yesizwe yezobupolisa kwanemiyalelo yelungu leKhabinethi elijongene nezobupolisa.

(3) UKhomishinala wesiZwe, ngokuvunyelwa sisigqeba solawulo oluphezulu sephondo elo, kufuneka atyumbe umntu wasetyhini okanye oyindoda njengoKhomishinala wephondo kwelo iphondo, kodwa ukuba UKhomishinala wesiZwe nesigqeba sephondo esinolawulo oluphezulu abade bavumelane ngotyumbo olo, ilungu leKhabhinethi elijongene nezobupolisa kufuneka lilamle phakathi kwaba babini.

(4) OoKhomishinala bamaphondo bajongene nezobupolisa elowo kwiphondo lakhe –

(a) ngokwendlela emiselwe ngumthetho wesizwe; kanjalo

(b) bephantsi kwegunya likaKhomishinala wesiZwe lokulawula nokuphatha inkonzo yamapolisa ngokwecandelwana (2).

(5) UKhomishinala wephondo kufuneka anike ingxelo kwindlu yowiso-mthetho yephondo lakhe qho ngonyaka, malunga nezobupolisa kwelo phondo, aze athumele ikopi yaloo ngxelo kuKhomishinala wesiZwe.

(6) Ukuba uKhomishinala wephondo uphelelwe kukuthenjwa sisigqeba sephondo esinolawulo oluphezulu, eso sigqeba singathatha amanyathelo afanelekileyo okumsusa okanye okumtshintshela kwenye indawo, okanye awokumohlwaya loo Khomishinala, ngokungqinelana nomthetho wesiZwe.

Iofisi yoonobhala bamapolisa abangengomalungu amapolisa

208. Iofisi yoonobhala bamapolisa abangemapolisa kufuneka isekwe ngomthetho wesizwe ukuze isebenze phantsi kwesikhokelo selungu leKhabhinethi elijongene nezobupolisa.

Ezobuntlola

Ukusekwa nokulawulwa kweenkonzo zobuntlola

209. (1) Nayiphi na inkonzo yezobuntlola, engelilo naliphi na icandelo lezobuntlola lomkhosi wokhuselo okanye lenkonzo yamapolisa, ingasekwa nguMongameli kuphela, njengentloko yesigqeba sesizwe esinolawulo oluphezulu, kube kuphela ngokomthetho wesizwe.

(2) UMongameli njengentloko yesigqeba sesizwe esinolawulo oluphezulu kufuneka atyumbe umntu wasetyhini okanye oyindoda njengentloko yenkonzo nganye yezobuntlola esekwe ngokwecandelwana (1), kwaye kufuneka athathe uxanduva lwezopolitiko lokulawula nokukhokela naziphi na kwezo nkonzo, okanye atyumbe ilungu elithile leKhabinethi ukuba lithabathe olo xanduva.

Amagunya, imisebenzi nokugada

210. Umthetho wesizwe kufuneka ulungelelanise/ulawule iinjongo, amagunya nemisebenzi yeenkonzo zobuntlola, kubandakanywa naliphi na icandelo lezobuntlola lomkhosi wokhuselo okanye lenkonzo yamapolisa; kufuneka kanjalo umisele –

(a) unxibelelwaniso lwazo zonke iinkonzo zobuntlola;

(b) nokugadwa luluntu kokwenziwa kwezo nkonzo ngumhloli otyunjwe nguMongameli njengentloko yesigqeba sesizwe esinolawulo oluphezulu, nothe wavunywa ngesigqibo

esithatyathwe yiNdibano yesiZwe sona sixhaswe yivoti yesibini kwisithathu samalungu ayo, ubuncinci.

Isahluko 12

IiNkokeli zeMveli

Ukuvunywa

211. (1) Ukumiselwa, inqanaba kunye nenxaxheba yobunkokeli bemveli, ngokomthetho wemveli, zivunyiwe ngokulawulwa ngumGaqo-siseko.

(2) Igunya lemveli elisebenza ngokwenkqubo yomthetho wemveli lingasebenza ngokulawulwa nanguwuphi na umthetho osebenzisekayo kwanamasiko asebenzisekayo, kusebenza oko kubandakanya izilungiso kuwo okanye ukutshitshiswa kwawo loo mthetho okanye loo masiko.

(3) Iinkundla kufuneka ziwusebenzise umthetho wemveli xa loo mthetho usebenziseka,ngokokulawula komGaqo-siseko kunye nawo nawuphi na umthetho ojongene kanye/ncakasana nomthetho wemveli.

Indima yeenkokeli zemveli

212. (1) Umthetho wesizwe ungayimisela inxaxheba yeenkokeli zemveli njengeziko elikwisigaba sasekuhlaleni, lemicimbi echaphazela abantu kwiindawo ezo bahlala kuzo.

(2) Ukujongana nemicimbi ephathelele kubunkokeli bemveli, kwindima yeenkokeli zemveli, kumthetho wezithethe nakumasiko abantu abalandela inkqubo ethile yomthetho wezithethe –

(a) umthetho wesizwe okanye owephondo ungamisela indlela yokusekwa kwezindlu zeenkokeli zemveli; kanjalo

(b) umthetho wesizwe ungaseka ibhunga leenkokeli zemveli.

Isahluko 13

Ezemali

ImiBandela yezeMali ngokuBanzi

INgxowa-mali yeNgeniso yesiZwe

213. (1) Kukho iNgxowa-mali yeNgeniso yesiZwe, apho kufuneka kufakwe khona yonke imali ethe yafikela urhulumente wesizwe, ngaphandle kwemali ekucacileyo ukuba ayibandakanywanga ngumThetho wePalamente.

(2) Imali inokukhutshwa kwiNgxowa-mali yeNgeniso yesiZwe, kuphela –

(a) ngokwemigaqo yohlahlo-lwabiwo-mali, ngumThetho wePalamente; okanye

(b) njengeendleko eziphuma ngqo kwiNgxowa-mali yeNgeniso yesiZwe, xa ukwenjenjalo kumiselweyo kumGaqo-siseko okanye kumThetho othile wePalamente.

(3) Isabelo esingeyonkqatho samaphondo esisuka kwingeniso eqokelelwe kwisigaba sesizwe siziindleko ezikhutshwa ngqo kwiNgxowa-mali yeNgeniso yesiZwe.

Izabelo ezingeyonkqatho nezahlulo zengeniso

214. (1) Kufuneka kube kho UmThetho wePalamente omisela indlela –

(a) yokwahlulwa ngokungenankqatho kwengeniso eqokelelwe kwisigaba sesizwe, isahlulelwa kwisigaba sikarhulumente sesizwe esamaphondo, neseengingqi;

(b) yokuqingqwa kwesabelo esingenankqatho sephondo ngalinye esisuka kwisabelo samaphondo esisuka kwingeniso leyo;

(c) neyazo naziphi na ezinye izahlulelo eziya kumaphondo, kurhulumente weengingqi okanye koomasipala eziphuma kwisabelo sikarhulumente wesizwe saloo ngeniso, kunye nayo nayiphi na imiqathango ezithi zenziwe phantsi kwayo ezo zahlulo.

(2) UmThetho ekubhekiswa kuwo kwicandelwana (1) ungenziwa kuphela emva kokuba kuboniswene noorhulumente bamaphondo, urhulumente weengingqi omiswe ngendlela, kunye neKhomishini yezeMali neRhafu, nasemva kokuba kugqalwe zonke iingcebiso zekhomishini; kanjalo kufuneka loo mthetho uthathele ingqalelo –

(a) izinto ezikukulungelwa kwesizwe;

(b) nawuphi na ummiselo ofanele ukwenziwa ngokuphathelele kwityala lemali lesizwe nezinye

izimiselo zesizwe;
(c) iimfuno nezinto ezikukulungelwa korhulumente wesizwe eziqingqwe ngokweempawu zokungakhethi cala elithile;
(d) imfuneko yokuqinisekisa ukuba amaphondo noomasipala banakho ukubonelela ngeenkonzo ezisisiseko nokwenza imisebenzi abayabelweyo;
(e) isakhono nengqibelelo yamaphondo noomasipala kwimicimbi yezerhafu;
(f) iimfuno ezimalunga nophuhliso, kwanezinye iimfuno, zamaphondo, ezolawulo lweengingqi nezoomasipala;
(g) ukungalingani kwezoqoqosho ngaphakathi kumaphondo, naphakathi kwamaphondo lawo;
(h) izimiselo zamaphondo noomasipala ngokomthetho wesizwe;
(i) ukunqweneleka kwezahlulo zengeniso-mali ezizinzileyo nezinokuqikelelwa (kwangaphambili)/nezinokuthelekelelwa;
(j) imfuneko yokuguquka lula ekusabeleni iimeko neengxaki okanye ezinye iimfuno zexeshana kwanezinye iimeko ezifanayo nezokungakhethi cala.

Uhlahlo-lwabiwo-mali lwesizwe, olwamaphondo noloomasipala

215. (1) Ulwabiwo-mali lwesizwe, olwamaphondo noloomasipala, kunye neenkqubo zolwabiwo-mali zizizigaba zikarhulumente, kufuneka zikhuthaze ubeko-lubala lwezinto, ukuthembeka kunye nophatho lwezemali olunempumelelo kwezoqoqosho, ityala kunye necandelo likarhulumente.
(2) Umthetho wesizwe kufuneka umisele –
(a) indlela yolwabiwo-mali lwesizwe, neyolwamaphondo, neyoloomasipala;
(b) ixesha lokungeniswa kolwabiwo-mali lwesizwe nolwamaphondo;
(c) nokuthi ulwabiwo-mali lwesigaba ngasinye sikarhulumente kufuneka lubonise imvelaphi yengeniso nendlela inkcitho-mali ecetywayo eya kungqinelana ngayo nomthetho wesizwe.
(3) Ulwabiwo-mali kwisigaba ngasinye sikarhulumente kufuneka luqulathe –
(a) intelekelelo yengeniso neyenkcitho-mali, kwenziwe umahluko phakathi kwenkcitho-mali ngemisebenzi emikhulu kunye nenkcitho-mali ngemisebenzi eqhubayo;
(b) imipoposho yokuhlangabezana ngezemali nako nakuphi na ukusilela ngemali ngokwelo xesha ifanelene nalo;
(c) nokuxelwa kweenjongo zokuboleka kunye nezinye iintlobo zobutyala bukarhulumente obuya kwandisa ityala likarhulumente ngaloo nyaka uza kulandela.

Ukulawulwa koVimba kaRhulumente

216. (1) Umthetho wesizwe kufuneka useke uvimba wesizwe, kanjalo umisele amanyathelo okuqinisekisa ubeko-lubala lwezinto nolawulo lwenkcitho-mali kwisigaba ngasinye sikarhulumente, ngokwenza kube kho –
(a) inkqubo eyamkelekileyo ngokubanzi yocwangciso-mali;
(b) ukuhlelwa kwenkcitho-mali ngokufanayo; kunye
(c) nezithethe nomgangatho ofanayo woovimba.
(2) Uvimba wesizwe, ngokungqinelana nelungu leKhabhinethi elijongene nemicimbi yesizwe yezemali, lingakuphezisa ukuthunyelwa kwemali kwiziko loburhulumente kuphela ngenxa yokungalandelwa okuxhomisa amehlo okanye okuthe gqolo kwamanyathelo asekwe ngokwecandelwana (1).
(3) Isigqibo sokunqanda ukuthunyelwa kwemali kwiphondo singathatyathwa kuphela ngokwecandelwana (2), kwaye –
(a) asingekunqandi ukuthunyelwa kwemali ithuba elingaphezu kweentsuku ezili-120; kanjalo
(b) sinokusetyenziswa ngoko nangoko, kodwa siya kuphelelwa ukususela kwithuba eselidlule ngaphandle kokuba iPalamente iyasivumela emva kokulandela inkqubo efana ngokukhulu naleyo isekwe ngokwecandelo 76 (1) nemiselwe yimigaqo nemiyalelo yePalamente ekudityenweyo ngayo. Le nkqubo kufuneka igqitywe kwangeentsuku ezingama-30 senziwe nguvimba wesizwe

isigqibo.
(4) IPalamente ingasihlaziya isigqibo sokunqanda ukuthunyelwa kwemali, ithuba elingekho ngaphezulu kweentsuku ezili-120 ngexesha, kulandelwa inkqubo esekwe ngokwecandelwana (3).
(5) Phambi kokuba iPalamente isivume okanye isihlaziye isigqibo sokunqanda ukuthunyelwa kwemali kwiphondo –
(a) umPhicothi-zincwadi-Jikelele kufuneka anike ingxelo ePalamente; kanjalo
(b) iphondo elo kufuneka linikwe ithuba lokuphendula izityholo elibekwa zona, liyibeke imeko yalo phambi kwekomiti ethile.
Izivumelwano zeempahla nezeenkonzo
217. (1) Xa iziko likarhulumente, kwisigaba sikarhulumente sesizwe, esamaphondo okanye eseengingqi, okanye naliphi na elinye iziko elichazwe kumthetho wesizwe, lisenza izivumelwano malunga neempahla okanye neenkonzo, kufuneka likwenze oko ngokungqinelana nenkqubo engenasheyi, enganankqatho, eselubala, enokhuphiswano nengenazindleko.
(2) Icandelwana (1) aliwathinteli amaziko karhulumente okanye amaziko axelwe kweli candelwana ekusebenziseni inkqubo-sikhokelo yezivumelwano zeempahla neenkonzo, enika indlela –
(a) yokukhethwa ngendlela yokuhlelwa xa kusabelwa iikhontrakthi
(b) yokukhuselwa okanye yokuphuhliswa kwabantu, okanye okweendidi ezithile zabantu, abadlelwe indlala calu-calulo olunesheyi.
(3) Umthetho wesizwe kufuneka umisele indlela enokuthi inkqubo-sikhokelo ecaciswe kwicandelwana (2) isetyenziswe ngayo.
Umelo-malini nguRhulumente
218. (1) Urhulumente wesizwe, okanye owephondo, okanye umasipala angalwenza umelo malunga nemali-mboleko kuphela xa ngaba olo melo luyahambisana nayo nayiphi na imiqathango emiselwe kumthetho wesizwe.
(2) Umthetho wesizwe ekuthethwa ngawo kwicandelwana (1) ungenziwa kuphela emva kokuba kuqwalaselwe naziphi na iingcebiso ezivela kwiKhomishini yezeMali neRhafu.
(3) Kunyaka ngamnye urhulumente ngamnye kufuneka apapashe ingxelo ngomelo-malini athe walwenza.
Ukuhlawulwa kwabantu ababambe izikhundla zaseburhulumenteni
219. (1) Kufuneka kube kho umThetho wePalamente omisela isikhokelo sokuqingqa –
(a) imivuzo, izibonelelo kunye neemfanelo zamalungu eNdibano yesiZwe, nezabathunywa abasisigxina kwiBhunga lesiZwe lamaPhondo, nezamalungu eKhabhinethi, nezooSekela-baPhathiswa, nezeenkokeli zemveli nezamalungu azo naziphi na izigqeba zeenkokeli zemveli;
(b) nelona qondo liphezulu lemivuzo, izibonelelo okanye iimfanelo zamalungu ezindlu zowiso-mthetho zamaphondo, nezamalungu amaBhunga anoLawulo oluPhezulu kunye nezamalungu amaBhunga ooMasipala beendidi ezingafaniyo.
(2) Umthetho wesizwe kufuneka useke ikhomishini ezimeleyo ukuba inike iingcebiso malunga nemivuzo, nezibonelelo, neemfanelo ekuthethwa ngazo kwicandelwana (1).
(3) Ipalamente ingawupasisa umthetho ekuthethwa ngawo kwicandelwana (1) kuphela emva kokuqwalasela naziphi na iingcebiso zekhomishini esekwe ngokwecandelwana (2).
(4) Isigqeba sesizwe esinolawulo oluphezulu, isigqeba sephondo elithile esinolawulo oluphezulu, umasipala othile okanye nasiphi na esinye isiphatha-mandla esifanelekileyo singawusebenzisa lo mthetho wesizwe kuthethwa ngawo kwicandelwana (1) kuphela emva kokuqwalasela naziphi na iingcebiso zekhomishini esekwe ngokwecandelwana (2).
(5) Umthetho wesizwe kufuneka umisele izikhokelo zokuqingqa imivuzo, izibonelelo kwaneemfanelo zeejaji, zomKhuseli woluNtu, zomPhicothi-zincwadi-Jikelele, kunye nezamalungu ayo nayiphi na ikhomishini exeliweyo kumGaqo-siseko lo, ndawonye negunya lezosasazo elixelwe

kwicandelo 192.

IKhomishini yezeMali neRhafu

Ukusekwa nemisebenzi

220. (1) Kukho iKhomishini yezeMali neRhafu yeRiphabliki enika iingcebiso ekuthethwa ngazo kwesi Sahluko, okanye kumthetho wesizwe, izinika iPalamente, izindlu zowiso-mthetho zamaphondo kunye nawo nawaphi na amanye amagunya amiselwe ngumthetho wesizwe.

(2) IKhomishini le izimele, ilawulwa kuphela ngumGaqo-siseko kunye nomthetho, kwaye kufuneka ingakhethi cala.

(3) IKhomishini kufuneka isebenze ngokwemigaqo yomThetho othile wePalamente, kanjalo, xa isenza imisebenzi yayo, kufuneka ithathele ingqalelo yonke imiba echaphazelekayo, ndawonye naleyo idweliswe kwicandelo 214 (2).

Ukwalathelwa nexesha lokusebenza kwamalungu

221. (1) IKhomishini le inaba bantu balandelayo basetyhini nabangamadoda batyunjwe nguMongameli njengentloko yesigqeba esinolawulo oluphezulu sesizwe:

(a) usihlalo nosekela-sihlalo abangamalungu axesha lonke;

(b) abantu abasithoba, ingulowo ebekwe liBhunga elinoLawulo oluPhezulu lephondo, apho iphondo ngalinye libeka umntu abe mnye kuphela;

(c) abantu ababini ababekwe ngurhulumente weengingqi oqingqiweyo, bebekwa ngokwecandelo 163; kunye

(d) nabanye abantu abasithoba.

(2) Amalungu eKhomishini le kufuneka abe nabo ubuchwepheshe obufunekayo.

