

Timiso Letisekelo teMtsetfosisekelo

**weRiphabhulikhi yaseNingizimu Afrika,
1996, Letentelwe Bafundzi Malula**



SENDLALELO, TIMISO LETISEKELO NELUCWEBU

"Umbhalo weSingisi ngumbhalo losemtsetfweni weMtsetfosisekelo"

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Sendlalelo, Timiso Letisisekelo neLucwebu

SINGENISO NGABE YINI UMTSETFOSISEKELO?

Umtsetfosisekelo ngumtimba wemigomo lesisekelo lekumele kwenganyelwe ngayo Umbuso. Ukhombisa kwekutsi yonkhe imisuka yahlumende ihleleke njani futsi ucuketse imitsetfo yekutsi emandla asetjentiswa njani, ngubani lowasebentisako futsi asetjentiswa kubani ekuphatseni live. Ungabonakala njengenkholeka phakatsi kwalabo labasemandleni nakulabo lekumele kusetjentiswe kubo lamandla. Uchaza emalungelo kanye nemisebenti yetakhamuti, kanye netindlela tekugcina labo labasemandleni bahlolwa.

Umtsetfosisekelo weRiphabhulikhi yaseNingizimu ngumtsetfo losetulu welive letfu. Uniketa sisekelo semtsetfo sekubakhona kweRiphabhulikhu, ubeka emalungelo nemisebenti yetakhamuti tayo, futsi uchaza luhlaka lwaHulumende. Bewubitwa "ngesitifiketi sekutalwa" kweNingizimu Afrika lekhululekile futsi yentsandvo yelinyenti.

Umtsetfosisekelo wetfu ngumtsetfo lomaluleke kakhulu - nobe losetulu welive. Kute lomunye umtsetfo longagcubutana nawo; nobe Hulumende ente nobe yini lephikisana nawo. Kumbuso wentsandvo yelinyenti wemtsetfosisekelo njengelona wetfu, uMtsetfosisekelo ungetulu kwePhalamende futsi usilinganiso lekwahlulelwa ngaso leminye imitsetfo. Usebentisa kuyo yonkhe imitimba yeMbuso. Inkantolo yeMtsetfosisekelo yinkantolo lephakeme yaseNingizimu Afrika ngetindzaba letiphatselene nemtsetfosisekelo futsi ngumtimba loneligama lekugcina ngekuhunyushwa kweMtsetfosisekelo.

Umtsetfosisekelo waseNingizimu, njengesibonelo, uchaza kwekutsi Hulumende wakhiwa njani, ukhetfwa njani nekutsi usebenta njani. Uchaza emandla aHulumende - kanye nemikhawulo kulamanda - futsi ucinisekisa emalungelo ebantfu. Uphindze ubeke kwekutsi Hulumende utatiphendvulela njani ebantfwini labamukhetsato.

Umtsetfosisekelo wenta sisekelo semphilo yesive eNingizimu Afrika. Kodvwa wenta ngetulu kwekuchaza kwekusebentsa kweMbuso. Umtsetfosisekelo wetfu ukhombisa ematsemba netifiso tesive.

KUBALULEKA KWESENDLALELO, SEHLUKO 1 (TIMISO LETISISEKELO) FUTSI SEHLUKO 2 (LUCWEBU LWEMALUNGELO) SEMTSETFOSISEKELO

Imitsetfosisekelo leminyenti ivela ngenca yetigameko letikhetsékile. INingizimu Afrika indlule ngaphasi kwesikhatsi leitimatima kakhulu kusuka kumbuso welubandlululo locindzelako (luhlelo lolutfolwe ngekutibusa kwephalamende) kuya kumbuso wentsandvo yelinyenti yemtsetfosisekelo lotibophelele kwakha ummango ngekuya ngemagugu entsandvo yelinyenti, bulungiswa betenhlalakahle nemalungelo eluntfu lasisekelo.

Umtsetfosisekelo wetfu ukhombisa umlandvo lowehlukile kantsi nekulwela inkhululeko nentsandvo yelinyenti kwetfu. Ngekubuka likudzala leNingizimu Afrika, akumangalisi kwekutsi uMtsetfosisekelo wetfu uhlala uphokelela ngesidzingo sekwakha sive "lesiselubala futsi sentsandvo yelinyenti", futsi ugcizelela sitfunti, bulungiswa nekulingana.

Sendlalelo ngumbiko wesingeniso lomfishane lochaza inhloso leholako nemigomo yeMtsetfosisekelo. Sehluko 1 siveta imigomo yemtsetfosisekelo lesemcoka futsi, njengobe ibaluleke kakhulu ngalendlela kumetima kakhulu kuyintjintja.

Sehluko 1 singantjintjwa nguMtsetfosivivinyo lophasiswe Libandla Lavelonkhe, ngevoti leyesekelako yalokungenani emaphesenti langema-75 emalunga ayo kanye neMkhandlu Wetifundza Wavelonkhe, ngevoti leyesekelako yalokungenani tifundza letisitfupha.

Imitsetfosisekelo nekulandzela umtsetfosisekelo kuhambisana nemalungelo eluntfu. Emalungelo avame kubekwa encenyeni lekhetsekile kumtsetfosisekelo, lebitwa ngeluCwebu lwemaLungelo eLuntfu. Sehluko 2 seMtsetfosisekelo wanga-1996 sicuketse luCwebu lwemaLungelo eLuntfu lwaseNingizimu Afrika. Ngulencenye yeMtsetfosisekelo lenenshisakalo lenkhulu - futsi inemtselela lomkhulu kubantfu baseNingizimu Afrika - kuleminyaka lembalwa leyengcile. Lemibandzela ikhuluma ngemalungelo ekulingana, sitfunti seluntfu, imphilo nelingasese, phakatsi kwaletinye tintfo, kanye netinkhululeko tetinkholo nekuveta luvo. Iphindze yeyame budlelwane betemisebenti, bantfwana, imfundvo kanye netinchubo temtsetfo.

LuCwebu lwemaLungelo lusisekelo sentsandvo yelinyenti eNingizimu Afrika. Lucinisekisa emagugu entsandvo yelinyenti esitfunti seluntfu kulingana nenkhululeko. LuCwebu lwemaLungelo eLuntfu kuSehluko 2 seMtsetfosisekelo lucuketse inhlanganisela lebalulekile yemalungelo eluntfu lehlose kuchaza emalungelo ebantfu, isho kutsi asebenta kubani futsi njani, futsi ilawule kutsi kunini futsi njani lapho lamalungelo angakhawuliswa khona.

Sehluko 2 singantjintjwa nguMtsetfosivivinyo lophasiswe Libandla Lavelonkhe, ngevoti leyesekelako yalokungenani ngulokubili kulokutsatfu kwemalunga ayo kanye neMkhandlu wetiFundza waVelonkhe, ngevoti leyesekelako yalokungenani tifundza letisitfupha.

