

UMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika



Satiso: Lelihumusho lesiSwati litsetfwe etiko leteMtsetfo neku tfutfukiswa kweMtsetfo Sisekelo wase Ningizimu Afrika. Chaphela, kune maphutsa ekuhumushweni kwaletinye tincenye. Kungumsebenti wetfu losachubeka kukulungisa loku, nekuphucula indlela yekuhumusha.

Please note: This translation is taken directly from the official Department of Justice edition. We are aware that it is not complete or always accurate (e.g. s6.23.2), and we are working towards a new, better translation.

Umtsetfosisekelo WeRiphabhuliki YaseNingizimu Afrika

Sendlalelo	8	37. Timo letibucayi	15
Sehluke 1: Timiso Letisisekelo (1-6)	9	38. Kuphocelelwa kwemalungelo	17
1. IRiphabhulikhi yaNingizimu Afrika	9	39. Kuhunyushwa kweluCwebu lwemaLungelo eLuntfu	17
2. Kuphakama kweMtssetfosisekelo kunayo yonkhe imitsetfo	9	Sehluke 3: Hulumende Welubambiswano (40-41)	18
3. Buve	9	40. Hulumende weRiphabhulikhi	18
4. Liculo lesive	9	41. Timisomgomo tahulumende welubambiswano nebudlelwano emkhatsini wabohulumende	18
5. Umjeka wavelonkhe	9	Sehluke 4: IPhalamende (42-82)	19
6. Tilwimi	9	42. Kubunjwa kwePhalamende	19
Sehluke 2: LuCwebu LwemaLungelo ELuntfu (7-39)	10	43. Ligunya lekushaya umtsetfo weRiphabhulikhi	19
7. EmaLungelo	10	44. Ligunya lekushaya umtsetfo wavelonkhe	19
8. Kusentjentswa	10	45. Imitsetfomgomo lehlanganyelwe netibopho kanye nemakomiti lahlanganyelwe	19
9. Kulingana	10	<i>Sigungu saVelonkhe</i>	20
10. Sitfunti sebuntfu	10	46. Kubunjwa nekukhetfwa	20
11. Imphilo	10	47. Bulunga	20
12. Inkhululeko nekuvikeleka kwebuntfu	10	48. Kufunga noma kuvuma ngekutibopha	20
13. Bugcili, kusebenta matima njengesigcila kanye nekusentjentswa ngenkhani	11	49. Budze besikhatsi sekusebenta kwesigungu saVelonkhe	21
14. Lingasese	11	50. Kuhlakateka kwesigungu saVelonkhe kungakapheli sikhatsi saso sekusebenta	21
15. Inkhululeko kutenkholo, inkholelo kanye nembono	11	51. Tikhatsi tekuhlangana nekuphumula	21
16. Inkhululeko yekubeka luvo	11	52. Somlomo kanye neLisekela laSomlomo	21
17. Umbutsano, umshuco, kuphatsa tincwembe letibhalwe tikhalo kanye nekubeka ticelo ngekutibhala phasi	11	53. Tincumo	21
18. Inkhululelo yekuhlanganyela	11	54. Emalungelo emalunga latsite eKhabhinethi nemaSekela etiNdvana teMbuso esiGungwini saVelonkhe	22
19. Emalungelo etembusave	11	55. Emandla eSigungu saVelonkhe	22
20. Buve	11	56. Bufakazi noma imininingwane lesempi kweSigungu saVelonkhe	22
21. Inkhululeko yekuhamba nekuhlala noma kuphi	11	57. Kuhlembisa kwangekhatsi, lokuchubekako netinchubo tesigungu saVelonkhe	22
22. Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe	12	58. Lilungelomvume	22
23. Budlelwano emkhatsini kwebacashi nebasebenti	12	59. Kuvumeleka kwemmango nekufaka sandla eSigungwini saVelonkhe	23
24. Simondzawo	12	<i>Umkhandlu weTifundza</i>	23
25. Imphahla	12	60. Kubunjwa kweMkhandlu waVelonkhe	23
26. Tindlu tekuhlala	13	61. Kubekwa kwetitfunywa	23
27. Kunakekela temphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle	13	62. Titfunywa letingesuswa	23
28. Bantfwana	13	63. Kuhlangana kweMkhandlu	
29. Temfundvo	13		
30. Lulwimi nemasiko	14		
31. Imimango yemasiko, yetenkholo neyelulwimi	14		
32. Kufinyeleleka kwemininingwane	14		
33. Sinyatselo setekuphatsa lesinebulungiswa	14		
34. Kufinyeleleka kwenkantolo	14		
35. Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	14		
36. Kuncishiswa kwemalungelo	15		

waVelonkhe weTifundza	24
64. Sihlalo neMasekela aSihlalo	24
65. Tincumo	24
66. Kufaka sandla kwemalunga eSigungu saVelonkhe lesengamele	24
67. Kufaka sandla kwalabamele hulumende wasekhaya	24
68. Emandla eMkhandlu waVelonkhe weTifundza	24
69. Bufakazi noma imininingwane lesembi kweMkhandlu waVelonkhe	24
70. Kuhlembisa kwangekhatsi, lokuchubekako netinchubo teMkhandlu waVelonkhe	25
71. Lilungelomvume	25
72. Kuvumeleka kwemango nekufaka sandla eMkhandlwini waVelonkhe	25

<i>Inchubo Yekushaya Umtsetfo waVelonkhe</i>	25
73. Imitsetfosivivinyo yonkhe	25
74. Imitsetfosivivinyo lechibiyela umtsetfosisekelo	26
75. Imitsetfosivivinyo leyeTayelekile lengatsintsani netifundza	26
76. Imitsetfosivivinyo leyetayelekile letsintsa tifundza	27
77. IMitsetfosivivinyo yetetiMali	28
78. Likomidi lekuLamula	29
79. Kubusiswa kweMtsetfosivivinyo	29
80. Sicelo seMalunga eMkhandlu waVelonkhe eNkantolo yeMtsetfosisekelo	29
81. Kushicilelewa kweMitsetfo	29
82. Kulondvolotwa kweMitsetfo yePhalamende	29

Sehluke 5: Mengameli Kanye NeSigungu

Lesengamele (83-102)	31
83. Mengameli	31
84. Emandla kanye Nemisebenti yaMengameli	31
85. Ligunya Lekwengamela eRiphabhulikhi	31
86. Kukhetfwa kwaMengameli	31
87. Kucala Kusebenta kwaMengameli	31
88. Sikhatsi sekuba sesikhundleni kwaMengameli	32
89. Kususwa kwaMengameli esikhundleni	32
90. Libambela laMengameli	32
91. IKhabhinethi	32
92. Kutiphendvulela kanye nemitfwalo	32
93. Emasekela etiNdvuna teMbuso	32
94. Kuchubeka kweKhabhinethi ngemuva kwelukhetfo	33
95. Sifungo noma kuvuma kwamukela sikhundla	33
96. Kutiphatsa kwemalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso	33
97. Kudluliselwa kwemisebenti	33
98. Kuniketwa kwemisebenti kwesikhashana	33
99. Kuniketwa kwemisebenti	33

100. Kungenelela kwavelonkhe ekuphatfweni kweTifundza	33
101. Tincumo tesigungu lesingamele	34
102. Tiphakamiso tekungatsembakali	34

Sehluke 6: Tifundza (103-150)	35
103. Tifundza	35

<i>Tishayamtsetfo teTifundza</i>	35
104. Ligunya lekushaya imitsetfo kweTifundza	35
105. Kubunjwa nekukhetfwa kwetishayamtsetfo tetifundza	35
106. Bulunga	35
107. Sifungo noma siciniseko	36
108. Sikhatsi sekusebenta kwesishayamtsetfo sesifundza	36
109. Kuhlakatwa kwesishayamtsetfo sesifundza kungakapheli sikhatsi saso sekusebenta	36
110. Tikhatsi tekuhlangana netekuphumula	36
111. BoSomlomo nemaSekela aboSomlomo	37
112. Tincumo	37
113. Emalungelo etitfunywa letingesuswa kutishayamtsetfo tetifundza	37
114. Emandla etishayamtsetfo tetifundza	37
115. Bufakazi noma imininingwane embi kwetishayamtsetfo tetifundza	37
116. Kutilawula, lokuchubekako netinchubo tetishayamtsetfo tetifundza	37
117. Emalungelomvume	38
118. Kungenela kwemango nekufaka sandla kwawo kutishayamtsetfo tetifundza	38
119. Kwetfulwa kweMtsetfosivivinyo	38
120. Imitsetfosivivinyo yeTimali	38
121. Kuvunyelwa kweMtsetfosivivinyo	38
122. Sicelo semalunga esishayamtsetfo eNkantolo yeMtsetfosisekelo	39
123. Kushicilelewa kwemitsetfo yetifundza	39
124. Kulondvolotwa kwemitsetfo yetifundza ngalokuphephile	39

<i>Labangamele Tifundza</i>	39
125. Ligunya lekwengamela letifundza	39
126. Kuniketwa kwemisebenti	39
127. Emandla nemisebenti yaboNdvunankhulu	40
128. Kukhetfwa kwaboNdvunankhulu	40
129. Kucala kwaNdvunankhulu esikhundleni	40
130. Sikhatsi sekuba sesikhundleni kwaboNdvunankhulu	40
131. Emabambela aboNdvunankhulu	40
132. Imikhandlu leyeNgamele	41
133. Kutiphendvulela kanye	

nemitfwalo	41	167. INkantolo yeMtsetfosisekelo	49
134. Kuchubeka kwemikhandlu		168. INkantolo lePhakeme kunato tonkhe	
yekweNgamele ngemuva kwelukhetfo	41	yekweNdlulisela emacala	50
135. Kufunga noma kuvuma		169. INkantolo lePhakeme yaseNingizimu	
ngekutibopha	41	Afrika	50
136. Kutiphatsa kwemalunga emkhandlu		170. Letinye tinkantolo	50
loweNgamele	41	171. Tinchubo tetiNkantolo	50
137. Kuntjintjwa kwemagunya		172. Emandla etinkantolo etindzabeni	
nemisebenti	41	temtsetfosisekelo	51
138. Kunikwa kwesikhashana		173. Emandla lekavele akhona enkantolo	51
kwemagunya nemisebenti	41	174. Kukhetfwa kwetiphatsimandla temtsetfo	51
139. Kungenelela kwesifundza		175. Kukhetfwa kwemabambela emaJaji	52
kuhulumende wasekhaya	41	176. Sikhatsi sekusebenta kanye nemiholo	52
140. Tincumo tesigungu lesengamele	42	177. Kukhishwa esikhundleni	52
141. Tiphakamiso tekungatsembakali	43	178. LiKhomishani leMisebenti yeTemtsetfo	52
		179. Umtimba wekushushisa	53
<i>IMitsetfosisekelo yetiFundza</i>	<i>43</i>	180. Letinye tindzaba letitsintsa kuphatfwa	
142. Kuvunywa kweMitsetfosisekelo		kwetebulungiswa	54
yetifundza	43		
143. Lokucuketfwe nguMtsetfosisekelo		Sehluke 9: Tikhungo Tembuso Letisekele Intsandvo	
weTifundza	43	Yelinyenti NgekeMtsetfosisekelo (181-194)	55
144. Kucinisekiswa kwemitsetfosisekelo		181. Kusungulwa kanye nemigomosisekelo	
yetifundza	43	lebusako	55
145. Kusayinwa, kushicilelwa			
nekulondvolotwa kwemitsetfosisekelo		<i>UMvikeli wemmango</i>	<i>55</i>
yetifundza	43	182. Imisebenti yeMvikeli weMmango	55
		183. Sikhatsi sekuba sesikhundleni	55
<i>IMitsetfo leNgcubutanako</i>	<i>43</i>		
146. Kungcubutana emkhatsini		<i>LiKhomishani laseNingizimu Afrika lemaLungelo</i>	
kwemtsetfo wavelonkhe newesifundza	43	<i>eLuntfu</i>	<i>55</i>
147. Lokunye kungcubutana	44	184. Imisebenti yeliKhomishani	
148. Kungcubutana		lemaLungelo eLuntfu	55
lokungasombululeki	44		
149. Lizinga lemtsetfo longahlulwa	44	<i>LiKhomishani lekuTfutfukiswa nekuVikelwa</i>	
150. Kuhunyushwa kwekungcubutana	44	<i>kwemaLungelo emiPhakatsi yemaSiko, teNkholo</i>	
		<i>neluLwimi</i>	<i>56</i>
Sehluke 7: Hulumente WaseKhaya (151-164)	45	185. Imisebenti yaleliKhomishani	56
151. Lizinga labomasipala	45	186. Kubunjwa kwaleliKhomishani	56
152. Tinhloso tahulumende wasekhaya	45		
153. Imisebenti yekutfutukisa yabomasipala	45	<i>LiKhomishani yekuLingana ngeBulili</i>	<i>56</i>
154. Bomasipala kuhulumende		187. Imisebenti yeliKhomishani	
welubambiswano	45	lekuLingana ngeBulili	56
155. Kubunjwa kwabomasipala	45		
156. Emandla nemisebenti yabomasipala	46	<i>UmCwaningimabhuku-Jikelele</i>	<i>56</i>
157. Kubunjwa nekukhetfwa kwemikhandlu		188. Imisebenti	
yabomasipala	46	yemCwaningimabhuku-Jikelele	56
158. Bulunga bemikhandlu yabomasipala	47	189. Sikhatsi sekuba sesikhundleni	57
159. Sikhatsi sekusebenta kwemikhandlu			
yabomasipala	47	<i>LiKhomishani yeluKhetfo</i>	<i>57</i>
160. Tichubo tangekhatsi	47	190. Imisebenti yeKhomishani	
161. Emalungelomvume	48	leluKhetfo	57
162. Kushicilelwa kwemitsetfo-sigodzi		191. Kubunjwa kweliKhomishani	
yamasipala	48	leluKhetfo	57
163. Hulumente wasekhaya lohlelekile	48		
164. Letinye tindzaba	48	<i>UMtimba lotiMele wekuLawula TekuSakata</i>	<i>57</i>
		192. UMtimba weTekuSakata	57
Sehluke 8: Tinkantolo Nekuphatfwa			
Kwebulungiswa (165-180)	49	<i>Timiso Jikelele</i>	<i>57</i>
165. Emandla etebulungiswa	49	193. Kubekwa esikhundleni	57
166. Luhlelo lwetemtsetfo	49	194. Kukhishwa esikhundleni	57

Sehluke 10: Kuphatfwa Kwembuso (195-197)	59	223. Kusungulwa kwalo	67
195. Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso	59	224. Inhloso lebalulekile	67
196. LiKhomishani lekuPhatfwa kweMbuso	59	225. Emandla nemisebenti	67
197. Kusebenta kuhulumende	60	<i>Tindzaba tetimali tetifundza netasekhaya</i>	67
Sehluke 11: Tekuvikela (198-210)	61	226. Tikhwama temali yetiFundza	67
198. Imigomosisekelo lebusako	61	227. Imitfombo yavelonkhe yetimali tabohulumende betifundza nebasekhaya	68
199. Kusungulwa, kuhlelwa kanye nekutiphatsa kwemibutfo yetekuphepha	61	228. Tintsela tesifundza	68
<i>Tekuvikela</i>	61	229. Emandla amasipala ekuphatsa timali nemisebenti	68
200. UMbutfo weTekuvikela	61	230. Timali tekubolekwa tifundza	69
201. Kutiphendvulela ngetembusave	61	230A. Timali tekubolekwa bomasipala	69
202. Kukhutwa kwembutfo wetekuvikela	61	Sehluke 14: Timiso Jikelele (231-243)	70
203. Simo sekuvikelwa kwavelonkhe	62	<i>Umtsetfo wemave emhlaba</i>	70
204. Lihhovisi letebubhalane lebantfu labangekho embutfweni	62	231. Tivumelwano nemave emhlaba	70
<i>Tebuphoyisa</i>	62	232. Umtsetfo wenzabuko wamhlabawonkhe	70
205. Umbutfo wetebuphoyisa	62	233. Kusetjentiswa kwemtsetfo wemave emhlaba	70
206. Kutiphendvulela ngetembusave	62	<i>Letinye Tindzaba</i>	70
207. Kulawulwa kwembutfo wetebuphoyisa	62	234. Tivumelwano temaLungelo	70
208. Lihhovisi labomabhalane lebantfu labangekho ebuphoyiseni	63	235. Kutibusa ngekwakho	70
<i>Bunhloli</i>	63	236. Kwelekelelwa ngetimali kwemacembu embusave	70
209. Kusungulwa nekuphatfwa kwemibutfo yebunhloli	63	237. Kwentiwa kwemisebenti ngekutimisela	70
210. Emandla, imisebenti nekweluswa	63	238. Kuphutfuma netitfunywa	70
Sehluke 12: Baholi Bendzabuko (211-212)	64	239. Tinchazelo	70
211. Kuhlonishwa	64	240. Kungahambelani emkhatsini kwemibhalo leyehlukene	71
212. Indzima yebaholi bendzabuko	64	241. Emalungiselelo esikhashana	71
Sehluke 13: Tetimali (213-230A)	65	242. Kucitfwa kwemitsetfo	71
<i>Tindzaba jikelele teTimali</i>	65	243. Sihloko lesifishane nekucala kusebenta	71
213. SiKhwama seMali saVelonkhe	65	Ishejuli 1: Umjeka Welive	72
214. Tabela letinebulungiswa nekuphakelwa kwemali	65	Ishejuli 1A: Tindzawo Tekwaxhiwa Kwetifundza	73
215. Imicombelelotimali yavelonkhe, yetifundza neyabomasipala	65	Sifundza saseMpumalanga Koloni	73
216. Kuphatfwa kwesigcinamafa	65	Sifundza saseFuleyistata	73
217. Kutfolakala kwemphahla	66	Sifundza saseGauteng	73
218. Ticiniseko tahulumende ngetikwelete	66	Sifundza saseKwaZulu-Natali	73
219. Kuholelwa kwebantfu labanetikhundla embusweni	66	Sifundza saseLimpopo	73
<i>LiKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende</i>	67	Sifundza saseMpumalanga	73
220. Kusungulwa nemisebenti yalo	67	Sifundza saseNshonalanga Koloni	74
221. Kubekwa nesikhatsi sekusebenta kwemalunga	67	Sifundza saseNyakatfo Nshonalanga	74
222. Imibiko	67	Sifundza saseNshonalanga Kapa	74
<i>LiBhange laseNkhabeni</i>	67	Ishejuli 2: Tifungo Tekungena Esikhundleni Nekuvuma Ngekutibopha	75
		1. Sifungo noma kuvuma ngekutibopha kwaMengameli neliBambela laMengameli	75
		2. Sifungo noma kuvuma ngekutibopha kwelisekela laMengameli	75
		3. Sifungo noma kuvuma ngekutibopha	

kwetiNdvuna tembuso nemasekela etiNdvuna	75	5. Ludzaba lolungakapheli ePhalamende	82
4. Sifungo kuvuma ngekutibopha kwemalunga esigungu saVelonkhe, emalunga langasuswa emkhandlu waVelonkhe weTifundza nemalunga etishayamtsetfo tetifundza	75	6. Lukhetfo lwesigungu saVelonkhe	82
5. Sifungo noma kuvuma ngekutibopha kwaNdvunankhulu, emabambela aboNdvunankhulu nemalunga etigungu temkhandlu loweNgamele	76	7. Umkhandlu weTifundza	82
6. Sifungo sekungena esikhundleni noma kuvuma ngekutibopha kwetiphatsimandla tetemtsetfo	76	8. Lebatimphunga	83
Ishejuli 3: Tinchubo Telukhetfo	77	9. Sigungu savelonkhe lesengamele	83
<i>Incenye A: Tinchubo telukhetfo lwebantfu Labanetikhundla ngekweMtsetfosisekelo</i>	77	10. Tishayamtsetfo tetifundza	83
1. Kusebenta	77	11. Kukhetfwa kwetishayamtsetfo tetifundza	83
2. Kuphakanyiswa	77	12. Tigungu tetifundza letengamele	83
3. Tidzingo letibekiwe	77	13. Imitsetfosisekelo yetifundza	84
4. Kumenyetelwa kwemagama alabaphakanyisiwe	77	14. Kuniketwa kwemitsetfo etifundzeni	84
5. Kuphakanyiswa kweligama linye	77	15. Imitsetfo lebeyivele ikhona ngaphandle kwemandla ekushaya umtsetfo kwephalamende	84
6. Inchubo yelukhetfo	77	16. Tinkantolo	84
7. Inchubo yekukhishwa	77	17. Emacala langakacedvwa etinkantolo	85
8. Leminye imihlangano	77	18. Umtimba wekushushisa	85
9. Imitsetfomgomo	78	19. Tifungo nekuvuma ngekutibopha	85
<i>Incenye B: Inchubo Yekutfole Kungenela Kwemacembu Etembusave Kumatsimba Emkhandlwini Wavelonkhe WeTifundza</i>	78	20. Letinye tikhungo temtsetfosisekelo	85
Ishejuli 4: Tinzawo Lapho Hulumende Wavelonkhe Kanye Nebetifundza Banemandla Ekushaya Umtsetfo Ngekuhlanganyela	79	21. Kushaywa kwemitsetfo lefunwa ngumtsetfosisekelo lomusha	86
Incenye A	79	22. Lubumbano lwavelonkhe nekubuyisana	86
Incenye B	79	23. LuCwebu lwemalungelo eluntfu	86
Ishejuli 5: Tinzawo Lapho Hulumende Wesifundza Yedvwana Anemandla Ekushaya Umtsetfo	80	24. Kuphatfwa kwembuso nemibutfo yetekuphepha	87
Incenye A	80	25. Kungavumeleki kwebulunga lokwengetwe betishayamtsetfo	87
Incenye B	80	26. Hulumende wasekhaya	87
Ishejuli 6: Timiselo Tesikhashana	81	27. Kulondvolotwa kwemitsetfo yephalamende neyetifundza	88
1. Tinchazelo	81	28. Kubhaliswa kwemphahla yembuso lenganyakati	88
2. Kuchubeka kwekusebenta kwemitsetfo lekhona	81	Ishejuli 6A	89
3. Kuhunyushwa kwemitsetfo levele ikhona	81	Ishejuli 6B	90
4. Sigungu saVelonkhe	82	Shejuli 7: Imitsetfo Lecitfwako	91
		Sihlomelo A: Tichibiyelo eShejulini 2 yeMtsetfosisekelo lomdzala	92
		Sihlomelo B: Hulumende Welubumbano Lwavelonkhe: Umkhakha Wavelonkhe	95
		Sihlomelo C: Hulumende Welubumbano Lwavelonkhe: Umkhakha Wesifundza	98
		Sihlomelo D: Kuphatfwa Kwembuso Nemibutfo Yetekuphepha: Tichibiyelo Etigabeni Temtsetfosisekelo Lomdzala	100

Sendlalelo

Tsine, bantfu baseNingizimu Afrika,

Siyakubona kungabi khona kwebulungiswa esikhatsini lesengcile;

Setfulela sigcoko labo labahlushwa kuze sitfole bulungiswa nenkhululeko eveni lakitsi;

Sihlonipha labo labaye basebentela kwakha nekutfutukisa live lakitsi; futsi Sikholelwa ekut- seni iNingizimu Afrika yabo bonkhe labahlala kuyo, sihlange nekwehlukahlukana kwetfu.

Ngako-ke, ngekumelelwa tiffunywa tetfu letikhetfwe ngekukhululeka, siyawamukela loMtset- fosisekelo njengemtsetfo lophakeme kunayo yonkhe eRiphabhulikhi ngenjongo -

- Yekwelapha kwehlukahlukana kwesikhatsi lesengcile kanye nekusungula ummango losekelwe kumagugu entsandvo yelinyenti, bulungiswa betenhlalakahle kanye nemalungelo lasisekelo eluntfu;
- Yekumiswa kwesisekelo semmango wentsandvo

yelinyenti nalongenamfihlo lapho hulumende abekwe ngetifiso tebantfu futsi nalapho tonkhe takhamuti tivikelwe ngalokulinganako ngumtsetfo;

- Yekunconota lizinga lemphilato lato tonkhe takhamuti futsi kukhululwe emakhono emuntfu ngamunye; kanye
- Neyekwakha iNingizimu Afrika lebumbene neyentsandvo yelinyenti futsi lekwati kut- satsa indzawo yayo lafanelekile njengelive lelitibusako emindenini yemave latibusako.

Sengatsi Somandla angavikela bantfu bakitsi. Nkosi Sikelel' iAfrika.

Morena boloka setjhaba sa heso.

God seën Suid-Afrika.

God bless South Africa.

Mudzimu fhatutshedza Afurika.

Hosi katekisa Afrika.

Sehluko 1: Timiso LetiSisekelo (1-6)

1. IRiphabhulikhi yeNingizimu Afrika

1. IRiphabhulikhi yeNingizimu Afrika ilive linye, lelitibusane ngekwentsandvo yelinyenti futsi lelesekelle kulamagugu lalandzelako -
 - a. Sitfunti sebuntfu, kuzuzwa kwekulingana kanye nekutfufukiswa kwemalungelo eluntfu nenkhululeko.
 - b. Kungabi khona kwelubandlululo ngekwembuhlanga nangekwembulili.
 - c. Kuphakama kwemtsetfosisekelo kunayo yonkhe imitsetfo kanye nekulawula kwemtsetfo.
 - d. Kuvumeleka kwalabadzala kutsi bavote, luhlu 3. lolwetayelekile lwebavoti bavelonkhe, lukhetfo loluba khona njalo kanye neluhlelo lwahulumende wentsandvo yelinyenti lolwakhiwe ngemacembu lamanyenti, kute kucinisekise kutiphendvulela, kugcinwa kwetitsembiso kanye nekuba sebaleni.

2. Kuphakama kweMtsetfosisekelo kunayo yonkhe imitsetfo

LoMtsetfosisekelo ungumtsetfo lophakeme kunayo yonkhe imitsetfo yeRiphabhulikhi; noma ngumuphi umtsetfo noma sento lokungcubutana naloMtsetfosisekelo akunamandla ekusebenta, kantsi netibopho letiphocelwa nguloMtsetfosisekelo kumele tiphunyeleliswe.

3. Buve

1. Kunebuve lobufanako eNingizimu Afrika.
2. Tonkhe takhamuti -
 - a. ngalokulinganako tineligunya lemalungelo, emalungelomvume kanye netinzuzo tebuve; futsi
 - b. ngalokulinganako tinekutiphendvulela netibopho temtfwalo webuve.
3. Umtsetfo wavelonkhe kube nekutfolwa, kulahlekelwa kanye nekubuyiselwa kwebuve.

4. Liculo lesive

Liculo lesive leRiphabhulikhi litawuncunywa nguMengameli ngesimemetelo semtsetfo.

5. Umjeka wavelonkhe

Umjeka wavelonkhe weRiphabhulikhi unembala lomnyama, losaligolide, loluhlata satjani, lomhlophe, lobovu nalolingangane, njengoba kuchazwe kwaphindze

kwadvwetjwa kuShejuli 1.

6. Tilwimi

1. Tilwimi letisetsetfweni taseRiphabhulikhi Sipedi, Sisutfu, Sitswana, Siswati, Sivenda, Sitsonga, Sibhunu, Singisi, Sindebele, Sichosa neSizulu.
2. Ngemuva kwekubona kuncipha ngekwemlandvo kusetjentiswa nebumcoka betilwimi tendzabuko tebantfu bakitsi, Umbuso kumele utsatse tinyatselo letibonakalako naleticinile tekuphakamisa bumcoka nekutfufukisa kusetjentiswa kwaletilwimi.
 - a. Hulumende wavelonkhe nabohulumende betifundza bangasebentisa noma ngutiphi tilwimi letisemtsetfweni emisebentini yahulumende, ngekubuketa kusetjentiswa, kwenteka, tindleko, timo tesigodzi kanye nekulinganisa tidzingo nekutikhetsela kwebantfu bonkhana noma esifundzeni lesitsintsekako; kepha hulumende wavelonkhe nalowo nalowo hulumende wesifundza kumele basebentise lokungenani tilwimi letimbili letisemtsetfweni.
 - b. Bomasipala kumele babukete kusetjentiswa kwetilwimi kanye nekutikhetsela kwebahlali betindzawo tabo.
4. Hulumende wavelonkhe nabohulumende betifundza, ngetinyatselo temtsetfo nangaletinye tindlela, kumele bacondzise futsi balandzelele kusebentisa kwabo tilwimi letisemtsetfweni. Ngaphandle kwekwehluka etimisweni tesigatjana (2), tonkhe tilwimi letisemtsetfweni kumele tihlonishwe futsi kumele tiphatfwe ngalokunebulungiswa.
5. LiBhodi letiLwimi Tonkhe taseNingizimu Afrika lelisingulwe ngekulandzela umtsetfo wavelonkhe kumele -
 - a. litfutukise, futsi lakhe timo letilungele kutfutukiswa nekusetjentiswa -
 - i. kwato tonkhe tilwimi letisemtsetfweni;
 - ii. kwetilwimi temaKhoyi, emaNama nemaSan; kanye
 - iii. nelulwimi lwetimphawu; liphindze
 - b. litfutukise futsi licinisekise kuhlonishwa -
 - i. kwato tonkhe tilwimi letivamise kusetjentiswa yimimmango yeNingizimu Afrika, lokufaka ekhatsi Sijalimane, Sigiliki, Sigujalati, Sihindi, Siputukezi, Sitamili, Sitelegu neSi-urdu; kanye
 - ii. Nesi-Arabhu, Sihebheru, Sisanskriti naletinye tilwimi letisetjentiswa kutenkholo eNingizimu Afrika.

Sehluke 2: LuCwebu LwemaLungelo Eluntfu (7-39)

7. EmaLungelo

1. LoluCwebu lwemaLungelo eLuntfu lusisekelo sentsandvo yelinyenti eNingizimu Afrika. Luvikela emalungelo abo bonke bantfu eveni lakitsi luphindze lucinise emagugu entsandvo yelinyenti ekuhlonishwa kwebuntfu, kulingana kanye nenkhululeko.
2. Umbuso kumele uhloniphe, uvikele, ukhutsate futsi ufeze lamalungelo lacuketfwe kuloCwebu lwemaLungelo eLuntfu.
3. Lamalungelo lakuloluCwebu lwemaLungelo eLuntfu anemkhawulo lobekwe noma lochazwe esigabeni 36, noma lokuletinye tindzawo kuloluCwebu.

8. Kusetjentiswa

1. LuCwebu lwemaLungelo eLuntfu lusebenta kuyo yonkhe imitsetfo fusi lubopha sishayamtsetfo, Sigungu lesengamele, tinkantolo kanye nato tonkhe tikhungo tembuso.
2. Simiso saloluCwebu lwemaLungelo eLuntfu sibopha umuntfu ngekwemvelo kanye nemuntfu-mtsetfweni, uma sisetjentiswa, noma kuye ngekutsi ngabe singasetjentiswa na, ngekubukwa kwenhlobo yalelo lungelo kanye nenhlobo yemtfwalo leliwetfwesako lelo lungelo.
3. Uma kusetjentiswa timiso teluCwebu lwemaLungelo eLuntfu kumuntfu ngekwemvelo kanye nemuntfu-mtsetfweni ngekulandzela sigatjana (2), inkantolo -
 - a. kuze iphumelelise lelo lungelo lelikuloluCwebu lwemaLungelo eLuntfu, kumele isebentise, uma kudzingekile iphindze itfutukise, umtsetfo lowetayelekile kuze kufike ezingeni lapho umtsetfo lobekiweungaliphumelelisi lelo lilungelo; futsi
 - b. ingatfutukisa imisimeto yemtsetfo lowetayelekile kunciphisa emandla alelo lungelo, uma ngabe lokuncishiswa kwemandla kuyahambisana nesigaba 36 (1).
4. Umuntfu-mtsetfweni unemalungelo latfolakala kuloluCwebu lwemaLungelo eLuntfu kuye ngelizinga lenhlobo yemalungelo kanye nesimo salowo muntfu-mtsetfweni.

9. Kulingana

1. Wonkhewonkhe uyalingana ngembi kwemtsetfo futsi ngalokulinganako unelilungelo lekuvikeleka nekuzuzwa emtsetfweni.
2. Kulingana kufaka ekhatsi kutfokotela emalungelo nekukhululeka ngalokuphelele nangalokulinganako. Kute kukhutsatwe kutfolakala kwekulingana, kungahle kutsatfwe tinyatselo temtsetfo kanye netalolunye luhlobo letimiselwe kuvikela noma kutfutukisa bantfu, noma tinhlobo letitsite tebantfu

lebetincishwe ematfuba ngenca yelubandlululo lolungenabulungiswa.

3. Umbuso akumelanga ubandlulule umuntfu ngalokungenabulungiswa ngalokucondzile noma ngekugegisa ngesizatfu sinye noma letinyenti, letifaka ekhatsi buhlanga, inkhuliso, bulili, kwemitsa, kutsi umuntfu ushadile noma akakashadi, kwehlukana kwebantfu ngebuve noma indzawo yekudzabuka, libala, inkholelo yekutsandzana, budzala, kukhubateka, inkholo, nembeza, intfo umuntfu lakholelwa kuyo, emasiko, lulwimi kanye nekutalwa.
4. Kute namunye umuntfu longabandlula ngalokungakalungi lomunye ngalokucondzile noma ngekugegisa ngesizatfu sinye noma letinyeti tizatfu letibekwe esigabeni (3). Umtsetfo wavelonkhe kumele ubekwe kuvimbela nekwencabela lubandlululo lolungakalungi.
5. Lubandlululo lolwentiwe ngasinye noma letinyeti taletizatfu letibekwe esigatjaneni (3) alukalungi ngaphandle uma ngabe kutfolakala bufakazi bekutsi lolo lubandlululo lulungile.

10. Sitfunti sebuntfu

Wonkhewonkhe unesitfunti semvelo kanye nelilungelo lekutsi sitfunti sakhe sihlonishwe futsi sivikelwe.

11. Imphilo

Wonkhewonkhe unelilungelo lekutsi aphile.

12. Inkhululeko nekuvikeleka kwebuntfu

1. Wonkhewonkhe unelilungelo lenkhululeko nekuvikeleka kwemuntfu, lokufaka ekhatsi lilungelo -
 - a. lekungamani emukwe inkhululeko nje ngalokungakafaneli noma ngaphandle kwesizatfu lesifanele;
 - b. lekungavalelwa ejele ngaphandle kwekushushiswa;
 - c. lekukhululeka kuto tonke tinhlobo tekukhukunyetwa letiphuma emitfonjeni yembuso noma yangasese;
 - d. lekungaviswa buhlungu emtimbeni nganoma nguyiphi indlela; kanye
 - e. nelekungaphatfwa noma lekungajeziswa ngendlela lenelunya nalengenabuntfu noma leyehlisa sitfunti.
2. Wonkhewonkhe unelilungelo ekuvikelekeni kwemtimba nekwasengcondvweni, lokufaka ekhatsi lilungelo -
 - a. lekuenta tincumo mayelana nekutala;
 - b. lekuvikeleka kwemitimba nekutiphatselela imitimba yabo; kanye
 - c. nelekungentiswa imisebenti yekulinga

kutekwelashwa noma tesayensi ngaphandle kwemvume lecebisekile yalowo muntfu.

13. Bugcili, kusebenta matima njengesigcila kanye nekusentjentiswa ngenkhani

Kute umuntfu lokumele afakwe ebugcilini, emsebentini lommatima njengesigcila noma ekusentjentisweni ngenkhani.

14. Lingasese

1. Wonkhe umuntfu unelilungelo lelingasese, lelifaka ekhatsi lilungelo -
 - a. lekutsi umuntfu noma likhaya lakhe lingaseshwa;
 - b. lekutsi imphahla yakhe ingaseshwa;
 - c. lekutsi tintfo lekanato tingabanjwa; noma
 - d. lekutsi lingasese lekuchumana kwakhe lingatsikanyetwa.

15. Inkhululeko kutenkholo, inkholelo kanye nembono

1. Wonkhewonkhe unelilungelo lenkhululeko yanembeza, kutenkholo, kumcabango, kunkholelo kanye nakumbono.
2. Imigidvo yetenkholo ingabanjelwa etikhungweni tembuso noma etikhungweni letisitwa ngemali ngumbuso, ngaphasi kwembandzela wekutsi -
 - a. leyo migidvo yetenkholo ilandzela imitsetfo yenchubo lebekwe baphatsi bembuso labafanele;
 - b. yentiwa ngendlela lenebulungiswa; futsi
 - c. kuyingenela akukhokhiswa mali futsi kuya ngentsandvo yemuntfu.
3.
 - a. Lesigaba asivimbeli umtsetfo lohlonipha -
 - i. imishado lephetfwe ngendlela yanoma nguwaphi emasiko, noma luhlelo lwemtsetfo wetenkholo, umtsetfo webantfu noma lophatselene netemndeni; noma
 - ii. tinhlelo temtsetfo webantfu noma lophatselene netemndeni ngaphasi kwanoma nguwaphi emasiko, letilandzelwa bantfu labachuba inkholo letsite.
 - b. Kuhlonishwa ngekulandzela indzima (a) kumele kuhambisane nalesigaba kanye naletinye timiso teMtsetfosisekelo.

16. Inkhululeko yekubeka luvo

1. Wonkhewonkhe unelilungelo lenkhululeko yekubeka luvo lwakhe, lelifaka ekhatsi -
 - a. inkhululeko yebetindzaba naletinye tinhlobo tekusakata tindzaba;
 - b. inkhululeko yekwemukela noma kuniketa imininingwane noma emasu;
 - c. inkhululeko yekusebentisa emakhono ekusungula; kanye
 - d. nenkhululeko kutemfundvo lececeshekile kanye neyekwenta lucwaningo ngetesayensi.
2. Lelilungelo lelikusigatjane (1) alenabeli kuloku

lokulandzelako -

- a. imfundzisolite legcugcutela imphi;
- b. kubhebhetselisa umoya weludlame lolungahle lucubuke noma nini; noma
- c. kushumayela intsandvo ngenca yebuhlanga, buve, bulili, noma inkholo, futsi lokukhomba kubhebhetselisa umoya wekubanga kulimata.

17. Umbutsano, umshuco, kuphatsa tincwembe letibhalwe tikhalo kanye nekubeka ticelo ngekutibhala phasi

Wonkhewonkhe unelilungelo, ngekuthula futsi angakahloni, lekubutsana, lekushuca, lekuphatsa tincwembe letibhalwe tikhalo nekwetfula ticelo letibhalwe phasi.

18. Inkhululelo yekuhlanganyela

Wonkhewonkhe unelilungelo lenkhululeko yekuhlanganyela.

19. Emalungelo etembusave

1. Sonkhe sakhhamuti sikhululekile ekwenteni tincumo mayelana netembusave, lokufaka ekhatsi lilungelo -
 - a. lekubumba licembu letembusave;
 - b. lekufaka sandla emisebentini yelicembu letembusave, noma lekusomela lelicembu letembusave emalunga; kanye
 - c. nelekukhankhasela licembu letembusave noma inhloso yetembusave.
2. Sonkhe sakhhamuti sinelilungelo lelukhetfo lolukhululekile, lolunebulungiswa, futsi loluba khona njalo lwekuvotela noma muphi umtimba losemtsetfweni losungulwe ngekulandzela uMtsetfosisekelo.
3. Sonkhe sakhhamuti lesidzala sinelilungelo -
 - a. lekuvota elukhetfweni lwanoma ngumuphi umtimba losemtsetfweni losungulwe ngekulandzela uMtsetfosisekelo, futsi sivote ngasese; kanye
 - b. nelekungenela lukhetfo lwesikhundla selihhovisi lemmango nekutsi, uma sikhetsiwe, sibambe leso sikhundla.

20. Buve

Kute sakhhamuti lesingemukwa lilungelo lekuba sakhhamuti.

21. Inkhululeko yekuhamba nekuhlala noma kuphi

1. Wonkhewonkhe unelilungelo lenkhululeko yekuhamba noma kuphi.
2. Wonkhewonkhe unelilungelo lekuhamba ashiye iRiphabhulikhi.
3. Sonkhe sakhhamuti sinelilungelo lekungena, nekutsi sihlale, nekutsi sakhe noma kuphi eRiphabhulikhi.

4. Sonkhe sakhamuti sinelilungelo lekutfole iphasipoti.

22. Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe

Sonkhe sakhamuti sinelilungelo lekutikhetsela luhwebo, umsebenti kanye nemsebenti loceceshelwe ngekukhululeka. Kuchuba lolo luhwebo, lowo msebenti noma lowo msebenti loceceshelwe kungalawulwa ngumtsetfo.

23. Budlelwano emkhatsini kwebacashi nebasebenti

1. Wonkhewonkhe unelilungelo lekuphatfwa ngalokunebulungiswa emsebentini.
2. Wonkhe umcashwa unelilungelo –
 - a. lekubumba nekujoyina inyunyana yebasebenti;
 - b. lekufaka sandla emishikashikeni nasetinhlelweni tetinyunyana tebasebenti; kanye
 - c. nelekuteleka.
3. Wonkhe umcashi unelilungelo -
 - a. lekubumba nekujoyina inhlango yebacashi; kanye
 - b. nelekufaka sandla emishikashikeni nasetinhlelweni tenhlango yebacashi.
4. Tonkhe tinyunyana tebasebenti nato tonkhe tinhlango tebacashi tinelilungelo -
 - a. lekutincumela kuphatfwa kwato, tinhlelo kanye nemishikashika yato;
 - b. lekubutsana; kanye
 - c. nelekubumba nekujoyina licoco letinhlango noma tinyunyana.
5. Tonkhe tinyunyana, tinhlango tebacashi kanye nebacashi banelilungelo lekucocisana ngekuhlanganyela mayelana netinzuzo temacala onkhe. Umtsetfo wavelonkhe ungashaywa kutsi utawucondzisa kucocisana ngekuhlanganyela kwebacashi nebasebenti. Ngekufinyelela ezingeni lalowo mtsetfo longahle unciphise lilungelo lelikuleSAHLUKO, lokuncishiswa kumele kuhambelane nesigaba 36 (1).
6. Umtsetfo wavelonkhe ungemukela tinhlelo tekuphepha tetinyunyana leticuketfwe etivumelwaneni tekucocisana ngekuhlanganyela kwebacashi nebasebenti. Ngekufinyelela ezingeni lalowo mtsetfo longahle unciphise lilungelo lelikulesahluko, lokuncishiswa kumele kuhambelane nesigaba 36 (1).

24. Simondzawo

1. Wonkhewonkhe unelilungelo –
 - a. lesimondzawo lesingesiyo ingoti emphilweni yakhe noma ekuphileni kahle kwakhe; kanye
 - b. nelekutsi simondzawo sivikeleke, kuze kuzuze netitukulwane letikhona naletitako, ngekusebentisa tinyatselo temitsetfo naletinye tindlela letifanele letentelwe-
 - i. kuvimbela kungcola nekuvimbela kwehla

- ii. kukhutsata kulondvolotwa kwemvelo; kanye
- iii. nekucinisekisa kutfutfukiswa kwenzawomvelo lesimeme nekusetjentiswa kwemitfombolusito yemvelo kubuye kutfutfukiswe ngendlela lengiyo temnotfo netenhlalakahle.

25. Imphahla

1. Kute umuntfu longemukwa imphahla ngaphandle uma kwentiwa ngekwe mtsetfo losebenta ngalokwetayeyekile, futsi kute umtsetfo longavumela kutsatselwa imphahla ngalokungekho emtsetfweni.
2. Imphahla ingatsatfwa kumnikati ngumbuso kuphela ngekulandzela umtsetfo losetjentiswa ngalokwetayeyekile-
 - a. kuze isetjentiselwe injongo yemango noma ngekwetimfuno temmango; futsi
 - b. ngekubhadalwa kwesincephetelo, linani laso, nesikhatsi kanye nendlela lekubhadalwa ngayo lokumele kube ngulokuvunyelenwe ngako ngulabo labatsintsekako noma loncunye noma lokwemukelwe yinkantolo.
3. Linani lesincephetelo nesikhatsi, kanye nendlela lekufanele kubhadalwe ngayo sincephetelo kufanele kube ngulokunebulungiswa nalokufanele, kukhombise kulinganiseka lokunebulungiswa lokukhona emkhatsini kwetimfuno temmango mayelana nalemphahla kanye nalabo labatsintsekako ngalemphahla, ngemuva kwekubuketa tonkhe timo letifanele letifaka ekhatsi -
 - a. kusetjentiswa kwalemphahla ngaleso sikhatsi;
 - b. umlandvo wekutfolakala kwalemphahla nekusetjentiswa kwayo;
 - c. linani lekutsengiswa kwalemphahla emakethe;
 - d. lizinga kanye nebubanti bekutalisa nekwelekelela ngetimali kwembuso ekutfolakaleni nekwenteni ncono leyo mphahla; kanye
 - e. Nenhloso yekutsatsa lemphahla kumnikati.
4. Ngekwenhloso yalesigaba -
 - a. timfuno temmango tifaka ekhatsi kutibophelela kwesive kungucuko kutemhlaba, netingucuko letiletsa kufinyeleleka ngekwebulungiswa kwayo yonkhe imitfombolusito yemvelo yeNingizimu Afrika; futsi
 - b. imphahla ayisiwo umhlaba kuphela.
5. Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze kunconotwe simo lesitawenta kutsi takhamuti titfole umhlaba ngendlela lenebulungiswa.
6. Umuntfu noma ummango buniyo bawo kumhlaba bungenakucinisekiswa kwemitsetfo ngesizatfu semitsetfo noma tinchubo tangaphambilini telubandlululo ngekwebuhlanga, unelilungelo lebuniyo lobucinisekisiwe noma lekuncephetelwa ngalokucatsanisekako, ngekuya ngekwetimiso teMtsetfo wePhalamende.
7. Umuntfu noma ummango lowatsatselwa imphahla

- ngemuva kwamhlaka 19 Inhlaba 1913 ngesizatfu semitsetfo noma tinchubo tangaphambilini telubandlululo ngekwebuhlanga unelilungelo, ngekuya ngekwetimiso teMtsetfo wePhalamende, lekutsi abuyiselwe imphahla yakhe noma ancephetelwe ngalokunebulungiswa.
8. Kute simiso kulesigaba lesingavimbela hulumente kutsi atsatsa tinyatselo tetemtsetfo noma talolunye luhlobo kuze kufinyelelwe kutingucuko temhlaba, temanti nalokunye lokuhambisanako, ngesizatfu sekulungiswa kwemiphumela yelubandlululo yangaphambilini ngekwebuhlanga, ngaphasi kwembandzela wekutsi loko kучезука kuletimiso letikulesigaba kuyavumelana netimiso tesigaba 36 (1).
 9. Iphalamende kumele iphasise lomtsetfo lophawulwe esigatjaneni (6).

26. Tindlu tekuhlala

1. Wonkhewonkhe unelilungelo lekutsi afinyelele ekutfoleni indlu yekuhlala lefanele.
2. Umbuso kumele utsatsa tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze lelilungelo liphunyeleliswe ngekwetigaba tenchubekelembili.
3. Kute umuntfu lotawususwa ekhaya lakhe, noma likhaya lakhe libhidlitwe, ngaphandle kwemyalelo wenkantolo lotsetfwe ngemuva kwekubuketa tonkhe timo letitsintsekako. Kute umtsetfo longagunyata kususwa kwemuntfu ekhaya lakhe ngalokungenabulungiswa.

27. Kunakekela temphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle

1. Wonkhewonkhe unelilungelo lekufinyelela –
 - a. kutinsita tekunakekelwa ngetemphilo, lokufaka ekhatsi kunakekelwa ekutfoleni bantfwana;
 - b. kudla lokwanele kanye nemanti lanele; kanye
 - c. nekuvikeleka kwetenhlalakahle, lokufaka ekhatsi, uma ngabe akakwati kutondla yena nelusendvo lwakhe, kulekelelwa kwetenhlalakahle.
2. Umbuso kumele utsatsa tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze lelo nalelo lungelo liphunyeleliswe ngekwetigaba tenchubekelembili.
3. Kute umuntfu lotawuncishwa kwelashwa etimeni letibucayi.

28. Bantfwana

1. Wonkhe umntfwana unelilungelo –
 - a. lekuba neligama kanye nebuve kusukela atalwa;
 - b. lekunakekelwa ngumndeni noma kunakekelwa batali, noma lokunye kunakekelwa lokufanelekile uma ngabe asuswe kusimondzawo semndeni wakhe;
 - c. lekunikwa kudla lokusisekelo lokunemsoco, indzawo yekufihla inhloko, lusitosisekelo lwekunakekelwa ngetemphilo, kanye nelusito

- kutenhlalakahle;
- d. lekuvikeleka ekuphatfweni kabi, ekunganakekelweni, ekuhlukunyetweni noma ekunyembenyweni;
 - e. lekuvikeleka ekuphatfweni kabi ngekwasemsebentini;
 - f. lekungentiswa noma lekungavunyelwa kutsi ente imisebenti -
 - i. lengakamlungeli umntfwana waleyo minyaka; noma
 - ii. lebeka imphilo yalowo mntfwana, imfundvo yakhe, umtimba wakhe noma ingcondvo yakhe noma kutfutfuka kwakhe ngekqwemoya, ngekwesimilo noma ngekwenhlalakahle engotini;
 - g. lekungavalelwa ejele, ngaphandle uma ngabe sekute lenye indlela, kantsi uma ngabe kudzingekile, ngetulu kulamalungelo umntfwana lanawo ngaphasi kwetigaba 12 na-35, lowo mntfwana angavalelwa kuphela sikhatsi lesifanele lesincane futsi unelilungelo -
 - i. lekugcinwa ngekwehlukaniswa nalabanye bantfu labavalelwe ejele labaneminyaka lengetulu kwa-18; kanye
 - ii. nelekuphatfwa ngendlela, futsi agcinwe esimeni, lebonelela iminyaka yakhe;
 - h. lekuniketwa ummeli ngumbuso, lokhokhelwa ngetimali tembuso, emacaleni langafaki bugebengu latsintsa lowo mntfwana, uma ngabe bulungiswa bungacekeleka phasi uma loku kungentiwa loku; kanye
 - i. nelekungasetjentiswa-ngco uma kunekungcubutana ngetikhali, kanye nekuvikeleka ngetikhatsi tekungcubutana ngetikhali.

2. Inhlalakahle yalomntfwana iyintfo lebaluleke kakhulu kuto tonkhe tintfo letiphatselene nalomntfwana.
3. Kulesigaba, ligama “umntfwana” lisho umuntfu loneminyaka lengaphasi kwa-18.

29. Temfundvo

1. Wonkhewonkhe unelilungelo -
 - a. lemfundvo lesisekelo, lokufaka ekhatsi imfundvo lesisekelo yalabadzala; kanye
 - b. lemfundvo lephakeme, ngekwetinyatselo temitsetfo kanye naletinye tindlela letifanalekile, lokumele umbuso uyente itfolakale futsi ifinyeleleke ngekwetigaba tenchubekelembili.
2. Wonkhewonkhe unelilungelo lekutfolela imfundvo ngelulwimi noma ngetilwimi letisemtsetfweni latikhetsile etikhungweni temfundvo temmango uma ngabe loku kungephumeleleka ngalokufanelekile. Kuze kucinisekiswe kufinyeleleka ngalokunemphumelelo kanye nekusetjentiswa kwalelilungelo, umbuso kumele ubukete tonkhe letinye tindlela tekufundzisa letingentiwa, lokufaka ekhatsi kusungula tikhungo temfundvo letisebentisa lulwimi lunye ekufundziseni, kubukwe loku -
 - a. bulungiswa;

- b. kuphumeleleka; kanye
 - c. nesidzingo sekulinganisa imiphumela leyabangwa mitsetfo netinchubo tangaphambilini telubandlululo ngekwebuhlanga.
3. Wonkhewonkhe unelilungelo lekusungula nekugcina, ngekusebentisa timali takhe, tikhungo letitimele temfundvo -
 - a. letingabandlululi ngekwebuhlanga;
 - b. letibhalisiwe nembuso; futsi
 - c. letigcina emazinga langekho ngaphasi kwemazinga etikhungo tetemfundvo tembuso leticansanisekako.
 4. Sigatjiana (3) asencabeli kwelekelelwa kwetikhungo temfundvo letitimele ngumbuso ngetimali.

30. Lulwimi nemasiko

Wonkhewonkhe unelilungelo lekusebentisa lulwimi nekutimbandzakanya emishikashikeni yelisiko latikhethese kona, kepha kute umuntfu lotawutsakasela lamalungelo ngendlela lengahambisani nanoma ngusiphi simiso seluCwebu lwemaLungelo eLunTFU.

31. Imimmango yemasiko, yetenkholo neyelulwimi

1. Bantfu labangemalunga emmango yemasiko, yetenkholo noma yelulwimi angeke bavinjelwe lilungelo, nalamanye emalunga aleyo mimmango -
 - a. lekutsakasela emasiko abo, lekuchuba inkholo yabo kanye nekusebentisa lulwimi lwabo; kanye
 - b. nelekubumba, lekujoyina nelekugcina tinhlango naleminye imitimba yemmango lokwesekelwe kumasiko, tenkholo nelulwimi.
2. Lamalungelo lasesegatjaneni (1) angeke atsakaselwa ngendlela lengahambisani nanoma ngusiphi simiso seluCwebu lwemaLungelo eLunTFU.

32. Kufinyeleleka kwemininingwane

1. Wonkhewonkhe unelilungelo lekufinyelela -
 - a. kunoma nguyiphi imininingwane legcinwe ngumbuso; kanye
 - b. nanoma nguyiphi imininingwane legcinwe ngulomunye umuntfu ledzingelwa kutsakasela noma kuvikela noma nguwaphe emalungelo.
2. Kumele kuphasiswe umtsetfo wavelonkhe kuze kutewuniketwa kusebenta kwalelilungelo, kantsi lomtsetfo ungabeka tindlela letifanelekako tekuphungula umtfwalo wekwengamela netetimali kuhulumende.

33. Sinyatselo setekuphatsa lesinebulungiswa

1. Wonkhewonkhe unelilungelo lesinyatselo setekuphatsa lesisemtsetfweni, lesifanele futsi lesilandzela inchubo lenebulungiswa.
2. Wonkhewonkhe emalungelo akhe latsikanyetwe sinyatselo setekuphatsa unelilungelo lekuniketwa tizatfu letibhalwe phasi.

