UMgaqo-siseko Weriphablikhi Yomzantsi-Afrika ka

–

1996

Njengoko wathi wamkelwa ngoMeyi 8, 1996 waza wenziwa utshintsho ngo-Oktobha 11, 1996 yiNdlu yoQulunqo-Mgaqo-siseko

UMGAQO-SISEKO
WERIPHABLIKHI YOMZANTSI-AFRIKA

(Indlela yokubhekisela kulo Mthetho, ngaphambili ebekusithiwa "nguMthetho onguMgaqo-siseko weRiphablikhi yoMzantsi-Afrika, uMthetho 108 ka-1996", kwaza oko kwathatyathelw' indawo sisiqendu 1(1) seCitation of Constitutional Laws 5 ka-2005)

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(ngaphandle kokuba kuboniswe ngenye indlela – jonga nesiqendu 243[5])
(Ushicilelo olwatyikitywa nguMongameli lolwesiNgesi)

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nguMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001
nguMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002
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nguMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003
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nguMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005
nguMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007
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NgokweSihlokomiso esinguNombolo 26 sikaEpreli 26, 2001, ukulawulwa kwalo Mthetho kwabelwe uMphathiswa woBulungisa noPhuhliso loMgaqo-siseko

UMTHETHO

Injongo kukungenisa uMgaqo-siseko omtsha weRiphablikhi yoMzantsi-Afrika nokulungiselela imicimbi ehlobene noko.

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INTSHAYELELO

Thina, bantu baseMzantsi-Afrika,
Siyaziqonda iintswela-bulungisa zexesha elidlulileyo;
Sibothulel' umnqwazi abo baye bev' ubunzima ukuze kubekho ubulungisa nenkululeko elizweni lethu;
Siyabahlonela abo baye basebenzela ukwakha nokuphucula ilizwe lethu; kwaye
Sikholelwa kwelokuba uMzantsi-Afrika ngowabo bonke abahlala kuwo, bemanyene nangona bengafani.
Ngoko ke, ngabameli bethu abanyulwe ngokukhululekileyo, samkela lo Mgaqo-siseko njengo-mthetho owongamileyo weRiphablikhi ukuze—

> *Kungcibeke imisantsa yexesha elidlulileyo, kwakheke noluntu lwentando yesininzi, ubulungisa basentlalweni namalungelo oluntu asisiseko;*
>
> *Kwandlalwe iziseko zoluntu lwentando yesininzi nolukhululekileyo apho urhulumente engowentando yabantu kwaye ummi ngamnye ekhuselwe ngumthetho ngokulinga-nayo nabanye;*
>
> *Kuphuculwe umgangatho wobomi wabo bonke abemi, kukhululwe nomntu ngamnye afikelele kwelona nqanaba anokufikelela kulo lobuchule bakhe; kananjalo*
>
> *Kwakhiwe uMzantsi-Afrika omanyeneyo wentando yesininzi okwaziyo ukuthabatha indawo yawo onelungelo layo njengelizwe elizimeleyo kusapho phakathi kwamanye amazwe.*

Ngamana uThixo angabakhusela abantu bakowethu.
Nkosi sikelel' iAfrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

ISAHLUKO 1

IZISEKO

IRiphablikhi yoMzantsi-Afrika

1. IRiphablikhi yoMzantsi-Afrika ililizwe elinye, elizimeleyo, lentando yesininzi elisekelwe koku kulandelayo:
   (a) sokuba ngumntu, ukufikelela ekulinganeni kwabantu bonke nokukhuthazwa kwamalungelo oluntu neenkululeko omalube nazo;
   (b) ukungacaluli ngokobuhlanga nangokobuni;
   (c) ukongama koMgaqo-siseko nokulawula komthetho;
   (d) ilungelo lokuvota kwabo bonke abantu abadala, umqulu wabavoti omnye wezwelonke, unyulo olubakho rhoqo nenkqubo yamaqela amaninzi opolitiko yorhulumente wesininzi, ukuqinisekisa uxanduva lokuphendula, ukusabela nokusebenzela elubala.

Ukongama koMgaqo-siseko

2. Lo Mgaqo-siseko ungumthetho owongamileyo weRiphablikhi; umthetho okanye ukwenza okungavisisaniyo nawo kuphuthile kwaye iimbophelelelo ezifunwa nguwo mazifezekiswe.

Ubumi

3. (1) Wonke umntu waseMzantsi-Afrika ungummi.
   (2) Bonke abemi–
      (a) banamalungelo ngokulinganayo okuxhamla kumalungelo, kwiinyhweba neenzuzo zokuba ngummi; kwaye
      (b) banoxanduva ngokulinganayo lokufeza iimbophelelelo noxanduva lokuba ngummi.
   (3) Imithetho yepalamente yezwelonke mayithethe ngokuzuzwa kobumi, ngokulahlekelwa bubo nangokubuyiselwa kwabo.

Umhobe Wesizwe

4. NguMongameli owenza isigqibo ngomhobe wesizwe weRiphablikhi ngokwenza isihlokomiso.

Iflegi yelizwe

5. Iflegi yelizwe yeRiphablikhi ingumbala omnyama, nagolide, naluhlaza, namhlophe, nabomvu, naluhlaza okwesibhakabhaka, njengoko ichazwe kwaye yazotywa kwiSihlomelo 1.

Iilwimi

6. (1) Iilwimi zaseburhulumenteni zeRiphablikhi siSepedi, neSesotho, neSetswana, neSiswati, nesiVenda, nesiTsonga, nesiBhulu, nesiNgesi, nesiNdebele, nesiXhosa, nesiZulu.

(2) Ngokuqonda imeko yeelwimi zomthonyama zabantu bakowethu nembali yazo yokuncitshiswa kokusetyenziswa kwazo, urhulumente makathabathe amanyathelo asebenzisekayo naqinisekileyo okuphakamisa umgangatho wezi lwimi aze akhuthaze ukusetyenziswa kwazo.

(3) (a) Urhulumente wezwelonke noorhulumente bamaphondo banokusebenzisa naziphi na iilwimi zaseburhulumenteni, bezisebenzisela imisebenzi yoburhulumente, becingela ukusetyenziswa kwazo, ukusebenziseka kwazo, indleko yokuzisebenzisa, iimeko zengingqi neemfuno zoluntu noko kukhethwa luluntu lulonke okanye kwiphondo elo; kodwa yena urhulumente wezwelonke kunye norhulumente ngamnye wephondo makasebenzise ubuncinane iilwimi ezimbini zaseburhulumenteni.

(b) Oomasipala mabacingele ukusetyenziswa kweelwimi ngabahlali kunye noko kukhethwa ngabo.

(4) Urhulumente wezwelonke noorhulumente bamaphondo mabathi, ngokuwis' imithetho nangezinye iindlela, bakulawule kwaye bakubek' esweni ukusetyenziswa kweelwimi zabo zaseburhulumenteni. Kungekuko ukuba kuyaphambukwa koko kutshiwo kwisiqendwana (2), zonke iilwimi zaseburhulumenteni mazixatyiswe ngokulinganayo kwaye maziphathwe ngokungakhwinisiyo.

(5) IBhodi Yeelwimi YaseMzantsi-Afrika esekwe ngumthetho wepalamente wezwelonke–

(a) mayikhuthaze, kwaye idale iimeko, zokuphuhliswa nokusetyenziswa–

(i) kwazo zonke iilwimi zaseburhulumenteni;

(ii) kulwimi lwamaKhoi, nolwamaNama nolwamaSan; kunye

    (iii) nolwimi lwezandla; kananjalo

(b) ikhuthaze ize iqinisekise ukuhlonelwa–

    (i) kwazo zonke iilwimi ezisetyenziswa ngokuqhelekileyo ngabantu ngabantu eMzantsi-Afrika, kuquka nesiJamani, nesiGrike, nesiGujarati, nesiHindi, nesiPhuthukezi, nesiTamil, nesiTelegu nesiUrdu; kunye

    (ii) nesiArabhu, nesiHebhere, nesiSanskrit kunye nezinye iilwimi ezisetyenziselwa ukunqula eMzantsi-Afrika.

ISAHLUKO 2

UMQULU WAMALUNGELO

Amalungelo

7. (1) Lo Mqulu wamaLungelo ulilitye lembombo lentando yesininzi eMzantsi-Afrika. Uqulethe amalungelo abo bonke abantu elizweni lethu kwaye uqinisekisa sokuba ngumntu, ukulingana nenkululeko yentando yesininzi.

(2) Urhulumente makawahlonele, awakhusele, awakhuthaze kwaye awafezekise amalungelo akuMqulu wamaLungelo.

(3) Amalungelo akuMqulu wamaLungelo anokuthi asikelwe umda lusikelo-mda olukwisiqendu 36, okanye olukwenye indawo kuMqulu.

Ukusebenza kwawo

8. (1) UMqulu wamaLungelo usebenza kuwo wonke umthetho, kwaye unkqamangela abawisi-mthetho, urhulumente, iinkundla nawo onke amacandelo karhulumente.

(2) Okutshiwo kuMqulu wamaLungelo kunkqamangela umntu okanye inkampani, ukuba kuyasebenza kuyo, kuxhomekeke nasekubeni kusebenza kangakanani, kucingelwa ubunjani belungelo nobunjani boxanduva oluza nelungelo elo.

(3) Xa isebenzisa okutshiwo nguMqulu wamaLungelo kumntu okanye kwinkampani ngokwesiqendwana (2), inkundla–

(a) ukuze iphumeze ilungelo elikuMqulu, mayisebenzise, okanye ukuba kuyimfuneko, iphuhlise umthetho wohlobo olungabhalwanga phantsi, xa umthetho wepalamente wona ungalifezekisi elo lungelo; kwaye

(b) isenokuphuhlisa imigaqo yomthetho wohlobo olungabhalwanga phantsi ukulisikel' umda ilungelo, kodwa kuxhomekeke ekubeni oko kusikelwa umda kuyavumelana kusinina nesiqendu 36(1).

(4) Inkampani inelungelo lokuxhamla kumalungelo akuMqulu wamaLungelo kangangoko kufunwa bubunjani bamalungelo nabubunjani baloo nkampani.

Ukulingana

9. (1) Bonke abantu bayalingana phambi komthetho kwaye banelungelo lokukhuselwa ngokulinganayo ngumthetho nokuzuza ngokulinganayo kuwo.

(2) Ukulingana kuquka ukuxhanyulwa okupheleleyo nokulinganayo kwawo onke amalungelo neenkululeko. Ngenjongo yokukhuthaza ukuba kulinganwe, kusenokuthatyathwa amanyathelo okuwis' umthetho namanye amanyathelo acetyelwe ukukhusela okanye ukuphucula abantu, okanye iindidi zabantu, ezihlelelekileyo ngenxa yokucalulwa okungafanelekanga.

(3) Urhulumente akavumelekanga ukuba athi, ngokungqalileyo okanye ngokungangqalanga, acalule nabani na ngenye yezi ndlela zilandelayo: ngokobuhlanga, ngokobuni, ngokukhulelwa, ngobume bomntu ngokwasemtshatweni, ngobuzwe okanye ngemvelaphi yakhe ngokwasentlalweni, ngebala, ngotyekelo lwakhe ngokwesondo, ngobudala beminyaka, ngokugogeka, ngonqulo, ngesazela, ngenkolelo, ngenkcubeko, ngolwimi nangokuzalwa.

(4) Akukho mntu uvumelekileyo ukuba acalule ngokungafanelekanga, ngokungqalileyo okanye ngokungangqalanga, ecalula omnye ngenye yezi ndlela zixelwe kwisiqendwana (3). Makuwiswe umthetho yipalamente yezwelonke ukuthintela ucalulo olungafanelekanga.

(5) Ukucalula ngenye yezi ndlela zidweliswe kwisiqendwana (3) okanye ngeendlela eziliqela kwezo kukucalula okungafanelekanga ngaphandle kokuba kuveliswa izibakala ezibonisa ukuba olo calulo lufanelekile.

Isidima sokuba ngumntu

10. Wonk' ubani unesidima esingenakohluthwa nelungelo lokuba sihlonitshwe sakhe kwaye sikhuselwe.

Ubomi

11. Wonk' ubani unelungelo lokuphila.

Inkululeko nokukhuseleka komntu

12. (1) Wonk' ubani unelungelo lenkululeko nokukhuseleka, elibandakanya ilungelo–

(a) lokuba angayohluthwa inkululeko ngokuzenzela nje, okanye kungekho sizathu sivakalayo;

(b) lokuba angavalelwa uhalala kungathethwa tyala;
(c) lokuba angagonyamelwa nangaluphi na uhlobo, nokuba kukugonyamelwa ngamagosa aseburhulumenteni okanye ngabantu nje;
(d) lokuba angangcungcuthekiswa nangayiphi na indlela; nelokuba
(e) angaphathwa okanye ohlwaywe ngendlela ekhohlakeleyo, engenabuntu okanye ethob'.

(2) Wonk' ubani unelungelo lokuba angenziwa nto emzimbeni nasengqondweni, eliquka ilungelo–
(a) lokuzenzel' isigqibo mayela nokuzala;
(b) lokukhuseleka komzimba wakhe nokuba ulawulwe nguye; nelokuba
(c) kungenziwa ufuniselo lonyango okanye lobunzululwazi kuye ngaphandle kwemvume yakhe.

Ubukhoboka nomsebenzi wesinyanzelo

13. Akukho bani unokwenziwa ikhoboka okanye enziswe umsebenzi wesinyanzelo.

Ukuba neemfihlo

14. Wonk' ubani unelungelo lokuba neemfihlo, eliquka ilungelo lokuba–
(a) angasetshwa emzimbeni okanye kungasetshwa umzi wakhe;
(b) ingasetshwa impahla yakhe;
(c) zingathathwa izinto zakhe; okanye
(d) zingaphulaphulwa iincoko zakhe nabanye abantu.

Inkululeko yokunqula, yenkolelo noluvo

15. (1) Wonk' ubani unelungelo lokwenza ngokwesazela sakhe, unenkululeko yokunqula, yokucinga, yokukholelwa, nokuba noluvo lwakhe.

(2) Unqulo lunokuqhutywa kumaziko karhulumente okanye kumaziko ancediswa ngurhulumente, kodwa kuxhomekeka ekubeni–
(a) oko kunqula kulandela imigaqo eyenziwe ngabasemagunyeni abafanelekileyo;
(b) kunqulwa ngendlela engakhalazisiyo; kwaye
(c) ukubakho apho kusimahla kwaye kungokuzithandela.

(3) (a) Esi siqendu asiyithinteli imithetho yepalamente–
(i) eyamkelayo imitshato ekungenwe kuyo ngokwesithethe, okanye ngokwenkqubo yonqulo, okanye ngokwenkqubo yosapho; okanye

(ii) eyamkela iinkqubo ekuqhutywa ngazo kusapho oluthile ngokwesithethe, okanye ngokwabantu bonqulo oluthile.

(b) Ukwamkelwa yimithetho yepalamente ngokwesiqendu (a) makuvisisane nokutshiwo kwesi siqendu nokunye okutshiwo nguMgaqo-siseko.

Inkululeko yokuthetha

16. (1) Wonk' ubani unelungelo lenkululeko yokuthetha, eliquka–

(a) inkululeko yamaphephandaba namanye amajelo eendaba;

(b) inkululeko yokufumana ingcombolo okanye ukunika abanye ingcombolo okanye iingcamango;

(c) inkululeko yokusebenzisa ubuchule bokuziqalela izinto;

(d) nenkululeko yemfundo nenkululeko yophando kubunzululwazi.

(2) Ilungelo elikwisiqendwana (1) aliquki–

(a) ukuphemb' imfazwe;

(b) ukuthundeza abanye ukwenz' ugonyamelo olukhawulezileyo; okanye

(c) ukukhuthaza intiyo esekelwe kubuhlanga, ubuzwe, ubuni okanye unqulo, nekhuthaza ukwenzakalisa.

Ukuhlanganisana, ukuqhankqalaza, noxwebhu lwezikhalazo

17. Wonk' ubani unelungelo lokuhlanganisana nabanye, lokuqhankqalaza nelokudlulisa uxwebhu lwezikhalazo, ekwenza oko ngoxolo kwaye engaxhobanga.

Inkululeko yokuzibandakanya

18. Wonk' ubani unelungelo lokuzibandakanya ngokukhululekileyo.

Amalungelo opolitiko

19. (1) Wonke ummi ukhululekile ukwenza ukhetho kupolitiko, okuquka ilungelo–

(a) lokusungula umbutho wopolitiko;

(b) lokuthabath' inxaxheba kwimisebenzi yombutho wopolitiko, okanye ukuwugayel' amalungu umbutho wopolitiko;

(c) nokuphum' iphulo lombutho wopolitiko okanye iphulo lenjongo yopolitiko.

(2) Wonke ummi unelungelo lonyulo olukhululekileyo, olungenamkhethe nolubakho rhoqo lalo naliphi na iqumrhu lowiso-mthetho elisekwe ngokoMgaqo-siseko.

(3) Wonk' ummi ongumntu omdala unelungelo–
  (a) lokuvota kunyulo evotela naliphi na iqumrhu lowiso-mthetho elisekwe ngokoMgaqo-siseko, ekwenza oko emfihlakalweni;
  (b) nelokuzigqatsela isikhundla saseburhulumenteni aze, ukuba unyuliwe, angene aso.

Ubumi

20. Akukho mmi onokohluthwa ubumi.

Inkululeko yokuhamba-hamba nokuhlala

21. (1) Wonk' ubani unelungelo lenkululeko yokuhamba-hamba.
  (2) Wonk' ubani unelungelo lokumka kwiRiphablikhi.
  (3) Wonk' ubani unelungelo lokungena kwiRiphablikhi, lokuqhubeka engaphakathi kuyo, nelokuhlala naphi na kuyo.
  (4) Wonk' ummi unelungelo lokuba nephaspothi.

Inkululeko yokurhweba, yokusebenza nokwenza umsebenzi ofundelweyo

22. Wonk' ummi unelungelo lokukhetha ngokukhululeka urhwebo alufunayo, umsebenzi okanye umsebenzi awufundeleyo. Ukurhweba, ukusebenza okanye ukwenza umsebenzi ofundelweyo kusenokuthi kulawulwe ngumthetho.

Ubudlelane emisebenzini

23. (1) Wonk' ubani unelungelo lokuphathwa ngendlela engenamkhethe emsebenzini.
  (2) Wonk' umsébenzi unelungelo–
    (a) lokusungula umbutho wabasebenzi nokuzimanya nawo;
    (b) lokuthabath' inxaxheba kwimisebenzi yombutho wabasebenzi nakwizicwangciso zayo;
    (c) nelokugwayimba.
  (3) Wonk' umqeshi unelungelo–
    (a) lokusungula umbutho wabaqeshi nokuzimanya nawo;
    (b) nelokuthabath' inxaxheba kwimisebenzi yombutho wabaqeshi nakwizicwangciso zawo.

(4) Umbutho ngamnye wabasebenzi nombutho ngamnye wabaqeshi unelungelo–
- (a) lokwenz' izigqibo ngolawulo lwawo nezicwangciso zawo nemisebenzi yawo;
- (b) lokuququzelela;
- (c) nelokusungula umanyano uze uzibandakanye nalo.

(5) Umbutho ngamnye wabasebenzi, umbutho ngamnye wabaqeshi nomqeshi banelungelo lokubandakanyeka kwiingxoxo zokubonisana. Kunokuwisw' umthetho wezwelonke ngenjongo yokulawula iingxoxo zokubonisana. Xa kunokuthi umthetho wepalamente ulisikel' umda ilungelo elikwesi Sahluko, oko kulisikel' umda makuvisisane nesiqendu 36(1).

(6) Umthetho wepalamente wezwelonke usenokuthi uwamkele amalungiselelo okhuseleko ombutho wabasebenzi aqulethwe kwizivumelwano zendibaniselwano. Xa unokuthi umthetho owiswe yipalamente ulisikel' umda ilungelo elikwesi Sahluko, oko kulisikel' umda makuvusisane nesiqendu 36(1).

Okusingqongileyo

24. Wonk' ubani unelungelo–
- (a) lokuba okusingqongileyo kungabi yingozi kwimpilo yakhe okanye kwintlalo-ntle yakhe;
- (b) nelokuba okusingqongileyo kukhuselwe, ukuze kuncedakale izizukulwana zangoku nezexesha elizayo, ngokuthi kuwisw' imithetho enokubonelela, kusetyenziswa nezinye iindlela–
  - (i) ezithintela ungcoliso nokuwohloka kwemeko yokusingqongileyo;
  - (ii) ezikhuthaza ulondolozo lwendalo;
  - (iii) nolwenza uphuhliso oluqhubekayo lwemeko yokusingqongileyo nokusetyenziswa kobuncwane bendalo ngoxa zikhuthaza uphuhliso oluthethelelekayo kuqoqosho nakwintlalo.

Umhlaba okanye izakhiwo

25. (1) Akukho bani onokohluthwa umhlaba okanye isakhiwo ngaphandle kokuba kungomthetho osebenza kuwonkewonke, kwaye akukho mthetho onokuvumela ukohluthwa komhlaba okanye isakhiwo kungaboniswananga.

(2) Umhlaba okanye isakhiwo unokuthathwa kuphela ngokomthetho osebenza kuwonkewonke–

(a) ngenjongo eyekarhulumente okanye ukuze kuncedakale uluntu;
(b) xa kuthe kwakho imbuyekezo, exabiso layo, nexesha emayihlawulwe ngalo, nendlela emayihlawulwe ngayo, ekufanele ukuba kuvunyelwane ngabo bachaphazelekayo, kungenjalo igqitywe yinkundla okanye ivunywe yiyo.

(3) Isixa sembuyekezo nexesha lokuhlawulwa kwayo nendlela yokuhlawulwa kwayo mazibe zezinobulungisa nezingakhalazisiyo, zibonakalisa ukulinga-lingana okungakhalazisiyo phakathi koncedo oluzuzwa luluntu nokuchaphazeleka kwabo bachaphazelekayo, kucingelwa zonke iimeko ezifanelwe kukucingelwa, eziquka–
(a) into osetyenziselwa yona ngoku umhlaba lowo okanye isakhiwo;
(b) mbali yokuzuzwa kwaloo mhlaba okanye isakhiwo neyokusetyenziswa kwawo okanye kwaso;
(c) ixabiso laloo mhlaba okanye isakhiwo emarikeni;
(d) ukuthi urhulumente wenza utyalo-mali kangakanani kuwo okanye kuso ngokuthe ngqo noncedo-mali ekuzuzweni kwaloo mhlaba okanye isakhiwo nokuphuculwa kwawo okanye kwaso okuluncedo;
(e) nenjongo yokuthathwa kwawo okanye kwaso.

(4) Ngenjongo yokusebenza kwesi siqendu, ukuncedakala koluntu kuquka ukuzibophelela kwesizwe ekuguqulweni kwenkqubo yomhlaba, nakwiinguqu zokubangela ukuba kufikeleleke ngokungakhalazisiyo kubo bonke ubuncwane bendalo boMzantsi-Afrika.

(5) Urhulumente makathabathe amanyathelo afanelekileyo ngokuwis' imithetho nangezinye iindlela, ngokobuncwane anabo, ukubangela iimeko ezenza ukuba abemi bakwazi ukuba nomhlaba ngokungakhalazisiyo.

(6) Umntu okanye abantu abalungelo labo lomhlaba okanye isakhiwo lingakhuselekanga ngokwasemthethweni ngenxa yemithetho okanye imikhwa yexesha elidlulileyo ecalula ngokobuhlanga unelungelo okanye banelungelo, kangangoko kuvunyelwa nguMthetho wePalamente, lokubambelela kwilungelo elikhuselekileyo ngokwasemthethweni okanye unelungelo okanye banelungelo lokuba abuyiselwe okanye babuyiselwe okulingana noko alahlekelwe okanye balahlekelwe kuko.

(7) Umntu okanye abantu abohluthwe umhlaba okanye isakhiwo emva komhla we-19 kuJuni 1913 ngenxa yemithetho okanye imikhwa yexesha elidlulileyo ecalula ngokobuhlanga unelungelo okanye banelungelo kangangoko kuvunyelwa

nguMthetho wePalamente ukuba abuyiselwe okanye babuyiselwe loo mhlaba okanye eso sakhiwo okanye afumane okanye bafumane imbuyekezo elingana noko alahlekelwe kuko okanye balahlekelwe kuko.

(8) Akukho okutshiwo sesi siqendu okunokuthintela urhulumente ekuthabatheni amanyathelo okuwis' umthetho nawolunye uhlobo ukuze kubekho inguqu kwinkqubo yomhlaba namanzi nokunye okuhlobene noko, ngenjongo yokulungisa iziphumo zocalulo lobuhlanga lwexesha elidlulileyo, kodwa ke kuxhomekeke ekubeni nakuphi na okutenxileyo okutshiwo sesi siqendu kuyavisisana nokutshiwo sisiqendu 36(1).

(9) IPalamente mayiwise umthetho ekuthethwe ngawo kwisiqendwana (6).

Izindlu

26. (1) Wonk' ubani unelungelo lokuba nendlu eyaneleyo.

(2) Urhulumente makathabathe amanyathelo afanelekileyo ngokuwis' imithetho nangezinye iindlela, ngokobuncwane anabo, ukuze alenze lifezeke ngokuthe ngcembe eli lungelo.

(3) Akukho mntu onokukhutshwa ekhayeni lakhe, okanye adilizelwe ikhaya lakhe, ngaphandle komyalelo wenkundla okhutshwe emva kokuqwalasela zonke iimeko emaziqwalaselwe. Akukho mthetho wepalamente onokuvumela ukukhutshwa ezindlwini kungaboniswananga.

Ukhathalelo lwempilo, ukutya, amanzi nokhuseleko eluntwini

27. (1) Wonk' ubani unelungelo lokufumana–

(a) iinkonzo zokunonophelwa kwempilo, kuquka nononophelo lwempilo olumayela nokuzala;

(b) ukutya okwaneleyo namanzi; kwakunye

(c) nokhuseleko eluntwini, kuquka, ukuba akanandlela yokuzondla ngokwakhe nabo baxhomekeke kuye, noncedo olufanelekileyo oluvela eluntwini.

(2) Urhulumente makathabathe amanyathelo afanelekileyo okuwis' imithetho nawezinye iindlela, ngokobuncwane obufumanekayo, ukuze la malungelo afezeke ngokuthe ngcembe.

(3) Akukho bani onokwalelwa unyango kwimeko yequbuliso.

Abantwana

28. (1) Wonke umntwana unelungelo–

(a) lokuba negama nelizwe angummi walo ukususela ekuzalweni;

(b) lokunonophelwa lusapho okanye lokunonophelwa ngabazali, okanye lokunonophelwa ngenye indlela efanelekileyo xa esusiwe elusatsheni lwakowabo;

(c) lokufumana ukutya okunesondlo esisisiseko, ikhusi, iinkonzo zokunonophelwa kwempilo ezisisiseko neenkonzo zoonontlalo-ntle;

(d) lokukhuselwa kwimpatho-mbi, kwintswela-nkathalo, ekuxhatshazweni okanye ekuthotyweni ;

(e) lokukhuselwa ekuxhatshazweni kwiimeko zasempangelweni;

(f) lokungayalelwa okanye lokungavunyelwa ukuba enze umsebenzi okanye enze iinkonzo–

(i) ezingamfanelanga umntu ongumntwana; okanye

(ii) ezibeka emngciphekweni impilo-ntle yomntwana, imfundo yakhe, impilo yakhe engokwasemzimbeni okanye engokwasengqondweni okanye engokomoya, nokukhula kwakhe;

(g) lokuba angavalelwa, ngaphandle kokuba alikho elinye icebo elinokuzanywa, ekuya kuthi xa kunjalo ke, ukongezelela kumalungelo anawo umntwana ngokwesiqendu 12 nesama-35, umntwana abe nokuvalelwa elona xesha lifutshane lifanelekileyo, kwaye unelungelo–

(i) lokungadityaniswa nabanye abantu abavalelweyo ababudala bungaphezu kweminyaka eli-18;

(ii) nelokuphathwa ngendlela ebonisa, kwaye egcinwe kwiimeko ezibonisa, ulwazelelelo ngobudala bomntwana;

(h) lokuba abe negqwetha alinikwa ngurhulumente, ngeendleko zikarhulumente, kumatyala embambano achaphazela umntwana, ukuba ukungabikho kwegqwetha bekuya kubangela intswela-bulungisa enkulu;

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

(2) Ukulungelwa komntwana kokona kubalulekileyo kuwo nawuphi na umcimbi ongomntwana.

(3) Kwesi siqendu igama elithi “umntwana” lithetha umntu obudala bungaphantsi kweminya eli-18.

Imfundo

29. (1) Wonk' ubani unelungelo–
   (a) lokufumana imfundo esisiseko, kuquka nemfundo yabantu abadala esisiseko;
   (b) nelokufumana imfundo ebhekele phaya, mfundo leyo urhulumente amele ukuba ayenze ifumaneke ngokuthe ngcembe ngokuthabath' amanyathelo afanelekileyo.

(2) Wonk' ubani unelungelo lokufumana imfundo ngolwimi lwaseburhulumenteni okanye ngeelwimi ezikhethwe nguye kumaziko emfundo karhulumente apho loo mfundo inokuthi ifumaneke khona. Ukuze urhulumente aqinisekise ukufezekiswa kweli lungelo nokwenziwa kwalo lisebenze, makacinge ngazo zonke iindllela ezifanelekileyo ezizezinye zemfundo, kuquka namaziko afundisa ngolwimi olunye, kucingelwa–
   (a) ubulungisa;
   (b) ukusebenziseka;
   (c) nemfuneko yokulungisa iziphumo zemithetho nemikhwa yocalulo lobuhlanga yexesha elidlulileyo.

(3) Wonk' ubani unelungelo lokwakha amaziko emfundo azimeleyo aze awalondoloze ngeendleko zakhe, kube ngamaziko–
   (a) angacaluliyo ngobuhlanga;
   (b) abhalisiweyo kurhulumente;
   (c) angehleliyo ngezantsi kumgangatho wamaziko emfundo karhulumente.

(4) Isiqendwana (3) asikuthinteli ukufunyanwa kwenkxaso-mali karhulumente ngamaziko emfundo azimeleyo.

Ulwimi nenkcubeko

30. Wonk' umntu unelungelo lokusebenzisa ulwimi oluthandwa nguye nokuthabath' inxaxheba kubomi benkcubeko obuthandwa nguye, kodwa akukho bani osebenzisa la malungelo uvumelekileyo ukuwasebenzisa ngendlela engavisisaniyo noko kutshiwo kuMqulu wamaLungelo.

Abantu abaphila ngokwenkcubeko yabo, ngokonqulo lwabo nangokolwimi lwabo

31. (1) Abantu abangabenkcubeko ethile, abangabonqulo oluthile, okanye abangabolwimi oluthile abanakulibandezwa ilungelo, bekunye nabanye abantu boluntu lwakowabo–
    - (a) lokuyonwabela inkcubeko yabo, lokunqula ngokonqulo lwabo, nelokusebenzisa ulwimi lwabo;
    - (b) nelokusungula imibutho yenkcubeko, yonqulo, neyolwimi, aze umntu azimanye nayo kwaye ayilondoloze, kunye neminye imibutho yoluntu.

    (2) Amalungelo akwisiqendwana (1) akanakusetyenziswa ngendlela engavisisaniyo nokutshiwo kuMqulu wamaLungelo.

Ukufumana ingcombolo

32. (1) Wonk' ubani unelungelo lokufumana–
    - (a) nayiphi na ingcombolo ekurhulumente; kunye
    - (b) nayo nayiphi na ingcombolo ekomnye umntu, efunekayo ukuze umntu akwazi ukusebenzisa okanye ukukhusela amalungelo.

    (2) Makuwiswe umthetho wepalamente wezwelonke ngenjongo yokufezekisa eli lungelo, kwaye loo mthetho unokutsho amanyathelo afanelekileyo amakathatyathwe okwenza lula umthwalo omayela nolawulo nezimali othwelwe ngurhulumente.

Ukwenziwa kwezigqibo ngobulungisa

33. (1) Wonk' ubani unelungelo lokuba ukwenziwa kwesigqibo ngomcimbi wakhe kube kokusemthethweni, okunokubonelela nokusingethwe ngobulungisa.

    (2) Wonk' ubani omalungelo akhe aye anyhashwa sisigqibo esithathiweyo unelungelo lokunikwa izizathu ezibhaliweyo.

    (3) Makuwiswe umthetho wepalamente wezwelonke ngenjongo yokufezekisa la malungelo, kwaye loo mthetho–
    - (a) mawuyalele ukuba isigqibo esithatyathiweyo siqwalaselwe ngokutsha yinkundla okanye, apho kufanelekileyo, ngabachopheli-matyala abazimeleyo, abangenamkhethe;

(b) mawunyanzele urhulumente ukuba afezekise amalungelo akwisiqendwana (1) nesesi-(2); kwaye

(c) mawukhuthaze ukwenziwa kwezigqibo ngokutyibilikayo.

Ukufikelela ezinkundleni

34. Wonk' ubani unelungelo lokuba nayiphi na imbambano anayo enokusonjululwa ngokusetyenziswa komthetho kwenziwe isigqibo ngayo ekuxoxweni kwetyala okungenamkhethe esidlangalaleni phambi kwenkundla okanye, apho kufanelekileyo, phambi kwabanye abachopheli-matyala abazimeleyo abangenamkethe.

Abantu ababanjiweyo, abavalelweyo nabamangalelweyo

35. (1) Wonk' ubani obanjiweyo etyholwa ngokwaphul' umthetho unelungelo-

(a) lokuthula;

(b) lokwaziswa ngokukhawuleza–

(i) ngelungelo lokuthula;

(ii) angeziphumo zokungathuli;

(c) lokunganyanzelwa ukuba enze imvumo-tyala enokuthi isetyenziswe kubungqina nxamnye naye;

(d) lokuziswa phambi kwenkundla kamsinya kangangoko kunokwenzeka, kodwa kungekapheli-

(i) iiyure ezingama-48 ebanjiwe; okanye

(ii) imini yokuqala yenkundla emva kokuba kuphele iiyure ezingama-48, ukuba iiyure ezingama-48 ziphela kungezizo iiyure zokusebenza kwenkundla eziqhelekileyo okanye ngemini engeyiyo imini yokusebenza kwenkundla eqhelekileyo;

e) lokuba ekuveleni kwakhe kokuqala enkundleni emva kokuba ebanjiwe, abekw' ityala okanye aziswe ngesizathu sokuqhubeka kokuvalelwa, kungenjalo akhululwe;

(f) nelokukhululwa ekuvalelweni ukuba ubulungisa buyavuma, ekhululwa ngemiqathango enokubonelela.

(2) Wonk' ubani ovalelweyo, kuquka nebanjwa ngalinye eligwetyiweyo, unelungelo–

(a) lokwaziswa ngokukhawuleza ngesizathu sokuvalelwa;

(b) lokukhetha igqwetha aze afakan' umlomo nalo, kwaye aziswe ngeli lungelo msinya;

(c) lokuba anikwe igqwetha ngurhulumente ngeendleko zikarhulumente, ukuba ngokungabi nalo kungakho intswela-bulungisa enkulu, kwaye aziswe ngeli lungelo msinya;

(d) lokukucel' umngeni ukuba semthethweni kokuvalelwa kwakhe, ekwenza oko buqu phambi kwenkundla, kuze kuthi, ukuba ukuvalelwa oko akukho mthethweni, akhululwe;

(e) lokuba iimeko avalelwe kuzo zivisisane nokuba nesidima kwakhe, ziquke ubuncinane ukwenza umthambo nokunikwa indawo yokuhlala eyaneleyo, ukutya okunesondlo, into efundwayo nonyango, ngeendleko zikarhulumente;

(f) nelokuba athethe kwaye atyelelwe–

(i) liqabane lakhe lomtshato okanye sisinqandamathe;

(ii) sisihlobo esisondeleyo;

(iii) ngumluleki okhethwe nguye kwicala lonqulo;

(iv) nangugqirha okhethwe nguye.

(3) Wonke umntu omangalelweyo unelungelo lokuxoxwa kwetyala okunobulungisa, okuquka ilungelo–

(a) lokwaziswa ngesimangalo esineenkcukacha ezaneleyo ukuze akwazi ukusiphendula;

(b) lokuba nexesha elaneleyo namancedo awaneleyo okulungiselela ukuzithethelela;

(c) lokuba ityala lakhe lixoxwe elubala phambi kwenkundla eqhelekileyo;

(d) lokuba ukuxoxwa kwetyala lakhe kuqalise kuze kufike esiphelweni ngaphandle kokulibaziseka okungavakaliyo;

(e) lokuba abekho xa kuxoxwa ityala lakhe;

(f) lokuba azikhethele igqwetha aze amelwe lilo, kwaye aziswe ngeli lungelo msinya;

(g) lokuba anikwe igqwetha ngurhulumente ngeendleko zikarhulumente, ukuba ngokungalinikwa kungakho intswela-bulungisa enkulu, kwaye aziswe ngeli lungelo msinya;

(h) lokuba athathwe njengomntu omsulwa, athule, anganiki bungqina ekuxoxweni kwetyala;

(i) lokuba anike ubungqina kwaye abuphikise ubungqina obunikiweyo;

(j) lokuba anganyanzelwa ukunika ubungqina obumdyobha ngetyala;

(k) lokuba lixoxwe ityala lakhe ngolwimi aluqondayo, kungenjalo ukuba akunakwenzeka oko, atolikelwe ngolo lwimi aluqondayo kwelo tyala;

(l) lokuba angafunyaniswa enetyala lokwenza isenzo okanye lokungenzi isenzo esasingekuko ukwaphul' umthetho ngokomthetho welizwe okanye ngokomthetho wamazwe ngamazwe ngexesha awasenza ngalo okanye ngexesha angazange asenze ngalo;

(m) lokuba angaxoxisw' ityala ngokwaphul' umthetho mayela nokwenza okanye ukungenzi isenzo awayesele efunyaniswe engenatyala okanye awayesele efunyaniswe enetyala ngaso;

(n) lokuba afumane esona sincinane kwizohlwayo ezitshiwo ngumthetho ukuba isohlwayo esifunwa ngumthetho sokwaphul' umthetho siye satshintshwa kwixesha eliphakathi kokwaphula kwakhe umthetho nokugwetywa kwakhe;

(o) nelokubhenela kwinkundla engentla okanye ityala lakhe liqwalaselwe ngokutsha yiyo.

(4) Nanini na xa esi siqendu sifuna ukuba umntu anikwe ingcombolo, makayinikwe loo ngcombolo ngolwimi aluqondayo.

(5) Ubungqina obufunyenwe ngendlela enyhasha ilungelo elikuMqulu wamaLungelo mabungamkelwa ukuba ukwamkelwa kwabo kuya kukwenza ukuxoxwa kwetyala kube kokungenabulungisa okanye kube nobungozi ekusingathweni kobulungisa.

Ukusikelwa umda kwamalungelo

36. (1) Amalungelo akuMqulu wamaLungelo anokusikelwa umda kuphela ngokomthetho osebenza kuwonkewonke, kodwa ukusikelwa umda oko kube kokunokubonelela nokuthethelelekayo kuluntu olukhululekileyo lwentando yesininzi oluhlonela sokuba ngumntu, ukulingana nenkululeko, kuvelelwa zonke iinkalo emazivelelwe, eziquka–

(a) ubunjani belungelo;

(b) ukubaluleka kwenjongo yokusikelwa umda;

(c) ubunjani bokusikelwa umda nobungakanani bako;

(d) ikhonkco phakathi kokusikelwa umda nenjongo yako;

(e) nokusetyenziswa kweyona ndlela ingcathu yokuyifeza loo njongo.

(2) Ngaphandle kokuba kwenziwa ngendlela exelwe kwisiqendwana (1) okanye exelwe kwezinye iinxalenye zoMgaqo-siseko, akukho mthetho onokuthi ulisikel' umda ilungelo elikuMgaqo-siseko.

Iimeko zequbuliso

37. (1) Kunokwenziwa isibhengezo sobukho bemeko yequbuliso kuphela ngokoMthetho wePalamente, kunjalonje kuphela xa–

(a) ubomi besizwe busongelwa yimfazwe, luhlaselo, luvukelo, sisiphithiphithi, yintlekele yendalo okanye yenye imeko yequbuliso echaphazela uluntu; kube

(b) ukwenziwa kwesibhengezo kuyimfuneko ukuze kubuye kubekho uxolo nocwangco.

(2) Ukubhengezwa kwemeko yequbuliso, kunye nawo nawuphi na umthetho wepalamente owisiweyo okanye elinye inyathelo elithatyathiweyo elisisiphumo sokwenziwa kweso sibhengezo, kunokuqalisa ukusebenza kuphela–

(a) kwixesha elisengaphambili;

(b) ixesha elingengaphezulu kweentsuku ezingama-21 ukususela kumhla wokwenziwa kwesibhengezo, ngaphandle kokuba iNdlu yoWiso-mthetho igqiba kwelokuba ilolule ixesha lesibhengezo. INdlu inokulolula ixesha lesibhengezo semeko yequbuliso ixesha elingengaphezulu kweenyanga ezintathu ngexesha. Ukolulwa kokuqala kwemeko yequbuliso makube ngesigqibo esamkelwe ngevoti ekuxhasayo oko yesininzi samalungu eNdlu. Nakuphi na ukolulwa okulandelayo emva koko makube ngesigqibo esamkelwe ngevoti ekuxhasayo oko yamalungu eNdlu angama-60 ekhulwini ubuncinane. Isigqibo esingokwesi siqendu sinokwamkelwa kuphela emva kwengxoxo yasesidlangalaleni kwiNdlu.

(3) Nayiphi na inkundla enegunya lokukwenza oko inokuthath’ isigqibo ngokufaneleka–

(a) kwesibhengezo semeko yequbuliso;

(b) ngokolulwa kwexesha lesibhengezo semeko yequbuliso; okanye

(c) kwawo nawuphi na umthetho wepalamente owisiweyo, okanye elinye inyathelo elithatyathiweyo ngenxa yokubhengezwa kwemeko yequbuliso.

(4) Nawuphi na umthetho wepalamente owiswe ngenxa yokubhengezwa kwemeko yequbuliso unokutenxa kuMqulu wamaLungelo kuphela ngokwenqanaba–

(a) elifunwa ngokungqongqo yimeko yequbuliso leyo;

(b) lokuba umthetho wepalamente–

(i) uvisisane neembopheleleko iRiphablikhi enazo ngokomthetho wamazwe ngamazwe osebenza kwiimeko zequbuliso;

(ii) uvisisane nesiqendwana (5); kwaye

(iii) upapashwe kuShicilelo-Mithetho lukaRhulumente (Government Gazette) lwezwelonke msinya kangangoko kunokwenzeka emva kokuba uwisiwe.

(5) Akukho Mthetho wePalamente ogunyaza ukubhengezwa kwemeko yequbuliso, kwaye akukho mthetho wepalamente owisiweyo okanye elinye inyathelo elithatyathwe ngenxa yesibhengezo, onokuthi uvumele okanye ugunyaze-

(a) ukukhululwa kukarhulumente okanye nawuphi na omnye umntu ekuphenduleni ngeziphumo zesenzo esingekho mthethweni;

(b) ukuphambuka kokutshiwo sesi siqendu; okanye

(c) ukuphambuka kwisiqendu esikhankanywe kumhlathi wesiCangca samaLungelo Angenakunyhashwa, ngokwenqanaba elibonisiwe kweso siqendu kumhlathi 3 wesiCangca.

IsiCangca samaLungelo Angenakunyhashwa

1 **Isiqendu**	**2** **Umxholo kweso siqendu**	**3** **Ubungakanani bokukhuseleka kwelungelo**
9	Ukulingana	Ngokumayela nocalulo olungenabulungisa, kuphela xa lulolobuhlanga, lulolwebala, lulolobuzwe okanye lulolwemvelaphi ngokwasentlalweni, lulolwesondo, lulolonqulo okanye ololwimi.
10	Sokuba Ngumntu	Ngokupheleleyo
11	Ubomi	Ngokupheleleyo
12	Inkululeko nokukhuseleka komntu	Ngokumayela nesiqendwana (1)(d) no-(e) no-2(c).
13	Ubukhoboka nomsebenzi wesinyanzelo	Ngokumayela nobukhoboka

1 **Isiqendu**	2 **Umxholo kweso siqendu**	3 **Ubungakanani bokukhuseleka kwelungelo**
28	Abantwana	Ngokumayela: • nesiqendwana (1)(d) no-(e); • namalungelo akwisiqendwana (i) nesesi-(ii) kwisiqendwana (1)(g); kunye • nesiqendwana (1)(i) ngokumayela nabantwana abaminyaka ili-15 nangaphantsi.
35	Abantu ababanjiweyo, abavalelweyo nabamangalelweyo	Ngokumayela: • nesiqendwana (1)(a), (b) no-(c) no-(2)(d); • namalungelo akwisiqendu (a) ukuya ku-(o) kwisiqendwana (3), ngaphandle kwesiqendu (d); • nesiqendwana (4); • nesiqendwana (5) ngokumayela nokungamkelwa kobungqina ukuba ukwamkelwa kwabo kuya kukwenza ukuxoxwa kwetyala kube kokungenabulungisa.

(6) Nanini na xa umntu evalelwe akwaxoxwa tyala ngenxa yokunyhashwa kwamalungelo okuzalwa kukubhengezwa kwemeko yongxamiseko, makunikelw' ingqalelo kwimiqathango elandelayo:

(a) makuqhagamshelwane msinya kangangoko kunokwenzeka nelungu losapho elingumntu omdala okanye umhlobo womntu ovalelweyo, aziswe into yokuba umntu ovalelweyo uvalelwe;

(b) makupapashwe isaziso kuShicilelo-Mithetho LukaRhulumente lwezwelonke zingaphelanga iintsuku ezintlanu evalelwe umntu lowo, kuxelwe igama lomntu ovalelweyo nendawo avalelwe kuyo, kuxelwe nenyathelo lemeko yequbuliso avalelwe ngenxa yalo loo mntu;

(c) umntu ovalelweyo makavunyelwe ukuba azikhethele ugqirha aze atyelelwe nguye nangaliphi na ixesha elifanelekileyo;

(d) umntu ovalelweyo makavunyelwe ukuba azikhethele igqwetha, aze atyelelwe lilo nangaliphi na ixesha elifanelekileyo;

(e) inkundla mayikuqwalasele ngokutsha ukuvalelwa kwakhe msinya kangangoko kunokwenzeka, kodwa kungadanga kuphele iintsuku ezili-10 emva komhla

awavalelwa ngawo umntu, kwaye inkundla mayimkhulule umntu ovalelweyo ngaphandle kokuba kuyimfuneko ukumgcina evalelwe ukuze kubuye kubekho uxolo nocwangco;

(f) mntu ovalelweyo ongakhululwanga xa kuqwalaselwa ngokutsha ukuvalelwa kwakhe ngokwesiqendu (e), okanye ongakhululwanga xa kuqwalaselwa ngokutsha ukuvalelwa kwakhe ngokwesi siqendu, unokwenza isicelo enkundleni sokunye kwakhona ukuqwalaselwa ngokutsha kokuvalelwa kwakhe nangaliphi na ixesha emva kokuba ziphelile iintsuku ezili-10 ukususela ekuqwalaselweni ngokutsha kwangaphambili, kwaye inkundla mayimkhulule umntu lowo uvalelweyo ngaphandle kokuba kuseyimfuneko ukumgcina evalelwe ukuze kubuye kubekho uxolo nocwangco;

(g) umntu ovalelweyo makavunyelwe ukuba avele buqu phambi kwayo nayiphi na inkundla eqwalasela ukuvalelwa kwakhe, amelwe ligqwetha koko kuqwalaselwa, kwaye atsho afuna ukukutsho ngokuqhubeka kwakhe evalelwe;

(h) urhulumente makanike inkundla izizathu ezibhaliweyo ezikwenza kuthetheleleke ukuqhubeka kwakhe evalelwe, kwaye makanike umntu ovalelweyo ikopi yezo zizathu ubuncinane kusasele iintsuku ezimbini ngaphambi kokuba inkundla ikuqwalasele ngokutsha ukuvalelwa kwakhe.

(7) Ukuba inkundla iyamkhulula umntu ovalelweyo, loo mntu akanakuvalelwa kwakhona ngezizathu ezifanayo ngaphandle kokuba urhulumente uqale abonise inkundla isizathu esivakalayo sokumvalela ngokutsha.

(8) Isiqendwana (6) nese-(7) azisebenzi kubantu abangengabo abaseMzantsi-Afrika nabavalelwe ngenxa yongquzulwano lwamazwe ngamazwe kuxhotyiwe. Ndaweni yoko, urhulumente makenze okufunwa yimigaqo enkqamangela iRiphablikhi phantsi komthetho wamazwe ngamazwe wokuboniswa kobuntu ngokumayela nokuvalelwa kwabo bantu.

Ukunyanzeliswa kwamalungelo

38. Nabani na odweliswe kwesi siqendu unelungelo lokuya kwinkundla enegunya elifanelekileyo, esithi ilungelo elikuMqulu wamaLungelo linyhashiwe okanye lisemngciphekweni wokunyhashwa, inokuthi ke inkundla yenze uncedo olufunekayo, oluquka ukuvakaliswa kwamalungelo. Abantu abanokuthi baye enkundleni ngaba–

(a) nabani na omele isiqu sakhe;
(b) nabani na omele omnye umntu ongakwaziyo yena ukuzimela;
(c) nabani na olilungu leqela elithile labantu okanye omela elo qela ukuba alincede;
(d) nabani na ofuna ukunceda uluntu;
(e) nombutho ofuna ukunceda amalungu awo.

Ukuchazwa kwentsingiselo yoMqulu wamaLungelo

39. (1) Xa ichaza intsingiselo yoMqulu wamaLungelo, inkundla, abachopheli-matyala okanye abachopheli-mcimbi–
(a) mayikhuthaze izithethe ezisisiseko zoluntu olukhululekileyo lwentando yesininzi oluxabise isidima sokuba ngumntu, ukulingana nenkululeko;
(b) mayiqwalasele umthetho wamazwe ngamazwe; kananjalo
(c) isenokuthi iqwalasele umthetho welinye ilizwe.

(2) Xa zichaza intsingiselo yawo nawuphi na umthetho wepalamente, naxa ziphucula umthetho ongabhalwanga phantsi okanye umthetho wakwantu, zonke iinkundla, abachopheli-matyala okanye abachopheli-mcimbi mabakhuthaze umoya nenjongo yoMqulu wamaLungelo.

(3) UMqulu wamaLungelo awubukhanyeli ubukho bamanye amalungelo okanye iinkululeko ezivunywayo ngumthetho ongabhalwanga phantsi okanye ezifumaneka kuwo, nakumthetho wakwantu okanye kumthetho wepalamente, kuphela nje xa evisisana noMqulu wamaLungelo.

ISAHLUKO 3

URHULUMENTE WENTSEBENZISWANO

Urhulumente weRiphabikhi

40. (1) KwiRiphablikhi, urhulumente wahlulahlulwe wangamanqwanqwa, urhulumente welizwe, oorhulumente bamaphondo, noorhulumente basekuhlaleni, bengoorhulumente abazimeleyo, omnye exhomekeke komnye, bekwahlobene.

(2) Onke amanqwanqwa karhulumente makayigcine kwaye anamathele kuyo imigaqo ekwesi Sahluko kwaye makayenze yonke imisebenzi yawo ngokwemida esikwe sesi Sahluko.

