

## ISENDLALELO

Thina, abantu beSewula Afrika,  
Siyakwazi ukungaphatheki kwethu ngokomthetho  
esikhathini esadlulako;  
Siphathela phezulu abahlukunyezwa ngebanga lokobana kubenokulunga begodu nekululeko  
enarheni yekhethu,  
Sihlonipha labo abasebenze ekwakheni begodu nekuthuthukiseni iphasi lekhethu; begodu  
Bakholelwa bonyana iSewula Afrika ngeyabo boke abahlala kiyo, sibambene ngokwahlukahlukana  
kwethu.

Ngalakhoke, ngabajameli bethu abakhethwe ngokukhululekileko; samukela uMthetho-sisekelo  
lo njengoMthetho wokuthoma weRiphabliki oza –

Kuqeda ukwahlukana okwadlulako begodu sakhe umphakathi ozokudzimelela kuminqopho  
yentando yenengi ubulungiswa begodu namalungelo wangokomthetho wobuntu.

Ukubeka isisekelo sentando yenengi begodu nomphakathi onzinzileko lapho umbuso unzinze  
khona phezu kwentando yesitjhaba begodu lapho zoke izakhamuzi zivikelwe khona  
ngokomthetho.

Ukwenza ncono izinga lepilo yazo zoke izakhamuzi begodu nokuvezwa kwekgono lawo woke  
umuntu;

Ukwakha, iSewula Afrika ebumbeneko begodu nenentando yenengi ezokwazi ukuthatha indawo  
yayo njengenarha ezijameleko emndenini wentjhabatjhaba.

UZimu avikele abantu bekhethu.

Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.

God seën Suid-Afrika. God bless South Africa.

Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika

### ISAHLUKO 1

#### IMIHLINZEKO EYISISEKELO

##### IRiphabliki yeSewula Afrika

1. IRiphabliki yeSewula Afrika mbuso obumbeneko wentando yesitjhaba, osekwelwe phezu  
kwamagugu alandelako:

(a) isibopho sokuthuthukisa nokuvikela isithunzi sobuntu, ukufikelela ukulingana begodu  
nokuraga amalungelo wobuntu nekululeko.

(b) isibopho sokuraga ukungabandlululi ngobuhlobo nangobulili.

(c) ukubangaphezulu komthetho-sisekelo.

(d) ilungelo lokuvowuta labo boke abadala, irherho elifanako labavowuti, amakhetho abanjwa  
njalo emva kwesikhathi esithileko begodu nendlela yentando yesitjhaba yokubusa  
ngokweenhlangano ezinengi, kuzekubonelelwe ukuziphendulela, ukuzimisela nokuvuleka.

Ukubangaphezulu koMthetho-Sisekelo

2. UMthetho-sisekelo ingumthetho ongaphezulu weRiphabliki: umthetho namkha isenzo  
esingakhambisani nawo asikho emthethweni, begodu nembopho ezibekwa ngiwo zifanele  
ukufezwa.

Ubuzwe

3. (1) Kunobuzwe obufanako eSewula Afrika.

(2) Zoke izakhamuzi –

(a) zinamalungelo, amagunya kunye nokuzuza ngokulinganako;

(b) zivanele ukefeza imisebenzi neembopho zobizwe ngokulinganako.

(3) Umthetho weNarha kufanele ubonelele ukutholakala, ukulahlekelwa begodu nokubuyiselwa kobuzwe.

Ingoma yeSithaba

4. Ingoma yesithaba izakuquntwa nguMongameli ngesimemezelo somthetho.

Iflarha yeNarha

5. Iflarha yeNarha inombala onzima, osarulani, olihlaza satjani, omhlophe, obomvu begodu nolihlaza kasamafu, injengoba ibunjiwe beyahlathululwa kusheduli 1.

Amalimi

6. (1) Amalimi wangokomthetho weRiphabliki yi-Afrikaans, i-English, isiNdebele, isiSesotho se Leboa, isiSotho, siSwati, Xitsonga, Setswana, Tshivenda, isiXhosa begodu nesiZulu.

(2) Ukubonelela bonyana ukusetjenziswa nobujamo bamalimi wesintu wabantu bekhethu lawo abekathathelwa phasi ngaphambilini ayatjhejwa, umbuso kufanele uthathe amagadango aqinileko nabonakalako ukuthuthukisa nokuraga ukusetjenziwa kwamalimi lawo.

(3) (a) Umbuso weNarha neweProvinsi ungasebenzisa amalimi athileko wangokomthetho malungana nomsebenzi wombuso kutjhejwe ukusetjenziswa, ukusebenzeka kwawo, iindleko, ubujamo obutholakala kuzifunda nokulinganisa iindingo nalokho okukhethwa mphakathi uwoke namkha kuProvinsi ethileko; ngokombandela utjhoko bonyana umbuso weNarha nenye nenye iProvinsi kufanele isebenzise kungesenani amalimi amabili wangokomthetho.

(b) AboMasipala kufanele batjhejisise amalimi asetjenziswa begodu lawo athandwa khulu ngabakhi babo.

(4) Umbuso weNarha neyemaProvinsi, ngesimemezelo somthetho nangokuthatha amanye amagadango kufanele ilawule begodu ibeke ilihlo ekusetjenzisweni kwamalimi lawo mibuso leyo. Ngaphandle kokuphikisana ngokutjiwo sigatjana (2) woke amalimi kufanele athathelwe phezu ngokulingana begodu athogonyelwe ngokufaneleko.

(5) IBhodi yeLimi yeSewula Afrika ye-Pan kufanele –

(a) ithuthukise begodu isungule nobujamo obuzakubonelela intuthuko nokusetjenziswa –

(i) kwamalimi woke wongokomthetho;

(ii) isi-Khoi, isi-Nama begodu nesi-San; begodu

(iii) nelimi lokusebenzisa amatshwayo.

(b) Ukuthuthukisa nokubonelela ukuhlonitjha –

(i) kwawo woke amalimi asebenziswa ngokujwayekileyo miphakathi yeSewula Afrika, kufaka hlangana isiGerman, isi-Greek, isi-Gurajati, isi-Hindu, isiPotokisi, isiTamil, isiTelegu, nesiUrdu; begodu

(ii) isiArab, isiHeberu, isi-Sanskrit, begodu namanye amalimi asetjenziswa kwezekolo eSewula Africa.

Isahluko 2

Umtlolo wamaLungelo woBuntu

Imisebenzi yoMbuso

7. (1) Umtlolo wamaLungelo woBuntu lo ulidwala leli intando yesithaba yakhiwe phezu kwalo eSewula Afrika. Umumethe amalungelo wabantu boke enarheni yethu begodu ugandelela amagugu wentando yesithaba, isithunzi sobuntu, ukulingana kunye nekululeko.

(2) Umbuso ufanele uhloniphe, uvikele, uthuthukise begodu ubonelele amalungelo atholakala ngaphakathi komtlolo wamaLungelo woBuntu.

(3) Amalungelo amumethwe Mtlolo waMalungelo woBuntu angarhunyezwa ngokwendlalwe ngaphakathi kwesigaba 36, namkha ngokutjiwo kwenye indawo ngaphakathi kwaloMtlolo.

Ukusetjenziswa

8. (1) Umtlolo wamaLungelo woBuntu usebenza kiwo woke umthetho begodu ubopha is'bethamthetho, iKhabinethe amaKhotho namagatja woke wombuso.

(2) Izimiso zaloMtlolo wamaLungelo woBuntu zibopha abantu benyama nakho koke

okuthathwa njengomuntu eMthethweni (Juristic person) nangabe begodu ukufika ezingeni lapho ungasetjenziswako, kutjhejwe bonyana ilungelo lelo ngilomhlobo muphi neembopho ezenzwe lilungelo lelo.

(3) Ekusetjenzisweni izimiso zoMtlolo wamaLungelo woBuntu malungana nomuntu wenyama nalokho okuthathwa njengomuntu emthethweni ngokulandela isigatjana (2), ikhotho –

(a) bonyana ikgone ukuphemelelisa ilungelo elikuMtlolo, kufanele isebenzise, namkha, lapho kutlhogekako, ithuthukise, umthetho wesintu kuze kufike ezingeni lapho umthetho omenyezelweko ungaphumelelisi ilungelo lelo; begodu

(b) ingathuthukisa imigomo yomthetho wesintu bonyana irhunyeze ilungelo, kodwana nangabe ukurhunyezwa lokho kukhambisana nesigaba 36(1).

(4) Koke okuthathwa njengomuntu emthethweni kufanele ukuthola amalungelo aseMtlolweni wamaLungelo woBuntu ukuya ngemhlobo welungelo begodu nagehlobo labantu bomthetho.

Ukulingana

9. (1) Boke abantu bayalingana phambi komthetho, begodu banelungelo lokuvikeleka kunye nokusizwa mthetho ngokulinganako.

(2) Ukulingana kufaka hlangana ukuthabela amalungelo nekululeko ngokuzeleko nangokulingana. Ukuraga ukufikelelwa kokulingana, kungenziwa imithetho begodu kuthathwe namagadango ahlelelwe ukuvikela begodu nokuthuthukisa abantu namkha isitlhopa sabantu ababedlelezelwe phambilini ngebanga lobandlululo.

(3) Umbuso angeze wabandlulula ngokungakafanele, ngokuqondileko namkha ngokungaqondi omunye umuntu ngesizathu namkha ngezizathu kufaka hlangana ukubandlulula ngokwebala, ngobuzwe, ubulili, ngokuthi umuntu utjhadile namkha awa, ngobuhlobo namkha ngokuthi umuntu udabuka kusiphi isitjhaba, ngokombala ngokuzibandakanya nobulili obuthile, ngeminyaka yobudala, ngokurholophala, ikolo, unembeza, ikolelo, isiko, ilimi, nangokuzalwa.

(4) Akakho omunye umuntu azakubandlulula ngokungakafaneli kwesinye namkha ezinye izizathu ngokulandela isigatjana (3). UMthetho weNarha kufanele umenyezelwe bona uvimbele namkha ujamise ibandlululo elungakafaneli.

(5) Ibandlululo ngesizathu namkha izizathu ezitjhiwo kusigatjana (3) akukafaneli ngaphandle kwalokha kutjengiswako bona ibandlululo leli lifanele.

Isithunzi sobuntu

10. Omunye nomunye umuntu unesithunzi ngokwemvelo, begodu unelungelo lokuvikelwa nokuhlonitjhwa kwesithunzi sakhe.

Ipilo

11. Omunye nomunye umuntu unelungelo lokuphila.

Ikululeko nokuvikeleka komuntu

12. (1) Omunye nomunye umuntu unelungelo lekululeko yomuntu, kufaka hlangana ilungelo –

(a) lokungadinywa ikululeko yakhe ngaphandle kwesizathu esizwakalako; namkha

(b) lokungavalelwa ngaphambi kokuthi alethe ekhotho.

(c) Atjhaphuluke kiyo yoke imihlobo yenturhu evela kumithombo yomphakathi namkha ebantwini bangasese;

(d) Angahloriswa namtjhana kungayiphi indlela; begodu

(e) Angabanjwa namkha ajeziswe ngendlela esihluku, engakhombi ubuntu namkha eyehlisa isithunzi.

(2) Omunye nomunye umuntu enelungelo lokobana ubujamo bomzimba negcondo yakhe kungathathelwa phasi, lokhu kufaka hlangana nelungelo –

(a) Lokuthatha iinqunto malungana nokubeletha;

(b) Lokuvikeleka begodu nokuziphatha phezu kwemizimba yabo; begodu

(c) Lokungasetjenziswi ekulingeni ukuberega komuthi namkha okuthile kwesayensi

ngaphandle kwemvumo yakhe.

Ubugcila, ukubotjhelelwa emberegweni namkha ukukatelelwa ukuberega

13. Akakho umuntu ozakwenziwa isigcila, abotjhelelwe emberegweni namkha akatelelwe umberego.

Ilungelo lokungaphazanyiswa

14. Omunye nomunye umuntu unelungelo lokungaphazanyiswa, lokhu kufaka hlangana nelungelo lokobana –

- (a) angasetjhwa emzimhini namkha kusetjhwe umuzi wakhe;
- (b) kungasetjhwa ipahla yakhe;
- (c) angamukwa ipahla yakhe; begodu
- (d) ukukhulumisana kwabo emsithelweni kungathikamezwa.

Ikululeko yekolo, ikolelo namkha umbono

15. (1) Omunye nomunye umuntu unelungelo lekululeko yonembeza, ikolo, ukucabanga, ikolelo namkha ukuveza umbono.

(2) Iinkonzo zingabanjelwa eendaweni zombuso, namkha kilezo nkhungo ezirhelejwa mbuso, nangabe –

- (a) iinkonzo lezo zilandela imithetho yekambiso ebekwe ziimphathiswa ezifaneleko;
  - (b) iinkonzo lezo zenziwa ngendlela efaneleko; begodu
  - (c) ukukhambela iinkonzo lezo kwenziwa ngendlela etjhaphulukileko, nangokuzithandela.
- (3) (a) Isigaba lesi asivimbeli umthetho omenyezelweko otjheja –
- (i) imitjhado eyenziwa ngekambiso yesintu, namkha ngokwekolo, ngokomthetho woBuntu, namkha ngokomthetho womndeni; begodu
  - (ii) ikambiso yoMthetho woBuntu noMndeni olandela isiko elithile, namkha kungaba babantu abaraga ikambiso yekolo ethile.

(b) Ukubonelelwa ngokulandela indima (a) kufanele kukhambisane nalesisigaba begodu nezinye iimiso zoMthetho-sisekelo.

Ikululeko yokuveza amaziso

16. (1) Omunye nomunye umuntu unelungelo lokuveza amaziso wakhe ngokutjhaphuluka, kufakwa hlangana nalokhu –

- (a) Ikululeko yamaphephandaba nemirhatjho;
- (b) Ikululeko nokutjhaphuluka yokwamukela begodu nokudlulisela phambili ilwazi begodu nokuveza imibono;
- (c) Ikululeko yokuveza ikgono lokubumba nokusungula; begodu
- (d) ikululeko yezokufunda begodu nekululeko yokwenza irhubhululo lezesayensi.

(2) Ilungelo elutjhiwo kusigatjana (1) alifaki lokhu –

- (a) ukukhuluma ngendlela ephehla ipi;
- (b) namkha ukutjala umoya ongabangela bona kubenenturhu esobala; namkha
- (c) ukuletha inzondo esekwe ekuhlukeni ngebala, ngokobuhlobo, ngokobulili, namkha ngokwekolo, okubangela iphehlo eletha ukulimala.

Ukubuthana, ukutjhagala, nokwenza ukurhwanta kunye nokwethula iinghonghoyilo.

17. Boke abantu banelungelo lokubuthana, bangenele amajima wokutjhagala, wokurhwanta begodu nokwethula iinghonghoyilo, kodwana lokhu akwenziwe ngendlela yokuthula godu kungakaphathwa iinkhali.

Ilungelo lokuhlanganyela

18. Omunye nomunye umuntu unelungelo lokuhlanganyela.

Amalungelo wezombanga narha

19. (1) Esinye nesinye isakhamuzi sitjhaphulukile bona singazikhethela ihlangothi kwezombanganarha, lokhu kufaka hlangana nelungelo –

- (a) lokusungula ihlangano yezombanganarha;

- (b) lokuzibandakanya emisebenzini yehlangano, begodu siyifunele amalunga ihlangano leyo; begodu
- (c) lokukhankasela ihlangano yezombanganarha, namkha umnqopho wayo.
- (2) Esinye nesinye isakhamuzi sinelungelo lokungenela amakhetho atjhaphulukileko afaneleko neza njalo emva kwesikhathi esithileko, lokuvowutela ibandla lesibetha-mthetho, elisungulwe ngokulandela uMthetho-sisekelo.
- (3) Omunye nomunye umuntu omdala unelungelo –
  - (a) lokuvowuta, emakhethweni wokuwovutela noma ngiliphi ibandla le sibethamthetho, elisungulwe ngokulandela uMthetho-sisekelo, begodu nokuvowutela emsitheleni; begodu
  - (b) lokujama njengong'khethezi esikhundleni sokusebenzela umphakathi, nangabe kwenzekile akhethwe, apha the isikhundla sokusebenzela umphakathi.

Ubuzwe

20. Asikho isakhamuzi esifanele sidinywe ubuzwe.

Ikululeko yokukhamba neyokuhlala

- 21. (1) Omunye nomunye umuntu unekululeko yokukhamba nomakukuphi.
- (2) Omunye nomunye umuntu unelungelo lokufuduka ngeRiphabliki le.
- (3) Esinye nesinye isakhamuzi sinelungelo lokungenela, nokuhlala begodu nokwakha lapho kunye nalapho kunye ngaphakathi kweRiphabliki.
- (4) Esinye nesinye isakhamuzi sinelungelo lokuthola ipaspoti.

Ikululeko yokurhweba, yokufundela umsebenzi nomsebenzi woku thwasiswa

22. Esinye nesinye isakhamuzi sine lungelo lokuzikhethela irhwebo alifunako, umsebenzi wokufundelwa namkha wokuthwasiswa ngokutjhaphulukileko. Indlela yoku rhweba, yokufundela umsebenzi namkha ukuthwasiswa ingakhambiswa mthetho.

Ubudlelwano kezemisebenzi

- 23. (1) Omunye nomunye umuntu unelungelo lokuphathwa ngokufaneleko emsebenzini.
- (2) Omunye nomunye umberegi unelungelo –
  - (a) lokusungula nokujoyina amajiniyoni weensebenzi;
  - (b) lozibandakanya emisebenzini nasemahlelweni wenjiniyoni zemisebenzi; begodu
  - (c) lokunghala umberego.
- (3) Abaqatjhi banelungelo –
  - (a) lokusungula begodu nokujoyina iihlangano zabaqatjhi; begodu
  - (b) lokuzibandakanya emisebenzini nasemahlelweni weenhlango zabaqatjhi.
- (4) Enye nanye injiniyoni yabasebenzi begodu enye nanye ihlangano yabaqatjhi inelungelo –
  - (a) lokuzitlamela ukuphatha, amahlelo nemisebenzi yayo;
  - (b) lokuhlangana; begodu
  - (c) lokusungula nokujoyina imifelandawonye.
- (5) Enye nanye injiniyoni, ihlangano yabaqatjhi kunye nomqatjhi banelungelo lokumbandakanya ekulumiswaneni yokubonisana. Umthetho weNarha ungabekwa ukulawula ikulumiswano yokubonisana. Kangangoba bona umthetho ungaquntela ilungelo kilesiSahluko, ukuquntelwa kufanele kukhambisane nesigaba 36(1).
- (6) Umthetho weNarha ungamukela amalungiselelo wokuvikela injiniyoni okumumethwe eemvumelwaneni zebambiswano kangangoba bona umthetho ungaquntela ilungelo kilesiSahluko, ukuquntelwa kufanele kukhambisane nesigaba 36(1).

Ibhoduluko

- 24. Omunye nomunye umuntu unelungelo –
  - (a) lokuba ngaphakathi kwebhoduluko engeke lakhubaza ipilo namkha ukuzilinganela kwakhe;
  - (b) lokuthi ibhoduluko labo livikeleke bona kuzuze isizukulani samanjesi nesesikhathi esizako, ngokusetjenziswa komthetho ozwakalayo, namkha amanye amagadango ahlelelwe –
    - (i) ukuvimbela ukusilaphazeka kwebhoduluko nokurhurhuleka kwehlabathi;

- (ii) ukuthuthukisa ukuthogonyelwa kwemvelo; begodu
- (iii) ukuqinisekisa intuthuko edzimeleleko nokusetjenziswa kuhle kwemithombo yemvelo, kutjhejwe intuthuko yezomnotho nomphakathi.

#### Ipahla

25. (1) Akakho umuntu ozakudinywa ipahla ngaphandle kwalokha nangabe lokhu kwenziwa ngokulandela umthetho osebenza mazombe, begodu awukho umthetho ozakuvumela bona umuntu adinywe ipahla kungakathintwani naye.

(2) Umbuso ungamuka umuntu ipahla kwaphela nangabe lokho kwenziwa ngokulandela umthetho osebenza mazombe –

- (a) Nangabe kwenzelwa iindingo zomphakathi namkha iinrhuluphelo zomphakathi; begodu
- (b) Nangabe kuzakubhadelwa imali yokulilisa, leyo inani layo, isikhathi nendlela yokubhadelwa kuzakuvunyelwana ngayo namkha iquntwe ikhotho.

(3) Inani lemali, isikhathi nendlela ezakubhadelwa ngayo kufanele kube ngelungileko nefanelekileko, etjengisa ukulinganiswa okufaneleko hlangana kweenrhuluphelo zomphakathi neenrhuluphelo zalabo abathintekako, begodu kutjhejwe woke amaphuzu, kufaka

hlangana –

- (a) Ukusetjenziswa kwayo manjesi;
- (b) Umlando wokutholakala nokusetjenziswa kwayo;
- (c) bonyana ingabiza malini nange ithengiswa nakulandiswa imakethe;
- (d) Izinga elinqophileko lombuso lokubekelela ngeemali namkha lokurhelebha ngeemali malungana nepahla leyo; begodu

(e) Nomnqopho wokwemukwa kwepahla leyo.

(4) Ngokomnqopho walesisigaba –

- (a) iinrhuluphelo zomphakathi kufaka hlangana isibopho sesitjhaba sokutjhugulula inarha namatjhugululo abonelela ukutholakala kwemithombo yemvelo yoke yeSewula Afrika; begodu
- (b) ipahla ayifaki kwaphela inarha.

(5) Umbuso kufanele ubeke umthetho ozwakalako begodu uthathe namanye amagadango, nakutjhejwa imithombo enawo, ukukatelela imibandela eyenza bona izakhamuzi zikgone ukuthola inarha ngokufaneleko.

(6) Umuntu namkha umphakathi loyo isikhathi sokusebenzisa inarha singakavikeleki ngokomthetho ngebanga lomthetho obandlulula ngokwebala wesikhathi esadlulako namkha izenzo, unelungelo ukufika ezingeni elitjhiwo Mthetho wePalamende, lokunikelwa isikhathi sokuhlala enarheni leyo esivikelwe mthetho namkha anikelwe irhelebo eliqondeneke.

(7) Umuntu namkha umphakathi omukwe ipahla emva kwe 19 Juni 1913 ngebanga lomthetho webandlululo ngokwebala wesikhathi esadlulako namkha izenzo, unelungelo ukufika ezingeni elitjhiwo Mthetho wePalamende, lokubuyiselwa leyo pahla namkha anikelwe irhelebho elifaneleko.

(8) Akukho okutjhiwo ngilesisigaba okuzakuvimbela umbuso ukwenza umthetho nokuthatha amanye amagadango bonyana ufikelele utjhugululo lenarha, amanzi nalokho okukhambelana nalamatjhuguluko, kuze ukgone bonyana ulungise imiphumela yebandlululo ngokwebala yesikhathi esidlulileko, kwaphela nangabe okungakhombisani nokutjhiwo ngilesisigaba, kukhambisana nokutjhiwo sigaba 36(1).

(9) IPalamende kufanele imemezele umthetho otjhiwo kusigatjana (6).

#### Ezezindlu

26. (1) Omunye nomunye unelungelo lokufikelela ukutholakala kwezindlu ngokwanele.

(2) Ubuso ufanele uthathe amagadango azwakalako womthetho namanye amagadango, ngokusemandleni wawo, ukufinyelela ngokuphumeleleko kwalelilungelo.

(3) Akekho ozakuthitjwa ngendlini yakhe, namtjhana indlu yakhe ibhidlizwe, ngaphandle kwencwadi egunyazwe ikhotho emva kokutjheja woke amaphuzu aqakathekileko. Awukho umthetho ozakuvumela bonyana umuntu akhitjhe ngendlini kungakathintanwa naye.

Zamaphilo, ukudla, amanzi, begodu nokuvikeleka kwezehlalakahle

27. (1) Omunye nomunye umuntu unelungelo lokubonelelwa ngalukhu –

(a) ukuthogonyelwa kwezamaphilo, lokhu kufaka hlangana ukuthogonyelwa kwezamaphilo okumalungana nokubeletha;

(b) ukudla okwaneleko, kanye namanzi ahlanzekileko; begodu

(c) nokuvikeleka kwezehlalakahle okufaka hlangana, ukurhelejwa okufaneleko kwezehlalakahle nangabe umuntu uyabhalelwa kukuzondla, yena nalabo abafanele bondliwe nguye.

(2) Umbuso kufanele wenze umthetho ozwakalako uthathe namanye amagadango angase mandleni awo, umakutjhejwa imithombo yayo yeemali, ukufikelela ukuphumelelisa kwalamalungelo.

(3) Akakho umuntu ozakwalelwa irhelebho elirhabako lokwelatjhwa.

Abentwana

28. (1) Omunye nomunye umntwana unelungelo –

(a) lokuba nebizo nobutjhaba kusukela ekubelethweni;

(b) lokuthogonyelwa mndeni, ithogonyelo labazali, kunye netlhogonyelo elifaneleko nangabe ususiwe emndenini wakhe;

(c) lokuthola ukudla okwakha umzimba, indawo yokuhlala, ukwelatjhwa, begodu nokutjhejwa kwezehlalakahle;

(d) lokuvikeleka ekuphathweni kumbi, ukuninwa, ukuhlukunyezweni namkha ekwehlisweni isithunzi sobuntu;

(e) lokuvikela ekuberegisweni okubangela bona umqatjhi wakhe azuze ngokungakafaneli;

(f) lokobonyana angenziswa namkha avunyelwe ukwenza umsebenzi loyo –

(i) Ongakafaneli umuntu weminyaka yakhe; namkha

(ii) lowo obeka ukuzilinganela kwakhe, ifundwakhe, ipilo yakhe yomzimba nengcondo, umoya wakhe, ukuziphatha nokuthuthuka kwakhe engozini.

(g) lokobana angabotjhwa ngaphandle kwalokha nangabe igadango lamaphelelo, nangabe lokho kuyenzeka, ngaphezu kwamalungelo umntwana afanele awathole ngokulandela isigaba 12 no 35, umntwana unelungelo –

(i) bonyana nakavalelwa ahlukaniswe neembotjhwa ezingaphezu kweminyaka e 18 ubudala; begodu

(ii) aphathwe ngendlela begodu aphathwe ngaphasi kwamajamo afanele umntwana waleyo minyaka.

(h) lokuba nomjameli woMthetho obonelelwa Mbuso, begodu nangeendleko zombuso kuleyo milandu yokumangalelana kwabantu enamatha umntwana loyo nangabe ukungakhambi ngokomthetho okukhulu kungahle kube khona.

(i) lokungasebenziswa ngaphakathi kwenturhu lapha kuhlonywe ngeenkhalo nokuvikeleka eenkhalo zenturhu yeenkhalo.

(2) Ukutjhejwa kweenrhuluphelo zomntwana kuyinto eqakatheke khulu ezintweni zoke ezinamatha umntwana loyo.

(3) Nakukhulunywa “ngomntwana” kulesi sigaba, kukhulunywa ngomuntu oneminyaka engaphasi kwe 18 ubudala.

Ifundo

29. (1) Omunye nomunye umuntu unelungelo –

(a) lokuthola ifundo esemqoka, lokhu kufaka hlangana nefundo esemqoka yabantu abadala.

(b) lokuthola ifundo ephakemeko, leyo okufanele kube mbuso othatha amagadango azwakalako bonyana lokho kubekhona begodu kutholakale ngokuphumeleleko.

(2) Omunye nomunye umuntu unelungelo lokuthola ifundo ngelimi amalimi wangokomthetho akhethwa nguye kulezonkhungo zomphakathi lapho ifundo leyo inganikelwa ngokuzwakalako.

Kuzekubonelelwe ukuqinisekisa ukutholakala nokusetjenziswa kwalelilungelo, umbuso ufanele utjheje amagadango woke azwakalako wefundo engawathatha, kufaka hlangana iinkhungo eziphakathi naphakathi, kunakekelwa –

- (a) okufaneleko;
- (b) ikgonakalo; begodu
- (c) isidingo sokulungisa imiphumela yomthetho nejwayelo ebandlulula ngokwebala yesikhathi esidlulileko.

(3) Omunye nomunye umuntu unelungelo lokusungula begodu angcine isikhungo sezefundo, asisekele ngeemali zakhe begodu sibesezandleni zakhe nangabe iinkhungo lezo –

- (a) azibandlululi ngokwebala;
- (b) zitloliswe embusweni; begodu
- (c) azikho ezingeni elingaphasi kunezinga leenkhungo eziqondeneke zomphakathi.

(4) Isigatjana (3) asivimbeli ukurheletjwa ngeemali mbuso kweenkhungo zefundo ezizijameleko.

Ilimi namasiko

30. Omunye nomunye umuntu unelungelo lokuberegisa ilimi begodu alandele isiko elikhethwa nguye, kodwana akeko umuntu ozakuthi lokha nakasebenzisa amalungelo wakhe, enze njalo ngendlela engakhambisani noMthetho-sisekelo.

Imiphakathi yangokwesiko, ikolo nelimi

31. (1) Abantu bomphakathi wongekwesiko, ikolo nolimi angeze badingwe ilungelo, nabanye abantu bomphakathi wabo, loku –

- (a) thabela isiko labo, lokulandela ikolo yabo nokusebenzisa ilimi labo; begodu
- (b) sungula, ukujoyina nokuraga iinhlango zamaSiko, ikolo nelimi namanye amatjja womphakathi.

(2) Lelilungelo angeze lasetjenziswa ngendlela engakhambisani nanoma ngisiphi isimiso soMtlolo wamaLungelo woBuntu.

Ilungelo lokuthola umbiko

32. (1) Omunye nomunye umuntu unelungelo lokuthola –

- (a) imibiko ephethwe mbuso; begodu
- (b) nomangimuphi umbiko ophethwe ngomunye umuntu odingekako bona kusetjenziswe namkha kuvikelwe nofana ngimaphi amalungelo.

(2) Umthetho weNarha kufanele umenyezelwe bonyana lelilungelo libonelelwe begodu ungabonelela amagadango azwakalako azakwethula ubudisi bokuphatha nobeemali obuphezu kombuso.

Igadango lekambiso elilungileko lezomthetho

33. (1) Omunye nomunye umuntu unelungelo lokuphathwa ngendlela esemthethweni, ezwakalako begodu nangekambiso elungileko.

(2) Omunye nomunye umuntu loyo amalungelo wakhe athinteki kabuhlungwana ngebanga legadango lekambiso, unelungelo lokunikelwa iinzathu ezitlolwe phasi.

(3) UMthetho weNarha mazombe kufanele umenyezelwe bona uphumelelise amalungelo la, begodu kufanele –

- (a) Ubonelele ukuhlolisiswa kwegadango lekambiso yikhotho, namkha lapha kufaneleko, ikundla ezijameleko begodu engathathi ihlangothi;
- (b) Ubophelele umbuso bona uphumelelise amalungelo akuzigatjana (1) no (2); begodu
- (c) Uthuthukise ikgono lezekambiso yezokuphatha.

Ilungelo lokuya ekhotho

34. Omunye nomunye umuntu unelungelo lokobonyana namkha ngimuphi umraro anawo urarululwe ngokusetjenziswa komthetho okuquntwe ngemva kokuzwelelwa komraro lowo ngendlela elungileko nevulekele umphakathi, yikhotho namkha, lapha kufaneleko ngenye iforamu



eziameleko nengathathi ihlangothi.

Abantu ababotjhiweko, abavalelweko begodu nabamangalelwa

35. (1) Omunye nomunye umuntu obotjhweco ngebanga lokusolelwa bonyana wenze umlandu unelungelo –

- (a) lokuzithulela;
- (b) lokutjelwa msinya –
  - (i) ngelungelo lakhe lokuzithulela; begodu
  - (ii) ayeleliswe ngokungenzeka uma angazithuleli;
- (c) lokungakatelelwa kobana avume isono, lokhu okuyinto engahle esetjenziswe njengobufakazi obumbophelelako;
- (d) lokulethwa ekhotho, msinya ngokungakgonakalako, kungakadluli ama-iri ayi-48 ngemva kokubotjhwa kwakhe, namkha lokha nangabe ama-iri ayi- 48 aphela ngaphandle kwama-iri ajwayelekileko wekhotho wokuhlala, ngelanga lokuthoma elilandelako lekotho emva kokuphela kwesikhathi lesa;

(e) Ekuveleni ngaphambi kwekhoto kokuthoma emva kokubotjhwa kwakhe, athweswe umlandu namkha atjelwe ibanga elenza bonyana isikhathi sakhe sokuvallelwa sengezwe, lokha lokho kubhala ukwenzeka, ulungela kutjhaphululwa;

(f) Lokutjhaphululwa ejele ngaphasi kwemibandela ezwakalako lokha iinrhuluphelo zezobulungiswa zikuvumela lokho.

(2) Omunye nomunye umuntu obotjhiweko, kufakwa hlangana nesinye nesinye isibotjhwa esele sigwetjiwe, sinelungelo –

- (a) lokobana atjelwe msinya bonyana ubanjwele ini;
- (b) lokukhetha nokuthintana nomjameli womthetho begodu atjelwe msinya ngalelilungelo;
- (c) lokubonelelwa ngomjameli womthetho akhonjwe mbuso nangabe kunekgonakalo lobanyana ubungekho emthethweni kungenzeka begodu atjelwe msinya ngalelilungelo;
- (d) Lokumangala ekhotho bona ukubotjhwa kwaso kusemthethweni na, nangabe ukubotjhwa kwaso akukho emthethweni, sitjhatjhululwe;
- (e) lokuvallelwa ngaphasi kobujamo obukhambisana nesithunzi sobuntu, lapha kufakwa hlangana ukunikelwa indawo eyaneleko yokuhlala, ukudla okwakha umzimba, iincwadi zokufunda, kanye nokulatjhwa ngeendleko zombuso; begodu
- (f) Lokukhulumisana begodu avakatjhelwe ngilaba abalandelako –
  - (i) ngowakwakhe namkha umlingani;
  - (ii) isihlobo;
  - (iii) umeluleki wezekolo; begodu
  - (iv) nodorhoda okhethwa nguye.

(3) Omunye nomunye ummangalelwa unelungelo lokusegiswa ngendlela ofaneleko, lokhu kufaka hlangana ilungelo –

- (a) lokwaziswa ngomlandu abekwe wona, anikelwe neminingwani ngokunabileko ukwenzela bona akgone ukuziphendulela kumlandu loyo;
- (b) lokuthola isikhathi esaneleko nezinto ezaneleko angaziberegisa ekuzivikeleni;
- (c) lokusegiswa ekhotho yomthetho ejwayelekileko nevulelwe umphakathi;
- (d) ukulalelwa komlandu wakhe kuthonywe bekuqedwe ngaphandle kokuriyada okungazwakaliko;
- (e) abekhona lokha nakubagwa umlandu wakhe;
- (f) lokukhetha begodu ajanyelwe mjameli woMthetho begodu atjelwe ngalelilungelo;
- (g) lokubonelelwa ngomjameli womthetho ozakubhadelwa mbuso, lokha nakubonakala bona kungaba nokungakhanjiswa ngokulungileko komlandu, begodu atjelwe ngalelilungelo;
- (h) lokuthathwa bona umsulwa, begodu nelokuzithulela begodu nelokungathuli ubufakazi lokha nakabagiswako;

- (i) lokuthula ubufakazi nokuphikisa ubufakazi obuthuliweko;
- (j) lokungakatelelwa ukwethula ubufakazi obumbophako;
- (k) lokubagiswa ngelimi alizwisisako, nakungakgonakaliko atologelwe ngelimi lelo;
- (l) lokungagwetjelwa isenzo namkha ukungenzi okugade kungasimlandu ngaphasi komthetho wenarha namkha umthetho wamazwe ngesikhathi lokho kwenziwa namkha kungenziwa;
- (m) Lokungabangiswa umlandu ngezenzo namkha ukungenzi ngalezo owabonwa umlandu namkha anganamlandu ngazo ngaphambilini;
- (n) Lokuba nomzuzo wokubethwa ngeswazi elincani lokho nangabe isigwebo esibekiweko sitjhugululwe hlangana nesikhathi umlandu wenziwe ngaso nesikhathi sokugwetjwa; begodu
- (o) Lokwenza isibawo bonyana umlandu wakhe ubuyekezwe namkha uhlolisiswe yikhotho engaphezulu.

(4) Lokha nangabe isigaba lesi sithi umbiko kufanele uphiwe umuntu, umbiko lowo ufanelwe uphiwe ngelimi elizwisisa mumuntu loyo.

(5) Obunye nobunye ubufakazi obutholakele ngendlela ephikisa noma ngiliphi ilungelo elingaphakathi koMbhala wamaLungelo woBuntu bufanele buqithwe, nangabe ukwamukelwa kwabo ubufakazi lobo kuzakwenza bonyana ukugwetjwa koMlandu lowo kube ngokungalungi namkha ngendlela ethize kungakhubaza ikambiso yezobulungiswa.

Ukurhunyezwa kwamalungelo

36. (1) Amalungelo angaphakathi koMbhala waMalungelo woBuntu angarhunyezwa kwaphela ngokulandela umthetho osebenza mazombe kufikela lapha ukurhunyezwa lokho kuzwakalako begodu kufaneleko emphakathini ovulekileko newentando yesitjhaba osekelwe phezu kokuhlontjhwakwesithunzi sobuntu, ukulingana nekululeko, kutjhejwe amaphuzu woke afaneleko kufaka hlangana –

- (a) Umhlobo welungelo lelo;
- (b) Ukuqakatheka komnqopho werhunyezo lelo;
- (c) Umhlobo werhunyezo begodu ukuthi ukurhunyezwa lokho kungangani;
- (d) Ubuhlobo hlangana nokurhunyezwa nomnqopho wokurhunyezwa lokho; begodu
- (e) Ukurhunyezwa kube ngendlela efitjhani yokufikelela umnqopho lo.

(2) Ngaphandle kwalokho okutjhiwo esigatjaneni (1) namkha nomangisiphi isimiso soMthetho-sisekelo, awukho umthetho ongarhunyeza nomangiliphi ilungelo elibonelelwe ngaphakathi komtlole wamaLungelo woBuntu.

UMthetho wobujamo oburhabileko

37. (1) Umthetho wobujamo oburhabileko ungamenyezelwa kwaphela ngokulandela uMthetho wePalamende begodu kwaphela nangabe –

- (a) ipilo yesitjhaba isengozini yokuthuselwa ngepi, ukuhlaselwa, ukuvukela umbuso, irawurawu, umonakalo omkhulu ngenarheni, namkha kunento erhabileko emphakathini; begodu
- (b) isimemezelo somthetho loyo siyatilhogeka ekubuyiseni ukuthula nokuthobelwa koMthetho.

(2) Ukumenyezelwa komthetho wobujamo oburhabileko, begodu nomunye nomunye umthetho omenyezelweko, namkha elinye nelinye igadango elithathwako ngokulandela ukumenyezelwa komthetho lo, kuzakubanamandla kwaphela lokha nangabe –

- (a) uthoma ukusebenza ngelanga omenyezelwe ngalo; begodu
- (b) akudluli amalanga ama 21 ukusukela ngelanga omenyezelwe ngalo, ngaphandle kwalokha nangabe iBandla Lesitjhaba lithatha isiqunto sokwengeza isimimenyezelwe lesi ngesikhathi esingadluli iinyanga ezintathu esikhathini esisodwa. Ukungezelelwa kwamathomo kokumenyezelwa komthetho wobujamo oburhabileko kufanele kube ngendlela yesiqunto esamukelwe inengi lamalunga weBandla Lesitjhaba. Okunye nokunye ukwengezelelwa okulandelako kufanele kube ngendlela yesiqunto esamukelwe buncani bamalunga aba 60 wamapersente wamalunga weBandla Lesitjhaba. Isiqunto esithathwe ngokulandelwa kwendima le, kufanele samukelwe kwaphela ngokulandela iinkulumanisano-zokuphikisana ezivulelwe

umphakathi ezibanjwe ngaphakathi kweBandla.

(3) Enye nanye ikhotho enamandla ingahlolisisa ukuba semthethweni –

(a) kwesimemezelo somthetho wobujamo oburhabileko;

(b) Ukwengezelelwa kwesikhathi somthetho wobujamo oburhabileko; namkha

(c) komthetho ophasisweko namkha igadango elithethweko, ngaphasi kwesimemezelo somthetho wobujamo oburhabileko.

(4) Omunye nomunye umthetho omenyezelwe ngokulandela isimemezelo somthetho wobujamo oburhabileko ungaphikisana noMtlolo wamaLungelo woBuntu ukufikela kwaphela lapha –

(a) Ukuphikisana lokho kudingwa khulu bujamo oburhabileko; begodu

(b) Umthetho loyo –

(i) Ukhambisana neembopho zeRiphabliki le ngaphasi koMthetho wamaZwe osetjenziswako eenkhathini zobujamo oburhabileko;

(ii) ukhambisana nesigatjana 5; begodu

(iii) waziswe ngaphakathi koMthetho Ogadangisiweko wombuso weNarha msinya emva kokumenyezelwa kwawo.

(5) Awukho umthetho ogunyaza isimemezelo sobujamo oburhabileko, begodu awuko umthetho omenyezelweko namkha amanye amagadango athathwe ngokulandela lesosimemezelo, ongavumela namkha ugunyaze –

(a) ukulibalelwa kombuso, namkha ngumuphi umuntu omunye nomunye umuntu malungana nesenzo esinye nesinye esingekho emthethweni;

(b) Okunye nokunye okuphikisana nalesisigabo; namkha

(c) Okunye nokunye okuphikisana nalesisigaba, okutjiwo kunxenye 1 yeRherho elitjengisa amalungelo angeze adinywa ukufikela ezingeni qondana nesigaba lesi, kunxenye 3 yeRherho.

Irherho elitjengisa amalungelo angeze adinywa

1	2	3
Inombolo	Ihloko	Izinga lelo ilungelo lingeze ladinywa ngalo yesigaba yesigaba
9	Ukulungana	Malungana nokubandlulula okungakafaneli kwaphela ngezizathu zobuhlobo, ubala, ubuzwe, ubulili, ikolo namkha ulimi
10	Isithunzi sobuntu	ngokupheleleko
11	Ipilo	ngokupheleleko
12	Ikululeko	Malungana nezigatjana (1)(d) no (e) begodu (2)(c) nokuvikeleka komuntu
13	Ubugcila,	Malungana nobugcila nokubotjhelelwa ukubotjhelelwa emberegweni emberegweni nokukatelelwa umberego
28	Abantwana	Malungana: – isigatjana (1) (d) no (e); – amalungelo akundima (i) no (ii) zesigatjana (1)(g); begodu – isigatjana 1 (i) malungana nabantwana beminyaka engu 15 nangaphasi.
35	Abantu	Malungana: ababotjhiweko, – isigatjana (1) (a), (b) no (c) begodu 2 (d); abavalelweko – amalungelo akuzindima (a) kufika (o)

begodu zesigatjana (3) kungafaki hlangana indima (d)  
nabamangalelwa – Isigatjana 4; begodu  
– isigatjana (5) malungana nokungamukeleki  
kobufakazi nangabe ukwamukelwa kwalobo  
ubufakazi kuzakubangela bona ukugwetjwa  
komlandu kungabi ngokufaneleko.

(6) Lokha omunye nomunye umuntu avalelwe ngaphandle kokugwetjwa ngokulandela ukudinywa kwaMalungelo okusukela kumiphumela yokumemezela komthetho wobujamo oburhabileko, imibandela elandelako kufanelwe izaliswe –

(a) Ilunga elingumuntu omdala lomndeni namkha umngani womuntu obotjhiweko kufanele athintwe msinya ngokukgonakalako okuzwakalako atjelwe, aziswe ngokubotjhiweko komuntu loyo.

(b) Isaziso sifanele ukutlolwa kuMthetho Ogadangisiweko wombuso weNarha kungakapheli isikhathi samalanga amahlanu umuntu loyo abotjhiwe, kuvezwe ibizo lomuntu obotjhiweko loyo, indawo avalelweko begodu kuhlathululwe namagadango arhabileko abotjhiwe ngaphasi kwawo.

(c) Umuntu loyo obotjhiweko, ufanele avunyelwe ukuzikhethela udorhoda begodu avakatjhelwe nguye ngeenkhati ezizwakalako.

(d) Umuntu obotjhiweko loyo ufanele avunyelwe ukuzikhethela umjameli womthetho begodu avakatjhelwe nguye ngeenkhati ezizwakalako.

(e) Ikhotho kufanele ihlolise ukubotjhiweko komuntu obotjhiweko msinya ngokukgonakala okuzwakalako, kungakadluli amalanga ali 10 kusukela ngelanga abotjhiwe ngalo begodu, ikhotho kufanele itjhaphulule isibotjhiweko leso ngaphandle kwalokha nangabe ukubotjhiweko kwakhe kuyathogeka okubuyisela ukuthula nokuthobela umthetho.

(f) Isibotjhiweko esingatjhaphululwa ngokulandela indima (e), namkha esingatjhaphululwa ngokulandela ukuhloliswa kokubotjhiweko kwakhe ngokulandela indima le, singenza isibawo ekhotho bona ihlolise kabutjha ukuvalelwa kwaso kwesinye nesinye isikhathi emva kwamalanga ali 10 ukuhloliswa okugandungileko kudlulile, begodu nakulelo iphuzu ikhotho kufanele itjhaphulule isibotjhiweko ngaphandle kwalokha nangabe ukubotjhiweko kwakhe kuyathogeka okubuyisela ukuthula nokuthobela umthetho.

(g) Umuntu obotjhiweko ufanele avunyelwe bona avele mathupha phambi kwekhotho ehlolelwa ukubotjhiweko kwakhe, ajanyelwe mjameli womthetho uma isibawo sakhe silalelwe ikhotho begodu azililele mayelana nokuvalelwa kwakhe mlibe.

(h) Umbuso kufanele wethule iinzathu ezitlolwe phasi phambi kwekhotho ukukhombisa ukuqakatheka kokungezelelwa kokubotjhiweko komuntu loyo, begodu umbuso kufanele unikele isibotjhiweko leso ikhophi yeenzathu zokubotjhiweko kwaso kusese namalanga amabili ngaphambi kobana ikhotho ihlolise ukubotjhiweko kwaso.

(7) Lokha nange ikhotho itjhaphulula umuntu obotjhiweko, umuntu loyo angeze abotjhiweko godu ngenzathu ezifanako ngaphandle kwalokha umbuso ukhombisa ngokusobala ukuqakatheka kokubotjhiweko komuntu loyo godu.

(8) Izigatjana (6) no (7) azisebenzi ebantwini abangasizizakhamuzi zeRiphabliki begodu abavalelwe ngokulandela inturhu yeenkhali yamazwe. Ibile umbuso kufanele ulandele amazanga lawo abopha iRiphabliki ngaphasi koMthetho wamazwe woBantu malungana nokuvalelwa kwabantu labo.

Ukukatelelwa kwamalungelo

38. Omunye nomunye umuntu okhonjwe kulesisigaba, unelungelo lokwenza isibawo ekhotho enobukgoni, atjhibona ilungelo elimumethwe kuMtlolo wamaLungelo woBantu liphuliwe namkha lithuselwe, lapho ikhotho izakuphana ngerhelebo elifaneleko kufaka hlangana nokweziwa kwesimemezelo samalungelo wobuntu. Abantu abangenza iimbawo ekhotho ngilaba:

(a) omunye nomunye umuntu ozenzela isibawo ngokwakhe;

(b) omunye nomunye umuntu owenza isibawo ebumeni bomunye umuntu ongakgoniko

ukuzenzela ngebizo lakhe;

(c) omunye nomunye umuntu owenza lokho njengelunga, namkha oraga iinrhuluphelo zesichema sabantu namkha kungaba ziinrhuluphelo zabantu besithlopha esithileko;

(d) omunye nomunye umuntu owenza isibawo ebujameni beenrhuluphelo zomphakathi; begodu

(e) Neenhlango ingenza isibawo, isenzela iinrhuluphelo zamalunga wayo.