3. Kumele kuphasiswe umtsetfo wavelonkhe kuze kutewuniketwa kusebenta kwalamalungelo futsi lomtsetfo kumele -
 - a. uniketetele ngekubuyeketwa kwetinyatselo tetekuphatsa yinkatolo noma , lapho kufanele khona, yinkhundla letimele nalengakhetsi;
 - b. wetfwese umbuso ngemtfwalo wekuphumelelisa kusebenta kwalamalungelo lasetigatjaneni (1) na-(2); uphindze
 - c. utfufukise kuphatsa kwembuso ngendlela lefanele.

34. Kufinyeleleka kwenkantolo

Wonkhewonkhe unelilungelo lekutsi noma ngabe nguluphi ludzaba lwembango lanalo lucatululwe ngekusetjentiswa kwemtsetfo nendlela lenebulungiswa ngembi kwenkantolo noma, uma kufanelekile, ngulenyekhundla noma ngumtimba lotimele nalengakhetsi.

35. Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala

1. Wonkhewonkhe loboshwe ngenca yekusolwa kutsi wente licala lelitsite unelilungelo -
 - a. lekubindza angasho lutfo;
 - b. lekwatiswa ngekusheshisa -
 - i. ngelilungelo lakhe lekubindza angasho lutfo; kanye
 - ii. nangemphumela longaba khona uma ngabe angabindzi;
 - c. lekungaphocelelwa kuvuma noma kwemukela sifungo lesingasetjentiswa njengebufakazi macondzana nalowo muntfu;
 - d. lekuletfa ngembi kwenkantolo ngekusheshisa, kepha hhayi ngemuva -
 - i. kwemahora lange-48 ngemuva kwekuboshwa; noma
 - ii. kwekuphela kwelusuku lwekutsetfwa kwemacala lwekucala ngemuva kwekuphela kwalamahora lange-48, uma lesikhatsi lesingemahora lange-48 siphela kumahora langesiwo ekutsetsa emacala noma siphela ngelilanga lelingesilo lekutsetsa emacala;
 - e. ekuveleni kwekucala enkantolo ngemuva kwekuvallelwa, lekwetfweswa licala noma lekwatiswa ngesizatfu sekuchubeka nekuvallelwa, noma akhululwe; kanye
 - f. nelekukhululwa ekuvallelweni uma ngabe timo tebulungiswa tivuma, ngaphasi kwemibandzela lefanele.
2. Wonkhewonkhe lovalelwe, lokufaka ekhatsi lesi naleso siboshwa lesigwetjiwe, unelilungelo -
 - a. lekwatiswa ngekusheshisa ngesizatfu sekuvallelwa;
 - b. lekukhatsa kanye nelekutsintsana nemmeli, kanye nekwatiswa ngalelilungelo ngekusheshisa;
 - c. lekuba nemmeli lowo loboshiwe lekanikwe yena ngumbuso, ngetindleko tembuso, uma ngabe kungahle kube nekucekelwa phasi kwebulungiswa uma kwentiwa ngalolunye luhlobo, kanye

- nekwatiswa ngalelilungelo ngekusheshisa;
- d. lekubeka incabhayi matfupha mayelana nekuba semtsetfweni kwekuvalelwa kwakhe enkantolo kanye nekutsi, uma ngabe loko kuvalelwa kungekho emtsetfweni, akhululwe;
 - e. lekuvalelwa ngaphasi kwetimo letihambisana nekuhlonishwa kwebuntfu, lokufaka ekhatsi lokungenani simiso sekutsi atfole indzawo leyenele yekuhlala, kudla lokunemsoco, tintfo tekufundza kanye nekwelashwa ngetindleko letikhokhelwa ngumbuso; kanye
 - f. nekuchumana, nelekuvakashelwa, kwalowo muntfu -
 - i. nguwakakhe/noma singani sakhe;
 - ii. tihlobo takhe tengati;
 - iii. ngumeluleki wetenkholo lokhetsiwe; kanye
 - iv. nangudokotela lokhetsiwe.
3. Wonkhewonkhe lotfweswe licala unelilungelo lekushushiswa ngalokunebulungiswa, lokufaka ekhatsi lilungelo -
- a. lekwatiswa mayelana nelicala latfweswe lona ngekuniketwa neminingwane leyanele kutsi akwati kutiphendvulalela macondzana nalelicala;
 - b. lekuniketwa sikhatsi lesanele netinsita tekulungiselela kutivikela kwakhe;
 - c. lekushushiswa ngembi kwemango enkantolo leyetayelekile;
 - d. lekutsi lelicala litsetfwe lize liyewuphela ngaphandle kwekubanjelelwa ngalokungenatizatfu;
 - e. lekuba khona enkantolo ngesikhatsi ashushiswa;
 - f. lekukhetsa, nelekumelwa, ngummeli, kanye nelekwatiswa mayelana nalelilungelo ngekusheshisa;
 - g. lekuba nemmeli lowo lowetfweswe licala lekanikwe lona ngumbuso, ngetindleko tembuso, uma ngabe kungahle kube nekucekelwa phasi kwebulungiswa uma kwentiwa ngalolunye luhlobo, kanye nekwatiswa ngalelilungelo ngekusheshisa;
 - h. lekutsatfwa njengemuntfu longenacala, lekubindza angasho lutfo, futsi lekunganiki bufakazi ngesikhatsi sekutsetfwa kwelicala;
 - i. lekwetfula kanye nelekuphikisa bufakazi;
 - j. lekungaphocelwa kutsi anikete bufakazi lobungambophisa;
 - k. lekugwetjwa ngelulwimi lowo lowetfweswe licala lekaluvisisako noma , uma ngabe loko kungakhonakali, lekutsi konkhe lokuchubekako kuhunyushelwe kulolo lwimi;
 - l. lekungagwetjelwa kwephula noma kwephtsa ngesento lebesingesilo licala ngaphasi kwemtsetfo wavelonkhe noma kumhlabawonkhe ngalesikhatsi sephulwa noma sephutsa.
 - m. lekungashushiselwa noma ngusiphi sephulomtsetfo macondzana nekwephula noma kwephtsa lowo muntfu lake wakhlulwa noma wagwetjwa yinkantolo mayelana naso;
 - n. lekutfole sigwebo lesilula kunaleti letinye letibekiwe uma ngabe sigwebo lesibekelwe lelo

- cala sintjintjiwe emkhatsini kwesikhatsi sekwephulwa kwemtsetfo naleso sekwetfulwa kwesigwebo; kanye
- o. nelekwendluliselela, noma lekubuyeketwa, kwalelo cala yinkantolo lenkhulu.
4. Njalo-nje uma ngabe lesigaba sidzinga iminingwane kutsi iniketwe umuntfu, leyo mininingwane kumele iniketwe ngelulwimi lowo muntfu laluvisisako;
 5. Bufakazi lobutfolakele ngendlela leyephula noma nguliphi lilungelo kuloluCwebu lwemaLungelo eLuntfu kumele bulahlelwe ngaphandle uma ngabe kwemukelwa kwalobo bufakazi kutawenta kutsetfwa kwalelicala kube ngulokungenabulungiswa noma kutawucekela phasi kuchutjwa kwebulungiswa.

36. Kuncishiswa kwemalungelo

1. Emalungelo lekukuloluCwebu lwemaLungelo eLuntfu angancishiswa kuphela ngekulandzela umtsetfo losentjentiswa ngalokwetayelekile kuphela ngekuya ngekwelizinga lekutsi loko kuncishiswa kunetizatfu letibonakalako futsi kuyemukeleka emmangweni loselubala newentsandvo yelinyenti lowesekelwe esitfuntini seluntfu, kulingana kanye nekukhululeka, ngekubuketa konkhe lokumcoka, lokufaka ekhatsi -
 - a. inhlobo yelilungelo;
 - b. kubaluleka kwenhloso yalokuncishiswa;
 - c. inhlobo nelizinga lekuncishiswa;
 - d. budlelwano emkhatsini kwekuncishiswa nenhloso yako; kanye
 - e. nendlela lengakhinyabeti kakhulu yekuzuza leyo nhloso.
2. Ngaphandle uma kuya njengoba kwendlalwe esigatjaneni (1) noma kusiphi lesinye simiso seMtsetfosisekelo, akukho umtsetfo longanciphisa nanoma nguliphi lilungelo lelishicilelwe kuloluCwebu lwemaLungelo eLuntfu.

37. Timo letibucayi

1. Simo lesibucayi singamenyetelwa kuphela ngekulandzela uMtsetfo wePhalamende, futsi singamenyetelwa kuphela -
 - a. uma ngabe imphilo yesive yetfuswa ngekuba khona kwemphi, kuhlaselwa, kuvukela umbuso lokwetayelekile, kungalandzelwa kwemtsetfo, inhlekeleleyemvelo noma letinye tintfo letibucayi emmangweni; futsi
 - b. uma lesimemetelo sidzingelele kutewuletsa kuthula nelulandzelwa kwemtsetfo.
2. Simemetelo sesimo lesibucayi, kanye nanoma ngumuphi umtsetfo loshaywe noma lesinye sinyatselo lesitsetfwe ngekulandzela leso simemetelo, singasebenta kuphela -
 - a. ngemuva kwelilanga lesimenyetelwe ngalo; futsi
 - b. malanga langendluli ku-21 ngemuva kwekumenyetelwa, ngaphandle uma ngabe Sigungu saVelonkhe sincuma kwelula lesimemetelo. Sigungu singelula kusebenta kwalesimemetelo ngesikhatsi lesingendluli

etinyangeni letintsatfu ngesikhatsi sinye sekwelula. Kwelulwa kwekucala kwesimo lesibucayi kumele kwentiwe ngesincumo lesitsetfwe sasekelwa linyenti lemalunga aleSigungu. Noma ngukuphi kwelulwa lokulandzelako kumele kwentiwe ngesincumo lesitsetfwe sasekelwa ngemalunga lengekho ngaphasi kwemaphesenti langu-60 aleSigungu. Sincumo lesitsetfwe ngekulandzela lesigaba kumelesitsatfwe kuphela ngemuva kwenkhulumomphikiswano yaleSigungu levulekeleummango.

3. Nanoma nguyiphi inkantolo leneligunya ingancuma ngekuba semtsetfweni -
 - a. kwekumenyetelwa kwesimo lesibucayi;
 - b. kwanoma ngukuphi kwelulwa kwekumenyetelwa kwesimo lesibucayi; noma
 - c. kwanoma ngumuphi umtsetfo loshayiwe, noma lesinye sinyatselo lesitsetfwe, ngekulandzela kumenyetelwa kwesimo lesibucayi.
4. Nanoma ngumuphi umtsetfo loshaywe ngesizatfu sekumenyetelwa kwesimo lesibucayi ungehluka eluCwebini lwemaLungelo eLuntfu kufika ezingeni kuphela -
 - a. lekutsi lokwehluka kudzingwa nguleso simo lesibucayi; futsi
 - b. lekutsi lowo mtsetfo –
 - i. uhambelana netibopho teRiphabhulikhi ngaphasi kwemtsetfo wemave emhlaba losebentako macondzana netimo letibucayi;
 - ii. uyavumelana nesigatjana (5); futsi
 - iii. ushicilelwa kuGazethi yaHulumende yavelonkhe ngekusheshisa lokwemukelekako ngemuva kwekutsi ushaywe.
5. Kute uMtsetfo wePhalamende loniketa ligunya lekumenyetelwa kwesimo lesibucayi, futsi kute umtsetfo loshayiwe noma lesinye sinyatselo lesitsetwe ngenca yaleso simemetelo, lokungavumela noma kunikete lingunya -
 - a. lekuvikela umbuso noma lomunye umuntfu, macondzana netento letingekho emtsetfweni;
 - b. noma ngukuphi kwehluka kulesigaba; noma
 - c. ngukuphi kwehluka esigabeni lesiphawulwe eluhlwini 1 kuleliThebula lemaLungelo langenakuNcishiswa kuze kufike ezingeni lelikhonjiswe ngekucatsanisa lesigaba eluhlwini 3 lwaleliThebula.

LiThebula lemaLungelo langeke anNcishiswa

Inombolo yesigaba	Sihloko sesigaba	Lizinga lekunganciphiseki kwelilungelo
9	Kulingana	Uma kuphatselene nekubandlulula ngekwebuhlanga, libala, buve noma kutsalwa, bulili, inkholo noma lulwimi
10	Sitfunti sebuntfu	Lonkhe
11	Imphilo	Lonkhe

Inombolo yesigaba	Sihloko sesigaba	Lizinga lekunganciphiseki kwelilungelo
12	INkhululeko nekuVikeleka kwemuntfu	Uma kuphatselene netigatjana (1)(d) na (e) kanye na (2)(c)
13	Bugcili, kusebenta matima njengemfunjwa kanye nekusentjentiswa ngenkhani	Uma kuphatselene nebugcili nekubenta matima njengemfunjwa
28	Bantfwana	Uma kuphatselene: - nesigatjana (1)(d) na(e) - nemalungelo lasetindzimeni(i) na(ii) tesigatjana (1) (g); kanye - nesigatjana (1)(i) uma kuphatselene nebantfwana labaneminyaka leli -15 nangaphasi
35	Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	Uma kuphatselene: - netigatjana (1)(a),(b) na-(c) kanye na-(2)(d); - nemalungelo lasetindzimeni(a)-(o) tesigatjana (3) ngaphandle kwendzima(d); - nesigatjana (4); kanye - nesigatjana (5) uma kuphatselene nekungemukelwa kwebufakazi uma kutsatfwa kwabo kutawenta kutsetfwa kwelicala kungabi nebulungiswa

6. Noma nini lapho umuntfu avelelwe ngaphandle kwekushushiswa ngenca yesizatfu sekuncishiswa kwemalungelo akhe lesibangelwe kubekwa kwemtsetfo wesimo lesibucayi kute kulandzelwe lemibandzela lelandzelako -
 - a. Umuntfu lomdzala lolilungu lemndeni noma umngani walowo muntfu lovalelwe kufanele atsintfwe ngekungephuti lokungakadzingeki, futsi atjelwe kutsi lowo muntfu uvalelwe
 - b. Satiso kuGazethi yaHulumende wavelonkhe kufute setfulwe kungakapheli emalanga lasihlanu avelelwe lowo muntfu, leso satiso sisho ligama lalowo lovalelwe kanye nendzawo lavalwe kuyo kanye nemtsetfo wesimo lesibucayi lavalwe ngaphasi kwaso lowo muntfu.
 - c. Lovalelwe kumele avunyelwe kutsi akhetse nekutsi avakashelwe ngudokotela ngesikhatsi lesifanele
 - d. Lovalelwe kumele avunyelwe kutsi akhetse nekutsi avakashelwe ngummeli ngesikhatsi lesifanele
 - e. Inkantolo kumele ibuke kabusha lokuvalwe kwalomuntfu ngekusheshisa, kepha kungakapheli emalanga lalishumi ngemuva kwekuvalwe kwalowo muntfu kantsi inkantolo kumele ikhulule lomuntfu ngaphandle uma ngabe lokuchubeka nekuvalwe kudzingekile futsi kuletsa kuthula nekulandzelwa kwemtsetfo

- f. Lovalelwe kepha angakakhululwa ngekulandzela kubuyeketwa kabusha kwesigatjana (e), noma longakakhululwa ngekwesibuketo ngaphasi kwalesigatjana angenta sicelo enkantolo kutsi iphindze ibukete kuvalelwa kwakhe esikhatsini lesingemalanga lali-10 ngemuva kwekubuyeketwa lokwendlulile, futsi inkantolo kumele ikhulule lowo muntfu ngaphandle uma ngabe lokuvalelwa solo kudzingekile kuletsa kuthula nekulandzelwa kwemtsetfo
- g. Lovalelwe kumele avunyelwe kuta matfupha enkantolo lebuketa indzaba yakhe yekuvalelwa, amelwe ngummeli ekutekweni kwelicala, kanye nekubeka tikhalo tekutsi kuvalelwa kungachubeki
- h. Umbuso kumele unikete inkantolo tizatfu letibhalwe phasi letivuma kuchubekisa kuvalelwa kwaloyo muntfu uphindze unikele lowo muntfu lovalelwe umbhalo waletizatfu kungakapheli lokungenani emalanga lamabili inkantolo isengakakubeki lokuvalelwa
7. Uma ngabe inkantolo ikhulula lovalelwe lowo muntfu angeke aphindze avalelwe ngetizatfu letifana naletto lebekavalelwe tona ngaphandle uma ngabe umbuso uniketa inkantolo sizatfu lesicinile sekumvalela futsi
8. Tigatjana (6) na (7) atisebenti kubantfu labangenabo buve beNingizimu Afrika futsi lababoshwe ngesizatfu sekulwa ngetikhali ngaphasi kwemtsetfo wemave emhlaba. Esikhundleni saloko umbuso kumele ulandzele emazinga laphocelela iRiphabhulikhi ngaphasi kwemtsetfo wemave emhlaba mayelana nekuvalela bantfu baloluhlobo.

38. Kuphocelelwa kwemalungelo

1. Noma ngubani lobalwe kulesigaba unelilungelo lekuya enkantolo lefanele, asho kutsi lilungelo lelikuluCwebu lwemaLungelo eLuntfu lephuliwe noma lesatjisiwe, kantsi inkantolo inganiketa

- sincepheteliso lesifanele, lokufaka ekhatsi kucinisekiswa kwemalungelo. Bantfu labangaya enkantolo ngulaba labalandzelako -
- a. noma ngubani lotiletsela sicelo egameni lakhe;
 - b. noma ngubani loletsa sicelo esikhundleni salomunye umuntfu longakwati kutentela loko egameni lakhe;
 - c. noma ngubani loletsa sicelo njengelilunga lelicembu, noma ngekwemfuno yelicembu noma licoco lebantfu;
 - d. noma ngubani loletsa sicelo ngekwemfuno yemmango; kanye
 - e. nenhlangano leletsa sicelo ngekwemfuno yemalunga ayo.

39. Kuhunyushwa kweluCwebu lwemaLungelo eLuntfu

1. Uma kuhunyushwa luCwebu lwemaLungelo eLuntfu inkantolo, libandla noma inkhundla -
 - a. kumele ikhutsate emagugu lasisekelo semmango loselubala newentsandvo yelinyenti lowesekelwe esitfuntini seluntfu, kulingana kanyenekukhululeka;
 - b. kumele ibuke umtsetfo wemave emhlaba; futsi
 - c. ingabuka umtsetfo wemave angaphandle.
2. Uma kuhunyushwa noma ngumuphi umtsetfo, futsi uma kutfutukiswa umtsetfo lowetayelekile noma umtsetfo wesintfu leyo naleyo nkantolo, emabandla noma tinkhundla kumele tikhutsate umoya, tinhloso kanye netinjongo teluCwebu lwemaLungelo eLuntfu.
3. LuCwebu lwemaLungelo eLuntfu alukuphikisi kuba khona kwalamanye emalungelo noma inkhululeko lokwemukelwa noma kuniketwa ngumtsetfo lowetayelekile, ngumtsetfo wesintfu noma kushaywa kwemtsetfo, kuyawufika ezingeni lapho kuhambisana khona neluCwebu lwemaLungelo eLuntfu.

Sehluo 3: Hulumente Welubambiswano (40-41)

40. Hulumente weRiphabhulikhi

1. ERiphabhulikhi, hulumente ubunjwe ngekwemikhakha wavelonkhe, weTifundza newahulumende wasekhaya, lokumikhakha leyehlukene, lencikelene nalesebentelanako.
2. Yonkhe imikhakha yahulumende kumele ibuke iphindze ilandzele timisomgomo letikuleSahluko futsi kumele ichube imisebenti yayo ngaphasi kwetakhiwo leSahluko lesitibekako.

41. Timisomgomo tahulumende welubambiswano nebudlelwano emkhatsini wabohulumende

1. Yonkhe imikhakha yahulumende nato tonkhe tikhungo tembuso kulowo nalowo mkhakha kumele -
 - a. ticine kuthula, lubumbano lwavelonkhe kanye nekungachekeki kweRiphabhulikhi;
 - b. tilondvolote inhlalakahle yebantfu beRiphabhulikhi;
 - c. tinikete hulumente lonemiphumela, longenamfihlo, lonekutiphendvulela nalosebentela inchubekelembili yeRiphabhulikhi yonkhana;
 - d. tetsebeke kuMtsetfosisekelo, kuRiphabhulikhi nakubantfu bayo;
 - e. tihloniphe emagunya ngekwemtsetfosisekelo, tikhungo, emandla nemisebenti yahulumende kuleminye imikhakha;
 - f. tingatsatsi emandla noma imisebenti ngaphandle kwaleyo letiniketwe yona nguMtsetfosisekelo;
 - g. tisebentise emandla noma tente imisebenti yato
- ngendlela lengagcumukeli eminyeleni ekusebenteni nasekutimeleni kwahulumende kulomunye umkhakha; futsi
- h. tisebentisane ngekwetsembana nangemoya lomuhle -
 - i. ngekwakha budlelwano lobunebungani;
 - ii. ngekwesekelana nekusitana;
 - iii. ngekwatisana, nekubonisana, ngetintfo letitsintsa timfuno tayo yonkhe imikhakha;
 - iv. ngekumatanisa tento tato nemitsetfo yato;
 - v. ngekulandzela tinchubo lekuvunyelenwe ngato; kanye
 - vi. nekugwema kumangalelana etinkantolo.
2. UMtsetfo wePhalamende kumele -
 - a. usungule noma wente kube khona takhiwo tekukhutsata tiphindze tente budlelwano emkhatsini wabohulumende; futsi
 - b. uniketele ngetakhiwo netinchubo letifanele tekucatulula kungcubutana emkhatsini wabohulumende.
3. Sikhungo sembuso lesitsintsekako ekungcubutaneni lokufaka bohulumende kumele sente tonkhe taba letingaphumeleleka tekucatulula lokungcubutana ngekusebentisa letakhiwo netinchubo letibekelwe loko, futsi kumele sitsatse onkhe lamanye emakhambi lafanele ngembi kwekuya enkantolo kutsi icatulule lokungcubutana.
4. Uma ngabe inkantolo ingeneliswa kutsi tidzingo tesigatjana (3) tiye talandzelwa, ingabuyisela loludzaba lwekungcubutana emuva kuleto tikhungo tembuso letitsintsekako.

Sehluko 4: IPhalamende (42-82)

42. Kubunjwa kwePhalamende

1. IPhalamende ibunjwe -
 - a. Sigungu saVelonkhe; kanye
 - b. neMkhandlu waVelonkhe weTifundza.
2. Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza sifaka sandla eluhlelweni lwekushaya umtsetfo ngendlela lebekwe kuMtsetfosisekelo
3. Sigungu saVelonkhe sikhetselwe kumela bantfu nekucinisekisa hulumente webantfu ngaphasi kweMtsetfosisekelo. Sikwenta loku ngekukhetsa Mengameli, ngekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba, ngekubeka imitsetfo nangekubukisisa nekwelusa tento teSigungu lesengamele.
4. Umkhandlu weTifundza umela tifundza kuze ucinisekise kutsi timfuno tetifundza tiyanakekelwa emkhakheni wahulumente wavelonkhe. Kwenta loku ikakhulukati ngekufaka sandla ekushayeni kwemtsetfo kuvelonkhe nangekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba letitsintsa tifundza.
5. Mengameli angabita iPhalamende kutsi ite emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebeni welikhetselo.
6. Indzawo yekuhlanganela kwePhalamende kuseKapa, kepha uMtsetfo wePhalamende lobekwe ngekulandzela tigaba 76(1) na-(5), ungabeka lenye indzawo kutsi kube yekuhlanganela iPhalamende.

43. Ligunya lekushaya umtsetfo weRiphabhulikhi

1. ERiphabhulikhi, ligunya lekushaya umtsetfo –
 - a. wemkhakha wahulumente wavelonkhe liniketwe iPhalamende njengoba kumiswe esigabeni 44
 - b. wemkhakha wahulumente wesifundza liniketwe tishayamtsetfo tesifundza, njengoba kumiswe esigabeni 104; kantsi
 - c. wemkhakha wahulumente wasekhaya liniketwe imikhandlu yaboMasipala, njengoba kumiswe esigabeni 156.

44. Ligunya lekushaya umtsetfo wavelonkhe

1. Ligunya lekushaya umtsetfo wavelonkhe njengoba liniketwe yiPhalamende -
 - a. linika Sigungu saVelonkhe emandla -
 - i. ekuchibiyela uMtsetfosisekelo;
 - ii. ekushaya umtsetfo lophatselene nanoma yini, lokufaka neludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4, kepha lokungafaki ekhatsi, ngaphasi kwembandzela wesigatjana (2), ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5;

- iii. nekuniketa nganoma nguwaphi emandla awo ekushaya umtsetfo, ngaphandle kwemandla ekuchibiyela uMtsetfosisekelo, kunoma ngumuphi umtimba wekushaya umtsetfo kulomunye umkhakha wahulumente; futsi
- b. linika Umkhandlu weTifundza emandla -
 - i. ekufaka sandla ekuchitjiyelweni kweMtsetfosisekelo ngekulandzela sigaba 74;
 - ii. ekushaya umtsetfo, ngekulandzela sigaba 76, lophatselene nanoma nguluphi ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4, kanye nanoma nguluphi lolunye ludzaba ngekuyalela kweMtsetfosisekelo lokumele ushaywe ngekulandzela sigaba 76; kanye
 - iii. nekucubungula, ngekulandzela sigaba 75, nanoma ngumuphi lomunye umtsetfo lohaywe Sigungu saVelonkhe.
2. IPhalamende ingangenela, ngekushaya umtsetfo ngekulandzela sigaba 76(1), eludzabeni loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5, uma ngabe kudzingekile -
 - a. kutewugcina kuphepha eveni lonkhe;
 - b. kutewugcina lubumbano kutemnotfo;
 - c. kutewugcina emazinga lafanelekile eveni lonkhe;
 - d. kutewusungula emazingancanti lafunekako uma kwetfulwa imisebenti; noma
 - e. kutewuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza noma live lonkhana.
 3. Umtsetfo lophatselene neludzaba lolubonakala lusidzingo, noma lolusondzelene ngandlela-tsite, ekusetjentisweni kwemandla ngalokusezingeni leliphakeme lokuphatselene neludzaba loluhleliswe kuShejuli 4, ngato tonkhe tinhloso, ngumtsetfo lophatselene nako konkhe lokuhleliswe kuShejuli 4.
 4. Uma isebentisa ligunya layo lekushaya umtsetfo, iPhalamende iboshwa kuphela nguMtsetfosisekelo, futsi kumele yente umsebeni wayo ngekulandzela tilinganiso teMtsetfosisekelo.

45. Imitsetfomgomo lehlanganyelwe netibopho kanye nemakomiti lahlanganyelwe

1. Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza kumele ubeke likomidi lehlanganyelwe lelingabeka imitsetfomgomo netibopho letiphatselene nemisebenti yayo lehlanganyelwe, lokufaka imitsetfomgomo netibopho -
 - a. tekusungula tinchubo tekuhlembisa kushaywa kwemtsetfo, lokufaka ekhatsi kubekwa kwesikhatsi lekufanele kutsi sinyatselo noma siphisicedvwe ngaso kuleyo nchubo;
 - b. tekusungula emakomiti lahlanganyelwe labunjwe

- ngemalunga lavela esiGungwini saVelonkhe naseMkhandlwini waVelonkhe weTifundza ekubuka nekubika ngeMtsetfosivivinyo lebukeyelwe ngekwetigaba 74 na-75 lemukiswe kulawo makomiti;
- c. tekusungula likomidi lelihlanganyelwe lekubuyeketa uMtsetfosisekelo lokungenani kanye ngemnyaka; kanye
 - d. netekulawula inchubo nemisebenti -
 - i. yelikomidi lelihlanganyelwe lemitsetfomgomo netibopho;
 - ii. yelikomidi lekuLamula;
 - iii. likomidi lekubuyeketa umtsetfosisekelo; kanye
 - iv. nanoma nguwaphi emakomiti lahlanganyelwe lasukunywisa ngekulandzela indzima(b).
2. Emalunga eKhabhinethi, emalunga eSigungu saVelonkhe netitfunywa teMkhandlu waVelonkhe weTifundza banemalungelomvume nekuvikeleka lokufanako embi kwekomiti lenhlanganyelwe yeSigungu saVelonkhe neMkhandlu waVelonkhe weTifundza.

Sigungu saVelonkhe

46. Kubunjwa nekukhetfwa

1. Sigungu saVelonkhe sakhiwe ngemalunga langekho ngaphasi kwe-350 futsi angabi ngetulu kwe-400 langulabasikati nalabadvuna labakhetfwe njengemalunga ngekulandzela luhlelo lwehlukhetfo -
 - a. lolumiswe ngumtsetfo wavelonkhe;
 - b. lolwesekelwe eluhlwini lolwetayelekile lwavelonkhe lwebavoti;
 - c. lolubeka buncane beminyaka yekuvota lobu-18; futsi
 - d. loluholela, jikelele, kumiphumela yekumelwa ngelinani lekuvotelwa kwelicembu letembusave.
2. Umtsetfo wePhalamende kumele umise indlela yekubeka linani lemalunga eSigungu saVelonkhe.

[Ngekwesigatjana (1) seMtsetfo wesichibiyelo seLishumi seMtsetfosisekelo wanga-2003 nangekwesi-gabaseMtsetfo weSichibiyelo seLishumi neSihlanu seMtsetfosisekelo wanga-2008]

47. Bulunga

1. Tonkhe takhamuti letivumelekile kutsi tivotele Sigungu saVelonkhe tamukelekile kutsi tibe lilunga leSigungu, ngaphandle -
 - a. kwanoma ngubani locashwe esikhundleni, noma loseebentela, 34 ngaphasi kwembuso futsi abe aholelwa ngaloko kucashwa, ngaphandle -
 - i. kwaMengameli, liSekela laMengameli, tiNdvuna teMbuso nemaSekela etiNdvuna teMbuso;
 - ii. kwanoma ngutiphi tiphatsimandla lapho imisebenti yato ihambelana neyemalunga eSigungu, futsi lemiswe njengalehambelanako ngekulandzela umtsetfo wavelonkhe;

- b. kwetitfunywa letingesuswa teMkhandlu waVelonkhe weTifundza noma emalunga esishayamtsetfo sesifundza noma eMkhandlu waMasipala;
 - c. kwebantfu labangakabuyiselwa emalungelomvume abo ngekwemtsetfo ngesizatfu sekutsi banetikweleti;
 - d. kwanoma ngumuphi umuntfu lotfolwe yinkantolo yeRiphabhulikhi kutsi akakaphili kahle engcondvweni; noma
 - e. kwanoma ngubani lokutse, ngemuva kwekucala kwekusebenta kwalesigaba, watfolwa anelicala waniketwa sigwebo setinyanga letingetulu kwa-12 ejele ngaphandle kwekunikwa lilungelo lekutsi akhiphe inhlawulo, noma eRiphabhulikhi, noma ngaphandle kweRiphabhulikhi uma ngabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha kute umuntfu lokungatsiwa ugwetjiwe uma kusengakancunywa kwendluliselwa kwelicala yinkantolo lephakeme noma sigwebo sisengakancunywa ngulenkantolo, noma kusengakaniketwa sigwebo, noma sikhatsi sekwendlulisela licala enkantolo lephakeme sesiphelile, kwemukwa lemvume ngekulandzela lendzima kuphela ngemuva kweminyaka lesihlanu kuphele lesigwebo.
2. Umuntfu longakemukeleki kuba lilunga leSigungu saVelonkhe ngekwetigatjana (1)(a) noma (b) angamela lukhetfo lweSigungu, ngaphasi kwemibandzela yetilinganiso nobe imikhawulo lemiswe ngekulandzela umtsetfo wavelonkhe.
 3. Umuntfu ulahlekelwa bulunga beSigungu saVelonkhe uma ngabe lowo muntfu;
 - a. angasemukeleki kuba lilunga;
 - b. angekho esiGungwini ngaphandle kwemvume ngaphasi kwetimo lapho khona imitsetfomgomo netibopho teSigungu kumisa kutsi umuntfu longekho utawulahlekelwa bulunga; noma
 - c. ayekela kuba lilunga lelicembu lelimkhetsile lowo muntfu njengelilunga leSigungu.

[Sigatjana (3) sivalwe ngesigaba 2 seMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003, nangesigaba 2 seMtsetfo weSichibiyelo weLishumi nesihlanu weMtsetfosisekelo wanga-2008.] Nangekwesi-gaba 1 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2008]

4. Tikhala esiGungwini saVelonkhe kumele tigcwaliswe ngekulandzela umtsetfo wavelonkhe.

48. Kufunga noma kuvuma ngekutibopha

Ngembi kwekutsi emalunga eSigungu saVelonkhe acale kwenta imisebenti yawo esiGungwini kumele afunge noma avume ngekutibopha kutsi atawetsembeka kuRiphabhulikhi nekutsi atawutfofela uMtsetfosisekelo, ngekulandzela iShejuli 2.

49. Budze besikhatsi sekusebenta kwesigungu saVelonkhe

1. Sigungu saVelonkhe sikhethwa kutsi sisebente iminyaka lesihlanu.
2. Uma ngabe Sigungu saVelonkhe sihlakatwa ngekulandzela sigaba 50, noma uma kuphela sikhatsi saso sekusebenta, Mengameli, ngekwesimemetelo semtsetfo, kumele abite futsi amise emalanga elukhetfo, lekumele lubanjwe kungakapheli emalanga lange-90 ngemuva kwekuhlakateka kweSigungu noma ngemuva kwekuphela kwesikhatsi sekusebenta. Simemetelo semtsetfo sekubita nekumisa emalanga elukhetfo singakhishwa ngembi noma ngemuva kwekuphela kwesikhatsi sekusebenta kweSigungu saVelonkhe.

[Sigatjana (2) sivalwe ngesigaba 1 seMtsetfo weSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-1999.]

3. Uma ngabe imiphumela yelukhetfo lweSigungu saVelonkhe ayikaniketwa ngesikhatsi lesibekwe esigabeni 190, noma uma ngabe lukhetfo lubekwe eceleni yinkantolo, Mengameli ngesimemetelo semtsetfo, kumele abite futsi amise emalanga elukhetfo lolunye, lekumele lubanjwe kungakapheli emalanga lange-90 ngemuva kwekuphela kwaleso sikhatsi noma ngemuva kwelilanga lekwabekwa ngalo eceleni lolukhetfo.
4. Sigungu saVelonkhe sitawuchubeka kuba nemandla ekusebenta kusukukela ngesikhatsi sihlakateka noma ngesikhatsi siphelwa sikhatsi sekusebenta kuze kube lilanga ngembi kwelilanga lekucala lekuvotela lukhetfo lweSigungu lesilandzelako.

50. Kuhlakateka kwesigungu saVelonkhe kungakapheli sikhatsi saso sekusebenta

1. Mengameli kumele ahlakate Sigungu saVelonkhe uma ngabe –
 - a. Sigungu sitsatse sincumo sekuhlakateka ngelivoti lelesekela linyenti lemalunga aso; futsi
 - b. iminyaka lemitsatfu seyendlulile kusukela Sigungu sakhetfwa.
2. LiBamba laMengameli kumele lihlakate Sigungu saVelonkhe uma ngabe -
 - a. kunesikhala esikhundleni sekuba nguMengameli; futsi
 - b. Sigungu sehluleka kukhetha Mengameli lomusha kungakapheli emalanga lange-30 ngemuva kwekucala kwesikhala saMengameli.

51. Tikhatsi tekuhlangana nekuphumula

1. Ngemuva kwelukhetfo, kuhlangana kwekucala kweSigungu saVelonkhe kumele kwenteke ngesikhatsi nangelilanga lelincunye nguSomajaji kepha kungakapheli emalanga la-14 ngemuva kwekuniketwa kwemiphumela yelukhetfo. Sigungu singancuma ngetikhatsi nebudze baletinye tikhatsi tekuhlangana

kanye netikhatsi tekuphumula kwaso.

[Sigatjana (1) sivalwe ngesigaba 1 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Mengameli angabita Sigungu saVelonkhe kutsi site emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebenzi welikhetselo.
3. Kuhlangana kweSigungu saVelonkhe kuvumelekile kuletinye tindzawo ngaphandle kwendzawo yePhalamende kuphela ngetizatfu tetimfuno temmango, tekuphepha noma kufaneleka, futsi uma ngabe loko kumisiwe kumitsetfomgomo nakunchubo yaleSigungu.

52. Somlomo kanye neLisekela laSomlomo

1. Emhlanganweni waso wekucala ngemuva kwelukhetfo lwaso, noma uma kunesidzingo sekugcwalisa sikhala, Sigungu saVelonkhe kumele sikhethse Somlomo kanye neliSekela laSomlomo emalungeni aso.
2. Somajaji kumele engamele lukhetfo lwaSomlomo, noma amise lelinye lijaji lelitakwenta loko. Somlomo wengamela lukhetfo lweliSekela laSomlomo.

[Sigatjana (2) sivalwe ngesigaba 2 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3. Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaSomlomo kanye neliSekela laSomlomo.
4. Sigungu saVelonkhe singakhipha Somlomo noma liSekela laSomlomo esikhundleni ngesincumo. Linyenti lemalunga eSigungu kumele libe khona ngesikhatsi kutsatfwa lesincumo.
5. Ngekulandzela imitsetfomgomo netibopho taso, Sigungu saVelonkhe singakhetha letinye tiphatsimandla tekwegamela emalungeni aso kutewulekelela Somlomo neliSekela laSomlomo.

53. Tincumo

1. Ngaphandle uma ngabe uMtsetfosisekelo usho lokunye –
 - a. linyenti lemalunga eSigungu saVelonkhe kufanele libe khona ngembi kwekutsi kuvotelwe uMtsetfosivivinyo noma uMtsetfosivivinyo lochitjiyelwe;
 - b. lokungenani linyenti lakunye kulokutsatfu lemalunga kumele libe khona ngembi kwekutsi kuvotelwe noma nguluphi lolunye ludzaba lolusembi kweSigungu; futsi
 - c. yonkhe imibuto lesembi kweSigungu saVelonkhe incunye ngebunyeti bemalunga lavotile.
2. Lilunga leSigungu saVelonkhe lelingusihlalo emhlanganweni weSigungu alinalo livoti letinkhulumiswano kepha -
 - a. kumele livotele kwenta sincumo uma kunelinani lemavoti lelilinganako kulelo nalelo cala lembuto;

futsi

- b. lingafaka livoti letinkhulumiswano uma ngabe umbuto kumele uncunye ngekwesekelwa linani lemalunga lokungenani langulokubili kulokutsatfu kwelinani lemalunga eSigungu.

54. Emalungelo emalunga latsite eKhabhinethi nemaSekela etiNdvuna teMbuso esiGungwini saVelonkhe

Mengameli kanye nanoma nguliphi lilunga leKhabhinethi kanye nanoma nguliphi liSekela leNdvuna yeMbuso lelingesilo lilunga leSigungu saVelonkhe, ngaphasi kwemibandzela yemitsetfomgomo netibopho teSigungu, lingaba khona liphindze likhulume esiGungwini, kepha lingete lavota.

[Sigaba 54 sivalwe ngesigaba 3 seMtsetfo 34 wanga-2001.]

55. Emandla eSigungu saVelonkhe

1. Ekusebentiseni emandla aso ekushaya umtsetfo, Sigungu saVelonkhe -
 - a. singacubungula, sishaye, sichibiyele noma sicitse noma ngumuphi umtsetfo losembi kweSigungu; futsi
 - b. singasukumisa noma silungise umtsetfo ngaphandle kweMitsetfosivivinyo yetetimali.
2. Sigungu saVelonkhe kumele sente tindlela -
 - a. tekucinisekisa kutsi tonkhe tikhungo tembuso letengamele emkhakheni wahulumende wavelonkhe tinekutiphendvulela kuso; futsi
 - b. tekubeka liso -
 - i. ekusetjentsweni kwemandla avelonkhe ekwengamela, lokufaka kuphunyeleliswa kwemitsetfo; kanye
 - ii. nakunoma ngusiphi sikhungo sembuso.

56. Bufakazi noma imininingwane lesembi kweSigungu saVelonkhe

1. Sigungu saVelonkhe noma nguwaphi emakomiti aso -
 - a. singabita noma ngumuphi umuntfu kutsi atewuvela embi kwaso kutewuniketa bufakazi ngekubufungela noma ngekuvuma, noma kutsi aletse imiculu;
 - b. singafuna noma ngumuphi umuntfu noma sikhungo kutsi sitewubika kuso;
 - c. singaphocelela, ngekulandzela umtsetfo wavelonkhe noma imitsetfomgomo netibopho, noma ngumuphi umuntfu noma sikhungo kutsi sihloniphe lokubitwa noma lesidzingo ngaphasi kwetigatjana(a) noma (b); futsi
 - d. singemukela tikhalo, kubekwa kweluvo noma tefulo lokuvela kunoma ngumuphi umuntfu noma sikhungo lesinenshisekelo.

57. Kuhlelebisa kwangekhatsi, lokuchubekako netinchubo tesigungu saVelonkhe

1. Sigungu saVelonkhe -
 - a. singancuma siphindze silawule kuhlelebisa kwangekhatsi, lokuchubekako netinchubo taso; futsi
 - b. singenta imitsetfomgomo netibopho macondzana nemisebenti yaso, ngekubukisisa intsandvo yelinyenti macondzana nekumelela nekubamba indzima, kutiphendvulela, kuba selubala kanye nekumbandzakanyeka kwemango.
2. Imitsetfomgomo netibopho teSigungu saVelonkhe kumele tiniketele -
 - a. ngekusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze besikhatsi semakomiti aso;
 - b. ngekufaka sandla kwemacembu lamancane lekamelwe kuleSigungu emisebentini yeSigungu saVelonkhe nemakomiti aso, ngendlela lehambisananentsandvo yelinyenti;
 - c. lusito lwetetimali nelwekusebenta kulelo nalelo cembu lelimelwe kuleSigungu ngekulandzela linani lemalunga alo, kuze kutewusita lelicembu nemholi walo kutsi akhone kwenta imisebenti yakhe esiGungwini ngalokunemphumelelo; kanye
 - d. nekwemukelwa kwemholi welicembu lelikhulu leliphikisako kuleSigungu njengeMholi weliCembu leliPhikisako.

58. Lilungelomvume

1. Emalunga eKhabhinethi, emaSekela etiNdvuna teMbuso kanye nemalunga eSigungu saVelonkhe -
 - a. anenkhumuleko yekukhuluma esiGungwini kanye nasemakomitini aso, ngaphasi kwemibandzela yemitsetfomgomo netibopho taso; futsi
 - b. akukafaneli abekwe licala lembango noma lebugebengu, aboshwe, avalelwe ejele noma ahlawuliswe -
 - i. mayelana nanoma yini lekayisho, lekayetfule noma lekayendlale kuleSigungu noma kunoma nguliphi likomidi laso; noma
 - ii. mayelana nanoma yini levetwe ebaleni ngesizatfu sanoma yini lekayishilo, lekayetfulise noma lekayendlale kuleSigungu noma kunoma nguliphi likomidi laso.

[Sigatjana (1) siChitjiyelwe sigaba 4 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Lamanye emalungelomvume nekuvikeleka kwemalunga eSigungu saVelonkhe, emalunga eKhabhinethi kanye nemalunga eSigungu saVelonkhe angamiswa ngumtsetfo wavelonkhe.
3. Imiholo, tibonelelo netinzuzo letikhokhelwa emalunga eSigungu saVelonkhe aluphakelo-mali lolucondzene nesiKhwama saVelonkhe seMali.

[Sigaba 58 sichibiyelwe ngekwesigaba 4 seMtsetfo wekuchitjilelwa kweMtsetfosisekelo wanga-2001]

59. Kuvumeleka kwemmango nekufaka sandla eSigungwini saVelonkhe

1. Sigungu saVelonkhe kumele -
 - a. sicinisekise kufaka sandla kwemmango etinhlelweni tekushaya umtsetfo kanye naletinye teSigungu kanye nemakomiti aso; futsi
 - b. sichube umsebenti waso ngendlela leselubala, futsi sibambe imihlangano yaso, kanye naleyo yemakomiti aso, elubala, kepha kunetinyatselo letifanelekile letingatsatfwa -
 - i. kulawula kuvumeleka kwemmango, lokufaka ekhatsi kuvumeleka kwebemifombo yetindzaba, kuleSigungu nemakomiti aso; kanye
 - ii. nekuniketela ngekuseshwa kwanoma ngumuphi umuntfu kanye, uma kufanelekile, nekwencajelwa kwekungena, noma kukhishwa, kwanoma ngumuphi umuntfu.
2. Sigungu saVelonkhe akumelanga sencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

Umkhandlu weTifundza

60. Kubunjwa kweMkhandlu waVelonkhe

1. Umkhandlu weTifundza ubunjwe ngelitsimba lelinetitfunywa letilishumi letivela kuleso naleso sifundza.
2. Letitfunywa letilishumi -
 - a. tingemalunga lamane elikhetselo lafaka ekhatsi -
 - i. Ndvunankhulu wesifundza noma , uma Ndvunankhulu angekho, noma nguliphi lilunga lesishayamtsetfo sesifundza lelikhetfwe nguNdvunankhulu jikelele noma macondzana neludzaba lolutsite lolusembi kweMkhandlu waVelonkhe weTifundza; kanye
 - ii. naletinye titfunywa letintsatfu; kanye
 - b. netitfunywa letisitfupha letingesuswa letikhethfwe ngekulandzela sigaba 61 (2).
3. Ndvunankhulu wesifundza, noma uma ngabe Ndvunankhulu angekho, lilunga lelitsimba lesifundza lelikhetfwe nguNdvunankhulu, liholala lelitsimba.

61. Kubekwa kwetitfunywa

1. Emacembu lekemelwe kusishayamtsetfo sesifundza anelilungelo lekuba netifunywa kulelitsimba lesifundza ngekulandzela lendlela lebekwe eNcenyeni B yeShejuli 3.
2.
 - a. Kungakapheli emalanga langu-30 ngemuva kwekumenyetelwa kwemphumela welukhetfo lwesishayamtsetfo sesifundza, sishayamtsetfo kumele -

- i. sincume, ngekulandzela umtsetfo wavelonkhe, ngekutsi tingaki titfunywa talinye ngalinye licembu letitawuba titfunywa letingesuswa nekutsi tingaki letitawuba titfunywa letitawuba telikhetselo; futsi
 - ii. sikhethse titfunywa letingesuswa ngekulandzela kuphakanyiswa kwemagama ngemacembu.
- b. ...

[Sigaba (b) lesishiywe ngekwesigaba2 seMtsetfo weLishumi naKunewekuChitjilelwa kweMtsetfosisekelo wanga-2008.]

[Sigatjana (2) sivalwe ngesigaba 1 seMtsetfo weMfica wekuChitjijyelwa kweMtsetfosisekelo wanga-2002.] nangesigaba1 seMtsetfo weLishumi naKune wekuChitjilelwa kweMtsetfosisekelo wanga-2008.]

3. Lomtsetfo wavelonkhe lohlongotwe esigatjaneni (2)(a) kumele ucinisekise kumbandzakanyeka kwemacembu lamancane kuto totimbili letinhlobo tetitfunywa letingesuswa netitfunywa telikhetselo ngendlela lehambisana nentsandvo yelinyenti.
4. Sishayamtsetfo, ngekuvumelana kwaNdvunankhulu kanye nebaholi bemacembu lanelilungelo lekuba netifunywa telikhetselo elitsimbeni lesifundza, kumele simise titfunywa telikhetselo, njengoba kudzingeka njalo ngesikhatsi, kulamalunga esishayamtsetfo.

62. Titfunywa letingesuswa

1. Umuntfu lokhetfwe njengesitfunywa lesingesuswa kumele abe ngulovumelekile kuba lilunga lesishayamtsetfo sesifundza.
2. Uma ngabe umuntfu lolilunga lesishayamtsetfo akhetfwa njengesitfunywa lesingesuswa, lowo muntfu akabe asaba lilunga lesishayamtsetfo.
3. Titfunywa letingesuswa tikhetselwa sikhatsi lesiphela -
 - a. ngembili nje kwekuhlangua kwekucala kwesishayamtsetfo sesifundza ngemuva kwelukhetfo lwaso lolulandzelako;
 - b. ...

[Sigatjana (3) sivalwe ngesigaba 2 seMtsetfo weMfica wekuChitjijyelwa kweMtsetfosisekelo wanga-2002 nangekwesigaba 4 seMtsetfo weLishumi naKune wekuChitjijyelwa kweMtsetfosisekelo wanga-2008]

4. Umuntfu akabe asaba sitfunywa lesingesuswa uma ngabe lowo muntfu -
 - a. angasavumeleki kuba lilunga lesishayamtsetfo sesifundza ngesizatfu lesinye ngaphandle kwaleso sekukhetfwa abe lilunga lelingesuswa;
 - b. aba lilunga leKhabhinethi;
 - c. asalahlekelwe kwetsenjwa sishayamtsetfo sesifundza futsi ahociswe licembu lelimkhetsile;
 - d. angasabi lilunga lalelicembu lelamkhetsa lowo

- muntfu futsi ahociswe ngulelo cembu; noma
- e. angabi khona eMkhandlwini waVelonkhe weTifundza ngaphandle kwemvume etimeni lapho imitsetfomgomo netibopho tibeka kulahlekelwa sikhundla sekuba sitfunywa lesingesuswa.
 5. Tikhala ecenjini letifunyuwa letingesuswa kumele tivalwe ngekulanzela umtsetfo wavelonkhe.
 6. Ngembi kwekucala kwenta umsebeni wato eMkhandlwini waVelonkhe weTifundza, titfunywa letingesuswa kumele tifunge noma tivume ngekutibophela kwetsembeka kuRiphabhulikhi nekutobela uMtsetfosisekelo, ngekulanzela iShejuli 2.

63. Kuhlangua kweMkhandlu waVelonkhe weTifundza

1. Umkhandlu weTifundza ungancuma tikhatsi nebudze bekuhlangua kwawo kanye netikhatsi tekuphumula.
2. Mengameli angabita Umkhandlu weTifundza kutsi ute emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebeni welikhetselo.
3. Kuhlangua kweMkhandlu waVelonkhe weTifundza kuvumelekile kuletinye tindzawo ngaphandle kwenzawo yePhalamende kuphela ngetizatfu tetimfuno temmango, tekuphepha noma kufaneleka, futsi uma ngabe loko kumisiwe kumitsetfomgomo nasenchubeni yaloMkhandlu.

64. Sihlalo neMasekela aSihlalo

1. Umkhandlu weTifundza kumele ukhetse Sihlalo nemaSekela aSihlalo lamabili etitfunyweni.
2. Sihlalo nalinye liSekela bakhetfwa etitfunyweni letingesuswa kutsi baphatse letikhundla iminyaka lesihlanu ngaphandle uma ngabe sikhatsi sabo sekuba titfunywa siphela kungakapheli leminyaka lesihlanu.
3. Leli lesibili liSekela laSihlalo likhetselwa kuphatsa lesikhundla umnyaka munye, kantsi kumele lilandzelwe sitfunywa lesibuya kulesinye sifundza, kuze kutsi tonkhe timelwe ngekulanzelana.
4. Somajaji kumele engamele lukhetfo lwaSihlalo, noma amise lelinye lijaji lelitakwenta loko. Sihlalo wengamela lukhetfo lwemaSekela aSihlalo.

[Sigatjana (4) sivalwe ngesigaba 5 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

5. Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaSihlalo kanye nemaSekela aSihlalo.
6. Umkhandlu weTifundza ungakhipha Sihlalo noma liSekela laSihlalo esikhundleni ngesincumo.
7. Ngekulanzela imitsetfomgomo netibopho tawo, Umkhandlu weTifundza ungakhetsa letinye tiphatsimandla tekwegamela emalungeni awo kutewulekelela Sihlalo nemaSekela aSihlalo.

65. Tincumo

1. Ngaphandle lapho uMtsetfosisekelo usho ngaleny

indlela -

- a. sifundza ngasinye sinelivoti linye, lelifakwa egameni lesifundza yinhloko yetitfunywa taso; futsi
- b. yonkhe imibono lesembi kweMkhandlu waVelonkhe weTifundza kusuke kuvunyelenwe ngayo uma ngabe lokungenani tifundza letisihlanu tiwemukela lowo mbono.
2. Umtsetfo wePhalamende, loshaywe ngekulanzela inchubo lebekwe ngekulanzela noma tigatjana (1) noma (2) tesigaba 76, kumele ubeke indlela lefanako lekumele tifundza tinikete ngayo ligunya etitfunyweni tato tekufaka emavoti egameni letifundza.

66. Kufaka sandla kwemalunga eSigungu saVelonkhe lesengamele

1. Emalunga eKhabhinethi kanye nanoma nguliphi liSekela leNdvuna yeMbuso lingaba khona, liphindze likhulume eMkhandlwini waVelonkhe weTifundza, kepha lingete lavota.
2. Umkhandlu weTifundza ungabita lilunga leKhabhinethi, liSekela leNdvuna yeMbuso noma siphatsimandla seSigungu lesengamele kuvelonkhe noma leSigungu sesifundza lesengamele kutsi sibe khona emhlanganweni weMkhandlu noma welikomidi laloMkhandlu.

67. Kufaka sandla kwalabamele hulumende wasekhaya

Emalunga ngalokungakagcwali langengci kulalishumi lakhethfwe bohulumende labahlelekile basekhaya ngekulanzela sigaba 163 kutewumela tigaba letehlukene tabomasipala angafaka sandla uma kudzingekile kunchubo yeMkhandlu waVelonkhe weTifundza kodvwa angete avote.

68. Emandla eMkhandlu waVelonkhe weTifundza

1. Ekusebentiseni emandla awo ekushaya umtsetfo, Umkhandlu weTifundza -
 - a. ungacubungula, ushaye, uchibiyele noma ucitse noma ngumuphi umtsetfo losembi kweMkhandlu, ngekulanzela leSAHLUKO; futsi
 - b. ungasukumisa noma ulungise umtsetfo lowela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4 noma lomunye umtsetfo lophawulwe esigabeni 76 (3), kepha angeke usukumise noma ulungise iMitsetfosivivinyo yetetimali.