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“Umbhalo weSingisi ngumbhalo losemtsetfweni weMtsetfosisekelo”.

SENDVULELO

*Tsine, bantfu baseNingizimu Afrika,
Siyakubona kungabi khona kwebulungiswa esikhatsini lesengcile;
Setfulela sigcoko labo labahlushwa kuze sitfole bulungiswa nenkhu-
luleko eveni lakitsi;*

*Sihlonipha labo labaye basebentela kwakha nekutfufukisa live lakitsi;
futsi Sikholelwa ekutseni iNingizimu Afrika yabo bonkhe labahlala
kuyo, sihlange ngekwehlukahlukana kwetfu;*

*Ngako-ke, ngekumelelwa titfunywa tetfu letikhetfwe ngekukhululeka,
siyawamukela loMtsetfosisekelo njengemtsetfo lophakeme kunayo
yonkhe eRiphabhulikhi ngenjongo—*

*Yekwelapha kwehlukahlukana kwesikhatsi lesengcile kanye
nekusungula ummango losekelwe kumagugu entsandvo yelinyenti,
bulungiswa betenhlalakahle kanye nemalungelo lasisekelo eluntfu;*

*Yekumiswa kwesisekelo semmango wentsandvo yelinyenti
nalongenamfihlo lapho hulumende abekwe ngetifiso tebantfu futsi
nalapho tonkhe takhamuti tivikelwe ngalokulinganako ngumtsetfo;*

*Yekunconota lizinga lemphilo lato tonkhe takhamuti futsi
kukhululwe emakhono emuntfu ngamunye; kanye*

*Neyekwakha iNingizimu Afrika lebumbene neyentsandvo
yelinyenti futsi lekwati kutsatsa 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

IMIBANDZELA

IRiphabhulikhi yeNingizimu Afrika

1. IRiphabhulikhi yeNingizimu Afrika ilive linye, lelitibusa ngekwentsandvo yelinyenti futsi lelesekela kulamagugu lalandzelako:
 - (a) Sitfunti sebuntfu, kuzuzwa kwekulingana kanye nekutfutukiswa kwemalungelo eluntfu nenkhululeko.
 - (b) Kungabi khona kwelubandlululo ngekwwebuhlanga nangekwebulili.
 - (c) Kuphakama kwemtsetfosisekelo kunayo yonkhe imitsetfo kanye nekulawula kwemtsetfo.
 - (d) Kuvumeleka kwalabadzala kutsi bavote, luhlu lolwetayelekile lwabavoti bavelonkhe, lukhetfo loluba khona njalo kanye neluhlelo lwahulumende wentsandvovoyelinyenti lowakhiwe ngemacembu lamanyenti, kuze kucinisekise kutiphendvulela, kugcinwa kwetsetsembiso kanye nekuba selubala.

Kuphakama kweMtsetfosisekelo kunayo yonkhe imitsetfo

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

Buve

3. (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.

Liculo lesive

4. Liculo lesive leRiphabhulikhi litawuncunwa nguMengameli ngesimemetelo semtsetfo.

Umtjeka wavelonkhe

5. Umtjeka wavelonkhe weRiphabhulikhi unembala lomnyama, losaligolide, loluhlata satjani, lomhlophe, lobovu naloluhlata sasibhakabhaka, njengobe kuchazwe kwaphindze kwadvwetjwa kuShejuli 1.

Tilwimi

6. (1) Tilwimi letisemtsetfweni 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.
- (3) (a) Hulumende wavelonkhe nabohulumende betifundza bangasebentisa nobe ngutiphi tilwimi letisemtsetfweni emisebentini yahulumende, ngekubuketa kusetjentiswa, kuphumeleleka, tindleko, timo tesigodzi kanye nekulinganisa tidzingo nekutikhetsela kwebantfu bonkhana nobe esifundzeni lesitsintsekako; kepha hulumende wavelonkhe nalowo nalowo hulumende wesifundza kumele basebentise lokungenani tilwimi letimbili letisemtsetfweni.
- (b) Bomasipala kumele babukete kusetjentiswa kwetilwimi kanye nekutikhetsela kwebahlali betindzawo tabo.

- (4) Hulumende wavelonkhe nabohulumende betifundza, ngetinyatselo temtsetfo nangaletinye tindlela, kumele bacondzise futsi balandzelele kusebentisa kwabo tilwimi letisemtsetfweni. Ngephandle kwekwehluka etimisweni tesigatjana (2), tonkhe tilwimi letisemtsetweni kumele tiniketwe kuhlonishwa futsi kumele tiphatfwe ngalokunebulungiswa.
- (5) LiBhodi letiLwimi Tonkhe taseNingizimu Afrika lelisungulwe ngekulandzela umtsetfo wavelonkhe kumele -
 - (a) lenyuse, futsi lakhe timo letilungele kutfutukiswa nekusetjentiswa -
 - (i) kwato tonkhe tilwimi letisemtsetfweni;
 - (ii) kwetilwimi temaKhoyi, emaNama nemaSan; kanye
 - (iii) nelulwimi lwetimphawu; liphindze
 - (b) lenyuse futsi licinisekise kuhlonishwa -
 - (i) kwato tonkhe tilwimi letivamise kusetjentiswa yimiphakatsi 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

EmaLungelo

7. (1) LoluCwebu lwemaLungelo eLuntfu lusisekelo sentsandvo yelinyenti eNingizimu Afrika. Luvikela emalungelo abo bonke bantfu eveni lakitsi luphinde 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 nobe lochazwe esigabeni 36, nobe lokuletinye tindzawo kuloluCwebu.

Kusetjentsiswa

8. (1) LuCwebu lwemaLungelo eLuntfu lusebenta kuyo yonkhe imitsetfo fusi lubopha sishayamtsetfo, sigungu lesengamele, tinkantolo kanye natotonke tikhungo tembuso.
- (2) Simiso saloluCwebu lwemaLungelo eLuntfu sibopha umuntfu ngekwemvelo kanye nemuntfu-mtsetfweni, uma sisetjentsiswa, nobe kuye ngekutsi ngabe singasetjentsiswa na, ngekubukwa kwenhlobo yalelo lungelo kanye nenhlobo yemtfwalo leliwetfwesako lelo lungelo.
- (3) Uma kusetjentsiswa 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 itfutfukise, umtsetfo lowetayekekile kuze kufike ezingeni lapho umtsetfo lobekiwe ungaliphumelelisi 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.