Ukuhlathululwa kombhalo wamalungelo wobuntu

39. (1) Lokha nakuhlathululwa uMbhala wamaLungelo woBuntu enye nanye ikhotho, ikundla namkha iforamu –

(a) kufanele ithuthukise amagugu asekelu umphakathi ovulekileko newentando yesitjhaba asekelwe phezu kwesithunzi sobuntu, ukulingana nekululeko;

(b) kufanele itjheje umthetho wamazwe; begodu

(c) ingatjheja umthetho wangaphandle kwenarha.

(2) Lokha nayihlathulula omunye nomunye umthetho, begodu lokha nayithuthukisa umthetho wesintu namkha umthetho wesintu, enye nanye ikhotho, ikundla namkha iforamu kufanele ithuthukise umoya, ifisekelo nomnqopho woMtlolo wamaLungelo woBuntu.

(3) Umtlolo wamaLungelo woBuntu awuvimbeli ukuba khona kwamanye amalungelo namkha iinkululeko atjhejwa namkha anikelwa umthetho wesintu, umthetho wesintu namkha umthetho omenyezelweko, ukufikela ezingeni lapha akhambisana noMtlolo khona.

### ISAHLUKO 3

Umbuso osebenzisanako

Umbuso weRiphabliki

40. (1) Ngaphakathi kweRiphabliki, umbuso ubunjwa mikhakha yombuso weNarha, weProvinsi neweNdawo, lawo ahlukeneko, asekelanako begodu anobudlelwano.

(2) Yoke imikhakha yombuso ifanele ukuhlonipha nokulandela imigomo engakulesiSahluko begodu kufanele enze imisebenzi yawo ngaphakathi kwemncele ebekwa ngilesiSahluko.

Imigomo yombuso osebenzisanako kunye nobudlelwano hlangana nemibuso

41. (1) Yoke imikhakha yombuso namagatja woke wombuso ngaphakathi komkhakha omunye nomunye ufanele –

(a) ukubonelela bonyana kuhlala kunokuthula, itjhebisano yesitjhaba nokungahlukaniswa kweRiphabliki;

(b) ubonelele ukuzilinganela kwabantu beRiphabliki;

(c) ubonelele bonyana umbuso weRiphabliki iyoke ngonepumelelo, osebenzela etjhatjhalazini, onokuziphendulela nonamatheleko;

(d) uthembeke kuMthetho-sisekelo, kuleRiphabliki, nakubantu bayo;

(e) uhloniphe ubujamo, iinkhungo, amandla nemisebenzi ngokoMthetho-sisekelo kombuso kulawo amazinga amanye;

(f) ungathathi amanye amandla namkha enze eminye imisebenzi ngaphandle kwaleyo athweswe yona Mthetho-sisekelo;

(g) usebenzise amandla wawo enze nemisebenzi yawo ngendlela leyo engeze yakhubaza ubujamo bombuso ngokwemingcele, imisebenzi neenkhungo kwelinye izinga; begodu

(h) ubonele bonyana kubenetjhebisano hlangana nayo nokuthembana ngoku –

(i) katelela ubudlelwano bobungani;

(ii) rhelebhana nokusekelana;

(iii) kwazisana nokuthintana eendabeni lezo aneenrhuluphelo ezifanako;

(iv) qhumanisa imisebenzi nemithetho yawo;

(v) landela iinkambiso ekuvumelenwe ngazo; begodu

(vi) ngokuvimbela ukumangalelana ekhotho hlangana nawo.

(2) Umthetho wePalamende ufanele –

- (a) usungule namtjhana ubonelele izakhiwo neenkhungo ezizakuthuthukisa nokuphumelelisa ubudlelwano hlangananombuso; begodu
- (b) Ubonelele iindlela namahlelo afaneleko azakuphumelisa ukurarululwa kwemiraro ehlangana nemibuso.
- (3) Igatja lombuso elinamathekako emrarweni hlangana nombuso lifanele lithathe amagadango azwakalakho ngokusebenzisa iindlela namahlelo abonelelweko ukurarulula lemiraro; begodu kufanele isebenzise zoke iindlela ezikhona ngaphambi kobonyana ithinte ikhotho enamandla ukurarulula lomraro.
- (4) Nangabe ikhotho enamandla iqunta bona iindingo zesigatjana (3) azikazaliswa, ingabuyisela umraro kumagatja lawo woMbuso athintekako.

#### ISAHLUKO 4

#### IPALAMENDE

##### Ukubunjwa kwePalamende

42. (1) IPalamende ibunjwa –

- (a) IBandla Lesitjhaba
- (b) Mkhandlu weNarha wamaProvinsi.
- (2) IBandla Lesitjhaba noMkhandlu weNarha wamaProvinsi uzibandakanya ekambisweno yokwenza uMthetho ngendlela endlalwe ngaphakathi koMthetho-sisekelo.
- (3) IBandla Lesitjhaba likhethwe bona lijamele abantu begodu libonelele ukubusa kwabantu ngaphasi koMthetho-sisekelo. Lenza lokho ngokukhetha uMongameli, ngokubonelela ukubakhona kweforamu yesitjhaba ezakutjheja iindaba zomphakathi, ngokuphasisa uMthetho, ngokutjheja nokubeka ilihlo elibukhali phezu kwekambuso yeKhabinethe.
- (4) UMkhandlu weNarha wamaProvinsi ojamela amaProvinsi ukuqinisekisa bonyana iinrhluphelo zamaProvinsi ziyatjhejwa ezingeni lombuso wenarha, wenza lokho ngokuzibandakanya ehlelweni lokwenza umthetho weNarha mazombe begodu nokudlulisela iindaba zomphakathi ezithinta amaProvinsi kuForamu yesitjhaba.
- (5) UMongameli angabiza iPalamende bonyana izokuhlala ngokungakavami ngesinye nesinye isikhathi ukuzokwenza iindaba eziqakathekileko.
- (6) (a) iPalamende ihlala edorobheni yeKapa, kodwana uMthetho wePalamende, omemezelwe ngokukhambisana nesigaba 76(1) no (5) ungaqunta bonyana indawo yokuhlala yePalamende ibe kwenye indawo.

##### Ulawulo lomthetho weRiphabliki

43. Ngaphakathi kweRiphabliki ilawulo lomthetho –

- (a) Ezingeni lombuso wenarha lithweswe iPalamende, ngendlela etjhiwo kusigaba 44;
- (b) Ezingeni lombuso wamaProvinsi lithweswe is'bethamthetho seProvinsi, ngendlela etjhiwo kusigaba 104; begodu
- (c) Ezingeni lombuso wendawo luthweswe uMkhandlu wakaMasipala, ngendlela etjhiwo kusigaba 156.

##### Amandla welawulo lomthetho wenarha

44. (1) Amandla welawulo lomthetho wenarha njengoba athweswe iPalamende –

- (a) anikela iBandla Lesitjhaba amandla –
  - (i) wokuguqula uMthetho-sisekelo;
  - (ii) wokuphasisa umthetho omalungana nenoma ngiyiphi indaba, kufaka hlangana indaba engaphasi kwendawo wokusebenza etlolwe kusheduli 4, kodwana kungafaki, ngaphasi kwesigatjana (2), indaba ewela ngaphasi kweendawo zokusebenza ezitlolwe kuSheduli 5; begodu
  - (iii) wokunikela amanye namanye amandla wolawulo lomthetho walo, ngaphandle kwamandla wokuguqula umthetho-sisekelo, kwesinye nesinye is'bethamthetho ezingeni elinye lombuso; begodu
- (b) anikela uMkhandlu weNarha wamaProvinsi amandla –

- (i) wokuzibandakanya ekuguqulweni koMthetho-sisekelo, ngokukhambisana nesigaba 74;
  - (ii) wokuphasisa umthetho ngokukhambisana nesigaba 76 malungana nenye nenye iindaba engaphasi kwendawo yokusebenza etlolwe kuSheduli 4, begodu nomanangiyiphi enye indaba leyo uMthetho-sisekelo odinga bona iphasiswe ngokukhambisana nesigaba 76; begodu
  - (iii) nokutjheja, ngokukhambisana nesigaba 75, omunye nomunye umthetho ophasiswe liBandla Lesitjhaba.
- (2) iPalamende ingangenangena phakathi ngokuphasisa umthetho, ngokukhambisana nesigaba 76 (1), malungana nendaba ewela ngaphasi kwendawo yokusebenzela etlolwe kuSheduli 5, lokha nakutlhogeka –
- (a) ukubonelela ukuvikeleka kwenarha;
  - (b) ukuraga ibumbano kwezomnotho;
  - (c) ukubonelela amazinga asemqoka wenarha;
  - (d) ukubeka amazinga okungasenani athlogekako ekwethuleni kwemisebenzi; namkha
  - (e) ukuvimbela igadango elingazwakaliko elithethwe yiProvinsi lelo elikhubaza iinrhuluphelo zenye yiProvinsi, namkha zenarha iyoke.
- (3) Umthetho malungana nendaba ebalulekile namkha ekhambisana nokusetjenziswa kwamandla ngekgono, malungana nendaba namkha ngiyiphi etlolwe kusheduli 4 emngopheni yoke, mthetho omalungana nendaba etlokwe kusheduli 4.
- (4) Lokha uma isebenisa amandle wayo wokwenza umthetho iPalamende ibotjhwa kwaphela ngilomthetho-sisekelo, begodu kufanele ithathe igadango ngokukhambisana nangaphasi kwemngcele yalomthetho-sisekelo.

#### Iinqunto ezihlanganyelweko

45. (1) IBandla Lesitjhaba noMkhandlu weNarha wamaProvinsi kufanele isungule ikomidi ehlanganyelweko yemigomo, engenza imigomo neenqunto malungana nomsebenzi wokuhlanganelwa, kufaka hlangana imigomo neenqunto –

- (a) ebeka iindlela ezakuphumelelisa ukwenzwa komthetho, kufaka hlangana ukubekwa kwesikhathi lesi ngaso ihlelo elithileko liqedwe ngalo umsebenzi;
  - (b) esungula amakomidi ahlanganyelweko abunjwa malunga weBandla noMkhandlu zombili bona atjheje nokwethula umbiko malungana neMithetho-esahlongozwako etjhiwo kuzigaba 74 no 76 lawo athunyelwe kumakomiti atjhiweko;
  - (c) ukuhloma ikomiti ebumbeneko ukuqalisisa uMthetho-sisekelo okungenani kanye ngonyaka, begodu
  - (d) ukulawula ibhisimisi –
    - (i) yekomiti yemithetho ehlanganyelweko;
    - (ii) yeKomiti yokulamula;
    - (iii) yeKomiti eqalisisa umthetho-sisekelo; begodu
    - (iv) yanofana ngiyiphi enye ikomiti ebumbeneko ehlonywe ngaphasi kwendima (b).
- (2) Amalunga weKhabinethe, amalunga weSb'etha mthetho sesitjhaba begodu neenthunywa kuMkhandlu wamaProvinsi banamalungelo begodu nokuvikelwa kuKomidi elihlanganyelweko yeS'betha mthetho njengobana banawo ngaphambi kweS'betha mthetho nofana umkhandlu.

#### IBANDLA LESITJHABA

##### Ukubunjwa nokukhetha

46. (1) IBandla Lesitjhaba libunjwa malunga angasingaphasi kwa- 350 begodu angadluli ama- 400 angabafazi namadoda akhethwe njengamalunga ngokulandela ikambiso yaMakhetho leyo –

- (a) equntwe mthetho weNarha;
- (b) esekelwe phezu kwerherho elifanako labavowuti;
- (c) ebonelela bona iminyaka yokuvowuta ibebuncani iminyaka e 18; begodu
- (d) imiphumela, ngokujwayelekileko, ibengindlela yokujanyelwa kweenhlangano ngokwama

vowutu atholwe ngizo.

(2) UMthetho wePalamende kufanele uqunte indlela yokubeka inani lamalunga weBandla Lesitjhaba.

Ubulunga

47. (1) Esinye nesinye isakhamuzi esinelungelo lokuvowutela iBandla Lesitjhaba siyakulungela ukuba lilunga laleliBandla, ngaphandle kwalokha –

(a) nangabe umuntu loyo ubekwe esikhundleni namkha uberega umbuso begodu uthola umrholo, ngaphandle –

(i) koMongameli, iphini likaMongameli, aboNgqongqotjhe, namaphini waboNgqongqotjhe; begodu

(ii) abanye nabanye abantu abakulezonkhundla okutholakala bona umberego abawenzako ukhambisana nomberego welunga lePalamende, begodu njengomberego okhambisana naloyo;

(b) Amalunga athunyelwe ngokuzeleko kuMkhandlu wamaProvinsi weNarha, namkha amalunga weS’bethamthetho seProvinsi namkha woMkhandlu kaMasipala;

(c) umuntu oneenkolodo abhalelwa ukuzibhadela, begodu angakalatjhelwa lokho;

(d) omunye nomunye umuntu omenyezwe yikhotho yangeRiphabliki bona akakazilinganeli engcondweni; namkha

(e) omunye nomunye umuntu othe ngemva kobonyana lesisigaba siberege wabonwa umlandu begodu wanikelwa isigwebo sesikhathi esidlula iinyanga ezi 12, ejele ngaphandle kokuphiwa ihlawulo (fine), kungaba ngaphakathi namkha ngaphandle kweRiphabliki nangabe isenzo esibange umlandu lo, besingaba mlandu ngaphakathi kweRiphabliki; kodwana akekho umuntu okuzakuthathwa bona sele agwetjiwe, beze kufike isikhathi lapho isibawo sokubuyekwezwa kokubonwa umlandu namkha isigwebo, sesiqundiwe namkha lapho isibaweso sele siphelwe sikhathi khona. Ukungavunyelwa komuntu bona abelilunga kwaleliBandla, kuphela emva kweminyaka emihlanu ngemva kokuqeda isigwebo lesi.

(2) Umuntu ongakalungeli ukuba lilunga LeBandla Lesitjhaba ngokulandela isigatjana (1) (a) namkha (b) angaba ngu’nkheteni weBandla ngaphasi kweenrhunyezo namkha imibandela esungulwe mthetho weNarha.

(3) Umuntu ulahlekelwa bulunga bakhe kuBandla Lesitjhaba nangabe umuntu loyo –

(a) akasakulungeli ukuba lilunga; namkha

(b) utshwilile kuleliBandla ngaphandle kwemvuma ngaphasi kobujamo othola bona imithetho yekambiso neenqunto zaleliBandla, zithi kufanele athathelwe ubulunga.

(4) Iinkhundla ngaphakathi kweBandla Lesitjhaba kufanele zizaliswe ngendlela equntwe mthetho weNarha.

Ukufunga namkha ukuzibopha

48. Ngaphambi kobana amalunga weBandla Lesitjhaba athome ngemisebenzi yawo kuleliBandla, kufanele bona bafunge namkha, bazibophe ngokuthembeka kuRiphabliki begodu nokuthobela uMthetho-sisekelo, ngokuzibopha ngokukhambisana neSheduli 2.

Isikhathi esibekelwe ibandla lesitjhaba

49. (1) IBandla lesitjhaba livowutelwa isikhathi seminyaka emihlanu .

(2) Nangabe iBandla lesitjhaba liyapheliswa ngokulandela isigaba 50, namkha lokha nakuphela isikhathi salo, uMongameli, ngesimemezelo somthetho, kufanele abize begodu abeke namalanga amakhetho afanele abanjwe ngawo kungakadluli amalanga a 90 kusukela ngelanga iBandla lipheliswe ngalo, namkha ngemva kokuphela kwesikhathi salo.

(3) Nangabe imiphumela yamakhetho weBandla Lesitjhaba ayikamenyezwe ngesikhathi esibekwe esigabeni 190, namkha lokha amakhetho aqithwe yikhotho, uMongameli, ngesimemezelo somthetho kufanele amemezele begodu abeke namalanga lamakhetho amanye afanele ukubanjwa ngawo ngaphakathi kwamalanga a 90 emva kokuphela kwesikhatheso namkha kwelanga lelo amakhetho aqithwe ngalo.



(4) IBandla lesitjhaba lihlala linamandla wokuberega sukela ngesikhathi sokupheliswa kwalo, namkha ngemva kokuphela kwesikhathi sokusebenza kwalo, beze kufike ilanga elingaphambi kwelanga lokuthoma kwamakhetho weBandla elilandelako.

Ukupheliswa kwebandla lesitjhaba ngaphambi kokuphela kwesikhathi salo esikhethelwe.

50. (1) UMongameli kufanele aphelise iBandla Lesitjhaba lokha nangabe –

(a) IBandla lamukele isiqunto bona lipheliswe, esifanele sisekelwe inengi lamalunga walo; begodu

(b) Iminyaka emithathu sele idlulile iBandla likhethiwe.

(2) Umjaphethe kaMongameli kufanele aphelise iBandla lokha nangabe –

(a) Isikhundla sikaMongameli sivulekile; begodu

(b) iBandla libhalelwa kukhetha uMongameli omutjha ngaphakathi kwamalanga a 30 ngemva kokuvuleka kwesikhundla lesi.

IZikhathi zokuhlala nezokuphumula

51. (1) Emva kwamakhetho, ukuhlala kokuthoma kweBandla Lesitjhaba kufanele kubanjwe ngesikhathi nelanga eliquntwe nguMongameli weKhotho yoMthetho-sisekelo, kodwana kungakadluli amalanga a 14 emva kokumemezela kwemiphumela. IBandla Lesitjhaba lingaqunta izikhathi zalo zokuhlala nezokuphumula.

(2) UMongameli angabiza iBandla Lesitjhaba lodwa, namkha liphekelelwe Mkhandlu wamaProvinsi weNarha bona lizokuhlala ngokungakavami ukuzokucalana neendaba ezimqoka.

(3) Ukuhlala kweBandla Lesitjhaba kuvunyelwe eendaweni ezinye ngaphandle kwendawo yokuhlala yePalamende kwaphela ngamabanga avezwa ziinrhuluphelo zomphakathi, ukuvikelela namkha lokha kungcono ukuhlala kuleyo ndawo, begodu nalokha lokho kubonelelwa migomo neenqunto zeBandla.

USpeaker nephini lika Speaker

52. (1) Ekuhlaleni kokuthoma ngemva kwamakhetho, namkha lokha nakutlhogeka ukuzalisa isikhundla, iBandla Lesitjhaba kufanele likhethe uSpeaker nephini lika Speaker hlangana namalunga walo.

(2) UMongameli weKhotho yoMthetho-sisekelo kufanele kube nguye okhambisa amakhetho wakaSpeaker, namkha akhombe elinye ijaji ukwenza loko. USpeaker nguye ozakukhambisa amakhetho wephini lika Speaker.

(3) IKambiso endlalwe kuShedulu 3 ngiyo eberegiswako lokho kukhethwa uSpeaker nephini likaSpeaker.

(4) IBandla lesitjhaba lingasusa uSpeaker namkha iphini likaSpeaker esikhundleni ngokuthatha isiqunto. Inengi lamalunga weBandla kufanele babekhona lokha isiqunto lesi samukelwa.

(5) Ngokulandela imigomo neenqunto zalo iBandla Lesitjhaba linga khetha hlangana namalunga walo aboSihlalo abanye ukurheleba uSpeaker nephini lika Speaker.

Iinqunto

53. (1) Ngaphandle kwalokha uMthetho-sisekelo ubeka ngokuhlukileko –

(a) Inengi lamalunga weBandla Lesitjhaba kufanele babekhona ngaphambi bona ivowuti ingathathwa phezu koMthetho osahlongozwako namkha ukuguqulwa koMthetho osahlongozwako;

(b) Ubuncani, kunye ebuthathwini kwamalunga kufanele babekhona nakuvowutelwa enye neny indaba engaphambi kweBandla; begodu

(c) Zoke iindaba ezingaphambi kweBandla ziquntwa inengi lamavowutu aphoselweko.

(2) ILunga elinguSihlalo kuBandla Lesitjhaba akavunyelwa bona akhethe njengabanye, kodwana –

(a) kufanele aphosele ivowutu ehlukanisako lokha nangabe kunamavowutu alinganako eenhlangothini zombili phezu kombuzo othileko; begodu

(b) Angaphosela ivowutu njengabanye lokha indaba kufanele iquntwe ivowutu esekelwa

buncani benengi yobubili ebuthathwini bamalunga.

Amalungelo wamalunga athileko wekhabinethe kubandla lesitjhaba

54. UMongameli begodu nanomangiliphi ilunga leKhabinethe ongasilo ilunga leBandla Lesitjhaba angakhambela begodu akhulume kuBandla, kodwana angeze avowuta.

Amandla webandla lesitjhaba

55. (1) Ekusebenziseni amandla walo wokulawula umthetho, iBandla Lesitjhaba linga –

(a) tjheja, liphasisa, liguqule namkha liqithe nomana ngimuphi umthetho ongaphambi kweBandla; begodu

(b) bonelelwa ukusungulwa nokulungiswa koMthetho, ngaphandle kweMithetho esahlongozwako yeemali.

(2) IBandla Lesitjhaba kufanele libonelele indlela –

(a) eqinisekisa bonyana wo ke amatjja wokuphatha wombuso wenarha aziphendulela kilo; begodu

(b) ebonelelwa ukutlhogonyelwa ngaphezulu –

(i) kokusetjenziswa kwamandla weKhabinethe, kufaka hlangana nokusetjenziswa komthetho; begodu

(ii) kwelinye nelinye igatja lombuso.

Obufakazi namkha umbiko ngaphambi kwebandla lesitjhaba

56. IBandla Lesitjhaba namkha enye yamakomidi walo linga –

(a) biza omunye nomunye umuntu ukucela phambi kwalo ukuzokwethula ubufakazi emva kobonyana afungile namkha aqinisekise ukukhuluma iqiniso namkha okwethula iincwadi;

(b) Bawa omunye nomunye umuntu namkha inkhungo bona izokwethula umbiko ngaphambi kwalo;

(c) Katelela, ngokulandela umthetho weNarha namkha imigomo neenqunto, omunye nomunye umuntu namkha inkhungo bona ifeze ngokokubizwa kwayo namkha iindingo ngokulandela indima

(a) namkha (b); begodu

(d) mukela iinghonyayo, iinkhalo neemphakamiso ezivela kunoma ngibaphi abantu abaneefisekelo.

Ukuhleleleka kwangaphakathi, ikambiso neendlela zebandla lesitjhaba

57. (1) IBandla Lesitjhaba –

(a) lingaunta belilawule ukuhleleka kwangaphakathi, iinkambiso neendlela zalo; begodu

(b) lingenza imigomo neenqunto ezimalungana nomsebenzi walo, kutjhejwe intando yesitjhaba ejamele begodu ivumela ukuzibandakanya kwabobo, ukuziphendulela, ukusebenzela eshashalazeni nokubandakanywa koMphakathi.

(2) Imigomo neenqunto zeBandla Lesitjhaba kufanele ibonelele –

(a) Ukusungulwa, ukubunjwa, amandla imisebenzi, iindlela neenkhati ezibekelwe amakodimidi walo;

(b) Ukufaka isandla kukambiso yeBandla begodu namakomidi weenchema ezincani ezijanyelweko, ngendlela ekhambisana nentando yenengi;

(c) irhelelho leemali begodi nelokuphatha njengombana ukujameleka kutjho, ukubonelela bonyana isichema kunye nomrholi benze imisebenzi yabo kuS'bethamthetho kuhle; begodu;

(d) ukuphathelwa phezulu komrholi wesinqhema esingesikhulu esiphikisana njengomrholi wesichema esiPhikisako.

Ukuvikeleka

58. (1) Amalunga weKhabinethe namalunga weBandla Lesitjhaba –

(a) anekululeko yokukhuluma nomayini ngaphakathi kweBandla namakomidi walo, ngokulandela imigomo neenqunto; begodu

(b) Angeze bamangalelwa bona bamotjhele omunye umuntu namkha ngobulelesi, babotjhe, bavalelwe namkha bahlawuliswe ngalokhu –

- (i) Okunye nokunye abakukhulume, abakunikele namkha bakwethule ngaphambi kweBandla namkha kwenye nenye yamakomidi walo; namkha
- (ii) Okunye nokunye okuvezwe ikulumo etjhiweko, okunikelweko namkha okwethulwe ngaphambi kweBandla namkha kwenye nenye yamakomidi walo.
- (2) Okunye ukuvikeleka nokulibalelwa kweBandla Lesitjhaba, amalunga weKhabinethe namalunga weBandla kungabekwa Mthetho weNarha.
- (3) Imirholo, izabelo ezingezelela umrholo nemizuzo ebhadelwa amalunga weBandla Lesitjhaba idoswa ngokutlhamaleleko kusikhwama semali yombuso seNarha. Ukufikelela komphakathi kuBandla nokuzibandakanya komphakathi eendabeni zeBandla lesitjhaba

59. (1) IBandla lesitjhaba kufanele –

- (a) ligcugcuzele ukuzibandakanya komphathi kuS’bethamthetho begodu neenkambiso ezinye zeBandla kunye nakumakomiti walo;
- (b) lizakulawula ibhisimisi yalo ngendlela evulekileko, belibambe imihlangano yalo, nkodwana amagadango ezwakalako angathathwa –
  - (i) ukulawula ukufikelela komphakathi kubandla, kufaka hlangana nokufikelela zokurhatjha, kuBandla lesitjhaba namakomiti walo; begodu
  - (ii) Ukubonela ukusetjiswa kwanoma ngumuphi umuntu begodu, naku fanele lokho, kwalelwe ukungena ngaphakathi, namkha ukukhitjiswa kwanoma ngumuphi umuntu.
- (2) IBandla liestjhaba angeza lavimbela uphakathi, kufaka hlangana bezokurhatjha namaphephandaba ukukhambela imihlangano yekomidi ngaphandle kwalokha kuzwakalako begodu kufanelekile bonyana kwenziwe lokho emphakathini ovulekileko newentando yesitjhaba.

#### UMKHANDLU WENARHA WAMAPROVINSI

Ukubunjwa koMkhandlu weNarha

- 60. (1) UMkhandlu weNarha wamaProvinsi ubunjwa siqhema esisodwa esinamalunga alishumi abathunyelwa bona bajamele iProvinsi enye nenye.
- (2) Amalunga alishumi lawo athunyelwako ngila –
  - (a) malunga amane asipetjheli abangobo –
    - (i) uNdunakulu weProvinsi, namkha lokha uNdunakulu angaphumeleli, elinye nelinye ilunga lesibethamthetho seProvinsi elikhonjwe nguNdunakulu bona ajamele iProvinsi leyo sam’futhi namkha acalane nomsebenzi othile ophambi koMkhandlu weNarha.
    - (ii) amalunga amanye amathathu azithunywa zesipetsheli; begodu
  - (b) Amalunga amathandathu angabajameli ngokuzeleko abakhethwe ngokulandela isigaba 61
- (2).
- (3) UNdunakulu weProvinsi, namkha lokha uNdunakulu angaphumeleli, ilunga lesiqhema elikhonjwe ngileso siqhema lizakudosa phambili isiqhema samalunga azithunywa.

Ukunikelwa kwamalunga asinthunywa

- 61. (1) Iinhlangano ezijanyelweko kuS’betha mthetho seProvinsi zinelungelo lokuba namalunga azithunywa ngaphakathi kwesiqhema samalunga ajamela iProvinsi ngendlela ekhambisana nenani elendlelwe kuncenye B yeSheduli 3.
- (2) Ngaphakathi kwamalunga ama 30 emva kokumenyenzelwa imiphumela yamakhetho wes’bethamthetho seProvinsi, is’bethamthetho kufanele –
  - (a) Siqunte, ngendlela elungileko etjhiwo Mthetho weNarha, inani lamalunga weenhlangano azokuba malunga azithunywa ngokuzeleko begodu nenani lalabo abazokuba malunga asipetjhele; begodu
  - (b) Sikhethe amalunga azithunywa ngokuzeleko ngokukhambisana ngeenyulo zeenhlangano.
- (3) Is’bethamthetho esitjhiwiwo kusigatjana (2)(a) kufanele siqinisekise ukubandakanyeka kweenchemba ezincani kizo zomvili iincenye zeenthunywa zasafuthi nofana ezikhethekileko zalowomhlangano ngendlela ekhambisana nentando yenengi.

(4) Isbetha-mthetho, ngemvumo kaNdunakulu begodu nabarholi beenhlango ezinelungelo lokuba nabajameli abasipetjheli esichemeni sabajameli seProvinsi, kufanele sikhethe abajameli abasipetjheli, njengoba bazakudingeka iinkhathi zoke, kusukela phakathi kwamalunga weS'bethamthetho.

Amalunga azithunywa ngokuzeleko

62. (1) Umuntu onyulwe nje ngelunga elisithunywa ngokuzelekho kufanele alungele ukuba ilunga lesibethamthetho seProvinsi.

(2) Lokha nangabe umuntu olilunga les'bethamthetho ukhethwa nje ngelunga elisithunywa ngokuzeleko, loyo Muntu uphelelwa bulunga bakhe kusibethamthetho.

(3) Amalunga azithunywa ngokuzeleko akhethwa isikhathi sokusebenza esiphela maduze phambi kokuhlala kokuthoma kwes'bethamthetho ngemva kokuthethwa kwaso okulandelako.

(4) Umuntu ulahlekelwa kukubalilunga elisithunywa ngokuzelekho lokha umuntu loyo –

(a) angasalungeli ukuba ilunga les'bethamthetho seProvinsi ngesizathu esinye nesinye ngaphandle kwalokha abalilunga elisithunywa ngokuzeleko;

(b) lokha naka bekwe esikhundleni sokuba ilunga leKhabinethe;

(c) lokha nakangasana themba kus'bethamthetho seProvinsi begodu abizelwa emva inhlango emenyulileko;

(d) lokha nakalisa ukuba lilunga lenhlangano leyo eyeyamenyula begodu adoselwa emva ngileyo inhlango; namkha

(e) lokha nakatshilileko kuMkhandlu weNarha wamaProvinsi ngaphandle kwemvuma ngaphasi kobujamo lobo imigomo neenqunto zoMkhandlu zibeka bona kufanele alahlekelwe sikhundla sokuba lilunga azithunywa ngokuzeleko.

(5) Ukuvuleka kweenkhundla hlangana namalunga azithunywa ngokuzeleko kufanele zizaliswe ngokulandela umthetho weNarha.

(6) Ngaphambi bona amalunga azithunywa ngokuzeleko angathoma ngomsebenzi ngaphakathi koMkhandlu weNarha, kufanele bafunge namkha baqinisekise bonyana bazakukhuluma iqiniso, ukwethembeka kuRiphabliki nokuthobela uMthetho-sisekelo, ngokukhambisana nesheduli 2.

Ukuhlala koMkhandlu weNarha

63. (1) UMkhandlu weNarha wamaProvinsi ungaqunta isikhathi sokuhlala kwawo, nokobonyana isikhathi sokuhlala sibengangani begodu neenkhathi zawo zokuphumula.

(2) UMongameli angabiza uMkhandlu weNarha wamaProvinsi, emhlanganweni ongakavami ukuzokwenza umsebenzi osemqoka.

(3) Ukuhlala koMkhandlu weNarha wamaProvinsi kuvunyelwe kwezinye iindawo ngaphandle kwendawo yokuhlala kwePalamende kwaphela ngeenzathu zeenrhuluphelo zomphakathi, ukuvikeleka, nofana, nangekungcono ukuhlala eendaweni lezo, begodu nangelokho kuhlinzekelwa imithetho nemiyalo yoMkhandlu.

USihlalo namaphini wabosihlalo

64. (1) UMkhandlu weNarha wamaProvinsi kufanele ukhethwe uSihlalo namaphini waboSihlalo amabili hlangana namalunga azithunywa.

(2) USihlalo nePhini likaSihlalo linye bakhethwa hlangana namalunga azithunywa ngokuzeleko, bakhethelwa iminyaka emihlanu, ngaphandle kwalokha iinkhathi zabo zokuba malunga athunyelwe kuMkhandlu ziphela msinya kuna lesosikhathi.

(3) Omunye oliPhini likaSihlalo ukhethelwa isikhathi sonyaka owodwa; begodu kufanele alandelwe esikhundleni lilunga elivela kwenye iProvinsi ukuze enye enye ijanyelwe.

(4) UMongameli wekhotso yoMthetho-sisekelo kufanele angamele amakhetho lokha nakukhethwa uSihlalo, namkha akhombela elinye ijaji ukwenza lokho. USihlalo nguye okhambisa amakhetho wamaPhini waboSihlalo.

(5) Ikambiso endlalwe kuSheduli 3 isetjenziswa lokha kukhethwa uSihlalo namaPhini waboSihlalo.

(6) UMkhandlu weNarha namaProvinsi ungasusa uSihlalo namkha iPhini likaSihlalo esikhundleni.

(7) Ngokwemithetjhwana nemigomo, uMkhandlu weNarha yamaProvinsi ungakhetha hlangana nabajameli ezinye iinkhulu eziphetheko ukurhelebha uSihlalo namaPhini waboSihlalo. Iinqunto

65. (1) Ngaphandle kwalokha uMthetho-sisekelo utjho ngendlela ehlukele –

(a) Enye nanye iProvinsi inewowutu yinye ephoselwa ebujameni beProvinsi mdosi phambili wesiqhema samalunga azinthunywa; begodu

(b) Zoke iindaba eziphambi koMkhandlu weNarha wamaProvinsi kuzakuvunyelwana ngazo lokha ukungasenani ubuncani amaProvinsi amahlanu avowutela leyo ndaba.

(2) UMthetho wePalamende, owenziwe ngokwekambiso ehloniwe nofana sigatjana (1) nofana sigatjana (2) sesigaba 76, kufanele uhlinzeke iinkambiso ezifanako lapho iimbetha-mthetho zamaProvinsi anganikela igunye kubajameli babo ukuvota eenkhundleni zabo.

Ukuzibandakanya kwamalunga wekhabinethe

66. (1) Amalunga weKhabinethe abangasiwo amalunga woMkhandlu wamaProvinsi weNarha, namaPhini waboNgqongqoshe, bangakhambela begodu bakhulume kuMkhandlu, kodwana angeze bavowuta.

(2) UMkhandlu weNarha, ungabawa ilunga leKhabinethe, iPhini likaNgqongqotjhe namkha isiphathiswa seKhabinethe namkha uMkhandlu wezokuPhatha weProvinsi bona sikhambele umhlangano woMkhandlu namkha ikomidi yoMkhandlu.

Ukuzibandakanya kwabajameli bombuso wendawo

67. Abajameli besikhatjhana abangadluli ishumi abakhonjwe mbuso ohlelekileko wendawo ngokulandela isigaba 163 ukujamela iinqhema ezahlukeleko zabomasipala, bangazibandakanya lokha nakutlhogeka, emisebenzini yoMkhandlu wamaProvinsi weNarha, kodwana angeze bavowuta.

Amandla womkhandlu wenarha

68. Ekusebenziseni amandla wawo wokulawula umthetho, uMkhandlu weNarha wamaProvinsi unga –

(a) tjheja, adlulise, uguqule, uphakamise iinguqulo namkha asule umthetho ongaphambi koMkhandlu ngokukhambisana nalesiSahluko; begodu

(b) sungula namkha ulungise umthetho owela ngaphasi kwendawo yokusebenza etlolwe kuSheduli 4 namkha omunye umthetho otjhiwo kusigaba 76 (3), kodwana angeze usungule namkha ulungise imithetho- sivivinywa ehlongozwako yeemali.

Ubufakazi namkha umbiko phambi koMkhandlu weNarha

69. UMkhandlu weNarha wamaProvinsi namkha enye nanye yamakomidi wawo anga –

(a) biza omunye nomunye umuntu ukuzovela ngaphambi kwawo ukuzokuthula ubufakazi sele afungile namkha aqinisekise ukukhuluma iqiniso, namkha ukuveza iincwadi;

(b) bawa enye nanye ihlangano namkha umuntu bona azokwethula umbiko ngaphambi kwayo;

(c) katelela, ngokulandela umthetho weNarha namkha imigomo neenqunto, umuntu omunye nomunye bonyana afeze ukubizwa kwakhe ngokulandela indima (a) namkha (b); begodu

(d) mukela iinghonyayo, izikhalo neemphakamiso ezivela komunye nomunye umuntu onefisakalelo.

Ukuhleleleka kwangaphakathi, ikambiso neendlela zomkhandlu wenarha

70. (1) UMkhandlu wamaProvinsi weNarha unga –

(a) ungaqunta beulawule ukuhleleka kwangaphakathi, iinkambiso neendlela zawo; begodu

(b) ungenza imigomo neenqunto ezimalungana nomsebenzi wawo, kutjhejwe intando yesitjhaba ejamele begodu ivumela ukuzibandakanya kwabobo, ukuziphendulela, ukusebenzela etjhatjhalazeni nokubandakanywa komphakathi.

(2) Imigomo neenqunto zoMkhandlu weNarha kufanele ihlinzekele –

- (a) ukusungulwa, ukubunjwa, amandla imisebenzi, iindlela neenkhathi ezibekelwe amakomidi wawo;
- (b) ukuzibandakanya kwamaProvinsi wo ke emisebenzini yawo ngendlela ekhambisana nentando yesitjhaba; begodu
- (c) Ukuzibandakanya ngeenkambisweni zoMkhandlu wamakomiti wawo weenqhema ezincani ezijanyelwe ngeMkhandlwini, ngomukgwa okwambisana nokubusa ngentando yesitjhaba, lokha nange indaba izokulungiswa ngokwesigaba 75.

Ukuvikela

71. (1) Amalunga azithunywa kuMkhandlu weNarha wamaProvinsi, begodu abantu abatjhiweko esigabeni 66 no 67 –

- (a) Banekululeko yokukhuluma nomayini ngaphakathi koMkhandlu namakomidi wawo, ngokulandela imithetho nemiyalo; begodu
- (b) Angeze bamangalelwa bona bamotjhele omunye umuntu namkha ngobulelesi, babotjhwe, bavalelwe namkha bahlawuliswe ngalokhu –
  - (i) Okunye nokunye abakukhulume, abakunikele, namkha bakwethule phambi koMkhandlu namkha kwenye nanye yamakomidi wawo, namkha
  - (ii) Okunye nokunye okuvezwe ikulumo etjhiweko, okunikelweko namkha okwethulwe ngaphambi koMkhandlu namkha kwenye nanye yamakomidi wawo.
- (2) Okunye ukuvikeleka nokulibalelwa koMkhandlu weNarha, amalunga athunyelwe ukujamela amaProvinsi kuMkhandlu nabantu abatjhiweko esigabeni 66 no 67 kungaquntwa Mthetho weNarha.
- (3) Imirholo, izabelo ezizalisela umrholo nemizuzo ebhadelwa amalunga athunyelwe ukujamela amaProvinsi kuMkhandlu odoswa bunqopha kusikhwama seMali yombuso seNarha. Ukufikelela nokuzibandakanya komphakathi kuMkhandlu weNarha

72. (1) UMkhandlu weNarha wamaProvinsi kufanele –

- (a) Uphumelelise ukuzibandakanya komphakathi emisebenzini yokwenza umthetho nekweminye imisebenzi yoMkhandlu namakomidi wawo; begodu
- (b) Urage umsebenzi wawo etjhatjhalazini, begodu imihlangano yawo neyamakomidi wawo ivulekele umphakathi; kodwana, amagadango azwakalako angathathwa –
  - (i) ukulawula ukufikelela komphakathi, kufaka uhlangana ukufikelela zokurhatjha namaphephandaba kuMkhandlu namakomidi wawo; begodu
  - (ii) ukubonelela bonyana omunye nomunye umuntu asetjhwe, begodu lapho kunesidingo adinywe ilungelo lokungena lapho namkha kukhitjhwe omunye nomunye umuntu.
- (2) Umkhandlo weNarha wamaProvinsi angeze wavimbela umphakathi, kufaka hlangana zokurhatjha namaphephandaba ukukhambela imihlangano yekomidi ngaphandle kwalokha lokho kufaneleka begodu kulungile kumphakathi ovulekileyo newentando yesitjhaba.

#### UKWENZWA KOMTHETHO WENARHA

Yoke imithetho esahlongozwako

- 73. (1) Omunye nomunye uMthetho - osahlongozwako ungangeniswa kuBandla Lesitjhaba.
- (2) Kwaphela ilunga leKhabinethe namkha iPhini likaNgqongqoshe, namkha ilunga, namkha ikomidi yeBandla ngenisa uMthetho-osahlongozwako kuBandla, kodwana uMthetho ohlongozwako weemali ungangeniswa kwaphela lilunga leKhabinethe eliziphendulela eendabeni zeemali zenarha kuBandla.
- (3) UMthetho-osahlongozwako, ngaphandle koMthetho-osahlongozwako weemali, owela ngaphasi kwendawo yokusebenza etlolwe kuSheduli 4 namkha otjhiweko kusigaba 76(3), ungangeniswa kuMkhandlu weNarha wamaProvinsi.
- (4) Ilunga, namkha ikomidi yoMkhandlu weNarha ngilo kwaphela elingangenisa uMthetho-osahlongozwako ngaphakathi koMkhandlu.

(5) UMthetho-osahlongozwako ophasiswe iBandla Lesitjhaba kufanele udluliselwe kuMkhandlu weNarha wamaProvinsi, nangabe ufanelwe uyelelwe Mkhandlu; uMthetho-osahlongozwako ophasiswe Mkhandlu ufanele udluliselwe kuMkhandlu.

Imithetho esahlongozwako eguqula umthetho-sisekelo

74. (1) Isigaba 1 begodu nesigatjana lesi singaguqulwa Mthetho osahlongozwako ophasiswe –

(a) Bandla lesitjhaba gevowuti esekwa okungasenani maphesente ama-75 yamalunga walo;  
(b) Mkhandlu weNarha wamaProvinsi, ngevowuti esekwa okungasenani yamaProvinsi asithandathu.

(2) Isahluko 2 singaguqulwa Mthetho-ohlongozwako owephasiswe : –

(a) IBandla lesitjhaba, ngesisekelo samavoti asibili kokuthathu wamalunga wawo; begodu  
(b) Mkhandlu weNarha wamaProvinsi, ngesisekelo samavoti asithandathu wamaProvinsi.

(3) Omunye nomunye umhlinzeko woMthetho-sisekelo ungaguqulwa ngoMthetho osahlongozwako ophasiswe : –

(a) LiBandla lesiTjhaba, ngevothi esekelwa okungenani ekubili kokuthathu yamalunga walo; begodu

(b) naMkhandlu wamaProvinsi wesiTjhaba, ngevowuti esekelako okungenani yamaProvinsi aithandathu, nange ukuguqulwa –

(i) kutjho indaba ethinta Umkhandlu;

(ii) kuguqula imincele, amandla, imisebenzi nofana imakhiwo yeProvinsi; nofana

(iii) kuguqula umhlinzeko osebenza ngokunqophileko ngendaba yeProvinsi.

(4) Umthetho osahlongozwako oguqula uMthetho sisikelo angeze wafaka imihlinzeko ngaphandle kweenguquko neendaba ezihlangene neenguquko.

(5) Okungenani amalanga ama-30 ngaphambi kobana uMthetho osahlongozwako oguqula uMthetho-sisekelo uvezwa ngokwsigaba 73(2) umuntu nofana ikomiti ezimisele ukuveza uMthetho osahlongozwako kufanele –

(a) waziswe ngakuMthetho oGadangisweko weNarha, begodu ngokukhambisana nemithetho nemiyalo yeBandla lesitjhaba, imininingwana yenguqulo ehlongozweko bona umphakathi ube nemibono.

(b) adlulise, ngokukhambisana nemigomo neenqunto zeBandla lesitjhaba, leyomininingwane kuS'bethamthetho seProvinsi bona siveze imibono yaso.

(c) anikele, ngokukhambisana nemithetho nemiyalo yoMkhandlu wamaProvinsi weNarha, imininingwana leyo ngeMkhandlwini bona kube nekulumo-pikiswano, nange inguqulo ehlongozweko akusinguqulo ebesidinga bona iphasiswe Mkhandlu.

(6) Lokha uMthetho-ohlongozwako oguqula umthetho-sisekelo uvezwa, umuntu nofana ikomiti evezwa uMthetho-ohlongozwako kufanele anikele eminye nemine imibono etloliweko evela emphakathini neembethamthetho zamaProvinsi –

(a) KuSpeaker bona awendlale ngeBandla lesitjhaba; begodu

(b) malunga neenguqulo ezitjhiwe ngesigatjeneni (1), (2), nofana (3)(b), kusihlolo woMkhandlu wamaProvinsi weNarha bona awendlale ngeMkhandlwini.

(7) Umthetho-ohlongozwako oguqula umthetho-sisekelo angeze wavowutelwa ngeBandla lesitjhaba ngaphambi kwamalanga ama-30 woku –

(a) vezwa kwaqo, nange iBandla lihlangene lokha uMthetho ohlongozwako uveziwe; nofana

(b) wokwendlalwa ngeBandla, nange iBandla lisesekuphumuleni lokha uMthetho osahlongozwako uvezwa.

(8) Nange uMthetho-osahlongozwako otjhiwe ngesigatjaneni (3)(b), nofana enye nanye incenye yoMthetho-osahlongozwako, umalungana kwaphela neProvinsi nofana amaProvinsi athize, uMkhandlu weNarha wamaProvinsi angenze waphasisa uMthetho-osahlongozwako nofana incenye eqaleneko ngaphandle kobana ivunye s'bethamthetho nofana iimbethamthetho

zeProvinsi nofana ZamaProvinsi athintekileko.

(9) Umthetho-ohlongozwako oququla uMthetho-sisekelo loyo odluliselwe kuBandla lesitjhaba begodu, lapho kufaneleko, Mkhandlu weNarha wamaProvinsi, kufanele udluliselwe kuMongameli bonyana awutlikitle.

Imithetho-esahlongozwako engaphandle kweSheduli 4

75. (1) Lokha iBandla Lesitjhaba liphasisa uMthetho-osahlongozwako owela ngaphandle kwezindawo zokusebenza ezitlolwe kuSheduli 4, uMthetho-osahlongozwako loyo kufanele udluliselwe kuMkhandlu weNarha wamaProvinsi begodu usetjenzwe ngokukhambisana nendlela elandelako:

(a) UMkhandlu weNarha ungenza okunye kwalokhu –

(i) ungaphasisa uMthetho-osahlongozwako loyo;

(ii) ungaphasisa uMthetho-osahlongozwako loyo lokha nakuthathwa iinguqulo eziphakamiswe ngiwo; namkha

(iii) ungaqitha umthetho-osahlongozwako loyo.

(b) Lokha nangabe uMkhandlu weNarha uphasisa uMthetho-osahlongozwako loyo ngaphandle kokwenza iziphakamiso, uMthetho-osahlongozwako loyo kufanele udluliselwe kuMongameli bona awamukele.

(c) Lokha nangabe uMkhandlu weNarha uqitha uMthetho-osahlongozwako, namkha uwuphasisa neemphakamiso, iBandla Lesitjhaba kufanele litjheje kabutjha uMthetho-osahlongozwako loyo, uthathele ehloko iziphakamiso zoMkhandlu, begodu unga –

(i) buyelela uphasise uMthetho-osahlongozwako neemphakamiso namkha ngaphandle kwazo; namkha

(ii) qunta bona awusarageli phambili ngomthetho-osahlongozwako loyo.

(d) UMthetho-osahlongozwako ophasiswe liBandla Lesitjhaba ngokulandela indima (c) kufanele udluliselwe kuMongameli bona awamukele.

(2) Lokha iBandla Lesitjhaba liwuvotela umbuzo ngokulandela isigaba lesi, isigaba 65 asizukusebenza; okuzakwenzeka ngilokhu –

(a) Elinye nelinye ilunga elithunyelwe ukujamela iProvinsi kuMkhandlu line vowutu inye;

(b) Kunye ebuthathwini bamalunga aziinithunywa kufanele babekhona ngaphambi bona kuvowutelwe umbuzo loyo; begodu

(c) Umbuzo lowo uquntwa linengi lamavowutu aphoselweko, kodwana nangabe kuba nenani elilinganako lamavowutu ngakwelinye nelinye ihlangothi lombuzo, ilunga elithunyelwe ukujamela iProvinsi elinguSihlalo kufanele liphosele ivowuti.