Imigaqo karhulumente wentsebenziswano nobudlelane phakathi koorhulumente

41. (1) Onke amanqwanqwa karhulumente nawo onke amacandelo karhulumente kwinqwanqwa ngalinye–

(a) makalondoloze uxolo, ubunye bezwelonke nokungabi nakwahlulwa kweRiphablikhi;

(b) makalwele intlalo-ntle yabantu beRiphablikhi;

(c) makabe ngurhulumente osebenza ngempumelelo, osebenzela elubala, ophendulayo, nobumbeneyo weRiphablikhi xa ewonke;

(d) makanyaniseke kuMgaqo-siseko, kwiRiphablikhi nabantu bayo;

(e) makahlonele ubume boMgaqo-siseko, amaziko, amagunya nemisebenzi karhulumente kwamanye amanqwanqwa;

(f) makangathabatheli kuwo naliphi na igunya okanye umsebenzi ngaphandle kwelo alinikwa ngokoMgaqo-siseko;

(g) makasebenzise amagunya awo, enze nemisebenzi yawo ngendlela engagxuphulekiyo kumhlaba nakwimisebenzi karhulumente okwelinye inqwanqwa; kwaye

(h) makasebenzisane ngokuthembana–

(i) ngokukhuthaza ubudlelane obunobuhlobo;

(ii) ngokuncedisana nokuxhasana;

(iii) ngokwazisana, nokubonisana, ngemicimbi ebadibanisayo;

(iv) ngokulungelelanisa izenzo zawo nemithetho yawo yepalamente;
(v) ngokunamathela kwiinkqubo ekuvunyelenwe ngazo;
(vi) nangokukuphepha ukuthabathelana amanyathelo omthetho.

(2) UMthetho wePalamente–

(a) mawuseke izakhiwo namaziko okukhuthaza nokwenza lula ubudlelane phakathi koorhulumente; kwaye
(b) makathi gqi namacebo neenkqubo ezifanelekileyo zokwenza lula ukulungiswa kweembambano eziphakathi koorhulumente.

(3) Icandelo likarhulumente elibandakanyeke kwimbambano ephakathi koorhulumente malenze onke amatiletile afanelekileyo okuyizinzisa loo mbambano ngokusebenzisa amacebo neenkqubo ezikholo loo njongo, kwaye maliwasebenzise liwagqibe onke amanye amacebo ngaphambi kokuba libhenele enkundleni ukusombulula imbambano.

(4) Ukuba inkundla ayanelisekanga kwinto yokuba kuhlangatyezwene neemfuneko zesiqendwana (3), isenokuyibuyisela imbambano emva kumacandelo karhulumente abandakanyekileyo.

ISAHLUKO 4

IPALAMENTE

Indlela eyakheke ngayo iPalamente

42. (1) IPalamente–
   (a) yiNdlu yoWiso-mthetho;
   (b) neBhunga lamaPhondo leZwelonke.

(2) INdlu yoWiso-mthetho kunye neBhunga lamaPhondo leZwelonke zithabath' inxaxheba kwinkqubo yowiso-mthetho ngendlela echazwe kuMgaqo-siseko.

(3) INdlu yoWiso-mthetho inyulelwe ukumela abantu nokuqinisekisa ukulawula kwabantu phantsi koMgaqo-siseko. Ikwenza oku ngokukhetha uMongameli, ngokuba liqonga lezwelonke lokugwadlwa kwemicimbi esidlangalaleni, ngokuphumeza imithetho nangokuphononongа izenzo zikarhulumente.

(4) IBhunga lamaPhondo leZwelonke limela amaphondo ukuqinisekisa ukuba izinto ezichaphazela amaphondo zithathelw' ingqalelo kurhulumente wezwelonke. Likwenza oku ikakhulu ngokuthabath' inxaxheba kwinkqubo yowiso-mthetho yezwelonke nangokuba liqonga lezwelonke lokugwadlwa esidlangalaleni kwemicimbi echaphazela amaphondo.

(5) UMongameli usenokuthi nangaliphi na ixesha abize iPalamente ukuba ihlale ngexesha elingelilo elokuhlala kwayo ukuze yenze imisebenzi ekhethekileyo.

(6) Ikomkhulu lePalamente liseKapa, kodwa uMthetho wePalamente owiswe ngokwesiqendu 76(1) nese-(5) usenokuthi ikomkhulu lePalamente malibe kwenye indawo.

Igunya lokuwis' umthetho leRiphablikhi

43. KwiRiphablikhi, igunya lokuwis' umthetho–
   (a) lorhulumente wezwelonke likwiPalamente, njengoko kuchazwe kwisiqendu 44;
   (b) loorhulumente bamaphondo, likwizindlu zowiso-mthetho zamaphondo, njengoko kuchazwe kwisiqendu 104; lize
   (c) eloorhulumente basekuhlaleni libe kumaBhunga ooMasipala, njengoko kuchazwe kwisiqendu 156.

Igunya lokuwis' umthetho kwizwelonke

44. (1) Igunya lowiso-mthetho lezwelonke njengoko likwiPalamente–

a) lithi jize kwiNdlu yoWiso-mthetho igunya–

(i) lokwenza utshintsho kuMgaqo-siseko;

(ii) lokuphumeza imithetho ngawo nawuphi na umcimbi, kuquka nomcimbi okummandla wentsebenzo odweliswe kwiSihlomelo 4, kodwa, ngokulawulwa sisiqendwana (2), awuqukwanga umcimbi okummandla wentsebenzo odweliswe kwiSihlomelo 5;

(iii) nelokuphathisa amagunya okuwis' umthetho iwaphathisa naliphisa na iqumrhu lowiso-mthetho elikwelinye inqwanqwa likarhulumente, ngaphandle kwegunya lokwenz' utshintsho kuMgaqo-siseko; kwaye

(b) lithi jize kwiBhunga lamaPhondo leZwelonke igunya–

(i) lokuthabath' inxaxheba ekwenzen' utshintsho kuMgaqo-siseko ngokwesiqendu 74;

(ii) lokuphumeza, ngokwesiqendu 76, imithetho ngawo nawuphi na umcimbi owela kummandla wentsebenzo okwiSihlomelo 4 nangawo nawuphi na umcimbi ofunwa nguMgaqo-siseko ukuba uphunyezwe ngokwesiqendu 76;

(iii) nelokuqwalasela, ngokwesiqendu 75, nawuphi na omnye umthetho ophunyezwe yiNdlu yoWiso-mthetho.

(2) IPalamente inokuthi, ngokuphumez' umthetho ngokwesiqendu 76(1), ingenelele kuwo nawuphi na umcimbi owela kummandla wentsebenzo odweliswe kwiSihlomelo 5, xa kuyimfuneko–

(a) ukuze kukhuseleke ilizwe;

(b) ukuze kubekho ubunye kuqoqosho;

(c) ukuze kubekho imilinganiselo eyimfuneko yezwelonke;

(d) ukuze kubekho imilinganiselo esisiseko efunekayo ukuze kunikezelwe ngeenkonzo; okanye

(e) ukuthintela isenzo esingabhadlanga esenziwa liphondo esithi sibe nobungozi kwelinye iphondo okanye elizweni lonke.

(3) Imithetho yepalamente engomcimbi oyimfuneko ukuze lisetyenziswe ngokuphumelelayo igunya ngawo nawuphi na umcimbi odweliswe kwiSihlomelo 4, iyimithetho engomcimbi odweliswe kwiSihlomelo 4.

(4) Xa isebenzisa igunya layo lowiso-mthetho, iPalamente inkqanyangelwa kuphela nguMgaqo-siseko, kwaye imele yenze ngokoMgaqo-siseko, nangokwemida eyisikelwa nguMgaqo-siseko.

Imigaqo yendibaniselwano nemiyalelo neekomiti eziyindibaniselwano

45. (1) INdlu yoWiso-mthetho kunye neBhunga lamaPhondo leZwelonke mabaseke ikomiti yemigaqo yendibaniselwano ukuze iqulunqe imigaqo nemiyalelo ngemicimbi eyindibaniselwano yeNdlu neyeBhunga, kuquka nemigaqo nemiyalelo–

(a) yokwenza isigqibo ngeenkqubo zokwenza lula inkqubo yowiso-mthetho, kuquka nokubek' umda kwixesha lokuqukumbela naliphi na inyathelo kwinkqubo;

(b) yokuseka iikomiti zendibaniselwano ezinabameli abavela kokubini kwiNdlu nakwiBhunga ukuze ziqwalasele iMithetho eYilwayo ukuze zenze ingxelo ngayo, ekuyiMithetho eYilwayo ekuthethwe ngayo kwisiqendu 74 nesama-75 ethi ibhekiswe kuloo komiti;

(c) yokuseka ikomiti yendibaniselwano yokuqwalasela ngokutsha uMgaqo-siseko ubuncinane qho ngonyaka;

(d) neyokulawula imicimbi–

(i) yekomiti yemigaqo yendibaniselwano;

(ii) yeKomiti yoLamlo;

(iii) yekomiti yokuqwalaselwa ngokutsha koMgaqo-siseko; kunye

(iv) nazo naziphi na iikomiti zendibaniselwano ezisekwe ngokwesiqendu (b).

(2) Amalungu eKhabhinethi, namalungu eNdlu yoWiso-mthetho kunye nabathunywa kwiBhunga lamaPhondo leZwelonke banamalungelo afanayo nokungabi nakubekwa tyala okufanayo phambi kwekomiti yendibaniselwano yeNdlu neyeBhunga kanye njengokuba benaloo malungelo phambi kweNdlu okanye phambi kweBhunga.

INdlu yoWiso-mthetho

Indlela eyakhiwe ngayo nonyulo

46. (1) INdlu yoWiso-mthetho inabantu ababhinqileyo nabangamadoda abangekho abangekho ngaphantsi kwama-350 kodwa bengekho ngaphezulu kwama-4000 abanyulwe njengamalungu ngokwenkqubo yonyulo–
    (a) efunwa ngumthetho wepalamente wezwelonke;
    (b) esekelwe kumqulu wabavoti wezwelonke;
    (c) ethi eyona minyaka yobudala iphantsi yokuvota mayibe li-18;
    (d) eyenza ukuba, ngokubanzi, kubekho ukumelwa ngokulinganayo.

(2) UMthetho wePalamente mawuxele indlela yokuqingqa inani lamalungu eNdlu yoWiso-mthetho.

[Isiqendwana (1) senziwa utshintsho sisiqendu 1 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003 nasisiqendu 1 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

Ubulungu

47. (1) Wonke ummi ofanelekayo ukuba avotele iNdlu yoWiso-mthetho uyafaneleka ukuba abe lilungu leNdlu, ngaphandle–
    (a) komntu oqeshwe ngurhulumente, okanye osebenzela urhulumente, kwaye efumana umvuzo ngoko kuqeshwa okanye ngoko kumsebenzela, engenguye–
        (i) uMongameli, uSekela-Mongameli, aBaphathiswa nooSekela-Mphathiswa;
        (ii) abasezikhundleni abamisebenzi yabo ihambelanayo nemisebenzi yelungu leNdlu, kwaye ibe loo misebenzi ivakaliswe ngumthetho wepalamente wezwelonke ihambelana nemisebenzi yelungu leNdlu;
    (b) abangengabo abathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke okanye abangengawo amalungu endlu yowiso-mthetho yephondo okanye eBhunga likaMasipala;
    (c) abangengabo abavakaliswe yinkundla bengakwazi ukuwahlawula amatyala abo kwaye bengekaphumi kuloo meko;
    (d) ongenguye ovakaliswe yinkundla yeRiphablikhi engongaphilanga engqondweni; okanye

(e) ongenguye othe, emva kokuba esi siqendu siqalise ukusebenza, wafunyaniswa enetyala lokwaphul' umthetho waza wagwetywa ixesha elingaphezu kweenyanga ezili-12 entolongweni engakhethiswanga fayini, nokuba kulapha kwiRiphablikhi okanye kungaphandle kweRiphablikhi, ukuba isenzo esikukwaphul' umthetho besiya kuba kukwaphul' umthetho kwiRiphablikhi, kodwa akukho mntu onokuthathwa njengogwetyiweyo de kube kwenziwe isigqibo ngesibheno sakhe nxamnye nokufunyaniswa kwakhe enetyala okanye nxamnye nesigwebo sakhe, okanye de libe ixesha lokubhena liphelile. Ukungafaneleki okutshiwo sesi siqendu kuphela emva kweminyaka emihlanu sigqityiwe isigwebo.

(2) Umntu ongafanelekiyo ukuba abe lilungu leNdlu yoWiso-mthetho ngokwesiqendwana (1)(a) okanye (b) unokuzigqatsela ukuba kwiNdlu, kodwa ke ngokulawulwa yimida okanye yimiqathango ebekwe ngumthetho wepalamente wezwelonke.

(3) Umntu uyalahlekelwa bubulungu beNdlu yoWiso-mthetho ukuba–

(a) uyayeka ukuba ngofanelekayo; okanye

(b) uthi angabikho kwiNdlu ngaphandle kwemvume kwiimeko ethi imigaqo nemiyalelo yeNdlu iyalele ukuba makalahlekelwe bubulungu; okanye

(c) uyayeka ukuba lilungu lombutho owamchongayo loo mntu ukuba abe lilungu leNdlu yoWiso-mthetho.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 2 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003 nasisiqendu 2 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(4) Izithuba ezikhoyo kwiNdlu yoWiso-mthetho mazivalwe ngokomthetho wepalamente wezwelonke .

Isifungo okanye isibhambathiso

48. Ngaphambi kokuba amalungu eNdlu yoWiso-mthetho aqalise ukwenza imisebenzi yawo kwiNdlu yoWiso-mthetho, makathabathe isifungo okanye enze isibhambathiso sokuthembeka kwiRiphablikhi nesokuthobela uMgaqo-siseko, ngokweSihlomelo 2.

Ubude bexesha leNdlu yoWiso-mthetho

49. (1) INdlu yoWiso-mthetho inyulelwa ixesha eliyiminyaka emihlanu.

(2) Ukuba iNdlu yoWiso-mthetho ithi ichithwe ngokwesiqendu 50, okanye xa kuphela ixesha layo, uMongameli makathi, ngokwenza isihlokomiso, amemelele ukuba kubekho unyulo aze axele imihla yalo, lunyulo olo omalubekho zingaphelanga iintsuku ezingama-90 ukususela kumhla eyachithwa ngawo iNdlu yoWiso-mthetho okanye ukususela kumhla wokuphela kwexesha layo. Isihlokomiso esimemelela unyulo nesixela imihla yalo sinokukhutshwa ngaphambi kokuphela kwexesha leNdlu yoWiso-mthetho okanye emva kokuphela kwalo.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 1 soMthetho Wesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-1999.]

(3) Ukuba isiphumo sonyulo lweNdlu yoWiso-mthetho asibhengezwa lo gama kuselixesha elimiselwe ngokwesiqendu 190, okanye ukuba unyulo luthi luphuthiswe yinkundla, uMongameli makathi, ngokwenza isihlokomiso, amemelele olunye unyulo aze axele imihla yalo, lunyulo olo omalubekho zingaphelanga iintsuku ezingama-90 ukususela ekupheleni kwelo xesha okanye ukususela kumhla olwathi unyulo lwaphuthiswa ngawo.

(4) INdlu yoWiso-mthetho iqhubeka inako ukusebenza ukususela kwixesha echithwa ngalo okanye ukususelwa kwixesha lokuphelelwa kwayo, kude kube yimini eyandulela usuku lokuqala lokuvotela iNdlu elandelayo.

Ukuchithwa kweNldu yoWiso-mthetho ngaphambi kokuphela kwexesha layo

50. (1) UMongameli makayichithe iNdlu yoWiso-mthetho ukuba–

(a) iNdlu yoWiso-mthetho yamkele isigqibo sokuyichitha ngevoti exhasayo yesininzi samalungu ayo; naxa

(b) kudlule iminyaka emithathu ukususela ekunyulweni kweNdlu.

(2) UMongameli oBambeleyo makayichithe iNdlu yoWiso-mthetho ukuba–

(a) kukho isithuba kwisikhundla sikaMongameli; naxa

(b) iNdlu ingamnyulanga uMongameli omtsha kwisithuba seentsuku ezingama-30 sidalekile isithuba eso.

Ukuhlala kwayo namaxesha ekhefu

51. (1) Emva konyulo, ukuhlala kokuqala kweNdlu yoWiso-mthetho makube ngexesha nangomhla ogqitywe yiJaji eyiNtloko, kodwa zingade ziphele iintsuku ezili-14 sibhengeziwe isiphumo sonyulo. INdlu inokuzenzela isigqibo ngexesha nangobude bexesha lokunye ukuhlala kwayo nangamaxesha ayo ekhefu.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 1 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) UMongameli unokuthi nangaliphi na ixesha abize iNdlu yoWiso-mthetho ukuba ihlale ngexesha elingelilo lokuhlala ukuze yenze imisebenzi ekhethekileyo.

(3) Ukuhlala kweNdlu yoWiso-mthetho kwiindawo ezingelilo ikomkhulu lePalamente kuvumeleke kuphela ngezizathu zokunced' uluntu, zokhuseleko okanye ukufaneleka, naxa kuvunyelwa yimigaqo nayimiyalelo yeNdlu.

USihlalo noSekela-Sihlalo wePalamente

52. (1) Ekuhlanganeni kwayo okokuqala emva kokunyulwa, okanye xa kufuneka kuvalwe Ekuhlaleni kwayo kokuqala emva konyulo, okanye xa kuyimfuneko ukuvala isithuba, iNdlu yoWiso-mthetho mayinyule uSihlalo noSekela-Sihlalo kumalungu ayo.

(2) IJaji eyiNtloko mayongamele ukunyulwa kukaSihlalo, okanye ichonge enye ijaji ukuba ikwenze oko. USihlalo yena wongamela ukunyulwa kukaSekela-Sihlalo.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 2 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Inkqubo echazwe kwiCandelo A leSihlomelo 3 isebenza ekunyulweni kukaSihlalo noSekela-Sihlalo.

(4) INdlu yoWiso-mthethho inokumshenxisa esikhundleni uSihlalo okanye uSekela-Sihlalo ngokuthath' isigqibo. Makubekho isininzi samalungu eNdlu xa kusamkelwa eso sigqibo.

(5) Ngokwemigaqo yayo nemiyalelo, iNdlu yoWiso-mthetho isenokunyula kumalungu ayo amanye amagosa okongamela ukuba ancedise uSihlalo noSekela-Sihlalo.

Izigqibo

53. (1) Ngaphandle kwaxa uMgaqo-siseko utsho okwahlukileyo–
 (a) makubekho isininzi samalungu eNdlu yoWiso-mthetho ngaphambi kokuba kuvotelwe uMthetho oYilwayo okanye uMthetho oYilwayo wokwenz’ utshintsho;
 (b) makubekho ubuncinane isinye kwisithathu samalungu ngaphambi kokuba kuvotelwe nawuphi na omnye umbandela ophambi kweNdlu; kananjalo
 (c) yonke imibandela ephambi kweNdlu igqitywa ngesininzi seevoti.

(2) Ilungu leNdlu yoWiso-mthetho elongameleyo kwintlanganiso yeNdlu alinakuthabath’ inxaxheba kwiingxoxo, kodwa–
 (a) malivote kwivoti yokwenz’ isigqibo xa iivoti zilingana macala kumbandela okhoyo; kwaye
 (b) linokuthabath’ inxaxheba kwiingxoxo xa umbandela oxoxwayo kufuneka ugqitywe ngevoti yesibini kwisithathu ubuncinane samalungu eNdlu.

Amalungelo amalungu athile eKhabhinethi nooSekela-Mphathiswa kwiNdlu yoWiso-mthetho

54. UMongameli, kunye nalo naliphi na ilungu leKhabhinethi okanye uSekela-Mphathiswa ongelilo ilungu leNdlu yoWiso-mthetho unokuthi, ngokulawulwa yimigaqo nayimiyalelo yeNdlu, abekho kwaye athethe kwiNdlu, kodwa akavumelekanga ukuba avote.

[Isiqendu 54 sathatyathelw’ indawo sisiqendu 3 soMthetho Wokwenz’ Utshintsho KuMgaqo-siseko ka-2001.]

Amagunya eNdlu yoWiso-mthetho

55. (1) Ekusebenziseni igunya layo lokuwis’ imithetho, iNdlu yoWiso-mthetho–
 (a) inokuqwalasela nawuphi na umthetho ophambi kweNdlu, iwuphumeze, yenze utshintsho kuwo okanye iwukhabe; kwaye
 (b) inokuwuqalisa ngokwayo umthetho okanye iwulungiselele, ngaphandle kweMithetho eYilwayo yemali.

(2) INdlu yoWiso-mthetho mayithi gqi namacebo–
 (a) okuqinisekisa ukuba onke amacandelo karhulumente akulawulo kurhulumente wezwelonke ayaphendula kuyo;
 (b) nawokuba liliso–

(i) ekusetyenzisweni kwegunya lokulawula kwizwelonke, kuquka nokwenziwa kwemithetho isebenze;
(ii) nakulo naliphi na icandelo likarhulumente.

Ubungqina okanye ingcombolo phambi kweNdlu yoWiso-mthetho

56. INdlu yoWiso-Mthetho okanye nayiphi na ikomiti kwiikomiti zayo-
(a) inokubiza nawuphi na umntu ukuba avele phambi kwayo ukuze anike ubungqina efungile okanye enze isibhambathiso sokutheth' inyaniso, okanye avelise amaxwebhu;
(b) isenokufuna ukuba nawuphi na umntu okanye iziko lenze ingxelo kuyo;
(c) isenokunyanzela nawuphi na umntu okanye umbutho ngokomthetho wezwelonke okanye ngokwemigaqo nemiyalelo, ukuba athobele umsila wengwe okanye enze okufunwayo ngokwesiqendu (a) okanye (b); kwaye
(d) isenokwamkela izicelo okanye okuvela nakuwuphi na umntu ochaphazelekayo okanye imibutho echaphazelekayo.

Amalungiselelo angaphakathi neenkqubo zeNdlu yoWiso-mthetho

57. (1) INdlu yoWiso-mthetho-
(a) inokwenza izigqibo ngamalungiselelo ayo angaphakathi nangeenkqubo zayo ize izilawule; kananjalo
(b) inokwenza imigaqo nemiyalelo ngemicimbi yayo, ikwenza oko ikhumbula intando yesininzi yokumelwa kwabantu nokuthabath' inxaxheba kwabo, ukuphendula, ukusebenzela elubala, nokubandakanyeka koluntu.

(2) Imigaqo nemiyalelo yeNdlu yoWiso-mthetho mayixele–
(a) ukuba zisekwa njani, zakhiwe njani, iikomiti zayo, ayintoni amagunya azo, nemisebenzi yazo, neenkqubo zazo nobude bexesha lobukho;
(b) ukuthabath' inxaxheba kwamaqela amancinane amelweyo kwiNdlu, ethabath' inxaxheba kwiinkqubo zeNdlu nakwiikomiti zayo, ngendlela evisisana nentando yesininzi;
(c) uncedo lwemali nololawulo kwiqela ngalinye elimelweyo kwiNdlu ngokulingana nokumelwa kwalo, ukuze iqela elo nenkokeli yalo liyenze imisebenzi yalo kwiNdlu ngempumelelo; kananjalo
(d) nokwamkelwa kwenkokeli yelona qela likhulu liphikisayo kwiNdlu njengeNkokeli yeQela Eliphikisayo.

Ukungabi nakubekwa tyala

58. (1) Amalungu eKhabhinethi, ooSekela-Mphathiswa namalungu eNdlu yoWiso-mthetho–
   - (a) anenkululeko yokuthetha kwiNdlu nakwiikomiti zayo, kodwa ke ngokulawulwa yimigaqo nayimiyalelo yayo; kwaye
   - (b) akanakumangalelwa ngetyala lembambano okanye lolwaphulo-mthetho, abanjwe, avalelwe entolongweni okanye afunw' imbuyekezo ngomonakalo odalwe-
     - (i) yiyo nayiphi na into ayithethileyo kwiNdlu okanye ayivelisa phambi kwayo okanye kwiikomiti zayo; okanye
     - (ii) yiyo nayiphi na into ethe yatyhileka ngenxa yento ayithethileyo kwiNdlu, okanye ayivelisa phambi kwayo okanye kwiikomiti zayo.

(2) Ezinye izinto engenakubekwa tyala ngazo iNdlu yoWiso-mthetho, amalungu eKhabhinethi namalungu eNdlu zinokutshiwo ngumthetho wepalamente wezwelonke.

(3) Imivuzo, iimalana ezisecaleni namaqithiqithi ahlawulwa amalungu eNdlu yoWiso-mthetho ziimali ezitsalwa ngqo kwiNgxowa-mali yeNgeniso yeLizwe.

[Isiqendu 58 senziwa utshintsho sisiqendu 4 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Ukungena koluntu kwiNdlu yoWiso-mthetho nokubandakanyeka kwalo

59. (1) INdlu yoWiso-mthetho–
   - (a) mayenze ukuba uluntu lubandakanyeke kwiinkqubo zowiso-mthetho nakwezinye iinkqubo zendlu nezeekomiti zayo; kwaye
   - (b) mayiwenze umsebenzi wayo elubala, iintlanganiso zayo, nezeekomiti zayo, zibe selubala, kodwa ke kusenokuthatyathwa amanyathelo afanelekileyo–
     - (i) okukulawula ukungena koluntu, kuquka nokungena kwamajelo eendaba, kwiNdlu nakwiikomiti zayo; nawokuba
     - (ii) asetshwe umntu kwaye, xa kufanelekile, alelwe ukuba angene okanye akhutshwe.

(2) INdlu yoWiso-mthetho ayivumelekanga ukuba ilwalele uluntu, kuquka namajelo eendaba, ukungena kwintlanganiso yekomiti, ngaphandle kokuba kufanelekile kwaye kuyathetheleleka ukwenza njalo kuluntu olukhululekileyo lwentando yesininzi.

IBhunga lamaPhondo leZwelonke

Indlela elakhiwe ngayo iBhunga leZwelonke

60. (1) IBhunga lamaPhondo leZwelonke linegqiza elinye labathunywa abalishumi abavela kwiphondo ngalinye.

(2) Aba bathunywa balishumi–

(a) ngabathunywa abane abakhethekileyo–

(i) abayiNkulumbuso yephondo okanye, ukuba iNkulumbuso ayifumaneki, naliphi na ilungu leNdlu yoWiso-mthetho yephondo elichongwe yiNkulumbuso ilichongela yonke imisebenzi okanye umsebenzi othile okhethekileyo ophambi kweBhunga lamaPhondo leZwelonke; kunye

(ii) nabanye abathunywa abathathu abakhethekileyo

(b) nabathunywa abathandathu abasisigxina abamiselwe ngokwesiqendu 61(2).

(3) Igqiza likhokelwa yiNkulumbuso yephondo okanye, ukuba iNkulumbuso ayifumaneki, likhokelwe lilungu legqiza lephondo elichongwe yiNkulumbuso.

Ukwabiwa kwabathunywa

61. (1) Amaqela amelweyo kwindlu yowiso-mthetho yephondo anelungelo lokuba nabathunywa kwigqiza lephondo ngokwendlela echazwe kwiCandelo B leSihlomelo 3.

(2) (a) Indlu yowiso-mthetho yephondo mayithi, zingaphelanga iintsuku ezingama-30 sibhengeziwe isiphumo sonyulo saloo ndlu yowiso-mthetho-

(i) ithathe isigqibo, ngokomthetho wepalamente wezwelonke, sokuba ngabathunywa abangaphi kubathunywa bombutho ngamnye abaza kuba ngabathunywa abasisigxina, bebangaphi abaza kuba ngabathunywa abakhethekileyo;

(ii) ize imisele abathunywa abasisigxina ngokokuchonga okwenziwe ngamaqela.

(b) ....

[Isiqendu (b) sitsityiwe ngokokutsho kwesiqendu 1 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 1 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002 nasisiqendu 1 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(3) Umthetho wepalamente wezwelonke ekuthethwa ngawo kwisiqendwana (2)
(a) mawuqinisekise ukuthabath' inxaxheba kwamaqela amancinane kokubini kubathunywa abasisigxina nabakhethekileyo begqiza ngendlela evisisana nentando yesininzi.

(4) Indlu yowiso-mthetho, ngokuvumelana neNkulumbuso neenkokeli zamaqela anelungelo lokuba nabathunywa abakhethekileyo kwigqiza lephondo mayichonge abathunywa abakhethekileyo, njengoko kuman' ukufuneka ngamaxesh' athile, iwachonga kumalungu endlu yowiso-mthetho.

Abathunywa abasisigxina

62. (1) Umntu ochongiweyo ukuba abe ngumthunywa osisigxina makabe ngofanelekileyo ukuba abe lilungu lendlu yowiso-mthetho yephondo.

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

(3) Abathunywa abasisigxina bamiselwa ukuba babe ngabo ixesha eliphela-

(a) ngaphambi nje kokuhlala kokuqala kwendlu yowiso-mthetho yephondo emva konyulo lwayo olulandelayo.

(b) ....

[Isiqendu (b) sitsityiwe ngokokutsho kwesiqendu 2 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]
[Isiqendwana (3) sathatyathelw' indawo sisiqendu 2 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002 saza kwakhoa sathatyathelw' indawo soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(4) Umntu uyayeka ukuba ngumthunywa osisigxina ukuba–

(a) uthi angafaneleki ukuba lilungu lendlu yowiso-mthetho yephondo ngaso nasiphi na isizathu esingekuko ukumiselwa njengomthunywa osisigxina;

(b) uba lilungu leKhabhinethi;

(c) akasathenjwa yindlu yowiso-mthetho yephondo uze umbutho owamchongayo uthi makabuye;

(d) uyayeka ukuba lilungu lombuthho owamchongayo uze loo mbutho uthi makabuye; okanye

(e) uthi angabikho kwiBhunga lamaPhondo leZwelonke ngaphandle kwemvume

kwiimeko ethi kuyo imigaqo nemiyalelo yeBhunga ifunise ukuba alahlekelwe sisikhundla sokuba ngumthunywa osisigxina.

(5) Izithuba ezikhoyo kubathunywa abasisigxina mazivalwe ngokomthetho wepalamente wezwelonke.

(6) Ngaphambi kokuba abathunywa abasisigxina baqalise ukwenza imisebenzi yabo kwiBhunga lamaPhondo leZwelonke, mabafunge okanye benze isibhambathiso sokuthembeka kwiRiphablikhi nesokuthobela uMgaqo-siseko, ngokweSihlomelo 2.

Ukuhlala kweBhunga leZwelonke

63. (1) IBhunga lamaPhondo leZwelonke linokwenz' isigqibo ngexesha nangobude bexesha lokuhlala kwalo namaxesha alo ekhefu.

(2) UMongameli usenokuthi nangaliphi na ixesha abize iBhunga lamaPhondo leZwelonke ukuba lihlale ngexesha elingelilo elokuhlala ukuze lenze imisebenzi ekhethekileyo.

(3) Ukuhlala kweBhunga lamaPhondo leZwelonke kwiindawo ezizezinye ezingelilo ikomkhulu lePalamente kuvumeleke kuphela ngezizathu ezizezokunced' uluntu, ukhuseleko okanye ukufaneleka, naxa kuvunyelwa yimigaqo nayimiyalelo yeBhunga.

USihlalo nooSekela-Sihlalo

64. (1) IBhunga lamaPhondo leZwelonke malinyule uSihlalo nooSekela-Sihlalo ababini kubathunywa balo.

(2) USihlalo nomnye wooSekela-Sihlalo banyulwa kubathunywa abasisigxina iminyaka emihlanu ngaphandle kokuba amaxesha abo okuba ngabathunywa aphela ngaphambi koko.

(3) Omnye uSekela-Sihlalo unyulelwa ixesha elingunyaka omnye, ize ke indawo yakhe ithatyathwe ngumthunywa ovela kwelinye iphondo, ngaloo ndlela iphondo ngalinye lifumane ukumelwa.

(4) IJaji eyiNtloko mayongamele ukunyulwa kukaSihlalo, kungenjalo ichonge enye ijaji ukuba ikwenze oko. USihlalo yena wongamela ukunyulwa kooSekela-Sihlalo.

[Isiqendwana (4) sathatyathelw' indawo sisqendu 5 soMthetho Wesithandathu Wokwenz' Utshinstho KuMgaqo-siseko ka-2001.]

(5) Inkqubo echazwe kwiCandelo A leSihlomelo 3 iyasebenza ekunyulweni kukaSihlalo nooSekela-Sihlalo.

(6) IBhunga lamaPhondo leZwelonke linokumshenxisa uSihlalo okanye uSekela-Sihlalo esikhundleni.

(7) Ngokwemigaqo nemiyalelo yalo, iBhunga lamaPhondo leZwelonke lisenokunyula kubathunywa amanye amagosa awongamelayo ukuba ancedise uSihlalo nooSekela-Sihlalo.

Izigqibo

65. (1) Ngaphandle kokuba uMgaqo-siseko utsho okwahlukileyo–

(a) iphondo ngalinye livota kube kanye, kuvota oko okwenziwa egameni lephondo, kusenziwa yintloko yegqiza lalo; kwaye

(b) yonke imibandela ephambi kweBhunga lamaPhondo leZwelonke sukuba kuvunyelwene ngayo xa ubuncinane emahlanu amaphondo avota evumelana naloo mbandela.

(2) UMthetho wePalamente owiswe ngokwenkqubo yesiqendwana (1) okanye yesi-(2) kwisiqendu 76, mawuxele inkqubo engumfaniselwano ekuthi ngayo izindlu zowiso-mthetho zamaphondo zigunyaze amagqiza azo ukuba avote egameni lazo.

Uthabatho-nxaxheba lwabaphathiswa bakazwelonke

66. (1) Amalungu eKhabhinethi kunye nooSekela-Mphathiswa banokubakho, kunjalonje bathethe, kwiBhunga lamaPhondo leZwelonke, kodwa abavumelekanga ukuba bavote.

(2) IBhunga lamaPhondo leZwelonke lisenokufuna ukuba ilungu leKhabhinethi, uSekela-Mphathiswa okanye igosa elikurhulumente wezwelonke okanye elikurhulumente wephondo libekho kwintlanganiso yeBhunga okanye kwikomiti yeBhunga.

Uthabatho-nxaxheba lwabameli boorhulumente basekuhlaleni

67. Abameli abangxungxileyo abangekho ngaphezu kweshumi abachongwe ngurhulumente wasekuhlaleni ocwangcisiweyo ngokwesiqendu 163 ukuba bamele iindidi ngeendidi zoomasipala banokuthi, xa kuyimfuneko, bathabath' inxaxheba kokwenziwa liBhunga lamaPhondo leZwelonke, kodwa abavumelekanga ukuba bavote.

Amagunya eBhunga leZwelonke

68. Ekusebenziseni igunya lalo lokuwis' umthetho, iBhunga lamaPhondo leZwelonke–

(a) lisenokuqwalasela, liphumeze, lenz' utshintsho, licebise ukuba kwenziwe utshintsho kuwo nawuphi na umthetho ophambi kweBhunga okanye liwukhabe, ngokuvumelana nesi Sahluko; kwaye

(b) lisenokuwuqalisa ngokwalo umthetho okanye liwulungiselele, kungumthetho owela kummandla wentsebenzo odweliswe kwiSihlomelo 4 okanye omnye umthetho ekuthethwe ngawo kwisiqendu 76(3), kodwa alivumelekanga ukuba liqalise iMithetho eYilwayo yemali okanye liyilungiselele.

Ubungqina okanye ingcombolo phambi kweBhunga leZwelonke

69. IBhunga lamaPhondo leZwelonke okanye iikomiti zalo–

(a) lisenokubiza nawuphi na umntu ukuba avele phambi kwalo aze kunika ubungqina efungile okanye enze isibhambathiso sokutheth' inyaniso okanye aze kuvelisa amaxwebhu—

(b) lisengafuna naliphi na iziko okanye umntu ukuba enze ingxelo kulo;

(c) lisenganyanzelisa nawuphi na umntu okanye iziko, ngokomthetho wepalamente wezwelonke okanye ngokwemigaqo nemiyalelo, ukuba athobele umsila wengwe okanye enze okufunwayo ngokwesiqendu (a) okanye (b); kwaye

(d) lisenokwamkela izicelo, okutshiwo ngabantu abachaphazelekayo okanye imibutho echaphazelekayo.

Amalungiselelo angaphakathi, neenkqubo zeBhunga leZwelonke

70. (1) IBhunga lamaPhondo leZwelonke–

(a) lisenokwenz' isigqibo ngamalungiselelo angaphakathi, nangeenkqubo zalo lize lizilawule; kwaye

(b) lisenokuqulunqa imigaqo nemiyalelo engemisebenzi yalo, kucingelwa intando yesininzi yokumelwa nokuthabath' inxaxheba, ukuphendula, ukusebenzela elubala nokubandakanyeka koluntu.

(2) Imigaqo nemiyalelo yeBhunga lamaPhondo leZwelonke mayithethe–

(a) ngokusekwa kweekomiti zalo, iindlela ezakhiwe ngayo, amagunya azo, imisebenzi yazo, iinkqubo zalo nobude bexesha bazo;

(b) ngokuthabath' inxaxheba kwawo amaphondo koko ikwenzayo ngokuvisisana nentando yesininzi;

(c) nangokuthabath' inxaxheba kwamaqela amancinane amelweyo kwiBhunga, ethabath' inxaxheba kokwenziwayo liBhunga naziikomiti zalo, ngendlela evisisana nentando yesininzi, nanini na xa umcimbi uza kugqitywa ngokwesiqendu 75.

Ukungabi nakubekwa tyala

71. (1) Abathunywa kwiBhunga lamaPhondo leZwelonke nabantu ekuthethwe ngabo kwisiqendu 66 nesama-67–

(a) banenkululeko yokuthetha kwiBhunga nakwiikomiti zalo, kodwa ke ngokulawulwa yimigaqo nayimiyalelo yalo; kwaye

(b) abanakumangalelwa ngetyala lembambano okanye lolwaphulo-mthetho, babanjwe, bavalelwe entolongweni okanye bafunw' imbuyekezo ngomonakalo odalwe–

(i) yiyo nayiphi na into abayithethileyo kwiBhunga, okanye bayivelisa phambi kwayo okanye kwiikomiti zalo; okanye

(ii) yiyo nayiphi na into ethe yatyhileka ngenxa yento abayithethileyo kwiBhunga okanye bayivelisa phambi kwalo okanye kwiikomiti zalo.

(2) Ezinye izinto elingenakubekwa tyala ngazo iBhunga lamaPhondo leZwelonke, abathunywa kwiBhunga, nabantu ekuthethwe ngabo kwisiqendu 66 nesama-67 zinokutshiwo ngumthetho wepalamente wezwelonke.

(3) Imivuzo, iimalana ezisecaleni namaqithiqithi ahlawulwa amalungu asisigxina eBhunga lamaPhondo leZwelonke ziimali ezitsalwa ngqo kwiNgxowa-mali yeNgeniso yeLizwe.

Ukubakho koluntu nokuthabath' inxaxheba kwalo kwiBhunga leZwelonke

72. (1) IBhunga lePhondo leZwelonke–

(a) malenze ukuba uluntu lubandakanyeke kwiinkqubo zowiso-mthetho nakwezinye iinkqubo zeBhunga nezeekomiti zalo; kwaye

(b) maliwenze umsebenzi walo elubala, iintlanganiso zalo, nezeekomiti zalo, zibe selubala, kodwa ke kusenokuthatyathwa amanyathelo afanelekileyo–

(i) okukulawula ukungena koluntu, kuquka nokungena kwamajelo eendaba, kwiBhunga neekomiti zalo; nawokuba
(ii) asetshwe umntu kwaye, xa kufanelekile, alelwe ukuba angene okanye akhutshwe.

(2) IBhunga lamaPhondo leZwelonke alivumelekanga ukuba lilwalele uluntu , kuquka namajelo eendaba, ukungena kwintlanganiso yekomiti, ngaphandle kokuba kufanelekile kwaye kuyathetheleleka ukwenza njalo kuluntu olukhululekileyo lwentando yesininz.

Inkqubo Yowiso-mthetho Yezwelonke

Yonke iMithetho eYilwayo

73. (1) Nawuphi na uMthetho oYilwayo unokungeniswa kwiNdlu yoWiso-mthetho.

(2) Kuphela lilungu leKhabhinethi okanye uSekela-Mphathiswa, okanye ilungu lekomiti yeNdlu yoWiso-mthetho elinokuthi lingenise uMthetho oYilwayo kwiNdlu, kodwa kuphela lilungu leKhabhinethi eliphathiswe imicimbi yemali yezwelonke elinokungenisa le Mithetheo iYilwayo ilandelayo kwiNdlu:
(a) uMthetho oYilwayo wemali; okanye
(b) uMthetho oYilwayo omayela nomthetho wepalamente ekuthethwa ngawo kwisiqendu 214.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 1(a) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Umthetho oYilwayo ekuthethwa ngawo kwisiqendu 76(3), ngaphandle koMthetho oYilwayo ekuthethwa ngawo kwisiqendwana (2)(a) okanye (b) kwesi siqendu, unokungeniswa kwiBhunga lamaPhondo leZwelonke.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 1(b) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(4) Kuphela lilungu leBhunga lamaPhondo leZwelonke okanye ikomiti yalo enokuthi ingenise uMthetho oYilwayo kwiBhunga.

(5) UMthetho oYilwayo ophunyezwe yiNdlu yoWiso-mthetho mawuthunyelwe kwiBhunga lamaPhondo leZwelonke ukuba kufuneka uqwalaselwe liBhunga. UMthetho oYilwayo ophunyezwe liBhunga mawuthunyelwe kwiNdlu.

IMithetho eYilwayo eyenz' utshintsho kuMgaqo-siseko

74. (1) Isiqendu 1 kunye nesi siqendwana zinokwenziwa utshintsho nguMthetho oYilwayo ophunyezwe–
    - (a) yiNdlu yoWiso-mthetho, ngevoti exhasayo ubuncinane yama-75 ekhulwini kumalungu ayo;
    - (b) naliBhunga lamaPhondo leZwelonke, ngevoti exhasayo ubuncinane yamaphondo amathandathu.

(2) ISahluko 2 sinokwenziwa utshintsho nguMthetho oYilwayo ophunyezwe–
- (a) yiNdlu yoWiso-mthetho, ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo;
- (b) naliBhunga lamaPhondo leZwelonke, ngevoti exhasayo ubuncinane yamaphondo amathandathu.

(3) Nakuphi na okunye okutshiwo nguMgaqo-siseko kunokwenziwa utshintsho nguMthetho oYilwayo ophunyezwe–
- (a) yiNdlu yoWiso-mthetho, ngevoti exhasayo ubuncinane yesibini kwisithathu kumalungu ayo;
- (b) naliBhunga lamaPhondo leZwelonke, ngevoti exhasayo ubuncinane yamaphondo amathandathu, ukuba utshintsho olo–
  - (i) luphathelele kumcimbi ochaphazela iBhunga;
  - (ii) luguqula imida yamaphondo, amagunya, imisebenzi okanye amaziko; okanye
  - (iii) lwenz' utshintsho kokumayela nomcimbi wamaphondo.

(4) UMthetho oYilwayo owenz' utshintsho kuMgaqo-siseko awuvumelekanga ukuba uqulathe izinto ezingelulo utshintsho kuMgaqo-siseko nemicimbi engenanto yakwenza notshintsho.

(5) Ubuncinane kusasele iintsuku ezingama-30 ngaphambi kokuba uMthetho oYilwayo owenz' utshintsho kuMgaqo-siseko ungeniswe ngokwesiqendu 73(2), umntu okanye ikomiti eceba ukungenisa loo Mthetho uYilwayo–
- (a) mayipapashe kuShicilelo-Mithetho LukaRhulumente lwezwelonke iinkcukacha zotshintsho olucetywayo ukuze uluntu luvakalise izimvo, ikwenza oko ngokuvumelana nemigaqo nemiyalelo yeNdlu yoWiso-mthetho;
- (b) mayingenise ezo nkcukacha kwizindlu zowiso-mthetho zamaphondo ukuze kufumaneke izimvo zazo, ikwenza oko ngokwemigaqo nemiyalelo yeNdlu; kwaye

(c) mayingenise ezo nkcukacha kwiBhunga ukuze kuxoxwe esidlangalaleni, ikwenza oko ngokwemigaqo nemiyalelo yeBhunga lamaPhondo leZwelonke, ukuba utshintsho olucetywayo asilotshintsho ekufuneka luphunyezwe liBhunga.

(6) Xa uMthetho oYilwayo owenz' utshintsho kuMgaqo-siseko ungeniswa, umntu okanye ikomiti ewungenisayo uMthetho oYilwayo lowo makangenise izimvo ezibhaliweyo ezifunyenwe eluntwini nakwizindlu zowiso-mthetho zamaphondo-

(a) zingeniswe kuSihlalo ukuze zithiwe thaca kwiNdlu yoWiso-mthetho; kuze kuthi

(b) ukuba lutshintsho ekuthethwe ngalo kwisiqendwana (1), (2), okanye (3)(b), zingeniswe kuSihlalo weBhunga lamaPhondo leZwelonke ukuze zithiwe thaca kwiBhunga.

(7) Umthetho oYilwayo owenz' utshintsho kuMgaqo-siseko akuvumelekanga ukuba mawuvotelwe kwiNdlu yoWiso-mthetho zingaphelanga iintsuku ezingama-30 -

(a) zokungeniswa kwawo, ukuba iNdlu ihleli xa uMthetho oYilwayo lowo ungeniswa; okanye

(b) zokuthiwa thaca kwawo kwiNdlu, ukuba iNdlu ikwikhefu xa uMthetho oYilwayo lowo ungeniswa.

(8) Ukuba uMthetho oYilwayo ekuthethwe ngawo kwisiqendwana (3)(b), okanye nayiphi na inxalenye yoMthetho oYilwayo, ingephondo elithile kuphela okanye amaphondo athile kuphela, iBhunga lamaPhondo leZwelonke alivumelekanga ukuba liwuphumeze loo Mthetho uYilwayo okanye iinxalenye zawo ngaphandle kokuba oko kuvunywe yindlu yowiso-mthetho yephondo echaphazelekayo okanye zizindlu zowiso-mthetho zamaphondo ezichaphazelekayo.

(9) UMthetho oYilwayo owenz' utshintsho kuMgaqo-siseko ophunyezwe yiNdlu yoWiso-mthetho naliBhunga lamaPhondo leZwelonke, apho kufanelekileyo, mawuthunyelwe kuMongameli ukuze awuvume.

IMithetho eYilwayo eqhelekileyo engawachaphazeliyo amaphondo

75. (1) Xa iNdlu yoWiso-mthetho iphumeza uMthetho oYilwayo ongenguwo uMthetho oYilwayo ekusebenza kuwo inkqubo echazwe kwisiqendu 74 okanye 76, loo Mthetho uYilwayo mawuthunyelwe kwiBhunga lamaPhondo leZwelonke uze uqhutywe ngokwenkqubo elandelayo:

(a) IBhunga–
   (i) maliwuphumeze loo Mthetho uYilwayo;
   (ii) maliwuphumeze loo Mthetho uYilwayo ngomqathango wokuba kuphunyezwe notshintsho olucetywa lilo; okanye
   (iii) maliwukhabe loo Mthetho uYilwayo.
(b) ukuba iBhunga liyawuphumeza uMthetho oYilwayo ngaphandle kokucebisa ukuba kwenziwe utshintsho, loo Mthetho uYilwayo mawusiwe kuMongameli ukuba awuvume;
(c) ukuba iBhunga liyawukhaba uMthetho oYilwayo okanye liyawuphumeza ngomqathango wokuba kuphunyezwe notshintsho olucetywa lilo, iNdlu mayiwuqwalasele ngokutsha loo Mthetho uYilwayo, ithabathel' ingqalelo naluphi na utshintsho olucetywa liBhunga, kwaye–
   (i) isenokuwuphumeza loo Mthetho uYilwayo kwakhona, unotshintsho okanye ungenalo; okanye
   (ii) isenokugqiba kwelokuba ingaqhubeki naloo Mthetho uYilwayo.
(d) UMthetho oYilwayo ophunyezwe yiNdlu ngokwesiqendu (c) mawusiwe kuMongameli ukuze awuvume.

(2) Xa iBhunga lamaPhondo leZwelonke livotela umcimbi othile ngokwesi siqendu, isiqendu 65 asisebenzi; endaweni yoko–
(a) umthunywa ngamnye kwigqiza lephondo unevoti enye;
(b) ubuncinane makubekho isinye kwisithathu sabathunywa ngaphambi kokuba kuvotwe ngombandela okhoyo; kwaye
(c) umbandela lowo mawugqitywe ngesininzi seevoti, kodwa ukuba iivoti ziyalingana macala, umthunywa owongameleyo makafake ivoti yokwenz' isigqibo.

IMithetho eYilwayo eqhelekileyo echaphazela amaphondo

76. (1) Xa iNdlu yoWiso-mthetho iphumeza uMthetho oYilwayo ekuthethwe ngawo kwisiqendwana (3), (4) okanye (5), loo Mthetho uYilwayo mawuthunyelwe kwiBhunga lamaPhondo leZwelonke uze uqhutywe ngale ndlela ilandelayo:
(a) iBhunga–
   (i) maliwuphumeze uMthetho oYilwayo;
   (ii) maliwuphumeze loo Mthetho uYilwayo unotshintsho olwenziweyo; okanye

(iii) maliwukhabe loo Mthetho uYilwayo.

(b) ukuba iBhunga liwuphumeza uMthetho oYilwayo ungenalutshintsho, loo Mthetho uYilwayo mawusiwe kuMongameli ukuze awuvume;

(c) ukuba iBhunga liwuphumeza uMthetho oYilwayo unotshintsho, loo Mthetho uYilwayo onotshintsho mawuthunyelwe kwiNdlu, kuze kuthi ukuba iNdlu iyawuphumeza loo Mthetho uYilwayo onotshintsho, usiwe kuMongameli ukuze awuvume;

(d) ukuba iBhunga liyawukhaba uMthetho oYilwayo, okanye ukuba iNdlu iyala ukuwuphumeza uMthetho oYilwayo onotshintsho ekuthethwe ngawo kwisiqendu (c), loo Mthetho uYilwayo, kwakunye noMthetho oYilwayo onotshintsho, mawuthunyelwe kwiKomiti yoLamlo, esenokuthi ivumelane–

(i) ngaloo Mthetho uYilwayo ngendlela ophunyezwe ngayo yiNdlu;

(ii) ngendlela ophunyezwe ngayo liBhunga; okanye

(iii) ithi gqi nohlobo olwahlukileyo lwaloo Mthetho uYilwayo.

(e) ukuba iKomiti yoLamlo ayikwazi ukuvumelana zingaphelanga iintsuku ezingama-30 zokuthunyelwa koMthetho oYilwayo kuyo, loo Mthetho uYilwayo uyaphelelwa ngaphandle kokuba iNdlu iyaphinda iwuphumeze kwakhona, kodwa ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo;

(f) ukuba iKomiti yoLamlo iyavumelana ngoMthetho oYilwayo ngendlela ophunyezwe ngayo yiNdlu, loo Mthetho uYilwayo mawuthunyelwe kwiBhunga, lize lithi ukuba liyawuphumeza, usiwe kuMongameli ukuze awuvume;

(g) ukuba iKomiti yoLamlo iyavumelana ngoMthetho oYilwayo onotshintsho ngendlela ophunyezwe ngayo liBhunga, loo Mthetho uYilwayo mawuthunyelwe kwiNdlu, uze uthi ukuba uphunyeziwe yiNdlu, usiwe kuMongameli ukuze awuvume;

(h) ukuba iKomiti yoLamlo ivumelana ngolunye uhlobo lwaloo Mthetho uYilwayo, olo hlobo olulolunye loMthetho oYilwayo maluthunyelwe kwiNdlu nakwiBhunga, uze uthi ukuba uyaphunyezwa yiNdlu naliBhunga, usiwe kuMongameli ukuba awuvume;

(i) ukuba uMthetho oYilwayo othunyelwe kwiBhunga ngokwesiqendu (f) okanye (h) awuphunyezwa liBhunga, loo Mthetho uyaphelelwa ngaphandle kokuba iNdlu iyawuphumeza ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo;

(j) ukuba uMthetho oYilwayo othunyelwe kwiNdlu ngokwesiqendu (g) okanye (h) awuphunyezwa yiNdlu, loo Mthetho uYilwayo uyaphelelwa, kodwa loo Mthetho uYilwayo ngendlela owawuphunyezwe ngayo yiNdlu unokuphinda uphunyezwe yiNdlu kwakhona, kodwa ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo;

(k) uMthetho oYilwayo ophunyezwe yiNdlu ngokwesiqendu (e), (i) okanye (j) mawusiwe kuMongameli ukuze awuvume.

