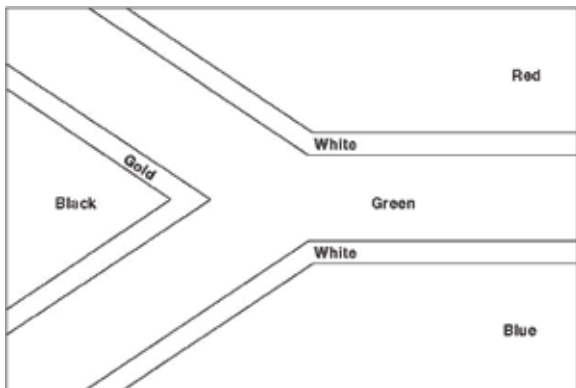


# ISHEJULI 1

## UMJEKA WELIVE

- (1) Umjeka wavelonkhe ungumdwebomacalandze; lonebudze loluphindvwe kanye nesigamu uma bucatsaniswa nehubanti bawo.
- (2) Unemibala lomnyama, losagolide, loluhlata njengetjani, lomhlophe, lobovu njengapelepele nalolingangane.
- (3) Uneliphaca leliluhlata njengetjani, bubanti balo liyincenye yakunye kulosihlanu kwebubanti bemjeka. Imigca lesemkhatsini yaleliphaca icala emnyeleni losetulu nasemnyeleni lophasi wemakhona alomtjeka madvutane nje nensika yemaphetselo lekgasekudla salomtjeka uma uwubuka ulenga esigcotjeni, ichubeke yehle sengatsi iyawuhlangana emkhatsini walomtjeka, bese iyajika masinyane nje ichubeke ivundle ile iyewuphelela entsikeni yemaphetselo lekgasesancele salomtjeka.
- (4) Leliphaca leliluhlata njengetjani likakwe, ngetulu nangaphasi, ngumushi lomhlophe, kantsi ngakulensika yemaphetselo lekgasekudla, likakwe ngumushi losagolode. Lokukakwa ngakunye kungukunye kulokulishumi nesihlanu uma kucatsaniswa nehubanti bemjeka.
- (5) Lomdvwebomacalamatsatfu losedvute nensika yemaphetselo lekgasekudla umnyama.
- (6) LeNceny lesvundlile ngenhla kwaleliphaca sibovu njengapelepele, kantsi leNceny lesvundlile ngentansi kwaleliphaca ulingangane. Sicephu ngasinye siyincenye yakunye kulokutsatfu uma kucatsaniswa nehubanti bemjeka.



- Black - Mnyama
- Gold - Golide
- White - Mhlophe
- Green - Luhlata
- Red - Bovu
- Blue - Lingangane

# ISHEJULI 1A

## TINDZAWO TEKWAKHIWA KWETIFUNDZA

[Ishejuli 1A ifakwe ngeMtsetfo welishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2005 nalovalwe ngesigaba 1 seMtsetfo weLishumi nakuTsafu wekuChitjiyelwa kweMtsetfosisekelo wanga-2007 nangeMtsetfo weLishumi nesikhombisa wekuChitjiyelwa kweMtsetfosisekelo wanga-2009.]

### Sifundza saseMpumalanga Koloni

[Kuhlukaniswa kwesifundza saseMpumalanga Koloni lokuvalwe nguMtsetfo weLishumi nakuTsafu wekuChitjiyelwa kweMtsetfosisekelo wanga-2007.]

- Libalave nombolo 3 weshejuli 1 kuya kusatiso 1998 sanga-2005.
- Libalave nombolo 6 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 7 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 8 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 9 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 10 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 11 weshejuli 2 kuya kusatiso 1998 sanga-2005

### Sifundza sase Fuleyistata

- Libalave nombolo 12 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 13 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 14 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 15 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 16 weshejuli 2 kuya kusatiso 1998 sanga-2005

### Sifundza saseGauteng

[Kuhlukaniswa kwesifundza saseGauteng lokuvalwe nguMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009 ngesatiso 1490 wanga-2008]  
[Ngekubuka libalave nombolo 4 lovalwe ngekwesigaba 1(a) seMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009]

- Libalave nombolo 17 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 18 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 19 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 20 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 21 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseKwaZulu-Natali**

[Kuhlukaniswa kwesifundza saKwa-Zulu Natal lokuvalwe nguMtsetfo welishumi nesitfupha wekuCh-  
itijyelwa kweMtsetfosisekelo wanga-2007]

Libalave nombolo 22 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 23 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 24 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 25 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 26 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 27 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 28 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 29 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 30 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 31 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 32 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseLimpopo**

Libalave nombolo 33 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 34 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 35 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 36 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 37 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseMpumalanga**

Libalave nombolo 38 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 39 weshejuli 2 kuya kusatiso 1998 sanga-2005

Libalave nombolo 40 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseNshonalanga Koloni**

- Libalave nombolo 41 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 42 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 43 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 44 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 45 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseNyakatfo Nshonalanga**

[Kuhlukaniswa kwesifundza sase-North West lokuvalwe nguMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009 ngesatiso 1490 sanga-2008]

[Ngekubuka libalave nombolo 5 lovalwe ngekwesigaba 1(b) seMtsetfo welishumi nesitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2009 ]

- Libalave nombolo 46 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 47 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 48 weshejuli 2 kuya kusatiso 1998 sanga-2005

### **Sifundza saseNshonalanga Kapa**

- Libalave nombolo 49 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 50 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 51 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 52 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 53 weshejuli 2 kuya kusatiso 1998 sanga-2005
- Libalave nombolo 54 weshejuli 2 kuya kusatiso 1998 sanga-2005

## ISHEJULI 2

### TIFUNGO TEKUNGENA ESIKHUNDLENI NEKUVUMA NGEKUTIBOPHA

[IShejuli 2 iChitjyelwe ngesigaba 2 seMtsetfo 35 wanga-1997 yaphindze yavalwa ngesigaba 18 seMtsetfo 34 wanga-2001.]

#### Sifungo noma kuvuma ngekutibopha kwaMengameli neliBambela laMengameli

1. Mengameli noma liBambela laMengameli ngembi kwaSomajaji, noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako: Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti lomkhulu lengibitelwe kuwo ngiyasitsatsa sikhundla sekuba nguMengameli/liBambela laMengameli weRiphabhulikhi yeNingizimu Afrika, Mine, A.B., ngiyafunga/ ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, futsi ngitawufobela, ngitawulandzela, ngitawuhlonipha futsi ngitawugcina uMtsetfosisekelo nayo yonkhe imitsetfo yeRiphabhulikhi; futsi ngiyacinisekisa futsi ngiyetsembisa ngekutitfoba kutsi ngaso sonkhe sikhatsi—  
Ngitawugcugcutela loko lokuchubekisa iRiphabhulikhi, ngilwe nako konkhe lokungayilimata;  
Ngitawuvikela futsi ngigcugcutele emalungelo abo bonkhe bantfu baseNingizimu Afrika;  
Ngitawukwenta yonkhe imisebenti yami ngemandla ami onkhe nangetibopho tami nangako konkhe kwati nako konkhe kukhona kwami futsi ngitawetsembeka etifisweni tanembeza wami;  
Ngitawukwenta bulungiswa kubo bonkhe; futsi  
Ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.  
(Uma ngabe kusifungo: Inkhosi ingisite)

#### Sifungo noma kuvuma ngekutibopha kweliSekela laMengameli

2. Lisekela laMengameli, ngembi kwaSomajaji, noma lelinye liJaji lelimiswe nguSomajaji, kumele lifunge/livume ngekutibopha ngalendlela lelandzelako:

Embi kwabo bonkhe bantfu lababutsene lapha, nangekubona bumcoka balomsebenti ngiyasitsatsa sikhundla sekuba liSekela laMengameli weRiphabhulikhi yeNingizimu Afrika, mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, ngitawutfobela, ngitawulandzela, ngitawuhlonipha futsi ngitawugcina uMtsetfosisekelo nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngiyacinisekisa futsi ngiyetsembisa ngekutitfoba kutsi ngaso sonkhe sikhatsi—  
Ngitawugcugcutela loko lokuchubekisa iRiphabhulikhi, ngilwe naloko lokungayilimata;  
Ngitawuba ngumeluleki loneliciniso nalowetsembekile;  
Ngitawukwehta yonkhe imisebenti yami ngemandla ami onkhe nangetiphiwo tami nangako konkhe kwami nako konkhe kukhona kwami futsi ngitawetsembeka etifsweni tanembeza wami;  
Ngitawukwenta bulungiswa kubo bonkhe; futsi  
Ngitawutinikela ekutfufukiseni inhlalakahle yeRiphabhulikhi nebantfu bayo bonkhe.  
(Uma ngabe kusifungo: Inkhosi ingisite.)

### **Sifungo noma kuvuma ngekutibopha kwetiNdvuna teMbuso nemaSekela etiNdvuna**

3. Nguleyo naleyo Ndvuna yeMbuso neliSekela leNdvuna yeMbuso, kwaSomajaji, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele lifunge/livume ngekutibopha ngalendlela lelandzelako:  
Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika futsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kuphatsa sikhundla sami njengeNdvuna yeMbuso/liSekela leNdvuna yeMbuso ngekwetsembeka nangesizotsa; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi-ngco noma nsombo timfihlo lengetfweswe tona, nekwenza imisebenti yesikhundla sami ngekwetsembeka nangekutimisela.  
(Uma ngabe kusifungo: Inkhosi ingisite)

### **Sifungo kuvuma ngekutibopha kwemalunga eSigungu saVelonkhe, emalunga langasuswa eMkhandlu waVelonkhe weTifundza nemalunga etishayamtsetfo tetifundza**

4. (1) Emalunga eSigungu saVelonkhe, emalunga latitfunywa langesuswa eMkhandlu waVelonkhe weTifundza, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako: Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, nekutsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengelilunga leSigungu saVelonkhe/sitfunywa lesingesuswa seMkhandlu waVelonkhe weTifundza/lilunga lesishayamtsetfo sesifundza seC. D ngekutimisela.  
(Uma ngabe kusifungo: Inkhosi ingisite)
- (2) Bantfu labavala tikhala eSigungwini saVelonkhe, titfunywa letingesuswa kUmkhandlu weTifundza noma tishayamtsetfo tetifundza kumele bafunge noma bavume ngekutibopha ngekulandzela sigatjana (1) embi kwalowengamele lowo Mkhandlu, Sigungu noma sishayamtsetfo, noma ngukuphi kwaloku.

### **Sifungo noma kuvuma ngekutibopha kwaNdvunankhulu, emaBambela aboNdvunankhulu nemalunga etigungu teMkhandlu loweNgamele**

5. Ndvunankhulu noma liBambela laNdvunankhulu wesifundza nalinye ngalinye lilunga leSigungu seMkhandlu loweNgamele sifundza, ngembi kwaSomajaji noma lelinye liJaji lelimiswe nguSomajaji, kumele afunge/avume ngekutibopha ngalendlela lelandzelako: Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi ngitawetsembeka kuRiphabhulikhi yeNingizimu Afrika, nekutsi ngitawutfobela, ngitawuhlonipha futsi ngitawuphakamisa uMtsetfosisekelo kanye nayo yonkhe imitsetfo yeRiphabhulikhi, futsi ngetsembisa kwenta imisebenti yami njengeNdvunankhulu/ liBambela laNdvunankhulu/lilunga leSigungu seMkhandlu loweNgamele wesifundza ngekuzotsa nangekwetsembeka; kuba ngumeluleki loneliciniso nekwetsembeka; kanye nekungakhiphi timfihlo-ngco noma nsombo lengetfweswe tona; nekwenta imisebenti yesikhundla sami ngekwetsembakala nangekutimisela.  
(Uma ngabe kusifungo: Inkhosi ingisite)



## Sifungo sekungena esikhundleni noma kuvuma ngekutibopha kwetiphatsimandla tetemtsetfo

6. (1) Lijaji ngalinye noma lijaji lelilibambela, embi kwaSomajaji noma lelinye lijaji lelimiswe nguSomajaji, kumele lifunge noma livume ngalendlela lelandzelako: Mine, A.B., ngiyafunga/ngiyavuma ngekutibopha kutsi, njengeliJaji leNkantolo yeMtsetfosisekelo, leNkantolo lephakeme kunato tonkhe yekwendlulisela emacala/ leNkantolo lephakeme/leNkantolo ye-EF, ngitawetsembeka eRiphabhulikhi yeNingizimu Afrika, ngitawuphakamisa futsi ngitawuvikela uMtsetfosisekelo nemalungelo eluntu labekwe kuwo futsi ngitawusebentisa umtsetfo kubo bonkhe bantfu ngekufanana ngaphandle kwekwesaba, nekukhetha noma kubandlulula, ngekulandzela uMtsetfosisekelo kanye nemtsetfo.  
(Uma ngabe kusifungo: Inkhosi ingisite)
- (2) Umuntu lobekwe esikhundleni saSomajaji lobekavele angasilo lijaji ngesikhatsi abekwa kumele afunge noma avume ngekutibopha ngembi kweliSekela laSomajaji, noma uma kwehluleka lelo jaji, ngembi kwelijaji lelikhulu kunalamanye lelikhona eNkantolo yeMtsetfosisekelo.
- (3) Tiphatsimandla tetemtsetfo, kanye nemabambela ato, lekungesiwo emajaji kumele tifunge/tivume ngekutibopha ngekulandzela umtsetfo wavelonkhe.

# ISHEJULI 3

## TINCHUBO TELUKHETFO

[IShejuli 3 iChitjiyelwe ngesigaba 2 seMtsetfo weSine wanga-1999 nesigaba 19 seMtsetfo weSifupha wekuChitjiyelwa kweMtsethosisekelo wanga-2001 kanye nesigaba 3 seMtsetfo weMfica wekuChitjiyelwa kweMtsetfosisekelo wanga 2002 nangekwesigaba 1 seMtsetfo weLishumi naKune wekuChitjiyelwa kweMtsetfosisekelo.]

