

UMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika



UmTsetfosisekelo weRiphabhulikhi yaseNingizimu Afrika

Sendlalelo	7	37. Timo letibucayi	14
Sehluko 1: Timiso LetiSisekelo (1-6)	8	38. Kuphocelwa kwemalungelo	16
1. iRiphabhulikhi yeNingizimu Afrika	8	39. Kuhunyushwa kweluCwebu lwemalungelo eluntfu	16
2. Kuphakama kweMtsetfosisekelo kunayo yonkhe imitsetfo	8	Sehluko 3: Hulumende WeluBambiswano (40-41)	17
3. Buve	8	40. Hulumende weRiphabhulikhi	17
4. Liculo lesive	8	41. Timisomgomo tahlumende welubambiswano nebudlelwano emkhatsini wabohulumende	17
5. Umjeka wavelonkhe	8	Sehluko 4: IPhalamende (42-82)	18
6. Tilwimi	8	42. Kubunjwa kwePhalamende	18
Sehluko 2: LuCwebu LwemaLungelo ELuntfu (7-39)	9	43. Ligunya lekushaya umtsetfo weRiphabhulikhi	18
7. EmaLungelo	9	44. Ligunya lekushaya umtsetfo wavelonkhe	18
8. Kusetjentiswa	9	45. Imitsetfomgomo lehlanganyelwe netibopho kanye nemakomiti lahlanganyelwe Sigungu saVelonkhe	19
9. Kulingana	9	46. Kubunjwa nekukhetfwa	19
10. Sitfunti sebuntfu	9	47. Bulunga	19
11. Imphilo	9	48. Kufunga noma kuvuma ngekutibopha	19
12. Inkhululeko nekuvikeleka kwebuntfu	9	49. Budze besikhatsi sekusebenta kwesigungu saVelonkhe	20
13. Bugcili, kusebenta matima njengesigcila kanye nekusentjentiswa ngenkhani	10	50. Kuhlakateka kwesigungu saVelonkhe kungakapheli sikhatsi saso sekusebenta	20
14. Lingasese	10	51. Tikhatsi tekuhlangana nekuphumula	20
15. Inkhululeko kutenkholo, inkholelo kanye nembono	10	52. Somlomo kanye nelisekela lasomlomo	20
16. Nkhululeko yekubeka luvo	10	53. Tincumo	20
17. Umbutsano umshuco, kuphatsa tincwembe letibhalwe tikhalo kanye nekubeka ticelo ngekutibhala phasi	10	54. Emalungelo emalunga latsite ekhabhinethi nemasekela etiNdvana tembuso esigungwini saVelonkhe	21
18. Inkhululeko yekuhlanganyela	10	55. Emandla esigungu saVelonkhe	21
19. Emalungelo etembusave	10	56. Bufakazi noma imininingwane lesembi kwesigungu saVelonkhe	21
20. Buve	0	57. Kuhlembisa kwangekhatsi, lokuchubekako netinchubo tesigungu saVelonkhe	21
21. Inkhululeko yekuhamba nekuhlala noma kuphi	10	58. Lilungelomvume	21
22. Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe	11	59. Kuvumeleka kwemmango nekufaka sandla esigungwini saVelonkhe	22
23. Budlelwano emkhatsini kwebacashi nebasebenti	11	Umkhandlu weTifundza	22
24. Simondzawo	11	60. Kubunjwa kwemkhandlu waVelonkhe	22
25. Imphahla	11	61. Kubekwa kwetitfunywa	22
26. Tindlu tekuhlala	12	62. Titfunywa letingesuswa	22
27. Kunakekela temphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle	12	63. Kuhlangukwa kwemkhandlu waVelonkhe weTifundza	23
28. Bantfwana	12	64. Sihlalo nemasekela asihlalo	23
29. Temfundvo	12		
30. Lulwimi nemasiko	13		
31. Imimango yemasiko, yetenkholo neyelulwimi	13		
32. Kufinyeleleka kwemininingwane	13		
33. Sinyatselo setekuphatsa lesinebulungiswa	13		
34. Kufinyeleleka kwenkantolo	13		
35. Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	13		
36. Kuncishiswa kwemalungelo	14		

65. Tincumo	23
66. Kufaka sandla kwemalunga esigungu savelonkhe lesengamele	23
67. kufaka sandla kwalabamele hulumende wasekhaya	23
68. Emandla emkhandlu waVelonkhe weTifundza	23
69. Bufakazi noma imininingwane lesembi kwemkhandlu waVelonkhe	23
70. Kuhlembisa kwangekhatsi, lokuchubekako netinchubo temkhandlu waVelonkhe	24
71. Lilungelomvume	24
72. Kuvumeleka kwemmango nekufaka sandla emkhandlwini waVelonkhe	24
Inchubo yekushaya umtsetfo waVelonkhe	24
73. Imitsetfosivivinyo yonkhe	24
74. Imitsetfosivivinyo lechibiyela umtsetfosisekelo	25
75. Imitsetfosivivinyo leyeTayelekile lengatsintsani netifundza	25
76. Imitsetfosivivinyo leyetayelekile letsintsa tifundza	26
77. Imitsetfosivivinyo yetetimali	27
78. Likomidi lekulamula	28
79. Kubusiswa kwemtsetfosivivinyo	28
80. sicelo semalunga emkhandlu waVelonkhe eNkantolo yemtsetfosisekelo	28
81. Kushicilelewa kwemitsetfo	28
82. Kulondvolotwa kwemitsetfo yephalamende	28

Sehluke 5: Mengameli Kanye NeSigungu

Lesengamele (83-102)	30
83. Mengameli	30
84. Emandla kanye nemisebenti yamengameli	30
85. Ligunya lekwengamela eRiphabhulikhi	30
86. Kukhetfwa kwaMengameli	30
87. Kucala kusebenta kwaMengameli	30
88. Sikhatsi sekuba sesikhundleni kwaMengameli	31
89. Kusiswa kwaMengameli esikhundleni	31
90. Libambela laMengameli	31
91. IKhabhinethi	31
92. Kutiphendvulela kanye nemitfwalo	31
93. Emasekela etiNdvuna teMbuso	31
94. Kuchubeka kweKhabhinethi ngemuva kwelukhetfo	32
95. Sifungo noma kuvuma kwamukela sikhundla	32
96. Kutiphatsa kwemalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso	32
97. Kudluliselwa kwemisebenti	32
98. Kuniketwa kwemisebenti kwesikhashana	32
99. Kuniketwa kwemisebenti	32
100. kungenelela kwavelonkhe ekuphatfweni kweTifundza	32
101. Tincumo tesigungu lesingamele	33

102. Tiphakamiso tekungatsembakali	33
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Sehluke 6: Tifundza (103-150)

103. Tifundza	34
Tishayamtsetfo teTifundza	34
104. Ligunya lekushaya imitsetfo kweTifundza	34
105. Kubunjwa nekukhetfwa kwetishayamtsetfo tetifundza	34
106. Bulunga	0
107. Sifungo noma siciniseko	35
108. Sikhatsi sekusebenta kwesishayamtsetfo sesifundza	35
109. Kuhlakatwa kwesishayamtsetfo sesifundza kungakapheli sikhatsi saso sekusebenta	35
110. Tikhatsi tekuhlangana netekuphumula	35
111. BoSomlomo nemaSekela aboSomlomo	36
112. Tincumo	0
113. Emalungelo etitfunywa letingesuswa kutishayamtsetfo tetifundza	36
114. Emandla etishayamtsetfo tetifundza	36
115. Bufakazi noma imininingwane embi kwetishayamtsetfo tetifundza	36
116. Kutilawula, lokuchubekako netinchubo tetishayamtsetfo tetifundza	36
117. Emalungelomvume	37
118. Kungenela kwemmango nekufaka sandla kwawo kutishayamtsetfo tetifundza	37
119. Kwetfulwa kwemtsetfosivivinyo	37
120. Imitsetfosivivinyo yeTimali	37
121. Kuvunyelwa kwemtsetfosivivinyo	37
122. Sicelo semalunga esishayamtsetfo eNkantolo yemtsetfosisekelo	38
123. Kushicilelewa kwemitsetfo yetifundza	38
124. Kulondvolotwa kwemitsetfo yetifundza ngalokuphephile	38
Labangamele Tifundza	38
125. Ligunya lekwengamela letifundza	38
126. Kuniketwa kwemisebenti	0
127. Emandla nemisebenti yaboNdvunankhulu	39
128. Kukhetfwa kwaboNdvunankhulu	39
129. Kucala kwaNdvunankhulu esikhundleni	39
130. Sikhatsi sekuba sesikhundleni kwaboNdvunankhulu	39
131. Emabambela aboNdvunankhulu	39
132. Imikhandlu leyeNgamele	40
133. Kutiphendvulela kanye nemitfwalo	0
134. Kuchubeka kwemikhandlu yekweNgamele ngemuva kwelukhetfo	40
135. kufunga noma kuvuma ngekutibopha	0
136. Kutiphatsa kwemalunga emkhandlu	

loweNgamele	40	temtsetfosisekelo	50
137. Kuntjintjwa kwemagunya nemisebenti	40	173. Emandla lekavele akhona enkantolo	50
138. Kunikwa kwesikhashana kwemagunya nemisebenti	40	174. Kukhetfwa kwetiphatsimandla temtsetfo	50
139. Kungenelela kwesifundza kuhulumende wasekhaya	40	175. Kukhetfwa kwemabambela emaJaji	51
140. Tincumo tesigungu lesengamele	41	176. Sikhatsi sekusebenta kanye nemiholo	51
141. Tiphakamiso tekungatsembakali	0	177. Kukhishwa esikhundleni	51
IMitsetfosisekelo yetiFundza	42	178. Likhomishani lemisebenti yeTemtsetfo	51
142. Kuvunywa kwemitsetfosisekelo yetifundza	42	179. Umtimba wekushushisa	52
143. Lokucuketfwe ngumtsetfosisekelo weTifundza	42	180. Letinye tindzaba letitsintsa kuphatfwa kwetebulungiswa	53
144. Kucinisekiswa kwemitsetfosisekelo yetifundza	42		
145. Kusayinwa, kushicilelwa nekulondvolotwa kwemitsetfosisekelo yetifundza	42	Sehluke 9: Tikhungo Tembuso Letisekele Intsandvo Yelinyenti Ngekwemtsetfosisekelo (181-194)	54
IMitsetfo lengcubutanako	42	181. Kusungulwa kanye nemigomosisekelo lebusako	54
146. Kungcubutana emkhatsini kwemtsetfo wavelonkhe newesifundza	42	UMvikeli wemmango	54
147. Lokunye kungcubutana	43	182. Imisebenti yemvikeli wemmango	54
148. Kungcubutana lokungasombululeki	43	183. Sikhatsi sekuba sesikhundleni	54
149. Lizinga lemtsetfo longahlulwa	43	LiKhomishani laseNingizimu Afrika	
150. Kuhunyushwa kwekungcubutana	43	lemaLungelo eLuntfu	54
		184. Imisebenti yelikhomishani lemalungelo eluntfu	54
Sehluke 7: Hulumende WaseKhaya (151-164)	44	LiKhomishani lekuTfutfukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkholo neluLwimi	55
151. Lizinga labomasipala	44	185. Imisebenti yalelikhomishani	55
152. Tinhloso tahulumende wasekhaya	44	186. Kubunjwa kwalelikhomishani	55
153. Imisebenti yekutfutukisa yabomasipala	44	LiKhomishani lekuLingana ngeBulili	55
154. Bomasipala kuhulumende welubambiswano	44	187. Imisebenti yelikhomishani lekulingana ngebulili	55
155. Kubunjwa kwabomasipala	44	UmCwaningimabhuku-Jikelele	55
156. Emandla nemisebenti yabomasipala	45	188. Imisebenti yemCwaningimabhuku-Jikelele	55
157. Kubunjwa nekukhetfwa kwemikhandlu yabomasipala	45	189. Sikhatsi sekuba sesikhundleni	56
158. Bulunga bemikhandlu yabomasipala	46	LiKhomishani leluKhetfo	56
159. Sikhatsi sekusebenta kwemikhandlu yabomasipala	46	190. Imisebenti yelikhomishani lelukhetfo	56
160. Tichubo tangekhatsi	46	191. Kubunjwa kwelikhomishani lelukhetfo	56
161. Emalungelomvume	0	UMtimba lotiMele wekuLawula TekuSakata	56
162. Kushicilelwa kwemitsetfo-sigodzi yamasipala	47	192. Umtimba weTekusakata	56
163. Hulumende wasekhaya lohlelekile	47	Timiso Jikelele	56
164. Letinye tindzaba	47	193. Kubekwa esikhundleni	56
		194. Kukhishwa esikhundleni	0
Sehluke 8: Tinkantolo Nekuphatfwa Kwebulungiswa (165-180)	48	Sehluke 10: Kuphatfwa Kwembuso (195-197)	58
165. Emandla etebulungiswa	48	195. Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso	58
166. Luhlelo lwetemtsetfo	48	196. Likhomishani lekuphatfwa kwembuso	58
167. INkantolo yemtsetfosisekelo	48	197. Kusebenta kuhulumende	59
168. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala	49		
169. INkantolo lePhakeme yaseNingizimu Afrika	49	Sehluke 11: Tekuvikela (198-210)	60
170. Letinye tinkantolo	49	198. Imigomosisekelo lebusako	60
171. Tinchubo tetiNkantolo	49	199. Kusungulwa, kuhlelwa kanye nekutiphatsa kwemibutfo yetekuphepha	60
172. Emandla etinkantolo etindzabeni		Tekuvikela	60
		200. Umbutfo weTekuvikela	60
		201. Kutiphendvulela ngetembusave	60
		202. Kukhutwa kwembutfo wetekuvikela	60

