

## KGAOLO 5

### MOPORIDENTE LE KHUDUTHAMAGA YA BOSETŠHABA

#### Moporesidente

83. Moporesidente –
- (a) ke Tlhogo ya Naga e bile ke tlhogo ya khuduthamaga ya bosetšhaba;
  - (b) o tshwanetse go obamela, go sireletsa le go tlotla Molaotseo jaaka molaomogolo wa Rephaboliki;
  - (c) o godisa kopano ya setšhaba le ntshetsopele ya Rephaboliki.

#### Dithata le ditiro tsa Moporesidente

84. (1) Moporesidente o na le dithata go ya ka Molaotseo le molao, go akarediwa tse di tlhokegang go dira ditiro tsa Tlhogo ya Naga le tlhogo ya Khuduthamaga ya Bosetšhaba.
- (2) Moporesidente o rwele maikarabelo a –
- (a) go amogela le go saena Melaotlomo;
  - (b) go busetsa Melaotlomo morago go Palamente gore o sekasekwe go tsamaelana le bomolaotseo;
  - (c) go romela Melaotlomo go Kgotlatshekelo ya Molaotseo go dira tshwetso ka bomolaotseo ba Melaotlomo oo;
  - (d) go bitsa kopana e e sa tlwaelegang ya Ntlokokoano Bosetšhaba, Khansele ya Bosetšhaba ya Diporofense kgotsa Palamente go sekaseka merero e e kgethegileng;
  - (e) go thapa batho mo maemong a farologaneng go tsamaelana le ditlhokego tse di tshwanetseng go diriwa ke Moporesidente go ya ka Molaotseo kgotsa molao, ntle le jaaka e le tlhogo ya khuduthamaga ya bosetšhaba;
  - (f) go tlhoma dikhomišene tsa dipatlisiso;
  - (g) go goeletsa referentamo go ya ka Molao wa Palamente;
  - (h) go amogela le go tlotla baemedi ba dinaga disele/didipolomate, le baemedi pharaphare;
  - (i) go kgetha baambasatara; le baemedipuso, badipolomate le baemedi pharaphare go emela naga;

- (j) go tshwarela kgotsa go kgaolelwa le phokoletso ya kotlhao nngwe le nngwe ya tuelo, kgotsa go gapelwa thoto;
- (k) go aba dimala tsa tlotlo.

[Nthakakaretso: Ditebogo tsa tlotlo tse di tseentsweng mo Kuranteng ya Puso 24155 ya 6 Sedimont-hole, 2002 le mo Kuranteng ya Puso 25213 ya 25 Phukwi, 2003.]

### Bothati taolo jwa Rephaboliki

85. (1) Bothati taolo jwa Rephaboliki bo rwelwe ke Moporesidente.
- (2) Moporesidente o diragatsa taolo ya bokhuduthamaga, le ditokololo dingwe tsa Kabinete, ka –
- (a) go diragatsa molao wa bosetšhaba ntle le fa Molaotheo kgotsa Molao wa Palamente o thomamisitse ka mokgwa mongwe;
  - (b) go tlhabolola le go diragatsa maikemisetso a bosetšhaba;
  - (c) go rulaganya ditiro tsa mafapha a puso le tsamaiso;
  - (d) go tshitsinya le go simolola molao;
  - (e) go dira tiro nngwe le nngwe ya bokhuduthamaga e e thomamisitsweng ke Molaotheo kgotsa molao wa bosetšhaba.

### Go tlhophiwa ga Moporesidente

86. (1) Mo kopanong ya ntlha, morago ga ditlhopho fa go tshwanetse go tladiwa phatlha, Ntlokokoano Bosetšhaba e tshwanetse go kgetha monna kgotsa mosadi mo ditokololong tsa yona go nna Moporesidente.
- (2) Moatlhomogolo o tshwanetse go okama ditlhopho pele go tlhophiwa Moporesidente kgotsa a kgethe Moatlhodi mongwe go dira jaalo. Go dirisiwa tsamaiso e e tlhalositsweng mo Karolo A ya Mametlelelo 3 fa go tlhophiwa Moporesidente.

[KI(2) e emetswe ke k. 6 Molaotheo Tlhabololo wa Borataro wa Molao wa 2001.]

- (3) Ditlhopho tsa go tlatsa phatlha mo kantorong ya Moporesidente di tshwanetse go tshwarwa ka nako le letlha le le kgethilweng ke Moatlhomogolo, mme fela e seng morago ga matsatsi a le 30 morago ga tlhagelela ga phatlha.