### Incenye A

#### Tinchubo telukhetfo lwebantfu Labanetikhundla ngekwemtsetfosisekelo

##### Kusebenta

1. Lenchubo lehlelwe kuleShejuli isebenta uma ngabe –
  - (a) Sigungu saVelonkhe sihlanganela kutewukhetsa Mengameli, noma Somlomo noma liSekela laSomlomo weSigungu;
  - (b) Umkhandlu weTifundza uhlanganela kutewukhetsa Sihlalo noma liSekela laSihlalo waloMkhandlu; noma
  - (c) Sishayamtsetfo sesifundza sihlanganela kutewukhetsa Ndvunankhulu noma Somlomo noma liSekela laSomlomo walesishayamtsetfo.

##### Kuphakanyiswa

2. Umuntfu lowengamele umhlangano lapho leShejuli isebenta khona kumele abite kuphakanyiswa kwebantfu labangenela lukhetfo kulowo mhlangano.

##### Tidzingo letibekiwe

3.
  - (1) Kuphakanyiswa kwebantfu kumele kwentiwe kulelo fomu lelichazwe yimisetfomgomo letfolakala ephuzwini 9.
  - (2) Lelifomu lekubhalwe kulo ligama lemuntfu lophakanyiswako kumele lisayinwe –
    - (a) ngemalunga lamabili eSigungu saVelonkhe, uma kutawukhethwa Mengameli noma Somlomo noma liSekela laSomlomo weSigungu;

- (b) egameni lematsimba letifundza letimbili, uma kutawukhetfwa Sihlalo noma liSekela laSihlalo weMkhandlu waVelonkhe weTifundza; noma
  - (c) ngemalunga lamabili aleso sishayamtsetfo sesifundza lesitsintsekako, uma kutawukhetfwa Ndvunankhulu wesifundza, Somlomo noma liSekela laSomlomo lesishayamtsetfo.
- (3) Umuntfu ligama lakhe leliphakanyiwe kumele abonise kwemukela lokuphakanyiswa ngekusayina noma lelifomu lelibhalwe emagama ebantfu labaphakanyiwe noma ngasiphi siboniso lesibhaliwe lesicinisekisa kwemukela kuphakanyiswa.

### **Kumenyetelwa kwemagama alabaphakanyiwe**

4. Emhlanganweni lapho leShejuli isebenta khona lomuntfu lowengamele kumele amemetele emagama alabantfu labaphakanyiwe kutsi bangele lukhetfo, kepha akumelanga avumele inkhulumomphikiswano.

### **Kuphakanyiswa kweligama linye**

5. Uma ngabe linye kuphela ligama leliphakanyiwe, lomuntfu lowengamele kumele amemetele kutsi lowo muntfu lophakanyiwe sewukhetsiwe.

### **Inchubo yelukhetfo**

6. Uma ngabe kuphakanyiwe bantfu labendlula kumunye –
- (a) kumele kwentiwe livoti emhlanganweni ngekhukheta ngasese;
  - (b) lelo nalelo lunga lelikhona, noma uma kungumhlangano weMkhandlu waVelonkhe weTifundza, sifundza ngasinye lesimelwe kulowo mhlangano, singafaka livoti linye; futsi
  - (c) umuntfu lowengamele lowo mhlangano kumele amemetele kubekwa kwalowo muntfu lotfole emavoti lamanyenti.

### **Inchubo yekukhishwa**

7. (1) Uma kute kulabaphakanyiwe lotfole emavoti lamanyenti, lophakanyiwe lotfole emavoti lamancane kunawo onkhe kumele akhishwe kuphindze kutsatfwe livoti kulabo labasele ngekulandzela sigatjana 6. Lenchubo kumele iphindwe kuze kube khona munye lotfole emavoti lamanyenti.

- (2) Uma ngabe kusetjentiswa sigatjana (1), uma babili noma ngetulu kwamunye labaphakanyisiwe batfole emavoti lamancane kunabo bonkhe, livotili leliseceleni kumele litsatfwe kulabo bantfu futsi liphindvwe kanengi kuze kutfolakale lowo muntfu lokumele akhishwe.

### Leminye imihlangano

8. (1) Uma kuphakanyiswe emagama lamabili kuphela, noma uma bababili kuphela labasele ngemuva kwenchubo yekukhishwa, kantsi futsi labo lababili batfole emavoti lalinganako, lomunye umhlangano kumele ubanjwe kungakapheli emalanga lasikhombisa, ngesikhatsi lesincunye ngulomuntfu lowengamele.
- (2) Uma umhlangano lomunye ubanjwa ngekulandzela sigatjana (1), lenchubo lebekwe kuleShejuli kumele ilandzelwe sengatsi lowo mhlango wekucala walolo lukhetfo.

### Imitsetfomgomo

9. (1) Somajaji kumele ente imitsetfomgomo lechaza –
- (a) inchubo yemihlangano lapho leShejuli isebente khona;
  - (b) imisebenti yalowo lowengamele umhlangano, kanye nanoma ngumuphi umuntfu losita lowp lowengamele;
  - (c) lifomu lekumele kubhalwe kulo emagama alabaphakanyiswako; kanye
  - (d) nendlela lekumele kuchutjwe ngayo kuvota.
- (2) Lemitsetfomgomo kumele yatiswe bantfu ngendlela Somajaji layincumile.

[Liphuzu 9 livalwe ngesigaba 19 seMtsetfo 34 wanga-2001.]

## Incenye B

### **Inchubo Yekutfola Kungenela Kwemacembu Etembusave Kumatsimba Emkhandlwini Wavelonkhe WeTifundza**

1. Linani letitfunywa telicembu letembusave lelinelilungelo lalo letikulelibandla lelimele sifundza eMkhandlwini waVelonkhe weTifundza, kumele litfolakale ngekutsatsa linani letihlalo talelo embu kusishayamtsetfo sesifundza liphindvwe ngalokulishumi bese umphumela wehlukaniswa ngelinani letihlalo kusishayamtsetfo bese ngekwenta sinye ngetulu.
2. Uma kubala lokwentwe ngekulandzela liphuzu 1 ngenhla kukhipha linani lelingetulu lelingeneli lelo leliniketwe lelo embu ngekulandzela leliphuzu, lelo nani lelingetulu kumele libangisane nemanani lafana nalo ngekuba ngetulu kwaleli linye licembu noma kwalawa lamanye emacembu kulelibandla lelitfunywa emalunga langakabiwa kumele afakwe ngekwembu ngekulandzelana kucale linani lelikhulu kunawo onkhe kuye ngekuya.
3. Uma lamanani langetulu lachudzelanako lahlongotwa ephuzwini alingana, letitfunywa letingakasatjalaliswa kulelitsimba kumele tabelwe kulelicembu noma emacembu, ), nalelo nani lelingetulu ngekulandzelana kwemavoti labhaliwe, larekhodelwe lamacembu elukhetfweni lwekugcina lwesishayamtsetfo sesifundza lesintssekako.i.  
[Liphuzu 3 lifakwe ngesigaba 2 seMtsetfo 3 wanga-1999 saphindze savalwa ngesigaba 3 seMtsetfo wemfica wanga-2002. Nangekwesigaba 5(a) seMtsetfo weLishumi naKune wekuChitijyelwa kweMtsetfosisekelo wanga-2008]
4. Uma emacembu langetulu kwalinye lelinilani lelilinganako lelirekhodiwe lemavoti ngesikhatsi selukhetfo lwekugcina sesishayamtsetfo sesifundza lesifanele, sishayamtsetfo lesufanele kufanele sifake emalunga langakahlukaniswa etitfunywa kulenhlango lenelinani lemavoti ngendlela lengagucuki nentsandvoyelinyenti.  
[Liphuzu 4 lifakwe ngesigaba 5(b) seMtsetfo weLishumi naKune wekuChitijyelwa wanga-2008]

## ISHEJULI 4

### TINDZAWO LAPHO HULUMENDE WAVELONKHE KANYE NEBETIFUNDZA BANEMANDLA EKUSHAYA UMTSETFO NGEKUHLANGANYELA

#### Incenye A

- Kuphatfwa kwemahlatsi emvelo
- Tebulimi
- Tikhumulo tetindiza, ngaphandle kwetikhumulo tetindiza letiphumela emaveni langaphandle netikhumulo tetindiza letisebenta ngekhatshi kwelive kuphela
- Kuphatfwa kwetilwane netifo
- Emakhasino, imijaho, kugembula, kubheja, lokungafaki imincintswano nekubheja kwetimidlalo lokwentiswa ndzawonye
- Tindzaba letiphatselene nemasiko
- Kuvikelwa kwebatsengi
- Kuphatfwa kwetimo temonakalo
- Imfundvo kuwo onkhe emazinga, ngaphandle kwemfundvo lephakeme
- Simo semvelo
- Temphilo
- Tetindlu
- Umtsetfo wesintfu kanye nalophatselene nemasiko, ngaphasi kwembandzela weSAHLUKO 12 seMtsetfosisekelo
- Kutfutfukiswa kwetimboni Inchubomgomo yelulwimi nekulawulwa kwetilwimi letisemtsetfweni esifundzeni ngekulandzela tiphakamiso tesigaba 6 seMtsetfosisekelo lapho lesigaba sivumela sifundza kushaya umtsetfo
- Imitfombo yemango yetindzaba tesifundza lephetfwe ngco noma lebekwe nguhulumende wesifundza ngekulandzela sigaba 192
- Kulondvolotwa kwemvelo, kungafakwa ekhatshi tikhungo tekonga imvelo tavelonkhe, tindzawo tetingadze tesive kanye nemitfombo yaselwandle
- Tekuvikelwa ngemaphoyisa uma kufika etiphakanyisweni letibekwe eSehlukweni 11 seMtsetfosisekelo lesinika emandla sishayamtsetfo sesifundza

- Tekugadza kungcoliswa kwemoya
- Tekutfufukisa sibalo sebantfu
- Inkokhelo yekushintjiselana imphahla/umhlaba
- Tikhungo temmango teluhwebo kuleto tindzawo tekusebenta letibekwe kuleShejuli nakuShejuli 5
- Tekutfutsa ummango
- Imisebenti yesive etidzingweni kuphela tahlumende wesifundza ngematiko akhe latfweswe umtfwalo wekuphatsa lemisebenti nguMtsetfosisekelo noma lomunye umtsetfo
- Kuhlelwa kwesifundza nekutfufukiswa kwaso
- Kuphatfwa kwekuhamba kwetimoto emgwacweni
- Kulondvolotwa kwemhlabatsi
- Tekuvakasha
- Tetimboni
- Baholi bendzabuko ngekulanzela SAHLUKO 12 seMtsetfosisekelo
- Kutfufukiswa kwetindzawo letisemadolobheni naletisemaphandleni
- Kuniketwa kwetimoto imvume
- Tenhlalakahle

## INCENYE B

Letindzaba letilandzelako tahlumende wasekhaya kuyawufika kulelizinga lelihlelwe esigabeni 155(6)(a) na-(7):

- Kungcoliswa kwemoya
- Imitsetfo yekwakha takhiwo
- Tindzawo/tintfo tekunakekelwa kwebantfwana
- Gezi kanye nekukhishwa kwagesi
- Tikhungo tekulwa nemililo
- Tekuvakasha tasekhaya
- Tikhumulo tetindiza tabomasipala
- Kuhlelwa kwabomasipala
- Imisebenti yabomasipala yetemphilo
- Imisebenti yabomasipala yekutfufwa kwebantfu

#### ISHEJULI 4: TINDZAWO LAPHO HULUMENDE WAVELONKHE KANYE NEBETI- FUNDZA BANEMANDLA EKUSHAYA UMTSETFO NGEKUHLANGANYELA

- Temisebenti yesive tabomasipala kufika ezingeni letidzingo tabomasipala ekufezeni imisebenti yabo yekwengamela imisebenti lebayinikwe ngco nguMtsetfosisekelo noma lomunye umtsetfo
- Emabhuloho ngetulu kwemifula, tikebhe/tindizanyana, tindzawo tekuvikela tikebhe/imikhumbi, tindzawo letima tikebhe/imikhumbi kanye netikhumulo temikhumbi ngaphandle kwekuphatfwa kwetekuhamba kwemikhumbi emaveni onkhe nakuleli kanye netintfo letiphatselene nekuhanjiswa ngemkhumbi
- Kuphatfwa kwemanti etimvula etindzaweni letakhiwe
- Imitsetfomgomo yekutsengisa
- Emanti nekuhlelwa nekwetfwalwa kwetibi ezingeni lemanti lekatfwalekako nekulahlwa kwemanti lekasebentile nenchubo yekulahlwa kwemangcoliso



## **ISHEJULI 5**

### **TINDZAWO LAPHO HULUMENDE WESIFUNDZA YEDVWANA ANEMANDLA EKUSHAYA UMTSETFO**

#### **INCENYE A**

- Temadzele
- Ema-ambulensi
- Tikhungo temisamo ngaphandle kwemisamo yavelonkhe
- Imitapo yetincwadzi ngaphandle kwemitapo yavelonkhe
- Imvume yekutsengisa tjwala
- Tinzawo tekubeka tintfo letimcoka tesive ngaphandle kwaletu tavelonkhe
- Kuhlelwa kwesifundza
- Tinzaba temasiko esifundza
- Tinzawo tesifundza tekujabulisa netikhungo
- Temidlalo yesifundza
- Temigwaco nekuhamba kwetimoto kwesifundza
- Tekwelashwa kwetilwane ngaphandle kwekuphatfwa kwalobuchwepheshe

#### **INCENYE B**

Letinzaba tahulumende wasekhaya letilandzelako kufike ezingeni lelihlelwe esigabeni 155(6)  
(a) na-(7):

- Tihlabatsi taselwandle netinzawo tekutijabulisa
- Tincwembe tekukhangisa nekubeka kwekukhangisa endzaweni yemango
- Emathuna, timoshali, netinzawo tekushisela tidvumbu
- Kuhlotjiswa ngekwesintfu
- Kwenganyelwa kwetintfo letinyanyisako emmangweni
- Kwenganyelwa kwetinzawo letitsengisela ummango tjwala
- Tinzawo tekubeka, tekunakekelwa nekungcwatjwa kwetilwane
- Kubiyela ngemafenisi
- Timvume tetinja
- Timvume nekuphatfwa kwetinzawo letitsengisela ummango kudla
- Tikhungo tasekhaya

ISHEJULI 5: TINDZAWO LAPHO HULUMENDE WESIFUNDZA YEDVWANA  
ANEMANDLA EKUSHAYA UMTSETFO

- Tinzawo temidlalo tasekhaya
- Timakethe
- Emadzele amasipala
- Emapaki amasipala netekutijabulisa
- Imigwaco yamasipala
- Kungcoliswa ngemsindvo
- Tikidi
- Tinzawo temmango
- Kutfutwa kwetibi/emangcoliso, tinzawo tekulahla tibi/emangcoloso  
nekulahlwa kwetibi leticinile
- Kutsengisa emigwacweni
- Kukhanyisa emigwacweni
- Tetimoto nekupaka

# ISHEJULI 6

## TIMISELO TESIKHASHANA

[IShejuli 6 iChitjiyelwe ngesigaba 3 seMtsetfo weKucala wekuChitjiyelwa kweMtsetfosisekelo wanga-1997, sigaba 5 semtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998 kanye nesigaba 20 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

### Tinchazelo

1. KuleShejuli, ngaphandle kungahambisani nengcikitsi -  
“**sabelo**” sisho indzawo leyincenye yeRiphabhulikhi lapho ngesikhatsi ungakacali kusebenta uMtsetfosisekelo lowelanywa ngulona wanyalo, beyiphetfwe nguMtsetfo weNingizimu Afrika itsatfwa njengelive lelitimele noma sabelo lesitibusako;  
“**UMtsetfosisekelo lomusha**” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1996;  
“**Imitsetfo lemidzala**” isho imitsetfo leyabekwa kungakacali kusebenta kweMtsetfosisekelo lowelanywa ngulona; “UMtsetfosisekelo lomdzala” usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, wanga-1993, (uMtsetfo 200 wanga-1993)..

