**IRIPHABLIKHI YOMZANTSI-AFRIKA**

# UMTHETHO WOKUTHINTELA UGONYAMELO LWASEKHAYENI

116 KA-1998

[Jonga imimiselo]

[WAVUNYWA NGONOVEMBA 20, 1998]

[UMHLA WOKUQALISA KWAWO: DISEMBA 15, 1999]

(Watyikitywa ngolwimi lwesiNgesi nguMongameli)

Lo Mthetho uye wahlengahlengiswa ku*Shicilelo-Mithetho (Government Gazette)* olunguNombolo 35018 lomhla we-10 kuFebruwari 2012 uye wenziwa utshintsho yi*Judicial Matters Second Amendment Act* 55 ka-2003 nayi*Jurisdiction of Regional Courts Amendments Act* 31 ka-2008 [ukuqalela kuAgasti 9, 2010] nayi-*Independent Police Investigative Directorate Act* 1 ka-2011 [ukuqalela kuEpreli 1, 2012] Utshintsho olucetywayo lwenziwe: yi-*Independent Police Investigative Directorate Act* 1 ka-2011 (olo tshintsho alukabhengezwa) Utshintsho olucetywayo ngokweziqendu eziza kwenziwa utshintsho Isiqendu 36 soMthetho 1 ka-2011, nesiqendu 18 soMthetho 116 ka-1998

**011213nm**

**UMTHETHO**

Injongo kukuba kukhutshwe imiyalelo yenkuselo xa kukho ugonyamelo lwasekhayeni; nokulungiselela imicimbi ehlobene noku.

**INTSHAYELELO**

**NGOKUQONDA** ukuba ugonyamelo lwasekhayeni luyinto embi kakhulu entlalweni; luxhaphake kakhulu ugonyamelo lwasekhayeni kuluntu lwaseMzantsi-Afrika; amaxhoba ogonyamelo lwasekhayeni aphakathi kwabantu abangabona bazizisulu eluntwini; ugonyamelo lwasekhayeni lwenzeka ngeendlela ngeendlela; izenzo zogonyamelo lwasekhayeni zinokwenzeka kubantu abadityaniswe ngamakhonkco awahlukahlukeneyo; nangokuqonda ukuba iindlela zokunceda amaxhoba ogonyamelo lwasekhanyeni ezikhoyo kungokunje ziye zacaca ukuba azisebenzi;

**NANGOKUCINGELA** uMgaqo-siseko waseMzantsi-Afrika, ngakumbi ilungelo lokulingana kwabantu bonke nelokukhululeka nokukhuseleka komntu; nokunyanzeleka kukaRhulumente ngokobudlelane anabo namanye amazwe ukuba aphelise ukugonyamelwa kwabantwana nabafazi, kuquka iimbopheleleko anazo uRhulumente ngokweziVumelwano zeZizwe Ezimanyeneyo Ngokupheliswa Kwazo Zonke Iintlobo Zokucalulwa Kwabantu Ababhinqileyo Namalungelo Abantwana;

**KUYINJONGO** yalo Mthetho ukunika amaxhoba ogonyamelo lwasekhayeni eyona nkuselo inkulu enokufumaneka emthethweni; nokuthi gqi namacebo anjongo yawo

ikukuqinisekisa ukuba amacandelo karhulumente achaphazelekayo awuphumeza ngokupheleleyo lo Mthetho, aze ngaloo ndlela abonise ukuba uRhulumente uzimisele ukuphelisa ugonyamelo lwasekhayeni.

**NGOKO KE KUWISW' UMTHETHO** yiPalamente yeRiphablikhi yoMzantsi-Afrika ngale ndlela ilandelayo:—

## ULANDELELWANO LWEZIQENDU

*Iziqendu*

1. Ukuchazwa kwamagama
2. Imbopheleleko yokumnceda ummangali nokumazisa ngamalungelo akhe
3. Ukubanjwa ligosa loxolo lingaphathanga sigunyazisi
4. Ukwenz' isicelo somyalelo wenkuselo
5. Ukuqwalaselwa kwesicelo nokukhutshwa komyalelo wenkuselo wexeshana
6. Ukukhutshwa komyalelo wenkuselo
7. Amagunya enkundla ngomyalelo wenkuselo
8. Isigunyazisi sokubanjwa kusakukhutshwa umyalelo wenkuselo
9. Ukohluthwa kwemipu nezixhobo eziyingozi
10. Ukwenziwa kotshintsho kumyalelo wenkuselo okanye ukukhatywa kwawo
11. Ukubakho etyaleni nokwalelwa kokupapashwa kwengcombolo ethile
12. Igunya lenkundla
13. Ukunikwa amaxwebhu esandleni
14. Ukumelwa ligqwetha
15. Iindleko

16. Ukubhena nokuqwalaselwa ngokutsha kwetyala

17. Izenzo ezikukona

18. Ukusetyenziswa kwalo Mthetho ligunya elitshutshisayo nangamapolisa oMzantsi-Afrika

19. Imimiselo

20. Ukwenziwa kotshintsho kwisiqendu 40 soMthetho 51 ka-1977, owathi wona wenziwa utshintsho sisiqendu 41 soMthetho 129 ka-1993 nasisiqendu 4 soMthetho 18 ka-1996

21. Imithetho etshitshiswayo nokulondolozwa kweminye

22. Igama lawo nokuqalisa kwawo ukusebenza

**Ukuchazwa kwamagama**

**1.** Kulo Mthetho, ngaphandle kokuba okunye okubhaliweyo kuwo kubonisa ngenye indlela—

**"umpu"** nguwo nawuphi na umpu njengoko uchazwe kwisiqendu 1(1) okanye nasiphi na isixhobo njengoko sichazwe kwisiqendu 32(1) se*Arms and Ammunition Act* 75 ka-1969;

**"umabhalane wenkundla"** ngumabhalane wenkundla oqeshwe ngokwesiqendu 13 se*Magistrates' Court Act* 32 ka-1944, kwaye eli gama liquka umncedisi kamabhalane wenkundla oqeshwe ngolo hlobo;

**"ummangali"** nguye nawuphi na umntu okwikhonkco okanye obekwikhonkco ekhayeni nommangalelwa waza wagonyamelwa okanye ekuthiwa ugonyamelwe, kuquka nomntwana ophantsi kononophelo lommangali;

**“inkundla”** yiyo nayiphi na inkundla yemantyi yesithili esixelwe kwi*Magistrates’ Court Act* 32 ka-1944;

[Ukuchazwa kwelithi **“inkundla”** kuthatyathelw’ indawo sisiqendu 10(2) soMthetho 31 ka-2008.]