(2) Xa iBhunga lamaPhondo leZwelonke liwuphumeza uMthetho oYilwayo ekuthethwe ngawo kwisiqendwana (3), loo Mthetho uYilwayo mawuthunyelwe kwiNdlu yoWiso-mthetho uze qhutywe ngale ndlela ilandelayo:

(a) iNdlu–

(i) mayiwuphumeze uMthetho oYilwayo;

(ii) mayiwuphumeze loo Mthetho uYilwayo unotshintsho; okanye

(iii) mayiwukhabe loo Mthetho uYilwayo.

(b) uMthetho oYilwayo ophunyezwe yiNdlu ngokwesiqendu (a)(i) mawusiwe kuMongameli ukuze awuvume;

(c) ukuba iNdlu iphumeza uMthetho uYilwayo onotshintsho, loo Mthetho uYilwayo onotshintsho mawuthunyelwe kwiBhunga, lize lithi iBhunga ukuba liyawuphumeza, usiwe kuMongameli ukuze awuvume;

(d) ukuba iNdlu iyawukhaba loo Mthetho uYilwayo, okanye ukuba iBhunga liyala ukuwuphumeza uMthetho uYilwayo onotshintsho ekuthethwe ngawo kwisiqendu (c), loo Mthetho uYilwayo kunye noMthetho oYilwayo onotshintsho, ukuba ukho, mawuthunyelwe kwiKomiti yoLamlo, esenokuthi ivumelane–

(i) ngaloo Mthetho uYilwayo ngendlela ophunyezwe ngayo liBhunga;

(ii) ngoMthetho oYilwayo onotshintsho ngendlela ophunyezwe ngayo yiNdlu; okanye

(iii) ngolunye uhlobo lwaloo Mthetho uYilwayo.

(e) ukuba iKomiti yoLamlo ayikwazi ukuvumelana zingaphelanga iintsuku ezingama-30 uthunyelwe kuyo loo Mthetho uYilwayo, loo Mthetho uYilwayo uyaphelelwa;

(f) ukuba iKomiti yoLamlo iyavumelana ngaloo Mthetho uYilwayo ngendlela ophunyezwe ngayo liBhunga, mawuthunyelwe kwiNdlu, kuze kuthi ukuba iNdlu iyawuphumeza, usiwe kuMongameli ukuze awuvume;

(g) ukuba iKomiti yoLamlo iyavumelana ngoMthetho oYilwayo onotshintsho ngendlela ophunyezwe ngayo yiNdlu, loo Mthetho uYilwayo mawuthunyelwe kwiBhunga, kuze kuthi ukuba uphunyeziwe lilo, usiwe kuMongameli ukuze awuvume;

(h) ukuba iKomiti yoLamlo ivumelana ngolunye uhlobo lwaloo Mthetho uYilwayo, olo hlobo lulolunye loMthetho oYilwayo maluthunyelwe kokubini kwiBhunga nakwiNdlu, uze uthi ukuba uyaphunyezwa liBhunga nayiNdlu, usiwe kuMongameli ukuze awuvume;

(i) ukuba uMthetho oYilwayo othunyelwe kwiNdlu ngokwesiqendu (f) okanye (h) awuphunyezwa yiNdlu, loo Mthetho uYilwayo uyaphelelwa.

(3) UMthetho oYilwayo mawuqhutywe ngokwenkqubo yesiqendwana (1) okanye yesiqendwana (2) ukuba uwela kummandla wentsebenzo odweliswe kwiSihlomelo 4 okanye ukuba ungemibandela ekuthethwa ngayo kwesinye seziqendu ezilandelayo:

(a) isiqendu 65(2);
(b) isiqendu 163;
(c) isiqendu 182;
(d) isiqendu 195(3) nese-(4);
(e) isiqendu 196;
(f) nesiqendu 197.

(4) UMthetho oYilwayo mawuqhutywe ngokwenkqubo yesiqendwana (1) ukuba ungombandela–

(a) ekuthethwa ngawo kwisiqendu 44(2) okanye 220(3); okanye
(b) ekuthethwa ngawo kwiSahluko 13, noquka nantoni na echaphazela imicimbi yeemali yoorhulumente bamaphondo.

[Isiqendu (b) sathatyathelw' indawo sisiqendu 1 soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

(5) UMthetho oYilwayo ekuthethwa ngawo kwisiqendu 42(6) mawuqhutywe ngokwenkqubo yesiqendwana (1), umahluko nje ngowokuba–

(a) xa iNdlu yoWiso-mthetho iwuvotela lo Mthetho uYilwayo, okutshiwo sisiqendu 53(1) akusebenzi; endaweni yoko, loo Mthetho uYilwayo unokuphunyezwa kuphela ukuba isininzi samalungu eNdlu siyawuvotela; nowokuba
(b) ukuba loo Mthetho uYilwayo uthunyelwe kwiKomiti yoLamlo, kusebenza le migaqo ilandelayo:

(i) ukuba iNdlu yoWiso-mthetho iqwalasela uMthetho oYilwayo ekuthethwa ngawo kwisiqendwana (1)(g) okanye (h), loo Mthetho uYilwayo unokuphunyezwa kuphela ukuba isininzi samalungu eNdlu siyawuvotela;

(ii) ukuba iNdlu yoWiso-mthetho iqwalasela okanye iqwalasela ngokutsha uMthetho oYilwayo ekuthethwa ngawo kwisiqendwana (1)(e), (i) okanye (j), loo Mthetho uYilwayo unokuphunyezwa kuphela ukuba uvotelwa ubuncinane sisibini kwisithathu samalungu eNdlu.

(6) Esi siqendu asisebenzi kwiMithetho eYilwayo yemali.

IMithetho eYilwayo yemali

77. (1) UMthetho oYilwayo unguMthetho oYilwayo wemali ukuba-

(a) waba imali;

(b) uhlawulisa iirhafu zezwelonke, nezinye iintlawulo;

(c) uphelisa okanye unciphisa iirhafu, okanye ukhulula abantu ekuhlawuleni iirhafu, nezinye iintlawulo;

(d) ugunyaza ukutsalwa kweemali ngqo kwiNgxowa-mali yeNgeniso yeLizwe, ngaphandle kokuba nguMthetho oYilwayo ekuthethwa ngawo kwisiqendu 214 ogunyaza ukutsalwa kwemali ngqo.

(2) UMthetho oYilwayo wemali awuvumelekanga ukuba uthethe ngeminye imicimbi ngaphandle-

(a) komcimbi owela ngaphantsi kowemali nonento yokwenza nokwabiwa kwemali;

(b) kokufunwa kweerhafu, ukupheliswa kwazo okanye ukuncitshiswa kwazo, nezinye iintlawulo;

(c) ukukhululwa kwabantu ekuhlawuleni iirhafu zezwelonke, neentlawulo ezizezinye; okanye

(d) ukugunyazwa kokutsala ngqo kwiNgxowa-mali yeNgeniso yeLizwe.

(3) Yonke iMithetho eYilwayo yemali mayiqwalaselwe ngokwenkqubo yesiqendu 75. UMthetho wePalamente mawuxele inkqubo yokwenz'utshintsho kwiMithetho eYilwayo yemali phambi kwePalamente.

[Isiqendu 77 sathatyathelw'indawo sisiqendu 2 soMthetho Wesixhenxe Wokwenz'Utshintsho KuMgaqo-siseko ka-2001.]

IKomiti yoLamlo

78. (1) IKomiti yoLamlo –
   (a) inamalungu alithoba eNdlu yoWiso-mthetho anyulwe yiNdlu ngokwenkqubo efunwa yimigaqo nayimiyalelo yeNdlu ethi idale ukumelwa kwamaqela kanye ngendlela elinganayo naleyo amaqela amelwe ngayo kwiNdlu; ize ibe
   (b) nomthunywa omnye ovela kwigqiza ngalinye lephondo kwiBhunga lamaPhondo leZwelonke, ochongwe ligqiza.
(2) IKomiti yoLamlo sukuba ivumelene ngohlobo omawube lulo uMthetho oYilwayo, okanye sukuba isenzile isigqibo, xa olo hlobo loMthetho oYilwayo, okanye eso sigqibo isenzileyo, sixhaswa–
   (a) ubuncinane ngabahlanu kubameli beNdlu yoWiso-mthetho;
   (b) nangabahlanu ubuncinane kubameli beBhunga lamaPhondo leZwelonke.

Ukuvunywa kweMithetho eYilwayo

79. (1) UMongameli makawuvume aze awutyikitye uMthetho oYilwayo ophunyezwe ngokwesi Sahluko, kungenjalo, ukuba unamathandabuzo ngokuvisisana kwawo noMgaqo-siseko, makawubuyisele kwiNdlu yoWiso-mthetho ukuze uqwalaselwe ngokutsha.
(2) Imigaqo nemiyalelo yendibaniselwano mayixele inkqubo yokuqwalaselwa ngokutsha koMthetho oYilwayo yiNdlu yoWiso-mthetho nokuthabath' inxaxheba kweBhunga lamaPhondo leZwelonke kuloo nkqubo.
(3) IBhunga lamaPhondo leZwelonke malithabath' inxaxheba ekuqwalaselweni ngokutsha koMthetho oYilwayo obuyiselwe nguMongameli kwiNdlu yoWiso-mthetho ukuba–
   (a) amathandabuzo kaMongameli ngokuvisisana koMthetho oYilwayo noMgaqo-siseko angomcimbi wenkqubo obandakanya iBhunga; okanye
   (b) isiqendu 74(1), (2) okanye (3)(b) okanye isiqendu 76 sasisebenza ekuphunyezweni kwaloo Mthetho uYilwayo.
(4) Ukuba, emva kokuqwalaselwa kwawo ngokutsha, uMthetho oYilwayo uwaphelisa ngokupheleleyo amathandabuzo kaMongameli, uMongameli makawuvume aze awutyikitye uMthetho oYilwayo lowo; ukuba akunjalo, uMongameli-
   (a) makawuvume aze awutyikitye uMthetho oYilwayo; okanye
   (b) awuthumele kwiNkundla yoMgaqo-siseko ukuze ithathe isigqibo ngokuvisisana kwawo noMgaqo-siseko.

(5) Ukuba iNkundla yoMgaqo-siseko igqiba kwelokuba uMthetho oYilwayo lowo uyavisisana noMgaqo-siseko, uMongameli makawuvume aze awutyikitye.

Isicelo esibhekiswa kwiNkundla yoMgaqo-siseko ngamalungu eNdlu yoWiso-mthetho

80. (1) Amalungu eNdlu yoWiso-mthetho asenokwenz' isicelo kwiNkundla yoMgaqo-siseko efuna umyalelo ovakalisa ukuba wonke uMthetho wePalamente okanye inxalenye yawo awuvisisani noMgaqo-siseko.

(2) Isicelo–

(a) masixhaswe ubuncinane sisinye kwisithathu samalungu eNdlu yoWiso-mthetho; kwaye

(b) masenziwe zingaphelanga iintsuku ezingama-30 ukususela kumhla uMongameli awawuvuma ngawo waza wawutyikitya uMthetho lowo.

(3) INkundla yoMgaqo-siseko isenokuyalela ukuba wonke uMthetho lowo okanye inxalenye ekwenziwa isicelo ngenxa yayo ngokwesiqendwana (1) awusebenzi okanye inxalenye yawo ayisebenzi de ibe iNkundla yenze isigqibo ngesicelo eso ukuba–

(a) kufuneka yenze njalo ukuze kwenzeke ubulungisa; sibe

(b) nesicelo eso kukho ithemba lokuba siza kuphumelela.

(4) Ukuba isicelo asiphumelelanga, kube bekungekho themba kakade lokuba siza kuphumelela, iNkundla yoMgaqo-siseko isenokuyalela ukuba kube ngabenzi-sicelo abahlawula iindleko.

Ukupapashwa kweMithetho

81. UMthetho oYilwayo ovunyiweyo waza watyikitywa nguMongameli uba nguMthetho wePalamente; mawupapashwe msinya, kwaye uqala ukusebenza wakuba upapashiwe okanye ngomhla ogqitywe ngokoMthetho lowo.

Ukugcinwa kwMithetho yePalamente

82. Ikopi etyikityiweyo yoMthetho wePalamente ibubungqina obupheleleyo bokutshiwo nguloo Mthetho; mawuthi ke, emva kokuba upapashiwe uphathiswe iNkundla yoMgaqo-siseko ukuba iwugcine.

ISAHLUKO 5

UMONGAMELI NORHULUMENTE WEZWELONKE

UMongameli

83. UMongameli–

(a) uyiNtloko yeLizwe nentloko karhulumente wezwelonke;

(b) makawuxhase, awukhusele kwaye awuhlonele uMgaqo-siseko njengomthetho owongamileyo weRiphablikhi; kwaye

(c) makakhuthaze ubunye belizwe kunye noko okuya kuphucula iRiphablikhi.

Amagunya nemisebenzi kaMongameli

84. (1) UMongameli unamagunya awaphathiswe nguMgaqo-siseko nayimithetho yepalamente, equka lawo ayimfuneko ukuze enze imisebenzi yokuba yiNtloko yeLizwe nentloko karhulumente wezwelonke.

(2) UMongameli unomsebenzi–
ukwamkela nokusayina imiThetho eYilwayo;

(a) wokuvuma iMithetho eYilwayo aze ayityikitye;

(b) wokuphindisa emva kwiNdlu yoWiso-mthetho uMthetho oYilwayo ukuze uqwalaselwe ngokutsha ukuba uyavisisana kusini na noMgaqo-siseko;

(c) wokuthumela kwiNkundla yoMgaqo-siseko uMthetho oYilwayo ukuze yenze isigqibo ngokuvisisana kwawo noMgaqo-siseko;

(d) wokubiza iNdlu yoWiso-mthetho, iBhunga lamaPhondo leZwelonke okanye iPalamente eyibizela ukuba ihlale ngexesha elingelilo eliqhelekileyo ukuze yenze imisebenzi ekhethekileyo;

(e) wokuba amisele abantu ezikhundleni ekufunwa nguMgaqo-siseko okanye ngumthetho wepalamente ukuba abamisele, engakwenzi njengentloko karhulumente wezwelonke;

(f) wokuba amisele iikomishoni zophando;

(g) wokuba amemelele ukuba kwenziwe uvavanyo-zimvo ngokoMthetho wePalamente;

(h) wokuba amkele amagosa ozakuzelwano amanye amazwe kwaye abuvume ubugosa bawo;

(i) wokuba amisele oonozakuzaku, namagosa agunyaziweyo ozakuzelwano;
(j) wokuxolela abonileyo nokucima iifayini, izohlwayo okanye impahla ebithathwe ngokomthetho;
(k) nowokuthi jize amawonga.

[Qaphela: Amazwi okuwonga akuShicilelo-Mithetho LukaRhulumente 24155 lomhla wesi-6 kuDisemba 2002 nakuShicilelo-Mithetho LukaRhulumente 25213 yomhla wama-25 kuJulayi 2003.]

Igunya loburhulumente leRiphablikhi

85. (1) Igunya loburhulumente leRiphablikhi likuMongameli.

(2) UMongameli usebenzisa igunya loburhulumente, ekunye namanye amalungu eKhabhinethi, ngokuthi–
(a) ayenze isebenze imithetho yepalamente yezwelonke ngaphandle kwalapho uMgaqo-siseko okanye uMthetho wePalamente utsho okwahlukileyo;
(b) ayiphuhlise aze ayenze isebenze inkqubo yezwelonke;
(c) alungelelanise imisebenzi yamasebe karhulumente namaziko akhe olawulo;
(d) alungiselele aze awuqalise umthetho oza kuba ngumthetho wepalamente; nangokuthi
(e) enze nawuphi na omnye umsebenzi woburhulumente oxeliweyo kuMgaqo-siseko okanye kwimithetho yepalamente yezwelonke.

Ukunyulwa kukaMongameli

86. (1) Ekuhlaleni kwayo kokuqala emva kovoto, naxa kuyimfuneko ukuvala isithuba, iNdlu yoWiso-mthetho mayinyule umntu olibhinqa okanye oyindoda kumalungu ayo abe nguMongameli.

(2) IJaji eyiNtloko mayongamele ekunyulweni kukaMongameli, okanye ichonge enye ijaji ukuba yenze oko. Kusebenza inkqubo echazwe kwiCandelo A leSihlomelo 3 ekunyulweni koMongameli.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 6 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Unyulo lokuvalis' isithuba kwisikhundla sokuba nguMongameli maluqhutywe ngexesha nangomhla ogqitywe yiJaji eyiNtloko, kodwa kungade kuphele iintsuku ezingama-30 sidalekile isithuba eso.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 6 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Ukungena esikhundleni kukaMongameli

87. Xa umntu enyulelwe ukuba nguMongameli uyayeka ukuba lilungu leNdlu yoWiso-mthetho kwaye makuthi, zingaphelanga iintsuku ezintlanu, angene esikhundleni ngokufunga okanye ngokubhambathisa ukuthi uza kuthembeka kwiRiphablikhi aze athobele uMgaqo-siseko, ngokuvumelana neSihlomelo 2.

Ixesha lokuba sesikhundleni kukaMongameli

88. (1) Ixesha lokuba sesikhundleni kukaMongameli liqala ekungeneni kwakhe esikhundleni lize liphele kusakudaleka isithuba okanye xa umntu olandelayo onyulelwe ukuba nguMongameli engena esikhundleni.

(2) Akukho mntu uvumelekileyo ukuba sesikhundleni sokuba nguMongameli ixesha elingaphezu kwezihlandlo ezibini, kodwa xa umntu enyulelwe ukuvala isithuba sokuba nguMongameli, ithuba eliphakathi koko kunyulwa nokunyulwa okulandelayo kukaMongameli alithathwa njengesihlandlo.

Ukushenxiswa kukaMongameli

89. (1) INdlu yoWiso-mthetho, ngesigqibo esithathwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo, inokumshenxisa uMongameli esikhundleni kuphela ngezizathu zokuba:

(a) uwaphule kakhulu uMgaqo-siseko okanye umthetho;
(b) wenze into embi kakhulu; okanye
(c) akakwazi ukuyenza imisebenzi yesikhundla sakhe.

(2) Nabani na oshenxisiweyo kwisikhundla sokuba nguMongameli ngokwesiqendwana (1)(a) okanye (b) akavumelekanga ukuba afumane amaqithiqithi eso sikhundla, kwaye akavumelekanga ukuba akhonze nakusiphi na isikhundla saseburhulumenteni.

UMongameli oliBambela

90. (1) Xa uMongameli engekho kwiRiphablikhi okanye ngandlel' ithile engakwazi ukufeza imisebenzi kaMongameli, okanye xa kukho isithuba kwisikhundla sikaMongameli, umntu onesikhundla kulandelelwano olungezantsi uthi abambele njengoMongameli:
   - (a) uSekela-Mongameli;
   - (b) uMphathiswa ochongwe nguMongameli;
   - (c) UMphathiswa ochongwe ngamanye amalungu eKhabhinethi;
   - (d) uSihlalo wePalamente, de iNdlu yoWiso-mthetho ichonge elinye ilungu kwamanye amalungu ayo.

(2) UMongameli oliBambela uneembopheleleko, namagunya nemisebenzi kaMongameli.

(3) Ngaphambi kokuba athabath' iimbopheleleko, namagunya nemisebenzi yokuba nguMongameli, uMongameli oliBambela makafunge okanye enz' isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokuvumelana neSihlomelo 2.

(4) Umntu othe njengoMongameli oliBambela wafunga okanye wenz' isibhambathiso sokuthembeka kwiRiphablikhi akukho mfuneko yokuba ayiphinde inkqubo yokufunga okanye yokwenz' isibhambathiso kwixesha elizayo lokuba nguMongameli oliBambela kwithuba lexesha eliphela xa umntu olandelayo onyulelwe ukuba nguMongameli engena esikhundleni.

[Isiqendwana (4) songezwa sisiqendu 1 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997.]

IKhabhinethi

91. (1) IKhabhinethi nguMongameli, njengentloko yeKhabhinethi, nguSekela-Mongameli naBaphathiswa.

(2) UMongameli umisela uSekela-Mongameli naBaphathiswa, ababele amagunya abo nemisebenzi, kwaye unokubagxotha.

(3) UMongameli–
   - (a) makakhethe uSekela-Mongameli kumalungu eNdlu yoWiso-mthetho;
   - (b) unokukhetha aBaphathiswa nokuba bangaphi na kumalungu eNdlu yoWiso-mthetho; kwaye

(c) unokukhetha aBaphathiswa abangengaphezulu kwesibini ebakhetha ngaphandle kweNdlu yoWiso-mthetho.

(4) UMongameli makamisele ilungu leKhabhinethi ukuba libe yinkokeli yemisebenzi karhulumente kwiNdlu yoWiso-mthetho.

(5) USekela-Mongameli makancedise uMongameli ekwenzeni imisebenzi karhulumente.

Ukuphendula neembopheleleko

92. (1) USekela-Mongameli naBaphathiswa banembopheleleko yokusebenzisa amagunya nokwenza imisebenzi yoburhulumente abayabelwe nguMongameli.

(2) Amalungu eKhabhinethi aphendula kwiPalamente xa ewonke kwanomntu ngamnye ngokusebenzisa kwawo amagunya awo nangokwenza kwawo imisebenzi yawo.

(3) Amalungu eKhabhinethi–

(a) makenze ngokuvumelana noMgaqo-siseko; kwaye

(b) makanike iPalamente ingxelo epheleleyo ethe rhoqo ngemicimbi ephantsi kolawulo lwawo.

OoSekela-Mphathiswa

93. (1) UMongameli usenokumisela-

(a) ooSekela-Mphathiswa nokuba bangaphi na ebakhetha kumalungu eNdlu yoWiso-mthetho; kwaye

(b) ooSekela-Mphathiswa abangekho ngaphezu kwesibini abakhethe ngaphandle kweNdlu, ukuze bancedise amalungu eKhabhinethi, kwaye unokubagxotha.

(2) OoSekela-Mphathiswa abamiselwe ngokwesiqendwana (1)(b) baphendula kwiPalamente ngokusebenzisa kwabo amagunya abo nangokwenza kwabo imisebenzi yabo.

[Isiqendu 93 sathatyathelw' indawo sisiqendu 7 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Ukuqhubeka kweKhabhinethi emva kovoto

94. Xa kuthi kubekho unyulo lweNdlu yoWiso-mthetho, iKhabhinethi, uSekela-Mongameli, aBaphathiswa kunye nooSekela-Mphathiswa baqhubeka benalo igunya lokusebenza de umntu onyulelwe ukuba nguMongameli yiNdlu elandelayo angene esikhundleni.

Isifungo okanye isibhambathiso

95. Ngaphambi kokuba uSekela-Mongameli, aBaphathiswa kunye nooSekela-Mphathiswa baqalise ukwenza imisebenzi, mabafunge okanye benz' isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokuvumelana neSihlomelo 2.

Ukuziphatha kwamalungu eKhabhinethi nooSekela-Mphathiswa

96. (1) Amalungu eKhabhinethi nooSekela-Mphathiswa mabaziphathe ngokwemigqaliselo yokuziphatha etshiwo yimithetho yepalamente yezwelonke.

(2) Amalungu eKhabhinethi nooSekela-Mphathiswa abavumelekanga ukuba–

(a) benze nawuphi na omnye umsebenzi ohlawulelwayo;

(b) benze ngendlela engavisisaniyo nesikhundla abakuso, okanye bazibeke kwimeko esenokwenza kubekho ungquzulwano phakathi kweembopheleleko zabo zaseburhulumenteni nemicimbi yabo yangasese; okanye

(c) basebenzise isikhundla sabo okanye ingcombolo abayiphathisiweyo, beyisebenzisela ukuzityebisa okanye ukuzuzisa omnye umntu ngendlela engafanelekanga.

Ukufuduswa kwemisebenzi

97. UMongameli unokuthi ngokwenza isihlokomiso afudusele kwilungu leKhabhinethi–

(a) ukusingathwa komthetho wepalamente okuphathiswe elinye ilungu; okanye

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

Ukuphathiswa imisebenzi okwexeshana

98. UMongameli unokuphathisa ilungu leKhabhinethi naliphi na igunya okanye umsebenzi ongowelinye ilungu leKhabhinethi elingekhoyo emsebenzini okanye elingakwaziyo ukusebenzisa elo gunya okanye ukwenza loo msebenzi.

Ukuphathiswa kwemisebenzi

99. Ilungu leKhabhinethi lisenokuphathisa naliphi na igunya okanye umsebenzi ekuligunya emalisetyenziswe okanye ekungumsebenzi omawenziwe ngokoMthetho wePalamente, liwuphathise uMphathiswa wephondo okanye iBhunga likaMasipala. Ukuphathisa oko–
   (a) makube ngokwesivumelwano phakathi kwelo lungu leKhabhinethi noMphathiswa wephondo okanye iBhunga likaMasipala;
   (b) makuvisisane noMthetho wePalamente elisetyenziswa ngokwaloo Mthetho igunya elo, okanye owenziwa ngokwaloo Mthetho umsebenzi lowo; kwaye
   (c) kuqalisa ukusebenza kusakuhlokonyiswa nguMongameli.

Ukungenelela kukarhulumente wezwelonke kulawulo lwephondo

[Lo mxholwana wenziwa utshintsho sisiqendu 2(a) soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

100. (1) Xa iphondo lingakwazi ukuyifeza okanye lingayifezi imbopheleleko yoburhulumente engokoMgaqo-siseko okanye engokomthetho wepalamente wezwelonke, urhulumente wezwelonke usenokungenelela ngokuthabatha nawaphi na amanyathelo afanelekileyo ukuqinisekisa ukuba iyafezekiswa loo mbopheleleko, kuquka–
   (a) ukukhupha umyalelo uye kwisigqeba sephondo esinolawulo oluphezulu, nokukhupha umyalelo oya kurhulumente wephondo, ochaza ubungakanani bokusilela ukufezekisa iimbopheleleko zakhe, kwaye uchaza namanyathelo afunekayo ukuze kufezekiswe iimbopheleleko zakhe;
   (b) nokuyithathela kuye imbopheleleko kwelo phondo ngokwendlela efunekayo ukuze–
      (i) kuhlale kukho imilinganiselo eyimfuneko yezwelonke okanye kubekho imilinganiselo eyeyona iphantsi yokuba kwenziwe oko kufuneka kwenziwe;
      (ii) kuhlale kukho ubunye kuqoqosho;
      (iii) kuhlale kukho ukhuseleko lwezwelonke; okanye
      (iv) kuthintelwe elo phondo ekuthatheni inyathelo elingabhadlanga elinobungozi kwelinye iphondo okanye elizweni lonke.

[Isiqendwana (1) senziwa utshintsho sisiqendu 2(b) soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

(2) Ukuba urhulumente wezwelonke uyangenelela kwiphondo ngokwesiqendwana (1) (b)–

(a) makanike iBhunga lamaPhondo leZwelonke isaziso esibhaliweyo sokungenelela kwakhe zingaphelanga iintsuku ezili-14 luqalile ungenelelo;

(b) ungenelelo maluphele ukuba iBhunga liyaluchasa ungenelelo kwisithuba seentsuku ezili-180 luqalile, okanye ukuba liphela elo thuba lexesha lungadanga luvunywe ungenelelo; kananjalo

(c) ngoxa luqhubeka ungenelelo, iBhunga maliman' ukuluqwalasela ngokutsha ungenelelo kwaye lisenokwenza naziphi na iziphakamiso ezifanelekileyo kurhulumente wezwelonke.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 2(c) soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

(3) Umthetho wepalamente wezwelonke usenokuyilawula inkqubo emiselwe sesi siqendu.

[Isiqendu 100 senziwa utshintsho sisiqendu 2 soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

Izigqibo ezisuka phezulu

101. (1) Isigqibo esenziwe nguMongameli masibhalwe phantsi ukuba–

(a) senziwe ngokomthetho wepalamente; okanye

(b) sineziphumo ezibandakany' umthetho.

(2) Isigqibo esibhaliweyo esenziwe nguMongameli masityikitywe nalelinye ilungu leKhabhinethi ukuba eso sigqibo sichaphazela umsebenzi owabelwe elo lungu leKhabhinethi.

(3) Izihlokomiso, imimiselo nokunye okuyimithethwana, malukwazi ukukufumana uluntu.

(4) Umthetho wepalamente wezwelonke usenokuxela indlela, nokuthi kangakanani, emayithi imithethwana ekhankanywe kwisiqendwana (3)–

(a) ithiwe thaca ePalamente; ize

(b) ivunywe yiPalamente.

Izindululo zokungabathembi

102. (1) Ukuba iNdlu yoWiso-mthetho, ngevoti exhaswa sisininzi samalungu ayo, iphumeza isindululo sokungabi sayithemba iKhabhinethi, ingaquki noMongameli, uMongameli makayitshintshe iKhabhinethi.

(2) Ukuba iNdlu yoWiso-mthetho, ngevoti exhaswa sisininzi samalungu ayo, iphumeza isindululo sokungabi samthemba uMongameli, uMongameli namanye amalungu eKhabhinethi kunye nooSekela-Mphathiswa mabaphume ezikhundleni.

ISAHLUKO 6

AMAPHONDO

Amaphondo

103. (1) IRiphablikhi inamaphondo alandelayo:

(a) iMpuma-Koloni;

(b) iFreyistata;

(c) iRhawuti;

(d) KwaZulu-Natal;

(e) iLimpopo;

(f) iMpumalanga;

(g) uMntla-Koloni;

(h) uMntla-Ntshona;

(i) iNtshona-Koloni.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 3 soMthetho Weshumi Elinanye Wokwenz' Ut-shintsho KuMgaqo-siseko ka-2003, saza sona sathatyathelw' indawo sisiqendu 1 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqos-siseko ka-2005.]

(2) Imimandla yamaphondo iyiyo yonke imimandla eboniswe kwiimaphu ngeemaphu ekuthethwe ngazo kwiSaziso esidweliswe kwiSihlomelo 1A.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 1 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]

(3) (a) Nanini na xa ummandla wephondo utshintshwa lutshintsho olwenziwa kuMgaqo-siseko, uMthetho wePalamente usenokuxela iindlela, kungadanga kube lixesha elide, zokulawula iziphumo ezibandakany' umthetho nezinye iziphumo ezizezinye ezizalwa lolo tshintsho.

(b) UMthetho wePalamente ekuthethwa ngawo kwisiqendu (a) usenokuwiswa uze wenziwe usebenze ngaphambi kokuba luqalise ukusebenza olo tshintsho loMgaqo-siseko, kodwa imisebenzi yephondo, impahla yephondo, namalungelo, neembopheleleko, nemisebenzi, zinokufuduswa kuphela ngokwaloo Mthetho emva kokuba luqalile ukusebenza olo tshintsho loMgaqo-siseko.

[Isiqendu 103 sathatyathelw' indawo sisiqendu 1 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]

IziNdlu Zowiso-mthetho Zamaphondo

Igunya lokuwis' umthetho lamaphondo

104. (1) Igunya lokuwis' umthetho lephondo likwindlu yowiso yowiso-mthetho yalo kwaye lithi jize kwindlu yowiso-mthetho yephondo igunya–

(a) lokuphumeza umgaqo-siseko wephondo okanye lokwenz' utshintsho kumgaqo-siseko ophunyezwe yiyo ngokwesiqendu 142 nese-143;

(b) lokuphumeza umthetho wephondo ngawo–

(i) nawuphi na umcimbi owela kummandla wentsebenzo odweliswe kwiSihlomelo (4);

(ii) nawuphi na umcimbi owela kummandla wentsebenzo odweliswe kwiSihlomelo 5;

(iii) nawuphi na umcimbi owela ngaphandle kuloo mimandla yentsebenzo, kodwa ube usabelwa iphondo ngokucacileyo ngumthetho wepalamente wezwelonke;

(iv) nangawo nawuphi na umcimbi okuthi okutshiwo nguMgaqo-siseko kuvul' indlela yokuwiswa komthetho wephondo;

(c) nelokuba amagunya alo okuwis' umthetho liwaphathise iBhunga likaMasipala kwelo phondo.

(2) Indlu yowiso-mthetho yephondo, ngesindululo esamkelwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo, isenokucela iPalamente ukuba iliguqule igama lelo phondo.

(3) Indlu yowiso-mthetho yephondo inkqanyangelwa kuphela nguMgaqo-siseko ize, ukuba iphumeze umgaqo-siseko wephondo, inkqanyangelwe nanguloo mgaqo-siseko, kwaye mayenze ngokuvumelana noMgaqo-siseko nangokuvumelana nomgaqo-siseko wephondo nangokulawulwa yimida yawo.

(4) Umthetho wepalamente yephondo omayela nomcimbi oyimfuneko ukuze lisetyenziswe ngempumelelo igunya ngawo nawuphi na umcimbi odweliswe kwiSihlomelo 4, ungumthetho wepalamente ongomcimbi odweliswe kwiSihlomelo 4.

(5) Indlu yowiso-mthetho yephondo isenokucela iNdlu yoWiso-mthetho ukuba yamkele umthetho wepalamente ongomcimbi ongaphaya kwegunya laloo ndlu yowiso-mthetho okanye ongomcimbi ekuthi kuwo kukhonye uMthetho wePalamente kunomthetho wephondo.

Indlela ezakheke ngayo izindlu zowiso-mthetho zamaphondo nonyulo lwazo

105. (1) Indlu yowiso-mthetho yephondo ngamabhinqa namadoda anyulwe njengamalungu ngokwenkqubo yonyulo–

(a) efunwa ngumthetho wepalamente wezwelonke;

(b) esekelwe kwinxalenye yelo phondo yomqulu wabavoti wezwelonke;

(c) ethi eyona minyaka iphantsi yobudala anokuvota kuyo umntu yiminyaka eli-18;

(d) nesiphumo sayo sikukumelwa ngokulinganayo.

[Isiqendwana (1) senziwa utshintsho sisiqendu 3 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003 nasisiqendu 3 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(2) Indlu yowiso-mthetho yephondo inamalungu aphakathi kwama-30 nama-80. Inani lamalungu, elisenokushiya-shiyana ngokwamaphondo, maligqitywe ngokwendlela efunwa ngumthetho wepalamente wezwelonke.

Ubulungu

106. (1) Wonke ummi ofanelekayo ukuba avotele iNdlu yoWiso-mthetho uyafaneleka ukuba abe lilungu lendlu yowiso-mthetho yephondo, ngaphandle–

(a) komntu oqeshwe ngurhulumente, okanye osebenzela urhulumente, kwaye efumana umvuzo ngoko kuqeshwa okanye ngoko kumsebenzela–

(i) engeyiyo iNkulumbuso nabanye aBaphathiswa bephondo;

(ii) kungengabo nabanye abasezikhundleni abamisebenzi yabo ihambelanayo nemisebenzi yelungu lendlu yowiso-mthetho yephondo, kwaye ibe loo misebenzi ivakaliswe ngumthetho wepalamente wezwelonke ihambelana nemisebenzi yelungu lendlu yowiso-mthetho yephondo;

(b) kwabangengawo amalungu eNdlu yoWiso-mthetho, abathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke okanye amalungu eBhunga likaMasipala;

(c) kwabangengabo abavakaliswe yinkundla bengakwazi ukuwahlawula amatyala abo kwaye bengekaphumi kuloo meko;

(d) kongenguye ovakaliswe yinkundla yeRiphablikhi engongaphilanga engqondweni; okanye

(e) kongenguye othe, emva kokuba esi siqendu siqalise ukusebenza, wafunyaniswa enetyala lokwaphul' umthetho waza wagwetywa ixesha elingaphezu kweenyanga ezili-12 entolongweni engakhethiswanga fayini, nokuba kulapha kwiRiphablikhi okanye kungaphandle kweRiphablikhi, ukuba isenzo ukuba esikukwaphul' umthetho besiya kuba kukwaphul' umthetho kwiRiphablikhi, kodwa akukho mntu onokuthathwa njengogwetyiweyo de kube kwenziwe isigqibo ngesibheno sakhe nxamnye nokufunyaniswa kwakhe enetyala okanye nxamnye nesigwebo sakhe, okanye de libe ixesha lokubhena liphelile. Ukungafaneleki okutshiwo sesi siqendu kuphela emva kweminyaka emihlanu sigqityiwe isigwebo.

(2) Umntu ongafanelekiyo ukuba lilungu lendlu yowiso-mthetho yephondo ngokwesiqendwana (1)(a) okanye (b) unokuzigqatsela ukuba kwindlu yowiso-mthetho, kodwa ke ngokulawulwa yimida okanye yimiqathango ebekwe ngumthetho wepalamente wezwelonke.

(3) Umntu uyalahlekelwa bubulngu bendlu yowiso-mthetho yephondo ukuba–

(a) uyayeka ukuba ngofanelekayo; okanye

(b) uthi angabikho kwindlu yowiso-mthetho ngaphandle kwemnvume kwiimeko ethi imigaqo nemiyalelo yendlu yowiso-mthetho iyalele ukuba makalahlekelwe bubulungu; okanye

(c) uyayeka ukuba lilungu lombutho owamchongayo ukuba abe lilungu lendlu yowiso-mthetho.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 4 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003 nasisiqendu 4 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(4) Zithuba kwindlu yowiso-mthetho yephondo mazivalwe ngokomthetho wepalamente wezwelonke.

Isifungo okanye isibhambathiso

107. Ngaphambi kokuba amalungu endlu yowiso-mthetho yephondo aqalise ukwenza imisebenzi yawo kwindlu yowiso-mthetho, makafunge okanye enze isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokweSihlomelo 2.

Ubude bexesha lezindlu zowiso-mthetho zamaphondo

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

(2) Ukuba indlu yowiso-mthetho yephondo ithi ichithwe ngokwesiqendu 109, okanye xa kuphela ixesha layo, iNkulumbuso mayithi, ngokwenza isihlokomiso, imemelele ukuba kubekho unyulo ize ixele imihla yalo, lunyulo olo omalubekho zingaphelanga iintsuku ezingama-90 ukususela kumhla eyachithwa ngawo indlu yowiso-mthetho okanye ukususela kumhla wokuphela kwexesha layo.

[Isihlokomiso esimemelela unyulo nesixela imihla yalo sinokukhutshwa ngaphambi kokuphela kwexesha lendlu yowiso-mthetho yephondo okanye emva kokuphela kwalo.]
[Isiqendwana (2) sathatyathelw' indawo sisiqendu 1 soMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko ka-1999.]

(3) Ukuba isiphumo sendlu yowiso-mthetho yephondo asibhengezwa lo gama kuselixesha elimiselwe ngokwesiqendu 190, okanye ukuba unyulo luthi luphuthiswe yinkundla, uMongameli makathi, ngokwenza isihlokomiso, amemelele olunye unyulo aze axele imihla yalo, lunyulo olo omalubekho zingaphelanga iintsuku ezingama-90 ukususela ekupheleni kwelo xesha okanye ukususela kumhla olwathi unyulo lwaphuthiswa ngawo.

(4) Indlu yowiso-mthetho yephondo iqhubeka inako ukusebenza ukususela kwixesha echithwa ngalo okanye ukususela kwixesha lokuphelelwa kwayo, kude kube yimini eyandulela usuku lokuqala lokuvotela indlu yowiso-mthetho elandelayo.

Ukuchithwa kwezindlu zowiso-mthetho zamaphondo ngaphambi kokuphela kwexesha lazo

109. (1) Inkulumbuso yephondo mayiyichithe indlu yowiso-mthetho yephondo ukuba–

(a) indlu yowiso-mthetho yamkele isigqibo sokuyichitha ngevoti exhasayo yesininzi samalungu ayo; naxa

(b) kudlule iminyaka emithathu ukususela ekunyulweni kwendlu yowiso-mthetho.

(2) INkulumbuso eBambeleyo mayiyichithe indlu yowiso-mthetho yephondo ukuba–

(a) kukho isithuba kwisikhundla seNkulumbuso; naxa

(b) indlu yowiso-mthetho ingayinyulanga iNkulumbuso entsha kwisithuba seentsuku ezingama-30 sidalekile isithuba eso.

Ukuhlala kwazo namaxesha ekhefu

110. (1) Emva konyulo, ukuhlala kokuqala kwendlu yowiso-mthetho yephondo makube ngexesha nangomhla ogqitywe yijaji echongwe yiJaji eyiNtloko, kodwa zingade ziphele iintsuku ezili-14 sibhengeziwe isiphumo sonyulo. Indlu yowiso-mthetho yephondo inokuzenzela isigqibo ngexesha nangobude lokunye ukuhlala kwayo nangamaxesha ayo ekhefu.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 8 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) Inkulumbuso yephondo inokuthi nangaliphi na ixesha ibize indlu yowiso-mthetho yephondo ukuba ihlale ngexesha elingelilo lokuhlala ukuze yenze imisebenzi ekhethekileyo.

(3) Indlu yowiso-mthetho yephondo isenokwenz' isigqibo mayela nokuba iza kuhlala phi ngokuqhelekileyo.

OoSihlalo nooSekela-Sihlalo bezindlu zowiso-mthetho zamaphondo

111. (1) Ekuhlaleni kwayo kokuqala emva konyulo, okanye xa kuyimfuneko ukuvala isithuba, indlu yowiso-mthetho yephondo mayinyule uSihlalo noSekela-Sihlalo kumalungu ayo.

(2) Ijaji echongwe yiJaji eyiNtloko mayongamele ukunyulwa kukaSihlalo. USihlalo yena wongamela ukunyulwa kukaSekela-Sihlalo.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 9 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Inkqubo echazwe kwiCandelo A leSihlomelo 3 iyasebenza ekunyulweni kooSihlalo nooSekela-Sihlalo.

(4) Indlu yowiso-mthetho yephondo inokumshenxisa esikhundleni uSihlalo wayo okanye uSekela-Sihlalo wayo ngokuthath' isigqibo. Makubekho isininzi samalungu endlu yowiso-mthetho xa kusamkelwa eso sigqibo.

(5) Ngokwemigaqo yayo nemiyalelo, indlu yowiso-mthetho yephondo isenokunyula kumalungu ayo amanye amagosa okongamela ukuba ancedise uSihlalo noSekela-Sihlalo.

Izigqibo

112. (1) Ngaphandle kwaxa uMgaqo-siseko utsho okwahlukileyo–
    (a) makubekho isininzi samalungu endlu yowiso-mthetho yephondo ngaphambi kokuba kuvotelwe uMthetho oYilwayo okanye uMthetho oYilwayo wokwenz' utshintsho;
    (b) makubekho ubuncinane isinye kwisithathu samalungu ngaphambi kokuba kuvotelwe nawuphi na omnye umbandela ophambi kwendlu yowiso-mthetho yephondo; kananjalo
    (c) onke imibandela ephambi kwendlu yowiso-mthetho yephondo igqitywa ngesininzi seevoti.

(2) Ilungu elongameleyo kwintlanganiso yendlu yowiso-mthetho yephondo alinakuthabath' inxaxheba kwiingxoxo, kodwa–
    (a) malivote kwivoti yokwenz' isigqibo xa iivoti zilingana macala kumbandela okhoyo; kwaye
    (b) linokuthabath' inxaxheba kwiingxoxo xa umbandela oxoxwayo kufuneka ugqitywe ngevoti yesibini kwisithathu ubuncinane samalungu endlu yowiso-mthetho.

Amalungelo abathunywa abasisigxina kwizindlu zowiso-mthetho zamaphondo

113. Abathunywa abasisigxina bephondo kwiBhunga lamaPhondo leZwelonke bavumelekile ukuba babekho, kwaye bavumelekile ukuba bathethe, kwizindlu zowiso-mthetho zamaphondo abo nakwiikomiti zazo, kodwa abavumelekanga ukuba bavote. Indlu yowiso-mthetho isenokufuna ukuba umthunywa osisigxina abekho kwindlu yowiso-mthetho okanye kwiikomiti zayo.

Amagunya ezindlu zowiso-mthetho zamaphondo

114. (1) Ekusebenziseni igunya layo lokuwis' imithetho, indlu yowiso-mthetho yephondo-
    (a) inokuqwalasela nawuphi na uMthetho oYilwayo ophambi kwendlu yowiso-mthetho, iwuphumeze, yenze utshintsho kuwo okanye iwukhabe, kwaye
    (b) inokuwuqalisa ngokwayo umthetho okanye iwulungiselele, ngaphandle kweMithetho eYilwayo yemali.

(2) Indlu yowiso-mthetho yephondo mayithi gqi namacebo–
- (a) okuqinisekisa ukuba onke amacandelo karhulumente akwiphondo ayaphendula kuyo;
- (b) nawokuba liliso–
  - (i) ekusetyenzisweni kwegunya lokulawula kwiphondo, kuquka nokwenziwa kwemithetho isebenze;
  - (ii) nakulo naliphi na icandelo likarhulumente kwiphondo.

Ubungqina okanye ingcombolo phambi kwezindlu zowiso-mthetho zamaphondo

115. Indlu yowiso-mthetho yephondo okanye nayiphi na ikomiti kwiikomiti zayo–
- (a) inokubiza nawuphi na umntu ukuba avele phambi kwayo ukuze anike ubungqina efungile okanye enze isibhambathiso sokutheth' inyaniso, okanye avelise amaxwebhu;
- (b) isenokufuna ukuba nawuphi na umntu okanye iziko lenze ingxelo kuyo;
- (c) isenokunyanzela nawuphi na umntu okanye umbutho ngokomthetho wephondo okanye ngokwemigaqo nemiyalelo, ukuba athobele umsila wengwe okanye enze okufunwayo ngokwesiqendu (a) okanye (b); kwaye
- (d) isenokwamkela izicelo okanye okuvela nakuwuphi na umntu ochaphazelekayo okanye imibutho echaphazelekayo.

Amalungiselelo angaphakathi neenkqubo zezindlu zowiso-mthetho zamaphondo

116. (1) Indlu yowiso-mthetho yephondo-
- (a) inokwenza izigqibo ngamalungiselelo nangeenkqubo zayo ize izilawule; kananjalo
- (b) inokwenza imigaqo nemiyalelo ngemicimbi yayo, ikwenza oko ikhumbula intando yesininzi yokumelwa kwabantu nokuthabath' inxaxheba kwabo, ukuphendula, ukusebenzela elubala, nokubandakanyeka koluntu.

(2) Imigaqo nemiyalelo yendlu yowiso-mthetho yephondo mayixele–
- (a) ukuba zisekwa njani, zakhiwe njani, iikomiti zayo, ayintoni amagunya azo, nemisebenzi yazo, neenkqubo zazo nobude bexesha lobukho bazo;

(b) ukuthabath' inxaxheba kwamaqela amancinane amelweyo kwindlu yowiso-mthetho, ethabath' inxaxheba kwiinkqubo zendlu yowiso-mthetho nakwiikomiti zayo, ngendlela evisisana nentando yesininzi;

(c) uncedo lwemali nololawulo kwiqela ngalinye elimelweyo kwindlu yowiso-mthetho ngokulingana nokumelwa kwalo, ukuze iqela elo nenkokeli yalo liyenze imisebenzi yalo kwindlu yowiso-mthetho ngempumelelo;

(d) nokwamkelwa kwenkokeli yelona qela likhulu liphikisayo kwindlu yowiso-mthetho njengeNkokeli yeQela Eliphikisayo.

Ukungabi nakubekwa tyala

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

(a) banenkululeko yokuthetha kwindlu yowiso-mthetho nakwiikomiti zayo, kodwa ke ngokulawulwa yimigaqo nayimiyalelo; kwaye

(b) abanakumangalelwa ngetyala lembambano okanye lolwaphulo-mthetho, babanjwe, bavalelwe entolongweni okanye bafunw' imbuyekezo ngomonakalo odalwe–

(i) yiyo nayiphi na into abayithethileyo kwindlu yowiso-mthetho okanye bayivelisa phambi kwayo okanye kwiikomiti zayo; okanye

(ii) yiyo nayiphi na into ethe yatyhileka ngenxa yento abayithethileyo kwindlu yowiso-mthetho okanye bayivelisa phambi kwayo okanye kwiikomiti zayo.

(2) Ezinye izinto ezingenakubekwa tyala ngazo izindlu zowiso-mthetho zamaphondo namalungu azo zinokutshiwo ngumthetho wepalamente wezwelonke.

(3) Imivuzo, iimalana ezisecaleni namaqithiqithi ahlawulwa amalungu endlu yowiso-mthetho yephondo ziimali ezitsalwa ngqo kwiNgxowa-mali yeNgeniso yePhondo.

Ukungena koluntu kwizindlu zowiso-mthetho zamaphondo nokubandakanyeka kwalo

118. (1) Indlu yowiso-mthetho yephondo–

(a) mayenze ukuba uluntu lubandakanyeke kwiinkqubo zowiso-mthetho nakwezinye iinkqubo zendlu yowiso-mthetho nezeekomiti zazo; kwaye

(b) mayiwenze umsebenzi wayo elubala, iintlanganiso zayo, nezeekomiti zayo, zibe selubala, kodwa ke kusenokuthatyathwa amanyathelo afanelekileyo–

(i) okukulawula ukungena koluntu, kuquka nokungena kwamajelo eendaba, kwindlu yowiso-mthetho neekomiti zayo; nawokuba
(ii) asetshwe umntu kwaye, xa kufanelekile, alelwe ukuba angene okanye akhutshwe.

(2) Indlu yowiso-mthetho yephondo ayivumelekanga ukuba ilwalele uluntu, kuquka namajelo eendaba, ukungena kwintlanganiso yekomiti, ngaphandle kokuba kufanelekile kwaye kuyathetheleleka ukwenza njalo kuluntu olukhululekileyo lwentando yesininzi.

Ukungeniswa kweMithetho eYilwayo

119. NgaBaphathiswa bephondo okanye ikomiti okanye ilungu lendlu yowiso-mthetho yephondo abanokuthi bangenise uMthetho oYilwayo kwindlu yowiso-mthetho; kodwa kuphela nguMphathiswa ophathiswe imicimbi yeemali kwiphondo onokuthi angenise uMthetho oYilwayo wemali kwindlu yowiso-mthetho.

IMithetho eYilwayo yemali

120. UMthetho oYilwayo unguMthetho oYilwayo wemali ukuba-
(a) waba imali;
(b) uhlawulisa iirhafu zephondo, nezinye iintlawulo;
(c) uphelisa okanye unciphisa iirhafu, okanye ukhulula abantu ekuhlawuleni iirhafu, nezinye iintlawulo;
(d) ugunyaza ukutsalwa kweemali ngqo kwiNgxowa-mali yeNgeniso yePhondo.

(2) UMthetho oYilwayo wemali awuvumelekanga ukuba uthethe ngeminye imicimbi ngaphandle–
(a) komcimbi owela ngaphantsi kowemali nonento yokwenza nokwabiwa kwemali;
(b) kokufunwa kweerhafu, ukupheliswa kwazo okanye ukuncitshiswa kwazo, nezinye iintlawulo;
(c) ngokukhululwa kwabantu ekuhlawuleni iirhafu zephondo, neentlawulo ezizezinye; okanye
(d) ngokugunyazwa kokutsala ngqo kwiNgxowa-mali yeNgeniso yePhondo.

(3) UMthetho wephondo mawuxele inkqubo enokuthi ngayo indlu yowiso-mthetho yephondo yenz' utshintsho kuMthetho oYilwayo wemali.

[Isiqendu 120 sathatyathelw' indawo sisiqendu 3 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko.]

Ukuvunywa kweMithetho eYilwayo

121. (1) INkulumbuso yephondo mayiwuvume ize iwutyikitye uMthetho oYilwayo ophunyezwe ngokwesi Sahluko, kungenjalo, ukuba inamathandabuzo ngokuvisisana kwawo noMgaqo-siseko, mayiwubuyisele kwindlu yowiso-mthetho ukuze uqwalaselwe ngokutsha.

(2) Ukuba, emva kokuqwalaselwa kwawo ngokutsha, uMthetho oYilwayo uwaphelisa ngokupheleleyo amathandabuzo eNkulumbuso, iNkulumbuso mayiwuvume ize iwutyikitye uMthetho oYilwayo lowo; ukuba akunjalo, iNkulumbuso-

(a) mayiwuvume ize iwutyikitye uMthetho oYilwayo; okanye

(b) iwuthumele kwiNkundla yoMgaqo-siseko ukuze ithathe isigqibo ngokuvisisana kwawo noMgaqo-siseko.