### Kuchubeka kwekusebenta kwemitsetfo lekhona

2. (1) Yonkhe imitsetfo lebeyikhona isebenta kungakacali kusebenta kwaloMtsetfosisekelo lomusha, iyachubeka nekusebenta, ngaphasi kwembandzela -
  - (a) wanoma kuphi kuchitjiyelwa noma kucitfwa; kanye
  - (b) nekuhambisana neMtsetfosisekelo lomusha.
- (2) Imitsetfo lemidzala letawuchubeka nekusebenta ngekulandzela sigatjana (1) -
  - (a) kayinawusebenta ngalokwengetekile, noma ngekwenzawo noma nangayiphi lenye indlela kwendlula ngesikhatsi uMtsetfosisekelo lomdzala ucala kusebenta ngaphandle uma ngabe yachitjiyelwa kuze isebente ngalokwengetekile; futsi
  - (b) iyachubeka nekusetjentiswa tiphatsimandla lebetivele tiyisebentisa kungakacali kusebenta kweMtsetfosisekelo lomusha, kepha ngaphasi kwembandzela weMtsetfosisekelo lomusha.

**Kuhunyushwa kwemitsetfo levele ikhona**

3. (1) Ngaphandle uma ngabe kungahambisani nengcikitsi noma kungakafaneli kwasanhlobo, kucashunwa kwemitsetfo lobewuvele ukhona uma kucala kusebenta loMtsetfosisekelo lomusha uma ngabe kukhulunywa -
- (a) ngeRiphabhulikhi yeNingizimu noma ngesabelo (ngaphandle uma kushiwo umhlaba) kumele kutsatfwe ngekutsi kushiwo iRiphabhulikhi yeNingizimu Afrika ngaphasi kwaloMtsetfosisekelo lomusha;
  - (b) ngePhalamende, ngeSigungu saVelonkhe noma ngeNdlu yetiMphunga, kumele kutsatfwe ngekutsi kushiwo iPhalamende, Sigungu saVelonkhe noma Umkhandlu weTifundza ngaphasi kweMtsetfosisekelo lomusha;
  - (c) ngeMengameli, ngeliSekela laMengameli, ngeNdvuna yeMbuso, liSekela leNdvuna yeMbuso noma iKhabhinethi, kumele kutsatfwe ngekutsi kushiwo Mengameli, ngeliSekela laMengameli, ngeNdvuna yeMbuso, liSekela leNdvuna yeMbuso noma iKhabhinethi ngaphasi kweMtsetfosisekelo lomusha, kepha ngekulanzela liphuzu 9 laleShejuli;
  - (d) ngeMengameli wetiMphunga, kumele kutsatfwe ngekutsi kushiwo Sihlalo weMkhandlu waVelonkhe weTifundza;
  - (e) ngesishayamtsetfo sesifundza, Ndvunankhulu, Sigungu leseNgamele noma lilunga leSigungu leseNgamele sesifundza, kumele kutsatfwe ngekutsi kushiwo sishayamtsetfo sesifundza, Ndvunankhulu, Sigungu leseNgamele noma lilunga leSigungu leseNgamele sesifundza ngaphasi kweMtsetfosisekelo lomusha, kepha ngekulanzela liphuzu 12 laleShejuli; noma
  - (f) ngelulwimi lolusemtsefweni noma tilwimi, kumele kutsatfwe ngekutsi kushiwo noma ngabe ngutiphi tilwimi letisemtsefweni ngaphasi kwaloMtsetfosisekelo lomusha.
- (2) Ngaphandle uma ngabe kungahambisani nengcikitsi noma kungafaneli kwasanhlobo, uma encenyeni yemitsetfo lomdzala kukhulunywa -
- (a) ngePhalamende, iNdlu yePhalamende noma sishayamtsetfo noma Sigungu seRiphabhulikhi noma wesabelo, kumele kutsatfwe ngekutsi kushiwo -
    - (i) iPhalamende ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalomtsetfo kwehliselwe noma kuniketwe ngekulanzela uMtsetfosisekelo lomdzala noma nguleShejuli kuhulumende wavelonkhe; noma

- (ii) sishayamtsetfo sesifundza, uma kuphatfwa kwalowo mtsetfo kuniketwe noma kwehliselwe ngekulanzela uMtsetfosisekelo lomdzala noma ngekulanzela leShejuli kuhulumende wesifundza;
- (b) ngeMengameli weMbuso, Ndvunankhulu, umPhatsi noma umPhatsi weSigungu, tiNdvuna teMbuso, iKhabhinethi noma uMkhandlu wetiNdvuna teMbuso noma umkhandlu lowengamele waseRiphabhulikhi noma wesabelo, kumele kutsatfwe ngekutsi kushiwo -
  - (i) Mengameli ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalowo mtsetfo kwehliselwe noma kuniketwe ngekulanzela uMtsetfosisekelo lomdzala noma leShejuli kuhulumende wavelonkhe; noma
  - (ii) Ndvunankhulu wesifundza ngaphasi kweMtsetfosisekelo lomusha, uma kuphatfwa kwalowo mtsetfo kwehliselwe noma kuniketwe ngekulanzela uMtsetfosisekelo lomdzala noma leShejuli kuhulumende wesifundza.

### Sigungu saVelonkhe

4. (1) Noma ngubani lobekalilunga noma anesikhundla esiGungwini saVelonkhe ungakacali kusebenta loMtsetfosisekelo lomusha, uba lilunga noma abambe sikhundla esiGungwini saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.
- (2) LeSigungu saVelonkhe njengoba sibunjwe ngaphasi kweliphuzwana (1) ngetindlela tonkhe sitsatfwa ngekutsi sakhetfwa ngaphasi kwaloMtsetfosisekelo lomusha kutsi sisebente kuze kuphele sikhatsi saso ngamhlaka 30 Apreli 1999.
- (3) Sigungu saVelonkhe sinamalunga langu-400 kuze kuyewuphela sikhatsi saso, kuze kufike mhlaka 30 Apreli 1999, ngekulanzela sigaba 49(4) seMtsetfosisekelo lomusha.
- (4) Imitsetfomgomo kanye nenchubo yaleSigungu saVelonkhe lebeyisebenta kungakangenani loMtsetfosisekelo lomusha itawujinge ichubeke nekusebenta ngaphandle uma ingachitjyelwa noma icitfwe ngaphasi kwaloMtsetfosisekelo lomusha.

**Ludzaba lolungakapheli ePhalamende**

5. (1) Noma nguluphi ludzaba lolungakapheli lolusembi kweSigungu saVelonkhe kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele kuchutjekwe ngalo ngaphasi kwaloMtsetfosisekelo lomusha.
- (2) Noma ngabe nguluphi ludzaba lolungakapheli lolusembi kwetiMphunga kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele lumikiswe eMkhandlwini waVelonkhe weTifundza, futsi loMkhandlu kumele uchubeke nalo ngaphasi kwaloMtsetfosisekelo.

**LuKhetfo lweSigungu saVelonkhe**

6. (1) Kute lukhetfo lweSigungu saVelonkhe lolungabanjwa kungakefiki mhlaka 30 Apreli 1999 ngaphandle uma ngabe leSigungu sicitfwa ngekulandzela sigaba 50(2) ngemuva kwesiphakamiso sekungetsembeki kwekusebenta kwaMengameli ngekulandzela sigaba 102(2) seMtsetfosisekelo lomusha.
- (2) Sigaba 50(1) seMtsetfosisekelo lomusha siyemiswa kuze kube ngamhlaka 30 Apreli 1999.
- (3) Nanoma uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo njengoba uchitjiyelwe siHlomelo A saleShejuli, iyasebenta -
  - (a) elukhetfweni lwekucala lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.
  - (b) ekulahlekelweni bulunga beSigungu saVelonkhe etimeni ngaphandle kwaletu letichazwe esigabeni 47(3) seMtsetfosisekelo lomusha; kanye
  - (c) nasekugcwaliseni tikhala kuleSigungu saVelonkhe, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kugcwaliswa tikhala eluhlwini lwemacembu, kuze kufike lukhetfo lwesibili lwaleSigungu ngaphasi kweMtsetfosisekelo lomusha.
- (4) Sigaba 47(4) seMtsetfosisekelo lomusha simisiwe kuze kufike lukhetfo lwesibili lweSigungu saVelonkhe ngaphasi kweMtsetfosisekelo lomusha.

**Umkhandlu weTifundza**

7. (1) Kuze kuphele lesikhatsi lesiphela singakahlangani kwekucala sishayamtsetfo sesifundza lesibunjwe ngemuva kwelikhetfo lwaso lwekucala

ngekwaloMtsetfosisekelo lomusha -

- (a) kumelwa kwemacambu nguletitfunywa tesifundza kuloMkhandlu waVelonkhe weTifundza kumele kufanane nekumelwa kwesifundza timphunga letingu-10 njengekubekwa kwato ngaphasi kwesigaba 48 seMtsetfosisekelo lomdzala futsi
- (b) kubekwa kwetitfunywa letingesuswa netitfunywa letisiphesheli emacenjini lamelwe kusishayamtsetfo sesifundza, kume kanje:

<b>SIFUNDZA</b>	<b>TITFUNYWA LETINGASUSWA</b>	<b>TITFUNYWA TELIKHETSELO</b>
1. Mpumalanga Kapa	ANC NP1	ANC 4
2. Fuleyistata	ANC 4 FF 1 NP1	ANC 4
3. Gauteng	ANC 3 DP 1 FF 1 NP 1	ANC 3 NP 1
4. KwaZulu-Natali	ANC 1 DP 1 IFP 3 NP 1	ANC 2 IFP 2
5. Mpumalanga	ANC 4 FF 1 NP 2	ANC 2
6. Nyakatfo Kapa	ANC 3 FF 1 NP 2	ANC 2 NP 2
7. Sifundza saseNyakatfo	ANC 6	ANC 4

SIFUNDTZA	TITFUNYWA LETINGASUSWA	TITFUNYWA TELIKHETSELO
8. Nyakatfo Nshonalanga	ANC 4 FF 1 NP 1	ANC 4
9. Nshonalanga Kapa	ANC 2 DP 1 NP 3	ANC 1 NP 3

- (2) Licembu lelimelwe kusishayamtsetfo sesifundza -
  - (a) kumele likhetse emalunga lengesuswa kulabo bantfu lebebatimphunga ngesikhatsi kucala kusebenta kwaloMtsetfosisekelo lomusha njengetitfunywa letingesuswa; futsi
  - (b) lingakhetsa labanye bantfu kutsi babe titfunywa letingesuswa kuphela uma ngabe kute noma aleneli linani lalabo labebatimphunga lelidzingeakako.
- (3) Sishayamtsetfo sesifundza kumele sibeke titfunywa taso letingesuswa ngekulandzela tiphakamiso temacembu.
- (4) Tigatjana (2) na-(3) tisebenta kuphela ekubekeni titfunywa letingesuswa tekucala kuleSigungu saVelonkhe weTifundza.
- (5) Sigaba 62(1) seMtsetfosisekelo lomusha asisebenti etiphakanyisweni nekubekwa kwalabo bebatimphunga njengetitfunywa letingesuswa ngekwaleliphuzu.
- (6) Imitsetfomgomo netibopho tetiMphunga lebeyisebenta uma kucala kusebenta loMtsetfosisekelo lomusha, kumele ichubeke isebente emisebentini yeMkhandlu waVelonkhe weTifundza kuze kufike ezingeni lapho isebenta khona, kepha nje ngaphasi kwetichibiyelo noma kwekucitfwa kwayo.

### Lebebatimphunga

8. (1) Umuntfu lobekayimphunga longakakhetfwa njengesitfunywa lesingesuswa seMkhandlu waVelonkhe weTifundza unelilungelo kutsi abe lilunga lelivotako ngalokuphelele lesishayamtsetfo saleso sifundza lesakhetsa lowo muntfu njengelilunga letimphunga ngekulandzela sigaba 48 ngaphasi kweMtsetfosisekelo lomdzala.