**“ukonakaliswa kwempahla”** kukonakaliswa okanye ukutshatyalaliswa ngabom kwempahla eyeyommangali okanye anento yokwenza nayo ummangali;

**“isixhobo esiyingozi”** siso nasiphi na isixhobo njengoko sichazwe kwisiqendu 1 se*Dangerous Weapons Act* 71ka-1968;

**“ukuba kwikhonkco ekhayeni”** bubudlelane obuphakathi kommangali nommangalelwa nakuyiphi na yezi ndlela zilandelayo:—

*(a)* batshatile okanye babetshatile, kuquka nomtshato wesintu okanye wecawa;

*(b)* (enoba bayafana ngesini okanye abafani) bahlala okanye babehlala kunye ngokungathi batshatile, nangona bengatshatanga okanye babengatshatanga, kunjalonje kungenakwenzeka ukuba batshate;

*(c)* bangabazali bomntwana okanye bangabantu abanembopheleleko okanye ababenembopheleleko yokuba ngabazali baloo mntwana (enoba kwakungaxesha-nye okanye kwakungekho ngaxesha-nye);

*(d)* bangamalungu osapho ahlobene ngomtshato, okanye ngegazi, okanye ngokukhulela phantsi komntu othile;

*(e)* babeganene, okanye bethandana okanye bekwikhonkco ngokwesintu, kuquka ukuthandana kokwenyani okanye okucingelwayo, okanye ukusondelelana okanye ukulalana, nokuba kokwexesha elingakanani na; okanye

*(f)* bahlala ndawonye okanye bebehlala ndawonye kutshanje;

**“ugonyamelo lwasekhayen**i”—

*(a)* kukubethwa;

*(b)* kukuxhatshazwa ngokwesondo;

*(c)* kukuphathwa kakubi emphefumlweni, ngamazwi aphuma ngomlomo, nangokwasengqondweni;

*(d)* kukuxhatshazwa ngokwasemalini;

*(e)* kukoyikiswa;

*(f)* kukwenziwa intlondi;

*(g)* kukuchwechwelwa;

*(h)* kukonakaliselwa impahla;

(i) kukungena apho kuhlala ummangali ngaphandle kwemvume yakhe, babe ummangali nommangalelwa bengahlali ndawonye; okanye

*(j)* nasiphi na esinye isenzo esimlawulayo okanye esimxhaphazayo ummangali, xa eso senzo sisenzakalisa okanye sinokubangela ukwenzakala kwimpilo yommangalelwa;

**“ukuxhatshazwa ngokwasemalini”** kuquka—

*(a)* ukungayinikwa ngabom imali anelungelo layo ummangali ngokomthetho okanye ekufuneka eyifumene ngenxa yokuswela, kuquka izinto azisweleyo endlwini, nokubuyiswa kwemali-mboleko yokuthenga umzi okanye ukuhlawulelwa indawo yokuhlala xa bengabantu abahlala ndawonye; okanye

*(b)* ukuchithwa okungenangqondo kwempahla yendlu okanye enye impahla anento yokwenza nayo ummangali;

**“uncedo lwemali olungxamisekileyo”** yimbuyiselo yokulahlekelwa yimali kommangali ngexesha lokukhutshwa komyalelo wenkuselo ngenxa yokuba egonyamelwa ekhayeni, kuquka—

*(a)* ukulahlekelwa yimali ayamkelayo;

*(b)* iindleko zonyango nezamazinyo;

*(c)* iindleko zokufuduka nendawo entsha yokuhlala; okanye

*(d)* izinto eziyimfuneko endlwini;

**“ukuphathwa kakubi emphefumlweni, ngamazwi athethwayo, nangokwasengqondweni”** kukusoloko esenziwa isenzo esithob’ isidima ummangali, kuquka—

*(a)* ukuthukwa qho, ukwenziwa intlekisa okanye ukumbiza ngamagama athile;

*(b)* ukusoloko esongelwa ngokuphathwa kakubi emphefumlweni; okanye

*(c)* iinkcuku eziphinda-phindiweyo zesikhwele esixakileyo ngokokude sibangele ukungazihloniphi iimfihlo nokuba sesithe kommangali, nenkululeko yakhe, nokukhuseleka kwakhe;

**“ukwenziwa intlondi”** kukwenza isenzo esithe gqolo esibangela ukoyika ukwenzakaliswa kommangali, kuquka—

*(a)* ukusoloko wondele indawo ahlala kuyo ummangali, okanye uzula-zula ujikeleza kwindawo ahlala okanye aphangela kuyo okanye ashishina kuyo okanye afunda kuyo okanye akuyo;

*(b)* ukusoloko umtsalel’ umnxeba ummangali okanye uthundeza omnye umntu ukuba abe soloko emtsalel’ umnxeba, enoba ithi ibekho incoko okanye ingabikho;

*(c)* ukusoloko uthumela okanye ucela omnye umntu ukuba athumele iileta, ii*telegram*, iipasile, iifeksi, ii-imeyile, okanye ezinye izinto kummangali;

**“ukoyikisa”** kukukhupha isoyikiso, okanye ukwenza ukuba ummangali afumane isoyikiso, esibangela ukoyika;

**“ipolisa loMzantsi-Afrika”** lipolisa ngendlela elichazwe ngayo kwisiqendu 1 se*South African Police Service Act* 68 ka-1995;

**“igosa loxolo”** ligosa loxolo ngendlela elichazwe ngayo kwisiqendu 1 se*Criminal Procedure Act* 51 ka-1977;

**“ukubethwa”** siso nasiphi na isenzo okanye ukusongela ukwenza isenzo sokumgonyamela emzimbeni ummangali;

elithi **“efunekayo”** lithetha efuneka ngokommiselo owenziwe ngokwesiqendu 19;

**“umyalelo wenkuselo”** ngumyalelo okhutshwe ngokwesiqendu 5 okanye 6, kodwa ngokwesiqendu 6 asinguwo umyalelo wenkuselo wexeshana;

**“indawo yokuhlala”** iquka amaziko abantwana, awabakhulileyo, nawabagogekileyo;

**“ummangalelwa”** nguye nawuphi na umntu okwikhonkco lasekhayeni okanye obekwikhonkco lasekhayeni nommangali waza wenza okanye watyholwa ngokwenza isenzo sogonyamelo ekhayeni kummangali;

**“ukuxhatshazwa ngokwesondo”** siso nasiphi na isenzo esimxhaphazayo, esimhlazayo, esimthob’ isidima okanye esikukumlala ummangali;

**“unothimba”** ngunothimba omiselwe ngokwesiqendu 2(1) se*Sheriff’s Act* 90 ka-1986, okanye umntu obambele unothimba omiselwe ngokwesiqendu 5(1) se*Sheriff’s Act*;

**“ukuchwechwela”** kukusoloko umlandela ummangali, umleqa, okanye ummisa;

elithi **“lo Mthetho”** liquka imimiselo.

