

# UmThethosisekelo weRiphabliki yeSewula Afrika



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# Isendlalelo

Thina, bantu beSewula Afrika,

Siyakwazi ukungangaphatheki kuhle kwethu  
esikhathini esidlulileko;

Sihlonipha labo abahlukumezekako ngobulungiswa  
nekululeko enarhenekhethu;

Sihlonipha labo abasebenzileko ekwakhiweni  
nekuthuthukisweni kwephasi lekhethu; begodu

Sikholwa bona iSewula Afrika ingeyabo boke abahlala  
kiyo, sibambene ngokwahlukahlukana kwethu.

Ngokujanyelwa bajameli bethu abakhethwe  
ngokutjhaphulukileko, samukela umThethosisekelo lo  
njengomthetho wokuthoma weRiphabliki -

- Ozokuqeda ukuhlukana okwadlulako begodu  
kwakhiwe umphakathi odzimelele eminqopheni  
yentando yenengi, ubulungiswa begodu namalungelo  
wobuntu wangokomThetho;
- Ozakubeka isisekelo sentando yenengi nomphakathi  
otjhaphulukileko lapha urhulumende adzimelele

khona eemfunweni zabantu begodu nalapha  
isakhamuzi ngasinye sivikelwe mthetho  
ngokulinganakho;

- Ozakwenza ngcono izinga lepilo yazo zoke  
izakhamuzi begodu nokuveza amakghono womunye  
nomunye umuntu; begodu
- Ngokwakha iSewula Afrika ebumbeneko neyentando  
yenengi ezokukghona ukuthatha indawo yayo  
njengenarha ezijameleko emndenini  
weentjhabatjhaba.

Kwanga uZimu angavikela abantu bekhethu.

Kosi Sikelel' i-Afrika.

Morena boloka setjhaba sa heso.

God seën Suid-Afrika.

God bless South Africa.

Mudzimu fhatutshedza Afurika.

Hosi katekisa Afrika.

# Isahluko 1: Iinqalelelo Ezisisekelo (1-6)

## 1. IRiphabliki YeSewula Afrika

1. IRiphabliki yeSewula Afrika mbuso ozijameleko, obambeneko wentando yenengi, osekelwe phezu kwamagugu alandelako:
  - a. Isithunzi sobuntu, ukuphunyelelisa kokulingana nokuthuthukiswa kwamalungelo wobuntu kanye nekululeko.
  - b. Ukungabandlululi ngobuhlanga nangobulili.
  - c. Ukuba ngaphezulu komThethosisekelo nokusebenza komThetho.
  - d. Ilungelo lokuvowuda labo boke abadala, irhelo elifanako labavowudi, amakhetho abanjwa njalo ngemva kwesikhathi esithileko begodu nerherho lentando yenengi lokubusa kweenhlangano ezinengi, ukuqinisekisa ubuziphendulelo, ukuba majadu nokuvuleka.

## 2. Ubukhulu BomThethosisekelo

UmThethosisekelo mThetho omkhulu weRiphabliki; umthetho namkha isenzo esingakhambisani nawo asikho emthethweni, begodu neembopho ezibekwa ngiwo kufanele zifezwe.

## 3. Ubuzwe

1. Kunobuzwe obufanako eSewula Afrika.
2. Zoke izakhamuzi—
  - a. zinamalungelo, amagunya kanye nokuzuzana ngokulinganako; begodu
  - b. zilawulwa misebenzi neembopho zobuzwe ngokulinganako.
3. UmThetho wenarha kumele ubonelele ukutholakala, ukulahlekelwa begodu nokubuyiselwa kobuzwe.

## 4. Ingoma Yesitjhaba

Ingoma yesitjhaba yeRiphabliki ibekwa nguMongameli ngesimemezelo sangokomThetho.

## 5. IFlarha YeNarha

IFlarha yeNarha yeRiphabliki inombala onzima, osarhawuda, ohlaza satjani, omhlophe, obomvu sabilibili nohlaza okusamkayi, njengombana ibunjiwe beyahlathululwa eHlelweni 1.

## 6. AmaLimi

1. Amalimi asemthethweni weRiphabliki ngila: Sepedi, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, isiBhuru, isiNgesi, isiNdebele, isiXhosa nesiZulu.
2. Ukwamukela amalimi wabantu lawo ekhabe angatjhejwa ngokuya komlando nangokobujamo bawo, umbuso kumele uthathe amagadango afaneleko nanepumelelo ukukhuphula ubujamo bokuthuthukiswa nokusetjenziswa kwamalimi lawo.
  - a. URhulumende weNarha noweemFunda angasebenzisa elinye nelinye ilimi elisemthethweni malungana nemisebenzi kaRhulumende, kutjhejwe ukusetjenziswa, ukusebenza kwawo, iindleko, ubujamo beemfunda nokulinganisa iindingo nalokho okukhethwa mphakathi wokana namkha kumaPhrovinsi athileko; kodwana uRhulumende weNarha nomunye nomunye uRhulumende wesiFunda kumele asebenzise ubuncani bakhona amalimi amabili asemthethweni.
  - b. Abomasipala kumele batjheje amalimi asetjenziswa namkha enyulwa zizakhamuzi zabo.
3. URhulumende weNarha noweemFunda ngokuya kwamagadango asemthethweni kumele alawule begodu abeke ilihlo ukusetjenziswa kwamalimi lawo asemthethweni. Ngaphandle kokuphikisana nokutjhiwo kusigatjana (2) woke amalimi kumele ahlonitjhe ngokulinganako begodu aphantsi nangokulinganako.
4. IBhodo yamaLimi woKe weSewula Afrika eyahlonywa ngokomThetho welizwe kumele—
  - a. ithuthukise begodu isungule nobujamo obuzokubonelela ituthuko nokusetjenziswa—
    - i. kwamalimi woke asemthethweni;
    - ii. kwesi-Khoi, isiNama nesi-San; begodu
    - iii. neLimi lamaTshwayo;
  - b. begodu ukuthuthukisa noqinisekisa ukhlonitjhe—
    - i. kwawo woke amalimi asetjenziswa ngokujayelekileko miphakathi yeSewula Afrika, ukufaka phakathi isi-German; isi-Greek; isi-Gujarati, isi-Hindu, isi-Portuguese, isi-Tamil, isi-Telegu begodu nesi-Urdu; begodu
    - ii. isi-Arabic; isi-Hebrew; isi-Sanskrit; begodu namanye amalimi asetjenziselwa ezekolo eSewula Afrika.



# Isahluko 2: UmTlolo WamaLungelo WobuNtu (7-39)

## 7. Amalungelo

1. UmTlolo wamaLungelo wobuNtu usisekelo okwakhelwe phezu kwaso intando yenengi eSewula Afrika. Umumethe amalungelo wabo boke abantu benarha yekhethu begodu uqinisa amagugu wentando yenengi nesithunzi sobuntu, ukulingana kanye netjhaphuluko.
2. Umbuso kumele uhloniphe, uvikele, uthuthukise begodu uzalise amalungelo amunyethwe mTlolo wamaLungelo wobuNtu.
3. Amalungelo amunyethwe mTlolo wamaLungelo wobuNtu ngokulawulwa mikhawulo emunyethweko namkha okukhulunywa ngayo esigabeni 36, namkha ngokutjiwo kwenye indawo ngaphakathi kwalomtlolo lo.

## 8. Ukusetjenziswa kwawo

1. UmTlolo wamaLungelo wobuNtu lo usebenza kiwo woke umThetho begodu ubopha isiBethamthetho, isiGungu, iphiko lezobuLungiswa nazo zoke iinJamiso zomBuso.
2. Isiqalelelo somTlolo lo wamaLungelo wobuNtu sibopha umuntu wendabuko namkha womThetho nangabe, begodu nokufikela ezingeni lapha ukghona khona ukusebenza, ngokutjhejwa komhlobo welungelo begodu nomhlobo womsebenzi lowo onikelwa lilungelwelo.
3. Nakungenzeka usebenzise isiqalelelo somTlolo wamaLungelo wobuNtu emuntwni wendabuko namkha womthetho ngokuya kwesigatjana (2), ikhotho—
  - a. ukuze iphumelelise ilungelo elithileko elisemTlolweni, kumele isebenzise, namkha nangabe kunetlhogakalo, ithuthukise umThetho wesintu kuze kufike ezingeni lapha umThetho okukhulunywa ngawo ungasaphumelelisi khona ilungelwelo, begodu
  - b. kungenzeka bona ithuthukisa imilayo yomThetho wesintu ukurhunyeka ilungelo, kodwana nangabe ukurhunyezokho kukhambisana nesigaba 36(1).
4. Umuntu womThetho naye unelungelo lokufumana amalungelo asemTlolweni wamaLungelo wobuNtu ngokuya kwendlela etlhogwa lihlobelo lamalungelo begodu nehlobelo lomuntu womThetho.

## 9. Ukulingana

1. Boke abantu bayalingana phambi komThetho, begodu banelungelo lokuvikeleka kanye nokusizwa mThetho ngokulinganako.
2. Ukulingana kufaka hlangana ukuthabela amalungelo nepumelelo ngokuzeleko nangokulingana. Ukuthuthukisa ukufikeleleka kokulingana, imithetho

begodu namanye amagadango ahlelelwe ukuvikela namkha ukuthuthukisa abantu, namkha iinqhema zabantu ebegade zidlelezelwe ngebanga lebandlululo elingasifeya.

3. Angekhe kwenzeka bona umBuso ubandlulule ngokungasifeya, bunqopha namkha ingasibunqopha nanyana ngubani ngombandela owodwa nakha ngaphezulu, ukufaka hlangana ukubandlulula ngokwebala, ngokobulili, ngokobana umuntu usidisi, utjhadile namkha akakatjhadi, ngokobuhlobo ngokobana umuntu udabuka kusiphi isitjhaba, ngokombala, ngokuzibandakanya nobulili obuthileko, ngeminyaka yobudala, ngokukhubazeka, ngokwekolo, unembeza, ikolelo, ngokwamasiko, ngokwelimi nango kubelethwa.
4. Akekho umuntu okungenzeka bona abandlululwe nginayana ngubani ngokungasifeya, bunqopha namkha awa, ngombandela owodwa nanyana ngaphezulu, ngokuya kwesigatjana (3). UmThetho wenarha wokuvimbela namkha wokujamisa ibandlulo elingasifeya kumele uphasiswe.
5. Ibandlululo ngebanga lombandela owodwa namkha ngaphezulu erheliswe kusigatjana (3) ayisifeya ngaphandle kobana kutholakale bona ibandlululweli kwamambala lifeya.

## 10. IsiThunzi SobuNtu

Omunye nomunye umuntu unesithunzi ngokwemvelo, begodu unelungelo lokobana isithunzi sakhe sihlonitjhe besivikelwe.

## 11. Ipilo

Omunye nomunye umuntu unelungelo lokuphila.

## 12. Itjhaphuluko Nokuvikeleka Komuntu

1. Omunye nomunye umuntu unelungelo letjhaphuluko nokuvikeleka okufaka hlangana ilungelo—
  - a. lokungadinywa itjhaphuluko ngokungasimthetho namkha ngaphandle kombandela ozwakalako;
  - b. lokungavalelwa ejele ngaphandle kokuvela ekhotho;
  - c. lokutjhaphuluka kiyo yoke imihlobo yenturhu kungaba ngevela emithonjeni yomphakathi namkha yangeqadi;
  - d. lokungatlhoriswa nanganyana ngiyiphi indlela; begodu
  - e. nelokungaphathwa namkha ajeziswe ngendlela esihluku, enganabantu namkha eyehlisa isithunzi.
2. Omunye nomunye umuntu unelungelo lokobana ubujamo bakhe bomzimba nebomkhumbulo bungathathelwa phasi, lokhu kufaka hlangana nelungelo—

- a. lokuthatha isiqunto malungana nokubeletha;
- b. lokuvikeleka nelelawulo ngemizimbabo; begodu
- c. nelokungasetjenziselwa ukulingelela ukusebenza kwesihlahla namkha nanyana ngisiphi isisetjenziswa esiphathelene nezesayensi ngaphandle kwemvumakhe.

### 13. Ubugqila, Ukukatelelwa Ukuhlonipha Omunye Namkha Ukukatelelwa Ukusebenza

Akekho noyedwa umuntu ozakwenziwa isigqila, akatelelwe ukuhlonipha omunye namkha akatelelwe ukusebenza.

### 14. Ukuba Wedwa

1. Omunye nomunye umuntu unelungelo lokungaphazanyiswa, lokhu kufaka hlangana nelungelo lokobana—
  - a. umzimbakhe namkha umuzakhe ungasetjha;
  - b. ipahlakhe ingasetjha;
  - c. ipahlakhe ingathathwa ngekani; namkha d. nekulumakhe ebuntumba ingacajelwa.

### 15. Itjhaphuluko Yekolo, Ikolelo Begodu Nombono

1. Omunye nomunye umuntu unelungelo letjhaphuluko kanembeza, ikolo, ukucabanga, ikolelo begodu nokuveza umbono.
2. Iinkonzo zingabanjelwa eenjamisweni zombuso namkha eenjamisweni ezirhelejwa mbuso, nangabe—
  - a. iinkonzwezo zilandela imilayo yekambiso ebekwe ziimphathiswa zomphakathi ezifaneleko.
  - b. iinkonzwezo zikhanjiswa ngendlela efaneleko; begodu
  - c. nokuzikhambela kutjhaphulukile begodu akukakatelelwa.
3.
  - a. Isigabesi asivimbeli umThetho owamukela—
    - i. imitjhado ephethwa ngananyana ngiliphi isiko, namkha irherho lekolo, ngokomThetho womndeni namkha womtjhadhi; begodu
    - ii. amarherho womThetho womndeni newomtjhadhi ngaphasi kwananyana ngiliphi isiko, namkha kungaba ngelabantu abalandela ikambiso yekolo ethileko.
  - b. Ukwamukelwa ngokuya kwepharagrafu (a) kumele kukhambisane nesigabesi begodu nezinye iinqalelelo zomThethosisekelo.

### 16. Itjhaphuluko Yokuveza Amazizo

1. Omunye nomunye umuntu unelungelo letjhaphuluko yokuveza amazizwakhe, okufaka hlangana—
  - a. itjhaphuluko yamaphephandaba namanye amamidiya;
  - b. itjhaphuluko yokwamukela namkha ukudlulisa ilwazi namkha imibono;
  - c. itjhaphuluko yokuveza ikghono lokubumba nokusungula; begodu

- d. netjhaphuluko yezokufunda begodu netjhaphuluko yokwenza irhubhululo elubusayensi.

2. Ilungelo elitjhiwo esigatjaneni (1) alifaki lokhu—
  - a. ukukhuluma ngendlela ephehla ipi;
  - b. ukutjala umoya ongabangela inturhu; namkha
  - c. ukuletha ukuhloyana okudzimelele ekuhlukakeni ngokwebala, ngokobuhlobo, ngokobulili, namkha ngokwekolo begodu lokho kuphehla inturhu engabangela ukulimala.

### 17. Ukubuthana, Ukutjhagala, Ukurhwanta Nokwethula Iinghonyayo

Omunye nomunye umuntu unelungelo lokubuthana, ukungenela ijima lokutjhagala, lokurhwanta nokwethula iinghonyayo ngaphandle kwenturhu neenkali.

### 18. Itjhaphuluko Yokuhlanganyela

Omunye nomunye umuntu unelungelo lokuhlanganyela.

### 19. Amalungelo Wezombanganarha

1. Esinye nesinye isakhamuzi sitjhaphulukile bona singazikhethela esikufunako manqophana nezombanganarha, lokhu kufaka hlangana nelungelo loku—
  - a. sungula ihlangano yezombanganarha
  - b. zibandakanya emisebenzini yehlangano, namkha uyifunele ihlangano leyo amalunga, begodu
  - c. nokukhankasela ihlangano leyo yezombanganarha.
2. Esinye nesinye isakhamuzi sinelungelo lokungenela amakhetho atjhaphulukileko, afeya neza qobe ngemva kwesikhathi esithileko, wesinye nesinye isiBethamthetho esithanywe ngokuya komThethosisekelo.
3. Omunye nomunye umuntu omdala unelungelo—
  - a. lokuvowuda, emakhethweni wokuvowudela nanyana ngiliphi ibandla lesiBethamthetho, elitlhanywe ngokuya komThethosisekelo, begodu nokuvowuda buntumba; begodu
  - b. nokujamela ukuba ngunkhethani esikhundleni sokusebenzela umphakathi, nangabe kwenzekile bona ukhethwe, uphathe isikhundla sokusebenzela umphakathi.

### 20. Ubuzwe

Asikho isakhamuzi esingadinywa ubuzwe baso.

### 21. Itjhaphuluko Yokukhamba Nokuhlala Umathanda

1. Omunye nomunye umuntu unelungelo lokukhamba ngokutjhaphuluka.
2. Omunye nomunye umuntu unelungelo lokufuduka la eRiphabliki.
3. Esinye nesinye isakhamuzi sinelungelo lokungena,

nokuhlala nanyana kukuphi la eRiphabliki.

4. Esinye nesinye isakhamuzi sinelungelo lokuba nepasipoti.

## 22. Itjhaphuluko Yokurhweba, Yesikhundla Somsebenzi Nebizelo

Ngokulawulwa mThetho, esinye nesinye isakhamuzi sinelungelo lokuzikhethela irhwebo, ukufumana isikhundla somsebenzi nokuba nebizelo.

### 23. Itjhebiswano Kezemisebenzi

1. Omunye nomunye umuntu unelungelo lokuphathwa ngendlela efaneleko emsebenzini.
2. Esinye nesinye isisebenzi sinelungelo—
  - a. lokubumba nokujoyina iinhlango zabasebenzi;
  - b. lokuzibandakanya emisebenzini nemahlelweni weenhlango zabasebenzi; begodu
  - c. nelokunghala umsebenzi.
3. Omunye nomunye umqatjhi unelungelo—
  - a. lokubumba nokujoyina iinhlango zabaqatjhi, begodu
  - b. nokuzibandakanya emisebenzini nemahlelweni weenhlango zabaqatjhi.
4. Enye nenye ihlango yabasebenzi begodu nenye ihlango yabaqatjhi inelungelo—
  - a. lokukhetha abaphathi, amahlelo nemisebenzawo;
  - b. lokuhlela; begodu
  - c. nelokubumba nokujoyina umfelandawonye.
5. Enye nenye ihlango yabasebenzi, ihlango yabaqatjhi begodu nomqatjhi banelungelo lokuzibandakanya eenkulumiswaneni zokubonisana. UmThetho wenarha ungabekwa ukulawula ikulumiswano yokubonisana. Kangangobana umThetho ungaqunta ilungelo eSahlukwenesi, ukuquntwa kumele kukhambisane nesigaba 36(1)
6. UmThetho weNarha ungamukela amalungiselelo wokuvikela iinhlango amunyethwe eemvumelwaneni zebambiswano. Kangangobana umThetho ungaqunta eSahlukwenesi, ukuqunta kufanele kukhambisane nesigaba 36(1).

### 24. Ibhoduluko

1. Omunye nomunye umuntu unelungelo—
  - a. lokuba sebhodulukweni engekhe lahlunguphaza ipilo nehlahalukhle yakhe; begodu
  - b. nokuba nebhoduluko elivikelekileko, ukwenzela bona kuzuze isizukulwana sakhathesi nesizako, ngokusetjenziswa komThetho ozwakalako namanye amagadango ahlelelwe—
    - i. ukuvimbela ukusilaphazeka kwebhoduluko nokurhurhuleka kwehlabathi
    - ii. ukukhuthaza ukuthogonyelwa kwemvelo; begodu
    - iii. nokuqinisekisa ituthuko edzimeleleko nokusetjenziswa kuhle kwemithombo yemvelo, ngakelinye ihlangothi kuthuthukiswe nokuqinisekisiweko zomnotho

nezomphakathi.

### 25. Ipahla

1. Akakho umuntu ozakudinywa ipahla ngaphandle kwalokha kwenziwa ngokulandela umThetho osebenza ngokuvamileko, begodu awukho umThetho ongavumela bona umuntu adinywe ipahla ngokungasimthetho.
2. Ungamukwa ipahla kwaphela ngokuya komThetho osebenza ngokuvamileko—
  - a. nangabe kwenzelwa iindingo namkha iinrhuluphelo zomphakathi; begodu
  - b. ngokulawulwa kuliliswa ngemali, inani layo begodu nesikhathi nendlela ezakubhadelwa ngayo okungenzeka bona kuvunyelwane ngayo hlangana nalabo abathintekako namkha kuthathwe isiqunto namkha kuquntwe yikhotho.
3. Inani lemali yesililiso, isikhathi nendlela ezakubhadelwa ngayo kufanele kube ngelungileko nelinganako, etjengisa ukulinganiswa okufaneleko hlangana kweenrhuluphelo zomphakathi neenrhuluphelo zalabo abathintekako, begodu kutjhejwe yoke imibandela efaneleko, okufaka hlangana—
  - a. ukusetjenziswa kwepahla njenganje;
  - b. umlando wokutholakala nokusetjenziswa kwayo;
  - c. bona ingabiza malini nange ithengiswa;
  - d. izinga elinqophileko lokubulunga nokurhelebha kombuso ngeemali ekutholweni nekuthuthukisweni kwenani lenzuzo yepahla; begodu
  - e. nomnqopho wokwemukwa ipahla leyo.
4. Ngokomnqopho wesigabesi—
  - a. iinrhuluphelo zomphakathi zifaka hlangana isibopho sesitjhaba sokutjhugululwa kwenarha namatjhuguluko abonelela ukutholakala kwayo yoke imithombo yemvelo yeSewula Afrika; begodu
  - b. nokobana ipahla ayifaki hlangana inarha kwaphela.
5. Umbuso kumele ubeke umThetho begodu uthathe namagadango azwakalako ngaphakathi kwemithombo enayo, ukukatelela imibandela eyenza bona izakhamuzi zikghone ukuthola inarha ngendlela elinganako.
6. Umuntu namkha umphakathi lowo isikhathi sawo sokusebenzisa inarha esingakavikeleki ngokomThetho ngebanga lomThetho wangesikhathi sebandlululo obandlulula ngokwebala namkha izenzo, unelungelo ukufikela ezingeni elitjhiwo mThetho wePalamende, nofana isikhathi esivikelekileko ngokomThetho namkha ngokulungisa okumadanisekako.
7. Umuntu namkha umphakathi omukwe ipahla ngemva kwamhlana zili-19 kuMgwengweni 1913 ngebanga lomThetho wengesikhathi sebandlululo, obandlulula ngokwebala namkha izenzo, unelungelo ukufikela ezingeni elitjhiwo mThetho wePalamende, namkha ngokubuyiswa kwepahla leyo namkha ngokulungiswa ngendlela elinganako.
8. Asikho nesisodwa isiqalelelo sesigabesi esingavimbela

umbuso ekuthatheni umThetho namanye amagadango ukwenzela bona bothole inarha, amanzi nokhunya okukhambelana namatjhuguluko la, ukuze kulungiseke imiphumela yebandlululo ngokwebala kwangesikhathi esadlulako, ngaphandle kwanyana ukutjhida okhunya nokhunya eenqalelelweni zesigabesi kukhambisana neenqalelelo zesigaba 36 (1).

9. IPalamente kumele imemezele umThetho otjhiwo esigatjaneni (6).

## 26. Zezindlu

1. Omunye nomunye umuntu unelungelo lekghono lokufunyanwa kwezindlu ngokwaneleko.
2. Umbuso kumele uthathe amagadango azwakalako womThetho namanye amagadango, ngokusemandleni wawo, ukukghonakalisa ngokupheleleko ilungelweli.
3. Akekho noyedwa ongakhutjiswa ngendlinakhe, namkha indlwakhe engabhidlizwa, ngaphandle kwencwadi yesigunyazo sekhotho eyenziwa emva kokutjhejwa kwawo woke amaphuzu aqakathekileko. Awukho nowodwa umThetho ongakuvumela bona umuntu akhutjwe endlinakhe ngokungasimthetho.

## 27. Zamaphilo, Ukudla, Amanzi Begodu Nokuvikeleka Kwezehlalakhuhle

1. Omunye nomunye umuntu unelungelo lekghono lokufumana lokhu—
  - a. ukuthlogonyelwa kezamaphilo, okufaka hlangana ukuthlogonyelwa ngehlangothini lezokubeletha;
  - b. ukuthola ukudla okwaneleko namanzi ahlanzekileko; begodu
  - c. ukuvikeleka kwezehlalakhuhle, okufaka hlangana, ukurhelejwa okufaneleko kwezehlalakhuhle nangabe umuntu ubhalelwa kuzondla yena, nalabo okumele abondle.
2. Umbuso kumele uthathe amagadango afaneleko wangokomThetho namanye amagadango, ngokusebenzisa imithombo yawo ekhona, ukuphumelelisa elinye nelinye lamalungelo la.
3. Akakho noyedwa umuntu ongalelwa irhelelho elirhabako lokwelatjiswa.

## 28. Abantwana

1. Omunye nomunye umntwana unelungelo—
  - a. lokuba nebizo nobutjhaba kusukela nakabelethwako;
  - b. lokuthlogonyelwa bazali namkha mndeni; namkha ukuthola ithlogomelo elinye elifaneleko nangabe ususiwe emndeninakhe;
  - c. lokuthola ukudla okunezakhamzimba, indawo yokuhlala; ukwelatjiswa; begodu nokutjhejwa kwezehlalakhuhle;
  - d. lokuvikelwa ekuphathweni kumbi; ukuninwa, ukuhlukunyezwa namkha ukwehliswa kwesithunzi sobuntu
  - e. lokuvikelwa ekusetjenzisweni mqatjhi ngokungakafaneli;

- f. ukungafuneki namkha ukungakavunyelwa bona wenze umsebenzi othileko namkha unikele umsebenzi—
  - i. ongakalungeli umuntu oneminyaka elingana neyobudala bomntwana lowo; namkha
  - ii. obeka umntwana ngokwakhe ebudisini, ifundwakhe, ipilwakhe, ingqondo, umoyakhe, ukuziphatha begodu nekuzithuthukiseni kwakhe;
- g. lokobana angabotjiswa ngaphandle kwanyana sele kungasekho elinye igadango lamaswaphelo, lapha ngaphezu kwamalungelo umntwana awatholako ngaphasi kwesigaba 12 nesama-35, umntwana angabotjiswa kwaphela isikhatjhana esifitjhani nesifaneleko begodu unelungelo loku—
  - i. hlukaniswa neembotjiswa ezingaphezulu kweminyaka eli-18; begodu
  - ii. phathwa ngaphasi kobujamo obufanele umntwana waleyo minyaka;
- h. lokuba nomjameli wezomthetho obonelelwa mbuso, begodu nangeendleko zombuso kuleyo milandu yemibango ethinta umntwana loyo nangabe ukungakhambi kuhle komthetho kungahle kube khona; begodu
  - i. nelokungasetjenziswa kwakhe bunqopha lapha kunenturhu yeenkhali khona nokobana kumele avikeleke ngeenkhathi zenturhu yeenkhali.
2. Iinrhuluphelo zomntwana kuyinto eqakatheke khulu ezintweni zoke eziphathelene nomntwana.
3. Esigabenesi nakukhulunywa ngomntwana kutjhiwo umuntu oneminyaka engaphasi kweli-18 ubudala.

## 29. Ifundo

1. Omunye nomunye umuntu unelungelo—
  - a. lokuthola ifundo esisekelo, okufaka hlangana nefundo esisekelo yabantu abadala; begodu
  - b. nelokuthola ifundo ephakemeko, okumele bona umbuso ngokuthatha amagadango afaneleko uyenze ibekhona beyikghone ukufumaneka begodu iragele phambili ngendlela okungakghonakala ngayo.
2. Omunye nomunye umuntu unelungelo lokuthola ifundo ngelimi elisemthethweni namkha ngelimi azikhethela lona eenkhungweni zefundo ezingezomphakathi, lapha ifundo leyo inikelwa khona ngokuzwakalako. Ukwenzela bona kuqinisekiswa ikghono lokutholakala okunepumelelo kokusetjenziswa kwelungelweli, umbuso kumele uqalelele woke amagadango ahlukeneko wefundo, okufaka hlangana iinkhungo ezisebenzisa ilimi elilodwa, ukutjheja—
  - a. ukulingana
  - b. ikghonakalo; begodu
  - c. isidingo sokulungisa imiphumela yezenzo zemithetho yesikhathi esigadungileko ebandlulula ngokwebala.
3. Omunye nomunye umuntu unelungelo lokusungula begodu agcine isikhungo sezefundo, asisekele ngeemali zakhe begodu sizijamele nangabe iinkhungo

lezo—

- a. azibandlululi ngokwebala;
  - b. zitlolisiwe embusweni; begodu
  - c. azikho ezingeni eliphasi nazimadaniswa nalezonkhungo zefundo ezilawulwa mphakathi.
4. Isigatjana (3) asivimbeli ukusizwa ngeemali mbuso kweenkhungo zefundo ezizijameleko.

### 30. Ilimi Namasiko

Omunye nomunye umuntu unelungelo lokusebenzisa ilimi nokudlala indima epilwenakhe yamasiko azikhethela yona, kodwana akekho noyedwa umuntu ozakuthi lokha nakasebenzisa amalungelwakhe, awasebenzise ngendlela engakhambisaniko yananyana ngisiphi isiqalelelo somTlolo wamaLungelo.

### 31. Imiphakathi Yangokwamasiko, Ikolo Nelimi

1. Abantu bomphakathi abakhambisanako ngokwamasiko, ikolo nelimi angeze badinywa ilungelo, namanye abantu womphakathi lowo, loku—
  - a. thabela isiko labo, benze ikolo yabo bebasebenzise ilimi labo, begodu
  - b. nokusungula, ukujoyina nokuraga iinhlango zamasiko, ikolo nezamalimi, nezinye iinjamiliso zomphakathi.
2. Amalungelo asesigatjaneni (1) angekhe asetjenziswa ngendlela engakhambisani nanoma ngisiphi isiqalelelo somTlolo wamaLungelo.

### 32. Ilungelo Lokuthola Ilwazi

1. Omunye nomunye umuntu unelungelo lokuthola—
  - a. elinye nelinye ilwazi eliphethwe mbuso, begodu
  - b. nelinye nelinye ilwazi eliphethwe ngomunye umuntu okumele lisetjenziselwe namkha kuvikelwe nagalo nanyana ngimaphi amalungelo.
2. UmThetho wenarha kufanele umenyazelwe ukuphumelelisa ilungelweli begodu kungathathwa amagadango azwakalako ukwethula ubudisi bokuphatha nebeemali obuphezu kombuso.

### 33. Igadango Lekambiso Elungileko YezomThetho

1. Omunye nomunye umuntu unelungelo lokuphathwa ngendlela esemthethweni, ezwakalako begodu nangekambiso elungileko.
2. Omunye nomunye umuntu amalungelwakhe athinteka kabuhlungu ngebanga legadango lekambiso, unelungelo lokunikelwa abonobangela balokho ngokutloliweko.
3. UmThetho wenarha kumele umenyazelwe ukuphumelelisa amalungelo la, begodu kumele—
  - a. unikele ukuhloliswa godu kwegadango lekambiso yikhotho namkha lapha kufaneleko, kungaba yikundla ezijameleko begodu nengathathi ihlangothi;

- b. ubophelele umbuso bonyana uphumelelise amalungelo aseengatjaneni (1) no (2); begodu
- c. uthuthukise ikghono lekambiso yezokuphatha.

### 34. Ilungelo Lokuya Ekhotho

Omunye nomunye umuntu unelungelo lokusa nanyana ngimuphi umbango ongararululwa yikhotho ngokusebenzisa umThetho, ulalelwe mphakathi ngaphambi kwekhotho, namkha lapha kufaneleko, ungasiwa kenye iforamu ezijameleko engathathi ihlangothi.

### 35. Abantu Ababotjhiweko, Abavalelweko Begodu Nabamangalelweko

1. Omunye nomunye umuntu obotjhiweko ngebanga lokusolelwa bonyana wenze umlandu unelungelo—
  - a. lokuzithulela;
  - b. lokutjelwa msinyana—
    - i. ngelungelo lakhe lokuzithulela; begodu
    - ii. ayeleliswe ngokungenzeka nakangazithuleliko;
  - c. lokungakatelelwa bonyana avume akwenzileko, ngombana lokho kungahle kusetjenziswe njengobufakazi obumbophelelako;
  - d. lokuvela ekhotho msinya ngokungakghonakalako, kodwana kungabi ngemva—
    - i. kwama-iri ama-40 ngemva kokubotjhwa; namkha
    - ii. kokuphela kwelanga lokuthoma lekhotho emva kokudlula kwama-iri ama-48, nangabe ama-iri ama-48 aphela ngaphandle kwama-iri wekhotho ejayelekileko namkha ngelanga okungasilo elijayelekileko lekhotho;
  - e. lokobana ekuveleni kokuthoma phambi kwekhotho emva kokubotjhwa, athweswe umlandu namkha atjelwe ibanga lokwelulwa kwesikhathi sakhe sokuvallelwa, namkha atjhatjhululwe; begodu
  - f. lokutjhatjhululwa ejele nangabe imibandela yomThetho iyavuma, ngokulawulwa bujamo obuzwakalako.
2. Omunye nomunye umuntu obotjhiweko, okufaka hlangana esinye nesinye isibotjhwa esele sigwetjiwe, sinelungelo—
  - a. lokobana sitjelwe bonyana sibotjhelweni;
  - b. lokukhetha, nokuthintana nomjameli womthetho begodu sitjelwe msinya ngalelilungelo;
  - c. lokubonelelwa ngomjameli womthetho okhonjwe mbuso begodu nangeendleko zombuso nangabe kunekghonakalo lokobana ubulungiswa obuphathekako bubekhona begodu kumele sitjelwe msinya ngelungelweli;
  - d. lokuyokumangala ekhotho, simangalele ukwazi bona ukubotjhwa kwaso kusemthethweni nayana awa, nangabe ukubotjhwa kwaso akukho emthethweni, sitjhatjhululwe
  - e. lokuvallelwa ngaphasi kobujamo obukhambisana nesithunzi sobuntu, okufaka hlangana okungasenani ngokunikela indawo eyaneleko



- yokuhlala, ukudla okwakha umzimba, iincwadi zokufunda, kanye nokwelatjiswa ngeendleko zombuso; begodu
- f. nelokuthintana, nokuvakatjhelwa ngilaba abalandelako—
    - i. ngowakwakhe namkha umlingani;
    - ii. iinhlobo;
    - iii. uMeluleki wezekolo okhethwe nguye, begodu
    - iv. noDorhodere okhethwe nguye.
3. Omunye nomunye ummangalelwa unelungelo lokugwetjwa ngendlela efaneleko, okufaka hlangana ilungelo—
    - a. lokwaziswa ngomlandu abekwe wona, anikelwe neminingwana ngokunabileko ukwenzela bona akghone ukuziphendulela emlandwini loyo;
    - b. lokuthola isikhathi esaneleko neenkghonakalisi ezaneleko angazisebenzisa ekuzivikeleni;
    - c. lokugwetjwa ekhotho yomthetho ojwayelekileko nevulelwe umphakathi;
    - d. lokulalelwa komlandwakhe kuthonywe bekuqedwe ngaphandle kokuriyada okungazwakaliko;
    - e. lokubakhona lokha nakugwetjwa umlandwakhe;
    - f. lokukhetha begodu nokobana ajanyelwe mjameli womthetho begodu atjelwe ngelungelweli msinyana;
    - g. lokubonelelwa ngomjameli womthetho ozakubhadelwa mbuso lokha nakubonakala bona kungaba nokungakhanjiswa ngokulungileko komlandu, begodu aziswe ngelungelwelo msinyana;
    - h. lokuthathwa ngokobana akanamlandu, azithulele, begodu nokobana angafakazi lokha nakugwetjwako;
    - i. lokuthula ubufakazi nokuphikisa ubufakazi obuthuliweko;
    - j. lokungakakatelelwa ukwethula ubufakazi obumbophako;
    - k. lokugwetjwa ngelimi alizwisisako, namkha lokho nakungakghonakaliko, atologelwe ngelimi alizwako;
    - l. lokungagwetjelwa isenzo namkha ukungakenzi okugade kungasimlandu ngaphasi komthetho wenarha namkha umthetho weentjhabatjhaba ngesikhathi lokho nakwenzekako namkha kungenzeki;
    - m. lokungagwetjwa ngomlandu omayelana nesenzo namkha lokho okwatjhiywako lapha umutnu afunyanwa anganamlandu namkha afunyanwa bona umlandu;
    - n. lokuba nethuba lokubethwa ngeswazi elincani lokha nangabe isigwebo esibekiweko sitjhugululwe hlangana nesikhathi umlandu owenziwe ngaso nesikhathi sokugwetjwa; begodu
    - o. nelokwenza isibawo bona umlandwakhe ubuyekezwe namkha uhlolisiswe yikhotho engaphezulu.
  4. Nanganyana ngisiphi isikhathi lapha isigabesi sifuna khona bona umbiko utjelwe umuntu; umbiko lowo kumele unikelwe ngelimi lelo umuntu loyo

alizwisisako.

5. Ubufakazi obutholakele ngendlela ephikisana nanyana ngiliphi ilungelo elingaphakathi komTlolo lo wamaLungelo wobuNtu kumele bulahlwe, nangabe ukwamukelwa kobufakazobo kungenza bona ukugwetjwa komlandu lowo kube ngokungakalungi namkha ngendlela ethile kungakhubaza ikambiso yezobulungiswa.

### 36. Ukurhunyezwa Kwamalungelo

1. Amalungelo angaphakathi komTlolo wamaLungelo wobuNtu angarhunyezwa kwaphela ngokuya komThetho osebenza ngendlela evamileko ukufikela lapha ukurhunyezwa kwawo kuzwakala begodu kufaneleko emphakathini ovulekileko nophethe ngentando yesitjhaba edzimele phezu kokuhlonitjiswa kwesithunzi sobuntu, ukulingana netjhaphuluko, kutjhejwe nawo woke amaphuzu afaneleko, okufaka hlangana—
  - a. umhlobo welungelwelo;
  - b. ukuqakatheka komnqopho werhunyezwelo;
  - c. umhlobo nobungako berhunyezo;
  - d. ubuhlobo phakathi kwerhunyezo nomnqophalo; begodu
  - e. nendlela enegandelelo elirhunyeziweko yokuphumelelisa umnqopho.
2. Ngaphandle kwalokho okutjhiwo esigatjaneni (1) namkha kunanyana ngisiphi isiqalelelo somThethosisekelo, awukho umThetho ongarhunyeka nanyana ngiliphi ilungelo elibonelelwe ngaphakathi komTlolo wamaLungelo wobuNtu.

### 37. UmThetho Wobujamo Oburhabileko

1. UmThetho wobujamo oburhabileko ungamenyezelwa kwaphela ngokuya komThetho wepalamende begodu kwaphela nangabe—
  - a. ipilo yesitjhaba isengozini yokuthuselwa ngepi, ukusahlelwa, ukuvukela umbuso, irawurawu, umonakalo omkhulu ngenarheni namkha kunento erhabileko emphakathini; begodu
  - b. nesimemezelo somThethweso siyatlhogeka ekubuyisweni kokuthula nokuthotjelwa komThetho.
2. Ukumenyezelwa komThetho wobujamo oburhabileko, begodu nomunye nomunye umThetho omenyezelweko, namkha elinye nelinye igadango elithethweko ngokulandela ukumenyezelwa komThetho lo, lingathoma ukusebenza kwaphela nangabe—
  - a. lithoma ukusebenza ngelanga elimenyezelwe ngalo, begodu
  - b. kungadluli amalanga ama-21 ukusukela ngelanga elimenyezelwe ngalo, ngaphandle kwanyana isiBethamthetho seNarha sithatha isiqunto sokwengeza isimemezelweso ngesikhathi esingadluli eenyangu ezintathu esikhathini esisodwa. Ukungezelela kwamathomo kokumenyezelwa komThetho wobujamo

oburhabileko kumele kube ngendlela yesiqunto esamukelwe linengi lamalunga wesiBethamthetho seNarha. Esinye nesinye isiqunto esithethwe ngokuya kwendima le, kumele samukelwe kwaphela ngokusekelwa ngamavowudu amaphesenthi ama-60 wamalunga wesiBethamthetho seNarha. Isiqunto ngokuya kwepharagrafu le singamukelwa kwaphela ngokulandela iinkulumopikiswano zomphakathi ezibanjwe ngaphakathi kwesiBethamthetho seNarha.

3. Enye nanye ikhotho enamandla ingaqinisekisa ngokuba semthethweni—
  - a. kwesimemezelo somThetho wobujamo oburhabileko;
  - b. kokhunye nokhunye ukwengezelelwa kwesikhathi somThetho wobujamo oburhabileko; namkha
  - c. komunye nomunye umThetho ophasisiweko namkha elinye igadango elithethweko, ngebanga lesimemezelo somThetho wobujamo oburhabileko.
4. Omunye nomunye umThetho ophasiswe ngokulandela isimemezelo somThetho wobujamo oburhabileko ungaphikisana nomTlolo wamaLungelo wobuNtu ukufikela kwaphela lapha—
  - a. ukuphikisanokho nanyana kunjani kutlhogwa khona khulu bujamo oburhabileko; begodu
  - b. namuThetho loyo—
    - i. ngokukhambisana neembopho zeRiphabliki le ngaphasi komThetho weentjhabatjhaba osetjenziswa ngeenkathi zomThetho wobujamo oburhabileko;
    - ii. ukukhambisana nesigatjana (5); begodu
    - iii. ukhutjwe kuGazede kaRhulumende ngokurhabeka okungakghonakalako emva kokuphasiswa kwawo.
5. Awukho umThetho wePalamende ogunyaza isimemezelo somThetho wobujamo oburhabileko begodu awukho umThetho ophasisiweko namkha elinye igadango elithethweko ngokulandela isimemezelo, ongavumela namkha ugunyaze—
  - a. ukubhadelwa kombuso namkha omunye nomunye umuntu manqophana nesinye nesinye isenzo esingekho emthethweni;
  - b. okhunye nokhunye okuphikisana okuvela esigabenesi; namkha
  - c. okhunye nokhunye okuphikisana okuvela esigabeni esitjhiwo kukholomu 1 yeHlelo lamaLungelo angeze aQalelwa Phasi ukufikela ezingeni elimaqophana nesigaba esikukholomu 3 weHlelo.

### Ihlelo Lamalungelo Angeze Aqalelwa Phasi

Inomboro yesigaba	Isihloko sesigaba	Izinga ilungelo elivikeleke ngalo
9	Ukulingana	Manqophana nokubandlulula okungakafaneli kwaphela ngemibandela ephathelene nobuhlanga, umbala, ubuzwe namkha imvelaphi, ubulili, ikolo, namkha ilimi
10	IsiThunzi sobuNtu	Ngokupheleleko
11	Ipilo	Ngokupheleleko
12	ITjhaphuluko nokuVikeleka komuntu	Manqophana neengatjana (1)(d) kanye no-(e) kanye no-2(c)
13	Ubugqila, ukukatelewa ukuhlonipha nokusebenza	Manqophana nobugqila nokukatelelwa ukuhlonipha nokuberega
28	Abantwana	Manqophana: – isigatjana (1)(d) begodu no-(e); – amalungelo asepharagrafini (i) begodu (ii) yesigatjana (1)(g); begodu – nesigatjana (1) (i) esimanqophana nabantwana beminyaka eli-15 nangaphasi.
35	Abantu abobotjhiweko, abavalelweko begodu nabamangalelweko	Manqophana: - nesigatjana (1)(a), (b), (c) begodu no-2(d) - amalungelo asemapharagrafini asuka ku-(a) ukufika ku-(o) wesigatjana (3) okutjhiya ngaphandle ipharagrafu (d) - isigatjana (4); begodu - nesigatjana (5) manqophana nokungamukeleki kobufakazi nangabe ukwamukelwa kwalobo bufakazi kuzakubangela bona ukugwetjwa komlandu kungabi ngokufaneleko.

6. Lokha omunye nomunye umuntu avalelwa ngaphandle kokugwetjwa ngebanga lokudinywa amalungelo okusukela ekumenyazelweni komThetho wobujamo oburhabileko, imibandela elandelako kumele itjhejwe:
  - a. Ilunga lomndeni elimumuntu omdala namkha umngani womuntu obotjhiweko kumele lithintwe msinyana ngendlela okungakghonakala ngayo, laziswe ngokubotjwa komuntu loyo.
  - b. Isaziso kumele sikhangiswe eGazedeni kaRhulumende weNarha kungakapheli isikhathi esimalanga amahlanu umuntu lowo abotjhiwe, kuvezwe ibizo lomuntu loyo obotjhiweko, indawo avalelwe kiyo begodu kuhlathululwe namagadango arhabileko abotjhiwe ngaphasi kwawo.
  - c. Isibotjhiwe, kumele sivunyelwe ukuzikhethela

uDorhodere begodu asivakatjhele nanyana kungasiphi isikhathi esizwakalako.

- d. Isibotjhwa, kumele sivunyelwe ukuzikhethele umjameli womThetho begodu asivakatjhele nanyana kungasiphi isikhathi esizwakalako.
  - e. Ikhotho, kumele ihlolise ukubotjhwa kwesibotjhwa msinyana ngendlela okungakghonakala ngayo, kungakadluli amalanga ali-10 kusukela ngelanga abotjhwa ngalo begodu, ikhotho kumele itjhaphulule isibotjhweso ngaphandle kwalokha nangabe kunetlhogakalo lokobana ukubotjhwa kwakhe kuragele phambili ngomngqopho wokubuyisa ukuthula nokuthotjelwa komThetho.
  - f. Isibotjhwa esingakatjhatjhululwa ngokuya kwesibuyekezo sevalelo esingaphasi kwepharagrafu (e), namkha esingakatjhatjhululwa ngokuya kwesibuyekezo sevalelo esingaphasi kwepharagrafu le, singenza isibawo ekhotho bona kubuyekwezwe godu ivalelo laso kwesinye nesinye isikhathi emva kwamalanga ali-10 kudlulile ukubuyekwezwa kwevalelo laso, begodu nekhotho kumele itjhaphulule isibotjhwa ngaphandle kwalokha nangabe kunetlhogakalo lokobana ukubotjhwa kwakhe kuragele phambili ngomngqopho wokubuyisa ukuthula nokuthotjelwa komThetho.
  - g. Isibotjhwa kumele sivunyelwe ukuvela mathupha ngaphambi kwananyana ngiyiphi ikhotho etjheje ukubotjhwa kwaso, nokobana ajanyelwe mjameli womThetho ekulalelweni komlandwakhe, begodu nokuvikelwa ekurageleni phambili kokuvallelwa kwaso.
  - h. Umbuso kumele wethule abonobangela abatlolwe phasi phambi kwekhotho ukuqinisekisa ukuragela phambili kokuvallelwa kwesibotjhweso, begodu kumele unikele isibotjhweso ikhophi yabonobangela bokubotjhwa kwaso okungasenani amalanga amabili ngaphambi kobana ikhotho ibuyekeze ivalelo laso.
7. Nangabe ikhotho itjhaphulula isibotjhwa, umuntu loyo angeze abotjhwa godu ngaphasi kwabonobangela abafanako ngaphandle kwalokha umbuso ungangathoma ngokukhombisa ngaphandle kokurhiniza ukuqakatheka kokubotjhwa komuntu lowo godu.
  8. Iingatjana (6) nese-(7) azisebenzi ebantwini abangasizo izakhamuzi zeSewula Afrika begodu abavalelwe ngemibandela yenturhu yeentjhabatjhaba yeenkhali. Kuhlekuhle, umbuso kumele ukhambisane namazinga lawo abopha iRiphabliki ngaphasi komThetho wobuntu weentjhabatjhaba, manqophana

nokuvallelwa kwabantu abafana nalabo.

### 38. Ukukatelelwa Kwamalungelo

1. Omunye nomunye umuntu orheliswe esigabenesi, unelungelo lokwenza isibawo ekhotho enegunya, atjho bona ilungelo elimunyethwe emTlolweni wamaLungelo wobuNtu liphuliwe namkha lithuselwe begodu ikhotho ingaphana ngerhelebho elifaneleko okufaka hlangana nokwenziwa kwesimemezelo samalungelo wobuntu. Abantu abangenza isibawo ekhotho ngilaba—
  - a. omunye nomunye umuntu owenza ngokweenrhuluphelo zakhe;
  - b. omunye nomunye umuntu owenza isibawo esikhundleni somunye ongakghoniko ukuzenzela ngebizo lakhe;
  - c. omunye nomunye umuntu owenza lokho njengelunga, namkha oraga iinrhuluphelo zesiqhema sabantu namkha kungaba ziinrhuluphelo zabantu besiqhema esithileko;
  - d. omunye nomunye owenza isibawo ngeenrhuluphelo zomphakathi; begodu
  - e. nehlangano eyenza isibawo ngeenrhuluphelo zamalungayo.

### 39. Ukuhlathululwa KomTlolo WamaLungelo WobuNtu

1. Lokha nakuhlathululwa umTlolo wamaLungelo wobuNtu enye nanye ikhotho, ikundla namkha iforamu—
  - a. kumele yenyuse izinga lamagugu asekelo umphakathi ovulekileko newentando yenengi edzimelele phezu kwesithunzi sobuntu, ukulingana nekululeko;
  - b. kumele itjheje umthetho weentjhabatjhaba; begodu
  - c. ingatjheja nomthetho weenarha zangaphandle.
2. Lokha nayihlathulula omunye nomunye umThetho, begodu nalokha nayithuthukisa umThetho wesintu namkha enye nanye ikhotho, ikundla namkha iforamu kumele yenyuse izinga lommooya, itjisakalo neminqopho yomTlolo wamaLungelo wobuNtu.
3. UmTlolo wamaLungelo wobuNtu awuvimbeli ukubakhona kwamanye amalungelo namkha itjhaphuluko elamukelekileko nelenziwa ngokomThetho wesintu, namkha umThetho omenyenzelweko, ukufikela ezingeni lapha akhambisana khona nomTlolo lowo.



# Isahluko 3: URhulumende Wetjhebiswano (40-41)

## 40. URhulumende WeRiphabliki

1. ERiphabliki, uRhulumende ubunjwe mazinga anjengombuso weNarha, weeFunda newemaKhaya lawo ahlukeneko; asekelanako begodu nanobudlelwano
2. Woke amazinga karhulumende kumele ahloniphe iinkambisolawulo eziseSahlukwenesi begodu kumele enze imisebenzawo ngaphakathi kwemikhawulo ebekwa sisahlukwesi.

## 41. Iinkambisolawulo ZikaRhulumende Obambiseneko Begodu Nokubambisana KwaboRhulumende

1. Woke amazinga kaRhulumende begodu nazo zoke iinjamo zombuso ngaphakathi kwelinye nelinye izinga elifaneleko kumele—
    - a. abonelele bona kuhlala kunokuthula, itjhebiswano lesitjhaba nokungahlukaniswa kweRiphabliki;
    - b. aqalelele ukuphila kwabantu beRiphabliki;
    - c. abonelele bona umbuso weRiphabliki yoke ngonepumelelo, wenzela izinto epepeneni, ngonobuziphendulelo nobambeneko;
    - d. athembeke emThethwenisisekelo, kuRiphabliki nebantwini bayo;
    - e. ahloniphe ubujamo bomthethosisekelo, iinkhungo, amandla nemisebenzi kaRhulumende keminye imikhakha;
    - f. angathathi nanyana ngimaphi amandla namkha umsebenzi ngaphandle kwaleyo abathweswe yona ngokuya komThethosisekelo;
    - g. basebenzise amandlabo ukwenza imisebenzabo
  2. UmThetho wePalamende kumele—
    - a. usungule namkha ubonelele iinjamo neenkhangungo ukwenyusa izinga nokuphumelelisa ubudlelwano hlangana noRhulumende, begodu
    - b. ubonelele indlela namahlelo afaneleko azakuphumelelisa ukurarululwa kwemiraro ehlangana naboRhulumende.
  3. Isijamo sombuso esibandakanyekako embangweni ohlangana noRhulumende kumele senze nanganyana ngiyiphi indlela ezwakalako ukulamula umbango; ngokthatha amagadango neenkambiso ezikhona ezinqophene nombango ofana nalowo begodu kumele siqede zoke ezinye iindlela zokulungisa ngaphambi kobanyana kuyiwe ekhotho ukuyokulamula umbango;
  4. Nangabe ikhotho ayikaneliswa bona iindingo zesigatjana 3 zizalisekile, ingabuyisela umbango lowo emuva eenjamisweni zombuso ezibandakanyekako
- ngendlela engeze yakhubaza ubujamo bakaRhulumende ngokwemikhawulo, imisebenzi neenkhangungo keminye imikhakha yemisebenzi; begodu
- h. kube nokubambisana ngokwethembana nokukholwa okuhle ngoku—
    - i. katelela ubudlelwano nobungani;
    - ii. ngokurhelebhana nokusekelana;
    - iii. ngokwazisana, nokuthintana; eendabeni ezineenrhuluphelo ezifanako;
    - iv. ngokuvumelanisa izenzo zabo nemithetho;
    - v. ngokubambelela eenkambisweni okuvunyelenwe ngazo; begodu
    - vi. ngokubalekela ukwenziwa kweenkambiso zomthetho komunye nomunye.