Kulingana

- 9. (1) Wonkhewonkhe uyalingana ngembi kwemtsetfo futsi ngalokulinganako unelilungelo lekuvikeleka nekuzuza emtsetfweni.
- (2) Kulingana kufaka ekhatsi kutfokotela emalungelo nekukhululeka ngalokuphelele nangalokulinganako. Kuze kutawukhutsatwa kutfolakala kwekulingana, kungahle kutsatfwe tinyatselo temtsetfo kanye netalolunye luhlobo letimiselwe kuvikela nobe kutfutukisa bantfu, nobe tinhlobo letitsite tebantfu lebetincishwe ematfuba ngenca yelubandlululo lolungenabulungiswa.
- (3) Umbuso akumelanga ubandlulule umuntfu ngalokungenabulungiswa ngalokucondzile nobe ngekugegisa ngesizatfu sinye nobe letinyenti, letifaka ekhatsi buhlanga, inkhuliso, bulili, kwemitsa, kutsi umuntfu ushadile nobe akakashadi, kwehlukana kwebantfu ngebuve nobe 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 nobe ngekugegisa ngesizatfu sinye nobe letinyeti tizatfu letibekwe esigabeni (3). Umtsetfo wavelonkhe kumele ubekwe kuvimbela nekwencabela lubandlululo lolungakalungi.

- (5) Lubandlululo lolwentiwe ngasinye nobe letinyeti taletizatfu letibekwe esigatjaneni (3) alukalungi ngaphandle uma ngabe kutfolakala bafakazi bekutsi lolo lubandlululo lulungile.

Sitfunti sebuntfu

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

Imphilo

11. Wonkhewonkhe unelilungelo lekutsi aphaile.

Inkhululeko nekuvikeleka kwebuntfu

12. (1) Wonkhewonkhe unelilungelo lenkhululeko nekuvikeleka kwemuntfu, lokufaka ekhatsi lilungelo -
- (a) lekungamani emukwe inkhululeko nje ngalokungakafaneli nobe ngaphandle kwesizatfu lesifanele;
 - (b) lekungavalelwa ejele ngaphandle kwekushushiswa;
 - (c) lekukhululeka kuto tonke tinhlobo tekuhlunyetwa letiphuma emitfonjeni yembuso nobe yangasese;
 - (d) lekungaviswa buhlungu emtimbeni nganobe nguyiphi indlela; kanye
 - (e) nelekungaphatfwa nobe lekungajeziwa ngendlela lenelunya nalengenabuntfu nobe leyehlisa sitfunti.
- (2) Wonkhewonkhe unelilungelo ekuvikelekeni kwemtimba nekwasegcondvweni, lokufaka ekhatsi lilungelo -
- (a) lekwenza tincumo mayelana nekutala;
 - (b) lekuvikeleka kwemitimba nekutiphatsela imitimba yabo; kanye
 - (c) Nelekungentiswa imisebenti yekulinga kutekwelashwa nobe tesayensi ngephandle kwemvume lecebisekile yalowo muntfu.

Bugcili, kusebenta matima njengemtfunjwa kanye nekusentjentswa ngenkhani

13. Kute umuntfu lokumele afakwe ebugcilini, emsebentini lomatima njengemtfunjwa nobe ekusetjentsweni ngenkhani.

Lingasense

14. Wonkhe umuntfu unelilungelo lelingasense, lelifaka ekhatsi lilungelo -
- (a) lekutsi umuntfu nobe likhaya lakhe lingaseshwa;
 - (b) lekutsi imphahla yakhe ingaseshwa;
 - (c) lekutsi tintfo lekanato tingabanjwa; nobe
 - (d) lekutsi lingasense lekuchumana kwakhe lingatsikanyetwa.

Inkhululeko kutenkholo, inkholelo kanye nembono

15. (1) Wonkhewonkhe unelilungelo lenkhululeko yanembeza, kutenkholo, kumcabango, kunkholelo kanye nakumbono.
- (2) Imigidvo yetenkholo ingabanjelwa etikhungweni tembuso nobe 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 yanobe nguwapfi emasiko, nobe luhlelo lwemtsetfo wetenkholo, umtsetfo webantfu nobe lophatseleni netemndeni; nobe
 - (ii) tinhlelo temtsetfo webantfu nobe lophatselene netemndeni ngaphasi kwanobe nguwapfi emasiko, letilandzelwa bantfu labachuba inkholo letsite.

- (b) Kuhlonishwa ngekulandzela indzima(a) kumele kuhambisane nalesigaba kanye naletinye timiso teMtsetfosisekelo.

Inkhululeko yekubeka luvo

- 16. (1) Wonkhewonkhe unelilungelo lenkhululeko yekubeka luvo lwakhe, lelifaka ekhatsi -
 - (a) inkhululeko yebetindzaba naletinye tinhlobo tekusakata tindzaba;
 - (b) inkhululeko yekwemukela nobe kuniketa imininingwane nobe emasu;
 - (c) inkhululeko yekusebentisa emakhono ekusungula; kanye
 - (d) nenkhululeko kutemfundvo lececeshekile kanye neyekwenta lucwaningo ngetesayensi.
- (2) Lelilungelo lelisesigatjaneni (1) alenabeli kuloku lokulandzelako -
 - (a) imfundzisolite legcugcutela imphi;
 - (b) kubhebhetselisa umoya weludlame lolungase lucubuke nobe nini; nobe
 - (c) kushumayela intondvo ngenca yebuhlanga, buve, bulili, nobe inkholo, futsi lokukhomba kubhebhetselisa umoya wekubanga kulimata.

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

- 17. Wonkhewonkhe unelilungelo, ngekuthula futsi angakahlomi, lekubutsana, lekushuca, lekuphatsa tincwembe letibhalwe tikhalo nekwetfula ticelo letibhalwe phasi.

Inkhululelo yekuhlanganyela

- 18. Wonkhewonkhe unelilungelo lenkhululeko yekuhlanganyela.

Emalungelo etembusave

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

Buve

20. Kute sakhamuti lesingemukwa lilungelo lekuba sakhamuti.

Inkhululeko yekuhamba nekuhlala nobe kuphi

21. (1) Wonkhewonkhe unelilungelo lenkhululeko yekuhamba nobe kuphi.
- (2) Wonkhewonkhe unelilungelo lekuhamba ashiye iRiphabhulikhi.
- (3) Sonkhe sakhamuti sinelilungelo lekungena, nekutsi sihlale, nekutsi sakhe nobe kuphi eRiphabhulikhi.
- (4) Sonkhe sakhamuti sinelilungelo lekutfola iphasipoti.

Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe

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

Budlelwano emkhatsini kwebacashi nebasebenti

23. (1) Wonkhewonkhe unelilungelo lekuphatfwa ngalokunebulungiswa emsebentini.
- (2) Wonkhe umcashwa unelilungelo –
- (a) ekubumba 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 tnhlango yebacashi.
- (4) Tonkhe tinyunyana tebasebenti nato tonkhe tnhlango tebacashi tinelilungelo -
- (a) lekutincumela kuphatfwa kwato, tnhlelo kanye nemishikashika yato;
 - (b) lebukatsana; kanye
 - (c) nelekubumba nekujoyina licoco letinhlango nobe tinyunyana.
- (5) Tonkhe tinyunyana, tnhlango tebacashi kanye nebacashi banelilungelo lekucocisana ngekuhlanyela mayelana netinzuzo temacala onkhe. Umtsetfo wavelonkhe ungashaywa kutsi utawucondzisa kucocisana ngekuhlanyela kwebacashi nabasebenti. Ngekufinyelela ezingeni lowo mtsetfo longahle unciphise lilungelo lelikuleSehluko, lokuncishiswa kumele kuhambelane nesigaba 36 (1).

