

SEHLUKO 10**KUPHATFWA KWEMBUSO****Timiso letimcoka nemigomosisekelo lesingatse kuphatfwa kwembuso**

195. (1) Kuphatfwa kwembuso kumele kubuswe yimibandzela yentsandvo yelinyenti nemigomomsekelo letishicilelwe kuMtsetfosisekelo lokufaka lemigomosisekelo lelandzelako -
- Lizinga lesisetulu lebungcweti bekutiphatsa emsebentini kumele litfutfukiswe liphindze ligcinwe;
 - Kukhutsatwe kusetjentiswa kwengebo ngendlela lekhombisa likhono, konga nemandla;
 - Umsebenti wekuphatfwa kwembuso kumele uhlose kutfutfukisa
 - Imisebenti kumele yentiwe ngendlela lengakhetsi, lecotfo, ngalokulinganako, nangaphandle kwelubandlululo;
 - Tidzingo tebantfu kumele tinakwe, futsi ummango kumele ukhutsatwe kutsi ufake sandla ekubekweni kwenchubomgomo
 - Umbuso kumele ukwati kubikela ummango ngendlela lesebenta gayo,
 - Kusebenta kwembuso kumele kube ngulokungasiyo imfihlo ngekutsi umphatsi uniketwe lwati ngaleso sikhatsi kutfolakala malula kweminingwane yelwati futsi kube lwati lolungemaciniso;
 - Kumele kukhutsatwe emakhono ekuphatsa kahle tisebenti kanye nekutfutfukiswa kwekufundzelwa kwemisebenti ngenhloso yekutsi bantfu bente imisebenti ngelizinga lelisetulu;
 - 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 –
- ekuphatfweni kwawo onkhe emazinga ahulumende;
 - ekuphatfweni kwetikhungo tembuso; kanye
 - nasetikhungweni temmango.

- (3) Umtsetfo wavelonkhe kumele ucinisekise kutfutukiswa 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 ungehlukhanisa emkhatsini kweminyango, kwengamela kanye netikhungo.
- (6) Inhlobo nemisebenti yeminyango leyehlukene, kwengamela noma tikhungo tekuphatfwa kwembuso tintfo letiphatsakako letimele tibukwe uma kubekwa lophatsa kuphatfwa kwembuso.

LiKhomishani lekuPhatfwa kweMbuso

196. (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 umuntu 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 nalokweniwa nguleliKhomishani kanye nekweniwa kwalo imisebenti yalo, lekufaka ekhantsi noma yini letfolakele leingayenta netindlela kanye neteluleko lelingatinikela, nekweniwa kubu khona kuhlola lizinga imibandzela nemigomosisekelo lephawulwe esigabeni 195 lehambelana ngalo nayo; futsi
- (f) noma ngentsandvo yalo noma ngekutfole sikhalo –
 - (i) kuphenya nekuhlola sicelo setisebenti nemkhuba wekuphatfwa kwetembuso, futsi nekubikela Sigungu noma sishayamtsetfo lesifanele;
 - (ii) kuphenya tikhalo tebasebenti bambuso mayelana nekweniwa 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 ekhantsi letiphatselene nekufunwa, kucashwa, kuntjintjwa, kusakatwa kanye nalokunye lokuphatselene nemisebenti yebasebenti bambuso.
- (g) kuchuba emandla noma kwenta imisebenti leyengetiwe lebekwe nguMtsetfo wePhalamende.

[Indzima (g) ifakwe ngesigaba 3 seMtsetfo weSibili wekuChitjijelwa 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 -
- anconywe likomidi leSigungu saVelonkhe lelakhiwe ngelinani lebungako bemalunga elicumbu ngelicumbu lelimelwe kuloMkhandlu; futsi
 - 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 ngumuntu lomsikati noma lomdvuna -
- losakhamuti seNingizimu Afrika; futsi
 - angumuntu lolungele nalofanelekile nalonelwati, noma sipiliyoni, kutekuphatsa, tekwegamela noma tetimiso tebasebenti bambuso.
- (11) Khomishani anghliswa esikhundleni kuphela nje -
- ngesizatfu sekutiphatsa kabi, kwehluleka noma kungabi namandla;
 - kuvetwa ebaleni kwaloko likomidi leSigungu saVelonkhe noma , uma ngabe kunguKhomishani lophakanyiswe nguNdvunankhulu wesifundza, likomidi lesishayamtsetfo saleso sifundza; kanye
 - ngesincumo lesitstfwe 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 –
- kwekutsatfwa nguleSigungu kwesincumo sekukhishwa kwaKhomishani esikhundleni; noma
 - 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.

Kusebenta kuhulumende

197. (1) Embusweni kunesikhungo semisebenti yahulumende weRiphabhulikhi, lokumele sisebente, futsi sihlelwe, ngekulandzela umtsetfo wavelonkhe, futsi lokumele sigcine ngekwetsembeka inchubomgomo lesemsetfweni yahulumende wangaleso sikhatsi.
- (2) Imibandzela yekucashwa netimfanelo tetisebenti tahulumende kumele kuphatfwe ngumtsetfo wavelonkhe. Tisebenti tinelilungelo lekutfola umhlalaphasi lofanele, njengekusho kwemtsetfo wavelonkhe.
- (3) Kute sisebenti sahumumende lesingavunwa noma sibandlululwe ngesizatfu sekutsi lowo muntfu wesekele 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.