

**PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION
UMTSETFO4 OF 2000**

**(UMTSETFO 4 WEKUTFUTFUKISA KULINGANA NEKUVIKELA KUBANDLULULA
NGALOKUNGFANELE WANGA-2000)**

[WEMUKELWA MHLAKA 2 INDLOVANA 2000][LUSUKU LWEKUCALA KUSEBENTA: 16
INHLABA 2003]

(Ngaphandle uma ngabe kunetingucuko)
(*umculu weSingisi usayinwe nguMengameli*)

Njengobe uchitjiyelwe

Umtsetfo-52 loChitjiyelwe wekuTfutfukisa tekuLingana nekuVikela kuBandlulula
ngalokungaFanele wanga-2002

Umtsetfo-55 Wesibili loChitjiyelwe weteMtsetfo wanga-2003

Umtsetfo-22 Wesibili loChitjiyelwe weteMtsetfo wanga-2005

UMTSETFO

**Uniketa sigaba 9 ligunya lekucala kusebenta sibe sifundvwa kanye nemushwana 23
(1) waShejuli 6 kuMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika-1996, kute
kujinjwe futsi kuvikelwe kubandlulula ngalokungafanele nekuhlukumeta;
kutfutfukisa kulingana nekushabalalisa kubandlulula ngalokungafanele; kuvikela
nekwala inkhulumo lenenzondo; nekubikela tindzaba letiphatselene naloko.**

Sendvulelo

Kwemukelwa nekusetjentiswa kwentsandvo yelinyenti eveni lakitsi kudzinga kushabalaliswa kwekungalingani ngetenhlalo nemnontfo, ikakhulu kungalingani lokubukeka kungulokuhlelekile, lokwavela emlandvweni wetfu njengalokubangelwe ngumbuso longaphikiswa, lubandlululo nekubuswa, futsi lokwaletsa buhlungu nekuhlupheka kubantfu bakitsi labanyenti;

Nanobe kwentiwe kunenchubekela phambili lenkhulu ekwakheni kabusha nasekuguculeni umphakatsi wetfu NETIKHUNGO tawo, kungalingani lokuhlelekile nekubandlulula ngalokungafanele kusesele kujulile kutimiso, tento nesimongcondvo semphakatsi, kubukela phansi tifiso tentsandvo yelinyenti yemtsetfosisekelo;

Sisekelo sekubuketa kabusha ngalokuyinchubekela phambili kugcile kuMtsetfosisekelo emkhatsini waletinye tintfo ukhutsata emagugu nesitfunti sebuntfu bemuntfu, kulingana inkhululeko nebulungiswa betenhlalo emphakatsini lobumbene longakhetsi ngekwelibala nangekwebulili lapho khona wonkhe muntfu uyanetseteleka;

INingizimu Afrika iphindze futsi ibe netibopho ngaphansi kwetivumelwano temhlaba letibophanako kanye nemtsetfo wenzabuko wemhlaba kutemalungelo eluntfu letfutukisa kulingana futsi avimbele kubandlulula ngalokungafanele. Emkhatsini waletibopho kukhona leto letacondvwa ngco kuSivumelwano sekuCedza toNkhe tiNhlobo tekubandlululwa kwaboMake kanye neSivumelwano sekuCedza toNkhe tiNhlobo tekubandlulula ngekweLibala;

Sigaba 9 seMtsetfosisekelo sibukela kushaywa kwemtsetfo wavelonkhe kute kuvikelwe kubandlulula ngalokungafanele futsi kutfutukiswa kuzuzwa kwekulingana;

Loku kusho kutfutukiswa kwemtsetfo naletinye timiso, kwalabo bebancishwe ematfuba ngekwelandvo, imiphakatsi nemacembu emphakatsi lemukwa umhlaba nemitfombolusito, bangcunulwa buntfu babo nesitfunti futsi labachubekako nekucina ekubeketeleleni imiphumela yaloko;

Lomtsetfo ucondze kubuketa inchubo yengucuko lecondze kumphakatsi wentsandvo yelinyenti, lobumbene ekwehlukahlukaneni, lebonakala ngebudlelwano bebantfu lobanakekelako futsi labanelutsandvo, futsi labakhonjwa indlela yimigomo yekulinga, kulunga, kulingana, inchubekela phambili yetenhlalo, bulungiswa, sitfunti sebuntfu nenkhululeko,

NJENGOBE UMISWE Yiphalamende yaseNingizimu Afrika, ngalendlela lelandzelako:-

LUHLA LWALOKUCUKETFWE

SEHLUKO 1

**TINCHAZELO, IMIGOMO, KUHUNYUSHWA, TINCHUBOMGOMO
LETIYIMIKHOMBANDLELA NEKUSETJENTISWA KWALOMTSETFO**

- 1 Tinchazelo
- 2 Imigomo yaloMtsetfo
- 3 Kuhunyushwa kwaloMtsetfo
- 4 Tinchubomgomo letiyimikhombandlela
- 5 Kusetjentiswa kwaloMtsetfo

SEHLUKO 2

KUVIKELA, KUVIMBELA NEKUCEDZA KUBANDLULULA NGALOKUNGFANELE,

INKHULUMO LENENZONDO, INKHULUMO LENENZONDO NEKUHLUKUMETA

- 6 Kuvikela nekuVimbela ngalokuvamile kuvikela kubandlulula ngalokungafanele
- 7 Kuvikela kubandlulula ngalokungafanele ngekwebuhlanga
- 8 Kuvikela kubandlulula ngalokungafanele ngekwebulili
- 9 Kuvikela kubandlulula ngalokungafanele ngekukhubateka
- 10 Kuvikela inkhulumo lenenzondo
- 11 Kuvikela kuhlukumeta
- 12 Kuvikela kusabalalisa nekushicilela kubandlulula ngalokungafanele lwati/iminingwane lebandlulula ngalokungafanele

SEHLUKO 3

UMTFWALO WEBUFAKAZI NEKUBONA/KUNCUMA LOKUFANELE
NALOKUNGAFANELE

- 13 Umtfwalo webufakazi
- 14 Kuncuma lokulungile nalokungakalungi
- 15 Inkhulumo lenenzondo nekuhlukumeta akubukelwa ngaphansi kwekulunga

SEHLUKO 4

TINKANTOLO TETEKULINGANA

- 16 Tinkantolo tetekulingana nebasebenti labaphetse
[Sigaba 16 sisusiwe samelelwa ngusigaba 1 weMtsetfo 52 wanga-2002.]
- 17 Bomabhalane betinkantolo tetekulingana
- 18 Bofakazi
- 19 Timiso netinchubo tasenkantolo

- 20 Kusetjentiswa kwetinchubo ngekwemibandzela ye nobe ngaphansi
Kwemtsetfo
- 21 Emandla nemisebenti yetinkantolo tetekulingana
- 22 Bahloli
- 23 Kwendluliswa kwetikhalo nekubuketa

SEHLUKO 5

KUGCUGCUTELWA KWETEKULINGANA

- 24 Imitfwalo levamile yekugcugcutela
- 25 Umsebenti weMbuso wekuGcugcutela tekulingana
- 26 Imitfwalo yebantfu labasebentela sive ekutfufukiseni kulingana
- 27 Kutinikela kwabo bonkhe bantfu emphakatsini kutfutukisa kulingana
- 28 Tinyatselo telikhetselo ekugcugcuteleni kulingana macondzana
nebuhlanga, bulili nekukhubateka
- 29 Luhla lolukhombisa tento letingafanele kuleminye imikhakha letsite

SEHLUKO 6

KUBUKELWA LOKWETAYELEKILE NEKUPHUNYELELISWA KWEMTSETFO

- 30 Timiso
- 31 Kuphunyeleliswa kwemtsetfo
- [Sigaba 31 sikhishiwe samelelwa ngusigaba 3 seMtsetfo 52 wanga-2002.]

SEHLUKO 7

KUBUYEKETWA KWEMTSETFO, SIHLOKO LESIFISHA NEKUCALA KUSEBENTA

- 32 Kusungulwa kweliKomidi lekuBuyeketa kuLingana

- 33 Emandla, imisebenti nesikhatsi sekuba sesikhundleni kweliKomidi lekuBuyeketa kuLingana
- 34 Umyalelo longumgomo macondzana ne-HIV/AIDS, kusigaba savelonkhe, simo setenhlalomnotfo nemitfwalo yemndeni
- 35 Sihloko lesifisha nekucala kusebenta kwemtsetfo

SEHLUKO 1

TINCHAZELO, IMIGOMO, KUHUMUSHA, IMIGOMOSISEKELO LEKHOMBA INDLELA NEKUSEBENTA KWEMTSETFO

1 Tinchazelo

(1) Kulomtsetfo, ngaphandle uma ngabe lokucuketfwe kubeka ngaleny indlela- **'budzala'** kufaka ekhatsi timo tekuncishwa emafuba nekuba sengcupheni lokwahlangabetana nebantfu macondzana nebudzala babo, ikakhulu beminyaka lesetulu (labadzala;

'mabhalane wenkantolo yetekulingana' kusho Mabhalane wenkantolo yetekulingana lobekwe ngekwemiBanzela yemtsetfo wesigaba -7, lofundvwa kanye nesigaba 31, futsi kufaka ekhatsi nobe ngukuphi kuyalela 'kumabhalane';

'Khomishani wetekuLingana ngeBulili' kusho Khomishani wetekuLingana ngekwemiBulili lokubhekiswe kuko kuSigaba 187 seMtsetfosisekelo;

'ummangali' kusho nobe ngubani lokhombisa kutsi loMtsetfo wephuliwe futsi lowenta kucalwe tinchubo ngekwemiBanzela yaloMtsetfo;

'Umtsetfosisekelo' kusho uMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996 (uMtsetfo 108 wanga-1996);

'sikhungo semtsetfosisekelo' kusho nobe ngusiphi Sikhungo lesifanele lesesekela intsandvo yelinyenti yemtsetfosisekelo lekubhekiswe kuyo kuSEHLUKO 9

Semtsetfosisekelo futsi kufaka ekhatsi iBhodi yetiLwimi yaseNingizimu Afrika;

'Litiko' kusho Litiko Letebulungiswa Nekutfufukiswa kweMtsetfosisekelo;

'kubandlulula' kusho nobe ngukuphi kweciwa, lokufaka ekhatsi inchubomgomo, umtsetfo, simiso, kwenta, simo nobe simo lapho khona sicondza ngco nobe ngaleny indlela-

(a) kutfwesa ngemitfwalo, tibopho nobe kuncisheka ematfuba kulokutsite nobe

(b) kugodla tinzuzo kukunye nobe lokunyenti kwaloku lokwalelwe;

'kulingana' kufaka ekhatsi kujabulela ngalokuphelele nalokulinganako kwemalungelo netinkhululeko njengobe kucatjangelwe kuMtsetfosisekelo futsi kufaka ekhatsi simo semtsetfo nekucinisa kulingana kanye futsi nekulingana ngekwemiphumela;

'inkantolo yetekulingana' kusho inkantolo lecatjangelwe kusigaba 6, sifundvwa ngekuhambisana nesigaba 31, futsi kufaka ekhatsi nobe ngukuphi kubhekisa 'enkantolo';

'umtfwalo wemndeni' kusho umtfwalo macondzana nemlingani (indvodza/umfati), umlingani, labancikile, umntfwana nobe lilunga lemndeni wemmangali ngekuya kwekutsi ngubani lelilunga leletsebele kuye ngekunakekelwa nekwesekelwa;

'sigaba semndeni' kufaka ekhatsi kuba lilunga emndenini nemalungelo emphakatsi, emasiko newemtsetfo lehambisana naleso;

'kuhlukumeta' kusho kutiphatsa lokungafuneki lokunelibhebhe futsi lokungadlali futsi lokululatako, kwehlise sitfunti futsi kwakhe simondzawo lesinebutsa nalesesabisako nobe senta kutsi utfotjiswe yimiphumela lemibi yangempela nobe kwetfuswa lokuhambisana-

(a) nebulili nobe inkholelo yebulili, nobe

(b) kuba lilunga kwemuntfu ecenjini lelíchazwa ngukunye nobe lokunyenti

kwaloku lokwalelwe nobe timphawu letihambelana nelicembu lelinjalo;
'simo se-HIV/AIDS' kufaka ekhatsi kubakhona kwangempela kwe-HIV emitimbeni wemuntfu nobe lokucatjangelwako nobe timphawu te-AIDS kanye nesimo lesibi kakhulu lesicatjangelwa ngalesimo;

'kubanguncukumbili' kusho simo lesingakavami sebulili umuntfu latalwa naso sekuba nguncukumbili, kunobe nguliphi lizinga;

[Inchazelo 'yekuba nguncukumbili' ifakwe kusigaba 16 (a) seMtsetfo 22 wanga-2005.]