## Isahluko 4: IPalamende (42-82)

### 42. Ukubunjwa KwePalamende

1. IPalamende ibunjwa—
  - a. siBethamthetho seNarha; begodu
  - b. nomKhandlu weNarha ongamele iimFunda.
2. IsiBethamthetho seNarha nomKhandlu ongamele iimFunda uzibandakanya ekambisweni yokwenza umThetho ngendlela endlalwe ngaphakathi komThethosisekelo.
3. IsiBethamthetho seNarha sikhethelwe bona sijamele abantu begodu siqinisekise uRhulumende wabantu ngaphasi komThethosisekelo. Senza lokho ngokukhetha uMongameli, ngokuqalelela ukubakhona kweforamu yesitjhaba ezakutjheja iindaba zomphakathi; ngokuphasisa umThetho, begodu nangokutjheja nokubeka ilihlo elibukhali phezu kweekambiso zeKhabinedi.
4. UmKhandlu weNarha ongamele iimFunda ujamele iimFunda ukuqinisekisa bona iinrhuluphelo zeemfunda ziyatjhejwa ezingeni lakaRhulumende weNarha. Wenza lokho ngokuzibandakanya ehlelweni lokwenza umThetho wenarha zombebele begodu nangokunikela ngeforamu yenarha ukutjheja iindaba zomphakathi ezithinta iimfunda.
5. UMongameli angabiza iPalamende bona izokuhlala ngokungakavami ngesinye nesinye isikhathi kobana izokwenza umsebenzi okhethekileko.
6. IPalamende iseKapa, kodwana umThetho wePalamende, owamenyezelwa ngokukhambisana nesigaba 76 (1) no- (5) ungaqunta bona indawo yokuhlala yePalamende ibe kenye indawo.

### 43. Amandla WesiBethamthetho SeRiphabliki

1. ERiphabliki amandla womthetho—
  - a. wezinga lakaRhulumende weNarha athweswe iPalamende; ngokuya kwendlela etjhiwo esigabeni 44;
  - b. wezinga likaRhulumende weemFunda athweswe isiBethamthetho sesiFunda, ngokuya kwendlela etjhiwo esigabeni 104; begodu
  - c. wezinga likaRhulumende wemaKhaya athweswe umKhandlu kaMasipala, ngokuya kwendlela etjhiwo esigabeni 156.

### 44. Amandla WesiBethamthetho SeNarha

1. Amandla wesiBethamthetho seNarha athweswe iPalamende—
  - a. anikela isiBethamthetho seNarha amandla woku—
    - i. tjhugulula umThethosisekelo;
    - ii. phasisa umthetho omalungana nanyana ngiyiphi indaba, okufaka hlangana indaba ephathelene nendawo yokusebenzela erheliswe eHlelweni 4, kodwana kungafaki

- ii. hlangana okulawulwa sigatjana (2), indaba ewela ngaphasi kwendawo yokusebenzela erheliswe eHlelweni 5, begodu
  - iii. nokunikela nanganyana ngimaphi amandla wokubetha umthetho, ngaphandle kwamandla wokutjhugulula umThethosisekelo, siwuse kwesinye nesinye isibethamthetho esisezingeni elinye lakaRhulumende; begodu
- b. nikela umKhandlu weNarha ongamele iimFunda amandla—
    - i. wokuzibandakanya ekutjhugululweni komThethosisekelo ngokuya kwesigaba 74;
    - ii. wokuphasisa umthetho ngokuya kwesigaba 76, malungana nenye nenye indaba engaphasi kwendawo yokusebenzela erheliswe eHlelweni 4, begodu nanyana ngiyiphi indaba leyo umThethosisekelo ofuna bona iphasiswe ngokuya kwesigaba 76; begodu
    - iii. nokutjheja ngokuya kwesigaba 75, omunye nomunye umthetho ophasiswe siBethamthetho seNarha.
2. IPalamende ingangenelela ngokuphasisa umThetho ngokuya kwesigaba 76 (1), malungana nendaba ewela ngaphasi kwendawo yokusebenzela erheliswe eHlelweni 5, lokha nakutlhogeka—
    - a. ukugcina ukuvikeleka kwenarha;
    - b. ukugcina ibumbano kezomnotho;
    - c. ukugcina amazanga aqakathekileko weNarha;
    - d. ukusungula amazanga alingeneko wokwethulwa kwemisebenzi; namkha;
    - e. ukuvimbela igadango elingazwakaliko elithethwe siFunda elikhubaza iinrhuluphelo zesinye isiFunda, namkha zeNarha yoke.
  3. UmThetho malungana nendaba etlhogekako namkha ekhambisana nokusetjenziswa ngepumelelo kwamandla, malungana nanyana ngitiphi indaba erheliswe eHlelweni 4 ngokweminqopho yoke, umThetho omalungana nendaba erheliswe eHlelweni 4.
  4. Lokha nayisebenzisa amandlayo wokwenza umThetho, iPalamende ibotjhwela kwaphela mThethosisekelo lo, begodu kumele ithathe igadango elikhambisana nemikhawulo yomThethosisekelo lo.

### 45. Imilayo Ehlanganyelweko, Iinqunto Kanye Namakomidi Ahlanganyelweko

1. IsiBethamthetho seNarha kanye nomKhandlu ongamele iimFunda kumele sisungule ikomidi yemilayo nemiyalo ephathelene nomsebenzi ohlanganyelweko, wesiBethamthetho seNarha nomKhandlu ongamele iimFunda, okufaka hlangana imilayo nemiyalo—
  - a. yokwenza iindlela zokukghonakalisa ikambiso yokwenziwa komThetho, okufaka hlangana



eRiphabliki begodu nokuthobela umThethosiseko, ngokuya kweHlelo 2.

#### 49. Isikhathi Sokusebenza KwesiBethamthetho SeNarha

1. IsiBethamthetho seNarha sinikelwa isikhathi esingangeminyaka emihlanu.
2. Nangabe isiBethamthetho seNarha siphadlhalajwe ngokuya kwesigaba 50, namkha nakuphela isikhathi saso, uMongameli, ngesimemezelo, kumele abeke ilanga lamakhetho, okumele libanjwe kungakadluli amalanga ama-90 kusukela ngelanga isiBethamthetho esaphadlhalajwa ngalo, namkha ngemva kokuphela kwesikhathi saso. Isimemezelo sokubiza nokubekwa kwelanga lamakhetho singakhutjwa ngaphambi namkha ngemva kokuphela kwesikhathi sokusebenza kwesiBethamthetho seNarha.

*[Isigatjana 2 sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko lesiHlanu lomThetho womnyaka we-1999.]*

3. Nangabe imiphumela yamakhetho wesiBethamthetho seNarha ayikamnyezelwa ngesikhathi esibekwe ngokuya kwesigaba 190, namkha nangabe amakhetho ajanyiselwe ngeqadi yikhotho, uMongameli, ngesimemezelo kumele abize begodu abeke amalanga wamakhetho amanye okumele abanjwe phakathi kwamalanga ama-90 emva kokuphela kwesikhatheso namkha kwelangelo amakhetho aphadlhalajwe ngalo.
4. IsiBethamthetho seNarha sihlala sinamandla wokusebenza kusukela ngesikhathi sokuphadlhalajwa kwaso, namkha ngemva kokuphela kwesikhathi sokusebenza kwaso, kufikela ngelanga elingaphambi kwelanga lokuthoma kwamakhetho wesiBethamthetho esilandelako.

#### 50. Ukuphadlhalajwa KwesiBethamthetho SeNarha Ngaphambi Kokuphela Kwesikhathi Saso Esibekelwe Sona

1. UMongameli kumele aphadlhalaje isiBethamthetho seNarha nangabe—
  - a. isiBethamthetho samukele isiqunto bona iphadlhalajwe, okumele sisekelwe linengi lamalungaso; begodu
  - b. neminyaka emithathu sele idlulile solo isiBethamthetho seNarha sakhethwako.
2. UmJaphethe kaMongameli kumele aphadlhalaje isiBethamthetho seNarha nangabe—
  - a. kukhona isikhundla e-ofisini lakaMongameli; begodu
  - b. isiBethamthetho sibhalelwa kukhetha uMongameli omutjha ngamalanga ama-30 ngemva kokuvuleka kwesikhundleso.

#### 51. Iinkhathi Zokuhlala Nezokuphumula

1. Emva kwamakhetho, ukuhlala kokuthoma

kwesiBethamthetho seNarha kumele kwenziwe ngesikhathi nelanga eliquntwe liJaji eliKhulu, kodwana kungadluli amalanga ali-14 ngemva kokumenyazelwa kwemiphumela yamakhetho. IsiBethamthetho seNarha singaqunta iinkhathi nobude bokuhlala nokuphumula kwaso.

*[Isigatjana (1) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

2. UMongameli angabizela isiBethamthetho seNarha emhlanganweni ongakajayekeki nanyana kungasiphi isikhathi nangabe kukhona izinto eziqakathekileko okumele zidingidwe.
3. Ukuhlala kwesiBethamthetho seNarha kuvunyelwe eendaweni ezinye ngaphandle kwendawo yokuhlala iPalamende kwaphela ngamabanga avezwe ziinrhuluphelo zomphakathi, ukuvikeleka namkha lokha nakungcono ukuhlala endawo leyo, begodu nalokha kubonelelwa imilayo nemiyalo yesiBethamthetho.

#### 52. USomlomo NeSekela LikaSomlomo

1. Ekuhlaleni kokuthoma ngemva kwamakhetho, namkha nakunethlogakalo yokuzalisa isikhundla, isiBethamthetho seNarha kumele sikhethe uSomlomo neSekela lakaSomlomo hlangana namalunga waso.
2. IJaji eliKhulu kumele kube ngilo elilawula amakhetho kaSomlomo, namkha kukhetha elinye iJaji ukwenza lokho. USomlomo yena ulawula ekukhethweni kweSekela lakhe.

*[Isigatjana (2) sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

3. Ikambiso ebekwe eNgcenyeni A yeHlelo 3 isetjenziwa ekukhethweni kwakaSomlomo neSekela lakhe
4. IsiBethamthetho seNarha singasusa uSomlomo neSekela lakhe ngokuthatha isiqunto. Inengi lamalunga wesiBethamthetho kumele abekhona lokha isiquntweso nasamukelwako.
5. Ngokuya kwamilayo nemiyalo, isiBethamthetho seNarha singakhetha hlangana namalungaso abanye abosihlalo ukurhelebha uSomlomo neSekela lakhe.

#### 53. Iinqunto

1. Ngaphandle kwalokha umThethosisekelo ubeka ngokuhlukileko—
  - a. inengi lamalunga wesiBethamthetho seNarha kumele abe khona ngaphambi kobana ivowudu ingathathwa ngomThethomlingwa namkha ukutjhugululwa komThethomlingwa.
  - b. okungasenani kunye esithathwini samalunga kumele abekhona ngaphambi kobana kungavowudelwa nanyana ngiyiphi into engaphambi kwesiBethamthetho, begodu

- c. nayo yoke imibuzo engaphambi kwesiBethamthetho iquntwa linengi lamavowudu aphoselweko.
2. Ilunga lesiBethamthetho seNarha eliphethe umhlangano wesiBethamthetho alikavunyelwa ukuvowuda; kodwana—
- kumele liphosele ivowudu lokuhlukanisa nangabe kunamavowudu alinganako emahlangothini womabili phezu kombuzo othileko; begodu
  - lingaphosela ivowudu lokha kunendaba okumele bona iquntwe livowudu elisekelwa buncani bobunengi yobubili ebuthathwini bamalunga wendlu.

#### 54. Amalungelo Wamalunga Athileko WeKhabinedi NeSekela LakaMongameli WesiBethamthetho SeNarha

UMongameli nanomangiliphi ilunga leKhabinethe namkha elinye nelinye iphini likaMongameli elingasilungu leBandla lesiBethamthetho, ngokuya ngokwemigomo nekambiso yeBandla lingabakhona begodu likhulume kileyondlu, kodwana angeze livowude.

*[Isigaba. 54 sijanyiselelwe ngesigaba 3 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

#### 55. Amandla WesiBethamthetho SeNarha

- Ekusebenziseni amandla waso wokulawula, isiBethamthetho seNarha singa—
  - tjheja, siphasise, sitjhugulule namkha sale nanyana ngimuphi umthetho ongaphambi kwesiBethamthetho seNarha; begodu
  - sisungule namkha silungise umthetho, ngaphandle kwemiThethomlingwa yezeemali.
- IsiBethamthetho seNarha kumele sibonelele indlela yoku—
  - qinisekisa bona zoke iingungu zeenjamiso zomBuso ezisezingeni lakaRhulumende lenarha zinobuziphendulelo kiso; begodu
  - sibonelele itjhejo elingeneleleko—
    - ukusetjenziswa kwamandla wesigungu somthetho wenarha, okufaka hlangana nokusetjenziswa komthetho ngokwesiqunto; begodu
    - nanyana ngisiphi isiJamiso somBuso.

#### 56. Ubufakazi Namkha Ilwazi Phambi KwesiBethamthetho SeNarha

- IsiBethamthetho seNarha namkha enye yamakomidaso inga—
  - siza omunye nomunye umuntu ukavela phambi kwaso ukuzokwethula ubufakazi obufungelweko namkha obuqinisekisiweko, namkha ngokwethula iincwadi zobufakazi;
  - bawa omunye nomunye umuntu namkha iinkhungo bona zibike kiso;

- katelela, ukuya ngokomthetho wenarha namkha imilayo nemiyalo, omunye nomunye umuntu namkha isijamiso bona bakhambisane namasamoni namkha iintlhogakalo ukuya ngokwendima (a) namkha (b); begodu
- nokwamukela iinghonyoyilo; iinlilo namkha imphakamiso ezivela komunye nomunye umuntu namkha iinkhungo ezineenrhuluphelo.

#### 57. Ukuhleleleka Kwangaphakathi, Ikambiso YesiBethamthetho

- IsiBethamthetho seNarha—
  - singaqunta besilawule ukuhleleka kwangaphakathi, iinkambiso neendlela zaso; begodu
  - singenza imilayo nemiyalo emalungana nomsebenzaso, kutjhejwe ukujanyelwa kwentando yesitjhaba, ubuziphendulelo, ukuba bupepenene begodu nokubandakanyeka komphakathi.
- Imilayo nemiyalo zesiBethamthetho kumele ibonelele—
  - ukusungulwa, ukubunjwa, amandla, imisebenzi, iindlela zekambiso nesikhathi samakomidaso;
  - ukuhlanganyela ekambisweni yesiBethamthetho namakomidaso weenhlango ezincani ezijanyelweko, ngendlela ekhambisana nentando yenengi;
  - isizo leemali nelokuphathwa kwenye nenyehlangano ejanyelweko esiBethamthweni ukuya ngobukhulu bokujanyelwa kwayo, ukwenzela bona ihlangano ikwazi ukwenza umsebenzayo begodu nomrholayo akwazi ukwenza imisebenzakhe yesiBethamthetho kuhle; begodu
  - nokwamukelwa komrholi wehlangano engekulu ephikisako esiBethamthethweni seNarha njengomrholi wehlangano ephikisako.

#### 58. Amalungelo Akhethekileko

- Amalunga weKhabinedi, amaSekela waboNgqongqotjhe namalunga wesiBethamthetho seNarha—
  - anetjhaphuluko yekulumo ngaphakathi kwesiBethamthetho seNarha nemakomidinayo, ngokulawulwa milayo nemiyalo, begodu
  - angekhe bamangalelwa bona benze okumbi namkha ubelelesi, babotjhwe, bavalelwe namkha bahlawuliswe ngalokho abakumotjhileko ngombana—
    - enye nenyinto abayikhulumileko, abayivezileko ngaphambili namkha abayethule ngaphambi kwesiBethamthetho namkha kunyana ngiyiphi yeenkomidi zaso; namkha
    - okhunye nokhunye okuvezwe yikulumo etjhiweko, okuveziweko namkha okwethulwe ngaphambi kwesiBethamthetho namkha kunanyana ngiyiphi yeenkomidi zaso.

2. Amanye amalungelo akhethekileko nokulitjalelwa kwesiBethamthetho, amalunga weKhabinedi kanye namlunga wesiBethamthetho kungabekwa mThetho wenarha.
3. Imirholo, iimbonelelo neenzuzo ezibhadelwa amalunga wesiBethamthetho seNarha zidoswa bunqopha esiKhwameni seMalingeniso.

*[Isigatjana 58 sitjhugululwe ngesigaba 4 somThethosisekelo oliThuguluko lesiThandathu lomThetho 6 womnyaka we-2001.]*

## 59. Ikghono Lokufumana Nokuzibandakanya Komphakathi Eendabeni ZesiBethamthetho

1. IsiBethamthetho seNarha kumele—
  - a. sikghonakalise ukuzibandakanya komphakathi ekwenziweni komthetho begodu nakwezinye iinkambiso zesiBethamthetho namakomidaso; begodu
  - b. senze imisebenzaso ngendlela evulekileko, besibambe nemihlanganwaso naleyo yamakomidayo etjhatjhalazini kodwana amagadango azwakalako angathathwa—
    - i. ukulawula ikghono lomphakathi nabeendaba lokufumana isiBethamthetho, namakomidaso; begodu
    - ii. nokusetjiswa kwananyana ngimuphi umuntu, begodu nakufaneleko, nokwalelwa ukungena ngaphakathi namkha ukukhutjiswa kwananyana ngimuphi umuntu ngaphakathi.
2. IsiBethamthetho seNarha angekhe satjhiya ngaphandle umphakathi, okufaka hlangana beendaba ukukhambela imihlangano yekomidi ngaphandle kwalokha kuzwakalako begodu kufanelekile bona kwenziwe lokho emphakathini ovulekileko nowentando yesitjhaba.

## UmKhandlu WeNarha Ongamele IimFunda

### 60. Ukubunjwa KomKhandlu WeNarha Ongamele IimFunda

1. UmKhandlu weNarha ongamele iimFunda ubunjwa siqhema esisodwa esinamalunga alitjhumu abathunyelwa bona bajamele isifunda ngasinye.
2. Amalunga alitjhumu lawo athunyelwako ngila—
  - a. amalunga amane akhethekileko angaba bo—
    - i. Ndunakulu besiFunda, namkha lokha uNdunakulu angaphumeleli, elinye nelinye ilunga lesibethamthetho sesifunda elikhonjwe ngundunakulu bona lijamele isifunda leso safuthi namkha liqalane nomsebenzi othileko ophambi komKhandlu weNarha; begodu
    - ii. amalunga amanye amathathu aziinthonjwe zikhethekileko; begodu
  - b. namalunga asithandathu aqhatjwe ngokuzeleko akhethwe ngokuya kwesigatjana isigaba 61 (2).
3. UNdunakulu wesiFunda, namkha nangabe uNdunakulu akekho; ilunga leentthonjwe

nguNdunakulu lidosa phambili iinthonjwe.

### 61. Ukwabiwa Kweentthonjwe

1. Iinhlango ezijanyelweko esiBethamthethweni sesiFunda zinelungelo lokuba namalunga aziinthonjwe ngaphakathi kwamalunga ajamele isiFunda ngokuya kwefomula eyendlalwe eNgcenyeni B yeHlelo 3.
  - a. IsiBethamthetho sesiFunda, kumele bona sithi phakathi kwamalunga ama-30 ngemva kokumenyenzelwa kwemiphumela—
    - i. sitjho bona, ngokuya komthetho wenarha, mangaki amalunga weenhlango okumele abe malunga wasafuthi begodu nokobana mangaki azakuba malunga akhethekileko; begodu
    - ii. sikhethwe amalunga aziinthonjwe wasafuthi ukuya ngokwenyulwa kwamalunga weenhlango.
  - b. ....

*[Ipharagrafu (b) isulwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumu nane lomThetho womnyaka we-2008.]*

*[Isigatjana (2) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we -2002 begodu nesigaba 1 somThethosisekelo oliTjhuguluko leTjhumu nane lomThetho womnyaka we-2008.]*

3. UmThetho wenarha otjhiwo esigatjaneni (2) (a) kumele uqinisekise ukuhlanganyela kweenhlango ezincani kizo zombili iingcenyane zeentthonjwe zasafuthi namkha ezikhethekileko ngendlela ekhambisana nentando yenengi.
4. IsiBethamthetho sesiFunda ngemvumo kaNdunakulu begodu nabarholi beenhlango ezinelungelo lokuba nabajameli esiFundeni, kumele sikhethwe abajameli abakhethekileko, njengoba bazakufuneka nanyana kukunini emalangenini wesiBethamthetho.

### 62. Amalunga Aziinthonjwe Ngokuzeleko

1. Umuntu onyulwe njengelunga elisithunjwe ngokuzeleko kumele alungele ukuba lilunga lesiBethamthetho sesiFunda
2. Nangabe umuntu olilunga lesiBethamthetho sesiFunda ukhethwa njengelunga lesithunjwe lasafuthi, umuntu loyo uphelelwa bulunga bakhe besiBethamthetho.
3. Amalunga aziinthonjwe zasafuthi aqatjwe isikhathi sokusebenza esiphelako—
  - a. Msinyana-nje ngaphambi kokuhlala kwesiBethamthetho sesiFunda kokuthoma ngemva kokukhethwa kwaso okulandelako.
  - b. ....

*[Ipharagrafu (b) isulwe ngesigaba 2]*



*somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008]*

*[Isigatjana 3 sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we -2002 begodu sajanyiselelwa ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumini nane lomThetho womnyaka we-2008.]*

4. Umuntu ulahlekelwa kukuba lilunga elisithunywa sasafuthi nangabe umuntu loyo—
  - a. angasakulungeli ukuba lilunga lesiBethamthetho sesiFunda ngebanga elinye nelinye ngaphandle kwalokha abalilunga elisithunywa lasafuthi;
  - b. ubekwa esikhundleni sokuba lilunga leKhabinedi;
  - c. akangasanathemba esiBethamthethweni sesiFunda begodu abizelwa emva yihlangano emenyulileko;
  - d. ulisa ukuba lilunga lehlango emenyulileko begodu udoselwa ngiyo ihlangano leyo emuva; namkha
  - e. utshwile emKhandlwini weNarha ongamele iimFunda ngaphandle kwemvumo ngaphasi komlayo nomyalo womKhandlu kutjho bona kumele alahlakelwe sikhundla sokuba lilunga elisithunywa sasafuthi.
5. Iinkhundla ezivulekileko hlangana namalunga aziinthywa zasafuthi kumele zizaliswe ngokuya komThetho wenarha.
6. Ngaphambi kobana amalunga aziinthywa zasafuthi angathoma ngomsebenzi ngaphakathi komKhandlu weNarha ongamele iimFunda, kumele afunge namkha aqinisekise bona bazakukhuluma iqiniso, ukwethembeka kuRiphabliki begodu athobebe nomThethosisekelo, ngokuya kweHlelo 2.

### 63. Ukuhlala KomKhandlu WeNarha

1. UmKhandlu weNarha ongamele iimFunda ungaqunta isikhathi sokuhlala kwawo, nokobana sibe ngangani begodu neenkhati zabo zokuphumula.
2. UMongameli angabiza umKhandlu weNarha ongamele iimFunda, emhlanganweni ongakavami nanyana ngisiphi isikhathi ukuzokwenza umsebenzi oqakathekileko.
3. Ukuhlala komKhandlu weNarha ongamele iimFunda kuvunyelwe kwezinye iindawo kwaphela ngaphandle kwendawo okuhlala kiyo iPalamende ngeenzathu eziphathelene neenrhuluphelo zomphakathi, ukuvikeleka, namkha nangabe kungcono ukuhlala eendawenezwe, begodu nalokha kukhona emilayweni nemiyalweni yomKhandlu.

### 64. USihlalo NamaSekela KaSihlalo

1. UmKhandlu weNarha ongamele iimFunda kumele ukhethe uSihlalo namaSekela kaSihlalo amabili hlangana namalunga aziinthywa.
2. USihlalo neSekela likaSihlalo elilodwa bakhethwa hlangana namalunga aziinthywa zasafuthi,

bakhethelwa iminyaka emihlanu, ngaphandle kwanyana iinkhati zabo zokuba malunga athunyelwe emKhandlwini ziphela ngaphambi kwesikhathi.

3. Elinye iSekela likaSihlalo likhethelwa isikhathi esingangomnyaka owodwa; begodu kumele lilandelwe ngokwesikhundla lilunga elivela kwesinye isiFunda ukwenzela bona isiFunda ngasinye sijanyelwe.
4. Ijaji eliKhulu kumele lengamele ukukhethwa kukaSihlalo, namkha ligunyaze elinye ijaji ukwenza lokho. USihlalo nguye okhambisa amakhetho wamaSekela kaSihlalo.

*[Isigatjana (4) sijanyiselelwe ngesigaba 5 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

5. Indlela yekambiso endlalwe eNgcenyeni A yeHlelo 3 iyasetjenziswa nakukhethwa uSihlalo namaSekela kaSihlalo.
6. UmKhandlu weNarha ongamele iimFunda ungasusa uSihlalo namkha iSekela likaSihlalo esikhundleni;
7. Ngokuya kwemilayo nemiyalo, umKhandlu weNarha ongamele iimFunda ungakhetha hlangana nabajameli ezinye iimphathiswa bona zirhelebe uSihlalo namaSekela kaSihlalo.

### 65. Iinqunto

1. Ngaphandle kwanyana umThethosisekelo lo utjho ngendlela ehlukeleko—
  - a. isiFunda ngasinye sinevowudu yinye ephoselwa ebujameni besiFunda mdosiphambili wesiqhema samalunga aziinthywa; begodu
  - b. zoke iindaba ezingaphambi komKhandlu weNarha ongamele iimFunda kuvunyelwana ngazo, kwaphela nangabe okungasenani iimFunda ezihlanu zivowudela indaba enjengaleyo.
2. UmThetho wePalamende, ophasiswe ngokuya kwekambiso ehloniwe ngesigabatjana (1) namkha (2) sesigaba 76, kumele unikele ikambiso ebumbeneko ngokuya kwayo iimBethamthetho zeemFunda zinikela igunya kubajameli babo ukobana bavowude eenkhundleni zabo.

### 66. Ukuzibandakanya Kwamalunga WeKhabinedi

1. Amalunga weKhabinedi namaSekela waboNgqongqotjhe bangakhambela bebakhulume emhlanganweni womKhandlu weNarha ongamele iimFunda, kodwana angeze bavowuda.
2. UmKhandlu weNarha, ongamele iimFunda ungatlhoga ilunga leKhabinedi, iSekela likaNgqongqotjhe namkha isiKhulu seKhabinedi namkha uSomkhandlu wesiFunda bona akhambele umhlangano womKhandlu namkha weKomidi yomKhandlu.

## 67. Ukuhlanganyela Kwabajameli BakaRhulumende WeKhaya

Abajameli besikhatjhana abangeqiko etjhumini abakhonjwe nguRhulumende ohlelekileko weNdawo ngokuya kwesigaba 163, bona bajamele iinqhema ezahlukeneko zabomasipala, bangazibandakanya nakutlhogakalako, eenkambisweni zomKhandlu weNarha ongamele iimFunda, kodwana angeze bavowuda.

## 68. Amandla WomKhandlu WeNarha

1. Ekusebenziseni amandlawo womThetho, umKhandlu weNarha ongamele iimFunda unga—
  - a. tjeja, udlulise, utjhugulule, uhlongoze amatjhuguluko, namkha ungavumeli nanyana ngimuphi umthetho ophambi komKhandlu, ngokuya kweSahlukwekisi; begodu
  - b. sungula namkha ulungise umthetho owela ngaphasi kwendawo yokusebenza orheliswe eHlelweni 4 namkha emthethweni omunye otjhiwo esigabeni 76 (3), kodwana angeze usungule namkha ulungise imiThethomlingwa yezeeMali.

## 69. Ubufakazi Namkha Ilwazi Elingaphambi KomKhandlu WeNarha Ongamele IimFunda

1. UmKhandlu weNarha ongamele iimFunda namkha enye nanye yamakomidawo anga—
  - a. biza nanyana ngubani ukuzokwethula ngaphambi kwawo ukuzokwethula ubufakazi obufungelweko namkha isiqinisekiso sokukhuluma iqiniso, namkha ukuveza iincwadi;
  - b. bawa nanyana ngiyiphi ihlangano namkha umuntu bona azokwethula umbiko ngaphambi kwayo;
  - c. katelela, ngokuya komthetho wenarha namkha imilayo nemiyalo, nanyana ngimuphi umuntu namkha isikhungo sikhambisane nesibawo namkha neemfuneko ngokuya kwepharagrafu (a) namkha (b); begodu
  - d. nokwamukela iinghonyoyilo, iinlilo namkha iimphakamiso ezivela kunanyana ngibaphi abantu abanekareko namkha iinkhungo.

## 70. Ukuhleleka Kwangaphakathi, Iinkambiso Neendlela Zokusebenza ZomKhandlu WeNarha

1. UmKhandlu weNarha ongamele iimFunda—
  - a. ungaqunta bewulawule ukuhleleka kwawo kwangaphakathi, iinkambiso neendlela zawo zokusebenza; begodu
  - b. ungenza imilayo nemiyalo emanqophana nomsebenzawo; ngokutjhejwa kobujameli begodu nokubandakanyeka entandweni yenengi, ubuziphendulelo, ukuba bupepenene nokubandakanywa komphakathi.
2. Imilayo nemiyalo yomKhandlu weNarha ongamele

iimFunda kumele ibonelele—

- a. ukusungulwa, ukubunjwa, amandla, imisebenzi, iindlela zekambiso neenkhathe ezibekelwe amakomidawo;
- b. ukuzibandakanya kwazo zoke iimFunda eenkambisweni zawo ngendlela ekhambisana neyentando yenengi; begodu
- c. nokuzibandakanya eenkambisweni zomKhandlu namaKomidi weenhlango ezincani ezijanyelwe emKhandlwini, ngendlala ekhambisana nokuphathwa ngentando yenengi, ngaso soke isikhathi nangabe indaba kumele iquntwe ngokuya kwesigaba 75.

## 71. Amalungelo Akhethekileko

1. Amalunga aziinthywa emKhandlwini weNarha ongamele iimFunda, begodu nabantu okukhulunywa ngabo esigabeni 66 nesama-67—
  - a. banetjhaphuluko yokukhuluma emKhandlwini nemaKomidinayo, ngokulawulwa milayo nemiyalwayo; begodu
  - b. angeze bamangalelwa bona benze okumbi namkha ubulelesi emphakathini, babotjhe bavalelwe namkha bone ipahla ngebanga—
    - i. lananyana yini abayikhulumileko, abakukhuphileko namkha abakwethule ngaphambi komKhandlu weNarha namkha kunanyana ngiyiphi yamaKomidawo; namkha
    - ii. okhunye nokhunye okuvezwe nginanyana ngiyiphi ikulumo abayikhulumileko, okuvele ngaphambili namkha okwethulwe emKhandlwini namkha kunyana ngiyiphi yamaKomidawo.
2. Amanye amalungelo akhethekileko womKhandlu weNarha ongamele iimFunda, amalunga womKhandlu aziinthywa begodu nabantu okukhulunywa ngabo esigabeni 66 nesama-67 angaquntwa mThetho weNarha.
3. Imirholo, iibonelelo nemivuzo ebhadelwa amalunga wasafuthi womKhandlu weNarha ongamele iimFunda kudoswa bunqophela esiKhwameni seNarha seMalingeniso.

## 72. Ikghono Lokufumana Nokuzibandakanya Komphakathi EmKhandlwini WeNarha

1. UmKhandlu weNarha ongamele iimFunda kumele—
  - a. ukghonakalise ukuzibandakanya komphakathi emisebenzini yokwenza umthetho nakweminye imisebenzi yomKhandlu namaKomidawo; begodu
  - b. urage umsebenzawo tthatjhalazi, begodu ubambe imihlanganawo naleyo yamakomidawo, emphakathini; kodwana, amagadango azwakalako angathathwa—
    - i. ukulawula ikghono lomphakathi lokufumana, okufaka hlangana ikghono lokufumana iindaba, koMkhandu weNarha ongamele iimFunda namaKomidawo; begodu
    - ii. nokunikela ukufunwa kwananyana ngimuphi



- umuntu begodu, lapha kufaneleko, ukwala ukungena ngaphakathi namkha ukususwa kwananyana ngimuphi umuntu.
2. UmKhandlu weNarha ongamele iimFunda angeze watjhiya umphakathi, okufaka hlangana iindaba ezivela emhlanganweni weKomidi ngaphandle kwanyana kuzwakala begodu kuqinisekisiwe ukwenza njalo ngendlela esetjhatjhalazini nomphakathi wentando yenengi.

## **Ikambiso Yokwenziwa KomThetho WeNarha**

### **73. Yoke ImiThethomlingwa**

1. Nanyana ngimuphi umThethomlingwa ungethulwa esiBethamthethweni seNarha.
2. Lilunga leKhabinedi namkha iSekela likaNgqongqotjhe, namkha ilunga namkha iKomidi yesiBethamthetho kwaphela engethula umThethomlingwa phambi kwesiBethamthetho seNarha, kodwana lilunga leKhabinedi kwaphela eliphathelene neendaba zeemali zeimiThethomlingwa yeemali elandelako ingaziswa kwaphela lilunga leKhabinethe eliziphendulela eendabeni zeeMali zeNarha elingethula imiThethomlingwa elandelako esiBethamthethweni seNarha:
  - a. umThethomlingwa wezeeMali, namkha
  - b. umThethomlingwa onikela umthetho otjhiwo esigabeni 214.

*[Isigatjana (2) sijanyiselelwe ngesigaba 1(a) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

3. UmThethomlingwa okukhulunywa ngawo esigabeni 76 (3), ngaphandle komThethomlingwa okukhulunywa ngawo esigatjaneni (2) (a) namkha (b) sesigabesi, ungafakwa emKhandlwini weNarha ongamele iimFunda.

*[Isigatjana (3) sijanyiselelwe ngesigaba 1 (b) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

4. Lilunga namkha yiKomidi yomKhandlu weNarha ongamele iimFunda kwaphela ongethula umThethomlingwa phambi komKhandlu.
5. UmThethomlingwa ophasiswe siBethamthetho seNarha kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, nangabe kumele utjhejwe mKhandlu. UmThethomlingwa ophasiswe mKhandlu kumele udluliselwe esiBethamthethweni seNarha.

### **74. ImiThethomlingwa Etjhugulula UmThethosisekelo**

1. Isigaba 1 begodu nesigatjaneni singatjhugulwa mThethomlingwa ophasiswe—
  - a. siBethamthetho seNarha, ngevowudi elisekelwe okungasenani maphesende ama-75 wamalungayo;

- b. nomKhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani leemFunda ezisithandathu.
2. ISahluko 2 singatjhugululwa mThethomlingwa ophasiswe—
  - a. siBethamthetho seNarha, ngevowudi elisekelwe okungasenani malungawo asibili kokuthathu; begodu
  - b. noMkhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani ziimFunda ezisithandathu.
3. Nanyana ngisiphi isiqalelelo somThethosisekelo singatjhugululwa njengomThethomlingwa ophasiswe—
  - a. siBethamthetho seNarha, ngevowudi elisekelwe okungasenani malungaso asibili kokuthathu; begodu
  - b. nomKhandlu weNarha ongamele iimFunda, ngevowudi elisekelwe okungasenani leemFunda ezisithandathu, nange ukutjhugulula—
    - i. kutjho indaba ethinta umKhandlu;
    - ii. kutjhugulula imikhawulo, amandla, imisebenzi namkha iinkhongo zesifunda; namkha
    - iii. kutjhugulula isiqalelelo esisebenza ngokunqophileko ngendaba yesiFunda.
4. UmThethomlingwa otjhugulula umThethosisekelo angekhe wafaka hlangana iinqalelelo ngaphandle kwamatjhuguluko womThethosisekelo neendaba ezihlangene namatjhuguluko lawo.
5. Okungasenani amalanga ama-30 ngaphambi kobana umThethomlingwa otjhugulula umThethosisekelo wethulwa ngokuya kwesigaba 73(2), umuntu namkha ikomidi elihlongoza ukwethula umThethomlingwa lo kumele—
  - a. liwukhangise eGazedeni kaRhulumende nangokuya kwemilayo nemiyalo yesiBethamthetho seNarha, imininingwana yetjhuguluko ehlongoziweko ukwenzela bona nomphakathi uveze imibonwawo.
  - b. anikele, ngokuya kwemilayo nemiyalo yesiBethamthetho seNarha, imininingwana leyo eemBethamthethweni zeemFunda bona ziveze imibonwazo.
  - c. anikele, ngokuya kwemilayo nemiyalo yomKhandlu weNarha ongamele iimFunda, imininingwana leyo esiBethamthethweni seNarha bona kube nekulumo-pikiswano, nangabe itjhuguluko elihlongoziweko akusilo itjhuguluko elitlhogga ukuphasiswa mKhandlu.
6. Nakwethulwa umThethomlingwa otjhugulula umThethosisekelo, umuntu namkha ikomidi eyethula umThethomlingwa kumele inikele nanyana ngimiphi imibono etloliweko evela emphakathini neemBethamthethweni zeemFunda—
  - a. kuSomlomo bona awendlale esiBethamthethweni weNarha; begodu
  - b. mayelana namatjhuguluko okukhulunywa ngawo esigatjaneni (1), (2), namkha (3) (b), aya kuSihlalo womKhandlu weNarha ongamele iimFunda bona

- awendlale emKhandlwini.
7. UmThethomlingwa otjhugulula umThethosisekelo angeze wavowudelwa esiBethamthethweni seNarha ngaphambi kwamalanga ama-30 woku—
    - a. wokwethulwa kwawo, nangabe isiBethamthetho seNarha sizabe sihlalezi lokha umThethomlingwa nawethulwako; namkha
    - b. ukwendlalwa kwawo esiBethamthethweni seNarha nangabe isiBethamthetho seNarha sisaphumulile ngesikhathi umThethomlingwa ovezwa ngaso.
  8. Nangabe umThethomlingwa okukhulunywa ngawo esigatjaneni (3)(b), namkha enye nanye ingcenyane yomThethomlingwa, uthinta kwaphela isiFunda namkha iimFunda ezithileko, umKhandlu weNarha ongamele iimFunda ngeze waphasisa umThethomlingwa namkha ingcenyane efaneleko ngaphandle kwanyana ivunywe siBethamthetho namkha iimBethamthetho zeemFunda namkha iimFundezo ezithintekako.
  9. UmThethomlingwa otjhugulula umThethosisekelo esele uphasiswe siBethamthetho seNarha begodu, lapha kufaneleko, umKhandlu weNarha ongamele iimFunda, kumele uwudlulisele kuMongameli bona awutlikitle.

## 75. ImiThethomlingwa Ejayelekileko Engathinti Iimfunda

1. Lokha isiBethamthetho seNarha nasiphasisa umThethomlingwa ngaphandle komThethomlingwa, lapha indlela yekabiso evezwe esigabeni 74 namkha 76 isebenza khona, umThethomlingwa lowo kumele udlulisele emKhandlwini weNarha ongamele iimFunda begodu usetjenzwe ngokuya kwekambiso elandelako:
  - a. UmKhandlu weNarha ongamele iimFunda kumele—
    - i. uphasisa umThethomlingwa loyo;
    - ii. uphasisa umThethomlingwa ngokulawulwa matjhuguluko aphakanyiswa ngiwo; namkha
    - iii. ungawala umThethomlingwa loyo.
  - b. Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa ngaphandle kokuphakamisa amatjhuguluko, umThethomlingwa loyo kumele udlulisele kuMongameli bona awemukele.
  - c. Nangabe umKhandlu weNarha ongamele iimFunda wala umThethomlingwa, namkha uwuphasisa ngokulawulwa matjhuguluko, isiBethamthetho seNarha kumele sitjheje godu umThethomlingwa loyo, sithathele ehloko nanyana ngiliphi itjhuguluko eliphakanyiswe mKhandlu weNarha ongamele iimFunda, begodu unga—
    - i. phasisa umThethomlingwa godu, ingawuphasisa neemphakamiso namkha ngaphandle kwazo; namkha
    - ii. qunta bona awusarageli phambili ngomThethomlingwa loyo.

- d. UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya kwepharagrafu (c) kumele udlulisele kuMongameli bona awutlikitle.
2. Lokha iBandla lesiBethamthetho seNarha liwuvodela umbuzo ngokulandela isigaba lesi, isigaba 65 asizukusebenza; okuzakwenzeka ngilokhu—
  - a. Elinye nelinye ilunga elithunyelwe ukujamela isifunda kumkhandlu linevowudu yinye;
  - b. Munye ebuthathwini bamalunga aziinthunywa kufanele babekhona ngaphambi kobana kuvowudelwe umbuzo loyo; begodu
  - c. Umbuzo lowo uquntwa linengi lamavowudi aphoselweko, kodwana nangabe kuba nenani elilinganako lamavowudi ngakwelinye nelinye ihlangothi lombuzo, ilunga elithunyelwe ukujamela isiFunda elinguSihlalo kumele liphosele ivowudi.

## 76. ImiThethomlingwa Ejayelekileko Ethinta IimFunda

1. Lokha isiBethamthetho seNarha siphasisa umThethomlingwa okukhulunywa ngawo esigatjaneni (3), (4) namkha (5), umThethomlingwa kumele udlulisele emKhandlwini weNarha ongamele iimFunda begodu kusetjenzwe ngawo ngokuya kwendlela yekambiso elandelako:
  - a. UmKhandlu weNarha ongamele iimFunda kumele—
    - i. uphasisa umThethomlingwa loyo;
    - ii. uphasisa umThethomlingwa otjhugululiweko;
    - iii. wale umThethomlingwa loyo.
  - b. Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa ngaphandle kwamatjhuguluko, umThethomlingwa loyo kumele udlulisele kuMongameli bona awutlikitle.
  - c. Nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa otjhugululiweko, umThethomlingwa otjhugululiweko kumele udlulisele esiBethamthethweni seNarha, begodu nangabe isiBethamthetho seNarha siphasisa umThethomlingwa otjhugululiweko loyo, kumele udlulisele kuMongameli bona awemukele.
  - d. Nangabe umKhandlu weNarha ongamele iimFunda uyawala umThethomlingwa loyo, namkha lokha isiBethamthetho seNarha nasingavumiko ukudlulisa umThethomlingwa oliTjhugululo lowo okukhulunywa ngawo ngokuya kwepharagrafu (c), umThethomlingwa loyo, begodu nakungezeka, umThethomlingwa olitjhugululo nawo, kumele udlulisele eKomidini yezokuLamula, okungiyi engavumelana nalokhu—
    - i. umThethomlingwa ngendlela ophasiswe ngayo siBethamthetho seNarha;
    - ii. umThethomlingwa olitjhugululo ngendlela ophasiswe ngayo mKhandlu weNarha ongamele iimFunda; namkha

- iii. umThethomlingwa ohlukileko.
- e. Nangabe iKomidi yezokuLamula iyabhalelwa ukuvumelana phakathi kwamalanga ama-30 ukusukela ngelanga lapha umThethomlingwa lo udluliselwa khona kiyo, umThethomlingwa loyo uphelelwa sikhathi, ngaphandle kwanyana isiBethamthetho seNarha siwuphasisa godu umThethomlingwa loyo, kodwana ngokusekelwa mavowudu wamalungawo okungasenani abubili esithathwini.
- f. Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa lo ngendlela uphasisiswe ngayo siBethamthetho seNarha, umThethomlingwa lo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda begodu nangabe umThethomlingwa uphasisiwe, kumele umThethomlingwa loyo, kumele udluliselwe kuMongameli bona awemukele.
- g. Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa olitjhugululo ngendlela ophasiswe ngayo mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo kumele udluliselwe esiBethamthethweni seNarha, begodu nangabe umThethomlingwa uphasisiwe siBethamthetho seNarha, kumele udluliselwe kuMongameli bona awemukele.
- h. Nangabe iKomidi yezokuLamula ivumelana ngomThethomlingwa ohlukileko, umThethomlingwa ohlukileko loyo kumele udluliselwe esiBethamthethweni seNarha nemKhandlwini weNarha, begodu nangabe uphasiswe siBethamthetho seNarha nomKhandlu weNarha kumele udluliselwe kuMongameli bona awemukele.
- i. Nangabe umThethomlingwa odluliselwe emKhandlwini weNarha ngokuya kwepharagrafu (f) namkha (h) awuphasiswa mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo uphelelwa sikhathi ngaphandle kwalokha isiBethamthetho seNarha siwuphasisa umThethomlingwa loyo ngokusekelwa mavowudi wamalungawo okungasenani abubili esithathwini.
- j. Nangabe umThethomlingwa odluliselwe esiBethamthethweni seNarha ngokuya kwepharagrafu (g) namkha (h) awuphasiswa siBethamthetho seNarha, umThethomlingwa loyo uphelelwa sikhathi kodwana umThethomlingwa ngendlela egade uphasiswe ngayo siBethamthetho seNarha ekuthomeni, ungabuye uphasiswe godu siBethamthetho seNarha, kodwana ngesekelo lamavowudi wamalungawo okungasenani abubili esithathwini.
- k. UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya pharagrafu (e), (i) namkha (j) kumele udluliselwe kuMongameli bona awemukele.
2. Lokha umKhandlu weNarha ongamele iimFunda nawuphasisa umThethomlingwa okukhulunywa ngawo esigatjaneni (3), umThethomlingwa kumele udluliselwe esiBethamthethweni seNarha begodu usetjenziswe ngokuya kwendlela yekambiso elandelako:
- a. IsiBethamthetho seNarha kumele—
- i. siphasiswe umThethomlingwa loyo;
- ii. siphasiswe umThethomlingwa olitjhugululo; namkha
- iii. wale umThethomlingwa loyo.
- b. UmThethomlingwa ophasiswe siBethamthetho seNarha ngokuya kwepharagrafu (a) (i) kumele udluliselwe kuMongameli bona awemukele.
- c. Nangabe isiBethamthetho seNarha siphasisa umThethomlingwa olitjhugululo, umThethomlingwa olitjhugululo loyo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, begodu nangabe umKhandlu weNarha ongamele iimFunda uphasisa umThethomlingwa olitjhugululo, kumele udluliselwe kuMongameli bona awutlikitle.
- d. Nangabe isiBethamthetho seNarha sala umThethomlingwa namkha lokha umKhandlu weNarha ongamele iimFunda wala ukuphasisa umThethomlingwa olitjhugululo okukhulunywa ngawo, ngokuya kwepharagrafu (c), umThethomlingwa, begodu nakwenzeka, umThethomlingwa olitjhugululo kumele udluliselwe eKomidini yezokuLamula, okungenzeka ivumelane ngalokhu—
- i. ngomThethomlingwa njengoba uphasiswe mkhandlu;
- ii. ngomThethomlingwa olitjhugululo ngendlela ophasiswe ngayo siBethamthetho seNarha; namkha
- iii. ngomThethomlingwa ohlukileko.
- e. Nangabe iKomidi yezokuLamula iyabhalelwa kuvumelana phakathi kwamalanga ama-30 ngemva kobana umThethomlingwa udluliselwe kiyo, umThethomlingwa loyo uphelelwa sikhathi.
- f. Nangabe iKomidi yezokuLamula iyavumelana ngendlela umThethomlingwa olitjhugululo ophasiswe ngayo mKhandlu weNarha ongamele iimFunda, umThethomlingwa loyo kumele udluliselwe esiBethamthethweni seNarha, begodu nangabe isiBethamthetho seNarha siwuphasisile umThethomlingwa lo, kumele udluliselwe kuMongameli bona awemukele.
- g. Nangabe iKomidi yezokuLamula iyavumelana ngendlela umThethomlingwa lo olitjhugululo ophasiswe ngayo siBethamthetho seNarha, umThethomlingwa lo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, begodu nangabe umKhandlu weNarha ongamele iimFunda uwuphasisile, kumele udluliselwe kuMongameli bona awemukele.
- h. Nangabe iKomidi yezokuLamula iyavumelana ngomThethomlingwa ohlukileko, umThethomlingwa ohlukileko loyo kumele udluliselwe emKhandlwini weNarha ongamele iimFunda nesiBethamthethweni seNarha, begodu nangabe umKhandlu weNarha ongamele iimFunda nesiBethamthetho seNarha,

bawuphasisile, kumele udluliselwe kuMongameli bona awemukele.

- i. Nangabe umThethomlingwa odluliselwe esiBethamthetho seNarha ngokuya kwepharagrafu (f) namkha (h) awukaphasiswa siBethamthetho seNarha, umThethomlingwa loyo uphelelwa sikhathi.
3. UmThethomlingwa kumele usetjenzwe ngokuya kwendlela yekambiso esungulwe sigatjana (1) namkha (2) nangabe uwela ngaphasi kwerhelo leHlelo 4 lomsebenzi namkha unikelwe umThetho otjhiwo kunanyana ngisiphi seengatjana ezilandelako:
  - a. isigaba 65(2);
  - b. isigaba 163
  - c. isigaba 182
  - d. isigaba 195(3) noku-(4)
  - e. isigaba 196; begodu
  - f. nesigaba 197.
4. UmThethomlingwa kumele kusetjenzwe ngayo ngokuya kwendlela yekambiso esungulwe sigatjana (1) nangabe ubonelela umThetho—
  - a. otjhiwoko esigabeni 44(2) namkha 220(3); namkha
  - b. otjhiwoko esaHlukweni 13 begodu nofaka hlangana nanyana ngisiphi isiqalelelo esithinta iinkareko zeemali zezinga likaRhulumende wesiFunda.

*[Isigatjana (3) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

5. UmThethomlingwa otjhiwo esigabeni 42(6) kumele usetjenzwe ngokuya kwendlela yekambiso esungulwe sigatjana (1) ngaphandle kwalokha—
  - a. isiBethamthetho seNarha sivowudela umThethomlingwa, iinqalelelo zesigaba 53(1) azisebenzi, kunalokho, umThethomlingwa umThethomlingwa ungaphasiswa kwaphela nangabe inengi lamalunga wesiBethamthetho seNarha lingawuvowudela; begodu
  - b. nangabe umThethomlingwa lowo udluliselwe eKomidini yezokuLamula, imilayo elandelako iyasetjenziswa:
    - i. nangabe isiBethamthetho seNarha sitjheja umThethomlingwa otjhiwo sigatjana 1(g) namkha (h), umThethomlingwa lowo ungaphasiswa kwaphela nangabe inengi lamalunga wesiBethamthetho seNarha singawuvowudela.
    - ii. nangabe isiBethamthetho seNarha sitjheja namkha sitjheja godu umThethomlingwa lo ngokutjhiwo sigaba (1)(e),(i) namkha (j), umThethomlingwa lo ungaphasiswa kwaphela nangabe okungasenani amalunga wesiBethamthetho awusekela ngamavowudi abubili esithathwini.
6. Isigabesi asisebenzi emiThethomlingweni ephathelene nemali.

## 77. ImiThethomlingwa YeeMali

1. UmThethomlingwa uba mThethomlingwa weemali nangabe—
  - a. uqalene neemali;
  - b. ubhadelisa umthelo wenarha, ilevi, imbhadela yepahla namkha umthelo ongezelelweko;
  - c. uphelisa namkha uphungula, namkha ukunikelwa kwegunya lokungabhadeli nanyana ngimuphi umthelo wenarha, ilevi, imbhadela yepahla namkha umthelo ongezelelweko; namkha
  - d. ugunyaza ukutholakala bunqopho komthelo wesiKhwama seNarha seNgenisomali, ngaphandle komThethomlingwa otjhiwo esigabeni 214 ogunyaza ukutholakala komthelo bunqopho.
2. UmThethomlingwa weemali angekhe usebenzise ezinye izinto ngaphandle—
  - a. kweendatjana eziphathelene neemali;
  - b. kokukatelela, ukuphelisa namkha ukuphungulwa komthelo wenarha, amalevi, imbhadela yepahla namkha umthelo ongezelelweko;
  - c. kokunikelwa igunya lokungabhadeli nanyana ngimuphi umthelo wenarha, amalevi, imbhadela yepahla namkha umthelo ongezelelweko; namkha
  - d. kwegunyaza lokutholakala bunqopho komthelo wesiKhwama seNarha seNgenisomali.
3. Yoke imiThethomlingwa yezeemali kumele itjhejwe ngokuya kwendlela yekambiso esungulwe sigaba 75. UmThetho wePalamende kumele unikele indlela yekambiso yokutjhgulula imiThethomlingwa yezeemali ngePalamende.