(3) Ukuba iNkundla yoMgaqo-siseko igqiba kwelokuba uMthetho oYilwayo lowo uyavisisana noMgaqo-siseko, iNkulumbuso mayiwuvume ize iwutyikitye.

Isicelo esibhekiswa ngamalungu kwiNkundla yoMgaqo-siseko

122. (1) Amalungu endlu yowiso-mthetho yephondo asenokwenz' isicelo kwiNkundla yoMgaqo-siseko efuna umyalelo ovakalisa ukuba wonke uMthetho wephondo okanye inxalenye yawo awuvisisani noMgaqo-siseko.

(2) Isicelo–

(a) masixhaswe ubuncinane ngamashumi amabini ekhulwini kumalungu endlu yowiso-mthetho; kwaye

(b) masenziwe zingaphelanga iintsuku ezingama-30 ukususela kumhla iNkulumbuso eyawuvuma ngawo yaza yawutyikitya uMthetho lowo.

(3) INkundla yoMgaqo-siseko isenokuyalela ukuba wonke uMthetho lowo okanye inxalenye ekwenziwa isicelo ngenxa yayo ngokwesiqendwana (1) awusebenzi okanye inxalenye yawo ayisebenzi de ibe iNkundla yenze isigqibo ngesicelo eso ukuba–

(a) kufuneka yenze njalo ukuze kwenzeke ubulungisa; sibe

(b) nesicelo eso kukho ithemba lokuba siza kuphumelela.

(4) Ukuba isicelo asiphumelelanga, kube kungekho themba kakade lokuba siza kuphumelela, iNkundla yoMgaqo-siseko isenokuyalela ukuba kube ngabenzi-sicelo abahlawula iindleko.

Ukupapashwa kweMithetho yephondo

123. UMthetho oYilwayo ovunyiweyo waza watyikitywa yiNkulumbuso uba nguMthetho wephondo; mawupapashwe msinya, kwaye uqala ukusebenza wakuba upapashiwe okanye ngomhla ogqitywe ngokoMthetho lowo.

Ukugcinwa kweMithetho yephondo

124. UMthetho oYilwayo ovunyiweyo waza watyikitywa yiNkulumbuso yephondo uba nguMthetho wephondo; mawuthi ke, emva kokuba upapashiwe, uphathiswe iNkundla yoMgaqo-siseko ukuba iwugcine.

Oorhulumente Bamaphondo

Igunya loburhulumente lamaphondo

125. (1) Igunya loburhulumente lephondo likwiNkulumbuso yelo phondo.

(2) INkulumbuso isebenzisa igunya loburhulumente, ikunye nabanye aBaphathiswa bephondo, ngokuthi –

(a) iyenze isebenze imithetho yendlu yowiso-mthetho yephondo kwiphondo;

(b) iyenze isebenze yonke imithetho yepalamente yezwelonke ewela kwimimandla yentsebenzo ekwiSihlomleo 4 okanye 5 ngaphandle kwalapho uMgaqo-siseko okanye uMthetho wePalamente utsho okwahlukileyo;

(c) yenze kusebenze kwiphondo imithetho yepalamente yezwelonke ewela ngaphandle kwemimandla yentsebenzo edweliswe kwiSihlomelo 4 nesesi-5, ekusetyenziswa kwayo kwabelwe urhulumente wephondo ngokoMthetho wePalamente;

(d) iyiphuhlise ize iyenze isebenze inkqubo yephondo;

(e) ilungelelanise imisebenzi yamaziko amaphondo neyamasebe awo;

(f) ilungiselele ize iwuqalise ngokwayo umthetho wepalamente wephondo;

(g) yenze nawuphi na omnye umsebenzi owabelwe urhulumente wephondo ngokoMgaqo-siseko okanye ngokoMthetho wePalamente.

(3) Iphondo linegunya loburhulumente ngokwesiqendwana (2)(b) kuphela ngokulawulwa kukukwazi kwephondo ukusebenza ngempumelelo. Urhulumente wezwelonke, ngokuwis' umthetho nangezinye iindlela, makancedise amaphondo ukuba aphuhlise ukukwazi kwawo ukuwasebenzisa ngempumelelo amagunya awo

nokwenza kwawo imisebenzi ekuthethwe ngayo kwisiqendwana (2).

(4) Nayiphi na imbambano engokukwazi kwephondo ukwenza nawuphi na umsebenzi mayibhekiswe kwiBhunga lamaPhondo leZwelonke ukuze isonjululwe lilo zingaphelanga iintsuku ezingama-30 ukususela kumhla wokubhekiswa kwayo kwiBhunga.

(5) Ngokulawulwa sisiqendu 100, ukusetyenziswa kwemithetho yephondo kwiphondo ligunya elinokusetyenziswa ngurhulumente wephondo kuphela.

(6) Urhulumente wephondo makenze ngokuvumelana–

(a) noMgaqo-siseko; kwakunye

(b) nomgaqo-siseko wephondo, ukuba kuphunyezwe umgaqo-siseko wephondo.

Ukuphathiswa kwemisebenzi

126. UMphathiswa wephondo unokuphathisa naliphi na igunya okanye umsebenzi ekuligunya emalisetyenziswe okanye ekungumsebenzi omawenziwe ngokoMthetho wephondo, ewuphathisa iBhunga likaMasipala. Ukuphathisa oko–

(a) makube ngokwesivumelwano phakathi koMphathiswa wephondo lowo neBhunga likaMasipala;

(b) makuvisisane noMthetho ekusekelwe kuwo igunya elisetyenziswayo okanye ekusekelwe kuwo umsebenzi owenziwayo; kwaye

(c) kuqala ukusebenza kusakuhlokonyiswa yiNkulumbuso.

Amagunya eNkulumbuso nemisebenzi yayo

127. (1) INkulumbuso yephondo inamagunya nemisebenzi ephathiswe umntu okweso sikhundla nguMgaqo-siseko nanguwo nawuphi na umthetho wepalamente.

(2) INkulumbuso yephondo inomsebenzi–

(a) wokuvuma iMithetho eYilwayo ize iyityikitye;

(b) wokuphindisa emva kwindlu yowiso-mthetho yephondo uMthetho oYilwayo ukuze uqwalaselwe ngokutsha ukuba uyavisisana kusini na noMgaqo-siseko;

(c) wokuthumela kwiNkundla yoMgaqo-siseko uMthetho oYilwayo ukuze yenze isigqibo ngokuvisisana kwawo noMgaqo-siseko;

(d) wokubiza indlu yowiso-mthetho eyibizela ukuba ihlale ngexesha elingelilo eliqhelekileyo ukuze yenze imisebenzi ekhethekileyo;

(e) wokuba imisele iikomishoni zophando;

(f) nowokuthi makubekho uvavanyo-zimvo kwiphondo ngokomthetho wepalamente wezwelonke.

Ukunyulwa kweeNkulumbuso

128. (1) Ekuhlaleni kwayo kokuqala emva kovoto, naxa kuyimfuneko ukuvala isithuba, indlu yowiso-mthetho yephondo mayinyule umntu olibhinqa okanye oyindoda kumalungu ayo abe yiNkulumbuso yelo phondo.

(2) Ijaji echongwe yiJaji eyiNtloko mayongamele ekunyulweni kweNkulumbuso, okanye ichonge enye ijaji ukuba yenze oko. Kusebenza inkqubo ekwiCandelo A leSihlomelo 3 ekunyulweni kweNkulumbuso.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 10 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Unyulo lokuvala isikhewu sokuba yiNkulumbuso malube ngexesha eligqitywe nangomhla ogqitywe yiJaji eyiNtloko, kodwa makungade kuphele iintsuku ezingama-30 sidalekile isithuba eso.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 10 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Ukungena esikhundleni kweeNkulumbuso

129. Umntu onyulelwe ukuba yiNkulumbuso makangene esikhundleni zingaphelanga iintsuku ezintlanu enyuliwe, ngokuthi afunge okanye enz' isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokweSihlomelo 2.

Ixesha lokuba sesikhundleni nokushenxiswa kweeNkulumbuso

130. (1) Ixesha lokuba sesikhundleni kweNkulumbuso liqala xa iNkulumbuso leyo ingena esikhundleni lize liphele kusakudaleka isithuba okanye xa umntu olandelayo onyulelwe ukuba yiNkulumbuso engena esikhundleni.

(2) Akukho mntu uvumelekileyo ukuba sesikhundleni sokuba yiNkulumbuso ixesha elingaphezu kwezihlandlo ezibini, kodwa xa umntu enyulelwe ukuvala isithuba sokuba yiNkulumbuso, ithuba eliphakathi koko kunyulwa nokunyulwa okulandelayo kweNkulumbuso alithathwa njengesihlandlo.

(3) Indlu yowiso-mthetho yephondo, ngesigqibo esithathwe ngevoti exhasayo

ubuncinane yesibini kwisithathu samalungu ayo, inokuyishenxisa iNkulumbuso esikhundleni kuphela ngezizathu zokuba–

(a) iwaphule kakhulu uMgaqo-siseko okanye umthetho;

(b) yenze into embi kakhulu; okanye

(c) ayikwazi ukuyenza imisebenzi yesikhundla sayo.

(4) Nabani na oshenxisiweyo kwisikhundla sokuba yiNkulumbuso ngokwesiqendwana (3)(a) okanye (b) akavumelekanga ukuba afumane amaqithiqithi eso sikhundla, kwaye akavumelekanga ukuba akhonze nakusiphi na isikhundla saseburhulumenteni.

IiNkulumbuso ezingamaBambela

131. (1) Xa iNkulumbuso ingekho okanye ngandlel'ithile ingakwazi ukufeza imisebenzi yeNkulumbuso, okanye xa kukho isithuba kwisikhundla seNkulumbuso, umntu onesikhundla kulandelelwano olungezantsi uthi abambele njengeNkulumbuso:

(a) uMphathiswa wephondo ochongwe yiNkulumbuso;

(b) uMphathiswa wephondo ochongwe ngabanye aBaphathiswa bephondo;

(c) USihlalo wendlu yowiso-mthetho yephondo, de indlu yowiso-mthetho ichonge elinye ilungu kwamanye amalungu ayo.

(2) INkulumbuso eliBambela ineembopheleleko, namagunya nemisebenzi yeNkulumbuso.

(3) Ngaphambi kokuba ithabath'iimbopheleleko, namagunya nemisebenzi yokuba yiNkulumbuso, iNkulumbuso eliBambela mayifunge okanye yenz'isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokuvumelana neSihlomelo 2.

ABaphathiswa bamaphondo

132. (1) ABaphathiswa bephondo yiNkulumbuso, njengeNtloko yaBaphathiswa bephondo, kunye namalungu angekho ngaphantsi kwesihlanu kodwa angekho ngaphezu kweshumi amiselwe yiNkulumbuso ithatha kumalungu endlu yowiso-mthetho yephondo.

(2) INkulumbuso yephondo imisela aBaphathiswa bephondo, ibabele amagunya abo nemisebenzi yabo, kwaye inokubagxotha.

Ukuphendula neembopheleleko

133. (1) ABaphathiswa bephondo banembopheleleko yokwenza imisebenzi karhulumente abayabelwe yiNkulumbuso.

(2) ABaphathiswa bephondo baphendula kwindlu yowiso-mthetho xa bebonke kwanomntu ngamnye ngokusebenzisa kwabo amagunya abo nangokwenza kwabo imisebenzi yabo.

(3) ABaphathiswa bephondo–

(a) mabenze ngokuvumelana noMgaqo-siseko, kananjalo ukuba kuphunyezwe umgaqo-siseko wephondo, benze nangokuvumelana naloo mgaqo-siseko; kwaye

(b) mabanike indlu yowiso-mthetho ingxelo epheleleyo ethe rhoqo ngemicimbi ephantsi kolawulo lwabo.

Ukuqhubeka kwaBaphathiswa bamaphondo emva kovoto

134. Xa kuthi kubekho unyulo lwendlu yowiso-mthetho yephondo, aBaphathiswa bamaphondo baqhubeka benalo igunya lokusebenza de umntu onyulelwe ukuba yiNkulumbuso yindlu yowiso-mthetho elandelayo angene esikhundleni.

Isifungo okanye isibhambathiso

135. Ngaphambi kokuba aBaphathiswa bephondo baqalise ukwenza imisebenzi yabo, mabafunge okanye benz’ isibhambathiso sokuthembeka kwiRiphablikhi nokuthobela uMgaqo-siseko, ngokuvumelana neSihlomelo 2.

Ukuziphatha kwaBaphathiswa bamaphondo

136. (1) ABaphathiswa bamaphondo mabaziphathe ngokwemigqaliselo yokuziphatha etshiwo yimithetho yepalamente yezwelonke.

(2) ABaphathiswa bephondo abavumelekanga ukuba–

(a) benze nawuphi na omnye umsebenzi ohlawulelwayo;

(b) benze ngendlela engavisisaniyo nesikhundla abakuso, okanye bazibeke kwimeko esenokwenza kubekho ungquzulwano phakathi kweembopheleleko zabo zaseburhulumenteni nemicimbi yabo yangasese; okanye

(c) basebenzise isikhundla sabo okanye ingcombolo abayiphathisiweyo, beyisebenzisela ukuzityebisa okanye ukuzuzisa omnye umntu ngendlela engafanelekanga.

Ukufuduswa kwemisebenzi

137. INkulumbuso inokuthi ngokwenza isihlokomiso ifudusele komnye uMphathiswa wephondo–

(a) ukusingathwa komthetho wepalamente okuphathiswe omnye uMphathiswa wephondo; okanye

(b) naliphi na igunya okanye umsebenzi ophathiswe omnye uMphathiswa wephondo ngokomthetho wepalamente.

Ukuphathiswa imisebenzi okwexeshana

138. INkulumbuso yephondo inokuphathisa uMphathiswa wephondo naliphi na igunya okanye umsebenzi womnye uMphathiswa wephondo ongekhoyo emsebenzini okanye ongakwaziyo ukusebenzisa elo gunya okanye ukwenza loo msebenzi.

Ukungenelela kwephondo kurhulumente wasekuhlaleni

139. (1) Xa umasipala engakwazi ukuyifeza okanye engayifezi imbopheleleko yoburhulumente engokoMgaqo-siseko okanye engokomthetho wepalamente, urhulumente wephondo waloo masipala usenokungenelela ngokuthabatha nawaphi na amanyathelo afanelekileyo ukuqinisekisa ukuba iyafezekiswa loo mbophelelko, kuquka–

(a) nokukhupha umyalelo oya kwiBhunga likaMasipala, ochaza ubungakanani bokusilela ukufezekisa iimbophelelko zakhe, kwaye uchaze namanyathelo afunekayo ukuze kufezekiswe iimbophelelko zakhe;

(b) nokuyithathela kuye imbophelelko kuloo masipala ngokwendlela efunekayo ukuze–

(i) kuhlale kukho imilinganiselo eyimfuneko yezwelonke okanye kubekho imilinganiselo eyeyona iphantsi yokuba kwenziwe oko kufuneka kwenziwe;

(ii) kuhlale kukho ubunye kuqoqosho;

(iii) kuhlale kukho ukhuseleko lwezwelonke; okanye

(c) nokulichitha elo Bhunga likaMasipala kuze kumiselwe umlawuli de libe

iBhunga likaMasipala elinyulwe ngokutsha livakaliswe njengelimiselweyo, ukuba iimeko ezingaqhelekanga zifunisa elo nyathelo.

(2) Ukuba urhulumente wephondo uyangenelela kumasipala ngokwesiqendwana (1)(b)-

(a) makadlulisele isaziso esibhaliweyo sokungenelela-

(i) kwilungu leKhabhinethi eliphathiswe imicimbi yoorhulumente basekuhlaleni;

(ii) nakwindlu yowiso-mthetho yephondo akulo nakwiBhunga lamaPhondo leZwelonke, zingekapheli iintsuku ezili-14 luqalile ungenelelo;

(b) ungenelelo maluphele ukuba-

(i) ilungu leKhabhinethi elichaphazelekayo eliphathiswe imicimbi yoorhulumente basekuhlaleni lithi lingavumelani nongenelelo kwisithuba seentsuku ezingama-28 luqalile ungenelelo, okanye ukuba liyaphela elo xesha lingekatsho ukuba liyavumelana nongenelelo; okanye

(ii) Bhunga lithi lingavumelani nongenelelo kwisithuba seentsuku ezili-180 luqalile ungenelelo, okanye ukuba liyaphela elo xesha lingekatsho ukuba liyavumelana nongenelelo; kananjalo

(c) iBhunga malithi, ngoxa luqhubeka ungenelelo, liman' ukuluqwalasela ngokutsha rhoqo ungenelelo kwaye linokwenza naluphi na uncomelo olufanelekileyo kurhulumente wephondo.

(3) Ukuba iBhunga likaMasipala lichithiwe ngokwesiqendwana (1)(c)-

(a) urhulumente wephondo makathi ngoko nangoko adlulisele isaziso esibhaliweyo sokuchithwa kwalo-

(i) kwilungu leKhabhinethi eliphathiswe imicimbi yoorhulumente basekuhlaleni;

(ii) nakwindlu yowiso-mthetho yephondo efanelekileyo nakwiBhunga lamaPhondo leZwelonke; kwaye

(b) ukuchithwa kuqala ukusebenza emva kweentsuku ezili-14 ukususela kumhla wokufunyanwa kwesaziso liBhunga ngaphandle kokuba kukhatyiwe lilungu leKhabhinethi okanye liBhunga ngaphambi kokuphela kwezo ntsuku zili-14.

(4) Ukuba umasipala akakwazi ukuyifeza okanye akayifezi imbopheleleko engokoMgaqo-siseko okanye engokomthetho wepalamente yokuvuma isabelo-mali okanye naziphi na iinzame zokungenisa imali eziyimfuneko ukuze kubekho

isabelo-mali, loo rhulumente wephondo makangenelele ngokuthabatha nawaphi na amanyathelo afanelekileyo okuqinisekisa ukuba isabelo-mali okanye ezo nzame zokungenis' imali ziyavunywa, kuquka nokulichitha iBhunga likaMasipala-

(a) nokumisela umlawuli de iBhunga likaMasipala elinyulwe ngokutsha libe libhengezwe njengelinyuliweyo;

(b) nokuvuma isabelo-mali sexeshana okanye iinzame zokungenis' imali zexeshana ukuze aqhubeke esebenza umasipala.

(5) Ukuba umasipala, ngenxa yengxubakaxaxaka kwiimeko zakhe zemali, usilela ngokugqithisileyo okanye ngokuzingisileyo ekufezekiseni iimbopheleleko zakhe zokwenza iinkonzo ezisisiseko okanye zokufeza iimbopheleleko zakhe ezingokwemali, okanye ukuba uyavuma ukuba akakwazi ukuzifeza iimbophelelelko zakhe okanye ezemali, urhulumente wephondo ofanelekileyo-

(a) makenze icebo lohlangulo elinjongo yalo ikukwenza umasipala akwazi ukuzifeza iimbophelelelko anazo zokunika iinkonzo ezisisiseko okanye ezinye iimbophelelelko ezingokwemali, nto leyo-

(i) emayilungiselelwe ngokuvumelana nomthetho wepalamente wezwelonke;

(ii) emnkqamangelayo umasipala ekusebenziseni kwakhe igunya lakhe lokuwis' imithetho nelokuba ngurhulumente, kodwa elisebenzisa kuphela ngokwemfuneko ekhoyo ukusombulula ingxukabaxaka kwimicimbi yakhe yemali; aze

(b) alichithe iBhunga likaMasipala, ukuba umasipala akanakuzivuma okanye akazivumi iinzame zokuwis' umthetho, kuquka nesabelo-mali okanye ezinye iinzame zokungenis' imali, eziyimfuneko ukuphumelelisa icebo lohlangulo, aze-

(i) amisele umlawuli de iBhunga likaMasipala elinyulwe ngokutsha libe libhengezwe njengelinyuliweyo; aze

(ii) avume isabelo-mali sexeshana okanye iinzame zexeshana zokungenis' imali okanye nokuba zeziphi na ezinye iinzame eziphumelelisa icebo lohlangulo lokwenza ukuba aqhubeke esebenza umasipala; okanye

(c) ukuba iBhunga likaMasipala alichithwanga ngokwesiqendu (b), alenze lisebenze icebo lohlangulo xa umasipala engakwazi ukulisebenzisa okanye engalisebenzisi icebo lohlangulo.

(6) Ukuba urhulumente wephondo uyangenelela kumasipala ngokwesiqendwana (4) okanye (5), makadlulisele isaziso esibhaliweyo sokungenelela–

(a) kwilungu leKhabhinethi eliphathiswe imicimbi yoorhulumente basekuhlaleni;

(b) nakwindlu yowiso-mthetho yephondo efanelekileyo, nakwiBhunga lamaPhondo leZwelonke, zingaphelanga iintsuku ezisixhenxe luqalile ungenelelo.

(7) Ukuba urhulumente wephondo akanako ukuwasebenzisa ngokwaneleyo okanye akawasebenzisi ngokwaneleyo amagunya okanye akanako ukuyenza ngokwaneleyo okanye akayenzi ngokwaneleyo imisebenzi ekuthethwe ngayo kwisiqendwana (4) okanye (5), urhulumente wezwelonke makangenelele ngokwesiqendwana (4) okanye (5) endaweni karhulumente wephondo ochaphazelekayo.

(8) Umthetho wepalamente wezwelonke unokukulawula ukusetyenziswa kwesi siqendu, kuquka neenkqubo ezimiselwe sesi siqendu.

[Isiqendu 139 sathatyathelw' indawo sisiqendu 4 soMthetho Weshumi Elinanye Wokwenz' Utshintsho KuMgaqo-siseko ka-2003.]

Izigqibo ezisuka phezulu

140. (1) Isigqibo esenziwe yiNkulumbuso masibhalwe phantsi ukuba–

(a) senziwe ngokomthetho wepalamente; okanye

(b) sineziphumo ezibandakany' umthetho.

(2) Isigqibo esibhaliweyo esenziwe yiNkulumbuso masityikitywe nangomnye uMphathiswa wephondo ukuba eso sigqibo sichaphazela umsebenzi owabelwe loo Mphathiswa wephondo.

(3) Izihlokomiso, imimiselo nokunye okuyimithethwana yephondo, malukwazi ukukufumana uluntu.

(4) Umthetho wepalamente wephondo usenokuxela indlela, nokuthi kangakanani, emayithi imithethwana ekhankanywe kwisiqendwana (3) –

(a) ithiwe thaca kwindlu yowiso-mthetho yephondo; ize

(b) ivunywe yindlu yowiso-mthetho yephondo.

Izindululo zokungabathembi

141. (1) Ukuba indlu yowiso-mthetho yephondo, ngevoti exhaswa sisininzi samalungu ayo, iphumeza isindululo sokungabi sabathemba aBaphathiswa bephondo, kodwa

ingayiquki iNkulumbuso, iNkulumbuso mayibatshintshe aBaphathiswa.

(2) Ukuba indlu yowiso-mthetho yephondo, ngevoti exhaswa sisininzi samalungu ayo, iphumeza isindululo sokungabi sayithemba iNkulumbuso, iNkulumbuso nabanye aBaphathiswa bephondo mababaphume ezikhundleni.

Imigaqo-siseko yamaphondo

Ukwamkelwa kwemigaqo-siseko yamaphondo

142. Indlu yowiso-mthetho yephondo inokuphumeza umgaqo-siseko wephondo okanye, kwimeko ekuyimfuneko kuyo, yenze utshintsho kuwo, ukuba ubuncinane isibini kwisithathu samalungu ayo siyawuvotela loo Mthetho uYilwayo.

Okuqulethwe yimigaqo-siseko yamaphondo

143. (1) Umgaqo-siseko wephondo, okanye ukwenziwa kotshintsho kumgaqo-siseko wephondo, makungangqubani noMgaqo-siseko, kodwa usenokuthetha–

- (a) ngezakhiwo zendlu yowiso-mthetho yephondo okanye ngezakhiwo zorhulumente wephondo nangeenkqubo ezahlukileyo kwezo ekuthethwe ngazo kwesi Sahluko; okanye
- (b) ngendima negunya nobume bekumkani yomthonyama, apho kufanelekileyo.

(2) Okutshiwo kumgaqo-siseko wephondo okanye kutshintsho olwenziwa kumgaqo-siseko wephondo ngokwesiqendu (a) okanye (b) sesiqendwana (1)–

- (a) makuvumelane nokutshiwo kwisiqendu 1 nakwiSahluko 3; kwaye
- (b) akuvumelekanga ukuba kuthi jize kwiphondo naliphi na igunya okanye umsebenzi owela–
  - (i) ngaphaya kwezinto ezinokwenziwa liphondo ngokweSihlomelo 4 nesesi-5; okanye
  - (ii) ngaphaya kwamagunya nemisebenzi ethiwa jize kwiphondo zezinye iziqendu zoMgaqo-siseko.

Ukuvunywa kwemigaqo-siseko yamaphondo

144. (1) Ukuba indlu yowiso-mthetho yephondo iphumeze umgaqo-siseko okanye yenza utshintsho kuwo, uSihlalo wendlu yowiso-mthetho makathumele umbhalo waloo

mgaqo-siseko okanye wotshintsho lomgaqo-siseko kwiNkundla yoMgaqo-siseko ukuze uvunywe yiyo.

(2) Akukho mbhalo womgaqo-siseko wephondo okanye wotshintsho lomgaqo-siseko othi ube ngumthetho de ibe iNkundla yoMgaqo-siseko ivumile ukuba–
   (a) umbhalo lowo uphunyezwe ngokuvumelana nesiqendu 142; nokuthi
   (b) uwonke umbhalo uyavumelana nesiqendu 143.

Ukutyikitywa, ukupapashwa nokugcinwa kwemigaqo-siseko yamaphondo

145. (1) INkulumbuso yephondo mayiwuvume ize iwutyikitye umbhalo womgaqo-siseko wephondo okanye wotshintsho lomgaqo-siseko othe wavunywa yiNkundla yoMgaqo-siseko.

(2) Umbhalo ovunyiweyo waza watyikitywa yiNkulumbuso mawupapashwe kuShicilelo-Mithetho LukaRhulumente lwezwelonke kwaye uqalisa usakupapashwa okanye ngomnye umhla ogqitywe ngokwaloo mgaqo-siseko okanye ngokolo tshintsho.

(3) Umbhalo otyikityiweyo womgaqo-siseko wephondo okanye wotshintsho kumgaqo-siseko ububungqina obupheleleyo boko ukutshoyo kwaye, wakuba upapashiwe, mawuphathiswe iNkundla yoMgaqo-siseko ukuba iwugcine.

Imithetho engqubanayo

Ungquzulwano phakathi kwemithetho yepalamente yezwelonke neyamaphondo

146. (1) Esi siqendu sisebenza kungquzulwano oluphakathi kwemithetho yepalamente yezwelonke nemithetho yepalamente yamaphondo ewela kummandla wentsebenzo edweliswe kwiSihlomelo 4.

(2) Umthetho wepalamente wezwelonke osebenza ngokufanayo kulo lonke ilizwe kuba nguwo owongamayo phezu komthetho wephondo ukuba kuhlangatyezwana nawo omnye wale miqathango ilandelayo:
   (a) umthetho wepalamente wezwelonke ungomcimbi ongenakulawulwa ngempumelelo ngumthetho wepalamente owiswe liphondo ngalinye;
   (b) umthetho wepalamente wezwelonke ungomcimbi ofunisa, ukuze usingathwe

ngempumelelo, ukuba kubekho ukufana kulo lonke ilizwe, ube ke loo mthetho wepalamente wezwelonke usenza ukuba kubekho oko kufana ngokumisela–

(i) imilinganiselo;

(ii) izakhiwo-mida; okanye

(iii) iinkqubo zezwelonke.

(c) umthetho wepalamente wezwelonke uyimfuneko ukuze–

(i) kuhlale kukho ukhuseleko lwezwelonke;

(ii) kuhlale kukho ubunye kuqoqosho;

(iii) kukhuselwe imarike ekudlelwana ngayo ngumntu wonke ngokumayela nokuthuthwa kwempahla, iinkonzo, ubuncwane nemisebenzi;

(iv) kukhuthazwe imisebenzi yoqoqosho kuwo onke amaphondo;

(v) kukhuthazwe ukulingana kwamathuba okanye ukuzifumana ngokulinganayo iinkonzo zikarhulumente; okanye

(vi) ukukhuselwa kokusingqongileyo.

(3) Umthetho wepalamente wezwelonke kuba nguwo owongamayo phezu komthetho wepalamente wephondo ukuba umthetho wepalamente wezwelonke injongo yawo kukuthintela isenzo esingabhadlanga esenziwa liphondo–

(a) esinobungozi kuqoqosho, kwimpilo, okanye kukhuseleko lwelinye iphondo okanye kukhuseleko lwelizwe liphela; okanye

(b) esithintela ukwenziwa kwenkqubo yoqoqosho yezwelonke isebenze.

(4) Xa kukho imbambano mayela nokuba uyimfuneko kusini na umthetho wepalamente wezwelonke ofunekela injongo echazwe kwisiqendwana (2)(c), ize loo mbambano ize phambi kwenkundla ukuze isonjululwe, inkundla mayicingele ukuvunywa okanye ukukhatywa kwaloo mthetho wepalamente liBhunga lamaPhondo leZwelonke.

(5) Umthetho wepalamente wephondo kuba nguwo owongamayo phezu komthetho wepalamente wezwelonke ukuba isiqendwana (2) okanye (3) asisebenzi.

(6) Umthetho owenziwe ngokoMthetho wePalamente okanye ngokoMthetho wephondo unokongama kuphela ukuba loo mthetho uvunyiwe liBhunga lamaPhondo leZwelonke.

(7) Ukuba iBhunga lamaPhondo leZwelonke alifikeleli kwisigqibo kwisithuba seentsuku ezingama-30 zokuhlala kwalo kokuqala emva kokuba umthetho udluliselwe kulo, loo mthetho mawuthathwe njengovunyiweyo liBhunga.

(8) Ukuba iBhunga lamaPhondo leZwelonke aliwuvumi umthetho ekuthethwe ngawo kwisiqendwana (6), malithumele izizathu zokungawuvumi kwigunya elithumele loo mthetho kwiBhunga, likwenza oko zingaphelanga iintsuku ezingama-30 lisenzile isigqibo sokungawuvumi.

Ezinye iintlobo zongquzulwano

147. (1) Ukuba kukho ungquzulwano phakathi komthetho wepalamente wezwelonke nokutshiwo ngumgaqo-siseko wephondo ngokumayela–

(a) nomcimbi lo Mgaqo-siseko ofuna ngokucacileyo ukuba kubekho umthetho wepalamente wezwelonke ngawo, kuba ngumthetho wepalamente wezwelonke owongamayo phezu koko kutshiwo ngumgaqo-siseko wephondo;

(b) nokungenelela komthetho wepalamente wezwelonke ngokwesiqendu 44(2), kuba ngumthetho wepalamente wezwelonke owongamayo phezu kokutshiwo ngumgaqo-siseko wephondo; okanye

(c) nomcimbi owela kummandla wentsebenzo odweliswe kwiSihlomelo 4, kusebenza isiqendu 146 ngokungathi okuchaphazelekileyo okutshiwo ngumgaqo-siseko wephondo kungumthetho wepalamente wephondo okuthethwe ngako kweso siqendu.

(2) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendu 44(2) kuba nguwo owongamayo phezu komthetho wepalamente wephondo mayela nemicimbi ewela kwimimandla yentsebenzo edweliswe kwiSihlomelo 5.

Iintlobo zongquzulwano ezingenakusonjululwa

148. Ukuba imbambano engongquzulwano ayinakusonjululwa yinkundla, kuba ngumthetho wepalamente wezwelonke owongamayo phezu komthetho wepalamente wephondo okanye phezu komgaqo-siseko wephondo.

Ubume bomthetho wepalamente ongongamiyo

149. Isigqibo senkundla esithi kongama umthetho wepalamente othile phezu komnye umthetho wepalamente asiwenzi ube ngophuthileyo loo mthetho wepalamente

ongomnye, kodwa uba ngongasebenziyo okwelo xesha kusekho ungqquzulwano.

Ukuchazwa kwentsingiselo yongquzulwano

150. Xa iqwalasela okubonakala ngathi lungqquzulwano phakathi komthetho wepalamente wezwelonke nowephondo, okanye phakathi komthetho wepalamente wezwelonke nomgaqo-siseko wephondo, zonke iinkundla mazikhethe indlela ebhadlileyo yokuchaz' intsingiselo yawo eluphephayo ungqquzulwano, kunokukhetha indlela yokuchaz' intsingiselo yawo edal' ungqquzulwano.

ISAHLUKO 7

URHULUMENTE WASEKUHLALENI

Ubume boomasipala

151. (1) Urhulumente wasekuhlaleni ngoomasipala, abamele babekho kuwo wonke umhlaba weRiphablikhi.

(2) Igunya loburhulumente nelokuwis' umthetho likamasipala likwiBhunga likaMasipala.

(3) Umasipala unelungelo lokulawula, ngokwakhe, imicimbi yorhulumente wasekuhlaleni yoluntu lwakhe, ngokulawulwa yimithetho yepalamente yezwelonke nayeyephondo, njengoko kusitshiwo kuMgaqo-siseko.

(4) Urhulumente wezwelonke okanye wephondo akavumelekanga ukuba abe ngumqobo ekukwazini kukamasipala ukusebenzisa amagunya akhe okanye ukwenza imisebenzi yakhe, okanye abe ngumqobo kwilungelo lakhe lokusebenzisa amagunya akhe okanye lokwenza imisebenzi yakhe.

Iinjongo zikarhukumente wasekuhlaleni

152. (1) Iinjongo zikarhulumente wasekuhlaleni-

(a) kukuba kubekho urhulumente wentando yesininzi nomakaphendule woluntu lwasekuhlaleni;

(b) kukuqinisekisa ukuba uluntu lufumana iinkonzo ngokuzingisileyo;

(c) kukuqhubela phambili uphuhliso entlalweni nakuqoqosho;

(d) kukuqhubela phambili imeko yokusingqongileyo engenabungozi nenempilo;

(e) nokukhuthaza ukubandakanyeka koluntu nemibutho yoluntu kwimicimbi karhulumente wasekuhlaleni.

(2) Umasipala makazame, ngokwamandla anawo ngokwasemalini nangokwasemsebenzini, ukuba azifeze iinjongo ezichazwe kwisiqendwana (1)

Imisebenzi yophuhliso yoomasipala

153. Umasipala –

(a) makazilawule iinkqubo zakhe zolawulo nezolwabiwo-mali nezokucwangcisa ngendlela ebeka phambili iimfuno ezisisiseko zoluntu, nekhuthaza uphuhliso loluntu entlalweni nakuqoqosho; kananjalo

(b) makathabath' inxaxheba kwiinkqubo zophuhliso zezwelonke nezephondo.

Oomasipala kurhulumente wentsebenziswano

154. (1) Urhulumente wesizwe noorhulumente bamaphondo kufuneka bathi, Urhulumente wezwelonke noorhulumente bamaphondo, ngokuwis' imithetho nangokusebenzisa eziny' iindlela, mabakuxhase, bakomeleze ukukwazi koomasipala ukuphath' imicimbi yabo, ukusebenzisa amagunya abo nokwenza imisebenzi yabo.

(2) Imithetho yepalamente eseluvavanyo yezwelonke okanye yamaphondo echaphazela ubume, amagunya okanye imisebenzi karhulumente wasekuhlaleni mayipapashwe ukuze abantu bavakalise uluvo ngayo ngaphambi kokuba ingeniswe ePalamente okanye kwindlu yowiso-mthetho yephondo, ngendlela enika urhulumente wasekuhlaleni ocwangcisiweyo, oomasipala nabanye abantu abachaphazelekayo ithuba lokutsho abafuna ukukutsho ngaloo mthetho wepalamente oseluvavanyo.

Ukusekwa koomasipala

155. (1) Kukho ezi ndidi zilandelayo zoomasipala:

(a) uDidi A: umasipala onegunya elipheleleyo lokuba ngurhulumente nelokuwis' imithetho;

(b) uDidi B: umasipala odlelana ngegunya lokuba ngurhulumente nelokuwis' umthetho kummandla wakhe edlelana nomasipala woDidi C okummandla wakhe;

(c) uDidi C: umasipala onegunya lokuba ngurhulumente nelokuwis' imithetho kummandla oquka oomasipala abaliqela.

(2) Umthetho wepalamente wezwelonke mawuzicacise iintlobo zoomasipala ezinokusekwa ngaphakathi kudidi ngalunye.

(3) Umthetho wepalamente wezwelonke–

(a) mawuxele izinto emakuqondwe ngazo xa umasipala emele abe nodidi olunye olungu-A okanye xa emele abe noomasipala boDidi B no-C;
(b) mawuxele izinto emakuqondwe ngazo neenkqubo zokwenza isigqibo ngemida yoomasipala, sisenziwa ligunya elizimeleyo; kananjalo
(c) ngokulawulwa sisiqendu 229, makalungiselele ukuba ahlulwe ngokufanelekileyo amagunya nemisebenzi phakathi koomasipala xa ummandla unoomasipala boDidi B no-C. Ukwahlulwa kwamagunya nemisebenzi phakathi komasipala woDidi B nomasipala woDidi C kusenokungafani nokwahlulwa kwamagunya nemisebenzi phakathi komnye umasipala woDidi B naloo masipala woDidi C.

(4) Umthetho wepalamente ekuthethwe ngawo kwisiqendwana (3) mawucingele imfuneko yokwenza iinkonzo zikamasipala ngendlela engakhalazisiyo nezingisileyo.

(5) Umthetho wepalamente wephondo mawenze isigqibo ngeentlobo ezingafaniyo zikamasipala oza kusekwa kwiphondo.

(6) Urhulumente ngamnye wephondo makaseke oomasipala kwiphondo lakhe ngendlela evisisana nomthetho wepalamente owiswe ngokwesiqendwana (2) nese-(3) kwaye, ngokuwis' umthetho okanye ngeziny' iindlela,–
(a) makenze ukuba urhulumente wasekuhlaleni abekw' esweni kwaye axhaswe; kananjalo
(b) makakhuthaze ukuphuhliswa kokukwazi kukarhulumente wasekuhlaleni ukusebenza ukuze oomasipala bayenze imisebenzi yabo, baziphathele nemicimbi yabo.

(6A) . . . . . .

[Isiqendwana (6A) safakelwa sisiqendu 1 soMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 saza sacinywa sisiqendu 2 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]

(7) Urhulumente wezwelonke, ngokulawulwa sisiqendu 44, noorhulumente bamaphondo banegunya lokuwis' umthetho nelokuba ngurhulumente ukuqinisekisa ukuba yenziwa ngempumelelo ngoomasipala imisebenzi yabo kwimicimbi edweliswe kwiSihlomelo 4 nese-5, ngokukulawula ukusetyenziswa kwegunya lokuba ngurhulumente ngoomasipala ekuthethwe ngalo kwisiqendu 156(1).

Amagunya oomasipala nemisebenzi yabo

156. (1) Umasipala unegunya lokuba ngurhulumente mayela nemicimbi elandelayo, kwaye unelungelo lokuyilawula–
   (a) imicimbi karhulumente wasekuhlaleni edweliswe kwiCandelo B leSihlomelo 4 neCandelo B leSihlomelo 5; kunye
   (b) nawo nawuphi na omnye umcimbi abelwe wona ngumthetho wepalamente wezwelonke okanye wephondo.

(2) Umasipala unokwenz' imithetho eyekamasipala aze ayilawule ukuze ilawuleke ngempumelelo imicimbi anelungelo lokuyilawula.

(3) Ngokulawulwa sisiqendu 151(4), umthetho kamasipala ongqubanayo nomthetho wepalamente wezwelonke okanye wephondo, uphuthile. Ukuba kukho ungqubano phakathi komthetho kamasipala nomthetho wepalamente wezwelonke okanye wephondo ongasebenziyo ngenxa yongquzulwano ekuthethwe ngalo kwisiqendu 149, umthetho kamasipala mawuthathwe njengophilayo ngalo lonke ixesha loo mthetho wepalamente ungasebenzi.

(4) Urhulumente wezwelonke noorhulumente bamaphondo mababele oomasipala, ngokuvumelana nangokulawulwa yimiqathango, ukusingathwa komcimbi odweliswe kwiCandelo A leSihlomelo 4 okanye kwiCandelo A leSihlomelo 5 onento yokwenza ncakasana norhulumente wasekuhlaleni, ukuba–
   (a) loo mcimbi ubungaphathwa kakuhle kakhulu ekuhlaleni; abe
   (b) nomasipala enako ukuwuphatha.

(5) Umasipala unelungelo lokusebenzisa naliphi na igunya ngomcimbi oyimfuneko ukuze yenziwe ngempumelelo imisebenzi yakhe.

Indlela akheke ngayo amaBhunga ooMasipala nokunyulwa kwawo

157. (1) IBhunga likaMasipala–
   (a) ngamalungu anyulwe ngokwesiqendwana (2) nese-(3); okanye
   (b) ukuba kutsho umthetho wepalamente wezwelonke–
      (i) ngamalungu amiselwe ngamanye amaBhunga ooMasipala ukuba amele amanye amaBhunga; okanye
      (ii) gawo kokubini amalungu anyulwe ngokwesiqendu (a) namalungu amiselwe ngokwesiqendwana (i) sesi siqendu.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 1(a) soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002 nasisiqendu 3 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

(2) Ukunyulwa kwamalungu ukuba abe kwiBhunga likaMasipala njengoko kulindelekile ngokwesiqendwana (1)(a) makube ngokomthetho wepalamente wezwelonke, omawuxele inkqubo–

(a) yokumelwa ngokulinganayo esekelwe kwelo candelo likamasipala lomqulu wabavoti wezwelonke, nothi makunyulwe amalungu kuludwe lwabagqatswa bamaqela oluqulunqwe ngokolandelelwano lokuthandwa kwabantu embuthweni; okanye

(b) yokumelwa ngokulinganayo njengoko kuchazwe kwisiqendu (a) idityaniswe nenkqubo yokumelwa kweewadi esekelwe kwicandelo laloo masipala lomqulu wabavoti wezwelonke.

(3) Inkqubo yonyulo engokwesiqendwana (2) mayibe nesiphumo, ngokubanzi, esikukumelwa ngokulinganayo.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 1(b) soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002.]

(4) (a) Ukuba inkqubo yonyulo iquka ukumelwa kweewadi, ukususwa kwemida yeewadi makwenziwe ligunya elizimeleyo elimiselwe ngokweenkqubo, nelisebenza ngokweenkqubo neemfuneko ezitshiwo ngumthetho wepalamente wezwelonke.

(b) ....

[Isiqendu (b) sacinywa sisiqendu 3 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005.]
[Isiqendwana (4) sathatyathelw' indawo sisiqendu 2 soMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

(5) Umntu unokuvota kumasipala kuphela ukuba ubhalisiwe kwicandelo laloo masipala lomqulu wabavoti wezwelonke.

(6) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1)(b) mawuseke inkqubo evumela ukuba amaqela nezinto ezibonakaliswa ngaphakathi kwiBhunga likaMasipala owenza umiselo, ibe yemelwe ngokungakhalazisiyo kwiBhunga likaMasipala umntu amiselwa kulo.

Ubulungu bamaBhunga ooMasipala

158. (1) Wonke ummi ofanelekayo ukuba avotele iBhunga likaMasipala uyafaneleka ukuba abe lilungu lelo Bhunga, ngaphandle –

(a) komntu oqeshwe ngumasipala, okanye okwinkonzo kamasipala, kananjalo abe efumana umvuzo ngoko kuqeshwa okanye ngaloo nkonzo, kananjalo kungekho nto imkhululayo koko kungafaneleki ngokomthetho wepalamente wezwelonke;

(b) komntu oqeshwe ngurhulumente, okanye okwinkonzo karhulumente, kwelinye inqwanqwa likarhulumente, abe efumana umvuzo ngoko kuqeshwa kwakhe okanye ngaloo nkonzo yakhe, kananjalo engafaneleki ukuba abe lilungu leBhunga likaMasipala ngokomthetho wepalamente wezwelonke;

(c) komntu ongafanelekiyo ukuba avotele indlu yowiso-mthetho okanye ongafanelekiyo ngokwesiqendu 47(1)(c), (d) okanye (e) ukuba abe lilungu leNdlu;

(d) kwelungu leNdlu yoWiso-mthetho, umthunywa kwiBhunga lamaPhondo leZwelonke okanye ilungu lendlu yowiso-mthetho yephondo; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimela urhulumente wasekuhlaleni kwiBhunga lezwelonke; okanye

(e) kwelungu lelinye iBhunga likaMasipala; kodwa oku kungafaneleki akusebenzi kwilungu leBhunga likaMasipala elimela elo Bhunga kwelinye iBhunga likaMasipala wodidi olwahlukileyo.

(2) Umntu ongafanelekiyo ukuba abe lilungu leBhunga likaMasipala ngokwesiqendwana (1)(a), (b), (d) okanye (e) unokuba ngumgqatswa wokungena kwiBhunga, kodwa ngokulawulwa yimida okanye yimiqathango ebekwe ngumthetho wepalamente wezwelonke.

(3) Izithuba ezikwiBhunga likaMasipala mazivalwe ngokomthetho wepalamente wezwelonke.

[Isiqendwana (3) songezwa sisiqendu 4 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

Amaxesha okuba sesikhundleni kwamaBhunga ooMasipala

159. (1) Ixesha lokuba sesikhundleni leBhunga likaMasipala alinakuba ngaphezu kweminyaka emihlanu, ngokwendlela ekugqitywe ngayo ngumthetho wepalamente wezwelonke.

(2) Ukuba iBhunga likaMasipala liyachithwa ngokomthetho wepalamente wezwelonke, okanye xa ixesha lalo liphela, makubekho unyulo zingaphelanga iintsuku

ezingama-90 ukususela kumhla elachithwa ngawo elo Bhunga okanye ukususela kumhla elaphela ngawo ixesha lalo.

(3) IBhunga likaMasipala, elingelilo iBhunga eliye lachithwa ngenxa yongenelelo olungokwesiqendu 139, liqhubeka linegunya lokusebenza ukususela kwixesha lokuchithwa kwalo okanye ukususela kwixesha lokuphela kwexesha lalo, de libe iBhunga elinyulwe ngokutsha libhengezwe njengelinyuliweyo.

[Isiqendu 159 sathatyathelw' indawo sisiqendu 1 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

Iinkqubo zangaphakathi

160. (1) IBhunga likaMasipala–

(a) lenza izigqibo ngokusetyenziswa kwawo onke amagunya nangokwenziwa kwayo yonke imisebenzi kamasipala;

(b) malinyule usihlalo walo;

(c) lisenokunyula ikomiti yokuba ngurhulumente nezinye iikomiti, ngokulawulwa ngumthetho wepalamente wezwelonke; kananjalo

(d) lisenokuqesha abasebenzi abayimfuneko ukuze yenziwe ngempumelelo imisebenzi yabo.

(2) Imisebenzi elandelayo ayinakuphathiswa omnye umntu liBhunga likaMasipala:

(a) ukuphunyezwa kwemithetho kamasipala;

(b) ukuvunywa kolwabiwo-mali;

(c) ukufunwa kwemirhumo nezinye iirhafu, neentlawulo; kwakunye

(d) nokufunwa kweemali-mboleko.

(3) (a) Makubekho isininzi samalungu eBhunga likaMasipala ngaphambi kokuba kuvotelwe nawuphi na umcimbi.

(b) Yonke imibandela engemicimbi ekhankanywe kwisiqendwana (2) igqitywa ngesigqibo esithathwe liBhunga likaMasipala ngevoti exhasayo yesininzi samalungu alo.

(c) Yonke eminye imibandela ephambi kweBhunga likaMasipala igqitywa sisininzi seevoti ezifakiweyo.

(4) Akukho mthetho kamasipala omawuphunyezwe liBhunga likaMasipala azisiwe ngaphandle kokuba–

(a) onke amalungu eBhunga azisiwe kuselixesha; kwaye

(b) nomthetho kamasipala ocetywayo upapashiwe ukuze uluntu luvakalise izimvo.

(5) Umthetho wepalamente wezwelonke usenokuxela izinto emakuqwalaselwe zona ekwenzeni isigqibo–

(a) ngobukhulu beBhunga likaMasipala;

(b) mayela nokuba amaBhunga ooMasipala anokuyinyula kusini na ikomiti yokuba ngurhulumente okanye nayiphi na enye ikomiti; okanye

(c) ngobungakanani bekomiti yokuba ngurhulumente okanye nayiphi na enye ikomiti yeBhunga likaMasipala.

(6) IBhunga likaMasipala linokwenza imithetho etsho imigaqo nemiyalelo–

(a) yamalungiselelo alo angaphakathi;

(b) yemisebenzi yalo nendlela emakuqhutywe ngayo;

(c) yokusekwa kweekomiti zalo, indlela emazakheke ngayo, iinkqubo zokulandelwa, amagunya azo nemisebenzi yazo.

(7) IBhunga likaMasipala maliyenzele elubala imisebenzi yalo, kananjalo linokuzivalela libe lodwa xa lihleli, okanye xa kuhleli iikomiti zalo, kuphela xa kufanelekile ukwenza njalo xa kucingelwa ubunjani bemisebenzi egwadlwayo.

(8) Amalungu eBhunga likaMasipala anelungelo lokuthabath' inxaxheba ekuhlalelweni kwemicimbi yalo naleyo yeekomiti zalo, ngendlela–

(a) evumela ukuba amaqela amelweyo ngaphakathi kwiBhunga amelwe kakuhle nemicimbi emelweyo ngaphakathi kwiBhunga imelwe kakuhle;

(b) evisisana nentando yesininzi; nangendlela

(c) enokuthi ilawulwe ngumthetho wepalamente wezwelonke.

Ukungabi nakubekwa tyala

161. Umthetho wepalamente wephondo, ngaphakathi kwemida yomthetho wepalamente wezwelonke, usenokuxela ukungabi nakubekwa tyala kwamaBhunga ooMasipala namalungu awo.

Ukupapashwa kwemithetho yoomasipala

162. (1) Umthetho kamasipala unokunyanzeliswa emva kokuba upapashwe kushicilelo-mithetho oluvunyiweyo lwephondo akulo umasipala lowo.

(2) Ushicilelo-mithetho oluvunyiweyo lwephondo malupapashe umthetho kamasipala lusakucelwa ngumasipala.

(3) Uluntu malukwazi ukufikelela kwimithetho kamasipala.

Urhulumente wasekuhlaleni ocwangcisiweyo

163. UMthetho wePalamente owiswe ngokwenkqubo yesiqendu 76–

(a) mawubonise ukuyamkela imibutho yezwelonke neyephondo emela oomasipala; kwaye

(b) mawuxele iinkqubo anokuthi ngazo urhulumente wasekuhlaleni–

(i) abonisane norhulumente wezwelonke okanye wephondo;

(ii) achonge abameli bokuthabath' inxaxheba kwiBhunga lamaPhondo leZwelonke; kananjalo

(iii) athabath' inxaxheba kwinkqubo exelwe kumthetho wepalamente wezwelonke ekuthethwa ngawo kwisiqendu 221(1)(c).

[Isiqendu 163(b) sathatyathelw' indawo sisiqendu 4 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Eminye imicimbi

164. Nawuphi na umcimbi ongorhulumente wasekuhlaleni ekungathethwanga ngawo kuMgaqo-siseko unokucaciswa ngumthetho wepalamente wezwelonke okanye ngumthetho wepalamente wephondo, kodwa ngaphakathi kwemida yomthetho wepalamente wezwelonke.

ISAHLUKO 8

IINKUNDLA NOKUSINGATHWA KOBULUNGISA

Igunya lokuchophel' amatyala

165. (1) Igunya lokuchophel' amatyala leRiphablikhi likwiinkundla.

(2) Iinkundla zizimele geqe, zilawulwa kuphela nguMgaqo-siseko nangumthetho, emaziwusebenzise ngokungenamkhethe nangokungenaloyiko, ngaphandle kokukholis' umnt' othile okanye ukumona.

