

SEHLUKO 2

LUCWEBU LWEMALUNGELO ELUNTFU

EmaLungelo

7. (1) LoluCwebu lwemaLungelo eLuntfu lusisekelo sentsandvo yelinyenti eNingizimu Afrika. Luvikela emalungelo abo bonke bantfu eveni lakitsi luphindze lucinise emagugu entsandvo yelinyenti ekuhlonishwa kwebuntfu, kulingana kanye nenkhululeko.
- (2) Umbuso kumele uhloniphe, uvikele, ukhutsate futsi ufeze lamalungelo lacuketfwe kuloluCwebu lwemaLungelo eLuntfu.
- (3) Lamalungelo lakuloluCwebu lwemaLungelo eLuntfu anemkhawulo lobekwe noma lochazwe esigabeni 36, noma lokuletinye tindzawo kuloluCwebu.

Kusetjentiswa

8. (1) LuCwebu lwemaLungelo eLuntfu lusebenta kuyo yonkhe imitsetfo fusi lubopha sishayamtsetfo, Sigungu lesengamele, tinkantolo kanye nato tonkhe tikhungo tembuso.
- (2) Simiso saloluCwebu lwemaLungelo eLuntfu sibopha umuntfu ngekwevelo kanye nemuntfu-mtsetfweni, uma sisetjentiswa, noma kuye ngekutsi ngabe singasetjentiswa na, ngekubukwa kwenhlobo yalelo lungelo kanye nenhlobo yemtfwalo leliwetfwesako lelo lungelo.
- (3) Uma kusetjentiswa timiso teluCwebu lwemaLungelo eLuntfu kumuntfu ngekwevelo kanye nemuntfu-mtsetfweni ngekulandzela sigatjana (2), inkantolo -
 - (a) kuze iphumelelise lelo lungelo lelikuloluCwebu lwemaLungelo eLuntfu, kumele isebentise, uma kudzingekile iphindze itfutfukise, umtsetfo lowetayelekile kuze kufike ezingeni lapho umtsetfo lobekiwe ungaliphumelelisi lelo lilungelo; futsi
 - (b) ingatfutfukisa imisimeto yemtsetfo lowetayelekile kunciphisa emandla alelo lungelo, uma ngabe lokuncishiswa kwemandla kuyahambisana nesigaba 36 (1).
- (4) Umuntfu-mtsetfweni unemalungelo latfolakala kuloluCwebu lwemaLungelo eLuntfu kuye ngelizinga lenhlobo yemalungelo kanye nesimo salowo muntfu-mtsetfweni.

Kulingana

9. (1) Wonkhewonkhe uyalingana ngembi kwemtsetfo futsi ngalokulinganako unelilungelo lekuvikeleka nekuzuzwa emtsetfweni.
- (2) Kulingana kufaka ekhatsi kutfokotela emalungelo nekukhululeka ngalokuphelele nangalokulinganako. Kute kukhutsatwe kutfolakala kwekulingana, kungahle kutsatfwe tinyatselo temtsetfo kanye netalolunye luhlobo letimiselwe kuvikela noma kutfutufukisa bantfu, noma tinhlobo letitsite tebantfu lebetincishwe ematfuba ngenca yelubandlululo lolungenabulungiswa.
- (3) Umbuso akumelanga ubandlulule umuntfu ngalokungenabulungiswa ngalokucondzile noma ngekugegisa ngesizatfu sinye noma letinyenti, letifaka ekhatsi buhlanga, inkhuliso, bulili, kwemitsa, kutsi umuntfu ushadile noma akakashadi, kwehlukana kwebantfu ngebuve noma indzawo yekudzabuka, libala, inkholelo yekutsandzana, budzala, kukhubateka, inkholo, nembeza, intfo umuntfu lakholelwa kuyo, emasiko, lulwimi kanye nekutalwa.
- (4) Kute namunye umuntfu longabandlula ngalokungakalungi lomunye ngalokucondzile noma ngekugegisa ngesizatfu sinye noma letinyeti tizatfu letibekwe esigabeni (3). Umtsetfo wavelonkhe kumele ubekwe kuvimbela nekwencabela lubandlululo lolungakalungi.
- (5) Lubandlululo lolwentiwe ngasinye noma letinyeti taletizatfu letibekwe esigatjaneni (3) alukalungi ngaphandle uma ngabe kutfolakala bufakazi bekutsi lolo lubandlululo lulungile.

Sitfunti sebuntfu

10. Wonkhewonkhe unesitfunti semvelo kanye nelilungelo lekutsi sitfunti sakhe sihlonishwe futsi sivikelwe.

Imphilo

11. Wonkhewonkhe unelilungelo lekutsi aphile.

Inkhululeko nekuvikeleka kwebuntfu

12. (1) Wonkhewonkhe unelilungelo lenkhululeko nekuvikeleka kwemuntfu, lokufaka ekhatsi lilungelo -

- (a) lekungamani emukwe inkhululeko nje ngalokungakafaneli noma ngaphandle kwesizatfu lesifanele;
 - (b) lekungavalelwa ejele ngaphandle kwekushushiswa;
 - (c) lekukhululeka kuto tonke tinhlobo tekuhlukunyetwa letiphuma emitfonjeni yembuso noma yangasese;
 - (d) lekungaviswa buhlungu emtimbeni nganoma nguyiphi indlela; kanye
 - (e) nelekungaphatfwa noma lekungajeziswa ngendlela lenelunya nalengenabuntfu noma leyehlisa sitfunti.
- (2) Wonkhwonkhe unelilungelo ekuvikelekeni kwemtimba nekwasengcondvweni, lokufaka ekhatsi lilungelo -
- (a) lekwenta tincumo mayelana nekutala;
 - (b) lekuvikeleka kwemtimba nekutiphatsela imitimba yabo; kanye
 - (c) Nelekungentiswa imisebenti yekulinga kutekwelashwa noma tesayensi ngaphandle kwemvume lecebisekile yalowo muntfu.