*[Isigatjana 77 sijanyiselelwe ngesigaba 2 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

## 78. IKomidi YezokuLamula

1. IKomidi yezokuLamula ibunjwa—
  - a. malunga alithoba wesiBethamthetho seNarha abakhethe wesiBethamthetho seNarha ngokuya kwendlela yekambiso ejanyiswe ngokwemilayo nemiyalo yesiBethamthetho seNarha, begodu nokugcina ngokujanyelwa kweenhlangano ngokwendlela elinganako naleyo iinhlangano ezijameleke ngayo esiBethamthethweni seNarha; begodu
  - b. ilunga elilodwa elivela eentunywini zesiFunda ngasinye somKhandlu weNarha ongamele iimFunda, elithunyelwe ziimthunywini.
2. IKomidi yezokuLamula ivumelene ngomThethomlingwa ohlukileko, namkha ithethe isiqunto ngombuzo, walokha umThetho ohlukileko loyo, namkha nangabe ihlangothi elinye lombuzo lisekelwa—
  - a. okungasenani babajameli abahlanu besiBethamthetho seNarha; begodu
  - b. okungasenani babajameli abahlanu bomKhandlu weNarha ongamele iimFunda.

## 79. Ukutlilitlwa Ukwamukelwa KwemiThethomlingwa

1. UMongameli kumele amukele begodu atlikitle umThethomlingwa ophasiswe ngokuya kweSahlukwesi, namkha nangabe uMongameli anokuzaza ngokukhambisana komThethomlingwa nomThethosisekelo, kumele awubuyisele emva esiBethamthethweni seNarha bona siyowuhlolisisa kabutjha.
2. Imilayo nemiyalo ehlanganyelweko kumele inikele indlela yekambiso yokubuyezwa komThethomlingwa siBethamthetho seNarha nomKhandlu weNarha ongamele iimFunda.
3. UmKhandlu weNarha ongamele iimFunda kumele uzibandakanye ekuhlolisweni kabutjha komThethomlingwa lowo uMongameli awubuyisele emva ePalamende nangabe—
  - a. ukuzaza kwakaMongameli ngokukhambisana komThethomlingwa nomThethosisekelo kumalungana nendlela yekambiso ebandakanya umKhandlu; namkha
  - b. isahluko 74(1), (2) namkha (3)(b) namkha 76 sasetjenziswa ekuphasisweni komThethomlingwa.
4. Nangabe, ukuhliliswa kabutjha komThethomlingwa kutjheja ukuzaza kwakaMongameli, uMongameli kumele amukele begodu atlikitle umThethomlingwa lowo; nakungasinjalo, uMongameli kumele enze okhunye kwalokhu—
  - a. angamukela begodu atlikitle umThethomlingwa lowo; namkha
  - b. angadlulisela umThethomlingwa lowo ekhotho yomThethosisekelo bona ithathe isiqunto ngokukhambisana kwawo nomThethosisekelo.
5. Nangabe ikhotho yomThethosisekelo iqunta bona umThethomlingwa lowo uyakhambisana nomThethosisekelo, uMongameli kumele awemukele begodu awutlikitle.

## 80. Isibawo Samalunga WesiBethamthetho SeNarha Ekhotho YomThethosisekelo

1. Amalunga wesiBethamthetho seNarha angenza

isibawo ekhotho yomThethosisekelo bona ikhuphe umyalo otjhoko bona umThethomlingwa woke namkha ingcenywe yawo, ophasiswe siBethamthetho seNarha awukhambisani nomThethosisekelo.

2. Isibawo—
  - a. kumele sisekelwe okungasenani malunga alingana nobunye bokuthathu kwamalunga wesiBethamthetho seNarha; begodu
  - b. kumele senziwe phakathi kwamalunga ama-30 ukusukela ngelanga uMongameli amukele begodu bewatlikitla ngalo umThetho lowo.
3. IKhotho yomThethosisekelo ingayala bona woke namkha ingcenywe yomThetho lowo ingalawulwa sibawo, kodwana ngokuya kwesigatjana (1) awunawo amandla womThetho bekufike lapha iKhotho ithatha isiqunto ngesibaweso, nangabe—
  - a. iinrhuluphelo zezobulungiswa ziyakudinga lokhu; begodu
  - b. isibawo sisebujameni obuzwakalako bokungaphumelela.
4. Nangabe isibawesi asikaphumeleli, begodu ikhotho nayo khenge ibe sebujameni obuthembisa ipumelelo, iKhotho yomThethosisekelo ingayala ababawo bona babhadele zoke iindleko.

## 81. Ukwaziswa KwemiThetho

UmThethomlingwa owemukelweko bewatlikitlwa nguMongameli uba mThetho, kumele umenyazelwe msinya, begodu uthome nokusebenza ngesikhatheso omenyazelwe ngaso namkha ngelanga eliquntwe ngokuya komThetho.

## 82. Ukubulungwa KwemiThetho YePalamende

IKhophi etlikitliweko yomThetho wePalamende ibufakazi obuzeleko beenqalelelo zomThetho lowo begodu, ngemva kokumenyazelwa kwawo kumle unikelwe iKhotho yomThethosisekelo bona iwubulunge.



# Isahluko 5: UMongameli NeKhabinedi (83-102)

## 83. UMongameli

1. UMongameli—
  - a. uyiHloko yomBuso neHloko yeKhabinedi;
  - b. kumele asekele, avikele begodu ahloniphe umThethosisekelo njengomThetho omKhulu weRiphabliki; begodu
  - c. uthuthukisa ibumbano lesitjhaba nalokho okuphumelelisa iRiphabhligi.

## 84. Amandla Nemisebenzi KaMongameli

1. UMongameli unamandla athwese wona mThethosisekelo nomThetho, okufaka hlangana amandla athlogakako wokwenza imisebenzi yokuba yiHloko yomBuso begodu neHloko yeKhabinedi.
2. UMongameli unobuziphendulelo—
  - a. ekwamukelweni nekutlikitlweni kwemiThethomlingwa;
  - b. ekubuyiselweni emva komThethomlingwa esiBethamthethweni seNarha ukobana uyokuhloliswa ngobutjha ukukhambisana kwawo nomThethosisekelo;
  - c. ekudluliselweni komThethosisekelo eKhotho yomThethosisekelo bona ithathe isiqunto manqophana nokukhambisana kwawo nomThethosisekelo;
  - d. ekubizweni kwesiBethamthetho seNarha, umKhandlu weNarha ongamele iimFunda namkha iPalamende bona izokuhlala ngokungakavami ukobana izokwenza imisebenzi eqakatheke khulu;
  - e. ekuzalisweni kweenkhundlezo umThethosisekelo namkha umThetho otlhoga bona uMongameli azenze, ngaphandle, kwesikhundla seHloko yeKhabinedi;
  - f. ekubekweni kwamaKomitjhini wePhenyo;
  - g. ekumenyezelweni kwereferandamu yenarha zombebele ngokuya komThetho wePalamende;
  - h. ekwamukelweni begodu nekuvumeleni iimvakatjhi zombebele ezijamele iinarha zangaphandle;
  - i. ekubekweni kwabajameli zombebele benarha nabazenda bona bajamele inarha le eenarheni zangaphandle;
  - j. ekulitjalelweni kwabantu abasele babonwe umlandu begodu ehlice ihlawulo namkha lokho abamukwe khona; begodu
  - k. ekunikelweni ngabonongorwana bokuhlonipha.

*[Isaziso esivamileko: Iinkambiso ezikhethekileko zokuthokoza ezivezwa kuGazede kaRhulumende eyinomboro 24155 yamhlana zisi-6 kuNobayeni 2002 nakuGazede kaRhulumende eyinomboro 25213 yamhlana zima-25 kuVelabahlinze 2003.]*

## 85. Amandla Wokulawula IRiphabliki

1. Amandla welawulo leRiphabliki athweswe uMongameli
2. UMongameli usebenzisa amandla wokulawula, namanye amalunga weKhabinedi, ngo—
  - a. kusebenzisa umThetho weNarha ngokwesiqunto ngaphandle kwalokha umThethosisekelo namkha umThetho wePalamende ubeka ngendlela eyehlukileko;
  - b. kuthuthukisa nokusebenzisa ngokwesiqunto umthethokambiso wenarha;
  - c. kuthintanisa imisebenzi yemiNyango yomBuso nezokuphatha;
  - d. kulungisa nokusungula umThetho; begodu
  - e. nangokwenza omunye nomunye umsebenzi wokulawula otjhiwo mThethosisekelo namkha mThetho weNarha.

## 86. Ukukhethwa KukaMongameli

1. Ekuhlaleni kwePalamende kokuthoma ngemva kwamakhetho begodu nanyana kunetlhogakalo yokuzalisa isikhundla, isiBethamthetho seNarha kumele sikhethe uMma namkha uBaba hlangana namalunga wawo bona abe nguMongameli.
2. IJaji eliKhulu kumele likhambise amakhetho wakaMongameli, namkha likhombela elinye iJaji bona lenze lokho. Indlela yekambiso ebekwe eHlelweni 3 ngiyo ezakulandelwa lokha nakukhethwa uMongameli.

*[Isigatjana (2) sijanyiselelwe ngesigaba 6 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

3. Amakhetho wokuvala isikhala sesikhundla sikaMongameli kumele abanjwe ngesikhathi begodu nangelanga elikhethwe iJaji eliKhulu, kodwana kungeqi amalanga ama-30 ngemva kokuvuleka kwesikhala.

*[Isigatjana (3) sijanyiselelwe ngesigaba 6 somThethosisekelo oliTjhuguluko lesiThandathu somThetho womnyaka we-2001.]*

## 87. Ukuthoma Ukusebenza KwakaMongameli

Emva kobana akhethwe abe nguMongameli, umuntu loyo utjhiya phasi ukuba lilunga lesiBethamthetho, begodu kumele, athome ukwenza umsebenzakhe kungakadluli amalanga amahlanu, ngokwenza isifungo, namkha enze isibopho sokuthembeka eRiphabliki nokuthobela umThethosisekelo ngokukhambisana neHlelokambiso 2.

## 88. Isikhathi Esibekelwe Ukuba NguMongameli

1. Isikhathi sokuthoma kukaMongameli ukusebenza, sithoma ngelanga athoma ngalo ukusebenza esikhundleni sakhe begodu siphela lokha nakuba nesikhala namkha lokha umuntu okhethwe ukuba nguMongameli olandelako athoma khona ukusebenza.
2. Akekho umuntu okumele abe nguMongameli amahlandla adlula kwamabili, kodwana nangabe umuntu ukhethelwe ukuvula isikhundla sikaMongameli, isikhathi esihlangana nokukhethwa kwakhe bekufike amaketho alandelako kaMongameli asithathwa njengesikhathi sobuMongameli.

## 89. Ukususwa KukaMongameli

1. IsiBethamthetho seNarha, ngesiqunto esithethwe ngesekelo lamalunga okungaseni abuncani obubili esithathwini, singamsusa uMongameli esikhundleni sakhe, kwaphela ngemibandela elandelako—
  - a. ukwepulwa komThethosisekelo okudanisako;
  - b. ukuziphatha kumbi okudanisako; namkha
  - c. ukubhalelwa kukwenza umsebenzi wesikhundla sakhe.
2. Nanyana ngimuphi umuntu osuswe esihlalweni sikaMongameli ngokuya kwesigatjana (1) (a) namkha (b) angeze athole nanyana ngiyiphi inzuzo yesikhundleso begodu angeze asebenze kunanyana ngiliphi i-ofisi lomphakathi.

## 90. UMjaphethe KaMongameli

1. Nangabe uMongameli akekho eRiphabliki namkha nakabhalelwa kukwenza imisebenzi kaMongameli, namkha ngesikhathi kunesikhala sikaMongameli, esinye isiphathiswa ngendlela ehleleke ngenzasi angaba nguMjaphethe kaMongameli:
  - a. iSekela likaMongameli.
  - b. uNgqongqotjhe okhonjwe nguMongameli.
  - c. uNgqongqotjhe okhonjwe ngamanye amalunga weKhabinedi.
  - d. uSomlomo, bekufike lapha isiBethamthetho seNarha sikhomba khona omunye wamalungaso.
2. UMjaphethe kaMongameli unamandla, ubuziphendulelo nemisebenzi kaMongameli.
3. Ngaphambi kobana angathatha amandla, ubuziphendulelo, nemisebenzi kaMongameli, uMjaphethe kaMongameli kumele afunge namkha enze isiqinisekiso sokuthembeka eRiphabliki nokuthobela umThethosisekelo, ngokuya kweHlelokambiso 2.
4. Umuntu lowo onguMjaphethe kaMongameli nasele afungile namkha nasele enze isiqinisekiso sokuthembeka eRiphabliki akukameli bona abuyelele ikambiso yokufunga kunanyana ngiliphi elinye ihlandla lokuba nguMjaphethe ngesikhathi esiphela lokha nakuthoma ukusebenza uMongameli omutjha.

*[Isigatjana (4) singezelelwe ngesigaba 1 somThethosisekelo oliTjhuguluko lokuThoma lomThetho womnyaka we-1997.]*

## 91. IKhabinedi

1. IKhabinedi ibunjwa nguMongameli njengehloko yeKhabinedi, iSekela likaMongameli naboNgqongqotjhe.
2. UMongameli ubeka iSekela likaMongameli naboNgqongqotjhe, abanikele amandla nemisebenzi, begodu unelungelo lokubaqotjha
3. UMongameli—
  - a. kumele akhethe iSekela likaMongameli hlangana namalunga wesiBethamthetho seNarha;
  - b. angakhetha nanyana ngisiphi isibalo saboNgqongqotjhe hlangana namalunga wesiBethamthetho seNarha; begodu
  - c. angakhetha aboNgqongqotjhe abangadluli kababili abavela ebantwini abangasiwo amalunga wesiBethamthetho seNarha.
4. UMongameli kumele akhethe ilunga leKhabinedi bona libemrholi wemisebenzi kaRhulumende ngaphakathi kwesiBethamthetho seNarha.
5. ISekela likaMongameli kumele lisize uMongameli ekwenziweni kwemisebenzi kaRhulumende.

## 92. Ukuziphendulela Neembompho

1. ISekela likaMongameli naboNgqongqotjhe banobuzibophelelo emandleni nemisebenzini yeKhabinedi abanikelwe yona nguMongameli.
2. Amalunga weKhabinedi anobuziphendulelo ngokuhlanganyela begodu nangamunye ePalamende ekusebenziseni amandlabo nekwenziweni kwemisebenzabo.
3. Amalunga weKhabinedi kumele—
  - a. asebenze ngokuya komThethosisekelo; begodu
  - b. ethulele iPalamende imibiko ezeleko nevamileko ephathelene neendaba ezingaphasi kwelawulo labo.

## 93. AmaSekela WaboNgqongqotjhe

1. UMongameli angakhetha—
  - a. nanyana mangaki amaSekela kaMongameli kumalunga wesiBethamthetho seNarha; begodu
  - b. amaSekela angadluliko kwamabili ebantwini abavela ngaphandle kweBethamthetho seNarha, ukwenzela bona basize amalunga weKhabinedi, begodu unelungelo lokubaqotjha.
2. AmaSekela waboNgqongqotjhe akhethwe ngokuya kwesigatjana (1)(b) anobuziphendulelo ePalamende ngokusetjenziswa kwamandlawo nekwenziweni kwemisebenzawo.

*[Isigaba 93 sijanyiselewe ngesigaba 7 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

## 94. Ukuragela Phambili KweKhabinedi Emva Kwamakhetho

Nangabe amakhetho wesiBethamthetho seNarha abanjiwe, iKhabinedi, iSekela likaMongameli, aboNgqongqotjhe begodu nanyana ngimaphi amaSekela bahlala banamandla wokusebenza bekufike lapha umuntu lowo okhethelwe ukuba nguMongameli siBethamthetho esilandelako, uthoma ukusebenza.

## 95. Ukufunga Namkha Ukuqinisekisa

Ngaphambi kobana iSekela likaMongameli, aboNgqongqotjhe begodu nanyana ngimaphi amaSekela, bathome ukusebenza eenkhundleni zabo, kumele bafunge namkha benze iinqinisekiso, zokuthembeka kwabo kuRiphabliki nokuthobela kwabo umThethosisekelo,

## 96. Ukuziphatha Kwamalunga WeKhabinedi NamaSekela KaMongameli

1. Amalunga weKhabinedi namaSekelabo kumele aziphathe ngendlela eyamukelekako yokuziphatha ebekwe mThetho weNarha.
2. Amalunga weKhabinedi namaSekelawo angeze bavunyelwa bona—
  - a. benze nanyana ngimuphi omunye umsebenzi obhadelelwako ngaphandle;
  - b. benze nanganyana ngiyiphi indlela engakhambisani neenkhundla zabo namkha bazibeke ebujameni lapho kunobungozi bokutjhayisana phakathi kwemisebenzabo kaRhulumende neenrhuluphelo zabo zangeqadi; namkha
  - c. basebenzise iinkhundla zabo namkha nanyana ngiliphi ilwazi abalithole ngebanga leenkhundla zabo ukuzingenisela imali namkha benzele nanyana ngimuphi umuntu inzuzo ngendlela ephambene nokulunga.

## 97. Ukudluliswa Kwemisebenzi

1. UMongameli, angadlulisela elungeni leKhabinedi ngesimemezelo—
  - a. ukuphathwa kwananyana ngimuphi umThetho onikelwe elinye ilunga; namkha
  - b. nanyana ngimaphi amandla namkha umsebenzi onikelwe elinye ilunga ngegunya lomThetho.

## 98. Ukunikelwa Kwemisebenzi Kwesikhatjhana

UMongameli anganikela ilunga leKhabinedi nanyana ngimaphi amandla namkha umsebenzi welinye ilunga elingekho emsebenzini namkha elingaphumeleliko ukufezekisa amandlalo namkha ukwenza umsebenzalo.

## 99. Ukunikelwa Kwemisebenzi

1. Ilunga leKhabinedi linganikela nanyana ngimaphi

amandla umsebenzi okumele wenziwe ngokuya komThetho wePalamende elungeni lomKhandlu wesiFunda wezokuphatha namkha kumKhandlu kaMasipala. Ukunikelwa komsebenzi—

- a. kumele kube ngokuya kwesivumelwano hlangana nelunga elifaneleko leKhabinedi nelunga lomKhandlu wezokuPhatha namkha umKhandlu kaMasipala;
- b. kumele kukhambisane nomThetho wePalamende osetjenziswako nangabe amandla namkha umsebenzi ofaneleko kumele wenziwe; begodu
- c. uthoma ukusebenza ngesikhatheso omenyenzelwa ngaso nguMongameli.

## 100. Ukubeka Ilihlo KweKhabinedi Kwezokuphatha ZesiFunda

*[Isihloko sitjhugululwe ngesigaba 2 (a) somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

1. Nangabe isiFunda sibhalelwa namkha singakwazi ukufeza imisebenzi yezokuphatha esibotjhelelwe yona ngokuya komThetho weNarha namkha umThethosisekelo, iKhabinedi ingangena phakathi ngokuthatha amagadango afaneleko ukuqinisekisa ukufezekiswa kwemisebenzi leyo, okufaka hlangana—
  - a. ukukhutjhwisa kwesinqophiso somKhandlu wesiFunda wezokuPhatha ohlathulula izinga labo lokubhalelwa kufezekisa iimbopho zabo, begodu nokuveza nanyana ngimaphi namagadango okumele athathwe ukufezekisa iimbopho; begodu
  - b. ubeke emahlombawo ukwenziwa komsebenzi ofaneleko esiFundeneso ukufikela ezingeni elitlhogekako uku—
    - i. ragela phambili ngezinga eliqakathekileko leNarha namkha ukuhlangabezana nezinga elitlhogekako ekwethulweni komsebenzi;
    - ii. ragela phambili ibumbano kwezomnotho;
    - iii. ragela phambili ukuvikeleka kwenarha; namkha
    - iv. ukuvimbela isiFundeso ekuthatheni amagadango afaneleko angalimaza iinrhuluphelo zesinye isiFunda namkha zeNarha yoke.

*[Isigatjana (1) sitjhugululwe ngesigaba 2(b) somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

2. Nangabe umKhandlu weNarha ungena hlangana endabeni yesiFunda ngokuya kwesigatjana (1)(b)—
  - a. kumele unikele isiyeleliso esitloliweko somnqopho wokulamula komKhandlu weNarha ongamele iimFunda phakathi kwamalanga ali-14 emva kokusungula kwehlelo lokulamula;
  - b. ukulamulokho kumele kuphele ngaphandle nangabe umKhandlu weNarha ongamele iimFunda ungakuvumi lokho phakathi kwamalanga ali-180 emva kokuthoma kwehlelo



- lokulamula namkha ekupheleni kwesikhatheso ihlelo lokulamula alikabi ukuvunyelwa ; begodu
- c. umKhandlu weNarha ongamele iimFunda kumele kuthi ngesikhathi ukulamula kuragela phambili wona ikhisibe uhlolisise ihlelo lokulamula begodu ungenza nanyana ngisiphi isiphakamiso esifaneleko kuKhabinedi.

*[Isigatjana (2) sijanyiselelwe ngesigaba 2(c) somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

3. UmThetho weNarha ungalawula ikambiso esungulwe esigabenesi.

*[Isigatjana, 100 sitjhugululwe ngokwesigaba 2 (a) somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

### 101. Iinqunto ZeLawulo

1. Isiqunto sikaMongameli kumele sibe ngendlela etloliweko nangabe—
  - a. sithethwe ngokuya komThetho; namkha
  - b. nasinemiphumela yangokomThetho.
2. Isiqunto esitloliweko sikaMongameli kumele

sitlikitlwe godu ngelinye ilunga leKhabinedi nangabe isiquntweso sithinta umsebenzi onikelwe ilungelo leKhabinedi.

3. Iimemezelo, imithetjhwana begodu nezinye iintlabagelo zomThetho omncani kumele zifinyeleleke emphakathini.
4. umThetho weNarha ungabeka indlela nezinga okumele bona iintlabangelo ezitjhiwo esigatjaneni (3)—
  - a. zethulwe ngayo ngaphambi kwePalamende; begodu
  - b. zivunyelwe yiPalamende.

### 102. Iintjhukumiso Zokungathembani

1. Nangabe isiBethamthetho seNarha ngevowudu yenengi lamalungalo liphasisa ivowudu yokuzwakalisa ukungabi nethemba kuKhabinedi ngaphandle kukaMongameli, uMongameli kumele abumbe kabutjha iKhabinedi.
2. Nangabe isiBethamthetho seNarha, ngevowudu yenengi lamalungalo liphasisa ivowudu ezwakalisa ukungabi nethemba kuMongameli, uMongameli namanye amalunga weKhabinedi, begodu nanyana ngimaphi amaSekela waboNgqongqotjhe kumele bathokoze umsebenzi.

# Isahluko 6: IimFunda (103-150)

## 103. IimFunda

- IRiphabliki ineemFunda ezilandelako:
  - IPumalanga-Kapa;
  - IFreyistata;
  - I-Gauteng;
  - IKwaZulu-Natal;
  - IMpumalanga;
  - ITlhagwini-Kapa;
  - ILimpopo;
  - ITlhagwini-Tjhingalanga; begodu
  - neTjhingalanga-Kapa.

*[Isigatjana (1) sijanyiselelwe ngesigaba 3 somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003 besajanyiselelwa ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nambili lomThetho womnyaka we-2005.]*

- Imikhawulo yebalanarha leemFunda okukhulunywa ngazo yakhiwa linani lemikhawulo yamabalanarha atjengiswe eemebheni okukhulunywa ngazo eeYeletsweni ezirheliswe eHlelwenikambiso 1A.

*[Isigatjana. (2) sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nambili lomThetho womnyaka we-2005.]*

- Nanyana kunini imikhawulo yendawo yesifunda ibuye ijanyiselelwe litjhugululo lomThethosisekelo, umThetho wePalamende unganikela ngamagadango wokulawula, ngesikhathi esibekiweko, somThetho, begodu nanyana ngimiphi eminye imiphumela yokubuyelelwa kwesiqunto.
  - UmThetho wePalamende otjhiwo kupharagrafu a. ungenziwa umThetho bewuphumeleliswe ngaphambi ngokuthoma kwetjhuguluko lomThethosisekelo, kodwana nanyana ngimiphi imisebenzi, eyenziwa sifunda, ipahla, amalungelo, iimbopho, imisebenzi namkha iinkwelede zingadluliswa kwaphela ngokuya komThetho ngemva kobana itjhugulukwelo lomThethosisekelo sele lenzekile.

*[Isigaba 103 sijanyiselelwe ngesigaba 1 somThethosisekelo oliTjhuguluko leTjhumini nambili lomThetho womnyaka we-2003.]*

## IimBethamthetho ZeemFunda

### 104. Amandla WeemFunda Wokwenza UmThetho

- Amandla wesiFunda wokwenza umThetho athweswe

isiBethamthetho sesiFunda, begodu namandla anikelwe isiBethamthetho sesiFunda kukobana—

- siphasiswe umThethosisekelo waso wesiFunda namkha kukwenza amatjhuguluko wanyana ngimuphi omunye umThethosisekelo owaphasiswa ngiso ngokuya kweengatjana 142 begodu nese-143;

- siphasiswe umThetho wesiFunda saso manqophana—
  - nanyana ngiyiphi indaba ephathelene nendawo abasebenzela kiyo erheliswe eHlelwenikambiso 4;
  - nanyana ngiyiphi indaba ephathelene nendawo abasebenzela kiyo erheliswe eHlelwenikambiso 5;
  - nanyana ngiyiphi indaba engaphandle kweendawezo abasebenzela kizo, begodu nenikelwe ngokunqophileko esiFundeni mThetho weNarha; begodu
  - nanyana ngiyiphi indaba leyo isiqalelelo somThethosisekelo esihlongoza bona kuphasiswe umThetho wesiFunda; begodu
- nokunikela nanyana ngimaphi amandlawo wangokomThetho emKhandlwini kaMasipala wesiFundeso.

- IsiBethamthetho sesiFunda, ngesiqunto esisekelwa mavowudu abubili ebuthathwini wamalungaso, ungabawa iPalamende bona itjhugulule igama lesiFundeso.
- IsiBethamthetho sesiFunda sibotjhwa kwaphela mThethosisekelo begodu nangabe siphasiswe umThethosisekelo wesiFunda, sawo begodu ngawo umThethosisekelo lowo kumele usebenze ngokuya kwayo nangokulandela umThethosisekelo lowo, nomThethosisekelo wesiFunda.
- Umthetho wesiFunda omalungana nendaba leyo ethhogakala ngokuzwakalako namkha emayelana nokuphumelelisa kokusetjenziswa kwamandla malungana nanyana ngiyiphi indaba erheliswe eHlelwenikambiso 4, uzakuthathwa ngazo zoke indlela njengomThetho omalungana nendaba erheliswe eHlelwenikambiso 4.
- IsiBethamthetho sesiFunda singenza iimphakamiso esiBethamthethweni seNarha bona yenze umThetho malungana nanyana ngiyiphi indaba ewela ngaphandle kwamandla wesiBethamthetho, namkha nangabe umThetho wePalamende ukhona ongamele umThetho wesiFunda.

### 105. Ukubunjwa Nokukhethwa KweemBethamthetho ZeemFunda

- IsiBethamthetho sesiFunda sibunjwa bomma nabobaba abakhethwe njengamalunga ngokuya kwerherho lamakhetho lelo—

- a. elibekwe Mthetho weNarha zombebele;
- b. elisekelwe phezu kwerherho elifanako labavowudu;
- c. elibonelela okungasenani ubuncani iminyaka eli-18 njengeminyaka yokuvowuda; begodu
- d. nelinemiphumela, evamileko, nebuye ibe nokujanyelwa kweenhlangano ngokwamavowudu eziwatholileko.

*[Isigatjana (1) sijanyiselelwe ngesigaba 3 somThethosisekelo oliTjhuguluko leTjhumu lomThetho womnyaka we-2003 begodu sijanyiselelwe ngesigaba (3) somThethosisekelo oliTjhuguluko lesiNe lomThetho womnyaka we-2008.]*

2. IsiBethamthetho sesiFunda sibunjwa malunga ahlanguana nama-30 ukuya kama-80. Inani lamalungelo okungezeka lihluke ukuya ngeemfunda, kumele liquntwe ngokuya kwendlela ebekwe komThetho weNarha.

## 106. Ubulunga

1. Esinye nesinye isakhamuzi esilungele ukuvowudela isiBethamthetho seNarha siyakulungela ukuba lilunga lesiBethamthetho sesiFunda ngaphandle kwalokha—
  - a. nanyana ngimuphi umuntu onikelwe isikhundla namkha osebenzela uRhulumende begodu athole umrholo, ngaphandle—
    - i. kwakaNdunakulu namanye amalunga womKhandlu wezokuPhatha wesiFunda; begodu
    - ii. nezinye iinkhulu imisebenzazo okutholakala bona misebenzi ekhambisana nemisebenzi yomuntu olilunga lesiBethamthetho sesiFunda begodu umenyazelwe ngokuya komThetho weNarha njengomsebenzi okhambisana naloyo;
  - b. amalunga wesiBethamthetho seNarha namalunga aziinthusywa zasafuthi zomKhandlu weNarha ongamele iimFunda, namkha amalunga womKhandlu kaMasipala;
  - c. abantu abangakabi ukuba sebujameni obuhle beemali ngokuya kwekhotso;
  - d. nanyana ngumuphi umuntu omenyazelwe yikhotso yeRiphabliki njengalowo ongakaphili kuhle emkhumbulweni; namkha
  - e. nanyana ngubani umuntu ongathi ngemva kobana isigabesi sithome ukusebenza abotjhelwe umlandu begodu anikelwe isigwebo sesikhathi esidluliko eenyangeni ezili-12, ejele ngaphandle kokuphiwa ihlawulo, kungaba ngaphakathi namkha ngaphandle kweRiphabliki nangabe isenzo esibange umlandu lo, besingaba mlandu ngaphakathi kweRiphabliki; kodwana akekho noyedwa umuntu okuzakuthathwa bona sele agwetjiwe, beze kufike isikhathi lapho isibawo sokubuyezwa kokubonwa kwakhe umlandu namkha isigwebo sesiqundiwe namkha lapho isibaweso sele siphelwelele sikhathi khona.

- Ukungavunyelwa komuntu bona abe lilunga lesiBethamthetho kuphela emva kweminyaka emihlanu ngemva kokuqeda isigwebo lesi.
2. Umuntu ongakalungeli lokuba lilunga lesiBethamthetho sesiFunda ngokuya kwesigatjana (1)(a) namkha (b) angaba ngungikhetani wesiBethamthethweso ngaphasi kweenrhunyezo namkha imibandela esungulwe mThetho weNarha zombebele.
  3. Umuntu ulahlekelwa bulunga bakhe besiBethamthetho sesiFunda nangabe umuntu loyo—
    - a. angasanalo ilungelo lokuba lilunga; namkha
    - b. utshwilile ukuba khona esiBethamthethweni ngaphandle kwemvumo ngaphasi kobujamo lapha imilayo nemiyalo yesiBethamthetho iveza ukulahlekelwa bulunga;
    - c. angasanalo ilungelo lokuba lilunga lehlanguano leyo emkhetheleko bona abe lilunga lesiBethamthetho.

*[Isigatjana (3) sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leTjhumu lomThetho womnyaka we-2003 kanye nesigaba 4 somThethosisekelo oliTjhuguluko leTjhumu nane lomThetho we-2008.]*

4. Iinkhundla zesiBethamthetho sesiFunda kumele zizaliswe ngokuya komThetho weNarha.

## 107. Ukufunga Namkha Ukuqinisekisa

Ngaphambi kobana amalunga wesiBethamthetho sesiFunda athome ngemisebenziwo wesiBethamthetho, kumele afunge namkha, aqinisekise ukwethembeka kwawo kuRiphabliki begodu nokuthobela kwawo umThethosisekelo ngokuya kweHlelokambiso 2.

## 108. Isikhathi Esibekelwe IimBethamthetho ZeemFunda

1. IsiBethamthetho sesiFunda sivowudela isikhathi esiminyaka emihlanu.
2. Nangabe isiBethamthetho sesiFunda siyapheliswa ngokuya kwesigaba 109, namkha lokha nakuphela isikhathi saso, uNdunakulu wesiFunda ngesimemezelo somThetho, kumele abize begodu abeke namalanga wokubanjwa kwamakhethe, okumele abanjwe phakathi kwamalanga ama- 90 ukusukela ngelanga isiBethamthetho esipheliswa ngalo, namkha ngemva kokuphela kwesikhathi saso. Isimemezelo esibizako namkha esibeka ilanga lamakhethe kumele sikhutjhe ngaphambi namkha ngemva kokuphela kwesikhathi sokuphatha sesiBethamthetho sesiFunda.

*[Isigatjana 2 sijanyiselelwe ngesigatjana 1 somThethosisekelo oliTjhuguluko lesiNe lomThetho womnyaka we-1999.]*

3. Nangabe imiphumela yamakhethe wesiBethamthetho

sesiFunda ayikamenyezelwa ngesikhathi okukhulunywa ngaso esigabeni se-190 namkha nangabe amakhetho abekelwe ngeqadi yikhotho, uMongameli ngesimemezelo somThetho kumele amemezele begodu abeke namanye amalanga amakhetho amanye okumele abanjwe ngawo phakathi kwamalanga ama-90 emva kokuphela kwesikhatheso namkha kwelangelo amakhetho abekelwa ngalo ngeqadi.

4. IsiBethamthetho sesiFunda sihlala sinamandla wokusebenza kusukela ngesikhathi sokupheliswa kwaso, namkha ngemva kokuphela kwesikhathi sokusebenza kwaso, bekufike ilanga elingaphambi kwelanga lokuthoma kwamakhetho wesiBethamthetho esilandelako.

### 109. Ukupheliswa KweemBethamthetho ZeemFunda Ngaphambi Kokuphela Kwesikhathi Sazo

1. UNdunakulu wesiFunda kumele aphelise isiBethamthetho sesiFunda nangabe—
  - a. isiBethamthetho samukele isiqunto esisekelwe linengi lamalungaso bona kumele siphelise; begodu
  - b. nangabe sekuphele iminyaka emithathu isiBethamthetho solo sakhethwako.
2. UMjaphethe kaNdunakulu kumele aphelise isiBethamthetho sesiFunda nangabe—
  - a. isikhundla sikaNdunakulu sivulekile; begodu
  - b. nesiBethamthetho sibhalelwa kukhetha uNdunakulu omutjha phakathi kwamalanga ama-30 emva kokuvuleka kwesikhundla lesi.

### 110. Iinkhathi Zokuhlala Nezokuphumula

1. Emva kwamakhetho, ukuhlala kokuthoma kwesiBethamthetho sesiFunda kumele kubanjwe ngesikhathi nelanga eliquntwe liJaji elibekwe liJaji eliKhulu, kodwana kungakadluli amalanga ali-14 emva kokumenyezelwa kwemiphumela. IsiBethamthetho sesiFunda singaqunta iinkhathi nobude bokuhlala nokuphumula kwaso.

*[Isigatjana (1) esijanyiselelwe ngesigaba 8 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

2. UNdunakulu angabiza isiBethamthetho sesiFunda bona sizokuhlala ngokungakavami ukuzokuqalana neendaba eziqakathekileko.
3. IsiBethamthetho sesiFunda sizakuqunta bona sizakuhlala kuyiphi indawo.

### 111. USomlomo NeSekela LikaSomlomo

1. Ekuhlaleni kokuthoma ngemva kwamakhetho, namkha lokha nakutlhogeka ukuzalisa isikhundla, isiBethamthetho sesiFunda kumele sikhethe uSomlomo neSekela likaSomlomo hlangana

namalungaso.

2. IJaji elibekwe liJaji eliKhulu kumele likhambise amakhetho kaSomlomo; uSomlomo nguye ozakukhambisa amakhetho weSekela likaSomlomo.

*[Isigatjana (2) sijanyiselelwe ngesigaba 9 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

3. Indlela yekambiso endlalwe eNgcenyeni A yeHlelokambiso 3 ngiyo esetjenziswako nakukhethwa uSomlomo neSekela likaSomlomo.
4. IsiBethamthetho sesiFunda singasusa uSomlomo namkha iSekela likaSomlomo esikhundleni ngokuthathwa kwesiqunto. Inengi lamalunga wesiBethamthetho kumele abekhona nakwamukelwa isiqunto.
5. Ngokuya kwemilayo nemiyalwaso, isiBethamthetho sesiFunda singakhetha hlangana namalungaso abanye aboSihlalo ukusiza uSomlomo neSekela likaSomlomo.

### 112. Iinqunto

1. Ngaphandle kwalokha umThethosisekelo ubeka ngokuhlukileko—
  - a. inengi lamalunga wesiBethamthetho sesiFunda kumele abekhona ngaphambi kobana kuthathwe ivowudu manqophana nomThethomlingwa namkha ukutjhugululwa komThethomlingwa;
  - b. okungasenani, ubunye bobuthathu bamalunga kumele abekhona ngaphambi kobana ivowudu yananyana ngiyiphi indaba ephambi kwesiBethamthetho ingathathwa; begodu
  - c. zoke iindaba eziphambi kwesiBethamthetho ziquntwa linengi lamavowudu afakiweko.
2. Ilunga elinguSihlalo emhlanganweni wesiBethamthetho sesiFunda alikavunyelwa bona likhetha njengabanye, kodwana—
  - a. kumele liphosele ivowudu ehlukanisako nangabe kunamavowudu alinganako emahlangothini womabili phezu kombuzo othileko; begodu
  - b. Angafaka ivowudu njengabanye nangabe indaba kumele iquntwe livowudu elisekelwa okungasenani buncani benengi lobubili ebuthathwini bamalunga.

### 113. Amalungelo Wamalunga Aziinthyunwa Zasafuthi EemBethamthethweni ZeemFunda

Amalunga wesiFunda aziinthyunwa zasafuthi emKhandlwini weemFunda angakhambela begodu angakhuluma eemBethamthethweni zeemFunda namakomidazo, kodwana angeze bavowuda. IsiBethamthetho singabawa ilunga elisithunywa sasafuthi bona likhambela namkha likhulume esiBethamthethweni namkha amakomidinaso.

### 114. Amandla WesiBethamthetho SesiFunda

1. Ekusebenziseni amandlaso wokulawula umthetho,

isiBethamthetho sesiFunda singa—

- a. tjeja, siphasise, sitjhugulule namkha sale nanyana ngimuphi umThethomlingwa ongaphambi kwesiBethamthetho; begodu
  - b. sungula namkha silungise umThetho, ngaphandle kwemiThethomlingwa yeemali.
2. IsiBethamthetho sesiFunda kumele sinikele iindlela—
    - a. zokuqinisekisa bona zoke iinjamo zomKhandlu womBuso wesiFunda zokuphatha ziziphendulela kiso.
    - b. eqinisekisa ukutlhogonyelwa okungeneleleko—
      - i. kokusetjenziswa kwamandla womKhandlu wezokuphatha okufaka hlangana nokusetjenziswa komThetho ngokwesiqunto; begodu
      - ii. nakunanyana ngisiphi isijamo somBuso wesiFunda.

### 115. Ubufakazi Namkha Umbiko Ngaphambi KweemBethamthetho ZeemFunda

1. IsiBethamthetho sesiFunda nomkha enye yamakomidaso inga—
  - a. biza nanyana ngimuphi umuntu ukuvela ngaphambi kwaso ukuzokwethula ubufakazi obufungelweko namkha obuqinisekisiweko namkha ukuveza iincwadi zobufakazi;
  - b. bawa nanyana ngimuphi umuntu namkha iinkhungo zeemFunda bona zizokwethula umbiko ngaphambi kwaso;
  - c. katelela, ngokuya komThetho wesiFunda namkha imilayo nemiyalo, nanyana ngimuphi umuntu namkha iinkhungo bona zifezekise ukubizwa kwazo namkha iindingo ngokuya kwepharagrafu (a) namkha (b); begodu
  - d. nokwemukela kweenghonyayo, imibono neemphakamiso ezivela kunanyana ngibaphi abantu abaneerhuluphelo namkha iinkhungo.

### 116. Ukuhlela Kwangaphakathi, Ikambiso Neendlela ZeemBethamthetho ZeemFunda

1. IsiBethamthetho sesiFunda singa—
  - a. qunta besilawule ukuhleleka kwangaphakathi, iinkambiso neendlela zaso; begodu
  - b. senze imilayo nemiyalo ephathelene nomsebenzaso, ngokutjhejwa kobujameleko nokusebenza kwentando yesitjhaba, ubuziphendulelo ukuba bupepenene begodu nokuzibandakanya komphakathi.
2. Imilayo nemiyalo yesiBethamthetho sesiFunda kumele itjeje—
  - a. ukusungulwa, ukubunjwa, amandla imisebenzi, iindlela zekambiso neenkathi ezibekelwe amakomidaso;
  - b. ukuzibandakanya emisebenzini yesiBethamthetho begodu namakomidi kwazo zoke iinhlango ezincani zombanganarha ezijanyelweko ngaphakathi kwesiBethamthetho ngendlela ekhambisana nentando yenengi;

- c. ukusekelwa ngeemali nangezokuphatha kwenye nanye inhlango yezombanganarha ejanyelweko esiBethamthethweni, ngokulandela indlela yokujanyelwa kwazo esiBethamthethweni, ukwenzela bona inhlango enye nanye nomrholayo ikghone ukwenza imisebenzayo ephathelene nesiBethamthethweni; begodu
- d. nokwamukelwa komrholi wehlangano engekulu kwezincani esiBethamthethweni, njengoMrholi wehlangothi eliPhikisako.

### 117. Amalungelo Akhethekileko

1. Amalunga wesiBethamthetho sesiFunda namalunga aziinthunywa zasafuthi emKhandlwini weNarha ongamele iimFunda—
  - a. anetjhapuluko lokukhuluma nanyana yini ngaphakathi kwesiBethamthetho nemakomidaso, ngokuya kwemilayo nemiyalo; begodu
  - b. angeze bamangalelwa ngokwemilando ethinta ikambiso yomphakathi namakha ubulelesi, babotjhe, bavalelwe ejele namkha bahlawuliswe ngomonakalo—
    - i. wananyana yini abakukhulumileko, abakunikele namkha bakwethule ngaphambi kwesiBethamthetho namkha kunanyana ngiyiphi yamakomidaso; namkha
    - ii. nanyana yini okuvezwe ngebanga lananyana yini ekhulunyelweko, okunikelweko namkha okwethulwe ngaphambi kwesiBethamthetho namkha kunanyana ngiyiphi yamakomidaso.
2. Amanye amalungelo akhethekileko nokulitjalelwa kwesiBethamthetho sesiFunda namalungaso angabekwa mThetho weNarha.
3. Imirholo, iimbonelelo neenzuzo ezibhadelwa kumalunga wesiBethamthetho sesiFunda avela bunqopho esiKhwameni sengenisoMali kaRhulumende sesiFunda.

### 118. Ukufikelela Nokuzibandakanya Komphakathi EemBethamthethweni ZeemFunda

1. IsiBethamthetho sesiFunda kumele—
  - a. siphumelelise ukuzibandakanya komphakathi emisebenzini yokwenza umthetho nakweminye imisebenzi yesiBethamthetho namakomidaso; begodu
  - b. sense umsebenzaso etjhatjhalazini, begodu imihlanganwaso neyamakomidaso ivulekele umphakathi; kodwana, amagadango azwakalako angathathwa—
    - i. ukulawula indlela yokufikelela komphakathi, okufaka hlangana nokufikelela ngemithombo yeendaba, isiBethamthethweni namakomidaso; begodu
    - ii. nokuvumela ukusetjwa kwananyana ngimuphi umuntu begodu, lapha kufaneleko nokwalelwa ukungena namkha ukukhutjwa kwananyana ngimuphi umuntu.

2. IsiBethamthetho sesiFunda angeze satjhiya umphakathi, okufaka hlangana nemithombo yeendaba ukukhambela imihlangano yekomidi ngaphandle kwalokha nakuzwakalako begodu kulungele ukungenziwa emphakathini ovulekileko

### 119. Ukungeniswa KwemiThethomlingwa

Malunga womKhandlu weNarha ongamele iimFunda kwaphela namkha ikomidi namkha ilunga lesiBethamthetho sesiFunda angethula umThethomlingwa esiBethamthethweni; kodwana lilunga lomKhandlu wezokuphatha kwaphela elingaziphendulelako eendabeni zeemali, namkha ilunga elikhonjwe nguNdunakulu ongangenisa umThethomlingwa wezeemali esiBethamthethweni.

### 120. ImiThethomlingwa Yeemali

1. UmThethomlingwa, kumThethomlingwa wemali nangabe—
  - a. wabelana ngeemali;
  - b. ukatelela ukubhadalwa komthelo weemFunda, amalevi, umthelo wepahla namkha umthelo ongezelelweko;
  - c. uphelisa namkha uphungula, namkha ukhupha umuntu emthelweni wananyana ngisiphi isiFunda, amalevi, umthelo wepahla namkha umthelo ongezelelweko; namkha
  - d. ugunyaza ukutholakala komthelo bunqophisa esiKhwameni seNgenisomali yesiFunda.
2. UmThethomlingwa weemali angekhe wasebenza nanganyana ngiyiphi enye into ngaphandle—
  - a. kwendaba ephathelene nesabelo seemali;
  - b. kokukatelela, ukusulwa, namkha ukuphungulwa kwemithelo yeemFunda, amalevi, umthelo wepahla namkha umthelo ongezelelweko;
  - c. ukukhutjwa komuntu emthelweni wananyana ngisiphi isiFunda, amalevi, umthelo wepahla namkha umthelo ongezelelweko; namkha
  - d. kokugunyaza ukutholakala komthelo bunqophisa esiKhwameni seNgenisomali yesiFunda.
3. UmThetho wesiFunda kumele unikele ikambiso ukwenzela bona isiBethamthetho sesiFunda sikwazi ukutjhugulula umThethomlingwa weemali.

*[Isigaba 120 sijanyiselelwe ngesigaba 3 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

### 121. Ukwamukelwa KwemiThethomlingwa

1. UNdunakulu wesiFunda kumele amukele begodu atlikitle umThethomlingwa ophasiswe siBethamthetho sesiFunda ngokuya kweSahlukwesi namkha nangabe uNdunakulu anokurhiniza ngehlangothini lokukhambisana nomThethosisekelo komThethomlingwa loyo, kumele ubuyiselwe emva esiBethamthethweni bona siyowuhlolisisa kabutjha.
2. Nangabe, emva kokuhlolisiswa kabutjha,

- komThethomlingwa othileko, kutholakala bona wanelisa zoke iinrhuluphelo zikaNdunakulu, uNdunakulu, kumele awamukele bekawutlikitle umThethomlingwa loyo; nangabe akusinjalo uNdunakulu kumele enze okhunye kwalokhu—
- a. angawamukela begodu awutlikitle umThethomlingwa loyo; namkha
  - b. angawudlulisela eKhoti yomThethosisekelo bona ikhuphe isiqunto ngokukhambisana kwawo nomThethosisekelo namkha awa.
3. Nangabe iKhoti yomThethosisekelo iqunta bona umThethomlingwa loyo ukhambisana nomThethosisekelo, uNdunakulu kumele awamukele begodu awutlikitle.

### 122. Ukwenza KwamaLunga Iimbawo EKhoti YomThethosisekelo

1. Amalunga wesiBethamthetho sesiFunda angenza isibawo eKhoti yomThethosisekelo bona ikhuphe isiqunto esitjhoko bona umThetho wesiFunda namkha ingcenywe yawo ayikhambisani nomThethosisekelo.
2. Isibawo—
  - a. kumele sisekelwe okungasenani buncani obungaba maphesente ama-20 wamalunga besiBethamthetho; begodu
  - b. kumele kwenziwe phakathi kwamalanga ama-30 ukusukela ngelanga uNdunakulu awamukela begodu wawutlikitle gayo.
3. IKhoti yomThethosisekelo ingalaya bona woke namkha ingcenywe yomThetho loyo, okwenziwe isibawo ngawo ngokuya kwesigatjana (1) awunamandla wangokomThetho bekufike lapha iKhoti ikhupha khona isiqunto ngesibaweso, nangabe—
  - a. iinrhuluphelo zezobulungiswa ziyakudinga lokho; begodu
  - b. isibaweso sinekghonakalo elizwakalako bona singaphumelela.
4. Nangabe isibawesi siba asiphumeleli, iKhoti yomThethosisekelo kumele igunyaze bona abafaki besibaweso babhadele zoke iindleko.

### 123. Ukukhangiswa KwemiThetho YeemFunda

UmThethomlingwa owamukelwako begodu watlikitlwa nguNdunakulu wesiFunda uba mThetho wesiFunda, kumele waziswe msinya begodu bewuthome ukusebenza nasele wazisiwe namkha ngelanga elizokubekwa mThetho.

### 124. Ukubulungwa KwemiThetho YeemFunda

IKhophi etlikitliweko yomThetho wesiFunda ibufakazi obuzeleko beenqalelelo zomThetho loyo begodu, nasele umenyazelwe kumele unikelwe iKhoti yomThethosisekelo bona iwubulunge.



## ImiKhandlu YeemFunda

### 125. Amandla Wokulawula IimFunda

1. Amandla wokuphatha isiFunda athweswe uNdunakulu wesiFundeso.
2. UNdunakulu usebenzisa amandla wezokuphatha namanye amalunga womKhandlu wezokuPhatha isiFunda ngokwenza lokhu—
  - a. ngokwethula ukusetjenziswa komThetho wesiFunda ngaphakathi kwesiFundeso.
  - b. ngokukwethula ukusetjenziswa kwayo yoke imiThetho yeNarha engaphakathi kweendawo zokusebenzela ezirheliswe eHlelwenikambiso 4 nelesi- 5 ngaphandle kwanyana umThethosisekelo namkha umThetho wePalamende utjho okuhlukileko;
  - c. ngokutjheja esiFundeni ukusetjenziswa, komThetho weNarha ongaphandle kweendawo zokusebenza ezirheliswe eHlelwenikambiso 4 nelesi-5, ukuphathwa kwawo okunikelwe ezandleni zamandla welawulo lesiFunda ngokuya komThetho wePalamende;
  - d. ngokuthuthukisa nokwethula umthethokambiso wesiFunda ngokwesiqunto.
  - e. ngokuthintanisa imisebenzi yokuphathwa kwesiFunda nemiNyango kaRhulumende;
  - f. ngokulungisa nokusungula umThetho wesiFunda; begodu
  - g. ngokwenza nanyana ngimuphi umsebenzi onikelwe emandleni wesiFunda ngokuya komThethosisekelo namkha umThetho wePalamende.
3. IsiFunda sinamandla welawulo ngokuya kwesigatjana (2) (d) kwaphela ukufikela ezingeni lapha siba khona namandla wokuba nekghono lokuba neembopho kwezokuphatha. URhulumende weNarha, ngokomThetho begodu nangezinye iindlela, kumele asize iimFunda ukobana zithuthukise amandlazo wezokuphatha athlogeka ukwenzela bona zikwazi ukusebenzisa amandlazo wokuphatha ngepumelelo, begodu nokwenza imisebenzazo okukhulunywa ngayo esigatjaneni (2).
4. Nanyana ngimuphi umbango omalungana namandla wezokuphatha wesiFunda ophathelene nanyana ngimuphi umsebenzi kumele udluliselwe emKhandlwini weNarha ongamele iimFunda bona uwurarulule phakathi kwamalanga ama-30 ukusukela ngelanga umbango lo owadluliswa ngayo.
5. Ngokulawulwa sigaba 100, ukwenziwa komsebenzi womThetho wesiFunda ngaphakathi kwesiFunda, kusemandleni womKhandlu wesiFunda wezokuphatha kwaphela.
6. UmKhandlu wezokuphatha wesiFunda kumele usebenze ngokulandela—
  - a. umThethosisekelo; begodu
  - b. umThethosisekelo wesiFunda, nangabe umThethosisekelo wesiFunda uphasisiwe.

### 126. Ukunikelwa Imisebenzi

1. Ilunga lomKhandlu wesiFunda wezokuphatha linganikelwa nanyana ngimaphi amandla namkha umsebenzi okumele wenziwe namkha okumele ukwenziwa ngokuya komThetho wePalamende, namkha umThetho wesiFunda, emKhandlwini kaMasipala. Umsebenzi—
  - a. kumele wenziwe ngokuya kwesivumelwano hlangana nelunga elithintekako lomKhandlu wezokuPhatha nomKhandlu kaMasipala;
  - b. kumele ukhambisane nomThetho loyo ngokuya kwamandla afaneleko namkha umsebenzi osetjenziweko namkha owenziweko; begodu
  - c. uthoma ukwenziwa ekumenyazelweni kwawo nguNdunakulu.

