ISAHLUKO 14
IZIMISO EZIXUBILE

Umthetho wamazwengamazwe

Izivumelwano zamazwe ngamazwe

231. (1) Ukuxoxisana nokusayinwa kwazo zonke izivumelwano zamazwe ngamazwe kungumsebenzi woMkhandlu Ophethe Kazwelonke.

(2) Isivumelwano samazwe ngamazwe sibophezela iRiphabhuliki kuphela ngemuva kokuthi samukelwe ngesinqumo esithathwe ndawo zombili yiPhalamende kanye noMkhandlu Wezifundazwe Kazwelonke, ngaphandle kwalapho kuyisivumelwano esiphawulwe esigatshaneni sesi-(3).

(3) Isivumelwano samazwe ngamazwe sohlobo oluphathelene nezobuciko obuthile, nezokuhambisa kahle imisebenzi noma ezokuphatha, noma isivumelwano esingadingi ukwemukelwa noma ukwesekwa, esenziwe nguMkhandlu Ophethe, sibophezela iRiphabhuliki ngaphandle kokwamukelwa yisiGungu Sikazwelonke noma uMkhandlu Wezifundazwe Kazwelonke, kodwa kufanele sethulwe phambi kwePhalamende kanye noMkhandlu kungakedluli ngesikhathi esifanele.

(4) Noma yisiphi isivumelwano samazwe ngamazwe siba ngumthetho kuRiphabhuliki uma senziwe umthetho ngokushaywa komthetho kazwelonke; kodwa isimiso sesivumelwano esizisebenzayo ngokwaso esamukelwe yiPhalamende singumthetho eRiphabhuliki ngaphandle kwalapho siphambene noMthethosisekelo noma uMthetho Wephalamende.

(5) IRiphabhuliki iboshezelwa yizivumelwano zamazwe ngamazwe ezazibophelela iRiphabhuliki ngesikhathi uMthethosisekelo uqala ukusebenza.

Umthetho wamazwe ngamazwe osuyisiko

232. Umthetho wamazwe ngamazwe osuyisiko ungumthetho kuRiphabhuliki ngaphandle kwalapho ungahambisani noMthethosisekelo noma uMthetho Wephalamende.

Ukusetshenziswa komthetho wamazwe ngamazwe

233. Uma kuhunyushwa noma yimuphi umthetho, yonke inkantolo kufanele ikhethe noma yikuphi ukuhunyushwa komthetho okuhambisana nomthetho wamazwe ngamazwe kunokunye ukuhunyushwa okungahambisani nomthetho wamazwe ngamazwe.

Ezinye izindaba

Imiqulu yamaLungelo

234. Ukuze kujuliswe isiko lenqubo yentando yeningi elimiswe nguMthethosisekelo, iPhalamende lingamukela imiQulu Yamalungelo ehambisana nemibandela yoMthethosisekelo.

Ukuzimela

235. ILungelo labantu baseNingizimu Afrika beboke lokuba bazimele, njengoba kukhonjisiwe kulo Mthethosisekelo, alikuvimbeli, ohlakeni lwaleli lungelo, ukwemukelwa komqondo welungelo lokuzimela kwanoma yimuphi umphakathi ohlanganyele amasiko nolimi olufanayo, endaweni ethile yeRiphabhuliki noma yingayiphi enye indlela, ebekwe ngumthetho kazwelonke.

Ukwesekwa ngezimali kwamaqembu ezombusazwe

236. Ukuthuthukisa inqubo yentando yeningi yamaqembu ahlukahlukene, imithetho kazwelonke kufanele ihlinzekele ukwesekwa ngezimali kwamaqembu ezombusazwe abamba iqhaza kuzishayamthetho zikazwelonke nezesifundazwe ngokulingana nangokufaneleka kwawo ngokwamanani.

Ukwenziwa kwemisebenzi ngokukhuthala

237. Zonke izibopho zoMthethosisekelo kufanele zenziwe ngokukhuthala nangokungachithi sikhathi.

Ukwenzelwa imisebenzi nokwedluliswa kwamandla okwenza imisebenzi

238. Ingxenye kahulumeni ephethe kunoma yimuphi umkhakha kahulumeni –

(a) ingedlulisela noma yimaphi amandla noma umsebenzi okumele usetshenziswe noma wenziwe ngokomthetho kunoma iyiphi enye ingxenye kahulumeni ephethe, inqobo nje uma ukwedluliselwa kwamandla nemisebenzi kuhambisana nomthetho ngokokusetshenziswa kwamandla noma ukwenziwa komsebenzi; noma

(b) ingasebenzisa noma yimaphi amandla noma yenze noma iyiphi imisebenzi iyenzela noma iyiphi enye ingxenye kahulumeni ephethe ngokuthi isebenze ukwenzela abanye umsebenzi noma yedluliselwe umsebenzi.