**Imbopheleleko yokumnceda ummangali nokumazisa ngamalungelo akhe**

**2.** Naliphi na ipolisa loMzantsi-Afrika malithi, kwindawo esenzeke kuyo isiganeko sogonyamelo lwasekhayeni okanye kamsinya emva kokuba senzekile, okanye sisakubikwa isiganeko sogonyamelo lwasekhayeni—

*(a)* linike ummangali uncedo olunokuthi lufuneke kuloo meko, kuquka ukumncedisa afumane indawo yokuhlala efanelekileyo nonyango lwamayeza;

*(b)* ukuba kunokwenzeka, linike ummangali uxwebhu olunengcombolo efunekayo ngolwimi lwaseburhulumenteni oluthandwa ngummangali; kananjalo

*(c)* ukuba kunokwenzeka, limchazele ummangali okuqulethwe lolo xwebhu ngendlela efunekayo, kuquka neendlela zoncedo anokuzifumana ngokwalo Mthetho nelungelo lakhe lokuvul' ityala lolwaphulo-mthetho, ukuba kunokwenzeka oko.

**Ukubanjwa ligosa loxolo lingaphathanga sigunyazisi**

**3.** Igosa loxolo linokuthi lingenaso isigunyazisi libambe ummangalelwa kwindawo olwenzeke kuyo ugonyamelo lwasekhayeni elimrhanela ukuba wenze isenzo esikukona esinogonyamelo kummangali.

**Ukwenz' isicelo somyalelo wenkuselo**

**4.** (1) Nawuphi na ummangali unokuthi ngendlela efunekayo enz' isicelo enkundleni somyalelo wenkuselo.

(2) Ukuba ummangali akamelwanga ligqwetha, umabhalane wenkundla makamazise ummangali ngendlela efunekayo—

*(a)* ngoncedo olufumanekayo ngokwalo Mthetho;

*(b)* nangelungelo lokummangalela ngolwaphulo-mthetho ummangalelwa, ukuba ummangalelwa wenze isenzo esilulwaphulo-mthetho.

(3) Kungakhathaliseki ukuba uthini na omnye umthetho, esi sicelo sinokwenziwa egameni lommangali nguye nawuphi na omnye umntu, kuquka nomntu ongumluleki, nomntu owenza umsebenzi wempilo, nepolisa loMzantsi-Afrika, nonontlalo-ntle okanye ititshala, onomdla kanobom kwimpilo-ntle yommangali, kodwa ke isicelo masenziwe ngemvume ebhaliweyo yommangali, ngaphandle kwakwimeko apho ummangali—

*(a)* engumntwana oselula ngeminyaka;

*(b)* edodobele ngengqondo;

*(c)* engekho zingqondweni; okanye

*(d)* engumntu inkundla eyanelisekileyo ngaye ukuba akanakukwazi ukunik' imvume efunekayo.

(4) Kungakhathaliseki ukuba uthini na omnye umthetho, nawuphi na umntwana oselula ngeminyaka, okanye umntu omele umntwna oselula ngeminyaka, unokwenz' isicelo enkundleni somyalelo wenkuselo engancediswa ngumzali okanye ngomnye umntu.

(5) Isicelo ekuthethwe ngaso kwisiqendwana (1) sinokwenziwa ngexesha elingelilo elokusebenza kwenkundla okanye ngomhla ongenguwo umhla oqhelekileyo wokusebenza kwenkundla, ukuba inkundla yanelisekile kwinto yokuba ummangali angasengxakini ukuba isicelo asisingathwa ngokukhawuleza.

(6) Iinkcazelo ezibhaliweyo ezifungelweyo ezixhasa isicelo zabantu abanolwazi ngomcimbi zinokupheleka isicelo sommangali.

(7) Isicelo kunye neenkcazelo ezibhaliweyo ezifungelweyo mazinikwe umabhalane wenkundla oya kuthi ngoko nangoko azidlulisele kwinkundla.

**Ukuqwalaselwa kwesicelo nokukhutshwa komyalelo wenkuselo wexeshana**

**5.** (1) Inkundla mayisiqwalasele ngoko nangoko kangangoko kunokwenzeka isicelo esenziwe ngokwesiqendu 4(7) kwaye inokuthi iqwalasele nobunye ubungqina ngokokubona kwayo, kuquka nobungqina bomlomo okanye ubungqina obubhaliweyo bafungelwa, obuza kuthi bube yinxalenye yerekhodi yetyala.

(1A) Xa zivuma iimeko, libe lifumaneka neGqwetha Leentsapho, inkundla inokuthi, kwiimeko ezinokuthi zifunwe yi*Mediation in Certain Divorce Matters Act* 24 ka-1987, xa iqwalasela isicelo esixelwe kwisiqendwana (1), yenze ukuba kuphandwe liGqwetha Leentsapho, oluxelwe kwi*Mediation in Certain Divorce Matters Act* ka-1987, ekummandla ekulawula kuyo loo nkundla, iphande ngempilo-ntle yomntwana oselula ngeminyaka okanye umntwana oxhomekeke kubazali ochaphazelwa lelo tyala, ekuya kuthi ke okutshiwo yi*Mediation in Certain Divorce Matters Act* kusebenze, kubekho nje utshintsho olunokuthi lufuneke.

**[Isiqendwana (1A) safakelwa sisiqendu 19 soMthetho 55 ka-2003.]**

(2) Ukuba inkundla yanelisekile kwinto yokuba kukho ubungqina kungadanga kwambiwa nzulu bokuba—

*(a)* ummangalelwa wenza, okanye wenze, isenzo sogonyamelo lwasekhayeni; kwaye

*(b)* ummangali unokuba sengxakini ngenxa yolo gonyamelo lwasekhayeni ukuba umyalelo wenkuselo awukhutshwa ngoko nangoko, inkundla mayikhuphe umyalelo wenkuselo wexeshana, iwukhuphela ummangalelwa, ngendlela

efunekayo, nangona ummangalelwa engaziswanga ngelo tyala elixelwe kwisiqendwana (1).