(3) Amalungu asebenza ithuba elimiselwe ngokomthetho wesizwe. UMongameli angalisusa ilungu esikhundleni ngezizathu zentswela-kuziphatha, ukungabi nakho ukusebenza okanye ukungakwazi ukusebenza.

Iingxelo

222. IKhomishini kufuneka inike ingxelo rhoqo kwiPalamente kanti nakwizindlu zowiso-mthetho zamaphondo.

IBhanki eYongameleyo

Ukusekwa

223. IBhanki enguVimba yomZantsi Afrika yibhanki eyongameleyo yeRiphabliki kwaye ilawulwa ngumThetho othile wePalamente.

Injongo engundoqo

224. (1) Injongo engundoqo yeBhanki enguVimba yomZantsi-Afrika kukukhusela ixabiso lohlobo lwemali yeli lizwe, kujongwe ukukhula kwezoqoqosho okuzinzileyo nokungatshitshiyo kwiRiphabliki.

(2) IBhanki enguVimba yomZantsi-Afrika, xa izama ukufezekisa injongo yayo engundoqo, kufuneka yenze imisebenzi yayo ngokuzimeleyo nangaphandle koloyiko, nokwenza idolo okanye ukudlela indlala; kodwa, kufuneka kube kho ukubonisana okuthe rhoqo phakathi kwale Bhanki nelungu leKhabinethi elijongene nemibandela yesizwe yezemali.

Amagunya nemisebenzi

225. Amagunya nemisebenzi yeBhanki enguVimba yomZantsi-Afrika ngalawo esiqhelo asetyenziswa, nemisebenzi yayo yileyo yesiqhelo yenziwa, ziibhanki ezongameleyo, magunya lawo, nemisebenzi leyo ekufuneka eqingqwe ngumThetho wePalamente; ukusetyenziswa kwala magunya, nokwenziwa kwale misebenzi kufuneka kulawulwe yimiqathango emiselwe ngokomThetho lowo.

Imicimbi yezeMali yamaPhondo neyeeNgingqi

Iingxowa-mali zeNgeniso zamaPhondo

226. (1) Kukho iNgxowa-mali yeNgeniso yePhondo eyeyephondo ngalinye apho kufakwa khona yonke imali efikele urhulumente wephondo elo, ngaphandle kwemali ekucacileyo ukuba

ayibandakanywanga ngumThetho wePalamente.
(2) Imali ingatsalwa kwiNgxowa-mali yePhondo kuphela –
(a) ngokwemigaqo yohlahlo-lwabiwo-mali ngumThetho wephondo elo; okanye
(b) njengeendleko ngqo ezikhutshwa kwiNgxowa-mali yeNgeniso yePhondo xa ixeliweyo kumGaqo-siseko okanye kumThetho wephondo.
(3) Imali eyabelwe ulawulo lwasekuhlaleni elikwiphondo elithile, isiza ngephondo elo ngokwecandelo 214 (1), iziindleko ngqo eziphuma kwiNgxowa-mali yeNgeniso yelo phondo.
Iindawo evela kuzo imali enikwa oorhulumente bamaphondo nabeengingqi ngurhulumente wesizwe
227. (1) Urhulumente weengingqi kunye nephondo ngalinye –
(a) linelungelo kwisabelo esingenankqatho sengeniso eqokelelwe ngurhulumente wesizwe ukulinceda ukuba libe nakho ukubonelela ngeenkonzo ezisisiseko kwanokwenza imisebenzi eyabelwe lona; kanjalo
(b) lingafumana ezinye izahlulelo ezivela kwingxowa-mali yesizwe, ezibekelwe imiqathango okanye ezingabekelwanga miqathango.
(2) Enye ingeniso ekhoyo eqokelelwe ngamaphondo okanye oomasipala ayinakutsalwa kwisabelo sawo/sabo semali eqokelelwe kwisigaba sesizwe sikarhulumente okanye kwezinye izahlulelo ezinikwe wona/bona zivela kwingeniso karhulumente wesizwe. Kwangokunjalo, akanyanzelekanga urhulumente wesizwe ukuba abuyekeze amaphondo okanye oomasipala abangaqokeleli mali ifanelene namandla awo/abo ezemali kwanomthombo wawo/wabo kwezerhafu.
(3) Isabelo esingenankqatho sephondo esivela kwingeniso eqokelelwe ngurhulumente wesizwe kufuneka sithunyelwe kwiphondo elo ngoko nangoko, kungatsalwanga mali kuso, ngaphandle kwaxa oko kuthunyelwa kuye kwanqandwa ngokwecandelo 216.
(4) Iphondo kufuneka lizibonelele ngazo naziphi na izixhaso elizifunayo, ngokommiselo okhoyo kumGaqo-siseko walo, ezingaphezu kweemfuno zalo eziqikelelwe kulo mGaqo-siseko.
Iirhafu zamaphondo
228. (1) Indlu yowiso-mthetho yephondo ingamisela –
(a) iirhafu, iintlawuliso okanye iintlawulelo-zinto, ingeyiyo irhafu yengeniso, irhafu eyongezelelwe kwixabiso, irhafu yentengo, irhafu yepropati okanye intlawulelo-mpahla;
(b) neentlawulo ezongezelelwe ngokomlinganiselo ofanayo, zibizwa kwimithombo-rhafu yayo nayiphi na irhafu, intlawuliso okanye intlawulelo-zinto emiselwe ngumthetho wesizwe, ingeyiyo imithombo-rhafu yerhafu yengeniso yamashishini, okanye irhafu eyongezelelwe kwixabiso, okanye irhafu yepropati, okanye iintlawulelo-mpahla.
(2) Igunya lendlu yowiso-mthetho yephondo lokumisela iirhafu, iintlawuliso, iintlawulelo-zinto, kwaneentlawulo ezongezelelweyo –
(a) malingasetyenziswa ngendlela efaka engozini, ngokuphathekayo nangokugaqiqiyo, iinkqubo-zikhokelo zoqoqosho zesizwe, okanye iintshukumo zezoqoqosho ezidibanisa onke amaphondo, okanye uhambiseko-zimpahla kwisigaba sesizwe, okanye iinkonzo, okanye izithuthi nezinto zokusebenza ezinkulu, okanye abasebenzi; kanjalo
(b) kufuneka lilawulwe ngokomThetho wePalamente, onokwenziwa kuphela emva kokuqwalaselwa kwazo naziphi na iingcebiso zeKhomishini yezeMali neRhafu.
Amagunya nemisebenzi kaMasipala kwezemali
229. (1) Ethobela amacandelwana (2), (3) nelesi –(4), umasipala angamisela –
(a) iirhafu kwipropati, kwanemali emayongezwe kwiintlawulo zeenkonzo ezenziwa nguye okanye ezenzelwa yena; kunye
(b) nezinye iirhafu, iintlawuliso neentlawulelo-zinto ezifanele urhulumente weengingqi okanye ezifanele olo didi lorhulumente weengingqi akulo loo masipala, ukuba ugunyazisiwe ukuba

enjenjalo ngumthetho wesizwe; kodwa akukho masipala uvumelekileyo ukuba abize irhafu yengeniso, ivethi, irhafu-ntengiso okanye intlawulelo-zinto.

(2) Igunya likamasipala lokumisela irhafu yepropati, isongezo-ntlawulo kwimali ehlawulelwa iinkonzo ezenziwa ngumasipala lowo okanye ezenziwa egameni lakhe, okanye ezinye iirhafu, iintlawuliso neentlawulelo-zinto –

(a) malingasetyenziswa ngendlela eya kubeka ebubini, ngokuphathekayo nangokungaqiqiyo iinkqubo-zikhokelo zezoqoqosho zesizwe, imigudu yezoqoqosho ukusuka komnye umasipala ukuya kutsho komnye, ukuhambiseka kweempahla kumZantsi Afrika uphela, amancedo/iinkonzo, imali okanye abasebenzi; kanjalo

(b) linakho ukulawulwa ngumthetho wesizwe.

(3) Xa oomasipala ababini benamagunya nemisebenzi efanayo yezemali phezu kwendawo enye, loo magunya naloo misebenzi mayahlulwe ngokufanelekileyo, ngokomthetho wesizwe. Olo lwahlulo kufuneka lwenziwe kuphela emva kokuthathela ingqalelo, ubuncinci, ezi mpawu zilandelayo:

(a) Imfuneko yokungqinelana nemigqalisela yorhafiso enentelekelelo;

(b) amagunya nemisebenzi eyenziwa ngumasipala ngamnye kwaba,

(c) isakhono sezemali sikamasipala ngamnye kwaba;

(d) impumelelo nokwenzeka ngokufezekileyo kokunyuswa kweerhafu, kweentlawuliso nokweentlawulelo-zinto

(e) kwanokulungelelana.

(4) Akukho nto, kweli candelo, ithintela ukwahlulelana ngeemali ezenziwe ngokweli candelo, phakathi koomasipala abanamandla nemisebenzi yezemali kwindawo enye.

(5) Umthetho wesizwe ekuthethwa ngawo kweli candelo ungawiswa kuphela emva kokuba kuthe kwaboniswana norhulumente weengingqi oqingqiweyo kunye nekhomishini yezeMali, kwaza kwathathelwa ingqalelo nazo naziphi na iingcebiso zale khomishini.

Iimali-mboleko zamaphondo nezoomasipala

230. (1) Iphondo okanye umasipala angathatha iimali-mboleko zokuzisebenzisa ekuthengeni/ekuhlawuleleni izinto ezinkulu okanye kwimisebenzi yemihla ngemihla, ezo mali-mboleko zithathwe ngokungqinelana nemiqathango evakalayo eqingqwe ngumthetho wesizwe, kodwa iimali-mboleko zokuhlawulela imisebenzi yemihla ngemihla –

(a) mazithathwe kuphela xa kufuneka kukhawulelwe imeko ngethuba laloo nyaka-mali; kanjalo

(b) kufuneka zibuyisiwe kwithuba leenyanga ezilishumi elinesibini.

(2) Umthetho wesizwe ekuthethwa ngawo kwicandelwana (1) ungenziwa kuphela emva kokuqwalaselwa kwazo naziphi na iingcebiso zeKhomishini yezeMali neRhafu.

Isahluko 14

ImiMiselo ngokuBanzi

UmThetho wamaZwe ngamaZwe

Izivumelwano zamaZwe ngamaZwe

231. (1) Uthethwano nokusayinwa kwazo zonke iimvumelwano zamazwe ngamazwe ngumsebenzi wesigqeba sesizwe esinolawulo oluphezulu.

(2) Isivumelwano samazwe ngamazwe siyibophelela iRiphabliki kuphela emva kokuba sivunyiwe ngesigqibo esenziwe kwiNdibano yesiZwe nakwiBhunga lesiZwe lamaPhondo, ngaphandle kokuba sisivumelwano ekuthethwa ngaso kwicandelwana (3).

(3) Isivumelwano samazwe ngamazwe esinobugoci-goci, okanye esisesolawulo, okanye esinegunya eliphezulu, okanye isivumelwano esingafuni kuqinisekiswa okanye kuvunywa, esenziwe sisigqeba sesizwe esinolawulo oluphezulu, siyayibophelela iRiphabliki kungafunwanga mvume yeNdibano yesiZwe neyeBhunga lesiZwe lamaPhondo, kodwa kufuneka sixelwe kwiNdibano nakwiBhunga kwangethuba elifanelekileyo.

(4) Nasiphi na isivumelwano samazwe ngamazwe siba ngumthetho kwiRiphabliki sakuba senziwe umthetho ngumthetho wesizwe; kodwa ummiselo ozisebenzelayo wesivumelwano esithile, ovunyiweyo yiPalamente, ungumthetho kwiRiphabliki ngaphandle kokuba awungqinelani nomGaqo-siseko okanye nomThetho othile wePalamente.

(5) IRiphabliki ke ibophelelekile kwizivumelwano zamazwe ngamazwe ezaziyibophelela iRiphabliki le mhla umGaqo-siseko waqalisa ukusebenza.

Umthetho oqhelekileyo wamaZwe ngamaZwe

232. Umthetho wesithethe wamazwe ngamazwe ungumthetho apha kwiRiphabliki ngaphandle kokuba awungqinelani nomGaqo-siseko okanye umThetho othile wePalamente.

Ukusetyenziswa komthetho wamaZwe ngamaZwe

233. Xa itolika nawuphi na umthetho, inkundla nganye kufuneka ikhethe nayiphi na intsingiselo ethande ukufaneleka yalo mthetho engqinelana nomthetho wamazwe ngamazwe endaweni yayo nayiphi na enye intsingiselo engangqinelaniyo nomthetho wamazwe ngamazwe.

Eminye imicimbi

ImiQulu yamaLungelo

234. Ukuze kube nokungenwa nzulu kwintlalo yedemokhrasi esekwe ngumGaqo-siseko lo, iPalamente ingamkela imiQulu yamaLungelo engqinelanayo nemimiselo yomGaqo-siseko lo.

Ukuzimela

235. Ilungelo labantu bomZantsi Afrika bebonke lokuzimela elibonakalisiweyo kulo mGaqo-siseko, alikuthinteli, ngokwesikhokelo salo eli lungelo, ukuthathelwa ingqalelo kwelungelo lokuzimela lalo naliphi na iqela loluntu elinamasiko nezithethe, neelwimi ezifanayo kummandla othile okwiRiphabliki okanye elineli lungelo nangayiphi na enye indlela, eqingqwe ngumthetho wesizwe.

Ukunikwa imali kwamaqela ezopolitiko

236. Ukuqinisa idemokhrasi yamaqela ngamaqela, umthetho wesizwe kufuneka umisele indlela yokunika imali amaqela ezopolitiko athabatha inxaxheba kwizindlu zowiso-mthetho, eyesizwe nezamaphondo ngendlela engenankqatho nenokulungelelana.

Ukwenziwa ngenkuthalo kwezimiselo

237. Zonke izimiselo zomGaqo-siseko kufuneka zenziwe ngenkuthalo nangaphandle kokulibazisa.

Ubuarhente nophathelwano-msebenzi

238. Igunya elilawulayo likarhulumente kuso nasiphi na isigaba sikarhulumente lingathi –

(a) liphathise naliphi na igunya emalisetyenziswe okanye nawuphi na umsebenzi omawenziwe ngokomthetho, liwuphathisa naliphi na elinye iziko likarhulumente elinolawulo oluphezulu, ukuba ngaba olo phathiso luyangqinelana nomthetho elisetyenziswa ngokwawo elo gunya okanye owenziwa ngokwawo loo msebenzi; okanye

(b) lisebenzise naliphi na igunya okanye lenze nawuphi na umsebenzi lisenzela naliphi na elinye iziko likarhulumente elinolawulo oluphezulu ngokwearhente okanye ngokokuphathiswa.

UChazo-ntsingiselo

239. KumGaqo-siseko, ngaphandle kokuba usetyenziso lunika ntsingiselo yimbi, ukuthi – “umthetho wesizwe” kuquka –

(a) umthetho owayamileyo owenziwe ngokomThetho wePalamente;

(b) kwanomthetho owawusele usebenza xa wawuqalisa ukusebenza umGaqo-siseko nothi ulawulwe ngurhulumente wesizwe;

ukuthi “iziko likarhulumente” kuthetha –

(a) naliphi na isebe likarhulumente okanye lolawulo kwisigaba sikarhulumente sesizwe, samaphondo okanye seengingqi; okanye

(b) naliphi na elinye igosa okanye iziko –

(i) elisebenzisa igunya okanye elenza umsebenzi ngokomGaqo-siseko okanye

ngokomgaqo-siseko wephondo; okanye
(ii) elisebenzisa igunya likarhulumente okanye elenza umsebenzi karhulumente ngokwawo nawuphi na umthetho, kodwa akuquki inkundla okanye igosa lenkundla;
ukuthi “umthetho wemaphondo” kuquka –
(a) umthetho owayamileyo owenziwe ngokomThetho wephondo;
(b) kwanomthetho owawusele usebenza ukuqalisa komGago-siseko lo ukusebenza, nolawulwa ngurhulumente wephondo.
Ukungangqinelani kweetekisi ezahlukeneyo
240. Xa kuthe kwakho ukungangqinelani phakathi kweetekisi ezahlukeneyo zomGaqo-siseko, itekisi yesiNgesi yiyo esebenzayo.
Amalungiselelo exesha lenguqu
241. IShedyuli 6 isebenza kwinguqu esa kwindlela entsha yezomGaqo-siseko esekwe ngulo mGaqo-siseko, nakuyo nayiphi na into ezalwa yiloo nguqu.
Ukurhoxiswa kwemithetho
242. Imithetho ekhankanywe kwiShedyuli 7 iyarhoxiswa, phantsi kwecandelo 243 neShedyuli 6.
Itayitile emfutshane nokuqalisa
243. (1) Lo mThetho ubizwa ngokuba ngumGaqo-siseko weRiphabliki yomZantsi Afrika, 1996, kwaye uqalisa ukusebenza kwamsinya, ngomhla obekwe nguMongameli ngesihlokomiso, kodwa ungadlulanga umhla woku-1 kuJulayi 1997.
(2) UMongameli angabeka eminye imihla eyahlukileyo ephambi komhla oxelwe kwicandelwana (1), eyibekela imimiselo eyahlukeneyo yomGaqo-siseko lo.
(3) Ngaphandle kokuba usetyenziso lunika ntsingiselo yimbi, ukuba kummiselo othile womGaqo-siseko lo kuthethwa ngexesha owaqala ngalo umGaqo-siseko ukusebenza, kufuneka oko kuthatyathwe ngokuthi kuthethwa ngexesha owaqala ngalo loo mmiselo ukusebenza.
(4) Ukuba kubekwe umhla ongomnye, ubekelwa nawo nawuphi na ummiselo othile womGaqo-siseko ngokwecandelwana (2), nawuphi na ummiselo ofana nawo womGaqo-siseko weRiphabliki yomZantsi Afrika, 1993 (UmThetho 200 ka-1993), okhankanyiweyo kwisihlokomiso, uyarhoxiswa ukususela ngalo mhla mnye.
(5) Amacandelo angala 213, 214, 215, 216, 218, 226, 227, 228, 229 nelama-230 aya kuqalisa ukusebenza ngomhla woku-1 kuJanuwari 1998, kodwa loo nto ayikuthinteli ukwenziwa, ngokwalo mGaqo-siseko, komthetho ekuthethwa ngawo kuwo nawuphi na kule mimiselo, phambi kwalaa mhla. De ufike laa mhla nayiphi na imimiselo engqinelana nawo okanye ezalwa nguwo umGaqo-siseko weRiphabliki yomZantsi Afrika, ihlala isebenza.
IShedyuli 1
IFlegi yesiZwe
(1) Iflegi yesizwe inamacala amane oku koxande; ubude bayo bungangobubanzi bayo obunesiqingatha.
(2) Inombala omnyama, omthubi , oluhlaza, omhlophe, obomvu okwetshilisi, noblowu.
(3) Inebhanti eluhlaza emise oku kuka-Y ebubanzi bayo busisihlanu sobubanzi beflegi le. Imigca esembindini yebhanti le isuka kwikona ephezulu nakwesezantsi kufutshane nepali yeflegi, idibane embindini weflegi, ize inqamleze ukuya kumbindi weli cala libhabhayo.
(4) Ibhanti eluhlaza inomqukumbelo omhlophe, ngasentla nangezantsi, nomthubi kweli cala lingakwipali yeflegi. Umqukumbelo ngamnye unobubanzi obusisinye kwishumi elinesihlanu lobubanzi beflegi.
(5) Unxantathu ongakwicala lepali yeflegi umnyama.
(6) Ibhanti engasentla enqamlezileyo ibomvu okwetshilisi, lize icala elingezantsi lebhanti enqamlezileyo libe blowu. Iyileyo kwezi bhanti inobubanzi obusisinye kwisithathu sobubanzi beflegi.