- (6) Umtsetfo wavelonkhe ungemukela tihlelo tekuphepha tetinyunyana leticuketfwe etivumelwaneni tekucocisana ngekuhlanganyela kwebacashi nebasebenti. Ngekufinyelela ezingeni lowo mtsetfo longahle unciphise lilungelo lelikuleSehluko, lokuncishiswa kumele kuhambelane nesigaba 36 (1).

Simondzawo

24. Wonkhewonkhe unelilungelo –

- (a) lesimondzawo lesingesiyi ingoti emphilweni yakhe nobe ekuphileni kahle kwakhe; kanye
- (b) nelekutsi simondzawo sivikeleke, kuze kuzuze netitukulwane letikhona naletitako, ngekusebentisa tinyatselo temitsetfo naletinye tindlela letifanele letentelwe-
 - (i) kuvimbela kungcola nekuvimbela kwehla kwelizinga lendzawomvelo;
 - (ii) kukhutsata kulondvolotwa kwemvelo; kanye
 - (iii) nekucinisekisa kutfutukiswa kwendzawomvelo lesimeme nekusetjentiswa kwemitfombolusito yemvelo kubuye kutfutukiswe ngendlela lengiyo temnotfo netenhlalakahle.

Imphahla

25. (1) Kute umuntfu longemukwa imphahla ngaphandle uma kwentiwa ngekwemtsetfo losebenta ngalokwetayeyekile, futsi kute umtsetfo longavumela kutsatselwa imphahla ngalokungekho emtsetfweni.
- (2) Imphahla ingatsatfwa kumnikati ngumbuso kuphela ngekulandzela umtsetfo losetjentiswa ngalokwatayeyekile-
- (a) kuze isetjentiselwe injongo yemphakatsi nobe ngekwetimfuno temphakatsi; futsi
 - (b) ngekubhadalwa kwesincephetelo, linani laso, nesikhatsi kanye nendlela lekubhadalwa ngayo

lokumele kube ngulokuvunyelenwe ngako ngulabo labatsintsekako nobe loncunywe nobe lokwemukelwe yinkantolo.

- (3) Linani lesincephetelo nesikhatsi, kanye nendlela lokufanele kubhadalwe ngayo sincephetelo kufanele kube ngulokunebulungiswa nalokufanele, kukhombise kulinganiseka lokunebulungiswa lokukhona emkhatsini kwetimfuno temphakatsi mayelana nalemphanhla kanye nalabo labatsintsekako ngalemphahla, ngemuva kwekubuketa tonkhe timo letifanele letifaka ekhatsi -
 - (a) kusetjentiswa kwalemphahla ngaleso sikhatsi;
 - (b) umlandvo wekutfolakala kwalemphahla nekusentjentiswa 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 temphakatsi tifaka ekhatsi kutibophelela kwesive kungucuko kutemhlaba, netingucuko letiletsa kufinyeleleka ngekwwebulungiswa kwayo yonkhe imitfombolusito yemvelo yeNingizimu Afrika; futsi
 - (b) imphahla ayisiwo umhlaba kuphela.
- (5) Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze kutenconotwa simo lesitawenta kutsi takhamuti titfole umhlaba ngendlela lenebulungiswa.
- (6) Umuntfu nobe umphakatsi buniyo bawo kumhlaba bungenakucinisekiswa kwemtsetfo ngesizatfu semitsetfo nobe tinchubo tangaphambilini telubandlululo ngekwwebuhlanga, unelilungelo lebuniyo lobucinisekisiwe nobe lekunceshetelwa ngalokucatsanisekako, ngekuya ngekwetimiso teMtsetfo wePhalamende.

- (7) Umuntfu nobe umphakatsi lowephucwa imphahla ngemuva kwamhlaka 19 Juni 1913 ngesizatfu semitsetfo nobe tinchubo tangaphambilini telubandlululo ngekwwebuhlanga unelilungelo, ngekuya ngekwetimiso teMtsetfo wePhalamende, lekutsi abuyiselwe imphahla yakhe nobe anceshetelwe ngalokunebulungiswa.
- (8) Kute simiso kulesigaba lesingavimbela hulumende kutsi atsatsa tinyatselo tetemtsetfo nobe talolunye luhlobo kuze kufinyelelwe ingucuko kutemhlaba, kutemanti nalokunye lokuhambisanako, ngesizatfu sekulungiswa kwemiphumela yelubandlululo yangaphambilini ngekwwebuhlanga, ngaphasi kwembandzela wekutsi loko kучезuka kuletimiso letikulesigaba kuyavumelana netimiso tesigaba 36 (1).
- (9) Iphalamende kumele iphasise lomtsetfo lophawulwe esigatjaneni (6).

Tindlu tekuhlala

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

Lunakekelo lwetemphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle

27. (1) Wonkhewonkhe unelilungelo lekufinyelela –
 - (a) tinsita telunakekelo lwetemphilo, lokufaka ekhatsi lunakekela lwetekutfola bantfwana;

- (b) kudla lokwenele kanye nemanti lekanele; kanye
- (c) nekuvikeleka kwetenhlahakahle, lokufaka ekhatsi, uma ngabe akakwati kutondla yena nelusendvo lwakhe, kwelekelelwa kwetenhlahakahle.
- (2) Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze lelo nalelo lungelo liphunyeleliswe ngekwetigaba tenchubekelembili.
- (3) Kute umuntfu lotawuncishwa kwelashwa etimeni letibucayi.

Bantfwana

28. (1) Wonkhe umntfwana unelilungelo –
- (a) lekuba neligama kanye nebuve kusukela atalwa;
 - (b) lekunakekelwa ngumndeni nobe kunakekelwa batali, nobe lokunye kunakekelwa lokufanelekile uma ngabe asuswe kusimondzawo semndeni wakhe;
 - (c) lekunikwa kudla lokusisekelo lokunemsoco, indzawo yekufihla inhloko, lusitosisekelo lwelunakekelo lwetemphilo, kanye nelusito kutenhlalakahle;
 - (d) lekuvikeleka ekuphatfweni kabi, ekunganakekelweni, ekuhlukunyetweni nobe ekunyembenyweni;
 - (e) lekuvikeleka ekuphatfweni kabi ngekwasemsebentini;
 - (f) lekungentiswa nobe lekungavunyelwa kutsi ente imisebenti -
 - (i) lengakamlungeli umntfwana waleyo minyaka; nobe
 - (ii) lebeka imphilo yalowo mntfwana, imfundvo yakhe, umtimba wakhe nobe ingcondvo yakhe nobe kutfutfuka kwakhe ngekwemoya, ngekwesimilo nobe ngekwenthlalakahle engotini;
 - (g) lekungavalelwa ejele, ngaphandle uma ngabe sekute lenye indlela, kantsi uma ngabe kudzingekile, ngetulu kulamalungelo umntfwana lanawo ngaphasi