Bugcili, kusebenta matima njengesigcila kanye nekusentjentiswa ngenkhani

13. Kute umuntfu lokumele afakwe ebugcilini, emsebentini lomatima njengesigcila noma ekusetjentisweni ngenkhani.

Lingasese

14. Wonkhe umuntfu unelilungelo lelingasese, lelifaka ekhatsi lilungelo -
- (a) lekutsi umuntfu noma likhaya lakhe lingaseshwa;
 - (b) lekutsi imphahla yakhe ingaseshwa;
 - (c) lekutsi tintfo lekanato tingabanjwa; noma
 - (d) lekutsi lingasese lekuchumana kwakhe lingasikanyetwa.

Inkhululeko kutenkholo, inkholelo kanye nembono

15. (1) Wonkhwonkhe unelilungelo lenkhululeko yanembeza, kutenkholo, kumcabango, kunkholelo kanye nakumbono.
- (2) Imigidvo yetenkholo ingabanjelwa etikhungweni tembuso noma etikhungweni letisitwa ngemali ngumbuso, ngaphasi kwembandzela wekutsi -

- (a) leyo migidvo yetenkholo ilandzela imitsetfo yenchubo lebekwe baphatsi bambuso labafanele;
 - (b) yentiwa ngendlela lenebulungiswa; futsi
 - (c) kuyingenela akukhokhiswa mali futsi kuya ngentsandvo yemuntfu.
- (3) (a) Lesigaba asivimbeli umtsetfo lohlonipha –
- (i) imishado lephetfwe ngendlela yanoma nguwapshi emasiko, noma luhlelo lwemtsetfo wetenkholo, umtsetfo webantfu noma lophatselene netemndeni; noma
 - (ii) tinhlelo temtsetfo webantfu noma lophatselene netemndeni ngaphasi kwanoma nguwapshi emasiko, letilandzelwa bantfu labachuba inkholo letsite.
- (b) Kuhlonishwa ngekulandzela indzima (a) kumele kuhambisane nalesigaba kanye naletinye timiso teMtsetfosisekelo.

Inkhululeko yekubeka luvo

16. (1) Wonkhewonkhe unelilungelo lenkhululeko yekubeka luvo lwakhe, lelifaka ekhatsi -
- (a) inkhululeko yebetindzaba naletinye tinhlobo tekusakata tindzaba;
 - (b) inkhululeko yekwemukela noma kuniketa imininingwane noma emasu;
 - (c) inkhululeko yekusebentisa emakhono ekusungula; kanye
 - (d) nenkhululeko kutemfundvo lececeshekile kanye neyekwenta lucwaningo ngetesayensi.
- (2) Lelilungelo lelikusigatjane (1) alenabeli kuloku lokulandzelako -
- (a) imfundzisolite legcugcutela imphi;
 - (b) kubhebhetselisa umoya weludlame lolungahle lucubuke noma nini; noma
 - (c) kushumayela intsandvo ngenca yebuhlanga, buve, bulili, noma inkholo, futsi lokukhomba kubhebhetselisa umoya wekubanga kulimata.

Umbutsano umshuco, kuphatsa tincwembe letibhalwe tikhalo kanye nekubeka ticelo ngekutibhala phasi

17. Wonkhewonkhe unelilungelo, ngekuthula futsi angakahlomi, lekubutsana, lekushuca, lekuphatsa tincwembe letibhalwe tikhalo nekwetfula ticelo letibhalwe phasi.

Inkhululelo yekuhlanganyela

18. Wonkhwonkhe unelilungelo lenkhululeko yekuhlanganyela.

Emalungelo etembusave

19. (1) Sonkhe sakhamuti sikhululekile ekwenteni tincumo mayelana netembusave, lokufaka ekhatsi lilungelo -
- lekubumba licembu letembusave;
 - lekufaka sandla emisebentini yelicembu letembusave, noma lekusomela lelicembu letembusave emalunga; kanye
 - nelekukhankhasela licembu letembusave noma inhloso yetembusave.
- (2) Sonkhe sakhamuti sinelilungelo lelukhetfo lolukhululekile, lolunebulungiswa, futsi loluba khona njalo lwekuvotela noma muphi umtimba losemtsetfweni losungulwe ngekulanzela uMtsetfosisekelo.
- (3) Sonkhe sakhamuti lesidzala sinelilungelo -
- lekuvota elukhetfweni lwanoma ngumuphi umtimba losemtsetfweni losungulwe ngekulanzela uMtsetfosisekelo, futsi sivote ngasese; kanye
 - nelekungenela lukhetfo lwesikhundla selihhovisi lemmango nekutsi, uma sikhetsiwe, sibambe lesi sikhundla.

Buve

20. Kute sakhamuti lesingemukwa lilungelo lekuba sakhamuti.

Inkhululeko yekuhamba nekuhlala noma kuphi

21. (1) Wonkhwonkhe unelilungelo lenkhululeko yekuhamba noma kuphi.
- (2) Wonkhwonkhe unelilungelo lekuhamba ashiye iRiphabhuliki.
- (3) Sonkhe sakhamuti sinelilungelo lekungeni, nekutsi sihlale, nekutsi sakhe noma kuphi eRiphabhuliki.
- (4) Sonkhe sakhamuti sinelilungelo lekutfola iphasipoti.

Inkhululeko yetekuhweba, umsebenti kanye nemsebenti loceceshelwe

22. Sonkhe sakhamuti sinelilungelo lekutikhetsela luhwebo, umsebenti kanye nemsebenti loceceshelwe ngekukhululeka. Kuchuba lolo luhwebo, lowo msebenti noma lowo msebenti loceceshelwe kungalawulwa ngumtsetfo.