- (2) Uma lobekayimphunga akhetsa kungabi lilunga lesishayamtsetfo lowo muntfu utsatfwa ngekutsi sewuhleli phasi akasesiyo imphunga ngayitolo ngembali kwekutsi uMtsetfosisekelo ucale kusebenta.
- (3) Umholo, tibonelelo noma tinzuzo temuntfu lobekayimphunga lokhetfwe njengesitfunywa lesingesuswa noma njengelilunga lesishayamtsetfo sesifundza tingete tehliswa ngesizatfu saloko kukhetfwa.

### Sigungu savelonkhe lesengamele

9. (1) Noma ngubani lobekanguMengameli, liSekela laMengameli, iNdvuna yeMbuso noma liSekela leNdvuna yeMbuso weRiphabhulikhi ngaphasi kweMtsetfosisekelo lomdala ungakacali kusebenta loMtsetfosisekelo lomusha, utawuchubeka futsi abambe sikhundla ngaphasi kwaloMtsetfosisekelo lomusha, kepha ngaphasi kwembandzela wesigatjana (2).
- (2) Kuze kufike April 30 1999, tigaba 84, 89, 90, 91, 93 na-96 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengoba tihleliwe eSihlomelweni B saleShejuli.
- (3) Sigatjana (2) asivimbeli iNdvuna yeMbuso lebeyiyimphunga ungakacali kusebenta loMtsetfosisekelo lomusha, kutsi ichubeke njengeNdvuna yeMbuso lephawulwe esigabeni 91(1)(a) seMtsetfosisekelo lomusha, njengoba leso sigaba sifundzeka eSihlomelweni B.

### Tishayamtsetfo tetifundza

10. (1) Noma ngubani lobekalilunga noma abambe sikhundla kusishayamtsetfo sesifundza ungakacali kusebenta uMtsetfosisekelo lomusha, uba lilunga noma abambe sikhundla kusishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha, abambe sikhundla njengelilunga noma umuntfu lonesikhundla ngaphasi kwaloMtsetfosisekelo nangaphasi kwanoma ngumuphi umtsetfosisekelo wesifundza longabekwa.
- (2) Sishayamtsetfo sesifundza njengoba sibunjwe ngekulandzela sigatjana (1) ngetindlela tonkhe sitsatfwa ngekutsi sikhethfwe ngaphasi kweMtsetfosisekelo lomusha esikhatsini lesitawuphela ngamhlaka 30 Apreli 1999.

- (3) Kuze kuphele sikhatsi sekusebenta kweshayamtsetfo sesifundza nangekulandzela sigaba 108(4), sishayamtsetfo sibunjwe linani lemalunga labekelwe lesi sishayamtsetfo ngaphasi kweMtsetfosisekelo lomdzala kanye nelinani lalabo bantfu labebatimpunga lesebangemalunga esishayamtsetfo ngekulandzela liphuzu 8 laleShejuli.
- (4) Imitsetfomgomo netibopho yesishayamtsetfo sesifundza lesebentako ungakacali kusebenta loMtsetfosisekelo lomusha, iyachubeka nekusebenta ngaphandle uma ngabe ichitjiyelwe noma ichitsiwe.

### **Kukhetfwa kwetishayamtsetfo tetifundza**

11. (1) Noma njena uMtsetfosisekelo lomdzala ucitsiwe, iShejuli 2 yalowo Mtsetfosisekelo, njengoba uchitjiyelwe Sihlomo A saleShejuli uyasebenta -
  - (a) elukhetfweni lwekucala lesishayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha;
  - (b) ekulahlekelweni bulunga besishayamtsetfo kwesimo ngaphasi kwaleso lesishiwo esigabeni 106(3) saloMtsetfosisekelo lomusha, kanye
  - (c) nasekugcwaliseni tikhala kusishayamtsetfo, nekwengeta, kubuketa nekusetjentiswa kweluhlu lwemacembu kuze kugcwaliswe tikhala, kuze kufike lukhetfo lwesibili ngaphasi kweMtsetfosisekelo lomusha.
- (2) Sigaba 106(4) seMtsetfosisekelo lomusha simisiwe kusishayamtsetfo kuze kube lukhetfo lwesibili lwaleso sishayamtsetfo ngaphasi kweMtsetfosisekelo lomusha.

### **Tigungu tetifundza letengamele**

12. (1) Noma ngubani lobekanguNdvunankhulu noma lilunga leMkhandlu loweNgamele sifundza ungakacali kusebenta loMtsetfosisekelo lomusha, uyachubeka nekusebenta futsi abambe sikhundla ngaphasi kweMtsetfosisekelo lomusha nangaphasi kwanoma muphi umtsetfosisekelo wesifundza longabekwa, kepha ngaphasi kwembandzela weliphuzwana (2).
- (2) Kuze Ndvunankhulu akhetfwe ngemuva kwelukhetfo lweshayamtsetfo sesifundza ngaphasi kweMtsetfosisekelo lomusha atsatsa sikhundla sakhe, noma sifundza sibeke umtsetfosisekelo waso, noma ngukuphi lokungenteka kucala, tigaba 132 na-136 teMtsetfosisekelo lomusha titawutsatfwa ngekutsi tifundzeka njengoba kuhleliwe eSihlomoelweni C saleShejuli.

**Imitsetfosisekelo yetifundza**

13. Umtsetfosisekelo wesifundza lobekwe kungakacali kusebenta kweMtssetfosisekelo lomusha kumele ulandzele sigaba 143 saloMtssetfosisekelo lomusha.

**Kuniketwa kwemitsetfo etifundzeni**

14. (1) Imitsetfo lephatselene neludzaba loluwela ngaphasi kweluhlu lolutfolakala eShejulini 4 noma eShejulini 5 kuloMtssetfosisekelo lomusha, futsi lo ngesikhatsi ungakacali kusebenta loMtssetfosisekelo lomusha, bewuphetfwe siphatsimandla setiNdvuna teMbuso wavelonkhe, unganiketwa nguMengameli, ngesimemetelo semtsetfo, esiphatsinimandla seSigungu lesiphetse seMkhandlu wesifundza lesikhetfwe nguNdvunankhulu waleso sifundza.
- (2) Uma ngabe kunesidzingo kuze kuniketwa kwemitsetfo ngaphasi kweliphuzwana (1) kwenteke ngendlela, Mengameli ngesimemetelo semtsetfo-
- (a) angachibiyela noma antjintje lomtsetfo kuze kuhambe kahle kuhunyushwa kwawo noma kusetjentiswa kwawo;
- (b) lapho kuniketwa kwemitsetfo kungasebenti kuleyo ngenye yemitsetfo wonkhana, angacitsa futsi avuselele, netichibiyelo noma ngaphandle kwato letishiwo endzinyenyeni(a), leto ticeshana tawo lapho kuniketwa kusebenta khona noma kuze kufike lapho tisebenta khona;
- (c) angacondzisa lapho kuhambisana kahle noma nguluphi lolunye ludzaba lolungahle ludzingeke ngenca yalokuniketwa, lokufakwa ekhatsi kucocoonyiswa noma kutfutukiswa kwetisebenti noma kucocoonyiswa kwetintfo letingumnotfo, tikwelete, emalungelo kanye netibopho letibuya noma letiya esigungwini sembuso noma sesifundza noma lamanye amatiko embuso, ekuphatsa, ekuvikela noma letinye tikhungo.
- (3) (a) Umbhalo wesimemetelo ngasinye semtsetfo lesikhishiwe ngekweliphuzwana (1) noma (2) kumele wetfulwe kuleSigungu saVelonkhe neMkhandlu waVelonkhe weTifundza angakapheli emalanga langu-10 sikhishiwe lesimemetelo.
- (b) Uma Sigungu saVelonkhe neMkhandlu waVelonkhe weTifundza ngesincumo ungasemukeli lesimemetelo semtsetfo noma siphakamisaso, lesosimemetelo noma siphakamisaso sipheliswa sikhatsi, kepha singatsikameti -

- (i) kusebenta kwanoma yini into leyentiwe ngalesimemetelo semtsetfo noma siphakamiso singakaphelelwa sikhatsi; noma
  - (ii) lilungelo noma lilungelomvume lelitfolakele noma sobopho noma umtfwalo lotfolakele singakaphelelwa sikhatsi.
- (4) Uma ngabe kuniketwa umtsetfo ngaphasi kweliphuzwana (1), noma kuphi lokushiwo kuleyo mtsetfo siphatsimandla, kumele kutsatfwe ngekutsi kusho siphatsimandla leso lokuniketwe sona emandla.
- (5) Noma kuphi kuniketwa kwemtsetfo ngaphasi kwesigaba 235(8) saloMtsetfosisekelo lomdzala, lokufaka noma siphi sichibiyelo, kuntjintjwa, noma kucitfwa kanye nekuvuselelwa kwemtsetfo noma lesinye sinyatselo lesitsetfwe ngaphasi kwaleso sigaba, kumele kutsatfwe ngekutsi kwentiwe ngaphasi kwaleliphuzu.

### **Imitsetfo lebeyivele ikhona ngaphandle kwemandla ekushaya umtsetfo kwePhalamende**

15. (1) Siphatsimandla esigungwini savelonkhe lesengamele noma muphi umtsetfo lowela ngaphandle kwemandla ekushaya umtsetfo kwePhalamende uma kucala kusebenta lomtsetfosisekelo lomusha, siyachubeka kuba nemandla ekuphatsa lowo mtsetfo kuze kufike sikhatsi lapho uniketwe khona siphatsimandla sesifundza lesisesigungwini lesengamele ngekulanzela liphuzu 14 laleShejuli.
- (2) Liphuzwana (1) liphelelwa sikhatsi ngemuva kweminyaka lemibili ucalile kusebenta loMtsetfosisekelo lomusha.

### **Tinkantolo**

16. (1) Tonkhe tinkantolo lokufaka tebaholi bendzabuko lebetikhona kusukela kungakacali kusebenta kwaloMtsetfosisekelo lomusha, tiyachubeka kusebenta nekusebentisa emandla ato ngekweMtsetfo losebenta kuto, futsi noma ngubani lonesikhundla njngemehluleli achubeke kubamba leso sikhundla ngekulanzela umtsetfo losebenta mayelana naleso sikhundla, kepha ngekulanzela -
- (a) noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
  - (b) kuhambisana neMtsetfosisekelo lomusha.
- (2) (a) INkantolo yeMtsetfosisekelo lesungulwe nguMtsetfosisekelo lomdzala iba yiNkantolo yeMtsetfosisekelo ngaphasi

(b) .....

[Liphuzwana 16(2)(b) livalwe ngesigaba 20 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

(3) (a) INkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala eNingizimu Afrika iba yiNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala ngaphasi kweMtsetfosisekelo lomusha.

(b) .....

[Liphuzwana 16(3)(b) livalwe ngesigaba 20 seMtsetfo weSifupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

(4) (a) Inkantolo yesifundza noma yenzawo yelizinga leNkantolo lephakeme yeNingizimu Afrika, noma iNkantolo lephakeme yesifundza noma yelizinga leletayelekile iba yiNkantolo lephakeme ngaphasi kweMtsetfosisekelo lomusha ngaphandle kwekuntjintja kwenzawo lapho isebenta khona ngaphasi kwebulungiswa lebuchazwe ephuzwaneni (6).

(b) noma ngubani lobambe sikhundla noma lotsatfwa kutsi ubambe sikhundla seMengameli noma liSekela laMengameli noma lijaji leNkantolo lekukhunyulwa ngalo endzinyaneni(a) kungakacali kusebenta kweMtsetfosisekelo lomusha, uba nguMengameli weMajaji, liSekela laMengameli noma lijaji laleyo nkantolo ngaphasi kweMtsetfosisekelo lomusha njengoba kubekwe ephuzwaneni (6).

(5) Ngaphandle uma kungahambisani nekusho noma kungasingiko mbamba uma kukhulunywa kunoma ngumuphi umtsetfo noma inchubo -

(a) yeNkantolo yeMtsetfosisekelo ngaphasi kweMtsetfosisekelo lomdzala, kumele kutsatfwe ngekutsi kushiwo iNkantolo yeMtsetfosisekelo ngaphasi kwaloMtsetfosisekelo lomusha;

(b) yeNkantolo yekweNdlulisela emacala yeNingizimu Afrika, kumele itsatfwe njengeNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala; futsi

(c) yeNkantolo yesifundza noma yenzawo yelizinga leNkantolo lePhakeme yeNingizimu Afrika noma yeNkantolo lePhakeme yesabelo noma yeNkantolo lePhakeme yenzawo, kumele itsatfwe ngekutsi kushiwo yeNkantolo lePhakeme.

- (6) (a) Uma ngabe sekukhonakala ngemuva kwekucala kusebenta kweMtsetfosisekelo lomusha, tonkhe tinkantolo, kumiswa kwato, kubunjwa, kusebenta kanye nemandla ato, nayo yonkhe imitsetfo letisebentako, kumele kuhlelwe kahle kuze tebulungiswa tifeze tidzingo taloMtsetfosisekelo lomusha.
- (b) Lilunga leKhabhinethi leliphetse tebulungiswa lihloiswa liKhomishani leliphetse kubekwa kwetiphatsimandla tetemtsetfo kumele lisungule lokuhlelwa kahle lokucatjangwa endzinyaneni(a).
- (7) (a) Noma ngubani lobambe sikhundla, uma uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucala kusebenta -
- (i) njengeMengameli weNkantolo yeMtsetfosisekelo, uba nguSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
- (ii) njengeliSekela laMengameli weNkantolo yeMtsetfosisekelo, uba liSekela laSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha;
- (iii) njengaSomajaji, uba nguMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1) seMtsetfosisekelo lomusha; kanye
- (iv) nanjengeliSekela laSomajaji, uba liSekela laMengameli weNkantolo lePhakeme kunato tonkhe yekweNdlulisela emacala njengoba kulindzeleke esigabeni 168 (1) seMtsetfosisekelo lomusha.
- (b) Yonkhe imitsetfomgomo, timisomtsetfo noma imiyalelo leyentiwe nguMengameli weNkantolo yeMtsetfosisekelo noma nguSomajaji lesebentako ngembi-nje kwekutsi uMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 2001, ucale kusebenta, itawuchubeka isebente idzimate icitfwe noma ichtijiyelwe.
- (c) Ngaphandle uma kungahambisani nengcikitsi noma kungafaneleki kwasanhlobo, kucondzisa kunoma ngumuphi umtsetfo noma inchubo kuSomajaji noma kuMengameli weNkantolo yeMtsetfosisekelo, kumele kutsatfwe njengekucondzisa kuSomajaji njengoba kulindzeleke esigabeni 167 (1) seMtsetfosisekelo lomusha.