(3) Akukho mntu okanye candelo likarhulumente uvumelekileyo ukuba aphazamise ukusebenza kweenkundla.

(4) Amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, makazincedise kwaye azikhusele iinkundla ukuqinisekisa ukuba zizimele geqe, azinamkhethe, zinesidima, ziyafikeleleka kwaye zisebenza ngempumelelo.

(5) Umyalelo okhutshwe yinkundla okanye isigqibo esikhutshwe yiyo sinkqamangela bonke abantu namacandelo karhulumente esisebenza kubo okanye kuwo.

(6) IJaji Eyintloko iyintloko yeejaji kwaye yiyo ephethe ukumiselwa kwemigaqo nokubekwa kwayo esweni iyeyokwenziwa kwemisebenzi yokuchotshelwa kwamatyala kuzo zonke iinkundla.

[Isiqendwana (6) sifakelwe sisiqendu 1 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Iinkundla

166. Iinkundla–

(a) yiNkundla yoMgaqo-siseko;

(b) yiNkundla Ephakamileyo yeZibheno;

(c) yiNkundla Ephakamileyo yoMzantsi-Afrika, kunye nayo nayiphi na inkundla ephakamileyo yezibheno esenokusekwa nguMthetho wePalamente ukuze iphulaphule izibheno ezisuka kuyo nayiphi na inkundla ekwinqanaba elilingana neleNkundla Ephakamileyo yoMzantsi-Afrika;

(d) ziiNkundla zeeMantyi; kunye

(e) nayo nayiphi na enye inkundla esekwe okanye evunyiweyo ngokoMthetho wePalamente, kuquka nayiphi na inkundla ekwinqanaba elilingana

neleNkundla Ephakamileyo yoMzantsi-Afrika okanye elilingana neleeNkundla zeeMantyi.

[Isiqendu (c) no-(e) zifakelwe nguMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

INkundla yoMgaqo-siseko

167. (1) INkundla yoMgaqo-siseko yiJaji eyiNtloko yoMzantsi-Afrika, iSekela leJaji eyiNtloko kunye nezinye iijaji ezilithoba.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 11 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) Umcimbi ophambi kweNkundla yoMgaqo-siseko mawuphulaphulwe ziijaji ezisibhozo ubuncinane.

(3) INkundla yoMgaqo-siseko–

(a) yeyona nkundla iphakamileyo kwiRiphablikhi; kwaye

(b) inokwenza isigqibo.

(i) ngemicimbi yoMgaqo-siseko;

(ii) nangawo nawuphi na omnye umcimbi, ukuba ithe yavumela ukuba kubhenwe ngesizathu esikukuba loo mcimbi uvelisa ingongoma yomthetho ekunokuphikiswana ngayo ebaluleke kuluntu ngokubanzi emayiqwalaselwe yiNkundla yoMgaqo-siseko; kwaye

(c) yiyo eyenza isigqibo esingenakuphikiswa mayela nokuba umcimbi ungowokuchotshelwa yiyo kusini na.

[Isiqendwana (3) sithatyathelwe indawo sisiqendu 3 soMthetho Weshumi Elinesixhenxe Sokwenz' Utshintsho KuMgaqo ka-2012]

(4) YiNkundla yoMgaqo-siseko kuphela enokuthi–

(a) yenze isigqibo ngeembambano eziphakathi kwamacandelo karhulumente kurhulumente wezwelonke okanye kowephondo mayela nobume obungokoMgaqo-siseko, amagunya okanye imisebenzi yaloo macandelo karhulumente;

(b) yenze isigqibo mayela nokuba uyavisisana kusini na noMgaqo-siseko uMthetho oYilwayo wePalamente okanye wephondo, kodwa ivumeleke ukuba yenze njalo kuphela kwiimeko ezilindeleke kwisiqendu 79 okanye 121;

(c) yenze isigqibo ngezicelo ekuthetwa ngazo kwisiqendu 80 okanye 122;

(d) yenze isigqibo mayela nokuba luyavisisana kusini na noMgaqo-siseko utshintsho olwenziwayo kuMgaqo-siseko;

(e) yenze isigqibo mayela nokuba iPalamente okanye uMongameli woyisakele kusini na ukuyifeza imbopheleleko engokoMgaqo-siseko; okanye

(f) aqinisekise ukufaneleka komgaqo-siseko wephondo ngokwesiqendu 144.

(5) YiNkundla yoMgaqo-siseko eyenza isigqibo esingenakuphikiswa mayela nokuba uMthetho wePalamente, uMthetho wephondo okanye isenzo sikaMongameli siyavisisana kusini na noMgaqo-siseko, kwaye mayitsho ukuba iyavumelana kusini na nomyalelo ophuthisa loo nto iphuthiswayo okhutshwe yiNkundla Ephakamileyo yeZibheno, yiNkundla Ephakamilyo yoMzantsi-Afrika okanye yinkundla ekwinqanaba elilingana nelezi nkundla, ngaphambi kokuba loo myalelo ube ungasebenza.

[Isiqendwana (5) sithatyathelwe indawo sisiqendu 3 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

(6) Umthetho wepalamente wezwelonke okanye imigaqo yeNkundla yoMgaqo-siseko mayimvumele umntu, xa kuya kuba bubulungisa ukwenza njalo, ngemvume yeNkundla yoMgaqo-siseko–

(a) ukuba awuzise ngqo umcimbi kwiNkundla yoMgaqo-siseko; okanye

(b) abhenele ngqo kwiNkundla yoMgaqo-siseko esuka nakuyiphi na inkundla.

(7) Umcimbi ongoMgaqo-siseko uquka nawuphi na umbandela ongokuchazwa kwentsingiselo, ukukhuselwa, okanye ukunyanzeliswa koMgaqo-siseko.

INkundla Ephakamileyo yeZibheno

168. (1) INkundla Ephakamileyo yeZibheno nguMongameli, uSekela-Mongameli kunye neejaji zesibheno ezilinani eligqitywa ngokoMthetho wePalamente.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 12 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) Umcimbi ophambi kweNkundla Ephakamileyo yeZibheno mawugqitywe ziijaji ezilinani eligqitywe ngokoMthetho wePalamente.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 12 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) (a) INkundla Ephakamileyo yeZibheno inokwenz' isigqibo kuwo nawuphi na umcimbi osuka kwiNkundla Ephakamileyo yoMzantsi-Afrika okanye osuka kwinkundla ekwinqanaba elilinganayo neleNkundla Ephakamileyo YoMzantsi-Afrika, ngaphandle kwemicimbi yabasebenzi okanye yokhuphiswano ngokwendlela exelwe nguMthetho wePalamente.

(b) INkundla Ephakamileyo yeZibheno ivumeleke ukuba yenze isiqgibo kuphela—

(i) ngezibheno;

(ii) ngemibandela enento yokwenza nezibheno;

(iii) nangawo nawuphi na omnye umcimbi onokudluliselwa kuyo kwiimeko ezichazwe nguMthetho wePalamente.

[Isiqendwana (3) sithatyathelwe indawo sisiqendu 4 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko]

IiNkundla Eziphakamileyo ZoMzantsi-Afrika

169. (1) INkundla Ephakamileyo YoMzantsi-Afrika inokwenz' isigqibo–

(a) ngawo nawuphi na umcimbi ongoMgaqo-siseko ngaphandle komcimbi–

(i) ethe iNkundla yoMgaqo-siseko yavuma ukuba uze kuyo ngqo ngokwesiqendu 167(6)(a) ; okanye

(ii) owabelwe nguMthetho wePalamente ukuba uye kwenye inkundla ekwinqanaba elilinganayo neleNkundla Ephakamileyo YoMzantsi-Afrika; kunye;

(b) nawo nawuphi na omnye umcimbi ongabelwanga ukuba uye kwenye inkundla nguMthetho wePalamente.

(2) INkundla Ephakamileyo YoMzantsi-Afrika inamaCandelo amiselwe nguMthetho wePalamente, Mthetho lowo omawuyalele ukuba-

(a) kwakhiwe amaCandelo, anekomkhulu elinye okanye amanye amabini kwiCandelo ngalinye;

(b) kuxelwe ukuba iCandelo linaliphi igunya okanye ikomkhulu elineCandelo.

(3) ICandelo ngalinye leNkundla Ephakamileyo yoMzantsi-Afrika-

(a) linoMongameli weeJaji;

(b) lisenokuba noSekela-Mongameli weeJaji okanye ooSekela-Mongameli weeJaji abaliqela; kwaye

(c) Iinezinye iijaji ezinani lazo liqingqwa ngumthetho wezwelonke wendlu yowiso-mthetho.

[Isiqendu 169 sithatyathelwe indawo sisiqendu 6 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Ezinye iinkundla

170. Zonke iinkundla ngaphandle kwezo kuthethwe ngazo kwisiqendu 167, 168 nesama-169 zinokwenz' isigqibo ngawo nawuphi na umcimbi ogqitywe nguMthetho wePalamente, kodwa inkundla ekwinqanaba elingaphantsi kweleNkundla Ephakamileyo YoMzantsi-Afrika ayivumelekanga ukuba izame ukufumana ukuba uyavisisana kusini na noMgaqo-siseko umthetho wepalamente okanye isenzo sikaMongameli okanye yenze isigqibo ngako oko.

[Isiqendu 170 sithatyathelwe indawo sisiqendu 6 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Iinkqubo zeenkundla

171. Zonke iinkundla zisebenza ngokomthetho wepalamente wezwelonke, kananjalo imigaqo yazo neenkqubo mazixelwe ngumthetho wepalamente wezwelonke.

Amagunya eenkundla kwimicimbi engoMgaqo-siseko

172. (1) Xa isenz' isigqibo ngomcimbi ongoMgaqo-siseko enegunya lawo, inkundla–
- (a) mayivakalise ukuba nawuphi na umthetho ongavisisaniyo noMgaqo-siseko uphuthile okanye nasiphi na isenzo esingavisisaniyo noMgaqo-siseko siphuthile, kodwa ukuphutha kukuloo ndawana engavisisaniyo noMgaqo-siseko kuphela; kananjalo
- (b) inokukhupha nawuphi na umyalelo onobulungisa nongakhalazisiyo, kuquka–
  - (i) nomyalelo othintela ukuba kungaqaleli emva ukusebenza komyalelo ophuthisayo; kunye
  - (ii) nomyalelo okuxhomayo ixesha elithile ukubhengezwa kwento iyephuthileyo, kubekho nemiqathango, ngenjongo yokunik' ithuba igunya emalilungise lilungise isiphene eso.

(2) (a) INkundla Ephakamileyo yeZibheno, iNkundla Ephakamileyo YoMzantsi-Afrika okanye inkundla ekwinqanaba elilingana nelezi nkundla inokukhupha umyalelo mayela nokuba uyavisisana kusini na noMgaqo-siseko uMthetho wePalamente, uMthetho wephondo okanye isenzo sikaMongameli, kodwa umyalelo othi into ayivisisani noMgaqo-siseko awusebenzi de ibe iNkundla yoMgaqo-siseko ivumelene nawo.

[Isiqendu (a) sithatyathelwe indawo sisiqendu 7 soMthetho Weshumi Elinesishenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

(b) Inkundla ekhupha umyalelo othi into ayivisisani noMgaqo-siseko isenokukhupha umyalelo wexeshana othintela ukwenziwa kwento ethile okanye inike umntu olunye uncedo oluthile lwexeshana, okanye isenokuwuphosa komnye umhla umcimbi lowo, kude kufumaneke isigqibo seNkundla yoMgaqo-siseko ngokubhadla kwaloo Mthetho okanye isenzo.

(c) Umthetho wepalamente wezwelonke mawuthethe ngokudluliselwa komyalelo wokungavisisani kwento noMgaqo-siseko kwiNkundla yoMgaqo-siseko.

(d) Nawuphi na umntu okanye icandelo likarhulumente ochaphazeleka ngokwaneleyo uvumelekile ukuba abhene, okanye enze isicelo, ngokuya ngqo kwiNkundla yoMgaqo-siseko ngenjongo yokwenza ukuba iNkundla yoMgaqo-siseko ivumelane nomyalelo wokungabhadli kwento ngokoMgaqo-siseko okanye ngenjongo yokuba iwutshintshe loo myalelo okhutshwe yenye inkundla ngokwesi siqendwana.

Igunya elingenakohluthwa

173. INkundla yoMgaqo-siseko, iNkundla Ephakamileyo yeZibheno neNkundla Ephakamileyo yoMzantsi-Afrika zinegunya elingenakohluthwa lokuyikhusela nokuyilawula ngokwazo inkqubo yazo, nelokuwuphuhlisa umthetho ongabhalwanga phantsi, zicingela ukwenziwa kobulungisa.

[Isiqendu 173 sithatyathelwe indawo sisiqendu 8 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Ukumiselwa kwabachopheli-matyala

174. (1) Nawuphi na umntu olibhinqa okanye oyindoda onemfundo efanelekileyo ongumntu ofanelekileyo unokumiselwa abe ngumchopheli-matyala. Nawuphi na umntu oza kumiselwa ukuba abe kwiNkundla yoMgaqo-siseko, kananjalo makabe ngummi waseMzantsi-Afrika.

(2) Xa kumiselwa abachopheli-matyala makucingelwe imfuneko yokuba iintlanga zoMzantsi-Afrika nobuni babemi bawo zimelwe ngokobungakanani bazo.

(3) UMongameli, njengentloko karhulumente wezwelonke, emva kokubonisana neKomishoni yeeJaji neenkokeli zamaqela amelweyo kwiNdlu yoWiso-mthetho, umisela iJaji eyiNtloko neSekela leJaji eyiNtloko aze, emva kokubonisana neKomishoni yeeJaji, amisele uMongameli noSekela-Mongameli weNkundla Ephakamileyo yeZibheno.

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 13 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(4) Ezinye iijaji zeNkundla yoMgaqo-siseko zimiselwa nguMongameli, njengentloko karhulumente wezwelonke, emva kokubonisana neJaji eyiNtloko neenkokeli zamaqela amelwe kwiNdlu yoWiso-mthetho, ngokwenkqubo elandelayo:

(a) iKomishoni mayiqulunqe uluhlu lwabatyunjwa olunamagama amathathu ngaphezulu kunenani labantu ekufuneka bemiselwe, ize ilunike uMongameli olu luhlu;

(b) uMongameli unokumisela iijaji kolo luhlu, kwaye makazise iKomishoni yeeJaji, enika izizathu, ukuba kukho abathile kubatyunjwa abangamkelekiyo naxa kusekho izithuba ezisafuna ukuvalwa;

(c) iKomishoni yeeJaji mayixabangele uluhlu ngabanye abatyunjwa aze uMongameli azivale izithuba eziseleyo ngokumisela ethabatha kuluhlu oluxatyangelweyo.

[Isiqendwana (4) sathatyathelw' indawo sisiqendu 13 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(5) Ngamaxesha onke, ubuncinane iijaji ezine zeNkundla yoMgaqo-siseko makube ngabantu ababeziijaji ngexesha ababemiselwa ngalo kwiNkundla yoMgaqo-siseko.

(6) UMongameli makathi zonke iijaji zezinye iinkundla azimisele ngokucetyiswa yiKomishoni yeeJaji.

(7) Abanye abachopheli-matyala mabamiselwe ngokoMthetho wePalamente omawuqinisekise ukuba ukumiselwa, ukunyuselwa, ukufuduselwa kwenye indawo, ukugxothwa okanye ukuthatyathelw' amanyathelo oluleko kwaba bachopheli-matyala kwenzeka ngokungazami ukukholisa umntu othile okanye ukumona.

(8) Ngaphambi kokuba abachopheli-matyala baqalise ukwenza imisebenzi yabo, mabafunge okanye benze isibhambathiso, ngokweSihlomelo 2, sokuba baza kuwuxhasa bawukhusele uMgaqo-siseko.

Ukumiselwa kweejaji ezibambeleyo

175. (1) UMongameli usenokumisela umntu olibhinqa okanye oyindoda ukuba abe akhonze njengebambela leSekela-Jaji eyiNtloko okanye njengejaji yoMgaqo-siseko ukuba kukho isithuba kwezo zikhundla, okanye ukuba umntu okweso sikhundla akekho. Ukumiselwa oko makwenziwe ngoncomelo lwelungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa livumelana neJaji eyiNtloko, kwaye umntu omiselwa njengebambela leSekela-Jaji eyiNtloko makanyulwe kwiijaji esezimiselwe kakade ukuba zibe kwiNkundla yoMgaqo-siseko ngokwesiqendu 174(4).

(2) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa malimisele iijaji ezibambeleyo kwezinye iinkundla emva kokubonisana nejaji elikhwahla yenkundla eza kusebenza kuyo ijaji ebambeleyo.

[Isiqendu 175 sithatyathelwe indawo sisiqendu 9 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012]

Amaxesha okuba sesikhundleni nemivuzo

176. (1) Ijaji yeNkundla yoMgaqo-siseko iba sesikhundleni ixesha elingenakuvuselelwa eliyiminyaka eli-12, okanye de ifike kubudala bama-70 eminyaka, kuxhomekeke ekubeni kokuphi okufka kuqala, ngaphandle kwaxa uMthetho wePalamente ulolula ixesha lokuba sesikhundleni lejaji yoMgaqo-siseko.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 15 soMthetho Wesithandathu Wokwenz' Utshint-sho KuMgaqo-siseko ka-2001.]

(2) Ezinye iijaji ziba sesikhundleni zide zikhululwe ekusebenzeni ngokoMthetho wePalamente.

(3) Imivuzo, iimalana ezisecaleni namaqithiqithi afunyanwa ziijaji zizinto ezingenakuphungulwa.

Ukushenxiswa

177. (1) Ijaji inokushenxiswa esikhundleni kuphela ukuba–
   (a) iKomishoni yeeJaji ifumanisa ukuba impilo ayiyivumeli ukuba isebenze, ayiwazi umsebenzi wayo ngale ndlela ixakileyo okanye yenze into embi kakhulu; ize
   (b) iNdlu yoWiso-mthetho imemelele ukuba loo jaji ishenxiswe, ngesigqibo esamkelwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo.
(2) UMongameli makayishenxise esikhundleni ijaji kusakwamkelwa isigqibo esimemelela ukushenxiswa kwayo.
(3) UMongameli, ngokucetyiswa yiKomishoni yeeJaji, unokuyinqumamisa emsebenzini ijaji ekwenzeka kuyo okuxelwe kwisiqendwana (1).

IKomishoni yeeJaji

178. (1) Kukho iKomishoni yeeJaji–
   (a) eyiJaji eyiNtloko, ethi yongamele kwiintlanganiso zeKomishoni;
   (b) noMongameli weNkundla Ephakamileyo yeZibheno;

[Isiqendu (b) sathatyathelw' indawo sisiqendu 16(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

   (c) uMongameli weeJaji omnye ochongwe ngaBongameli beeJaji;
   (d) ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, okanye omnye umntu ochongwe lelo lungu leKhabhinethi;
   (e) amagqwetha ejaji amabini asebenza njengamagqwetha ejaji atyunjwe kumbutho wamagqwetha eejaji ukuze amele bonke abakulo msebenzi, emiselwe nguMongameli;
   (f) amagwetha amabini asebenza njengamagqwetha atyunjwe kumbutho wamagqwetha ukuze amele bonke abakulo msebenzi, emiselwe nguMongameli;
   (g) umhlohli omnye wezifundo zomthetho ochongwe ngabahlohli bezifundo zomthetho kwiiyunivesithi zaseMzantsi-Afrika;
   (h) abantu abathandathu abachongwe yiNdlu yoWiso-mthetho kumalungu ayo, ekufuneka ukuba ubuncinane abathathu kubo kube ngamalungu amaqela aphikisayo amelweyo kwiNdlu;

(i) abathunywa abane abasisigxina kwiBhunga lamaPhondo leZwelonke abachongwe kunye liBhunga ngevoti exhasayo yamaphondo amathandathu ubuncinane;

(j) abantu abane abachongwe nguMongameli njengentloko karhulumente wezwelonke, emva kokubonisana neenkokeli zawo onke amaqela akwiNdlu yoWiso-mthetho; kuze kuthi

(k) xa kuqwalaselwa imicimbi ephathelele kwiCandelo elithile leNkundla Ephakamileyo YoMzantsi-Afrika, kubekho noMongameli weeJaji welo Candelo kunye neNkulumbuso yephondo elo, okanye umntu ongomnye ochongwe ngumntu ngamnye kubo.

[Isiqendu (k) sathatyathelwe indawo sisiqendu 2(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 nasisiqendu 16(b) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001 nasisiqendu 10 soMthetho Weshumi Elinesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2012.]

(2) Ukuba inani labantu abatyunjwe kumagqwetha eejaji okanye kumagqwetha ngokwesiqendwana (1)(e) okanye (f) lilingana nenani lezithuba emazivalwe, uMongameli makabamisele. Ukuba inani labantu abatyunjiweyo lithe kratya kunenani lezithuba emazivalwe, uMongameli, emva kokubonisana nabantu abakuloo msebenzi, makamisele inani elaneleyo kwabatyunjiweyo ukuvala izithuba, ecingela imfuneko yokuqinisekisa ukuba abamiselweyo bamela bonke abakuloo msebenzi.

(3) Amalungu eKomishoni achongwe liBhunga lamaPhondo leZwelonke akhonza de indawo yawo ithatyathwe ngamanye xa ewonke, okanye de kubekho isithuba kwinani lawo. Amanye amalungu awayechongelwe okanye etyunjelwe ukuba kwiKomishoni akhonza de indawo yawo ithatyathwe ngabo babewachongile okanye babewatyumbile.

(4) IKomishoni yeeJaji inamagunya nemisebenzi eyabelwe yona kuMgaqo-siseko nakumthetho wepalamente wezwelonke.

(5) IKomishoni yeeJaji isenokucebisa urhulumente wezwelonke ngawo nawuphi na umcimbi ophathelele kwiinkundla okanye ekusingathweni kobulungisa, kodwa xa iqwalasela nawuphi na umcimbi ngaphandle kokuba iqwalasela ukumiselwa kwejaji, mayihlale engekho amalungu achongwe ngokwesiqendwana (1)(h) no-(i).

(6) IKomishoni yeeJaji inokuzenzel' isigqibo ngenkqubo yayo, kodwa izigqibo zeKomishoni mazixhaswe luninzi lwamalungu ayo.

(7) Ukuba iJaji eyiNtloko okanye uMongameli weNkundla Ephakamileyo yeZibheno akakwazi okwexeshana ukukhonza kwiKomishoni, iSekela leJaji eyiNtloko okanye uSekela-Mongameli weNkundla Ephakamileyo yeZibheno, uba libambela lakhe kwiKomishoni.

[Isiqendwana (7) songezwa sisiqendu 2(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998 saza sathatyathelw' indawo sisiqendu 16(c) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(8) UMongameli nabantu abamisela, abatyumba okanye abachonga amalungu eKomishoni ngokwesiqendwana (1)(c), (e), (f) no-(g), banokuthi, ngendlela ekwanye, bamisele, batyumbe okanye bachonge umntu ongomnye kwisithuba selungu ngalinye, ukuba akhonze kwiKomishoni nanini na xa ilungu lingakwazi okwexeshana ukukhonza ngenxa yokungaphili kwalo okanye ngenxa yokungabikho kwiRiphablikhi okanye ngaso naso nasiphi na esinye isizathu esaneleyo.

[Isiqendwana (8) songezwa sisiqendu 2(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

Igunya elitshutshisayo

179. (1) Kukho igunya elinye elitshutshisayo lelizwe lonke kwiRiphablikhi, elakhiwe ngokoMthetho wePalamente, ekukho kulo–

(a) uMlawuli weZwelonke Wotshutshiso, oyintloko yegunya elitshutshisayo, emiselwa nguMongameli, njengentloko karhulumente wezwelonke;

(b) naBalawuli Botshutshiso nabatshutshisi ngendlela efunwa nguMthetho wePalamente.

(2) Igunya elitshutshisayo linegunya lokuqalisa ukutshutshisela ulwaphulo-mthetho likwenza oko egameni likarhulumente, nelokwenza nayiphi na imisebenzi eyimfuneko enento yokwenza nokuqalisa ukutshutshisela ulwaphulo-mthetho.

(3) Umthetho wepalamente wezwelonke mawuqinisekise ukuba aBalawuli Botshutshiso–

(a) banemfundo efanelekileyo;

(b) umsebenzi wabo kukutshutshisa kumatyala athile, ngokulawulwa sisiqendwana (5).

(4) Umthetho wepalamente wezwelonke mawuqinisekise ukuba igunya elitshutshisayo lilisebenzisa igunya lalo lingenaloyiko, lingazami kukholisa umntu othile okanye ukumona.

(5) UMlawuli Wezwelonke Wotshutshiso–

- (a) ngokuvumelana nelungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, nasemva kokubonisana naBalawuli Botshutshiso, makenze isigqibo ngenkqubo yokutshutshisa, emakuqhutywe ngayo ekutshutshiseni;
- (b) makakhuphe imiyalelo yenkqubo emakuqhutywe ngayo ekutshutshiseni;
- (c) usenokuthi angenelele ekutshutshiseni xa imiyalelo yenkqubo ingathotyelwa; kwaye
- (d) usenokusiqwalasela ngokutsha isigqibo sokutshutshisa okanye sokungatshutshisi, emva kokubonisana naBalawuli Bezwelonke Botshutshiso abachaphazelekayo nasemva kokuba ethe, lingaphelanga ixesha eliqingqwe nguMlawuli Wezwelonke Wotshutshiso, waphulaphula abafuna ukukutsho aba bantu balandelayo:
    - (i) umntu omangalelweyo;
    - (ii) ummangali;
    - (iii) nawuphi na omnye uMlawuli Wezwelonke abona ukuba kufanelekile ukuba aphulaphulwe.

(6) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa makube lilo elinezwi lokugqibela phezu kwegunya elitshutshisayo.

(7) Yonke eminye imicimbi engegunya elitshutshisayo mayigqitywe ngumthetho wepalamente wezwelonke.

Eminye imicimbi engokusingathwa kobulungisa

180. Umthetho wepalamente wezwelonke ungathetha ngawo nawuphi na umcimbi ongokusingathwa kobulungisa ekungathethwanga ngawo kuMgaqo-siseko, kuquka–

- (a) nokuqeqeshwa kwabachopheli-matyala;
- (b) neenkqubo zokusingatha izikhalazo ezingabachopheli-matyala; kunye
- (c) nokuthabath' inxaxheba kwabantu abangengabo abachopheli-matyala bethabath' inxaxheba kwizigqibo zeenkundla.

ISAHLUKO 9

AMAZIKO KARHULUMENTE AXHASA INTANDO YESININZI YOMGAQO-SISEKO

Ukusekwa kwawo nemigaqo engundoqo

181. (1) Amaziko karhulumente alandelayo omeleza intando yesininzi yoMgaqo-siseko kwiRiphablikhi:
   - (a) UMkhuseli woLuntu;
   - (b) iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;
   - (c) iKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko yalo, ngokoNqulo lwalo nangokoLwimi lwalo;
   - (d) iKomishoni Yokulingana Ngokwesini;
   - (e) uMphicothi-zimali-Jikelele;
   - (f) iKomishoni yoNyulo.

(2) La maziko azimele geqe, elawulwa nguMgaqo-siseko nangumthetho kuphela, kwaye makangabi namkhethe, kananjalo awasebenzise amagunya awo ayenze nemisebenzi yawo engenaloyiko, engafuni kukholisa mntu uthile okanye ukumona.

(3) Amanye amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, makawancedise awakhusele la maziko ukuqinisekisa ukuzimela geqe kwawo, ukungabi namkhethe kwawo, isidima sawo nokusebenza kwawo ngempumelelo.

(4) Akukho mntu okanye icandelo likarhulumente ovumelekileyo ukuba aphazamise ukusebenza kwala maziko.

(5) La maziko aphendula kwiNdlu yoWiso-mthetho, kwaye mawenze ingxelo kwiNdlu ngakwenzayo nangendlela ayenze ngayo imisebenzi yawo, ubuncinane kanye ngonyaka.

UMkhuseli woLuntu

Imisebenzi yoMkhuseli woLuntu

182. (1) UMkhuseli woLuntu unegunya, njengoko lilawulwa ngumthetho wepalamente wezwelonke–

(a) lokuphanda nasiphi na isenzo kwimicimbi karhulumente, okanye kulawulo lukarhulumente nakuliphi inqwanqwa likarhulumente, ekuthiwa okanye ekurhanelwa ukuba asifanelekanga okanye sidala isiphumo esingafanelekanga okanye umonakalo;

(b) lokwenza ingxelo ngeso senzo;

(c) nelokuthabath' inyathelo lokulungis' imeko elifanelekileyo.

(2) UMkhuseli woLuntu unamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

(3) UMkhuseli woLuntu akavumelekanga ukuba aphande izigqibo zeenkundla.

(4) Bonke abantu mabakwazi ukufikelela kuMkhuseli woLuntu.

(5) Nayiphi na ingxelo ekhutshwe nguMkhuseli woLuntu mayivulekele uluntu ngaphandle kokuba iimeko ezingaqhelekanga, emazixelwe ngumthetho wepalamente wezwelonke, zifunisa ukuba ingxelo igcinwe iyimfihlo.

Ubude bexesha lokuba sesikhundleni

183. UMkhuseli woLuntu umiselwa ixesha elingenakuvuselelwa eliyiminyaka esixhenxe.

IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika

Imisebenzi yeKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika

184. (1) IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika–

(a) mayikhuthaze ukuhlonelwa kwamalungelo oluntu nokuwazi amalungelo oluntu;

(b) mayikhuthaze ukukhuselwa, ukuphuhliswa nokuzuzwa kwamalungelo oluntu; kananjalo

(c) mayikubek' esweni ize ikuphononononge ukuhlonelwa kwamalungelo oluntu kwiRiphablikhi.

(2) IKomishoni yamaLungelo oLuntu inamagunya, alawulwa ngumthetho wepalamente wezwelonke, ayimfuneko ukuze yenze imisebenzi yayo, kuquka negunya–

(a) lokuphanda ngokuhlonelwa kwamalungelo oluntu nokwenz' ingxelo ngophando lwayo;

(b) lokuthabath’ amanyathelo okufumana ukulungiswa kwemeko okufanelekileyo xa amalungelo oluntu ethe anyhashwa;

(c) lokuphengulula;

(d) nelokufundisa.

(3) Unyaka ngamnye, iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika mayifune ukuba amacandelo karhulumente achaphazelekayo ayinike ingcombolo ngamanyathelo athatyathiweyo ukuze afezekiswe amalungelo akuMqulu wamaLungelo mayela nezindlu, ukunonophelwa kwempilo, ukutya, amanzi, ukhuseleko loluntu, imfundo nokusingqongileyo.

(4) IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika inamanye kwakhona amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

iKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko Yalo, ngokoNqulo Lwalo nangokoLwimi Lwalo

Imisebenzi yeKomishoni

185. (1) Iinjongo eziphambili zeKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko Yalo, ngokoNqulo Lwalo nangokoLwimi Lwalo–

(a) kukukhuthaza ukuhlonelwa kwamalungelo oluntu oluphila ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo;

(b) kukukhuthaza uxolo, ubuhlobo, ubuntu, ukunyamezelana nobunye belizwe lonke phakathi koluntu oluphila ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo, phezu kwesiseko esikukulingana, ukungacalulwa nokuzimanya ngokukhululeka naye nabani na;

(c) nokuncomela ukusekwa okanye ukwamkelwa kwebhunga okanye amabhunga enkcubeko okanye awenye into engawoluntu eMzantsi-Afrika, kusenziwa oko ngokomthetho wepalamente wezwelonke.

(2) IKomishoni le inegunya, elilawulwa ngumthetho wepalamente wezwelonke, eliyimfuneko ukuze izifeze iinjongo zayo eziphambili, kuquka negunya lokubek’ esweni, lokuphanda, lokuphengulula, lokufundisa, lokuphembelela, lokucebisa nelokwenz’ ingxelo ngemibandela emayela namalungelo oluntu oluphila

ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo.

(3) IKomishoni le inokubika nawuphi na umcimbi owela ngaphakathi kwemida yamagunya ayo nemisebenzi yayo iwubika kwiKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika ukuze uphandwe.

(4) IKomishoni le inamanye amagunya nemisebenzi axelwa ngumthetho wepalamente wezwelonke.

Indlela eyakhiwe ngayo iKomishoni

186. (1) Inani lamalungu eKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko malixelwe ngumthetho wepalamente wezwelonke.

(2) Indlela eyakhiwe ngayo iKomishoni le–

(a) mayibonise ukuba kuyo kukho iindidi eziphambili zoluntu lwaseMzantsi-Afrika ngokwenkcubeko, ngokonqulo nangokolwimi; kananjalo

(b) mayibonise ukuba kuyo kukho amadoda namabhinqa ngokobungakanani babo eMzantsi-Afrika.

IKomishoni Yokulingana Ngokwesini

Imisebenzi yeKomishoni Yokulingana Ngokwesini

187. (1) IKomishoni Yokulingana Ngokwesini mayikhuthaze ukuhlonelwa kokulingana kwabantu ngokwesini nokukhuselwa, ukuphuhliswa nokufikelelwa kwenqanaba lokulingana ngokwesini.

(2) IKomishoni Yokulingana Ngokwesini inegunya, elilawulwa ngumthetho wepalamente wezwelonke, eliyimfuneko ukuze yenze imisebenzi yayo, kuquka negunya lokubek' esweni, ukuphanda, ukuphengulula, ukufundisa, ukuphembelela, ukucebisa nokwenz' ingxelo ngemibandela engokulingana ngokwesini.

(3) IKomishoni Yokulingana Ngokwesini inamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

UMphicothi-zimali-Jikelele

Imisebenzi yoMphicothi-zimali-Jikelele

188. (1) UMphicothi-zimali-Jikelele makaphicothe iimali, izitetimenti zeemali, nokuphathwa kweemali, aze enze ingxelo ngako–

(a) kuwo onke amasebe karhulumente ezwelonke nawamaphondo nakumaziko olawulo;

(b) kubo bonke oomasipala;

(c) nakulo naliphi na elinye iziko okanye iqumrhu eliphath' iimali ekufunwa ngumthetho wepalamente wezwelonke okanye wephondo ukuba kuphicothwe iimali zalo nguMphicothi-zimali-Jikelele.

(2) Ukongezelela kwimisebenzi exelwe sisiqendwana (1), nangokulawulwa nguwo nawuphi na umthetho wepalamente, uMphicothi-zimali-Jikelele unokuphicotha iimali, izitetimenti zeemali, nokuphathwa kweemali aze enze ingxelo ngako–

(a) kulo naliphi na iziko elixhaswa ngemali ephuma kwiNgxowa-mali yeNgeniso yeZwelonke okanye kwiNgxowa-mali yeNgeniso yePhondo okanye kumasipala; okanye

(b) kulo naliphi na iziko eligunyaziweyo ngokwawo nawuphi na umthetho ukuba lifumane imali ngenjongo yokunceda uluntu.

(3) UMphicothi-zimali-Jikelele makangenise iingxelo zokuphicothwa kwemali ezingenisa kuyo nayiphi na indlu yowiso-mthetho enomdla kolo phicotho-mali, nakulo naliphi na elinye igunya elixelwa ngumthetho wepalamente wezwelonke. Zonke iingxelo mazidandalaziswe esidlangalaleni.

(4) UMphicothi-zimali-Jikelele unamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

Ubude bexesha lokuba sesikhundleni

189. UMphicothi-zimali-Jikelele makamiselwe ixesha eliqingqiweyo, elingenakuvuselelwa eliphakathi kweminyaka emihlanu nelishumi.

IKomishoni yoNyulo

Imisebenzi yeKomishoni yoNyulo

190. (1) IKomishoni yoNyulo–
   (a) mayongamele unyulo lwamaqumrhu owiso-mthetho ezwelonke, awamaphondo nawoomasipala ngokuvumelana nomthetho wepalamente wezwelonke;
   (b) mayiqinisekise ukuba olo nyulo lukhululekile kwaye alukhalazisi; ize
   (c) ize ibhengeze iziphumo zolo nyulo lingaphelanga ixesha emalitshiwo ngumthetho wepalamente wezwelonke, xesha elo emalibe lifutshane kangangoko kunokwenzeka.
(2) IKomishoni yoNyulo inamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

Indlela eyakheke ngayo iKomishoni yoNyulo

191. IKomishoni mayibe nabantu abathathu ubuncinane. Inani lamalungu namaxesha okuba sesikhundleni kwabo makuxelwe ngumthetho wepalamente wezwelonke.

Igunya Elizimele Geqe Lokulawula Usasazo

Igunya lokusasaza

192. Umthetho wepalamente wezwelonke mawuseke igunya elizimele geqe lokulawula usasazo ngenjongo yokuba kuncedakal' uluntu, nangenjongo yokuqinisekisa ukungakhalazisi nokuthi ziyahluka-hluka iimbono ezimela uluntu lwaseMzantsi-Afrika ngokubanzi.

Gabalala

Ukumiselwa

193. (1) UMkhuseli woLuntu kunye namalungu ayo nayiphi na iKomishoni esekwe sesi Sahluko makube ngabantu ababhinqileyo okanye abangamadoda–
   (a) abangabemi boMzantsi-Afrika;

(b) abangabantu abafanelekileyo ukuba babe kwisikhundla abakuso;

(c) nabanayo nayiphi na enye into efunwa ngumthetho wepalamente wezwelonke.

(2) Xa kumiselwa amalungu kule Komishoni makucingelwe imfuneko yokuba iKomishoni esekwe sesi Sahluko ibonise ngokubanzi indlela owakheke ngayo uMzantsi-Afrika ngokweentlanga nangokobuni.

(3) UMphicothi-zimali-Jikelele makube ngumntu olibhinqa okanye oyindoda ongummi waseMzantsi-Afrika nokwangumntu ofanelekileyo ukuba abe kwesi sikhundla. Xa kumiselwa umntu ukuba abe nguMphicothi-zimali-Jikelele makucingelwe ulwazi olukhethekileyo namava ekuphicotheni iimali zikarhulumente nakwimisebenzi yolawulo karhulumente.

(4) UMongameli, ngoncomelo lweNdlu yoWiso-mthetho, makamisele uMkhuseli woLuntu, uMphicothi-zimali-Jikelele kunye namalungu–

(a) eKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;

(b) eKomishoni Yokulingana Ngokwesini;

(c) naweKomishoni yoNyulo.

(5) INdlu yoWiso-mthetho mayincomele abantu–

(a) abatyunjwe yikomiti yeNdlu eyakhiwe ngamalungu awo onke amaqela amelweyo kwiNdlu;

(b) nabavunywe yiNdlu ngesigqibo esamkelwe ngevoti exhasayo–

(i) ubuncinane yama-60 ekhulwini amalungu eNdlu, ukuba uncomelo lungokumiselwa koMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele; okanye

(ii) yesininzi samalungu eNdlu, ukuba uncomelo lungokumiselwa kwelungu leKomishoni.

(6) Ukubandakanyeka koluntu kwinkqubo yoncomelo kunokubonelelwa ngendlela ekuthethwa ngayo kwisiqendu 59(1)(a).

Ukushenxiswa esikhundleni

194. (1) UMkhuseli woLuntu, uMphicothi-zimali-Jikelele okanye ilungu leKomishoni esekwe sesi Sahluko linokushenxiswa esikhundleni kuphela–

(a) ngesizathu esikukwenza into embi, ukungakwazi ukusebenza ngenxa yempilo okanye ukungakwazi ukuwenza umsebenzi;

(b) xa kufunyanisekwe oko yikomiti yeNdlu yoWiso-mthetho; naxa

(c) iNdlu yamkele isigqibo esithi makashenxiswe loo mntu esikhundleni.

(2) Isigqibo seNdlu yoWiso-mthetho sokushenxiswa esikhundleni–

(a) koMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele masamkelwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu eNdlu; okanye

(b) kwelungu leKomishoni masamkelwe ngevoti exhasayo yesininzi samalungu eNdlu.

(3) UMongameli –

(a) unokumqumamisa umntu esikhundleni nangaliphi na ixesha emva kokuba iqalisile inkqubo yekomiti yeNdlu yoWiso-mthetho yokushenxiswa kwaloo mntu;

(ii) makamshenxise umntu esikhundleni kusakwamkelwa isigqibo sokumshenxisa yiNdlu.

ISAHLUKO 10

IMISEBENZI YOLAWULO KARHULUMENTE

Imigaqo elawula imisebenzi yolawulo karhulumente

195. (1) Imisebenzi yolawulo karhulumente mayilawulwe yimigaqo yentando yesininzi ekuMgaqo-siseko, kuquka nemigaqo elandelayo:

(a) makukhuthazwe kuze kulondolozwe umgangatho oxhomileyo wokwenza izinto ngendlela eyiyo;

(b) makukhuthazwe ukusetyenziswa kobuncwane ngendlela etyibilikayo, eyongayo nephumelelayo;

(c) imisebenzi yolawulo karhulumente mayijolise kuphuhliso;

(d) iinkonzo mazinikwe ngokungenamkhethe nangokungakhalazisiyo;

(e) makusatyelwe kwiintswelo zabantu, uluntu lukhuthazwe ukuba luthabath' inxaxheba ekuqulunqweni kwenkqubo;

(f) imisebenzi yolawulo karhulumente makuphendulwe ngayo;

(g) makukhuthazwe ukusebenzela elubala ngokunika uluntu ingcombolo esexesheni, efikelelekayo nechanileyo;

(h) makukhuthazwe ukuphathwa kakuhle kwabasebenzi nokuphuculwa kwabo emisebenzini yabo, ukuze bafikelele apho banokufikelela khona ngokwesakhono;

(i) kwimisebenzi yolawulo karhulumente makubekho iindidi zabantu ngokweendidi zabantu abakhoyo eMzantsi-Afrika, ukuqeshwa nokuphathwa kwabasebenzi kusekelwe kwisakhono, kwinjongo, kubulungisa, nakwimfuneko yokulungisa ubugwenxa bexesha elidlulileyo ukuze abantu bamelwe ngokubanzi.

(2) Imigaqo engentla isebenza–

(a) kwimisebenzi yolawulo kuwo onke amanqwanqwa karhulumente;

(b) kumacandelo karhulumente;

(c) nakumashishini karhulumente.

(3) Umthetho wepalamente wezwelonke mawuqinisekise ukukhuthazwa kwemigaqo edweliswe kwisiqendwana (1).

(4) Ukuqeshwa kwabantu abaliqela kwimisebenzi yolawulo karhulumente kucingelwa inkqubo akuthethi kuthi makungenziwa, kodwa umthetho wepalamente wezwelonke mawukulawule oku kuqeshwa kwabasebenzela urhulumente.

(5) Umthetho wepalamente olawula imisebenzi yolawulo karhulumente unokwahlula phakathi kwamacandelo ahlukeneyo, imisebenzi yolawulo okanye amaziko.

(6) Uhlobo lwamacandelo ahlukeneyo nemisebenzi yawo, imisebenzi yolawulo okanye amaziko emisebenzi yolawulo karhulumente zizinto ezifanelekileyo zokucingelwa kwimithetho yepalamente elawula imisebenzi yolawulo karhulumente.

IKomishoni yaBasebenzi bakaRhulumente

196. (1) Kukho iKomishoni yaBasebenzi bakaRhulumente enye yeRiphablikhi.

(2) Le Komishoni izimele geqe kwaye mayingabi namkhethe, kwaye mayiwasebenzise amagunya ayo yenze nemisebenzi yayo ingenaloyiko, ingazami kukholisa mntu uthile okanye ukumona, isenzela ukuba imisebenzi yolawulo karhulumente ihlale inempumelelo kwaye ityibilika, kwaye uxhome umgangatho wokwenza izinto ngendlela kwabasebenzela urhulumente. IKomishoni le mayilawulwe ngumthetho wepalamente wezwelonke.

(3) Amanye amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, mawayincedise kwaye ayikhusele iKomishoni ukuqinisekisa ukuba izimele geqe, ayinamkhethe, inesidima kwaye isebenza ngempumelelo. Akukho mntu okanye candelo likarhulumemte uvumelekileyo ukuba aphazamise ukusebenza kweKomishoni.

(4) Amagunya ale Komishoni nemisebenzi yayo–

(a) kukukhuthaza imigaqo echazwe kwisiqendu 195, kubo bonke abasebenzela urhulumente;

(b) kukuphanda, kukubek' esweni nokuphononongo ukulungelelana nolawulo, nezinto ezenziwa ngabasebenzi, kwabasebenzela urhulumente;

(c) kukucebisa ngamanyathelo amakathathwe ukuqinisekisa ukuba kusetyenzwa ngempumelelo nangokutyibilikayo kwabasebenzela urhulumente;

(d) kukunika imiyalelo enjongo yayo ikukuqinisekisa ukuba iinkqubo ezimayela nabasebenzi eziphathelele ekugayweni kwabo, ekufuduswen kwabo, ekunyuselweni nasekugxothweni kwabo ziyavisisana nemigaqo echazwe kwisiqendu 195;

(e) kukwenz' ingxelo ngekwenzileyo nangendlela eyenze ngayo imisebenzi yayo, kuquka naziphi na izinto enokuthi izifumanise nemiyalelo namacebiso enokuthi iwanike, nokuhlola ukuba imigaqo echazwe kwisiqendu 195 igcinwa kangakanani; nokuthi

(f) izenzela yona ngokwayo okanye isakufumana isikhalazo–

(i) iphande ize iphonononge ukusetyenziswa kweendlela zolawulo kubasebenzi nakuluntu, nokwenz' ingxelo kwigunya elingurhulumente ofanelekileyo neliyindlu yowiso-mthetho efanelekileyo;

(ii) kukuphanda izikhalazo zabaqeshwa kwinkonzo karhulumente mayela nezenzo ezenziweyo ngokwasemsebenzini okanye izenzo ezingenziwanga bezifanele kukwenziwa ngokwasemsebenzini;

(iii) kukubek' esweni nokuphanda ukuba izinto zenziwa ngokwenkqubo esebenza kuzo kwinkonzo karhulumente;

(iv) kukucebisa amacandelo karhulumente kuzwelonke nakumaphondo ngezinto ezenziwa ngabasebenzi kwinkonzo karhulumente, kuquka nezo ziquka ukugaywa kwabasebenzi, ukuqeshwa kwabo, ukufuduswa kwabo, ukugxothwa nezinye izinto zemisebenzi yabaqeshwa kwinkonzo karhulumente

(g) nokusebenzisa amanye amagunya nokwenza eminye imisebenzi exelwa nguMthetho wePalamente.

[Isiqendu (g) songezwa sisiqendu 3 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

(5) IKomishoni le iphendula kwiNdlu yoWiso-mthetho.

(6) IKomishoni le mayenz' ingxelo ubuncinane kanye ngonyaka—ngokwesiqendwana (4)(e)–

(a) kwiNdlu yoWiso-mthetho;

(b) mayela nezinto ezenzileyo kwiphondo, yenz' ingxelo kwindlu yowiso-mthetho yelo phondo.

(7) IKomishoni inamalungu ali-14 alandelayo amiselwe nguMongameli:

(a) amalungu amahlanu avunywe yiNdlu yoWiso-mthetho ngokwesiqendwana (8)(a);

(b) ilungu elinye lephondo ngalinye elityunjwe yiNkulumbuso yephondo ngokwesiqendwana (8)(b).

(8) (a) ilungu elimiselwe ngokwesiqendwana (7)(a)–
(i) malinconyelwe yikomiti yeNdlu yoWiso-mthetho eyakhiwe ngamalungu awo onke amaqela amelweyo kwiNdlu; aza
(ii) avunywa yindlu yowiso-mthetho ngesigqibo esamkelwe ngevoti exhasayo yesininzi samalungu ayo.
(b) Ilungu lekomishoni elikhethwe yiNkulumbuso yephondo –
(i) malinconyelwe yikomiti yendlu yowiso-mthetho yephondo eyakhiwe ngokobungakanani bamalungu awo onke amaqela amelweyo kwindlu yowiso-mthetho; kwaye
(ii) malivunywe yindlu yowiso-mthetho ngesigqibo esamkelwenge voti exhasayo yoninzi lwamalungu ayo.

(9) UMthetho wePalamente mawuyilawule inkqubo yokumiselwa kwamalungu.

(10) Ilungu limiselwa ixesha eliyiminyaka emihlanu, elinokuvuselelwa esinye isihlandlo esinye kuphela, kwaye makube ngumntu olibhinqa okanye oyindoda–
(a) ongummi waseMzantsi-Afrika;
(b) ongumntu ofanelekileyo onolwazi okanye amava kwimisebenzi yolawulo, ekuphathweni kweenkonzo zikarhulumente nasekunikezelweni kwazo.

(11) Ilungu linokushenxiswa esikhundleni kuphela–
(a) lenze into embi, lingakwazi ukusebenza ngenxa yempilo okanye lingawazi umsebenzi walo;
(b) xa kufunyaniswe oko yikomiti yeNdlu yoWiso-mthetho okanye, xa kulilungu elityunjwe yiNkulumbuso yephondo, xa kufunyaniswe oko yikomiti yendlu yowiso-mthetho yelo phondo; naxa
(c) iNdlu yoWiso-mthetho okanye indlu yowiso-mthetho yephondo yamkele isigqibo ngevoti exhasayo yesininzi samalungu ayo esithi malishenxiswe ilungu esikhundleni.

(12) UMongameli makalishenxise ilungu esikhundleni–
(a) kusakwamkelwa isigqibo yiNdlu sokuba lishenxiswe; okanye
(b) esakube aziswe ngencwadi yiNkulumbuso ukuba indlu yowiso-mthetho yephondo yamkele isigqibo sokuba lishenxiswe ilungu.

(13) Amalungu ekuthethwe ngawo kwisiqendwana (7)(b) anokusebenzisa amagunya eKomishoni enze nemisebenzi yayo kumaphondo awo ngendlela efunwa ngumthetho wepalamente wezwelonke.

Inkonzo karhulumente

197. (1) Ngaphakathi kwimisebenzi yolawulo karhulumente kukho inkonzo karhulumente yeRiphablikhi, emayisebenze, yakhiwe, ngokomthetho wepalamente wezwelonke, kananjalo emayiziphumeze iinkqubo ezisemthethweni zorhulumente ophetheyo.

(2) Imigqaliselo nemiqathango yokuqeshwa kwinkonzo karhulumente mayilawulwe ngumthetho wepalamente wezwelonke. Abaqeshwa banelungelo lomhlalaphantsi ongakhalazisiyo olawulwa ngumthetho wepalamente wezwelonke.

(3) Akukho mqeshwa wenkonzo karhulumente omakathandwe okanye abukulwe ngenxa nje yokuba exhasa iqela lopolitiko elithile okanye exhasa injongo yeqela lopolitiko ethile.

(4) Oorhulumente bamaphondo ngabo abanokugaya abasebenzi bakarhulumente, babaqeshe, babanyusele, babafudusele kwezinye iindawo, babagxothe nokubagxotha ngokwemilinganiselo efanayo esebenza kubasebenzi bakarhulumente.

ISAHLUKO 11

IINKONZO ZOKHUSELEKO

Imigaqo engundoqo

198. Imigaqo elandelayo ilawula ukhuseleko lwelizwe kwiRiphablikhi:

(a) ukhuseleko lwelizwe malubonise isigqibo sabantu baseMzantsi-Afrika, bengumntu ngamnye bekwasisizwe, sokuphila njengabalinganayo, sokuphila ngoxolo nemvisiswano, sokungabi nalo uloyiko nokuswela, nesokufuna ubomi obubhetele;

(b) isigqibo sokuphila ngoxolo nemvisiswano siyamthintela nawuphi na ummi waseMzantsi-Afrika ekuthabathen' inxaxheba kungquzulwano ekuxhotyiweyo kulo, kwilizwe lethu okanye kwamanye amazwe, ngaphandle kwalapho kutsho uMgaqo-siseko okanye umthetho wepalamente wezwelonke;

(c) ukhuseleko lwelizwe malufunwe ngendlela evisisana nomthetho, kuquka nomthetho wamazwe ngamazwe;

(d) ukhuseleko lwelizwe luphantsi kwegunya lePalamente norhulumente wezwelonke.