- kwetigaba 12 na-35, lowo mntfwana angavalelwa kuphela sikhatsi lesifanele lesincane futsi unelilungelo -
- (i) lekugcinwa ngekwehlukaniswa nalabanye bantfu labavalelwe ejele labaneminyaka lengetulu kwa-18; kanye
 - (ii) nelekuphatfwa ngendlela, futsi agcinwe esimeni, lebonelela iminyaka yakhe;
- (h) lekuniketwa ummeli ngumbuso, lokhokhelwa ngetimali tembuso, emacaleni langafaki bugebengu latsintsa lowo mntfwana, uma ngabe bulungiswa bungacekeleka phasi uma loku kungentiwa loku; kanye
- (i) nelekungasetjentiswa-ngco uma kunekungcubutana ngetikhali, kanye nekuvikeleka ngetikhatsi tekungcubutana ngetikhali.
- (2) Inhlalakahle yalomntfwana iyintfo lebaluleke kakhulu kuto tonkhe tintfo letiphatselene nalomntfwana.
- (3) Kulesigaba, ligama "umntfwana" lisho umuntfu loneminyaka lengaphasi kwa-18.

Temfundvo

29. (1) Wonkhewonkhe unelilungelo -
- (a) lemfundvo lesisekelo, lokufaka ekhatsi imfundvo lesisekelo yalabadzala; kanye
 - (b) lemfundvo lephakeme, ngekwetinyatselo temitsetfo kanye naletinye tindlela letifanalekile, lokumele umbuso uyente itfolakale futsi ifinyeleleke ngekwetigaba tenchubekelembili.
- (2) Wonkhewonkhe unelilungelo lekutfolela imfundvo ngelulwimi nobe ngetilwimi letisemtsetfweni latikhetsile etikhungweni temfundvo temphakatsi 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 ngekwebuhlanga.
- (3) Wonkhewonkhe unelilungelo lekusungula nekugcina, ngekusebentisa timali takhe, tikhungo letitimele temfundvo -
- (a) letingabandlululi ngekwebuhlanga;
 - (b) letibhalisiwe nembuso; futsi
 - (c) letigcina emazinga langekho ngaphasi kwemazinga etikhungo tetemfundvo tembuso leticatsanisekako.
- (4) Sigatjiana (3) asencabeli kwelekelelwa kwetikhungo temfundvo letitimele ngumbuso ngetimali.

Lulwimi nemasiko

30. Wonkhewonkhe unelilungelo lekusebentisa lulwimi nekutimbandzakanya emishikashikeni yelisiko latikhetsela kona, kepha kute umuntfu lotawutsakasela lawa malungelo ngendlela lengahambisani nanobe ngusiphi simiso seluCwebu lwemaLungelo eLuntfu.

Imiphakatsi yemasiko, yetenkholo neyelulwimi

31. (1) Bantfu labangemalunga emiphakatsi yemasiko, yetenkholo nobe yelulwimi angeke bencatjelwe lilungelo, namanye emalunga aleyo miphakatsi -
- (a) lekutsakasela emasiko abo, lekuchuba inkholo yabo kanye nekusebentisa lulwimi lwabo; kanye

- (b) nelekubumba, lekujoyina nelekugcina tinhlango
naleminyane imitimba yemphakatsi lokwesekelake
kumasiko, tenkhulu nelulwimi.
- (2) Lamalungelo lasesegatjaneni (1) angeke atsakaselwa
ngendlela lengahambisani nanobe ngusiphi simiso
seluCwebu lwamaLungelo eLuntu.

Kufinyeleleka kwemininingwane

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

Sinyatselo setekuphatsa lesinebulungiswa

33. (1) Wonkhewonkhe unelilungelo lesinyatselo setekuphatsa
lesisemtsetfweni, lesifanale futsi lesilandzela inhubo
lenebulungiswa.
- (2) Wonkhewonkhe emalungelo akhe latsikanyetwe sinyatselo
setekuphatsa unelilungelo lekuniketwa tizafu letibhalwe
phasi.
- (3) Kumele kuphasiswe umtsetfo wavelonkhe kuze
kutewuniketwa kusebenta kwalamalungelo futsi lomtsetfo
kumele -
- (a) uniketele ngekubuyeketwa kwetinyatselo tetekuphatsa
yinkatolo nobe, lapho kufanele khona, yinkhundla
lelitimele nalelingakhetsi;

- (b) wetfwese umbuso ngemtfwalo wekuphumelelisa kusebenta kwalamalungelo lasetigatjaneni (1) na –(2); uphindze
- (c) utfutfukise kuphatsa kwembuso ngendlela lefanele.

Kufinyeleleka kwenkantolo

34. Wonkhewonkhe unelilungelo lekutsi nobe ngabe nguluphi ludzaba lwembango lanalo lucatululwe ngekusetjentiswa kwemtsetfo lendlela lenebulungiswa ngembi kwenkantolo nobe, uma kufanelekile, ngulenze inkhundla nobe ngumtimba lotimele nalongakhetsi.

Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala

35. (1) Wonkhewonkhe loboshwe ngenca yekusolwa kutsi wente licala lelitsite unelilungelo –
- (a) lekubindza angasho lutfo;
 - (b) lekwatiswa ngekusheshisa
 - (i) ngelilungelo lakhe lekubindza angasho lutfo; kanye
 - (ii) nangemphumela longaba khona uma ngabe angabindzi;
 - (c) lekungaphocelwa kuvuma nobe kwemukela sifungo lesingasetjentiswa njengebufakazi macondzana nalowo muntfu;
 - (d) lekuletfa ngembi kwenkatolo ngekusheshisa, kepha hhayi ngemuva -
 - (i) kwema-awa langu-48 ngemuva kwekuboshwa; nobe
 - (ii) kwekuphela kwelusuku lwekutsetfwa kwemacala lwekucala ngemuva kwekuphela kwalama-awa langu-48, uma lesikhatsi lesingema-awa langu-48 siphela ema-aweni langesiwo ekutsetsa emacala nobe siphela ngelilanga lelingesilo lekutsetsa emacala;