Budlelwano emkhatsini kwebacashi nebasebenti

23. (1) Wonkhewonkhe unelilungelo lekuphatfwa ngalokunebulungiswa emsebentini.
- (2) Wonkhe umcashwa unelilungelo –
- (a) lekubumba nekujoyina inyunyana yebasebenti;
- (b) lekufaka sandla emishikashikeni nasetinhlelweni tetinyunyana tebasebenti; kanye
- (c) nelekuteleka.
- (3) Wonkhe umcashini unelilungelo –
- (a) lekubumba nekujoyina inhlango yebacashi; kanye
- (b) nelekufaka sandla emishikashikeni nasetinhlelweni tenhlango yebacashi.
- (4) Tonkhe tinyunyana tebasebenti nato tonkhe tinhlango tebacashi tinelilungelo –
- (a) lekutincumela kuphatfwa kwato, tinhlelo kanye nemishikashika yato;
- (b) lekubutsana; kanye
- (c) nelekubumba nekujoyina licoco letinhlango noma tinyunyana.
- (5) Tonkhe tinyunyana, tinhlango tebacashi kanye nebacashi banelilungelo lekucocisana ngekuhlanganyela mayelana netinzuzo temacala onkhe. Umtsetfo wavelonkhe unghashywa kutsi utawucondzisa kucocisana ngekuhlanganyela kwebacashi nebasebenti. Ngekufinyelela ezingeni lalowo mtsetfo longahle unciphise lilungelo lelikuleSAHLUKO, lokuncishiswa kumele kuhambelane nesigaba 36 (1).
- (6) Umtsetfo wavelonkhe ungemukela tinhlelo tekuphepha tetinyunyana leticuketfwe etivumelwaneni tekucocisana ngekuhlanganyela kwebacashi nebasebenti. Ngekufinyelela ezingeni lalowo mtsetfo longahle unciphise lilungelo lelikulesahluko, lokuncishiswa kumele kuhambelane nesigaba 36 (1).

Simondzawo

24. Wonkhewonkhe unelilungelo –
- (a) lesimondzawo lesingesiyi ingoti emphilweni yakhe noma ekuphileni kahle kwakhe; kanye
- (b) nelekutsi simondzawo sivikeleke, kuze kuzuze netitukulwane letikhona naletitako, ngekusebentisa tinyatselo temitsetfo naletinye tindlela letifanele letentelwe-

- (i) kuvimbela kungcola nekuvimbela kwehla kwelizinga lendzawomvelo;
- (ii) kukhutsata kulondvolotwa kwemvelo; kanye
- (iii) nekucinisekisa kutfutukiswa kwendzawomvelo lesimeme nekusetjentiswa kwemitfombolusito yemvelo kubuye kutfutukiswe ngendlela lengiyo temnotfo netenhlalakahle.

Imphahla

25. (1) Kute umuntu longemukwa imphahla ngaphandle uma kwentiwa ngekwemtsetfo losebenta ngalokwetayeyelekile, futsi kute umtsetfo longavumela kutsatselwa imphahla ngalokungekho emtsetfweni.
- (2) Imphahla ingatsatfwa kumnikati ngumbuso kuphela ngekulandzela umtsetfo losetjentiswa ngalokwatayelekile-
- (a) kuze isetjentiselwe injongo yemango noma ngekwetimfuno temmango; futsi
 - (b) ngekuhbadalwa kwesincephetelo, linani laso, nesikhatsi kanye nendlela lekubhadalwa ngayo lokumele kube ngulokuvunyelwe ngako ngulabo labatsintsekako noma loncunye noma lokwemukelwe yinkantolo.
- (3) Linani lesincephetelo nesikhatsi, kanye nendlela lekufanele kubhadalwe ngayo sincephetelo kufanele kube ngulokunebulungiswa nalokufanele, kukhombise kulinganiseka lokunebulungiswa lokukhona emkhatsini kwetimfuno temmango mayelana nalempahhla kanye nalabo labatsintsekako ngalempahhla, ngemuva kwekubuketa tonkhe timo letifanele letifaka ekhatsi -
- (a) kusetjentiswa kwalempahhla ngaleso sikhatsi;
 - (b) umlandvo wekutfolakala kwalempahhla nekusetjentiswa kwayo;
 - (c) linani lekutsengiswa kwalempahhla emakethe;
 - (d) lizinga kanye nebubanti bekutalisa nekevelekelela ngetimali kwembuso Oekutfolakaleni nekwenteni ncono leyo mphahla; kanye
 - (e) Nenhloso yekutsatsa lempahhla kumnikati.
- (4) Ngekwenhloso yalesigaba -
- (a) timfuno temmango tifaka ekhatsi kutibophelela kwesive kungucuko kutemhlaba, netingucuko letiletsa kufinyeleleka ngekwebulungiswa kwayo yonkhe imitfombolusito yemvelo yeNingizimu Afrika; futsi
 - (b) imphahla ayisiwo umhlaba kuphela.