### 127. Amandla Nemisebenzi YaboNdunakulu

1. UNdunakulu wesiFunda unamandla nemisebenzi ethweswe yona sikhundla ngokuya komThethosisekelo begodu nanganyana ngimuphi umthetho.
2. UNdunakulu wesiFunda unesibopho salokhu—
  - a. ukwamukela nokutlikitla imithetho-ehlongoziweko;
  - b. ukubuyisela emva umThethomlingwa esiBethamthethweni sesiFunda bona sihlolisise kabutjha ukukhambisana kwawo nomThethosisekelo.
  - c. ukudlulisela umThethomlingwa eKhotho yomThethosisekelo bona ithathe isiqunto sokobana iyakhambisana yini nomThethosisekelo;
  - d. ukubiza isiBethamthetho sesiFunda bona sizokuhlala ngokungakavami ukwenzela bona sikwazi ukwenza imisebenzi eqakatheke khulu;
  - e. ukubeka amaKomtjhini wePhenyo; begodu
  - f. nokumemezela ireferandamu yesiFunda ngokuya komThetho weNarha.

### 128. Ukukhethwa KwaboNdunakulu

1. Ekuhlaleni kwesiBethamthetho sesiFunda kokuthoma ngemva kwamakhetho begodu nanyana kukunini nakuthlogeka ukobana kuzaliswe isikhundla, kumele kukhethwe umma namkha ubaba hlangana namalunga ukobana abe nguNdunakulu wesiFunda.
2. IJaji elibekwe liJaji eliKhulu kumele likhambise amakhetho wakaNdunakulu. Indlela yekambiso endlalwe eHlelwenikambiso 3 ngiyo esetjenziwako ekukhethweni kwakaNdunakulu.

*[Isigatjana (3) sijanyiselelwe sigaba 10 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

3. Amakhetho wokuvala isikhala sesikhundla sakaNdunakulu kumele abanjwe ngesikhathi begodu nangelanga elikhethwe liJaji eliKhulu, lokhu kumele kwenzeka kungakadluli amalanga ama-30 isikhala

leso sivulekile.

*[Isigatjana (3) sijanyiselelwe sigaba 10 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

### 129. Ukuthoma Ukusebenza KwaboNdunakulu

Loyo akhethelwe bona abe nguNdunakulu kumele athome ngomsebenzakhe phakathi kwamalanga amahlanu kusukela ngelanga akhethwa ngalo, ngokufunga namkha ngokuqinisekisa ukwethembeka kwakhe kuRiphabliki begodu nokuthobela umThethosisekelo, ngokuya kweHlelokambiso 2.

### 130. Isikhathi Somsebenzi Esibekelwe UNdunakulu Nokususwa Kwakhe

1. Isikhathi sokuba nguNdunakulu sithoma lokha uNdunakulu athoma ukusebenza esikhundleni sakhe begodu siphela lokha nakuba nesikhala namkha lokha umuntu okhethelwe ukuba nguNdunakulu olandelako athoma ukusebenza.
2. Akekho umuntu ozakuba sesikhundleni sikaNdunakulu amahlandla adlula kwamabili, kodwana lokha umuntu nakakhethelwa ukuvala isikhundla sikaNdunakulu, isikhathi esihlangana nokukhethwa kwakhokho bekufike amakhetho alandelako kaNdunakulu asithathwa njengehlandla.
3. IsiBethamthetho sesiFunda, ngokwesivumelwano esithathwe ngokusekelwa yivowudu okungasenani yobunengi obububili ebuthathwini samalungaso, singasusa uNdunakulu esihlalweni ngeenzathu ezilandelako kwaphela—
  - a. ukwepulwa okudinisako komThetho namkha umThethosisekelo;
  - b. ukungaziphathi kuhle; namkha
  - c. ukubhalelwa kukwenza imisebenzi yesikhundla sakhe.
4. Nanyana ngubani osusiweko esikhundleni sobuNdunakulu ngokwesigatjana (3)(a) namkha (b) kumele angatholi iinzuzo zesikhundleso, begodu angeze asebenza ngitjho kunanyana ngisiphi isikhundla kunanyana ngiyiphi i-ofisi lomphakathi.

### 131. AboMjaphethe BaboNdunakulu

1. Nangabe uNdunakulu angekho namkha ngeenzathu ezithile uyehluleka ukwenza imisebenzakhe njengoNdunakulu, namkha ngesikhathi nakunesikhala e-ofisini likaNdunakulu, omunye umuntu osesikhundleni esingaphasi ngokuya kwerhelo lokulandelana kweenkhundla angaba nguMjaphethe kaNdunakulu:
  - a. Ilunga lomKhandlu wezokuPhatha elibekwe nguNdunakulu.
  - b. Ilunga lomKhandlu wezokuPhatha elibekwe ngamanye amalunga womKhandlu wezokuPhatha.
  - c. USomlomo bekufike lapha isiBethamthetho sibeka

khona omunye wamalungaso.

2. UMjaphethe kaNdunakulu unamandla, unesibopho, amandla nemisebenzi kaNdunakulu.
3. Ngaphambi kobana athome ngeembopho, amandla, nemisebenzi kaNdunakulu, noMjaphethe kaNdunakulu kumele afunge namkha aqinisekise ukwethembeka kwakhe kuRiphabliki nokuthobela umThethosisekelo ngokuya kweHlelokambiso 2.

### 132. Imikhandlu Yezokuphatha

1. UmKhandlu wesiFunda wezokuPhatha ubunjwa nguNdunakulu, njengehloko yomKhandlu, begodu namalunga angasingaphasi kwamahlanu, begodu angadluli kalitjhumu akhethwe nguNdunakulu hlangana namalunga wesiBethamthetho sesiFunda.
2. UNdunakulu wesiFunda nguye obeka eenkhundleni amalunga womKhandlu wezokuPhatha, uwanikela amandla nemisebenzi, begodu angawasusa eenkhundleni.

### 133. Ukuziphendulelo Neembopho

1. Amalunga womKhandlu wesiFunda wezokuPhatha anesibopho semisebenzi yokuphatha abanikelwe yona nguNdunakulu.
2. Amalunga womKhandlu weiFunda wezokuPhatha wesiFunda aziphendulela ngokuhlanganyela nanofana munye ngamunye esiBethamthethweni ekwenzeni imisebenzi yabo.
3. Amalunga womKhandlu wesiFunda wezokuPhatha kumele—
  - a. asebenze ngokuya komThethosisekelo; begodu
  - b. ethule imibiko ezeleko nangeenkhati zoke esiBethamthethweni manqophana neendaba ezingaphasi kwelawulo labo.

### 134. Ukuragela Phambili KomKhandlu Wezokuphatha Emva Kwamakhetho

Ngesikhathi nakubanjwa amakhetho wesiBethamthetho sesiFunda, umKhandlu wezokuPhatha namalungawo ahlala anamandla wokusebenza bekufe lapha umuntu okhethelwe bona abe nguNdunakulu wesiBethamthetho esilandelako athoma ukusebenza.

### 135. Ukufunga Namkha Ukuzibopha

Ngaphambi kobana amalunga womKhandlu wesiFunda wezokuPhatha angathoma ukwenza imisebenzawo, kumele afunge namkha aqinisekise ukwethembeka kwawo kuRiphabliki nokuthobela umThethosisekelo, ngokuya kweHlelokambiso 2.

### 136. Ukuziphatha Kwamalunga WemiKhandlu YezokuPhatha

1. Amalunga womKhandlu wesiFunda wezokuPhatha kumele aziphathe ngendlela ebekwe mThetho weNarha.



2. Amalunga womKhandlu wesiFunda wezokuPhatha angeze avunyelwa bona—
  - a. enze nanyana ngimuphi umunye umsebenzi obhadelelwako;
  - b. bona aziphathe ngendlela engakhambisaniko neenkhundla zabo namkha bazivumele bona babe sebujamani obungabandakanyeka engozini yokutjhayisana phakathi kwemisebenzabo yombuso neenrhuluphelo zabo zangeqadi; namkha
  - c. basebenzise iinkhundla zabo namkha nanyana ngimuphi umbiko abawuthole ngesibanga somsebenzabo ukuzingenisela imali namkha benzele nanyana ngimuphi umuntu inzuzo ngendlela ephambene nokulunga.

### 137. Ukudluliswa Kwemisebenzi

1. UNdunakulu ngesimemezelo somThetho angadlulisela elungeni lomKhandlu wezokuPhatha—
  - a. ukuphathwa kwananyana ngimuphi umThetho onikelwe elinye ilunga; namkha
  - b. nanyana ngimaphi amandla namkha umsebenzi onikelwe ngokomthetho keline ilunga.

### 138. Ukunikelwa Kwemisebenzi Kwesikhatjhana

UNdunakulu, wesiFunda anganikela elinye ilunga lomKhandlu wezokuPhatha nanyana ngimaphi amandla namkha umsebenzi welinye ilunga elitshwilileko emsebenzini namkha elingakghoni ukusebenzisa amandla namkha ukwenza umsebenz lowo.

### 139. Ukungenelela KwakaRhulumende WesiFunda KuRhulumende WeKhaya

1. Nangabe uMasipala uyabhalelwa namkha angakwazi ukuphumelelisa iimbophelelo zakhe zokuphatha ngokuya komThethosisekelo namkha umThetho, umKhandlu wesiFunda wezokuPhatha ofaneleko ungangenelela phakathi ngokuthatha nanyana ngimaphi amagadango afaneleko ukuqinisekisa ukufezwa kweembopho, okufaka hlangana—
  - a. ukukhutjwa komlayo emKhandlini kaMasipalada ngokuhlathulula izinga lokubhalelwa ukufezekiswa kweembopho, nokutjho nanyana ngimaphi amagadango okumele athathwe ukuhlangabezana neembopho zawo; begodu
  - b. ukukhutjwa komsebenzi ofanele isibopho sikaMasipala ukufikela lapha kutlhogeka khona bona—
    - i. abulunge izinga eliqakathekileko leNarha namkha ufinyelele izinga elitlhogekako ekwethuleni komsebenzi;
    - ii. avimbele umKhandlu kaMasipala ekuthatheni amagadango angazwakaliko nangalimaza iinrhuluphelweni zomunye uMasipala, begodu namkha zesiFunda soke; namkha iii.
    - iii. kubulungwe ibumbano kwezomnotho;

- c. namkha ukuhlakaza umKhandlu kaMasipala nokuqatjha umlawuli bekufike lapha umKhandlu omutjha kaMasipala umenyazelwa khona nangabe ubujamo obukhethekileko bugunyaza igadango elifana nalelo.
2. Nangabe umKhandlu wesiFunda wezokuPhatha uyangenelela eendabeni zakaMasipala ngokuya kwesigatjana (1)(b)—
  - a. kumele ulethe isaziso esitloliweko sokungenelela—
    - i. elungeni leKhabinedi eliphathelene neendaba zikaRhulumende; begodu
    - ii. nesiBethamthethweni sesiFunda begodu nomKhandlu weNatha ongamele iimFunda, phakathi kwamalanga ali-14 emva kobana kuthome ukungenelela;
  - b. Ukungenelela kumele kuphele nangabe—
    - i. ilunga leKhabinethe eliphathelene neendaba zikaRhulumende weKhaya lingavumeli ukungenelela ngamalanga ama-28 ngemva kokuthoma kokungenelela namkha kutholakala bona ekupheleni kwasikhatheso akakabi ukulivumela ingenelelo; namkha
    - ii. umKhandlu ungavumeli ukungenelela lokho phakathi kwamalanga ali-180 ngemva kobana kuthome ibonelelo namkha ekupheleni kwasikhatheso kungabi ukuvunyelwa ukungenelela; begodu
  - c. umKhandlu kumele, ngesikhatheso ingenelelo liragela phambili, ubuyekeza ingenelelo qobe sikhathi esithileko begodu kungenza nanyana ngiziphi iimphakamiso ezifaneleko emKhandlwini wesiFunda.
3. Nangabe umKhandlu kaMasipala uphadlhalajwe ngokuya kwesigatjana (1)(c)—
  - a. isiGungu sesiFunda kumele silethe isiyeeleliso esitloliweko sokuphadlhalajwa kwaso ngokurhabekileko—
    - i. elungeni leKhabinedi eliphethe iindaba zikaRhulumende wemaKhaya; begodu
    - ii. nesiBethamthethweni sesiFunda nemKhandlwini weNarha ongamele iimFunda; begodu
  - b. isiqunto sokuphadlhalajwa singathoma ukusebenza emalangenali ali-14 ukusukela ngelanga lokwamukelwa kwesiyeeleliso esivela emKhandlu ngaphandle kwanyana singabekelwa ngeqadi ilunga leKhabinedi namkha mKhandlu ngaphambi kokuphela kwamalanga ali-14.
4. Nangabe uMasipala akakghoni namkha akakwazi ukufezekisa isibopho ngokuya komThethosisekelo namkha ngokomThetho ukuphasisa isabelo seemali namkha amanye amagadango wokubuthelela kwengenisomali elitlhogekako ukwenza bona kuthome ukusebenza kwesabelo seemali, isiGungu sesiFunda esifaneleko kumele singenelele ngokuthatha nanyana ngimaphi amagadango afaneleko ukuqinisekisa bona isabelo seemali namkha bona amagadango lawo wokubuthelelwa

kwengenisomali ayamukeleka yini, okufaka hlangana umKhandlu kaMasipala begodu—

- a. nokuqatjiswa komlawuli bekufike lapha umKhandlu omutjha kaMasipala kumenyezelwa khona bona sele uthomile ukusebenza ngokomthetho; begodu
  - b. nokuphasiswa kwesabelo seemali sesikhatjhana namkha amagadango wokubuthelelwa kwengenisomali ukukghonakalisa ukuragela phambili kokusebenza kukaMasipala.
5. NangabeuMasipala, ngebanga lokungakhambi kuhle kwezinto endabeni yezeemali, usemrrarweni omkhulu namkha wokungafezekisi imbopho zakhe zokunikela imisebenzi esisekelo namkha ukufezakalisa iimbopho zakhe ezipathelene nezeemali, namkha avuma bona akakwazi ukufezekisa iimbopho zakhe, namkha iimbopho zezeemali, isiGungu sesiFunda esifaneleko kumele—
- a. sinikele iqhinga lokobana uMasipala ahlangebazane neembopho zakhe ngokunikela imisebenzi esisekelo namkha isibopho sakhe sezeemali, okumele—
    - i. silungiswe ngokuya komThetho weNarha; begodu
    - ii. ubopha uMasipala ekusebenziseni amandla wakhe wesiGungu nawomThetho, kodwana kwaphela ekufikeleni ebujameni obuthogekako ukurarulula umraro ophathelene neendaba zeemali; begodu
  - b. nokuphadlhalajwa umKhandlu kaMasipala, nangabe uMasipala akakwazi namkha akavumeli amagadango womThetho, okufaka hlangana isabelo seemali namkha amagadango wokubuthelela ingenisomali, elitlhogakalako ukuphumelelisa iqhinga lokulungisa, begodu—
    - i. nokuqatjiswa komlawuli bekufike lapha umKhandlu omutjha kaMasipala kumenyezelwa khona bona sele uthomile ukusebenza ngokomthetho; begodu
    - ii. unikelwe ibhajethi yesikhatjhana namkha amagadango wokubuthelela ingenisomali namkha nanyana ngimaphi amagadango aphumelelisa iqhinga lokwenza bona uMasipala akwazi ukuragela phambili nokwenza umsebenzakhe; namkha
  - c. nangabe umKhandlu kaMasipala awukaphadlhalajwa ngokuya kwepharagrafu (b); kumele kuthome isibopho sokusebenzisa iqhinga lokuphumelela ukufikela ezingeni lapha uMasipala angeze akwazi namkha angavumeli ukusetjenziswa kweqhinga lokuzivuselela.
6. Nangabe isiGungu sesiFunda siyangenela kuMasipala ngokwesigatjana (4) namkha (5), kumele silethe isaziso esitloliweko sokungenelela—
- a. elungeni leKhabinedi eliphathelene neendaba zaboRhulumende, begodu
  - b. esiBethamthethweni sesiFunda nemKhandlwini ongamele iimFunda, ngamalanga amakhomba emva kokungenelela.
7. Nangabe isiGungu sesiFunda singenelela emsebenzini

kaMasipala ngokuya kwesigatjana (4) namkha (5); kumele sinikele isiyeleliso sokungenelela esitloliweko.

8. UmThetho wenarha asikghoni amandla asifuni namkha asenzi ungalawula ukusetjenziswa kwesigaba lesi, kufaka hlangana iinkambiso ezihlonywe ngilesi sigaba.

*[Isigaba 139 sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leTjhumini nanye lomThetho womnyaka we-2003.]*

## 140. Iinqunto Eziphezulu

1. Isiqunto sikaNdunakulu wesiFunda kumele sitlowe phasi nangabe—
  - a. sithethwe ngokuya komThetho; namkha
  - b. sinemiphumela yangokomThetho.
2. Isiqunto esitloliweko sikaNdunakulu kumele sitlakitlwe godu ngelinye ilunga lomKhandlu wozokuPhatha nangabe isiquntweso sithinta umsebenzi onikelwe elinye ilunga.
3. Iimemezelo, imithetjhwana begodu nezinye intlabagelo zemithetjhwana emincani yesiFunda kumele kwaziswe umphakathi.
4. UmThetho wesiFunda ungatjho indlela leyo, begodu nalapha kufinyelela khona, iinsetjenziswa ezitjhiwo esigatjaneni (3) kumele—
  - a. wendlalwe esiBethamthethweni sesiFunda; begodu
  - b. bewuphasiswe siBethamthetho sesiFunda.

## 141. Isitjhukumiso Sokuzwakalisa Ukungabi Nethemba

1. Nangabe isiBethamthetho sesiFunda ngesiqunto esamukelwe linengi lamalungaso siphasisa isiphakamiso sokuzwakalisa ukungabi nethemba kumKhandlu wesiFunda wezokuPhatha ngaphandle kukaNdunakulu, uNdunakulu kumele abumbe kabutjha umKhandlu loyo.
2. Lokha isiBethamthetho sesiFunda ngesiqunto esamukelwe linengi lamalungaso siphasisa isiphakamiso sokungabi nethemba kuNdunakulu, uNdunakulu namanye amalunga womKhandlu wezokuPhatha kumele batjhiye phasi iinkhundla zabo.

## ImiThethosisekelo YeemFunda

### 142. Ukwamukelwa KwemiThethosisekelo YeemFunda

IsiBethamthetho sesiFunda singaphasisa umThethosisekelo wesiFunda, namkha nakunokwenzeka sitjhugulule umThethosisekelwaso, lokha nangabe okungasenani ubuncani bobubili ebuthathwini bamalungaso bavowudela umThethosisekelo loyo.

### 143. Okumumethwe MiThethosisekelo YeemFunda

1. UmThethosisekelo wesiFunda namkha itjhugululo lomThethosisekelo akukameli bona likhambisani nomThethosisekelo lo, kodwana ungabonelela lokhu—
  - a. isiBethamthetho sesiFunda namkha iinjamo zesiGungu begodu neendlela zekambiso ezehlukileko kunalezo ezinikelweko esaHlukwenesi; namkha
  - b. isikhungo, indima ayidlalako, amandla begodu nobujamo boburholi bendabuko, lapha kufanele khona.
2. Iinjamo ezifakwe emThethwenisisekelo wesiFunda namkha umThethosisekelo otjhugululiweko ngokuya kwepharagrafu (a) namkha (b) yesigatjana (1)—
  - a. kumele zikhambisane nemigomo amunyethwe sigagaba 1 neSahluko 3; begodu
  - b. angeze athwesa isifunda nanyana ngimaphi amandla namkha imisebenzi loyo ewela—
    - i. ngaphandle kwendawo elawulwa siFunda ngokuya kweHlelokambiso 4 neyesi- 5; namkha
    - ii. ngaphandle kwamandla nemisebenzi ethweswe isiFunda ngoyalelwa ziingaba zomThethosisekelo.

### 144. Ukuqinisekiswa KwemiThethosisekelo YeemFunda

1. Nnagabe isiBethamthetho sesiFunda siphasiswe namkha sitjhugulule umThethosisekelo, uSomlomo wesiBethamthetho kumele adlulisele umtlolo loyo womThethosisekelo namkha wetjhugululo lomThethosisekelo eKhotho yomThethosisekelo bona iwuqinisekise.
2. Akunamtlolo womThethosisekelo wesiFunda namkha umThethosisekelo otjhugululiweko ozakuba mThetho bekufike lapha iKhotho yomThethosisekelo iqinisekisa bona—
  - a. umtlolo loyo ophasiswe ngokuya kwesigaba 142; begodu
  - b. umtlolo loyo woke uzalisa iindingo zesigaba 143.

### 145. Ukutlikitlwa, Ukwaziswa Nokulondwa KwemiThethosisekelo YeemFunda

1. UNdunakulu wesiFunda kumele amukele begodu atlikitle umtlolo womThethosisekelo wesiFunda namkha umThethosisekelo otjhugululiweko nesele uqinisekiswa yiKhotho yomThethosisekelo.
2. UmTlolo owamukelwe bewatlikitlwa nguNdunakulu kumele ukhangiswe kuGazede kaRhulumende weNarha begodu ubamThetho ekwazisweni kwawo namkha elangeni lamuva, eliquntwe ngokuya komThethosisekelo namkha umThethosisekelo otjhugululiweko.
3. Umtlolo otlikitliweko womThethosisekelo namkha umThethosisekelo otjhugululiweko wesiFunda ubufakazi obuzeleko beenqalelelo zawo begodu, emva

kokwaziswa, kumele udluliselwe eKhotho yomThethosisekelo bona iwubulunge.

### ImiThetho Etjhayisanako

### 146. Ukungakhambisani Phakathi KomThetho WeNarha NewesiFunda

1. Isigabesi sisetjenziswa nangabe kunokutjhayisana hlangana komThetho weNarha nomThetho wesiFunda owela ngaphasi kwendawo yokusebenzela eerheliswe eHlelwenikambiso 4.
2. UmThetho weNarha osebenza ngokufana manqophana neNarha zombebele usebenza ngehla komThetho wesiFunda otjhayisana nawo nangabe imibandela elandelako iyazaliswa:
  - a. UmThetho weNarha uqalane nendaba engeze yalawuleka kuhle ngokwemiThetho ephasiswa ngileso naleso siFunda ngokwehlukahlukana;
  - b. UmThetho weNarha usebenza ngendaba leyo okumele bona nakuzakusetjenzwa ngayo ngepumelelo, kutlhogeka ifaniswano eNarheni zombebele, begodu umThetho weNarha uletha ifaniswano ngokusungula—
    - i. imigomo namazinga;
    - ii. amaphahla; namkha
    - iii. imithethokambiso yenarha.
  - c. UmThetho weNarha uyadingeka ukubonelela—
    - i. ukuvikeleka kwesitjhaba;
    - ii. ukubumbana kwezomnotho;
    - iii. ukuvikeleka kwezorhwebo ngokuhlanganyela ukusabalaliswa kwepahla yokurhwetjwa, imali nezomsebenzi ;
    - iv. ukuthuthukiswa kwemisebenzi yezomnotho nangale kwemikhawulo yemfunda;
    - v. ukukhuphula izinga lokufana kokulingana namkha ikghono lokufumana izenzelwa zakaRhulumende; namkha
    - vi. ukuvikeleka kwebhoduluko.
3. UmThetho weNarha uba ngehla komThetho wesiFunda nangabe umThetho weNarha unqophe ekuvimbela igadango elingazwakaliko lesiFundeso—
  - a. elingakhubaza umnotho, zepilo neenrhuluphelo zokuvikeleka kwesinye isiFunda namkha iNarha yoke; namkha
  - b. elingariyadisa ukusetjenziswa kwendlela yekambiso yezomnotho wenarha zombebele.
4. Nangabe kunombango manqophana nokobana kungenzeka yini bona umThetho weNarha utlhogeka ngomqopho otlolwe esigatjaneni (2) begodu nokobana umbango uza ngaphambi kwesiqunto seKhotho, iKhotho kumele, ihlolisise ukwamukelwa namkha ukwaliwa komThetho mKhandlu weNarha ongamele iimFunda.
5. UmThetho wesiFunda uba ngehla komThetho weNarha nangabe isigatjana (2) neses- (3) asikasetjenziswa.
6. UmThetho obekwe ngokuya komThetho wePalamende namkha umThetho wesiFunda ungakhona kwaphela nangabe umThetho lowo uphasiswe mKhandlu

weNarha ongamele iimFunda.

7. Nangabe umKhandlu weNarha ongamele iimFunda awufikeleli esiquntwini phakathi kwamalanga ama-30 wokuhlala kwawo kokuthoma ngemva kokudluliselwa komThetho lowo kiwo, umThetho lowo kumele uthathwe ngazo zoke iindlela njengomThetho ophasiwe mKhandlu weNarha ongamele iimFunda.
8. Nangabe umKhandlu weNarha ongamele iimFunda awamukeli umThetho odluliselwe kiwo ngokuya kwesigatjana (6), kumele, phakathi kwamalanga ama-30 ngemva kwesiqunto sawo, uthumele amabanga atjhoko bona kubayini ungakavumeli umThetho lowo esiphathisweneso esidlulisele umThetho lo kiwo.

### 147. Ukutjhayisana Okhunye

1. Nangabe kuba khona ukutjhayisana hlangana nomThetho weNarha nesiqalelelo somThethosisekelo wesiFunda manqophana—
  - a. nendaba, ephathelene nomThethosisekelo khulukhulu okuthogakala bona iphasiswe mThetho weNarha, umThetho weNarha lowo uba khona ngehla kwesiqalelelo esithintekako somThethosisekelo wesiFunda;
  - b. nokungenelela phakathi kweNarha ngokomThetho ngokuya kwesigaba 44(2), umThetho weNarha uba ngehla kwesiqalelelo somThethosisekelo wesiFunda; namkha
  - c. nendaba engaphakathi kwendawo yokusebenza erhelweni leHlelokambiso 4, isigaba 146 isetjenziswa kwanga siqalelelo esithintekako

somThethosisekelo wesiFunda lapha umThetho wesiFunda kukhulunywa ngawo khona esigabenesi.

2. UmThetho weNarha okukhulunywa ngawo esigabeni 44(2) uba ngehla komThetho wesiFunda manqophana neendaba eziphakathi kweendawo zomsebenzi ezirheliswe eHlelwenikambiso 5.

### 148. Ukutjhayisana Okungararululekiko

Nangabe umbango omanqophana nokutjhayisana ungakghoni ukurarululwa yikhotho, umThetho weNarha uba ngehla komThetho wesiFunda namkha umThethosisekelo wesiFunda.

### 149. Ubujamo BomThetho Ongakabikhona

Isiqunto seKhotho sokobana umThetho uba ngehla komThetho omunye asitjho bona umThetho otjhidiswako ophelwa mamandla womThetho, kodwana umThetho omunye lowo uhlala ungasebenzi nakusolo ukutjhayisanokho kuragela phambili.

### 150. Ihlathululo Lokutjhayisana

Lokha nawutjheja ukutjhayisana okubonakala kwanga kukhona hlangana nomThetho weNarha newesiFunda, namkha hlangana komThetho weNarha nomThethosisekelo wesiFunda, enye nanye iKhotho kumele ikhethe nanyana ngiyiphi ihlathululo ezwakalako yomThetho namkha umThethosisekelo lowo obalekela ukutjhayisana ngehla kwananyana ngiyiphi enye ihlathululo eletha ukutjhayisana.

# Isahluko 7: URhulumende WeKhaya (151-164)

## 151. Ubujamo BaboMasipala

1. Umkhakha kaRhulumende wemaKhaya ubunjwa boMasipala okumele basungulwe eNarheni yoke yeRiphabliki.
2. Amandla wokuphatha nokwenza umThetho kaMasipala athweswe umKhandlu kaMasipala.
3. UMasipala unelungelo lokulawula ngokwakhe iindaba ezimalungana noRhulumende weKhaya nezomphakathakhe, ngaphasi komThetho weNarha newesiFunda, ngokuya komThethosisekelo.
4. URhulumende weNarha newesiFunda ngeze ehlisa namkha anyaze ikghono namkha ilungelo likaMasipala lokusebenzisa amandlakhe namkha wokwenza umsebenzakhe.

## 152. Iminqopho KaRhulumende WeKhaya

1. iminqopho kaRhulumende weKhaya nginasi—
  - a. ukubonelela uRhulumende wentando yenengi noziphendulelako emiphakathini yemakhaya;
  - b. ukuqinisekisa ukwethulwa kwezenzelwa emiphakathini ngendlela efaneleko;
  - c. ukunyusa izinga lokuthuthukiswa kwezehlalakhule nezomnotho womphakathi;
  - d. ukunyusa izinga lebhoduluko elivikelekileko nelinepilo; begodu
  - e. ukukhuthaza ukuzibandakanya komphakathi neenhlango zomphakathi eendabeni zakaRhulumende weKhaya.
2. UMasipala kumele alwe, ngakho koke okusemandlenakhe weemali ukuphumelelisa iminqopho etjhiwo esigatjaneni (1).

## 153. Imisebenzi YokuThuthukiswa KwaboMasipala

1. UMasipala kumele—
  - a. akhe begodu alawule zokuphatha, manqophana nesabelo seemali, neendlela zekambiso zokutlama, nokunikela iindingo eziqakathekileko zomphakathi begodu enyuse nezinga lokuthuthukiswa kwezehlalakhule nomnotho womphakathi; begodu
  - b. ahlanganyele emahlelweni wokuthuthukiswa kweNarha newesiFunda.

## 154. AboMasipala KuRhulumende Webambiswano

1. URhulumende weNarha newesiFunda, ngomThetho namkha ngokwamanye amagadango, kumele asize abe aqinise amandla waboMasipala ukobana bakwazi ukuphatha iindaba zabo, basebenzise amandlabo bebakwazi nokwenza umsebenzabo.

2. Ukutlama umThetho weNarha newesiFunda othinta ubujamo, iinkhungo, amandla namkha imisebenzi kaRhulumende weKhaya kumele waziswe emphakathini bona uveze amaziso wawo ngaphambi kobona ungeniswe esiBethamthethweni seNarha namkha esiBethamthethweni sesiFunda, ngendlela leyo evumela uRhulumende weKhaya ohlelekileko, aboMasipala nabanye abantu abaneenrhuluphelo ithuba lokuveza imibonwabo manqophana nomThetho otlhanyiweko.

## 155. Ukuhlonywa KwaboMasipala

1. Kuneengaba ezilandelako zoboMasipala:
  - a. Isigaba A: uMasipala onamandla angezelelweko begodu nokuziphatha ngokomThetho endawenakhe.
  - b. Isigaba B: uMasipala ohlukaniselwe amandla begodu nokuziphatha ngokomThetho endawenakhe enesigaba C sikaMasipala ngaphasi kwendawo awela kiyo.
  - c. Isigaba C: uMasipala onikelwe amandla begodu nokuziphatha ngokomThetho endaweni efaka hlangana aboMasipala abangaphezulu koyedwa.
2. UmThetho weNarha kumele uhlathulule iingaba ezahlukeneko zaboMasipala abangahlonywa ngaphakathi kwesigaba sinye.
3. UmThetho weNarha kumele—
  - a. usungule indlela yokubona bona indawo kumele ibe nesigaba sinye, isigaba A namkha kumele ibe neengaba ezimbili, iingaba B nesika- C zabomasipala.
  - b. usungule indlela begodu namano wokusika imikhawulo yaboMasipala libandla elizijameleko lomThetho; begodu
  - c. ngokuya kwesigaba 229, wenze isiqalelelo sokuhlukanisa kuhle amandla begodu nemisebenzi hlangana naboMasipala nangabe indawo inaboMasipala beengaba zombili, isigaba B nesigaba C. Ukwahlukaniselana kwamandla nemisebenzi hlangana noMasipala wesigaba B noMasipala wesigaba C bangahlukana ekwahlukaniselaneni kwamandla nemisebenzi hlangana nesinye isigaba B begodu naso lesiya isigaba C sikaMasipala.
4. UmThetho okukhulunywa ngawo esigatjaneni (3) kumele utjheje ukunikelwa kwezenzelwa zikaMasipala ngendlela elinganako begodu nebambelelako.
5. UmThetho wesiFunda kumele ubonelele imihlobo eyahlukeneko yaboMasipala abangahlonywako esiFundeni.
6. Omunye nomunye uRhulumende wesiFunda kumele ahlome aboMasipala esiFundeni ngendlela ekhambisana nomThetho ophasiswe ngokuya



kwesigatjana (2) nesesi-(3) begodu, nangokomThetho namkha kungaba ngowananyana ngimaphi amagadango, kumele—

- a. anikele ngokulawulwa begodu nokusekela uRhulumende kaMasipala esiFundeni, begodu
- b. anyuse izinga lokuthuthukiswa kwekghono lakaRhulumende weKhaya ukusiza aboMasipala ukwenza imisebenzabo begodu bakghone nokuphatha iindaba zabo.

(6A) .....

*[Isigatjana. (6A) sifakwe ngokwesigaba 1 somThethosisekelo oliTjhuguluko lesiThathu lomThetho womnyaka we-1998 begodu sasulwa ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumini nambili lomThetho womnyaka we-2005.]*

7. URhulumende weNarha, ngokuya kwesigaba 44, begodu naboRhulumende beemFunda banamandla wangokomThetho nangokokuphatha ukuhlolisisa ukusebenza okubonakalako kwaboMasipala ngemisebenzabo manqophana neendaba ezirheliswe eHlelwenikambiso 4 begodu 5, ngokulawula kusebenza kwaboMasipala amandlabo wokwenza umThetho nokuphatha okukhulunywa ngawo esigabeni 156(1).

## 156. Amandla Nemisebenzi YaboMasipala

1. UMasipala unamandla wokuphatha begodu nelungelo lokulawula—
  - a. iindaba zikaRhulumende weKhaya ezirheliswe eNgcenyeni B yeHlelokambiso 4 neNgcenyeni B yeHlelokambiso 5; begodu
  - b. nanyana ngiyiphi indaba enikelwe namkha edluliselwe kiwo umThetho weNarha namkha wesiFunda.
2. UMasipala angenza begodu alawule imiThetho ekulawuleni kweendabezo unelungelo lokuzilawula.
3. Ngokulawulwa sigaba 151(4) umThetjhwana otjhayisana nomThetho weNarha namkha wesiFunda awukho emthethweni. Nangabe kunokutjhayisana hlangana nomThetjhwana begodu nomThetho weNarha namkha wesiFunda lokho akusebenziseki ngebanga lokutjhayisana okukhulunywa ngakho esigabeni 149, mThetjhwana lowo kumele uthathwe njengosemThethweni esikhathineso lapha umThetho lowo usasetjenziswa.
4. URhulumende weNarha newesiFunda kumele anikele namkha adlulisele kuMasipala, ngesivumelwano begodu ngokulawulwa nginanyana ngibuphi ubujamo ukuphathwa kwendaba erheliswe enNgcenyeni A eHlelwenikambiso 4 namkha eNgcenyeni A eHlelwenikambiso 5 elikhambisana noRhulumende weKhaya nangabe—
  - a. indaba leyo ingadluliswa ngcono lokha nayitjhejwa endaweni leyo; begodu
  - b. noMasipala nakanamandla wokuyidlulisa.
5. UMasipala unelungelo lokusebenzisa nanyana

ngimaphi amandla aphaathelene nendaba okuthoga itjhejo namkha emayelana nokwenziwa komsebenzakhe ngepumelelo.

## 157. Ukubunjwa Nokukhethwa KwemiKhandlu YaboMasipala

1. UmKhandlu kaMasipala ubunjwa—
  - a. malunga akhethwe ngokuya kweengatjana (2) nesesi-(3); namkha
  - b. nangabe indlela inikelwa mThetho weNarha—
    - i. amalunga akhethwa ngomunye umKhandlu kaMasipala ukujamela umKhandlu omunye lowo; namkha
    - ii. amalunga womabili akhethwe ngokuya kwepharagrafu (a) begodu amalunga akhethwe ngokuya kwepharagrafana (i) yepharagrafu le.

*[Isigatjana 1 sijanyiselelwe sigaba 1 (a) somThethosisekelo oliTjhuguluko lobuNane lomThetho womnyaka we-2002 begodu nesigaba 3 somThethosisekelo oliTjhuguluko leTjhumini lomThetho womnyaka we-2008.]*

2. Ukukhethwa kwamalunga womKhandlu kaMasipala njengobana bekulindelwe ngokuya kwesigatjana (1) (a) kumele kukhanjise ngokuya komThetho weNarha okungiwokumele ubeke irherho—
  - a. lokujanyelwa kweenhlangano ukuya ngamavowudi atholwe ngizo ngokuya kwerherho elifanako labavowudi bendawo kaMasipala, begodu banikela ukukhethwa kwamalunga avela emarhelweni wabonkhethani behlangano elitlolwe ngokulandelana kwamalunga okuquntwe yinhlangano leyo; namkha
  - b. ngokujanyelwa kweenhlangano ukuya ngamavowudi atholwe ngizo njengombana kutjhiwo epharagrafini (a) ehlanganiswe nerherho lokujanyelwa kwamaWadi okusekelwe kuhlukaniswa kukaMasipala kwerhelo elifanako labavowudi benarha.
3. Irherho lamakhetho ngokuya ngokwesigatjana (2) kumele liphelele ngokujameleka okulinganako.

*[Isigatjana (3) sijanyiselelwe sigaba 1 (b) somThethosisekelo oliTjhuguluko lobuNane lomThetho womnyaka we-2002.]*

- a. Nangabe irherho lamakhetho lifaka hlangana ukujanyelwa kweWadi, ukurhunyezwa kwemikhawulo yamaWadi kumele kwenziwe siphathiswa esizijameleko esikhethwe ngokuya begodu nangokulandela indlela yekambiso ebekwe mThetho weNarha.
- b. ....

*[Ipharagrafu (b) ijanyiselelwe sigaba 3 somThethosisekelo oliTjhuguluko leTjhumini namBili lomThetho we-2005.]*



*[Isigatjana (4) sijanyiselewe sigaba 2 somThethosisekelo oliTjhuguluko lesiThathu lomThetho womnyaka we-1998.]*

5. Umuntu angavowuda kuMasipala kwaphela lokha umuntu lowo atoliswe engcenyeni yalowo Masipala erherhweni elifanako labavowudi benarha.
6. UmThetho weNarha okukhulunywa ngawo esigatjaneni 1 (b) kumele usungule irherho elivumela iinhlanga neenrhuluphelo ezivezwa ngaphakathi komKhandlu kaMasipala, begodu ebonelela bonyana lezonkhundla zizaliswa ngokujanyelwa okufaneleko.

### 158. Ubulunga Bemikhandlu KaMasipala

1. Esinye nesinye isakhamuzi esinelungelo lokovowudela umKhandlu kaMasipala sinelungelo lokuba ilunga lomKhandlu loyo, ngaphandle—
  - a. kwananyana ngimuphi umuntu oqatjwe namkha osebenza kwaMasipala begodu othola umrholo ngebanga lokuqatjwa namkha ukusebenza kwakhokho; begodu loyo ongakakhutjwa elungelwenelo ngokuya komThetho weNarha;
  - b. kwananyana ngimuphi umuntu oqatjwe namkha osebenza kuRhulumende kwelinye izinga, begodu othola umrholo ngebanga lokuqatjwa namkha ukusebenza kwakhokho, begodu owamukwe ubulunga bomKhandlu ngokuya komThetho weNarha;
  - c. kwananyana ngimuphi umuntu owamukwe ilungelo lokovowudela isiBethamthetho seNarha namkha owalelwe ngokuya kwesigaba 147(1)(c), (d) namkha (e) ukuba lilunga lesiBethamthetho seNarha;
  - d. kwelunga lesiBethamthetho seNarha, isithunywa somKhandlu weNarha ongamele iimFunda namkha ilunga lesiBethamthetho sesiFunda; kodwana ukwalelwa lokhu akusebenzi elungeni lomKhandlu kaMasipala elijamele umKhandlu lowo komunye umKhandlu kaMasipala esigabeni esihlukileko; namkha
  - e. kwelunga lomKhandlu kaMasipala omunye; kodwana ukungabi nelungelo lokhu akusebenzi elungeni lomKhandlu kaMasipala elijamele umKhandlu lowo komunye umKhandlu kaMasipala womhlobo ohlukileko.
2. Umuntu ongakalungeli ukuba lilunga lomKhandlu kaMasipala ngokuya kwesigatjana (1)(a), (b), (d) namkha (e) angaba ngungikethani womKhandlu, ngokulawulwa nginanyana ngiziphi iinrhunyezo namkha imibandela esungulwe mThetho weNarha.
3. Iinkhundla kuMkhandlu kaMasipala kufuze zizaliswe ngokuya koMthetho weNarha.

*[Isigatjana 3 singezelelwe ngesigaba 4 soMthethosisekelo oliTjhuguluko leTjhumi nahlanu lomThetho womnyaka we-2008.]*

### 159. Isikhathi SemiKhandlu KaMasipala

1. Isikhathi sokuhlala komKhandlu kaMasipala angeze sadlula iminyaka emihlanu, ngendlela ebekwe mThetho weNarha.
2. Nangabe umKhandlu kaMasipala uyaphadhlalajwa ngokuya komThetho weNarha, namkha nangabe isikhathi sawo somsebenzi siyaphela, amakhetho kumele abanjwe kungakadluli amalanga ama-90 kusukela ngelanga umKhandlu lowo owaphadhlalajwa ngalo namkha waphelwa ngawo sikhathi.
3. UmKhandlu kaMasipala, ingasiwo umKhandlu ophadhlalajwe ngokuya kokungelelela kwesigaba 139, uhlala usezingeni lokungasebenza kusukela ngesikhathi ophadhlalajwe ngaso namkha isikhathi sawo sesiphelile, ukufikela lapha umKhandlu omutjha okhethiweko umenyezelwa khona ngokomThetho.

*[Isigaba 159 sijanyiselelwe sigaba 1 somThethosisekelo oliTjhuguluko lesiBili lomThetho lomnyaka we-1998.]*

### 160. Iinkambiso Zangaphakathi

1. UmKhandlu kaMasipala —
  - a. uthatha iinqunto eziphathelene nokusetjenziswa kwawo woke amandla begodu nokwenza kwayo yoke imisebenzi kaMasipala;
  - b. kumele uzikhethile uSihlalwawo;
  - c. ungakhetha iKomidi yesiGungu namanye amakomidi, ngukulawulwa mThetho weNarha; begodu
  - d. ungaqatjha abasebenzi labo abadingekako ukwenza imisebenzi yawo ngokupheleleko.
2. Imisebenzi elandelako angeze idluliselwe phambili mKhandlu kaMasipala:
  - a. ukwenziwa kwemiThetho kaMasipala;
  - b. ukuvunyelwa kwamabhajethi;
  - c. ukufakwa kweenlinganiso kunye nemithelo eminye, amalevi, neminye imisebenzi; begodu
  - d. nokubuthelwa kwemaliboleko.
3.
  - a. inengi lamalunga womKhandlu kaMasipala kumele abekhona ngaphambi kobona ivowudu ingathathwa kunanyana ngiyiphi indaba.
  - b. yoke imibuzo emanqophana nazo zoke iindaba ezitjhiwo esigatjaneni (2) zibekwa ngesiqunto esithethwe mKhandlu kaMasipala ngevowudu esekelwa linengi lamalungawo.
  - c. yoke eminye imibuzo engaphambi komKhandlu kaMasipala iquntwa linengi lamavowudu asekelako.
4. Awukho nowodwa umthetjhwana ongaphasiswa mKhandlu kaMasipala ngaphandle kobana—
  - a. woke amalungu womKhandlu anikelwe isiyeleliso esizwakalako; begodu
  - b. umthetjhwana lowo ohlongozwako ukhangiswe emphakathini ukwenzela bona ukwazi ukuveza amazwawo.
5. UmThetho weNarha unganikela indlela yokuqunta—

- a. ubukhulu bomKhandlu kaMasipala;
  - b. bona umKhandlu kaMasipala ungakhetha iKomidi yesiGungu namkha kungaba ngiyiphi enye ikomidi;
  - c. ubukhulu beKomidi yesiGungu namkha kungaba ngiyiphi enye ikomidi yomKhandlu kaMasipala.
6. UmKhandlu kaMasipala ungenza imithetjhwana enikela imilayo nemiyalo eqalene nokulandelako—
    - a. ukuhleleka kwawo kwangaphakathi;
    - b. umsebenzi nekambiswawo; begodu
    - c. Ukusungulwa, ukubunjwa, indlela yekambiso, amandla nemisebenzi yamakomidawo.
  7. UmKhandlu kaMasipala kumele wenze umsebenzawo etjhatjhalazini, begodu ingavala imihlanganwayo namkha leyo yamakomidayo kwaphela nangabe kuyezwakala ukwenza njalo ngokutjheja ubujamo balowo msebenzi owenziwako.
  8. Amalunga womKhandlu kaMasipala avumelekile ukuzibandakanya ekambiswenawo naleyo yamakomidawo ngokwendlela—
    - a. evumela iinhlango neerhuluphelo ezikhona emKhandlwini bonyana zijanyelwa ngokufeneleko;
    - b. ekhambisana nentando yenengi; begodu
    - c. engalawulwa ngokomThetho weNarha.

### 161. Amalungelo Akhethekileko

UmThetho wesiFunda owakhiwe ngokwephahla lokomThetho weNarha ungabonelela ngamalungelo akhethekileko nokulitjalelwa kwemiKhandlu kaMasipala namalungayo.

### 162. Ukukhangiswa Kwemithetjhwana KaMasipala

1. Imithethwana kaMasipala ingakatelelwa kwaphela

- ngemva kobana ikhangiswe oGazedeni yangokomthetho yesiFunda esithintekako.
2. IGazede yesiFunda yangokomthetho kumele ikhangise imithetjhwana kaMasipala lokha uMasipala nakabawa bona bamenzele lokho.
  3. Imithetjhwana kaMasipala kumele ifikelele emPhakathini.

### 163. UmBuso WeNdawo Ohlelekileko

1. UmThetho wePalamende ophasiswe ngokuya kwendlela yekambiso esungulwe ngokwesigaba 76 kumele—
  - a. ubonelele ukwamukelwa kweenhlangano zeNarha nezesiFunda ezijamele aboMasipala;
  - b. ubeke iindlela zekambiso uRhulumende weKhaya angakwazi uku—
    - i. thintana ngazo noRhulumende weNarha namkha wesiFunda;
    - ii. khomba ngazo abajameli abazakuthatha indima emKhandlwini weNarha ongamele iimFunda; begodu
    - iii. nokuzibandakanya ngazo ekambisweni ebekwe emThethweni weNarha otjhejwe esigabeni 221 (1)(c).

*[Isigaba 163 (b) sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

### 164. Ezinye Iindaba

Nanyana ngiyiphi indaba ephathelene noRhulumende weKhaya ezingakabonelelwa emThethosisekelo ingabonelelwa emThethweni weNarha, namkha emThethweni wesiFunda ngokuya ngokuya kwephahla lomThetho weNarha.

# Isahluko 8: AmaKhotho NokuLawulwa KobuLungiswa (165-180)

## 165. UmThetho WeKhotho YamaJaji

1. Amandla welawulo lezobuLungiswa weRiphabliki athweswe amaKhotho.
2. AmaKhotho azijamele, begodu alawulwa kwaphela mThethosisekelo begodu nomThetho okumele awusebenzise ngaphandle kokuthatha ihlangothi, nokwesaba, ukuzamelana begodu nokugandelela.
3. Akakho noyedwa umuntu namkha isijamiso sombuso esingacabhela ekusebenziseni kwamaKhotho.
4. Iinjamo zombuso, ngokusebenzisa umThetho namanye amagadango, kumele asize begodu avikele namaKhotho, ukuqinisekisa ukuzijamela, ukungathathi ihlangothi, ukuhlonipheka, ukufikeleleka begodu nekghono lamaKhotho.
5. Isigunyazo namkha isiqunto esikhutjwe yikhotho sibopha boke abantu neenjamo zomBuso lapha umthetho lo usebenza khona.
6. IJaji eliKhulu eliyihloko yephiko lezobulungiswa begodu lisebenzisa igunya elinalo lokusungulwa nokutjhejwa kwemikghwa namazinga okungenziwa ngawo imisebenzi yobulungiswa yawo woke amakhotho.

*[Isigatjana (6) singezelelwe sigaba 1 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

## 166. IRherho LeKhotho YamaJaji

1. AmaKhotho ngila—
  - a. iKhotho yomThethosisekelo;
  - b. iKhotho ePhakemeko yezokuBuyekezwa kweenGwebo;
  - c. Khotho ePhakemeko yeSewula Afrika, begodu nanyana ngiyiphi iKhotho ePhakemeko yokuBuyekeza engasungulwa ngomThetho wePalamende bona ilalele iimbawo zokubuyekeza ezibuya kunanyana ngiyiphi ikhotho esezingeni elilingana neleKhotho ePhakemeko yeSewula Afrika;
  - d. amaKhotho waboMarhastrada; begodu
  - e. nanyana ngiyiphi enye iKhotho esungulwe namkha eyamukelwe ngokuya komThetho wePalamende, okufaka hlangana nanyana ngiyiphi iKhotho esezingeni elilingana neleKhotho ePhakemeko yeSewula Afrika namkha nelamaKhotho waboMarhastrada.

*[Isigatjana (c) bano-(e) bajanyiselelwe sigaba 2 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho we-2012.]*

## 167. IKhotho YomThethosisekelo

1. IKhotho yomThethosisekelo ibunjwa liJaji eliKhulu leSewula Afrika, iSekela leJaji eliKhulu namanye amaJaji alithoba.

*[Isigatjana (1) sijanyiselelwe sigaba 11 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

2. Indaba engaphambi kweKhotho yomThethosisekelo kumele ilalelwe okungasenani majaji abunane.
3. IKhotho yomThethosisekelo—
  - a. yiKhotho engehla kwawo woke amaKhotho weRiphabliki; begodu
  - b. ingararulula—
    - i. imiraro ephathelene nomThethosisekelo; begodu
    - ii. nanyana ngiyiphi enye indaba, nangabe iKhotho yomThethosisekelo inikela imvumo yokwenza isibawo sokudluliswa komlandu ngemibandela eveza bona isinghonyoyilo sakho singatjhukwa ngaphasi komthetho wokuqakatheka kwendabakho emehlweni womphakathi okumele sitjhejwe yiKhotho; begodu
  - c. ngiyo ethatha isiqunto samaphelelo sokobana indaba ethileko iyindaba ewela ngaphasi kwabo namkha awa.

*[Isigatjana (3) sijanyiselelwe sigaba 3 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

4. YiKhotho yomThethosisekelo kwaphela—
  - a. enganqunta imibango phakathi kweenjamo zombuso ezingeni leNarha namkha esiFundeni manqophana nobujamo bomThethosisekelo, amandla namkha imisebenzi yananyana ngiziphi iinjamo zombuso;
  - b. enganqunta bona nanyana ngimuphi umThethomlingwa wePalamende namkha wesiFunda uyakhambisana nomThethosisekelo namkha awa, kodwana ingenza njalo kwaphela ebujameni obuhlongozwa esigabeni 79 namkha 121;
  - c. enganqunta iiNdawo ezitjhiwo esigabeni 80 namkha 122.;
  - d. enganqunta bona umThethosisekelo olitjhugululo ukhambisana nomThethosisekelo wamambala namkha awa;
  - e. enganqunta bona iPalamende namkha uMongameli ubhalelwe kukwenza umsebenzakhe awuthweswe

- mThethosisekelo; namkha
- f. engaqaqinisekisa umThethosisekelo wesiFunda ngokulandela isigaba 144.
5. IKhotho yomThethosisekelo yenza isiqunto samaphelelo kungaba manqophana nomThetho wePalamende, umThetho wesiFunda namkha igadango likaMongameli ukobana kuyakhambisana nomThethosisekelo, begodu kumele iqinisekise nanyana ngisiphi isiqunto esingasimthetho esenziwe yiKhotho ePhakemeko yezokuBuyekezwa kweenGwebo, [namkha] iKhotho ePhakemeko yeSewula Afrika namkha ikhotho esizingeni elilingana nayo, ngaphambi kobana isiquntweso singaba namandla womThetho.

*[Isigatjana (5) sijanyiselelwe sigaba 3 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

6. UmThetho weNarha namkha imilayo yeKhotho yomThethosisekelo kumele ivumele umuntu, lokha nakuseenrhuluphelweni zezobulingiswa begodu nangemvumo yekhotho yomThethosisekelo—
- ukuletha indaba bunqopha ekhotho yomThethosisekelo; namkha
  - enze isibawo bunqopha ekhotho yomThethosisekelo esivela kunanyana ngiyiphi enye ikhotho.
7. Indaba emanqophana nomThethosisekelo ifaka hlangana nanyana ngiyiphi indaba emanqophana nokuhlathululwa, ukuvikelwa namkha ukukatelelwa komThethosisekelo.

### 168. IKhotho EPhakemeko YokuBuyekezwa KweenGwebo

1. IKhotho ePhakemeko yokuBuyekezwa kweenGwebo ibunjwa nguMongameli, iSekela likaMongameli kanye namanye amajaji wezokubuyekezwa akhethwe ngokuya komThetho wePalamende.