(3) *(a)* Ummangalelwa makawunikwe esandleni umyalelo wenkuselo wexeshana ngendlela efunekayo, kwaye mawuthi ummangalelwa makabeke isizathu esivakalayo ngomhla wokuphindela enkundleni oxeliweyo sokuba kungani umyalelo wenkuselo osisigxina ungenakukhutshwa.

*(b* Ikopi yesicelo ekuthethwe ngaso kwisiqendu 4(1) nerekhodi yobungqina obubhaliweyo ngokwesiqendwana (1) mayinikwe ummangali kunye nomyalelo wenkuselo wexeshana.

(4) Ukuba inkundla ayiwukhuphi umyalelo wenkuselo wexeshana ngokwesiqendwana (2), inkundla mayiyalele umabhalane wenkundla ukuba enze ukuba iikopi ezisethifayiweyo zesicelo kunye neenkcazelo ezibhaliweyo ezifungelweyo ezixhasa isicelo zinikwe ummangalelwa esandleni ngendlela efunekayo, kunye noxwebhu olufunekayo oluthi kummangalelwa makabeke isizathu esivakalayo ngomhla wokubuyela enkundleni oxeliweyo kuxwebhu sokuba kungani umyalelo wenkuselo osisigxina ungenakukhutshwa.

(5) Imihla ekubuyelwa ngayo enkundleni ekuthethwe ngayo kwisiqendwana (3) nesesi-(4) ayinakuba ngaphantsi kweentsuku ezili-10 emva kokuba amaxwebhu enikwe ummangalelwa esandleni, kodwa ke, umhla wokubuyela enkundleni ekuthethwe ngawo kwisiqendwana (3)*(a)* unokulindelwa ngummangalelwa esakunika ummangali nenkundla isaziso esibhaliweyo esingekho ngaphantsi kweeyure ezingama-24.

(6) Umyalelo wenkuselo wexeshana awunamandla kwaye awusebenzi de ube unikwe ummangalelwa.

(7) Akuba ewunikiwe esandleni ummangalelwa okanye akuba umabhalane wenkundla efumene ingxelo yokuba ummangalelwa uwunikiwe esandleni umyalelo wenkuselo wexeshana, umabhalane makathi ngoko nangoko enze ukuba—

*(a)* ikopi esethifayiweyo yomyalelo wenkuselo wexeshana;

*(b)* nesigunyazisi sokubanjwa esiyi-orijinali esixelwe kwisiqendu 8(1)*(a)*, zinikwe ummangali esandleni.

**Ukukhutshwa komyalelo wenkuselo**

**6.** (1) Ukuba ummangalelwa akaveli enkundleni ngomhla wokubuyela enkundleni oxelwe kwisiqendu 5(3) okanye (4), ibe nenkundla yanelisekile kwinto yokuba—

*(a)* ummangalelwa ulunikwe esandleni ngokufanelekileyo uxwebhu; kwaye

*(b)* isicelo sinobungqina kungadanga kwambiwa nzulu bokuba ummangalelwa wenze okanye wenza isenzo sogonyamelo lwasekhayeni,

inkundla mayikhuphe umyalelo wenkuselo ngendlela efunekayo.

(2) Ukuba ummangalelwa uthi avele enkundleni ngomhla wokubuyela enkundleni ngenjongo yokukuchasa ukukhutshwa komyalelo wenkuselo, inkundla mayiqhubeke iliphulaphule ityala, ize—

*(a)* iqwalasele nabuphi na ubungqina obuye bafunyanwa ngokwesiqendu 5(1); kananjalo

*(b)* iqwasele ezinye iinkcazelo ezibhaliweyo ezifungelweyo okanye ubungqina bomlomo ngendlela enokuthi iyalele ngayo, obuza kuthi bube yinxalenye yerekhodi yetyala.

(3) Inkundla inokuthi, yona ngokwayo okanye isakucelwa ngummangali, ukuba inoluvo lokuba kububulungisa okanye kungaba kuhle ukwenza njalo, iyalele ukuba ekukhokelweni kwamangqina ukuba anike ubungqina bawo, kuquka nommangali, ummangalelwa ongamelwanga ligqwetha—

*(a)* akanalungelo lakuzincinela ngokwakhe ngqo umntu okwikhonkco lasekhayeni naye; kwaye

*(b)* uza kulibuza imibuzo elo ngqina ngokuyibhekisa kwinkundla imibuzo yakhe, ize inkundla iwuphinde umbuzo unjengokuba unjalo iwubhekisa kummangalelwa.

(4) Emva kokuphulaphulwa kwetyala njengoko kuxelwe kwisiqendwana (2), inkundla mayikhuphe umyalelo wenkuselo ngendlela efunekayo ukuba ifumanisa ukuba ummangalelwa wenze okanye wenza isenzo sogonyamelo lwasekhayeni, kukho ubungqina obukholelekayo.

(5) Usakukhutshwa umyalelo wenkuselo, umabhalane wenkundla makathi ngoko nangoko, ngendlela efunekayo, enze ukuba—

*(a)* i-orijinali yaloo myalelo inikwe esandleni ummangalelwa; ize

*(b)* ikopi esethifayiweyo yaloo myalelo nesigunyazisi sokubanjwa esiyi-orijinali esixelwe kwisiqendu 8(1)*(a)* sinikwe esandleni ummangali.

(6) Umabhalane wenkundla makathi ngoko nangoko, ngendlela efunekayo, adlulisele iikopi ezisethifayiweyo zomyalelo wenkuselo nezesigunyazisi sokubanjwa ezixelwe kwisiqendu 8(1)*(a)* azidlulisele kwisikhululo samapolisa esikhethwe ngummangali.

(7) Ngokulawulwa koko kutshiwo sisiqendu 9(7), umyalelo wenkuselo okhutshwe ngokwesi siqendu uqhubeka usebenza de ube uyekisiwe,

kwaye ukusebenza kwaloo myalelo akuyi kuthi ngokuzenzekelayo kube kokunqunyanyisiweyo kusakufakwa isibheno.