Ukusekwa kweenkonzo zokhuseleko, ukwakheka kwazo nendlela yokuziphatha

199. (1) Iinkonzo zokhuseleko zeRiphablikhi ngumkhosi wokhuselo omnye, inkonzo yamapolisa enye kuzo naziphi na iinkonzo zobuntlola ezisekwe ngokoMgaqo-siseko.

(2) Umkhosi wokhuselo kuphela komkhosi wamajoni osemthethweni kwiRiphablikhi.

(3) Ngaphandle kweenkonzo zokhuseleko ezisekwe ngokoMgaqo-siseko, imibutho exhobileyo okanye abenza iinkonzo ekuxhotywayo kuzo banokusekwa kuphela ngokomthetho wepalamente wezwelonke.

(4) Iinkonzo zokhuseleko mazakhiwe zize zilawulwe ngumthetho wepalamente wezwelonke.

(5) Iinkonzo zokhuseleko mazenze, zifundise kwaye zifune ukuba amalungu azo enze, ngokuvumelana noMgaqo-siseko nomthetho, kuquka nomthetho wamazwe ngamazwe oqhelekileyo nezivumelwano zamazwe ngamazwe eziyinkqamangelayo iRiphablikhi.

(6) Akukho lungu layo nayiphi na inkonzo yokhuseleko emalithobele umyalelo obonakala ngokucacileyo ukuba awukho mthethweni.

(7) Iinkonzo zokhuseleko, okanye ilungu lazo, azivumelekanga ukuba, ekwenzeni imisebenzi yazo–

(a) zithintele injongo yeqela lopolitiko efanelekileyo ngokoMgaqo-siseko; okanye

(b) ziqhubele phambili, ngendlela enomkhethe, injongo yeqela lopolitiko.

(8) Ukuze kuphunyezwe imigaqo yokusebenzela elubala nokuphendula, iikomiti zepalamente zamaqela ngamaqela mazongamele zonke iinkonzo zokhuseleko ngendlela efunwa ngumthetho wepalamente wezwelonke okanye efunwa yimigaqo nayimiyalelo yePalamente.

Ukhuselo

Umkhosi wokhuselo

200. (1) Umkhosi wokhuselo mawakhiwe uze uphathwe njengomkhosi wamajoni ogcin' ucwangco.

(2) Injongo ephambili yomkhosi wokhuselo kukuyilwela nokuyikhusela iRiphablikhi, umhlaba wayo nabantu bayo ngokuvumelana noMgaqo-siseko nemigaqo yomthetho wamazwe ngamazwe elawula ukusetyenziswa kwezigalo.

Imbopheleleko eyeyopolitiko

201. (1) Ilungu leKhabhinethi malibe nembopheleleko yokhuselo.

(2) NguMongameli kuphela, njengentloko karhulumente wezwelonke, onokugunyaza ukutyalwa komkhosi wokhuselo–

(a) ngokusebenzisana namapolisa;

(b) ekukhuseleni iRiphablikhi;

(c) ekuphumezeni imbopheleleko engokwamazwe ngamazwe.

(3) Xa umkhosi wokhuselo utyalwa ngayo nayiphi na injongo ekhankanywe kwisiqendwana (2), uMongameli makazise iPalamente msinya, kunjalonje anike iinkcukacha ezifanelekileyo–

(a) ngezizathu zokutyalwa komkhosi wokhuselo;

(b) ngendawo otyalwa kuyo umkhosi wokhuselo;

(c) ngenani labantu ababandakanyekileyo;

(d) nangobude bexesha ekulindeleke ukuba umkhosi utyalwe.

(4) Ukuba iPalamente ayihlali kwisithuba seentsuku ezisixhenxe zokuqala utyaliwe umkhosi wokhuselo ngendlela ekucingwa ngayo kwisiqendwana (2), uMongameli makayinike ikomiti yokongamela efanelekileyo ingcombolo efuneka kwisiqendwana (3).

Igunya phezu komkhosi wokhuselo

202. (1) UMongameli njengentloko karhulumente wezwelonke unguSomagunya oyiNtloko womkhosi wokhuselo; makamisele uSomagunya womkhosi wokhuselo.

(2) Igunya phezu komkhosi wokhuselo malisetyenziswe ngokwemiyalelo yelungu leKhabhinethi eliphathiswe ukhuselo, phantsi kwegunya likaMongameli

Imeko yokhuselo lwelizwe

203. (1) UMongameli njengentloko karhulumente wezwelonke usnokubhengeza imeko yokhuselo lwelizwe, kwaye makazise iPalamente msinya kananjalo enika iinkcukacha ezifanelekileyo–

(a) ngezizathu zesibhengezo;

(b) ngendawo otyalwa kuyo umkhosi wokhuselo;

(c) nangenani labantu ababandakanyekileyo.

(2) Ukuba iPalamente ayihlalanga xa kubhengezwa imeko yokhuseleko lwelizwe, uMongameli makabizele iPalamente ekuhlaleni okungelilo ixesha eliqhelekileyo zingaphelanga iintsuku ezisixhenxe senziwe isibhengezo.

(3) Isibhengezo semeko yokhuselo lwelizwe siyaphelelwa ngaphandle kokuba siyavunywa yiPalamente kwisithuba seentsuku ezisixhenxe senziwe isibhengezo.

Abasebenzi abangengomajoni kukhuselo

204. Makugunyazwe ubukho bababasebenzi abangengomajoni begunyazwa ngumthetho wepalamente wezwelonke ukuba basebenze phantsi kolwalathiso lwelungu leKhabhinethi eliphathiswe ukhuselo.

Amapolisa

Inkonzo yobupolisa

205. (1) Inkonzo yobupolisa yezwelonke mayakhiwe ngendlela yokuba isebenze kurhulumente wezwelonke, kowamaphondo, kuze kuthi apho kufanelekileyo khona, nakoorhulumente basekuhlaleni.

(2) Umthetho wepalamente wezwelonke mawuxele amagunya nemisebenzi yenkonzo yobupolisa kwaye mawuyenze inkonzo yobupolisa ikwazi ukuzifeza iimbopheleleko zayo ngempumelelo, icingela iimfuneko zamaphondo.

(3) Iinjongo zenkonzo yamapolisa kukuthintela ulwaphulo-mthetho, ilwe nalo, iluphande, kukugcina ucwangco eluntwini, kukukhusela abemi beRiphablikhi nempahla yabo, nokuwuxhasa nokuwunyanzelisa umthetho.

Imbopheleleko eyeyopolitiko

206. (1) Ilungu leKhabhinethi maliphathiswe umsebenzi wobupolisa kwaye malenze isigqibo ngenkqubo yomsebenzi wobupolisa kwilizwe lonke emva kokubonisana noorhulumente bamaphondo nokucingela iimfuno zomsebenzi wobupolisa nezinto ezifuneka kuqala kumaphondo njengoko zixelwa ngoorhulumente bamaphondo.

(2) Inkqubo yomsebenzi wobupolisa kwilizwe lonke isenokwenza ukuba kubekho iinkqubo ezingafaniyo kumaphondo ngamaphondo emva kokucingela iimfuno zomsebenzi wobupolisa zala maphondo.

(3) Iphondo ngalinye linelungelo–

(a) lokukubek' esweni ukuziphatha kwamapolisa;

(b) lokongamela ukusebenza ngempumelelo nangokutyibilikayo kwenkonzo yobupolisa, kuquka nokufumana iingxelo ngenkonzo yobupolisa ;

(c) lokukhuthaza ubudlelane obuhle phakathi kwamapolisa noluntu;

(d) lokuphonononga ukuba kusebenza ngempumelelo kangakanani na ukubonakala kwamapolisa phakathi koluntu;

(e) nelokuthetha nelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa ngokumayela nolwaphulo-mthetho nokwenziwa komsebenzi wobupolisa kwiphondo.

(4) Urhulumente wephondo unembopheleleko ngemisebenzi yobupolisa–

(a) ayinikwe sesi Sahluko;
(b) abelwe yona ngokomthetho wepalamente wezwelonke;
(c) nabelwe yona kwinkqubo yomsebenzi wobupolisa yezwelonke.

(5) Ukuze liyenze imisebenzi echazwe kwisiqendwana (3), iphondo–
(a) lisenokuphanda, okanye limisele ikomishoni yophando, iphande ngezikhalazo zokungasebenzi kakuhle kwamapolisa okanye ngokufadalala kobudlelane phakathi kwamapolisa noluntu; kwaye
(b) malenze uncomelo kwilungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.

(6) Lisakufumana isikhalazo esifakwe ngurhulumente wephondo, iqumrhu elizimeleyo lezikhalazo ngamapolisa elisekwe ngumthetho wepalamente wezwelonke maliphande ukuziphatha kakubi okubikwayo kwepolisa kwiphondo.

(7) Umthetho wepalamente wezwelonke mawenze ukuba kusekwe iinkonzo zobupolisa zoomasipala, uxele amagunya azo nemisebenzi yazo.

(8) Makusekwe ikomiti ekukho kuyo ilungu leKhabhinethi naBaphathiswa bephondo bomsebenzi wobupolisa ukuqinisekisa ukuba ilungelelaniswa ngempumelelo inkonzo yobupolisa nokuthi asebenzisana ngempumelelo amanqwanqwa oorhulumente.

(9) Indlu yowiso-mthetho yephondo isenokufuna ukuba umkomishinala wephondo avele phambi kwayo okanye phambi kwenye yeekomiti zayo ukuze aphendule imibuzo.

Ukulawulwa kwenkonzo yobupolisa

207. (1) UMongameli njengentloko karhulumente wezwelonke makamisele umntu obhinqileyo okanye umntu oyindoda ukuba abe nguMkomishinala weZwelonke wenkonzo yobupolisa, alawule inkonzo yobupolisa.

(2) UMkomishinala weZwelonke makayilawule inkonzo yobupolisa ngokwenkqubo yomsebenzi wobupolisa yezwelonke nangokwemiyalelo yelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.

(3) UMkomishinala weZwelonke, ngokuvumelana norhulumente wezwelonke, makamisele umntu obhinqileyo okanye umntu oyindoda abe ngumkomishinala wephondo kwelo phondo, kodwa ukuba uMkomishinala weZwelonke norhulumente

wephondo abavumelani ngomntu omakamiselwe, ilungu leKhabhinethi eliphathiswe umsebenzi wobupolisa malilamle.

(4) Abakomishinala bamaphondo banembopheleleko yomsebenzi wobupolisa kumaphondo abo–
  (a) ngendlela efunwa ngumthetho wepalamente wezwelonke;
  (b) nangokulawulwa ligunya loMkomishinala weZwelonke lokuyilawula inkonzo yobupolisa ngokwesiqendwana (2).

(5) Umkomishinala wephondo makenz' ingxelo kwindlu yowiso-mthetho yephondo qho ngonyaka ngomsebenzi wobupolisa kwiphondo, kwaye makathumele ikopi yengxelo kuMkomishinala weZwelonke.

(6) Ukuba umkomishinala wephondo akasathenjwa ngurhulumente wephondo, urhulumente unokuqalisa amanyathelo afanelekileyo okushenxiswa okanye okufuduselwa kwenye indawo kwloo mkomishinala, okanye okumthabathel' amanyathelo oluleko, ngokomthetho wepalamente wezwelonke.

Abasebenzi abangengawo amapolisa ebupoliseni

208. Umthetho wepalamente wezwelonke mawenze ukuba kubekho abasebenzi abangengawo amapolisa kwinkonzo yobupolisa ukuze basebenze phantsi kolwalathiso lwelungu leKhabhinethi eliphathiswe umsebenzi wobupolisa.

Ubuntlola

Ukusekwa kweenkonzo zobuntlola nokulawulwa kwazo

209. (1) Nayiphi na inkonzo yobuntlola, engelilo icandelo lobuntlola lomkhosi wokhuselo okanye lenkonzo yamapolisa, inokusekwa nguMongameli kuphela, njengentloko karhulumente wezwelonke, kuphela ngokomthetho wepalamente wezwelonke.

(2) UMongameli njengentloko karhulumente wezwelonke makamisele umntu obhinqileyo okanye oyindoda abe yintloko yenkonzo yobuntlola nganye esekwe ngokwesiqendwana (1), kwaye makathwal' imbopheleleko eyeyopolitiko yokulawula nokwalathisa enye yezo nkonzo, okanye achonge ilungu leKhabhinethi lithwale loo mbopheleleko.

Amagunya, imisebenzi nokubek' esweni

210. Umthetho wepalamente wezwelonke mawulawule iinjongo, namagunya nemisebenzi yeenkonzo zobuntlola, kuquka naliphi na icandelo lomkhosi wokhuselo okanye lenkonzo yobupolisa, kwaye mawenze ukuba–

   (a) zilungelelaniswe zonke iinkonzo zobuntlola;
   (b) zibekw' esweni ngabantu abangengomajoni nabangengomapolisa iintsebenzo zezo nkonzo, zibekw' esweni ngumhloli omiselwe nguMongameli, njengentloko karhulumente wezwelonke, waza wavunywa ngesigqibo esamkelwe yiNdlu yoWiso-mthetho ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu ayo.

ISAHLUKO 12

IINKOKELI ZOMTHONYAMA

Ukwamkeleka kwazo

211. (1) Ubukho beenkokeli zomthonyama, iwonga lazo nenxaxheba yazo, ngokomthetho wesintu, ezo zinto ziyamkelwa, ngokulawulwa nguMgaqo-siseko.

(2) Ugunyaziwe ophila ngokwesithethe somthetho wesintu uvumelekile ukuba asebenze, ngokulawulwa nguwo nawuphi na umthetho wepalamente namasiko asebenzayo kwimeko, okuquka utshintsho olwenziweyo kuloo mthetho wepalamente okanye kuloo masiko okanye ukutshitshiswa kwawo.

(3) Iinkundla zivumelekile ukuba ziwusebenzise umthetho wesintu ukuba loo mthetho uyasebenziseka kwimeko leyo, kodwa ke ngokulawulwa nguMgaqo-siseko nangumthetho wepalamente othetha ngomthetho wesintu.

Inxaxheba yeenkokeli zomthonyama

212. (1) Umthetho wepalamente wezwelonke usenokuxela inxaxheba yeenkokeli zomthonyama ekuhlaleni kwimicimbi echaphazela abantu ekuhlaleni.

(2) Ukuze kusingathwe imicimbi emayela neenkokeli zomthonyama, nenxaxheba yeenkokeli zomthonyama, nomthetho wesintu namasiko abantu abaphila ngezithethe zomthetho wesintu–

(a) umthetho wepalamente wezwelonke okanye wephondo usenokuthi makusekwe izindlu zeenkokeli zomthonyama; kwaye

(b) umthetho wepalamente wezwelonke usenokuseka ibhunga leenkokeli zomthonyama.

ISAHLUKO 13

IIMALI

Imicimbi Yeemali Gabalala

Ingxowa-mali yeNgeniso yeZwelonke

213. (1) Kukho iNgxowa-mali yeNgeniso yeZwelonke emayifakwe kuyo yonke imali efunyenwe ngurhulumente wezwelonke, ngaphandle kwemali engenakufakwa ngesizathu esivakalayo ngokoMthetho wePalamente.

(2) Imali inokutsalwa kwiNgxowa-mali yeNgeniso yeZwelonke kuphela–

(a) ngokolwabiwo-mali loMthetho wePalamente; okanye

(b) xa itsalwa ngqo kwiNgxowa-mali yeNgeniso yeZwelonke, xa kusitsho uMgaqo-siseko okanye kuMthetho wePalamente.

(3) Isabelo esifanelekileyo sephondo sengeniso ezuzwe elizweni lonke siyimali etsalwa ngqo kwiNgxowa-mali yeNgeniso yeZwelonke.

[Umhla wokuqalisa kwesiqendu 213: 1 Januwari 1998.]

Izabelo ezifanelekileyo nokwabiwa kwengeniso

214. (1) UMthetho wePalamente mawuthethe–

(a) ngokwahlulwa-hlulwa okulinganayo kwengeniso ezuzwe elizweni lonke isahlulelwa urhulumente wezwelonke, noorhulumente bamaphondo, noorhulumente basekuhlaleni;

(b) ngokuqingqwa kwesabelo esifanelekileyo sephondo ngalinye kuloo ngeniso;

(c) nangokwabelwa kumaphondo, koorhulumente basekuhlaleni okanye koomasipala kwesabelo sikarhulumente wezwelonke kuloo ngeniso, kwakunye nemiqathango oko kwabiwa okunokwenziwa phantsi kwayo.

(2) UMthetho ekuthethwe ngawo kwisiqendwana (1) unokuwiswa kuphela emva kokuba kuboniswene noorhulumente bamaphondo, norhulumente wasekuhlaleni ocwangcisiweyo kunye neKomishoni yeeMali neeRhafu, zaza zaqwalaselwa izinto ezinconyelwa yiKomishoni, kwaye makucingelwe–

(a) okuya kuba luncedo elizweni lonke ;

(b) naliphi na ilungiselelo emalenziwe mayela netyala nelizwe nezinye iimbopheleleko zelizwe;
(c) iimfuno nemicimbi yorhulumente wezwelonke, egqitywa ngokweemfuneko ezinokubonelela;
(d) imfuneko yokuqinisekisa ukuba amaphondo noomasipala ayakwazi ukunika uluntu iinkonzo ezisisiseko aze enze imisebenzi ayabelweyo;
(e) ukukwazi ukuhlawula iirhafu nokusebenza ngokutyibilikayo kwamaphondo noomasipala;
(f) iimfuno zophuhliso nezinye iimfuno zamaphondo, zoorhulumente basekuhlaleni noomasipala;
(g) ukungalingani ngokoqoqosho ngaphakathi kumaphondo naphakathi kwelinye iphondo nelinye;
(h) iimbopheleleko anazo amaphondo noomasipala ngokomthetho wepalamente wezwelonke;
(i) ukunqweneleka kokwabiwa kwezabelo zengeniso okuzinzileyo nokubonakala kusengaphambili; kunye
(j) nemfuneko yokuba bhetyebhetye ekusabeleni kwiimeko zequbuliso okanye ezinye iimfuno zexeshana nezinye izinto ezisekelwe kwiimfuneko ezifanayo ezinokubonelela.

[Umhla wokuqalisa kwesiqendu 214: 1 Januwari 1998.]

Ulwabiwo-mali lwezwelonke, olwamaphondo noloomasipala

215. (1) Ulwabiwo-mali lwezwelonke, olwamaphondo noloomasipala neenkqubo zolwabiwo-mali mazikhuthaze ukusebenzela elubala, ukuphendula, nokuphathwa ngempumelelo koqoqosho, kwamatyala norhulumente.

(2) Umthetho wepalamente wezwelonke mawuxele –
(a) uhlobo omalube lulo ulwabiwo-mali lwezwelonke, olwamaphondo noloomasipala;
(b) ukuba maluthiwe thaca nini na ulwabiwo-mali lwezwelonke nolwamaphondo; nokuthi
(c) ulwabiwo-mali kwinqwanqwa ngalinye likarhulumente malubonise imithombo yengeniso nendlela eya kuthi ngayo inkcitho ecetywayo ivisisane nokufunwa ngumthetho wepalamente wezwelonke.

(3) Ulwabiwo-mali kwinqwanqwa ngalinye likarhulumente malube –
(a) noqikelelo lwengeniso nenkcitho, lwenze umahluko phakathi kwemali ekhoyo nenkcitho ekhoyo;
(b) namacebo okuhlawulela nakuphi na ukunqongophala kwethuba lexesha okwenzeka kulo; kananjalo
(c) lubonise ukuba ziyintoni iinjongo ngokuboleka nezinye iintlobo zokungen' ematyaleni kukarhulumente okuya kuthi kwandise ityala likarhulumente kunyaka oza kuthi ulandele.

[Umhla wokuqalisa kwesiqendu 215: 1 Januwari 1998.]

Ukulawulwa kwenxili

216. (1) Umthetho wepalamente wezwelonke mawuseke inxili yesizwe kwaye uxele iindlela zokuqinisekisa ukusetyenziswa kwawo elubala nokulawulwa kwenkcitho kwinqwanqwa ngalinye likarhulumente, ngokuthi gqi–
(a) nendlela yokubal' imali evunyiweyo ngokubanzi;
(b) nokudweliswa kweenkcitho okufanayo; kwakunye
(c) nemilinganiselo efanayo yokugcinwa kwenxili.

(2) Uvimba wemali wezwelonke makaqinisekise ukuba ayathatyathwa amanyathelo asekwe ngokwesiqedwana (1), kwaye usenokukumisa ukufuduselwa kweemali kwicandelo likarhulumente ukuba elo candelo likarhulumente liyaphula loo milinganiselo ngokugqithisileyo okanye ngokuzingisileyo.

[Isiqendwana (2) sathatyathelw' indawo sisiqendu 5(a) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) Isigqibo sokukumisa ukufuduselwa kweemali ezifanele zifunyanwe liphondo ngokwesiqendu 214(1)(b) sinokuthatyathwa kuphela kwiimeko ezikhankanywe kwisiqendwana (2) kwaye–
(a) akuvumelekanga ukuba sikumise ukufuduswa kweemali ixesha elingaphezu kweentsulu ezili-120; kwaye
(b) sinokunyanzeliswa ngoko nangoko, kodwa siyakuphelelwa, kuqale emva ukuphelelwa oko, ngaphandle kokuba iPalamente iyavumelana nako emva kokwenzeka kwenkqubo ephantse ifane kanobom naleyo engokwesiqendu 76(1) nefunwa yimigaqo yendibaniselwano nayimiyalelo yePalamente.

Le nkqubo mayigqitywe zingaphelanga iintsuku ezingama-30 senziwe isigqibo nguvimba wemali wezwelonke.

[Isiqendwana (3) senziwa utshintsho sisiqendu 5(b) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(4) IPalamente isenokusivuselela isigqibo sokukumisa ukufuduswa kweemali ixesha elingengaphezulu kweentsuku ezili-120 ngexesha, emva kokulandela inkqubo engokwesiqendwana (3).

(5) Ngaphambi kokuba iPalamente ivumelane nesigqibo okanye isivuselele isigqibo sokukumisa ukufuduselwa kwemali kwiphondo–

(a) uMphicothi-zimali-Jikelele makenz' ingxelo kwiPalamente; kwaye

(b) iphondo malinikwe ithuba lokuziphendula izityholo elibekwa zona, nelokucacisa elalo icala, phambi kwekomiti.

Ukuthenga

217. (1) Xa icandelo likarhulumente kurhulumente wezwelonke, kowephondo okanye kowasekuhlaleni, okanye naliphi na elinye iziko ekuthethwa ngalo kumthetho wepalamente wezwelonke, lingena kwisivumelwano sokufumana impahla okanye iinkonzo, malenze njalo ngokuvumelana nenkqubo engakhalazisiyo, eselubala, enokhuphiswano nengenazindleko.

(2) Isiqendwana (1) asiwathinteli amacandelo karhulumente okanye amaziko ekuthethwe ngawo kweso siqendwana ukuba asebenzise inkqubo yokuthenga evumela–

(a) ukuba kubekho iindidi okanye abantu ekukhethwa bona kunabanye ekukhutshweni kwezivumelwano;

(b) nokukhuselwa okanye ukubekwa ethamsanqeni kwabantu, okanye kweendidi zabantu, ebeziselishweni ngenxa yocalulo olungafanelekanga.

(3) Umthetho wepalamente wezwelonke mawuxele imida emayisetyenziswe ngaphakathi kwayo inkqubo ekuthethwe ngayo kwisiqendwana (2).

[Isiqendwana (3) sathatyathelw' indawo sisiqendu 6 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Iziqinisekiso zikarhulumente

218. (1) Urhulumente wezwelonke, urhulumente wephondo okanye umasipala unokuqinisekisa imali-mboleko kuphela ukuba isiqinisekiso siyahambisana nemiqathango echazwe kumthetho wepalamente wezwelonke.

(2) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1) unokuwiswa kuphela emva kokuba kuqwalaselwe uncomelo lweKomishoni yeeMali neeRhafu.

(3) Urhulumente ngamnye makapapashe ingxelo engeziqinisekiso azikhuphileyo.

[Umhla wokuqalisa kwesiqendu 218: 1 Januwari 1998.]

Ukuhlawulwa umvuzo kwabantu abakwisikhundla soburhulumente

219. (1) UMthetho wePalamente mawuxele inkqubo yokwenza isigqibo–

(a) ngemivuzo, ngeemalana ezisecaleni nangamaqithiqithi okufunyanwa ngamalungu eNdlu yoWiso-mthetho, ngabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke, ngamalungu eKhabhinethi, ngooSekela-Mphathiswa, ziinkokeli zomthonyama nangamalungu amabhunga eenkokeli zomthonyama;

(b) nangomda ophezulu emayingagqithi kuwo imivuzo, iimalana ezisecaleni okanye amaqithiqithi okufunyanwa ngamalungu ezindlu zowiso-mthetho zamaphondo, ngaBaphathiswa bamaphondo, nangamalungu amaBhunga ooMasipala eendidi ngeendidi.

(2) Umthetho wepalamente wezwelonke mawuseke ikomishoni ezimeleyo yokwenza uncomelo ngemivuzo, ngeemalana ezisecaleni nangamaqithiqithi ekuthethwa ngawo kwisiqendwana (1).

(3) IPalamente inokuphumeza umthetho ekuthethwe ngawo kwisiqendwana (1) kuphela emva kokuqwalasela uncomelo lwekomishoni esekwe ngokwesiqendwana (2).

(4) Urhulumente wezwelonke, urhulumente wephondo, umasipala okanye naliphi na elinye igunya elifanelekileyo linokusebenzisa umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1) kuphela emva kokuqwalasela uncomelo lwekomishoni esekwe ngokwesiqendwana (2).

(5) Umthetho wepalamente wezwelonke mawumisele iinkqubo zokwenza isigqibo ngemivuzo, ngeemalana ezisecaleni nangamaqithiqithi okufunyanwa ziijaji, nguMkhuseli woLuntu, nguMphicothi-zimali-Jikelele, nangamalungu ayo nayiphi na ikomishoni ekuthethwe ngayo kuMgaqo-siseko, kuquka negunya losasazo ekuthethwe ngalo kwisiqendu 192.

IKomishoni yeeMali neeRhafu

Ukusekwa kwayo nemisebenzi yayo

220. (1) Kukho iKomishoni yeeMali neeRhafu yeRiphablikhi eyenza uncomelo ekuthethwe ngalo kwesi Sahluko okanye kumthetho wepalamente wezwelonke, ilubhekisa uncomelo lwayo kwiPalamente, kwizindlu zowiso-mthetho zamaphondo nakuwo nawaphi na amanye anagunya axelwa ngumthetho wepalamente wezwelonke.

(2) Le Komishoni izimele geqe kwaye ilawulwa kuphela nguMgaqo-siseko nangumthetho, kwaye mayibe yengakhethi buso.

(3) Le Komishoni mayisebenze ngokoMthetho wePalamente kwaye, ekwenzeni imisebenzi yayo, mayiqwalasele zonke izinto zokuqwalaselwa, kuquka nezo zidweliswe kwisiqendu 214(2).

Ukumiselwa kwamalungu nexesha lokuba sesikhundleni kwawo

221. (1) Le Komishoni inaba bantu babhinqileyo nabangamadoda abamiselwe nguMongameli, njengentloko karhulumente wezwelonke:

(a) usihlalo nosekela-sihlalo;

(b) abantu abathathu abakhethwe, emva kokubonisana neeNkulumbuso, bekhethwa kuludwe oluqulunqwe ngokwenkqubo exelwa ngumthetho wepalamente wezwelonke;

(c) abantu ababini abakhethwe, emva kokubonisana norhulumente wasekuhlaleni ocwangcisiweyo, bekhethwa kuludwe oluqulunqwe ngokwenkqubo exelwa ngumthetho wepalamente wezwelonke; kunye

(d) nabanye abantu ababini.

[Isiqendwana (1) sathatyathelw' indawo sisiqendu 2 soMthetho Wesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-1999, saza sathatyathelw' indawo sisiqendu 7(a) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(1A) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1) mawuvumele ukuthabath' inxaxheba-

(a) kweeNkulumbuso ekuqulunqweni koluhlu ekuthethwe ngalo kwisiqendwana (1)(b); nokuthabath' inxaxheba

(b) korhulumente wasekuhlaleni ocwangcisiweyo ekuqulunqweni koluhlu ekuthethwe ngalo kwisiqendwana (1)(c).

[Isiqendwana (1A) safakelwa sisiqendu 7(b) soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) Amalungu ale Komishoni makabe nobuchule obufanelekileyo.

(3) Amalungu akhonza ixesha elitshiwo ngumthetho wepalamente wezwelonke. UMongameli usenokulishenxisa ilungu esikhundleni ngesizathu esikukwenza into embi, ngenxa yokungavunyelwa yimpilo okanye ngenxa yokungawazi umsebenzi.

Iingxelo

222. IKomishoni mayenz' ingxelo rhoqo kokubini kwiPalamente nakwizindlu zowiso-mthetho zamaphondo.

IBhanki Enkulu

Ukusekwa kwayo

223. IBhanki EnguVimba yoMzantsi-Afrika iyibhanki enkulu yeRiphablikhi kwaye ilawulwa ngokoMthetho wePalamente.

Injongo yayo ephambili

224. (1) Injongo ephambili yeBhanki EnguVimba yoMzantsi-Afrika kukukhusela ixabiso lemali yakweli ukuze kubekho ukukhula koqoqosho okulungeleleneyo nokuqhubekayo kwiRiphablikhi.

(2) Ekufezeni injongo yayo ephambili, iBhanki EnguVimba yoMzantsi-Afrika mayiyenze imisebenzi yayo izimele geqe nangokungenaloyiko, ingakholisi mntu okanye imone, kodwa makubekho ukubonisana okuthe rhoqo phakathi kweBhanki nelungu leKhabhinethi eliphathiswe imicimbi yemali yezwelonke.

Amagunya ayo nemisebenzi yayo

225. Amagunya eBhanki EnguVimba yoMzantsi-Afrika nemisebenzi yayo ngaloo magunya asetyenziswa naloo misebenzi eyenziwa ngokuqhelekileyo ziibhanki ezinkulu, magunya lawo nemisebenzi leyo emayigqitywe nguMthetho wePalamente kwaye mawasetyenziswe amagunya okanye yenziwe imisebenzi ngokulawulwa yimiqathango efunwa nguloo Mthetho.

Imicimbi yezeMali yaMaphondo neyeeNgingqi

IiNgxowa-mali zeNgeniso zamaPhondo

226. (1) Kukho iNgxowa-mali yeNgeniso yePhondo yephondo ngalinye emayifakwe kuyo yonke imali efunyenwe ngurhulumente wephondo, ngaphandle kwemali engenakufakwa ngesizathu esivakalayo ngokoMthetho wePalamente.

(2) Imali inokutsalwa kwiNgxowa-mali yeNgeniso yePhondo kuphela–

(a) ngokolwabiwo-mali loMthetho wephondo, okanye

(b) xa itsalwa ngqo kwiNgxowa-mali yeNgeniso yePhondo, xa kusitsho uMgaqo-siseko okanye uMthetho wephondo.

(3) Ingeniso eyabelwa urhulumente wasekuhlaleni, ngokusebenzisa iphondo, ngokwesiqendu 214(1), itsalwa ngqo kwiNgxowa-mali yeNgeniso yelo phondo.

(4) Umthetho wepalamente wezwelonke usenokumisela inkqubo ekunokuthi ngayo-

(a) uMthetho wephondo ugunyaze ngokwesiqendwana (2)(b) ukutsalwa kwemali njengetsalwa ngqo kwingxowa-mali yephondo,

(b) ingeniso eyabelwa urhulumente wasekuhlaleni, ngokusebenzisa iphondo, ngokwesiqendwana (3) inyanzeleke ukuba ihlawulwe koomasipala abakwiphondo.

[Isiqendwana (4) songezwa sisiqendu 8 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]
[Umhla wokuqalisa kwesiqendu 226: 1 Januawri 1998.]

Imithombo yezwelonke yokuxhaswa kwamaphondo noorhulumente basekuhlaleni

227. (1) Urhulumente wasekuhlaleni nephondo ngalinye–

(a) banelungelo lokufumana isabelo esifanelekileyo sengeniso ezuzwe elizweni lonke ukuze bakwazi ukunika uluntu iinkonzo ezisisiseko nokwenza imisebenzi abayabelweyo; kwaye

(b) basenokufumana ezinye izabelo abazabelweyo bezifumana kwingeniso karhulumente wezwelonke, nokuba bazifumana ngemiqathango okanye ngokungenamiqathango.

(2) Enye ingeniso ezuzwe ngamaphondo okanye ngoomasipala ayinakutsalwa kwisabelo sabo sengeniso ezuzwe elizweni lonke, okanye ezuzwe kolunye ulwabiwo-mali olwenzelwe bona luphuma kwingeniso karhulumente wezwelonke. Ngokukwanjalo, akanyanzelekanga urhulumente wezwelonke ukuba awanik' imbuyiselo amaphondo okanye oomasipala abangavelisi ngeniso elingana namandla abo okufumana imali nerhafu.

(3) Isabelo esifanelekileyo sengeniso yephondo esizuzwe elizweni lonke masifuduselwe kwiphondo kamsinya, kunjalonje kungatsalwa nto, ngaphandle kwaxa ufuduso lumisiwe ngokwesiqendu 216.

(4) Malizizamele ngokwalo iphondo ubuncwane elibufunayo, ngokokutsho koMgaqo-siseko walo wephondo, xa kububuncwane obungaphaya kweemfuno zalo ekuthethwe ngazo kuMgaqo-siseko.

[Umhla wokuqalisa kwesiqendu 227: 1 Januwari 1998.]

Iirhafu zamaphondo

228. (1) Indlu yowiso-mthetho yephondo isenokufuna–

(a) iirhafu nezinye iintlawulo ezingeyiyo irhafu yengeniso, iVAT, irhafu yentengiso, iintlawuliso ngomhlaba nemizi okanye iirhafu zasemdeni welizwe;

(b) iintlawuliso ezilingana kumntu wonke kuyo nayiphi na irhafu okanye ezinye iintlawulo ezifunwa ngumthetho wepalamente wezwelonke, ezingeyiyo irhafu yengeniso yamashishini, iVAT, iintlawuliso zomhlaba nemizi okanye iintlawuliso zasemideni yelizwe.

[Isiqendu (b) sathatyathelw' indawo sisiqendu 9 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(2) Igunya lendlu yowiso-mthetho yephondo lokufun' iirhafu nezinye iintlawulo–

(a) alinakusetyenziswa ngendlela ephazamisa kanobom iinkqubo zoqoqosho

zezwelonke, imisebenzi yoqoqosho eqhubeka kuwo onke amaphondo, okanye ephazamisa ukutyhutyha kwempahla ezweni lonke, iinkonzo, imali okanye umsebenzi; kwaye

(b) malilawulwe ngokoMthetho wePalamente, onokuwiswa kuphela emva kokuba kuqwalaselwe uncomelo olwenziwe yiKomishoni yeeMali neeRhafu.

[Umhla wokuqalisa kwesiqendu 228: 1 Januwari 1998.]

Amagunya okufun' iirhafu oomasipala nemisebenzi yabo

229. (1) Ngokulawulwa sisiqendwana (2), (3) nese-(4), umasipala unokufuna–

(a) iintlawulo ngomhlaba nemizi ngeenkonzo azenzayo okanye ezenziwa egameni likamasipala; kwaye

(b) ukuba ugunyazwe ngumthetho wepalamente wezwelonke, unokufuna nezinye iirhafu neentlawulo ezifanelekileyo ukuba zifunyanwe ngurhulumente wasekuhlaleni okanye zifunyanwe ludidi lorhulumente wasekuhlaleni awela kulo loo masipala, kodwa akukho masipala uvumelekileyo ukuba afune irhafu, iVAT, irhafu yeentengiso okanye yokungena emideni yelizwe.

(2) Igunya likamasipala lokufuna intlawulo ngemihlaba nemizi nangezinye iintlawulo ngeenkonzo ezenziwa okanye ezenziwa egameni lakhe–

(a) alinakusetyenziswa ngendlela ephazamisa kanobom iinkqubo zoqoqosho zezwelonke, imisebenzi yoqoqosho eqhubeka kuwo onke amaphondo, okanye ukutyhutyha kwempahla, iinkonzo, imali okanye umsebenzi; kwaye

(b) kunokulawulwa ngumthetho wepalamente wezwelonke.

(3) Xa oomasipala ababini benamagunya afanayo erhafu nemisebenzi ngokuphathelele kummandla omnye, makahlulwe ngokufanelekileyo loo magunya naloo misebenzi ngokomthetho wepalamente wezwelonke. Ukwahlulwa kunokwenziwa kuphela emva kokucingela ubuncinane iimfuneko ezilandelayo:

(a) imfuneko yokwenza ngokuvisisana nemigaqo ebhadlileyo yokurhafiswa;

(b) amagunya asetyenziswa, nemisebenzi eyenziwa, ngumasipala ngamnye;

(c) ukukwazi kukamasipala ngamnye ukufuna iintlawulo;

(d) ukukwazi ngokuphumelelayo nangokutyibilikayo ukuzuza iimali zeerhafu nezezinye iintlawulo;

(e) ukwenziwa kokufanelekileyo.

(4) Akukho nto kwesi siqendu ethintela ukuba kudlelwane ngengeniso ezuzwe ngokwesi siqendu ngoomasipala abanegunya lokufun' iintlawulo nabadlelana ngemisebenzi efanayo kummandla omnye.

(5) Umthetho wepalamente wezwelonke ekucingwa ngawo kwesi siqendu unokuwiswa kuphela emva kokuba kuboniswene norhulumente wasekuhlaleni ocwangcisiweyo neKomishoni yeeMali neeRhafu, kwaqwalaselwa noncomelo olwenziwe yiKomishoni.

[Umhla wokuqalisa kwesiqendu 229: 1 Januwari 1998.]

Iimali-mboleko zamaphondo

230. (1) Iphondo linokwenza iimali-mboleko zemali okanye zenkcitho yangoku ngokuvumelana nomthetho wepalamente wezwelonke, kodwa iimali-mboleko zenkcitho yangoku zinokwenziwa kuphela xa kuyimfuneko ngenjongo yokuval' isikhewu ekuqhubekeni konyaka werhafu.

(2) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1) unokuwiswa kuphela emva kokuba kuqwalaselwe uncomelo olwenziwe yiKomishoni yeeMali neeRhafu.

[Isiqendu 230 sathayathelw' indawo sisiqendu 10 soMthetho Wesixhenxe Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Iimali-mboleko zoomasipala

230A (1) IBhunga likaMasipala linokuthi, ngokuvumelana nomthetho wepalamente wezwelonke-

(a) lenze iimali-mboleko zokwenz' imali okanye zenkcitho yangoku kamasipala, kodwa iimali-mboleko zenkcitho yangoku zinokwenziwa kuphela xa kuyimfuneko ngenjongo yokuval' izikhewu ekuqhubekeni konyaka werhafu; kwaye

(b) lizinkqamangele kunye neBhunga lexesha elizayo ekusebenziseni igunya lalo lokuwis' imithetho nelokuba ngurhulumente ukuzuza iimali-mboleko okanye utyalo-mali olulolukamasipala.

(2) Umthetho wepalamente wezwelonke ekuthethwe ngawo kwisiqendwana (1) unokuwiswa kuphela emva kokuba kuqwalaselwe uncomelo olwenziwe yiKomishoni yeeMali neeRhafu.

[Isiqendu 230A safakelwa sisiqendu 17 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

ISAHLUKO 14

GABALALA

Umthetho Wamazwe Ngamazwe

Izivumelwano zamazwe ngamazwe

231. (1) Ukuthetha-thethana ngezivumelwano zamazwe ngamazwe nokutyikitywa kwazo ngumsebenzi karhulumente wezwelonke.

(2) Isivumelwano samazwe ngamazwe siyinkqamangela iRiphablikhi kuphela emva kokuba sivunywe ngesigqibo kokubini kwiNdlu yoWiso-mthetho nakwiBhunga lamaPhondo leZwelonke, ngaphandle kokuba sisivumelwano ekuthethwe ngaso kwisiqendwana (3).

(3) Isivumelwano samazwe ngamazwe esiluhlobo lobuchwepheshe okanye esolawulo, okanye isivumelwano esingafunisi ukuba sivunywe, ekungenwe kuso ngurhulumente wezwelonke, siyinkqamangela iRiphablikhi ngaphandle kokuvunywa yiNdlu yoWiso-mthetho naliBhunga lamaPhondo leZwelonke, kodwa masithiwe thaca kwiNdlu nakwiBhunga kungadanga kwaba lixesha elide.

(4) Nasiphi na isivumelwano samazwe ngamazwe siba ngumthetho kwiRiphablikhi xa sithe senziwa umthetho yindlu yowiso-mthetho yezwelonke; kodwa inxalenye yesivumelwano eziphumeza ngokwayo eye yavunywa yiPalamente ingumthetho kwiRiphablikhi ngaphandle kokuba ayivisisani noMgaqo-siseko okanye ayivisisani noMthetho wePalamente.

(5) IRiphablikhi iyankqanyangelwa zizivumelwano zamazwe ngamazwe ezaziyinkqamangela iRiphablikhi xa lo Mgaqo-siseko wawuqalisa ukusebenza.

Umthetho wamazwe ngamazwe oqhelekileyo

232. Umthetho wamazwe ngamazwe oqhelekileyo ungumthetho kwiRiphablikhi ngaphandle kokuba awuvisisani noMgaqo-siseko okanye awuvisisani noMthetho wePalamente.

Ukusetyenziswa komthetho wamazwe ngamazwe

233. Xa zichaza intsingiselo yawo nawuphi na umthetho wepalamente, zonke iinkundla mazikhethe indlela yokuchaza intsingiselo ebhadlileyo evisisana nomthetho wamazwe ngamazwe endaweni yendlela yokuchaza intsingiselo engavisisaniyo nomthetho wamazwe ngamazwe.

Eminye imicimbi

Amaxwebhu-siseko amalungelo

234. Ukuze yendele inkqubo yentando yesininzi esekwe nguMgaqo-siseko, iPalamente isenokwamkela amaXwebhu-siseko amaLungelo avisisana nokutshiwo kuMgaqo-siseko.

Ukuzenzel' izigqibo

235. Ilungelo labantu baseMzantsi-Afrika xa bebonke lokuzenzel' izigqibo, njengoko libonakaliswe kulo Mgaqo-siseko, alikuthinteli, kodwa ngokulawulwa yimida yeli lungelo, ukwamkelwa kwengcamango yelungelo lokuzenzel' izigqibo kwalo naliphi na iqela loluntu elinelifa elifanayo lenkcubeko nolwimi, kumhlaba othile kwiRiphablikhi okanye ngenye indlela, egqitywe ngumthetho wepalamente wezwelonke.

Ukuxhaswa ngemali kwamaqela opolitiko

236. Ngenjongo yokukhuthaza intando yesininzi yamaqela amaninzi, umthetho wepalamente wezwelonke mawuvumele ukuxhaswa ngemali kwamaqela opolitiko anenxaxheba kwizindlu zowiso-mthetho, eyezwelonke nakwezamaphondo, exhaswa ngokungakhalazisiyo nangokobungakanani bawo.

Ukufezwa kweembophelelelo ngenkuthalo

237. Zonke iimbopheleleko ezingokoMgaqo-siseko mazenziwe ngenkuthalo nangaphandle kokulibazisa.

Ukuphathisa

238. Icandelo likarhulumente elingurhulumente nakuliphi na inqwanqwa likarhulumente–

(a) linokuphathisa ngalo naliphi na igunya okanye umsebenzi, ekuligunya elinokusetyenziswa okanye okungumsebenzi onokwenziwa ngokomthetho wepalamente, liliphathise naliphi na elinye icandelo likarhulumente elingurhulumente, kodwa ke kuxhomekeke ekubeni ukuphathisa oko kuyavisisana kusini na nomthetho wepalamente elisetyenziswa ngawo igunya elo okanye owenziwa ngawo umsebenzi lowo; okanye

(b) linokusebenzisa naliphi na igunya okanye lenze nawuphi na umsebenzi liwenzela elinye icandelo likarhulumente elingurhulumente, likwenza oko ngokuphathiswa.

Ukuchazwa kwamagama

239. KuMgaqo-siseko, ngaphandle kokuba okunye okubhaliweyo kuwo kubonisa ngenye indlela–

"**umthetho wepalamente wezwelonke**" uquka—

(a) umthetho wepalamente ozalwa ngomnye owenziwe ngokoMthetho wePalamente;

(b) nomthetho wepalamente owawusebenza xa lo Mgaqo-siseko wawuqalisa ukusebenza, ube loo mthetho wepalamente uphantsi kukarhulumente wezwelonke;

"**icandelo likarhulumente**"—

(a) lilo naliphi na isebe likarhulumente okanye iziko lolawulo kwinqwanqwa likarhulumente lezwelonke, kwinqwanqwa lamaphondo okanye kwinqwanqwa loorhulumente basekuhlaleni; okanye

(b) naliphi na elinye igosa okanye iziko—

  (i) elisebenzisa igunya okanye elenza umsebenzi ngokoMgaqo-siseko okanye ngokomgaqo-siseko wephondo; okanye

  (ii) elisebenzisa igunya laseburhulumenteni okanye elenza umsebenzi waseburhulumenteni ngokwawo nawuphi na umthetho wepalamente, kodwa aliquki inkundla okanye umchopheli-matyala;

"**umthetho wepalamente wephondo**" uquka—

(a) umthetho wepalamente ozalwa ngomnye owenziwe ngokoMthetho wephondo;

(b) nomthetho wepalamente owawusebenza xa lo Mgaqo-siseko wawuqalisa ukusebenza, ube uphantsi kolawulo lukarhulumente wephondo.

Xa kukho ukungafani kokubhaliweyo

240. Xa kunokuthi kubekho ukungafani kokubhaliweyo kuMgaqo-siseko, okubhalwe kwisiNgesi kuko okuya kwamkeleka.

Amalungiselelo exesha lotshintsho

241. ISihlomelo 6 sisebenza kutshintsho lokuwelela kwinkqubo entsha yoMgaqo-siseko esekwe sesi siqendu, sikwasebenza nakuwo nawuphi na umcimbi onento yokwenza nolo tshintsho.

Ukutshitshiswa kwemithetho

242. Imithetho ekhankanywe kwiSihlomelo 7 iyatshitshiswa, ngokulawulwa sisiqendu 243 nasiSihlomelo 6.

Igama lawo elifutshane nokuqalisa kwawo ukusebenza

243. (1) Lo Mthetho ubizwa ngokuba nguMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996, kwaye uqalisa ukusebenza msinya kangangoko kunokwenzeka ngomhla ogqitywe nguMongameli ngokwenza isihlokomiso, mhla lowo ongenakuba ngaphaya kowoku-1 kuJulayi 1997.

(2) UMongameli usenokubeka imihla eyahlukahlukeneyo ngaphambi komhla okhankaywe kwisiqendwana (1) ekwenzela oko iinxalenye ezahlukeneyo zoMgaqo-siseko.

(3) Ngaphandle kokuba okunye okubhaliweyo kubonisa ngenye indlela, xa inxalenye ethile yoMgaqo-siseko ithetha ngexesha owathi uMgaqo-siseko waqalisa ngalo ukusebenza, oko makuqondwe njengokubhekisela kwixesha eyathi loo nxalenye yaqalisa ngalo ukusebenza.

(4) Ukuba inxalenye ethile yoMgaqo-siseko ibekelwe umhla othile ngokwesiqendwana (2), nayiphi na inxalenye ehambisana naleyo yoMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1993 (uMthetho 200 ka-1993), ekhankanywe kwisihlokomiso, itshitshiswa ukususela kwakuloo mhla.

(5) Isiqendu 213, 214, 215, 216, 218, 226, 227, 228, 229 nesama-230 ziqalisa ukusebenza ngomhla woku-1 kuJanuwari 1998, kodwa oku akukuthinteli ukuwiswa komthetho wepalamente, ngokwalo Mgaqo-siseko, okungumthetho wepalamente ekuthethwa ngawo kuyo nayiphi na kwezi nxalenye ngaphambi kwaloo mhla. Kude kube nguloo mhla, naziphi na iinxalenye zoMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1993, ezihambisana nezinye zihlala zisebenza.

ISIHLOMELO 1

IFLEGI YELIZWE

(1) Iflegi yelizwe ibubude obungalinganiyo nobubanzi; ubude bayo bungaphezu kobubanzi ngokuphindwe kanye nesiqingatha.

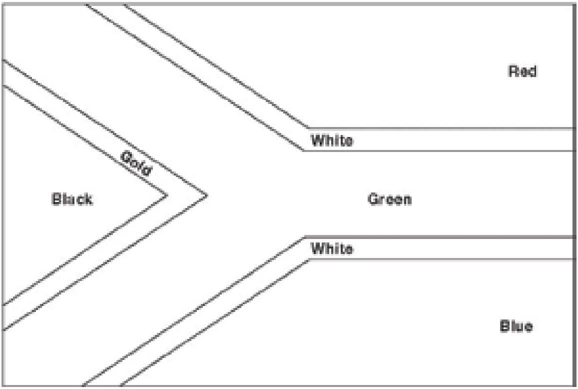
(2) Iyimibala omnyama, nogolide, noluhlaza, nomhlophe, nobomvu, noluhlaza okwesibhakabhaka.

(3) Inomzobo oluhlaza omilise okukanobumba u-Y obubanzi busisinye kwisihlanu sobubanzi beflegi. Imigca ephakathi yalo mzobo iqala kwiikona eziphezulu nakwezisezantsi kufutshane nesikhondo seflegi, idibane embindini, ize iqhubeke ixwese ukuya embindini wesiphelo esiphephezelayo.

(4) Umzobo oluhlaza unamacala agolide, ngentla nangezantsi emhlophe, nangasekuyeni kwisiphelo seflegi. Umqukumbelo ngamnye ungaphezulu ngesinye kwishumi elinesihlanu ngobubanzi kunobubanzi beflegi.

(5) Unxantathu ongakwisikhondo seflegi umnyama.

(6) Umzobo ongentla oxwesileyo ubomvu okwetshilisi uze umzobo ongezantsi oxwesileyo ube luhlaza okwesibhakabhaka. Le mizobo ngamnye kuwo ubanzi ngesinye kwisithathu kunobubanzi beflegi.