69. Bufakazi noma imininingwane lesembi kweMkhandlu waVelonkhe

1. Umkhandlu weTifundza noma nguwaphi emakomiti awo -
 - a. ungabita noma ngumuphi umuntfu kutsi atewuvela embi kwawo kutewuniketa bufakazi ngekubufungela noma ngekuvuma, noma kutsi

- aletse imiculu;
- b. ungafuna noma ngumuphi umuntfu noma sikhungo kutsi sitewubika kuwo;
 - c. ungapocelela, ngekulandzela umtsetfo wavelonkhe noma imitsetfomgomo netibopho, noma ngumuphi umuntfu noma sikhungo kutsi sihloniphe lokubitwa noma lesidzingo ngaphasi kwetigatjana(a) noma (b); futsi
 - d. ungemukela tikhalo, kubekwa kweluvo noma tefulo lokuvela kunoma ngumuphi umuntfu noma sikhungo lesinenshisekelo.

70. Kuhlelebisa kwangekhatsi, lokuchubekako netinchubo teMkhandlu waVelonkhe

1. Umkhandlu weTifundza -
 - a. ungancuma uphindze ulawule kuhlelebisa kwangekhatsi, lokuchubekako netinchubo tawo; futsi
 - b. ungenta imitsetfomgomo netibopho macondzana nemisebenti yawo, ngekubukisisa intsandvo yelinyenti macondzana nekumelela nekubamba indzima, kutiphendvulela, kuba selubala kanye nekumbandzakanyeka kwemango.
2. Imitsetfomgomo netibopho teMkhandlu waVelonkhe weTifundza kumele tiniketele -
 - a. ngekusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze besikhatsi semakomiti awo;
 - b. ngekufaka sandla kwato tonkhe tifundza emisebentini yeMkhandlu waVelonkhe weTifundza ngendlela lehambisana nentsandvo yelinyenti; kanye
 - c. nangekufaka sandla kwemacembu lamancane lekamelwe eMkhandlwini emisebentini yeMkhandlu waVelonkhe weTifundza nemakomiti awo, ngendlela lehambisana nentsandvo yelinyenti, uma ludzaba lutawuncunywa ngekulandzela sigaba 75.

71. Lilungelomvume

1. Titfunywa teMkhandlu waVelonkhe weTifundza kanye nebantfu labaphawulwe etigabeni 66 na-67 -
 - a. tinenkhululeko yekukhuluma eMkhandlwini kanye nasemakomitini awo, ngaphasi kwemibandzela yemitsetfomgomo netibopho tawo; futsi
 - b. akukafaneli tibekwe licala lembango noma lebugebengu, tiboshwe, tivalelwe ejele noma tihlawuliswe -
 - i. mayelana nanoma yini letiyishoko, letiyetfule noma letiyendlale kuloMkhandlu noma kunoma nguliphi likomidi lawo; noma
 - ii. mayelana nanoma yini levetwe ebaleni ngesizatfu sanoma yini letiyishito, letiyetfulise noma letiyendlale kuloMkhandlu noma kunoma nguliphi likomidi lawo.
2. Lamanye emalungelomvume nekuvikeleka

kwemalunga eMkhandlu waVelonkhe weTifundza, titfunywa teMkhandlu kanye nebantfu labaphawulwe ngaphasi kwetigaba 66 na-67 angamiswa ngumtsetfo wavelonkhe.

3. Imiholo, tibonelelo netinzuzo letikhokhelwa emalunga langesuswa eMkhandlu waVelonkhe weTifundza aluphakelo lolucondzene nesiKhwama saVelonkhe seMali.

72. Kuvumeleka kwemango nekufaka sandla eMkhandlwini waVelonkhe

1. Umkhandlu weTifundza kumele -
 - a. ucinisekise kufaka sandla kwemango etinhlelweni tekushaya umtsetfo kanye naletinye teMkhandlu kanye nemakomiti awo; futsi
 - b. uchube umsebenti wawo ngendlela leselubala, futsi ubambe imihlangano yawo, kanye naleyo yemakomiti awo, elubala, kepha kunetinyatselo letifanelekile letingatsatfwa -
 - i. kulawula kuvumeleka kwemango, lokufaka ekhatsi kuvumeleka kwebemifombo yetindzaba, kuloMkhandlu nemakomiti awo; kanye
 - ii. nekuniketela ngekuseshwa kwanoma ngumuphi umuntfu kanye, uma kufanelekile, nekwenecatjelwa kwekungena, noma kukhishwa, kwanoma ngumuphi umuntfu.
2. Umkhandlu weTifundza akumelanga wencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

Inchubo Yekushaya Umtsetfo waVelonkhe

73. Imitsetfosivivinyo yonkhe

1. Noma ngumuphi uMtsetfosivivinyo ungetfulwa ngembi kweSigungu saVelonkhe.
2. Lilunga leKhabhinethi kuphela noma liSekela leNdvuna yeMbuso, noma lilunga noma ikomiti yeSigungu saVelonkhe lelingetfula uMtsetfosivivinyo embi kweSigungu, kepha lilunga leKhabhinethi lelibukene netindzaba tetimali kuvelonkhe kuphela lelingetfula leMitsetfosivivinyo lelandzelako embi kweSigungu -
 - a. uMtsetfosivivinyo wetetimali; noma
 - b. uMtsetfosivivinyo loniketela ngemtsetfo lohlongotwa esigabeni 214.

[Sigatjana (2) sivalwe ngesigaba 1(a) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3. UMtsetfosivivinyo lophawulwe esigabeni 76 (3), ngaphandle kweMtsetfosivivinyo lophawulwe esigatjaneni (2)(a) noma (b) walesigaba, ungetfulwa embi kweMkhandlu waVelonkhe weTifundza.

[Sigatjana (3) sivalwe ngesigaba 1(b) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

4. Lilunga noma ikomiti yeMkhandlu waVelonkhe weTifundza kuphela lelingetfula uMtsetfosivivinyo embi kweMkhandlu.
5. UMtsetfosivivinyo lophasiwe Sigungu saVelonkhe kumele utfunyelwe kUmkhandlu weTifundza uma ngabe kumele ucutjungulwe nguloMkhandlu. UMtsetfosivivinyo lophasiswe nguMkhandlu weTifundza kumele utfunyelwe esiGungwini saVelonkhe.

74. Imitsetfosivivinyo lechibiyela umtsetfosisekelo

1. Sigaba 1 kanye nalesigatjana tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe, ngekwesekelwa kwemavoti lokungenani langemaphesenti langu-75 emalunga aso; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha.
2. Sahluko 2 singaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga aso; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lekungenani etifundza letisitfupha.
3. Letinye tiphakamiso teMtsetfosisekelo tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga awo; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha, uma ngabe lokuChitjiyelwa -
 - i. kuphatselene neludzaba lolutsintsa Umkhandlu weTifundza;
 - ii. kugucula iminyele, emandla, imisebenti noma tikhungo tetifundza; noma
 - iii. kuchibiyela siphakamiso lesicondzene-ngco neludzaba lwesifundza.
4. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo akumelanga ufake ekhatsi letinye tiphakamiso ngaphandle kwetichibiyelo temtsetfosisekelo nalokunye lokuphatselene naletichibiyelo.
5. Lokungenani emalanga langu-30 ngembi kwekutsi uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwe ngekulandzela sigaba 73(2), lomuntfu noma ikomiti lefuna kwetfula loMtsetfosivivinyo kumele -
 - a. ashicilele kuGazethi yaHulumende, futsi ngekuvumelana nemitsetfomgomo netibopho teSigungu saVelonkhe iminingwane yalesichibiyelo lesihlongotwako kuze sive sitawuphawula;
 - b. etfule ngekuvumelana nemitsetfomgomo netibopho teSigungu leyo mininingwane

- kutishayamtsetfo tetifundza kuze tibeke imibono yato;
- c. etfule ngekuvumelana nemitsetfomgomo netibopho teMkhandlu waVelonkhe weTifundza, leyo mininingwane eMkhandlwini kuze sive sikwati kucocisana ngawo, uma ngabe lesichibiyelo lesihlongotwiwe akusiso sichibiyelo lesidzinga kuphasiswa nguMkhandlu.
6. Uma uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwa umuntfu noma ikomiti leyetfula lowo Mtsetfosivivinyo kumele etfule noma ngukuphi kuphawula lokubhaliwe lokutfolakale esiveni nakutishayamtsetfo tetifundza -
 - a. kuSihlalo lotawendlala embi kweSigungu saVelonkhe; kanye
 - b. uma kutichibiyelo letiphawulwe etigatjaneni (1), (2) noma (3)(b) kuSihlalo weMkhandlu waVelonkhe weTifundza lotawendlala embi kweMkhandlu.
 7. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo ungete wavotelwa esiGungwini savelonkhe emalangenani langu-30 -
 - a. wetfuliwe uma Sigungu sihlange ngalesikhatsi loMtsetfosivivinyo wetfulwa; noma
 - b. wendlaliwe embi kweSigungu, uma Sigungu wephumulile ngalesikhatsi loMtsetfosivivinyo wetfulwa.
 8. Uma uMtsetfosivivinyo lophawulwe esigatjaneni (3)(b), noma ngabe nguyiphi incenye yalowo Mtsetfosivivinyo, uphatselenengco nesifundza noma tifundza letitsite, Umkhandlu weTifundza ungete wawuphasisa loMtsetfosivivinyo noma lencenye yawo letsintsekako ngaphandle uma ngabe wemukelwe sishayamtsetfo sesifundza noma tishayamtsetfo tetifundza letitsintsekako.
 9. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo losewuphasiswe Sigungu saVelonkhe futsi, lapho kufanele khona nguMkhandlu weTifundza, kumele utfunyelwe kuMengameli kutsi awamukele.

75. Imitsetfosivivinyo leyeTayelekile lengatsintsani netifundza

1. Uma ngabe Sigungu saVelonkhe siphasisa uMtsetfosivivinyo ngaphandle kweMtsetfosivivinyo lapho lenchubo lemiske esigabeni 74 noma 76 isebenta khona, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe weTifundza kutsi usetjentwe ngekuvumelana nalenchubo lelandzelako:
 - a. Umkhandlu kumele -
 - i. uphasise loMtsetfosivivinyo;
 - ii. uphasise loMtsetfosivivinyo loChitjiyelwe; noma
 - iii. ucitise loMtsetfosivivinyo.
 - b. Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo ngaphandle kwetichibiyelo, loMtsetfosivivinyo kumele umikiswe kuMengameli kutsi awamukele.
 - c. Uma ngabe uMkhandlu uwucitsa

- lomtsetfosivivinyo noma uwuphasisa ngembandzela wekuChitjiyelwa, uMkhandlu kumele uphindze uwucubungule lowo Mtsetfosivivinyo, unake noma ngutiphi tichibiyelo letiphakanyiswe nguMkhandlu, bese -
- i. uwuphasisa lowo Mtsetfosivivinyo futsi, noma netichibiyelo noma ngaphandle kwato; noma
 - ii. ungancuma kungachubeki nalowo Mtsetfosivivinyo.
- d. UMtsetfosivivinyo lophasiswe nguMkhandlu waVelonkhe ngekulandzela sigatjana(c) kumele umikiswe kuMengameli kutsi awamukele.
2. Uma ngabe Umkhandlu weTifundza uvota mayelana neliphuzu lelitsite ngaphasi kwalesigaba, sigaba 65 asisebenti; kepha
- a. ngasinye sitfunywa selitsimba letitfunywa tesifundza sinelivoti linye;
 - b. linyenti lemalunga etitfunywa langukunye kulokutsatfu kumele libe khona kungakatsatfwa livoti ngaleliphuzu; futsi
 - c. leliphuzu lemukelwe ngekutfolela emavoti lamanyenti, kepha uma kunelinani lelilinganako alabalemukelako nalabalicitsako, sitfunywa lesisesihlalweni sifaka livoti lesincumo.

76. Imitsetfosivivinyo leyetayelekile letsintsa tifundza

1. Uma ngabe uMkhandlu waVelonkhe uphasisa uMtsetfosivivinyo lophawulwe esigatjaneni (3), (4) noma (5), lowo Mtsetfosivivinyo kumele wemukelwe eMkhandlwini waVelonkhe weTifundza futsi usetjentwe ngalendlela lelandzelako:
 - a. UMkhandlu kumele -
 - i. uphasise loMtsetfosivivinyo;
 - ii. uphasise loMtsetfosivivinyo loChitjiyelwe; noma
 - iii. ucitse loMtsetfosivivinyo.
 - b. Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo ngaphandle kwetichibiyelo, loMtsetfosivivinyo kumele umikiswe kuMengameli kutsi awamukele.
 - c. Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo loChitjiyelwe, lowo Mtsetfosivivinyo loChitjiyelwe kumele umikiswe eMkhandlwini, kantsi uma ngabe loMkhandlu uyawuphasisa loMtsetfosivivinyo loChitjiyelwe, kumele umikiswe kuMengameli awamukele.
 - d. Uma ngabe uMkhandlu uwucitsa lowo Mtsetfosivivinyo noma uma ngabe uMkhandlu wala kuphasisa uMtsetfosivivinyo lophawulwe esigabeni(c), lowo Mtsetfosivivinyo noma , lapho kufanele khona, loMtsetfosivivinyo loChitjiyelwe, kumele uyiswe eKomidini lekuLamula, lelingavumelana -
 - i. naloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe;
 - ii. nekuChitjiyelwa kwaloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu
 - weTifundza; noma
 - iii. nalomunye umbhalo waloMtsetfosivivinyo.
 - e. Uma ngabe likomidi lekuLamula lehluleka kuvumelana kungakapheli emalanga lange-30 ngeMtsetfosivivinyo lotfunyelwe kulo, lowo Mtsetfosivivinyo kumele ulahlwe ngaphandle uma ngabe uMkhandlu waVelonkhe uwuphasisa futsi loMtsetfosivivinyo, kepha kufanele wesekelwe ngelinani lokungenani lemalunga langulokubili kulokutsatfu wemalunga awo.
 - f. Uma ngabe lelikomidi lekuLamula liwemukela lowo Mtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe, loMtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe weTifundza, futsi uma ngabe loMkhandlu waVelonkhe weTifundza uyawuphasisa loMtsetfosivivinyo, kumele uyiswe kuMengameli kutsi awamukele.
 - g. Uma ngabe likomidi lekuLamula livumelana ngeMtsetfosivivinyo loChitjiyelwe waphasiswa nguMkhandlu weTifundza, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe, futsi uma uphasiswe nguloMkhandlu waVelonkhe, kumele umukiswe kuMengameli kutsi awamukele.
 - h. Uma ngabe likomidi lekuLawula livumelana ngeMtsetfosivivinyo lowehlukile kunalowo lovunyiwe, lolo luhlobo lweMtsetfosivivinyo kumele lutfunyelwe kuyo yomibili uMkhandlu waVelonkhe kanye nemKhandlu weTifundza kutsi iwemukele, uma ngabe uphasiswe nguMkhandlu waVelonkhe noma weTifundza kumele utfunyelwe kuMengameli kutsi awamukele.
 - i. Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulandzela sigatjana (f) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi ngaphandle uma ngabe uMkhandlu waVelonkhe uwuphasisa ngekwesekelwa livoti lokungenani lalokubili kulokutsatfu lemalunga awo.
 - j. Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulandzela sigatjana (g) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi kepha lowo Mtsetfosivivinyo njengoba waphasiswa nguloMkhandlu ekucaleni ungaphindze futsi uphasiswe nguloMkhandlu, kepha ngekwesekelwa livoti lemalunga langulokubili kulokutsatfu emalunga awo.
 - k. UMtsetfosivivinyo lophasiswe nguMkhandlu waVelonkhe ngekulandzela sigatjana(e),(i) noma (j) kumele utfunyelwe kuMengameli awamukele.
2. Uma uMkhandlu weTifundza uphasisa uMtsetfosivivinyo lophawulwe esigatjaneni (3) lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe futsi esetjentwe ngekulandzela lenchubo lelandzelako -
- a. UMkhandlu waVelonkhe kumele -
 - i. uphasise loMtsetfosivivinyo;
 - ii. uphasise loMtsetfosivivinyo loChitjiyelwe;

- noma
- iii. ucitse loMtsetfosivivinyo.
 - b. UMtsetfosivivinyo lophasiswe nguMkhandlu waVelonkhe ngekulandzela sigatjana(a)(i) kumele umikiswe kuMengameli kutsi awamukele.
 - c. Uma ngabe uMkhandlu uphasisa uMtsetfosivivinyo loChitjiyelwe, lowo Mtsetfosivivinyo loChitjiyelwe kumele umikiswe eMkhandlwini weTifundza, kantsi uma ngabe loMkhandlu uyawuphasisa loMtsetfosivivinyo loChitjiyelwe, kumele umikiswe kuMengameli awamukele.
 - d. Uma ngabe uMkhandlu uwucitsa lowo Mtsetfosivivinyo noma uma ngabe uMkhandlu weTifundza wala kuphasisa uMtsetfosivivinyo loChitjiyelwe lophawulwe esigabeni(c), lowo Mtsetfosivivinyo noma, lapho kufanele khona, loMtsetfosivivinyo loChitjiyelwe, kumele uyiswe ekomidini lekuLamula, lelingavumelana -
 - i. naloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu weTifundza;
 - ii. nekuChitjiyelwa kwaloMtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe; noma
 - iii. nalomunye umbhalo waloMtsetfosivivinyo.
 - e. Uma ngabe likomidi lekuLamula lehluleka kuvumelana kungakapheli emalanga langu-30 ngeMtsetfosivivinyo lotfunyelwe kulo, lowo Mtsetfosivivinyo uphelelwa sikhatsi.
 - f. Uma ngabe elikomidi lekuLamula liwemukela lowo Mtsetfosivivinyo njengoba uphasiswe nguMkhandlu waVelonkhe, loMtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe weTifundza, futsi uma ngabe loMkhandlu weTifundza uyawuphasisa loMtsetfosivivinyo, kumele uyiswe kuMengameli kutsi awamukele.
 - g. Uma ngabe likomidi lekuLamula livumelana ngeMtsetfosivivinyo loChitjiyelwe waphasiswa nguMkhandlu weTifundza, lowo Mtsetfosivivinyo kumele utfunyelwe eMkhandlwini waVelonkhe, futsi uma uphasiswe nguloMkhandlu waVelonkhe, kumele umukiswe kuMengameli kutsi awamukele.
 - h. Uma ngabe likomidi lekuLawula livumelana ngeMtsetfosivivinyo lowehlukile kunalowo lovunyiwe, lolo luhlobo lweMtsetfosivivinyo kumele lutfunyelwe kuyo yomibili uMkhandlu waVelonkhe kanye neMkhandlu weTifundza kutsi iwemukela, uma ngabe uphasiswe nguMkhandlu waVelonkhe noma weTifundza kumele utfunyelwe kuMengameli kutsi awamukele.
 - i. Uma ngabe uMtsetfosivivinyo lotfunyelwe eMkhandlwini weTifundza ngekulandzela sigatjana (f) noma (h) ungaphasiswa nguloMkhandlu, lowo Mtsetfosivivinyo uphelelwa sikhatsi.
3. UMtsetfosivivinyo kumele usetjentwe ngekulandzela inchubo lephawulwe esigatjaneni (1) noma esigatjaneni (2) uma ngabe uwela ngaphasi kwemandla ekusebenta labekwe kuShejuli 4 noma uma ngabe wenta kube khona kushaywa kwemtsetfo lokubekwe noma ngusiphi sigaba saleti letilandzelako:
 - a. sigaba 65(2);
 - b. sigaba 163;
 - c. sigaba 182;
 - d. sigaba195(3) na-(4);
 - e. sigaba sigaba 196; kanye
 - f. nesigaba 197.
 4. UMtsetfosivivinyo kumele usetjentwe ngekulandzela inchubo lephawulwe esigatjaneni (1) uma ngabe wenta kube khona kushaywa kwemtsetfo -
 - a. lobekwe esigabeni 44 (2) noma 220 (3); noma
 - b. lobekwe eSehlukweni 13, futsi lofaka ekhatsi noma ngusiphi simiso lesiphatselene netindzaba tetimali temkhakha wahulumende weTifundza.

[Indzima(b) ivalwe ngesigaba 1 seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.]
 5. UMtsetfosivivinyo lophawulwe esigabeni 42 (6) kumele usetjentwe ngekulandzela inchubo lephawulwe esigatjaneni (2), ngaphandle nje -
 - a. uma uMkhandlu waVelonkhe uvota ngaloMtsetfosivivinyo, timiso tesigaba 53 (1) atisebenti, esikhundleni saloko, loMtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe linyenti lemalunga eMkhandlu waVelonkhe livoto ngekwesekela; futsi
 - b. uma ngabe loMtsetfosivivinyo wendluliselwa eKomidini lekuLamula, kusetjentiswa lemitsetfomgomo lelandzelako -
 - i. Uma ngabe uMkhandlu waVelonkhe ubuka uMtsetfosivivinyo lophawulwe esigatjaneni (1) (g) noma (h) lowo Mtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe linyenti lemalunga eMkhandlu waVelonkhe liwesekela.
 - ii. Uma ngabe uMkhandlu waVelonkhe ubuka noma ubuketa uMtsetfosivivinyo lophawulwe esigatjaneni (1)(e),(i) noma (j), lowo Mtsetfosivivinyo ungaphasiswa kuphela-nje uma ngabe emalunga langulokubili kulokutsatfu eMkhandlu waVelonkhe awesekela.
 6. Lesigaba asisebenti eMitssetfwenisivivinyo yetetimali.
- ### 77. IMitsetfosivivinyo yetetiMali
1. UMtsetfosivivinyo nguMtsetfosivivinyo wetetimali uma -
 - a. waba imali;
 - b. ubeka tintseta, tinhlawulo netimali letibhadalwako;
 - c. ucitsa noma wehlisa, noma uniketela ngekucolelwa macondzana, nanoma ngutiphi tintseta, tinhlawulo, netimali letibhadalwako; noma
 - d. ugunyata tindleko-ngco esiKhwameni saVelonkhe seMali, ngaphandle uma uMtsetfosivivinyo lohlongotwe esigabeni 214 sigunyata tindleko-ngco.

2. UMTsetfosivivinyo wetetimali akumelanga utsintsane nalolunye ludzaba ngaphandle -
 - a. kweludzaba lolweyamile loluhambisana nekwebiwa kwemali;
 - b. kwekubekwa kucitfwa noma kukhishwa kwetintsela tavelonkhe, tinhlawulo noma timali letibhadalwako;
 - c. kuniketwa kwekucolwa macondzana, nanoma ngutiphi tintsela, tinhlawulo, netimali letibhadalwako; noma
 - d. kugunyatwa kwetindleko-ngco esiKhwameni saVelonkhe seMali.
3. Yonkhe iMtsetfosivivinyo yetetimali kumele ibekwe ngekulandzela inchubo lephawulwe esigabeni 75. UMTsetfo wePhalamende kumele wente kube khona inchubo yekuChitjiyelwa kweMtsetfosivivinyo yetetimali ePhalamende.

[Sigaba 77 sivalwe ngesigaba 2 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

78. Likomidi lekuLamula

1. Likomidi lekuLamula libunjwe -
 - a. ngemalunga layimfica eMkhandlu waVelonkhe lekakhetfwe nguloMkhandlu ngekulandzela inchubo yemitseshwana netibopho yaloMkhandlu futsi leyenta kube nemphumela wekumelwa kwemacembu etembusave ngendlela lefana naleyo lekamelwe ngayo eMkhandlwini waVelonkhe; futsi
 - b. ngesitfunywa sinye lesiphuma kulelo nalelo cembu letitfunywa tetifundza lesikhetfwe ngemalunga esifundza eMkhandlwini waVelonkhe weTifundza.
2. Likomidi lekuLamula lisuke livumelene ngembhalo lotsite weMtsetfosivivinyo noma lincumile ngembuto lotsite uma lowo mbhalo lomusha noma lelanye licala lalowo mbuto, lesekelwe -
 - a. lokungenani ngemalunga lasihlanu lamele uMkhandlu waVelonkhe; futsi
 - b. lokungenani ngemalunga lasihlanu lekamele Umkhandlu weTifundza.

79. Kubusiswa kweMtsetfosivivinyo

1. Mengameli kumele abusise aphindze futsi asayine uMtsetfosivivinyo lophasiswe ngekwaleSAHLUKO noma, uma ngabe Mengameli anekungabata ngebumtsetfosisekelo balowo Mtsetfosivivinyo, awubuyisele eMkhandlwini waVelonkhe uyewubuketwa kabusha.
2. Lemitsetfomgomo netibopho letihlanganyelwe kumele tibeke inchubo yekubuyeketwa kabusha kweMtsetfosivivinyo nguMkhandlu waVelonkhe kanye neyekubambisana neMkhandlu waVelonkhe weTifundza kulenchubeko.
3. Umkhandlu weTifundza kumele ufake sandla ekubuyeketweni kabusha kwaloMtsetfosivivinyo

- lobuyiselwe nguMengameli emuva eMkhandlwini waVelonkhe uma ngabe -
 - a. kungabata kwaMengameli ngebumtsetfosisekelo baloMtsetfosivivinyo kuphatselene nenchubo letsintsa Umkhandlu weTifundza; noma
 - b. sigaba 74 (1), (2) noma (3)(b) noma 76 sasebenta uma kuphasiswa lowo Mtsetfosivivinyo.
4. Uma ngabe, ngemuva kwekubuyeketwa kabusha, loMtsetfosivivinyo uyatenetisa ngalokugcwele timfuno teMengameli, Mengameli kumele awamukele aphindze futsi awusayine lowo Mtsetfosivivinyo, uma ngabe kungesinjalo, Mengameli kumele -
 - a. awamukele aphindze futsi awusayine lowo Mtsetfosivivinyo; noma
 - b. awutfumele eNkantolo yeMtsetfosisekelo kutsi ikhiphe sincumo sayo ngekuhambisana kwawo nemtsetfosisekelo.
5. Uma ngabe iNkantolo yeMtsetfosisekelo incuma kutsi luMtsetfosivivinyo uyahambisana neMtsetfosisekelo Mengameli kumele awamukele aphindze futsi awusayine.

80. Sicelo seMalunga eMkhandlu waVelonkhe eNkantolo yeMtsetfosisekelo

1. Emalunga eMkhandlu waVelonkhe angasenta sicelo eNkantolo yeMtsetfosisekelo sekutfola sincumo lesibeka kutsi wonkhe noma incenye leMtsetfo wePhalamende ayihambisane nemtsetfosisekelo.
2. Lesicelo kumele -
 - a. sesekelwe lokungenani ngemalunga langukunye kulokutsatfu eMkhandlu; futsi
 - b. sentiwe kungakapheli emalunga langu-30 kusukela ngalelo langa Mengameli labusisa waphindza futsi wawusayina ngalo lowo Mtsetfo.
3. INkantolo yeMtsetfosisekelo ingancuma kutsi lowo Mtsetfo noma incenye yawo lekunesicelo ngawo noma ngayo ngekwesigatjana (1) awunawo emandla kuze kufike lapho iNkantolo incuma mayelana nesicelo kutsi -
 - a. tinjongo tebulungiswa tiyakudzinga loku; futsi
 - b. lesicelo sibonakala sengatsi sitawuphumelela.
4. Uma ngabe lesicelo singaphumeleli, futsi sibe besingenato timphawu tekuphumelela, iNkantolo yeMtsetfosisekelo ingaphocelela labafake lesicelo kutsi batfwale tindleko.

81. Kushicilelewa kweMtsetfo

UMtsetfosisekelo lobusiswe waphindze futsi wasayinwa nguMengameli uba nguMtsetfo wePhalamende, kumele ushicilelwe masinyane, futsi ucala kusebenta uma sewushicilelwe noma ngemalanga lalandzelako ngekubeka kwalowo Mtsetfo.

82. Kulondvolotwa kweMtsetfo yePhalamende

Lencwajana lesayiniwe yeMtsetfo wePhalamende ibufakazi lobuphelele betimiso talowo Mtsetfo, futsi

kumele ngemuva kwekushicilelwa uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.

Sehluko 5: Mengameli Kanye NeSigungu Lesengamele (83-102)

83. Mengameli

1. Mengameli -
 - a. uyiNhloko yeMbuso futsi uyinhloko yeSigungu savelonkhe lesengamele;
 - b. kumele asekele, avikele futsi ahloniphe uMtsetfosisekelo njengemtsetfo lophakeme kunayo yonkhe imitsetfo yeRiphabhulikhi; futsi
 - c. ukhutsata lubumbano lwesive kanye naloko lokutawuchubekisela iRiphabhulikhi embili.

84. Emandla kanye Nemisebenti yaMengameli

1. Mengameli unemandla laniketwe wona nguMtsetfosisekelo nemtsetfo, lokufaka ekhatsi nalawo ladzingeka kutsi akwati kwenta imisebenti yeNhloko yeMbuso nehloko yeSigungu savelonkhe lesengamele.
2. Mengameli wetfweswe umtfwalo -
 - a. wekubusisa aphindze futsi asayine iMitsetfosivivinyo;
 - b. wekubuyisela emuva uMtsetfosivivinyo esiGungwini saVelonkhe kutsi ubuyeketwe kabusha mayelana kuhambisana kwawo neMtsetfosisekelo.
 - c. wekwendlulisela uMtsetfosivivinyo eNkantolo yeMtsetfosisekelo kutsi yente sincumo kutsi lowo Mtsetfosivivinyo ngabe uyahambisana yini neMtsetfosisekelo;
 - d. wekubita Sigungu saVelonkhe, Umkhandlu weTifundza noma iPhalamende kutsi ite emhlanganweni longaketayeleki kutewuchuba umsebenti welikhetselo;
 - e. wekubeka bantfu etikhundleni lapho uMtsetfosisekelo noma umtsetfo udzinga kutsi Mengameli akwente loko, ngaphandle kwekutsi angusihlalo weSigungu savelonkhe lesengamele;
 - f. wekubeka emaKhomishani eluphenyo;
 - g. wekubita kutsi sive sibeke luvo lwaso sonkhe ngekweMtsetfo wePhalamende;
 - h. wekuhlonipha nekweemukela bosomachinga lababuya emaveni angaphandle nemancusa lekatawumela emave awo kuleli;
 - i. wekukhetsa emancusa, titfunywa letinemandla ekutitsatsela tincumo, bosomachinga nemancusa layawumela lelive ngaphandle kwaleli;
 - j. wekucolela tiboshwa noma wekwehlisa tigwebo futsi wekwehlisa tinhlawulo, kujeziswa noma kulahlekelwa tinhlawulo; kanye
 - k. newekuniketa buhlonishwa.

[Emavi ekuhlonipha akhishwe kuMtsetfo loshicilelwe kuGazethi yaHulumende 24155 yangeNgongoni 6 2002

nakuGazethi yaHulumende 25213 yangaKholwane 2003]

85. Ligunya Lekwengamela eRiphabhulikhi

1. Ligunya lekwengamela eRiphabhulikhi libekwe emahlombe eMengameli.
2. Mengameli usebentisa leligunya lekwengamela, kanye nalamanaye emalunga eKhabhinethi -
 - a. ngekuphumelelisa umtsetfo wavelonkhe ngaphandle lapho uMtsetfosisekelo noma uMtsetfo wePhalamende usho lokunye;
 - b. ngekutfufukisa nekusebentisa inchubomgomo yavelonkhe;
 - c. ngekumatanisa imisebenti yeminyango yembuso neyekuphatsa;
 - d. ngekulungisa nekusungula imitsetfo; kanye
 - e. nangekwenta leminyane imisebenti yalesikhundla lebekwe nguMtsetfosisekelo noma ngumtsetfo wavelonkhe.

86. Kukhetfwa kwaMengameli

1. Emhlanganweni wekucala ngemuva kwelukhetfo lwaso, kanye nanoma nini uma kudzingekile kutsi kugcwaliswe sikhala, Sigungu saVelonkhe kumele sikhetsa umuntfu lomsikati noma lomdvuna emalungeni aso kutsi abe nguMengameli.
2. Somajaji kumele engamele lukhetfo lweMengameli, noma amise lelinye lijaji lelitakwenta loko. Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lweMengameli.

[Sigatjana (2) sivalwe ngesigaba 6 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3. Lukhetfo lwekuvala sikhala sesikhundla seMengameli kumele lwentiwe ngesikhatsi nangelilanga lelincunye nguSomajaji, kepha loku kumele kwentiwe kungakapheli emalanga langu-30 ngemuva kwekuvela kwalesikhala.

[Sigatjana (3) sivalwe ngesigaba 6 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

87. Kucala Kusebenta kwaMengameli

Ngesikhatsi sekakhetsiwe kutsi abe nguMengameli, umuntfu akabi asaba lilunga leSigungu saVelonkhe futsi, kungakapheli emalanga lasihlanu, kumele acala kusebenta esikhundleni sakhe ngekufunga noma avume ngekucinisekisa kutsi utawutsembeka kuRiphabhulikhi futsi utawuhlonipha uMtsetfosisekelo, ngekulandzela

iShejuli 2.

88. Sikhatsi sekuba sesikhundleni kwaMengameli

1. Sikhatsi sekuba sesikhundleni kwaMengameli sicala ngalesikhatsi angena esikhundleni futsi siphela ngalesikhatsi kuvela sikhala noma ngalesikhatsi lowo lokhetfwe kutsi abe nguMengameli lolandzelako angena esikhundleni.
2. Kute umuntfu longabamba sikhundla sekuba nguMengameli kwendlula tikhatsi letimbili tekuba sesikhundleni, kepha, uma umuntfu akhetfwe kutsi avale sikhundla seMengameli, lesikhatsi lesisemkhatsini walolo lukhetfo nelukhetfo lolulandzelako lwaMengameli asitsatfwa njengesikhatsi sekuba sesikhundleni.

89. Kusiswa kwaMengameli esikhundleni

1. Sigungu saVelonkhe, ngesincumo lesitsatfwe ngekwesekelwa linani lemalunga aso lelingulokubili kulokutsatfu, singamsusa Mengameli esikhundleni ngaletizatfu letilandzelako kuphela -
 - a. kwepfulwa lokukhulu kweMtsetfosisekelo noma umtsetfo;
 - b. kutiphatsa kabi kakhulu; noma
 - c. kwehluleka kwenta imisebenti lebekelwe lesi sikhundla.
2. Noma ngubani losekakhishwe esikhundleni sekuba nguMengameli ngekulandzela sigatjana (1)(a) noma (b), akumelanga atfole umvuzo wekuba kuleso sikhundla, kantsi futsi akumelanga atfole litfuba lekubekwa kunoma ngusiphi sikhundla sembuso.

90. Libambela laMengameli

1. Uma ngabe Mengameli angekho eRiphabhulikhi noma angakwati kwenta imisebenti yaMengameli, noma uma kunesikhala esikhundleni seMengameli, lowo lobambe sikhundla njengalokulandzelako uba liBambela laMengameli -
 - a. liSekela laMengameli;
 - b. iNdvuna yeMbuso lekhetfwe nguMengameli;
 - c. iNdvuna yeMbuso lekhetfwe ngulamanye emalunga eKhabhinethi;
 - d. Somlomo, kuze emalunga eSigungu saVelonkhe akhetse munye wawo.
2. LiBambela laMengameli linemitfwalo, emandla kanye nemisebenti yaMengameli.
3. Ngembi kwekucala kwetfwala, kusebentisa emandla nekwenza imisebenti yaMengameli, liBambela laMengameli kumele lifunge noma livume ngekutibophela kwetsembeka kuRiphabhulikhi nekutfobela uMtsetfosisekelo, ngekulandzela iShejuli 2.
4. Umuntfu lowake wafunga noma wavuma ngekutibophela njengeliBambela laMengameli kwetsembeka kuRiphabhulikhi akukadzingeki kutsi aphindze inchubo yekufunga noma yekuvuma

esikhatsini lesilandzelako njengeliBambela laMengameli ngesikhatsi lesiphela uma umuntfu lolandzelako lokhetfwa njengaMengameli atsatsa sikhundla.

[Sigatjana (4) sengetwe ngesigaba 1 seMtsetfo weKucala wekuChitjiyelwa kweMtsetfosisekelo wanga-1997.]

91. IKhabhinethi

1. IKhabhinethi ibunjwe nguMengameli, njengenhloko yeKhabhinethi, liSekela laMengameli kanye netiNdvuna teMbuso.
2. Mengameli ukhetsa liSekela laMengameli kanye netiNdvuna teMbuso, atinikete imisebenti yato, kantsi futsi Mengameli angabasusa etikhundleni labantfu labakhetsile.
3. Mengameli -
 - a. kumele akhetse liSekela laMengameli emalungeni eSigungu saVelonkhe;
 - b. angakhetsa linani noma lelingakanani letiNdvuna teMbuso emalungeni eSigungu saVelonkhe; futsi
 - c. angakhetsa bantfu labangengci kulababili labangaphandle kweSigungu saVelonkhe kutsi babe tiNdvuna teMbuso.
4. Mengameli kumele abeke lilunga leKhabhinethi kutsi libe ngumholi wemisebenti yahulumende esiGungwini saVelonkhe.
5. LiSekela laMengameli kumele lisite Mengameli ekwenteni imisebenti yeMbuso.

92. Kutiphendvulela kanye nemitfwalo

1. Lisekela laMengameli netiNdvuna teMbuso batfwale umtfwalo wemandla kanye newemisebenti yeligunya labaliniketwe nguMengameli.
2. Emalunga eKhabhinethi onkhe eluswa yiPhalamende ekusebentiseni emandla awo nasekwenteni imisebenti yawo.
3. Emalunga eKhabhinethi kumele -
 - a. asebente ngekulandzela uMtsetfosisekelo; futsi
 - b. anikete iPhalamende imibiko legcwele futsi leyetfulwa njalo nje macondzana netindzaba letingaphasi kwawo.

93. Emasekela etiNdvuna teMbuso

1. Mengameli angabeka etikhundleni -
 - a. noma linani lelingakanani lemaSekela etiNdvuna teMbuso emalungeni eSigungu saVelonkhe; kanye
 - b. nebantfu labangengci kulababili labangaphandle kweSigungu saVelonkhe kutsi babe ngemaSekela etiNdvuna teMbuso, kutewusita emalunga eKhabhinethi, kantsi futsi angawasusa kuletikhundla.
2. EmaSekela etiNdvuna teMbuso lakhetfwe ngekulandzela sigatjana (1) b) anekutiphendvulela ePhalamende ngekuchutjwa kwemandla awo nekwenziwa kwemisebenti yawo.

[Sigaba 93 sivalwe ngesigaba 7 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

94. Kuchubeka kweKhabhinethi ngemuva kwelukhetfo

Uma lukhetfo lweSigungu saVelonkhe lubanjwa, iKhabhinethi, liSekela laMengameli, tiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso bayachubeka basebente adzimate lowo muntfu lokhetfwe Sigungu lesilandzelako kutsi abe nguMengameli acale esikhundleni sakhe.

95. Sifungo noma kuvuma kwamukela sikhundla

Ngembali kwekuba liSekela laMengameli, tiNdvuna teMbuso kanye nemaSekela etiNdvuna teMbuso bacale kwenta imisebenti yabo, kumele bafunge noma bavume ngekucinisekisa kwetsembeka kuRiphabhulikhi kanye nekutfobela uMtsetfosisekelo ngekweShejuli 2.

96. Kutiphatsa kwemalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso

1. Emalunga eKhabhinethi nemaSekela etiNdvuna teMbuso kumele asebente ngekulandzela lucwebu lwekutiphatsa lolumiswe ngumtsetfo wavelonkhe.
2. Emalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso angete akwati –
 - a. kwenta noma ngumuphi lomunye umsebenti lokhokhelako;
 - b. kwenta lutfo nganoma abe sesimeni lesifaka ekhatsi ingoti yekungcubutana emkhatsini kwemisebenti yawo kanye netimphilo tawo tangasese; noma
 - c. kusebentisa tikhundla tawo, noma nguluphi lwati lekaniketwe lona, alusebentisele kutizuzela wona noma asite lomunye umuntfu ngendlela lengakafaneli.

97. Kudluliselwa kwemisebenti

1. Mengameli ngesimemetelo semtsetfo angesusa aphindze anikete lilunga leKhabhinethi –
 - a. kuphatfwa kwanoma ngumuphi umtsetfo lobewuniketwe lelinye lilunga; noma
 - b. emandla noma umsebenti loniketwe lelinye lilunga ngumtsetfo.

98. Kuniketwa kwemisebenti kwesikhashana

Mengameli anganiketa lilunga leKhabhinethi noma nguwaphi emandla kanye nemisebenti yalelinye lilunga lelingekho emsebentini noma lelingakhoni kusebentisa lawo mandla noma kwenta leyo misebenti.

99. Kuniketwa kwemisebenti

1. Lilunga leKhabhinethi linganiketa noma waphi

emandla noma umsebenti lofanele uchutjwe noma wentiwe ngekulandzela uMtsetfo wePhalamende elungeni leMkhandlu loweNgamele wesifundza noma kuMkhandlu waMasipala. Lokuniketwa –

- a. kumele kwentiwe ngekulandzela sivumelwano emkhatsini walelo lunga leKhabhinethi nalelo lunga leMkhandlu loweNgamele noma leMkhandluwaMasipala;
- b. kumele kuhambisane neMtsetfo wePhalamende kuchutjwa noma kusebentisa lawo mandla noma kwenta lowo msebenti lotsintsekako; futsi
- c. kucala kusebenta ngemuva kwekugunyatwa nguMengameli ngekwesimemetelo semtsetfo.

100. Kungenelela kwavelonkhe ekuphatfweni kweTifundza

[Sihloko siChitjiyelwe ngekwesigaba 2(a) weMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003]

1. Uma ngabe sifundza sehluleka noma singatifezi tidzingo temsebenti wekuphatsa lobekwe nguMtsetfosisekelo noma ngulomunye umtsetfo, Sigungu savelonkhe lesengamele singangenelela ngekutsi sitsatse tinyatselo letifanele kucinisekisa kufezekiswa kwaleyo mitfwalo, lokufaka ekhatsi –
 - a. kukhipha umyalelo uye esigungwini sesifundza lesengamele, uchaza lizinga lalokwehluleka kwenta imisebenti yaso uphindze ubeke tinyatselo lekumeletitsatfwe kuze sihlangabetane nalemisebenti yaso; kanye
 - b. nekutsatsa umtswalo wekufezekisa lesidzingo kuleso sifundza kuze kufike ezingeni lelifanele –
 - i. kutewugcina lizinga lelidingekile lavelonkhe, noma kutfolakale lizinga lelemukelekile nalelidingekako ekwentweni kwemisebenti;
 - ii. kutewugcina lubumbano kutemnotfo;
 - iii. kutewugcina kuvikeleka kwesive; noma
 - iv. kutewuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza noma live lonkhana.

[Sigatjana (1) siChitjiyelwe sigaba 2(b) seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.]

2. Uma ngabe Sigungu saVelonkhe singenela esifundzeni ngekwesigatjana (1)(b) –
 - a. satiso sekungenela kumele setfulwe embi kweMkhandlu waVelonkhe weTifundza kungakapheli emalanga langu-14 ekuhlanganeni kwawo kwekucala kucalile lokungenela;
 - b. lokungenela kumele kuphele ngaphandle uma ngabe uMkhandlu ungakwemukeli lokungenelela kungakapheli emalanga langu-180 kucalile lokungenelela noma uma ekupheleni kwaleso sikhatsi ungazange ukwemukela lokungenelela; futsi
 - c. uMkhandlu, ngalesikhatsi lokungenelela

kusachubeka, kumele ukubukete kabusha lokungenela njalo nje bese wenta tiphakamiso letifanele esigungwini savelonkhe lesengamele.

[Sigatjana (2) sivalwe ngesigaba 2(c) seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfo-sisekelo wanga-2003.]

3. UMtsetfo wavelonkhe ungacondzisa lenchubo lesukunyiswe ngulesigaba.

[Sigaba 100 siChitjiyelwe sigaba 2(a) seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfo-sisekelo wanga-2003.]

101. Tincumo tesigungu lesingamele

1. Sincumo seMengameli kumele kube ngulesibhalwe phasi uma ngabe -
 - a. sitsatfwe ngekulandzela umtsetfo; noma
 - b. sinemiphumela yekwemtsetfo.
2. Sincumo seMengameli lesibhalwe phasi kumele siphindze sisayinwe ngulelinye lilunga leKhabhinethi uma ngabe leso sincumo siphatselane neliphakelo

lalelo lunga leKhabhinethi.

3. Tatiso, imitsetfo kanye naleminyane imitsetfomgomo lephatselane nekushaywa kwemtsetfo kumele ummango ukwati kuyitfoli.
4. Umtsetfo wavelonkhe ungachaza lizinga, nendlela, lekumele lemitsetfomgomo lephawulwe esigatjaneni (3) –
 - a. yetfulwe ngayo ePhalamende; futsi
 - b. ivunywe yiPhalamende.

102. Tiphakamiso tekungatsembakali

1. Uma ngabe Sigungu saVelonkhe, ngelinyenti lemalunga aso, samukela aiphakamiso sekungatsembakali kweKhabhinethi lokungafaki ekhatsi Mengameli, Mengameli kumele abumbe iKhabhinethi kabusha.
2. Uma ngabe Sigungu saVelonkhe, ngelinyenti lemalunga aso, samukela siphakamiso sekungatsembakali kwaMengameli, Mengameli kanye nalawa lamanye emalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso kumele bashiye etikhundleni.

Sehluke 6: Tifundza (103-150)

103. Tifundza

- IRiphabhulikhi inaletifundza letilandzelako -
 - iMphumalanga Kapa;
 - iFuleyistata;
 - iGauteng;
 - iKaZulu-Natali;
 - iMpumalanga;
 - iNyakatfo Kapa;
 - iLimpopo;
 - Nyakatfo-Nshonalanga;
 - Nshonalanga Kapa.

[Indzima (g) ivalwe ngesigaba 3 seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.]

- Iminyele yaletifundza nguleyo lebeyikhona ngesikhatsi loMtsetfosisekelo ucala kusebenta.

Tishayamtsetfo teTifundza

104. Ligunya lekushaya imitsetfo kweTifundza

- Ligunya lekushaya umtsetfo kwesifundza lisetandleni tesishayamtsetfo sesifundza, futsi loko kunika sishayamtsetfo sesifundza, emandla -
 - ekuphasisa umtsetfosisekelo wesifundza noma kuchibiyela nanoma ngumuphi umtsetfosisekelo lophasisiwe ngiso sishayamtsetfo ngekwetigaba 142 na-143;
 - ekuphasisa umtsetfo waleso sifundza mayelana -
 - nanoma nguluphi ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4;
 - nanoma nguluphi ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5; kanye
 - noma nguluphi ludzaba lolungekho kuleto letiseluhlwini kepha sishayamtsetfo lesijutjelwe lona ngumtsetfo wavelonkhe; kanye
 - nanoma nguluphi ludzaba siphakamiso seMtsetfosisekelo lesihlongote kubekwa kwalo kusishayamtsetfo sesifundza.
 - Kwehlisela emandla aso ekushaya umtsetfo eMkhandlwini waMasipala kuleso sifundza.
- Sishayamtsetfo sesifundza ngesincumo lesitsatfwe ngekwesekelwa linani lemalunga aso lokungenani lelingulokubili kulokutsatfu, singacela iPhalamende intjintje ligama laleso sifundza.
- Sishayamtsetfo sesifundza siboshwa nguMtsetfosisekelo kuphela futsi, uma ngabe siphasisa umtsetfosisekelo wesifundza waso, nangulowo mtsetfosisekelo wesifundza, futsi kumele sisebente

ngendlela lehambisana naloko lokubekwe nguMtsetfosisekelo futsi silandzele iminyele yeMtsetfosisekelo kanye nalomtsetfosisekelo wesifundza.

- UMtsetfo lophasiswe sifundza lekunesidzingo lesifanele, noma lohambelana ngengoti nje, kuze sifundza sikwati kuchuba tinjongo nemisebenti yaso letiseluhlwini lolukuShejuli 4, utsatfwa njengemtsetfo lowela ngaphasi kwalawo mandla etifundza.
- Sishayamtsetfo sesifundza singenta siphakamiso esiGungwini saVelonkhe ngemtsetfo lophatselene nanoma nguluphi ludzaba lolungaphandle kwemandla aleso sishayamtsetfo, noma loluphatselene neMtsetfo wePhalamende losebenta ngेतुलु kwemtsetfo wesifundza.

105. Kubunjwa nekukhetfwa kwetishayamtsetfo tetifundza

- Sishayamtsetfo sesifundza sibunjwe ngulabasikati nalabadvuna labakhetfwe kutsi babe ngemalunga ngekulandzela indlela yekukheta -
 - lebekwe ngumtsetfo wavelonkhe;
 - lesukela eluhlwini lwebavoti balesifundza eluhlwini labavoti lwavelonkhe;
 - lebaka kutsi iminyaka yekuvota isukela ku-18; futsi
 - lenemphumela, ngalokwetayelekile, wekumelwa kulesishayamtsetfo ngendlela yebungako bebavoti belicembu.

[Sigatjana (1) siChitjiyelwe ngesigaba 3 seMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.] nangekwesigatjana (3) lesingetwe ngekwesigaba 4 seMtsetfo weLishumi neSihlanu wekuChitjilelwa kweMtsetfosisekelo wanga-2008]

- Sishayamtsetfo sesifundza sinemalunga lasemkhatsini kwa-30 na-80. Linani lemalunga, lelingehlukahlukana etifundzeni ngasinye, kumele libekwe ngekwendlela lebekwe ngumtsetfo wavelonkhe.

106. Bulunga

- Tonkhe takhamuti letivumelekile kutsi tivotele Sigungu saVelonkhe tivumelekile kuba ngemalunga esishayamtsetfo sesifundza ngaphandle -
 - noma ngubani lobekwe esikhundleni ngumbuso noma losebentela umbuso futsi aholelwa ngiwo kulomsebenti lekawentako ngaphandle kwalaba labalandzelako -
 - Ndvunankhulu wesifundza nalamanye emalunga eSigungu seMkhandlu lowengamele esifundzeni; kanye
 - nanoma ngubaphi labanye lababambe

tikhundla letinemisebenti lehambelana nemisebenti yelilunga lesishayamtsetfo sesifundza, futsi lokuhambelana kugunyatwe ngumtsetfo wavelonkhe;

- b. emalunga eSigungu saVelonkhe, titfunywa letingesuswa teMkhandlu waVelonkhe weTifundza noma emalunga eMkhandlu waMasipala;
 - c. bantfu labalahlekelwe ngemalungelo abo ngesizatfu sekutsi behluleke kukhokhela tikweleti tabo;
 - d. noma ngubani umuntfu inkantolo yaseRiphabhulikhi lencume kutsi akakaphili engcondweni; kanye
 - e. nanoma ngubani, ngemuva kwekucala kwekusebenta kwalesigaba, lotfolakale anelicala waniketwa sigwebo setinyanga letendlula ku-12 ejele ngaphandle kwekuniketwa ligunya lekutsi angakhetsa kubhadala inhlawulo, noma eRiphabhulikhi, noma ngaphandle kweRiphabhulikhi uma ngabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha kute umuntfu longatsatfwa ngekutsi ugwetjiwe kuze kuncunywe mayelana nekwendluliselwa kwelicala noma sigwebo sakhe enkantolo lephakeme, noma kuze kuphele sikhatsi sekwedlulisa licala noma sigwebo enkantolo lephakeme. Kungavunyelwa ngaphasi kwalesigatjana kuphela ngemuva kweminyaka lesihlanu sigwebo sesiphelile.
2. Umuntfu longakavumeleki kuba lilunga lesishayamtsetfo sesifundza ngekwegatjana (1)(a) noma (b) angamela lukhetfo lwesifundza, ngaphasi kwemikhawulo noma imibandzela lebekwe ngumtsetfo wavelonkhe.
 3. Umuntfu ulahlekelwa bulunga besishayamtsetfo sesifundza uma ngabe lowo muntfu –
 - a. angasavumeleki kutsi angakhethfwa;
 - b. akekho ekuhlanganeni kwesishayamtsetfo ngaphandle kwemvume esimeni lapho imitsetfomgomo netibopho tetishayamtsetfo tibeka kulahlekelwa bulunga; noma
 - c. ayekela kuba lilunga lelicembu lelimkhetsile lowo muntfu njengelilunga lesishayamtsetfo.

[Sigatjana (3) sivalwe ngesigaba 4 seMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003. nangekwesigaba 4 seMtsetfo wesiChibiyelo seLishumi naKune seMtsetfosisekelo wanga-2008]

4. Tikhala tesishayamtsetfo sesifundza kumele tigcwaliswe ngekulandzela umtsetfo wavelonkhe.

107. Sifungo noma siciniseko

Ngembi kwekutsi emalunga esishayamtsetfo sesifundza acale kwenta imisebenti yawo yesishayamtsetfo, kumele afunge noma avume ngekutibopha kutsi atawutsembeka kuRiphabhulikhi futsi atawutfobela uMtsetfosisekelo, loku akwenta ngekutibopha ngekulandzela iShejuli 2.

108. Sikhatsi sekusebenta kwesishayamtsetfo sesifundza

1. Sishayamtsetfo sesifundza sikhethfwa kutsi sisebente iminyaka lesihlanu.
2. Uma ngabe sishayamtsetfo sesifundza sihlakatwa ngekulandzela sigaba 109, noma uma ngabe kuphela sikhatsi sekusebenta kwaso, Ndvunankhulu wesifundza, ngesimemetelo semtsetfo, kumele abite futsi abeke tinsuku telukhetfo, lolumele lubanjwe kungakapheli emalanga langu-90 kusukela ngelilanga sishayamtsetfo sihlakatiwe, noma lilanga lekuphelelwa sikhatsi kwaso. Simemetelo semtsetfo sekubita nekumisa emalanga elukhetfo singakhishwa ngembi noma ngemuva kwekuphela kwesikhatsi sekusebenta kwesishayamtsetfo.

[Sigatjana (2) sivalwe ngesigaba 1 seMtsetfo weSine wekuChitjiyelwa kweMtsetfosisekelo wanga-1999.]

3. Uma ngabe imiphumela yelukhetfo lwesishayamtsetfo sesifundza ayikacinisekiswa ngalesikhatsi lesibekwe esigabeni 109 noma uma ngabe lukhetfo lubekwe eceleni yinkantolo, Mengameli ngesimemetelo semtsetfo, kumele abite futsi abeke tinsuku telukhetfo lolunye, lokumele lubanjwe kungakapheli emalanga langu-90 ngemuva kwekuphela kwaleso sikhatsi noma ngemuva kwelilanga lukhetfo lolwabekwa eceleni ngalo.
4. Sishayamtsetfo sesifundza siyakwati kusebenta kusukela ngesikhatsi sihlakateka noma ngesikhatsi kuphela sikhatsi sekusebenta kwaso, kuze kube lilanga lelisembili kwelilanga lekucala lelukhetfo lwesishayamtsetfo lesisha sesifundza.