[Liphuzwana 16(7) lifakwe ngesigaba 20 seMtsetfo weSitfupha wekuChitjiyelwa kweMtsetfosisekelo wanga-2001.]

## Emacala langakacedvwa etinkantolo

17. Onkhe emacala langakacedvwa lasembi kwetinkantolo kungakacali kusebenta kwaloMtsetfosisekelo lomusha kumele kuchutjekwe ngawo aze acedvwe kube ngatsi loku kwentiwa usengakacali kusebenta lomtsetfosisekelo lomusha, ngaphandle uma ngabe bulungiswa bufuna ngaleny e indlela.

## UMtimba wekuShushisa

18. (1) Sigaba 108 seMtsetfosisekelo lomdzala siyachubeka kusebenta kuze uMtsetfo wePhalamente lophawulwe esigabeni 179 seMtsetfosisekelo lomusha ucale kusebenta. Leliphuzwana alitsikameti kubekwa kweMcondzisi waloMtimba loShushisako lobekwe ngekwesigaba 179.
- (2) Umshushisi jikelele lobambe sikhundla nawucala kusebenta loMtsetfosisekelo lomusha, uyachubeka kusebenta ngekulanzela umtsetfo losebenta kuleso sikhundla, ngaphasi kweliphuzwana (1).

## Tifungo nekuvuma ngekutibopha

19. Umuntfu lochubeka esikhundleni ngekwaleShejuli futsi lowatsatsa sifungo sekungena esikhundleni ngaphasi kweMtsetfosisekelo lomdzala, akakadzingeki kutsi aphindze sifungo sekungena esikhundleni noma avume ngekutibopha ngaphasi kweMtsetfosisekelo lomusha.

## Letinye tikhungo temtsetfosisekelo

20. (1) Kulesigaba “**sikhungo semtsetfosisekelo**” sisho -
- (a) uMvikeli wemmango;
- (b) LiKhomishani laseNingizimu Afrika lemaLungelo eLuntfu;

[Indzima(b) ivalwe ngesigaba 4 seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

- (c) liKhomishani lekuLingana ngeBulili;
- (d) UmCwaningimabhuku-Jikelele;
- (e) LiBhange lesiLulu laseNingizimu Afrika;
- (f) liKhomishani lekuPhatfwa kweTetimali nesiLulu seMnotfo waHulumende;
- (g) liKhomishani leMisebenti yeTemtsetfo; noma

- (h) liBhodi letiLwimi Tonkhe taseNingizimu Afrika
- (2) Sikhungo seMtsetfosisekelo lesakhiwa ngekeMtsetfosisekelo lomdzala siyachubeka kusebenta ngekulanzela imitsetfo lesebenta kuso, futsi noma ngubani lobambe sikhundla njengelilunga leKhomishani, lilunga lelibhodi leliBhange lesiLulu noma liBhodi letiLwimi Tonkhe taseNingizimu Afrika, uMvikeli wem mango noma umCwaningimabhuku-Jikelele ngalesikhatsi uMtsetfosisekelo lomusha ucala kusebenta uyachubeka abambe leso sikhundla ngekulanzela lowo mtsetfo losebenta kuso, kepha ngaphasi wembandzela -
- (a) wanoma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; kanye
- (b) nekuhambisana kwawo neMtsetfosisekelo lomusha.
- (3) Tigaba 199(1), 200(1), (3) na-(5) kuyawufika ku-(11) na-201 kuyawufika ku-206 teMtsetfosisekelo lomdzala tiyachubeka kusebenta tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngekulanzela sigaba 75 seMtsetfosisekelo lomusha.
- (4) Emalunga eliKhomishani lekuPhatfwa kweTiphatsimandla tetemtsetfo lashiwo esigabeni 105(1)(h) seMtsetfosisekelo lomdzala ayayekela kuba ngemalunga aleliKhomishani uma ngabe lamalunga lashiwo esigabeni 178(1)(i) seMtsetfosisekelo lomusha abekwa.
- (5) (a) Umkhandlu wamaBhunu lowasungulwa ngekeMtsetfosisekelo lomdzala uyachubeka kusebenta ngekwemtsetfo losebenta kuwo, futsi noma ngubani lobambe sikhundla njengelilunga laloMkhandlu nawucala kusebenta uMtsetfosisekelo lomusha, lowo mtsetfo losebenta kuso, kepha ngekulanzela -
- (i) noma ngusiphi sichibiyelo noma kucitfwa kwalowo mtsetfo; futsi
- (ii) kuhambisana kwawo neMtsetfosisekelo lomusha.
- (b) Tigaba 184 A na-184 B(1) na-(d) teMtsetfosisekelo lomdzala tiyachubeka kuba nemandla tize ticitfwe nguMtsetfo wePhalamende lophasiswe ngesigaba 75 seMtsetfosisekelo lomusha.

### **Kushaywa kwemitsetfo lefunwa nguMtsetfosisekelo lomusha**

21. (1) Lapho uMtsetfosisekelo lomusha uzinga kushaywa kwemtsetfo wavelonkhe noma wesifundza, lowo mtsetfo kumele ushaywe nguleso Sigungu lesifanele ngekungephuthi kusukela kungene uMtsetfosisekelo lomusha.



- (2) Sigaba 198(b) seMtsetfosisekelo lomusha singete sasetjentiswa kuze umtsetfo lophawulwe kuleso sigaba ushaywe.
- (3) Sigaba 199(3)(a) seMtsetfosisekelo lomusha singete sasetjentiswa kungakapheli tinyanga letingu-3 ngemuva kwekushaywa kwalomtsetfo lophawulwe kuleso sigaba.
- (4) UMtsetfo wavelonkhe lophawulwe esigabeni 217(3) seMtsetfosisekelo lomusha kumele ushaywe kungakapheli iminyaka lemitsatfu kucale kusebenta uMtsetfosisekelo lomusha, kepha kungabikho kwalomtsetfo ngalesikhatsi akuvimbeli kusebenta kwenchubomgomo lephawulwe esigabeni 217(2).
- (5) Kuze kufike sikhatsi lapho uMtsetfo wePhalamende lophawulwe esigabeni 65(2) seMtsetfosisekelo lomusha ucala kesetjentiswa, ngasinye sishayamtsetfo sesifundza singatincumela inchubo yaso mayelana nemandla laniketwe titfunywa taso kutsi tifake lovoti esikhundleni saso eMkhandlwini wavelonkhe we Tifundza.
- (6) Kufike sikhatsi lapho umtsetfo lophawulwe esigabeni 229(1)(b) seMtsetfosisekelo lomusha ucala kusetjentiswa, hulumende wamasipala uhlala unawo emandla ekushaya umtsetfo mayelana nemtselso, umtsedlwana netimali letibhadelelwa imphahla lengenako lebekavele anikwe kutsi awasebentise uMtsetfosisekelo lomusha usengakacali kusebenta.

## Lubumbano lwavelonkhe nekuBuyisana

22. (1) Nanoma kunaletinye tiphakamiso teMtsetfosisekelo lomusha kanye nekucitfwa kweMtsetfosisekelo lomdzala, tonkhe tiphakamiso letiphatselene nashwele letikuloMtsetfosisekelo lomdzala ngaphasi kwesihloko "Lubumbano lweSive nekuBuyisana" titsatfwa kutsi tiyincenye yaloMtsetfosisekelo lomusha letiyinhloso yekuTfukiswa kweLubumbano lweSive nekuBuyisana uMtsetfo, 1995(uMtsetfo 34 wanga-1995), njengoba uchitjiyelwe, lokufaka ekhatsi tinhloso tekuciniseka kwato.
- (2) Ngekwenhloso yeliphuzwana (1), lusuku lwamhlaka '6 Disemba 1993' lapho livela etimisweni teMtsetfosisekelo lomdzala ngaphasi kwesihloko "luBumbano lwaVelonkhe nekuBuyisana", kumele lufundvwe njengamhlaka "11 Meyi 1994".

[Liphuzwana 22(2) lifakwe ngesigaba 3 seMtsetfo weKucala wekuChitjiyelwa kweMtsetfosisekelo wanga-1997.]

**LuCwebu lwemaLungelo eLuntfu**

23. (1) Umtsetfo wavelonkhe lophawulwe etigabeni 9 (4), 32 (2), na-33(3) teMtsetfosisekelo lomusha kumele usebente kungakapheli iminyaka lemitsatfu uMtsetfosisekelo lomusha ucale kusebenta.
- (2) Kuze kusebente lomtsetfosisekelo lomusha kumele usebente lomtsetfo lophawulwe etigabeni 32 (2) na-33 (3) teMtsetfosisekelo lomusha -
- (a) sigaba 32 (1) kumele sitsatfwe ngekutsi sifundze ngalendlela:  
“(1) Bonkhe bantfu banelilungelo lekutfola imininingwane leselandleni tembuso noma tikhungo tawo kunoma ngumuphi umkhakha wahulumende uma ngabe lemininingwane bayidzingela kuyisebentisa noma kuvikela emalungelo abo”; kantsi
- (b) sigaba 33 (1) na-(2) kumele titsatfwe ngekutsi tifundzeka ngalendlela lelandzelako:  
“Bonkhe bantfu banelilungelo—
- (a) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo netimfuno tabo titsintseka noma tesatjiswa ngekutsikanyetwa;
- (b) letento tahulumende letinebulungiswa tekuphatsa letiphatselene nabo lapho emalungelo noma tifiso titsikameta noma tesatjiswa;
- (c) ekuniketwa tizatfu letibhaliwe taleso sento sahumende sekuphatsa lesitsikameta emalungelo netifiso tabo ngaphandle uma ngabe tizatfu talesento ummango watisiwe ngato; kanye
- (d) neletento tekuphatsa letivumelekako ngekwetizatfu letiniketwiwe lapho lamalungelo atsikameteke noma esatjiswa khona.”
- (3) Tigaba 32 (2) na-33 (3) teMtsetfosisekelo lomusha tiphelelwa sikhatsi uma ngabe lemitsetfo lephawulwe kuletigaba, ngekulandzelana kwato, ungabekwa ngemuva kweminyaka lengu-3 kucale kusebenta loMtsetfosisekelo lomusha.

**Kuphatfwa kwembuso nemibutfo yetekuphepha**

24. (1) Tigaba 82 (4)(b), 215, 219(1), 224 kuya ku-228, 236 (1), (2), (3), (6), (7)(b) na-(8), 237(1) na-(2)(a) kanye na-239 (4) na-(5) teMtsetfosisekelo lomdzala tiyachubeka tisebente sengatsi loMtsetfosisekelo lomdzala awukacitfwa, kepha ngaphasi kwembandzela -

- (a) wetichibiyelo taletu tigaba njengoba tihlelwe eSihlomelweni D;
  - (b) wanoma tihlala tichibiyelo noma kucitfwa kwaletu tigaba nguMtsetfo wePhalamende lophasiswe ngekwesiba 75 seMtsetfosisekelo lomusha; futsi
  - (c) wekuhambisana neMtsetfosisekelo lomusha. (2) LiKhomishani lekuPhatfwa kweMbuso kanye nalawo etifundza lashiwo eSehlukweni 13 seMtsetfosisekelo lomdzala ayachubeka kusebenta ngekwaleso SAHLUKO nangekwemsetfo kuwo sengatsi leSAHLUKO asikacitfwa, kuze leliKhomishani nalawo etifundza abhidlitwe nguMtsetfo wePhalamende lophasiswe ngekulandzela sigaba 75 seMtsetfosisekelo lomusha.
- (3) Kucitfwa kweMtsetfosisekelo lomdzala kakutsikameti noma siphil simemetelo semtsetfo lesikhishiwe ngaphasi kwesigaba 237 (3), seMtsetfosisekelo lomdzala, futsi noma siphil leso satiso semtsetfo sisebenta ngemandla, kuphela nje -
- (a) uma silandzela sichibiyelo noma kucitfwa; noma
  - (b) uma sihambisana neMtsetfosisekelo lomusha.

### Kungavumeleki kwebulunga lokwengetwe betishayamtsetfo

25. (1) Noma ngubani ngesikhatsi uMtsetfosisekelo lomusha ucala kusebenta lobekadvona sigwebo eRiphabhulikhi setinyanga letengca ku-12 ngaphandle kwekunika lilungelo lekukhipha inhlawulo, akakavumeleki kuba lilunga leSigungu saVelonkhe noma lesishayamtsetfo sesifundza.
- (2) Lokungavumeleki kwemuntfu ngekweliphuzwana (1)-
- (a) kuyaphela uma ngabe sigwebo sibekwe eceleni noma sehliswa ma endlulisele lelicala lakhe embili sase siba ngulesingamvimbeli lowo muntfu; futsi
  - (b) kuphela ngemuva kweminyaka lesihlanu sigwebo saphela.