203. Simo sekuvikelwa kwavelonkhe	61	Letinye Tindzaba	0
204. Lihhovisi letebubhalane lebantfu labangekho embutfweni	61	234. Tivumelwano temalungelo	69
Tebuphoyisa	61	235. Kutibusa ngekwakho	69
205. Umbutfo wetebuphoyisa	61	236. Kwelekelelwa ngetimali kwemacambu embusave	69
206. Kutiphendvulela ngetembusave	61	237. Kwentiwa kwemisebenti ngekutimisela	69
207. Kulawulwa kwembutfo wetebuphoyisa	61	238. Kuphutfuma netitfunywa	69
208. Lihhovisi labomabhalane lebantfu labangekho ebuphoyiseni	62	239. Tinchazelo	69
Bunhloli	62	240. Kungahambelani emkhatsini kwemibhalo leyehlukene	70
209. Kusungulwa nekuphatfwa kwemibutfo yebunhloli	62	241. Emalungiselelo esikhashana	70
210. Emandla, imisebenti nekweluswa	62	242. Kucitfwa kwemitsetfo	70
		243. Sihloko lesifishane nekucala kusebenta	70
Sehluke 12: Baholi Bendzabuko (211-212)	63	Ishejuli 1: Umjeka Welve	71
211. Kuhlomishwa	63		
212. Indzima yebaholi bendzabuko	63	Ishejuli 1A: Tinzawo Tekwakhiwa Kwetifundza	72
Sehluke 13: Tetimali (213-230A)	64	Sifundza saseMpumalanga Koloni	72
Tinzaba jikelele teTimali	64	Sifundza saseFuleyistata	72
213. Sikhwama semali saVelonkhe	64	Sifundza saseGauteng	72
214. Tabela letinebulungiswa nekuphakelwa kwemali	64	Sifundza saseKwaZulu-Natali	72
215. Imicombelelotimali yavelonkhe, yetifundza neyabomasipala	64	Sifundza saseLimpopo	72
216. Kuphatfwa kwesigcinamafa	64	Sifundza saseMpumalanga	72
217. Kutfolakala kwemphahla	65	Sifundza saseNshonalanga Koloni	73
218. Ticiniseko tahlumende ngetikwelete	65	Sifundza saseNyakatfo Nshonalanga	73
219. Kuholelwa kwebantfu labanetikhundla embusweni	65	Sifundza saseNshonalanga Kapa	73
LiKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende	66	Ishejuli 2: Tifungo Tekungena Esikhundleni Nekuvuma Ngekutibopha	74
220. Kusungulwa nemisebenti yalo	66	1. Sifungo noma kuvuma ngekutibopha kwaMengameli neliBambela laMengameli	74
221. Kubekwa nesikhatsi sekusebenta kwemalunga	66	2. Sifungo noma kuvuma ngekutibopha kwelisekela laMengameli	74
222. Imibiko	66	3. Sifungo noma kuvuma ngekutibopha kwetiNdvuna tembuso nemasekela etiNdvuna	74
LiBhange laseNkhabeni	66	4. Sifungo kuvuma ngekutibopha kwemalunga esigungu saVelonkhe, emalunga langasuswa emkhandlu waVelonkhe weTifundza nemalunga etishayamtsetfo tetifundza	74
223. Kusungulwa kwalo	66	5. Sifungo noma kuvuma ngekutibopha kwaNdvunankhulu, emabambela aboNdvunankhulu nemalunga etigungu temkhandlu loweNgamele	75
224. Inhloso lebalulekile	66	6. Sifungo sekungena esikhundleni noma kuvuma ngekutibopha kwetiphatsimandla tetemtsetfo	75
225. Emandla nemisebenti	66	Ishejuli 3: Tinchubo Telukhetfo	76
Tinzaba tetimali tetifundza netasekhaya	66	Incenye A: Tinchubo telukhetfo lwebantfu Labanetikhundla ngekwemtsetfosisekelo	76
226. Tikhwama temali yetifundza	66	1. Kusebenta	76
227. Imitfombo yavelonkhe yetimali tabohulumende betifundza nebasekhaya	67	2. Kuphakanyiswa	76
228. Tintsela tesifundza	67	3. Tidzingo letibekiwe	76
229. Emandla amasipala ekuphatsa timali nemisebenti	67	4. Kumenyetelwa kwemagama alabaphakanyisiwe	76
230. Timali tekubolekwa tifundza	68	5. Kuphakanyiswa kweligama linye	76
230A. Timali tekubolekwa bomasipala	68	6. Inchubo yelukhetfo	76
Sehluke 14: Timiso Jikelele (231-243)	69		
Umtsetfo wemave emhlaba	69		
231. Tivumelwano nemave emhlaba	69		
232. Umtsetfo wendzabuko wamhlabawonkhe	69		
233. Kusetjentiswa kwemtsetfo wemave emhlaba	69		

7. Inchubo yekukhishwa	76	16. Tinkantolo	84
8. Leminye imihlangano	76	17. Emacala langakacedvwa etinkantolo	85
9. imitsetfomgomo	77	18. Umtimba wekushushisa	0
Incenye B: Inchubo Yekutfola Kungenela		19. Tifungo nekuvuma ngekutibopha	85
Kwemacambu Etembusave Kumatsimba		20. Letinye tikhungo temtsetfosisekelo	85
Emkhandlwini Wavelonkhe WeTifundza	77	21. Kushaywa kwemitsetfo lefunwa	
		ngumtsetfosisekelo lomusha	86
Ishejuli 4: Tindzawo Lapho Hulumende		22. Lubumbano lwavelonkhe nekubuyisana	86
Wavelonkhe Kanye Nebetifundza Banemandla		23. luCwebu lwemalungelo eluntfu	86
Ekushaya Umtsetfo Ngekuhlanganyela	78	24. Kuphatfwa kwembuso nemibutfo	
Incenye A	78	yetekuphepha	87
Incenye B	78	25. Kungavumeleki kwebulunga lokwengetwe	
		betishayamtsetfo	87
Ishejuli 5: Tindzawo Lapho Hulumende Wesifundza		26. Hulumende wasekhaya	87
Yedvwana Anemandla Ekushaya Umtsetfo	79	27. Kulondvolotwa kwemitsetfo yephalamende	
Incenye A	0	neyetifundza	87
Incenye B	0	28. Kubhaliswa kwemphahla yembuso	
		lenganyakati	87
Ishejuli 6: Timiselo Tesikhashana	80		
1. Tinchazelo	0	Ishejuli 6A	89
2. Kuchubeka kwekusebenta kwemitsetfo		Ishejuli 6B	90
lekhona	81		
3. Kuhunyushwa kwemitsetfo levele ikhona	81	Shejuli 7: Imitsetfo Lecitfwako	91
4. Sigungu saVelonkhe	0		
5. Ludzaba lolungakapheli ephalamende	82	Sihlomelo A: Tichibiyelo eShejulini 2	
6. Lukhetfo lwesigungu saVelonkhe	82	yeMtsetfosisekelo lomdzala	92
7. Umkhandlu weTifundza	0		
8. Lebebatimphunga	82	Sihlomelo B: Hulumende Welubumbano	
9. Sigungu savelonkhe lesengamele	83	Lwavelonkhe: Umkhakha Wavelonkhe	95
10. Tishayamtsetfo tetifundza	0		
11. Kukhetfwa kwetishayamtsetfo tetifundza	83	Sihlomelo C: Hulumende Welubumbano	
12. Tigungu tetifundza letengamele	83	Lwavelonkhe: Umkhakha Wesifundza	98
13. Imitsetfosisekelo yetifundza	0		
14. Kuniketwa kwemitsetfo etifundzeni	83	Sihlomelo D: Kuphatfwa Kwembuso Nemibutfo	
15. Imitsetfo lebeyivele ikhona ngaphandle		Yetekuphepha: Tichibiyelo Etigabeni	
kwemandla ekushaya umtsetfo		Temtsetfosisekelo Lomdzala	100
kwephalamende	84		

Sendlalelo

Tsine, bantfu baseNingizimu Afrika,

Siyakubona kungabi khona kwebulungiswa esikhatsini lesengcile;

Setfulela sigcoko labo labahlushwa kuze sitfole bulungiswa nenkhululeko eveni lakitsi;

Sihlonipha labo labaye basebentela kwakha nekutfufukisa live lakitsi; futsi Sikholelwa ekut- seni iNingizimu Afrika yabo bonkhe labahlala kuyo, sihlanguke ngekweluhlukahlukana kwetfu.

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

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

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

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

Sengatsi Somandla angavikela bantfu bakitsi.

Nkosi Sikelel' iAfrika.

Morena boloka setjhaba sa heso.

God seën Suid-Afrika.

God bless South Africa.

Mudzimu fhatutshedza Afurika.

Hosi katekisa Afrika.

Sehluko 1: Timiso LetiSisekelo (1-6)

1. iRiphabhulikhi yeNingizimu Afrika

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

2. Kuphakama kweMtsetfosisekelo kunayo yonkhe imitsetfo

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

3. Buve

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

4. Liculo lesive

Liculo lesive leRiphabhulikhi litawuncunywa nguMengameli ngesimemetelo semtsetfo.

5. Umjeka wavelonkhe

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

kwadvwetjwa kuShejuli 1.

6. Tilwimi

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

Sehluko 2: LuCwebu LwemaLungelo ELuntfu (7-39)

7. EmaLungelo

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

8. Kusetjentiswa

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

9. Kulingana

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

lebetincishwe ematfuba ngenca yelubandlululo lolungenabulungiswa.

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

10. Sitfunti sebuntfu

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

11. Imphilo

Wonkhewonkhe unelilungelo lekutsi aphile.

12. Inkhululeko nekuvikeleka kwebuntfu

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

kutekwelashwa noma tesayensi ngaphandle kwemvume lecebisekile yalowo muntfu.

13. Bugcili, kusebenta matima njengesigcila kanye nekusentjentsiswa ngenkhani

Kute umuntfu lokumele afakwe ebugcilini, emsebentini lomatima njengesigcila noma ekusentjentsisweni ngenkhani.

14. Lingasese

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

15. Inkhululeko kutenkholo, inkholelo kanye nembono

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

16. Nkhululeko yekubeka luvo

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

lokulandzelako -

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

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

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

18. Inkhululelo yekuhlanganyela

Wonkhewonkhe unelilungelo lenkhululeko yekuhlanganyela.

19. Emalungelo etembusave

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

20. Buve

Kute sakhamuti lesingemukwa lilungelo lekuba sakhamuti.

21. Inkhululeko yekuhamba nekuhlala noma kuphi

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

4. Sonkhe sakhamuti sinelilungelo lekutfola iphasipoti.

22. Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe

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

23. Budlelwano emkhatsini kwebacashi nebasebenti

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

24. Simondzawo

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

- ii. kwelizinga lendzawomvelo;
- iii. kukhutsata kulondvolotwa kwemvelo; kanye nekucinisekisa kutfutukiswa kwendzawomvelo lesimeme nekusetjentiswa kwemitfombolusito yemvelo kubuye kutfutukiswe ngendlela lengiyo temnotfo netenhlalakahle.

25. Imphahla

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

ngemuva kwamhlaka 19 Inhlaba 1913 ngesizatfu semitsetfo noma tinchubo tangaphambilini telubandlululo ngekwebuhlanga unelilungelo, ngekuya ngekwetimiso teMtsetfo wePhalamende, lekutsi abuyiselwe imphahla yakhe noma ancephetelwe ngalokunebulungiswa.