**Amagunya enkundla ngomyalelo wenkuselo**

**7.** (1) Ngomyalelo wenkuselo ekuthethwe ngawo kwisiqendu 5 okanye 6, inkundla inokumalela ummangalelwa—

*(a)* ukuba enze nasiphi na isenzo sogonyamelo lwasekhayeni;

*(b)* ukuba acele uncedo lomnye umntu ukuba enze eso senzo;

*(c)* ukuba angene apho kuhlala ummangali nommangalelwa,

kodwa ke, inkundla inokubeka esi sithintelo kuphela xa kuya kuba luncedo kummangali;

*(d)* ukuba angene kwindawo ethile exeliweyo yaloo ndawo bahlala kuyo;

*(e)* ukuba angene apho kuhlala khona ummangali;

*(f)* ukuba angene kwindawo ekuphangela kuyo ummangali;

*(g)* ukuba athintele ummangali ohlala nommangalelwa njengoko kuxelwe kwisiqendu *(c)* emthintela ekungeneni okanye ekuhlaleni kwindawo abahlala kuyo kunye okanye kwindawo ethile exeliweyo kuloo ndawo bahlala kuyo kunye; okanye

*(h)* ukuba enze nasiphi na esinye isenzo esixeliweyo kumyalelo wenkuselo.

(2) Inkundla inokubeka nayiphi na imiqathango eyeminye eyibona ifanelekile ngenjongo yokukhusela impilo-ntle yommangali, kuquka nomyalelo—

*(a)* wokohlutha umpu okanye isixhobo esiyingozi esikummangalelwa njengoko kuxelwe kwisiqendu 9;

*(b)* nowokuba igosa loxolo lipheleke ummangali aye kwindawo exeliweyo ukumncedisa ekuthatheni impahla yakhe.

(3) Xa inkundla iyalela ukuba kuthintelwe isenzo esixelwe kwisiqendwana (1)*(c)*, ingamnyanzela ummangalelwa ukuba ayihlawulele indawo yokuhlala okanye imali yokubuyisa imali-mboleko yokuthenga umzi, icingela imeko yasemalini yommangali nommangalelwa.

(4) Inkundla isengayalela ummangalelwa ukuba ahlawulele uncedo olukhawulezileyo lwemali, ecingela imeko engokwasemalini yommangali nommangalelwa, kwaye loo myalelo uba njengomyalelo wenkundla yemantyi kwityala lembambano.

(5) *(a)* Idilesi yendawo akuyo ummangalelwa mayingavezwa kumyalelo wenkuselo ngaphandle kokuba uhlobo olulo umyalelo ufumanisa ukuba ixelwe.

*(b)* Inkundla ingakhupha nayiphi na imiyalelo yokuqinisekisa ukuba idilesi yendawo akuyo ummangalelwa ayivezwa nangayiphi na indlela ukuba inokuthi ibek’ engozini ukukhuseleka kwakhe okanye impilo-ntle yakhe.

(6) Ukuba inkundla yanelisekile kwinto yokuba kuya kuba luncedo kumntwana, inokuthi—

*(a)* ikwalele ukudibana kommangalelwa naloo mntwana; okanye

*(b)* iyalele ukuba angadibana naloo mntwana ngemiqathango ebonwa ifanelekile yinkundla.

(7) *(a)* Inkundla ayivumelekanga ukuba yale—

(i) ukukhupha umyalelo wenkuselo; okanye

(ii) ibeke umqathango okanye ikhuphe umyalelo engenalo igunya lokuwubeka okanye lokuwukhupha ngokwesi siqendu, ngenxa nje yokuba kukho ezinye iindlela zoncedo lomthetho anokuzifumana ummangali.

*(b)* Ukuba inkundla inoluvo lokuba nantoni na etshiwo kumyalelo wenkuselo ichaphazel umcimbi omele ukuba, ukuze kubekho ubulungisa, usingathwe ngokomthetho ongomnye, kuquka ne*Maintenance Act* ka-1998, inkundla mayiyalele ukuba loo nto etshiwo ngumyalelo wenkundla iya kuba yeyexeshana eligqitywe yinkundla, ukuze ivumele ithuba lokuba umntu lowo ochaphazelekayo afune olunye uncedo olufanelekileyo ngokwaloo mthetho.

**Isigunyazisi sokubanjwa kusakukhutshwa umyalelo wenkuselo**

**8.** (1) Nanini na xa inkundla ikhupha umyalelo wenkuselo, mayikhuphe umyalelo—

*(a)* ogunyaza ukukhutshwa kwesigunyazisi sokubanjwa kommangalelwa, ngendlela efunekayo;

*(b)* nokumisayo ukuphunyezwa kweso sigunyazisi kude kube kwenziwe konke okufunwa sisithintelo, ngumqathango, sisinyanzelo, okanye ngumyalelo owenziwe ngokwesiqendu 7.

(2) Isigunyazisi ekuthethwe ngaso kwisiqendwana (1)*(a)* siqhubeka sisebenza ngaphandle kokuba umyalelo wenkuselo umisiwe, okanye ucinyiwe emva kokuba uphunyeziwe.

(3) Umabhalane wenkundla makanike ummangali isigunyazisi sokubanjwa kommangalelwa sesibini okanye esilandela esesibini, ukuba ummangali uthi enze inkcazelo ebhaliweyo efungelweyo ngendlela efunekayo apho achaza

khona ukuba siyafuneka eso sigunyazisi ukuze akhuseleke, nokuthi isigunyazisi esikhoyo sokubanjwa kommangalelwa—

*(a)* siye saphunyezwa saza sacinywa; okanye

*(b)* siye salahleka okanye satshatyalaliswa.

(4) *(a)* Ummangali unokunika ipolisa loMzantsi-Afrika isigunyazisi sokubanjwa kommangalelwa kunye nenkcazelo ebhaliweyo efungelweyo, ngendlela efunekayo, apho achaza ukuba ummangalelwa wenze okuchasene nesithintelo, okanye nomqathango, okanye nesinyanzelo, okanye nomyalelo okumyalelo wenkuselo.

*(b)* Ukuba ipolisa elo libona ukuba, ngokulawulwa sisiqendwana (5), kukho izizathu ezivakalayo zokurhanela ukuba ummangali angenzakala ngenxa yokwaphulwa komyalelo wenkuselo okubikiweyo, ipolisa elo malithi ngoko nangoko limbambe ummangalelwa ngesityholo sokwenza isenzo esikukona ekuthethwe ngaso kwisiqendu 17*(a)*.