Red = Bomvu

White = Mhlophe

Gold = Golide

Green = Luhlaza

Black = Mnyama

White = Mhlophe

Blue = Luhlaza okwesibhakabhaka

ISIHLOMELO 1A

IMIMANDLA YAMAPHONDO

[ISihlomelo 1A safakelwa sisiqendu 4 soMthetho Weshumi Elinesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-2005, saza senziwa utshintsho sisiqendu 1 soMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007, nanguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

IPhondo laseMpuma-Koloni

[Ukucandwa kwemida yePhondo laseMpuma-Koloni kwathatyathelw' indawo nguMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007]

iMaphu 3 yeSihlomelo 1 kwiSaziso 1998 sika-2005
iMaphu 6 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 7 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 8 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 9 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 10 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 11 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseFreyistata

iMaphu 12 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 13 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 14 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 15 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 16 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseRhawutini

[Ukucandwa kwemida yePhondo laseRhawutini kwenziwa utshintsho nguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 4 kwiSaziso 1490 sika-2008

Imbekiselo kwiMaphu 4 yathatyathelw' indawo sisiqendu 1(a) soMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 17 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 18 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 19 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 20 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 21 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laKwaZulu-Natal

[Ukucandwa kwemida yePhondo laKwaZulu-Natal kwathatyathelw' indawo nguMthetho Weshumi Elinesithathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2007.]

iMaphu 22 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 23 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 24 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 25 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 26 yeSihlomelo 2 kwiSaziso 1998 sika2005
iMaphu 27 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 28 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 29 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 30 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 31 yeSihlomelo 2 kwiSaziso sika-2005
iMaphu 32 yeSihlomelo 2 kwiSaziso 1998 sika-2005

iPhondo laseLimpopo

iMaphu 33 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 34 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 35 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 36 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 37 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseMpumalanga

iMaphu 38 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 39 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 40 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseMntla-Koloni

iMaphu 41 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 42 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 43 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 44 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 45 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseMntla-Ntshona

[Ukucandwa kwemida kwePhondo laseMntla-Ntshona kwenziwa utshintsho nguMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 5 kwiSaziso 1490 sika-2008

[Imbekiselo kwiMaphu 5 yathatyathelw' indawo sisiqendu 1(b) soMthetho Weshumi Elinesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2009]

iMaphu 46 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 47 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 48 yeSihlomelo 2 kwiSaziso 1998 sika-2005

IPhondo laseNtshona-Koloni

iMaphu 49 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 50 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 51 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 52 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 53 yeSihlomelo 2 kwiSaziso 1998 sika-2005
iMaphu 54 yeSihlomelo 2 kwiSaziso 1998 sika-2005

ISIHLOMELO 2

IZIFUNGO NEZIBHAMBATHISO EZINYANISEKILEYO

[ISihlomelo 2 senziwa utshintsho sisiqendu 2 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997 (kushicilelo lwesiNgesi kuphela) saza sathatyathelw' indawo sisiqendu 18 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Isifungo okanye isibhambathiso esinyanisekileyo sikaMongameli noMongameli oliBambela

1. UMongameli okanye uMongameli oliBambela, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge okanye abhambathise ngale ndlela ilandelayo:
Phambi kwakhe wonk' ubani ohlanganisene apha, kwaye ndiluqonda ngokupheleleyo ubizo oluphakamileyo endilwamkelayo njengoMongameli/njengoMongameli oliBambela weRiphablikhi yoMzantsi-Afrika, mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika, kwaye ndiza kuwuthobela, ndiwugcine, ndiwuthethelele kwaye ndiwulondoloze uMgaqo-siseko nawo wonke omnye umthetho weRiphablikhi; kwaye ndithembisa ndinyanisekile ukuthi ndiya kusoloko–
    - ndikhuthaza konke okuya kuyiphumelelisa iRiphablikhi, ndichase konke okuya kuyenzakalisa;
    - ndikhusela kwaye ndikhuthaza amalungelo abo bonke abantu baseMzantsi-Afrika;
    - ndiyenza imisebenzi yam ngawo onke amandla am neziphiwo zam ngokolwazi endinalo nangokobuchule endinabo kwaye ndinyaniseke koko ndikuxelelwa sisazela sam;
    - ndisenza ubulungisa kubo bonke abantu; kananjalo
    - ndizinikela ekusebenzeleni impilo-ntle yeRiphablikhi nabo bonke abantu bayo.

(Xa kusisifungo: Thixo ndincede.)

Isifungo okanye isibhambathiso esinyanisekileyo sikaSekela-Mongameli

2. USekela-Mongameli, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge/abhambathise ngale ndlela ilandelayo:

Phambi kwakhe wonk' ubani ohlanganisene apha, kwaye ndiluqonda ngokupheleleyo ubizo oluphakamileyo endilwamkelayo njengoMongameli/njengoMongameli oliBambela weRiphablikhi yoMzantsi-Afrika, mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika, kwaye ndiza kuwuthobela, ndiwugcine, ndiwuthethelele kwaye ndiwulondoloze uMgaqo-siseko nawo wonke omnye umthetho weRiphablikhi; kwaye ndithembisa ndinyanisekile ukuthi ndiya kusoloko–

- ndikhuthaza konke okuya kuyiphumelelisa iRiphablikhi, ndichase konke okuya kuyenzakalisa;
- ndikhusela kwaye ndikhuthaza amalungelo abo bonke abantu baseMzantsi-Afrika;
- ndiyenza imisebenzi yam ngawo onke amandla am neziphiwo zam ngokolwazi endinalo nangokobuchule endinabo kwaye ndinyaniseke koko ndikuxelelwa sisazela sam;
- ndisenza ubulungisa kubo bonke abantu; kananjalo
- ndizinikela ekusebenzeleni impilo-ntle yeRiphablikhi nabo bonke abantu bayo.

(Xa kusisifingo: Thixo ndincede.)

Isifungo okanye isibhambathiso esinyanisekileyo saBaphathiswa nooSekela-Mphathiswa

3. UMphathiswa ngamnye noSekela-Mphathiswa ngamnye, ephambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, makafunge/abhambathise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele kwaye ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphablikhi; kwaye ndizimisela ukuba ndisiphathe isikhundla sam sokuba nguMphathiswa/nguSekela-Mphathiswa ngembeko nesidima; ndizimisela ukuba ndibe ngumluleki onyanisekileyo nothembekileyo, ndingawudandalazisi ngokuthe ngqo okanye ngokungathanga ngqo nawuphi na umcimbi oyimfihlo endiwuphathisiweyo; ndikwazimisela ukwenza imisebenzi yesikhundla sam ngesazela nangokusemandleni am.

(Xa kusisifungo: Thixo ndincede)

Isifungo nesibhambathiso esinyanisekileyo samalungu eNdlu yoWiso-mthetho, nabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke namalungu ezindlu zowiso-mthetho zamaphondo

4. (1) Amalungu eNdlu yoWiso-mthetho, nabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke namalungu ezindlu zowiso-mthetho zamaphondo, bephambi kweJaji eyiNtloko okanye ijaji echongwe yiJaji eyiNtloko, mabafunge okanye babhhambathise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele ndize ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphablikhi; kwaye ndithembisa ndinyanisekile ukuyenza imisebenzi yam njengelungu leNdlu yoWiso-mthetho/njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke/njengelungu lendlu yowiso-mthetho yephondo ngokusemandleni am.

(Xa kusisifungo: Thixo ndincede)

(2) Abantu abavala isithuba kwiNdlu yoWiso-mthetho, kwigqiza elisisigxina leBhunga lamaPhondo leZwelonke, okanye kwindlu yowiso-mthetho yephondo banokufunga okanye benze isibhambathiso ngokwesiqendwana (1) phambi kwegosa elongamelayo leNdlu, leBhunga okanye lendlu yowiso-mthetho.

Isifungo okanye isibhambathiso esinyanisekileyo seeNkulumbuso, neeNkulumbuso ezingamaBambela, naBaphathiswa bamaphondo

5. INkulumbuso okanye iNkulumbuso eliBambela yephondo, noMphathiswa ngamnye wephondo, ephambi kweJaji eyiNtloko okanye ijaji echongwe yiJaji eyiNtloko, makafunge/abhambathise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika kwaye ndiza kuwuthobela, ndiwuhlonele, ndize ndiwuthethelele uMgaqo-siseko nawo wonke omnye umthetho weRiphablikhi; kwaye ndizimisela ukuba kwisikhundla sam njengeNkulumbuso/njengeNkulumbuso eliBambela/njengoMphathiswa wephondo laseC.D. ngembeko nesidima; ndizimisela ukuba ngumluleki onyanisekileyo nothembekileyo; ndizimisela ukuba ndingawudandalazisi ngokuthe ngqo okanye ngokungathanga ngqo nawuphi na umcimbi oyimfihlo endiphathiswe wona; nokuyenza imisebenzi yesikhundla sam ngokwesazela

nangokwamandla am.
(Xa kusisifungo: Thixo ndincede)

Isifungo okanye isibhambathiso esinyanisekileyo sabachopheli-matyala

6. (1) Ijaji nganye okanye ijaji nganye ebambeleyo, iphambi kweJaji eyiNtloko okanye enye ijaji echongwe yiJaji eyiNtloko, mayifunge okanye ibhambathise ngale ndlela ilandelayo:

Mna, A.B., ndiyafunga/ndibhambathisa ndinyanisekile ukuthi, njengeJaji yeNkundla yoMgaqo-siseko/yeNkundla Ephakamileyo yeZibheno/yeNkundla Ephakamileyo/yeNkundla ye-E.F., ndiza kuthembeka kwiRiphablikhi yoMzantsi-Afrika, ndiza kuwuthethelela kwaye ndiwukhusele uMgaqo-siseko kwakunye namalungelo oluntu akuwo, kwaye ndiza kwenza ubulungisa kubo bonke abantu ngokufanayo ndingenaloyiko, ndingakholisi mntu uthile okanye ndimone, ngokuvumelana noMgaqo-siseko nomthetho.
(Xa kusisifungo: Thixo ndincede)

(2) Umntu omiselwa kwisikhundla sokuba yiJaji eyiNtloko ongekabi yiyo ijaji ngexesha loko kumiselwa makafunge okanye abhambathise phambi kweSekela leJaji eyiNtloko, okanye xa kungenjalo, phambi kweyona jaji ilikhwahla elandelayo efumanekayo yeNkundla yoMgaqo-siseko.

(3) Abachopheli-matyala, nabachopheli-matyala ababambeleyo, abangezizo iijaji, mabafunge/babhambathise ngokomthetho wepalamente wezwelonke.

ISIHLOMELO 3

IINKQUBO ZONYULO

[ISihlomelo 3 senziwa utshintsho sisiqendu 2 soMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko ka-1999, nasisiqendu 19 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001, nasisiqendu 3 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, nasisiqendu 5 soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

ICandelo A
Iinkqubo Zonyulo Zabantu Abanesikhundla NgokoMgaqo-siseko

Ukusebenza kwayo

1. Le Inkqubo echazwe kwesi Sihlomelo isebenza nanini na–
   (a) xa iNdlu yoWiso-mthetho ihlangana ngenjongo yokunyula uMongameli, okanye uSihlalo weNdlu yoWiso-mthetho okanye uSekela-Sihlalo wayo;
   (b) xa iBhunga lamaPhondo leZwelonke lihlangana ngenjongo yokunyula uSihlalo walo okanye uSekela-Sihlalo; okanye
   (c) indlu yowiso-mthetho yephondo ihlangana ngenjongo yokunyula iNkulumbuso yephondo okanye uSihlalo okanye uSekela-Sihlalo wendlu yowiso-mthetho.

Ukukhethwa kwabatu

2. Umntu owongameleyo kwintlanganiso ekusebenza kuyo esi Sihlomelo makamemelele ukuba kukhethwe abagqatswa kuloo ntlanganiso.

Izinto ezifunekayo

3. (1) Ukukhetha makwenziwe kwifomu efunwa yimigaqo ekhankanywe kwisiqendu 9.
   (2) Ifomu ekukhethwa ngayo mayityikitywe–
   (a) ngamalungu amabini eNdlu yoWiso-mthetho, ukuba kuza kunyulwa uMongameli okanye uSihlalo okanye uSekela-Sihlalo weNdlu;

(b) egameni lamagqiza amabini amaphondo, ukuba kuza kunyulwa uSihlalo okanye uSekela-Sihlalo weBhunga lamaPhondo leZwelonke; okanye

(c) ngamalungu amabini eNdlu yowiso-mthetho yephondo echaphazelekayo, ukuba kunyulwa iNkulumbuso yephondo okanye uSihlalo okanye uSekela-Sihlalo wendlu yowiso-mthetho.

(3) Umntu okhethiweyo makabonise ukukwamkela ukukhethwa kwakhe ngokutyikitya ifomu yokukhethwa okanye nayiphi na enye ifomu eqinisekisa ukuvuma kwakhe ngokubhala.

Ukubhengezwa kwamagama abagqatswa

4. Kwintlanganiso ekusebenza kuyo esi Sihlomelo, umntu owongamelayo makabhengeze amagama abantu abakhethwe ukuba babe ngabagqatswa, kodwa akavumelekanga ukuba avumele ingxoxo.

Umgqatswa omnye

5. Ukuba mnye kuphela umgqatswa okhethiweyo, umntu owongamelayo makambhengeze loo mgqatswa njengonyuliweyo.

Inkqubo Yonyulo

6. Ukuba kukhethwe abagqatswa abaliqela–

(a) makuvotwe kwintlanganiso ngokuvota emfihlakalweni;

(b) ilungu ngalinye elikhoyo kwintlanganiso linokufaka ivoti ibe nye, okanye ukuba yintlanganiso yeBhunga lamaPhondo leZwelonke, iphondo ngalinye elimelweyo kwintlanganiso linokufaka ivoti ibe nye; kuze kuthi ke

(c) umntu owongamelayo abhengeze njengonyuliweyo umgqatswa ofumana uninzi lweevoti.

Inkqubo yokukhiqwa

7. (1) Ukuba akukho mgqatswa ufumana uninzi lweevoti, umgqatswa ofumana elona nani liphantsi leevoti makakhiqwe kuze kuvotelwe kwakhona abagqatswa abaseleyo ngokwesiqendu 6. Mayiphindwe le nkqubo de umgqatswa afumane uninzi lweevoti.

(2) Xa kusetyenziswa isiqendwana (1), ukuba abagqatswa ababini okanye abangaphezu koko uthi ngamnye kubo afumane elona nani liphantsi leevoti, makubekho olunye uvoto lwabo bagqatswa, luze luphindwe futhi-futhi kangangoko kuyimfuneko ukuze kuqondakale ukuba nguwuphi umgqatswa omakakhiqwe.

Ezinye iintlanganiso

8. (1) Ukuba babini kuphela abagqatswa abakhethiweyo, okanye ukuba babini kuphela abagqatswa abaseleyo emva kokuba kusetyenziswe inkqubo yokukhiqwa, baza abo bagqatswa babini bafumane inani elilinganayo leevoti, makubekho enye intlanganiso zingaphelanga iintsuku ezisixhenxe, ngexesha eligqitywe ngumntu owongamelayo.

(2) Ukuba kuthi kubekho enye intlanganiso ngokwesiqendwana (1), makusetyenziswe inkqubo exelwe kwesi Sihlomelo kuloo ntlanganiso ngokungathi yintlanganiso yokuqala yonyulo.

Imigaqo

9. (1) IJaji eyiNtloko mayenze imigaqo exela–

(a) inkqubo emayilandelwe yeentlanganiso ekusebenza kuzo esi Sihlomelo;

(b) imisebenzi yomntu owongamelayo kwintlanganiso, neyomntu oncedisa umntu owongamelayo;

(c) ifomu emakusetyenziswe yona ukukhetha;

(d) nendlela emaluqhutywe ngayo uvoto.

(2) Le migaqo mayenziwe yaziwe ngendlela egqitywe yiJaji eyiNtloko.

iCandelo B

Indlela Emayisetyenziswe Yokugqiba Ngothabatho-nxaxheba Lwamaqela Kumagqiza Amaphondo AkwiBhunga lamaPhondo leZwelonke

1. Ukuthi bangaphi abathunywa kwigqiza lephondo elikwiBhunga lamaPhondo leZwelonke elinelungelo lokuba nabo iqela, makugqitywe ngokuphinda-phinda kalishumi inani lezihlalo elinalo iqela kwindlu yowiso-mthetho yephondo, size isiphumo sahlulwe ngenani

lezihlalo kwindlu yowiso-mthetho, kongezwe isinye.

2. Ukuba xa kubalwa ngokwesiqendu 1 kubakho ukratya ongaginywayo ngabathunywa ababelwe kwiqela ngokwesiqendu 1, ukratya makakhuphisane nabanye ookratya abafana naye abakhoyo kwelinye iqela okanye kwamanye amaqela, baze abathunywa abangabiwanga kwigqiza babelwe iqela okanye amaqela ngokolandelelwano loyena kratya uphezulu.

3. Ukuba ookratya abakhuphisanayo abaxelwe kwisiqendu 2 bayalingana, abathunywa abangabiwanga kwigqiza mababelwe kwiqela okanye kumaqela abakwanaloo kratya, kulandelelaniswe ukusuka kwelona nani liphezulu ukuya kwelona nani liphantsi leevoti libhaliweyo laloo maqela kunyulo oludlulileyo lwendlu yowiso-mthetho yephondo echaphazelekayo.

[Isiqendu 3 songezwa sisiqendu 2 soMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko ka-1999, saza sathatyathelw' indawo sisiqendu 3 soMthetho Wethoba Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, nasisiqendu 5(a) soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

4. Ukuba aliqela amaqela anokratya ofanayo awathi aba nenani elilinganayo leevoti kunyulo oludlulileyo lwendlu yowiso-mthetho echaphazelekayo, indlu yowiso-mthetho echaphazelekayo mayibabele abathunywa abangabiwanga kwiqela elinokratya okwangako ngendlela evisisana nentando yesininzi.

[Isiqendu 4 songezwa sisiqendu 5(b) soMthetho Weshumi Elinesine Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

ISIHLOMELO 4

IMIMANDLA YENTSEBENZO EZINEGUNYA KUYO ZONKE IZINDLU ZOWISO-MTHETHO – EYEZWELONKE NEZAMAPHONDO

iCandelo A

- Ukulawulwa kwamahlathi emvelo
- Ulimo
- Izikhululo zeenqwelo-moya ezingezizo ezamazwe ngamazwe nezelizwe
- Ukulawulwa kwezilwanyana nezifo zazo
- Iikhasino, imidyarho, ukungcakaza, ngaphandle kweelothari neetafilana zemidlalo
- Ukukhuselwa kwabathengi
- Imicimbi yenkcubeko
- Ukulawulwa kweentlekele
- Imfundo kuwo onke amanqanaba, ngaphandle kwemfundo yamaziko emfundo ephakamileyo
- Okusingqongileyo
- Iinkonzo zempilo
- Izindlu
- Umthetho wemveli nomthetho wesintu, ngokulawulwa siSahluko 12 soMgaqo-siseko
- Ukukhuthazwa kwemizi-mveliso
- Inkqubo yeelwimi nokulawulwa kweelwimi ezisemthetweni ukuya kuthi xhaxhe kumda ovunyelwa kokutshiwo sisiqendu 6 soMgaqo-siseko wokuba izindlu zowiso-mthetho zamaphondo ziwise umthetho ngale mibandela
- Iinkonzo zamajelo eendaba ezilawulwa ngqo okanye ezinikwa ngoorhulumente bamaphondo, ngokulawulwa sisiqendu 192
- Ukongiwa kwendalo, ngaphandle kwemiyezo yelizwe, imiyezo yelizwe yemithi neentyatyambo, nobuncwane bezinto zaselwandle
- Amapolisa, ukuya kuthi xhaxhe kumda ovunyelwa kokutshiwo siSahluko 11 soMgaqo-siseko kwinto yokuba izindlu zowiso-mthetho zamaphondo zinokuwis' umthetho ngamapolisa
- Ukulawulwa kongcoliso

- Ukuphuhliswa kwabemi
- Imirhumo yokudluliselwa kobunini bemihlaba nemizi
- Amashishini karhulumente wephondo ngokumayela nemimandla yentsebenzo ekwesi Sihlomelo nakwiSihlomelo 5
- zithuthi zikawonkewonke
- Imisebenzi eyenziwa ngurhulumente ngokumayela neemfuno zamasebe oorhulumente bamaphondo ekufezeni kwabo iimbopheleleko zokulawula imisebenzi eyabelwe wona ngokukhethekileyo ngokoMgaqo-siseko okanye omnye umthetho
- Ukucwangciswa nokuphuhliswa kweengingqi
- Ukulawulwa kwezithuthi ezindleleni
- Ukulondolozwa komhlaba
- Ukhenketho
- Urhwebo
- Ubunkokeli bomthonyama, ngokulawulwa siSahluko 12 soMgaqo-siseko
- Ukuphuhliswa kweedolophu namaphandle
- Ukukhutshelwa kweenqwelo-mafutha amaphepha-mvume
- Iinkonzo zentlalo-ntle

iCandelo B

Nale micimbi ilandelayo yoorhulumente basekuhlaleni ukuya kuthi xhaxhe koko kuchazwe kwisiqendu 155(6)(a) nese-(7):

- Ungcoliso lomoya
- Imimiselo yaxa kusakhiwa
- Izinto zokunonophelwa kwabantwana
- Umbane negesi
- Iinkonzo zokucinywa komlilo
- Ukhenketho lwasekuhlaleni
- Izikhululo zeenqwelo-moya zoomasipala
- Ukucwangciswa koomasipala
- Iinkonzo zempilo zoomasipala
- Izithuthi zikawonkewonke zoomasipala
- Imisebenzi eyenziwa ngurhulumente woomasipala ngokumayela neemfuno zoomasipala ekufezeni kwabo iimbopheleleko zabo zokulawula imisebenzi eyabelwe bona ngokukheth-

ekileyo ngokwalo Mgaqo-siseko okanye omnye umthetho

- Imidlalo yokungcakaza, izikhitshana, iintango eziselunxwemeni zokukhusela iziko-nqanawa, amangqameko namazibuko-nqanawa, kungaqukwanga ukulawulwa ukuhamba kweenqanawa zamazwe ngamazwe nezelizwe nemicimbi ehlobene noko
- Ukulawulwa kwezikhukhula kwimimandla enezakhiwo
- Imimiselo yorhwebo
- Amanzi neenkonzo zogutyulo eziphelela kwiinkqubo zokunika amanzi anokuselwa namanzi angcolileyo asezindlwini nobuxhakaxhaka bokugutyulwa kwelindle

ISIHLOMELO 5

IMIMANDLA YENTSEBENZO EKUZIZINDLU ZOWISO-MTHETHO ZAMAPHONDO KUPHELA EZINEGUNYA KUYO

iCandelo A

- Iindawo zokuxhelela
- Iinkonzo zeenqwelo zezigulana
- Oovimba abangengabo oovimba belizwe
- Amathala eencwadi angengawo amathala eencwadi elizwe
- Amaphepha-mvume eevenkile zotywala
- Iimuziyam ezingezizo iimuziyam zelizwe
- Izicwangciso zephondo
- Imicimbi yenkcubeko yephondo
- Iindawo nezinto zokuzihlaziya kwiphondo
- Imidlalo kwiphondo
- Iindlela nezithuthi kwiphondo
- Iinkonzo zonyango lwezilwanyana, kungaqukwanga ukulawulwa kwalo msebenzi ufundelweyo

iCandelo B

Nale micimbi yoorhulumente basekuhlaleni ilandelayo, ukuya kuthi xhaxhe kumda ochazwe kwisiqendu 156(6)(a) nese-(7):

- Iibhitshi neendawo zokuzonwabisa
- Izibhengezo ezibhaliweyo nokunanyathiselwa kwezibhengezo kwiindawo zikawonke-wonke
- Imimandla yamadlaka, imizi yabangcwabi nokutshiswa kwezidumbu
- Ukucoca
- Ukulawulwa kwezinto ezicaphukisa uluntu
- Ukulawulwa kwamashishini athengisela uluntu utywala
- Iindawo zokugcinwa, nokunonophelwa nokungcwatywa kwezilwanyana
- Ukubiya

- ukukhutshelwa kwezinja amaphepha-mvume
- ukukhutshelwa amaphepha-mvume kwamashishini athengisela uluntu ukutya nokulawulwa kwawo
- izinto ezenz' ubomi bube lula zasekuhlaleni
- iindawo zemidlalo zasekuhlaleni
- iindawo zemidlalo zasekuhlaleni
- iimarike
- iindawo zokuxhelela zikamasipala
- imiyezo kamasipala nokuzihlaziya
- iindlela zikamasipala
- iingxolo
- iindawo zokugcina izilwanyana ezithinjiweyo
- iindawo zikawonkewonke
- ukuthuthwa kwenkunkuma, iindawo zokulahlela inkunkuma, nokulahlwa kwenkunkuma
- ukurhweba ezitratweni
- ukukhanya ezitratweni
- izithuthi neendawo zokupaka

ISIHLOMELO 6

AMALUNGISELELO EXESHA ELIPHAKATHI

[ISihlomelo 6 senziwa utshintsho sisiqendu 6 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997, nasisiqendu 5 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998, nasisiqendu 20 soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Ukuchazwa kwamagama

1. Kwesi Sihlomelo, ngaphandle kokuba okunye okubhaliweyo kuso kubonisa ngenye indlela—

"**iphandle**" yinxalenye yeRiphablikhi eyayisithi, ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili, ithathwe ngokomthetho wepalamente woMzantsi-Afrika njengelizwe elizimele geqe okanye elizilawulayo;

"**uMgaqo-siseko omtsha**" nguMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996;

"**imithetho yepalamente yenkqubo yakudala**" yimithetho yepalamente eyawiswa ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili;

"**uMgaqo-siseko wangaphambili**" nguMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1993 (uMthetho 200 ka-1993);

Ukuqhutyelwa phambili komthetho okhoyo

2. (1) Wonke umthetho owawusebenza xa uMgaqo-siseko omtsha uqalisa ukusebenza uyaqhubeka usebenza, ngokulawulwa–

(a) lulo naluphi na utshintsho okanye ukutshitshiswa;

(b) nakuvisisana kwawo noMgaqo-siseko omtsha.

(2) Imithetho yepalamente yenkqubo endala eqhubeka isebenza ngokwesiqendwana (1) –

(a) ayisebenzi ngokuphangaleleyo, ngokommandla okanye ngezinye iindlela, okungaphezu kokuphangalala eyayinako ngaphambi kokuba uqalise ukusebenza uMgaqo-siseko wangaphambili, ngaphandle kokuba yathi kamva yenziwa utshintsho ukuze ibe nokusebenza okuphangaleleyo kunangaphambili; kwaye

(b) iqhubeka ilawulwa ngamagunya eyayilawulwa ngawo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, kodwa ke ngokulawulwa nguMgaqo-siseko omtsha.

Ukuchazwa kwentsingiselo yemithetho yepalamente ekhoyo

3. (1) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, nakuwuphi na umthetho wepalamente owawukho xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, kuthethwa–

(a) ngeRiphablikhi yoMzantsi-Afrika okanye iphandle (ngaphandle kwaxa kuthethwa ngommandla), mawuthathwe njengobhekisela kwiRiphablikhi yoMzantsi-Afrika phantsi koMgaqo-siseko omtsha;

(b) ngePalamente, ngeNdlu yoWiso-mthetho okanye ngeNdlu yeeNgwevu, mawuthathwe njengobhekisela kwiPalamente, kwiNdlu yoWiso-mthetho okanye kwiBhunga lamaPhondo leZwelonke phantsi koMgaqo-siseko omtsha;

(c) kuMongameli, ngoSekela-Mongameli, ngoMphathiswa, ngoSekela-Mphathiswa, okanye iKhabhinethi, mawuthathwe njengobhekisela kuMongameli, kuSekela-Mongameli, kuMphathiswa, kuSekela-Mphathiswa okanye kwiKhabhinethi phantsi koMgaqo-siseko omtsha, ngokulawulwa sisiqendu 9 sesi Sihlomelo;

(d) ngoMongameli weNdlu yeeNgwevu, mawuthathwe njengobhekisela kuSihlalo weBhunga lamaPhondo leZwelonke;

(e) kwindlu yowiso-mthetho yephondo, kwiNkulumbuso, kuBaphathiswa bephondo okanye kuMphathiswa wephondo, mawuthathwe njengobhekisela kwindlu yowiso-mthetho yephondo, kwiNkulumbuso, kuBaphathiswa bephondo okanye kuMphathiswa wephondo phantsi koMgaqo-siseko omtsha, ngokulawulwa sisiqendu 12 sesi Sihlomelo; okanye

(f) kulwimi olusemthethweni okanye kwiilwimi ezisemthethweni, mawuthathwe njengobhekisela kulo naluphi na kwiilwimi ezisemthethweni phantsi koMgaqo-siseko omtsha.

(2) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, kuyo nayiphi na imithetho yepalamente eseleyo yenkqubo endala, kuthethwa–

(a) ngePalamente, ngeNdlu yePalamente okanye ngendibano yowiso-mthetho okanye ngequmrhu leRiphablikhi okanye lephandle, mawuthathwe njengokubhekisela–
   (i) kwiPalamente phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili, okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wezwelonke; okanye
   (ii) kwindlu yowiso-mthetho yephondo, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wephondo; okanye
(b) ngoMongameli-Mbuso, ngeNkulu-Baphathiswa, ngoMlawuli okanye esinye isikhulu esiyintloko saseburhulumenteni, ngeKhabhinethi, ngeQumrhu laBaphathiswa okanye ngequmrhu loburhulumente leRiphablikhi, okanye ngephandle, mawuthathwe njengobhekisela–
   (i) kuMongameli phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wezwelonke; okanye
   (ii) kwiNkulumbuso yephondo phantsi koMgaqo-siseko omtsha, ukuba ukulawulwa kwaloo mthetho wepalamente kuye, ngokoMgaqo-siseko wangaphambili, okanye ngokwesi Sihlomelo, kwafuduselwa kurhulumente wephondo.

INdlu yoWiso-mthetho

4. (1) Nabani na owayelilungu leNdlu yoWiso-mthetho okanye owayenesikhundla kuyo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uba lilungu leNdlu yoWiso-mthetho okanye uba nesikhundla kuyo phantsi koMgaqo-siseko omtsha, kwaye uba nesikhundla njengelungu okanye njengomntu onesikhundla ngokoMgaqo-siseko omtsha.

(2) INdlu yoWiso-mthetho njengoko yakhiwe ngokwesiqendwana (1) mayithathwe njengenyulwe phantsi koMgaqo-siseko omtsha ixesha eliphela ngomhla wama-30 kuEpreli 1999.

(3) INdlu yoWiso-mthetho inamalungu angama-400 kulo lonke ixesha layo eliphela ngomhla wama-30 kuEpreli 1999, ngokulawulwa sisiqendu 49(4) soMgaqo-siseko omtsha.

(4) Imigaqo nemiyalelo yeNdlu yoWiso-mthetho esebenzayo xa uMgaqo-siseko omtsha uqalisa ukusebenza, iyaqhubeka isebenza, ngokulawulwa lulo naluphi na utshintsho olunokwenziwa okanye utshitshiso.

Imisebenzi engagqitywanga ephambi kwePalamente

5. (1) Nayiphi na imisebenzi engagqitywanga ephambi kweNdlu yoWiso-mthetho xa uMgaqo-siseko omtsha uqalisa ukusebenza makuqhutyekwe nayo ngokoMgaqo-siseko omtsha.

(2) Nayiphi na imisebenzi engagqitywanga ephambi kweNdlu yeeNgwevu xa uMgaqo-siseko omtsha uqalisa ukusebenza mayibhekiswe kwiBhunga lamaPhondo leZwelonke, lize iBhunga liqhubeke naloo misebenzi ngokoMgaqo-siseko omtsha.

Unyulo kwiNdlu yoWiso-mthetho

6. (1) Akukho lunyulo lweNdlu yoWiso-mthetho omaluqhutywe ngaphambi komhla wama-30 kuEpreli 1999 ngaphandle kokuba iNdlu ichithiwe ngokwesiqendu 50(2) emva kwesindululo sokungamthembi uMongameli ngokwesiqendu 102(2) soMgaqo-siseko omtsha.

(2) Ukusebenza kwesiqendu 50(1) soMgaqo-siseko omtsha kuxhonyiwe kude kube ngumhla wama-30 kuEpreli 1999.

(3) Nangona watshitshiswayo uMgaqo-siseko wangaphambili, iSihlomelo 2 saloo Mgaqo-siseko esithe senziwa utshintsho siSongezo sesi Sihlomelo, siyasebenza–

(a) kunyulo lokuqala lweNdlu yoWiso-mthetho phambi koMgaqo-siseko omtsha;

(b) ekulahlekelweni bubulungu beNdlu kwiimeko ezingezizo ekuthethwe ngazo kwisiqendu 47(3) soMgaqo-siseko omtsha;

(c) nasekuvalweni kwezithuba kwiNdlu, nasekuxabangelweni, ekuqwalaselweni ngokutsha, nasekusetyenzisweni koluhlu lwamaqela okuvalwa kwezithuba, de kube lunyulo lwesibini lweNdlu phantsi koMgaqo-siseko omtsha.

(4) Ukusebenza kwesiqendu 47(4) soMgaqo-siseko omtsha kuyaxhonywa kude kube lunyulo lwesibini lweNdlu yoWiso-mthetho phantsi koMgaqo-siseko omtsha.

IBhunga lamaPhondo leZwelonke

7. (1) Kwixesha eliphela ngaphambili nje kokuba kube kukuhlala kokuqala kwendlu yowiso-mthetho yephondo kwasemva konyulo lwayo lokuqala phantsi koMgaqo-siseko omtsha–

(a) ubungakanani bokumelwa kweqela kwigqiza lephondo elikwiBhunga lamaPhondo leZwelonke mabulingane nobungakani ekwathi kubo amalungu endlu yeengwevu ali-10 ephondo akhethwa ngokwesiqendu 48 soMgaqo-siseko wangaphambili; kananjalo

(b) ukwabelwa kwabathunywa abasisigxina nabathunywa nabathunywa abakhethekileyo kumaqela amelweyo kwindlu yowiso-mthetho yephondo, kungale ndlela ilandelayo:

IPHONDO	ABATHUNYWA ABASISIGXINA	ABATHUNYWA ABAKHETHEKILEYO
1. iMpuma-Koloni	ANC 5 NP 1	ANC 4
2. iFreyistata	ANC 4 FF1 NP 1	ANC 4
3. iRhawutini	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. iMpumalanga	ANC 4 FF 1 NP 1	ANC 4

IPHONDO	ABATHUNYWA ABASISIGXINA	ABATHUNYWA ABAKHETHEKILEYO
6. uMntla-Koloni	ANC 3 FF 1 NP 2	ANC 2 NP 2
7. iPhondo loMntla	ANC 6	ANC 4
8. uMntla-Ntshona	ANC 4 FF 1 NP 1	ANC 4
9. iNtshona-Koloni	ANC 2 DP 1 NP 3	ANC 1 NP 3

(2) Iqela elimelweyo kwindlu yowiso-mthetho yephondo–

(a) malikhethe abathunywa balo abasisigxina libakhetha kubantu ababengamalungu eNdlu yeeNgwevu xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, nabafumanekayo ukuba bakhonze njengabathunywa abasisigxina; kananjalo

(b) linokukhetha abanye abantu ukuba babe ngabathunywa abasisigxina ukuba abekho abafumanekayo kumalungu alo akuqala eNdlu yeeNgwevu okanye ukuba alanelanga inani lawo elifumanekayo.

(3) Indlu yowiso-mthetho yephondo mayimisele abathunywa bayo abasisigxina ngokuvumelana nokhetho lwamaqela.

(4) Isiqendwana (2) nese-(3) zisebenza kuphela kumiselo lokuqala lwabathunywa abasisigxina kwiBhunga lamaPhondo leZwelonke.

(5) Isiqendu 62(1) soMgaqo-siseko omtsha asisebenzi ekukhethweni nasekumiselweni kwababengamalungu eNdlu yeeNgwevu bemiselwa njengabathunywa abasisigxina ngokwesi siqendu.

(6) Imigaqo nemiyalelo yeNdlu yeeNgwevu esebenzayo xa uMgaqo-siseko omtsha uqalisa ukusebenza, mayisetyenziswe mayela nemisebenzi yeBhunga leZwelonke kangangoko enokuthi isetyenziswe, ngokulawulwa lulo naluphi na utshintsho olwenziweyo okanye ukutshitshiswa.

Ababengamalungu eNdlu yeeNgwevu

8. (1) Umntu owayelilungu leNdlu yeeNgwevu ongamiselwanga njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke unelungelo lokuba lilungu elipheleleyo elivotayo lendlu yowiso-mthetho yephondo awakhethwa kulo loo mntu njengelungu leNdlu yeeNgwevu ngokwesiqendu 48 soMgaqo-siseko wangaphambili.

(2) Ukuba umntu owayelilungu leNdlu yeeNgwevu ukhetha ukungabi lilungu lendlu yowiso-mthetho yephondo, loo mntu uthathwa njengoziyekeleyo ukuba lilungu leNdlu yeeNgwevu ngemini engaphambi kokuba uMgaqo-siseko omtsha uqalise ukusebenza.

(3) Umvuzo, iimalana ezisecaleni namaqithiqithi omntu owayelilungu leNdlu yeeNgwevu omiselwe njengomthunywa osisigxina okanye njengelungu lendlu yowiso-mthetho yephondo, awunakuphungulwa umvuzo wakhe, neemalana ezisecaleni namaqithiqithi ngenxa nje yokuba emiselwe njengomthunywa osisigxina okanye njengelungu lendlu yowiso-mthetho yephondo.

Urhulumente wezwelonke

9. (1) Nabani na owayenguMongameli, enguSekela-Mongameli okulawulo, enguMphathiswa okanye enguSekela-Mphathiswa phantsi koMgaqo-siseko wangaphambili xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uyaqhubeka ekweso sikhundla ngokoMgaqo-siseko omtsha, kodwa ngokulawulwa sisiqendwana (2).

(2) Kude kube ngumhla wama-30 kuEpreli 1999, isiqendu 84, 89, 90, 91, 93 nesama-96 soMgaqo-siseko omtsha masithathwe njengesifundeka ngendlela ekuchazwe ngayo kwiSongezelelo B sesi Sihlomelo.

(3) Isiqendwana (2) asimthinteli uMphathiswa owayelilungu leNdlu yeeNgwevu xa uMgaqo-siseko omtsha wawuqalisa ukusebenza ukuba aqhubeke enguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(a) soMgaqo-siseko omtsha, ngendlela esi siqendu esifundeka ngayo kwiSongezelelo B.

Izindlu zowiso-mthetho zamaphondo

10. (1) Nabani na owayelilungu okanye enesikhundla kwindlu yowiso-mthetho yephondo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uba lilungu okanye uba nesikhundla kwindlu yowiso-mthetho yelo phondo phantsi koMgaqo-siseko omtsha, kwaye uba sesikhundleni njengelungu okanye njengomntu onesikhundla ngokoMgaqo-siseko omtsha nangokomgaqo-siseko wephondo onokuthi uqulunqwe.

(2) Indlu yowiso-mthetho yephondo eyakhiwe ngokwesiqendwana (1) mayithathwe njengenyulwe phantsi koMgaqo-siseko omtsha kude kube lixesha eliphela ngomhla wama-30 kuEpreli 1999.

(3) Kude kube lixesha lokuphela kwayo eliphela ngomhla wama-30 kuEpreli 1999, nangokulawulwa sisiqendu 108(4), indlu yowiso-mthetho yephondo inamalungu alinani eliqingqelwe loo dnlu yowiso-mthetho phantsi koMgaqo-siseko wangaphambili kunye nenani labantu ababengamalungu eNdlu yeeNgwevu abathi baba ngamalungu endlu yowiso-mthetho ngokwesiqendu 8 sesi Sihlomelo.

(4) Imigaqo nemiyalelo yendlu yowiso-mthetho yephondo eyayisebenza xa uMgaqo-siseko omtsha wawuqalisa ukusebenza iyaqhubeka isebenza, ngokulawulwa lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa.

Unyulo lwezindlu zowiso-mthetho zamaphondo

11. (1) Nangona watshitshiswayo uMgaqo-siseko wangaphambili, iSihlomelo 2 saloo Mgaqo-siseko, njengoko senziwa utshintsho siSongezelelo A sesi Sihlomelo, siyasebenza–

(a) kunyulo lokuqala lwendlu yowiso-mthetho yephondo phantsi koMgaqo-siseko omtsha;

(b) ekulahlekelweni bubulungu bendlu yowiso-mthetho kwiimeko ezingezizo ezo kuthethwe ngazo kwisiqendu 106(3) soMgaqo-siseko omtsha;

(c) nasekuvalweni kwezithuba kwindlu yowiso-mthetho, nasekuxabangelweni, ekuqwalaselweni ngokutsha nasekusetyenzisweni koluhlu lwamaqela okuvala izithuba, kude kube kunyulo lwesibini lwendlu yowiso-mthetho phantsi koMgaqo-siseko omtsha.

(2) Ukusebenza kwesiqendu 106(4) soMgaqo-siseko omtsha kuyaxhonywa ngokumayela nendlu yowiso-mthetho yephondo kude kube lunyulo lwesibini lwendlu yowiso-mthetho phantsi koMgaqo-siseko omtsha.

Oorhulumente bamaphondo

12. (1) Nabani na owayeyiNkulumbuso okanye enguMphathiswa wephondo xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, uyaqhubeka ekweso sikhundla ngokoMgaqo-siseko omtsha nangokomgaqo-siseko wephondo onokuthi uqulunqwe, kodwa ngokulawulwa sisiqendwana (2).

(2) De ibe iNkulumbuso enyulwe emva konyulo lokuqala lwendlu yowiso-mthetho yephondo phantsi koMgaqo-siseko omtsha ithabatha isikhundla sayo, okanye de libe iphondo liqulunqa umgaqo walo, kuxhomekeke ekubeni kokuphi okwenzeka kuqala, isiqendu 132 nese-136 soMgaqo-siseko omtsha masithathwe njengesifundeka ngendlela echazwe kwiSongezelelo C sesi Sihlomelo.

Imigaqo-siseko yamaphondo

13. Umgaqo-siseko wephondo ophunyezwe ngaphambi kokuba uMgaqo-siseko omtsha uqalise ukusebenza mawuvisisane nesiqendu 143 soMgaqo-siseko omtsha.

Ukwabelwa kwemithetho yepalamente kumaphondo

14. (1) Umthetho wepalamente omayela nomcimbi owela kummandla wentsebenzo odweliswe kwiSihlomelo 4 okanye 5 soMgaqo-siseko omtsha nekwathi, xa uMgaqo-siseko omtsha uqalisa ukusebenza, wabe ulawulwa ligunya elingaphakathi kurhulumente wezwelonke, unokwabelwa nguMongameli, ngokwenza isihlokomiso, ewabela kwigunya elingaphakathi kurhulumente wephondo elichongwe ngaBaphathiswa bephondo.

(2) Ngokwemfuneko ekhoyo ukuze ukwabelwa komthetho wepalamente ngokwesiqendwana (1) kwenziwe ngempumelelo, uMongameli, ngokwenza isihlokomiso–

(a) usenokwenz' utshintsho kumthetho wepalamente ngenjongo yokulawula ukuchazwa kwentsingiselo yawo okanye ukusetyenziswa kwawo;

(b) xa ukwabelwa kungasebenzi kuwo wonke umthetho wepalamente, usenokuwutshitshisa aze awuqale ngokutsha, unotshintsho olwenziweyo okanye ungenalo ekuthethwe ngalo kwisiqendu (a), ezo nxalenye ekusebenza kuzo ukwabelwa okanye ngokobungakanani bokusebenza kolwabelo kuwo; okanye

(c) usenokuwulawula nawuphi na omnye umcimbi oyimfuneko ngenxa yokwabelwa, kuquka nokufuduswa kwabasebenzi, okanye ukufuduswa kwempahla, amatyala ekungenwe kuwo, amalungelo neembophelelеko, zisiya okanye zisuka kurhulumente wezwelonke okanye kowephondo okanye kwisebe likarhulumente, kwiziko lolawulo, kwinkonzo yokhuselo okanye elinye iziko.

(3) (a) Ikopi yesihlokomiso ngasinye esikhutshwe ngokwesiqendwana (1) okanye (2) mayisiwe kwiNdlu yoWiso-mthetho nakwiBhunga lamaPhondo leZwelonke zingaphelanga iintsuku ezili-10 sipapashiwe isihlokomiso.

(b) Ukuba zombini iNdlu yoWiso-mthetho neBhunga leZwelonke zithi ngokuthath’ isigqibo zisichithe isihlokomiso okanye nayiphi na inxalenye yaso, isihlokomiso eso okanye inxalenye yaso iyaphelelwa, kodwa ibe ingachaphazeli–

(i) ukubhadla kwento eyenziwe ngokwesihlokomiso eso okanye ngokwenxalenye yaso ngaphambi kokuba siphelelwe; okanye

(ii) ilungelo elizuziweyo okanye iimbophelelеko okanye ityala ekufuneka lithwalwe ngaphambi kokuba siphelelwe.

(4) Xa umthetho wepalamente usabelwa ngokwesiqendwana (1), nanini na xa kumthetho wepalamente kubhekiselwa kwigunya elilawulayo, mawuthathwe njengobhekisela kwigunya owabelwe kulo.

(5) Nakuphi na ukwabelwa komthetho wepalamente ngokwesiqendu 235(8) soMgaqo-siseko wangaphambili, kuquka naluphi na utshintsho olwenziweyo okanye ukutshitshiswa nokuqulunqwa ngokutsha komthetho wepalamente, naso nasiphi na esinye isenzo esithathwe ngokwegunya leso siqendu, makuthathwe njengokwenziwe ngokwegunya lesi siqendu.

Imithetho yepalamente ekhoyo engaphaya kwegunya lePalamente lokuwis' imithetho

15. (1) Igunya elingaphakathi kurhulumente wezwelonke elilawula nawuphi na umthetho wepalamente ongaphaya kwegunya lepalamente lokuwis' imithetho xa uMgaqo-siseko omtsha uqalisa ukusebenza, liqhubeka linalo igunya lokuyilawula loo mithetho yepalamente de yabelwe kwigunya elingaphakathi kurhulumente wephondo ngokwesiqendu 14 sesi Sihlomelo.

(2) Isiqendwana (1) siphelelwa emva kweminyaka emibini uqalisile ukusebenza uMgaqo-siseko omtsha.

Iinkundla

16. (1) Zonke iinkundla, kuquka neenkundla zeenkokeli zomthonyama, ezazikho xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, ziyaqhubeka zisebenza, zisebenzisa negunya lazo ngokomthetho wepalamente osebenzayo kuzo, kwaye nabani na okwisikhundla sokuba ngumchopheli-matyala uyaqhubeka ekweso sikhundla ngokomthetho wepalamente osebenza ngokweso sikhundla, ngokulawulwa–

(a) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa kwaloo mthetho wepalamente;

(b) nakukuvisisana kwawo noMgaqo-siseko omtsha.

(2) (a) INkundla yoMgaqo-siseko eyasekwa nguMgaqo-siseko wangaphambili iba yiNkundla yoMgaqo-siseko phantsi koMgaqo-siseko omtsha.

(b) ......

[Isiqendwana (b) sacinywa sisiqendu 20(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(3) (a) ICandelo leZibheno leNkundla Ephakamileyo yoMzantsi-Afrika liba yiNkundla Ephakamileyo yeZibheno phantsi koMgaqo-siseko omtsha.

(b) ......

[Isiqendwana (b) sacinywa sisiqendu 20(a) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

(4) (a) Icandelo lephondo okanye lasekuhlaleni leNkundla Ephakamileyo yoMzantsi-Afrika okanye inkundla ephakamileyo yephandle okanye icandelo jikelele

lenkundla enjalo liba yiNkundla Ephakamileyo phantsi koMgaqo-siseko omtsha, kungabi lutshintsho kummandla ophantsi kwayo, ngokulawulwa luhlengahlengiso oluxelwe kwisiqendwana (6).

(b) Nabani na okwisikhundla okanye othathwa njengokwisikhundla sokuba nguMongameli weeJaji, iSekela-Mongameli weeJaji okanye ijaji yenkundla ekuthethwe ngayo kwisiqendu (a) xa uMgaqo-siseko omtsha uqalisa ukusebenza, uba nguMongameli weeJaji, uSekela-Mongameli weeJaji okanye ijaji yaloo nkundla phantsi koMgaqo-siseko omtsha, ngokulawulwa luhlengahlengiso oluxelwe kwisiqendwana (6).

(5) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, kuwo nawuphi na umthetho wepalamente okanye inkqubo, kuthethwa–

(a) ngeNkundla yoMgaqo-siseko phantsi koMgaqo-siseko wangaphambili, makuthathwe ngokuthi kuthethwa ngeNkundla yoMgaqo-siseko phantsi koMgaqo-siseko omtsha;

(b) ngeCandelo leZibheno leNkundla Ephakamileyo yoMzantsi-Afrika, makuthathwe ngokuthi kuthethwa ngeNkundla Ephakamileyo yeZibheno; naxa kuthethwa

(c) ngecandelo lephondo okanye lasekuhlaleni leNkundla Ephakamileyo yoMzantsi-Afrika okanye inkundla ephakamileyo yephandle okanye icandelo jikele laloo nkundla, makuthathwe ngokuthi kuthethwa ngeNkundla Ephakamileyo.

(6) (a) Kamsinya kangangoko kunokwenzeka emva kokuba uMgaqo-siseko omtsha uqalisile ukusebenza, zonke iinkundla, kuquka nobume bazo, nendlela ezakhiwe ngayo, nokusebenza, negunya lazo, nayo yonke imithetho yepalamente echaphazelekayo, mazihlengahlengiswe ngenjongo yokuba neenkundla ezifanelana neemfuneko zoMgaqo-siseko omtsha.

(b) Ilungu leKhabhinethi eliphathiswe ukusingathwa kobulungisa, emva kokubonisana neKomishoni yeeJaji, malilulawule uhlengahlengiso ekuthethwa ngalo kwisiqendu (a).

(7) (a) Nabani na okwisikhundla, xa uMthetho Wokwenz' Utshintsho KuMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-2001 uqalisa ukusebenza, ekwisikhundla sokuba-

(i) nguMongameli weNkundla yoMgaqo-siseko, uba yiJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha;

(ii) nguSekela-Mongameli weNkundla yoMgaqo-siseko, uba liSekela leJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha;

(iii) yiJaji eyiNtloko, uba nguMongameli weNkundla Ephakamileyo yeZibheno njengoko kuxelwe kwisiqendu 168(1) soMgaqo-siseko omtsha; aze

(iv) oliSekela leNtloko yeeJaji abe nguSekela-Mongameli weNkundla Ephakamileyo yeZibheno njengoko kuxelwe kwisiqendu 168(1) soMgaqo-siseko omtsha.

(b) Yonke imigaqo, imimiselo okanye okanye izalathiso ezenziwe nguMongameli weNkundla yoMgaqo-siseko okanye yiJaji eyiNtloko ebezisebenza ngaphambi nje kokuba kuqalise ukusebenza uMthetho Wokwenz' Utshintsho kuMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-2001, ziyaqhubeka zisebenza de zibe zitshitshisiwe okanye zenziwa utshintsho.

(c) Ngaphandle kokuba intsingiselo ayivisisani nokunye okubhaliweyo okanye ithi ibe yengafanelekanga nje ngokucacileyo, xa, nakuwuphi na umthetho okanye kwinkqubo kuthethwa ngeJaji eyiNtloko okanye ngoMongameli weNkundla yoMgaqo-siseko, makuthathwe ngokuthi kuthethwa ngeJaji eyiNtloko njengoko kuxelwe kwisiqendu 167(1) soMgaqo-siseko omtsha.

[Isiqendwana (7) songezwa sisiqendu 20(b) soMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko ka-2001.]

Amatyala abengekaqukunjelwa ephambi kweenkundla

17. Onke amatyala awayengekaqukunjelwa ephambi kwenkundla xa uMgaqo-siseko omtsha wawuqalisa ukusebenza, makaqukunjelwe ngokungathi uMgaqo-siseko omtsha awuqulunqwanga, ngaphandle kokuba ukwenziw kobulungisa kufunisa ngenye indlela.

Igunya elitshutshisayo

18. (1) Isiqendu 108 soMgaqo-siseko wangaphambili siyaqhubeka sisebenza de uMthetho wePalamente ekuthethwe ngawo kwisiqendu 179 soMgaqo-siseko omtsha uqalise ukusebenza. Esi siqendwana asikuchaphazeli ukumiselwa koMlawuli Wotshutshiso weZwelonke ngokwesiqendu 179.

(2) Umtshutshisi omkhulu osesikhundleni xa uMgaqo-siseko omtsha uqalisa ukusebenza uyaqhubeka esebenza ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa sisiqendwana (1).

Izifungo nezibhambathiso

19. Umntu oqhubeka esesikhundleni ngokwesi Sihlomelo nothe wathath' isifungo sokungen' esikhundleni okanye wenza isibhambathiso esinyanisekileyo phantsi koMgaqo-siseko wangaphambili, akanyanzelekanga ukuba asiphinde isifungo sokungen' esikhundleni okanye isibhambathiso esinyanisekileyo phantsi koMgaqo-siseko omtsha.

Amanye amaziko angokoMgaqo-siseko

20. (1) Kwesi siqendu elithi "iziko elingokoMgaqo-siseko" lithetha–

(a) uMkhuseli woLuntu;

(b) iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;

[Isiqendu (b) senziwa utshintsho sisiqendu 4 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

(c) iKomishoni Yokulingana Ngokwesini;

(d) uMphicothi-zimali-Jikelele;

(e) iBhanki EnguVimba YoMzantsi-Afrika;

(f) iKomishoni yeeMali neeRhafu;

(g) iKomishoni yeeJaji; okanye

(h) iBhodi yeeLwimi yoMzantsi-Afrika.