8. Kute simiso kulesigaba lesingavimbela hulumente kutsi atsatsa tinyatselo tetemtsetfo noma talolunye luhlobo kuze kufinyelelwe kutingucuko temhlaba, temanti nalokunye lokuhambisanako, ngesizatfu sekulungiswa kwemiphumela yelubandlululo yangaphambilini ngekwebuhlanga, ngaphasi kwembandzela wekutsi loko kучезука kuletimiso letikulesigaba kuyavumelana netimiso tesigaba 36 (1).

9. Iphalamende kumele iphasise lomtsetfo lophawulwe esigatjaneni (6).

26. Tindlu tekuhlala

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

27. Kunakekela temphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle

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

28. Bantfwana

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

- kutenhlalakahle;
- d. lekuvikeleka ekuphatfweni kabi, ekunganakekelweni, ekuhlukunyetweni noma ekunyembenyweni;
 - e. lekuvikeleka ekuphatfweni kabi ngekwasemsebentini;
 - f. lekungentiswa noma lekungavunyelwa kutsi ente imisebenti -
 - i. lengakamlungeli umntfwana waleyo minyaka; noma
 - ii. lebeka imphilo yalowo mntfwana, imfundvo yakhe, umtimba wakhe noma ingcondvo yakhe noma kutfutuka kwakhe ngekwenmoya, ngekwesimilo noma ngekwenhlalakahle engotini;
 - g. lekungavalelwa ejele, ngaphandle uma ngabe sekute lenye indlela, kantsi uma ngabe kudzingekile, ngetulu kulamalungelo umntfwana lanawo ngaphasi kwetigaba 12 na-35, lowo mntfwana angavalelwa kuphela sikhatsi lesifanele lesincane futsi unelilungelo -
 - i. lekugcinwa ngekwehlukani swa nalabanye bantfu labavalelwe ejele labaneminyaka lengetulu kwa-18; kanye
 - ii. nelekuphatfwa ngendlela, futsi agcinwe esimeni, lebonelela iminyaka yakhe;
 - h. lekuniketwa ummeli ngumbuso, lokhokhelwa ngetimali tembuso, emacaleni langafaki bugebengu latsintsa lowo mntfwana, uma ngabe bulungiswa bungacekeleka phasi uma loku kungentiwa loku; kanye
 - i. nelekungasetjentiswa-ngco uma kunekungcubutana ngetikhali, kanye nekuvikeleka ngetikhatsi tekungcubutana ngetikhali.
2. Inhlalakahle yalomntfwana iyintfo lebaluleke kakhulu kuto tonkhe tintfo letiphatselene nalomntfwana.
 3. Kulesigaba, ligama “umntfwana” lisho umuntfu loneminyaka lengaphasi kwa-18.

29. Temfundvo

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

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

30. Lulwimi nemasiko

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

31. Imimmango yemasiko, yetenkholo nyelulwimi

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

32. Kufinyeleleka kwemininingwane

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

33. Sinyatselo setekuphatsa lesinebulungiswa

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

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

34. Kufinyeleleka kwenkantolo

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

35. Bantfu lababoshiwe, labavalelwe kanye nalabafweswe emacala

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

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

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

36. Kuncishiswa kwemalungelo

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

37. Timo letibucayi

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

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

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

LiThebula lemalungelo langeke anNcishiswa

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

Inombolo yesigaba	Sihloko sesigaba	Lizinga lekunganciphiseki kwelilungelo
12	INkhululeko nekuVikeleka kwemuntfu	Uma kuphatselene netigatjana (1)(d) na (e) kanye na (2)(c)
13	Bugcili, kusebenta matima njengemfunjwa kanye nekusentjentiswa ngenkhani	Uma kuphatselene nebugcili nekubenta matima njengemfunjwa
28	Bantfwana	Uma kuphatselene: <ul style="list-style-type: none"> - nesigatjana (1)(d) na(e) - nemalungelo lasetindzimeni(i) na(ii) tesigatjana (1) (g); kanye - nesigatjana (1)(i) uma kuphatselene nebantfwana labaneminyaka leli –15 nangaphasi
35	Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	Uma kuphatselene: <ul style="list-style-type: none"> - netigatjana (1)(a),(b) na-(c) kanye na-(2)(d); - nemalungelo lasetindzimeni(a)–(o) tesigatjana (3) ngaphandle kwendzima(d); - nesigatjana (4); kanye - nesigatjana (5) uma kuphatselene nekungemukelwa kwebufakazi uma kutsatfwa kwabo kutawenta kutsetfwa kwelicala kungabi nebulungiswa

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

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

38. Kuphokelelwa kwemalungelo

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

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

39. Kuhunyushwa kweluCwebu lwemalungelo eluntfu

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

Sehluko 3: Hulumente WeluBambiswano (40-41)

40. Hulumente weRiphabhulikhi

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

41. Timisongomo tahulumente welubambiswano nebudlelwano emkhatsini wabohulumente

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

Sehluko 4: IPhalamende (42-82)

42. Kubunjwa kwePhalamende

1. IPhalamende ibunjwe -
 - a. Sigungu saVelonkhe; kanye
 - b. neMkhandlu waVelonkhe weTifundza.
 2. Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza sifaka sandla eluhlelweni lwekushaya umtsetfo ngendlela lebekwe kuMtsetfosisekelo
 3. Sigungu saVelonkhe sikhetselwe kumela bantfu nekucinisekisa hulumente webantfu ngaphasi kweMtsetfosisekelo. Sikwenta loku ngekukheta Mengameli, ngekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba, ngekubeka imitsetfo nangekubukisisa nekwelusa tento teSigungu lesengamele.
 4. Umkhandlu weTifundza umela tifundza kuze ucinisekise kutsi timfuno tetifundza tiyanakekelwa emkhakheni wahulumente wavelonkhe. Kwenta loku ikakhulukati ngekufaka sandla ekushayeni kwemtsetfo kuvelonkhe nangekuniketa sive sonkhe inkhundla kutsi sicubungule tindzaba letitsintsa tifundza.
 5. Mengameli angabita iPhalamende kutsi ite emhlanganweni longaketayeleki nganoma ngusiphi sikhatsi kutewuchuba umsebeni welikhetselo.
 6. Indzawo yekuhlanganela kwePhalamende kuseKapa, kepha uMtsetfo wePhalamende lobekwe ngekulandzela tigaba 76(1) na-(5), ungabeka lenye indzawo kutsi kube yekuhlanganela iPhalamende.
- a. kanye
 - iii. nekuniketa nganoma nguwaphi emandla awo ekushaya umtsetfo, ngaphandle kwemandla ekuchibiyela uMtsetfosisekelo, kunoma ngumuphi umtimba wekushaya umtsetfo kulomunye umkhakha wahulumente; futsi
 - b. linika Umkhandlu weTifundza emandla -
 - i. ekufaka sandla ekuchitjiyelweni kweMtsetfosisekelo ngekulandzela sigaba 74;
 - ii. ekushaya umtsetfo, ngekulandzela sigaba 76, lophatselene nanoma nguluphi ludzaba loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 4, kanye nanoma nguluphi lolunye ludzaba ngekuyalela kweMtsetfosisekelo lokumele ushaywe ngekulandzela sigaba 76; kanye
 - iii. nekucubungula, ngekulandzela sigaba 75, nanoma ngumuphi lomunye umtsetfo lohaywe Sigungu saVelonkhe.
2. IPhalamende ingangenela, ngekushaya umtsetfo ngekulandzela sigaba 76(1), eludzabeni loluwela kuleyo migudvu yemisebenti lehleliswe kuShejuli 5, uma ngabe kudzingekile -
 - a. kutewugcina kuphepha eveni lonkhe;
 - b. kutewugcina lubumbano kutemnotfo;
 - c. kutewugcina emazinga lafanelekile eveni lonkhe;
 - d. kutewusungula emazingancanti lafunekako uma kwetfulwa imisebenti; noma
 - e. kutewuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza noma live lonkhana.
 3. Umtsetfo lophatselene neludzaba lolubonakala lusidzingo, noma lolusondzelene ngandlela-tsite, ekusetjentisweni kwemandla ngalokusezingeni leliphakeme lokuphatselene neludzaba loluhleliswe kuShejuli 4, ngato tonkhe tinhloso, ngumtsetfo lophatselene nako konkhe lokuhleliswe kuShejuli 4.
 4. Uma isebentisa ligunya layo lekushaya umtsetfo, iPhalamende iboshwa kuphela nguMtsetfosisekelo, futsi kumele yente umsebeni wayo ngekulandzela tilinganiso teMtsetfosisekelo.

43. Ligunya lekushaya umtsetfo weRiphabhulikhi

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

44. Ligunya lekushaya umtsetfo wavelonkhe

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

45. Imitsetfomgomo lehlanganyelwe netibopho kanye nemakomiti lahlanganyelwe

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

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

Sigungu saVelonkhe

46. Kubunjwa nekukhetfwa

1. Sigungu saVelonkhe sakhiwe ngemalunga langekho ngaphasi kwe-350 futsi angabi ngetulu kwe-400 langulabasikati nalabadvuna labakhetfwe njengemalunga ngekulandzela luhlelo lwelukhetfo -
 - a. lolumiswe ngumtsetfo wavelonkhe;
 - b. lolwesekelwe eluhlweni lolwetayelekile lwavelonkhe lwebavoti;
 - c. lolubeka buncane beminyaka yekuvota lobu-18; futsi
 - d. loluholela, jikelele, kumiphumela yekumelwa ngelinani lekuvotelwa kwelicembu letembusave.
 2. Umtsetfo wePhalamende kumele umise indlela yekubeka linani lemalinga eSigungu saVelonkhe.
- b. kwetitfunywa letingesuswa teMkhandlu waVelonkhe weTifundza noma emalunga esishayamtsetfo sesifundza noma eMkhandlu waMasipala;
 - c. kwebantfu labangakabuyiselwa emalungelomvume abo ngekwemtsetfo ngesizatfu sekutsi banetikweleti;
 - d. kwanoma ngumuphi umuntfu lotfolwe yinkantolo yeRiphabhulikhi kutsi akakaphili kahle engcondvweni; noma
 - e. kwanoma ngubani lokutse, ngemuva kwekucala kwekusebenta kwalesigaba, watfolwa anelicala waniketwa sigwebo setinyanga letingetulu kwa-12 ejele ngaphandle kwekunika lilungelo lekutsi akhiphe inhlawulo, noma eRiphabhulikhi, noma ngaphandle kweRiphabhulikhi uma ngabe lesento lesakha lelicala besingatsatfwa njengelicala eRiphabhulikhi, kepha kute umuntfu lokungatsiwa ugwetjiwe uma kusengakancunywa kwendluliselwa kwelicala yinkantolo lephakeme noma sigwebo sisengakancunywa ngulenkantolo, noma kusengakaniketwa sigwebo, noma sikhatsi sekwendlulisela licala enkantolo lephakeme sesiphelile, kwemukwa lemvume ngekulandzela lendzima kuphela ngemuva kweminyaka lesihlanu kuphele lesigwebo.
2. Umuntfu longakemukeleki kuba lilunga leSigungu saVelonkhe ngekwetigatjana (1)(a) noma (b) angamela lukhetfo lweSigungu, ngaphasi kwemibandzela yetilinganiso nobe imikhawulo lemiswe ngekulandzela umtsetfo wavelonkhe.
 3. Umuntfu ulahlekelwa bulunga beSigungu saVelonkhe uma ngabe lowo muntfu;
 - a. angasemukeleki kuba lilunga;
 - b. angekho esiGungwini ngaphandle kwemvume ngaphasi kwetimo lapho khona imitsetfomgomo netibopho teSigungu kumisa kutsi umuntfu longekho utawulahlekelwa bulunga; noma
 - c. ayekela kuba lilunga lellicembu lelimkhetsile lowo muntfu njengelilunga leSigungu.

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

47. Bulunga

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

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

4. Tikhala esiGungwini saVelonkhe kumele tigcwaliswe ngekulandzela umtsetfo wavelonkhe.

48. Kufunga noma kuvuma ngekutibopha

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

49. Budze besikhatsi sekusebenta kwesigungu saVelonkhe

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

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

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

50. Kuhlakateka kwesigungu saVelonkhe kungakapheli sikhatsi saso sekusebenta

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

51. Tikhatsi tekuhlangana nekuphumula

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

kanye netikhatsi tekuphumula kwaso.