*(c)* Ukuba ipolisa elo linoluvo lokuba azanelanga izizathu zokumbamba ummangalelwa ngokwesiqendu *(b)*, malithi ngoko nangoko linike ummangalelwa isaziso esibhaliweyo—

(i) esixela igama nedilesi ahlala kuyo ummangalelwa, nomsebenzi wakhe;

(ii) sisithi ummangalelwa makavele phambi kwenkundla, ngomhla nangexesha elixelwe kwisaziso eso, ngesimangalo sokwenza isenzo esikukona ekuthethwe ngaso kwisiqendu 17*(a)*;

(iii) esinesiqinisekiso esityikitywe lipolisa elo esithi ipolisa elo limnike ummangalelwa isaziso esiyi-orijinali nokuthi limchazele ukubaluleka kwaso.

*(d)* Ipolisa malithi ngoko nangoko lidlulisele idyuplikheyithi yesaziso ekuthethwe ngaso kwisiqendu *(c)* kumabhalane wenkundla, ekuya kuthi ke

isakuvezwa nje enkundleni loo dyuplikheyithi ibe bubungqina kungadanga kwambiwa nzulu bokuba i-orijinali yayo inikwe ummangali oxeliweyo apho kuyo.

(5) Ekuqwalaseleni ukuba ummangali angenzakala kusini na, njengoko kuxelwe kwisiqendwana (4)*(b)*, ipolisa loMzantsi-Afrika malicingele—

*(a)* ukuba sengozini kommangali okanye ukuba sengozini kwempilo-ntle yakhe;

*(b)* ukuthi imbi kangakanani loo nto ekuthiwa ikukwaphula umyalelo wenkuselo; nokuthi

*(c)* inexesha elingakanani yenzekile.

(6) Nanini na xa isigunyazisi sokubanjwa sinikwa ipolisa loMzantsi-Afrika ngokwesiqendwana (4)*(a)*, ipolisa elo malimazise ummangali ngelungelo lakhe lokuba kwangaxesha-nye angamvulel' ityala lolwaphulo-mthetho ummangalelwa, ukuba oku kuyasebenza kule meko, lize limchazele ummangalelwa ukuba angalivula njani elo tyala.

**Ukohluthwa kwemipu nezixhobo eziyingozi**

**9.** (1) Inkundla mayiyalele ipolisa loMzantsi-Afrika ukuba lohluthe nawuphi na umpu okanye isixhobo esiyingozi esikummangalelwa, ukuba inkundla yanelisekile kwinto yokuba ngokobungqina obubekwe phambi kwayo, kuquka neenkcazelo ezibhaliweyo ezifungelweyo ezixhasa isicelo ekuthethwe ngaso kwisiqendu 4(1),—

*(a)* ummangalelwa wenze isisongelo okanye wavakalisa injongo yokuzibulala okanye yokuzenzakalisa okanye yokwenzakalisa nawuphi na omnye umntu okwikhonkco lasekhayeni naye, enoba kungaloo mpu okanye isixhobo esiyingozi; okanye kwinto yokuba

*(b)* ukuba naloo mpu okanye isixhobo esiyingozi akuluncedo lwanto kummangalelwa okanye komnye umntu okwikhonkco lasekhayeni kunye naye, ngenxa—

(i) yemeko akuyo ngokwasengqondweni ummangalelwa;

(ii) yokuthanda kwakhe ukugonyamela; okanye

(iii) yokusebenzisa kwakhe utywala okanye iziyobisi ezikhobokisayo.

(2) Nawuphi na umpu owohluthwe ngokwesiqendwana (1) mawunikezelwe kumntu onesikhundla kumapolisa oMzantsi-Afrika esixelwe kwisiqendwana 11(2)*(b)* se*Arms and Ammunition Act* 75 ka-1969, kwaye inkundla mayiyalele umabhalane wenkundla ukuba adlulisele ikopi yerekhodi yobungqina kuMkomishinala-Jikelele Wamapolisa OMzantsi-Afrika ukuze iqwalaselwe ngokwesiqendu 11 se*Arms and Ammunition Act* ka-1969.

(3) Nasiphi na isixhobo esiyingozi esohluthwe ngokwesiqendwana (1)—

*(a)* masinikwe uphawu olusahlulayo kwezinye size sigcinwe emapoliseni ubude bexesha obugqitywe yinkundla; kananjalo

*(b)* masibuyiselwe kummangalelwa kuphela, okanye ukuba ummangalelwa akanguye umnini waso, masibuyiselwe kuphela kumnini waso, ngomyalelo wenkundla, nangemiqathango egqitywe yinkundla,

kodwa ke—

(i) ukuba, ngokokubona kwenkundla, ixabiso leso sixhobo esiyingozi esohluthiweyo lingaphantsi kwama-R200; okanye

(ii) ukuba ukubuyiselwa kwaso akuyalelwanga kwisithuba seenyanga ezili-12 emva kokuba sohluthiwe; okanye

(iii) ukuba inkundla yanelisekile kwinto yokuba kuya kwenza ukuba akhuseleke nawuphi na umntu ochaphazelekayo,

inkundla ingayalela ukuba eso sixhobo esiyingozi kuphulukwane naso sibe sesikaRhulumente.

**Ukwenziwa kotshintsho kumyalelo wenkuselo okanye ukukhatywa kwawo**

**10.** (1) Ummangali okanye ummangalelwa unokuthi, akuba enike omnye isaziso esibhaliweyo kunye nenkundla, enz' isicelo sokuba umyalelo wenkuselo utshintshwe okanye ukhatywe, ngendlela efunekayo, okungumyalelo wenkuselo ekuthethwe ngawo kwisiqendu 6.

(2) Ukuba inkundla yanelisekile kwinto yokuba kuxelwe isizathu esivakalayo sokutshintshwa komyalelo wenkuselo okanye sokukhatywa kwawo, ingakhupha umyalelo othi mawutshintshwe okanye ukhatywe, kodwa ke, inkundla mayingasivumi isicelo sommangalelwa ngaphandle kokuba yanelisekile kwinto yokuba eso sicelo senziwe ngokukhululekileyo nangokuzithandela.

(3) Ukuba umyalelo wenkuselo utshintshiwe okanye wakhatywa njengoko kuxelwe kwisiqendwana (1), umabhalane wenkundla makanike ummangali nommangalelwa isaziso soko, ngendlela efunekayo.