IShedyuli 2
Izifungo neziNgqiniso eziNyanisekileyo
Isifungo okanye isingqiniso esinyanisekileyo sikaMongameli kunye neBambela-Mongameli
1. UMongameli okanye uSekela-Mongameli kufuneka athi, ephambi koMongameli weNkundla yezomGaqo-siseko, afunge ngale ndlela ilandelayo:

Phambi kwakhe wonke ubani olapha, futhi ndiluqonda ngokupheleleyo ubizo oluphakamileyo endingena kulo njengoMongameli/ njengeBambela-Mongameli weRiphabliki yomZantsi Afrika, Mna, A.B., ndiyafunga/ndinyangqinisa ngokunyanisekileyo ndithi ndiya kuthembeka kwiRiphabliki yomZantsi Afrika, ndaye ndiya kuwuthobela, ndiwulandele, ndiwuxhase, kanjalo ndiwulondoloze umGaqo-siseko kunye nawo wonke omnye umthetho weRiphabliki; kanjalo ndiyathembisa ngokunyanisekileyo nangokuthembekileyo ukuba ndiya kusoloko –

s ndikukhuthaza konke oko kuya kuyiqhubela phambili iRiphabliki, ndikuchase konke oko kunokuthi kuyonakalise;
s ndiwakhusela, ndiwakhuthaza amalungelo abo bonke abemi bomZantsi Afrika.
s ndiyenza imisebenzi yam ngamandla am onke neetalente zam zonke kangangoko ndikwaziyo nakangangoko ndinakho nangokunyanisekileyo kwisikhokelo sesazela sam;
s ndisenza ubulungisa kumntu wonke; kanjalo
s ndizinikela kwintlalo-ntle yeRiphabliki nabo bonke abantu bayo.

(Xa isisifungo: Ngoko ke ndincede Thixo.)
Isifungo okanye isingqiniso esinyanisekileyo sikaSekela-Mongameli
2. USekela-Mongameli, ephambi koMongameli weNkundla yezomGaqo-siseko, kufuneka afunge/enze isingqiniso ngolu hlobo lulandelayo:

Phambi wakhe wonke ubani olapha, futhi ndiluqonda ngokupheleleyo ubizo oluphakamileyo endingena kulo njengoSekela-Mongameli weRiphabliki yomZantsi Afrika, Mna, A.B., ndiyafunga/ndiyangqinisa ngokunyanisekileyo ndithi ndiya kuthembeka kwiRiphabliki yomZantsi Afrika, ndaye ndiya kuwuthobela, ndiwulandele, ndiwuxhase, kanjalo ndiwulondoloze umGaqo-siseko kunye nawo wonke omnye umthetho weRiphabliki; kanjalo ndiyathembisa ngokunyanisekileyo nangokunthembekileyo ukuba ndiya kusoloko –

s ndikukhuthaza konke oko kuya kuyiqhubela phambili iRiphabliki, ndikuchase konke oko kunokuthi kuyonakalise;
s ndingumcebisi onyanisekileyo nothembekileyo;
s ndiyenza imisebenzi yam ngamandla am onke neetalente zam zonke kangangoko ndikwaziyo nakangangoko ndinakho ngokunyanisekileyo kwisikhokelo sesazela sam;
s ndisenza ubulungisa kumntu wonke; kanjalo
s ndizinikela kwintlalo-ntle yeRiphabliki neyabo bonke abantu bayo.

(Xa isisifungo: Ngoko ke ndincede Thixo)
Isifungo okanye isingqiniso esinyanisekileyo sabaPhathiswa kunye nooSekela-baPhathiswa
3. UmPhathiswa ngamnye noSekela-mPhathiswa, ephambi koMongameli weNkundla yezomGaqo-siseko okanye kwenye ijaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko, kufuneka afunge/angqinise ngolu hlobo lulandelayo:

Mna, A.B., ndiyafunga/ndiyangqinisa ngokunyanisekileyo okokuba ndiya kuthembeka kwiRiphabliki yomZantsi Afrika ndaye ndiya kuwuthobela, ndiwuhlonele, kanjalo ndiwuxhase umGaqo-siseko kunye nawo wonke omnye umthetho weRiphabliki; kanjalo ndiyathembisa ukusibamba isikhundla sam njengomPhathiswa/uSekela-mPhathiswa ngesihomo nesithozela; ndibe ngumcebisi onyanisekileyo nothembekileyo; ndingawudizi, nokuba kungokuthe ngqo okanye ngokungathanga ngqo, nawuphi na umcimbi olihlebo ophathiswe mna; ndize ndiyenze nemisebenzi yesikhundla sam ngenkathalo nakangangoko ndinakho.

(Xa isisifungo: Ngoko ke ndincede Thixo)

Isifungo okanye isingqiniso esinyanisekileyo samaLungu eNdibano yesiZwe, abaThunywa abasisiGxina kwiBhunga lesiZwe lamaPhondo kunye namalungu ezindlu ezo zowiso-mthetho zamaphondo.

4. (1) Amalungu eNdibano yesiZwe, abathunywa abasisigxina kwiBhunga lesiZwe lamaPhondo kunye namalungu ezindlu zowiso-mthetho zamaphondo, bephambi koMongameli weNkundla yezomGaqo-siseko okanye kwejaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko, kufuneka bafunge okanye bangqinise ngolu hlobo lulandelayo:

Mna, A.B., ndiyafunga/ndiyangqinisa ngokunyanisekileyo okokuba ndiya kunyaniseka kwiRiphabliki yomZantsi Afrika ndaye ndiya kuwuthobela, ndiwuhlonele, kanjalo ndiwuxhase umGaqo-siseko kunye nawo wonke omnye umthetho weRiphabliki, kanjalo ndiyathembisa ngokunyanisekileyo ukuyenza imisebenzi yam njengelungu leNdibano yesiZwe/njengomthunywa osisigxina kwiBhunga lesiZwe lamaPhondo/njengelendlu yowiso-mthetho yephondo lase C.D. kangangoko ndinakho.

(Xa isisifungo: Ngoko ke ndincede Thixo)

(2) Abantu abavala isithuba kwiNdibano yesiZwe, okanye kwigqiza labathunywa abasisigxina kwiBhunga lesiZwe lamaPhondo okanye kwindlu yowiso-mthetho yephondo bangafunga okanye bangqinise ngokwemigaqo yombandelana (1) phambi kwegosa elongameleyo leNdibano, okanye leBhunga okanye lendlu yowiso-mthetho, ngokwemeko leyo.

Isifungo okanye isingqiniso esinyanisekileyo seeNkulumbuso, amaBambela-ziNkulumbuso namalungu amaBhunga amaphondo anooLawulo oluPhezulu

5. INkulumbuso okanye iBambela-Nkulumbuso yephondo, kwanelungu ngalinye leBhunga lephondo elinoLawulo oluPhezulu, iphambi koMongameli weNkundla yezomGaqo-siseko okanye kwenye ijaji etyunjwe nguMongameli weNkundla yezomGaqo-siseko, kufuneka ifunge/ingqinise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndiyangqinisa ngokunyanisekileyo ukuba ndiya kunyaniseka kwiRiphabliki yomZantsi Afrika ndaye ndiya kuwuthobela, ndiwuhlonele, ndiwuxhase umGaqo-siseko kunye nawo wonke omnye umthetho weRiphabliki; kanjalo ndiyathembisa ukuba ndiya kusibamba isikhundla sam njengeNkulumbuso/njengeBambela-Nkulumbuso/njengelungu leBhunga lephondo elinoLawulo oluPhezulu laseC.D. ngembeko nesidima; ndibe ngumcebisi onyanisekileyo, nothembekileyo; ndingawudizi, ngokuthe ngqo okanye ngokungathanga ngqo, nawuphi na umcimbi olihlebo ophathiswe mna; kanjalo ndiyenze imisebenzi yesikhundla sam ngenkathalo nakangangoko ndinakho.

(Xa isisifungo: Ngoko ke ndincede Thixo)

Isifungo okanye isingqiniso esinyanisekileyo samaGosa ezeeJaji

6. (1) Ijaji nganye okanye ijaji ebambeleyo nganye, iphambi kweJaji eyiNtloko yeNkundla ePhakamileyo yeziBheno okanye kwenye ijaji etyunjwe yiJaji eyiNtloko, kufuneka ifunge okanye ingqinise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndiyangqinisa ngokunyanisekileyo okokuba ndiya kuthi, njengeJaji yeNkundla yezomGaqo-siseko/yeNkundla ePhakamileyo yeziBheno/yeNkundla ePhezulu/yeNkundla ye E.F. ndithembeke kwiRiphabliki yomZantsi Afrika, ndiwuxhase, kanjalo ndiwukhusele umGaqo-siseko namalungelo oluntu akhuselweyo kuwo, ndaye ndiya kwenza ubulungisa busebenze ngokufanayo kubo bonke abantu ngaphandle koloyiko, okanye ukwenza idolo okanye ukudlela indlala, ngokungqinelana nomGaqo-siseko kunye nomthetho.

(Xa isisifungo: Ngoko ke ndincede Thixo)

(2) Umntu otyunjelwe kwisikhundla seJaji eyiNtloko yeNkundla ePhakamileyo yeziBheno ongekabi yojaji ngexesha loko kutyunjwa kufuneka afunge okanye angqinise phambi koMongameli weNkundla yezomGaqo-siseko.

(3) Amagosa ezeejaji kunye namagosa abambeleyo ezeejaji, ngaphandle kweejaji, kufuneka afunge/angqinise ngokomthetho wesizwe.

IShedyuli 3
ImiGaqo-nkqubo yoNyulo
ISahlulo A
ImiGaqo-nkqubo yoNyulo lwabaBambi-ziKhundla kwezomGaqo-siseko
UkuSebenza
1. Lo mGaqo-nkqubo uchazwe kule Shedyuli usebenza nanini na –
(a) iNdibano yesiZwe idibanela ukunyula uMongameli, okanye uSomlomo okanye uSekela-Somlomo.
(b) iBhunga lesiZwe lamaPhondo lidibanela ukunyula uSomlomo walo okanye uSekela-Somlomo walo; okanye
(c) indlu yowiso-mthetho yephondo idibanela ukunyula iNkulumbuso yephondo elo, okanye uSomlomo okanye uSekela-Somlomo wendlu yowiso-mthetho leyo.
Ukuphakanyiswa kwamagama
2. Umntu ochophele intlanganiso ekusebenza kuyo le Shedyuli kufuneka athi makuphakanyiswe amagama abazigqatsileyo kuloo ntlanganiso.
Iimfuneko ezimiselweyo
3. (1) Isiphakamiso-gama kufuneka senziwe kwifomu emiselweyo yimigaqo ekhankanywe kumbandela 9.
(2) Ifomu ekwenziwe kuyo isiphakamiso-gama kufuneka isayinwe –
(a) ngamalungu amabini eNdibano yesiZwe, ukuba kufuneka kunyulwe uMongameli okanye uSomlomo okanye uSekela-Somlomo;
(b) egameni lamagqiza amabini amaphondo, ukuba kufuneka kunyulwe uSomlomo okanye uSekela-Somlomo weBhunga lesiZwe lamaPhondo;
(c) ngamalungu amabini endlu yowiso-mthetho yephondo echaphazelekayo, ukuba kufuneka kunyulwe iNkulumbuso yephondo okanye uSomlomo okanye uSekela-Somlomo wendlu yowiso-mthetho leyo.
(3) Umntu ogama liphakanyisiweyo kufuneka abonise ukusamkela kwakhe eso siphakamiso ngokuthi asayine ifomu yesiphakamiso okanye nangalo naluphi na olunye uhlobo lwesiqinisekiso esibhaliweyo.
Ukwaziswa kwamagama abavotelwa
4. Kwintlanganiso esebenzayo kuyo le Shedyuli, umntu ochopheleyo kufuneka azise amagama abantu abathe baphakanyiswa njengabavotelwa kodwa angavumeli ingxoxo kwaphela.
Umvotelwa omnye
5. Ukuba mnye kuphela umvotelwa ophakanyisiweyo, umntu ochopheleyo kufuneka azise ukuba umvotelwa lowo unyuliwe.
Umgaqo-nkqubo wonyulo
6. Ukuba bangaphezulu komntu omnye abavotelwa abaphakanyisiweyo –
(a) kufuneka kuvotwe apho entlanganisweni ngendlela efihlakeleyo yebhalothi;
(b) ilungu ngalinye elikhoyo, okanye ukuba yintlanganiso yeBhunga lesiZwe lamaPhondo, iphondo ngalinye elimelweyo, entlanganisweni, lingavota kanye;
(c) umntu ochopheleyo kufuneka azise ukuba loo mvotelwa ufumene isininzi seevoti unyuliwe.
Umgaqo-nkqubo wokukhutshwa eluhlwini
7. (1) Ukuba akukho mvotelwa ufumana uninzi lweevoti, umvotelwa ofumana elona nani leevoti liphantsi kufuneka akhutshwe eluhlwini ukuze kuvotwe kwakhona, kuvotelwa abavotelwa abaseleyo ngokungqinelana nombandela 6. Le nkqubo kufuneka iphindwe kude kube kho umvotelwa ofumana uninzi lweevoti.
(2) Xa kusetyenziswa umbandelana (1), ukuba abavotelwa ababini nangaphezulu banelona nani leevoti ziphantsi emnye, kufuneka kwenziwe ivoti eyahlukileyo yabo bavotelwa, ize iphindwe

kangangoko kuyimfuneko ukuze kube nokugqitywa ngaloo mvotelwa makakhutshwe eluhlwini.
Ezinye iintlanganiso
8. (1) Ukuba babini kuphela abavotelwa abaphakanyisiweyo, okanye ukuba babini kuphela abavotelwa abasalayo emva kokusetyenziswa komgaqo-nkqubo wokukhutshwa eluhlwini, baze abo bavotelwa babini bafumane inani elilinganayo leevoti, kufuneka kube kho enye intlanganiso ngethuba leentsuku ezisixhenxe, ngelo xesha kugqitywe ngalo ngumntu ochopheleyo.
(2) Ukuba kube kho enye intlanganiso ngokombandelana (1), lo mGaqo-nkqubo umiselwe kule Shedyuli kufuneka usetyenziswe kuloo ntlanganiso ngokungathi yintlanganiso yokuqala yolo nyulo.
Imigaqo
9. (1) UMongameli weNkundla yezomGaqo-siseko kufuneka enze imigaqo emisela –
(a) umgaqo-nkqubo weentlanganiso esebenza kuzo le Shedyuli;
(b) imisebenzi yakhe nawuphi na umntu ochophela intlanganiso, naye nawuphi na umntu oncedisana nalowo uchopheleyo;
(c) ifomu emakubhalwe kuyo iziphakamiso-magama; kunye
(d) nendlela omaluqhutywe ngayo uvoto.
(2) Le migaqo kufuneka yaziswe ngendlela uMongameli weNkundla yezomGaqo-siseko agqiba ngayo.
ISahlulo B
Indlela yokuQingqa ukuThabatha
iNxaxheba kweQela kumaGqiza amaPhondo
akwiBhunga lesiZwe lamaPhondo
1. Inani labathunywa abakwigqiza lephondo elikwiBhunga lesiZwe lamaPhondo, gqiza elo linelungelo kulo iqela elithile, kufuneka liqingqwe ngokuphinda-phinda inani lezihlalo elinazo iqela elo kwindlu yowiso-mthetho yephondo ngeshumi kuze kwahlulwe isiphumo soko ngenani lezihlalo kuloo ndlu yowiso-mthetho, kongezwe umvo.
2. Ukuba ubalo ngokwemigaqo yombandela 1 lukhupha inani elithe kratya kwelifunekayo, babe abathunywa abahlulelwe elo qela ngokwaloo mbandela bengaphantsi kweli nani, loo kratya kufuneka akhuphisane nookratya abalolu hlobo balo naliphi na elinye iqela okanye bawo nawaphi na amanye amaqela, ukuze nabaphi na abathunywa abangabelwanga kwigqiza babelwe iqela okanye amaqela ngokulandelelana ngokoyena kratya uphezulu.
IShedyuli 4
IiNdawo zemiSebenzi eyenzeka phantsi koWiso-mthetho olufanayo lwesiZwe nolwamaPhondo
ISahlulo A
Ulawulo lwamahlathi emvelo
Ezolimo
Izikhululo zeenqwelo-moya, ezingezizo izikhululo zamazwe ngamazwe nezesizwe
Ukulawulwa kwezilwanyana nezifo
Iikhasino, imidyarho, ukugembula nokubheja, kungabandakanywa iilothari kunye neendawo zemidlalo equkanisiweyo
Ukukhuselwa kwabasebenzisi-zinto
Imicimbi yezamasiko nezithethe
Indlela yokumelana nezehlo ezibuhlungu
Imfundo kuwo onke amanqanaba, ngaphandle kwemfundo engaphaya kwematriki
Indalo esingqongileyo
Iinkonzo zeMpilo
Ubonelelo ngezindlu
Umthetho wemveli nomthetho wesithethe ephantsi kweSahluko 12 somGaqo-siseko
Ukukhuthazwa kwamashishini