Imithetho-esahlongozwako ejwayekileko ethinta amaProvinsi

76. (1) Lokha iBandla Lesitjhaba liphasisa uMthetho-osahlongozwako otjhiwokusigatjana (3), (4) namkha (5), somthetho-osahlongozwako kufanele udluliselwe kumkhandlu weNarha womaprovinsi begodu usebenze ngawo ngendlela elandelako:

(a) UMkhandlu kufanele –

(i) udlulise uMthetho-osahlongozwako loyo;

(ii) udlulise uMthetho-osahlongozwako wenguqulo;

(iii) uqithe loyoMthetho-osahlongozwako.

(b) Nangabe uMkhandlu weNarha uphasisa uMthetho-osahlongozwako loyo ngaphandle keenguqulo, uMthetho-osahlongozwako loyo kufanele udluliselwe kuMongameli bona awamukele.

(c) Lokha uMkhandlu weNarha udlulisa umthetho-osahlongozwako wenguqulo kufanele udluliselwe kuBandla Lesitjhaba, begodu lokha iBandla liphasisa uMthetho-osahlongozwako woguqulo loyo, kufanele udluliselwe kuMongameli bona awamukele.

(d) Nangabe uMkhandlu weNarha uyawuqitha uMthetho-osahlongozwako loyo, namkha lokha iBandla Lesitjhaba lingavumi ukudlulisa uMthetho-osahlongozwako wenguqulo, odluliselwe



kilo ngokwendima (c), uMthetho-osahlongozwako loyo, begodu nakwenzeka, uMthetho-osahlongozwako woguqulo, kufanele uthunyelwe kuKomidi yezokuLamula, leyo engavumelana nalokhu –

- (i) noMthetho-osahlongozwako njengoba uphasiswe liBandla;
  - (ii) noMthetho-osahlongozwako woguqulo njengoba uphasiswe Mkhandlu;
  - (iii) UMthetho-osahlongozwako ohlukileko.
  - (e) Lokha nangabe iKomidi yezokuLamula ibhalelwa kuvumelana ngaphakathi kwamalanga ama 30 kusukela ngelanga uMthetho-osahlongozwako udluliselwe kiyo, uMthetho-osahlongozwako loyo uphelelwa sikhathi, ngaphandle kwalokha iBandla Lesitjhaba libuyelela liwuphasisa loyoMthetho-osahlongozwako, kodwana lisekelwa mavowutu abuncani bobubili ebuthathwini kwamalunga walo.
  - (f) Lokha nangabe iKomidi yezokuLamula ivumelana ngoMthetho-osahlongozwako njengoba uphasiswe liBandla Lesitjhaba, uMthetho-osahlongozwako lo kufanele udluliselwe kuMkhandlu weNarha, begodu lokha nangabe uMkhandlu uyawuphasisa uMthetho-osahlongozwako loyo, kufanele udluliselwe kuMongameli bona awamukele.
  - (g) Lokha nangabe iKomidi yezokuLamula ivumelana phezu koMthetho-osahlongozwako woguqulo njengoba uphasiswe Mkhandlu weNarha, uMthetho-osahlongozwako loyo kufanele udluliselwe kuBandla Lesitjhaba, begodu lokha iBandla liwuphasisa, kufanele udluliselwe kuMongameli bona awamukele.
  - (h) Lokha nangabe iKomidi yezokuLamula ivumelana ngomthetho-osahlongozwako ohlukileko, uMthetho-osahlongozwako ohlukileko loyo kufanele udluliselwe kuBandla Lesitjhaba noMkhandlu weNarha womabili, begodu lokha nangabe uphasiswa liBandla noMkhandlu, kufanele udluliselwe kuMongameli bona awamukele.
  - (i) Nangabe uMthetho-osahlongozwako odluliselwe kuMkhandlu weNarha ngokulandelako indima [(f) namkha] (h) awuphasiswa Mkhandlu, uMthetho-osahlongozwako loyo uphelelwa sikhathi ngaphandle kwalokha iBandla Lesitjhaba liphasisa uMthetho-osahlongozwako loyo lisekelwe mavowutu wobuncani bobubili ebuthathwini kwamalunga walo.
  - (j) Nangabe uMthetho-osahlongozwako odluliselwe kuBandla Lesitjhaba ngokulandela indima (g) namkha (h) awuphasiswa liBandla, namkha lokha nangabe uMthetho-osahlongozwako odluliselwe kuMkhandlu ngokulandela indima (f) awuphasiswa Mkhandlu, uMthetho-osahlongozwako njengoba uphasiswe ekuthomeni liBandla, ungabuyelelwa ophasiswe liBandla, kodwana lisekelwe ivowutu yobuncani bobubili ebuthathwini yamalunga walo.
  - (k) UMthetho-osahlongozwako ophasiswe liBandla Lesitjhaba ngokulandela indima (e), (i) namkha (j) kufanele udluliselwe kuMongameli bona awamukele.
- (2) Lokha uMkhandlu weNarha ophasisa uMthetho-osahlongozwako owela ngaphasi kwendawo yokusebenza etlolwe kuSheduli 4, uMthetho-sisekelo loyo kufanele udluliselwe kuBandla Lesitjhaba begodu usetjenzwe ngendlela elandelako:
- (a) IBandla Lesitjhaba kufanele –
    - (i) liphasisa uMthetho-osahlongozwako loyo;
    - (ii) liphasisa uMthetho-osahlongozwako woguqulo; namkha
    - (iii) liqithe uMthetho-osahlongozwako loyo.
  - (b) UMthetho-osahlongozwako ophasiswe liBandla Lesitjhaba ngokulandela indima (a) (i) kufanele udluliselwe kuMongameli bona awamukele.
  - (c) Lokha nangabe iBandla Lesitjhaba liphasisa uMthetho-osahlongozwako woguqulo, loyo Mthetho-osahlongozwako woguqulo kufanele udluliselwe kuMkhandlu weNarha, begodu lokha nangabe uMkhandlu uyawuphasisa lomthetho-osahlongozwako woguqulo, kufanele udluliselwe kuMongameli bona awamukele.
  - (d) Lokha nangabe iBandla Lesitjhaba liyawuqitha uMthetho-osahlongozwako loyo, namkha lokha uMkhandlu weNarha ungavumi ukuphasisa uMthetho-osahlongozwako woguqulo

odluliselwe kiwo ngokulandela indima (c), umthetho-osahlongozwako woguqulo, nakwenzeka, kufanele udluliselwe kuKomidi yezokuLawula, leyo engavumelanako ngalokhu –

- (i) NgoMthetho-osahlongozwako njengoba uphasiswe Mkhandlu;
- (ii) ngoMthetho-osahlongozwako woguqulo njengoba uphasiswe liBandla; namkha
- (iii) ngoMthetho-osahlongozwako ohlukileko.

(e) Lokha iKomidi yezokuLamula ibhalelwa kuvumelana ngaphakathi kwamalanga ama 30 uMthetho-osahlongozwako loyo udluliselwe kiyo, uMthetho-ohlongozwako loyo uphelelwa sikhathi.

(f) Lokha iKomidi yezokuLamula ivumelana ngomthetho njengoba uphasiswe Mkhandlu weNarha, uMthetho-osahlongozwako loyo kufanele udluliselwe iBandla Lesitjhaba, begodu lokha iBandla liphasisa uMthetho-osahlongozwako lo, kufanele udluliselwe kuMongameli bona awamukele.

(g) Lokha iKomitjhana yokuLamula ivumelana ngomthetho-osahlongozwako woguqululo, uMthetho-osahlongozwako lo kufanele udluliselwe kuMkhandlu weNarha, begodu lokha uMkhandlu uwuphasisa, kufanele udluliselwe kuMongameli bona awamukele.

(h) Lokha iKomidi yezokuLamula ivumelana ngoMthetho-osahlongozwako ohlukileko, uMthetho-ohlongozwako ohlukileko loyo kufanele udluliselwe kuMkhandlu weNarha neBandla Lesitjhaba kokubili, begodu lokha uphasiswa Mkhandlu neBandla, kufanele udluliselwe kuMongameli bona awamukele.

(i) Lokha nangabe uMthetho-osahlongozwako odluliselwe kuBandla Lesitjhaba ngokulandela indima (f) namkha (h) awuphasiswa liBandla, uMthetho-osahlongozwako lo uphelelwa sikhathi.

(3) UMthetho-osahlongozwako ungasetjenzwa nganoma ikambiso esungulwe sigatjana (1) namkha (2) lokha nangabe ubonelela umthetho otjhiwo ngesinye seengatjana ezilandelako:

- (a) isigaba 65(2);
- (b) isigaba 163
- (c) isigaba 182
- (d) isigaba 195(3) no (4)
- (e) isigaba 196; begodu
- (f) nesigaba 197.

(4) UMthetho-osahlongozwako kufanele usetjenzwe ngokukhambisana nendlela esungulwe sigatjana (1) nangabe ubonelela uMthetho –

- (a) Otjhiweko kusigaba 44(2) namkha 220(3); namkha
- (b) Otjhiweko lapha kunye Esahlukweni se 13 begodu othinta iinrhuluphelo zeemali zezinga lombuso weProvinsi.

(5) UMthetho-osahlongozwako otjhiwo kusigaba 42(6) ufanele usetjenzwe ngokukhambisana nendlela esungulwe sigatjana (1) ngaphandle kwalokha –

(a) Lokha iBandla Lesitjhaba livowutela uMthetho-osahlongozwako, izimiso zesigaba 53(1) angeze zisetjenziswe, okwenzako ngokobonyana loMthetho-osahlongozwako ongaphasiswa kwaphela nangabe inengi lamalunga weBandla awusekela ngevowutu; begodu

(b) Nangabe lowoMthetho-osahlongozwako udluliselwe kuKomidi yezokuLamula imigomo elandelako ezakusetjenziswa –

(i) Nangabe iBandla Lesitjhaba litjheja uMthetho-osahlongozwako ngokutjhiwo sigatjana 1(g) namkha (h) lowoMthetho-osahlongozwako ungaphasiswa lokha inengi lamalunga weBandla awusekela ngevowutu.

(ii) Nangabe iBandla Lesitjhaba litjheja namkha litjheja kabutjha uMthetho-osahlongozwako ngokutjhiwo sigaba (1)(e),(i) namkha (j), lowoMthetho-osahlongozwako ongaphasiswa lokha nangabe ubuncani bobubili ebuthathwini kwamalunga weBandla awusekela ngevowutu.

Imithetho-esahlongozwako yeemali

77. (1) UMthetho-osahlongozwako onikela ngeemali nofana obhadelisa imithelo, iintela

nofana imithelo yepahla uMthetho osahlongozwako wemali. Umthetho osahlongozwako angeze wasebenza ngenye nenge indaba ngaphandle kwendatjana ekhambisana nokunikelawa kw mali nofana ukubhadlelwa kwemithelo, iinela nofana imithelo yepahla.

(2) Yoke iMithetho - esahlongozwako yemali ifanele icatjangelwe ngokukhambisana nekambiso ehlonjwe sisahluko 75. Umthetho wePalamende ufanele uhlinzekele ikambiso yokuguqula iMithetho yemali ngePalamende.

IKomidi yezokuLamula

78. (1) IKomidi yezokuLamula ibunjwa –

(a) Malunga alithoba weBandla Lesitjhaba abakhethwe iBandla ngokukhambisana nendlela endlalwe migomo neenqunto zeBandla, okuzakufinyelela lapha khona ukujanyelwa kweenhlangano kuzakufana khulu nokujanyelwa kwazo iinhlangano lezi ngakuBandla: begodu

(b) ilunga elilodwa elikhethwe sichema esinye nesinye samalunga athunyelwe bona ajamele iProvinsi enye nenge kuMkhandlu weNarha wamaProvinsi, elikhethwe ngilesiqhema.

(2) iKomidi yezokuLamula ivumelene ngoMthetho-osahlongozwako ohlukileko, namkha ithethe isiqunto phezu kombuzo, lokha umthetho ohlukileko loyo, namkha ihlangathi lombuzo lisekelwa –

(a) buncani babajameli abahlanu beBandla Lesitjhaba; begodu

(b) buncani babajameli abahlanu boMkhandlu weNarha.

Ukwamukelwa kwemithetho-esahlongozwako

79. (1) UMongameli kufanele amukele begodu atlikitle uMthetho-osahlongozwako ophasiswe ngokulandela iSahluko lesi, namkha lokha uMongameli anokungabaza ngoku khambisana nomthetho-sisekelo kwaloyo Mthetho-osahlongozwako, kufanele awubuyisele emva kuBandla Lesitjhaba bona iyowuhlolisisa kabutjha.

(2) Imigomo ehlanganyelweko kufanele ibonelele indlela leyo ngayo nomhlobo lowo ngawo iBandla Lesitjhaba noMkhandlu weNarha wamaProvinsi ingazibandakanya ngayo ekuhlolisiseni kabutjha uMthetho-osahlongozwako.

(3) UMkhandlu weNarha wamaProvinsi ufanele uzibandakanye ekuhlolisiseni kabutjha koMthetho-osahlongozwako lowo uMongameli awubuyisele emva kuPalamende nangabe.

(a) ukungabaza kukaMongameli ngokukhambisana noMthetho-sisekelo koMthetho-osahlongozwako lowo kumalungana nendaba yekambiso ethinta loMkhandlu; namkha

(b) isahluko 74(1), (2) nofana (3)(b) nofana 76 sasebenziswa ekuphasisweni koMthetho-osahlongozwako.

(4) Nangabe uMthetho-osahlongozwako ngemva kokuhlolisiswa kabutjha utjheja ukungabaza kukaMongameli, uMongameli ufanele amukele begodu atlikitle lowo Mthetho-osahlongozwako; nawungatjheji lokho, uMongameli angenza okunye kwalokhu:

(a) angamukela begodu atlikitle lowoMthetho-osahlongozwako;

(b) angadlulisela lowoMthetho-osahlongozwako ekhotho yoMthetho-sisekelo bonyana ithathe isiqunto ngokukhambisana kwako noMthetho-sisekelo.

(5) Lokha nangabe ikhotho yoMthetho-sisekelo iqunta bonyana lowoMthetho-osahlongozwako ukhambisana noMthetho-sisekelo, uMongameli kufanele awamukele begodu awutlikitle.

Isibawo samalunga webandla lesitjhaba ngekhotho yomthetho-sisekelo

80. (1) Amalunga weBandla Lesitjhaba angenza isibawo eKhotho yoMthetho-sisekelo bona ikhiphe isiqunto isitjho bona uMthetho-osahlongozwako woke namkha ingcenyeye yayo, ophasiswe liBandla Lesitjhaba awukhambisani noMthetho-sisekelo.

(2) Isibawo –

(a) kufanele sisekelwe buncani bobunye ebuthathwini kwamalunga weBandla; begodu

(b) kufanele senzwe emva bona uMongameli amukele begodu atlikitle umthetho-osahlongozwako loyo, begodu ngaphakathi kwamalunga ama 30 kusukela kulelolang.

(3) iKhotho yoMthetho-sisekelo ingaqunta bona woke uMthetho namkha ingcenywe yawo leyo enthintwa sibawo ngokulandela isigatjana (1) awunamandla woMthetho kuze kufike lapha ikhotho ithatha isiqunto ngesibawo lesi, lokha nangabe –

(a) iinrholuphelo zezobulungiswa ziyakudinga lokho; begodu

(b) isibawo sisebujameni obuzwakalako bona singaphumelela.

(4) Lokha isibawo lesi singaphumeleli, ikhotho yoMthetho-sisekelo kufanele igunyaze bona abamangali besibawo lesi babhadele iindleko, ngaphandle kwalokha isibawo lesi besinekgonakalo ezwakalako bona singaphumelela.

Ukwaziswa kweMithetho

81. UMthetho-osahlongozwako ovunywe bewatlikitlwa nguMongemeli uba Mthetho, ufanele umenyezelwe msinya, begodu uthoma ukusebenza lokha nawumenyezelweko nofana ngesuku eliquntwe ngokoMthetho.

Ukulondwa kweMithetho yePalamende

82. IKhopi etlikitlweko yoMthetho wePalamende ibufakazi obuzeleko bezimiso zalowo Mthetho begodu, sele umenyezelwe kufanele unikelwe iKhotho yoMthetho-sisekelo bona iwulonde.

## ISAHLUKO 5

### UMONGAMELI NEKHABINETHE

UMongameli

83. UMongameli –

(a) UyiHloko yoMbuso nehloko yeKhabinethe;

(b) Kufanele athobele, avikele begodu ahloniphe uMthetho-sisekelo njengoMthetho ngaphezulu kuRiphabliki; begodu

(c) Uthuthukisa ibumbano lesitjhaba nalokho okuphumelelisa iRiphabliki.

Amandla nemisebenzi kaMongameli

84. (1) uMongameli unamandla athweswe Mthetho-sisekelo noMthetho, kufaka hlangana amandla athogekako ukwenza imisebenzi yokuba yiHloko yoMbuso begodu nehloko yeKhabinethe.

(2) uMongameli uziphendulela kilokhu –

(a) ekwamukeleni nekutlikitleni iMithetho-esahlongozwako;

(b) ekubuyiseleni emva koMthetho-osahlongozwako ePalamende bona ihlolise kabutjha ukukhambisana noMthetho-sisekelo kwaloyomthetho osahlongozwako;

(c) ekudluliseni uMthetho-sisekelo eKhotho yoMthetho-sisekelo bona ithathe isiqunto bona uyakhambisana noMthetho-sisekelo na;

(d) ekubizeni iBandla Lesitjhaba, uMkhandlu weNarha wamaProvinsi namkha iPalamende bona izokuhlala ngokungakavami bona yenze imisebenzi eqakatheke khulu;

(e) ekuzaliseni ezinye nezinye iinkhundla lezo ngokoMthetho-sisekelo namkha ngokoMthetho omenyezelweko ezidinga bona zizaliswe nguMongameli, ngaphandle kwesikhundla sehloko yeKhabinethe;

(f) nakabeka amaKomitjhana wokuphenyisisa;

(g) nakamemezela ireferandamu yenarha mazombe ngokulandela uMthetho wePalamende;

(h) nakamukela begodu avumela iinvakatjhi zombebele ezijamele amazwe wangaphandle;

(i) nakabeka abajameli zombebele benarha le bona bajamele inarha le emazweni wangaphandle;

(j) nakalibalela abantu abasele babonwe umlandu begodu ehlisa ihlawulo namkha loku abemukwe kona; begodu

(k) nakethula iziqu zokuhlonitjha.

Amandla wokulawula weKhabinethe yeRiphabliki

85. (1) Amandla welawulo yeRiphabliki athweswe uMongameli.

(2) UMongameli usebenzisa amandla weKhabinethe, namanye amalunga weKhabinethe, ngoku –

- (a) Phumelelisa umthetho weNarha ngaphandle kwalokha loMthetho-sisekelo namkha uMthetho wePalamende ubeka okuhlukileko;
- (b) ngokuthuthukisa nokusebenzisa indlela yekambiso yenarha;
- (c) ukuchumanisa imisebenzi yeminyango yoMbuso neyozokuphatha;
- (d) ukulungisa nokusungula umthetho; begodu
- (e) ukwenza omunye nomunye umsebenzi weKhabinethe otjhiwo ngaphakathi koMthetho-sisekelo namkha ngaphakathi komthetho weNarha.

Ukukhethwa koMongameli

86. (1) Lokha nalihlala kokuthoma, nalokha kutlhogeka ukuzalisa isikhundla, iBandla lesitjhaba kufanele likhethe umfazi namkha indoda hlangana namalunga wawo bona abenguMongameli.

(2) UMongameli weKhotho yoMthetho-sisekelo ufanele akhambise amakhetho wakaMongameli, namkha akhombela elinye ijaji bona lenze lokho. Ikambiso endlalwe kuSheduli 3 ngiyo ezakulandelwa lokha nakukhethwa uMongameli.

(3) Amakhetho wokuvala isikhala sesikhundla sikaMongameli kufanele abanjwe ngesikhathi begodu nangalanga elikhethwe nguMongameli weKhotho yoMthetho-sisekelo, lokhu kufanele kwenzeke kungakadluli amalunga ama 30 isikhala leso sivulekile.

Ukuthoma ukusebenza kwakaMongameli

87. Emva kokukhethwa bona abenguMongameli, loyo muntu utjhiya phasi ukuba lilunga leBandla lesitjhaba, begodu ufanele, kungakadluli amalunga amahlanu, athome ngomberego wakhe ngokwenza isifungo, namkha enze isibopho ukuthembeka kuRiphabliki nokuthobela uMthetho-sisekelo ngokukhambisana neSheduli 2.

Isikhathi esibekelwe ukuba nguMongameli

88. (1) Isikhathi sokuba nguMongameli sithoma lokha athoma ukusebenza esikhundleni sake begodu siphela lokha nakuba nesikhala namkha lokha uma umuntu akhethwe ukuba nguMongameli olandelako athoma ukusebenza.

(2) Akekho umuntu ozakuba sesikhundleni sikaMongameli amahlandla (terms) adlula kwamabili, kodwana lokha umuntu nakakhethelwa ukuvala isikhundla sikaMongameli, isikhathi esihlangana nokukhethwa kwakhe lokho beze kufike amakhetho alandelako kaMongameli asithathwa njengesikhathi sobumengameli.

Ukususwa kwakaMongameli

89. (1) IBandla lesitjhaba, ngesiqunto esisekelwa buncani bobunye ebuthathwini kwamalunga walo lingasusa uMongameli esikhundleni kwaphela ngezizathu lezi –

- (a) ukuphula koMthetho-sisekelo okudanisako;
- (b) ukuziphatha kumbi okudanisako; namkha
- (c) ukubhalelwa ukwenza umberego wesikhundla sakhe.

(2) Omunye nomunye umuntu osuswe esihlalweni sikaMongameli ngokulandela isigatjana (1)(a) namkha (b) angeze athole nofana ngimaphi amazuzo wesikhundla leso begodu apha the isikhundla sokusebenzela umphakathi.

Umjaphethe kaMongameli

90. (1) Lokha uMongameli angekho ngaphakathi kweRiphabliki namkha lokha nakabhelelwa kwenza imisebenzi yakaMongameli, nalokha kunesikhala sikaMongameli, omunye umuntu osesikhundleni ngokulandelana okungaphasi ubangumjaphethe kaMongameli –

- (a) iphini likaMongameli.
- (b) uNgqongqoshe okhonjwe nguMongameli.
- (c) uNgqongqoshe okhonjwe ngamanye amalunga weKhabinethe.
- (d) uSpeaker kuze kufike lapho iBandla Lesitjhaba lekhomba omunye wamalunga walo.

- (2) UMjaphethe kaMongameli unamandla, ukuziphendulela nemisebenzi kaMongameli.
- (3) Ngaphambi kobonyana angathatha ukuziphendulela, iimbopho nemisebenzi kaMongameli, uMjaphethe kaMongameli ufanele afunge namkha enze isibopho, ukuthembeka kuRiphabliki nokuthobela uMthetho-sisekelo, ngokukhambisana neSheduli 2.

#### IKhabinethe

91. (1) IKhabinethe ibunjwa nguMongameli njengehloko yeKhabinethe, iPhini likaMongameli naboNgqongqoshe.
- (2) UMongameli nguye okhetha iPhini likaMongameli, naboNgqongqoshe, ubanikela amandla nemisebenzi, begodu angabasusa eenhlalweni.
- (3) UMongameli –
  - (a) kufanele akhetha iPhini likaMongameli hlangana namalunga weBandla Lesitjhaba;
  - (b) angakhetha nofana ngiliphi inani laboNgqongqoshe hlangana namalunga weBandla Lesitjhaba; begodu
  - (c) angakhetha aboNgqongqoshe abangadluli kwababili abangabantu abavela ngaphandle kweBandla.
- (4) UMongameli kufanele akhetha ilunga leKhabinethe bona libemrholi wemisebenzi yombuso ngaphakathi kweBandla Lesitjhaba.
- (5) IPhini likaMongameli kufanele lirhelebe uMongameli ekurageni imisebenzi yombuso.

#### Ukuziphendulela neembopho

92. (1) IPhini likaMongameli naboNgqongqoshe bazakuziphendulela kulawo amandla nemisebenzi yeKhabinethe abanikelwe yona nguMongameli.
- (2) Amalunga weKhabinethe baziphendulela ngokuhlanganelwa begodu nangokomunye nomunye kuPalamende ekurageni imisebenzi yabo.
- (3) Amalunga weKhabinethe kufanele –
  - (a) asebenze ngokukhambisana noMthetho-sisekelo; begodu
  - (b) ethulele iPalamende ngeenkathathi zoke imibiko ezeleko malungana neendaba ezingaphasi kwelawulo lwabo.

#### Amaphini waboNgqongqoshe

93. UMongameli angakhetha amaPhini waboNgqongqoshe hlangana namalunga weBandla Lesitjhaba ukurheleba amalunga weKhabinethe, begodu angabasusa eenkhundleni.

#### Ukuragela phambili kweKhabinethe emva kwamakhetho

94. Lokha amakhetho weBandla Lesitjhaba abanjwa, iKhabinethe, iPhini likaMongameli, aboNgqongqoshe nelinye nelinye iPhini likaNgqongqoshe bahlala banamandla wokusebenza kufikela lapha umuntu okhethwe ukuba nguMongameli iBandla elilandelako, athoma ukusebenza. Ukufunga namkha ukuzibopha

95. Ngaphambi bonyana iPhini likaMongameli, aboNgqongqoshe namaPhini wabo Ngqongqoshe bathome ukusebenza eenkhundleni zabo, kufanele bafunge namkha benze iimbopho, ukuthembeka kwabo kuRiphabliki nokuthobela uMthetho-sisekelo, ngokukhambisana neSheduli 2.

#### Ukuziphatha kwamalunga weKhabinethe namaphini waboNgqongqotjhe

96. (1) Amalunga weKhabinethe namaPhini waboNgqongqoshe kufanele aziphathe ngendlela eyamukelekako yokuziphatha ebekwe mthetho weNarha.
- (2) Amalunga weKhabinethe namaPhini waboNgqongqoshe ngeze bavunyelwa bonyana –
  - (a) benze omunye umberego abazokubhadelelwa wona;
  - (b) baziphathe ngendlela engakhambisani neenkhundla zabo namkha bazivumele ukuthi babe sebujaameni lapho ngunengozi yokutjhaisana phakathi kwemiberego yabo yombuso neenrhuluphelo zabo zangeqadi; namkha
  - (c) baberegise iinkhundla zabo namkha omunye nomunye umbiko abawuthole ngesibanga semberego wabo ukuzingenisela imali namkha benzele omunye umuntu inzuzo ngendlela

ephambene nokulunga.

Ukudluliselwa kwemisebenzi

97. UMongameli, ngesimemezelo somthetho angadlulisela kulunga leKhabinethe –
- (a) ukuphathwa komunye nomunye umthetho obewunikelwe elinye ilunga; namkha
  - (b) amanye namanye amandla namkha eminye neminye imisebenzi ebeyinikelwe elinye ilunga mthetho.

Ukunikelwa kwemisebenzi kwesikhatjhana

98. UMongameli anganikela ilunga leKhabinethe omunye nomunye umsebenzi welinye ilunga elitshwilileko namkha ongaphumeleleko okwenza imisebenzi yakhe.

Ukunikelwa kwemisebenzi

99. Lilunga leKhabinethe linganikela amanye namanye amandla namkha umsebenzi kulilunga loMkhandlu wezokuphatha weProvinsi namkha kuMkhandlu kaMasipala. Ukunikelwa –

- (a) kufanele kube ngokulandela isivumelwano hlangana nelunga leKhabinethe elithintekako nelunga loMkhandlu wezokuPhatha namkha uMkhandlu kaMasipala;
- (b) kufanele kukhambisane noMthetho wePalamende lowo osetjenziswako ekunikelweni kwalawomandla namkha ekwenzeni kwaloyomsebenzi; begodu
- (c) kuthoma ukusebenza ekumenyazelweni nguMongameli.

Ukubeka ilihlo kweKhabinethe kwezokuphatha zeProvinsi

100. (1) Lokha iProvinsi ibhalelwa namkha ingafezi imisebenzi yezokuphatha ebottjhelelwe yona ngokulandela umthetho wenarha namkha uMthetho-sisekelo, iKhabinethe inga ngenangena phakathi kilokho ngokuthatha amagadango afaneleko ukubonelela ukufezeke kwemisebenzi leyo kubottjhelelwe kiyo, kufaka hlangana –

- (a) bonyana ikhiphe umkhombandlela (directive) kuMkhandlu wezokuphatha weProvinsi obekisa izinga lelo ubhalelwa ngalo ukufeza iimbopho zalo, etjho namagadango afanele athathwe bona iimbopho lezo zifezeke; begodu
- (b) ithathe ngokwayo umsebenzi bona kufezeke isibopho leso esisemqoka kuleyo Provinsi kufikela ezingeni lapha kutlhogeka uku –
  - (i) raga izinga elisemqoka leNarha namkha ukufinyelela izinga okungasenani elidingekako ekwethuleni kwemisebenzi;
  - (ii) raga ibumbano kwezomnotho;
  - (iii) raga ukuvikeleka kwenarha; namkha
  - (iv) ukuvimbela amagadango angazwakaliko angalimaza iinrhuluphelo zenye iProvinsi namkha zenarha iyoke.

- (2) Lokha iKhabinethe ingenangena phakathi kwezeProvinsi ngokulandela isigatjana (1)(b)

–

- (a) isaziso ngokungenangena phakathi lokho kufanele sethulwe ngaphakathi koMkhandlu weNarha wamaProvinsi ngaphakathi kwamalanga ali 14 womhlangano walo wokuthoma emva kokungenangena phakathi lokho sekuthomile;

- (b) ukungenangena phakathi lokho kufanele kuphele ngaphandle kwalokho kuvunyelwe Mkhandlu ngaphakathi kwamalanga ama 30 kokuhlala kwawo kokuthoma emva kokungenangena phakathi lokho sekuthomile; begodu

- (c) uMkhandlu kufanele uhlolisise ukungenangena phakathi lokho njalo emva kwesikhathi esithileko, begodu wenze iimphakamiso kuKhabinethe.

- (3) umthetho weNarha ungalawula ikambiso esungulwa kulesisigaba.

Iinqunto zeKhabinethe

101. (1) isiqunto sikaMongameli kufanele sibengesitlolwe phasi nangabe –

- (a) sithethwe malungana nomthetho; nofana
- (b) sinemiphumela yangokomthetho.

- (2) Isiqunto esitloliweko sikaMongameli kufanele setlikitlwe godu ngelinye ilunga

lekhabinethe lokha nangabe isiqu nto leso sethinta umsebenzi onikelwe lelolunga lekhabinethe.

(3) uMthetho omenyezelweko, imigomo nezinye iinsetjenziswa zoMthetho ongaphasi (subordinate) kufanele zifikelele umphakathi.

(4) uMthetho weNarha ungabeka indlela leyo nezinga ukufika lapho iinsetjenziswa ezitjhiwo kusigatjana (3) kufanele –

(a) zethulwe ngaphambi kwePalamende; begodu

(b) zivunyelwe iPalamende.

Iintjhukumiso zokungathembani

102. (1) Nangabe iBandla lesitjhaba ngevowutu yenengi lamalunga walo iphasisa ivowutu yokuzwakalisa ukungabi nethemba kuKhabinethe ngaphandle kukaMongameli, uMongameli kufanele abumbe kabutjha iKhabinethe.

(2) Nangabe iBandla Lesitjhaba, ngevowutu yenengi lamalunga walo iphasisa ivowutu yokuzwakalisa ukungabi nethemba kuMongameli, uMongameli namanye amalunga weKhabinethe nomunye nomunye oliphini likaNgqongqoshe kufanele bathokoze umberego.

ISAHLUKO SOBU -6

AMAPROVINSI

Amaprovinsi

103. (1) IRiphabhliki inamaProvinsi alandelako:

(a) IPumalanga-Kapa;

(b) IFreyistata;

(c) IGauteng;

(d) IKwaZulu-Natal;

(e) IPumalanga;

(f) ITlhagwini-Kapa;

(g) YiTlhagwini;

(h) ITlhagwini-Tjhingalanga

(i) ITjhingalanga Kapa :

(2) Imingcele yamaProvinsi kuzakuba ngileyo ezakuba ikhona lokha uMthetho-sisekelo lo uthoma ukusebenza.

IZIBETHAMTHETHO ZAMAPROVINSI

Amandla wamaProvinsi wokwenza uMthetho

104. (1) Amandla wokwenza uMthetho weProvinsi athweswe iS'bethamthetho seProvinsi, begodu iS'bethamthetho seProvinsi sinikelwa amandla –

(a) wokuphasisa uMthetho-sisekelo weProvinsi yaso namkha wokwenza iinguqulo zomunye nomunye umthetho-sisekelo ophasiswe ngiso ngokulandela izigaba 142 no 143;

(b) wokuphasisa uMthetho ngaphakathi begodu iwuphasisele iProvinsi malungana nalokhu –

(i) Enye nanye indaba ewela ngaphakathi kwendawo yokusebenza etlolwe kuSheduli 4; begodu

(ii) Enye nanye indaba ewela ngaphakathi kwendawo yokusebenzela etlolwe kuSheduli 5; begodu

(iii) Enye nanye indaba ewela ngaphandle kwalezo iindawo zokusebenza, enikelwe ngokuqophileko kuProvinsi Mthetho weNarha; begodu

(iv) enye nanye indaba leyo lomthetho-sisekelo uhlongoza bonyana kumemezela umthetho weProvinsi; begodu

(c) wokunikela amanye namunye amandla wokwenza umthetho kuMkhandlu kaMasipala kileyo Provinsi.

(2) IS'bethamthetho seProvinsi, ngesiqu nto esisekelwa bubili ebuthathwini kwamalunga waso, ungabawa iPalamende bona itjhugulule igama laleyoProvinsi.



(3) Is'bethamthetho seProvinsi sibotjhwa kwaphela Mthetho-sisekelo begodu lokha nangabe siphasisa uMthetho-sisekelo weProvinsi, nawo uyasibopha, begodu kufanele isebenze ngokukhambisana begodu nangaphasi kweenrhunyezo zoMthetho-sisekelo lo, noMthetho-sisekelo waleyo Provinsi.

(4) Umthetho weProvinsi malungana nendaba leyo ethhogakala ngokuzwakalako namkha emayelana nokuphumelelisa kokusetjenziswa kwamandla malungana nenye nenye indaba etlolwe kuSheduli 4, uzakuthathwa ngazo zoke indlela njengomthetho omalungana nendaba etlolwe kuSheduli 4.

(5) IS'bethamthetho seProvinsi singenza iimphakamiso kuBandla Lesitjhaba bona yenza umthetho malungana nendaba ewela ngaphandle kwamandla weS'bethamthetho, namkha kuleyo uMthetho wePalamende ungaphezulu koMthetho weProvinsi.

Ukubunjwa nokukhethwa kwezibethamthetho zamaProvinsi

105. (1) IS'bethamthetho seProvinsi sibunjwa bafazi namadoda akhethwe njengamalunga ngokulandela indlela yamakhetho leyo –

(a) ebekwe Mthetho weNarha mazombe;

(b) esekelwe phezu kwerherho elifanako labavowuti;

(c) ebonelela ubuncani iminyaka eli 18 njengeminyaka yokuvowuta; begodu

(d) imiphumela, ngokuvamileko, ibengokokujanyelwa kweenhlangano ngokwamavowutu atholwe ngizo.

(2) IS'bethamthetho seProvinsi sibunjwa malunga ahlungana nama 30 nama 80. Inani lamalunga, lelo elingahlukako ukuyanga maProvinsi, kufanele liquntwe Mthetho weNarha.

Ubulunga

106. (1) Esinye nesinye isakhamuzi esilungela ukuvowutela iBandla lesitjhaba siyakulungela ukuba lilunga les'bethamthetho seProvinsi ngaphandle kwalokha –

(a) nangabe umuntu loyo ukhonjwe esikhundleni namkha uberega umbuso begodu athola umrholo, ngaphandle –

(i) koNdunakulu namanye amalunga oMkhandlu wezokuphatha weProvinsi; begodu

(ii) abanye nabanye abantu abaseenkundleni lezi okutholakala bona umberego obawenzako ukhambisana nomberego begodu umenyazelwe mthetho wenarha njengomberego okhambisana naloyo;

(b) amalunga weBandla Lesitjhaba namalunga aziinthunywa ngokuzeleko kuMkhandlu weNarha wamaProvinsi, namkha amalunga woMkhandlu kaMasipala;

(c) umuntu oneenkolodo abhalelwa ukuzibhadela, begodu angakalatjhelwa lokho;

(d) omunye nomunye umuntu omenyazelwe yikhotho yangeRiphabliki bona akakazipheleli engcondweni; namkha

(e) omunye nomunye umuntu othe ngemva kokuthi isigaba lesi siberege wabonwa umlandu begodu wanikelwa isigwebo sesikhathi esidlula iinyanga ezi 12, ejele ngaphandle kokuphiwa ihlawulo (fine), kungaba ngaphakathi namkha ngaphandle kweRiphabliki nangabe isenzo esibange umlandu lo, besingaba mlandu ngaphakathi kweRiphabliki; kodwana akekho umuntu okuzakuthathwa bona sele agwetjiwe, beze kufike isikhathi lapho isibawo sokubuyekwezwa kokubonwa umlandu namkha isigwebo sesiqundiwe namkha lapho isibaweso sele siphelwelelwe sikhathi khona. Ukungavunyelwa komuntu bona abelilunga lebandla leli, kuphela emva kweminyaka emihlanu ngemva kokuqeda isigwebo lesi.

(2) Umuntu ongakalungeli ukuba lilunga les'bethamthetho seProvinsi ngokulandela isigatjana

(1) (a) namkha (b) angaba ngung'kheteni weS'bethamthetho leso ngaphasi kweenrhunyezo namkha imibandela esungulwe mthetho weNarha mazombe.

(3) Umuntu ulahlekelwa bulunga bakhe bes'bethamthetho seProvinsi nangabe umuntu loyo –

(a) akasakulungeli ukuba lilunga; namkha

(b) utshwilile kuS’bethamthetho ngaphandle kwemvuma ngaphasi kobujamo othola bona imithetho yekambiso neenqunto zeBandleli, zithi kufanele athathelwe ubulunga.

(4) Iinkhundla ngaphakathi zizaliswe ngendlela equntwe mthetho wangenarheni mazombe. Ukufunga namkha ukuzibopha

107. Ngaphambi kobana amalunga weS’bethamthetho seProvinsi bathome ngemisebenzi yabo kus’bethamthetho kufanele bona bafunge namkha, bazibophe ngokuthembeka kuRiphabliki begodu nokuthobela uMthetho-sisekelo, ngokuzibopha ngokukhambisana neSheduli 2.

Isikhathi esibekelwe izibethamthetho zamaProvinsi

108. (1) Is’bethamthetho seProvinsi sivowutelwa isikhathi seminyaka emihlanu.

(2) Nangabe is’bethamthetho seProvinsi siyapheliswa ngokulandela isigaba 109, namkha lokha nakuphela isikhathi saso, uNdunakulu weProvinsi ngesimemezelo somthetho, kufanele abize begodu abeke namalanga amakhetho afanele abanjwe ngawo, kungakadluli amalanga ama- 90 kusukela ngelanga is’bethamthetho sipheliswa ngalo, namkha ngemva kokuphela kwesikhathi saso.

(3) Nangabe imiphumela yamakhetho weS’bethamthetho seProvinsi ayikamenezelwa ngesikhathi esibekwe esigabeni ama- 190 namkha lokha amakhetho aqithwe yikhotho, uMongameli ngesimemezelo somthetho kufanele amemezele begodu abeke namalanga amakhetho amanye afanele ukubanjwa ngawo ngaphakathi kwamalanga ama 90 emva kokuphela kwesikhatheso namkha kwelanga lelo amakhetho aqithwe ngalo.

(4) Is’bethamthetho seProvinsi sihlala sinamandla wokuberega kusukela ngesikhathi sokupheliswa kwaso, namkha ngemva kokuphela kwesikhathi sokusebenza kwaso, beze kufike ilanga elingaphambi kwelanga lokuthoma kwamakhetho weS’bethamthetho esilandelako.

Ukupheliswa kwez’bethamthetho zamaProvinsi ngaphambi kokuphela kwesikhathi sazo.

109. (1) UNdunakulu weProvinsi kufanele aphelise is’bethamthetho seProvinsi lokha nangabe –

(a) IS’bethamthetho samukele isiqunto esisekelwa inengi lamalunga waso bonyana sipheliswa; begodu

(b) iminyaka emithathu sele idlulile solo kwakhethwa is’bethamthetho lesi.

(2) UMjaphethe kaNdunakulu kufanele aphelise is’bethamthetho seProvinsi lokha –

(a) isikhundla sikaNdunakulu sivulekile; begodu

(b) is’bethamthetho sibhalelwa kukhetha uNdunakulu omutjha ngaphakathi kwamalanga ama 30 emva kokuvuleka kwesikhundla lesi.

Iinkhathi zokuhlala nezokuphumula

110. (1) Emva kwamakhetho, ukuhlala kokuthoma kwes’bethamthetho seProvinsi kufanele kubanjwe ngesikhathi nelanga eliquntwe ijaji elikhonjwe nguMongameli wekhotho yomthetho, kodwana kungakadluli amalanga a 14 emva kokumemezela kwemiphumela. IS’bethamthetho seProvinsi singaqunta iinkhathi zaso zokuhlala nezokuphumla.

(2) UNdunakulu angabiza is’bethamthetho seProvinsi bona sizokuhlala ngokungakavami ukuzokuqalana neendaba eziqakathekileko.

(3) Is’bethamthetho seProvinsi sizakuqunta bona sizokuhlala kuyiphi indawo ngokwenjayelo. USpeaker nephini lika Speaker

111. (1) Ekuhlaleni kokuthoma ngemva kwamakhetho, namkha lokha nakutlhogeka ukuzalisa isikhundla, is’bethamthetho seProvinsi kufanele sikhethe uSpeaker nephini lika Speaker hlangana namalunga waso.

(2) Ijaji elikhonjwe nguMongameli wekhotho yoMthetho-sisekelo kufanele likhombise amakhetho wakaSpeaker; uSpeaker nguye ozakukhambisa amakhetho wephini likaSpeaker.

(3) IKambiso endlalwe kuSheduli 3 ngiyo eberegiswako umakukhethwa uSpeaker nephini likaSpeaker.

(4) Is’bethamthetho seProvinsi singasusa uSpeaker namkha iphini lika Speaker esikhundleni

ngokuthatha isiqunto. Inengi lamalunga weS'bethamthetho kufanele babekhona lokha isiqunto lesi samukelwa.

(5) Ngokulandela imigomo neenqunto zalo, is'bethamthetho seProvinsi singakhetha hlangana namalunga walo aboSihlalo abanye ukurheleba uSpeaker nephini likaSpeaker.

Iinqunto

112. (1) Ngaphandle kwalokha uMthetho-sisekelo ubeka ngokuhlukileko –

(a) Inengi lamalunga wes'bethamthetho seProvinsi kufanele babekhona ngaphambi bona ivowuti ingathathwa phezu koMthetho - osahlongozwako namkha ukuguqulwa koMthetho - osahlongozwako;

(b) Ubuncani, bobunye ebuthathwini kufanele babekhona nakuvowutelwa enye neny indaba ephambi kwes'bethamthetho; begodu

(c) Zoke iindaba phambi kwes'bethamthetho ziquntwa inengi lamavowutu aphoselweko.

(2) ILunga elinguSihlalo kusibethamthetho seProvinsi akavunyelwa bona akhethe njengabanye, kodwana –

(a) kufanele aphosele ivowutu ehlukanisako lokha nangabe kunamavowutu alinganako eenhlangothini zombili phezu kombuzo othileko; begodu

(b) Angaphosela ivowutu njengabanye lokha indaba kufanele iquntwe ivowutu esekelwa buncani benengi yobobili ebuthathwini bamalunga.

Amalungelo wamalunga azithunywa ngokuzeleko ukujamela iProvinsi kuMkhandlu wenarha kuZibethamthetho zamaProvinsi

113. Amalunga weProvinsi azithunywa ngokuzeleko ukujamela iProvinsi kuMkhandlu angakhambela begodu angakhuluma kuz'bethamthetho zamaProvinsi namakomidi wazo, kodwana angeze bavowuta. IS'bethamthetho singabawa ilunga elisithunywa ngokuzeleko kuMkhandlu bona likhambele namkha likhulume kusibethamthetho namkha amakomidi waso.

Amandla weS'bethamthetho seProvinsi

114. (1) Ekusebenzeni amandla waso wokulawula umthetho, is'bethamthetho seProvinsi singa –

(a) tjeja, sidlulisa, siguqule namkha siqithe nomana ngimuphi umthetho ongaphambi kwes'bethamthetho; begodu

(b) bonelela ukusungulwa nokulungiswa koMthetho, ngaphandle kwemithetho-esahlongozwako yeemali.

(2) Is'bethamthetho seProvinsi kufanele sibonelele indlela –

(a) eqinisa bona amatjja wokuphatha wombuso weProvinsi aziphendulela kiso; begodu

(b) ebonelelwa ukuthogonyelwa ngaphezulu –

(i) kokusetjenziswa kwamandla woMkhandlu wezokuphatha kufaka hlangana nokusetjenziswa koMthetho; begodu

(ii) kwelinye nelinye igatja lombuso weProvinsi.

Obufakazi namkha umbiko ngaphambi kweS'bethamthetho seProvinsi

115. Is'bethamthetho seProvinsi nomkha enye yamakomidi yaso inga –

(a) biza omunye nomunye umuntu ukuvela ngaphambi kwayo ukuzokwethula ubufakazi namkha ukuveza iincwadi emva kobonyana sele a fungile namkha enze isibopho;

(b) bawa omunye nomunye umuntu namkha inkhungo yeProvinsi bona izokwethula umbiko ngaphambi kwaso;

(c) katelela, ngokulandela uMthetho weProvinsi namkha imigomo neenqunto, omunye nomunye umuntu namkha inkhungo bona ifeze ngokokubizwa kwayo namkha iindingo ngokulandela indima (a) namkha (b); begodu

(d) mukela iinghonyayo, imibono neemphakamiso ezivela kunoma ngibaphi abantu abenefisekelo.

Ukuleleka kwangaphakathi, ikambiso neendlela zeZibethamthetho zamaProvinsi

116. (1) Is'bethamthetho seProvinsi singa –
- (a) qunta besilawule ukuhleleka kwangaphakathi, iinkambiso neendlela zaso; begodu
  - (b) senze imigomo neenqunto ezimalungana nomsebenzi waso, kutjhejwe intando yesitjhaba ejamele begodu ivumela ukuzibandakanya kwabobokeye, ukuziphendulela, ukusebenzela etjhatjhalazini nokubandakanywa komphakathi.
- (2) Imigomo neenqunto zes'bethamthetho seProvinsi kufanele ibonelele –
- (a) ukusungulwa, ukubunjwa, amandla imisebenzi, iindlela neenkhathe ezibekelwe amakomidi waso;
  - (b) ukuzibandakanya emisebenzini yeS'bethamthetho kwazo zoke iinhlango zombanganarha ezincani ezijwayelweko ngaphakathi kwes'bethamthetho ngendlela ekhambisana nentando yesitjhaba;
  - (c) ukusekelwa ngeemali nangezokuphatha kwenye nanye inhlango yezombanganarha ejanyelweko kus'bethamthetho, ngokulande indlela yekujanyelwa kwazo kus'bethamthetho, kwenzelwe bonyana inhlango enye nanye nomrholi wayo ikgone ukwenza imisebenzi yayo kus'bethamthetho; begodu
  - (d) ukutjhejwa komrholi wenhlango engekulu kwezincani kusibethamthetho, njengoMrholi wehlangothi eliPhikisako.