'simo setemshado' kufaka ekhatsi simo sekuba ngulongakashasi/shadwa, loshadile/shadiwe, lophelise umshado, kuba ngumfelokati/umfelwa nobe kutsandzana nemuntfu, umuntfu webulili lobufananako nobe labehlukile kubakho, lokufaka ekhatsi kutibophela ekwesekaneni bubili kulolo lutsandvo/budlelwano;

'Indvuna' kusho iNdvuna yeteBulungiswa nekuTfutfukiswa kweMtsetfosisekelo;

'buve' kusho buhlanga nobe indzabuko ngekwebuve futsi kufaka ekhatsi tento letiphatselene kuzonda bachamuki nalokunye kucabanga lokubi kwesimo sekubandlulula kepha akufaki ekhatsi emalungelo netibopho levame kuhambisane nekuba sakhamuti;

'umuntfu' kufaka umuntfu wemtsetfo, lokungasiko kwemtsetfo, licembu nobe luhlobo lwebantfu labatsite;

'kukhulelwa' kufaka ekhatsi nobe ngusiphi simo lesiphatselene nekukhulelwa, kukhulelwa lokucondziwe, kukhulelwa lokungabakhona nobe kukhishwa kwesisu;

'chaziwe' kusho lokuchazwe timiso ngekwemiBanzela yaloMtsetfo;

'sisebenti lesiphetse' kusho sisebenti lesiphetse senkantolo yetekulingana lesicatjangelwe kusigaba 16, lesifundvwa sihambisana nesigaba 31;

'lokungakavumeleki' nguloku-

(a) buhlanga, bulili, kukhulelwa, simo setemshado, buhlanga nobe imvelaphi ngetenhlalo, umbala, inkholelo yetebulili, budzala, kukhubateka, tenkholo,

- umcabango, inkholelo, emasiko, lulwimi nekutalwa; nobe
- (b) nobe ngukuphi lokunye lapho khona kubandlulula kumiselwe kuko-
- (i) kubanga nobe kubhebhetsela kuncishwa ematfuba lokuhlelekile;
 - (ii) lokubukela phansi sitfunti semuntfu; nobe
 - (iii) lokukhinyabeta kabi kakhulu kujabula ngalokulinganako kwemalungelo ebantfu netinkhululeko ngendlela lecacile lokulinganiswa nekubandlulula kulokusenzimeni (a);

'umtsetfosimiso' kusho umtsetfosimiso ngekwemiBanzela yaloMtsetfo;

'umbekwacala' kusho nobe ngubani lotsatselwa tinchubo ngekwemibanzela yaloMtsetfo;

'umkhakha' kusho nobe ngumuphi umkhakha lekubhekiswe kuwo kusigaba 29, futsi kufaka ekhatsi lemikhakha lebekwe kuShejuli;

'bulili' kufaka ekhatsi kuba nguncukumbili;

[Inchazelo “yebulili” ifakwe nguSigaba 16 (b) weMtsetfo 22 wanga-2005.]

'simo setenhlalomnotfo' kufaka ekhatsi simo setenhlalo nobe setemnotfo nobe simo semuntfu lekucondwa kutsi uncishwe ematfuba buphuya, simo lesiphansi setekucashwa, kuba bete nobe lizinga leliphansi leticu Tetemfundvo;

'Ikhomishini yemaLungelo eBantfu yaseNingizimu Afrika' kusho iKhomishini yemaLungelo eLuntfu yaseNingizimu Afrika lekubhekiswe kuyo kusigaba 184 seMtsetfosisekelo;

'Umbuso' kufaka ekhatsi-

- (a) nobe nguliphi litiko lembuso kumkhakha wahulumende wavelonkhe, wesifundza, wesekhaya;
- (b) nobe ngukuphi lokunye lokusebentako nobe sikhungo-
 - (i) lesisebentisa emandla nobe lesenta umsebenti ngekwemibanzela

- (ii) yeMtsetfosisekelo nobe umtsetfosisekelo wesifundza; nobe lesisebentisa emandla esive nobe lesenta umsebenti ngekwemibandzela yemtsetfo ngaphansi kwemtsetfo wesintfu nobe wemasiko;

'Lomtsetfo' kufaka ekhatsi umtsetfosimiso ngekwemiBandzela yaloMtsetfo.
[Lusuku lekucala kusebenta kwasigaba. 1: 1 Inyoni-2000.]

2 Imigomo yeMtsetfo

Imigomo yaloMtsetfo ngulena-

- (a) kusebentisa umtsetfo lodzingwa ngusigaba 9 seMtsetfosisekelo;
- (b) kwenta incwadzi nemoya weMtsetfosisekelo usebente, ikakhulu-
 - (i) kujabulela ngekulingana onkhe emalungelo netinkhululeko nguwonkhe muntfu
 - (ii) kutfutukisa kulingana;
 - (iii) bugugu bekungabandlululi ngekwwebuhlanga nekungabandlululi ngekwbulili lokucuketfwe kusigaba 1 seMtsetfosisekelo;
 - (iv) kuvikela kubandlulula ngalokungasikahle nekuvikela sitfunti semuntfu njengobe kucatjangelwe kutigaba 9 na-10 teMtsetfosisekelo;
 - (v) Kuvikela kukhulumela inzondo, kumiselwe kubuve, buhlanga, bulili nobe inkholo, lokufaka ekhatsi lokungabanga kulimata lokucatjangelwe kusigaba 6 (2) (c) seMtsetfosisekelo nesigaba 12 saloMtsetfo;
- (c) kubukela lokungachuba kucedvwa nya kwekubandlulula ngalokungasikahle, inkhulumo lenenzondo nekuhlukumeta, ikakhulu macondzana nebuhlanga, bulili nekukhubateka;
- (d) kubukela tinchubo tekuncuma timo lapho khona kubandlulula kungakafaneli;

- (e) kubukela lokungentiwa kute kufundziwe umphakatsi nekucasheliswa kwemphakatsi ngekubaluleka kwekutfufukisa kulingana nekwehlula kubandlulula ngalokungakalungi, inkhulumo lenenzondo nekuhlukumeta;
- (f) kubukela emakhambi ebahlukubetwa belubandlululo lolungasikahle, inkhulumo lenenzondo nekuhlukumeta nebantfu labephulelwe emalungelo abo etekulingana;
- (g) kubeka lokungentiwa kute kutfufukiswa bantfu labancishwe ematfuba lubandlululo lolungafanele;
- (h) kuchuba ngalokuchubekela phambili kuhambisane netibopho temtsetfo wemave lokufaka ekhatsi tibopho tetivumelwano ngekwemibandzela, kuletinye, Sivumelwano sekuCedza toNkhe tiNhlobo teLubandlululo lweBuhlanga kanye neSivumelwano sekuCedza toNkhe tiNhlobo tekuBandlulula boMake.

[Lusuku lwekucala kusebenta kweSigaba. 2: 1 Inyoni 2000.]

3 Kuhunyushwa kweMtsetfo

(1) Nanobe ngubani losebentisa loMtsetfo kumele ahumushe lokubukela kute loku lokulandzelako kusebente-

- (a) Umtsetfosisekelo, kubukelwa lokufaka ekhatsi kukhutsatwa kwetekulingana ngekusetjentiswa kwemtsetfo nalokunye lokwentelwe kuvikela nekutfufukisa bantfu labebancishwe ematfuba esikhatsini lesendlulile nekubandlululwa ngalokungafanele lokukhona;
- (b) Sendvulelo, imigomo nemigomosisekelo letinkhombandlela yaLomtsetfo, ngaleyondlela kugcwalisa umoya, inhloso nemigomo yaloMtsetfo.

(2) Nanobe ngubani lohumusha loMtsetfo kumele acabange ngaloku-

- (a) nanobe ngumuphi umtsetfo lehambisanako nendlela yekwenta tintfo ngekwemibandzela yemtsetfo;
- (b) umtsetfo wemave emhlaba, ikakhulu tivumelwano temave emhlaba lekubhekiswe kuto kusigaba 2 nemtsetfo wesintfu wemave emhlaba;
- (c) umtsetfo wemave emhlaba locatsanisekako.

(3) Nanobe ngubani losebentisa loMtsetfo nobe awuhumushe kumele acabange ngesimo sembango nenhloso yaloMtsetfo.

[Lusuku lotawucala ngalo kusebenta sigaba 3: 1 Inyoni 2000.]

4 Imigomosisekelo letinkhombandlela

(1) Ekwehlulelweni kwanobe yini lokwentiwa ngekwemibandzela nobe ngaphansi Kwalomtsetfo, kumele kusebente lemigomosisekelo lelandzelako:

- (a) Kuchutjwa kwemacala ngekushesha nangalokungakahleleki, lokwenta onkhe emacembu ahlanganyele ekutekweni kwemacala;

- (b) kufinyelela kumtsetfo wawonkhe muntfu etindzabeni tetemtsetfo letifanele naleminywe imikhandlu yekusonjululwa kwetincabano;
- (c) kusetjentiswa kwetimiso tetinchubo ngekwemibandzela yesigaba 19 nendlela yekuchuba kuhlanyela;
- (d) kusetjentiswa kwentindlela letilungisako naletibuyisela esimeni ngekuhambisana netindlela tesimo lesitsikametako;
- (e) kubakhona kwemakhono elikhetselo nebantfu labasebentisa loMtsetfo kute kucinisekiswe kuphonyeleliswa nekuphatfwa kwawo lokusebentako.

(2) uma kusetjentiswa loMtsetfo loku kufanele kunakwe loku lokulandzelako futsi kucatjangelwe:

- (a) kuba khona kwelubandlululo loluhlelekile nekungalingani, ikakhulu macondzana nebulanga, bulili nekukhubateka kuto tonkhe tinlangotsi temphilo njengemphumela welubandlululo lolungafanele lwesikhatsi lesengcile nesamanje, lolulefwa ngumbuso, inchubo yelubandlululo nekuphatfwa kanye
- (b) nesidzingo sekutsatsa tinyatselo kuwo onkhe emazinga kususwe lolubandlululo nekungalingani.

[Lusuku lwekucala kusebenta kwesigatjana (2): 1 Inyoni 2000.]

5 Kusetjentiswa kweMtsetfo

(1) Lomtsetfo ubopha Hulumende nebantfu bonkhe.

(2) Uma ngabe ngunobe ngukuphi kucabana lokuvelako lokuphatselene neludzaba lekukhulunywe ngalo kuloMtsetfo, emkhatsini waloMtsetfo nalokubukelwa ngunobe ngumuphi uMtsetfo, ngaphandle kweMtsetfosisekelo nobe uMtsetfo wePhalamende lochibiyela iMtsetfo ngekushesha, kubukelwa Kwalomtsetfo kutawusebenta.