Inkqubo-sikhokelo yeelwimi kunye neelwimi zaseburhulumenteni kangangoko ithi imimiselo yecandelo 6 lalo mGaqo-siseko inike ngokucacileyo indlu yowiso-mthetho yephondo amandla owiso-mthetho (malunga neelwimi)
Inkonzo yezeendaba ezilawulwa ngqo okanye ezinikwa ngurhulumente wephondo, phantsi kwecandelo 192
Ulondolozo lwendalo, kungabandakanywa iindawo zesizwe zogcino-zilwanyana, izitiya zesizwe zezityalo kunye neendawo eziluncedo zaselwandle
Amapolisa kangangoko ithi imimiselo yeSahluko 11 somGaqo-siseko inike indlu yowiso-mthetho yephondo amandla owiso-mthetho (malunga namapolisa)
Ulawulo longcoliseko lomoya
Uphuhliso lwabantu
Imirhumo yokutshintshelwa kwepropati
Amashishini karhulumente ephondo ngokumalunga nezi ndawo zemisebenzi zikule Shedyuli nakuShedyuli 5
Ezothutho lukawonke-wonke
EzemiSebenzi karhulumente ezijongene kuphela neemfuno zamasebe karhulumente ekuthwaleni uxanduva lwawo lokwenza imisebenzi enikwe wona ncakasana ngokwalo mGaqo-siseko okanye ngokwawo nawuphi na omnye umthetho
Ucwangciso nophuhliso lweenqila
Ukulawulwa kosetyenziso lweendlela
Ulondolozo lomhlaba
Ukhenketho
Urhwebo
Iinkokeli zemveli, phantsi kweSahluko 12 somGaqo-siseko
Uphuhliso lweelali kunye needolophu
Ukunikezelwa kweelayisensi zezithuthi
Iinkonzo zentlalo-ntle
ISahlulo B
Le micimbi ilandelayo karhulumente weengingqi kangangoko kucaciswe kwicandelo 155 (6)(a) nelesi- (7):
Ungcoliseko lomoya
Imigaqo yokwakha
Izinto zolondolozo lwabantwana
Ufakelo lombane nokuhanjiswa kwegesi
Iinkonzo zocimo-mlilo
Ukhenketho lwaloo ndawo
Izikhululo zeenqwelo-moya zikamasipala
Ucwangciso lukamasipala
Iinkonzo zempilo zikamasipala
Uthutho lukawonke-wonke lukamasipala
Ezemisebenzi karhulumente zikamasipala ezijongene kuphela neemfuno zoomasipala ekuthwaleni uxanduva lwabo lokwenza imisebenzi enikwe bona ncakasana phantsi kwalo mGaqo-siseko okanye kwawo nawuphi na omnye umthetho
Izikhitshane ezithe tyaba ngaphantsi, izikhitshane, iiblorho ezingena elwandle namazibuko, ngaphandle kolawulo lwezeenqanawa zamazwe ngamazwe nezesizwe nemicimbi enxulumene nalo
Iindlela zokulawula amanzi emvula kwiindawo ekwakhiweyo kuzo
Imigaqo yorhwebo
Iinkonzo zamanzi nogutyulo, kuphelelwe nje kwiindlela zokubonelela ngamanzi aselwayo kunye neendlela zokulahlwa kwamanzi amdaka asemakhaya nokwesureji

IShedyuli 5
IiNdawo zemiSebenzi eziphantsi koWiso-mthetho lwamaPhondo odwa
ISahlulo A
Iindawo zokuxhelela
Iinkonzo zeenqwelo-zigulana
Iindawo zokugcina iimbalo nezinto, ingezizo iindawo zesizwe zokugcina iimbalo nezinto
Amathala eencwadi, ingengawo amathala eencwadi esizwe
Iilayisensi zotywala
Iimyuziyam, ingezizo iimyuziyam zesizwe
Ucwangciso lwephondo
Imicimbi yephondo yezithethe namasiko
Izinto zephondo zolonwabo
Ezemidlalo zephondo
Iindlela nosetyenziso-zindlela kwiphondo
Iinkonzo zonyango-zilwanyana, ngaphandle kolawulo lwalo msebenzi
ISahlulo B
Le micimbi ilandelayo karhulumente weengingqi kangangoko kucaciswe kwicandelo 155 (6)(a) nelesi – (7):
Amanxweme olwandle/iibhitshi nezinto zokonwabisa
IiBhodi kunye nokuxhonywa kwezaziso kwiindawo zikawonke-wonke
Iindawo zokungcwabela, imizi yabangcwabi, neendawo zokutshiswa kwezidumbu
Ukucocwa
Ulawulo lwabakhathaza uluntu
Ulawulo lweendawo ezithengisa utywala kuwonke-wonke
Amalungiselelo okugcinwa, olondolozo nokungcwatywa kwezilwanyana
Ubiyelo neengcingo
Ukukhutshwa kweelayisensi zezinja
Ukukhutshelwa iilayisensi nokulawulwa kweendawo ezithengisa ukutya kuwonke-wonke
Amalungiselelo aluncedo endawo
Izinto ezingamalungiselelo aluncedo kwezemidlalo
Iimarike
Iindawo zokuxhelela zikamasipala
Iipaka neendawo zolonwabo zikamasipala
Iindlela zikamasipala
Ingxolo
Izikiti
Iindawo zikawonke-wonke
Ukususwa kwenkunkuma, iindawo zokulahla inkunkuma (iitipu) kunye nokulahlwa kwezibi eziqinileyo
Urhwebo lwasezitalatweni
Ukukhanyiswa kwezitalato
Usetyenziso-ndlela neendawo zokumisa izithuthi
IShedyuli 6
Amalungiselelo eNguqu
Uchazo-ntsingiselo
1. Kule Shedyuli, ngaphandle kokuba igama alingqinelani nomxholo –
igama elithi, “iphandle” lithetha inxalenye yeRiphabliki eyaye ithathwa njengommandla ozimeleyo okanye ozilawulayo, ngokomthetho womZantsi Afrika, ngaphambi kokuba umGaqo-siseko owandulela lo usebenze;

ukuthi, “umGaqo-siseko omtsha” kuthetha umGaqo-siseko weRiphabliki yomZantsi Afrika, 1996;
ukuthi, “umthetho wenkqubo endala” kuthetha umthetho owenziwa phambi kokuba umGaqo-siseko owandulela lo usebenze;
ukuthi “umGaqo-siseko owandulela lo” kuthetha umGaqo-siseko weRiphabliki yomZantsi Afrika, 1993, (umThetho 200 ka-1993).

Ukuqhuba kwemithetho eyayisele ikho

2. (1) Wonke umthetho owawusebenza mhla waqalisa ukusebenza umGaqo-siseko omtsha, uyaqhuba usebenza, phantsi komqathango –

(a) wokwenzeka kwako nakuphi na ukutshintshwa okanye ukurhoxiswa;

(b) nowokungqinelana nomGaqo-siseko omtsha.

(2) Umthetho wenkqubo endala oqhubayo ukusebenza ngokombandelana (1) –

(a) awunako ukusetyenziswa ngokugqithileyo kwindlela owawusetyenziswa ngayo, kwimimandla okanye kwezinye izinto, phambi kokusebenza komGaqo-siseko owandulela lo, ngaphandle kokuba watshintshwa emva koko ukuze ube nokusetyenziswa banzana kunangaphambili; kanjalo

(b) uyaqhuba ukusetyenziswa ngaloo magunya ayewusebenzisa ukuqala kokusebenza komGaqo-siseko omtsha, phantsi kolawulo lomGaqo-siseko omtsha lo.

Ukucaciswa kwemithetho ekhoyo

3. (1) Ngaphandle kokuba kukho ukungangqinelani nomxholo, okanye ukungafaneleki okucacileyo, ukuthi kuwo nawuphi na umthetho obukhona ukuqala ukusebenza komGaqo-siseko omtsha, kukhankanywe –

(a) iRiphabliki yomZantsi Afrika okanye iphandle, (ngaphandle kwaxa kubhekiswa kummandla kagunyaziwe), kufuneka kuthathwe ngokuthi kubhekisa kwiRiphabliki yomZantsi-Afrika phantsi komGaqo-siseko omtsha;

(b) iPalamente, iNdibano yesiZwe, okanye iNdlu yeeNgwevu makuthathwe njengokubhekisa kwiPalamente, kwiNdibano yesiZwe, okanye kwiBhunga lesiZwe lamaPhondo phantsi komGaqo-siseko omtsha;

(c) uMongameli, uSekela-Mongameli oLawulayo, umPhathiswa, uSekela mPhathiswa, okanye iKhabinethi kufuneka kuthathwe njengokubhekisa kuMongameli, kuSekela-Mongameli, umPhathiswa, kuSekela-mPhathiswa okanye kwiKhabhinethi phantsi komGaqo-siseko omtsha, ngokokulawulwa ngumbandela 9 wale Shedyuli;

(d) uMongameli weNdlu yeeNgwevu, kufuneka kuthathwe njengokubhekisa kuSomlomo weBhunga lesiZwe lamaPhondo;

(e) indlu yowiso-mthetho yephondo, iNkulumbuso, iBhunga elinoLawulo oluPhezulu okanye ilungu leBhunga lephondo elinoLawulo oluPhezulu, kufuneka kuthathwe njengokubhekisa kwindlu yowiso-mthetho yephondo, kwiNkulumbuso, kwiBhunga elinoLawulo oluPhezulu okanye kwilungu leBhunga elinoLawulo oluPhezulu phantsi komGaqo-siseko omtsha, ngokokulawulwa ngumbandela 12 wale Shedyuli; okanye

(f) ulwimi okanye iilwimi zoburhulumente, kufuneka kuthathwe njengokubhekisa kulo naluphi na ulwimi kwezi zoburhulumente phantsi komGaqo-siseko omtsha.

(2) Ngaphandle kokuba kukho ukungangqinelani nomxholo, okanye ukungafaneleki okucacileyo, ukuthi kuwo nawuphi na umthetho oseleyo wenkqubo endala, kukhankanywe –

(a) iPalamente, iNdlu yePalamente, okanye indlu yowiso-mthetho, okanye iziko leRiphabliki, okanye lephandle, kufuneka kuthathwe njengokubhekisa –

(i) kwiPalamente phantsi komGaqo-siseko omtsha, ukuba usetyenziso lwaloo mthetho lwahlulelwe, okanye lunikwe isigqeba sesizwe esinolawulo oluphezulu ngokomGaqo-siseko owandulela lo, okanye ngokwale Shedyuli; okanye

(ii) kwindlu yowiso-mthetho yephondo, ukuba usetyenziso lwaloo mthetho lwahlulelwe, okanye lunikwe isigqeba sephondo esinolawulo oluphezulu, ngokomGaqo-siseko owandulela lo

okanye ngokwale Shedyuli; okanye
(b) uMongameli weliZwe, iNkulu-baPhathiswa, uMlawuli, okanye elinye igosa elilawulayo eliyintloko, iKhabhinethi, iBhunga labaPhathiswa okanye ibhunga lokulawula leRiphabliki, okanye lephandle, kufuneka kuthathwe njengokubhekisa –
(i) kuMongameli phantsi komGaqo-siseko omtsha, ukuba ulawulo lwaloo mthetho lwahlulelwe, okanye lunikwe isigqeba sesizwe esinolawulo oluphezulu, ngokomGaqo-siseko owandulela lo, okanye ngokwale Shedyuli; okanye
(ii) kwiNkulumbuso yephondo phantsi komGaqo-siseko omtsha, ukuba usetyenziso lwaloo mthetho lwahlulelwe, okanye lunikwe, isigqeba solawulo sephondo, ngokomGaqo-siseko owandulela lo, okanye ngokwale Shedyuli.
INdibano yesiZwe
4. (1) Nabani na obelilungu okanye ebambe isikhundla kwiNdibano yesiZwe, ukuqalisa kokusebenza komGaqo-siseko omtsha, uba lilungu, okanye ngumbambi-sikhundla weNdibano yesiZwe phantsi komGaqo-siseko omtsha, kwaye uba sesikhundleni njengelungu okanye njengombambi-sikhundla ngokwemigaqo yomGaqo-siseko omtsha.
(2) INdibano yesiZwe njengoko inala malungu achazwe ngokombandelana (1) kufuneka ithathwe njengokuba inyulwe phantsi komGaqo-siseko omtsha, inyulelwa ithuba lokusebenza eliphela ngomhla wama-30 ku-Epreli 1999.
(3) INdibano yesiZwe inamalungu angama-400 ngethuba layo lokusebenza, eliphela ngowama-30 ku-Epreli 1999, ngokokulawulwa licandelo 49(4) lomGaqo-siseko omtsha.
(4) Imigaqo nemiyalelo yeNdibano yesiZwe ebisebenza ukuqalisa kokusebenza komGaqo-siseko omtsha, iyaqhuba ukusebenza ngokokulawulwa kuko nakuphi na ukutshintshwa, okanye ukurhoxiswa.
Imicimbi engagqitywanga ephambi kwePalamente
5. (1) Nayiphi na imicimbi engagqitywanga ephambi kweNdibano yesiZwe ukuqala ukusebenza komGaqo-siseko omtsha kufuneka iqhutywe ngokwalo mGaqo-siseko mtsha.
(2) Nayiphi na imicimbi engagqitywanga ephambi kweNdlu yeeNgwevu ukuqalisa ukusebenza komGaqo-siseko omtsha kufuneka ibhekiswe kwiBhunga lesiZwe lamaPhondo; iBhunga kufuneka liyiqhube loo micimbi ngokomGaqo- siseko omtsha.
Unyulo lweNdibano yesiZwe
6. (1) Akukho nyulo lweNdibano yesiZwe lunokwenziwa phambi komhla wama-30 ku-Epreli 1999, ngaphandle kokuba iNdibano ichithiwe ngokwemigaqo yecandelo 50 (2) emva kwesindululo sokuphela kokuthenjwa kukaMongameli ngokwemigaqo yecandelo 102 (2) lomGaqo-siseko omtsha.
(2) Icandelo 50(1) lomGaqo-siseko omtsha liyanqunyanyiswa kude kube ngumhla wama-30 ku-Epreli 1999.
(3) Nangani umGaqo-siseko owandulela lo urhoxisiwe, uShedyuli 2 waloo mGaqo-siseko, njengoko atshintshiweyo sisiHlomelo A sale Shedyuli, uyasebenza –
(a) kunyulo lokuqala lweNdibano yesiZwe phantsi komGaqo-siseko omtsha;
(b) ekulahlekelweni komntu kukuba lilungu leNdibano kwiimeko ezingezizo ezo zixelwe kwicandelo 47 (3) lomGaqo-siseko omtsha;
(c) nasekuvalweni kwezithuba kwiNdibano, kunye nokufakelelwa, ukuqwalaselwa kwakhona, nokusetyenziswa kwezintlu zamaqela opolitiko ekuvalweni kwezithuba, kude kube lunyulo lwesibini lweNdibano phantsi komGaqo-siseko omtsha.
(4) Icandelo 47(4) lomGaqo-siseko omtsha liyanqunyanyiswa kude kube lunyulo lwesibini lweNdibano yesiZwe phantsi komGaqo-siseko omtsha.
IBhunga lesiZwe lamaPhondo
7. (1) Kwithuba eliphela kanye phambi kokudibana okokuqala kwendlu yowiso-mthetho yephondo emva konyulo lwayo lokuqala phantsi komGaqo-siseko omtsha –

(a) umndilili womelo lweqela kwigqiza lephondo kwiBhunga lesiZwe lamaPhondo kufuneka ufane nomndilili apho amalungu eNdlu yeeNgwevu alishumi ephondo ayenyulwe ngokwemigaqo yecandelo 48 lomGaqo-siseko wangaphambili; kwaye

(b) inani labathunywa abasisigxina nelabathunywa ababodwa elifanele iqela ngalinye lopolitiko elinabameli kwindlu yowiso-mthetho yephondo labelwe iqela elo ngolu hlobo lulandelayo:

IPHONDO	ABAMELI ABASISIGXINA	ABAMELI ABABODWA
1. IMpuma-Koloni	ANC 5	ANC 4
	NP 1	
2. IFreyistata	ANC 4	ANC 4
	FF 1	
	NP 1	
3. IRhawuti	ANC 3	ANC 3
	DP 1	
	FF 1	
	NP 1	NP 1
4. IKwaZulu-Natala	ANC 1	ANC 2
	DP 1	
	IFP 3	IFP 2
	NP 1	
5. IMpumalanga	ANC 4	ANC 4
	FF 1	
	NP 1	
6. UmNtla-Koloni	ANC 3	ANC 2
	FF 1	
	NP 2	NP 2
7. IPhondo lasemNtla	ANC 6	ANC 4
8. UmNtla-Ntshona	ANC 4	ANC 4
	FF 1	
	NP 1	
9. INtshona-Koloni	ANC 2	ANC 1
	DP 1	
	NP 3	NP 3

(2) Iqela elimelweyo kwindlu yowiso-mthetho yephondo –

(a) kufuneka likhethe abathunywa balo abasisigxina phakathi kwabantu ababengamalungu eNdlu yeeNgwevu ukuqala komGaqo-siseko omtsha ukusebenza kwaye bevuma ukusebenza njengabathunywa abasisigxina; ke

(b) lingakhetha abanye abantu babe ngabathunywa abasisigxina kuphela ukuba akakho okanye angaphantsi kwenani elifunekayo akhoyo amalungu alo angaphambili eNdlu yeeNgwevu.

(3) Indlu yowiso-mthetho yephondo kufuneka ityumbe abathunywa bayo abasisigxina ngokungqinelana nokutyunjwa neziphakamiso-magama zamaqela.