- (5) Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze kunconotwe simo lesitawenta kutsi takhamuti titfole umhlaba ngendlela lenebulungiswa.
- (6) Umuntfu noma ummango buniyo bawo kumhlaba bungenakucinisekiswa kwemitsetfo ngesizatfu semitsetfo noma tinchubo tangaphambilini telubandlululo ngekwebuhlanga, unelilungelo lebuniyo lobucinisekisiwe noma lekuncephetelwa ngalokucatsanisekako, ngekuya ngekwetimiso teMtsetfo wePhalamende.
- (7) Umuntfu noma ummango lowatsatselwa imphahla ngemuva kwamhlaka 19 Inhlaba 1913 ngesizatfu semitsetfo noma tinchubo tangaphambilini telubandlululo ngekwebuhlanga unelilungelo, ngekuya ngekwetimiso teMtsetfo wePhalamende, lekutsi abuyiselwe imphahla yakhe noma ancephetelwe ngalokunebulungiswa.
- (8) Kute simiso kulesigaba lesingavimbela hulumende kutsi atsatse tinyatselo tetemtsetfo noma talolunye luhlobo kuze kufinyelelwe kutingucuko temhlaba, temanti nalokunye lokuhambisanako, ngesizatfu sekulungiswa kwemiphumela yelubandlululo yangaphambilini ngekwebuhlanga, ngaphasi kwembandzela wekutsi loko kучезука kuletimiso letikulesigaba kuyavumelana netimiso tesigaba 36 (1).
- (9) Iphalamende kumele iphasise lomtsetfo lophawulwe esigatjaneni (6).

Tindlu tekuhlala

26. (1) Wonkhewonkhe unelilungelo lekutsi afinyelele ekutfoleni indlu yekuhlala lefanele.
- (2) Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze lelilungelo liphunyeleliswe ngekwetigaba tenchubekelembili.
- (3) Kute umuntfu lotawususwa ekhaya lakhe, noma likhaya lakhe libhidlitwe, ngaphandle kwemyalelo wenkantolo lotsetfwe ngemuva kwekubuketa tonkhe timo letitsintsekako. Kute umtsetfo longagunyata kususwa kwemuntfu ekhaya lakhe ngalokungenabulungiswa.

Kunakekela temphilo, kudla, emanti kanye nekuvikela kwetenhlalakahle

27. (1) Wonkhewonkhe unelilungelo lekufinyelela –
 - (a) kutinsita tekunakekelwa ngetemphilo, lokufaka ekhatsi kunakekelwa ekutfoleni bantfwana;

- (b) kudla lokwanele kanye nemanti lanele; kanye
- (c) nekuvikeleka kwetenhlahakahle, lokufaka ekhatsi, uma ngabe akakwati kutondla yena nelusendo lwakhe, kulekelelwa kwetenhlahakahle.
- (2) Umbuso kumele utsatse tinyatselo temitsetfo kanye naletinye tindlela, ngekuya kwemitfombolusito yawo lekhona, kuze lelo nalelo lungelo liphunyeleliswe ngekwegigaba tenchubekelembili.
- (3) Kute umntfu lotawuncishwa kwelashwa etimeni letibucayi.

Bantfwana

28. (1) Wonkhe umntfwana unelilungelo –
- (a) lekuba neligama kanye nebuve kusukela atalwa;
 - (b) lekunakekelwa ngumndeni noma kunakekelwa batali, noma lokunye kunakekelwa lokufanelekile uma ngabe asuswe kusimondzawo semndeni wakhe;
 - (c) lekunikwa kudla lokusisekelo lokunemsoco, indzawo yekufihla inhloko, lusitosisekelo lwekunakekelwa ngetemphilo, kanye nelusito kutenhlalakahle;
 - (d) lekuvikeleka ekuphatfweni kabi, ekunganakekelweni, ekuhlukunyetweni noma ekunyembenyweni;
 - (e) lekuvikeleka ekuphatfweni kabi ngekwasemsebentini;
 - (f) lekungentiswa noma lekungavunyelwa kutsi ente imisebenti -
 - (i) lengakamlungeli umntfwana waleyo minyaka; noma
 - (ii) lebeke imphilo yalowo mntfwana, imfundvo yakhe, umtimba wakhe noma ingcondvo yakhe noma kutfutuka kwakhe ngekwe-moya, ngekwesimilo noma ngekwenhlalakahle engotini;
 - (g) lekungavalelwa ejele, ngaphandle uma ngabe sekute lenye indlela, kantsi uma ngabe kudzingekile, ngetulu kulamalungelo umntfwana lanawo ngaphasi kwetigaba 12 na-35, lowo mntfwana angavalelwa kuphela sikhatsi lesifanele lesincane futsi unelilungelo -
 - (i) lekugcinwa ngekwehlukaniswa nalabanye bantfu labavalelwe ejele labaneminyaka lengetulu kwa-18; kanye
 - (ii) nelekuphatfwa ngendlela, futsi agcinwe esimeni, lebonelela iminyaka yakhe;

- (h) lekuniketwa ummeli ngumbuso, lokhokhelwa ngetimali tembuso, emacaleni langafaki bugebengu latsintsa lowo mntfwana, uma ngabe bulungiswa bungacekeleka phasi uma loku kungentiwa loku; kanye
 - (i) nelekungasetjentiswa-ngo uma kunekungcubutana ngetikhali, kanye nekuvikeleka ngetikhatsi tekungcubutana ngetikhali.
- (2) Inhlalakahle yalomntfwana iyintfo lebaluleke kakhulu kuto tonkhe tintfo letiphatselene nalomntfwana.
- (3) Kulesigaba, ligama “umntfwana” lisho umuntfu loneminyaka lengaphasi kwa-18.