(3) Lomtsetfo awusebenti kunobe ngumuphi umuntfu loMtsetfo wekuLingana, 1998 (uMtsetfo 55 wanga-1998) losebenta kuye nelizinga losebenta ngalo.
[Lusuku lwekucala kusebenta kweSigaba 5: 1 Inyoni 2000.]

SEHLUKO 2

KUVIKELA, KWALELA NEKUPHELISA KUBANDLULULA NGALOKUNGAKAFANELE, INKHULUMO LENENZONDO NEKUHLUKUMETA

6 Kuvikela nekwalela jikelele kubandlulula ngalokungafanele

Nobe ngabe nguHulumende nobe ngumuphi lomunye umuntfu angeke abandlulule lomunye umuntfu ngalokungafanele.

[Lusuku lwekucala kusebenta kweSigaba. 6: 1 Inyoni 2000.]

7 Kwalela kubandlulula ngalokungafanele ngenca yebuhlanga

NgwekweSigaba 6, kute umuntfu longabandlulula lomunye umuntfu ngalokungafanele ngenca yebuhlanga, lokufaka ekhatsi-

- (a) kusakata imfundziso nobe umbono, lokubeka elubala futsi kukhutsata bukhulu ngelubuhlanga nobe kuba phansi kwanobe ngumuphi umuntfu, kufaka ekhatsi kuvusa inshisekelo, nobe kuhlanyela, kunobe nguluphi luhlobo bebudlova lwebuhlanga;
- (b) kwenta nobe yini lecondze kukhutsata, nobe inemtselela wekukhutsata, kukhetseka lokumiselwe kubuhlanga;
- (c) kukhetfwa kwebantfu beluhlanga lolutsite ngaphansi kwanobe ngumuphi umtsetfosimiso nobe kwenta lokubonakala sengatsi kusemtsetfweni kepha lokube ecinisweni kucondziswe kugcina kulawula lokukhetsekile kwelicembu

- lebuhlanga lelitsite;
- (d) kuniketwa nobe kuchubeka nekuniketwa kwetinsita letingekho ezingeni lelifanele kunobe nguliphi licembu lebhuhlanga, uma kucatsaniswa nalelinye licembu lebhuhlanga;
 - (e) kwalela kufinyelela ematfubeni, lokufaka ekhatsi kufinyelela kutinsita nobe ematfuba ekontileka ekuniketa tinsita tekucatjangelwa, nobe kwehluleka kutsatsa tinyatselo letibonakalako tekubonelela tidzingo tebantfu labanjalo.

8 Kuvikela kubandlulula ngalokungafanele ngenca yebulili

Ngekuya kwasigaba 6, kute umuntfu longabandlulula lomunye umuntfu ngenca yebulili-

- (a) budlova lobumiselwe kuludlame;
- (b) kusikwa kwetitfo tangasense temuntfu lomsikati;
- (c) inchubo yekuvimbela bantfu labasikati babe tindlalifa temafa emndeni;
- (d) nanobe ngukuphi kwenta, lokufaka ekhatsi lisiko lesintfu nobe inkholo lokulimata sitfunti samake futsi kubukelwe phansi kulingana emkhatsini wabomake nemadvodza, lokufaka ekhatsi kubukela phansi kwesitfunti nekuphila kahle kwemntfwana wentfombatana;
- (e) nanobe nguyiphi inchubomgomo nobe kwenta lokubeka umnye ekufinyeleleni kwabomake kumalungelo emhlaba, timali naleminye imitfombolusito;
- (f) kubandlululwa ngenca yekukhulelwa;
- (g) kubeka iminyele ekufinyeleleni kwabomake kutinsita nobe timfanelo tetenhlalo, njengetemphilo, temfundvo nekucinisekiswa kwetinsita tetenhlalo;
- (h) Kwalelwa kufinyelela ematfubeni, lokufaka ekhatsi kufinyelela kutinsita nobe

ematfuba etekontileka yekuniketa tinsita tekucatjangelwa, nobe kwehluleka kutsatsa tinyatselo tekubonelelwa ngalokubonakalako tidzingo tebantfu labanjalo;

- (i) kungalingani lokuhlelekile ekufinyeleleni ebatfubeni kwabomake njengemphumela wekwehlukani swa kwemsebenti ngekwebulili.

9 Kuvikela kubandlulula ngalokungafanele ngenca yekukhubateka

Ngekuya kwasigaba 6, kute umuntfu longabandlulula lomunye umuntfu ngenca yekukhubateka, lokufaka ekhatsi

- (a) kwalela nobe kususa kuloyo muntfu lokhubatekile, nobe yini lokudzingako kute asebente emphakatsini;
- (b) kuphambana nendlela yekwenta tintfo nobe kwephula timisomtsetfo te-South African Bureau of Standards letengamele kufinyeleleka kwesimondzawo;
- (c) kwehluleka kususa lokukhinyabeta letibeka iminyele ngalokungafanele nobe letikhinyabeta bantfu labakhubatekile kutsi batfole futsi bajabulele ematfuba lalinganako nobe kwehluleka kutsatsa tinyatselo tekubonelela ngalokuvakalako tidzingo tebantfu labanjalo.

10 Kuvikela inkhulumo lenenzondo

(1) Ngekuya kwenzima lekusigaba 12, kute umuntfu longashicilela, asabalalise akhulume emagama lamiselwe kukunye nobe lokunyenti lokungakavunyelwa, acondzise kunobe ngubani, lokungahumusheka ngalokubonakalako kutsi kukhombisa ngalokuselubala kutsi kucondze-

- (a) kulimata emoyeni;
- (b) kulimata nobe kubangela kulimata;

(c) kukhutsata nobe kusabalalisa inzondo.

(2) Ngaphandle kwekubandlulula nobe ngutiphi tilungiso tesimo setenhlo ngaphansi kwaloMtsetfo, inhloso yenkantolo, ngekweSigaba 21 (2) (n) futsi lapho kufanele khona, yendlulisela licala leliphatselene nekushicilelwa, kumemetela, kusabalisa imfundziso nobe kwatisa kwenkhulumo lenenzondo njengobe kucatjangelwe kusigatjana (1), KuMcondzisi wekuShushiswa kweMphakatsi lonemandla ekushushisa emacala ebugebengu ngekwemibandzela yemtsetfo wesintfu nobe umtsetfo lofanele.

11 Kuvimbela kuhlukumeta

Kute umuntfu longahlukumeta lomunye.

12 Kuvimbela kusabalalisa nekushicilela lwati neminingwane lebandlulula ngalokungafanele

Kute umuntfu longa-

(a) sabalalisa nobe asakate lwati neminingwane;

(b) shicilela nobe akhangise nobe ngusiphi sikhangiso nobe satiso, lesingahunyushwa ngalokubonakalako nobe kuvakale ngalokubonakalako kutsi kukhombisa ngalokuselubala kutsi kucondze kubandlulula ngalokungafanele none ngumuphi umuntfu: Ngaphandle uma ngabe kwentiwa ngemoya lomuhle ekwenteni tebuciko, luphenyo lwetesyensi netemfundvo, kubikela umphakatsi ngalokufanele nalokungiko kwanobe nguluphi lwati neminingwane, sikhangiso nesatiso ngekuhambisana nesigaba 16 seMtsetfosisekelo, akuvinjelwa ngulesigaba .

SEHLUKO 3

UMTFWALO WEBUFAKAZI WEKUNCUMA LOKULUNGILE NALOKUNGAKALUNGI

13 Umtfwalo webufakazi

- (1) Uma ngabe ummangali ubika licala lekubandlululwa leluselubala-
 - (a) umbekwacala, akhiphe bufakazi embikwenkatolo, kutsi loko kubandlululwa akukenteki ngendlela lekusolwa ngayo; nobe
 - (b) umbekwacala kumele akhiphe bufakazi bekutsi loko lokwenthiwe bekungakamiselwa kukunye nobe ngetulu kwaloko lokungakavunyelwa.
- (2) Uma ngabe kute kubandlulula lokubekhona-
 - (a) kumkhakha losendzimeni (a) wenchazelo 'umkhakha longakavumeleki', ngaleyo ndlela-ke akukafanele, ngaphandle uma ngabe umbekwacala ukhombisa kutsi loko kubandlulula kufanele;
 - (b) kumkhakha losendzimeni (b) wenchazelo 'umkhakha longakavumeleki', ngaleyo ndlela-ke akukafanele-
 - (i) uma ngabe sinye simo nobe letingetulu letibekwe endzimeni (b) wenchazelo 'imikhakha lengakavunyelwa'; futsi
 - (ii) ngaphandle uma ngabe umbekwacala uniketa bufakazi bekutsi loko kubandlululwa kufanele.

14 Kuncuma lokulungile nalokungakalungi

- (1) akusiko kubandlulula ngalokungafanele kutsatsa tinyatselo letentelwe kuvikela nobe kuphakamisa bantfu nobe licembu lebantfu labebancishwe ematfuba luBandlululo lolungakafanele nobe emalunga elicembu lelinjalo nobe emacembu ebantfu.
- (2) Kutfolo kutsi ngabe umbekwacala unikete bufakazi bekutsi lokubandluluka kufanele, kumele kucatjangwe ngaloku lokulandzelako:
 - (a) Lokucuketfwe;

- (b) tici lekukhulunywa ngato kusigatjina (3);
- (c) nobe ngabe lokubandlulula kwehlukhanisa ngalokubonakalako nalokwesekelako emkhatsini webantfu ngekuya kwendlela lencunyiwe, lengumongo walokubukenwe nako.
- (3) Letici lekukhulunywa ngato kusigatajana (b) tifaka ekhatsi loku lokulandzelako
 - (a) Nobe ngabe loko kundlulula kunciphisa nobe kungenteka kunciphise sitfunti semuntfu;
 - (b) kuvela nobe kuvela lokungabakhona kwalokubandlulula kummangali;
 - (c) sigaba semmangali emphakatsini futsi nobe ngabe uhlangabetana netinhlobo tekuncishwa emafuba nobe welicembu lelihlangabetana netinhlobo letinjalo tekuncishwa emafuba;
 - (d) luhlobo bebubanti belubandlululo;
 - (e) nobe ngabe lolubandlululo lweluhlobo loluhlelekile;
 - (f) nobe ngabe lolubandlululo lwenhloso lesemtsetfweni;
 - (g) nobe ngabe futsi nebubanti belubandlululo buzuza inhloso yalo;
 - (h) nobe ngabe kunetindlela letinemkhawulo lomncane netindlela letinemphumelelo lencane kutsi kuzuzwe inhloso;
 - (i) nobe ngabe futsi nakunobe ngubuphi bubanti umbekwacala utsetse tinyatselo kubo, letifanele esimeni lesinjalo-
 - (i) kubhekana nekuncisheka emafuba lokuvela nobe lokuhambelana nemkhakha munye nobe lengetulu lengakavumeleki; nobe
 - (ii) kwemukela kwehlukahlukana.

15 Inkhulumo lenenzondo ayibukelwa ngaphansi kwekuncuma lokulungile
 Etimeni tenkhulumo lenenzondvo kanye nekuhhayatisa sigaba 14 asisebenti.