(4) Umbandelana (2) nowesi-(3) isebenza kuphela ekutyunjweni kokuqala kwabathunywa abasisigxina kwiBhunga lesiZwe.

(5) ICandelo 62 (1) lomGaqo-siseko omtsha alisebenzi ekukhethweni nasekutyunjweni kwamalungu eNdlu yeeNgwevu angaphambili njengabathunywa abasisigxina ngokwalo mbandela.

(6) Imigaqo nemiyalelo yeNdlu yeeNgwevu ebisebenza ukuqala ukusebenza komGaqo-siseko omtsha, kufuneka isebenze kwimicimbi yeBhunga lesiZwe kangangoko inokusebenziseka, ngokokwako nakuphi na ukutshintshwa okanye ukurhoxiswa.

Amalungu angaphambili eNdlu yeeNgwevu

8. (1) Umntu olilungu langaphambili leNdlu yeeNgwevu elingatyunjwanga njengomthunywa osisigxina kwiBhunga lesiZwe lamaPhondo unelungelo lokuba lilungu elizeleyo elinokuvota lendlu yowiso-mthetho yephondo awayekhethwe kuyo njengelungu leNdlu yeeNgwevu ngokwecandelo 48 lomGaqo-siseko owandulela lo.

(2) Ukuba owayelilungu leNdlu yeeNgwevu ukhetha ukungabi lilo ilungu lendlu yowiso-mthetho yephondo loo mntu uthatyathwa njengorhoxileyo njengelungu leNdlu yeeNgwevu ngomhla ophambi kokuba umGaqo-siseko omtsha uqalise ukusebenza.

(3) Umvuzo, izibonelelo neemfanelo zelungu langaphambili leNdlu yeeNgwevu elityunjwe njengomthunywa osisigxina okanye njengelungu lendlu yowiso- mthetho yephondo akufuneki zithotywe ngenxa yoko kutyunjwa kuphela.

IsiGqeba sesiZwe esinoLawulo oluPhezulu

9. (1) Nabani na owayenguMongameli, uSekela-Mongameli oLawulayo, umPhathiswa okanye uSekela-mPhathiswa phantsi komGaqo-siseko owandulela lo, ukuqalisa ukusebenza komGaqo-siseko omtsha, uyaqhuba abambe isikhundla eso ngokomGaqo-siseko omtsha, kodwa ngokokulawulwa ngumbandelana (2).

(2) Kude kube ngumhla wama-30 ku-Epreli 1999, amacandelo 84, 89, 90, 91, 93 nelama-96, omGaqo-siseko omtsha kufuneka athatyathwe njengafundeka ngendlela ekucaciswe ngayo kwisiHlomelo B sale Shedyuli.

(3) Umbandelana (2) awumthinteli umPhathiswa owayelilungu leNdlu yeeNgwevu ukuqala ukusebenza komGaqo-siseko omtsha, ukuba aqhube ukuba ngumPhathiswa ekubhekiselwe kuye kwicandelo 91(1)(a) lomGaqo-siseko omtsha, ngokwendlela elifundeka ngayo elo candelo kwisiHlomelo B.

Izindlu zowiso-mthetho zamaphondo

10. (1) Nabani na owayelilungu okanye ebambe isikhundla sendlu yowiso-mthetho yephondo ukuqalisa ukusebenza komGaqo-siseko omtsha, uba lilungu okanye umbambi-sikhundla wendlu yowiso-mthetho yelo phondo phantsi komGaqo-siseko omtsha, abambe isikhundla njengelungu okanye umbambi-sikhundla ngokomGaqo-siseko omtsha nangokwawo nawuphi na umGaqo-siseko wephondo onokuthi wenziwe.

(2) Indlu yowiso-mthetho yephondo njengoko imiselwe ngokombandelana (1) kufuneka ithatyathwe njengenyuliweyo phantsi komGaqo-siseko omtsha, inyulelwe ithuba eliphelelwa ngomhla wama-30 ku-Epreli 1999.

(3) Ngethuba eqhuba ngalo ukusebenza, eliphelelwa ngomhla wama-30 ku-Epreli nangokokulawulwa licandelo 108 (4), indlu yowiso-mthetho yephondo inenani lamalungu ayeqingqelwe loo ndlu yowiso-mthetho phantsi komGaqo- siseko owandulela lo, kunye nenani lamalungu eNdlu yeeNgwevu awaba ngamalungu endlu yowiso-mthetho leyo ngokombandela 8 wale Shedyuli.

(4) Imigaqo nemiyalelo yendlu yowiso-mthetho ebisebenza ukuqala ukusebenza komGaqo-siseko omtsha, ihlala isebenza, kodwa isengatshintshwa okanye irhoxiswe.

Unyulo lwezindlu zowiso-mthetho zamaphondo

11. (1) Nangani urhoxisiwe umGaqo-siseko owandulela lo, iShedyuli 2 yaloo mGaqo-siseko, etshintshiweyo sisiHlomelo A esikule Shedyuli, iyasebenza –

(a) kunyulo lokuqala lwendlu yowiso-mthetho yamaphondo phantsi komGaqo-siseko omtsha;

(b) ekuthini umntu alahlekelwe bubulungu bakhe bendlu yowiso-mthetho leyo kwiimeko ezingezizo ezo kuthethwa ngazo kwicandelo 106 (3) lomGaqo-siseko omtsha;

(c) nasekuvalweni kwezithuba kwindlu yowiso-mthetho, naxa kufakelelwa, kuqwalaselwa kwakhona kuze kusetyenziswe izintlu zamaqela ukuvala izithuba, kude kube lunyulo lwesibini lwendlu yowiso-mthetho phantsi komGaqo-siseko omtsha.

(2) Icandelo 106 (4) lomGaqo-siseko omtsha liyanqunyanyiswa mayela nendlu yowiso-mthetho yephondo ide ibe lunyulo lwesibini lwendlu yowiso-mthetho phantsi

komGaqo-siseko omtsha.
IziGqeba zamaPhondo ezinoLawulo oluPhezulu
12. (1) Nabani na owayeyiNkulumbuso okanye ilungu leBhunga sephondo esinoLawulo oluPhezulu ukuqalisa komGaqo-siseko omtsha ukusebenza, uyaqhuba kweso sikhundla ngokomGaqo-siseko omtsha nawo nawuphi na umGaqo-siseko wephondo onokuthi wenziwe, kodwa ngokokulawulwa ngumbandelana (2).
(2) Ide ibe iNkulumbuso enyulwe emva konyulo lokuqala lwendlu yowiso-mthetho yephondo phantsi komGaqo-siseko omtsha ingenile esikhundleni, okanye iphondo elo lenza umGaqo-siseko walo ube ngumthetho, nokuba yeyiphi na eyenzeka kuqala, icandelo 129 nele-132 omGaqo-siseko omtsha kufuneka athatyathwe njengafundeka ngokwendlela ekuthethwa ngayo kwisiHlomelo C sale Shedyuli:
Imigaqo-siseko yamaphondo
13. UmGaqo-siseko wephondo opasiswe phambi kokusebenza kwalo mGaqo-siseko mtsha kufuneka ungqinelane necandelo 143 lomGaqo-siseko omtsha.
Ukunikwa kwamaphondo ilungelo lokwenza imithetho
14. (1) Umthetho omalunga nomcimbi okwindawo yomsebenzi edweliswe kwiShedyuli 4 okanye 5, yomGaqo-siseko omtsha, owawulawulwa sisiphatha-mandla esikwisigqeba sesizwe esinolawulo oluphezulu, ukuqalisa komGaqo-siseko omtsha ukusebenza, unganikezelwa nguMongameli ngesihlokomiso, kwisiphatha-mandla esikwisigqeba sephondo esinolawulo oluphezulu esityunjwe liBhunga elinoLawulo oluPhezulu lephondo elo.
(2) Ukuba kukho imfuneko yokuba unikezelo lomthetho phantsi kombandelana (1) lwenziwe ngokukuko, uMongameli angathi, ngesihlokomiso –
(a) awuguqule okanye awulungelelanise umthetho lowo ukwenzela ukulawula ukuchazwa okanye ukusetyenziwa kwawo;
(b) apho unikezelo olo lungasebenzi kuwo wonke umthetho othile, ayirhoxise abuye ayenze ngokutsha loo mimiselo lusebenzayo kuyo olu nikezelo, okanye kangangokuba olu nikezelo lusebenza kuyo loo mimiselo, ekwenza okanye engakwenzi nakuphi na ukutshintshwa okanye ukulungelelaniswa okuxelwe kumhlathi (a); okanye
(c) alungelelanise nawuphi na omnye umcimbi oyimfuneko ngenxa yonikezelo olo, kubandakanywa ukutshintshwa, okanye ukubolekaniswa kwabasebenzi, okanye ukugqithiselwa kwezinto eziyinzuzo, kwamatyala, kwamalungelo nezimiselo, zisiwe okanye zimkiswe kwisigqeba sesizwe esinolawulo oluphezulu okanye esephondo elithile; okanye kulo naliphi na isebe likarhulumente, ulawulo, inkonzo yokhuselo, okanye elinye iziko.
(3) (a) Ikopi yesihlokomiso ngasinye esikhutshwe ngokombandelana (1) okanye (2) kufuneka ithunyelwe kwiNdibano yesiZwe nakwiBhunga lesiZwe lamaPhondo ngeentsuku ezili-10 sipapashiwe isihlokomiso.
(b) Ukuba iNdibano yesiZwe kanti neBhunga lesiZwe zithe, ngesigqibo, azasivuma isihlokomiso okanye nawuphi na ummiselo waso, isihlokomiso eso okanye ummiselo lowo uyaphelelwa, kodwa ezi zinto zilandelayo zingachaphazeleki –
(i) ukusebenza kwayo nayiphi na into eyenziwe ngokwesihlokomiso eso okanye ngokommiselo waso lowo phambi kokuphelelwa; okanye
(ii) ilungelo okanye inyhweba ethe yafumaneka okanye isimiselo okanye ubutyala ekungenwe kubo phambi kokuba siphelelwe/uphelelwe.
(4) Wakuba umthetho unikezelwa phantsi kombandelana (1), nakuphi na ukukhankwanywa, emthethweni lowo, kwesiphatha-mandla esiwusebenzisayo, kufuneka kuthatyathwe njengokubhekisa kwisiphatha-mandla esinikezelwe wona.
(5) Nakuphi na ukunikezelwa komthetho phantsi kwecandelo 235(8) lomGaqo-siseko owandulela lo, kubandakanywa nakuphi na ukutshintshwa, ukulungelelaniswa, okanye ukurhoxiswa nokwenziwa ngokutsha kwawo nawuphi na umthetho kanjalo naliphi na inyathelo

elithatyathwe phantsi kwelo candelo, lithatyathwa ngokuba lenziwe phantsi kwalo mbandela.

Umthetho okhoyo ongaphandle kwegunya lowiso-mthetho lePalamente

15. (1) Isiphatha-mandla esikwisigqeba sesizwe esinolawulo oluphezulu esithi xa umGaqo-siseko omtsha uqala ukusebenza, sibe sisebenzisa nawuphi na umthetho owela ngaphandle kwegunya lowiso-mthetho lePalamente, sihlala sigunyazisiwe ukuwusebenzisa loo mthetho ude ube unikezelwe kwigunya elikwisigqeba sephondo esinolawulo oluphezulu ngokombandela 14 wale Shedyuli.

(2) Umbandelana (1) uyaphelelwa emva kweminyaka emibini emva kokuba umGaqo-siseko omtsha uqalisile ukusebenza.

Iinkundla

16. (1) Yonke inkundla yomthetho ekhoyo ukuqala ukusebenza komGaqo-siseko omtsha, kubandakanywa iinkundla zeenkokeli zemveli, iyaqhuba ukusebenza nokusebenzisa amagunya ayo ngokomthetho osebenza kuyo, naye nabani na obambe isikhundla njengegosa lezeejaji uyaqhuba ukubamba isikhundla ngokomthetho osebenza kweso sikhundla, kulawula –

(a) naluphi na utshintsho okanye urhoxiso lwaloo mthetho;

(b) nokungqinelana nomGaqo-siseko omtsha.

(2) (a) INkundla yomGaqo-siseko eyasekwa ngumGaqo-siseko owandulela lo iba yiNkundla yomGaqo-siseko phantsi kwalo mGaqo-siseko omtsha.

(b) Nabani na obambe isikhundla njengoMongameli, uSekela-Mongameli okanye iJaji yeNkundla yomGaqo-siseko ukuqalisa ukusebenza komGaqo-siseko omtsha, uba nguMongameli, uSekela-Mongameli okanye ijaji yeNkundla yomGaqo-siseko phantsi komGaqo-siseko omtsha, aqhube ukubamba isikhundla kuloo nxenye ingekapheli yethuba labo lokubamba isikhundla eliqingqwe licandelo 176 (1) lomGaqo-siseko omtsha.

(3) (a) ICandelo leziBheno leNkundla ePhakamileyo yomZantsi Afrika liba yiNkundla ePhakamileyo yeziBheno phantsi komGaqo-siseko omtsha.

(b) Nabani na obambe isikhundla njengeJaji eyiNtloko, uSekela-Jaji eyiNtloko okanye ijaji yeCandelo leziBheno ukuqalisa kokusebenza komGaqo-siseko omtsha, uba yiJaji eyiNtloko, uSekela-Jaji eyiNtloko okanye ijaji yeNkundla ePhakamileyo yeziBheno phantsi komGaqo-siseko omtsha.

(4) (a) Icandelo lephondo okanye leengingqi leNkundla ePhakamileyo yomZantsi Afrika okanye inkundla ephakamileyo yephandle okanye icandelo ngokubanzi laloo nkundla, liba yiNkundla ePhezulu phantsi komGaqo-siseko omtsha kungabikho nakuphi na ukuguqulwa kwindawo yayo yokusebenza, ngokokulawulwa kuko nakuphi na ukuhlenga-hlengisa okuthelekelelwa kumbandelana (6).

(b) Nabani na obambe isikhundla okanye othatyathwa njengobambe isikhundla njengoMongameli-Jaji, uSekela-Mongameli-Jaji okanye ijaji yenkundla exelwa kumhlathi (a), ukuqalisa kokusebenza komGaqo-siseko omtsha, uba nguMongameli-Jaji, uSekela-Mongameli-Jaji okanye ijaji yaloo nkundla phantsi komGaqo-siseko omtsha, ngokokulawulwa lulo naluphi na uhlenga-hlengiso oluthelekelelwe kumbandelana (6).

(5) Ngaphandle kokuba kukho ukungangqinelani nomxholo okanye ukungafaneleki okucacileyo, ukuthi, kuwo nawuphi na umthetho okanye inkqubeko, kukhankanywe –

(a) iNkundla yomGaqo-siseko phantsi komGaqo-siseko owandulela lo, kufuneka kuthatyathwe njengokubhekisa kwiNkundla yomGaqo-siseko phantsi komGaqo-siseko omtsha;

(b) iCandelo leziBheno leNkundla ePhakamileyo yomZantsi Afrika, kufuneka kuthatyathwe njengokubhekisa kwiNkundla ePhakamileyo yeziBheno;

(c) necandelo lephondo okanye leengingqi leNkundla ePhakamileyo yomZantsi Afrika okanye inkundla ephakamileyo yephandle okanye icandelo ngokubanzi laloo nkundla, kufuneka kuthatyathwe njengokubhekisa kwiNKundla ePhakamileyo.

(6) (a) Ngokukhawuleza kangangoko kunokwenzeka emva kokuba umGaqo-siseko

omtsha uqalisile ukusebenza, zonke iinkundla, kubandakanywa ukwakheka, amalungu azo, ukusebenza nolawulo lwazo, kunye nayo yonke imithetho enxulumene nazo, kufuneka zihlenga-hlengiswe ngeenjongo zokuseka inkqubo yezeejaji efanele iimfuno zomGaqo-siseko omtsha.

(b) Ilungu leKhabinethi elijongene nolawulo lobulungisa, lisebenza emva kokubonisana neKhomishini yeNkonzo yezeeJaji, kufuneka lisingathe olo hlenga-hlengiso luthelekelelwa kumhlathi (a).

Amatyala angekagqitywa aphambi kweenkundla

17. Onke amatyala awaye engekagqitywa phambi kwenkundla ukuqalisa komGaqo-siseko omtsha ukusebenza, kufuneka agqitywe njengokungathi umGaqo-siseko omtsha awukhange wenziwe umthetho, ngaphandle kokuba iimfuno zobulungisa zifuna kwenziwe ngandlela yimbi.

Igunya elitshutshisayo

18. (1) Icandelo 108 lomGaqo-siseko owandulela lo liyaqhuba ukusebenza ude umThetho wePalamente othelekelelwa kwicandelo 179 lomGaqo-siseko omtsha uqalise ukusebenza. Lo mbandelana awukuchaphazeli ukutyunjwa komLawuli wesiZwe wezokuTshutshisa ngokwecandelo 179.

(2) UMtshutshisi-Jikelele obambe isikhundla ukuqala komGaqo-siseko omtsha ukusebenza, uyaqhuba ukusebenza ngokomthetho osebenzayo kweso sikhundla, ngokokulawulwa ngumbandelana (1).

Izifungo nezingqiniso

19. Umntu oqhubayo ukuba sesikhundleni ngokweShedyuli le nothe wathabatha isifungo sesikhundla eso okanye wenza isingqiniso esinyanisekileyo phantsi komGaqo-siseko owandulela lo, akanyanzelekanga ukuba aphinde asithabathe isifungo sesikhundla okanye isingqiniso esinyanisekileyo phantsi komGaqo-siseko omtsha.

Amanye amaziko ezomGaqo-siseko

20. (1) Kweli candelo ukuthi “iziko lezomGaqo-siseko” kuthetha –

(a) umKhuseli woLuntu;

(b) iKhomishini yamaLungelo oluNtu;

(c) iKhomishini yoLingano ngokwesiNi;

(d) umPhicothi-zincwadi Jikelele;

(e) iBhanki enguVimba yomZantsi Afrika;

(f) iKhomishini yezeMali nezeRhafu;

(g) iKhomishini yeNkonzo yezeeJaji; okanye

(h) iBhodi yeeLwimi zoNke zomZantsi Afrika (Pan South African Language Board).