Temfundvo

29. (1) Wonkhewonkhe unelilungelo -
- (a) lemfundvo lesisekelo, lokufaka ekhatsi imfundvo lesisekelo yalabadzala; kanye
 - (b) lemfundvo lephakeme, ngekwetinyatselo temitsetfo kanye naletinye tindlela letifanalekile, lokumele umbuso uyente itfolakale futsi ifinyeleleke ngekwetigaba tenchubekelembili.
- (2) Wonkhewonkhe unelilungelo lekutfola imfundvo ngelulwimi noma ngetilwimi letisemtsetfweni latikhetsile etikhungweni temfundvo temmango uma ngabe loko kungephumeleleka ngalokufanelekile. Kuze kucinisekiswe kufinyeleleka ngalokunemphumelelo kanye nekusetjentiswa kwalelilungelo, umbuso kumele ubukete tonkhe letinye tindlela tekufundzisa letingentiwa, lokufaka ekhatsi kusungula tikhungo temfundvo letisebentisa lulwimi lunye ekufundziseni, kubukwe loku -
- (a) bulungiswa;
 - (b) kuphumeleleka; kanye
 - (c) nesidzango sekulinganisa imiphumela leyangwa mitsetfo netinchubo tangaphambilini telubandlululo ngekwebuhlanga.
- (3) Wonkhewonkhe unelilungelo lekusungula nekugcina, ngekusebentisa timali takhe, tikhungo letitimele temfundvo -
- (a) letingabandlululi ngekwebuhlanga;
 - (b) letibhalisiwe nembuso; futsi
 - (c) letigcina emazinga langekho ngaphasi kwemazinga etikhungo tetemfundvo tembuso leticansanisekako.
- (4) Sigatjiana (3) asencabeli kwelekelelwa kwetikhungo temfundvo letitimele ngumbuso ngetimali.

Lulwimi nemasiko

30. Wonkhewonkhe unelilungelo lekusebentisa lulwimi nekutimbandzakanya emishikashikeni yelisiko latikhetsese kona, kepha kute umuntfu lotawutsakasele lamalungelo ngendlela lengahambisani nanoma ngusiphi simiso seluCwebu lwemalungelo eLunTFu.

Imimmango yemasiko, yetenkholo neyelulwimi

31. (1) Bantfu labangemalunga emmango yemasiko, yetenkholo noma yelulwimi angeke bavinjelwe lilungelo, nalamanye emalunga aleyo mimmango -
- (a) lekutsakasele emasiko abo, lekuchuba inkholo yabo kanye nekusebentisa lulwimi lwabo; kanye
 - (b) nelekubumba, lekujoyina nelekugcina tinhlango naleminyane imitimba yemango lokwesekelwe kumasiko, tenkholo nelulwimi.
- (2) Lamalungelo lasesegatjaneni (1) angeke atsakaselwa ngendlela lengahambisani nanoma ngusiphi simiso seluCwebu lwemalungelo eLunTFu.

Kufinyeleleka kweminingwane

32. (1) Wonkhewonkhe unelilungelo lekufinyelela -
- (a) kunoma nguyiphi iminingwane legcinwe ngumbuso; kanye
 - (b) nanoma nguyiphi iminingwane legcinwe ngulomunye umuntfu ledzingelwa kutsakasele noma kuvikela noma nguwaphi emalungelo.
- (2) Kumele kuphahiswe umtsetfo wavelonkhe kuze kutewuniketwa kusebenta kwalelilungelo, kantsi lomtsetfo ungabeka tindlela letifanelekako tekuphungula umtswalo wekwengamela netetimali kuhulumende.

Sinyatselo setekuphatsa lesinebulungiswa

33. (1) Wonkhewonkhe unelilungelo lesinyatselo setekuphatsa lesisemtsetfweni, lesifanele futsi lesilandzela inchobo lenebulungiswa.
- (2) Wonkhewonkhe emalungelo akhe latsikanyetwe sinyatselo setekuphatsa unelilungelo lekuniketwa tizatfu letibhalwe phasi.
- (3) Kumele kuphahiswe umtsetfo wavelonkhe kuze kutewuniketwa kusebenta kwalamalungelo futsi lomtsetfo kumele -

- (a) unikelele ngekubuyeketwa kwetinyatselo tetekuphatsa yinkatolo noma , lapho kufanele khona, yinkhundla letimele nalengakhetsi;
- (b) wetfwese umbuso ngemtfwalo wekuphumelelisa kusebenta kwalamalungelo lasetigatjaneni (1) na–(2); uphindze
- (c) utfutfukise kuphatsa kwembuso ngendlela lefanele.

Kufinyeleleka kwenkantolo

34. Wonkhewonkhe unelilungelo lekutsi noma ngabe nguluphi ludzaba lwembango lanalo lucatululwe ngekusetjentiswa kwemtsetfo nendlela lenebulungiswa ngembi kwenkantolo noma, uma kufanelekile, nguleny e inkhundla noma ngumtimba lotimele nalongakhetsi.

Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala

35. (1) Wonkhewonkhe loboshwe ngenca yekusolwa kutsi wente licala leliitsite unelilungelo –
- (a) lekubindza angasho lutfo;
 - (b) lekwatiswa ngekusheshisa -
 - (i) ngelilungelo lakhe lekubindza angasho lutfo; kanye
 - (ii) nangempumela longaba khona uma ngabe angabindzi;
 - (c) lekungaphocelelwa kuvuma noma kwemukela sifungo lesingasetjentiswa njengebufakazi macondzana nalowo muntfu;
 - (d) lekuletfwa ngembi kwenkantolo ngekusheshisa, kepha hhayi ngemuva -
 - (i) kwemahora lange-48 ngemuva kwekuboshwa; noma
 - (ii) kwekuphela kwelusuku lwekutsetfwa kwemacala lwekucala ngemuva kwekuphela kwalamahora lange-48, uma lesikhatsi lesingemahora lange-48 siphela kumahora langesiwo ekutsetsa emacala noma siphela ngelilanga lelingesilo lekutsetsa emacala;
 - (e) ekuveleni kwekucala enkantolo ngemuva kwekuvallelwa, lekwetfweswa licala noma lekwatiswa ngesizatfu sekuchubeka nekuvallelwa, noma akhululwe;
 - (f) nelekekukhululwa ekuvallelweni uma ngabe timo tebulungiswa tivuma, ngaphasi kwemibandzela lefanele.
- (2) Wonkhewonkhe lovalelwe, lokufaka ekhatsi leso naleso siboshwa lesigwetjjiwe, unelilungelo -