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

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

52. Somlomo kanye nelisekela lasomlomo

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

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

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

53. Tincumo

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

futsi

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

54. Emalungelo emalunga latsite ekhabhinethi nemasekela eNdvuna tembuso esigungwini saVelonkhe

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

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

55. Emandla esigungu saVelonkhe

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

56. Bufakazi noma imininingwane lesembi kwesigungu saVelonkhe

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

57. Kuhlelembisa kwangekhatsi, lokuchubekako netinchubo tesigungu saVelonkhe

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

58. Lilungelomvume

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

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

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

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

59. Kuvumeleka kwemmango nekufaka sandla esigungwini saVelonkhe

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

Umkhandlu weTifundza

60. Kubunjwa kwemkhandlu waVelonkhe

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

61. Kubekwa kwetitfunywa

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

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

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

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

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

62. Titfunywa letingesuswa

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

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

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

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

63. Kuhlanguka kwemkhandlu waVelonkhe weTifundza

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

64. Sihlalo nemasekela asihlalo

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

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

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

65. Tincumo

1. Ngaphandle lapho uMtsetfosisekelo usho ngalenywe

indlela -

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

66. Kufaka sandla kwemalunga esigungu savelonkhe lesengamele

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

67. kufaka sandla kwalabamele hulumende wasekhaya

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

68. Emandla emkhandlu waVelonkhe weTifundza

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

69. Bufakazi noma imininingwane lesembi kwemkhandlu waVelonkhe

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

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

70. Kuhlelembisa kwangekhatsi, lokuchubekako netinchubo temkhandlu waVelonkhe

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

71. Lilungelomvume

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

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

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

72. Kuvumeleka kwemmango nekufaka sandla emkhandlwini waVelonkhe

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

Inchubo yekushaya umtsetfo waVelonkhe

73. Imitsetfosivivinyo yonkhe

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

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

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

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

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

74. Imitsetfosivivinyo lechibiyela umtsetfosisekelo

1. Sigaba 1 kanye nalesigatjana tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe, ngekwesekelwa kwemavoti lokungenani langemaphesenti langu-75 emalunga aso; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha.
2. Sahluko 2 singaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga aso; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lekungenani etifundza letisitfupha.
3. Letinye tiphakamiso teMtsetfosisekelo tingaChitjiyelwa nguMtsetfosivivinyo lophasiswe -
 - a. Sigungu saVelonkhe ngekwesekelwa ngemavoti lokungenani langulokubili kulokutsatfu kwemalunga awo; kanye
 - b. nanguMkhandlu weTifundza ngekwesekelwa ngemavoti lokungenani etifundza letisitfupha, uma ngabe lokuChitjiyelwa -
 - i. kuphatselene neludzaba lolutsintsa Umkhandlu weTifundza;
 - ii. kugucula iminyele, emandla, imisebenti noma tikhungo tetifundza; noma
 - iii. kuchibiyela siphakamiso lesicondzene-ngco neludzaba lwesifundza.
4. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo akumelanga ufake ekhatsi letinye tiphakamiso ngaphandle kwetichibiyelo temtsetfosisekelo nalokunye lokuphatselene naletichibiyelo.
5. Lokungenani emalanga langu-30 ngembi kwekutsi uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwe ngekulandzela sigaba 73(2), lomuntfu noma ikomiti lefuna kwetfula loMtsetfosivivinyo kumele -
 - a. ashicilele kuGazethi yaHulumende, futsi ngekuvumelana nemitsetfomgomo netibopho teSigungu saVelonkhe iminingwane yalesichibiyelo lesihlongotwako kuze sive sitawuphawula;
 - b. etfule ngekuvumelana nemitsetfomgomo netibopho teSigungu leyo mininingwane kutishayamtsetfo tetifundza kuze tibeke imibono yato;
- c. etfule ngekuvumelana nemitsetfomgomo netibopho teMkhandlu waVelonkhe weTifundza, leyo mininingwane eMkhandlwini kuze sive sikwati kucocisana ngawo, uma ngabe lesichibiyelo lesihlongotwako akusiso sichibiyelo lesidzinga kuphasiswa nguMkhandlu.
6. Uma uMtsetfosivivinyo lochibiyela uMtsetfosisekelo wetfulwa umuntfu noma ikomiti leyetfula lowo Mtsetfosivivinyo kumele etfule noma ngukuphi kuphawula lokubhaliwe lokutfolakale esiveni nakutishayamtsetfo tetifundza -
 - a. kuSihlalo lotawendlala embi kweSigungu saVelonkhe; kanye
 - b. uma kutichibiyelo letiphawulwe etigatjaneni (1), (2) noma (3)(b) kuSihlalo weMkhandlu waVelonkhe weTifundza lotawendlala embi kweMkhandlu.
7. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo ungete wavotelwa esiGungwini savelonkhe emalangenani langu-30 -
 - a. wetfuliwe uma Sigungu sihlange ngalesikhatsi loMtsetfosivivinyo wetfulwa; noma
 - b. wendlaliwe embi kweSigungu, uma Sigungu wephumulile ngalesikhatsi loMtsetfosivivinyo wetfulwa.
8. Uma uMtsetfosivivinyo lophawulwe esigatjaneni (3)(b), noma ngabe nguyiphi incenye yalowo Mtsetfosivivinyo, uphatselenengco nesifundza noma tifundza letitsite, Umkhandlu weTifundza ungete wawuphasisa loMtsetfosivivinyo noma lencenye yawo letsintsekako ngaphandle uma ngabe wemukelwe sishayamtsetfo sesifundza noma tishayamtsetfo tetifundza letitsintsekako.
9. UMtsetfosivivinyo lochibiyela uMtsetfosisekelo losewuphasiswe Sigungu saVelonkhe futsi, lapho kufanele khona nguMkhandlu weTifundza, kumele utfunyelwe kuMengameli kutsi awamukele.

75. Imitsetfosivivinyo leyeTayelekile lengatsintsani netifundza

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

lomtsetfosivivinyo noma uwuphasisa ngembandzela wekuChitjiyelwa, uMkhandlu kumele uphindze uwucubungule lowo Mtsetfosivivinyo, unake noma ngutiphi tichibiyelo letiphakanyiswe nguMkhandlu, bese -

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

76. Imitsetfosivivinyo leyetayelekile letsintsa tifundza

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

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

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

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

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

78. Likomidi lekulamula

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

79. Kubusiswa kwemtsetfosivivinyo

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

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

80. sicelo semalunga emkhandlu waVelonkhe eNkantolo yemtsetfosisekelo

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

81. Kushicilelewa kwemitsetfo

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

82. Kulondvolotwa kwemitsetfo yephalamende

Lencwajana lesayiniwe yeMtsetfo wePhalamende ibufakazi lobuphelele betimiso talowo Mtsetfo, futsi

kumele ngemuva kwekushicilelwa uniketwe iNkantolo yeMtsetfosisekelo kutsi iwulondvolote.

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

83. Mengameli

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

84. Emandla kanye nemisebenti yamengameli

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

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

nakuGazethi yaHulumende 25213 yangaKholwane 2003]

85. Ligunya lekwengamela eRiphabhulikhi

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

86. Kukhetfwa kwaMengameli

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

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

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

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

87. Kucala kusebenta kwaMengameli

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

iShejuli 2.

88. Sikhatsi sekuba sesikhundleni kwaMengameli

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

89. Kususwa kwaMengameli esikhundleni

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

90. Libambela laMengameli

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

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

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

91. IKhabhinethi

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

92. Kutiphendvulela kanye nemitfwalo

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

93. Emasekela etiNdvuna teMbuso

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

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

94. Kuchubeka kweKhabhinethi ngemuva kwelukhetfo

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

95. Sifungo noma kuvuma kwamukela sikhundla

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

96. Kutiphatsa kwemalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso

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

97. Kudluliselwa kwemisebenti

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

98. Kuniketwa kwemisebenti kwesikhashana

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

99. Kuniketwa kwemisebenti

1. Lilunga leKhabhinethi linganiketa noma waphi

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

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

100. kungenelela kwavelonkhe ekuphatfweni kweTifundza

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

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

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

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

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

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

3. UMtsetfo wavelonkhe ungacondzisa lenchubo lesukunyiswe ngulesigaba.

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

101. Tincumo tesigungu lesingamele

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

lalelo lunga leKhabhinethi.

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

102. Tiphakamiso tekungatsembakali

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

Sehluko 6: Tifundza (103-150)

103. Tifundza

1. IRiphabhulikhi inaletifundza letilandzelako -
 - a. iMphumalanga Kapa;
 - b. iFuleyistata;
 - c. iGauteng;
 - d. iKaZulu-Natali;
 - e. iMpumalanga;
 - f. iNyakatfo Kapa;
 - g. iLimpopo;
 - h. Nyakatfo-Nshonalanga;
 - i. Nshonalanga Kapa.

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

2. Iminyele yaletifundza nguleyo lebeyikhona ngesikhatsi loMtsetfosisekelo ucala kusebenta.

Tishayamtsetfo teTifundza

104. Ligunya lekushaya imitsetfo kweTifundza

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

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

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

105. Kubunjwa nekukhetfwa kwetishayamtsetfo tetifundza

1. Sishayamtsetfo sesifundza sibunjwe ngulabasikati nalabadvuna labakhetfwe kutsi babe ngemalunga ngekulandzela indlela yekukhetsa –
 - a. lebekwe ngumtsetfo wavelonkhe;
 - b. lesukela eluhlwini lwebavoti balesifundza eluhlwini labavoti lwavelonkhe;
 - c. lebeka kutsi iminyaka yekuvota isukela ku-18; futsi
 - d. lenemphumela, ngalokwetayelekile, wekumelwa kulesishayamtsetfo ngendlela yebungako bebavoti belicembu.

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

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

106. Bulunga

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

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

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

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

4. Tikhala tesishayamtsetfo sesifundza kumele tigcwaliswe ngekulandzela umtsetfo wavelonkhe.

107. Sifungo noma siciniseko

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

108. Sikhatsi sekusebenta kwesishayamtsetfo sesifundza

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

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

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

109. Kuhlakatwa kwesishayamtsetfo sesifundza kungakapheli sikhatsi saso sekusebenta

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

110. Tikhatsi tekuhlangana netekuphumula

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

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

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

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

111. BoSomlomo nemaSekela aboSomlomo

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

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

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

112. Tincumo

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

totimbili; futsi

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

113. Emalungelo etitfunywa letingesuswa kutishayamtsetfo tetifundza

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

114. Emandla etishayamtsetfo tetifundza

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

115. Bufakazi noma imininingwane embi kwetishayamtsetfo tetifundza

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

116. Kutilawula, lokuchubekako netinchubo tetishayamtsetfo tetifundza

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

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

117. Emalungelomvume

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

118. Kungenela kwemmango nekufaka sandla kwawo kutishayamtsetfo tetifundza

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

- ii. kwenta kutsi kube khona kuseshwa kwemuntfu, lapho kufanele khona, kwalela kungena kwanoma ngumuphi umuntfu noma kukhishelwa ngaphandle kwanoma ngumuphi umuntfu.

2. Sishayamtsetfo sesifundza akumelanga sencabele ummango, kufaka ekhatsi bemifombo yetindzaba, kunoma ngumuphi umhlangano wekomiti ngaphandle uma kufanelekile futsi kunebulungiswa kwenta njalo emmangweni loselubala wentsandvo yelinyenti.

119. Kwetfulwa kwemtsetfosivivinyo

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

120. Imitsetfosivivinyo yeTimali

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

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

121. Kuvunyelwa kwemtsetfosivivinyo

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

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

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

122. Sicelo semalunga esishayamtsetfo eNkantolo yemtsetfosisekelo

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

123. Kushicelelwa kwemitsetfo yetifundza

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

124. Kulondvolotwa kwemitsetfo yetifundza ngalokuphephile

Ikhophi leyetfwele lesayiniwe yeMtsetfo wesiFundza

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

Labangamele Tifundza

125. Ligunya lekwengamela letifundza

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

126. Kuniketwa kwemisebenti

1. Lilunga leMkhandlu loweNgamele wesifundza

linganiketa noma waphi emandla noma umsebeni lokumele uchutjwe noma wentiwe ngekeMtsetfo wePhalamense noma ngekeMtsetfo wesifundza, liwanikete uMkhandlu waMasipala lokuniketwa –

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

127. Emandla nemisebenti yaboNdvunankhulu

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

128. Kukhetfwa kwaboNdvunankhulu

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

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

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

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

wanga-2001.]

129. Kucala kwaNdvunankhulu esikhundleni

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

130. Sikhatsi sekuba sesikhundleni kwaboNdvunankhulu

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

131. Emabambela aboNdvunankhulu

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

2.

132. Imikhandlu leyeNgamele

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

133. Kutiphendvulela kanye nemitfwalo

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

134. Kuchubeka kwemikhandlu yekweNgamele ngemuva kwelukhetfo

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

135. kufunga noma kuvuma ngekutibopha

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

136. Kutiphatsa kwemalunga emkhandlu loweNgamele

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

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

137. Kuntjintjwa kwemagunya nemisebenti

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

138. Kunikwa kwesikhashana kwemagunya nemisebenti

Ndvunankhulu anganika lilunga leMkhandlu loweNgamele noma nguwaphi emagunya nemisebenti yalelinye lilunga lelingekho esikhundleni salo, noma lelingakwati kusebentisa lawo magunya ekweneni umsebenti.