109. Kuhlakatwa kwesishayamtsetfo sesifundza kungakapheli sikhatsi saso sekusebenta

1. Ndvunankhulu wesifundza kumele ahlakate sishayamtsetfo sesifundza uma ngabe sishayamtsetfo –
 - a. sitsatsa sincumo lesisekelo lokuhlakatwa lesesekelwe linyenti lemalinga aso; futsi
 - b. iminyaka lemitsatfu seyiphelile sishayamtsetfo sakhethfwa.
2. Loyo loliBambela laNdvunankhulu kumele ahlakate sishayamtsetfo uma ngabe –
 - a. kunesikhala kulesikhundla saNdvunankhulu; futsi
 - b. sishayamtsetfo sehluleka kukhetsa Ndvunankhulu lomusha kungakapheli emalanga langu-30 ngemuva kwekuvela kwalesikhala.

110. Tikhatsi tekuhlangana netekuphumula

1. Emuva kwelukhetfo, umhlangano wekucala wesishayamtsetfo sesifundza kumele ubanjwe ngesikhatsi nangelusuku loluncunywe lijaji lelibekwe nguSomajaji, kepha loku kwenteke kungakapheli emalanga langu-14 ngemuva kwekumenyetelwa

kwemiphumela yelukhetfo. Sishayamtsetfo sesifundza singancuma tikhatsi nebudze baleminye imihlangano yaso kanye netikhatsi tekuphumula.

[Sigatjana 1 sivalwe ngesigaba 9 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Ndvunankhulu wesifundza angabita sishayamtsetfo sesifundza kutsi site emhlanganweni lophutfumako nganoma ngusiphi sikhatsi kutewudzingidza ludzaba loluphutfumako.
3. Sishayamtsetfo sesifundza singancuma indzawo lesitawuvama kuhlanganela kuyo.

111. BoSomlomo nemaSekela aboSomlomo

1. Emhlanganweni wekucala ngemuva kwelukhetfo, noma uma ngabe kunesidzingo sekugcwalisa sikhala, sishayamtsetfo sesifundza kumele sikhutse Somlomo kanye neliSekela laSomlomo emalungeni aso.
2. LiJaji lelimiswe nguSomajaji kumele lengamele lukhetfo lwaSomlomo. Somlomo wengamela lukhetfo lweliSekela laSomlomo.

[Sigatjana (2) sivalwe ngesigaba 9 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3. Inchubo lemiswe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaSomlomo kanye neliSekela laSomlomo.
4. Sishayamtsetfo sesifundza singakhipha Somlomo noma liSekela laSomlomo esikhundleni ngesincumo lesisentile. Linyenti lemalunga esishayamtsetfo kumele libe khona ngesikhatsi kwemukelwa lesincumo.
5. Ngekwemitsetfomgomo netibopho taso, sishayamtsetfo sesifundza singakhetsa emalungeni aso labanye labangaba bosihlalo kutewulekelela Somlomo neliSekela laSomlomo.

112. Tincumo

1. Ngaphandle uma ngabe uMtsetfosisekelo ubeka ngalokunye –
 - a. linyenti lemalunga esishayamtsetfo sesifundza kumele libe khona ngembi kwekutsi kungatsatfwa livoti leMtsetfosivivinyo noma sichibiyelo seMtsetfosivivinyo.
 - b. lokungenani linyenti lemalunga langulokunye kulokutsatfu kumele libe khona ngembi kwekutsi kungatsatfwa livoti lanoma nguluphi lolunye ludzaba embi kwesishayamtsetfo; futsi
 - c. tonkhe tindzaba letisembili kwesishayamtsetfo sesifundza kumele tincunye ngelinyenti lemavoti lafakiwe.
2. Lilunga lesishayamtsetfo sesifundza lelihola umhlangano alinawo emandla ekuvota lokusincumo, kepha –
 - a. kumele lente livoti lesincumo uma ngabe kunelinani lemavoti lalinganako etinhlangotsini

totimbili; futsi

- b. lingenta livoti lelisincumo uma ngabe ludzaba kumele luncunye ngekusekelwa ngemavoti lokungenani emalunga langulokubili kokutsatfu esishayamtsetfo.

113. Emalungelo etifunyuwa letingesuswa kutishayamtsetfo tetifundza

Titfunyuwa tesifundza letingesuswa eMkhandlwini waVelonkhe weTifundza tingaba khona, futsi tingakhuluma, kutishayamtsetfo tetifundza, emakomitini ato, kepha tingete tavota. Sishayamtsetfo singadzinga kutsi sitfunyuwa lesingesuswa sibe khona kusishayamtsetfo noma emakomitini aso.

114. Emandla etishayamtsetfo tetifundza

1. Ekusebentiseni emandla aso sishayamtsetfo sesifundza –
 - a. singabuketa, siphasisa, sichibele noma sicitse uMtsetfosivivinyo losembi kwesishayamtsetfo sesifundza; noma
 - b. singabumba noma sakhe umtsetfo, ngaphandle kweMtsetfosivivinyo wetetimali.
2. Sishayamtsetfo sesifundza kumele sibeke tindlela –
 - a. tekugcizelela kutsi yonkhe imitimba yembuso lephetse kulesifundza iyakwati kusebentela sona; kanye
 - b. nekubeka liso –
 - i. ekusetjentisweni kwemagunya nguMkhandlu wesifundza lowengamele, lokufaka kusetjentiswa kwemtsetfo; kanye
 - ii. nakunoma ngusiphi sikhungo sembuso wesifundza.

115. Bufakazi noma imininingwane embi kwetishayamtsetfo tetifundza

1. Sishayamtsetfo sesifundza noma nawaphi emakomiti aso –
 - a. singabita noma ngubani umuntfu ete embi kwaso kutewetfula bufakazi lobucinisekisiwe noma akhiphe emabhuku;
 - b. singafuna noma siphi sikhungo noma umuntfu ete kuso;
 - c. singaphocelela, ngekulandzela umtsetfo wavelonkhe noma imitsetfomgomo noma tibopho, noma muphi umuntfu kutsi alalele noma ente lokufuneka etigatjaneni(a) noma (b); futsi
 - d. singemukela ticelo, tinkhulumo kanye nalokuletfwe ngunoma ngubaphi bantfu noma tikhungo letitsintsekako.

116. Kutilawula, lokuchubekako netinchubo tetishayamtsetfo tetifundza

1. Sishayamtsetfo sesifundza nemakomiti aso –
 - a. singabeka siphindze siphatse emalungiselelo aso angekhatsi, tinchubeko netinchubo; futsi

- b. singenta imitsetfomgomo netibopho mayelana nemisebenti yaso, sinakekele kumelwa nekufaka sandla ngekweentsandvo yelinyenti, kusebentela bavoti, kungabi namfihlo nekufaka sandla kwemmango etinchubekweni tembuso.
2. Lemitsetfomgomo netibopho tesishayamtsetfo sesifundza kumele tente kube khona –
 - a. kusungulwa, kubunjwa, emandla, imisebenti, tinchubo kanye nebudze bekusebenta kwemakomiti;
 - b. kufaka sandla etinchubekweni tawo kumacembu lamancane lokuhambisana nentsandvo yelinyenti;
 - c. lusito lwetimali nelwekuphatsa kulinye ngalinye licembu letembusave lelimelwe kusishayamtsetfo, lokulingana nekumelwa kwalo, kuze licembu ngalinye nemholi walo likwati kwenta imisebenti yalo kusishayamtsetfo; futsi
 - d. kuhlonishwa kwemholi welicembu lelikhulu kunawo onkhe lamacembu etembusave laphikisako kusishayamtsetfo, njengeMholi welicembu leliPhikisako.

117. Emalungelomvume

1. Emalunga esishayamtsetfo sesifundza netitfunywa teMkhandlu waVelonkhe weTifundza –
 - a. anelilungelomvume lekukhuluma kusishayamtsetfo nasemakomitini awo, ngekulandzela imitsetfomgomo netibopho tawo; futsi
 - b. akanawubekwa licala noma amangalelwe, aboshwe, advonse sigwebo noma ahlawule –
 - i. nganoma yini lekayisho, ayikhipha, noma ayiletsa kusishayamtsetfo noma nguliphi likomidi lawo; noma
 - ii. nganoma yini ngesizatfu sentfo lekayishilo, ayikhipha noma ayiniketa sishayamtsetfo noma likomidi laso.
2. Lamanye emalungelomvume kanye nekuvikeleka kwesishayamtsetfo sesifundza kanye nemalunga aso kungabekwa ngumtsetfo wavelonkhe.
3. Imiholo, tibonelelo netinzuzo letikhokhelwa emalunga esishayamtsetfo sesifundza ayincitfo-ngco lecondzene nesiKhwama sesiFundza seMali.

118. Kungenela kwemmango nekufaka sandla kwawo kutishayamtsetfo tetifundza

1. Sishayamtsetfo sesifundza kumele –
 - a. sicinisekise kufaka sandla kwesive etinchubeni tekushaya umtsetfo naletinye tinchubo tetishayamtsetfo nemakomiti; futsi
 - b. siphatse umsebenti waso ngendlela leselubala, sibambe imihlangano yaso newemakomiti aso, ebaleni, kepha tityatselo letidzingekele tingatsatfwa –
 - i. kutewucondziswa kungeniswa kwesive, lokufaka nekungeniswa kwebemifombo yetindzaba, kusishayamtsetfo nasemakomitini aso;

- ii. kwenta kutsi kube khona kuseshwa kwemuntfu, lapho kufanele khona, kwalela kungena kwanoma ngumuphi umuntfu noma kukhishelwa ngaphandle kwanoma ngumuphi umuntfu.
2. Sishayamtsetfo sesifundza akumelanga sencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

119. Kwetfulwa kweMtsetfosivivinyo

Ngemalunga eMkhandlu loweNgamele sifundza kuphela noma likomidi noma lilunga lesishayamtsetfo sesifundza labangetfulwa uMtsetfosivivinyo embi kwesishayamtsetfo; kepha lilunga leMkhandlu loweNgamele leliphetse tetimali kuleso sifundza kuphela lelingatfula uMtsetfosivivinyo wetetimali embi kwesishayamtsetfo.

120. Imitsetfosivivinyo yeTimali

1. UMtsetfosivivinyo nguMtsetfosivivinyo wetetimali uma -
 - a. waba imali;
 - b. ubeka tintsela, tinhlawulo netimali letibhadalwako;
 - c. ucitsa noma wehlisa, noma uniketela ngekucolelwa macondzana, nanoma ngutiphi tintsela tesifundza, tinhlawulo, netimali letibhadalwako; noma
 - d. ugunyata tindleko-ngco esiKhwameni sesiFundza seMali.
2. UMtsetfosivivinyo wetetimali akumelanga utsintsane nalolunye ludzaba ngaphandle -
 - a. kweludzaba lolweyamile loluhambisana nekwabiwa kwemali;
 - b. kwekubekwa kucitfwa noma kukhishwa kwetintsela tesifundza, tinhlawulo noma timali letibhadalwako;
 - c. kuniketwa kwekucolelwa macondzana, nanoma ngutiphi tintsela tesifundza, tinhlawulo, netimali letibhadalwako; noma
 - d. kugunyatwa kwetindleko-ngco esiKhwameni sesiFundza seMali.
3. UMtsetfo wesiFundza kumele wente kube khona inchubo sishayamtsetfo lesichibiyela ngayo uMtsetfosivivinyo wetetimali.

[Sigaba 120 sivalwe ngesigaba 3 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

121. Kuvunyelwa kweMtsetfosivivinyo

1. Ndvunankhulu wesifundza kumele avumele aphindze futsi asayine uMtsetfosivivinyo lophasiswe sishayamtsetfo sesifundza ngekwalwaleSahluko noma,

uma anekungabata ngekuhambisana neMtsetfosisekelo kwaloMtsetfosivivinyo, awubuyisele emuva kusishayamtsetfo uyobuyeketwa kabusha.

2. Uma ngabe ngemuva kwekubuyeketwa kabusha kweMtsetfosivivinyo uyakwenetisa ngalokugcwele loku Ndvunankhulu bekanekungabata ngako, Ndvunankhulu kumele awamukele aphindze futsi awusayine lowoMtsetfosivivinyo, kepha uma ngabe ungakwenetisi ngalokugcwele loko kungaba kwakhe, Ndvunankhulu kumele –
 - a. awuvumele aphindze futsi awusayine lowo Mtsetfosivivinyo; noma
 - b. awutfumele eNkantolo yeMtsetfosisekelo kutsi incume ngekuhambisana kwawo neMtsetfosisekelo.
3. Uma ngabe iNkantolo yeMtsetfosisekelo incuma kutsi uMtsetfosivivinyo uyabambisana neMtsetfosisekelo, Ndvunankhulu kumele awuvumele aphindze futsi awusayine.

122. Sicelo semalunga esishayamtsetfo eNkantolo yeMtsetfosisekelo

1. Emalunga esishayamtsetfo angacondzisa sicelo eNkantolo yeMtsetfosisekelo sekutfolela sincumo lesibeka kutsi uMtsetfo wesifundza lowemukelwe noma lophasisiwe noma incenye yawo awuhambisani neMtsetfosisekelo.
2. Sicelo –
 - a. kumele sesekelwe lokungenani ngemalunga langemaphesenti langu-20 esishayamtsetfo; futsi
 - b. kumele sentiwe kungakapheli emalanga langu-30 ngemuva kwekutsi uMtsetfo wesifundza ubusiswe waphindze futsi wasayinwa nguNdvunankhulu.
3. Inkantolo yeMtsetfosisekelo ingancuma kutsi loMtsetfo wesifundza noma incenye yawo lekunesicelo ngawo ngekwesigatjana (1) awunawo emandla kuze iNkantolo incume mayelana nalesicelo, uma ngabe –
 - a. loku kuyadzingeka kuze tinjongo tebulungiswa tifezeke; futsi
 - b. lesicelo sibonakala sengatsi sitawuphumelela.
4. Uma ngabe lesicelo asiphumeleli iNkantolo yeMtsetfosisekelo ingaphocelela labo labafake lesicelo kutsi betfwale tindleko ngaphandle uma ngabe lesicelo besibonakala sengatsi sitawuphumelela.

123. Kushicelelwa kwemitsetfo yetifundza

Umtsetfosivivinyo lobusiswe waphindze futsi wasayinwa nguNdvunankhulu uba nguMtsetfo wesifundza, futsi kumele ushicelelwe masinyane, ucale kusebenta uma sewushicelelwe noma ngelusuku lolubekwe ngulowo Mtsetfo.

124. Kulondvolotwa kwemitsetfo yetifundza ngalokuphephile

Ikhophi leyETFwele lesayiniwe yeMtsetfo wesiFundza

ibufakazi lobuphelele betimiso talowo Mtsetfo, kantsi kumele kutsi uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote ngemuva kwekushicelelwa kwawo.

Labangamele Tifundza

125. Ligunya lekwengamela letifundza

1. Ligunya lekwengamela esifundzeni lisemahlombe aNdvunankhulu waleso sifundza.
2. Ndvunankhulu usebentisa emandla ekwengamela futsi wenta nemisebenti leniketwe leso sikhundla ngekuhonisana nalamanye emalunga eMkhandlu loweNgamele sifundza –
 - a. kuphumelelisa imitsetfo yesifundza esifundzeni;
 - b. kuphumelelisa yonkhe imitsetfo yavelonkhe lengaphasi kweluhlu lolukuShejuli 4 noma 5 ngaphandle uma ngabe uMtsetfosisekelo noma uMtsetfo wePhalamende usho lokunye;
 - c. kusebentisa kulesifundza, imitsetfo yavelonkhe lengaphandle kweluhlu lolukuShejuli 4 na-5, kuphatfwa kwayo kwehliselwe kuso nguMtsetfo wePhalamende;
 - d. kutfutukisa nekusebentisa inchubomgomo yesifundza;
 - e. kuhlanganisa imisebenti yeminyango yahulumende wesifundza;
 - f. kwakha nekubumba imitsetfo yesifundza; kanye
 - g. nekwenta noma ngimiphi leminyane imisebenti leniketwe Sigungu lesengamele semkhandlu wesifundza nguMtsetfosisekelo noma nguMtsetfo wePhalamende.
3. Sifundza sineligunya lekuphatsa ngekwesigatjana (2)(b) kuze kufike esigabeni kuphela lapho sifundza sinawo emandla ekuphatsa futsi sesikwati kutsatsa lomtfwalo ngalokungiko. Hulumente wavelonkhe, ngetinyatselo temtsetfo naletinye, kumele asite tifundza kutsi titfutukise kukwati kuphatsa kwato lokudzingekile kuze tisebentise ngalokungiko lamandla ato nekwenta imisebenti yato lephawulwe esigatjaneni (2).
4. Noma ngukuphi kungcubutana lokusukela emandleni ekuphatsa esifundza mayelana nanoma ngumuphi umsebenti kumele kutfunyelwe eMkhandlwini waVelonkhe weTifundza utewutsatsa sincumo ngako kungapheli emalanga langu-30 kusukela ngalolusuku lokwatfunyelwa ngalo.
5. Ngaphasi kwembandzela wesigaba 100, kuphunyeleliswa kwemitsetfo yesifundza kungumsebenti weSigungu lesengamele kuphela sesifundza.
6. Sigungu sesifundza lesengamele kumele sisebente ngekulandzela –
 - a. uMtsetfosisekelo; kanye
 - b. nemtsetfosisekelo wesifundza, uma ngabe umtsetfosisekelo wesifundza uphasisiwe.

126. Kuniketwa kwemisebenti

1. Lilunga leMkhandlu loweNgamele wesifundza

linganiketa noma waphi emandla noma umsebenti lokumele uchutjwe noma wentiwe ngekweMtsetfo wePhalamense noma ngekweMtsetfo wesifundza, liwanikete uMkhandlu waMasipala lokuniketwa –

- kumele kulandzele sivumelwano emkhatsini walelo lunga leMkhandlu wesifundza lelitsintsekako neleMkhandlu waMasipala;
- kumele kuhambisane naloMtsetfo lokusetjentiswa kwalawo mandla noma kwentiwa kwalowo msebenti lokungaphasi kwawo; futsi
- kucala kusebenta ngesimemetelo semtsetfo lesentiwe nguNdvunankhulu.

127. Emandla nemisebenti yaboNdvunankhulu

- Ndvunankhulu wesifundza unemandla nemisebenti leniketwe lesikhundla nguMtsetfosisekelo nanoma ngumuphi lomunye umtsetfo.
- Ndvunankhulu wesifundza wetfweswe umtfwalo –
 - wekubusisa nekusayina iMtsetfosivivinyo;
 - wekubuyisela emuva kusishayamtsetfo uMtsetfosivivinyo kutsi ubuyeketwe kabusha kungahambisani kwawo neMtsetfosisekelo;
 - wekutfumela uMtsetfosivivinyo eNkantolo yeMtsetfosisekelo kutsi itsatse sincumo ngekuhambisana noma ngekungahambisani kwawo neMtsetfosisekelo;
 - wekubitela sishayamtsetfo sesifundza emhlanganweni lophutfumako ngenhloso yekutsi sente umsebenti lophutfumako;
 - wekubeka emakhomishani eluphenyo; kanye
 - newekubita luhlololuvo esifundzeni ngekulandzela umtsetfo wavelonkhe.

128. Kukhetfwa kwaboNdvunankhulu

- Emhlanganweni waso wekucala ngemuva kwekukhetfwa kwaso, noma uma ngabe kunesidzingo sekugcwalisa sikhala, sishayamtsetfo sesifundza kumele sikhethse emalungeni aso umuntfu lomsikati noma lomdvuna lotawuba nguNdvunankhulu wesifundza.
- LiJaji lelimiswe nguSomajaji kumele lengamele lukhetfo lwaNdvunankhulu. Inchubo lemissewe eNcenyeni A kuShejuli 3 isebenta elukhetfweni lwaNdvunankhulu.

[Sigatjana (2) sivalwe ngesigaba 10 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- Lukhetfo lwekuvala sikhala sesikhundla saNdvunankhulu kumele lubanjwe ngesikhatsi nangelusuku loluncunyiwe nguSomajaji, kepha kungakenduli emalanga langu-30 ngemuva kwekuvela kwaleso sikhala.

[Sigatjana (3) sivalwe ngesigaba 10 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo

wanga-2001.]

129. Kucala kwaNdvunankhulu esikhundleni

Umuntfu lokhetfwe njengaNdvunankhulu, kumele atsatsa sikhundla sakhe angakapheli emalanga lasihlanu akhetsiwe ngekufunga noma ngekuvuma ngekutibophela kutsi utakwetsembeka kuRiphabhulikhi aphindze atfobele uMtsetfosisekelo ngekulandzela iShejuli 2.

130. Sikhatsi sekuba sesikhundleni kwaboNdvunankhulu

- Sikhatsi sekuba sesikhundleni saNdvunankhulu sicala ekutsatfweni kwesikhundla sidzimate siphele uma kuvela sikhala noma uma umuntfu lokhetfwe kutsi abe nguNdvunankhulu lolandzelako atsatsa sikhundla.
- Kute umuntfu lovumeleke kutsi abambe sikhundla sekuba nguNdvunankhulu ngetulu kwemahlandla lamabili, kepha uma umuntfu lokhetselwe kuvala sikhala esikhundleni saNdvunankhulu, sikhatsi lesisemkhatsini kwekukhetfwa kwakhe, nekukhetfwa kwaNdvunankhulu lolandelako asitsatfwa njengesikhatsi sekuba sesikhundleni.
- Sishayamtsetfo sesifundza, ngesincumo lesitsatfwe ngelivoti lelesekwe ngemalunga aso langulokubili kulokutsatfu, singamsusa Ndvunankhulu esihlalweni kuphela ngaleti tizatfu –
 - kwepulwa lokukhulu kweMtsetfosisekelo noma umtsetfo;
 - kutiphatsa kabi kakhulu; noma
 - kwehluleka kwenta imisebenti lebekelwe lesi sikhundla.
- Noma ngubani lokhishwe esikhundleni sekuba nguNdvunankhulu ngekulandzela sigatjana (3)(a) noma (b), akumelanga atfole umvuzo wekuba kuleso sikhundla, kantsi futsi akumelanga atfole litfuba lekubekwa kunoma ngusiphi sikhundla sembuso.

131. Emabambela aboNdvunankhulu

- Uma Ndvunankhulu angekho, noma angakwati kwenta umsebenti wesikhundla sakhe, noma uma sikhundla saNdvunankhulu singenamuntfu, lowo lobambe sikhundla njengalokulandzelako uba liBambela laNdvunankhulu ngekulandzelana kwato –
 - Lilunga leMkhandlu loweNgamele lelibekwe nguNdvunankhulu;
 - Lilunga leMkhandlu loweNgamele lelibekwe ngulamanye emalunga eMkhandlu;
 - Somlomo, sidzimate lesishayamtsetfo sikhethse lomunye wemalunga aso.
- LiBambela laNdvunankhulu linemtfwalo, emagunya, nemisebenti lefanako naleyo yaNdvunankhulu.
- Ngembi kwekucala kutsatsa lemitfwalo, emandla nemisebenti yaNdvunankhulu, liBambela laNdvunankhulu kumele lifunge noma livume ngekutibophela kwetsembeka kuRiphabhulikhi nekutfobela uMtsetfosisekelo ngekulandzela iShejuli

2.

ngenhloso yekutizuzela lokutsite, noma ngendlela yekusita noma ngumuphi lomunye umuntfu ngendlela lengakafaneli.

132. Imikhandlu leyeNgamele

1. UMkhandlu loweNgamele wesifundza ubunjwe nguNdvunankhulu, njengenhloko yeMkhandlu, kanye nangemalunga langekhokho ngaphasi kwalasihlanu, futsi langengci eshumini, lakhetfwa nguNdvunankhulu emalungeni esishayamtsetfo sesifundza.
2. Ndvunankhulu wesifundza ubeka malunga eMkhandlu loweNgamele, awanike emandla nemisebenti, futsi angawasusa etikhundleni.

133. Kutiphendvulela kanye nemitfwalo

1. Emalunga eMkhandlu loweNgamele wesifundza anekutiphendvulela ngemisebenti yekwengamela laniketwe yona nguNdvunankhulu.
2. Emalunga eMkhandlu loweNgamele anemitfwalo ngekuhlanganyela kanye nemuntfu ngamunye wekutiphendvulela kusishayamtsetfo ngekuchuba kwawo emagunya awo kanye nekuenta imisebenti yawo.
3. Emalunga eMkhandlu loweNgamele kumele –
 - a. asebente ngekulandzela uMtsetfosisekelo, futsi
 - b. anikete sishayamtsetfo imibiko legcwele ngetikhatsi letivamile ngetindzaba letingaphasi kwawo.

134. Kuchubeka kwemikhandlu yekweNgamela ngemuva kwelukhetfo

Uma kubanjwe lukhetfo lwesishayamtsetfo sesifundza, uMkhandlu loweNgamele nemalunga awo achubeka asebente kuze kube sikhatsi lapho lowo muntfu lokhetfwe kuba nguNdvunankhulu sishayamtsetfo lesilandzelako angene esikhundleni.

135. Kufunga noma kuvuma ngekutibopha

Ngembi kwekutsi emalunga eMkhandlu loweNgamele acale kwenta imisebenti yawo, kumele afunge noma avume ngekutibophela kwetsembeka kwawo kuRiphabhulikhi kanye nekutifobela uMtsetfosisekelo, lokhu akwenta ngekulandzela Shejuli 2.

136. Kutiphatsa kwemalunga emkhandlu loweNgamele

1. Emalunga eMkhandlu loweNgamele kumele atiphatsa ngekuhambisana nelucwebu lwekutiphatsa lolumiswe ngumtsetfo wavelonkhe.
2. Emalunga eMkhandlu loweNgamele akakavunyelwa –
 - a. kwenta lomunye umsebenti lowaholelako;
 - b. kutiphatsa ngendlela lengahambisani netikhundla tawo, noma atfolakale esimeni lesingadala kungcubutana emkhatsini kwemsebenti wawo kanye netifiso tawo tangasese; noma
 - c. kusebentisa tikhundla tawo noma nanoma nguluphi lolunye lwati lolusetandleni tawo

137. Kuntjintjwa kwemagunya nemisebenti

1. Ndvunankhulu ngekusebentisa simemetelo semtsetfo angantjintjela kulelinye lilunga leMkhandlu loweNgamele –
 - a. kuphatfwa kwanoma ngumuphi umtsetfo lebewuniketwe lelinye lilunga; noma
 - b. nanoma ngiluphi ligunya noma umsebenti loniketwe lelinye lilunga ngekwenmtsetfo.

138. Kunikwa kwesikhashana kwemagunya nemisebenti

Ndvunankhulu anganika lilunga leMkhandlu loweNgamele noma nguwapu emagunya nemisebenti yalelinye lilunga lelingekhokho esikhundleni salo, noma lelingakwati kusebentisa lawo magunya ekwenteni umsebenti.

139. Kungenelela kwesifundza kuhulumende wasekhaya

1. Uma ngabe hulumente wasekhaya ehluleka noma angafezi umsebenti wekuphatsa lobekwe ngumtsetfo, Sigungu sesifundza lesengamele lesitsintsekako singangenelela ngekutsi sitsatse tinyatselo letifanele kucinisekisa kufezekisa kwaleso sibopho, lokufaka –
 - a. kukhipha umyaleto uye eMkhandlwini waMasipala, uchaza lizinga lalokwehluleka kufezekisa tibopho taso uphindze ubeke tinyatselo lekumele titsatfwe kuze uhlangebetane netibopho taso; futsi
 - b. kutsatsa nanoma ngukuphi kuphatfwa kwemtsetfo noma sente umsebenti kulowo masipala uma ngabe kunesidzingo kwentela -
 - i. kugcina lizinga lavelonkhe noma kutfolakale lizinga lelemukelekile nalelidzingekeko ekwentiweni kwemisebenti;
 - ii. uvimbela tento letingakalungi letitsetfwe ngumasipala letikhinyabeta lemunye masipala noma sifundza sonkhana; noma
 - iii. kugcina lubumbano kutemnotfo.
 - c. kuhlakata uMkhandlu waMasipala bese kukhetfwa umphatsi kudzimate kumenyetelwa kukhetfwa kweMkhandlu waMasipala lomusha, uma kunetimo letivelele letidzinga kutsatfwa kwesinyatselo lesinjalo.
2. Uma Sigungu sesifundza lesengamele singenelela ekuphatfweni kwamasipala ngekulandzela sigatjana (1)(b) -
 - a. kumele sitfumele satiso lesibhaliwe salokungenelela -
 - i. kulilunga leKhabhinethi lelinemtfwalo wetindzaba tabohulumende basekhaya; kanye
 - ii. nakusishayamtsetfo lesitsintsekako kanye nakUmkhandlu weTifundza, kungakapheli

- emalanga langu-14 ngemuva kwekucala kwalokungenelela;
- b. lokungenelela kumele kuphele uma -
 - i. lilunga leKhabhinethi lelinemtfwalo wetindzaba tabohulumende basekhaya lingakwemukeli lokungenelela kungakapheli emalanga langu-28 ngemuva kwekucala kwalokungenelela noma ngasekupheleni kwaleso sikhatsi lingakakwemukeli lokungenelela; noma
 - ii. uMkhandlu ungakwemukeli lokungenelela kungakapheli emalanga langu-180 ngemuva kwekucala kwalokungenelela noma ngasekupheleni kwaleso sikhatsi ungakwemukeli lokungenelela; futsi
 - c. uMkhandlu kumele, ngalesikhatsi lokungenelela kusachubeka, ubuyekete lokungenelela njalo kantsi ungaphindze wente tiphakamiso letifanelekile kuSigungu sesifundza lesengamele.
3. Uma uMkhandlu waMasipala uhlakatwa ngekulandzela sigatjana (1)(c) -
 - a. Sigungu sesifundza lesengamele kumele ngekusheshisa setfule satiso lesibhaliwe ngalokuhlakatwa -
 - i. kulilunga leKhabhinethi lelinemtfwalo wetindzaba tabohulumende basekhaya; kanye
 - ii. nakusishayamtsetfo lesitsintsekako kanye nakUmkhandlu weTifundza; kantsi
 - b. lokuhlakatwa kucala kusebenta ngemuva kwemalanga langu-14 ngemuva kwelilanga lekwemukelwa kwalesatiso nguMkhandlu ngaphandle uma sibekelwe eceleni ngulelo lunga leKhabhinethi noma nguMkhandlu ngembi kwekuphela kwalawo malanga langu-14.
 4. Uma masipala angeke akwati noma ehluleka kufeza tibopho ngekulandzela uMtsetfosisekelo noma ngekwemtsetfo tekwemukela umcombelelotimali noma letinye tinyatselo tekungenisa imali letidzingekele kuphumelelisa umcombelelotimali, sishayamtsetfo sesifundza lesitsintsekako kumele singenelele ngekutsatsa tinyatselo letifanelekile kuze kutewucinisekiswa kutsi lomcombelelotimali noma leto tinyatselo tekungenisa imali tiyemukelwa, lokufaka ekhatsi kuhlakata uMkhandlu waMasipala kanye -
 - a. nekukhetsa umphatsi kudzimate kumenyetelwe kukhetfwa kweMkhandlu waMasipala lomusha; kanye
 - b. nekwemukela umcombelelotimali wesikhashana noma tinyatselo tekungenisa imali kuze kubonelelwe kuchubeka nekusebenta kwalomasipala.
 5. Uma masipala, ngenca yekungahambi kahle kwetintfo mayelana netetimali, atitfola njalo ehluleka kakhulu kuhlangabetana netibopho takhe tekwetfula tinsita letisisekelo noma kuhlangabetana netibopho takhe kutetimali, noma avuma kuts akakwati kuhlangabetana nemitfwalo yakhe noma netibopho takhe kutetimali, leSigungu sesifundza lesengamele lesitsintsekako kumele -
 - a. sisukumise lisu lekuvuselela lelihlose ekucinisekiseni kuphumelela kwamasipala kuhlangabetana nemitfwalo yakhe yekwetfula tinsita letisisekelo noma kuhlangabetana netibopho takhe kutetimali, lokumele -
 - i. kube lisu lelisukunyiswa ngekulandzela umtsetfo wavelonkhe; futsi
 - ii. libophe masipala ekuchubeni ligunya lekushaya umtsetfo nelekwengamela, kepha kufikela ezingeni lelidzingekele kutsi kusunjululwe lokungahambi kahle kwetintfo kutetimali; siphindze
 - b. sihlakate uMkhandlu waMasipala, uma lomasipala angakwati noma ehluleka kwemukela tinyatselo temtsetfo, lokufaka ekhatsi umcombelelotimali noma letinye tinyatselo tekungenisa imali, letidzingekele kutsi kuphunyeleliswe lelisu lekuvuselela, bese -
 - i. sikhetsa umphatsi kudzimate kumenyetelwe kukhetfwa kweMkhandlu waMasipala lomusha; kanye
 - ii. samukela umcombelelotimali wesikhashana noma tinyatselo tekungenisa imali noma letinye tinyatselo tekuphumelelisa lelisu lekuvuselela kuze kubonelelwe kuchubeka nekusebenta kwalomasipala; noma
 - c. uma uMkhandlu waMasipala ungahlakatwa ngekulandzela indzima(b), sitsatse umtfwalo wekuphumelelisa lelisu lekuvuselela kuze kufike ezingeni lapho lomasipala angakwati noma ehluleka kusebentisa lelisu lekuvuselela.
 6. Uma Sigungu sesifundza lesengamele singenelela kumasipala ngekulandzela sigatjana (4) noma (5), kumele setfule satiso lesibhaliwe ngalokungenelela -
 - a. kulilunga leKhabhinethi lelinemtfwalo wetindzaba tabohulumende basekhaya; kanye
 - b. nakusishayamtsetfo lesitsintsekako kanye nakUmkhandlu weTifundza, kungakapheli emalanga langu-7 ngemuva kwekucala kwalokungenelela.
 7. Uma Sigungu sesifundza lesengamele singakwati noma sehluleka noma singafinyeleli ngalokwenelisako ekuchubeni lamandla noma ekwenteni lemisebenti lephawulwe esigatjaneni (4) noma (5), Sigungu savelonkhe lesengamele kumele singenelele ngekulandzela sigatjana (4) noma (5) esikhundleni seSigungu sesifundza lesengamele lesitsintsekako.
 8. Umtsetfo wavelonkhe ungalawula kusetjentiswa kwalesigaba, lokufaka ekhatsi netinhlelo letisungulwa ngulesigaba.
- [Sigaba 139 sivalwe ngesigaba 4 seMtsetfo weLishumi naKunye wekuChitjiyelwa kweMtsetfosisekelo wanga-2003.]*
- ### 140. Tincumo tesigungu lesengamele
1. Sincumo saNdvunankhulu wesifundza kumele sibhalwe phasi uma ngabe -
 - a. sentiwe ngekulandzela umtsetfo; noma

- b. sinemiphumela yetemtsetfo.
2. Sincumo saNdvunankhulu kumele sibhalwe siphindze futsi sisayinwe lilunga leMkhandlu loweNgamele uma ngabe lesi sincumo siphatselene nemsebenti loniketwe lelo lungu.
3. Tatiso, imitsetfo kanye naleminyane imitsetfomgomo lephatselene nekushaywa kwemtsetfo kumele ummango ukwati kuyitfolu.
4. Umtsetfo wesifundza ungachaza lizinga, ngendlela lekumele lemitsetfomgomo lephawulwe esigatjaneni (3)-
 - a. yetfulwe ngayo embi kwesishayamtsetfo sesifundza; futsi
 - b. ivunywe sishayamtsetfo sesifundza.

141. Tiphakamiso tekungatsembakali

1. Uma ngabe sishayamtsetfo sesifundza, ngelinyenti lemalunga aso, samukela siphakamiso sekungatsembakali kweMkhandlu loweNgamele wesifundza lokungafaki ekhatsi Ndvunankhulu, Ndvunankhulu kumele abumbe loMkhandlu loweNgamele kabusha.
2. Uma ngabe sishayamtsetfo sesifundza, ngelinyenti lemalunga aso, samukela siphakamiso sekungatsembakali kwaNdvunankhulu, Ndvunankhulu kanye nalawa lamanye emalunga eMkhandlu loweNgamele kumele bashiye etikhundleni.

IMitsetfosisekelo yetiFundza

142. Kuvunywa kweMitsetfosisekelo yetifundza

Sishayamtsetfo sesifundza singaphasisa umtsetfosisekelo wesifundza noma , lapho kufanelekile, singachibiyela umtsetfosisekelo waso uma ngabe emalunga lalinani lelingalokubili kulokutsatfu avotela kwesekela lowo Mtsetfosivivinyo.

143. Lokucuketfwe nguMtsetfosisekelo weTifundza

1. Umtsetfosisekelo wesifundza, noma sichibiyelo sawo, akumelanga ungacubutane naloMtsetfosisekelo, kepha ungabeka –
 - a. tikhungo letishaya umtsetfo noma tekwegamela netinchubo letehlukile kuleto letibekwe kuleSahluko; noma
 - b. tikhungo, kusebenta, ligunya nelizinga lenkhosi yekutalwa, lapho kudzingeke khona.
2. Tiphakamiso letikumtsetfosisekelo wesifundza noma sichibiyelo sawo ngekulandzela tindzima (a) noma (b) tesigatjana (1) –
 - a. kumele tihambisane netimiso letisesigabeni 1 kanye neSahluko 3; futsi
 - b. tingeke tinikete sifundza emandla nemisebenti –
 - i. lewela ngaphandle kwemandla esifundza ngekweShejuli 4 noma 5; noma
 - ii. lewela ngaphandle kwalawo mandla

nemisebenti leniketwe sifundza nguletinye tigaba teMtsetfosisekelo.

144. Kucinisekiswa kwemitsetfosisekelo yetifundza

1. Uma ngabe sishayamtsetfo sesifundza sesiphasisa noma sesichibiyele umtsetfosisekelo, Somlomo wesishayamtsetfo sesifundza kumele etfule lombhalo walomtsetfosisekelo noma sichibiyelo semtsetfosisekelo eNkantolo yeMtsetfosisekelo utewucinisekiswa.
2. Kute umbhalo wemtsetfosisekelo wesifundza noma sichibiyelo sawo lesingaba ngumtsetfo iNkantolo yeMtsetfosisekelo ingakacinisekisi kutsi -
 - a. lombhalo uphasiswe ngekulandzela sigaba 142; nekutsi
 - b. wonkhe lombhalo uhambisana nesigaba 143.

145. Kusayinwa, kushicilelwa nekulondvolotwa kwemitsetfosisekelo yetifundza

1. Ndvunankhulu wesifundza kumele abusise aphindze asayine umbhalo wemtsetfosisekelo wesifundza noma sichibiyelo salomtsetfosisekelo locinisekiswa yiNkantolo yeMtsetfosisekelo.
2. Umbhalo lesewubusiswe waphindze wasayinwa nguNdvunankhulu kumele ushicilelwe kuGazethi yaHulumende yavelonkhe kutsi uma sewushicilelwe ucale kusebenta ngaleso sikhatsi noma ngelusuku lolulandzela kushicilelwa kwalombhalo lolubekwe ngekulandzela lowo mtsetfosisekelo noma lesichibiyelo sawo.
3. Lombhalo wemtsetfosisekelo wesifundza losayiniwe noma sichibiyelo sawo ubufakazi lobuphelele betimiso tawo, futsi ngemuva kwekushicilelwa kwawo kumele kutsi uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.

Imitsetfo leNgcubutanako

146. Kungcubutana emkhatsini kwemtsetfo wavelonkhe newesifundza

1. Lesigaba sisebenta esimeni lapho khona kunekungcubutana emkhatsini kwemtsetfo wavelonkhe kanye nemtsetfo wesifundza longaphasi kwaloluhlu lolukuShejuli 4.
2. Umtsetfo wavelonkhe losebenta ngekufanana eveni lonkhe uba ngetulu kwemtsetfo longcubutana nawo wesifundza uma ngabe letimo letilandzelako tigwaliseka -
 - a. Umtsetfo wavelonkhe uphatselene neludzaba lolungeke luphatseke kahle ngemtsetfo lobekwe tifundza ngekwehlukana kwato;
 - b. Umtsetfo wavelonkhe utsintsa ludzaba, lolumele lusetjentiswe kahle, ludzinga kufanana eveni lonkhe, futsi lomtsetfo wavelonkhe wenta kube khona lokufanana ngekubeka –

- i. tinchubo nemazinga;
- ii. luhlakamsebenti; noma
- iii. tinchubomgomo tavelonkhe.
- c. Lomtsetfo wavelonkhe udzingekelela -
 - i. kugcinwa kwekuvikeleka kwavelonkhe;
 - ii. kugcinwa kwelubumbano lwetemnotfo;
 - iii. kuvikelwa kwekuhweba ngekuhlanganyela mayelana nekusatjalaliswa kwemphahla lokuhwetjwa ngayo, temnotfo, imisebenti nebasebenti;
 - iv. kugcugcutela temnotfo ngaphandle kweminyele yetifundza;
 - v. kugcugcutela kulingana kanye nematfuba lalinganako ekufinyelela kubohulumende; noma
 - vi. kuvikeleka kwemvelo.
3. Umtsetfo wavelonkhe uba ngetulu kwemtsetfo wesifundza uma ngabe umtsetfo wavelonkhe uhlose kuncandza sento sesifundza lesingakalungi –
 - a. lesingakhinyabeta umnotfo noma kuphepha kwalesinye sifundza noma live lonkhana; noma
 - b. lesivimbela kusetjentiswa kwenchubomgomo yetemnotfo yavelonkhe.
4. Uma kunembango mayelana nekutsi ngabe umtsetfo wavelonkhe uyadzingeka ngekwenjongo leyendlalwe esigatjana (2)(c), futsi lowo mbango uletfwe ngembi kwenkantolo kutsi iwusombulule, inkantolo kumele inake kwemukelwa noma kucitfwa kwalowo mtsetfo nguMkhandlu weTifundza.
5. Umtsetfo loshaywe sifundza ngiwo lophakeme kunemtsetfo wavelonkhe lapho khona sigatjana (2) noma (3) singasebenti.
6. Umtsetfo losukunyiswe ngekulandzela uMtsetfo wePhalamende noma uMtsetfo wesifundza ungasebenta kuphela uma lowo mtsetfo wemukelwe nguMkhandlu weTifundza.
7. Uma Umkhandlu weTifundza ungafiki esincumeni emalangenani langu-30 ekuhlanganeni kwawo kwekucala ngemuva kwekundluliselwa kwemtsetfo kuwo, lowo mtsetfo kumele kutsi utsatfwe ngekutsi wemukelwe nguMkhandlu.
8. Uma Umkhandlu weTifundza ungawemukeli umtsetfo lowendluliselwe kuwo ngekwesigatjana (6), kumele, kungakapheli emalanga langu-30 utsatse lesincumo, wetfule tizatfu tekungemukeli lomtsetfo esigungwini lesendlulisela lomtsetfo kuwo.

147. Lokunye kungcubutana

1. Uma ngabe kukhona kungcubutana emkhatsini kwemtsetfo wavelonkhe netimiso temtsetfosisekelo wesifundza mayelana –
 - a. neludzaba lapho uMtsetfosisekelo uncuma noma ufuna kutsi kushaywe umtsetfo wavelonkhe, lomtsetfo wavelonkhe ngiwo lotawusebenta ngetulukwaletso timiso temtsetfosisekelo wesifundza letitsintsekako;
 - b. nekungenela kwavelonkhe ngekulandzela sigaba 44(2), umtsetfo wavelonkhe usebenta ngetulu kwaleso simiso semtsetfosisekelo wesifundza; noma
 - c. neludzaba lolumayelana netintfo letikuloluhlu lolukuShejuli 4, sigaba 146 sisebenta sengatsi lencenye yemtsetfosisekelo wesifundza letsintsekako bekungumtsetfo wesifundza lophawulwe kuleso sigaba.
2. Umtsetfo wavelonkhe lophawulwe esigabeni 44(2) uba ngetulu kwemtsetfo wesifundza etintfweni letishiwo kuloluhlu lolukuShejuli (5).

148. Kungcubutana lokungasombululeki

Uma ngabe umbango mayelana nekungcubutana kungete kwasonjululwa yinkantolo, umtsetfo wavelonkhe utawuba nemandla ngetulu kwemtsetfo wesifundza noma ngetulu kwemtsetfosisekelo wesifundza.

149. Lizinga lemtsetfo longahlulwa

Sincumo senkantolo kutsi umtsetfo unemandla ngetulu kwalomunye asiwenti lona lomunye umtsetfo ungasasebenti, kepha lomtsetfo lomunye awusebenti ngaleso sikhatsi kusenaloko kungcubutana.

150. Kuhunyushwa kwekungcubutana

Uma ngabe kucutjungulwa kungcubutana lokukhona emkhatsini kwemtsetfo wavelonkhe nemtsetfo wesifundza noma nemtsetfo wavelonkhe kanye nemtsetfosisekelo wesifundza, tonkhe tinkantolo kumele tikhetsa kuhunyushwa lokufanele kwalowo mtsetfo noma umtsetfosisekelo lokuvikela lokungcubutana, ngetulu kwanoma ngukuphi lokunye kuhunyushwa lokubanga kungcubutana.

Sehluko 7: Hulumente WaseKhaya (151-164)

151. Lizinga labomasipala

1. Umkhakha wahulumende wasekhaya ubunjwe bomasipala, lekumele basungulwe ngumtsetfo eveni lonkhe leRiphabhulikhi.
2. Ligunya lekwengamela nekushaya umtsetfo lamasipala lisemahlombe eMkhandlu waMasipala.
3. Masipala unelilungelo lekubusa, ngekutisungulela yena, yonkhe imisebenti yahulumende wasekhaya emiphakatsini yakhe, ngaphasi kwembandzela wekulandzela umtsetfo wavelonkhe newesifundza, njengoba kubekiwe kuMtsetfosisekelo.
4. Bohulumende wavelonkhe newesifundza akumelanga batsikamete noma bavimbele likhono noma lilungelo lamasipala lekusebentisa emandla akhe noma lekwenta imisebenti yakhe.

152. Tinhloso tahulumende wasekhaya

1. Tinhloso tahulumende wasekhaya –
 - a. kuniketa hulumente wentsandvo yelinyenti nalokwati kusebentela imiphakatsi;
 - b. kuniketa lusito emmangweni ngendlela lenekusimama;
 - c. kunconota kutfutfuka kwetenhlalakahle netemnotfo;
 - d. kutfutukisa indzawo lephephile nalenemphilo;
 - e. kugcugcutela kumbandzakanywa kwemmango netinhlangano temiphakatsi etindzabeni tahulumende wasekhaya.
2. Masipala kumele atame ngemandla akhe etimali nangekukhona kwakhe kuphatsa, kuphumelelisa lemigomo lebekwe esigatjaneni (1).

153. Imisebenti yekutfutukisa yabomasipala

1. Masipala kumele –
 - a. ahlele aphindze alawule kuphatfwa kwawo, kuhlelwa kwetimali lekabelwe tona, kanye netinchubo tekuhlela kuniketa tidzingonchanti lizinga leliphakeme, futsi atfutukise temphilo nentfutuko yetemnotfo wemmango; futsi
 - b. afake sandla etinhlelweni tekutfutukisa kuvelonkhe nasesifundzeni.

154. Bomasipala kuhulumende welubambiswano

1. Bohulumende wavelonkhe nebetifundza, ngekushaya imitsetfo naletinye tinyatselo, kumele basite futsi balekelele bomasipala kucinisa likhono labo lekuphatsa imisebenti yabo, kusebentisa emandla abo nekwenza imisebenti yabo.
2. Umtsetfosivivinyo wavelonkhe noma wesifundza lotsintsa lizinga, tikhungo, emandla noma imisebenti

yahulumende wasekhaya kumele ushicilelwe kuze ummango uphefumule ngawo ungakangeniswa ePhalamende noma kusishayamtsetfo sesifundza ngendlela levumela hulumente wasekhaya lohlelekile, bomasipala nalabanye bantfu labatsintsekako litfuba lekwenza tiphakamiso ngalomtsetfosivivinyo.

155. Kubunjwa kwabomasipala

1. Kukhona letigaba letilandzelako taboMasipala -
 - a. Sigaba A: Masipala lonemandla laphelele amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.
 - b. Sigaba B: Masipala lohlanganyela nesigaba C samasipala lapho indzawo yakhe iphelela khona emandla amasipala kanye neligunya lekushaya umtsetfo endzaweni yakhe.
 - c. Sigaba C: Masipala lonemandla amasipala kanye newekushaya umtsetfo endzaweni lefaka ekhatsi tindzawo letingetulu kwayinye tamasipala.
2. Umtsetfo wavelonkhe kumele uchaze letinhlobo letehlukene tamasipala letingasungulwa kusinye ngasinye sigaba.
3. Umtsetfo wavelonkhe kumele –
 - a. usungule indlela yekuncuma kutsi indzawo ifanele nini kuba namasipala munye wesigaba A noma kunini lapho indzawo ifanele kuba nabomasipala besigaba B nesigaba C;
 - b. usungule indlela netinchubo tekuncuma ngeminye yamasipala Sigungu lesitimele; futsi
 - c. ngekulandzela sigaba 229, wente tiphakamiso tekwabela bomasipala emandla ngalokufanele kanye nemisebenti uma ngabe indzawo inabomasipala besigaba B nesigaba C. Kwabiwa kwemandla nemisebenti emkhatsini wamasipala wesigaba B namasipala wesigaba C kungehluka ekwabiweni kwemandla nemisebenti walomunye masipala wesigaba B kanye nalowo masipala wesigaba C.
4. Umtsetfo lophawulwe esigatjaneni (3) kumele unake sidzingo sekuniketa lusito lwamasipala ngalokulinganako nangendlela lenekusimama.
5. Sishayamtsetfo sesifundza kumele sincume ngetinhlobo letehlukene tabomasipala lekumele tisungulwe esifundzeni.
6. Hulumente ngamunye wesifundza kumele asungule bomasipala esifundzeni sakhe ngendlela levumelana nemtsetfo loshaywe ngekulandzela tigatjana (2) na-(3) ngekwemtsetfo noma ngaletinye tinyatselo; kumele -
 - a. ente kube khona kwengamela nekuncedza hulumente wasekhaya esifundzeni; futsi
 - b. atfutukise intfutuko yemandla ahulumende wasekhaya kwenta bomasipala kutsi bakhone kwenta imisebenti yabo nekutsi bakwati

kwengamela lokucondzene nabo.

(6A) Uma letimfuneko letihlongotwe esigatjaneni (3)(b) tingeke taphumelela ngaphandle kwekutsi umnye le wamasipala agabancele emnyeleni wesifundza -

- a. lowo mnye le wamasipala ungancunywa ekugabanceni kwemnye le wamasipala, kepha kuphela -
 - i. ngekuvumelana nesifundza lesitsintsekako; futsi
 - ii. ngemuva kwekutsi letigungu tekwegamela tetifundza tibe tigunyatwe ngumtsetfo wavelonkhe kutsi usungule masipala ngekhatsi kwalenzawo yamasipala; futsi
- b. umtsetfo wavelonkhe -
 - i. ngaphasi kwembandzela wesigatjana (5), unganiketela ngekusungulwa kuleyo ndzawo yamasipala kweluhlobo lwamasipala lokuvunyelenwe ngalo emkhatsini kwaletifundza letitsintsekako;
 - ii. unganiketela ngeluhlakamsebenti lwekusetjentiswa kweligunya lekwegamela lesifundza kuleyo ndzawo yamasipala kanye namacondzana nalowo masipala; futsi
 - iii. unganiketela ngekucutjungulwa kabusha kweminye le yabomasipala uma sinye setifundza letitsintsekako sihocisa kwesekela kwaso umnye le lomise ngekulandzela indzima(a).

[Sigatjana (6A) singeniswe ngesigaba 1 seMtsetfo 87 wanga-1998.]

7. Hulumende wavelonkhe ngaphasi kwetimiso letisesigatjaneni 44, kanye nabohulumende betifundza unemandla ekushaya neligunya lekuphatsa, kwelusa, kusebenta ngalokufanele kwabomasipala kwemisebenti yabo mayelana neluhlu lwetintfo letihlelwe kuShejuli 4 na-5, ngekucondzisa kusetjentiswa kwemandla abomasipala ekuphatsa lashwo esigabeni 156 (1).

156. Emandla nemisebenti yabomasipala

1. Masipala uneligunya lekwegamela futsi unelilungelo lekuphatsa -
 - a. tindzaba tahlumende wasekhaya letihleliswe eNcenyeni B yeShejuli 4 neNcenyeni B yeShejuli 5; kanye
 - b. nanoma nguluphi ludzaba loluniketwe masipala ngumtsetfo wavelonkhe noma ngumtsetfo wesifundza.
2. Masipala angabeka aphindze aphantse imitsetfo-sigodzi kuze kusebenteke ngendlela lekahle kwetindzaba lanelilungelo lekutiphatsa.
3. Ngaphasi kwembandzela wesigaba 151 (4), umtsetfo-sigodzi wamasipala longcubutana nemtsetfo wavelonkhe noma wesifundza awusebenti. Uma ngabe kunekungcubutana kwemtsetfo-sigodzi

wamasipala nemtsetfo wavelonkhe wesifundza longasebenti ngenca yalokungcubutana lokushiwo esigabeni 149, lomtsetfo-sigodzi wamasipala kumele utsatfwe ngekutsi uyasebenta kuleso sikhatsi lowo mtsetfo ungasebenti.

4. Hulumende wavelonkhe nabohulumende betifundza kumele babele masipala, ngesivumelwano, nanganoma nguyiphi imibandzela, kuphatfwa kweludzaba lolubekwe eNcenyeni A seShejuli 4 noma iNcenyeni A seShejuli 5 lesiphatselene nahulumende wasekhaya uma ngabe -
 - a. loludzaba lungaphatseka ngendlela lengiyo ekhaya; noma
 - b. masipala unawo emandla ekuluphatsa.
5. Masipala unelilungelo lekusebentisa emandla laphatselene neludzaba lolusondzelene naloludzingekako, ekwenteni imisebenti yakhe.