Ukuvikeleka

117. (1) Amalunga weS'bethamthetho seProvinsi namalunga azinthunywa ngokuzeleko kuMkhandlu wamaProvinsi weNarha –

- (a) anekululeko yokukhuluma nomayini ngaphakathi kwes'bethamthetho amakomidi waso, ngokulandela imigomo neenqunto; begodu
  - (b) Angeze bamangalelwa bona bamotjhele omunye umuntu namkha ngobulelesi, babotjhele, bavalelwe namkha bahlawuliswe ngalokhu –
    - (i) Okunye nokunye abakukhulume, abakunikele namkha bakwethule ngaphambi kweS'bethamthetho namkha kwenye yamakomidi waso; namkha
    - (ii) Okunye nokunye okuvezwe ngilekulumo etjhiweko, okunikelweko namkha okwethulwe ngaphambi kweS'bethamthetho namkha kwenye nanye yamakomidi waso.
- (2) Okunye ukuvikela nokulibalelwa kwes'bethamthetho namalunga waso kungabekwa Mthetho weNarha.
- (3) Imirholo, izabelo ezingezelela umrholo nemizuzo ebhadelwa amalunga wes'bethamthetho seProvinsi idoswa ngokuthamaleleko kusikhwama seMali yombuso seProvinsi.

Ukufikelela nokuzibandakanya komphakathi kuz'bethamthetho zamaProvinsi

118. (1) Is'bethamthetho seProvinsi kufanele –
- (a) siphumelelise ukuzibandakanya komphakathi emisebenzini yokwenza umthetho nekweminye imisebenzi yes'bethamthetho namakomidi waso; begodu
  - (b) sirage umsebenzi waso etjhatjhalazini, begodu imihlangano yaso neyamakomidi waso ivulekele umphakathi; kodwana, amagadango azwakalako angathathwa –
    - (i) ukulawula, ukufikelela komphakathi, kufaka hlangana nokufikelela ngwemirhatjho namaphephandaba kus'bethamthetho amakomidi waso; begodu
    - (ii) nokubonelela ukusetjha komuntu omunye nomunye begodu, lapha kufaneleko nokwalelwa ukungena namkha ukukhitjha komuntu omunye nomunye.
- (2) Is'bethamthetho seProvinsi angeze savimbela umphakathi, kufaka hlangana nezokurhatjha unamaphephandaba ukukhambela imihlangano yekomidi ngaphandle kwalokha lokho kuzwakalako begodu kulungele ukungenziwa emphakathini ovulekileko newentando yesitjhaba.
- Ukungeniswa kwemithetho-esahlongozwako

119. Malunga woMkhandlu wezokuphatha weProvinsi kwaphela namkha ikomidi namkha ilunga les'bethamthetho seProvinsi angangenisa umthetho-osahlongozwako kuS'bethamthetho; kodwana kwaphela ilunga loMkhandlu wezokuphatha oziphendulela eendabeni zeemali, namkha

ilunga elikhonjwe nguNdunakulu ongangenisa uMthetho-osahlongozwako wezeemali kus'bethamthetho.

Imithetho-esahlongozwako yeemali

120. (1) UMthetho-osahlongozwako onikela ngeemali namkha obeka ukubhadelwa kwemithelo, iintelo namkha imithelo yePahla ubizwa uMthetho-osahlongozwako weemali. Umthetho-osahlongozwako weemali ungeze ubonelele enenye indaba ngaphandle kwaleyo engaphasi kwawo amalungana nokunikelwa kweemali namkha ukubhadeliswa kwemithelo, intelo namkha imithelo yepahla.

(2) Umthetho weProvinsi kufanele ubonelele indlela leyo ngayo uMthetho-osahlongozwako weemali ungaguqulwako.

Ukumukelwa kwemithetho-esahlongozwako

121. (1) UNdunakulu weProvinsi kufanele amukele begodu atlikitle uMthetho-osahlongozwako ophasiswe s'bethamthetho seProvinsi namkha lokha uNdunakulu anokungabaza ngoku khambisana nomthetho-sisekelo kwaloyo Mthetho-osahlongozwako, kufanele awubuyisele emva kuS'bethamthetho bona siwuhlolisisa kabutjha.

(2) Lokha emva kokuhlolisiswa kabutjha kwawo loMthetho-osahlongozwako ubonelela ukungabaza kukaNdunakulu ufanele awamukele be awutlikitle loMthetho-osahlongozwako; Lokha ungaboneleli ukungabaza kukaNdunakulu ngokuzeleko, uNdunakulu angenza okunye kwalokhu –

(a) angamukela begodu atlikitle loMthetho- osahlongozwako; namkha

(b) angawudlulisela ekhotho yoMthetho-sisekelo bonyana ikhiphe isiqu nto ngokukhambisana kwawo nomthetho- sisekelo namkha awa.

(3) Nangabe iKhotho yoMthetho-sisekelo iqunta bona umthetho-osahlongozwako loyo ukhambisana noMthetho-sisekelo, uNdunakulu kufanele awamukele begodu awutlikitle.

Isibawo samalunga ngeKhotho yoMthetho-Sisekelo

122. (1) Amalunga wes'bethamthetho seProvinsi angenza isibawo eKhotho yoMthetho-sisekelo bona ikhiphe isiqu nto isitjho bonyana uMthetho, ophasiswe s'bethamthetho, namkha incenye yawo awukhambisani noMthetho-sisekelo.

(2) Isibawo –

(a) kufanele sisekelwe buncani bamapersente a 20 wamalunga bes'bethamthetho; begodu

(b) kufanele senzwe emva bona uNdunakulu amukele begodu atlikitle umthetho-osahlongozwako loyo, begodu ngaphakathi kwamalunga ama 30 kusukela kulelolang.

(3) Ikhotho yoMthetho-sisekelo ingagunyaza bonyana uMthetho nomkha incenye yawo lowo kwenziwe isibawo ngawo ngokulandela isigatjana (1) awunamandla womthetho kuzekufike lapha ikhotho ikhipha isiqu nto ngalesosibawo, nangabe –

(a) iinrhuluphelo zezobulungiswa ziyakudinga lokho; begodu

(b) isibawo leso sinekgonakalo ezwakalako bonyana singaphumelela.

(4) Lokha isibawo lesi singaphumeleli, ikhotho yoMthetho-sisekelo kufanele igunyaze bona abamangali besibawo leso babhadele iindleko, ngaphandle kwalokha isibawo leso besinekgonakalo ezwakalako bona singaphumelela.

Ukumemezelwa kwemithetho yeProvinsi

123. Umthetho-osahlongozwako ovunyiweko begodu bewatlikitlwe nguNdunakulu weProvinsi uba mthetho weProvinsi, kufanele waziswe msinyazana begodu bewuthome ukusebenza nasele wazisiwe nofana ngesuku elizokubekwa mthetho.

Ukulondwa kweMithetho yeProvinsi

124. IKhopi etlikitlweko yoMthetho weProvinsi ibufakazi obuzeleko bezimiso zalowo Mthetho begodu, sele umemezelwe kufanele unikelwe iKhotho yoMthetho-sisekelo bona iwulonde.

**IMIKHANDLU YEZOKUPHATHA YAMAPROVINSI**

Amandla wokulawula amaProvinsi

125. (1) Amandla welawulo yeProvinsi athweswe uNdunakulu weProvinsi leyo.
- (2) UNdunakulu usebenzisa amandla wezokuphatha namanye amalunga woMkhandlu wezokuphatha weProvinsi ngokwenza lokhu –
- (a) ngokubonelela ukusetjenziswa komthetho weProvinsi ngaphakathi kwaleyo Provinsi;
  - (b) ngokubonelela ukusetjenziswa kwayo yoke imithetho yenarha engaphakathi kweendawo zokusebenza ezitlolwe kuSheduli 4 no 5 ngaphandle kwalokha uMthetho-sisekelo namkha umthetho wePalamende utjho ukuhlukileko;
  - (c) ngokubonelela ukusetjenziswa kuProvinsi, uMthetho weNarha ongaphandle kwendawo zokusebenza ezitlolwe kuSheduli 4 no 5, lezo ulawulo lwazo kunikelwe yona ngokulandela uMthetho wePalamende;
  - (d) ngokusungula nokusebenzisa ikambiso efanele ukulandelwa iProvinsi;
  - (e) ukuqhumanisa imisebenzi yeminyango yoMbuso weProvinsi nezokuphatha;
  - (f) ukulungisa nokusungula umthetho;
  - (g) ukwenza omunye nomunye umsebenzi onikelwe wona ngokulandela uMthetho-sisekelo namkha uMthetho wePalamende.
- (3) IProvinsi inamandla welawulo ngokulandela isigatjana (2) (d) kwaphela ukufikela ezingeni lapho inamandla wokuba nekgono lokuziphendulela kwezokuphatha uMbuso weNarha, ngendlela yokwenza uMthetho namkha amanye amagadango, kufanele urhelebe amaProvinsi bona athuthukise amandla wezokuphatha lawo adingekako bona afeze imisebenzi yawo ngekgono, nokwenza imisebenzi ekhonjwe kusigatjana (2).
- (4) Omunye nomunye umbango omalungana namandla wezokuphatha weProvinsi nakulandiswa omunye nomunye umsebenzi kufanele udluliselwe kuMkhandlu weNarha wamaProvinsi bona yiwurarulule ngaphakathi kwamalanga a 30.
- (5) Ngaphasi kwesigaba 100, ulawulo loMthetho weProvinsi ngaphakathi kwayo iProvinsi, kusemandleni kwaphela woMkhandlu wezokuphatha.

- (6) uMkhandlu wezokuphatha weProvinsi kufanele usebenze ngokulandela –
- (a) uMthetho-sisekelo; begodu
  - (b) umthetho-sisekelo weProvinsi, lokha nangabe uMthetho-sisekelo weProvinsi ophasisiwe.
- Ukunikelwa kwemisebenzi

126. ilunga loMkhandlu wezokuphatha weProvinsi unganikela amanye namanye amandla namkha umsebenzi afanele ukusetjenziswa namkha ofanele okwenzwa ngokulandela uMthetho wePalamende, namkha uMthetho weProvinsi, kuMkhandlu kaMasipala. Ukunikelwa –

- (a) kufanele kulandele isivumelwano hlangana nelunga elithintekako loMkhandlu wezokuphatha noMkhandlu kaMasipala;
- (b) kufanele kukhambisane noMthetho lowo lawomandla namkha umsebenzi asetjenziswako namkha wenzwako; begodu
- (c) kuthoma ukusebenza ekumemezeleni kwako nguNdunakulu.

Imisebenzi yaboNdunakulu

127. (1) UNdunakulu weProvinsi unamandla nemisebenzi ethweswe leso sikhundla Mthetho-sisekelo begodu neminye imithetho.

- (2) UNdunakulu weProvinsi uziphendulela kulokhu –
- (a) ekwamukeleni nekutlikitleni imithetho-esahlongozwako;
  - (b) ekubuyiseleni emva koMthetho-osahlongozwako kus'bethamthetho seProvinsi bona sihlolisise kabutjha ukukhambisana noMthetho-sisekelo koMthetho-osahlongozwako lowo namkha awa;
  - (c) ekudluliseni uMthetho-sisekelo eKhotso yoMthetho-sisekelo bona ithathe isiqunto bona uyakhambisana noMthetho-sisekelo na;
  - (d) ekubizeni is'bethamthetho seProvinsi bona sizokuhlala ngokungavami bona senze imisebenzi eqakatheke khulu;

- (e) lokha nakabeka amaKomitjhana wokuphenyisisa; begodu
- (f) ekumemezeleni ireferandamu kuProvinsi ngokukhambisana noMthetho weNarha.

Ukukhethwa kwaboNdunakulu

128. (1) Lokha nasihlala kokuthoma, nalokha kutlhogeka ukuzalisa isikhundla, is'bethamthetho seProvinsi kufanele sikhethe umfazi namkha indoda hlanguana namalunga waso bona abenguNdunakulu weProvinsi.

(2) Ijaji elikhonjwe nguMongameli weKhotho yoMthetho-sisekelo kufanele akhambise amakhetho wakaNdunakulu. Ikambiso endlalwe kuSheduli 3 ngiyo ezakulandelwa lokha nakukhethwa uNdunakulu.

(3) Amakhetho wokuvala isikhala sesikhundla sikaNdunakulu kufanele abanjwe ngesikhathi begodu nangelanga elikhethwe nguMongameli weKhotho yoMthetho-sisekelo, lokhu kufanele kwenzeke kungakadluli amalanga ama 30 isikhala leso sivulekile.

Ukuthoma ukusebenza kwaboNdunakulu

129. Loyo akhethwe ukuba nguNdunakulu kufanele athome ngomsebenzi wakhe ngaphakathi kwamalanga amahlanu kusukela ngelanga akhethwe ngalo, ngokufunga namkha ngokuzibopha, ukwethembeka kuRiphabliki begodu nokuthobela uMthetho-sisekelo, ngokukhambisana neSheduli 2.

Isikhathi esibekelwe ukuba nguNdunakulu

130. (1) Isikhathi sokuba nguNdunakulu sithoma lokha uNdunakulu athoma ukusebenza esikhundleni sake begodu siphela lokha nakuba nesikhala namkha lokha uma umuntu akhethwe ukuba nguNdunakulu olandelako athoma ukusebenza.

(2) Akekho umuntu ozakuba sesikhundleni sikaNdunakulu amahlandla (terms) adlula kwamabili, kodwana lokha umuntu nakakhethelwa ukuvala isikhundla sikaNdunakulu, isikhathi esihlangana nokukhethwa kwakhe lokho beze kufike amakhetho alandelako kaNdunakulu asithathwa njengehlandla.

(3) Is'bethamthetho seProvinsi, ngokwesivumelwano esithathwe ngokusekelwa yivowudu okungenani yobunengi okusingamu sesibili sobuthathu samalunga wayo, singasusa uNdunakulu esihlalweni ngeenzathu ezilandlako kwaphela –

(a) ukwepfulwa okudinisako komthetho nofana Umthetho-sisekelo;

(b) ukungaziphathi kuhle; nofana

(c) ukubhalelwa kukwnza imisebenzi yesikhundla sakhe.

(4) Nofana ngubani osuswa esihlalweni sobuNdunakulu ngokwesigatjana (3)(a) nofana )b) kufanele angatholi amarhubhelo walelosikhundla, begodu angasebenzi ngitjho nofana kungaba kiliphi i-ofisi lomphakathi.

Abomjaphethe baboNdunakulu

131. (1) Lokha uNdunakulu angekho namkha ngezizathu ezithile angakgoni ukuzalisa imisebenzi yakaNdunakulu, nalokha nakunesikhala sikaNdunakulu omunye umuntu osesikhundleni ngokulandelana okungaphasi ubangumjaphethe kaNdunakulu –

(a) ilunga loMkhandlu wezokuphatha elikhonjwe nguNdunakulu;

(b) ilunga loMkhandlu wezokuphatha elikhonjwe ngamanye amalunga woMkhandlu wezokuphatha

(c) uSpeaker kuze kufike lapho is'bethamthetho sikhomba omunye wamalunga waso.

(2) UMjaphethe kaNdunakulu unamandla, ukuziphendulela nemisebenzi kaNdunakulu.

(3) Ngaphambi bonyana uMjaphethe kaNdunakulu angathwala ukuziphendulela, iimbopho nemisebenzi kaNdunakulu, ufanele afunge namkha azibophe, ngokuthembeka kuRiphabliki nokuthobela uMthetho-sisekelo ngokukhambisana neSheduli 2.

Imikhandlu yezokuphatha

132. (1) UMkhandlu wezokuphatha weProvinsi ubunjwa nguNdunakulu, njengehloko yoMkhandlu, begodu namalunga angasingaphasi kwamahlanu, begodu angadluli alitjumi

akhethwe nguNdunakulu hlangana namalunga weS'bethamthetho seProvinsi.

(2) UNdunakulu weProvinsi nguye obeka eenkhundleni amalunga woMkhandlu wezokuphatha, uwanikela amandla nemisebenzi, begodu angawasusa eenkhundleni.

Ukuziphendulela neembopho

133. (1) Amalunga woMkhandlu wezokuphatha aziphendulela kumisebenzi yokuphatha abanikelwe yona nguNdunakulu.

(2) Amalunga woMkhandlu wezokuphatha weProvinsi aziphendulela ngokuhlanganyela nanofana munye ngamunye kuS'bethamthetho ekwenzeni imisebenzi yabo.

(3) Amalunga woMkhandlu wezokuphatha weProvinsi kufanele –

(a) basebenze ngokukhambisana noMthetho-sisekelo; begodu

(b) bethule imibiko ezeleko nangeenkhatzi zoke kuS'bethamthetho malungana neendaba ezingaphasi kwelawulo labo.

Ukuraga koMkhandlu yezokuphatha emva kwamakhetho

134. Lokha amakhetho weS'bethamthetho seProvinsi abanjwa, uMkhandlu wezokuphatha namalunga walo ahlala anamandla wokusebenza kufikela lapha umuntu okhethwe ukuba nguNdunakulu sibethamthetho esilandelako athoma ukusebenza.

Ukufunga namkha ukuzibopha

135. Ngaphambi bona amalunga woMkhandlu wezokuphatha weProvinsi angathoma ukwenza imisebenzi yabo, kufanele bafunge namkha bazibophe ngokuthembeka kuRiphabliki nokuthobela uMthetho-sisekelo, ngokukhambisana neSheduli 2.

Ukuziphatha kwamalunga wemikhandlu yezokuphatha

136. (1) Amalunga woMkhandlu wezokuphatha weProvinsi kufanele aziphathe ngendlela ebekwe mthetho weNarha.

(2) Amalunga woMkhandlu wezokuphatha weProvinsi ngeze bavunyelwa bonyana –

(a) benze omunye umberego abazokubhadelelwa wona;

(b) bona baziphathe ngendlela engakhambisani neenkhundla zabo namkha bazivumele bonyana babe sebujaameni lapho kunengozi yokutjhayisana phakathi kwemiberego yabo yombuso neenrhuluphelo zabo zangeqadi; namkha

(c) baberegise iinkhundla zabo namkha omunye nomunye umbiko abawuthole ngesibanga somberego wabo ukuzingenisela imali namkha benzele omunye umuntu inzuzo ngendlela ephambene nokulunga.

Ukudluliselwa kwemisebenzi

137. UNdunakulu ngesimemezelo somthetho angadlulisela kulunga loMkhandlu wezokuphatha –

(a) ukuphathwa komunye nomunye umthetho obewunikelwe elinye ilunga; namkha

(b) amanye namanye amandla namkha eminye neminye imisebenzi ebeyinikelwe elinye ilunga mthetho.

Ukunikelwa kwemisebenzi kwesikhatjhana

138. Undunakulu, ngesimemezelo soMthetho angadlulisela kulunga loMkhandlu wezokuphatha amandla namkha umsebenzi welinye ilunga elitshwilileko namkha elinga kgoni ukusebenzisa amandla namkha ukwenza lowomsebenzi.

Ukubeka ilihlo eMbusweni wendawo yeProvinsi

139. (1) Lokha uMasipala abhalelwa namkha angafezi iimbophelelo zawo zokuphatha ngokulandela uMthetho, uMkhandlu wezokuphatha ofaneleko ungangenangena phakathi ngokuthatha amanye namanye amagadango ukuqiniseka ukufezwa kweembopho, kufaka hlangana –

(a) bona ikhiphe umkhombandlela (directive) kuMasipala obekisa izinga lelo ubhalelwa ngalo ukufeza iimbopho zalo, etjho namagadango afanele athathwe bona iimbopho lezo zifezeke; begodu



- (b) ithathe ngokwawo umsebenzi bona kufezeke isibopho leso esisemqoka kulowoMasipala kufikela ezingeni lapha kutlhogeka uku –
  - (i) raga izinga elisemqoka leNarha namkha ukufinyelela izinga okungasenani elidingekako ekwethuleni kwemisebenzi;
  - (ii) ukuvimbela amagadango angazwakaliko angathathwa Mkhandlu kaMasipala, begodu angalimaza iinrhuluphelo zakaMasipala omunye namkha zeProvinsi yoke;
  - (iii) ukuraga ibumbano kwezomnotho;
- (2) Lokha uMkhandlu wezokuphatha ingenangena phakathi iindaba zaboMasipala ngokulandela isigatjana (1) (b) –
  - (a) ukungenangena phakathi lokho kufanele kuphele ngaphandle kwalokha kuvunyelwe lilunga leKhabinethe eliziphendulela eendabeni zoMbuso wendawo ngaphakathi kwamalanga ali-14 yokungenangena phakathi lokho;
  - (b) isaziso sokungenangena phakathi kufanele sethulwe kuSibethamthetho seProvinsi nakuMkhandlu weNarha wamaProvinsi ngaphakathi kwamalanga ali- 14 wokuhlala kwaso kokuthoma emva kokuthoma kokungenangena phakathi lokho;
  - (c) ukungenangena phakathi lokho kufanelwe kuphele ngaphandle kwalokha kuvunyelwe Mkhandlu ngaphakathi kwamalanga ama 30 wokuhlala kokuthoma emva kokuthoma kokungenangena phakathi lokho; begodu
  - (d) uMkhandlu kufanele uhlolisise ukungenangena phakathi lokho njalo maduzani bewenze neemphakamiso ezifanelekho kuMkhandlu wezokuphatha.
- (3) UMthetho wenarha ungalawula ikambiso ehlonywe esigabeni lesi.

Iinqunto eziphezulu

- 140. (1) Isiqunto sikaNdunakulu weProvinsi kufanele sitlowe phansi nange –
  - (a) sithethwe malungana nomthetho; nofana
  - (b) sinemiphumela yangokomthetho.
- (2) Isiqunto esitloliweko sikaNdunakulu kufanele sitlikitlwe godulilunga lomkhandlu wozokuphatha nange isiquntweso sithinta umsebenzi onikelwe ilungelo.
- (3) Iimemezelo, imithetjhwana kunye neentlabagelo zemithetjhwana emincani yeProvinsi kufanele kwaziswe umphakathi.
- (4) Umthetho weProvinsi ungatjho indlela leyo, begodu nokufikela, iintlabagelo ezitjhiwo esigatjhaneni (3) kufanele –
  - (a) wendlalwe kuS’bethamthetho seProvinsi; begodu
  - (b) bewuvunyelwe S’bethamthetho seProvinsi.

Isitjhukumiso sokuzwakalisa ukungabinethemba

- 141. (1) Lokha is’bethamthetho seProvinsi ngesiqunto esamukelwe inengi lamalunga waso iphasisa isiphakamiso sokuzwakalisa ukungabi nethemba kuMkhandlu wezokuphatha weProvinsi ngaphandle koNdunakulu, uNdunakulu kufanele abumbe kabutjha uMkhandlu loyo.
- (2) Lokha is’bethamthetho seProvinsi ngesiqunto esamukelwe inengi lamalunga waso siphasisa isiphakamiso sokungabi nethemba kuNdunakulu, uNdunakulu namanye amalunga woMkhandlu wezokuphatha kufanele batjhiye phasi iinkhundla zabo.

**IMITHETHO-SISEKELO YAMAPROVINSI**

Ukwamukelwa kweMithetho-Sisekelo yamaProvinsi

142. Is’bethamthetho seProvinsi singaphasisa uMthetho-sisekelo weProvinsi, namkha nakunokwenzeka siguqule uMthetho-sisekelo wayo, lokha nangabe ubuncani bobubili ebuthathwini kwamalunga waso bavowutela uMthetho- sisekelo loyo.

Okumumethwe Mthetho-Sisekelo yamaProvinsi

- 143. (1) UMthetho-sisekelo wamaProvinsi namkha uMthetho-sisekelo woguqulelo kufanele ukhambisane noMthetho-sisekelo lo, kodwana ungabonelela lokho –
  - (a) izakhiwo neendlela zesibethamthetho namkha uMkhandlu wezokuphatha ezihlukileko

kulezi ezibonelelwe ngaphakathi koMthetho-sisekelo lo; namkha

(b) ukusungulwa, umsebenzi, amandla begodu nobujamo boburholi besintu, lapha kufanele khona.

(2) Izimiso ezifakwe kuMthetho-sisekelo weProvinsi namkha uMthetho-sisekelo wenguqulo ngokulandela iindima (a) namkha (b) yesigatjana (1) –

(a) Kufanele zikhambisane neSahluko 3 nemigomo ekusigaba 1; begodu

(b) angeze zithweswe iProvinsi amandla namkha imisebenzi leyo ewela –

(i) ngaphandle kwendawo yamandla aphiwe iProvinsi ngokulandela amaSheduli 4 no 5; namkha

(ii) ngaphandle kwamandla nemisebenzi ethweswe iProvinsi ziimiso ezinye zaloMthetho-sisekelo.

Ukuqinisekiswa kweMithetho-Sisekelo yamaProvinsi

144. (1) Lokha nangabe iS’bethamthetho seProvinsi siphasise uMthetho-sisekelo namkha uMthetho-sisekelo weguqulo, uSpeaker weS’bethamthetho kufanele adlulisele umtlo loyo woMthetho-sisekelo namkha umthetho-sisekelo woguqulo kuKhotho yoMthetho-sisekelo bonyana iwuqinisekise.

(2) Akunamtlo woMthetho-sisekelo namkha uMthetho-sisekelo woguqulo ozakuba Mthetho kuze kufike lapho iKhotho yoMthetho-sisekelo iqinisekise bonyana –

(a) umtlo loyo ophasisweko ukhambisana nesigaba 142; begodu

(b) umtlo woze uzalisa iindingo zesigaba 143.

Ukutlikitlwa, ukwaziswa nokulondwa kweMithetho-Sisekelo yamaProvinsi

145. (1) UNdunakulu weProvinsi kufanele amukele begodu atlikitle umbhalo woMthetho-sisekelo weProvinsi namkha uMthetho-sisekelo woguqulo loyo osele uqinisekise ikhotho yoMthetho-sisekelo.

(2) Umtlo owamukelwe bewatlikitlwa nguNdunakulu kufanele waziswe ngaphakathi koMthetho Ogadangisiweko weNarha begodu ubaMthetho ekwazisweni kwawo namkha elangeni lamuva, eliquntwe ngiloyo Mthetho-sisekelo namkho umthetho-sisekelo woguqulo.

(3) Umtlo otlikitliweko woMthetho-sisekelo namkha uMthetho-sisekelo woguqulo weProvinsi ubufakazi obuzeleko bezimiso zawo begodu, emva kokwaziswa, kufanele udluliselwe eKhotho yoMthetho-sisekelo bona iwulonde.

Imiththo ephikisanako

Ukungakhambisani hlangana koMthetho weNarha neweProvinsi

146. (1) Lesisigaba sisetjenziswa lokha kunokutjhayisana hlangana noMthetho weNarha nomthetho weProvinsi owela ngaphasi kwendawo yokusebenzela etlolwe kuSheduli 4.

(2) UMthetho weNarha osebenza ngokufana malungana nenarha yoke ozakubangaphezulu koMthetho weProvinsi otjhayisana nawo lokha nangabe imibandela elandelako iyazaliswa –

(a) Umthetho weNarha ucalane nendaba engeze yalawuleka kuhle ngokwemithetho emenyezalwe ngileyo naleyo iProvinsi ngokwehlukahlukana;

(b) iinrhuluphelo zenarha iyoke zidinga bona indaba ilawulwe ngokufanako ezweni loke, begodu uMthetho weNarha ubonelela ukufanana lokho ngokusungula –

(i) imigomo namazinga;

(ii) izakhiwo ezisidingo (frameworks); namkha

(iii) iindlela ezilandelwako enarheni.

(c) Umthetho weNarha uyadingeka ukubonelela –

(i) ukuvikeleka kwesitjhaba;

(ii) ukubumbana kwezomnotho;

(iii) ukuvikeleka kwezorhwebo ngokuhlanganyela nokusabalaliswa kwepahla okurhwetjwa ngayo ngobunengi, ukwenzwa komberego, imali (capital) nezomsebenzi (labour);

(iv) ukuthuthukisa zomnotho nangale kwemingcele yamaProvinsi;

- (v) ukuraga bona kubenokulingana begodu kube namathuba alinganako emisebenzini yombuso kibo boke; namkha
- (vi) ukuvikeleka kwebhoduluko.
- (3) UMthetho weNarha ubangaphezulu koMthetho weProvinsi lokha nangabe lowoMthetho weNarha unqophele ekuvimbeleni igadango elingazwakaliko leProvinsi lelo –
  - (a) elingakhubaza umnotho, ipilo nokuvikeleka kweenrhuluphelo zenye iProvinsi namkha zenarha iyoke; namkha
  - (b) ukuriyadisa ukusetjenziswa kwendlela yekambiso kwezomnotho yenarha mazombe.
- (4) Nangabe kunephikiswano malungana nokuthi umthetho weNarha uyadingeka ngehloso etlolwe esigatjaneni (2) begodu nokuthi iphikiswano izangaphambi kwekhotu ukuze kutholwe isiqunto, ikhotu, kufanele ihlolisise ukwamukelwa namkha ukwaliwa kwalomthetho mkhandlu weNarha wamaProvinsi.
- (5) UMthetho weProvinsi obangaphezu komthetho weNarha lokha nangabe isigatjana (2) no (3) asisetjenziswa.
- (6) UMthetho obekwe ngokulandela umthetho wePalamende namkha umthetho ungaphumelela kwaphela lokha wamukelwe Mkhandlu weNarha wamaProvinsi.
- (7) Nangabe uMkhandlu awufikeleli isiqunto ngaphakathi kwamalanga ama- 30 kokuhlala kokuthoma kwawo emva kokudluliselwa kwalowoMthetho kiwo, lowoMthetho kufanelwe uthathwe ngeendlela zoke njengomthetho ovunyelwe Mkhandlu.
- (8) Nangabe uMkhandlu weNarha wamaProvinsi awamukeli umthetho odluliselwe kiwo ngokwesigaba (6), ufanele, ngaphakathi kwamalanga ama- 30 yesiqunto sawo, uthumele iinzathu ezitjho bonyana kungani ungakavumeli lowoMthetho kusiphathiswa esidlulisele lowomthetho kiwo.

Ukutjhayisana okunye

147. (1) Lokha nangabe kuba nokutjhayisana hlangana noMthetho weNarha nesimiso soMthetho-sisekelo weProvinsi malungana –
- (a) indaba, leyo loMthetho-sisekelo udinga bonyana yenzelwe isimemezelo soMthetho weNarha, umthetho weNarha lowo obangaphezulu kwalesimiso esithintekako soMthetho-sisekelo;
  - (b) nokungenangena phakathi kwenarha ngokulandela isigaba 44(2), uMthetho weNarha ubangaphezulu kwalesimiso soMthetho-sisekelo weProvinsi; namkha
  - (c) nendaba engaphakathi kwendawo yokusebenza etlolwe kuSheduli 4, isigaba 146 sisetjenziswa sengathi isimiso esithintekako soMthetho-sisekelo weProvinsi bes'Mthetho weProvinsi otjhiwo kulesosigaba.
- (2) UMthetho weNarha otjhiwo kusigaba 44(2) ubangaphezulu koMthetho weProvinsi malungana neendaba ezitjhiwo eendaweni zokusebenza ezimumethwe iSheduli 5.

Ukutjhayisana okungararulwekiko

148. Lokha umraro omalungana nokutjhayisana ungakoni ukurarululwa iKhotu yoMthetho-sisekelo, uMthetho weNarha obangaphezulu komthetho weProvinsi namkha umthetho-sisekelo weProvinsi.

Ubujamo boMthetho ongakabikhona

149. Isiqunto seKhotu bona uMthetho ubangaphezulu koMthetho omunye asitjho bonyana umthetho otjhidiwako ophelwa mamandla womthetho, kodwana loyo omunye umthetho uhlala ungasebenzi lokha nakusolo ukutjhayisana lokho kukhona.

Ukuhlathululwa kokungakhambisani

150. Loka nayicalane nokutjhayisana okubonakala kukhona hlangana noMthetho weNarha neweProvinsi, namkha hlangana nomthetho weNarha nomthetho-sisekelo weProvinsi, enye nanye ikhotu kufanele ikhethe ihlathululo oluzwakalako lalowo Mthetho namkha uMthetho-sisekelo leli libalekela ukutjhayisana kunehlathululo eliletha ukutjhayisana.

## ISAHLUKO 7

### UMBUSO WENDAWO

Amajamo waboMasipals

151. (1) Umkhakha woMbuso weNdawo ubunjwa boMasipala abafanele basungulwe kiyo yoke inarha yeRiphabliki.

(2) Amandla wokuphatha nokwenza umthetho wakaMasipala athweswe uMkhandlu kaMasipala.

(3) UMasipala unelungelo lokulawula ngokwayo iindaba ezimalungana nombuso wendawo zomphakathi wawo, ngaphasi koMthetho weNarha neweProvinsi, njengobana kutjhiwo ngakuMthetho-sisekelo.

(4) UMbuso weNarha neweProvinsi ngeze wehlise namkha unyaze ikgono namkha ilungelo likaMasipala lokusebenzisa amandla wawo namkha wokwenza umsebenzi wawo.

Iminqopho yoMbuso wendawo

152. (1) Iminqopho yombuso weNdawo ngile –

(a) ukubonelela umbuso wentando yesitjhaba newuziphendulelako kumiphakathi;

(b) Ukubonelela ukwethulwa kwemisebenzi kumiphakathi ngokuqhubekako;

(c) Ukuthuthukisa ezehlalakhle nezomnotho woMphakathi;

(d) ukuthuthukisa ibhoduluko elivikelekileko nelinepilo;

(e) ukukhuthaza ukuzibandakanya komphakathi neenhlangotho zomphakathi eendabeni zoMbuso weNdawo.

(2) UMasipala ufanele alwe, ngakhokoke okusemandleni wawo nakutjhejwe ukuphatha neemali, bonyana ufinyelele iminqopho etjhiwo kusigatjana (1).

Imisebenzi yokuthuthukisa yaboMasipala

153. UMasipala ufanele –

(a) akhe begodu alawule zokuphatha, malungana neenlinganiso zeemali, ukuraga amahlelo, iindingo ezisemqoka zomphakathi ibingizo ezicatjangelwa ngaphambili, begodu urage intuthuko kwezehlalakhle nomnotho womphakathi; begodu

(b) urage ukusetjenziswa kwamahlelo wentuthuko weNarha mazombe neweProvinsi.

AboMasipala embusweni webambisano

154. (1) Umbuso yeNarha neyeProvinsi, ngoMthetho namkha amanye amagadango, kufanele irhelebhe aboMasipala bona bafinyelele iminqopho yoMbuso weNdawo, begodu kufanele yengeze nokungezelela amandla wombuso wendawo bona ukgone ukulawula iindaba zawo.

(2) UMthetho weNarha neweProvinsi othinta ubujamo, iinkhungo, amandla nemisebenzi yombuso weNdawo kufanele waziswe kumphakathi bonyana uveze amaziso wawo ngaphambi kobonyana ungeniswe ngakuBandla Lesitjhaba namkha is'bethamthetho seProvinsi, ngendlela leyo evumela uMbuso weNdawo ohlelekileko, abomasipala nabanye abantu abaneenfisakalelo bonyana babe netjhudu lokuveza imibono yabo malungana noMthetho-osahlongozwako loyo.

Ukuhlonywa kwaboMasipala

155. (1) Kunengaba ezilandelako zobomasipala:

(a) Isigaba A: Umasipala onamandla angezelelweko begodu nokuziphatha ngokomthetho endaweni yawo.

(b) Isigaba B: Umasipala ohlukaniselwe amandla begodu nokuziphatha ngokomthetho endaweni yawo enesigaba C sikamasipala ngaphasi kwendawo ewela kiyo.

(c) Isigaba C: Umasipala onikelwe amandla begodu nokuziphatha ngokomthetho endaweni efaka hlangana abomasipala abangaphezulu koyedwa.

(2) Umthetho weNarha kufanele uhlathulule iingaba eziihlukeneko zabomasipala abangahlonywa ngaphakathi kwesigaba sinye.

(3) Umthetho weNarha ufuze : –

(a) Wenze indlela yokubona bonyana indawo kufanele ibenesigaba sinye isigaba A nofana

kufanele ibe neengaba ezimbili iingaba B no C zabomasipala.

(b) Wenze indlela begodu namano wokusika imincele yabomasipala libandla elizijameleko; begodu

(c) Ngokwesigaba 229, benze imihlinzeko yokuhlukanisa kuhle amandla begodu nemisebenzi hlangana nabomasipala lokha umasipala nakaphethe isigaba B begodu nesigaba C. Ukuhlukaniselana amandla begodu nemisebenzi hlanga kwesigaba B nesigaba C sabomasipala kungehluka ukuhlukaniselana amandla kunye nemisebenzi hlanga nezinye iingaba zikaB zabomasipala neengaba C zabomasipala.

(4) Umthetho otjhiwo kusigatjana (3) kufanele uyelele ukuhlinzeka ngemisebenzi yabomasipala ngendlela elinganako begodu nekgonakalako.

(5) Ummthetho weProvinsi ufanele ubonelele iingaba ezahlukeneko zabomasipala ezingahlonywako kuProvinsi.

(6) Omunye nomunye umbuso weProvinsi kufanele uhlome abomasipala kuProvinsi ngendlela ekhambisana nomthetho ojanyisiwe ngesigatjana (2) begodu (3) begodu, ngokomthetho nofana ngezinye iindlela, kufanele –

(a) ihlinzeke ngokulawulwa begodu nokusekela umbuso wabomasipala kuProvinsi, begodu.

(b) ikhuphule ukuthuthukiswa kwamandla wombuso weNdawo ukurhelebha abomasipala ukwenza imisebenzi yabo begodu ukgone ukuphatha iindaba zabo.

(7) Umbuso weNarha, ngokwesigaba 44, begodu nemibuso yamaProvinsi inamandla ngakomthetho nangokokuphatha ukuhlolisisa ukusebenza okubonakalako kwabomasipala ngemisebenzi yabo malunga neendaba ezitjhiwiwo kuSheduli 4 begodu 5, ngokulawula ukusebenza kwabomasipala kwamandla wabo wokwenza umthetho nokuphatha atjhiwiwo kusigaba 156(1). Amandla nemisebenzi yaboMasipala

156. (1) UMasipala unamandla wokuphatha nelungelo lokulawula –

(a) iindaba zombuso weNdawo ezitlolwe kuncenye B yeSheduli 4 nencenye B yeSheduli 5; begodu

(b) enye nanye indaba enikelwe namkha edluliselwe kiwo Mthetho weNarha namkha weProvinsi.

(2) UMasipala angenza begodu alawule imithetho ekulawuleni iindaba lezo unelungelo lokuzilawula.

(3) Ngaphasi kwesigaba 151(4) uMthetjhwana otjhayisana noMthetho weNarha namkha weProvinsi awukho emthethweni. Lokha nangabe kunokutjhayisana hlangana nomthethwana noMthetho weNarha namkha weProvinsi lokho okungasetjenziswako ngebanga lokutjhayisana okutjhiwo kusigaba 149, lowoMthethwana ufanele uthathwe njengoseMthethweni esikhathini leso lowoMthetho solo ungasetjenziswi.

(4) Umbuso weNarha neweProvinsi kufanele inikele namkha idlulisele kuMasipala, ngesivumelwano esimumethe eminye neminye imibandela, ulawulo lwendaba etlolwe kuncenye A kaSheduli 4 namkha incenye A kaSheduli 5 leyo elumatha umbuso weNdawo, nangabe –

(a) leyo ndaba ingaragwa ngcono lokha ilawulwa kundawo; begodu

(b) uMasipala unawo amandla wokuyiraga.

(5) UMasipala unelungelo lokusebenzisa amanye namanye amandla malungana nendaba ekutlhogakala ngokuzwakalako namkha emayelana nokwenziwa komsebenzi wawo ngepumelelo. Ukubunjwa namaKhethe wemikhandlu yaboMasipala

157. (1) UMkhandlu kaMasipala ubunjwa –

(a) malunga akhethwe ngokulandela izigatjana (2), (3), (4) no (5); namkha

(b) lokha nawubonelelwa Mthetho weNarha –

(i) amalunga akhethwe ngomunye uMkhandlu kaMasipala ukujamela uMkhandlu lowomunye; namkha

(ii) amalunga womabili akhethwe ngokulandela indima (a) namalunga akhethwe

ngokukhambisana indinyana (i) yalendima.

(2) Amakhethe wamalunga woMkhandlu kaMasipala njengobana abonelelwa phambili sigatjana (1)(a) afanele akhambisane noMthetho weNarha lowo ufanele ubeke indlela –

(a) kokujanyelwa kweenhlangano ngokuya ngamavowutu atholwe ngizo okusekelwe phezu kwerherho elifanako labavowuti bendawo kaMasipala, begodu ebonelela ukukhethwa kwamalunga avela erherhweni labo ng'khethebeni benhlangano elitlolwe ngokulandelana okuquntwe inhlango; namkha

(b) Ngokujanyelwa kweenhlangano ukuya ngamavowuti atholwe ngizo njengoba kutjiwo kundima (a) okuhlangane nendlela yokujanyelwa kwamaWadi okusekelwe ekuhlukanisweni kaMasipala erherhweni elifanako labavowuti lenarha.

(3) Indlela yeKhethe ngokulandela isigatjana (2) lesi kufanele iqinisele bona inani lamalunga woke akhethwe kuvela enhlanganweni enye nanye itjengisa koke ukujanyelwa ngokuya ngamavowutu atholwe inhlango elitlolwe inhlango lezo.

(4) Lokha nangabe indlela yokhethe ifaka hlangana ukujanyelwa kweWadi, ukurhunyezwa kwemngcele yamaWadi kufanele kwenzwe isiphathiswa esizijameleko esikhethwe ngokulandela begodu esizebenza ngekambiso ebekwe Mthetho weNarha.

(5) Umuntu angavowuta kuMasipala kwaphela lokha umuntu lowo atloliswe kuncenye yalowo Masipala erherhweni elifanako labavowuti lenarha.

(6) UMthetho weNarha otjhiwo kusigatjana 1 (b) kufanele usungule ikambiso yokubekwa eenkhundleni leyo ezakuvumela inhlango neenrhuluphelo ezivezwa ngaphakathi koMkhandlu kaMasipala, begodu ebonelela bonyana lezonkhundla zizaliswa ngokujanyelwa okufaneleko.

Ubulunga beMikhandlu kaMasipala

158. (1) Esinye nesinye isakhamuzi esinelungelo lokovowutela uMkhandlu kaMasipala sinelungelo lokuba ilunga loMkhandlu loyo, ngaphandle –

(a) Komuntu omunye nomunye oqatjhwe namkha asebenza uMasipala begodu athola umrholo ngebanga lokuqatjhwa namkha ukusebenza lokho; begodu loyo ongakalibalelwa ekwalelweni kwalelilungelo ngokulandela uMthetho weNarha;

(b) Komuntu omunye nomunye oqatjhwe namkha osebenza umbuso kwelinye izinga, begodu athola umrholo ngebanga lokuqatjhwa namkha ukusebenza lokho, begodu owamukwe ubulunga boMkhandlu ngokulandela uMthetho weNarha;

(c) Komuntu omunye nomunye owamukwe ilungelo lokuvowutela iBandla Lesitjhaba namkha owalelwa ngokulandela isigaba 147(1)(c), (d) namkha (e) ukuba lilunga leBandla;

(d) ilunga leBandla Lesitjhaba, uMkhandlu weNarha wamaProvinsi namkha iS'bethamthetho seProvinsi: kodwana ukwalelwa lokhu angezekusetjenziselwe ilunga loMkhandlu kaMasipala ojamela umbuso wendawo kuMkhandlu kaMasipala; namkha

(e) ilunga loMkhandlu kaMasipala omunye; kodwana ukungabelungelo lokhu akusebenzi kulilunga loMkhandlu kaMasipala elijamela uMkhandlu lowo komunye uMkhandlu womhlobo ohlukileko.

(2) Umuntu ongakalungeli ukuba ilunga loMkhandlu kaMasipala ngokulandela isigatjana (1)(a), (b), (d) namkha (e) angaba ngung'khethebeni woMkhandlu, ngaphasi kwanoma ngiyiphi inrhunyezo namkha imibandela esungulwe Mthetho weNarha.

Isikhathi seMikhandlu kaMasipala

159. Isikhathi leso iMikhandlu kaMasipala ivowutelwe sona angeze sadlula iminyaka emine, njengobana kubeke Mthetho weNarha.

Iinkabiso zangaphakathi

160. (1) Umkhandlu kaMasipala –

(a) wenza iinqunto ngokusetjenziswa kwawo woke amandla begodu nokwenza imisebenzi kamasipala woke;

(b) kufanele uzikhethela usihlalo wawo;

- (c) ungakhetha ikomiti ekulu namanye amakomiti malungana nomthetho weNarha; begodu
- (d) ungaqatjha abasebenzi labo abadingekako ukwenza imisebenzi yawo ngokupheleleko.
- (2) Imisebenzi elandelako angeze idluliselwe phambili Mkhandlu kaMasipala:
  - (a) ukwenziwa kwemithetho kamasipala;
  - (b) ukuvunyelwa kwamabhajethi;
  - (c) ukufakwa kweenlinganiso kunye neentela ezinye, imithelo neminye imisebenzi; begodu
  - (d) nokukhulisa iimbolekiso.
- (3) (a) Inengi lamalunga woMkhandlu kamasipala kufanele babekhona ngaphambi kobonyana ivowuti ingathathwa kwenye nenye indaba.
  - (b) zoke iindaba ezimalungana nokutjiwo sigatjana (2) siquntwa ngesiqunto esithethwe Mkhandlu kamasipala ngevowuti esekelwa inengi lamalunga awo.
  - (c) zoke ezinye iindaba phambi koMkhandlu kamasipala.
- (4) Awuko umthetjhwana ongaphasiswa Mkhandlu kaMasipala ngaphandle kobonyana –
  - (a) woke amalungu woMkhandlu anikelwe isaziso ngaphakathi wesikhathi esizwakalako; begodu
  - (b) umthetjhwana lowo ohlongozwako waziswe emphakathini bonyana uveze imibono.
- (5) Umthetho weNarha ungabonelela indlela equnta –
  - (a) ubukhulu boMkhandlu kaMasipala;
  - (b) nomana uMkhandlu kaMasipala ungakhetha ikomidi yelawulo namkha nomangiyiphi ikomidi;
  - (c) ubukhulu bekomidi yezokuphatha namkha enye ikomidi yoMkhandlu kaMasipala.
- (6) UMkhandlu kaMasipala ungenza imithetjhwana ebonelela imigomo neenqunto ezicalane nokulandelako –
  - (a) ukuhleleka kwawo ngaphakathi
  - (b) umsebenzi nekambiso wawo; begodu
  - (c) ukusungulwa, ukubunjwa, indlela yekambiso, amandla nemisebenzi yamakomidi wawo.
- (7) UMkhandlu kaMasipala kufanele urage umsebenzi wawo etjhatjhalazini, begodu ungabambela imihlangano yawo neye makomidi wawo emsithelweni kwaphela nangabe kufanelekile ukwenza njalo makutjhejwe umhlobo waloyo umsebenzi owenziwako.
- (8) Amalunga woMkhandlu kaMasipala alungele ukuzibandakanya ekambisweni wawo naleyo yamakomidi awo ngokulandela indlela –
  - (a) evumela iinhlango neerhuluphelo ezikhona ngakumkhandlu bonyana zijanyelwa ngokufeneleko;
  - (b) ekhambisana nentando yesitjhaba; begodu
  - (c) engalawulwa ngomthetho weNarha.

#### Ukuvikeleka

161. Umthetho weProvinsi owakhiwe ngokomthetho weNarha ungabonelela ukuvikeleka nokulibalelwa kwemikhandlu kaMasipala namalunga wawo.

#### Ukwaziswa kwemithetjhwana kaMasipala

162. (1) Imithethwana kaMasipala ungakatelelwa kwaphela lokha waziswe kuMthetho ogadangisiwe weProvinsi ethintekako.

(2) UMthetho Ogadangisiweko weProvinsi kufanele wazise imithetjhwana kaMasipala lokha uMasipala abawa lokho.

(3) Imithetjhwana kaMasipala kufanele ifikelele uMphakathi.