[KI(3) e emetswe ke k. 6 ya Molaotheo Tlhabololo wa Borataro wa Molao wa 2001.]

### Go simolola tiro ya Boporesidente

87. Fa motho a tlhophilwe go nna Moporesidente o kgaotsa go nna tokololo ya Ntlokokoano Bosetšhaba o tshwanetse go simolola tiro mo nakong ya matsatsi a le matlhano(5) ka go ikana le go tshepisa boikanyego go Rephaboliki le go ikobela Molaotheo go ya ka Mametlelelo 2.

### Paka-tiro ya Boporesidente

88. (1) Paka ya tiro ya Boporesidente e simolola fa motho a simolola tiro mme e fela fa phatlha e tlhagelela kgotsa fa motho yo a tlhophilweng go mo tlhatlhama a simolola tiro.
- (2) Ga go motho ope yo o tshwanetseng go nna Moporesidente go feta dipaka di le pedi tsa tiro, mme fa mongwe a tlhophilwe go tlatsa phatlha ya Boporesidente, nako magareng ga dithopho le dithopho tse di latelang tsa Boporesidente, ga e tsewe e le paka ya tiro.

### Go tlosiwa ga Moporesidente

89. (1) Ntlokokoano Bosetšhaba, ka tshegetso ya bonnye diboutu tsa pedi-tharo ya ditokololo tsa yona, e ka kgona go tlosa Moporesidente mo maemong a gagwe, fela ka ntlha ya mabaka a-
- (a) Tshiamololo e e masisi ya Molaotheo;
- (b) Maitshwaro a makgwakgwa;
- (c) Tlhokego ya bokgoni jwa go dira ditiro tsa gagwe.
- (2) Mongwe le mongwe yo o tlositsweng mo maemong a boporesidente go ya ka mabaka a 62 karolotlaleletso (1)(a) kgotsa (b) gag a tshwanela go amogela ditshwanelo tsa tiro ya maemo ao, e bile ga a tshwanela go dira jaaka motlhankedi wa setšhaba.

### Moporesidente wa Nama-o-tshwere

90. (1) Fa Moporesidente a se teng mo nageng kgotsa a sa kgone go dira ditiro tsa kantoro ya boPoresidente kgotsa fa go nale phatlha mo kantorong ya Moporesidente, motlhankedi yo o na leng matla a go dira jaaka Poresidente go ya ka tatelano e fa tlase, ke:

- (a) Motlatsa Mopresidente.
  - (b) Tona e e kgethilweng ke Mopresidente.
  - (c) Tona e e kgethilweng ke ditokololo tse dingwe tsa Kabinete.
  - (d) Mmusakgotla wa Palamente go fitlhelela Ntlokokoano Bosetšhaba e kgetha mongwe wa maloko a yona.
- (2) Mopresidente wa nama-o-tshwere o na le maikarabelo, maatla, le ditiro tsa Presidente.
  - (3) Pele a simolola ka maikarabelo, matla le ditiro tsa boPresidente, Mopresidente wa nama-o-tshwere o tshwanetse go ikana kgotsa go tshepisa botshepegi go Rephaboliki le kobamelo ya Molaotheo, go ya ka Mametlelelo 2.
  - (4) Motho yoo, jaaka Mopresidente wa nama-o-tshwere a ikanneng kgotsa a tshepisiseng botshepegi go Rephaboliki ga a tshwanela go ikana kgotsa go tshepisa gape botshepegi mo pakeng e e latelang jaaka Mopresidente wa nama-o-tshwere ka bokhutlo jwa paka fa motho yo o tlhophilweng a simolal tiro jaaka Mopresidente.

[Kl.(4) e tlaleditswe ke k. 1 ya Molao ya Molaotheo Tlhabololo wa Borataro wa Molao wa 1997.]

## Kabinete

91. (1) Kabinete e bopilwe ke Mopresidente, jaaka tlhogo ya Kabinete, Motlatsa Mopresidente le Ditona.
- (2) Mopresidente o tlhopha Motlatsa Mopresidente le Ditona, o ba abela dithata le ditiro, e bile o kgona go ba tlogedisa tiro.
- (3) Mopresidente –
  - (a) o tshwanetse go kgetha Motlatsa Mopresidente mo ditokololong tsa Ntlokokoano Bosetšhaba;
  - (b) a ka kgetha palo nngwe le nngwe ya Ditona go tswa go ditokololo tsa Ntlokokoano Bosetšhaba;
  - (c) a ka kgetha Ditona tse disa sa feteng palo ya pedi go tswa kwa ntle ga Ntlokokoano.
- (4) Mopresidente o tshwanetse go kgetha tokololo ya Kabinete go nna moeteledipele wa merero ya puso mo Ntlokokoano Bosetšhaba.
- (5) Motlatsa Mopresidente o tshwanetse go thusa Mopresidente go dira ditiro tsa puso.