SEHLUKO 4
TINKANTOLO TETEKULINGANA

16 TINKANTOLO TETEKULINGANA nesisebenti lesiphetse

(1) Ngenhloso yaloMtsetfo, kepha ngekuya kweSigaba 31-

- (a) Yonkhe iNkantolo lePhakeme iyinkantolo yekulingana yendzawo layengamele;
- (b) nanobe nguluphi limaki, ngekuya kwesigatjana (2), lingakhetfwa ngekubhalwa phansi liJaji lelinguMengameli njengesisebenti lesiphetse senkantolo yetekulingana yendzawo lengaphansi kwakhe, lalijaji kuyo;
- (c) Indvuna kumele kutsi, ngemuva kwekubonisana nenhloko yesifundza lesiphetse lesichazwe kusigaba 1 yeMtsetfo wenkantolo yamantji-1944 (uMtsetfo 32 wanga-1944), ngekwatisa kuGazethi-
 - (i) abeke inkantolo yinye nobe letingetulu njenga tiNKANTOLO TETEKULINGANA yesifundza lesiphetse lesitsintsekako;
 - (ii) acacise indzawo lephetfwe yinkantolo yetekulingana ngayinye, langafaka ekhatsi nobe nguluphi linani letifundza, tifundza letincane nobe letinye tindzawo letiphetfwe letentiwe ngekwemibandzela yesigaba 2 yeMtsetfo wetiNkantolo taMantji-1944;
 - (iii) engete nobe anciphise indzawo lephetfwe yinkantolo yetekulingana ngayinye;
 - (iv) akhetse yinye indzawo nobe letingetulu ngekhatsi etindzaweni lephetfwe yenkantolo yetekulingana, ngayinye, ngekuchuba emacala enkantolo yetekulingana;

- (v) ahocise nobe agucule nanobe ngusiphi satiso lesingaphansi kwalesigaba:

Kuphela-nje uma ngabe nanobe ngumaphi emacala lasachubeka enkantolo yetekulingana langakajubeki ngesikhatsi kushicilelwa satiso kuGazethi njengobe kumisiwe endzimeni, kumele ajutjwe yinkantolo, kube sengatsi satiso asikashicilelwa; futsi.

[Indzima. (c) imelwa esikhundleni sigaba 28 seMtsetfo 55 wanga-2003.]

- (d) inhloko yesifundza lesiphetse lecatjangelwe endzimeni (c) kumele kutsi, ngekuya kwesigatjana (2), ibeke ngekubhala phansi, nobe nguyipi imantji nobe imantji leyengetiwe njengesisebenti lesiphetse senkantolo yetekulingana.

(2) Lijaji, mantji nobe mantji lowengetiwe kuphela, lophotfule lucecesho njengesisebenti lesiphetse Senkantolo yetekulinga-

- (a) ngaphambi kwelusuku lwekucala kweSigaba 31; nobe
(b) njengobe kucatjangelwe kusigaba 31 (4),

futsi Inana ligamalakhe lifakiwe eluhlwini lolucatjangelwe kusigatjana (4) (a), angabekwa kunjalo ngekwemibandzela yesigatjana (1).

(3) Mengameli weMajaji netinhloko tetifundza letiphetse kumele-

- (a) atsatse tonkhe tinyatselo letifanele letikumitfombolusito lekhona kute kubekwe lokungenani sinye sisebenti lesiphetse enkantolo yetekulingana nganye lengaphansi kweluphiko lwakhe; futsi

- (b) ngaphandle kwekucitsa sikhatsi, atise uMcondzisi-Jikelele weLitiko lanobe nguliphi lijaji, imantji lephotfule lucecesho lwayo njengobe kucatjangelwe kusigaba 31 (4) kanye na (5) nobe lobekwe ngekwemibandzela yesigaba (1).

(4) UMcondzisi-Jilele weLitiko kumele ente futsi agcine luhla lwawo onkhe emajaji, bomantji nabomantji labengetiwe laba-

- (a) photfule lucecesho njengobe kucatjangelwe kusigaba 31 (4) kanye na (5);
nobe
 - (b) lobekwe njengesisebenti lesiphetse inkantolo yetekulungana
ngekwemibandzela yesigatjana (1).
- (5) Sisebenti lesiphetse kumele sente imisebenti futsi sisebentise emandla lesiwanikiwe ngaphansi kwanobe ngumuphi uMtsetfo.
[Sigaba 16 simelelwa esikhundleni sigatjana 1 seMtsetfo 52 wanga-2002.]

17 Bomabhalane betinkantolo tetekulingana

(1) (a) Ngekuya kwesigatjana (2) kanye nemitsetfo leyengamele basebenti bahulumende, uMcondzisi-Jikelele weLitiko angenta kwekutsi, inkantolo yetekulingana , abeke umuntfu munye nobe labangetulu ngendlela lemiswe kutimo letichaziwe, njengamabhalane wenkantolo yetekulingana, longasita inkantolo lakuyo, ngaliokwetayelekile ekwenteni imisebenti futsi lekumele ente imisebenti ngendlela lekungabe jumiswe ngayo.

[Sigaba (a) sitsatselwe sikhundla sigatjana 2 (a) seMtsetfo 52 wanga-2002.]

(b) Uma ngabe Mabhalane wenkantolo yetekulingana , nganobe ngusiphi sizatfu akakhoni kwenta njalo nobe uma ngabe kute mabhalane lobekiwe nobe lekhetsiwe wanobe nguyiphi inkantolo yetekulingana ngaphansi kweSigaba (a), sisebenti lesiphetse lesitsintsekako, ngaphandle kwekunaka sigatjana (2), ukhetsa nobe ngusiphi sisebenti lesingakhona kuLitiko kutsi sisebente njengamabhalane sokhe leso sikhatsi uma ngabe Mabhalane lekukhulunywe ngaye akakhoni kwenta umsebenti nobe kufikela lapho kubekwe Mabhalane nobe abekwe ngaphansi kweNdzima (a), ngekuya kwesimo.

[Sigaba.(b) sitsatselwe sikhundla, sigaba. 2 (a) semtsetfo 52 wanga-2002.]

(2) Sisebenti nobe ngumuntfu locatjangelwe kusigatjana (1) (a) kuphela, lophotfule lucecesho njengamabhalane wenkantolo yetekulingana -

(a) ngaphambi kwelusuku lwekucala kusebenta kweSigaba 31; nobe

(b) njengobe kucatjangelwe kusigaba 31 (6),

futsi lo ligama lakhe lifakiwe eluhlwimi lolucatjangelwe kusigatjana (3), angakhetfwa nobe emiswe kunjalo ngaphansi kwesigatjana (1) (a).

[Sigatjana (2) sengetwe sigatjana. 2 (b) semtsetfo 52 wanga-2002.]

(3) UMcondzisi-Jikelele weLitiko kumele ahlanganise futsi agcine luhla lwato tonkhe tisebenti nobe bantfu -

(a) labaphotfule lucecesho njengobe kucatjangelwe kusigaba 31 (6); nobe

(b) labamiswe nobe labakhetfwe njengamabhalane wenkantolo yetekulingana ngekwemibandzela yesigatjana (1) (a).

[Sigatjana. (3) lesengetwe sigatjana 2 (b) semtsetfo 52 wanga-2002.]

(4) UMcondzisi-Jikelele, ngekuya kwesimo lesinjalo ngekuncuma kwakhe, angabhala phansi anikete emandla lanikwe wona ngulesigaba, sisebenti lesicashwe nguleLitiko, kepha angeke atsatselwe nobe ngumaphi emandla lanikwe wona nobe achibiyele nobe abeke eceleni tincumo talonikwe emandla letentiwe esimeni lesinjalo.

[Sigatjana (4) sengetwe sigaba 29 seMtsetfo 55 wanga-2003.]

18 Bofakazi

Kubakhona kwabofakazi nekukhokhelwa kwetimali tabofakazi emacaleni lavela ekusetjentisweni kwalomtsetfo kumele kuncunywe yiNdvuna ngendlela lemisiwe.

19 Umtsetsetfotimiso nekutekwa kwemacala

(1) Ngaphandle uma ngabe kubekwe ngaleny indlela kubukelwa kweMtsetfo, wetiNkantolo taboMantji 1944 (uMtsetfo 32 wanga-1944), neMtsetfo weNkantolo yeMajaji lamaKhulu 1959 (uMtsetfo 59 wanga-1959), kanye nemtsetfotimiso letentiwe lapho ngaphansi kanye nemtsetfotimiso letentiwe ngaphansi kweliBhodi leMtsetfotimiso leMtsetfo wetiNkantolo 1985 (uMtsetfo 107 wanga-1985), usetjentiswa kanye netingucuko letifanele letidzingwa ngulokucuketfwe tinkantolo tetekulingana, njengaloku lokubukelwa kuhambisana-

(a) nakubekwa nemisebenti yebasebenti;

(b) ludzaba nekusita kwetinchubo;

(c) kusetjentwa kwetigwebo nobe imiyalelo;

(d) kuhlawuliswa ngenca yekungahambisani nemiyalelo yenkantolo, ngenca yekuvimbela kusebenta kwetigwebo nobe imiyalelo, kanye nekwedzelela inkantolo;

(e) indzawo lephetfwe, ngekuya kwesigatjana (3),

futsi kube kute kubukelwa lesekweniwe kutimiso ngaphatsi kweSigaba 30 saloMtsetfo.

(2) onkhe emacala latekwa enkantolo kumele atekwe enkantolo levulekile, ngaphandle uma ngabe inkantolo ingabeka ngaleny indlela letawubeka esimeni lesikahle kuphatfwa nekuchutjwa kwetebulungiswa.

(3) (a) Ngekuya ngekwendzima (b), kute kulomtsetfo lokuvimbela inkantolo yamantji ichubeke njengenkantolo yetekulingana kutsi ikhiphe umyalelo njengobe kucatjangelwe kusigaba 21 (2), lokwendlula kwengamela kwetimali kwentalo yamantji, esimeni lesinjalo kumele kungeniswe ngendlela lekumiswe ngayo, eJajini leNkantolo lePhakeme lelinemandla ekucinisekisa.

(b) Kusebenta kwendzima (a), ngekuhambisana nekucinisekiswa kwemyalelo, kuyalengiswa kute kufikele lapho kwentiwa shwele locatjangelwe kusigaba 23 apheleliswa.

20 Kucala kwetekwa kwemacala ngekwemibandzela yemtsetfo nobe ngaphansi kweMtsetfo

(1) Kutekwa kwemacala ngaphansi kwalomtsetfo kunganiketwa inchubekala phambili-

- (a) ngunobe ngubani lotentela yena;
- (b) ngunobe ngubani lowenta njalo egameni lalomunye longakhona kutentela;
- (c) ngunobe ngubani lowenta njengelilunga lowentela licembu, nobe licembu lebantfu labatsite;
- (d) nanobe ngubani lowentela sive;
- (e) nanobe nguyiphi inhlango lezentela emalunga ayo;
- (f) Ikhomishini yemaLungelo eLuntfu, nobe iKhomishini yetekuLingana ngekweBulili.

(2) Umuntfu lofuna kucala tinchubo tekuteka licala ngekwemibandzela yemtsetfo nobe ngaphansi kwemtsetfo kumele kutsi, ngendlela lemisiwe, atise mabhalane wenkantolo yetekulingana ngenhloso yakhe yekwenta njalo.

(3) (a) Mabhalane weyetekulingana kumele kutsi, ngesikhatsi lesimisiwe latfole ngaso satiso, endlulisele loludzaba kusisebenti lesiphetse senkantolo yetekulingana letsintsekako, lekumele kutsi, ngesikhatsi lesimisiwe, ancume kutsi ngabe loludzaba kumele luyewutekwa enkantolo yetekulingana nobe lufanele lendluliselwe kulesinye sikhungo, umtimba, inkantolo, libandla leliteka emacala nobe sigungu (lesibitwa lapha ngekutsi ngulesinye sigungu lesingastjentiswa lekungumbono wesisebenti lesiphetse, singasebentana kahle kakhulu naloludzaba ngekwemandla nemisebenti yaleso lesinye sigungu lesingasetjentiswa.