**Ukubakho etyaleni nokwalelwa kokupapashwa kwengcombolo ethile**

**11.** (1) *(a)* Akukho mntu uvumelekileyo ukubakho ekuqhubekeni kwetyala ngokwalo Mthetho ngaphandle—

(i) kwamagosa enkundla;

(ii) kwabo babandakanyekileyo kwityala;

(iii) komntu owenze isicelo egameni lommangali ngokwesiqendu 4(3);

(iv) kwegqwetha elimele nabani na okwelo tyala;

(v) kwamangqina;

(vi) kwabantu abangekho ngaphezu kwesithathu abakholo ukomeleza ummangali;

(vii) kwabantu abangekho ngaphezu kwesithathu abakholo ukomeleza ummangalelwa;

(viii) komntu ngamnye othe wavunyelwa yinkundla ukuba abekho,

kodwa ke, inkundla inokuthi ingamvumeli umntu ukuba abekho etyaleni, ukuba yanelisekile kwinto yokuba ubulungisa bufunisa ngolo hlobo.

*(b)* Akukho nto kwesi siqendwana enciphisa igunya lenkundla lokuliphulaphula ityala ekhusini okanye lokwalela umntu othile ukuba abekho kulo.

(2) *(a)* Akukho mntu uvumelekileyo ukuba apapashe nangayiphi na indlela ingcombolo enokuthi, ngokungqalileyo okanye ngokungangqalanga, yenze kwaziwe ukuba ngubani nabani ababandakanyekileyo kwityala.

*(b)* Inkundla isengayalela ukuba ingcombolo ethile emayela netyala egcinwe ngokwalo Mthetho mayingapapashwa, ukuba yanelisekile kwinto yokuba kuya kuba bubulungisa ukwenza njalo, kodwa ke, oku akusebenzi kwimeko yokupapashwa kwengxelo yomthetho epapashwa ngentsusa entle engawakhankanyiyo amagama abantu ababandakanyekileyo okanye engabadiziyo ukuba bangoobani okanye engawadiziyo amagama amangqina.

**Igunya lenkundla**

**12.** (1) Nayiphi na inkundla ekummandla—

*(a)* ekuhlala kuwo ummangali ngokusisigxina okanye okwexeshana okanye apho ashishina khona okanye aqeshwe khona;

*(b)* ekuhlala kuwo ummangalelwa okanye apho ashishina khona okanye aqeshwe khona; okanye

*(c)* ekwenzeka kuwo into ebangele ukufakwa kwesi simangalo,

inegunya lokunika ummangali umyalelo wenkuselo njengoko kuxelwe kulo Mthetho.

(2) Akukho xesha libekiweyo elilelona lifutshane elifunekayo kwisiqendwana (1)*(a)*.

(3) Umyalelo wenkuselo unganyanzeliswa kuyo yonke iRiphablikhi.

**Ukunikwa amaxwebhu esandleni**

**13.** (1) Ukunikwa esandleni naluphi na uxwebhu ngokwalo Mthetho makwenziwe ngoko nangoko ngendlela efunekayo, kusenziwa ngumabhalane wenkundla, okanye ngunothimba, okanye ligosa loxolo, kuxhomekeke ekubeni inkundla iyalele ukuba makwenzeke njani.

(2) Imiyalelo exelwe kwisiqendu 19 mayivumele ukuba uRhulumente ancedise ngemali ummangali okanye ummangalelwa ongenawo amandla okuhlawulela iindleko zokusiwa kwamaxwebhu emntwini ngokwalo Mthetho.

**Ukumelwa ligqwetha**

**14.** Nawuphi na umntu kwityala elingokwalo Mthetho unokumelwa ligqwetha.

**Iindleko**

**15.** Inkundla ingayalela umntu ukuba ahlawule iindleko ukuba yanelisekile kwinto yokuba loo mntu ufane wenza kungekho sizathu sokwenza oko, okanye ebeqhutywa nje luchuku, okanye wenze ngokungaqiqi.

**Ukubhena nokuqwalaselwa ngokutsha kwetyala**

**16.** Okutshiwo yi*Magistrates' Courts Act* 32 ka-1944 nanguMthetho Weenkundla Ezingentla 10 ka-2013 mayela nokubhena nokuqwalaselwa ngokutsha kwetyala kuyasebenza kwityala elingokwalo Mthetho.

**Izenzo ezikukona**

**17.** Kungakhathaliseki ukuba uthini na omnye umthetho, nawuphi na umntu—

*(a)* owenza okuchasene nesithintelo, okanye nomqathango , okanye nesinyanzelo okanye umyalelo owiswe ngokwesiqendu 7;

*(b)* owaphula okutshiwo sisiqendu 11(2)*(a)*;

*(c)* ongenziyo ngokomyalelo ongokwesiqendu 11(2)*(b)*; okanye

*(d)* othi ngabom enze inkcazelo ebhaliweyo ebubuxoki ngento ebalulekileyo, ekwenza oko kwinkcazelo ebhaliweyo efungelweyo ekuthethwe ngayo kwisiqendu 8(4)*(a)*,

waphul' umthetho kwaye esakufunyaniswa enetyala, xa kusisenzo esikukona ekuthethwe ngaso kwisiqendu *(a)*, uya kugwetywa ifayini okanye ukuvalelwa

entolongweni ixesha elingagqithiyo kwiminyaka emihlanu, okanye agwetywe kokubini loo fayini noko kuvalelwa entolongweni, kuze kuthi xa kusisenzo sokona esixelwe kwisiqendu *(b), (c)* okanye *(d)*, agwetywe ifayini okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiminyaka emibini, okanye agwetywe kokubini loo fayini noko kuvalelwa entolongweni.

**Ukusetyenziswa kwalo Mthetho ligunya elitshutshisayo nangamapolisa oMzantsi-Afrika**

**18.** (1) Akukho mtshutshisi ovumelekileyo—

*(a)* ukwala ukutshutshisa; okanye

*(b)* ukurhoxisa isimangalo,

xa kwaphulwe isiqendu 17*(a)*, ngaphandle kokuba ugunyazwe ukuba enze njalo nguMlawuli Wotshutshiso, egunyazwa kumatyala jikelele okanye kwityala elithile, njengoko kuxelwe kwisiqendu 13(1) se*National Prosecuting Authority Act* 32 ka-1998, okanye egunyazwa ngumtshutshisi omkhulu ochongwe ngencwadi nguMlawuli.