139. Kungenelela kwesifundza kuhulumende wasekhaya

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

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

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

141. Tiphakamiso tekungatsembakali

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

IMitsetfosisekelo yetiFundza

142. Kuvunywa kwemitsetfosisekelo yetifundza

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

143. Lokucuketfwe ngumtsetfosisekelo weTifundza

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

nemisebenti leniketwe sifundza nguletinye tigaba teMtsetfosisekelo.

144. Kucinisekiswa kwemitsetfosisekelo yetifundza

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

145. Kusayinwa, kushicilelwa nekulondvolotwa kwemitsetfosisekelo yetifundza

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

Imitsetfo lengcubutanako

146. Kungcubutana emkhatsini kwemtsetfo wavelonkhe newesifundza

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

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

147. Lokunye kungcubutana

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

148. Kungcubutana lokungasombululeki

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

149. Lizinga lemtsetfo longahlulwa

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

150. Kuhunyushwa kwekungcubutana

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

Sehluko 7: Hulumente WaseKhaya (151-164)

151. Lizinga labomasipala

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

152. Tinhloso tahulumende wasekhaya

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

153. Imisebenti yekutfutukisa yabomasipala

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

154. Bomasipala kuhulumende welubambiswano

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

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

155. Kubunjwa kwabomasipala

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

kwengamela lokucondzene nabo.

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

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

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

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

156. Emandla nemisebenti yabomasipala

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

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

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

157. Kubunjwa nekukhetfwa kwemikhandlu yabomasipala

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

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

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

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

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

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

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

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

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

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

158. Bulunga bemikhandlu yabomasipala

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

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

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

159. Sikhatsi sekusebenta kwemikhandlu yabomasipala

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

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

160. Tichubo tangekhatsi

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

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

161. Emalungelomvume

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

ayo.

162. Kushicilelwa kwemitsetfo-sigodzi yamasipala

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

163. Hulumente wasekhaya lohlelekile

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

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

164. Letinye tindzaba

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

Sehluke 8: Tinkantolo Nekuphatfwa Kwebulungiswa (165-180)

165. Emandla etebulungiswa

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

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

166. Luhlelo lwetemtsetfo

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

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

167. INkantolo yemtsetfosisekelo

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

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

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

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

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

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

168. INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala

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

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

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

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

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

wePhalamende.

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

169. INkantolo lePhakeme yaseNingizimu Afrika

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

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

170. Letinye tinkantolo

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

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

171. Tinchubo tetiNkantolo

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

172. Emandla etinkantolo etindzabeni temtsetfosisekelo

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

173. Emandla lekavele akhona enkantolo

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

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

174. Kukhetfwa kwetiphatsimandla temtsetfo

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

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

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

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

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

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

175. Kukhetfwa kwemabambela emajaji

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

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

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

176. Sikhatsi sekusebenta kanye nemiholo

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

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

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

177. Kukhishwa esikhundleni

1. Lijaji lingakhishwa esikhundleni kuphela nje uma

ngabe –

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

178. Likhomishani lemisebenti yeTemtsetfo

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

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

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

wesifundza lesitsintsekako, noma lomunye lomiswe ngibo.

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

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

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

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

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

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

179. Umtimba wekushushisa

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

wekushushisa.

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

180. Letinye tindzaba letitsintsa kuphatfwa kwetebulungiswa

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

kwetebulungiswa lokungakatsintfwa

kuMtsetfosisekelo, lokufaka ekhatsi –

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

Sehluko 9: Tikhungo Tembuso Letisekele Intsandvo Yelinyenti Ngekwemtsetfosisekelo (181-194)

181. Kusungulwa kanye nemigomosisekelo lebusako

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

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

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

UMvikeli wemmango

182. Imisebenti yemvikeli wemmango

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

tetinkantolo.

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

183. Sikhatsi sekuba sesikhundleni

UMvikeli wemmango ubekwa esikhundleni kutsi asebente iminyaka lesikhombisa lengavuselelwa.

LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu

184. Imisebenti yelikhomishani lemalungelo eluntfu

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

[Sigaba 184 siChitjiyelwe ngesigaba 4 seMtsetfo 65]

wanga-1998.]

LiKhomishani lekuTfutfukiswa nekuVikelwa kwemaLungelo emiPhakatsi yemaSiko, teNkhohlo neluLwimi

185. Imisebenti yalelikhomishani

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

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

4. LeliKhomishani linemandla nemisebenti leyengetiwe leliniketwe yona ngumtsetfo wavelonkhe.

186. Kubunjwa kwalelikhomishani

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

LiKhomishani lekuLingana ngeBulili

187. Imisebenti yelikhomishani lekulingana ngebulili

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

UmCwaningimabhuku-Jikelele

188. Imisebenti yemCwaningimabhuku-Jikelele

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

189. Sikhatsi sekuba sesikhundleni

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

LiKhomishani leluKhetfo

190. Imisebenti yelikhomishani leluKhetfo

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

191. Kubunjwa kwelikhomishani leluKhetfo

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

UMtimba lotiMele wekuLawula TekuSakata

192. Umtimba weTekusakata

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

Timiso Jikelele

193. Kubekwa esikhundleni

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

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

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

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

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

194. Kukhishwa esikhundleni

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

- b. kumele amkhiphe umuntfu esikhundleni uma muntfu akakhishwe.
Sigungu saVelonkhe sitsetse sincumo lesitsi lowo

Sehluko 10: Kuphatfwa Kwembuso (195-197)

195. Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso

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

kwengamela kanye netikhungo.

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

196. Likhomishani lekuphatfwa kwembuso

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

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

197. Kusebenta kuhulumende

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

Sehluko 11: Tekuvikela (198-210)

198. Imigomosisekelo lebusako

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

199. Kusungulwa, kuhlelwa kanye nekutiphatsa kwemibutfo yetekuphepha

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

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

Tekuvikela

200. Umbutfo weTekuvikela

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

201. Kutiphendvulela ngetembusave

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

202. Kukhutwa kwembutfo wetekuvikela

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

203. Simo sekuvikelwa kwavelonkhe

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

204. Lihhovisi letebubhalane lebantfu labangekho embutfweni

Lihhovisi letebubhalane lebantfu labangekho embutfweni kumele lisukunywise ngekweemtsetfo wavelonkhe ngaphasi kwesandla selilunga leKhabhinethi leliphetse tekuvikela.

Tebuphoyisa

205. Umbutfo wetebuphoyisa

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

206. Kutiphendvulela ngetembusave

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

kwaletifundza.

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

207. Kulawulwa kwembutfo wetebuphoyisa

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

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

208. Lihhovisi labomabhalane lebantfu labangekho ebuphoyiseni

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

Bunhloli

209. Kusungulwa nekuphatfwa kwemibutfo yebunhloli

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

210. Emandla, imisebenti nekweluswa

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

Sehluko 12: Baholi Bendzabuko (211-212)

211. Kuhlonishwa

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

212. Indzima yebaholi bendzabuko

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

Sehluko 13: Tetimali (213-230A)

Tindzaba jikelele teTimali

213. Sikhwama semali saVelonkhe

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

214. Tabela letinebulungiswa nekuphakelwa kwemali

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

tetifundza, tahulumende wasekhaya netabomasipala;

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

215. Imicombelelotimali yavelonkhe, yetifundza neyabomasipala

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

216. Kuphatfwa kwesigcinamafa

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

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

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

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

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

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

217. Kutfolakala kwemphahla

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

kwenchubomgomo yekutfolakala kwetimphahla leyenta kube khona –

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

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

218. Ticiniseko tahulumende ngetikwelete

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

219. Kuholelwa kwebantfu labanetikhundla embusweni

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

kanye nemalunga anoma nguliphi liKhomishani lelibekwe ngekwMtsetfosisekelo lokufaka ekhatsi nemtimba wetekusakata lophawulwe esigabeni 192.

LiKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende

220. Kusungulwa nemisebenti yalo

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

221. Kubekwa nesikhatsi sekusebenta kwemalunga

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

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

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

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

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

222. Imibiko

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

LiBhange laseNkhabeni

223. Kusungulwa kwalo

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

224. Inhloso lebalulekile

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

225. Emandla nemisebenti

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

Tindzaba tetimali tetifundza netasekhaya

226. Tikhwama temali yetifundza

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

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

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

227. Imitfombo yavelonkhe yetimali tabohulumende betifundza nebasekhaya

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

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

228. Tintsela tesifundza

1. Sishayamtsetfo sesifundza singabeka –
 - a. tintsela, umtsedlwana nemtselo ngaphandle kwemtselo ngekwekuhola, kwentsela yentsengo yekubita kwemphahla, intsela yentsengo jikelele kanye nentsela yenzawo noma yemphahla

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

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

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

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

229. Emandla amasipala ekuphatsa timali nemisebenti

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

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

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

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

230. Timali tekubolekwa tifundza

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

tidzingo kwesikhashana ngalowo mnyakatimali.

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

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

230A. Timali tekubolekwa bomasipala

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

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

Sehluko 14: Timiso Jikelele (231-243)

Umtsetfo wemave emhlaba

231. Tivumelwano nemave emhlaba

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

232. Umtsetfo wenzabuko wamhlabawonkhe

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

233. Kusetjentiswa kwemtsetfo wemave emhlaba

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

Letinye Tindzaba

234. Tivumelwano temalungelo

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

235. Kutibusa ngekwakho

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

236. Kwelekelelwa ngetimali kwemacambu embusave

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

237. Kwentiwa kwemisebenti ngekutimisela

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

238. Kuphutfuma netitfunywa

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

239. Tinchazelo

1. KuloMtsetfosisekelo, ngaphandle uma ingcikitsi ibonisa ngalenywe indlela –

“umtsetfo wavelonkhe” ufaka ekhatsi—

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

“sikhungo sembuso” sisho—

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

“umtsetfo wesifundza” ufaka ekhatsi—

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

240. Kungahambelani emkhatsini kwemibhalo leyehlukeni

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

241. Emalungiselelo esikhashana

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

242. Kucitfwa kwemitsetfo

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

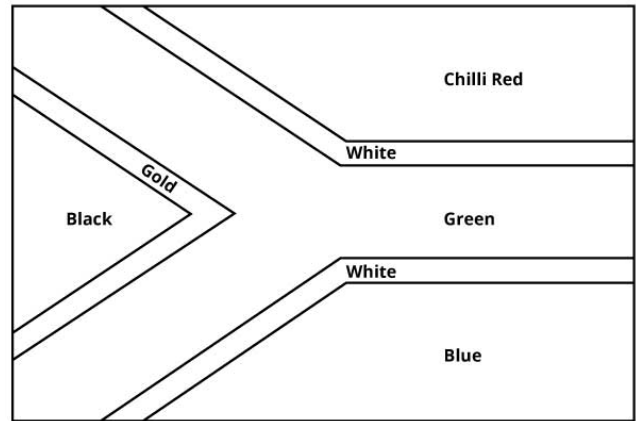
243. Sihloko lesifishane nekucala kusebenta

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

Ishejuli 1: Umjeka Welve

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

siyincenye yakunye kulokutsatfu uma kucatsaniswa nebubanti bemjeka.



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

Ishejuli 1A: Tindzawo Tekwakhiwa Kwetifundza

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

Sifundza saseMpumalanga Koloni

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

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

Sifundza saseFuleyistata

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

Sifundza saseGauteng

[Kuhlukaniswa kwesifundza saseGauteng lokuvalwe nguMtsetfo welishumi nesitfupha wekuChitji- yelwa kweMtsetfosisekelo wanga-2009 ngesatso 1490 wanga-2008]

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

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

sanga-2005

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

Sifundza saseKwaZulu-Natali

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

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

Sifundza saseLimpopo

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

Sifundza saseMpumalanga

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

sanga-2005

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

Sifundza saseNshonalanga Koloni

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

Sifundza saseNyakatfo Nshonalanga

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

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

seMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009]

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

Sifundza saseNshonalanga Kapa

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

Ishejuli 2: Tifungo Tekungena Esikhundleni Nekuvuma Ngekutibopha

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

1. Sifungo noma kuvuma ngekutibopha kwaMengameli neliBambela laMengameli

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

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

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

(Uma ngabe kusifungo: Inkhosi ingisite.)

2. Sifungo noma kuvuma ngekutibopha kwelisekela laMengameli

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

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

- Ngitawugcugcutela loko lokuchubekisa

iRiphabhulikhi, ngilwe naloko lokungayilimata;

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

(Uma ngabe kusifungo: Inkhosi ingisite.)

3. Sifungo noma kuvuma ngekutibopha kwetiNdvuna tembuso nemasekela etiNdvuna

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

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

(Uma ngabe kusifungo: Inkhosi ingisite.)