(b) Uma ngabe sisebenti lesiphetse sincuma kutsi loludzaba kumele luyiswe enkantolo yetekulingana, sisebenti lesiphetse-ke kumele sendlulisele loludzaba Kumabhalane wenkantolo yetekulingana lekutawutsi ngesikhatsi lesibekiwe sekwendluliselwa kweludzaba lolunjalo abeke lilanga lwekutekwa kwalelicala.

(4) Lesisebenti lesiphetse, ngaphambi kwekutsatsa sincumo sekwendlulisela loludzaba njengobe kucatjangelwe kusigatjana (3), kumele siyise enkantolo tonkhe timo letihambisanako, lokufaka ekhatsi loku lokulandzelako:

- (a) timo letibhekene nalawo macembu ikakhulu ummangali;
- (b) kufinyeleleka matfupha kwanobe ngusiphi sigungu lesicatjangelwe njengalesinye sigungu lesingasetjentiswa;
- (c) tidzingo netifiso temacembu ikakhulu temmangali;
- (d) simo/luhlobo lwekutekwa kwelicala lokucondziwe nobe ngabe umphumela wekutekwa kwelicala ungapheleli kusendvulelo sekwehlulelwa nemakhono etemtsetfo kulenzawo yemtsetfo;
- (e) imibono yemtimba lofanele losebentako kunobe ngusiphi sigungu lesicatjangelwe njengalesinye sigungu lesingasetjentiswa.

(5) (a) Uma ngabe sisebenti lesiphetse sincuma kwendluliselwa loludzaba kulesinye sigungu lesingasetjentiswa kumele kutsi, ngendlela lemisiwe, ente umyalelo, acondzise mabhalane wenkantolo yetekulingana kiutsi yendlulisela loludzaba kelesinye sigungu lesingasetjentiswa lesishiwo kulomyalelo.

(b) Uma kwentiwa umyalelo locatjangelwe endzimeni (a), sisebenti lesiphetse singambisa nalomyalelo nobe ngutiphi tiphakamiso labona idzingekile kutsi iye kulesigungu lesingasetjentiwa.

(6) Ekutfoleni umyalelo lekukhulunywa ngawo kusigatjana (5), Mabhalane wenkantolo yetekulingana kumele endlulisele loludzaba futsi atise lamacembu ngekwendluliselwa kwaloludzaba ngendlela lemisiwe.

(7) Ekutfoleni kweludzaba lolwendluliselwe kuso, lesigungu lesingasetjentiswa kumele sisebentane naloludzaba ngekushesha ngekwemibandzela yemandla nemisebenti yaso.

(8) Uma ngabe lelesinye sigungu lesingasetjentiswa, lekukhulunywa ngaso kusigatjana (7)-

(a) siyehluleka kusebentana naloludzaba ngesikhatsi lesifanele etimeni; nobe

(b) asikhoni kusombulula loludzaba ngendlela leyenetisa emacembu omabili nobe linye nobe omabili lamacembu ngako-ke akacele, kutsi lesigungu lesingasetjentiswa, ngendlela lemisiwe, kubuyiselwe loludzaba emuva

enkantolo yetekulingana lapho loluvelakhona uma lwendluliselwa, kute lujajwe, ngesikhatsi lesimisiwe kusukela ngelusuku lelwabuyiselwa ngalo enkantolo yetekulingana .

(9) Sikhungo sahumende nesemtsetfosisekelo kumele kutsi, ngendlela lekungakhoneka ngayo lefanele, sisite nanobe ngubani umuntfu lofana kutekwe licala enkantolo ngekwemibandzela yemtsetfo nobe ngaphansi kweMtsetfo, emkhatsini waletinye tintfo, ngekcucinisekisa kutsi loyo muntfu uyiswa kumtimba lofanele kute utsatse tinyatselo letifanele kuchutjwa loludzaba lolutsintsekako.

21 Emandla nemisebenti yenkantolo yetekulingana

(1) Inkantolo yetekulingana lekutekwa kuyo licala lelingenisiwe ngekwemibandzela yeMtsetfo nobe ngaphansi kwemtsetfo kumele yente luphenyo ngendlela lemisiwe futsi itfole kutsi ngabe kubandlulula ngalokungafanele, inkhulumo

nenzondo nobe kuhlukumeta, njengobe kungaba njalo, kwenteke, njengobe kusoleka kutsi kunjalo.

(2) Ngemuva kweluphenyo, inkantolo ingenta umyalelo lofanele etimeni, kufaka ekhatsi-

- (a) umyalelo wesikhana;
- (b) umyalelo wekwatisa/kufunga;
- (c) umyalelo wekusombulula inkinga emkhatsini wemacembu ngekutekwa kwelicala, umyalelo wenkantolo;
- (d) umyalelo wekukhokhela nobe ngutiphi tinhlawulo tekulahlekelwa yimali lokunebufakazi, nobe tekwehliswa kwesitfunti, buhlungu nekuviswa buhlungu nobe kulimala ngekwemiva nobe ngengcondvo, njengemphumela wekubandlulula ngalokungafanele, inkhulumo lenenzondo nobe kuhhalatiswa lokukhulunywa ngako;
- (e) ngemuva kwekulala imibono yalamacembu nobe, ummbekwacala angekho, imibono yemangalo kuloludzaba, umyalelo wekukhokhelwa tinhlawulo ngendlela yemklomelo emitimbeni nobe inhlango lefanele;
- (f) umyalelo lovimba kubandlulula ngalokungafanele nobe lobhekisa tinyatselo ngco letitsite lekumele titsatselwe kuvimba kubandlulula ngalokungafanele, inkhulumo lenenzondo nobe kuhlukumeta;
- (g) umyalelo lowenta ematfuba ngco latsite lilungelomusa lelaliwe ngalokungafanele kuletimo etimeni, lemmangali lekukhulunywa ngaye;
- (h) umyalelo wekumphuyeleliswa kwetinyatselo ngco letitsite tekubukana nekubandlulula lokungafanele, inkhulumo lenenzondo nobe kugcagalatwa lokukhulunywa ngako;
- (i) umyalelo locondziswa kwemukelwa lokufanele kwelicembu nobe licembu

lebantfu ngummbekwacala;

(j) umyalelo wekutsi kucoliswe ngalokungenamibandzela;

(k) umyalelo ludzinga ummbekacala kutsi aphenywe ngetinchubomgomo ngco letitsite nobe kwenta lokuncunywe yinkantolo;

(l) umyalelo lofanele loluhlobo loluvimbelako, kufaka ekhatsi siphakamiso sesiphatsimandla lesifanele, kucitsa nobe ilayisensi yemuntfu;

(m) sicondziso lesidzinga ummbekwacala kutsi ahlale abika njalo enkantolo nobe kusikhungo seMtsetfosisekelo lesifanele macondzana nekuphunyeleliwa kwemyalelo wenkantolo;

(n) umyalelo locondzisa Mabhalane wenkantolo yetekulingana kutsi etfule loludzaba kuMcondzisi wekuShushiswa kweMphakatsi lonemandla ekukutsi kucalwe kuteka licala lebugebengu ngekwemibandzela yemtsetfo wesintfu nobe umtsetfo lehambisanako/lofanele;

(o) umyalelo lofanele wetindleko lekhokhwa ngunobe nguliphi licembu, tekutekwa kwelicala;

(p) umyalelo wekuhambisana nanobe ngukuphi kubukelwa kwaloMtsetfo.

(3) Umyalelo lowentiwe yinkantolo yetekulingana ngekwemibandzela yemtsetfo nobe ngaphansi kweMtsetfo kunekuvela kwemyalelo kwenkantolo letsintsekako, lokwentiwa ngekwesilumbi, lapho kufanele khona.

(4) Inkantolo ingenta kutsi, ngesikhatsi seluphenyo nobe ngemuva kwalo, yendlulisele-

(a) lunako lwayo kunobe ngutiphi tinchubo ngaphambi kwalo, ikakhulu ekuchubekeni nekwehluleka kuhambisana nalokubukelwa nguloMtsetfo nobe etimeni tekubandlulula ngalokungafanele lokuhlelekile, inkhulumo lenenzondo nobe kuhlukumeta nobe ngusiphi sikhungo seMtsetfosisekelo lesifanele kute

kuphenywe ngalokuchubekako;
(b) nanobe ngutiphi tinchubo ngembi kwako kunobe ngusiphi sikhungo seMtsetfosisekelo lesifanele nobe umtimba lofanele lolamulako, wekucolela nekubuyisana nobe kubonisana.

(5) Inkantolo inawo onkhe emandla lesekelako ladzingekako nobe langenteka ngengoti ngalokubonakalako ekwentiweni kwemisebenti nekusebentisa emandla ayo, kufaka ekhatsi emandla ekuniketa imiyalelo yekucocisana nalabanye nobe yekuvimbela.

22 Bahloli

(1) Kunobe ngutiphi tinchubo ngekwemibandzela yemtsetfo nobe ngaphansi kweMtsetfo, inkantolo ingenta kutsi, ngesicelo sanobe nguliphi licembu, nobe ngekutibonela kwayo, uma ngabe sisebenti lesiphetse sibona kuyintfo lenhle yetebulungiswa, ibita umuntfu munye nobe babili batewuyisita, labafanele futsi labakhona futsi labangafisa kuhlala basebente njengebahloli.

(2) Bahloli lababekwe ngekwemibandzela yesigatjana (1), balawulwa sigatjana (3), ngekutsatfwa njengemalunga etinhloso tenkantolo taloMtsetfo.

(3) Nanobe nguluphi ludzaba loluvelako kutsi lutsatselwe sincumo kutinchubo letifanele letitsintsekako futsi nanobe ngumuphi umbuto wekutsi ludzaba lolungatsatselwa sincumo sisebenti lesiphetse ngendlela.

(4) Tonkhe tindzaba temaciniso, lokuutfolwako nobe sincumo selinyenti lemalunga enkantolo ngulokutfoliwe nobe tincumo tenkantolo, kanye futsi nangesikhatsi semhloli, lokutfoliwe nobe sincumo seNkantolo siyasebenta.

(5) (a) Uma ngabe umhloli uyafa, nobe ngekwembono wesisebenti lesiphetse uba ngulongasakhoni kusebenta njengemhloli, nobe akekho nganobe ngusiphi sizatfu, nobe uyalelwe kutsi atiphephise nobe sewutiphephisile, kunobe ngusiphi sigaba ngaphambi

kwekucedzela tinchubo letitsintsekako, sisebenti lesiphetse singenta kutsi, ngalokutsandvwa bulungiswa futsi nangemuva kwekucabangela ngalokufanele kuphikisana lokubekiwe kwemamacembu, kwetinchubo nobe bameleli bato labasemtsetfeni -

- (i) kucondzisa kutsi letinchubo tichubeke ngaphambi kwemalunga lesele nobe emalunga enkantolo;
- (ii) kuyalela lutsi tinchubo tenkantolo ticale kabusha; nobe
- (iii) uma ngabe umhloli akekho, kuhleliswe tinchubo kute kumelwe kutsi umhloli abekhona.

(b) Lesisebenti lesiphetse kumele sinikete sizatfu semyalelo lekukhulunywa ngawo kusigatjana (i) nobe (ii).

(6) (a) Sisebenti lesiphetse lesisitwa ngumhloli ngesikhatsi seluphenyo lapho khona licembu lelitsintsekako kuletinchubo liniketwe umyalelo lophambana nalo, kumele abhale tizatfu tembono wakhe-

- (i) uma ngabe lelo cembu lelitsintsekako kutinchubo alisitwa ngummeleli wetemtsetfo; futsi
- (ii) uma ngabe sisebenti lesiphetse sinembono wekutsi bahloli labatsintsekako betfole emaciniso.

(b) Mabhalane wenkantolo yetekulingana kumele kutsi ngekushesha ngendlela longakhona ngayo, angenise leto tizatfu nelirekhodi enkantolo yekwendlulisela emacala kute kubuyeketwa ngendlela lemisiwe.