#### UMbuso weNdawo ohlelekileko

163. Umthetho wePalamende omenyezelwe ngokulandela ikambiso esungulwe kusigaba 76 kufanele –

- (a) Ubonelele ukutjhejwa kweehlangano zeNarha neProvinsi ezijamela abomasipala;
- (b) ubeke iindlela lezo ngazo umbuso weNdawo unga –

- (i) qhumana nombuso weNarha noweProvinsi;
- (ii) khomba abajameli abazakuthatha indima kuMkhandlu wamaProvinsi neweNarha; begodu
- (iii) nyula abantu kuKomitjhana yeeMali neeMali zombuso.

Ezinye iindaba

164. Zoke iindaba ezimalungana nombuso weNdawo ezingakabonelelwa kuMthetho-sisekelo zingabonelelwa Mthetho weNarha, namkha Mthetho weProvinsi ngokulandela imibandela yoMthetho weNarha.

#### ISAHLUKO 8

#### AMAKHOTHO NEKAMBISO

#### YEZOBULUNGISWA

Amandla wezobulungiswa

165. (1) Amandla welawulo zobulungiswa weRiphabliki athweswe amaKhotho.
- (2) Amakhotho azijamele, begodu angaphasi kwaphela kwaloMthetho-sisekelo nomthetho, lo ofanele ukuwusebenzisa ngaphandle kokwesaba, ukuthatha ihlangothi nokugandelela.
- (3) Akakho umuntu namkha igatjha lombuso elizakungenangena phakathi nokuphazamisa umsebenzisa wamakhotho.
- (4) Amagatja wombuso, ngokusebenzisa umthetho namanye amagadango, afanele arhelebhe nokuvikela amakhotho, aqinisekise ukuzijamela, ukungathathi ihlangothi, ukuhlonipheka, nokufikelelwa kwawo begodu nekgono lamakhotho la.
- (5) Ukugunyaza namkha isiqunto esikhitjhwe yikhotho sibopha boke abantu namagatja woMbuso lawo sisebenza kiwo.

Ukuhlelwa kwamaKhotho

166. Amakhotho ngila –

- (a) IKhotho yoMthetho-sisekelo;
- (b) IKhotho Ephakemeko yezokuBuyekeza (Supreme Court of Appeal);
- (c) Amakhotho aPhakemeko, kufakwa hlangana nenye nenye ikhotho ephakemeko yokubuyekeza esungulwe Mthetho wePalamende bona ilalele iimbawo zokubuyekeza ezibuya kuMakhotho aPhakemeko;
- (d) AmaKhotho waboMarhastrada;
- (e) Enye nenye ikhotho esungulwe namkha evunyelwa ngokulandela uMthetho ePalamende, kufakwa hlangana namakhotho wezinga elilingana nawamaKhotho aPhakameko namkha newamaKhotho waboMarhastrada.

IKhotho yoMthetho-Sisekelo

167. (1) IKhotho yoMthetho-sisekelo ibunjwa nguMongameli, iPhini likaMongameli namanye amajaji alithoba.

- (2) Isiqunto malungana nomraro owethulwe ngaphambi kweKhotho yoMthetho-sisekelo kufanele sithathwe okungasenani majaji abunane.
- (3) IKhotho yoMthetho-sisekelo –
- (a) iyikhotho engaphezulu kwazo zoke ekuraruleni imiraro emalungana noMthetho-sisekelo;
  - (b) ingararulula kwaphela imiraro emalungana noMthetho-sisekelo nendaba ezimalungana neenqunto zomthetho-sisekelo; begodu
  - (c) ngiyo ikhotho le ethatha isiqunto samaphelelo bona indaba ethile iyindaba ethintana noMthetho-sisekelo namkha awa.
  - (4) iKhotho yoMthetho-sisekelo kwaphela –
    - (a) enganqunta imiraro hlangana namagatja wombuso ezingeni lenarha namkha iprovinsi emalungana nobujamo boMthetho-sisekelo, amandla namkha imisebenzi yanoma ngimaphi amagatja wombuso lawo;
    - (b) Inganqunta bonyana namkha uMthetho-osahlongozwako wePalamende namkha weProvinsi uyakhambisana noMthetho-sisekelo namkha awa, kodwana ingenza njalo kwaphela



nangabe lokho ngokubonelwa phambili kusigaba 79 namkha 121;

- (c) engaqunta iiNdawo esitjhiwo kusigaba 80 no 122.;
- (d) ingaqunta bonyana umthetho-sisekelo woguqulo ukhambisana nalo mthetho-sisekelo;
- (e) engaqunta bona iPalamende namkha uMongameli ubhalelwe kwenza umberego wakhe awuthweswa Mthetho-sisekelo; namkha

(f) engaqinisekisa uMthetho-sisekelo weProvinsi ngokulandela isigaba 144.

(5) Ikhotho yoMthetho-sisekelo yenza isiqunto samaphelelo bona nofana umthetho wePalamende, uMthetho weProvinsi namkha igadango likaMongameli kuyakhambisana noMthetho-sisekelo, begodu kufanele iqinisekise esinye nesinye isiqunto esigunyaza ukungabiseMthethweni esenzwe iKhotho Ephakemeko yezokuBuyekeza namkha ikhotho ephakemeko, ngaphambi bona isiqunto leso singaba namandla woMthetho.

(6) UMthetho weNarha namkha imigomo yeKhotho yoMthetho-sisekelo kufanele uvumele umuntu, lokha kuseenrhuluphelweni zezobulingiswa begodu nangemvuma yekhotho yoMthetho-sisekelo –

(a) ukuletha iindaba ngokunqophileko ekhotho yoMthetho-sisekelo; namkha

(b) enze isibawo sokubuyekeza ngokunqophileko eKhotho yoMthetho-sisekelo ngesiqunto senye nanye ikhotho.

(7) Indaba emalungana noMthetho-sisekelo efaka hlangana enye nanye indaba emalungana nokuhlathululwa, ukuvikelwa begodu nokukatelelwa koMthetho-sisekelo.

IKhotho Ephakemeko yezokuBuyekeza

168. (1) IKhotho Ephakemeko yezokuBuyekeza ibunjwa liJaji Eliphakemeko eliyiHloko, iphini leJaji Ephakemeko eliyiHloko, begodu namanye amajaji wezokubuyezwa labo inani labo libekwa Mthetho wePalamende.

(2) Umraro o lethwa phambi kweKhotho Ephakemeko yezokuBuyekeza kufanelwe uquntwe inani lamajaji elibekwe Mthetho wePalamende.

(3) IKhotho Ephakemeko yezokuBuyekeza ingathatha iinqunto kuzo zoke iimbawo zokubuyekeza. Kuyi khotho engaphezu kwazo zoke yokubuyekeza ngaphandle kweendaba ezimalungana noMthetho-sisekelo, begodu ingaqunta kwaphela –

(a) Iimbawo zokubuyekeza;

(b) iindaba ezikhambelana neembawo zokubuyekeza; begodu

(c) nomunye nomunye umraro ongathunyelwa kiyo ngokulandela ubujamo obubekwe Mthetho wePalamende.

Amakhotho aphakemeko

169. IKhotho ePhakemeko ingaqunta –

(a) enye nanye indaba yoMthetho-sisekelo ngaphandle kwendaba leyo –

(i) engaquntwa kwaphela iKhotho yoMthetho-sisekelo; namkha

(ii) edluliselwe kwenye ikhotho esezingeni elifanako neleKhotho ePhakemeko; begodu

(b) enye nanye indaba engakanikelwa enye iKhotho Mthetho wePalamende.

AmaKhotho waboMarhastrada namanye amaKhotho.

170. Amakhotho waboMarhastrada namanye amakhotho woke angaqunta enye nanye indaba ebekwe Mthetho wePalamende, kodwana amakhotho asezingeni elingaphasi kweleKhotho ePhakemeko angeze ahlolisise namkha agunyaze ngokokukhambisana noMthetho-sisekelo namkha awa koMthetho omunye nomunye omenyenzelweko namkha igadango elinye nelinye likaMongameli.

Iinkambiso zeKhotho

171. Amakhotho woke asebenza ngokulandela uMthetho weNarha, begodu imigomo neenkambiso zawo kufanelwe zibonelelwe ngokulandelwa umthetho weNarha.

Amandla wamaKhotho eendabeni zoMthetho-Sisekelo

172. (1) Lokha nayiqunta indaba yoMthetho-sisekelo engasemandleni wayo, ikhotho –

- (a) kufanele imemezele bona omunye nomunye umthetho namkha igadango elingakhambisani noMthetho-sisekelo awukho emthethweni kufikela ezingeni lokungakhambisani lokho; begodu
- (b) ingenza isiqunto esilungileko nesifaneleko, kufaka hlangu –
  - (i) isiqunto esirhunyeza ukusebenza kwesimemezelo sokungabisemthethweni kusukela esikhathini esidlulileko;
  - (ii) isiqunto esijamisa kwesikhatjhana ukusebenza kwesimemezelo sokungabisemthethweni ngokwesikhathi esinye nesinye nangemibandela eminye neminye.
- (2) (a) IKhotho Ephakemeko yezokuBuyekeza, iKhotho ePhakemeko namkha ikhotho yezinga elifanako ingathatha isiqunto malungana nokukhambisana noMthetho-sisekelo koMthetho wePalamende, uMthetho weProvinsi namkha ngiliphi igadango likaMongameli, kodwana isiqunto esitjho ukungabisemthethweni ngokungakhambisani noMthetho-sisekelo asinamandla womthetho ngaphandle kwaloka siqinisekiswa ikhotho yoMthetho-sisekelo.
- (b) IKhotho enza isiqunto esitjho ukungabisemthethweni ngokungakhambisani noMthetho-sisekelo, inganikeza isiqunto esivimbela kwesikhatjhana namkha elinye irhelelho lesikhatjhana kunoma ngimuphi umuntu, namkha ingajamisa ukuzwelelwa komlandu, bezekufike lapha ikhotho yoMthetho-sisekelo ikhipa isiqunto ngokuba semthethweni kwaloyo Mthetho namkha igadango.
- (c) UMthetho weNarha kufanele ubonelele ukudluliselwa kwesiqunto esitjho ukungabisemthethweni ngokungakhambisani noMthetho-sisekelo eKhoti yoMthetho-sisekelo.
- (d) Omunye nomunye umuntu namkha igatja lombuso oneenrhuluphelo ezaneleko angenza isibawo sokubuyekeza, namkha enze isibawo ngokunqophileko, eKhotho yoMthetho-sisekelo bona iqinisekise namkha itjhugulule isiqunto sekhotho enye esitjho ukungabisemthethweni ngokungakhambisani noMthetho-sisekelo ngokulandela isigatjana lesi.

Amandla wemvelo akhona

173. IKhotho yoMthetho-sisekelo, iKhotho Ephakemeko yezokuBuyekezo namaKhotho aPhakemeko ahlala anamandla wokuvikela nokulawula ikambiso yazo begodu nokuthuthukisa umthetho wesintu, itjheja khulu iinrhuluphelo zezobulungiswa.

Ukubekwa eenkhundleni kwabahluleli

174. (1) Omunye nomunye umfazi namkha indoda olungela ngokufaneleko ukubangumahluleli, ozilinganeko nofaneleko angabekwe esikhundleni sokuba ngumahluleli. Omunye nomunye umuntu ozokubekwa esikhundleni eKhotho yoMthetho-sisekelo kufanele godu abe sisakhamuzi seSewula Afrika.

(2) Isidingo bona abahluleli bafanele ukutjengisa ngokunabileko ibumbo lomhlobo nobulili beSewula Afrika kufanelwe sitjhejwe lokha nakubekwa abahluleli eenkhundleni.

(3) UMongameli njengehloko yeKhabinethe, emva kokuthintana neKomitjhana yeKambiso yezoBulungiswa nabarholi beenhlangano ezijanyelweko kuBandla Lesitjhaba, ubeka esikhundleni uMongameli nePhini likaMongameli weKhotho yoMthetho-sisekelo; begodu, emva kokuthintana neKomitjhana yeKambiso yezoBulungiswa, ubeka iJaji Eliphakemeko eliyiHloko nephini likaJaji Eliphakemeko eliyiHloko eenkhundleni.

(4) Amanye amajaji weKhotho yoMthetho-sisekelo abekwa eenkhundleni nguMongameli emva kokuthintana no Mongameli wekhotho yoMthetho-sisekelo nabarholi beenhlangano ezijanyelweko kuBandla Lesitjhaba, ngokulandela ikambiso elandelako –

(a) iKomitjhana yeKambiso yezoBulungiswa kufanele ilungise irherho lamabizo wabantu abanyulwako adlula isibalo esibekiweko ngamabizo amathathu, ilidlulisele irherho lelo kuMongameli.

(b) uMongameli angakhetha kilo irherhwelo lokha nakabeka abantu eenkhundleni begodu ufanele aluleke iKomitjhana yeKambiso yezoBulungiswa, athule neenzathu ezifaneleko lokha nangabe kunomunye onyulweko ongakamukeleki namkha nakusafanele kubekwe abanye enkhundleni.

(c) iKomitjhana yeKambiso yezoBulungiswa kufanele ingezelele irherho ngokunikeza ngamabizo wabanye abenyulweko begodu, uMongameli kufanele abeke abanye eenkhundleni ezisaleleko asebenzisa irherho lokuzaliselelwa lelo.

(5) Ngaso soke isikhathi, kufanele okungasenani kube namalunga amane wekhotho yoMthetho-sisekelo ebegade bangamajaji lokha nakabekwa enkhundleni eKhotho yoMthetho-sisekelo.

(6) UMongameli ufanele abeke amajaji wawo woke amanye amakhotho ngokwelulekwa yiKomitjhana yeKambisa yezoBulungiswa.

(7) Abanye abahluleli kufanele babekwe eenkhundleni ngokulandela uMthetho ophasisweko wePalamende, lowo ofanele ubonelele bonyana ukubekwa eenkhundleni, ukukhutjulelwa eenkhundleni eziphakemeko, ukuthunyelwa kwenye indawo yokusebenzela namkha ukuqotjiswa, namkha ukuthathelwa igadango lokujeziswa kwalababahluleli, nowenzeka ngaphandle kokuthatha inhlangothi namkha igandelelo.

(8) Ngaphambi kobana abahluleli labo bathome ukwenza imisebenzi yabo, kufanele bathathe isifungo, namkha bazobophe ngokukhambisana neSheduli 2, bona bazakugcina nokuvikela uMthetho-sisekelo.

Amajaji aboMjaphethe

175. (1) UMongameli angabeka umfazi namkha indoda bonyana abengumjaphethe wejaji eKhotho yoMthetho-sisekelo nangabe kunesikhala, namkha lokha nangabe ijaji litshwilile. Ukubekwa kwejaji lokhu, kungenziwa nangabe lokukusiphakamiso selunga leKhabinethe eliqalane nelawulo lwezobulungiswa, lingakwenza kanye kanye noMongameli wekhotho yoMthetho-sisekelo neJaji Eliphakemeko eliyiHloko.

(2) Ilunga leKhabinethe eliqalane nelawulo lwezoBulungiswa kufanele libeke enkhundleni amajaji ubangabomjaphethe kwamanye amakhotho emva kokuthintana nejaji elisesikhundleni esiphezulu lekhotho okufanele kusebenze kiyo ijaji elingumjaphethe lelo.

Isikhathi esibekelwe iJaji nemirholo

176. (1) Ijaji lekhotho yoMthetho-sisekelo libekwa esikhundleni iminyaka eli- 12 engavuselelwako, kodwana kufanele litjhiye phasi isikhundla salo lokha nakaba neminyaka ema-70 ubudala.

(2) Amajaji amanye abaseenkhundleni kuzekufike lapha bathokoziswa iinkhundla zabo ngokulandela uMthetho wePalamende.

(3) Imirholo, izabelo ezizalisela umrholo nemizuzo yamajaji ngeze yehliswa.

Ukususwa esikhundleni

177. (1) Ijaji lingasuswa esikhundleni kwaphela nangabe –

(a) iKomitjhana yeKambiso yezoBulungiswa ithola bona uyahluleka ngenqa yokugula, ngokungabi nekgono okudluleleko namkha ukuziphatha kumbi okudanisako; begodu

(b) iBandla lesitjhaba lenza isimemezelo bona ijaji lelo lisuswe esikhundleni ngesiqunto esamukelwa ngobuncani bobubili ebuthathwini wamalunga walo.

(2) UMongameli kufanele asuse ijaji esikhundleni lokha kwamukelwe isiqunto sokobana ijaji lelo lisuswe esikhundleni.

(3) UMongameli ngokululekwa yiKomitjhana yeKambiso yezoBulungiswa, angajamisa kwesikhatjhana ijaji emsebenzini lokha liqalane nekambiso etjhiwo kusigatjana (1).

IKomitjhana yekambiso yezobulungiswa

178. (1) KuneKomitjhana yeKambiso yezoBulungiswa ebunjwa –

(a) IJaji eliPhakemeko eliyiHloko, elingusihlalo emihlanganweni yekomitjhana;

(b) UMongameli weKhotho yoMthetho-sisekelo;

(c) IJaji eLongameleko okhonjwe maJaji oNgameleko;

(d) Ilunga leKhabinethe eliqalane nokulawula kwezobulungiswa, namkha umuntu okhethwe lilungelo;

- (e) Ama-advocate amabili asebenza umsebenzi wobu-advocate, anyulwe hlangana namanye ama-advocate ukujamela ithwasiso loke, begodu babekwe eenkhundleni nguMongameli;
- (f) Amagcwetha amabili asebenza umsebenzi wobugcwetha enyulwe hlangana namagcwetha amanye ukujamela uthwasiso lobugcwetha loke, begodu babekwe eenkhundleni nguMongameli;
- (g) Uthitjhere oyedwa ofundisa ezomthetho okhethwe mathitjhere wezomthetho emayunivesithi weSewula Afrika;
- (h) Abantu abasithandathu abakhonjwe liBandla Lesitjhaba hlangana namalunga walo, ukungesenani abathathu babokufanele babe malunga weenhlango eziphikisako ezijanyelweko kuBandla;
- (i) Amalunga amane azinthunywa ngokuzeleko ukujamela iProvinsi kuMkhandlu weNarha wamaProvinsi, akhonjwe Mkhandlu uwoke, usekelwe ivowutu yobuncani bamaProvinsi asithandatu;
- (j) Abantu abane abakhonjwe nguMongameli njengehloko yeKhabinethe, emva kokuthintana nabarholi beenhlango zoke ngaphakathi kweBandla Lesitjhaba; begodu
- (k) Lokha icalene neendaba ezimalungana nencenye yeKhotso ePhakameko yeProvinsi namkha yendawo iJaji Elongameleko lencenye leyo noNdunakulu, namkha umuntu okhonjwe nguye uNdunakulu weProvinsi ethintekako.
- (2) Lokha inani labantu abenyulwe ethwasisweni lamajaji namkha amagcwetha ngokulandela isigatjana (1) (e) namkha (f) lilingana neenkhundla ezimele zizaliswe, uMongameli kufanele ababeke eenkhundleni. Lokha inani labantu abenyulweko lidlula inani lenkhundla ezimele ukuzaliswa, uMongameli, emva kokuthintana nethwasiso elithintekako, kufanele abeke eenkhundleni labo abantu abenyuliwe abaneleko ukuzalisa iinkhundla lezo, atjheja iindingo zokuqinisekisa bonyana labo ababekwe eenkhundleni bajamela ithwasiso loke.
- (3) Amalunga weKomitjhana akhonjwe Mkhandlu weNarha wamaProvinsi, asebenza kuze kufike lapho batjhidiswa ngabanye, namkha kuze kuvuleke isikhundla hlangana nenani labo. Amanye amalunga akhonjwe bona abekuKomitjhana le, asebenza kuzekufike lapha labo ababakhombileko babatjhidiswa ngabanye.
- (4) IKomitjhana yeKambiso yezoBulungiswa inamandla nemisebenzi ewanikelwe ngaphakathi koMthetho-sisekelo noMthetho weNarha.
- (5) IKomitjhana yeKambiso yezoBulungiswa ingaluleka uMbuso weNarha malungana nenye nenye indaba ephathelene nezokwehlulela namkha ikambiso yezoBulungiswa; kodwana lokha nayicalane nenye nenye indaba ngaphandle kokubekwa esikhundleni kwejaji kufanele ihlale ngaphandle kwamalunga akhethwe ngokulandela isigatjana (1) (h) no(i).
- (6) IKomitjhana yeKambiso yezoBulungiswa ingazibekela ikambiso yayo, kodwana iinqunto zeKomitjhana le, kufanele zisekelwe inengi lamalunga wayo.

Amandla wokutjhuthisa

179. (1) Kunelawulo elilodwa lobutjhuthisi ngaphakathi kweRiphabliki, elimiswe ngokulandela uMthetho weNarha, begodu libunjwa –
- (a) uMnqophisi Mazombe wezoButjhuthisi oyihloko yabatjhuthisi, begodu ubekwa esikhundleni nguMongameli njengehloko yeKhabinethe; begodu
  - (b) ABanqophisi bezoButjhuthisi nabatjhuthisi abaquntwa Mthetho weNarha.
  - (2) ilawulo lokutjhuthisa linamandla wokusungula ukugwetjwa ngemilandu yobulelesi, ebujameni bombuso, nekwenzeni eminye neminye imisebenzi etlhogekako enamathelene nekambiso yokuzwelela imilandu yobulelesi.
  - (3) UMthetho weNarha kufanele uqinisekise bonyana aBanqophisi bezoButjhuthisi bombuso –
  - (a) balungele ngokufaneleko ukuba Banqophisi boButjhuthisi; begodu
  - (b) baziphendulela kwezobutjhuthisi ngokwamandla phezu kwendawo ezithileko, ngokulandela isigatjana (5).

- (4) UMthetho weNarha kufanele uqinisekise bonyana ilawulo lobutjhutjhi lenza umsebenzi walo ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukukhubaza (prejudice).
- (5) UMnqophisi Mazombe wezoButjhutjhi –
- (a) Kufanele abeke, kanye kanye noNgqongqotjhe begodu emva kokuthintana naBanqophisi bezoButjhutjhi, ikambiso yobutjhutjhi leyo efanele ukulandelwa emisebenzini yobutjhutjhi;
- (b) Kufanele akhiphe imikhombandlela yekambiso leyo efanele ukulandelwa emisebenzini yobutjhutjhi;
- (c) Angangenangena phakathi ekambisweni yobutjhutjhi lokha nangabe imikhombandlela yekambiso ayilandelwa; begodu
- (d) Angahlolisisa isiqu nto sokutjhutjhi namkha sokungatjhutjhi ngemva kokuthintana noMnqophisi wezoButjhutjhi othintekako begodu ngemva kokuthatha iinkhalo ngaphakathi kwesikhathi esitjhiwo nguMnqophisi Mazombe wezoButjhutjhi ezivela kulaba abalandelako –
- (i) ummangalelwa.
- (ii) ummangali.
- (iii) Omunye nomunye umuntu lowo uMnqophisi Mazombe wezobutjhutjhi athatha bonyana uyathinteka.
- (6) Ilunga leKhabinethe eliziphendulela kulawulo lwezobulungiswa kufanele ibenguye obanokuziphendulela kwamaphelelo malungana nelawulo yobutjhutjhi.
- (7) Zoke ezinye iindaba ezimalungana nelawulo lezobutjhutjhi kufanele zibekwe Mthetho weNarha.

Ezinye iindaba ezimalungana nelawulo lwezobulungiswa

180. Umthetho weNarha ungabonelela enye enye indaba emalungana nelawulo lezobulungiswa engaka landiswa ngaphakathi koMthetho-sisekelo, kufaka hlangana –

- (a) amahlelo wokuthwasiswa kwabahluleli;
- (b) Iindlela zokuqalana neenghonyoyilo ezibakhona ngabahluleli; begodu
- (c) nokubandakanya kwabanye abantu ngaphandle kwabahluleli ekuthathweni kweenqunto zekhotho.

## ISAHLUKO 9

### IINKHUNGO ZOMBUSO EZISEKELA

#### INTANDO YESITJHABA

Ukuhlonywa kunye nemigomo elawulako

181. (1) Iinkhungo ezilandelako ziqinisekisa ukuba ngokwentando yesitjhaba koMthetho-sisekelo ngakuRiphabliki:

- (a) Umvikeli woMphakathi
- (b) IKomitjhana yamaLungelo woBuntu
- (c) IKomitjhana yokuThuthukisa nokuVikela amaLungelo wemiphakathi ngokwaMasiko, iKolo neLimi
- (d) IKomitjhana yokuLingana koBulili
- (e) UMhloli maZombebele wezeeMali
- (f) IKomitjhana yezamakhetho.
- (2) Iinkhungo lezi zizijamele, begodu ziberega kwaphela ngokulandela uMthetho-sisekelo nomthetho begodu, kumele bona zingathathi ihlangothi begodu ziberegise amandla ezinikelwe wona begodu zenze imisebenzi yazo ngaphandle kokwesaba, ukuthatha ihlangothi namkha ngokudisela omunye umuntu.
- (3) Amagatja amanye wombuso, ngokusebenzisa umthetho namanye amagadango, kufanele arhelebhe begodu avikele iinkhungwezi, ukuqinisekisa ukuzijamela kwazo, ukungathathi hlangothi, ukuhlonipheka nokuphumelela kwazo.
- (4) Akukho muntu namkha igatjha lombuso elifanele lingenangene phakathi ukuberega kweenkhungwezi.

(5) Iinkhungwezi ziziphendulela ePalamende, begodu kumele zethule imibiko ngokusebenza kwazo kuBandla Lesitjhaba okungenani kanye ngonyaka.

UMvikeli womphakathi

Imisebenzi yoMvikeli womphakathi

182. (1) UMvikeli woMphakathi unamandla alandelako, njengombana alawulwa mthetho weNarha –

(a) wokuphenya okunye nokhunye ukuziphatha emsebenzini yombuso namkha ekuphathweni kwemisebenzi yomphakathi kunoma ngiliphi izinga lombuso, okuthiwa namkha okusolelwa bona alisebenzi ngokufaneleko namkha okungaletha imiphumela emimbi namkha ekhubaza omunye muntu.

(b) wokwethula umbiko kulokho ukuziphatha; begodu

(c) newokuthatha amagadango afaneleko wokulungisa ubujamo.

(2) UMvikeli woMphakathi unamandla angezelelweko nemisebenzi ebekwa mthetho weNarha.

(3) UMvikeli woMphakathi angeze aphenye iinqunto zekhotho.

(4) Boke abantu nemiphakathi bafanele bakwazi ukufikelela Mvikeli woMphakathi.

(5) Namtjhana ngimuphi umbiko okhitjiwe Mvikeli woMphakathi, abantu kumele bavunyelwe bona bawubone, ngaphandle kwalokha nakunobujamo obuthile obungakavami obubekwe ngokulandela Mthetho wenarha obudinga bonyana umbiko ubeyifihlo.

Isikhathi esibekelwe ukuphatha isikhundla

183. UMvikeli woMphakathi ubekwa ahlale esikhundleni iminyaka elikhomba (7) engavuselelwako.

IKomitjhana yamaLungelo woBuntu

Imisebenzi yeKomitjhana yamalungelo wobuntu

184. (1) IKomitjhana yamaLungelo woBuntu kufunele –

(a) ithuthukise ukhlonitjhwa kwamalungelo wobuntu nesiko lamalungelo wobuntu ngaphakathi kweRiphabliki;

(b) irage ukuthuthukiswa, ukuvikelwa begodu nokutholakala kwamalungelo wobuntu; begodu

(c) ibeke ilihlo begodu imede bona amalungelo woBuntu ahlonitjhwa kangangani ngaphakathi kweRiphabliki le.

(2) IKomitjhana yamaLungelo woBuntu inamandla, njengoba alawulwa Mthetho weNarha, ewadingako ekwenzeni imisebenzi yawo, kufaka hlangana namandla –

(a) wokuphenya nokwethula umbiko malungana nokhlonitjhwa kwamalungelo wobuntu;

(b) wokuthatha amagadango abonelelwa ukunikelwa kwerhelebo lapha amalungelo wobuntu akhubazeke khona;

(c) wokwenza irhubhululo; begodu

(d) wokufundisa.

(3) IKomitjhana yamaLungelo woBuntu kufuneka njalo ngonyaka ifune imbiko kumagatja wombuso athintekako, mayelana namagadango athethweko ekuphumeleliseni nekuqinisekiseni ukuthola ilungelo lokuba nendawo yokuhlala, indlu, zepilo, ukudla, amanzi, ukuvikeleka lapho uhlala khona, ifundo nebhoduluko.

(4) IKomitjhana yamaLungelo woBuntu inamandla nemisebenzi engezelelweko ebekwa Mthetho weNarha.

IKomitjhana yokuThuthukisa nokuVikela amaLungelo wemiphakathi yangokwaMasiko, iKolo neLimi.

Imisebenzi yeKomitjhana

185. (1) IKomitjhana yokuThuthukisa nokuVikela amaLungelo wemiphakathi yangokwaMasiko, iKolo noLimi ineminqopho eqakathekileko elandelako –

(a) ukuthuthukisa ihlonipho yamalungelo wamasiko, ikolo namalimi wemiphakathi;

(b) ukuraga nokuthuthukisa ukuthula, itjhebisano, ubuntu, ukungapheleli ihliziyo nebumbano yesitjhaba hlangana namasiko, ikolo namalimi wemiphakathi, okusekelwe phezu kokulingana, ukungabandlululi nekululeko yokuzibandakanya.

(c) Ukwenza isiphakamiso ngokuhlonywa namkha ukuvunyelwa, ngokulandela uMthetho weNarha koMkhandlu wamasiko namkha eminye imikhandlu yemiphakathi ethileko ngeSewula Afrika.

(2) Ikomitjhana inamandla, njengoba ilawulwa Mthetho weNarha, ewadingako bona ifeze imnqopho yayo eqakathekileko, kufaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubulula, wokufundisa, wokubawa abantu bayisekele, wokweluleka begodu newokuthula umbiko eendabeni ezimalungana namalungelo wamasiko, wekolo namalimi wemiphakathi.

(3) Ikomitjhana ingathula nomangimuphi umbiko kuKomitjhana yamalungelo woBuntu bona yona iphenyisise.

(4) IKomitjhana ingenza umbiko ngenye nanye indaba ewela ngaphakathi kwamandla nemisebenzi engezelelweko ebekwa Mthetho weNarha.

Ukubunjwa kweKomitjhana

186. (1) Inani, ukubekwa eenkhundleni, nesikhathi esibekelwe ukusebenza kwamalunga weKomitjhana yokuThuthukisa nokuVikela amaLungelo wangokwaMasiko, iKolo neLimi zizakubekwa Mthetho weNarha.

(2) Ukubunjwa kweKomitjhana –

(a) kufanele ngokunabileko kufake ukujanyelwa kwamasiko, ikolo namalimi asemqoka wemiphakathi engeSewula Afrika; begodu

(b) Itjengise ngokunabileko ubujamo bobulili beSewula Afrika.

IKomitjhana yokuLingana koBulili

Imisebenzi yeKomitjhana yokulingana kobulili

187. (1) IKomitjhana yokuLingana koBulili kufanele ithuthukise ukuhlonitjhwa kokulingana kobulili, ikhuthaze nokuthuthukiswa, ukuvikelwa begodu nokwenza bona kufinyelelwe ukulingana kobulili.

(2) IKomitjhana yokuLingana koBulili inamandla, alawulwa mthetho wenarha, ewadingako ekwenzeni imisebenzi yayo efaka hlangana amandla wokubeka ilihlo, wokuphenya, wokurhubhulula, wokufundisa, wokufuna bona isekelwe, wokweluleka nawokubika malungana neendaba ezithinta ukulingana kobulili.

(3) IKomitjhana yokuLingana koBulili inamandla begodu nemisebenzi engezelelweko ebekwa Mthetho weNarha.

Umdloli-Zombebele wezeeMali

Imisebenzi yoMdloli-Zombebele wezeeMali

188. (1) Umdloli Zombebele wezeeMali ufanele ahlolisise begodu ethule nombiko malungana nama-akhawunti, iintantimende zezeemali begodu nekambiso yezeemali –

(a) kiyo yoke iminyango yombuso wenarha neyamaProvinsi, nehlangothini lokuphatha;

(b) yaboMasipala boke; begodu

(c) nanoma ngiziphi ezinye iinkhungo namkha iincenye ezisebenza ngama-akhawunti adingwa mthetho namkha mthetho wamaProvinsi bonyana afanele ahlolisiswe uMcvaningi-Zombebele wezeeMali.

(2) Ukungezelela kimisebenzi etjhiwo kusigatjana (i) nangokulandela omunye nomunye uMthetho, Umdloli-Zombebele wezeeMali angahlolisisa begodu ethule umbiko malungana nama-akhawunti, iintantimende zezeemali nekambiso yezeemali –

(a) Esinye nesinye isikhungo esirhelejwa ngeemali ezivela kuSikhwama seMali yoMbuso seNarha, iSikhwama seMali yoMbuso seProvinsi namkha kuMasipala; namkha

(b) Esinye nesinye isikhungo esivunyelwe ngokulandela nofana ngumuphi umthetho ukwamukela imali ukufeza umnqopho womphakathi.

(3) UMhloli-Zombebele wezeeMali kufanele ethule umbiko omalungana nokuhlolisisa kwakhe ama-akhawunti kunofana kusiphi sibethamthetho esinetjhisakalo ekuhlolisweni kweemali lokho, begodu nakwesinye nesinye isiphathiswa njengoba kuqunte umthetho wenarha. Yoke imibiko kufanele yaziswe kumphakathi.

(4) UMhloli-Zombebele wezeeMali unamandla nemisebenzi engezelelweko ebekwe Mthetho weNarha.

Isikhathi sokuphatha isikhundla

189. UMhloli-Zombebele wezeeMali ubekwa esikhundleni ihlandla elibekweko, elingekhe lavuselelwa kabutjha, lwesikhathi esihlangana kweminyaka emihlanu nelitjhumu.

IKomitjhana yezamaKhetho

Imisebenzi yeKomitjhana yezamaKhetho

190. (1) IKomitjhana yezamaKhetho kufanele –

(a) ilawule ikambiso yamakhetho wez'bethamthetho seNarha, zamaProvinsi nezaboMasipala ngokukhambisana noMthetho weNarha;

(b) iqinisekise bonyana amakhetho, kuba ngatjhaphlukileko nalungileko; begodu

(c) imemezele imiphumelo yalawo makhetho esikhathini ekufanele sibekwe Mthetho weNarha begodu esifitjhani ngokukgonakala okuzwakalako.

(2) IKomitjhana yezamaKhetho inamandla begodu nemisebenzi engezelelweko abekwa mthetho wenarha.

Ukubunjwa kweKhomitjhana yezamaKhetho

191. IKomitjhana yezamaKhetho kumele ibunjwe buncani babantu abathathu. Inani lamalunga nesikhathi sokuphatha iinkhundla kumele kuquntwe mthetho wenarha.

UMkhanldu ozijameleko olawula zomrhatjho

UMthetho wezokurhatjha

192. UMthetho weNarha kufanele usungule uMkhanldu ozijameleko bona ulawule zokurhatjha ngokweenrhuluphelo zomphakathi nokuqinisekisa ongokufaneleko nokwehlukahlukana kwemibono ejamela umphakathi weSewula Afrika ngokwenaba.

Izimiso ezijwayelekileko

Ukubekwa eenkhundleni

193. (1) UMvikeli womphakathi namalunga wanoma ngiyiphi ikomitjhana esungulwe ngilesiSahluko kufanele kube bafazi namkha amadoda labo –

(a) abazizakhamuzi zeSewula Afrika;

(b) abazilinganeleko begodu bafanelekile ukubamba isikhundla isithileko, begodu

(c) bazalizi nomangiziphi iindingo ezibekwe Mthetho weNarha.

(2) Iindingo zamaKomitjhana asungulwe ngokweSahluko lesi kobanyana atjengise ngokwenabileko ibumbo ngokobuhlobo nobulili beSewula Afrika kufanele zitjhejwe lokha aboKomitjhinara babekwa eenkhundleni.

(3) UMhloli-Zombebele wezeeMali kufanele kubemfazi namkha indoda eyisakhamuzi seSewula Afrika, begodu abengumuntu ozilinganeleko nofaneleko ukuphatha isikhundla lesi. Ubuqephesi, nesikhathi eside sokusebenza umsebenzi kwezokuhlolisisa kwezeemali yombuso nokwezokuphatha komphakathi kufanele kutjhejwe khulu lokha nakubekwa uMhloli-Zombebele wezeeMali esikhundleni.

(4) UMongameli, ngokulandela isiphakamiso seBandla Lesitjhaba kufanele abeke eenkhundleni uMvikeli woMphakathi, uMhloli Zombebele wezeeMali, namanye amalungo we –

(a) Komitjhana yamaLungelo woBuntu;

(b) Komitjhana yokuLingana koBulili; begodu

(c) Komitjhana yezamaKhetho.

(5) IBandla Lesitjhaba kufanele liphakamise abantu –

(a) abenyulwe iKomidi yeBandla Lesitjhaba ngendlela yokujanyelwa kweenhlangano zoke



kuBandla Lesitjhaba; begodu

(b) abavunyelwe iBandla Lesitjhaba ngesiqunto esamukelwe inengi lamalunga weBandla -  
(i) okungasenani amaphesenti angama-60 wamalunga weS'bethamthetho, nange iintuso ziphathelene nokuqatjiswa koMvikeli woMphakathi nofana uMhloli weeMali-Zombebele, nofana  
(ii) yenengi lamalunga weS'bethamthetho, nange iimphakamiso ziphathelene nokuqatjiswa kwelunga leKhomitjhana.

(6) Ukuzibandakanya komphakathi wabantu ekwenzeni iimphakamiso kungabonelelwa njengoba kubekwe kusigaba 59 (1)(a).

Ukususwa esikhundleni

194. (1) UMvikeli woMphakathi, uMhloli-Zombebele wezeeMali namkha amalunga weKomitjhana esungulwe ngokulandela iSahluko lesi, angasuswa eenkhundleni kwaphela nangabe

(a) aziphethe kumbi, akakgoni ukwenza umsebenzi, namkha lokha nakabhalelwa imsebenzi yabo;

(b) nakukhona isiqunto kulokho esivela kukomidi yeBandla Lesitjhaba; begodu

(c) ngokwamukela S'bethamthetho ngesiqunto esitjhbonyana umuntu loyo akhutjhwesikhundleni.

(2) Isiqunto seBandla lesitjhaba malunga nokususwa esikhundleni: –

(a) koMvikeli woMphakathi nofana uMhloli-Zombebele wezeemali kufanele kwamukelwe ngesisekelo samavowuti amabili ebuthathwini okungasenani wamalunga weBandla; nofana

(b) ilunga lekomitjhana kufanele lamukelwe ngokusekelwa mavoti wenengi lamalunga weBandla.

(3) UMongameli –

(a) angajamisa kwesikhatjhana umuntu esikhundleni sakhe ngesinye nesinye isikhathi ngemva kobonyana ikomidi yeBandla lesitjhaba lithome ngephenyo lokususa loyo muntu esikhundleni; begodu

(b) kufanele asuse umuntu esikhundleni ngemva kobonyana iBandla lamukele isiqunto esitjhbonyana loyomuntu asuswe.

ISAHLUKO SE 10

UKUPHATHA KWEZOMPHAKATHI

Amagugu aqakathekileko nemigomo elawula ukuphatha komphakathi

195. (1) Ukuphatha kwezomphakathi kufanelwe kulawulwe magugu asekelo intando yesitjhaba nemigomo emumethwe Mthetho-sisekelo kufaka hlangana –

(a) Izinga eliphakameko nemphatho eyamukelwako kufanele ethuthukiswe nokuphumeleliswa.

(b) Imithombo ifanele iberegiswe ngekgono nangokubabalela indleko kufanele iphumeleliswe.

(c) Ukuphatha kwezomphakathi kufanele kuphumeleliswe.

(d) Imisebenzi kufanele yethulwe ngaphandle kokuthatha ihlangothi, ngokufaneleko, ngokulinganako nangaphandle kokuveza iinrhuluphelo zalowo owethula lomberego.

(e) Iindingo zabantu kufanele zibonelelwe begodu umphakathi ufanele ukhuthazwe bona ubenesandla ekuthatheni iinqunto ezimanqophana nokuphatha.

(f) Ukuphatha kwezomphakathi kufanele kube nokuziphendulela.

(g) ukuphatha kwezomphakathi kufanele kube setjhatjhalazini ngokubonelela umphakathi ngamaqiniso ngeenkhati ezifaneleko.

(h) Ubudlelwano hlangana nabantu netuthuko yokuthwasiselwa imisebenzi kufanele kungezelelwe begodu kutjalwe emphakathini.

(i) Ukuphatha kwezomphakathi kufanele kutjengise ukujanyelwa ngokunabileko ngabantu beSewula Afrika, ukuqatjha nekambisa yokuphatha kufanele isekelwe phezu kwekgono, kufanele kuzaliswe neendingo zokukhuphula labo abatjhiyeke emva ngebanga lebandlululo kuze kufikelele ubujamo obulinganako;

- (2) Imigomo le engaphezulu kufanele isetjenziswe –
  - (a) kwezokuphatha kiyo yoke imikhakha yombuso;
  - (b) kumagatja wombuso; begodu
  - (c) neenkhangu zomphakathi (Public enterprises)
- (3) UMthetho weNarha kufanele uqinisekise ukuthuthukiswa kwamagugu lawo nemigomo eyizindingo etlolwe kusigatjana (1).
- (4) Ukubekwa eenkhundleni kwenani labantu kwezokuphatha komphakathi akukavimbelwa, kodwana uMthetho weNarha kufanele ubonelele ukubeka eenkhundleni emisebenzini yomphakathi.
- (5) UMthetho olawula ukuphatha kwezomphakathi ungahlukanisa hlangana neentlopha, ukuphatha namkha iinkhangu.
- (6) Umhlobo nemisebenzi yeentlopha namkha iinkhangu ezahlukileko zezokuphatha komphakathi maphuzu aqakathekileko amele atjhejwe eMthethweni olawula zokuphatha komphakathi.

#### IKomitjhana yezemisebenzi yomphakathi

196. (1) KuneKomitjhana yezeMisebenzi yoMphakathi eyodwa yaleRiphabliki.

(2) IKomitjhana izijamele begodu ayikhetshi, begodu kufanele isebenzise amandla wayo yenze nemisebenzi yayo ngaphandle kokwesaba, ukuthatha ihlangathi namkha ukulimaza iirhuluphelo zomphakathi, iqinisekise ukuphatha ngokuphumeleleko nangobuqhwephetjhe begodu nezinga eliphezulu lobukgoni emsebenzini womphakathi. Lekomitjhana kufanele elawulwe mthetho weNarha.

(3) Ezinye iinhlango zombuso, ngeS’bethamthetho kunye nangamagadango amanye, kufanele zivikele bezirhelebhe ikomitjhana ukuze kuqiniseke ukuziphatha, ukungakhethi, isithunzi kunye nokuphumelela kwekomitjhana. Akunamuntu nofana ihlangano yombuso engangenangena phakathi ukusebenza kwaleKomitjhana.

(4) Amandla nemisebenzi yaleKomitjhana ngalandelako –

- (a) kuphemelelisa amagugu nemigomo endlalwe kusigaba 195 ngokwezombenezi womphakathi ngokusabalala;
- (b) ukuphenya, ukubeka ilihlo nokutjhetjhisisa ukuhleleka nekambiso begodu namagadango othathwa basebenzi besomsebenzi woMphakathi;
- (c) ukwenza iimphakamiso zamagadango angahle athathwe ukuqinisekisa ubukgoni nempumelelo kwezomsebenzi womphakathi;
- (d) ukukhipha imikhombandlela eqonde ukuqinisekisa bonyana ikambiso malungana nokuqatjha, ukuthunyelwa kwenye indawo yomsebenzi namkha ukuphiwa omunye umsebenzi (transfer) ukukhutjhwelwa nokuqatjha emsebenzini, ikhambisana nemihlinzeko nemigomo etjhiwo kusigaba 195;
- (e) ukwethula umbikio malungana nomsebenzi wayo kufaka hlangana neenqunto ezithetheko, iimphakamiso nekweleluleka ekunikeleko ukufikela ezingeni lapha imihlinzeko nemigomo endlalwe kusigaba 195 izalisweko; begodu
- (f) nofana ngokwayo nofana ekwamulekeni inghonyoyilo –
  - (i) iphenye namkha ihlolisise amagadango zezokuphatha anamatha abasebenzi nokwethula umbiko kusiphathiswa esiqondeneko namkha iS’bethamthetho;
  - (ii) ukuphenyisisa inghonyoyilo zabasebenzi bombuso malungana namagadango wangokomthetho namkha ukubhalelwa kuthatha amagadango lawo, begodu yenze iimphakamiso zendlela lokho kungararululwa ngayo;
  - (iii) ukuhlolisisa nokuphenyisisa ukulandelwa kwenkambiso ezifaneleko kwezomsebenzi womphakathi; begodu
  - (iv) ukweluleka amagatja wombuso weNarha naweProvinsi malungana neekambiso ezinamatha abasebenzi bombuso kufaka hlangana leyo emalungana nokuqatjha, ukuthunyelwa kwenye indawo

yomsebenzi namkha ukuphiwa omunye umsebenzi, ukuqotjhwa neminye imininingwana emlungana nabasebenzi bombuso.

(5) iKomitjhana iziphendulela kuBandla LesiTjhaba.

(6) Ikomitjhana ifanele yethule umbiko kungesenani kanye ngonyaka ngokulandela isigatjana

(4) (e) –

(a) kuBandla lesiTjhaba; begodu

(b) malungana nemisebenzi yayo ngakuProvinsi, ku'Sbethamthetho seProvinsi leyo.

(7) Ikomitjhini inabokomitjhinara aba-14 abalandelako ababekwe eenkhundleni nguMongameli: –

(a) abokomitjhinara abahlanu abavunywe liBandla lesiTjhaba ngokwesigatjana (8) (a); begodu

(b) ukomitjhinara munye ukujamela enye nenye iProvinsi okhethwe nguNdunakulu waleyoProvinsi ngokulandela isigatjana 8 (b).

(8) (a) uKomitjhinara obekwe esikhundleni ngokwesigatjana (7)(a) ufanele –

(i) atuswe yiKomitdi yeBandla lesiTjhaba elibunjwe ngokulinganako malungana neenqhema zoke ezijanyelwe ngeBandla; begodu

(ii) avunywe liBandla ngesiquanto esithathwe ngevowutu esekelwa inengi lamalunga walo.

(b) Ukomitjhinara kethwe nguNdunakulu weProvinsi ufanele –

(i) atuswe yikomiti yeSbetha-mthetho seProvinsi ebunjwe ngokulinganako malunga weenqhema zoke ezijanyelwe ngeSbetha-methethweni; begodu

(ii) avunywe S'bethamthetho ngesiquanto esithathwe ngevowutu esekelwa inengi lamalunga waso.

(9) Umthetho wePalamende ufanele, ulawule ikambiso yokubekwa eenkhundleni kwaboKomitjhinara.

(10) Ukomitjhinara ubekwa esikhundleni isikhathi seminaka emihlanu, evuselelelwa isikhathi esengezelelako sonyaka munye kwaphela, begodu ufanele abemfazi nofana indoda e –

(a) sisakhamuzi seSewula Afrika; begodu

(b) omuntu ozilinganeleko begodu olungileko onelwazi le, nofana onombono ngokuphatha, ukuphathwa nofana ngemihlinzeko yombuso.

(11) Ukomitjhinara angasuswa esikhundleni kwaphela ngesizathu –

(a) sokungaziphathi kuhle, ukungakgoni nofana ukubhalelwa;

(b) sokutholwa ngalokho yiKomidi yeBandla lesiTjhaba nofana, nange kungukomitjhinara owenyulwe nguNdunakulu weProvinsi, yikomiti yeSbetha-mthetho seProvinsi leyo; begodu.