(2) UMlawuli-Jikelele Wotshutshiso ekuthethwe ngaye kwisiqendu 10 se*National Prosecuting Authority Act* ka-1998, ebonisana noMphathiswa Wobulungisa Nophuhliso LoMgaqo-siseko nasemva kokubonisana naBalawuli Botshutshiso, makenz’ isigqibo ngenkqubo yokutshutshisa aze akhuphe imiyalelo engenkqubo ngaso nasiphi na isenzo esikukona sogonyamelo lwasekhayeni.

(3) UMkomishinala Wezwelonke WamaPolisa OMzantsi-Afrika makakhuphe imiyalelo esebenza ezwenilonke exelwe kwisiqendu 25 se*South African Police Service Act* 68 ka-1995 ekufuneka amapolisa enze okuvisisana nayo

xa esenza imisebenzi yawo ngokwalo Mthetho, kwaye nayiphi na imiyalelo ekhutshiweyo ngale ndlela mayipapashwe ku*Shicilelo-Mithetho*.

(4) *(a)* Ukungenzi kwepolisa loMzantsi-Afrika okufunwa sisinyanzelo esingokwalo Mthetho okanye okufunwa yimiyalelo yezwelonke ekuthethwe ngayo kwisiqendwana (3) kukona njengoko kuxelwe kwi*South African Police Service Act* ka-1995, kwaye iOfisi Yabalawuli eyasekwa sisiqendu 4(1) se*Civilian Secretariat for Police Service Act* ka-2010 mayaziswe ngoko nangoko ngoko kungenzi okubikwe kumaPolisa OMzantsi-Afrika.

*(b)* Ngaphandle kokuba iOfisi Yabalawuli iyalele ngeny' indlela kwityala elithile, AmaPolisa OMzantsi-Afrika mawaqalise inyathelo lolungiso-similo elithathelwa elo polisa elityholwa ngokungakwenzi okufunekayo ekuthethwe ngako kwisiqendu *(a)*.

**[Isiqendwana (4) sathatyathelw' indawo sisiqendu 36 soMthetho 1 ka-2011.]**

(5) *(a)* UMlawuli-Jikelele Wotshutshiso makangenise ePalamente inkqubo yokutshutshisa nemiyalelo engenkqubo egqitywe okanye ekhutshwe ngokwesiqendwana (2), kwaye loo nkqubo yokuqala nemiyalelo egqitywe ngaloo ndlela okanye ekhutshwe ngaloo ndlela mayingeniswe ePalamente zingekapheli iinyanga ezintandathu uqalile ukusebenza lo Mthetho.

*(b)* UMkomishinala-Jikelele WamaPolisa OMzantsi-Afrika makangenise ePalamente imiyalelo esebenza ezwenilonke ekhutshwe ngokwesiqendwana (3), kwaye imiyalelo yokuqala ekhutshiweyo mayingeniswe ePalamente zingekapheli iinyanga ezintandathu uqalile ukusebenza lo Mthetho.

*(c)* Qho emva kweenyanga ezintandathu iOfisi Yabalawuli mayingenise ingxelo ePalamente ngenani lemicimbi neenkcukacha zaloo micimbi

ekwenziwe ingxelo ngayo ngokwesiqendwana (4)*(a)*, kwaye ixele izindululo ezenziweyo ngaloo micimbi.

**[Isiqendu *(c)* sathatyathelw' indawo sisiqendu 36 soMthetho 1 ka-2011.]**

*(d)* Qho emva kweenyanga ezintandathu uMkomishinala-Jikelele WamaPolisa OMzantsi-Afrika makangenise ingxelo ePalamente—

(i) ngenani lezikhalazo neenkcukacha zezo zikhalazo ezifunyenwe zikhalazela amapolisa ngokusilela okuxelwe kwisiqendwana (4)*(a)*;

(ii) ngamatyala oluleko aqalisiweyo ngenxa yoko nezigqibo ezithe zazalwa ngaloo matyala;

(iii) nangamanyathelo athatyathwe ngenxa yezindululo ezenziwe yiOfisi Yabalawuli.

**[Isiqendu *(d)* senziwa utshintsho sisiqendu 36 soMthetho 1 ka-2011.]**

**Imimiselo**

**19.** (1) UMphathiswa Wobulungisa Nophuhliso LoMgaqo-siseko angenza imimiselo—

*(a)* ngefomu ekufuneka yenziwe ngokwalo Mthetho;

*(b)* ngawo nawuphi na umcimbi ekufuneka kwenziwe imimiselo ngawo ngokwalo Mthetho;

*(c)* nangawo nawuphi na umcimbi uMphathiswa akubona kuyimfuneko ukuba kwenziwe ummiselo ngawo ukuze kufezeke iinjongo zalo Mthetho.

(2) Nawuphi na ummiselo owenziwe ngokwesiqendwana (1)—

*(a)* mawusiwe ePalamente ngaphambi kokuba upapashwe ku*Shicilelo-Mithetho*;

*(b)* ongangenisa uRhulumente ezindlekweni mawenziwe ngokubonisna noMphathiswa WeziMali; kwaye

*(c)* usengathi nawuphi na umntu owaphula okutshiwo nguwo okanye ongakwenziyo okufunwa nguwo waphul' umthetho kwaye esakufunyaniswa enetyala uya kugwetywa ifayini okanye ukuvalelwa entolongweni ixesha elingagqithiyo kunyaka.

**20.** Kwenziwa utshintsho kwisiqendu 40(1) se*Criminal Procedure Act* 51 ka-1977 ngokongeza isiqendu *(q)*.

**Imithetho etshitshiswayo nelondolozwayo**

**21.** (1) Isiqendu 1, 2, 3, 6 nesesi-7 se*Prevention of Family Violence Act* 133 ka-1993 ziyatshitshiswa.

(2) Nasiphi na isicelo esenziwe, okanye ityala elifakwe, okanye isithintelo senkundla esikhutshwe ngokwalo Mthetho ekuthethwe ngaso kwisiqendwana (1) masithathwe eso sicelo njengesenziwe, okanye elo tyala malithathwe njengeliqaliswe, okanye eso sithintelo senkundla masithathwe njengesikhutshwe, ngokwalo Mthetho.

**Igama lawo nokuqalisa kwawo ukusebenza**

**22.** Lo Mthetho ubizwa ngokuba nguMthetho Wokuthintela Ugonyamelo Lwasekhayeni ka-1998 kwaye uqalisa ukusebenza ngomhla ogqitywe nguMongameli ngokukhuph' isihlokomiso ku*Shicilelo-Mithetho.*