- (a) lekwatiswa ngekusheshisa ngesizatfu sekuvalelwa;
 - (b) lekukhetsa kanye nelekutsintsana nemmeli, kanye nekwatiswa ngalelilungelo ngekusheshisa;
 - (c) lekuba nemmeli lowo loboshiwe lekanikwe yena ngumbuso, ngetindleko tembuso, uma ngabe kungahle kube nekucekelwa phasi kwebulungiswa uma kwentiwa ngalolunye luhlobo, kanye nekwatiswa ngalelilungelo ngekusheshisa;
 - (d) lekubeka incabhayi matfupha mayelana nekuba semtsetfweni kwekuvalelwa kwakhe enkantolo kanye nekutsi, uma ngabe loko kuvalelwa kungekho emtsetfweni, akhululwe;
 - (e) lekuvalelwa ngaphasi kwetimo letihambisana nekuhlonishwa kwebuntfu, lokufaka ekhatsi lokungenani simiso sekutsi atfole indzawo leyenele yekuhlala, kudla lokunemsoco, tintfo tekufundza kanye nekwelashwa ngetindleko letikhokhelwa ngumbuso; kanye
 - (f) nekuchumana, nelekuvakashelwa, kwalowo muntfu -
 - (i) nguwakakhe/noma singani sakhe;
 - (ii) tihlobo takhe tengati;
 - (iii) ngumeluleki wetenkholo lokhetsiwe; kanye
 - (iv) nangudokotela lokhetsiwe.
- (3) Wonkhewonkhe lotfweswe licala unelilungelo lekushushiswa ngalokunebulungiswa, lokufaka ekhatsi lilungelo -
- (a) lekwatiswa mayelana nelicala latfweswe lona ngekuniketwa neminingwane leyanele kutsi akwati kutiphendvulalela macondzana nalelicala;
 - (b) lekuniketwa sikhatsi lesanele netinsita tekulungiselela kutivikela kwakhe;
 - (c) lekushushiswa ngembi kwemmango enkantolo leyetayekile;
 - (d) lekutsi lelicala litsetfwe lize liyewuphela ngaphandle kwekubanjelelwa ngalokungenatizatfu;
 - (e) lekuba khona enkantolo ngesikhatsi ashushiswa;
 - (f) lekukhetsa, nelekumelwa, ngummeli, kanye nelekwatiswa mayelana nalelilungelo ngekusheshisa;
 - (g) lekuba nemmeli lowo lowetfweswe licala lekanikwe lona ngumbuso, ngetindleko tembuso, uma ngabe kungahle kube nekucekelwa phasi kwebulungiswa uma kwentiwa ngalolunye luhlobo, kanye nekwatiswa ngalelilungelo ngekusheshisa;

- (h) lekutsatfwa njengemuntfu longenacala, lekubindza angasho lutfo, futsi lekunganiki bufakazi ngesikhatsi sekutsetfwa kwelicala;
 - (i) lekwetfula kanye nelekuphikisa bufakazi;
 - (j) lekungaphocelelwa kutsi anikete bufakazi lobungambophisa;
 - (k) lekugwetjwa ngelulwimi lowo lowetfweswe licala lekaluvisisako noma , uma ngabe loko kungakhonakali, lekutsi konkhe lokuchubekako kuhunyushelwe kulolo lwimi;
 - (l) lekungagwetjelwa kwephula noma kwephutsa ngesento lebesingesilo licala ngaphasi kwemtsetfo wavelonkhe noma kumhlabawonkhe ngalesikhatsi sephulwa noma sephutsa.
 - (m) lekungashushiselwa noma ngusiphi sephulomtsetfo macondzana nekwephula noma kwephutsa lowo muntfu lake wakhululwa noma wagwetjwa yinkantolo mayelana naso;
 - (n) lekutfola sigwebo lesilula kunaleti letinye letibekiwe uma ngabe sigwebo lesibekelwe lelo cala sintjintjiwe emkhatsini kwesikhatsi sekwephulwa kwemtsetfo naleso sekwetfulwa kwesigwebo; kanye
 - (o) nelekwendluliselwa, noma lekubuyeketwa, kwalelo cala yinkantolo lenkhulu.
- (4) Njalo-nje uma ngabe lesigaba sidzinga imininingwane kutsi iniketwe umuntfu, leyo mininingwane kumele iniketwe ngelulwimi lowo muntfu laluvisisako;
- (5) Bufakazi lobutfolakele ngendlela leyephula noma nguliphi lilungelo kuloluCwebu lwemaLungelo eLunTFu kumele bulahlelwe ngaphandle uma ngabe kwemukelwa kwalobo bufakazi kutawenta kutsetfwa kwalelicala kube ngulokungenabulungiswa noma kutawucekela phasi kuchutjwa kwebulungiswa.

Kuncishiswa kwemalungelo

36. (1) Emalungelo lekakuloluCwebu lwemaLungelo eLunTFu angancishiswa kuphela ngekulandzela umtsetfo losentjentiswa ngalokwetayelekile kuphela ngekuya ngekwelizinga lekutsi loko kuncishiswa kunetizatfu letibonakalako futsi kuyemukeleka emmangweni loselubala newentsandvo yelinyenti lowesekelwe esitfuntini selunTFu, kulingana kanye nekukhululeka, ngekubuketa konkhe lokumcoka, lokufaka ekhatsi -
- (a) inhlobo yelilungelo;
 - (b) kubaluleka kwenhloso yalokuncishiswa;

- (c) inhlobo nelizinga lekuncishiswa;
 - (d) budlelwano emkhatsini kwekuncishiswa nenhloso yako; kanye
 - (e) nendlela lengakhinyabeti kakhulu yekuzuza leyo nhloso.
- (2) Ngaphandle uma kuya njengoba kwendlalwe esigatjaneni (1) noma kusiphi lesinye simiso seMtsetfosisekelo, akukho umtsetfo longanciphisa nanoma nguliphi lilungelo lelischicilelwe kuloluCwebu lwemaLungelo eLunTFu.