(2) Iziko elingokoMgaqo-siseko elisekwe ngokoMgaqo-siseko wangaphambili liyaqhubeka lisebenza ngokomthetho wepalamente osebenza kulo, kwaye nabani na okwisikhundla sokuba lilungu lekomishoni, ilungu lebhodi yeBhanki EnguVimba okanye leBhodi yeeLwimi yaseMzantsi-Afrika, uMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele xa uMgaqo-siseko omtsha uqalisa ukusebenza, uyaqhubeka esesikhundleni ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa–

(a) lulo naluphi na utshintsho olunokuthi lwenziwe okanye ukutshitshiswa kwaloo mthetho wepalamente; nangokulawulwa

(b) kukuvisisana kwawo noMgaqo-siseko omtsha.

(3) Isiqendu 199(1), 200(1), (3) nese-(5) ukuya kwese-(11) nesama-201 ukuya kwesama-206 soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza zide zibe zitshitshisiwe ngumthetho wepalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.

(4) Amalungu eKomishoni yeeJaji ekuthethwe ngawo kwisiqendu 105(1)(h) soMgaqo-siseko wangaphambili ayayeka ukuba ngamalungu eKomishoni kusakumiselwa amalungu ekuthethwe ngawo kwisiqendu 178(1)(i) soMgaqo-siseko omtsha.

(5) (a) IBhunga leVolkstaat elasekwa ngokoMgaqo-siseko wangaphambili liyaqhubeka lisebenza ngokomthetho wepalamente osebenza kulo kwaye nabani na osesikhundleni sokuba lilungu leBhunga xa uMgaqo-siseko uqalisa ukusebenza uyaqhubeka ekweso sikhundla ngokomthetho wepalamente osebenza kweso sikhundla, ngokulawulwa–

(i) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa kwaloo mthetho wepalamente; nakukulawulwa

(ii) kukuvisisana kwawo noMgaqo-siseko omtsha.

(b) Isiqendu 184A nese-184B(1)(a),(b) no-(d) soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza zide zibe zitshitshiswe nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.

Ukuwiswa kwemithetho yepalamente efunwa nguMgaqo-siseko

21. (1) Xa uMgaqo-siseko omtsha ufuna ukuba kuwiswe umthetho wepalamente wezwelonke okanye wephondo, loo mthetho wepalamente mawuwiswe ligunya elifanelekileyo kungadanga kube lixesha elide ukususela kumhla wokuqalisa kokusebenza koMgaqo-siseko omtsha.

(2) Isiqendu 198(b) soMgaqo-siseko omtsha asinakunyanzeliswa de kuwiswe umthetho ekuthethwe ngawo kweso siqendu.

(3) Isiqendu 199(3) soMgaqo-siseko omtsha asinakunyanzeliswa zingekapheli iinyanga ezintathu uwisiwe umthetho wepalamente ekuthethwe ngawo kwesi siqendu.

(4) Umthetho wepalamente wezwelonke ekucingwa ngawo kwisiqendu 217(3) soMgaqo-siseko omtsha mawumiswe ingekapheli iminyaka emithathu ukususela kumhla owaqalisa ngawo ukusebenza uMgaqo-siseko omtsha, kodwa ukungabikho kwalo mthetho wepalamente kweli thuba akukuthinteli ukuyenza isebenze inkqubo

ekuthethwe ngayo kwisiqendu 217(2).

(5) De kube kuwiswe uMthetho wePalamente ekuthethwe ngawo kwisiqendu 65(2) soMgaqo-siseko omtsha, indlu yowiso-mthetho nganye yephondo inokuzenzela isigqibo ngenkqubo yayo ekuthi ngayo kuthiwe jize igunya kwigqiza layo lokuba livote egameni layo kwiBhunga lamaPhondo leZwelonke.

(6) De ube uwisiwe umthetho wepalamente ekuthethwe ngawo kwisiqendu 229(1)(b) soMgaqo-siseko omtsha, umasipala uqhubeka enalo igunya lokufuna irhafu nezinye iintlawulo awayenegunya lokuzifuna xa uMgaqo-siseko wawuqalisa ukusebenza.

Ubunye besizwe noxolelwano

22. (1) Kungakhathaliseki ukuba zithini na ezinye iinxalenye zoMgaqo-siseko omtsha, kwaye nangona watshitshiswayo uMgaqo-siseko wangaphambili, konke okutshiwoyo okuphathelele kuxolelo okuqulethwe kuMgaqo-siseko wangaphambili phantsi komxholo othi "UBunye beSizwe noXolelwano" kuthathwa njengokuyinxalenye yoMgaqo-siseko omtsha ngokwenjongo yePromotion of National Unity and Reconciliation Act 34 ka-1995, eyathi yenziwa utshintsho, nangokwenjongo yokuba loo Mthetho uhlale usebenza.

(2) Ngokwenjongo yokusebena kwesiqendwana (1), umhla othi "6 Disemba 1993", apho ubonakala khona kuMgaqo-siseko wangaphambili phantsi komxholo othi "National Unity and Reconciliation", mawufundeke ngokuthi "11 Meyi 1994'.

[Isiqendwana 2 songezwa sisiqendu 3 soMthetho Wokuqala Wokwenz' Utshintsho KuMgaqo-siseko ka-1997.]

UMqulu wamaLungelo

23. (1) Umthetho wepalamente wezwelonke ekucingwa ngawo kwisiqendu 9(4), 32(2) nesama-33(3) soMgaqo-siseko omtsha mawuwiswe ingaphelanga iminyaka emithathu ukususela kumhla owaqalisa ngawo ukusebenza uMgaqo-siseko omtsha.

(2) De kube kuwiswe umthetho wepalamente ekucingwa ngawo kwisiqendu 32(2) nesama-33(3) soMgaqo-siseko omtsha–

(a) isiqendu 32(1) masithathwe njengesifundeka ngale ndlela:
"(1) Wonke umntu unelungelo lokufikelela kuyo yonke ingcombolo egcinwe ngurhulumente okanye ngamacandelo akhe kulo naliphi na inqwanqwa

likarhulumente ukuba loo ngcombolo ifunekela ukusetyenziswa okanye ukukhuselwa kwalo naliphi na kumalungelo akhe."; kwaye

(b) isiqendu 33(1) nese-(2) masithathwe njengesifundeka ngale ndlela:
'Wonke umntu unelungelo–

(a) lokusingathwa ngokusemthethweni komcimbi wakhe ofun' isigqibo xa elinye lamalungelo akhe lichaphazeleka okanye lisongelwa;

(b) lokusingathwa ngenkqubo enobulungisa komcimbi wakhe ofun' isigqibo xa elinye lamalungelo akhe okanye ulindelo lwakhe olufanelekileyo luchaphazeleka okanye lusongelwa;

(c) lokunikwa izizathu ezibhaliweyo ngokusingathwa komcimbi wakhe ofun' isigqibo ochaphazela elinye lamalungelo akhe, ngaphandle kokuba izizathu zeso sigqibo ziye zadandalaziswa esidlangalaleni;

(d) nelokusingathwa komcimbi ofun' isigqibo ngendlela ethethelelekayo ngokumayela nezizathu ezinikiweyo xa elinye lamalungelo akhe lichaphazeleka okanye lisongelwa."

(3) Isiqendu 32(2) nesama-33(3) soMgaqo-siseko omtsha siyaphelelwa ukuba umthetho wepalamente ekucingwa ngawo kwezo ziqendu awuthi uwiswe kwisithuba seminyaka emithathu ukususela kumhla wokuqalisa koMgaqo-siseko omtsha ukusebenza.

Imisebenzi yolawulo karhulumente neenkonzo zokhuseleko

24. (1) Isiqendu 82(4)(b), 215, 218(1), 219(1), 224 ukuya kwesama-228, 236(1), (2), (3), (6), (7)(b) nesesi(8), 237(1) nese-(2)(a) nesama-239(4) nesesi-(5) soMgaqo-siseko wangaphambili ziyaqhubeka zisebenza ngokungathi uMgaqo-siseko wangaphambili awuzange utshitshiswe, ngokulawulwa–

(a) lulo naluphi na utshintsho olunokwenziwa kwezo ziqendu njengoko kuchazwe kwiSongezelelo D;

(b) lulo naluphi na olunye utshintsho okanye ukutshitshiswa kwezo ziqendu nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha; nangokulawulwa

(c) kukuvisisana kwazo noMgaqo-siseko omtsha.

(2) IKomishoni yaBasebenzi bakaRhulumente neekomishoni zenkonzo yamaphondo ekuthethwe ngazo kwiSahluko 13 soMgaqo-siseko wangaphambili ziyaqhubeka

zisebenza ngokweso Sahluko nomthetho wepalamente osebenza kuzo ngokungathi eso Sahluko asizange sitshitshiswe, de ibe iKomishoni neekomishoni zenkonzo yamaphondo zitshitshiswe nguMthetho wePalamente ophunyezwe ngokwesiqendu 75 soMgaqo-siseko omtsha.

(3) Ukutshitshiswa koMgaqo-siseko wangaphambili akusichaphazeli nasiphi na isihlokomiso esikhutshwe ngokwesiqendu 237(3) soMgaqo-siseko wangaphambili, kwaye nasiphi na isihlokomiso esinjalo siqhubeka sisebenza, ngokulawulwa–
- (a) lulo naluphi na utshintsho olunokwenziwa okanye ukutshitshiswa; nangokulalwulwa
- (b) kukuvisisana kwaso noMgaqo-siseko omtsha.

Okunye ukungafaneleki kwizindlu zowiso-mthetho

25. (1) Nabani na, xa wawuqalisa ukusebenza uMgaqo-siseko omtsha, owayethothoza isigwebo kwiRiphablikhi sokuvalelwa entolongweni ixesha elingaphezu kweenyanga ezili-12 engakhethiswanga fayini, akafaneleki ukuba abe lilungu leNdlu yoWiso-mthetho okanye lendlu yowiso-mthetho yephondo.

(2) Ukungafaneleki komntu ngokwesiqendwana (1) –
- (a) kuyaphelelelwa ukuba ukufunyaniswa kwakhe enetyala kuyachithwa esakubhena, okanye ukuba isigwebo siyancitshiswa esakubhena sibe sisigwebo esingamenzi angafaneleki loo mntu;
- (b) kuphela emva kweminyaka emihlanu sigqityiwe isigwebo.

Urhulumente wasekuhlaleni

26. (1) Kungakhathaliseki okutshiwo sisiqendu 151, 155, 156 nese-157 soMgaqo-siseko omtsha –
- (a) okutshiwo yiLocal Government Transition Act 209 ka-1993, njengoko isenokuman' ukuthi yenziwe utshintsho ngumthetho wepalamente wezwelonke ovisisana noMgaqo-siseko omtsha, kuhlala kusebenza ngokumayela neBhunga likaMasipala de libe iBhunga likaMasipala elithabath' indawo yelo Bhunga livakaliswe njengelinyuliweyo njengesiphumo sonyulo-jikelele lokuqala lwamaBhunga kaMasipala emva kokuqalisa ukusebenza koMgaqo-siseko omtsha; kwaye

[Isiqendwana (a) sathatyathelw' indawo sisiqendu 5(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

(b) inkokeli yomthonyama yoluntu oluphila ngokomthetho wemveli nehlala kumhlaba okummandla webhunga lasekuhlaleni lethutyana, webhunga lasemaphandleni lethutyana okanye webhunga labameli lethutyana, ekuthethwe ngawo kwiLocal Government Transition Act ka-1993, nekuthe kwabonaka ukuba iyileyo ichazwe kwisiqendu 182 soMgaqo-siseko wangaphambili, inelungelo ngenxa yesikhundla sayo ukuba ibe lilungu lelo bhunga de libe iBhunga likaMasipala elithabath' indawo yelo bhunga libe libhengezwe njengelinyuliweyo njengesiphumo sonyulo-jikelele lokuqala lwamaBhunga kaMasipala emva kokuqalisa kokusebenza koMgaqo-siseko omtsha.

[Isiqendu (b) sathatyathelw' indawo sisiqendu 5(a) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

(2) Isiqendu 245(4) soMgaqo-siseko wangaphambili siyaqhubeka sisebenza kude kuphelelwe ukusetyenziswa kweso siqendu. Isiqendu 16(5) nese-(6) seLocal Government Transition Act ka-1993 asinakutshitshiswa ngaphambi komhla wama-30 kuEpreli 2000.

[Isiqendwana (2) senziwa utshintsho sisiqendu 5(b) soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

Ukugcinwa kweMithetho yePalamente neMithetho yamaphondo

27. Isiqendu 82 nese-124 soMgaqo-siseko omtsha azikuchaphazeli ukugcinwa kweMithetho yePalamente okanye kweMithetho yamaphondo ephunyezwe ngaphambi kokuqalisa koMgaqo-siseko omtsha ukusebenza.

Ukubhaliswa kwempahla engenakufuduswa eyekarhulumente

28. (1) Kusakuveliswa isiqinisekiso ligunya elifanelekileyo esithi impahla engenakufuduswa eyekarhulumente yekarhulumente othile ngokwesiqendu 239 soMgaqo-siseko wangaphambili, umgcini-zitayitile makakubhale oko encwadini efanelekileyo kwincwadi yobumnini okanye kolunye uxwebhu, ebhala loo mpahla engenakufuduswa egameni laloo rhulumente.

(2) Akukho ntlawulo okanye mrhumo onokufunwa ngokubhaliswa okungokwesiqendwana (1).

ISONGEZELELO A

UTSHINTSHO KWISIHLOMELO 2 SOMGAQO-SISEKO WANGAPHAMBILI

1. Isiqendu 1 sithatyathelw' indawo sisiqendu esilandelayo:

'1 Amaqela abhaliswe ngokomthetho wepalamente wezwelonke nakhuphisana kunyulo lweNdlu yowiso-mthetho, makakhethe abagqatswa bolo nyulo kwizintlu zabagqatswa ezilungiselelwe ngokwesi Sihlomelo nangokomthetho wepalamente wezwelonke.'

2. Isiqendu 2 sithatyathelw' indawo sisiqendu esilandelayo:

'2 Izihlalo kwiNdlu yoWiso-mthetho ngokwendlela ezigqitywe ngayo ngokwesiqendu 46 soMgaqo-siseko omtsha, ziza kuhlalwa ngale ndlela ilandelayo:

(a) isiqingatha sezihlalo zihlalwa kuthathwa kwizintlu zeengingqi ezingeniswe ngamaqela, kubekho inani eliqingqiweyo lezihlalo ezigcinelwe ingingqi nganye ngokwendlela ekugqitywe ngayo yiKomishoni yonyulo olulandelayo lweNdlu, kucingelwa ingcombolo efumanekayo esekelwe kwinzululwazi mayela nabavoti, nokumelwa ngabantu abachaphazelekayo;

(b) esinye isiqingatha sezihlalo sihlalwa kuthathwa kwizintlu zezwelonke ezingeniswe ngamaqela, okanye kuthathwa kwizintlu zeengingqi xa kungangeniswanga zintlu zezwelonke.'

3. Isiqendu 3 sithatyathelw' indawo sisiqendu esilandelayo:

'3 Izintlu zabagqatswa ezingeniswe liqela mazithi, sekukonke, zibe namagama angengaphezulu kwenani labagqatswa elilingana nenani lezihlalo kwiNdlu yoWiso-mthetho, kwaye uluhlu ngalunye maluwalandelelanise amagama ngendlela engenakuguqulwa efunwa liqela.'

4. Kwenziwa utshintsho kwisiqendu 5 ngokuthi amagama awandulela isiqendu (a) athatyathelw' indawo ngamagama alandelayo:

'5 Izihlalo ekuthethwe ngazo kwisiqendu 2(a) mazabiwe ngokwengingqi zisabelwa amaqela akhuphisana kunyulo, ngale ndlela ilandelayo'

5. Ukwenziwa kotshintsho kwisiqendu 6–

(a) ngokuthi amagama awandulela isiqendu (a) athatyathelw' indawo ngamagama alandelayo:

'6 Izihlalo ekuthethwe ngazo kwisiqendu 2(b) mazabelwe amaqela akhuphisana kunyulo, ngale ndlela ilandelayo:"; nangokuthi

(b) isiqendu (a) sithatyathelw' indawo sisiqendu esilandelayo:

'(a) Iivoti emazibekho ngesihlalo ngasinye mazigqitywe ngokwahlula inani lilonke leevoti elifakwe elizweni lonke, lahlulwe ngenani lezihlalo kwiNdlu yoWiso-mthetho, kongezwe isinye, kuze kwisiphumo kongezwe isinye, kuyekwe amaqhekeza, oko kuya kuba linani elifunekayo leevoti ngesihlalo ngasinye.'

6. Kwenziwa utshintsho kwisiqendu 7(3) ngokuthi isiqendu (b) sithathelw' indawo sisiqendu esilandelayo:

'(b) Inani elifunekayo elenziwe utshintsho lwevoti ngesihlalo ngasinye maligqitywe ngokwahlula inani lilonke leevoti ezifakwe elizweni lonke, kususwe inani leevoti ezifakwe elizweni zifakelwa iqela ekuthethwe ngalo kwisiqendu (a), lisahlulwa ngenani lezihlalo kwiNdlu, kongezwe isinye, kususwe inani leevoti eligqibela labelwe elo qela ngokwesiqendu (a).'

7. Isiqendu 10 sithatyathelw' indawo sisiqendu esilandelayo:

'10 Inani lezihlalo kwindlu yowiso-mthetho yephondo nganye maligqitywe ngokwesiqendu 105 soMgaqo-siseko omtsha.'

8. Isiqendu 11 sithatyathelw' indawo sisiqendu esilandelayo:

'(11) Amaqela abhaliswe ngokomthetho wepalamente wezwelonke nakhuphisana kunyulo lwendlu yowiso-mthetho yephondo makakhethe abagqatswa bokunyulelwa kuloo ndlu yowiso-mthetho yephondo kwizintlu zephondo ezilungiselelwe ngokwesi Sihlomelo nangokomthetho wepalamente wezwelonke.'

9. Isiqendu 16 sithatyathelw' indawo sisiqendu esilandelayo:

"Ukuchongwa kwabameli

16. (1) Emva kokuba ukubalwa kweevoti kugqityiwe, nenani labameli beqela ngalinye kwenziwa isigqibo ngalo, saza nesiphumo sonyulo sabhengezwa ngokwesiqendu 190 soMgaqo-siseko omtsha, iKomishoni mayithi, zingaphelanga iintsuku ezimbini zolo bhengezo, ichonge kuluhlu ngalunye lwabagqatswa, olupapashwe ngokomthetho wepalamente wezwelonke, abameli beqela ngalinye elikwindlu yowiso-mthetho.

(2) Emva kokuchonga ngokwesiqendwana (1), ukuba igama lomgqatswa livela kuluhlu olungaphezu kolunye lweNdlu yoWiso-mthetho okanye luvela

kwizintlu zako kokubini — kwiNdlu yoWiso-mthetho nakwindlu yowiso-mthetho yephondo (ukuba unyulo lweNdlu nolwendlu yowiso-mthetho yephondo lubakho ngaxesha-nye), abe loo mgqatswa efanele achongwe njengommeli ngaphezu kwesihlandlo esinye, iqela elingenise ezo zintlu malithi, zingaphelanga iintsuku ezimbini emva kokubhengeza, libonise iKomishoni ukuba loo mgqatswa uza kuchongwa koluphi na uluhlu okanye uza kukhonza kuyiphi na indlu yowiso-mthetho, ekuya kuthi xa kunjalo igama lomgqatswa licinywe kwezinye izintlu.

(3) IKomishoni mayipapashe ngoko nangoko uluhlu lwamagama abameli kwindlu yowiso-mthetho okanye kwizindlu zowiso-mthetho.'

10. Kwenziwa utshintsho kwisiqendu 18 ngokuthi isiqendu (b) sithatyathelw' indawo sisiqendu esilandelayo:

'(b) ummeli umiselwa njengomthunywa osisigxina kwiBhunga lamaPhondo leZwelonke.'

11. Isiqendu 19 sithatyathelw' indawo sisiqendu esilandelayo:

'19 Izintlu zabagqatswa beqela ekuthethwe ngazo kwisiqendu 16(1) zinokuxabangelwa kube kanye kuphela nangaliphi na ixesha kwiinyanga ezili-12 zokuqala emva komhla ekugqitywe ngawo ukuchongwa kwabameli ngokwesiqendu 16, ukuze kuvalwe izithuba ezisisingxungxo: kodwa ke ukuxabangela makwenziwe ekupheleni koluhlu'.

12. Isiqendu 23 sithatyathelw' indawo sisiqendu esilandelayo:

"Izithuba

23. (1) Xa kuthi kubekho isithuba kwindlu yowiso-mthetho ekusebenza kuso esi Sihlomelo, iqela elalikhethe ilungu eliphumayo makube lilo elivala isithuba ngokukhetha umntu–

(a) ogama lakhe livela kuluhlu lwabagqatswa elalikhethwe kulo ilungu eliphumayo ntlandlolo;

(b) nokwangumntu olandelayo ofanelekileyo ofumanekayo okuluhlu.

(2) Ukhetho lokuvala isithuba malunikwe uSihlalo ngokubhala.

(3) Ukuba iqela elimelweyo kwindlu yowiso-mthetho liyaphela, aze amalungu azishiye izihlalo zawo ngenxa yesiqendu 23A(1), ezo zihlalo mazabelwe amaqela aseleyo, kubekho nje utshintsho oluyimfuneko, ngokungathi bekuzizihlalo ekuphulukwene nazo ngokwesiqendu 7 okanye 14.'.

13. Kufakelwa isiqendu esilandelayo emva kwesiqendu 23:

'Esinye isizathu sokulahlekelwa bubulungu kwizindlu zowiso-mthetho

23A. (1) Umntu ulahlekelwa bubulungu bendlu yowiso-mthetho ekusebenza kuyo esi Sihlomelo ukuba loo mntu uyayeka ukuba lilungu leqela elamkhethayo ukuba abe lilungu lendlu yowiso-mthetho.

(2) Nangona sisitsho oku esikutshoyo isiqendwana (1), naliphi na iqela lopolitiko elikhoyo lingalitshintsha igama lalo nangaliphi na ixesha.

(3) UMthetho wePalamente unokuthi, kungadanga kube lixesha elide emva kokuba uMgaqo-siseko omtsha uqalise ukusebenza, uphunyezwe ngokwesiqendu 76(1) soMgaqo-siseko omtsha ukuze wenze utshintsho kwesi siqendu nakwisiqendu 23 ukuze uxele indlela ekuza kuba nokwenzeka ngayo ukuba ilungu lendlu yowiso-mthetho eliyeka ukuba lilungu leqela elalikhethe elo lungu lihlale lililungu lendlu yowiso-mthetho.

(4) UMthetho wePalamente ekuthethwe ngawo kwisiqendwana (3) usenokuvumela nento yokuba–

(a) naliphi na iqela elikhoyo libe liqela elinye nelinye iqela; okanye

(b) naliphi na iqela lizale amanye amaqela..'

14. Kucinywa isiqendu 24.

15. Kwenziwa utshintsho kwisiqendu 25–

(a) ngokuthi ukuchazwa kwegama elithi "iKomishoni" kuthatyathelw' indawo kukuchazwa kwegama okulandelayo:

"iKomishoni' yiKomishoni yoNyulo ekuthethwe ngayo kwisiqendu 190 soMgaqo-siseko omtsha;"; nangokuthi

(b) kufakelwe ukuchazwa kwegama okulandelayo emva kokuchazwa kwegama elithi "nationalist':

"uMgaqo-siseko omtsha' nguMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996'..

16. Kucinywa isiqendu 26.

ISONGEZELELO B

URHULUMENTE WOBUNYE BELIZWE: KWINQWANQWA LEZWELONKE

1. Isiqendu 84 soMgaqo-siseko omtsha sithathwa njengesinesi siqendwana esongeziweyo silandelayo:

‘(3) UMongameli makabonisane nooSekela-Mongameli abakulawulo–

(a) ekuphuhlisweni nasekuphunyezweni kweenkqubo zorhulumente wezwelonke;

(b) kuyo yonke imicimbi ephathelele ekuphathweni kweKhabhinethi nasekwenziweni kwemisebenzi yeKhabhinethi;

(c) ekwabelweni kwemisebenzi kooSekela-Mongameli abakulawulo;

(d) ngaphambi kokuba amisele nawuphi na umntu ngokoMgaqo-siseko okanye ngokomthetho wepalamente, kuquka nokumiselwa kukanozakuzaku okanye abanye abameli belizwe;

(e) ngaphambi kokuba amisele iikomishoni zophando;

(f) ngaphambi kokuba athi makubekho uvavanyo-zimvo;

(g) naphambi kokuba axolele abonileyo.

2. Isiqendu 89 soMgaqo-siseko omtsha sithathwa njengesinesi siqendwana silandelayo:

‘(3) Isiqendwana (1) nese-(2) zisebenza nakuSekela-Mongameli okulawulo.’

3. Isiqendu (a) sesiqendu 90(1) soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:

‘(a) USekela-Mongameli okulawulo ochongwe nguMongameli.’

4. Isiqendu 91 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:

‘ IKhabhinethi

91 (1) IKhabhinethi nguMongameli, ooSekela-Mongameli kunye –

(a) naBaphathiswa abangengaphezulu kwama-27 abangamalungu eNdlu yoWiso-mthetho nabamiselwe ngokwesiqendwana (8) nese-(12);

(b) noMphathiswa omnye ongelilo ilungu leNdlu yoWiso-mthetho yabali-175 nomiselwe ngokwesiqendwana (13), kodwa kuxhomekeke ekubeni uMongameli, ebonisana nooSekela-Mongameli neenkokeli zamaqela athabath’ inxaxheba, bakubona ukumiselwa koMphathiswa onjalo kufanelekile.

(2) Iqela ngalinye elinezihlalo ezingama-80 ubuncinane kwiNdlu yoWiso-mthetho linelungelo lokuchonga uSekela-Mongameli limchonga kumalungu alo eNdlu.

(3) Ukuba alikho iqela okanye linye kuphela iqela elinezihlalo ezingama-80 okanye ngaphezulu kwiNdlu, iqela elinelona nani likhulu lezihlalo neqela elinenani elilandelayo ngobukhulu lezihlalo, ngalinye kuwo linelungelo lokuchonga uSekela-Mongameli kumalungu alo eNdlu.

(4) Esakuchongwa, uSekela-Mongameli usengakhetha ukuhlala elilungu leNdlu okanye ayeke ukuba lilo.

(5) USekela-Mongameli usenokusebenzisa amagunya kwaye makenze imisebenzi enikwe umntu okwisikhundla sokuba nguSekela-Mongameli eyinikwa nguMgaqo-siseko okanye imisebenzi eyabelwe umntu okweso sikhundla nguMongameli.

(6) USekela-Mongameli uba sesikhundleni–

 (a) kude kube ngumhla wama-30 kuEpreli 1999 ngaphandle kokuba uthatyathelw' indawo okanye ayekiswe liqela elinelungelo lokuchonga ngokwesiqendwana (2) nese-(3); okanye

 (b) de angene esikhundleni umntu onyulelwe ukuba nguMongameli emva konyulo lweNdlu yoWiso-mthetho lwangaphambi komhla wama-30 kuEpreli 1999.

(7) Isithuba esikwisikhundla sikaSekela-Mongameli sinokuvalwa liqela elachonga loo Sekela-Mongameli.

(8) Iqela elinezihlalo ezingama-20 ubuncinane kwiNdlu yoWiso-mthetho nelithe lagqiba kwelokuba lithabath' inxaxheba kurhulumente womanyano, linelungelo lokunikwa elinye lamasebe eKhabhinethi okanye amasebe angakumbi abaza kumiselwa kuwo aBaphathiswa ekuthethwe ngabo kwisiqendwana (1)(a), ngokulingana nenani lezihlalo elinalo elo qela kwiNdlu yoWiso-mthetho xa kutheleksiwa nenani lezihlalo anazo amanye amaqela athabath' inxaxheba.

(9) Amasebe eKhabhinethi mawanikwe amaqela athabath' inxaxheba ngokwale ndlela ilandelayo:

 (a) inani elifunekayo lezihlalo zesebe ngalinye maliqingqwe ngokwahlula inani lezihlalo xa zizonke kwiNdlu yoWiso-mthetho ngenani lamasebe amabamiselwe kuwo aBaphathiswa kwisiqendwana (1)(a), kongezwe isinye;

 (b) isiphumo esifumanekayo apho, xa kulahlwa amanani angamaqhezu, ukuba akho, linani elifunekayo lezihlalo kwisebe ngalinye;

(c) inani lamasebe amakanikwe iqela elithabath' inxaxheba liqingqwa ngokwahlula inani lezihlalo zizonke elinazo elo qela kwiNdlu yoWiso-mthetho, lahlulwe ngenani elifunekayo ekuthethwe ngalo kwisiqendu (b).

(d) isiphumo esifunekayo apho, ngokulawulwa sisiqendu (e) sibonisa inani lamasebe amakabelwe kwelo qela;

(e) xa ukusetyenziswa kwale ndlela ingentla kuvelisa ukratya ongaginywayo linani lamasebe abelwe kwiqela, ukratya ukhuphisana nabanye ookratya abafanayo abakwelinye iqela okanye amaqela, kuze kuthi ke naliphi na isebe okanye amasebe asalayo engabiwanga abelwe kwiqela okanye kumaqela lawo ngolandelelwano loyena kratya uphezulu.

(10) Emva kokubonisana nooSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba, uMongameli–

(a) makenze isigqibo ngamasebe amakanikwe amaqela athabath'inxaxheba ngokwenani lamasebe anikwa wona ngokwesiqendu 9;

(b) kwisebe ngalinye makamisele ilungu leNdlu yoWiso-mthetho elilungu leqela elinikwe elo sebe ngokwesiqendu (a), emmisela njengoMphathiswa ophathiswe elo sebe;

(c) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo, makasitshintshe nasiphi na isigqibo esenziwe ngokwesiqendu (a), ngokulawulwa sisiqendwana (9);

(d) makamyekise nawuphi na umntu omiselwe ngokwesiqendu (b)–

(i) ukuba uMongameli ucelwa ukuba enze njalo yinkokeli yeqela alilungu lalo uMphathiswa lowo; okanye

(ii) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo; okanye

(e) akasivale isithuba esikwisikhundla soMphathiswa, xa kuyimfuneko, ngokulawulwa sisiqendu (b).

(11) Makusetyenziswe isiqendwana (10) ngomoya wokuba kubekho urhulumente womanyano, kwaye uMongameli kunye namanye amagosa mabafune ukuvumelana ngamaxesha onke ekusebenziseni eso siqendwana, kodwa ke ukuba akunakuvunyelwana–

(a) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (a), (c) okanye (d) (ii) kweso siqendwana, kuba sisigqibo sikaMongameli esigqibelayo;

(b) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b), (d)(i) okanye (e) kweso siqendwana okuchaphazela umntu ongelilo ilungu leqela likaMongameli, isigqibo senkokeli yeqela alilungu lalo umntu lowo kuba siso esigqibelayo;

(c) nangokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b) okanye (e) kweso siqendwana okuchaphazela umntu olilungu leqela likaMongameli, kuba sisigqibo sikaMongameli esigqibelayo.

(12) Ukuba nasiphi na isigqibo sokwabiwa kwamasebe siyatshintshwa ngokwesiqendwana (10)(c), aBaphathiswa abachaphazelekileyo mabaphume kumasebe abo, kodwa bayafaneleka, kwiimeko ekunokwenzeka kuzo, ukuba bamiselwe kwakhona kwamanye amasebe anikwe amaqela abo ngokwesigqibo esitshintshiweyo.

(13) UMongameli –

(a) ebonisana noSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba–

(i) makenze isigqibo ngesebe elithile loMphathiswa ekuthethwe ngalo kwisiqendwana (1)(b) xa kunokuthi kube ngenxa yesigqibo sikaMongameli ngokweso siqendwana (2);

(ii) makamisele kwelo sebe umntu ongelilo ilungu leNdlu yoWiso-mthetho, emmisela njengoMphathiswa ophathiswe elo sebe; aze

(iii) ukuba kuyimfuneko, avale isithuba kwelo sebe; okanye

(b) emva kokubonisana noSekela-Mongameli neenkokeli zamaqela athabath' inxaxheba, makamyekise nawuphi na umntu omiselwe ngokwesiqendu (a) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo.

(14) Iintlanganiso zeKhabhinethi mazonganyelwe nguMongameli okanye, ukuba uMongameli uyalela ngolo hlobo, zonganyelwe nguSekela-Mongameli, kodwa ke ooSekela-Mongameli bongamela ngokubolekisana kwiintlanganiso zeKhabhinethi ngaphandle kokuba iimeko ezingxamisekileyo zikarhulumente nomoya okhoyo kurhulumente womanyano ufunisa ukuba kwenzeke ngenye indlela.

(15) IKhabhinethi mayisebenze ngendlela ecingela ubukho bomoya wokuvumelana omawubekho kurhulumente womanyano kunye nemfuneko yorhulumente osebenza ngempumelelo."

5. Isiqendu 93 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:

"Ukumiselwa kooSekela-Mphathiswa

93. (1) Emva kokubonisana nooSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba kwiKhabhinethi, uMongameli usenokuvula izithuba zoosekela-mphathiswa.

(2) Iqela linelungelo lokunikwa isithuba esinye okanye ezingaphezu koko zoosekela-mphathiswa ngomlinganiselo ofanayo nangendlela efanayo awabiwa ngayo amasebe kwiKhabhinethi.

(3) Mayela nooSekela-Mphathiswa kusebenza okutshiwo kwisiqendu 91(10) ukuya kwese-(12), kubekho nje utshintsho oluyimfuneko, kwaye ekusebenziseni okutshiwo zezo ziqendu, xa kuthethwa ngoMphathiswa kweso siqendu okanye kuthethwa ngesebe, oko makuthathwe ngokuthi kuthethwa ngoSekela-Mphathiswa okanye isithuba sosekela-mphathiswa.

(4) Ukuba umntu umiselwa njengoSekela-Mphathiswa walo naliphi na isebe eliphathiswe uMphathiswa–

(a) loo Sekela-Mphathiswa makathi, egameni loMphathiswa, asebenzise amagunya kwaye enze nemisebenzi eyabelwe loo Mphathiswa wepalamente okanye ngenye indlela, magunya lawo nemisebenzi leyo enokuthi yabelwe loo Sekela-Mphathiswa nguMphathiswa, kodwa ngokulawulwa yimiyalelo kaMongameli;

(b) xa, nakuwuphi na umthetho wepalamente, kuthethwa ngoMphathiswa, oko makuthathwe njengokuquka noSekela-Mphathiswa esebenza ngokwabelwa nguMphathiswa anguSekela-Mphathiswa wakhe, ngokwesiqendu (a).

(5) Nanini na xa uSekela-Mphathiswa engekho okanye ngaso nasiphi na isizathu engenakukwazi ukusebenzisa amagunya esikhundla okanye ukwenza imisebenzi yesikhundla sakhe, uMongameli unokumisela nawuphi na omnye uSekela-Mphathiswa okanye nawuphi na omnye umntu ukuba abambele endaweni yaloo Sekela-Mphathiswa, ukuba enze yonke into okanye asebenzise igunya elixeliweyo okanye enze umsebenzi oxeliweyo.'

6. Isiqendu 96 soMgaqo-siseko omtsha sithathwa njengesinezi ziqendwana zilandelayo ezongeziweyo:

'(3) Ngamnye kuBaphathiswa uphendula kuMongameli nakwiNdlu yoWiso-mthetho

ngendlela abawasingatha ngayo amasebe abo, kwaye onke amalungu eKhabhinethi aphendula kwangaloo ndlela xa ewonke ngendlela ayenza ngayo imisebenzi karhulumente wezwelonke neenkqubo zakhe.

(4) ABaphathiswa mabawasingathe amasebe abo ngokwenkqubo egqitywe yiKhabhinethi.

(5) Ukuba uMphathiswa uyoyisakala ukulisingatha isebe ngokwenkqubo yeKhabhinethi, uMongameli usenokufuna ukuba loo Mphathiswa alisingathe isebe ngokwenkqubo.

(6) Ukuba uMphathiswa uyoyisakala ukwenza okufunwa nguMongameli ngokwesiqendwana (5), uMongameli usenokumshenxisa loo Mphathiswa–

(a) ukuba nguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(a), emshenxisa emva kokubonisana noMphathiswa, kuze kuthi ukuba uMphathiswa lowo akalilo ilungu leqela likaMongameli okanye akayiyo inkokeli yeqela elithabath' inxaxheba, amshenixise nasemva kokubonisana nenkokeli yeqela laloo Mphathiswa; okanye

(b) ukuba nguMphathiswa ekuthethwe ngaye kwisiqendu 91(1)(b), emva kokubonisana nooSekela-Mongameli kunye neenkokeli zamaqela athabath' inxaxheba.'.

ISONGEZELELO C

Urhulumente Womanyano: Kwinqwanqwa Lamaphondo

1. Isiqendu 132 soMgaqo-siseko omtsha sithathwa njengesifundeka ngale ndlela:
"ABaphathiswa bamaphondo

132 (1) ABaphathiswa bephondo yiNkulumbuso kwakunye namalungu angekho ngaphezu kwe-10 amiselwe nguMongameli ngokwesi siqendu.

(2) Iqela eline-10 ekhulwini ubuncinane lezihlalo kwindlu yowiso-mthetho yephondo nelithe lagqiba kwelokuba lithabath' inxaxheba kurhulumente womanyano, linelungelo lokwabelwa isebe okanye amasebe kurhulumente wephondo ngokulinganayo nenani lezihlalo elinazo kwindlu yowiso-mthetho ngokwenani lezihlalo anazo amanye amaqela athabath' inxaxheba.

(3) Amasebe kurhulumente wephondo mawabelwe kumaqela athabath' inxaxheba ngokwendlela efanayo echazwe kwisiqendu 91(9), kwaye ekusebenziseni loo ndlela, xa, kweso siqendu, kuthethwa–

(a) ngeKhabhinethi, oko makuqondwe ngokuthi kuthethwa ngaBaphathiswa bephondo;

(b) ngoMphathiswa, oko makuqondwe ngokuthi kuthethwa ngoMphathiswa wephondo;

(c) ngeNdlu yoWiso-mthetho, oko makuqondwe ngokuthi kuthethwa ngendlu yowiso-mthetho yephondo.

(4) Emva kokubonisana neenkokeli zamaqela athabath' inxaxheba, iNkulumbuso yephondo–

(a) mayenze isigqibo ngamasebe amawanikwe amaqela athabath' inxaxheba ngokwenani lamasebe abelwe wona ngokwesiqendwana (3);

(b) makamisele kwisebe ngalinye ilungu lendlu yowiso-mthetho yephondo elililungu leqela elinikwe elo sebe ngokwesiqendu (a), alimisele libe nguMphathiswa wephondo ophathiswe elo sebe;

(c) ukuba kuthi kube yimfuneko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo, atshintshe nasiphi na isigqibo asenze ngokwesiqendu (a), kodwa ngokulawulwa sisiqendwana (3);

(d) ayekise nawuphi na umntu ammiseleyo ngokwesiqendu (b)–

(i) ukuba iNkulumbuso icelwa ukuba yenze njalo yinkokeli yeqela alilungu lalo uMphathiswa wephondo lowo; okanye

(ii) ukuba kuthi kube yimfubeko ngokwenjongo yoMgaqo-siseko okanye ngenjongo yokuba kubekho urhulumente olungileyo; okanye

(e) makavale isithuba soMphathiswa wephondo, xa kuyimfuneko, ngokulawulwa sisiqendu (b).

(5) Makusetyenziswe isiqendwana (4) ngomoya wokuba kubekho urhulumente womanyano, kwaye iNkulumbuso namanye amagosa achaphazelekayo mabafune ukuba kubekho ukuvumelana ngamaxesha onke ekusetyenzisweni kweso siqendwana, kodwa ke ukuba ukuvumelana akunakwenzeka–

(a) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (a), (c), or (d)(ii) kweso siqendwana, kuba sisigqibo seNkulumbuso esigqibelayo;

(b) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b), (d)(i) okanye (e) kweso siqendwana okuchaphazela umntu ongelilo ilungu leqela leNkulumbuso, isigqibo senkokeli yeqela alilungu lalo loo mntu kuba siso esigqibelayo;

(c) ngokusetyenziswa kwegunya ekuthethwe ngalo kwisiqendu (b) okanye (e) kweso siqendwana okuchaphazela umntu olilungu leqela leNkulumbuso, kuba sisigqibo seNkulumbuso esigqibelayo.

(6) Ukuba isigqibo esingokwabiwa kwamasebe siyatshintshwa ngokwesiqendwana (4)(c), amalungu achaphazelekayo makaphume kumasebe awo, kodwa ayafaneleka, kwiimeko ekunokwenzeka kuzo oko, ukuba amiselwe kwakhona kwamanye amasebe awabelwe amaqela awo ngokwesigqibo esitshintshiweyo.

(7) Iintlanganiso zaBaphathiswa bephondo mazonganyelwe yiNkulumbuso yelo phondo.

(8) ABaphathiswa bephondo mabasebenze ngendlela ecingela umoya wokuvumelana omawubekho kurhulumente womanyano, kwakunye nemfuneko yokuba urhulumente asebenze ngempumelelo.'

2. Isiqendu 136 soMgaqo-siseko omtsha sithathwa njengesiqulethe ezi ziqendwana ezongeziweyo zilandelayo:

'(3) Ngamnye kuBaphathiswa bephondo uphendula kwiNkulumbuso nakwindlu yowiso-mthetho yephondo ngendlela abawasingethe ngayo amasebe abo ephondo,

kuze kuthi bonke aBaphathiswa bephondo xa bebonke baphendule ngendlela abayenza ngayo imisebenzi karhulumente wephondo neenkqubo zakhe.

(4) ABaphathiswa bephondo mabawasingathe amasebe ephondo ngokwenkqubo egqitywe ngaBaphathiswa.

(5) Ukuba uMphathiswa wephondo uyoyisakala ukulisingatha isebe lakhe ngokwenkqubo yaBaphathiswa bephondo, iNkulumbuso isenokufuna ukuba loo Mphathiswa alisingathe iphondo ngokwaloo nkqubo.

(6) Ukuba uMphathiswa wephondo uyoyisakala ukwenza okufunwa yiNkulumbuso ngokwesiqendwana (5), iNkulumbuso isenokumshenxisa esikhundleni emva kokubonisana noMphathiswa lowo, kuze kuthi ukuba uMphathiswa lowo akalilo ilungu leqela leNkulumbuso okanye akayiyo inkokeli yeqela elithabath' inxaxheba, imshenxise emva kokubonisana nenkokeli yeqela laloo Mphathiswa.'

ISONGEZELELO D

Imisebenzi Yolawulo Karhulumente Neenkonzo Zokhuseleko: Utshintsho Olwenziwa Kwiziqendu ZoMgaqo-siseko Wangaphambili

1. Kwenziwa utshintsho kwisiqendu 218 soMgaqo-siseko wangaphambili–

(a) ngokuthi kwisiqendwana (1) amazwi awandulela isiqendu (a) athatyathelw' indawo ngamazwi alandelayo:
"(1) Ngokulawulwa yimiyalelo yoMphathiswa Wokhuseleko, uMkomishinala weZwelonke uza kuba noxanduva—";

(b) ngokuthi isiqendu (b) kwisiqendwana (1) sithatyathelw' indawo sisiqendu esilandelayo:
"(b) ukumiselwa kwabakomishinala bamaphondo;";

(c) ngokuthi isiqendu (d) kwisiqendwana (1) sithatyathelw' indawo sisiqendu esilandelayo:
"(d) ukuphandwa nokuthintelwa kolwaphulo-mthetho olucwangcisiweyo okanye ulwaphulo-mthetho olufuna uphando nothintelo kwilizwe lonke okanye izakhono ezikhethekileyo;"; nangokuthi

(d) isiqendu (k) kwisiqendwana (1) sithatyathelw' indawo sisiqendu esilandelayo:
"(k) ukusekwa kwamapolisa okulondoloz' ucwangco eluntwini kwilizwe lonke nokulondolozwa kwawo eza kuthiwa saa kuxhaswa uMkomishinala wePhondo nangokucelwa nguye.'

2. Kwenziwa utshintsho kwisiqendu 219 soMgaqo-siseko wangaphambili ngokuthi kwisiqendwana (1) amazwi awandulela isiqendu (a) athatyathelw' indawo ngamazwi alandelayo:

'(1) Ngokulawulwa sisiqendu 218(1), uMkomishinala wePhondo uza kuba noxanduva–.'

3. Kwenziwa utshintsho kwisiqendu 224 soMgaqo-siseko wangaphambili ngokuthi imeko yoxhomekeko ekwisiqendwana (2) ithatyathelw' indawo yimeko yoxhomekeko elandelayo:

"'Kodwa ke kuxhomekeke ekubeni esi siqendwana siza kusebenza nakumalungu awo nawuphi na umkhosi oxhobileyo ongenise uluhlu lwawo lwabasebenzi emva kokuqalisa koMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1993 (uMthetho 200 ka-1993),

kodwa ngaphambi kokwamkelwa koMgaqo-siseko omtsha ekuthethwe ngawo kwisiqendu 73 saloo Mgaqo-siseko, ukuba umbutho wopolitiko omi ngawo umkhosi lowo nophantsi kolawulo lwawo okanye onxulumene nawo noqhubela phambili iinjongo zawo waba nenxaxheba kwiBhunga leXesha loTshintsho okanye waba nenxaxheba kunyulo lokuqala lweNdlu yoWiso-mthetho nakwizindlu zowiso-mthetho zamaphondo phantsi koMgaqo-siseko oxeliweyo.'.

4. Kwenziwa utshintsho kwisiqendu 227 soMgaqo-siseko wangaphambili ngokuthi isiqendwana (2) sithatyathelw' indawo sisiqendwana esilandelayo:

'(2) UMkhosi woKhuselo weZwelonke mawusebenzise amagunya awo kwaye wenze imisebenzi yawo kuphela ukuba oko kuza kunceda ilizwe ngokweSahluko 11 soMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996.'

5. Kwenziwa utshintsho kwisiqendu 236 soMgaqo-siseko wangaphambili–

(a) ngokuthi isiqendwana (1) sithatyathelw' indawo sisiqendwana esilandelayo:

'(1) inkonzo yaseburhulumenteni, isebe likarhulumente, iziko lolawulo okanye inkonzo yokhuseleko eyayisenza imisebenzi yoburhulumente ngaphambi nje kokuqalisa koMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996 (oza kubizwa emva koku ngokuthi nguMgaqo-siseko omtsha"), ziyaqhubeka zisebenza ngokomthetho wepalamente osebenzayo kuzo zide zibe zitshitshisiwe okanye zafakelwa kwiziko elifanelekileyo okanye zahlengahlengiswa okanye zamanywa nelinye iziko.';

(b) ngokuthi isiqendwana (6) sithatyathelw' indawo sisiqendwana esilandelayo:

'(6) (a) UMongameli usenokumisela iKomishoni ukuba iqwalasele ngokutsha ukubotshwa kwesivumelwano okanye ukwenziwa kotshintsho kuso, ukumiselwa okanye ukunyuselwa, okanye ukunikwa ixesha lokusebenza okanye umqathango wokusebenza okanye enye into eyinzuzo, eyenzeka phakathi komhla wama-27 kuEpreli 1993 nowama-30 kuSeptemba 1994 mayela nomntu ekuthethwe ngaye kwisiqendwana (2) okanye udidi lwabantu abanjalo.

(b) Ikomishoni isenokusirhoxisa isivumelwano okanye yenze utshintsho kuso, irhoxise okanye yenze utshintsho ekumiselweni, ekunyuselweni okanye ekunikweni loo nto iyinikwayo ukuba akufanelekanga okanye akuthetheleleki kwezo meko."; nangokuthi

(c) amagama athi "lo Mgaqo-siseko", naphi na apho abonakala khona kwisiqendu 236, athatyathelw' indawo ngamagama athi "uMgaqo-siseko omtsha."

6. Kwenziwa utshintsho kwisiqendu 237 soMgaqo-siseko wangaphambili–

(a) ngokuthi isiqendu (a) kwisiqendwana (1) sithatyathelw' indawo sisiqendu esilandelayo:

'(a) uhlengahlengiso lwawo onke amaziko ekuthethwe ngawo kwisiqendu 236(1), ngaphandle kwemikhosi yamajoni ekuthethwe ngayo kwisiqendu 224(2) luza kuthi, emva kokuqalisa kokusebenza koMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1996, luqhubeke, ngenjongo yokuseka—

(i) ulawulo oluphumelelayo kwinqwanqwa lezwelonke likarhulumente ukuze lusingathe imicimbi ephantsi kwegunya lenqwanqwa likarhulumente wezwelonke; nokuseka

(ii) ulawulo oluphumelelayo lwephondo ngalinye lokusingatha imicimbi ephantsi kwegunya lorhulumente ngamnye wephondo."; nangokuthi.'

(b) isiqendwana (i) kwisiqendwana (2)(a) sithatyathelw' indawo sisiqendwana esilandelayo:

'(i) amaziko ekuthethwe ngawo kwisiqendu 236(1), ngaphandle kwemikhosi yamajoni, aza kuhlala ekurhulumente wezwelonke, oza kuthi afeze imbopheleleko yakhe ngokusebenzisana oorhulumente bamaphondo;'.

7. Kwenziwa utshintsho kwisiqendu 239 soMgaqo-siseko wangaphambili ngokuthi isiqendwana (4) sithatyathelw' indawo sisiqendwana esilandelayo:

'(4) Ngokulawulwa nguwo nawuphi na umthetho osebenzayo kwimeko leyo, nangokuvisisana nawo, impahla, amalungelo, imisebenzi noxanduva lwayo yonke imikhosi ekuthethwe ngayo kwisiqendu 224(2), ezo zinto ziza kuba semagxeni oMkhosi Wokhuselo weZwelonke ngokwemiyalelo yoMphathiswa Wokhuselo.'.

ISIHLOMELO 6A

[ISihlomelo 6A safakelwa sisiqendu 6 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

ISIHLOMELO 6B

[ISihlomelo 6B, esasifudula sisiSihlomelo 6A ngaphambili, safakelwa sisiqendu 2 soMthetho Wesibhozo Wokwenz' Utshintsho KuMgaqo-siseko ka-2002, saza senziwa utshintsho sisiqendu 5 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka-2003, saza sanikwa inombolo entsha sisiqendu 6 soMthetho Weshumi Wokwenz' Utshintsho KuMgaqo-siseko ka2003, saza satshitshiswa sisiqendu 5 soMthetho Weshumi Elinesihlanu Wokwenz' Utshintsho KuMgaqo-siseko ka-2008.]

ISIHLOMELO 7

IMITHETHO ETSHITSHISWAYO

INOMBOLO YO-MTHETHO NONYAKA WAWO	IGAMA LAWO
UMthetho 200 ka-1993	uMgaqo-siseko weRiphablikhi yoMzantsi-Afrika ka-1993
UMthetho 2 ka-1994	UMthetho Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1994
UMthetho 3 ka-1994	UMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko WeRiphab-likhi YoMzantsi-Afrika ka-1994
UMthetho 13 ka-1994	UMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1994
UMthetho 14 ka-1994	UMthetho Wesine Wokwenz' Utshintsho KuMgaqo-siseko WeRiphab-likhi YoMzantsi-Afrika ka-1994
UMthetho 24 ka-1994	UMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1994
UMthetho 29 ka-1994	UMthetho Wesithandathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1994
UMthetho 20 ka-1995	UMthetho Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1995
UMthetho 44 ka-1995	UMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko WeRiph-ablikhi YoMzanntsi-Afrika ka-1995
UMthetho 7 ka-1996	UMthetho Wokwenz' Utshintsho KuMgaqo-siseko WeRiphabliklhi YoMzantsi-Afrika ka-1996
UMthetho 26 ka-1996	UMthetho Wesithathu Wokwenz' Utshintsho KuMgaqo-siseko WeRiphablikhi YoMzantsi-Afrika ka-1996

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(Qaphela: amanani alandela amagama ziziqendu)

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