### Hulumende wasekhaya

26. (1) Nanoma kunetiphakamiso tetigaba 151, 155, 156 nesigaba 157 teMtsetfosisekelo lomusha -
- (a) timiso teMtsetfo wesikhashana waboHulumende baseKhaya, 1993, (uMtsetfo 209 wanga-1993), njengoba ungachitjyelwa njalo njalo ngumtsetfosisekelo lomusha, tihlala tinemandla mayelana neMkhandlu waMasipala kuze kufike sikhatsi lapho khona uMkhandlu waMasipala lovala lowo Mkhandlu

umenyetelwe njengalokhetsiwe ngenca yemphumela welukhetfo jikelele lwekucala lweMikhandlu yaboMasipala emva kwekucala kusebenta kweMtsetfosisekelo lomusha; futsi

[Liphuzwana 26 (1)(a) livalwe ngesigaba 5(a) seMtsetfoweSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

- (b) umholi wenzabuko wemmango lohlonipha umtsetfo wesintfu futsi losakhamuti sendzawo lesenzaweni yemkhandlu wasekhaya wesikhashana, umkhandlu wasekhaya wesikhashana noma umkhandlu webameleli wesikhashana, lohawulwe eMtsetfweni waHulumende weSikhashana wasekhaya, 1993, lotfolakele njengoba kuhleliwe esigabeni 182 seMtsetfosisekelo lomdzala, unelilungelo ngelizinga lakhe lekuba lilungo lalowo mkhandlu kuze i kufike sikhatsi lapho khona uMkhandlu waMasipala lovala lowo mkhandlu umenyetelwe njengalokhetsiwe ngenca yelukhetfo jikelele lwekucala lweMikhandlu yaboMasipala emva kwekucala kusebenta kweMtsetfosisekelo wekucala.

[Liphuzwana 26(1)(b) livalwe ngesigaba 5(a) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

- (2) Sigaba 245 (4) seMtsetfosisekelo lomdzala siyachubeka sibe nemandla kuze kusetjentiswa kwaleso sigaba kuphele. Sigaba 16(5) na-(6) seMtsetfo waboHulumende baseKhaya, 1993, angeke sacitfwa ngembi kwamhlaka 30 Apreli 2000.

[Liphuzu 26(2) liChitjiyelwe sigaba 5(b) seMtsetfo weSibili wekuChitjiyelwa kweMtsetfosisekelo wanga-1998.]

### **Kulondvolutwa kweMitsetfo yePhalamende neyetifundza**

27. Tigaba 82 na-124 teMtsetfosisekelo lomusha atitsikameti kulondvolutwa kweMitsetfo yePhalamende noma yetiFundza leyabekwa ungakacali kusebenta loMtsetfosisekelo lomusha.

### **Kubhaliswa kwempahla yembuso lenganyakati**

28. (1) Uma umtimba logunyatiwe ukhiphe sitifiketi sekutsi leyo mphahla lenganyakati yembuso ibekwe kuhulumende lotsite ngekwesigaba 239 seMtsetfosisekelo lomdzala, umbhalisi wetimpahla kumele ayibhale lempahla noma acinisekise

noma encwadzini lefanele, sihloko salemphahla noma lokunye lokungumbhalo encwadzini yetimphahla letinganyakati egameni lolowo hulumende.

- (2) Kute inkhokhelo, imali noma kuhlawuliswa lokubhadalwako mayelana nekubhaliswa ngekulandzela liphuzwana (1).

# SIHLOMELo A

## Tichibiyelo eShejulini 2 yeMtsetfosisekelo lomdzala

### 1. Kusiswa kweliphuzu (1) kufakwe leliphuzu lesilandzelako:

“1. Emacembu labhaliswe ngekulandzela umtsetfo wavelonkhe; futsi lekangenele lukhetfo lweSigungu saVelonkhe, atawuphakamisa emagama ebantfu labatawungenela lolukhetfo ngeluhlu lwemagama ebantfu lolwentiwe ngekulandzela leShejuli nesishayamtsetfo savelonkhe.”

### 2. Kusiswa kweliphuzu 2 kufakwe leliphuzu lesilandzelako:

“2. Tihlalo kuleSigungu saVelonkhe njengoba tincunye ngekulandzela sigaba 46 seMtsetfosisekelo lomusha, titawugcwaliswa ngalendlela lelandzelako—

- (a) Linani lelinguhhafu laletihlalo litawutsatfwa kuloluhlu lweTifundza loluletfwe ngemacembu lakehlukene, kantsi linani letihlalo lelibekiwe litawubekewla sifundza ngasinye njengoba kuncume liKhomishani lweLukhetfo lolulandzelako lweMkhandlu, kunakwe kuphela imininingwane leyentiwe ngekwebuciko lephatselene nebvoti, nekumelwa kwemacembu latsintsekako.
- (b) Lolomunye hafu wetihlalo uneluhlu loluvela eveni lonkhe loluletfwe ngemacembu lakehlukene, noma, kuloluhlu loluvela etifundzeni uma ngabe luhlu loluvela eveni lonkhe lungakaletfwa.”

### 3. Kusiswa kweliphuzu 3 kufakwe leliphuzu lesilandzelako:

“3. Loluhlu lwalabemele lukhetfo loluletfwe licembu, naseluhlangene lutawuba nemagama langengci linani lebantfu labalingana netihlalo kuloSigungu saVelonkhe, futsi luhlu ngalunye lutawubeka lamagama ngandlela lelinconota ngayo umuntfu licembu ngalinye.”

### 4. KuChitjiyelwa kweliphuzu 5 ngekufaka lamagama lendvulela indzima(a) ngalawo lalandzelako:

“5. Letihlalo letishiwo ephuzwini 2(a) titawuniketwa ngekwesifundza emacenjini lekangenele lukhetfo, ngalendlela lelandzelako:”

**5. KuChitjiyelwa kweliphuzu 6:**

(a) ngekufaka lamagama lendvulela indzima(a) ngalawa lalandzelako:

“6. Tihlalo letishiwo ephuzwini 2(b) titawuniketwa emacembu lekangenele lukhetfo, ngalendlela lelandzelako.”; futsi

(b) ngekuvala indzima(a) ngalenzima lelandzelako:

“(a) Incenye yemavoti ngesihlalo ngasinye itawutfolakala ngekuhlukanisa linani lonkhe lemavoti eveni lonkhe ngelinani letihlalo kuloSigungu saVelonkhe, nakunye ngetulu, umphumela nakunye ngetulu, kunganakwa tincenyana, kutawuba incenye yemavoti ngesihlalo sinye.”

**6. KuChitjiyelwa kweliphuzu 7 (3) ngekususa luphuzu(b) kufakwe leli lelilandzelako:**

“(b) Incenye lelungisiwe yemavoti ngesihlalo ngasinye itawutfolakala ngekwehlukana kwemavoti lafakiwe eveni lonkhe lakesekela licembu, kususwe linani lemavoti lakesekela licembu lelishiwo endzimeni(a), ngelinani letihlalo kuloMkhandlu, kwengetwe sinye, kususwe linani letihlalo letiniketwe lelo cembu ekugcineni ngekulandzela indzima (a).”

**7. Kukhishwa kweliphuzu 10 kufakwe leli lelilandzelako:**

“10. Linani letihlalo kusishayamtsetfo sesifundza ngasinye litawuba njengekuncuma kwesigaba 105 seMtsetfosisekelo lomusha.”

**8. Kukhishwa kweliphuzu 11 kufakwe leli lelilandzelako:**

“11. Emacembu labhalisiwe ngekwemtsetfo wavelonkhe futsi lekangenele lukhetfo lwesishayamtsetfo sesifundza atawenta luhlu lwemagama ebantfu labatawufakwa kulesishayamtsetfo sesifundza lolungiswe ngekulandzela leShejuli nemtsetfo wavelonkhe.”

**9. Kususwa kweliphuzu 16 kufakwe leli lelilandzelako:****“Kubekwa kwetitfunywa**

16. (1) Uma sekucedziwe kubalwa kwemavoti, linani letitfunywa telicembu ngalinye selibekiwe nephumela welukhetfo sewukhishiwe ngekulandzela sigaba 190 seMtsetfosisekelo lomusha, liKhomishani, kungakapheli emalanga lamabili umphumela ukhishiwe, litawubeka kuluhlu ngalunye lwemagama, lolushicilelwe ngekulandzela

umtsetfo wavelonkhe, labamele licembu ngalinye kusishayamtsetfo.

(2) Kulandzela lokubekwa lokushiwo ephuzwaneni (1), uma ngabe ligama lalobekiwe livela etinhlwini letingetulu kwalunye lweSigungu saVelonkhe noma kuto totimbili tinhlu lweSigungu saVelonkhe nelwesishayamtsetfo sesifundza (uma lukhetfo lweMkhandlu nelwesishayamtsetfo lubanjwe sikhatsi sinye), futsi lolobekiwe utawuyekela kusinye saletikhundla, licembu leliletse loluhlu, kumele ngemalanga lamabili alokubekwa, lisho kuleliKhomishani kutsi lowo muntfu utawubekwa kuluphi luhlu futsi utawungena kusiphi sishayamtsetfo, kuze kutsi ligama lakhe licishwe kuloluhlu lolunye.

(3) LeliKhomishani litawushicilela ngekushesha emagama alabo labakhetsiwe kusishayamtsetfo noma kutishayamtsetfo.”

**10. Kuchitjijyelwa kweliphuzu 18 ngekususwa kwenzima (b) kufakwe lenzima lelandzelako:**

“(b) sitfunywa sikhethwa njengesitfunywa lesingesuswa eMkhandlwini wavelonkhe weTifundza;”

**11. Kususwa kweliphuzu 19 kufakwe leli lelandzelako:**

“19. Luhlu lwetitfunywa letishiwo ephuzwini 16 (1) lungengetwa kanye kuphela noma nini etinyangeni letingu-12 kusukela ngelilanga lekwabekwa ngalo titfunywa ngaphasi kweliphuzu 16, kuze kugcwaliswe tikhala letivelile: kuphela nje uma ngabe loko kwengetwa kwentiwa ekugcineni kweluhlu.

**12. Kususwa kwalelophuzu 23 kufakwe leli lelandzelako:**

“Tikhala

23. “(1) Uma ngabe kuvela sikhala kusishayamtsetfo sesifundza lapho leShejuli isebenta khona, licembu lelikhetse lilunga leliphumako litawugcwalisa lesi sikhala ngekukheta umntfu—

(a) ligama lakhe lelikhona kuloluhlu lwebantfu lapho lelilunga leliphumako lakhethwa khona ekucaleni; kanye

(b) nalokunguye lolandzelako lofanele nalokhona kuloluhlu.

(2) Kuphakanyiswa kwemagama ebantfu labatawugcwalisa lesi sikhala kutawuniketwa Somlomo kubhalwe phansi.



(3) Uma ngabe licembu lelimelwe kusishayamtsetfo libhidlitwa noma lingasekho nemalunga alo ashiya tihlalo tawo ngekulandzela liphuzu 23A (1), letihlalo titawuniketwa emacembu lekasele ngalokunjalo kube sengatsi tihlalo letemukelwa licembu ngekweliphuzu 7 noma 14, njengoba kungenteka.”

**13. Kufakwa kweliphuzu lelilandzelako ngemuva kweliphuzu 23:**

**“Tizatfu letengetiwe tekulahlekelwa bulunga besishayamtsetfo**

23A. (1) Lilunga lilahlekelwa bulunga besishayamtsetfo lapho leShejuli inemandla khona uma lowo muntfu ayekela kuba lilunga lelicembu lelamkhetsa kutsi abe lilunga lesishayamtsetfo.

(2) Ngaphandle kweliphuzwana (1) noma liphi licembu letembusave lingantjintja ligama lalo noma nini.

(3) Umtsetfo wePhalamende, kungakenduli sikhatsi lesidze loMtsetfosisekelo lomusha ucale kusebenta ungaphasiswa ngekulandzela sigaba 76 (1) seMtsetfosisekelo lomusha kuchibiyela leliphuze kanye neliphuzu 23 kuze kubekwe indlela lokungentiwa ngayo kutsi lilunga lesishayamtsetfo leseliyekelile kuba lilunga lalelicembu lelalikhetsa, kutewugcina bulunga balo kusishayamtsetfo.

(4) UMtsetfo wePhalamende lophawulwe ephuzwini (3) ungenta kube khona futsi—

(a) kuhlangana kwelicembu nalelinye licembu; noma

(b) kuhlephuka kwelicembu libe ngemacembu lamanyenti.”

**14. Kucishwa kweliphuzu 24.**

**15. KuChitjiyelwa kweliphuzu 25**

(a) ngekufaka lenchazelo “yeliKhomishani” ephuzwini 25:

“liKhomishani” lisho liKhomishani leluKhetfo lelishiwo esigabeni 190 seMtsetfosisekelo lomusha;” kanye

(b) nangekufaka lenchazelo lelandzelako ngemuva kwenchazelo:

“luhlu lwavelonkhe”;

“UMtsetfosisekelo lomusha’ usho uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996”.

**16. Kucishwa kweliphuzu 26.**

# SIHLOMELO B

## Hulumende Welubumbano Lwavelonkhe: Umkhakha Wavelonkhe

**1. Sigaba 84 seMtsetfosisekelo lomusha sitsatfwa kwekutsi sicuketse lesigatjana lesengetako lesilandzelako:**

“(3) Mengameli kumele abonisane nemaSekela eMengameli -

- (a) ekutfufukisweni nasekuchutjweni kwenchubomgomo yaHulumende wavelonkhe;
- (b) kuto tonkhe tindzaba letiphatselene nekuphatfwa kweKhabhinethi nekweniwa kwemisebenti yeKhabhinethi;
- (c) ekuniketeni imisebenti emaSekeleni eMengameli;
- (d) kungakabekwa muntfu ngaphasi kweMtsetfosisekelo noma ngaphasi kwanoma ngumuphi umtsetfo, lokufaka kubekwa kwemancusa noma titfunywa letimele lelive kulamanye emave;
- (e) kungakabekwa emaKhomishani eluphenyo;
- (f) kungakabitwa luhlolulovo; futsi
- (g) kungakacolelwa noma kungancishiswa sigwebo sesiboshwa.”

**2. Sigaba 89 seMtsetfosisekelo lomusha kumele sitsatfwe ngekutsi sicuketse lesigatjana lesengetako lesilandzelako:**

“(3) Tigatjana (1) na- (2) tiyasebenta futsi naseSekeleni laMengameli.”