Timo letibucayi

37. (1) Simo lesibucayi singamenyetelwa kuphela ngekulandzela uMtsetfo wePhalamende, futsi singamenyetelwa kuphela -
- (a) uma ngabe imphilo yesive yetfuswa ngekuba khona kwemphi, kuhlaselwa, kuvukela umbuso lokwetayekile, kungalandzelwa kwemtsetfo, inhlekelele yemvelo noma letinye tintfo letibucayi emmangweni; futsi
 - (b) uma lesimemetelo sidzingekile kutewuletsa kuthula nelulandzelwa kwemtsetfo.
- (2) Simemetelo sesimo lesibucayi, kanye nanoma ngumuphi umtsetfo loshaywe noma lesinye sinyatselo lesitsetfwe ngekulandzela leso simemetelo, singasebenta kuphela -
- (a) ngemuva kwelilanga lesimenyetelwe ngalo; futsi
 - (b) malanga langendluli ku-21 ngemuva kwekumenyetelwa, ngaphandle uma ngabe Sigungu saVelonkhe sincuma kwelula lesimemetelo. Sigungu singelula kusebenta kwalesimemetelo ngesikhatsi lesingendluli etinyangeni letintsatfu ngesikhatsi sinye sekwelula. Kwelulwa kwekucala kwesimo lesibucayi kumele kwentiwe ngesincumo lesitsetfwe sasekelwa linyenti lemalunga aleSigungu. Noma ngukuphi kwelulwa lokulandzelako kumele kwentiwe ngesincumo lesitsetfwe sasekelwa ngemalunga lengekho ngaphasi kwemaphesenti langu-60 aleSigungu. Sincumo lesitsetfwe ngekulandzela lesigaba kumele sitsatfwe kuphela ngemuva kwenkhulumomphikiswano yaleSigungu levulekele ummango.
- (3) Nanoma nguyiphi inkantolo leneligunya ingancuma ngekuba semtsetfweni -
- (a) kwekumenyetelwa kwesimo lesibucayi;
 - (b) kwanoma ngukuphi kwelulwa kwekumenyetelwa kwesimo lesibucayi; noma
 - (c) kwanoma ngumuphi umtsetfo loshaywiwe, noma lesinye sinyatselo lesitsetfwe, ngekulandzela kumenyetelwa kwesimo lesibucayi.

- (4) Nanoma ngumuphi umtsetfo loshaywe ngesizatfu sekumenyetelwa kwesimo lesibucayi ungehluka eluGwebini lwemaLungelo eLuntfu kufika ezingeni kuphela -
- lekutsi lokwehluka kudzingwa nguleso simo lesibucayi; futsi
 - lekutsi lowo mtsetfo –
 - uhambelana netibopho teRiphabhulikhi ngaphasi kwemtsetfo wemave emhlaba losebentako macondzana netimo letibucayi;
 - uyavumelana nesigatjana (5); futsi
 - ushicilelwa kuGazethi yaHulumende yavelonkhe ngekusheshisa lokwemukelekako ngemuva kwekutsi ushaywe.
- (5) Kute uMtsetfo wePhalamende loniketa ligunya lekumenyetelwa kwesimo lesibucayi, futsi kute umtsetfo loshayiwe noma lesinye sinyatselo lesitsetwe ngenca yaleso simemetelo, lokungavumela noma kunikete lingunya -
- lekuvikela umbuso noma lomunye umuntfu, macondzana netento letingekho emtsetfweni;
 - noma ngukuphi kwehluka kulesigaba; noma
 - ngukuphi kwehluka esigabeni lesiphawulwe eluhlwini 1 kuleliThebula lemaLungelo langenakuNcishiswa kuze kufike ezingeni lelikhonjiswe ngekucatsanisa lesigaba eluhlwini 3 lwaleliThebula.

LiThebula lemaLungelo langeke anNcishiswa

1 Inombolo yesigaba	2 Sihloko sesigaba	3 Lizinga lekunganciphiseki kwelilungelo
9	Kulingana	Uma kuphatselele nekubandlulula ngekwebuhlanga, libala, buve noma kutalwa, bulili, inkholo noma lulwimi
10	Sitfunti sebuntfu	Lonkhe
11	Imphilo	Lonkhe

1 Inombolo yesigaba	2 Sihloko sesigaba	3 Lizinga lekunganciphiseki kwelilungelo
12	Inkhululeko nekuVikeleka kwemuntfu	Uma kuphatselele netigatjana (1)(d) na(e) kanye na (2)(c)
13	Bugcili, kusebenta matima njengemtfunjwa kanye nekusentjentswa ngenkhani	Uma kuphatselele nebugcili nekusebenta matima njengemtfunjwa
28	Bantfwana	Uma kuphatselele: - nesigatjana (1)(d) na(e) - nemalungelo lasetindzimeni(i) na(ii) tesigatjana (1) (g); kanye - nesigatjana (1)(i) uma kuphatselele nebantfwana labaneminyaka leli –15 nangaphasi
35	Bantfu lababoshiwe, labavalelwe kanye nalabatfweswe emacala	Uma kuphatselele: - netigatjana (1)(a),(b) na-(c) kanye na-(2)(d); - nemalungelo lasetindzimeni(a) –(o) tesigatjana (3) ngaphandle kwendzima(d); - nesigatjana (4); kanye - nesigatjana (5) uma kuphatselele nekungemukelwa kwebufakazi uma kutsatfwa kwabo kutawenta kutsetfwa kwelicala kungabi nebulungiswa