(c) ngesiquanto sokuthathwa yiBandla nofana S'bethamthetho seProvinsi esiqaleneko, ngesiquanto sevowutu esekelwa inengi lamalunga walo bona ukomitjhinara asuswe esikhundleni.

(12) UMongameli ufanele asuse loyokomitjhinara othintekako esikhundleni lokha –

(a) Ibandla lamukele isiquanto esitjho bonyana ukomitjhinala lowo asuswe

(b) isaziso esitlolwe nguNdunakulu bona iPalamende yeProvinsi ithethe isiquanto sobana uKomitjhinara lowo asuswe.

(13) AboKomitjhinara abatjhwiwe esigatjaneni (7)(b) bangasebenzisa amandla bebenze imisebenzi yeKomitjhana kumaProvinsi wabo njenganyana kuquntwe mthetho weNarha.

Ezomsebenzi wombuso

197. (1) Ngraphakathi kwezokuphatha komphakathi kunezemisebenzi yombuso kuRiphabliki, ekufanele isebenze begodu yakhiwe ngokulandela umthetho weNarha begodu efanele irage bonyana iinkambiso zombuso wanamhlanje ngokuthembeka.

(2) Imininingwani nemibandela yokuqatjhwa kwezemisebenzi yombuso kufanele ilawulwe Mthetho weNarha. Abasebenzi banamalungelo wokuthola umhlala phasi njengoba ulawulwa Mthetho weNarha.

(3) Asikho isisebenzi sombuso esizakuphathwa ngcono kunabanye namkha akhubazeke ngebanga kwaphela lokusekela inhlango ethileko yezombanganarha namkha umnqopho wayo.

(4) Kusemahlombe wemibuso yamaProvinsi ukuzifunela ukuqatjha, ukukhuphula emsebenzini, ukuthumela kwenye indawo yokusebenza namkha ukwenza omunye umsebenzi nokuqotjha kwabasebenzi bombuso ngakwezokuphatha ngeendaweni zawo, kodwana ngokulandela imigomo efanako namazinga asetjenziswa kwezomsebenzi wombuso.

## ISAHLUKO 11

### EZOKUPHEPHA

Imigomo elawulako

198. Imigomo elandelako ilawula zokuphepha kweNarha ngaphakathi kweRiphabliki:

(a) Ukuphepha kweNarha kufanele kutjengise ukuzibopha kwamaSewula Afrika, ngokwehlukana kwabo kodwana basitjhaba sinye, ukuphila nje ngabantu abalinganako, baphile ngokuthula, nangaphandle kokwesaba, ukutlhoga nokufisekela ipilo engcono.

(b) Isibopho sokuphila ngokuthula nomusa sivimbela omunye nomunye umuntu osisakhamuzi ekuzibandakanyeni ngaphakathi kwenturhu yeenkhali, ngaphakathi kweNarha namkha emaphasini wangaphandle, ngaphandle ngokokubonelelwa Mthetho-sisekelo namkha uMthetho weNarha.

(c) ukuphepha kweNarha kufanele kulandelwe ngokukhambisana nomthetho, kufaka hlangua nomthetho wamazwe.

(d) ukuphepha kweNarha kuzakuba ngaphasi kwelawulo yePalamende neKhabinethe.

Ukuhlonywa, ukwakhiwa nokuziphatha kwamaphiko wezokuphepha

199. (1) Imisebenzi yezokuphepha yeRiphabliki yakhiwa mbutho wobusija owodwa, zobupholisa nemisebenzi yezoBuhloli esungulwe ngokulandela uMthetho-sisekelo.

(2) Umbutho wobusotja ngiwo kuphela umbutho osemthethweni ngaphakathi kweRiphabliki.

(3) Ngaphandle kwamaphiko wezokuphepha asungulwe ngokulandela uMthetho-sisekelo, iinqhema ezihlome ngeenkhali namkha imisebenzi, ingasungulwa kwaphela ngokulandela uMthetho weNarha.

(4) Amaphiko wezokuphepha kufanele asungulwe begodu akhiwe ngokulandela uMthetho weNarha.

(5) Amaphiko wezokuphepha kufanele asebenze begodu afundise begodu abawe amalunga wawo bona aberege ngokulandela uMthetho-sisekelo noMthetho kufaka hlangua uMthetho wamazwe neemvumelwano zeentjhaba ezibopha iRiphabliki.

(6) Alikho ilunga lePhiko lezokuphepha elifanele lithobele isiqu nto okusobala bona asikho emthethweni.

(7) Nofana amaphiko wezokuphepha nofana ngimaphi amalunga wawo angeze enze imisebenzi ngendlela leyo –

(a) ekhubaza iinrhuluphelo zeenhlangua yezombanganarha evunyelwa mthetho ngokulandela uMthetho-sisekelo; namkha

(b) Ngendlela esekelako neraga iinrhuluphelo zeenhlangua yeezombanganarha.

(8) Ukuphumelelisa imigomo ebonelela ukusebenzela etjhatjhalazini nokuziphendulela amakomidi wePalamende ahlonywe ziinhlangua ezinengi kufanele abeke ilihlo phezu kwamaphiko wezokuphepha ngendlela ebekwe Mthetho weNarha namkha imigomo neenqunto zePalamende.

Zokuvikela

Umbutho-wobusija

200. (1) Umbutho-wobusija kufanele ujanyiswe nokulawulwa njengombutho-wobusotja othobekileko.

(2) Umsebenzi oqakatheke khulu woMbutho-wobusija kujamela nokuvikela iRiphabliki, inarha yoke ngaphakathi kwayo nabantu bayo ngokukhambisana noMthetho-sisekelo nemigomo yeMithetho yamazwe elawula ukusetjenziswa kwamandla.

Ukuziphendulela kwezombanga narha

201. (1) Ilunga lekhabinethe kufanele liziphendulele emsebenzini wombutho-wokuvikela.

- (2) NguMongameli kwaphela, nje ngehloko yekhabinethe, ongagunyaza ukusetjenziswa kwamalunga wezobusotja –
- (a) ekusekusebenzisaneni nezesipholisa;
  - (b) ekuvikeleni iRhiphabliki; namkha
  - (c) ekufezeni iimbopho zamazwe.
- (3) Lokha nangabe uMbutho-wobusotja usetjenziswa ngokutjhiwo sigatjana (2), uMongameli ufanele azise iPalamende msinya nangokuzeleko ngalokhu –
- (a) Ngeenzathu ekusetjenziswa ngazo uMbutho-wokuvikela;
  - (b) Ngenye nanye indawo lapha uMbutho-wokuvikela osetjenziswa khona;
  - (c) inani labantu abasetjenziswako; begodu
  - (d) Isikhathi leso kulindwe bona uMbutho ungasetjenziswa ngaso.
- (4) Nangabe iPalamende ayihlali ngaphakathi kwamalunga alikhomba emva kokusetjenziswa koMbutho njengokutjhiwo kusigatjana (2), uMongameli kufanele athule umbiko odingeka kulesosigatjana kukomidi ethintekako ecalene nalokho.

Ilawulo loMbutho wezobusotja

202. (1) UMongameli njengehloko yeKhabinethe nguMlawuli-oyiHloko woMbutho-wobusotja, begodu kufanele abeke esikhundleni uMlawuli (commander) wamasotja.
- (2) ilawulo loMbutho-wobusotja lifanele lisetjenziswe ngokukhambisana nemikhombandlela yelunga leKhabinethe eliziphendulela kwezobusotja ngaphasi kwelawulo kaMongameli.

Ubujamo bokuvikela inarha

203. (1) UMongameli angamemezela ubujamo bokuvikela inarha begodu kufanele azise iPalamende msinya nangokuzeleko –
- (a) iinzathu zesimemezelo;
  - (b) Enye nanye indawo lapha uMbutho usetjenziswa khona; begodu
  - (c) inani labantu abasetjenziswako.
- (2) Nangabe iPalamende ayihlali lokha ubujamo bokuvikela inarha bumemezela, uMongameli kufanele abize iPalamende bona izokuhlala ngokungakavami ngaphakathi kwamalunga alikhomba kusukela ngelanga lesimemezelo.
- (3) Isimemezelo sobujamo bokuvikela inarha siphelelwa sikhathi ngaphandle nangabe sivunyelwa iPalamende ngaphakathi kwamalunga alikhomba kusukela ngelanga lesimemezelo.

Unobhala womphakathi wobusotja

204. Iगतja laboNobhala bomphakathi lombutho kufanele lisungulwe Mthetho weNarha ngaphasi kwelawulo lelunga leKhabinethe eliziphendulela kwezobusotja.

EZOBUPHOLISA

Imisebenzi yobuPholisa

205. (1) Imisebenzi yezobuPholisa benarha kufanele ijanyiswe ngendlela ezakusebenza enarheni mazombe, kuProvinsi, nalapha kufaneleko, emazingeni wendawo.
- (2) UMthetho weNarha kufanele usungule amandla nemisebenzi yobuPholisa begodu kufanele ubonelele bona imisebenzi yobuPholisa ikgone ukufeza iimbopho zawo ngekgono, kutjhejwa neendingo zamaProvinsi.
- (3) Iminqopho yemisebenzi yobuPholisa kuvimbela, ukuqeda begodu nokuphenyisisa ubulelesi, ukuletha ukuthula empakathini, ukuvikela nokuqinisekisa abakhi beRhiphabliki nepahla yabo, ukulonda nokukatelela umthetho.

Ukuziphendulela kwezombanganarha

206. (1) Ilunga leKhabinethe kufanele liziphendulele kwezobuPholisa, begodu kufanele abeke ikambiso yezobuPholisa benarha emva kokuthintana nemibuso yamaProvinsi begodu nokutjheja iindingo zamaProvinsi.
- (2) Umgomo wezobupholisa ungenza imihlinzeko ehluhlukeneko manqophana namaProvinsi ahlukeneko ngokutjheja iindingo neemfuneko zamaProvinsi lawo.

- (3) Enye nenye iProvinsi inelungelo –
- lokubeka ilihlo ngokuziphatha kwezobuPholisa;
  - ukubeka ilihlo, okufaka hlangana ukwamukela imibiko malungana nekono lemisebenzi yezobuPholisa;
  - ukuthuthukisa itjhebiswano hlangana nezobuPholisa nomphakathi;
  - ukulinganisa ikono elifikelelwa ngezobupholisa obubonakalako; begodu
  - nokuqhumana nelunga leKhabinethe eliziphendulela kwezobuPholisa nokwenza iimphakamiso malungana nobulelesi ngaphakathi kweProvinsi.
- (4) Umkhandlu wezokuphatha weProvinsi uziphendulela emisebenzini yezobupholisa –
- ethweswe yona ngilesisahluko;
  - enikelwe yona mthetho weNarha; begodu
  - enikelwe yona ngokwekambiso yezobupholisa yeNarha.
- (5) Bonyana ikgone ukufeza imisebenzi etjhiwo kusigatjana (3); iProvinsi –
- ingaphenya, namkha ibeke ikomitjhana yezokuphenya bona iphenye inghonghoyilo ezitjho bonyana amapholisa akaberegi kuhle namkha ukungakhambisani kuhle hlangana namapholisa nomphakathi othileko; begodu
  - ifanele yenze iimphakhamiso kulunga lekhabibethe eliziphendulela kwezobupholisa.
- (6) Ekwamukelweni kweenghonghoyilo ezethulwe Mkhandlu wezokuPhatha weProvinsi, igatja lesipholisa lenghonghoyilo elizijameleko elisungulwe mthetho weNarha kufanele liphenye ukungasebenzi kuhle, namkha ubulelesi obenze ilunga lezobupholisa kuProvinsi.
- (7) Umthetho wenarha kufanele ubonelele isakhiwo (framework) sokusungulwa, amandla, imisebenzi nokulawulwa kwebupholisa bendawo.
- (8) Ikomidi ebunjwa ilunga lekhabinethe namalunga weMikhandlu yezokuphatha yamaProvinsi kufanele isungulwe bona ibonelele ukusebenzisana kwezobupholisa nokuqhumana hlangana nemikhakha yombuso.
- (9) IS'bethamthetho seProvinsi singa bawa ukomitjhinara wamapholisa weProvinsi bona avele ngaphambi kwanoma- ngiyiphi ikomidi yaso ukuzokuphendula imbuzo.
- Ilawulo lezobupholisa
207. (1) UMongameli, njengehloko yeKhabinethe kufanele abeke esikhundleni umfazi namkha indoda ukuba nguKomitjhinara weNarha Mazombe wezobuPholisa bona alawule begodu apha the imisebenzi yobuPholisa.
- (2) UKhomitjhinara weNarha Mazombe kufanele asebenzise amandla apethe imisebenzi yobuPholisa yenarha nemikhombandlela yelunga leKhabinethe eliziphendulela kwezobuPholisa.
- (3) UKhomitjhinara weNarha Mazombe, ngokuzwana nomkhandlu wezokuphatha weProvinsi kufanele abeke esikhundleni umfazi namkha indoda ukuba ungukomitjhinara waleyo Provinsi, kodwana nangabe ukomitjhinara weNarha Mazombe nomkhandlu wezokuphatha weProvinsi abakgoni ukuzwana ngalowo afa nelwe ukubekwa esikhundleni, ilunga lekhabinetha eliziphendulela kwezobupholisa lizakuba ngumlamuli-phakathi (mediator) kulokho.
- (4) AmaKhomitjhinara weProvinsi baziphendulela kwezobuPholisa kuProvinsi –
- njengoba kubekwe Mthetho weNarha; begodu
  - ngaphasi kwamandla wakaKomitjhinara weNarha Mazombe wokulawula ngaphezulu nokuphatha imisebenzi yobuPholisa ngokulandela isigatjana (2).
- (5) Ukomitjhinara weProvinsi kufanele njalo ngonyaka abikele iS'bethamthetho ngobupholisa kuProvinsi, begodu kufanele athumele iKhophi yombiko kuKomitjhinara weNarha Mazombe.
- (6) Nange ukomitjhinara weProvinsi akasathenjwa Mkhandlu wezokuphatha weProvinsi, uMkhandlo wezokuphatha weProvinsi, ungathatha amagadango afaneleko wokutjhidisa nofana ukudluliselwa, nofana wokukhalima uKomitjhinara lowo ngokukhambisana nomthetho weNarha. Unobhala womphakathi wezobupholisa
208. Igatja laboNobhala bomphakathi kwezobupholisa kufanele lisungulwe mthetho weNarha

bona lisebenze ngaphasi kwelawulo lelunga leKhabinethe eliziphendulela kwezobuPholisa.

UBuhloli

Ukusugulwa nelawulo lemisebenzi yezoBuhloli

209. (1) Umsebenzi omunye nomunye wezoBuhloli, ngaphandle kwencenye yezobuhloli yombutho wobusotja, ungasungulwa kwaphela nguMongameli njengehloko yeKhabinethe, begodu ngokulandela uMthetho weNarha.

(2) UMongameli, njengehloko yeKhabinethe kufanele abeke esikhundleni umfazi namkha indoda njengehloko yomunye nomunye umsebenzi wezoBuhloli osungulwe ngokulandela isigatjana (1), begodu ufanele athwale ukuziphendulela kwezombanganarha ukulawula nokuphatha eminye yemisebenzi leyo, namkha akhombe ilunga leKhabinethe ukuthatha ukuziphendulela lokho.

Amandla, imisebenzi nokubeka ilihlo

210. UMthetho weNarha kufanele ulawule iminqopho; amandla nemisebenzi yezoBuhloli, kufaka hlangana enye nenye incenye yezobuhloli yoMbuthe wobusotja namkha yezobuPholisa; begodu kufanele ubonelele –

(a) ukuqhumanisa yoke imisebenzi yezoBuhloli; begodu

(b) nokubeka ilihlo koMphakathi phezu kwemisebenzi leyo eyenziwa nguMhloli obekwe kulesosikhundla nguMongameli njengehloko yeKhabinethe, begodu avunyelwe siqunto esisekelwe buncani bobubili ebuthathwini kwaMalunga weBandla Lesitjhaba.

ISAHLUKO 12

ABARHOLI BESINTU

Ukutjhejwa

211. (1) Ukusungulwa, ubujamo nemisebenzi yoburholi besintu ngokulandela umthetho wesintu, kuyatjhetjwa, ngaphasi komthetho-sisekelo.

(2) ilawulo loburholi besintu lelo elihlonipha ikambiso yoMthetho weSintu lingasebenza ngaphasi koMthetho nofana ngumuphi osebenzela namasiko, begodu nofana ngiziphi iinguqulo namkha ukwesulwa kwalowo Mthetho namkha amasiko.

(3) Amakhotho kufanele asebenzise uMthetho weSintu lapho umthetho loyo usebenza khona, ngokulandela uMthetho-sisekelo noMthetho omunye nomunye othinta umthetho weSintu.

Imisebenzi yabarholi besintu

212. (1) UMthetho weNarha ungabonelela imisebenzi yokusungulwa koburholi besintu kumazinga wendawo eendabeni ezithinta imiphakathi yendawo.

(2) Ukucalana neendaba ezimalungana noburholi besintu, imisebenzi yabarholi besintu, umthetho wesintu namasiko wemiphakathi elandela ikambiso yomthetho wesintu –

(a) uMthetho weNarha namkha weProvinsi ungabonelela ukuhlonywa kwezindlu zabarholi besintu; begodu

(b) uMthetho weNarha ungasungula umkhandlu wabarholi besintu.

ISAHLUKO 13

Zeemali

Iindaba ezivamileko zeemali

ISikhwama seMali yombuso

213. (1) KuneSikhwama seMali yombuso seNarha leso ngaphakathi kwaso kufanele kubhadelwe imali yoke etjihiwo Mthetho wePalamende eyamukelwe mbuso weNarha.

(2) Imali ingadoswa kuSikhwama seMali yombuso seNarha kwaphela –

(a) Ngokulandela ukwabelwa ngokoMthetho wePalamende; namkha

(b) Lokha kuyimali efanele ibhadelwe Sikhwama seMali yombuso seNarha ngokunqophileko.

(3) Isabiwo esaneleko seProvinsi kumali ebuthelwe mbuso wenarha mazombe imali efanele idoswe ngokutlhamalala kuSikhwama seMali yombuso seNarha.

Ukwabiwa okulinganako nezabelo zerevenyu

214. (1) Umthetho wePalamende kufanele ubonelele –
- (a) Ukwabiwa okufaneleko kwemali ezibuthelelwe izingeni lombuso weNarha hlangana nombuso weNarha, weProvinsi neweNdawo;
  - (b) Ukuqunta inani lesabelo esifaneleko seProvinsi kulesikhwama; begodu
  - (c) Okunye nokunye ukunikela ngemali kumaProvinsi umbuso weNdawo namkha abomasipala okuvela kusikhwama senarha ngemibandela noma ngiyiphi ukunikela lokhu kufanele kwenziwe ngayo.
- (2) Umthetho otjhiwo kusigatjana (1) ungamemezela kwaphela emva kokuthintana nemibuso yamaProvinsi, umbuso weNdawo ohlekileko neKomitjhana yezeeMali neeMali zombuso begodu iimphakamiso zaleKomitjhana selezitjhejiwe, begodu ufanele utjheje –
- (a) neenrhuluphelo zenarha mazombe;
  - (b) esinye nesinye isimiso okufanele senziwe malungana neenkolodo zenarha;
  - (c) iindingo neenrhuluphelo zombuso weNarha eziquntwe ngendlela ezwakalako;
  - (d) isidingo sokuqinisekisa bona amaProvinsi naboMasipala banegono lokwethula imisebenzi esemqoka nokwenza imisebenzi enikelwe yona;
  - (e) namandla kwezemali zombuso nepumelelo yamaProvinsi naboMasipala;
  - (f) Ekuthuthukiseni nezinye iindingo zamaProvinsi noMbuso weNdawo nabomasipala;
  - (g) ukungalingani kwezomnotho hlangana namaProvinsi;
  - (h) Iimbopho zamaProvinsi naboMasipala ngokulandela umthetho weNarha;
  - (i) ifisakelo yezabiwo ezingatjhugululwiko ngesikhathi nesikhathi;
  - (j) Iindingo zokuba nekono lokubonelela okurhabako namkha iindingo zesikhatjhana, namanye amaphuzu asekelwe phezu kwezizathu ezifanako.

Ibhajethi yenarha, amaProvinsi naboMasipala

215. (1) Isilinganiso seemali senarha, amaProvinsi naboMasipala nekambiso yesilinganiso seemali kufanele ithuthukise ukusebenzela etjhatjhalazini, ukuziphendulela nezokuphatha kwezemali, kwezomnotho, inkolodo begodu nehlangothi lomphakathi.

- (2) Umthetho weNarha kufanele uqunte –
- (a) Iindlela zeelinganiso zeemali zenarha, amaProvinsi naboMasipala;
  - (b) Isikhathi isilinganiso seemali senarha, seProvinsi noMasipala kufanele zethulwe ngazo; begodu
  - (c) Bona isilinganiso seemali kuzinga elinye nelinye lombuso kufanele sitjengise umthombo wezemali zombuso nangendlela iindleko zizakukhambisana ngayo noMthetho weNarha.
- (3) Isilinganiso seemali sezinga elinye nelinye lombuso kufanele simumathe –
- (a) ukulinganisela kweemali ezingena kuSikhwama sombuso neendleko; ngokwehlukana hlangana kwepahla nemali;
  - (b) iimphakamiso malungana nokubhadelwa kokuthlogeka kweemali ngaphakathi kwesikhathi esisebenzisiweko; begodu
  - (c) ukuveza inhloso malungana nokubonelelwa kweemali nezinye iimbopho zombuso ezizokwengeza iinkolodo zombuso onyakeni olandelako.

Ukulawulwa kwesikwama

216. (1) Umthetho weNarha kufanele usungule igatja elilawula zeemali lenarha begodu ubeke amagadango aqinisekisa ukusebenzela etjhatjhalazini nokulawula iindlela kobubili ezingeni elinye nelinye lombuso, ngokusungula –

- (a) ikambiso eyamukelwa ngokuvamileko yezokubala imali;
  - (b) ukuhlukana iindleko ngaphasi kweenqhema ezifanako; begodu
  - (c) ukusebenzisa amazanga nemigomo efanako yokulawula imali.
- (2) Igatja elilawula zeemali zeNarha, kanye kanye nelunga leKhabinethe eliziphendulela kwezemali yenarha, lingajamisa ukudluliselwa kweemali kugatja lombuso kwaphela nangabe alikalandeli isigatjana (1).



(3) Isiqunto sokujamisa ukudluliswa kweemali kuProvinsi singathathwa kwaphela ngokulandela isigatjana (2), begodu –

(a) singeke sijamise ukudluliswa kweemali amalanga adlula 120; begodu

(b) singakatelelwa ngokurhaba kodwana sizakuphelelwa sikhathi kusukela emva, ngaphandle nangabe iPalamende isivumela ngokulandela ikambiso efana ngokwaneleko naleyo esungulwe ngokulandela isigaba 76 (1) begodu ebekwe migomo neenqunto ezihlanganyelweko. Ikambiso le kufanele iqedwe ngaphakathi kwamalanga ama 30 kusukela ekukhitjweni kwesiqunto ligatja elilawula zeemali.

(4) IPalamende ingavuselela isiqunto sokujamisa ukudluliswa kweemali ngamalanga angadluli 120 ngesikhathi sinye, nakulandiswa ikambiso esungulwe ngokulandela isigatjana (3).

(5) Ngaphambi bonyana iPalamende ingavumela namkha ivuselele isiqunto sokujamisa ukudluliswa kweemali kuProvinsi –

(a) Umhloli zombebele wezeeMali kufanele ethule umbiko ePalamende; begodu

(b) iProvinsi kufanele inikelwe isikhathi sokuziphendulela malungana nokusolelwa kwayo begodu ithule bayo ubufakazi ngaphambi kwekomidi.

Ukuthola ipahla nokwenzela imisebenzi

217. (1) Lokha amatatja wombuso kuzinga lombuso weNarha, weProvinsi namkha wendawo namkha ezinye iinkhungo ezikhonjwe Mthetho weNarha enza iimvumelano zokuthenga namkha ukwenzelwa umsebenzi, kufanele benze njalo ngokukhambisana noMthetho weNarha namkha weProvinsi loyo osungula ikambiso efaneleko, elungileko, esetjhatjhalazini, enophalisano, enakekela neendleko.

(2) Isigatjana (1) asivimbeli amatatja wombuso namkha iinkhungo ezikhonjiwe kulesosigatjana ekusebenziseni indlela elandelwako ukothola ipahla nokwenzelwa umsebenzi ebonelela –

(a) imihlobo ekhethwa kuneminye ekunikezweni ukuthola kwepahla namkha ukwenzela umsebenzi; begodu

(b) ukuvikela nokuthuthukisa abantu namkha iinqhema zabantu abatjhiyeke emva ngebanga lebandlululo elingakafaneleki.

(3) UMthetho weNarha kufanele ubonelele isimiso leso ikambiso etjhiwo kusigatjana (2) ingakhelwakiso.

Inqinisekiso zombuso

218. (1) Umbuso weNarha, weProvinsi namkha weNdawo ungazibophelela ekubhadeleni imali ebolekiweko kwaphela uma ukuzibophelela lokho kwenziwa ngokulandela imibandela ebekwe Mthetho weNarha.

(2) Umthetho weNarha otjhiwo kusigatjana (1) ungamenyezela kwaphela uma iimphakamiso zeKomitjhana yezeeMali neeMali Zombuso zitjhejiwe.

(3) njalo ngonyaka umbuso kufanele ukhiphe umbiko ngeembophelelo zokubhadela imali ebolekiweko ezinikezileko.

Imirholo yabantu abaphethe iinkhundla zomberego womphakathi

219. (1) Umthetho wePalamende kufanele usungule isimiso esibeka –

(a) imirholo, izabelo ezinye ezingezelela umrholo nenzuzo yamalunga weBandla Lesitjhaba, amalunga azinthunywa ngokuzeleko ukujamela iProvinsi kuMkhandlu weNarha wamaProvinsi, amalunga weKhabinethe, amaphini wabo Ngqongqoshe, abarholi besintu, namalunga wanomangimiphi imikhandlu yabarholi besintu; begodu

(b) inani lokuphelela lomrholo, izabelo ezingezelela umrholo namkha inzuzo yamalunga weS'bethamthetho seProvinsi, amalunga woMkhandlu wezokuphatha namalunga weMikhandlu kaMasipala ehluhahlukileko.

(2) UMthetho wenarha ufanele uhlome iKomitjhana ezokwenza iimphakamiso malungana nemirholo, iizabelo nenzuzo etjhiwo kusigatjana (1).

(3) IPalamende ingaphasisa umthetho okhonjwe kusigatjana (1) emva kokutjheja nofana ngiziphi iimphakamiso zeKhomitjhana ehlonywe ngokwesigatjana (2).

(4) IKhabinethe, iS'bethamthetho seProvinsi, uMasipala namkha ngisiphi esinye isiphathiswa singasebenzisa uMthetho weNarha okhonjwe kusigatjana (1) ngemva kokutjheja nofana ngiziphi iimphakamiso zeKomitjhana esungulwe ngokulandela isigatjana (2).

(5) UMthetho weNarha kufanele usungule izimiso ezibeka imirholo, izabelo ezingezelelwa umrholo nemizuzo yamajaji, uMvikeli woMphakathi, uMhloli Zombebele wezeeMali begodu namalunga we nofana ngiyiphi iKomitjhana ebonelelwa Mthetho-sisekelo, kufaka hlangana nelawulo lezokurhatjha elikhonjwe kusigaba 192.

iKomitjhana yezeeMali neeMali zombuso

Ukuhlonywa nemisebenzi

220. (1) Kunekomitjhana yezeeMali neeMali zombuso yeRiphabliki leyo enza iimphakamiso ezibonelelwa kuSahluko lesi, namkha kuMthetho weNarha, kuPalamende, kuzibethamthetho zamaProvinsi nezinye iimphathiswa ezibekwe Mthetho weNarha.

(2) iKomitjhana izijamele begodu ingaphasi kwaphela koMthetho-sisekelo nomthetho begodu kufanele ingathathi ihlangothi.

(3) iKomitjhana kufanele isebenze ngokulandela uMthetho wePalamende begodu ekwenzeni imisebenzi yawo, kufanele itjheje amaphuzu woke aqakathekileyo, kufaka hlangana nalawo atolwe kusigaba 214 (2).

Ukubekwa eenkhundleni nesikhathi sokusebenza samalunga

221. (1) IKomitjhana le ibunjwa bafazi namadoda abalandelako, abakhethwe nguMongameli njengehloko yeKhabinethe;

(a) Usihlalo nephini likaSihlalo abazakuqatjiswa ngokuzeleko;

(b) abantu abalithoba labo omunye nomunye wabo ekhethwe Mkhandlu wezokuphatha weProvinsi, enye neny eProvinsi ivunyelwe bona ikhethe umuntu oyedwa;

(c) abantu ababili abenyulwe Mbuso weNdawo ohlelekileko ngokulandela isigaba 163; begodu

(d) amalunga amanye alithoba.

(2) Amalunga weKomitjhana afanele ukuba nelwazi elifaneleko.

(3) Amalunga asebenza eenkhundleni lezo ngokwesikhathi esibekwe Mthetho weNarha.

Umongameli angasusa ilunga esikhundleni ngeenzathu zokungaziphathi kuhle, ukubhalelwa msebenzi nofana ukungabi nekgono.

Imibiko

222. IKomitjhana kufanele njalo nje yethule umbiko ePalamende nakuz'bethamthetho zamaProvinsi.

IBulungelo eliphakathi

Ukuhlonywa

223. IBulungelo eliphakathi leSewula Afrika libulungelo eliphakathi leRiphabliki begodu lilawulwa ngokulandela uMthetho wePalamende.

Iminqopho eqakathileko

224. (1) Iminqopho eqakathekileko yeBulungelo eliphakathi leSewula Afrika kuvikela inani lemali esetjenziswe kileli eenrhuluphelweni zomnotho odzimeleleko nothuthukako ngaphakathi kweRiphabliki.

(2) iBulungelo eliphakathi leSewula Afrika, ekuphumeleliseni iminqopho yalo, kufanele lenze imisebenzi yalo ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukuvinjelwa; kodwana kufanele kubenokuthintana hlangana neBulungelo leli nelunga leKhabinethe eliziphendulela eendabeni zeemali.

Amandla nemisebenzi

225. Amandla nemisebenzi yeBulungelo eliPhakathi leSewula Afrika ngilawo asetjenziswa ngokwesiko mabulungelo aphakathi, amandla nemisebenzi le kufanele ibekwe Mthetho

wePalamende begodu kufanele asetjenziswe namkha wenziwe ngokulandela imibandela ebekwe ngokulandela loyo Mthetho.

Iindaba zeemali zamaProvinsi nezeendawo.

Iimali ze-Revenyu zamaProvinsi

226. (1) KuneSikhwama SeMali yombuso seProvinsi kwenye nenye iProvinsi leyo, ngaphakathi kwaso kufanele kubhadelwe imali yoke eyamukelwa mbuso weProvinsi.

(2) Imali ingadoswa kuSikhwama seMali yombuso seProvinsi kwaphela –

(a) ngokulandela isilinganiso seemali esenziwe ngokoMthetho weProvinsi; namkha

(b) lokha kuyimali leyo kufanele ibhadelwe Sikhwama seMali yombuso seProvinsi ngokwaso, lokha lokho kubonelelwa Mthetho-Sisekelo namkha Mthetho weProvinsi.

(3) Imali eyabelwe umbuso weNdawo ngendlela yokuyidlulisa kuMbuso weProvinsi, ngokulandela isigaba 214(1) imali edoswa, ngokunqophileko kuSikhwama seeMali zombuso weProvinsi.

Imithombo yenarha yezabelo zombuso wamaProvinsi noweendawo

227. (1) Umbuso weNdawo kwenye nenye iProvinsi –

(a) Unelungelo lokwabelwa ngokufaneleko kuleyo mali ebuthelwe enarheni mazombe bona ukgone ukwethula imisebenzi eqakathekileko nokwenza imisebenzi enikelwe yona; begodu

(b) Ungamukela izabelo ezinye ezivela kumali yombuso wenarha, ngokulandela imibandela ethileko, namkha ngaphandle kwemibandela.

(2) Imali yombuso engezelelweko ebuthelwe maProvinsi namkha boMasipala angeze yadoswa kuleyo mali eyabelwe yona evela kuSikhwama seMali yombuso weNarha. Ngokulinganako, uMbuso weNarha awukabotjhelwa bona ulilise amaProvinsi namkha aboMasipala ababhalelwe kwengeza imali yombuso bona ilinganise amandla wayo kwezeemali zombuso, nalokho ekubuthelako ngendlela yomthelo.

(3) ISabelo seProvinsi esifaneleko seMali yombuso ebuthelwe enarheni mazombe, kufanele sidluliselwe kuProvinsi ngaphandle kokuriyada begodu ngaphandle kokudoswa, ngaphandle nangabe ukudluliswa lokho kujanyiswe ngokulandela isigaba 216.

(4) IProvinsi kufanele izibonele nofana ngimiphi imithombo eyidingako, ngokulandela isimiso soMthetho-sisekelo weProvinsi, leyo ezalisela iindingo ezibonelelwa Mthetho-sisekelo lo.

Imithelo yamaProvinsi

228. (1) IS'bethamthetho seProvinsi singa bhadelisa –

(a) imithelo, iintela namkha imbophelelo ngaphandle koMthelo wemali eyamukelwa ngumuntu, umthelo wokuthenga, umthelo wepahla ovamileko, umthelo obhadelelwa inarha namkha imithelo yepahla evela ngaphandle kwentarha; begodu

(b) iimali ezilinganako ezibhadelelwa imisebenzi, umthelo, intela namkha umthelo wepahla obekwe Mthetho weNarha, ngaphandle kwemithelo yamafemu, umthelo wentengo, umthelo weNarha namkha umthelo wepahla evela ngaphandle kwentarha.

(2) Amandla weS'bethamthetho wokubhadelisa imithelo, intela nomthelo wemisebenzi –

(a) angeze asetjenziswa ngendlela ekhubaza ngokungazwakaliko ikambiso yezomnotho weNarha, ezomnotho ukwecela ngaphandle kwemincele yamaProvinsi namkha ukudluliswa kwepahla, imisebenzi neemali; begodu

(b) kufanele kulawulwe ngokulandela uMthetho wePalamende, loyo ongamenyenzelwa kwaphela emva kweemphakamiso zeKomitjhana yezeemali neeMali zombuso sele zitjhejiwe.

Imithelo neemali zikaMasipala

229. (1) Ngokweengatjana (2), (3) begodu (4), umasipala –

(a) angabeka imali ebhadelwako epahleni kanye nehlawulo yemali yemisebenzi yethulwe nofana eyenziwe esikhundleni sakamasipala; begodu

(b) nange agunyaziwe mthetho wesiTjhaba, ezinye iintela, imithelo begodu imithelo yePahla ezilungele umbuso weNdawo nofana isigaba sombuso weNdawo lapho loyo masipala awela

khona, kodwana akakho umasipala ongabeka intela yentengo, umthelo wentengo engezelelweko, umthelo wentengi ovamileko nofana umthelo.

(2) Amandla kamasipala ukubeka imali ebhadelwako yepahla, nehlawulo yemali yemisebenzi ezihlinzekwe nofana esikhundleni sikamasipala, nofana ezinye iintela, imithelo nofana intela epahla

–

(a) angeze kwenziwa ngendlela ebonakala ivimbela imigomo yezomnotho weNarha, imisebenzi, nofana ukuhambiswa kwepahla yesitjhaba, imisebenzi, imali nofana umsebenzi; begodu;

(b) kungalawula mthetho weNarha.

(3) Nange abomasipala ababili banamandla weemali afanako begodu nemisebenzi efanako malungana neendawo efanako, ukwahlukana okufaneleko kwamandla nemisebenzi kufanele kwenziwe ngokomthetho weNarha. Ukwahlukana kungenziwa ngemva kokucalisisa okungasenani iindlela ezilandelako:

(a) isidingo sokukhambisana nemigomo ezwakalako yezentelo.

(b) amandla nemisebenzi eyenziwa ngiloyo naloyo masipala.

(c) amandla weemali waloyo naloyo masipala.

(d) ukuphumelela nekgono lokubuthelela iintela.

(e) ukulingana.

(4) Kilesisigaba akukho okutjhiya ngaphandle ukwabelana kwenzuzo etholakele ngokwalesisigaba phakathi kwabomasipala labo abanamandla weemali nemisebenzi endaweni efanako.

(5) Umthetho weNarha otjhiwiwo kilesisigaba ungenziwa kwaphela ngemva kokuqhumana nombuso weNdawo ohlelekiko nokutjhetjhsisa iimphakamiso ezenzwe ikomitjhana.

Ukuboleka imali kweProvinsi noMasipala

230. (1) IProvinsi namkha uMasipala angaboleka imali yokubhadela ipahla namkha iindleko ezikhona ngaphasi kwemibandela ezwakalako ebekwe Mthetho weNarha, kodwana ukuboleka imali yokubhadela iindleko ezikhona –

(a) ingabolekwa kwaphela nangabe kutlhogeka ukuhlanganisa unyaka wezeemali; begodu

(b) nangabe imali ebolekiweko ibuyiselwa ngaphakathi kwezinyanga ezilitjhumu nambili.

(2) UMthetho weNarha otjhiwo kusigatjana (1) ungamemezela kwaphela emva bona nofana ngiziphi iimphakamiso seKomitjhana yezeeMali neeMali zombuso sele zitjhejiwe.

ISAHLUKO 14

IMIHLINZEKO EVAMILEKO

UMthetho wamazwe

Iimvumelwano zamazwe

231. (1) Ukubamba iinkulumiswano nokutlikitla iimvumelwano zamazwe kusemahlombe weKhabinethe.

(2) Zoke iimvumelwano zamazwe zibopha iRiphabliki kwaphela emva bona zamukelwe ngesiqunto seBandla Lesitjhaba noMkhandlu weNarha wamaProvinsi ngaphandle nangabe sivumelwano esitjhiwo kusigatjana (3).

(3) Iimvumelwano zamazwe zomhlobo wesithekiniki, ukuphatha namkha ilawulo, namkha isivumelwano esingadingi ukuqinisekiswa emva kobonyana senziwe namkha ukwamukelwa muva, esingenelwe iKhabinethe, sibopha iRiphabliki ngaphandle kobonyana sivunywe iBandla Lesitjhaba noMkhandlu weNarha wamaProvinsi, kodwana kumele sethulwe kuBandla nakuMkhandlu ngaphakathi kwesikhathi esizwakalako.

(4) Esinye nesinye isivumelwano samazwe sizakuba Mthetho kuRiphabliki nangabe simenyezela ukuba Mthetho ngendlela yoMthetho weNarha; kodwana isimiso esizisebenzela ngokwaso leso esamukelwe iPalamende, simthetho ngaphakathi kweRiphabliki ngaphandle nangabe asikhambisani noMthetho-sisekelo namkha uMthetho wePalamende.

(5) IRiphabliki ibotjhelelwa zimvumelwano zamazwe lezo bezibopha iRiphabliki lokha uMthetho-sisekelo lo uthoma ukusebenza.

Umthetho wamasiko wamazwe

232. UMthetho wamasiko wamazwe mthetho weRiphabliki ngaphandle kwalokha ungakhambisani noMthetho-sisekelo lo namkha uMthetho wePalamende.

Ukusetjenziswa komthetho wamazwe

233. Lokha nakuhlathululwa nofana ngimuphi umthetho, ikhotho kufanele izikhethele ihlathululo elizwakalako lomthetho lelo elikhambisana nomthetho wamazwe, kunalelo elinye ihlathululo elinga khambisani nomthetho wamazwe.

Ezinye iindaba

Imitlolo yamalungelo

234. Ekutjaleni intando yesitjhaba esungulwe Mthetho-sisekelo lo, iPalamende ingamukela imitlolo yamalungelo ekhambisana neemiso zoMthetho-sisekelo.

Umaziphathe

235. Ilungelo labantu beSewula Afrika iyoke lokuziphatha komphakathi othileko ngokwesiko nelimi lawo, njengobana kutjengiswa esobala Mthetho-sisekelo lo, akuvimbeli, ngaphakathi kwesimiso selungelo leli, ukubonelelwa kwelungelo lokuzibumba ngokwesiko nelimi kwanoma ngumuphi umphakathi ohlanganyela isiko nelimi elifanako, ngaphakathi kwenye nenye incenye yeRiphabliki, namkha nganoma ngiyiphi indlela ebekwe Mthetho weNarha.

Ukusekelwa ngeemali kweenhlangano zombanganarha

236. Ekurageni intando yesitjhaba ebandakanya iinhlangano-ezinengi, umthetho weNarha ufanele ubonelele ukusekelwa ngeemali kweenhlangano zombanganarha ezithatha indima kuzibethamthetho zenarha nezamaProvinsi, ngendlela efaneleko nangendlela yokujanyelwa kweenhlangano lezo ngokwamavowutu atholwe ngizo.

Ukungcina iimbopho zoMthetho-Sisekelo

237. Zoke iimbopho zoMthetho-sisekelo kufanelwe zigcinwe ngokuzimisela nangaphandle kokuriyada.

Ukwenzelwa nokudlulisela amandla nemisebenzi

238. Igatja lezokuphatha kunoma ngiliphi izinga lombuso linga –

(a) dlulisela umsebenzi ofanele ukwenziwa ngokulandela uMthetho kwelinye igatja lezokuphatha; namkha

(b) lingenzela elinye nelinye igatja lezokuphatha umsebenzi walo ngendlela yokwenzelwa.

Ihlathululo

239. NgakuMthetho-sisekelo, ngaphandle kobana umongo utjengise ukuhlukileko –

“umthetho weNarha” ufaka –

(a) umthethwana owenziwe malungana nomthetho wePalamende; begodu

(b) umthetho ebewusebenza lokha uMthetho-sisekelo nawuthomako begodu bewenziwa mbuso weNarha;

“igatja lombuso” kutjho –

(a) nomangimuphi umnyango wembuso namkha ukuphatha kuzinga lombuso weNarha, weProvinsi namkha weNdawo; namkha

(b) nomangiyiphi insebenziso namkha inkhungo –

(i) esebenzisa amandla namkha enza umsebenzi ngokulandela lomthetho-sisekelo namkha umthetho-sisekelo weProvinsi; namkha

(ii) esebenzisa amandla wombuso namkha enza umsebenzi womphakathi ngokulandela umthetho, kodwana ayifaki hlangana ikhotho namkha abahluleli.

“Umthetho weProvinsi” kufaka

(a) imithethwana eyenzwe ngokulandela umthetho weProvinsi; begodu

(b) umthetho loyo bewuvele unamandla womthetho lokha umthetho-sisekelo uthoma

ukusebenza begodu ulawulwa mbuso weProvinsi.

Ukutjhayisana hlangana nemitlolo yomthetho-sisekelo ehluhahlukileko

240. Lokha nakwenzeka bona kube nokutjhayisana hlangana nemitlolo ehluhahlukileko yoMthetho-sisekelo, umtlole we-English ozakuba ngiwo abanamandla womthetho.

Amalungiselelo wesikhathi senguquko

241. Isheduli 6 isebenza ngesikhathi senguqukelo yehlelo lomthetho-sisekelo etja ehloniwe mthetho-sisekelo lo begodu nakwenye neni indaba ekhambisana nesikhatheso senguquko.

Ukusulwa kweMithetho

242. Imithetho etjhiwo kuSheduli 7 iyasulwa, ngaphasi kwesigaba 243 noSheduli 6.

Isihloko esifitjhana nokuthoma

243. (1) Umthetho lo ubizwa uMthetho-sisekelo weRiphabliki yeSewula Afrika, 1996, begodu uthoma ukusebenza msinyazana emva kwesuku elibekwe nguMongameli ngesimememzelo, elingeze laba lisuku elingemva komhlaka 1 Julayi 1997.

(2) uMongameli angabeka amalanga ahluhahlukileko ngaphambi kwelanga elitjhiwo kusigatjana (1) malungana neengaba ezihluhahlukileko zaloMthetho-sisekelo.

(3) Ngaphandle kwalokha loMtlolo uveza okuhluhahlukileko, nakutjhiwo isikhathi sokuthoma ukusebenza kwalomthetho-sisekelo ngakuMthetho-sisekelo kufanele kuhlathululwe njengobana kutjhiwo isikhathi lesi ngaso lesosigaba sithoma ukusebenza.

(4) Uma ilanga elihluhahlukileko libekelwe nomangisiphi esigaba salomthetho-sisekelo ngokwesigatjana (2) esinye nesinye isigaba esiqondeneko soMthetho-sisekelo weRephabliki yeSewula Afrika (uMthetho 200 ka 1993), esitjhiwo kulesimememzelo, siyasulwa kusukela ngalo lonalelolanga.

(5) Izigaba 213, 214, 215, 216, 218, 226, 227, 228 no 230 zithoma ukusebenza ngezi 1 Janabari 1998, kodwana lokho akuvimbeli ukumemezela ngokulandela lomthetho-sisekelo komthetho othjhiwo kunoma ngisiphi isigaba ngaphambi kwalelolanga. Kuzekufike lelolanga esinye nesinye isimiso esiqondene begodu simalungana nezigaba zomthetho-sisekelo weRiphabliki yeSewula Afrika, 1993 zihlala zinamandla.

## ISHEDULI 1

### IFLARHA YENARHA

(1) IFlarha lesitjhaba lisikrayere: Ubude balo bubunye nehafu bobubanzi balo.

(2) Inombala onzima, osarulani, ohlaza, omhlophe, obomvu obukhalimako nohlaza samafu.

(3) Umuda ohlaza obumbeke njengo-Y obuhlanu bunye bobubanzi beFlarha oluleka ngemida yayo ephakathi ukuthoma ngemahugwini angaphezulu naphasi eduze nepala leFlarha ukufika ebuphakathini beFlarha begodu ngokunqophileko ukufika epenteni ebuphapha (tjhaphulukeliko).

(4) Umuda ohlaza ubupente, ngaphezulu nangaphasi ngokumhlophe begodu, ekuqaleni ipala leFlarha, usarulani. Ipente enye neni ibubanzi bunye betjhumu nahlanu beFlarha.

(5) Umuda ophazulu onqophile ubomvu begodu umuda ongaphasi onqophile uhlaza samafu. Obunye nobunye ubunye bokuthathu bobubanzi beFlarha.

(6) Unqatathu oseduze nepala leFlarha unzima.

## ISHEDULI 2

Isifungo namkha isibopho sikaMongameli noMjaphethe kaMongameli

Izifungo neembopho

1. UMongameli namkha umjaphethe kaMongameli, ngaphambi koMongameli weKhotho yoMthetho-sisekelo, ufanele afunge\azibophe ngokulandelako:

Phambi kwabantu boke abahlangene lapha, ngokwamukela ngokuzeleko isimemezelo esiphezulu ngithatha njengoMongameli weRiphabliki yeSewula Afrika, Mina u A. B. ngifunga\ngizibopha bonyana ngizakwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela ngilandele, ngiphakamise nokuphumelelisa uMthetho-sisekelo nayo yoke imithetho eminye yeRiphabliki; begodu ngiyazibopha bengithembisa ngokuzithoba bonyana ngazo zoke iinkhathi ngizaku –

- w thuthukisa loko okuzakusondela, begodu ngivimbele koke okuzakulimaza iRiphabliki;
- w Nikela nokuthuthukisa amalungelo wabo boke amaSewula Afrika;
- w kwenza umsebenzi wami ngamandla wami wo ke nemphiwo enginazo ngolwazi lwami loke nekgono, namaqiniso walokho engikukholelwako;
- w Ngenze ukulunga kibo boke; begodu
- w Ngizinikele ekuzilinganeleni kweRiphabliki nabantu boke bayo.

(nangabe kuthethwe isifungo: UZimu angirhelebhe.)