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

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

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

sesifundza seC. D ngekutimisela.

(Uma ngabe kusifungo: Inkhosi ingisite.)

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

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

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

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

(Uma ngabe kusifungo: Inkhosi ingisite.)

6. Sifungo sekungena esikhundleni noma kuvuma ngekutibopha kwetiphatsimandla tetemtsetfo

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

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

(Uma ngabe kusifungo: Inkhosi ingisite.)

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

Ishejuli 3: Tinchubo Telukhetfo

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

Incenye A: Tinchubo telukhetfo lwebantfu Labanetikhundla ngekwemtsetfosisekelo

1. Kusebenta

1. Lenchubo lehlelwe kuleShejuli isebenta uma ngabe –
 - a. Sigungu saVelonkhe sihlangelana kutewukheta Mengameli, noma Somlomo noma liSekela laSomlomo weSigungu;
 - b. Umkhandlu weTifundza uhlangelana kutewukheta Sihlalo noma liSekela laSihlalo waloMkhandlu; noma
 - c. Sishayamtsetfo sesifundza sihlangelana kutewukheta Ndvunankhulu noma Somlomo noma liSekela laSomlomo walesishayamtsetfo.

2. Kuphakanyiswa

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

3. Tidzingo letibekiwe

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

4. Kumenyetelwa kwemagama alabaphakanyisiwe

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

5. Kuphakanyiswa kweligama linye

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

6. Inchubo yelukhetfo

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

7. Inchubo yekukhishwa

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

8. Leminye imihlangano

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

ilandzelwe sengatsi lowo mhlango wekucala walolo lukhetfo.

9. imitsetfomgomo

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

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

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

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

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

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

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

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

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

Ishejuli 4: Tindzawo Lapho Hulumende Wavelonkhe Kanye Nebetifundza Banemandla Ekushaya Umtsetfo Ngekuhlanyela

Incenye A

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

wekuphatsa lemisebenti nguMtsetfosisekelo noma lomunye umtsetfo

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

Incenye B

Letindzaba letilandzelako tahulumende wasekhaya kuyawufika kulelizinga lehlilelwe esigabeni 155(6)(a) na-(7):

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

Ishejuli 5: Tindzawo Lapho Hulumende Wesifundza Yedvwana Anemandla Ekushaya Umtsetfo

Incenye A

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

Incenye B

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

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

tidvumbu

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

Ishejuli 6: Timiselo Tesikhashana

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

1. Tinchazelo

KuleShejuli, ngaphandle kungahambisani nengcikitsi - “sabelo” sisho indzawo leyincenye yeRiphabhulikhi lapho ngesikhatsi ungakacali kusebenta uMtsetfosisekelo

lowelanywa ngulona wanyalo, beyiphetfwe nguMtsetfo weNingizimu Afrika itsatfwa njengelive lelitimele noma sabelo lesitibusako;

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

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

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

2. Kuchubeka kwekusebenta kwemitsetfo lekhona

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

3. Kuhunyushwa kwemitsetfo levele ikhona

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

4. Sigungu saVelonkhe

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

4. Imitsetfomgomo kanye nenchubo yaleSigungu saVelonkhe lebeyisebenta kungakangeni loMtsetfosisekelo lomusha itawujinge ichubeke nekusebenta ngaphandle uma ingachitjiyelwa noma icitfwe ngaphasi kwaloMtsetfosisekelo lomusha.

5. Ludzaba lolungakapheli ephalamende

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

6. Lukhetfo lwesigungu saVelonkhe

1. Kute lukhetfo lweSigungu saVelonkhe lolungabanjwa kungakefiki mhlaka 30 Apreli 1999 ngaphandle uma ngabe leSigungu sicitfwa ngekulandzela sigaba 50(2) ngemuva kwesiphakamiso sekungetsembeki kwekusebenta kwaMengameli ngekulandzela sigaba 102(2) seMtsetfosisekelo lomusha.
2. Sigaba 50(1) seMtsetfosisekelo lomusha siyemiswa kuze kube ngamhlaka 30 Apreli 1999.
3. Nanoma uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo njengoba uchitjiyelwe siHlomo A saleShejuli, iyasebenta -
 - a. elukhetfweni lwekucala lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.
 - b. ekulahlekelweni bulunga beSigungu saVelonkhe etimeni ngaphandle kwaletu letichazwe esigabeni 47(3) seMtsetfosisekelo lomusha; kanye
 - c. nasekugcwaliseni tikhala kuleSigungu saVelonkhe, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kugcwaliswa tikhala eluhlweni lwemacembu, kuze kufike lukhetfo lwesibili lwaleSigungu ngaphasi kweMtsetfosisekelo lomusha.
4. Sigaba 47(4) seMtsetfosisekelo lomusha simisiwe kuze kufike lukhetfo lwesibili lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.

7. Umkhandlu weTifundza

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

kusishayamtsetfo sesifundza, kume kanje:

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

2. Licembu lelimelwe kusishayamtsetfo sesifundza -
 - a. kumele likhetse emalunga lengesuswa kulabo bantfu lebebatimphunga ngesikhatsi kucala kusebenta kwaloMtsetfosisekelo lomusha njengetitfunywa letingesuswa; futsi
 - b. lingakhetsa labanye bantfu kutsi babe titfunywa letingesuswa kuphela uma ngabe kute noma aleneli linani lalabo labebatimphunga lelidingekako.
3. Sishayamtsetfo sesifundza kumele sibeke titfunywa taso letingesuswa ngekulandzela tiphakamiso temacembu.
4. Tigatjana (2) na-(3) tisebenta kuphela ekubekeni titfunywa letingesuswa tekucala kuleSigungu saVelonkhe weTifundza.
5. Sigaba 62(1) seMtsetfosisekelo lomusha asisebenti etiphakanyisweni nekubekwa kwalabo bebatimphunga njengetitfunywa letingesuswa ngekwaleliphuzu.
6. Imitsetfomgomo netibopho tetiMphunga lebeyisebenta uma kucala kusebenta loMtsetfosisekelo lomusha, kumele ichubeke isebente emisebentini yeMkhandlu waVelonkhe weTifundza kuze kufike ezingeni lapho isebenta khona, kepha nje ngaphasi kwetichibiyelo noma kwekucitfwa kwayo.

8. Lebebatimphunga

1. Umuntfu lobekayimphunga longakakhetfwa njengesitfunywa lesingesuswa seMkhandlu waVelonkhe weTifundza unelilungelo kutsi abe lilunga lelivotako ngalokuphelele lesishayamtsetfo saleso sifundza lesakhetsa lowo muntfu njengelilunga letimphunga ngekulandzela sigaba 48 ngaphasi kweMtsetfosisekelo lomdzala.
2. Uma lobekayimphunga akhetsa kungabi lilunga lesishayamtsetfo lowo muntfu utsatfwa ngekutsi sewuhleli phasi akasesiyo imphunga ngayitolo

- ngembili kwekutsi uMtsetfosisekelo ucale kusebenta.
- Umholo, tibonelelo noma tinzuzo temuntfu lobekayimphunga lokhetfwe njengesitfunywa lesingesuswa noma njengelilunga lesishayamtsetfo sesifundza tingete tehliswa ngesizatfu saloko kukhetfwa.

9. Sigungu savelonkhe lesengamele

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

10. Tishayamtsetfo tetifundza

- Noma ngubani lobekalilunga noma abambe sikhundla kusishayamtsetfo sesifundza ungakacali kusebenta uMtsetfosisekelo lomusha, uba lilunga noma abambe sikhundla kusishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha, abambe sikhundla njengelilunga noma umuntfu lonesikhundla ngaphasi kwaloMtsetfosisekelo nangaphasi kwanoma ngumuphi umtsetfosisekelo wesifundza longabekwa.
- Sishayamtsetfo sesifundza njengoba sibunjwe ngekulandzela sigatjana (1) ngetindlela tonkhe sitsatfwa ngekutsi sikhethfwe ngaphasi kweMtsetfosisekelo lomusha esikhatsini lesitawuphela ngamhlaka 30 Apreli 1999.
- Kuze kuphele sikhatsi sekusebenta kwesishayamtsetfo sesifundza nangekulandzela sigaba 108(4), sishayamtsetfo sibunjwe linani lemalunga labekelwe leso sishayamtsetfo ngaphasi kweMtsetfosisekelo lomdzala kanye nelinani lalabo bantfu labebatimphunga lesebangemalunga esishayamtsetfo ngekulandzela liphuzu 8 laleShejuli.
- Imitsetfomgomo netibopho yesishayamtsetfo sesifundza lesebentako ungakacali kusebenta loMtsetfosisekelo lomusha, iyachubeka nekusebenta ngaphandle uma ngabe ichitjiyelwe noma ichitsiwe.

11. Kukhetfwa kwetishayamtsetfo tetifundza

- Noma njena uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo, njengoba uchitjiyelwe Sihlomelo A saleShejuli uyasebenta -

- elukhetfweni lwekucala lesishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha;
 - ekulahlekelweni bulunga besishayamtsetfo kwesimo ngaphasi kwaleso lesishiwo esigabeni 106(3) saloMtsetfosisekelo lomusha, kanye
 - nasekugcwaliseni tikhala kusishayamtsetfo, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacambu kuze kugcwaliswe tikhala, kuze kufike lukhetfo lwesibili ngaphasi kweMtsetfosisekelo lomusha.
- Sigaba 106(4) seMtsetfosisekelo lomusha simisiwe kusishayamtsetfo kuze kube lukhetfo lwesibili lwaleso sishayamtsetfo ngaphasi kweMtsetfosisekelo lomusha.

12. Tigungu tetifundza letengamele

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

13. Imitsetfosisekelo yetifundza

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

14. Kuniketwa kwemitsetfo etifundzeni

- Imitsetfo lephatselene neludzaba loluwela ngaphasi kweluhlu lolutfolakala eShejulini 4 noma eShejulini 5 kuloMtsetfosisekelo lomusha, futsi lo ngesikhatsi ungakacali kusebenta loMtsetfosisekelo lomusha, bewuphetfwe siphatsimandla setiNdvuna teMbuso wavelonkhe, unganiketwa nguMengameli, ngesimemetelo semtsetfo, esiphatsinimandla seSigungu lesiphetse seMkhandlu wesifundza lesikhethfwe nguNdvunankhulu waleso sifundza.
- Uma ngabe kunesidzingo kuze kuniketwa kwemitsetfo ngaphasi kweliphuzwana (1) kwenteke ngendlela, Mengameli ngesimemetelo semtsetfo-
 - angachibiyela noma antjintje lomtsetfo kuze kuhambe kahle kuhunyushwa kwawo noma kusetjentiswa kwawo;
 - lapho kuniketwa kwemitsetfo kungasebenti kuleyo ncenye yemitsetfo wonkhana, angacitsa futsi avuselele, netichibiyelo noma ngaphandle kwato letishiwo endzinyenyeni(a), leto ticeshana tawo lapho kuniketwa kusebenta khona noma kuze

- kufike lapho tisebenta khona;
- c. angacondzisa lapho kuhambisana kahle noma nguluphi lolunye ludzaba lolungahle ludzingeke ngenca yalokuniketwa, lokufakwa ekhatsi kucoconyiswa noma kutfutukiswa kwetisebenti noma kucoconyiswa kwetintfo letingumnotfo, tikwelete, emalungelo kanye netibopho letibuya noma letiya esigungwini sembuso noma sesifundza noma lamanye ematiko embuso, 2. ekuphatsa, ekuvikela noma letinye tikhungo.
 3. a. Umbhalo wesimemetelo ngasinye semtsetfo lesikhishiwe ngekweliphuzwana (1) noma (2) kumele wetfulwe kuleSigungu saVelonkhe neMkhandluwaVelonkhe weTifundza angakapheli emalanga langu-10 sikhishiwelesimemetelo.
 - b. Uma Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza ngesincumo ungasemukeli lesimemetelo semtsetfo noma siphil3. siphakamiso saso, lesosimemetelo noma siphakamiso sipheliswa sikhatsi, kepha singatsikameti -
 - i. kusebenta kwanoma yini intfo leyentiwe ngalesimemetelo semtsetfo noma siphakamiso singakaphelelwa sikhatsi; noma
 - ii. lilungelo noma lilungelomvume lelitfolakele noma sobopho noma umtfwalo lotfolakele singakaphelelwa sikhatsi.
 4. Uma ngabe kuniketwa umtsetfo ngaphasi kweliphuzwana (1), noma kuphi lokushiwo kuleyo 4. mtsetfo siphatsimandla, kumele kutsatfwe ngekutsi kusho siphatsimandla leso lokuniketwe sona emandla.
 5. Noma kuphi kuniketwa kwemtsetfo ngaphasi kwesigaba 235(8) saloMtsetfosisekelo lomdzala, lokufaka noma siphil sikhishiyelo, kuntjintjwa, noma kucitfwa kanye nekuvuselelwa kwemtsetfo noma lesinye sinyatselo lesitsetfwe ngaphasi kwaleso sigaba, kumele kutsatfwe ngekutsi kwentiwe ngaphasi kwaleliphuzu.