- (6) Noma nini lapho umuntfu avellelwe ngaphandle kwekushushiswa ngenca yesizatfu sekuncishiswa kwemalungelo akhe lesibangelwe kubekwa kwemtsetfo wesimo lesibucayi kute kulandzelwe lemibandzela lelandzelako -

- (a) Umuntfu lomdzala lolilungu lemndeni noma umngani walowo muntfu lovalelwe kufanele atsintfwe ngekungephuti lokungakadzingeki, futsi atjelwe kutsi lowo muntfu uvalelwe
 - (b) Satiso kuGazethi yaHulumende wavelonkhe kufute setfulwe kungakapheli emalanga lasihlanu avalelwe lowo muntfu, leso satiso sisho ligama lalowo lovalelwe kanye nendzawo lavalelwe kuyo kanye nemtsetfo wesimo lesibucayi lavalelwe ngaphasi kwaso lowo muntfu.
 - (c) Lovalelwe kumele avunyelwe kutsi akhetse nekutsi avakashelwe ngudokotela ngesikhatsi lesifanele
 - (d) Lovalelwe kumele avunyelwe kutsi akhetse nekutsi avakashelwe ngummeli ngesikhatsi lesifanele
 - (e) Inkantolo kumele ibuke kabusha lokuvallelwa kwalomuntfu ngekusheshisa, kepha kungakapheli emalanga lalishumi ngemuva kwekuvallelwa kwalowo muntfu kantsi inkantolo kumele ikhulule lomuntfu ngaphandle uma ngabe lokuchubeka nekuvallelwa kudzingekile futsi kuletsa kuthula nekulandzelwa kwemtsetfo
 - (f) Lovalelwe kepha angakakhululwa ngekulandzela kubuyeketwa kabusha kwesigatjana (e), noma longakakhululwa ngekwesibuketo ngaphasi kwalesigatjana angenta sicelo enkantolo kutsi iphindze ibukete kuvallelwa kwakhe esikhatsini lesingemalanga lali-10 ngemuva kwekubuyeketwa lokwendlulile, futsi inkantolo kumele ikhulule lowo muntfu ngaphandle uma ngabe lokuvallelwa solo kudzingekile kuletsa kuthula nekulandzelwa kwemtsetfo
 - (g) Lovalelwe kumele avunyelwe kuta matfupha enkantolo lebuketa indzaba yakhe yekuvallelwa, amelwe ngummeli ekutekweni kwelicala, kanye nekubeka tikhalo tekutsi kuvallelwa kungachubeki
 - (h) Umbuso kumele unikele inkantolo tizatfu letibhalwe phasi letivuma kuchubekisa kuvallelwa kwaloyo muntfu uphindze unikele lowo muntfu lovalelwe umbhalo waletizatfu kungakapheli lokungenani emalanga lamabili inkantolo isengakakubeki lokuvallelwa
- (7) Uma ngabe inkantolo ikhulula lovalelwe lowo muntfu angeke aphindze avalelwe ngetizatfu letifana naleto lebekavalelwe tona ngaphandle uma ngabe umbuso uniketa inkantolo sizatfu lesicinile sekumvalela futsi

- (8) Tigatjana (6) na (7) atisebenti kubantfu labangenabo buve beNingizimu Afrika futsi lababoshwe ngesizatfu sekulwa ngetikhali ngaphasi kwemtsetfo wemave emhlaba. Esikhundleni saloko umbuso kumele ulandzele emazinga laphocelela iRiphabhulikhi ngaphasi kwemtsetfo wemave emhlaba mayelana nekuvala bantfu baloluhlobo.

Kuphocelelwa kwemalungelo

38. Noma ngubani lobalwe kulesigaba unelilungelo lekuya enkantolo lefanele, ashokutsi lilungelo lelikuluCwebu lwemaLungelo eLuntfu lephuliwe noma lesatjisiwe, kantsi inkantolo inganiketa sincepheteliso lesifanele, lokufaka ekhatsi kucinisekiswa kwemalungelo. Bantfu labangaya enkantolo ngulaba labalandzelako -
- (a) noma ngubani lotiletsela sicelo egameni lakhe;
 - (b) noma ngubani loletsa sicelo esikhundleni salomunye umuntfu longakwati kutentela loko egameni lakhe;
 - (c) noma ngubani loletsa sicelo njengelilunga lelicembu, noma ngekwemfuno yelicembu noma licoco lebantfu;
 - (d) noma ngubani loletsa sicelo ngekwemfuno yemango; kanye
 - (e) nenhlangano leletsa sicelo ngekwemfuno yemalunga ayo.

Kuhunyushwa kweluCwebu lwemaLungelo eLuntfu

39. (1) Uma kuhunyushwa luCwebu lwemaLungelo eLuntfu inkantolo, libandla noma inkhundla -
- (a) kumele ikhutsate emagugu lasisekelo semango loselubala newentsandvo yelinyenti lowesekelwe esitfuntini seluntfu, kulingana kanye nekukhululeka;
 - (b) kumele ibuke umtsetfo wemave emhlaba; futsi
 - (c) ingabuka umtsetfo wemave angaphandle.
- (2) Uma kuhunyushwa noma ngumuphi umtsetfo, futsi uma kutfutukiswa umtsetfo lowetayelekile noma umtsetfo wesintfu leyo naleyo nkantolo, emabandla noma tinkhundla kumele tikhutsate umoya, tinhloso kanye netinjongo teluCwebu lwemaLungelo eLuntfu.
- (3) LuCwebu lwemaLungelo eLuntfu alukuphikisi kuba khona kwalamanye emalungelo noma inkhululeko lokwemukelwa noma kuniketwa ngumtsetfo lowetayelekile, ngumtsetfo wesintfu noma kushaywa kwemtsetfo, kuyawufika ezingeni lapho kuhambisana khona neluCwebu lwemaLungelo eLuntfu.