(c) inkantolo yekwendlulisela tikhalo inemandla ekucinisekisa loku lokutfoliwe nobe ikhiphe nobe ngumuphi umyalelo lofanele macondzana naloko lokutfoliwe, ngemibono wenkantolo yekwendlulisela emacala lengabe yentiwe kuleto timo.

23 Kwendlulisela emacala nekubuketwa

(1) Nanobe ngumuphi umuntfu lophatseke kabi nganobe ngumuphi umyalelo lokhishwe yinkantolo yetekulingana ngekwemibandzela yalomtsetfo nobe ngaphansi kwalo Umtsetfo angenta kutsi, esikhatsini lesinjalo futsi nangendlela lenjalo ngalokungabe kuchaziwe, endlulisele sikhalo semyalelo lonjalo enkantolo yemaJaji lamaKhulu lenemandlanobe iNkantolo yemaJaji lamaKhulu yekweNdlulisela tiKhalo, njengobe kungabanjalo.

(2) Uma sekwendluliselwe sikhalo, iNkantolo lePhakeme nobe iNkantolo yemaJaji lamaKhulu, njengobe kungabanjalo, ingakhipha umyalelo lonjalo ngekubona kufanele.

(3) Ngekungavimbeli sigatjana (1), nanobe ngubani longakaphatseki kahle ngemyalelo lokhishwe yinkantolo yetekulingana angenta kutsi, ngekuya kwetimiso teNkantolo yeMtsetfosisekelo, andlulisele sikhalo sakhe ngco eNkantolo yeMtsetfosisekelo.

(4) Etehlakalweni tetincumo letiphikisanako letentiwe sisebenti lesiphetse, etindzabeni macondzana nendzima (b) yenchazelo 'tintfo letingakavumeleki', Indvuna ingendlulisela licala lelibekiwe eNkantolo yeMajaji lamaKhulu yekweNdlulisela emacala.

(5) (a) Uma ngabe sisebenti lesiphetse enkantolo yemantji sitsatsa sincumo lesiphatselene neluhlobo lwelubandlululo lekukhulunywa ngalo endzimeni (b) yenchazelo 'lokungakavumeleki', lesincumo kumele kutsi, ngemuva kwekuphatfwa kwetinchubo tenkantolo futsi nangendlela lebekiwe, singeniswe eNkantolo lePhakeme, leneligunya lekubuketa.

(b) Inkantolo lePhakeme letsintsekako kumele kutsi, ngemuva kwekucabanga ngaloludzaba, itsatse sincumo macondzana naloku lokubhekiswe kuko kusigatjana (5) (a) futsi ngemuva kwaloko ingenta nanobe ngumuphi umyalelo ngekwemibandzela waloMtsetfo ngekubona kufanele.

(c) Kusebenta kwesigatjana (5) (a) kuyalengiswa kute kufikele lapho lokunye kwendluliswa kwelicala njengobe kucatjangelwe kulesigaba kuphatfwa.

SEHLUKO 5 KUGCUGCUTELWA KWETEKULINGANA

24 Imitfwalo levamile yekugcugcutela tekulingana

- (1) Umbuso unemsebenti nemtfwalo wekugcugcutela nekuzuza tekulingana.
- (2) Bonkhe bantfu banemsebenti nemtfwalo wekugcugcutela tekulingana.
[Lusuku lwekucala kusebenta kweSigaba 24: lutawumenyetelwa.]

25 Umsebenti weMbuso wekugcugcutela tekulingana

- (1) Umbuso ufanele kutsi, lapho kudzingeka khona ngekusitwa tikhungo emtsetfosisekelo-
 - (a) watise emalungelo ngemalungelonchanti kute kukhutsatwe simo sekuvisisa, kuhloniphana bubili nekulingana;
 - (b) utsatse tinyatselo wekuhlela nekuphumelelisa tinhlelo kute kugcugcutelwe tekulingana; futsi
 - (c) lapho kunesidzingo khona nobe kufanele-
 - (i) uhlele luhlelo lwelisu lekusebenta lekubhekana nobe kusebentana nekubandlulula ngalokungafanele, inkhulumo lenenzondo nekuhlukumeta;
 - (ii) Umtsetfo lochubekako lofuna kuphakamisa tekulingana nekusungula luhlakamtsetfo ngekuhambisana nemigomo yaloMtsetfo;
 - (iii) wente tindlela yekutiphatsa tekusebenta njengobe kucatjangelwe kuloMtsetfo in kute kugcugcutelwe kulingana, kanye nekwakha

- tinkhombandlela, lekufaka ekhatsi tindlela yekutiphatsa ngekubonelelwa ngalokufanele;
- (iv) anikete lusito, teluleko nekucecesha etindzabeni letimacondzana nekulingana;
 - (v) wente tindlela tangekhatsi letifanele tekusebenta tikhalo tekubandlulula ngalokungafanele, inkhulumo lenenzondo nobe khlukumeta
 - (vi) wente imikhankhaso yelwati lwekwenta loMtsetfo watiwe.

(2) Ikhomishini yemaLungelo eLuntfu yaseNingizimu Afrika naletinye tikhungo teMtsetfosisekelo letifanele tingenta kutsi, kwengeta kunobe ngusiphi lesinye sibopho, ngekwemibandzela saloMtsetfosisekelo nobe ngumuphi lomunye umtsetfo, icele nobe ngusiphi lesinye sitfo lowela ngaphansi kwenzazelo yeMbuso nobe ngubani lomunye umuntfu lotawuniketa lwati macondzana netinyatselo letiphatselene nekuzuzwa kwetekulingana lokufaka ekhatsi, lapho kufanele khona, tinyatselo temtsetfo nobe letiphakeme nangekuhambisana nemtsetfo, tindlela yekutiphatsa tekusebenta netinhlelo.

(3) Kwengeta kumandla nemisebenti yetikhungo tetemtsetfosisekelo letikhungo tiphindze tibe nemandla-

- (a) ekusita bamangali ekucaliseneni tinchubo tenkantolo yetekulingana, ikakhulu bamangali labancishwe emafuba;
- (b) tiphenye emacala tente tiphakamiso njengekuyalela kwentalo macondzana nekwephulwa kweMtsetfo lokuchubekako nekubandlulula ngalokufanele, inkhulumo lenenzondo nobe khlukumeta lokwendluliselwe kuto inkantolo yetekulingana;
- (c) Ekucela kuLitiko, ngendlela lemisiwe, imibiko liphuma njalo njalo macondzana linani lemacala kanye nesimo nemiphumela kusukela lapho.

(4) Tonkhe iNdvuna kumele tiphumelelise tinyatselo letingekhatsi kumitfombolusito lekhona lehlose kuzuze kulingana etindzaweni letiyimitfwalo yato-

- (a) kuphelisa nanobe nguluphi luhlobo lwekubandlulula ngalokungafanele nobe kubhebhetsleka kwekungalingani kunobe ngumuphi umuntfu, inchubomgomo nobe kwenta tiNdvuna letinemfwalo wako; kanye futsi
- (b) Nekulungisa nekuphumelelisa tihlelo tetekulingana ngendlela lemisiwe, lokucuketfwe lekumele kufake ekhatsi luhlakasikhatsi sekuphumelelisa tihlelo letinjalo, letentiwe ngekubonisana neNdvuna yeteTimali.

(5) (a) letihlelo tetekulingana kumele kutsi, ingakapheli iminyaka lemibili ngemuva kwekutsi loMtsetfo ucale kusebenta, ungenisiwe kuKhomishini yemaLungelo eLuntfu yaseNingizimu Afrika kute usetjentwe ngendlela lemisiwe.

(b) IKhomishini yemaLungelo eLuntfu yaseNingizimu Afrika kumele ibonisane neKhomishini yekuLingana ngeBulili umakusetjentwa tihlelo leticedzelwe kusigaba (a).
[Lusuku lwekucala kusebenta sigatjana 25: lutawumenyetelwa.]

26 Imitfwalo yebantfu labasebentela sive ekutfufukiseni tekulingana

Kungumfwalo wanobe ngubani losebentela uMbuso nobe lonemandla esiveni kutsi aphakamise kulingana nge-

- (a) kusebentisa tindlelo letifanele tetekulingana, tindlela yekutiphatsa, tindlela tekulawula naletinye tindlela letifanele tekugcugcutelwa kwetekulingana lokusebentako etindzaweni labasebenta;
- (b) kucinisekisa nekulandzelela kusetjentiswa kwaletihlelo, tindlela yekutiphatsa netindlela tekulawula letentiwe ngabo; kanye
- (c) nekuniketa imibiko njalo njalo, kutiphatsimandla letifanele letilandzelelako nobe tikhungo njengobe kubekiwe kumitsetfotimiso, lapho kufanele khona.

[Lusuku lwekucala kusebenta kwesigatjana 26: lutawumenyetelwa.]

27 Kutinikela kwabo bonkhe bantfu emphakatsini ekutfufukiseni kulingana

(1) NgekweSigaba 26, bonkhe bantfu, tinhlango letingesito tahlumende, tinhlango temphakatsi netikhungo temdzabu kumele tigcugcutele kulingana kubudlelwano bato naleminywe imitimba yetemisebenti yemphakatsi.

(2) Indvuna kumele yente imitsetfotimiso ngekuhambisana naloMtsetfo naletinye tiNdvuna tingakha imitsetfotimiso ngekuhambisana naleminywe iMitsetfo ledzinga tinkampani, tinhlango telubanjiswano letivulekile, kubambisana, emaKlabhu, tinhlango tetemidlalo, imitimba yetinhlango telubanjiswano netinhlango, lapho kufanele khona, ngendlela lelingene bungako bato, imitfombolusito nemtselela, kuhlela tinhlelo tetekulingana nobe tilandzela tindlela yekutiphatsa tekusebenta letimisiwe nobe tibike kumtimba nobe sikhungo macondzana netinyatselo tekugcugcutela kulingana.

[Lusuku lwekucala kusebenta kweSigaba 27: lutawumenyetelwa.]

28 Tinyatselo telikhetselo ekugcugcuteleni kulingana macondzana

(1) Uma ngabe ekushushisweni kwelicala kutfolakala kutsi kubandlulula ngalokungafanele ngekwebuhlanga, bulili nobe kukhubateka kube yincenye ekwenteni licala, loku kumele kutsatfwe njengalokwenta simo sibe sibi ngenhloso yesigwebo.

(2) Ikhomishini yemaLungelo eLuntfu yaseNingizimu Afrika kumele kutsi, kumbiko wayo lekukhulunywe ngawo kusigaba 15 seMtsetfo weKhomishini yemaLungelo eLuntfu 1994 (uMtsetfo 54 wanga-1994), kufaka ekhatsi kuhlolwa kwenzima lehanjwe lubandlululo lolungafanele ngekwebuhlanga, bulili nekukhubateka, kuleRiphabhuliki, nemiphumela kusukela lapho netiphakamiso macondzana nendlela lenhle kakhulu yekusombulula lenkinga.

(3) (a) Umbuso, tikhungo letenta imisebenti yemphakatsi nabo bonkhe bantfu banemsebenti nemtfwalo, ikakhulu weku-

- (i) phelisa kubandlulula ngekwebuhlanga, bulili nekukhubateka;
- (ii) gcugcutela kulingana macondzana nebuhlanga, bulili nekukhubateka.