(2) Iziko lezomGaqo-siseko elisekwe ngokomGaqo-siseko owandulela lo liyaqhuba ukusebenza ngokomthetho osebenza kulo, kwaye nawuphi na umntu obambe isikhundla njengelungu lekhomishini, ilungu lebhodi yeBhanki enguVimba okanye iBhodi yeeLwimi zoNke zasemZantsi Afrika, umKhuseli woLuntu okanye umPhicothi-ziNcwadi-Jikelele ukuqalisa komGaqo-siseko omtsha ukusebenza, uyaqhuba ebambe isikhundla eso ngokomthetho osebenza kweso sikhundla, ngokokulawulwa –

(a) kuko nakuphi na ukutshintshwa okanye ukurhoxiswa kwaloo mthetho; kunye

(b) nokuhambelana nomGaqo-siseko omtsha.

(3) Amacandelo 199(1), 200 (1), (3) nelesi-(5) ukuya kwele-(11) nelama-201 ukuya kwelama-206 omGaqo-siseko owandulela lo ayaqhuba esebenza ade arhoxiswe ngumThetho wePalamente opasiswe ngokwecandelo 75, lomGaqo-siseko omtsha.

(4) Amalungu eKhomishini yeeNkonzo zobuLungisa ekhankanywe kwicandelo 105 (1) (h) lomGaqo-siseko owandulela lo ayayeka ukuba ngamalungu eKhomishini akuthi amalungu akhankanywe kwicandelo 178 (1) (i) lomGaqo-siseko omtsha etyunjiwe.

(5) (a) IBhunga leVolkstaat elasekwa ngokomGaqo-siseko owandulela lo liyaqhuba

ukusebenza ngokomthetho osebenza kulo, kwaye nabani na obambe isikhundla njengelungu leBhunga ukuqala ukusebenza komGaqo-siseko omtsha, uyaqhuba ukubamba eso sikhundla ngokomthetho osebenza kweso sikhundla, ngoko ngokokulawulwa –

(i) kuko nakuphi na ukutshintshwa okanye ukurhoxiswa kwaloo mthetho;

(ii) nakukungqinelana nomGaqo-siseko omtsha.

(b) Icandelo 184 A nele-184 (B) (1) (a), (b) no (d) omGaqo-siseko owandulela lo ayaqhuba esebenza ade arhoxiswe ngumThetho wePalamente opasiswe ngokwecandelo 75 lomGaqo-siseko omtsha.

Ukwenziwa komthetho ofunwa ngumGaqo-siseko omtsha

21. (1) Apho umGaqo-siseko omtsha ufuna ukwenziwa komthetho wesizwe okanye wephondo, loo mthetho kufuneka wenziwe ligunya elifanele ukuwenza ngexesha elililo wakuba umGaqo-siseko omtsha uqalile ukusebenza.

(2) Icandelo 198 (b) lomGaqo-siseko omtsha alinakusetyenziswa ude umthetho ekuthethwa ngawo kwelo candelo ube wenziwe.

(3) Icandelo 199 (3) (a) lomGaqo-siseko omtsha alinakusetyenziswa phambi kokuba kuphele iinyanga ezintathu emva kokuba umthetho ekuthethwa ngawo kwelo candelo ube wenziwe.

(4) Umthetho wesizwe ekuthethwa ngawo kwicandelo 217 (3) lomGaqo-siseko omtsha kufuneka wenziwe ngethuba leminyaka emithathu ukususela kumhla owaqala ngawo ukusebenza umGaqo-siseko omtsha, kodwa ukungabi kho kwalo mthetho ngeli thuba akukuthinteli ukusebenziseka kwenkqubo-sikhokelo ekuthethwa ngayo kwicandelo 217 (2).

(5) De ube wenziwe umThetho wePalamente ekubhekiswa kuwo kwicandelo 65 (2) lalo mGaqo-siseko mtsha, indlu yowiso-mthetho yephondo ngalinye ingazigqibela ngomGaqo-nkqubo wokunika igunya kwiqela labathunywa balo ukuze bavote egameni lephondo elo kwiBhunga lesiZwe lamaPhondo.

(6) Ude ube wenziwe umthetho ekuthethwa ngawo kwicandelo 229 (1) (b) lalo mGaqo-siseko mtsha, umasipala usenakho ukumisela irhafu, intlawuliso okanye intlawulelo-zinto awayenikwe igunya lokuzimisela ukuqalisa kokusebenza komGaqo-siseko lo.

Umanyano lwesizwe noxolelwaniso

22. Nangona ikho eminye imimiselo yomGaqo-siseko omtsha, futhi nangona urhoxisiwe umGaqo-siseko owandulela lo, yonke imimiselo ephathelele kuxolelo equlethwe kumGaqo-siseko owandulela lo phantsi kwesihloko esithi, "UManyano lwesiZwe noXolelwaniso ithatyathwa njengenxalenye yalo mGaqo-siseko mtsha ngeenjongo zomThetho wokuKhuthazwa koManyano lwesiZwe noXolelwaniso, 1995 (umThetho 34 ka-1995), njengoko utshintshiweyo, kubandakanywa neenjongo zokuthi ube ngumthetho osebenzayo.

IBhili yamaLungelo

23. (1) Umthetho wesizwe ekuthethwa ngawo kumacandelo 9(4), 32(2) nelama-33(3) omGaqo-siseko omtsha kufuneka wenziwe ngethuba leminyaka emithathu ukususela kumhla owathi umGaqo-siseko omtsha waqalisa ngawo ukusebenza.

(2) Ude ube umthetho ekuthethwe ngawo kwicandelo 32(2) nelama-33(3) lomGaqo-siseko omtsha wenziwe –

(a) icandelo 32(1) kufuneka lithatyathwe njengelifundeka ngolu hlobo:

"Wonke ubani unelungelo lokufikelela kulo lonke ulwazi olusezandleni zikarhulumente okanye nawaphi na amaziko akhe kuso nasiphi na isigaba sikarhulumente xa olo lwazi lufunelwa ukusetyenziswa okanye ukukhuselwa kwawo nawaphi na amalungelo akhe."; kanjalo

(b) icandelo 33(1) nele-(2) kufuneka athatyathwe njengokuba afundeka ngolu hlobo:

"Wonke umntu unelungelo –

(a) Kwinyathelo elithathiweyo ngabalawulayo elisemthethweni xa kukho nawaphi na amalungelo akhe okanye izinto ezikukulungelwa kwakhe ezichukunyisiweyo okanye ezisengozini;

(b) kwinyathelo elithathiweyo ngabalawulayo elingenasheyi ngokomgaqo-nkqubo, xa kukho

nawaphi na amalungelo akhe okanye nayiphi na into ayilindele ngokufanelekileyo echatshazelweyo okanye esengozini;

(c) lokufumana izizathu ezibhaliweyo ngenyathelo elithathiweyo ngabalawulayo elichaphazela nawaphi na amalungelo akhe okanye ukulungelwa kwakhe, ngaphandle kokuba izizathu zelo nyathelo ziye zaxelwa ngokuphandle;

(d) nakwinyathelo elithathiweyo ngabalawulayo elifanelekileyo ngokuphathelele kwizizathu ezinikiweyo zokuthathwa kwalo xa kukho nawaphi na kumalungelo akhe achatshazelweyo okanye asengozini."

(3) Icandelo 32(2) nelama-33(3) omGaqo-siseko omtsha ayaphelelwa ukuba umthetho ekuthethwa ngawo kuloo macandelo, ngokulandelana, awenziwanga ngethuba leminyaka emithathu ukususela ngomhla othe umGaqo-siseko waqalisa ngawo ukusebenza.

Ulawulo lwabasebenzi bakwarhulumente neenkonzo zokhuseleko

24. (1) Amacandelo 82 (4)(b), 215, 218 (1), 219 (1), 224 ukuya kuma-nelama 228, 236 (1), (2), (3)(b), (7) (b) no (8), 237 (1) no (2) (a), nelesi-239 (4) no (5) omGaqo-siseko owandulela lo ayaqhuba ukusebenza ngokungathi umGaqo-siseko owandulela lo awurhoxiswanga, ngokokulawulwa –

(a) kukwenzeka kotshintsho kuloo macandelo acaciswe kwisiHlomelo D;

(b) kukwenzeka kwalo naluphi na olunye utshintsho okanye nakuphi na ukurhoxiswa kwaloo macandelo ngumThetho wePalamente opasiswe ngokwemigaqo yecandelo lama-75 lomGaqo-siseko omtsha; kunye

(c) nokungqinelana nomGaqo-siseko omtsha.

(2) IKhomishini yeNkonzo yabaSebenzi bakaRhulumente kunye neekhomishini zeenkonzo zamaphondo ekuthethwa ngazo kwiSahluko 13 somGaqo-siseko owandulela lo ziyaqhuba ukusebenza ngokweso Sahluko kunye nomthetho osebenza kuso ngokungathi eso Sahluko zange sirhoxiswe, ide iKhomishini kunye neekhomishini zeenkonzo zamaphondo zichithwe ngumThetho wePalamente opasiswe ngokwecandelo 75 lomGaqo-siseko omtsha.

(3) Ukurhoxiswa komGaqo-siseko owandulela lo akusichaphazeli nasiphi na isihlokomiso esikhutshwe phantsi kwecandelo 237 (3) lomGaqo-siseko owandulela lo, kwaye nasiphi na isihlokomiso esinjalo siyaqhuba ukusebenza, ngokokulawulwa –

(a) kuko nakuphi na ukutshitshiswa okanye ukurhoxiswa;

(b) nakukungqinelana nomGaqo-siseko omtsha.

Okunye ukungazifaneli izindlu zowiso-mthetho

25. (1) Nabani na owathi xa umGaqo-siseko omtsha uqalisa ukusebenza wabe ebhantinta, egwetywe apha kwiRiphabliki isigwebo sokuvalelwa ithuba elingaphezu kweenyanga ezili-12 kungekho fayini, akakulungelanga ukuba lilungu leNdibano yesiZwe okanye lendlu yowiso-mthetho yephondo.

(2) Ukungafaneleki komntu ngokombandelana (1) –

(a) kuyaphelelwa ukuba ubutyala bakhe buthe bacinywa ngesibheno, okanye isigwebo sincitshisiwe ngesibheno saba sisigwebo esingamenzi angafaneleki loo mntu; kanjalo

(b) kuyaphela emva kweminyaka emihlanu emva kokuba isigwebo sigqityiwe.

URhulumente weeNgingqi

26. (1) Nakuba ikho imimiselo yamacandelo 151, 155, 156 kunye nowe-157 yomGaqo-siseko omtsha –

(a) imimiselo yomThetho weNguqu kaRhulumente weeNgingqi, 1993 (umThetho 209 ka1993), enokutshintshwa kumaxesha ngamaxesha ngumthetho wesizwe ngokungqinelana nalo mGaqo-siseko mtsha, iya kuhlala isebenza kude kube ngumhla wama- 30 ku-Epreli 1999 okanye ide irhoxiswe, kwenzeke leyo ifike kuqala;

(b) inkokeli yemveli yabantu abagcine inkqubo yomthetho wesintu, behlala kumhlaba

okwindawo yebhunga leengingqi elilelenguqu, kwindawo yebhunga lenguqu lasemaphandleni okanye okwindawo yebhunga lenguqu elimel' abantu, mabhunga lawo axeliweyo kumThetho weNguqu yoRhulumente weeNgingqi, 1993, ibe le nkokeli ingqinelekile ngokwendlela ecaciswe kwicandelo 182 lomGaqo-siseko owandulela lo, loo nkokeli inelungelo lokuba lilungu elingenasikhundla lelo bhunga de kube ngowama-30 Epreli 1999 okanye kude kube kho umThetho wePalamente onika mmiselo wumbi.

(2) Icandelo lama-245 (4) lomGaqo-siseko owandulela lo liyaqhuba ukusebenza kude ukusetyenziswa kwalo eli candelo kuphelelwe. Icandelo 16 (5) nele (6) lomThetho weNguqu yoRhulumente weeNgingqi, 1993, alinakurhoxiswa phambi komhla wama-30 ku-Epreli 1999.

Ukugcinwa ngokukhuselekileyo kwemiThetho yePalamente neyamaPhondo.

27. Icandelo 82 nele-124 omGaqo-siseko omtsha awakuchaphazeli ukugcinwa khuselekileyo kwemiThetho yePalamente okanye imiThetho yamaphondo epasiswe phambi kokuba umGaqo-siseko omtsha uqalise ukusebenza.

UBhaliso lwepropati engenakususwa eyekaRhulumente.

28. (1) Xa lithe igunya elithile elinelungelo laveza isetifikethi esibonisa ukuba ipropati ethile engenakususwa eyekaRhulumente iphantsi kolawulo lwesigaba esithile sikarhulumente ngokwecandelo lama – 239 lomGaqo-siseko owandulela lo, kufuneka umbhalisi weziqinisekiso-bunini asibhale eso setifikethi okanye isiqinisekiso kwirejista okanye kwisiqinisekiso-mhlaba okanye kolunye uxwebhu, ngokwenjenjalo abe ubhalisa loo propati ingenakususwa egameni laloo rhulumente.

(2) Akukho ntlawulelo-zinto, namali okanye nakuphi na ukuhlawuliswa okubizwayo malunga nokubhaliswa ngokwecandelwana (1).

ISIHLOMELO A

Utshintsho lweShedyuli 2

yomGaqo-siseko owandulela lo

1. Ukufakwa kwalo mbandela ulandelayo endaweni yombandela 1:

"1. Amaqela abhaliswe ngokomthetho wesizwe angenele ugqatso lonyulo lweNdibano yesiZwe, aya kuphakamisa amagama abavotelwa bolo nyulo kwizintlu zabavotelwa ezilungisiweyo ngokungqinelana nale Shedyuli kunye nomthetho wesizwe."

2. Ukufakwa kwalo mbandela ulandelayo endaweni yombandela 2:

"2. Izihlalo kwiNdibano yesiZwe njengoko ziqingqwe ngokwecandelo 46 lomGaqo-siseko omtsha, ziya kuzaliswa ngale ndlela ilandelayo:

(a) Isiqingatha sezihlalo siya kuzaliswa ngokwezintlu zemimandla ezingeniswe ngamaqela azo, kukho inani eliqingqiweyo lezihlalo ezibekelwe ummandla ngamnye njengoko kumiselweyo yiKhomishini yonyulo olulandelayo lweNdibano, kuthathelwe ingqalelo iinkcukacha ezisekelwe kwezobunzululwazi ezikhoyo ngokumayela nabavoti, kunye nokumelwa ngamaqela anomdla.

(b) Esinye isiqingatha sezihlalo siya kuzaliswa ngokwezintlu ezikwisigaba sesizwe ezingeniswe ngamaqela azo, okanye kwizintlu zemimandla apho izintlu ezikwisigaba sesizwe zingazange zingeniswe."

3. Ukufakwa kwalo mbandela ulandelayo endaweni yombandela 3:

"3. Izintlu zabavotelwa ezingeniswe liqela ziya kuthi xa zizonke ziqulathe amagama angekho ngaphezulu kwenani labavotelwa elilingana nenani lezihlalo kwiNdibano yesiZwe, kwaye uluhlu ngalunye kuzo luya kubonisa loo magama ngaloo ndlela iqingqekileyo yokulandelelana ikhethwe liqela elo."

4. Ukutshintshwa kombandela 5 ngokufakela la magama alandelayo endaweni yamagama andulela umhlathi (a):

"5. Izihlalo ezikhankanywe kumbandela 2 (a) ziya kuthi kummandla ngamnye zabelwe amaqela akhuphisana kunyulo, ngolu hlobo lulandelayo:".