**3. Indzima(a) yesigaba 90 (1) saloMtsetfosisekelo lomusha itsatfwa ngekutsi ifundzeka kanje:**

“(a) liSekela laMengameli lelikhetfwe nguMengameli;”

**4. Sigaba 91 seMtsetfosisekelo lomusha sitsatfwa kutsi sifundzeka kanje: “iKhabhinethi**

91 (1) IKhabhinethi ibunjwe ngeMengameli, emaSekela eMengameli kanye—

- (a) netiNdvuna teMbuso letingenci ku-27 letingemalunga eSigungu saVelonkhe letibekwe ngekulanzela sigatjana (8) kuya ku-(12); kanye
- (b) neNdvuna yeMbuso lengenci yinye lengasilo lilunga leSigungu saVelonkhe,

futsi lebekwe ngekulanzela sigatjana (13), kepha uma abeka leNdvuna Mengameli, ahlolisana nemaSekela aMengameli kanye nebaholi bemacembu lekamelwe esiGungwini, uma abona kubekwa kwaleyo Ndvuna yeMbuso kudzingekile.

- (2) Licembu ngalinye lelinetihlalo letisukela ku-80 kuleSigungu saVelonkhe linelilungelo lekukhetsa liSekela laMengameli emalungeni aleSigungu.
- (3) Uma kute licembu noma linye kuphela licembu lekungilo lelinetihlalo letingu-80 noma ngetulu kwaloko kuleSigungu, licembu lelinetihlalo letinyenti kanye nalelo lelinetihlalo letilandzelako anelilungelo ngalinye lekukhetsa linye liSekela laMengameli emalungeni aleSigungu.
- (4) Uma lilunga selibekiwe kuba liSekela laMengameli, lingakhetsa kuchubeka noma liyekele kuba lilunga laleSigungu.
- (5) LiSekela laMengameli lingasebentisa emandla alo liphindze lente nemisebenti yalo leliyetfwese ngulesikhundla sebuSekela Mengameli nguMtsetfosisekelo noma leniketwe lesikhundla nguMengameli.
- (6) LiSekela laMengameli liba sesikhundleni –
  - (a) kute kufike mhlaka 30 Apreli 1999 ngaphandle uma likhishiwe noma libuyiselwe umuva ngulelicembu lelinelilungelo lekulikhetsa ngaphasi kwetigatjana (2) na-(3); noma
  - (b) kuze umuntfu lokhetfwe kuba nguMengameli ngemuva kwanoma luphi lukhetfo lweSigungu saVelonkhe lolubanjwe kungekafiki mhlaka 30 Apreli 1999, atsatse sikhundla sakhe.
- (7) Sikhala sesikhundla seliSekela laMengameli singavalwa ngulelo cembu lebelikhetse liSekela laMengameli.
- (8) Licembu lelinetihlalo lokungenani letingu-20 kuSigungu saVelonkhe futsi lelingenile kuhulumende welubumbano, linelilungelo lekuniketwa sikhundla sinye noma ngetulu kwaloko kuletikhundla teKhabhinethi lekutawukhetselwa kuto tiNdvuna teMbuso njengekusho kwesigaba (1)(a) tingabekwa, ngekuatsaniswa kwetihlalo letiphetfwe ngulelicembu kuleSigungu kanye netihlalo letiphetfwe ngulamanye emacembu lekakhona.
- (9) Tikhundla teKhabhinethi kumele tabiwe kulawo macembu lekakhona ngekulanzela lendlela lelandzelako:

- (a) Incenye yetihlalo ngesikhundla kumele incunye ngekuhlukanisa linani letihlalo kuleSigungu saVelonkhe letibanjwe ngekuhlanganyela ngemacembu lekakha hulumende welubanjiswano ngelinani letikhundla lelishiwo esigatjaneni (1)(a), nasinye ngetulu.
  - (b) Umphumela, kungabakwa tincenyana kusukela kuyesitsatfu, uma ngabe tikhona, ngiyona ncenye yetihlalo ngesikhundla ngasinye.
  - (c) Linani letikhundla letabelwa emacembu lekakhona lapho libekwa ngekwelukanisa linani letihlalo selilonkhe leliphetfwe ngulelo cembu kuloSigungu saVelonkhe ngalencenye lechazwe endzimeni (b).
  - (d) Umphumela, ngekulandzela indzima (e), ukhomba linani letikhundla leliniketwa licembu lelo.
  - (e) Lapho kulandzela kusetjentiswa kwalendlela lechazwe ngenhla kukhipha umphumela longetulu kulongsatfwa nguletikhundla letiniketwe licembu, lomphumela longetulu ubangisana naleminyane imiphumela lengetulu yalamanye emacembu, futsi noma siphi sikhundla noma tikhundla letisele lekumele tiniketwe lelo cembu noma lawo macembu ngekulandzelana kwaleyo miphumela lengetulu, kumele tiniketwe lelo cembu noma lawo macembu lanemphumela longetulu lomnyenti kuna leminyane ngekulandzelana.
- (10) Mengameli ngemuva kwekubonisana nemaSekela aMengameli nebaholi bemacembu lekakhona lapho, kumele –
- (a) ancume tikhundla letifanele lekufanele tiniketwe emacembu lekakhona kuhulumende welubanjiswano ngekulandzela linani letikhundla letiniketwe lamacembu ngaphasi kwesigatjana (9);
  - (b) abeke kuleso naleso sikhundla lilunga leSigungu saVelonkhe leliphindze libe lilunga lelicembu leliniketwe lesi sikhundla ngaphasi kwendzima(a), njengeNdvuna yeMbuso lephetse lesi sikhundla;
  - (c) Uma ngabe kuba nesidzango ngekweMtsetfosisekelo noma ngesizatfu sahlumende lokahle, agucule lokuncunye ngaphasi kwendzima(a), kepha kuphela ngekulandzela sigatjana (9);
  - (d) kubekwa noma ngukuphi esikhundleni ngaphasi kwendzima(b)-
    - (i) uma ngabe Mengameli ucelwa ngumholi welicembu lelo iNdvuna yeMbuso letsintsekako ililunga lalo; noma
    - (ii) uma kuba nesidzango ngekweMtsetfosisekelo noma ngesizatfu sahlumende lokahle;

- (e) agcwalise, uma kulesidzingo, kepha kuphela ngekulandzela indzima(b), sikhala lesivele esikhundleni seNdvuna yeMbuso.
- (11) Sigatjana (10) kumele silandzelwe ngemoya locuketfwe ngulomcondvo wahlumende welubumbano, futsi Mengameli naletinye tiphatsimandla letitsintsekako kumele awusebentise ngekufana kutfola kuvumelana ngato tonkhe tikhatsi: uma ngabe kuvumelana kungatfolakali –
- (a) ekusebentiseni emandla latfolakala etindzimeni(a),(c) noma (d)(ii) taleso sigatjana, sincumo seMengameli siyema;
- (b) ekusebentiseni emandla latfolakala etindzimeni(b),(d)(i) noma (e) taleso sigatjana lokutsintsa umuntu longasilo lilunga lelicembu laMengameli, sincumo semholi welicembu lalowo muntu lalilunga lalo siyema; futsi
- (c) ekusebentiseni emandla lekashiwo endzimeni(b) noma (e) alesigaba lesitsintsa umuntu lolilunga lelicembu laMengameli, sincumo seMengameli siyema.
- (12) Uma kubekwa etikhundleni kuguculwa ngaphasi kwesigatjana (10)(c), tiNdvuna teMbuso letitsintsekako kumele tishiye tikhundla tato kepha tivumelekile, lapho kunekwenteka, kutsi tingaphindze tibekwe kuletinye tikhundla letinikwe emacembu ato ngekulandzela loluntjintjo.
- (13) Mengameli –
- (a) ngekuhlolisa nemaSekela aMengameli nebaholi bemacembu lekakhona kuhulumende welubanjiswano, kumele—
- (i) ancume sikhundla lesitsite seNdvuna yeMbuso lekukhulunywa ngaso esigatjaneni(i)(b) uma ngabe kunesidzingo lesilandzela sincumo seMengameli ngaphasi kwaleso sigatjana;
- (ii) abeke kuleso sikhundla lowo muntu longasilo lilunga leSigungu saVelonkhe, njengeNdvuna yeMbuso lephetse lesi sikhundla
- (iii) agcwalise, uma kudzingekile sikhala kuleso sikhundla; noma
- (b) ngemuva kwekubonisana nemaSekela aMengameli kanye nebaholi bemacembu lekakhona kuhulumende welubanjiswano, kumele acitse kubekwa esikhundleni ngaphasi kwenzima(a) uma ngabe loku kuyadzingeka ngesizatfu seMtsetfosisekelo noma sahlumende lokahle.
- (14) Imihlangano yeKhabhinethi kumele iholwe nguMengameli, noma , uma Mengameli asho njalo, liSekela laMengameli: Loku kwenteke ngekutsi emaSekela eMengameli

ahole lemihlangano ngekuntjintjana ngaphandle uma ngabe tidzingo tahlumende nemoya wahlumende welubumbano kukhomba ngaleny indlela.

- (15) IKhabhinethi kumele isebente ngendlela leniketa kucatjangelwa kwemoya wekufuna kuvumelana ngekulandzela sifiso sekuba nahulumende welubumbano kanye nahulumende losebenta ngendlela lengiyu.”

**5. Sigatjana 93 seMtsetfosisekelo sitsatfwa ngekutsi sifundzeka kanje:  
“Kubekwa kwemaSekela etiNdvuna tembuso**

- 93 (1) Mengameli ngemuva kwekubonisana neMasekela aMengameli nebaholi bemacembu lekakhona eSigungwini setiNdvuna teMbuso, angakha tikhundla temaSekela etiNdvuna teMbuso.
- (2) Licembu linelilungelo lekunikwa sinye noma ngetulu sikhundla sebuSekela Ndvuna yeMbuso ngendlela lefananako ngalokulingene njengoba kwentiwe nakwabiwa tikhundla tetiNdvuna teMbuso.
- (3) Letiphakamiso tesigaba 91 (10) kuya ku-(12) tiyasebenta, netingucuko letidzingeakako, nasemaSekeleni etiNdvuna teMbuso, futsi kulokusetjentiswa kutsintfwa kulesigaba kwendvuna yembuso noma sikhundla kumele kutsatfwe ngekutsi kushiwo liSekela leNdvuna yeMbuso noma sikhundla seliSekela leNdvuna yeMbuso, ngalokunjalo.
- (4) Uma umuntfu abekwe njengeliSekela leNdvuna yeMbuso kunoma ngusiphi sikhundla lesiniketwe iNdvuna yeMbuso –
- (a) lelo liSekela leNdvuna yeMbuso kumele lisebentise emandla alo liphindze lente imisebenti yalo egameni laleyo Ndvuna yeMbuso leniketwe kwengamela lesi sikhundla ngekulandzela noma ngumuphi umtsetfo noma ngaleny indlela, ngekulandzela imiyalo yeMengameli, noma lebewunganiketwa liSekela leNdvuna yeMbuso nguleyo Ndvuna yeMbuso; futsi
- (b) uma kukhulunywa nganoma ngumuphi umtsetfo ngaleyo Ndvuna yeMbuso loku kumele kutsatfwe ngekutsi kukhulunywa ngeliSekela leNdvuna yeMbuso lelisebenta ngekulandzela kuniketwa emandla ngaphasi kwenzima(a) liniketwa yiNdvuna yeMbuso, lelisebentela yona.
- (5) Uma ngabe liSekela leNdvuna yembuso lingekho noma ngesizatfu lesinye lingakwati kusebentisa emandla alo noma lente imisebenti yaleso sikhundla, Mengameli angabeka lelinye liSekela leNdvuna yeMbuso noma lomunye umuntfu

kutsi aphantse kwesikhashana leso sikhundla seliSekela leNdvuna yeMbuso lengekho, noma ente wonkhe umsebeni, lokukanye asebenite umsebeni noma asebenite emandla latsite.”

**6. Sigaba 96 seMtsetfosisekelo sitsatfwa kutsi sinaletigatjana lesetengetiwe letilandzelako:**

- “(3) Tindvuna teMbuso kumele titiphendvulele ngamunye kuMengameli nasesiGungwini saVelonkhe ngekuphatfwa kwetikhundla tato, kantsi onkhe emalunga eKhabhinethi ngalokunjalo atiphendvulela ngekuhlanganyela ngekusebenta kwahulumende wavelonkhe nangenchubomgomo yakhe.
- (4) TiNdvuna teMbuso kumele tiphatse tikhundla tato ngakulandzela inchubomgomo lencunye yeKhabhinethi.
- (5) Uma iNdvuna yeMbuso yehluleka kuphatsa sikhundla sayo ngekulandzela inchubomgomo yeKhabhinethi, Mengameli angayitjela leyo Ndvuna yeMbuso kutsi iphatse leso sikhundla sayo ngekulandzela leyo nchubomgomo.
- (6) Uma leyo Ndvuna yeMbuso yehluleka kulandzela lomyalo weMengameli ngaphasi kwesigatjana (5), Mengameli angayisusa esikhundleni –
- (a) uma kuyiNdvuna yeMbuso lephawulwe esigabeni 91 (1)(a), ngemuva kwekubonisana nayo leNdvuna yeMbuso, kantsi uma leyo Ndvuna yeMbuso ingasilo lilunga lelicembu laMengameli noma ingasiye umholi welicembu laleyo Ndvuna yeMbuso; noma
- (b) uma iNdvuna yeMbuso lephawulwe esigabeni 91 (1)(b), ngemuva kwekubonisana nemaSekela eMengameli nebaholi bemacembu lahlanganyele hulumente welubanjiswano.”