(b) Ekwenteni lemisebenti nemitfwalo lekukhulunywe ngayo endzimeni (a), Umbuso, tikhungo letenta imisebenti yemphakatsi, lapho kukahle futsi kufanelekile, imitimba lenemandla nalete emandla kumele kutsi-

- (i) icwaninge imitsetfo, tinchubomgomo netindlela yekutiphatsa ngaphansi kwembono wekucedza tonkhe tinkhomba tekubandlulula;
- (ii) Imitsetfo lefanele, itfutukise tinchubomgomo letiyinchubekela phambili futsi yente kube khona tindlela yekutiphatsa tekusebenta kute kucedvwe kubandlulula ngekwebuhlanga, bulili nekukhubateka;
- (iii) titsatse tisebentise tindhlelo tekusebenta letisebentisekako tekugcugcutela nekutfolela kulingana macondzana nebuhlanga, bulili nekukhubateka, kanye futsi
- (iv) nekuhambisa embili kucedvwa kwelubandlululo lolungafaneli nekugcugcutela kulingana macondzana nebuhlanga, bulili nekukhubateka.

29 Luhla lolukhombisa kusebenta lokungakalungi kuleminye imikhakha

(1) Ngaphandle kwukuphuma kulokubukelwa nguloMtsetfo jikelele, iShejuli yaloMtsetfo kucondvwe kutsi ukhombise futsi ugczizelele kwenta lokungenteka kutsi akukalungi nobe lokungenteka kutsi akukalungi, lokukuyonkhe indzawo futsi lokudzinga kulungiswa.

[Lusuku lwekucala kusebenta kwesigatjana. (1): 1 Inyoni 2000.]

(2) Umbuso kumele kutsi, lapho kufanele khona, ucinisekise umtsetfo naletinye tinyatselo tiyasetjentiswa kulungisa lokwenta lekukhulunywe ngako kusigatjana (1).

[Lusuku lwekucala kusebenta kwesigatjana. (2): lutawumenyetelwa.]

(3) Indvuna kumele kutsi, ngetiphakamiso teliKomidi lekuBuyeketa tekuLingana, ngalokuchubekako, lihlole kufaneleka kwekwentiwa lokucuketfwe kuShejuli ngetizatfu tekukhula, kugucula, Kwehlukana nobe kuchibiyela luhla lalokwentiwako kuShejuli.

[Lusuku lwekucala kusebenta kwesigatjana (3): 1 Inyoni 2000.]

(4) NgaleShejuli kuphindze futsi kucondvwe kuniketa luhla lolukhombisa kwenta lokukubandlulula nobe lokungaba lubandlululo lolungakafanele kute-

(a) kulungiswe futsi kucedvwe letento; futsi

(b) kusitwe bantfu bahumushe timo labahlangabetene nato netento tabo.

[Lusuku lwekucala kusebenta kwesigatjana. (4): 1 Inyoni 2000.]

(5) Luhla lolukhombisa tento kuShejuli alukapheleli futsi kumele kucatjangwe ngalo futsi lubuyeketwe liKomidi lekuBuyeketa kuLingana ngalokuchubeka.

[Lusuku lwekucala kusebenta kwesigatjana. (5): 1 Inyoni 2000.]

SEHLUKO 6

KUBUKELWA LOKWETAYELEKILE NEKUPHUNYELELISWA KWEMTSETFO

30 Imitsetfotimiso

(1) Indvuna ingenta kutsi, futsi lapho kudzingwa simo khona, yente imitsetfotimiso lephatselene-

(a) tinchubo lekumele tilandzelwe macondzana neluphenyo ngekwemibandzela yaloMtsetfo nobe ngaphansi kwaloMtsetfo, kufaka ekhatsi indlela lekumele kucalwe ngayo tinchubo, kwendluliselwa kwetindzaba lokucatjangelwe

- kusigab-20 nekutekwa kwemacala laphutfumako;
- (b) Lifomu lekufaka nanobe ngusiphi sicelo ligunya, sitifiketi, imvumo, satiso, umyalelo, inchubo, kubhalisa nobe incwadzi lebitela umuntfu enkantolo lekumele yentiwe, ikhishwe nobe igcinwe ngekwemibandzela yaloMtsetfo nobe ngaphansi kwaloMtsetfo, futsi nanobe nguliphi lelinye lifomu lelidzingekekako ekwenteni lokubukelwa nguloMtsetfo;
 - (c) nekuniketwa kwelusito lwetemtsetfo, lolutawukhokhelwa nguMbuso, emacaleni lafanele, ngekubonisana neBhodi yeLusito lweteMtsetfo;
 - (d) nekuvela kwebantfu egameni lemacembu letsintsekako kuletinchubo enkantolo, lokungafaka ekhatsi bantfu labafanele ngaphandle kwebameli nebakhulumeli;
 - (e) nekubekwa, emandla, imisebenti nemisebenti lamabhalane wenkantolo yetekulingana ;
 - (f) nekuta kwabofakazi emacaleni lavela ekusetjentisweni kwalomtsetfo nekukhokhwa kwetimali tabofakazi;
 - (g) nekucinisekiswa kwemiyalelo yenkantolo levela enkantolo yamantji lengena njengetinkantolo tetekulingana njengobe kucatjangiwe kusigaba 19 (3) (a);
 - (h) nechubo lekumele ilandzelwe, nendlela lekumele isetjentiswe, yekubekwa kwebantfu nekubhaliswa kwabo labaphuma kumphakatsi labafanele futsi nalabangabakhona kutewusebenta njengebahloli kutinkantolo tekulingana ngayinye;
 - (i) indlela lekumele ilandzelwa macondzana nekubekwa kwebahloli macondzana netinchubo ngekwemibandzela waloMtsetfo nobe ngaphansi kwaloMtsetfo;
 - (j) netici lekumele ticatjangwe yinkantolo yetekulingana ekutsatseni sincumo sekutsi ngabe bahloli bamele babitwe yini ekuphatfweni kwebulungiswa;

- (k) nekufunga nobe kwenta sicinisekiso kwebahloli;
- (l) indzima ledlalwa sisebenti lesiphetse nenchubo lekumele ilandzelwa etimeni lapho khona inkantolo yetekulingana isitwa bahloli;
- (m) nekuhocisa bahloli nenchubo lekumele ilandzelwa etimeni taloko kuhocisa;
- (n) nenkambiso yalabo bahloli, netindlela tekucinisekisa leyo ndlela yekutiphatsa, kufaka ekhatsi lokumele kukhokhelwe ngumhloli uma ngabe nanobe ngukuphi lokubukelwa ngulendlela yekutiphatsa uma yepulwa nguye;
- (o) nekusungulwa kwendlela yekubhekana nanobe ngukuphi kungaphatseki kahle nobe sikhalo semhloli nobe lesentiwa ngemhloli;
- (p) nekuceceshwa kwebahloli;
- (q) nekukhokhelwa kwembasha yebahloli;
- (r) nanobe nguluphi lolunye ludzaba loludzingekako ekuncumeni umsebenti we bahloli betinkantolo tetekulingana;
- (s) netinchubo lekumele tilandzelwe mayelana nekwendluliselwa kwemacala nobe kubuketwa lokucatjangelwe kusigaba 23;
- (t) nemibiko lecatjangelwe kusigaba 25 (3) (c)kanye na-26 (c) netinhlelo tetekulingana leticatjangangelwe kusigaba 25 (4) (b) na (5) (a) nesigaba 27 (2);
- (u) nekuhunyushwa kwaloMsetfo, uhunyushelwe etilwimi letisemtsetfweni bese uyasatjalaliswa njengobe kucatjangelwe kusigaba 31 (2) (b);
- (v) nemandla nemisebenti yeliKomidi lekuBuyeketa tekuLingana lelicatjangelwe kusigaba -33;
- (w) nanobe nguluphi ludzaba loludzingekako nobe loluvumelekile kumiswa ngumtsetosimiso ngaphansi kwaloMtsetfo;
- (x) nanobe nguluphi lolunye ludzaba loludzingekako ekumiseni umyalelo

yekuzuza imigomo yaloMtsetfo.

(2) Nanobe ngumuphi umtsetfosimiso lowentiwe ngaphansi kwalesigaba longaholela ekubeni uMbuso ungenge etindlekweni kumele wentiwe ngekubonisana neNdvuna yeTetimali.

(3) Umtsetfosimiso lowentiwe ngaphansi kwalesigaba ungabukela kutsi nanobe ngubani lowephula lokubukelwa nobe ehluleka uhambisana nako, unelicala futsi angehlulelwa angahlawuliswa nobe aboshwe sikhatsi lesingeke sendlule tinyanga letingu-12.

(4) (a) Nanobe ngumuphi umtsetfosimiso lowentiwe ngaphansi kwalesigaba kubele ubekwe ePhalamende, emalanga langu-30 ngaphambi kwekutsi ushicilelwe kuGazethi, uma ngabe iPhalamende isehlabo likhefu .

(b) Uma ngabe iPhalamende ayikahlabi lekhefu njengobe kucatjangelwe kusigaba (a), lemitsetfotimiso kumele ingeniswe kuSomlomo wePhalamende, emalanga langu-30 ngaphambi kwekushicilelwa kuGazethi.

(5) Imitsetfotimiso leyentiwe ngekwemibandzela yesigaba, ikakhulu sigatjana (1) (a) ngekuhambisana nenchubo uma kuphenywa, kumele, ngendlela lekungakhoneka ngayo, kucinisekiswa kutsi kusetjentiswa kwalomtsetfo kulula, kulungile futsi kuyakhoneka.

31 Kuphunyeleliswa kweMtsetfo

(1) Ngaphandle kwekunaka sigaba 16 (1) kute tinchubo letingentiwa kunobe nguyiphi inkantolo ngaphandle uma ngabe sisebenti lesiphetse namabhalane munye nobe labangetulu bakhona.

(2) Ngetinhloso tekwenta loMtsetfo usebente ngalokuphelele kanye futsi nekwenta loMtsetfo ufinyeleleke ngendlela longafinyeleleka ngayo-

(a) futsi nekwenta sigatjana (1) sisebente, emajaji, bomantji nobe bomantji

labengetiwe, ngekuya kwesimo, kanye nabomabhalane lekukhulunywa ngabo kusigatjana (1)-

- (i) bangabekwa njengesisebenti lesiphetse; futsi
- (ii) bakhetfwe nobe babekwe njengabomabhalane, ngalokufanele, betinkantolo tetekulingana linye nobe ngetulu;
- (b) Indvuna kumele yente loMtsetfo utfolakale ngato tonkhe tilwimi letisemtsetfweni ngendlela lekumiswe ngayo, iminyaka lemibili ngemuva kwekutsi lomtsetfo sewucalile kusebenta.

(3) UMcondzisi-Jikelele weLitiko kumele atsatse tonkhe tinyatselo letifanele ngekhatsi kumitfombolusito yeLitiko kucinisekisa kutsi kunamabhalane enkantolo ngayinye yaleRiphabhuliki.

(4) Sikhulu Setebulungiswa kumele kutsi, ngekubonisana neKhomishini yetinsita temaJaji neKhomishini yaboMantji, sihlele tifundvo letitawusetjentiswa uma kuceceshwa ngemibono wekwakha umtfombo webasebenti labaphetse, labatinikela nalabanesipiliyoni futsi nalabaceceshiwe labatingweti, ngetinhloso tekuphatsa tinchubo tasenkantolo njengobe kucatjangelwe kuloMtsetfo, ngekunita -

- (a) kucecesha lokubhekene netenhlalo ysisebenti lesiphetses; kanye futsi
- (b) nemihambo lefananako, emazinga netinchubo lekumele tigcinwe tisebenti letiphetse ekwenteni imisebenti yabo nasekusebentiseni emandla abo.

(5) Sikhulu Setebulungiswa kumele kutsi, ngekubonisana neKhomishini yetiNsita temaJaji, neKhomishini yemaJaji, siphumelelise letifundvo tekucecesha leticatjangelwe kusigatjana (4).