### Maikarabelo le ditlamego

92. (1) Motlatsa Moporesidente le Ditona ba rwele maikarabelo a dithata le ditiro tsa khuduthamaga tse ba di abetsweng ke Moporesidente.
- (2) Ditokololo tsa Kabinete di na le maikarabelo ka bojotlhe le ka bonngwe go Palamente go diragatsa tsa ditiro tsa bona.
- (3) Ditokololo tsa Kabinete di tshwanetse –
- (a) go dira go ya ka Molaotheo;
- (b) go neela Palamente dipegelo ka botlalo nako le nako tebang le merero e e mo taolong ya bona.

### Batlatsa Ditona

93. (1) Moporesidente a ka tlhophisa
- (a) Batlatsa Ditona go tswa mo ditokololong tsa Ntlokokoano Bosetšhaba, le go
- (b) Ga go a tshwanetse go tlhophisa Batlatsa Ditona ba ba fetang pedi go tswa kwa ntle ga Ntlokokoano Bosetšhaba, go thusa ditokololo tsa Kabinete, e bile a ka ba koba mo tirong.
- (2) Batlatsa Ditona ba ba tlhophilweng go ya ka karolotlaleletso (1)(b) ba ka fa tlase ga taolo ya Palamente go diragatsa dithata tsa bona le ditiro tsa bona.

[K. 93 e emetswe ke k. 7 ya Molaotheo Tlhabololo wa Borataro wa Molao wa 2001.]

### Go tswelapele ga Kabinete morago ga ditlhopho

94. Fa go tshwerwe ditlhopho tsa Ntlokokoano Bosetšhaba, Kabinete, Motlatsa-Moporesidente, Ditona le Batlatsa Ditona ba na le tetla ya go dira go fitlhelela motho yo tlhophilweng jaaka Moporesidente ke Ntlokokoano e e latelang a simolola go dira.

### Maikano kgotsa tshepiso

95. Pele Motlatsa Moporesidente, Ditona le Moatlatsa Tona nngwe le nngwe a simolola go dira tiro ya bona, o tshwanetse go ikana kgotsa go tshepisa go nna le boikanyego go Rephaboliki le go obamela Molaotheo go ya ka Mametlelelo 2.

### Maitsholo a Ditokololo tsa Kabinete le Batlatsa Ditona

96. (1) Ditokololo tsa Kabinete le Batlatsa Ditona ba tshwanetse go itshwara go tsamaelana

le khoutu ya maitshwara e e tlhomamisistweng ke molao wa bosetšhaba.

- (2) Ditokololo tsa Kabinete le Batlatsa Ditona gab a tshwanela, go –
- (a) dira tiro nngwe e e duelang;
  - (b) itshwara ka mokgwa mongwe o o kgatlhanong le maemo a tiro ya bona, kgotsa go ipaya mo maemong a a na leng kotsi kotsi ya go tlohal kgotlhang garen ga maikarabelo a bona a semmuso le dikgatlhagelo tsa poraefete.

### **Kabelo ya ditiro**

97. Ka kgoeletso MoPoresidente a ka abela tokololo ya Kabinete –
- (a) tsamaiso ya molao mongwe le mongwe o o neng o abetsweng tokololo e nngwe; kgotsa
  - (b) thata kgotsa tiro nngwe le nngwe e e neng e abetswe tokololo e nngwe ka molao.

### **Kabelo ya ditiro tsa nakwana**

98. Moporesidente a ka abela tokololo ya Kabinete thata kgotsa tiro ya tokololo nngwe e e se yong mo tirong kgotsa e e sa kgoneng go diragatsa maatla ao, kgotsa tiro eo.

### **Kabelo ya ditiro**

99. Tokololo ya Kabinete e ka abela tokololo nngwe le nngwe ya Kgottla ya Khuduthamaga ya porofense kgotsa go Khansele ya Mmasepala thata kgotsa tiro nngwe le nngwe e e tshwanetseng go diriwa go tsamaelana le Molao wa Palamente. Tiro –
- (a) e tshwanela go diriwa ka tumelanelano gare ga tokololo ya Kabinete e e maleba le Mokhuduthamaga oo, kgotsa tokololo ya Khansele ya Mmasepala;
  - (b) e e diriwang kgotsa matla ao, a tshwanetse go tsamaelana le Molao wa Palamente;
  - (c) e simolola go diriwa Morago ga phatlalatso ya kgoeletso ke Moporesidente.