Isifungo namkha isibopho sikaPhini likaMongameli

2. IPhini likaMongameli ngaphambi koMongameli weKhotho yoMthetho-sisekelo ufanele afunge\azibophe nokulandelako:

Phambi kwabantu boke abahlangene lapha, ngokwamukela ngokuzeleko isimemezelo esiphezulu ngithatha njengephini likaMongameli weRiphabliki yeSewula Afrika, Mina u A. B. ngifunga\ngizibopha bonyana ngizakwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela ngilandele, ngiphakamise nokuphumelelisa uMthetho-sisekelo nayo yoke imithetho eminye yeRiphabliki; begodu ngiyazibopha bengithembisa ngokuzithoba bonyana ngazo zoke izikhathi ngizaku –

- w thuthukisa loko okuzakusondela, begodu ngivimbelek koke okuzakulimaza iRiphabliki;
- w Nikela nokuthuthukisa amalungelo wabo boke amaSewula Afrika;
- w kwenza umsebenzi wami ngamandla wami wo ke nemphiwo enginazo ngolwazi lwami loke nekgono, namaqiniso walokho engikukholelwako;
- w Ngenze ukulunga kibo boke; begodu
- w Ngizinikele ekuzilinganeleni kweRiphabliki nabantu boke bayo.

(nangabe kuthethwe isifungo: uZimu angirhelebhe.)

Isifungo namkha isibopho saboNgqongqoshe namaphini waboNgqongqoshe.

3. Omunye nomunye uNgqongqoshe nephini likaNgqongqoshe, ngaphambi koMongameli weKhotho yoMthetho-sisekelo namkha elinye ijaji elikhonjwe nguMongameli wekhotho woMthetho-sisekelo, ufanele afunge\azibophe ngokulandelako:

Mina, uA.B. ngiyafunga\ngizibopha bonyana ngizakwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela, ngihloniphe nokuphakamisa uMthetho-sisekelo nomthetho wo ke omunye weRiphabliki; Ngizibopha ukuphatha isikhundla njengoNgqongqoshe\iphini likaNgqongqoshe ngehlonipho nesithunzi; ukuba ngumeluleki wamambala nothembekileko; ngingavezi ngokuqondileko namkha ngokungakaqondi indaba okuyifihlo ethulelwe mina; begodu nokwenza imisebenzi yesikhundla sami ngokuthogomela nangekgono lami loke.

(Nangabe kuthethwe isifungo: uZimu angirhelebhe)

isifungo namkha isibopho samalunga weBandla Lesitjhaba, amalunga athunyelwe ngokuzeleko kuMkhandlu wamaProvinsi weNarha namalunga wezibethamthetho zamaProvinsi.

4. (1) Amalunga weBandla Lesitjhaba, amalunga azithunywa ngokuzeleko kuMkhandlu weNarha wamaProvinsi namalunga wezibethamthetho zamaProvinsi, ngaphambi koMongameli weKhotho yoMthetho-sisekelo namkha ijaji elikhonjwe nguMongameli weKhotho yoMthetho-sisekelo, bafanele bafunge\bazibophe ngokulandelako:

Mina, A.B. ngiyafunga\ngizibopha bonyana ngizokwethembeka kuRiphabliki yeSewula Afrika, begodu ngizakuthobela, ngihloniphe nokuphakamisa uMthetho-sisekelo nomthetho wo ke omunye weSewula Afrika, begodu ngithembisa ngokuzibopha ukwenza imisebenzi yami

njengelunga leBandla Lesitjhaba\elithunyelwe ngokuzeleko kuMkhandlu weNarha wamaProvinsi\lunga leSibethamthetho seProvinsi C.D ngokgono lami loke.

(nangabe kuthethwe isifungo: uZimu angirhelebhe)

(2) Abantu abazalisa isikhundla kuBandla Lesitjhaba, kusiqhema samalunga athunyelwe ngokuzeleko namkha kuS'bethamthetho seProvinsi bangafunga namkha bazibophe ngokuqinisekisa ngokulandela isigatjana (1) ngaphambi koSihlalo weBandla, uMkhandlu namkha iS'bethamthetho, ngokuhlukahlukana.

Isifungo namkha isibopho saboNdunakulu namalunga weMikhandlu yezoKuphatha yamaProvinsi.

5. UNdunakulu weProvinsi, nelinye nelinye ilunga loMkhandlu wezokuphatha weProvinsi, ngaphambi koMongameli weKhotho yoMthetho-sisekelo namkha ijaji elikhonjwe nguMongameli wekhotho yoMthetho-sisekelo kufanele bafunge\bazibophe ngokulandelako:

Mina, A.B. ngiyafunga\ngizibopha bonyana ngizokwethembeka kuRiphabliki yeSewula Afrika begodu ngizakuthobela, ngihloniphe bengiphakamise uMthetho-sisekelo noMthetho woke omunye weRiphabliki; begodu ngizibopha ukuphatha isikhundla nje ngoNdunakulu\ilunga loMkhandlu wezokuphatha weProvinsi C.D. ngehlonipho nangesithunzi; ukuba ngumeluleki wamambala nothembekileko; nokungavezi ngokuqondileko namkha ngokungakaqondi indaba eyifihlo ethulelwe mina; begodu nokwenza imisebenzi yesikhundla ngokutlhogomela nangekgono lami loke.

(Nangabe uthethe isifungo: uZimu angirhelebhe.)

Isifungo namkha isibopho saBahluleli.

6. (1) Elinye nelinye ijaji namkha umjaphethe wejaji, ngaphambi kweJaji Eliphakemeko eliyiHloko leKhotho Ephakemeko yezoKubuyeza namkha elinye ijaji elikhonjwe iJaji Eliphakemeko eliyiHloko, kufanele lifunge namkha lizibophe ngokulandelako:

Mina, A.B. ngiyafunga\ngizibopha bonyana njengejaji leKhotho yoMthetho-sisekelo\iKhotho Ephakemeko yezoKubuyeza\ikhotho ephakemeko ye E.F.\G. H. ikhotho, ngizakwethembeka kuRiphabliki yeSewula Afrika, ngizakuphakamisa nokuvikela uMthetho-sisekelo; begodu ngizakwenza okulungileko kibo boke abantu ngokufanana ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukukhubaza, ngokukhambisana noMthetho-sisekelo noMthetho.

(Nangabe kuthethwe isifungo: uZimu angirhelebhe.)

(2) Umuntu obekwe esikhundleni sokuba iJaji eliPhakemeko eliyiHloko leKhotho ePhakemeko yezokuBuyekeza ongasilo ijaji ngesikhathi abekwa esikhundleni lesu ufanele afunge namkha azibophe ngaphambi koMongameli weKhotho yoMthetho-sisekelo.

(3) Abahluleli, abomjaphethe babahluleli ngaphandle kwamajaji, bafanele bafunge\bazibophe ngokulandela uMthetho weNarha.

### ISHEDULI 3

#### IKAMBISO YAMAKHETHO

##### Incenye A

iKambiso yamaKhethe weziphathiswa zoMthetho-sisekelo

Ukusetjenziswa

1. IKambiso etjhiwo kuleSheduli iyasetjenziswa lokha –

(a) iBandla Lesitjhaba lihlangana ukukhetha uMongameli, namkha uSpeaker namkha iphini likaSpeaker weBandla;

(b) UMkhandlu wamaProvinsi weNarha uhlangana bonyana ukhethe uSihlalo wawo namkha iphini likaSihlalo; namkha

(c) IS'bethamthetho seProvinsi sihlangana ukuzokhetha uNdunakulu weProvinsi namkha uSpeaker namkha iphini likaSpeaker weS'bethamthetho.

Ukwenyulwa

2. Emhlanganweni lapho leSheduli isetjenziswako usihlalo ufanele abawe abong'khethe



abenyuliwe kilowo mhlango.

Iindingo zendlela ekufanele ukulandelwa

3. (1) Inyulo kufanele lwenziwe kuforomo equntwe migomo ekhulunyiswa kusigaba 9.

(2) Iforomo lelo unyulo kufanele lenzwe kilo kufanele litlikitlwe –

(a) Malunga amabili weBandla Lesitjhaba, nangabe uMongameli namkha uSpeaker namkha iphini likaSpeaker uzokukethwa;

(b) Ebujameni benchema ezimbili zamalunga azinithunywa zamaProvinsi, nangabe uSihlalo namkha iphini likaSihlalo uzokukethwa; namkha

(c) Malunga amabili weS'bethamthetho seProvinsi esithintekako, nangabe uNdunakulu weProvinsi namkha uSpeaker namkha iphini likaSpeaker uzokubethwa.

(3) Umuntu onyuliweko ufanele ajengise bonyana uyakwamukela ukwenyulwa kwakhe ngokutlikitla iforomo yenyulo namtjhana enye nanye iforomo esiqinisekiso isitloliweko.

Ukumemezelwa kwamabizo wabo ngikhetheni

4. Emhlanganweni lowo leSheduli isetjenziswako, lowo onguSihlalo ufanele amemezele amabizo wabantu labo abanyulwe njengabo ng'khethe, kodwana angeze avumele ikulumo-phikisano.

UNgikhetheni oyedwa

5. Nangabe kwenyulwe ungikhetheni munye, uSihlalo umele amemezele ung'khethe lowo njengokhethiweko.

IKambiso yamakhetho

6. Nangabe abantu abadlula munye benyulwe njengabo ng'khethe –

(a) kufanele kuthathwe ivowutu kulowo Mhlangano ngokuvowuta emsithelweni;

(b) elinye nelinye ilunga elikhambele umhlangano, namkha lokha ihlangano woMkhandlu wamaProvinsi weNarha, enye nanye iProvinsi ejanywelweko, lingaphosela ivowutu inye; begodu

(c) umuntu loyo onguSihlalo kufanele amemezele ung'khethe othole amavowutu wenengi njengokhethiweko.

Ikambiso yokukhitjhwa

7. (1) Nangabe akabikhona ung'khethe othola amavowutu wenengi, ung'khethe othola inani lamavowutu elingaphasi kwawo woke kufanele akhitjhwe begodu kuthathwe enye ivowutu kilabo abong'khethe abaseleko ngokukhambisana nesigaba 6. Lekambiso kufanele ibuyelelwe kube kufike lapha ung'khethe athola inengi lamavowutu.

(2) nangabe abong'khethe ababili namkha ukwedlula, omunye nomunye wabo uthole inani lamavowutu elingaphasi kiwo woke, ivowutu ehlukeleko yabong'khethe labo kufanele ithathwe, begodu ebuyelelwe ngokwenani lelo okudingekako bonyana kuquntwe bonyana ngimuphi ung'khethe ofanele ukukhitjhwa.

Imihlangano eminye engalandelako

8. (1) Lokha nangabe kukhethwe abong'khethe ababili kwaphela, namkha lokha kusala abong'khethe ababili kwaphela ngemva kokulandela ikambiso yokukhitjhwa, begodu labo abong'khethe ababili bathola inani elilinganako lamavowutu, umhlangano olandelako kufanele ubanjwe ngaphakathi kwamalanga alikhomba, ngesikhathi esizakubekwa nguSihlalo womhlangano.

(2) nangabe umhlangano olandelako uyabanjwa ngokulandela isigatjana (1) ikambiso ebekwe kuleSheduli kufanele isetjenziswe emhlanganweni lowo sengathi bewungumhlangano wamathomo wamakhetho lawo athintekako.

Imigomo

9. (1) UMongameli weKhotho yoMthetho-sisekelo ufanele enze imigomo equnta –

(a) ikambiso yemihlangano leyo leSheduli esetjenziswako;

(b) imisebenzi yomuntu loyo naloyo obanguSihlalo emhlanganweni, begodu omunye nomunye umuntu orhelebha loyo onguSihlalo;

- (c) iforomo lelo ukwenyulwa kufanele kwenziwe phezu kwalo;
- (d) indlela amakhetho afanele akhambiswe ngayo.
- (2) lemigomo kufanele yaziswe ngendlela equntwe nguMongameli weKhotho yoMthetho-sisekelo.

#### Incenye B

Indlela ekuquntwa ngayo ukuzibandakanya kweenhlangano kunqhema zeentshuywa kuMkhandlu wamaProvinsi weNarha

1. Inani lamalunga athunyelwa kusiqhema samalunga azinithunywa kuMkhandlu wamaProvinsi wezokuphatha ngokwelungelo lwenhlangano, lifanele liquntwe ngokubuyelela inani leenhlobo inhlangano iziphetheko kuS'bethamthetho seProvinsi ngetjumi begodu imiphumela ihlukaniswe ngenani leenhlobo kuS'bethamthetho kwengezelelwe ngesinye.

2. Nangabe ukubalwa ngokwesigaba 1 kuletha inani elidluleleko elingakgoni ukuzaliswa inani lamalunga azinithunywa elabelwe inhlangano ngokwesigaba lesi-1, inani elidluleleko lelo kufanele liphalisene namanye amanani adluleleko atholwa inhlangano enye namkha iinhlangano, begodu lawo amalunga azinithunywa angakaneli iinhlobo kuSichema kufanele babelwe inhlangano namkha iinhlangano ngokulandela ubunengi ngenani elidluleleko.

#### ISHEDULI 4

Iindawo zokusebenzela lezo iLawulo leNarha neleProvinsi zinamandla

kizo kanye kanye

Incenye A

Ilawulo laMahlathi wemvelo

Zelimo

Ubudoyelo beemphaphamtjhini, ngaphandle kobeentjhaba-tjhaba nabangekhaya bangenarheni nebeentjhaba ngeentjhaba

Ukuphathwa kweembandana namalwelwe

Ama-casino, imijarho, ukugembula, ukubheja, ukungenela amaphaliswano nezemidlalo azifakwa hlangana

Ukuvikeleka kwabathengi

Ilawulo yomonakalo omkhulu owehlileko

Ifundo kiwo wo ke amazinga, lapha akufakwa ifundo yemayunivesithi namatheknikhoni

Ibhoduluko

Imisebenzi yezepilo

Ukwakhiwa kwezindlu

Umthetho wesintu naloyo ophathelene namasiko ngaphasi kweSahluko 12 soMthetho-sisekelo

Umgomo welimi nokulawulwa nokuthuthukiswa kwamalimi asemthethweni ngaphakathi kweprovinsi njengokutjho kwesigaba 6 soMthetho-sisekelo esinikela is'bethamthetho seProvinsi amandla wokulawula lokhu.

Ukutlhogonyelwa kwemvelo, kungafakwa phakathi iindawo zokuphumula zesitjhaba,

Iinkhongo zokwazisa ezilawulwa namkha zibonelelwa Mbuso

weProvinsi ngaphasi kwesigatjana 192.

ZobuPholisa kufika ezingeni lapho izimiso zeSahluko 11 zoMthetho-sisekelo zinikeza is'bethamthetho seProvinsi amandla welawulo

Ulawulo lwesilaphalo

Ukukhula kwesizwe

Iinkhongo zomphakatho ezikuProvinsi malungana nendawo yokusebenza ekuleSheduli nakuSheduli 5

Iindaba zamasiko zeProvinsi

Iinkwelo zomphakathi

Imisebenzi yomphakathi kwaphela malungana neendingo zeminyango

yombuso weProvinsi ekwenzeni imisebenzi yayo yokuphatha imisebenzi enikelwe yona ngokulandela uMthetho-sisekelo namkha nofana ngimuphi omunye umthetho.

Ukuhlelwa kwezifunda nentuthuko

Ulawulo lweendlela

Ukulondwa kwehlabathi

Ukuvakatjha

Zerhwebo

Uburholi besintu ngaphasi kweSahluko 12 soMthetho-sisekelo

Ukuthuthukiswa kweendawo ezisemadorobheni

Nezisemakhaya

Imisebenzi yehlala-kuhle

Ukuthelwa kweenkoloyi

Iimali zokudlulisa ipahla

Incenye B

Iindaba ezilandelako ezimalungana nombuso wendawo kufikela ezingeni elitjhiwo sigaba 155 (a) no (7):

Isilaphazo yomoya

Imigomo yokwakha

Izisetjenziswa zethhogomelo yabantwana

Ukwenza igezi nerhasi

Ezeencima mlilo

Ukuvakatjha kwangaphakathi kwendawo

Ukuhlela aboMasipala

Imisebenzi yePilo yaboMasipala

Ezeenkhwelo zomphakathi kuMasipala

Ezemisebenzi yomphakathi kaMasipala kwaphela malungana neendingo zaboMasipala ekufezeni imisebenzi yawo yokulawula imisebenzi edluliselwe kiwo ngaphasi kwaloMthetho-sisekelo namkha ngimuphi omunye uMthetho.

Zemikhumbi, inkepe, amablorho enqa ulwandle

Iindawo lapha kujama iinkephe kungafaki iindaba zemikhumbi

zenarha zentjhaba-ntjhaba

Ilawulo lamanzi anamandla eendaweni ezinemakhiwo

Imigomo yezorhwebo

Imisebenzi yezamanzi nokukulumaka ngamanzi leyo erhunyezwe kufika lapha kumalungana neendlela zokunikela amanzi nokukhambiswa kwamanzi asilapheleko nesoreji.

## ISHEDULI 5

Iindawo zokusebenza ezilawulwa maProvinsi kwaphela

Incenye A

Ubuhlabelo

Iinkhwelo zeengulani

Izindlu zokulonda iincwadi nemitlolo akufakwa izindlu zokulonda iincwadi nemitlolo zenarha

IBulungelo leencwadi kungafaki iBulungelo leencwadi lenarha.

Iinlayisensi zotjwala

Amamuziyamu kungafaki amamuziyamu weNarha

Ukuhlelwa kweProvinsi

Iindaba zamasiko zeProvinsi

Zokuzithabisa ngaphakathi kweProvinsi

Zemidlalo ngaphakathi kweProvinsi

Ezeendlela ngaphakathi kweProvinsi  
Zokwelatjha kweembandana ngaphandle kwelawulo yomsebenzi  
ofundelwe lokho

Incenye B

Iindaba ezilandelako zombuso wendawo kufikela ezingeni elendlalwe kusigaba 155(b) (a) no (7):

Indawo zokududa neensetjenziswa zokuzithabisa

amathuna, amamotjhara nokomiswa kweendumbu Zokukulumaka

Ilawulo lalokho okuitshwenyo kumphakathi

Ilawulo lwezokuthengisa kotjwala emphakathini

Iindawo zokuhlalisa, ukuthlogomela nokubulunga iilwana

Ukukampela namadrada wokukampela

Ukukhitjha kwamalaysense nokulawulwa kweendawo ezithengisela  
umphakathi ukudla

Ukulawulwa kweendawo ezithengisela umphakathi utjwala

Iinsetjenziswa zendawo

Iindawo neensetjenziswa namkha izinto zokudlala

Iimaraka

Ubuhlabelo bukaMasipala

Iindawo zokuphumula nokuzithabisa

Iindlela zikaMasipala

Itjhada elisabaleleko

Iinkiti (zeenkomo)

Iindawo zomphakathi

Ukuthuthwa kwesila namasoreji

Ukuthengisa eentradini

Ukukhanyiswa kweentrada

Zeendlela nokujanyiswa kwesikhatjhana kwemodoro (Parking)

ISHEDULI 6

Amalungiselelo wesikhatjhana

Ihlathululo

1. KuSheduli le, ngaphandle kwalokha kungakhambisani nomtlo –

KiloMthetho, ngaphandle kobanyana kungakhambisani –

“inarha enomazibuse” kobanyana uMthetho-sisekelo usebenze, kwasetjenzwa ngayo kuMthetho  
weSewula Afrika njengezizameleko nofana leyo enomaziphathe;

“UMthetho-sisekelo omutjha” kutjho uMthetho-sisekelo weRiphabliki weSewula Afrika, 1996

“umthetho-wombuso owadlulako” kutjho umthetho ophasiswe ngaphambi kobanyana  
uMthetho-sisekelo odlulileko uthome;

“uMthetho-sisekelo odlulileko” kutjho uMthetho-sisekelo weRiphabliki yeSewula  
Afrika,(umthetho 200 ka1993)

Ukuragela phambili komthetho osesekhona

2. (1) Woke umthetho ogade usebenza lokha uMthetho-sisekelo omutjha uthoma  
ukusebenza, uragela phambili ngokusebenza, ngaphasi kwalokhu –

(a) iguqulo namkha ukwesulwa; begodu

(b) lokha ukhambisana noMthetho-sisekelo omutjha.

(2) UMthetho wombuso owadlulako oragela phambili ngokusebenza ngokwesigatjana (1) –

(a) awunakho ukusetjenziswa okubanzi, ngokwesifunda nofana ngenye indlela,  
kunokobanyana beyinjalo ngaphambi koMthetho-sisekelo ondlulileko usetjenziswe ngaphandle  
usulwe ngokulandelana bonyana ube nokusetjenziswa okubanzi; begodu

(b) kuragelwa phambili isetjenziswa magatjha layo bekayisebenzisa lokha uMthetho-sisekelo

omutjha uthoma ukusebenza, ngaphasi koMthetho-sisekelo omutjha.

Ihlathululo lomthetho osesekhona

3. (1) ngaphandle kobana ungakhambisani nomqondo nofana ungakhambisani, kunofana ngiwuphi umthetho lowo obukade ukhona lokha nakuthoma ukusebenza umthetho-sisekelo omutjha –

(a) kuRiphabliki yeSewula Afrika nofana umbuso onamaziphathe, kufanele kuthathwe bonyana kutjhiwo kuRiphabliki yeSewula Afrika ngaphasi koMthetho-sisekelo omutjha;

(b) kuPalamende; iBandla lesitjhaba nofana indlu yeSinethi kufanele kuthathwe bonyana kutjhiwo iPalamende, iBandla lesitjhaba nofana uMkhandlu wamaProvinsi weNarha ngaphasi koMthetho-sisekelo omutjha;

(c) kuMongameli, iPhini likaMongameli, uNgqongqotjhe, iPhini likaNgqongqotjhe nofana iKhebinethe, kuthathwe bonyana kutjhiwo uMongameli, iPhini likaMongameli lokuthoma, uNgqongqotjhe, iPhini likaNgqongqotjhe nofana iKhabinethi ngaphasi koMthetho-sisekelo omutjha, ngokwesigaba 9 kuleSheduli;

(d) kuMongameli weSinethi kufanele kuthathwe bonyana kutjhiwo uSihlalo woMkhandlu weNarha wamaProvinsi;

(e) kuSbetha-mthetho seProvinsi, uNdunankulu nofana uMkhandlu wezokuphatha weProvinsi kuthathwe bonyana kutjhiwo iSbetha-mthetho seProvinsi uNdunankulu nofana uMkhandlu wezokuphatha ngaphansi koMthetho-sisekelo omutjha ngokwesigaba 12; kuleSheduli nofana

(f) kulimi elisemthethweni nofana amalimi, kufanele kuthathwe bonyana kutjhiwo nofana ngiliphi ilimi kulawo asemthethweni ngaphasi koMthetho-sisekelo omutjha.

(2) Ngaphandle kobanyana ingakhambisani nalokho okutjhiwoko nofana ingafani, kungaqalwa kunofana ngiwuphi umthetho wombuso owadlulako –

(a) kuPalamende, iNdlu yePalamende nofana iBandla lesibethamthetho nofana ibandla leRiphabliki nofana umbuso onamaziphathe, kufanele kuthathwe bonyana kutjhiwo –

(i) iPalamende ngaphasi koMthetho-sisekelo omutjha, nakubo ilawulo lomthetho lowo lifakiwe nofana linikelwe ngaphasi koMthetho-sisekelo owadlulako nofana uMthetho lo wombuso weNarha; nofana

(ii) iSbetha-mthetho seProvinsi nakube ukusetjenziswa komthetho kunikelwe nofana unikelwe ngaphasi koMthetho-sisekelo owadlulako nofana uMthetho wombuso weProvinsi; nofana

(b) uMongameli woMbuso, uNdunakulu, umlawuli nofana esinye isiphathiswa esiphezulu, iKhabinethi, ibandla laboNgqongqotjhe nofana ibandla eliphakemeko leRiphabliki nofana umbuso onamaziphathe kufanele kuthathwe bona kutjhiwo –

(i) uMongameli ngaphasi koMthetho-sisekelo, nakube ukusetjenziswa koMthetho lowo kunikelwe nofana unikelwe ngaphasi koMthetho-sisekelo owadlulako nofana iSheduli le kuKhabinethe; nofana

(ii) uNdunankulu weProvinsi ngaphasi koMthetho-sisekelo omutjha, nakube ukulawulwa lokho kunikelwe nofana kunikelwe ngaphasi koMthetho-sisekelo owadlulako nofana iSheduli le kuMKhandlu wezokuphatha weProvinsi.

IBandla Lesitjhaba

4. (1) Omunye nomunye ogade alilunga namkha isikhulu seBandla Lesitjhaba lokha uMthetho-sisekelo omutjha uthoma ukusebenza, oba lilunga namkha isikhulu seBandla Lesitjhaba ngaphasi koMthetho-sisekelo omutjha.

(2) IBandla Lesitjhaba njengoba libunjwe ngokulandela isigatjana (1) kufanele lithathwe njengelikhethwe ngaphasi koMthetho-sisekelo omutjha ngokwesikhathi esiphela ngomhla ka 30 Apreli 1999.

(3) IBandla Lesitjhaba libunjwa malungana ama 400 ngokwesikhathi sakhonanje, ngaphasi kwesigaba 49(4) soMthetho-sisekelo omutjha.

(4) Imigomo neenqunto zeBandla Lesitjhaba ezisetjenziswako lokha uMthetho-sisekelo

omutjha uthoma ukusebenza, iragela phambili ngokusebenza ngaphasi kweguqulo namkha ukwesulwa.

Umsebenzi ongakaqedwa ngaphambi kwePalamende

5. (1) Omunye nomunye umsebenzi ongakaqedwa ngaphambi kwePalamende lokha uMthetho-sisekelo omutjha uthoma ukusebenza kufanele kuragelwe ngawo phambili ngokulandela uMthetho-sisekelo omutjha.

(2) Omunye nomunye umsebenzi ongakaqedwa phambi kweSinethi lokha uMthetho-sisekelo omutjha othoma ukusebenza, kufanele udluliselwe kuMkhandlu wamaProvinsi weNarha, begodu uMkhandlu loyo kufanele uragele phambili ngomsebenzi loyo ngokulandela uMthetho-sisekelo omutjha.

Amakhetho weBandla lesitjhaba

6. (1) Amakhetho weBandla lesitjhaba angeze abanjwa ngaphambi ko 30 Apreli 1999 ngaphandle kwalokha iBandla lipheliswe ngokwesigaba 50(2), ngemva kokuzwakalisa ivowutu yokungabi nethemba kuMongameli ngokulandela isigaba 102(2) soMthetho-sisekelo omutjha.

(2) Isigaba 50(1) sijamiswa kwesikhatjhana kuze kube mhlaka 30 Apreli 1999.

(3) Nangaphandle kwalokhu uMthetho-sisekelo ogadungileko wesuliwe, iSheduli 2 yalowo Mthetho-sisekelo njengobana iguqulwe sinamathiselo A seSheduli le, isasebenza –

(a) kuze kufike amakhetho wokuthoma weBandla Lesitjhaba ngaphasi koMthetho-sisekelo omutjha;

(b) ukulahlekelwa bulunga beBandla ngaphasi kwamajamo azalisela lawo atjihiwo kusigaba 47(3) soMthetho-sisekelo omutjha.

(c) Ekuzaliseni kweenkhundla kuBandla, nokwengezelelwa, nokuhlolisisa nokusebenziswa kwamarherho weenhlango ekuzaliseni iinkhundla, beze kufike amakhetho wesibili weBandla ngaphasi koMthetho-sisekelo omutjha.

(4) Isigaba 47(4) soMthetho-sisekelo omutjha siyajanyiswa kuze kufike amakhetho wesibili weBandla Lesitjhaba ngaphasi koMthetho-sisekelo omutjha.

UMkhandlu weNarha wamaProvinsi

7. (1) Kwaleso sikhathi kuze kufike maduze nje ngaphambi kokuhlala kokuthoma kweS'bethamthetho seProvinsi okubanjwe emva kwamakhetho wokuthoma waso ngaphasi koMthetho-sisekelo omutjha –

(a) ukujanyelwa kweenhlango ngokwama vovutu atholwe ngiyo esitlhopheni salabo abazinthunye kuMkhandlu weNarha wamaProvinsi, kufanele kufane nokujanyelwa kweenhlango ngokwamavovutu atholwe ngiwo lapha amaSinethi a 10 weProvinsi bekenyulwe ngokulandela isigaba 48 soMthetho-sisekelo ogadungileko; begodu

(b) ukunikelwa kwamalunga azithunye ngokuzeleko namalunga athunyelwe ngokwesikhathana kweenhlango ezijanyelweko kuS'bethamthetho seProvinsi kungaleli hlobo:

–

IProvinsi amalungu athunyelwe amalunga athunyelwe  
ngokuzeleko ngokwesikhatjhana

1. IPumalanga-Kapa ANC 5 ANC 4

NP 1

2. IFreyistata ANC 4 ANC 4

FF 1

NP 1

3. IGauteng ANC 3 ANC 3

DP 1

FF 1

NP 1 NP 1

4. IKwaZulu-Natal ANC 1 ANC 2

- DP 1  
IFP 3 IFP 2  
NP 1
5. IMpumalanga ANC 4 ANC 4  
FF 1  
NP 1
6. ITlhagwini-Kapa ANC 3 ANC 2  
FF 1  
NP 2 NP 2
7. yiTlhagwini ANC 6 ANC 4
8. Tlhagwini Tjhingalanga- ANC 4 ANC 4  
langa FF 1  
NP 1
9. eTjhingalanga Kapa ANC 2 ANC 1  
DP 1  
NP 3 NP 3

- (2) Inhlangano ejanyelwe ngaphakathi kweS'bethamthetho seProvinsi –
- (a) kufanele yenyule amalunga azithunywa ngokuzelelo hlangana nabantu abagade bamaSinethi lokha uMthetho-sisekelo omutjha uthoma ukusebenza begodu bayaphumelela ukusebenza njengamalunga athunyelwe ngokuzelelo; begodu
- (b) Inganyula abanye abantu njengamalunga athunyelwe ngokuzelelo kwaphela nangabe abakho abagade bamaSinethi abaphumelelako namkha inani labo liyatlaela.
- (3) Is'bethamthetho seProvinsi kufanele sikhethe amalunga athunyelwe ngokuzelelo ngokukhambisa nenyulo zeenhlango.
- (4) Izigatjana (2) no (3) zisetjenziswa kwaphela lokha nakukhethwa amalunga athunyelwe ngokuzelelo kuMkhandlu weNarha kwamathomo.
- (5) Isigaba 62 (1) soMthetho-sisekelo omutjha asizukusetjenziswa ekwenyulweni nokukhethweni laba gade bamaSinethi njengamalunga athunyelwe ngokuzelelo ngokulandela isigaba lesi.
- (6) Imigomo neenqunto zeSinethi egade zisetjenziswa lokha uMthetho-sisekelo omutjha uthoma ukusebenza, kufanele isetjenziswe malungana nemisebenzi yoMkhandlu weNarha ekufikeni ezingeni lapho ingasetjenziswa khona, ngaphasi kwanoma ngiyiphi inguqulo namkha ukwesulwa.

Labo agade bamaSinethi

8. (1) Lo gade anguSinethi ongakakhethwa ukuba ilunga elithunyelwe ngokuzelelo kuMkhandlu weNarha wamaProvinsi ulungelwa ukuba ilunga leS'bethamthetho seProvinsi enyulwakiso ukuba iSinethi ngokulandela isigaba 48 soMthetho-sisekelo ogadungileko.
- (2) Nangabe loyo ogade ayiSinethi uzikhethela ukungabi ilunga leS'bethamthetho seProvinsi, loyo muntu othathwa njengomuntu otjhiye phasi isikhundla sobuSinethi ngelanga phambi bonyana uMthetho-sisekelo uthome ukusebenza.
- (3) Umrholo, izabelo ezingezelela umrholo nemizuzo yalowo begade ayiSinethi okhethwe njengelunga elisithunywa ngokuzelelo angeze wehlizwe ngebanga kwaphela lokukhethwa lokha. Ikhabinethe
9. (1) Omunye nomunye owayenguMongameli, iphini likaMongameli, uNgqongqoshe nofana iphini likaNgqongqoshe weRiphabliki ngaphasi koMthetho-sisekelo ogadungileko maduze phambi kobonyana uMthetho-sisekelo omutjha uthome ukusebenza, uzakuragela phambili apha the isikhundla lesi ngokulandela uMthetho-sisekelo omutjha kodwana ngaphasi kwesigatjana (2).
- (2) Kuze kufike umhla ka30 Apreli 1999 izigaba 84, 89, 90, 91, 93 no 96 zoMthetho-sisekelo omutjha zizakuthathwa njengezifundeka nje ngobonyana kwendlalwe kuSinamathiselo B

kuleSheduli.

(3) Isigatjana (2) asivimbeli unqhonqhoshe oweliSinethi lokha umthetho-sisekelo omutjha uthoma ukusebenza, bonyana aragele phambili ukuba ngunqhonqhoshe otjhiwo kusigaba 91(1)(a) somthetho-sisekelo omutjha, njengobonyana isigaba leso sifundeka kuSinamathiselwa B.

Iz'bethamthetho zamaProvinsi

10. (1) Nofana ngumuphi loyo owayelilunga nofana isiphathiswa ses'bethamthetho seProvinsi maduze phambi kobonyana uMthetho-sisekelo omutjha uthome ukusebenza obalilunga nofana siphathiswa ses'bethamthetho saleyo Provinsi ngaphasi koMthetho-sisekelo omutjha, begodu apha the isikhundla njengelunga namkha isiphathiswa ngokulandela uMthetho-sisekelo omutjha begodu namkha ngumuphi uMthetho-sisekelo ongaphasiswako.

(2) Is'bethamthetho seProvinsi njengobonyana sibunjwe ngokulandela isigatjana (1) kufanelwe sithathwe njengesikhethwe ngokulandela loMthetho-sisekelo omutjha ngokwesikhathi esiphela ngezi 30 Apreli 1999.

(3) Ngokwesikhathi saso samanjesi begodu nangaphasi kwesigaba 108(4), is'bethamthetho seProvinsi sibunjwa malunga abekelwe is'bethamthetho leso ngaphasi koMthetho-sisekelo ogadungileko kwengezelelwe ngalabo abagade bamaSinethi ababemalunga weS'bethamthetho ngokulandela isigaba 8 saleSheduli.

(4) Imigomo neenqunto zes'bethamthetho izisebenzako maduze ngaphambi kobonyana uMthetho-sisekelo omutjha uthome ukusebenza, zizakuragela phambili nokusebenza ngaphasi koguqulo nokusulwa.

Amakhetho weZ'bethamthetho

11. (1) Nangaphandle kwalokha uMthetho-sisekelo ogadungileko wesulwe, iSheduli 2 yoMthetho-sisekelo loyo, njengobana iguqulwe Sinamathiselo A kuleSheduli, isasetjenziswa –

(a) ekukhethweni kweS'bethamthetho samathomo ngaphasi koMthetho-sisekelo omutjha;

(b) ekulahlekelweni kobulunga kuS'bethamthetho ngaphasi kwamajamo angezelelwe kulawo atjhiwo kusigaba 106 (3) soMthetho-sisekelo omutjha; begodu

(c) ekuzaliseni kweenkhundla kuS'bethamthetho, nokwengezelelweni, ukuhlolisisa nokusetjenziswa kwerherho lwenhlangano ekuzaliseni iinkhundla kuze kufike amakhetho wesibili weS'bethamthetho ngaphasi koMthetho-sisekelo omutjha.

(2) Isigaba 106 (4) soMthetho-sisekelo omutjha siyajanyiswa ngokumalungana neS'bethamthetho seProvinsi kuze kufike amakhetho wesibili ngaphasi koMthetho-sisekelo omutjha.

Imikhandlu yezokuphatha yamaProvinsi

12. (1) Lowo ogade anguNdunakulu namkha ilunga loMkhandlu wezokuPhatha weProvinsi kuProvinsi lokha uMthetho-sisekelo omutjha uthoma ukusebenza, uragela phambili kuleso sikhundla begodu uphatha isikhundla leso ngokulandela loMthetho-sisekelo omutjha nofana ngumuphi uMthetho-sisekelo weProvinsi ongabe umenyezelwe, kodwana ngaphasi kwesigatjana (2).

(2) kuze kufike lapha uNdunakulu akhethwe ngemva kwamakhetho wokuthoma wes'bethamthetho seProvinsi na athoma ukusebenza, namkha iProvinsi imemezela wawo uMthetho-sisekelo, nofana ngukuphi okwenzeka manxangi, izigaba 132 no 136 zoMthetho-sisekelo omutjha kufanele zithathwe njengezifundeka njengokutjhiwo kuSinamathiselo C kuleSheduli.

IMithetho-sisekelo yamaProvinsi

13. UMthetho-sisekelo weProvinsi ophasiswe ngaphambi bonyana uMthetho-sisekelo omutjha uthome ukusebenza, kufanele uzalise iindingo zesigaba 143 soMthetho-sisekelo omutjha.

Imisebenzi yeS'bethamthetho seProvinsi

14. (1) Umthetho omalungana nanoma ngiyiphi indaba engaphasi kwendawo yokusebenza etlolwe kuSheduli 4 no 5 kuMthetho-sisekelo omutjha begodu lowo, lokha uMthetho-sisekelo



omutjha uthoma ukusebenza, bewulawulwa Siphathiswa esingaphakathi kweKhabinethe, unganikelwa nguMongameli, ngesimemezelo soMthetho, kuSiphathiswa ngaphasi koMkhandlu wezokuphatha weProvinsi okhonjwe ngulowo Mkhandlu wezokuphatha weProvinsi.

(2) Ukufika kuzinga lapho kudingeka khona bonyana ukunikelwa koMthetho ngaphasi kwesigatjana (1) kuphumeleliswe, uMongameli, ngesimemezelo soMthetho anga –

(a) guqula namkha amukele uMthetho olawula ihlathululo namkha ukusetjenziswa;

(b) Lokha nangabe ukunikelwa lokho akusetjenziswa kuMthetho woke namkha incenye yawo, iguqule begodu amemezele kabutjha neenguqulo ezitjhiwo kundima (a) namkha, ngaphandle kwazo, lezo zimiso ukunikelwa kusetjenziswa kiwo ukufika kulelozinga ukunikela kusebenza kiwo; namkha.

(c) lawula nofana ngiyiphi indaba edingekako ngokokunikelwa lokhu, kufaka hlangana ukudluliselwa kwabasenzi, namkha ukudluliselwa kwepahla, iinkolodo, amalungelo neembopho kusuka kulunga leKhabinethe namkha loMkhandlu wezokuphatha weProvinsi namkha nomana ngimuphi umnyango wombuso, ukuphatha, amaphiko wezokuphepha namkha ezinye iinkhungo.

(3) (a) iKhopi yesinye nesinye isimemezelo esikhitjhe ngokulandela isigatjana (1) namkha (2) kufanele ithulwe kuBandla Lesitjhaba nakuMkhandlu wamaProvinsi weNarha ngaphakathi kwamalungano a 10 wokwaziswa kwesimemezelo leso.

(b) Nangabe iBandla Lesitjhaba noMkhandlu weNarha ngesiquanto azivumeli isimemezelo namkha enye nenyencenye yaso, isimemezelo namkha isimiso siphelwa sikhathi, ngaphandle kobonyane kuthintekwe –

(i) ukubasemthethweni kwakoke ekwenziwe ngokulandela lesosimemezelo ngaphambi bona siphelwe sikhathi; namkha

(ii) amalungelo neenfanelo ezitholakele namkha iimbopho nemisebenzi enikwe ngaphambi kwaloku ukuphelelwa sikhathi.

(4) lokha nangabe uMthetho unikelwa ngaphasi kwesigatjana (1) okunye nokunye ukukhonjwa emthethweni kuSiphathiswa esiwulawulako, kufanele kuhlathululwe kutjhiwo isiphathiswa esinekelwe kiso.

(5) Okunye nokunye ukunikelwa komthetho ngaphasi kwesigaba 235(8) soMthetho-sisekelo ogadungileko kufaka hlangana elinye nelinye itjhuguluko, okwamukela namkha ukwesula nesimemezelo esenzwe kabutjha Mthetho omunye nomunye begodu elinye nelinye igadango elithethwe ngaphasi kwalesosigaba, kuthatha nje ngokwenziwe ngaphasi kwesigaba lesi.

Umthetho okhona ongaphandle kwamandla wePalamende wokwenza umthetho

15. (1) ISiphathiswa esingaphakathi kweKhabinethe leso lokha uMthetho-sisekelo omutjha uthoma ukusebenza, silawula umthetho owela ngaphandle kwamandla wePalamende wokulawula umthetho, siragela phambili ngokuba namandla kilowoMthetho kuzekufike lapha unikelwa iSiphathiswa ngaphasi koMkhandlu wezokuphatha weProvinsi ngokulandela isigaba 14 saleSheduli.

(2) Isigatjana (1) siphelwa sikhathi emva kweminyaka emibili uMthetho-sisekelo omutjha uthome ukusebenza.

Amakhotho

16. (1) Enye nenyekhotho kufaka hlangana namakhotho waBarholi Besintu agade avele akhona maduze ngaphambi kobonyana umthetho-sisekelo omutjha uthome ukusebenza, azakuragela phambili ngokusebenza nokusebenzisa amandla anikezwe wona ngokulandela umthetho othintana nawo, begodu omunye nomunye ophethe isikhundla sokuba ngumahluleli uzakuragela phambili ngokuphatha lesosikhundla ngokulandela umthetho othintana nalesosikhundla, ngaphasi kwalokho –

(a) eyenye nenyengququlo nofana okwesulwa kwalowo Mthetho; begodu

(b) ikhambisana nomthetho-sisekelo omutjha.

(2) (a) Ikhotho yoMthetho-sisekelo esungulwe ngokoMthetho-sisekelo ogadungileko

izakuba ikhotho yoMthetho-sisekelo ngaphasi koMthetho-sisekelo omutjha.

(b) Loyo ophethe isikhundla sokuba nguMongameli, iphini likaMongameli nofana ijaji lekhotho yoMthetho-sisekelo lokha uMthetho-sisekelo omutjha uthoma ukusebenza, uzakuba nguMongameli, iphini likaMongameli nofana lijaji lekhotho yoMthetho-sisekelo ngaphasi koMthetho-sisekelo omutjha, begodu uphatha isikhundla ngaphasi koMthetho-sisekelo omutjha ngokwesikhathi leso yeminyaka emva kokuphela kwesikhathi ababekelwe sona njengoba kubekwe sigaba 176(1) soMthetho-sisekelo omutjha.

(3) (a) Ikhotho ephakemeko yezokuBuyekezisa yeSewula Afrika izakuba ikhotho Ephakameko yezokuBuyeza ngaphasi koMthetho-sisekelo omutjha.

(b) Loyo ophethe isikhundla sokuba lijaji Eliphakameko eliyiHloko, iphini lekajaji Eliphakemeko eliyiHloko nofana ijaji lekhotho yezokubuyeza lokha uMthetho-sisekelo omutjha uthoma ukusebenza, uzakuba lijaji Eliphakameko eliyiHloko, iphini likajaji Ephakameko eliyiHloko namkha ijaji lekhotho Ephakemeko yezokuBuyeza ngaphasi koMthetho-sisekelo omutjha.

(4) (a) Ikhotho Ephakemeko yeProvinsi namkha yesifunda, okuyincenye yekhotho Ephakemeko yeSewula Afrika namkha ikhotho Ephakemeko yeNarha enomazibuse namkha incenye ejwayelekileko yaleyo khotho, izakuba ikhotho ePhakemeko ngaphasi koMthetho-sisekelo omutjha ngaphandle kokutjhugulula iindawo lezo enamandla kuzo, ngaphasi kwehlelo lokuhlanganiswa elitjhiwo kusigatjana (6).

(b) Loyo ophethe isikhundla namkha othathwa njengophethe isikhundla sokuba ijaji Elengameleko, iphini likajaji Elongameloko namkha ijaji lekhotho etjhiwo kundimana (a) lokha uMthetho-sisekelo omutjha uthome ukusebenza, uzakuba lijaji Elongameleko, iphini likajaji Elongameleko namkha ijaji lekhotho leyo ngaphasi koMthetho-sisekelo omutjha, ngaphasi kwehlelo lokuhlanganisa elitjhiwo kusigatjana (6).

(5) Ngaphandle kwalokha kungakhambisani nokutjhiwo ngaphakathi namkha kungafaneli ngokusobala, okutjhiwo kunoma ngumuphi umthetho namkha ikambiso –

(a) Ikhotho yoMthetho-sisekelo ngaphasi koMthetho-sisekelo ogadungileko ifanele ihlathululwe sengathi kutjhiwo ikhotho yoMthetho-sisekelo ngaphasi koMthetho-sisekelo omutjha;

(b) Ikhotho ephakemeko yezo kubuyekezisa yeSewula Afrika ifanele ihlathululwe sengathi kutjhiwo ikhotho Ephakemeko yezokuBuyezwa; begodu

(c) Incenye yekhotho Ephakemeko yeProvinsi namkha isifunda yekhotho Ephakemeko yeSewula Afrika namkha ikhotho Ephakemeko yeNarhaga yemazibuse namkha incenye ejwayekileko yaleyokhotho, ifanele ihlathululwe sengathi kutjhiwo iKhotho ePhamemeko.

(6) (a) Ngokurhaba okukgonakalako emva kobonyana uMthetho-sisekelo omutjha uthome ukusebenza, amakhotho woke kufaka hlangana ukwakhiwa, ukubunjwa, ukusebenza namandla awo nemithetho yoke ethintana nawo, kufanele itjhugululwe ngokwehlelo lokuhlanganisa ngomnqopho wokusungula ihlelo lekambiso yezobulungiswa elikhambisana tle neendingo zomthetho-sisekelo omutjha.

(b) ilunga leKhabinethe eliziphendulela kwezekambiso yezobulungiswa, emva kokuthintana neKomitjhana yeKambiso yezoBulungiswa ufanele ahlangoze ukuthoma kwehlelo lokuhlanganisa elibonelelwa kundima (a).

Imilandu esaleleko

17. Ukuzwelelwa kwemilandu neembawo ezisalele emva maduze ngaphambi kobonyana uMthetho-sisekelo omutjha uthome ukusebenza, kufanele kuragelwe phambili ngazo begodu ziqedwe sengathi uMthetho-sisekelo omutjha awukamemezela, ngaphandle kwaloka iinrhuluphelo zobulungiswa zibeka iindingo ezahlukileko.

Amandla wokutjhuthisa

18. (1) Isigaba 108 soMthetho-sisekelo ogadungileko siragela phambili ukuba namandla

womthetho kuze kufike lapha uMthetho weNarha obonelelwa kusigaba 179 soMthetho-sisekelo omutjha uthoma ukusebenza. Isigaba lesi asithintani nokubekwa esikhundleni koMnqophisi Mazombe wezoButjhutjisi ngaphasi kwesigaba 179.

(2) Umtjuthjisi-jikelele ophethe isikhundla lokha uMthetho-sisekelo omutjha uthoma ukusebenza, uragela phambili ngokusebenza ngokomthetho osetjenziswa i-ofisi lakhe, ngaphasi kwesigatjhana (1).

Ukufunga nokuzibopha

19. Umuntu lowo oragela phambili esikhundleni ngokulandela leSheduli begodu lowo othethe isifungo sesikhundla namkha isibopho ngaphasi koMthetho-sisekelo ogadungileko angeze akatelelwa ukubuyelela isifungo sesikhundla lesi namkha 'isibopho ngaphasi koMthetho-sisekelo omutjha.

Ezinye iinkhungo zomthetho-sisekelo

20. (1) kulesigaba "iinkhungo zoMthetho-sisekelo" kutjhiwo –

- (a) Umvikeli Womphakathi;
- (b) IKomitjhana yamaLungelo woBuntu;
- (c) iKomitjhana yokuLingana koBulili;
- (d) Umhloli zombelelo Wezeemali;
- (e) iBulungelo le-Reserve leSewula Afrika;
- (f) iKomitjhana yeZeemali Neemali Zombuso;
- (g) IKomitjhana yeKambiso yezoBulungiswa; namkha
- (h) iBhodi yaMalimi weSewula Afrika ye-Pan.