- (e) ekuveleni kwekucala enkantolo ngemuva
kwekuvalelwa, lekwetfweswa licala nobe lekwatiswa
ngesizathu sekuchubeka nekuvalelwa, nobe akhululwe;
kanye
 - (f) nelekukhululwa ekuvalelweni uma ngabe timo
tebulungiswa tivuma, ngephasi kwemibandzela
lefanele.
- (2) Wonkhewonkhe lovalelwe, lokufaka ekhatsi leso naleso
siboshwa lesigwetjiwe, unelilungelo-
- (a) lekwatiswa 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 nekucekelwa phasi kwebulungiswa
uma kwentiwa ngalolunye luhlobo, kanye nekwatiswa
ngalelilungelo ngekusheshisa;
 - (d) lekubeka incabhayi matfupha mayelana nekuba
semtsetfweni kwekuvalelwa kwakhe enkantolo
kanye nekutsi, uma ngabe loko kuvalelwa kungekho
emtsetfweni, akhululwe;
 - (e) lekuvalelwa ngaphasi kwetimo letihambisana
nekuhlonishwa kwebuntfu, lokufaka ekhatsi
lokungenani simiso sekutsi atfole indzawo leyenele
yekuhlala, kudla lokunemsoco, tintfo tekufundza kanye
nekwelashwa ngetindlelo letikhokhelwa ngumbuso;
kanye
 - (f) lekuchumana, nelekuvakashelwa, kwalowo muntfu -
 - (i) nguwakakhe/nobe 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 leyenele kutsi akwati kutiphendvulalela macondzana nalelicala;
 - (b) lekuniketwa sikhatsi lesenele netinsita tekulungiselela kutivikela kwakhe;
 - (c) lekushushiswa embi kwemphakatsi enkantolo leyetayelekile;
 - (d) lekutsi lelicala litsetfwe lize liyewuphela ngaphandle kwekubanjelelwa ngalokungenatizafu;
 - (e) lekuba khona enkantolo ngesikhatsi ashushiswa;
 - (f) lekukhetsa, nelekumelwa, ngummeli, kanye nelekwatiswa mayelana nalelilungelo ngekusheshisa;
 - (g) lekuba nemmeli lowo lowetfweswe licala lekanikwe yena 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 nobe, uma ngabe loko kungakhonakali, lekutsi konkhe lokuchubekako kuhunyushelwe kulolo lwimi;
 - (l) lekungagwetjelwa kwephula nobe kwephutsa ngesento lebesingesilo licala ngaphasi kwemtsetfo wavelonkhe nobe kumhlabawonkhe ngalesikhatsi sephulwa nobe sephutsa.

- (m) lekungashushiselwa nobe ngusiphi sephulomtsetfo macondzana nekwephula nobe kwephutsa lowo muntfu lake wakhululwa nobe wagwetjwa yinkantolo mayelana naso;
 - (n) lekutfole sigwebo lesilula kunaleti letinye letibekiwe uma ngabe sigwebo lesibekwelwe lelo cala sintjintjiwe emkhatsini kwesikhatsi sekwephulwa kwemtsetfo naleso sekwetfulwa kwesigwebo; kanye
 - (o) nelekwendlulisela, nobe 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 nobe nguliphi lilungelo kuloluCwebu lwemaLungelo eLuntfu kumele bulahlelwe ngephandle uma ngabe kwemukelwa kwalobo bufakazi kutawenta kutsetfwa kwalelicala kube ngulokungenabulungiswa nobe kutawucekela phasi kuchutjwa kwebulungiswa.

Kuncishiswa kwemalungelo

36. (1) Emalungelo lakuloluCwebu lwemaLungelo eLuntfu angancishiswa kuphela ngekulandzela umtsetfo losentjentsiswa ngalokwetayelekile kuphela ngekuya ngekwelizinga lekutsi loko kuncishiswa kunetizatfu letibonakalako futsi kuyemukeleka emphakatsini loselubala newentsandvo yelinyenti lowesekelwe esitfuntini seluntfu, kulingana kanye nekukhulukeka, ngekwubuketa konkhe lokumcoka, lokufaka ekhatsi -
- (a) inhlobo yelilungelo;
 - (b) kubaluleka kwenhloso yalokuncishiswa;
 - (c) inhlobo nelizinga lekuncishiswa;
 - (d) budlelwano emkhatsini kwekuncishiswa nenhloso yako; kanye

- (e) nendlela lengakhinyameti kakhulu yekuzuza leyo nhloso.
- (2) Ngaphandle uma kuya njengobe kwendlalwe esigatjaneni
(1) nobe kusiphi lesinye simiso seMtsetfosisekelo, akukho umtsetfo longanciphisa nanobe nguliphi lilungelo lelishicilelwe kuloluCwebu lwemaLungelo eLuntfu.

Timo letibucayi

37. (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, inhlekelele yemvelo nobe letinye tintfo letibucayi emphakatsini; futsi
 - (b) uma lesimemetelo sidzingekile kutewuletsa kuthula nelulandzelwa kwemtsetfo.
- (2) Simemetelo sesimo lesibucayi, kanye nanobe ngumuphi umtsetfo loshaywe nobe 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 sesekelwa linyenti lemalunga alesigungu. Nobengukuphi kwelulwa lokulandzelako kumele kwentiwe ngesincumo lesitsetfwe sesekelwa ngemalunga lengekho ngaphasi kwemaphesenti langu-60 alesigungu. Sincumo lesitsetfwe ngekulandzela lesigaba kumele sitsatfwe kuphela ngemuva

kwenkhulumomphikiswano yalesiGungu levulekele umphakatsi.

- (3) Nanobe nguyiphi inkantolo leneligunya ingancuma ngekuba semtsetfweni -
- (a) kwekumenyetelwa kwesimo lesibucayi;
 - (b) kwanobe ngukuphi kwelulwa kwekumenyetelwa kwesimo lesibucayi; nobe
 - (c) kwanobe ngumuphi umtsetfo loshayiwe, nobe lesinye sinyatselo lesitsetfwe, ngekulandzela kumenyetelwa kwesimo lesibucayi.
- (4) Nanobe 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 nobe lesinye sinyatselo lesitsetwe ngenca yaleso simemetelo, lokungavumela nobe kunikete lingunya -
- (a) lekuvikela umbuso nobe lomunye umuntfu, macondzana netento letingekho emtsetfweni;
 - (b) nobe ngukuphi kwehluka kulesigaba; nobe
 - (c) nobe ngukuphi kwehluka esigabeni lesiphawulwe eluhlwini 1 kuleliThebula lemaLungelo langenakuNcishiswa kuze kufike ezingeni lelikhonjiswe ngekucatsanisa lesigaba eluhlwini 3 lwaleliThebula.

LiThebula lemaLungelo langenakuNcishiswa

1 Inombolo yesigaba	2 Sihloko Sesigaba	3 Lizinga lekunganciphiseki kwelilungelo
9	Kulingana	Uma kuphatselene nekubandlulula ngekwebuhlanga, libala, buve nobe kutsalwa, bubili, inkholo nobe lulwimi
10	Sitfunti sebuntfu	Lonkhe
11	Imphilo	Lonkhe
12	INkhululeko nekuVikeleka kwemuntfu	Uma kuphatselene netigatjana (1)(d) na(e) kanye na (2)(c)
13	Bugcili, kusebenta matima njengemtfunjwa kanye nekusentjentiswa ngenkhani	Uma kuphatselene nebugcili nekusebenta matima njengemtfunjwa
28	Bantfwana	Uma kuphatselene: - nesigatjana (1)(d) na(e) - nemalungelo lasetindzimeni(i) na(ii) tesigatjana (1) (g); kanye - nesigatjana (1)(i) uma kuphatselene nebantfwana labaneminyaka lengu – 15 nangaphasi.