*[Isigatjana (1) sijanyiselelwe sigaba 12 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

2. Umbango o lethwe ngaphambi kweKhotho ePhakemeko yokuBuyekezwa kweenGwebo kumele uquntwe linani lamajaji elibekwe mThetho wePalamende.

*[Isigatjana (2) sijanyiselelwe sigaba 12 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

3. a. IKhotho ePhakemeko yokuBuyekezwa kweenGwebo ingathatha iinqunto kizo zoke iimbawo zokubuyekeza ezivela, eKhotho ePhakemeko yeSewula Afrika, namkha iKhotho esezingeni elilingana neleKhotho ePhakemeko yeSewula Afrika, ngaphandle kwendaba

eziphathelene nezemisebenzi, iindaba zamaphaliswano ukufikela ezingenelo elingalawulwa mThetho wePalamende.

- b. IKhotho ePhakemeko yokuBuyekezwa kweenGwebo ingathatha iinqunto kwaphela—
- iimbawo zokubuyekeza;
  - iindaba ezikhambelana neembawo zokubuyekeza; begodu
  - nanyana ngimuphi omunye umraro okungenzekako bona uthunyelwe kiyo ngemibandela ehlathululwa mThetho wePalamende.

*[Isigatjana (3) sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

### 169. IKhoto ePhakemeko yeSewula Afrika

1. IKhotho ePhakemeko yeSewula Afrika ingaqunta—
- nanyana ngiyiphi indaba yomThethosisekelo ngaphandle kwendaba leyo—
    - iKhotho yomThethosisekelo ivumile ukuzwa bunqopha ngokuya kwesigaba 167(6) (a); namkha
    - edluliselwe kwenye iKhotho esezingeni elifanako neleKhotho ePhakemeko yeSewula Afrika ngomThetho wePalamende; begodu  - nanyana ngiyiphi enye indaba engakanikelwa enye iKhotho ngomThetho wePalamende.
2. IKhotho ePhakemeko yeSewula Afrika yakhiwe ziiNgcenye ezibekwa ngokomThetho wePalamende, okumele zenze bona—
- ukusungulwa kweengcenye, ezinesikhundla sinye namkha ezinzunzwana eNgcenyeni ngayinye; begodu
  - ukunikelwa kwamandla wokusebenza eNgcenyeni namkha esikhundleni esingaphakathi kweNgcenye leyo.
3. Enye nanye iNgcenye yeKhotho ePhakemeko yeSewula Afrika—
- inoMongameli wamaJaji;
  - ingaba neSekela likaMongameli elilodwa namkha anzunzwana; begodu
  - inenomboro ethileko yamaJaji abekwa ngokuya komThetho weNarha.

*[Isigaba 169 sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

### 170. AmaKhoto Amanye

Woke amaKhoto ngaphandle kwalawo okukhulunywa ngawo eengabeni 167, 168, begodu nese-169 angaqunta nanyana ngiyiphi indaba ebekwe mThetho wePalamende, kodwana amaKhoto asezingeni elingaphasi kweleKhoto ePhakemeko yeSewula Afrika angeze ahlolisise namkha agunyaze ngokokukhambisana nomThethosisekelo kwananyana ngimuphi umThetho namkha nanyana

ngiyiphi indlela yokuziphatha kukaMongameli.

*[Isigaba 170 sijanyiselelwe sigaba 5 somThethosisekelo oliTjhuguluko leTjhumini neKhomba lomThetho womnyaka we-2012.]*

## 171. Iinkambiso ZeKhotho

Woke amaKhotho asebenza ngokuya komThetho weNarha, begodu imilayo neendlela zekambiso yawo kumele zibonelelwe ngokuya komThetho weNarha.

## 172. Amandla WamaKhotho Eendabeni ZomThethosisekelo

1. Nawuqunta indaba esemandleni womThethosisekelo, iKhotho—
  - a. kumele imemezele bona nanyana ngimuphi umThetho namkha indlela yokuziphatha engakhambisaniko nomThethosisekelo ayikho emthethweni ngebanga lokungakhambisani kwayo nomThetho; begodu
  - b. Ingenza nanyana ngimuphi umyalo olungileko nofaneleko, okufaka hlangana—
    - i. umyalo orhunyeza ukusebenza kwesimemezele sokungabi semthethweni kusukela esikhathini esigadungileko; begodu
    - ii. umyalo ojamisa kwesikhatjhana ukusebenza kwesimemezele sokungabi semthethweni kunanyana ngisiphi isikhathi begodu nanganyana ngibuphi ubujamo ukuvumela umphathi onekghono bona akwazi ukulungisa umonakalo.
2. a. iKhotho ePhakemeko yokuBuyekezwa kweenGwebo, iKhotho ePhakemeko yeSewula Afrika namkha ikhotho yezinga elifanako ingenza umyalo manqophana nokukhambisana komThethosisekelo nomThetho wePalamende, umThetho wesiFunda namkha enye nanye indlela yokuziphatha kukaMongameli, kodwana umyalo wokungabi semthethweni komThethosisekelo awunawo amandla womThetho ngaphandle kobana uqinisekise yiKhotho yomThethosisekelo.

*[Ipharagrafu (a) ijanyiselelwe ngesigaba 7 somThethosisekelo oliTjhuguluko leTjhumini neKhomba lomThetho womnyaka we-2012.]*

- b. IKhotho eyenza umyalo wokungabi semthethweni ngokomThethosisekelo, inganikeza isiqunto esivimbela kwesikhatjhana namkha elinye isizo lesikhatjhana kunanyana ngubani, namkha ingajamisa ukulalelwa komlandu, bekufike lapha iKhotho yomThethosisekelo ikhupha khona isiqunto ngokuba semthethweni mThetho lowo namkha indlela yokuziphatha.
- c. UmThetho weNarha kumele ubonelele ukudluliselwa komyalo wananyana yini engakhambisani nomThethosisekelo weNarha

eKhotho yomThethosisekelo.

- d. Nanyana ngimuphi umuntu namkha isijamiso sombuso esineenrhuluphelo ezaneleko singenza isibawo sokubuyekizwa, namkha senze isibawo, ngokunqophileko eKhotho yomThethosisekelo bona iqinisekise namkha itjhugulule umyalo weKhotho oveza ukungabi semthethweni ngokungakhambisani nomThethosisekelo ngokuya kwesigatjanesi.

## 173. Amandla Wemvelo Akhona

IKhotho yomThethosisekelo, iKhotho ePhakemeko yokuBuyekezwa kweenGwebo begodu neKhotho aPhakemeko yeSewula Afrika ngayine inamandla wasafuthi wokuvikela nokulawula ikambiswawo begodu nokuthuthukisa umThetho wesintu, ngokutjheja khulukhulu iinrhuluphelo zezobulungiswa.

*[Isigaba 173 sijanyiselelwe sigaba 8 somThethosisekelo oliTjhuguluko leTjhumini neKhomba lomThetho womnyaka we-2012.]*

## 174. Ukubekwa Eenkhundleni KweemPhathiswa ZomThetho YamaJaji

1. Nnayana ngimuphi uMma namkha uBaba osebumqemana nobufanelekileko angabekwa esikhundleni sokuba siphathiswa somThetho. Nanyana ngimuphi umuntu ozokubekwa esikhundleni eKhotho yomThethosisekelo kumele godu abe sisakhamuzi seSewula Afrika.
2. Isidingo sokobana iiphathiswa kumele zitjengisa ngokunabileko ibumbeko lomhlobo nobulili beSewula Afrika kumele sitjhejwe nangabe iimphathiswa zomThetho ziqatjhiwe.
3. UMongameli njengeHloko yeKhabinedi, emva kokuthintana neKomitjhini yeKambiso yezobuLungiswa nabarholi beenhlangano ezijanyelweko esiBethamthethweni seNarha, ubeka esikhundleni iJaji eliKhulu neSekela lalo; begodu, ngemva kokuthintana neKomitjhini yeKambiso yezobuLungiswa, ubeka uMongameli weKhotho ePhakameko yokuBuyekezwa kweenGwebo neSekela lakhe.

*[Isigatjana (3) sijanyiselelwe sigaba 13 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

4. Amanye amaJaji weKhotho yomThethosisekelo abekwa eenkhundleni nguMongameli emva kokuthintana noMongameli njengeHloko yombuso, ngemva kokubonisana neJali eliKhulu nabarholi beenhlangano ezijanyelweko esiBethamthethweni seNarha, ngokulandela ikambiso elandelako:
  - a. IKomitjhini yeKambiso yezobuLungiswa kumele ilungise irhelo lamabizo wabantu abanyuliweko, abe ngehla kwesibalo esibekiweko ngamabizo amathathu bese irhelwelo ilidluliselwa



kuMongameli.

- b. UMongameli anganikela iinkhundla ngokuya kwerhelwelo begodu kumele aluleke iKomitjhini yeKambiso yezobuLungiswa, ngokubeka amabanga afaneleko nangabe kunomunye onyuliweko ongamukelekiko begodu nokobana ukuragela phambili ngokunikela iinkhundla kusatlhogeka yini ukwenziwa.
- c. IKomitjhini yeKambiso yezobuLungiswa kumele ingezelele irhelo ngokunikela ngamabizo wabanye abenyuliweko begodu, uMongameli kumele anikele abanye iinkhundla ezisaleleko asebenzise irhelo lokuzaliselelelo.

*[Isigatjana. (4) sijanyiselelwe sigaba 13 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we -2001.]*

5. Ngaso soke isikhathi, okungasenani amalunga amane weKhottho yomThethosisekelo kumele abe babantu egade sebamaJaji ngesikhathi abanikelwa ngaso iinkhundla zobo eKhottho yomThethosisekelo.
6. UMongameli kumele anikele amajaji wawo woke amakhottho amanye ngokwelulekwa yiKomitjhini yeKambiso yezobuLungiswa.
7. Ezinye iimphathiswa zobulungiswa kumele zinikelwe iinkhundla ngokuya komThetho ophasisiweko wePalamende, okumele bona uqinisekise bona ukunikelwa kweenkhundla, ukukhutjhulelwa eenkhundleni eziphakemeko, ukuthunyelwa kwenye indawo yokusebenzela namkha ukuqotjhwa, namkha ukuthathelwa amagadango wokukhalinywa kweemphathiswa zobulungiswa, nokwenzeka ngaphandle kokuthatha inhlangothi namkha izindlekelo.
8. Ngaphambi kobana iimphathiswa zobulungiswa zithome ukwenza imisebenzabo, kumele bathathe isifungo, namkha bazibophelele ngokuya kweHlelokambiso 2, nokobana bazakugcina begodu bavikele nomThethosisekelo.

### **175. Ukunikelwa iinkhundla KwaboMjaphethe BamaJaji**

1. UMongameli anganikela uMma namkha uBaba isikhundla sokubana [abe] nguMjaphethe weJaji eliKhulu, namkha iJali leKhottho yomThethosisekelo nangabe kunesikhala kinanyana ngiliphi lama-ofisi lawo, namkha nangabe umuntu ophethe i-ofiselo atshwilile emsebenzini. Ukunikelwa kweJaji isikhundlokhu, kumele kwenziwe ngokuya kweemphakamiso zelunga leKhabinedi eliqalane nokulawulwa kwezobulungiswa, elisebenza ngokubambisana weJaji eliKhulu, begodu nokunikelwa isikhundla njengoMjaphethe weJaji eliKhulu kumele kuvele ekorweni yamaJaji ebegade anikelwa iinkhundla eKhottho yomThethosisekelo ngokuya kwesigaba 174(4).
2. Ilunga leKhabinethe eliqalene nelawulo lezobuLungiswa kumele libeke eenkhundleni amajaji

bona abe bomjaphethe kwamanye amakhottho emva kokuthintana nejaji elisesikhundleni esiphezulu lekhottho okufanele kusebenze kiyo ijaji elingumjaphethelo.

*[Isigaba 175 sijanyiselelwe sigaba 9 somThethosisekelo oliTjhuguluko leTjhumu neKhomba lomThetho womnyaka we-2012.]*

### **176. Isikhathi Esibekelwe Ijaji Nemirholo**

1. Ijaji lekhottho yomThethosisekelo libekwa esikhundleni iminyaka eli- 12 engavuselelwako, kodwana kufanele litjhiye phasi isikhundla salo lokha naliba neminyaka ema-70 ubudala, kuya ngokuthi ngikuphi okwenzeka kokuthoma ngaphandle kwalapho umThetho wePalamende ungezelela isikhathi sokusebenza sejaji leKhottho yomThethosisekelo.

*[Isigatjana (1) sijanyiselwe sigaba 15 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we- 2001.]*

2. Amanye amaJaji apha i-ofisi bekufike lapha bakhutjhwa khona emsebenzini ngokuya komThetho wePalamende.
3. Imirholo, iibonelelo neenzuzo zamaJaji angeze zehliswa.

### **177. Ukususwa Esikhundleni**

1. IJaji lingakhutjhwa emsebenzini kwaphela nangabe—
  - a. iKomitjhini yeKambiso yezobuLungiswa ithola bona iJaji liyahluke ngebanga lokugula, unokungabi nekghono ngendlela ethuwelelisiweko namkha ukuziphatha kumbi okusilingako; begodu
  - b. nesiBethamthetho seNarha sibawa bona iJajelo likhutjhwe emsebenzini, ngesiqunto esamukelwe okungasenani ngobuncani bobubili ebuthathwini bamalungaso.
2. UMongameli kumele akhuphe iJaji emsebenzini lokha nakwamukelwa isiqunto sokobana iJajelo kumele likhutjhwe emsebenzini.
3. UMongameli, ngokululekwa yiKomitjhini yeKambiso yezobuLungiswa, angajamisa iJaji emsebenzini kwesikhatjhana lokha liqalene nekambiso etjhiwo esigatjaneni (1).

### **178. IKomitjhini YezemiSebenzi YeKhottho YamaJaji**

1. KuneKomitjhini yeKambiso yezobuLungiswa ebunjwa—
  - a. liJaji eliPhakemeko eliyiHloko, elingusihlalo emihlanganweni yeKomitjhini;
  - b. nguMongameli weKhottho ePhakemeko yokuBuyekezwa kweenGwebo;

*[Ipharagrafu (b) ijanyiselelwe sigaba 16 (a)]*



*somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

- c. liJaji eleNgameleko elikhonjwe maJaji aNgameleko;
- d. lilunga leKhabinedi eliqalene nokulawulwa kwezobulungiswa, namkha omunye umuntu okhethwe lilungelo leKhabinedi;
- e. amaGcwetha amabili asebenza umsebenzi wobugcwetha, anyulwe hlangana namanye amaGcwetha ukujamela ithwasiso loke, begodu nonikelwe isikhundla nguMongameli;
- f. amaGcwetha amabili asebenza umsebenzi wobugcwetha enyulwe hlangana namaGcwetha amanye ukujamela uthwasiso lobugcwetha loke, begodu banikelwe iinkhundla nguMongameli;
- g. umfundisi oyedwa ofundisa zomThetho okhethwe bafundisi bezomThetho emayunivesithi weSewula Afrika;
- h. abantu abasithandathu abakhonjwe siBethamthetho seNarha hlangana namalungayo, okungasenani abathathu babo kumele babe malunga weenhlango eziphikisako ezijanyelweko kusiBethamthetho;
- i. amalunga amane azinthusywa zasafuthi emKhandlwini weNarha ongamele imFunda ajamela isifunda asemKhandlwini weNarha oweNgamele iimFunda, akhonjwe ndawonye mKhandlu weNarha ongamele iimFunda ngokusekelwa livowudu okungasenani leemFunda ezisithandathu;
- j. abantu abane abakhonjwe nguMongameli njengeHloko yesiGungu seNarha, emva kokuthintana nabarholi beenhlango zoke ngaphakathi kwesiBethamthetho seNarha; begodu
- k. Lokha nawuqala iindaba ezimanqophana neNgcenywe ethileko yeKhotho ePhakameko yeSewula Afrika, uMongameli wamaJaji weNgcenywe leyo begodu noNdunakulu wesiFunda leso, namkha nomunye umuntu okhonjwe mumuntu ngamunye.

*[Ipharagrafu (k) ijanyiselelwe sigaba 2 (a) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998 begodu nesigaba 16 (b) somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

2. Nangabe inani labantu abenyulwe ethwasisweni lamajaji namkha lamagcwetha ngokuya kwesigatjana (1) (e) namkha (f) lilingana neenkundla ekumele zizaliswe, uMongameli kumele abanikele iinkhundla. Nangabe inani labantu abenyuliweko lidlula inani leenkundla ezijamele ukuzaliswa, uMongameli, emva kokuthintana nethwasiso elithintekako, kumele anikele iinkhundla abantwabo abenyuliweko abaneleko ukuzalisa iinkhundlezo, ukutjheja iindingo zokuqinisekisa bona labo ababekwe eenkhundleni bajamela ithwasiso loke.
3. Amalunga weKomitjhini akhonjwe mKhandlu

weNarha ongamele iimFunda, asebenza bekufike lapha batjhidiswa ngabanye khona, namkha bekuvuleke isikhundla hlangana nenani labo. Amanye amalunga akhonjwe bona abe kuKomitjhini le, asebenza bekufike lapha labo abakhonjiweko batjhidiswa khona ngabanye.

4. IKomitjhini yeKambiso yezobuLungiswa inamandla nemisebenzi enikelwe ngaphakathi komThethosisekelo nomThetho weNarha.
5. IKomitjhini yeKambiso yezobuLungiswa ingaluleka umBuso weNarha manqophana nanyana ngiyiphi indaba ephathelene nezokwehlulela namkha ikambiso yezobuLungiswa; kodwana lokha nayiqalene nanyana ngiyiphi indaba ngaphandle kokubekwa esikhundleni kweJaji kumele lihlale ngaphandle kwamalunga akhethwe ngokuya kwesigatjana (1) (h) no-(i).
6. IKomitjhini yeKambiso yezobuLungiswa ingazibekela ikambiso yayo, kodwana iinqunto zeKomitjhini le, kumele zisekelwe linengi lamalungayo.
7. Nangabe iJaji eliKhulu namkha uMongameli weKhotho eKulu yokuBuyekezwa kweenGwebo akakwazi ukusebenza neKomitjhini kwesikhatjhana, iSekela leJaji eliKhulu namkha iSekela likaMongameli weKhotho eKulu yokuBuyekezwa kweenGwebo, ukuya ngobujamo, nguye ozakubamba kuKomitjhini.

*[Isigatjana (7) singezelelwe sigaba 2 (b) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998 besajanyiselelwa sigaba 16 (c) somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

8. UMongameli nabantu abakhethako, abenyula namkha abakhomba amalunga weKomitjhini ngokuya ngokwesigatjana (1) (c), (e), (f), no-(g), ngendlela efanako, bangakhetha namkha benyule ozabajamela, ekusebenzeni kuKomitjhini nangabe ilunga lelo alikghoni kwesikhatjhana ukwenza njalo ngebanga lokungakghoni namkha lokungabikhona kuRiphabliki namkha elinye ibanga elizwakalako.

*[Isigatjana (8) singezelelwe sigaba 2(b) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*

## 179. Amandla Wokutjhuthisa

1. Kunelawulo elilodwa lobutjhuthisi ngaphakathi kweRiphabliki, elimiswe ngokulandela umThetho weNarha, begodu libunjwa—
  - a. NgumNqophisi Zombebele wezobuTjhuthisi bomPhakathi oyihloko yabatjhuthisi, begodu ubekwa esikhundleni nguMongameli njengeHloko yesiGungu seNarha; begodu
  - b. AbaNqophisi bezobuTjhuthisi bomPhakathi begodu nabatjhuthisi abaquntwe mThetho weNarha.
2. Ilawulo lobutjhuthisi linamandla wokusingula ukugwetjwa ngemilandu yobulelesi, obupathelene

nombuso, nekwenzeni nanyana ngimiphi imisebenzi etlhogekako enamathelene nekambiso yokuzwelela imilandu yobulelesi.

3. UmThetho weNarha kumele uqinisekise bona abaNqophisi bezobuTjhutjhis bombuso—
  - a. bakulungele ngokufaneleko ukuba baNqophisi bezobuTjhutjhis; begodu
  - b. banobuziphendulelo kwezobutjhuthisi ngokwamandla abanawo phezu kweendawo ezithileko, ngokulawulwa sigatjana (5).
4. UmThetho weNarha kumele uqinisekise bona ilawulo lobutjhutjhis lenza umsebenzalo ngaphandle kokwesaba ukuthatha ihlangothi namkha izindlekelo.
5. UmNqophisi Zombebele wezobuTjhutjhis bomPhakathi—
  - a. kumele abeke, kanye kanye nelunga leKhabinedi elinobuziphendulelo nokulawulwa kwezobulungiswa begodu kokuthintana nabaNqophisi bezobuTjhutjhis, bomPhakathi, ikambiso yobutjhutjhis leyo okumele iqalelelwe ekambisweni yomsebenzi wezobutjhutjhis;
  - b. kumele akhuphe iinqophiso zekambiso lezo okumele zilandelwe emisebenzini yezobutjhutjhis;
  - c. zingangena phakathi ekambisweni yezobutjhutjhis lokha nangabe iinqophiso zomthethokambiso azilandelwa; begodu
  - d. angahlolisisa isiqunto sokutjhutjhis namkha sokungatjhutjhis ngemva kokuthintana nomNqophisi wezobuTjhutjhis bomPhakathi

othintekako begodu ngemva kokuthatha iinghonyoyilo ngaphakathi kwesikhathi esitjhiwo mNqophisi weNarha wezokuTjhutjhiswa komPhakathi ezivela kulaba abalandelako:

- i. ummangalelwa.
  - ii. ummangali.
  - iii. nanyana ngimuphi umuntu umNqophisi weNarha wezokutjhutjhiswa amthatha njengomuntu ofaneleko.
6. Ilunga leKhabinedi elinobuziphendulelo ekulawulweni kwezobulungiswa kumele libe nobuziphendulelo manqophana nelawulo lezobutjhutjhis.
  7. Zoke ezinye iindaba ezimanqophana nelawulo lezobutjhutjhis kumele zibekwe mThetho weNarha.

### **180. Ezinye Iindaba Ezimanqophana Nelawulo Lezobulungiswa**

1. UmThetho weNarha ungabonelela nanyana ngiyiphi indaba emanqophana nelawulo lezobulungiswa engakahlathululwa ngaphakathi komThethosisekelo, okufaka hlangana—
  - a. amahlelo wokuthwasiswa kweemphathiswa zabahluleli;
  - b. iindlela zokuqalana neenghonyoyilo ngeemphathiswa zabahluleli; begodu
  - c. nokubandakanywa kwabanye abantu ngaphandle kweemphathiswa zabahluleli ekuthathweni kweenqunto zekhotho.

# Isahluko 9: Amaziko KaRhulumende Asekela Umthethosisekelo Wentando Yenengi (181-194)

## 181. Ukuhlonywa Kanye Nekambisolawulo Yokuphatha

1. Amaziko wombuso alandelako aqinisekisa ukuba ngokwentando yenengi komThethosisekelo ngaphakathi kweRiphabliki:
  - a. UmVikeli womPhakathi.
  - b. IKomitjhini yamaLungelo wobuNtu yeSewula Afrika.
  - c. IKomitjhini yokuThuthukisa nokuVikela amaLungelo wemiPhakathi ngokwamaSiko, iKolo neLimi.
  - d. IKomitjhini yokuLingana koBulili.
  - e. UmHlozi Zombebele wezeeMali.
  - f. IKomitjhini yezamaKhetho.
2. Amaziko la azijamele, begodu asebenza kwaphela ngokulandela umThethosisekelo nomThetho begodu, kumele bona angathathi ihlangothi begodu asebenzise amandla anikelwe wona begodu enze imisebenzi yawo ngaphandle kokwesaba, nokuthatha ihlangothi.
3. Iinjamo ezinye zombuso, ngokusebenzisa umThetho namanye amagadango, kumele arhelebhe begodu avikele amaziko la, ukuqinisekisa ukuzijamela kwawo, ukungathathi hlangothi, ukuhlonipheka nokuphumelela kwawo.
4. Akukho muntu namkha isijamiso sombuso esifanele singenangene phakathi kokusebenza kwamaziko la.
5. Amaziko la azaziphendulela ePalamende, begodu kumele ethule imibiko ngokusebenza kwawo esiBethamthethweni seNarha okungenani kanye ngonyaka.

## UmVikeli WomPhakathi

### 182. Imisebenzi YomVikeli WomPhakathi

1. UmVikeli womPhakathi unamandla alandelako, njengombana alawulwa mThetho weNarha—
  - a. wokuphenya okhunye nokhunye ukuziphatha emisebenzini yombuso namkha ekuphathweni kwemisebenzi yomphakathi kunanyana ngiliphi izinga lombuso, okuthiwa namkha okusolelwa bona alisebenzi ngokufaneleko namkha okungaletha imiphumela emimbi namkha ekhubaza omunye umuntu.
  - b. wokwethula umbiko kulokho ukuziphatha; begodu
  - c. newokuthatha amagadango afaneleko wokulungisa ubujamo.
2. UmVikeli womPhakathi unamandla angezelelweko nemisebenzi ebekwa mThetho weNarha.
3. UmVikeli womPhakathi angeze aphenye iinqunto zekhotho.

4. UmVikeli womPhakathi kumele akghone ukufikelelwa ngibo boke abantu nomphakathi.
5. Nanyana ngimuphi umbiko okhutjhw mVikeli womPhakathi, abantu kumele bavunyelwe bona bawubone, ngaphandle kwalokha nakunobujamo obuthileko obungakavami obubekwe ngokulandela mThetho weNarha obutlhoga bona umbiko ubeyifihlo.

### 183. Isikhathi Esibekelwe Ukuphatha Isikhundla

UmVikeli womPhakathi ubekwa ahlale esikhundleni iminyaka elikhomba engavuselelwako.

### IKomitjhini YamaLungelo WobuNtu YeSewula Afrika

### 184. Imisebenzi YeKomitjhini YamaLungelo WobuNtu YeSewula Afrika

1. IKomitjhini yamaLungelo wobuNtu kumele—
  - a. yenyule izinga lokuhlonitjwa kwamalungelo wobuntu nesiko lamalungelo wobuntu ngaphakathi kweRiphabliki;
  - b. yenyule izinga lokuvikelwa, ukuthuthukiswa begodu nokutholakala kwamalungelo wobuntu; begodu
  - c. ibeke ilihlo begodu imede bona amalungelo wobuNtu ahlonitjwa kangangani ngaphakathi kweRiphabliki le.
2. IKomitjhini yamaLungelo wobuNtu inamandla, njengoba ilawulwa mThetho weNarha, ewadingako ekwenzeni imisebenzi yawo, kufaka hlangu namandla—
  - a. wokuphenya nokwethula umbiko manqophana nokuhlonitjwa kwamalungelo wobuntu;
  - b. wokuthatha amagadango wokubonelela ukunikelwa kwesizo elifaneleko lapha amalungelo wobuntu akhubazeke khona;
  - c. wokwenza irhubhululo; begodu
  - d. nawokufundisa.
3. IKomitjhini yamaLungelo wobuNtu kufuneka njalo ngonyaka ifune imibiko emagatjeni wombuso athintekako, mayelana namagadango athethweko ekuphumeleliseni nekuqinisekiseni ukuthola ilungelo lokuba nendawo yokuhlala, indlu, zepilo, ukudla, amanzi, ukuvikeleka lapho kuhlala khona abantu, ifundo nebhoduluko.
4. IKomitjhini yamaLungelo wobuNtu yeSewula Afrika inamandla nemisebenzi engezelelweko ebekwa mThetho weNarha.

## **IKomitjhini YokweNyula Izinga NokuVikela AmaLungelo WemiPhakathi NgokwamaSiko, IKolo NeLimi**

### **185. Imisebenzi YeKomitjhini**

1. Iminqopho eqakathekileko yeKomitjhini yokweNyula izinga nokuVikela amaLungelo wemiPhakathi ngokwamaSiko, iKolo neLimi ineminqopho eqakathekileko elandelako—
  - a. ukunyulwa kwezinga lokuhlonitjiswa kwamalungelo wamasiko, ikolo namalimi wemiphakathi;
  - b. ukunyulwa kwezinga nokuthuthukiswa kokuthula, itjhebiswano, ubuntu, ukungapheli ihliziyo nebumbano lesitjhaba manqophana namasiko, ikolo namalimi wemiphakathi, okusekelwe phezu kokulingana, ukungabandlululi nekululeko yokuzibandakanya; begodu
  - c. ukwenza isiphakamiso ngokuhlonywa namkha ukuvunyelwa, ngokuya komThetho weNarha, umKhandlu wamasiko namkha eminye imikhandlu yemiphakathi ethileko eSewula Afrika.
2. IKomitjhini inamandla, njengoba ilawulwa mThetho weNarha, ewadingako bona ifezekise iminqopho yayo eqakathekileko, okufaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubhulula, wokufundisa, wokubawa abantu bayisekele, wokweluleka begodu nowokuthula umbiko eendabeni ezimalungana namalungelo wamasiko, wekolo namalimi wemiphakathi.
3. IKomitjhini ingathula nanyana ngimuphi umbiko owela ngaphasi kwamandla nemisebenzayo kuKomitjhini yamaLungelo wobuNtu bona yona iphenyise.
4. IKomitjhini inamandla nemisebenzi engezelelweko equntwa mthetho.

### **186. Ukubunjwa KweKomitjhini**

1. Inani lamalunga weKomitjhini yokuNyula izinga wemiPhakathi ngokwamaSiko, iKolo neLimi begodu nokubekwa kwabo ngokuya kwemisebenzi kumele kukhanyiswe ngokomThetho weNarha.
2. Ukubunjwa kweKomitjhini—
  - a. kumele ijameleke ngokunabileko ngehlangothini lemiphakathi esebenzisa amasiko, ikolo namalimi aqakathekileko weSewula Afrika; begodu
  - b. itjengise ngokunabileko ubujamo bobulili beSewula Afrika.

## **IKomitjhini YokuLingana NgokoBulili**

### **187. Imisebenzi YeKomitjhini YokuLingana NgokoBulili**

1. IKomitjhini yokuLingana ngokoBulili kumele yenyule izinga lokuhlonitjiswa kokulingana kobulili, nokuvikeleka, ithuthukise, begodu yenze bona kufikelelwe ekulinganeni ngokobulili.

2. IKomitjhini yokuLingana koBulili inamandla, ngendlela elawulwa ngayo mThetho weNarha, inamandla athogekako ekwenziweni komsebenzayo okufaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubhulula, wokufundisa, wokufuna bona isekelwe, wokweluleka nawokubika manqophana neendaba ezithinta ukulingana ngokobulili.
3. IKomitjhini yokuLingana ngokoBulili inamandla begodu nemisebenzi engezelelweko ebekwa mThetho weNarha.

## **UmHloliincwadizombebele**

### **188. Imisebenzi YomHloliincwadizombebele**

1. UmHloliincwadizombebele kumele ahlolisise iincwadi begodu ethule nombiko manqophana nama-akhawundi, iintatimende zezeemali begodu nekambiso yokuphathwa kwezeemali—
  - a. kiyo yoke imiNyango yomBuso weNarha neyeemFunda, begodu nehlangothini lokuphatha;
  - b. zabo boke aboMasipala; begodu
  - c. nakunanyana ngimaphi amaziko namkha iingcenywe ezisebenza ngama-akhawundi adingwa mThetho namkha mThetho weemFunda bona kumele ahlolisise mHloliincwadizombebele.
2. Ukungezelela emisebenzini etjhiwo esigatjaneni (1), begodu nangokulawulwa nginanyana ngimuphi umThetho, umHloliincwadizombebele angahlolisisa begodu ethule umbiko manqophana nama-akhawundi, iintatimende zeemali nekambiso yokuphathwa kwezeemali—
  - a. nanyana ngiliphi iziko elisekelwa ngeemali ezivela esiKhwameni seNgenisomali somBuso weNarha, nesiKhwameni seNgenisomali sesiFunda namkha sikaMasipala; namkha
  - b. nanyana ngiliphi iziko elivunyelwe ngokuya kwananyana ngimuphi umThetho ukwamukela imali yokwenza umsebenzi womphakathi.
3. UmHloliincwadizombebele kumele ethule imibiko kunanyana ngisiphi isiBethamthetho esinerhuluphelo elinqophileko ehlolisweni begodu nakunanyana ngimuphi umThetho obekwe ngokomThetho weNarha. Yoke imibiko kumele yaziswe kiwo woke umphakathi.
4. UmHloliincwadizombebele unamandla angezelelweko nemisebenzi ebekwe mThetho weNarha.

### **189. Isikhathi Sokuphatha Isikhundla**

UmHloliincwadizombebele kumele abekwe esikhundleni ihlandla elibekiweko, engekhe lavuselelwa kabutjha, lesikhathi esihlangana kweminyaka emihlanu nelitjhumu.

## **IKomitjhini YezamaKhetho**

### **190. Imisebenzi YeKomitjhini YezamaKhetho**

1. IKomitjhini yezamaKhetho kumele—

- a. ilawule ikambiso yamakhetho wesiBethamthetho seNarha, zeemFunda nezaboMasipala ngokuya komThetho weNarha;
  - b. iqinisekise bona amakhetho, kuba ngatjaphulukileko nalungileko; begodu
  - c. imemezele imiphumela yamakhetho layo esikhathini okumele sibekwe mThetho weNarha begodu nesifitjhani ngokukghonakala okuzwakalako.
2. IKomitjhini yezamaKhetho inamandla begodu nemisebenzi engezelelweko ebekwa mThetho weNarha.

### 191. Ukubunjwa KweKomitjhini YezamaKhetho

IKomitjhini yezamaKhetho kumele ibunjwe ubuncani bakhona babantu abathathu. Inani lamalunga nesikhathi sokuphatha iinkhondla kumele kuquntwe mThetho weNarha.

### UmThetho OziJameleko WokuLawula UkuRhatjha

#### 192. IPhiko LezokuRhatjha

UmThetho weNarha kumele usungule iphiko elizijameleko bona lilawule zokurhatjha ngokweenrhuluphelo zomphakathi nokuqinisekisa ngokufaneleko ukwehlukahlukana kwemibono ejamela umphakathi weSewula Afrika ngokunabileko.

#### Iinqalelelo EziVamileko

#### 193. Ukubekwa Eenkhundleni

1. UmVikeli womPhakathi namalunga wananyana ngiyiphi iKomitjhini esungulwe ngilesiSahluko kumele kube bomma namkha abobaba labo—
  - a. abazizakhamuzi zeSewula Afrika;
  - b. abababantu abasezingeni elihle nelifaneleko lokubamba isikhundla isithileko, begodu
  - c. bazalise nanyana ngiziphi ezinye iindingo ezibekwe mThetho weNarha.
2. Iindingo zeKomitjhini esungulwe ngokweSahlukwesi ukobana itjengise ngokunabileko ibumbeko ngokobuhlobo nobulili beSewula Afrika kumele zitjhejwe nangabe amalunga sele abekwa eenkhundleni.
3. UmHloliincwadizombebele kumele kube ngumma namkha ubaba osisakhamuzi seSewula Afrika, begodu abe mumuntu osilungeleko nofaneleko ukuphatha isikhundleso, namkha abe nelemuko lezokuhlolwa kwezeemali zombuso nakezokuphathwa komphakathi begodu kumele kutjhejwe khulu lokha nakubekwa umHloliincwadizombebele esikhundleni.
4. UMongameli, ngokuya kwesiphakamiso sesiBethamthetho seNarha kumele babekwe

- eenkhundleni umVikeli woMphakathi, umHloliincwadizombebele, namanye amalunga we—
  - a. Komitjhini yamaLungelo wobuNtu;
  - b. Komitjhini yokuLingana koBulili; begodu
  - c. Komitjhini yezamaKhetho.
5. IsiBethamthetho seNarha kumele siphakamise abantu—
  - a. abenyulwe yiKomidi yesiBethamthetho ngendlela yokujanyelwa kweenhlangano zoke zesiBethamthetho seNarha; begodu
  - b. bavunyelwe siBethamthetho seNarha ngesiqunto esamukelwe linengi lamalungaso—
    - i. okungasenani amaphesende ama-60 wamalunga wesiBethamthetho, nange iimpakamiso eziphathelene nokuqatjiswa komVikeli womPhakathi namkha umHloliincwadizombebele, namkha
    - ii. yenengi lamalunga wesiBethamthetho, nange iimpakamiso ziphathelene nokuqatjiswa kwelunga leKomitjhini.
6. Ukuzibandakanya komphakathi ekwenziweni kweempakamiso kungabonelelwa njengombana kubekwe esigabeni 59 (1)(a).

#### 194. Ukukhutjwa Emsebenzini

1. UmVikeli womPhakathi, umHloliincwadizombebele namkha amalunga weKomitjhini esungulwe ngokuya kweSahlukwesi, angakhutjwa emsebenzini kwaphela nangabe—
  - a. uziphethe kumbi, akakghoni ukwenza umsebenzi, namkha lokha nakabhalelwa misebenzakhe;
  - b. nakukhona isiqunto ngalokho esivela eKomidini yesiBethamthetho; begodu
  - c. ngokwamukela kwesiBethamthetho isiqunto esitjho bona umuntu loyo kumele akhutjwe emsebenzini.
2. Isiqunto sesiBethamthetho manqophana nokukhutjwa emsebenzini—
  - a. komVikeli womPhakathi namkha umHloliincwadizombebele kumele kwamukelwe ngesisekelo samavowudu okungasenani ubuncani bakhona abubili ebuthathwini bamalunga wesiBethamthetho seNarha; namkha
  - b. ilunga leKomitjhini kumele lamukelwe ngokusekelwa okungasenani ngamavowudu wenengi lamalunga wesiBethamthetho seNarha.
3. UMongameli—
  - a. angajamisa umuntu emsebenzinakhe kwesikhatjhana kesinye nesinye isikhathi ngemva kobana iKomidi yesiBethamthetho ithome ngephenyo lokhutjwa komuntu loyo emsebenzini; begodu
  - b. kumele akhuphe umuntu emsebenzini ngemva kobana isiBethamthetho seNarha samukele isiqunto esitjhoko bona umuntu loyo angakhutjwa.

# Isahluko 10: ZokuPhatha KuRhulumende (195-197)

## 195. Amagugu Aqakathekileko Nekambisolawulo Elawula Zokuphatha KuRhulumende

1. Ukuphatha kuRhulumende kumele kulawulwe magugu asekelo intando yesitjhaba nemigomo emumethwe mThethosisekelo okufaka hlangana:
  - a. Izinga eliphakemeko lepatho eyamukelwako kufanele lithuthukiswe beliphumeleliswe.
  - b. Imithombo ifanele isetjeniswe ngekghono nangokubabalela iindleko okumele ziphunyeleliswe.
  - c. Ukuphatha kuRhulumende kumele kuphunyeleliswe.
  - d. Imisebenzi kumele yethulwe ngaphandle kokuthatha ihlangothi, ngokufaneleko, ngokulinganako nangaphandle kokuveza iinrhuluphelo zalowo owethula umsebenzi.
  - e. Iindingo zabantu kumele zibonelelwe begodu umphakathi kumele ukhuthazwe bona ubenesandla ekuthatheni iinqunto ezimanqophana nokuphatha.
  - f. Ukuphatha kwakaRhulumende kumele kube nokuziphendulela.
  - g. Ukuphatha kwakaRhulumende kumele kube setjhatjhalazini ngokubonelela umphakathi ngamaqiniso ngeenkhati ezifaneleko.
  - h. Ubudlelwano hlangana nabantu netuthuko yokuthwasiselwa imisebenzi kumele kungezelelwe begodu kutjalwe emphakathini.
  - i. Ukuphatha kwakwaRhulumende kumele kutjengise ukujanyelwa ngokunabileko babantu beSewula Afrika, ukuqatjha nekambiso yokuphatha kumele kusekelwe phezu kwekghono, kumele kuzaliswe neendingo zokukhuphula labo abatjhiyeke emva ngebanga lebandlululo kuze kufikelele ubujamo obulinganako.
2. Iinkambisolawulo ezingehla zisetjenziswa—
  - a. kwezokuphatha kunanyana ngiliphi izinga likaRhulumende;
  - b. eenjamisweni zombuso; begodu
  - c. nakumabhezini wombuso.
3. UmThetho weNarha kumele uqinisekise ukwenyulwa kwezinga lamagugu neenkambisolawulo ezirheliswe esigatjaneni (1).
4. Ukuqatjha kwenani labantu emsebenzini wezokuphatha kuRhulumende ngokutjhejwa komthethokambiso akukavimbelwa, kodwana umThetho weNarha kumele alawule ukuqatjha emsebenzini womphakathi.
5. UmThetho olawula ukuphatha kwakaRhulumende ungahlukanisa phakathi kweengcenywe ezahlukeneko, zokuphatha namkha iinkhungo.
6. Umhlobo nemisebenzi yeengcenywe ezahlukeneko, zezokuphatha namkha iinkhungo zokuphathwa

komphakathi zimaphuzu aqakathekileko okumele atjhejwe emThethweni olawula zokuphatha komphakathi.

## 196. IKomitjhini YeenSebenzi ZikaRhulumende

1. KuneKomitjhini yabasebenzi bakaRhulumende eyodwa yeRiphabliki.
2. IKomitjhini izijamele begodu kumele ingakhethi, begodu kumele isebenzise amandlayo yenze nemisebenzayo ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukulimaza ngenrhuluphelo lokutjhejwa lokuphathwa komphakathi ngekghono begodu nezinga eliphezulu lobukghoni emsebenzini womphakathi. IKomitjhini kumele ilawulwe mThetho weNarha.
3. Ezinye iinjamiliso zombuso, ngokusetjenziswa komthetho namanye amagadango, kumele zivikele bezisize iKomitjhini ukuqinisekisa ukuziphatha, ukungakhethi, isithunzi kunye nokuphumelela kweKomitjhini. Akunamuntu namkha ihlangano yombuso engangenangena hlangana ukusebenza kweKomitjhini le.
4. Amandla nemisebenzi yeKomitjhini le nginaka alandelako—
  - a. kunyula amagugu neenkambisolawulo ezendlalwe esigabeni 195 kizo zoke iinkhungo zomsebenzi womphakathi;
  - b. kuphenya, ukubeka ilihlo nokutjhejisisa ukuhleleka nekambiso begodu namagadango athathwa ziinsebenzi, zomsebenzi womPhakathi;
  - c. kwenza iimphakamiso zamagadango angahle athathwe ukuqinisekisa ipumelelo nobukghoni bokusebenza umsebenzi womphakathi;
  - d. kukhupha iinqophiso ezinqophe ukuqinisekisa bona indlela yekambiso ephathelene nokutholela abantu umsebenzi, ukutjhidiselwa kwabasebenzi kezinye iindawo, ukukhutjhwelwa eenkhundleni begodu nokukhutjwa emsebenzini ukobana, iyakhambisana yini nemihlinzeko neenkambisolawulo ezitjhiwo esigabeni 195;
  - e. kukwethula umbiko manqophana nemisebenzayo okufaka hlangana neenqunto ezithetheko, iimphakamiso nokweluleka ekunikelweko ukufikela ezingeni lapha imihlinzeko neenkambisolawulo ezendlalwe esigabeni 195 zizaliswe; begodu
  - f. nayinye yeenrhuluphelo zayo namkha ukwamukelwa kwananyana ngiziphi iinghonyayo zayo okumele—
    - i. iphenye namkha ihlolisise amagadango wezokuphatha anamatha abasebenzi nokwethula umbiko kusiphathiswa esiqondeneko namkha kwiBethamthetho;



- ii. ukuphenyisisa iinghonyoyilo zeensebenzi zombuso manqophana namagandango wangokomThetho namkha ukubhalelwa kuthatha amagandango lawo, begodu yenze iimpakamiso zeensombululo; ukuhlolisisa nokuphenyisisa ukulandelwa kweenkambiso ezifaneleko kwezomsebenzi womphakathi; begodu
  - iii. ukutjheja nokuphenya bona kubanjelwe kangangani eenkambisweni ukusetjenzelwa komphakathi; begodu
  - iv. nokuyelelisa amatjha womBuso weNarha newesiFunda manqophana neekambiso ezimanqophana neensebenzi zombuso okufaka hlangana lezo ezimanqophana nokuqatjha, ukuthunyelwa kwenye indawo yesisebenzi namkha ukuphiwa omunye umsebenzi, wokuqotjha neminye imininingwana emanqophana neensebenzi zombuso.
  - g. Ukusebenzisa amandla namkha imisebenzi engezelelweko etholakala emThethweni wePalamende.
- [Ipharagrafu (g) ifakelelwe ngesigaba 3 somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*
- 5. IKomitjhini iziphendulela esiBethamthethweni seNarha.
  - 6. IKomitjhini kumele yethule umbiko okungaseni kanye ngomnyaka ngokuya kwesigatjana (4)(e)—
    - a. esiBethamthethweni seNarha; begodu
    - b. manqophana nemisebenzayo esiFundeni, esiBethamthethweni sesiFundeso.
  - 7. IKomitjhini inaboKomitjhina abali-14 abalandelako ababekwe eenkhundleni nguMongameli:
    - a. aboKomitjhina abahlanu abavunye siBethamthetho seNarha ngokwesigatjana (8) (a); begodu
    - b. uKomitjhina oyedwa qobe siFunda okhethwe nguNdunakulu wesiFundeso ngokuya kwesigatjana (8)(b).
  - 8.
    - a. uKomitjhina obekwe esikhundleni ngokuya kwesigatjana (7)(a) kumele—
      - i. aphakanyiswe yiKomidi yesiBethamthetho ebunjwe ngokulinganako manqophana neenhlango zoke ezijanyelwe kusiBethamthetho; begodu
      - ii. avunye siBethamthetho seNarha ngesiqunto esithethwe ngevowudu esekelwa linengi lamalungalo.
    - b. UKomitjhina okhethwe nguNdunakulu wesiFunda okumele—
      - i. aphakanyiswe yiKomidi yesiBethamthetho sesiFunda ebunjwe ngokulinganako manqophana neenhlango zoke ezijanyelweko esiBethamthethweni; begodu
      - ii. avunye siBethamthetho ngesiqunto esithathwe ngevowudu esekelwa linengi

lamalungaso.

- 9. UmThetho wePalamende kumele, ulawule indlela yekambiso yokunikelwa umsebenzi kwaboKomitjhina.
- 10. UKomitjhina ubekwa anikelwe umsebenzi isikhathi seminyaka emihlanu, evuselelwa isikhathi esingezelelweko sonyaka munye kwaphela, begodu okumele abengumma namkha ubaba—
  - a. osisakhamuzi seSewula Afrika; begodu
  - b. nomumuntu okulungeleko begodu nonelwazi le, namkha ilemuko lokwenza, ukuphatha namkha ukunikela ngemisebenzi kaRhulumende.
- 11. UKomitjhina angakhutjha emsebenzini kwaphela ngebanga—
  - a. lokungaziphathi kuhle, ukungakghoni namkha ukubhalelwa ukwenza umsebenzi;
  - b. sokutholwa anephoso ngalokho siBethamthetho seNarha namkha nange kunguKomitjhina owenyulwe nguNdunakulu wesiFunda, namkha yiKomidi yesiBethamthetho sesiFunda leyo; begodu
  - c. nangesiqunto esithethwe siBethamthetho seNarha namkha siBethamthetho sesiFunda esithintekako, ngesiqunto sevowudu elisekelwe linengi lamalungaso bona uKomitjhina akhutjhe emsebenzini.
- 12. UMongameli kumele akhuphe uKomitjhina othintekako emsebenzini nangabe—
  - a. isiBethamthetho seNarha yamukele isiqunto esitjho bona uKomitjhina lowo asuswe; namkha
  - b. isaziso esitlolwe nguNdunakulu bona iPalamende yesiFunda ithethe isiqunto sokobana uKomitjhina lowo akhutjhe.
- 13. AboKomitjhina abatjhiwo esigatjaneni (7) (b) bangasebenzisa amandla bebenze imisebenzi yeKomitjhini eemFundeni zabo njenganyana kuquntwe mThetho weNarha.

## 197. ZemiSebenzi KaRhulumende

- 1. Ngaphakathi kwezokuphathwa komphakathi kunemisebenzi kaRhulumende weRiphabliki, okumele isebenze begodu yakhiwe ngokuya komThetho weNarha begodu nokumele bona ngokwethembeka yethulwe ngemithethokambiso esemthethweni kaRhulumende wanamhlanjesi.
- 2. Imininingwana nemibandela yokuqatjha kweensebenzi zikaRhulumende kumele ilawulwe mThetho weNarha. Iinsebenzi zinamalungelo wokuthola umhlalaphasi njengombana ulawulwa mThetho weNarha.
- 3. Asikho isisebenzi sikaRhulumende esizakuphathwa ngcono kunabanye namkha akhubazeke ngebanga kwaphela lokusekela ihlangano ethileko yezombanganarha namkha umnqopho wayo.
- 4. Kusemahlombe kaRhulumende weemfunda ukuzifunela ukuqatjha, ukukhuphula emsebenzini, ukuthumela kwenye indawo yokusebenza namkha ukwenza omunye umsebenzi nokuqotjha kwabasebenzi bakaRhulumende ngakwezokuphatha

ngeendaweni zakhe , kodwana ngokulandela imigomo efanako namazinga asetjenziswa kwezomsebenzi kaRhulumende.

# Isahluko 11: ZokuPhepha (198-210)

## 198. Iinkambisolawulo Ezilawulako

1. Iinkambisolawulo ezilandelako ilawula zokuphepha kweNarha ngaphakathi kweRiphabliki:
  - a. Ukuphepha kweNarha kumele kutjengise ukuzibopha kwamaSewula Afrika, ngokwehlukana kwawo kodwana basitjhaba sinye, ukuphila nje ngabantu abalinganako, baphile ngokuthula, nangaphandle kokwesaba, ukuthlola nokufuna ipilo engcono.
  - b. Isibopha sokuphila ngokuthula nomusa sivimbela nanyana ngimuphi umuntu osisakhamuzi seSewula Afrika ekuzibandakanyeni ngaphakathi kwenturhu yeenkhali, ngaphakathi kweNarha namkha emaphasini wangaphandle, ngaphandlekwangendlela enikelwe ngokuya komThethosisekelo namkha umThetho weNarha.
  - c. Ikuphepha kwenarha kufanele kulandelwe ngokukhambisana nomThetho, okufaka hlangana nomThetho wamazwe.
  - d. Ukuphepha kwenarha kuzakulawulwa ngaphasi kwePalamende neKhabinedi.

## 199. Ukusungulwa, Ukwakhiwa Nokuziphatha Kwamaziko Wezokuphepha

1. Amaziko wezokuphepha weRiphabliki akhiwa libutho lezokuvikela elilodwa, amaziko wezesipholisa nawezobuhloli asungulwe ngokuya komThethosisekelo.
2. Ibuthe lezokuvikela ngilo kwaphela ibutho elisemthethweni ngaphakathi kweRiphabliki.
3. Ngaphandle kwamaziko wezokuphepha asungulwe ngokuya komThethosisekelo, iinhlango ezihlome ngeenkhali namkha imisebenzi, ingasungulwa kwaphela ngokuya komThetho weNarha.
4. Amaziko wezokuphepha kumele asungulwe begodu akhiwe ngokuya komThetho weNarha.
5. Imaziko wezokuphepha kumele asebenze begodu afundise begodu abawe amalungawo bona asebenze ngokuya komThethosisekelo nomThetho okufaka hlangana umThetho wamazwe neemvumelwano zeentjhabatjhaba ezibopha iRiphabliki.
6. Alikho ilunga lananyana ngiliphi iziko lezokuphepha okumele lithobele isiqunto okusepepeneneni bona asikho emthethweni.
7. Nanyana kungaba maziko wezokuphepha namkha ngimaphi amalungawo okungezeka bona ekwenzeni imisebenzabo—
  - a. bakhubaze iinrhuluphelo zeenhlango zezombanganarha ezivunyelwa mThetho ngokuya komThethosisekelo; namkha
  - b. baragele phambili ngendlela esekelako nanyana ngiliphi irhuluphelo lehlango yezombanganarha.

8. Ukuphumelelisa iinkambisolawulo zokwenza izinto bupepenene begodu nangobuziphendulelo, amaKomidi wePalamende ahloniwe linengi leenhlango, kumele abeke ilihlo phezu kwamaziko wezokuphepha ngendlela ebekwe mThetho weNarha namkha imilayo nemiyalo yePalamende.

## Zokuvikela

### 200. IButho LezokuVikela

1. IButho lezokuVikela kumele lijanyiswe belilawulwe njengeButho lezokuVikela eliziphethe kuhle.
2. Umsebenzi oqakatheke khulu weButho lezokuVikela kujamela nokuvikela iRiphabliki, inarha yoke elingaphakathi kwayo nabantu bayo ngokuya komThethosisekelo neenkambisolawulo zomThetho weentjhabatjhaba olawula ukusetjenziswa kwamandla.