(2) Inkhungo esungulwe Mthetho-sisekelo ogadungileko namkha ngaphasi kwawo iragela phambili ngokusebenza ngokulandela umthetho osetjenziswa kiyo, begodu omunye nomunye ophethe isikhundla sokuba ilunga lekomitjhana, ilunga leBhodo yeBulungelo le-Reserve, Umvikeli Womphakathi namkha Umhloli-zombelelo wezeemali uzakuragela phambili ukuphatha isikhundla lesi ngokulandela umthetho olawula isikhundla lesi, ngaphasi –

- (a) Kwanoma nguluphi uguqulo namkha ukwesulwa kwaloyo Mthetho; begodu
- (b) Kwalokha ukhambisana noMthetho-sisekelo omutjha.

(3) Izigatjhana 199(1), 200(1), (3) no (5) kufika ku (11) no 201 kufika ku 206 zoMthetho-sisekelo ogadungileko ziragela phambili ukusebenza kufikela zesulwa Mthetho wePalamende ophasiswe ngokulandela isigaba 75 zomthetho-sisekelo omutjha.

(4) Amalunga weKomitjhana yeKambiso yezoBulungiswa abatjhiwo kusigaba 105(1)(h) soMthetho-sisekelo ogadungileko abasabi malunga weKomitjhana lokha amalunga atjhiwo kusigaba 178(1)(i) soMthetho-sisekelo omutjha abekwa eenkhundleni.

(5) (a) UMkhandlu we-Volkstaat osungulwe ngokulandela uMthetho-sisekelo ogadungileko uragela phambili ngokusebenza ngokulandela umthetho othintana nawo, begodu lowo ophethe isikhundla njengelunga lalowoMkhandlu lokha uMthetho-sisekelo omutjha uthoma ukusebenza, uragela phambili ngokuphatha isikhundla ngokulandela umthetho othintana nalesosikhundla, ngaphasi kwaloku –

- (i) Uguqulo namkha ukwesulwa kwaloyo Mthetho; begodu
- (ii) ngokukhambisana nomthetho-sisekelo omutjha.
- (b) izigaba 184A no 184B(1) (a), (b) no (d) zoMthetho-sisekelo ogadungileko ziragela phambili ngokuba namandla kuzekufike lapha zesulwa Mthetho wePalamende ophasiswe ngokulandela isigaba 75 soMthetho-sisekelo omutjha.

Ukumemezela komthetho ngokoMthetho-sisekelo

21. (1) Lokha uMthetho-sisekelo omutjha udinga ukumemezela komthetho weNarha nofana umthetho weProvinsi, lowo Mthetho ufanele umenyezelwe siphathiswa esifaneleko ngaphakathi kwesikhathi esizwakalako.

(2) Isigaba 198(b) soMthetho-sisekelo omutjha angeze sakatelelwa kuze kufezeke isikhathi

lapha umthetho obonelelwa kuleso sigaba umemezelwa khona.

(3) Isigaba 199(3)(a) soMthetho-sisekelo omutjha angeze sakatelelwa ngaphambi kokwedlula iinyanga ezintathu ngemva kobonyana umthetho obonelelwa kusigaba lesi sele umenyezelwe.

(4) UMthetho weNarha obonelelwa kusigaba 217(3) kufanele umemezelwe ngaphakathi kweminyaka emithathu kusukela ngelanga uMthetho-sisekelo omutjha uthoma ukusebenza ngalo, kodwana ukungabikhona koMthetho lo ngaleso sikhathi akuvimbeli ukusetjenziswa kwekambiso etjhiwo kusigaba 217(2).

(5) Kuzekufike isikhathi lapho umthetho wePalamende otjhiwo kusigaba 65 (2) soMthetho-sisekelo omutjha umemezelwako esinye nesinye iS'bethamthetho seProvinsi singaqunta indlela yaso yekambiso ngeleyo sizakudlulisela amandla waso kubajameli baso bonyana baphosele amavuwutu ebujameni baso kuMkhandlu weNarha wamaProvinsi.

(6) Kuzekufike isikhathi lapho umthetho otjhiwo kusigaba 229(1) (b) somthetho-sisekelo omutjha umemezelwako, uMasipala uhlala anamandla wokubhadela imithelo, namkha intela leyo beyivele unamandla wokuyibhadela lokha umthetho-sisekelo omutjha uthoma ukusebenza.

Ibumbano lwesitjhaba nokulibalelana

22. (1) Nanongoba kutjho ezinye izigaba soMthetho-sisekelo omutjha begodu nanongoba uMthetho-sisekelo ogadungileko wesuluwe, zoke izigaba ezimalungana nokulibulelwa kuMthetho-sisekelo ogadungileko ngaphasi kwesihloko "ibumbano lwesitjhaba nokulibalelana" zithathwa njengencenye yoMthetho-sisekelo omutjha kulezo zifisakalelo zomthetho wokuthuthukisa ibumbano lesitjhaba nokulibalelana, 1995 (umthetho 34 ka 1995) njengoba uguquliwe, kufaka hlangu nokuba namandla womthetho kwawo.

Umtlolo wamalungelo wobuntu

23. (1) Umthetho weNarha obonelelwa kuzigaba 9(4), 32(2) no 33(3) zoMthetho-sisekelo omutjha ufanele umemezelwe ngaphakathi kweminyaka emithathu kusukela ngelanga uMthetho-sisekelo omutjha uthoma ngalo ukusebenza.

(2) Kuze kufike isikhathi lapho uMthetho obonelelwa kusigaba 32(2) no 33(3) zoMthetho-sisekelo omutjha umemezelwako –

(a) Isigaba 32(1) kufanele sithathwe nje ngesifundeka ngalendlela:

“(1) Omunye nomunye umuntu onelungelo lokubonelelwa ngombiko woke ophethwe Mbuso namkha elinye nelinye lamagatja wawo, kwelinye nelinye izinga lombuso kufikela lapho umbiko lowo udingekako ekusetjenzisweni namkha ekuvikeleni nanoma ngimaphi amalungelo wabo;” begodu

(b) Izigaba 33(1) no (2) kufanele zithathwe njengezifundeka ngalendlela:

“Omunye nomunye umuntu onelungelo –

(a) legadango lezokuphatha elisemthethweni lokha nomana ngiliphi lamalungelo wabo namkha iinrhuluphelo athinteka namkha ethuselwa;

(b) igadango lekambiso elifaneleko lokha nofana ngiliphi lamalungelo wabo namkha iinfisekelo ezisemthethweni athinteka namkha ethuselwa;

(c) lokunikelwa izizathu ezitlolwe phasi ngedango lezokuphatha elithinta nofana ngiliphi lamalungelo namkha iinrhuluphelo zabo ngaphandle kwalokha izizathu zegadango lolo zazisiwe; begodu

(d) igadango lezokuphatha elilungileko malungana nezizathu eziphelwe lona lokha nofana ngiliphi lamalungelo wabo athinteka namkha ethuselwa”

(3) Izigaba 32(2) no 33(3) zoMthetho-sisekelo omutjha ziphelelwa sikhathi nangabe uMthetho obonelelwa kulezozigaba, ngokuhlukahlukana, awumemezelwa ngaphakathi kweminyaka emithathu kusukela ngelanga uMthetho-sisekelo omutjha uthoma ukusebenza.

Ukuphatha kwezomphakathi nezokuphepha

24. (1) Izigaba 82(4)(b), 215, 218(1), 219(1), 224 kufikaku 228, 236(1), (2), (3), (6), (7)(b) no (8), 237(1) no (2)(a) no 239(4) no (5) zoMthetho-sisekelo ogadungileko ziragela

phambili nokusebenza sengathi uMthetho-sisekelo ogadungileko awukasalwa, ngaphasi kwalokhu

–

- (a) iinguqulo lwezigaba lezo njengokutjhiwo kuSinamathiselo D;
- (b) Nofana ngiyiphi inguqulo olusezakwenzwa namkha ukusulwa kwalezo zigaba Mthetho wePalamende ophasiswe ngokulandela isigaba 75 soMthetho-sisekelo omutjha; begodu
- (c) kokukhambisana noMthetho-sisekelo omutjha.

(2) Ikomitjhana yezoMsebenzi womphakathi namaKomitjhana wezemisebenzi womphakathi yamaProvinsi etjhiwo kuSahluko 13 soMthetho-sisekelo ogadungileko, iragela phambili ngokusebenza ngokulandela lesoSahluko noMthetho othintana nawo sengathi iSahluko leso asikaguqulwa, kuze kufike isikhathi lapho iKomitjhana namakomitjhana wamaProvinsi apheliswa Mthetho wePalamende ophasiswe ngokulandela isigaba 75 soMthetho-sisekelo omutjha.

(3) Ukwesulwa koMthetho-sisekelo ogadungileko akuthintani nesimemezelo soMthetho esikhitjhe ngaphasi kwesigaba 237(3) soMthetho-sisekelo ogadungileko begodu na nofana ngisiphi isimemezelo somthetho esinjalo siragela phambili ngaphasi ko –

- (a) nofana ngiliphi uguqulo namkha ukwesulwa; begodu
- (b) ukukhambisana noMthetho-sisekelo omutjha.

Ukungavunyelwa okungezelelweko kus'bethamthetho

25. (1) Omunye nomunye odoza izinyanga ezidlula eziyi 12 ejele ngaphandle kwehlawulo ngaphakathi kweRiphabliki lokha uMthetho-sisekelo omutjha uthoma ukusebenza, akanalungelo lokuba ilunga leBandla Lesitjhaba namkha is'bethamthetho seProvinsi.

(2) Ukungabi nelungelo komuntu ngokulandela isigatjana (1) –

- (a) Kuyaphela nakube umlandu uyasulwa yikhotho yokubuyekeza namkha isigwebo sehlelwa ngaphasi kwaleso esingathatheli umuntu ilungelo leli; namkha
- (b) Kuphela emva kweminyaka emihlanu isigwebo leso siphelile.

UMbuso weNdawo

26. (1) Nomakwalokha izimiso ezukuzigaba 151,155,156 no 157 zomthetho-sisekelo omutjha –

(a) izimiso zomthetho wokudlulisela umbuso wendawo, 1993 (umthetho 209 ku 1993) njengoba ungaguqulwa ngesikhathi nesikhathi mthetho weNarha okhambisana nomthetho-sisekelo omutjha, uhlala usebenza kuzekufike 30 Apreli 1999 namkha uze usulwe, noma ngikuphi ukwenzeka msinyand; begodu

(b) Mrholi wesintu womphakathi olandela indlela yomthetho wesintu begodu ahlala kumhlaba osendaweni yekhansela yendawo yesikhatjhana, ikhansela yesikhatjhana yasemakhaya namkha ikhansela yobajameli yesikhatjhana etjhiwo kumthetho wokudlulisela umbuso wendawo, umthetho ka 1993, begodu leyo ikhonjwe njengoba kwendlalwe kusigaba 182 somthetho-sisekelo ogadungileko, ngokwesikhundla sake, ulungela ukuba lilunga laleyokhansela kufikela 30 Apreli 1999 namkha kufikela umthetho-wePalamende utjho ukuhlukileko.

(2) Isigaba 245(4) soMthetho-sisekelo ogadungileko siragela phambili ngokusetjenziswa kuzekufike lapha ukusetjenziswa kwesigaba leso kuphelela sikhathi. Isigaba 16(5) no (6) soMthetho wokudlulisela umbuso wendawo, 1993 ngeze sasulwa ngaphambi kwa 30 Apreli 1999. Ukulondwa kwemithetho yePalamende nemithetho yamaProvinsi

27. Izigaba 82 no 124 zoMthetho-sisekelo omutjha akuthintani nokulondwa kweMithetho yePalamende namkha iMithetho yeProvinsi isulwe ngaphambi kobonyana uMthetho-sisekelo omutjha uthome ukusebenza.

Ukurejistarwa kwepahla engakhambiko yoMbuso

28. (1) Ekubonisweni kwesitifikethi libandla elifaneleko bona ipahla ingumhlaba namkha indlu (immovable property) yombuso ingeyombuso othize ngokwesigaba 239 soMthetho-sisekelo wangaphambili, isikhulu seencwadi zobunikazi kufanele senze ukungeniswa nofana imitlolo enjalo ngenofana ngakwenye nanye irejista, incwadi yobunikazi nofana omunye umtlole oqaleneka

ukurejistara ipahla engumhlaba namkha indlu leyo ngebizo lombuso lowo.

(2) Akunamthelo wepahla, intela nofana esinye isibizo esibhadelwako malunga nokurejistarwa ngokwesigatjana (1).

Isinamathiselo A

## IINGUQULO KUSHEDULI 2 KUMTHETHO-SISEKELO OGADUNGILEKO

1. Ukususwa kwesigaba 1 ngokufaka isigaba esilandelako endaweni yaso:

“1. Iinhlango ezitloliswe ngokulandela uMthetho weNarha begodu ezingenela aMakhetho weBandla Lesitjhaba, zizakwenyula abong’khetheeni kulawo makhetho ererhweni labongikhetheeni elilungiswe ngokukhambisana naleSheduli noMthetho weNarha”.

2. Ukususwa kwesigaba 2 ngokufaka isigaba esilandelako endaweni yaso:

“2. iinhlalo kuBandla Lesitjhaba njengoba kubekwe ngokulandela isigaba 46 soMthetho-sisekelo omutjha, zizakuzaliswa ngokulandelako:

(a) Incenye equntwe phakathi yeenhlalo evela ererhweni lesifunda elethulwe ziinhlango ngokwehlukahlukana nenani elithileko elibekelwe esinye nesinye isifunda njengobana kuqunte iKomitjhana ngamakhetho alandelako weBandla, kutjhegwe umbiko osekelwe phezu kwephenyiso ngokwesayensi malungana nabavowuti, neenkhalo zeenhlango ezinefisekelo.

(b) Enye incenye yeenhlalo kuvela emarherhweni weNarha Mazombe ethule iinhlango ngokwehlukahlukana, namkha kuvela ererhweni lemfunda lokha amarherho wenarha engakathulwa”.

3. Ukususwa kwesigaba 3 ngokufaka isigaba esilandelako endaweni yaso:

“3. Amarherho wabo ngikhetheeni ethule inhlango, azakumumatha ngokuzeleko amabizo angadluli inani labong’khetheeni elilingana nenani leenhlalo kuBandla Lesitjhaba, begodu elinye nelinye irherho lizakumumatha amagama lawo ngendlela yokulandelana ezabe iquntwe inhlango”.

4. Ngokuguqula isigaba 5 nokususa amagama angaphambi kwendima (a) ngokufaka amagama alandelako endaweni yawo:

“5. iinhlalo ezitjhiwo kundima 2(a) zizakwabelwa ngokwezifunda kulezohlangano ezingenela amakhetho, ngokulandelako:”

5. Ngokuguqula isigaba 6 –

(a) Ngokususa amagama angaphambi kwendima (a) nokubeka amagama alandelako endaweni yawo:

“6. iinhlalo ezitjhiwo kundima 2(b) zizakwabelwa iinhlango ezingenela amakhetho, ngokulandelako:” begodu

(b) Ngokususa indima (a) nokufaka indima elandelako endaweni yayo:

“(a) inani lamavowutu ngokwesihlalo azakuquntwa ngokuhlukanisa inani lamavowutu woke aphoselweko ngenarheni ngenani leenhlalo ngaphakathi kweBandla Lesitjhaba, kuzaliselwe ngesi sodwa, kuzakuba inani elibabalelwa isikhundla sinye”

6. Ngokuguqula isigaba 7(3) ngokususa indima (b) ngokufaka indima elandelako endaweni yayo:

“(b) inani lamavowutu elibalelwa isihlalo eliguquliwe lizakuquntwa ngokwehlukana inani lamavowutu woke aphoselweko ngenarheni, kukhitjhwe inani lamavowutu aphoselweko ngenarheni mazombe lawo wenhlango etjhiwo kundima (a), ngenani leenhlalo eBandla, kungezelelwe ngesisodwa, kukhitjhwe inani lamaphelelo leenhlalo ezabelwe inhlango leyo ngokulandela indima (a)”

7. Ngokususa indima 10 kufakwe elandelako endaweni yayo:

“10. inani leenhlalo kwesinye nesinye iS’bethamthetho seProvinsi izakuba njengoba iquntwe ngokulandela isigaba 105 soMthetho-sisekelo omutjha.”

8. Ukwesulwa kwesigaba 11 nokufakwa kwesigaba esilandelako endaweni yaso:

“11. iinhlango ezitloliswe ngokulandela uMthetho weNarha begodu angenele aMakhetho

weS'bethamthetho seProvinsi, zizakwenyula abong'khethe ni bamakhethe weS'bethamthetho emarherhweni wenfunda alungiswe ngokukhambisana neSheduli le noMthetho weNarha”.

9. Ukwesulwa kwendima 16 nokufakwa kusigaba esilandelako endaweni yaso:

“Ukukhunjwa kwabajameli

16. (1) Emva kokubalwa kwamavowutu sekuqedwe, inani abajameli benhlangano enye nanye seliquitiwe begodu nemiphumela yamakhethe sele imenezelwe ngokwesigaba 190 soMthetho-sisekelo omutjha, iKhomitjhana, ngaphakathi kwamalanga amabili kwesimemezelo, izakukhomba erherhweni labong'khethe ni, elaziswe ngokoMthetho weNarha abajameli benhlangano enye nanye ngaphakathi kweS'bethamthetho.

(2) Ngokulandela ukukhunjwa okwenzwe ngokulandela isigatjana (1), lokha ibizo long'khethe ni livela erherhweni elidlula elilodwa leBandla Lesitjhaba namkha erherhweni lawo womabili weBandla Lesitjhaba neS'bethamthetho seProvinsi (lokha amakhethe weBandla neS'bethamthetho abanjwa ngesikhathi esisodwa) begodu ung'khethe ni lowo ujamele ukukhunjwa njengomjameli, inhlangano ethule irherho lelo, ngaphakathi kwamalanga amabili kwesimemezelo leso, izakutjengisa iKomitjhana bonyana ngiliphi irherho elifanele ukusetjefziswa ukukhomba ung'khethe ni lowo namkha ngisiphi iS'bethamthetho ung'khethe ni lowo azakusebenza kiso, ekwenzekeni kwalokho ibizo long'khethe ni lizakwesulwa kwamanye amarherho. Ikh

(3) Ikhomitjhana kufanele, yazise amarherho wabajameli kuS'bethamthetho namkha iimbethamthetho.”

10. Ukwesulwa kwesigaba 18 ngoku susa indima (b) nokufaka indima elandelako:

“(b) UMjameli ukhethwa njengelunga elisithunywa ngokuzeleko kuMkhandlu wamaProvinsi weNarha.”

11. Ukuguqula isigaba 19 ngesigaba esilandelako:

“19. amarherho wabo ng'khethe ni benhlangano etjhiwo kusigaba 16(1) angazaliselwa kanye kwaphela kwesinye nesinye isikhathi eenyangeni ezi 12 zokuthoma ezilandela ilanga lelo ukukhunjwa kwabajameli ngokulandela isigaba 16 kuqedwe ngalo, bonyana kukgonwe ukuzalisa iinkhundla zesikhathjana: kwaphela lokha ukwengezelelwa lokho kwenziwa ekupheleni kwalelorherho”.

12. Ukwesulwa kwesigaba 23 nokufaka isigaba esilandelako endaweni yaso:

“linkhundla ezivulekileko

23. (1) Lokha nakunesikhundla esivulekileko kuS'bethamthetho kuleso iSheduli le isetjenziswako, inhlangano enyule ilunga elitjhiye isikhundla izakuzalisa isikhundla leso ngokwenyula umuntu-

(a) lowo ibizo lakhe likhona erherhweni labo ng'khethe ni lelo ilunga elitjhiye isikhundla beka kilo; begodu

(b) ongumuntu olandelako olungela begodu ophumelelako ukuthatha isikhundla erherhweni lelo.

(2) unyulo lokuzalisa isikhundla luzakwethulwa kuSpeaker ngendlela yokutlolwa phasi.

(3) Lokha nangabe inhlangano ejanyelwe kuS'bethamthetho iyapheliswa namkha ayisabikhona begodu namalunga athintekako atjhiya phasi iinhlalo zabo ngokulandela isigaba 23A(i), iinhlalo lezo ezithintekako zizakwabelwa iihlangano eziseleko ngendlela efanako tle nalokha sengathi iinhlalo lezo zinhlalo ezamukwe ngokulandela isigaba 7 namkha 14, noma ngayiphi indlela kwenzekako.”

13. Ukufakwa kwesigaba elandelako ngemva kwesigaba 23:

“izizathu ezingezelelweko zokulahlekelwa bulunga kuz'bethamthetho

23A. (1) Umuntu ulahlekelwa bulunga beS'bethamthetho leso leSheduli isetjenziselwa sona nangabe lowo muntu akasabililunga lenhlangano leyo enyule umuntu loyo nje ngelunga leS'bethamthetho.

(2) Nangaphandle kwesigatjana (1) enye nanye inhlangano yezombanganarha ekhona

ingatjhugulula ibizo layo ngesikhathi esinye nesinye.

(3) UMthetho wePalamende, ngaphakathi kwesikhathi esizwakalako emva bonyana uMthetho-sisekelo omutjha uthome ukusebenza, ungaphasiswa ngokukhambisana nesigaba 76(1) soMthetho-sisekelo omutjha bonyana uguqule indima le nendima 23 ukubonelela indlela leyo ngayo kukgonakalako bonyana ilunga leS'bethamthetho elitjhiya phasi ubulunga benhlangano emenyulile, aqhubeke ngokuba ilunga leS'bethamthetho lesi.

(4) UMthetho wePalamende otjhiwo kusigatjana (3) nawo ungabonelela –

(a) bonyana inhlango enye nenye ekhona ihlanganiswe neenye inhlango; namkha

(b) bonyana inhlango enye nenye izihlukanise phakathi ukuba iinhlango ezidlula yinye.

14. Ukwesulwa kwesigaba 24.

15. Ukugququlwa kwesigaba 25 –

(a) Ngokusula ihlathululo “Komitjhana ngehlathululo elilandelako:

“iKomitjhana” kuthiwa ikomitjhana yaMakhetho etjhiwo kusigaba 190 soMthetho-sisekelo omutjha,” begodu

(b) Ngokufaka ihlathululo elilandelako ngemva kwehlathululo “irherho lenarha”

“`UMthetho-sisekelo’ kuthiwa uMthetho-sisekelo weRiphabliki yeSewula Afrika, 1996;”

16. Ukwesulwa kwesigaba 26.

Isinamathiselo B

Umbuso weBumbano Wesitjhaba ehlangothini leNarha i.e. Manqophana nombuso ophakathi

1. Isigaba 84 soMthetho-sisekelo omutjha sithathwa njengesimumethe isigatjana esingezelwa ngokulandelako –

“(3) UMongameli ufanele athintane namaphini wakaMongameli –

(a) Ekuthuthukiseni nokusetjenzisweni kwemibandela yoMbuso Wobumbano;

(b) Kiyoyoke imiraro emalungana nekambiso yeKhabinethe begodu nokwenziwa kwemisebenzi ePalamende;

(c) Ekunikeleni kwemisebenzi kumaphini wakaMongameli;

(d) Ngaphambi kokubekwa eenkhundleni kwenkhulu ngaphasi koMthetho-sisekelo lo namkha nomangumuphi umthetho, kufaka hlango ukukhethwa kwabajameli beNarha kwezombangaNarha (ambassadors) namkha abanye abajameli emazweni wangaphandle;

(e) Ngaphambi kokukhetha amaKomitjhana wokuPhenya;

(f) Ngaphambi kokumenyezela kwereferendum;

(g) Ngaphambi kokulibalela abagwetjiwe.”

2. Isigaba 89 soMthetho-sisekelo omutjha sithathwa nje ngesimumethe isigatjana ezingezelwe ngokulandelako:

“(3) izigatjana (1) no (2) zisebenza nakuphina likaMongameli”

3. Indima (a) yesigaba 90 (1) yoMthetho-sisekelo omutjha ithathwa njengefundeka ngokulandelako:

“(a) iphina likaMongameli elikhonjwe nguMongameli;

4. Isigaba 91 soMthetho-sisekelo omutjha sithathwa nje ngesifundeka ngokulandelako:

IKhabinethe

91. (1) IKhabinethe ibunjwa nguMongameli, iphina likaMongameli begodu –

(a) NaboNgqongqoshe abangadluliko ku 27 abangamalunga weBandla Lesitjhaba begodu bakhethwe ngokulandela isigatjana 8 kufikela ku12; begodu

(b) UNgqongqoshe munye kwaphela ongasilo ilunga lebandla lesitjhaba begodu akhethwe ngokulandela isigatjana (13), kuphela lokha uMongameli, ngokuthintana namaphini wakaMongameli begodu nabarholi beenhlangano ezizibandakanyako, abona bonyana ukukhethwa kwaloyo Ngqongqoshe kuyadingeka.

(2) Enye nenye inhlango ephethe iinhlalo ubuncani zibe ngu 80 kuBandla Lesitjhaba inelungelo lokukhetha iphina likaMongameli hlango namalunga weBandla.



- (3) Lokha inhlango ingekho namkha ingekho inhlango ephethe iinhlalo ezingu 80 nokwendlula kuBandla, inhlango ephethe iinhlalo ezingaphezulu kwezinye iinhlango elandela ngokwesibili ngobunengi beenhlalo eziphethako, enye nenye yazo inelungelo lokukhetha iphini likaMongameli elilodwa hlango namalunga weBandla.
- (4) Ekukhethweni kwakhe iphini likaMongameli angazikhethela bonyana uhlala alilunga namkha ulisa ubulunga beBandla.
- (5) IPhini likaMongameli angasebenzisa amandla begodu ufanele enze imisebenzi ethweswe isikhundla sikaPhini likaMongameli Mthetho-sisekelo namkha onikelwe kilelo i-ofisi nguMongameli.
- (6) Iphini likaMongameli liphatha isikhundla –
- (a) Kuze kube ngumhla ka 30 Apreli 1999 gaphandle kwalokha atjhidiswa ngomunye namkha adoselwa emva inhlango enelungelo lokukhetha ngokulandela isigatjana (2) no (3); nofana
- (b) Kufikela lapha umuntu okhethwe ukuba nguMongameli emva kwaMakhetho weBandla Lesitjhaba abanjwe ngaphambi komhla ka 30 Apreli 1999, athoma ukusebenza.
- (7) Ukuvuleka kwesikhundla sePhini likaMongameli singazaliswa inhlango ekhethe loyo oliphini likaMongameli.
- (8) Inhlango ephethe iinhlalo ezibuncani obungu 20 kuBandla Lesitjhaba begodu equnte ukuthatha indima kuMbuso Wobumbano Wesitjhaba, inelungelo lokunikelwa isikhundla sinye namkha ukwendlu sinye seKhabinethe lezo aboNgqongqoshe abatjiwo kusigatjana (1) (a) bazokubekwa kizo, ukuya ngenani leenhlalo eziphethwe ngiyo kuBandla Lesitjhaba nakuqondiswe neenhlalo eziphethwe ngezinye iinhlango ezithatha indima.
- (9) Iinkhundla zeKhabinethe zifanele ukunikezwa iinhlango ezithatha indima ngokulandela indlela elandelako:
- (a) Inani lezihlalo ezabelwe kusikhundla esodwa ifanele ibekwe ngokwehlukana inani lezihlalo zoke kuBandla Lesitjhaba eziphethwe ngokuhlango elwa iinhlango ezithatha indima ngenani lenkhundla lezo aboNgqongqoshe abatjiwo kusigatjana (1) (a) bafanele bakhetho kizo kuzaliselwe ngomunye godu.
- (b) Imiphumela, kungathathwa ama-decimals wesithathu nalandelako nakakhona, kuzakuba inani lezihlalo ezabelwe isikhundla.
- (c) Inani lenkhundla ezifanele ukwabelwa inhlango ethatha indima zizakuquntwa ngokuhlukanisa inani lezihlalo zoke eziphethwe ngileyo nhlango kuBandla Lesitjhaba ngenani elitjiwo kundima (b).
- (d) Imiphumela, ngaphasi kwaloku ukutjiwo kundima (e), itjengisa inani lenkhundla elabelwe inhlango leyo.
- (e) Lokha ukusetjenziswa kwendlela etjiwo ngaphezulu kuletha inani elidluleleko elingeze lamumathwa inani lenkhundla ezabelwe inhlango, lenani elidluleleko lizakuphikisana nenani elidluleleko elifana nalo elitholwe ngenye inhlango namkha iinhlango, begodu nomangisiphi isikhundla namkha iinkhundla ezisaleleko ezikabiwa zifanele zabelwe inhlango namkha iinhlango ezithintekako ngokulandela inani elidluleleko.
- (10) UMongameli emva kokuthintana namaPhini wakaMongameli nabarholi beenhlango ezithatha indima kufanele –
- (a) athathe isiqu nto malungana neenkhundla ezifanele ukwabelwa iinhlango ezahlukahlukeneko ezithatha indima ngokulandela inani lenkhundla ezabelwe zona ngokwesigatjana (9);
- (b) bakhetho kulesosikhundla ilungu leBandla Lesitjhaba olilunga lenhlango leyo isikhundla leso sabelwe yona ngaphasi kwendima (a) ukuba nguNgqongqoshe oziphendulela kulesosikhundla.
- (c) umakudingeka bonyana uMthetho-sisekelo namkha iinrhuluphelo zombuso omuhle ziphumeleliswe, aguqule nomangisiphi indaba ngaphasi kwendima (a) ngokulandela isigatjana (9);

- (d) basuse esikhundleni loyo abekwe ngaphasi kwendima (b) –
- (i) Uma uMongameli abawa nguMrholi wenhlangano leyo uNgqongqotjhe loyo alilunga bonyana enze lokho; namkha
- (ii) Uma lokho kudingwa mnqopho woMthetho-sisekelo namkha kuseenrhuluphelweni zombuso omuhle; namkha
- (e) azalise, umakudingakala, ngaphasi kwendima (b), isikhundla sikaNgqongqoshe.
- (11) Isigatjana (10) sifanele ukusetjenziswa ngomoya omumethwe emnqopheni wombuso wobumbano lesitjhaba, begodu uMongameli nalaba asebenza nabo bafanele bafisekele ukufikelela ukuzwana kwabo boke lokha nabasebenzisa isigatjana lesi; ngaphandle kwalokha kunga kgonekiko bonyana kufikelelwe ukuzwana kwabo boke kulokhu –
- (a) Ukusetjenziswa kwaMandla atjhiwo kundima (a) (c) namkha (d) (ii) yesigatjana lesi, isiqunto sikaMongameli sizakuphumeleliswa; begodu
- (b) Ukusetjenziswa kwaMandla atjhiwo kundimana (b), (d)(i) namkha (e) yesigatjana lesi esinamatha umuntu olilunga lenhlangano yakaMongameli, isiqunto sikaMongameli sizakuphumeleliswa.
- (c) Ukusetjenziswa kwamandla atjhiwo kundima (b) namkha (e) yalesosigatjana esithinta umuntu loyo olilunga lenhlangano yakaMongameli, isiqunto sikaMongameli siyaphumeleliswa.
- (12) Uma isikhundla esinikelweko sitjhugululwa ngokulandela isigatjana (10) (c), aboNgqongqoshe abathintekako bafanele batjhiye izikhundla zabo, kodwana banelungelo, nakungenzeka, lokungakhethwa kabutjha kwezinye iinkhundla ezabelwe iinhlangano zabo ngokwehlukahluka, ngokulandela amatjhugululo lawo.
- (13) UMongameli –
- (a) Ngokuthintana namaPhini wakaMongameli nabarholi beenhlangano ezizibandakanyako ufanele –
- (i) Abonelele ngesikhundla esithile esizakuba ngisakaNgqongqoshe otjhiwo kusigatjana (1)
- (b) umakudingeka ngokulandela isiqunto sikaMongameli ngaphasi kwesigatjana lesi;
- (ii) abeke esikhundleni lesi umuntu ongasilo ilunga leBandla Lesitjhaba, ukuba nguNgqongqoshe oziphendulela kusikhundla lesi;
- (iii) azalise, umakudingakala, ngaphasi kwendima (b) isikhundla sikaNgqongqoshe.
- (b) Emva kokuthintana namaPhini kaMongameli nabarholi beenhlangano ezizibandakanyako ufanele asuse esikhundleni loyo obekwe ngaphasi kwendima (a) umakudingeka ngokomnqopho woMthetho-sisekelo namkha kuseenrhuluphelweni zombuso omuhle.
- (14) Imihlangano yeKhabinethe kufanele ikhambiswe nguMongameli, namkha uma uMongameli ayaleza njalo, liphini likaMongameli: umakuphela amaphini wakaMongameli bazakukhambisa leyo mihlangano ngokutjhidelana ngaphandle kwalokha iindingo zombuso nomoya umumethwe emnqopheni wombuso webumbano lesitjhaba ziveza okwahlukileko.
- (15) IKhabinethe wombuso wobumbano lesitjhaba begodu nesidingo sombuso onekgono”.
5. Isigaba 93 soMthetho-sisekelo omutjha sithathwa njengesifundeka ngokulandelako: “ukubekwa eenkhundleni kwaMaphini waboNgqongqoshe”
93. (1) UMongameli, emva kokuthintana namaPhini wakaMongameli nabarholi beenhlangano ezikhona kuKhabinethe, angasungula iinkhundla zamaPhini waboNgqongqoshe.
- (2) Inhlangano inelungelo lokwabelwa isikhundla sikaPhini likaNgqongqoshe sinye namkha ukwedlula ngokulandela ukujanyelwa kwayo nangendlela iinkhundla zeKhabinethe zabiwa ngayo.
- (3) Okutjhiwo sigaba 88(10) kufika ku (12) kusebenza, ngama tjhuguluko afaneleko, nakumaPhini waboNgqongqoshe, begodu ekusetjenzisweni kwalokho, uma kutjhiwo uNgqongqoshe namkha isikhundla kufanele kufundwe njengathi kutjhiwo iphini likaNgqongqoshe namkha isikhundla sikaPhini likaNgqongqoshe ngokwahlukahlukana.
- (4) Uma umuntu abekwe esikhundleni njengephini likaNgqongqoshe sanomangisiphi isikhundla esinikezwe uNgqongqoshe –

(a) Ebujameni bakaNgqongqoshe othintekako, iphini likaNgqongqoshe kufanele asebenzise amandla begodu enze nemisebenzi enikelwe uNgqongqoshe loyo ngokulandela nomangumuphi umthetho obekiweko, nofana onikelwe kuleloPhini likaNgqongqoshe nguNgqongqoshe ngaphasi kwemikhambondlela yakaMongameli; begodu

(b) Umakutjiwo uNgqongqoshe kunoma ngumuphi umthetho kufanele kuhlathululwe njengokufaka hlangana nePhini likaNgqongqoshe osebenza umsebenzi ngaphasi kwendima (a) onikelwe nguNgqongqoshe loyo iphini likaNgqongqoshe asebenza ebujameni bakhe.

(5) Lokha iphini likaNgqongqoshe litshwilile namkha nomangaliphi ibanga angakgoni okusebenzisa amandla namkha ukwenza umsebenzi wakhe, uMongameli angabeka esikhundleni omunye ukuba iphini likaNgqongqoshe, namkha angabeka omunye umuntu bona asebenze ebujameni baloyo oliphini likaNgqongqoshe, bonyana asebenzise amandla nokwenza yoke imisebenzi yakhe, namkha asebenzise amandla athile namkha enze umsebenzi othile”.

6. Isigaba 96 soMthetho-sisekelo omutjha sithathwa njengesimumethe izigatjana zokuzaliswelwa ezilandelako:

“(3) AboNgqongqoshe baziphendula ngamunye ngamunye kuMongameli nakuBandla Lesitjhaba ngokuphatha kweminyango yabo, begodu woke amalunga weKhabinethe aziphendulela ngokuhlanganyela ekwenzeni imisebenzi yoMbuso weNarha nenkambisweni zawo.

(4) AboNgqongqoshe bafanele balawule iminyango yabo ngokulandela ikambiso ebekwe iKhabinethe.

(5) Lokha uNgqongqoshe abhalelwa kulawula umnyango ngokulandela imithethwana yeKhabinethe, uMongameli angabawa Ngqongqoshe othintekako boma abuyisele ilawulo yomnyango wakhe endleleni ekhambisana nemithethwana leyo.

(6) Uma uNgqongqoshe othintekako abhalelwa kulandela isibawo sikaMongameli ngaphasi kwesigatjana (5), uMongameli angasusa uNgqongqoshe loyo esikhundleni –

(a) Lokha inguNgqongqoshe otjhiwo kusigaba 91 (1)(a), emva kokuthintana noNgqongqoshe loyo, begodu lokha uNgqongqoshe angisilo ilunga lenhlangano kaMongameli namkha angasiwo uMrholi wenhlangano ezibandakanyako, emva kokuthintana nomrholi wenhlangano le uNgqongqoshe loyo alilunga layo; namkha

(b) Lokha inguNgqongqoshe otjhiwo kusigaba 91 (1)(b), emva kokuthintana namaPhini wakaMongameli begodu nabarholi beenhlangano ezizibandakanyako”.

Isinamathiselwa C

UMbuso webumbano Wesitjhaba

Ihlangothi leProvinsi

1. Isigaba 132 soMthetho-sisekelo omutjha sithathwa njengesifundeka ngokulandela:

“Imikhandlu yezokuphatha

132. (1) Umkhandlu wezokuphatha weProvinsi ubunjwa nguNdunakulu namalunga angadluli ku 10 akhethwe nguNdunakulu ngokulandela isigaba lesi.

(2) Inhlangano ephethe ubuncani amapersente a 10 weenhlangano kusibethamthetho seProvinsi begodu equnte bona izozibandakanya kuMbuso WoBumbano Lwesitjhaba, inelungelo lokwabelwa isikhundla sinye namkha ukwedlula kuMkhandlu wezokuphatha ngokulandisa inani lezihlalo eziphethwe ngiyo kusibethamthetho nakuqondiswa nezihlalo eziphethwe ngezinye iinhlangano ezizibandakanyako.

(3) Iinkhundla kuMkhandlu wezokuphatha zifanele zabelwe iinhlangano ezizibandakanyako ngokwehlukahlukana ngokulandela indlela endlalwe kusigaba 91 (9), begodu ekusetjenzisweni kwaleyo ndlela umakutjiwo kuleso sigaba –

(a) IKhabinethe kufanele efundwe njengathi kutjhiwo uMkhandlu Wezokuphatha;

(b) UNgqongqotjhe, kufanele kufundwe njengathi kutjhiwo ilunga loMkhandlu WezoKuphatha; begodu

(c) IBandla lesitjhaba kufanele lifundwe njengathi kutjhiwo sibethamthetho seProvinsi.

- (4) UNdunakulu weProvinsi emva kokuthintana nabarholi beenhlangano ezizibandakanyako ufanele –
- (a) abeke iinkhundla ezizakwabelwa iinhlango ezizibandakanyako ngokwenani lenkhundla ezabelwe ngokulandela isigatjana (3);
  - (b) Abeke kwesinye nesinye salezonkhundla ilunga lesibethamthetho olilunga lenhlangano eyabelwe isikhundla leso ngaphasi kwendima (a), ukuba ilunga loMkhandlu wezokuphatha oziphendulela kusikhundla leso;
  - (c) Umakudingeka ngomnqopho woMthetho-sisekelo namkha ngokweenrhuluphelo zoMbuso omuhle, atjhugulule isikhundla esibekwe ngaphasi kwendima (a) ngokulandela isigatjana (3);
  - (d) Asuse esikhundleni nomangumuphi obekwe ngaphasi kwendima (b) –
  - (i) Lokha uNdunakulu abawa nguMrholi wenhlangano leyo ilunga lomkhandlu wezokuphatha ililunga layo, bona enze lokho; namkha
  - (ii) Lokha nakudingwa mnqopho woMthetho-sisekelo namkha kuseenrhuluphelweni zombuso omuhle; namkha
  - (e) Azalise, nakudingeka, ngokulandela indima (b) isikhundla selunga loMkhandlu weZokuphatha.
- (5) Isigatjana (4) fanele sisetjenziswe ngomoya omumethwe emqopheni wombuso webumbano Wesitjhaba, begodu uNdunakulu nalaba asebenza nabo bafanele bafisekele ukufikelela ukuzwana kwabo boke ngaso soke isikhathi uma basebenzisa isigatjana lesi; kwaphela lokha ukuzwana kungafikelelwa kulokhu –
- (a) Ekusetjenzisweni kwamandla atjihiwo kundima (a), (c) namkha (d)(ii) yesigatjana leso, isiqunto sikaNdunakulu sizakuphumelela;
  - (b) Ekusetjenzisweni kwamandla atjihiwo kundima (b), (d) (i) namkha (e) yesigatjana leso okuthinta umuntu ongasilo ilunga lenhlangano yakaNdunakulu; isiqunto somrholi wenhlangano le umuntu loyo alilunga layo sizakuphumelela; begodu
  - (c) Ukusetjenziswa kwamandla atjihiwo kundima (b) namkha (e) yesigatjana leso okuthinta umuntu olilunga lenhlangano kaNdunakulu, isiqunto sikaNdunakulu sizakuphumelela.
- (6) Lokha kwanoma ngikuphi okwabiwa kweenkhundla kutjhugululwa ngaphasi kwesigatjana (4)(c) amalunga athintekako afanele atjihiye phasi iinkhundla zabo, kodwana banelungelo, nakungenzeka, lokubekwa kwezinye iinkhundla ezabelwe iinhlango zabo ngokwehlukahlukana ngokulandela amatjhuguluko abekiweko.
- (7) Imihlangano yoMkhandlu wezokuphatha kufanele ikhambiswe nguNdunakulu weProvinsi.
- (8) UMkhandlu WezoKuphatha kufanele usebenze ngendlela ethathela ehloko umoya ofisekela ukuzwana omumethwe emqopheni wombuso Wobumbano lwesitjhaba, begodu neendingo zoMbuso onekgono”.
2. Isigaba 136 soMthetho-sisekelo omutjha sithathwa nje ngesimumethe izigatjana ezingezelelweko ezilandelako:
- “(3) amalunga woMkhandlu wezoKuphatha aziphendulela ngamunye namunye kuNdunakulu nakuS’bethamthetho seProvinsi ngokuphatha kweminyango yabo, begodu woke amalunga woMkhandlu wezokuphatha aziphendulela ngokuhlanganyele ekwenzeni umsebenzi woMbuso weProvinsi nemithethwana yawo.
- (4) Amalunga woMkhandlu WezoKuphatha afanele apha the iminyango yabo ngokulandela ikambiso equntwe Mkhandlu.
- (5) Lokha ilunga loMkhandlu WezoKuphatha abhalelwa kuphatha umnyango ngokulandela ikambiso yoMkhandlu, uNdunakulu angabawa ilunga elithintekako bona libusele ukuphatha koMnyango wakhe endleleni ekhambisana nekambiso leyo.
- (6) Lokha ilunga ilithintekako libhalelwa kufeza iindingo zikaNdunakulu ngaphasi kwesigatjana (5), uNdunakulu angasusa ilunga lelo esikhundleni emva kokuthintana nelunga lelo, begodu lokha ilunga lelo lingasilo ilunga lenhlangano yakaNdunakulu namkha umrholi



namkha ihlanganiswe nanoma ngiyiphi enye inkhundo”;

(b) Ngokususa isigatjana (6) nokufaka isigatjana esilandelako endaweni yaso:

“(6) (a) UMongameli angabeka iKomitjhana bonyana ihlolise namkha iguqule isivumelano, ukubekwa esikhundleni namkha ukukhutjhlulwa emsebenzini, namkha okwabelwa kwemibandela yomsebenzi namkha izinto ezinye, eyenzeke hlangana 27 Apreli 1993 no 30 zikaSeptemba 1994 malungana nanoma ngumuphi umuntu otjhiwo kusigatjana (2) namkha nanoma ngisiphi isichema sabantu labo.

(b) iKomitjhana le ingabuyisela emva namkha itjhugulule isivumelwano, ukubekwa esikhundleni, ukukhutjhlulwa emsebenzini namkha ukwabelwa kwemibandela yomsebenzi lokha nangabe ayikakalungi namkha ayikakafaneli nakutjhejwa ubujama bezenzo lesa”. begodu

(c) Ngokususa “uMthetho-sisekelo lo”lapha kwenzeka khona kusigaba 236, nokufaka “uMthetho-sisekelo omutjha” endaweni yalo.

6. Ukuguqula isigaba 237 soMthetho-sisekelo ogadungileko –

(a) Ngokususa indima (a) yesigatjana (1) nokufaka indima elandelako endaweni yayo:

“(a) Uhlelo lokuhlanganiswa kweenkhundo zoke ezitjhiwo kusigaba 236(1), ngaphandle kwamabutho wezobusotja atjhiwo kusigaba 224(2), zizakuthi emva kokuthoma ukusebenza koMthetho-sisekelo weRiphabliki yeSewula Afrika, 1996, ziragele phambili ngomnqopho wokusungula-

(i) ukuphatha okunekgono ezingeni lombuso wenarha okuzakucalana neendaba ezingaphakathi kwendawo leyo uMbuso weNarha onamandla phezu kwayo; begodu

(ii) ukuphatha okunekgono kwenye nanye iProvinsi okuzokucalana neendaba ezingaphakathi kwendawo leyo enye nanye omunye nomunye uMbuso weProvinsi unamandla phezu kwayo; begodu

(b) Ngokususa indimana (i) yesigatjana (2)(a) ngokufaka indimana elandelako endaweni yayo:

“(i) iinkhundo ezitjhiwo kusigaba 236 (1) ngaphandle kwamabutho wezobusotja zizakuba sezandleni zombuso wenarha, ozakusebenzisa amandla ngokubambisana nemibuso yamaProvinsi”;

7. Ukuguqulwa kwesigaba 239 soMthetho-sisekelo ogadungileko ngokususa isigatjana (4) nokufaka isigatjana esilandelako endaweni yaso:

“(4) Ngaphasi begodu ngokukhambisana nanoma ngimuphi umthetho osetjenziswako; ipahla, amalungelo, iimbopho neenkolodo zamaphiko atjhiwo kusigaba 224(2) zizakudluliselwa ngaphezu koMbuthe wezobusotja weNarha ngokukhambisana nemikhombandlela yakaNgqongqoshe wezoBusotja.”

ISHEDULI 7

IMITHETHO ESULIWEKO

Inomoboro Isihloko

nonyaka

woMthetho

Umthetho 200 ka 1993 Umthetho-sisekelo weRiphabliki yeSewula Afrika, 1993

Umthetho 2 ka 1994 Umthetho Nguqulo womthetho-sisekelo weRiphabliki yeSewula Afrika, 1994

Umthetho 3 ka 1994 Umthetho Nguqulo wesibili womthetho-sisekelo weRiphabliki yeSewula Afrika, 1994

Umthetho 13 ka 1994 Umthetho Nguqulo wesithathu woMthetho-sisekelo weRiphabliki yeSewula Afrika, 1994

Umthetho 14 ka 1994 Umthetho Nguqulo wesine womthetho-sisekelo weRiphabliki yeSewula Afrika, 1994

Umthetho 24 ka 1994 Umthetho Nguqulo wesithandathu womthetho-sisekelo weRiphabliki, 1994

Umthetho 29 ka 1994 Umthetho Nguqulo wesihlanu woMthetho-sisekelo weRiphabliki yeSewula Afrika, 1994

Umthetho 20 ka 1995 Umthetho Nguqulo woMthetho-sisekelo weRiphabliki weSewula Afrika, 1995

Umthetho 44 ka 1995 Umthetho Nguqulo wesibili woMthetho-sisekelo weRiphabliki weSewula Afrika, 1995

Umthetho 7 ka 1996 Umthetho Nguqulo woMthetho-sisekelo weRiphabliki yeSewula Afrika, 1996

Umthetho 26 ka 1996 Umthetho Nguqulo wesithathu woMthetho-sisekelo weRiphabliki yeSewula Afrika, 1996

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