# SIHLOMELO C

## Hulumende Welubumbano Lwavelonkhe: Umkhakha Wesifundza

### 1. Sigaba 132 seMtsetfosisekelo lomusha sitsatfwa ngekutsi sifundzeka kanje: “ IMikhandlu IyeNgamele

- 132 (1) UMkhandlu loweNgamele wesifundza ubunjwe nguNdvunankhulu kanye nemalunga langengi ku-10 lekakhetfwe nguNdvunankhulu ngekulandzela lesigaba.
- (2) Licembu lokungenani lelinetihlalo letingemaphesenti langu- 10 kusishayamtsetfo sesifundza, futsi lelikhetse kufaka sandla kuhulumende welubumbano, linelilungelo lekuniketwa sinye noma ngetulu kwesinye setikhundla eMkhandlwini loweNgamele wesifundza ngekubuka incenye yetihlalo letibanjwe ngulelo licembu kusishayamtsetfo uma kucatsaniswa netihlalo letibanjwe ngulamanye emacembu lafaka sandla kulesishayamtsetfo.
- (3) Tikhundla teMkhandlu loweNgamele kumele tiniketwe lawo macembu langenele kubuswa kwesifundza ngekulandzela lendlela lehlalwe esigabeni 91 (9), kantsi ekulandzeleni leyo ndlela uma kuphatfwa kulesigaba –
- (a) iKhabhinethi, kumele kufundvwe kutsi kushiwo uMkhandlu loweNgamele;
- (b) iNdvuna yeMbuso, kumele kufundvwe kutsi kushiwo lilunga leMkhandlu loweNgamele; kantsi
- (c) Sigungu saVelonkhe, kumele kufundvwe kutsi kushiwo sishayamtsetfo sesifundza.
- (4) Ndvunankhulu wesifundza ngemuva kwekubonisana nebaholi bemacembu langenele kuphatfwa kwesifundza kumele –
- (a) ancume ngendlela yakhona leto tikhundla letinikwa lamacembu langenele kubuswa kwesifundza ngekulandzela linani letikhundla lekaniketwa tona lawo macembu ngaphasi kwesigatjana (3);
- (b) abeke kuleso sikhundla lilunga lesishayamtsetfo lalelo cembu leliniketwe leso sikhundla ngaphasi kwendzima(a), njengelilunga leMkhandlu loweNgamele weSifundza lelengamele leso sikhundla;
- (c) uma kuba nesidingo ngetizatfu teMtsetfosisekelo noma ngekufuneka kwahulumende lokahle, antjintje noma ngukuphi kubekwa ngaphasi



- kwenzima (a), kepha ngekulanzela sigatjana (3);
- (d) acitse kubekwa esikhundleni ngaphasi kwenzima(b) –
- (i) uma Ndvunankhulu acelelwa kwenta loko ngumholi walelo cembu lalelo lungu leMkhandlu loweNgamele weSifundza leletsintsekako; noma
- (ii) uma kudzingekile ngetizatfu teMtsetfosisekelo noma tahlumende lokahle; noma
- (e) agcwalise, uma ngabe kudzingeka, ngekulanzela indzima(b), sikhala esikhundleni selilungu leMkhandlu loweNgamele weSifundza.
- (5) Sigatjana (4) kumele sisetjeniswe ngemoya wesidzango sahlumende welubumbano, kantsi Ndvunankhulu naletinye tiphatsimandla letisintsekako kumele ekwenteni loku kulesigatjana bafune kutfolo kuvumelana ngaso sonkhe sikhatsi: Kepha uma ngabe kungavunyelwana –
- (a) ekusetjentisweni kwalamandla lasiwo endzimeni(a),(c), noma (d)(ii) yaleso sigaba, sincumo saNdvunankhulu siyema;
- (b) ekusetjentisweni kwalamandla lasiwo endzimeni(b),(d)(i) noma (e) yaleso sigaba lesintsantsa umuntfu longasilo lilungu lelicembu laNdvunankhulu, sincumo semholi walelo cembu lowo muntfu lalilungu lalo siyema; futsi
- (c) ekusetjentisweni kwemandla lasiwo endzimeni(b) noma (e) yaleso sigaba latsintsantsa umuntfu lolingana lelicembu laNdvunankhulu, sincumo saNdvunankhulu siyema.
- (6) Uma noma siphi sincumo sekwabikwa kwetikhundla siguculwa ngaphasi kwesigatjana (4)(c), emalunga latsintsekile kumele ashiye tikhundla tawo kepha aphindze avumeleke, kubekwa kuletinye tikhundla letiniketwe emacembu alawo malunga ngekulanzela lokuguculwa.
- (7) Imihlangano yeMkhandlu loweNgamele kumele yenganyelwe nguNdvunankhulu wesifundza.
- (8) UMkhandlu loweNgamele kumele usebente ngendlela lekhombisa kucatjangelwa kwemoya wekufuna kuvumelana ngekwegomo wahulumende welubumbano, kanye nesidzango sahlumende lokahle.”

**2. Sigaba 136 seMtsetfosisekelo lomusha sitsatfwe ngekutsi sicuketse lesigatjana lesengetako lesilandzelako:**

- “(3) Emalunga eMkhandlu loweNgamele kumele atiphendvulele kuNdvunankhulu

nakusishayamtsetfo sesifundza ngekuphatfwa kwetikhundla tawo, futsi onkhe emalunga aloMkhandlu ngalokunjalo kumele aphenzvule sekawonkhe ngekusebenta kwahulumende wesifundza nenchubomgomo yakhe.

- (4) Emalunga eMkhandlu loweNgamele kumele aphantse tikhundla tawo ngekulandzela inchubomgomo lebekwe nguloMkhandlu.
- (5) Uma lilunga lelitsintsekako lehluleka kulandzela inchubomgomo yeMkhandlu loweNgamele, Ndvunankhulu angalicela lelo lunga kutsi liphatse sikhundla salo ngekuhambisana nalenchubomgomo lehleliwe.
- (6) Uma lezilunga lelitsintsekako liyehluleka kulandzela imiyalo yaNdvunankhulu ngaphasi kwesigatjana (5), Ndvunankhulu angalisusa esikhundleni ngemuva kwekubonisana nalo, kepha uma lelo lunga lingasilo lilunga lelicembu laNdvunankhulu noma lingasiye umholi welicembu lelingenele kubuswa kwesifundza, ngemuva kwekubonisana nemholi walelo cembu.”

# SIHLOMELO D

## Kuphatfwa Kwembuso Nemibutfo Yetekuphepha: Tichibiyelo Etigabeni Temtsetfosisekelo Lomdzala

1. **Kuchitjiyelwa kwesigaba 218 semtsetfosisekelo lomdzala –**
  - (a) ngekususa esigatjaneni (1) lamagama lendvulela indzima (a) ngalawa lalandzelako: “(1) Ngekulandzela imibandzela yeNdvuna yeMbuso yeteKuphepha neteKuvikela, Khomishani wemaPhoyisa wavelonkhe utawetfweswa—”;
  - (b) ngekususa indzima (b) yesigatjana (1) kufakwe lena lelandzelako: “(b) kubekwa kwaboKhomishani bemaphoyisa betifundza;”;
  - (c) ngekususa indzima(d) yesigatjana (1) kufakwe lena lelandzelako— “(d) kuphenywa nekuvinjelwa kwebugebengu lobuhlelekile noma bugebengu lobudzinga kuphenywa kwavelonkhe kanye nekuvinjelwa noma buciko lobujulile;”;
  - futsi
  - (d) ngekususa indzima (k) yesigatjana (1) kufakwe lena lelandzelako: “(k) kusungulwa nekugcinwa kwemtsetfo sive ngumbutfo wemaphoyisa lotawutfunyelwa kutsi uyewusita futsi ngekecelwa nguKhomishani weSifundza wemaphoyisa;”.
  
2. **Kuchitjiyelwa kwesigaba 219 seMtsetfosisekelo lomdzala ngekususa sigatjana (1) emagama lendvulela indzima (a) kufakwe lawa lalandzelako:** “(1) Ngekulandzela sigaba 218(1), Khomishani wemaPhoyisa weSifundza wetfweswe –”.
  
3. **Kuchitjiyelwa kwesigaba 224 seMtsetfosisekelo lomdzala ngekususa siphakamiso sesigatjana (2) kufakwe lesi lesilandzelako:** “Kepha lesigatjana sitawusebenta futsi emalungeni anoma ngumuphi umbutfo lohlo mile lowaleta luhlu lemalunga awo ngemuva kwekucala kusebenta kweMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1993 (uMtsetfo 200 wanga-1993), kepha kungakemukelwa lombhalo lomusha weMtsetfosisekelo njengoba kubekiwe esigabeni 73 salowo Mtsetfosisekelo, uma lelicembu letembusave ngaphasi kweligunya nemandla alo lime khona noma lelitihlanganise nawo futsi tinhloso tawo lelititfutfikisako lafaka sandla

emkhandlwini lobewuphetse kwesikhashana futsi longazange ufake sandla kuloSigungu saVelonkhe newetishayamtsetfo tetifundza ngaphasi kwaloMtsetfosisekelo”.

**4. Kuchitjiyelwa kwesigaba 227 semtsetfosisekelo lomdzala ngekususa sigatjana (2) kufakwe lesi lesilandzelako:**

“(2) Umbutfo weTekuvikela wetemphi utawusebentisa emandla awo wente nemisebenti yawo ngekubekelela tidzingo tesive ngekulandzela SAHLUKO 11 seMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996.”

**5. Kuchitjiyelwa kwesigaba 236 seMtsetfosisekelo lomdzala –**

(a) ngekususa sigatjana (1) kufakwe lesi lesilandzelako:

“(1) litiko letekuphatfwa kwetisbenti tembuso, umnyango wembuso, kuphatsa noma umbutfo wetekuvikela lekwati ngembidlana nje ungakacali kusebenta uMtsetfosisekelo weRiphabhulikhi yeNingizimu Afrika, 1996 (losewatiwa ngekutsi “nguMtsetfosisekelo lomusha”), kwenta imisebenti yahulumende, kutawuchubeka kusebente ngekulandzela noma kuhlelwe kabusha noma kuhlenganiswe naletinye tikhungo.”

(b) ngekususa sigatjana (6) kufakwe lesi lesilandzelako:

“(6) (a) Mengameli angabeka liKhomishani lekubuketa siphetho noma kuguculwa kwesivumelwano, kubekwa esikhundleni 213 noma kukhushulwa, noma kunikwa kwemvuzo noma timfanelo temsebenti, lokwenteka emkhatsini wamhlaka 27 Apreli 1993 namhlaka 30 Septemba 1994 kwanoma muphi umuntu loshiwo esigatjaneni (2) noma licembu lebantfu labanjalo.

(b) LeliKhomishani lingasibuyisela emuva noma lisintjintje sivume lwano, kubekwa esikhundleni, kukhushulwa noma kuniketwa kwemfanelo uma kungakafaneli noma kungakalungi kuleyo ndzawana.”; futsi

(c) ngekufaka “loMtsetfosisekelo”, lapho kuvela khona loku esigabeni 236, “ngeMtsetfosisekelo lomusha.”

**6. Kuchitjiyelwa kwesigatjana 237 seMtsetfosisekelo lomdzala–**

(a) ngekufaka endzimeni(a) yesigatjana (1) loku lokulandzelako:

“(a) kuhlelwa kabusha kwetikhungo lekushiwo esigabeni 236 (1), lokungafaki

imibutfo yetemphi lephawulwe esigabeni 224 (2), kutawutsi ngemuva kwekucala kusebenta kweMtsetfosisekelo we Riphabhulikhi yeNingizimu Afrika, 1996, kuchubeke ngenhloso yekusungula—

- (i) kuphatfwa kahle kwembuso ezingeni lahulumende wavelonkhe kutekwati kuphatsa tindzaba letiwela ngaphasi kwemkhakha wahulumende wavelonkhe; futsi
  - (ii) nekuphatfwa kahle kwembuso wahulumende wesifundza ngasinye kuze sikwati kulungisa tindzaba letiwela ngaphasi kwesigaba sahumende wesifundza.” futsi
- (b) Ngekususa indzima(i) yesigatjana (2)(a) kufakwe lena lelandzelako:  
 “(i) Tikhungo letishiwo esigabeni 236 (1), lokungafaki imibutfo yetemphi, titawuhlala kuhulumende wavelonkhe, lotawusebentisa emandla akhe ngekubambisana nabohulumende betifundza;”

**7. Kuchitjyelwa kwesigaba 239 seMtsetfosisekelo lomdzala kususwe sigatjana (4) kufakwe lesi lelandzelako:**

“(4) Ngaphasi kwembandzela wemtsetfo nangekulandzela umtsetfo losebentako, imphahla, emalungelo netibopho tayo yonkhe imibutfo lephawulwe esigabeni 224 (2) itawuba semahlombe eMbutfo waVelonkhe weTekuvikela ngekulandzela imiyalelo yeNdvuna yeMbuso yeTekuvikela”.

## **ISHEJULI 6A**

[IShejuli 6A ifakwe ngesigaba 6 seMtsetfo 2 wanga-2003. Yesulwa ngekwesigaba 6 seMtsetfo weLishumi naKune wekuChitjiyelwa kweMtsetfosisekelo wanga2008]

## **ISHEJULI 6B**

[IShejuli 6B, ngaphambilini lebeyishejuli 6A, ifakwe ngekwesigaba 2 weMtsetfo weSiphohlongo wekuChitjiyelwa kweMtsetfosisekelo yabuye yaChitjiyelwa ngesigaba 5 seMtsetfo weLishumi wekuChitjiyelwa kweMtsetfosisekelo wanga-2003 futsi yacitfwa ngekwesigaba 5 seMtsetfo weLishumi neSihlanu wekuChitjiyelwa kweMtsetfosisekelo wanga-2008.]

# SHEJULI 7

## IMITSETFO LECITFWAKO

<b>INOMBOLO NEMNYAKA WEMTSETFO</b>	<b>SIHLOKO</b>
Umtsetfo 200 wanga-1993	UMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1993
Umtsetfo 2 wanga-1994	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 3 wanga-1994	UMtsetfo wesiChibiyelo eMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 13 wanga-1994	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 14 wanga-1994	UMtsetfo wesiChibiyelo sesiTsafu seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 24 wanga-1994	UMtsetfo wesiChibiyelo sesiTfupha seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 29 wanga-1994	UMtsetfo wesiChibiyelo sesiTfupha seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1994
Umtsetfo 20 wanga-1995	UMtsetfo wesiChibiyelo sesiHlanu seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1995
Umtsetfo 44 wanga-1995	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1995
Umtsetfo 7 wanga-1996	UMtsetfo wesiChibiyelo sesiBili seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1996
Umtsetfo 26 wanga-1996	UMtsetfo wesiChibiyelo seMtsetfosisekelo weRiphabhuliki yeNingizimu Afrika, 1996



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