1 Inombolo yesigaba	2 Sihloko Sesigaba	3 Lizinga lekunganciphiseki kwelilungelo
35	Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	Uma kuphatselene: - netigatjana (1)(a),(b) na-(c) kanye na- (2)(d); - nemalungelo lasetindzimeni (a)–(o) tesigatjana (3) ngaphandle kwendzima(d); - nesigatjana (4); kanye - nesigatjana (5) uma kuphatselene nekungemukelwa kwebufakazi uma kutsatfwa kwabo kutawenta kutsetfwa kwelicala kungabi nebulungiswa

- (6) Nobe nini lapho umuntfu avellelwe ngaphandle
kwekushushiswa ngenca yesizatfu sekuncishiswa
kwemalungelo akhe lesibangelwe kubekwa kwemtsetfo
wesimo lesibucayi kute kulandzelwe lemibandzela
lelandzelako:
- Umuntfu lomdzala lolilungu lemndeni nobe umngani
walowo muntfu lovalelwe kufanele atsintfwe
ngekungephuti lokungakadzingeki, futsi atjelwe kutsi
lowo muntfu uvalelwe
 - Satiso kuGazethi yaHulumende wavelonkhe kufutse
setfulwe kungakapheli emalanga lasihlanu avalelwe
lowo muntfu, leso satiso sisho ligama laloyo lovalelwe
kanye nendzawo lavalelwe kuyo kanye nemtsetfo
wesimo lesibucayi lavalelwe ngaphasi kwaso lowo
muntfu.
 - Lovalelwe kumele avunyelwe kutsi akhetse nekutsi
avakashelwe ngudokotela ngesikhatsi lesifanele
 - 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 ikhulile lomuntfu ngaphandle uma ngabe lokuchubeka nekuvallelwa kudzingekile futsi kuletsa kuthula nekulandzelwa kwemtsetfo
- (f) Lovalelwe kepha angakakhululwa ngekulandzela kubuyeketwa kabusha kwesigatjana(e), nobe longakakhululwa ngekwesibuketo ngaphasi kwalesigatjana angenta sicelo enkantolo kutsi iphindze ibukete kuvallelwa kwakhe esikhatsini lesingemalanga langu-10 ngemuva kwekubuyeketwa lokwendlulile, futsi inkantolo kumele ikhulile lowo muntfu ngaphandle uma ngabe lokuvallelwa solo kudzingekile kuletsa kuthula nekulandzelwa kwemtsetfo
- (g) Lovalelwe kumele avunyelwe kuta matfupha enkantolo lebuketa indzaba yakhe yekuvallelwa, amelwe ngummeli ekutekweni kwelicala, kanye nekubeka tikhalo tekutsi kuvallelwa kungachubeki
- (h) Umbuso kumele unikele inkantolo tizatfu letibhalwe phasi letivuma kuchubekisa kuvallelwa 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 aphindza avalelwe ngetizatfu letifana naleto lebekavalelelwe tona ngaphandle uma ngabe umbuso uniketa inkantolo sizatfu lesicinile sekumvalela futsi
- (8) Tigatjana (6) na-(7) atisebenti kabantfu 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.

Kuphokelelwa kwemalungelo

38. Nobe ngubani lobalwe kulesigaba unelilungelo lekuya enkantolo lefanele, asho kutsi lilungelo lelikuluCwebu lwemaLungelo eLuntfu lephuliwe nobe lesatjisiwe, kantsi inkantolo inganiketa sincesitelo lesifanele, lokufaka ekhatsi kucinisekiswa kwemalungelo. Bantfu labangaya enkantolo ngulaba labalandzelako:
- (a) nobe ngubani lotiletsela sicelo egameni lakhe;
 - (b) nobe ngubani loletsa sicelo esikhundleni salomunye umuntfu longakwati kutentela loko egameni lakhe;
 - (c) nobe ngubani loletsa sicelo njengelilunga lelicembu, nobe ngekwemfuno yelicembu nobe licoco lebantfu;
 - (d) nobe ngubani loletsa sicelo ngekwemfuno yemphakatsi; kanye
 - (e) nenhlango leletsa sicelo ngekwemfuno yemalunga ayo.

Kuhunyushwa kweluCwebu lwemaLungelo eLuntfu

39. (1) Uma kuhunyushwa luCwebu lwemaLungelo eLuntfu inkantolo, libandla nobe inkhundla -
- (a) kumele ikhutsate emagugu lasisekelo semphakatsi loselubala newentsandvo yelinyenti lowesekelwe esitfuntini seluntfu, kulingana kanye nekukhululeka;
 - (b) kumele ibuke umtsetfo wemave emhlaba; futsi
 - (c) ingabuka umtsetfo wemave angaphandle.
- (2) Uma kuhunyushwa nobe ngumuphi umtsetfo, futsi uma kutfutukiswa umtsetfo lowetayekekile nobe umtsetfo wesintfu leyo naleyo nkantolo, emabandla nobe tinkhundla kumele tikhutsate umoya, tinhloso kanye netinjongo teluCwebu lwemaLungelo eLuntfu.

- (3) LuCwebu lwemaLungelo eLuntfu alukuphikisi kuba khona kwalamanye emalungelo nobe inkhululeko lokwemukelwa nobe kuniketwa ngumtsetfo lowetayelekile, ngumtsetfo wesintfu nobe kushaywa kwemtsetfo, kuyawufika ezingeni lapho kuhambisana khona neluCwebu lwemaLungelo eLuntfu.

TIKHUNGO LETINGATSINTFWA MACONDZANA NEMALUNGELO ELUNTFU AKHO

1. Lihhovisi leMvikeli Wesive

Lihhovisi leMvikeli Wesive lihlose kugcwalisa ligunya lemtsetfosisekelo ngekwenza luphenyo ngetinsolo tekutiphatsa lokungekho kahle lokwentiwa yimitimba yeMbuso, kuhlelembisa tisombululo temibango, kubika nekwenta nekwentiwa tincomo temakhambilungisa nekwatisa ngendzima nangemisebenti yeMvikeli Wesive.