### 201. Isibopha Sezombanganarha

1. Ilunga leKhabinedi kumele libe nesibopha sezevikeleko.
2. NguMongameli kwaphela, njengeHloko yesiGungu seNarha, ongagunyaza ukusetjenziswa kwaButho lezokuVikela—
  - a. ekusebenzisaneni nezesipholisa;
  - b. ekuvikeleni iRiphabliki; namkha
  - c. ekufezekiseni iimbopha zeentjhabatjhaba.
3. Nangabe ibutho lezokuphepha lisetjenziselwe nanyana ngisiphi isizathu esitjhiwo esigatjaneni (2), uMongameli kumele azise iPalamende msinya nangokuzeleko ngalokhu —
  - a. amabanga wokusetjenziswa kweButho lezokuVikela;
  - b. ngananyana ngiyiphi indawo lapha iButho lezokuVikela lisetjenziswa khona;
  - c. inani labantu abasetjenziswako; begodu
  - d. nesikhatheso iButho lezokuVikela okulindwe ngaso bona lisetjenziswe.
4. Nangabe iPalamende ayihlali ngaphakathi kwamalanga alikhomba emva kokusetjenziswa kweButho lezokuVikela ngendlela okutjhiwo ngayo kusigatjana (2), uMongameli kumele ethule umbiko othlogekako esigatjaneni 3 kukomidi elawulako.

### 202. Ilawulo LeButho LezokuVikela

1. UMongameli njengeHloko yesiGungu seNarha, umLawuli-oyiHloko weButho lezokuVikela, begodu kumele anikele umLawuli weButho lezokuVikela umsebenzi.
2. Ilawulo leButho lezokuVikela kumele lisetjenziswe ngokuya kwenqophiso yelunga leKhabinedi

elinesibopho sezokuvikeleka ngaphasi kwelawulo kaMongameli.

### 203. Ubujamo BokuVikela INarha

1. UMongameli angamemezela ubujamo bokuvikela inarha begodu kumele azise iPalamende msinya nangokuzeleko—
  - a. amabanga wesimemezelo;
  - b. nanyana kukuphi lapha iButho lezokuPhepha lithunjelwe khona; begodu
  - c. nenani labantu ababandakanyekako.
2. Nangabe iPalamende ayihlali lokha ubujamo bokuvikela inarha bumenezelwa, uMongameli kumele abizele iPalamende emhlanganweni okhethekileko ngaphakathi kwamalanga alikhomba kusukela ngelanga lesimemezelo.
3. Isimemezelo sobujamo bokuvikela inarha siphelwa sikhathi ngaphandle nangabe sivunyelwa yiPalamende ngaphakathi kwamalanga alikhomba kusukela ngelanga lesimemezelo.

### 204. UNobhala Womphakathi Kwezokuphepha

UNobhala womphakathi weButho lezokuVikela kumele lisungulwe mThetho weNarha ukwenzela bona isebenze ngaphasi kwelawulo lelunga leKhabinedi elinesibopho sezokuphepha.

#### AmaPholisa

### 205. Imisebenzi YobuPholisa

1. Imisebenzi yobuPholisa beNarha kumele ijanyiswe ngendlela ezakusebenza eNarheni zombebele, eemFundeni, nalapha kufaneleko, emazingeni kaRhulumende wemaKhaya.
2. UmThetho weNarha kumele usungule amandla nemisebenzi yobuPholisa begodu kumele ubonelele bona imisebenzi yobuPholisa ikghone ukufeza iimbopho zawo ngekghono, nokutjhejwa kweendingo zeemFunda
3. Iminqopho yemisebenzi yobuPholisa kuvimbela, ukuqeda begodu nokuphenyisisa ubulelesi, ukuletha ukuthula emphakathini, ukuvikela nokuqinisekisa abakhi beRiphabliki nepahla yabo, ukulonda nokukatelela umThetho.

### 206. Isibopho Sezombanganarha

1. Ilunga leKhabinedi kumele lizibophelele kwezobuPholisa, begodu kumele libeke umthethokambiso wezobuPholisa beNarha emva kokuthintana nemibuso yeemfunda begodu nokutjheja iindingo zeemFunda.
2. UmThethokambiso weNarha wezobuPholisa ungenza iinqalelelo zemithethokambiso eyahlukahlukeneko manqophana neemFunda ezahlukneko ngemva kokutjheja iindingo zobuPholisa nezinto

- eziqakathekileko kunezinye zeemFundezo.
3. IsiFunda ngasinye sinelungelo—
    - a. lokubeka ilihlo ngokuziphatha kwezobuPholisa;
    - b. ukubeka ilihlo, okufaka hlangana ukwamukela imibiko malungana nekghono lemisebenzi yezobuPholisa;
    - c. ukwenyula izinga letjhebiswano hlangana nezobuPholisa nomphakathi;
    - d. ukulinganisa ikghono elifikelelwa ngezobuPholisa obubonakalako; begodu
    - e. lokuthintana nelunga leKhabinedi eliziphendulela kwezobuPholisa nokwenza iimphakamiso manqophana nobulelesi ngaphakathi kwesiFunda.
  4. IsiGungu sesiFunda esinesibopho semisebenzi yobuPholisa—
    - a. esithweswe yona siSahlukwesi;
    - b. esinikelwe yona mThetho weNarha; begodu
    - c. esinikelwe yona ngokomthethokambiso wenarha wezobuPholisa.
  5. Ukwenzela bona akwazi ukwenza imisebenzi etjhiwo esigatjaneni (3); isiFunda—
    - a. singaphenya, namkha sibeke iKomitjhini yePhenyo bona iphenye iinghonyoyilo ezitjhoko bona amapholisa akasebenzi kuhle namkha ukungakhambisani kuhle hlangana namaPholisa nomphakathi othileko; begodu
    - b. kumele yenze iimphakhamiso elungeni leKhabinedi elinesibopho sezobuPholisa.
  6. ekwamukelweni kweenghonyoyilo ezethulwe siGungu sesiFunda, igatja lobuPholisa leenghonyoyilo elizijameleko elisungulwe mThetho weNarha kumele liphenye nanyana ngikuphi ukungasebenzi kuhle, namkha ubulelesi obenziwe lilunga lezobuPholisa esiFundeni.
  7. UmThetho weNarha kumele ubonelele iphahla lokusungulwa, amandla, imisebenzi nokulawulwa kwezobupholisa bendawo.
  8. Ikomidi ebunjwe lilunga leKhabinedi namalunga wesiGungu somKhandu weemFunda okumele lisungulwe ukwenzela bona libonelele ukusebenzisana kwezobuPholisa nokuthintana hlangana kwamazinga wombuso.
  9. IsiBethamthetho sesiFunda singabawa uKomitjhinara wamaPholisa wesiFunda bona avele ngaphambi kwananyana ngiyiphi ikomidi yaso ukuzokuphendula iimbuzo.

### 207. ILawulo Lezobupholisa

1. UMongameli, njengeHloko yesiGungu seNarha kumele afake emsebenzini umuntu onguMma namkha uBaba bona abe nguKomitjhinara weNarha Zombebele wezobuPholisa bona alawule begodu apha the imisebenzi yobuPholisa.
2. UKomitjhinara weNarha Zombebele kumele asebenzise amandla apha the imisebenzi yobuPholisa ngokuya komThethokambiso yobuPholisa yeNarha neenqophiso ezibuya elungeni leKhabinedi elinesibopho sokusebenza kobuPholisa.
3. UKomitjhinara weNarha Zombebele, ngokuzwana

nesiGungu sezokuPhatha sesiFunda kumele abeke esikhundleni uMma namkha uBaba njengoKomitjhina wesiFundeso, kodwana nangabe uKomitjhina weNarha Zombebele nesiGungu sesiFunda abakghoni ukuzwana ngalowo okumele anikelwe umsebenzi, lilunga leKhabinedi elinesibopho sezobupholisa kumele libe ngumlamuli kilokho.

4. AboKomitjhina besiFunda banesibopho sezobuPholisa eemFundeni zabo—
  - a. njengombana kujanyiswe mThetho weNarha; begodu
  - b. ngokulawulwa mamandla kaKomitjhina weNarha Zombebele ngale kokuphatha imisebenzi yobuPholisa ngokuya kwesigatjana (2).
5. UKomitjhina wesiFunda kumele bona njalo ngonyaka abikele isiBethamthetho sobupholisa besiFundeni, begodu kumele athumele iKhophi yombiko kuKomitjhina weNarha Zombebele.
6. Nangabe uKomitjhina wesiFunda angasathenjwa siGungu sesiFunda, isiGungweso singabeka indlela efaneleko yekambiso yokususwa namkha ukutjhidiswa namkha ukuthathwa kwegadango lokukhalima uKomitjhina lowo ngokuya komThetho weNarha.

## 208. Unobhala Womphakathi Wezobupholisa

Igatja labuNobhala bomphakathi kwezobupholisa kumele lisungulwe mThetho weNarha bona lisebenze ngaphasi kwelawulo lelunga leKhabinedi elinesibopho sezobuPholisa.

## UbuHloli

### 209. Ukusungulwa Nelawulo Lemisebenzi YezobuHloli

1. Nanyana ngimuphi umsebenzi wezobuHloli, ngaphandle kwananyana ngiyiphi enye ingcenywe yebutho lezokuvikela, namkha umsebenzi wezobupholisa, ungasungulwa kwaphela nguMongameli njengeHloko yesiGungu seNarha, begodu nangokuya komThetho weNarha.
2. UMongameli, njengeHloko yesiGungu seNarha kumele aqatjhe uMma namkha uBaba njengeHloko yomunye nomunye umsebenzi wezobuHloli osungulwe ngokuya kwesigatjana (1), begodu kumele abe nobuzibophelelo bezombanganarha ukwenzela ukulawula nokuphatha nanyana ngimuphi wemisebenzi leyo, namkha akhombe ilunga leKhabinedi ukuthatha ubuzibophenlelo.

### 210. Amandla, Imisebenzi Nokubeka Ilihlo

1. UmThetho weNarha kumele ulawule iminqopho; amandla nemisebenzi yezobuHloli, okufaka hlangana nanyana ngiyiphi ingcenywe yezobuHloli bebutho lezokuvikela namkha yezobuPholisa; begodu kumele ubonelele—
  - a. ukuthintanisa kwayo yoke imisebenzi yezobuHloli; begodu
  - b. nokubeka ilihlo Mphakathi phezu kwemisebenzi leyo eyenziwa mHloli oqatjhwe nguMongameli njengeHloko yesiGungu seNarha, begodu avunyelwe ngesiqunto esemukelwe okungasenani buncani besibili esithathwini bamalunga wesiBethamthetho seNarha.

## Isahluko 12: AbaRholi BeNdabuko (211-212)

### 211. Ukumukelwa

1. Iziko, ubujamo nendima edlalwa buRholi beNdabuko ngokuya komThetho wesintu, kuyamukelwa, ngaphasi komThethosisekelo.
2. Ilawulo lobuRholi beNdabuko lelo elihlonipha irherho lekambiso yomThetho wesiNtu lingasebenza ngokulawulwa nginanyana ngimuphi umThetho osebenzako namasiko, okufaka hlangana amatjhuguluko namkha ukwesulwa komThetho lowo namkha amasiko lawo.
3. Amakhotho kumele asebenzise umThetho wesiNtu lapho umThetho loyo usebenza khona, ngokulawulwa umThethosisekelo nomThetho wananyana ngimuphi omunye umThetho osebenza ngomThetho wesiNtu.

### 212. Imisebenzi YabaRholi BeNdabuko

1. UmThetho weNarha unganikela indima edlalwa baRholi beNdabuko njengesikhungo esizingeni lemakhaya eendabeni ezithinta imiphakathi yemakhaya.
2. Ukuqalana neendaba ezimanqophana nobuRholi beNdabuko, indima edlalwa baRholi beNdabuko, umThetho wesintu namasiko wemiphakathi elandela ikambiso yerherho lomThetho wesintu—
  - a. UmThetho weNarha namkha wesiFunda ungakhuthaza ukuhlonywa kwezindlu zabaRholi beNdabuko; begodu
  - b. UmThetho weNarha ungasungula umKhandlu wabaRholi beNdabuko.



# Isahluko 13: ZeeMali (213-230A)

## IiNdaba EziVamileko ZeeMali

### 213. IsiKhwama SeNarha SeMalingeniso

1. KunesiKhwama seNarha seNgenisomali ngaphakathi kwaso okumele kubhadelwe yoke imali etholakele kuRhulumende weNarha ngaphandle kwemali etjhiywe ngamabomu ngokuya komThetho wePalamende.
2. Imali ingadoswa esiKhwameni seNarha seNgenisomali kwaphela—
  - a. ngokwatjelwa ngokuya komThetho wePalamende; namkha
  - b. njengehlawulo okumele ibhadelwe siKhwama seNarha seNgenisomali nangabe kuyimali etjhiwo mThethosisekelo namkha ngokuya komThetho wePalamende.
3. Isabiwo esaneleko sesiKhwama sesiFunda seNgenisomali ebuthelwe nguRhulumende weNarha, idoswe bunqophla esiKhwameni seNarha seNgenisomali.

*[Ilanga lokuthoma ukusebenza kwesigaba 213: 1 kuTjhirhweni 1998.]*

### 214. Ukwabiwa Okulinganako Nezabelo Zemali Engenako

1. UmThetho wePalamende kumele unikele—
  - a. ukwabiwa okufaneleko kwesikhwama sengenisomali ebuthelwe ezingeni likaRhulumende weNarha phakathi kwakaRhulumende weNarha, wesiFunda neweKhaya;
  - b. ukuqunta inani lesabelo esifaneleko sesiFunda kilesisikhwama; begodu
  - c. nanyana ngisiphi ukwatjelwa kweemFunda uRhulumende weKhaya namkha uMasipala okuvela esikhwameni sikaRhulumende weNarha begodu nanyana ngiyiphi imibandela izabelwezo ezingenziwa ngayo.
2. UmThetho okukhulunywa ngawo esigatjaneni (1) ungamenyenzelwa kwaphela emva kokuthintana naboRhulumende beamFunda, bemaKhaya abahlelekileko begodu neKomitjhini yeeNdaba zeeMali neeMali zikaRhulumende begodu nanyana ngiziphi iimphakamiso zeKomitjhini sele zitjhejiwe, begodu kumele utjheje—
  - a. neenrhuluphelo zenarha zombebele;
  - b. nanyana ngisiphi isiqalelelo okumele senziwe manqophana neenkolodo zenarha;
  - c. iindingo neenrhulupelo zakaRhulumende weNarha eziquntwe ngendlela ezwakalako;
  - d. isidingo sokuqinisekisa bona iimFunda naboMasipala banekhono lokwethula imisebenzi

eqakathekileko nokwenza imisebenzi ebanikelwe yona;

- e. namandla kwezeemali zombuso nepumelelo yeemFunda naboMasipala;
- f. ekuthuthukiseni nezinye iindingo zeemFunda noRhulumende weKhaya naboMasipala;
- g. ukungalingani kwezomnotho hlangana neemFunda;
- h. iimbopho zeemFunda naboMasipala ngokulandela umThetho weNarha;
- i. ifisekelo yezabiwo ezingatjhugululwako ngesikhathi nesikhathi; begodu
- j. iindingo zokuba nekhono lokubonelela okurhabako namkha iindingo zesikhatjhana, namanye amaphuzu asekelwe phezu kwamabanga afanako.

*[Ilanga lokuthoma ukusebenza kwesigaba 214: 1 kuTjhirhweni 1998.]*

### 215. IsabeloMali SeNarha, IimFunda NaboMasipala

1. Isilinganiso seemali seNarha, iimFunda naboMasipala nekambiso yesilinganiso seemali kumele ithuthukise ukusebenzela etjhatjhalazini, ukuziphendulela nezokuphatha kwezeemali, kwezomnotho, iinkolodo begodu nehlangothi lomphakathi.
2. UmThetho weNarha kumele uqunte—
  - a. iindlela zeelinganiso zeemali yeNarha, iimFunda naboMasipala;
  - b. isikhathi iinlinganiso zeemali zeNarha, zesiFunda naboMasipala okumele zethulwe ngaso; begodu
  - c. nokobana isilinganiso seemali ezingeni elinye nelinye lombuso kufanele sitjengise umthombo wezeemali zombuso nangendlela iindleko zizakukhambisana ngayo nomThetho weNarha.
3. Isilinganiso seemali sezinga elinye nelinye lombuso kumele simumathe—
  - a. ukulinganisela kweemali ezingena esiKhwameni sikaRhulumende neendleko; ngokwehlukana hlangana kwepahla nemali;
  - b. iimphakamiso malungana nokubhadelwa kokutlhogeka kweemali ngaphakathi kwesikhathi esisebenzisiweko; begodu
  - c. ukuveza iinhloso manqophana nokubonelelwa kweemali nezinye iimbopho zombuso ezizokwengeza iinkolodo zikaRhulumende emnyakeni olandelako.

*[Ilanga lokuthoma ukusebenza kwesigaba 215: 1 kuTjhirhweni 1998.]*

**216. Ukulawulwa Kwesikhwama**

1. UmThetho weNarha kumele usungule igatja elilawula iiMali zeNarha begodu ubeke amagadango aqinisekisa ukusebenzela etjhatjhalazini nokulawula iindlela zombili ezingeni elinye nelinye lombuso, ngokusungula—
  - a. ikambiso eyamukelwa ngokuvamileko yezokubala imali;
  - b. ukuhlukanisa iindleko ngaphasi kweenqhema ezifanako; begodu
  - c. ukusebenzisa amazanga nemigomo efanako yokulawula imali.
2. Igatja elilawula iimali kumele likatelele ukukhambisana namagadango ahlonywe ngokwesigatjana (1), lingajamisa nokuthunyelwa kweemali kelinye igatja lombuso nangabe igatja lelo lephula amagadango okuvunyelwene ngawo.

*[Isigatjana (2) sijanyiselelwe ngesigaba 5 (a) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

3. Isiqunto sokujamisa ukuthunyelwa kwemali ezimele zithunyelwe esifundeni ngokwesigaba 214 (1)
  - a. singathathwa kwaphela ngokwemibandela evezwe esigatjaneni (2) begodu—
  - b. angekhe sijamisa ukudluliswa kweemali amalanga adlula emalangenali ali-120; begodu
  - c. singakatelelwa ngokurhaba kodwana sizakuphelelwa sikhathi kusukela emva, ngaphandle nangabe iPalamende isivumela ngokulandela ikambiso efana ngokwaneleko naleyo esungulwe ngokulandela isigaba 76 (1) begodu ebekwe migomo neenqunto ezihlanganyelweko. Ikambiso le kumele iqedwe ngaphakathi kwamalanga ama-30 kusukela ekukhutjhwani kwesiqunto ligatja elilawula zeemali.

*[Isigatjana 3 sitjhugululwe sigaba 5 (b) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

4. IPalamende ingavuselela isiqunto sokujamisa ukudluliswa kweemali ngamalanga angadluliko emalangenali ali-120 isikhathi ngasinye, ngokulandela ikambiso esungulwe ngokuya kwesigatjana (3).
5. Ngaphambi kobana iPalamende ingavumela namkha ivuselele isiqunto sokujamisa ukudluliswa kweemali esifundeni—
  - a. umHloliincwadizombebele kumele ethule umbiko ePalamende; begodu
  - b. isiFunda kumele sinikelwe isikhathi sokuziphendulela manqophana nokusolelwa kwaso begodu sithule bayo ubufakazi ngaphambi kwekomidi.

**217. Ukuthola Ipahla Nokwenzela Imisebenzi**

1. Lokha isijamiso sombuso esisezingeni likaRhulumende weNarha, wesiFunda namkha weKhaya namkha amanye amaziko akhonjwe mThetho weNarha enza iimvumelwano zokuthenga namkha ukwenzelwa umsebenzi, kumele benze njalo ngokuya komThetho weNarha namkha wesiFunda osungula ikambiso efaneleko, elungileko, esetjhatjhalazini, enephaliswano begodu enakekela neendleko.
2. Isigatjana (1) asivimbeli iinjamo zombuso namkha amaziko akhonjiwe esigatjanenesi ekusebenziseni indlela elandelwako ukuthola ipahla nokwenzelwa umsebenzi ebonelela—
  - a. imihlobo ekhethwa kuneminye ekunikelweni ukuthola kwepahla namkha ukwenzela umsebenzi; begodu
  - b. ukuvikela nokuthuthukisa abantu namkha iinqhema zabantu abatjhiyeke emva ngebanga lebandlululo elingakafaneleki.
3. UmThetho weNarha kumele ubeke umleyo okuzakukghonakaliswa ngawo umthethokambiso okukhulunye ngawo esigatjaneni (2).

*[Isigatjana (3) sijanyiselwe sigaba 6 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

**218. Inqinisekiso ZikaRhulumende**

1. URhulumende weNarha, wesiFunda namkha weKhaya angazibophelela ekubhadleni imali ebolekiweko kwaphela nangabe ukuzibophelela lokho kwenziwa ngokulandela imibandela ebekwe mThetho weNarha.
2. UmThetho weNarha otjhiwo esigatjaneni (1) ungamenyazelwa kwaphela nangabe iimphakamiso zeKomitjhini yezeeMali neeMali zikaRhulumende zitjhejiwe.
3. Qobe mnyaka, omunye nomunye uRhulumende kumele ukhuphe umbiko ngeenqinisekiso ezinikelweko.

*[Ilanga lokuthoma kwesigaba 218: 1 kuTjhirhweni 1998.]*

**219. Imirholo Yabantu Abaphethe Iinkhundla Zomsebenzi Womphakathi**

1. UmThetho wePalamende kumele usungule isijamiso esibeka—
  - a. imirholo, izabelo ezinye ezingezelela umrholo nenzuzo yamalunga wesiBethamthetho seNarha, amalunga aziinthonywa ngokuzeleko ukujamela isifunda emKhandlwini weNarha ongamele iimFunda, amalunga weKhabinedi, amaSekelabo, abaRholi beNdabuko, namalunga wananyana ngimiphi imiKhandlu yabaRholi beNdabuko; begodu
  - b. inani lokuphelela lomrholo, izabelo ezingezelela

umrholo namkha inzuzo yamalunga wesiBethamthetho sesiFunda, amalunga womKhandlu wezokuphatha namalunga wemiKhandlu kaMasipala ehluhlukileko.

2. UmThetho weNarha okumele uhlome iKomitjhini ezokwenza iimphakamiso manqophana nemirholo, izabelo nenzuzo etjhiwo esigatjaneni (1).
3. IPalamende ingaphasisa umThetho okhonjwe esigatjaneni (1) emva kokutjheja nanyana ngiziphi iimphakamiso zeKhomitjhini ehlonjwe ngokwesigatjana (2).
4. IKhabinedi, isiBethamthetho sesiFunda, uMasipala namkha ngisiphi esinye isiphathiswa singasebenzisa umThetho weNarha okhonjwe kusigatjana (1) ngemva kokutjheja nofana ngiziphi iimphakamiso zeKomitjhini esungulwe ngokuya kwesigatjana (2).
5. UmThetho weNarha kumele usungule iinjamo ezibeka imirholo, izabelo ezingezelelwa umrholo nemizuzo yamajaji, umVikeli womPhakathi, umHoliincwadizombebele begodu namalunga wananyana ngiyiphi iKomitjhini ebonelelwa mThethosisekelo, okufaka hlangana nelawulo lezokurhatjha elikhonjwe esigabeni 192.

## **IKomitjhini YezeMali NeeMali ZikaRhulumende**

### **220. Ukuhlonywa Nemisebenzi**

1. KuneKomitjhini yezeMali neeMali zikaRhulumende weRiphabliki eyenza iimphakamiso ezibonelelwa eSahlukwenesi, namkha emThethweni weNarha, ePalamende, eemBethamthethweni zeemFunda nezinye iimphathiswa ezibekwe mThetho weNarha.
2. IKomitjhini izijamele begodu ingaphasi kwaphela komThethosisekelo nomThetho begodu kumele ingathathi ihlangathi.
3. IKomitjhini kumele isebenze ngokulandela umThetho wePalamende begodu ekwenzeni imisebenzi yawo, kumele itjheje amaphuzu woke aqakathekileko, okufaka hlangana nalawo arheliswe esigabeni 214(2).

### **221. Ukubekwa Eenkhundleni Nesikhathi Sokusebenza Samalunga**

1. IKomitjhini le ibunjwa boMma naboBaba abalandelako, abakhethwe nguMongameli njengeHloko yeKhabinedi:
  - a. uSihlalo neSekela likaSihlalo;
  - b. abantu abathathu abakhethwe ngemva kokubonisana naboNdunakulu, ngokuya ngokwerhelo elenziwe ngokuya kwekambiso etjhiwo mThetho weNarha;
  - c. abantu ababili abakhethwe ngemva kokubonisana noRhulumende weKhaya, ngokuya kwerhelo elenziwe ngokuya kwekambiso etjhiwo mThetho weNarha; begodu
  - d. nabanye abantu ababili.

*[Isigatjana (1) sijanyiselelwe ngesigaba 2*

*somThethosisekelo oliTjhuguluko lesiHlanu somThetho womnyaka we-1999 ojanyiselelwe ngesigaba 7 (a) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

(1A) UmThetho weNarha otjhiwo esigatjaneni (1) kumele uvumele ukuzibandakanya— 1. kwaboNdunakulu ekwenzeni irhelo eliqaliweko esigatjaneni (1) (b); kanye 1. naboRhulumende beKhaya abahlelelekileko ekwenzeni irhelo eliqaliweko esigatjaneni (1) (c).

*[Isigatjana (1A) sifakwe ngokwesigaba 7 (b) somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

2. Amalunga weKomitjhini kumele abe nelwazi elifaneleko.
3. Amalunga asebenza eenkhundleni lezo ngokwesikhathi esibekwe mThetho weNarha. UMongameli angasusa ilunga esikhundleni ngamabanga wokungaziphathi kuhle, ukubhalelwa msebenzi nofana ukungabi nekghono.

### **222. Imibiko**

IKomitjhini kumele ibike qobe ePalamende neemBethamthethweni zeemFunda.

### **IDzwili LeBulungelo**

### **223. Ukuhlonywa**

IBulungelo eliphakathi leSewula Afrika libulungelo eliphakathi leRiphabliki begodu lilawulwa ngokulandela umThetho wePalamende.

### **224. Iminqopho Eqakathileko**

1. Iminqopho eqakathekileko yeBulungelo eliphakathi leSewula Afrika kuvikela inani lemali esetjenziswa enarheni yekhetu eenrhuluphelweni zomnotho odzimeleleko nothuthukako ngaphakathi kweRiphabliki.
2. IBulungelo eliphakathi leSewula Afrika, ekuphumeleliseni iminqopho yalo, kumele lenze imisebenzi yalo ngaphandle kokwesaba, ukuthatha ihlangathi namkha ukuvinjelwa; kodwana kumele kube nokuthintana hlangana neBulungelo leli nelunga leKhabinedi elinobuziphendulelo eendabeni zeemali.

### **225. Amandla Wemisebenzi**

Amandla nemisebenzi yeBulungelo eliPhakathi leSewula Afrika ngilawo asetjenziswa ngokwesiko mabulungelo aphakathi, amandla nemisebenzi le kufanele ibekwe mThetho wePalamende begodu kumele asetjenziswe namkha enziwe ngokulandela imibandela ebekwe ngokulandela loyo mThetho.

## IiNdaba ZeeMali ZeemFunda NezemaKhaya

### 226. IiMali EziNgenako ZeemFunda

1. KunesiKhwama seeMali seemFunda kesinye nesinye isiFunda, ngaphakathi kwaso kumele kubhadelwe imali yoke eyamukelwa nguRhulumende wesiFunda.
2. Imali ingadoswa esiKhwameni seeMali zikaRhulumende wesiFunda kwaphela—
  - a. ngokulandela isilinganiso seemali esenziwe ngokomThetho wesiFunda; namkha
  - b. lokha kuyimali leyo kumele ibhadelwe siKhwama seeMali zikaRhulumende wesiFunda ngokwaso, lokha lokho kubonelelwa mThethosisekelo namkha mThetho wesiFunda.
3. Imali eyabelwe uRhulumende weKhaya ngendlela yokuyidluliswa kuRhulumende wesiFunda, ngokuya kwesigaba 214(1) imali edoswa, ngokunqophileko esiKhwameni seeMali zikaRhulumende wesiFunda.
4. UmThetho weNarha ungazenzela umThethosisekelo lapho—
  - a. umThetho wesiFunda ngokuya ngokwesigatjana (2) (b) esivumela ukukhutjwa kwemali kube isibizo esinqophileko esiKhwameni seMali yombuso sesiFunda; begodu
  - b. imali ebekelwe uRhulumende weKhaya ngokudluliswa esiFundeni ngokuya ngokwesigatjana (3) kumele ibhadelwe kuMasipala wesiFundeso.

*[Isigatjana (4) sifakwe ngokwesigaba 8 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

*[Ilanga lokuthoma ukusebenza kwesigaba 226: 1 kuTjhirhweni1998.]*

### 227. Imithombo YeNarha Yezabelo ZikaRhulumende WeemFunda NowemaKhaya

1. URhulumende wemaKhaya kusiFunda ngasinye—
  - a. Unelungelo lokwabelwa ngokufaneleko kileyomali ebuthelwe enarheni zombebele bona ukghone ukwethula imisebenzi eqakathekileko nokwenza imisebenzi enikelwe yona; begodu
  - b. Ungamukela izabelo ezinye ezivela kumali kuRhulumende weNarha, ngokuya kwemibandela ethileko, namkha ngaphandle kwemibandela.
2. Imali kaRhulumende engezelelweko ebuthelwe ziimFunda namkha boMasipala angeze yadoswa kuleyo Mali eyabelwe yona evela esiKhwameni seeMali zikaRhulumende weNarha. Ngokulinganako uRhulumende weNarha awukabotjhelelwa bona ulilise iimFunda namkha aboMasipala ababhalelwe kukwengeza imali yombuso bona ilinganise amandla wayo kwezemali zombuso, nalokho ekubuthelako ngendlela yomthelo.
3. ISabelo sesiFunda esifaneleko seMali kaRhulumende ebuthelwe enarheni zombebele, kumele sidluliselwe esiFundeni ngaphandle kokuriyada begodu

ngaphandle kokudoswa, ngaphandle nangabe ukudluliswa lokho kujanyiswe ngokulandela isigaba 216.

4. IsiFunda kumele sizibonele nanyana ngimiphi imithombo esiyidingako ngokulandela isijamiso somThethosisekelo wesiFunda, lesa ezalisela iindingo ezibonelelwa mThethosisekelo lo.

*[Ilanga lokuthoma ukusebenza kwesigaba 227: 1 kuTjhirhweni 1998]*

### 228. Imithelo YeemFunda

1. IsiBethamthetho sesiFunda singabhadelisa—
  - a. Imithelo, amalevi namkha imbophelelo ngaphandle komThelo wemali eyamukelwa mumuntu, umthelo wokuthenga, umthelo wepahla ovamileko, umthelo obhadelwa inarha namkha imithelo yepahla evela ngaphandle kwenarha; begodu
  - b. Iimali ezilinganako ezibhadelwa imisebenzi, umthelo, ilevi namkha umthelo wepahla obekwe mThetho weNarha, ngaphandle kwemithelo yamafemu, umthelo wentengo, umthelo weNarha namkha umthelo wepahla evela ngaphandle kwenarha.

*[Ipharagrafu (b) ijanyiselelwe sigaba 9 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]*

2. Amandla wesiBethamThetho wokubhadelisa imithelo, ilevi nomthelo wemisebenzi—
  - a. Angeze asetjenziswa ngendlela ekhubaza ngokungazwakaliko ikambiso yezomnotho weNarha, yezomnotho ukweqela ngaphandle kwemikhawulo yeemFunda namkha ukudluliswa kwepahla, imisebenzi neemali; begodu
  - b. Kumele kulawulwe ngokulandela umThetho wePalamende, loyo ongamenyezelwa kwaphela emva kweemphakamiso zeKomitjhini yezemali neeMali zikaRhulumende sele zitjhejiwe.

*[Ilanga lokuthoma ukusebenza kwesigaba 228: 1 kuTjhirhweni 1998.]*

### 229. Amandla Nemisebenzi KaMasipala Yeemali

1. Ngokweengatjana (2), (3) begodu (4), uMasipala—
  - a. angabeka imali ebhadelwako epahleni kanye nehlawulo yemali yemisebenzi yethulwe namkha eyenziwe esikhundleni sakaMasipala; begodu
  - b. nange agunyaziwe mThetho wesiTjhaba, ezinye iintela, imithelo begodu imithelo yePahla elungele uRhulumende weKhaya namkha isigaba sikaRhulumende weKhaya lapha uMasipala loyo awela khona, kodwana akakho uMasipala ongabeka ilevi yentengo, umthelo wentengo engezelelweko, umthelo wentengo ovamileko

namkha umthelo.

2. Amandla kaMasipala ukubeka imali ebhadelwako yepahla, nehlawulo yemali yemisebenzi ezihlinzekwe nofana esikhundleni sikaMasipala, namkha amanye amalevi, imithelo namkha imithelo yepahla—
  - a. angeze kwenziwa ngendlela ebonakala ivimbela imigomo yezomnotho weNarha, imisebenzi, namkha ukukhambiswa kwepahla yesitjhaba, imisebenzi, imali namkha umsebenzi; begodu;
  - b. kungalawula mThetho weNarha.
3. Nange aboMasipala ababili banamandla weemali afanako begodu nemisebenzi efanako malungana neendawo efanako, ukwahlukana okufaneleko kwamandla nemisebenzi kumele kwenziwe ngokomThetho weNarha. Ukwahlukana kungenziwa ngemva kokuqalisisa ubuncani bakhona iindlela ezilandelako:
  - a. Isidingo sokukhambisana neenkambisolawulo ezizwakalako zemithelo.
  - b. Amandla nemisebenzi eyenziwa nguMasipala ngamunye.
  - c. Amandla weemali zikaMasipala ngamunye.
  - d. Ukuphumelela nekghono lokubuthelelwa kweemali zemithelo.
  - e. Ukulingana.
4. Akukho esigabenesi okutjhiya ngaphandle ukwabelana kwenzuzo etholakele ngokwalesisigaba phakathi kwaboMasipala labo abanamandla weemali nemisebenzi endaweni efanako.
5. UmThetho weNarha otjhwiwo esigabenesi ungenziwa kwaphela ngemva kokuthintana noRhulumende weKhaya ohlelekileko nokutjhejisisa iimphakamiso ezenziwe yiKomitjhini.

*[Ilanga lokuthoma ukusebenza kwesigaba 229: 1 kuTjhirhweni 1998.]*

## 230. Ukuboleka Iimali KwesiFunda

1. IsiFunda singaboleka imali yokubhadela ipahla namkha iindleko ezikhona ngaphasi kwemibandela ezwakalako ebekwe mThetho weNarha, kodwana ukubolekwa kweemali kungaphakanyiswa nakunesidingo sokubhadela iindleko ezikhona ngesikhathi sonyaka.
2. UmThetho weNarha otjhiwo esigatjaneni (1) ungenziwa umthetho kwaphela ngemva kobana iimphakamiso zeKomitjhini yezeeMali neeMali zitjhejiwe.

*[Isigaba 230 sijanyiselelwe sigaba 10 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho we-2001.]*

## 230A. Ukuboleka Iimali KwakaMasipala

1. UmKhandlu kaMasipala ngokuya ngokomThetho weNarha unga—
  - a. bolekelu uMasipala imali namkha usebenzise iindleko zananyana ngisiphi isikhathi, leyo mali ingafuneka nangabe kunesidingo sokusetjenziswa kwemali yomthelo; begodu
  - b. bona nomKhandlu wakusasa bazibophelele ekusebenziseni umThetho kanye nesiGungu somThetho ukubonelela imalimboleko namkha amasiso kaMasipala.
2. UmThetho weNarha otjhiwo esigatjaneni (1) ungenziwa umThetho kwaphela ngemva kobana iimphakamiso zeKomitjhini yezeeMali neeMali zitjhejiwe.

*[Isigaba 230A sifakwe ngokwesigaba 17 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*

# Isahluko 14: Iinjamiliso Ezivamileko (231-243)

## UmThetho Weentjhabatjhaba

### 231. Iimvumelwano Zeentjhabatjhaba

1. Ukubamba iinkulumiswano nokutlikitla iimvumelwano zeentjhabatjhaba kusemahlombe weKhabinedi.
2. Iimvumelwano zeentjhabatjhaba zibopha iRiphabliki kwaphela emva kobana zamukelwe ngesiqunto sesiBethamthetho seNarha nomKhandlu weNarha ongamele iimFunda ngaphandle kwanyana kusivumelwano esitjhiwo esigatjaneni (3).
3. Iimvumelwano zeentjhabatjhaba zomhlobo wesithekiniki, ukuphatha namkha ilawulo, namkha isivumelwano esingatlhogi ukuqinisekiswa emva kobana senziwe namkha ukwamukelwa muva, esingenelwe yiKhabinedi, sibopha iRiphabliki ngaphandle kobana sivunywe siBethamthetho seNarha nomKhandlu weNarha ongamele iimFunda, kodwana kumele sethulwe ebandleni nemKhandlwini ngaphakathi kwesikhathi esizwakalako.
4. Esinye nesinye isivumelano samazwe sizakuba mThetho ngaphakathi kweRiphabliki nangabe simenyezwe ukuba mThetho ngendlela yomThetho weNarha; kodwana isijamiso esizisebenzela ngokwaso ngileso esamukelwe yiPalamende, simThetho ngaphakathi kweRiphabliki ngaphandle kwanyana singakhambisani nomThethosisekelo namkha nomThetho wePalamende.
5. IRiphabliki ibotjhelelwa ziimvumelwano zeentjhabatjhaba lezo ebezibopha iRiphabliki lokha umThethosisekelo lo uthoma ukusebenza.

### 232. UmThetho Wamasiko Weentjhabatjhaba

UmThetho wamasiko weentjhabatjhaba mThetho weRiphabliki ngaphandle kwalokha ungakhambisani nomThethosisekelo lo namkha umThetho wePalamende.

### 233. Ukusetjenziswa KomThetho Weentjhabatjhaba

Lokha nakuhlathululwa nanyana ngimuphi umThetho, ikhotho kumele izikhethile ihlathululo ezwakalako yomThetho leyo ekhambisana nomThetho weentjhabatjhaba, kunalelo elinye ihlathululo elingakhambisaniko nomThetho weentjhabatjhaba.

## Ezinye Iindaba

### 234. ITjhatha YamaLungelo

Ekutjaleni intando yesitjhaba esungulwe mThethosisekelo lo, iPalamende ingamukela amaTjhatha wamaLungelo akhambisana neenjamiliso zomThethosisekelo.

### 235. Umaziphathe

Ilungelo labantu beSewula Afrika loke lokuziphatha komphakathi othileko ngokwesiko nelimi lawo, njengobana kutjengiswa tjhatjhalazi mThethosisekelo lo, akuvimbeli, ngaphakathi kwesijamiso selungelo leli, ukubonelelwa kwelungelo lokuzibumba ngokwesiko nelimi kwanoma ngimuphi umphakathi ohlanganyela isiko nelimi elifanako, ngaphakathi kwenye nanye ingcinye yeRiphabliki, namkha ngananyana ngiyiphi indlela ebekwe mThetho weNarha.

### 236. Ukusekelwa Ngeemali Kweenhlangano Zombanganarha

Ekurageni intando yesitjhaba ebandakanya iinhlangano ezinengi, umThetho weNarha kumele ubonelele ukusekelwa ngeemali kweenhlangano zombanganarha ezithatha indima eemBethamthethweni zeNarha nezeemFunda, ngendlela efaneleko nangendlela yokujanyelwa kweenhlangano lezo ngokwamavowudu atholwe ngizo.

### 237. Ukugcina Iimbopho ZomThethosisekelo

Zoke iimbopho zomThethosisekelo kumele zigcinwe ngokuzimisela nangaphandle kokuriyada.

### 238. Ukwenzelwa Nokudlulisela Amandla Nemisebenzi

1. IsiGungu sesiJamiso somBuso esikunanyana ngiliphi izinga likaRhulumende—
  - a. singadlulisela nanyana ngimaphi amandla namkha umsebenzi okumele siwenze ngokuya komThetho kunanyana ngisiphi esinye isiGungu sesiJamiso somBuso, ngaphandle kwanyana ukudlulisela lokho kukhambisana nomThetho wokobana amandla asetjenziswako namkha umsebenzi kungenziwa; namkha
  - b. singasebenzisa nanyana ngimaphi amandla namkha senze nanyana ngimuphi umsebenzi wananyana ngisiphi isiGungu sesiJamiso somBuso ezingeni le- arhende namkha ezingeni leentunyuwa.

### 239. Iinhathululo

1. Ngaphakathi komThethosisekelo, ngaphandle kwalokha ubujamo nabutjho ngenye indlela—

“UmThetho weNarha” ufaka—

  - a. umThetjhwana owenziwe manqophana nomThetho wePalamende; begodu
  - b. umThetho ebewusebenza lokha umThethosisekelo nawuthomako begodu bewenziwa



nguRhulumende weNarha;

“IsiJamiso somBuso” sitjho—

- a. nanyana ngimuphi umNyango kaRhulumende namkha ukuphatha ezingeni lomBuso weNarha, wesiFunda namkha wemaKhaya; namkha
- b. noma ngimuphi umsebenzi namkha iziko—
- c. elisisebenzisa amandla namkha elenza umsebenzi ngokulandela umThethosisekelo lo namkha umThethosisekelo wesiFunda; namkha
- d. elisebenzisa amandla wombuso namkha elenza umsebenzi womphakathi ngokulandela umThetho, kodwana alifaki hlangana ikhotho namkha abahluleli;

“UmThetho wesiFunda” ufaka—

- a. imithetjhwana eyenziwe ngokulandela umThetho wesiFunda; begodu
- b. nomThetho lowo ebewuvele unamandla womThetho lokha umThethosisekelo lo nawuthoma ukusebenza begodu ulawulwa mBuso wesiFunda.

## 240. Ukutjhayisana Hlangana Nemitlolo YomThethosisekelo Ehlukahlukileko

Lokha nakwenzeka bona kube nokutjhayisana hlangana nemitlolo ehlukehlukeneko yomThethosisekelo, umtlolo wesiNgisi ozakuba ngiwo abanamandla womThetho.

## 241. Amalungiselelo Wesikhathi Setjhuguluko

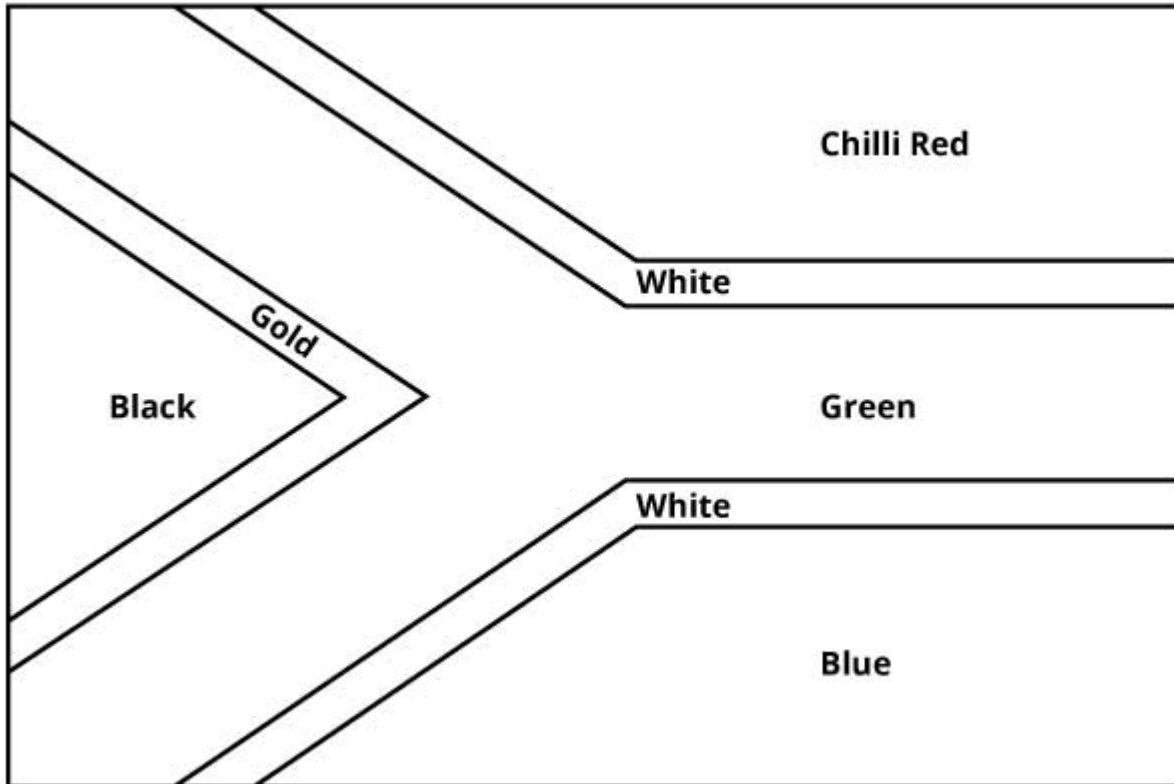
ITjhejuli 6 isebenza ngesikhathi setjhuguluko lehlelo lomThethosisekelo elitja elihlonywe mThethosisekelo lo begodu nakwenye nenye indaba ekhambisana nesikhatheso setjhuguluko.

## 242. Ukusulwa KwemiThetho

ImiThetho etjhiwo eHlelweni 7 iyasulwa, ngokulawulwa sigaba 243 neHlelo 6.

## 243. Isihloko Esifitjhani Nokuthoma Ukusebenza

1. UmThetho lo ubizwa ngomThethosisekelo weRiphabliki yeSewula Afrika we-1996, begodu uthoma ukusebenza msinyana ngemva kwelanga elibekwe nguMongameli ngesimemezelo, okungeze kwaba lilanga elingemva kwamhlana ilanga lili- 1 kuVelabahlinze 1997.
2. UMongameli angabeka amalanga ahlukekileko ngaphambi kwelanga elitjhiwo esigatjaneni (1) manqophana neenjamiso ezihlukileko zomThethosisekelo lo.
3. Ngaphandle kwalokha lomTlolo uveza okuhlukileko, nakutjhiwo isikhathi sokuthoma ukusebenza komThethosisekelo lo ngaphakathi komThethosisekelo kumele kuhlathululwe njengombana kutjhiwo isikhathi lesa ngaso lesosigaba sithoma ukusebenza.
4. Nayikukuthi ilanga elihlukileko libekelwe nanyana ngisiphi isigaba somThethosisekelo lo ngokwesigatjana (2) esinye nesinye isigaba esinqopheneko somThethosisekelo weRephabliki yeSewula Afrika (umThetho 200 we-1993), esitjhiwo esimemezelwenesi, siyasulwa kusukela ngalo ilangelo.
5. Iingaba 213, 214, 215, 216, 218, 226, 227, 228, 229 nesama- 230 zithoma ukusebenza mhlana ilanga lili-1 kuTjhirhweni 1998, kodwana lokho akuvimbeli ukumenyenzelwa ngokulandela lomThethosisekelo komThetho otjhiwo kunanyana ngisiphi isigaba ngaphambi kwelangelo. Bekufike lelolanga esinye nesinye isijamiso esinqophene begodu simalungana neengaba zomThethosisekelo weRiphabliki yeSewula Afrika we-1993 zihlala zinamandla.



## Ihlelo 1: IFlarha Yesitjhaba

1. Iflarha yesitjhaba yincani; inobude obubuyelelwe kanye nesiquntu kunobubanzi.
2. Inzima, isagolide, ihlaza satjani, imhlophe, inokubovu okusabilibili begodu ihlaza samkayi
3. Inesibumbeko saka-Y esihlaza satjani esibubunye besihlanu obubanzi njengeflarha. Amalayini aphakathi webhendi athoma emakhoneni aphezulu nenzasi hlanu komphetho weflarha, ahlangu phakathi kweflarha, aragele phambili ngokuvundlileko ukutjingga phakathi komphetho otjhaphulukileko.
4. Ibhendi ehla satjani inomphetho, ngehla nangezasi omhlophe, begodu nayitjingga ekupheleni kweflarha inokusagolide. Omunye nomunye umphetho unobubanzi obububunye besihlanu njengeflarha.
5. Uncantathu ohlanu kwesiphetho seflarha unzima.
6. Ibhendi engehla evundlileko ibovu sabilibili kuthi ibhendi engezasi evundlileko ibe hlaza satjani. Amabhendi la ngayinye ibubanzi obusithathu seflarha.

Black = Nzima  
 Gold = Golide  
 White = Mhlophe  
 Green = Hlaza satjani  
 Red = Bovu sabilibili  
 Blue = Hlaza samkayi

# Ihlelo 1A: IiNdawo ZeemFunda

*[IHlelo 1A lifakwe sigaba 4 soMThethosisekelo oliTjhuguluko leTjhumini nambili lomThetho womnyaka we-2005 nangesigaba 1 soMThethosisekelo oliTjhuguluko leTjhumini nantathu lomThetho womnyaka we-2007 nangoMThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2009.]*

## IsiFunda SePumalanga Kapa

*[Ukuqintwa kwemikhawulo yesiFunda sePumalanga-Kapa kujanyiselelwe mThethosisekelo oliTjhugu- luko leTjhumini nantathu lomThetho womnyaka we-2007.]*

- Umebhe Nomboro 3 weHlelo 1 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 6 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 7 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 8 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 9 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 10 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 11 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

## IsiFunda SeFreyistata

- Umebhe Nomboro 12 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 13 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 14 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 15 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 16 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

## IsiFunda SeGauteng

*[Ukusikwa kwemikhawulo yesiFunda se-Gauteng kutjhugululwe mThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2009.]*

- Umebhe Nomboro 4 EsiYelelisweni 1490 Somnyaka We-2008

*[Ireferensi yemebhe Nomboro 4 kuNothisi 1490 we-2008 ijanyiselelwe sigaba 1(a) somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2009.]*

- Umebhe Nomboro 17 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 18 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 19 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 20 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 21 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

## IsiFunda SaKwaZulu-Natal

*[Ukusikwa kwemikhawulo yesifunda saKwaZulu-Natal kutjhugululwe mThethosisekelo oliTjhuguluko leTjhumini naNtathu lomThetho womnyaka we-2007.]*

- Umebhe Nomboro 22 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 23 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 24 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 25 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 26 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 27 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 28 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 29 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 30 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 31 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 32 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

## IsiFunda SeTlhagwini (Limpopo)

- Umebhe Nomboro 33 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 34 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 35 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 36 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 37 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

**IsiFunda SeMpumalanga**

- Umebhe Nomboro 38 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 39 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 40 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

**IsiFunda SeTlhagwini Kapa**

- Umebhe Nomboro 41 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 42 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 43 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 44 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 45 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

**IsiFunda SeTlhagwini Tjhingalanga**

*[Ukusikwa kwemikhawulo yesiFunda seTlhagwini –Tjhingalanga kutjhugululwe mThethosisekelo oliTjhuguluko leTjhumini nesiThandathu lomThetho womnyaka we-2009.]*

- Umebhe WeNomboro 5 EsiYelelisweni 1490 Somnyaka We-2008

*[Ireferensi yemebhe Nomboro 5 ijanyiselelwe sigaba 1(b) somThethosisekelo oliTjhuguluko leTjhumini nesiThandathu lomThetho womnyaka we-2009.]*

- Umebhe Nomboro 46 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 47 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 48 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

**IsiFunda SeTjhingalanga Kapa**

- Umebhe Nomboro 49 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 50 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 51 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 52 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 53 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005
- Umebhe Nomboro 54 weHlelo 2 wenothisi yomnyaka we-1998 kufikela emnyakeni we-2005

# Ihlelo 2: ImFungo Kanye NeemBopho

[IHlelo 2 litjhugululwe ngokwesigaba 2 somThethosisekelo oliTjhuguluko lokuThoma lomThetho womnyaka we-1997 beyajanyiselelwa sigaba 18 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

## 1. Isifungo Namkha Isibopho SikaMongameli Kanye NoMjaphethe KaMongameli

UMongameli namkha uMjaphethe kaMongameli, ngaphambi kweJaji eliKhulu, namkha elinye ijaji elinyulwe liJaji eliKhulu, kumele afunge/ azibophe ngokulandelako:

Phambi kwabantu boke abahlangene lapha, ngokwamukela ngokuzeleko isimemezelo esiphezulu ngithatha njengoMongameli/Mjaphethe kaMongameli weRiphabliki yeSewula Afrika, Mina u A.B. ngiyafunga/ ngiyazibopha bona ngizakwethembeka kuRiphabliki yeSewula Afrika, ngizakuhlonipha, ngiqalelele, ngibambelele emThethosisekelo nakweminye imiThetho yeRiphabliki. Ngiyathembisa ngokuzithoba bona ngaso soke isikhathi ngiza—

- kwenyusa izinga lakho koke okuzakukhulisa iRiphabhligi, ngiphikise koke lokho okuzayilimaza;
- ngivikele bengenyuse izinga lamalungelo wawo woke amaSewula Afrika;
- ngenze yoke imisebenzi ngamandla nangekghono lami ngokwelwazi lami elipheleleko nangokulalela unembeza wami;
- ngenze ukulunga kibo boke;
- ngizibophelele ekwenzeni okungcono kuRiphabliki nebantwini bayo.