157. Kubunjwa nekukhetfwa kwemikhandlu yabomasipala

1. Umkhandlu wamasipala ubunjwe -
 - a. ngemalunga lakakhetfwe ngekulandzela tigatjana (2) na-(3); noma
 - b. uma ngabe kubekwe ngumtsetfo wavelonkhe -
 - i. emalunga lakhetfwe nguleminye iMikhandlu yaboMasipala kutsi atewumela leyo Mikhandlu leminye; noma
 - ii. omabili emalunga lakhetfwe ngekulandzela indzima(a) nemalunga lakhetfwe ngekulandzela indzinyana(i) yalenzima.

[Sigatjana (1) sivalwe ngesigaba 1(a) seMtsetfo weSiphohlango wekuChitjiyelwa kweMtsetfosisekelo wanga-2002.]

2. Kukhetfwa kwemalunga eMkhandlu waMasipala njengoba kushiwo esigatjaneni (1)(a) kumele kulandzele umtsetfo wavelonkhe, lekumele ubeke indlela -
 - a. yekumelwa ngalokunekulingana lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwavelonkhe futsi lebeke ngekukhetfwa kwemalunga kuloluhlu lwemagama lowakhiwe ngekulandzela kukhatsa kwelicembu, noma
 - b. yekumelwa ngalokunekulingana njengoba kuchaziwe esigatjaneni(a) kuhlangene nenchubo yekumelwa ngemawadi lokumiswe encenyeni yalomasipala yeluhlu lwebavoti lwavelonkhe.
3. Indlela yelukhetfo ngekulandzela sigatjana (2) kumele iholele, jikelele, kumiphumela yekumelwa ngelinani lekuvotelwa kwelicembu letembusave.

[Sigatjana (3) sivalwe ngesigaba 1(b) seMtsetfo weSiphohlango wekuChitjiyelwa kweMtsetfosisekelo wanga-2002.]

4. a. Uma ngabe lendlela yelukhetfo ifaka kumelwa kwemawadi, kubekwa kwemawadi kumele kwentiwe Sigungu lesitimele lesibekwe

ngekulanzela, futsi lesisebenta ngekulanzela, tincumo netimiso letibekwe ngumtsetfo wavelonkhe.

- b. Uma umnye le wamasipala uye wabekwa ngekulanzela sigaba 155 (6A), liwadi lelibekwe ngekhati kwalowo mnye le wamasipala akumelanga ligabancele emnyeleni wesifundza lesitsintsekako.

[Sigatjana (4) sivalwe ngesigaba 2 seMtsetfo weSitsatfu wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

[Umugca (b) ucitfwe ngesigaba 3 seMtsetfo weLishumi naKubili wekuChitjiyelwa kweMtsetfosisekelo wanga-2005]

5. Umuntfu angavota endzaweni yamasipala kuphela uma ngabe lowo muntfu ubhaliswe encenyeni yalomasipala eluhlweni lwebavoti lwavelonkhe.
6. Umtsetfo wavelonkhe lophawulwe esigatjaneni (1)(b) kumele usungule indlela levumela emacembu netimfuno letibonakalako kuloMkhandlu waMasipala kwenta kubekwa etikhundleni, kube ngulokulingana kahle kuloMkhandlu waMasipala lapho lokubekwa etikhundleni kwentelwe khona.

158. Bulunga bemikhandlu yabomasipala

1. Sonkhe sakhamuti lesinelilungelo lekuvotela uMkhandlu waMasipala sinelilungelo lekumela bulunga beMkhandlu, ngaphandle –
 - a. kwanoma ngubani locashwe, noma loseebenta, kumasipala futsi ahola kulokucashwa noma kusebenta, futsi angakacolelwa kulokungavumelekingekwemtsetfo wavelonkhe;
 - b. kwanoma locashiwe, noma loseebentela uMbuso kulelinye lizinga, futsi lekaholelwako kulokucashwa noma lowo msebenti, longakavumeleki kuba lilunga laloMkhandlu ngemtsetfo wavelonkhe;
 - c. kwanoma ngubani longakavumeleki kuvotela Sigungu saVelonkhe noma longakavumeleki ngekwesigaba 47 (1)(c),(d) noma (e) kuba lilunga leSigungu saVelonkhe;
 - d. kwelilunga leSigungu saVelonkhe, sitfunywa seMkhandlu waVelonkhe weTifundza, noma lilunga lesishayamtsetfo sesifundza, kepha lokungavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele hulumente wasekhaya eMkhandlwini waVelonkhe; noma
 - e. kwelilunga lalomunye uMkhandlu waMasipala; kepha longakavumeleki akusebenti elungeni leMkhandlu waMasipala lelimele lowo Mkhandlu kulomunye uMkhandlu waMasipala esigabeni lesehlukile.
2. Umuntfu longavumeleki kuba lilunga leMkhandlu waMasipala ngekwesigatjana (1) (a),(b),(d) noma (e) angaba lilunga laloMkhandlu kuphela nje ngaphasi kweminye nemibandzela lebekwe ngumtsetfo wavelonkhe.

3. Tikhala temisebenti Emikhandlwini waMasipala kufanele tigcwatjiswe ngekwekushaywa kwemtsetfo kwavelonkhe.

[Sigatjana (3) sengetwe ngesigaba 4 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-2008 nangeMtsetfo weLishumi neSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009.]

159. Sikhatsi sekusebenta kwemikhandlu yabomasipala

1. Sikhatsi sekusebenta kweMkhandlu waMasipala angeke sendlule iminyaka lesihlanu, njengekuncuma kwemtsetfo wavelonkhe.
2. Uma uMkhandlu waMasipala uhlakatwa ngekulanzela umtsetfo wavelonkhe, noma uma sikhatsi sawo siphela, lukhetfo kumele lubanjwe kungakapheli emalanga langu-90 ngemuva kwelilanga lowo Mkhandlu uhlakatwe ngalo ngobe sikhatsi sawo siphelile.
3. UMkhandlu waMasipala, ngaphandle kweMkhandlu loye wahlakatwa kulanzela kungenenela ngekulanzela sigaba 139, uyachubeka nekuba neligunya lekusebenta kusukela ngalesikhatsi uhlakatwe ngaso noma sikhatsi sawo siphelile, kudzimate kumenyetelwe uMkhandlu lomusha lokhetsiwe.

[Sigaba 159 sivalwe ngesigaba 1 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

160. Tichubo tangekhatsi

1. Umkhandlu waMasipala –
 - a. wenta tincumo mayelana nekusetjentiswa kwawo onkhe emandla kanye nayo yonkhe imisebenti yamasipala;
 - b. kumele ukhetse sihlalo wawo;
 - c. ungakhetsa likomidi lekwengamela kanye nalamanye emakomiti; futsi
 - d. ungacasha bantfu labadzingekile kutsi utewenta imisebenti yawo ngelizinga lelifanele.
2. Lemisebenti lelandzelako uMkhandlu waMasipala ungete wayaba -
 - a. kuphasisa imitsetfo-sigodzi;
 - b. kwemukela umcombelelotimali;
 - c. kubeka tintsela naleminye imitselo, imitsedlwana netimali letibhadalwako; kanye
 - d. kukhulisa imalimboleko.
3.
 - a. Linyenti lemalunga eMkhandlu waMasipala kumele libe khona ngembi kwekutsi kuvotelwe noma ngabe nguluphi ludzaba.
 - b. Yonkhe imibuto lephatselene neludzaba lolushiwo esigatjaneni (2) incunyuwa ngesincumo lesitsetfwe nguMkhandlu waMasipala lesesekelwe livoti lelinyenti lemalunga awo.
 - c. Yonkhe leminyane imibuto lesembi kweMkhandlu waMasipala incunyuwa linyenti lemavoti lafakiwe.

4. Kute imitsetfomgomo lengaphasiswa nguMkhandlu waMasipala ngaphandle uma ngabe –
 - a. onkhe emalunga aloMkhandlu aniketwe satiso ngesikhatsi lesenele; futsi
 - b. umtsetfo-sigodzi lophakanyisiwe ushicelelwe kuze sive sikwati kwetfula tincumo ngawo.
5. Umtsetfo wavelonkhe ungancoma indlela yokuncuma –
 - a. bukhulu beMkhandlu waMasipala;
 - b. kutsi uMkhandlu waMasipala ungalikhetsa yini likomidi lekwengamela noma naliphi likomidi; noma
 - c. bukhulu belikomidi lekwengamela noma naliphi likomidi leMkhandlu waMasipala.
6. Umkhandlu waMasipala ungenta imitsetfomgomo lechaza imitsetfo netibopho –
 - a. tetinchubo tangekhatsi;
 - b. temisebenti yawo netinchubo; futsi
 - c. tekusungulwa, kubunjwa, tinchubo, emandla, imisebenti netinchubo temakomiti tawo.
7. Umkhandlu waMasipala kumele uchube imisebenti yawo ngendlela lengenamfihlo, futsi ungavala kutsi bantfu bangakungeneli kuhlangua kwawo noma kwemakomiti awo, kuphela uma ngabe kufanelekile kwenta njalo uma kubukwa lenhlobo yemsebenti lowentiwako.
8. Emalunga eMkhandlu weMasipala kumele akwati kufaka sandla enchubeni yawo naleyo yemakomiti awo ngendlela –
 - a. levumela emacembu nemibono yawo kutsi ibonakale kuloMkhandlu futsi imelelwe ngendlela lefanele;
 - b. lehambelana nentsandvo yelinyenti; futsi
 - c. lengacondziswa ngumtsetfo wavelonkhe.

161. Emalungelomvume

Umtsetfo wesifundza ngekulandzela imibandzela yemtsetfo wavelonkhe ungabeka emalungelomvume nekukhuseleka kweMikhandlu yaboMasipala nemalunga

ayo.

162. Kushicilelwa kwemitsetfo-sigodzi yamasipala

1. Umtsetfo-sigodzi wamasipala ungasebenta kuphela ngemuva kwekushicilelwa kwawo kugazethi yembuso yesifundza lesitsintsekako.
2. Igazethi yahulumende wesifundza kumele ishicilele imitsetfomgomo yamasipala uma iceliwe ngulomasipala.
3. Imitsetfo-sigodzi yamasipala kumele itfolakale esiveni.

163. Hulumente wasekhaya lohlelekile

1. Umtsetfo wePhalamende lobekwe ngekwenchubo lebekwe esigabeni 76 kumele –
 - a. ubuke ngekuhlonishwa kwemitimba yabohulumende bavelonkhe nebetifundza lemele labomasipala; futsi
 - b. uncume ngetinchubo lokutawutsi ngato hulumente wasekhaya akwati –
 - i. kutsintsana nahulumende wavelonkhe noma wesifundza;
 - ii. akhetse titfunywa letitawufaka sandla eMkhandlwini waVelonkhe weTifundza; kanye
 - iii. kufaka sandla eluhlelweni lolwendlalwe emtsetfweni wavelonkhe lohlongotwe esigabeni 221 (1)(c).

[Indzima 163(b) ivalwe ngesigaba 4 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

164. Letinye tindzaba

Tonkhe tindzaba letiphatselene nahulumende wasekhaya letingakatsintfwa kuMtsetfosisekelo tingachazwa ngumtsetfo wavelonkhe noma umtsetfo wesifundza ngaphasi kwetimiso temtsetfo wavelonkhe.

Sehluko 8: Tinkantolo Nekuphatfwa Kwebulungiswa (165-180)

165. Emandla etebulungiswa

1. Emandla etemtsetfo eRiphabhulikhi asemahlombe etinkantolo.
2. Tinkantolo titimele kepha tingaphasi kweMtsetfosisekelo kanye nemtsetfo kuphela, lekufanele tiwusebentise ngaphandle kwekukhetsa luhlangotsi nangaphandle kwekwesaba, kwekuvuna labanye noma kukhinyabeta.
3. Kute umuntu noma sikhungo sembuso lokumele sitsikamete kusebenta kwetinkantolo.
4. Tikhungo tembuso, ngetinyatselo temtsetfo naletinye tinyatselo, kumele telekelele futsi tivikele tinkantolo kuze kucinisekiswe kutimela, kusebenta ngaphandle kwekukhetsa luhlangotsi, sitfunti, kufinyeleleka kanye nekusebenta ngemphumelelo kwetinkantolo.
5. Umyalo noma sincumo lesikhishwe yinkantolo sibopha wonkhewonkhe kanye netikhungo tembuso lesisebenta kuto.
6. Somajaji uyinhloko yetemtsetfo futsi usebentisa sibopha sekumiswa kanye nekucaphelwa kwemihambo nemazinga ekusetjentisweni kwemisebenti yetemtsetfo kuto tonkhe tinkantolo.

[Sigatjana (6) sengetwe nguMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012]

166. Luhlelo lwetemtsetfo

1. Tinkantolo -
 - a. yiNkantolo yeMtsetfosisekelo;
 - b. yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala;
 - c. iNkantolo lePhakeme yaseNingizimu Afrika, kanye nanoma nguyiphi inkantolo yekwendlulisela emacala lengasungulwa ngekulandzela uMtsetfo wePhalamende kutewulalela emacala latfunyelwe ngunobe nguyiphi inkantolo lenesitfunti lesifana neNkantolo lePhakeme yaseNingizimu Afrika;
 - d. tiNkantolo taboMantji; kanye
 - e. nanoma ngutiphi letinye tinkantolo letisungulwe noma letihlonishwa nguMtsetfo wePhalamende, lokufaka ekhatsi tinkantolo telizinga lelifana neleNkantolo lePhakeme yaseNingizimu Afrika noma tiNkantolo taboMantji.

[Sigaba 166 sivalwe ngesigaba 2 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2012]

167. INkantolo yeMtsetfosisekelo

1. INkantolo yeMtsetfosisekelo ibunjwe ngaSomajaji, liSekela laSomajaji kanye nalamanye emajaji layimfica.
[Sigatjana (1) sivalwe ngesigaba 11 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]
2. Ludzaba lolusembi kweNkantolo yeMtsetfosisekelo kumele lulalelwe lokungenani ngemajaji lasiphohlango.
3. INkantolo yeMtsetfosisekelo –
 - a. yinkantolo lephakeme yeRiphabhuliki; futsi
 - b. ingancuma-
 - i. tindzaba temtsetfosisekelo; futsi
 - ii. nanome ngabe nguyiphi indzaba, uma iNkantolo yeMtsetfosisekelo ivumela kundluliswa kwelicala ngetizatfu tekutsi lendzaba iveta liphuzu lekudzingidvwa lemtsetfo lekubaluleka kwemphakatsi jikelela lelidzinga kubukwa yiNkantolo; futsi
 - c. yenta sincumo sekugcina ngekhati kwelulawulo lwayo.

[Sigatjana (3) sivalwe ngesigaba 3 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtset- fosisekelo wanga-2012]

4. YiNkantolo yeMtsetfosisekelo kuphela –
 - a. lengancuma tindzaba lekuphikiswana ngato emkhatsini kwetifunyuwa tembuso ezingeni lavelonkhe noma lesifundza mayelana nelizinga ngekwentsetfosisekelo, emandla kanye nemisebenti yanoma ngumuphi umnyango wembuso;
 - b. ingancuma ngebumtsetfosisekelo weMtsetfosivivinyo noma wephalamende noma wesifundza, kepha loku ingakwenta esimeni lesicatjangwe esigabeni 79 noma 121;
 - c. ingancuma ngeticelo letihlongotwe esigabeni 80 noma 122;
 - d. ingancuma ngebumtsetfosisekelo besichibiyelo seMtsetfosisekelo;
 - e. ingancuma kutsi iPhalamende noma Mengameli wehlulekile kwenta umsebenti ngekwesibopha semtsetfosisekelo, noma
 - f. ingacinisekisa umtsetfosisekelo wesifundza ngekulandzela sigaba 144.
5. INkantolo yeMtsetfosisekelo ngiyo letsatsa sincumo sekugcina kutsi uMtsetfo wePhalamende, uMtsetfo wesifundza sento seMengameli siyahambelana yini

neMtsetfosisekelo, futsi kumele icinisekise noma ngumuphi umyalo wekumisa lotsetfwe yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala, yiNkantolo lePhakeme yaseNingizimu Afrika noma yinkantolo lenelizinga lelifanana naleti tinkantolo ngembi kwekutsi lowo myalo ube nemandla.

[Sigatjana (5) sivalwe ngesigaba 3 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtset- fosisekelo wanga-2012]

6. UMtsetfo wavelonkhe noma imitsetfomgomo yeNkantolo yeMtsetfosisekelo kumele ivumele umuntfu uma ngabe kunesidzingo sebulungiswa futsi nangemvumo yeNkantolo yeMtsetfosisekelo -
 - a. kuletsa ludzaba ngco eNkantolo yeMtsetfosisekelo; noma
 - b. kwendlulisela-ngco sikhalo eNkantolo yeMtsetfosisekelo lesisuka kulenye inkantolo.
7. Ludzaba loluphatselene nemtsetfosisekelo lufaka noma yini lephatselene nekuhunyushwa, kuvikela nekucinisekisa kusebenta kweMtsetfosisekelo.

168. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala

1. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ibunjwe ngeMengameli, liSekela laMengameli kanye nelinani lemajaji lekwendluliselwa kuwo emacala lelincunye nguMtsetfo wePhalamende.

[Sigatjana (1) sivalwe ngesigaba 12 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Ludzaba lolusembi kweNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala kumele luncunye linani lemajaji lelibekwe nguMtsetfo wePhalamende.

[Sigatjana (2) sivalwe ngesigaba 12 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3.
 - a. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ingancuma emacala lakendluliselwa kuyo kunoma nguyiphi indzaba lesukela eNkantolo lePhakeme yaseNingizimu Afrika noma inkantolo lesezingeni lelifana neNkantolo lePhakeme yaseNingizimu Afrika, ngaphandle kwetindzaba letimayelana netemisebenti nobe kuncintisana ngendlela lengancunye nguMtsetfo wePhalamende.
 - b. Inkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ingancuma kuphela
 - i. ticelo letendlulisiwe;
 - ii. tindzaba letiphatselene nekwendluliswa kwemacala; kanye
 - iii. nanoma nguluphi ludzaba lolungaletfwa kuyo esimeni lesichazwe nguMtsetfo

wePhalamende.

[Sigatjana (3) sivalwe ngesigaba 4 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtset- fosisekelo wanga-2012]

169. INkantolo lePhakeme yaseNingizimu Afrika

1. INkantolo lePhakeme yaseNingizimu Afrika ingancuma -
 - a. noma nguyiphi indzaba yemtsetfosisekelo ngaphandle kwalena -
 - i. inkantolo yeMtsetfosisekelo levume kuyilalela ngco ngekulandzela sigaba 167(6)(a); noma
 - ii. iniketwe nguMtsetfo wePhalamende kulenye inkantolo lizinga layo lelifanana neleNkantolo lePhakeme yaseNingizimu Afrika; kanye
 - b. nanoma nguluphi ludzaba lolunganiketwa lenye inkantolo nguMtsetfo wePhalamende.
2. INkantolo lePhakeme yaseNingizimu Afrika icuketse Ligumbi lelincunye nguMtsetfo wePhalamende, lekumele livumele -
 - a. kusungulwa kwemaGumbi, lanesihlalo sinye nobe letimbili kuliGumbi; kanye
 - b. nekuniketwa kwemandla emtsetfo kuliGumbi nobe sihlalo neliGumbi
3. Ligumbi ngalinye leNkantolo lePhakeme yaseNingizimu Afrika -
 - a. linaMengameli weliJaji
 - b. linga neliSekela linye nobe langetulu aMengameli wemaJaji; futsi
 - c. linelinani lalamanye emajaji lancunye ngekulandzela umtsetfo wavelonkhe.

[Sigaba 169 sivalwe ngesigaba 5 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2012]

170. Letinye tinkantolo

Tonkhe tinkantolo ngaphandle kwaleti lekushiwo kuto kutigaba 167, 168 na 169 tingancuma tindzaba letibekwe nguMtsetfo wePhalamende wavelonkhe kepha inkantolo yelizinga lelingaphasi kweNkantolo lePhakeme yaseNingizimu Afrika ingeke ikwati kubuka noma incume ngekuhambisana nemtsetfosisekelo kwanoma ngumuphi umtsetfo noma sento seMengameli.

[Sigaba 170 sivalwe ngesigaba 6 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2012]

171. Tinchubo tetiNkantolo

Tonkhe tinkantolo tisebenta ngekulandzela umtsetfo wavelonkhe, futsi imitsetfomgomo netibopho tato kumele tibekwe ngekwemtsetfo wavelonkhe.

172. Emandla etinkantolo etindzabeni temtsetfosisekelo

1. Uma ngabe sincumo mayelana nekuhambisana nemtsetfosisekelo kwenzaba lewela ngaphasi kwemandla ayo, inkantolo –
 - a. kumele ibeke kutsi noma muphi umtsetfo noma sento lesingahambisani neMtsetfosisekelo kasinamandla kuze kufike ezingeni lekungcubutana kwasoneMtsetfosisekelo; futsi
 - b. ingenta noma muphi umyalo lolungile, nalofanelekile, lokufaka ekhatsi -
 - i. umyalo lokunciphisa kusebenta ngekubuyela emuva kwalokubekwa kwekungasebenti; kanye
 - ii. nemyalo lomisa lokubekwa kwekungasebenti sikhatsi noma lesingakanani iphindze ibeke nemibandzela, kuniketa siphatsimandla lesineligunya kutsi silungise lesi siphosiso.
2.
 - a. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala, iNkantolo lePhakeme noma inkantolo yelizinga lelifanako ingenta sincumongebumtsetfosisekelo beMtsetfo wePhalamende, uMtsetfo wesifundza, nanomangukuphi kutiphatsa kwaMengameli, kepha sincumo ngekungahambisanineMtsetfosisekelo asisebenti ngaphandle kwekucinisekisa yiNkantolo yeMtsetfosisekelo.
 - b. inkantolo leyenta sincumo sekungasebenti ngekweMtsetfosisekelo inganiketa sivimbelo sesikhashana, noma lolunye lusito lwesikhashana kumuntfu, noma ingake imise lelicala kuze kuphume sincumo seNkantolo yeMtsetfosisekelo ngekusebenta kweMtsetfo noma sento.
 - c. Umtsetfo wavelonkhe kumele ubeke indlela yekwendluliselwa kwesincumo sekungahambisani nemtsetfosisekelo.
 - d. noma ngumuphi umuntfu noma sikhungo sembuso lesinenshisekelo angendlulisela licala, noma afake sicelo, lesicondze-ngco eNkantolo yeMtsetfosisekelo kuze inkantolo icinisekise noma igucule sincumo senkantolo sekungahambisani nemtsetfosisekelo ngekulandzela lesigatjana.

173. Emandla lekavele akhona enkantolo

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

[Sigaba 173 sivalwe ngesigaba 8 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2012]

174. Kukhetfwa kwetiphatsimandla temtsetfo

1. Noma muphi umuntfu lomsikati noma lomdvuna lofundzele lomsebenti ngalokwenele lofanelekile futsi nalokulungele kuba sesikhundleni, angakhetfwa njengesiphatsimandla setemtsetfo. Noma muphi umuntfu longakhetselwa kuba seNkantolo yeMtsetfosisekelo kumele aphindze abe sakhamuti saseNingizimu Afrika.
2. Uma kukhetfwa tiphatsimandla tetemtsetfo, kufanele kubukwe sidzingo sekukhombisa ngalokwenabile kwakheka kwemango waseNingizimu Afrika ngekwebunhlanga kanye nebulili.
3. Mengameli njengenhloko yeSigungu savelonkhe lesengamele, ngemuva kwekubonisana neliKhomishani leMisebenti yeTemtsetfo nebaholi bemacembu lekamelwe esiGungwini saVelonkhe, ukhetsa Somajaji kanye neliSekela laSomajaji, futsi ngemuva kwekubonisana naleliKhomishani leMisebenti yeTemtsetfo, ukhetsa Mengameli kanye neliSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala.

[Sigatjana (3) sivalwe ngesigaba 13 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

4. Lawa lamanye emajaji eNkantolo yeMtsetfosisekelo akhetfwa nguMengameli njengenhloko yeSigungu savelonkhe lesengamele ngemuva kwekubonisana naSomajaji nebaholi bemacembu lekamelwe esiGungwini saVelonkhe ngekulandzela lenchubo -
 - a. LiKhomishani leMisebenti yeTemtsetfo kufanele lilungise luhlu lwemagama ebantfu labaphakanyiswa lolunemagama lamatsatfu ngetulu kwaleso sibalo sebantfu labafanele babekwe etikhundleni, bese liluyisa kuMengameli.
 - b. Mengameli angabeka bantfu labakuloluhlu lwemagama, futsi kumele achazele leliKhomishani leMisebenti yeTemtsetfo, anikete netizatfu, uma labanye balabantfu labaphakanyisiwe bangemukeleki uma kusadzinga kutsi kubekwe labanye.
 - c. LiKhomishani leMisebenti yeTemtsetfo kumele lengete kuloluhlu ngalamanye emagama laphakanyisiwe kantsi futsi Mengameli kumele abeke labo bebasele abatsatse kuloluhlu lolwengetiwe.

[Sigatjana (4) sivalwe ngesigaba 13 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

5. Ngato tonkhe tikhatsi, kumele lokungenani emalunga lamane eNkantolo yeMtsetfosisekelo kube bantfu lebebangemajaji ngesikhatsi bakhetselwa kuba seNkantolo yeMtsetfosisekelo.
6. Mengameli kumele abeke amajaji ato tonkhe letinye tinkantolo ngekwelulekwa liKhomishani leMisebenti yeTemtsetfo.

7. Letinye tiphatsimandla tetemtsetfo kumele tibekwe ngekulandzela uMtsetfo wePhalamende lokumele ucinisekise kutsi kubekwa, kukhushulwa, kuntjintjelwa kulenye indzawo noma kucoshwa noma tinyatselo tekucondziswa kwaletikhulu kwenteka ngaphandle kwekuvuna noma kukhetsa.
8. Tingakacali kusebenta letiphatsimandla tetemtsetfo kumele tifunge noma tivume ngekutibopha, ngekulandzela iShejuli 2, kutsi titawuphakamisa tiphindze tivikele uMtsetfosisekelo.

175. Kukhetfwa kwemabambela emajaji

1. Mengameli angabeka esikhundleni umuntfu lomsikati noma lomdvuna kusebenta njengelibambela leliSekela laSomajaji nobe lijaji leNkantolo yeMtsetfosisekelo uma ngabe kunesikhala kulelinye lalamahhovisi noma uma umuntfu lobambe lelo lihovisi angekho. Lokubekwa esikhundleni kumele kwentiwe ngesiphakamiso selilunga leKhabhinethi leliphetse kuphatfwa kwetebuLungiswa, ngekutsintsana naSomajaji, kantsi kukhetfwa njengelibambela leliSekela laSomajaji kumele kwentiwe kumarenki emajaji lakhetfwe kuNkantolo yeMtsetfosisekelo ngekulandzela sigaba 174(4).

[Sigatjana (1) sivalwe ngesigaba 14 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001 futsi sivalwe ngesigaba 9 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012.]

2. Lilunga leKhabhinethi leliphetse kuphatfwa kwetebulungiswa kumele libeke emajaji latawubamba tikhundla tebutjaji kuletinye tinkantolo ngemuva kwekubonisana nelijaji lelikhulu lalenkantolo lapho khona kutawusebenta lelijaji lelilibambela.

176. Sikhatsi sekusebenta kanye nemiholo

1. Lijaji leNkantolo yeMtsetfosisekelo libekwa esikhundleni kutsi lisebente sikhatsi lesingavuseleleki seminyaka lelishumi nakubili, noma lidzimati lifike eminyakeni lengu-70, kuye ngaloko lokufika kucala, ngaphandle uma uMtsetfo wePhalamende welula lesikhatsi sekusebenta kweliJaji leNkantolo yeMtsetfosisekelo.

[Sigatjana (1) sivalwe ngesigaba 15 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Lamanye emajaji aba sesikhundleni adzimate akhishwe ngekulandzela uMtsetfo wePhalamende.
3. Imiholo, tibonelelo netinzuzo temajaji akumelanga tincishiswe.

177. Kukhishwa esikhundleni

1. Lijaji lingakhishwa esikhundleni kuphela nje uma

ngabe –

- a. LiKhomishani leMisebenti yeTemtsetfo litfolakale kutsi lelo jaji alinawo emandla ekwenta umsebenti, lehluleka ngalokwendlulele kwenta umsebenti noma litfolakale linelicala lekutiphatsa kabi kakhulu; futsi
 - b. Sigungu saVelonkhe sitsatsa sincumo sekutsi lelo jaji likhishwe esikhundleni, ngesincumo lesesekelwe ngemavoti lokungenani elinyenti lalokubili kulokutsatfu kwemalunga aso.
2. Mengameli kumele akhiphe lijaji esikhundleni uma ngabe sincumo sekutsi lelo jaji likhishwe semukelwe.
 3. Mengameli, ngeseluleko seliKhomishani leMisebenti yeTemtsetfo, angemisa emsebentini lijaji leliphawulwe kulenchubo lebekwe esigatjaneni (1).

178. LiKhomishani leMisebenti yeTemtsetfo

1. KuneliKhomishani leMisebenti yeTemtsetfo, lelibunjwe -
 - a. nguSomajaji, lowengamela imihlangano yaleliKhomishani;
 - b. nguMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala;

[Indzima(b) ivalwe ngesigaba 16 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- c. ngumunye Mengameli wemaJaji lokhetfwe boMengameli bemaJaji;
- d. lilunga leKhabhinethi leliphetse tebulungiswa, noma lomunye lokhetfwe ngulelo lunga leKhabhinethi;
- e. bameli basemajajini lababili labenta lomsebenti labakhetfwe kulobungcweti bebumeli kutsi bemele bameli balobungcweti bonkhana, futsi lababekwe nguMengameli;
- f. bameli lababili labenta lomsebenti labakhetfwe kulobungcweti bebumeli kutsi bemele bameli balobungcweti bonkhana, futsi lababekwe nguMengameli;
- g. ngumunye umfundzisi wemtsetfo lokhetfwe bafundzisi bemtsetfo emaNyuvesi aseNingizimu Afrika;
- h. bantfu labasitfupha lebakhetfwe Sigungu saVelonkhe emalungeni awo, lokungenani labatsatfu kubo lokungemalunga emacembu laphikisako lekamelwe kuleSigungu;
- i. titfunywa letine letingesuswa eMkhandlwini waVelonkhe weTifundza letibekwe ngekuhlanganyela nguloMkhandlu ngelivoti lekwesekela lokungenani letifundza letisitfupha;
- j. bantfu labane lababekwe nguMengameli njengenhloko yeSigungu savelonkhe lesengamele, ngemuva kwekubonisana nebaholi bemacembu onkhe esiGungwini savelonkhe; kanye
- k. uma kubuyeketwa ludzaba loluphatselene-ngco neLigumbi leNkantolo lePhakeme, Mengameli wemaJaji walelo liGumbi kanye naNdvunankhulu

wesifundza lesitsintsekako, noma lomunye lomiswe ngibo.

[Indzima (k) ivalwe ngesigaba 2 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 sigaba 16(b) seMtsetfo weSifupha wanga-2001 futsi sivalwe ngesigaba 9 seMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2012.]

2. Uma ngabe linani lebantfu labaphakanyisiwe kulomtimba webameli basemajajini noma bameli jikelele ngekulandzela sigatjana (1)(e) noma (f) lilingana tikhala lekumele tigcwaliswe, Mengameli kumele abeke labo bantfu. Uma ngabe linani lebantfu labaphakanyisiwe lengca letikhundla lokumele tigcwaliswe Mengameli, ngemuva kwekubonisana nalomtimba webungcweti bebumeli, kumele abeke linani lelenele kugcwalisa leto tikhala, ngekunaka sidzingo sekutsi lababekiwe bemele bungcweti bebumeli bonkhana.
3. Emalunga aleliKhomishani lelakhethfwa nguMkhandlu weTifundza asebenta aze akhishwe kanye-kanye, noma kuze kuvele sikhala enanini lawo. Lamanye emalunga lakhetselwa noma emagama awo laphakamiselwa kuleliKhomishani asebenta aze asuswe ngulabo lelawakhetsa noma labaphakamisa emagama abo.
4. LiKhomishani leMisebenti yeTemtsetfo linemagunya nemisebenti leliyabelwe nguMtsetfosisekelo nangumtsetfo wavelonkhe.
5. LiKhomishani leMisebenti yeTemtsetfo lingeluleka hulumente wavelonkhe noma ngatiphi tindzaba letiphatselene netetinkantolo noma nekuphatfwa kwetemtsetfo, kepha uma licubungula noma luphi ludzaba ngaphandle kwekubekwa kwelijaji, kumele lihlangane ngaphandle kwemalunga lakhethfwe ngekulandzela sigatjana (1)(h) noma (i).
6. LiKhomishani leMisebenti yeTemtsetfo lingatibekela tinchubo talo, kepha tincumo taleliKhomishani tesekelwa linyenti lemalunga alo.
7. Uma Somajaji noma Mengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala angaphumeleli kwesikhashana kusebenta kuleliKhomishani, liSekela laSomajaji noma liSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala, kuye ngekutsi ngumuphi lotsintsekako, utawungena esikhundleni sakhe kuleliKhomishani.

[Sigatjana (7) sifakwe ngesigaba 2(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 saphindze savalwa ngesigaba 16(c) seMtsetfo weSifupha wekuChitjiyelwa kweMtset- fosisekelo wanga-2001.]

8. Mengameli kanye nalabantfu labakhetsa, labaphakamisa noma labamisa emalunga eliKhomishani ngekulandzela sigatjana (1)(c),(e), (f) na-(g), ngendlela lefanako, nabo bangakhetsa,

baphakamisa noma bamisa labatawungena etikhundleni tabo ngamunye njengemalunga, kutsi basebente kuleliKhomishani uma lelilunga leletsintsekako lingaphumeleli kwesikhashana kutsi lisebente ngesizatfu sekungabi neligunya noma kungabi khona eRiphabhulikhi noma ngenca yanoma ngusiphi lesinye sizatfu lesivakalako.

[Sigatjana (8) sifakwe ngesigaba 2(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

179. Umtimba wekushushisa

1. Kunemtimba munye wekushushisa wavelonkhe eRiphabhulikhi lowakhiwe ngekweMtsetfo wePhalamende futsi lobunjwe –
 - a. ngumCondzisi waVelonkhe weTekushushisa, loyinhloko yalomtimba wekushushisa, futsi lobekwe nguMengameli, njengenhloko yeSigungusavelonkhe lesengamele; kanye
 - b. nebaCondzisi beTekushushisa nebashushisi njengekubekwa kweMtsetfo wePhalamende.
2. uMtimba wekuShushisa unemandla ekusungula tinchubo tekushushisa emacala, egameni lembuso, newekuchuba yonkhe imisebenti ledzingekile ekusunguleni tinchubo tekushushisa bugebengu.
3. Umtsetfo wavelonkhe kumele ucinisekise kutsi baCondzisi beTekushushisa –
 - a. bafundzele ngalokwenele; futsi
 - b. banetindzawo letisikiwe lapho bashushisa khona, ngaphasi kwembandzela wesigatjana (5).
4. Umtsetfo wavelonkhe kumele ucinisekise kutsi umtimba wekushushisa wenta imisebenti yawo ngaphandle kweluvulo, kuvuna nekukhinyabeta.
5. UmCondzisi waVelonkhe weTekushushisa -
 - a. kumele ancume, ngekuvumelana nelilunga leKhabhinethi leliphetse tebulungiswa, futsi ngemuva kwekubonisana nebaCondzisi beTekushushisa, tinchubomgomo tekushushisa lokumele tilandzelwe kuyo yonkhe inchubo yekushushisa;
 - b. kumele akhiphe tibopho tenchubomgomo lekumele tilandzelwe kuyo yonkhe inchubo yekushushisa;
 - c. angangenela kulenchubo yekushushisa uma ngabe tibopho tenchubomgomo tingakalandzelwa; futsi
 - d. angabuyeketa kabusha noma akhiphe imiyaletu yekutsi kushushiswe emacala latsite, ngemuva kwekubonisana nemCondzisi weTekushushisa lotsintsekako futsi ngemuva kwekutsatsa luvo kungakapheli sikhatsi lesincunye ngumCondzisi waVelonkhe weTekushushisa, kulaba labalandzelako -
 - i. Ummangalelwa.
 - ii. Ummangali.
 - iii. Noma muphi umuntfu noma licembu umCondzisi waVelonkhe weTekushushisa ambona afanele.
6. Lilunga leKhabhinethi leliphetse tebulungiswa kumele kube ngile lelinemtfwalo wekubeka liso kulomtimba

wekushushisa.

7. Tonkhe letinye tindzaba letiphatselene nekushushisa kumele tincunywe ngukwemtsetfo wavelonkhe.

180. Letinye tindzaba letitsintsa kuphatfwa kwetebulungiswa

1. Umtsetfo wavelonkhe ungalungisela noma nguluphi ludzaba lolumayelana nanoma ngukuphi kuphatfwa

kwetebulungiswa lokungakatsintfwa kuMtsetfosisekelo, lokufaka ekhatsi –

- a. tihlelo tekucesha tiphatsimandla tetemtsetfo;
- b. tindlela tekubukana netikhalo ngetiphatsimandla tetemtsetfo; kanye
- c. nekufaka sandla kwebantfu ngaphandle kwalabo labatiphatsimandla tetemtsetfo kutincumo tenkantolo.

Sehluke 9: Tikhungo Tembuso Letisekele Intsandvo Yelinyenti NgekwMtsetfosisekelo (181-194)

181. Kusungulwa kanye nemigomosisekelo lebusako

1. Letikhungo tembuso letilandzelako ticinisekisa intsandvo yelinyenti ngekwMtsetfosisekelo eRiphabhulikhi -
 - a. UMvikeli wemmango.
 - b. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu.

[Indzima(b) iChitjiyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]

- a. LiKhomishani lekuTfufukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi.
 - b. LiKhomishani lekuLingana ngeBulili.
 - c. Umcwaningimabhuku-Jikelele.
 - d. LiKhomishani leluKhetfo.
2. Letikhungo titimele, futsi tiboshwa kuphela nguMtsetfosisekelo nemtsetfo, futsi kumele tingakhetsi luhlangotsi futsi kumele tisebentise emandla ato futsi tente imisebenti yato ngaphandle kwekwesaba, kwekuvuna noma kwekukhinyabeta.
 3. Letinye tikhungo tembuso, kumele ngetinyatselo temtsetfo naletinye, tisite futsi tivikele letikhungo kutewucinisekisa kutimela, kungakhetsi luhlangotsi, sitfunti kanye nekusebenta ngemphumelelo kwaletikhungo.
 4. Kute umuntfu noma sikhungo sembuso lokumele sitsikamete kusebenta kwaletikhungo.
 5. Letikhungo tinekutiphendvulela esiGungwini saVelonkhe kantsi kumele tiletse umbiko wekusebenta nekuchutjwa kwemisebenti yato kuleSigungu lokungenani kanye ngemnyaka.

UMvikeli weMmango

182. Imisebenti yeMvikeli weMmango

1. UMvikeli wemmango unemandla, njengoba kucondziswa ngumtsetfo wavelonkhe –
 - a. ekuphenya noma ngusiphi sento etindzabeni tembuso, noma kulawulwa kwembuso kunoma ngumuphi umkhakha wahulumende lekutsiwa noma lekusolakala kutsi asikalungi noma sitawuletsa kungalungi noma lukhinyabeteke;
 - b. ekubika mayelana naleso sento; kanye
 - c. nekutsatsa sinyatselo lesifanele lesilikhambi laloku.
2. UMvikeli wemmango unemandla nemisebenti leyengetiwe laniketwe yona ngumtsetfo wavelonkhe.
3. UMvikeli wemmango akumelanga aphenye tincumo

tetinkantolo.

4. UMvikeli wemmango kumele afinyeleleke kubo bonkhe bantfu nakuyo yonkhe imiphakatsi.
5. Noma ngumuphi umbiko lokhishwe nguMvikeli wemmango kumele ummango ukwati kuwutfo, ngaphandle uma ngabe timo letitsite letingakavami, letitawuncunywa ngumtsetfo wavelonkhe, tibeka kutsi umbiko lotsite ugcinwe uyimfihlo.

183. Sikhatsi sekuba sesikhundleni

UMvikeli wemmango ubekwa esikhundleni kutsi asebente iminyaka lesikhombisa lengavuselelwa.

LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu

184. Imisebenti yeliKhomishani lemaLungelo eLuntfu

1. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu kumele –
 - a. likhutsate kuhlonishwa kwemaLungelo eLuntfu kanye nekutfufukiswa kwelisiko lemalungelo eluntfu eRiphabhulikhi;
 - b. likhutsate kutfufukiswa, kuvikelwa kanye nekutfolakala kwemaLungelo eLuntfu; futsi
 - c. libeke liso liphindze lihlatiye kuhlonishwa kwemalungelo eluntfu eRiphabhulikhi.
2. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu linemandla, njengoba kubekwe ngumtsetfo wavelonkhe, ladzingekele kutsi lente imisebenti yalo, lokufaka ekhatsi emandla –
 - a. ekuphenya kanye nekubika mayelana nekuhlonishwa kwemalungelo eluntfu;
 - b. ekutsatsa tinyatselo kucinisekisa sinesitelo lesifanele uma ngabe emalungelo eluntfu ephuliwe;
 - c. ekwenta lucwaningo; kanye
 - d. ekufundzisa.
3. Njalo ngemnyaka liKhomishani lemaLungelo eLuntfu kumele libophelele tikhungo tembuso kutsi tetfule kuleliKhomishani imininingwane ngetinyatselo letititsetse leticondze ekuphonyelelisweni kwemalungelo lakuluCwebu lwemaLungelo eLuntfu laphatselene netindlu, lunakekelo lwetempilo, kudla, emanti, kuvikeleka kutenhlalakahle, imfundvo, kanye nesimondzawo.
4. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

[Sigaba 184 siChitjiyelwe ngesigaba 4 seMtsetfo 65]

wanga-1998.]

LiKhomishani lekuTfutfukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi

185. Imisebenti yaleliKhomishani

1. Tinhloso letinkhulu taleliKhomishani lekuTfutfukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi -
 - a. kutfutukisa kuhlonishwa kwemalungelo emiphakatsi lebunjwe ngemasiko, tenkholo netilwimi;
 - b. kunconota nekutfutukisa kuthula, bungani, buntfu, kubeketelelana nebunye besive emiphakatsini lebunjwe ngemasiko, tenkholo netilwimi lokumiswe esisekelweni sekulingana, kungabandlululi nekuhlangana ngenkhululeko; kanye
 - c. nekwenza tiphakamiso tekusungulwa noma tekwemukelwa, ngekulandzela umtsetfo wavelonkhe, kwemkhandlu wetemasiko noma lokunye noma imikhandlu yemmango noma imiphakatsi eNingizimu Afrika.
2. LeliKhomishani linemandla, njengoba kubeka umtsetfo wavelonkhe, leliwadzingako kufeza tinhlosoncanti talo, lokufaka ekhatsi emandla ekulandzelela, ekuphenya, ekucwaninga, ekufundzisa, ekusomela kwesekelwa, ekweluleka nekubika ngetindzaba letiphatselene nemalungelo emiphakatsi lebunjwe ngetemasiko, ngetenkholo nangetilwimi.
3. LeliKhomishani lingetfula imibiko ngeludzaba loluwela ngaphasi kwemandla nemisebenti alo lekuliKhomishani laseNingizimu Afrika lemaLungelo eLuntfu kutsi luphenywe.

[Sigatjana (3) siChitjijyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]

4. LeliKhomishani linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

186. Kubunjwa kwaleliKhomishani

1. Linani lemalunga aleliKhomishani lekuTfutfukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi kanye nekubekwa etikhundleni nemibandzela yekucashwa kwawo kumele kubekwe ngumtsetfo wavelonkhe.
2. Kubunjwa kwaleliKhomishani -
 - a. kumele kukhombise kumelwa ngalokubanti kwemiphakatsi lemikhulu kutemasiko, tenkholo netilwimi eNingizimu Afrika; futsi
 - b. kukhombise ngalokubanti bunyenti bebulili lobukhona eNingizimu Afrika.

LiKhomishani lekuLingana ngeBulili

187. Imisebenti yeliKhomishani lekuLingana ngeBulili

1. LiKhomishani lekuLingana ngeBulili kumele likhutsate kuhlonishwa kwekulingana ngekwebulili, kanye nekutfutukiswa, kuvikelwa kanye nekuzuzwa kwekulingana ngekwebulili.
2. LiKhomishani lekuLingana ngeBulili linemandla, njengoba kubekwe ngumtsetfo wavelonkhe, ladzingekako ekwenteni imisebenti yalo, lokufaka ekhatsi emandla ekulandzelela, ekuphenya, ekucwaninga, ekufundzisa, ekusomela kwesekelwa, ekweluleka nekubika ngetindzaba letiphatselene nekulingana kwebulili.
3. LiKhomishani lekuLingana ngeBulili linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

UmCwaningimabhuku-Jikelele

188. Imisebenti yemCwaningimabhuku-Jikelele

1. UmCwaningimabhuku-Jikelele kumele acwaninge aphindze ente imibiko ngemabhuku etetimali, netitaimende tetetimali kanye nekuphatfwa kwetimali -
 - a. kuwo onkhe ematiko embuso emkhakheni wavelonkhe newesifundza kanye nemahhovisi embuso;
 - b. kubo bonkhe bomasipala; kanye
 - c. nakunoma ngusiphi lesinye sikhungo noma licadzi lekutiphendvulela lekufuneka ngekweMtsetfo wavelonkhe noma wesifundza kutsi ticwanningwe ngumCwaningimabhuku-Jikelele.
2. Ngetulu kwalemisebenti lebekwe esigatjaneni (1), futsi nangekulandzela noma ngumuphi umtsetfo, umCwaningimabhuku-Jikelele angacwaninga aphindze abike ngekugcinwa kwetetimali, titatimende tetimali nekuphatfwa -
 - a. kwanoma ngusiphi sikhungo lesinikwa timali letiphuma esiKhwameni saVelonkhe seMali, esiKhwameni sesiFundza seMali noma samasipala; noma
 - b. kwanoma ngusiphi sikhungo lesivunyelwe ngunoma ngumuphi umtsetfo kwemukela imali syekuchuba imisebenti yemmango.
3. UmCwaningimabhuku-Jikelele kumele etfule imibiko kunoma ngusiphi sishayamtsetfo lesinenshisekelo-ngco kulolo lucwaningo, nakunoma ngusiphi lesinye siphatsimandla lesishiwo ngumtsetfo wavelonkhe. Yonkhe imibiko kumele ingabi yimfihlo.
4. UmCwaningimabhuku-Jikelele unemandla nemisebenti leyengetiwe laniketwe yona ngumtsetfo wavelonkhe.

189. Sikhatsi sekuba sesikhundleni

Umcwaningimabhuku-Jikelele kumele abekwe sikhatsi lesimisiwe, lesingavuselelwa lesisemkhatsini kweminyaka lesihlanu nalesishumi.

LiKhomishani leluKhetfo

190. Imisebenti yeliKhomishani leluKhetfo

1. LiKhomishani leluKhetfo kumele –
 - a. liphatse lukhetfo lwayo yonkhe imitimba yekushaya umtsetfo kuvelonkhe, etifundzeni nakubomasipala ngekulanzela umtsetfo wavelonkhe;
 - b. licinisekise kutsi lolo lukhetfo lukhululekile futsi lunebungiswa; futsi
 - c. likhiphe imiphumela yalolo lukhetfo ngesikhatsi lesitawubekwa ngumtsetfo wavelonkhe lesifishane ngalokungaphumeleleka.
2. LiKhomishani leluKhetfo linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

191. Kubunjwa kweliKhomishani leluKhetfo

LiKhomishani leluKhetfo kumele libunjwe bantfu lokungenani labatsatfu. Linani lemalunga nebudze betikhatsi tekusebenta kwawo kumele kubekwe ngumtsetfo wavelonkhe.

UMtimba lotiMele wekuLawula TekuSakata

192. UMtimba weTekuSakata

Umtsetfo wavelonkhe kumele ubeke umtimba lotimele kutewulawula tekusakata ngekwefuno yemiphakatsi, kanye nekucinisekisa bulungiswa nemibono leyehlukahlukene lemele imiphakatsi yeNingizimu Afrika ngalokubanti.

Timiso Jikelele

193. Kubekwa esikhundleni

1. UMvikeli wemmango kanye nemalunga eliKhomishani lelisungulwe nguleSAHLUKO kufanele babe ngulabasikati noma labadvuna -
 - a. labatakhamuti taseNingizimu Afrika;
 - b. labalungele futsi labafanele kubamba leto tikhundla; futsi
 - c. labanetisa tonkhe letinye tidzingo letibekwe ngumtsetfo wavelonkhe.
2. Sidzingo seliKhomishani lelisungulwe nguleSAHLUKO sekukhonbisa kabanti kwakheka ngebuhlanga nangebulili kweNingizimu Afrika kumele sinakwe uma kubekwa emalunga.
3. UmCwaningimabhuku-Jikelele kumele kube ngumntfu lomsikati noma lomdvuna losakhamuti seNingizimu Afrika futsi lofanele nalolungele kubamba leso sikhundla. Lwati lolujulile, noma

sipiliyoni, ekucwaningeni, timali tembuso kanye nekuphatfwa kwembuso kumele kunakwe uma kucashwa umCwaningimabhuku- Jikelele.

4. Mengameli ngetincomo teSigungu saVelonkhe, kumele akhetse uMvikeli wemmango nemCwaningimabhuku-Jikelele nemalunga –
 - a. eliKhomishani laseNingizimu Afrika lemaLungelo eLuntfu;

[Indzima (a) iChitjiyelwe ngesigaba 4 seMtsetfo 65 wanga-1998.]

- b. eliKhomishani lekuLingana ngeBulili; kanye
- c. eliKhomishani leluKhetfo.
5. Sigungu saVelonkhe kumele sincome bantfu –
 - a. labaphakanyiswe likomidi leSigungu saVelonkhe lelinemalunga lamele onkhe emacambu ngebuncane nangebukhulu bawo kuleSigungu;
 - b. labemukelwe nguleSigungu ngesincumo lesivunywe livoti lelesekulwe –
 - i. linyenti lemalunga lokungenani langemaphesenti langu- 60 aleSigungu, uma ngabe lesincomo siphatselene nekubekwa esikhundleni kweMvikeli weMmango noma umCwaningimabhuku-Jikelele; noma
 - ii. linyenti lemalunga aleSigungu uma ngabe lesincomo siphatselene nekubekwa esikhundleni kwelilunga leliKhomishani.
6. Kufaka sandla kwemmango kulenchubo yetincomo kungaphunyelelwa njengoba kushiwo esigabeni 59(1)(a).

194. Kukhishwa esikhundleni

1. UMvikeli wemmango, umCwaningimabhuku-Jikelele noma lilunga leliKhomishani lelisungulwe nguleSAHLUKO bangakhishwa esikhundleni kuphela nje -
 - a. ngesizatfu sekutiphatsa kabi, kwehluleka kwenta umsebenti noma kungabi nelwati lolwenele lwekwenta umsebenti;
 - b. kunebufakazi baloko lobutfolwe likomidi leSigungu saVelonkhe; kanye
 - c. nekutsi Sigungu saVelonkhe semukele sincumo sekutsi lowo muntfu akakhishwe esikhundleni.
2. Sincumo lesitsetfwe Sigungu saVelonkhe lesiphatselene nekukhishwa esikhundleni –
 - a. kweMvikeli weMmango noma umCwaningimabhuku-Jikelele kumele semukelwe ngelivoti lelesekulwe ngemalunga langulokubili kulokutsatfu aleSigungu; noma
 - b. kwelilunga leliKhomishani kumele semukelwe ngelivoti lelesekulwe linyenti lemalunga aleSigungu.
3. Mengameli –
 - a. angammisa kwesikhashana umntfu esikhundleni noma nini ngemuva kwekucala kweluphenyo lwekomiti yeSigungu saVelonkhe mayelana ngekukhishwa kwalowo muntfu esikhundleni; futsi

- b. kumele amkhiphe umuntu esikhundleni uma muntu akakhishwe.
Sigungu saVelonkhe sitsetse sincumo lesitsi lowo

Sehluke 10: Kuphatfwa Kwembuso (195-197)

195. Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso

1. Kuphatfwa kwembuso kumele kubuswe yimibandzela yentsandvo yelinyenti nemigomomsekelo letishicilelwe kuMtsetfosisekelo lokufaka lemigomosisekelo lelandzelako -
 - a. Lizinga lesisetulu lebungcweti bekutiphatsa emsebentini kumele litfutufukiswe liphindze ligcinwe;
 - b. Kukhutsatwe kusetjentiswa kwengcebo ngendlela lekhombisa likhono, konga nemandla;
 - c. Umsebenti wekuphatfwa kwembuso kumele uhlose kutfutufukisa
 - d. Imisebenti kumele yentiwe ngendlela lengakhetsi, lecotfo, ngalokulinganako, nangaphandle kwelubandlululo;
 - e. Tidzingo tebantfu kumele tinakwe, futsi ummango kumele ukhutsatwe kutsi ufake sandla ekubekweni kwenchubomgomo
 - f. Umbuso kumele ukwati kubikela ummango ngendlela lesebenta ngayo,
 - g. Kusebenta kwembuso kumele kube ngulokungasiyo imfihlo ngekutsi umphatsi uniketwe lwati ngaleso sikhatsi kutfolakala malula kwemininingwane yelwati futsi kube lwati lolungemaciniso;
 - h. Kumele kukhutsatwe emakhono ekuphatsa kahle tisebenti kanye nekutfutufukiswa kwekufundzelwa kwemisebenti ngenhloso yekutsi bantfu bente imisebenti ngelizinga lelisetulu;
 - i. Kuphatfwa kwembuso kumele kumele ngalokubanti bonkhe bantfu baseNingizimu Afrika, kantsi tento tekucasha kanye nekuphatsa tisebenti kumele tisinyiswe ekutseni bantfu banemakhono, baphatsi abakhetsi nekutsi kunesidzingo sekucedza kungaphatfwa ngalokungalinganako kwebantfu baseNingizimu Afrika kwesikhatsi lesedlulile, kuze tonkhe tinhlobo tebantfu timelwe kabanti.
2. Lemigomosisekelo lengenhla isebenta -
 - a. ekuphatfweni kwawo onkhe emazinga ahulumende;
 - b. ekuphatfweni kwetikhungo tembuso; kanye
 - c. nasetikhungweni temmango.
3. Umtsetfo wavelonkhe kumele ucinisekise kutfutufukiswa kwalemigosisekelo nemibandzela lebalwe esigatjaneni (1).
4. Kubekwa etikhundleni kwelinani lebantfu lebatawusebentela hulumente ngekunaka imigomosisekelo akukashiywa ngaphandle, kepha umtsetfo wavelonkhe kumele ucondzise lokucashelwa kwalabantfu emisebentini yembuso.
5. Umtsetfo lobusa indlela yekuphatsa umbuso ungehlukhanisa emkhatsini kweminyango,

kwengamela kanye netikhungo.