15. Imitsetfo lebeyivele ikhona ngaphandle kwemandla ekushaya umtsetfo kwephalamende

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

16. Tinkantolo

1. Tonkhe tinkantolo lokufaka tebaholi bendzabuko lebetikhona kusukela kungakacali kusebenta kwaloMtsetfosisekelo lomusha, tiyachubeka

kusebenta nekusebentisa emandla ato ngekwemtsetfo losebenta kuto, futsi noma ngubani lonesikhundla njengemehluleli achubeke kubamba leso sikhundla ngekulandzela umtsetfo losebenta mayelana naleso sikhundla, kepha ngekulandzela -

- a. noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
- b. kuhambisana neMtsetfosisekelo lomusha.
- a. INkantolo yeMtsetfosisekelo lesungulwe nguMtsetfosisekelo lomdzala iba yiNkantolo yeMtsetfosisekelo ngaphasi
- b.

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

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

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

- a. Inkantolo yesifundza noma yendzawo yelizinga leNkantolo lephakeme yeNingizimu Afrika, noma iNkantolo lephakeme yesifundza noma yelizinga leletayelekile iba yiNkantolo lephakeme ngaphasi kweMtsetfosisekelo lomusha ngaphandle kwekuntjintja kwendzawo lapho isebenta khona ngaphasi kwebulungiswa lebuchazwe ephuzwaneni (6).
- b. noma ngubani lobambe sikhundla noma lotsatfwa kutsi ubambe sikhundla seMengameli noma liSekela laMengameli noma lijaji leNkantolo lekukhunyulwa ngalo endzinyaneni(a) kungakacali kusebenta kweMtsetfosisekelo lomusha, uba nguMengameli weMajaji, liSekela laMengameli noma lijaji laleyo nkantolo ngaphasi kweMtsetfosisekelo lomusha njengoba kubekwe ephuzwaneni (6).
5. Ngaphandle uma kungahambisani nekusho noma kungasingiko mbamba uma kukhulunywa kunoma ngumuphi umtsetfo noma inchubo -
 - a. yeNkantolo yeMtsetfosisekelo ngaphasi kweMtsetfosisekelo lomdzala, kumele kutsatfwe ngekutsi kushiwo iNkantolo yeMtsetfosisekelo ngaphasi kwaloMtsetfosisekelo lomusha;
 - b. yeNkantolo yekweNdlulisela emacala yeNingizimu Afrika, kumele itsatfwe njengeNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala; futsi
 - c. yeNkantolo yesifundza noma yendzawo yelizinga leNkantolo lePhakeme yeNingizimu Afrika noma yeNkantolo lePhakeme yesabelo noma yeNkantolo lePhakeme yendzawo, kumele itsatfwe ngekutsi

6. a. kushiwo yeNkantolo lePhakeme.
 a. Uma ngabe sekukhonakala ngemuva kwekucala kusebenta kweMtsetfosisekelo lomusha, tonkhe tinkantolo, kumiswa kwato, kubunjwa, kusebenta kanye nemandla ato, nayo yonkhe imitsetfo letisebentako, kumele kuhlelwe kahle kuze tebulungiswa tifeze tidzingo taloMtsetfosisekelo lomusha.
 b. Lilunga leKhabhinethi leliphetse tebulungiswa lihloliswa liKhomishani leliphetse kubekwa kwetiphatsimandla tetemtsetfo kumele lisungule lokuhlelwa kahle lokucatjangwa endzinyaneni(a).
7. a. Noma ngubani lobambe sikhundla, uma uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucala kusebenta -
 i. njengeMengameli weNkantolo yeMtsetfosisekelo, uba nguSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
 ii. njengeliSekela laMengameli weNkantolo yeMtsetfosisekelo, uba liSekela laSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
 iii. njengaSomajaji, uba nguMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1) seMtsetfosisekelo lomusha; kanye
 iv. nanjengeliSekela laSomajaji, uba liSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1) seMtsetfosisekelo lomusha.
 b. Yonkhe imitsetfomgomo, timisomtsetfo noma imiyalelo leyentiwe nguMengameli weNkantolo yeMtsetfosisekelo noma nguSomajaji lesebentako ngembi-nje kwekutsi uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucale kusebenta, itawuchubeka isebente idzimate icitfwe noma ichitjiyelwe.
 c. Ngaphandle uma kungahambisani nengcikitsi noma kungafaneleki kwasanhlobo, kucondzisa kunoma ngumuphi umtsetfo noma inchubo kuSomajaji noma kuMengameli weNkantolo yeMtsetfosisekelo, kumele kutsatfwe njengekucondzisa kuSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha.

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

17. Emacala langakacedvwa etinkantolo

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

ngaleny indlela.

18. Umtimba wekushushisa

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

19. Tifungo nekuvuma ngekutibopha

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

20. Letinye tikhungo temtsetfosisekelo

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

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

- c. liKhomishani lekuLingana ngeBulili;
 - d. UmCwaningimabhuku-Jikelele;
 - e. LiBhange lesiLulu laseNingizimu Afrika;
 - f. liKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende;
 - g. liKhomishani leMisebenti yeTemtsetfo; noma
 - h. liBhodi letiLwimi Tonkhe taseNingizimu Afrika
2. Sikhungo seMtsetfosisekelo lesakhiwa ngekwMtsetfosisekelo lomdzala siyachubeka kusebenta ngekulandzela imitsetfo lesebenta kuso, futsi noma ngubani lobambe sikhundla njengelilunga leKhomishani, lilunga lelibhodi leliBhange lesiLulu noma liBhodi letiLwimi Tonkhe taseNingizimu Afrika, uMvikeli wemmango noma umCwaningimabhuku-Jikelele ngalesikhatsi uMtsetfosisekelo lomusha ucala kusebenta uyachubeka abambe leso sikhundla ngekulandzela lowo mtsetfo losebenta kuso, kepha ngaphasi wembandzela -
 a. wanoma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; kanye
 b. nekuhambisana kwawo neMtsetfosisekelo lomusha.
 3. Tigaba 199(1), 200(1), (3) na-(5) kuyawufika ku-(11) na-201 kuyawufika ku-206 teMtsetfosisekelo lomdzala tiyachubeka kusebenta tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.

4. Emalunga eliKhomishani lekuPhatfwa kweTiphatsimandla tetemtsetfo lashiwo esigabeni 105(1)(h) seMtsetfosisekelo lomdzala ayayekela kuba ngemalunga aleliKhomishani uma ngabe lamalunga lashiwo esigabeni 178(1)(i) seMtsetfosisekelo lomusha abekwa.
5.
 - a. Umkhandlu wamaBhunu lowasungulwa ngekweMtsetfosisekelo lomdzala uyachubeka kusebenta ngekweMtsetfo losebenta kuwo, futsi noma ngubani lobambe sikhundla njengelilunga laloMkhandlu nawucala kusebenta uMtsetfosisekelo lomusha, lowo mtsetfo losebenta kuso, kepha ngekulandzela -
 - i. noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
 - ii. kuhambisana kwawo neMtsetfosisekelo lomusha.
 - b. Tigaba 184 A na-184 B(1) na-(d) teMtsetfosisekelo lomdzala tiyachubeka kuba nemandla tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngesigaba 75 seMtsetfosisekelo lomusha.

21. Kushaywa kwemitsetfo lefunwa ngumtsetfosisekelo lomusha

1. Lapho uMtsetfosisekelo lomusha udzinga kushaywa kwemtsetfo wavelonkhe noma wesifundza, lowo mtsetfo kumele ushaywe nguleso Sigungu lesifanele ngekungephuti kusukela kungene uMtsetfosisekelo lomusha.
2. Sigaba 198(b) seMtsetfosisekelo lomusha singete sasetjentiswa kuze umtsetfo lophawulwe kuleso sigaba ushaywe.
3. Sigaba 199(3)(a) seMtsetfosisekelo lomusha singete sasetjentiswa kungakapheli tinyanga letingu-3 ngemuva kwekushaywa kwalomtsetfo lophawulwe kuleso sigaba.
4. UMtsetfo wavelonkhe lophawulwe esigabeni 217(3) seMtsetfosisekelo lomusha kumele ushaywe kungakapheli iminyaka lemitsatfu kucale kusebenta uMtsetfosisekelo lomusha, kepha kungabikho kwalomtsetfo ngalesikhatsi akuvimbela kusebenta kwenchubomgomo lephawulwe esigabeni 217(2).
5. Kuze kufike sikhatsi lapho uMtsetfo wePhalamende lophawulwe esigabeni 65(2) seMtsetfosisekelo lomusha ucala kesetjentiswa, ngasinye sishayamtsetfo sesifundza singatincumela inchubo yaso mayelana nemandla laniketwe titfunywa taso kutsi tifake lovoti esikhundleni saso eMkhandlwini wavelonkhe we Tifundza.
6. Kufike sikhatsi lapho umtsetfo lophawulwe esigabeni 229(1)(b) seMtsetfosisekelo lomusha ucala kusetjentiswa, hulumende wamasipala uhlala unawo emandla ekushaya umtsetfo mayelana nemtselo, umtsedlwana netimali letibhadelelwa imphahla lengenako lebekavele anikwe kutsi awasebentise uMtsetfosisekelo lomusha usengakacali kusebenta.

22. Lubumbano lwavelonkhe nekubuyisana

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

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

23. luCwebu lwemalungelo eluntfu

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

“(1) Bonkhe bantfu banelilungelo lekutfola iminingwane lesetandleni tembuso noma tikhungo tawo kunoma ngumuphi umkhakha wahulumende uma ngabe lemininingwane bayidzingela kuyisebentisa noma kuvikela emalungelo abo”; kantsi
 - b. sigaba 33 (1) na-(2) kumele titsatfwe ngekutsi tifundzeka ngalendlela lelandzelako:

“Bonkhe bantfu banelilungelo—\

(a) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo netimfuno tabo titsintseka noma tesatjiswa ngekutsikanyetwa;

(b) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo noma tifiso titsikameta noma tesatjiswa;

(c) ekuniketwa tizatfu letibhaliwe taleso sento sahumende sekuphatsa lesitsikameta emalungelo netifiso tabo ngaphandle uma ngabe tizatfu talesento ummango watisiwe ngato; kanye

(d) neletento tekuphatsa letivumelekako ngekwetizatfu letiniketive lapho lamalungelo atsikameteka noma esatjiswa khona.”
3. Tigaba 32 (2) na-33 (3) teMtsetfosisekelo lomusha tiphelwa sikhatsi uma ngabe lemitsatfu lephawulwe kuletigaba, ngekulandzelana kwato, ungabekwa

ngemuva kweminyaka lengu-3 kucale kusebenta loMtsetfosisekelo lomusha.

24. Kuphatfwa kwembuso nemibutfo yetekuphepha

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

25. Kungavumeleki kwebulunga lokwengetwe betishayamtsetfo

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

26. Hulumende wasekhaya

1. Nanoma kunetiphakamiso tetigaba 151, 155, 156 nesigaba 157 teMtsetfosisekelo lomusha -
 - a. timiso teMtsetfo wesiKhashana waboHulumende baseKhaya, 1993, (uMtsetfo 209 wanga-1993), njengoba ungachitjiyelwa njalo njalo ngumtsetfosisekelolomusha, tihlala tinemandla mayelana neMkhandlu waMasipala kuze kufike sikhatsi lapho khona uMkhandlu waMasipala lovala lowo Mkhandlu umenyetelwe

njengalokhetsiwe ngenca yemphumela welukhetfo jikelele lwekucala lweMikhandlu yaboMasipala emva kwekucala kusebenta kweMtsetfosisekelo lomusha; futsi

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

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

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

2. Sigaba 245 (4) seMtsetfosisekelo lomdzala siyachubeka sibe nemandla kuze kusetjentiswa kwaleso sigaba kuphele. Sigaba 16(5) na-(6) seMtsetfo waboHulumende baseKhaya, 1993, angeke sacitfwa ngembi kwamhlaka 30 Apreli 2000.

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

27. Kulondvolotwa kwemitsetfo yephalamende neyetifundza

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

28. Kubhaliswa kwemphahla yembuso lenganyakati

1. Uma umtimba logunyatiwe ukhiphe sitifiketi sekutsi leyo mphahla lenganyakati yembuso ibekwe kuhulumende lotsite ngekwasigaba 239 seMtsetfosisekelo lomdzala, umbhalisi wetimphahla kumele ayibhale lempahla noma acinisekise noma encwadzini lefanele, sihlolo salemphahla noma lokunye lokungumbhalo encwadzini yetimphahla letinganyakati egameni lolowo hulumende.
2. Kute inkhokhelo, imali noma kuhlawuliswa

lokubhawalwako mayelana nekubhaliswa

ngekulandzela liphuzwana (1).