5. Ukutshintshwa kombandela 6 –

(a) ngokufakela la magama alandelayo endaweni yamagama andulela umhlathi (a):
“6. Izihlalo ezikhankanywe kumbandela 2 (b) ziya kwabelwa amaqela akhuphisana kunyulo ngolu hlobo lulandelayo:”;
(b) nangokufakela lo mhlathi ulandelayo endaweni yomhlathi (a):
“(a) Isabelo seevoti kwisihlalo ngasinye siya kuqingqwa ngokwahlula inani leevoti zizonke ezifakiweyo kwisigaba sesizwe ngenani lezihlalo ezikwiNdibano yesiZwe, kudityaniswe nomvo, ukuze isiphumo esidityaniswe nomvo, elahliwe amaqhezu, sibe sisabelo seevoti sesihlalo ngasinye.”
6. Ukutshintshwa kombandela 7(3) ngokufakela lo mhlathi ulandelayo endaweni yomhlathi (b):
“(b) Isabelo esihlonyelweyo seevoti zesihlalo ngasinye siya kuqingqwa ngokwahlula inani lilonke leevoti ezifakiweyo kwisigaba sesizwe, selisusiwe inani leevoti ezifakwe kwisigaba sesizwe, zizezaloo pati ikhankanyiweyo kumhlathi (a), ngenani lezihlalo ezikwiNdibano, kudityaniswe nomvo, kususwe inani lezihlalo ezabelwe, ekugqibeleni, iqela elixeliweyo ngokomhlathi (a).”
7. Ukufakelwa kwalo mbandela ulandelayo endaweni yombandela 10:
“10. Inani lezihlalo kwindlu yowiso-mthetho yephondo ngalinye liya kuba njengoko kumiselwe ngokwecandelo 105 lomGaqo-siseko omtsha.”
8. Ukufakelwa kwalo mbandela ulandelayo endaweni yombandela 11:
“11. Iipati ezibhalisiweyo ngokomthetho wesizwe, zingenele unyulo lwendlu yowiso-mthetho yephondo, ziya kuphakamisa amagama abavotelwa ziwase kuloo ndlu yowiso-mthetho yephondo êkwizintlu zephondo ezilungiswe ngokungqinelana nale Shedyuli kunye nomthetho wesizwe.”
9. Ukufakelwa kwalo mbandela ulandelayo endaweni yombandela 16:
“Ukutyunjwa kwabathunywa
16. (1) Emva kokuba ukubalwa kweevoti kugqityiwe, inani labathunywa bepati nganye liqondiwe, nesiphumo sonyulo sibhengeziwe ngokwecandelo 190 lomGaqo-siseko omtsha, iKhomishini iya kuthi, kwiintsuku ezimbini emva kweso sibhengezo, ityumbe kuluhlu ngalunye lwabavotelwa, olupapashiweyo ngokomthetho wesizwe, abathunywa beqela ngalinye kwindlu yowiso-mthetho.
(2) Emva kokutyunjwa ngokombandelana (1), ukuba igama lomvotelwa livela kwizintlu ezimbini nangaphezulu zeNdibano yesiZwe okanye kuluhlu lweNdibano yesiZwe nakolwendlu yowiso-mthetho yephondo (ukuba unyulo lweNdibano nolwendlu yowiso-mthetho yephondo lubanjwe ngexesha elinye) abe lo mvotelwa eza kutyunjwa njengomthunywa kwiindawo ezimbini nangaphezulu, le pati yayingenise ezo zintlu iya kuthi, ngethuba leentsuku ezimbini emva kweso sibhengezo, ixele kwiKhomishini ukuba loo mvotelwa uya kutyunjwa koluphi uluhlu okanye loo mvotelwa uya kusebenza kweyiphi indlu yowiso-mthetho, ngokwemeko leyo, lize ke igama laloo mvotelwa lisuswe kwezinye izintlu.
(3) IKhomishini iya kuthi ngoko nangoko ilupapashe uluhlu lwamagama abathunywa kwindlu yowiso-mthetho okanye kwizindlu zowiso-mthetho.”
10. Ukutshintshwa kombandela 18 ngokufakela lo mhlathi ulandelayo endaweni yomhlathi (b):
“(b) umthunywa utyunjwa njengomthunywa osisigxina kwiBhunga lesiZwe lamaPhondo;”.
11. Ukufakelwa kwalo mbandela ulandelayo endaweni yombandela 19:
“19. Izintlu zabavotelwa zepati ezikhankanywe kumbandela 16 (1) zingahlonyelelwa kube kanye kuphela nangaliphi na ixesha ngethuba leenyanga ezili-12 zokuqala emva komhla okugqitywe ngawo ukutyunjwa kwabathunywa ngokombandela 16, kuhlonyelelwe ukuze kuvalwe izithuba: Phantsi komqathango othi oko kuhlonyelwa kuya kwenziwa ekupheleni koluhlu.”
12. Ukufakelwa kwalo mbandela ulandelayo endaweni yombandela 23 :
“Izithuba
“23. (1) Xa kukho isithuba kwindlu yowiso-mthetho apho le Shedyuli isebenza khona, ipati eyaye ilikhethile elo lungu liphumayo iya kusivala isithuba eso ngokukhetha umntu –

(a) ogama lakhe livelayo kuluhlu lwabavotelwa elalikhethwe kulo ilungu eliphumayo; kanjalo
(b) inguye olandelayo kwabafanele ukukhethwa, kuluhlu olo, evuma nokuvuma.
(2) Igama elikhethiweyo ukuvala isithuba liya kuthunyelwa kuSomlomo weNdlu ngokubhaliweyo.
(3) Ukuba ipati emelweyo kwindlu yowiso-mthetho iyachithakala okanye iyayeka ukuba kho aze amalungu amele yona azishiye izikhundla zawo ngombandela 23 A (1), izihlalo abekuzo ziya kulungelelaniswa apho kufunekayo, zize zabelwe amaqela aseleyo njengokungathi ezo zihlalo zizihlalo ezinikezelweyo ngokombandela 7 okanye 14, ngokwemeko leyo."
13. Ukuhlonyelwa kwalo mbandela ulandelayo emva kombandela 23:
"Ezinye izizathu zokulahlekelwa bubulungu bezindlu zowiso-mthetho
23 A. (1) Umntu uyalahlekelwa bubulungu bendlu yowiso-mthetho ekusebenza kuyo le Shedyuli ukuba loo mntu uyayeka ukuba lilungu lepati eyayimkhethile njengelungu lendlu yowiso-mthetho.
(2) Nangona ukho umbandelana (1) naliphi na iqela lezopolitiko elikhoyo lingathi nangaliphi na ixesha lilitshintshe igama lalo.
(3) UmThetho wePalamente ungathi, ngethuba elifanelekileyo, emva kokuqalisa ukusebenza komGaqo-siseko omtsha, upasiswe ngokungqinelana necandelo 76 (1) lomGaqo-siseko omtsha ukuze kutshintshwe lo mbandela kwanombandela 23 ukuze kumiswe indlela ekunokwenzeka ngayo ukuba ilungu lendlu yowiso-mthetho elithi liyeke ukuba lilungu lepati eyaye ilityumbile lingalahlekelwa bubulungu baloo ndlu yowiso-mthetho.
(4) UmThetho wePalamente ekuthethwa ngawo kumbandelana (3) ungamisa nendlela yokuba –
(a) nayiphi na ipati ekhoyo idibane nenye ipati; okanye ukuba
(b) nayiphi na ipati izahlula-hlule ibe ziipati ezimbini nangaphezulu."
14. Ukuguzulwa kombandela 24.
15. Ukutshintshwa kombandela 25 –
(a) ngokufakelwa endaweni yochazo lwegama "iKhomishini" olu chazo-magama lulandelayo:
"iKhomishini' ithetha iKhomishini yoNyulo ekuthethwa ngayo kwicandelo 190 lomGaqo-siseko omtsha;";
(b) nangokufakela olu chazo-magama lulandelayo emva kochazo luka-"uluhlu lwesizwe":
"umGaqo-siseko omtsha' uthetha umGaqo-siseko weRiphabliki yomZantsi Afrika, 1996;".
16. Ukuguzulwa kombandela 26.
ISIHLOMELO B
URhulumente woManyano lwesiZwe:
IsiGaba sesiZwe
1. Icandelo 84 lomGaqo-siseko omtsha lithatyathwa njengeliqulethe kwaneli candelwana lilelinye lilandelayo:
"(3) UMongameli kufuneka abonisane nooSekela-Mongameli abaLawulayo –
(a) ekuphuhlisweni nasekusetyenzisweni kweenkqubo-sikhokelo zorhulumente wesizwe;
(b) kuyo yonke imibandela emayela nokuphathwa kweKhabhinethi nokwenziwa kwemicimbi yeKhabhinethi;
(c) ekwabeleni ooSekela-Mongameli abaLawulayo imisebenzi;
(d) phambi kokwenza naluphi na utyumbo phantsi komGaqo-siseko okanye kwawo nawuphi na umthetho, kubandakanywa ukutyunjwa koonozakuzaku okanye abanye abameli bozakuzo;
(e) phambi kokutyumba iikhomishini zophando;
(f) phambi kokubiza uvavanyo-zimvo;
(g) naphambi kokuxolela okanye ukunqumamisa isigwebo sabo nabaphi na abaphuli-mthetho."
2. Icandelo 89 lomGaqo-siseko omtsha lithatyathwa njengeliqulethe neli candelwana lilelinye lilandelayo:

“(3) Icandelwana (1) nelesi-(2) asebenza nakuSekela-Mongameli oLawulayo.”

3. Umhlathi (a) wecandelo 90 (1) lomGaqo-siseko omtsha uthatyathwa njengofundeka ngolu hlobo lulandelayo:

“(a) uSekela-Mongameli oLawulayo otyunjwe nguMongameli;”

4. Icandelo 91 lomGaqo-siseko omtsha lithatyathwa njengelifundeka ngolu hlobo lulandelayo:

“IKhabinethi

91. (1) IKhabhinethi inala malungu: uMongameli, ooSekela-Mongameli abanoLawulo kunye –

(a) nabaPhathiswa abangekho ngaphezulu kwama-27 abangamalungu eNdibano yesiZwe, abatyunjwe ngokwecandelwana (8) ukuya kwele-(12);

(b) kwanaye abe mnye kuphela umPhathiswa ongelolungu leNdibano yesiZwe, otyunjwe ngokwecandelwana (13), ukuba ngaba uMongameli, esebenza ngokubonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela anenxaxheba, ukubona ukutyunjwa kwaloo mPhathiswa kuluncedo.

(2) Ipati nganye enezihlalo ezingama-80 ubuncinane kwiNdibano yesiZwe inelungelo lokutyumba uSekela-Mongameli oLawulayo phakathi kwamalungu eNdibano.

(3) Ukuba akukho pati inazo, okanye inye kuphela ipati enazo izihlalo ezingama-80 nangaphezulu kwiNdibano, ipati enelona nani likhulu lezihlalo nepati yesibini ukuba nelona nani likhulu lezihlalo, iyileyo inelungelo lokutyumba uSekela-Mongameli oLawulayo abe mnye phakathi kwamalungu eNdibano.

(4) Esakuba etyunjiwe, uSekela-Mongameli oLawulayo lowo angakhetha ukuhlala elilungu leNdibano okanye ayeke ukuba lilo.

(5) USekela-Mongameli oLawulayo angawasebenzisa loo magunya kwaye kufuneka enze naloo misebenzi, amiselwe/imiselwe ngumGaqo-siseko kwisikhundla sikaSekela-Mongameli oLawulayo nalawo magunya, naleyo misebenzi yabelwe eso sikhundla nguMongameli.

(6) USekela Mongameli oLawulayo usibamba isikhundla –

(a) kude kube ngumhla wama-30 ku-Epreli 1999 ngaphandle kokuba kungene umntu endaweni yakhe okanye ubiziwe yipati enelungelo lokutyumba ngokwecandelwana (2) nelesi-(3); okanye

(b) ade umntu onyulelwe ukuba nguMongameli emva kwalo naluphi na unyulo lweNdibano yesiZwe olubanjwe phambi kowama-30 ku-Epreli 1999, angene esikhundleni.

(7) Isithuba kwisikhundla sikaSekela-Mongameli oLawulayo singavalwa yipati ebityumbe loo Sekela-Mongameli.

(8) Ipati enezihlalo ezingama-20 ubuncinane kwiNdibano yesiZwe, negqibe ekubeni ithabathe inxaxheba kurhulumente womanyano lwesizwe, inelungelo lokwabelwa isikhundla seKhabinethi sibe sinye okanye zibe ngaphezulu ekuthi abaPhathiswa ekuthethwa ngabo kwicandelwana (1) (a) batyunjelwe zona, ngokobungaphi bezihlalo enazo kwiNdibano yesiZwe, nangokungqinelana nenani lezihlalo ezinazo ezinye iipati ezithabatha inxaxheba.

(9) Izikhundla zeKhabinethi kufuneka zabelwe amaqela athabatha inxaxheba ngokokwale ndlela imiselweyo ilandelayo:

(a) Isabelo sezihlalo kwisikhundla ngasinye kufuneka siqingqwe ngokwahlula-hlula inani lilonke lezihlalo ezikwiNdibano yesiZwe zamaqela onke athabatha inxaxheba sezidibene, ngenani lezikhundla abaza kutyunjelwa zona abaPhathiswa ekuthethwa ngabo kwicandelwana (1) (a), kudityaniswe umvo.

(b) Isiphumo, xa sekulahlwe idesimali yesithathu nezilandelayo, ukuba zikho, siso ke esisisabelo sezihlalo zesikhundla ngasinye.

(c) Inani lezikhundla ezabelwa ipati ethabatha inxaxheba liqingqwa ngokwahlula-hlula inani lilonke lezihlalo zaloo pati kwiNdibano yesiZwe ngesabelo ekuthethwa ngaso kuso kumhlathi (b).

(d) Ngokokulawulwa ngumhlathi (e), isiphumo sinika inani lezikhundla emazabelwe elo qela.
(e) Apho ukusetyenziswa kwale ndlela ingasentla kukhupha inani elithe chatha, eligqithayo kwinani lezihlalo ezabelwe ipati, elo nani lithe chatha likhuphisana namanye amanani athe chatha avelele enye ipati okanye ezinye iipati, ukuze isikhundla okanye izikhundla ezingenamntu zabelwe ipati enochatha, okanye iipati ezinoochatha, ngokokulandelelana, kuqalwe ngeyona inochatha omkhulu.
(10) UMongameli, emva kokubonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela athabatha inxaxheba, kufuneka –
(a) aqingqe ukuba zeziphi na kanye izikhundla emazabelwe loo maqela athabatha inxaxheba ngokungqinelana nenani lezikhundla ezabelwe lona ngokwecandelwana (9);
(b) athi kwisikhundla ngasinye kwezi atyumbele ilungu leNdibano yesiZwe elililungu laloo pati sabelwe yona isikhundla eso, phantsi komhlathi (a) libe ngumPhathiswa ojongene neso sikhundla;
(c) athi ukuba kukho imfuneko ngokweenjongo zomGaqo-siseko okanye ukuze urhulumente asebenze kakuhle, atshintsha-tshintshe naluphi na uqingqo phantsi komhlathi (a), ngokokulawulwa licandelwana (9);
(d) asuse esikhundleni nabani na obethe watyunjwa ngokomhlathi (b) –
(i) ukuba uMongameli uyacelwa ukuba ayenze le nto yinkokeli yepati alilungu layo loo mPhathiswa uchaphazelekayo; okanye
(ii) ukuba ukwenjenjalo kuba yimfuneko ngokweenjongo zomGaqo-siseko okanye ukuze urhulumente asebenze kakuhle; okanye
(e) athi xa kuyimfuneko, avale isithuba kwisikhundla somPhathiswa, ngokokulawulwa ngumhlathi (b).
(11) Icandelwana (10) kufuneka lisetyenziswe ngendlela ebonakalisa ukubuqonda ubuntoni borhulumente womanyano lwesizwe: ke uMongameli nabanye abaphetheyo abachaphazelekayo kufuneka xa belisebenzisa eli candelwana bazame ukufikelela kwimvumelwano ngawo onke amaxesha: Kùxhomekeke ekuthini ukuba akukho mvumelwano malunga –
(a) nokusetyenziswa kwegunya elikhankanywe kumhlathi (a), (c) okanye (d) (ii) welo candelwana, isigqibo sikaMongameli siya kuma;
(b) nokusetyenziswa kwegunya elikhankanywe kumhlathi (b), (d) (i) okanye (e) welo candelwana, gunya elo lichaphazela umntu ongelolungu lepati kaMongameli, isigqibo senkokeli yeqela alilungu lalo loo mntu siyema;
(c) nokusetyenziswa kwegunya ekuthethwa ngalo kumhlathi (b) okanye (e) welo candelwana, gunya elo lichaphazela umntu olilungu lepati kaMongameli, isigqibo sikaMongameli siyema.
(12) Ukuba ukuqingqwa okuthile kolwabelo lwezikhundla kuyatshintsha-tshintshwa phantsi kwecandelwana (10)(c), abaPhathiswa abachaphazelekayo kufuneka bazishiye izikhundla zabo, kodwa bafanelekile ukuba, apho kunokwenzeka, bangaphinde batyunjelwe kwizikhundla ezizezinye ezabelwe iipati zabo ngokuqingqwa oko kutshintsha-tshintshiweyo.
(13) UMongameli –
(a) ebonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela athabatha inxaxheba, kufuneka –
(i) aqingqe isikhundla esithile somPhathiswa ekuthethwa ngaye kwicandelwana (1) (b) ukuba oko kuyimfuneko emva kwesigqibo sikaMongameli esenziwe phantsi kwelo candelwana;
(ii) atyumbele kweso sikhundla umntu ongelolungu leNdibano yesiZwe, abe engumPhathiswa ojongene neso sikhundla;
(iii) avale, ukuba kuyimfuneko, isithuba esikweso sikhundla; okanye
(b) emva kokubonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela athabatha inxaxheba, kufuneka alunqumamise naluphi na utyumbo olwenziwe phantsi komhlathi (a) ukuba kuba yimfuneko ngokweenjongo zomGaqo-siseko okanye ukuze urhulumente asebenze kakuhle.

(14) Iintlanganiso zeKhabhinethi kufuneka zonganyelwe nguMongameli, okanye, ngokomyalelo kaMongameli, nguSekela-Mongameli oLawulayo: Kukhunjulelwe ukuba ooSekela-Mongameli abaLawulayo bongamela iintlanganiso zeKhabhinethi ngokubolekisana ngaphandle kokuba iimeko nemibandela karhulumente kwanomoya wokuqonda ubuntoni borhulumente womanyano lwesizwe ufuna kwenziwe ngenye indlela.

(15) IKhabhinethi kufuneka isebenze ngendlela ewukhathaleleyo umoya wokufuna imvumelwano oqulethwe kukuqondwa kobuntoni borhulumente womanyano wesizwe nekhathalele imfuneko yokusebenza kukarhulumente ngokunemfezeko."

5. Icandelo 93 lomGaqo-siseko omtsha lithatyathwa njengelifundeka ngolu hlobo:

"Ukutyunjwa kooSekela-baPhathiswa

93. (1) UMongameli angathi, emva kokubonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela athabatha inxaxheba kwiKhabinethi, aseke izikhundla zamasekela abaphathiswa.

(2) Ipati inelungelo lokwabelwa isikhundla esinye okanye nangaphezulu zamasekela abaphathiswa ngomlinganiselo ofanayo nangendlela efanayo neyokwabiwa kwezikhundla zeKhabhinethi.

(3) Imimiselo yecandelo 91 (10) ukuya kwele-(12) iyasebenza ineenguqulelo eziyimfuneko ngokumayela nooSekela-baPhathiswa; ke koko kusetyenziswa kwale mimiselo ukukhankanya umPhathiswa okanye isikhundla, kwelo candelo, kufuneka kufundwe njengokuba kukhankanya uSekela-mPhathiswa okanye isikhundla sosekela-mPhathiswa ngokulandelelana.

(4) Ukuba umntu utyunjwe njengoSekela-mPhathiswa waso nasiphi na isikhundla esiphathiswe umPhathiswa –

(a) loo Sekela-mPhathiswa kufuneka athi, egameni laloo mPhathiswa uchaphazelekayo, asebenzise onke amagunya, enze nayo yonke imisebenzi enikwe loo mPhathiswa ngokwemigaqo yawo nawuphi na umthetho okanye enye indlela enokuthi, phantsi kwemiyalelo kaMongameli, inikwe loo Sekela-mPhathiswa nguloo mPhathiswa;

(b) nakuphi na ukukhankanywa kwaloo mPhathiswa kuwo nawuphi na umthetho, kufuneka kuthatyathwe njengokubandakanya ukukhankanywa koSekela-mPhathiswa osebenza ngokolwabelo oluphantsi komhlathi (a) olwenziwe ngumPhathiswa asebenza egameni lakhe uSekela-mPhathiswa lowo.