6. Inhlobo nemisebenti yeminyango leyehlukene, kwengamela noma tikhungo tekuphatfwa kwembuso tintfo letiphatsakako letimele tibukwe uma kubekwa lophatsa kuphatfwa kwembuso.

196. Likhomishani lekuphatfwa kwembuso

1. KuneliKhomishani linye lekuPhatfwa kweMbuso eRiphabhulikhi.
2. LeliKhomishani litimele futsi kumele lingakhetsi, futsi kumele lisebentise emandla alo liphindze lente umsebenti walo ngaphandle kwekwesaba, kwekukhetsa noma kukhinyabeta ngenhloso yekugcina kuphatfwa ngendlela lenemandla nalefanele kanye nelizinga leliphakeme lebungcweti bekutiphatsa emsebentini wembuso leliKhomishani kumele liphatfwe ngumtsetfo wavelonkhe.
3. Letinye tembuso, ngemtsetfo noma ngaletinye tinyatselo kumele tisite tivikele leliKhomishani kucinisekisa kutimela, kungakhetsi, sitfunti nemandla aleliKhomishani. Kute umuntfu noma sikhungo sembuso lesitsikameta kusebenta kwaleliKhomishani.
4. Emandla nemisebenti yeliKhomishani -
 - a. kukhutsata imibandzela nemigomosisekelo lephawulwe esigabeni 195, kuto tonkhe tisebenti tembuso;
 - b. kuphenya, kwelusa nekuvivinya inhlango nekwengamela, kanye nemikhuba yetisebenti tembuso;
 - c. kuncoma tinyatselo letitsite kutewucinisekisa kusebenta lokunemandla nalokufanele etisebentini tembuso;
 - d. kuniketa tindlela lekuhloswe ngato kucinisekisa kutsi tinchubo tetisebenti letiphatselene nekufunwa, kuntjintjwa, kushushulwa kanye nekusakatwa tiyavumelana yini nemibandzela kanye nemigomosisekelo lephawulwe esigabeni 195;
 - e. kubika mayelana nalokwentiwa nguleliKhomishani kanye nekwenta kwalo imisebenti yalo, lekufaka ekhantsi noma yini letfolakele lelingayenta netindlela kanye neteluleko lelingatinikela, nekwenta kubu khona kuhlola lizinga imibandzela nemigomosisekelo lephawulwe esigabeni 195 lehambelana ngalo nayo; futsi
 - f. noma ngentsandvo yalo noma ngekutfolele sikhalo -
 - i. kuphenya nekuhlola sicelo setisebenti nemkhuba wekuphatfwa kwetembuso, futsi nekubikela Sigungu noma sishayamtsetfo lesifanele;
 - ii. kuphenya tikhalo tebasebenti bembuso mayelana nekwentiwa noma kwentiwa kwetento letisemtsetfweni, futsi letfule

- tincomo letifanele tekulungisa lesimo;
- iii. kwelusa nekuphenya kulandzela tinchubo letisebentisekako etisebentini tembuso; kanye
 - iv. nekweluleka tikhungo tembuso wavelonkhe netetifundza mayelana nemkhubo wetisebenti tembuso, lokufaka ekhatsi letiphatselene nekufunwa, kucashwa, kuntjintjwa, kusakatwa kanye nalokunye lokuphatselene nemisebenti yebasebenti bambuso.
 - g. kuchuba emandla noma kwenta imisebenti leyengetiwe lebekwe nguMtsetfo wePhalamende.
- [Indzima (g) ifakwe ngesigaba 3 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]*
5. LeliKhomishani linekutiphendvulela kuSigungu saVelonkhe.
 6. LeliKhomishani kumele litetfule umbiko lokungenani kanye ngemnyaka ngekwesigatjana (4)(e) –
 - a. embi kweSigungu saVelonkhe; kanye
 - b. mayelana nemisebenti yalo esifundzeni, nasembi kwesishayamtsetfo saleso sifundza.
 7. LeliKhomishani lina-14 waboKhomishani labalandzelako lababekwe nguMengameli -
 - a. boKhomishani labasihlanu labemukelwe Sigungu saVelonkhe ngekulandzela sigatjana (8)(a); kanye
 - b. naKhomishani munye wesifundza ngesifundza lophakanyiswe nguNdvunankhulu wesifundza ngekulandzela sigatjana (8)(b).
 8. a. Khomishani lobekwe ngekwesigatjana (7)(a)kumele -
 - i. anconywe likomidi leSigungu saVelonkhe lelakhiwe ngelinani lebungako bemalunga elicembu ngelicembu lelimelwe kuloMkhandlu; futsi
 - ii. emukelwe ngulesishayamtsetfo ngesincumo lesitsetfwe ngekwesekelwa livoti lelinyenti lemalunga aso.
 9. UMtsetfo wePhalamende kumele ucondzise inchubo yekubekwa kwaboKhomishani.
 10. Khomishani ubekwa kutsi asebente sikhatsi lesiminyaka lesihlanu lesivuselelwako kutsi asebente kwesibili kuphela, futsi kumele kube ngumuntfu lomsikati noma lomdvuna -
 - a. losakhamuti seNingizimu Afrika; futsi
 - b. angumuntfu lolungele nalofanelekile nalonelwati, noma sipiliyoni, kutekuphatsa, tekwegamela
 11. Khomishani angehliswa esikhundleni kuphela nje -
 - a. ngesizatfu sekutiphatsa kabi, kwehluleka noma kungabi namandla;
 - b. kuvetwa ebaleni kwaloko likomidi leSigungu saVelonkhe noma , uma ngabe kunguKhomishani lophakanyiswe nguNdvunankhulu wesifundza, likomidi lesishayamtsetfo saleso sifundza; kanye
 - c. ngesincumo lesitsetfwe Sigungu noma sishayamtsetfo sesifundza lesitsintsekako, ngelivoti lelisekelwe linyenti lemalunga awo noma aso laphakamisa kutsi Khomishani akhishwe esikhundleni.
 12. Mengameli kumele akhiphe lowo Khomishani lotsintsekako esikhundleni emuva –
 - a. kwekutsatfwa nguleSigungu kwesincumo sekukhishwa kwaKhomishani esikhundleni; noma
 - b. kwekubhalwa kwesimemetelo nguNdvunankhulu kutsi sishayamtsetfo sesifundza sesitsatse sincumo sekukhishwa kwaKhomishani esikhundleni.
 13. BoKhomishani labashiwo esigatjaneni (7)(b) bangasebentisa emandla futsi bangenta imisebenti yaleliKhomishani etifundzeni tabo njengoba kuchazwa ngumtsetfo wavelonkhe.

197. Kusebenta kuhulumende

1. Embusweni kunesikhungo semisebenti yahulumende weRiphabhulikhi, lokumele sisebente, futsi sihlelwe, ngekulandzela umtsetfo wavelonkhe, futsi lokumele sigcine ngekwetsembeka inchubomgomo lesemntsetfweni yahulumende wangaleso sikhatsi.
2. Imibandzela yekucashwa netimfanelo tetisebenti tahulumende kumele kuphatfwe ngumtsetfo wavelonkhe. Tisebenti tinelilungelo lekutfole umhlalaphasi lofanele, njengekusho kwemtsetfo wavelonkhe.
3. Kute sisebenti sahumende lesingavunwa noma sibandlululwe ngesizatfu sekutsi lowo muntfu wesekela licembu lelitsite letembusave noma ludzaba lolutsite.
4. Bohulumende betifundza banelilungelo lekufuna, kucasha, kukhuphula, kuntjintja nekusakata tisebenti tahulumende letingaphasi kwabo kepha ngaphasi kwesitfungetelo senchubo nemazinga lafanako lasebenta etisebentini tahulumende jikelele.

Sehluko 11: Tekuvikela (198-210)

198. Imigomosisekelo lebusako

1. Lemigomosisekelo lelandzelako ibusa tekuvikelwa kwelive eRiphabhulikhi -
 - a. kuvikelwa kwavelonkhe, kumele kubonakalise kutinikela kwabo bonkhe bantfu baseNingizimu Afrika, kwemuntfu ngamunye nesive sonkhe, kutsi baphile ngendlela yekulingana, bahlale ngekuthula nangekuvana, bangabi neluvalo nekweswela, futsi bafune imphilo lencono.
 - b. Kutimisela kuhlala ngekuthula kuvimbela Sonkhe sakhamuti seNingizimu Afrika ekungeneleni kuhlonyiwe noma ngekhatshi noma ngaphandle kwaleli, ngaphandle njengoba kubeka uMtsetfosisekelo noma umtsetfo wavelonkhe.
 - c. Kuvikelwa kwavelonkhe kumele kwentiwe ngekulandzela umtsetfo lokufaka ekhatshi nemtsetfo wemave emhlaba.
 - d. Kuvikelwa kwavelonkhe kungaphasi kweligunya lePhalamende kanye neSigungu savelonkhe lesengamele.

199. Kusungulwa, kuhlelwa kanye nekutiphatsa kwemibutfo yetekuphepha

1. Imibutfo yetekuphepha eRiphabhulikhi ibunjwe ngembutfo munye wetekuvikela, umbutfo munye wetebuphoyisa kanye naleminyane imibutfo yetebunhloli, lesungulwe ngekulandzela uMtsetfosisekelo.
2. Umbutfo wetekuvikela ngiwo wodvwa umbutfo wetemphi losemtsetfweni eRiphabhulikhi.
3. Ngaphandle kwemibutfo yetekuphepha lesungulwe ngekulandzela uMtsetfosisekelo, tinhlango letiphatsa tikhali noma lokunye lokusebenta loko tingasungulwa ngekulandzela umtsetfo wavelonkhe.
4. Imibutfo yetekuphepha kumele ihlelwe futsi iphatfwe ngumtsetfo wavelonkhe.
5. Imibutfo yetekuphepha kumele yente futsi kumele ifundzise iphindze iphococele kutsi emalunga ayo ente njengoba kuphococelela uMtsetfosisekelo kanye nemtsetfo, lokufaka ekhatshi umtsetfo wenzabuko kumhlabawonkhe kanye netivumelwano temave emhlaba letibopha iRiphabhulikhi.
6. Alikho lilunga lanoma ngumuphi umbutfo wetekuphepha lokumele lilalele umyalo lokucace ngalokuphelele kutsi uphambane nemtsetfo.
7. Kute umbutfo wetephepha noma linye lemalunga alombutfo, ekwenteni imisebenti yabo –
 - a. labangakhinyabeta tinhlalo telicembu letembusave lelisemtsetfweni ngekweMtsetfosisekelo; noma
 - b. labangachubela embili, ngendlela yekwesekela, noma tiphi tinhlalo telicembu linye letembusave.
8. Kuniketa kuciniseka kwemigomosisekelo wekusebenta

lokungenamfihlo nekusebentela bavoti, emakomiti emacembu etembusave onkhe lasephalamende kumele abeke liso kuyo yonkhe imibutfo yetekuphepha ngendlela lebekwe mitsetfomgomo netibopha tePhalamende.

Tekuvikela

200. Umbutfo weTekuvikela

1. Umbutfo weTekuvikela kumele uhlelwe futsi uphatfwe njengembutfo wetemphi lohloniphako.
2. Inhloso lenkhulu yembutfo wetekuvikela kulwela nekuvikela iRiphabhulikhi, kuvikela iminyane yayo, kanye nebantfu bayo ngekulandzela uMtsetfosisekelo nemigomosisekelo yemtsetfo wemave emhlaba lecondzisa kusetjentiswa kwekulwa.

201. Kutiphendvulela ngetembusave

1. Lilunga leKhabhinethi kumele liphatse umbutfo wetekuvikela.
2. NguMengameli kuphela, njengenhloko yeSigungu lesengamele, longaniketa emandla ekusetjentiswa kwembutfo wetekuvikela -
 - a. ngekubambisana nembutfo wetebuphoyisa;
 - b. kuvikela iRiphabhulikhi; noma
 - c. kuphumelelisa sibopha semave emhlaba
3. Uma ngabe umbutfo wetekuvikela usetjentiselwa noma ngabe nguyiphi inhloso lephawulwe esigatjaneni (2), Mengameli kumele abikele iPhalamende ngekusheshisa futsi nangemininingwane leyenele -
 - a. ngetizatfu tekusebentisa lombutfo;
 - b. ngendzawo noma kuphi lapho lombutfo usetjentiswa khona;
 - c. ngelinani lebantfu labatsintsekako; kanye
 - d. nebudze besikhatsi lekubhekeke kutsi usicitse kuleyo ndzawo lombutfo.
4. Uma ngabe iPhalamende ingahlangani emuva kwemalanga lasikhombisa lombutfo ubekiwe kutsi usebente ngekwesigatjana (2), Mengameli kumele anikete ikomiti lefanele imininingwane ledzingekile esigatjaneni (3).

202. Kukhutwa kwembutfo wetekuvikela

1. Mengameli njengenhloko yeSigungu lesengamele unguMekhuti loMkhulu wembutfo wetekuvikela, futsi kumele abeke Khomanda wetemphi walombutfo wetekuvikela.
2. Kukhutwa kwembutfo wetekuvikela kumele kwentiwe ngekulandzela indlela lebekwe lilunga leKhabhinethi leliphatse temphi, ngaphasi kweligunya laMengameli.

203. Simo sekuvikelwa kwavelonkhe

- Mengameli njengenhloko yeSigungu lesengamele angabeka simo sekuvikelwa kwavelonkhe, futsi kumele abikele iPhalamende ngekusheshisa anikete neminingwane leyenele –
 - ngetizatfu talokubekwa kwalesimo;
 - ngenzawo noma kuphi lapho lombutfo usetjentiswa khona; kanye
 - nangesibalo seabantfu labatsintsekako.
- Uma ngabe iPhalamende ingahlangani uma kubekwa lesimo sekuvikelwa kwavelonkhe, Mengameli kumele abite iPhalamende kutsi ite emhlanganweni lophutfumako kungakapheli emalanga lasikhombisa sibekiwe lesimo.
- Kubekwa kwesimo sekuvikelwa kwavelonkhe kuphelelwa sikhatsi ngaphandle uma ngabe kuvunywe yiPhalamende kungapheli emalanga lasikhombisa kubekiwe.

204. Lihhovisi letebubhalane lebantfu labangekho embutfweni

Lihhovisi letebubhalane lebantfu labangekho embutfweni kumele lisukunywisa ngekweemtsetfo wavelonkhe ngaphasi kwesandla selilunga leKhabhinethi leliphetsa tekuvikela.

Tebuphoyisa**205. Umbutfo wetebuphoyisa**

- Umbutfo wetebuphoyisa kumele uhlelwe ngendlela yekutsi usebente emikhakheni yavelonkhe, yetifundza kanye, uma ngabe kufanele, nakuhulumende wasekhaya.
- Umtsetfo wavelonkhe kumele usungule emandla nemisebenti yembutfo wetebuphoyisa futsi wente kutsi umbutfo wetebuphoyisa ukwati kuyenta kahle imisebenti yawo, kuye nangetidzingo tetifundza.
- Tinhloso tembutfo wetebuphoyisa kuvimbela, kulwa kanye nekuphenya ngebugebengu, kugcina kusebenta kwemtsetfo emmangweni, kugcina umtsetfo, nekuvikela nekuphephisa bantfu labahlala eRiphabhulikhi kanye nemphahla yabo nekuhlonipha kanye nekucindzetela kusebenta kwemtsetfo.

206. Kutiphendvulela ngetembusave

- Lilunga leKhabhinethi kumele liphatse umsebenti wetekuvikelwa ngemaphoyisa futsi libeke inchubomgomo yavelonkhe yetekuvikelwa ngesiphoyisa ngemuva kwekuhlolisana nabohulumende betifundza kanye nekutsi kulandzelwe netidzingo tetifundza njengoba tinconywe tigungu letengamele tetifundza.
- Inchubomgomo yetebuphoyisa yavelonkhe ingenta tiphakamiso ngetinchubomgomo letehlukene ngekwehlukana kweTifundza emuva kwekubuketa tidzingo tekuvikelwa ngebuphoyisa nalokumcoka

kwaletifundza.

- Sifundza ngasinye sineligunya –
 - lekugadza kutiphatsa kwemaphoyisa;
 - lekubeka liso ekusebenteni lokunemandla nalokunemphumelelo kwembutfo wetekuvikela, lokufaka ekhatsi kwemukela imibiko ngembutfo wetekuvikela;
 - kutfufukisa budlelwano lobuhle emkhatsini kwemaphoyisa kanye nemmango;
 - kuphenya imphumelelo lebonakalako yekuvikelwa kwemiphakatsi ngulombutfo; kanye
 - nekuchumana nelilunga leKhabhinethi leliphetsa tekuvikelwa ngumbutfo wetekuvikela mayelana nebugebengu nekuvikelwa kweTifundza.
- Sigungu sesifundza lesengamele setfwele umtfwalo wemisebenti yemaphoyisa –
 - lesetfweswe wona nguleSahluko;
 - lesabelwe wona ngumtsetfo wavelonkhe; kanye
 - naloniketwe kuso kunchubomgomo yavelonkhe yetebuphoyisa.
- Kuze sikwati kwenta imisebenti lehlelwe esigatjaneni (3), sifundza –
 - singaphenya, noma sibeke iKhomishani yeluphenyo, noma tiphi tikhalo ngekungakhoni kusebenta kwemaphoyisa noma kuphela kwebudlelwano emkhatsini kwemaphoyisa nanoma ngumuphi ummango; futsi
 - kumele sente tincumo elungeni leKhabhinethi leliphetsa tebuphoyisa.
- Ngemuva kwekutfofola sikhalo lesifakwe Sigungu sesifundza lesengamele, ibhodi letimele yetikhalo ngebuphoyisa lesungulwe ngumtsetfo wavelonkhe kumele iphenye noma kuphi kutiphatsa kabi, noma kwepfulwa kwemtsetfo lilunga letembutfo webuphoyisa esifundzeni.
- Umtsetfo wavelonkhe kumele wente kube khona sitfungelutelo sekusungulwa, semandla, semisebenti nesekuphatfwa kwembutfo wemaphoyisa abomasipala.
- Likomidi lelibunjwe ngelilunga leKhabhinethi nemalunga eMkhandlu waVelonkhe weTifundza letfweswe umtfwalo wetebuphoyisa kumele lisungulwe kutewucinisekisa kusebentisana lokunemphumela ngumbutfo wemaphoyisa nelubambiswano lolunemphumela emkhatsini kwetikhungo tahulumende.
- Sishayamtsetfo sesifundza singacela Khomishani wesifundza kutsi atfule embi kwaso noma kukuwaphi emakomiti aso kutewuphendvula imibuto letsite.

207. Kulawulwa kwembutfo wetebuphoyisa

- Mengameli njengenhloko yeSigungu lesengamele kumele abeke umuntfu lomsikati noma lomdvuna kutsi abe nguKhomishani wavelonkhe wemaphoyisa, kucondzisa nekuphatsa umbutfo wetekuvikela.
- Khomishani wavelonkhe wemaphoyisa, kumele aphatse futsi acondzise umbutfo wetekuvikela ngekulandzela inchubomgomo yavelonkhe yetekuvikela kanye nemiyalo yelilunga leKhabhinethi

- lelengamele tekuvikelwa ngumbutfo wetebuphoyisa.
3. Khomishani wavelonkhe wemaphoyisa, ngekuvumelana neSigungu sesifundza lesengamele, kumele abeke umuntfu lomsikati noma lomdvuna kutsi abe nguKhomishani wesifundza waleso sifundza, kepha uma ngabe Khomishani wavelonkhe neSigungu sesifundza lesengamele bangakhoni kuvumelana ngalomuntfu lokumele abekwe, lilunga leKhabhinethi leliphetse umbutfo wetebuphoyisa kumele libe ngumlamuli emkhatsini kwalamacembu.
 4. BoKhomishani bemaphoyisa betifundza banemtfwalo wetebuphoyisa etifundzeni tabo ngasinye –
 - a. njengoba kuchaza umtsetfo wavelonkhe; futsi
 - b. nangekulandzela emandla aKhomishani wemaPhoyisa wavelonkhe ekucondzisa nekuphatsa umbutfo wetebuphoyisa ngekulandzela sigatjana (2).
 5. Khomishani wesifundza kumele abike kusishayamtsetfo sesifundza njalo nje ngeminyaka ngekuvikelwa ngembutfo wemaphoyisa esifundzeni, futsi kumele atfumele ikhophi yalombiko kuKhomishani wavelonkhe.
 6. Uma Khomishani wesifundza asalahlekelwe kwetsenjwa Sigungu sesifundza lesengamele leso Sigungu singenta tinyatselo letisemtsetfweni tekumkhipha esikhundleni, tekumtjintja noma tekumjezisa, lowo Khomishani ngekulandzela umtsetfo wavelonkhe.

208. Lihhovisi labomabhalane lebantfu labangekho ebuphoyiseni

Lihhovisi labomabhalane lebantfu labangekho embutfweni wetebuphoyisa kumele livulwe ngekulandzela umtsetfo wavelonkhe, futsi lisebente ngaphantsi kwesandla selilunga leKhabhinethi lelibukene nemsebenti webuphoyisa.

Bunhloli

209. Kusungulwa nekuphatfwa kwemibutfo yebunhloli

1. Noma muphi umbutfo webunhloli, ngaphandle kwemibutfo yebunhloli lebunebuciko lobusetulu yembutfo wetemphi noma wetekuvikela ngebuphoyisa ingasungulwa kuphela nguMengameli njengenhloko yeSigungu lesengamele, futsi kuphela nangekulandzela umtsetfo wavelonkhe.
2. Mengameli njengenhloko yeSigungu lesengamele kumele abeke umuntfu lomsikati noma lomdvuna njengenhloko yalowo nalowo mbutfo webunhloli lobunebuciko lobusetulu bembutfo wetemphi noma wetekuvikela ngebuphoyisa lowakhiwe ngekwesigatjana (1), futsi kumele noma atsatse umtfwalo ngekwepolitiki wekucondzisa nekuphatsa kwanoma ngumuphi walembutfo, noma akhetse lilunga leKhabhinethi kutsi litsatse lowo mtfwalo.

210. Emandla, imisebenti nekweluswa

1. Umtsetfo wavelonkhe kumele uphatse tindhloso, emandla kanye nemisebenti yemibutfo yebunhloli, lokufaka noma muphi umbutfo webunhloli lobunebuciko lobusetulu wembutfo wetemphi noma wetekuvikela ngebuphoyisa, futsi kumele wente kube khona –
 - a. kumataniswa kahle kwayo yonkhe imibutfo yebunhloli; futsi
 - b. kweluswa sive kwemisebenti yalemibutfo yebunhloli ngumhloli lobekwe nguMengameli njengenhloko yeSigungu lesengamele, futsi loko kwemukelwa ngesincumo lesitsetfwe Sigungu saVelonkhe ngekwesekelwa ngemalunga awo langulokubili kulokutsatfu.

Sehluke 12: Baholi Bendzabuko (211-212)

211. Kuhlonishwa

1. Bukhosi, lizinga, indzima yebaholi bendzabuko ngekwemtsetfo wesintfu, kuhlonishwa kuphela nje uma kutfobela uMtsetfosisekelo.
2. Sigungu sebaholi bendzabuko lesilandzela umtsetfo wesintfu singasebenta ngekulandzela noma muphi umtsetfo losebentako, nemasiko lokufaka ekhatsi tichibiyelo, kucitfwa kwalowo mtsetfo noma lawo masiko.
3. Tinkantolo kumele tisebentise umtsetfo wesintfu uma ngabe lowo mtsetfo usebenta ngaphasi kweMtsetfosisekelo nanoma ngumuphi lomunye umtsetfo locondzene ngco nemtsetfo wesintfu.

212. Indzima yebaholi bendzabuko

1. Umtsetfo wavelonkhe ungenta kube khona indzima yebaholi bendzabuko njengeSigungu lesengamele ezingeni lahulumende wasekhaya etintfweni letitsintsa tindzaba temiphakatsi etindzaweni tayo.
2. Kusebenta tindzaba letiphatselene nebaholi bendzabuko indzima yebaholi bendzabuko, umtsetfo wesintfu nemasiko emiphakatsi legcina leyo nchubo yemtsetfo wesintfu –
 - a. umtsetfo wavelonkhe noma weTifundza ungenta kube khona kusungulwa kwetindlu tebaholi bendzabuko; futsi
 - b. umtsetfo wavelonkhe ungasungula umkhandlu webaholi bendzabuko.

Sehluke 13: Tetimali (213-230A)

Tindzaba jikelele teTimali

213. SiKhwama seMali saVelonkhe

1. Kukhona siKhwama seMali saVelonkhe lapho tonkhe timali letemukelwe nguhulumende wavelonkhe lekumele tibhadalwe kuso ngaphandle kwetimali letibekwe eceleni ngalokufanele nguMtsetfo wePhalamende.
2. Imali ingakhishwa kulesiKhwama seMali saVelonkhe kuphela–
 - a. ngekulanzela sabelo lesentiwe nguMtsetfo wePhalamende; noma
 - b. njengesikwelete lesikhishwa kuleSikhwama seMali saVelonkhe, uma ngabe kuvunyelwe nguMtsetfosisekelo noma nguMtsetfo wePhalamende.
3. Incenye yesifundza lefanele kuletimali letibutfo eveni lonkhe ikhishwa kuleSikhwama seMali saVelonkhe.

214. Tabela letinebulungiswa nekuphakelwa kwemali

1. Umtsetfo wavelonkhe kumele wente kube khona –
 - a. kwehlukaniselana ngalokufanele kwemali legcogcwe kuvelonkhe emkhatsini kwahulumende wavelonkhe nabohulumende betifundza nebasekhaya;
 - b. kuncunywa kwesabelo lesifanele sesifundza ngasinye esabelweni setifundza; kanye
 - c. nekuniketwa kwanoma ngutiphi letinye tabelo tetimali etifundzeni nakubomasipala letiphuma encenyeni yahulumende wavelonkhe, kanye nemibandzela loko kuniketwa lokwentwe ngayo.
2. Umtsetfo lophawulwe esigatjaneni (1) ungasetjentiswa kuphela ngemuva kwekubonisana nabohulumende betifundza, nabohulumende basekhaya labahlelekile kanye neliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende, futsi noma ngutiphi tincumo taleliKhomishani setibuketiwe, futsi kumele kunakisiswe –
 - a. tindzingo tavelonkhe;
 - b. noma ngutiphi timiso lokumele tentiwe mayelana nesikwelete savelonkhe kanye naletinye tibopho tavelonkhe;
 - c. tidzingo kanye netimfuno tahlumende wavelonkhe, letincunye ngekusetjentiswa kwetindlela tekubuka letifanele;
 - d. sidzingo sekwenta nakanjani kutsi tifundza nabomasipala bakwati kuniketa imisebenti lesisekelo nekwenza imisebenti lebanikwe yona;
 - e. emandla nelikhono letifundza nabomasipala labanalo lekuphatsa tetimali;
 - f. tidzingo tentfutuko, naletinye nje tidzingo

tetifundza, tahlumende wasekhaya netabomasipala;

- g. kwehlukana ngetemnotfo esifundzeni nakuletinye tifundza;
- h. tibopho tetifundza nabomasipala ngekwenztsetfo wavelonkhe;
- i. kufuneka kwekwabelwa kwetincenye lokutintile nalokucagelekako; kanye
- j. nesidzingo sekwetama kulungisa melula timo letibucayi noma tidzingo tesikhashana naletinye tintfo letimise ekubukisiseni ngekufanana.

215. Imicombelelotimali yavelonkhe, yetifundza neyabomasipala

1. Imicombelelotimali yavelonkhe, yetifundza neyabomasipala netinchubo temcombelelotimali kumele tiftufukise kusebenta lokungenamfihlo, kwetsembeka, kanye nekuphatfwa ngendlela lengiyo kwemnotfo, tikwelete neligumbi lembuso.
2. Umtsetfo wavelonkhe kumele uchaze –
 - a. simo semicombelelotimali yavelonkhe, yetifundza neyabomasipala;
 - b. sikhatsi lapho imicombelelotimali yavelonkhe neyesifundza kumele yetfulwe ngaso etafuleni; kanye
 - c. nekutsi umcombelelotimali kulowo nalowo mkhakha wahulumende kumele ukhomba imitfombo yamali nendlela lababona ngayo kutsi lokusetjentiswa kutawuhambisana nemtsetfo wahulumende wavelonkhe.
3. Imicombelelotimali kulowo nalowo mkhakha wahulumende kumele ibe –
 - a. nesicombelelo ngetimali nangekusetjentiswa kwato, lesehlukanisana emkhatsini kwetimali letikhona naletidzingekekako ngaleso sikhatsi;
 - b. netiphakamiso tekubhadala kushoda lokungase kwenteke ngaleso sikhatsi semcombelelotimali; kanye
 - c. netinhloso tekwebolekwa kwetimali naletinye tikwelete tembuso letingakhuphula sikwelete sembuso emnyakeni lolandzelako.

216. Kuphatfwa kwesigcinamafa

1. Umtsetfo wavelonkhe kumele usungule sigcinamafa savelonkhe futsi uchaze netindlela tekucinisekisa kungabi namfihlo, nekuvimbela kusetjentiswa kabe kwetimali kuyo yonkhe imikhakha yahulumende, ngekwenzula –
 - a. inchubo lehlonishwako yekuphatfwa kwetimali;
 - b. kwehlukaniswa kwekusebentisa timali lokufanako; kanye
 - c. nemigomo nemazinga ekugcina timali lafanako.
2. Sigcinamafa savelonkhe kumele sicinisekise

kulandzelwa kwetinyatselo letisungulwe ngekulandzela sigatjana (1), futsi singamisa kwendluliselwa kwetimali kunoma ngusiphi sikhungo sembuso uma ngabe lesi sikhungo sephula noma sichubeka nekwephula letinyatselo ngalokunyantisako.

[Sigatjana (2) sivalwe ngesigaba 5(a) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

3. Sincumo sekuvimba kwendluliswa kwetimali leticondzene nesifundza ngekulandzela sigaba 214(1)(b)
 - a. singatsatfwa kuphela etimeni letiphawulwe esigatjaneni (2), futsi –
 - b. angeke sivimbele kwendluliswa kwetimali emalanga langetulu kwalangu-120; futsi
 - c. singasebenta ngaleso sikhatsi, kepha sitawuphelelwa ngemandla ngekubuyela emuva kwaso ngaphandle uma ngabe iPhalamende isamukela ngemuva kwenchubo lefananako ncinishi naleyo lebekwe esigabeni 76(1) futsi lebekwe mitsetfomgomo netibopho letihlanganyelwe tePhalamende. Lenchubo kumele iphele esikhatsini semalanga langu-30 kusukela sacala kusebenta lesincumo lesitsatfwe sigcinamafa savelonkhe.

[Sigatjana (3) sivalwe ngesigaba 5(b) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

4. IPhalamende ingasivusetela lesincumo sekuvimbela kwendluliswa kwetimali kungakengci emalanga langu-120 ngekulandzelana kwawo lokungaphatamiseki, ngekulandzela lenchubo lechazwe esigatjaneni (3).
5. Ngembi kwekutsi iPhalamende yemukele noma ivuselele sincumo sekuvimbela kwendluliswa kwetimali tiye esifundzeni –
 - a. umCwaningimabhuku-Jikelele kumele etfule umbiko ePhalamende, futsi
 - b. sifundza kumele sinikwe litfuba lekutiphendvulela ngaletinsolo letibhekiswe kuso, futsi sibeke luhlangotsi lwaso ngalenzaba, ekomidini.

217. Kutfolakala kwemphahla

1. Uma ngabe sikhungo sembuso emkhakheni wahulumende wavelonkhe, wesifundza noma wasekhaya, noma siphi lesinye sikhungo lesiphawuliwe emtsetfweni wavelonkhe, sitsatsa emakontileka etimphahla noma emisebenti, kumele sikwente loko ngekulandzela imitsetfo yavelonkhe neyetifundza lechaza indlela lengiyo, lelungile, lefanelekile, lengenamfihlo, lenekuchudzelana futsi leyongako.
2. Sigatjana (1) asivimbeli tikhungo tembuso noma tikhungo letishiwo kuleso sigatjana kusetjentiswa

kwenchubomgomo yekutfolakala kwetimphahla leyenta kube khona –

- a. tigaba tekunconota uma kuniketwa emakontileka; kanye
 - b. nekuvikelwa noma kutfutfukiswa kwebantfu, ticuku tebantfu labakhinyabetwa lubandlululo lolungakafaneli.
3. Umtsetfo wavelonkhe kumele usukumise luhlakamsebenti lenchubomgomo lephawulwe esigatjaneni (2) lengasetjentiswa ngaphasi kwalo.

[Sigatjana (3) sivalwe ngesigaba 6 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

218. Ticiniseko tahulumende ngetikwelete

1. Hulumente wavelonkhe, hulumente wesifundza noma hulumente wamasipala anganika siciniseko ngemali lebolekwe kuphela nje uma lesi siciniseko sihambisana nemibandzela lebekwe emtsetfweni wavelonkhe.
2. Umtsetfo wavelonkhe lophawulwe esigatjaneni (1) ungasebenta kuphela ngemuva kwekubukiswa noma tiphi tiphakamiso teliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende.
3. Ngalowo nalowo mnyaka wonkhe hulumente kumele etfule umbiko ngeticinisekiso lakatentile.

219. Kuholelwa kwebantfu labanetikhundla embusweni

1. Umtsetfo wavelonkhe kumele usungule sikali sekubeka –
 - a. imiholo, tibonelelo netinzuzo temalunga eSigungu saVelonkhe, titfunywa letingesulwa eMkhandlwini waVelonkhe weTifundza, emalunga eKhabhinethi, emaSekela etiNdvuna teMbuso, baholi bendzabuko nemalunga emikhandlu yebaholi bendzabuko; kanye
 - b. nemazinga ebukhulu bemiholo, netibonelelo netinzuzo temalunga etishayamtsetfo tetifundza, emalunga etiGungu leteNgamele nemalunga eMikhandlu yaboMasipala betinhlobo letehlukile.
2. Umtsetfo wavelonkhe kumele usungule liKhomishani letitawenta tincumo ngemiholo, tibonelelo netinzuzo temalunga letishiwo esigatjaneni (1).
3. IPhalamende ingaphasisa umtsetfo lophawulwe esigatjaneni (1) kuphela nje ngemuva kwekubuketa tincumo taleliKhomishani lelisungulwe ngekwesigatjana (2).
4. Sigungu savelonkhe lesengamele, Sigungu sesifundza lesengamele, masipala kanye nanoma muphi umtimba lowengamele singasebentisa umtsetfo wavelonkhe lophawulwe esigatjaneni (1) kuphela nje ngemuva kwekubuketa tincumo taleliKhomishani lelisungulwe ngekwesigatjana (2).
5. Umtsetfo wavelonkhe kumele usungule iminyele yekuncuma imiholo, tibonelelo netinzuzo temajaji, uMvikeli wemmango, umCwaningimabhuku-Jikelele

kanye nemalunga anoma nguliphi liKhomishani lelibekwe ngekweMtsetfosisekelo lokufaka ekhatsi nentimba wetekusakata lophawulwe esigabeni 192.

LiKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende

220. Kusungulwa nemisebenti yalo

1. KuneliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende eRiphabhulikhi lelenta tincumo letishiwo kuleSAHLUKO, noma emtsetfweni wavelonkhe, ePhalamende, kutishayamtsetfo tetifundza nakuleminywe imitimba leyengamele lencunywe ngumtsetfo wavelonkhe.
2. LeliKhomishani litimele futsi linekutiphendvulela kuphela ngekweMtsetfosisekelo nemtsetfo, futsi kumele lingakhetsi luhlangotsi.
3. LeliKhomishani kumele lisebente ngekulandzela uMtsetfo wePhalamende futsi ekwenteni imisebenti kwalo, kumele libuke tonkhe tintfo letitsintsekako lokufaka ekhatsi leto letihlelwe esigabeni 214(2).

221. Kubekwa nesikhatsi sekusebenta kwemalunga

1. LeliKhomishani libunjwe ngalabantfu labasikati nalabadvuna labalandzelako, labakhetfwe nguMengameli njengenhloko yeSigungu savelonkhe lesengamele –
 - a. sihlalo kanye nelisekela lasihlalo;
 - b. bantfu labatsatfu labakhetfwe, ngemuva kwekubonisana naboNdvunankhulu, eluhlwini lolwakhiwe ngekulandzela luhlelo lolumiswe ngekwemtsetfo wavelonkhe;
 - c. bantfu lababili labakhetfwe, ngemuva kwekubonisana nabohulumende basekhaya labahlelekile, eluhlwini lolwakhiwe ngekulandzela luhlelo lolumiswe ngekwemtsetfo wavelonkhe; kanye
 - d. nalabanye bantfu lababili.

[Sigatjana (1) sivalwe ngesigaba 7(a) seMtsetfo weSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-1999.] [uvalwe ngesigatjana 7(a) weMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfo- sisekelo wanga-2001]

1A Umtsetfo waVelonkhe lophawulwe esigatjaneni (1) kumele uniketele ngekumbandzakanyeka - 1. kwaboNdvunankhulu ekwakhiweni kweluhlu loluhlongotwe esigatjaneni (1)(b); kanye 1. nabohulumende basekhaya labahlelekile ekwakhiweni kweluhlu loluhlongotwe esigatjaneni (1)(c).

[Sigatjana (1A) sifakwe ngesigaba 7(b) seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Emalunga aleliKhomishani kumele abe nelwati lolulungele lomsebenti.
3. Emalunga aleliKhomishani asebenta sikhatsi lesincunywe ngekulandzela umtsetfo wavelonkhe. Mengameli angakhokha lilunga laleliKhomishani kuleKhomishani ngekutiphatsa kabi kwalo, kungakhoni kusebenta nekungakwati kwenta umsebenti.

222. Imibiko

LeliKhomishani kumele letfule umbiko walo ePhalamende kanye nakutishayamtsetfo tetifundza njalo nje.

LiBhange laseNkhabeni

223. Kusungulwa kwalo

LiBhange laseNkhabeni, liBhange lesiLulu laseNingizimu Afrika (iSouth African Reserve Bank), ngulona bhange lesive leRiphabhulikhi futsi liphETFwe ngekulandzela umtsetfo wePhalamende.

224. Inhloso lebalulekile

1. Inhloso lebalulekile yeliBhange lesiLulu laseNingizimu Afrika kuvikela emandla emali yeRiphabhulikhi kute kube khona kutfutuka lokulingene futsi lokusimeme nalokukhulako kwemnotfo eRiphabhulikhi.
2. LiBhange lesiLulu laseNingizimu Afrika, ekulandzeleni inhloso yalo lebaluleke, kumele lisebente ngekutimela futsi ngaphandle kwekwesaba, kwekukhetsa luhlangotsi noma kukhinyabeta, kepha kumele kube khona kubonisana njalo nje emkhatsini kwaleliBhange kanye nalelilunga leKhabhinethi lelibukene netindzaba tetimali kuvelonkhe.

225. Emandla nemisebenti

Emandla kanye nemisebenti yeliBhange lesiLulu laseNingizimu Afrika, nguleyo levamise kusetjentwa iphindze yentiwe ngemabhange esive, lokumandla nemisebenti lokumele kuncunywe ngumtsetfo wePhalamende futsi lokumele kusetjentiswe futsi kwentiwe ngekulandzela imibandzela lechazwe ngulowo Mtsetfo.

Tindzaba tetimali tetifundza netasekhaya

226. Tikhwama temali yetiFundza

1. Kukhona siKhwama seMali yesiFundza kuleso naleso sifundza lapho tonkhe timali letemukelwe nguhulumende wesifundza kumele tifakwe khona, ngaphandle kwetimali letibekwe eceleni ngalokufanele nguMtsetfo wePhalamende.
2. Imali lingakhishwa eSikhwameni seTimali teMbuso letingenako sesifundza kuphela nje –

- a. ngesabelo lesentiwe ngeMtsetfo wesifundza; noma
- b. njengesikwelete lesikhishwa kulesiKhwama seMali yesiFundza letingenako tesifundza, uma ngabe lokukubekwe nguMtsetfosisekelo noma nguMtsetfo wesifundza.
3. Imali leniketwe hulumente wasekhaya kepha leyendluliswe kuhulumente wesifundza, ngekulandzela sigaba 214(1), iyindlekongco esiKhwameni seMali yesiFundza.
4. UMtsetfo wavelonkhe ungancuma luhlakamsebenti lokumele ngaphasi kwalo -
 - a. uMtsetfo wesifundza ngekulandzela sigatjana (2)(b) ugunyate kukhishwa kwemali njengendleko-ngco esiKhwameni seMali yesiFundza; kanye
 - b. nekutsi imali lephakelwe hulumente wasekhaya ngekwegca esifundzeni ngekulandzela sigatjana (3) kumele ikhokhelwe njani kubomasipala basesifundzeni.

[Sigatjana (4) sifakwe ngesigaba 8 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

227. Imitfombo yavelonkhe yetimali tabohulumende betifundza nebasekhaya

1. Hulumente wasekhaya newesifundza ngasinye -
 - a. unelilungelo lekutfola inenye lemfanele yetimali letibutfwe eveni lonkhe kute akwati kuniketa tidzingosisekelo nekwenta imisebenti lekabelwe yona; futsi
 - b. angemukela letinye tabelo letibuya esikhwameni savelonkhe setimali letingenako, noma tinemibandzela noma tite.
2. Imali lengetako lebutfwe tifundza noma bomasipala angeke ikhishwe encenyeni yabo yetimali letibutfwe eveni lonkhe, noma kuletinye tabelo tabo lebatinikwa nguhulumente wavelonkhe. Ngalokunjalo, kute sibopho kuhulumente wavelonkhe sekungetela tifundza nabomasipala labangabutsi timali ngekulandzela likhono labo letetimali netintsela.
3. Incenye yesifundza lefanele lebutfwe eveni lonkhe kumele yendluliselwe kulesifundza ngekusheshisa futsi ingakahleshulwa ngaphandle uma ngabe lokwendluliswa kumisiwe ngekwesigaba 216.
4. Sifundza kumele sitibekele sona ngekwaso imitfombo ledzingekako ngekwetiphakamiso temtsetfosisekelo wesifundza, leyengetela etulu kwetidzingo taso letishiwo kuMtsetfosisekelo.

[Lilanga lekucala kusebenta kwesigaba 227: 1 Bhimbidvwane 1998.]

228. Tintsela tesifundza

1. Sishayamtsetfo sesifundza singabeka -
 - a. tintsele, umtsedlwana nemtselolo ngaphandle kwemtselolo ngekwekuhola, kwentsela yentsengo yekubita kwemphahla, intsele yentsengo jikelele kanye nentsela yenzawo noma yemphahla

- b. lengeniswa kulelive eminyeleni yalo; futsi
- b. tintsele letilinganako ngetulu kwanoma yiphi intsele, umtsedlwana noma umtselolo lebekwe ngumtsetfo wavelonkhe, kepha ngaphandle kwentsela yemiholo etinkampanini, intsele yentsengo yekubita kwemphahla nentsela yenzawo noma yemphahla lengeniswa kulelive eminyeleni yalo.

[Indzima(b) ivalwe ngesigaba 9 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

2. Emandla esishayamtsetfo sesifundza ekutsi sibeke tinsela, umtsedlwana, timali letibhadalwa uma kungeniswa timphahla naletinye timali -
 - a. angeke asetjentiswe ngendlela lebeke inchubomgomo yemnotfo yavelonkhe esimeni lesibi, budlelwano betifundza kutemnotfo noma kuhanjiswa kwetimpahla, kwelusito kwemali noma kwebasebenti; futsi
 - b. kumele kuphatfwe ngumtsetfo wePhalamende longabekwa kuphela nje ngemuva kwekutsi noma tiphi tincumo teliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumente setibuketiwe.

[Lilanga lekucala kusebenta kwesigaba 228: 1 Bhimbidvwane 1998.]

229. Emandla amasipala ekuphatsa timali nemisebenti

1. Ngekulandzela tigatjana (2), (3) na-(4), Masipala angabeka -
 - a. intsele emphahleni futsi engete ngetulu etimalini letikhokhela lusito lolwentiwe ngumasipala noma lowentiwe esikhundleni sakhe; futsi
 - b. uma agunyatwe ngumtsetfo wavelonkhe, letinye tintsele, imitsedlwana naletinye timali letibhadalwako letifanele hulumente wasekhaya noma sigaba sahumende wasekhaya lapho lomasipala awela khona, kepha masipala angeke abeke intsele yemiholo, intsele yentsengo lengetiwe, intsele yentsengo leyetayelekile noma imali lebhadalwa uma kungeniswa timphahla.
2. Emandla amasipala ekubeka intsele emphahleni ekwengeta ngetulu etimalini letibhadalwako ngelusito lolwentiwe nguye noma lolwentiwe esikhundleni samasipala, noma leminye imitselo, imitsedlwana noma imali lebhadalwa ngekungeniswa kwemphahla -
 - a. angeke asetjentiswe ngendlela lebeke inchubomgomo yemnotfo yavelonkhe esimeni lesibi, budlelwano babomasipala kutemnotfo, noma kuhanjiswa kwetimpahla kwelusito, kwemali noma kwebasebenti; futsi
 - b. angacondziswa ngumtsetfo wavelonkhe.
3. Uma ngabe bomasipala lababili banemandla nemisebenti lefananako yekuphatsa timali mayelana

nendzawo yinye, kwehlukani swa lokufanele kwalawo mandla nemisebenti kumele kwentiwe ngekulandzela umtsetfo wavelonkhe. Lokwehlukani swa kungentiwa kuphela nje emuva kwekutsatsa lokungenani letindlela letilandzelako:

- a. Sidzingo sekuhambelana imigomosisekelo yekutselisa lelungile;
 - b. Emandla nemisebenti leyentiwa ngumasipala ngamunye;
 - c. Emandla ekuphatsa timali amasipala ngamunye;
 - d. Emandla nelikhono lekubutsa imitselo, umtsedlwana naletinye timali letibhadalwako; kanye
 - e. Nebulungiswa.
4. Kute kulesigaba lokuvimbela kwabelana ngemali lebutfwe ngelandzela lesigaba emkhatsini wabomasipala labanemandla ekuphatsa timali nemisebenti lefananako endzaweni yinye.
 5. Umtsetfo wavelonkhe lophawulwe kulesigaba ungasebenta kuphela nje ngemuva hulumente wasekhaya lohlekile neliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende kwatisiwe, futsi noma tiphi tincomo taleliKhomishani setibuketiwe.

[Lilanga lekucala kusebenta kwesigaba 229: 1 Bhimbidvwane 1998.]

230. Timali tekubolekwa tifundza

1. Sifundza singaboleka timali tekugcina tidzingo letimile noma tidzingo tesikhashana ngekulandzela imibandzela lefanele letincunywe ngumtsetfo wavelonkhe, kepha imali yetidzingo tanyalo ingabolekwa kuphela uma ngabe kudzingeke kuvalwe

tidzingo kwesikhashana ngalowo mnyakatimali.

2. Umtsetfo wavelonkhe lophawulwe esigatjaneni (1) ungasebenta kuphela nje ngemuva noma tiphi tiphakamiso teliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende setibukiwe.

[Sigaba 230 sivalwe ngesigaba 10 seMtsetfo weSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

230A. Timali tekubolekwa bomasipala

1. UMkhandlu waMasipala, ngekulandzela umtsetfo wavelonkhe –
 - a. ungaboleka timali tekugcina tidzingo letimile noma tidzingo tesikhashana ngekulandzela imibandzela lefanele letincunywe ngumtsetfo wavelonkhe, kepha imali yetidzingo tanyalo ingabolekwa kuphela uma ngabe kudzingeke kuvalwe tidzingo kwesikhashana ngalowo mnyakatimali; futsi
 - b. ungatibophelela wona kanye neMkhandlu wesikhatsi lesitako ekusetjentisweni kweligunya lawo lekushaya umtsetfo nelekwengamela ekutfoleni imalimboleko noma kutjalwa kwetimali tamasipala.
2. Umtsetfo wavelonkhe lophawulwe esigatjaneni (1) ungasebenta kuphela nje ngemuva noma tiphi tiphakamiso teliKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende setibukiwe.

[Sigaba 230A sifakwe ngesigaba 17 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

Sehluo 14: Timiso Jikelele (231-243)

Umtsetfo wemave emhlaba

231. Tivumelwano nemave emhlaba

1. Kucocisana nekusayina tivumelwano nemave emhlaba kusibopho seSigungu savelonkhe lesengamele.
2. Sivumelwano nemave emhlaba sibopha iRiphabhulikhi kuphela nje uma ngabe semukelwe ngesincumo kuyo yombili Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza ngaphandle uma ngabe kusivumelwano lesishiwo esigatjaneni (3).
3. Sivumelwano nemave emhlaba senhlobo yebuchwepheshe, yekuphatsa noma yeSigungu lesengamele, noma sivumelwano lesingadzingi kwemukelwa noma kucinisekiswa losentiwe Sigungu lesengamele, sibopha iRiphabhulikhi ngaphandle kwekuvunywa Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza, kepha kumele setfulwe embi kweSigungu saVelonkhe kanye nasembi kweMkhandlu waVelonkhe weTifundza kungakapheli sikhatsi lesidze.
4. Noma siphilivumelwano nemave emhlaba siba ngumtsetfo eRiphabhulikhi nasibekwa saba ngumtsetfo sishayamtsetfo savelonkhe, kodvwa siba siphakamiso lesinemandla eRiphabhulikhi ngaphandle uma ngabe singahambisani neMtsetfosisekelo noma neMtsetfo wePhalamende.
5. IRiphabhulikhi iboshwa tivumelwano nemave emhlaba lebetivele tiyibopha iRiphabhulikhi loMtsetfosisekelo uma ucala kusebenta.

232. Umtsetfo wenzabuko wamhlabawonkhe

Umtsetfo wenzabuko wamhlabawonkhe ungumtsetfo eRiphabhulikhi ngaphandle uma ngabe unghambisani neMtsetfosisekelo noma uMtsetfo wePhalamende.

233. Kusetjentiswa kwemtsetfo wemave emhlaba

Uma kuhunyushwa noma ngumuphi umtsetfo, tonkhe tinkantolo kumele tikhetswe kuhunyushwa lokungiko kwalowo mtsetfo lokuhambisana nemtsetfo wemave emhlaba ngetulu kwalokunye kuhunyushwa lokungahambisana nemtsetfo wemave emhlaba.

Letinye Tindzaba

234. Tivumelwano temaLungelo

Kuze kwandziswe lisiko lentsandvo yelinyenti lelisungulwe nguMtsetfosisekelo, iPhalamende ingatemukela tiVumelwano temaLungelo letihambisana netimiso teMtsetfosisekelo.

235. Kutibusa ngekwakho

Lilungelo labo bonkhe bantfu baseNingizimu Afrika lekutibusa ngekwakho njengoba lichaziwe kuloMtsetfosisekelo, alishiyi ngaphandle, ngekhatsi kweluhlakamsebenti walelilungelo, kuhlunishwa kwemcabango ngelilungelo lekutibusa ngekwawo ummango lobunjwe ngemasiko lafanako nelulwimi lolufanako ngekwentalelwane, indzawo letsite khona lapha eRiphabhulikhi noma futsi ngayiphi lenye indlela, lencunywe ngumtsetfo wavelonkhe.

236. Kwelekelelwa ngetimali kwemacambu embusave

Kuze kubonakale intsandvo yelinyenti, umtsetfo wavelonkhe kumele wente kube khona kuniketwa kwetimali emacambu embusave lafaka sandla kusishayamtsetfo savelonkhe netetifundza ngalokufanele nangebunyenti noma bungako bemavoti licambu ngelicambu lelawatfola elukhetfweni lwavelonkhe nelweTifundza.

237. Kwentiwa kwemisebenti ngekutimisela

Yonkhe imisebenti lebekwe ngekwemtsetfosisekelo kumele yentiwe ngekutimisela futsi nangaphandle kwekucitsa sikhatsi.

238. Kuphutfuma netitfunywa

1. Sigungu lesengamele kunoma ngumuphi umkhakha wahulumende –
 - a. singaniketa noma waphi emandla lokumele asetjentiswe noma umsebenti lokumele wentiwe ngekulandzela umtsetfo wavelonkhe noma siphilivumelwano sitfo tembuso kuphela nje uma ngabe lokuniketa kuhambisana nalowo mtsetfo lowo mandla asetjentiswa lowo msebenti wentiwa ngaphasi kwawo; noma
 - b. singasebentisa noma waphi emandla noma sente noma muphi umsebenti siwentela noma siphilivumelwano sikhungo sembuso lesiphetse ngekuphutfuma noma ngesizatfu sekutfunywa.

239. Tinchazelo

1. KuloMtsetfosisekelo, ngaphandle uma ingcikitsi ibonisa ngalenywe indlela –

“umtsetfo wavelonkhe” ufaka ekhatsi—

 - a. umtsetfo longaphasi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wePhalamende; futsi
 - b. umtsetfo lebewusebenta ngesikhatsi loMtsetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende wavelonkhe;

“sikhungo sembuso” sisho—

- a. noma muphi umnyango wembuso noma wekuphatsa ezingeni hulumende wavelonkhe wesifundza noma wasekhaya; noma
- b. noma siphil siphatsimandla noma sikhungo—
 - i. lesisebentisa emandla noma senta umsebeni ngekulandzela uMtsetfosisekelo noma umtsetfosisekelo wesifundza; noma
 - ii. lesisebentisa emandla emmango noma lesenta umsebeni wemmango ngekulandzela noma muphi umtsetfo, kepha loko akufaki ekhatsi inkantolo noma siphatsimandla setemtsetfo;

“umtsetfo wesifundza” ufaka ekhatsi—

- a. umtsetfo longaphasi kwemtsetfo lobunjwe ngekulandzela uMtsetfo wesifundza; futsi
- b. umtsetfo lebewusebenta ngesikhatsi loMtsetfosisekelo ucala kusebenta futsi losetjentiswa nguhulumende wesifundza.