Ishejuli 6A

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

wekuChitjiyelwa kweMtsetfosisekelo wanga2008]

Ishejuli 6B

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

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

Shejuli 7: Imitsetfo Lecitfwako

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

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

Sihlomelo A: Tichibiyelo eShejulini 2 yeMtsetfosisekelo lomdzala

1. Kususwa kweliphuzu 1 kufakwe leliphuзу lesilandzelako:

1. Emacembu labhaliswe ngekulandzela umtsetfo wavelonkhe; futsi lekangenele lukhetfo lweSigungu saVelonkhe, atawuphakamisa emagama ebantfu labatawungenela lolukhetfo ngeluhlu lwemagama ebantfu lolwentive ngekulandzela leShejuli nesishayamtsetfo savelonkhe.

2. Kususwa kweliphuzu 2 kufakwe leliphuзу lesilandzelako:

2. Tihlalo kuleSigungu saVelonkhe njengoba tincunywe ngekulandzela sigaba 46 seMtsetfosisekelo lomusha, titawugcwaliswa ngalendlela lelandzelako—

a. Linani lelinguhhafu laletihlalo litawutsatfwa kuloluhlu lweTifundza loluletfwe ngemacembu lakehlukene, kantsi linani letihlalo lelibekiwe litawubekewla sifundza ngasinye njengoba kuncume liKhomishani lwelukhetfo lolulandzelako lweMkhandlu, kunakwe kuphela imininingwane leyentiwe ngekwwebuciko lephatselene nebavoti, nekumelwa kwemacembu latsintsekako.

b. Lolomunye hhafu wetihlalo uneluhlu loluvela eveni lonkhe loluletfwe ngemacembu lakehlukene, noma , kuloluhlu loluvela etifundzeni uma ngabe luhlu loluvela eveni lonkhe lungakaletfwa.

3. Kususwa kweliphuzu 3 kufakwe leliphuзу lesilandzelako:

3. Loluhlu lwalabemele lukhetfo loluletfwe licembu, naseluhlangene lutawuba nemagama langengci linani lebantfu labalingana netihlalo kuloSigungu saVelonkhe, futsi luhlu ngalunye lutawubeka lamagama ngandlela lelinconota ngayo umuntfu licembu ngalinye.

4. KuChitjiyelwa kweliphuzu 5 ngekufaka lamagama lendvulela indzima(a) ngalawo lalandzelako:

5. Letihlalo letishiwo ephuzwini 2(a) titawuniketwa ngekwesifundza emacenjini

lekangenele lukhetfo, ngalendla lelandzelako:

5. KuChitjiyelwa kweliphuzu 6:

a. ngekufaka lamagama lendvulela indzima(a) ngalawa lalandzelako:

6. Tihlalo letishiwo ephuzwini 2(b) titawuniketwa emacembu lekangenele lukhetfo, ngalendlela lelandzelako:

futsi

b. ngekuvala indzima (a) ngalendzima lelandzelako:

(a) Incenye yemavoti ngesihlalo ngasinye itawutfolakala ngekuhlukanisa linani lonkhe lemavoti eveni lonkhe ngelinani letihlalo kuloSigungu saVelonkhe, nakunye ngetulu, umphumela nakunye ngetulu, kunganakwa tincenyana, kutawuba incenye yemavoti ngesihlalo sinye.

6. KuChitjiyelwa kweliphuzu 7 (3) ngekususa luphuзу (b) kufakwe leli lelandzelako:

(b) Incenye lelungisiwe yemavoti ngesihlalo ngasinye itawutfolakala ngekuhlukanisa kwemavoti lafakiwe eveni lonkhe lakesekela licembu, kususwe linani lemavoti lakesekela licembu lelishiwo endzimeni(a), ngelinani letihlalo kuloMkhandlu, kwengetwe sinye, kususwe linani letihlalo letiniketwe lelo cembu ekugcineni ngekulandzela indzima (a).

7. Kukhishwa kweliphuzu 10 kufakwe leli lelandzelako:

10. Linani letihlalo kusishayamtsetfo sesifundza ngasinye litawuba njengekuncuma kwesigaba 105 seMtsetfosisekelo lomusha.

8. Kukhishwa kweliphuzu 11 kufakwe leli lelandzelako:

11. Emacembu labhalisiwe ngekwemtsetfo wavelonkhe futsi lekangenele lukhetfo lwesishayamtsetfo sesifundza atawenta luhlu lwemagama ebantfu labatawufakwa kulesishayamtsetfo sesifundza lolungiswe ngekulandzela leShejuli nemtsetfo wavelonkhe.

9. Kususwa kweliphuzu 16 kufakwe leli lelandzelako:

16. Kubekwa kwetitfunywa

1. Uma sekucedziwe kubalwa kwemavoti, linani letitfunywa telicembu ngalinye selibekiwe nephumela welukhetfo sewukhishiwe ngekulandzela sigaba 190 seMtsetfosisekelo lomusha, liKhomishani, kungakapheli emalanga lamabili umphumela ukhishiwe, litawubeka kuluhlu ngalunye lwemagama, lolushicilelwe ngekulandzela umtsetfo wavelonkhe, labamele licembu ngalinye kusishayamtsetfo.\
 2. Kulandzela lokubekwa lokushiwo ephuzwaneni (1), uma ngabe ligama lalobekiwe livela etinhlwini letingetulu kwalunye lweSigungu saVelonkhe noma kuto totimbili tihlu lweSigungu saVelonkhe nelwesishayamtsetfo sesifundza (uma lukhetfo lweMkhandlu nelwesishayamtsetfo lubanjwe sikhatsi sinye), futsi lolobekiwe utawuyekela kusinye saletikhundla, licembu leliletse loluhlu, kumele ngemalanga lamabili alokubekwa, lisho kuleliKhomishani kutsi lowo muntfu utawubekwa kuluphi luhlu futsi utawungena kusiphi sishayamtsetfo, kuze kutsi ligama lakhe licishwe kuloluhlu lolunye.\
 3. LeliKhomishani litawushicilela ngekushesha emagama alabo labakhetsiwe kusishayamtsetfo noma kutishayamtsetfo.
10. Kuchitjiyelwa kweliphuzu 18 ngekususwa kwendzima (b) kufakwe lendzima lelandzelako:
- (b) sitfunywa sikhethwa njengesitfunywa lesingesuswa eMkhandlwini wavelonkhe weTifundza;
11. Kususwa kweliphuzu 19 kufakwe leli lelandzelako:
19. Luhlu lwetitfunywa letishiwo ephuzwini 16 (1) lungengetwa kanye kuphela noma nini etinyangeni letingu-12 kusukela ngelilanga lekwabekwa ngalo titfunywa ngaphasi kweliphuzu 16, kuze kugcwaliswe tikhala letivelile: kuphela nje uma ngabe loko kwengetwa kwentiwa ekugcineni kweluhlu.
12. Kususwa kwalelophuzu 23 kufakwe leli lelandzelako:
23. Tikhala
1. Uma ngabe kuvela sikhala kusishayamtsetfo sesifundza lapho leShejuli isebenta khona, licembu leliphumako litawugcwalisa leso sikhala ngekukhetsa umuntfu— 1 ligama lakhe lelikhona kuloluhlu lwebantfu lapho lelilunga leliphumako lakhethwa khona ekucaleni; kanye
 - a. nalokunguye lolandzelako lofanele nalokhona kuloluhlu.
 2. Kuphakanyiswa kwemagama ebantfu labatawugcwalisa leso sikhala kutawuniketwa Somlomo kubhalwe phansi.
 3. Uma ngabe licembu lelimelwe kusishayamtsetfo libhidlitwa noma lingasekho nemalunga alo ashiya tihlalo tawo ngekulandzela liphuzu 23A (1), letihlalo titawuniketwa emacembu lekasele ngalokunjalo kube sengatsi tihlalo letemukelwa licembu ngekweliphuzu 7 noma 14, njengoba kungenteka.”.
13. Kufakwa kweliphuzu lelandzelako ngemuva kweliphuzu 23:
23. Tizatfu letengetiwe tekulahlekelwa bulunga besishayamtsetfo
1. Lilunga lilahlekelwa bulunga besishayamtsetfo lapho leShejuli inemandla khona uma lowo muntfu ayekela kuba lilunga lellicembu lelamkhetsa kutsi abe lilunga lesishayamtsetfo.
 2. Ngaphandle kweliphuzwana (1) noma liphilicembu letembusave lingantjintja ligama lalo noma nini.
 3. Umtsetfo wePhalamende, kungakendluli sikhatsi lesidze loMtsetfosisekelo lomusha ucale kusebenta ungaphasiswa ngekulandzela sigaba 76 (1) seMtsetfosisekelo lomusha kuchibiyela leliphuzu kanye neliphuzu 23 kuze kubekwe indlela lokungentiwa ngayo kutsi lilunga lesishayamtsetfo leseliyekelile kuba lilunga lalelicembu lelalikhetsa, kutewugcina bulunga balo kusishayamtsetfo.
 4. Umtsetfo wePhalamende lophawulwe ephuzwini (3) ungenta kube khona futsi—
 - a. kuhlanguka kwellicembu nalelinye licembu; noma
 - b. kuhlephuka kwellicembu libe ngemacembu lamanyenti.
14. Kucishwa kweliphuzu 24.
15. KuChitjiyelwa kweliphuzu 25
- a. ngekufaka lenchazelo “yeliKhomishani” ephuzwini 25:
- “liKhomishani” lisho liKhomishani leluKhetfo lelishiwo esigabeni 190 seMtsetfosisekelo lomusha;
- kanye
- b. nangekufaka lenchazelo lelandzelako ngemuva kwenchazelo: “luhlu lwavelonkhe”:
- “UMtsetfosisekelo lomusha” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996.

16. Kucishwa kweliphuzu 26.

Sihlomelo B: Hulumende Welubumbano Lwavelonkhe: Umkhakha Wavelonkhe

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

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

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

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

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

- (a) liSekela laMengameli lelikhetfwe nguMengameli;

4. Sigaba 91 seMtsetfosisekelo lomusha sitsatfwa kutsi sifundzeka kanje:

91. iKhabhinethi

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

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

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

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

lokahle.

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

93. Kubekwa kwemaSekela etiNdvuna tembuso

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

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

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

Sihlomelo C: Hulumende Welubumbano Lwavelonkhe: Umkhakha Wesifundza

1. Sigaba 132 seMtsetfosisekelo lomusha sitsatfwa ngekutsi sifundzeka kanje:

132. IMikhandlu leyeNgamele

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

kwendzima(b) –

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

2. Sigaba 136 seMtsetfosisekelo lomusha sitsatfwe ngekutsi sicuketse lesigatjana lesengetako

lesilandzelako:

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

kulandzela inchubomgomo yeMkhandlu loweNgamele, Ndvunankhulu angalicela lelo lunga kutsi liphatse sikhundla salo ngekuhambisana nalenchubomgomo lehleliwe.

6. Uma lelilunga lelitsintsekako liyehluleka kulandzela imiyalo yaNdvunankhulu ngaphasi kwesigatjana (5), Ndvunankhulu angalisusa esikhundleni ngemuva kwekubonisana nalo, kepha uma lelo lunga lingasilo lilunga lelicembu laNdvunankhulu noma lingasiye umholi welicembu lelingenele kubuswa kwesifundza, ngemuva kwekubonisana nemholi walelo cembu.

Sihlomelo D: Kuphatfwa Kwembuso Nemibutfo

Yetekuphepha: Tichibiyelo Etigabeni Temtsetfosisekelo Lomdzala

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

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

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

- (b) kubekwa kwaboKhomishani bemaphoyisa betifundza;

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

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

futsi

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

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

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

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

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

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

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

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

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

5. Kuchitjiyelwa kwesigaba 236 seMtemtsetfosisekelo lomdzala –

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

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

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

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

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

futsi

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

ngeMtsetfosisekelo lomusha.

6. Kuchitjiyelwa kwesigatjana 237 seMtsetfosisekelo lomdzala—

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

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

(i) kuphatfwa kahle kwembuso ezingeni lahulumende wavelonkhe kutekwati kuphatsa

tindzaba letiwela ngaphasi kwemkhakha wahulumende wavelonkhe; futsi

(ii) nekuphatfwa kahle kwembuso wahulumende wesifundza ngasinye kuze sikwati kulungisa tindzaba letiwela ngaphasi kwesigaba sahulumende wesifundza.

futsi

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

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

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

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