

SEHLUKO 5

MENGAMELI KANYE NESIGUNGU LESENGAMELE

Mengameli

83. Mengameli -

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

Emandla kanye nemisebenti yaMengameli

84. (1) Mengameli unemandla laniketwe wona nguMtsetfosisekelo nemtsetfo, lokufaka ekhatsi nalawo ladingeka kutsi akwati imisebenti yeNhloko yeMbuso nehloko yeSigungu savelonkhe lesengamele.

(2) Mengameli wetfweswe umtfwalo -

- (a) wekubusisa aphindze futsi asayine iMtsetfosivivinyo;
- (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 longaketayekele 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 ngekwMtsetfo wePhalamende;
- (h) wekuhlonipha nekwemukela bosomachinga lababuya emaveni angaphandle nemancusa lekatawumela emave awo kuleli;

- (i) wekukhetsa 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 ekuhlomphe akhishwe kuMtsetfo loshicilelwe kuGazethi yaHulumende 24155 yangeNgongoni 6 2002 nakuGazethi yaHulumende 25213 yangaKholwane 2003]

Ligunya lekwengamela eRiphabhulikhi

85. (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) ngekutfufukisa nekusebentisa inchubomgomo yavelonkhe;
 - (c) ngekumatanisa imisebenti yeminyango yembuso neyekuphatsa;
 - (d) ngekulungisa nekusungula imitsetfo; kanye
 - (e) nangekwenta leminyane imisebenti yalesikhundla lebekwe nguMtsetfosisekelo noma ngumtsetfo wavelonkhe.

Kukhetfwa kwaMengameli

86. (1) Emhlanganweni wekucala ngemuva kwelukhetfo lwaso, kanye nanoma nini uma kudzingekile kutsi kugcwaliswe sikhala, Sigungu saVelonkhe kumele sikhethe umuntu lomsikati noma lomdvuna emalungeni aso kutsi abe nguMengameli.
- (2) Somajaji kumele engamele lukhetfo lweMengameli, noma amise lelinye lijaji lelitakwenta loko. Inchubo lemiswa 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 lelincunye nguSomajaji, kepha loku kumele kwentiwe kungakapheli emalanga langu-30 ngemuva kwekuvela kwaesikhala.

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

Kucala kusebenta kwaMengameli

87. Ngesikhatsi sekakhatsiwe 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.

Sikhatsi sekuba sesikhundleni kwaMengameli

88. (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 lelisemkhatsini walolo lukhetfo nelukhetfo lolulandzelako lwaMengameli asitsatfwa njengesikhatsi sekuba sesikhundleni.

Kususwa kwaMengameli esikhundleni

89. (1) Sigungu saVelonkhe, ngesincumo lesitsatfwe ngekwesekelwa linani lemalunga aso lelingulokubili kulokutsatfu, singsamsusa Mengameli esikhundleni ngaletizatfu letilandzelako kuphela -
- (a) kwepulwa 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 akumelnga atfole litfuba lekubekwa kunoma ngusiphi sikhundla sembuso.

Libambela laMengameli

90. (1) Uma ngabe Mengameli angekho eRiphabhulikhi noma angakwati kwenta imisebenti yaMengameli, noma uma kunesikhala esikhundleni seMengameli, lowo lobambe sikhundla njengalokulandzelako uba liBambela laMengameli -
- liSekela laMengameli;
 - iNdvuna yeMbuso lekhetfwe nguMengameli;
 - iNdvuna yeMbuso lekhetfwe ngulamanye emalunga eKhabhinethi;
 - Somlomo, kuze emalunga eSigungu saVelonkhe akhetse munye wawo.
- (2) LiBambela laMengameli linemitfwalo, emandla kanye nemisebenti yaMengameli.
- (3) Ngembi kwekucala kwetfwala, kusebentisa emandla nekwenza 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.]

IKhabhinethi

91. (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 –
- kumele akhetse liSekela laMengameli emalungeni eSigungu saVelonkhe;
 - angakhetsa linani noma lelingakanani letiNdvuna teMbuso emalungeni eSigungu saVelonkhe; futsi

- (c) angakhetsa bantfu labangengi 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.

Kutiphendvulela kanye nemitfwalo

92. (1) Lisekela laMengameli netiNdvuna teMbuso batfwele 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 ngekulanzela uMtsetfosisekelo; futsi
 - (b) anikete iPhalamende imibiko legcwele futsi leyetfulwa njalo nje macondzana netindzaba letingaphasi kwawo.

EmaSekela etiNdvuna teMbuso

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

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

Kuchubeka kweKhabhinethi ngemuva kwelukhetfo

94. 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.

Sifungo noma kuvuma kwamukela sikhundla

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

Kutiphatsa kwemalunga eKhabhinethi kanye nemaSekela etiNdvuna teMbuso

96. (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.

Kudluliselwa kwemisebenti

97. 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.

Kuniketwa kwemisebenti kwesikhashana

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

Kuniketwa kwemisebenti

99. Lilunga leKhabhinethi linganiketa noma waphi emandla noma umsebenti lofanele uchutjwe noma wentiwe ngekulanzela uMtsetfo wePhalamende elungeni leMkhandlu loweNgamele wesifundza noma kuMkhandlu waMasipala. Lokuniketwa –
- kumele kwentiwe ngekulanzela sivumelwano emkhatsini walelo lungu leKhabhinethi nalelo lungu leMkhandlu loweNgamele noma leMkhandlu waMasipala;
 - kumele kuhambisane neMtsetfo wePhalamende kuchutjwa noma kusebentisa lawo mandla noma kwenta lowo msebenti lotsintsekako; futsi
 - kucala kusebenta ngemuva kwekugunyatwa nguMengameli ngekwesimemetelo semtsetfo.

Kungenelela kwavelonkhe ekuphatfweni kweTifundza

[Sihloko siChitjijyelwe ngekwesigaba 2(a) weMtsetfo weLishumi wekuChitjijyelwa kweMtsetfosisekelo wanga-2003]

100. (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 –
- kukhipha umyalelo uye esigungwini sesifundza lesengamele, uchaza lizinga lalokwehluleka kwenta imisebenti yaso uphindze ubeke tinyatselo lekumele titsatfwe kuze sihlangabetane nalemisebenti yaso; kanye
 - nekutsatse umtfwalo wekufezekisa lesidzingo kuleso sifundza kuze kufike ezingeni lelifanele –
 - kutewugcina lizinga lelidzingekile lavelonkhe, noma kutfolakale lizinga lelemukelekile nalelidzingekako ekwentiweni kwemisebenti;
 - kutewugcina lubumbano kutemnotfo;
 - kutewugcina kuvikeleka kwesive; noma
 - kutewuvimbela tento letingakalungi letitsetfwe sifundza letikhinyabeta lesinye sifundza noma live lonkhana.

[Sigatjana (1) siChitjijyelwe sigaba 2(b) seMtsetfo weLishumi naKunye wekuChitjijyelwa kweMtsetfo-sisekelo 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 kwaeso 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.]

Tincumo teSigungu lesingamele

101. (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 lesi sincumo siphatselane neliphakelo lalole lungu leKhabhinethi.
- (3) Tatiso, imitsetfo kanye naleminyane imitsetfomgomo lephatselane nekushaywa kwemtsetfo kumele ummango ukwati kuyitfola.
- (4) Umtsetfo wavelonkhe ungachaza lizinga, nendlela, lekumele lemitsetfomgomo lephawulwe esigatjaneni (3) –
- (a) yetfulwe ngayo ePhalamende; futsi
 - (b) ivunywe yiPhalamende.

Tiphakamiso tekungatsembakali

102. (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.