### **Thuso ya bosetšhaba go tsamaiso ya diporofense**

100. (1) Fa porofense e retelelwa kgotsa e sa dire ditshwanelo tsa yona go ya ka molao kgotsa Molaotseo, khuduthamaga ya bosetšhaba e ka tsereganya ka go tsaya dikgato tse di maleba go netefatsa ntshetsopele ya ditshwanelo eo, go akarediwa –
- (a) go ntsha taelo go khuduthamaga ya porofense, e e tlhalosang selekano sa go

palelelwa go dira tiro ya yona le tthaloso ya dikgato tse di tlhokegang go dira tiro eo; le

- (b) go tsaya maikarabelo tebang le tiro ya porofense ka moo go tlhokegang go –
  - (i) netefatsa maemo a a botlhokwa a tekanyetso ya bosetšhaba kgotsa go fitlhelela maemo a tlhomamisitsweng a tekanyetso ya bosetšhaba go fitlhelela tiro eo;
  - (ii) netefatsa kgolo ya moruo; 66
  - (iii) netefatsa tshireletso ya setšhaba; kgotsa
  - (iv) kganela porofense eo go tsaya kgato e tla kgobelelang kgatlhego ya porofense e nngwe kgotsa ya naga ka bophara.

[Kl.(1) e tlhabolotswe ke k. 2(b) ya Molatheo Tlhabololo wa Bosomengwe wa Molao wa 2003.]

- (2) Fa khuduthamaga ya bosetšhaba e thusa mo porofenseng go ya ka mabaka a karolotlaleletso (1)(b)–
  - (a) e tshwanetse go kwala kitsiso e e tlhalosang mokgwa wa tsereganyo wa Khansele ya Bosetšhaba ya diporofense mo nakong ya matsatsi a le 14 morago ga tshimologo ya tsereganyo;
  - (b) tsereganyo e tshwanela go emisiwa fa Khansele e sa amogele thuso eo mo nakong ya matsatsi a le 180 morago ga tshimologo ya tsereganyo kgotsa fa ka nako ya bokhutlo jwa paka eo e se e amogela thuso eo, gape
  - (c) fa tsereganyo e ntse e tswelapele Khansele e tshwanetse go sekaseka maemo gangwe le gape le go rebolela khuduthamaga ya bosetšhaba ditshwaelo tse di maleba.

[Kl.(2) e emetswe ke k. 2(c) ya Molatheo Tlhabololo wa Bosomengwe wa Molao wa 2003.]

- (3) Molao wa bosetšhaba o tshwanetse go rulaganya tsamaiso e e tlhomamisitsweng mo karolong eno.

[K. 100 e tlhabolotswe ke k. 2(a) ya Molatheo Tlhabololo wa Bosomengwe wa Molao wa 2003.]

## Ditshwetso tsa khuduthamaga

- 101. (1) Tshwetso ya Moporesidente e tshwanetse go kwadiwa fa fatshe, fa –
  - (a) e tsamaelana molao; kgotsa
  - (b) e na le ditlamorago tsa semolao.
- (2) Tshwetso e e kwadilweng ya Moporesidente e tshwanetse go saeniwa ke tokololo

nngwe gape ya Kabinete, fa tshwetso eo e ama tiro e e abetsweng tokololo eo ya Kabinete.

- (3) Dikgoeletso, melawana le didiriswa tse dingwe tsa melawana e e maleba di tshwanetse go fitlhelelwa ke botlhe.
- (4) Molao wa bosetšhaba o tshwanetse go totobatsa mokgwa o ka ona, le selekano seo, didiriswa tse di umakilweng mo karolotlaetso (3) di tshwanetseng go –
  - (a) tlhagisiwa mo Palamenteng; le
  - (b) go amogelwa ke Palamente.

### **Ditshitsinyo ya go tlhoka boikanyego**

102. (1) Fa Ntlokokoano Bosetšhaba ka boutu ya bontsi jwa ditokololo e atlenegisa tshitsinyo ya go tlhoka boikanyego go Kabinete, ntle le Moporesidente, Moporesidente o tshwanetse go tlhopa Kabinete sešwa.
- (2) Fa Ntlokokoano Bosetšhaba ka boutu ya bontsi jwa ditokololo e atlenegisa tshitsinyo ya go tlhoka boikanyego go Moporesidente, Moporesidente le ditokololo tsa Kabinete le Batlatsa Ditona mongwe le mongwe ba tshwanetse go tlogela tiro.