(Nangabe kuthathwa isifungo: UZimu ngibawa angisize.)

## 2. Iimfungo Kanye Neembopho ZeSekela LikaMongameli

ISekela likaMongameli, ngaphambi kweJaji eliKhulu namkha elinye ijaji elibekwe liJaji eliKhulu, kumele lifunge/lizibophe ngokulandelako:

Phambi kwabantu boke abahlangene lapha, ngokwamukela ngokuzeleko isimemezelo esiphezulu ngithatha njengoMongameli weRiphabliki yeSewula Afrika, Mina u A.B. ngiyafunga/ngiyazibopha bona ngizakwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela ngilandele, ngiphakamise nokuphumelelisa umThethosisekelo nayo yoke imithetho eminye yeRiphabliki; begodu ngiyazibopha bengithembisa ngokuzithoba bonyana ngaso soke isikhathi—

- ngizakuphuhlisa koke okuzakukhulisa iRiphabliki, ngiphikise lokho okuzayilimaza;
- ngizakuba lilunga lesibethamthetho elithembekako;
- ngizakwenza umsebenzi wami ngamandla wami woke

neemphiwo enginazo ngelwazi lwami loke nekghono, namaqiniso walokho engikukholelwako;

- ngenze ukulunga kibo boke;
- ngizibophelele ekwenzeni okungcono kuRiphabliki nebantwini bayo.

(Nangabe kuthathwa isifungo: UZimu ngibawa angisize.)

## 3. Isifungo Namkha Isibopho SaboNgqongqotjhe NamaSekela WaboNgqongqotjhe

Omunye nomunye uNgqongqotjhe neSekela likaNgqongqotjhe, ngaphambi kweJaji eliKhulu namkha iJaji elibekwe liJaji eliKhulu, ufanele afunge/azibophe ngokulandelako:

Mina u-A.B. ngiyafunga/ngiyazibopha bona ngizakwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela, ngihloniphe nokuphakamisa umThethosisekelo nomThetho woke omunye weRiphabliki; Ngizibopha ukuphatha isikhundla njengoNgqongqotjhe/iSekela likaNgqongqotjhe ngehlonipho nesithunzi; ukuba ngumeluleki wamambala nothembekileko; ngingavezi ngokunqophileko namkha ngokungakanqophi indaba okuyifihlo ethulelwe mina; begodu nokwenza imisebenzi yesikhundla sami ngokuthogomela nangekghono lami loke.

(Nangabe kuthathwa isifungo: uZimu ngibawa angisize.)

## 4. Iimfungo Namkha Iimbopho Zamalunga Wesibethamthetho SeNarha Iinthunywa Zasafuthi ZomKhandlu Ongamele IimFunda Namalunga Weembethamthetho ZeemFunda

1. Amalunga wesibethamthetho seNarha, amalunga azithunywa ngokuzeleko emKhandlwini weNarha ongamele iimFunda namalunga weembethamthetho zeemFunda, ngaphambi kweJaji eliKhulu namkha umehluleli okhonjwe liJaji eliKhulu, bafanele bafunge/ bazibophe ngokulandelako:

Mina, A.B. ngiyafunga/ngiyazibopha bona ngizokwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela, ngihloniphe nokuphakamisa umThethosisekelo nomThetho woke weSewula Afrika, begodu ngithembisa ngokuzibopha ukwenza imisebenzi yami njengelunga lesibethamthetho/elithunywe ngokuzeleko kumKhandlu weNarha ongamele iimFunda/lunga lesibethamthetho sesiFunda C.D ngekghono lami loke.

(Nangabe kuthathwa isifungo: uZimu ngibawa angisize.)

2. Abantu abazalisa isikhundla kwesibethamthetho seNarha, esiqhemeni samalunga athunywele ngokuzeleko namkha esibethamthethweni sesiFunda

bangafunga namkha bazibophe ngokuqinisekisa ngokulandela isigatjana (1) ngaphambi koSihlalo wesiBethamthetho seNarha, umKhandlu weNarha ongamele iimFunda namkha iimBethamthetho zeemFunda, ngokuhlukahlukana.

### **5. Isifungo Namkha Isibopho SaboNdunakulu, AboMjaphethe BaboNdunakulu Begodu Namalunga WeenGungu ZemiKhandlu YeemFunda**

UNdunakulu namkha uMjaphethe kaNdunakulu wesiFunda, elinye nelinye ilunga lesiGungu somKhandlu wesiFunda, ngaphambi kweJaji eliKhulu namkha iJaji elikhonjwe liJaji eliKhulu kumele bafunge/bazibophe ngokulandelako:

Mina, A.B. ngiyafunga/ngiyazibopha bona ngizokwethembeka kuRiphabliki yeSewula Afrika begodu ngizakuthobela, ngihloniphe bengiphakamise umThethosisekelo nomThetho woke omunye weRiphabliki; begodu ngizibopha ukuphatha isikhundla njengoNdunakulu/ilunga lomKhandlu wezokuphatha wesiFunda C.D. ngehlonipho nangesithunzi; ukuba ngumeluleki wamambala nothembekileko; nokungavezi ngokunqophileko namkha ngokungakanqophi indaba eyifihlo ethulelwe mina; begodu nokwenza imisebenzi yesikhundla ngekghono lami eliphezulu.

(Nangabe kuthathwa isifungo: uZimu ngibawa angisize.)

### **6. Iimfuno Namkha Iimbopho ZeemPhathiswa ZomThetho**

1. Elinye nelinye iJaji namkha uMjaphethe weJaji, ngaphambi kweJaji eliKhulu, kumele lifunge/lizibophe ngokulandelako:

Mina, A.B. ngiyafunga/ngiyazibopha bona njengeJaji leKhotho yomThethosisekelo/iKhotho ePhakemeko yezokuBuyekeza iinGwebo/iKhotho ePhakemeko/iKhotho E.F, ngizakwethembeka kuRiphabliki yeSewula Afrika, ngizakuphakamisa nokuvikela umThethosisekelo begodu ngizakwenza okulungileko kibo boke abantu ngokulingana ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukukhubaza, ngokukhambisana nomThethosisekelo nomThetho.

(Nangabe kuthathwa isifungo: uZimu ngibawa angisize.)

2. Umuntu obekwe esikhundleni sokuba liJaji eliKhulu ongasilo iJaji esikhathini sokukhonjwa kwakhe kumele afunge ngaphambi kweSekela leJaji eliKhulu, nalingekho iJaji lelo kungaba liJaji elisesikhundleni esiphezulu eKhotho yomThethosisekelo.
3. IimPhathiswa zomthetho, namaSekela weemPhathiswa zomthetho, ngaphandle kwamaJaji, kumele zifunge/zizibophe ngokukhambisana nomThetho weNarha.



# Ihlelo 3: IKambiso YamaKhetho

[IHlelo 3 litjhugululwe ngokwesigaba 2 somThethosisekelo oliTjhuguluko lesiNe lomThetho womnyaka we-1999, begodu ngokwesigatjana 19 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001 nangesigaba 3 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we-2002 kanye nesigaba 5 somThethosisekelo oliTjhuguluko leTjhumini nane womnyaka we-2008.]

## Ingcenywe A: Ikambiso Yamakhetho WeemPhathiswa ZomThethosisekelo

### 1. Ukusetjenziswa

1. Ikambiso etjhiwo eHlelenweli isetjenziswa lokha—
  - a. isiBethamthetho seNarha sihlanganela ukukhetha uMongameli, namkha uSomlomo namkha iSekela likaSomlomo wesiBethamthetho seNarha;
  - b. umKhandlu weNarha ongamele iimFunda uhlanganela ukukhetha uSihlalo namkha iSekela likaSihlalo; namkha
  - c. isiBethamthetho sesiFunda sihlanganela ukukhetha uNdunakulu wesiFunda namkha uSomlomo namkha iSekela likaSomlomo wesiBethamthetho.

### 2. Ukwenyulwa

Emhlanganweni lapha iHlelo lisetjenziswa khona uSihlalo kumele abawe abongikhethani abanyuliweko.

### 3. Iimfuneko ZangokomThetho

1. Ukwenyula kumele kwenziwe eforomini elenzelwe lokho ngokwemithetho etlolwe ku-ayithemu 9.
2. Iforomu okwenyulwe kilo kumele litlikitlwe—
  - a. malunga amabili wesiBethamthetho seNarha, nangabe kukhethwa uMongameli namkha uSomlomo namkha iSekela likaSomlomo wesiBethamthetho seNarha
  - b. ebujameni beenqhema ezimbili zamalunga aziinthyunwa weemFunda, nangabe uSihlalo namkha iSekela likaSihlalo uzokukhethwa; namkha
  - c. malunga amabili wesiBethamthetho sesiFunda esithintekako, nangabe uNdunakulu wesiFunda namkha uSomlomo namkha iSekela likaSomlomo uzokukhethwa.
3. Umuntu onyuliweko ufanele atjengise bonyana uyakwamukela ukwenyulwa kwakhe ngokutlikitla iforomu lokwenyulwa namtjhana elinye nelinye iforomu eliqinisekiso esitloliweko.

### 4. Ukumemezela Kwamabizo Wabongikhetheni

Emhlanganweni lapha iHlelo lisetjenziswa khona, onguSihlalo kumele amemezele amabizo wabantu labo abanyulwe njengabongikhetheni, kodwana angeze avumele ipikiswano.

### 5. Ungikhetheni Oyedwa

Nangabe kwenyulwe ungikhetheni munye, uSihlalo kumele amemezele ungikhetheni lowo njengokhethiweko.

### 6. Ikambiso Yamakhetho

1. Nangabe abantu abadlula munye benyulwe njengabongikhetheni—
  - a. kumele kuthathwe ivowudu kilowo mhlangano ngokuvowuda emsitheleni;
  - b. elinye nelinye ilunga elikhambele umhlangano, namkha lokha kumhlangano womKhandlu weNarha ongamele iimFunda, isiFunda ngasinye esijanywelweko, singaphosela ivowudu yinye; begodu
  - c. umuntu loyo onguSihlalo kumele amemezele ungikhetheni othole amavowudu wobunengi njengokhethiweko.

### 7. Ikambiso Yokukhutjwa

1. Nangabe akabikhona ungikhetheni othola amavowudu wenengi, ungikhetheni othola inani lamavowudu elingaphasi kwawo woke kumele akhutjwe begodu kuthathwe enye ivowudu kilabo abongikhetheni abaseleko ngokukhambisana nesigaba 6. Lekambiso kumele ibuyelelwe kube kufike lapha ungikhetheni athola inengi lamavowudu.
2. Nangabe abongikhetheni ababili namkha ukwedlula, omunye nomunye wabo uthole inani lamavowudu elingaphasi kwawo woke, ivowudu ehlukileko yabongikhetheni labo kumele ithathwe, begodu ibuyelelwe ngokwenani lelo okudingekako bonyana kuquntwe bona ngimuphi ungikhetheni okumele ukukhutjwa.

### 8. Imihlangano Eminye Engalandelako

1. Nangabe kwenyulwe abongikhetheni ababili kwaphela, namkha nangabe kusele abongikhetheni ababili kwaphela ngemva kokulandela ikambiso yokukhutjwa, begodu labo abongikhetheni ababili bathola inani elilinganako lamavowudu, umhlangano olandelako kumele ubanjwe ngaphakathi kwamalanga alikhomba, ngesikhathi esizakubekwa nguSihlalo womhlangano.

2. Nangabe umhlangano olandelako ubanjwa ngokuya kwesigatjana (1) ikambiso ebekwe eHlelweneli kumele isetjenziswe emhlanganweni lowo sengathi bekumhlangano wamathomo wamakhetho lawo athintekako.

## 9. Imilayo

1. IJaji eliKhulu kumele lenze imilayo equnta—
  - a. ikambiso yemihlangano lapha iHlelweneli lisetjenziswa khona;
  - b. imisebenzi yananyana ngimuphi umuntu obe nguSihlalo emhlanganweni lowo begodu nanyana ngimuphi orhelebha loyo onguSihlalo;
  - c. iforomu lelo okumele kwethulwe ngalo abenyuliweko; begodu
  - d. indlela amakhetho okumele akhunjiswe ngayo.
2. Imilayo le kumele yaziswe ngendlela equntwe liJaji eliKhulu.

### **Ingcinye B: Indlela Okuquntwa Ngayo Ukuzibandakanya Kweenhlangano ZeenThunywa ZeemFunda EmKhandlwini WeNarha Ongamele IimFunda**

1. Inani leenthunywa esiqhemeni seenthunywa ezijamele isiFunda emKhandlwini weemFunda ongamele iimFunda lapha ihlangano ivela khona, kumele liquntwe ngokubuyelela inani leenhlalo zehlangano eziphetheko esiBethamthethweni sesiFunda ngetjhumu begodu imiphumela ihlukaniswe ngenani leenhlalo esiBethamthethweni kungezelelwe ngasinye.
2. Nangabe ukubalwa ngokwesigaba 1 kuletha inani elidlulileko elingakghoni ukuzaliswa linani lamalunga

aziinthunywa elabelwe ihlangano ngokwesigaba lesi, inani elidluleleko lelo kufanele liphalisane namanye amanani adluleleko atholwa yihlangano enye namkha iinhlangano, begodu lawo malunga aziinthunywa angakaneli iinhlalo esiqhemeni kufanele babelwe ihlangano namkha iinhlangano ngokulandela ubunengi ngenani elidluleleko

3. Nangabe iinsalela eziphalisanako eziqalelelwe kuyithemu 2 ziyalingana, iinthunywa ezingakathunyelwa kumele zifakwe ehlanganweni, namkha eenhlanganweni ngeensalela ezifanako ngendlela esuka enanini lamavowudu eliphezulu ukuya kweliphasi, elirekhodiweko leenhlanganwezo ngamakhetho wokugcina wesiBethamthetho sesiFunda okukhulunywa ngawo.

*[I-ayithemu 3 ingezelelwe ngesigaba 2 somThethosisekelo oliTjhuguluko lesiNe lomThetho womnyaka we-2009 begodu wajanyiselelwa ngesigaba 3 somThethosisekelo oliTjhuguluko leThoba lomThetho womnyaka we-2002 kanye nesigaba 5(a) somThethosisekelo oliTjhuguluko leTjhumu nane lomThetho womnyaka we-2008.]*

4. Nangabe iinhlangano ezidlula kweyodwa ezinenani lesalela elifanako zirekhode amavowudu alinganako emakhethweni wokugcina wesiBethamthetho sesiFunda, isiBethamthetho esithintekako kumele siphe iinthunywa zeenhlangano ngesalela efanako neyehlangano abalingana nayo ngokomthetho okhambisana noMthethosisekelo.

*[I-ayithemu 4 ingezelelwe sigaba 5(b) soMthethosisekelo oliTjhuguluko leTjhumu nane lomThetho womnyaka we-2008.]*

# Ihlelo 4: IiNdawo ZokuSebenzisa Ngasikhathisinye Ikghono LesiBethamthetho SeNarha Nesesifunda

## Ingcenywe A

- Ilawulo lamahlathi weendabuko
- Zelimo
- Ubudoyelo beemphaphamtjhini, ngaphandle kwebeentjhabatjhaba nabangekhaya bangenarheni nebeentjhabatjhaba
- Ukuphathwa kweembandana namalwele
- Amakhasino, imijarho, ukugembula, ukubheja, ukungenela amaphaliswano ngaphandle kwelotho nezemidlalo
- Ukuvikeleka kwabathengi
- Iindaba zamasiko
- Ilawulo yomonakalo omkhulu owehlileko
- Ifundo kiwo woke amazinga, ngaphandle kwefundo ephakemeko
- Ibhoduluko
- Imisebenzi yezamaphilo
- Ukwakhiwa kwezindlu
- UmThetho wesintu naloyo ophathelene namasiko ngokulawulwa siSahluko 12 somThethosisekelo
- Umthethokambiso welimi nokulawulwa kwamalimi esemthethweni ngendlela isiqalelelo sesigaba 6 somThethosisekelo sidlulisela ngayo ikghono lokuphathwa kwamalimi esiBethamthetho sesiFunda.
- Ukulawulwa namkha ukunikelwa bunqophakomsebenzi wokukhutjha kweendaba kuRhulumende wesiFunda ngokulawulwa sigaba 192
- Ukutlhogonyelwa kwemvelo, ngaphandle kweenqiwu neendawo zesitjhaba, iimvande zeentjalo neentlabagelo ezivela elwandle
- ZobuPholisa ukufika ezingeni lapha iinqalelelo zeSahluko 11 somThethosisekelo zinikela isiBethamthetho sesiFunda amandla welawulo
- Ilawulo lesilaphazo
- Ukukhula kwesizwe
- Iimali zokudluliswa kwepahla
- Amaziko kaRhulumende aseemFundeni manqophana neendawo zokusebenzela eziseHlelweneli begodu neHlelweni 5
- Iinkhwelo zomphakathi
- Imisebenzi yomphakathi kwaphela ephathelene neendingo zemiNyango kaRhulumende yeemFunda ekunikelweni ngezenzelwa ukulawula bunqophakomsebenzi abanikelwe yona ngaphasi

komThethosisekelo lo namkha nanyana kungaba ngimuphi omunye umThetho

- Ukuhlelwa kweemFunda nentuthuko
- Ilawulo leendlela
- Ukulondwa kwehlabathi
- Ukuvakatjha
- Zerhwebo
- UbuRholi beNdabuko, ngokulawulwa sisaSahluko 12 somThethosisekelo
- Ukuthuthukiswa kweendawo ezisemadorobheni nezisemakhaya
- Ukuthelelwa kweenkoloji
- Imisebenzi yezehlalakhule

## Ingcenywe B

Iindaba ezilandelako ezimanqophana noRhulumende wemaKhaya kufikela ezingeni elitjhiwo sigaba 155 (a) no (7):

- Isilaphazo lomoya
- Imigomo yokwakha
- Iinsetjenziswa zethogomelo yabantwana
- Ukwenziwa kwegezi nerhasi
- Zeencima mlilo
- Ukuvakatjha kwangaphakathi kwendawo
- Amadoyelo weemphaphamtjhini wakaMasipala
- Ukuhlela aboMasipala
- Imisebenzi yezamaphilo yaboMasipala
- Zeenkhwelo zomphakathi kuMasipala
- Zemisebenzi yomphakathi kaMasipala kwaphela ephathelene neendingo zaboMasipala ukurhelebha ekunikeleni ngezenzelwa ukulawula bunqophakomsebenzi abanikelwe yona ngaphasi komThethosisekelo lo namkha nanyana kungaba ngimuphi omunye umThetho
- Zemikhumbi, iinkepe, amabhrorho eqa ilwandle, iindawo lapha kujama iinkephe kungafaki iindaba zemikhumbi zenarha zeentjhabatjhaba
- Ilawulo lamanzi endleleni eendaweni ezinemakhiwo
- Imigomo yezerhwebo
- Imisebenzi yezamanzi nokuhlwegisa ngamanzi leyo erhunyezwe kufika lapha kumalungana neendlela zokunikela amanzi nokukhambiswa kwamanzi asilapheleko nesoreji

# Ihlelo 5: IiNdawo ZokuSebenzisa Ikghono LesiGungu SesiBethamthetho SesiFunda

## Ingcenye A

- Ubuhlabelo
- Iinkhwelo zeengulani
- Izindlu zokulonda iincwadi nemitlolo ngaphandle kwezindlu zokulonda iincwadi nemitlolo zenarha
- IBulungelo leencwadi ngaphandle kweBulungelo leencwadi lenarha.
- Amalayisensi wotjwala
- Amamyuziyamu kungafaki amamyuziyamu weNarha
- Ukuhlelwa kwesiFunda
- Iindaba zamasiko zesiFunda
- Zokuzithabisa ngaphakathi kwesiFunda
- Zemidlalo neendawo zokuzithabisa ngaphakathi kwesiFunda
- Zeendlela nesiphithiphithi ngaphakathi kwesiFunda
- Zokwelatjhwa kweembandana ngaphandle kwelawulo yomsebenzi ofundelwe lokho

## Ingcenye B

Iindaba ezilandelako zikaRhulumente weKhaya ukufikela ezingeni elendlalwe kusigaba 155(6)(a) no (7):

- Indawo zokududa neensetjenziswa zokuzithabisa amathuna, amamatjhara neendawo zokutjhiswa

kweendumbu

- Zokuhlwengisa
- Ilawulo lalokho okulitshwenyo emphakathini
- Ilawulo lokuthengiswa kotjwala emphakathini
- Iindawo zokuhlalisa, ukuthogomela nokubulunga iinlwana
- Ukukampela namadrada wokukampela
- Ukukhutjhwa kwamalayisense nokulawulwa kweendawo ezithengisela umphakathi ukudla
- Ukulawulwa kweendawo ezithengisela umphakathi utjwala
- Iinsetjenziswa zendawo
- Iindawo neensetjenziswa namkha izinto zokudlala
- Iimaraga
- Ubuhlabelo bukaMasipala
- Iindawo zokuphumula nokuzithabisa
- Iindlela zikaMasipala
- Itjhada elisabaleleko
- Iinkiti (zeenkomo)
- Iindawo zomphakathi
- Ukuthuthwa kwesila namasoreji
- Ukuthengisa eentradini
- Ukukhanyiswa kweentrada
- Zeendlela nokuphagwa kweenkoloyi

# Ihlelo 6: AmaLungiselelo WesiKhatjhana

[IHlelo 6 itjhugululwe sigaba 3 somThethosisekelo oliTjhuguluko lekuThoma lomThetho womnyaka we-1997, nangesigaba 5 somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998 kanye nangesigaba 20 somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]

## 1. Iinhlathululo

EHlelweneli, ngaphandle kwanyana kungakhambisani nomtlo—

“Isabelo” kutjhiwo ingcenywe yeRiphabliki ngaphambi kokuthoma komThethosisekelo omutjha, ekhabe kuyindawo ngokuya komThethosisekelo weSewula Afrika yebandlululo ithathwa ezijameleko namkha ezibusako;

“UmThethosisekelo omutjha” kutjhiwo umThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1996;

“UmThetho wombuso owadlulako” kutjhiwo umThetho ophasiswe ngaphambi kobana umThethosisekelo odlulileko uthome;

“UmThethosisekelo odlulileko” kutjhiwo umThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1993 (umThetho wenomboro 200).

## 2. Ukuragela Phambili Komthetho Okhona

1. Woke umthetho ogade usebenza lokha umThethosisekelo omutjha uthoma ukusebenza, uragela phambili ngokusebenza, ngaphasi kwalokhu—
  - a. nanyana ngiliphi itjhugululo namkha ukwesulwa; begodu
  - b. nokukhambisana nomThethosisekelo omutjha.
2. UmThetho wombuso owadlulako usaragela phambili ngokusebenza ngokwesigatjana (1)—
  - a. awunakho ukusetjenziswa okubanzi, ngokwesifunda nanyana gayiphi indlela, kunokobana beyinjalo ngaphambi komThethosisekelo odlulileko usetjenziswe ngaphandle usulwe ngokulandelana bona ube nokusetjenziswa okubanzi; begodu
  - b. uragela phambili nokusetjenziswa baphathi labo egade bawusebenzisa ngesikhathi umThethosisekelo omutjha uthoma ukusebenza.

## 3. Ihlathululo Lomthetho Osese Khona

1. Ngaphandle kwanyana ungakhambisani nomqondo namkha ungakhambisani, kwananyana ngiwuphi umThetho lowo obukade ukhona lokha nakuthoma ukusebenza umThethosisekelo omutjha—
  - a. kuRiphabliki yeSewula Afrika namkha umbuso onomaziphathe, kumele kuthathwe bona kutjhiwo kuRiphabliki yeSewula Afrika ngaphasi

- komThethosisekelo omutjha;
  - b. ePalamende; isiBethamthetho seNarha namkha indlu yeSinethi kumele kuthathwe bona kutjhiwo yiPalamende, isiBethamthetho seNarha namkha umKhandlu weNarha ongamele iimFunda ngaphasi komThethosisekelo omutjha;
  - c. kuMongameli, iSekela likaMongameli, uNgqongqotjhe, iSekela likaNgqongqotjhe namkha iKhabinedi, kuthathwe bonyana kutjhiwo uMongameli, iSekela likaMongameli lokuthoma, uNgqongqotjhe, iSekela likaNgqongqotjhe namkha iKhabinedi ngaphasi komThethosisekelo omutjha, ngokwesigaba 9 seHlelweneli;
  - d. kuMongameli weSinethi kumele kuthathwe bonyana kutjhiwo uSihlalo womKhandlu weNarha ongamele iimFunda;
  - e. kusiBethamthetho sesiFunda, uNdunankulu nofana umKhandlu wezokuphatha wesiFunda kuthathwe bona kutjhiwo isiBethamthetho sesiFunda uNdunankulu namkha umKhandlu wezokuphatha ngaphansi komThethosisekelo omutjha ngokwesigaba 12; eHlelweneli; namkha
  - f. elimini elisemthethweni nofana amalimi, kumele kuthathwe bona kutjhiwo nofana ngiliphi ilimi kulawo asemthethweni ngaphasi komThethosisekelo omutjha.
2. Ngaphandle kobanyana ingakhambisani nalokho okutjhiwoko nofana ingafani, kungaqalwa kunofana ngiwuphi umThetho wombuso owadlulako—
    - a. ePalamende, iNdlu yePalamende namkha isiBethamthetho namkha ibandla lesiBethamthetho nofana umbuso onamaziphathe, kufanele kuthathwe bonyana kutjhiwo—
      - i. iPalamende ngaphasi komThethosisekelo omutjha, nangabe ilawulo lomThetho lowo lifakiwe namkha linikelwe ngaphasi komThethosisekelo owadlulako namkha umThetho lo wombuso weNarha; namkha
      - ii. isiBethamthetho sesiFunda nakube ukusetjenziswa komThetho kunikelwe namkha unikelwe ngaphasi komThethosisekelo owadlulako nofana umThetho wombuso wesiFunda; namkha
    - b. uMongameli womBuso, uNdunakulu, umlawuli namkha esinye isiphathiswa esiphezulu, iKhabinedi, ibandla laboNgqongqotjhe namkha ibandla eliphakemeko leRiphabhligi nofana umbuso onomaziphathe kufanele kuthathwe bona kutjhiwo—
      - i. uMongameli ngaphasi komThethosisekelo, nakube ukusetjenziswa komThetho lowo kunikelwe namkha unikelwe ngaphasi komThethosisekelo owadlulako namkha eHlelweneli kuKhabinedi; namkha
      - ii. uNdunankulu wesiFunda ngaphasi

komThethosisekelo omuntjha, nakube ukulawulwa lokho kunikelwe namkha kunikelwe ngaphasi komThethosisekelo owadlulako namkha eHlelenweli esiGungwini seFunda.

#### 4. IsiBethamthetho seNarha

1. Nanyana ngubani ogade alilunga lesiBethamthetho seNarha ngesikhathi umThethosisekelo omuntjha uthoma ukusebenza uba, lilunga ngesikhathi sokuthoma ukusebenza komThethosisekelo.
2. IsiBethamthetho seNarha njengombana sibunjwe ngokuya kwesigatjana (1) kumele ithathwe njengekhethe ngaphasi komThethosisekelo omuntjha ngokwesikhathi esiphela ngomhlaka 30 Apreli 1999.
3. IsiBethamthetho seNarha libunjwa malunga ama-400 ngokwesikhathi sakhona nje, ngaphasi kwesigaba 49(4) somThethosisekelo omuntjha.
4. Imigomo neenqunto zesiBethamthetho ezisetjenziswako lokha umThethosisekelo omuntjha uthoma ukusebenza, iragela phambili ngokusebenza ngaphasi kwetjhuguluko namkha ukwesulwa.

#### 5. Umsebenzi Ongakaqedwa Ngaphambi KwePalamende

1. Nanyana ngimuphi umsebenzi ongakaqedwa siBethamthetho seNarha lokha umThethosisekelo omuntjha uthoma ukusebenza kumele kuragelwe ngawo phambili ngokuya komThethosisekelo omuntjha.
2. Nanyana ngimuphi umsebenzi ongakaqedwa phambi kweSinethi lokha umThethosisekelo omuntjha nawuthoma ukusebenza, kumele udluliselwe emKhandlwini weNarha ongamele iimFunda, begodu umKhandlu loyo kumele uragele phambili ngomsebenzi loyo ngokuya komThethosisekelo omuntjha.

#### 6. Amakhetho WesiBethamthetho SeNarha

1. Amakhetho wesiBethamthetho seNarha angeze abanjwa ngaphambi kwamhlana zima-30 kuSihlabantanga 1999 ngaphandle kwalokha isiBethamthetho seNarha lipheliswe ngokwesigaba 50(2), ngemva kokuzwakalisa ivowudu yokungabi nethemba kuMongameli ngokulandela isigaba 102(2) somThethosisekelo omuntjha.
2. Isigaba 50(1) sijamiswa kwesikhathana bekube mhlana amalanga ama-30 kuSihlabantanga 1999.
3. Nangaphandle kwalokhu umThethosisekelo ogadungileko wesuliwe, iHlelo 2 lomThethosisekelo lowo njengobana utjhugululo sesingezelelo A seHlelweni sizakusebenza—
  - a. bekufike amakhetho wokuthoma wesiBethamthetho seNarha ngaphasi komThethosisekelo omuntjha;
  - b. ukulahlekelwa bulunga besiBethamthetho seNarha ngaphasi kwamajamo obungayamaniko nalobo obutjhiwo esigabeni 47(3)

kumThethosisekelo omuntjha; begodu

- c. ekuzalisweni kweenkhundla zesiBethamthetho seNarha, ukungezelelwa, ukubuyekezwa nokusebenziswa kwamahelo weenhlango ekuzaliseni iinkhundla, bekufike amakhetho wesibili wesiBethamthetho seNarha ngaphasi komThethosisekelo omuntjha.
4. Isigaba 47(4) somThethosisekelo omuntjha siyajanyiswe bekufike amakhetho wesibili wesiBethamthetho seNarha ngaphasi komThethosisekelo omuntjha.

#### 7. UmKhandlu WeNarha Ongamele IimFunda

1. Ngokwesikhathi esiphela msinyana ngaphambi kokuhlala kokuthoma kwesiBethamthetho sesiFunda okubanjwa emva kwamakhethwaso wokuthoma ngaphasi komThethosisekelo omuntjha—
  - a. ukujanyelwa kweenhlango eenthunyweni zesiFunda eziya emKhandlwini weNarha ongamele iimFunda, kumele kufane nokujanyelwa kweenhlango eenthunyweni zesiFunda lapha amaSinethi ali-10 wesiFunda enyulwa khona ngokuya kwesigaba 48 somThethosisekelo ogadungileko; begodu
  - b. ukunikelwa kwamalunga aziinthywa zasafuthi namalunga athunyelwe kwesikhathana kweenhlango ezijanyelweko esiBethamthethweni sesiFunda kungaleli hlobo:

Isifunda	Iinthywa Zasafuthi	Iinthywa Ezikhethekileko
1. IPumalanga-Kapa	ANC 5, NP 1	ANC 4
2. IFreystata	ANC 4, FF 1, NP 1	ANC 4
3. IGauteng	ANC 3, DP 1, FF 1, NP 1	ANC 3, NP 1
4. IKwaZulu-Natal	ANC 1, DP 1, IFP 3, NP 1	ANC 2, IFP 2
5. IPumalanga	ANC 4, FF 1, NP 1	ANC 4
6. ITlhagwini-Kapa	ANC 3, FF 1, NP 2	ANC 2, NP 2
7. ITlhagwini	ANC 6	ANC 4
8. ITlhagwini Tjhingalanga	ANC 4, FF 1, NP 1	ANC 4
9. ITjhingalanga-Kapa	ANC 2, DP 1, NP 3	ANC 1, NP 3

2. Ihlango ejanya ngaphakathi kwesiBethamthetho sesiFunda—
  - a. kumele yenyule amalunga aziinthywa zasafuthi hlango nabantu abagade bamaSinethi lokha umThethosisekelo omuntjha nawuthoma ukusebenza begodu bayaphumelela ukusebenza njengamalunga athunyelwe ngokuzeleko; begodu
  - b. inganyula abanye abantu njengamalunga athunyelwe safuthi kwaphela nangabe abakho abagade bamaSinethi abaphumelelako namkha inani labo liyatlayela.
3. IsiBethamthetho sesiFunda kumele sikhetho



amalunga athunyelwe ngokuzeleko ngokukhambisa nezenyulo zeenhlango.

4. Iingathana (2) nesesi- (3) zisetjenziswa kwaphela lokha nakukhethwa amalunga athunyelwe safuthi emKhandlwini weNarha kwamathomo.
5. Isigaba 62 (1) somThethosisekelo omutjha asizukusetjenziswa ekwenyulweni nekukhethweni kwalaba egade bamaSinethi njengamalunga athunyelwe safuthi ngokulandela isigabesi.
6. Imilayo nemiyalo yeSinethi egade zisetjenziswa lokha umThethosisekelo omutjha nawuthoma ukusebenza, kumele isetjenziswe malungana nemisebenzi yomKhandlu weNarha ekufikeni ezingeni lapho ingasetjenziswa khona, ngaphasi kwananyana ngiliphi itjhuguluko namkha ukwesulwa.

## 8. Labo Egade BamaSinethi

1. Loyo egade ayiSinethi ongakakhethwa ukuba lilunga elithunyelwe safuthi emKhandlwini weNarha ongamele iimFunda ulungelwa ukuba lilunga lesiBethamthetho sesiFunda enyulwa kiso ukuba yiSinethi ngokulandela isigaba 48 somThethosisekelo ogadungileko.
2. Nangabe loyo egade ayiSinethi uzikhethela ukungabi lilunga lesiBethamthetho sesiFunda, loyo muntu uthathwa njengomuntu otjhiye phasi isikhundla sobuSinethi ngelanga phambi bona umThethosisekelo uthome ukusebenza.
3. Umrholo, izabelo ezingezelela umrholo nemivuzo yalowo begade ayiSinethi okhethwe njengelunga elisithunywana ngokuzeleko angeze wehlizwe ngebanga kwaphela lokukhethwa lokho.

## 9. IsiGungu SeNarha

1. Nanyana ngubani egade anguMongameli, iSekela likaMongameli, uNgqongqotjhe namkha iSekela likaNgqongqotjhe weRiphabliki ngaphasi komThethosisekelo ogadungileko msinyana phambi kobana umThethosisekelo omutjha uthome ukusebenza, uzakuragela phambili apathe isikhundla lesi ngokulandela umThethosisekelo omutjha kodwana ngaphasi kwesigatjana (2).
2. Bekufike mhlana amalanga ama-30 kuSihlabantangana 1999 iingaba 84, 89, 90, 91, 93 nama-96 zomThethosisekelo omutjha zizakuthathwa njengezifundeka njengobana kwendlalwe esiNamathiselweni B seHlelwele.
3. Isigatjana (2) asivimbeli uNgqongqotjhe obegade ayiSinethi ngesikhathi umThethosisekelo omutjha uthoma ukusebenza, bona aragele phambili ukuba nguNgqongqotjhe otjhiwo esigabeni 91(1) (a) somThethosisekelo omutjha, njengombana isigabeso sifundeka esiNamathiselweni B.

## 10. IimBethamthetho ZeemFunda

1. Nanyana ngimuphi umuntu okhabe alilunga namkha isiphathiswa sesiBethamthetho sesiFunda masinya

ngaphambi kobana umThethosisekelo omutjha uthome ukusebenza uba lilunga namkha siphathiswa sesiBethamthetho saleso sifunda ngaphasi komThethosisekelo omutjha, begodu uphatha isikhundla njengelunga namkha isiphathiswa ngokulandela umThethosisekelo omutjha begodu namkha ngimuphi umThethosisekelo ongaphasiswako.

2. IsiBethamthetho sesiFunda njengobana sibunjwe ngokulandela isigatjana (1) kumele sithathwe njengesikhethwe ngokuya komThethosisekelo omutjha ngokwesikhathi esiphela mhlana amalanga am-30 kuSihlabantangana 1999.
3. Ngokwesikhathi saso esiphela mhlana amalanga ama-30 kuSihlabantangana 1999, begodu nangokulawulwa aba sigaba 108(4), isiBethamthetho sesiFunda sibunjwa malunga abekelwe isiBethamthetho lesi ngaphasi komThethosisekelo ogadungileko kwengezelelwe ngalabo abagade bamaSinethi ababemalunga wesiBethamthetho ngokulandela isigaba 8 seHlelwele.
4. Imilayo nemiyalo yeemBethamthetho ezisebenzako masinya ngaphambi kobana umThethosisekelo omutjha uthome ukusebenza, zizakuragela phambili nokusebenza ngaphasi kwetjhuguluko nokusulwa.

## 11. Amakhetho WeemBethamthetho

1. Nangaphandle kwalokha umThethosisekelo ogadungileko wesulwe, eHlelweni 2 lomThethosisekelo loyo, njengombana itjhugululwe esingezelweni A eHlelweni, isasetjenziswa—
  - a. ekukhethweni kwesiBethamthetho samathomo ngaphasi komThethosisekelo omutjha;
  - b. ekulahlekelweni kobulunga kusiBethamthetho ngaphasi kwamajamo angezelelwe kulawo atjhiwo esigabeni 106 (3) somThethosisekelo omutjha; begodu
  - c. ekuzaliseni kweenkhundla esiBethamthethweni, nokwengezelelweni, ukuhlolisisa nokusetjenziswa kwerhelo leenhlango ekuzaliseni iinkhundla kuze kufike amakhetho wesibili wesiBethamthetho ngaphasi komThethosisekelo omutjha.
2. Isigaba 106 (4) somThethosisekelo omutjha siyajanyiswa ngokumalungana nesiBethamthetho sesiFunda bekufike amakhetho wesibili ngaphasi komThethosisekelo omutjha.

## 12. IinGungu ZeemFunda

1. Lowo ogade anguNdunakulu namkha ilunga lomKhandlu wezokuphatha wesiFunda lokha umThethosisekelo omutjha uthoma ukusebenza, uragela phambili kuleso sikhundla begodu uphatha isikhundla lesi ngokulandela lomThethosisekelo omutjha namkha ngimuphi umThethosisekelo wesiFunda ozabe umenyezelwe, kodwana ngaphasi kwesigatjana (2).
2. Bekufike lapha uNdunakulu akhethwe ngemva

kwamaketho wokuthoma wesiBethamthetho sesiFunda nakathoma ukusebenza, namkha isifunda simemezela wawo umThethosisekelo nofana ngikuphi okwenzeka kokuthoma, isigaba 132 nese-136 somThethosisekelo omutjha kumele zithathwe njengezifundeka njengokutjhiwo esiNamathiselweni C eHlelweneli.

### 13. ImiThethosisekelo YeemFunda

UmThethosisekelo wesiFunda ophasiswe ngaphambi bonyana umThethosisekelo omutjha uthome ukusebenza, kumele uzalise iindingo zesigaba 143 somThethosisekelo omutjha.

### 14. Imisebenzi YesiBethamthetho SesiFunda

1. UmThetho omanqophana nanyana ngiyiphi indaba engaphasi kwendawo yokusebenza etleliswe eHlelweni 4 nelesi- 5 emThethwenisisekelo omutjha begodu lowo, lokha umThethosisekelo omutjha uthoma ukusebenza, bewulawulwa siPhathiswa esingaphakathi kwesiGungu seNarha, unganikelwa nguMongameli, ngesimemezelo somThetho, esiPhathisweni ngaphasi komKhandlu wezokuPhatha wesiFunda okhonjwe siGungu somKhandlu lowo wesiFunda.
2. Ukufika kuzinga lapho kudingeka khona bona ukunikelwa komThetho ngaphasi kwesigatjana (1) kuphumeleliswe, nguMongameli, ngesimemezelo somThetho anga—
  - a. tjhugulula namkha amukele umThetho olawula ihlathululo namkha ukusetjenziswa;
  - b. lokha nangabe ukunikelwa lokho akusetjenziswa emThethweni woke namkha ingcenyayo, itjhugululwe begodu amemezele kabutjha namatjhuguluko atjhiwo endimeni (a) namkha, ngaphandle kwazo, lezo zimiso zizakusetjenziswa ukufika kilelo zinga lokusetjenziswa; namkha
  - c. lawula nofana ngiyiphi indaba edingekako ngokokunikelwa lokhu, kufaka hlangana ukudluliselwa kwabasenzi, namkha ukudluliselwa kwepahla, iinkolodo, amalungelo neembopho kusuka kulunga leKhabhinethe namkha lesiGungu somKhandlu wesiFunda namkha nanyana ngimuphi umNyango womBuso, ukuphatha, amaphiko wezokuphepha namkha amanye amaziko.
3.
  - a. Ikhopi yesinye nesinye isimemezelo esikhitjhe ngokuya isigatjana (1) namkha (2) kumele ithulwe ebandleni lesiBethamthethi nemKhandlwini weNarha ongamele iimFunda ngaphakathi kwamalanganana ali-10 wokwaziswa kwesimemezelweso.
  - b. Nangabe isiBethamthetho seNarha nomKhandlu weNarha ongamele iimFunda ngesiqunto angasivumeli isimemezelo namkha nanyana ngiyiphi ingcenyayo, isimemezelo namkha isiqalelelo siphelwelele sikhathi, ngaphandle kobana kuthinteke—

- i. ukuba semthethweni kwakho koke okwenziwe ngokuya kwesimemezelweso ngaphambi kobana siphelwelele sikhathi; namkha
- ii. amalungelo neenfanelo ezitholakele namkha iimbopho nemisebenzi enikelwe ngaphambi kobana kuphelele isikhathi.

4. Nangabe umThetho unikelwa ngaphasi kwesigatjana (1) nanyana ngikuphi okhunye okukhonjwa emthethweni esiPhathisweni esiwulawulako, kumele kuhlathululwe siphathiswa okunikelwe kiso.
5. Nanyana ngimuphi umsebenzi womThetho onikelwe ngaphasi kwesigaba 235(8) somThethosisekelo ogadungileko kufaka hlangana nanyana ngiliphi itjhuguluko, ukwamukela namkha ukwesula nesimemezelo esenziwe kabutjha mThetho omunye nomunye begodu nanyana ngiliphi igadango elithethwe ngaphasi kwalesosigaba, kuthathwa njengokwenziwe ngaphasi kwesigaba lesi.

### 15. Umthetho Okhona Ongaphandle Kwamandla WePalamende Wokwenza Umthetho

1. IsiPhathiswa esingaphakathi kwesiGungu seNarha esitjheja nanyana ngimuphi umthetho owela ngaphandle kwamandla wePalamende wokwenza umthetho, ngesikhathi lapha umThethosisekelo uzabe uthoma khona ukusebenza, sona siragela phambili ngokuba namandla phezu komThetho lowo bekufike lapha unikelwa khona isiPhathiswa sesiGungu sesiFunda ngokuya kwesigaba 14 seHlelweni.
2. I-ayithemana (1) iphelelelwa sikhathi emva kweminyaka emibili umThethosisekelo omutjha uthome ukusebenza.

### 16. Amakhotho

1. Enye nanye ikhotho okufaka hlangana namakhotho wabaRholi beNdabuko agade avele akhona maduze ngaphambi kobanyana umThethosisekelo omutjha uthome ukusebenza, azakuragela phambili ngokusebenza nokusebenzisa amandla anikezwe wona ngokulandela umThetho othintana nawo, begodu omunye nomunye ophethe isikhundla sokuba ngumahluleli uzakuragela phambili ngokuphatha lesosikhundla ngokulandela umThetho othintana nalesosikhundla, ngaphasi kwalokho—
  - a. nanyana ngiliphi itjhuguluko namkha ukwesulwa komThetho lo; begodu
  - b. nokukhambisana nomThethosisekelo omutjha.
- a. Ikhotho yomThethosisekelo esungulwe ngokomThethosisekelo ogadungileko izakuba yikhotho yomThethosisekelo ngaphasi komThethosisekelo omutjha.
- b. ....

*[I-ayithemana (b) isulwe ngokwesigaba 20 (a) somThethosisekelo oItjhugululo lesiThandathu lomThetho womnyaka we-2001.]*

3. a. Ikhotho ePhakemeko yezokuBuyekeza yeSewula Afrika izakuba yikhotho ePhakameko yezokuBuyekeza ngaphasi komThethosisekelo omutjha.  
b. ....
- [I-ayithemana (b) isulwe ngokwesigaba 20 (a) somThethosisekelo oliTjhuguluko lesiThandathu lomThetho womnyaka we-2001.]*
4. a. Ikhotho ePhakemeko yesiFunda namkha yesiGodi, yeSewula Afrika namkha iKhotho ePhakemeko yomBuso weSabelo namkha iNgenye evamileko yeKhotho efana naleyo iba yiKhotho ePhakemeko ngaphasi komThethosisekelo omutjha ngaphandle kwananyana ngiliphi itjhuguluko lendawo yayo yokuphatha, ngokulawulwa nginanyana ngiliphi ihlelo lokuhlanganiswa elitjhiwo esigatjaneni (6).  
b. Nanyana ngubani ophethe isikhundla namkha othathwa njengophethe isikhundla sokuba liJaji eliNgameleko, iSekela leJaji eliNgameleko namkha iJaji leKhotho elitjhiwo endimaneni (a) lokha umThethosisekelo omutjha uthome ukusebenza, uzakuba liJaji eliNgameleko, liSekela leJaji eliNgameleko namkha iJaji leKhotho leyo ngaphasi komThethosisekelo omutjha, ngaphasi kwehlelo lokuhlanganisa elitjhiwo esigatjaneni (6).
5. Ngaphandle kwalokha kungakhambisani nokutjhiwo ngaphakathi namkha kungafaneli ngokusobala, okutjhiwo kunanyana ngimuphi umThetho namkha ikambiso—  
a. Ikhotho yomThethosisekelo ngaphasi komThethosisekelo ogadungileko ifanele ihlathululwe sengathi kutjhiwo iKhotho yomThethosisekelo ngaphasi komThethosisekelo omutjha;  
b. Ikhotho ePhakemeko yezokubuyekeza yeSewula Afrika kumele ihlathululwe sengathi kutjhiwo iKhotho ePhakemeko yezokuBuyekezwa; begodu  
c. Ingcenywe yeKhotho ePhakemeko yesiFunda namkha yesiGodi yiKhotho ePhakemeko yeSewula Afrika namkha iKhotho ePhakemeko yeNarha ezijameleko namkha ingcenywe ejwayelekileko yeKhotho leyo, kumele ihlathululwe sengathi kutjhiwo iKhotho ePhakemeko.
6. a. Ngokurhaba okukghonakalako emva kobona umThethosisekelo omutjha uthome ukusebenza, amakhotho woke okufaka hlangana ukwakhiwa, ukubunjwa, ukusebenza namandla wawo nemithetho yoke ethintana nayo, okumele atjhugululwe ngokwehlelo lokuhlanganisa ngomngqopho wokusingula ihlelo lekambiso yezobulungiswa elikhambisana neendingo zomThethosisekelo omutjha.  
b. Ilunga leKhabinedi eliziphendulela kwezekambiso yezobulungiswa, emva kokuthintana neKomitjhana yeKambiso yezoBulungiswa kumele lihlongoze ukuthoma kwehlelo lokuhlanganisa elibonelelwa epharagrafini (a).
7. a. Nanyana ngubani osesikhundleni, umThetho wokutjhugulula umThethosisekelo weRiphabliki yeSewula Afrika we-2001, uthoma ukusebenza njenge—  
i. Mongameli weKhotho yomThethosisekelo, uba liJaji eliKhulu njengaba kutjhiwo esigabeni 167 (1) somThethosisekelo omutjha;  
ii. iSekela likaMongameli weKhotho yomThethosisekelo, liba liSekela leJaji eliKhulu njengombana kutjhiwo esigabeni 167 (1) somThethosisekelo omutjha;  
iii. Jaji eliKhulu liba nguMongameli weKhotho ekulu yokudlulisa imilandu njengombana kutjhiwo esigabeni 168 (1) somThethosisekelo omutjha; begodu  
iv. iSekela leJaji eliKhulu, liba liSekela likaMongameli weKhotho eKulu yokudlulisa imilandu njengombana kutjhiwo esigabeni 168 (1) somThethosisekelo omutjha.
- b. yoke imiyalo nemithethwana neengqophiso ezenziwa nguMongameli weKhotho yomThethosisekelo namkha iJaji eliKhulu usebenzile msinyana ngaphambi kokusebenza komThetho wokutjhugulula umThethosisekelo weRiphabliki yeSewula Afrika yomnyaka we-2001, uthoma ukusebenza kufikela usulwa namkha utjhugululwa.  
c. Ungaphandle kokuthi kungakhambisani nokumumethweko namkha kungakhambisani, ukutjheja komunye nomunye umThetho namkha ikambiso eJajini eliKhulu namkha kuMongameli woKhotho yomThethosisekelo, kumele kuthathwe njengokutjhejwe neJaji eliKhulu njengombana kutjhiwo esigabeni 167 (1) somThethosisekelo omutjha.
- [I-ayithemana (7) ifakwe ngokwesigaba 20 (b) somThethosisekelo oliTjhuguluko lesiThandathu lomThetho we- 2001.]*

## 17. Imilandu Esaleleko

Ukuzwelelwa kwemilandu neembawo ezisalele emva maduze ngaphambi kobonyana umThethosisekelo omutjha uthome ukusebenza, kumele kuragelwe phambili ngazo begodu ziqedwe sengathi umThethosisekelo omutjha awukamemezela, ngaphandle kwalokha iinrhuluphelo zobulungiswa zibeka iindingo ezahlukeleko.

## 18. Amandla Wokutjhutjhiswa

- Isigaba 108 somThethosisekelo ogadungileko siragela phambili ukuba namandla womThetho kuze kufike lapha umThetho weNarha obonelelwa kusigaba 179 somThethosisekelo omutjha uthoma ukusebenza. Isigaba lesi asithintani nokubekwa esikhundleni komNgqophisi-mazombe wezobuTjhutjhiswa ngaphasi kwesigaba 179.
- Umtjhutjhiswa-mazombe ophethe isikhundla lokha umThethosisekelo omutjha uthoma ukusebenza, uragela phambili ngokusebenza ngokomThetho

osetjenziswa li-ofisi lakhe, ngaphasi kwe-ayithemana (1).

## 19. Ukufunga Nokuzibopha

Umuntu lowo oragela phambili esikhundleni ngokuya kweHlelweleli begodu lowo othethe isifungo sesikhundla namkha isibopha ngaphasi komThethosisekelo ogadungileko angeze akatelelwa ukubuyelela isifungo sesikhundla lesi namkha isibopha ngaphasi komThethosisekelo omutjha.

## 20. Amanye Amaziko Abunjwe MThethosisekelo

1. Kilesisigaba “amaziko abunjwe mThethosisekelo” kutjhiwo—
  - a. UmVikeli womPhakathi;
  - b. IKomitjini yamaLungelo wobuNtu;

*[Indima (b) itjhugululwe sigaba 4 somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*

- c. iKomitjini yokuLingana ngokoBulili;
  - d. umHlooliincwadizombebele;
  - e. i-Reserve Bank yeSewula Afrika;
  - f. iKomitjini yezeeMali neeMali zomBuso;
  - g. iKomitjini yeKambiso yezoBulungiswa; namkha
  - h. iBhodo yamaLimi woKe weSewula Afrika.
2. Iziko elisungulwe mThethosisekelo ogadungileko namkha ngaphasi kwawo liragela phambili ngokusebenza ngokulandela umThetho osetjenziswa kilo, begodu omunye nomunye ophethe isikhundla sokuba lilunga lekomitjhana, ilunga leBhodo yeBhanga ePhakathi, umVikeli womPhakathi namkha umHlooliincwadizombebele uzakuragela phambili ukuphatha isikhundla lesi ngokulandela umThetho olawula isikhundla lesi, ngaphasi—
    - a. kwananyana ngiliphi itjhuguluko namkha ukwesulwa kwaloyo mThetho; begodu
    - b. kwalokha kukhambisana nomThethosisekelo omutjha.
  3. Iingatjana 199(1), 200(1), (3) nesesi-(5) ukufika kwese-(11) nesama- 201 ukufika ema-206 womThethosisekelo ogadungileko ziragela phambili ukusebenza kufikela zesulwa mThetho wePalamende ophasiswe ngokulandela isigaba 75 zomThethosisekelo omutjha.
  4. Amalunga weKomitjini yeKambiso yezoBulungiswa abatjhiwo esigabeni 105(1) (h) somThethosisekelo ogadungileko abasabi malunga weKomitjini lokha amalunga atjhiwo esigabeni 178(1)(i) somThethosisekelo omutjha abekwa eenkhundleni.
    - a. UmKhandlu we-Volkstaat osungulwe ngokuya komThethosisekelo ogadungileko uragela phambili ngokusebenza ngokulandela umThetho othintana nawo, begodu lowo ophethe isikhundla njengelunga lomKhandlu lowo lokha umThethosisekelo omutjha uthoma ukusebenza, uragela phambili ngokuphatha isikhundla

- ngokulandela umThetho othintana nalesosikhundla, ngaphasi kwaloku—
- i. ukutjhugululwa namkha ukwesulwa kwaloyo mThetho; begodu
  - ii. ngokukhambisana nomThethosisekelo omutjha.
- b. Iingaba 184A nese-184B (1) (a), (b) nesika-(d) zomThethosisekelo ogadungileko ziragela phambili ngokuba namandla bekufike lapha zesulwa mThetho wePalamende ophasiswe ngokulandela isigaba 75 somThethosisekelo omutjha.