240. Kungahambelani emkhatsini kwemibhalo leyehlukene

Uma kwenteka kuba khona kungahambelani emkhatsini kwemibhalo leyehlukene yeMtsetfosisekelo, umbhalo wesiNgisi weMtsetfosisekelo ngiwo longetulu kwato tonkhe tihumusho.

241. Emalungiselelo esikhashana

Ishejuli 6 isebenta kulesikhashana ngalesikhatsi sekwetfulwa kwenchubo lensha yekulandzelwa kwemtsetfosisekelo lesungulwe nguloMtsetfosisekelo, kanye nanoma nguluphi lolunye ludzaba loluhambelana ngandlela-tsite nalesikhashana sengucuko.

242. Kucitfwa kwemitsetfo

Lemitsetfo lephawulwe kuShejuli 7 iyacitfwa, ngaphasi kwemibandzela yesigaba 243 neShejuli 6.

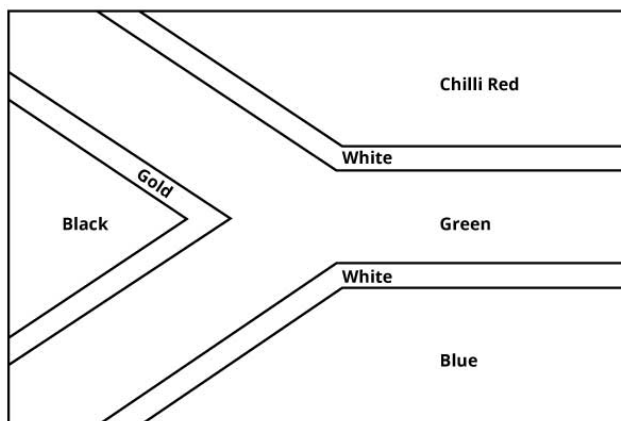
243. Sihloko lesifishane nekucala kusebenta

1. LoMtsetfo utawubitwa ngekutsi nguMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika wanga-1996, futsi ucala kusebenta ngelusuku lolutawumenyetelwa nguMengameli, kepha lusuku lolungeke lube semuva kwamhlaka 1 Kholwane 1997.
2. Mengameli angahlela tinsuku letehlukile lungakefiki lusuku lolo lushiwo esigatjaneni (1) mayelana netiphakamiso letehlukene taloMtsetfosisekelo.
3. Ngaphandle uma kushiwo ngalenywe indlela, kucashunwa kwesiphakamiso seMtsetfosisekelo ngesikhatsi uMtsetfosisekelo ucala kusebenta kumele kutsatfwe lokucashunwa njengesikhatsi lesiphakamiso sicala kusebenta.
4. Uma ngabe kuhlelwe lusuku lolwehlukile lwekusebenta kwesiphakamiso lesitsite seMtsetfosisekelo ngekulandzela sigatjana (2), noma siphil siphakamiso lesifana naleso seMtsetfosisekelo weRiphabhulikhi yeNingizimu, 1993 (uMtsetfo 200 wanga-1993), lophawulwe kulesimemetelo semtsetfo, uyacitfwa kusukela ngalolo lusuku. (5) Tigaba 213, 214, 215, 216, 218, 226, 227, 228, 229 na 230 ticala kusebenta ngamhlaka 1 Bhimbidvwane 1998, kepha loko akuvimbeli kusebenta ngekulandzela loMtsetfosisekelo kwemtsetfo lochazwe kunoma ngutiphi taletiphakamiso kungakefiki lolo lusuku. Kuze kufike lolo lusuku noma siphil siphakamiso lesifana noma ngandlela-tsite netiphakamiso taloMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1993, sichubeka nekusebenta.

Ishejuli 1: Umjeka Welive

1. Umjeka wavelonkhe ungumdwebomacalandze; lonebudze loluphindvwe kanye nesigamu uma bucatsaniswa nebubanti bawo.
2. Unemibala lomnyama, losagolide, loluhlata njengetjani, lomhlophe, lobovu njengapelepele nalolingangane.
3. Uneliphaca leliluhlata njengetjani, bubanti balo liyincenye yakunye kulosihlanu kwebubanti bemjeka. Imigca lesemkhatsini yaleliphaca icala emnyeleni losetulu nasemnyeleni lophasi wemakhona alomtjeka madvutane nje nensika yemaphetselo lekgasekudla salomtjeka uma uwubuka ulenga esigcotjeni, ichubeke yehle sengatsi iyawuhlangana emkhatsini walomtjeka, bese iyajika masinyane nje ichubeke ivundle ite iyewuphelela entsikeni yemaphetselo lekgasesancele salomtjeka.
4. Leliphaca leliluhlata njengetjani likakwe, ngetulu nangaphasi, ngumushi lomhlophe, kantsi ngakulensika yemaphetselo lekgasekudla, likakwe ngumushi losagolode. Lokukakwa ngakunye kungukunye kulokulishumi nesihlanu uma kucatsaniswa nebubanti bemjeka.
5. Lomdvwebomacalamatsatfu losedvute nensika yemaphetselo lekgasekudla umnyama.
6. LeNcenyene lesivundlile ngenhla kwaleliphaca sibovu njengapelepele, kantsi leNcenyene lesivundlile ngentansi kwaleliphaca ulingangane. Sicephu ngasinye

siyincenye yakunye kulokutsatfu uma kucatsaniswa nebubanti bemjeka.



- Black - Mnyama
- Gold - Golide
- White - Mhlophe
- Green - Luhlata
- Red - Bovu
- Blue - Lingangane

Ishejuli 1A: Tindzawo Tekwakhiwa Kwetifundza

[Ishejuli 1A ifakwe ngeMtsetfo welishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2005 nalovalwe ngesigaba 1 seMtsetfo weLishumi nakuTsatfu wekuChitjilelwa kweMtsetfo- sisekelo wanga-2007 nangeMtsetfo weLishumi neSikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2009.]

Sifundza saseMpumalanga Koloni

[Kuhlukaniswa kwesifundza saseMpumalanga Koloni lokuvalwe nguMtsetfo weLishumi nakuTsatfu wekuChitjiyelwa kweMtsetfosisekelo wanga-2007.]

- Libalave nombolo 3 weshejuli 1 kuya kusatiso 1998 sanga-2005.
- Libalave nombolo 6 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 7 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 8 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 9 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 10 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 11 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseFuleyistata

- Libalave nombolo 12 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 13 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 14 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 15 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 16 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseGauteng

[Kuhlukaniswa kwesifundza saseGauteng lokuvalwe nguMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009 ngesatiso 1490 wanga-2008]

[Ngekubuka libalave nombolo 4 lovalwe ngekwesigaba 1(a) seMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009]

- Libalave nombolo 17 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 18 weshejuli 2 kuya kusatiso 1998

sanga-2005

- Libalave nombolo 19 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 20 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 21 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseKwaZulu-Natali

[Kuhlukaniswa kwesifundza saKwa-Zulu Natal lokuvalwe nguMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2007]

- Libalave nombolo 22 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 23 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 24 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 25 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 26 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 27 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 28 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 29 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 30 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 31 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 32 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseLimpopo

- Libalave nombolo 33 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 34 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 35 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 36 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 37 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseMpumalanga

- Libalave nombolo 38 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 39 weshejuli 2 kuya kusatiso 1998

sanga-2005

- Libalave nombolo 40 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseNshonalanga Koloni

- Libalave nombolo 41 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 42 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 43 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 44 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 45 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseNyakatfo Nshonalanga

[Kuhlukaniswa kwesifundza sase-North West lokuvalwe nguMtsetfo welishumi nesitfupha wekuCh- itjiyelwa kweMtsetfosisekelo wanga-2009 ngesatiso 1490 sanga-2008]

[Ngekubuka libalave nombolo 5 lovalwe ngekwesigaba 1(b)]

seMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009]

- Libalave nombolo 46 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 47 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 48 weshejuli 2 kuya kusatiso 1998 sanga-2005

Sifundza saseNshonalanga Kapa

- Libalave nombolo 49 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 50 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 51 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 52 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 53 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 54 weshejuli 2 kuya kusatiso 1998 sanga-2005

Ishejuli 2: Tifungo Tekungena Esikhundleni Nekuvuma Ngekutibopha

[Ishejuli 2 iChitjiyelwe ngesigaba 2 seMtsetfo 35 wanga-1997 yaphindze yavalwa ngesigaba 18 seMtsetfo 34 wanga-2001.]

1. Sifungo noma kuvuma ngekutibopha kwaMengameli neliBambela laMengameli

Mengameli noma liBambela laMengameli ngembi kwaSomajaji, noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako:

Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti lomkhulu lengibitelwe kuwo ngiyasitsatsa sikhundla sekuba nguMengameli/liBambela laMengameli weRiphabhulikhi yeNingizimu Afrika, Mine, A.B., ngiyafunga/ ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, futsi ngitawutfobela, ngitawulandzela, ngitawuhlonipha futsi ngitawugcina uMtsetfosisekelo nayo yonkhe imitsetfo yeRiphabhulikhi; futsi ngiyacinisekisa futsi ngiyetsembisa ngekutitfoba kutsi ngaso sonkhe sikhatsi—

- Ngitawugcugcutela loko lokuchubekisa iRiphabhulikhi, ngilwe nako konkhe lokungayilimata;
- Ngitawuvikela futsi ngigcugcutele emalungelo abo bonkhe bantfu baseNingizimu Afrika;
- Ngitawukwenta yonkhe imisebenti yami ngemandla ami onkhe nangetibopho tami nangako konkhe kwati nako konkhe kukhona kwami futsi ngitawetsembeka etifisweni tanembeza wami;
- Ngitawukwenta bulungiswa kubo bonkhe; futsi
- Ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.

(Uma ngabe kusifungo: Inkhosi ingisite.)

2. Sifungo noma kuvuma ngekutibopha kwelisekela laMengameli

Lisekela laMengameli, ngembi kwaSomajaji, noma lelinye liJaji lelimiswe nguSomajaji, kumele lifunge/livume ngekutibopha ngalendlela lelandzelako:

Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti ngiyasitsatsa sikhundla sekuba liSekela laMengameli weRiphabhulikhi yeNingizimu Afrika, mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, ngitawutfobela, ngitawulandzela, ngitawuhlonipha futsi ngitawugcina uMtsetfosisekelo nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngiyacinisekisa futsi ngiyetsembisa ngekutitfoba kutsi ngaso sonkhe sikhatsi—

- Ngitawugcugcutela loko lokuchubekisa

iRiphabhulikhi, ngilwe naloko lokungayilimata;

- Ngitawuba ngumeluleki loneliciniso nalowetsembekile;
- Ngitawukwehta yonkhe imisebenti yami ngemandla ami onkhe nangetiphiwo tami nangako konkhe kwami nako konkhe kukhona kwami futsi ngitawetsembeka etifisweni tanembeza wami;
- Ngitawukwenta bulungiswa kubo bonkhe; futsi
- Ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.

(Uma ngabe kusifungo: Inkhosi ingisite.)

3. Sifungo noma kuvuma ngekutibopha kwetiNdvuna tembuso nemasekela etiNdvuna

Nguleyo naleyo Ndvuna yeMbuso neliSekela leNdvuna yeMbuso, kwaSomajaji, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele lifunge/ livume ngekutibopha ngalendlela lelandzelako:

Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika futsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kuphatsa sikhundla sami njengeNdvuna yeMbuso/liSekela leNdvuna yeMbuso ngekwetsembeka nangesizotsa; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi-ngco noma nsombo timfihlo lengetfweswe tona, nekwenta imisebenti yesikhundla sami ngekwetsembeka nangekutimisela.

(Uma ngabe kusifungo: Inkhosi ingisite.)

4. Sifungo kuvuma ngekutibopha kwemalunga esigungu saVelonkhe, emalunga langasuswa emkhandlu waVelonkhe weTifundza nemalunga etishayamtsetfo tetifundza

1. Emalunga eSigungu saVelonkhe, emalunga latitfunywa langesuswa eMkhandlu waVelonkhe weTifundza, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako:

Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, nekutsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengelilunga leSigungu saVelonkhe/ sitfunywa lesingesuswa seMkhandlu waVelonkhe weTifundza/lilunga lesishayamtsetfo

sesifundza seC. D ngekutimisela.

(Uma ngabe kusifungo: Inkhosi ingisite.)

2. Bantfu labavala tikhala esiGungwini saVelonkhe, tifunyuwa letingesuswa kUmkhandlu weTifundza noma tishayamtsetfo tetifundza kumele bafunge noma bavume ngekutibopha ngekulandzela sigatjana (1) embi kwalowengamele lowo Mkhandlu, Sigungu noma sishayamtsetfo, noma ngukuphi kwaloku.

5. Sifungo noma kuvuma ngekutibopha kwaNdvunankhulu, emabambela aboNdvunankhulu nemalunga etigungu temkhandlu loweNgamele

Ndvunankhulu noma liBambela laNdvunankhulu wesifundza nalinye ngalinye lilunga leSigungu seMkhandlu loweNgamele sifundza, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako:

Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, nekutsi ngitawutfofobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengeNdvunankhulu/ liBambela laNdvunankhulu/lilunga leSigungu seMkhandlu loweNgamele wesifundza ngekuzotsa nangekwetsembeka; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi timfihlo-ngco noma nsombo lengetfweswe tona; nekwenta imisebenti yesikhundla sami ngekwetsembakala nangekutimisela.

(Uma ngabe kusifungo: Inkhosi ingisite.)

6. Sifungo sekungena esikhundleni noma kuvuma ngekutibopha kwetiphatsimandla tetemtsetfo

1. Lijaji ngalinye noma lijaji lelibambela, embi kwaSomajaji noma lelinye lijaji lelimiswe nguSomajaji, kumele lifunge noma livume ngalendlela lelandzelako:

Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi, njengeliJaji leNkantolo yeMtsetfosisekelo, leNkantolo lephakeme kunato tonkhe yekwendlulisela emacala/ leNkantolo lephakeme/leNkantolo ye-EF, ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika, ngitawuphakamisa futsi ngitawuvikela uMtsetfosisekelo nemalungelo eluntu labekwe kuwo futsi ngitawusebentisa umtsetfo kubo bonkhe bantfu ngekufanana ngaphandle kwekwesaba, nekukhetsa noma kubandlulula, ngekulandzela uMtsetfosisekelo kanye nemtsetfo.

(Uma ngabe kusifungo: Inkhosi ingisite.)

2. Umuntu lobekwe esikhundleni saSomajaji lobekavele angasilo lijaji ngesikhatsi abekwa kumele afunge noma avume ngekutibopha ngembi kweliSekela laSomajaji, noma uma kwehluleka lelo jaji, ngembi kwelijaji lelikhulu kunalamanye lelikhona eNkantolo yeMtsetfosisekelo.
3. Tiphatsimandla tetemtsetfo, kanye nemabambela ato, lekungesiwo emajaji kumele tifunge/tivume ngekutibopha ngekulandzela umtsetfo wavelonkhe.

Ishejuli 3: Tinchubo Telukhetfo

[Ishejuli 3 iChitjiyelwe ngesigaba 2 seMtsetfo weSine wanga-1999 nesigaba 19 seMtsetfo weSifupha wekuChitjiyelwa kweMtsethosisekelo wanga-2001 kanye nesigaba 3 seMtsetfo weMfica wekuChitjiyelwa kweMtsetfosisekelo wanga 2002 nangekwesigaba 1 seMtsetfo weLishumi naKune wekuChitjiyelwa kweMtsetfosisekelo.]

Incenye A: Tinchubo telukhetfo lwebantfu Labanetikhundla ngekweMtsetfosisekelo

1. Kusebenta

1. Lenchubo lehlalwe kuleShejuli isebenta uma ngabe –
 - a. Sigungu saVelonkhe sihlanganela kutewukhetsa Mengameli, noma Somlomo noma liSekela laSomlomo weSigungu;
 - b. Umkhandlu weTifundza uhlanganela kutewukhetsa Sihlalo noma liSekela laSihlalo waloMkhandlu; noma
 - c. Sishayamtsetfo sesifundza sihlanganela kutewukhetsa Ndvunankhulu noma Somlomo noma liSekela laSomlomo walesishayamtsetfo.

2. Kuphakanyiswa

Umuntfu lowengamele umhlangano lapho leShejuli isebenta khona kumele abite kuphakanyiswa kwebantfu labangenela lukhetfo kulowo mhlango.

3. Tidzingo letibekiwe

1. Kuphakanyiswa kwebantfu kumele kwentiwe kulelo fomu lelichazwe yimitsetfomgomo letfolakala ephuzwini 9.
2. Lelifomu lekubhalwe kulo ligama lemuntfu lophakanyiswako kumele lisayinwe –
 - a. ngemalunga lamabili eSigungu saVelonkhe, uma kutawukhethwa Mengameli noma Somlomo noma liSekela laSomlomo weSigungu;
 - b. egameni lematsimba letifundza letimbili, uma kutawukhethwa Sihlalo noma liSekela laSihlalo weMkhandlu waVelonkhe weTifundza; noma
 - c. ngemalunga lamabili aleso sishayamtsetfo sesifundza lesitsintsekako, uma kutawukhethwa Ndvunankhulu wesifundza, Somlomo noma liSekela laSomlomo lesishayamtsetfo.
3. Umuntfu ligama lakhe leliphakanyisiwe kumele abonise kwemukela lokuphakanyiswa ngekusayina noma lelifomu lelibhalwe emagama ebantfu labaphakanyisiwe noma ngasiphi siboniso lesibhaliwe lesicinisekisa kwemukela kuphakanyiswa.

4. Kumenyetelwa kwemagama alabaphakanyisiwe

Emhlanganweni lapho leShejuli isebenta khona lomuntfu lowengamele kumele amemetele emagama alabantfu labaphakanyisiwe kutsi bangenele lukhetfo, kepha akumelanga avumele inkhulumompikiswano.

5. Kuphakanyiswa kweligama linye

Uma ngabe linye kuphela ligama leliphakanyisiwe, lomuntfu lowengamele kumele amemetele kutsi lowo muntfu lophakanyisiwe sewukhetsiwe.

6. Inchubo yelukhetfo

1. Uma ngabe kuphakanyisiwe bantfu labendlula kumunye –
 - a. kumele kwentiwe livoti emhlanganweni ngekukhetsa ngasese;
 - b. lelo nalelo lunga lelikhona, noma uma kungumhlangano weMkhandlu waVelonkhe weTifundza, sifundza ngasinye lesimelwe kulowo mhlango, singafaka livoti linye; futsi
 - c. umuntfu lowengamele lowo mhlango kumele amemetele kubekwa kwalowo muntfu lotfole emavoti lamanyenti.

7. Inchubo yekukhishwa

1. Uma kute kulabaphakanyisiwe lotfole emavoti lamanyenti, lophakanyisiwe lotfole emavoti lamancane kunawo onkhe kumele akhishwe kuphindze kutsatfwe livoti kulabo labasele ngekulandzela sigatjana 6. Lenchubo kumele iphindvwe kuze kube khona munye lotfole emavoti lamanyenti.
2. Uma ngabe kusetjentiswa sigatjana (1), uma babili noma ngetulu kwamunye labaphakanyisiwe batfole emavoti lamancane kunabo bonkhe, livoti leliseceleni kumele litsatfwe kulabo bantfu futsi liphindvwe kanengi kuze kutfolakale lowo muntfu lokumele akhishwe.

8. Leminye imihlangano

1. Uma kuphakanyisiwe emagama lamabili kuphela, noma uma bababili kuphela labasele ngemuva kwenchubo yekukhishwa, kantsi futsi labo lababili batfole emavoti lalinganako, lomunye umhlangano kumele ubanjwe kungakapheli emalanga lasikhombisa, ngesikhatsi lesincunye ngulomuntfu lowengamele.
2. Uma umhlangano lomunye ubanjwa ngekulandzela sigatjana (1), lenchubo lebekwe kuleShejuli kumele

ilandzelwe sengatsi lowo mhlango wekucala walolo lukhetfo.

9. Imitsetfomgomo

1. Somajaji kumele ente imitsetfomgomo lechaza –
 - a. inchubo yemihlangano lapho leShejuli isebente khona;
 - b. imisebenti yalowo lowengamele umhlangano, kanye nanoma ngumuphi umuntfu losita lowp lowengamele;
 - c. lifomu lekumele kubhalwe kulo emagama alabaphakanyiswako; kanye
 - d. nendlela lekumele kuchutjwe ngayo kuvota.
2. Lemitsetfomgomo kumele yatiswe bantfu ngendlela Somajaji layincumile.

[Liphuzu 9 livalwe ngesigaba 19 seMtsetfo 34 wanga-2001.]

Incenye B: Inchubo Yekutfo Kungenela Kwemacembu Etembusave Kumatsimba Emkhandlwini Wavelonkhe WeTifundza

1. Linani letitfunywa telicembu letembusave lelinelilungelo lalo letikulelibandla lelimele sifundza eMkhandlwini waVelonkhe weTifundza, kumele litfolakale ngekutsatsa linani letihlalo talelo cembu kusishayamtsetfo sesifundza liphindvwe ngalokulishumi bese umphumela wehlukani swa ngelinani letihlalo kusishayamtsetfo bese ngekwenta sinye ngetulu.
2. Uma kubala lokwentiwe ngekulandzela liphuzu 1

ngenhla kukhipha linani lelingetulu lelingeneli lelo leliniketwe lelo cembu ngekulandzela leliphuzu, lelo nani lelingetulu kumele libangisane nemanani lafana nalo ngekuba ngetulu kwaleli lelinye licembu noma kwalawa lamanye emacembu kulelibandla lelitfunywa emalunga langakabiwa kumele afakwe ngekwembucembu ngekulandzelana kucale linani lelikhulu kunawo onkhe kuye ngekuya.

3. Uma lamanani langetulu lachudzelanako lahlongotwa ephuzwini alingana, letitfunywa letingakasatjalaliswa kulelitsimba kumele tabelwe kulelicembu noma emacembu,), nalelo nani lelingetulu ngekulandzelana kwemavoti labhaliwe, larekhodelwe lamacembu elukhetfweni lwekugcina lwesishayamtsetfo sesifundza lesitsintsekako.i.

[Liphuzu 3 lifakwe ngesigaba 2 seMtsetfo 3 wanga-1999 saphindze savalwa ngesigaba 3 seMtsetfo wemfica wanga-2002. Nangekwesigaba 5(a) seMtsetfo weLishumi naKune wekuChitjiyelwa kweMtsetfosisekelo wanga-2008]

4. Uma emacembu langetulu kwalinye lelinilini lelilinganako lelirekhodiwe lemavoti ngesikhatsi selukhetfo lwekugcina sesishayamtsetfo sesifundza lesifanele, sishayamtsetfo lesufanele kufanele sifake emalunga langakahlukaniswa etitfunywa kulenhlango lenelinani lemavoti ngendlela lengagucuki nentsandvovelyenti.

[Liphuzu 4 lifakwe ngesigaba 5(b) seMtsetfo weLishumi naKune wekuChitjiyelwa wanga-2008]

Ishejuli 4: Tinzawo Lapho Hulumente Wavelonkhe Kanye Nebetifundza Banemandla Ekushaya Umtsetfo Ngekuhlanyela

Incenye A

- Kuphatfwa kwemahlatsi emvelo
- Tebulimi
- Tikhumulo tetindiza, ngaphandle kwetikhumulo tetindiza letiphumela emaveni langaphandle netikhumulo tetindiza letisebenta ngekhatshi kwelive kuphela
- Kuphatfwa kwetilwane netifo
- Emakhasino, imijaho, kugembula, kubheja, lokungafaki imincintiswano nekubheja kwetimidlalo lokwentiwa ndzawonye
- Tinzaba letiphatselene nemasiko
- Kuvikelwa kwebatsengi
- Kuphatfwa kwetimo temonakalo
- Imfundvo kuwo onkhe emazinga, ngaphandle kwemfundvo lephakeme
- Simo semvelo
- Temphilo
- Tetindlu
- Umtsetfo wesintfu kanye nalophatselene nemasiko, ngaphasi kwembandzela weSahluko 12 seMtsetfosisekelo
- Kutfutukiswa kwetimoni Inchubomgomo yelulwimi nekulawulwa kwetilwimi letisemtsetfweni esifundzeni ngekulandzela tiphakamiso tesigaba 6 seMtsetfosisekelo lapho lesigaba sivumela sifundza kushaya umtsetfo
- Imitfombo yemango yetinzaba tesifundza lephetfwe ngco noma lebekwe nguhulumente wesifundza ngekulandzela sigaba 192
- Kulondvolotwa kwemvelo, kungafakwa ekhatshi tikhungo tekonga imvelo tavelonkhe, tinzawo tetingadze tesive kanye nemitfombo yaselwandle
- Tekuvikelwa ngemaphoyisa uma kufika etiphakanyisweni letibekwe eSehlukweni 11 seMtsetfosisekelo lesinika emandla sishayamtsetfo sesifundza
- Tekugadza kungcoliswa kwemoya
- Tekutfutukisa sibalo sebantfu
- Inkokhelo yekushintjiselana imphahla/umhlaba
- Tikhungo temmango teluhwebo kuleto tinzawo tekusebenta letibekwe kuleShejuli nakuShejuli 5
- Tekutfutsa ummango
- Imisebenti yesive etidzingweni kuphela tahulumende wesifundza ngematiko akhe latfweswe umtfwalo

wekuphatsa lemisebenti nguMtsetfosisekelo noma lomunye umtsetfo

- Kuhlelwa kwesifundza nekutfutukiswa kwaso
- Kuphatfwa kwekuhamba kwetimoto emgwacweni
- Kulondvolotwa kwemhlabatsi
- Tekuvakasha
- Tetimoni
- Baholi bendzabuko ngekulandzela Sahluko 12 seMtsetfosisekelo
- Kutfutukiswa kwetinzawo letisemadolobheni naletisemaphandleni
- Kuniketwa kwetimoto imvume
- Tenhlalakahle

Incenye B

Letinzaba letilandzelako tahulumende wasekhaya kuyawufika kulelizinga lelihlelwe esigabeni 155(6)(a) na-(7):

- Kungcoliswa kwemoya
- Imitsetfo yekwakha takhiwo
- Tinzawo/tintfo tekunakekelwa kwebantfwana
- Gezi kanye nekukhishwa kwagesi
- Tikhungo tekulwa nemililo
- Tekuvakasha tasekhaya
- Tikhumulo tetindiza tabomasipala
- Kuhlelwa kwabomasipala
- Imisebenti yabomasipala yetemphilo
- Imisebenti yabomasipala yekutfutufwa kwebantfu
- Temisebenti yesive tabomasipala kufika ezingeni letidzingo tabomasipala ekufezeni imisebenti yabo yekwengamela imisebenti lebayinikwe ngco nguMtsetfosisekelo noma lomunye umtsetfo
- Emabhuloho ngetulu kwemifula, tikebhe/tindizanyana, tinzawo tekuvikela tikebhe/imikhumbi, tinzawo letima tikebhe/imikhumbi kanye netikhumulo temikhumbi ngaphandle kwekuphatfwa kwetekuhamba kwemikhumbi emaveni onkhe nakuleli kanye netintfo letiphatselene nekuhanjiswa ngemkhumbi
- Kuphatfwa kwemanti etimvula etinzaweni letakhiwe
- Imitsetfomgomo yekutsengisa
- Emanti nekuhlelwa nekutfutufwa kwetibi ezingeni lemanti lekatfwalekako nekulahlwa kwemanti lekasebentile nenchubo yekulahlwa kwemangcoliso

Ishejuli 5: Tinzawo Lapho Hulumente Wesifundza Yedwana Anemandla Ekushaya Umtsetfo

Incenye A

- Temadzele
- Ema-ambulensi
- Tikhungo temisamo ngaphandle kwemisamo yavelonkhe
- Imitapo yetincwadzi ngaphandle kwemitapo yavelonkhe
- Imvume yekutsengisa tjwala
- Tinzawo tekubeka tintfo letimcoka tesive ngaphandle kwaletu tavelonkhe
- Kuhlelwa kwesifundza
- Tinzaba temasiko esifundza
- Tinzawo tesifundza tekujabulisa netikhungo
- Temidlalo yesifundza
- Temigwaco nekuhamba kwetimoto kwesifundza
- Tekwelashwa kwetilwane ngaphandle kwekuphatfwa kwalobuchwepheshe

Incenye B

Letinzaba tahulumende wasekhaya letilandzelako kufike ezingeni lelihlelwe esigabeni 155(6) (a) na-(7):

- Tihlabatsi taselwandle netinzawo tekutijabulisa
- Tincwembe tekukhangisa nekubeka kwekukhangisa endzaweni yemango
- Emathuna, timoshali, netinzawo tekushisela

tidvumbu

- Kuhlotjiswa ngekwesintfu
- Kwenganyelwa kwetintfo letinyanyisako emmangweni
- Kwenganyelwa kwetinzawo letitsengisela ummango tjwala
- Tinzawo tekubeka, tekunakekelwa nekungcwatjwa kwetilwane
- Kubiyela ngemafenisi
- Timvume tetinja
- Timvume nekuphatfwa kwetinzawo letitsengisela ummango kudla
- Tikhungo tasekhaya
- Tinzawo temidlalo tasekhaya
- Timakethe
- Emadzele amasipala
- Emapaki amasipala netekutijabulisa
- Imigwaco yamasipala
- Kungcoliswa ngemsindvo
- Tikidi
- Tinzawo temmango
- Kutfutfa kwetibi/emangcoliso, tinzawo tekulahla tibi/emangcoloso nekulahlwa kwetibi leticinile
- Kutsengisa emigwacweni
- Kukhanyisa emigwacweni
- Tetimoto nekupaka

Ishejuli 6: Timiselo Tesikhashana

[Ishejuli 6 iChitjiyelwe ngesigaba 3 seMtsetfo weKucala wekuChitjiyelwa kweMtsetfosisekelo wanga-1997, sigaba 5 semtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 kanye nesigaba 20 seMtsetfo weSitifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

1. Tinchazelo

KuleShejuli, ngaphandle kungahambisani nengcikitsi - “sabelo” sisho indzawo leyincenye yeRiphabhulikhi lapho ngesikhatsi ungakacali kusebenta uMtsetfosisekelo lowelanywa ngulona wanyalo, beyiphetfwe nguMtsetfo weNingizimu Afrika itsatfwa njengelive lelitimele noma sabelo lesitibusako;

“UMtsetfosisekelo lomusha” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1996;

“Imitsetfo lemidzala” isho imitsetfo leyabekwa kungakacali kusebenta kweMtsetfosisekelo lowelanywa ngulona;

“UMtsetfosisekelo lomdzala” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1993 (uMtsetfo 200 wanga-1993).

2. Kuchubeka kwekusebenta kwemitsetfo lekhona

1. Yonkhe imitsetfo lebeyikhona isebenta kungakacali kusebenta kwaloMtsetfosisekelo lomusha, iyachubeka nekusebenta, ngaphasi kwembandzela -
 - a. wanoma kuphi kuchitjiyelwa noma kucitfwa; kanye
 - b. nekuhambisana neMtsetfosisekelo lomusha.
2. Imitsetfo lemidzala letawuchubeka nekusebenta ngekulandzela sigatjana (1) -
 - a. kayinawusebenta ngalokwengetekile, noma ngekwenzawo noma nangayiphi lenye indlela kwendlula ngesikhatsi uMtsetfosisekelo lomdzala ucala kusebenta ngaphandle uma ngabe yachitjiyelwa kuze isebente ngalokwengetekile; futsi
 - b. iyachubeka nekusetjentiswa tiphatsimandla lebetivele tiyisebentisa kungakacali kusebenta kweMtsetfosisekelo lomusha, kepha ngaphasi kwembandzela weMtsetfosisekelo lomusha.

3. Kuhunyushwa kwemitsetfo levele ikhona

1. Ngaphandle uma ngabe kungahambisani nengcikitsi noma kungakafaneli kwasanhlobo, kucashunwa kwemitsetfo lobewuvele ukhona uma kucala kusebenta loMtsetfosisekelo lomusha uma ngabe kukhulunywa -
 - a. ngeRiphabhulikhi yeNingizimu noma ngesabelo (ngaphandle uma kushiwo umhlaba) kumele kutsatfwe ngekutsi kushiwo iRiphabhulikhi

- yeNingizimu Afrika ngaphasi kwaloMtsetfosisekelo lomusha;
 - b. ngePhalamende, ngeSigungu saVelonkhe noma ngeNdlu yetiMphunga, kumele kutsatfwe ngekutsi kushiwo iPhalamende, Sigungu saVelonkhe noma Umkhandlu weTifundza ngaphasi kweMtsetfosisekelo lomusha;
 - c. ngeMengameli, ngeliSekela laMengameli, ngeNdvuna yeMbuso, liSekela leNdvuna yeMbuso noma iKhabhinethi, kumele kutsatfwe ngekutsi kushiwo Mengameli, ngeliSekela laMengameli, ngeNdvuna yeMbuso, liSekela leNdvuna yeMbuso noma iKhabhinethi ngaphasi kweMtsetfosisekelo lomusha, kepha ngekulandzela liphuzu 9 laleShejuli;
 - d. ngeMengameli wetiMphunga, kumele kutsatfwe ngekutsi kushiwo Sihlalo weMkhandlu waVelonkhe weTifundza;
 - e. ngesishayamtsetfo sesifundza, Ndvunankhulu, Sigungu leseNgamele noma lilunga leSigungu leseNgamele sesifundza, kumele kutsatfwe ngekutsi kushiwo sishayamtsetfo sesifundza, Ndvunankhulu, Sigungu leseNgamele noma lilunga leSigungu leseNgamele sesifundza ngaphasi kweMtsetfosisekelo lomusha, kepha ngekulandzela liphuzu 12 laleShejuli; noma
 - f. ngelulwimi lolusemtsetfweni noma tilwimi, kumele kutsatfwe ngekutsi kushiwo noma ngabe ngutiphi tilwimi letisemtsetfweni ngaphasi kwaloMtsetfosisekelo lomusha.
2. Ngaphandle uma ngabe kungahambisani nengcikitsi noma kungafaneli kwasanhlobo, uma encenyeeni yemitsetfo lomdzala kukhulunywa -
 - a. ngePhalamende, iNdlu yePhalamende noma sishayamtsetfo noma Sigungu seRiphabhulikhi noma wesabelo, kumele kutsatfwe ngekutsi kushiwo -
 - i. iPhalamende ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalomtsetfo kwehliselwe noma kuniketwe ngekulandzela uMtsetfosisekelo lomdzala noma nguleShejuli kuhulumende wavelonkhe; noma
 - ii. sishayamtsetfo sesifundza, uma kuphatfwa kwalowo mtsetfo kuniketwe noma kwehliselwe ngekulandzela uMtsetfosisekelo lomdzala noma ngekulandzela leShejuli kuhulumende wesifundza;
 - b. ngeMengameli weMbuso, Ndvunankhulu, umPhatsi noma umPhatsi weSigungu, tiNdvuna teMbuso, iKhabhinethi noma umkhandlu wetiNdvuna teMbuso noma umkhandlu lowengamele waseRiphabhulikhi noma wesabelo, kumele kutsatfwe ngekutsi kushiwo -
 - i. Mengameli ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalowo mtsetfo

- kwehliselwe noma kuniketwe ngekulandzela uMtsetfosisekelo lomdzala noma leShejuli kuhulumende wavelonkhe; noma
- ii. Ndvunankhulu wesifundza ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalowo mtsetfo kwehliselwe noma kuniketwe ngekulandzela uMtsetfosisekelo lomdzala noma leShejuli kuhulumende wesifundza.

4. Sigungu saVelonkhe

1. Noma ngubani lobekalilunga noma anesikhundla esiGungwini saVelonkhe ungakacali kusebenta loMtsetfosisekelo lomusha, uba lilunga noma abambe sikhundla esiGungwini saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.
2. LeSigungu saVelonkhe njengoba sibunjwe ngaphasi kweliphuzwana (1) ngetindlela tonkhe sitsatfwa ngekutsi sakhetfwa ngaphasi kwaloMtsetfosisekelo lomusha kutsi sisebente kuze kuphele sikhatsi saso ngamhlaka 30 Apreli 1999.
3. Sigungu saVelonkhe sinemalunga langu-400 kuze kuyewuphela sikhatsi saso, kuze kufike mhlaka 30 Apreli 1999, ngekulandzela sigaba 49(4) seMtsetfosisekelo lomusha.
4. Imitsetfomgomo kanye nenchubo yaleSigungu saVelonkhe lebeyisebenta kungakangeni loMtsetfosisekelo lomusha itawujinge ichubeke nekusebenta ngaphandle uma ingachitjiyelwa noma icitfwe ngaphasi kwaloMtsetfosisekelo lomusha.

5. Ludzaba lolungakapheli ePhalamende

1. Noma nguluphi ludzaba lolungakapheli lolusembi kweSigungu saVelonkhe kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele kuchutjekwe ngalo ngaphasi kwaloMtsetfosisekelo lomusha.
2. Noma ngabe nguluphi ludzaba lolungakapheli lolusembi kwetiMphunga kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele lumikiswe eMkhandlwini waVelonkhe weTifundza, futsi loMkhandlu kumele uchubeke nalo ngaphasi kwaloMtsetfosisekelo.

6. Lukhetfo lwesigungu saVelonkhe

1. Kute lukhetfo lweSigungu saVelonkhe lolungabanjwa kungakefiki mhlaka 30 Apreli 1999 ngaphandle uma ngabe leSigungu sicitfwa ngekulandzela sigaba 50(2) ngemuva kwesiphakamiso sekungetsembeki kwekusebenta kwaMengameli ngekulandzela sigaba 102(2) seMtsetfosisekelo lomusha.
2. Sigaba 50(1) seMtsetfosisekelo lomusha siyemiswa kuze kube ngamhlaka 30 Apreli 1999.
3. Nanoma uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo njengoba uchitjiyelwe siHlomele A saleShejuli, iyasebenta -
 - a. elukhetfweni lwekucala lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.

- b. ekulahlekelweni bulunga beSigungu saVelonkhe etimeni ngaphandle kwaletto letichazwe esigabeni 47(3) seMtsetfosisekelo lomusha; kanye
 - c. nasekugcwaliseni tikhala kuleSigungu saVelonkhe, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kugcwaliswa tikhala eluhlwini lwemacembu, kuze kufike lukhetfo lwesibili lwaleSigungu ngaphasi kweMtsetfosisekelo lomusha.
4. Sigaba 47(4) seMtsetfosisekelo lomusha simisiwe kuze kufike lukhetfo lwesibili lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.

7. Umkhandlu weTifundza

1. Kuze kuphele lesikhatsi lesiphela singakahlangani kwekucala sishayamtsetfo sesifundza lesibunjwe ngemuva kwelikhetfo lwaso lwekucala ngekwaloMtsetfosisekelo lomusha -
 - a. kumelwa kwemacembu nguletitfunywa tesifundza kuloMkhandlu waVelonkhe weTifundza kumele kufanane nekumelwa kwesifundza timphunga letingu-10 njengekubekwa kwato ngaphasi kwesigaba 48 seMtsetfosisekelo lomdzala futsi
 - b. kubekwa kwetitfunywa letingesuswa netitfunywa letisiphesheli emacenjini lamelwe kusishayamtsetfo sesifundza, kume kanje:

Sifundza	Titfunywa Letingasuswa	Titfunywa Telikhetselo
1. Mpumalanga Kapa	ANC 5, NP 1	ANC 4
2. Fuleyistata	ANC 4, FF 1, NP 1	ANC 4
3. Gauteng	ANC 3, DP 1, FF 1, NP 1	ANC 3, NP 1
4. KwaZulu-Natali	ANC 1, DP 1, IFP 3, NP 1	ANC 2, IFP 2
5. Mpumalanga	ANC 4, FF 1, NP 1	ANC 4
6. Nyakatfo Kapa	ANC 3, FF 1, NP 2	ANC 2, NP 2
7. Sifundza saseNyakatfo	ANC 6	ANC 4
8. Nyakatfo Nshonalanga	ANC 4, FF 1, NP 1	ANC 4
9. Nshonalanga Kapa	ANC 2, DP 1, NP 3	ANC 1, NP 3

2. Licembu lelimelwe kusishayamtsetfo sesifundza -
 - a. kumele likhetse emalunga lengesuswa kulabo bantfu lebebatimphunga ngesikhatsi kucala kusebenta kwaloMtsetfosisekelo lomusha njengetitfunywa letingesuswa; futsi
 - b. lingakhetsa labanye bantfu kutsi babe titfunywa letingesuswa kuphela uma ngabe kute noma aleneli linani lalabo labebatimphunga lelidingekako.
3. Sishayamtsetfo sesifundza kumele sibeke titfunywa taso letingesuswa ngekulandzela tiphakamiso temacembu.

4. Tigatjana (2) na-(3) tisebenta kuphela ekubekeni titfunywa letingesuswa tekucala kuleSigungu saVelonkhe weTifundza.
5. Sigaba 62(1) seMtsetfosisekelo lomusha asisebenti etiphakanyisweni nekubekwa kwalabo bebatimphunga njengetitfunywa letingesuswa ngekwaleliphuzu.
6. Imitsetfomgomo netibopho tetiMphunga lebeyisebenta uma kucala kusebenta loMtsetfosisekelo lomusha, kumele ichubeke isebente emisebentini yeMkhandlu waVelonkhe weTifundza kuze kufike ezingeni lapho isebenta khona, kepha nje ngaphasi kwetichibiyelo noma kwekucitfwa kwayo.

8. Lebebatimphunga

1. Umuntfu lobekayimphunga longakakhetfwa njengesitfunywa lesingesuswa seMkhandlu waVelonkhe weTifundza unelilungelo kutsi abe lilunga lelivotako ngalokuphelele lesishayamtsetfo saleso sifundza lesakhetsa lowo muntfu njengelilunga letimphunga ngekulanzela sigaba 48 ngaphasi kweMtsetfosisekelo lomdzala.
2. Uma lobekayimphunga akhetsa kungabi lilunga lesishayamtsetfo lowo muntfu utsatfwa ngekutsi sewuhleli phasi akasesiyo imphunga ngayitolo ngembili kwekutsi uMtsetfosisekelo ucale kusebenta.
3. Umholo, tibonelelo noma tinzuzo temuntfu lobekayimphunga lokhetfwe njengesitfunywa lesingesuswa noma njengelilunga lesishayamtsetfo sesifundza tingete tehliwa ngesizatfu saloko kukhetfwa.

9. Sigungu savelonkhe lesengamele

1. Noma ngubani lobekanguMengameli, liSekela laMengameli, iNdvuna yeMbuso noma liSekela leNdvuna yeMbuso weRiphabhulikhi ngaphasi kweMtsetfosisekelo lomdzala ungakacali kusebenta loMtsetfosisekelo lomusha, utawuchubeka futsi abambe sikhundla ngaphasi kwaloMtsetfosisekelo lomusha, kepha ngaphasi kwembandzela wesigatjana (2).
2. Kuze kufike April 30 1999, tigaba 84, 89, 90, 91, 93 na-96 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengoba tihleliwe eSihlomelweni B saleShejuli.
3. Sigatjana (2) asivimbeli iNdvuna yeMbuso lebeyiyimphunga ungakacali kusebenta loMtsetfosisekelo lomusha, kutsi ichubeke njengeNdvuna yeMbuso lephawulwe esigabeni 91(1)(a) seMtsetfosisekelo lomusha, njengoba lesigaba sifundzeka eSihlomelweni B.

10. Tishayamtsetfo tetifundza

1. Noma ngubani lobekalilunga noma abambe sikhundla kusishayamtsetfo sesifundza ungakacali kusebenta uMtsetfosisekelo lomusha, uba lilunga noma abambe sikhundla kusishayamtsetfo sesifundza ngaphasi

- kweMtsetfosisekelo lomusha, abambe sikhundla njengelilunga noma umuntfu lonesikhundla ngaphasi kwaloMtsetfosisekelo nangaphasi kwanoma ngumuphi umtsetfosisekelo wesifundza longabekwa.
2. Sishayamtsetfo sesifundza njengoba sibunjwe ngekulanzela sigatjana (1) ngetindlela tonkhe sitsatfwa ngekutsi sikhethfwe ngaphasi kweMtsetfosisekelo lomusha esikhatsini lesitawuphela ngamhlaka 30 Apreli 1999.
3. Kuze kuphele sikhatsi sekusebenta kwesishayamtsetfo sesifundza nangekulanzela sigaba 108(4), sishayamtsetfo sibunjwe linani lemalunga labekelwe lesi sishayamtsetfo ngaphasi kweMtsetfosisekelo lomdzala kanye nelinani lalabo bantfu labebatimphunga lesebangemalunga esishayamtsetfo ngekulanzela liphuzu 8 laleShejuli.
4. Imitsetfomgomo netibopho yesishayamtsetfo sesifundza lesebentako ungakacali kusebenta loMtsetfosisekelo lomusha, iyachubeka nekusebenta ngaphandle uma ngabe ichtijiyelwe noma ichtisiwe.

11. Kukhetfwa kwetishayamtsetfo tetifundza

1. Noma njena uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo, njengoba uchitijiyelwe Sihlomelo A saleShejuli uyasebenta -
 - a. elukhetfweni lwekucala lesishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha;
 - b. ekulahlekelweni bulunga besishayamtsetfo kwesimo ngaphasi kwaleso lesishiwo esigabeni 106(3) saloMtsetfosisekelo lomusha, kanye
 - c. nasekugcwaliseni tikhala kusishayamtsetfo, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kuze kugcwaliswe tikhala, kuze kufike lukhetfo lwesibili ngaphasi kweMtsetfosisekelo lomusha.
2. Sigaba 106(4) seMtsetfosisekelo lomusha simisiwe kusishayamtsetfo kuze kube lukhetfo lwesibili lwaleso sishayamtsetfo ngaphasi kweMtsetfosisekelo lomusha.

12. Tigungu tetifundza letengamele

1. Noma ngubani lobekanguNdvunankhulu noma lilunga leMkhandlu loweNgamele sifundza ungakacali kusebenta loMtsetfosisekelo lomusha, uyachubeka nekusebenta futsi abambe sikhundla ngaphasi kweMtsetfosisekelo lomusha nangaphasi kwanoma muphi umtsetfosisekelo wesifundza longabekwa, kepha ngaphasi kwembandzela weliphuzwana (2).
2. Kuze Ndvunankhulu akhetfwe ngemuva kwelukhetfo lwesishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha atsatse sikhundla sakhe, noma sifundza sibeke umtsetfosisekelo waso, noma ngukuphi lokungenteka kucala, tigaba 132 na-136 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengoba kuhleliwe eSihlomelweni C saleShejuli.

13. Imitsetfosisekelo yetifundza

Umtsetfosisekelo wesifundza lobekwe kungakacali kusebenta kweMtsetfosisekelo lomusha kumele ulandzele sigaba 143 saloMtsetfosisekelo lomusha.

14. Kuniketwa kwemitsetfo etifundzeni

1. Imitsetfo lephatselene neludzaba loluwela ngaphasi kweluhlu lolutfolakala eShejulini 4 noma eShejulini 5 kuloMtsetfosisekelo lomusha, futsi lo ngesikhatsi ungakacali kusebenta loMtsetfosisekelo lomusha, bewuphetfwe siphatsimandla setiNdvuna teMbuso wavelonkhe, unganiketwa nguMengameli, ngesimemetelo semtsetfo, esiphatsinimandla seSigungu lesiphetse seMkhandlu wesifundza lesikhetfwe nguNdvunankhulu waleso sifundza.
2. Uma ngabe kunesidzingo kuze kuniketwa kwemitsetfo ngaphasi kweliphuzwana (1) kwenteke ngendlela, Mengameli ngesimemetelo semtsetfo-
 - a. angachibiyela noma antjintje lomtsetfo kuze kuhambe kahle kuhunyushwa kwawo noma kusetjentiswa kwawo;
 - b. lapho kuniketwa kwemitsetfo kungasebenti kuleyo ncentye yemitsetfo wonkhana, angacitsa futsi avuselele, netichibiyelo noma ngaphandle kwato letishiwo endzinyenyeni(a), leto ticeshana tawo lapho kuniketwa kusebenta khona noma kuze kufike lapho tisebenta khona;
 - c. angacondzisa lapho kuhambisana kahle noma nguluphi lolunye ludzaba lolungahle ludzingeke ngenca yalokuniketwa, lokufakwa ekhatsi kucoconyiswa noma kutfutukiswa kwetisebenti noma kucoconyiswa kwetintfo letingumnotfo, tikwelete, emalungelo kanye netibopho letibuya noma letiya esigungwini sembuso noma sesifundza noma lamanye ematiko embuso, ekuphatsa, ekuvikela noma letinye tikhungo.
3.
 - a. Umbhalo wesimemetelo ngasinye semtsetfo lesikhishiwe ngekweliphuzwana (1) noma (2) kumele wetfulwe kuleSigungu saVelonkhe neMkhandluwaVelonkhe weTifundza angakapheli emalanga langu-10 sikhishiwelesi memetelo.
 - b. Uma Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza ngesincumo ungasemukeli lesimemetelo semtsetfo noma siphil3. siphakamiso saso, leso simemetelo noma siphakamiso siphelwa sikhatsi, kepha singatsikameti -
 - i. kusebenta kwanoma yini intfo leyentiwe ngalesimemetelo semtsetfo noma siphakamiso singakaphelelwa sikhatsi; noma
 - ii. lilungelo noma lilungelomvume lelitfolakele noma sobopho noma umtfwalo lotfolakele singakaphelelwa sikhatsi.
4. Uma ngabe kuniketwa umtsetfo ngaphasi kweliphuzwana (1), noma kuphi lokushiwo kuleyo mtsetfo siphatsimandla, kumele kutsatfwe ngekutsi kusho siphatsimandla leso lokuniketwe sona emandla.
5. Noma kuphi kuniketwa kwemitsetfo ngaphasi

kwesigaba 235(8) saloMtsetfosisekelo lomdzala, lokufaka noma siphil sikhibiyelo, kuntjintjwa, noma kucitfwa kanye nekuvuselelwa kwemitsetfo noma lesinye sinyatselo lesitsetfwe ngaphasi kwaleso sigaba, kumele kutsatfwe ngekutsi kwentiwe ngaphasi kwaleliphuzu.

15. Imitsetfo lebeyivele ikhona ngaphandle kwemandla ekushaya umtsetfo kwephalamende

1. Siphatsimandla esigungwini savelonkhe lesengamele noma muphi umtsetfo lowela ngaphandle kwemandla ekushaya umtsetfo kwePhalamende uma kucala kusebenta lomtsetfosisekelo lomusha, siyachubeka kuba nemandla ekuphatsa lowo mtsetfo kuze kufike sikhatsi lapho uniketwe khona siphatsimandla sesifundza lesisesigungwini lesengamele ngekulandzela liphuzu 14 laleShejuli.
2. Liphuzwana (1) liphelelwa sikhatsi ngemuva kweminyaka lemibili ucalile kusebenta loMtsetfosisekelo lomusha.

16. Tinkantolo

1. Tonkhe tinkantolo lokufaka tebaholi bendzabuko lebetikhona kusukela kungakacali kusebenta kwaloMtsetfosisekelo lomusha, tiyachubeka kusebenta nekusebentisa emandla ato ngekwemitsetfo losebenta kuto, futsi noma ngubani lonesikhundla njengemehluleli achubeke kubamba leso sikhundla ngekulandzela umtsetfo losebenta mayelana naleso sikhundla, kepha ngekulandzela -
 - a. noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
 - b. kuhambisana neMtsetfosisekelo lomusha.
2.
 - a. INkantolo yeMtsetfosisekelo lesungulwe nguMtsetfosisekelo lomdzala iba yiNkantolo yeMtsetfosisekelo ngaphasi
 - b.

[Liphuzwana 16(2)(b) livalwe ngesigaba 20 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- a. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala eNingizimu Afrika iba yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ngaphasi kweMtsetfosisekelo lomusha.
- b.

[Liphuzwana 16(3)(b) livalwe ngesigaba 20 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

- a. Inkantolo yesifundza noma yendzawo yelizinga leNkantolo lephakeme yeNingizimu Afrika, noma iNkantolo lephakeme yesifundza noma yelizinga leletayelekile iba yiNkantolo lephakeme ngaphasi

- kweMtsetfosisekelo lomusha ngaphandle kwekuntjintja kwenzawo lapho isebenta khona ngaphasi kwebulungiswa lebuchazwe ephuzwaneni (6).
- b. noma ngubani lobambe sikhundla noma lotsatfwa kutsi ubambe sikhundla seMengameli noma liSekela laMengameli noma lijaji leNkantolo lekukhunyulwa ngalo endzinyaneni(a) kungakacali kusebenta kweMtsetfosisekelo lomusha, uba nguMengameli weMajaji, liSekela laMengameli noma lijaji laleyo nkantolo ngaphasi kweMtsetfosisekelo lomusha njengoba kubekwe ephuzwaneni (6).
5. Ngaphandle uma kungahambisani nekusho noma kungasingiko mbamba uma kukhulunywa kunoma ngumuphi umtsetfo noma inchubo -
 - a. yeNkantolo yeMtsetfosisekelo ngaphasi kweMtsetfosisekelo lomdzala, kumele kutsatfwe ngekutsi kushiwo iNkantolo yeMtsetfosisekelo ngaphasi kwaloMtsetfosisekelo lomusha;
 - b. yeNkantolo yekweNdlulisela emacala yeNingizimu Afrika, kumele itsatfwe njengeNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala; futsi
 - c. yeNkantolo yesifundza noma yenzawo yelizinga leNkantolo lePhakeme yeNingizimu Afrika noma yeNkantolo lePhakeme yesabelo noma yeNkantolo lePhakeme yenzawo, kumele itsatfwe ngekutsi kushiwo yeNkantolo lePhakeme.
 6.
 - a. Uma ngabe sekukhonakala ngemuva kwekucala kusebenta kweMtsetfosisekelo lomusha, tonkhe tinkantolo, kumiswa kwato, kubunjwa, kusebenta kanye nemandla ato, nayo yonkhe imitsetfo letisebentako, kumele kuhlelwe kahle kuze tebulungiswa tifeze tidzingo taloMtsetfosisekelo lomusha.
 - b. Lilunga leKhabhinethi leliphetse tebulungiswa lihloliswa liKhomishani leliphetse kubekwa kwetiphatsimandla tetemtsetfo kumele lisungule lokuhlelwa kahle lokucatjangwa endzinyaneni(a).
 7.
 - a. Noma ngubani lobambe sikhundla, uma uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucala kusebenta -
 - i. njengeMengameli weNkantolo yeMtsetfosisekelo, uba nguSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
 - ii. njengeliSekela laMengameli weNkantolo yeMtsetfosisekelo, uba liSekela laSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
 - iii. njengaSomajaji, uba nguMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1) seMtsetfosisekelo lomusha; kanye
 - iv. nanjengeliSekela laSomajaji, uba liSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1)

- seMtsetfosisekelo lomusha.
- b. Yonkhe imitsetfomgomo, timisomtsetfo noma imiyalelo leyentiwe nguMengameli weNkantolo yeMtsetfosisekelo noma nguSomajaji lesebentako ngembi-nje kwekutsi uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucale kusebenta, itawuchubeka isebente idzimate icitfwe noma ichitjiyelwe.
 - c. Ngaphandle uma kungahambisani nengcikitsi noma kungafaneleki kwasanhlobo, kucondzisa kunoma ngumuphi umtsetfo noma inchubo kuSomajaji noma kuMengameli weNkantolo yeMtsetfosisekelo, kumele kutsatfwe njengekucondzisa kuSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha.