Imininingwane yekutsintsana

Likheli lendzawo:	175 Lunnon Street Hillcrest Office Park Pretoria 0083
Likheli leliposi:	Private Bag X677 Pretoria 0001
Inombolo yelucingo:	012 366 7000
Inombolo yamahhala:	0800 11 20 40
Inombolo yefeksi:	012 362 3473 / 086 575 3292
Likheli lencwadzigezi:	customerservice@pprotect.org registration2@pprotect.org.za
Iwebhusayithi:	www.pprotect.org

2. IKhomishini Yemalungelo Eluntfu yaseNingizimu Afrika

IKhomishini yemaLungelo eLuntfu yaseNingizimu Afrika njengesikhungo savelonkhe imiselwe kucinisekisa intsandvo yelinyenti yemtsetfosisekelo ngekwenyusa nangekuvikela emalungelo eluntfu ngekubukana nekuhlukunyetwa kwemalungelo eluntfu futsi nekutfola indlela yekulungisa lesebentako ekucapheleni lokuhlukunyetwa futsi nekucaphela kuphakanyiswa kwemalungelo eluntfu kwatisa ngetindzaba temalungelo eluntfu nekufundzisa ngemalungelo eluntfu.

Imininingwane yekutsintsana

Likheli lendzawo:	Braampark Forum 3, 33 Hoofd Street Braamfontein Johannesburg
Likheli leliposi:	Private Bag X2700 Houghton Johannesburg 2041
Inombolo yelucingo:	011 877 3600
Inombolo yefeksi:	011 403 6621
Likheli lencwadzigezi:	info@sahrc.org.za complaints@sahrc.org.za
Iwebhusayithi:	www.sahrc.org.za

3. IKhomishini Yekwenyusa Nekuvikela Emalungelo Emiphakatsi Yemasiko, Yetenkholo Neyetilwimi

IKhomishini Yekuvikelwa Kwemalungelo Emiphakatsi Yemasiko, Yetenkholo Nemiphakatsi Yetenkholo (lapha lebitwa ngeKhomishini ye-CRL) lehlose kwenyusa nekutfufukisa kuthula, bungani, buntfu, kubeketelana nelubumbano lwavelonkhe phakatsi kwemiphakatsi yetemasiko, tenkholo netilwimi.

Imininingwane yekutsintsana

Likheli lendzawo:	Braampark Forum 4, 33 Hoofd Street Braamfontein Johannesburg
Likheli leliposi:	Private Bag X 90 000 Houghton 2041
Inombolo yelucingo:	011 537 7631
Inombolo yefeksi:	011 880 3495 / 086 660 8986
Likheli lencwadzigezi:	chairperson@crlcommission.org.za ceo@crlcommission.org.za info@crlcommission.org.za complaints@crlcommission.org.za
Iwebhusayithi:	www.crlcommission.org.za

4. Ikhomishini Yekulingana Ngekwbulili

Ikhomishini Yekulingana Ngekwbulili (i-CGE) isungulelwe kwenyusa nekuhlonishwa kwekulingana ngekwbulili futsi nekucinisekisa kutfolo kulingana ngekwbulili kuyo imikhakha yemiphakatsi. Ngelokunjalo i-CGE ilelwa kusungula umphakatsi lokhululekile ekubandlululeni ngekwbulili futsi nangato tonkhe tindlela tekugcilata, lapho khona bantfu batawuba nelitfuba nendlela yekubona likhono labo lonkhe, ngaphandle kwekubuka buve, lizinga, bulili, kukheta temacasi, kukhubateka nendzawo yekuhlala.

Imininingwane yekutsintsana

Likheli lendzawo:	Constitution Hill Women's Jail East Wing 2 Kotze Street Braamfontein Johannesburg
Likheli leliposi:	P.O Box 32175 Braamfontein 2017
Inombolo yelucingo:	011 403 7182
Inombolo yefeksi:	011 403 7188
Likheli lencwadzigezi:	cgeinfo@cge.org.za
Iwebhusayithi:	www.cge.org.za

5. Lihhovisi Lekhomishini Yemisebenti Yahulumende

Lihhovisi Lekhomishini Yemisebenti Yahulumende litfola ligunya lalo kutigaba 195 na 196 teMtsetfosisekelo. I-PSC inemsebenti futsi ihlonyiswe kuphenya, kucaphela, kanye nekulinganisa kuhlelwa kanye nekuphatfwa kweMsebenti waHulumende.

Leligunya liphindze lifake ekhatsi letimphumelelo, nobe kweswelakala kwetinhlelo taHulumende. I-PSC iphindze ibe nesibopho sekwenyusa tindlela tekucinisekisa kusebenta kahle nangemphumelelo ngekhatsi kweMsebenti waHulumende futsi nekwenyusa emagugu kanye nemigomo yekuphatfwa kwahulumende kuyo yonkhe imiSebenti yaHulumende.

Imininingwane yekutsintsana

Likheli lendzawo:	Commission House Cnr Hamilton & Ziervogel Streets Pretoria
Likheli leliposi:	Private Bag X121 Pretoria 0083
Inombolo yelucingo:	012 352 1000
Inombolo yefeksi:	012 325 8382
Likheli lencwadzigezi:	info@opsc.gov.za
Iwebhusayithi:	www.psc.gov.za

6. Litiko Letebulungiswa Nekutfufukiswa Kwemtsetfosisekelo

Litiko Letebulungiswa Nekutfufukiswa Kwemtsetfosisekelo Ligatja: Kutfufukiswa Kwemtsetfosisekelo. Inhloso yaleLigatja kwenyusa, kugucula, nekutfufukisa Umtsetfosisekelo, emalungelo elunfu nentsandvo yelinyenti lelanganyelako egameni lahulumende.

Imininingwane yekutsintsana

Likheli lendzawo:	329 Pretorius Street (c/o Pretorius & Sisulu Streets) First Floor, Momentum Building Pretoria
Likheli leliposi:	Private Bag X81 Pretoria 0001
Inombolo yelucingo:	012 315 1111
Inombolo yefeksi:	constitutionalrights@justice.gov.za
Iwebhusayithi:	www.justice.gov.za

7. I-Legal Aid South Africa

I-Legal Aid South Africa ngumtimba losemtsetfweni lotimele losungulwe ngenhloso yekuniketa lusito lwemtsetfo nobe kwenta lusito lwemtsetfo lutfolakale ebantfwini labantulile ngekhatsi kwetindlela tetetimali. Iphindze inikete lusito lwekumelwa ngetemtsetfo ngetindleko teMbuso, njengobe kubekiwe kuMtsetfosisekelo nakumtsetfo lofanele loniketa kwenetiseka ngelilungelo lwekumelwa ngetemtsetfo ngetindleko teMbuso.

Imininingwane yekutsintsana

Kutfola lihhovisi lesigodzi, sikhungo setemtsetfo nobe lihhovisi lesathelayithi lelisedvute nawe le-Legal Aid South Africa, tsintsa i-Legal Aid South Africa:

Likheli lendzawo: 29 De Beer Street
Braamfontein
Johannesburg
2017

Likheli leliposi: Private Bag X76
Braamfontein
2017

Inombolo yelucingo: 011 877 2000

Inombolo yamahhala: 0800 110 110

Inombolo yefeksi: 011 877 2222

Likheli lencwadzigezi: Communications2@legal-aid.co.za

Iwebhusayithi: www.legal-aid.co.za



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