(6) Umcondzi-Jikelele weLitiko kumele ente futsi aphumelelise tifundvo tekucecesha bomabhalane betinkantolo tetekulingana ngekubukela kwakha umtfombo lotinikele futsi

lonesipiliyoni wabomabhalane futsi labatingcweti, ngetinhloso tekwenta imisebenti yabo njengobe kucatjangelwe kuloMtsetfo, ngeku-

- (a) kucecesha bomabhalane ngetenhlalo; kanye futsi
- (b) nemihambo, emazinga netinchubo lekumele tigcinwe bomabhalane uma benta imisebenti.

(7) Indvuna kumele yente uMbiko ePhalamende, njengobe kumisiwe, lehambisana nalokucuketfwe nekuphumelelisa tifundvo tekucecesha lekukhulunywa ngato kusigatjana (4) na (5).

[Sigaba 31 sitsatselwe indzawo sigaba 3 seMtsetfo 52 wanga-2002.]

SEHLUKO 7

KUBUKETWA KWEMTSETFO SIHLOKO LESIFISHA NEKUCALA KUSEBENTA

32 Kusungulwa kweliKomidi lekuBuyeketa kuLingana

Indvuna kumele kutsi, masinyane, ungamenyetelwa loMtsetfo, ngesatso kuGazethi, isungule liKomidi lekuBuyeketa teteKulingana futsi ibeke emalunga, lafake laba ekhatsi-

- (a) Sisebenti lesikhulu setemtsetfo lesineticu teteMfundvo letifanele;
- (b) Sihlalo weKhomishini yemaLungelo eLuntfu yaseNingizimu Africa;
- (c) Sihlalo weKhomishini yetekuLingana ngekweBulili;
- (d) lomelele umphakatsi;
- (e) Ingcweti kutemalungelo ebuntfu, ikakhulu lilungelo letekulingana;
- (f) Lilunga leLibandla laVelonkhe;
- (g) Lilunga laVelonkhe leTifundza.

[Lusuku lwekucala kusebenta kweSigaba 32: 1 Inyoni 2000.]

33 Emandla, imisebenti nesikhatsi sekuba sesikhundleni Kwelikomidi

Lekubuyeketa tekuLingana

(1) Likomidi leBuyeketa tekuLingana-

- (a) kumele leluleke Indvuna ngekusebenta kwaloMtsetfo;
- (b) kumele leluleke Indvuna ngemitsetfo macondzana netekulingana;
- (c) kumele ingenise umbiko njalo-nje eNdvuneni, ngekusebenta kwaloMtsetfo, lobeka kutsi ngabe imigomo yalomtsetfo nemtsetfosisekelo uzuziwe yini futsi kumele wente tiphakamiso nganobe ngutiphi tichibiyelo letidzingeako kuloMtsetfo kute kwentiwe kancono kusebenta kwawo;
- (d) lineMandla nemisebenti njengobe kumisiwe.

(2) Likomidi lekuBuyeketa tekuLingana lingenta umsebenti walo netinchubo emihlanganweni yalo ngekubona kufanele.

(3) Emalunga eliKomidi lekuBuyeketa tekuLingana lekukhulunywa ngawo kusigaba 32 (a), (d) na (e) akhetfwa abe sesikhundleni iminyaka lesihlanu futsi angaphindze akhetfwe futsi uma sikhatsi sabo sekuba sesikhundleni sesiphelile.

(4) Leminye imibandzela netimo tekukhetfwa kwemalunga eliKomidi lekuBuyeketa tekuLingana ibekiwe.

(5) Umsebenti wekuphatsa lophatselene nekusebenta kwebasebenti beliKomidi lekuBuyeketa tekuLingana kumele yentiwe basebenti lababekwe esikhundleni nguMcondzisi-Jikelele weLitiko.

(6) Emalunga eliKomidi lekuBuyeketa tekuLingana afanele aholelwe, atfole imbasha kanye naletinye tinzuzo njengobe kungancuma iNdvuna ngekubonisana neNdvuna yeteTimali.

[Lusuku lwekucala kusebenta kweSigaba 33: 1 Inyoni-2000.]

34 Imiyalelo lengumgomo macondzana ne- HIV/AIDS, kusigaba savelonkhe,

setenhlalomnotfo nemitfwalo yemndeni

(1) Macondzana nebufakazi lobukhulu bekubaluleka, uMtsetfo macondzana nemphakatsi nekuchumana nekuncishwa ematfuba lokuhlelekile nekubandlulula ngwe-HIV/AIDS, simo setenhlalomnotfo, buve, imitfwalo yemndeni nesigaba semndeni-

- (a) leti timo kumele ticatjangelwa ngekwelikhetselo, letinye letibaliwe kusigaba (a) setinchazelo 'tetintfo letingakavumeleki' lelikwe yiNdvuna;
- (b) Likomidi lekuBuyeketa tekuLingana kumele kutsi, ngemnyaka wekucala, liphenye lente tiphakamiso letifanele eNdvuneni.

[Lusuku lwekucala kusebenta kwesigatjana (1): 1 Inyoni-2000.]

(2) Kute kulesigaba-

- (a) lokutsintsa emandla letayelekile enkantolo kuncuma imibango lengabe isonjululiwe ngekusetjentiswa kwemtsetfo kuletintfo;
- (b) lokuvimbela ummangali kutsi acale tinchubo tenkantolo kunobe ngukuphi kwaloku kwemtsetfo;
- (c) lokungavimbela inkantolo kutsi yente sincumo kutsi konkhe loku kutintfo ngekwemibandzela yesigaba (b) yenchazelo 'yalokungakavumeleki' nobe kufakwe kukunye nobe ngetululu kwaloku lokuhlelwe endzimeni (a) yetinchazelo 'yalokungakavumeleki'.

35 Sihloko lesifisha nekucala kusebenta kwemtsetfo

(1) Lomtsetfo ubitwa ngekutsi nguMtsetfo wekuGcugcutela tekuLingana nekuVikela kuBandlulula ngalokungaFanele-2000, futsi utawucala kusebentaa ngelusuku lolubekwe yiNdvuna ngekumemetela kuGazethi.

(2) Tinsuku letehlukene tingabekwa macondzana nekubukelwa kwalomtsetfo lokwehlukile.

Ishejuli

LUHLA LOLUCHAZA TENTO LETINGAFANELE KULEMINYE IMIKHAKHA LETSITE

(Sigaba 29)

1 Basebenti nekucashwa

- (a) Kwakha iminyele lengasiyo ekufinyeleleni ngalokulinganako ematfuba emsebenti ngekusebentisa tindlela letitsite tekunkhankhasela nekukhetsa basebenti.
- (b) Kusebentisa tento teluhlangotsi lwemfombolusito lobantfu, kutfutukisa, kukhutsata nekugcina basebenti lokubandlulula ngalokungafanele labanye bantfu balamanye emacembu lashiwo ngulokungakavumeleki.
- (c) Kwehluleka kuhlonipha umtsetfomgomo wekukhokhela ngekulingana umsebenti lolinganako.
- (d) kubhebhetsela imali lengenako lengalingani kususelwa kulubandlululo lolungakafanele lwaphambilini.

2 Temfundvo

- (a) Kungafaki bafundzi etikhungweni teteMfundvo ngalokungafanele, kufaka ekhatsi bafundzi labanetidzingo telikhetselo.
- (b) Kugodla umfundzate ngalokungafanele, imifundzate, nanobe nguluphi lolunye luhlobo lwelusito lwebafundzi bemacembu latsite labachazwe kulokungakavumeleki.
- (c) Kwehluleka kufaka ngalokubonakalako nangalokwentekako kwehlukahlukana kutemfundvo.

3 Tinsita netinzunzo tetemphilo

- (a) Kwenta bantfu bente tibonelo tetekwelashwa ngaphandle kwekubonisana nabo.
- (b) Kwalela ngalokungafanele nanobe ngubani kufinyelela etintfweni tetemphilo letingafinyelelwa ngunobe ngubani.
- (c) Kwala kwelapha lokuphutfumako umuntfu welicembu lelitsite lokubekwe ngukunye nobe ngetulu kwalokuchazwe njenga lokungakavumeleki.
- (d) Kwala kuniketa tinsita ngalokufanele kubantfu labadzala.

4 Tindlu, indzawo yekuhlala, umhlaba nemphahla

- (a) Kususa bantfu endzaweni ngalokungafanele kukunye nobe ngetulu kwalokungakavumeleki.
- (b) 'Kubandlulula' ngekwebuhlanga netigaba tetenhlalo.
- (c) Kubandlulula ngalokungafanele ekunikweni sikwelede sekutsenga indlu, imalimboleko nobe lusito lwetetimali, ngekwebuhlanga, bulili nobe lokunye lokungakavumeleki.
- (d) Kwehluleka kubonelela tidzingo telikhetselo tebantfu labadzala.

5 Tinsita tetemshuwalense

- (a) Kwalela ngalokungafanele kunye nobe ngetulu kwalokungakavumeleki kuniketa umshuwalensi kunobe ngubani.
- (b) Kubandlulula ngalokungafanele ekuniketweni tinzuzo, tintfo tekusebentisa netinsita letiphatselene nemshuwalense.
- (c) Kuncisha ngalokungafanele umuntfu nobe bantfu, kufaka ekhatsi kwala

ngalokungafanele kuniketa tinsita, kubantfu ngenca-nje kuphela yekutsi bane-HIV/AIDS.

6 Impesheni

- (a) Kukhipha ngalokungafanele nobe ngubani ekubeni lilunga lesikhwama sempesheni nobe kutfolo timfanelo kulesikhwama ngenca yakunye nobe ngetulu kwetintfo letingakavumeleki.
- (b) Kukhetsa ngalokungafanele bantfu lekumele batfole timfanelo kutikhwama tempesheli.

7 Kusebenta ngekubambisana

- (a) Kuncuma ngendlela lengafanele kutsi ngubani longamenywa kutsi abe ngulokungasitjentiswa ngekubanjiswa naye ekusebentisaneni lokutsintsekako.
- (b) Kuhlisibeta imibandzela netimo letingafanele lapho khona umuntfu uyamenywa kuba ngulomunye webantfu lekusetjentiswa nabo.

8 Bungcweti kutemfundvo nemitimba

- (a) Kuhlisibeta timo letivimbela ngalokungafanele nobe letalela umuntfu angene kutebungcweti betemfundvo, umuntfu welicembu lebelincishwe ematfuba ngekwemlandvo.
- (b) Kunciohisa ematfuba nobe kwalela emalunga kufinyelela kutimfanelo, tintfo tekusetjentiswa ngenca yetintfo letingakavumeleki.

9 Kuniketwa kwemphahla, tinsita netintfo tekusetjentiswa

- (a) Kwala ngalokungafanele nobe kwehluleka kuniketa timphahla nobe tinsita nobe wente kutsi tintfo tekusetjentiswa titfolwe ngunobe ngubani nobe licembu lebantfu kukunye nobe lokungetulu kwalokungakavumeleki.
- (b) Kuhlisibeta imibandzela, timo nobe tento letibhebhetsela kubandlulula ngalokungafanele lokwendlulile nobe kushiya ngaphandle macondzana nekufinyelela imitfombolusito yemali.
- (c) Kunciphisa ngalokungafanele ematfuba emsebenti ekuniketa imphahla netinsita.

10 Emaklabhu, temiDlalo netinhlango

- (a) Kwala ngalokungafanele kucabangela sicelo semuntfu sekuba lilunga lenhlango nganobe ngukuphi kwaloku lokungakavumeleki.
- (b) Kwalela lilunga ngalokungafanele kufinyelela timfanelo letiniketwa yinhlango nobe yiklabhu.
- (c) Kwehluleka kugcugcutela kwehlukahlukana ekukhetseni emacembu lengamelela.