## 21. UkumEnyezelwa KomThetho Ngokweemfuno ZomThethosisekelo

1. Lokha umThethosisekelo omutjha utlhoga ukumenyezelwa komThetho weNarha namkha umThetho wesiFunda, lowo mThetho kumele umenyezelwe siPhathiswa esifaneleko ngaphakathi kwesikhathi esizwakalako.
2. Isigaba 198(b) somThethosisekelo omutjha angeze sakatelelwa kuze kufezeke isikhathi lapha umThetho obonelelwa kuleso sigaba umemezelwa khona.
3. Isigaba 199(3)(a) somThethosisekelo omutjha angeze sakatelelwa ngaphambi kokwedlula iinyanga ezintathu ngemva kobana umThetho obonelelwe esigabenesi sele umenyezelwe.
4. UmThetho weNarha obonelelwa esigabeni 217(3) kumele umenyezelwe ngaphakathi kweminyaka emithathu kusukela ngelanga umThethosisekelo omutjha uthome ukusebenza ngalo, kodwana ukungabikhona komThetho lo ngaleso sikhathi akuvimbeli ukusetjenziswa kwekambiso etjhiwo esigabeni 217(2).
5. Bekufike isikhathi lapha umThetho wePalamende otjhiwo esigabeni 65 (2) somThethosisekelo omutjha umemezelwa, esinye nesinye isiBethamthetho sesiFunda singaqunta indlela yaso yekambiso ngelokho sizakudlulisela amandla waso kubajameli baso bonyana baphosele amavuwudu ebujameni baso kumKhandlu weNarha ongamele iimFunda.
6. Bekufike isikhathi lapha umThetho otjhiwo esigabeni 229(1) (b) somThethosisekelo omutjha umemezelwa khona, uMasipala uhlala anamandla wokubhadelisa imithelo, namkha umthelo loyo bewuvele unamandla wokuyibhadelisa lokha umThethosisekelo omutjha uthoma ukusebenza.

## 22. Ibumbano Lesitjhaba Nokulibalelana

1. Nanyana kutjho ezinye iingaba zomThethosisekelo omutjha begodu nanyana umThethosisekelo ogadungileko wesulwe, zoke iingaba ezimalungana nokulibalelwa kumThethosisekelo ogadungileko ngaphasi kwesihloko “ibumbano lesitjhaba nokulibalelana” zithathwa njengengcenyeyomThethosisekelo omutjha kilezo mfishakalelo zomThetho wokuthuthukisa iBumbano lesiTjhaba nokuBuyelana, 1995 (umThetho 34 we-1995) njengoba



utjhugululiwe, okufaka hlangana nokuba namandla womThetho kwawo.

2. Ngokwehloso ye-ayithemu (1), ilanga lamhlana amalanga asi-6 kuNobayeni 1993' elitholakala eenqalelelweni zomThethosisekelo omdala ngaphasi kwesihloko' iBumbano lesiTjhaba nokuBuyelana'kumele ilungiswe ngokobana ithi, amalanga nakali' 11 kuMrhayili 1994'".

*[I-ayithemana (2) ifakwe ngokwesigaba 3 somThethosisekelo oliTjhuguluko lokuThoma lomThetho womnyaka we-1997.]*

### 23. Umtlo WamaLungelo WobuNtu

1. UmThetho weNarha obonelelwa eengabeni 9(4), 32(2) nesama-33(3) zomThethosisekelo omutjha okumele umemezelwe ngaphakathi kweminyaka emithathu kusukela ngelanga umThethosisekelo omutjha uthoma ngalo ukusebenza.
2. Kuze kufike isikhathi lapho umThetho obonelelwa eengabeni 32(2) nesama- 33(3) zomThethosisekelo omutjha umemezelwa—
  - a. Isigaba 32(1) kumele sithathwe nje ngesifundeka ngalendlela:
 

“(1) Omunye nomunye umuntu unelungelo lokubonelelwa ngombiko woke ophethwe mBuso namkha elinye nelinye lamagatja wawo, kwelinye nelinye izinga lombuso kufikela lapho umbiko lowo utlhogekako ekusetjenzisweni namkha ekuvikeleni nanoma ngimaphi amalungelo wabo.”;
  - b. Iingaba 33(1) nesesi-(2) kumele zithathwe njengezifundeka ngalendlela:
 

“Omunye nomunye umuntu onelungelo — (a) legadango lezokuphatha elisemthethweni lokha nanyana ngiliphi lamalungelo wabo namkha iinrhuluphelo zithinteka namkha zithuselwa; (b) legadango lekambiso elifaneleko lokha nofana ngiliphi lamalungelo wabo namkha iimfisakelo ezisemthethweni zithinteka namkha zithuselwa; (c) lokunikelwa kwamabanga atolwe phasi ngedango lezokuphatha elithinta nofana ngiliphi lamalungelo namkha iinrhuluphelo zabo ngaphandle kwalokha amabanga wegadango lelo azisiwe; begodu (d) isenzo sezokuphatha esilungileko malungana namabanga anikelweko lapho elinye nelinye lamalungelo wabo lithinteka namkha lithuselwa khona.”.
3. Iingaba 32(2) nesama-33(3) zomThethosisekelo omutjha ziphelelwa sikhathi nangabe umThetho obonelelwa kilezongaba, ngokuhlukahlukana, awumemezelwa ngaphakathi kweminyaka emithathu kusukela ngelanga umThethosisekelo omutjha uthoma ukusebenza.

### 24. Ukuphatha KwakaRhulumende Nezokuphepha

1. Iingaba 82(4) (b), 215, 218(1), 219(1), 224 ukufikela ema-228, 236(1), (2), (3), (6), (7)(b) nesobu- (8), 237(1) nesesi- (2)(a) sama- 239(4) nesesi- (5) zomThethosisekelo ogadungileko ziragela phambili nokusebenza kwangathi umThethosisekelo ogadungileko awukasulwa, ngaphasi kwalokhu—
  - a. amatjhuguluko weengaba lezo njengokutjhiwo esiNgezelelweni D;
  - b. namkha ngiliphi itjhuguluko olisezakwenzwa namkha ukusulwa kwalezo iingaba zomThetho wePalamende ophasiswe ngokulandela isigaba 75 somThethosisekelo omutjha; begodu
  - c. nokukhambisana nomThethosisekelo omutjha.
2. IKomitjhana yezabaSebenzi bakaRhulumende namaKomitjhini weensebenzi zikaRhulumende weemFunda etjhiwo eSahlukweni 13 somThethosisekelo ogadungileko, uragela phambili ngokusebenza ngokuya kweSahlukweso begodu nomThetho othintana nawo kube kwanga iSahlukweso asikatjhugululwa, bekufike isikhathi lapha iKomitjhini begodu namaKomitjhini wemisebenzi yeemFunda apheliswa khona mThetho wePalamende ophasiswe ngokuya kwesigaba 75 somThethosisekelo omutjha.
3. Ukwesulwa komThethosisekelo ogadungileko akuthintani nesimemezelwe somThetho esikhutjhe ngaphasi kwesigaba 237(3) somThethosisekelo ogadungileko begodu namkha ngisiphi isimemezelwe somThetho esinjalo siragela phambili ngaphasi ko—
  - a. nanyana ngiliphi itjhuguluko namkha ukwesulwa; begodu
  - b. nokukhambisana nomThethosisekelo omutjha.

### 25. Ukungavunyelwa Okungezelelweko EsiBethamthethweni

1. Nanyana ngubani odosa iinyanga ezidlula ezili-12 ejele ngaphandle kwehlawulo ngaphakathi kweRiphabliki lokha umThethosisekelo omutjha uthoma ukusebenza, akanalungelo lokuba lilunga lesiBethamthetho seNarha namkha isiBethamthetho sesiFunda.
2. Ukungabi nelungelo komuntu ngokuya kwe-ayithemana (1)—
  - a. kuyaphela nakube umlandu uyasulwa yikhotho yokubuyekeza namkha isigwebo sehliselwa ngaphasi kwaleso esingathatheli umuntu ilungelo leli; namkha
  - b. kuphela iminyaka emihlanu ngemva kokukhutjha kwesigwebo leso.

### 26. Umbuso Wendawo

1. Nanyana kuvezwa iinqalelelo eziseengabeni 151,155,156 nese-157 zomThethosisekelo omutjha—
  - a. iinqalelelo zomThetho wokudlulisela uRhulumende weKhaya, womnyaka we-1993

(umThetho 209 womnyaka we-1993) njengobana ungatjhugululwa ngesikhathi nesikhathi mThetho weNarha okhambisana nomThethosisekelo omutjha, uhlala usebenza ngokwemiKhandlu kaMasipala ukufikela lapha umKhandlu kaMasipala ujamiselela umKhandlu loyo namakhetho amakhulu wokukhethwa komKhandlu kaMasipala emva kokuthoma komThethosisekelo omutjha; begodu

*[I-ayithemana (a) ijanyiselelwe ngokwesigaba 5 (a) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*

- b. umRholi weNdabuko womphakathi olandela indlela yomThetho wesintu begodu ahlala endaweni yekhansela yendawo yesikhatjhana, ikhansela yesikhatjhana yemakhaya namkha ikhansela yabajameli yesikhatjhana etjhiwo kumThetho wokudlulisela umbuso wendawo, umThetho womnyaka we-1993, begodu leyo ikhonjwe njengoba kwendlalwe esigabeni 182 somThethosisekelo ogadungileko, ngokwesikhundla sakhe, ulungela ukuba lilunga laleyo khansela kufikela lapho umKhandlu kaMasipala ujamiselela umKhandlu loyo namakhetho amakhulu wokukhethwa komKhandlu kaMasipala emva kokuthoma komThethosisekelo omutjha.

*[I-ayithemana (b) ijanyiselelwe sigaba 5(a) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*

2. Isigaba 245(4) somThethosisekelo ogadungileko

siragela phambili ngokusetjenziswa kuzekufike lapha ukusetjenziswa kwesigaba lesi kuphelelwa sikhathi. Isigaba 16(5) nesesi-(6) somThetho wokuDlulisa uRhulumende weKhaya, womnyaka we-1993 ngeze sasulwa ngaphambi kwamhlana amalanga ama-30 kuSihlabantangana 2000.

*[[I-ayithemu (2) itjhugululwe sigaba 5 (b) somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]*

## **27. Ukulondwa KwemiThetho YePalamende NemiThetho YeemFunda**

Iingaba 82 nesama-124 zomThethosisekelo omutjha akuthintani nokulondwa kwemiThetho yePalamende namkha imiThetho yesiFunda isulwe ngaphambi kobana umThethosisekelo omutjha uthome ukusebenza.

## **28. Ukurejistarwa Kwepahla Engakhambiko Yombuso**

1. Ekubonisweni kwesitifiketi libandla elifaneleko bona ipahla imhlaba namkha ipahla engatjhidiko yombuso ingeyombuso othize ngokwesigaba 239 somThethosisekelo wangaphambili, isikhulu seencwadi zobunikazi kumele senze ukutlolisa okufana nalokho namkha imitlolo enjalo namkha phezu kwananyana ngiyiphi irejistara, incwadi yobunikazi namkha omunye umtlolo ukurejistara ipahla engatjhidisekiko ngebizo likaRhulumende lowo.
2. Akunamthelo wepahla, imali namkha enye ihlawulo ebhadelwako manqophana nokutlolisa ngokuya kwe-ayithemana (1).



## **Ihlelo 6A**

*[Ihlelo 6A elifakwe isigaba 6 somThethosisekelo  
oliTjhuguluko leTjhumi lomThetho womnyaka we- 2003*

*yasulwa ngokwesigaba 6 somThethosisekelo oliTjhuguluko  
leTjhumi nane lomThetho we-2008.]*

## **Ihlelo 6B**

*[Ihlelo 6B ebelaziwa njengehlelo 6A phambilini elafakwa sigaba 2 somThethosisekelo oliTjhuguluko lobuNane lomThetho womnyaka we-2002 latjhugululwa ngokwesigaba 5 somThethosisekelo oliTjhu- guluko leTjhumi lomnyaka we -2003. Latjhugululwa yinomboro*

*ngokwesigaba 6 somThethosisekelo oliTjhuguluko leTjhumi lomThetho womnyaka we-2003 laze lasulwa ngokwesigaba 5 somThetho- sisekelo oliTjhuguluko leTjhumi naHlanu lomThetho womnyaka we-2008.]*

## Ihlelo 7: ImiThetho Esuliweko

<b>INomboro Nomnyaka WomThetho</b>	<b>IsiHloko</b>	<b>INomboro Nomnyaka WomThetho</b>	<b>IsiHloko</b>
UmThetho oyiNomboro 200 womnyaka we-1993	UmThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1993	UmThetho oyiNomboro 29 womnyaka we-1994	UmThetho wesiHlanu weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994
UmThetho oyiNomboro 2 womnyaka we-1994	UmThetho weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994	UmThetho oyiNomboro 20 womnyaka we-1995	UmThetho weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1995
UmThetho oyiNomboro 3 womnyaka we- 1994	UmThetho wesiBili weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994	UmThetho oyiNomboro 44 womnyaka we-1995	UmThetho wesiBili weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1995
UmThetho oyiNomboro 13 womnyaka we -1994	UmThetho wesiThathu weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994	UmThetho oyiNomboro 7 womnyaka we-1996	UmThetho weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1996
UmThetho oyiNomboro 14 womnyaka we-1994	UmThetho wesiNe weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994	UmThetho oyiNomboro 26 womnyaka we-1996	UmThetho wesiThathu weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1996
UmThetho oyiNomboro 24 womnyaka we-1994	UmThetho wesiThandathu weTjhuguluko lomThethosisekelo weRiphabliki yeSewula Afrika womnyaka we-1994		

# Isikhibelelo A: Amatjhuguluko Ehlelweni 2

## Emthethwenisisekelo Ogadungileko

1. Ukujanyiselelwa Kwe-ayithemu 1 Nge-ayithemu Elandelako:

1. Iinhlango ezitloliswe ngokulandela umThetho weNarha begodu ezingenela amakhetho wesiBethamthetho seNarha, zizakwenyula abongikhetheni kulawo makhetho erherhweni labongikhetheni elilungiswe ngokukhambisana neHlelo lomThetho weNarha.

2. Ukujanyiselelwa Kwesigaba 2 Ngokufaka Isigaba Esilandelako Endawenaso:

2. Iinhlalo zesiBethamthetho seNarha njengombana kubekwe ngokuya kwesigaba 46 somThethosisekelo omutjha,  
zizakuzaliswa ngokulandelako:
  - a. Iihlalo ezehlukaniwe phakathi ngokulingana ezivela emarhelweni weengodi ethulwe ziinhlango ngokwehlukahlukana kwazo enenani elithileko elibekelwe kesinye nesinye isifunda njengobana kuqunte iKomitjhini ngamakhetho alandelako wesiBethamthetho seNarha, kuhlolwe umbiko osekkelwe phezu kwephenyo ngokwesayensi malungana nabavowdti, neenlilo zeenhlango ezinerhuluphelo.
  - b. Ezinye iinhlalo ezehlukaniwe phakathi ngokulingana ezivela emarhelweni weNarha zombebele ethule iinhlango ngokwehlukahlukana, namkha kuvela erhelweni lemfunda lokha amarherho wenarha engakathulwa.

3. Ukujanyiselelwa Kwe-ayithemu 3 Ngale-ayithemu Elandeako:

3. Amarhelo wabongikhetheni ethule yihlango, azakumumatha ngokuzeleko amabizo angadluli inani labongikhetheni elilingana nenani leenhlalo wesiBethamthetho seNarha, begodu elinye nelinye irhelao lizakumumatha amagama lawo ngendlela yokulandelana ezabe aquntwe yihlango.

4. Ukutjhugulula I-ayithemu 5 Ngokuyijamiselela Amagama Angaphambi Kwepharagrafu (a) Ngokufaka Amagama Alandelako Endawenawo:

5. Iinhlalo ezitjhiwo ku-ayithemu 2(a)

zizakwabelwa ngokweemFunda eenhlanganwenezo ezingenela amakhetho, ngokulandelako:

5. Ngokutjhugulula I-ayithemu 6—

- a. Ngokususa amagama angaphambi kwendima (a) nokubeka amagama alandelako endaweni yawo:

6. Iinhlalo ezitjhiwo ku-ayithemu 2(b) zizakwabelwa iinhlango ezingenela amakhetho, ngokulandelako:

begodu

- b. Ngokususa indima (a) nokufaka indima elandelako endaweni yayo:

(a) Inani lamavowudu ngokwesihlalo azakuquntwa ngokuhlukanisa inani lamavowudu woke aphoselweko ngenarheni ngenani leenhlalo ngaphakathi kwesiBethamthetho seNarha, kuzaliselwe ngesisodwa, kuzakuba linani elibalelwa isikhundla sinye.

6. Ngokutjhugulula I-ayithemu 7(3) Ngokujamiselela Ipharagrafu (b) Ngokufaka Ipharagrafu Elandelako Endawenayo:

(b) inani lamavowudu elibalelwa isihlalo elitjhugululiweko lizakuquntwa ngokwehlukani inani lamavowudu woke aphoselweko ngenarheni, kukhutjhe inani lamavowudu aphoselweko ngenarheni mazombe lawo weenhlango atjhiwo endimeni (a), ngenani leenhlalo lesiBethamthetho seNarha, kungezelelwe ngesisodwa, kukhutjhe inani lamaphelelo leenhlalo ezabelwe inhlango leyo ngokulandela ipharagrafu (a).

7. Ukujanyiselelwa Kwe-ayithemu 10 Kufakwe Elandelako Endawenayo:

10. Inani leenhlalo kwesinye nesinye isiBethamthetho sesiFunda izakuba njengoba iquntwe ngokulandela isigaba 105 somThethosisekelo omutjha.

8. Ukujanyiselelwa Kwe-ayithemu 11 Nokufakwa Kwe-ayithemu Elandelako Endawenayo:

11. Iinhlango ezitloliswe ngokulandela umThetho weNarha begodu ezingenele amakhetho wesiBethamthetho sesiFunda,

zizakwenyula abongikhetheeni bamakhetho wesiBethamthetho emarhelweni weemfunda alungiswe ngokukhambisana neHlelo lomThetho weNarha.

bonyana kukgonwe ukuzalisa iinkhunda zesikhatjana: kwaphela lokha ukwengezelelwa lokho kwenziwa ekupheleni kwalelorhelo.

9. Ukujanyiselelwa Kwe-ayithemu 16 Nge-ayithemu Elandelako:

16. Ukukhonjwa kwabajameli

1. Emva kokubalwa kwamavowudu sekuqediwe, inani abajameli behlangano enye nanye seliquntiwe begodu nemiphumela yamakhetho sele imenezelwe ngokwesigaba 190 somThethosisekelo omutjha, iKhomitjhini, ngaphakathi kwamalanga amabili kwesimemezelo, izakukhomba erherhweni labongikhetheeni, elaziswe ngokomThetho weNarha abajameli behlangano enye nanye ngaphakathi kwesiBethamthetho.\
2. Ngokulandela ukukhonjwa okwenziwe ngokulandela i-ayithemana (1), lokha ibizo longikhetheeni livela erhelweni elidlula elilodwa lesiBethamthetho namkha erhelweni lawo womabili wesiBethamthetho seNarha nesiBethamthetho sesiFunda (lokha amakhetho wesiBethamthetho seNarha nesiBethamthetho abanjwa ngesikhathi esisodwa) begodu ungikhetheeni lowo ujamele ukukhonjwa njengomjameli, ihlangano ethule irherho lelo, ngaphakathi kwamalanga amabili kwesimemezelo leso, izakutjengisa iKomitjhini bona ngiliphi irhelo elifanele ukusetjenziswa ukukhomba ungikhetheeni lowo namkha ngisiphi isibhamthetho ungikhetheeni lowo azakusebenza kiso, ekwenzekeni kwalokho ibizo longikhetheeni lizakwesulwa kwamanye amarhelo.\
3. IKomitjhini kumele, yazise amarhelo wabajameli esiBethamthethweni namkha iimBethamthetho...

10. Ukutjhugula I-ayithemu 18 Ngokujamiselela Ipharagrafu (b) Nokufaka ipharagrafu Elandelako:

(b) UMjameli ukhethwa njengelunga elisithunywa lasafuthi emKhandlwini weemFunda weNarha;

11. Ukujamiselela I-ayithemu 19 Nge-ayithemu Elandelako:

19. amarhelo wabo ngikhetheeni behlangano etjhiwo esigabeni 16(1) angazaliselwa kanye kwaphela kwesinye nesinye isikhathi eenyangeni ezili- 12 zokuthoma ezilandela ilanga lelo ukukhonjwa kwabajameli ngokulandela isigaba 16 kuqedwe ngalo,

12. Ukujanyiselelwa Kwe-ayithemu 23 Nge-ayithemu Elandelako:

23. Iinkhunda ezivulekileko

1. Lokha nakunesikhunda esivulekileko esiBethamthethweni lapha iHlelo lisebenza khona, ihlangano enyule ilunga elitjhiye isikhunda izakuzalisa isikhunda leso ngokwenyula umuntu—
  - a. lowo ibizo lakhe likhona erherhweni labo ngikhetheeni lelo lilunga elitjhiye isikhunda beka kiso; begodu
  - b. omumuntu olandelako olungela begodu ophumelelako ukuthatha isikhunda erherhweni lelo.
2. Ukunyula lokuzalisa isikhunda lizakwethulwa kuSomlomo ngendlela yokutlolwa phasi.
3. Lokha nangabe ihlangano ejanyelwe esiBethamthethweni iyapheliswa namkha ayisabikhona begodu namalunga athintekako atjhiya phasi iinhlalo zabo ngokulandela isigaba 23A(1), iinhlalo lezo ezithintekako zizakwabelwa iinhlango eziseleko ngendlela efanako tle nalokha sengathi iinhlalo lezo ziinhlalo ezimukwe ngokulandela isigaba 7 namkha 14, noma ngayiphi indlela eyenzekako.

13. Ukufakwa Kwe-ayithemu Elandelako Ngemva Kwe-ayithemu 23:

23. Amabanga angezelelweko wokulahlekelwa bulunga eemBethamthethweni

1. Umuntu ulahlekelwa bulunga besiBethamthetho lapha iHlelweni lisetjenziswa khona, nangabe umuntu lowo akasabililunga lehlango leyo enyule umuntu loyo nje ngelunga lesiBethamthetho.
2. Nangaphandle kwe-ayithemana (1) enye nanye ihlangano yezombanganarha ekhona ingatjhugulula ibizo layo ngesikhathi esinye nesinye.
3. UmThetho wePalamende, ngaphakathi kwesikhathi esizwakalako emva bona umThethosisekelo omutjha uthome ukusebenza, ungaphasiswa ngokukhambisana nesigaba 76(1) somThethosisekelo omutjha bona utjhugulule le-ayithemu ne-ayithemu 23 ukubonelela indlela leyo ngayo kukgonakalako bona ilunga lesiBethamthetho elitjhiya phasi ubulunga

behlango emenyulile, aragele phambili ngokuba lilunga lesiBethamthethweso.

4. UmThetho wePalamende otjhiwo e-ayithemaneni (3) nawo ungabonelela—
  - a. bona ihlangano enye nenye ekhona ihlanganiswe nenye ihlangano; namkha
  - b. bona ihlangano enye nenye izihlukanise phakathi ukuba ziinhlangano ezidlula yinye.

‘iKomitjhini’ kuthiwa yiKomitjhini yaMakhetho etjhiwo kusigaba 190 somThethosisekelo omutjha,

begodu

- b. ngokufaka ihlathululo elilandelako ngemva kwehlathululo “irhelo lenarha”:

‘UmThethosisekelo’ kuthiwa mThethosisekelo weRiphabliki yeSewula Afrika we-1996;

14. Ukwesulwa Kwe-ayithemu 24.

15. Ukutjhugululwa Kwe-ayithemu 25—

- a. ngokusula ihlathululo “Komitjhini” ngehlathululo elilandelako:

16. Ukwesulwa kwe-ayithemu 26.



# Isikhibelelo B: Umbuso Webumbano Lesitjhaba: Umbuso Ophakathi

1. Isigaba 84 SomThethosisekelo Omutjha Sithathwa Njengesimumethe Isigatjana Esingezelwe Ngokulandelako:

3. UMongameli kumele athintane namaSekela kaMongameli —
  - a. ekuthuthukiseni nekusetjenzisweni kwemibandela kaRhulumende weNarha; > 1. kiyo yoke imiraro emalungana nekambiso yeKhabinedi begodu nokwenziwa kwemisebenzi ePalamende;
  - b. ekunikelweni kwemisebenzi kumaphini wakaMongameli;
  - c. ngaphambi kokubekwa eenkhundleni kweenkhulu ngaphasi komThethosisekelo lo namkha nanyana ngimuphi umThetho, okufaka hlangana ukukhethwa kwabajameli benarha kwezombanganarha namkha abanye abajameli emazweni wangaphandle;
  - d. ngaphambi kokukhethwa kwamaKomitjhini wokuPhenya;
  - e. ngaphambi kokumenyezelwa kwereferendamu; begodu
  - f. ngaphambi kokulitjalelwa kwabagwetjiweko.

2. Isigaba 89 SomThethosisekelo Omutjha Sithathwa Njengesimumethe Iingatjana Ezingezelwe Ngokulandelako:

1. Iingatjana (1) nesesi-(2) zisebenza nakuSekela likaMongameli.

3. Ipharagrafu (a) Yesigaba 90 (1) YomThethosisekelo Omutjha Ithathwa Njengefundeka Ngokulandelako:

- (a) iSekela likaMongameli elikhonjwe nguMongameli;

4. Isigaba 91 SomThethosisekelo Omutjha Sithathwa Njengesifundeka Ngokulandelako:

91. IKhabinedi

1. TIKhabinedi ibunjwa nguMongameli, iSekela likaMongameli begodu—
  - a. nabo abangadluliko ema-27 abamalunga wesiBethamthetho seNarha begodu bakhethwe ngokulandela isigatjana 8 ukufikela ema-12; begodu
  - b. nomunye kwaphela ongasilo ilunga lesiBethamthetho begodu okhethwe

ngokulandela isigatjana (13), kuphela lokha uMongameli, ngokuthintana namaSekela wakhe begodu nabarholi beenhlangano ezizibandakenyeko, ukobana zitjho bona ukukhethwa kwakhe kuyathogeka.

2. Enye nanye ihlangano ephethe iinhlalo ubuncani bazo obuma-80 ebandleni lesiBethamthetho inelungelo lokukhetha iphini likaMongameli hlangana namalunga wesiBethamthetho.
3. Lokha ihlangano ingekho namkha ingekho ihlangano ephethe iinhlalo ezidlula ama-80, ihlangano ephethe iinhlalo ezingaphezulu kwezinye iinhlango elandela ngokwesibili ngobunengi beenhlalo eziphethoko, nanyana ngiyiphi enye yazo inelungelo lokukhetha iSekela likaMongameli elilodwa hlangana namalunga wesiBethamthetho seNarha.
4. Ekukhethweni kwalo iSekela likaMongameli lingazikhethela bona lihlala lililunga namkha lilisa ubulunga besiBethamthetho na.
5. ISekela likaMongameli lingasebenzisa amandla begodu kumele lenze imisebenzi ethweswe isikhundla seSekela likaMongameli mThethosisekelo namkha inikelwe e-ofisini lelo nguMongameli.
6. ISekela likaMongameli liphatha isikhundla—
  - a. Bekube mhlana amalanga ama-30 kuSihlabantanga 1999 ngaphandle kwalokha nakatjhidiswa ngomunye namkha adoselwa emva yihlangano inelungelo lokukhetha ngokulandela isigatjana (2) nesesi-(3); namkha
  - b. Kufikela lapha umuntu okhethwe ukuba nguMongameli emva kwaMakhetho wesiBethamthetho seNarha abanjwe ngaphambi kwamhlana amalanga ama-30 kuSihlabantanga 1999, athoma ukusebenza.
7. Ukuvuleka kwesikhundla seSekela likaMongameli singazaliswa yihlangano ekhethe loyo oliSekela likaMongameli.
8. Ihlangano ephethe iinhlalo ezibuncani obuma-20 besiBethamthetho seNarha begodu equnte ukuthatha indima kuRhulumende wesiBethamthetho seNarha, inelungelo lokunikelwa isikhundla sinye namkha kwendlu sinye seKhabinedi lezo abatjhiwo esigatjaneni (1) (a) bazokubekwa kizo, ukuya ngenani leenhlalo eziphethwe ngiyo lesiBethamthetho seNarha

- nakuqondiswe neenhlalo eziphethwe ngezinye iinhlango ezithatha indima.
9. Iinkhundla zeKhabinedi zimele ukunikelwa iinhlango ezithatha indima ngokulandela indlela elandelako:
    - a. Inani leenhlalo ezabelwe esikhundleni esisodwa kumele libekwe ngokwehlukanisa inani leenhlalo zoke esiBethamthethweni seNarha eziphethwe ngokuhlanganelwa ziinhlango ezithatha indima ngenani leenkundla lezo abatjhiwo esigatjaneni (1) (a) bafanele bakhethe kizo kuzaliselwe ngomunye godu.
    - b. Imiphumela, kungathathwa amadesimali wesithathu nalandelako nakakhona, kuzakuba inani leenhlalo ezabelwe isikhundla.
    - c. Inani leenkundla ezifanele ukwabelwa ihlango ethatha indima zizakuquntwa ngokuhlukanisa inani leehlalo zoke eziphethwe siBethamthetho seNarha ngenani elitjhiwo endimeni (b).
    - d. Imiphumela, ngaphasi kwaloku okutjhiwo endimeni (e), itjengisa inani leenkundla elabelwe ihlango leyo.
    - e. Lokha ukusetjenziswa kwendlela etjhiwo ngaphezulu kuletha inani elidluleleko elingeze lamumathwa linani leenkundla ezabelwe iinhlango, lenani elidluleleko lizakuphikisana nenani elidluleleko elifana nalo elitholwe ngenye ihlango namkha iinhlango, begodu noma ngisiphi isikhundla namkha iinkundla ezisaleleko azikabiwa zifanele zabelwe ihlango namkha iinhlango ezithintekako ngokulandela inani elidluleleko.
  10. UMongameli emva kokuthintana namaSekela kaMongameli nabarholi beenhlango ezithatha indima kumele—
    - a. athathe isiqunto malungana neenkundla ezifanele ukwabelwa iinhlango ezahlukahlukeneko ezithatha indima ngokulandela inani leenkundla ezabelwe zona ngokwesigatjana (9);
    - b. bakhethe esokhundleneso ilunga lesiBethamthetho elililunga lehlango leyo eyatjelwe isikhundleso ngaphasi kwendima (a) ukobana abe ngozoziphendulela esikhundleneso.
    - c. nakutlhogeka bona umThethosisekelo namkha iinrhuluphelo zombuso omuhle ziphumeleliswe, atjhugulule noma ngiyiphi indaba ngaphasi kwepharagrafu (a) ngokulandela isigatjana (9);
    - d. basuse esikhundleni loyo obekwe ngaphasi kwepharagrafu (b)—
      - i. nayikuthi uMongameli ubawiwa
- Mrholi wehlangano leyo uNgqongqotjhe loyo kumele bona enze lokho; namkha
- ii. nangabe lokho kudingwa mnqopho womThethosisekelo namkha kuseenrhuluphelweni zombuso omuhle; namkha
  - e. Azalise, nakunefuneko, ngaphasi kwepharagrafu (b), isikhundla sika.
11. Isigatjana (10) sifanele ukusetjenziswa ngomoya omumethwe emnqopheni wombuso wobumbano lesitjhaba, begodu uMongameli nalaba asebenza nabo bafanele babe nerhuluphelo ukufikelela lapha bezwanakhona boke lokha nabasebenzisa isigatjanesi; ngaphandle kwalokha nakungakghonekiko bona kufikelelwe ekuzwaneni kwabo boke kulokhu—
    - a. ukusetjenziswa kwamandla atjhiwo endimeni (a) (c) namkha (d) (ii) yesigatjana leso, isiqunto sikaMongameli sizakuphumeleliswa;
    - b. ukusetjenziswa kwamandla atjhiwo eendinyaneni (b), (d) (i) namkha zesigatjana leso esinamatha umuntu olilunga lehlango yakaMongameli, isiqunto sikaMongameli sizakuphumeleliswa; begodu
    - c. ukusetjenziswa kwamandla atjhiwo endimeni (b) namkha (e) yalesosigatjana esithinta umuntu loyo olilunga lehlango yakaMongameli, isiqunto sikaMongameli siyaphumeleliswa.
  12. Nangabe isikhundla esinikelweko sitjhugululwa ngokulandela isigatjana (10) (c), abathintekako kumele batjhiye iinkundla zabo, kodwana banelungelo, nakungenzeka, lokungakhethwa kabutjha kwezinye iinkundla ezabelwe iinhlango zabo ngokwehlukahlukana, ngokulandela amatjhugululo lawo.
  13. UMongameli—
    - a. ngokuthintana namaSekela wakaMongameli nabarholi beenhlango ezizibandakanyako kumele—
      - i. abonelele ngesikhundla esithile esizakuba ngesalowo otjhiwo esigatjaneni (1)(b) nakutlhogekako ngokulandela isiqunto sikaMongameli ngaphasi kwesigatjaneso;
      - ii. abeke esikhundleneso umuntu ongasilo ilunga lesiBethamthetho, ukuba nguNgqongqotjhe oziphendulelako esikhundleneso;
      - iii. azalise, nakutlhogekako, ngaphasi kwepharagrafu (b) isikhundla somuntu lowo; namkha
    - b. emva kokuthintana namaSekela

kaMongameli nabarholi beenhlangano ezizibandakanyako kumele asuse esikhundleni loyo obekwe ngaphasi kwepharagrafu (a) nakutlhogekako ngokomnqopho womThethosisekelo namkha ngeenrhuluphelweni zombuso omuhle.

14. Imihlangano yeKhabinedi kumele ikhanjiswe nguMongameli, namkha nangabe uMongameli alaya njalo, liSekela likaMongameli: nakuphela amaSekela wakaMongameli bazakukhambisa leyo mihlangano ngokutjhidelana ngaphandle kwalokha iindingo zombuso nomoya umumethwe eminqopheni yombuso webumbano lesitjhaba ziveza okwahlukileko.
  15. IKhabinedi kaRhulumende weNarha yesitjhaba begodu nesidingo sikaRhulumende onekghono.
5. Isigaba 93 SomThethosisekelo Omutjha Sithathwa Njengesifundeka Ngokulandelako:

93. Ukubekwa eenkhundleni kwamaSekela waboNgqongqotjhe

1. UMongameli, emva kokuthintana namaSekela wakaMongameli nabarholi beenhlangano ezikhona kuKhabinedi, angasungula iinkhundla zamaSekelabo.
2. Ihlangano inelungelo lokwabelwa isikhundla seSekela likaNgqongqotjhe sinye namkha ukwedlula ngokulandela ukujanyelwa kwayo nangendlela iinkhundla zeKhabinedi zabiwa ngayo.
3. Okutjihiwo sigaba 91(10) kufika ku (12) kusebenza, ngamatjhuguluko afaneleko, nakumaSekelabo, begodu ekusetjenzisweni kwalokho, nakutjihiwo uNgqongqotjhe namkha isikhundla kumele kufundwe njengathi kutjihiwo iSekela likaNgqongqotjhe namkha isikhundla seSekela likaNgqongqotjhe ngokwahlukahlukana.
4. Nangabe umuntu ubekwe esikhundleni njengeSekela likaNgqongqotjhe sananyana ngisiphi isikhundla esinikelwe uNgqongqotjhe—
  - a. ebujameni bakaNgqongqotjhe othintekako, iSekela likaNgqongqotjhe kumele lisebenzise amandla begodu lenze nemisebenzi enikelwe uNgqongqotjhe loyo ngokulandela noma ngimuphi umThetho obekiweko, namkha onikelwe iSekela likaNgqongqotjhe ngaphasi kwemilayo kaMongameli; begodu
  - b. nanyana sikhombiso sananyana ngimuphi umthetho wakaNgqongqotjhe

kumele kuhlathululwe njengokufaka hlangana neSekela likaNgqongqotjhe osebenza umsebenzi ngaphasi kwendima (a) onikelwe nguNgqongqotjhe lowo kuSekela likaNgqongqotjhe elisebenza esikhundleni sakhe.

5. Lokha iSekela likaNgqongqotjhe nalitshwilileko namkha nanganyana kungaba ngaliphi ibanga lingakghoni ukusebenzisa amandla namkha ukwenza umsebenzi walo, uMongameli angabeka omunye esikhundleneso bona abe liSekela likaNgqongqotjhe, namkha angabeka omunye umuntu bona asebenze esikhundleni saloyo oliSekela likaNgqongqotjhe, bona asebenzise amandla wokwenza yoke imisebenzakhe, namkha asebenzise amandla athileko namkha enze umsebenzi othileko.
6. Isigaba 96 SomThethosisekelo Omutjha Sithathwa Njengesimumethe Iingatjana Zokuzaliselela Ezilandelako:
3. AboNgqongqotjhe baziphendulela ngamunye ngamunye kuMongameli wesiBethamthetho seNarha ngokuphathwa kweminyango yabo, begodu woke amalunga weKhabinedi aziphendulela ngokuhlanganyela ekwenzeni imisebenzi yakaRhulumende weNarha neenkambiso zawo.
  4. AboNgqongqotjhe kumele balawule imiNyango yabo ngokulandela ikambiso ebekwe yiKhabinedi.
  5. Lokha uNgqongqotjhe nakabhalelwa kulawula umNyango ngokulandela imithetjhwana yeKhabinedi, uMongameli angabawa othintekako bona abuyisele ilawulo yomNyango wakhe endleleni ekhambisana nemithetjhwana leyo.
  6. Nayikukuthi uNgqongqotjhe othintekako abhalelwa kulandela isibawo sikaMongameli ngaphasi kwesigatjana (5), uMongameli angamsusa loyo esikhundleni—
    - a. nayikukuthi nguNgqongqotjhe otjihiwo kusigaba 91 (1)(a), emva kokuthintana noNgqongqotjhe loyo, begodu lokha uNgqongqotjhe angasilo ilunga lehlangano kaMongameli namkha angasuye uMrholi wehlangano ezibandakanyako, emva kokuthintana nomrholi wehlangano leyo uNgqongqotjhe loyo alilunga layo; namkha
    - b. nayikuthi nguNgqongqotjhe otjihiwo esigabeni 91 (1) (b), emva kokuthintana namaSekela wakaMongameli begodu nabarholi beenhlangano ezizibandakanyako.

# Isikhibeleso C: Uumbuso Webumbano Lesitjhaba: Ihlangothi Lesifunda

1. Isigaba 132 SomThethosisekelo Omutjha Sithathwa Njengesifundeka Ngokulandelako:

## 132. IsiGungu somKhandlu

1. IsiGungu somKhandlu wesiFunda sibunjwa nguNdunakulu namalunga angadluliko kali-10 akhethwe nguNdunakulu ngokulandela isigabesi.
2. Ihlangano ephethe ubuncani amaphesende ali-10 weenhlalo esiBethamthethweni sesiFunda begodu nequnte bona izozibandakanya kuRhulumende weBumbano lesiTjhaba, inelungelo lokwabelwa isikhundla sinye namkha ukwedlula esiGungwini somKhandlu ngokulingana nenani leenhlalo eziphethwe ngiyo esiBethamthethweni nakuqondiswa neenhlalo eziphethwe ngezinye iinhlango ezizibandakanyako.
3. Iinkhundla esiGungwini somKhandlu kumele zabelwe iinhlango ezizibandakanyako ngokwehlukahlukana ngokulandela indlela endlalwe esigabeni 91 (9), begodu ekusetjenzisweni kwaleyo ndlela etjhiwo esigabeneso—
  - a. IKhabinedi kumele ifundwe sengathi kutjhiwo isiGungu somKhandlu;
  - b. UNgqongqotjhe, kumele afundwe kwanga kutjhiwo ilunga lesiGungu somKhandlu; begodu
  - c. nesiBethamthetho seNarha kumele sifundwe kwanga kutjhiwo siBethamthetho sesiFunda.
4. UNdunakulu wesiFunda emva kokuthintana nabarholi beenhlango ezizibandakanyako kumele—
  - a. abeke iinkhundla ezizakwabelwa iinhlango ezizibandakanyako ngokwenani leenkhundla ezabelwe ngokulandela isigatjana (3);
  - b. abeke kwesinye nesinye salezonkhundla ilunga lesiBethamthetho elililunga lehlango eyabelwe isikhundla lesiGungu somKhandlu oziphendulelako esikhundleneso;
  - c. nakutlhogekako ngomnqopho womThethosisekelo namkha ngokweenrhuluphelo zomBuso omuhle, atjhugulule isikhundla esibekwe ngaphasi kwendima (a) ngokulandela isigatjana (3);

- d. asuse esikhundleni nanyana ngimuphi obekwe ngaphasi kwendima (b)—
    - i. lokha uNdunakulu nakabawiwa Mrholi wehlango leyo ukuba lilunga lomKhandlu wezokuPhatha uyabawiwa, bona enze lokho; namkha
    - ii. lokha nakutlhogwa mnqopho womThethosisekelo namkha kuseenrhuluphelweni zombuso omuhle; namkha
  - e. azalise, nakutlhogeka, ngokulandela indima (b) isikhundla selunga lesiGungu somKhandlu.
5. Isigatjana (4) kumele sisetjenziswe ngomoya omumethwe emnqopheni kaRhulumende weBumbano lesiTjhaba, begodu uNdunakulu nalaba asebenza nabo kumele bamisele ukufikelela ukuzwana kwabo boke ngaso soke isikhathi nabasebenzisa isigatjana lesi; kwaphela lokha ukuzwana kungafikelelwa kulokhu—
    - a. ekusetjenzisweni kwamandla atjhiwo endimeni (a), (c) namkha (d)(ii) yesigatjana lesi, isiqunto sikaNdunakulu sizakuphumelela;
    - b. ekusetjenzisweni kwamandla atjhiwo endimeni (b), (d) (i) namkha (e) yesigatjana lesi okuthinta umuntu ongasilo ilunga lehlango yakaNdunakulu; isiqunto somrhali wenhlango le umuntu loyo alilunga layo sizakuphumelela; begodu
    - c. ukusetjenziswa kwamandla atjhiwo endimeni (b) namkha (e) yesigatjana lesi okuthinta umuntu olilunga lehlango kaNdunakulu, isiqunto sikaNdunakulu sizakuphumelela.
  6. Nanyana ngabe ngikuphi ukwabiwa kweenkhundla kutjhugululwa ngaphasi kwesigatjana (4) (c) amalunga athintekako kumele atjhiye phasi iinkhundla zawo, kodwana banelungelo, nakungenzeka, lokubekwa kwezinye iinkhundla ezabelwe iinhlango zabo ngokwehlukahlukana ngokulandela amatjhuguluko abekiweko.
  7. Imihlango yesiGungu somKhandlu kumele ikhanjiswe nguNdunakulu wesiFunda.
  8. IsiGungu somKhandlu kumele sisebenze ngendlela ethathela ehloko umoya wokukhuthaza ukuzwana omumethwe emnqopheni kaRhulumende weBumbano lesiTjhaba, begodu neendingo

zikaRhulumende onekghono.”.

2. Isigaba 136 SomThethosisekelo Omutjha Sithathwa Njengesimumethe Iingatjana Ezingezelelweko Ezilandelako:

3. MemAmalunga wesiGungu somKhandlu aziphendulela ngamunye ngamunye kuNdunakulu nesiBethamthethweni sesiFunda ngokuphatha kwemiNyangwabo, begodu woke amalunga wesiGungu somKhandlu aziphendulela ngokuhlanganyela ekwenzeni umsebenzi kaRhulumende wesiFunda nemithetjhwana yawo.
4. Amalunga womKhandlu wezokuPhatha afanele apha the iminyango yabo

- ngokulandela ikambiso equntwe mKhandlu.
5. Lokha ilunga wesiGungu somKhandlu libhalelwa kuphatha umNyango ngokuya komthethokambiso womKhandlu, uNdunakulu angabawa ilunga elithintekako bona libusele ukuphatha komNyango wakhe endleleni ekhambisana nomthethokambiso loyo.
6. Nangabe ilunga elithintekako libhalelwa ukufeza iindingo zikaNdunakulu ngaphasi kwesigatjana (5), uNdunakulu angasusa ilungelo esikhundleni emva kokuthintana nelungelo, begodu lokha ilungelo lingasilo ilunga lehlungano yakaNdunakulu namkha umrholi wehlungano ezibandakanyako, begodu emva kokuthintana nomrholi wehlungano le alilunga layo.

# Isikhibelelo D: Ukuphathwa Kwezomphakathi

## Nemisebenzi Yezokuphepha: Amatjhuguluko Weengaba Zomthethosisekelo Ongadungileko

1. Ngokutjhugulula Isigaba 218 SomThethosisekelo Ongadungileko—

a. ngokusula esigatjaneni (1) amagama angaphambi kwepharagrafu (a) okufaka amagama alandelako endaweni yawo:

1. Ngokulawulwa ziinqophiso zikaNgqongqotjhe wezokuPhepha nokuVikeleka, uKomitjhinarara Zombebele wezobupholisa uzaziphendulela ku—

a. ngokususa ipharagrafu (b) yesigatjana (1) ngokufaka ipharagrafu elandelako endaweni yawo:

(b) ukubekwa eenkhundleni kwaboKomitjhinarara beemFunda;

a. ngokususa ipharagrafu (d) yesigatjana (1) ngokufaka ipharagrafu elandelako endaweni yawo:

(d) ukuphenya nokuvimbela ubulelesi obuhlelekileko namkha ubulelesi obudinga ukuphenyisiswa nokuvimbelwa inarha mazombe namkha ngobuhlakani kwezephenyo lobulelesi;

begodu

a. ngokususa ipharagrafu (k) yesigatjana (1) nokufaka ipharagrafu elandelako endaweni yawo:

(k) Ukusungulwa nokuphumelelisa igatja lezobupholisa eliqalene nokuvikeleka komphakathi wenarha mazombe bona lithunyelwe ukusebenza endaweni ezinye ngokokusekela namkha ngesibawo sikaKomitjhinarara wezobupholisa wesiFunda;

2. Ukutjhugululwa Kwesigaba 219 SomThethosisekelo Ongadungileko Ngokususa Esigatjaneni (1) Amazwi Angaphambi Kwepharagrafu (a) Ngokufaka Amazwi Alandelako Endawenawo:

1. Ngaphasi kwesigaba 218, uKomitjhinarara wesiFunda uzakuba nokuziphendulela kilokhu—

3. Ngokutjhugulula Isigaba 224 SomThethosisekelo Ongadungileko Ngokusula Imibandela Yesigatjana (2) Ngalemibandela:

Kwaphela lokha isigatjana lesi sizakusetjenziswa

kumalunga wephiko elinye nelinye elihlome ngeenkhalo lelo elethule irhelo labasebenzi balo ngemva bona umThethosisekelo weRiphabliki yeSewula Afrika (umThetho 200 womnyaka we-1993) uthome ukusebenza, kodwana ngaphambi kobana umtlolo womThethosisekelo omutjha wamukelwe njengombana kubonelelwe esigabeni 73 somThethosisekelo lowo, lokha nangabe ihlangano yezombanganarha leyo ilawulo nokuphatha kungaphasi kwayo namkha leyo ebandakanywa nayo begodu naleyo eragelisa phambili umngqopho wayo, nenze ezibandakanya emKhandlwini wokudlulisela zokuphatha begodu ethethe indima emakhethweni wamathomo wesiBethamthetho seNarha neweemBethamthetho zeemFunda ngaphasi komThethosisekelo loyo.

4. Itjhuguluko Lesigaba 227 LomThethosisekelo Ongadungileko Ngokusula Isigatjana (2) Nokufaka Isigatjana (2) Nokufaka Isigatjana Esilandelako Endawenaso:

2. IButho leNarha lezokuVikela lizakusebenzisa amandla wenze nemisebenzi wawo kwaphela ngokweenrhuluphelo zenarha ngokuya kweSahluko 11 somThethosisekelo weRiphabliki yeSewula Afrika, 1996.

5. Itjhuguluko Lesigaba 236 SomThethosisekelo Ongadungileko—

a. ngokususa isigatjana (1) nokufaka isigatjana esilandelako endaweni yaso—

1. zemisebenzi yomphakathi, umnyango womBuso, ukuphatha namkha iphiko lezokuphepha lelo kuthe maduze ngaphambi kokuthoma ukusebenza komThethosisekelo weRiphabliki yeSewula Afrika, 1996 (emva kwalokhu ekuthiwa mThethosisekelo omutjha), enze umsebenzi wombuso, iragela phambili ngokusebenza ngokulandela imithetho ethintana nayo kuze kufike lapho ipheliswako, namkha ifakwe ngaphasi namkha ihlanganiswe nezinye iinkhungo ezifaneleko, namkha ihlanganiswe nanoma ngiziphi ezinye iinkhung.

b. ngokususa isigatjana (6) nokufaka isigatjana



esilandelako endaweni yaso:

6.
  - a. UMongameli angabeka iKomitjhini bona ihlolise namkha itjhugulule isivumelano, ukubekwa esikhundleni namkha ukukhutjhwala emsebenzini, namkha okwabelwa kwemibandela yomsebenzi namkha izinto ezinye, eyenzeke hlangana kwamhlana amalanga ali-27 kuSihlabantanga 1993 namhlana amalanga ama- 30 kuKhukhulamungu 1994 manqophana nanyana ngimuphi umuntu otjhiwo esigatjaneni (2) namkha nanyana ngisiphi isiqhema sabantu labo.
  - b. IKomitjhini le ingabuyisela emva namkha itjhugulule isivumelwano, ukubekwa esikhundleni, ukukhutjhwala emsebenzini namkha ukwabelwa kwemibandela yomsebenzi lokha nangabe ayikalungi namkha ayikafaneli nakutjhejwa ubujamo besenzo lesa.

begodu

- a. ngokususa “umThethosisekelo lo” lapha kwenzeka khona esigabeni 236, nokufaka “umThethosisekelo omutjha” endaweni yawo.
6. Ukutjhugulula Isigaba 237 SomThethosisekelo Ogadungileko—
- a. Ngokususa ipharagrafu (a) yesigatjana (1) nokufaka indima elandelako endaweni yayo:

(a) ihlelo lokuhlanganiswa kwamaziko woke litjhiwo kusigaba 236(1), ngaphandle kwamabutho wamajoni atjhiwo esigabeni 224(2), zizakuthi emva kokuthoma ukusebenza

komThethosisekelo weRiphabliki yeSewula Afrika, 1996, ziragele phambili ngomnqopho wokusungula—

- (i) ukuphatha okunekghono ezingeni likaRhulumende weNarha okuzakuqalana neendaba ezingaphakathi kwendawo leyo uRhulumende weNarha anamandla phezu kwayo; begodu
- (ii) ukuphatha okunekghono kwesinye nesinye isiFunda okuzokuqalana neendaba ezingaphakathi kwendawo leyo, omunye nomunye uRhulumende wesiFunda unamandla phezu kwayo.

begodu

1. Ngokususa ipharagrafu (i) yesigatjana (2) (a) ngokufaka ipharagrafana elandelako endaweni yayo:

(i) iinkhungo ezitjhiwo esigabeni 236 (1) ngaphandle kwamabutho wezobusotja zizakuba sezandleni zombuso wenarha, ozakusebenzisa amandla ngokubambisana naboRhulumende beemFunda;

7. Ukutjhugululwa Kwesigaba 239 SomThethosisekelo Ogadungileko Ngokususa Isigatjana (4) Nokufaka Isigatjana Esilandelako Endawenaso:

4. Ngaphasi begodu ngokukhambisana nanyana ngimuphi umThetho osetjenziswako; ipahla, amalungelo, iimbopho neenkolodo zamaphiko atjhiwo esigabeni 224(2) zizakudluliselwa ngaphezu iButho leNarha lezokuVikela ngokukhambisana nemilayo yobujoni.