Izincazelo

239. KuMthethosisekelo, ngaphandle kwalapho isimo sikhombisa okwehlukile -

"umthetho kazwelonke" umbandakanya –

(a) umthetho ongaphansi komunye owenziwe ngokoMthetho Wephalamende; kanye

(b) nomthetho owawusetshenziswa ngesikhathi uMthethosisekelo uqala ukusebenza futhi olawulwa nguhulumeni kazwelonke;

"ingxenye yombuso" isho –

(a) noma yimuphi umnyango wombuso noma wokuphatha emkhakheni kahulumeni kazwelonke, wesifundazwe noma kahulumeni wasekhaya; noma

(b) noma yisiphi esinye isikhungo sokusebenza noma inhlangano –

(i) esebenzisa amandla noma eyenza umsebenzi ngokoMthethosisekelo noma umthethosisekelo wesifundazwe; noma

(ii) esebenzisa amandla okusebenza emphakathini noma eyenza umsebenzi womphakathi ngokwanoma yimuphi umthetho, kodwa ayifaki inkantolo noma isikhulu sezomthetho;

"umthetho wesifundazwe" umbandakanya –

(a) umthetho ongaphansi komunye owenziwe ngokomthetho wesifundazwe; kanye

(b) nomthetho owawusetshenziswa ngesikhathi uMthethosisekelo uqala ukusebenza futhi owawulawulwa nguhulumeni wesifundazwe.

Ukungahambisani emibhalweni eyahlukene

240. Uma kukhona ukungahambisani phakathi kwemibhalo eyahlukahlukene yoMthethosisekelo, umbhalo wesiNgisi yiwona osebenzayo.

Amalungiselelo esikhashana

241. ISheduli yesi-6 isebenza okuguqukeni lomthethosisekelo omusha osungulwe yilo Mthethosisekelo, kanye nakunoma yiluphi udaba olungavela mayelana naleyo nguquko.

Ukupheliswa kwemithetho

242. Imithetho ephawulwe kuSheduli yesi 7 iphelisiwe, ngokulandelwa kwesigaba sama 243 kanye noSheduli yesi 6.

Isihloko esifushane kanye nokuqala ukusebenza

243. (1) Lo Mthetho ubizwa ngokuthi uMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, we 1996, futhi uqala ukusebenza masishane ngokusemandleni ngosuku olubekwe nguMongameli ngokwesimemezelo, olungenakuba usuku olungemuva komhla zi 1 Julayi 1997.

(2) UMongameli angabeka izinsuku ezahlukene ngaphambi kosuku olushiwo esigatshaneni soku (1), mayelana nokuhlinzekela okwehlukene kwezimiso zoMthethosisekelo.

(3) Ngaphandle kwalapho kuhloswe ukuthi kwehluke, ukuphawula ngesimiso soMthethosisekelo esikhathini uMthethosisekelo oqale ukusebenza ngaso kufanele kuthathwe njengokubhekisa esikhathini leso simiso esaqala ukusebenza ngaso.

(4) Uma noma yisiphi isimiso esithile soMthethosisekelo sibekelwe usuku olwehlukile ngokwesigatshana sesi (2), noma yisiphi isimiso esihambelana nesoMthethosisekelo WaseNingizimu Afrika we 1993 (uMthetho wama-200 we 1993), ophawulwe esimemezelweni uyapheliswa ukusuka ngosuku olufanayo.

(5) Isigaba sama 213, sama 214, sama 215, sama 216, sama-218, sama 226, sama 227, sama 228, sama 229 nesama 230 zizoqala ukusetshenziswa mhla zi 1 Januwari 1998, kodwa lokhu akushiyi ngaphandle ukumiswa ngokwalo Mthethosisekelo komthetho ocatshangwa kunoma yiziphi lezi zimiso ngaphambi kwalolo suku. Kuze

kube yilolo suku noma yiziphi izimiso ezihambisanayo nezenzeka ngenxa yokuthile zoMthethosisekelo WeRephabliki YaseNingizimu Afrika, we 1993, ziyaqhubeka nokusebenza.