(5) Nanini na uSekela-mPhathiswa engekho okanye ngaso nasiphi na isizathu engenakho ukusebenzisa nawaphi na kamagunya okanye ukwenza nayiphi na imisebenzi yesikhundla, uMongameli angatyumba nawuphi na omnye uSekela-mPhathiswa okanye nawuphi na omnye umntu ukuba asebenze endaweni yaloo Sekela-mPhathiswa kuthethwa ngaye, ngokubanzi okanye ekusebenziseni naliphi na igunya elixeliweyo okanye ekwenzeni nawuphi na umsebenzi oxeliweyo."

6. Icandelo 96 lomGaqo-siseko omtsha lithatyathwa njengeliqulethe la macandelwana alandelayo angamanye:

"(3) AbaPhathiswa bajongwe ingulowo nguMongameli nayiNdibano yesiZwe ekuphatheni izikhundla zabo, aye onke amalungu eKhabhinethi nawo ngokwawo kufuneka athembeke ngokudibeneyo kubaPhathiswa ekwenzeni imisebenzi karhulumente wesizwe nasekugcineni iinkqubo-zikhokelo zakhe.

(4) AbaPhathiswa kufuneka baziphathe izikhundla zabo ngokungqinelana nenkqubo-sikhokelo eqingqwe yiKhabhinethi.

(5) Ukuba umPhathiswa uyasilela ukusiphatha isikhundla ngokungqinelana nenkqubo-sikhokelo yeKhabhinethi, uMongameli angayalela ukuba athi umPhathiswa lowo enze ukuba uphatho lweso sikhundla lungqinelane naloo nkqubo-sikhokelo.

(6) Ukuba umPhathiswa lowo uyasilela ukuhamba ngokomyalelo kaMongameli phantsi kwecandelwana (5), uMongameli angamsusa umPhathiswa lowo esikhundleni –

(a) Ukuba ungumPhathiswa okhankanywe kwicandelo 91 (1) (a), emva kokubonisana nomPhathiswa lowo, kwanenkokeli yeqela laloo mPhathiswa ukuba umPhathiswa lowo akalilo ilungu leqela likaMongameli okanye akayiyo inkokeli yeqela elithabatha inxaxheba: okanye

(b) ukuba ngumPhathiswa okhankanywe kwicandelo 91 (1) (b), emva kokubonisana nooSekela-Mongameli abaLawulayo kunye neenkokeli zamaqela athabatha inxaxheba.”.

ISIHLOMELO C

URhulumente woManyano lwesiZwe:

IsiGaba sePhondo

1. Icandelo 132 lomGaqo-siseko omtsha lithatyathwa njengelifundeka ngolu hlobo lulandelayo:

“AmaBhunga anoLawulo oluPhezulu

132. (1) IBhunga lephondo elinoLawulo oluPhezulu linala malungu: iNkulumbuso, kunye namalungu angekho ngaphezulu kwe-10 atyunjwe yiNkulumbuso ngokungqinelana neli candelo.

(2) Iqela elinezihlalo ezili-10 lepesenti ubuncinane kwindlu yowiso-mthetho yephondo nelithe lagqiba ekubeni lithabathe inxaxheba kurhulumente womanyano lwesizwe, linelungelo lokwabelwa isikhundla esinye okanye ezingaphezulu zeBhunga elinoLawulo oluPhezulu ngokobungaphi benani lezihlalo elinazo kwindlu yowiso-mthetho, ngokulungelelene nenani lezihlalo anazo amanye amaqela athabatha inxaxheba.

(3) Izikhundla zeBhunga elinoLawulo oluPhezulu kufuneka zabelwe amaqela athabatha inxaxheba ngokwalaa ndlela inye ichazwe kwicandelo 91 (9), ke ekusebenziseni loo ndlela ukuthi, kwelo candelo, kukhankanywe –

(a) iKhabhinethi, kufuneka kufundwe njengokuthi kukhankanywa iBhunga elinoLawulo oluPhezulu;

(b) umPhathiswa, kufuneka kufundwe njengokuthi kukhankanywa ilungu leBhunga elinoLawulo oluPhezulu;

(c) iNdibano yesiZwe, kufuneka kufundwe njengokuthi kukhankanywa indlu yowiso-mthetho yephondo.

(4) INkulumbuso yephondo emva kokubonisana neenkokeli zamaqela athabatha inxaxheba kufuneka –

(a) iqingqe ezona zikhundla kanye emazabelwe loo maqela athabatha inxaxheba ngokungqinelana nenani lezikhundla ezabelwe wona ngokwecandelwana (3);

(b) ityumbele kwisikhundla ngasinye ilungu lendlu yowiso-mthetho yephondo elililungu leqela esabelwe lona eso sikhundla phantsi komhlathi (a), ukuba libe lilungu leBhunga elinoLawulo oluPhezulu elijongene neso sikhundla;

(c) ithi, ukuba kuba yimfuneko ngokweenjongo zomGaqo-siseko okanye ukuze urhulumente asebenze kakuhle, itshintsha-tshintshe nakuphi na ukuqingqwa okwenziwe phantsi komhlathi (a), ngokokulawulwa licandelwana (3);

(d) isuse nawuphi na umntu obetyunjwe phantsi komhlathi (b) –

(i) ukuba iNkulumbuso icelwe ukuba yenjenjalo yinkokeli yepati alilungu layo loo mntu uchaphazelekayo, ukwalilungu leBhunga elinoLawulo oluPhezulu; okanye

(ii) ukuba oko kuba yimfuneko ngokweenjongo zomGaqo-siseko okanye ukuze urhulumente asebenze kakuhle; okanye

(e) athi, xa kuyimfuneko, avale isithuba kwisikhundla selungu leBhunga elinoLawulo oluPhezulu, ngokokulawulwa ngumhlathi (b).

(5) Icandelwana (4) kufuneka lisetyenziswe ngendlela ebonakalisa ukubuqonda ubuntoni borhulumente womanyano lwesizwe; ke iNkulumbuso nabanye abaphetheyo abachaphazelekayo kufuneka ekusetyenzisweni kwelaa candelwana bazame ukufikelela kwimvumelwano ngawo onke amaxesha: Kuhlalwe kukhunjulelwa ukuthi ukuba akukho mvumelwano malunga –

(a) nokusetyenziswa kwegunya ekuthethwa ngalo kumhlathi (a), (c) okanye (d)(ii) welaa

candelwana, isigqibo seNkulumbuso siya kuma;
(b) nokusetyenziswa kwegunya ekuthethwa ngalo kumhlathi (b), (d) (i) okanye (e) welaa candelwana, gunya elo lichaphazela umntu ongelolungu lepati yeNkulumbuso, isigqibo senkokeli yepati alilungu layo loo mntu siyema;
(c) kwanokusetyenziswa kwegunya ekuthethwa ngalo kumhlathi (b) okanye (e) welaa candelwana, gunya elo lichaphazela umntu olilungu lepati yeNkulumbuso, isigqibo seNkulumbuso siyema.
(6) Ukuba ukuqingqwa okuthile kolwabelo lwezikhundla kuyatshintsha-tshintshwa phantsi kwecandelwana (4)(c), la malungu achaphazelekayo kufuneka azishiye izikhundla zawo, kodwa afanelekile ukuba, apho kunokwenzeka, angaphinda atyunjelwe kwizikhundla ezizezinye ezabelwe iipati zawo ngokokuqingqwa oko kutshintsha-tshintshiweyo.
(7) Iintlanganiso zeBhunga elinoLawulo oluPhezulu kufuneka zonganyelwe yiNkulumbuso yephondo.
(8) IBhunga elinoLawulo oluPhezulu kufuneka lisebenze ngendlela ekhathalela umoya wokufuna imvumelwano oqulethwe kukuqondwa kobuntoni borhulumente womanyano lwesizwe, nekhathalela imfuneko yokusebenza kukarhulumente ngemfezeko.”
2. Icandelo 136 lomGaqo-siseko omtsha lithatyathwa njengeliqulethe la macandelwana angamanye alandelayo:
“(3) Amalungu amaBhunga anoLawulo oluPhezulu ajongwe, lilelo ubuqu, yiNkulumbuso nayindlu yoWiso-mthetho yephondo ekuphatheni izikhundla zawo, aye onke amalungu eBhunga elinoLawulo oluPhezulu nawo ngokwawo athembeke ngokukwanjalo, ngokudibeneyo, malunga nokuqhutywa kwemisebenzi karhulumente wephondo kwaneenkqubo-sikhokelo zakhe.
(4) Amalungu eBhunga elinoLawulo oluPhezulu kufuneka aziphathe izikhundla zawo ngokungqinelana nenkqubo-sikhokelo eqingqwe liBhunga elo.
(5) Ukuba ilungu leBhunga elinoLawulo oluPhezulu liyasilela ukusiphatha isikhundla ngokungqinelana nenkqubo-sikhokelo yeBhunga, iNkulumbuso ingayalela ilungu elo ukuba liphathe isikhundla eso salo ngendlela efana naloo nkqubo-sikhokelo.
(6) Ukuba ilungu elichaphazelekayo liyasilela ukuhamba ngokomyalelo weNkulumbuso phantsi kwecandelwana (5), iNkulumbuso ingalisusa ilungu elo esikhundleni, emva kokubonisana nalo nasemva kokubonisana nenkokeli yepati yelo lungu, ukuba ilungu elo ayilolungu lepati yeNkulumbuso okanye aliyiyo inkokeli yeqela elithabatha inxaxheba.”
ISIHLOMELO D
Ulawulo lukarhulumente kunye neenkonzo zokhuseleko: Ukutshintshwa kwamacandelo athile omGaqo-siseko owandulela lo
1. Ukutshintshwa kwecandelo 218 lomGaqo-siseko owandulela lo –
(a) ngokufakela la magama alandelayo kwicandelwana (1) endaweni yamagama andulela umhlathi (a):
“(1) Kulawulwa yimiyalelo yomPhathiswa wezoKhuselo, uKhomishinala wesiZwe uya kujongana ne –”;
(b) ngokufakela endaweni yomhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:
“(b) ukutyunjwa kookhomishinala bephondo;”;
(c) ngokufakela endaweni yomhlathi (d) wecandelwana (1) lo mhlathi ulandelayo:
“(d) uphando nothintelo lolwaphulo-mthetho oluqulunqiweyo okanye ulwaphulo-mthetho olufuna uphando nothintelo kwisigaba sesizwe okanye ubunkunkqele obubodwa.”;
(d) ngokufakela endaweni yomhlathi (k) wecandelwana (1) lo mhlathi ulandelayo:
“(k) ukusekwa nokugcinwa kwebutho lesizwe lobupolisa logcino-cwangco eluntwini eliya kuthunyelwa ukuya kuxhasa uKhomishinala wePhondo, xa liceliweyo nguye;”.
2. Ukutshintshwa kwecandelo 219 lomGaqo-siseko owandulela lo ngokufakela kwicandelwana (1) endaweni yamagama akhokela umhlathi (a) la magama alandelayo:

“(1) elawulwa licandelo 218(1), uKhomishinala wePhondo uya kujongana ne –”.

3. Ukutshintshwa kwecandelo 224 lomGaqo-siseko owandulela lo ngokufakela endaweni yomqathango wecandelwana (2) lo mqathango ulandelayo:

“Zekuqondakale ukuba eli candelwana liya kusebenza kumalungu awo nawuphi na umkhosi wezixhobo owathi wangenisa uluhlu lwamalungu awo emva kokuqalisa ukusebenza komGaqo-siseko weRiphabliki yomZantsi Afrika, 1993 (umThetho 200 ko-1993), kodwa phambi kokwamkelwa kwetekisi entsha yomGaqo-siseko ekuthethwa ngayo kwicandelo 73 laloo mGaqo-siseko, ukuba umbutho wezopolitiko ophantsi kwegunya nolawulo lwawo okanye ozibandakanya nawo noxhasa iinjongo zawo wawuyithathile inxaxheba kwiBhunga elinoLawulo oluPhezulu leNguqu, wathabatha inxaxheba nakunyulo lokuqala lweNdibano yesiZwe kunye nezindlu zowiso-mthetho zamaphondo phantsi kwalo mGaqo-siseko ukhankanyiweyo.”.

4. Ukutshintshwa kwecandelo 227 lomGaqo-siseko owandulela lo ngokufakela endaweni yecandelwana (2) eli candelwana lilandelayo:

“(2) UmKhosi wezoKhuselo wesiZwe uya kusebenzisa amagunya awo wenze nemisebenzi yawo kuphela xa oko kusebenzela ukulungelwa kwesizwe ngokweSahluko 11 somGaqo-siseko weRiphabliki yomZantsi Afrika 1996.”.

5. Ukutshintshwa kwecandelo 236 lomGaqo-siseko owandulela lo –

(a) ngokufakela, endaweni yecandelwana (1), eli candelwana lilandelayo:

“(1) Inkonzo karhulumente, isebe likarhulumente, ulawulo okanye inkonzo yezokhuseleko eyaye, kanye phambi kokuqalisa ukusebenza komGaqo-siseko weRiphabliki yomZantsi Afrika, 1996 (othi apha, emva kwangoku, ubizwe ngokuthi “umGaqo-siseko omtsha”), isenza imisebenzi yoburhulumente, iyaqhuba ukusebenza ngokomthetho osebenzayo kuyo ide itshitshiswe okanye ifakelwe kulo, okanye idityaniswe nalo naliphi na iziko elifanelekileyo okanye ihlenga-hlengiswe okanye yenziwe-nye nalo naliphi na elinye iziko.”;

(b) ngokufakela endaweni yecandelwana (6) eli candelwana lilandelayo:

“(6) (a) UMongameli angatyumba ikhomishini ukuba ihlole ukwenziwa okanye ukutshintshwa kwekhontrakthi, ukutyunjwa okanye ukunyuselwa, okanye ukumisewa kwexesha okanye komqathango wempangelo okanye kwenye imfanelo, izinto ezo ezenzeka phakathi komhla wama-27 ku-Epreli 1993 nowama-30 kuSeptemba 1994, zisenzelwa naye nawuphi na umntu ekuthethwa ngaye kwicandelwana (2) okanye naliphi na iqela labantu ekuthethwa ngabo apho.

(b) IKhomishini ingayijikisa okanye iyitshintshe into nganye kwezi: ikhontrakthi, ukutyunjelwa esikhundleni, ukunyuselwa okanye umvuzo, ukuba ayifanelekanga okanye akukho sizathu sokwenzeka kwayo xa kuqwalaselwa iimeko zayo.

(c) Ngokuthi naphi na apho kuvela khona amagama athi “lo mGaqo-siseko”, kwicandelo 236, kufakelwe la amagama, “umGaqo-siseko omtsha”.”.

6. Ukutshintshwa kwecandelo 237 lomGaqo-siseko owandulela lo –

(a) ngokufakela, endaweni yomhlathi (a) wecandelwana (1), lo mhlathi ulandelayo:

“(a) uhlenga-hlengiso lwawo onke amaziko akhankanywe kwicandelo 236 (1), ngaphandle kwemikhosi yamajoni ekhankanywe kwicandelo 224 (2) luya kuthi emva kokuqalisa komGaqo-siseko weRiphabliki yomZantsi Afrika, 1996, luqhube, ngenjongo yokuseka –

(i) ulawulo olunemfezeko kwisigaba sesizwe sikarhulumente oluya kujongana nemicimbi ephantsi kolawulo lwesigaba sesizwe;

(ii) nolawulo olunemfezeko kwiphondo ngalinye ukwenzela ukujongana nemibandela ephantsi kolawulo lukarhulumente ngamnye wephondo.”.

(b) nangokufakela, endaweni yomhlathana (i) wecandelwana (2)(a), lo mhlathana ulandelayo:

“(i) amaziko akhankanywe kwicandelo 236 (1), ngaphandle kwemikhosi yamajoni, aya kuba phantsi korhulumente wesizwe, oya kuluthwala olu xanduva ngokusebenzisana noorhulumente bamaphondo;”.

7. Ukutshintshwa kwecandelo 239 lomGaqo-siseko owandulela lo ngokufakela, endaweni yecandelwana (4) eli candelwana lilandelayo:

“(4) Ngokokulawula kwawo, nangokungqinelana nawo, umthetho osebenzayo, zonke ezi zinto: iiasethi, amalungelo, imisebenzi namatyala ayo yonke imikhosi ekhankanywe kwicandelo 224 (2) ziya kuwela kumKhosi wezoKhuselo wesiZwe ngokungqinelana nemiyalelo yomPhathiswa wezoKhuselo.”.

IShedyuli 7

ImiThetho eRhoxisiweyo

INOMBOLO NONYAKA WOMTHETHO	ITAYITILE
UmThetho 200 ka-1993	UmThetho womGaqo-siseko weRiphabliki yomZantsi Afrika, 1993
UmThetho 2 ka-1994	UmThetho osisiHlomelo womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 3 ka-1994	UmThetho osisiHlomelo sesiBini womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 13 ka-1994	UmThetho osisiHlomelo sesiThathu womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 14 ka-1994	UmThetho osisiHlomelo sesiNe womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 24 ka-1994	UmThetho osisiHlomelo sesiThandathu womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 29 ka-1994	UmThetho osisiHlomelo sesiHlanu womGaqo-siseko weRiphabliki yomZantsi Afrika, 1994
UmThetho 20 ka-1995	UmThetho osisiHlomelo womGaqo-siseko weRiphabliki yomZantsi Afrika, 1995
UmThetho 44 ka-1995	UmThetho osisiHlomelo sesiBini womGaqo-siseko weRiphabliki yomZantsi Afrika, 1995
UmThetho 7 ka-1996	UmThetho osisiHlomelo womGaqo-siseko weRiphabliki yomZantsi Afrika, 1996
UmThetho 26 ka-1996	UmThetho osisiHlomelo sesiThathu womGaqo-siseko weRiphabliki yomZantsi Afrika, 1996

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Owavunywa ngomhla wesi-8 kuMeyi 1996, watshintshwa
ngowe-11 ku-Oktobha 1996 yiNdlu yoQulunqo lomGaqo-siseko

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