[Liphuzwana 16(7) lifakwe ngesigaba 20 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

17. Emacala langakacedvwa etinkantolo

Onkhe emacala langakacedvwa lasembi kwetinkantolo kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele kuchutjekwe ngawo aze acedvwe kube ngatsi loku kwentiwa usengakacali kusebenta lomtsetfosisekelo lomusha, ngaphandle uma ngabe bulungiswa bufuna ngaleny indlela.

18. Umtimba wekushushisa

1. Sigaba 108 seMtsetfosisekelo lomdzala siyachubeka kusebenta kuze uMtsetfo wePhalamende lophawulwe esigabeni 179 seMtsetfosisekelo lomusha ucale kusebenta. Leliphuzwana alitsikameti kubekwa kweMcondzisi waloMtimba loshushisako lobekwe ngekwesigaba 179.
2. Umshushisi jikelele lobambe sikhundla nawucala kusebenta loMtsetfosisekelo lomusha, uyachubeka kusebenta ngekulandzela umtsetfo losebenta kuleso sikhundla, ngaphasi kweliphuzwana (1).

19. Tifungo nekuvuma ngekutibopha

Umuntfu lochubeka esikhundleni ngekwaleShejuli futsi lowatsatsa sifungo sekungena esikhundleni ngaphasi kweMtsetfosisekelo lomdzala, akakadzingeki kutsi aphindze sifungo sekungena esikhundleni noma avume ngekutibopha ngaphasi kweMtsetfosisekelo lomusha.

20. Letinye tikhungo temtsetfosisekelo

1. Kulesigaba “sikhungo semtsetfosisekelo” sisho -
 - a. uMvikeli wemmango;
 - b. LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu;

[Indzima(b) ivalwe ngesigaba 4 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

- c. liKhomishani lekuLingana ngeBulili;
 - d. UmCwaningimabhuku-Jikelele;
 - e. LiBhange lesiLulu laseNingizimu Afrika;
 - f. liKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende;
 - g. liKhomishani leMisebenti yeTemtsetfo; noma
 - h. liBhodi letiLwimi Tonkhe taseNingizimu Afrika
2. Sikhungo seMtsetfosisekelo lesakhiwa ngekweMtsetfosisekelo lomdzala siyachubeka kusebenta ngekulandzela imitsetfo lesebenta kuso, futsi noma ngubani lobambe sikhundla njengelilunga leKhomishani, lilunga lelibhodi leliBhange lesiLulu noma liBhodi letiLwimi Tonkhe taseNingizimu Afrika, uMvikeli wemmango noma umCwaningimabhuku-Jikelele ngalesikhatsi uMtsetfosisekelo lomusha ucala kusebenta uyachubeka abambe leso sikhundla ngekulandzela lowo mtsetfo losebenta kuso, kepha ngaphasi wembandzela -
 - a. wanoma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; kanye
 - b. nekuhambisana kwawo neMtsetfosisekelo lomusha.
 3. Tigaba 199(1), 200(1), (3) na-(5) kuyawufika ku-(11) na-201 kuyawufika ku-206 teMtsetfosisekelo lomdzala tiyachubeka kusebenta tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.
 4. Emalunga eliKhomishani lekuPhatfwa kweTiphatsimandla tetemtsetfo lashiwo esigabeni 105(1)(h) seMtsetfosisekelo lomdzala ayayekela kuba ngemalunga aleliKhomishani uma ngabe lamalunga lashiwo esigabeni 178(1)(i) seMtsetfosisekelo lomusha abekwa.
 5.
 - a. Umkhandlu wamaBhunu lowasungulwa ngekweMtsetfosisekelo lomdzala uyachubeka kusebenta ngekweMtsetfo losebenta kuwo, futsi noma ngubani lobambe sikhundla njengelilunga laloMkhandlu nawucala kusebenta uMtsetfosisekelo lomusha, lowo mtsetfo losebenta kuso, kepha ngekulandzela -
 - i. noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
 - ii. kuhambisana kwawo neMtsetfosisekelo lomusha.
 - b. Tigaba 184 A na-184 B(1) na-(d) teMtsetfosisekelo lomdzala tiyachubeka kuba nemandla tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngesigaba 75 seMtsetfosisekelo lomusha.
3. Sigaba 199(3)(a) seMtsetfosisekelo lomusha singete sasetjentiswa kungakapheli tinyanga letingu-3 ngemuva kwekushaywa kwalomtsetfo lophawulwe kuleso sigaba.
 4. UMtsetfo wavelonkhe lophawulwe esigabeni 217(3) seMtsetfosisekelo lomusha kumele ushaywe kungakapheli iminyaka lemitsatfu kucale kusebenta uMtsetfosisekelo lomusha, kepha kungabikho kwalomtsetfo ngalesikhatsi akuvimbeli kusebenta kwenchubomgomo lephawulwe esigabeni 217(2).
 5. Kuze kufike sikhatsi lapho uMtsetfo wePhalamende lophawulwe esigabeni 65(2) seMtsetfosisekelo lomusha ucala kesetjentiswa, ngasinye sishayamtsetfo sesifundza singatincumela inchubo yaso mayelana nemandla laniketwe titfunywa taso kutsi tifake lovoti esikhundleni saso eMkhandlwini wavelonkhe we Tifundza.
 6. Kufike sikhatsi lapho umtsetfo lophawulwe esigabeni 229(1)(b) seMtsetfosisekelo lomusha ucala kusetjentiswa, hulumende wamasipala uhlala unawo emandla ekushaya umtsetfo mayelana nemtselo, umtsedlwana netimali letibhadelelwa imphahla lengenako lebekavele anikwe kutsi awasebentise uMtsetfosisekelo lomusha usengakacali kusebenta.

22. Lubumbano lwavelonkhe nekubuyisana

1. Nanoma kunaletinye tiphakamiso teMtsetfosisekelo lomusha kanye nekucitfwa kweMtsetfosisekelo lomdzala, tonkhe tiphakamiso letiphatselene nashwele letikuloMtsetfosisekelo lomdzala ngaphasi kwesihloko“Lubumbano lweSive nekuBuyisana”titsatfwa kutsi tiyincenye yaloMtsetfosisekelo lomusha letiyinhloso yekuTfukiswa kweLubumbano lweSive nekuBuyisana uMtsetfo, 1995(uMtsetfo 34 wanga-1995), njengoba uchitjiyelwe, lokufaka ekhatsi tinhloso tekuciniseka kwato.
2. Ngekwenhloso yeliphuzwana (1), lusuku lwamhlaka‘6 Disemba 1993’lapho livela etimisweni teMtsetfosisekelo lomdzala ngaphasi kwesihloko“luBumbano lwaVelonkhe nekuBuyisana”, kumele lufundvwe njengamhlaka“11 Meyi 1994”.

[Liphuzwana 22(2) lifakwe ngesigaba 3 seMtsetfo weKucala wekuChitjiyelwa kweMtsetfosisekelo wanga-1997.]

23. LuCwebu lwemalungelo eluntfu

1. Umtsetfo wavelonkhe lophawulwe etigabeni 9 (4), 32 (2), na-33(3) teMtsetfosisekelo lomusha kumele usebente kungakapheli iminyaka lemitsatfu uMtsetfosisekelo lomusha ucale kusebenta.
2. Kuze kusebente lomtsetfosisekelo lomusha kumele usebente lomtsetfo lophawulwe etigabeni 32 (2) na-33 (3) teMtsetfosisekelo lomusha -
 - a. sigaba 32 (1) kumele sitsatfwe ngekutsi sifundze ngalendlela:

“(1) Bonkhe bantfu banelilungelo lekutfo

21. Kushaywa kwemitsetfo lefunwa ngumtsetfosisekelo lomusha

1. Lapho uMtsetfosisekelo lomusha udzinga kushaywa kwemtsetfo wavelonkhe noma wesifundza, lowo mtsetfo kumele ushaywe nguleso Sigungu lesifanele ngekungephuti kusukela kungene uMtsetfosisekelo lomusha.
2. Sigaba 198(b) seMtsetfosisekelo lomusha singete sasetjentiswa kuze umtsetfo lophawulwe kuleso sigaba ushaywe.

imininingwane lesetandleni tembuso noma tikhungo tawo kunoma ngumuphi umkhakha wahulumende uma ngabe lemininingwane bayidzingela kuyisebentisa noma kuvikela emalungelo abo”; kantsi

- b. sigaba 33 (1) na-(2) kumele titsatfwe ngekutsi tifundzeka ngalendlela lelandzelako:
 - “Bonkhe bantfu banelilingelo—\
 - (a) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo netimfuno tabo titsintseka noma tesatjiswa ngekutsikanyetwa;
 - (b) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo noma tifiso titsikameta noma tesatjiswa;
 - (c) ekuniketwa tizatfu letibhaliwe taleso sento sahumende sekuphatsa lesitsikameta emalungelo netifiso tabo ngaphandle uma ngabe tizatfu talesento ummango watisiwe ngato; kanye
 - (d) neletento tekuphatsa letivumelekako ngekwetizatfu letiniketive lapho lamalungelo atsikameteka noma esatjiswa khona.”
3. Tigaba 32 (2) na-33 (3) teMtsetfosisekelo lomusha tiphelelwa sikhatsi uma ngabe lemitsetfo lephawulwe kuletigaba, ngekulandzelana kwato, ungabekwa ngemuva kweminyaka lengu-3 kucale kusebenta loMtsetfosisekelo lomusha.

24. Kuphatfwa kwembuso nemibutfo yetekuphepha

1. Tigaba 82 (4)(b), 215, 219(1), 224 kuya ku-228, 236 (1), (2), (3), (6), (7)(b) na-(8), 237(1) na-(2)(a) kanye na-239 (4) na-(5) teMtsetfosisekelo lomdzala tiyachubeka tisebente sengatsi loMtsetfosisekelo lomdzala awukacitfwa, kepha ngaphasi kwembandzela -
 - a. wetichibiyelo taletu tigaba njengoba tihlelwe eSihlomelweni D;
 - b. wanoma tiphi tichibiyelo noma kucitfwa kwaletu tigaba nguMtsetfo wePhalamende lophasiswe ngekwesiba 75 seMtsetfosisekelo lomusha; futsi
 - c. wekuhambisana neMtsetfosisekelo lomusha.
2. LiKhomishani lekuPhatfwa kweMbuso kanye nalawo etifundza lashiwo eSehlukweni 13 seMtsetfosisekelo lomdzala ayachubeka kusebenta ngekwaeso Sahluko nangekwemtsetfo kuwo sengatsi leSahluko asikacitfwa, kuze leliKhomishani nalawo etifundza abhidlitwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.
3. Kucitfwa kweMtsetfosisekelo lomdzala kakutsikameti noma siphi simemetelo semtsetfo lesikhishiwe ngaphasi kwesigaba 237 (3), seMtsetfosisekelo lomdzala, futsi noma siphi lesu satiso semtsetfo sisebenta ngemandla, kuphela nje -
 - a. uma silandzela sichibiyelo noma kucitfwa; noma
 - b. uma sihambisana neMtsetfosisekelo lomusha.

25. Kungavumeleki kwebulunga lokwengetwe betishayamtsetfo

1. Noma ngubani ngesikhatsi uMtsetfosisekelo lomusha ucala kusebenta lobekadvonsa sigwebo eRiphabhulikhi setinyanga letengca ku-12 ngaphandle kwekunikwa lilungelo lekukhipha inhlawulo, akakavumeleki kuba lilunga leSigungu saVelonkhe noma lesishayamtsetfo sesifundza.
2. Lokungavumeleki kwemuntfu ngekweliphuzwana (1)-
 - a. kuyaphela uma ngabe sigwebo sibekwe eceleni noma sehliwa uma endlulisele lelicala lakhe embili sase siba ngulesingamvimbela lowo muntfu; futsi
 - b. kuphela ngemuva kweminyaka lesihlanu sigwebo saphela.

26. Hulumente wasekhaya

1. Nanoma kunetiphakamiso tetigaba 151, 155, 156 nesigaba 157 teMtsetfosisekelo lomusha -
 - a. timiso teMtsetfo wesiKhashana waboHulumende baseKhaya, 1993, (uMtsetfo 209 wanga-1993), njengoba ungachitjiyelwa njalo njalo ngumtsetfosisekelolomusha, tihlala tinemandla mayelana neMkhandlu waMasipala kuze kufike sikhatsi lapho khona uMkhandlu waMasipala lovala lowo Mkhandlu umenyetelwe njengalokhetsiwe ngenca yemphumela welukhetfo jikelele lwekucala lweMikhandlu yaboMasipala emva kwekucala kusebenta kweMtsetfosisekelo lomusha; futsi

[Liphuzwana 26 (1)(a) livalwe ngesigaba 5(a) seMtsetfoweSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

- b. umholi wendzabuko wemmango lohlonipha umtsetfo wesintfu futsi losakhamuti sendzawo lesenzaweni yemkhandlu wasekhaya wesikhashana, umkhandlu wasekhaya wesikhashana noma umkhandlu webameleli wesikhashana, lophawulwe eMtsetfweni waHulumende weSikhashana wasekhaya, 1993, lotfolakele njengoba kuhleliwe esigabeni 182 seMtsetfosisekelo lomdzala, unelilungelo ngelizinga lakhe lekuba lilunga lalowo mkhandlu kuze i kufike sikhatsi lapho khona uMkhandlu waMasipala lovala lowo mkhandlu umenyetelwe njengalokhetsiwe ngenca yelukhetfo jikelele lwekucala lweMikhandlu yaboMasipala emva kwekucala kusebenta kweMtsetfosisekelo wekucala.

[Liphuzwana 26(1)(b) livalwe ngesigaba 5(a) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

2. Sigaba 245 (4) seMtsetfosisekelo lomdzala siyachubeka sibe nemandla kuze kusetjentiswa kwaleso sigaba

kuphele. Sigaba 16(5) na-(6) seMtsetfo waboHulumende baseKhaya, 1993, angeke sacitfwa ngembi kwamhlaka 30 Apreli 2000.

[Liphuzu 26(2) liChitjiyelwe sigaba 5(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

27. Kulondvolotwa kwemitsetfo yephalamende neyetifundza

Tigaba 82 na-124 teMtsetfosisekelo lomusha atitsikameti kulondvolotwa kweMitsetfo yePhalamende noma yetiFundza leyabekwa ungakacali kusebenta loMtsetfosisekelo lomusha.

28. Kubhaliswa kwemphahla yembuso lenganyakati

1. Uma umtimba logunyatiwe ukhiphe sitifiketi sekutsi leyo mphahla lenganyakati yembuso ibekwe kuhulumende lotsite ngekwesigaba 239 seMtsetfosisekelo lomdzala, umbhalisi wetimphahla kumele ayibhale lemphahla noma acinisekise noma encwadzini lefanele, sihloko salemphahla noma lokunye lokungumbhalo encwadzini yetimphahla letinganyakati egameni lolowo hulumende.
2. Kute inkhokhelo, imali noma kuhlawuliswa lokubhadalwako mayelana nekubhaliswa ngekulandzela liphuzwana (1).

Ishejuli 6A

*[Ishejuli 6A ifakwe ngesigaba 6 seMtsetfo 2 wanga-2003.
Yesulwa ngekwesigaba 6 seMtsetfo weLishumi naKune*

wekuChitjiyelwa kweMtsetfosisekelo wanga2008]

Ishejuli 6B

[Ishejuli 6B, ngaphambilini lebeyishejuli 6A, ifakwe ngekwesigaba 2 weMtsetfo weSiphohlongo wekuChitjiyelwa kweMtsetfosisekelo yabuye yaChitjiyelwa ngesigaba 5 seMtsetfo weLishumi weku- Chitjiyelwa kweMtsetfosisekelo

wanga-2003 futsi yacitfwa ngekwesigaba 5 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-2008.]

Shejuli 7: Imitsetfo Lecitfwako

Inombolo Nemnyaka Wemtsetfo	Sihloko
Umtsetfo 200 wanga-1993	UMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1993
Umtsetfo 2 wanga-1994	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 3 wanga-1994	UMtsetfo wesiChibiyelo eMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 13 wanga-1994	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 14 wanga-1994	UMtsetfo wesiChibiyelo sesiTsatfu seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 24 wanga-1994	UMtsetfo wesiChibiyelo sesiTfupha seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994

Inombolo Nemnyaka Wemtsetfo	Sihloko
Umtsetfo 29 wanga-1994	UMtsetfo wesiChibiyelo sesiTfupha seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 20 wanga-1995	UMtsetfo wesiChibiyelo sesiHlanu seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1995
Umtsetfo 44 wanga-1995	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1995
Umtsetfo 7 wanga-1996	UMtsetfo wesiChibiyelo sesiBili seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1996
Umtsetfo 26 wanga-1996	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1996

Sihlomelo A: Tichibiyelo eShejulini 2 yeMtsetfosisekelo lomdzala

1. Kususwa kweliphuzu 1 kufakwe leliphuзу lesilandzelako:
 1. Emacembu labhaliswe ngekulandzela umtsetfo wavelonkhe; futsi lekangenele lukhetfo lweSigungu saVelonkhe, atawuphakamisa emagama ebantfu labatawungenela lolukhetfo ngeluhlu lwemagama ebantfu lolwentiwe ngekulandzela leShejuli nesishayamtsetfo savelonkhe.
2. Kususwa kweliphuzu 2 kufakwe leliphuзу lesilandzelako:
 2. Tihlalo kuleSigungu saVelonkhe njengoba tincunye ngekulandzela sigaba 46 seMtsetfosisekelo lomusha, titawugcwaliswa ngalendlela lelandzelako—
 - a. Linani lelinguhhafu laletihlalo litawutsatfwa kuloluhlu lweTifundza loluletfwe ngemacembu lakehlukene, kantsi linani letihlalo lelibekiwe litawubekewla sifundza ngasinye njengoba kuncume liKhomishani lwelukhetfo lolulandzelako lweMkhandlu, kunakwe kuphela imininingwane leyentiwe ngekwebuciko lephatselene nebavoti, nekumelwa kwemacembu latsintsekako.
 - b. Lolomunye hhafu wetihlalo uneluhlu loluvela eveni lonkhe loluletfwe ngemacembu lakehlukene, noma , kuloluhlu loluvela etifundzeni uma ngabe luhlu loluvela eveni lonkhe lungakaletfwa.
3. Kususwa kweliphuzu 3 kufakwe leliphuзу lesilandzelako:
 3. Loluhlu lwalabemele lukhetfo loluletfwe licembu, naseluhlangene lutawuba nemagama langengci linani lebantfu labalingana netihlalo kuloSigungu saVelonkhe, futsi luhlu ngalunye lutawubeka lamagama ngandlela lelinconota ngayo umuntfu licembu ngalinye.
4. KuChitjiyelwa kweliphuzu 5 ngekufaka lamagama lendvulela indzima(a) ngalawo lalandzelako:
 5. Letihlalo letishiwo ephuzwini 2(a) titawuniketwa ngekwasifundza emacenjini lekangenele lukhetfo, ngalendlela lelandzelako:
5. KuChitjiyelwa kweliphuzu 6:
 - a. ngekufaka lamagama lendvulela indzima(a) ngalawa lalandzelako:
 6. Tihlalo letishiwo ephuzwini 2(b) titawuniketwa emacembu lekangenele lukhetfo, ngalendlela lelandzelako:
futsi
 - b. ngekuvala indzima (a) ngalendzima lelandzelako:
 - (a) Incenye yemavoti ngesihlalo ngasinye itawutfolakala ngekuhlukanisa linani lonkhe lemavoti eveni lonkhe ngelinani letihlalo kuloSigungu saVelonkhe, nakunye ngetulu, umphumela nakunye ngetulu, kunganakwa tincenyana, kutawuba incenye yemavoti ngesihlalo sinye.
6. KuChitjiyelwa kweliphuzu 7 (3) ngekususa luphuзу (b) kufakwe leli lelandzelako:
 - (b) Incenye lelungisiwe yemavoti ngesihlalo ngasinye itawutfolakala ngekwehlukanisa kwemavoti lafakiwe eveni lonkhe lakesekela licembu, kususwe linani lemavoti lakesekela licembu lelishiwo endzimeni(a), ngelinani letihlalo kuloMkhandlu, kwengetwe sinye, kususwe linani letihlalo letiniketwe lelo cembu ekugcineni ngekulandzela indzima (a).
7. Kukhishwa kweliphuzu 10 kufakwe leli lelandzelako:
 10. Linani letihlalo kusishayamtsetfo sesifundza ngasinye litawuba njengekuncuma kwesigaba 105 seMtsetfosisekelo lomusha.
8. Kukhishwa kweliphuzu 11 kufakwe leli lelandzelako:
 11. Emacembu labhalisiwe ngekweamtsetfo wavelonkhe futsi lekangenele lukhetfo lwesishayamtsetfo sesifundza atawenta luhlu lwemagama ebantfu labatawufakwa kulesishayamtsetfo sesifundza lolungiswe ngekulandzela leShejuli nemtsetfo wavelonkhe.
9. Kususwa kweliphuzu 16 kufakwe leli lelandzelako:
 16. Kubekwa kwetitfunywa

1. Uma sekucedziwe kubalwa kwemavoti, linani letitfunywa telicembu ngalinye selibekiwe nephumela welukhetfo sewukhishiwe ngekulandzela sigaba 190 seMtsetfosisekelo lomusha, liKhomishani, kungakapheli emalanga lamabili umphumela ukhishiwe, litawubeka kuluhlu ngalunye lwemagama, lolushicilelwe ngekulandzela umtsetfo wavelonkhe, labamele licembu ngalinye kusishayamtsetfo.\
 2. Kulandzela lokubekwa lokushiwo ephuzwaneni (1), uma ngabe ligama lalobekiwe livela etinhlwini letingetulu kwalunye lweSigungu saVelonkhe noma kuto totimbili tinhlu lweSigungu saVelonkhe nelweshayamtsetfo sesifundza (uma lukhetfo lweMkhandlu nelweshayamtsetfo lubanjwe sikhatsi sinye), futsi lolobekiwe utawuyekela kusinye saletikhundla, licembu leliletse loluhlu, kumele ngemalanga lamabili alokubekwa, lisho kuleliKhomishani kutsi lowo muntfu utawubekwa kuluphi luhlu futsi utawungena kusiphi sishayamtsetfo, kuze kutsi ligama lakhe licishwe kuloluhlu lolunye.\
 3. LeliKhomishani litawushicilela ngekushesha emagama alabo labakhetsiwe kusishayamtsetfo noma kutishayamtsetfo.
10. Kuchitjiyelwa kweliphuzu 18 ngekususwa kwendzima (b) kufakwe lendzima lelandzelako:
- (b) sitfunywa sikhethwa njengesitfunywa lesingesuswa eMkhandlwini wavelonkhe weTifundza;
11. Kususwa kweliphuzu 19 kufakwe leli lelandzelako:
19. Luhlu lwetitfunywa letishiwo ephuzwini 16 (1) lungengetwa kanye kuphela noma nini etinyangeni letingu-12 kusukela ngelilanga lekwabekwa ngalo titfunywa ngaphasi kweliphuzu 16, kuze kugcwaliswe tikhala letivelile: kuphela nje uma ngabe loko kwengetwa kwentiwa ekugcineni kweluhlu.
12. Kususwa kwalelophuzu 23 kufakwe leli lelandzelako:
23. Tikhala
1. Uma ngabe kuvela sikhala kusishayamtsetfo sesifundza lapho leShejuli isebenta khona, licembu leliphumako litawugcwalisa lesi sikhala ngekukhetsa umuntfu— 1 ligama lakhe lelikhona kuloluhlu lwebantfu lapho lelilunga leliphumako lakhethwa khona ekucaleni; kanye
 - a. nalokunguye lolandzelako lofanele nalokhona kuloluhlu.
 2. Kuphakanyiswa kwemagama ebantfu labatawugcwalisa lesi sikhala kutawuniketwa Somlomo kubhalwe phansi.
 3. Uma ngabe licembu lelimelwe kusishayamtsetfo libhidlitwa noma lingasekho nemalunga alo ashiya tihlalo tawo ngekulandzela liphuzu 23A (1), letihlalo titawuniketwa emacembu lekasele ngalokunjalo kube sengatsi tihlalo letemukelwa licembu ngekweliphuzu 7 noma 14, njengoba kungenteka.”.
13. Kufakwa kweliphuzu lelandzelako ngemuva kweliphuzu 23:
23. Tizatfu letengetiwe tekulahlekelwa bulunga besishayamtsetfo
1. Lilunga lilahlekelwa bulunga besishayamtsetfo lapho leShejuli inemandla khona uma lowo muntfu ayekela kuba lilunga lelicembu lelamkhetsa kutsi abe lilunga lesishayamtsetfo.
 2. Ngaphandle kweliphuzwana (1) noma liphi licembu letembusave lingantjintja ligama lalo noma nini.
 3. Umtsetfo wePhalamende, kungakendluli sikhatsi lesidze loMtsetfosisekelo lomusha ucale kusebenta ungaphasiswa ngekulandzela sigaba 76 (1) seMtsetfosisekelo lomusha kuchibiyela leliphuzu kanye neliphuzu 23 kuze kubekwe indlela lokungentiwa ngayo kutsi lilunga lesishayamtsetfo leseliyekelile kuba lilunga lalelicembu lelalikhetsa, kutewugcina bulunga balo kusishayamtsetfo.
 4. Umtsetfo wePhalamende lophawulwe ephuzwini (3) ungenta kube khona futsi—
 - a. kuhlanguka kwelicembu nalelinye licembu; noma
 - b. kuhlephuka kwelicembu libe ngemacembu lamanyenti.
14. Kucishwa kweliphuzu 24.
15. KuChitjiyelwa kweliphuzu 25
- a. ngekufaka lenchazelo “yeliKhomishani” ephuzwini 25:

“liKhomishani” lisho liKhomishani leluKhetfo lelishiwo esigabeni 190 seMtsetfosisekelo lomusha;

kanye
 - b. nangekufaka lenchazelo lelandzelako ngemuva kwenchazelo: “luhlu lwavelonkhe”:

“UMtsetfosisekelo lomusha” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996.

16. Kucishwa kweliphuzu 26.

Sihlomelo B: Hulumende Welubumbano Lwavelonkhe: Umkhakha Wavelonkhe

1. Sigaba 84 seMtsetfosisekelo lomusha sitsatfwa kwekutsi sicuketse lesigatjana lesengetako lesilandzelako:

3. Mengameli kumele abonisane nemaSekela eMengameli -
 - a. ekutfufukisweni nasekuchutjweni kwenchubomgomo yaHulumende wavelonkhe;
 - b. kuto tonkhe tindzaba letiphatselene nekuphatfwa kweKhabhinethi nekweniwa kwemisebenti yeKhabhinethi;
 - c. ekuniketeni imisebenti emaSekeleni eMengameli;
 - d. kungakabekwa muntfu ngaphasi kweMtsetfosisekelo noma ngaphasi kwanoma ngumuphi umtsetfo, lokufaka kubekwa kwemancusa noma titfunywa letimele lelive kulamanye emave;
 - e. kungakabekwa emaKhomishani eluphenyo; (f) kungakabitwa luhlololuvo; futsi
 - f. kungakacolelwa noma kungancishiswa sigwebo sesiboshwa.

2. Sigaba 89 seMtsetfosisekelo lomusha kumele sitsatfwe ngekutsi sicuketse lesigatjana lesengetako lesilandzelako:

3. Tigatjana (1) na- (2) tiyasebenta futsi naseSekeleni laMengameli.

3. Indzima(a) yesigaba 90 (1) saloMtsetfosisekelo lomusha itsatfwa ngekutsi ifundzeka kanje:

- (a) liSekela laMengameli lelikhetfwe nguMengameli;

4. Sigaba 91 seMtsetfosisekelo lomusha sitsatfwa kutsi sifundzeka kanje:

91. iKhabhinethi

1. IKhabhinethi ibunjwe ngeMengameli, emaSekela eMengameli kanye—
 - a. netiNdvuna teMbuso letingengci ku-27 letingemalunga eSigungu saVelonkhe letibekwe ngekulandzela sigatjana (8) kuya ku-(12); kanye
 - b. neNdvuna yeMbuso lengengci yinye lengasilo lilunga leSigungu saVelonkhe, futsi lebekwe ngekulandzela sigatjana

(13), kepha uma abeka leNdvuna Mengameli, ahlolisana nemaSekela aMengameli kanye nebaholi bemacembu lekamelwe esiGungwini, uma abona kubekwa kwaleyo Ndvuna yeMbuso kudzingekile.

2. Licembu ngalinye lelinetihlalo letisukela ku-80 kuleSigungu saVelonkhe linelilungelo lekukhetsa liSekela laMengameli emalungeni aleSigungu.
3. Uma kute licembu noma linye kuphela licembu lekungilo lelinetihlalo letingu-80 noma ngetulu kwaloko kuleSigungu, licembu lelinetihlalo letinyenti kanye nalelo lelinetihlalo letilandzelako anelilungelo ngalinye lekukhetsa linye liSekela laMengameli emalungeni aleSigungu.
4. Uma lilunga selibekiwe kuba liSekela laMengameli, lingakhetsa kuchubeka noma liyekele kuba lilunga laleSigungu.
5. LiSekela laMengameli lingasebentisa emandla alo liphindze lente nemisebenti yalo leliyefwese ngulesikhundla sebuSekela Mengameli nguMtsetfosisekelo noma leniketwe lesikhundla nguMengameli.
6. LiSekela laMengameli liba sesikhundleni –
 - a. kute kufike mhlaka 30 Apreli 1999 ngaphandle uma likhishiwe noma libuyiselwe umuva ngulelicembu lelinelilungelo lekulikhetsa ngaphasi kwetigatjana (2) na-(3); noma
 - b. kuze umuntfu lokhetfwe kuba nguMengameli ngemuva kwanoma luphi lukhetfo lweSigungu saVelonkhe lolubanjwe kungekafiki mhlaka 30 Apreli 1999, atsatsa sikhundla sakhe.
7. Sikhala sesikhundla seliSekela laMengameli singavalwa ngulelo cembu lebelikhetse liSekela laMengameli.
8. Licembu lelinetihlalo lokungenani letingu-20 kuSigungu saVelonkhe futsi lelingenile kuhulumende welubumbano, linelilungelo lekuniketwa sikhundla sinye noma ngetulu kwaloko kuletikhundla teKhabhinethi lekutawukhetselwa kuto tiNdvuna teMbuso njengekusho kwesigaba (1)(a) tingabekwa, ngekucatsaniswa kwetihlalo letiphethwe ngulelicembu kuleSigungu kanye netihlalo letiphethwe ngulamanye emacembu lekakhona.
9. Tikhundla teKhabhinethi kumele tabiwe kulawo macembu lekakhona ngekulandzela lendlela lelandzelako:

- a. Incenye yetihlalo ngesikhundla kumele incunye ngekuhlukanisa linani letihlalo kuleSigungu saVelonkhe letibanjwe ngekuhlanganyela ngemacembu lekakha hulumente welubanjiswano ngelinani letikhundla lelishiwo esigatjaneni (1)(a), nasinye ngetulu.
- b. Umphumela, kungabukwa tincenyana kusukela kuyesitsatfu, uma ngabe tikhona, ngiyona ncenye yetihlalo ngesikhundla ngasinye.
- c. Linani letikhundla letabelwa emacembu lekakhona lapho libekwa ngekuhlukanisa linani letihlalo selilonkhe leliphetfwe ngulelo cembu kuloSigungu saVelonkhe ngalencenye lechazwe endzimeni (b).
- d. Umphumela, ngekulandzela indzima (e), ukhomba linani letikhundla leliniketwa licembu lelo.
- e. Lapho kulandzela kusetjentiswa kwalendlela lechazwe ngenhla kukhipha umphumela longetulu kulongatsatfwa nguletikhundla letiniketwe licembu, lomphumela longetulu ubangisana naleminyane imiphumela lengetulu yalamanye emacembu, futsi noma sippi sikhundla noma tikhundla letisele lekumele tiniketwe lelo cembu noma lawo macembu ngekulandzelana kwaleyo miphumela lengetulu, kumele tiniketwe lelo cembu noma lawo macembu lanemphumela longetulu lomnyenti kunaleminyane ngekulandzelana.
10. Mengameli ngemuva kwekubonisana nemaSekela aMengameli nebaholi bemacembu lekakhona lapho, kumele –
- a. ancume tikhundla letifanele lekufanele tiniketwe emacembu lekakhona kuhulumente welubanjiswano ngekulandzela linani letikhundla letiniketwe lamacembu ngaphasi kwesigatjana (9);
- b. abeke kuleso naleso sikhundla lilunga leSigungu saVelonkhe leliphindze libe lilunga lelicembu leliniketwe leso sikhundla ngaphasi kwendzima(a), njengeNdvuna yeMbuso lephetse leso sikhundla;
- c. Uma ngabe kuba nesidzingo ngekweMtsetfosisekelo noma ngesizatfu sahumumende lokahle, agucule lokuncunye ngaphasi kwendzima(a), kepha kuphela ngekulandzela sigatjana (9);
- d. kubekwa noma ngukuphi esikhundleni ngaphasi kwendzima(b)-
- i. uma ngabe Mengameli ucelwa ngumholi welicembu lelo iNdvuna yeMbuso letsintsekako ililunga lalo; noma
- ii. uma kuba nesidzingo ngekweMtsetfosisekelo noma ngesizatfu sahumumende lokahle;
- e. agcwalise, uma kulesidzingo, kepha kuphela ngekulandzela indzima(b), sikhala lesivele esikhundleni seNdvuna yeMbuso.
11. Sigatjana (10) kumele silandzelwe ngemoya locuketfwe ngulomcondvo wahulumente welubumbano, futsi Mengameli naletinye tiphatsimandla letitsintsekako kumele awusebentise ngekufana kutfola kuvumelana ngato tonkhe tikhatsi: uma ngabe kuvumelana kungatfolakali –
- a. ekusebentiseni emandla latfolakala etindzimeni(a),(c) noma (d)(ii) taleso sigatjana, sincumo seMengameli siyema;
- b. ekusebentiseni emandla latfolakala etindzimeni(b),(d)(i) noma (e) taleso sigatjana lokutsintsa umuntfu longasilo lilunga lelicembu laMengameli, sincumo semholi welicembu lalowo muntfu lalilunga lalo siyema; futsi
- c. ekusebentiseni emandla lekashiwo endzimeni(b) noma (e) alesigaba lesitsintsa umuntfu lolilunga lelicembu laMengameli, sincumo seMengameli siyema.
12. Uma kubekwa etikhundleni kuguculwa ngaphasi kwesigatjana (10)(c), tiNdvuna teMbuso letitsintsekako kumele tishiye tikhundla tato kepha tivumelekile, lapho kunekwenteka, kutsi tingaphindze tibekwe kuletinye tikhundla letiniketwe emacembu ato ngekulandzela loluntjintjo.
13. Mengameli –
- a. ngekuhlolisa nemaSekela aMengameli nebaholi bemacembu lekakhona kuhulumente welubanjiswano, kumele—
- i. ancume sikhundla lesitsite seNdvuna yeMbuso lekukhulunywa ngaso esigatjaneni(i)(b) uma ngabe kunesidzingo lesilandzela sincumo seMengameli ngaphasi kwaleso sigatjana;
- ii. abeke kuleso sikhundla lowo muntfu longasilo lilunga leSigungu saVelonkhe, njengeNdvuna yeMbuso lephetse leso sikhundla
- iii. agcwalise, uma kudzingekile sikhala kuleso sikhundla; noma
- b. ngemuva kwekubonisana nemaSekela aMengameli kanye nebaholi bemacembu lekakhona kuhulumente welubanjiswano, kumele acitse kubekwa esikhundleni ngaphasi kwendzima(a) uma ngabe loku kuyadzingeka ngesizatfu seMtsetfosisekelo noma sahumumende

lokahle.

14. Imihlangano yeKhabhinethi kumele iholwe nguMengameli, noma, uma Mengameli ashonjalo, liSekela laMengameli: Loku kwenteke ngekutsi emaSekela eMengameli ahole lemihlangano ngekuntjintjana ngaphandle uma ngabe tidzingo tahulumende nemoya wahulumende welubumbano kukhomba ngaleny indlela.
 15. IKhabhinethi kumele isebente ngendlela leniketa kucatjangelwa kwemoya wekufuna kuvumelana ngekulandzela sifiso sekubanahulumende welubumbano kanye nahulumende losebenta ngendlela lengiyo.
5. Sigatjana 93 seMtsetfosisekelo sitsatfwa ngekutsi sifundzeka kanje:

93. Kubekwa kwemaSekela etiNdvuna tembuso

1. Mengameli ngemuva kwekubonisana neMasekela aMengameli nebaholi bemacembu lekakhona eSigungwini setiNdvuna teMbuso, angakha tikhundla temaSekela etiNdvuna teMbuso.
2. Licembu linelilungelo lekunikwa sinye noma ngetulu sikhundla sebuSekela Ndvuna yeMbuso ngendlela lefananako ngalokulingene njengoba kwentiwe nakwabiwa tikhundla tetiNdvuna teMbuso.
3. Letiphakamiso tesigaba 91 (10) kuya ku-(12) tiyasebenta, netingucuko letidzingekeko, nasemaSekeleni etiNdvuna teMbuso, futsi kulokusetjentiswa kutsintfwa kulesigaba kwendvuna yembuso noma sikhundla kumele kutsatfwe ngekutsi kushiwo liSekela leNdvuna yeMbuso noma sikhundla seliSekela leNdvuna yeMbuso, ngalokunjalo.
4. Uma umuntfu abekwe njengeliSekela leNdvuna yeMbuso kunoma ngusiphi sikhundla lesiniketwe iNdvuna yeMbuso –
 - a. lelo liSekela leNdvuna yeMbuso kumele lisebentise emandla alo liphindzelente imisebenti yalo egameni laleyo Ndvuna yeMbuso leniketwe kwengamela leso sikhundla ngekulandzela noma ngumuphi umtsetfo noma ngaleny indlela, ngekulandzela imiyalo yeMengameli, noma lebewunganiketwa liSekela leNdvuna yeMbuso nguleyo Ndvuna yeMbuso; futsi
 - b. uma kukhulunywa nganoma ngumuphi umtsetfo ngaleyo Ndvuna yeMbuso loku

kumele kutsatfwe ngekutsi kukhulunywa ngeliSekela leNdvuna yeMbuso lelisebenta ngekulandzela kuniketwa emandla ngaphasi kwendzima(a) liniketwa yiNdvuna yeMbuso, lelisebentela yona.

5. Uma ngabe liSekela leNdvuna yembuso lingekho noma ngesizatfu lesinye lingakwati kusebentisa emandla alo noma lente imisebenti yaleso sikhundla, Mengameli angabeka lelinye liSekela leNdvuna yeMbuso noma lomunye umuntfu kutsi aphantse kwesikhashana leso sikhundla seliSekela leNdvuna yeMbuso lengekho, noma ente wonkhe umsebenti, lokukanye asebente umsebenti noma asebentise emandla latsite.
6. Sigaba 96 seMtsetfosisekelo sitsatfwa kutsi sinaletigatjana lesetengetiwe letilandzelako:
3. Tindvuna teMbuso kumele titiphendvulele ngamunye kuMengameli nasesiGungwini saVelonkhe ngekuphatfwa kwetikhundla tato, kantsi onkhe emalunga eKhabhinethi ngalokunjalo atiphendvulela ngekuhlanganyela ngekusebenta kwahulumende wavelonkhe nangenchubomgomo yakhe.
 4. TiNdvuna teMbuso kumele tiphatse tikhundla tato ngakulandzela inchubomgomo lencunye yiKhabhinethi.
 5. Uma iNdvuna yeMbuso yehluleka kuphatsa sikhundla sayo ngekulandzela inchubomgomo yeKhabhinethi, Mengameli angayitjela leyo Ndvuna yeMbuso kutsi iphatse leso sikhundla sayo ngekulandzela leyo nchubomgomo.
 6. Uma leyo Ndvuna yeMbuso yehluleka kulandzela lomyalo weMengameli ngaphasi kwesigatjana (5), Mengameli angayisusa esikhundleni –
 - a. uma kuyiNdvuna yeMbuso lephawulwe esigabeni 91 (1)(a), ngemuva kwekubonisana nayo leNdvuna yeMbuso, kantsi uma leyo Ndvuna yeMbusoingasilo lilunga lelicembu laMengameli noma ingasiye umholi welicembulaleyo Ndvuna yeMbuso; noma
 - b. uma iNdvuna yeMbuso lephawulwe esigabeni 91 (1)(b), ngemuva kwekubonisana nemaSekela eMengameli nebaholi bemacembu lahlanganyele hulumente welubanjiswano.

Sihlomelo C: Hulumente Welubumbano Lwavelonkhe: Umkhakha Wesifundza

1. Sigaba 132 seMtsetfosisekelo lomusha sitsatfwa ngekutsi sifundzeka kanje:

132. IMikhandlu leyeNgamele

1. UMkhandlu loweNgamele wesifundza ubunjwe nguNdvunankhulu kanye nemalunga langenci ku-10 lekakhetfwe nguNdvunankhulu ngekulandzela lesigaba.
2. Licembu lokungenani lelinetihlalo letingemaphesenti langu- 10 kusishayamtsetfo sesifundza, futsi lelikhetse kufaka sandla kuhulumende welubumbano, linelilungelo lekuniketwa sinye noma ngetulu kwesinye setikhundla eMkhandlwini loweNgamele wesifundza ngekubuka incenye yetihlalo letibanjwe ngulelo licembu kusishayamtsetfo uma kucatsaniswa netihlalo letibanjwe ngulamanye emacembu lafaka sandla kulesishayamtsetfo.
3. Tikhundla teMkhandlu loweNgamele kumele tiniketwe lawo macembu langenele kubuswa kwesifundza ngekulandzela lendlela lehlelwe esigabeni 91 (9), kantsi ekulandzeleni leyo ndlela uma kuphatfwa kulesigaba –
 - a. iKhabhinethi, kumele kufundvwe kutsi kushiwo uMkhandlu loweNgamele;
 - b. iNdvuna yeMbuso, kumele kufundvwe kutsi kushiwo lilunga leMkhandlu loweNgamele; kantsi
 - c. Sigungu saVelonkhe, kumele kufundvwe kutsi kushiwo sishayamtsetfo sesifundza.
4. Ndvunankhulu wesifundza ngemuva kwekubonisana nebaholi bemacembu langenele kuphatfwa kwesifundza kumele –
 - a. ancume ngendlela yakhona leto tikhundla letinikwa lamacembu langenele kubuswa kwesifundza ngekulandzela linani letikhundla lekaniketwa tona lawo macembu ngaphasi kwesigatjana (3);
 - b. abeke kuleso sikhundla lilunga lesishayamtsetfo lalelo cembu leliniketwe leso sikhundla ngaphasi kwendzima(a), njengelilunga leMkhandlu loweNgamele weSifundza lelengamele leso sikhundla;
 - c. uma kuba nesidzingo ngetizatfu teMtsetfosisekelo noma ngekufuneka kwahulumende lokahle, antjintje noma ngukuphi kubekwa ngaphasikwendzima (a), kepha ngekulandzela sigatjana (3);
 - d. acitse kubekwa esikhundleni ngaphasi

kwendzima(b) –

- i. uma Ndvunankhulu acelwa kwenta loko ngumholi walelo cembu lalelo lunga leMkhandlu loweNgamele weSifundza lelitsintsekako; noma
 - ii. uma kudzingekile ngetizatfu teMtsetfosisekelo noma tahulumende lokahle; noma
- e. agcwalise, uma ngabe kudzingeka, ngekulandzela indzima(b), sikhala esikhundleni selilunga leMkhandlu loweNgamele weSifundza.
5. Sigatjana (4) kumele sisetjeniswe ngemoya wesidzingo sahumende welubumbano, kantsi Ndvunankhulu naletinye tiphatsimandla letitsintsekako kumele ekwenteni loku kulesigatjana bafune kutfolo kuvumelana ngaso sonkhe sikhatsi: Kepha uma ngabe kungavunyelwana –
- a. ekusetjentisweni kwalamandla lashiwo endzimeni(a),(c), noma (d)(ii) yaleso sigaba, sincumo saNdvunankhulu siyema;
 - b. ekusetjentisweni kwalamandla lashiwo endzimeni(b),(d)(i) noma (e) yaleso sigaba lesitsintsa umuntfu longasilo lilunga lelicembu laNdvunankhulu, sincumo semholi walelo cembu lowo muntfu lalilunga lalo siyema; futsi
 - c. ekusetjentisweni kwemandla lashiwo endzimeni(b) noma (e) yaleso sigaba latsintsa umuntfu lolinga lelicembu laNdvunankhulu, sincumo saNdvunankhulu siyema.
6. Uma noma siphilincumo sekwabikwa kwetikhundla sigukulwa ngaphasi kwesigatjana (4)(c), emalunga latsintsekile kumele ashiye tikhundla tawo kepha aphindze avumeleke, kubekwa kuletinye tikhundla letiniketwe emacembu alawo malunga ngekulandzela lokugukulwa.
7. Imihlangano yeMkhandlu loweNgamele kumele yenganyelwe nguNdvunankhulu wesifundza.
8. UMkhandlu loweNgamele kumele usebente ngendlela lekhombisa kucatjangelwa kwemoya wekufuna kuvumelana ngekwemgomo wahulumende welubumbano, kanye nesidzingo sahumende lokahle.

2. Sigaba 136 seMtsetfosisekelo lomusha sitsatfwe ngekutsi sicuketse lesigatjana lesengetako

lesilandzelako:

3. Emalunga eMkhandlu loweNgamele kumele atiphendvulele kuNdvunankhulu nakusishayamtsetfo sesifundza ngekuphatfwa kwetikhundla tawo, futsi onkhe emalunga aloMkhandlu ngalokunjalo kumele aphenhvule sekawonkhe ngekusebenta kwahulumende wesifundza nenchubomgomo yakhe.
4. Emalunga eMkhandlu loweNgamele kumele aphantse tikhundla tawo ngekulanzela inchubomgomo lebekwe nguloMkhandlu.
5. Uma lilunga lelitsintsekako lehluleka

- kulanzela inchubomgomo yeMkhandlu loweNgamele, Ndvunankhulu angalicela lelo lunga kutsi liphatse sikhundla salo ngekuhambisana nalenchubomgomo lehleliwe.
6. Uma lelilunga lelitsintsekako liyehluleka kulanzela imiyalo yaNdvunankhulu ngaphasi kwesigatjana (5), Ndvunankhulu angalisusa esikhundleni ngemuva kwekubonisana nalo, kepha uma lelo lunga lingasilo lilunga lelicembu laNdvunankhulu noma lingasiye umholi welicembu lelingenele kubuswa kwesifundza, ngemuva kwekubonisana nemholi walelo cembu.

Sihlomelo D: Kuphatfwa Kwembuso Nemibutfo

Yetekuphepha: Tichibiyelo Etigabeni Temtsetfosisekelo Lomdzala

1. Kuchitjiyelwa kwesigaba 218 semtsetfosisekelo lomdzala –
 - a. ngekususa esigatjaneni (1) lamagama lendvulela indzima (a) ngalawa lalandzelako:

1. Ngekulandzela imibandzela yeNdvuna yeMbuso yeteKuphepha neteKuvikela, Khomishani wemaPhoyisa wavelonkhe utawetfweswa—

- a. ngekususa indzima (b) yesigatjana (1) kufakwe lena lelandzelako:

- (b) kubekwa kwaboKhomishani bemaphoyisa betifundza;

- a. ngekususa indzima (d) yesigatjana (1) kufakwe lena lelandzelako—

- (d) kuphenywa nekuvinjelwa kwebugebengu lobuhlelekile noma bugebengu lobudzinga kuphenywa kwavelonkhe kanye nekuvinjelwa noma buciko lobujulile;

futsi

- a. ngekususa indzima (k) yesigatjana (1) kufakwe lena lelandzelako:

- (k) kusungulwa nekugcinwa kwemtsetfo sive ngumbutfo wemaphoyisa lotawutfunyelwa kutsi uyewusita futsi ngekuwelwa nguKhomishani weSifundza wemaphoyisa;

2. Kuchitjiyelwa kwesigaba 219 seMtemtsetfosisekelo lomdzala ngekususa sigatjana (1) emagama lendvulela indzima (a) kufakwe lawa lalandzelako:

1. Ngekulandzela sigaba 218(1), Khomishani wemaPhoyisa weSifundza wetfweswe –

3. Kuchitjiyelwa kwesigaba 224 seMtemtsetfosisekelo lomdzala ngekususa siphakamiso sesigatjana (2) kufakwe lesi lesilandzelako:

- Kepha lesigatjana sitawusebenta futsi emalungeni anoma ngumuphi umbutfo lohlomile lowaletsa luhlu lemalunga awo ngemuva kwekucala kusebenta kweMtemtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1993 (uMtemtsetfo 200 wanga-1993), kepha kungakemukelwa lombhalo

- lomusha weMtemtsetfosisekelo njengoba kubekiwe esigabeni 73 salowo Mtemtsetfosisekelo, uma lelicembu letembusave ngaphasi kweligunya nemandla alo lime khona noma lelitihlanganise nawo futsi tinhloso tawo lelititfutukisako lafaka sandla emkhandlwini lobewuphetse kwesikhashana futsi longazange ufake sandla kuloSigungu saVelonkhe newetishayamtsetfo tetifundza ngaphasi kwaloMtemtsetfosisekelo.

4. Kuchitjiyelwa kwesigaba 227 semtsetfosisekelo lomdzala ngekususa sigatjana (2) kufakwe lesi lesilandzelako:

2. Umbutfo weTekuvikela wetemphi utawusebentisa emandla awo wente nemisebenti yawo ngekuwekelela tidzingo tesive ngekulandzela Sahluko 11 seMtemtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996.

5. Kuchitjiyelwa kwesigaba 236 seMtemtsetfosisekelo lomdzala –

- a. ngekususa sigatjana (1) kufakwe lesi lesilandzelako:

1. Litiko letekuphatfwa kwetisbenti tembuso, umnyango wembuso, kuphatsa noma umbutfo wetekuvikela lekwasiti ngembidlana nje ungakacali kusebenta uMtemtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996 (losewatiwa ngekutsi “nguMtemtsetfosisekelo lomusha”), kwenta imisebenti yahulumende, kutawuchubeka kusebente ngekulandzela noma kuhlelwe kabusha noma kuhlanganiswe naletinye tikhungo.

- b. ngekususa sigatjana (6) kufakwe lesi lesilandzelako:

6. a. Mengameli angabeka liKhomishani lekubuketa siphetho noma kuguculwa kwesivumelwano, kubekwa esikhundleni 213 noma kukhushulwa, noma kunikwa kwemvuzo noma timfanelo temsebenti, lokwenteka emkhatsini wamhlaka 27 Apreli 1993 namhlaka 30 Septemba 1994 kwanoma muphi umuntfu loshiwo esigatjaneni (2)

- noma licembu lebantfu labanjalo.
- b. LeliKhomishani lingasibuyisela emuva noma lisintjintje sivume lwanano, kubekwa esikhundleni, kukhushulwa noma kuniketwa kwemfanalo uma kungakafaneli noma kungakalungi kuleyo ndzawana.

futsi

- c. ngekufaka “loMtsetfosisekelo”, lapho kuvela khona loku esigabeni 236,

ngeMtsetfosisekelo lomusha.

6. Kuchitjiyelwa kwesigatjana 237 seMtsetfosisekelo lomdzala—

- a. ngekufaka endzimeni (a) yesigatjana (1) loku lokulandzelako:

(a) kuhlelwa kabusha kwetikhungo lekushiwo esigabeni 236 (1), lokungafaki imibutfo yetemphi lephawulwe esigabeni 224 (2), kutawutsi ngemuva kwekucala kusebenta kweMtsetfosisekelo we Riphabhulikhi yeNingizimu Afrika, 1996, kuchubeke ngenhloso yekusungula—

(i) kuphatfwa kahle kwembuso ezingeni lahulumende wavelonkhe kutekwati kuphatsa

tindzaba letiwela ngaphasi kwemkhakha wahulumende wavelonkhe; futsi
(ii) nekuphatfwa kahle kwembuso wahulumende wesifundza ngasinye kuze sikwati kulungisa tindzaba letiwela ngaphasi kwesigaba sahumende wesifundza.

futsi

- a. Ngekususa indzima (i) yesigatjana (2)(a) kufakwe lena lelandzelako:

(i) Tikhungo letishiwo esigabeni 236 (1), lokungafaki imibutfoyetemphi, titawuhlala kuhulumende wavelonkhe, lotawusebentisa emandlaakhe ngekubambisana nabohulumende betifundza;

7. Kuchitjiyelwa kwesigaba 239 seMtsetfosisekelo lomdzala kususwe sigatjana (4) kufakwe lesi lesilandzelako:

4. Ngaphasi kwembandzela wemtsetfo nangekulandzela umtsetfo losebentako, imphahla, emalungelo netibopho tayo yonkhe imibutfo lephawulwe esigabeni 224(2) itawuba semahlombe eMbutfo waVelonkhe weTekuvikela ngekulandzela imiyalelo yeNdvuna yeMbuso yeTekuvikela.